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VOLUME LII, PART V.

CONGRESSIONAL RECORD,

SIXTY-THIRD CONGRESS, THIRD SESSION.

SENATE.

TUESDAY, *February 23, 1915.*

(Legislative day of Friday, February 19, 1915.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Gallinger	Nelson	Shively
Brady	Gronna	Norris	Smith, Ga.
Brandegee	Hughes	Oliver	Smith, Mich.
Bryan	James	Overman	Smoot
Burleigh	Johnson	Owen	Sterling
Chamberlain	Jones	Page	Swanson
Clapp	Kenyon	Perkins	Thomas
Clark, Wyo.	La Follette	Poindexter	Tillman
Colt	Lippitt	Robinson	Vardaman
Crawford	Lodge	Root	Weeks
Culberson	Martin, Va.	Shafroth	White
Dillingham	Martine, N. J.	Sheppard	Works
Fletcher	Myers	Sherman	

Mr. SMOOT. I desire to announce the absence of my colleague [Mr. SUTHERLAND] on account of illness.

The VICE PRESIDENT. Fifty-one Senators have answered to the roll call. There is a quorum present.

CUCUMBER-DISEASE INVESTIGATION.

Mr. SMITH of Michigan. Mr. President, I desire to ask unanimous consent to have read a telegram bearing upon an important matter pending before the Senate.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read the telegram.

The Secretary read as follows:

ANN ARBOR, MICH., *February 20, 1915.*

Senator WILLIAM ALDEN SMITH,
Washington, D. C.:

I urge you to secure special appropriation of $5,000 for cucumber-disease investigation by the Department of Agriculture. Cucumber diseases cost Michigan farmers $2,000,000 last year. Similar losses in Indiana, Ohio, Wisconsin, New York; not only the farmers but all the pickling companies are bearing enormous losses. It is not too much to say that entire cucumber and pickling industry in certain sections Michigan is in precarious condition, due to ravages of plant diseases. We need research by Department of Agriculture to cooperate with special State investigation.

G. H. COONS,
Plant Pathologist, Michigan Agriculture College.

Mr. SMITH of Michigan. If the Chair will indulge me a moment, I desire to say that it is my intention to offer an amendment to the Agricultural appropriation bill appropriating $5,000 for this purpose. I give notice to that effect now, and hope that the adoption of the amendment will be unanimous.

POST OFFICE CLERKS.

Mr. SHIVELY. Mr. President, I present telegrams from the representatives of 25 postal clerks of the Terre Haute (Ind.), Branch of the Railway Mail Association; 40 postal clerks of the Evansville (Ind.) Branch of the Railway Mail Association; 160 postal clerks of northern Indiana; and 300 postal clerks with headquarters at Indianapolis, all remonstrating against the proposed change from annual to biennial promotions in the Railway Mail Service. I ask that the telegrams may be printed in the RECORD, and, inasmuch as the Post Office appropriation bill has been reported and is on the calendar, that they lie on the table for consideration in connection with that measure.

Mr. CHAMBERLAIN. I shall not object to this request, but I shall object to the consideration of any further subject until the Army appropriation bill has been disposed of.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

TERRE HAUTE, IND., *February, 11, 1915.*

Hon. B. F. SHIVELY,
Washington, D. C.:

Twenty-five railway postal clerks oppose biennial promotion amendment to Post Office appropriation bill.

JAMES T. LASH,
President Terre Haute Branch, R. M. A.

—

EVANSVILLE, IND., *February 11, 1915.*

Senator B. F. SHIVELY,
Washington, D. C.:

Forty railway postal clerks of Evansville respectfully ask you to oppose the change from annual to biennial promotions.

C. E. JONES,
President Evansville Branch.

KENDALLVILLE, IND., *February 11, 1915.*

Senator SHIVELY,
Washington, D. C.:

One hundred and sixty northern Indiana railway postal clerks ask you to oppose change from annual to biennial promotions in the Railway Mail Service.

S. E. CRAWFORD,
President Elkhart Branch.

—

IRVINGTON, IND., *February 11, 1915.*

Senator B. F. SHIVELY,
Washington, D. C.:

Over 300 railway postal clerks, with headquarters at Indianapolis, respectfully ask you to oppose the change from annual to biennial promotions for the men of this service.

C. H. DILL.

ARMY APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20347) making appropriations for the support of the Army for the fiscal year ending June 30, 1916.

The VICE PRESIDENT. The pending question is on the amendment of the committee to strike out the proviso on page 70.

The amendment was, on page 70, after line 12, to strike out the following proviso:

Provided, That no part of the appropriations made in this bill shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made, with a stop watch or other time-measuring device, a time study of any job of any such employee between the starting and completion thereof or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this bill be available to pay any premium or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant; and no claim for services performed by any person while violating this proviso shall be allowed.

Mr. HUGHES. Mr. President, the pending amendment proposes to strike out the language inserted by the House Committee on Military Affairs and by the House, which provides that no part of the appropriation made in the bill shall be made available; in short, for any attempt on the part of the Government to install what is known as the Taylor efficiency system.

Mr. GALLINGER. Mr. President, I have received a large number of communications on this subject and I should like to hear what the Senator from New Jersey has to say upon the matter. I can not hear a word that he is saying, because of the confusion in the Chamber.

The VICE PRESIDENT rapped with his gavel.

Mr. HUGHES. Mr. President, there is nothing new about this proposal. There is nothing new about this system which it is proposed to have installed in the Government arsenals, navy yards, and everywhere throughout the Government service. A gentleman named Taylor arrived at the conclusion that the laboring people of the United States are not working hard enough for the money that they get, and he has evolved the idea that by a system——

Mr. PENROSE. Mr. President, this is quite an important statement that the Senator from New Jersey is making. Many of us are interested in it, and I do hope that we can have order so as to be able to hear him.

Mr. HUGHES. I thank the Senator.

Mr. PENROSE. There is so much conversation going on in the rear of the Chamber that I can not hear a word the Senator is saying.

The VICE PRESIDENT. It would be a vain hope to obtain absolute order.

Mr. HUGHES. The Senator from Idaho [Mr. BORAH] made a report upon this subject at one time, and I will take the liberty of quoting from that report.

First, I will say Mr. Taylor had arrived at the conclusion—he says so very frankly in one of his pamphlets—that there is a mistaken notion abroad in the land on the part of laboring people to the effect that industrial establishments are run more or less for their benefit. He desires at the outset to have that notion corrected, and he calls their attention and the attention of manufacturers in general to the fact that industrial establishments are not run for the benefit of laboring people, but that they are run solely for the purpose of producing dividends for the manufacturers.

And once that proposition is laid down and admitted, then I admit that Mr. Taylor is absolutely correct, and that a system such as he has devised is admirably fitted to bring about the result he seeks, which is the production of dividends for manufacturers at the expense of the bones and tissue and the lives of the people engaged in those manufactories. This is the reverse of the proposition which we have so often advocated on

the floor of the Senate and other legislative bodies in the country.

Mr. CHAMBERLAIN. Mr. President, still, as near as the Senator from New Jersey is to me, I can not hear him. I wish there might be order in the Senate.

The VICE PRESIDENT. Then the Senator will have to suspend until the Senate is in order. There is complaint about the inability of Senators to hear him.

Mr. HUGHES. Mr. President, for a great many years there has been more or less in effect what is known as the eight-hour law. In certain departments of the Government it has been altogether in effect. Under certain circumstances when work has been done by contract for the Government it has been partially in effect. Under other circumstances, by the decisions of various heads of departments, the law has been nullified.

Recently the National Legislature enacted a law which was intended to put an end for all time to these matters of construction by various heads of departments and make the United States Government as an employer an eight-hour employer. It was then said that when the Government of the United States became an employer it should be the best sort of employer that there was; that it should set a standard and should be an example to other employers throughout the United States. It was largely for that reason and not because of the great amount of manufacturing that the Government did, and not because of the great number of men who were involved, but because of the value of the example which was to be set by the Government of the United States as an employer, that the eight-hour law was passed.

Now, for the reverse of the proposition. Mr. Taylor is finding difficulty in turning the laboring people of America into cogs of the various industrial machines. He is finding difficulty in having the most hard-hearted manufacturers in the United States regard the laboring people simply as raw material, to be purchased in a certain way, to be carried on the cost sheets at so much per head. He is having difficulty in having other manufacturers absolutely eliminate the human equation. His idea and the idea of such manufacturers as he has succeeded in enlisting under his banner is to have the United States Government install the Taylor efficiency system, under which a stop watch is held on a man, the number of steps that he takes between a pile of pig iron and the place where he finally deposits it is to be counted. A strong, vigorous man is taken as the standard, the day's work is set, and every other man who comes into that establishment is set to perform the task that was set by this physically fit man working at top speed, and unless he is able to do that he goes into the discard.

Mr. PENROSE. Will the Senator permit an interruption?

Mr. HUGHES. Certainly.

Mr. PENROSE. I should like to ask the Senator whether he has thought over the suggestion which was made informally last night as to dividing the amendment. I think quite a number of Senators are disposed to agree with the Senator from New Jersey regarding the stop-watch proposition. As to the premium feature, however, of the amendment there seems to be a difference of mind. Some of the employees seem to want to retain that system. I have received a good many hundred letters both ways from employees of arsenals and other Government institutions in Philadelphia.

Mr. HUGHES. I will say to the Senator that I have thought over that suggestion, and I thought favorably of it to this extent, that if I could not get enough votes to defeat the whole system we would be glad to welcome those who are in favor of abolishing the stop watch. But I speak from experience, and in my opinion the premium system is worse than the stop-watch system.

Mr. PENROSE. I have, I suppose, seven or eight hundred letters purporting to be from employees of the Frankford Arsenal and other military and naval institutions in Philadelphia advocating the premium system. On the other hand, I have a number against it.

Mr. HUGHES. I have not any doubt that is so. I have no personal knowledge of the facts, but it is stated to me by a man in whom I have confidence that the petition filed, referred to in the debate yesterday by the junior Senator from Pennsylvania [Mr. OLIVER], was obtained by the officers of the Frankford Arsenal practically under duress.

Mr. PENROSE. That may be. I do not know about that.

Mr. OLIVER. Will the Senator allow me just a word?

Mr. HUGHES. Certainly.

Mr. OLIVER. I think from all the evidence I have there is not the slightest ground for that. My reason for thinking so is because the employees who signed that petition again wrote me asking that they be allowed to come down here or to send a delegation here to present the matter to the Committee on Military Affairs. I made that request of the committee on their behalf, but as the committee decided to strike out the House provision it was not necessary for them to come down. So, if those men were acting under duress, certainly they were acting very strangely when they requested me to arrange for their appearance here and to advocate the elimination of the House provision.

Mr. PENROSE. Mr. President, will the Senator permit one more word, and then I am done?

Mr. HUGHES. Certainly.

Mr. PENROSE. I am not opposed to this amendment as it stands, but I confess that I am in some confusion as to the real wishes of the employees in Philadelphia, at least, where several thousand are employed in manufacturing munitions of war, as to whether or not they want the premium system. I make the inquiry of the Senator from New Jersey, who I know is in close touch with those conditions, to get information, as much as anything else, although I am prepared to vote for the whole amendment if I can be persuaded that the whole amendment is wanted by the employees.

Mr. HUGHES. Mr. President, there is not any doubt in my mind as to what those who are informed at the Frankford Arsenal, at every other arsenal, and at every navy yard throughout the country, want. They are now operating under a system which is sufficiently drastic, in my opinion, and which offers abundant opportunity for intelligent management to develop the highest kind of efficiency.

Mr. CRAWFORD. Will the Senator permit me to ask a question right there?

Mr. HUGHES. Certainly.

Mr. CRAWFORD. What is the attitude of the Department of Labor and what is the attitude of Government officials who supervise this work and under whom these men are employed? What position do they take in regard to it?

Mr. HUGHES. I will say that every committee that has examined this proposition has either condemned it or refused to favor it. There is not a single line of any report of any committee in favor of it. It has been investigated on several occasions, it was investigated by the Committee on Education and Labor, of which the Senator from Idaho [Mr. BORAH] at that time was chairman; it has been investigated by the Committee on Labor on the other side of the Capitol, the present Secretary of Labor, William B. Wilson, being chairman, and both those reports condemn the Taylor system.

Mr. CRAWFORD. It seems to me that the department ought to give us some expression of opinion about a matter of this kind.

Mr. ROOT. Mr. President——

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from New York?

Mr. ROOT. Will the Senator permit me to make a suggestion?

Mr. HUGHES. Certainly.

Mr. ROOT. In answer to the question of the Senator from South Dakota [Mr. CRAWFORD], I will say that I have here the last report of the Chief of Ordnance, which deals with this subject somewhat in extenso, and I shall presently call the attention of the Senate to his observations, which are very practical.

Mr. HUGHES. Mr. President, at the Watertown Arsenal there is now established the following system for determining the efficiency of men engaged in work in that establishment——

Mr. PENROSE. Mr. President, will the Senator from New Jersey permit one suggestion?

Mr. HUGHES. Certainly.

Mr. PENROSE. I think it ought to be stated to the Senate that that arsenal is the only one, so far as I am informed, that has the Taylor system or the stop-watch system. It does not prevail at the Frankford Arsenal, as I understand.

Mr. HUGHES. I will say to the Senator that, so far as this goes, it contains no provision for premium payment.

Mr. PENROSE. No.

Mr. HUGHES. It contains no provision for timing or stop watching, but it does contain a great many provisions under which any intelligent job manager can determine the efficiency of men under his control. They are given figures for attendance; they are given figures for sobriety, for cheerfulness, and for ability. They are given a mark for their habits.

Habits: In estimating habits, consideration should be given to sobriety, integrity, subordination, cheerful and zealous obedience to orders and regulations. Frequent tardiness and drunkenness on duty will be made the subject of special inquiry. A deduction of 10 points for every absence after Sundays, holidays, or pay days for each day or part of day without having previously obtained leave therefor will be made, and a deduction of 10 points will be made for tardiness in getting to work after reporting.

Mr. GALLINGER. Mr. President, will the Senator permit me to ask him a question?

Mr. HUGHES. Certainly.

Mr. GALLINGER. Would the Senator, in a few words, explain definitely and precisely what the stop-watch system is? What does it require of the workingmen?

Mr. HUGHES. I will try to do that. I am proceeding in a ragged sort of way. This is the way Mr. Taylor explains it:

For example, a workman has been doing a piece of work in 190 minutes. After painstaking study of the job and of all the means of saving time, the man is carefully instructed as to these means, and is told that for every minute saved, within, say, 120 minutes, he will be paid for half a minute at his regular rate, in addition to his regular daily pay; and that it is thought that he can do the work in 72 minutes, for which time the increase over his regular pay will amount to 33⅓ per cent.

I think, perhaps, the paragraphs I shall now read will best answer the question of the Senator from New Hampshire. This is also from Mr. Taylor's "Manual of Shop Management":

"His first step was to place an intelligent, college-educated man in charge of progress in this line. This man had not before handled this class of labor, although he understood managing workmen. He was not familiar with the methods pursued by the writer, but was soon taught the art of determining how much work a first-class man can do in a day. This was done by timing with a stop watch a first-class man while he was working fast. The best way to do this—in fact, almost the only way in which the timing can be done with certainty—is to divide the man's work into its elements and time each element separately. For example, in the case of a man loading pig iron onto a car, the elements should be: Picking up the pig iron from the ground or pile (time in hundredths of a minute). Walking with it on a level (time per foot walked). Walking with it up an incline to car (time per foot walked). Throwing the pig down (time in hundredths of a minute), or laying it on a pile (time in hundredths of a minute). Walking back empty to get a load (time per foot walked)."

The problem of inducing the employees to work at the pace required is solved, first, by offering a bonus or premium to those who succeed, and if this does not get results other more drastic means are used.

It is the business of the shop disciplinarian to see that a system of discipline is in vogue and enforced that is adequate to induce everyone to make sure that his part of the work comes in on schedule time. The system of discipline advocated by Mr. Taylor consists of—

1. Lowering the man's wages.
2. Laying him off for a period of time.
3. Fining him all the way from 1 cent to $60.
4. Discharging him.

It is also regarded as a good plan to continually keep enough men on hand so as to be able to discharge a workman every now and then for failing to continue at the pace required, because of its moral effect on the rest of the workmen.

When the system is first installed the high speed can not immediately be attained. It must be worked up to gradually, and therefore the kind of bonus system used is as drastic as the degree of perfection to which the system has attained will permit.

This is all from Mr. Taylor.

The gradual acceleration of the speed at which the workmen labor is accomplished by the premium and bonus above referred to, the system of discipline, and by the gradual elimination of the workmen who are unable to keep up to the rising standards of performance.

I think I can safely say that it is admitted by everybody, by the proponents and opponents of the Taylor system, that the bonus or premium system is a necessary part of it. Without that the stop-watching amounts to nothing and without the stop-watching timing system the bonus or premium system amounts to nothing. For example, he says—

The system of bonuses now in vogue at the Watertown Arsenal, where the Taylor system has not yet reached an advanced stage—

They have got the camel's nose under the tent at the Watertown Arsenal, as this gentleman frankly admits. He is right about it, and I have no occasion to believe that he is anything but absolutely honest and fair in all his statements, because this is his business.

Mr. GALLINGER. Mr. President, I am not informed on this subject, and I am asking questions for information. I will ask the Senator if this system has been installed in other manufacturing establishments and arsenals?

Mr. HUGHES. Does the Senator refer to Government establishments?

Mr. GALLINGER. No; I refer to those operated by private parties.

Mr. HUGHES. Yes; as nearly as I can gather this system has been installed in about 200 manufacturing establishments.

Mr. GALLINGER. I inferred so from some letters which I have received.

Mr. HUGHES. Yes; I understand, in the first place, they established it in the Bethlehem Steel Co., where they managed to get a crew of select men together, who were, each one, able to carry 300 tons of pig iron over a given distance in a day; which is something like an increase of 300 per cent. Of course, it was a terrific strain on the men; they had to be carefully picked and selected; but the effort was made to establish that as the standard of what a man should be able to do in a day.

Mr. LIPPITT. Mr. President, will the Senator from New Jersey yield to me for a moment?

Mr. HUGHES. Certainly.

Mr. LIPPITT. Mr. President, as the Senator from New Hampshire has asked the question, if I may be permitted, I should like to say that the Taylor system, so called, is nothing new at all. The Taylor system is simply a new name for a process which has existed as long as manufacturing has been carried on as a corporate operation. It arose at a time when the manufacturing of articles in factories first began, and it arose from the necessity of finding a basis upon which to fix the rate of wages. The Taylor system is an attempt to fix those wages more scientifically, more accurately, and more justly to the employee, and to avoid the constant friction which arises in manufacturing establishments from the failure to fix rates of wages on a scientific basis.

In its latest development, as it is referred to here, it is an attempt to study the activities of working men to see if by examining them in detail and finding out just how long it takes a man to perform each one of a series of complicated operations it may not be possible to teach him to perform them more scientifically, in that way making him a more efficient workman, making it possible for him to accomplish more, and therefore earning more, and also to avoid the constant friction in factories which comes from mistakes made by the managers and operators of them in using a wrong basis upon which to fix the prices at which men are paid.

The whole thing comes back to about the condition in which we find Mr. Ty Cobb. In playing baseball Mr. Ty Cobb steps up to the plate and with a single swing is able to send the ball out into left field, to the great delight of the people who are in favor of the Detroits and often to the disgust of the people who are "rooting" for the Washingtons. I do not suppose it causes Ty Cobb any more effort to send a ball into left field at a single stroke of the bat than it does some other less experienced man to bat at the ball and miss it; but because Ty Cobb is accurate, is trained, and has skill in that matter he is paid ten, twelve, or fifteen thousand dollars a year, or whatever it may be. Now, there are men in the factories who have that same accurate eye, who have that same experience and same skill in swinging a hammer, perhaps, and they are worth more to their employer, to the manager of the factory, than a less skillful workman, just as Mr. Ty Cobb is worth more to the manager of a baseball team. It seems only reasonable that the Ty Cobbs of the factories should receive compensation in accordance with their skill.

Mr. HUGHES. Mr. President, there does not seem to be any disagreement between the opponents and the proponents of this proposition. As the Senator from Rhode Island [Mr. LIPPITT] has said, there is nothing new about the Taylor system. There is nothing new in it, at least to any man who comes from an industrial town. Perhaps it is called by a new name, but since factories were established, and since it became important to make money out of them, there has been an attempt made to squeeze everything that there was in the way of production out of the main element in manufacturing, and that is the human element. Within my own experience and in my own town I have known a system to be in operation which was even cleverer in some respects than the Taylor system. They did not bother with having a man with a stop watch timing the number of beats that a loom made, timing how long it took a man to thread a shuttle, how long it took him to change it, how long it took him to throw back the cards to get the proper place in the pattern. They eliminated all that. When a new job was started up they sent a man in and gave him a loom or two looms, as the case might be, and they paid him secretly four or five dollars a week more than they paid anybody else. Then they provided him with a certain preparation, the favored preparation, as I recall, being cod-liver oil and whisky, so that a man could key himself up—"stimulate himself" is the term that Taylor uses—to such an extent that he could do more work than any normal human being could do in the same time, and at the end of a week or two he drew his regular pay, and the wages of other operatives were based on the amount that appeared in his envelope, no one except the manager knowing about the four or five dollars he received in addition for the extraordinary effort that he had made.

Mr. GALLINGER. Mr. President, will the Senator permit me to ask him a question?

Mr. HUGHES. Yes, sir.

Mr. GALLINGER. The Senator does not mean that the employers provided whisky for the men?

Mr. HUGHES. I do not know who provided the whisky, but there is not any doubt that it was done.

Mr. GALLINGER. I ask the Senator if it is not a scientific fact that the taking of that whisky, while it may have spurred the man on to increased efforts for a little while, had its reaction and made him less capable of performing labor a short time afterwards?

Mr. HUGHES. I do not know. As to that I can not say of my own personal knowledge. I am speaking now of the pacemakers. It was understood that that was the favorite mixture or preparation of the pacemakers in the mills. There might not have been very much whisky in it; it might have been more cod liver oil than whiskey. I am not familiar, as I have said, with the component parts of the preparation, but that there were pacemakers who did stimulate themselves with alcohol, and, in some cases, as I recall, even with cocaine, there can not be any question.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from California?

Mr. HUGHES. Certainly.

Mr. WORKS. Mr. President, possibly the inquiry I am about to make had better be submitted to the Senator from Rhode Island [Mr. LIPPITT], but perhaps the Senator from New Jersey [Mr. HUGHES] can satisfy my mind on the subject. I should like to know how long this stop-watch surveillance of an employee continues? It seems from what has been said by the Senator from Rhode Island the purpose of it is to ascertain the employee's fitness and efficiency. If that be so, I would suppose that his capacity might be determined within a reasonable time, and that the continuance of that sort of thing would be entirely unnecessary and unjust.

Mr. LIPPITT. Mr. President, if the Senator from New Jersey will permit me, I will endeavor to answer the question; or does the Senator from New Jersey desire to answer it?

Mr. HUGHES. I will answer by saying that, of course, the timing by the stop watch continues only until the standard or unit time for a particular process is determined, and then it ceases. As soon as it is determined that a man should make a certain number of castings or produce a certain quantity of a certain kind of work in a certain time, the necessity for timing him ceases, although Mr. Taylor suggests that there ought to be some way whereby it can be made apparent to the operative at every stage of his work whether or not he is catching up or losing. That would not necessarily involve timing.

Mr. SMOOT. Mr. President, will the Senator yield to me for a moment?

Mr. HUGHES. Certainly.

Mr. SMOOT. The Senator referred to the fact that in a silk factory the question of production by a weaver depended upon his being stimulated by artificial means.

Mr. HUGHES. I did not say that.

Mr. SMOOT. I understood the Senator to say that.

Mr. HUGHES. No. I do not want to get involved in a controversy of that sort. I have seen questions like that lead to one or two days' debate in this body.

Mr. SMOOT. I want to say to the Senator that the person who can produce the most yards from a loom is the person who can keep the loom running all the time; and that is not by any strength that he may have; it is due to his ability to keep his ends of the warp straight and not let them get tangled. The hardest work I ever put in on a loom in my life was the first warp that I ever wove, and the least that I ever produced in a day was upon that first warp. And the result was that before I got halfway through with the weaving of the 800 yards warp it was so tangled that I had to have somebody come and help me out with it. It did not take very long, however, for me to learn, the same as others, to keep it straight, and when it was kept straight I had the easiest work in my life. The very best weaver there is in any mill in the world is the person who has the least work to do, and lets the loom run, and knows how to keep it going. There is no need of any stimulus being offered to any weaver in order that he may get out more yards from the loom. It is not true.

Mr. HUGHES. Which shows that "a little knowledge is a dangerous thing." The Senator was weaving on a broad silk loom undoubtedly; was he not?

Mr. SMOOT. No; the first loom I ever wove on was weaving linseys and running a couple of narrow looms.

Mr. HUGHES. If the Senator knew anything at all about weaving, he would have understood my question, which he has already misunderstood.

Mr. SMOOT. I have not woven thousands and tens of thousands and millions of yards without knowing something about it, I will say to the Senator.

Mr. HUGHES. There is a distinction in the mind of anybody who pretends to be a silk weaver, or there ought to be a distinction, between broad silk and ribbon looms. They are the two great fundamental divisions.

Mr. SMOOT. Oh, there is a difference between the two.

Mr. HUGHES. Was the Senator a broad-silk weaver or a ribbon weaver?

Mr. SMOOT. I say, there is a difference between broad looms and ribbon looms.

Mr. HUGHES. And the Senator was a broad-silk weaver; was he not?

Mr. SMOOT. I was a broad-loom weaver; yes.

Mr. HUGHES. A broad-silk weaver or a broad-loom weaver. I was speaking of ribbon looms, which, as the Senator knows, are entirely different. The ribbons vary in width, and there may be 50 or 60 of them abreast, running along a great batten, each of them fed by a small quill, and the necessity existing for the quill to be changed every time it runs out, so that the number of stoppages is a hundred times greater than on a broad-silk loom, depending entirely upon the speed with which the weaver gets from one of those little ribbons to the other to change the quill.

Mr. SMOOT. I will say to the Senator that the principle is exactly the same.

Mr. HUGHES. Why, the Senator was never more mistaken in his life.

Mr. SMOOT. The question of changing a bobbin in one loom is no different from the question of changing a bobbin in another, and the weaver becomes proficient from the practice that he or she may have. Some weavers can weave all their lives and never become proficient, and others can take it up very quickly and it becomes second nature to them.

Mr. HUGHES. I think the Senator is possessed of about as much misinformation on that subject as anybody I have ever come in contact with who pretended to be a weaver. I will say to the Senator that there could not be anything more fundamentally different than broad and ribbon loom weaving. I come from a town where as much silk is woven as in any town in the United States, and where for a time, until a very short time ago, more silk was woven than in all the rest of the United States put together. The difference between broad silk and ribbon weaving is so great that for a great many years the broad-silk man was not permitted to work on a ribbon loom and a ribbon-loom weaver could not work on a broad-silk loom, and that distinction is to a great extent preserved to-day. The operatives in that town are known as broad-silk weavers and ribbon-loom weavers; and when the Senator says that the changing of the shuttle and the work on the broad-silk loom is practically the same as the changing of the bobbin and the work and operation of a ribbon loom, he simply shows to everybody who knows anything about the subject that he knows nothing at all about it. I do not want to continue that discussion any further.

Mr. SMOOT. I said the principle was the same, and I maintain it. I am perfectly willing to admit, of course, that I do not know as much about manufacturing as the Senator from New Jersey. I filled every position there is in the mill, from the worker to the superintendent. I have been in those mills, and I have woven millions of yards; but, of course, I do not know as much about it as the Senator from New Jersey does.

Mr. THOMAS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Colorado will state it.

Mr. THOMAS. What is the subject under discussion?

Mr. HUGHES. The ability of the Senator from Utah to weave.

Mr. SMITH of Georgia. The relative capacity of the two Senators to spin.

Mr. HUGHES. The Senator, out of the little knowledge that he has of weaving, took occasion to make an absolute statement to the effect that a statement I made to the Senate of my own personal knowledge was untrue, which, as the boys say, is "going some."

Mr. SMOOT. No, Mr. President.

Mr. HUGHES. Nevertheless, I repeat what I said before, that weavers were habitually stimulated; that there were a class of weavers known as pacemakers, and that the rate of speed at which a man worked made a great difference in the amount of his production, and before Mr. Taylor was born they were stimulating men. Before Mr. Taylor was heard of they were attempting to set a day's work for men and women and children which they could not possibly perform except when they were at the very height of their powers. The industrial system was based on the theory, so far as it could be put into effect, that a day's wages was to go to a man who could produce at the top of his powers, taking no account of those who were coming to that period, no account of those who had passed

that period, no account of those who were not in the full possession of all their faculties; and that struggle is going on in this country to-day. There are private manufacturers, scores and hundreds and thousands of them, who care nothing about the men who produce their wealth. There are a great many manufacturers in this country who have no interest in the men or the women or the children whom they employ.

I am glad to admit, and glad to be able to state, that that particular class of manufacturers is rapidly falling into the minority in this country. I think the great bulk of the manufacturers of this country do take an interest in the people who work for them. They are enlightened to such an extent that they know that to a greater or less extent the well-being of those who work for them is their well-being; but I am convinced that if it were possible to introduce in a majority of the manufacturing establishments of the United States this system known as the Taylor efficiency system, which subordinates every consideration to the consideration of making dividends, the condition of the working people of the United States would be that of virtual slavery, and instead of the whiplash there would be the goad of striving to make money enough to feed and clothe those dependent upon the employee.

When the Sage Foundation made their investigation of conditions existing in the city of Pittsburgh—and I am not trying to get a rise out of the senior or the junior Senator from Pennsylvania, but simply stating a fact with which they are undoubtedly as familiar as I am—they found that in that great center of population, with immigration from all quarters of the world pouring in, the rate of wages in many lines of industry was based upon the ability of the single man in lodgings to support life. It seems to me that so far as the combination of wages and effort is concerned, you do not need any Taylor efficiency system to get any better results from the manufacturer's standpoint than that—the rate of wages at which the single man in lodgings was able to support life. The industrial conditions in certain lines in that city were such that no man dared to get married; that no man was able to support a helpless or aged parent or an infirm sister or brother. A sick relative, or sickness existing in his own case, or any one of the thousands of things that you and I know are likely to happen to any man at any hour or any minute of the day, threw that man as a factor out of the industrial life of that great city.

I am against this proposition, root and branch. I am one of those who believe with the Senator from Iowa [Mr. CUMMINS], who a day or two ago said that for some time to come he expected to be sympathetic and lend a favorable ear to the claims and demands of the laboring people of this country, citing the figures which showed the average wages received by the laboring people of the United States. The strongest indictment that can be drawn against this great Government of ours is the indictment that can be drawn with reference to its treatment of its laboring people.

Look at Germany, look and England and France and the other great nations of the world, the attempts that are being made, the time and thought and patient study the statesmen of those nations are giving to the welfare and well-being of their people, and contrast it with the few petty, futile little things that we consider for them in bodies like this in this country.

Mr. GALLINGER. Mr. President, this is interesting. Does the Senator from New Jersey mean to say that the laboring men of Germany and England are better off than those in this country?

Mr. HUGHES. The Senator knows me better than to think I would make any statement like that on an occasion of this kind. I will say this, though, and I think the Senator is bound to admit it—and I am not going to make any statement which is going to give rise to a tariff controversy.

Mr. GALLINGER. Oh, no.

Mr. HUGHES. But I say, as I said before, and I think the Senator will admit, that the various European Governments do much more as Governments for their people than our Government does for our people. The Senator has not heard of any old-age pension bills being introduced in this or any other legislative body, I am sure; and yet the Senator knows that there are old-age pension systems in force in various European countries. The Senator has not heard of any national insurance systems being put into effect here, the object being to indemnify the common laboring people of the country against sickness and death and accident; and yet he knows that there are such systems in various European countries.

Mr. GALLINGER. That is true, and those matters are being agitated more or less in this country at the present time, but my opinion, though it may not be worth much, is that our people do not need those helps as they are needed in European countries.

Mr. HUGHES. The Senator may be right about that. I am sure I hope he is. I think, however, the statement I made a while ago can not be controverted, namely, that the National Government of the United States does less directly for, pays less attention, and gives less consideration as a Government to, its laboring people than any civilized country in the world; and now here we are debating this proposition!

I venture to say that not one one-hundredth of 1 per cent of the manufacturers of the United States would put this system into effect in their factories. For humanitarian reasons alone I believe they never will get a much greater percentage than that. I do not think they can get a higher percentage than that of manufacturers in this country who regard the people who labor for them, the people who help them create their wealth, simply as so much raw material to be used when the occasion requires it, and then to be discarded.

Mr. GALLINGER. Mr. President, surely the Senator does not look upon the employers of labor in that light, as being men who look upon the laboring men merely as raw material?

Mr. HUGHES. I have said that. That is just exactly what I said.

Mr. GALLINGER. I am seeking information from the Senator from New Jersey, who knows much more about this subject than I do; but I know there are establishments in New England which treat their employees with the greatest possible consideration, and in which there never has been a strike, which have written me in favor of striking out this provision in the bill. I confess to a great deal of ignorance on the matter myself, and I am seeking enlightenment. I want to do what is right in reference to the matter as between the employer and the employee, which I have always tried to do. No matter what other people may have thought of my words or my votes, that has been my purpose. I may not have accomplished much, but I have tried to do that.

Mr. HUGHES. I have not any doubt of that. Surely nothing I said would lead the Senator to think I made any contrary statement.

There is a tremendous propaganda going on in favor of this Taylor system. I have no doubt the National Manufacturers' Association takes a deep and active interest in that system. I have no doubt that there is a considerable number of manufacturers who believe that their interests are wrapped up in the interests of the men who are in favor of this system—men who, like the Senator, have not given very much study to it, do not understand the details of it, and have not a clear idea of what the conclusion is bound to be if such a system could be put into effect in a majority of the manufacturing establishments of the United States, which I here predict is absolutely and utterly impossible. You might have done it in Russia at one period of its history; you might have done it in China; but, in my judgment, it never has been possible and it never will be possible to do it in the United States of America.

The point I am trying to make, however, is this: I am against the Taylor system. The laboring people of the country, those of them who understand it, are uniformly and almost without an exception against it. I think the principle involved in it is bad, whether you seek to enforce it by means of the Taylor or any other system.

Mr. ROOT. Mr. President, may I ask the Senator from New Jersey how he accounts for the fact that the workmen of the Frankford Arsenal, to whom this amendment is directed, and who ought to know what the effect upon them is, appear here opposed to the amendment and in favor of the system as applied to the Frankford Arsenal?

Mr. HUGHES. I will explain that to the Senator. There is nothing new about that. I will say to the Senator there never has been a time when an employer or foreman or superintendent of a factory could not get signatures to a petition. This letter is signed by three or four girls whose wages range from $1.60 to $2 a day, and they pretended to speak for five or six hundred highly paid mechanics in the Frankford Arsenal.

Mr. LIPPITT. Will the Senator allow me?

Mr. HUGHES. Certainly.

Mr. LIPPITT. Do I understand the Senator from New Jersey to say that the statements of the junior Senator from Pennsylvania [Mr. OLIVER] in regard to this matter are absolutely incorrect? He is represented as saying that personally he knows some 400 people there——

Mr. HUGHES. I do not think the Senator made any such statement as that.

Mr. LIPPITT. It may be that I misunderstood him.

Mr. OLIVER. The Senator from Oregon [Mr. CHAMBERLAIN] has the petition.

Mr. CHAMBERLAIN. I wish to say to the Senator that there is a petition signed by some 300 or 400, although I have never counted them. I have the petition in my hand.

Mr. ROOT. I can not hear the Senator from Oregon.

Mr. CHAMBERLAIN. I say that the committee when it acted on this matter had before it the petition signed by 300 or 400 employees of the Frankford Arsenal. I have not counted the number, but they must run up to about that.

Mr. HUGHES. I will say to the Senator it has been stated in the House hearings on various occasions that gentlemen in favor of installing this system have used coercive measures to get the employees to sign a petition saying that they were in favor of something they were not in favor of. When this petition was filed and the employers of the Frankford Arsenal understood that it was afoot they met and adopted a resolution which I understand the senior Senator from Pennsylvania [Mr. PENROSE] is in possession of in favor of the House provision. At least I was so informed by the secretary of the Senator this morning, and I assume at some period of the debate the Senator will put in that petition.

Mr. PENROSE. If the Senator will permit me, as I have already stated, I am in receipt of several hundred communications on both sides of this question. I hold in my hand two samples of communications, of which I received several hundred sent separately through the mail. I took it that there could not be a great amount of coercion in these epistles. I will read what one of them says. I want it understood that I am not speaking against this amendment. I am seeking light and information. If the Senator will permit me to read it, it says:

THE FRANKFORD ARSENAL ASSOCIATION,
Philadelphia, Pa., January 28, 1915.

Hon. BOIES PENROSE,
United States Senate, Washington, D. C.

DEAR SIR: The committee named below, representing 400 employees of the Frankford Arsenal, earnestly protest against the legislation in the Army bill depriving us of our premium rate of compensation, which was established at this arsenal over five years ago to the mutual satisfaction of all concerned. The enactment of this legislation means an annual loss to us of about $44,972. You are requested to use your utmost endeavors to have this legislation struck out by the upper House of Congress or so modified that we will not be deprived of our increased earnings under the premium system.

Then, also under a separate cover, together with 500 other communications, a committee of women employees of the Frankford Arsenal have requested my "assistance in an endeavor to correct a hardship placed upon them by the proviso in the Army appropriation bill now before the Senate for action." They say:

Inclosed find typewritten copy of the same. In their behalf I appeal to you for your assistance and investigation of their grievance. The proviso affecting the arsenal employees, if enacted into law, will be a positive hardship upon the skilled and machine-operating men and women employees. The rate of wages put into effect last Monday, through orders issued by Gen. Crozier, are to the effect that machine operators making cartridge shells, their wages will be reduced to $1.20 and $1.16 per day, respectively, thus denying to them an increase of their daily wage earnings by constant application to their work of at least 25 to 60 cents per day. The piecework as heretofore in vogue is to be discontinued, thus very materially reducing their earnings.

They suggest that if a rate of wages per day is to be adhered to, that a sum of $1.52 be paid per diem to the machine operators and a proportionate increase to the skilled employees, thus equalizing the wage question and granting to them at least a living amount of wages.

I have taken this liberty of acquainting you with their protest and request, believing that you will give this matter your attention, as this condition affects in the neighborhood of 500 employees, mostly residents of the Frankford district.

Thanking you in their behalf for any assistance you may render, and wishing you continued success.

That is a sample of many hundreds which I have received through the mails separately against this amendment. I only read it for the information of the Senate and the Senator from New Jersey.

Mr. HUGHES. I understood the Senator——

Mr. POMERENE. Does the Senator mean against the Senate amendment? I so understood the Senator.

Mr. PENROSE. Then, to be entirely fair with the Senator, I have a copy of a communication from Washington, from Thomas B. Carroll, general organizer, stating that these communications were sent under more or less influence and duress. That is the situation, as far as I know.

Mr. HUGHES. I saw the statement in the House hearings, I recollect, in which it was pointed out that of 12 men who had taken some action, such as coming down to Washington to complain of this system, 5 of them had been dropped from the service. There is not the slightest doubt in my mind that these gentlemen want the Taylor efficiency system installed, and they are ready to go to any reasonable length to get it installed. They think they are doing a good thing, and they do it in a mild way; but they adopt coercive measures toward these people. They frighten them and adopt measures that are worse than we understand ordinarily when we speak of coercive measures. They frighten them by threatening them that they will receive less wages than they are now receiving if they do not fall in line with the management. So far as this proposition is concerned, they point out to them that the first thing that will happen will be that they will lose their bonuses, which, of course, means a practical reduction of salary for them, although nobody has any objection to adopting a piecework system at these plants. It is quite within the power of the gentlemen who have submitted these communications to put these other people on a piecework basis and pay them so much for each piece they produce. That is entirely different from the bonus of a premium system, and is perfectly satisfactory to everybody concerned, because it gives the Government a fair return for a fair day's wage. There is no difficulty involved. The best manufacturers in the United States do not have this system and are able to protect themselves.

I noticed in the hearings that the Government was manufacturing various products, tools, and implements at a cost of one-third and one-fourth and as low as one-fifth of the market price in addition to having a short work day and paying fair wages.

Mr. LIPPITT. Mr. President, I do not want to interrupt the Senator unduly, but I was rather interested in his last remark that he has no objection to the work being done by the piece.

Mr. HUGHES. No; I have not.

Mr. LIPPITT. But that he does object to the provision in this bill by which a premium bonus is to be paid for good work.

Mr. HUGHES. Not for good work; for fast work.

Mr. LIPPITT. Well, a premium for piecework. The whole basis of piecework, of course, is a premium paid to the employee who can do the most work. He gets off 10 pieces and he gets one price, and he gets off 5 pieces and gets one-half that price.

Mr. HUGHES. But the premium system is entirely different from that.

Mr. LIPPITT. The premium system, I understand, is based upon establishing a minimum wage.

Mr. HUGHES. I will read the premium system, which is very interesting. I will read it for the benefit of the Senator. I do not think he clearly understands it or I do not think he would be in favor of this proposition.

For example, a workman has been doing a piece of work in 190 minutes. After painstaking study of the job and of all the means of saving time the man is carefully instructed as to these means and is told that for every minute saved within, say, 120 minutes—

Now, they have taken 70 minutes off this. He has been doing a job in 190 minutes, and they are going to say the minimum is 120 minutes. We have watched your work, we have followed you through your daily operations, we know how many steps you take going from this pile to that pile, we know how long it takes you to stop to pick something up and bring it to a certain place. We have done all that and know more about it than you do. You have been taking 190 minutes to do this. You must start at 120 minutes, and as an inducement to you all the time you save under 120 minutes you will be compensated for at the following increased rate.

Mr. LIPPITT. How much is the Senator reading and how much is he interpolating? I would be very glad to have the Senator read it, but he is interpolating so much that I do not really know what he is reading.

Mr. HUGHES. I will read it and give the quotation marks.

Mr. ROOT. May I ask what the Senator is reading from?

Mr. HUGHES. I am reading a quotation from Mr. Taylor's pamphlet on the subject of shop management, the very question involved here.

Mr. BRANDEGEE. Is the Senator reading from Mr. Taylor's pamphlet or is he reading from a document?

Mr. HUGHES. It is taken from the report of the Committee on Education and Labor by the Senator from Idaho [Mr. BORAH].

Mr. BRANDEGEE. A Senate document?

Mr. HUGHES. Yes; a Senate document.

Mr. LIPPITT. What is the number of the document?

Mr. HUGHES. Report No. 1175, Sixty-third Congress, second session. I will just quote it straight throughout:

For example, a workman has been doing a piece of work in 190 minutes. After painstaking study of the job and all the means of saving time, the man is carefully instructed as to these means, and is told that for every minute saved, within, say, 120 minutes, he will be paid for half a minute at his regular rate, in addition to his regular daily pay; and that it is thought that he can do the work in 72 minutes, for which time the increase over his regular pay will amount to 33⅓ per cent.

So here is a man who has been doing a certain amount of work in 190 minutes under the Taylor efficiency system.

Mr. LIPPITT. I do not think that the advertisement and the somewhat boastful statement that Mr. Taylor and the sup-

porters of his system have made in order to induce people to adopt it ought to be taken as a foundation for legislation on the important subject of rewarding working people for efficiency. Mr. Taylor, as I understand it, is an enthusiast upon a certain method that he has devised for improving the efficiency of the working people. Now, improving the efficiency of the working people is a very important subject. It is a very important subject from the standpoint of the workingman. It is simply another name for education. It is also a very important subject from the standpoint of the community at large, who are entitled to have their work performed as efficiently as possible. It does include, as the Senator from New Jersey has been pointing out, certain possibilities of oppression, and of course every decent man wants to guard against that side of the subject. On the other hand, every progressive man must be in favor of improvements in mechanical and commercial methods, and those improvements would be favored whether they consist of mechanical improvements in machinery, in devising new attachments, or in radical changes in the principle of machines, or whether they consist in showing men how to be more efficient and in rewarding men for efficiency.

The essence of this system, as I understand it, is simply that it is an attempt to give to the efficient man a little higher reward than the inefficient man gets. So if that is the principle, and that is the way I understand it, I am in favor of that principle and I do not want to see anything done that will break it down.

That statement of Mr. Taylor in regard to his system is somewhat an exaggerated advertisement of it, it seems to me. Mr. Taylor's system has not been generally adopted in manufacturing establishments, but the principle on which the Taylor system is established is as old as are manufacturing establishments.

Mr. HUGHES. Mr. President, I agree in the main with everything the Senator from Rhode Island has said, but I think he is in error when he states that there is no attempt to adopt the Taylor system as a whole in manufacturing establishments. There has been an attempt, a fairly successful attempt, in some places, and a very strong effort is being made to get it into the Government establishments. There is absolutely no excuse for a bonus system or a premium system of this character, which I understand is the character of a premium system that is in vogue, unless it is intended finally to adopt the Taylor system. It has no place in any manufacturing establishment which does not intend to go the whole way. In my judgment, these gentlemen intend to go the whole way, and it is my purpose and the purpose of the legislation which came over in the House bill to prevent it.

The Senator is a manufacturer and knows how to determine the efficiency of men. I want to call his attention to the system that is now in effect in the Watertown Arsenal. I do not know whether the Senator was here when I referred to it before or not, but they have a most comprehensive, complex, and intricate method of determining the daily and monthly and annual efficiency of the employees of that institution. There is absolutely nothing left to chance. There is not the slightest difficulty in any ordinarily intelligent man knowing just who are the efficient men in the establishment.

I will quote from the report of the committee of the House of Representatives, No. 403.

Mr. LIPPITT. Will the Senator allow me to interrupt him just at that point?

Mr. HUGHES. Yes.

Mr. LIPPITT. I do not want to interrupt the Senator unduly, and I feel almost as though I ought to apologize for the extent to which I have gone into it, but what this bill says is—

> Nor shall any part of the appropriations made in this bill be available to pay any premium or bonus or cash reward to any employee in addition to his regular wages.

Mr. HUGHES. Exactly. They can raise his wages.

Mr. LIPPITT. That is the broadest possible negation of the right of the Government to reward skill and industry. It is not limited in any possible way. It says, in effect, it shall be the principle of the Government of the United States that no workingman, however efficient he may be or however skillful he may be, shall receive any reward for that efficiency. I can not conceive that to be a good principle for this Government to adopt. It says nothing about the Taylor system.

Mr. HUGHES. The Senator knows very well that he does not pay a bonus in his own plant. Without knowing anything about it, I venture to say the Senator pays no bonus in his own plant. He is believed to be a humanitarian employer, and I will venture to say that he pays no bonuses or premiums in the plant with which he is connected or in which he is interested. He may have a profit-sharing plan, he may give certain men a certain profit.

Mr. LIPPITT. In the industry with which I happen to be engaged, in textile manufacture, we have the piecework plan, not that there is any difference——

Mr. HUGHES. There may be a head of a department here and there——

Mr. LIPPITT. Not that there is any difference between a piecework plan and a bonus plan in principle.

Mr. HUGHES. There is a great difference.

Mr. LIPPITT. That is something I am not able to understand.

Mr. HUGHES. I am not in favor of piecework. I know it is the tendency of piecework to reduce wages and to crowd production. I know the tendency of the work is to produce more and pay less, because it does not always continue the same character of work. The job changes and a new price has to be set. A new day's work has to be estimated. It is the gradual tendency of piecework to increase production and lower wages. I know that, but piecework, bad as it is, is infinitely preferable to this iniquitous bonus or premium system.

I want to quote now from the committee of the House of Representatives, No. 403, Sixty-second Congress, second session, a report made by the present Secretary of Labor and concurred in by William C. Redfield, now the Secretary of Commerce, and John Q. Tilson, then a Representative, a Representative-elect now from the State of Connecticut.

Mr. GALLINGER. Will the Senator permit me?

Mr. HUGHES. Certainly.

Mr. GALLINGER. My attention was attracted to a statement by the Senator condemning piecework. Is the Senator opposed to piecework as a principle?

Mr. HUGHES. As against this proposition I am in favor of it; but I will say to the Senator the theory that a man who does the most work gets the most money under the piecework system sounds beautiful, but my experience has been that it does not work out well. The net result of it is that, as under the Taylor system, the day's work is finally based upon the ability of the high-class man. The man does not get any more in the end; his wages are finally driven down. The only difference is that he is doing more work for the same wages and the people under him on the piecework system, not so skillful as he, do not get enough on which to live. That is the practical operation of the piecework system. I have seen it a thousand times; and I know what I am talking about.

Mr. GALLINGER. Doubtless the Senator knows infinitely more about that than I do; but we have piecework in the Government Printing Office here.

Mr. HUGHES. Yes.

Mr. GALLINGER. Is the Senator opposed to that?

Mr. HUGHES. No, sir; the piecework system, as operated in the Government Printing Office, works all right. The piecework system could be made to work all right if every employer was as beneficent as an employer as is the Government and as I want it to continue to be as an employer. In this instance I would have no objection to the piecework system; I am asking for it in preference to the premium or bonus system. I want them to put it in operation at this plant, rather than the system which is sought to be put into operation.

Mr. GALLINGER. Mr. President, I do not follow the Senator from New Jersey. We all remember the old gentleman in Maine who was "for the prohibitory law, but 'agin' its enforcement." I do not understand how the Senator squares himself with the declaration that he is against the piecework system, and yet is for the piecework system.

Mr. HUGHES. I hope the Senator from New Hampshire will not misunderstand me. I will try to state my position over again. I will suggest to the Senator, as a matter of personal experience, that the best system under which working people can work—and I am not talking about the manufacturers, the owners of plants, the men who are in business frankly for the purpose of making money and producing dividends—but, so far as the laboring people are concerned, the best system is the system which this committee reported in favor of, and which I was about to read when the Senator interrupted me. With his permission, I will now read it.

Mr. GALLINGER. I will listen to the Senator.

Mr. HUGHES. It is as follows:

> Ordinary intelligent management under any system could eliminate it entirely, or at least reduce it to the point where it would not be a serious hindrance to production. Because there are some loafers is no reason why the remainder of the workmen should either be compelled or induced to work up to the very edge of the breaking strain. There is need for production at the lowest cost, but no economic necessity can justify requiring workmen to speed up to the highest point which they can continue from day to day and from year to year, even without injury to their health and strength. To place workmen in a position of that kind is to put them in the position of a beast of burden which is required to go on from day to day performing a given task.

* * * * * * *

Stop-watch time study should not be made of workmen without their consent, or any conditions be imposed upon them by authority which imply any indignity; piecework may be introduced where the work to be performed is a continuous duplication, but with the express understanding that piecework rates shall not be cut unless the conditions of production are materially changed.

That is the difficulty all the time. The conditions of production are materially changing. Very seldom is a man engaged on work which is work of continuous duplication. Every time a change is made advantage is taken of the stimulating effect of the piecework system with the man. He has disclosed himself as being able to do a certain amount of work, and advantage is taken of that fact. When the next day's job is started his maximum is taken as his minimum. As I said to the Senator, in ordinary industrial affairs the piecework system is a bad system for the man who toils. This committee goes on and says:

In other cases the rate should be a straight day-wage rate at the highest prevailing rate for a similar class of work in the neighborhood where the Government work is to be performed, except that by mutual consent bonus and premium work may be introduced.

The situation pictured by the junior Senator from Pennsylvania [Mr. OLIVER] need not affect the mind of any Senator here, because it is quite possible to meet the wishes of the parties concerned in this matter. A piecework system can be established, which will give to those people who have petitioned the Senator precisely the same rate of wages which they are now receiving for the same amount of production. So what difficulty is there involved? We will establish a system and we will put an end to this continuous effort on the part of the officers at the various arsenals and navy yards, who have not as much sympathy as perhaps they might have with the civilians there employed and treat them as the hardest-hearted manufacturers in the United States treat their employees.

I ask the Senate, in all seriousness, to let the House language stand in the bill. It only applies to this appropriation bill; it will only be a law during the life of the bill, until July, 1916. In the meantime the Senate will have an opportunity to make further investigation, if it so desires, and, in the end, I hope Congress will enact substantive legislation which will prevent the recurrence of these discussions.

Mr. OLIVER and Mr. LODGE addressed the Chair.

The VICE PRESIDENT. The Senator from Pennsylvania.

Mr. OLIVER. Mr. President, the Senator from New Jersey [Mr. HUGHES] in the course of his address made some remarks about wages in the Pittsburgh district, which I feel I can not allow to pass without something in the nature of a reply.

Mr. HUGHES. The Senator from Pennsylvania does not understand me as personally making that statement? The Senator is as familiar with the work of the Sage Foundation Commission as I can be. I saw the statement in a Philadelphia publication.

Mr. OLIVER. I understand, Mr. President, that the Senator referred to the report of the Pittsburgh survey made by the Sage Foundation, and did not state it as either of his own knowledge or as his belief, except as based upon that publication.

I have read that rather extraordinary report, Mr. President, though I had temporarily forgotten that it contained what he said about wages. In fact, I do not now recollect to have seen that particular statement in it; but I have no doubt it is there, as the Senator from New Jersey says so.

The report of the Pittsburgh survey made by the Sage Foundation was made in the very earliest days of that foundation. It is based on information gleaned by a lot of inexperienced young people entirely unfitted for their work, and is brimful of the grossest kind of inaccuracies.

With regard to the statement referred to by the Senator from New Jersey, that wages in the industrial establishments of Pittsburgh are based upon the lowest amount that one man, living in lodgings, can live on, I say that if that statement is contained in that report it is absolutely and entirely untrue.

Mr. President, I am not here to defend the present wage system. In competitive business men will pay for a certain kind of work the wages their competitors pay, and no more; and so long as selfishness is the guiding principle of human life every man will get as much work as he can for as little money as he can, but that the manufacturers in the industries of Pittsburgh get more work out of their men for less money than manufacturers in any like industries in other sections of the country I say is not true.

I say further—and I say it without fear of contradiction—that in no industrial district in the United States or in the world are higher wages paid for like work than are paid in the great industrial center in which I live. The only exception I will allow to that statement is that, perhaps, in some of the mining regions of the West, where living is extraordinarily high, higher wages are naturally paid than in the East, where it does not cost so much to live. The truth of my statement is proved and will be plain to anybody who visits the district and will examine into the matter and ascertain the facts concerning the immense and constantly growing deposits in our savings banks, the amounts being deposited in the postal savings bank in that district, the enormous sums of money that are daily remitted to the countries of eastern Europe by these men who, as it is said, only receive for their labor enough wages to keep them alive from day to day.

I can not stand here, Mr. President, and hear the great community which has given me a home since my infancy slandered in this way. The masters of industry in Pittsburgh pay just as much for like work as the same kind of employers pay in any other part of the country, and infinitely more than is paid in any part of the world outside of the United States.

Before I sit down I want to refer in a very few words to another matter connected with this proposed legislation. I am informed by the employees of the Frankford Arsenal that—

The premium system was introduced about five years ago, and the tasks were assigned to the men and women without any supervision by a time watch, as such time study has never been introduced in the arsenal. The capacity of the various machines was known, and it was not difficult to assign a task which would be fair to the employee and fair to the Government.

Further, they say:

Your attention is particularly invited to the fact that the task for a day was based upon seven hours' running of the machine, leaving to the employee one hour of the eight for washing, relaxation, going to the toilet, etc. In other words, out of every hour 15 minutes were given to each employee. The employee's task was therefore under such circumstances fixed at seven-eighths of the capacity of the machine, which practically amounts to making the working day one of seven hours instead of eight.

In other words, Mr. President, as practiced in this particular arsenal, the capacity of the machine is fixed at what it will normally and naturally do in seven hours. Any employee working eight hours and producing seven hours' work is given his or her day's wages, and for anything more than that task which they can produce from this machine they are paid one-half of the proportion of the day's work. It is a system that satisfies them all. They want it continued. They are using the extra wages they obtain in this way to pay for the little homes which they have bought and to procure for themselves better means of living. The opposition does not come from inside the arsenal; it comes from the outside.

Now, one word more. Mr. President, in my life I have given some study and thought to the question of differences between employer and employee. I have been an employer of labor myself; I have had differences with the men whom I employed; and as a result of my experience and observation I want to say that the differences between employer and employee, as a general thing, are usually traceable to two unreasonable kinds of men—on the one side, the employer whose sole object is to get as much out of his men for as little as he can and, on the other side, the workman who seeks to give as little in the way of labor for as much money as he can get. If you could eliminate these two classes labor difficulties would be very rare. I am glad to say that, with greater study, with greater intelligence, and with a more liberal spirit throughout the land and throughout the world, the unreasonable employer is fast disappearing. I fear not that the unreasonable employee is coming to the front, but I fear, to be perfectly plain, that the efforts of some of the great labor organizations are rather in the direction of encouraging the unreasonable employee than of inciting him to give a reasonable amount of day's labor for a reasonable compensation in the shape of day's wages.

Now, it seems to me that this system specifying a reasonable amount—and I do not believe that anybody will charge that the superintendents of the Government arsenals will be unreasonable in fixing tasks for a machine—I think that this system by which a given task is set for a machine so that seven hours' reasonable work can be done in eight hours and offering an inducement to the industrious and skillful and efficient workman to work up above that by paying him a bonus for his extra work is so reasonable that I feel if I were to vote against such a proposition I would be recreant to my duty as a representative of my State.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. The Senator from Colorado.

Mr. THOMAS. I feel somewhat like apologizing to the Senate for taking up any more of its time in the discussion of this bill; but inasmuch as I am one of the members of the committee who voted to strike out the provision, I think it my duty to give the Senate some of the reasons which actuated me in so doing.

As a member of the Senate Committee on Military Affairs I voted to strike out this proviso, primarily because I do not think

it has any legitimate place in the bill. The fact that its consideration has exhausted more than a day of our valuable time should be a conclusive illustration of the soundness of this objection. Shortly after I entered the Senate the President vetoed the sundry civil bill for the sole reason that it contained a proviso of similar character, forbidding the use of any moneys appropriated in that measure for the prosecution of any labor or farmers' organization under the antitrust acts. The succeeding bill contained the same proviso, and the President approved that bill, notwithstanding his expressed disapproval of the proviso itself.

Mr. SMOOT. That was another President, however.

Mr. THOMAS. Yes. This illustrated, to my mind, the vicious nature of provisos or riders or additions to measures designed for other or general purposes so vividly that I have, in so far as my committee work was concerned, voted to eliminate similar provisions wherever they occur.

If it be true that all of the injurious results that have been detailed must follow from the establishment of the so-called efficiency system in Government operations, then it is of sufficient importance to be made the subject of a bill dealing solely with that proposition. We can then discuss it upon its merits, and without reference to its effect or its influence upon matters which, as in the present instance, are directly associated with it, and which may stand or fall upon the opinion of Congress and the President with regard to that one provision. That is not right, Mr. President. The Army bill is a great supply bill. The purpose of it is to equip the War Department for the ensuing year, without reference to differences of opinion as to whether it goes too far or not far enough. This industrial question is injected into it and made a part of it, which necessarily distracts very largely from the consideration of the merits of the principal measure. It is a custom sanctified by age and made respectable by usage, but it is nevertheless one which ought to be corrected whenever possible, and objected to wherever an objection can be entertained against it.

I therefore voted against it as a piece of proposed legislation foreign to the general subject matter of the bill, one designed to distract attention, and which has distracted attention in its ultimate consideration from the merits of the measure itself.

Another of my reasons was that those who are affected by the proviso appealed to the Senate committee to strike it out. I think that the views of those who come under the influence of, or are affected by, the provisions of a given law, especially if they express themselves with any unanimity, ought to know something about its operation. It is they to whom we should look for the purpose of determining whether, in its operation, it has produced the evil effects which it is declared are inseparable from the system or whether it has had the opposite result.

I do not recall that any written protest against the practice was laid before the committee during its consideration. The Senator from Pennsylvania [Mr. OLIVER] appeared, asking to be heard in behalf of some of his constituents who desired to see the proviso stricken out. The discussion which followed made it unnecessary for him to go to that trouble, as the committee, or at least a majority of those present, felt that the proviso should be stricken out, among others, for the reasons stated.

I believe thoroughly in the doctrine of efficiency. I am aware of the fact that a system baptized by that name may be put to an untoward or an injurious purpose, just as any other system or any other scheme of legislation may be. On the other hand, without efficiency there can be no such thing as progress; and if efficiency is to be tabooed, especially in the line of Government operation, why should we educate our children? The ambition of every man is to give his child a better position in the world than has been afforded himself—a laudable ambition, a noble ambition, the ambition upon which our educational system is founded, one which has been productive of the most marvelously beneficial results, and which constitutes the foundation of our growth and of our progress. We ought to be able, therefore, to guard against the abuse of any system if it contains elements of inestimable value to our community life as well as to our individual life without discarding the system itself, and I think that can be done.

If it can be shown to me that a superintendent of any of our governmental institutions is using what is called the efficiency system for the purpose of speeding up men unduly, for the purpose of weeding out those who are unable to meet the strain placed upon them by their increasing tasks, or is using it even unconsciously toward the end which it is claimed it must surely reach, I would be one of the first to demand the removal either of the system or of the superintendent, or possibly of both. Until that is made to appear, however, I do not believe the Congress of the United States should set its seal of disapproval upon a system which, so far as it has been carried, seems to have been successful, to have commanded the applause and the support of those who work and carry on their operations under it, and who seem to have so far benefited financially from its operation as to be able, by their increased income, to secure sufficient savings to begin the purchase of a home.

If I remember the petitions correctly some of the signers are in that very interesting period between the attempted acquisition of a home and its final payment, a position, Mr. President, in which all the apprehensions of a man who is dependent upon his daily labor are naturally aroused and who will strain every effort to see to it that the home is secured during the period of time given for its payment.

Now, if that is the condition of many of those people it is fair to assume that this same condition exists among the workmen in our other arsenals and Government manufactories, for if it were not, we would have been apprised of the circumstances before final action was taken upon this matter.

When, therefore, Mr. President, with a unanimity of request that is remarkable—I will not say unusual, but it is really remarkable—the employees of one of these great institutions protest against this measure and request Congress to continue its operation, it seems to me it is our duty to do so. It is very easy to appoint a committee or to have the Secretary of War through appropriate agencies inquire into and investigate any charge of oppression, of injustice, and of wrong which may at any time be the outgrowth or which may be suspected to be the outgrowth of the operation of this system.

I can not speak at large but as far as my knowledge goes of Government employees and officials they are not an overworked body of men and women. They are the best paid employees among all who work for their living in the United States. Their hours are shorter. Many of them have combined into organizations some of which are strong enough to enable them to make not only requests but demands for certain legislation or protests against legislation which they do not desire.

Until we are informed at least by hearsay of the alleged pernicious results of this system as applied to the arsenals or other institutions which are under the control of the Department of War, I think we should go upon the testimony laid before us and strike out this provision.

Something has been said, Mr. President, about the mechanical features of the system. It is declared that men are subject to be timed in a most arbitrary and unjust manner and their work speeded up and paid for upon the basis of efficiency of the highest as shown during the period of these arbitrary intervals. Such a system may be an unwise and an unjust one. No man likes to be held to the fraction of a second in the performance of any task. I am inclined to think that if a stop watch was held upon the Members of the United States Senate, especially during a period of active or obstructive debate, there would be a greater profest against it than will ever arise from a labor union. Hence I will not assume that there is any particular danger of attaching this stop-watch system to the body to which I have the honor to belong.

But if it be true, Mr. President, that these incidents of an efficiency system are obnoxious or injurious, I can not doubt that the authorities will see that they are either corrected or done away with. Until something of that kind appears I do not think the Government of the United States can afford to interfere with an efficiency system which is in process of experiment, and which, so far as the experience of those affected by that process are concerned, seems to have been both beneficial and satisfactory.

Mr. LODGE. Mr. President, this House provision, which the committee of the Senate proposes to strike out, contains two very distinct propositions, one prohibiting the stop watch or other time-measuring device and the other prohibiting bonuses. They are so distinct that I think the amendment ought to be divided, and at the proper time I shall ask that it be divided.

Mr. WARREN. May I call the Senator's attention also to the first part of the proposed proviso, which penalizes a foreman, a superintendent, and so forth? As they are officers of the Army commissioned and under the discipline of the Army, does not the Senator think that that also should be separated?

Mr. LODGE. Yes. In the naval appropriation bill there is a similar provision, but it does not contain this provision about the officers, and it can be taken out here perfectly well.

Mr. President, I have received scores of letters against the House provision, both in the Navy and the Army bills. They are all, without exception, from employers of labor. I have received very little from the men who labor—from the employed. I have received one or two letters from those not

employed in the arsenal and this letter from the men employed in the arsenal at Watertown:

23 CHARLES STREET,
Auburndale, Mass., February 16, 1915.

Hon. HENRY CABOT LODGE,
United States Senate, Washington, D. C.

MY DEAR MR. LODGE: We, the undersigned citizens of the State of Massachusetts and the representatives of the employees in the different departments at the Watertown Arsenal, under the War Department, respectfully urge upon you, as a member of the Naval Affairs Committee of the Senate, and through you the Senate of the United States, to support the clause on page 50 of this year's naval appropriation bill which aims to curb the objectionable features of the "Taylor system of shop management" and similar systems by prohibiting the time study of workmen and the premium system in Government shops.

We further urge you to support an amendment of the clause that will give it the effect of permanent law.

Woodworking department, E. P. Gingras.
Pattern-making department, James B. Cummings.
Paint department, H. A. Gildersleeve.
Foundry department, J. R. Cooney.
Machine department, F. H. Holway.
Smith-shop department, W. A. McArthur.
Yard laboring, P. Killride.

Yours, respectfully,

MAURICE W. BOWEN,
Chairman Representative Committee.

Those men are men of good standing in their communities, as well as in the arsenal, and I think their views are entitled to the same consideration as the views of employers outside.

The subject was new to me. I have never been an employer of labor, nor have I ever been employed in any of the industries, and I look at it entirely from an outside point of view.

About the system of bonuses instead of a straight system of piecework I am not able to speak with any confidence. I have not made up my mind; I do not know enough about it. I think the piecework system, which is largely used both in private establishments and also in Government departments, is a fair system. However it has worked, it is certainly a fair system in theory, for I believe the better man, the man of self-control, the man of sobriety, the man of industry, the man of thrift, the man of skill, is entitled to the higher wages which those qualities give him.

But the first proposition about the time measure, the holding of the stop watch over a man, I can not accept. It seems to me false economically, and I do not believe that in the long run it will lead to any good results.

The one object of the time measure is to produce speed. Now, speed is not the only thing that the Government or any other employer or manufacturer is seeking for. There is something more important than speed, and that is quality. Speed has nothing to do with quality. Owing to the great inventions of our time, owing to steam and electricity, we have carried speed to such an extent in all our manufactures that certainly in many cases the product has deteriorated in quality as it has advanced in quantity and rapidity of production.

The stop watch and the time measure can tell you nothing whatever about quality. It may be a basis of fixing wages or anything else, but the only thing they can possibly tell on time is speed. We all associate a stop watch with its use for racing horses. I dare say it is used now for racing automobiles, but not by a man buying horses for his ordinary use. In the days before automobiles I used to own horses and be very fond of them and drove them a great deal, but I never put a stop watch on a horse that I was trying to buy. I wanted to know his quality; I wanted to try him; but I was not going to buy a horse to use on the track, and therefore I had no use for the stop watch. They use the stop watch to test a horse who is going on the track to race in the Derby, for instance, or in any of our great races. It is of the utmost importance to know what that horse can do on the furlong or on the quarter mile or on the half mile, but it does not tell the story of his quality. It will tell the story of speed and the qualities necessary to speed, but there are many qualities it does not tell.

Now, to apply the stop watch to human beings may tell how fast they can work, but it can tell nothing of the quality of their work.

Mr. POMERENE. Nor how long they may work.

Mr. LODGE. Nor how long they may work. A horse may be very good for a short spurt and absolutely worthless for a 4-mile race. It is a poor test. It is a promoter of the idea that the one thing to do is to turn out just as much as we can just as fast as we can. That has gone through everything in this period of ours. It has deteriorated style, it has deteriorated literature, it has deteriorated art. It is deteriorating manufacture.

Mr. CLARK of Wyoming. Will the Senator yield for a question?

Mr. LODGE. Certainly.

Mr. CLARK of Wyoming. I am seeking information on this point. I had supposed the quality of the work was fairly well standardized; that is, that this speed system, or whatever you call it, was for the purpose of producing a greater amount of a given quality, of a certain kind. I suppose all the work is subject to inspection.

Mr. LODGE. That may be all true; but I do not think it affects the argument I am trying to make, and that is that speed is neither a test of a man's capacity nor a test of the quality of the work he will turn out. It is merely speed; it is merely quantity.

Look back over the history of any of the great arts. For instance, there was a Venetian painter, Luca Giordano. He was known popularly as Luca Fa Presto, because he worked so fast; he covered acres of walls and acres of canvas with pictures of a certain technical cleverness. But one Madonna painted by Bellini outweighs them all to-day in price, in beauty, and in every quality. But under the stop-watch system nobody would have employed Bellini; they would all have employed Luca Giordano.

Mr. President, may I take one more illustration from the art of painting? The total production of Rubens is something enormous. The mere quantity, the opulence and fertility of his inventions, and his capacity for work are in themselves great qualities. He painted many very great and splendid pictures, and yet Leonardo Da Vinci, all of whose pictures can be put in a small room, painted one which was stolen from the Louvre the other day, and that alone will outweigh the whole of Rubens's productions, and Rubens was a very great painter too.

It is the same way with books. When I was a boy—and I suppose there are some still here old enough to remember that period—there were two very popular writers, Mrs. E. D. E. N. Southworth and Ned Buntline, who poured out countless books. They had the highest possible speed and wonderful facility, but three or four novels of Hawthorne are a possession of literature to-day and the others have vanished. Speed is not the only thing in art or literature, and it is not the only thing in manufacturing. There quality is needed too.

I do not believe, Mr. President, in a system of standing over men with stop watches to see how far they can go under pressure in securing speed, in performing a given piece of work. The very fact of a stop watch implies strain on every faculty, on every physical power, driving the heart and lungs and every muscle to the utmost possible point.

In the days of slavery it was said there was one school of slave owners who believed it was more profitable to work the slaves to the last possible point and let them die than to try and care for them when they were ill and work them reasonable hours and treat them without a stop watch. Those who believed in working them to death, I imagine, were a very small and merciless minority, but there is always that disposition.

I am a thorough believer in the best man getting the best wage and the hard-working man getting what his hard work deserves. I have no desire to see the thriftless and the idle paid as well as the industrious, steady, and hard-working men, but I do not believe anything is gained for the Government or for anybody else in standing over a man with a stop watch to see whether under pressure he can do a certain piece of work in a given time. I do not believe it is sound economy.

The result of this is that all your Government shops are in constant agitation. It does not seem to be any answer to say that union labor is opposed to this system. That is only putting it off one step. It does not follow that because union labor is opposed to it it must be good. The men are restless for whatever reason; there is incessant agitation; they resist; they object to it; they do not think it is fair.

Mr. DU PONT. Mr. President——

Mr. LODGE. I yield to the Senator.

Mr. DU PONT. I should like to ask the Senator from Massachusetts if he does not think in the argument which he has just made he has overlooked the mechanical facilities of the individual. I think a great deal in all these things depends upon the mechanical property, the use of the hands, which some people possess to a very high degree and others do not. An illustration of that is found in the ordinary operation of sewing. A fast sewer is usually a good sewer, whereas a poor sewer is very slow and makes a bungling performance at last.

Mr. LODGE. It does not prove because persons work slowly that they work badly.

Mr. DU PONT. Not always.

Mr. LODGE. As a rule, some of the best work in the world and the most enduring has been done slowly. That does not follow any more than it follows that because work is done fast it is done well. It may be done well. There are men who combine excellence of production with rapidity in working.

What I am contending for is that this stop-watch test is mere speed and nothing else. The only thing that it is attempted to show in this way is how fast a man can do a given piece of work. It does not make any matter what the result is, but how fast can he do it, so that it will pass muster at the end. Of

course, if he spoils it, that is another thing, but how fast can he turn out a given thing, some part of the lock of a gun or some part of a cartridge or something of that sort. How rapidly can he turn it out, how rapidly can he move the heavy pieces of iron that the Senator from New Jersey [Mr. HUGHES] pointed out? It is quite possible to arrive at a standard of efficiency without putting on a stop watch. A great deal of efficiency, a great deal of standardizing is done without that. There is plenty of work which is done with the highest efficiency where no stop watch is used.

Now, in a military force, in an army or navy, or a semimilitary force like the police, it is absolutely essential that the unit should be sacrificed if necessary to the organization. To attempt to turn an army or a navy into an educational or a manufacturing establishment is to lose sight of the only purpose for which it exists, the military purpose, and is to destroy it as a military arm. But when you come to the organization of manufacturing, I think we should hesitate long before we undertake to sacrifice the unit to the organization.

Great results have been obtained in the efficiency of manufacturing without stop watches and time measures. Certainly most great and successful manufacturing establishments succeed in getting a perfect standard of efficiency without resorting to the stop watch, without working one exceptional man to the top of his bent and then establishing that as a standard other men must live up to. Efficiency is determined not by one short heat. Efficiency is determined over a period of time and many things enter into it besides speed.

It is for that reason, Mr. President, that I do not believe in that part of the system which involves putting a time measure on the men in our Government shops.

Mr. BRANDEGEE. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Connecticut?

Mr. LODGE. Certainly.

Mr. BRANDEGEE. I was going to ask the Senator, prompted by a remark he has just made, this question: Is it a fact that under this so-called Taylor system, or the equivalent of it, the work of the most efficient is made the standard?

Mr. LODGE. I dare say they average it.

Mr. BRANDEGEE. I wondered about that, because it would seem to me to be wrong to take the most efficient man, the marvel, and make him the standard.

Mr. LODGE. No; I suppose they average it. I do not know on what system it is done, but they average the time that ought to be used. Then they pay the most efficient man the bonus. But I believe the efficiency can be reached in other and better ways. I do not believe that it is good policy for the Government in the Government shops connected with the naval and military establishments to harass men with this thing.

Now, I have heard it said here that in Watertown there was much of this that was abandoned. I do not know how that is. The Senator from New Jersey said that they have a very complex system at Watertown.

Mr. HUGHES. Yes; they have a system that nobody is complaining about, a system which enables an intelligent superintendent to know just the degree of efficiency attained by every man, woman, or child in the plant. That is, of course, in effect now. They have a system of grading and give values and figures for sobriety and integrity and lack of tardiness. In various ways they are in position to rate them, and do rate them, in accordance with their efficiency. There is nothing to prevent them from putting this work now on a piecework basis. The point that I make is that piecework is not an ideal basis, and in private industrial establishments the tendency of piecework is to lower wages and increase production. I do not think it is a good thing. I do not think anyone thinks it is a good thing.

But that is not the tendency. At the Government plants they are more generous and more humane, as a general proposition, than they are in private plants, and the evils which apply to a piecework system in a private plant are not present in a Government plant. Everything that the proponents of this proposition are contending for—I mean now my opponents—can be obtained by this piecework system.

Mr. LODGE. That is what I was contending.

Mr. HUGHES. That is the way I understood the Senator.

Mr. LODGE. The efficiency is secured in other ways. I asked the Senator the question about the Watertown Arsenal because these men, representing every branch of the work, some of whom I have known for many years, who are eminently good citizens and reputable men, occupying positions of trust there, have all united in protesting specifically against the "time study," as they call it. I do not believe that these men desire to cheat the Government or to give the Government other than a thorough and fair eight hours' work a day. They are anxious to keep their places, and certainly would not seek to injure the Government. I suppose it may seem very strange, but I think the opinion of these men is just as much entitled to consideration as is that of employers generally, who want the Government to maintain this system.

Mr. HUGHES. The Senator from Massachusetts is undoubtedly familiar with the fact that Gen. Crozier and other officers who are in charge of various plants have been insisting for years that they are manufacturing at a cost that compares favorably with the prices charged by outside establishments. It has for years been their boast that they have brought their plants to such a state of efficiency and have such a high class of labor that they can furnish a great many articles which the Government uses sometimes at a cost away below the cost at which they are furnished by private plants, sometimes for one-third of what private plants and corporations charge the Government.

Mr. LODGE. I know that has been asserted and that the Taylor system is a comparatively recent introduction. Those arsenals—there are two in my State—had been brought to high efficiency before the Taylor system was ever introduced.

Mr. HUGHES. Undoubtedly.

Mr. LODGE. And it is the same, I think, in the naval workshops.

Mr. President, I do not believe in the stop-watch time study, wholly apart from the question of what one side or the other wants. I think it is that confusion which runs through all our modern production—stimulated thereto by the great inventions—that confusion between speed and quality, that quantity rapidly turned out can make up for quality. It never can. I do not mean to say that there are not cases where speed and quality have been combined, but I do say that a mere test of speed does not test quality. I think that to assume to say that we are going to improve upon any manufacture by merely finding out how fast a man can move a piece of iron or turn out a portion of a gunlock is an absurdity on its face.

This worship of speed—mere speed—in manufacturing and in every other function of life is repellant to me. In addition to that, I do not believe in applying this to workmen. I do not believe that the manufacturing force is a military force; I do not believe the unit should be overlooked in the organization. I do not know that any inhumanity has arisen out of it, but I do believe that efficiency can be secured and the men who deserve the higher ratings can get them under more humane methods than are proposed in this system.

Mr. MARTINE of New Jersey. Mr. President——

The PRESIDING OFFICER (Mr. THOMAS in the chair). The Senator from New Jersey.

Mr. MARTINE of New Jersey. Mr. President, I do not believe that the God of humanity breathed the breath of life into man that he should live to work, but that he should work that he might live—a very wide difference. I feel, and I think we shall all agree, that the problem of our civilization to-day is to lighten the burdens of mankind. I feel that the Taylor system, so called, would tend to make a mere machine of man. I believe it is absolutely uncalled for and utterly out of line with our thoughts of progress and the advancement of this age, and utterly un-American. My experience is, as an employer of men—and I have employed many of them—that workmen are not all loafers nor "snides," as some are called, but that the great majority of them are honest, well-meaning citizens and a benefit to the human race.

I believe this proposition is utterly un-American and unjust. I believe it is cruel and inhumane. A stop watch, as the Senator from Massachusetts [Mr. LODGE] has said, is used in a horse race. Yes, it is; and I first knew of a stop watch in that way. I have never owned one, however, and never want one. But a stop watch is used in another way. They use a stop watch at a prize fight, and they are very important, so I am told, for men who engage in a pugilistic encounter.

I believe in treating workmen as though they were human beings, and not as though they were mere machines. The whole effort in this proposition is to run men to the degree of a machine. I have received, and doubtless other Senators have as well, hundreds of letters from workmen the country over, protesting against the stop-watch system, the holding of a stop watch over a man, as, in one instance, Mr. Taylor has said, so that when a workman is shoveling you shall gauge by a stop watch just how long it takes to shove his blade of the shovel into the earth or into the sand or other material, and then just how many seconds transpire between the time of the filling of that shovel and the tossing of it over to the receptacle or other place it is designed to go. I do not believe that God, in His edict that we should earn our bread by the sweat of our face, ever designed or devised that mankind should be narrowed down

to that miserable sort of mechanism. I do not believe that in this day and in this age this system is necessary; and it is not necessary, certainly, in this great country, which has been blessed beyond parallel with wealth, with climatic conditions, and with other things that should tend to make better the human race.

I have received many letters on this subject. I have to-day received letters from Newark, of workmen and machinists, dated February 17. I have another dated the 21st. All these men protest, and thousands of others have protested, against this unfair, ungenerous, and un-American system.

Whatever private men may do to eke out more wealth from the toil, the blood, the sweat, and the energy of their workmen in private establishments we may not be able to control; but do not let it, I say, ever be said that the Senate of the United States or the Congress of the United States has adopted a system whereby an employer or a foreman or a boss may stand over workmen holding a time watch to see the amount of time that shall be expended in order that each one of these workmen may make a standard for wages and for higher efficiency. The need does not exist. Humanity, civilization, justice, and wisdom, I feel, also protest against the adoption of this horrid system.

Mr. ROOT and Mr. WORKS addressed the Chair.

The VICE PRESIDENT. The Senator from New York.

Mr. ROOT. Mr. President, I yield to the Senator from California.

Mr. WORKS. Mr. President, I have been greatly puzzled to know what I should do in dealing with this subject. I have no technical, no practical knowledge of it. I must depend on what others may say about it, and then be guided by what I regard as just principles that should control the action of the Government in dealing with its employees.

I am greatly in favor of any system that tends to increase the efficiency of the employee rightfully and justly, not only because in that way he is made more helpful to his employer but because it is an advantage to himself. He is enabled in that way to secure better wages and to find a higher place as an employee.

I do not like, in the first place, the manner in which this question is presented to the Senate. The Government should deal with a question of this kind directly. It should lay out a policy for itself in dealing with its employees. This provision is simply one providing that a specific appropriation shall not be applied to a certain purpose if the superintendents or officers in charge of the work are enforcing the so-called Taylor system. If the Government believes in adopting the Taylor system, let it be adopted. On the other hand, if the Government is opposed to it, it should provide in direct terms that it should not be applied to its own employees.

I have no sympathy whatever with any system that tends to reduce the most efficient employee to the level of the inefficient one; and that, I am afraid, is being very largely done under the rules and regulations of the labor organizations. I think it is a vicious system.

I have no sympathy, either, with the effort to control the work and the conduct of an employee by constant surveillance of him, or watching over him while he is doing his work. It is a species of slavery that ought not to be allowed in this country. The stop-watch system, as has been very well said by the Senator from Massachusetts [Mr. LODGE], tends mainly, if not entirely, to speed and not to real efficiency. Indeed, I think it has the contrary effect. The man who is induced to overwork and to look simply to the quantity of material that he may turn out, is more likely to do poor work than is the man who is allowed to take his own way and work as it is natural for him to work.

I would not see much objection to the other provision of the bill if it were a direct provision to allow the efficient man a premium for the work he does, provided the hours of labor are limited. So long as the hours of labor are limited to eight a day a man can hardly be overworked. A stimulant of that kind is not likely to do any great harm, but my mind revolts against the other idea of watching over him with a stop watch every step he takes, every piece of work he attempts to do.

Mr. HUGHES. Mr. President, the Senator from California, as is the case with a great many other Senators, does not seem to make any distinction between a premium system and a piecework system. I have said that I am perfectly agreeable that the work at Government yards and arsenals shall be placed on a piecework basis, and that will result, as the Senator desires, in rewarding the man who does the most work; but that is entirely different from the premium system, and it is to that system that I object. The trouble is that we are discussing things about which to a large extent we agree. If the Senator will get the distinction clear in his mind between a premium system and a piecework system, he and I would not have much difficulty, I think.

Mr. WORKS. Mr. President, I am not very likely to do that, because in my judgment there is very little difference between the two. Where a man works at piecework, of course it is to his interest to turn out just as many pieces as he can, whether they are good, bad, or indifferent. It is precisely so with respect to the premium system, which allows him additional wages for the increased or added amount of work he may be able to turn out. In principle there is very little, if any, difference between the two.

Mr. HUGHES. The difference is that, to start off with, it would be possible under the premium system to make the minimum for the day's work. For instance, as I cited a while ago, 190 minutes was arbitrarily given for a certain task. The number of minutes to be consumed in performing that task was reduced to 170, and then it was said that for every minute saved out of the 170 a half minute's wages would be paid. Surely the Senator can see a distinction between that and a straight piece price. I will assure him, at any rate, that there is a vast difference, and that it is the whole question involved in this controversy.

Mr. WORKS. Well, Mr. President, I can see a very great difference between the piece-work system and the premium system where the amount of work that the laborer is allowed to do is limited. In that case there is a very great difference.

Mr. HUGHES. The Senator misunderstood me. I said the number of minutes which were allowed for the completion of a certain task were limited. In the case I cited from Mr. Taylor's pamphlet 190 minutes had been allowed for the completion of a certain task. This time was reduced, as I recall the figures, to 170 minutes. Then the employee was told: "Hitherto you have been working 190 minutes to complete this task, now you can complete it in 170 minutes, but if you complete it in 169 minutes you will receive one-half minute's more pay." He takes an illustration from the Bethlehem Steel Co., where he finally left a gang of workmen doing 300 per cent more work than they had been doing when he took charge of them. That was a class of work into which the consideration of quality did not enter at all; it was merely transporting pigs of iron from one part of the plant to another. Under the premium system he had forced those men up to a production which he himself admitted the ordinary man could not have done, and a day's work in that particular line of industry becomes so onerous and so burdensome that only the very flower of the physical manhood of the plant could hope to engage in it. What became of the others? We can not base our industrial system on the capacity of men in the very flower of their physical manhood and strength; we must take into consideration the frailties and imperfections of the human organism. Youth and age are to be taken into consideration as well as the prime of life.

Mr. ROOT. Mr. President, may I ask the Senator from New Jersey if he knows of any employee in these establishments whose wages have been reduced?

Mr. HUGHES. I do not know of any employee whose wages have been reduced; but I do not know of anything in my remarks that would call forth that inquiry.

Mr. ROOT. That was the inference that I drew from the Senator's objection to taking the very flower of the whole body of employees as the standard, as I understand it.

Mr. HUGHES. Probably the Senator and I misunderstand each other. I was citing an instance which was given by Mr. Taylor with reference to the Bethlehem Steel Co., a private corporation. The Senator misunderstood me. I probably did not make myself clear.

Mr. WORKS. Mr. President, the piece system may be made objectionable either by requiring that a certain piece of work shall be done within a limited time—which is one side of it—or by requiring that only a certain amount of work shall be done within 24 hours, which is another side of it. The one tends to crowd out the inefficient man and to prevent him from working at all, while the other tends to reduce the efficient man, who can do a greater amount of work during the day, to the level of the inefficient man. They are both objectionable—one about as much so as the other—but I was talking about a straight piece system that contains no such limitations or restrictions.

Mr. ROOT. Mr. President——

The PRESIDING OFFICER. The Senator from New York.

Mr. ROOT. Mr. President, I shall try not to take up an undue amount of time.

Mr. WARREN. Mr. President, if the Senator will yield to me, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	Nelson	Shively
Bankhead	Gronna	Norris	Simmons
Brady	Hollis	Oliver	Smith, Ga.
Bristow	Hughes	Overman	Smith, Mich.
Bryan	James	Owen	Smoot
Burleigh	Johnson	Page	Stephenson
Burton	Jones	Penrose	Sterling
Chamberlain	Kern	Perkins	Swanson
Chilton	Lane	Pittman	Thomas
Clapp	Lewis	Poindexter	Thompson
Clarke, Ark.	Lippitt	Pomerene	Tillman
Culberson	Lodge	Ransdell	Townsend
Dillingham	McCumber	Root	Warren
du Pont	Martin, Va.	Shafroth	White
Fall	Martine, N. J.	Sheppard	Williams
Gallinger	Myers	Sherman	Works

Mr. MARTINE of New Jersey. I am requested to announce that the Senator from Delaware [Mr. SAULSBURY] is absent on official business.

I am also requested to announce the absence from the city of the junior Senator from Missouri [Mr. REED].

Mr. HUGHES. I desire to announce the necessary absence of the senior Senator from Missouri [Mr. STONE] on official business.

Mr. HOLLIS. I was requested to announce the unavoidable absence of the Senator from Tennessee [Mr. SHIELDS].

The PRESIDING OFFICER. Sixty-four Senators having answered to their names, there is a quorum present. The Senator from New York is recognized.

Mr. ROOT. Mr. President, the particular matter regarding which I desire to say a few words is the provision included in the Army appropriation bill as it came from the House, which I will take the liberty of reading, as it is very brief. After provisions for the Field Artillery and for ammunition and other ordnance supplies occur these words:

Provided, That no part of the appropriations made in this bill shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made, with a stop watch or other time measuring device, a time study of any job of any such employee between the starting and completion thereof or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this bill be available to pay any premium or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant; and no claim for services performed by any person while violating this proviso shall be allowed.

That provision has been stricken out by the Senate committee, and the question before the Senate is, Shall we sustain our committee in striking out the provision, or shall we reverse the committee by leaving the provision in the bill?

I will say at this point that the provision which our committee has stricken out was not put into the bill by or upon the report of any committee of the House, but was put in on the floor; so that both committees of both Houses who have had the opportunity to study and maturely consider the subject were against the provision now under consideration.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Washington?

Mr. ROOT. I yield.

Mr. POINDEXTER. It has been reported favorably by other committees, both of the Senate and of the House.

Mr. ROOT. That I do not know. All I know is what the committees have done about this bill. I shall presently refer to other things that have been done upon this subject, which, to my view, would constitute a far more satisfactory way of dealing with it than this provision, which undertakes to withhold pay from any officer who undertakes to pay any premium or to use any time-measuring device to fix a basis for paying premiums.

Mr. LIPPITT. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Rhode Island?

Mr. ROOT. Certainly.

Mr. LIPPITT. Would the Senator care to call attention also to the fact that it was put in at a time when the bill was being passed under such conditions as forbade any extended debate on the provision?

Mr. ROOT. Mr. President, I have not personally inquired into that subject. I have been so informed.

The practice at which this provision is aimed is but an example of an attempt to apply, in the manufacturing establishments of the Government, a theory or method of dealing with Government work which appeals to me as being wise and just; that is, the practice of endeavoring to pay wages in such a way that the best, most industrious, alert, and effective workman will be paid more than the dull, slow, indifferent, and ineffective workman. The question whether or not that is a wise thing to do lies at the bottom of this whole discussion. The answer to that question, to my mind, necessarily leads to an answer to the question raised by the action of the committee in striking out this provision. I have no doubt about it, sir. I have no doubt that it is highly desirable that men in the Government employment and men everywhere shall have prizes given to them for those qualities which make for efficiency, for growth development, and enlargement of power. I believe that to be one of the essential and vital qualities of American development—that our system, industrial and social, affords opportunity for ambition, for industry, for alertness, for courage, for hope.

I sympathize from the bottom of my heart with the men who, in labor unions, are endeavoring to better their conditions. I think they are proceeding in accordance with the true methods of a free Republic, and I sympathize with them a hundred times over rather than with the men who come running to the Government to help them. They are helping themselves. But, sir, there is one tendency of organized labor which has always seemed to me to be most unfortunate and injurious, and that is the tendency to prohibit any man from rising in his effort and his efficiency above the standard of the lowest; the effort to level down to the lowest grade instead of the effort to lift up to the highest grade; the effort to prevent men who work with their hands from having any incentive to their ambition; the effort to put a dull level before all the young men of America who are to work with their hands, and forbid them to rise above it. It is contrary to the whole spirit and genius of American life; and the whole opposition to this system, unless it be criticism of details, is based upon that theory, that the best shall be like the worst, that ambition shall have no hope. I do not believe in it.

Sir, what is called the efficiency system is one method of attempting to apply to Government employees in the manufacturing establishments of the Ordnance Department the plan of grading wages according to efficiency. There are several different ways of doing that. The first and simplest is piecework. I have great interest in this subject, because 12 or 15 years ago I was engaged, as head of the War Department, with the Chief of Ordnance who is reporting to us now on this subject in extended discussions with the men of the Rock Island Arsenal about the simple method of applying the plan I have spoken of to that arsenal through the method of piecework. The labor organizations were very strongly opposed to that, and it gave us great trouble and great solicitude; but it was finally disposed of upon the general proposition that the people of the United States were the greatest labor organization in the world, and that we represented that organization. Accordingly in the Rock Island Arsenal so far as piecework was practicable it was continued, and the men who did the most got the most, and the men who did the least got the least; and now I learn from the Senator from New Jersey that piecework, 12 or 15 years after that controversy was ended, is not objectionable.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from California?

Mr. ROOT. Certainly.

Mr. WORKS. I should like to ask the Senator from New York whether, in dealing with that matter, there was any limitation upon the amount of work that an employee might do, or any time limit within which he must do it?

Mr. ROOT. There was no time limit. That is, the hours of labor were fixed.

Mr. WORKS. Oh, yes; I am not speaking about the hours of labor, but the quantity of work—that if a man did a certain quantity of work he must stop work within the eight hours?

Mr. ROOT. No; there was no requirement that he should stop work, as I remember. I would not be very certain about my memory as to details, for it is a long time ago.

That is one way of applying the principle of paying the most money for the most work; but, sir, there are many kinds of manufacture to which it is impracticable to apply the piecework method, because each one of many men is engaged, not in making a piece, not in making a thing you can count, but in doing certain things which contribute, together with the things done by many others, to a product. The so-called efficiency system is but a method of undertaking to apply the method of piecework to that kind of production. The way of doing it is to ascertain by observation what number of operations contributing to a product which includes operations by others, and which therefore can not be called a piece to be paid for by the simple piecework system, will be normally performed by this contributor to the product, what number by that contributor, what number by a third contributor, and what number by

a fourth contributor, getting the normal number of operations, and then taking that normal number as the standard, and giving extra compensation to a man who does more than that.

In the course of the ascertainment of the standard there has to be a time measurement. It is no more a time measurement, however, than the application of the eight-hour day is a time measurement.

Mr. HUGHES. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from New Jersey?

Mr. ROOT. One moment. A stop watch, or a measure of time within the terms of this provision—that is, a time-measuring device—is used to tell when men begin work in the morning and when they end it in the afternoon, and it is necessary for the application of the law which prohibits their being at work over a specified number of hours. The measurement of time is essential, as I understand, to the fixing of the standard; and when the standard is fixed that ends it.

I now yield to the Senator from New Jersey.

Mr. HUGHES. I think the Senator is falling into the same error that several Senators on his side of this proposition have fallen into, and is confusing the piecework system with the premium system. They are just as different in practical effect, however alike they may appear to be in theory, as two things can possibly be.

There is no practical difficulty, although the Senator thinks there is, in applying the piecework plan to various incomplete operations; and I should like to lay down the broad general proposition that the piecework system is infinitely easier to put into effect at any part of a manufacturing plant, at any stage of the production of a product, than is the Taylor efficiency system. The difference between the piecework system, if the Senator will permit me, and this efficiency system or premium system is that under a piecework system the worker gets all the profit of his additional work. The premium system is devised to give him only a part of it, to rob him of a part of it, as in the case of the illustration that I cited only a little while ago, where 190 minutes had been the standard time for the production of an article. It was reduced arbitrarily under this system to 170 minutes, and then they said to the workman, "For every additional minute that you save under 170 we will give you half pay," so they divided the profits of the time saved between the plant and the man.

Mr. ROOT. Mr. President, I accept what the Senator from New Jersey says; but let me point out that the difference to which he points is merely a difference in the way of applying the system, and that would be met by a provision, if you think it is a wise and a just provision, that all the advantage shall be included in the premium. As it is now, the advantage is divided between the workman and the Government. The Government, by the increased efficiency brought about by this system, gets its work done at a lower cost and the workman gets a higher pay for his work.

Mr. WORKS. Mr. President, I should like to be assured of the correctness of the statement of the Senator from New York that the stop-watch or other system of keeping time applies only to the time of going to work and the time of ceasing work. There would be very little, if any, objection to that; but, as I understand, the stop-watch supervision over the given employees goes much further than that. It measures in time each step of his work during the day, which I think is intolerable.

Mr. ROOT. Mr. President, it is my understanding that the stop watch is used only in the study for the purpose of establishing a standard, and that it does not continue with the workman after the standard is established. That is my understanding of it.

Mr. LIPPITT. Mr. President——

Mr. ROOT. I yield to the Senator from Rhode Island.

Mr. LIPPITT. I should like to confirm in the strongest terms the statement of the Senator from New York. The idea seems to prevail in the minds of some Senators here that the purpose of the stop watch is to find that a man can do a piece of work in perhaps 70 minutes, and then for an overseer with a stop watch to stand over that man day by day and see that he never exceeds that time. That is not the purpose of it at all. The purpose is simply to study the time that can be reasonably and efficiently taken in performing certain operations, and then to fix the rate of pay on the basis of that time. When the study is over the stop watch is never used.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from California?

Mr. ROOT. Certainly.

Mr. WORKS. It might relieve my mind on this subject if the Senator from Rhode Island would give us some idea as to the time for which this study is pursued. I presume there is no fixed time for all workmen; but certainly he might give us some idea with respect to it, as he is a manufacturer himself.

Mr. LIPPITT. The Senator from New York is speaking now. When he finishes, I shall try to say a word or two on the subject.

Mr. WORKS. Very well. If the Senator will cover that subject later on, I shall not interrupt the Senator from New York.

Mr. ROOT. My understanding is that it continues for a very short period, long enough to establish an average. The Chief of Ordnance refers to the subject in his report for 1912 in these words:

> The time study affords the most accurate measure yet devised for determining the just quantity of work that should be performed without overexertion and the premium system is one of the means by which this just quantity of work can be adequately paid for. The combination of the two secures increased earnings to the competent workman without a corresponding decrease to the less competent, a positive and material step forward which it would seem should meet with general approval.

You will perceive that the language of this provision is not aimed at the surveillance or supervision of the workman with a stop watch. It is:

> While making or causing to be made, with a stop watch or other time-measuring device, a time study of any job of any such employee.

That is the sole object, the sole function. It is as a Senator said to me the other day: "I was mayor of the city in which I live at one time, and I undertook to find out what the street-cleaning people were doing and by observation to ascertain how many square yards of street the average man kept clear during the day, and then made that the standard to which the street cleaners were required to conform."

I do not see, sir, how there can be any basis obtained upon which you are to differentiate the compensation of the effective and the industrious as compared with the ineffective and the indifferent unless you are permitted to observe and record the facts for the purpose of fixing a standard, and when you have that standard fixed all you have to say is that any workman who goes beyond it shall receive a premium. That is all there is to this, as I understand it.

I was much impressed, sir, at the time when we were having this old controversy about piecework in the Rock Island Arsenal, by a sense of inability to get at what was just and right in regard to the clerks in the departments. The system under which our clerks are employed contemplates a gradual moving up from the low places and lower salaries to the higher grades, and at this very time there was great complaint of favoritism and unfairness in the promotions. I was giving great thought to it, but there was no way that I could see by which we could get away from reliance upon the heads of divisions. These clerks are all working in divisions, and the promotions, when there are vacancies in the upper grades, are determined by the heads of divisions. It was all so vague, however, it all permitted so great an element of personal liking or disliking, of the personal feelings of the head of the division, that I have always carried a feeling that there is injustice done, because there never was any definite and certain standard upon which the efficiency of the clerks in those divisions can be ascertained; and without fixing a definite standard you are delivered over to personal likes and dislikes, or else you have to abandon entirely attempts to compensate the most efficient and useful beyond the least efficient. So that from the beginning of the attempt upon the part of our Ordnance Department to get at a definite and certain standard upon which they could offer rewards for merit to their workmen I have looked at it with great interest and great hopefulness, and I have kept along with it from the beginning in sympathetic conversations with the Chief of Ordnance, wishing him Godspeed in a work which I think is not only for the benefit of our Government by the production of its manufactures at a moderate and reasonable cost, but for the benefit of the workmen in the Government manufactories by giving them incitement to ambition and hope. This, I am sure, is necessary for the improvement and development of men who work with their hands, just as it is for men who work with their brain.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Michigan?

Mr. ROOT. I do.

Mr. TOWNSEND. Can the Senator tell me whether the Taylor system, so-called, is anywhere in vogue in the departments to-day?

Mr. ROOT. Mr. President, I do not like the use of the term "Taylor system." The effort that I am describing was begun in our Ordnance Bureau long before Mr. Taylor was generally known. What is generally described, I think, as the efficiency system—that is, the system of endeavoring to get a normal aver-

age standard and paying a premium for going beyond that—is in use in varying degrees in practically all the manufacturing establishments of the Ordnance Bureau.

Mr. TOWNSEND. If that is true, what will be the effect of the adoption of the House provision?

Mr. ROOT. The effect of the adoption of the House provision will be twofold. In the first place, it will largely increase the cost of production by the Government, and it will result in giving to the Government a very much smaller quantity of ammunition and ordnance stores for the appropriation that we make. It will result in the good workmen, the best workmen, the ambitious and the energetic workmen, having the heart taken out of them and being reduced in their compensation to the level of the indifferent workmen.

Mr. TOWNSEND. Can the Senator state whether the workmen employed in these concerns are asking that this change be made?

Mr. ROOT. The only thing I know as to that is the papers produced by the Senator from Pennsylvania [Mr. OLIVER], which show that in the Frankford Arsenal there are 400 who signed a paper asking for the continuance of the system, objecting to the House provision, and the fact that in addition to the signing of that paper they applied to the junior Senator from Pennsylvania to get them a hearing before our Senate committee in order to urge that this House provision should not remain in the bill.

In his report of 1911 the Chief of Ordnance says:

About three years ago the department began to devote attention to the subject of scientific management as applied to its manufacturing operations. Previously to the last fiscal year the subject has been considered more as an experimental detail of shop management, but it has now assumed sufficient importance to justify a reference to it in this report.

That is to say, we go back, then, to 1908, when the Ordnance Bureau took up this subject of endeavoring to differentiate payments and get a standard upon which to differentiate payments. The Chief of Ordnance continues in this report of 1911:

It is unnecessary here to attempt any detailed description of the principles of scientific management or the particular application of those principles which constitutes the "Taylor system," since both have been the subject of extensive discussion in the public prints and have been very fully described in various treatises. It may be said, however, that the principles are no new discovery, nor are they claimed to be such by the advocates, and that the many details have been the subject of special and laborious attention for many years. One of the basic ideas is the application of educated and scientifically trained intelligence to those operations of manufacture which were formerly considered either as of too small importance to attract such attention or as belonging entirely to the practice of a trade, and were therefore left to the judgment or choice of those immediately and practically connected with the operations; that is, the workmen and foremen.

He says also in this same report:

When the claims made by the advocates of scientific management first attracted my attention the question of the efficiency of existing shop methods was naturally raised in order to estimate the probable value of a change. It is believed that the shop methods in effect at the different arsenals were fully abreast of the best general practice in private industries of the same nature. While therefore the general conditions would compare favorably with commercial practice, in those arsenal shops engaged in the manufacture of small arms, ammunition, etc., where the work consists of turning out large quantities of the same pieces, the necessity for closely coordinating the successive operations and for eliminating delays had been more evident than in general machine-shop and jobbing work, more study had been given the subject, and as a result the methods there were highly developed. It may be said, in fact, that those shops have had scientific management for years and do not, therefore, appear to afford as wide a field for improvement as might be found in the others.

You see, Mr. President, the application of this method does not result merely in ascertaining how long a time it takes to do a particular thing or how many times a workman can do a particular thing during his day's work, but it ascertains how useless labor can be eliminated, how useless operations can be eliminated. For example, here is one thing which I recall as having been developed by the application of this principle: A skilled workman had been in the habit of going himself to the other end of the room to get something that he needed in his process, and going back; whenever he wanted the particular article he would go and get it and take it back. An observation of the proportion of his time taken up by doing that led to putting a helper on, an unskilled one, perfectly competent to fetch and carry, and the fetching and carrying enabled the skilled man to apply his time and effort to doing the thing that he alone could do. The result was an immediate decrease in cost and an immediate increase in the skilled laborer's compensation. It was very much as if a trained, skilled lawyer were to undertake to copy his own papers in the operation as it was before the observation, and very much as if the skilled lawyer had a typewriter to copy his papers for him as it was after the operation.

The Chief of Ordnance, in the same report of 1911, says:

I may also say that one of the earliest publications upon "scientific management" was a work entitled "The Cost of Manufactures and the Administration of Workshops," by Capt. Henry Metcalfe, an officer of the Ordnance Department, published in 1885.

Then he proceeds to say:

As a result of consideration given the subject, the probability that the general machine-shop and job-work practice might be materially improved by the methods of scientific management seemed great enough to warrant a practical trial.

That is eight years ago.

With this object I directed, something over two years ago, the trial at the Watertown Arsenal, Mass., of some of the elementary features of what is known as the Taylor system, with the intention of testing out these features thoroughly and determining their value before proceeding further.

The test of those features has continued and it has produced some very interesting results.

In the report of the Chief of Ordnance for 1912 he gives a schedule showing how the compensation of the workmen in the Watertown Arsenal had been affected. It appears that from August, 1911, to June, 1912, the pay of molders had included the percentages of premiums which I will now read; that is to say, the pay of the molders had been increased by premiums to the following extent:

August, 1911, 14 per cent; September, 25.8 per cent; October, 22.6 per cent; November, 25.1 per cent; December, 22.5 per cent; January, 1912, 27 per cent; February, 17.6 per cent; March, 26.9 per cent; April, 30.8 per cent; May, 32.1 per cent; June, 29.4 per cent.

The pay of machinists during the same period at the same place had been increased—July, 23.8 per cent, August, 19.2 per cent, and so on down to June, 1912, 30.7 per cent.

The Chief of Ordnance summarizes these figures as follows:

The net result of these figures may be more significantly summarized by the statement that 153 men received during the last fiscal year a total of $6,938.43 more than they would have been paid except for the time study and premium features.

Mr. WORKS. I should like to ask if the Senator knows whether that was without the increase of the hours of labor?

Mr. ROOT. According to my understanding—and I am sure I am right—it was without any increase of the hours of labor and it was without any decrease of the pay of a single employee in that arsenal. It was not extra work. It was work done within the limits of the hours fixed, with the same hours of labor and the same pay to those who did not get premiums, but it was only that these young Americans entitled to opportunity, as all of us are, had it given to them and they utilized it.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Connecticut?

Mr. ROOT. I do.

Mr. BRANDEGEE. How about those who did not get the extra pay? Did they have to work any harder?

Mr. ROOT. They had to work no harder. Nobody had to work any harder. No one had his pay reduced and no man was compelled to work any harder. It was only the compulsion of his own hope and ambition that he wanted to improve his position in life and to benefit his family and to educate his children and to buy a home.

Mr. LIPPITT. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Rhode Island?

Mr. ROOT. I do.

Mr. LIPPITT. I should like to ask the Senator from New York whether any of the men who did not earn the premium got any less pay on account of the premium being earned?

Mr. ROOT. They did not. No man got less pay. This is not merely a discriminating system, it is an efficiency system. The Chief of Ordnance very justly says:

These very substantial increases earned under the premium method, without complaint of undue or disagreeable exertion, can hardly be regarded by any unprejudiced person as other than a distinct improvement in the industrial position of the workmen concerned, who must have been enabled thereby to live better and to obtain for themselves and their families advantages not previously enjoyed. It is difficult to believe that these men and those dependent upon them really favor a legislative prohibition of the premium feature, which would deprive them of their new comforts and compel a return to their former scale of living. I do not believe it, but by evidence gathered on the spot, as well as by the above considerations, am convinced that a free expression of opinion by the employees of the Watertown Arsenal, if it were possible to receive it, would be strongly in favor of a continuance of the system.

The reduced cost of production—

He says—

at the various ordnance establishments, due to the improved methods of manufacture and to the premium system, as previously outlined, will continue to be realized from year to year. These savings were made with practically no reduction of wages of employees; on the contrary,

there were a large number of increases in day wages at all the arsenals, and the earnings of those on a piecework or premium basis were increased considerably.

Then he says:

Due to the existence of these savings for the current fiscal year the estimates for the next fiscal year have been reduced, thus giving the most practical expression to the results obtained. The savings amounted to over $240,000, which was used to increase the amount of work done and material manufactured under the various appropriations from which the savings were made. The estimates for the manufacture of small-arms ammunition during the next fiscal year have been reduced by $150,000 below the current appropriations, but for the reduced sum just as much ammunition will be procured as would be possible under the present appropriations at the prices of a year ago.

Mr. President, I could well understand if some of these employees were to come here and say, "The Chief of Ordnance is not dividing this advantage fairly"; if they were to come and say that he is utilizing this increased efficiency in such a way as to give the Government too great a share of the advantage and to give us too small a share of the advantage. I should say, if that complaint were made, we ought to investigate it thoroughly, and, if it were found to be well taken, we should require that a fair distribution of the advantage should be made. But no one is claiming that. No one is claiming that any injustice has been done or that any injury has been wrought or that any oppression has been practiced in any of these establishments; but they read from a pamphlet by a theorist who has been writing upon this subject and speculate what might happen if what he says were to be applied.

Mr. WORKS. Mr. President, I should like to ask the Senator if he has heard of any complaint being made of favoritism given to employees in the matter of paying these workmen.

Mr. ROOT. Mr. President, I have not heard of any such complaint, and it is quite certain that if there had been any it would have appeared in the course of this discussion; it would have been produced before these committees. The real difficulty I apprehend would be not that the application of this system has wrought any injury, not that it has resulted in any unfairness, not that it has not been beneficial both to the Government and to the workmen, but that it is a little more difficult for labor to deal with; that is to say, if there were abuses under it it would be a little more difficult for them to deal with those abuses than it is with a straight-out day's wage. The simplicity of a day wage certainly, where every workman receives so much, makes it easy for the workmen to deal with it. They can get together and pass resolutions that they ought to have 50 cents a day more, and they can resolve to strike if they do not get it, and everyone, they and the public, can all understand it perfectly well. This business is a little complicated and there is apprehension, and it was voiced by the Senator from New Jersey [Mr. HUGHES], that it may lead to unfairness, not that it has done so. But, sir, we ought not to abandon a method which so greatly increases our industrial efficiency, which is so beneficial both to the Government and to all the taxpayers of the country and to the workmen who are engaged in the work, which affords opportunity and incitement to industry and alertness and activity and ambition. We ought not to undertake to stigmatize or to penalize our officers for employing it, because it is possible that it may be more difficult some time in the future to prevent abuses. No one can deny that in all human affairs abuses are possible, but we certainly can deal with any abuses in these arsenals. If any employee in any arsenal comes to our committees and says, "We are being unfairly treated," or if any labor organizer or leader outside of the arsenal comes and says that the laborers in this arsenal are being unfairly treated, does anybody doubt that our committee will be ready to require that the abuses be remedied? There is no practical danger of it. The Senator from New Jersey himself but a short time ago told us that the employees in our Government establishments are treated with a larger generosity and greater fairness than in private establishments.

Mr. HUGHES. That is right, and I should like that to continue. I want to say to the Senator that it has been charged in the hearings before one of the committees, I can not recall which one now, I think before the House Committee on Military Affairs, that men were discharged, driven out of the service because they complained against the attempt to install this system. It was charged in the hearings that men who had complained against the installation or the attempted installation of the system, who had shown themselves antagonistic to it, had been separated from the service.

Mr. ROOT. Mr. President, if any man has been discharged from a Government factory for exercising his right of free speech, then the officer who discharged him should be held to account, and it ought to be proved. But you have no right to interfere with the wise and just and effective conduct of our Government operations by saying that there had been a charge made, and not proved, that somebody was prevented from objecting.

Mr. HUGHES. It seems to me——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from New Jersey?

Mr. ROOT. I do.

Mr. HUGHES. A far as I have been able to gather, everything the Senator desires can be obtained by the use of the piecework system in these cases. I did not hear everything the Senator said, but as far as I have been able to gather there is absolutely nothing in this language that came over from the House which will prevent the installation of the piece system; unless the Senator really wants the efficiency system installed in full, I do not know what objection there can be to this language.

Mr. ROOT. The objection to this language is that it destroys the old system that the Government officers are attempting to work out, and which, up to this time, has been worked out with such beneficial effects.

Now, let me go on to refer to the last report of the Chief of Ordnance in 1914. He says:

At the Watertown Arsenal the time study and premium features have been extended during the last fiscal year to branches of the establishment which had not previously enjoyed them and the amount of premium work in most of the individual branches has been increased. The following figures relate to the month of August, 1914:

He gives the number employed on premium work, the average premium over and above the regular pay expressed as a percentage of the latter. I beg the attention of the Senators present to this. These are the increases in pay brought about by this premium system to the kinds of workers during the month of August last:

	Number employed on premium work.	Average premium over and above the regular pay expressed as a percentage of the latter.	Percentage of all the work done which was performed under premium.
Molders	11	29.27	77.51
Machinists	167	28.18	54.30
Machinists' helpers	20	28.08	12.98
Laborers	29	22.03	9.62
Carpenters	8	29.50	18.59
Blacksmiths	5	20.59	13.93
Teamsters	5	26.87	98.59
Blacksmiths' helpers	6	19.29	12.40
Carpenters' helpers	1	31.43	.31
Screw makers	1	34.16	100.00
Chippers	1	42.01	27.79
Furnace helpers	1	23.11	2.09
Steam-hammer drivers	1	27.01	3.41
Skilled workmen	1	23.16	18.19
Masons' helpers	1	28.06	35.51
Molders' helpers	3	65.38	1.74
Painters	2	10.10	11.81
Skilled laborers	2	22.74	19.79

Mr. BRANDEGEE. Would the Senator permit an interruption at that point?

Mr. ROOT. Certainly.

Mr. BRANDEGEE. Does the report anywhere give the proportion or percentage of men of each particular class who attain to a premium, who have had their wages increased; what proportion of the total employed in each class got more wages and what proportion remained as they were before? That may not appear in the report from which the Senator is reading; I do not know whether it does or not; but the Senator may come to it later on. I did not intend to disturb him.

Mr. ROOT. I have not examined the report to ascertain that fact. I do not see the statement here, although it doubtless may be found in the report, as to the number who did not work on this plan.

Mr. OLIVER. Mr. President, I should like to ask the Senator from New York whether or not there is anything in the report showing the total amount of money that was distributed during the year in the shape of premiums or bonuses?

Mr. ROOT. I read that from the preceding report. I do not see any such statement in this report. This report only undertakes to give the figures for the month of August, while the preceding report gave the figures for a long series of months and gave the totals. The Chief of Ordnance says:

It thus appears that during that month the 11 molders, for instance, worked, upon the whole, 77.51 per cent of their time upon premium work.

It would probably be impossible to separate them and say so many men worked on premium work and so many did not, for the premium method has been applied only to parts of the work. They are extending it gradually from time to time to other parts of the work, but I suppose the simpler cases have this application made first.

Mr. CHAMBERLAIN. Mr. President——

Mr. ROOT. In a moment, and then I will yield. Let me finish this sentence:

And that during this time they earned, over and above their daily wages, a sum which amounted, as a whole, to 29.27 per cent of such wages. As their regular wages vary from $3.04 to $3.68 per day, they thus earned, during 77.51 per cent of their time, an extra amount per day varying from about $0.90 to $1.10.

Now I yield to the Senator from Oregon.

Mr. CHAMBERLAIN. I wish to say to the Senator that if he will turn to the report of the Chief of Ordnance for 1912 he will find that that report sets out in detail the increases in the day rate and the increases in the monthly wage of the men of the different classes.

Mr. ROOT. I am obliged to the Senator from Oregon for that suggestion. With regard to the month of August, which the Chief of Ordnance produced in the report for 1914 to illustrate the working of the system, he says:

Under this system there was paid to eight foremen, during the month of August, a sum averaging about 10 per cent of their regular wages. Including this last sum, the total amount which was paid out in premiums at the arsenal during the month of August was $2,657.29, and the total amount of time which was spent in work under the premium system was 26.25 per cent of all the working time at the arsenal during that month.

That is to say, that a little over one-quarter of all the time was employed on premium work. He deals with the charge that "this system involves the undesirable speeding up of men, stimulated by reward and punishment, to their resulting physical, mental, and moral detriment." He says further:

When this charge was first made, at the beginning of the practice of the system in the Ordnance Department, it was speculative only and based upon estimates of the practice which were adduced from the reading of the writings of the advocates of the system, and it could be met only by arguments to the effect that these writings were misread and that the department had no intention of inflicting any of the evils apprehended on the workmen. The features objected to have now been in practice at the Watertown Arsenal for something over three years, and in examining the charge of disadvantage to the employees we are no longer required to deal with speculations and premises, but can appeal to a rather extensive experience, which only needs investigation for its interpretation. An investigation worthy of the name—

I ask especial attention to this—

An investigation worthy of the name has been made by one body only, a special committee appointed by the House of Representatives about two years ago, while the practice of the system in this department was still quite new. This committee visited Watertown Arsenal and other establishments and took a great deal of testimony, which was printed in three rather large volumes. As a result of this extensive investigation the committee did not find, and did not say that it found, anything to the disadvantage of the employees in practice anywhere in the Ordnance Department. It stigmatized certain practices as undesirable, but did not state it found these practices in existence at any of the arsenals, and there is no difficulty in joining heartily in its statements in regard to them. It reported that the whole subject was at that time too new for definite conclusions in regard to it to be made, and it recommended that there should be no legislation by Congress upon the subject at that time.

Some time after the submission of this report of the committee Congress, in August, 1912, created the Commission on Industrial Relations, of which the membership was appointed and confirmed about a year later. Following the recommendation of the Chief of Ordnance the subject of the practice of scientific management at the arsenals of the Ordnance Department was taken up by the commission, which now has it under examination. It has taken considerable testimony, but has not yet personally investigated any of the arsenals.

He further says:

Since the Commission on Industrial Relations has been especially created by Congress to give attention to such questions as this one; in view of its careful selection by the President and confirmation by the Senate, and of the expense which the country is incurring in maintaining it, it seems strongly to be desired that Congress shall not take action upon a subject to which the commission is devoting an important share of its attention, until after it shall have received the report and recommendation of this body which it has created as its agent.

Mr. President, it seems to me to be almost folly, without wishing to be disrespectful to any action of another House, it seems to me to be quite beyond reason that where our officers are engaged in what is certainly a praiseworthy effort to make their labors in behalf of the country effective, to secure efficient service in our great manufacturing establishments; where there is a prima facie case of benefit, so plain in its effects, as I have detailed; where a committee of Congress made an investigation two years ago and said that the experiment had not gone far enough to reach a conclusion; where we have appointed a commission to do this very thing, and they are engaged in investigating the actual working of the system, that we should go on and throw it out of the window, without evidence and without waiting for the report of this commission.

Mr. President, we can not expect faithful service from our officers, employees, and agents if we are going to treat them in that way. We can not have officers thinking, contriving, and laboring to produce good results in the great manufactures in which the Government is engaged if we are going to treat them in that way; we must encourage them; we must show appreciation of all efforts to improve Government processes; and we must not turn them down without evidence, or we will have inefficiency and indifference, opening the door to graft and corruption.

So, sir, I hope the Senate will stand by its committee and refuse this premature, prejudiced action contained in the provision which the committee has reported to strike out.

Mr. WEEKS. Mr. President, I should not take the time of the Senate to discuss this question if I were not familiar with it and familiar with its history. The Watertown Arsenal, where the Taylor system was first installed, is located about 3 miles from my home. At the time the system was undertaken at the arsenal I was representing a district in the House of Representatives, and that arsenal was located in my district. Most of its employees were my constituents; therefore I am not only familiar with the arsenal but also familiar with what has taken place there during the last five or six years, during which the system has been used.

It seems to me, even after the very full discussion which has been indulged in here, that there is considerable misunderstanding in the minds of most Senators, as to just what the Taylor system means, though, if I may judge by the attendance here now, I do not think what I may say will have any particular influence upon that condition.

The stop-watch discussion has been worked overtime, in my judgment, and the subject has not been adequately understood by some of those who have discussed the question. That was the part of the system to which the men at the Watertown Arsenal objected when it was first installed; and undoubtedly the stop watch was used at that time, although not in the manner which many Senators seem to think. It was used to develop the different items in the completion of a process, to determine why it was that one man was able to complete the work on a piece of material more quickly than another.

It is a very simple thing for us to understand that if a man picks up a piece of material without turning and puts it in a lathe he will accomplish his work very much quicker than he will if he has to turn and pick it up and put it in a lathe. A stop watch was used on two men who were doing the same work; one of whom was taking 50 minutes to accomplish the work and the other 40 minutes. I am simply using this as an illustration. Then the officer attempted to find out why it was that it required one man 25 per cent longer time to accomplish the result than it did the other man. Very often he found that it was due to the place where the material was located, whether or not a man handled it twice before he put it in the lathe, and what he did when the material came out of the lathe—whether he placed it with one motion or whether he carried it some distance and took two or three movements in so doing.

It was a very simple thing to try to develop what these different items cost in time, not with the intention of speeding up the men at all, but with the intention of eliminating those movements which did not contribute to the value of the result. That has been the primary and the principal use of the stop watch in connection with this service; and it has not been used for the purpose of speeding men up to any considerable extent, if at all. The only connection between speeding up men and the stop-watch application is that it is used to try to determine what is a fair day's work or a fair hour's work for a man to do, and to use that as a standard.

The Senator from New York [Mr. ROOT] illustrated it by the time it requires to clean a piece of street. For instance, one man will do it in 50 per cent less time than another. Perhaps he is an unusually active man, and it would not be fair to make that the standard for all men; but by testing several men a fair basis can be arrived at, so that it might be determined in dividing up the streets in a city how much space should be allotted to each man as a fair day's work.

We have heard a great deal said about the efficiency of operation and management. I recall that last fall the Secretary of Commerce came to Massachusetts and said, among other things, that one reason why we had a tariff, in fact the only reason he could see, was because the manufacturers of New England were not manufacturing efficiently; that they were not using modern methods; that in some cases they were not using modern machinery; and that we were not able to compete with the principal nations of Europe because we did not have modern methods and modern machinery. The Taylor system and other systems similar to it are simply designed to enable us to compete successfully with other countries in the efficiency of management.

This question ought not to come up on an appropriation bill; in my opinion it has no place in an appropriation bill; but it is a question that should be considered on its merits, and the results which have been obtained from it should be used as a

basis for our action, rather than statements which have not been carefully scrutinized and examined.

The system has been in operation at the Watertown Arsenal for five or six years. When it was first installed I had a great many complaints from the men employed there; and in one case the foundrymen, I think, struck, although they only remained out about one day; but at any rate there was a great deal of criticism on account of the methods used. As has been stated here to-day, committees have examined the results. The most thorough examination made was by a committee of the House of Representatives, which consisted of the present Secretary of Commerce, the present Secretary of Labor, and Representative Tilson, of Connecticut. They made this investigation after the system had been in operation for two or three years, and said at that time that there were not sufficient reasons for legislation which would take this system from the arsenal. They said, in effect, that it should have a longer time of probation, and that after it had been thoroughly tried a suitable conclusion could be reached.

While the Watertown Arsenal is not in the congressional district in which I live at this time, but is represented by the author of the provision which we are considering, yet as time has gone on I have had less and less complaint from the workmen at the Watertown Arsenal, and I find, on examination, that I have not had a single complaint from any workmen for the last year. It is possible that they are sending criticisms of the workings of the system elsewhere; but I think there is no reason why they would not send their criticisms to me, if they had any to make. I have had within the last three weeks letters from three or four workmen, with one or two of whom I am personally acquainted, who have expressed satisfaction at the workings of the system in such terms that I think it may be of value to read them into the RECORD. The first one is dated January 27:

BRIGHTON, MASS., *January 27, 1915.*

Hon. JOHN W. WEEKS,
United States Senate.

DEAR SIR: No doubt you have received a number of letters regarding the bill to abolish the so-called premium system at the Watertown Arsenal. I wish to add a word to what has already been said. I have worked as a machinist seven years at the arsenal and know the conditions before and since the installation of the Taylor system, and there has never been a year when so great an amount of work has been produced as our commanding officer's report will show. The men have been able on the extra money earned to live in better homes and to dress and enjoy life better. I have heard of no one that has been injured by a "stop watch," nor from overwork. The few agitators (shop lawyers) that caused this bill to be sent to Congress are to be found in every shop and factory in the country. I earnestly request that when this bill comes before your honorable body, the United States Senate, that you will try and see this matter in the light that the thinking men of the Watertown Arsenal do.

Yours, respectfully,

JAMES A. MACKEAN,
154 Bigelow Street, Brighton, Mass.

It is noticeable that the writer says the "shop lawyers," who, I presume, he classes as agitators, are the ones who are disturbed about this condition. The thinking men who are working under its provisions are not disturbed, but are satisfied with it. Here is another letter:

Somerville, January 27—

Somerville is about 5 miles from the arsenal—

In view of the fact that the Army appropriation bill has passed Congress unopposed—

He means the House of Representatives probably—

and unamended so as to seriously affect the conditions under which the employees of the Watertown Arsenal—of which I have the privilege of being one—work, I hope it is not too late to express my views in regard to the matter. There has been some opposition made by a few self-constituted labor leaders who take it on themselves to regulate matters to suit themselves without any consideration or regard for the rights of others. The officers in charge of this arsenal are fair, upright men, and I am sure would welcome any suggestion that would in any way benefit us without making a national issue of it.

Hoping when your honorable body meets you will give it due consideration and get matters adjusted to agree with the large majority who are perfectly satisfied with conditions as they now exist.

Respectfully, yours,

JAMES MCFARLAND,
90 Prospect Street, Somerville, Mass.

Mr. HUGHES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from New Jersey?

Mr. WEEKS. Certainly.

Mr. HUGHES. Is it true, as I am informed, that at the Watertown Arsenal the system has already been abolished?

Mr. WEEKS. I do not so understand.

Mr. HUGHES. I call the attention of the Senator to this notice, published at the Watertown Arsenal under date of January 25, 1915:

Memorandum: In compliance with instructions from the Chief of Ordnance, all time studies will cease; also all premium payments except such as shall have accrued at the time of this notification.

C. B. WHEELER,
Colonel, Ordnance Department, Commanding.

Now, it seems that action was taken after all these magnificent results had been achieved.

Mr. WEEKS. Well, Mr. President, it would seem from the date which the Senator has given us that the action taken by the Chief of Ordnance must have been taken after or at about the time the Army appropriation bill was acted on by the House of Representatives, and he may have considered, in view of the action taken by that body, that it was best to suspend what the House evidently desired should be suspended until the Senate had acted. I did not know that that had been done.

Mr. HUGHES. I will say that he may have been influenced in his decision by two accidents which occurred, which were directly attributable to an attempt on the part of one of the men to work under a stop watch and of the other to follow a man who had worked under a stop watch.

Mr. WEEKS. I have read the testimony about those accidents, and I do not think the Chief of Ordnance was affected in his action by the testimony.

Here is another letter dated December 10, 1914, and reading as follows:

A copy of the inclosed is now in the hands of Mr. Chipman, the gentleman who, if I am correctly informed, is going to represent some of the employees of the Watertown Arsenal for the purpose of abolishing the premium system. As I have the honor of being one of your constituents, I earnestly request that you use your influence in opposing any legislation that would interfere with said system as applied at this place.

It seems that this gigantic move to abolish the system is backed by some outside selfish crew, the malicious intent of which my deluded friends are not aware of.

Very truly, yours,

JOHN DRISCOLL,
Watertown Arsenal, Watertown, Mass.

John Driscoll is a resident, I think, of Brighton. Mr. Chipman is an organizer of efficiency methods, a resident of Cambridge, and writes that he is representing 221 of the machinists employed in the Watertown Arsenal. There are 666 men, or about that number, employed there. Not all of them are affected by the operation of this provision, so that Mr. Chipman undoubtedly represents a very large proportion of the men employed at the Watertown Arsenal who are affected by the provision. This is the letter that Mr. Driscoll writes to Mr. Chipman:

Mr. MINER CHIPMAN,
Brattle Building, Harvard Square, Cambridge, Mass.

DEAR SIR: Recognizing your well merited and extensive influence in matters pertaining to scientific management, and if I am correctly informed, you are going to represent the employees of this arsenal in Washington in the near future for the purpose of abolishing the premium system. If by some unforeseen chance you should be successful in abolishing the premium system you will be instrumental in doing a gross injustice to the rank and file of the employees of this place.

While men in this and other places of this kind are always very willing to express their honest opinion in private, but owing to petty influences are not willing to go on record or be quoted, that is one reason why the men of this place will have to suffer in silence both financially and otherwise if you are successful.

Because a few men in this place tried the system once or twice and did not win is no reason why we should be denied the right to try because we did win.

There were 349 employees of this place who signed a petition to abolish the system. If the number who did not read that petition and consequently did not know what they were signing, together with the number who signed it just to be agreeable, were deducted from the 349, there would be nobody left but the framers. It is proven beyond a doubt that after three years' experience with the premium system the conditions here are far better than any place of the kind in this country.

As this is a very serious matter it is respectfully requested that you take a horizontal view of the conditions here as they exist before proceeding further.

Very truly, yours,

JACK DRISCOLL,
Watertown Arsenal, Watertown, Mass.

Mr. Chipman wrote me on the 12th day of February a letter which, in effect, asked if he could obtain a hearing before the Military Committee of the Senate. It happened that the bill had been reported by the Military Committee, and therefore of course he could not obtain a hearing; but among other things he said this:

To explain my reason for asking this, I would say that I have been retained by 221 of the workmen at the Watertown Arsenal "to act as their counsel in the matter of their petition for the abolishment or change of the Taylor system of shop management as in operation at Watertown Arsenal."

Evidently he supposed that the Taylor system was in operation at that time, February 12.

An analysis of the written replies by three workmen to a sheet of some 30 questions reveals—

1. That the workmen lay upon the names "Taylor system," "stop-watch system," "premium system," or the ideas conveyed by these names, the blame for all the injustices they have suffered instead of placing the blame where it belongs, on the inefficiencies of the management in carrying out the details of the system in operation.

2. The workmen feel, as I do, that this is an economic question, and to attempt to solve it roughshod by legislation is the wrong way to go about it.

3. They are opposed to the amendment to the Army appropriation bill providing for the practical abolishment of time study and premium in Government shops during the life of this appropriation.

As I represent them and have their authority "to represent them before congressional committees or otherwise," I would like to be heard by the Senate committee having in charge the Army appropriation bill, in order to present to them the facts in my possession showing the attitude of the workmen and the reasons why this amendment, if allowed to pass, would have a detrimental effect on those affected, rather than the beneficial one which the exponents of the amendment presumably look for.

May I ask your kind offices to place this information in the hands of the chairman or some member of the committee?

As I said, the hearings had been concluded, and therefore nothing could be done for Mr. Chipman, who represents so many of the workmen.

I have had, in addition, a large number of letters from manufacturers in Massachusetts. They are much too numerous and too long to impose on the RECORD; and yet they are so unanimous in tone and give such substantial reasons for the retention of this system that it is a pity they can not be examined by all Senators before coming to a conclusion.

I have in my hand a letter from Mr. S. E. Thompson, a very well known consulting engineer, relating to the subject, and I want to read one or two extracts from his letter.

I note in the daily papers that Representative DEITRICK'S bill to prohibit time studies with stop watch has been favorably reported by the House Committee on Labor, and that Gen. Crozier has been criticized for favoring such methods. I fear that the insignificance of the measure will permit its passage, whereas if the actual effect of the bill were expressed, which is to prohibit all reductions in labor costs in Government work, the House and Senate would arise in a body to vote it down. The fact is, as I indicated in my former letter, the prohibition of time studies strikes at the very root of all progress toward reductions in costs of Government manufacture, improved methods of operation, and increase of wages to the workingman.

Manufacture has reached a stage where machinery has been so perfected that in many cases further increase in output is impossible except through the study of elementary details to eliminate unnecessary operations of the machines and the men. This can not be done without time study with the stop watch. It would be as reasonable to expect a builder to make an estimate of the price he would bid to build a house with no detail plans but simply photographs of somewhat similar houses of known cost as to expect to lay out work for men in an economical manner with no time studies.

I have never done any work for the Government, but am interested because the bill will prove a setback to labor in general and to manufacturing interests of a private nature as a result of the Government precedent.

My statements are not based simply on theory or hearsay, for I have personally proved the effect of time-study methods and have found invariably that the workmen were ready and even eager to adopt methods and rates of pay determined by time study. It is the outsiders who are not earning the extra money who invariably make the trouble wherever there is criticism. In one plant I am now advising we are reducing labor and manufacturing costs 25 per cent, while increasing pay of operatives even a larger amount than this.

My reasons for opposing the bill are:

1. It will prevent future reduction of cost in Government work.
2. It will prevent normal increase in the wages of Government operatives.
3. It will prevent the indirect benefits due to improving methods of management, because these can not be obtained without time study of men and machines.
4. It will prevent the Government from successfully competing with private contractors and thus curtail the amount of work that can be done by the Government.
5. Finally, it will take the matter out of the hands of the Industrial Commission, already engaged at large expense to the Government in taking testimony all over the country on this very matter, and will forestall their report.

I have here also a large number of instances that have been taken from the testimony given not only by Gen. Crozier but by other employers relating to the results obtained. In very many cases the cost of the article has been reduced as much as 40 per cent, while the wages paid to the workmen engaged in its construction have increased an equal amount. It is not at all unusual to find that a man who was obtaining $2.80 a day has been able to earn $4 a day, and in one case a workman who was receiving $3.12 a day was able to earn $5.06 a day under this system. I want to put just a few of these into the RECORD, simply to illustrate the point which I am now making.

The PRESIDING OFFICER. If there is no objection, it will be so ordered.

The matter referred to is as follows:

EXTRACTS FROM REPORT OF FORMER CONGRESSIONAL COMMITTEE ON INVESTIGATION OF THE TAYLOR AND OTHER MANAGEMENT SYSTEMS.

[Mr. Godfrey, pp. 1846–1847.]

FAVORABLE RESULTS OBTAINED FROM SCIENTIFIC MANAGEMENT AT TABOR CO.

The first plant under scientific management with which I was connected was the Tabor Co. I had full opportunity there to see all books and figures, and nothing was more impressive to me than the fact that the Tabor Co., with approximately the same number of men and machines as were used under the old system, was turning out three times the production; that it was giving 73 per cent higher wages to workmen; that it had made a 25 per cent reduction in the selling price of machines, thereby producing so much saving to the consumer. Moreover, that this company, which had lost money before the introduction of scientific management, were now and had been making a good profit; that from the condition of a strike and inharmonious relations before the introduction of scientific management there had come about the friendliest of feeling between management, workmen, and outsiders.

To take a single example, there was one line which referred to the drilling of a cylinder, that had to be drilled in a certain position and then set up and be drilled again. It cost $1.10 to set that up and drill it for the second operation. In the new design a drill was designed which could do that drilling with the first operation. The drill cost was, I think, approximately 10 cents, so that a dollar was saved on every single one of those lots going through, and those machines are absolutely in incessant demand.

[Mr. Taylor, p. 1404.]

APPLICATION OF SCIENTIFIC MANAGEMENT TO YARD LABOR AT BETHLEHEM STEEL CO.

At the end of some three and a half years we had the opportunity of proving whether or not scientific management did pay in its application to yard labor. When we went to the Bethlehem Steel Co. we found from 400 to 600 men at work in that yard, and when we got through 140 men were doing the work of the 400 to 600 men, and these men handled several million tons of material a year.

We were very fortunate to be able to get accurate statistics as to the cost of handling a ton of material in that yard under the old system and under the new. Under the old system the cost of handling a ton of materials had been running between 7 and 8 cents, and all you gentlemen familiar with railroad work know that this is a low figure for handling materials. Now, after paying for all the clerical work which was necessary under the new system for the time study and the teachers, for building and running the labor office and the implement room, for constructing a telephone system for moving men about the yard, for a great variety of duties not performed under the old system, after paying for all these things incident to the development of the science of shoveling and managing the men the new way, and including the wages of the workmen, the cost of handling a ton of material was brought down from between 7 and 8 cents to between 3 and 4 cents, and the actual saving during the last six months of the three and one-half years I was there was at the rate of $78,000 a year. That is what the company got out of it; while the men who were on the labor gang received an average of 60 per cent more wages than their brothers got or could get anywhere around that part of the country. And none of them were overworked, for it is no part of scientific management ever to overwork any man; certainly overworking these men could not have been done with the knowledge of anyone connected with scientific management, because one of the first requirements of scientific management is that no man shall ever be given a job which he can not do and thrive through a long term of years. It is no part of scientific management to drive anyone. At the end of three years we had men talk to and investigate all of these yard laborers, and we found that they were almost universally satisfied with their jobs.

[Mr. Taylor, p. 1485.]

APPLICATION OF S. M., AT RENAUD AUTOMOBILE WORKS, FRANCE.

The machine shops in this country have not taken the pains to use those slide rules as they should. They are not used to the extent that they ought to be. I may state, however, that I had a recent visit from the owner of the Renaud Automobile Works, the largest automobile works in France, together with M. de Ram, the young French engineer who personally became interested in the art of cutting metals some years ago, and in our system of management, and who put this system into one of Renaud's departments. These two men came over to this country especially to study our system (scientific management) and the art of cutting metals, and assured me that in those departments in which they had introduced the art of cutting metals and our system of management that they had much more than doubled their former output. They said that they were going back to France to spend any amount of money and any amount of effort to get it in as fast as possible in their entire works. The warning I gave them before they left was this: "You have been at it three years. Do not expect to get through with it for five years, because you will not. It will take you more than five years before you will get through the entire process of putting our system in."

[Mr. Adams, pp. 1638, 1639.]

I think you will find that people are more or less conservative; that follows just as much in a machine shop as anywhere else. When this thing was started in the machine shop nobody wanted to take it up. So we took in two of the younger men and explained to them what it was, and asked them to go on it. They went ahead, and they averaged 40 per cent more than the men around them. The third man who wanted to take it up was an old German named Joe ———, who had been with the company, I think, 15 years. He was over at Midvale 15 years before that. After he came in others came in in small groups. They would ask to be put on that kind of work. From that time on there was no opposition. The last men we put it on were the gear cutters. That work depends on the number of gears he is cutting. He worked a long while to get that established, and one man increased his rate 67 per cent. In the machine shop, if we do not put a piece rate on now we have a much harder kick, because a man, instead of working daywork, wants the chance to make that much more money. We pay the men an hourly rate equal to the highest hourly rate of wages paid in different machine shops around the city for that kind of work. The piece rate is 35 per cent above that.

The CHAIRMAN. What process, if any, is used to speed the workmen up in the handling time?

Mr. ADAMS. We do not speed them up; we make a time study of actions, all the movements can be divided into the small elements which make up the whole. We will take a time study on a man, and we give him a 35 per cent bonus while we are doing it, and we stand there with an open watch. We will say it is a very small operation, drilling a hole in a small pin. Put in the pin, pull down the head of the machine, and start the machine; we take the time on each one of these motions, and then we take the time for the whole. We then allow that time for the handling time of the job.

[Col. Wheeler, p. 74.]

REDUCTION IN COST OF LABOR AND MATERIALS DURING DEVELOPMENT OF SCIENTIFIC MANAGEMENT.

During the development of the new scientific management at the Watertown Arsenal, the cost, not only of labor but also of material, in making sets of parts for the alteration of 12-inch mortar carriages (for short guns) was gradually reduced, "so that we have this result, that the direct labor cost per set was reduced from $480 to $275 per set. The shop expense cost was reduced from $335 to $332 per set, and the material cost was reduced from $785 to $362 per set."

[Col. Wheeler, p. 81.]

COMPARISON OF OLD AND NEW SYSTEM OF DRAWING MATERIALS FROM STOREHOUSE.

The saving is due to the fact that our bills of material now call for just the amount of material required to go into a carriage, and our system insures that only that amount of material can be drawn from

the storehouse. Under the old way there was no check to insure that no more material was drawn out of the storehouse than was specified, and we know that the bills of materials called generally for more material than was needed, and that frequently these requisitions were duplicated. So the net result was an overbuying of material for the Government.

[Col. Wheeler, p. 93.]

DECREASE IN COST OF GEARS UNDER PREMIUM SYSTEM.

Referring to a case where a man was required to cut teeth in 17 steel gears: "As a result of the time study on this work, this man was told that the work ought to be done in 71 minutes, and that if it was done in 71 minutes he would get a premium of 33⅓ per cent. * * * Adding 66 per cent to that time made the time 120 minutes per gear within which he could earn a premium, his saving in time being shared by the arsenal. This man completed the 17 gears in 1,356 minutes, whereas his total allowance was 2,040 minutes, and he earned a premium of approximately 25 per cent. In executing this work under this system he reduced the cost of each gear from $2.41 to $1.06, or a saving per gear of $1.35."

[Gen. Crozier, p. 935.]

EMPLOYEES INCREASED EARNINGS AT PIECEWORK OVER DAY RATE, ARSENAL.

At the arsenal in June, 1911, one miller whose day rate was $2 averaged at piecework $3 a day; that is, his percentage of increase averaged 50 over and above his day rate.

Eighteen millers whose day rate was $1.75 each averaged at piecework $2.63 each; that is, their percentage of increase was 50.28.

Four millers whose day rate was $1.50 each averaged at piecework $2.02 each, their percentage of increase being 34.66.

Two millers whose day rate was $1.25 each averaged at piecework $2.23 each, their percentage of increase being 78.40.

In a group of 25 millers the increased earnings at piecework over their day work averaged from 34.66 to 78.40 per cent.

Fifteen millers whose day rate was $2.50 each averaged at piecework $3.09 each, their percentage of increase being 23.60.

Two profilers whose day rate was $2.75 each averaged at piecework $3.12 each, their percentage of increase being 13.45.

Twelve profilers whose day rate was $2.50 each averaged at piecework $3.09 each, their increase being 23.60 per cent.

Two profilers whose day rate was $2.25 each averaged at piecework $2.63 each, their percentage of increase being 16.88.

Another trade, polishers. One polisher whose day rate was $3.25 averaged at piecework $3.60, an increase of 10.76 per cent.

Eighteen polishers, whose day rate was $3 each, averaged at piecework $3.59 each, their increase being 19.66 per cent.

Eighteen polishers, whose day rate was $3, averaged at piecework $3.55, their increase being 18.33 per cent.

The object of that is simply to show, as stated at the time to the witness, that the rates are such that men, by the extra effort intended to accompany piecework, may make this percentage over and above their day rates.

[Gen. Crozier, p. 1172.]

RESULTS OF CONSIDERATION OF DIRECT LABOR AND SHOP EXPENSES.

If we considered only the saving we made in direct labor and in shop expenses, the total saving on the job would be about $13,000—a little over 10 per cent of the cost of the first order.

[Gen. Crozier, p. 1198.]

MACHINISTS UNDER NEW SYSTEM ARE REDUCING COST TO A NOTABLE EXTENT—EXAMPLES GIVEN.

With reference to the length of time that is required for making studies by the use of the stop watch, it is now reported from the Watertown Arsenal that the use of the stop watch in setting the time for the turret lathe work has practically ceased, and that the same condition is being approached in reference to the engine lathes—that very few time studies indeed have been made since the 1st of November in the foundry—although I think there are now working in the foundry, and have been for a month or two past, pretty nearly 75 per cent of the molders under the new system, and have given them compensation under that system. In the machine shop they have been working something like 20 per cent of the machinists under the new system. These men have been doing very well. They have reduced the cost of things. They have kept on reducing the cost of things to a notable extent.

I will give you a few examples, and these are very late examples. They have all occurred since the visit of the committee to the Watertown Arsenal. The cost of molding caster wheels for shop trucks, a wheel not very large, has been reduced from $1.45 to 93 cents, making a saving of 52 cents in this molding job, which is 35.8 per cent of what the cost has been, and the saving to the Government in making the things at this rate has been at the rate of $7.22 per day. As to the effect on the man's pay, that was increased from $3.28 a day to $4.44 a day, which is an increase of 35½ per cent. That is a bench job.

[Gen. Crozier, p. 1204.]

EXAMPLE OF FLOOR JOB IN FOUNDRY—REDUCTION OF OVER 41 PER CENT.

Now, I wish to give an example of a little different kind. Mr. O'Leary asked me about a bench job, so I gave him an example about a bench job. Now, here is an example of a floor job in the foundry, the molding of the elevating arms for a 6-inch disappearing gun carriage. The elevating arm is an affair shaped something like this [indicating]. It is intended to raise and lower the breech of the gun. It is pivoted at its lower end about an arbor and its upper end embraces the trunnions of a band which is placed on the gun near its breech, so that by raising and lowering this arm the breech of the gun is raised and lowered. It is about 6 or 7 feet long, and the spread is perhaps 20 inches up at the top.

That of course was a larger job than the one I mentioned a moment ago, and the cost of it under the day-work method was $42.35. After a time study had been made of it, the cost was reduced to $24.87, making a saving of $17.48, which was 41 and something over per cent of the original cost. The saving represented a sum of $9.94 a day to the Government. The man's pay was increased from $3.52 to $5.02, which was an increase of 42½ per cent.

Mr. WEEKS. I have here a statement by the Boston Chamber of Commerce, which appointed a competent committee to examine what was being accomplished there and the result which would naturally follow the legislation if it were adopted. The report is unanimous that the provision should not be agreed to.

Here is an important letter from the Aberthaw Construction Co., a concern which has grown in the last 12 or 15 years from substantially nothing to a size where it now employs 3,000 men. The writer says:

We wish to call your attention to the rider attached to the Army appropriation bill which has just passed the House. This rider is designed to prevent any efficiency work with stop-watch time study in Government arsenals. It seems to us that if the Government discountenances this sort of work it will be increasingly difficult for employers to apply it to their own operations. As we have found that this sort of work is very important in our work, and as others have found the same thing in theirs, it seems desirable that nothing should be done by the Government to hamper the growth of efficiency methods.

I shall not read any more of these communications which I have received within the last two or three weeks, but they are all alike in tone and conclusion with those from which I have quoted.

I have also three or four communications from labor organizations not connected with the Watertown Arsenal, but located in other parts of Massachusetts, adopting resolutions in favor of the bill. I think I have five all told. I notice this sentence in one of them, which is worth consideration, I think, by the Senate:

We shall carefully scan the vote on this measure, and hope to find few in favor of it. If not, our vote at the next election of Senators will be a reflex of the vote taken on this and other measures affecting labor.

I read that because labor and capital sometimes in their exuberance and enthusiasm suggest that the action of Senators and Representatives may be affected by their votes in the future. Of course, any such statement as that coming to a man who has any red blood in his veins, from any source, would incline him to vote against the proposition favored by those who advocated it in such terms.

In a word, I want to say, first, that in my judgment an appropriation bill is not the place for such legislation as this. In the second place, I want to say that the Industrial Commission, which has been taking a large amount of testimony on this and kindred subjects, should be given an opportunity to complete its investigation and make a report before any action is taken. While I think perhaps I have as much knowledge of this matter as anyone who has discussed the subject, because of the proximity of the Watertown Arsenal to my home, I have no knowledge on which I would want to base my vote as to whether or not the efficiency system is altogether desirable or whether it might not be modified in some respects so that it would meet the criticisms of those who criticize it and at the same time be beneficial to the Government and to the employees; but this kind of legislation is always a boomerang when it is adopted without sufficient investigation and sufficient facts. I am going to vote to sustain the committee report because I do not believe action should be taken until the Industrial Commission has reported, and because I want sufficient facts on which to form my own judgment before final action is taken. We all know how difficult it is to change any action which has been taken by a bill passed through Congress. It is a great deal better to do it right in the first place and feel sure that we have sufficient facts on which to base our action, and not to jump at a conclusion and then find we have made a mistake and try to correct our course.

Therefore I hope the report of the committee will be sustained in this case.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GALLINGER. I shall take but a few minutes on this subject.

I notice that the Senator from Massachusetts [Mr. WEEKS] placed in the RECORD the action of the Boston Chamber of Commerce. I will ask the Senator, as I have been out of the Chamber necessarily a great deal to-day on committee work, whether he or any other Senator has put in the RECORD the action of the Chamber of Commerce of the United States taken recently in this city?

Mr. WEEKS. I have not.

Mr. GALLINGER. The Chamber of Commerce of the United States, which held a meeting in this city very recently, consisting of 582 delegates, representing 293 commercial bodies located in 37 States, passed this resolution:

Resolved, That the Chamber of Commerce of the United States of America in annual meeting assembled urges the Senate and the House to reject the so-called Deitrick amendment to the pending bill which makes appropriations for the Army in so far as this amendment seeks to prevent the study of methods to increase industrial efficiency in manufacturing establishments of the Government and forbids additional compensation to employees as reward for improvement in skill and effort.

So far as I know, that resolution was unanimously agreed to by that great organization, which is interested in subjects of this nature, and it ought to carry great weight.

I have received a very large number of letters on this subject. I am not going to burden the RECORD with them, and will content myself with reading from only two.

The first letter is from a large manufacturing establishment in my State employing skilled workmen, an establishment where they never have had any trouble with their workmen or strikes of any kind. The treasurer of that corporation writes me as follows:

My attention has been called to the Deitrick amendment to H. R. 20347, the Army appropriation bill.

I understand that Congressman DEITRICK is from the district in which is located the Watertown Arsenal, where a great deal has been done in the way of increased efficiency. The amendment is so utterly wrong, so hopelessly uneconomic, and so bad in its effect that it ought to be vigorously opposed. The bill with this amendment went through the House without any opposition, practically, on the general principle, I suppose, of passing all such things up to the Senate, and in the Senate a vigorous fight should be made to have this amendment, which should never have been tacked on to a bill of this kind, defeated.

Undoubtedly your good attention has been called to this vicious amendment, and I earnestly hope that you will do everything possible to see that this amendment does not become a part of the appropriation bill.

This amendment strikes at the foundation of efficiency, which is the great byword at the present time and toward which everybody is working. The Government is spending large sums of money toward efficiency in agriculture, efficiency in the Postal Service, and in many other directions, and it seems wicked that a backward step should be taken here. Timing the operations in a shop does not mean undue pressure being brought to bear upon the workman. It simply means that a proper study should be made of a workman's operations to see how his work can be made more efficient, how lost time can be eliminated, and how the production per man can be brought up without his injury. All concerns who are working on this efficiency plan recognize that undue pressure on the man would be to defeat the one purpose they are after.

A different line of reasoning, but equally logical, applies to the premium or bonus plan. It enables the workman who takes advantage of his movements, who does not waste his time, who is interested in his own advancement, to have this recognized in his earnings.

Nothing can be said in favor of this amendment. It is a sop of the worst kind to the laborer's worst enemies. * * *

While the question in this particular case involves only Government arsenals, navy yards, etc., if it passes there it is liable to spread out * * * into State legislation, so that this is the time to kill it. If hours are going to be shortened and if wages are going to be increased it is economically certain that it can only be done by using the labor of the man to his own and to his employer's best advantage.

I shall not give the name of the gentleman who wrote that letter, but shall content myself by saying that he represents a large corporation, with skilled and contented workmen, hundreds in number.

A portion of another letter is written by Mr. H. S. Person, who is the director and professor of organization and management in the Amos Tuck School of Dartmouth College. Mr. Person is also president of the Society to Promote the Science of Management. He writes:

On behalf of the Society to Promote the Science of Management, as its president and on my personal account as a citizen of New Hampshire, I beg to express the opinion that the Deitrick rider to the Army appropriation bill, designed to do away with time study and bonus and premium payments in Navy and Army work, is a pernicious measure, harmful to industry, and I ask you to vote against said amendment.

I make the following points to support my request:

1. The whole matter of scientific management is now undergoing a most thorough examination by the Federal Commission on Industrial Relations, and Congress should pass no measure relating to scientific management until said commission has reported.

2. Scientific management in the Government arsenal at Watertown has proved to be a conspicuous example of improved methods, reduced costs, and increase of pay to workmen, without more strenuous labor on their part.

3. The opposition to scientific management at the Watertown Arsenal and elsewhere has not originated among the laborers at said arsenal * * *.

4. There is great need for greater efficiency on the part of Government institutions, and to destroy what has been accomplished at the Watertown Arsenal would be to destroy an admirable example of what may be accomplished for greater efficiency among Government institutions.

I sincerely hope you will oppose this with all the means in your power, * * *.

Mr. President, considering the small amount of time I have had at my command during the last few days, I have looked into this matter as carefully as I could. I am aware of the fact that in certain quarters it is deemed hazardous for any man in public life to oppose anything that labor organizations, or, for that matter, individual laboring men, ask of Congress; but I have never refrained from expressing my views on those subjects, and in a recent election I ran the gantlet of vicious opposition from labor organizations, their contention being based upon the ground that I was not a friend of the laboring man. I have heretofore refuted that statement, and I repeat it now—that if there is anybody on earth who is a better friend of the laboring man than I am I do not know who he is, but I shall never endeavor to prove that fact by advocating any measure that my judgment and conscience do not approve.

Mr. President, after looking into this matter with a good deal of care and listening to the debates to-day as far as I could, I am fully persuaded that the proper thing for us to do is to stand by the recommendation of the committee and agree to the amendment which the committee proposes. I might occupy much time in discussing this matter if I saw fit to do so, but there is no Member of this body more anxious than I to see the business of the Senate pushed along as rapidly as possible, and for that reason I shall not say another word except to renew the suggestion that I sincerely wish the amendment of the committee will be allowed to remain in the bill.

Mr. LIPPITT. Mr. President——

The VICE PRESIDENT. The Senator from Rhode Island.

Mr. LIPPITT. The subject which is now before the Senate is one in which the people whom I in part represent would naturally take a very deep interest, as they are largely engaged in manufacture. I had proposed, therefore, to discuss it at some little length; but the hour is already growing late, and I know there are several persons who are impatient to have the business of the Senate go on at this time, and whatever I might have said upon it has already been said by the senior Senator from New York [Mr. ROOT] and by the junior Senator from Massachusetts [Mr. WEEKS] in the remarks they have made. While I might perhaps put the same arguments in different language and might perhaps use a few other illustrations and read different correspondence in order to illustrate the points which they have made, I should in the end be simply advancing the same arguments that they have so thoroughly covered in the remarks they have made. Therefore I shall not undertake to do it, but shall merely say that in the opposition which I feel it is necessary for me to make to the abolishment of these bonus systems where they are employed in the Government factories I am not so much governed by the first provision which is contained in the amendment that is under consideration, which provides for doing away with the stop watch or other time-measuring devices, as I am with the second provision, which forbids any part of the appropriations made in this bill being available to pay any premium or bonus or cash reward to any employee in addition to his regular wages.

That seems to me to strike at the very basis of modern industrial efficiency. I can not imagine a more unfair and more unwise system than that which would forbid to industrious and experienced and expert employees an opportunity to receive wages in accordance with their skill and with their diligence.

In Rhode Island we have in recent years seen a succession of operatives come into our State from foreign countries and of different nationalities. Within my own lifetime the nationality of the employees in our textile industries has changed two or three times. In each case this meant the training of new people. In many cases it has meant instructing in the art of textile manufacture the people who come from districts in foreign countries where such business is entirely unknown. I have often thought that we were somewhat negligent in meeting the full responsibility of the situation which was put upon the managers of industries of that kind in that we did not have a practical school for the purpose of teaching these people who were coming fresh to those industries the scientific and proper way of running our machinery. I have many times seen anxious and eager people come into the factories and fumble in their attempts to learn to operate the machinery and become nervous and anxious and discouraged and disheartened simply because there was not some proper and efficient system for preparing them with the knowledge necessary for their guidance in beginning to operate those machines.

Much of the Taylor system which has been discussed here to-day is in itself an attempt to find a scientific way of improving the knowledge of the operative in running the machinery that may be given to his charge, and, as an incentive to acquire that greater knowledge, to give him some compensation in the form of advanced pay. It seems to me that to abolish that system would be a great injury to the operative, it would do no good to anybody concerned, and I can not see my way clear to support any provision which has that purpose for its object.

Mr. CHAMBERLAIN. Mr. President——

The VICE PRESIDENT. The Senator from Oregon.

Mr. CHAMBERLAIN. I really had not intended to say anything at all on this matter which has been discussed so much at length, but as chairman of the committee I feel it my duty to speak very briefly upon some of the motives which animated the committee with reference to this amendment.

In the first place, there was a petition presented by the employees of the Frankford Arsenal, to the number of about 300, asking the committee to strike out the House amendment. I am going to ask that that petition, with the names of the individuals who signed it, may be printed in the RECORD, be-

cause I understand it has been said that the people at that arsenal possibly either did not sign it or were induced to sign it by methods that were not entirely fair. I want that petition printed, and the names of those who signed it printed with it, in order that we may know hereafter whether the people who pretended to sign it existed in fact or not. I ask that it be printed as an appendix to my remarks.

The VICE PRESIDENT. Without objection, it will be so ordered.

Mr. CHAMBERLAIN. Even if there had been no other consideration animating the committee, this petition would have been ordinarily sufficient to have induced them to strike out the House provision in reference to this subject. In addition to that, the committee had before it a letter addressed by the Secretary of War to the President of the Senate under date of January 30, 1915. In that letter, after setting out at length the amendment which had been put in the House bill, and after explaining the purpose and effect of the amendment, the Secretary of War proceeds to say:

> This question has been agitated for some time past, and when brought to my attention I requested the Commission on Industrial Relations to carefully investigate the whole subject matter with a view to reaching a proper conclusion thereon. This matter is one peculiarly within the scope of the jurisdiction of that commission. Just what they have done as yet in the matter I do not know, but I feel very strongly that the reasonable course to pursue would be to await their action and determination. If, for any reason, the Senate does not feel inclined to accept this suggestion, I most earnestly request that a hearing be accorded upon the subject matter, so that all the facts and reasons which should be known to the Senate may be developed before the Senate finally concludes the matter.
>
> With a view of acquainting the Senate somewhat more with the details of the situation I have caused the Chief of Ordnance to prepare a statement, which accompanies this.

That letter was signed by the Secretary of War, and attached to it is a memorandum for the Secretary of War from the Chief of Ordnance. The report of the Chief of Ordnance sets out at length the memoranda taken from former reports on the work of efficiency. I ask that that report be published also in the RECORD as an appendix to my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. CHAMBERLAIN. Mr. President, I understand that this investigation that has been mentioned as having been set on foot by the Industrial Commission has progressed somewhat, and there ought to be a report made in the very near future. It seemed to the committee and it seems to me that a question of such large import, a question of such great industrial and economic importance, ought not to be acted upon here in the Senate after a few days of investigation.

It makes no difference what may be the individual views of the members of the committee, and I am frank to say the committee was somewhat divided on the subject. It would hardly be proper for me to say what the views of any particular member of the committee was, except, speaking for myself, I may say that I am in perfect harmony with legislation which has for its purpose the uplift of the laboring people of this country, and I think the record I have made in the Senate will show that to be true. But I shall not agree to settle within the few days that we have to consider this bill a great economic question, where the lives and fortunes of so many people are involved, without knowing a good deal more about the subject than I know about this or than it was possible for me to know as a member of the great committee of which I have the honor to be chairman.

It has been stated, and stated truly, that this amendment was placed upon the bill on the floor of the House of Representatives without very much investigation. It was not reported from the Committee on Military Affairs of the House, and the Committee on Military Affairs of the Senate did not have an opportunity to investigate it, either.

So this reason, amongst others, influenced the committee in striking out the House provision.

There is another thing, too, Mr. President. I differ somewhat from my esteemed friend from New Jersey [Mr. HUGHES] in reference to the effect of this amendment. If it goes into this bill and becomes a part of the law of the land, it will have the effect to wipe out every system that is in vogue in all the arsenals and other public institutions and industrial establishments of the United States. These systems, generally speaking, are all different. Some of them are the result of the evolution of years of study. It may be that the War Department is trying to get all of them on a basis approaching the so-called Taylor system, but they are different nevertheless. If I had the time I could point out the differences in detail in those institutions. The piecework system governs in some, the bonus system prevails in others, and a near approach to the Taylor system is in vogue in others. This bill would practically change the whole industrial and economic system that governs in these different public enterprises. Hasty action ought not to be had.

If there is any injustice in any of these department, that is a matter which can very easily be investigated upon complaint of the humblest employee. The Government has the power at any time to investigate every complaint; but, so far as the committee was concerned, there was not a single employee of any of these institutions before the Senate committee objecting to the striking out of this provision. As a matter of fact, they all petitioned for it. Some claim has been made with reference to the Watertown Arsenal, it is true, that in years gone by there was objection to the installation of the Taylor system.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Ohio?

Mr. CHAMBERLAIN. Certainly.

Mr. POMERENE. The Senator referred a moment ago to an expected report from the Industrial Commission. Has the Senator any information as to when that report may be expected?

Mr. CHAMBERLAIN. I have no information on that subject. The Secretary of War in his letter has referred to it and informed us that progress is being made. I know the War Department is anxious to get at the truth of this matter, and if possible to evolve a system which will equalize any differences there may be. But there was some complaint of the Watertown Arsenal at one time. The complaints were not numerous and not general. They were fully investigated and reported upon. I find from the letters which have been presented here by the Senator from Massachusetts to-day that the employees of the Watertown Arsenal individually seem to be in favor of striking out this provision.

These are some of the reasons which governed the committee. It was not an expression of views by the members of the committee as to how they stood on this so-called labor legislation. It was a question with the committee largely as to their duty in acting upon this very great question hastily and without being sufficiently advised upon the subject.

I felt it my duty to say this much, and I call particular attention to these matters, which I ask to have printed in the RECORD as an appendix to my remarks.

APPENDIX 1.

WAR DEPARTMENT,
Washington, February 1, 1915.

The CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,
United States Senate, Washington, D. C.

SIR: I transmit herewith a petition of persons employed by this department at the Frankford Arsenal, in which they protest against the suspension of premium payments. Attention is invited to the indorsement thereon of the Chief of Ordnance, showing that premium payments have been suspended because of a proviso in the Army appropriation bill now pending before the Senate Committee on Military Affairs, which, if enacted into law, will prohibit such payments.

Very respectfully,

LINDLEY M. GARRISON,
Secretary of War.

(One inclosure.)

PETITION.

FRANKFORD ARSENAL,
Philadelphia, Pa., January 28, 1915.

CHIEF OF ORDNANCE, United States Army,
Washington, D. C.

DEAR SIR: We, the undersigned employees of the Frankford Arsenal, do respectfully enter our protest against the instructions received from you yesterday suspending all premium payments at this arsenal. We have been informed that your action is based upon legislation contained in the Army bill recently passed by the lower branch of Congress, and that therefore your action is out of respect for the views expressed by that body. Our reasons for protesting are as follows:

1. The premium system of payment was established in the manufacture of small-arms ammunition about five years ago, and that there was a complete understanding between ourselves and the management of the arsenal that there would be no reduction of the premium rates while the manufacturing processes remain the same. This agreement has been lived up to by the management and by ourselves and to the mutual satisfaction of all concerned.

2. We believe that this system has been eminently successful, because, according to published reports, the manufacture of small-arms ammunition at Frankford Arsenal presents a decided economy when compared with costs of the same ammunition procured from private manufacturers.

3. The premium earned by all the employees engaged in the manufacture of small-arms ammunition during the month of December, 1914, has amounted to $3,747.72, or to approximately $45,000 for the year, and therefore the abolishing of the premium system means an annual loss to us of approximately $45,000.

4. Many of us, based upon the premium system of compensation, have obligated ourselves to purchase homes, and if the premium rate is abolished it means the loss of our homes to us.

5. It is very probable that the branch of Congress which passed this legislation has in view the interests of the employees, but we beg to differ on this very point. While the legislation prohibits rewarding us for our increased efforts which we give to the Government, it does not prohibit an officer or foreman from requiring us to work just as hard as we are now working and for very much less compensation. The power of your authority and that of your officers and your foremen to make us work harder has not been lessened by this legislation, but you have been deprived of the opportunity of paying us for such increased work as you may give us to do.

We therefore ask you to submit this petition to the Secretary of War, with the recommendation that he transmit it to Congress for its consideration, and, we hope, favorable action.

Respectfully submitted.

Beulah M. Taylor, Charles E. Flynn, Elizabeth G. Lawler, Sara C. Painter, Tessie Horning, Lizzie Zismoser, Sadie C. Closer, Matthew D. Tierney, Elizabeth C. Mahoney, Magdalena E. Lange, Hattie McLean, James J. Toy, jr., Elsie M. Smith, Carrie C. Gear, Richard Wigfall, Harriet C. Brooke, Daniel Groom, Mary Neild, Albert M. Bates, Mary Murphy, Mamie E. Hughes, Anna L. Reichert, Frank Lafferty, Catherine McDeute, William Ganz, Edward S. Salmon, Frederick G. Everts, Charles F. Wager, Patrick Coleman, Louis W. Heck, Anna E. Caldwell, Harry G. Penn, John O. Clifford, Thomas Hitt, John Van Emburgh, Peter Elsesser, Joseph E. Hunsinger, Geo. W. Dungan, Jacob Sidders, John J. Gillespie, Clara A. Roth, Cora Dennis, Annie Staiger, Rose D. Kelly, George J. Lutes, Minie Geary, Kathryn W. Berans, Thos. G. Girard, Charles Heck, Thomas Murphy, Charles A. Lutes, John Baker, William C. Smith, Aloysius P. Lyons, Thomas Coady, John Kultacky, Thomas L. Gallagher, Emerson Harris, Frederick C. Fessmann, Andrew H. Hallowell, Thomas H. Hess, Frank J. Riegel, Charles E. Huebner, Harry F. Ward, Leopold Hunsinger, David J. Weischedel, Jacob Hahn, Annie Stanley, Alice E. Brennen, Mary Vandegrift, Elizabeth Gensheimer, Mary E. O'Brien, Lizzie Conley, Helen Daylor, Edward B. Vandegrift, George Baitzel, Mabel Gear, Francis Lord, A. F. Brand, Katie S. Hoffman, Joseph B. Moss, Carl Vogel, Charles Haar, Malachi Shanahan, Ella M. Hart, Catherine M. Bailes, Victoria E. Brehm, Bertha A. Oldfield, Marion P. Bayne, Florence Timmins, Amanda Boyce, Annie Jensen, Mary J. Hudson, Sarah McDevitt, Grace McCartney, Sophia Formosa, Ella Mullen, Fredericka McCulb, Nellie E. Scanlin, Elizabeth Deck, Ellie Stanley, Elizabeth Emmott, Bessie Bird, Margaret A. Kelsy, Marie Myers, Susannah K. Myers, Annie T. Nealon, Alma C. Tierread, Martha M. Gilfillan, Anna E. Herbert, Grace M. Carlin, Mary R. Ott, Margaret E. McPeak, Mary S. King, Katherine C. Field, Louisa C. Berger, Mary H. Casey, Sarah Schofield, Mary E. Davis, Lottie E. Jones, Elizabeth A. Cassidy, Anna M. Dunn, Bertha K. Roth, Anna D. Burke, Agnes E. Lentz, Ida M. Taylor, A. J. Woodworth, Ada Dewees, Mary Leddy, Helen M. Gain, William S. Robinson, Margaret A. O'Brien, Elizabeth Ewing, Emma M. Goodman, Stephen V. Shields, Alice P. Robinson, Emma P. Prief, Bessie A. Newnam, Julia M. Duryea, Anna Creighton, Annie M. Young, Ida M. Baker, Edna C. Batezell, Mary Wernle, Viola L. Llewellyn, Katie Spiitt, Marion H. Edinger, Anna E. Armstrong, William R. Weniger, Joseph E. Ewing, Marion M. Place, Theresa M. Lynn, Lillie M. Yeager, Lizzie M. Smiley, Elizabeth Brand, Leedom E. Tomlinson, William H. Coil, Mary Mitchell, Martha McCreedy, Alma W. Webster Patrick F. Clark, Nan M. P. Sweeney, Cora Klotz, Matilda B. Warner, Frances R. Taylor, Carrie B. Pyott, Rosa A. Schuler, Matthew F. Cleary, George J. Sekula, Rose E. Kane, Jennie B. Hagner, Anna Brurein, Carrie Powell, Anna Heger, Helen E. Whelen, Mary Berger, Anna T. Dungan, Clara Wallace, Anna M. Ryan, Mary A. Kelly, Florence M. Edwards, Imogene A. Simon, Magdalen C. Yaegel, Susie McDevitt, Elizabeth J. Smith, Lulu H. Christopher, Florence E. Godshall, Herma Lange, Barbara Marlow, Rosie Hartman, Mary F. Reagan, Mary Devlin, Alice V. Cassidy, Ellie Farr, Florence A. Bush, Clara Beil, Frank A. Dufner, Thomas Hesson, Stanley P. Leedom, James McCormac, Charles Persh, Mae Donohoe, Anna Honeyford, Lilly Smilowski, Elizabeth G. Cassels, Mary M. Smith, Mary Mitchell, Margaret Devere, Mary E. Candy, Anna Janish, Mary I. Wheatland, Elsie J. Eckley, Amelia Strobel, Charles Hiller, jr., Charles Keifer, Nellie Gordon, Gertrude Tolbert, Margaret Brown, Blanche F. McKnight, Edward Green, John Jesberger, Charles E. McCort, John Shields, George S. Matthews, Hugh J. Bradley, Harry Smith, Clarence Holt, Daniel P. Shields, Florence H. Smith, Martie Vandigrift, Edith Haney, Mary Mackner, Violet Hartman, Mamie Zruestle, Mamie Deneen, Catherne Ryan, Elizabeth R. Hodgkiss, Elsie L. Brittain, Katherin R. Lawler, Frances E. Beck, Agnes P. Acker, Gretta M. Finley, Addie Altemus, Irene Holmes, Alice Cahill, Anna McCullough, Hilda A. M. Hacker, Bertha B. Buckwalter, Lizzie Ulmer, Emma M. Thompson, Agnes Griffin, Sarah L. Martindale, Rebe J. Murray, Laura Engelman, Mary Brownell, Minerva M. McLaughlin, Amy L. Smith, Mary Costello, Minnie M. Wagner, Elizabeth S. Foster, Sadie J. Bangaardt, Ellen D. Krier, Lillian M. Gavin, Katie Marshall, Mary M. Graf, Anna L. Lancaster, Sadie McMann, Mamie G. McGlynn, Susie F. McLaughlin, Emma E. Smyser, Annie Hiller, Edna M. Strunk, Elizabeth Glancy, Mary Macdonald, Annie G. Flynn, Mary M. Kilty, Edna V. Richards, Mary E. Howerth, Mary A. Burk, Laura M. Nield, Blanche Letterman, Nellie E. Raed, Mary Warnock, Ellie Carmody, Jessie E. Campbell, Laura T. Bauer, Agnes D. Focht, Martha E. Kroesen, Margaret E. McCartin, Emma Fischer, Edna Smithers, Katharine A. Cleggett, William A. Blaisse, Albert M. Barington, Joseph A. Brown, Joseph A. Messinger, Norman E. Disbaroon, James F. Diamond, Joseph A. Clark.

THE FRANKFORD ARSENAL ASSOCIATION,
Philadelphia, Pa., January 28, 1915.

Hon. GEORGE E. CHAMBERLAIN,
United States Senate, Washington, D. C.

SIR: The committee whose names appear below, representing 400 employees of the Frankford Arsenal, do earnestly petition you and your fellow colleagues of the Committee on Military Affairs to report unfavorably the legislation passed by the House prohibiting the payment of premium rates to employees of the Frankford Arsenal. The premium system of compensation was introduced at this arsenal over five years ago, to the mutual satisfaction of the Government and ourselves. We made an agreement with the management of the arsenal with respect to the premium rates established, and with the understanding that while the manufacturing processes remain the same there would never be a reduction in the rates so established.

Our earnings under the premium system have averaged $3,747.72 per month, or $44,972 annually, and many of us, based upon the increased compensation, have obligated ourselves to buy homes, and the loss of the premium system means the loss of many of our homes. We do not doubt the good intentions of those who proposed the legislation, but we feel, nevertheless, that a great injustice has been done us. You will see that under the proposed legislation, while we lose our increased compensation, there is nothing to prevent the Government from making us work as hard or even harder than ever, and without any reward therefor.

Very respectfully,

JOSEPH B. MOSS,
HARRY F. WARD,
JOHN SHIELDS,
Committee.

ORDNANCE OFFICE, *January 30, 1915.*

To the SECRETARY OF WAR:

1. The legislation referred to in this petition is contained in a proviso of the Army bill (H. R. 20347), which passed the House of Representatives on January 22 and is now pending in the Senate. The language referring to the class of payments which have been suspended at the Frankford Arsenal is the following:

"* * * Nor shall any part of the appropriations made in this bill be available to pay any premium or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant; and no claim for services performed by any person while violating this proviso shall be allowed."

2. As the legislation is claimed by its proponents in the House of Representatives to be in the interest of the workmen who would be affected by it, I have considered it but just to all such workmen that they should have warning as to the effect of the measure in case it should be enacted into law. I have therefore given the same effect to the prohibition that it would have if it became law by directing that all premium payments, except such as have already accrued, shall cease at the arsenal.

WILLIAM CROZIER,
Brigadier General, Chief of Ordnance, United States Army.

APPENDIX 2.

[Senate Document No. 800, 63d Cong., 3d sess.]

TIME STUDY AND PREMIUM PAYMENTS.

LETTER FROM THE SECRETARY OF WAR RELATIVE TO A PROVISION IN THE ARMY APPROPRIATION BILL AGAINST TIME STUDY AND PREMIUM PAYMENTS AT GOVERNMENT ESTABLISHMENTS.

WAR DEPARTMENT,
Washington, January 30, 1915.

The PRESIDENT OF THE SENATE.

SIR: In the Army appropriation bill, H. R. 20347, which passed the House of Representatives on the 22d instant, there occurs the following legislation, added as an amendment upon the floor of the House:

"*Provided*, That no part of the appropriations made in this bill shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made, with a stop watch or other time-measuring device, a time study of any job of any such employee between the starting and completion thereof or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this bill be available to pay any premium or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant; and no claim for services performed by any person while violating this proviso shall be allowed."

The purpose and effect of this amendment is to prevent scientific management in the branch of the business of the Government which is affected by it. Surely this is a subject matter of great importance and should be dealt with directly and only decided after careful investigation and deliberation. It was not relevant to any matter contained in the Army bill, was not brought up in the hearings before the committee in the House so that both sides might receive full opportunity to present facts and reasons, and did not and could not receive full consideration under the circumstances, and when the amendment as adopted was presented to the bill on the floor of the House. Under the circumstances I feel that it is my duty to call the attention of the Senate to the situation so that they shall not vote thereon in ignorance of the importance of the subject matter.

This question has been agitated for some time past, and when brought to my attention I requested the Commission on Industrial Relations to carefully investigate this whole subject matter wih a view to reaching a proper conclusion thereon. This matter is one peculiarly within the scope of the jurisdiction of that commission. Just what they have done as yet in the matter I do not know, but I feel very strongly that the reasonable course to pursue would be to await their action and determination. If for any reason the Senate does not feel inclined to accept this suggestion I most earnestly request that a hearing be accorded upon this subject matter, so that all the facts and reasons which should be known to the Senate may be developed before the Senate finally concludes the matter.

With a view of acquainting the Senate somewhat more with the details of the situation, I have caused the Chief of Ordnance to prepare a statement, which accompanies this.

Very respectfully,

LINDLEY M. GARRISON,
Secretary of War.

[Memorandum for the Secretary of War.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ORDNANCE,
Washington, January 29, 1915.

Subject: Legislation in bill H. R. 29347, against time study and premium payments at Government establishments.

1. The prohibition in this legislation relates to two features of the system of scientific management which has been in practice at the

Watertown Arsenal, Mass., for something over five years. The first feature which is prohibited, time study, is a method of determining by careful study the best manner and sequence in which a given piece of work shall be done, the most advantageous way in which its expeditious performance can be accomplished, and the time in which it can reasonably be expected to be done. Based upon the results of time study an instruction card is issued to any workman who may be engaged upon the work studied, and he is told that if he follows the instructions carefully and industriously he can probably do the work in the time which has been arrived at, and in that case he will be given a premium, over and above his regular wages, amounting to one-third of these wages, or a less premium for measurably approaching this time; his regular wages not being subject to reduction in any case, being fixed at the prevailing rate of the vicinity for work of like character. This payment of premium is the second feature which is prohibited by the legislation in the bill. No watch is held over a workman otherwise than during the time study mentioned, and no workman is subjected to any timing process for the purpose of ascertaining whether he is working industriously. Time studies are made only occasionally, and as information accumulates which is available for use in arriving at the time in which work can reasonably be done, its employment is of diminishing frequency. All allowances are made so as to insure that work shall not be expected at a rate which is irksome, or even disagreeable, to the workman.

2. There are other important features of the system of management which relate to systemization, orderly procedure, and efficient arrangement, not having relation to the care and attention which is expected from a workman or to any stimulus to industry upon his part; but the features now proposed to be prohibited are the only ones by which the workman is let in to a share in the economy which results from better management accompanying the system.

3. A monthly report is made from the Watertown Arsenal of the amount of work which has been done upon the premium system and the premiums which are earned thereon. The latest report which has been received, which is for the month of November last, shows that 33 per cent of all the work done at the arsenal in that month was in accordance with this system, and that the total amount of premium was $2,519.69. The shop in which were the greatest number of men who had premium work was the machine shop, and in this about 70 per cent of all the work done was on the premium system, and the average premium earned by the machinists for the time that they were working on premium jobs was 24.12 per cent of their regular pay. It will be observed that the premiums paid during this period were at the rate of about $40,000 a year, and as there are in the neighborhood of 600 employees at the arsenal, it follows that the wages of all were increased on an average by about $66 a year. Premium payments, but not time studies, are made also at the Frankford Arsenal, in Philadelphia, Pa.; and at that establishment these payments amount to about $45,000 a year. As stated above, these premiums are over and above the regular day wages of the employees, which are fixed by the rule that they shall be the same as those paid in the vicinity for work of like character, and which have not been diminished since the commencement of the application of the premium system of payment; so that the charge that this system results in a demand for higher speed on the part of the workman without any ultimate increase of wages has no foundation in the now well-established practice at these arsenals. I inclose a copy of the report from the Watertown Arsenal which is referred to in this paragraph, which shows the name of every workman who was employed upon a premium job during any part of the first 23 days of last November; the time which he worked upon such job; the amount of premium which he earned, and the ratio which this premium bore to his regular wages. There is also shown the average premium earned in each shop and the percentage of the total work in the shop which was done under the premium system. It appears that the total sum paid in premiums during these 23 days (19 working days) was $2,519.69; that the total number of employees who received premiums was 340; so that the average premium earned by each was $7.41, and the average daily premium $0.39 each.

4. The workings of the system, the economies effected, and the advantage to the workman are set forth in the reports of the Chief of Ordnance for the years 1911, 1912, 1913, and 1914. The extracts from these reports for the years 1911 and 1912 which relate to this subject are published in an appendix to the report of the Chief of Ordnance for the year 1913, together with certain petitions of a number of the workmen at the Watertown Arsenal against this system, and the replies of the Chief of Ordnance thereto. A copy of this appendix is inclosed herewith, and there are also inclosed copies of the reports for the years 1913 and 1914. I invite special attention to these reports, as the subject can not be fully understood without knowing what is in them. They exhibit a high degree of advantage for the workman and such economy of manufacture for the Government that it seems inevitable that, if the economy is reduced, as it appears certain that it will be if the proposed legislation becomes effective, larger sums will be required for the operation of the arsenals.

WILLIAM CROZIER,
Brigadier General, Chief of Ordnance, United States Army.

Premiums earned from Nov. 1 to Nov. 23, 1914.

MOLDERS.

No.	Name.	Time.	Day rate.	Total pay, day rate.	Premium.	Total amount paid.	Hours of premium time paid for.	Hours worked on premium.	Average premium earned.
		Days. hrs.					*Hrs. min.*	*Hrs. min.*	*Per cent.*
4	J. J. Flynn	18 0	$3.04	$54.72	$0.62	$55.34	1 38	28 35	5.71
5	J. F. Gatte	19 0	3.52	66.88	7.63	74.51	17 20	75 55	22.83
6	W. B. Danehy	16 4	3.28	55.76	14.37	70.13	35 3	122 25	28.63
7	J. Hicklin	18 0	3.52	66.88	19.37	86.25	44 2	140 50	31.27
8	T. Kane	19 0	3.52	66.88	18.70	85.58	42 30	134 10	31.68
10	G E. Lawson	19 0	3.52	66.88	20.69	87.57	47 2	141 55	33.14
11	J. H. Murphy	19 0	3.28	62.32	26.98	89.30	65 49	148 30	44.32
12	J. R. Cooney	18 7	3.52	66.44	11.38	77.82	25 52	98 20	26.31
15	J. Wilson	19 0	3.68	69.92	12.73	82.65	27 41	175 10	15.80
17	J. Pickard	18 1½	3.52	63.91	12.26	76.17	27 52	66 20	42.01
18	I. Goostray	19 0	3.68	69.92	12.95	82.87	28 9	177 20	15.87
	Total				157.68		362 58	1,309 30	27.05

Premium percentage of shop=362 hours 58 minutes÷1,309 hours 30 minutes=27.72 per cent. Hours worked on premium is 80.42 per cent of the entire working time of all employees of the same class.

MACHINISTS.

No.	Name.	Time.	Day rate.	Total pay, day rate.	Premium.	Total amount paid.	Hours of premium time paid for.	Hours worked on premium.	Average premium earned.
		Days. hrs.					*Hrs. min.*	*Hrs. min.*	*Per cent.*
22	T. J. O'Connell		$3.04		$0.30	$0.30	0 48	8 25	9.50
31	G. F. Lincoln	19 0	3.04	$57.76	2.90	60.66	7 38	33 15	22.96
33	M. B. Hassett	18 7½	3.04	57.57	19.11	76.68	50 17	177 20	28.35
34	G. H. Rayne	18 4	3.04	56.24	2.72	58.96	7 9	19 35	36.51
35	A. C. Hydren	18 7	3.04	57.38	7.23	64.61	19 1	122 20	15.50
38	W. J. Cusack	18 5	3.28	61.09	18.91	80.00	46 7	110 0	41.92
39	J. Driscoll	19 0	3.52	66.88	14.65	81.53	33 18	111 0	30.00
41	T. J. Sheehan	19 0	3.52	66.88	22.71	89.59	51 37	138 5	37.38
42	H. W. Carlson	12 0	3.28	39.36	5.71	45.07	13 56	63 5	22.09
43	F. Carroll	17 2½	3.04	52.63	2.33	54.96	6 8	130 30	4.70
44	H. D. Roberts	18 6½	3.04	57.19	12.49	69.68	32 52	139 55	23.49
45	C. Hellquist	19 0	3.28	62.32	5.04	67.36	12 18	43 20	28.38
47	P. C. McGinnis	19 0	3.52	66.88	18.11	84.99	41 10	113 45	36.19
48	D. F. Mannix	18 1½	3.04	55.20	20.03	75.23	52 42	144 55	36.37
49	B. S. Ford	19 0	3.28	62.32	3.31	65.63	8 5	122 50	6.58
50	E. A. Petterson	19 0	3.52	66.88	7.59	74.47	17 15	75 30	22.85
51	L. E. Spellman	17 0	2.80	47.60	7.53	55.13	21 30	111 25	19.30
52	M. G. Cunningham	18 0	3.04	54.72	18.64	73.36	49 3	144 0	34.06
53	W. S. Clarke	19 0	3.04	57.76	1.05	58.81	2 46	15 5	18.34
54	A. E. Magnuson	18 7½	3.28	62.12	.88	63.00	2 9	8 0	26.87
55	M. S. Fowler	18 7	3.04	57.38	4.78	62.16	12 35	72 40	17.32
56	I. Carlson	17 5½	3.04	56.81	20.15	76.96	53 1	141 5	37.58
59	O. Borgstrom	18 7½	3.28	62.12	1.52	63.64	3 42	45 20	8.16
60	J. Anderson	19 0	3.04	57.76	18.63	76.39	49 1	145 25	33.71
61	A. Le Roy	19 0	3.04	57.76	4.15	61.91	10 55	89 40	12.17
62	P. H. Connell	19 0	2.80	53.20	.44	53.64	1 15	161 25	.77
63	P. Drew	19 0	3.04	57.76	8.49	66.25	22 20	136 35	16.35
64	C. R. Barlow	19 0	3.52	66.88	20.68	87.56	47 0	120 5	39.14
65	J. A. Forrest	19 0	3.28	62.32	19 28	81.60	47 2	156 15	30.10

Premiums earned from Nov. 1 to Nov. 23, 1914—Continued.

MACHINISTS—continued.

No.	Name.	Time.	Day rate.	Total pay, day rate.	Premium.	Total amount paid.	Hours of premium time paid for.	Hours worked on premium.	Average premium earned.
		Days. hrs.					*Hrs. min.*	*Hrs. min.*	*Per cent.*
66	J. J. Henry	19 0	$3.28	$62.32	$17.47	$79.79	42 36	162 50	26.16
67	F. A. Holway	19 0	3.28	62.32	3.97	66.29	9 41	130 20	7.43
68	F. A. Bailey	19 0	2.56	48.64	0.19	48.83	0 35	8 10	7.14
69	S. G. Halberg	19 0	3.52	66.88	11.21	78.09	25 29	181 40	14.03
70	J. W. McDonald	18 0	3.04	57.76	14.07	71.83	37 1	131 15	28.20
71	A. F. Hansen	18 7	3.28	61.91	1.02	62.93	2 29	17 45	13.99
72	A. F. Nutting	19 0	3.04	57.76	5.00	62.76	13 10	114 55	11.46
73	V. Swenson	19 0	3.28	62.32	11.35	73.67	27 41	127 55	21.64
75	N. G. Gould	19 0	3.52	66.88	14.27	81.15	32 26	134 40	24.08
76	C. J. Murnane	18 7½	3.28	62.12	8.78	70.90	21 25	96 15	22.25
78	F. C. Gould	18 7	3.04	57.38	2.54	59.92	6 41	37 10	17.98
79	E. J. Fagan	19 0	2.80	53.20	9.07	62.27	25 54	111 55	23.14
80	F. A. Nugent	19 0	3.04	57.76	14.68	72.44	38 38	136 0	28.41
81	R. Smith	18 6½	3.28	61.71	10.12	71.83	24 41	194 10	12.71
82	T. Whitworth	19 0	2.80	53.20	12.82	66.02	36 38	140 30	26.07
83	C. J. Frechette	19 0	3.04	57.76	11.64	69.40	30 38	122 25	25.02
84	E. J. Waterman	19 0	3.52	62.32	20.36	82.68	49 40	136 50	36.30
85	do	19 0	3.52	66.88	30.04	96.92	68 17	150 25	45.40
86	L. Anderson	17 3½	3.04	57.57	.41	57.98	1 4	57 40	1.85
87	J. J. Coughlin	19 0	3.04	57.76	18.04	75.80	47 29	136 25	34.81
88	P. Gaffney	18 7½	2.80	53.03	9.17	62.20	26 12	139 30	18.78
90	E. M. Burns	17 0	3.28	62.32	9.66	71.98	23 33	59 15	39.75
91	E. L. Barker	19 0	3.28	62.32	8.82	71.14	21 31	70 30	30.52
92	M. F. Cheevers	19 0	3.04	57.76	12.32	70.08	32 25	148 10	21.88
93	F. B. Hardy	19 0	3.04	57.76	6.36	64.12	16 44	57 15	29.23
94	W. Jones	19 0	3.28	62.32	4.24	66.56	10 21	45 55	22.54
96	W. P. Cross	18 7½	3.04	57.57	.25	57.82	0 40	30 30	2.18
97	J. P. Larkin	19 0	3.04	57.76	.34	58.10	0 53	8 15	10.71
98	O. W. Collins	18 7	2.80	52.85	16.70	63.55	30 34	182 40	16.73
99	A. M. Fillebrown	18 6	3.28	61.50	20.51	82.01	50 1	143 45	34.79
100	J. V. N. Beeman	18 5½	3.04	56.72	18.01	74.73	47 23	120 5	39.46
101	O. M. Whittier	18 6½	3.04	57.19	.06	57.25	0 10	1 25	11.76
102	W. Barker	19 0	3.52	66.88	14.29	81.17	32 28	106 25	30.51
103	J. D. Finnegan	17 6½	2.80	49.88	2.25	52.13	6 25	123 30	5.20
105	E. Puhpal	17 7½	3.04	55.29	2.66	57.95	7 0	37 15	18.79
106	C. G. Lindstrom	19 0	3.28	62.32	3.51	65.83	8 33	104 55	8.15
107	W. M. Mullen	19 0	3.04	57.76	11.37	69.13	29 55	86 35	34.55
108	T. F. Mulrean	18 6	3.04	57.00	5.57	62.57	14 39	56 35	25.89
109	G. F. Glidden	19 0	3.04	57.76	13.90	71.66	36 34	85 25	42.81
110	J. B. Wiley	19 0	3.04	57.76	7.13	64.89	18 46	56 20	33.31
111	F. L. Hapworth	18 3	3.28	60.27	.....	60.27	.....	2 30	.....
112	J. A. Longfellow	19 0	3.28	62.32	11.41	73.73	27 50	85 10	32.68
113	T. Conrad	19 0	2.80	53.20	6.29	59.49	17 58	93 45	19.16
114	H. A. Brown	19 0	3.04	57.76	5.83	63.59	15 20	115 15	13.30
117	H. E. West	18 4	3.04	56.24	9.07	65.31	23 52	112 30	21.21
118	H. M. Silveira	19 0	3.04	57.76	4.52	62.28	11 54	101 10	11.76
120	F. J. Christensen	18 7½	3.04	57.57	10.84	68.41	28 32	111 0	25.70
121	A. B. Kendall	19 0	3.04	57.76	18.99	76.75	49 58	149 10	33.50
122	E. T. Doby	17 0	2.56	48.64	2.93	51.57	9 9	100 5	9.14
123	J. A. MacKean	19 0	3.52	66.88	1.36	68.24	3 6	11 30	26.96
124	J. J. Mitchell	19 0	3.28	62.32	6.93	69.25	16 54	133 10	12.69
125	J. Singleton	18 1½	3.52	66.88	22.00	88.88	50 0	127 0	39.37
126	K. A. Zander	18 6½	3.28	61.71	1.53	63.24	3 41	20 40	18.06
128	T. E. Farrell	18 7½	3.28	62.12	9.87	71.99	24 4	150 25	16.00
129	A. Swenson	19 0	3.28	62.32	9.46	71.78	23 4	112 40	20.47
131	E. A. Hanson	19 0	2.28	62.32	11.41	73.73	27 50	81 15	34.26
132	G. L. Lamkin	19 0	2.80	53.20	13.99	67.19	39 59	154 55	25.81
133	T. F. McGowan	18 3¾	3.04	56.15	9.49	65.64	21 58	128 5	19.49
134	A. L. Dow	18 5	3.04	56.62	15.50	72.12	40 48	159 55	25.51
135	S. W. Howatt	18 7½	3.04	57.57	8.09	65.66	21 17	81 50	26.00
136	M. J. Costigan	18 0	2.80	50.40	10.07	60.47	28 46	143 0	20.12
137	G. T. Johnson	19 0	3.04	57.76	3.60	61.36	9 28	59 40	15.86
138	A. M. Stirling	18 0	3.04	54.72	16.29	71.01	42 52	119 25	35.90
139	C. Hicks	19 0	3.52	66.88	12.61	79.49	28 39	184 10	15.56
140	O. S. Davis	18 0	2.80	53.20	7.40	60.60	21 8	152 55	13.82
141	P. W. O'Donnell	19 0	3.04	57.76	32.63	90.39	85 52	145 5	59.18
143	D. Friberg	18 2	3.04	55.48	.34	55.82	54	5 0	18.00
144	N. E. Parnell	19 0	3.04	57.76	13.10	70.86	34 29	146 45	23.50
145	A. S. Pearce	18 7	3.28	61.91	9.31	71.22	22 42	199 20	11.39
146	C. F. Carlson	18 7½	3.28	62.12	20.03	82.15	48 51	132 20	26.91
147	C. E. Norrby	17 0	3.04	57.76	.75	58.51	1 58	45 40	4.31
148	J. McFarland	18 7½	3.04	57.57	26.28	83.85	69 10	123 40	55.93
149	W. C. Fisher	18 1½	3.04	55.29	4.24	59.53	11 9	116 45	9.55
150	J. Gastonquay	12 3	3.04	52.82	13.06	65.88	34 22	96 30	35.61
152	J. A. Dirwanger	18 0	3.04	57.76	3.51	61.27	9 14	39 30	23.37
153	P. L. Lacey	19 0	2.80	53.20	.....	53.20	.....	149 45	.....
154	G. G. Downes	19 0	3.04	57.76	2.44	60.20	6 25	16 10	39.69
155	H. J. White	18 5½	3.04	56.81	12.56	69.37	33 3	151 55	21.76
156	F. F. Provost	19 0	3.04	57.76	42.26	100.02	111 12	165 35	67.15
158	R. T. Lorrey	18 7½	3.04	57.57	20.10	77.67	52 54	168 0	31.49
160	G. J. Frykman	18 0	3.04	54.72	14.33	69.05	37 43	140 5	26.92
162	J. T. Brown	16 4½	3.04	50.35	1.15	51.50	3 2	83 10	3.65
164	J. W. Brennan	18 0	3.28	59.04	3.13	62.17	7 38	131 25	5.81
165	B. C. Button	18 7½	3.04	57.57	19.27	76.84	50 42	151 30	33.47
168	W. J. Blake	18 6	3.04	57.00	4.65	61.65	12 14	41 30	29.48
169	J. F. Cusack	18 4½	2.80	51.98	17.73	69.71	50 39	149 30	33.88
173	A. A. Gillespie	18 7	2.56	48.32	.....	48.32	.....	48 40	.....
174	J. D. Regan	18 7	2.56	48.32	12.52	60.84	39 7	136 30	28.66
176	W. Edwards	16 6	3.04	53.96	18.15	72.11	47 46	153 10	31.19
177	J. Hughes	19 0	3.04	57.76	15.67	73.43	41 14	84 15	48.04
179	W. W. Carter	17 7	3.04	54.34	12.32	66.66	32 25	116 10	27.91
182	A. R. Linden	17 4	2.80	49.00	4.14	53.14	11 50	46 35	25.40
183	F. W. Rattek	19 0	3.04	57.76	11.26	69.02	29 38	136 30	21.71
184	N. B. Curtis	19 0	3.04 / 2.80	56.32	12.59	68.91	33 46	143 15	23.57
185	E. Hanf	19 0	3.28	62.32	5.77	68.09	14 5	104 35	13.47
186	E. F. Delaney	18 2½	2.80	51.28	8.20	59.48	23 26	92 5	25.45
188	C. B. Peterson	18 0	3.76	71.44	4.39	75.83	9 20	8 50	105.66
189	G. H. Major	19 0	3.04	57.76	7.88	65.64	20 44	73 30	28.21
190	J. F. Maguire	18 7½	3.04	57.57	1.12	58.69	2 57	52 20	5.64
191	P. J. Conrad	19 0	2.56	48.64	9.36	58.00	29 15	103 5	28.38
192	F. Grethe	18 0	2.80	50.40	2.25	52.65	6 26	52 15	12.31
193	F. O. Franson	18 7	3.04	57.38	29.10	86.48	76 34	204 0	37.53
194	L. Berlin	18 4	3.52	65.12	.86	65.98	1 57	87 25	2.27

Premiums earned from Nov. 1 to Nov. 23, 1914—Continued.

MACHINISTS—continued.

No.	Name.	Time.	Day rate.	Total pay, day rate.	Premium.	Total amount paid.	Hours of premium time paid for.	Hours worked on premium.	Average premium earned.
		Days. hrs.					*Hrs. min.*	*Hrs. min.*	*Per cent.*
196	B. Hamilton	17 7½	$2.56	$45.92	$9.48	$55.40	29 37	145 20	20.38
197	J. C. Dieselman	18 7½	2.56	48.40	3.03	51.43	9 28	38 40	24.48
198	T. H. Rogers	18 0	2.80	50.40	9.99	60.39	28 32	128 35	22.19
199	L. R. Strout	18 7½	3.04	57.57	4.29	61.86	11 17	74 5	15.23
200	P. Peterson	19 0	3.04	57.76	10.84	68.60	28 31	100 5	28.49
201	C. Hansen	19 0	3.04	57.76	8.52	66.28	22 25	217 5	10.33
202	R. J. Sylvia	18 3½	2.80	51.71	.....	51.71	.....	38 50	.....
203	G. A. Bjorn	19 0	3.04	57.76	15.42	73.18	40 34	139 30	29.08
204	R. Williams	19 0	3.04	57.76	12.57	70.33	33 4	140 5	23.60
206	F. B. Cushing	14 2½	3.04	43.42	.....	43.42	.....	82 40	.....
208	J. Bornstein	.....	3.04	.....	.....	.....	.....	9 5	.....
209	J. W. Herbert	18 4½	3.04	56.43	16.47	70.90	43 20	142 5	30.50
211	D. J. Roche	18 4	3.04	56.24	12.23	68.47	32 11	124 45	25.80
212	C. E. Gullbrand	19 0	3.04	57.76	.....	57.76	.....	36 20	.....
217	F. Mee	17 2½	2.80	50.05	10.13	60.18	28 57	89 5	32.50
218	M. J. Acton	19 0	3.28	62.32	.....	62.32	.....	152 50	.....
219	W. S. Jordan	17 0	3.04	51.68	1.33	53.01	3 30	23 25	14.95
221	S. C. Breese	19 0	3.04	57.76	2.10	59.86	5 31	41 10	13.40
222	A. P. Sehlin	18 7	3.04	57.38	10.01	67.39	26 21	108 45	24.23
223	F. McCluskey	18 7½	3.04	57.57	.19	57.76	0 30	23 20	2.14
225	E. W. Lindquist	18 4	3.28	60.68	27.09	87.77	66 5	138 10	47.83
226	M. J. O'Halloran	17 4	3.04	53.20	7.54	60.74	19 50	83 20	23.80
227	J. U. Junier	15 0	3.04	45.60	4.28	49.88	11 15	42 35	26.42
230	E. A. Willey	18 7	3.04	57.38	5.97	63.35	15 42	48 55	32.10
231	A. J. Harris	18 6¾	3.04	57.29	24.82	82.11	65 19	109 35	59.60
247	C. F. Roche	19 0	2.80	53.20	16.82	70.02	48 4	152 0	31.62
285	J. C. Albrecht, jr	19 0	2.56	48.64	14.71	63.35	45 59	152 5	30.24
287	J. Sjostedt	19 0	3.04	57.76	4.59	62.35	12 4	69 40	17.32
288	P. McDonnell	17 7½	3.04	54.53	5.62	60.15	14 47	94 50	15.59
290	P. Olson	18 0	3.04	54.72	7.54	62.26	19 51	134 0	14.81
316	C. A. Sherwin	19 0	3.04	57.76	1.98	59.74	5 13	113 0	4.62
318	H. H. Hermanson	19 0	3.04	57.76	13.19	70.95	34 42	128 50	26.93
319	J. A. Wylie	7 7½	3.04	24.13	6.66	30.79	17 32	77 10	22.72
329	H. H. Beaton	18 7½	2.80	53.03	4.73	57.76	13 31	49 55	27.08
330	G. W. Boulton	17 4½	2.56	44.96	8.01	52.97	25 1	147 20	16.98
331	A. Kanaan	18 0	3.04	54.72	10.75	65.47	28 18	130 50	21.63
332	A. O. Dion	18 0	2.80	50.40	.....	50.40	.. ..	28 30	.....
333	A. E. Peckham	18 4	2.80	51.80	13.73	65.53	39 14	134 20	29.21
344	W. J. Kelleher	19 0	3.04	57.76	6.28	64.04	16 31	142 55	11.56
346	W. H. Lynch	18 7½	3.04	57.57	17.04	74.61	44 51	198 35	22.58
347	G. Adamson	18 7	2.80	52.85	.49	53.34	1 24	58 10	2.41
348	F. Holzworth	19 0	3.04	57.76	8.18	65.94	21 32	72 0	29.91
354	L. E. Allen	19 0	3.04	57.76	2.77	60.53	7 18	34 35	21.11
358	J. E. Killion	18 7½	2.80	53.03	16.58	69.61	47 23	151 30	31.28
359	J. J. J. Connearney	18 0	2.80	50.40	2.86	53.26	8 10	24 5	33.91
361	M. J. Lyons	18 2	3.04	55.48	.....	55.48	.....	25 35	.....
365	E. G. Lauterbach	17 7	3.04	54.34	6.75	61.09	17 46	125 35	14.15
366	A. Gohr	17 7½	3.04	54.53	19.48	74.01	51 15	160 35	31.91
	Total	.....	.....	.....	1,698.52	.....	4,417 58	18,312 15	22.98

Premium percentage of shop=4,417 hours 58 minutes÷18,312 hours 15 minutes=24.12 per cent. Hours worked on premium is 61.99 per cent of the entire working time of all employees of the same class.

MACHINIST HELPERS.

No.	Name.	Time.	Day rate.	Total pay, day rate.	Premium.	Total amount paid.	Hours of premium time paid for.	Hours worked on premium.	Average premium earned.
		Days. hrs.					*Hrs. min.*	*Hrs. min.*	*Per cent.*
232	E. P. Davis	18 7½	$2.24	$42.42	$3.55	$45.97	12 41	129 10	9.82
233	P. Kelly	17 0	2.40	45.60	3.51	49.11	11 42	30 45	38.05
234	M. Kelly	18 0	2.40	45.60	7.74	53.34	25 48	71 5	36.30
235	J. T. Lovely	18 4	2.40	44.40	.61	45.01	2 1	26 55	7.49
239	T. Murphy	18 4	2.00	38.00	1.30	39.30	5 13	13 35	38.40
240	G. A. Harper	18 0	2.00	36.00	1.39	37.39	5 34	32 55	16.91
242	J. Greene	19 0	2.00	38.00	1.88	39.88	7 32	58 55	12.79
252	E. Colligan	19 0	2.00	38.00	5.57	43.57	22 16	111 20	20.00
256	M. J. Claney	19 0	2.24	42.56	2.17	44.73	7 44	77 55	9.93
258	T. Cunningham	18 4	2.00	37.00	1.28	38.28	5 7	39 50	12.85
270	W. F. Burke	18 7½	2.00	37.88	12.13	50.01	48 31	146 10	33.19
272	T. J. Wilson	18 0	2.00	36.00	7.66	43.66	30 39	58 15	52.62
275	B. F. Lord	19 0	2.00	38.00	1.99	39.99	7 58	70 35	11.29
277	J. A. Feeley	19 0	2.00	38.00	6.48	44.48	25 54	79 35	32.54
282	T. Quirke	19 0	2.00	38.00	1.03	39.03	4 7	23 5	17.83
292	E. F. Malloy	18 4	2.40	44.40	6.04	50.44	20 7	77 10	26.07
298	A. T. Leonard	18 0	2.00	36.00	2.56	38.56	10 14	73 20	13.95
309	J. H. Pomfrey	19 0	2.00	38.00	4.08	42.08	16 18	66 30	24.51
320	F. L. Hoppermann	19 0	2.00	38.00	1.38	39.38	5 31	18 10	30.37
322	B. W. Griffin	19 0	2.00	38.00	5.54	43.54	22 10	82 15	26.95
323	G. Cummings	17 7	2.00	35.75	3.11	38.86	12 26	125 10	9.93
328	J. J. Daly	18 5	2.00	37.25	.60	37.85	2 23	3 45	63.56
334	C. W. Horgan	18 7½	2.00	37.88	.44	38.32	1 45	36 50	4.75
340	E. L. Eadie	18 7	2.00	37.75	2.05	39.80	8 11	143 40	5.70
342	W. P. Gill	19 0	2.00	38.00	4.45	42.45	17 47	74 50	23.76
345	F. S. Frye	16 4½	2.00	33.06	7.07	40.13	28 16	81 55	34.51
352	O. H. Stead, jr	18 6¾	2.00	37.69	1.10	38.79	4 24	12 45	34.51
355	J. J. Flanagan	10 0	2.00	20.00	.71	20.71	2 50	8 40	32.69
357	A. Meassner	19 0	2.00	38.00	4.06	42.06	16 15	89 20	18.19
360	W. L. Greene	10 0	2.00	20.00	.....	20.00	.....	12 0	.....
368	T. J. Calnan	18 7	2.00	37.75	.94	38.69	3 46	15 40	24.04
	Total	.....	.....	.....	102.42	.....	395 10	1,892 5	23.34

Premium percentage of shop=395 hours 10 minutes÷1,892 hours 5 minutes=20.89 per cent. Hours worked on premium is 16.50 per cent of the entire working time of all employees of the same class.

Premiums earned from Nov. 1 to Nov. 23, 1914—Continued.

LABORERS.

No.	Name.	Time.	Day rate.	Total pay, day rate.	Premium.	Total amount paid.	Hours of premium time paid for.	Hours worked on premium.	Average premium earned.
		Days. hrs.					*Hrs. min.*	*Hrs. min.*	*Per cent.*
54	J. Connolly	19 0	$2.24	$42.56	$2.86	$45.42	10 12	27 0	37.78
2	P. McKenna	18 4	2.00	37.00	.38	37.38	1 31	4 25	34.34
7	C. J. Sullivan	19 0	2.00	38.00	.31	38.31	1 15	7 15	17.24
9	M. Gorman	14 4¾	2.00	29.19	6.85	36.04	27 23	65 35	41.75
10	R. Fallon	19 0	2.00	38.00	1.44	39.44	5 45	21 45	26.44
11	M. Farraher	19 0	2.00	38.00	14.14	52.14	56 34	158 15	35.75
12	S. O'Brien	19 0	2.00	38.00	1.20	39.20	4 48	17 10	27.96
14	P. Kilbride	18 0	2.00	36.00	13.59	49.59	54 21	151 55	36.78
15	J. H. Crowley	19 0	2.00	38.00	7.80	45.80	31 11	132 45	23.49
16	M. Tuohy	19 0	2.24	42.56	1.11	43.67	3 58	14 25	27.51
17	T. P. Hurley	19 0	2.00	38.00	5.83	43.83	23 20	91 0	25.64
18	J. Wasilec	19 0	2.00	38.00	4.28	42.28	17 7	71 25	23.97
20	I. Barnoth	19 0	2.00	38.00	5.67	43.67	22 41	92 45	24.46
21	M. Manning	18 0	2.00	36.00	3.01	39.01	12 3	57 15	21.05
22	E. Comba	19 0	2.00	38.00	2.59	40.59	10 22	45 20	22.87
25	N. R. Hodgens	19 0	2.00	38.00	2.91	40.91	11 38	48 30	23.99
26	J. J. Pettit	19 0	2.00	38.00	6.14	44.14	24 33	126 15	19.45
30	G. Di Luzio	18 0	2.00	36.00	4.28	40.28	17 6	69 15	24.69
31	A. Ward	4 0	2.00	8.00	.16	8.16	39	7 35	8.57
32	W. H. Smith	16 4	2.00	33.00	5.20	38.20	20 48	108 35	19.18
33	J. Meehan	17 6½	2.00	37.13	6.74	43.87	26 58	125 35	21.47
36	P. J. Scanlon	18 0	2.00	36.50	2.69	39.19	10 45	35 45	30.07
37	F. McGinty	19 0	2.00	38.00	7.30	45.30	29 13	71 25	40.91
38	P. Di Luzio	15 4¾	2.00	31.19	7.11	38.30	28 27	63 35	44.74
40	J. J. Britt	18 0	2.00	36.00	1.61	37.61	6 26	15 25	41.72
41	F. F. Maskell	18 0	2.00	36.00	1.64	37.64	6 34	18 5	36.31
43	J. Melams	19 0	2.00	38.00	11.13	49.13	44 30	152 0	29.28
48	G. Lattanzio	19 0	2.00	38.00	3.71	41.71	14 50	60 15	24.62
52	M. Lynch	19 0	2.00	38.00	1.23	39.23	4 54	17 5	28.68
53	F. J. Hughes	16 1½	2.00	32.38	5.53	37.91	22 6	108 20	20.40
54	C. Lyons	19 0	2.00	38.00	5.72	43.72	22 52	115 30	19.80
56	A. Di Tullio	19 0	2.00	38.00	5.60	43.60	22 25	94 35	23.70
60	T. J. Hooban	12 1	2.00	24.25	.13	24.38	30	27 35	1.81
63	W. H. Gregory	14 6	2.00	29.50	.....	29.50	.....	12 0	.....
67	M. Reilly	13 0	2.00	26.00	.70	26.70	2 49	11 15	25.04
68	J. E. Rogers	19 0	2.00	38.00	12.05	50.05	48 13	132 25	36.41
86	L. B. Frye	18 5	2.00	37.25	.67	37.92	2 40	8 0	33.33
3	S. Douglass	18 6	2.00	37.50	10.58	48.08	42 18	128 5	33.03
5	J. H. Sinton	19 0	2.00	38.00	1.48	39.48	5 54	31 35	18.68
8	O. L. Needham	18 0	2.00	37.00	.25	37.25	1 0	3 0	33.33
10	E. St. John	19 0	2.00	38.00	.16	38.16	39	7 35	8.57
88	M. McDermott	19 0	2.16	41.04	.09	41.13	21	1 25	24.71
	Total	.....	.....	.....	175.87	.....	701 39	2,558 55	26.15

Premium percentage of shop=701 hours 39 minutes÷2,558 hours 55 minutes=27.42 per cent. Hours worked on premium is 30.87 per cent of the entire working time of all employees of the same class.

CHIPPERS.

No.	Name.	Time.	Day rate.	Total pay, day rate.	Premium.	Total amount paid.	Hours of premium time paid for.	Hours worked on premium.	Average premium earned.
		Days. hrs.					*Hrs. min.*	*Hrs. min.*	*Per cent.*
40	J. Lannon	19 0	$2.24	$42.56	$9.53	$52.09	34 3	137 45	24.72
41	J. F. Tovey	19 0	2.24	42.56	9.45	52.01	33 44	122 40	27.50
87	R. Lannon	19 0	2.48	47.12	2.19	49.31	9 3	19 25	36.31
88	J. Connolly	19 0	2.32	44.08	7.87	51.95	27 9	86 10	31.51
94	J. J. Madigan	19 0	2.24	42.56	6.31	48.87	22 32	99 5	22.74
92	J. J. Murphy	16 7½	2.24	37.94	4.81	42.75	17 11	56 25	30.46
93	T. Flanagan	18 0	2.24	40.32	6.41	46.73	22 54	98 25	23.27
96	M. J. Sullivan	19 0	2.24	42.56	5.54	48.10	19 48	81 30	24.29
98	F. E. Howland	19 0	2.24	42.56	8.61	51.17	30 45	95 25	32.23
312	N. Barry	18 7½	2.24	42.42	7.49	49.91	26 44	67 10	39.80
	Total	.....	.....	.....	68.21	.....	241 53	864 0	29.28

Premium percentage of shop=241 hours 53 minutes÷864 hours=28 per cent. Hours worked on premium is 48.03 per cent of the entire working time of all employees of the same class.

MOLDERS' HELPERS.

No.	Name.	Time.	Day rate.	Total pay, day rate.	Premium.	Total amount paid.	Hours of premium time paid for.	Hours worked on premium.	Average premium earned.
		Days. hrs.					*Hrs. min.*	*Hrs. min.*	*Per cent.*
39	G. G. Wright	18 7½	$2.24	$42.42	$0.86	$43.28	3 5	5 50	52.86
43	B. J. Harvey	17 3½	2.24	40.32	.13	40.45	27	25	108.00
45	J. P. J. Ryan	18 7½	2.24	42.42	6.52	48.94	23 18	19 5	122.10
46	M. J. Sheridan	19 0	2.00	38.00	5.89	43.89	23 34	19 20	121.90
47	J. Manning	19 0	2.00	38.00	.74	38.74	2 58	13 0	22.82
49	W. F. Cullinane	18 7½	2.24	42.42	3.01	45.43	10 46	32 30	33.13
60	C. Murphy	18 7½	2.24	42.42	3.78	46.20	13 29	40 30	33.29
68	J. Doherty	19 0	2.24	42.56	9.50	52.06	33 56	107 15	31.64
	Total	.....	.....	.....	20.43	.....	111 33	237 55	65.72

Premium percentage of shops=111 hours 33 minutes÷237 hours 55 minutes=46.89 per cent. Hours worked on premium is 5.87 per cent of the entire working time of all employees of the same class.

Premiums earned from Nov. 1 to Nov. 23, 1914—Continued.

TEAMSTERS.

No.	Name.	Time.	Day rate.	Total pay, day rate.	Premium.	Total amount paid.	Hours of premium time paid for.	Hours worked on premium.	Average premium earned.
		Days. hrs.					*Hrs. min.*	*Hrs. min.*	*Per cent.*
3	W. M. Costello	19 0	$2.00	$38.00	$11.13	$49.13	44 32	152 0	29.30
5	T. Leamy	18 0	2.00	36.00	11.39	47.39	45 33	143 55	31.65
8	P. Maguire	17 0	2.24	38.08	9.31	47.39	33 14	126 15	26.32
29	C. W. Beckwith	17 0	2.00	34.00	10.37	44.37	41 29	134 0	30.96
	Total				42.20		164 48	556 10	29.56

Premium percentage of shop=164 hours 48 minutes÷556 hours 10 minutes=29.63 per cent. Hours worked on premium is 97.92 per cent of the entire working time of all employees of the same class.

SKILLED WORKMEN.

No.	Name.	Time.	Day rate.	Total pay, day rate.	Premium.	Total amount paid.	Hours of premium time paid for.	Hours worked on premium.	Average premium earned.
		Days. hrs.					*Hrs. min.*	*Hrs. min.*	*Per cent.*
79	A. Grealey	18 ½	$2.48	$44.80	$0.47	$45.27	1 30	3 0	50.00
80	D. Mahoney	19 0	2.80	53.20	4.17	57.37	11 54	31 35	37.68
27	J. O'Brien	18 0	2.24	40.32	.21	40.53	45	28 15	2.65
40	P. J. McGarry	19 0	4.00	76.00	.38	76.38	45	28 15	2.65
44	J. Tighe	18 0	2.24	40.32	1.15	41.47	4 7	36 15	11.36
45	H. O'Connor	18 0	3.28	59.04	6.43	65.47	15 41	55 40	28.17
	Total				12.81		34 42	183 0	22.08

Premium percentage of shop=34 hours 42 minutes÷183 hours=18.97 per cent. Hours worked on premium is 15.04 per cent of the entire working time of all employees of the same class.

BLACKSMITHS' HELPERS.

No.	Name.	Time.	Day rate.	Total pay, day rate.	Premium.	Total amount paid.	Hours of premium time paid for.	Hours worked on premium.	Average premium earned.
		Days. hrs.					*Hrs. min.*	*Hrs. min.*	*Per cent.*
22	P. J. O'Brien	13 6½	$2.00	$27.56	$2.06	$29.62	8 15	20 40	39.92
23	J. Kendall	19 0	2.00	38.00	.25	38.25	1 0	11 20	8.82
24	E. A. McDonough	19 0	2.00	38.00	4.34	42.34	17 22	62 25	27.82
25	P. Burke	19 0	2.00	38.00	1.13	39.13	4 31	23 35	19.15
26	M. O'Connor	11 0	2.00	22.00	1.23	23.23	4 55	19 45	24.89
28	J. Ryan	19 0	2.00	38.00	3.95	41.95	15 48	55 25	28.51
29	J. Hart	19 2½	2.00	39.59	.30	39.89	1 13	41 15	2.95
30	T. Balharry	8 0	2.00	16.00	2.95	18.95	11 47	36 30	32.28
31	D. Caponi	19 0	2.00	38.00	1.10	39.10	4 23	31 30	13.92
33	J. Gill	8 0	2.00	16.00	2.51	18.51	10 2	23 50	42.10
39	W. M. O'Brien	3 0	2.00	6.00	1.11	7.11	4 27	18 55	23.52
	Total				20.93		83 43	345 10	23.99

Premium percentage of shop=83 hours 43 minutes÷345 hours 10 minutes=24.25 per cent. Hours worked on premium is 22.01 per cent of the entire working time of all employees of the same class.

BLACKSMITHS.

No.	Name.	Time.	Day rate.	Total pay, day rate.	Premium.	Total amount paid.	Hours of premium time paid for.	Hours worked on premium.	Average premium earned.
		Days. hrs.					*Hrs. min.*	*Hrs. min.*	*Per cent.*
2	W. J. Frost	7 0	$3.28	$22.96	$3.03	$25.99	7 24	24 0	30.83
4	W. Doherty	17 0	3.28	55.76	2.02	57.78	4 55	28 5	17.51
5	J. T. Mullen	7 0	3.04	21.28	3.07	24.35	8 5	33 10	24.37
6	T. Coleman	13 0	3.28	42.64	.41	43.05	1 0	3 0	33.33
7	J. W. Winch	19 0	3.04	57.76	1.11	58.87	2 55	23 35	12.37
9	J. Houllahan	18 0	3.04	54.72	7.21	61.93	18 59	69 25	27.35
	Total				16.85		43 18	181 15	24.29

Premium percentage of shop=43 hours 18 minutes÷181 hours 15 minutes=23.89 per cent. Hours worked on premium is 19.04 per cent of the entire working time of all employees of the same class.

SKILLED LABORER.

No.	Name.	Time.	Day rate.	Total pay, day rate.	Premium.	Total amount paid.	Hours of premium time paid for.	Hours worked on premium.	Average premium earned.
		Days. hrs.					*Hrs. min.*	*Hrs. min.*	*Per cent.*
28	P. J. Noone	19 1	$2.56	$49.60	$12.38	$61.98	38 41	143 35	26.94

Hours worked on premium is 93.85 per cent of the entire working time of all employees of the same class.

Premiums earned from Nov. 1 to Nov. 23, 1914—Continued.

FIREMEN.

No.	Name.	Time.	Day rate.	Total pay, day rate.	Premium.	Total amount paid.	Hours of premium time paid for.	Hours worked on premium.	Average premium earned.
		Days. hrs.					*Hrs. min.*	*Hrs. min.*	*Per cent.*
5	J. Swift	23 0	[1] $75.00	$57.50	$0.11	$57.61	0 21	3 50	9.13
39	R. H. Russell	20 2	[1] 81.00	62.10	.31	62.41	0 55	3 25	26.83
	Total				.42		1 16	7 15	17.98

[1] Per month.

Premium percentage of shop=1 hour 16 minutes÷7 hours 15 minutes=17.47 per cent. Hours worked on premium is 2.10 per cent of the entire working time of all employees of the same class.

RIGGER.

No.	Name.	Time.	Day rate.	Total pay, day rate.	Premium.	Total amount paid.	Hours of premium time paid for.	Hours worked on premium.	Average premium earned.
		Days. hrs.					*Hrs. min.*	*Hrs. min.*	*Per cent.*
13	H. Pitts	23 0	[1] $62.00	$47.53	$0.32	$47.85	1 14	7 15	17.01

[1] Per month.

Hours worked on premium is 3.94 per cent of the entire working time of all employees of the same class.

FURNACE HELPER.

No.	Name.	Time.	Day rate.	Total pay, day rate.	Premium.	Total amount paid.	Hours of premium time paid for.	Hours worked on premium.	Average premium earned.
		Days. hrs.					*Hrs. min.*	*Hrs. min.*	*Per cent.*
85	E. English	23 0	[1] $70.00	$53.67	$4.43	$58.10	15 16	50 35	30.18

[1] Per month.

Hours worked on premium is 27.49 per cent of the entire working time of all employees of the same class.

MACHINIST APPRENTICES.

No.	Name.	Time.	Day rate.	Total pay, day rate.	Premium.	Total amount paid.	Hours of premium time paid for.	Hours worked on premium.	Average premium earned.
		Days. hrs.					*Hrs. min.*	*Hrs. min.*	*Per cent.*
163	E. F. Smith	17 4½	$1.92	$33.66	$0.40	$34.06	1 40	85 20	1.95
170	W. L. Holmes	18 7½	1.92	35.16	7.44	42.60	31 0	92 35	33.48
172	A. J. Boyd	17 7½	2.56	45.92	.54	46.46	1 41	68 45	2.45
	Total				8.38		34 21	246 40	12.63

Premium percentage of shop=246 hours 40 minutes÷34 hours 21 minutes=13.93 per cent. Hours worked on premium is 57.60 per cent of the entire working time of all employees of the same class.

SCREW MAKER.

No.	Name.	Time.	Day rate.	Total pay, day rate.	Premium.	Total amount paid.	Hours of premium time paid for.	Hours worked on premium.	Average premium earned.
		Days. hrs.					*Hrs. min.*	*Hrs. min.*	*Per cent.*
159	P. J. Mahony	19 0	$2.56	$48.64	$12.32	$60.96	38 30	135 25	28.43

Hours worked on premium is 89.09 per cent of the entire working time of all employees of the same class.

MACHINE OPERATOR.

No.	Name.	Time.	Day rate.	Total pay, day rate.	Premium.	Total amount paid.	Hours of premium time paid for.	Hours worked on premium.	Average premium earned.
		Days. hrs.					*Hrs. min.*	*Hrs. min.*	*Per cent.*
349	M. F. Norton	13 0	$2.80	$36.40	$3.13	$39.53	8 57	86 45	10.32

Hours worked on premium is 83.41 per cent of the entire working time of all employees of the same class.

MASON'S HELPER.

No.	Name.	Time.	Day rate.	Total pay, day rate.	Premium.	Total amount paid.	Hours of premium time paid for.	Hours worked on premium.	Average premium earned.
		Days. hrs.					*Hrs. min.*	*Hrs. min.*	*Per cent.*
79	J. McLaughlin	19 0	$2.24	$42.56	$1.25	$43.81	4 28	11 5	40.30

Hours worked on premium is 7.29 per cent of the entire working time of all employees of the same class.

Premiums earned from Nov. 1 to Nov. 23, 1912—Continued.

CARPENTERS.

No.	Name.	Time.	Day rate.	Total pay, day rate.	Premium.	Total amount paid.	Hours of premium time paid for.	Hours worked on premium.	Average premium earned.
		Days. hrs.					*Hrs. min.*	*Hrs. min.*	*Per cent.*
51	H. M. Haynes	19 0	$3.04	$57.76	$8.30	$66.06	21 51	51 20	42.57
52	J. Connelly	19 0	3.28	62.32	6.17	68.49	15 3	82 50	18.17
55	J. H. Farrell	19 0	3.04	57.76	12.27	70.03	32 17	84 45	38.09
59	E. A. Carlsson	12 0	3.04	57.76	3.01	60.77	7 55	15 25	51.35
62	C. E. Badger	19 0	2.80	53.20	10.89	64.09	31 7	81 15	38.30
63	T. F. Brady	19 0	3.04	57.76	6.12	63.88	16 6	52 45	30.52
67	J. G. Torngren	18 3	2.80	51.45	1.63	53.08	4 39	14 5	33.02
68	C. Josephson	18 7½	3.04	54.91	1.77	56.68	4 39	14 5	33.02
71	W. J. Eccles	18 7½	3.04	57.57	6.11	63.68	16 5	52 15	30.78
	Total				56.27		149 42	448 45	35.09

Premium percentage of shop=149 hours 42 minutes÷448 hours 45 minutes=33.36 per cent. Hours worked on premium is 16.83 per cent of the entire working time of all employees of the same class.

PAINTERS.

No.	Name.	Time.	Day rate.	Total pay, day rate.	Premium.	Total amount paid.	Hours of premium time paid for.	Hours worked on premium.	Average premium earned.
		Days. hrs.					*Hrs. min.*	*Hrs. min.*	*Per cent.*
74	H. A. Gildersleeve	19 0	$2.88	$54.72	$1.79	$56.51	4 58	30 15	16.42
77	B. M. Gaffney	18 0	2.72	48.96	1.68	50.64	4 57	30 15	16.36
	Total				3.47		9 55	60 30	16.39

Premium percentage of shop=9 hours 55 minutes÷60 hours 30 minutes=16.39 per cent. Hours worked on premium is 11.29 per cent of the entire working time of all employees of the same class.

STEAM HAMMER DRIVER.

No.	Name.	Time.	Day rate.	Total pay, day rate.	Premium.	Total amount paid.	Hours of premium time paid for.	Hours worked on premium.	Average premium earned.
		Days. hrs.					*Hrs. min.*	*Hrs. min.*	*Per cent.*
42	J. Shea	19 0	$2.24	$42.56	$2.40	$44.96	8 34	52 15	16.40

Hours worked on premium is 31.38 per cent of the entire working time of all employees of the same class.

GANG BOSSES.

No.	Name.	Time.	Day rate.	Total pay, day rate.	Premium.	Total amount paid.	Hours of premium time paid for.	Hours worked on premium.	Average premium earned.
		Days. hrs.					*Hrs. min.*	*Hrs. min.*	*Per cent.*
2	A. Crawford	22 6¾	[1] $125.00	$95.19	$11.75	$106.94			
5	O. G. Stohl	23 0	[1] 100.00	76.67	6.99	83.66			
7	J. D. Flynn	18 4	3.76	71.44	3.22	74.66			
8	G. H. Jones	22 6½	[1] 100.00	76.05	16.93	92.98			
10	W. F. Penney	22 1¾	[1] 100.00	74.06	10.13	84.19			
11	H. E. Fisk	19 0	3.76	71.44	7.29	78.73			
12	R. H. Stackhouse	23 0	[1] 100.00	76.67	16.44	93.11			
15	J. F. W. Hedge	18 4	3.76	71.44	16.25	87.69			
	Total				89.00				

[1] Per month.

Total premium, $2,519.69. Total hours worked on premium is 33.24 per cent of the total time worked by all shops.

[Appendix I to Report of the Chief of Ordnance, United States Army, 1913.]

THE TAYLOR SYSTEM OF SHOP MANAGEMENT AT THE WATERTOWN ARSENAL.

WATERTOWN ARSENAL, *June 21, 1913.*

Hon. LINDLEY M. GARRISON,
Secretary of War, Washington, D. C.

DEAR SIR: We, the representatives of the different trade unions employed at this arsenal in the various departments, do hereby request and petition you to abolish the stop-watch system, because of the unfair and unreasonable methods, which are described in the following:

This in the machine shop: A third-class machinist, rated at $2.56 per day, for instance, working on a job, the stop-watch premium makes his appearance and makes a time study of operations, etc. He goes back to his desk and juggles figures for a while, and he is given a long time and a short time to finish the job. Sometimes he makes the time reasonable, and other times he is a long way off. This third-class man may make a premium of 80 cents to $1 per day. But it must be borne in mind that he is only capable of running one kind of a machine, whereas a first-class man, rated at $3.52 per day (this arsenal is depending on first-class work), can operate any machine, and this time study or stop watch is not put on the job. You can therefore see the unfairness of this premium system toward a first and third class machinist.

Another case is of a man getting $3.52 per day and running a large machine. Where it requires so much time to finish a large piece he generally has those pieces on premium from 1 to 6 to 18 months, making $26 to $32 per month, whereas a man going around the shop at the same pay working at different jobs does not get a chance at this class of work or machine, which is absolutely unfair.

It also may be seen that a man is working on a lathe, roughing a dozen pieces. He makes a full premium, which is equivalent to $1 per day above his day's pay. This job very often is taken away and given to another man to finish, which requires close and accurate work and is subject to inspection. He makes approximately 15 to 60 cents on the same job. The difference between the time study on the roughing and the finishing of the job, can be seen, is very unreliable.

Several cases in the blacksmith shop that do not work satisfactory according to the stop-watch premium:

A blacksmith had been working on several forgings and soon after he had started, he was going to be the first victim for the timepiece; forging under normal conditions had been completed and the blacksmith's estimated time for this piece of work was 8 hours and 20 minutes. The stop-watch man made a time study of operations; went away and juggled figures for a while, came back and set the total time for the completion of this piece of work six hours, which was impossible for him to do.

Another blacksmith had a much more trying period with the stop-watch premium system. He was about to start on several forgings and the stop-watch man appeared to make a time study of the job to be completed. The blacksmith evidently was not accustomed to this way of doing business. He put a piece of steel into the fire until it was hot and then started to forge the piece with his helper. The stop-watch man told him to put another piece in the fire while working and he positively refused. The foreman and officer in charge of the shop were notified and came to investigate the matter.

The stop-watch man told the blacksmith there was no need of his being there then. The blacksmith then told him he did not know why he was there, but that he, the blacksmith, did know the reason of the stop-watch man being present there. Finally the blacksmith went out, saying, "No stop watch for me; I have always done a day's work for the Government and always will as long as I work in this arsenal."

The system in the foundry has not been carried out as promised. In addition to the speeding up of men, there has been a continual cutting in the time of similar articles. It is not a question in the minds of those in charge of what a job is worth, but is based upon the quickest time that one can make, and in nearly every case where fault has been found by the workman in regard to time he was told that it was the time set and not satisfaction given whatsoever in this department that it is impossible to keep or to get a sufficient number of laborers owing to the abnormal pace which they are expected to go. This department has unanimously petitioned this continuance of a system.

Take a painter's case, for instance; two men taken from the yard laboring gang were placed upon a job painting shot and shell together with all templets and instructions. For doing the work they are rated at $1.84 per day. The stop-watch premium was advised, therefore they received from 60 to 70 cents, added on to their regular day's pay on account of the premium, and one of the regular painters was suspended for lack of work, whereas if this man was given the work through the regular channels there would be no need of suspension. Whereas a great deal more work would be accomplished by so doing and the other painters would not have to stop their regular work to mix paint for the laboring men from the yard.

The conditions of the stop-watch premium in the carpenter shop are equal to those in the machine department. For instance, a man started to work recently repairing old shot and shell boxes. The work did not require a very skillful man and the stop watch was introduced. This man got 60 cents over his day's pay. It must be taken into consideration that there are first-class men in this woodworking department such as cabinetmakers, pattern makers, and wood turners, whereas it may be seen that the third-class rated man gets more money than the first-class mechanic by this unfair method.

Referring to the laborer in the yard, for instance, a time study has been made between shops and buildings, it is expected that the man shall make the same time from day to day irrespective of load or the animal, with no allowance for the conditions of the weather whatsoever. Again, if a carload of pig iron arrives at this arsenal with approximately 40 tons on board, it is to be unloaded by stop-watch premium. For instance, a car with sideboards measuring 4 feet high is expected to be unloaded just as quickly as a car with 18-inch sideboards, which is utterly impossible. On a recent occasion, a man with a horse and team entered the foundry to clean up waste material, such as slag iron and sand which were unfit for use. They usually use an ordinary shovel with a capacity of 21 pounds, which is described in the so-called Taylor book. He was told by the stop-watch man to use a scoop shovel which has a capacity of 40 pounds, and the foreman of the yard arrived on the job and told him it was not fit for any white man to use on that class of work. The team was loaded, however, with the usual shovel and went on its way to the dumping place. The stop-watch man told the foreman in a very sarcastic manner that he should not talk that way before the men to him. Whereas it may be seen that his sole object was to push the man to the dead limit simply because he was a laborer, irrespective of the size of the shovel or the nature of the work.

Referring to the accidents: A great many are caused by this continual driving from day to day. It also may be seen that the majority of men are failing in health. Whereas it is absolutely impossible for a man to work and do justice to himself or the work which is required of him on account of the stop-watch premium system. More than 75 per cent of accidents has taken place this year than the previous year of which a very careful record has been made from time to time in all departments. It may also be seen that the bad work and rejections are greater than ever before by 100 per cent. Below is a list of the names of the representative mechanics of their respective departments. Machine shop, A. J. Coyle; blacksmith shop, Matthew T. Glynn; foundry, Joseph R Cooney; pattern, James B. Cunningham; carpenter, Eugene P. Gingras; paint, H. A. Gildersleeve; yard laboring, Peter Kidbride.

Respectfully, yours,

MAURICE W. BOWEN,
Chairman Representative Committee,
23 Charles Street, Auburndale, Mass.

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WATERTOWN ARSENAL, *June 17, 1913.*

Hon. LINDLEY M. GARRISON,
Secretary of War, Washington, D. C.

DEAR SIR: We, the undersigned, employees of the Government, representing 349 of a total of 373 hands employed in the various departments as indicated hereon, respectfully petition that the Taylor system, now in operation at this arsenal, be immediately discontinued for the reasons as hereinafter set forth.

We object to the use of the stop watch, as it is used as a means of speeding men up to a point beyond their normal capacity. It is humiliating and savors too much of the slave driver.

A comparison of the record of serious accidents occurring in the works since the introduction of the stop-watch premium system will convince the most skeptical that it is dangerous to limb and life, and we claim that a large percentage of these acidents are the direct result of the driving system in vogue at this plant.

We believe that this system, instead of producing what was claimed it would produce—high wages to employees, with a low cost of production—has worked exactly opposite, inasmuch as the investigation into the wages paid (outside of premium) will show that there has been no material increase in wages, while the cost of production has been increased to such an extent that large deficits are being reported on nearly every job of any consequence that is done at this arsenal.

The number of nonproductive employees in proportion to the productive employees who are necessary to carry out the details of the system has been largely responsible in the great increase in overhead expense, which in many cases has resulted in the Government being unable to compete with outside concerns and has resulted in contracts being placed with outside parties to do work which the arsenal is equipped to do and which, under normal conditions, could be done at a cost considerably under that charged by the contractor securing the work. For instance, it has become the practice to let large contracts for manufacturing patterns which the arsenal is equipped to manufacture and could manufacture at a figure considerably below that charged by outside concerns, the quality of work being considered, were it not burdened by an excessive overhead charge which must be carried to pay an abnormal nonproductive force of employees.

We cite the above case to show that there is ground for our belief that the continuance of this system would finally eventuate in closing this arsenal as a manufacturing plant.

A large corps of inspectors are kept busy examining and rejecting material, and the number of pieces rejected since the premium system was inaugurated has increased by a large percentage. The number of parts rejected since the system was installed will run well into the thousands.

The effect of this system here has been to create a feeling of distrust between the employees and the management; it has destroyed every vestige of cooperation between the workmen and the foremen collectively, and has produced a condition of unhappiness throughout the whole works.

For the reasons as stated above, as well as many others which we will not trouble with at this time, we respectfully pray that you, as head of the War Department, take such immediate steps as will effectually remove this system from Watertown Arsenal and restore the workmen to a condition similar to that enjoyed by other artisans and laborers in the public service as well as in most private manufacturing plants.

We also respectfully petition that the records as obtained by means of stop-watch observation be removed from this arsenal or destroyed altogether, as they do not represent the normal time in which given work should be accomplished, but rather they are the product of the "speed-up" system which has resulted in accidents, inferior work, and numerous abuses such as no American citizen should be called upon to endure.

In conclusion, let it be understood that the signatures to this petition were not obtained by coercion or unfair means, and each individual signing this petition does so of his own free will and accord.

Respectfully submitted.

MAURICE W. BOWEN,
Chairman Representative Committee,
23 Charles Street, Auburndale, Mass.

Signed by 51 molders and helpers; 25 pattern makers, carpenters, and painters; 17 blacksmiths and helpers; 53 yard-laboring men; 88 machinists and helpers, assembling department; 88 machinists and helpers.

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[Memorandum for the Secretary of War.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ORDNANCE,
Washington, September 6, 1913.

Subject: Petitions of Watertown Arsenal employees against certain features of the Taylor system of shop management.

1. These petitions were referred to this office accompanied by certain questions in regard to the Taylor system of scientific shop management. These questions will be answered in their order.

Question 1. "Exact figures of everything going into the matter of cost; that is, all expenses upon which cost prices should be figured."

Depending upon the use which is to be made of the figures there are three general classes of costs of articles procured for the public service by the Ordnance Department. These can be called—

(a) The appropriation cost;
(b) The arsenal cost; and
(c) The War Department cost.

2. The appropriation cost includes all expenditures made out of the appropriations for procuring the article, either by manufacture or purchase, such as those made for labor, material, civilian superintendence, power, heat, light, clerical work, drafting, current repairs, leaves and holidays, disabilities, etc.

3. The arsenal cost is the appropriation cost with what is known as the "arsenal burden" added. The arsenal burden is composed of items which increase the cost of the article at the establishment where it is procured, but are not paid for from the congressional appropriation which is made directly for procuring the article, such as interest on the value of the plant, depreciation, allowance for fire losses, pay of officers and enlisted men, etc.

4. The War Department cost is the arsenal cost with the addition of the "War Department burden." The War Department burden comprises the proportion of the expense of maintaining the War Department proper which is rightfully chargeable to the manufacturing operations of the Ordnance Department. It is composed of the proper proportion of items, such as salaries in the office of the Secretary of War and in the various bureaus of the War Department, contingent expenses of the War Department, rent of buildings for the War Department, expenses of the office of the Chief of Ordnance chargeable to manufacturing operations, pay of retired officers and enlisted men of the Ordnance Department, etc.

5. The appropriation cost is the only one with which these petitions are concerned, since the statements made therein relate to comparative costs of manufacture before and since the introduction at the Watertown Arsenal of the time-study and premium features of the Taylor system. The arsenal cost is generally used for the purpose of comparing Government manufacture, as carried on by the Ordnance Department, with private manufacture. The War Department cost is of importance when there is a question of securing reimbursement of that department for serviceable property disposed of by it in accordance with the methods authorized by law.

Question 2. "The system as now operated."

6. The Taylor system of shop management may be roughly divided into two general parts. The first part relates to the systemization of processes of manufacture, so that these processes shall be carried on in a perfectly orderly manner, with better forethought and provision than has ever before been given them, and with more detailed arrangements concerning their relations to each other. To the natural inquiry as to what there is new in this, since everybody has always been striving for system and order in manufacturing operations, the answer must be made that the amount of attention which is given under Mr. Taylor's method to system, as evidenced by the number of the personnel engaged and the expense involved—that is, by the amount of administrative energy which is devoted to it—is so different from that which has ever anywhere before his time been devoted to systemization as to be absolutely revolutionary.

7. The second part relates to the quantity of output to be obtained from the workman, and the stimulus required to induce him to cheerfully and earnestly and intelligently strive to give the output. This part rests upon the theory that the best and most expeditious way of doing a piece of work is too difficult of ascertainment for the work-

man who has to do it to have any reasonable chance of arriving at it; and that it must be reached through painstaking study by methods prescribed by a highly skilled and expensive specialist, utilizing measurements of the time required by the various elements of a job, and a great deal of knowledge such as the workman does not have and can not be expected to have. There is the further theory that the current rate of wages, as it exists in any manufacturing community, is not that corresponding to the best directed and most earnest efforts of the employees, but is that corresponding to the class of performance in connection with which the rate has grown up, which is very far from being the best reasonably and agreeably attainable. By expensively finding out the best method of doing a given piece of work, and the time in which it can reasonably be done by following this method, and then by making it very well worth the employee's while to approach, within a given interval, this time, or to improve upon it, means are found to improve the individual output and to improve the compensation which is paid for it in a manner profitable and satisfactory to both employer and employee.

8. For a comprehensive understanding of the system and its inauguration at the Watertown Arsenal it will be necessary to read Mr. Taylor's careful works upon Scientific Management, upon Shop Management, and upon the Art of Cutting Metal. A highly condensed exposure of the system and of the three years of its operation at the Watertown Arsenal is, however, contained in my annual reports for the fiscal years 1911 and 1912, from which the pages relating to this subject have been extracted and are attached hereto.

9. The second part of the system relating to time study of a given job and the premium offered for approaching the time thus arrived at is the part which is objected to in the petitions, being called in one of them the "stop-watch system," because a timepiece is used in studying the various component elements of a job, so as to arrive at a conclusion as to the manner in which the total time may be shortened. The process can be described as follows: A workman being employed upon a job for which it is intended to set a rate, the time-study man takes his station near him and, openly and with the full knowledge upon the part of all concerned of what he is about, proceeds to study the job by first dividing it into its different component movements and periods. He then times carefully each one of the movements and periods, usually more than once. From the data thus obtained he works out what he considers the best sequence of movements and periods, making, if possible, certain elements simultaneous which before were successive, and arrives at a complete program for performing the job and at an estimate of the time in which, by attentively following the program, the job should be completed. This time is called the "task time." It must be understood that the management has theretofore had no definite idea as to the time in which the job should be done, or that it was being done unnecessarily slowly. Knowledge has been lacking to permit an idea as to this point to be formed. Also, any unnecessary slowness is likely to have been caused as much by unscientific methods as by lack of diligence on the part of the workman. The whole object is to secure an intelligent idea of the best way to do the work and of the right time for it. Upon these two points all hands have been without reliable information.

10. After the task time has been arrived at—and it must be remembered that no necessity for unpleasant exertion is admitted in fixing the time—some stimulus in the form of increased pay is given to the workman for meeting this time, or for approaching it. The particular scheme of increase is not important, provided always that it gives an adequate reward for good effort. The scheme applied at the Watertown Arsenal is as follows: The workman is informed that his regular pay is not to be affected. He continues to receive that in any event. The task time is then increased by two-thirds, and he is told that for every minute which he saves within this increased time he will be paid, in addition to his regular pay, for half a minute, at his regular rate. From this it follows that if he completes the job in exactly the task time the increase in his pay will amount to 33⅓ per cent. No limit is placed upon the time in which he can do the work or the extra amount which he can thus earn, and it frequently happens that the task time is bettered, and more than 33⅓ per cent extra is earned.

11. The commanding officer of the Watertown Arsenal makes a report each month of the premiums earned by the employees of that establishment. A copy of his report for the month of May, 1913, is inclosed herewith. It shows that the premiums earned in that month ranged from practically nothing to $31.02, which was made by a man whose day rate was $3.52, whose total day-rate pay was $95.04, and whose premium therefore increased his pay by 35.38 per cent. It is the object of the management to have as many men as possible working under the premium system, and effort is made to enable each workman to increase his premiums to the fullest extent. There has been introduced a system of rewarding the foremen by premiums which increase with the proportion of their subordinates who are working upon premium jobs and with the amount of premiums which they earn. So that the foremen are stimulated to assign as many men as possible to jobs on which they can increase their pay in this way, and to help each one of them to the greatest possible increase. On account of the limited number of time-study men, and on account of the nature of the work, it is not possible to give all of the men premium jobs. The report for May shows that, in the foundry during that month, 13 molders out of 13 had such jobs; in the machine shop, 130 machinists out of 166, and 26 machinists' helpers out of 70; among the laborers, 22 out of 45 had such jobs; and in the carpenter shop, 5 carpenters out of 14 worked on premium jobs. The percentage in extra compensation earned by the men on premium jobs, while so working, on an average was, in the foundry, 25.24 per cent; in the machine shop, 24.69 per cent by machinists, and by machinists' helpers, 28.97 per cent; by laborers, 24.06 per cent; by teamsters, 26.35 per cent; by blacksmiths, 39.39 per cent; by blacksmiths' helpers, 39.39 per cent; and by carpenters, 61.6 per cent. In the foundry 66.95 per cent of the entire working time of the whole number of employees of the class who worked on premium jobs at all was spent on that class of jobs. For the machine shop these figures were 45.65 per cent; for the machinists' helpers, 12.83 per cent; for the laborers, 12.71 per cent; for the teamsters, 26.35 per cent; for the blacksmiths and blacksmiths' helpers, 8.81 per cent; and for the carpenters, 5.38 per cent. It will be seen that there is still much room for including more employees in the number earning premiums, and constant efforts are being made in this direction. The average premium in the month of May, of all the men earning premiums, was $8.96, which was earned by 210 men out of about 600. This average would have been greater if these men had worked on premium jobs all the time, which was not possible.

12. The extracts from my annual report show that great economy of manufacture, as well as benefit to the workmen, arises from the employment of both general parts of the Taylor system. It has been estimated, from analysis of a large number of jobs, that the increase of output, due to time study and premium payment, in a given time, is about 200 per cent. The analysis was of 39 different jobs, of which records were on hand of the time required to do them, both on the day-rate and on the premium system. In four of the cases the jobs, under the two systems, had been done by the same men, and the records showed that the time required by these men, under day work, ranged from one and a half to three and a half times the time in which they did the same jobs under the premium system, with an average of 2.72 times.

13. Perhaps something can be said on both sides of the question of stimulation by high rewards. There are in all walks of life men who wear themselves out in their effort at great accomplishment, and there are more such in a new country, where the rewards are great, than in old countries, where the more settled conditions impose narrower limitations upon what may be accomplished by strenuous and intelligent effort. It is not easy to set a point at which stimulation by high reward should cease. The Taylor system does not attempt to settle the question. But with the limitation of hours of labor in the Government service, it does not seem to be likely that workmen will be stimulated to efforts injurious to their health by rewards so great that they can not refrain from overexerting themselves in order to secure them.

14. The question remains to be answered how the process at the Watertown Arsenal differs in kind from the class known as "speeding-up," or "sweatshop," or "slave-driving" processes, so called. I take it that the essential difference lies in the character of the stimulation which is applied to increase the output. In the reprehensible methods the output of a very rapid workman is taken as the standard, and the rate set is such that this output must be reached in order to make ordinary wages. The task and the compensation are so fixed that, unless the employee puts himself under a great strain all the time he is either discharged or fails to earn a living wage. In other words, the highest possible output is demanded for what is, at best, no more than the current rate of wages. The Taylor system, on the contrary, demands the ordinary output only at the current rate of wages, and, as practiced at the Watertown Arsenal, neither effects nor threatens any reduction of the wages in vogue before the introduction of the system. The increased output is accompanied by an increase, and a very substantial increase, in the pay. And no rate is set which requires heart-breaking exertion or exertion of a character which is not agreeable, in order to increase the wages theretofore received. The management spends a great deal of money and a great deal of effort in finding out the best way to do a piece of work. It then offers the workmen an inducement to meet this by giving them the benefit of the time and money spent, in the way of information as to the best way to proceed, in order to enable them to make higher earnings. No discharges have taken place at the Watertown Arsenal because of failure to accomplish work in the time set; and no reduction of pay of any class of the employees has been put into effect since the introduction of the Taylor system. That is, all premiums earned have been over and above the wages which were being received before the system was put into effect. All of the men are informed of the system in practice at the arsenal, and all give their consent to it by being taken on. The time-study and premium features have now been in use for over two years.

15. A great deal has been made of the following statement in one of Mr. Taylor's books:

"When an establishment has reached an advanced stage of organization in many cases a fifth element should be added, namely, the task should be made so difficult that it can only be accomplished by first-class men."

This is claimed to be the "speeding-up" process, pure and simple. The statement has received some explanation by the following:

"It must be distinctly understood that in referring to the possibilities of a first-class man the writer does not mean what he can do when on a spurt or when he is overexerting himself, but what a good man can keep up for a long term of years, without injury to his health, and become happier and thrive under."

The character of the exertion is well covered by the explanation, but perhaps some relief is needed from apprehension in regard to those men who may not be the fastest workmen of their class. Of course, common sense prevents the understanding that all men must be thrown out of employment except the very best. The work must be done, and it must be done by such men as are in existence. It is not out of accord with ordinary practice, either under the Taylor system or otherwise, to have one's work done by the best workmen that one can get. Harshness of stimulation is avoided by the principle that the task must be such as he who has it to do can "become happier and thrive under." But Mr. Taylor himself has furnished an explanation of what he means by a "first-class" man. On pages 1454 et seq., volume 2, of the testimony taken by a committee of the House of Representatives to investigate the use of the Taylor and other systems at Government establishments, he says:

"I have found that an illustration often furnishes the most convincing form of definition. I want therefore to define what I mean by the words 'first class' through an illustration. To do so I am going again to use horses as an illustration, because every one of us knows a good deal about the capacity of horses, while there are very few people who have made a sufficient study of men to have the same kind of knowledge about men that we all have about horses. Now, if you have a stable, say, in the city of Washington, containing 300 or 400 horses you will have in that stable a certain number of horses which are intended especially for hauling coal wagons; you will have a certain number of trotting horses; and a certain number of saddle horses—of pleasure horses, and of ponies in that stable.

"Now, what I mean by a first-class horse to haul a coal wagon is something very simple and plain. We will all agree that a good big dray horse is a 'first-class' horse to haul a coal wagon (a horse, for instance, of the type of a Percheron). If, however, you live in a small town and have a small stable of horses, in many cases you may not have enough dray horses in your stable to haul your coal wagons, and you will have to use grocery-wagon horses and grocery wagons to haul coal in; and yet we all know that a grocery-wagon horse is not a 'first-class' horse for hauling coal, and we all know that a grocery wagon is not a 'first-class' wagon to carry coal in; but times come when we have to use a second-class horse and wagon, although we know that there is something better. It may be necessary even at times to haul coal with a trotting horse, and you may have to put your coal in a buggy under certain circumstances. But we all know that a trotting horse or a grocery horse is not a 'first-class' horse for hauling coal. In the same way, we know that a great big dray horse is not a 'first-class' horse for hauling a grocery wagon, nor is a grocery-wagon horse 'first-class' for hauling a buggy, and so right down the line.

"Now, what I mean by 'first-class' men is set before you by what I mean by 'first-class' horses. I mean that there are big powerful men

suited to heavy work, just as the dray horses are suited to the coal wagon, and I would not use a man who would be 'first class' for this heavy work to do light work for which he would be second class, and which could be just as well done by a boy who is 'first class' for this work, and vice versa.

"What I want to make clear is that each type of man is 'first class' at some kind of work, and if you will hunt far enough you will find some kind of work that is especially suited to him. But if you insist, as some people in the community are insisting (to use the illustration of horses again), that a task—say, a load of coal—shall be made so light that a pony can haul it, then you are doing a fool thing, for you are substituting a 'second-class' animal (or man) to do work which manifestly should be done by a 'first-class' animal (or man). And that is what I mean by the term 'first-class man.'

"Now, there is another kind of 'second-class' horse. We all know him. Among the 'first-class' big dray horses that are hauling coal wagons you will find a few of them that will balk, a few of them that can haul, but won't haul. You will find a few of these dray horses that are so absolutely lazy that they won't haul coal wagons. And in the same way among every class of workmen we have some balky workmen—I do not mean men who are unable to do the work, but men who, physically well able to work, are simply lazy and who through no amount of teaching and instructing and through no amount of kindly treatment, can be brought into the 'first class.' That is the man whom I call 'second class.' They have the physical possibility of being 'first class,' but they obstinately refuse to be so.

"Now, Mr. Chairman, I am ready to answer your question, having clearly in mind that I have these two types of 'second-class' men in view; the one which is physically able to do the work, but who refuses to do it, and the other who is not phsyically or mentally fitted to do that particular kind of work, or who has not the mental caliber for this particular job. These are the two types of 'second-class' men.

"The CHAIRMAN. Then how does scientific management propose to take care of the men who are not 'first-class' men in any particular line of work?

"Mr. TAYLOR. I give it up.

"The CHAIRMAN. Scientific management has no place for such a man?

"Mr. TAYLOR. Scientific management has no place for a bird that can sing and won't sing.

"The CHAIRMAN. I am not speaking about birds at all.

"Mr. TAYLOR. No man who can work and won't work has any place under scientific management.

"The CHAIRMAN. It is not a question of a man who can work and won't work; it is a question of a man who is not 'first class' in any particular line, according to your definition.

"Mr. TAYLOR. I do not know of any such line of work. For each man some line can be found in which he is 'first class.' There is work for each type of man, just, for instance, as there is work for the dray horse and work for the trotting horse, and each of these types is first class for his particular kind of work. There is no one kind of work, however, that suits all types of men."

If, under the Taylor system, a man is not earning good premiums, there is an inducement for everybody connected with the management to try to find out the reason. And if the reason is discovered to be that he is working at a class of employment for which he is not well suited, it becomes everybody's interest to find something for him for which he is well suited and at which he can earn good premiums.

Question 3. "The result of discontinuing the system at present in operation and adopting some other system, and what other system would be recommended if the present system is abandoned."

16. As before stated, the system spoken of is the time-study and premium feature of the Taylor system. The result of discontinuing the premium feature would bring all of the employees back to the state of day-work system of payment under which they were working before the introduction of premiums, and, as a matter of course, the output would fall back to that which previously obtained. That is, the wages of the workmen now earning premiums would be reduced by amounts running up to 35.38 per cent, and averaging about 20 per cent; and the output of these workmen would be reduced about 60 per cent—this without shortening the hours of labor or improving conditions of work. The immediate reduction of the wages of those workmen who are engaged in repetition work could be avoided by substituting for the premium system of payment a piecework system, such as has been for many years satisfactorily used at various other arsenals. So far as these jobs are concerned, there would be little to choose between the premium and the piecework system of payment; but there is little repetition work at the Watertown Arsenal, and the repetition jobs now in progress would soon run out. When an attempt is made to set a rate for a new job of repetition work there is always an embarrassing lack of information upon which to base the proper rate. Usually a tentative rate is set, and when this is found unsatisfactory either to the management or the workmen, as is generally the case, it is changed, to the intense dissatisfaction of either one or the other. Cutting of rates, to meet what has been regarded as unjustifiable wages, has been a fruitful source of dissatisfaction with the piecework system, and has resulted finally, oftentimes, in a limitation of output, holding back both production and compensation. When repetition work of some classes has lasted a long time it sometimes has been found possible to secure a satisfactory and reasonable adjustment of the rate; but even under such conditions the work has proceeded a long time without the advantage, to the management and to the workmen, which would result from an intelligent time study by a skilled specialist, with the object of determining the best program. The repetition jobs at the Watertown Arsenal are too short to permit the use of a try-out method of rate setting, and it is therefore probable that when the work had so changed as to prevent the use of the information which has already been gathered the abolition of time studies would prevent the formation of new programs and the setting of rates on new jobs, and the work would revert ultimately to the day-wage conditions.

Question 4. "Specific facts with respect to all other allegations in these papers."

17. The papers consist of two petitions from workmen at the Watertown Arsenal, one dated June 21, 1913, and signed by names claimed to be those of a representative committee, and one dated June 17, 1913, signed by something over 300 employees. The petitions are fastened together, with the petition dated June 21 preceding. Taking the statements in this petition in order, and numbering them in accordance with the red-ink numbers which have been placed on the margin of the petition, they are met as follows:

Complaint No. 1: This complaint is that a low-class machinist is given opportunity of earning from 80 cents to $1 a day by making a good output. There is no claim made that the work is beyond the capacity of the low-grade machinist, and it appears to be held that the work ought to be given to a higher grade machinist, whether with or without opportunity to earn a premium is not clear, but from the statement "this time study or stop watch is not put on the job," it may be inferred that the claim is that a high-grade man should do the work and that he also should be allowed to earn the premium. On the ground that the reply is obvious none will be made to the claim that a higher grade man than is necessary should be put on the work; but a reply is needed to the inference that highly paid machinists are not allowed to earn premiums.

A partial reply is found in complaint No. 2, where it is alleged that one high-grade machinist makes a premium while another does not, and a conclusive reply is found in the inclosed statement of premiums earned during the month of May, 1913, from which it appears that premiums, and very substantial ones, were, during that month, made by 1 machinist of the $3.76-per-day grade, by 8 of the $3.52 grade, by 33 of the $3.28 grade, and by 58 of the $3.04 grade; while they were earned by only 33 of the $2.80 grade, and 7 of the $2.56 grade. It is true, however, that some of the highest paid machinists, to whom the most difficult jobs must be assigned, do not earn premiums on these jobs, for the reason that, not being intended to be repeated, they are not such as time study can be made upon and a rate for them set. Continued effort is made to so distribute the work that all machinists may have a chance at premium jobs, and when this can not be done and a low-grade man is earning more through a larger output than a higher grade man whose output can not be measured it is no more than the case which is common in industrial work of a pieceworker with no claim to skill in more than a special or narrow line, who, by special industry, is earning more than a man of much more general skill not on piecework. In either case no one is hurt, and some are benefited.

Complaint No. 2: This is a complaint that one of the high-grade machinists is making a premium while another does not have the chance. It is answered above by the statement that this can not always be prevented, but that every possible effort is made to distribute the premium jobs so that all may have a chance at them. The extent to which this effort has been successful in the machine shop is evidenced by the fact that for the months of April, May, and June last the amount of work under the premium system was 36 per cent of all the work done in that shop, including both machinists and helpers, and in the month of May the premium work was 45.65 per cent of all the work done by all machinists.

Complaint No. 3: This is a complaint that rates are so set that machinists doing the rough part makes a higher premium than the more highly skilled man doing the finishing part of the same job. No evidence is given in support of this allegation, and its general truth is denied. The rates are so set that it ought to be possible for any workman of any grade to make, without disagreeable effort, 33⅓ per cent more than his day rating, whatever the day rate may be. The day rate is, of course, determined by the class in which the man's skill causes him to be graded. Very conclusive evidence that the allegation is unfounded is contained in the statement made above as to the relative number of men of the different grades who made premiums during the month of May.

Complaint No. 4: This is a complaint that a blacksmith estimated that it would require 8 hours and 20 minutes to do a certain piece of work, while the time-study man placed the time at 6 hours, which is claimed to have been impossible to meet. Taking this complaint just as it stands, it appears that since the task time was 6 hours the time within which premiums would commence to be earned would be two-thirds greater, or 10 hours. A blacksmith doing the work in 8 hours and 20 minutes would be paid for one-half of the 1 hour and 40 minutes which he would come within the premium time; that is, he would be paid at his regular rate for 50 minutes of time, which for an ordinary blacksmith would amount to 34 cents. It is shown, therefore, that on his own estimate the blacksmith would have made about 34 cents a day extra.

In this connection the following example under the premium system is of interest: Time study was made of a job of forging 40 friction bands, after the forging had progressed through several bands. As a result of the study a rate was set requiring the pieces to be forged in 2 hours and 27 minutes each as task time, in order to earn a premium of 33⅓ per cent, or about $1.09 per day. The blacksmith completed the remaining pieces, 33, in an average of 2 hours and 12.4 minutes each, thereby earning premium of $1.39 per day, more than 33⅓ per cent. For the bands which he had forged before the time study was made he had taken 6 hours and 41 minutes each.

Complaint No. 5: This seems to be a complaint that in making time study of a job of forging some crosshead pawls for a disappearing-gun carriage, the time-study man had endeavored to have the work proceed so that a piece would be in the forge being heated while another piece was being forged; to which the smith objected. In the actual event the point was not insisted upon at the time the study was made, but in fixing the task time the ground was taken that this simultaneous work should be done; that is, a piece should be heated while another was being forged. On this assumption the task time was fixed at 1 hour and 50 minutes, corresponding to a 33⅓ per cent premium. The smith thereupon actually did the work in an average time of 1 hour and 49.5 minutes each, thus earning just over the full premium.

Complaint No. 6: This is a general complaint of speeding up in the foundry, it being charged that there has been a continual cutting in the time allowed for molding similar articles. When the premium system of payment was first started in the foundry no time studies of molding operations had been made, and as it was desired to give both the workmen and the Government the benefit of the increased production due to the stimulation of premiums as quickly as possible, existing records of time in doing jobs under the day-work system were utilized as a basis for setting rates. As was expected, and announced beforehand, many of these rates permitted the earning of abnormal premiums, and some of them did not permit earning sufficient premiums. In the cases where the premiums were too low the rates were adjusted so as to allow higher ones to be earned; but where the premiums attainable were too high the rates for these articles were not changed, and were never thereafter changed; but in setting rates later on very similar articles the experience of the previous rates was utilized so as to permit the average workman to earn the designed premium of 33⅓ per cent. An examination of the inclosed statement of premiums earned in the month of May will show that the average premium earned in the foundry was 25.24 per cent, while the satisfactory fact is also shown that over 66 per cent of all the molder's work done was on a premium basis. These figures are conclusive in showing that the molders in the foundry have had a fortunate experience

In regard to the charge that it has been impossible to keep or to get a sufficient number of laborers in the foundry owing to the abnormal pace at which they are expected to go, it is sufficient to state that during the fiscal year ended June 30, 1913, only two molders were separated

from the service for any cause, one having been furloughed and the other having resigned.

Complaint No. 7: This is a complaint that the work of painting shot and shell is given to selected men from the laboring gang, at $1.84 per day, with the opportunity of earnings premiums said to range from 60 to 70 cents, instead of being given to regular painters, with the result that, in one case at least, a regular painter was laid off for lack of work. Here, again, no charge is made that the laboring men were not capable of doing the work. As a matter of fact, they were capable of doing it, and did it very satisfactorily, since it was exceedingly simple work, requiring no special skill. The regular painters were used for the more appropriate work of mixing the paint and making preparation for the lower-grade men. Actually, most of the work required of the laborers was handling the projectiles, which is rough work for which they are better suited than are painters.

Complaint No. 8: This is another complaint that a man of no great skill was set at doing rather rough work, repairing old shot-and-shell boxes in this case, instead of giving it to a high-grade man. The obvious advisability of giving this kind of work to the class of man that it is stated to have been given to needs no insistence; the fair treatment of the man who did the work is evidenced from the statement in the complaint that he made 60 cents over his day's pay. That the low-class man by the methods used was enabled to make as high pay as do cabinetmakers, pattern makers, and wood turners may be a reason why efforts should be continued to get these last classes of skilled woodworkers under the premium system, but it is not a reason for discontinuing the advantage accorded the less skilled woodworker. It has not thus far been found practicable at the Watertown Arsenal to apply time study and premium system of payment to the high-grade woodworkers, but efforts to this end are continuing; that is, the management is trying to extend the benefits of the system to those who are not now enjoying them, and is not contemplating withdrawing them from the ones who now have them.

Complaint No. 9: This is a complaint that the laboring work of carting must be performed without allowance for the day, load, or animal. The carting about the establishment has been put under the premium system and the load is carefully taken into consideration, but no allowance is made for the weather. That the system does not operate unfairly is shown by the fact that in the month of May laborers working on premium jobs earned 24 per cent over and above their pay of $1.84 for the time while they were so working.

Complaint No. 10: This is a complaint that no allowance is made for the height of the sideboards in the time set for unloading a car of pig iron. This refinement has not yet been gone into, as the cars in which pig iron is received have usually sideboards of 3 feet or under. Time studies of unloading ordinary pig iron have not been made at the Watertown Arsenal, but those used in setting rates have been accumulated elsewhere by the time-study expert employed at the arsenal. In 13 instances reported there was only 1 in which a considerable premium—30 per cent in that instance—was earned. The question as to whether any very great efforts to earn premiums were made is raised by the very different lengths of time required to do apparently similar amounts of work. The subject needs more attention at the arsenal and will receive it.

Complaint No. 11: This is a complaint that the stop-watch man endeavored to prescribe the use of shovels of 40 pounds capacity instead of shovels of 21 pounds capacity in cleaning up waste material about the foundry. The point in this case is that the time-study man was trying to obtain some experimental information in regard to the use of a 40-pound shovel, and had no intention of continuing the use of this shovel for ordinary work. It appears that he did not insist upon the use of the larger shovel, and that the work went on with the smaller one. The matter is a very unimportant one; but it may be stated that on more than one occasion men have been noticed to be voluntarily using 40-pound shovels in the work referred to.

Complaint No. 12: This is a complaint that a large increase in the number of accidents is caused by the driving system. Careful record of all accidents is kept at the arsenal. Most of the accidents occur in the machine shop. During the fiscal year ended June 30, 1912, the total number injured in this shop was 34, of which 5, or 14.7 per cent, were working on premium at the time. During the fiscal year ended June 30, 1913, 57 persons were injured in the machine shop, of which 13, or 22.8 per cent, were premium workers. During these two years the number of workmen employed in the machine shop remained about the same, but the amount of premium work increased nearly fourfold. That is, while the amount of premium work increased about 300 per cent, the percentage of accidents to premium workers increased only 8.1. During the nine months from October to June, 1913, 33 machinists were injured, 10 of whom, or approximately 30 per cent, were premium workers. During this same period 44.8 per cent of the work in the machine shop was premium work. It thus appears that the percentage of accidents among the premium workers was less than the percentage of premium work; that is, that the greater proportion of accidents during these nine months occurred among the day workers. These figures are a conclusive refutation of the charge.

It is true that the number of accidents has increased during comparatively recent times. This increase is coincident with the better understanding of the disability act, by reason of which the employees now receive compensation for absence on account of injury, which was formerly denied them.

Complaint No. 13: This is a complaint that the majority of the men are failing in health. This is distinctly not true. There is no evidence of it, and no complaint of it. A number of men questioned on the subject denied it, no man being found who claimed or admitted that his health had been injuriously affected; and no man has personally claimed that he has been overworked. In regard to the possibility of overwork, it is at least extremely improbable. In machine work particularly, where, as stated before, most of the premium jobs are found, the machinist usually stands for a considerable time looking on while the machine is doing the work. Such a job can be divided into machine time and handling time, and the machine time can be subdivided into that in which the feed is by hand and that in which the feed is by power. It is during the time that power feed is operating that the machinists simply stand and watch the work. Ten jobs, taken at random, have been examined, and the following have been found to be the percentage which the power-feed time—that is, the resting time—is of the whole time required for the job: Job No. 1, 5.75 per cent; job No. 2, 68 per cent; job No. 3, 40 per cent; job No. 4, 58 per cent; job No. 5, 35 per cent; job No. 6, 46 per cent; job No. 7, 78 per cent; job No. 8, 71 per cent; job No. 9, 80 per cent; and job No. 10, 54 per cent. Of course, during the power-feed time, the machinist has to fix his attention upon his work; but it is not strained attention and is not of a wearing character. These figures, coupled with the facts of moderate working hours, frequent holidays, and generally good working conditions, show the practical impossibility, in the general case, of overworking a machinist.

Complaint No. 14: This is a complaint that the number of rejections for bad work is greater than ever before by at least 100 per cent. The inspection service has been improved under the Taylor system and the number of inspectors increased. Formerly it was customary to inspect only the finished pieces, and the inspectors examined only such operations as the foremen called upon them to inspect. Under the better organization of the present system inspections are prescribed in the planning room and many more operations are inspected, with the result that the standard of work is being gradually raised, and that it is much easier than formerly to fix the responsibility for spoiled work, which was then shared indefinitely by the workman, the foreman, and the inspector. An examination of the rejection reports does not indicate that there is a greater amount of spoiled work by the premium workers than by the day workers. It is also shown that the amount of spoiled work at the Watertown Arsenal is not greater than that of other establishments engaged in work of similar character, and is not inordinate. The economy of its production also indicates that fact.

18. In the petition of June 17, 1913, I have numbered the complaints, as in the previous petition, and will speak of them in order:

Complaint No. 1: This is a general complaint that the time-study system is used as a means of speeding men up abnormally; that it is humiliating and savors of the slave driver. The fact of speeding up men abnormally has been denied, and there ought to be nothing humiliating to an honest workman in an effort to arrive, by careful study, at a measure of the time required to do a given piece of work, in order to set for it a rate which is just, and at the same time enables the workman to make higher pay than ever before.

Time studies are not required for every job, nor more than once upon the same job; that is, they are comparatively infrequent. During the two years in which the process has been in operation at the Watertown Arsenal 149 men out of about 600 have had time studies made of work which they were performing. Many of these men had only one time study made of their work during the two years, and the maximum number which was made of the work of any one man was 11, and this occurred in the case of 4 men only. The average number was about three, which would mean one in about eight months. As the premium work increased, however, during the latter part of the two years, the average interval during the latter part would be correspondingly shorter.

Complaint No. 2: This complaint charges the premium system with an increase of accidents and has been answered with reference to the first petition.

Complaint No. 3: This complaint is a statement that the system has not produced the high wages promised. The complaint is that there has been no increase of wages except through premiums paid. As the only increase promised by the system is through premiums, the complaint falls to the ground. Rates of wages, as is well known, are determined by the wages paid for work of like character in the vicinity; premiums are paid as percentages on those rates. Nothing else has ever been promised, and in this respect the promise has been amply fulfilled.

The statement that the cost of production has been increased to such an extent that large deficits are being reported is the exact contrary of the fact, and in that it is made without knowledge is reckless.

Complaint No. 4: The substance of this charge is the same as that mentioned above—increased cost of production, and an illustration is given of orders placed with outside parties of patterns which could have been made at the arsenal. When orders for patterns have been placed with outside parties it has been because there were rush orders for them, which otherwise would have required an increase of the pattern-making force, which would have been only temporary. It is considered undesirable to frequently increase and reduce the force in any department, and to be detrimental in the interests of the workmen. It is true that in many of these cases, if not all of them, the estimate for the manufacture of the patterns at the arsenal was greater than the price for which the patterns were purchased. This is not as it should be, and it may perhaps be explained by the fact that it has not yet been found practicable to apply the Taylor system of shop management to the pattern shop. The statement that the overhead charges due to the system are responsible for the expense therefore falls to the ground, and the strong presumption is raised that an improvement in costs would be effected by applying to the pattern shop some of the features of the system which have been found so effective in other parts of the establishment. This charge as to the cost of patterns instead of being an arraignment of the Taylor system really constitutes an arraignment of its absence.

Complaint No. 5: This complaint concerns the number of inspections and the rejections for spoiled work, which have been dealt with above.

Complaint No. 6: This is a statement to the effect that the system is bound to destroy good feeling between the workmen and the management. All the evidence, except that of these petitions, is directly to the contrary. There is a cheerful and cordial cooperation between all parts of the establishment and of the individuals employed in it, which is markedly better than that which was apparent before the introduction of the system. The occasions on which men have to be admonished for various reasons have diminished and the cooperative efforts in pushing work along have increased, as was to have been expected when it was made to the interest of everybody to push it along.

19. So much for the specific allegations contained in the petitions. In all cases they show the complaints of injury to be without foundation, and in many cases they show that the complaint of too much premium system is really a complaint of too little of it, in that the point complained of is that somebody is given a chance at the premiums while another is not. As frequently stated in the course of this paper, efforts are made to increase the amount of premium work, and the success attained is evidenced by the fact that the amount of premium work during the fiscal year ended June 30, 1913, was about four times that of the preceding fiscal year. In the 17 months ended May 31, 1913, the amount of money paid out in premiums, over and above the regular wages, was $22,257.82.

20. In the face of the demonstrated advantage of the premium system to a considerable percentage of the workmen, accompanied by no compulsion to undue or disagreeable exertion and of its disadvantage to none, the question remains as to why there should come in a numerously signed petition for the abolition of the system. The statement advanced of reasons for granting the petitioners' requests are shown to have no basis in fact, in that no injustice or real hardship exists. If the reasons given for the requests are the real ones it ought therefore to be supposed that the objections would disappear upon the showing that their foundation is in error. I think the question is partially answered by the statement that in many instances the petitions do not represent the real sentiment of the persons whose names are attached to them. Upon the receipt of the petitions they were sent to the

Watertown Arsenal for certain information, and there a number of the employees were examined individually as to their views. Some stated that they liked the system and had refused to sign the petition. Several stated that they did not wish to sign, but had done so under compulsion. Also it was discovered that the facts alleged in the petitions were not asserted by a considerable number of the alleged signers, since many signatures were obtained without showing the matter subscribed, to which the signatures were afterwards copied—the signers knowing only that they were opposing the Taylor system. As soon as it became known about the establishment that employees were being individually interviewed a telegram charging intimidation was sent to the local Member of Congress, and at the same time the answers received commenced to take on a uniform tone of opposition to the system. Nevertheless it must be stated that some of the workmen, including men who were earning good premiums, declared voluntarily their opposition to the system.

21. I think the petitions are due both to the coercion and the teachings of labor organizations. The coercion comes from the opposition which organized labor has always shown to the increase of the productivity of the individual, which it has fought in all the forms in which it has made its appearance, from the time of the introduction of the power loom. The fact that increased individual production redounds ultimately to the advantage of the working classes, as well as to that of everybody else, has been powerless to produce a change of attitude in this respect. In the ordinary case this is perhaps explicable by the fact that, while the ultimate advantage is demonstrated, the immediate effect is disastrous to some of the individuals involved, while an immediate remedy for the disaster has not been provided. In the instance of increased productivity at the Watertown Arsenal, however, there has been no immediate disadvantage to any class, since the substantial increase in the wages paid out has not been accompanied by any diminution of the working force.

22. From interviews with the employees I am of the opinion that the teaching of the unions at the Watertown Arsenal is that, if the men will join in the expulsion of the premium system, the political power of the unions will be sufficient and will be used to secure the same increase of pay as is had under the premium system, without the necessity of working for it. This, of course, could not be accomplished without the abandonment of the rule of the department that the wages paid at an arsenal shall be the same as those of the vicinity for work of like character. Careful examination upon this point is periodically made, and it is a fact that at the present time the wages at the Watertown Arsenal are slightly above those paid in the vicinity. Evidence as to the effect of the comparison is always welcome from the representatives of the workmen, and readjustment is willingly made when occasion for it is shown.

23. The subject of the discontinuance of the system through legislative action has been up in both Houses of Congress, in which resolutions forbidding it have been introduced and have been favorably acted upon by the committees to which they were referred. So far as I know, the committees have not taken evidence upon the subject matter of the resolutions; no one has been summoned from this department, which is the only Government organization which has introduced the system in its entirety. Pursuant to a resolution of the House of Representatives, a committee of that body investigated the Taylor and other systems of shop management and their application to Government work in 1911–12, and the committees reporting upon the propositions above mentioned to abolish the system made use of the report of the investigating committee, notwithstanding the fact that this report recommended that there should be no legislation upon the subject at the time. The report of the investigating committee, however, did not make a statement of what it had found at the Watertown Arsenal as a result of its investigation, but mentioned in condemnation a number of reprehensible practices which it did not find and did not say that it had found at that establishment. It is impossible to find in the report of the committee a statement of the general conditions under the system and of conclusions in regard thereto; these must be sought in reading through the three volumes of evidence taken and printed. I think it would not be difficult for you to reach a conclusion which would be satisfactory to yourself through an examination which you would have the time to make, and I entertain no doubt that, if permitted to handle the matter at the arsenal without legislative directions, I could continue its operations satisfactorily, since the leaders of disturbance could not hold the men in opposition to the manifest advantages of which they have had experience. But danger lies in congressional action, under pressure from outside the arsenal, and for the purpose of satisfying Congress and the country at large as to the advantage or disadvantage, both to the Government and to the employees, of the features complained of as in operation, I think that an investigation should be made by an authoritative body in which the country could have confidence, which should take the time necessary for the purpose, and would render a report embodying its findings as to the facts and conditions and its conclusions thereon, with its recommendations; which could be relied upon for the government of their action by those in authority who are called upon to take action in the premises and who, of course, have not the time to look thoroughly into the matter for themselves. Such a body I believe to be the Industrial Commission appointed by the President pursuant to the act approved August 23, 1912, entitled "An act to create a commission on industrial relations." I do not believe that there is any more worthy subject for the investigation of this commission than the one of modern scientific management in industrial works, of which they have now an illustration in four years' operation at a Government establishment conducted openly, under public laws and regulations, and operated with solicitude for the welfare of its employees and without profit.

24. The numerous documents containing the information from which this memorandum has been compiled are on file in this office and available for examination, but are withheld in order to diminish the size of this already bulky communication.

Respectfully,

WILLIAM CROZIER,
Brigadier General, Chief of Ordnance.

[Extract from the Report of the Chief of Ordnance, 1911.]

SCIENTIFIC MANAGEMENT.

About three years ago the department began to devote attention to the subject of scientific management as applied to its manufacturing operations. Previously to the last fiscal year the subject has been considered more as an experimental detail of shop management, but it has now assumed sufficient importance to justify a reference to it in this report.

It is unnecessary here to attempt any detailed description of the principles of scientific management or the particular application of those principles which constitutes the Taylor system, since both have been the subject of extensive discussion in the public prints and have been very fully described in various treatises. It may be said, however, that the principles are no new discovery, nor are they claimed to be such by the advocates, and that the many details have been the subject of special and laborious attention for many years. One of the basic ideas is the application of educated and scientifically trained intelligence to those operations of manufacture which were formerly considered either as of too small importance to attract such attention or as belonging entirely to the practice of a trade, and were therefore left to the judgment or choice of those immediately and practically connected with the operations—that is, the workmen and foremen. The employees to whom these matters have heretofore been left acquired their skill not from study, but by copying the methods of their predecessors, and are not generally inclined to question the old methods. Besides, the best method of doing certain work is too difficult of ascertainment for the workman to have any chance of success in arriving at it, which has to be done by careful and scientific consideration of a number of variable elements whose successful combination is a matter of high skill and careful observation. An illustration is the process of cutting metal, a particular task involving which is usually given a workman with no other special instructions than that he is to use a particular machine and follow a drawing upon which dimensions and allowed variations therein are specified. The matters which are left to the workman's own determination are the form of cutting tool—which he usually grinds himself—the speed at which he will run the machine, the depth of the cut which he will take in removing the metal which must come off, and the feed which he will set for the travel of the tool along the piece. In determining these matters there should be taken into consideration the character of the metal upon which the work is to be done, the qualities of the steel in the cutting tool, the best length of time for the cutting tool to last without renewal, the strength of the machine, and the capacity of the belting to transmit power to it without slipping. Certain only of these elements can be known to the workman; others are without his ken and have probably been determined without consulting him, as, for instance, the appliances by which the machine is to be given its power and speed, and the specifications for the steel in the cutting tool; and the best combination so as to secure the completion of the task in the shortest possible time can only be insured by the application of recorded results of long experience and close observation of the art of cutting metals. Efficient work requires that the workman must be given the elements of speed, feed, depth of cut, and a cutting tool by some one who knows what the combination ought to be.

When the claims made by the advocates of scientific management first attracted my attention the question of the efficiency of existing shop methods was naturally raised in order to estimate the probable value of a change. It is believed that the shop methods in effect at the different arsenals were fully abreast of the best general practice in private industries of the same nature. While, therefore, the general conditions would compare favorably with commercial practice, in those arsenal shops engaged in the manufacture of small arms, ammunition, etc., where the work consists of turning out large quantities of the same pieces, the necessity for closely coordinating the successive operations and for eliminating delays had been more evident than in general machine-shop and jobbing work, more study had been given the subject, and as a result the methods there were highly developed. It may be said, in fact, that those shops have had scientific management for years and do not, therefore, appear to afford as wide a field for improvement as might be found in the others. I may also say that one of the earliest publications upon scientific management was a work entitled "The Cost of Manufactures and the Administration of Workshops," by Capt. Henry Metcalfe, an officer of the Ordnance Department, published in 1885. Of Capt. Metcalfe's work Mr. Taylor said, in 1903:

"Among the many improvements for which the originators will probably never receive the credit which they deserve may be mentioned—

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"The card system of shop returns invented and introduced as a complete system by Capt. Henry Metcalfe in the Government shops of the Frankford Arsenal. The writer appreciates the difficulty of this undertaking, as he was at the same time engaged in the slow evolution of a similar system in the Midvale Steel Works, which, however, was the result of a gradual development, instead of a complete, well thought-out invention, as was that of Capt. Metcalfe."

As a result of consideration given the subject the probability that the general machine-shop and job-work practice might be materially improved by the methods of scientific management seemed great enough to warrant a practical trial. With this object I directed, something over two years ago, the trial at the Watertown Arsenal, Mass., of some of the elementary features of what is known as the Taylor system, with the intention of testing out these features thoroughly and determining their value before proceeding further, and I employed Mr. Carl G. Barth, an expert in shop management recommended to me by Mr. Taylor, to assist us in effecting their introduction.

Mr. Barth's principal service has been the systemization of the general processes of manufacture. Under his guidance we have systematized the method of putting work into the shops, so that orders for manufacture now go from the office to the shops with a much more complete arrangement and supply than formerly of drawings, specifications, lists of parts, bills of material, and orders relating to particular parts of the structure to be produced, so that the foremen are relieved from much of the semiclerical and other office work which they used to have to do, and for which they are not well qualified and can not attend to without a neglect of other more appropriate duties.

We have systematized the work of planning the course of component parts of the structures to be manufactured through the shops of the arsenal, so that this course shall be regular and orderly, and the work shall at no time be held through the lack of some component which is not at hand when needed, and that no wasteful effects shall arise through congestion of work at particular machines, or the idleness of other machines or workmen, while waiting for the assignment of operations which should have been planned for them in advance. For this purpose there has been installed a planning room, equipped with personnel and appliances, for the regular production of what might be called the time-tables of the thousands of pieces which must travel through the pattern shop, the foundry, the forge shop, the machine shop, and the erecting shop on their way from the stage of raw material to that of finished product, without collisions or unnecessary delays. We have systematized the issue of material for manufacture from the storehouses to the shops, and have placed the task of estimating the amount of material required among the duties of persons other

than those who are to make use of the material in manufacture, so as to reduce the likelihood of overestimates, to insure the possession of the material at the time when it is needed, prevent the disappearance of material while awaiting use and the duplication of issues, and to insure the return to the storehouse of surplus material, with the result of a useful reduction of the amount of material issued, and supposedly used, for particular fabrications. We have systematized the care of material in store and the accountability for it, so as to insure more frequent and accurate check of the material on hand with the clerical statement of what ought to be on hand. We have also systematized the methods of caring for machines and tools so as to preserve their efficiency; for example, the proper maintenance of the condition and tightness of the extensive system of belting, and the systematic tempering and grinding of cutting tools; and we have made such improvements in the efficiency of certain machines as to greatly increase their output. As an example of the last-mentioned item of improvement, we made such changes in the cutters and speeds of a certain gear-cutting machine as to increase its daily output nearly threefold, and this at a time when it was operating in accordance with general practice and to the satisfaction of the skilled workman who was employed at it.

The practical effect of these methods at the Watertown Arsenal has been a material reduction in the cost of general manufacture at that place. The most important manufactures at the Watertown Arsenal are seacoast gun carriages, which are large structures, with hundreds of parts, requiring many months for their completion. It is therefore difficult to give at this time many examples of the decrease of cost of production due to the improvements which have thus far been made, but the following are illustrative: Five different orders, each for 40 sets of parts for the alteration of 12-inch mortar carrriages have been given in comparatively recent years. The first two orders were executed before the introduction of the improvements very summarily and partially described herein. The average cost per set of these two orders was $1,536.73. The third order was carried through after some little progress had been made in the new methods, and the cost per set under it was $1,120.32. The last two orders had the benefit of most of the improvements which have thus far been introduced, and under these the cost per set was $988.36. Another example is found in the case of 6-inch disappearing-gun carriages. Under an order for three carriages which was executed under the old system the cost of each carriage was $24,618.31. Under the new system the cost of each carriage, under an order for two, was $18,103.13. This comparison is, however, not quite accurate, since the first order had to stand the cost of the patterns, which the last order got the benefit of. This cost would, however, not have been nearly sufficient to overcome the difference in price. In the case of the parts for the mortar carriages, the direct labor cost per set was reduced from $411 for the first order of 40 to $275 for the last order, and that of the indirect labor and other shop expenses was reduced from $358 to $332. In the case of the 6-inch disappearing-gun carriages the cost of the direct labor was reduced from $10,239 to $6,949, and that of the indirect labor and other shop expenses from $10,263 to $8,956. This satisfactory result has been attained without affecting the pay of the employees or requiring special exertion by them. The previous practice at the Watertown Arsenal was the same as that still followed in practicaly all machine shops the management of which has not yet appreciated the wastage that a scientific study of the usual practice is claimed to reveal. The principal elements of this wastage include failure to appreciate and to utilize the full and efficient power of machine tools, lack of planning by which machines are frequently without work, the employment of skiled workmen instead of cheaper help to bring work to machines or to procure and grind their cutting tools, etc.

By the establishment of specified feeds and cuts the work done by the machines is increased, and by regulating the flow of work so that it shall be even and continuous, and employing laborers and messengers to supply the work and tools to the skilled workmen, the latter are able to devote the time and labor which they previously expended in other ways to work proper for their grade. Mr. Barth entered upon his employment on June 14, 1909, since which date he has given in the two years and three and one-half months intervening till September 30, 1911, 156 days of service to the arsenal, at a total cost, including his expenses, of $8,808.30.

In view of the successful results obtained at the Watertown Arsenal, in December last I decided to assemble at that arsenal a board, which included the commanding officers of the principal manufacturing arsenals, for the purpose of studying the shop methods which had there been put in practice and of determining the extent to which these methods were suitable for other arsenals.

The board of officers made a thorough study of the Watertown methods and recommended the adoption of those methods for similar work at other manufacturing arsenals, with such changes in details as local conditions seemed to require. In accordance with this recommendation preliminary steps toward introducing the methods, in so far as they are applicable, have been taken at several other arsenals. Due, it is believed to an erroneous conception of the purposes which it is intended to accomplish by these methods, the employees at one of the other arsenals to which the changes are to be applied have protested against the installation. They have been assured that this department does not contemplate the introduction of any system, or any features of a system, which is oppressive or unjust. As stated above, the features which have been in effect at the Watertown Arsenal for about two years, and which are all which it is intended to introduce at the other arsenals at the present time, do not affect the wages to be paid to employees or the exertions to be made by them.

The employees have been fully informed as to my intentions in this matter. The explanation given them should suffice to allay any apprehension that may have been aroused by a misunderstanding of the matter and induce them to await the result of the practical trial of the methods in question, with confidence that their proper interests are not endangered.

In addition to the study of methods, scientific management usually includes some plan for demonstrating to the workman that he can increase his production without unduly exerting himself, and for stimulating him to do so by offering him increased pay for such increase in output. The advocates of the Taylor system claim with great positiveness that the features of that system which do affect the employees' pay, if applied, will result in further very marked economies to the Government, accompanied by increased pay and conditions generally satisfactory to the employees. These claims they base upon the result of actual experience in shops in which the system has been put in operation The confirmation of the claims as to the advantages of the features first installed, which the practical test at Watertown afforded, lends such force to these further claims that, in the absence of any positive evidence to the contrary, I do not think they can be disregarded by an administrative officer honestly desirous of serving the interests of the Government. Briefly stated, these features contemplate offering additional pay to workmen for work performed in the manner and sequence selected from the results of careful study and completed within the time which that study indicates as sufficient for the purpose.

The saving in time results, aside from any increased efficiency of machines, chiefly from the effect of the instructions given the workmen, by which their effort is more advantageously applied, and will involve no exhausting exertion on their part, nor such as should be disagreeable. If the work is not performed within this given time, the workman receives his regular daily pay; never less than his regular pay. The proposition is simply that if he follows his instructions and by so doing saves time, his pay will increase in proportion to the time saved. For example, a workman has been doing a piece of work in 190 minutes. After painstaking study of the job and of all the means of saving time, the man is carefully instructed as to these means, and is told that for every minute saved, within, say, 120 minutes, he will be paid for half a minute at his regular rate, in addition to his regular daily pay; and that it is thought that he can do the work in 72 minutes, for which time the increase over his regular pay will amount to 33⅓ per cent. The real point in the matter, however, is the determination, by a method of scientific common sense, of the time within which the work can and should be done, and the particular method of compensation as a stimulus for meeting this time is not important.

An application of the method described to the first employee of the Watertown Arsenal was made in May last. The circumstances are worth examining somewhat in detail, as they are illustrative of what might, at least, be accomplished by the general use of the method. The case was that of a machinist cutting gear wheels on a gear-cutting machine. It must be remembered that all the preliminary means of improving the machine had already been resorted to. It had been standardized and speeded up, and, although not a new machine, it was in as good condition as it could be for getting the best output. The man employed at it, a capable workman, well disposed to turning out a good day's work, had already cut a number of the gears, so that his ordinary rate of production was known. A careful time study had been made, and an instruction card issued to him in accordance with the methods of the Taylor system. The following figures are given as illustrating the change of output: The time which the man had occupied in cutting a gear was 329 minutes; as the result of the time study he had been told that he would be paid at his regular rate for a half minute for every minute under 300 minutes within which he would cut a gear, and that the results of the time study showed that he should cut them in 180 minutes each, in which case his premium would be 33⅓ per cent over his day rate, $3.28, which he was assured he was going to get in any event. No limit was placed upon the amount which he could earn by cutting the gears in still less time than 180 minutes each. Under these conditions the man went at the work and cut 10 gears, all that were left to be cut, in 220 minutes each, thus increasing his pay about 18 per cent over his day rate. This appears to have been a result worth attaining, and was reached, not only by stimulating the man and giving him instructions, but also by affording him all the facilities for doing the work which a careful study made had shown might be given him with advantage to the Government. The magnitude of the achievement does not yet appear in its entirety. Of the 329 minutes which had been taken previously in cutting a gear, 152 minutes was the running time of the machine, which the man could not alter, leaving 177 minutes as the handling time, occupied by the man in taking out finished gears, putting in new blanks to be cut, adjusting cutters, etc., so that the 109 minutes finally saved were out of the 177 minutes handling time. The cost of the gears before putting the man on the premium system had been, for his own labor, for the labor of his helper, for the cost of running the machine, and for indirect expenses, $4.75 each. The final cost for these same items was $3.28 each, making a saving of $1.47 per gear, or 44 per cent. For the effect on the man's pay: He cut each gear in 80 minutes less than the 300 minutes which were given him as the time within which he would be paid premium; he was therefore paid, at his rate of 41 cents per hour, for 40 minutes for each gear, and as he cut a gear in 220 minutes he thus made 40 minutes' pay, or 27 cents, every 220 minutes, which is at the rate of 7.45 cents per hour, an increase of about 18 per cent over his regular rate, which, applied to his entire day's pay, would raise it from $3.28 to $3.87.

Following the above-quoted case, and several others in the machine shop of the arsenal, an attempt was made to extend the improvement in methods to the foundry, where there was thought to be still greater opportunity for economies which would result advantageously both to the employees and to the Government. There had been no opportunity for making a time study such as had preceded the placing of some mechanics under the premium system in the machine shop, but the advantages in that shop had been so great that it was concluded that part of them could be had by placing some of the molders under the premium system, while basing the time within which premiums might be earned upon the record of preceding production. It was well known that this time was greater than it should be, but as it was intended at this time to apply it only to certain work which was not to be repeated, it was considered wise to allow the workmen the advantage of this liberal time for the sake of the economies which would also result to the Government. Several molders were given jobs under this plan; but it was not successful in getting any material reduction of the time occupied in doing the jobs, or in producing premiums for the men. A time study was therefore made upon a mold for the pommel of a packsaddle, of which a considerable number were required. Under the day-wage system a molder had been making these molds in about 53 minutes each. The time study showed that they ought to be made in 24 minutes each; and in accordance with the usual rule premiums were to commence to be earned after the time represented by the 24 minutes plus two-thirds of the 24 minutes, or 40 minutes. Both the molder and the foreman, however, thought this time was too short, and the officer in charge of the shop therefore increased it arbitrarily to 50 minutes.

However, although no objection to the time study was made at the time, on the same evening a meeting of the molders was held, and it was decided that they would not submit to the process, and when on the following day, attempt was made to carry it on with reference to another man on another job, the molders all struck, leaving their work. Their places were being filled by other men employed when, after a few days, they returned to work under the same conditions as those on account of which they had left, with the information that the whole matter would be made the subject of an investigation.

After the return of the striking molders to work the man who had been on the pommel job was again put at it and occupied the same time as before, about 53 minutes for each. One of the new men who had been taken on was therefore assigned to this job, when he made the molds at an average of 20 minutes each, the castings from them

not being distinguishable from those made by the former molder. That this time of 20 minutes each was not difficult of accomplishment is shown by the fact that this man upon one occasion did a whole day's work at the rate of 16 minutes each; and on one occasion was observed to make one of the molds in 10 minutes. Also, one of the striking molders after his return made them in 28 minutes each.

When these molds were produced in 53 minutes each their labor cost, including helper and all the direct and overhead charges, was $1.17 each. When they were made in 20 minutes each this cost was reduced to 54 cents. There was thus a saving of 63 cents on each mold, and as, at the 20-minute rate, 24 molds were made per day, the net daily saving to the Government upon this one molder's job was $15.10. The pay of the time-study man, a high-priced specialist, was $15 a day, so that his entire day's pay was saved on this one job. When the molds were made at the rate of 53 minutes each, under day wages, the molder earned $3.28 per day; when they were made in 20 minutes each, under the premium plan, the molder earned $5.74 per day.

During the month of September last 29 men in the foundry and machine shop were working more or less time under the premium system. Their total pay for the time that they were so working, at their regular rate, was $1,108; the premiums which they earned amounted to $279.19. They thus increased their regular daily pay by an average of something over 25 per cent. It is a pertinent inquiry who was hurt by this process. The men were certainly benefited in their compensation. They were not required to overexert themselves, nor directed to speed up, and the best evidence obtainable is to the effect that the rate at which they worked was not such as ought to have been other than pleasant.

Up to October 1 about 120 jobs have been done under the new scheme in the machine shop, and the average premium earned by the machinists engaged upon them was a little over 21 per cent of their wages.

After the return of the molders to work, Lieut. Col. John T. Thompson, from the office of the Chief of Ordnance, was directed to proceed to the Watertown Arsenal and make an investigation of the strike and the events preceding it. From his report it appears that the objection on the part of the dissatisfied workmen is to the process of making a time study, which generally precedes the setting of a premium time upon a new job; and the underlying cause of this objection appears to be an apprehension that advantage will be taken of the knowledge gained by the time study to speed up the workmen with a temporary incentive to work fast and then to use the knowledge thus acquired to require the increased rate of production at the same old pay. Such an apprehension might well be produced by the following circular:

AFFILIATED WITH THE AMERICAN FEDERATION OF LABOR.

INTERNATIONAL ASSOCIATION OF MACHINISTS,
OFFICE OF INTERNATIONAL PRESIDENT,
404–407 McGill Building, Washington, D. C., April 26, 1911.

Official circular No. 12.

To the order everywhere, greeting:

It has been the purpose of the grand lodge in the past to raise a warning voice whenever dangers have arisen which would affect our craft, and to point the way to safety. Through the efforts of our organization the machinists' trade has been raised to a higher level, as far as wages and conditions of labor are concerned, than otherwise would have obtained.

Wherever a high-paid class of labor exists by reason of organization and skill combined it has had the effect of stimulating the inventive genius of employers to find ways of eliminating skill and with it the high-priced mechanic and substituting common laborers with corresponding low wages.

The latest danger, and the one we propose to deal with in this letter, is the so-called Taylor system of shop management. Mr. Taylor, the originator of this system, is a former master mechanic of the Midvale Steel Co., Philadelphia, Pa., and is well qualified by disposition and education to undertake to undermine our trade. His system is very insidious in the process of installation and operation, it being his plan to install it slowly, and by a process of selecting workmen, he will have it in full operation in a shop in the time it takes him to select a body of docile, nonresisting workmen.

Mr. Taylor's system, as applied to the machinist trade, in brief, is as follows:

1. Instead of having a general foreman in a shop, he has four specialized shop foremen, each of whom performs a specified part of a foreman's job. They are called the "speed boss," "gang boss," "repair boss," and "inspector boss." These jobs are given out as plums to machinists who are willing to act as pacemakers.

2. Instead of machinists using their judgment in doing their work, Mr. Taylor has a "planning department," which furnishes the machinist with an "instruction card" similar to a drawing, telling him exactly what feeds, speeds, tools, and machines to use; how to hold the work, etc., leaving nothing to the workman's judgment. This eliminates skill and common laborers are used.

3. Instead of relying on the honor of the machinists, together with the watchfulness of the foreman as a means of getting a fair day's work from the men, Mr. Taylor holds a stop watch on the best workman while working fast, and leaves out the time on all such movements as he thinks is unnecessary. The result forms a standard for a day's work. To get a man to work at a terrific pace is his method. He solves it something like this:

(a) Offering a bonus for reaching this maximum.

(b) Standardizing the movements of a workman, thus making an automaton of him.

(c) Fining the workman all the way from 1 cent to $60.

(d) Discharging all who fail to reach the maximum pace after a trial.

(e) Discharging the dissatisfied workman, and keeping those who will do as they are told.

(f) Offering the foreman a bonus to keep the men spurred up to the top speed.

(g) Installing piecework with a differential rate per piece, thus: If the maximum day's work is 10 pieces, and the workman may get, say, 35 cents a piece, or $3.50 per day, if he succeeds in completing the entire task. If, however, he fails to finish 10 pieces, even if he misses this limit by only a fraction of 1 piece, he gets only 25 cents a piece, or less than $2.50 per day. This gives a tremendous incentive to a man to exert himself to the utmost.

4. Instead of collective bargaining, Mr. Taylor insists upon individual agreement, and any insistence on organized-labor methods will result in discharge.

Wherever this system has been tried it has resulted either in labor trouble and failure to install the system, or it has destroyed the labor organization and reduced the men to virtual slavery, and low wages, and has engendered such an air of suspicion among the men that each man regards every other man as a possible traitor and spy.

The present effort on the part of of Mr. Taylor is to have his system installed in the Government arsenals and navy yards. He has been so successful that the War Department has decided to give his system a trial. This would give his methods a tremendous advertisement, and only be a short time until all private manufacturers throughout the country would adopt his system, since with the public the Government has the reputation of being a good employer. This is but another instance in which a good reputation is exploited for a despicable purpose. We do not know what motives the War Department has in the matter, but we do know that this proposed staggering blow at labor must be met by determined resistance.

The installation of the Taylor system throughout the country means one of two things, i. e., either the machinists will succeed in destroying the usefulness of this system through resistance or it will mean the wiping out of our trade and organization, with the accompanying low wages, life-destroying hard work, long hours, and intolerable conditions generally.

It is manifestly impossible in a short letter to explain the Taylor system satisfactorily, but let this letter serve as a warning to you to prepare for the struggle. As a means of preventing the Taylor system of shop management gaining headway, we ask you to carry out the following instructions:

1. Purchase a book explaining the Taylor system.

2. Appoint a committee to read this book and report findings to the lodge.

3. Instruct the secretary or a committee to immediately write to the Secretary of War, the two United States Senators of your State, and the Congressman from your district, protesting against the installation of the Taylor system by the Government, asking the lawmakers to support any measure that may be submitted to Congress which will secure this result.

It would be well to enumerate some of the objections to the system as outlined in this letter.

We trust that you will be impressed with the importance of this matter and will see the impending danger. Act quickly.

Yours, fraternally,

JAS. O'CONNELL,
President International Association of Machinists.

Shop Management, by F. W. Taylor, can be purchased of Munn & Co., 361 Broadway, New York City.

This circular was issued last spring, closely following a vigorous protest of the employees of the Rock Island Arsenal against the introduction at that arsenal of the first-described part of the Taylor system which concerns systemization and general administration only, without directly affecting the employees or their compensation, and which had been shown to be so advantageous at the Watertown Arsenal, the protest being based upon the fear of what might follow.

It seems quite conceivable that men might be influenced by such publications as this, coming from organizations which they support themselves, to such an extent as to cause them to lose sight of the fact that the Government is not in the "sweatshop" business, and that there are plenty of instances in the Ordnance Department itself in which employees are continuously earning, by stimulated efforts under the piecework system, wages very considerably in excess of those paid to persons of the same degree of skill under the day-wage method.

A little inquiry would show that there are many employees in the department working at employment which can be readily learned in time very much less than that required for the apprenticeship of a machinist, for instance, who are regularly earning the wages of a good machinist paid by the day. If the employees of the Ordnance Department were left to the guidance of their own experience in Government employ, and if the leaders of labor organizations would take pains to inquire as to the promise in regard to conditions of employment which is implied in the record of labor in the Government service before taking and diffusing alarm, I believe that experiments such as the one now making at the Watertown Arsenal would be given the fair chance, which they do not have when feelings are stirred up by such circulars as the one just quoted.

As an example of what is shown by this department's record of employment: The gear-cutting machinist, whose experience has been described above, has been a regular employee of the department for a number of years. During the fiscal year ended June 30 last, in which the experience described occurred, he had been given, as usual, leave of absence with pay for 13¾ days annual leave, 13 Saturday half holidays, and 7 full holidays, making 27½ days in all, for which he received $83.56, without rendering any service. For the service which he did render during the year he received $899.65. The amount which he received for no service, therefore, was a little over 9¼ per cent of that which he received for his labor; and the labor was rendered at the rate of only eight hours a day. His holiday time he was privileged to use for his own pleasure or profit. In addition he had the stability of the civil-service tenure of office; had an opportunity to take his luncheon in a clean, well-warmed, and ventilated and well-kept lunch room, where facilities were supplied for heating coffee, etc.; was able to take a shower bath at the end of his work if he wished to; and enjoyed the assurance that if disabled by his work for over 15 days he would, under the governmental liability act, be paid at his full rate for the time for which his disability should last, up to one year; or that his dependent family would be provided for at such rate in case of his being killed. With this experience I do not believe that, of his own motion, this good man would have become suddenly possessed of the fear that the spirit of his employment by the Government was to be entirely changed and that thenceforth he was to be subjected to an unendurable slave-driving process.

The theory under which the trial is being made at the Watertown Arsenal is that the current rate of wages is not a just compensation for the employees' best production, but that it is compensation for the character of production under which the rate has grown up, which is very far from the best. It is believed that better production can be had by proper care upon the part of the management, but that continued high production is impossible without correspondingly high wages. It is also considered that there are differences between men which should be taken account of in their compensation. There is not lacking evidence that these differences are not always relished by labor organizations, and that there is some tendency upon the part of members of these organizations to consider that they should be industrially as well as politically equal; and it may be that this feeling is stronger on the part of employees in a Government establishment, feeling that all men are properly equal before the law, than in private employment. I have not yet reached a conclusion as to the extension to other arsenals of the part of the Taylor system of shop manage-

ment which directly affects the workmen, and I do not intend to do so in advance of further trial at the Watertown Arsenal; but I am convinced that, either by this system or by some other, it ought to be possible to secure better cooperation of the employees among themselves and between them and the management than has been had in the past. I think it ought to be possible to accomplish this by making it to the interest of as many employees as possible to call attention to any improvement which would increase their productiveness, or to any slackness which diminishes it, and I do not think that the spirit of keenness and forwardness which ought to accompany conditions of this kind would properly be described as one involving spying, or a state in which every man's hand would be against his neighbor, as has been alleged.

As to the effect upon the employment of labor which would be produced if a given amount of work were to be performed by a less number of men than had previously been required for it, it should be borne in mind that at a Government establishment the amount of work is regulated by the capacity of the establishment and the appropriations available. If by means of improved methods this department should be able to diminish the cost of military stores manufactured by it, by reason of the increased efficiency of labor or otherwise, the funds thus saved would not be turned back into the Treasury but would be used to manufacture additional stores, for which there is much need, requiring the employment of additional labor. This result would be comparable to that obtaining in private manufacture when diminished cost and price increase consumption.

In getting this system going for the last two years or more the commanding officer of the Watertown Arsenal, Lieut. Col. Charles B. Wheeler, and his first assistant, Maj. C. C. Williams, have been called upon for efforts much in excess of those corresponding to ordinary working hours, and have exhibited a degree of zeal and intelligence which merits special mention.

[Extract from the Report of the Chief of Ordnance, 1912.]

SCIENTIFIC MANAGEMENT.

In my report for the fiscal year ended June 30, 1911, the subject of the application of more scientific management to the plants of the Ordnance Department was discussed at some length, and a detailed statement of the reasons that determined the trial, the extent to which the system had been introduced, the conditions under which it would be retained or extended, and the results already obtained were given.

During the past year the subject has received even greater public attention than before, so that it is deemed proper to describe the progress made and the conditions that have developed since my last annual report in greater detail than would otherwise be considered necessary.

The occurrence of the brief strike among the molders at the Watertown Arsenal, mentioned in my last annual report, was represented by the outside labor interests which had supported the strike and were encouraging opposition to the introduction of scientific management in the plants of this department as indicating the existence of unsatisfactory conditions, due to the use of the particular system of management under trial, known as the Taylor system. The representations made induced the House of Representatives to appoint a special committee to investigate the Taylor and other systems of shop management. While the resolution authorizing the appointment of the committee provided for the investigation of other systems, it specifically named the Taylor system and directed that the applicability of this system to Government works, its effect on the health and pay of the employees, and on wages and labor cost be ascertained. The special committee thus appointed began its labors on October 4, 1911. The members visited the Watertown Arsenal and held hearings there, at Boston, New York, and Washington, covering a period between October 4, 1911, and February 12, 1912. Ample opportunity was afforded to all Government officers and employees, outside labor leaders and workmen, industrial engineers, civilian managers, and generally to anyone interested in the subject, to present their views to the committee. In short, the committee went into the subject thoroughly and had presented to it in great detail all the information needed for an exhaustive study and the formation of an authoritative conclusion. The committee made its report to the House on March 9, 1912, and it was unanimous. Inasmuch as the opponents of the Taylor system had virtually concentrated their attack upon the time-study and premium features under trial at the Watertown Arsenal, claiming that those features operated against the health and well-being of the employees, it is particularly interesting to note what the committee, as the result of its investigation, had to say upon the points especially affected by those features. Their remarks were as follows:

"Neither the Taylor system, the Emerson system, the Gantt system, the Brombacher system, the Stimpson system, nor any of the systems of so-called scientific management have been in existence long enough for your committee to determine with accuracy their effect on the health and pay of employees and their effect on wages and labor cost. The conclusions we have arrived at are all based upon what we consider to be the logical sequence of the conditions existing or proposed. The selection of any system of shop management for the various Government works must be, to a great extent, a matter of administration, and your committee does not deem it advisable nor expedient to make any recommendations for legislation upon the subject at this time."

In other words, the committee, properly zealous to protect the well-being of the employees, failed to find any ground in the representations made by the opponents of the system upon which to base condemnation or serious criticism of the methods in effect or contemplated by this department, or any conditions which called for remedial legislation, although it showed its alert interest in the well-being of the workmen by mentioning and condemning many oppressive practices, which it did not find, and did not say it had found, at the arsenals of this department. This result should be sufficient to stay the campaign against the use of the Taylor system by the Government, which, on the part of its opponents, has been principally one of misrepresentation of the purposes sought and unjustified assertions as to the results which it would produce, at least until bad conditions become a fact instead of a mere prediction. Particularly have these opponents endeavored, by quoting carefully selected and therefore misleading extracts from the writings of its original advocate, to create a popular prejudice against the time-study and premium features of this system, alleging that these features are only devices for "speeding up" the workman and reducing him ultimately to the level of a "machine" or "beast of burden." The persistency with which these statements have been circulated, in the face of the failure of the committee to discover any facts which justify them, excites more than a suspicion that there is some other reason which animates the opposition than a fear that the employees of the department are going to be overworked. The following instance, which occurred at the Watertown Arsenal, well illustrates the fact that the time study is not an instrument of oppression, but that the determination of the proper quantity of work revealed by its use is advantageous to the workman, as well as to the Government, and that the department intends to act justly upon the information thus obtained. After a time study had been made on a piece of work, the workman proceeded to earn a good premium, but upon comparing the cost of the work to the Government before and after the premium system of payment it was discovered that the cost was greater afterwards than before. That is, there was no saving of time and overhead charges to compensate for the increased amount paid to the workman. The reason was that this was an exceptionally fast and skillful man, and that he had been all along giving an output corresponding to a reasonable task time without getting paid for it. In other words, he was underpaid. The time study disclosed this, and he is now being paid in accordance with his merits.

In spite of the well-grounded conclusion reached by the committee that no legislation is needed at present, interests outside of the Government service have, nevertheless, succeeded in having bills introduced into both Houses of Congress which aim to prohibit the taking of accurate time studies of operations and the payment of premiums, or extra pay, to the workmen. The effect of these bills, if enacted into law, would be to deprive the workmen of all material advantages that scientific management offers them. The attitude of the department is that improvement in industrial conditions should benefit both employer and employee. This attitude is clearly evidenced by the record that the department has made in its dealings with its employees and was given positive expression in my testimony before the special committee last January. To prevent any misunderstanding upon this point, it is considered fitting to quote that portion of the hearings which contains the expression referred to:

"Mr. TILSON. There is another question I would like to ask in regard to the system. If after a fair trial of the second part, as we have called it, of this Taylor system at Watertown Arsenal it should be found that it does not work satisfactorily to both the Government and the men, after a fair trial, so it could not be claimed on either side that it had not had a fair trial, it should be discovered that it could not be installed satisfactorily to the workmen themselves and to the management, do you believe that it would be installed at the other arsenals regardless of that fact?

"Gen. CROZIER. No, sir; it would not be my intention to install it at the other arsenals under those circumstances.

"Mr. FITZGERALD. Would it mean the elimination of that feature at the Watertown Arsenal?

"Gen. CROZIER. Yes, sir; it would.

"Mr. FITZGERALD. In its entirety?

"Gen. CROZIER. Of this second part of the system?

"Mr. TILSON. Any part which did not work satisfactorily.

"Gen. CROZIER. I would not permanently continue any system that was the cause of continued discontent.

"Mr. TILSON. You regard the workmen at the Watertown Arsenal as fair-minded men—the majority of them—men who as between man and man would wish to be fair. Now, after giving it a fair trial with these men, if it engendered constant strain and you could not make any satisfactory arrangement with this system, would it not discourage it in your eyes?

"Gen. CROZIER. Yes, sir; it would. After I shall have given it a fair trial, then I shall know everything about it of my own knowledge.

"Mr. FITZGERALD. Of course, there are some features that might remain after this second part of the system was presumed to have been abolished, like the time records, for instance. Would workmen be required to still maintain the time as determined by the time-study methods of this system?

"Gen. CROZIER. I think I have covered that when I say that I would not continue anything that produced permanent discontent.

"Mr. TILSON. The system or any part of it?

"Gen. CROZIER. No, sir.

"Mr. TILSON. I just wanted to be sure of what you said, General. I simply wanted it reiterated, that is all.

"Gen. CROZIER. Anything that produced permanent dissatisfaction and discontent would be given up. We desire to have our relations with the workmen harmonious.

"Mr. TILSON. That's the point."

These expressions should not be misinterpreted. They do not mean that any feature deemed beneficial will be given up immediately upon the request of employees, without investigation of the grounds and reasons for such a request. Before the abandonment of a feature is decided upon it must be demonstrated that those objecting to it have worked under it long enough to understand it thoroughly, that their objections are material and based upon their own experience rather than the suggestions of others, and that they represent in number more than the small discontented element that exists in all industrial organizations.

The time study affords the most accurate measure yet devised for determining the just quantity of work that should be performed without overexertion, and the premium system is one of the means by which this just quantity of work can be adequately paid for. The combination of the two secures increased earnings to the competent workman, without a corresponding decrease to the less competent, a positive and material step forward which it would seem should meet with general approval. The proposed bills, however, take away this advantage, and require the workman to continue to labor under the old conditions, the unsatisfactory and inadequate character of which is evidenced by the symptoms of general unrest occurring throughout the industrial world.

The advocates of these bills profess to foresee that the time study and premium features will produce conditions inimical to the workman, and draw a harrowing picture of a future in which the overwrought workman is laboring feverishly to accomplish daily a task beyond his strength in return for a wage no greater, and perhaps less, than he formerly received. The absurdity of the supposition that such a state of affairs in a plant belonging to this Government would be tolerated by the people, or that there is any incentive which would lead sane Government officials to attempt anything of the sort, does not seem to strike these prophets. Neither do they appear to comprehend the fact that the determination of the rate of wages to be paid is a matter wholly independent of any system of management. The Taylor system has no occult power to force workmen to work under unsatisfactory conditions or for an inadequate wage. It does not take away from the workmen any weapon of self-protection which they now possess. Wages are not fixed by a system, but by agreement. Under the Taylor system there is exactly the same opportunity for bargaining, either individually or collectively; exactly the same remedies for oppressive conditions; in

short, exactly the same protection for the workmen that there is under any other system—no more and no less. The same forces that operate now to maintain, raise, or depress the rate of wages will operate as effectively under the Taylor system, and these are the only forces that can affect the question. When the time study has revealed more accurately than mere guesswork how much work can properly be done, there still remains the question as to how much shall be paid for that work. The settlement of that question is not determined by the time study, nor by any other feature of the Taylor system. But the result of the time study has furnished the workman with a vastly better ground upon which to bargain about wages than he had when both parties were merely guessing as to the amount of a fair day's work. In the face of the actual results so far obtained, and the unequivocal statements as to the future intention of this department, the effort to protect the workmen from purely visionary dangers by depriving them of a present and very material benefit appears so strained and illogical as to suggest irresistibly either that the real reason for the effort has not been revealed or that those who profess to be so alert in protecting labor are singularly obtuse. Should they be successful in their effort to eliminate the time study and premium features, the workman who has become accustomed to receiving a substantial increase in his pay envelope under the premium system is going to find it difficult to figure out how he has been benefited when that increase is taken away from him and his hours of work are not reduced. I believe that the practical experience of the benefits of the premium system obtained by those who have worked under it during the past year will lead to a saner and more enlightened view of the subject, and develop clearly the fact that there is not, on the part of those who are personally affected, any real wish for the enactment of legislation so evidently opposed to their interests.

To show how directly and materially the premium system, based upon time study, has benefited the workman, I invite attention to the following data as to the number, trade, and grade of the employees who have worked on premium during the past year, and the average monthly percentage of their regular pay represented by the premiums earned.

Date.	Number of men.	Hours worked on premium jobs.	Hours of premium time paid for.	Premium paid.	Regular pay.	Per cent of premium.
MOLDERS.		*Hrs. min.*	*Hrs. min.*			
July, 1911						
August, 1911	18	796 55	113 7	$46.72	$332.60	14
September, 1911	19	1,745 45	450 35	186.46	721.97	25.8
October, 1911	17	1,962 40	439 35	182.35	807.64	22.6
November, 1911	16	1,564 30	389 40	161.58	644.54	25.1
December, 1911	18	2,141 56	478 29	198.74	881.80	22.5
January, 1912	17	2,570 30	692 40	286.88	1,061.11	27
February, 1912	19	2,392 0	562 40	186.11	1,037.26	17.6
March, 1912	18	2,175 50	600 59	246.79	917.67	26.9
April, 1912	12	1,644 0	507 0	207.81	674.21	30.8
May, 1912	11	1,490 45	478 41	197.03	614.56	32.1
June, 1912	11	1,298 16	380 53	156.85	533.89	29.4
				2,054.32	8,227.25	24.97
MACHINISTS.						
July, 1911	4	255 0	59 45	20.16	84.46	23.8
August, 1911	8	[1] 839 0	190 45	67.40	[1] 351.08	19.2
September, 1911	10	1,052 39	255 15	92.73	384.96	24
October, 1911	15	1,261 28	316 8	115.36	420.89	27.4
November, 1911	20	2,612 5	637 11	235.27	941.21	25
December, 1911	30	3,217 45	844 39	314.14	1,166.93	26.9
January, 1912	51	4,766 30	1,329 37	506.64	1,769.78	28.6
February, 1912	52	4,195 30	1,086 20	414.75	1,580.38	26.1
March, 1912	59	5,088 25	1,629 7	613.60	1,898.40	32.3
April, 1912	88	6,350 5	1,980 40	745.08	2,385.41	31.2
May, 1912	94	7,497 55	2,309 11	876.16	2,849.30	30.7
June, 1912	84	7,511 55	2,311 22	882.82	2,868.97	30.7
				4,884.11	16,701.77	29.24

[1] One man's time omitted on account of loss of card; time assumed.

The net result of these figures may be more significantly summarized by the statement that 153 men received during the last fiscal year a total of $6,938.43 more than they would have been paid except for the time-study and premium features. Had conditions been such that all of these men could have been employed continuously on premium jobs, the premiums earned would constitute an actual increase in their annual pay of 28.59 per cent.

These very substantial increases earned under the premium method, without complaint of undue or disagreeable exertion, can hardly be regarded by any unprejudiced person as other than a distinct improvement in the industrial position of the workmen concerned, who must have been enabled thereby to live better and to obtain for themselves and their families advantages not previously enjoyed. It is difficult to believe that these men and those dependent upon them really favor a legislative prohibition of the premium feature, which would deprive them of their new comforts and compel a return to their former scale of living. I do not believe it, but by evidence gathered on the spot, as well as by the above considerations, am convinced that a free expression of opinion by the employees of the Watertown Arsenal, if it were possible to receive it, would be strongly in favor of a continuance of the system.

The figures given above show the benefits which accrue to the workman from the Taylor system as applied at the Watertown Arsenal. It is now appropriate to consider what advantages have been secured for the Government. In my last annual report such typical examples of reduced cost of manufacture were given as were available at that time. It must be remembered that the Government lacks the simple measure of economical efficiency which a private concern possesses in its net earnings, and that a convincing and definite comparison can only be had when the same or very similar articles have been manufactured under both new and old conditions. It should not occasion surprise, therefore, that the concrete instances available are not more numerous. But while these instances are not many, they serve to indicate beyond a reasonable doubt that the methods which have been so successful in the cases cited are producing a proportionate success in the work generally. From a comparison of the job cards of about 60 different jobs, each of which was performed under both the old day-work and the premium system, it appears that the average rate of production under the premium system is about 2½ times that of day-work. Had the same number of men been working on premium work throughout the year as were employed on such work during May and June at the Watertown Arsenal, there would have been a total net saving to the Government of $100,095.80. Inasmuch, however, as the number in the earlier months was much smaller, the amount saved was less, and the saving actually made was $49,102.95, as compared with the amount which had been estimated that the work was going to cost.

SAVINGS FROM IMPROVED SHOP MANAGEMENT AND PREMIUM SYSTEM (EXCEPT AS NOTED) AND DISPOSITION THEREOF.

The reduced cost of production at the various ordnance establishments, due to the improved methods of manufacture and to the premium system, as previously outlined, will continue to be realized from year to year. These savings were made with practically no reduction of wages of employees; on the contrary, there were a large number of increases in day wages at all the arsenals, and the earnings of those on a piece-work or premium basis were increased considerably. These increases, of course, have been deducted from the amount of savings reported below. Due to the existence of these savings for the current fiscal year the estimates for the next fiscal year have been reduced, thus giving the most practical expression to the results obtained. The savings amounted to over $240,000, which was used to increase the amount of work done and material manufactured under the various appropriations from which the savings were made. The estimates for the manufacture of small-arms ammunition during the next fiscal year have been reduced by $150,000 below the current appropriations; but for the reduced sum just as much ammunition will be procured as would be possible under the present appropriations at the prices of a year ago. The estimate for the manufacture of small arms is $100,000 less. The number of small arms made will not be as great as under the current appropriation, but it will not be diminished in proportion to the reduction in the estimate.

These figures need little comment, and, taken in connection with those showing the increased earnings of the workmen, furnish a complete explanation and justification of the advocacy of the Taylor system by this department. The workmen have received higher wages, while the net cost of the work has been reduced, an industrial result which both employers and employees are generally desirous of achieving. So far at least the advantages anticipated for both the Government and the employees have been realized, and none of the objectionable results so confidently predicted by its opponents have developed. The present situation therefore offers every inducement for the continuance of the conservative application of the Taylor system begun by this department, and such extension of the use of those features proved to be beneficial as local conditions shall justify.

SURPLUS STOCK SAVINGS.

Inasmuch as scientific management more systematically directs greater attention to all details of manufacturing work than was previously bestowed its trial by the department led to a closer study, among other objects, of the amount and kind of material that should be kept on hand for manufacturing purposes, with the object of reducing such stock to the lowest limit consistent with efficient and economical operation. The study given this subject resulted in the adoption during the past year of a uniform system for determining the amount of stock to be carried and for providing for its replenishment. The overaccumulation of stock is easily accomplished. Material is prone to be scattered through a manufacturing establishment in unimpressive lots and to rest in out of the way places unobserved. The record of it is buried in the property return, often under a variety of half-known names, not meaning much to the clerks who handle the returns, which for the large arsenals are ponderous volumes discouraging critical examination. A careful determination under a scientific method of the proper quantity of stock to be kept on hand revealed the fact that in the case of many items the quantity had been excessive, and that the stock of those items could be greatly reduced. The process of realizing upon this surplus by using it in current manufacture was at once begun and will be continued until it is all absorbed. It will take several years to accomplish this. During the past year $122,789.61 worth of this surplus has been used. This means that the manufacture of the articles for which the surplus material was used was accomplished by the actual disbursement of $122,789.61 less than would otherwise have been required, so that that amount of money was available for additional work.

The surplus stock savings, amounting to $122,789.61, were utilized in manufacturing 2,189 additional infantry rifles and a large amount of small-arms ammunition; while $17,585.13 were turned into the Treasury, as the purpose to which this sum was applicable can be covered by other appropriations without increase. Some $17,000 of this saving is still on hand.

STOCK FUND NOT YET UTILIZED.

At the Springfield Armory there is a remaining surplus of $130,313.53 over and above that mentioned above. When future orders are received by the armory for the manufacture of arms report in each case will be promptly made to this office showing the value of the surplus material which can be utilized in such manufacture, and the allotment covering such orders will then be correspondingly reduced. This surplus consists largely of those components of the rifle which require the longest time, in the event of war, for their procurement, as, for instance, gun stocks, which should be seasoned for several years prior to use, and steel for the larger parts, as for the barrel and receiver, so that the amount of the saving does not represent a corresponding quantity of material for that number of completed rifles. It will require several years to absorb this surplus, which represents the amount by which the war reserve of material can be reduced by reason of the satisfactory store of finished rifles.

Reports have not yet been received from the other arsenals as to the resulting surpluses that will be available for such use in the stock fund. When such reports shall have been received these surpluses will be similarly utilized.

Recapitulation of savings.

Savings from improved shop management, and premium system	$240,461.93
Savings resulting from the use of surplus stock	122,789.61
Total	363,251.54

Scrap material was utilized, as usual, in the manufacture of all articles whenever possible. The value of the scrap material so utilized during the year amounts to about $212,000. Under the new stock system this scrap is now taken up at its proper value on the stock-fund account. That used in the manufacture of any article is charged against the allotment for its manufacture and credited to the stock-fund account. When the stock fund exceeds an authorized maximum the excess is turned back to this office and made available for allotment for additional manufactures.

CASH REWARDS FOR EMPLOYEES.

During the past year the subject of the desirability and justice of securing authority by which employees who were the authors of suggestions that resulted in valuable improvements or economies in manufacturing processes or plant could be adequately rewarded was taken up and a recommendation submitted to you that an effort be made to obtain the necessary legislative action.

The history of this department contains many instances of employees who have offered suggestions that resulted in material improvements and economies. Under previously existing law there was no suitable way by which the laudable interest of these employees could be properly recognized. This lack of power to reward such suggestions undoubtedly deprived the Government of much advantage that would accrue from the stimulus to the interest in their work that could otherwise be secured, and placed the Government in the unsatisfactory position of appropriating such suggestions and benefiting from them without suitable recognition of the authors. The action recommended met with your approval and the matter was submitted to Congress. The result was the passage of an act, approved July 17, 1912, which authorized the payment of periodic cash rewards for the most valuable suggestions submitted by employees. So far as I know this act is the first successful effort on the part of any executive department of the Government to recognize in a material way those praiseworthy efforts of its employees which are outside of their ordinary work and for which their regular wage can not be considered a fair compensation. In addition it affords another practical instance of the desire of this department to deal fairly with its employees and to promote that community of interest and close cooperation which both equity and efficiency demand. The necessary instructions for putting the act into effect have been issued, in accordance with which the first period within which rewards may be won will be from October 1 to December 1 of this year.

Premiums earned during May, 1913.

BY MOLDERS.

Number.	Time.	Day rate.	Total pay, day rate.	Premium.	Total amount paid.	Hours of premium time paid for.	Hours worked on premium.	Average premium earned.
	Days. hrs.					*Hrs. min.*	*Hrs. min.*	*Per cent.*
4	27 0	$3.04	$82.08	$12.41	$94.49	32 39	82 10	39.73
5	27 0	3.28	88.56	4.55	93.11	11 7	70 45	15.71
6	14 3	3.04	43.70	5.62	49.32	14 47	93 50	15.75
7	27 0	3.52	95.04	23.72	118.76	53 54	181 35	29.68
8	27 0	3.52	95.04	13.91	108.95	31 37	128 35	24.58
9	27 0	3.52	95.04	13.46	108.50	30 35	176 35	17.29
10	23 0	3.52	80.96	16.60	97.56	37 44	137 30	27.44
11	27 0	3.28	88.56	17.23	105.79	42 2	163 20	25.73
12	27 0	3.52	95.04	18.66	113.70	42 24	118 45	35.70
15	27 0	3.68	99.36	20.94	120.30	45 32	195 25	23.30
16	27 0	3.04	82.08	11.39	93.47	29 59	142 40	21.01
17	27 0	3.52	95.04	15.11	110.15	34 20	104 25	32.88
18	27 0	3.68	99.36	20.95	120.31	45 33	195 25	23.30
Total				194.55		452 13	1,791 0	25.54

Premium percentage of shop=452 hours 13 minutes÷1,791 hours=25.24 per cent. Hours worked on premium is 66.95 per cent of the entire working time of all employees of the same class.

IN MACHINE SHOP.

Number.	Time.	Day rate.	Total pay, day rate.	Premium.	Total amount paid.	Hours of premium time paid for.	Hours worked on premium.	Average premium earned.
	Days. hrs.					*Hrs. min.*	*Hrs. min.*	*Per cent.*
31	27 0	$3.04	$82.08	$1.12	$83.20	2 57	27 25	10.76
33	21 0	3.28	68.88	4.03	72.92	9 50	58 40	16.76
35	24 7	3.04	75.62	8.51	84.13	22 23	135 40	16.49
38	27 0	3.28	88.56	20.85	109.41	50 52	166 10	30.61
39	27 0	3.52	95.04	31.02	126.06	70 30	199 10	35.38
41	27 0	3.28	88.56	21.26	109.82	51 52	158 30	32.72
42	27 0	3.28	88.56	21.38	109.94	52 9	164 5	31.78
43	27 0	3.04	82.08	6.41	88.49	16 52	128 20	13.14
44	15 6	3.04	47.88	6.96	54.84	18 19	67 30	27.13
45	27 0	3.28	88.56	19.44	108.00	47 25	136 35	34.71
46	18 0	3.28	59.04	25.47	84.51	62 7	175 45	35.34
47	27 0	3.28	88.56	21.12	109.68	51 31	184 35	27.91
48	26 4	3.04	80.56	5.09	85.65	13 24	179 30	7.46
49	27 0	3.28	88.56	9.85	98.41	24 2	191 45	12.53
50	27 0	3.52	95.04	29.70	124.74	67 30	193 25	34.89
51	27 0	2.80	75.60	14.13	89.73	40 23	141 35	28.52
52	27 0	3.04	82.08	24.14	106.22	63 32	155 35	40.83
54	27 0	3.28	88.56	14.79	103.35	36 5	132 5	27.31
55	27 0	3.04	82.08	5.96	88.04	15 42	196 25	7.99
56	24 0	3.04	72.96	10.57	83.53	27 49	92 5	30.20
57	27 0	3.28	88.56	1.44	90.00	3 30	15 0	23.33
58	26 4	3.04	80.56	4.87	85.43	12 50	36 0	35.64
59	27 0	3.28	88.56	23.14	111.70	56 27	210 25	26.82
60	27 0	3.28	88.56	6.16	94.72	15 2	39 55	37.66
61	27 0	3.04	82.08	10.35	92.43	27 14	108 45	25.04
62	27 0	2.80	75.60	8.33	83.93	23 49	113 55	20.91
63	26 4½	3.04	80.84	13.84	94.68	36 26	118 15	30.81
64	26 4	3.52	93.28	6.19	99.47	14 4	130 10	10.80
65	27 0	3.28	88.56	8.82	97.38	21 31	154 10	13.95
67	26 5	3.28	87.33	8.01	95.34	19 32	56 30	34.57
68	27 0	2.56	69.12	.86	69.98	2 42	46 55	5.75
69	26 0	3.28	85.28	22.15	107.43	54 1	226 35	23.83
70	27 0	3.04	82.08	25.62	107.70	67 26	193 15	34.88
71	27 0	3.04	82.08	9.63	91.71	25 21	74 0	34.25
72	27 0	3.04	82.08	8.87	90.95	23 21	310 40	7.51
73	27 0	3.28	88.56	30.22	118.78	73 42	166 20	44.30
75	27 0	3.52	95.04	13.68	108.72	31 5	151 15	20.55
76	26 6	3.04	81.32	13.43	94.75	35 21	176 20	20.04
78	25 1½	3.28	82.61	18.40	101.01	44 53	129 45	34.59
79	26 7	2.80	75.25	4.98	80.23	14 14	80 5	17.17
80	26 7½	2.80	75.42	10.13	85.55	28 56	180 20	16.04
81	23 0	3.04	69.92	15.91	85.83	41 52	137 50	30.37
82	27 0	2.80	75.60	23.89	99.49	68 16	191 25	35.66
83	27 0	3.04	82.08	13.43	95.51	35 21	105 40	33.45
84	26 2	3.04	79.80	25.31	105.11	66 36	194 55	34.16
85	27 0	3.28	88.56	28.25	116.81	68 54	187 5	36.82
86	27 0	3.04	82.08	4.61	86.69	12 8	43 5	28.16
87	27 0	3.04	82.08	3.04	85.12	7 59	58 25	13.66
88	27 0	2.80	75.60	18.29	93.89	52 16	173 35	30.11
89	27 0	3.28	88.56	11.35	99.91	27 41	85 25	32.41

Premiums earned during May, 1913—Continued.

IN MACHINE SHOP—continued.

Number.	Time.	Day rate.	Total pay, day rate.	Premium.	Total amount paid.	Hours of premium time paid for.	Hours worked on premium.	Average premium earned.
	Days. hrs.					*Hrs. min.*	*Hrs. min.*	*Per cent.*
90	25 0	$3.28	$82.00	$12.51	$94.51	30 30	310 10	9.83
91	27 0	3.28	88.56	18.03	106.59	43 59	113 35	38.72
92	27 0	3.04	82.08	17.38	99.46	45 44	198 35	23.02
93	25 0	3.04	76.00	18.31	94.31	48 11	169 40	28.39
94	25 1	3.28	82.41	24.21	106.62	59 3	196 20	30.07
95	27 0	3.28	88.56	1.03	89.59	2 30	54 50	4.55
99	26 6	3.28	87.74	4.61	92.35	11 14	65 0	17.28
102	27 0	3.52	95.04	23.05	118.09	52 23	179 5	29.25
103	26 3	2.80	73.83	.73	74.58	2 5	145 25	1.43
105	27 0	2.80	75.60	11.96	87.56	34 11	134 20	25.44
107	26 1½	3.04	79.61	3.49	83.10	9 11	29 5	31.57
108	27 0	3.04	82.08	1.26	83.34	3 19	30 50	10.75
110	26 7½	3.04	81.89	6.14	88.03	16 9	55 30	29.09
111	27 0	3.28	88.56	2.37	90.93	5 47	28 30	20.29
112	26 1½	3.04	79.61	9.91	89.52	26 5	94 20	27.65
115	27 0	3.04	82.08	.22	82.30	0 34	31 15	1.81
116	27 0	3.04	82.08	17.37	99.45	45 42	151 55	30.08
117	27 0	3.04	82.08	5.90	87.98	15 32	101 10	15.35
120	26 2½	3.04	79.99	13.59	93.58	35 45	134 25	26.59
121	5 0	2.80	14.00	.....	14.00	.....	7 30	.....
122	27 0	2.56	69.12	7.04	76.16	22 0	149 5	14.75
123	27 0	3.52	95.04	20.49	115.53	46 34	159 30	29.19
124	27 0	3.04	82.08	6.64	88.72	17 28	96 55	18.02
125	26 7½	3.52	94.82	5.50	100.32	12 30	126 50	9.85
126	10 0	3.04	30.40	.....	30.40	.....	9 20	.....
128	27 0	3.28	88.56	6.87	95.43	16 46	78 20	21.40
129	9 0	3.28	29.52	.57	30.09	1 23	15 0	9.22
133	10 0	3.04	30.40	.18	30.98	1 32	6 40	23.00
135	25 4¼	3.04	77.61	13.71	91.32	36 4	105 0	34.34
136	27 0	2.80	75.60	.04	75.64	0 7	25 55	.45
137	23 7½	3.04	72.77	13.84	86.61	36 25	131 10	27.76
138	25 0	3.04	76.00	1.74	77.74	4 34	146 15	3.12
139	27 0	3.52	95.04	13.13	108.17	29 51	158 35	18.82
140	25 2¼	2.80	70.79	2.57	73.36	7 21	71 15	10.31
141	27 0	3.04	82.08	11.11	93.19	29 14	125 0	23.38
143	26 0	3.04	79.04	11.35	90.39	29 52	92 15	32.37
144	26 7	2.80	75.25	9.69	84.94	27 42	105 5	26.36
145	2 0	2.80	5.60	.....	5.60	.....	3 10	.....
146	27 0	3.28	88.56	18.96	107.52	46 14	157 0	29.44
148	26 6	3.04	81.32	18.66	99.98	49 6	169 55	28.88
149	25 6	3.04	78.28	.....	78.28	.....	13 10	.....
151	25 3½	2.80	71.22	13.16	84.38	37 37	141 45	26.53
153	27 0	2.80	75.60	.31	75.91	0 54	59 30	1.51
154	25 6½	3.04	78.47	.86	79.33	2 15	3 45	60.00
155	26 5½	3.04	81.13	1.53	82.66	4 2	18 25	21.90
158	6 0	3.04	18.24	.71	18.95	1 52	21 10	8.81
159	27 0	2.56	69.12	22.21	91.33	69 25	198 15	35.01
162	26 5½	2.56	68.32	8.14	76.46	25 26	98 15	25.88
168	27 0	2.80	75.60	5.64	81.24	16 7	87 20	18.45
169	27 0	2.56	69.12	.....	69.12	.....	30 50	.....
176	27 0	2.80	75.60	4.54	80.14	12 59	95 0	13.66
177	26 5½	2.80	74.72	23.15	97.87	66 8	159 25	41.48
179	27 0	3.28	88.56	9.71	98.27	23 41	147 35	16.04
180	27 0	3.04	82.08	29.58	111.66	77 51	217 30	35.79
182	27 0	3.28	88.56	5.92	94.48	14 27	44 25	32.53
186	26 4	3.04	80.56	19.30	99.86	0 47	166 40	30.47
188	27 0	3.76	101.52	3.51	105.03	7 28	22 35	33.06
191	24 4	2.56	62.72	11.47	74.19	35 50	120 20	29.77
196	27 0	3.28	88.56	19.59	108.15	47 47	235 25	20.29
197	26 4½	2.56	68.00	3.79	71.79	11 51	80 0	14.81
178	27 0	3.04	82.08	.09	82.17	14	2 30	9.33
198	27 0	2.80	75.60	4.48	80.08	12 49	71 55	17.82
199	11 5	3.04	35.34	.49	35.83	1 17	44 15	2.90
200	26 4	3.04	80.56	.68	81.24	1 47	5 55	30.14
201	27 0	3.04	82.08	16.68	98.76	43 53	134 25	32.64
202	27 0	2.80	75.60	4.49	80.09	12 50	60 40	21.15
203	27 0	3.04	82.08	4.88	86.96	12 51	39 35	32.46
210	26 7½	3.28	88.35	22.97	111.32	56 1	182 55	30.62
211	26 1	3.04	79.42	18.71	98.13	49 14	185 0	26.62
212	27 0	3.04	82.08	11.05	93.13	29 5	167 5	17.40
215	26 7½	3.04	81.69	2.13	84.02	5 37	19 35	28.68
216	26 7½	2.80	75.42	7.49	82.91	21 24	85 25	25.05
220	26 7½	3.04	81.89	3.97	85.86	10 27	91 35	11.41
222	27 0	3.04	82.08	2.10	84.18	5 31	18 15	30.22
223	26 6½	2.80	75.07	1.57	76.64	4 29	20 0	22.41
224	25 0	3.04	76.00	5.07	81.07	13 20	48 20	27.58
225	27 0	3.28	88.56	12.24	100.80	29 52	120 40	24.75
226	25 7	3.04	78.66	16.65	95.31	43 49	152 25	28.74
227	27 0	2.80	75.60	3.47	79.07	9 55	34 40	28.60
287	25 ½	3.04	76.19	26.57	102.76	69 55	192 30	36.32
Total	.....	.....	.....	1,398.06	.....	3,601 8	14,583 35	23.14

Premium percentage of shop=3,601 hours 8 minutes÷14,583 hours 35 minutes=24.69 per cent. Time worked on premium is 45.65 per cent of the entire working time of all employees of the same class.

BY CRANEMAN.

Number.	Time.	Day rate.	Total pay, day rate.	Premium.	Total amount paid.	Hours of premium time paid for.	Hours worked on premium.	Average premium earned.
	Days. hrs.					*Hrs. min.*	*Hrs. min.*	*Per cent.*
283	28 7	[1] $62.00	$59.68	$1.26	$60.94	4 49	14 5	34.20

[1] Per month.

Hours worked on premium is 1.38 per cent of the entire working time of all employees of the same class.

Premiums earned during May, 1913—Continued.

BY CHIPPER.

Number.	Time.	Day rate.	Total pay, day rate.	Premium.	Total amount paid.	Hours of premium time paid for.	Hours worked on premium.	Average premium earned.
	Days. hrs.					*Hrs. min.*	*Hrs. min.*	*Per cent.*
312	27 0	$2.24	$60.48	$0.82	$61.30	2 55	8 0	36.45

Hours worked on premium is 3.7 per cent of the entire working time of all employees of the same class.

BY MACHINISTS' HELPERS.

Number.	Time.	Day rate.	Total pay, day rate.	Premium.	Total amount paid.	Hours of premium time paid for.	Hours worked on premium.	Average premium earned.
	Days. hrs.					*Hrs. min.*	*Hrs. min.*	*Per cent.*
42	27 0	$2.80	$75.60	$5.70	$81.30	16 18	58 35	27.82
174	27 0	2.40	64.80	1.07	65.87	3 33	48 55	7.25
228	27 0	2.00	54.00	3.85	57.85	15 25	46 15	33.33
232	27 0	2.00	54.00	7.38	61.38	29 30	177 0	16.66
234	27 0	2.40	64.80	9.54	74.34	31 47	82 30	38.52
235	27 0	2.40	64.80	3.05	67.85	10 9	60 0	16.91
233	27 0	2.24	60.48	6.63	67.11	23 41	68 5	34.78
236	27 0	2.00	54.00	3.24	57.34	12 39	40 0	32.45
240	25 0	2.00	50.00	3.77	53.77	15 4	56 25	26.70
244	27 0	2.00	54.00	3.61	57.61	14 27	44 25	32.53
247	26 4	1.84	48.76	.40	49.16	1 44	5 35	31.04
252	27 0	2.00	54.00	16.49	70.49	65 59	158 5	41.73
258	26 0	1.84	47.84	2.98	50.82	12 59	40 0	32.45
260	27 0	1.84	49.68	.....	49.68	.....	29 35	.....
263	27 0	2.00	54.00	3.70	57.70	14 48	45 30	32.52
272	25 4	2.00	51.00	.34	51.34	1 22	12 45	10.71
275	27 0	2.00	54.00	8.09	62.09	32 21	120 15	26.90
277	26 3	2.00	52.75	3.59	56.34	14 22	40 40	35.32
278	26 4	1.84	48.76	1.71	50.47	7 27	22 35	32.98
292	27 0	2.24	60.48	8.15	68.63	29 8	114 25	25.46
294	25 0	2.00	50.00	4.43	54.43	17 42	55 15	32.03
295	26 0	1.84	47.84	1.70	49.54	7 24	21 20	34.68
298	27 0	2.00	54.00	9.10	63.10	36 24	96 55	37.55
303	25 5	2.00	51.25	9.38	60.63	37 32	154 10	24.34
309	27 0	1.84	49.68	14.81	64.49	63 24	184 0	35.00
314	24 7½	1.84	45.88	.44	46.32	1 56	6 25	30.12
Total	.....	.....	.....	133.15	.....	518 25	1,789 40	28.06

Premium percentage of shop=518 hours 25 minutes÷1,789 hours 40 minutes=28.97 per cent. Time worked on premium is 12.83 per cent of the entire working time of all employees of the same class.

BY LABORERS.

Number.	Time.	Day rate.	Total pay, day rate.	Premium.	Total amount paid.	Hours of premium time paid for.	Hours worked on premium.	Average premium earned.
	Days. hrs.					*Hrs. min.*	*Hrs. min.*	*Per cent.*
54	27 0	$2.24	$60.48	$0.49	$60.97	1 45	5 20	32.81
4	27 0	1.84	49.68	8.94	58.62	38 53	132 0	29.45
5	5 0	1.84	9.20	.22	9.42	57	3 40	25.90
7	28 0	2.00	56.00	1.23	57.23	4 55	15 35	31.35
11	28 0	2.00	56.00	.26	56.26	1 2	3 40	28.18
12	17 0	2.00	34.00	.44	34.44	1 46	6 15	28.26
14	25 4	2.00	51.00	11.92	62.92	47 44	140 10	34.05
16	28 0	2.24	62.72	.03	62.75	7	1 25	8.23
17	27 0	1.84	49.68	1.19	50.87	5 11	39 35	13.09
18	27 0	2.00	54.00	2.29	56.29	9 10	43 35	21.03
22	27 0	2.00	54.00	5.34	59.34	21 23	45 40	46.82
24	27 4	2.00	55.00	2.33	57.33	9 20	38 45	24.08
26	26 4	1.84	48.76	2.15	50.91	9 22	45 0	20.81
36	27 0	1.84	49.68	.18	49.86	48	2 0	40.00
37	26 4	1.84	48.76	6.17	54.93	26 50	100 10	26.78
41	25 0	1.84	46.00	1.95	47.95	8 29	41 15	20.56
43	26 0	1.84	47.84	.18	48.02	48	2 0	40.00
44	21 0	1.84	38.64	.48	39.12	2 7	42 5	5.02
48	26 0	1.84	47.84	.71	48.55	3 4	58 45	5.21
52	26 0	1.84	47.84	.05	47.89	14	22 45	1.02
54	27 0	1.84	49.68	.06	49.74	17	13 0	2.17
58	26 7	1.84	49.45	2.05	51.50	8 52	41 5	21.58
Total	.....	.....	.....	48.66	.....	203 4	843 45	23.02

Premium percentage of shop=203 hours 4 minutes÷843 hours 45 minutes=24.06 per cent. Time worked on premium is 12.71 per cent of the entire working time of all employees of the same class.

BY RIGGER.

Number.	Time.	Day rate.	Total pay, day rate.	Premium.	Total amount paid.	Hours of premium time paid for.	Hours worked on premium.	Average premium earned.
	Days. hrs.					*Hrs. min.*	*Hrs. min.*	*Per cent.*
13	30 0	$62.00	$62.00	$1.28	$63.28	4 54	15 35	31.44

Hours worked on premium is 6.49 per cent of the entire working time of all employees of the same class.

Premiums earned during May, 1913—Continued.

BY FIREMAN.

Number.	Time.	Day rate.	Total pay, day rate.	Premium.	Total amount paid.	Hours of premium time paid for.	Hours worked on premium.	Average premium earned.
	Days. hrs.					*Hrs. min.*	*Hrs. min.*	*Per ct.*
39	30 0	[1] $75.00	$75.00	$1.52	$76.52	4 55	15 35	31.55

[1] Per month.

Hours worked on premium is 6.49 per cent of the entire working time of all employees of the same class.

BY TEAMSTERS.

Number.	Time.	Day rate.	Total pay, day rate.	Premium.	Total amount paid.	Hours of premium time paid for.	Hours worked on premium.	Average premium earned.
	Days. hrs.					*Hrs. min.*	*Hrs. min.*	*Per cent.*
3	27 0	$2.00	$54.00	$7.94	$61.94	31 45	134 0	23.69
8	26 4	2.24	59.36	7.51	66.87	26 51	83 30	32.15
28	27 0	2.00	54.00	6.47	60.47	25 53	83 20	31.06
29	23 0	2.00	46.00	5.49	51.49	21 57	85 35	25.64
30	22 0	2.00	44.00	2.78	46.78	11 8	73 30	15.14
45	27 0	2.00	54.00	9.50	63.50	37 59	130 20	29.14
Total				39.69		155 33	590 15	26.14

Premium percentage of shop = 155 hours 33 minutes ÷ 590 hours 15 minutes = 26.35 per cent. Time worked on premium is 48.38 per cent of the entire working time of all employees of the same class.

BY BLACKSMITHS.

Number.	Time.	Day rate.	Total pay, day rate.	Premium.	Total amount paid.	Hours of premium time paid for.	Hours worked on premium.	Average premium earned.
	Days. hrs.					*Hrs. min.*	*Hrs. min.*	*Per cent.*
3	27 0	$3.52	$95.04	$14.98	$110.02	34 2	82 5	41.46
6	27 0	3.28	88.56	4.38	92.94	10 41	31 25	34.00
Total				19.36		44 43	113 30	37.73

Premium percentage of shop = 44 hours 43 minutes ÷ 113 hours 30 minutes = 39.39 per cent. Hours worked on premium is 8.81 per cent of the entire working time of all employees of the same class.

BY BLACKSMITH HELPERS.

Number.	Time.	Day rate.	Total pay, day rate.	Premium.	Total amount paid.	Hours of premium time paid for.	Hours worked on premium.	Average premium earned.
	Days. hrs.					*Hrs. min.*	*Hrs. min.*	*Per cent.*
25	26 0	$2.00	$52.00	$8.51	$60.51	34 2	82 5	41.46
29	26 0	2.00	52.00	2.67	54.67	10 41	31 25	34.00
Total				11.18		44 43	113 30	37.73

Premium percentage of shop = 44 hours 43 minutes ÷ 113 hours 30 minutes = 39.39 per cent. Hours worked on premium is 8.81 per cent of the entire working time of all employees of the same class.

BY CARPENTERS.

Number.	Time.	Day rate.	Total pay, day rate.	Premium.	Total amount paid.	Hours of premium time paid for.	Hours worked on premium.	Average premium earned.
	Days. hrs.					*Hrs. min.*	*Hrs. min.*	*Per cent.*
58	27 0	$3.04	$82.08	$7.92	$90.00	20 51	36 15	57.51
63	27 0	3.04	82.08	13.47	95.55	35 27	53 40	66.05
65	27 0	3.28	88.56	.39	88.95	0 57	2 20	40.71
67	27 0	2.80	75.60	12.44	88.04	35 33	53 45	66.13
68	27 0	3.04	82.08	2.39	84.47	6 17	14 50	42.35
Total				36.61		99 5	160 50	54.55

Premium percentage of shop = 99 hours 5 minutes ÷ 160 hours 50 minutes = 61.60 per cent. Hours worked on premium is 5.38 per cent of the entire working time of all employees of the same class.

[Extract from the Report of the Chief of Ordnance.]

SCIENTIFIC MANAGEMENT.

In my annual reports for the fiscal years 1911 and 1912 I described the Taylor system of scientific management as it had been installed and put in practical operation at the Watertown Arsenal, and as certain features were in process of installation at other arsenals. The system has continued to operate well at the Watertown Arsenal, where a radical advance over the stage which its introduction has reached at the other arsenals is the application of the time study and premium features. These features have been fully described in my annual report for the fiscal year 1912; they relate to the ascertainment of the best method of doing a job of work, to the instruction of the workman in this method, and to the stimulation which is offered him for carefully following it. As there is very little repetition work at the Watertown Arsenal, and as the number of men who are capable of making time studies is limited, it is possible to have only a portion of the force at any given time engaged upon premium jobs. Effort is constantly being made, however, to increase their number, and the success which has been attained is made evident by the fact that whereas in August of 1912 only 114 men, of about 600 employed at that establishment, worked under the premium system, in the month of August, 1913, this number had been increased to 236; and while the amount paid out in premiums to these men in August, 1912, was $1,037.91, the amount so paid out in August, 1913, was $2,258.51. In the month of May, 1913, the percentage of the entire working time of the whole number of employees in the foundry, of the class who worked premium jobs at all, which was spent on such jobs was 66.95,

and in the machine shop this percentage was 45.68. In the month of August, 1913, the percentage in the foundry was very nearly the same, namely, 67.18, but in the machine shop the figures advanced to 53.51 per cent. In the month of August the average premium earned by molders for the time they worked on premium jobs was 27.64 per cent of their day rate, and for the machinists this average was 26.96 per cent. The total amount paid out in premiums during the 17 months from January 1, 1912, to May 31, 1913, was something over $22,000. This was over and above the regular wages, which were the same as those in the vicinity, no reduction having been made.

It is a difficult matter to give in figures the amount of advantage which has accrued to the Government from the use of the system. None of the principal product of the arsenal which was completed during the fiscal year 1913 was identical with what had been completed during the preceding fiscal year, so that comparative costs are difficult. Also, none of the product of the arsenal is also procured from private manufacturers, so that this kind of comparison can not be had. A private establishment has very conclusive evidence as to the increase of economy and efficiency in production in the effect upon the balance of profit which is available for dividends; but this highly satisfactory method of estimating efficiency is not applicable in Government establishments. Analyses of a large number of different jobs, taken at random, made both in the fiscal years 1912 and 1913, show that the production of the individual when working under the premium system, with the rate set after careful study, is between two and a half and three times that under the ordinary daywork system. In four instances the same job was done by the same men under the two systems, and the average time taken under the daywork system was 2.72 times that taken under the premium system. It should be remembered that when time is gained in this way there is a saving not only of the pay of the workmen but also of the frequently much more considerable overhead charges. A computation might be made as to the total saving to the Government upon this basis as compared with what the cost would have been expected to be under the daywork system, but of course it could only be approximate. It might be stated, however, that there has been revoked from allotments made Watertown Arsenal for doing its work during the fiscal year 1913 the sum of $73,401.05. This is the actual saving as compared with the amount which it was estimated in advance that the work would cost. It must be remembered, however, that part of these estimates were made in expectation of the use of the system which resulted in the savings, so that it does not afford a full estimate of the value of the system as compared with an estimate of the cost which might have been made without it. At some of the other arsenals the situation is better in this respect, for the reason that similar articles are both fabricated at the arsenal and procured from private manufacturers.

At the Frankford Arsenal this is the case to a very considerable extent, and as a result it is computed that in the manufacture of Artillery ammunition and small-arms ammunition at that arsenal a saving of over $1,500,000 was made during the year as compared with what the same ammunition would have cost if procured from private establishments at the best prices which were offered. Also, in the manufacture under contract of these same two classes of ammunition, $400,000 more were paid than it would have cost to make it at the arsenal. The Taylor system, as taught by experts in shop management under this system, has not been introduced in the manufacture of Artillery ammunition or small-arms ammunition at the Frankford Arsenal, but that arsenal has for a long time practiced the piecework system of payment, has recently introduced a premium system, and has paid careful attention to the same kind of methods of efficiency as those pertaining to the Taylor system, and has had the benefit of all the assistance which could be given by the Watertown Arsenal in taking advantage of the teachings of Mr. Barth, Taylor system expert, who had been employed at the latter place.

At the Rock Island Arsenal the systemization features of Mr. Taylor's system have been in course of installation for nearly two years, and elsewhere in this report are stated comparisons of costs of the different articles fabricated as compared with former prices. The method used in getting the system going at the Rock Island Arsenal was to send one of its officers to Watertown Arsenal for the purpose of learning as much as he could absorb of the system established at the latter place. It is not claimed that in the time that this officer spent at the Watertown Arsenal he could become sufficiently master of the system as to install it in its entirety at the Rock Island Arsenal, but he has been able to carry away enough to keep the arsenal staff well employed for nearly two years in putting what he learned into effect.

At the Watervliet Arsenal similar effort has been made, but there was some disadvantage to this arsenal from the fact that the visiting officer had to leave the department through the expiration of his detail a few months after he had returned from the Watertown Arsenal. Watervliet also labors under the disadvantage of inability to compare the cost of its product with the price of private manufacturers, since the field and seacoast cannon which it constructs are not now procured from private sources, the work of the department not being sufficient to keep the arsenal going to such an extent as would be desirable.

The Springfield Armory also uses in its very efficient manufacture many of the principles of the Taylor system, although they were not obtained from Mr. Taylor or his experts, but have been applied through many years, and lately at an increasing rate, by the officers of the armory. The principal output of the armory, the caliber .30 rifle, is believed to be made with remarkable economy; but here again the most satisfactory comparison possible, namely, that with the cost of outside production, is not available, since the Government makes all of its own rifles. The manufacture of automatic pistols has, however, just been inaugurated at the armory, and in the course of a year it will be possible to make comparison of its cost with the price which is paid private manufacturers.

Operations at the Watertown Arsenal had been going on with remarkable smoothness since my last annual report, when, in June last, two petitions signed by something over 300 of its workmen were presented, asking the discontinuance of the system. The features objected to were those relating to time study and the premium system of payment. A number of complaints were instanced, but these were of such trivial and unsound nature and were so easily answered that it seems difficult to believe that they furnished the real basis for the number of signatures that were appended to the petitions. The petitions were addressed to the Secretary of War, and I have dealt with them in a memorandum which accompanies this report as Appendix I. I will not attempt to give even the substance of the memorandum, but will state its conclusion that I believe this apparent opposition to be artificially worked up by a few discontented employees, with the assistance of influence outside the arsenal, and I have recommended that the subject be investigated by the Commission on Industrial Relations appointed by the President under the act approved August 23, 1912. The War Department has accepted my recommendation and has taken steps to induce the commission to make the investigation referred to.

When, nearly two years ago, the extension of the systemization features of the Taylor system from the Watertown Arsenal to the Rock Island Arsenal was undertaken it met with strenuous opposition from a number of the employees, which opposition was fostered and to a certain extent led by officials of labor organizations outside the arsenal. Some of these officials went to the vicinity of the arsenal and used their efforts to prevent the installation of the system. Labor representatives in Washington also exerted their influence against it, and political pressure was resorted to. The opposition took the form of a stand against what is known as the "job card," which is a ticket upon which is noted the name of the job upon which a workman is employed, the name of the workman, the designation of the machine to be used, the time of starting on the job, the time of finishing it, and a few other items of information. Its object is to secure accurate record of the time required to do the work and of certain other facts, such as its inspection, etc., in order that its cost may be properly charged to the order to which it belongs, which often includes a large number of just such jobs. The opposition to the card was at the beginning of the Taylor system, whose introduction it was intended to forestall at its inception. It was not yielded to; but careful explanation of the object of the card was made, and of the fact that it had nothing to do with the subject of wages, but was intended to promote accuracy of cost keeping, and its use was insisted upon. No trouble followed, or has followed since, and the employees have learned from experience that neither this nor any other part of the system which has been introduced contains any element to their disadvantage, as was fully explained to them in the beginning.

[Extract from the Report of the Chief of Ordnance, 1914.]

SCIENTIFIC MANAGEMENT.

In my annual reports for the fiscal years 1911, 1912, and 1913 I have very fully set forth the experience which this department has had in the introduction of improved methods of shop operation in the various arsenals, and have described the advantages which have resulted from them, both to the Government and to the employees of the department. While systemization features have been introduced to a considerable extent in all the arsenals, the feature which relates directly to the efforts made by individual workmen and to the rewards given for good results have been applied at the Watertown Arsenal only. This feature involves what is known as "time study" of any given piece of work, the consequent fixing of a time in which it should properly be done, and the setting of a rate for reaching or approximating this time; the idea being that the Government would be benefited by an increase of individual output and the employee would be benefited by an increase in his pay. I have so fully set forth in my former reports the advantages which have resulted, both to the Government and the employees, from the use of this system that there is little left to be added, except to state in a general way that with the extension of the system, which is continually being made, the advantages have continued and increased. At the Watertown Arsenal the time study and premium features have been extended during the last fiscal year to branches of the establishment which had not previously enjoyed them and the amount of premium work in most of the individual branches has been increased. The following figures relate to the month of August, 1914:

Employees.	Number employed on premium work.	Average premium over and above the regular pay, expressed as a percentage of the latter.	Percentage of all the work done which was performed under premium.
Molders	11	29.27	77.51
Machinists	167	28.18	54.39
Machinists' helpers	29	28.08	12.98
Laborers	29	22.03	9.62
Carpenters	8	29.50	18.59
Blacksmiths	5	20.59	13.93
Teamsters	5	26.87	98.59
Blacksmiths' helpers	6	19.29	12.40
Carpenters' helpers	1	31.43	.31
Screw makers	1	34.16	100.00
Chippers	1	42.01	27.79
Furnace helpers	1	23.11	2.09
Steam-hammer drivers	1	27.01	3.41
Skilled workmen	1	23.16	18.19
Masons' helpers	1	28.06	35.51
Molders' helpers	3	65.38	1.74
Painters	2	10.10	11.81
Skilled laborers	2	22.74	19.79

It thus appears that during that month the 11 molders, for instance, worked, upon the whole, 77.51 per cent of their time upon premium work, and that during this time they earned over and above their daily wages a sum which amounted, as a whole, to 29.7 per cent of such wages. As their regular wages vary from $3.04 to $3.68 per day, they thus earned during 77.51 per cent of their time an extra amount per day varying from about $0.90 to $1.10.

As it is considered advantageous to have the men earn these premiums, and as the opportunities for placing men upon premium jobs can be made greater by care and attention upon the part of the foremen, and the output of the workmen and their consequent earnings can be increased by such care and attention, a system is employed of paying premiums to the foremen, which depend upon the number of their men who are given work upon premium jobs and upon the amount which is made by the men. Under this system there was paid to eight foremen, during the month of August, a sum averaging about 10 per cent of their regular wages. Including this last sum, the total amount which was paid out in premiums at the arsenal during the month of August was $2,657.29, and the total amount of time which was spent in work under the premium system was 26.25 per cent of all the working time at the arsenal during that month.

The time study of work and the accompanying premium system of payment are not liked by many of the labor organizations, and these have manifested strong hostility to the system in practice at the Watertown Arsenal and have exerted their power to stop it. Bills have been introduced in Congress to this effect, and have received the favor-

able report of some committees. A great many objections have been urged, some of which relate to the economical and other advantages realized by the Government and some to the effect upon the employees. The failure of advantage to the Government is not given by any committee of Congress as a reason for hostile action against the system.

The advantage has been so completely and frequently demonstrated that it need not be dwelt upon now. The disadvantage to the employees, who are held by labor organizations to be under their protection, has included two principal items: First, an employee, such as a machinist, of high grade is not given opportunities to earn premium under the system as numerous and as profitable as are those which are given to machinists of lower grade, the accompanying allegation being made that an object of the system is to do away with the high-grade machinist and substitute for him an abnormally stimulated man of lower grade, developed to great speed along one line only, and of less general value in industrial work than the higher-grade man whom he is intended to displace. The figures at the Watertown Arsenal obviate any necessity for discussion of the question of the desirability of the substitution of low-grade special workers for high-grade all-around artisans, which is a process striven for in all manufacturing operations. At the arsenal high-grade machinists receive $3.52 per day, low-grade machinists $2.56 per day, and certain machine operators $2.40 and $2.24 per day. During a certain recorded period there was paid to the high-grade machinists for their increased earnings under the premium system a sum averaging $426.14 each, which was equivalent, for each one of them, to 121 days' pay. There was paid to the low-grade machinists, the $2.56 men, a sum averaging $144.74 each, amounting to 56 days' pay; and there were paid to the $2.40 and $2.24 machine operators sums amounting, respectively, to $117.22 and $32.74 each, or 49 and 14 days' pay. The great relative advantage for the high-grade man is thus seen at a glance, and this particular charge in regard to the effect of the system is shown to be at absolute variance with the facts.

The second charge made is that the system involves the undesirable speeding up of men, stimulated by reward and punishment, to their resulting physical, mental, and moral detriment. When this charge was first made, at the beginning of the practice of the system in the Ordnance Department, it was speculative only and based upon estimates of the practice which were adduced from the reading of the writings of the advocates of the system, and it could be met only by arguments to the effect that these writings were misread and that the department had no intention of inflicting any of the evils apprehended on the workmen. The features objected to have now been in practice at the Watertown Arsenal for something over three years, and in examining the charge of disadvantage to the employees we are no longer required to deal with speculations and premises, but can appeal to a rather extensive experience, which only needs investigation for its interpretation. An investigation worthy of the name has been made by one body only, a special committee appointed by the House of Representatives about two years ago, while the practice of the system in this department was still quite new. This committee visited Watertown Arsenal and other establishments and took a great deal of testimony, which was printed in three rather large volumes. As a result of this extensive investigation the committee did not find, and did not say that it found, anything to the disadvantage of the employees in practice anywhere in the Ordnance Department. It stigmatized certain practices as undesirable, but did not state it found these practices in existence at any of the arsenals, and there is no difficulty in joining heartily in its statements in regard to them. It reported that the whole subject was at that time too new for definite conclusions in regard to it to be made, and it recommended that there should be no legislation by Congress upon the subject at that time.

Some time after the submission of this report of the committee Congress, in August, 1912, created the Commission on Industrial Relations, of which the membership was appointed and confirmed about a year later. Following the recommendation of the Chief of Ordnance the subject of the practice of scientific management at the arsenals of the Ordnance Department was taken up by the commission, which now has it under examination. It has taken considerable testimony, but has not yet personally investigated any of the arsenals. In the meantime bills have been introduced in Congress hostile to the system, as above mentioned, prominent among which is one known as "H. R. 17800," introduced by Mr. DEITRICK in the House of Representatives on July 9, 1914, following other bills of substantially the same effect which had been introduced earlier. The Committee on Labor of the House has taken some testimony upon the subject of these bills and has made a report recommending legislation against the time-study and premium system. The testimony taken was not nearly as extensive as that published by the special investigating committee of the House, above mentioned, and the Committee on Labor has not visited any of the arsenals. Certain statements made in the report of the committee are so erroneous that they seem only to be accounted for by the difficulty of appreciating verbal testimony without the acquaintance with actual conditions which could only be had by a visit to the establishment concerned. For instance, it is said in the report of the committee that the system "really operates to reduce the workmen's wages, not to increase them." The figures given above in this report, and hundreds of others of like purport which are to be found in the records of this department, many of which have been published, make this statement utterly impossible of comprehension under any other explanation of it than the one which I have given in regard to the difficulty of appreciating the conditions without a personal local examination.

Since the Commission on Industrial Relations has been especially created by Congress to give attention to such questions as this one, in view of its careful selection by the President and confirmation by the Senate, and of the expense which the country is incurring in maintaining it, it seems strongly to be desired that Congress shall not take action upon a subject to which the commission is devoting an important share of its attention until after it shall have received the report and recommendation of this body which it has created as its agent.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. HUGHES. Mr. President, before the Senate votes on the proposition, I wish to read a very brief letter bearing out the contentions which I made, and I did not think it would be disputed, that at the Frankford Arsenal a meeting was held in which this system was condemned and steps were taken to convey the condemnation of the employees to the Senate. The letter I have is, in effect, that a petition was mailed to the senior Senator from Pennsylvania [Mr. PENROSE], and I understood from the discussion this morning that that had been done. More than 300 men of the Watertown Arsenal petitioned the Secretary of War against this system and that petition is on file. As far as the statement of the Secretary of War is concerned, if he is anxious to wait for the report of the Industrial Commission, I wish to ask the Senator from Oregon, or any other Senator in favor of striking out the language, Why it is that no one has paid any attention to the three committee reports on this subject? Is there any more likelihood that they will pay attention to the report of the Industrial Commission than they paid to the report of the Committee on Education and Labor of the Senate, headed by the Senator from Idaho [Mr. BORAH], or the present Secretary of Labor, Mr. Wilson, when he was a Member of the House, or with Mr. Redfield, cooperating and joining in his conclusion? Is it likely, when the reports and conclusions of those three committees were utterly ignored by Congress, that they are going to pay any attention to what the Industrial Commission may report?

I wish to correct the Senator from Oregon in one other particular. I will say, in order to relieve his mind, that the retention of this language in the bill will not interfere in any way with any system that has been established anywhere in the United States in any Government arsenal except to the extent of preventing them from paying premiums and bonuses. The system to which I called attention earlier in the day is a very complex and comprehensive method of determining the efficiency of men, every element in the man's character is taken into consideration, the way in which he works, the number of days, the time they arrive and the time they leave, so that there is absolutely no difficulty, as I have said a dozen times, in any intelligent superintendent determining whether a man is efficient or not, and in grading him according to his efficiency, and by instituting piecework for this bonus or premium system we can do what everybody here seems to want to do, give the most efficient man the most money.

Mr. CHAMBERLAIN. The Senator has asked me a dozen questions without giving me an opportunity to answer any of them.

Mr. HUGHES. I did not intend to bring the Senator into an argument with my questions.

Mr. CHAMBERLAIN. Let me answer one question.

Mr. HUGHES. Certainly.

Mr. CHAMBERLAIN. I want to say as a member of the Committee on Military Affairs and as a member of any other committee of the Senate, I am not going to discharge my duties by paying attention to reports of other committees connected with other subject matters.

Mr. HUGHES. That is exactly it, and consequently the Senator need not wait until the report of the Industrial Commission.

Mr. CHAMBERLAIN. Let me finish. This particular matter may have been investigated by other committees in connection with other matters, but when it comes before the Military Affairs Committee it comes before that committee with reference to the industrial work of the Government of the United States, and we are to consider it in that connection and not connected with anything else.

Mr. HUGHES. I ask for the yeas and nays on the proposition.

Mr. GALLINGER. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Martine, N. J.	Sheppard
Bankhead	Gore	Nelson	Shively
Brady	Gronna	Norris	Smith, Ga.
Brandegee	Hollis	Oliver	Smith, Mich.
Bristow	Hughes	Overman	Smoot
Burleigh	James	Owen	Swanson
Burton	Jones	Page	Thomas
Camden	Kern	Perkins	Thompson
Chilton	La Follette	Pittman	Tillman
Clapp	Lippitt	Pomerene	Vardaman
Clark, Wyo.	Lodge	Ransdell	Warren
du Pont.	McCumber	Root	White
Fletcher	Martin, Va.	Saulsbury	Williams

Mr. CHAMBERLAIN. I was requested to announce the unavoidable absence of the Senator from Iowa [Mr. CUMMINS].

The VICE PRESIDENT. Fifty-two Senators have answered to the roll call. There is a quorum present.

Mr. LODGE. I ask for a division of the amendment, the division to be at line 21, the word "nor," separating the question of bonuses from the stop-watch provision.

The VICE PRESIDENT. The Senator from Massachusetts asks that the vote be taken on the following part of the proposed committee amendment.

The SECRETARY. On page 70, where the committee proposes to strike out the proviso, divide the question so that the first question will be to strike out the following words:

Provided, That no part of the appropriations made in this bill shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made, with a stop watch or other time-measuring device, a time study of any job of any such employee between the starting and completion thereof or of the movements of any such employee while engaged upon such work.

Mr. McCUMBER. Mr. President, I presume under the rules we would have a right to perfect the amendment before the vote is taken upon it as to whether it shall be stricken out, and I wish to propose an amendment to the first subdivision.

From the arguments I have heard here I do not find that there is any serious objection on the part of anyone to any proper method of arriving at some means of efficiency, not to follow that up by a constant watch upon the activities of workmen, but a mere means in the beginning to ascertain what is the average as to the time in which a workman under ordinary conditions will perform a given amount of work, and from that average to determine what would be the efficiency in the production of any article in our great manufactures.

Mr. President, with that in view I would suggest the following amendment to the first subdivision of the proviso, and I especially ask the attention of the Senator having the bill in charge. Add, after the word "work," in line 21, which is the end of the first subdivision, these words, "except as a temporary means of arriving at an efficient and economic method of production," so that the provision would read:

Provided, That no part of the appropriations made in this bill shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made, with a stop watch or with other time-measuring device, a time study of any job of any such employee between the starting and completion thereof or of the movements of any such employee while engaged upon such work except as a temporary means of arriving at an efficient and economic method of production.

Mr. BRANDEGEE. Will the Senator permit a question at that point?

Mr. McCUMBER. Certainly.

Mr. BRANDEGEE. I think there would be some difficulty about the construction in practice of the use of the word "temporary" there. I think it would be claimed very quickly by those who are opposed to this provision that the test was being continued to a point where it had ceased to be temporary. Would the effect the Senator desires to produce be marred at all by striking out the word "temporary"?

Mr. McCUMBER. I think it would, Mr. President, because then it might possibly give the excuse to continue the system. My idea of the use of the word "temporary" is so that this expedient, if used at all, can be used only for the purpose of arriving at the time which might properly be employed in arriving at information and not for the purpose of keeping a tab continually upon the movements of the employees.

Mr. BRANDEGEE. It seemed to me that without the word "temporary" it could not be permanent, if it was simply as a means to establish a standard that could not be construed to give them a permanent warrant. My inquiry was directed to that point.

Mr. McCUMBER. Mr. President, I agree with the Senator that it would not be construed to give them a permanent warrant, but to be doubly certain that it can not be so construed I use the word "temporary."

Mr. President, I think that anyone can understand the purpose of this amendment. There are a great many in the country who understand this time process as being one that is to be continued not for the purpose of any investigation, but for the purpose of compelling every employee to produce a given amount of work in a given time and to control his movements. Others claim that the only purpose is to give us a standard of efficiency to guide the employer in the future. In order that it may not be abused, that it may be used only as a standard of efficiency and information, and not for general use in conducting the business, I offer the amendment.

Mr. HUGHES. Mr. President——

The VICE PRESIDENT. The Senator from New Jersey.

Mr. HUGHES. I move to lay the amendment proposed by the Senator from North Dakota on the table. I do that because of the time we have already consumed on the matter. The Senator from North Dakota understands the situation, I am sure, and will not be offended, but I should like to get a vote on the motion.

The VICE PRESIDENT. If the amendment is considered, where are we going to be? There is a motion to strike out, and it is now proposed to amend the part to be stricken out. How can that be done?

Mr. McCUMBER. Mr. President, it is not stricken out. The rule, as I understand, provides that an amendment or any portion of the bill must be perfected before it can be moved to be stricken out.

The VICE PRESIDENT. That is not the rule applicable in this case. That is the rule where there is a motion to strike out and insert. There has been no motion to strike out and insert in this instance. The question is on laying the amendment proposed by the Senator from North Dakota on the table.

The motion was agreed to.

The VICE PRESIDENT. The question now is on the first portion of the committee amendment, beginning in line 13, on page 70, and ending with the word "work," in line 21.

Mr. HUGHES. I move to lay on the table the first portion of the committee amendment striking out the House language, and on that question I ask for the yeas and nays.

Mr. LIPPITT. What is the motion?

The VICE PRESIDENT. The motion is to lay the first portion of the committee amendment on the table.

Mr. LIPPITT. What will be the effect of that if agreed to, Mr. President?

The VICE PRESIDENT. The effect of laying the amendment on the table is, of course, to restore the House text. The Senator from New Jersey calls for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. In his absence, I withhold my vote.

Mr. GALLINGER (when his name was called). I have a pair with the junior Senator from New York [Mr. O'GORMAN]; but to-day I received this telegram:

NEW YORK, *February 23, 1915.*

Senator GALLINGER, *Washington, D. C.:*

Whenever you desire to vote in my absence during balance of session please consider yourself released from pair.

JAMES A. O'GORMAN.

Considering myself released, I vote "nay."

Mr. NELSON (when his name was called). I have a general pair with the senior Senator from Louisiana [Mr. THORNTON], and on that account withhold my vote.

Mr. SAULSBURY (when his name was called). Because of my general pair with the junior Senator from Rhode Island [Mr. COLT], who is absent, I withhold my vote.

Mr. SMITH of Georgia (when his name was called). The junior Senator from Iowa [Mr. KENYON] was in the Chamber this morning, but he being sick and desiring to leave, I agreed to pair with him on this question. Were he present, the Senator from Iowa would vote "yea"; and were I at liberty to vote, I should vote "nay."

Mr. SMITH of Maryland (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. DILLINGHAM]. In his absence, I withhold my vote.

Mr. SMITH of Michigan (when his name was called). I am paired with the junior Senator from Missouri [Mr. REED]. In his absence I withhold my vote. If I were permitted to vote, I should vote "nay."

Mr. RANSDELL (when the name of Mr. THORNTON was called). The senior Senator from Louisiana [Mr. THORNTON] is absent on account of sickness. I ask that this announcement stand for the day.

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from West Virginia [Mr. GOFF]. In his absence I withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. VARDAMAN (when his name was called). I have a general pair with the Senator from Idaho [Mr. BRADY], and therefore withhold my vote.

The roll call was concluded.

Mr. MYERS. Has the Senator from Connecticut [Mr. McLEAN] voted, Mr. President?

The VICE PRESIDENT. He has not.

Mr. MYERS. I transfer my pair with that Senator to the Senator from Georgia [Mr. HARDWICK] and vote "yea."

Mr. CLAPP (after having voted in the affirmative). I inquire if the senior Senator from North Carolina [Mr. SIMMONS] has voted?

The VICE PRESIDENT. He has not.

Mr. CLAPP. In view of his absence and my having a general pair with him, I feel constrained to withdraw my vote.

Mr. BRISTOW. I desire to state that the senior Senator from Idaho [Mr. BORAH] is detained from the Chamber on account of sickness.

Mr. OWEN. I transfer my pair with the Senator from New Mexico [Mr. CATRON] to the Senator from Tennessee [Mr. SHIELDS] and vote "nay."

Mr. SMOOT. I desire to announce the unavoidable absence of my colleague [Mr. SUTHERLAND], on account of sickness. He has a general pair with the senior Senator from Arkansas [Mr. CLARKE]. If my colleague were present, he would vote "nay."

Mr. DILLINGHAM (after having voted in the negative). I have learned that the senior Senator from Maryland [Mr. SMITH] did not vote. Having a pair with him, I withdraw my vote.

The result was announced—yeas 27, nays 33, as follows:

YEAS—27.

Ashurst	Johnson	Martine, N. J.	Sheppard
Chilton	Kern	Myers	Shively
Culberson	La Follette	Norris	Swanson
Gronna	Lane	Overman	Thompson
Hollis	Lewis	Pittman	Walsh
Hughes	Lodge	Poindexter	White
James	Martin, Va.	Pomerene	

NAYS—33.

Bankhead	Fletcher	Page	Thomas
Brandegee	Gallinger	Perkins	Townsend
Bristow	Gore	Ransdell	Warren
Bryan	Jones	Root	Weeks
Burleigh	Lippitt	Shafroth	Williams
Burton	McCumber	Sherman	Works
Camden	Newlands	Smoot	
Chamberlain	Oliver	Stephenson	
du Pont	Owen	Sterling	

NOT VOTING—36.

Borah	Dillingham	Nelson	Smith, Ga.
Brady	Fall	O'Gorman	Smith, Md.
Catron	Goff	Penrose	Smith, Mich.
Clapp	Hardwick	Reed	Smith, S. C.
Clark, Wyo.	Hitchcock	Robinson	Stone
Clarke, Ark.	Kenyon	Saulsbury	Sutherland
Colt	Lea, Tenn.	Shields	Thornton
Crawford	Lee, Md.	Simmons	Tillman
Cummins	McLean	Smith, Ariz.	Vardaman

So the motion to lay the first portion of the committee amendment on the table was rejected.

The VICE PRESIDENT. The question now recurs on the first portion of the committee amendment.

Mr. JONES. Mr. President——

The VICE PRESIDENT. The Senator from Washington.

Mr. JONES. I simply want to say that I voted against laying the amendment of the committee on the table because I wanted to vote on the two propositions involved in the amendment.

Mr. LODGE. They have been divided.

Mr. JONES. I understand that, but I want to make a brief statement. I am opposed to the stop-watch proposition, and shall therefore vote against the committee amendment proposing to strike out the provision of the House bill. I am in favor, however, of the bonus or premium system, and therefore desire to vote in favor of the committee amendment striking out that part of the House provision.

The VICE PRESIDENT. The question is on agreeing to the first part of the amendment reported by the committee. [Putting the question.] The "ayes" seem to have it.

Mr. JAMES. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE], who is absent. I therefore withhold my vote.

Mr. MYERS (when his name was called). I announce the same transfer of my pair as before, and vote "nay."

Mr. NELSON (when his name was called). I have a general pair with the senior Senator from Louisiana [Mr. THORNTON], and on that account withhold my vote.

Mr. SAULSBURY (when his name was called). For the reason before announced, I withhold my vote.

Mr. SMITH of Georgia (when his name was called). I again announce my pair with the junior Senator from Iowa [Mr. KENYON], and refrain from voting.

Mr. SMITH of Michigan (when his name was called). I make the same announcement as on the previous roll call. If permitted to vote, I should vote "yea."

Mr. VARDAMAN (when his name was called). I have a pair with the junior Senator from Idaho [Mr. BRADY], and therefore withhold my vote.

The roll call was concluded.

Mr. DILLINGHAM (after having voted in the affirmative). I observe that the Senator from Maryland [Mr. SMITH] has not voted. Having a pair with him, I withdraw my vote.

Mr. OWEN. Transferring my pair to the Senator from Tennessee [Mr. SHIELDS], I vote "yea."

Mr. SMITH of Michigan. I desire to inquire whether my colleague [Mr. TOWNSEND] has voted?

The VICE PRESIDENT. The Chair is informed that he has not.

Mr. SMITH of Michigan. Then I transfer my pair with the junior Senator from Missouri [Mr. REED] to my colleague [Mr. TOWNSEND] and will vote. I vote "yea."

The result was announced—yeas 31, nays 29, as follows:

YEAS—31.

Bankhead	du Pont	Owen	Smoot
Brandegee	Fletcher	Page	Stephenson
Bristow	Gallinger	Perkins	Sterling
Bryan	Gore	Ransdell	Thomas
Burleigh	Lippitt	Root	Warren
Burton	McCumber	Shafroth	Weeks
Camden	Newlands	Sherman	Works
Chamberlain	Oliver	Smith, Mich.	

NAYS—29.

Ashurst	Johnson	Martine, N. J.	Simmons
Chilton	Jones	Myers	Swanson
Clapp	Kern	Norris	Thompson
Culberson	La Follette	Pittman	Walsh
Gronna	Lane	Poindexter	White
Hollis	Lewis	Pomerene	
Hughes	Lodge	Sheppard	
James	Martin, Va.	Shively	

NOT VOTING—36.

Borah	Fall	O'Gorman	Smith, Md.
Brady	Goff	Overman	Smith, S. C.
Catron	Hardwick	Penrose	Stone
Clark, Wyo.	Hitchcock	Reed	Sutherland
Clarke, Ark.	Kenyon	Robinson	Thornton
Colt	Lea, Tenn.	Saulsbury	Tillman
Crawford	Lee, Md.	Shields	Townsend
Cummins	McLean	Smith, Ariz.	Vardaman
Dillingham	Nelson	Smith, Ga.	Williams

So, the first part of the committee amendment was agreed to.

The VICE PRESIDENT. The question now is on the second proposition of the amendment, which the Secretary will state.

The SECRETARY. Beginning with the word "nor," on line 21, page 70, it is proposed to strike out the following words:

Nor shall any part of the appropriations made in this bill be available to pay any premium or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant; and no claim for services performed by any person while violating this proviso shall be allowed.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. The Senator from Washington.

Mr. POINDEXTER. In that connection I should like to call attention to the fact that at some of the Government arsenals the stop-watch method of testing the capacity of the employees has already been used, and data upon which it is proposed to govern the production and pay of men have been obtained, so that the striking out of the first part of this amendment, if it had been stricken out, would not in any way have affected the application of this system in those arsenals. They have obtained the necessary data. Now, if the second part of the amendment should be retained in the law when it passes the Congress, even though the first part should be stricken out, the same identical result would be obtained as though the entire amendment were kept in the law, the result being, in my judgment, to attempt to apply the rules of machinery to flesh and blood. I do not think it is necessary to efficiency or economy. I think it is just as obnoxious as the first half, and upon the amendment I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. THOMAS. Mr. President, a parliamentary inquiry. What is the question?

The VICE PRESIDENT. The question is on agreeing to the second half of this amendment.

The Secretary resumed the calling of the roll.

Mr. CLARK of Wyoming (when his name was called). Making the same announcement as before, I withhold my vote.

Mr. MYERS (when his name was called). I announce the same transfer as heretofore, and vote "nay."

Mr. NELSON (when his name was called). I am paired with the senior Senator from Louisiana [Mr. THORNTON], and withhold my vote.

Mr. SAULSBURY (when his name was called). For the reasons before given I withhold my vote.

Mr. SMITH of Georgia (when his name was called). Announcing my pair as before, I withhold my vote.

Mr. SMITH of Michigan (when his name was called). I again announce my pair with the junior Senator from Missouri [Mr. REED]. If I were at liberty to vote I should vote "yea."

Mr. VARDAMAN (when his name was called). Again announcing my pair with the junior Senator from Idaho [Mr. BRADY], I withhold my vote.

The roll call was concluded.

Mr. DILLINGHAM. I have a general pair with the senior Senator from Maryland [Mr. SMITH], and for that reason I withhold my vote. If at liberty to vote I should vote "yea."

The result was announced—yeas 33, nays 27, as follows:

YEAS—33.

Bankhead	Fletcher	Overman	Sterling
Brandegee	Gallinger	Page	Thomas
Bristow	Gore	Perkins	Townsend
Bryan	Jones	Ransdell	Warren
Burleigh	Lippitt	Root	Weeks
Burton	Lodge	Shafroth	Works
Camden	McCumber	Sherman	
Chamberlain	Newlands	Smoot	
du Pont	Oliver	Stephenson	

NAYS—27.

Ashurst	James	Martine, N. J.	Shively
Chilton	Johnson	Myers	Simmons
Clapp	Kern	Norris	Swanson
Culberson	La Follette	Pittman	Thompson
Gronna	Lane	Poindexter	Walsh
Hollis	Lewis	Pomerene	White
Hughes	Martin, Va.	Sheppard	

NOT VOTING—36.

Borah	Fall	O'Gorman	Smith, Md.
Brady	Goff	Owen	Smith, Mich.
Catron	Hardwick	Penrose	Smith, S. C.
Clark, Wyo.	Hitchcock	Reed	Stone
Clarke, Ark.	Kenyon	Robinson	Sutherland
Colt	Lea, Tenn.	Saulsbury	Thornton
Crawford	Lee, Md.	Shields	Tillman
Cummins	McLean	Smith, Ariz.	Vardaman
Dillingham	Nelson	Smith, Ga.	Williams

So the second part of the committee amendment was agreed to.

Mr. CHAMBERLAIN. Mr. President——

The VICE PRESIDENT. The Senator from Oregon.

Mr. CHAMBERLAIN. Before the bill is reported from the Committee of the Whole, I wish to say that one change in the bill necessitated a slight change in the bill as it was adopted last evening. The President of the Senate will remember the long discussion about the point of order which was sustained against a certain provision in the bill. Now I desire to move to reconsider the vote whereby the amendment was agreed to on page 25, line 19, and move to amend by inserting "$450,000" instead of "$440,000."

The VICE PRESIDENT. Without objection, the vote whereby the amendment was adopted will be reconsidered. The Senator from Oregon moves to amend by inserting "$450,000" instead of "$440,000."

The amendment was agreed to.

Mr. CHAMBERLAIN. On page 36, line 23, I ask to reconsider the vote whereby the numerals "$7,746,715.44" were inserted, and amend by inserting "$7,905,415.44" in lieu thereof. It is simply a transposition of figures.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to strike out the total, on line 23, page 36, and insert "$7,905,415.44."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CHAMBERLAIN. There is one other amendment, Mr. President. I move to reconsider the amendment on page 43, line 9, strike out the numerals "$2,067,558.60," and amend by inserting "$2,106,058.60."

The VICE PRESIDENT. Without objection, the vote whereby the amendment was agreed to will be reconsidered. The Secretary will state the amendment.

The SECRETARY. It is proposed to change the total so as to read "$2,106,058.60."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. The bill is in Committee of the Whole and open to further amendment.

Mr. LANE. Mr. President, on page 69, line 8, there is an item which calls for the testing of types of armored motor cars, and appropriates $25,000 for that purpose. I am informed that the manufacturers of cars in this country are shipping them by the hundred over to Europe, and they are giving satisfactory service, and are being tested by actual combat with shot and shell. There is no information needed on the subject. We are manufacturing a type of them good enough to kill and prevent people from being killed in Europe in one of the greatest wars that has ever occurred in the history of the world. Why there should be an appropriation of $25,000 made for testing them for the information of this Government, when they are being so thoroughly tested in actual warfare, is more than I can understand. If the matter is subject to a point of order I will raise the point or order against it.

The VICE PRESIDENT. The item was agreed to on yesterday.

Mr. LANE. I should like to have the action of the committee reconsidered, with a view to striking it out.

The VICE PRESIDENT. Does the Senator from Oregon move to reconsider?

Mr. LANE. On the statement made to me that they are being tested, that we are manufacturing them and shipping them in parts and in pieces by the hundreds of thousands of dollars' worth of them.

Mr. THOMAS. Mr. President, a point of order.

The VICE PRESIDENT. The Senator from Colorado will state his point of order.

Mr. THOMAS. I should like to inquire if the Senator from Oregon voted for that amendment?

Mr. LANE. I will say for the information of the Senator from Colorado that I went into attendance on the Committee on Indian Affairs yesterday at 10.30 in the morning, and stayed until 6 o'clock at night without any lunch, and I had no opportunity to vote.

Mr. THOMAS. I do not think that obviates the point of order. I make that point of order.

Mr. MARTINE of New Jersey. Mr. President, I voted for that amendment, but since that time my attention has been called to this very fact. It seems to me a most monstrous proposition. I realize very well who introduced it, and regret to move a reconsideration; but I move to reconsider the vote by which this amendment was agreed to. It was adopted on a viva voce vote.

Mr. LANE. I simply wish to call the attention of the Members of the Senate to the facts as I am told they exist. If it is true, what is the necessity of spending this money? Is it too late now, or why should it be too late, to stop what is, in my opinion, a useless expenditure under the circumstances?

Mr. CHAMBERLAIN. Mr. President, I will state for the benefit of my colleague that, on lines 6 and 7, there was appropriated by the House $50,000 for the purchase and manufacture of armored motor cars. If the Committee of the Whole is not sustained now, the effect of it would be to strike out the $25,000 and reinstate the $50,000. We did not have enough information to advise us that what my colleague says is warranted by the facts as to the quality and character of these armored motor cars. We did not think the Government ought to invest $50,000 for the purchase of motor cars without knowing something about them.

Mr. LANE. I should like to have that struck out, too. I assure my colleague that I am informed that we are manufacturing the best type of armored motor cars in the world, and they are being accepted by the most careful experts.

Mr. LODGE. Mr. President——

The VICE PRESIDENT. The Senator from Massachusetts.

Mr. LODGE. In making some examination for a speech I made here on national defense I examined into this question of motor trucks and motor cars. We have not an armored motor car in the Army; we have not a motor truck; and I was officially informed at the War Department that they had not been able yet to find a perfect truck; they were still testing them and looking for a perfect truck. Canada has bought a lot of our motor trucks for use in the field, and finds them sufficiently good for use in the field. Russia has bought more. They said, in reply to that, that the trucks we have sold to Canada did not seem wholly satisfactory; and on that ground in this country, with all the automobile manufacturers we have, we are deliberately told to-day that we can not have a motor truck; we must spend $25,000, and wait a year in testing them. The money is of no consequence, but we must waste a year testing to find a suitable motor truck. Why, they have thousands of motor trucks in the armies of Europe, and we have none. Some motor trucks are better than no motor trucks; and the officers of the War Department are sitting here looking around to find the perfect truck, and in the meantime we have none.

Mr. LANE. Mr. President, I will move, if it is in order, that the expenditure be changed and an appropriation made for the purchase of them.

Mr. LODGE. But $50,000 is nothing for a purpose of this kind.

Mr. LANE. Well, we can purchase one, or make it more. I am willing to increase the amount.

The VICE PRESIDENT. The question is on reconsidering the vote whereby the amendment was adopted.

Mr. SMITH of Georgia. Mr. President, I move that we adopt the motion to reconsider, and then, instead of substituting $50,000 for their purchase, put in enough to purchase some.

Mr. LODGE. Yes; let us leave out this testing business.

Mr. SMITH of Georgia. Let us put in really enough to make a substantial purchase.

Mr. LODGE. Let us not pass a year in testing motor trucks.

The VICE PRESIDENT. The question is on agreeing to the motion to reconsider.

The motion to reconsider was agreed to.

The VICE PRESIDENT. The amendments were treated separately upon yesterday. The committee amendment striking out $50,000 was agreed to, and then the committee amendment in line 8 was adopted. Now, the question is on agreeing to the amendment in line 8 for the purchase of motor cars.

Mr. LODGE. That is, to substitute the $25,000 for the $50,000 appropriation.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

The VICE PRESIDENT. That leaves it all out of the bill.

Mr. LODGE. The provision for a test is out of the bill. Now it is open to amend the original clause.

The VICE PRESIDENT. No; the Chair stated just a moment ago that upon yesterday the Senate treated these as two separate amendments.

Mr. LODGE. Very well; then it can be moved and be put in in the Senate.

The VICE PRESIDENT. Or a motion can be made to reconsider the first one.

Mr. LODGE. I move to reconsider that, then.

The VICE PRESIDENT. The question is on agreeing to the motion to reconsider the first amendment.

The motion to reconsider was agreed to.

Mr. LODGE. Now, it is open to amendment to appropriate a sum for the purchase of armored cars.

Mr. LANE. I should like to make a motion that we appropriate a sum sufficient to purchase armored cars, $100,000 or $75,000, or whatever sum is agreeable to the Senate. I will say $75,000.

Mr. SMITH of Georgia. I should like to ask the chairman of the committee if he can advise us about what the cost of a car of the character would be and then we can determine what sum we would wish to appropriate.

Mr. CHAMBERLAIN. This whole matter I might make a point of order against, but I think it is just as well to have something of this kind. It has never been estimated for, but Gen. Crozier testified as to how much armored cars would cost, as follows:

The CHAIRMAN. How much do those armored cars cost apiece, Gen. Crozier, or have you any idea of that?

Gen. CROZIER. Well, I would have to give a rough guess. One of those chassis, I would suggest, could be obtained for something like $3,000, Maj. Hillman suggests, and he has direct charge of that subject in my office; and have you estimated on the armor, Maj. Hillman?

Maj. HILLMAN. That costs about $1,500 more.

Gen. CROZIER. I suppose we could get one up for $5,000.

The CHAIRMAN. Have not the armored cars proved of very great advantage in the European war now going on?

Gen. CROZIER. There again we are without definite information. My impression is that they have been used to a considerable extent. I know that one of the belligerent Governments has bought quite a number of them; I know, for instance, that quite a number of them have gone over to Canada from this country.

It was for that reason that, without any estimate whatsoever, we put in the appropriation for one of these machines instead of expending a lot of money on machines that the officer who has the matter in charge did not know anything about.

Mr. SMITH of Georgia. Let me ask the Senator have they been fully tested? Is it reliably known that they are a great success and most valuable?

Mr. CHAMBERLAIN. Gen. Crozier says they do not know. He is the ordnance officer. He says they have been used, he understands, but he does not know with what success. Mr. President, I do not know myself. I suppose over in Europe, where they have good roads, as in France and Germany, where the roads are macadamized and have been in use for hundreds of years, they might use one; but I should like to see one jolting from here down to Appomattox or somewhere else near Washington over the roads we have.

Mr. LANE. I will say for the information of my colleague that they are making a type of car with the "caterpillar" mode of traction by which they go over rough roads and even climb over small logs.

Mr. SMITH of Georgia. I suggest that an appropriation of $100,000 be made.

Mr. WALSH. Mr. President, a parliamentary inquiry. Is there a motion pending?

The VICE PRESIDENT. There does not seem to be any pending.

Mr. WALSH. Regular order.

Mr. SMITH of Georgia. I move to insert the sum of $100,000. I have not the bill before me, and I do not know just where to insert it.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. The committee reports to strike out lines 6 and 7 on page 69 in the following words:

For the purchase and manufacture of armored motor cars, $50,000.

Mr. SMITH of Georgia. I move to strike out "$50,000" and insert "$100,000," so as to read:

For the purchase and manufacture of armored motor cars, $100,000.

Mr. WALSH. From the information given us by the chairman of the committee to the effect that no estimate has been made for this item, I make a point of order that the amendment is out of order.

The VICE PRESIDENT. The point of order is sustained. The Chair understands now that the appropriation of $50,000 is to remain in the bill.

Mr. CLAPP. Under the suggestion of the Chair, if it is in order, and I assume it is, I move to strike out lines 6 and 7. It appears that we have no information concerning these cars. Of all the things we would need in war we would not need these cars until the war was upon our own soil and it would require no great length of time to get them. If we are going to use money in preparation for war we should use it for those things that it takes a long time to prepare, and especially to meet conditions upon the water. This will just result in somebody getting $50,000 and the United States Government being no better off. I therefore ask the Senate to strike it out.

The VICE PRESIDENT. The Senate just voted not to strike it out.

Mr. CLAPP. I understood that we just voted not to increase it to $100,000.

The VICE PRESIDENT. That went out on a point of order.

Mr. CLAPP. Then I move to reconsider the vote by which the item was left in the bill.

The VICE PRESIDENT. The question is on the motion to reconsider.

Mr. WALSH. Mr. President, a parliamentary inquiry. I am altogether in error now if the question has been stated correctly. The Chair said that the amendment was divisible—that it consisted of the amendment by which a portion was stricken out and a portion inserted. We then reconsidered it.

The VICE PRESIDENT. The Chair did not make that statement. The Chair said on yesterday they were treated as separate amendments, and they were both agreed to on yesterday.

Mr. WALSH. I understood that then we reconsidered the second amendment.

The VICE PRESIDENT. And then the first to-day.

Mr. WALSH. I did not hear that statement, and I was watching, expecting to vote on the question at some time.

The VICE PRESIDENT. The Senator from Minnesota [Mr. CLAPP] moves to reconsider the vote by which the amendment was rejected.

The motion to reconsider was agreed to.

Mr. CLAPP. I move to strike out from the House bill lines 6 and 7 on page 69.

The VICE PRESIDENT. That is the pending question now, as to whether the Senate will agree to the committee amendment. [Putting the question.] The "noes" seem to have it.

Mr. WALSH. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). Announcing my pair with the senior Senator from Missouri [Mr. STONE], who is absent, I withhold my vote.

Mr. MYERS (when his name was called). I announce my pair and its transfer as heretofore, and vote "yea."

Mr. OWEN (when his name was called). I make the same transfer as before, and vote "nay."

Mr. SAULSBURY (when his name was called). I transfer my general pair to the senior Senator from Virginia [Mr. MARTIN] and vote "nay."

Mr. SMITH of Michigan (when his name was called). I again announce my pair with the junior Senator from Missouri [Mr. REED]. I transfer that pair to the senior Senator from Pennsylvania [Mr. PENROSE] and vote "nay."

Mr. VARDAMAN (when his name was called). I am paired with the Senator from Idaho [Mr. BRADY]. I transfer that pair to the Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

The roll call was concluded.

Mr. DILLINGHAM. In the absence of the senior Senator from Maryland [Mr. SMITH], with whom I have a general pair, I withhold my vote. If permitted to vote, I would vote "nay."

Mr. TILLMAN. I transfer my pair with the Senator from West Virginia [Mr. GOFF] to my colleague [Mr. SMITH of South Carolina] and vote. I vote "yea."

The result was announced—yeas 34, nays 27, as follows:

YEAS—34.

Ashurst	Gronna	Norris	Thomas
Bankhead	James	Overman	Thompson
Bristow	Johnson	Perkins	Tillman
Burton	Jones	Pomerene	Vardaman
Camden	Lane	Ransdell	Walsh
Chamberlain	Lewis	Shafroth	White
Chilton	McCumber	Sheppard	Works
Clapp	Martine, N. J.	Simmons	
Fletcher	Myers	Sterling	

NAYS—27.

Brandegee	Kern	Poindexter	Smoot
Bryan	La Follette	Root	Stephenson
Burleigh	Lippitt	Saulsbury	Swanson
Culberson	Lodge	Sherman	Townsend
du Pont	Oliver	Shively	Warren
Fall	Owen	Smith, Ga.	Weeks
Gallinger	Page	Smith, Mich.	

NOT VOTING—35.

Borah	Goff	McLean	Shields
Brady	Gore	Martin, Va.	Smith, Ariz.
Catron	Hardwick	Nelson	Smith, Md.
Clark, Wyo.	Hitchcock	Newlands	Smith, S. C.
Clarke, Ark.	Hollis	O'Gorman	Stone
Colt	Hughes	Penrose	Sutherland
Crawford	Kenyon	Pittman	Thornton
Cummins	Lea, Tenn.	Reed	Williams
Dillingham	Lee, Md.	Robinson	

So the amendment of the committee was agreed to.

The VICE PRESIDENT. The bill is in Committee of the Whole and still open to amendment. If there be no further amendments, it will be reported to the Senate.

The bill was reported to the Senate as amended.

The VICE PRESIDENT. The question is on concurring to the amendments made as in Committee of the Whole.

The amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the amendment of the Senate to the bill (H. R. 2642) authorizing the President to reinstate Joseph Eliot Austin as an ensign in the United States Navy, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WITHERSPOON, Mr. TRIBBLE, and Mr. BUTLER managers at the conference on the part of the House.

The message also announced that the House agrees to the amendment of the Senate numbered 68 to the bill (H. R. 21318) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1916, and disagrees to the residue of the Senate amendments, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FITZGERALD, Mr. SHERLEY, and Mr. GILLETT managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 3362. An act to authorize the Secretary of Commerce, through the Coast and Geodetic Survey and the Bureau of Fisheries, to make a survey of natural oyster beds, bars and rocks, and barren bottoms contiguous thereto in waters along the coast of and within the State of Texas;

S. 3897. An act to authorize the Great Northern Railway Co. to revise the location of its right of way, and for other purposes;

H. R. 15557. An act for the relief of Anna Miller; and

H. R. 18745. An act in relation to the location of a navigable channel of the Calumet River in Illinois.

PETITIONS AND MEMORIALS.

Mr. PERKINS presented petitions of sundry citizens of Newman and Los Angeles, in the State of California, praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

He also presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for the enactment of legislation providing for the organization of a naval reserve, which was ordered to lie on the table.

Mr. McLEAN presented a memorial of the International Association of Machinists, of Bridgeport, Conn., remonstrating against the adoption of the so-called Taylor system of time study, which was referred to the Committee on Military Affairs.

He also presented a petition of the Board of Burgesses of Wallingford, Conn., praying for the enactment of legislation to grant pensions to civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. ROOT presented petitions of sundry citizens of New York, praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

Mr. NELSON presented petitions of sundry citizens of Minnesota, praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

Mr. WORKS presented petitions of sundry citizens of southern California, praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

Mr. LA FOLLETTE presented memorials of St. Agnes's congregation, of Ashland; of St. Bridget's congregation, of River Falls; of St. Patrick's congregation, of Superior; of St. Joseph's congregation, of Hayward; of St. Ann's Catholic congregation, of Somerset; of St. Joseph's congregation, of Shell Lake; of Stamford congregation, of Rice Lake; of Holy Family congregation, of Ashland; of St. Adelbert's congregation, of Superior; of St. Francis Xavier's congregation, of Superior; of Most Precious Blood congregation, of Glidden; of Holy Rosary congregation, of Mellin; of St. Ann's congregation, of Turtle Lake; of St. Francis De Sale's congregation, of Spooner; of St. Louis's congregation, of Washburn; of St. Mary's congregation, of Solon Spring; of St. Mary Magdalene's congregation, of Iron Belt; of St. Boniface's congregation, of Chetak; of St. Joseph's Catholic congregation, of Superior; of St. Francis Xavier's congregation, of Merrill; of St. Patrick's congregation, of Hudson; of the Sacred Heart congregation, of Stetonville; of the Holy Trinity Catholic congregation, of Haugen; and of St. Joseph's congregation, of Rice Lake, all in the State of Wisconsin, remonstrating against the conditions existing in Mexico, which were referred to the Committee on Foreign Relations.

FOREIGN-BUILT VESSELS.

Mr. WILLIAMS, from the Committee on Finance, to which was referred the bill (H. R. 18685) to repeal penalties on foreign-built vessels owned by Americans, reported it with an amendment and submitted a report (No. 1023) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McLEAN:

A bill (S. 7724) granting an increase of pension to Ruth A. Ingraham (with accompanying papers); to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 7725) to provide for the establishment of a national employment bureau in the Department of Labor; to the Committee on Education and Labor.

By Mr. LA FOLLETTE:

A bill (S. 7726) granting a pension to Edward J. Gleason; to the Committee on Pensions.

WITHDRAWAL OF PAPERS—FRANK WEST.

On motion of Mr. THOMPSON, it was

Ordered, That the papers with the bill for the relief of Frank West (S. 5483, 63d Cong.) be withdrawn from the files of the Senate, no adverse report thereon having been made.

JULIA H. PLATT.

Mr. ROOT submitted the following resolution (S. Res. 553), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Julia H. Platt, widow of Benjamin S. Platt, late enrolling clerk in the office of the Secretary of the United States Senate, a sum equal to one year's salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

SUNDRY CIVIL APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives agreeing to the amendment of the Senate No. 68 to the bill (H. R. 21318) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1916, disagreeing to the residue of the amendments, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MARTIN of Virginia. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. MARTIN of Virginia, Mr. OVERMAN, and Mr. WARREN conferees on the part of the Senate.

JOSEPH ELIOT AUSTIN.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 2642) authorizing the President to reinstate Joseph Eliot Austin as an ensign in the United States Navy, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SWANSON. I move that the Senate insist upon its amendment and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. TILLMAN, Mr. SWANSON, and Mr. PERKINS conferees on the part of the Senate.

DISTRICT APPROPRIATIONS—CONFERENCE REPORT.

Mr. SMITH of Maryland. I desire to present the conference report on the District of Columbia appropriation bill. I ask for an agreement to the report and for a further conference and for the appointment of conferees on the items still in disagreement.

The VICE PRESIDENT. The Secretary will read the conference report.

The Secretary read the conference report, as follows:

CONFERENCE REPORT (S. DOC. NO. 954).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19422) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1916, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 7, 8, 14, 16, 17, 25, 27, 28, 30, 32, 35, 37, 39, 43, 46, 48, 52, 58, 59, 64, 67, 68, 73, 75, 76, 77, 79, 85, 89, 99, 103, 111, 112, 118, 119, 120, and 121.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 5, 6, 9, 10, 11, 12, 13, 15, 19, 20, 29, 31, 33, 34, 38, 40, 44, 45, 47, 49, 50, 53, 55, 57, 60, 61, 66, 69, 70, 71, 72, 80, 82, 83, 84, 86, 87, 88, 90, 91, 92, 93, 94, 95, 96, 97, 98, 100, 102, 106, 107, 108, 109, 115, 116, 123, 124, 126, 127, and 128, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$47,576"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, and on page 17 of the bill, line 7, strike out the words "force and," and in line 8 strike out the words "fire department," and in line 7, after the word "police," insert the following: "crossing police, park police, and fire department"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For constructing market buildings on the site of the present municipal fish wharf and market, including refrigerating and cold-storage plant, which shall be equipped for the accommodation of such retail business as may obtain at that point and shall serve as the wholesale receiving and distributing point for marine and other products to be retailed elsewhere in the District, within a limit of cost of $185,000 which is hereby fixed, $125,000"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$110,700"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,700"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$28,500"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$29,000"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$118,700"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$160,800"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,000"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$49,015"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: On page 33 of the bill, line 6, strike out "$124,000" and insert in lieu thereof "$119,000"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$27,500"; and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment strike out the following: "to be immediately available"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Hereafter all pupils whose parents are employed officially or otherwise in the District of Columbia shall be admitted and taught free of charge in the schools of said District, and hereafter the members of the board of education shall be appointed by the Commissioners of the District of Columbia"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$48,600"; and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lines 4, 5, and 6 of the matter inserted by said amendment strike out the following: "; but no person so removed shall be reappointed to any position in said fire department"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$131,800"; and the Senate agree to the same.

Amendment numbered 101: That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$45,932"; and the Senate agree to the same.

Amendment numbered 104: That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25,600"; and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Gallinger Hospital: Toward the construction and equipment of the Gallinger Hospital, including grading of the site, $150,000,

and the limit of cost of the construction of said hospital and accessory buildings, and equipment, is hereby fixed at $1,000,000."

And the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$60,000"; and the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$96,080"; and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert the following: "$6,000"; and the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: Omit the matter inserted by said amendment and, on page 73 of the bill, in line 4, strike out the following: "and of the United States"; and the Senate agree to the same.

Amendment numbered 125: That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"ANACOSTIA RIVER FLATS.

"For continuing the reclamation and development of the Anacostia River and Flats from the Anacostia Bridge NE. to the District line, to be expended for the purposes and under the conditions specified in the item for this improvement contained in the 'District of Columbia appropriation act for the fiscal year 1915,' $100,000, and authority is hereby granted to the Chief of Engineers, United States Army, to enter into a contract or contracts for and on account of said work in an amount not exceeding $100,000, exclusive of the amount herein appropriated."

And the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 1, 51, and 105.

JOHN WALTER SMITH,
LUKE LEA,
J. H. GALLINGER,
Managers on the part of the Senate.

ROBERT N. PAGE,
T. U. SISSON,
C. R. DAVIS,
Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. ROOT. Mr. President, from the reading of the report it was impossible to get any idea of what has really been done. It seems to me it ought to be printed, so as to give us an opportunity to compare it with the bill as passed by the Senate. There were a number of items in the bill in regard to which many Senators were very much interested, among whom are Senators who are not present at this time. I do not think we ought to take action upon it without knowing what we are doing.

I ask that the conference report may be printed and lie over for one day.

Mr. SMITH of Maryland. I will say to the Senator that it is very important that the conference report should be disposed of, in order that the House of Representatives may know what to do. Most of these matters have been before the Senate in the District bill. I know of nothing new that has been put in that has not been in one or the other of the bills, except, I think, as regards the appointment of the members of the board of education of the District of Columbia. It was the opinion of the conference committee that the present method of appointment was unsatisfactory, for the reason that the board seemed to have nobody to whom to report. The judges make the appointments at present, and we felt that there had not been sufficient reports made by the school board to show what is going on in the management of the schools. We felt that there ought to be somebody to whom they would be responsible, and we put in this provision requiring that the appointments should be made by the Commissioners of the District of Columbia. We felt that it was in the interest of the schools. In my own State it was once the rule for the judges to appoint the members of the board of education, and it was found very unsatisfactory. The judges here do not wish to make the appointments. They have objected to making them.

Mr. THOMAS. I must join the Senator from New York and ask that the report may be printed so that we can consider it prior to acting upon it.

Mr. GALLINGER. Mr. President, if the Senator will permit me, I likewise join the Senators, and appeal to the chairman of the committee to let the matter go over and be printed. It is a proper request. While we would like very much to facilitate its consideration, and it is desirable that it should be disposed of as speedily as possible, I think the request that it go over should be granted.

Mr. SMITH of Maryland. If Senators desire an opportunity to examine it further, of course I shall make no objection.

Mr. THOMAS. I think that will facilitate the matter.

Mr. GALLINGER. Yes; it is very possible.

Mr. SMITH of Maryland. Senators recognize as well as I do the importance of a speedy disposition of the matter. We have but a few days remaining, and this matter will have to be acted upon by the House. Of course, I offer no objection, however.

The VICE PRESIDENT. The report will be printed and lie over.

LAWS RELATING TO THE JUDICIARY.

Mr. SMITH of Georgia. I move that the Senate proceed to the consideration of the bill (S. 7041) to amend section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

Mr. CLARK of Wyoming. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Wyoming.

Mr. CLARK of Wyoming. Is the motion made by the Senator from Georgia at this time debatable?

The VICE PRESIDENT. It is after 2 o'clock, and it is debatable.

Mr. CLARK of Wyoming. I, of course, do not know how much time the Senate cares to devote to anything just now except the appropriation bills, but the bill which the Senator from Georgia proposes to bring up will lead to some debate, and, I doubt not, some considerable debate, involving the broad general question that it does.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Georgia.

Mr. CLARK of Wyoming. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Norris	Smith, Mich.
Bankhead	Gallinger	Oliver	Smoot
Brandegee	Gronna	Overman	Stephenson
Bristow	Hughes	Owen	Sterling
Bryan	James	Page	Swanson
Burleigh	Johnson	Perkins	Thomas
Burton	Jones	Pittman	Tillman
Camden	Kern	Poindexter	Townsend
Chamberlain	La Follette	Pomerene	Vardaman
Chilton	Lane	Ransdell	Walsh
Clapp	Lodge	Saulsbury	Warren
Clark, Wyo.	McCumber	Shafroth	Weeks
Culberson	Martine, N. J.	Sheppard	White
Dillingham	Myers	Shively	Williams
du Pont	Nelson	Smith, Ga.	Works

The VICE PRESIDENT. Sixty Senators have answered to the roll call. There is a quorum present. The question is, Will the Senate proceed to the consideration of Senate bill 7041?

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. The Senator from Wyoming.

Mr. SMITH of Georgia. Will the Senator from Wyoming yield to me for a moment?

Mr. CLARK of Wyoming. Yes.

Mr. SMITH of Georgia. What length of time does the Senator think would be taken up in the consideration of this bill?

Mr. CLARK of Wyoming. Well, Mr. President, I could not say as to that. I want to give, just in perhaps three minutes, my reason for saying why I think the bill ought not to be taken up at this time for discussion. I do not think the Senate ought to enter upon a discussion of the bill now, because, so far as I have been able to ascertain, we have not as yet sufficient information to justify the broad action which this bill demands. I do not know what information other Senators may have, but I know that the report of the committee gives no information. I know that I have, through inquiry by the committee, attempted to gain information, which I have not been able to gain; and I do not think anybody can tell how many additional

United States judges we shall have to provide for within the next two or three years. We know how many we would have to provide for, perhaps, at once; but within the next two or three years it is virtually a compulsory-retirement law.

Mr. SMITH of Georgia. If the Senator will permit me, I wish to say that the Judiciary Committee at its last meeting made two or three amendments to the bill. They are amendments which have been agreed upon by the Judiciary Committee of the other House, and the bill has been unanimously reported by the Judiciary Committee of the House. The first amendment suggested by the committee is, on page 3, line 4, after the word "President," where this language is to be inserted: "if in his opinion the public good so requires." Again——

Mr. CLARK of Wyoming. I do not suppose the President would do it in any event if the public good did not require it. It is only a permissive power anyway.

Mr. SMITH of Georgia. The view was that he should not do it as a matter of course, but that he should only do it where the public good required it. The House committee put in that language.

The committee also, in the second paragraph, where the power of appointment was given, put in the language "if in his opinion the public good so requires."

As I have stated, the bill has been reported unanimously by the Judiciary Committee of the House with those two amendments, and one other amendment that simply more clearly states the meaning of the bill as we intend it. Those amendments were submitted to the Judiciary Committee of the Senate last Monday—the Senator from Wyoming was not present—and I was directed by the Judiciary Committee to ask the Senate to amend our amendment with this language.

Mr. CLARK of Wyoming. I will ask the Senator from Georgia if there has yet been any reply to the inquiry made by the Judiciary Committee of the Department of Justice as to how many additional judges this bill would provide for within the next five years?

Mr. SMITH of Georgia. We asked for the names of the judges between 65 and 70 years of age, and they have furnished us such a list.

Mr. CLARK of Wyoming. Did they also furnish a list of judges over 70 years of age?

Mr. SMITH of Georgia. Yes; we have that.

Mr. CLARK of Wyoming. Can the Senator from Georgia state how many judges there are between 65 and 70 years of age? I confess that I am a little bit surprised at the Senator's statement, because I was the one who wanted that information most directly, and it has never been drawn to my attention.

Mr. SMITH of Georgia. The Senator from Wyoming was not at the committee meeting when we received it.

Mr. CLARK of Wyoming. Can the Senator tell how many such judges there are?

Mr. SMITH of Georgia. My recollection is that there are 8. There are fewer between 65 and 70 years of age than there are over 70.

Mr. CLARK of Wyoming. There are some 12 or 14 judges over 70 years of age?

Mr. SMITH of Georgia. Yes. I have the names of those.

Mr. CLARK of Wyoming. Well, Mr. President, I think it is well shown that this is a bill of very great importance. We passed a bill here the other day providing for a particular emergency in the State of the Senator from Georgia, and I think that bill was properly passed, because the emergency existed; but here is a sweeping bill which provides that when a Federal judge arrives at the age of 70 years, the retiring age, having served 10 years, he shall virtually be retired; that is, no matter how well able the present incumbent may be to transact the business, an additional judge shall be appointed, for when you give the President the power of appointing a Federal judge, that Federal judge is always going to be appointed. Here we are padding the Federal courts with additional judges to take the place of men who are well qualified by years of experience and by their physical vigor to carry on the business of their districts; and we are putting in new men. We say a new man shall conduct all the work of the district and that the old man shall continue in the service, to be assigned to such points as certain statutory judges may assign to him.

Mr. President, it seems to me that it is time, no matter how many offices we may create—let us go into the departmental service and create offices, but, for heaven's sake, do not let us make the office of the judge at this time the prey for political appointments. That is all it would amount to, Mr. President.

I concede that quite frequently, or at times at least, judges continue to exercise the duties of their judicial office and decline to retire when perhaps they ought to retire. We have met such an emergency in many cases; we met it the other day in Georgia, where we provided an additional judge to assist in the business; but where we say that in every district of the United States, in every circuit of the United States, and in the courts of appeal, where a man shall have arrived at the age of 70 years and have served 10 years, no matter what his physical or mental capacity may be, an additional judge shall then be appointed, it seems to me we are going a long way in the direction of providing offices for the "faithful."

I have not a doubt but that any President would exercise this power as to him seemed wisest and best; but he would exercise his power; he could not possibly avoid it; he could not resist the pressure. We know that, and we might as well acknowledge it. It seems to me that at this late hour, at this late day in this session, the Senate ought not to take up and consider a widespread and very important measure like that.

I will suggest also to the Senator that if the committee did not agree to any more amendments than those which he has stated, there are certain other amendments that should be put into the bill if it is to be taken up.

Mr. SMITH of Georgia. Mr. President, I do not think the criticism of the Senator from Wyoming [Mr. CLARK] that the purpose of the bill is to pad the judiciary is at all just. This measure went to a subcommittee composed of the Senator from New York [Mr. ROOT], the Senator from Florida [Mr. FLETCHER], and myself. The bill was perfected by the unanimous action of the subcommittee, the Senator from New York taking as active an interest in it as any of the other members of the subcommittee, and really favoring, perhaps, stronger language.

The bill does not say that the President shall appoint; it says that he may appoint. It goes one step further, according to the amendments upon which we have agreed, and which I shall submit from the Judiciary Committee, and which have been adopted by the Judiciary Committee in the House. It only allows the President to make the appointments when in his opinion the public service so requires.

Mr. CLARK of Wyoming. If the Senator will allow me, does he say that has been adopted in the House?

Mr. SMITH of Georgia. The Judiciary Committee of the House has reported the bill out from that committee with that amendment.

Mr. CLARK of Wyoming. Yes; but I understood the Senator to say——

Mr. SMITH of Georgia. The Judiciary Committee of the House has made a unanimous report on the bill, and we have considered it with three amendments.

Mr. CLARK of Wyoming. I understood the Senator to say it had been adopted in the House.

Mr. SMITH of Georgia. The Judiciary Committee of the House has reported the bill with three amendments, and the Judiciary Committee of the Senate has adopted those amendments, and I shall suggest two other verbal amendments, inserting words which were omitted in our print. The word "court" was omitted in one place and the word "hereinafter" was omitted in another place.

Now, the other House amendment which we recommend is in connection with the proviso, so that the proviso will read:

Provided, That in the case of the death or resignation thereafter of any circuit or district judge so entitled to resign in a circuit or district in which an additional judge has been appointed as herein provided, the vacancy caused thereby shall not be filled, but the number of the judges of such court shall be reduced accordingly.

The words "in a circuit or district in which an additional judge has been appointed as herein provided" constitute the amendment. The provision already meant what it will mean with the amendment, but the amendment makes it clearer.

Mr. President, it is not intended that in every place an appointment shall be made. We first used the word "shall," but we struck out the word "shall" and inserted the word "may," and then we accepted the provision reported by the House committee limiting appointments to those cases where the President believes that the public good requires them.

Now, let me present the situation to the Senate. To-day the law permits any judge of a district court who has reached 70 years of age and who has served 10 years to retire on full pay. There are two classes of judges who will be affected by the bill, one a class who ought to retire, who have become entirely inefficient and have quit work, but who for some reason do not retire. I illustrate that by a judge in the fifth circuit, a judge from Texas, who is 82 years old, who has not been on the bench in years, who remains at home and never has any hope of again being on the bench. This is a case in which the public good requires that a judge should be appointed, so that the circuit court of appeals in that circuit may have its five judges.

That is a case where a judge ought to retire but will not retire, and where it is absolutely essential to the public service that an additional judge be appointed. A special bill has been reported in both Houses to add an additional judge in that circuit to do the work of the circuit on account of the failure of a man 82 years old, who has not been on the bench for several years and can not go on it any more, to resign or retire. As I have said, that is a case of a judge who, although entirely inefficient, will not resign.

There is another class of judges whose situation will be met by this bill. They are judges who have passed the age of 70, who are able to do good work, who are able perhaps to do good work half the time, but who feel their physical inability to stand the full work of their circuits or their districts. I know several instances of judges of this character who will certainly resign this winter, but they would be glad during the balance of their lives, to the extent of their ability, not simply to draw salaries as retired judges but to render service in return.

Now, what benefit will the Government receive by preventing men of that class from retiring when they feel that they can not do the full work of their circuits or districts? It will be this: Instead of their retiring and with the loss of the benefit of several months every year of efficient work from these men, they will remain judges of the circuit court or judges of the district court, and where a district or circuit is crowded or a judge is sick and relief is needed, these district or circuit court judges, according to this bill, past 70 years of age, capable of good work part of the year, can go to a crowded district or circuit and relieve the situation by a few months' valuable work.

Mr. CLAPP. Mr. President, will the Senator pardon an inquiry?

Mr. SMITH of Georgia. Yes.

Mr. CLAPP. What would be in the way when such an occasion presented itself of our then dealing with it, so that the judge could remain, an additional judge being appointed for the district or circuit, as the case might be? It seems to me that each case could easily be dealt with as it arose.

Mr. SMITH of Georgia. I think the matter can be dealt with better in a general bill. I think, as a general proposition, it is wise to do so. We have had a number of instances of the kind referred to this year, and there are, I know, a number of other judges who are past 70 and who do not wish to quit work entirely. I know of one in Pennsylvania. This bill was brought to my attention in part by the suggestion of one of the circuit judges of Pennsylvania, and in part by a circuit court judge 78 years old in the fifth circuit. The judges who have passed 70 do not wish to resign——

Mr. CLAPP. Mr. President, I think we have had three cases this winter of additional judges being appointed. There has been no difficulty at all in making provision as the cases have arisen. The Senator had no difficulty, in the very midst of an acute situation here, in getting a bill through affecting his section. There never is any trouble about that; and when such a contingency arises provision can be made for an extra judge taking the place of the old judge, who can still remain subject to assignment. I think it would be infinitely better to deal with these cases as they come up rather than to enact a wholesale proposition of this kind.

Mr. SMITH of Georgia. We believe the general policy should be that where a judge has passed 70 and the good of the service requires it the opportunity should be given the President, without special legislation, to appoint a judge. We have had the resignation during the present session of a district judge in the southern district of California who would not have resigned if this bill had been in force. He is capable of doing good work each year, but he has passed 70 and could retire. He did not wish to do the entire work of his district, but I am sure he would have been pleased had a general bill of this sort been in force, to have remained on the district court bench and to have been subject to assignment, and he could have done good work each year. Yet, as there was no such law, he was entitled to retire, and he simply retired. There are two classes of these judges. The only bills that we have passed are in cases where the judge has become entirely inefficient and does not do his work. You find that the man who is capable of doing at least half his work will not bring the subject to the attention of Congress and ask for a special bill to appoint somebody in his place. He will simply retire and go at something else.

Mr. VARDAMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Mississippi?

Mr. SMITH of Georgia. I do.

Mr. VARDAMAN. I wish to ask the Senator if he has data from which he could give the number of judges who would be appointed at this time under this bill?

Mr. SMITH of Georgia. I can not give the data of those who would be appointed, because there is a limitation in the bill requiring the President in each case to find that the public service requires it. There are, I think, 14 or 16 who have passed 70 years of age.

Mr. CLARK of Wyoming. Mr. President, I wish to ask the Senator if he seriously believes and argues to the Senate that the power and authority being given to the President to appoint these judges he would not appoint them? Would not the same argument appeal to the President that appeals to the Senator in asking that the bill be passed? Would not the same argument appeal to the President to make the appointment?

The Senator has a faith that is sublime if he believes that these appointments being in the power and the gift of the President they would not be made.

Mr. SMITH of Georgia. If a judge was 70 and was thoroughly capable of doing all the work of his district, I would say there would be no appointment made, and should be no appointment made. If the judge was past 70 and did not feel able to do the work of his district, but was able to do a number of months' work each year, but not the full work of his district, then I think the President would make an appointment.

Mr. PAGE. Mr. President, may I interrupt the Senator?

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Vermont?

Mr. SMITH of Georgia. Yes.

Mr. PAGE. Does the Senator believe that this measure is more important than the appropriation bills which we must consider?

Mr. SMITH of Georgia. No; I do not think that; but I think we could take up this bill, and we ought to be able to dispose of it, one way or the other, in a very short time.

Mr. BRISTOW. Mr. President, with the permission of the Senator, I desire to say that it will not be settled in a short time. It opens up a field of debate that may last for days. For one, I do not propose to sit here and permit, if I can prevent it, a revision of the laws that will enable the President to retire judges at 70 years of age when he wants to and load up the pay rolls of the United States with 10 or 15 additional judges.

Mr. SMITH of Georgia. I must reply to the suggestion of the Senator from Kansas that it would load up the pay rolls with additional expense. It would do nothing of the kind. The law permits the judges to retire and receive their pay when they are past 70.

Mr. CLARK of Wyoming. Yes; but this bill does that very thing, because the man still remains in the service. If this bill were not passed there would be no other judge appointed if he remained in the service; but if this bill is passed you put $6,000 into every district when he is appointed and $7,000 into every circuit.

Mr. PAGE. Mr. President, one word, if the Senator will permit me. I see that we have before us for consideration, first, the Agricultural bill. The Senator knows what an important bill that is, and knows that it may take a considerable time to pass it through the Senate. We have the diplomatic and consular bill, the fortifications bill, the general deficiency bill, the Military Academy bill, the urgent deficiency bill. Those measures are likely to take a good deal of time. Then there is one measure in particular that I wish to call to the attention of the Senator, and that is the Indian appropriation bill. I shall not be surprised if that bill takes three or four days; and it seems to me that instead of compelling us to sit up nights and exhaust ourselves, as we are bound to do if we try to pass these appropriation bills with due deliberation, we ought to take up these first, and then, if we have the time, take up the measure to which the Senator from Georgia refers.

Mr. SMITH of Georgia. Mr. President, I wish to address myself, not to the remarks of the Senator from Vermont, because of course I realize the importance of taking up the appropriation bills, but rather to the merits of the bill as criticized by the Senator from Wyoming.

I repeat that I regard this bill as a most desirable provision in the direction of economy, in the direction of relieving crowded districts, in the direction of relieving circuits in which there are judges who for some reason can not preside. It will furnish a number of judges on the circuit court bench, several not assigned to particular circuits who can still do a number of months of good work. It will furnish a number of district court judges who are not in a position to do full work who can do a considerable amount of admirable work. Take my own circuit, to illustrate.

Mr. BANKHEAD. Mr. President——

Mr. SMITH of Georgia. I do not yield for the present. The Senator can not take me off the floor.

Mr. BANKHEAD. The Senator is on the floor by my courtesy.

Mr. SMITH of Georgia. No; I am not. I am on the floor by right.

Mr. BANKHEAD. No; the Senator is there by my consent.

Mr. SMITH of Georgia. Mr. President, I desire to conclude my remarks. I regret that the Senator from Alabama interrupted me.

I am glad that I have been able, by privately speaking to the Senator from Alabama, to satisfy him. I do not intend to take much more time with this measure now, but as it has been criticized I wish the reasons for it and the value of it to be fully stated.

The effect will be that circuit court judges past 70, several of them, can relieve the other circuits without charge to the Government. The effect will be that district court judges past 70 can relieve the other districts without any cost to the country. Let me illustrate, and then I am through.

In my own circuit one of the circuit judges we concede is out of commission, so far as service is concerned; and we must add a man in his place, because he is off the bench, 82 years old, and useless. He will never sit on the bench again. There we have the absolute necessity for another judge. Another circuit judge is 78 years old. He will probably soon retire, and a judge will be appointed in his place to fill the vacancy, but if this bill is passed, he will continue to render able service part of the time. I know two district court judges in our circuit past 70 who will probably retire this winter, and who were on the point of retiring on the 1st of December, except that they hoped, by the passage of the bill in this form, they might still give, for the pay received, service a portion of the time to the Government.

So far as my immediate circuit is concerned, there is absolutely no interest in it except to retain the value of the services of these men who can at least do service half of the time for the Government. It is not padding. The vacancies will take place. They will draw their salaries just the same as retired judges, and the effect of the passage of the bill would be, at least in many cases, to give the Government, for the pay received, valuable service a portion of the time. But, Mr. President, I concede that the appropriation bills should be disposed of; and as the Senators on the other side announce that they intend to take quite a length of time in discussing this measure, the Senator from Kansas suggesting two or three days, I desire to withdraw my motion to proceed to the consideration of this bill at the present time.

COMMISSION ON DISTRICT HALF-AND-HALF PRINCIPLE.

Mr. BANKHEAD. Mr. President——

The VICE PRESIDENT. The Senator from Alabama.

Mr. BANKHEAD. I move that the Senate proceed to the consideration of H. R. 19906, the Post Office appropriation bill.

Mr. GALLINGER. Mr. President, will the Senator withhold that motion for one moment? If there is the least objection to what I am going to request, it will be immediately withdrawn.

Mr. BANKHEAD. I yield for that purpose.

Mr. GALLINGER. The committee of conference on the District of Columbia appropriation bill are having trouble concerning the so-called half-and-half principle which we discussed here. There is no probability that we will reach an agreement unless a commission is provided. The Senate committee has reported a bill, introduced by the Senator from South Dakota, providing for a commission; and I ask unanimous consent that it be considered, with the understanding that if there is any debate it will be immediately withdrawn.

Mr. BRISTOW. Mr. President, I would hardly like to have that matter taken up to-night, when there are some Senators absent who are very much interested in it.

Mr. GALLINGER. That settles it, Mr. President.

POST OFFICE APPROPRIATIONS.

Mr. BANKHEAD. I renew my request that the Senate proceed to the consideration of the Post Office appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 19906) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1916, and for other purposes.

Mr. BANKHEAD. I ask that the formal reading of the bill be dispensed with and that it be read for committee amendments, the amendments of the committee to be first considered.

The VICE PRESIDENT. The Senator from Alabama asks that the formal reading of the bill be dispensed with, that the bill be read for committee amendments, and that the committee amendments be first considered. Is there any objection? The Chair hears none, and it is so ordered.

The Secretary will state the first amendment of the committee.

The first amendment of the Committee on Post Offices and Post Roads was, under the subhead "Office of the Postmaster General," on page 2, line 6, after the word "each," to strike out "(an increase of two submitted in lieu of two assistant superintendents, Railway Mail Service, at $2,350 each; to be transferred from the office of the Second Assistant)," so as to make the clause read:

For salaries of post-office inspectors: For salaries of 15 inspectors in charge of divisions, at $3,000 each; 30 inspectors, at $2,400 each; 20 inspectors, at $2,250 each; 32 inspectors, at $2,100 each; 20 inspectors, at $2,000 each; 30 inspectors, at $1,900 each; 90 inspectors, at $1,800 each; 60 inspectors, at $1,700 each; 60 inspectors, at $1,600 each; and 65 inspectors, at $1,500 each; in all, $783,700.

Mr. JONES. Mr. President——

The VICE PRESIDENT. The Senator from Washington.

Mr. JONES. I think I shall take just a few minutes of the time of the Senate, and I can just as well take it now as at any other time.

I was glad to see the Senator from Georgia [Mr. SMITH] move a moment ago to take up another bill. I do not know anything about that measure except what was given to us here on the floor, but it indicated that our friends hope not only to pass the appropriation bills, but to pass some other legislation that they consider pressing. There are some bills on the calendar that I think ought to be passed, that I think could be passed just as well as not, before the session closes, and I want to make a plea to the Senate for a part of the administration program, for one of the administration bills.

While I recognize the importance of passing the appropriation bills, I feel satisfied that these bills will be passed; but there is a bill on the calendar which should be enacted into law before the session closes, and there is no excuse for this not being done. I refer to what is known as the Shields-Adamson waterpower bill. It relates to the development of water powers on navigable streams. It has passed the House, and the Shields bill has been reported here as a substitute. Practically every section of the country is interested in this measure, and will be benefited to a greater or less extent by its passage. The Shields substitute has the unanimous, or almost unanimous, recommendation, I understand, of the Commerce Committee. It is one of the measures urged by the President. Why is it not called up? Why not get it to conference, so that an agreement may be reached and legislation had?

It is certain that if this measure is to be made a law it should be passed by the Senate without delay so as to get the matter in conference, so that any disagreement between the Senate and the House may be arranged.

Why not give some time to it, instead of wasting the time of the Senate in attempting to pass legislation which every one knows can not be passed? It is one of the plain evidences of the incapacity of the present governmental leadership that it will waste its time and energy in trying to pass what it ought to know and what its experience has shown can not be passed and thereby prevent the consideration of measures of vast importance and which might be passed with but very little trouble or delay.

Water power is one of our country's greatest natural resources. Properly developed it will become a national achievement and a national blessing. Undeveloped, it continues to be a national reproach. We all agree that under present conditions our water powers must be developed by private capital. Capital can not be secured for development purposes under the restrictive laws now in force. It is, therefore, the duty of Congress to enact wise legislation which, while fully protecting the public interest will present a business proposition that will pass muster in the councils of honorable business men. No benefit will accrue from changing our present water-power laws, under which capital can not be obtained and under which water-power development has become practically stagnant, if new legislation shall merely continue this old policy. It is obvious that unless our new laws make it possible to secure capital, we shall have wasted our time and in the end have no water-power development.

A diligent study of the bill reported by the Senate Committee on Commerce and conferences which I have had concerning it with practical people who merit every confidence and who have developed and who are operating water powers, has convinced me that the bill is sound in principle and businesslike in terms; that it fully protects the public interest and consumers and fairly treats both Federal and State rights. Under its terms capital may be obtained and its enactment would result in the development of the great water powers now wasting their energies in our navigable streams throughout the entire extent of the United States.

I believe that the development of our water powers constitutes by far the greatest and most urgent commercial problem

now before Congress and our wise solution of that problem will be regarded as one of the greatest if not the greatest achievement of this Congress, if we can just get the Senate to take action promptly on this legislation and enact it into law. Let me give you two object lessons of what the passage of this bill in its present form would mean to the State of Washington alone.

Congress has granted a permit for the construction of a dam across the Pend Oreille River for water-power development. Several thousand dollars have been expended in getting ready. The project will cost about $10,000,000 and develop about 200,000 horsepower, which will be largely used in the manufacture of fertilizer and the development of other manufacturing establishments. The work would have been actively under way except that the blighting hand of departmental power has prevented. Some public and forest-reserve lands would have been overflowed by the construction of the dam, and this placed it within the power of the Interior and Agricultural Departments to prevent the work. They granted what they thought was a reasonable permit for the use of this public land. The permit, however, was revocable and this deters capital from investing in the enterprise, and the money has not been secured to put it in. I am assured that there is capital that intends to go into the manufacture of fertilizer in this country or in Canada. Liberal inducements have been offered by Canada, but these people prefer to invest in this country. They would take up this work on the Pend Oreille if this Shields-Adamson bill is passed now. If it is not passed they will this summer go to Canada. We will lose the money and the enterprise, and the product will come in from Canada to retard further development in this country. The investment of $10,000,000 in one enterprise, with the resultant benefits, would alone justify special action by Congress on this legislation, but this is not all.

Come with me into the central portion of my State and let me spread before you a mighty collection of idle resources and unutilized opportunities. This idleness and this lack of utilization are the sole result of congressional inaction. Could you come with me there, there would be no need for me to urge in this Chamber your favorable action on this measure. I would show you a compact block of country more than 400,000 acres in extent—a country made up of the richest of volcanic ash, protected from the cold winds of the north by a barrier of mountains, and nourished by almost perpetual sunshine of nearly semitropical degree. Looking across you would see hardly a habitation, and for miles in every direction your view of sagebrush desert would be practically unbroken. In the midst of that region, however, you would see the Columbia, twelfth largest river in the world, second in the United States, carrying a greater annual volume of water than the Mississippi at Cairo, and a far greater low-water flow. You would see this great stream racing down over Priest Rapids, a 90-foot fall in 9 miles. You would see laid across this country the rails of a transcontinental road, and only a short distance to the south the rails of another transcontinental road, but you would not see the trains stopping here to pick up the products which this area could produce nor to bring into this area the merchandise that it could consume.

Mr. BRYAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Florida?

Mr. JONES. I yield for a question.

Mr. BRYAN. From what committee does this bill come?

Mr. JONES. From the Committee on Commerce.

Mr. BRYAN. Was there any opposition to it there?

Mr. JONES. I understand that it was practically a unanimous report from the committee.

Mr. BRYAN. Does the Senator know whether there will be any discussion of it here?

Mr. JONES. I do not know, but I hope not.

Mr. BRYAN. Suppose the Senator should try it out and see whether it will pass.

Mr. JONES. I would be delighted to have that course pursued.

Mr. BRYAN. Then why not go on with the appropriation bill?

Mr. JONES. If the Senate will pass this bill, I will stop, but I want to present some facts here showing the object of passing this legislation.

Mr. BRYAN. The Senator would not insist on doing that if we passed the bill?

Mr. JONES. Certainly not. I am not talking against the passage of the bill. I hope I will not be accused of filibustering when I am urging the passage of an administration measure.

Mr. SIMMONS. Mr. President——

Mr. JONES. I yield to the Senator from North Carolina.

Mr. SIMMONS. I want to say that I agree entirely with the Senator from Washington in the statement he has made with reference to the great importance of this measure. I think it is one of the measures, outside of the appropriation bills, which ought to be passed at this session. I am a member of the Committee on Commerce that considered this bill and considered it very thoroughly, and, as I recall, there was not in the committee the slightest opposition to the bill in the shape it was finally reported. The entire committee, composed of Democrats and Republicans alike, favored the bill, and I think if we could get an agreement to vote upon it in an hour or something like that it would be very well to do it. The Senator might give us some indication as to whether there would be any discussion of the bill on his side of the Chamber. I know of no purpose on this side of the Chamber to engage in a discussion of the bill.

Mr. ROBINSON and Mr. SHAFROTH addressed the Chair.

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Arkansas?

Mr. JONES. I yield to the Senator from Colorado, who rose first.

Mr. SHAFROTH. Mr. President, I desire to state that I agree with the Senator from Washington relative to this bill, with one exception, an amendment which I think would be accepted by everyone here, and that is to make these water-power plants subject to taxation for State, county, and school purposes. I think with that done I would have no objection whatever to the Shields bill. I am as much in favor of the bill as I am opposed to the other water-power bill that is proposed to lease the water powers of the States and not have them subject to taxation for State, county, and school purposes. However, I want to suggest to the Senator from Washington that the Senator from Tennessee [Mr. SHIELDS], who reported the bill, is not here now. I think he can get the bill up at any time and in a few minutes pass it with that slight amendment.

Mr. ROBINSON. Will the Senator yield to me for a question?

Mr. JONES. I yield to the Senator from Arkansas for a question.

Mr. ROBINSON. I merely desire to say that I do not share the view of my colleagues about me here who a moment ago expressed the opinion that the bill referred to by the Senator from Washington could be passed after a very brief discussion. In my opinion it will require a day or two and probably more than that amount of time to pass the bill. I know a number of Senators who have expressed the desire and the intention to discuss the bill. I suggest to the Senator from Washington that it is impracticable at this time to consider the bill.

Mr. PENROSE. Will the Senator from Washington permit me one moment?

Mr. JONES. Certainly.

Mr. PENROSE. I think this bill is one of the most important measures before the Senate, and I sincerely hope Senators will permit it some time or other before adjournment to come up for consideration. I would be glad to help the Senator on this side and on the other side of the Chamber as far as I can to get consideration for this measure. I think it is wanted from Maine to Oregon and Washington and California, as far as I can find out.

Mr. SHAFROTH. The Senator from Pennsylvania, however, would not want to have it called up in the absence of the Senator who reported the bill.

Mr. PENROSE. No; I did not know anything about that.

Mr. BANKHEAD. There is no purpose to call up the bill now. I wish to ask about how long it will take the Senator from Washington to conclude?

Mr. JONES. I think about 10 minutes. I will go a little fast.

Mr. BANKHEAD. I am anxious to proceed with the appropriation bill.

Mr. JONES. I have a sincere purpose in this matter and I am glad to see the interest manifested in it by different Senators in this Chamber. As the Senator from Pennsylvania said it is a bill in which the people from Maine to California and from Michigan to Florida and the Southland, and all over the country, are interested. There is probably not a State in the Union that would not receive some benefit from the passage of this legislation, and we ought to be able to pass it with very little discussion. I am simply calling attention to some of the conditions in my State that probably will be duplicated to a greater or less extent in many of the other States in the Union showing the very great importance of this measure. I feel satisfied there will not be very much discussion upon the bill on this side of the Chamber, and I certainly hope that Senators on the other side of the Chamber will try to avoid discussion as much as possible in order to place on the statute

books at this session at least one measure of the administration program.

The Columbia is a navigable river and Priest Rapids, 400 miles from the Pacific Ocean, lies in the heart of this naturally favored region and presents a barrier to up-river navigation. The completion within the present year of the Celilo Locks, 200 miles farther down the river, will bring to the foot of these rapids a deep, navigable channel from the Pacific Ocean. With Priest Rapids surmounted by locks and a dam, the navigable channel would penetrate 180 miles farther into the State, or, to within 250 miles of the Canadian border. This surmounting of Priest Rapids would cost the United States Treasury an enormous sum, but under the terms of this bill the Government expense of that accomplishment would be nominal, while the benefits to navigation would be vast.

Let me show you a picture, the best that I can portray but relatively poor and inadequate, of that which would follow the adoption of this measure. An enterprise would be started that would result in an ultimate initial expenditure of $40,000,000.

I am assured to-day by a very reliable gentleman from Maine that if this measure will pass financial arrangements have been practically completed by which this work could be undertaken, but if this legislation does not pass those very people will go into Canada and establish a similar enterprise there, for which very liberal inducements have been offered to them. It seems to me under such conditions as that Congress really neglects its duty by a failure to act.

A dam across the foot of Priest Rapids 90 feet high would be constructed. This would lift the water so that it would flow by gravity over 200,000 acres of this rich land and the utilization of a part of the water power developed would lift more water to an additional 135,000 acres of richer land. The Columbia River carries water enough at the low season to irrigate practically every acre along its course susceptible of cultivation, but, as though nature had by intent selected this region for the bestowal of especial bounties, the flood flow of the Columbia comes during the irrigation season. This flood flow consists largely of the late melted snows of the Canadian Rockies. So at the time of the greatest demand for irrigation there is in this mighty stream ample water for navigation and for the development of water power. I now emphasize water power, for Priest Rapids developed for navigation and for irrigation purposes must, by very consequence, become the Niagara of the West.

The commercial water power at Priest Rapids amounts to about 400,000 horsepower. Reflect upon the meaning of this opportunity when developed in the midst of this agricultural region. We of the State of Washington have by our public-utility laws amply provided for the proper control and use of this power resource, and we now want to bring to Priest Rapids the great new manufacturing industries which have, by the use of electric power, changed the course of industry and so enlivened those parts of the civilized world in which water-power resources exist. This enlivenment has taken place, however, only where governments have encouraged water-power development instead of discouraging it, as we have done in the United States. We want to bring to Priest Rapids the great nitrogen factories which will give to the West a source of cheap agricultural fertilizer and to the whole country a self-sustaining basis as to nitrogen in our national defense. Senators, in the midst of a war almost world-wide, we can not avoid the uneasy reflection, however peaceful our intent and purpose may be, that if we were stricken with the misfortune that now besets Europe we would be dependent upon foreign nations for the principal element in warfare—nitrogen. Without it all of our other possessions and accomplishments would be useless.

We of Washington want to bring to Priest Rapids the electric furnace for the smelting of ores which are making over the metal industries of the world, but in which industrial improvements we are lagging far behind our world competitors. We want to electrify our railroads and therefore cheapen the cost of their operation and obviate what is now our greatest and most needless waste of our exhaustible coal resources.

We want to make available for irrigation the tremendous waters now running unused to the sea and make productive the thousands of acres of fertile land now idle and unpopulated. This land will produce in abundance every product of the Temperate Zone—every 40 acres will support a home in comfort and plenty, and ultimately there will be a happy home on every 10 acres—and where now is waste and silence will be thousands of people, prosperous towns, villages, and cities with railways, electric lights, and all the modern accompaniments of civilization.

In this region now lying in desert silence villages and towns will spring up which will furnish homes for employees, which will develop schools and churches, and all will be set in the midst of and be supported by this agricultural development. It is not an exaggeration to predict that within five years after the passage of this bill at least $100,000,000 would be invested in this region. Down the Columbia to the sea and along the railroad line will go the agricultural and manufactured products. All this we of the State of Washington wish to bring into this now unproductive section; but it should be realized and emphasized that if it be accomplished, the opportunities and facilities there must be placed in competition with the opportunities and facilities offered by other industrial countries. It will be necessary for Congress to determine whether this country shall have a fair chance in industrial competition, or whether it must sustain a handicap of unfair and unbusinesslike governmental restrictions.

If the Federal or State Governments are not to develop our water powers, then it is imperatively necessary that laws under which capital will be invested should be enacted. Congress, on behalf of the people, can afford to be generous toward capital in this matter, and they can not afford not to be generous. I plead against the narrow, restrictive, unbusinesslike policy which would prevent these developments. There is no sense in our enacting laws which will not be taken advantage of, but which will be relegated to the dust shelves where other restrictive measures now repose. This bill as now framed will induce and permit development; it preserves to the States the rights given them under the Constitution, and the people will fully protect the consumers under local laws and regulations. We are anxious to extend our foreign trade by the expenditure of millions. Why not enact legislation that will encourage the use of our own resources and develop our own industries without the cost of a single dollar to the people and the Government?

Mr. President, I certainly hope that in the next few days Senators will give this matter careful consideration and try some way to get it sent to the House and put it in conference and bring it out here and pass legislation which will really be constructive legislation and bring tremendous development to the country.

Mr. BRANDEGEE. Mr. President, I will not take 30 seconds in what I want to say. It is simply this, that the bill the Senator referred to is Order of Business No. 740, House bill 16053. I am thoroughly in accord with what the Senator from Washington has said, and I wish to assure him and other Senators who favor it that I will cooperate with them to get early action upon this bill.

The VICE PRESIDENT. The amendment of the committee will be agreed to, without objection.

The reading of the bill was resumed. The next amendment of the Committee on Post Offices and Post Roads was under the subhead "Office of the First Assistant Postmaster General," on page 5, line 8, after the word "postmasters," to strike out "$30,750,000" and insert "$31,255,720," so as to make the clause read:

For compensation to postmasters, $31,255,720.

The amendment was agreed to.

The next amendment was, on page 5, after line 9, to insert:

Provided, That hereafter the respective compensation of postmasters of the first, second, and third classes shall be annual salaries, graded in even hundreds of dollars, and payable in quarterly payments, to be ascertained and fixed by the Postmaster General from their respective quarterly returns to the Auditor for the Post Office Department, or copies or duplicates thereof to the First Assistant Postmaster General, for the calendar year immediately preceding the adjustment.

For compensation to assistant postmasters at first and second class post offices, 5, at not exceeding $4,000 each; 45, at not exceeding $3,000 each; 10, at not exceeding $2,500 each; 5, at not exceeding $2,000 each; 20, at not exceeding $1,900 each; 50, at not exceeding $1,800 each; 95, at not exceeding $1,700 each; 150, at not exceeding $1,600 each; 180, at not exceeding $1,500 each; 180, at not exceeding $1,400 each; 400, at not exceeding $1,300 each; 575, at not exceeding $1,200 each; 525, at not exceeding $1,100 each; 300, at not exceeding $1,000 each; 130, at not exceeding $900 each; 100, at not exceeding $800 each; in all, $3,350,000. And the appointment and assignment of assistant postmasters hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum.

The amendment was agreed to.

The next amendment was, on page 6, after line 11, to strike out:

Superintendents of finance, superintendents of mails, and superintendents of delivery, 6 at not exceeding $3,800 each.

Superintendents of finance and superintendents of mails, 6 at not exceeding $3,400 each.

Superintendents of finance and superintendents of mails, 16 at not exceeding $3,200 each.

Superintendents of finance, auditors, and superintendents of mails, 20 at not exceeding $3,000 each.

Superintendents of finance, cashiers, superintendents of mails, assistant superintendents of mails, assistant superintendents of delivery, 30 at not exceeding $2,800 each.

Superintendents of finance, cashiers, superintendents of mails, assistant superintendents of mails, assistant superintendents of delivery, and superintendents of stations, 55 at not exceeding $2,600 each.

Superintendents of stations, 10 at not exceeding $2,500 each.

Superintendents of finance, cashiers, bookkeepers, superintendents of mails, assistant superintendents of mails, assistant superintendents of delivery, and superintendents of stations, 60 at not exceeding $2,400 each.

Superintendents of stations, 15 at not exceeding $2,300 each.

Superintendents of finance, cashiers, bookkeepers, superintendents of mails, assistant superintendents of mails, and superintendents of stations, 60 at not exceeding $2,200 each.

Superintendents of stations, 40 at not exceeding $2,100 each.

Superintendents of finance, cashiers, bookkeepers, superintendents of mails, assistant superintendents of mails, superintendents of stations, foremen, special clerks, and stenographers, 140 at not exceeding $2,000 each.

Superintendents of stations, foremen, special clerks, and stenographers, 70 at not exceeding $1,900 each.

Superintendents of finance, cashiers, bookkeepers, superintendents of mails, assistant superintendents of mails, superintendents of stations, foremen, special clerks, and stenographers, 150 at not exceeding $1,800 each.

Superintendents of finance, cashiers, superintendents of mails, assistant superintendents of mails, superintendents of stations, foremen, special clerks, and stenographers, 240 at not exceeding $1,700 each.

Superintendents of finance, cashiers, bookkeepers, superintendents of mails, assistant superintendents of mails, superintendents of stations, foremen, special clerks, and stenographers, 400 at not exceeding $1,600 each.

Superintendents of finance, cashiers, bookkeepers, superintendents of mails, assistant superintendents of mails, superintendents of stations, foremen, special clerks, and stenographers, 700 at not exceeding $1,500 each.

Superintendents of finance, bookkeepers, superintendents of mails, superintendents of stations, foremen, special clerks, and stenographers, 1,575 at not exceeding $1,400 each.

Superintendents of finance, superintendents of mails, superintendents of stations, foremen, special clerks, and stenographers, 2,700 at not exceeding $1,300 each.

Stenographers, clerks in charge, and clerks, 18,500 at not exceeding $1,200 each.

Stenographers, clerks in charge, and clerks, 8,800 at not exceeding $1,100 each.

Stenographers, clerks in charge, and clerks, 6,535, at not exceeding $1,000 each.

Stenographers, clerks in charge, and clerks, 2,650, at not exceeding $900 each.

Clerks in charge and clerks, 2,339, at not exceeding $800 each.

And to insert in lieu thereof the following:

Superintendents of delivery, superintendents of mails, superintendents of money order, and superintendents of registry, 10, at not exceeding $3,200 each.

Auditors and superintendents of mails, 10, at not exceeding $3,000 each.

Assistant superintendents of mails, superintendents of delivery, and superintendents of mails, 20, at not exceeding $2,700 each.

Assistant superintendents of mails, cashiers, superintendents of delivery, and superintendents of mails, 30, at not exceeding $2,600 each.

Assistant superintendents of mails, cashiers, superintendents of delivery, superintendents of mails, and superintendents of stations, 30, at not exceeding $2,500 each.

Assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, bookkeepers, cashiers, finance clerks, stenographers, superintendents of delivery, superintendents of mails, superintendents of money order, and superintendents of registry, 40, at not exceeding $2,400 each.

Assistant superintendents of mails, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, finance clerks, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, and superintendents of stations, 50, at not exceeding $2,200 each.

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, bookkeepers, cashiers, examiners, of stations, finance clerks, superintendents of carriers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, superintendents of inquiry, and superintendents of stations, 130, at not exceeding $2,000 each.

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, examiners of stations, finance clerks, stenographers, superintendents of carriers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, 165, at not exceeding $1,800 each.

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendent of money order, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, examiners of stations, finance clerks, stenographers, superintendents of carriers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, 155, at not exceeding $1,700 each.

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, examiners of stations, finance clerks, foremen of crews, stenographers, superintendents of carriers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, 250, at not exceeding $1,600 each.

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, examiners of stations, finance clerks, foremen of crews, stenographers, superintendents of carriers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, 900, at not exceeding $1,500 each.

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, special clerks, examiners of stations, finance clerks, foremen of crews, stenographers, superintendents of carriers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, 1,560, at not exceeding $1,400 each.

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of money order, assistant superintendents of mails, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, casahiers, chief mailing clerks, chief stamp clerks, examiners of stations, finance clerks, foremen of crews, special clerks, stenographers, superintendents of carriers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, 2,800, at not exceeding $1,300 each.

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, chief stamp clerks, clerks, finance clerks, foremen of crews, stenographers, superintendents of carriers, superintendents of second-class matter, and superintendents of stations, 18,500, at not exceeding $1,200 each.

Assistant superintendents of stations, clerks, stenographers, superintendents of carriers, superintendents of second-class matter, and superintendents of stations, 7,000, at not exceeding $1,100 each.

Assistant superintendents of stations, clerks, clerks in charge of stations, stenographers, superintendents of carriers, and superintendents of second-class matter, 6,400, at not exceeding $1,000 each.

Clerks, clerks in charge of stations, and stenographers, 2,500, at not exceeding $900 each.

Clerks and clerks in charge of stations, 1,872, at not exceeding $800 each.

The amendment was agreed to.

The next amendment was, on page 14, line 10, after the words "without pay," to strike out "And to provide for the promotion of 75 per cent of the clerks in first-class post offices from the fifth to the sixth grade, and for the promotion of 75 per cent of the clerks in second-class offices from the fourth to the fifth grade; in all, $48,860,000" and insert "$46,100,000: *Provided*, That on and after July 1, 1915, clerks at first-class post offices shall be promoted successively to the sixth grade and clerks at second-class post offices shall be promoted successively to the fifth grade. All promotions of clerks shall be made at the beginning of the quarter following the expiration of two years' service in the next lower grade, and no promotion shall be made except upon evidence satisfactory to the Post Office Department of the efficiency and faithfulness of the employee during the preceding two years," so as to read:

Substitutes for clerks and employees absent without pay, $46,100,000: *Provided*, That on and after July 1, 1915, clerks at first-class post offices shall be promoted successively to the sixth grade and clerks at second-class post offices shall be promoted successively to the fifth grade. All promotions of clerks shall be made at the beginning of the quarter following the expiration of two years' service in the next lower grade, and no promotion shall be made except upon evidence satisfactory to the Post Office Department of the efficiency and faithfulness of the employee during the preceding two years; and hereafter the appointment and assignment of clerks hereunder shall be so made during each fiscal year as not to involve a greater aggregate expenditure than the sum appropriated.

The amendment was agreed to.

Mr. BANKHEAD. I desire to offer an amendment to the amendment. I move to strike out and insert so as to restore the old law.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to strike out all from and including line 6, on page 14, down to and including the word "years," on line 20, and insert in lieu thereof the following:

And to provide for the promotion of 75 per cent of the clerks in first-class post offices from the fifth to the sixth grade and for the promotion of 75 per cent of the clerks in second-class offices from the fourth to the fifth grade; in all, $48,860,000.

Mr. BRYAN. It seems to me the better way would be to disagree to the amendment.

The VICE PRESIDENT. The Chair does not understand this matter.

Mr. BRYAN. It would simply amount to a disagreement to the committee amendment, or, in other words, restore the House provision.

The VICE PRESIDENT. The vote whereby the amendment to strike out the House text was agreed to is reconsidered, and the amendment is disagreed to.

Mr. PENROSE. Mr. President, I should like to call the attention of the chairman of the committee to a matter as to which I do not know whether or not I am correct, but I have a memorandum that the amount on page 14, line 10, of "$48,860,000" should be "$47,200,000."

Mr. BRYAN. I understand the department estimated for $48,860,000.

Mr. PENROSE. I offer that as an amendment. If I am not mistaken, I think, if the chairman will examine it, he will see that that figure is proper. I am satisfied to call the matter to the attention of the chairman, however, and let it go over. He can then look into it later in the evening or to-morrow.

Mr. BANKHEAD. Mr. President, $47,200,000 is the correct amount.

Mr. PENROSE. Then that is all right.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 14, line 10, in the total appropriation it is proposed to strike out "$48,860,000," and to insert "$47,200,000."

The amendment was agreed to.

Mr. LEWIS. Mr. President, may I be permitted to say that in respect to biennial promotions I have prepared and submitted to the committee an amendment which preserves the old law, as suggested by the committee itself, I having received many petitions from many employees of the Post Office Department, requesting that the former custom of annual promotions be retained, and that the suggestion of biennial promotions be opposed. I take the liberty at this time to ask, so that I may not occupy any time, to tender a resolution of the city council of Chicago and ask to have it printed in the RECORD as a part of my remarks.

Mr. BANKHEAD. The old law with reference to that matter has been restored.

Mr. LEWIS. I understand that, and I am only asking that this paper which I present may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it will be inserted in the RECORD. The Chair hears none.

The paper referred to is as follows:

Whereas the postmaster of the city of Chicago, in pursuance of directions from the Postmaster General regarding expenditures at the Chicago post office, has undertaken and proposes to reduce the wages of approximately 350 letter carriers from positions which they now occupy, so that a number of carriers will become collectors and certain of the collectors will become substitute letter carriers, and their wages will be cut from $1,200 per annum to $1,000 per annum, and the $1,200 grade will be reserved only as a reward for specially meritorious service, which under the schedules adopted can only be performed by young men; and

Whereas the method in which this is being done makes it incumbent upon men who have been in the service for many years to waive their present grade under the civil service and to consent to work under conditions which will make it necessary to be promoted through the medium of efficiency markings in the future, thereby cutting themselves off from the possibility of again acquiring their present rank by reason of the fact that they are no longer able to maintain averages as high as younger men in the service; and

Whereas the gross receipts of the Chicago post office for the year 1914 were about $26,000,000, while the total expenditures, including all salaries, wagon contracts, and other incidentals, amounted to about $9,000,000, leaving a surplus of approximately $17,000,000, which the Chicago post office turned in to the treasury of the Post Office Department at Washington for the year 1914; and

Whereas the letter carriers of the city of Chicago have already been overburdened by reason of changes which have reduced the number of deliveries in most parts of the city, so that the service which the people in these districts have a right to demand is impaired, the prompt delivery of mail is no longer possible, and the strength of the carriers is overtaxed by being compelled to include more mail in one delivery than is proper and reasonable or conducive to good service; and

Whereas the reduction of salaries above mentioned and the onerous conditions imposed on men long in the service will take away the incentive for rendering the excellent service these men have always given and tend to lower the morale and efficiency of the force to the detriment of the people of Chicago: Therefore be it

Resolved, That the city council of the city of Chicago should protest, and hereby does protest, against the reduction of the salaries of the 350 postal employees who are included within the order reducing the wages of letter carriers from $1,200 to $1,000 per year, believing that such reduction and the manner in which it is being put into effect will tend to lower the standard of efficiency in the force of employees of the Chicago post office, and will tend to deprive the people of Chicago of the high-class service which they are paying for and have a right to demand;

Be it further resolved, That it is the sense of this council that it is unjust and contrary to public policy to place men who have rendered efficient service for many years, some of whom have grown old while working for the Government, into a position where they will be unable to again meet the requirements for efficiency that will replace them where they will be entitled to their former salary, and that the city authorities feel bound to take notice of the results which must arise from such a course, in order that the right of the people of Chicago to the best possible postal service may be asserted;

Be it further resolved, That if it is necessary to reduce the wages of employees in order to meet the conditions arising from the falling off of postal receipts this should be done in places where the receipts fall below the expenditures, or at any rate in places where there is not so large a surplus in the earnings of the department as in the city of Chicago; and

Be it further resolved, That copies of these resolutions be forwarded by the city clerk to the President of the United States, the Postmaster General, the postmaster of Chicago, the two Senators from Illinois, and the Members of the House of Representatives whose districts are wholly or partly within the city of Chicago, to the end that prompt action may be taken against carrying out the proposed unjust policy.

STATE OF ILLINOIS,
County of Cook, ss:

I, Francis D. Connery, city clerk of the city of Chicago, do hereby certify that the annexed and foregoing is a true and correct copy of a resolution relative to postal employees adopted by the city council of the city of Chicago on the 15th day of February, A. D. 1915, original of which resolution is on file in my office, and that I am the lawful custodian of the same.

Witness my hand and the corporate seal of said city of Chicago this 17th day of February, A. D. 1915.

FRANCIS D. CONNERY, *City Clerk.*

Mr. PENROSE. Mr. President——

The VICE PRESIDENT. The Senator from Pennsylvania.

Mr. PENROSE. I wish to join the Senator from Illinois in expressing my gratification that the committee has eliminated the feature of biennial promotions. I desire to have inserted in the RECORD a communication, for the enlightenment of future Congresses, reciting the inconveniences and evils of the biennial promotion proposition.

The VICE PRESIDENT. Without objection, permission to do so is granted.

The communication referred to is as follows:

WASHINGTON, D. C., *February 10, 1915.*

Hon. BOIES PENROSE,
United States Senate, Washington, D. C.

DEAR SIR: The Post Office appropriation bill, reported to the Senate February 8, contains three amendments which permanently change existing law by substituting biennial promotions for annual promotions for post-office clerks, city letter carriers, and railway mail clerks.

The first of these amendments, which affects clerks in first and second class post offices, occurs on page 14, lines 10 to 20, and its purpose is to permanently amend the classification act of 1907 so as to compel two years of service in each grade before promotion to the next higher grade instead of one year, as is now provided.

Under existing law clerks in first-class post offices can be promoted $100 per annum until the maximum grade of $1,200 is reached, and clerks in second-class offices can be promoted $100 per annum until the maximum grade of $1,100 is reached. The existing law provides that no promotion can be made except upon satisfactory evidence to the department of the efficiency and faithfulness of the clerk during the preceding year.

Before receiving regular appointment these clerks must serve as substitutes for an average period of two years or more, during which time they are held on call and receive no fixed compensation. Therefore under existing law it requires a period of from six to seven years' service for a clerk to reach the maximum grade of $1,200 per annum in first-class offices.

Under the pending amendment, on page 14 of the bill, it would require 12 years or more to reach the same maximum grade.

The paticular employees who will be affected by these pending amendments are the lowest-paid servants in the Postal Service, and consequently they are the least able to bear the burden of what practically amounts to a serious reduction in their compensation.

These post-office clerks are for the most part employed at night.

In addition to their regular hours of duty in the post office, the great majority of them are compelled to devote hours of study outside of the post office in order that they may learn the difficult and constantly changing "schemes" of mail distribution. They must regularly submit themselves to examinations to insure the maintenance of a high degree of efficiency.

We submit that if the pending amendments herein referred to should be adopted, the efficiency of the service will suffer, because the position of post-office clerk will no longer be sufficiently attractive to induce the right kind of young men to enter the service.

Your attention is respectfully directed to the fact that the three amendments herein referred to constitute practically the only new legislaion recommended by the Senate Post Office Committee.

The United National Association of Post Office Clerks, representing more than 26,000 clerks employed in the first and second class post offices of the country, earnestly petition you to oppose the pending amendments.

Respectfully, yours, FRANK T. ROGERS, *President.*

Mr. LEWIS. Might I ask the chairman of the committee, does this change apply to all parts of the bill?

Mr. BANKHEAD. Yes.

Mr. LEWIS. The chairman of the committee having stated that it applies to all parts of the bill renders it unnecessary that I occupy the floor of the Senate any further.

Mr. PENROSE. Mr. President, both the Senator from Illinois and I had lengthy speeches which we intended to deliver on this subject, and I regret that by reason of the action of the committee we are personally deprived of the privilege of addressing the Senate on this subject.

Mr. POMERENE. Mr. President, I decline to be entirely ignored on this subject, and I join in the expressions which have been made by the Senator from Illinois and the Senator from Pennsylvania.

Mr. OLIVER. Mr. President, I will state that I had introduced an amendment, which was referred to the Committee on Post Offices and Post Roads, to correct this matter. I, too, want to join the noble band, consisting of my colleague [Mr. PENROSE], the Senator from Illinois [Mr. LEWIS], and the Senator from Ohio [Mr. POMERENE] on this proposition.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, on page 14, line 23, after the word "appropriated," to strike out:

Provided, That on and after July 1, 1915, the compensation to employees other than those in the clerical grades in post offices of the

first class shall be annual salaries graded in even hundreds of dollars based upon the postal receipts for the preceding calendar year of the post office at which they are employed, as follows.

At each post office where the receipts are $40,000 but less than $60,000: Superintendent of finance, $1,300; superintendent of mails, $1,300.

At each post office where the receipts are $60,000 but less than $100,000: Superintendent of finance, $1,400; superintendent of mails, $1,400.

At each post office where the receipts are $100,000 but less than $150,000: Superintendent of finance, $1,500; superintendent of mails, $1,500.

At each post office where the receipts are $150,000 but less than $200,000: Superintendent of finance, $1,600; superintendent of mails, $1,600.

At each post office where the receipts are $200,000 but less than $300,000: Superintendent of finance, $1,700; superintendent of mails, $1,700.

At each post office where the receipts are $300,000 but less than $400,000: Superintendent of finance, $1,800; cashiers, $1,500; superintendent of mails, $1,800; assistant superintendent of mails, $1,500.

At each post office where the receipts are $400,000 but less than $600,000: Superintendent of finance, $2,000; cashiers, $1,600; superintendent of mails, $2,000; assistant superintendent of mails, $1,600; stenographers, $900 to $1,200.

At each post office where the receipts are $600,000 but less than $800,000: Superintendent of finance, $2,200; cashiers, $1,700; superintendent of mails, $2,200; assistant superintendent of mails, $1,600 and $1,700; stenographers, $900 to $1,200.

At each post office where the receipts are $800,000 but less than $1,000,000: Superintendent of finance, $2,400; cashiers, $1,800; superintendent of mails, $2,400; assistant superintendent of mails, $1,700 and $1,800; stenographers, $900 to $1,200; bookkeeper, $1,400.

At each post office where the receipts are $1,000,000 but less than $1,500,000: Superintendent of finance, $2,600; cashiers, $2,000; superintendent of mails, $2,600; assistant superintendent of mails, $1,800 and $2,000; stenographers, $900 to $1,200; bookkeeper, $1,500.

At each post office where the receipts are $1,500,000 but less than $2,000,000: Superintendent of finance, $2,800; cashiers, $2,200; superintendent of mails, $2,800; assistant superintendent of mails, $2,000 and $2,200; stenographers, $900 to $1,200; bookkeeper, $1,600.

At each post office where the receipts are $2,000,000 but less than $3,000,000: Superintendent of finance, $3,000; cashiers, $2,400; superintendent of mails, $3,000; assistant superintendent of mails, $2,000, $2,200, and $2,400; stenographers, $900 to $1,200; bookkeeper, $1,800.

At each post office where the receipts are $3,000,000 but less than $5,000,000: Superintendent of finance, $3,200; cashiers, $2,600; superintendent of mails, $3,200; assistant superintendent of mails, $2,200, $2,400, and $2,600; stenographers, $900 to $1,200; bookkeeper, $2,000.

At each post office where the receipts are $5,000,000 but less than $10,000,000: Superintendent of finance, $3,400; cashiers, $2,800; superintendent of mails, $3,400; assistant superintendent of mails, $2,400, $2,600, and $2,800; stenographers, $900 to $1,200; bookkeeper, $2,200.

At each post office where the receipts are $10,000,000 but less than $20,000,000: Superintendent of finance, $3,600; cashiers, $2,800; superintendent of mails, $3,600; assistant superintendents of mails, $2,400, $2,600, and $2,800; stenographers, $900 to $1,200; bookkeeper, $2,400.

At each post office where the receipts are $20,000,000 or over: Superintendent of finance, $3,800; cashiers, $2,800; superintendent of mails, $3,800; assistant superintendent of mails, $2,400, $2,600, and $2,800; superintendent of delivery, $3,800; assistant superintendents of delivery, $2,400, $2,600, and $2,800; stenographers, $900 to $1,200; bookkeeper, $2,400; auditor, $3,000: *And provided further*, That there may also be employed at first-class post offices special clerks, foremen, and stenographers, at a salary of $1,300 or more per annum: *And provided further*, That on and after July 1, 1915, the salary of station superintendents shall be based on the postal receipts and number of employees at their respective stations on the following basis:

When the receipts of a carrier station do not exceed $5,000 per annum, the station shall have a credit of three points, and for each additional $5,000 a credit of one point.

When the receipts of a noncarrier station do not exceed $5,000 per annum, the station shall have a credit of three points, and for each additional $30,000 a credit of one point.

When the employees (clerks and carriers, city and rural) at a carrier station are three or less, the station shall have a credit of one point and for each multiple of three employees a credit of one point.

Stations having credit of less than five points shall be in charge of a clerk at a salary not to exceed $1,200.

At stations having a total credit of 5 points or more the salary of the superintendent shall be as follows: Five and six points, superintendent, $1,300; 7 to 9 points, superintendent, $1,400; 10 to 13 points, superintendent, $1,500; 14 to 18 points, superintendent, $1,600; 19 to 23 points, superintendent, $1,700; 24 to 32 points, superintendent, $1,800; 33 to 44 points, superintendent, $1,900; 45 to 64 points, superintendent, $2,000; 65 to 100 points, superintendent, $2,100; 101 to 135 points, superintendent, $2,200; 136 to 200 points, superintendent, $2,300; 201 to 275 points, superintendent, $2,400; 276 to 350 points, superintendent, $2,500; 351 points and over superintendent, $2,600: *Provided*, That by reason of the reclassification plan herein provided no employee shall receive less compensation than before the passage of this act.

The amendment was agreed to.

The next amendment was, on page 19, line 23, before the word "years," to strike out "two" and insert "four," so as to make the clause read:

For compensation to clerks in charge of contract stations, $1,200,000: *Provided*, That hereafter the Postmaster General may enter into contracts for the conduct of such stations for a term not exceeding four years.

The amendment was agreed to.

The next amendment was, on page 20, line 3, after the words "post offices," to strike out "$2,000,000" and insert "$1,900,000," so as to make the clause read:

For temporary and auxiliary clerk hire at first and second class post offices and temporary and auxiliary clerk hire at summer and winter resort post offices, $1,900,000.

The amendment was agreed to.

The next amendment was, on page 20, line 15, after the word "further," to strike out "That in the disbursement of this appropriation no employee shall be paid at a rate higher than $600 per annum," and insert "That the Postmaster General may, in the disbursement of this appropriation, expend not exceeding $400,000 for the employment, at a maximum salary of $600 per annum, of assistant postmasters at post offices of the third class where the salary of the postmaster is $1,800 or $1,900 per annum," so as to make the proviso read:

Provided, That no allowance in excess of $300 shall be made where the salary of the postmaster is $1,000, $1,100, or $1,200; nor in excess of $400 where the salary of the postmaster is $1,300, $1,400, or $1,500; nor in excess of $500 where the salary of the postmaster is $1,600 or $1,700; nor in excess of $800 where the salary of the postmaster is $1,800 or $1,900: *And provided further*, That the Postmaster General may, in the disbursement of this appropriation, expend not exceeding $400,000 for the employment, at a maximum salary of $600 per annum, of assistant postmasters at post offices of the third class where the salary of the postmaster is $1,800 or $1,900 per annum.

The amendment was agreed to.

The next amendment was, on page 21, line 11, after the words "without pay," to strike out "and for the promotion of 75 per cent of the letter carriers in first-class post offices from the fifth to the sixth grade and for the promotion of 75 per cent of the letter carriers in second-class offices from the fourth to the fifth grade"; and in line 16, after the words "City Delivery Service," to strike out "$38,760,000" and insert "$37,060,000: *Provided*, That on and after July 1, 1915, carriers at first-class post offices shall be promoted successively to the sixth grade and carriers at second-class post offices shall be promoted successively to the fifth grade. All promotions of carriers shall be made at the beginning of the quarter following the expiration of two years' service in the next lower grade and no promotion shall be made except upon evidence satisfactory to the Post Office Department of the efficiency and faithfulness of the employee during the preceding two years," so as to make the clause read:

For pay of letter carriers at offices already established, including substitutes for letter carriers absent without pay, City Delivery Service, $37,060,000: *Provided*, That on and after July 1, 1915, carriers at first-class post offices shall be promoted successively to the sixth grade and carriers at second-class post offices shall be promoted successively to the fifth grade. All promotions of carriers shall be made at the beginning of the quarter following the expiration of two years' service in the next lower grade and no promotion shall be made except upon evidence satisfactory to the Post Office Department of the efficiency and faithfulness of the employee during the preceding two years.

Mr. BRYAN. Mr. President——

The VICE PRESIDENT. The Senator from Florida.

Mr. BRYAN. That is connected with the amendment which has been heretofore agreed to, and in view of that fact this amendment should be disagreed to. We should restore the House language and leave out the amendment proposed by the committee appearing in italics.

Mr. PENROSE. What part of the bill is the Senator from Florida proposing to amend?

Mr. BRYAN. On page 21.

Mr. PENROSE. The Senate has been making such unseemly haste all day that I have had difficulty in keeping up with the proceedings.

Mr. BRYAN. There were three classes of employees involved in biennial or annual promotions. The Senate has restored the House provision in so far as the postal clerks are concerned. The letter carriers are likewise situated, as are the postal clerks. On page 21 the letter carriers are dealt with, and disagreement with the amendment would restore the House provision as to letter carriers, which allows annual promotions instead of making them biennial.

Mr. PENROSE. Then the provision for the biennial promotion of letter carriers is stricken out of the bill?

Mr. BRYAN. That increases the amount $1,700,000.

Mr. PENROSE. I again express my gratification that the committee has taken that action. I had some remarks to make on the measure, but, of course, it is not necessary to address the Senate on it, and I shall restrain myself and ask the Reporter to insert in the RECORD the communication which I send to the desk, from the National Association of Letter Carriers.

Mr. BRYAN. It is costing about a million and a half dollars every time the Senator from Pennsylvania restrains himself.

The VICE PRESIDENT. Without objection, the communication referred to by the Senator from Pennsylvania will be inserted in the RECORD. The Chair hears none.

The communication referred to is as follows:

NATIONAL ASSOCIATION OF LETTER CARRIERS,
Washington, D. C., February 10, 1915.

Hon. BOIES PENROSE, *City.*

MY DEAR SENATOR: I submit herewith for your consideration a statement showing the effect that the amendment proposed in the Post Office

appropriation bill, on page 21, lines 17 to 24, and page 22, lines 1 and 2, will have on the classification act, which provides the manner and method for promotions of letter carriers in the City Delivery Service. Under the law as it now stands a letter carrier works on an average of eight years before he can possibly reach the maximum grade in a first-class post office or the $1,100 grade in a second-class office, and during that period of time his average daily compensation is $2.05.

A letter carrier is only paid for the actual time that he is employed, so that in case of sickness or other causes a letter carrier is off duty, his average earnings fall below the above amount. A postal employee can not be promoted to any of the intermediate grades unless he renders satisfactory service for one year in each of the lower grades, so that his promotion depends entirely on his rendering efficient service. I trust that you will read the statement submitted herewith, and that you can see the depressing effect that the proposed amendment will have on the letter carriers of the country if it is enacted into law.

I hope that the justice of retaining the classification act in its present form will meet with your approval and that you can see your way clear to record your opposition to the amendment proposed, and that you will not think it presumptuous of me for drawing your attention to this matter.

Sincerely, yours, ED. J. CANTWELL, *Secretary.*

EFFECT OF PROPOSED AMENDMENT ON LETTER CARRIERS' CLASSIFICATION LAW.

The Post Office appropriation bill as reported to the Senate February 8, 1915, contains three amendments which, if enacted into law, will amend the classification acts of post-office clerks in first and second class post offices and letter carriers in the City Delivery Service and railway mail clerks, and provide that promotions in these services shall be made biennially instead of annually as at present. For the information of the Senate a statement is herewith submited of the operation of the law in its present form and also the effect that the proposed amendment would have if it is adopted.

In the City Delivery Service, when a man receives an appointment he is assigned for duty as a substitute. These substitutes serve on an average of three years before they receive an appointment to the regular force, and during this substitute period earn on an average of $25 per month. When appointed to a regular position the employee receives a salary of $800 per annum the first year, and if his services are satisfactory to the department and he is recommended for promotion by his postmaster he can receive annual promotions of $100 each year until he reaches the $1,100 grade in second-class offices and the $1,200 grade in first-class offices. Under the most favorable circumstances he must work eight years under the present law before he can reach the maximum grade of salary, and during that period of time he averages $61.46 per month, or $2.05 per day.

Under the proposed amendment a city letter carrier would work on an average of three years as a substitute at $25 per month, and if then appointed to the regular force he would have to serve two years in the $800 grade and two years in each of the intervening grades, or a total of 13 years before he could reach the $1,200 grade. His average earning capacity during the first 8 years under the proposed amendment would be $55.21 per month, or $1.84 per day. A comparison of 8 years of service under the present law and that of the amendment proposed in this bill is herewith submitted.

PRESENT LAW.

Average period served as a substitute is three years, with an average salary of $25 per month, or $300 per year.

3 years as substitute, at $300	$900.00
1 year as regular, at $800	800.00
1 year as regular, at $900	900.00
1 year as regular, at $1,000	1,000.00
1 year as regular, at $1,100	1,100.00
1 year as regular, at $1,200	1,200.00
Total 8 years' salary	5,900.00
Average yearly salary	737.50
Average monthly salary	61.46
Average daily salary	2.05

PROPOSED LAW.

3 years as substitute, at $300	$900.00
2 years as regular, at $800	1,600.00
2 years as regular, at $900	1,800.00
1 year as regular, as $1,000	1,000.00
Total 8 years' salary	5,300.00
Average yearly salary	662.50
Average monthly salary	55.21
Average daily salary	1.84

The present law provides that "no promotion shall be made except upon evidence satisfactory to the Post Office Department of the efficiency and faithfulness of the employee during the preceding year. The Post Office Department may reduce a clerk or carrier from a higher to a lower grade whenever his efficiency falls below a fair standard or whenever necessary for purposes of discipline." According to the law as it now stands, an employee must earn his promotion by rendering service entirely satisfactory to the postmaster and the Post Office Department officials, and unless he does so he is denied promotion. Under the most favorable conditions and with a record of efficient service, an employee works on an average of eight years before he can possibly reach the $1,200 grade. If the amendment proposed by the Senate committee is adopted it will take an employee 13 years before he can reach the $1,200 grade.

The amendment referred to above is on page 21, lines 17 to 24, and page 22, lines 1 and 2. Post Office appropriation bill.

It is contended that under the laws that now exist that the promotions of employees are none too rapid considering the duties they perform, and it surely would not be an incentive to competent and efficient employees to continue in the service if they have to look forward to 13 years of service before they could reach the highest grade of $1,200 per annum.

The VICE PRESIDENT. Without objection the amendment is disagreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, on page 22, line 5, after the word "established," to strike out "$3,500,000," and insert "$3,000,000"; so as to make the clause read:

For pay of substitutes for letter carriers absent with pay, and of auxiliary and temporary letter carriers at offices where city delivery is already established, $3,000,000.

The amendment was agreed to.

The next amendment was under the subhead "Office of the Second Assistant Postmaster General," on page 24, line 2, after the words "mail bags," to strike out "$650,000," and insert "$625,000"; so as to make the clause read:

For pay of freight or expressage on postal cards, stamped envelopes, newspaper wrappers, and empty mail bags, $625,000.

The amendment was agreed to.

The next amendment was, on page 25, line 4, after the words "in all," to strike out "$30,429,825" and insert "$29,664,000"; so as to make the clause read:

Railway Mail Service: For 15 division superintendents, at $3,250 each; 2 assistant superintendents, at $2,350 each; 15 assistant division superintendents, at $2,250 each; 121 chief clerks, at not exceeding $2,100 each; 466 clerks, grade 10, at not exceeding $1,800 each; 1,658 clerks, grade 9, at not exceeding $1,700 each; 601 clerks, grade 8, at not exceeding $1,600 each; 6,985 clerks, grade 7, at not exceeding $1,500 each; 2,041 clerks, grade 6, at not exceeding $1,400 each; 1,839 clerks, grade five, at not exceeding $1,300 each; 2,441 clerks, grade 4, at not exceeding $1,200 each; 2,672 clerks, grade 3, at not exceeding $1,100 each; 2,429 clerks, grade 2, at not exceeding $1,000 each; 2,213 clerks, grade one, at not to exceed $900 each; in all $29,664,000.

The amendment was agreed to.

The next amendment was, on page 25, line 13, after the word "exceeded," to insert:

Provided further, That from and after July 1, 1915, regular promotions of railway postal clerks now provided for by law shall be made, and promotions above these grades within the maximum grades of the classification may be made in the discretion of the Postmaster General for meritorious service, only at the beginning of the quarter following the expiration of two years' service in the next lower grade.

Mr. BRYAN. Following the same action that has heretofore been taken, the proposed amendment from line 13 to line 25 should be disagreed to.

The VICE PRESIDENT. Without objection, the amendment is disagreed to.

Mr. CHILTON. Mr. President, may I say, in line with what the Senator from Pennsylvania [Mr. PENROSE] has said, that I am sorry that the Senate will be deprived of some very eloquent remarks from West Virginia on that subject, owing to the action which the Senator from Florida has just taken. I, too, desire to congratulate him.

Mr. BRYAN. Mr. President, I move to reconsider the vote whereby the amendment on page 25, line 4, striking out "$30,429,825" and inserting "$29,664,000" was agreed to, and that the amendment be disagreed to. The rejection of the amendments in regard to promotions costs money, and we will have to put back the amounts originally provided.

Mr. PENROSE. As I understand, the rejection of the proviso beginning on line 13, page 25, eliminates the biennial promotion proposition so far as the railway postal clerks are concerned?

Mr. BRYAN. Yes.

Mr. PENROSE. In that connection, without making the speech which I intended to make on this question, I desire to insert in the RECORD a communication from the official representatives of this class of employees, explaining the reasons why the amendment proposed should not prevail.

The VICE PRESIDENT. Without objection, the communication will be printed in the RECORD.

The matter referred to is as follows:

WASHINGTON, D. C., *February 11, 1915.*

Hon. BOIES PENROSE,
United States Senate, City.

MY DEAR SENATOR: I am sending with this a statement that will explain, on behalf of the men in the Railway Mail Service, the effect of the amendment contained in the Post Office bill as reported by the Senate committee. The amendment affecting this branch of the service reads as follows:

"*Provided further*, That from and after July 1, 1915, regular promotions of railway postal clerks now provided for by law shall be made, and promotions above these grades within the maximum grades of the classification may be made, in the discretion of the Postmaster General, for meritorious service only at the beginning of the quarter following the expiration of two years' service in the next lower grade."

The effect of this amendment is to change the system of annual promotions established by the law of August 24, 1912, to a biennial system. The effect of this amendment will fall most heavily upon the men in the lower grades of this service and but lightly upon the men in the higher grades.

I would be pleased to have you give the inclosed statement such consideration as you may think the subject merits.

Very respectfully,

GEO. H. FAIR.

A STATEMENT.

The Post Office bill as reported by the Senate committee contains three similar amendments. These affect the post-office clerks at certain offices, the carriers at free-delivery offices, and the Railway Mail Service. The amendment affecting the post-office clerks is found on page 14 of the bill, lines 10 to 20; that affecting the carriers is found on pages 21 to 22,

beginning with line 17 on page 21; and that affecting the Railway Mail Service is found on page 25, lines 13 to 20.

The law providing for annual promotions in the Railway Mail Service was passed August 24, 1912—less than three years ago. By it the clerks in this service were placed upon the same promotion basis as the letter carriers and the post-office clerks. While it provided for successive promotions up to a certain limit, it was essentially a service-promition measure. Under the provisions of this law a clerk in a class A line might be promoted successively to the $1,100 grade, a clerk in a class B line to the $1,200 grade, and a clerk in a class C line to the $1,300 grade. In each case the clerk must earn his promotion by rendering a year's "satisfactory service" in the next lower grade. Promotions above these grades are "meritorious promotions," to be made in the discretion of the Postmaster General upon satisfactory evidence of "the efficiency and faithfulness of the employee during the preceding year."

In the Railway Mail Service a prospective clerk enters the service as a substitute, without regular employment or any guaranteed compensation. He is given employment whenever his services are needed, because of the absence, from any cause, of the regular clerks. He may have steady employment for a season or he may work but a few days in a month. His period of service as a substitute under normal conditions has been, approximately, two years, but under existing conditions it will be a longer time. He is regularly appointed when he has reached the head of the substitute list. During his whole life as a substitute he is required to study his schemes of distribution unless he be assigned to a terminal railway post office.

When he is regularly appointed, it is as a clerk of grade 1, at a salary of $900. Under the present law he serves for one year in this grade, and, if his services have been satisfactory, he is promoted to $1,000. After a year's satisfactory service in this grade he is promoted to $1,100. This is his "successive promotion limit" on a class A line. If he be assigned to a class B line or a class C line, he may be promoted to $1,200; and if he be assigned to a class C line, he may be promoted to $1,300. Each of these promotions depends upon "satisfactory service," which includes study requirements, road work, and general qualifications.

Under the law of August 24, 1912, it requires approximately seven years to reach the limit of the successive promotions and nine years to reach the highest grade in the service below that of a clerk in charge. Under the proposed amendment it will require 10 years of service before a clerk reaches the highest grade of the successive promotions, the $1,300 grade, and 14 years before he can reach the highest grade in the service below that of a clerk in charge—that is, the $1,500 grade in a class C line. During all of this time he is exposed to the hazard incident to this branch of the service and is maintaining his examination requirements at the high standard fixed by the Post Office Department.

This proposed change does not affect to a very great extent the higher grade men of the service, but the burden of it falls upon the men of the lower grades.

Taking into consideration the hazard of his employment, the exhaustive physical effort required to work at high tension upon rapidly moving trains, and the exact knowledge required of him in the discharge of his duty, it would appear that his compensation was not out of proportion to the services rendered.

Respectfully submitted.

GEO. H. FAIR,
President Railway Mail Association.

The VICE PRESIDENT. On page 25, line 4, does the amount, "$30,429,825," remain in the bill?

Mr. BRYAN. Yes; I have moved to reconsider the vote whereby the amendment was agreed to striking out that amount and inserting "$29,654,000" and that the amendment be rejected.

The VICE PRESIDENT. In the absence of objection, the vote whereby the amendment was agreed to is reconsidered and the amendment is rejected.

Mr. LEWIS. May I ask if the effect of the committee amendment being disagreed to revives the old law providing for annual promotions if deserved?

Mr. BRYAN. It makes promotions compulsory if the employees remain in the service.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, on page 29, after line 12, to strike out:

The appropriation for two delegates to the International Postal Union at Madrid, to be appointed by the Postmaster General from the Post Office Department, made by the act of August 24, 1912, making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes, is hereby continued and shall be available for such convention when it shall be held.

And insert:

The appropriation for two delegates to the International Postal Union at Madrid, to be appointed by the Postmaster General from the Postal Service, made by the act of August 24, 1912, making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes, is hereby continued and shall be available for such convention when it shall be held.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Fourth Assistant Postmaster General," on page 30, line 7, after the words "Rural Delivery Service," to strike out "$54,700,000," and insert "$52,000,000," so as to make the clause read:

For pay of letter carriers, substitutes for carriers on annual leave, clerks in charge of substations, and tolls and ferriage, Rural Delivery Service, $52,000,000: *Provided*, That not to exceed $20,000 of the amount hereby appropriated may be used for compensation of clerks in charge of substations.

Mr. WEEKS. Mr. President——

The VICE PRESIDENT. The Senator from Massachusetts.

Mr. SWANSON. That amendment goes over.

Mr. SMOOT. It goes over.

Mr. WEEKS. I do not want any misunderstanding about it.

Mr. SWANSON. It is the amendment on page 30, line 7, under the heading "Office of the Fourth Assistant Postmaster General."

Mr. WEEKS. There are several Senators who want to discuss that matter.

Mr. SMOOT. That goes over with section 21 on page 56.

The VICE PRESIDENT. In the absence of objection, the amendment will be passed over.

Mr. BRYAN. What is the amendment which goes over?

Mr. SWANSON. It is in regard to the Rural Delivery Service on page 30.

Mr. BANKHEAD. There is no objection to that amendment being passed over.

The reading of the bill was resumed. The next amendment of the Committee on Post Offices and Post Roads was, on page 30, line 21, after the words "third class," to strike out "$200,000," and insert "$150,000," so as to make the clause read:

For experimental village delivery service in towns and villages having post offices of the second or third class, $150,000.

The amendment was agreed to.

Mr. BRYAN. Mr. President——

The VICE PRESIDENT. The Senator from Florida.

Mr. BRYAN. Mr. President, for myself only, I desire to move to strike out lines 20, 21, and 22, on page 30. I wish to state in a word that the provision incorporated in those lines will embark us upon an expenditure that in a few years will mount into the millions of dollars for village delivery service. This item is added on the theory that it is experimental; but before the House committee it was stated that the object they have in view and what this money will be spent for will be to make an experimental delivery service in each congressional district. When you establish such a service in one village in each congressional district, then every other town and every other village of the same size will be demanding it; and they will have justice behind the demand. They will demand it upon the ground of equality of treatment.

Now, I understand that the Senate is going to allow the provision to remain in the bill, but I want to register my protest against it here and now, and I make the prediction that if it does remain in the bill, in 10 years the service will cost the Government $20,000,000.

Mr. SMITH of Georgia. Mr. President, I should like to ask the Senator a question. Why does he think the Senate will necessarily leave the provision in the bill?

Mr. BRYAN. They left it in last year. The experiment was initiated two years ago with an appropriation of $50,000. The Post Office Department was opposed to it then, and is opposed to it now. They want to save this $150,000. They tried to save by asking the men in the service to waive for this year the annual promotions, but it became so evident that Congress would not agree to that proposition that the committee met again and reconsidered their action, because of which the appropriation has been increased by the amendments agreed to in the last few minutes between two and a half and three million dollars.

When the first appropriation for this experimental service was made, the department, to show its disapproval of it, did not spend the money; they have never spent the amount of money that has been appropriated; and even this year they came before Congress and said, "We do not want this money"; and yet the House gave $200,000. The department said, however, "If you give it to us, the understanding is that we will put a delivery service in one village in each congressional district"; and it is not difficult to figure that in a very few years every other village in every congressional district will be insisting upon the same privilege, and the people who now can not be kept away from the village post office, who go there day by day to see the trains pass and to get their mail, will stay at home or will not go to the post office, or, if they do go, they will not get their mail there, but will have it delivered to them.

Mr. President, it seems to me that the rural carriers could deliver this mail without any additional expense at all, but that is not the plan. The plan is to build up a system that in a few years is going to cost 50 per cent of the amount the Rural Delivery Service costs to-day.

Mr. SMOOT. Mr. President, I hope the Senate will agree to strike out lines 20, 21, and 22.

Mr. BRYAN. I hope so, too, and I hope at least the matter will go to conference.

Mr. SMOOT. If those lines are stricken out, it will go to conference. I agree with the Senator from Florida in relation to this item. I do not believe that we ought to embark on this undertaking.

Mr. SWANSON. Mr. President——

The VICE PRESIDENT. The Senator from Virginia.

Mr. SWANSON. Mr. President, this is simply an appropriation to continue the present existing service. One hundred and fifty thousand dollars was spent for this purpose last year, and the amount has been reduced in this bill to that figure. There are certain small towns which do not have the advantages of the larger towns; they do not have the advantage of rural delivery. The department has endeavored to make experiments in those places to see to what extent they could improve the mail facilities, which are really worse in some of the small villages than they are in the country districts.

Mr. BRYAN. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BRYAN. Was it agreed by unanimous consent that the committee amendments should be first considered?

The VICE PRESIDENT. It was.

Mr. BRYAN. Then, I desire to withdraw my amendment, because I had forgotten that for the moment.

The VICE PRESIDENT. The amendment is not in order at the present time.

Mr. BANKHEAD. Mr. President, I ask that that provision in the bill go over until to-morrow, as some other Senators desire to speak on it.

The VICE PRESIDENT. The amendment has been agreed to, and there is nothing to go over. It will be subject to amendment to-morrow.

The reading of the bill was resumed. The next amendment of the Committee on Post Offices and Post Roads was, under the subhead "Postal savings system," on page 31, line 17, after the words "straps," to insert "baskets," and in the same line, after the word "repair," to strike out "baskets," so as to make the clause read:

For supplies for the City Delivery Service, including satchels, straps, baskets, and their repair, time cards, time-recorder supplies, maps, transfer designs, and stencils, $50,000.

The amendment was agreed to.

The next amendment was, on page 33, line 5, after "$100,000" to insert "*Provided*, That $6,000 of the sum hereby appropriated may be expended immediately after the passage of this act for the purchase of dies for letter boxes," so as to make the clause read:

For equipment for City Delivery Service, including letter boxes, letter-box fasteners, package boxes, posts, furniture, trucks, and time-card frames, $100,000: *Provided*, That $6,000 of the sum hereby appropriated may be expended immediately after the passage of this act for the purchase of dies for letter boxes.

Mr. PENROSE. Mr. President, the amendment of the committee on page 33 just read by the Secretary is rather a radical departure from the policy of the Post Office Department. As I understand, the Fourth Assistant Postmaster General proposes to go down to the navy yard or some other place and make certain dies for letter boxes, which have heretofore and are now being actually made and contracted for by private individuals and corporations. I raise the point of order that this is in the nature of new legislation and should not be retained in the bill.

The VICE PRESIDENT. Is there any law that authorizes the making of the dies for letter boxes?

Mr. PENROSE. No, sir.

The VICE PRESIDENT. Then the point of order is overruled.

Mr. PENROSE. I do not understand the Chair.

The VICE PRESIDENT. The Chair stated that unless there is some general law upon the subject the point of order is overruled.

Mr. PENROSE. The law at the present time authorizes the contracting for these dies with private individuals. I should like to have this matter go over until to-morrow, so that the Chair may look into it, and I want to be heard on it.

The VICE PRESIDENT. The Chair asked the Senator from Pennsylvania whether there was any law on the subject, and he said there was not.

Mr. PENROSE. My mind is not clear as to what the existing law is, and if the chairman of the committee will consent to having this passed over I should be glad to have that done.

Mr. SWANSON. Mr. President, I think all the law is contained in this appropriation:

For equipment for City Delivery Service, including letter boxes, letter-box fasteners, package boxes, posts, furniture, trucks, and time-card frames, $100,000.

There is no law on the subject except that, as I understand it.

Mr. PENROSE. That is all.

Mr. SWANSON. This is to authorize these dies to be purchased as much as to rent them or lease them, and the purchases to be made where it can be done to the advantage of the Government. I do not see how it is subject to a point of order.

Mr. BRANDEGEE. Mr. President, may I make a suggestion?

Mr. PENROSE. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. It appears that for equipment for City Delivery Service, etc., including certain things, $100,000 is appropriated. Then there is couched in the language and under the guise of a proviso a provision that a part of this sum that is authorized to be spent for certain specific purposes herein enumerated is to be diverted and spent for another purpose that does not appear by law to be authorized. It seems to me that under the guise of a limitation upon an appropriation for a specific purpose it is an authorization for a different purpose. I was confused by the ruling of the Chair.

The VICE PRESIDENT. The Senator from Connecticut has no doubt, has he, that the Congress of the United States has a right to expend this money for post-office purposes as it pleases?

Mr. BRANDEGEE. Oh, I think the money must be spent as directed by Congress, and if Congress directs that $100,000 shall be spent for letter boxes, letter-box fasteners, package boxes, posts, furniture, trucks, and time-card frames, I do not think the Senate can add an amendment to a general appropriation bill legislating, under the guise of a limitation, that part of this money shall be spent for something else. When the Chair asked the question whether there was any law authorizing this proviso, and was informed that there was no law, I expected that the Chair was going to sustain the point of order because there was no law authorizing it.

The VICE PRESIDENT. No. Why could not the Senate, if it wanted to, amend this and provide that not more than $6,000 should be used for letter boxes, or any other amount, for that purpose?

Mr. BRANDEGEE. Certainly they could put a limitation in the nature of a proviso upon the amount to be spent for each purpose for which they had authorized the expenditure; but that is not what they attempt to do.

The VICE PRESIDENT. Exactly.

Mr. BRANDEGEE. The House authorizes this $100,000 to be spent for certain enumerated objects. The Senate says: "*Provided*, That a part of it shall be spent for something else," which, as it seems to me, is legislation on an appropriation bill. Of course that is only my opinion.

The VICE PRESIDENT. Unless there is some law of the United States that fixes how dies for letter boxes are to be bought, the Chair will be compelled to overrule the point of order. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, on page 33, line 23, after the word "operation," to strike out "$325,000" and insert "$300,000," so as to make the clause read:

For rental and purchase of canceling machines and baling presses, including cost of power in rented buildings, motors, repairs to motors, and miscellaneous expenses of installation and operation, $300,000.

The amendment was agreed to.

The SECRETARY. The next committee amendment proposes to strike out all after line 9, on page 35, down to and including line 24, on page 57, as follows:

SEC. 2. That the act approved August 24, 1912, being "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes," is hereby amended as follows: At the end of section 5 of said act, after the word "service," insert the following: "*Provided*, That compensatory time for Sunday service during the month of December in any year may be allowed during the month of January next succeeding."

SEC. 3. That hereafter the Postmaster General may establish, under such rules and regulations as he may prescribe, one or more branch offices, nonaccounting offices, or stations of any post office for the transaction of such postal business as may be required for the convenience of the public.

SEC. 4. That on and after July 1, 1915, when the total compensation of any postmaster at a post office of the fourth class for four consecutive quarters shall amount to $1,000, exclusive of commissions on money orders issued, and the receipts of such post office for the same period shall aggregate as much as $1,900, the Auditor for the Post Office Department shall so report to the Postmaster General, who shall, in pursuance of such report, assign such post office to its proper class, to become effective at the beginning of the next succeeding quarterly period, and fix the salary of the postmaster accordingly.

SEC. 5. That so much of section 1 of the "Act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes," approved August 24, 1912, which provides that the Post Office Department shall not extend or enlarge its present policy of sending second-class matter by freight trains, is hereby repealed.

SEC. 6. That the Postmaster General, in cases of emergency, between October 1 and April 1 of any year, may hereafter return to the mails empty mail bags theretofore withdrawn therefrom as required by law, and for such times may pay for their railroad transportation out of the appropriation for inland transportation by railroad routes at not exceeding the rate per pound per mile as shown by the last adjustment for mail service on the route over which they may be carried, and pay for necessary cartage out of the appropriation for freight or expressage.

SEC. 7. That when, during a weighing period, on account of floods or other causes, interruptions in service occur on railroad routes and weights of mail are decreased below the normal, or where there is an omission to take weights, the Postmaster General, for the purpose of readjusting compensation on such railroad routes as are affected thereby, is hereafter authorized, in his discretion, to add to the weights of mails ascertained on such routes during that part of the weighing period when conditions are shown to have been normal the estimated weights for that part of the weighing period when conditions are shown to have been not normal, or where there has been an omission to take weights, based upon the average of weights taken during that part of the weighing period during which conditions are shown to have been normal, the actual weights and the estimated weights to form the basis for the average weight per day upon which to readjust the compensation according to law on such railroad routes for the transportation of the mails, notwithstanding the provisions of the act of Congress approved March 3, 1905, requiring that the average weight shall be ascertained by the actual weighing of the mails for such a number of successive working days, not less than 90, as the Postmaster General may direct: *Provided further*, That readjustments from July 1, 1913, may be made under this provision on routes in the first section affected by the floods in the Ohio Valley and tributary territories, commencing about March 25, 1913.

SEC. 8. That so much of section 4 of "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes," approved August 24, 1912, as provides that no adjustment shall be made unless the diverted mails equal at least 10 per cent of the average daily weight on any of the routes affected is hereby repealed.

SEC. 9. That hereafter the Postmaster General may transfer, under such regulations as he may prescribe, clerks or carriers from post offices of the first and second classes to the Railway Mail Service at salaries not exceeding the salary which the clerks or carriers are receiving in the post offices at the time of such transfer, with the consent of the clerk or carrier.

SEC. 10. That the Postmaster General is authorized and directed to readjust the compensation to be paid to railroad companies from and after the 30th day of June, 1915, or as soon thereafter as may be practicable, for the transportation and handling of the mails and furnishing facilities and services in connection therewith upon the conditions and at the rates hereinafter provided.

The Postmaster General may state railroad mail routes and authorize mail service thereon of the following four classes, namely: Full railway post-office car service, apartment railway post-office car service, storage car service, and closed pouch service.

Full railway post office car mail service shall be service by cars 40 feet or more in length, constructed, fitted up, and maintained for the distribution of mails on trains. The authorizations of full railway post office cars shall be for standard size cars 60 feet in length, inside measurement, except as hereinafter provided.

Apartment railway post office car mail service shall be service by apartments less than 40 feet in length in cars constructed, fitted up, and maintained for the distribution of mails on trains. Two standard sizes of apartment railway post office cars may be authorized and paid for, namely, apartments 15 feet and 30 feet in length, inside measurement, except as hereinafter provided.

Storage-car mail service shall be service by cars used for the storage and carriage of mails in transit other than by full and apartment railway post-office cars. The authorizations for storage cars shall be for cars 60 feet in length, inside measurement, except as hereinafter provided: *Provided*, That less than 60 feet of storage space may be authorized in baggage cars.

Service by full and apartment railway post-office cars and storage cars shall include the carriage therein of all mail matter, equipment, and supplies for the mail service and the employees of the Postal Service or Post Office Department as shall be directed by the Postmaster General to be so carried.

Closed pouch mail service shall be the transportation and handling by railroad employees of mails on trains on which full or apartment railway post-office cars are not authorized, except as hereinbefore provided.

The rates of payment for the services authorized in accordance with this act shall be as follows, namely:

For full railway post office car mail service at not exceeding 21 cents for each mile of service by a 60-foot car.

In addition thereto he may allow not exceeding $2 as an initial rate and the same as a terminal rate for each one-way trip of a 60-foot car.

For apartment railway post-office car mail service at not exceeding 10½ cents for each mile of service by a 30-foot apartment car and 5½ cents for each mile of service by a 15-foot apartment car.

In addition thereto he may allow not exceeding $1 as an initial rate and the same as a terminal rate for each one-way trip of a 30-foot apartment car, and 50 cents as an initial rate and the same as a terminal rate for each one-way trip of a 15-foot apartment car.

For storage-car mail service at not exceeding 20 cents for each mile of service by a 60-foot car.

In addition thereto he may allow not exceeding $2 as an initial rate and the same as a terminal rate for each one-way trip of a 60-foot car.

Where authorizations are made for cars of the standard lengths of 60, 30, and 15 feet, as provided by this act, and the railroad company is unable to furnish such cars of the length authorized, but furnishes cars of lesser length than those authorized, but which are determined by the department to be sufficient for the service, the Postmaster General may accept the same and pay only for the actual space furnished and used, the compensation to be not exceeding pro rata of that provided by this act for the standard length so authorized: *Provided*, That the Postmaster General may accept cars and apartments of greater length than those of the standard requested, but no compensation shall be allowed for such excess lengths.

For closed-pouch service, on routes upon which closed-pouch service only is performed, at not exceeding the rates of compensation provided by existing law for average daily weights of mail carried over the whole route; on routes upon which apartment railway post-office car and closed-pouch services are performed, at not exceeding $20 per mile per annum for each 2,000 pounds average daily weight of mails carried, and at pro rata of such rate of compensation for each 100 pounds of average daily weight greater or less than 2,000 pounds; and on routes upon which full railway post-office car and closed-pouch services or full railway post-office car, apartment car, and closed-pouch services are performed, at not exceeding $19 per mile per annum for each 2,000 pounds average daily weight of mails carried, and at pro rata of such rate of compensation for each 100 pounds of average daily weight greater or less than 2,000 pounds, the average daily weights to be ascertained in every case by the actual weighing of the mails.

The Postmaster General may require railroad companies carrying the mails to deliver them into and take them from the terminal and intermediate post offices and transfer them between railroad stations on their routes without additional compensation, under such regulations as he may deem proper, in cases where he does not provide for such service otherwise: *Provided*, That the Postmaster General, in his discretion, may relieve any of the roads of such service.

Railroad companies whose railroads were constructed in whole or in part by a land grant made by Congress, on the condition that the mails should be transported over their roads at such price as Congress should by law direct, shall receive only 80 per cent of the compensation otherwise authorized by this act.

The initial and terminal rates provided for herein shall cover expenses of loading and unloading mails, switching, lighting, heating, cleaning mail cars, and all other expenses incidental to station service and required by the Postmaster General in connection with the mails that are not included in the car-mile rate. The allowance for full railway post-office cars, apartment railway post-office cars, and storage cars may be varied in accordance with the approximate difference in their respective cost of construction and maintenance.

For the purpose of ascertaining the average weight of closed-pouch mails per day upon which to adjust compensation, the Postmaster General is authorized and directed to have such mails carried on the several routes weighed by the employees of the Post Office Department for such a number of successive days, not less than 35, at such times after the passage of this act as he may direct, and not less frequently than once in every year thereafter, the result to be stated and certified in such form and manner as he may direct. In computing the average weight of mails per day carried on a railroad route, the whole number of days included in the weighing period shall be used as a divisor. The expense of taking the weights of mails and the compensation to tabulators and clerks employed in connection with the weighings, for assistance in completing computations, and of rentals, if necessary, in Washington, D. C., shall be paid out of the appropriation for inland transportation by railroad routes.

In computing the car-miles of the full railway post-office cars and apartment railway post-office cars, the maximum space authorized in either direction of a round-trip car run shall be regarded as the space to be computed in both directions, unless otherwise mutually agreed upon.

In computing the car-miles of storage cars, the maximum space authorized in either direction of a round-trip car run shall be regarded as the space to be computed in both directions, unless the car be used by the company in the return movement, or otherwise mutually agreed upon.

New service and additional service may be authorized at not exceeding the rates herein provided, and service may be reduced or discontinued, with pro rata reductions in pay, as the needs of the Postal Service may require: *Provided*, That no additional pay shall be allowed for additional closed-pouch service on established routes until the next regular readjustment of pay therefor on such routes, and no additional pay shall be allowed for additional car service unless specifically authorized by the Postmaster General.

All cars or parts of cars used for the Railway Mail Service shall be of such construction, style, length, and character, and furnished in such manner as shall be required by the Postmaster General, and shall be constructed, fitted up, maintained, heated, lighted, and cleaned by and at the expense of the railroad companies. No pay shall be allowed for service by any railway post-office car which is not sound in material and construction and which is not equipped with sanitary drinking-water containers and toilet facilities, nor unless such car is regularly and thoroughly cleaned. No pay shall be allowed for service by any wooden full railway post-office car unless constructed substantially in accordance with the most approved plans and specifications of the Post Office Department for such type of cars, nor for service by any wooden full railway post-office car run in any train between adjoining steel cars, or between the engine and a steel car adjoining. After the 1st of July, 1917, the Postmaster General shall not approve or allow to be used, or pay for service by, any full railway post-office car not constructed of steel or steel underframe or equally indestructible material, and not less than 25 per cent of the full railway post-office cars of a railway company not conforming to these provisions on August 24, 1912, shall be replaced with cars constructed of steel annually after June, 1913; and all full railway post-office cars accepted for this service and contracted for by the railroad companies hereafter shall be constructed of steel. Until July 1, 1917, in cases of emergency and in cases where the necessities of the service require it, the Postmaster General may provide for service by full railway post-office cars of other than steel or steel underframe construction, and fix therefor such rate of compensation within the maximum herein provided as shall give consideration to the inferior character of construction, and the railroad companies shall furnish service by such cars at such rates so fixed.

Service over property owned or controlled by another company or a terminal company shall be considered service of the railroad company using such property and not that of the other or terminal company: *Provided*, That service over a land-grant road shall be paid for as herein provided.

Railroad companies carrying the mails shall furnish all necessary facilities for caring for and handling them while in their custody. They shall furnish all cars or parts of cars used in the transportation and distribution of the mails, except as is herein otherwise provided, and place them in stations before the departure of trains at such times and when required to do so. They shall provide station space and rooms for handling, distribution, and transfer of mails in transit, and for offices and rooms for the employees of the Postal Service engaged in such transportation, when required by the Postmaster General.

Every railroad company carrying the mails shall carry on any train it operates and without extra charge therefor the persons in charge of the mails, and when on duty and traveling to and from duty, and all duly accredited agents and officers of the Post Office Department and the Postal Service, while traveling on official business, upon the exhibition of their credentials.

If any railroad company carrying the mails shall fail or refuse to provide cars or apartments in cars for distribution purposes when required by the Postmaster General, or shall fail or refuse to construct, fit up, maintain, heat, light, and clean such cars and provide such appliances for use in case of accident as may be required by the Postmaster General, it shall be fined such reasonable sum as may, in the discretion of the Postmaster General, be deemed proper.

The Postmaster General shall in all cases decide upon what trains and in what manner the mails shall be conveyed. Every railroad company carrying the mails shall carry on any train it operates and with due speed all mailable matter, equipment, and supplies directed to be carried thereon. If any such railroad company shall fail or refuse to transport the mails, equipment, and supplies when required by the Postmaster General on any train or trains it operates, such company shall be fined such reasonable amount as may, in the discretion of the Postmaster General, be deemed proper.

The Postmaster General may make deductions from the pay of railroad companies carrying the mails under the provisions of this act for reduction in service or in frequency of service where, in his judgment, the importance of the facilities withdrawn or reduced requires it, and impose fines upon them for delinquencies. He may deduct the price of the value of the service in cases where it is not performed, and not exceeding three times its value if the failure be occasioned by the fault of the railroad company.

The provisions of this section shall apply to service operated by railroad companies partly by railroad and partly by steamboats.

The provisions of this section respecting the rates of compensation shall not apply to mails conveyed under special arrangement in freight trains, for which rates not exceeding the usual and just freight rates may be paid, in accordance with the classifications and tariffs approved by the Interstate Commerce Commission.

Railroad companies carrying the mails shall submit, under oath, when, and in such form as may be required by the Postmaster General, evidence as to the performance of service.

The Postmaster General is authorized to employ such clerical and other assistance as shall be necessary to carry out the provisions of this section, and to rent quarters in Washington, D. C., if necessary, for the clerical force engaged thereon, and to pay for the same out of the appropriation for inland transportation by railroad routes, and hereafter detailed estimates shall be submitted for such services in the annual Book of Estimates.

The Postmaster General shall, from time to time, request information from the Interstate Commerce Commission as to the revenue received by railroad companies from express companies for services rendered in the transportation of express matter, and may, in his discretion, arrange for the transportation of mail matter other than of the first class at rates not exceeding those so ascertained and reported to him, and it shall be the duty of the railroad companies to carry such mail matter at such rates fixed by the Postmaster General.

The Postmaster General is authorized, in his discretion, to petition the Interstate Commerce Commission for the determination of a postal carload or less-than-carload rate for transportation of mail matter of the fourth class and periodicals, and may provide for and authorize such transportation, when practicable, at such rates, and it shall be the duty of the railroad companies to provide and perform such service at such rates and on the conditions prescribed by the Postmaster General.

The Postmaster General may, in his discretion, distinguish between the several classes of mail matter and provide for less frequent dispatches of mail matter of the third and fourth classes and periodicals, when lower rates for transportation or other economies may be secured thereby without material detriment to the service.

The Postmaster General is authorized to return to the mails, when practicable for the utilization of car space paid for and not needed for the mails, postal cards, stamped envelopes, newspaper wrappers, empty mail bags, furniture, equipment, and other supplies for the Postal Service.

The Postmaster General, in cases of emergency between October 1 and April 1 of any year, may hereafter return to the mails empty mail bags and other equipment theretofore withdrawn therefrom as required by law, and where such return requires additional authorization of car space under the provisions of this section to pay for the transportation thereof as provided for herein out of the appropriation for inland transportation by railroad routes.

The Postmaster General may have the weights of mail taken on railroad mail routes and computations of the average loads of the several classes of cars and other computations for statistical and administrative purposes made at such times as he may elect, and pay the expense thereof out of the appropriation for inland transportation by railroad routes.

It shall be unlawful for any railroad company to refuse to perform mail service at the rates of compensation provided by law when and for the period required by the Postmaster General so to do, and for every such offense it shall be fined not exceeding $5,000.

That the appropriations for inland transportation by railroad routes and for railway post-office car service for the fiscal year ending June 30, 1916, are hereby made available for the purposes of this section.

SEC. 11. That on account of the increased weight of mails resulting from Postmaster General's order No. 7349, of July 25, 1913, respecting rates upon and limit of weight of parcel-post packages in the local, first, and second zones, and effective from August 15, 1913, the Postmaster General is authorized to add to the compensation paid for transportation on railroad routes on and after August 15, 1913, for the remainder of the contract terms, not exceeding one-half of 1 per cent thereof per annum.

SEC. 12. That on account of the increased weight of mails resulting from Postmaster General's orders Nos. 7720 and 7721, of December 18, 1913, respecting rates upon and limit of weight of parcel-post packages, and admitting books to the parcel-post classification, the Postmaster General is authorized to add to the compensation paid for transportation on railroad routes on and after January 1, 1914, for the remainder of the contract terms, not exceeding 1 per cent thereof per annum.

SEC. 13. That under such regulations as the Postmaster General may establish for the collection of the lawful revenue and for facilitating the handling of such matter in the mails it shall be lawful to accept for transmission in the mails quantities of not less than 500 identical pieces of third-class matter and of second-class matter mailed at the special rates of 1 cent and 2 cents a copy and of 250 identical pieces of fourth-class matter without postage stamps affixed: *Provided*, That postage shall be fully prepaid thereon at the rate required by law for a single piece of such matter.

SEC. 14. That such part of section 6 of the act approved June 25, 1910, authorizing a system of postal savings depositories as reads "but no one shall be permitted to deposit more than $100 in any one calendar month" is hereby amended to read as follows: "But the balance to the credit of any person upon which interest is payable, shall not exceed $1,000, exclusive of accumulated interest"; and said act is further amended so as to repeal the proviso in section 7 thereof and insert in lieu of such proviso the following: "*Provided*, That the board of trustees may, in their discretion, and under such regulations as such board may promulgate, accept additional deposits not to exceed in the aggregate $1,000 for each depositor but upon which no interest shall be paid."

SEC. 15. That if any person shall hereafter perform any service for any contractor or subcontractor in carrying the mail, he shall, upon filing in the department his contract for such service and satisfactory evidence of its performance, thereafter have a lien on any money due such contractor or subcontractor for such service to the amount of same; and if such contractor or subcontractor shall fail to pay the party or parties who have performed service as aforesaid the amount due for such service within two months after the expiration of the month in which such service shall have been performed the Postmaster General may cause the amount due to be paid said party or parties and charged to the contractor: *Provided*, That such payment shall not in any case exceed the rate of pay per annum of the contractor or subcontractor.

SEC. 16. That whenever an accepted bidder shall fail to enter into contract, or a contractor on any mail route shall fail or refuse to perform the service on said route according to his contract, or when a new route shall be established or new service required, or when, from any other cause, there shall not be a contractor legally bound or required to perform such service, the Postmaster General may make a temporary contract for carrying the mail on such route, without advertisement, for such period as may be necessary, not in any case exceeding one year, until the service shall have commenced under a contract made according to law: *Provided*, That the cost of temporary service rendered necessary by reason of the failure of any accepted bidder to enter into contract or a contractor to perform service shall be charged to such bidder or contractor.

SEC. 17. That section 3949 of the Revised Statutes be amended to read as follows:

"All contracts for carrying the mail should be in the name of the United States, and shall be awarded to the lowest bidder tendering sufficient guaranties for faithful performance in accordance with the terms of the advertisement: *Provided, however*, That such contracts require due celerity, certainty, and security in the performance of the service; but the Postmaster General shall not be bound to consider the bid of any person who has willfully or negligently failed to perform a former contract."

SEC. 18. That the act of March 4, 1909 (ch. 321, sec. 198, 35 Stat., p. 1126), be amended to read as follows:

"Whoever shall willfully or maliciously injure, tear down, or destroy any letter box or other receptacle intended or used for the receipt or delivery of mail on any mail route, or shall break open the same, or shall willfully or maliciously injure, deface, or destroy any mail deposited therein, or shall willfully take or steal such mail from or out of such letter box or other receptacle, or shall willfully aid or assist in any of the aforementioned offenses, shall for every such offense be punished by a fine of not more than $1,000 or by imprisonment for not more than three years."

SEC. 19. That section 3938 of the Revised Statutes be amended to read as follows:

"All letters of domestic origin which can not be delivered by postmasters shall be sent to the Post Office Department, and such as contain inclosures of value, other than correspondence, shall be recorded. If the sender or addressee can not be identified, such letters shall be held for a period of one year awaiting reclamation. If within one year they have not been claimed, they shall be disposed of as the Postmaster General may direct.

"All other undeliverable letters shall be disposed of without record and not held for reclamation."

SEC. 20. That whenever in the judgment of the Postmaster General the bids received for any star route are exorbitant or unreasonable, or whenever he has reason to believe that a combination of bidders has been entered into to fix the rate for star-route service, the Postmaster General be, and he is hereby, authorized, out of the appropriation for inland transportation by star routes, to employ and use such means or methods to provide the desired service as he may deem expedient, without reference to existing law or laws respecting the employment of personal service or the procurement of conveyances, materials, or supplies.

SEC. 21. That on and after July 1, 1915, the compensation of each rural letter carrier for serving a rural route of 24 miles and over, six days in the week, shall be $1,200 per annum, payable monthly; on routes 22 miles and less than 24 miles, $1,152; on routes 20 miles and less than 22 miles, $1,080; on routes 18 miles and less than 20 miles, $960; on routes 16 miles and less than 18 miles, $840; on routes 14 miles and less than 16 miles, $720; on routes 12 miles and less than 14 miles, $672; on routes 10 miles and less than 12 miles, $624; on routes 8 miles and less than 10 miles, $576; on routes 6 miles and less than 8 miles, $528; on routes 4 miles and less than 6 miles, $480. A rural letter carrier serving one triweekly route shall be paid on the basis for a route one-half the length of the route served by him, and a carrier serving two triweekly routes shall be paid on the basis for a route one-half of the combined length of the two routes: *Provided*, That in the discretion of the Postmaster General the pay of carriers who furnish and maintain their own motor vehicles and who serve routes not less than 50 miles in length may be fixed at not exceeding $1,800 per annum.

SEC. 22. That the Postmaster General be, and he is hereby, authorized to pay an additional compensation to rural carriers, out of the appropriation for village delivery service, a sum not to exceed $150 per annum in any individual case for delivering mail at second and third class post offices not now by law entitled to free delivery service.

SEC. 23. That the act approved January 21, 1914 (Pub., 49), authorizing the Postmaster General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty, be so amended as to include Navy mail clerks and assistant Navy mail clerks.

SEC. 24. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. The Senator from Utah.

Mr. LODGE. Mr. President, there is a whole series of sections there on different matters.

Mr. SMOOT. I ask that section 21, on page 56, relating to the rural letter carriers, be passed over.

Mr. BANKHEAD. Let it go over until to-morrow.

The VICE PRESIDENT. The Chair understands, then, that except as to section 21, beginning on line 14, of page 56, and ending at line 15, on page 57, the amendments are agreed to.

Mr. LODGE. No, Mr. President.

The VICE PRESIDENT. Are there some other objections?

Mr. LODGE. Mr. President, section 19 has no relation to these matters of routes or railroads, and it is an amendment for which there has been a great deal of demand—an amendment to the law for the purpose of getting a record of letters of value. At present a man undertakes to pay a bill and the people have moved, and he has no record. This does not add to the expense in any way, but provides for a record and for holding it for a period of a year. I do not see what objection there can be to that.

Mr. BANKHEAD. Mr. President, the objection to it is that the bill was framed upon the idea that this is strictly an appropriation bill, and all new legislation was eliminated. That is the theory upon which we have been proceeding, and this is certainly new legislation.

Mr. LODGE. No point of order would lie against it, because it is a House provision.

Mr. BANKHEAD. No.

Mr. LODGE. You can not make a point of order on a House provision.

Mr. BANKHEAD. We have not made a point of order. We simply left it out of the bill upon the theory that all new legislation should be eliminated. This matter has all got to go into conference.

Mr. LODGE. I understand that; but I do not see what objection there could be to that provision. It involves no expense.

Mr. BRYAN. Mr. President, I will say to the Senator from Massachusetts that there are a number of propositions here that are very valuable, but upon which there would be considerable discussion; and the committee decided, inasmuch as this was an appropriation bill, that it would limit the bill to items of appropriation. If we took up the general legislation covered by these sections after page 35, we would be here for days considering this appropriation bill. It would take a week or more; and there seemed to be but one fair way to do it, and that was to limit it to appropriations.

Mr. LODGE. Is it the understanding of the committee that the House is going to assent at once?

Mr. BRYAN. Of course we do not know what the House will do; but I will say to the Senator that there were some members of the committee who were in favor of certain provisions and some in favor of others. On the other hand, there were some equally opposed to the provisions of the Moon bill, so called. There is a provision there for revision of the method of railway mail pay. It is all involved in this. There is a difference between the bill as incorporated into this appropriation bill and the bill recommended by the joint commission of Congress. A consideration of that question would take days, and perhaps weeks.

Mr. LODGE. That amounts to leaving it all in the hands of the conference committee to legislate.

Mr. BRYAN. It does not take away from the Senate the power to pass upon it finally.

Mr. LODGE. Then, also, I should like to ask what has become of the provision about the biennial promotions?

Mr. BRYAN. The Senator evidently has been out of the Chamber. The Senate has disagreed to the amendment and restored the House provision, so that the old law as to promotions will remain in force.

Mr. LODGE. I came in just as they got to this point. Section 19 is a mere matter of convenience to a great mass of people, and I should think it could be left in in conference without any serious trouble.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. The Senator from Washington.

Mr. POINDEXTER. I should like to make an inquiry of the chairman of the committee. I understand that on page 21, the Senate committee amendment, relating to letter carriers, was disagreed to. The Senator from Michigan [Mr. TOWNSEND], who was compelled to leave the Chamber on important business, is interested in lines 10 to 16, on page 21, relating to letter carriers. I ask that that may go over until to-morrow.

The VICE PRESIDENT. It has been rejected.

Mr. POINDEXTER. I understand that; the committee amendment has been rejected.

Mr. BANKHEAD. Mr. President, there is so much confusion in the Chamber that I was unable to hear what the Senator said.

Mr. POINDEXTER. I say that the junior Senator from Michigan [Mr. TOWNSEND] requested me to ask, on his behalf, that the provisions of the bill, on page 21, relating to letter carriers—that is, the House bill—go over until to-morrow. He desired to be heard briefly on that matter.

Mr. BANKHEAD. He evidently meant rural carriers. That is section 21.

Mr. BRISTOW. Oh, no.

Mr. BANKHEAD. We have agreed to pass that over until to-morrow at the request of the Senator from Michigan [Mr. TOWNSEND] and others who said they could not be here.

Mr. POINDEXTER. You have already agreed to do that?

Mr. BANKHEAD. Yes; we have already agreed to do that.

The VICE PRESIDENT. Is there any exception, then, besides section 21? The question is on agreeing to the other amendments of the committee.

The amendments were agreed to.

Mr. BANKHEAD. Mr. President——

The VICE PRESIDENT. The Senator from Alabama.

Mr. BANKHEAD. Two or three days ago information came to me authoritatively that the President and Members of the Cabinet were being very much annoyed and worried by the reception of letters threatening the destruction of life and property, and all that sort of thing. The matter was called to the attention of the Attorney General. He looked up the matter and said there was no statute by which parties could be punished for mailing letters of that character. He prepared an amendment, which I understand of course is new legislation and subject to a point of order under the rule we have been following; but I hope a point of order will not be raised against this amendment, in order that parties who are guilty of offenses of this sort may be punished when they are apprehended and tried. I should like to have the Secretary read the amendment prepared by the Attorney General.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to amend the bill by adding a new section after line 9, on page 35, as follows:

SEC. 2. Any person who shall knowingly deposit or cause to be deposited in the mails any letter, circular, card, or other missive containing any threat to take the life of or to inflict grievous bodily harm upon the President of the United States or any officer entitled by law to succeed to the Presidency, upon conviction thereof shall be fined not to exceed $1,000 or shall be imprisoned for not more than three years; and any person who shall otherwise make any such threat, or, with intent to kill or to inflict grievous bodily harm, shall make or attempt to make any assault upon the President or any officer of the United States entitled by law to succeed to the Presidency, while engaged in the performance of his official duties, or because of his official character, or because of any of his official acts or omissions, shall likewise upon conviction be fined not to exceed $1,000 or be imprisoned not more than three years.

Mr. BRANDEGEE. Mr. President——

The VICE PRESIDENT. The Senator from Connecticut.

Mr. BRANDEGEE. Of course I would not think of making a point of order against legislation of this character. I simply rose to express my amazement that the matter was not already covered by law. Of course I accept the opinion of the Attorney General that it is not.

I do not see why the amendment should apply only to offenses of that character aimed at these gentlemen while they are engaged in their official capacity. I should think that anybody who mailed a letter threatening the life of anybody ought to be guilty of a crime, whether he did it because the official had committed some public act of which he did not approve or not.

Mr. BANKHEAD. Mr. President, I understand that the present statute covers cases where assaults are made upon the President or those who are entitled to succession, but there is no statute, so the Attorney General says, that punishes a man for mailing a letter of this character. They have one gentleman under arrest now who admits that he wrote the letter. I saw a copy of the letter, and it is a bad letter, I may say; and there is no way of punishing him under the statute.

Mr. BRANDEGEE. Is this prohibition against the man who simply mails the letter or the writer of the letter?

Mr. BANKHEAD. It is against the man who knowingly mails the letter as well as the writer.

Mr. BRANDEGEE. I should be glad to have the Secretary repeat just the first few words of the amendment.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

Any person who shall knowingly deposit or cause to be deposited in the mails any letter, circular, card, or other missive—

And so forth.

Mr. PENROSE. Mr. President——

The VICE PRESIDENT. The Senator from Pennsylvania.

Mr. PENROSE. If the chairman will permit me, this matter came up a few years ago, when I was chairman of the Committee on Post Offices and Post Roads, by reason of a similar outbreak, I believe, from some so-called anarchists in Paterson, N. J. I agree with the Attorney General and the chairman of

the committee that the law is defective in this connection; but I know that at that time the committee, while anxious to do something, were unable to agree on the character of the amendment. This amendment does not impress me, from the hasty consideration I have been able to give to it from hearing it read, as being complete, and I ask the Senate to let it go over until to-morrow, so that I may examine some of the amendments that were offered in the committee at that time and examine this one a little more carefully.

Mr. BANKHEAD. Mr. President, this amendment was prepared, so I am advised, by the Attorney General or some one in his office under his direction and supervision.

Mr. PENROSE. I do not suppose the source is infallible, although it is high.

Mr. BANKHEAD. I quite agree with that.

Mr. PENROSE. It can be offered just as well to-morrow. There will not be many letters coming in between now and the enactment of this law.

The VICE PRESIDENT. It might be well to state that the Chair turned over a letter in which it was proposed to blow up the Senate with nitroglycerin. [Laughter.]

Mr. PENROSE. The Chair might be liable, under this amendment, for transferring the letter across the desk.

Mr. BRANDEGEE. I do not know who drew the amendment, but as I glance at it the amendment does not provide that the man who mailed the letter must know the contents of the letter, but if he knowingly mails it he is guilty of a crime. I suppose anybody who drops a letter in the mail knows that he drops it in.

Mr. BANKHEAD. This amendment is up to the Senate, Mr. President. They can make any disposition of it they please. I do not think it ought to go over until to-morrow.

Mr. PENROSE. I do not see why this letter should not cover Senators and others. I sometimes take an unpopular course in the field of political activity, and I receive a great many abusive letters, and I should like a little protection from such missives.

Mr. BANKHEAD. The Senator from Pennsylvania is not President, and he is not in line of succession. This is only intended for those who expect to succeed the President.

Mr. PENROSE. Mr. President, in these days no one can tell who will be President. I am for myself until I see a better man. [Laughter.] But, leaving that suggestion aside, I really think Senators are entitled to protection. I know the Senator would sympathize with me if he could see some of the letters I have received.

I suggest that this matter go over until to-morrow. It is evidently incomplete and hastily prepared.

Mr. BANKHEAD. I think when the Senator seriously thinks about this he will not insist upon its going over.

Mr. PENROSE. Let it be printed and let us consider it.

Mr. KERN. Mr. President, I desire to protest against this or any other part of the bill going over until to-morrow. This evening session was provided that the pending appropriation bill might be passed. Senators on both sides of the Chamber understood that situation. It is now proposed to permit all those parts of the bill about which there is any controversy to go over and consume another day. I shall object to it as far as I may.

Mr. PENROSE. It already has been agreed that the rural-carrier proposition goes over until to-morrow, and it is evident that we can not complete the bill to-night.

Mr. BANKHEAD. Mr. President, if the Senator from Indiana will take a casual look around the Senate Chamber and decide that we can force a vote on this proposition to-night, I should like to have him tell me how he can do it.

Mr. FLETCHER. Mr. President——

Mr. BANKHEAD. Wait a minute. The matter referred to has gone over until to-morrow. It went over because we were notified that certain gentlemen desire to be heard on certain provisions of the bill, and that they could not possibly remain here. It is perfectly evident if we undertake to press it that the question of a quorum will be raised.

Mr. FLETCHER. In my judgment, Senators ought to understand that we must stay here and do business or quit. That is all there is to it. These gentlemen were notified to be here, and if they are not here they can be gotten here. We ought not to waste time in taking up bills and let every question that any one has any point about go over until to-morrow. If we pursue that course, we will never get through with the appropriation bills.

Mr. BANKHEAD. This bill has been completed so far as the Senate committee is concerned except one item in it. I do not see how the Senator can say that the time is being frittered away.

Mr. FLETCHER. I am not talking about what has been acted upon, but I am referring to items going over until to-morrow.

Mr. LANE. I should like to ask the Senator, in all kindliness, if I may be allowed to offer an amendment to the bill.

Mr. BANKHEAD. The Senator has that opportunity now.

Mr. LANE. Right now?

Mr. BANKHEAD. Right now. I will withdraw the amendment that I offered.

Mr. SMOOT (to Mr. BANKHEAD). Do not withdraw it. Let it be adopted.

Mr. OLIVER. Mr. President, I suggest that the amendment be adopted and that any Senator who wishes may reserve the right to move to amend it when the bill reaches the Senate to-morrow.

Mr. PENROSE. I hope the Senator from Alabama will not withdraw the amendment. I do not want to be in the position of objecting to it. Let him offer it and let it be adopted, and I will reserve the right to move to amend it, if I see fit, when the bill is in the Senate.

Mr. BANKHEAD. That is all right. Let the question be put on my amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Alabama [Mr. BANKHEAD].

The amendment was agreed to.

Mr BRYAN. On page 23, line 11, before the word "purchase," I move to insert the word "exchange" and a comma, so as to read "for the purchase, exchange, and maintenance of wagons or automobiles."

The amendment was agreed to.

Mr. LANE. Mr. President, I do not wish to delay the passage of the bill, and that is why I made the remark which I did. I have two amendments which were submitted to me some time ago and I promised to introduce them. Here is one of them, which I will ask the Secretary to read.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. On page 21, after line 17, insert:

The sum of $200,000 due the estates of deceased colored soldiers, sailors, and marines of the Civil War, and which was in the hands of the commissioner of the Freedman's Bureau and which have been repaid into the Treasury of the United States, be, and is hereby, appropriated out of any money in the Treasury of the United States not otherwise appropriated, to build a national home for aged and infirm colored people and for working girls, and to establish industrial farms for the maintenance of the same, the building or buildings to be erected in the District of Columbia upon land owned or to be owned by the association known as the Home for Aged and Infirm Colored People, duly incorporated under the laws of the District of Columbia for the purpose specified in this act; and the said industrial farm to be established in the State of Virginia upon good agricultural land owned or to be owned by the same: *Provided*, That no money shall be paid to the said association until the Postmaster General of the United States has investigated and reported to the Secretary of the Treasury that such association is legally incorporated for the relief of colored people. The plans and specifications and contracts must be submitted to and approved by the Postmaster General, and the money only taken from the Treasury by such vouchers as may be drawn by the association, approved by the Secretary, as the work progresses; and the Secretary of the Treasury is authorized to pay the money hereby appropriated to the said association upon the fulfillment of the terms herein specified, and the said association must give good and sufficient bonds to the Postmaster General for the faithful expenditures of the money herein appropriated.

The commissioner of the Freedman's Saving & Trust Co. and his successors in office are authorized and directed to pay, or cause to be paid, under such regulations as said commissioner, with the approval of the Secretary of the Treasury, shall prescribe, to all depositors in the Freedman's Savings & Trust Co. whose accounts have been properly verified and balanced under existing laws, or to their heirs or legal representatives, a sum of money equal to the verified balance due said depositors from said company at the time of its failure, less the amount of dividends which may have been paid from the assets of said company; and for this purpose the sum of $1,291,744.50 is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, said amount to be placed to the credit of the said commissioner by the Secretary of the Treasury for the purpose of this act specified; and the clerical expense for the settlement of these claims shall be paid out of the money herein appropriated; and none of said accounts which have been sold, transferred or assigned by said depositors, their heirs or legal representatives, shall be allowed or paid under the provisions of this act: *Provided*, That any money not called for within two years after the passage of this act shall be covered into the Treasury of the United States.

It shall be unlawful for any person to directly or indirectly accept or receive from any such depositor, or from any heir or legal representative of any such depositor, or from any beneficiary of this act, any compensation for any service rendered or claimed to be or to have been rendered in the collection or payment of said deposit. Any person who shall violate this section shall be punished by a fine of double the amount as accepted or received and not more than $1,000 in addition thereto, or by imprisonment of not more than one year, or both.

Mr. BRYAN. I raise a point of order against the amendment. It is so evidently a private claim——

Mr. LANE. Let me make an explanation.

Mr. BRYAN. Just a minute. Let me state the point of order.

Mr. LANE. I wish to make an explanation.

Mr. BRYAN. No; I wish to make my point of order first. Evidently it is a private claim and violates paragraph 4 of Rule XVI, and it would not be courteous to the Committee on Claims.

Mr. LANE. I wish to say in explanation——

Mr. BRYAN. I raise the point of order, Mr. President.

Mr. LANE. Does the Senator do that to shut me out?

Mr. BRYAN. It is not in order. It violates paragraph 4 of Rule XVI.

Mr. LANE. Then, Mr. President, I rise to a matter of personal privilege. I introduced this amendment in good faith and with the assurance that the distinguished Senators who are now raising the point of order against it were in favor of having it passed in connection with this bill. I have not looked into it. I have been very busy on committee work and other work and I have not studied it. I do not wish to delay the passage of the bill, and if it is subject to a point of order I will withdraw it.

The VICE PRESIDENT. It is subject to a point of order.

Mr. LANE. Then I withdraw it.

Now, with the kind permission of the gentlemen I will give them something which will furnish them food for thought. I wish to offer another amendment to the bill. At the end of the bill or anywhere where it will go in and fit nicely, I move to insert the following proviso:

Provided, That all limitations upon the amount that may be deposited in postal savings banks be removed, and that the rate of interest paid by the Federal Government upon such deposits be increased to 3 per cent per annum, and the money that may hereafter be deposited in postal savings banks shall be used as a basis for the formation of a rural credit system in this country.

I offer that as an amendment to the bill.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Oregon.

Mr. LANE. I would like to inquire if this amendment is subject to a point of order? It calls for no appropriation of money from the Government. The people of this country are demanding just such legislation incidentally as we go slipping by with other kinds. We did pass a bill last year in which we created a credit system, an emergency currency system, in which the farming people and the small home owners and the little man secured no benefit whatever. He had to go and borrow his money from the usual sources, and at the same time his property backed the currency which the Government authorized to be reloaned to him at a higher rate. I should like to have this amendment adopted, so that he might receive some benefit.

Mr. SMITH of Georgia. I do not think that there will be a point of order raised on it.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Oregon [Mr. LANE].

Mr. LANE. I should like to have a roll call on the amendment. ["No!" "No!"]

Mr. BRANDEGEE. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator from Connecticut.

Mr. BRANDEGEE. I make the point of order that this is general legislation on an appropriation bill and obnoxious to the rule.

The VICE PRESIDENT. If the point of order is made, the Chair will be compelled to sustain it. There is a law in reference to postal deposits.

Mr. LANE. The amendment goes out on a point of order?

The VICE PRESIDENT. It does.

Mr. PENROSE. Mr. President, I have an amendment here, which I should like to have read, and ask the chairman of the committee whether he will accept it.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. On page 2, after line 8, insert the following proviso:

Provided, That letter carriers assigned to collection service who were promoted to the higher grades, in accordance with the classification act approved March 2, 1907, and whose salaries have been reduced during the past year, through no delinquency or charges of misconduct on their part, shall be restored to their former grades.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BRANDEGEE. A parliamentary inquiry, Mr. President. Was unanimous consent given that a certain paragraph of the bill should go over until to-morrow?

The VICE PRESIDENT. Not as the Chair understands it.

Mr. BRANDEGEE. I understood it so. I thought without objection the matter went over until the next day, and there was no objection.

Mr. SMOOT. It is section 21, on page 56.

Mr. BRANDEGEE. I want to understand the parliamentary situation, that is all.

The VICE PRESIDENT. The statement was made that section 21 was to go over until to-morrow, and the total, on page 30. As to that being a unanimous-consent agreement, the Chair does not know how it would be construed.

Mr. BRANDEGEE. I assume, of course, that where it goes over without any objection it is done by unanimous consent. There was no vote about it.

The VICE PRESIDENT. None whatever.

Mr. BANKHEAD. Mr. President, there is so much confusion we can not hear on this side what the Senator from Connecticut is saying.

Mr. BRANDEGEE. I simply asked the Chair whether the paragraph to which the Senator from Alabama alluded a few minutes ago as having gone over until to-morrow had gone over.

Mr. BANKHEAD. In reference to the pay of rural carriers?

Mr. BRANDEGEE. Yes; I asked whether it had gone over by unanimous consent or not.

Mr. BANKHEAD. It did, as I understand it.

Mr. BRANDEGEE. Of course, if that is so, we can not pass the bill to-night.

Mr. BANKHEAD. We are through with the bill, so far as we are concerned, until a vote can be had on the item which was unanimously passed over until to-morrow.

Mr. BRANDEGEE. I say, I do not see how we can do any more with the bill to-night.

Mr. SIMMONS. Mr. President, I send to the desk an amendment to be inserted as an additional section at the end of the bill.

The VICE PRESIDENT. It will be read.

The SECRETARY. Add to the bill as an additional section the following:

IMPROVING ROADS FOR RURAL DELIVERY SERVICE.

SEC. 3. That there is hereby appropriated the sum of $500,000, out of any money in the Treasury not otherwise appropriated, to be expended by the Secretary of Agriculture, in cooperation with the Postmaster General, in improving the condition of roads to be selected by the Postmaster General over which rural delivery is or may hereafter be established, such improvement to be for the purpose of increasing the territory which could be served by each carrier as a result of such improvement, the increasing of the number of delivery days in each year, and to establish a relative saving to the Government in the operation of the Rural Delivery Service and to the local inhabitants in the transportation of their products by reason of such improvement: *And provided*, That such improvements shall be made under the supervision of the Secretary of Agriculture, and that for the carrying out of this act the necessary expenses for the rental of buildings and clerical and other assistance in the city of Washington and elsewhere shall be deducted from the amount herein appropriated. That the Secretary of Agriculture and the Postmaster General are hereby directed to report to the Congress within one year after the ratification of this act the result of their operations under the same, the number of miles of road improved, the cost of the same, and such other information as they may have acquired in connection with the operation of this act, together with such recommendations as shall seem wise for providing a general plan of maintenance of postal roads in cooperation with the States and counties, and for providing the necessary funds for the further carrying out of such plans of national aid, if it shall be deemed feasible to provide the same, or any part thereof, otherwise than by appropriation from the Treasury for that purpose.

Mr. BRANDEGEE. I should like to ask the Senator from North Carolina if that was estimated for?

Mr. SIMMONS. No; it was not estimated for. Mr. President, I desire to say simply this with reference to the amendment: In the Post Office appropriation bill in the year 1912 a provision similar to this was inserted in conference. That provision appropriated the same amount proposed here, $500,000, for experimental work on postal routes for the purpose of getting the information provided for in this amendment. Under the direction of the Division of Public Roads in the Department of Agriculture and the Fourth Assistant Postmaster General those roads are being constructed in various States throughout the country. I am advised by them that they have secured very satisfactory results, but they really need additional funds in order to complete the work and obtain the information that was desired and asked for in the act of 1912.

Mr. WARREN. Will the Senator permit a question?

Mr. SIMMONS. Yes.

Mr. WARREN. Where were these experiments made? I have never heard of them in my State.

Mr. SIMMONS. In quite a number of States.

Mr. WARREN. Where was the money expended?

Mr. SIMMONS. Probably a larger sum is being expended in the State of Ohio than in any other State in the Union.

Mr. WARREN. I would be glad to have specifications about the expenditure.

Mr. SIMMONS. I think a part of it, about $30,000, is being expended in my own State. Some of it has been expended in Kentucky. It has been pretty generally expended, I think, and

roads are being constructed in quite a number of States under the provisions of the act of 1912.

Mr. WARREN. I would be very glad to know specifically the States. I have no doubt the Senator is right as to the States he mentioned, but I should like to have the others.

Mr. SIMMONS. I know that money has been expended for this purpose in quite a number of States.

Mr. SWANSON. The money was to be divided among all the States, every State having the privilege of taking it, and because of those that refused it was given to other States. I understand that the Government proposed to give $10,000 to each State that furnished an equal amount. The States that would not comply with the law produced a surplus which was afterwards divided among the States that would comply with the law. I understand it was done in that way.

Mr. SIMMONS. That is correct.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. CHILTON in the chair). The Chair would like to know who has the floor.

Mr. SIMMONS. I have the floor, I think.

The PRESIDING OFFICER. Three Senators have taken it without asking for it. Does the Senator from North Carolina yield to the Senator from Utah?

Mr. SIMMONS. I yield to the Senator from Utah.

Mr. SMOOT. I will say that I addressed the Chair and was not undertaking to speak before I was given the privilege.

The PRESIDING OFFICER. The Chair desires to have some semblance or order, and wanted to begin at some point and to have an understanding.

Mr. SMOOT. I know the State of Utah wanted the amount that was allotted to each State and I know she did not get it. Some question arose and they said it was all divided out and we could not get any.

But, Mr. President, that is not the reason for which I rose. I thought the Senator from North Carolina was through. I want to say that as soon as he is through I shall make a point of order against the proposed amendment.

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Alabama?

Mr. SIMMONS. I yield to the Senator from Alabama.

Mr. BANKHEAD. I have here a list of States that participated in the distribution of this fund. It is as follows:

Alabama, $10,000; Maryland, $14,400; Tennessee, $20,800; Maine, $65,000; North Carolina, $34,000; South Carolina, $9,600; Virginia, $39,500; Iowa, $40,000; Oregon, $10,000; Kentucky, $13,100; Mississippi, $50,000; Ohio, $120,000; Texas, $75,580.

Mr. SIMMONS. I trust the Senator from Utah will not insist upon his point of order. Of course, I will admit that the amendment is subject to a point of order, but it is very good legislation. The results that have been obtained up to this time, I am told by the Fourth Assistant Postmaster General and by the Director of Public Roads, have been good, but they have not enough money to carry it on in a way which would get the necessary information they desire to obtain. At their instance, very largely, I have offered this amendment for an additional appropriation.

Mr. SMOOT. Mr. President, I feel it my duty to make the point of order against the item. There is a good-roads bill now on the calendar of the Senate, and I think what money is appropriated for good roads in the future by the Government ought to be appropriated and expended in a systematic way, and that a plan ought to be adopted and followed up. For that reason I make the point of order that this item is not estimated for, and also that it is not moved by direction of a standing or select committee.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. SIMMONS. Before the Senator takes his seat——

Mr. SMOOT. I yield.

Mr. SIMMONS. I wish to call the attention of the Senator from Utah to the fact that I do not regard this as exactly in the line of good-roads legislation. It is not offered as a good-roads proposition, because, if it were, the amount is too inconsequential. It is offered for the purpose of obtaining information with reference to the effect upon the cost of carrying the rural mails and the parcel post through the country where the roads are good and where the roads are bad, in order that the department may report back to Congress the results of their investigation and furnish us data upon which to base a comprehensive good-roads plan.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BRISTOW. I want to inquire of the Senator from North Carolina if it is not a fact that a large part of the money heretofore appropriated was expended in building fanciful roads in different places, where probably there is very little rural delivery? Is it not a fact that $120,000 was spent in the State of Ohio, and that nearly all of it went to build a vitrified brick highway between two cities there in one particular locality? Was not quite an amount of money appropriated to Maryland and used to construct the macadam road between here and Chevy Chase Lake, where probably a rural carrier may go or he may not? I doubt whether or not that road is used by rural carriers. Is there any information of which the Senator from North Carolina ever heard that has been acquired with the half-million dollars that has been appropriated?

Mr. SIMMONS. Mr. President, I will state to the Senator, in response to his last inquiry, that I know a report upon that subject already has been made. With reference to how the money has been expended in Ohio and in Maryland, I am not able to give the Senator any information; but I am able to say to the Senator that in my own State I think three different roads have been selected for the expenditure of this money. The Government is contributing one-third, and the counties or townships through which the road passes contribute the other two-thirds. I myself personally consulted with the Postmaster General and the Director of Good Roads in connection with the selection of the roads upon which this money was to be expended; and I know, as a matter of fact, that they were exceedingly particular in securing routes where the question of rural delivery probably would be raised and where information with respect to that matter would be developed.

I do not know with reference to Ohio. The Senator from Ohio [Mr. POMERENE] is present and probably can answer; but my impression is, judging from the solicitude of the Post Office Department with reference to selecting routes that would afford the information that was desired and asked for in this act, that in other States they have exercised the same good judgment and the same caution as has been exercised in North Carolina.

Mr. WEEKS. I want to ask the Senator from North Carolina a question before he takes his seat.

The PRESIDING OFFICER. What is it the Senator is now discussing? The Chair understood that a point of order had been raised by the Senator from Utah [Mr. SMOOT]. The Chair has been ready for some time to rule upon the point of order.

Mr. SIMMONS. Mr. President, if the Senator from Utah is going to insist upon his point of order, of course I have nothing further to say.

Mr. SMOOT. I am going to insist on it.

Mr. SIMMONS. I shall submit to the ruling of the Chair.

The PRESIDING OFFICER. After hearing full discussion of the point of order, the Chair sustains it.

Mr. FLETCHER. Mr. President, I think the Senator from Alabama understands that this is as far as we can go with the pending bill to-night.

Mr. BANKHEAD. That is true, Mr. President; and if there is no other business I move that the Senate take a recess——

Mr. FLETCHER. No; I have the floor, Mr. President, and I wish to make a motion.

The PRESIDING OFFICER. The Senator from Florida has the floor.

Mr. FLETCHER. I move that the Senate proceed to the consideration of House bill 20189, known as the river and harbor bill.

Mr. BANKHEAD. Would it not be better for the Senator to permit me to ask that the pending bill be laid aside temporarily?

Mr. FLETCHER. Yes; I am willing to do that.

The PRESIDING OFFICER. Without objection, the Post Office appropriation bill will be temporarily laid aside.

Mr. BRANDEGEE. I shall object to laying aside the Post Office appropriation bill, Mr. President.

Mr. BANKHEAD. Is there objection to laying the bill aside?

The PRESIDING OFFICER. Yes; there is objection to the request.

Mr. FLETCHER. Then I move that the Senate proceed to the consideration of House bill 20189.

The PRESIDING OFFICER. The Senator from Florida moves that the Senate proceed to the consideration of House bill 20189, known as the river and harbor bill.

Mr. PENROSE. Mr. President——

Mr. SMOOT. What is the bill, Mr. President?

Mr. FLETCHER. It is the river and harbor bill.

Mr. SMOOT. I want to say to the Senator from Florida that I understood that as soon as the Post Office appropriation bill

was passed, with the exception of the one item referring to rural carriers, the Senate would take a recess until 11 o'clock to-morrow.

Mr. FLETCHER. No.

Mr. SMOOT. I say yes; that is what I understood.

Mr. FLETCHER. I do not know from whom the Senator understood it; it was not from me.

Mr. KERN. The understanding is exactly to the contrary.

Mr. PENROSE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Pennsylvania suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	James	Penrose	Thomas
Brandegee	Kern	Pittman	Thompson
Bristow	Lane	Pomerene	Vardaman
Bryan	Lee, Md.	Ransdell	Walsh
Burton	Lewis	Shafroth	Weeks
Camden	Lodge	Sheppard	White
Chilton	Martin, Va.	Simmons	Williams
Fletcher	Martine, N. J.	Smith, Ga.	
Hollis	Oliver	Smoot	
Hughes	Page	Swanson	

The PRESIDING OFFICER. Thirty-seven Senators have answered to the roll call. There is not a quorum present.

Mr. KERN. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

Mr. BRANDEGEE. Mr. President, I move that the Senate adjourn.

The PRESIDING OFFICER. The Senator from Indiana moves that the Sergeant at Arms be directed to request the attendance of absent Senators and the Senator from Connecticut moves that the Senate adjourn.

Mr. BRANDEGEE. I rise to a question of order, which is that the motion to adjourn takes precedence.

The PRESIDING OFFICER. The Chair was going to put the question. The Senator from Connecticut moves that the Senate adjourn. The question is on that motion. Those in favor of the motion will say "aye"——

Mr. WILLIAMS. I call for the yeas and nays.

The yeas and nays were not ordered.

Mr. SIMMONS. The Chair has not put the negative as yet.

The PRESIDING OFFICER. The Chair understands that. All in favor of the motion will say "aye." Contrary, "no." The "noes" have it.

Mr. SMOOT and Mr. PENROSE. Division!

Mr. FLETCHER. The question now is on the motion of the Senator from Indiana that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The Chair understands that, but a division has been called for. Those in favor of the motion to adjourn will rise and stand until counted. [A pause.] Those opposed will rise. [A pause.] The motion is clearly lost.

The question recurs on the motion of the Senator from Indiana that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will carry out the order of the Senate.

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BRANDEGEE. Does not the rule provide that when the lack of a quorum is disclosed the list of absentees shall be called?

The PRESIDING OFFICER. The Chair thinks not, except on motion.

Mr. BRANDEGEE. I thought we had amended the rules so as to provide for that.

The PRESIDING OFFICER. The Chair thinks not.

Mr. ROBINSON entered the Chamber and answered to his name.

Mr. MYERS entered the Chamber and answered to his name.

Mr. CHAMBERLAIN entered the Chamber and answered to his name.

RECESS.

Mr. KERN. I ask unanimous consent that the Senate take a recess until 10 o'clock to-morrow morning.

The PRESIDING OFFICER (Mr. PITTMAN in the chair). The Senator from Indiana asks unanimous consent that the Senate take a recess until 10 o'clock to-morrow morning. Is there objection? The Chair hears none.

Thereupon (at 7 o'clock and 50 minutes p. m., Tuesday, February 23, 1915) the Senate took a recess until to-morrow, Wednesday, February 24, 1915, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 23, 1915.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We realize, O God our heavenly Father, that Thou art a righteous God, and that Thou desirest righteousness of us. Help us to accentuate it, we beseech Thee, in thought, word, and deed this day, that we may prove ourselves worthy recipients of Thy boundless love. In the spirit of the Lord Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 21318, the sundry civil appropriation bill, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table the sundry civil appropriation bill, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. MANN. Reserving the right to object, I would like to ask the gentleman from New York a question in reference to Senate amendment 47, on page 57 of the print that we have, appropriating $25,000 to continue the work of collecting, and so forth, Revolutionary War records. My recollection is—and I am quite sure it is correct—that when we passed the act providing for the collection of these records we put a limit of cost upon the expenditure. This of course extends the limit of cost. I do not know whether it does any good to put a limit of cost on propositions or not; apparently it seems to have no effect anywhere. Was this item brought to the attention of the House committee in the consideration of the bill?

Mr. FITZGERALD. Without attempting to commit the managers on the part of the House——

Mr. MANN. I am asking if it was brought to the attention of the House committee?

Mr. FITZGERALD. Yes. Last year we took testimony which showed that it would cost a million dollars, and this year they brought it down to $500,000; but they never have yet made an estimate that any reasonable, intelligent man would be justified in recommending.

Mr. MANN. The original limit of cost was $25,000, and that was appropriated. I notice in the report on this work that the money seems to be used principally in paying the salary of one officer who draws another salary from the Government.

Mr. FITZGERALD. He is the general superintendent.

Mr. MANN. I refer to a retired officer drawing pay as a retired officer; and the principal items of expense out of the money heretofore appropriated seems to be the payment to that retired officer of $200 a month for his services. I do not know what his services may be, but I suppose he is giving good service, although I can not see that they have accomplished very much up to date out of the $25,000 appropriated under a limit of cost of $25,000. Do the departments pay no attention at all to the laws that we pass fixing a limit of cost?

Mr. FITZGERALD. They thought it was an impertinence for Congress to make any such suggestion. [Laughter.] That is no joke; it is a fact.

Mr. MANN. I would like to ask one other question. I see that the Senate has inserted an item to pay Mrs. Lurton, the wife of former Justice Lurton, one year's salary. I wonder whether it will become the policy of Congress to pay to the widows of all deceased justices and judges of the courts of the United States a year's salary upon the decease of the judge.

Mr. FITZGERALD. I hope not. That has been done only on two occasions, one in the case of Justice Harlan and the other in the case of Justice Brewer. This matter was suggested to the House committee in the last session of Congress Justice Lurton had been on the Supreme Bench only a comparatively few years, although he had been occupying official positions for a great many years. I was one of those who did not believe that Congress was justified in granting a gratuity of a year's salary, although there were some able, earnest, and devoted public servants from the same State as Justice Lurton who earnestly urged the appropriation.

Mr. MANN. I would like to have the widows of all the justices receive a year's salary, or 10 years' salary, if it could be done without paying it out of the Treasury and having the people first pay it into the Treasury. I think if this item should be agreed to, without any question it means that whenever any justice of the United States Supreme Court dies we pay a year's

salary to the widow on an amendment offered in the Senate; and that will mean that everybody else in the Government service who draws a good salary will get the same gratuity; it will not apply to those who draw a small salary, because they would have no influence.

Mr. BYRNS of Tennessee. If the gentleman will yield, I want to express the hope that the conferees will not undertake to decide this matter now until after the matter is fully gone into and discussed in conference. The gentleman from New York has already stated that there are two good precedents for this sort of a case. He also states that Justice Lurton has held official position for a great many years. That is true, but I want to call attention to the fact that he was judge on the circuit court bench for quite a number of years prior to his appointment to the Supreme Court bench. The gentleman knows that the salary of that court is not large. It is not a fact that the justice accumulated anything during those years, and I think the matter has a good deal of merit in it. I hope the gentleman will reserve his opinion.

Mr. FITZGERALD. Oh, I am not stating any opinion.

Mr. MANN. And I am not asking the gentleman to express any opinion.

Mr. FITZGERALD. I am simply stating a previous condition of mind that might or might not disqualify me as an impartial juror.

Mr. MANN. I suppose if Mr. Justice Lurton had been from the State of Illinois and I had been besieged by everyone in the State to favor such an item as this that I very likely would be in favor of it, as the gentleman from Tennessee [Mr. BYRNS] is in favor of it now.

Mr. MADDEN. Mr. Speaker, it does not seem to be exactly right to single out the widow of a man who has been getting a very large compensation during his lifetime and pay her a year's salary, particularly at a time when the country is witnessing the spectacle of having all of the men who are engaged in the Postal Service of the country being called upon to sign waivers agreeing to a reduction of their salaries from $1,200 to $1,000 a year, and in the event of their refusal to sign such a waiver to sign another waiver which will put them out of the service, because of the shortage of funds. It seems to me that with this condition of things existing throughout the country, and it runs from one end of the country to the other, this is not a very good time to——

Mr. GORDON. To make donations.

Mr. MADDEN. Yes; put it in that way. If a man drawing a salary of $12,000 a year, or whatever the compensation may be, is unable to save any part of that salary during his lifetime, it may be well to realize that the men who are drawing not to exceed $1,200 a year, having large families to support, may not be able to save very much out of their compensation, and I call particular attention to this because the Government, after these men have served anywhere from 15 to 25 years loyally and faithfully, now finds it necessary not only to refuse to pay compensation to their widows, but to reduce their compensation for the same work to be performed during their lifetime.

Mr. MANN. Mr. Speaker, will the gentleman yield further?

Mr. FITZGERALD. Yes.

Mr. MANN. Senate amendment No. 46 proposes to reduce the appropriation for the valuation of railroads from $3,000,000 to $1,900,000, and I would not be willing that the House conferees should agree to that Senate amendment without an opportunity of having the matter discussed or voted upon in the House.

Mr. FITZGERALD. I should not either, although I might say to the gentleman that I doubt very much whether the amendment was made seriously, because, while this bill was more carefully scrutinized and debated in the Senate than any sundry civil appropriation bill in my experience in Congress, no one mentioned this particular item, which aroused some suspicion in my mind as to whether it was really intended to press it.

Mr. MANN. I know it is not proper to make a reference to the proceedings in the Senate, but I read the Senate proceedings on this bill, and I think that the Senator in charge of the bill deserves the commendation of the country for the way in which he handled it in the Senate.

The SPEAKER. Is there objection?

Mr. SISSON. Mr. Speaker, reserving the right to object, I desire to have a separate vote on one of the Senate amendments.

The SPEAKER. When does the gentleman desire it?

Mr. SISSON. I want it now.

Mr. STAFFORD. I suppose the gentleman refers to the appropriation for the Howard University?

Mr. SISSON. Yes.

Mr. STAFFORD. Why not move now to concur in that amendment? I would be very pleased to move to concur in that amendment.

Mr. FITZGERALD. Mr. Speaker, if we can have a vote upon this question without taking time to debate it, in order to test the feeling in the House, I shall move to concur in the amendment. If there is any desire to debate it, however, I do not wish to do that now, for I do not wish to stand in the way of the fortifications appropriation bill.

Mr. SISSON. Mr. Speaker, I would like to debate it and explain my reasons for voting to disagree to the Senate amendment, but owing to the peculiar situation of the House I am willing to take the vote without debate.

The SPEAKER. The Clerk will report the Senate amendment.

The Clerk read as follows:

Senate amendment 68. Page 119, after line 7, insert:

"HOWARD UNIVERSITY.

"For maintenance, to be used in payment of part of the salaries of the officers, professors, teachers, and other regular employees of the university, ice and stationery, the balance of which shall be paid from donations and other sources, of which sum not less than $1,500 shall be used for normal instruction, $65,000;

"For tools, materials, fuel, wages of instructors, and other necessary expenses of the department of manual arts, $12,000;

"For books, shelving, furniture, and fixtures for the libraries, $1,500;

"For improvement of grounds and repairs of buildings, to be immediately available, $10,000;

"Medical department: For part cost of needed equipment, laboratory supplies, apparatus, and repair of laboratories and buildings, $7,000;

"For material and apparatus for chemical, physical, and natural-history studies and use in laboratories of the new science hall, including cases and shelving, $2,000;

"For fuel and light: For part payment for fuel and light, Freedmen's Hospital and Howard University, including necessary labor to care for and operate the same, $3,500;

"In all, $101,000."

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to take from the Speaker's table the sundry civil appropriation bill, with Senate amendments thereto, disagree to all of the Senate amendments excepting Senate amendment No. 68, and send it to conference. Is there objection?

Mr. MANN. The gentleman wants first to dispose of this particular amendment before he asks for a conference.

The SPEAKER. This action can be taken only by unanimous consent.

Mr. FITZGERALD. Mr. Speaker, if the House by unanimous consent disagrees to all of the other Senate amendments excepting 68, then I shall move to concur in Senate amendment 68.

The SPEAKER. That is what the Chair stated. The gentleman furthermore asks unanimous consent that this Senate amendment 68 be voted on separately. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Speaker, I move to concur in Senate amendment 68.

Mr. SISSON. Mr. Speaker, the motion to concur, of course, takes precedence over a motion to disagree?

The SPEAKER. It does. The question is on concurring in Senate amendment 68.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. The question is on concurring in Senate amendment No. 68.

The question was taken; and there were—yeas 199, nays 86, answered "present" 1, not voting 136, as follows:

[Roll No. 85.]

YEAS—199.

Abercrombie	Broussard	Cramton	Fess
Alexander	Brown, N. Y.	Cullop	Fitzgerald
Allen	Browne, Wis.	Deitrick	FitzHenry
Anderson	Browning	Dershem	Fordney
Anthony	Bulkley	Dickinson	Foster
Ashbrook	Burke, S. Dak.	Dillon	Fowler
Austin	Burke, Wis.	Donohoe	Frear
Avis	Butler	Doolittle	Gardner
Bailey	Calder	Drukker	Gerry
Baker	Campbell	Dupré	Gill
Barton	Casey	Esch	Gillett
Bell, Cal.	Chandler, N. Y.	Estopinal	Gilmore
Booher	Church	Evans	Goldfogle
Bowdle	Clancy	Falconer	Good
Britten	Connelly, Kans.	Farr	Goulden
Brodbeck	Cooper	Fergusson	Gray

Green, Iowa	Lafferty	O'Hair	Small
Greene, Mass.	La Follette	Padgett	Smith, Idaho
Greene, Vt.	Langley	Page, N. C.	Smith, Minn.
Hamill	Lee, Pa.	Palmer	Smith, N. Y.
Hamilton, Mich.	Lenroot	Parker, N. J.	Stafford
Hamilton, N. Y.	Lesher	Parker, N. Y.	Steenerson
Hamlin	Levy	Patten, N. Y.	Stephens, Cal.
Hart	Lieb	Patton, Pa.	Stephens, Nebr.
Hawley	Lindbergh	Peters	Stevens, Minn.
Hay	Lloyd	Phelan	Stevens, N. H.
Hayes	Lobeck	Platt	Stone
Helgesen	Logue	Plumley	Stout
Helvering	Lonergan	Porter	Sutherland
Hinds	McKenzie	Powers	Switzer
Holland	McLaughlin	Rainey	Taggart
Howell	MacDonald	Raker	Talcott, N. Y.
Hoxworth	Madden	Rauch	Tavenner
Humphrey, Wash.	Maguire, Nebr.	Reed	Taylor, Colo.
Johnson, Utah	Manahan	Reilly, Wis.	Temple
Johnson, Wash.	Mann	Rogers	Ten Eyck
Kahn	Mapes	Rubey	Thacher
Keating	Mitchell	Rucker	Thomson, Ill.
Kelley, Mich.	Mondell	Russell	Underhill
Kelly, Pa.	Montague	Saunders	Underwood
Kennedy, Iowa	Moore	Scott	Volstead
Kennedy, R. I.	Morgan, Okla.	Seldomridge	Walsh
Kent	Morrison	Sells	Walters
Kettner	Moss, Ind.	Shackleford	Weaver
Kiess, Pa.	Moss, W. Va.	Sherley	Whitacre
Kirkpatrick	Murdock	Shreve	Williams
Knowland, J. R.	Neeley, Kans.	Sims	Winslow
Konop	Neely, W. Va.	Sinnott	Woods
Korbly	Nolan, J. I.	Slemp	Young, N. Dak.
Kreider	Norton	Sloan	

NAYS—86.

Adamson	Crisp	Hayden	Sherwood
Aswell	Davenport	Heflin	Sisson
Bartlett	Dent	Helm	Smith, Tex.
Beall, Tex.	Dies	Henry	Sparkman
Bell, Ga.	Doughton	Hill	Stedman
Blackmon	Edwards	Houston	Stephens, Miss.
Borchers	Ferris	Howard	Stephens, Tex.
Borland	Fields	Hughes, Ga.	Taylor, Ark.
Brockson	Flood, Va.	Hull	Thomas
Buchanan, Tex.	Floyd, Ark.	Jacoway	Thompson, Okla.
Burnett	Francis	Johnson, Ky.	Tribble
Byrnes, S. C.	Garner	Lazaro	Vaughan
Byrns, Tenn.	Garrett, Tenn.	Lee, Ga.	Vinson
Callaway	Garrett, Tex.	Lever	Vollmer
Candler, Miss.	Godwin, N. C.	Linthicum	Watkins
Caraway	Goeke	Moon	Watson
Carlin	Gordon	Oldfield	Webb
Carter	Gregg	Park	Wingo
Cline	Gudger	Quin	Witherspoon
Coady	Hardy	Ragsdale	Young, Tex.
Collier	Harris	Rayburn	
Cox	Harrison	Rouse	

ANSWERED "PRESENT"—1.

McKellar

NOT VOTING—136.

Adair	Dixon	Johnson, S. C.	Post
Aiken	Donovan	Jones	Pou
Ainey	Dooling	Keister	Price
Baltz	Doremus	Kennedy, Conn.	Prouty
Barchfeld	Driscoll	Key, Ohio	Reilly, Conn.
Barkley	Dunn	Kindel	Riordan
Barnhart	Eagan	Kinkaid	Roberts, Mass.
Bartholdt	Eagle	Kitchin	Roberts, Nev.
Bathrick	Edmonds	Langham	Rothermel
Beakes	Elder	L'Engle	Rupley
Brown, W. Va.	Fairchild	Lewis, Md.	Sabath
Bruckner	Faison	Lewis, Pa.	Scully
Brumbaugh	Finley	Lindquist	Slayden
Bryan	French	Loft	Smith, J. M. C.
Buchanan, Ill.	Gallagher	McAndrews	Smith, Md.
Burgess	Gallivan	McClellan	Smith, Saml. W.
Burke, Pa.	Gard	McGillicuddy	Stanley
Cantor	George	McGuire, Okla.	Stringer
Cantrill	Gittins	Mahan	Sumners
Carew	Glass	Maher	Talbott, Md.
Carr	Goodwin, Ark.	Martin	Taylor, Ala.
Cary	Gorman	Metz	Taylor, N. Y.
Clark, Fla.	Graham, Ill.	Miller	Towner
Claypool	Graham, Pa.	Morgan, La.	Townsend
Connolly, Iowa	Griest	Morin	Treadway
Conry	Griffin	Mott	Tuttle
Copley	Haugen	Mulkey	Vare
Crosser	Hensley	Murray	Walker
Curry	Hinebaugh	Nelson	Wallin
Dale	Hobson	O'Brien	Whaley
Danforth	Hughes, W. Va.	Oglesby	White
Davis	Hulings	O'Shaunessy	Wilson, Fla.
Decker	Humphreys, Miss.	Paige, Mass.	Wilson, N. Y.
Difenderfer	Igoe	Peterson	Woodruff

So the motion to concur in Senate amendment No. 68 was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. MAHER with Mr. GRAHAM of Pennsylvania.

Mr. HENSLEY with Mr. BURKE of Pennsylvania.

Mr. SCULLY with Mr. VARE.

Mr. O'SHAUNESSY with Mr. MCGUIRE of Oklahoma.

Mr. MORGAN of Louisiana with Mr. LINDQUIST.

Mr. DALE with Mr. ROBERTS of Nevada.

Mr. BARNHART with Mr. AINEY.

Mr. SABATH with Mr. DUNN.

Mr. DRISCOLL with Mr. COPLEY.

Mr. GRIFFIN with Mr. MOTT.

Mr. ADAIR with Mr. BARTHOLDT.

Mr. BARKLEY with Mr. CARY.

Mr. BUCHANAN of Illinois with Mr. CURRY.

Mr. BURGESS with Mr. DAVIS.

Mr. CANTRILL with Mr. EDMONDS.

Mr. CLARK of Florida with Mr. FRENCH.

Mr. CONRY with Mr. FAIRCHILD.

Mr. DECKER with Mr. GRIEST.

Mr. DIXON with Mr. HAUGEN.

Mr. DOREMUS with Mr. HUGHES of West Virginia.

Mr. FINLEY with Mr. KEISTER.

Mr. GALLAGHER with Mr. HINEBAUGH.

Mr. GLASS with Mr. KINKAID.

Mr. HUMPHREYS of Mississippi with Mr. Langham.

Mr. JOHNSON of South Carolina with Mr. LEWIS of Pennsylvania.

Mr. KENNEDY of Connecticut with Mr. MARTIN.

Mr. KEY of Ohio with Mr. MILLER.

Mr. KITCHIN with Mr. NELSON.

Mr. LEWIS of Maryland with Mr. MORIN.

Mr. MCANDREWS with Mr. PROUTY.

Mr. POU with Mr. SAMUEL W. SMITH.

Mr. MCGILLICUDDY with Mr. DANFORTH.

Mr. MURRAY with Mr. TOWNER.

Mr. REILLY of Connecticut with Mr. TREADWAY.

Mr. SLAYDEN with Mr. PAIGE of Massachusetts.

Mr. TALBOTT of Maryland with Mr. ROBERTS of Massachusetts.

Mr. WHALEY with Mr. WALLIN.

Mr. BROWN of West Virginia with Mr. GUERNSEY.

On this vote:

Mr. BRUCKNER (to concur) with Mr. GOODWIN of Arkansas (against).

Mr. BARCHFELD (to concur) with Mr. AIKEN (against).

Mr. LOFT (to concur) with Mr. WILSON of Florida (against).

Mr. CANTOR (to concur) with Mr. WALKER (against).

Mr. GALLIVAN (to concur) with Mr. FAISON (against).

The result of the vote was announced as above recorded.

On motion of Mr. FITZGERALD, a motion to reconsider the vote by which the amendment was concurred in was laid on the table.

The SPEAKER announced as conferees on the part of the House Mr. FITZGERALD, Mr. SHERLEY, and Mr. GILLETT.

Mr. COOPER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. COOPER. Has a motion been made to send this to conference? I wanted to object if unanimous consent was asked.

The SPEAKER. It is too late; it was sent to conference three-quarters of an hour ago. A quorum is present. The Doorkeeper will unlock the doors.

ENROLLED BILL SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 21161. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1916, and for other purposes.

LEAVE OF ABSENCE.

By unanimous consent, Mr. GOODWIN of Arkansas was granted leave of absence, indefinitely, on account of serious illness in his family.

FORTIFICATIONS APPROPRIATION BILL.

Mr. SHERLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 21491.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 21491, the fortifications bill, with Mr. HOUSTON in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 21491) making appropriations for fortifications and for other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

Mr. SHERLEY. Mr. Chairman, we are living in the most unusual period of the world's history. Preconceived notions have been swept away by the occurrence of a world war that in magnitude and in consequence is without parallel; and in the face of that condition it is but natural that men should reconsider their conclusions touching civilization, touching the

duty of nations, and particularly touching the preparation that nations should make for and against war.

I believe it is distinctly true that the American people pursue peace as a passion. They have no aims that run athwart the legitimate purposes of any other nation. They have no desires that should necessarily bring them into conflict with other nations, and we are so fortunately situated geographically that it is difficult for us to even appreciate the pressure that has been upon other nations and the need for great armament that they have had to face. Situated as we are, we are unable to fairly judge the motives and fairly to determine the rightfulness of conduct of other nations because of our inability to place ourselves in their position. I believe that it is the peculiar destiny of this Nation to play the rôle of the peace advocate of the world. I know that it does not desire to compel what it can not invite; I do not believe that it will ever seek to enforce its will upon other nations in matters that relate to those nations and not to this country. But just to the extent that it is unwilling to drive, so to that degree is it determined not to be driven. And, in my judgment, no policy that undertook to prevent America from being in a position to sustain her view about those matters that peculiarly relate to her will ever be upheld by the people of America.

I cherish no delusions in this world of cruel fact. I wish it were true that we were approaching an era of universal peace. I wish it were possible that we might look to a period when disarmament would take place and when war and preparation for war would be relegated to the rear and nations or men that advocated them would be considered barbarians and be in such minority as to be ignored.

But prior to the breaking out of this war I had no belief as to the impossibility of future wars, and I have no belief now as to the impossibility of them. When the question of fortifying the Panama Canal was up before this House I took occasion then to call attention to the fact that neutrality would never protect a nation when the stake at issue was sufficient to warrant a stronger nation in disregarding that neutrality. I called attention to the fact that Belgium had preserved her neutrality during the Franco-Prussian War not by virtue of treaty obligation but by virtue of the army that she had upon the frontier; that Switzerland preserved her neutrality by virtue of the citizen soldiery that she could call to arms. I called attention to the violation of the neutrality of Korea, and the fact that no nation afterwards had undertaken to have the old condition restored or the nation punished that had been responsible for the violation of that neutrality. And certainly in the light of existing events that man must indeed be blind to actualities to delude himself that we can rest secure in the belief that because war ought not to be, therefore it will not be. Believing, then, as I do, that there is always the possibility of war, and at times probability of war, I naturally find myself faced with the question of what this Nation should do to prepare, not for war, but, as has well been said, against war, that we might make any nation hesitate before it engaged us in war, and if at last it came to an arbitrament of the sword we might be in a position to give a proper account of ourselves. I recognize that no problem is more difficult of solution and that no question is presented about which it is so difficult to keep one's poise and one's judgment. And I know of no time when there is more need for sober thought than there is to-day. We have had presented here frequently, as we have it presented in the country, two extreme views touching this matter, both, to my mind, equally wrong.

The extreme peace advocates who would have you disband your Army and your Navy and rely upon paper agreements are men who so completely refuse to recognize facts as they are that they think, because a few gentlemen sit around a table and bring their minds into accord touching some national or international matter, that thereby they have brought great nations into accord. And yet the history of the world is replete with instances of how futile such an attempt is. Friendship in the deep sense that it will overlook and disregard material direct national interest does not exist among nations and never has existed among nations. Now, no man regrets that more than I; but, I again repeat, I am compelled to face the world as I find it. On the other hand, there are men disregarding the situation in regard to our country, disregarding the peculiar advantages that we have geographically, disregarding the advantages that we have of wealth and of numbers, who think that any preparation that is not exactly equal to that made by the greatest military powers in the world is totally inadequate and a waste of money. That extreme is, to my mind, just as wrong as the other. And I do not believe that this country ever will undertake to establish an Army equal to that which Germany has had and France and the other great military powers have had; and, on the ocean, a Navy such as that which England possesses. A democracy never can and never will give that direction and control to military affairs that is possible in a monarchy. That single direction which is possible under that form of government never will be possible under our form of government and never should be. [Applause.]

But the great mass of the people of America, with that common sense that has ever distinguished them, occupy, in my judgment, a middle ground. They do not desire such a great Navy that they can compel submission to their viewpoint no matter whether it be just or unjust. They do not propose such a great Army as to sap the vitality of the Nation or to put an undue financial burden upon it. But they do believe in an efficient Navy; they do believe in proper defense; and in an Army that is capable of expansion and which could be successfully used in case of an invasion of this country.

The great mass of Americans do not contemplate that it will ever need an Army of any great size for the purpose of invading some other country. They will never agree to a policy that would be a temptation to us to disregard our rôle of a peaceful friend of the world and turn into that of an aggressor—one who sought to secure by might what it could not invite by justice.

I have said these things that I might make a proper background for what I shall say touching the pending bill. The fortification bill is a small one in volume, as bills of this Congress go. It usually carries a sum between $4,000,000 and $10,000,000, and it has been within that range for many, many years past. But while it is a bill small in volume it is a bill that of necessity involves the entire question of our military policy. In its consideration it necessarily requires a review of what America desires to do and what it is doing in all branches of military preparedness, for the bill not only deals with the fortifications for our coast defense and for our insular possessions, but it carries items relating to the mobile Army—items relating to its artillery and ammunition.

And that in turn involves a consideration of the size of such an Army, the purposes for which it is used, and a consideration of the Navy—its strength and ability to meet hostile fleets—and in fact every problem connected with military science.

How well the subcommittee on fortifications have performed their task in presenting to you the current bill is for this committee to judge. That it has worked diligently it is but fair that I should say. When you come to the technique of modern armament you enter a realm of exceeding difficulty. Men spend their lifetime in arriving at conclusions touching the merit and demerit of particular kinds of armaments, of different guns—their caliber—of the effectiveness of certain projectiles; and yet upon this floor, with the casual study of men suddenly awakened to the realization that there are such bills as the Army bill and the Navy bill and the fortification bill, we have dogmatic statements of certainty as to what should and should not be done, and extreme criticism of those who may not find themselves able to agree in entirety with the views thus vehemently suggested.

Every responsible legislator is confronted not simply with the desirability of doing a particular thing but with the desirability of doing a particular thing having in view the need to do other desirable things. In other words, he must consider not simply the merit of a given proposal but its relative merit, and he must consider not merely the particular bill that he has under consideration but also its relationship to the total expense of the Nation, the income of the Nation, and the burden of tax that will be laid by reason of any increase of expenditure.

Now, I am not one of those who believe that a plain duty in regard to national defense should be neglected because of financial considerations. I recognize that the highest duty of a nation is to prepare itself to continue as a nation. No duty can surpass that which is imposed on us properly to prepare this Nation for its continuance as a nation, and no excuse purely of money ought to have conclusive weight. But this also is true, that in considering what is to be done you must consider the risk that you propose to insure against; or, to put it better, not the risk that you propose to insure against, because insurance looks simply to indemnity and not prevention, but the evil that you should endeavor to prevent occurring. A man may have a number of buildings; they are not built of fireproof construction. It may be highly desirable to have them all of fireproof construction. But in determining whether he will go to the cost of remodeling those buildings or destroying them and erecting others, he has in mind the risk of fire, and the probability is that he will find himself unable, with a due regard to the business itself and its expansion, to make all the changes that he would like in order to prevent the possibility of fire;

and so he will gradually alter and change in order to have his business as little as possible subject to risk.

And so it comes with us. It is not practicable at any one time in any one year to do everything that anyone may suggest as being necessary or desirable to prepare us fully for an emergency if it should happen to-morrow. Men properly consider the probability of such an emergency. This Nation properly considers whether there is an immediate danger or not; and having that in mind, it may go at a slower pace than it would if conditions confronting it made war immediately imminent.

As I took occasion to say last year in connection with the amounts appropriated for the mobile artillery and the ammunition therefor, if we were to have war within a year, I called attention to the fact that the appropriation was not adequate; that it not only ought to be what had been asked, but that it ought to be many many times that; that if we were no to have war in 10 or 15 years it was adequate, and perhaps we were progressing more rapidly than some might consider necessary.

Now, these are not easy questions to determine. It is very easy for gentlemen to criticize. It is very easy for gentlemen who do nothing to hold down expenditures of the Government, and who pay no attention to the bills touching the national defense until the matter becomes exceedingly popular with the public outside, to criticize the judgment of those who have conscientiously undertaken to perform their allotted tasks, and who have worked at a very difficult task with industry, whether they have worked at it with wisdom or not.

Now, I desire, in speaking of the present bill, to notice some of the criticisms that have been made touching the bill as it comes before you. First, let me say to you that the estimates this year total $6,193,642.32, and of that amount we have recommended $6,060,216.90, or a difference, in round numbers, of $133,000, $50,000 of which is represented in the nonallowance of an item for building a wharf at Outer Brewster Island, just outside of Boston. The others represent mostly items touching maintenance matters, where we did not believe there was any need to give the full sum asked.

Criticism is not made of the amounts that we carry, as they relate to the estimates submitted, because criticism could not be laid there. We so nearly approach the estimates that there was very little to be said. But criticism is made because we have not exceeded the estimates, and I shall deal with that matter in a few moments, trying to present what was the committee's viewpoint as to its duty in that regard.

First, let me speak of the hearings. The gentleman from Minnesota [Mr. MILLER] took the committee to task yesterday because it had not examined the young officers. The gentleman from Massachusetts [Mr. GARDNER] criticizes the committee because they did not summon an officer so old that he has been retired for age.

Mr. GARDNER. Mr. Chairman, will the gentleman yield for a question there?

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Massachusetts?

Mr. SHERLEY. Yes.

Mr. GARDNER. How long ago was he retired for age?

Mr. SHERLEY. He was retired some time in November, I think. So that the question of age does not seem to be a controlling factor in determining the desirability of witnesses. What does seem to be controlling is the viewpoint of the witnesses, as they agree or do not agree with the particular gentlemen who ask that they be summoned and that their judgment be controlling upon the committee.

Now, the committee had one of two courses before it. It could either look to the War Department, the responsible agency for the determination of the policy in the technical sense as to fortifications, or it could go out on its own hook and undertake to summon every individual officer whose views had not met with the concurrence of the boards that had finally passed upon his recommendations, and establish itself into a court of inquiry to weigh the particular merits of the viewpoints of particular Army officers touching the merits of technical matters.

At times I have been accused, and inferentially in this debate, of having some conceit; but my conceit has never gone so far as to make me believe that either I or the members of my committee were capable, within the limits of time placed upon us, to determine upon the merits of controversies between Army officers touching matters that require a life study even to appreciate the problems involved, let alone to intelligently solve them.

So the committee did what I believe it ought to have done. It sent word to the Secretary of War that it was going to have its hearings upon a given day, and asked the Secretary of War to send proper officers to present the various items contained in the bill. In due time there came the Chief of Coast Artillery. Manifestly he was a proper man to have, because he is the man who is directly responsible for the Coast Artillery and for its personnel. We then had the Chief of Ordnance, and it was manifestly proper that we should have him, because under him are manufactured the guns and their carriages and the ammunition. We then had for the Signal Corps Gen. Scriven, the head of that corps, make a statement as to matters that came under the Signal Corps. Then we had Col. Winslow, who was designated to represent the Engineers, touching the matters that came before him.

There was nothing unusual in this. The same course has been followed for years, and to my mind no other course could produce a satisfactory result.

It may be thought desirable at some time to have a special committee created to consider particular questions and to undertake to arrive at an independent judgment by hearing the conflicting views of men touching these matters. But to ask an Appropriations Committee in a short session, making up an annual bill, to undertake to hear everyone who happened to have a viewpoint touching the wisdom of doing a particular thing, would be asking too much; and if we did not hear everyone, we would be more subject to the indictment brought against us than we now are.

For instance, one of the particular charges brought against us is the fact that most of the guns in our seacoast fortifications, particularly those that have been mounted in recent years, are mounted upon disappearing-gun carriages; and the gentleman from Minnesota [Mr. MILLER], speaking with that eloquence that always characterizes him—and he is a very attractive speaker—declared that he had talked to many junior officers, and that every one he had talked to told him that the use of the disappearing-gun carriage was a mistake, and that we ought not to have it, and that this committee should have gone into that matter. Now, the committee did go into it to a limited extent. The committee asked Gen. Weaver what his judgment was touching the disappearing-gun carriage, and we asked him what was the opinion of the junior officers generally, so as to get not only his viewpoint but to get the viewpoint of those officers, as we might arrive at it from his knowledge of it.

Mr. HELM. Will the gentleman pardon an interruption?

Mr. SHERLEY. Yes.

Mr. HELM. How far may one of these junior officers express his views, as differing from one of his senior officers? If any junior or inferior officer criticized any particular line of procedure of his superior officer, would he not be liable to discipline or penalties for insubordination?

Mr. SHERLEY. It is my understanding that he not only has liberty to express his viewpoint touching the desirability of any sort of armament, but under the rules it is made his express duty to bring to the attention of his superior officers anything that he considers should be brought to their attention touching the value or lack of value of ordnance.

Mr. HELM. It is his duty, as I understand my colleague, to bring it to the attention of his senior officer; but he can not, on his own initiative, for instance, appear before your committee and take a course which is at variance with the prescribed policy of procedure of the senior officer——

Mr. SHERLEY. Just a moment, now. He could not appear before my committee, and manifestly he ought not. You would have confusion worse confounded if you had hearings conducted by having voluntary witnesses express their views on all manner of technical subjects. Of necessity this Congress can not turn itself into a board of referees on the value of a particular kind of ordnance or upon the science of warfare. There is no more technical subject on earth. I have spent six years of hard work upon the fortifications bill. I have put upon it more work than upon all my other duties as a member of the Committee on Appropriations. At the end of six years I feel that I know only enough to appreciate how much I do not know about the subject matter, and I am very much less sure of my judgment touching these matters than I was when I had studied them for a month or two in the beginning of my service on the committee.

Mr. GARDNER. Will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. GARDNER. Did the gentleman mean Gen. Weaver when he said Gen. Weaver discussed the efficiency of the Crozier disappearing carriage?

Mr. SHERLEY. I meant that Gen. Weaver expressed an opinion on that, and expressed an opinion touching the view held by the men in the Artillery Corps.

Mr. GARDNER. As it appears in the hearings, the discussion is with Col. Winslow and Gen. Crozier, mostly, is it not?

Mr. SHERLEY. I am afraid the gentleman has overlooked that part of Gen. Weaver's tertimony. I reread it last night, and I think I may be able to turn to it in a moment.

Mr. GARDNER. I ask the gentleman for information, because I have not been able to find that part of the hearing. It does not appear in the index.

Mr. SHERLEY. That may be. I am quite sure my statement is accurate, and I am making it from notes that I have here. It is found on page 69 of the 1916 hearings, and I will insert it in my printed speech. This is the testimony:

Mr. SHERLEY. General, we use now in all of our more modern fortifications a disappearing gun carriage, usually spoken of as the Crozier-Buffington gun carriage, and we have some barbette carriages?

Gen. WEAVER. Yes.

Mr. SHERLEY. What is your judgment as to the adequacy and desirability of the disappearing gun carriage?

Gen. WEAVER. I have always been strongly in favor of it. It has advantages which I believe the nondisappearing carriage does not have. It has especially the advantage of concealment; the enemy can not see the gun, and therefore there is no ranging point on which it can direct its fire; another advantage is, there is a saving of time in loading it, because the gun comes down to the ammunition on the loading platform instead of having to bring the ammunition from the loading platform up to the height of the gun. The accuracy of fire is equal, and I can not see, and never have been able to see, anything to offset these advantages it has over the nondisappearing gun carriage.

Mr. SHERLEY. As far as you know, the view you have expressed is shared by Artillery officers?

Gen. WEAVER. Like any question of that kind, I think you will find a diversity of opinion; but I think a majority of our officers share the views I have expressed.

Mr. SHERLEY. These gun carriages have now been in actual use in the United States for quite a number of years?

Gen. WEAVER. Yes.

Mr. SHERLEY. Do you find any real difficulty in operating them or any defect in their construction or nature such as to interfere in any material way with the accuracy or rapidity of our gunfire?

Gen. WEAVER. No. Nothing material affecting the disappearing principle.

Mr. THOMSON of Illinois. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. THOMSON of Illinois. The gentleman was about to give the opinion of the junior officers on the question of the disappearing gun carriage when he was interrupted by the gentleman from Massachusetts?

Mr. SHERLEY. No; I simply stated that Gen. Weaver said that in his judgment—I do not want to quote his exact language, because it is not in front of me, but the substance of it was that there was no large minority that differed as to the efficiency of the Crozier-Buffington disappearing gun.

Now, statements were made by the gentleman from Minnesota [Mr. MILLER] that I am sure he thought were accurate but which, according to my information, are at total variance with the facts. The gun mounted on a disappearing gun carriage is capable of more rapid fire than that upon a barbette carriage, and it is claimed—I want to be fair—by those who favor a barbette carriage that it is possible by modernizing such carriage to arrange for a mechanical lift from the platform to the breach of the gun, so as to increase the rapidity of fire and bring it up to that obtained by the disappearing gun carriage.

Mr. MILLER. Will the gentleman yield?

Mr. SHERLEY. In a moment. The difference between a disappearing gun carriage and a barbette in regard to the rapidity of fire lies chiefly in this: That after the ammunition is raised by an electric hoist to the gun floor the disappearing gun on its recoil is brought down so that the breech is on a level with the ammunition, which is in trays and which can be shoved immediately into the breech of the gun without the need of an additional lift, whereas on the barbette carriages as they have had them heretofore, there would have to be a lift from the gun platform up to the breech of the gun on the barbette carriage. Now I will yield to the gentleman from Minnesota.

Mr. MILLER. Is it not a fact that other nations have had a rearranging of the hoist of ammunition to serve guns on the barbette carriage, so that they are more rapid than our disappearing gun carriages to-day?

Mr. SHERLEY. I should say yes to half the question and no to the other half. I think they have made arrangements for mechanical lifts of the ammunition. I have no information, but I question the accuracy of the statement that thereby they have been able to increase the rapidity of the gunfire over that of ours mounted on disappearing gun carriages.

Mr. MILLER. If the gentleman will permit, allow me to say that they have arranged a mechanical elevation of ammunition, so as to permit the firing of the gun as rapidly as the ammunition can be put in, and it saves the time that it takes for the disappearing gun to move back and then forward again to its place.

Mr. SHERLEY. I hold in my hand a number of reports which are available where there has been an investigation of the efficiency and desirability of disappearing gun carriages. This is not a new controversy. It is a controversy that probably will never be ended. Individual men will hold individual views, but the question has been repeatedly passed upon by boards created for that express purpose. I submit to you gentlemen in common fairness, whether you think our committee would have been warranted in undertaking to pass judgment upon the advisability of using such gun carriages, and whether we would have been warranted in refusing to allow appropriations because some of them went for the manufacture of disappearing gun carriages.

Mr. GARDNER. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. GARDNER. Will the gentleman give us the date of the reports to which he has reference?

Mr. SHERLEY. I think the most recent report has been something over 10 years.

Mr. GARDNER. In the Fifty-seventh Congress, was it not?

Mr. SHERLEY. No; I think there is one later than that. It might have been the Fifty-seventh Congress. There was a report that was not contained in any Senate document that I know of but can be found in the appendix to a report of the Chief of Ordnance of a later date than that. Perhaps the reason why there has not been a later investigation is on account of the satisfactory service that the gun carriages have given. However, I again submit to this committee as intelligent men whether or not the Committee on Fortifications would have been warranted in going into a subject upon which the committee could not come to an intelligent conclusion, and which would have meant weeks of inquiry.

Mr. COOPER. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. COOPER. Was there any testimony before the committee as to whether or not the disappearing-gun carriages in any way affected the accuracy of fire?

Mr. SHERLEY. The testimony was that it did not affect the accuracy of fire, and others have testified to the fact that there was an improvement in the accuracy of fire. There was also testimony as to the rapidity with which gunfire could be had.

Now, there was a statement made by the gentleman from Minnesota [Mr. MILLER] that the 12-inch guns were not fired at the highest velocity because of the fear that the gun carriage would not be sufficient. The answer to that is that they have been fired at the higher velocity, and the reduction from the higher velocity to the lower velocity was due to the desire to prevent such rapid erosion of the rifling of the gun and thus prolong the life of the gun. It is also to be borne in mind that when gentlemen tell you of the tremendous velocity of projectiles fired from an English or an American naval gun they will find from careful examination that instead of the velocity having increased it has recently decreased, and that some of the older guns on the English battleships and upon the American battleships were fired at a higher velocity and had a longer range than some of the most modern guns now about to be mounted on the English ships or those mounted on the recent American ships.

Mr. MILLER. I do not wish to interrupt the gentleman if he wants to proceed, but will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. MILLER. Does the gentleman deny the accuracy of the statement that the English guns to-day—the 12-inch caliber guns—are firing a projectile weighing 3,000 pounds while ours fires one weighing 2,250 pounds?

Mr. SHERLEY. I made the statement that the velocity of the projectile fired from some of the earlier English guns was greater than that from some of the modern guns, and in proof of that I call attention to the table found on page 206 of the current hearings.

This table shows that the 12-inch British 50-caliber gun fires a projectile weighing 850 pounds with a muzzle velocity of 3,010 foot-seconds, and it had a range of 24,870 yards; that the 15-inch 45-caliber gun fires a projectile of 1,950 pounds at a muzzle velocity of 2,500 foot-seconds, with a maximum range of 21,193 yards. And I repeat, Mr. Chairman, what I said before, that an examination into the matter will show that some of the earlier type of guns upon both British and American battleships were fired with greater velocity than the modern guns, and with a greater range than some of the modern guns.

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. GARDNER. Does the gentleman mean a greater range at the same elevation, or was it at an elevation of 45°?

Mr. SHERLEY. I mean at an elevation of 15°. I did not read the 45° elevations, and in that connection the gentleman's

inquiry reminds me of a part of his remarks yesterday when he discussed the question of the alteration of the 12-inch guns. He said they proposed to shoot up in the air, and he gave the impression to this House that there was something extremely novel; that they were practically trying to make mortars out of those guns; that they were to be fired up in the air, and yet the very elevation that was used in order to get the range that the gentleman spoke of in connection with the English guns was that same elevation of 15°. If it is shooting up in the air in one instance, it is shooting up in the air in the other.

Mr. GARDNER. One being a direct-fire gun.

Mr. SHERLEY. Both being direct-fire guns. A 12-inch gun shooting at 15° elevation is as much a direct-fire gun as a 15-inch gun shooting at 15° elevation.

Mr. GARDNER. That would depend on the range; but the gentleman was saying that the British guns, old model, had a greater muzzle velocity. Is not the striking power arrived at by multiplying the mass by the square of the velocity?

Mr. SHERLEY. Yes.

Mr. GARDNER. And has not the weight of the projectile gone up from 850 pounds to 1,950 pounds, and is it not just as well to consider that?

Mr. SHERLEY. Certainly; and I have never for a moment said that you should not consider it. I was dealing with the statement of the gentleman from Minnesota [Mr. MILLER], that the reason we had not fired guns mounted on disappearing carriages at an increased velocity was because of the fear of the carriage. That is not, in my judgment, an accurate statement.

Mr. GARDNER. Would not the gentleman think it proper to have some officers before his committee who thought it was an accurate statement, so as to hear their testimony?

Mr. SHERLEY. No; and I answer the gentleman again, no—not because I desire not to avail myself of any sort of information that I can get, but because I realize a limitation upon myself, even if the gentleman does not realize one upon himself. I do not believe that either myself or the members of my committee, within the time limit possible, could go into these questions to determine their value, and I do not think our determination after we had gone into the matter would be as good as that of the constituted authorities. The gentleman and I differ in this fundamental particular. He seems to think that anybody who happens now to be at the head of the Army is disqualified for judgment; that those at the top are mossbacked and have become antiquated; that their views are of no value; and that in order to arrive at anything worth while you must listen to all of the younger officers, whereas I believe that the only possible way by which you can have real order and a really efficient Army is by having matters of technique come up in the regular channels and be determined upon by boards constituted of men who presumably have the training and the knowledge to make their judgment worth while.

For this Congress to undertake to take the place of boards in the War Department by passing upon technical matters would be to have bedlam turned loose. Let me say another thing to the gentleman. It is perfectly apparent to every man who has talked with officers in both branches of the service that whenever you get hold of a particular man who has had a theory of his, which may or may not be good, turned down, of course he tells you about the dreadful consequences of rejecting his viewpoint. I am not blaming these men for their zeal, but I do say that in common-sense dealing we have to look at the thing in a practical way, and that the committee could not have determined the question of the value of the disappearing gun carriage.

Mr. GARDNER rose.

Mr. SHERLEY. Mr. Chairman, I would like to go on to some other matters, but I yield for a question.

Mr. GARDNER. I was going to ask if the gentleman felt this House was incapable of voting on the question of the Isham shell or submarines, because that is exactly the issue that has been presented? That was done over the protest of the Navy Department.

Mr. SHERLEY. I do not think the opinion of this House as to the value of the Isham shell amounts to very much.

Mr. GARDNER. No; but take the submarines and the original adoption of the plan for submarines. Was the judgment of the House right or that of the bureau chiefs?

Mr. SHERLEY. I would have to know their particular judgment and the judgment of the bureau chiefs to answer that question categorically. This of course is true: There are some matters of policy that the Congress can determine, but they are very rare as to technical matters, and my judgment of the function of the Congress is to determine the broad policy of the size of the Army that you propose to have and the size of the Navy that you propose to have, the basic question of a military policy; but that when it undertakes to qualify as competent to determine the technical questions involved in a science as intricate as that of war, then it is undertaking to do what very few sensible men would do in outside life. If I go to a physician and I am ill and he diagnoses my case and says that I have appendicitis, I am not going to put my judgment up against his and say that I do not think I have. If I am not satisfied with his judgment I may go to a new physician, but I at least am not going to qualify as an expert in anatomy.

Mr. GARDNER. May I ask the gentleman one more question?

Mr. SHERLEY. Yes.

Mr. GARDNER. The gentleman says that he thinks the proper thing to do is to have the head of the Army before him; that the heads of the Army are not disqualified merely because they disagree with some casual people like myself.

I asked the gentleman to summon the most recent head of the Army, the only head of the Army available, the recent Chief of Staff who went out of office in November——

Mr. SHERLEY. Well, I must control my own time, and I will answer the gentleman's question. Why did not we do that? The committee did not summon Gen. Wotherspoon. Why? It did not summon him because he is now not an officer in the service. He is retired, and was not at the time the hearings were had the Chief of Staff. He was Chief of Staff for eight months. I do not desire to do the general an injustice. If I desired, I might say that the positiveness of his views touching matters connected with the Army became evident only when he was leaving the service; but that is aside from the question. We did not believe that it was proper to go out and get an ex-member of the service, especially as we had his viewpoint recently expressed. Now, a good deal was said about his viewpoint having been the result of the experience of the European war. His report was submitted, I think, November 22. The war broke out in August. The amount of valuable information—and I use the word "valuable" properly—the amount of valuable information that was obtained by him or any other Army officer as to the result of the European war touching these technical matters was negligible, and so is the amount of information they now have, and I will tell you why. For instance, you take the question much exploited in the Army bill, and about which the gentleman from Massachusetts had so much to say, the relative proportion of field guns to rifles and sabers in the mobile army.

The Greble Board, acting fully on that matter, fixed 3.16 per thousand rifles and sabers. Gen. Wotherspoon figured it out at 5 per thousand. Now, as to the information we have touching the European war. The general opinion is that artillery is playing a very big part in that war. There is no practical information as to the number of rounds that are being fired from a given battery in a given length of time, and if we had it it would not be of sufficient value to anyone to draw conclusions. Why so? Because you have not only to determine how fast they are using the ammunition, but how wisely they are using it, and in order to determine how wisely you would have to have the report of an observer at the other side to see the effect of that ammunition and whether it was being wasted or not. But I desire to go ahead. I have been severely criticized because of a reputed statement that I am supposed to have made to the effect that we were not only well fortified but perhaps the best fortified country in the world. Let me say in advance that the way to judge a man's viewpoint is not to take a sentence, but to take all that he says on a given proposition. I made no speech in this House and I have made no speech in public in which I have not always pointed out, along with the good things that we have, the bad things, where I thought we were deficient, and what I thought was needed in order to help better those conditions. Now, the gentleman from Massachusetts did me the honor to call upon an expert, as he says, to pass judgment upon the reputed interview of mine in the Star of November 28. So far as that day was concerned, I was on the high seas. It being my birthday, I remember where I was. The interview was reputed to have come as a result of a speech I had made in the House.

Mr. GARDNER. I do not think the gentleman wishes to do me an injustice.

Mr. SHERLEY. No.

Mr. GARDNER. I do not think I ever said it was an interview; but the article speaks for itself.

Mr. SHERLEY. All right, I will withdraw the word "interview"; but let us not waste time with nonessentials.

Mr. GARDNER. The gentleman acknowledges he was mistaken, does he?

Mr. SHERLEY. I have here what the gentleman said.

Mr. GARDNER. The interview is here and speaks for itself. I have it here. "SHERLEY is picked to meet charges"——

Mr. SHERLEY. That article! I know nothing about those headlines. What I was quoting from is this:

The article is headed: "Views of experts on United States defenses, Representative SHERLEY among others who expressed themselves satisfied with equipment." Then the article opens as follows:

"The continental United States is not only well fortified, but is perhaps better fortified than any country in the world, said Representative SHERLEY, of Kentucky, in presenting to the House the annual bill for the fortifications of the important and strategic harbors of the country at the session just closed."

Mr. GARDNER. Last year.

Mr. SHERLEY. In that speech the gentleman will find I made a statement touching the matters that he has spoken of.

Mr. GARDNER. I want the gentleman to admit that he was not correctly stating it when he said——

Mr. SHERLEY. All right; let us not deal with nonessentials.

Mr. GARDNER. I think it is very essential.

Mr. SHERLEY. He quotes Mr. Huidekoper, whom he asked to write an article. Mr. Huidekoper is a very estimable gentleman in private life who has spent a good deal of time in writing articles on military subjects. As to the value of them, I have no opinion to express; but he undertakes to compare our fortifications with Germany, and particularly in regard to the fortifications at Heligoland.

I simply wish to say in regard to that, that if he has any information in regard to those fortifications he will find the most receptive crowd at the War Department he ever saw, because they have no information, have never been able to obtain any, and, so far as I know, no one is in possession of accurate information touching German fortifications. Then he goes ahead in a discussion of the land fortifications of Germany and states that we have no land fortifications, and therefore we can not be said to be as well fortified. Of course, we have no land fortifications, and it has been no part of the scheme that we should have land fortifications, speaking broadly. We do not fortify the frontier of Canada, because there is no need, owing to our splendid relations with Canada. We do not fortify the frontier of Mexico, because the strength of Mexico is not sufficient to make it necessary, and parallels that are undertaken to be drawn between interior fortifications and frontier fortifications of European countries, who are confronted with other countries of equal strength and where the feeling is always more or less strained, and our coast defenses have no direct value.

Now, our fortifications are intended for certain purposes—and I speak now of continental United States—and it is well to bear in mind what those purposes are. They are not intended, and never were intended, to prevent the landing on our shores of a hostile army. It is not within the realm of financial possibility to so fortify the coast lines of the Atlantic, the Pacific, and the Gulf, as to bring that about. I have never known any serious man, having in mind the cost, who ever proposed anything of that kind. The purpose of our fortifications is to protect a particular harbor or to protect a particular city, and they have served this purpose, according to the view of those that planned the defenses, when they force an enemy to land in order to effect their capture.

Now, these fortifications are open in the rear. Much might be said in favor of certain places having some batteries that would be a defense against land attack. Something might be said in favor of having an all-around fire for some guns.

In the case of the mortars that is usual. But I want you to keep in mind that the defense of these fortifications from the rear is looked upon as a mobile-army proposition and not as a fortification proposition. Everyone who has been a student of the subject knows that.

Now, I have repeatedly said that in my judgment our fortifications would not be put to the test of their sufficiency, because an enemy having control of the sea, which is a prerequisite of any attempt of a landing party of any size, other than one making a sortie, would never undertake to subdue such fortifications, but, instead, would go outside of the range of the guns, effect a landing, and, if necessary to capture them, would undertake their capture from the rear. Now, if they are weak in that particular, the remedy lies, and must lie in large measure, with the mobile army, and there is where we are weak and need improvement.

The gentleman from Massachusetts stated, as if it were a matter of great concern, that there was not even a barbed-wire entanglement in the rear of these fortifications. There is not, and I can not imagine anything more foolish than a barbed-wire entanglement there now; but the gentleman is probably aware that plans have been worked out and are being worked out for the land defense of every one of these fortifications, and it is hoped that these palns will go to such a degree of refinement that there will be for each district officer, in the case of the breaking out of hostilities, such plans and specifications and blue prints as will enable him to go and hire certain labor to do a particular piece of work at a particular point, without the need of any other information than that which upon the opening of an envelope will be available to him.

Mr. GARDNER. Substantially I agree with what the gentleman has just been saying; but there is another thing. Are not harbor or coast fortifications for this purpose as well, namely, are they not to prevent the bombardment——

Mr. SHERLEY. If the gentleman had waited I would have come to that, and I will speak of it right now. I said they were for the protection of a harbor or for the protection of a city. They are a protection for a harbor for two reasons. One is to enable that harbor to be used as a rendezvous for our own fleet, and the other is to prevent its use as a rendezvous for the enemy's fleet and as a base of supplies for a landing party, and as such protection to enable our fleet to be used offensively and not simply on the defense. They are supposed to be a protection for some cities against bombardment.

Now, I want to be perfectly frank in that. The gentlemen who will read my speech of last year with candor will find that there I called attention to the fact that I thought it might be necessary to put additional armament at certain fortifications, due to two things—the increased range of guns upon foreign ships and the growth of cities into outlaying territory that was not occupied at the time the fortifications were planned and erected. It has been just a bit amusing to find myself classed as one of those constantly opposing advancement. I am in favor of heavy armament. I have never thought that a 12-inch gun was equal to a modern 14 or a 15-inch gun, and I have never known of any human being who did. Certainly Gen. Crozier, who is constantly held up as the embodiment of everything that is antiquated, never held any such view. And, in passing, may I say that while Gen. Crozier has his viewpoints, and some of them may or may not be correct, I would that the Army had many men of his industry, of his intelligence, and of his courage. [Applause.] He is a distinct ornament to the service that he has given his life to.

Mr. GARDNER. Will the gentleman yield. I want to agree with him as to Gen. Crozier, and I will add, "his integrity."

Mr. SHERLEY. I did not mention that, because that does not need to be spoken of as to Gen. Crozier.

Now, I made the statement that we were well fortified, and probably the best fortified country on the earth. I made it with the qualifications which I gave—qualifications as to the amount of ammunition—which I shall not be able to touch on now, but I will under the 5-minute rule; made it with statements as to what we lacked in regard to searchlights, as to what we lacked in regard to fire control, as to what we lacked in many other particulars. And why did I make it—simply as my judgment? No. My judgment is of very little value in this matter. But I made that on the statement of officers who ought to know.

The most aggressive, the most persistent, officer who was ever Chief of Staff, in my memory, was Gen. Leonard Wood. Whatever may be his merits or demerits, he was a man who had the courage of his convictions and who never lost an opportunity to express those views and to urge them upon Congress. He was before my committee; and not only before my committee, but I have talked with him many times. And I want to say a thing now, too, namely, that when he was Chief of Staff, in making up the fortification bill, when it became necessary to bring the bill within a certain size financially, I consulted with him as to the items which should be eliminated, assuming that some had to be eliminated, and those bills were made up in detail with his concurrence and his knowledge. He urged upon us the doing of certain things as being things of most importance, and the committee followed his judgment in that, and I think it was wise in following his judgment in that. It was not able to do everything, but it did the things as best it could that were urged as being most necessary.

Now, Gen. Wood has testified as to the value of fortifications. The gentleman from Massachusetts [Mr. GARDNER] undertakes to break the force of his testimony by saying that he submitted a list at the same time he made the statement of additions to armaments that were needed. He did. He simply took a list of what had been reported in the old Taft Board, but it was a list that he has never urged upon us and never has submitted an estimate for.

And while I think some of them are needed, that list was not submitted with the idea of qualifying his statement that he thought we were well fortified. I say another thing, that if you were to get a consensus of opinion of the Army and Navy men of America they would tell you there is less reason to be alarmed over the condition of our fortifications than over any other matter. They will tell you that your trouble in regard to your Army is not half so much in the matériel as it is in men. They will tell you that the need is more for men than it is for the matériel that the men are to use. They will tell you that the trouble is not with our fortifications; the trouble is elsewhere.

All things are relative in this life, and we can not do all at once, even though we may wish to. I know of no period during the 12 years in which I have served in this House when I have not been willing to go faster than I believed Congress was willing to go in regard to Army and Navy matters. But I have tried to adjust myself somewhat to an environment. I have tried to be practical; and if the committee has erred, it has erred as the result of an honest effort and a consistent effort that has not simply been manifested when it became popular to talk about this subject matter.

Now, I will try and get Gen. Wood's statement into the RECORD. If I do not read it, I will put it in the RECORD. It is found on page 18 of the hearings for 1915. Gen. Wood was asked there——

Mr. GARDNER. What year was that? I did not get the year.

Mr. SHERLEY. The year 1915. I asked him touching the estimates. I read:

General, your estimates this year are about $9,000,000, as against approximately $7,000,000 estimated last year, and against an appropriation last year of $5,000,000. The large increases are those for the mobile artillery and for ammunition?

Gen. WOOD. Yes, sir; in fact, all of it, or the bulk of it, is due to that.

Mr. SHERLEY. Now, there has been stated each year heretofore the opinion of the department as to the relative importance of the various items that are submitted in this bill. Would you make a statement to the committee now as to what you consider the most important matters to be provided?

Gen. WOOD. I should say ammunition above all things.

He is there speaking of ammunition for the mobile artillery. He asked:

Do you mean under this particular subject?

Mr. SHERLEY. I mean particularly the bill as a whole.

Gen. WOOD. I should say that the most important things dealt with by this bill are, first, ammunition for Field Artillery; second, guns for the Field Artillery; third, the completion of the work in the Hawaiian Islands; and fourth, the coast defenses and fortifications work in the Philippines. That is very largely completed.

Mr. SHERLEY. And after those things you have enumerated would come matters relating to continental United States?

Gen. WOOD. Yes, sir. Except with reference to the work at San Diego and the entrance to the Chesapeake Bay we are very well taken care of here.

Now, in the 1914 hearings his statement was more pronounced than that. On page 13 I read:

Mr. SHERLEY. It has been testified heretofore that so far as the continental United States was concerned we were not only adequately fortified, but in many instances overfortified.

Gen. WOOD. Yes, sir.

Mr. SHERLEY. And you concur in that general proposition?

Gen. WOOD. Yes, sir.

Mr. SHERLEY. In your judgment would it ever be necessary, as to the large proportion of fortified places, to make any change in the armament that has been provided?

Gen. WOOD. No, sir; except possibly in the type of mortar carriages and some other minor changes which might involve the placing, possibly at an advanced point, a battery or two of a heavier type of gun, but essentially the present armaments will remain intact so far as we can see.

Mr. SHERLEY. It is, then, the opinion of the War Department now that, with the exception of the possible need of increasing the armament at San Diego and providing for the armament now authorized at San Pedro and Cape Henry, the coast of the continental United States is adequately fortified?

Gen. WOOD. The Taft Board project, which Congress approved, still remains. Some portion of it we do not think will ever need to be carried out. Other portions of it, we think, will need to be carried out, but, generally speaking, it can be said, with the exception of the places you have mentioned on the Pacific coast and the work at the mouth of Chesapeake Bay, that the essential features of the coast defenses have been completed. Now, as was stated awhile ago about the coasts being overfortified, that is apparently true, or at least we so regard it now. We put in more guns than were perhaps absolutely necessary, and in that we exercised supercaution. However, there are certain things which still remain to be done, and, with your permission, I will insert a statement of them in the record.

The gentleman from Massachusetts read the rest of the lines.

Mr. GARDNER. What is the date of that evidence? What is the date when it was given?

Mr. SHERLEY. The date when it was given was December, 1912. I read what he said the next year. The gentleman from Massachusetts wants to produce the impression upon this House that there has been such a complete revolution in regard to the range of guns upon modern battleships within the last year or two that it has totally altered the conditions in regard to the fortifications. I deny it. I say it has modified it in some particulars, but it has not in any very substantial way. There were guns then, at the time those words were uttered, mounted with just as far a range as the guns that are now to be put on the *Queen Elizabeth* type of English battleships. There were American guns of just as far range as there are upon American battleships now mounting guns of 14-inch caliber.

I had the pleasure of dining out the other night with an officer of the Army and a distinguished naval officer, and in order that the Army officer's credibility may not be impugned I want to say that he was not one of those who have testified in this hearing. Both of them concurred in the general statement that the best evidence of a novice touching the science of war was his immediately asking as to the range of a gun, as if that was the all-important factor. [Applause.]

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. CALDER. Mr. Chairman, does the gentleman wish some more time?

Mr. SHERLEY. When the bill is read, after the first paragraph is read, I shall endeavor to speak, with the indulgence of the committee, for a few minutes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available and to continue available until expended, namely.

Mr. SHERLEY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Kentucky moves to strike out the last word.

Mr. SHERLEY. I shall not delay the committee but a little longer, but there are one or two things that I think I ought now to say, and I can then amplify them a little later on. One of the things I want to call your attention to is this, that there is a very great advantage with a fortification in a battle with a fleet, and the advantage is very easily recognized. In the first place, the fort shoots at a plainly visible target that is vulnerable. In the second place, it shoots with the advantage of a long base line in connection with its range finding. You gentlemen, of course, realize that firing is not done simply by sighting, but that the range of the object to be hit is determined by the principle of triangulation and the determining of the angles at the end of a long base line. Manifestly, the longer the line the less error will result in accurate range finding due to any error in your observation.

Not only is that true, but a ship in firing at a fortification fires always at an obscure target, and frequently at a hidden one. If any of you gentlemen have gone down the Potomac River and have undertaken to find or even had pointed out to you the fortifications on that river you will realize the difficulty of seeing them within ranges of 2 or 3 miles. Not only is that of advantage, but in order to do appreciable damage to the fortification you have either to hit the gun for the fraction of a minute—assuming that it is a disappearing gun—that it is over the rampart in firing or you have to hit on the inner crest of the fortification so as to cause damage either to the personnel or the gun, or you have got to have a shell explode at the particular moment that it is passing over these fortifications.

Now, all of these are a distinct advantage. I do not believe there is any danger of our fortifications being put out of business by an attack from a hostile fleet. In the first place, I do not believe a hostile fleet is going to attempt it. It is not going to waste ammunition by standing off and shooting at a range of 21,000 yards or anything like it, and if it has control of the sea it is not going to bother about the reduction of the fortification from the sea, anyway.

It is true that there might be danger of the bombardment of certain cities. Some danger is an incident to war and must be undergone. For instance, we have not fortified all the coast cities of the country, and we shall probably never try to do so. There are any number of cities that have no fortifications, and it would be possible for an enemy's fleet to bombard them if you assume a number of things. And, by the way, that is a good thing to bear in mind when gentlemen are getting the buck ague. Remember all of their premises are necessary before the catastrophe happens. They always lick our fleet first. They put our submarines out of business. They clear up the mines and make an open channel, and then, having won every stage of the fight and being left alone to choose their time and place, they proceed to demolish the fortifications and to land an army and capture the country. But, assuming their premises, it is possible that at certain cities they might be able, if they got in at a certain place where on the map there is indicated water enough to float them, to bombard part of a city and be out of range of our guns. It was my intention at this session to have

gone into the condition of each unit in the fortifications of America. I think that ought to be done. I had hoped to do it at this session.

More than a year and a half ago, when there was no war scare, when it was not popular to dig into all these matters, I saw what I thought to be the wisdom of considering these subjects. I took the matter up with the Chief of the Coast Artillery. He went into some study of it. But this was the condition that confronted us this year. I would have had to take practically his single judgment as to what was necessary at these various places.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman may proceed until he concludes. I suppose that will not be very long.

Mr. SHERLEY. I do not want to impose upon the committee. It is a big subject, and it is difficult to cover. I am much obliged to the gentleman.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Kentucky be allowed to proceed until he concludes his remarks. Is there objection?

There was no objection.

Mr. SHERLEY. I would have had to take from the general his statement as to what he thought was necessary, according to the judgment that he had from the reports of the local officers. Had I done that, I would have been subject to the very criticism that I think properly applies to the viewpoint of the gentleman from Massachusetts [Mr. GARDNER] and others who criticize the committee because they did not examine individual men. We have been working under what is known as the Taft Board report. The Taft Board was convened under an order by President Roosevelt, and it took as its basis the old Endicott report, the report of a board convened when Cleveland was President. The report of the Endicott Board had become in many ways obsolete. Rifled and more powerful cannon and smokeless powder and many other things had made the findings of that board no longer valuable.

The Taft Board undertook to modernize it and bring it up to date, and they made a report which is a very remarkable document—remarkable in its thoroughness, remarkable in the detail with which it went into questions. Now, in large measure we have been following that Taft report, as modified from time to time by boards that have considered these matters. Part of what the Taft Board have recommended is now thought to be unnecessary. Some things that they did not recommend are now plainly necessary. If I had undertaken to have Gen. Weaver report, I would then have had the report of a man for whom I have the highest respect and admiration; but that would have represented simply his viewpoint. Now, it might be that a great many other men would not agree with him at all. They would either think that additional armament was not needed or they would think that armament was needed in greater amount than he thought, or that it ought to be emplaced at one point instead of another. I do not believe we ought to spend great sums of money without careful consideration of what we are doing. I talked to the Secretary of War about the matter, and I am glad to say that he has created a board, which is to be a continuing board, which is not to go out of existence after the performing of a particular duty, but is to be a continuing board to consider just these questions. I have no doubt that next year the committee will be in a position to obtain not the viewpoint of a particular officer, but the final judgment of the War Department touching the needs of additional armament at particular places.

There was no condition confronting us so alarming as to make it necessary that we should disregard the ordinary prudent and sensible course and simply appropriate money out of fear, because gentlemen will bear in mind that even assuming that the present world affairs were such as to make war with us imminent, no sums that are carried in this bill will have any appreciable effect upon our situation should war come upon us; and if war should come, this Congress, like all previous Congresses, would immediately vote sums that would make any amount carried in this bill insignificant and negligible.

Then, too, armament is not built in a day. Now, it may be said, "Yes; but you lose a year," and it may be said, as it has been said, that we simply spend our days in considering and reporting and reconsidering. I do not believe that is altogether a fair indictment of the War Department. It is mighty easy for gentlemen to determine what ought to be done who are not charged with the responsibility and know nothing about the science that they undertake to criticize. Gentlemen, I usually find that the War Department is particularly alert to take advantage of new matters, and that we have gone to a degree of refinement in Coast Artillery that is probably not approached by any other nation. The refinement that we have gone to in regard to all of the supplements to our guns, in the way of fire control, in the way of many auxiliaries, is such as to make me think that these gentlemen are by no means asleep, but that they are very wide-awake.

And this all means money. There is always a question when we shall throw aside something which is not as good as the most modern, but which may still be of value. Men differ as to what should go to the scrap heap. Now, the gentleman from Massachusetts [Mr. GARDNER] and I differ in this particular, that he would give the impression that because our guns are not of the greatest range and largest caliber for that reason they are negligible and can be disregarded. He may not have said just that, but that has been the whole tone and color of his criticism. I do not believe it. I believe that in many instances our fortifications have more guns than necessary, put there out of abundant caution. I repeat, that we are not in danger of having the fortifications put out of business. It may be necessary—I think it will be necessary—to put certain additional fortifications at points farther out in order to protect portions of cities from long-range bombardment. I hope that we will have an accurate report touching that matter next year, and I believe if we have it we will have action taken by Congress on it.

Some criticism has been made as to the fortification of Cape Henry. Cape Henry is an old story. Its fortification was recommended by the Endicott Board, and it was most strongly urged by the Taft Board. It was urged every year that I have been on that committee. I remember when my predecessor was chairman of that committee, Mr. Walter Smith, of Iowa, a man of great industry and very great, hard, common sense, he did not concur with the War Department about the need of fortifying Cape Henry and he would never give his consent, and the matter was thrashed out on the floor. I rather concurred in his view. I took a trip down there right after I got on the committee. As years went on and these men kept insisting on their viewpoint, I came to realize that I was not warranted in putting my judgment against the judgment of every Army and Navy officer that talked about the matter. It is true that we had been very much disturbed by the frequent views which the Army had as to what was necessary to fortify the mouth of the Chesapeake. Originally you were to have monitors anchored at the mouth. Then you were to build an artificial island. Japan went to building islands, and the habit became contagious, and for a while everybody was talking about islands upon which to place fortifications; and they are exceedingly valuable, for the very plain reason that they are not subject to capture by land assault.

Then they had a proposition to fortify Cape Henry and Cape Charles both, but finally the increased range of guns made them come to the conclusion that it was possible to fortify Cape Henry and have guns of sufficient caliber to reach across the channel and prevent a run by.

In that connection I want to say that the size of the armament that is to be had at a particular fortification does not measure the size of the armament needed at another fortification. All fortifications do not need the biggest guns. The armament necessary is determined by the topography and hydrography of the particular vicinity. At one place the fortification is to prevent a run by, and at another place it may be to protect a city, and they have to be adapted to each particular locality. It is a most technical matter and a matter about which men do not learn the last word in a few hours' study.

I finally came to the House with a report from my committee in favor of the fortification of Cape Henry. There had been some division in the committee on that matter. It was not easy to get the committee to come to an agreement about it, and when it came out on the floor the colleague of the distinguished gentleman from Massachusetts, Mr. GILLETT, made a speech against fortifications on Cape Henry, and advanced what many thought were good arguments as to why it should not be done, and he got quite a considerable following. But the House supported the recommendation of the committee and we determined to fortify it. There then came the question of the purchase of the land. It took time to get this land, and, to make a long story short, we finally got it and got it without paying an exorbitant price through condemnation proceedings.

Then there came the question of what armament should be put there. There had been a good deal of dispute about that; some gentlemen, one of whom is now being quoted as the chief apostle of heavy armament and a vast amount of mobile artillery, and others thought that 12-inch guns were sufficient, and there was a considerable difference of view in regard to it. Several years ago I stated my lay opinion for whatever it

might be worth, that we ought to have 16-inch guns there. At that time there was no 16-inch gun mounted anywhere, or proposed to be mounted. My reason was that there was a particular object to be served by fortifying at Cape Henry, and that was to close the mouth of the entrance of the Chesapeake and prevent a run by, and to prevent the use of Lynnhaven Bay as a rendezvous for a hostile fleet, and thereby the landing of an army, repeating the happenings at the time Washington was burned in the War of 1812.

So that it is not to-day and it is not even yesterday that I saw the wisdom of heavy armament at particular places. But because you see the wisdom of heavy armament at particular places, because you see the desirability of doing it when you start on a new project, is no reason for condemning something that was done at an earlier period, of determining that because it is not the equal of what can now be done that it is totally inadequate. These are conclusions that do not follow, and they need only to be stated for one to see that they do not follow.

What was the situation in regard to Cape Henry at this time? There had not been such a final agreement in regard to Cape Henry at the time the estimates were made so as to enable the Secretary to submit estimates for this work to Congress. Since then I think there has been an agreement as to the armament that should be there, and that armament will have in its major batteries guns of 16 inches. In view of the demands that were made in other regards, not only in this bill but in other bills, and in view of the general condition of the Treasury, the Secretary of War did not feel warranted in submitting supplemental estimates that would have amounted to close to $2,000,000. The committee, in the absence of such estimates, did not feel warranted in recommending the appropriation. The work there will take about three years. When it is started it ought to be carried on just as rapidly as possible, and the thing that I have tried to insist upon is that when we enter on new projects we should carry along everything that goes with the project, so as to try and get a finished unit, and not have something that is part done here and part done there. It may be that the committee has erred in not bringing in that amount. That is for this Committee of the Whole to say. I do not believe that the Committee on Appropriations would have been warranted in disregarding what was recommended and going outside. I think it has performed its highest function when it gives what information it can to the Committee of the Whole and makes recommendations that represent its judgment within the estimates. The very moment you get to going outside of your estimates you will find that there will be constant pressure from all sorts of sources to do all sorts of things, many of which may prove to be very unwise, and there will be very great extravagance. In the House of Commons it is not in order to move to increase the estimates of the Government. I have never asked that the judgment of the Appropriations Committee should be the judgment of the Committee of the Whole. We have presented the bill according to our best judgment. If we have erred, it is for you to correct.

Now, let me say just a word about ammunition, and then I shall close.

Mr. MANN. Mr. Chairman, before the gentleman goes to that will he yield for a question?

Mr. SHERLEY. Surely.

Mr. MANN. And if it is not a proper question I do not ask for an answer. Great Britain or the allies have possession of the sea at this time, and I suppose have the strongest naval vessels in the world. Why is it that they do not attack German fortifications? Why is it that during the Spanish War our fleet did not capture Havana?

Mr. SHERLEY. Mr. Chairman, I can give the gentleman only my judgment for what it may be worth, and that is this: I do not think thinking men undertake something that even if successful would accomplish a given thing of less value and at greater cost than could be accomplished by other methods. In other words, it is a good deal better for them to undertake to bottle up Germany's fleet and to control the avenues of trade than it is to take the risk of not only going up against Germany's fleet but also against these fortifications, with the almost certainty that they would not be able to subdue them from the sea. In the Dardanelles there is a different proposition. They are there undertaking to attack those forts because it is necessary in order to get to a given place; but whether their attack will be successful or not remains to be seen. The information that we get in the newspapers is not of sufficient detail to warrant anybody in drawing any conclusion. During the Japanese-Russian War the Japanese fleet lay off Port Arthur, which was not a modern fortification in the sense of some that could be mentioned. After a bombardment of a short time they ceased to attempt its capture from the sea, but undertook its capture from the land, a very difficult operation, too, because Port Arthur from the land was no easy place to take. They did that because they did not believe it was practicable in the proper sense of the term to subdue that fortification from the sea.

As I have said repeatedly, I do not believe our fortifications will ever be put to the test. That is aside from the question of the distant bombardment of cities, but so far as the attempt to subdue those fortifications from the sea is concerned, having the prerequisites that would be necessary to such an attack, I do not believe that any commander of a fleet with ordinary judgment would undertake the task.

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. GARDNER. The gentleman said it would take three years to complete the Cape Henry fortifications. As I understand it, unless we appropriate the whole $1,750,000 that was suggested this year it would not be worth while appropriating anything. Am I correct in that?

Mr. SHERLEY. I think that is about true.

Mr. GARDNER. But if we did appropriate all, the project would be complete one year earlier than if we begin a year from now. Is that correct?

Mr. SHERLEY. I am not sure that that is altogether correct. That would seem to be correct, but there are probably some things that need to be done touching the manufacture of ordnance in advance of its manufacture that would not enable us now to immediately go forward, even if we had the money available.

Mr. GARDNER. Does the gentleman mean having a new lathe and such things?

Mr. SHERLEY. Not only a new lathe, but there are a number of things. It is a question of capacity, and it is a question of whether other work would not be delayed. All of these matters would control. I am unable to say, but I think there would be some saving, although I do not think it would be a full year.

I want now, Mr. Chairman, to say a word about ammunition, and just a word, because I have delayed the committee too long, and I will try to take up such of these items as may be necessary as we read the bill. For continental United States the estimate of the ammunition desired was that sufficient should be had to supply all the guns for one hour of fire, and that was determined, not by the question of the life of the guns, though that would put a limit to the number of rounds, although that limit is not approached, but it was determined by the time in which a fleet passing a given fortification would likely be engaged. We have of that amount that is deemed requisite something over 73 per cent for guns and mortars. For guns we have of some of the heavy sizes over 100 per cent, and for other guns it runs down. In order to be accurate I will repeat what I read yesterday about that, though I dislike to take the time of the committee unduly. What I read is to be found on page 193 of the hearings. It is as follows:

These seacoast guns range from 6-pounders up to 16-inch. We have 12-inch mortars besides the 6-pounder gun; the allowance is 200 rounds per gun, and we have that all on hand.

The allowance for the 3-inch (15-pounder) guns is 200 rounds per gun, and we have 70 per cent on hand.

The allowance for the 4-inch guns is 150 rounds per gun, and we have 132 per cent on hand.

The allowance for the 4.72-inch guns is 150 rounds per gun, and we have 85 per cent on hand.

The allowance for the 5-inch guns is 125 rounds, and we have 118 per cent on hand.

The allowance for the 6-inch guns is 125 rounds, and we have 76 per cent on hand.

The allowance for the 8-inch guns is 90 rounds per gun, and we have 91 per cent on hand.

The allowance for the 10-inch guns is 60 rounds per gun, and we have 101 per cent on hand.

The allowance for the 12-inch gun is 45 rounds per gun, and we have 110 per cent of projectiles on hand, but only 85 per cent of powder.

For the 14-inch guns, it is now under manufacture, because there have been no 14-inch guns yet mounted in continental United States. They are in process of manufacture and of being mounted.

For the 16-inch guns we have only one that will be sent down to Panama, and the carriage for it will be finished this coming summer. Now, I do not think that is altogether a most desirable condition in regard to ammunition. I am going to be perfectly frank with this committee. I do not think it is an alarming condition, because I do not think you are ever going to have anything like all of your guns on one coast, let alone on both coasts, in action or involved.

Mr. MANN. Will the gentleman yield for a question?

Mr. SHERLEY. Certainly.

Mr. MANN. Without referring to any present fortification, take the fortification at the entrance to Chesapeake Bay which

is proposed, is it designed under the plan now in operation to have at that point ammunition only for one hour's firing?

Mr. SHERLEY. Well, I would not say that.

Mr. MANN. I am not speaking now of any particular place, but of the plan.

Mr. SHERLEY. I do not think so. I think it was in contemplation an hour's supply for all guns, but that does not necessarily mean that that would all be equally distributed in percentages for all the guns. There are a number of guns—for instance, guns here at the Potomac—that would not need to have any ammunition, in my judgment, and that ammunition, so far as it was of a size suitable for other guns, will be put at other places.

Mr. MANN. Suppose the fleet was on the Atlantic Ocean at some place and we might not know just where it was and it should appear off the coast of New York or Chesapeake Bay or some other place farther north or south, what good would it do to have a lot of ammunition in Washington?

Mr. SHERLEY. Well, I do not think it would do any. I do not think they ought to have any at Washington.

Mr. MANN. What good would it do to have it anywhere else except the point where the fleet appeared?

Mr. SHERLEY. That would depend upon how soon it could be gotten there and how soon needed. If the gentleman by his questions means to imply that he thinks there should be a sufficient quantity at each place, except those so placed where nobody expects them to be attacked, and where they could not be without the reduction of other forts, why I quite agree with him.

Mr. MANN. I do not mean by my question to imply anything, but I will say to the gentleman I have heard the statement made several times to the House that while the design was to have ammunition for one hour's firing of all the guns that, of course, did not mean that all the guns would be fired at once, but I have not been quite able to understand what advantage it is to have a lot of ammunition at San Francisco when the fleet was at New York.

Mr. SHERLEY. I simply wish to say that the theory upon which the allotment was made was not so much the transfer of ammunition from point to point on a given coast as it was the transfer of ammunition from one coast to another with the idea that before we are attacked you would know, according to the country you are having a war with, what coast was going to be involved. Now, I am free to admit I do not altogether share that reasoning. I think Gen. Weaver's position is perhaps the sounder one, and I am inclined to think that the total we ought to aim to have is a supply enough for two hour's continuous firing, and I believe that when the matter is reviewed that will be probably the judgment that will be had touching the matter.

Mr. GARDNER. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. GARDNER. Two hours' continuing firing for the 12-inch guns that it is proposed to mount? That would be how many rounds?

Mr. SHERLEY. I do not think I could answer the gentleman, but I think it would be something like 90.

Mr. CALDER. That is correct.

Mr. GARDNER. As they are to be remounted, what is the life of the gun, does the gentleman remember, the remounted 12-inch gun with a 700-pound projectile?

Mr. SHERLEY. I am not sure in regard to the life of the gun, considering the wear that might have taken place from practice, but with a new gun I think it would be something over 300 rounds.

Mr. GARDNER. At all events, it is adequate?

Mr. SHERLEY. I think so.

Mr. J. M. C. SMITH. Would that apply to the 16-inch gun?

Mr. SHERLEY. It would in a measure, but not entirely so. We have had no experience as to the actual erosion that takes place in the 16-inch gun, because we have not had any that has been fired sufficiently to know it. Presumably the erosion would remain about the same, with a probability it would be a little bit greater in the heavier gun. It also is dependent somewhat upon the foot velocity of the projectile as fired, and one of the reasons why the Army and our Navy, and the English Navy, and others have seen fit to increase the weight of the projectile and lessen the foot velocity has been to get the same force of impact with less wear upon the gun itself so as to prolong the life of the gun, which is very short.

Mr. FOWLER. Will the gentleman yield?

Mr. SHERLEY. I will.

Mr. FOWLER. Is there such a thing as dead shells after long storage?

Mr. SHERLEY. I can not say that I know there is; but, so far as I know, the ammunition that we have is all available. Now, the powder that is used is being renewed every year. They use the oldest powder for target practice, and constantly supplant that which is taken out of reserve by the use of the money appropriated for target practice in procuring more; hence you are turning over, to a considerable extent, your powder every year.

Mr. FOWLER. What I am trying to get at is as to what is the average life of the shell in storage?

Mr. SHERLEY. Oh, I do not know; but, so far as I know, there has been no deterioration of the shell as such.

Mr. FOWLER. Well, the ammunition that is placed in a shell. Is it taken out at intervals or is it allowed to remain until used?

Mr. SHERLEY. Well, I do not think that the shells are always completely loaded that are in reserve. I am rather inclined to think that in many instances they are not, but the gentleman will appreciate it is very difficult for me to keep all these matters in my head.

Mr. PAGE of North Carolina. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. PAGE of North Carolina. In connection with the amount of reserve ammunition that was under discussion a few minutes ago, this was determined by a board at some time in the not far past, was it not?

Mr. SHERLEY. It was determined by the Taft Board.

Mr. PAGE of North Carolina. About 1906?

Mr. SHERLEY. It has been modified somewhat from time to time, by increasing the allowance for the mortars.

Mr. PAGE of North Carolina. One other question. Was not the quantity determined by the supplying of a sufficient amount of ammunition for each gun for practically the life of the gun?

Mr. SHERLEY. No; I think not. I think the amount that was allowed was considerably under the life of a new gun and somewhat under the life of even a gun that has been used quite a bit in practice. And the determining factor was not the life of the gun. In arriving at this amount they determined it on the time that a fleet would be within the range of the guns under battle conditions, as I recall.

Mr. MANN. Might I ask the gentleman one more question?

Mr. SHERLEY. Yes, sir.

Mr. MANN. The gentleman and I recently visited the fortifications in Panama. I do not desire the question answered unless it is a proper one to ask. My recollection is that at one place there, at least, we saw them filling shells—I do not know whether that is the proper term or not—and it seemed to me from what they said that they must be preparing to keep a much larger supply of shells there than could be used in an hour or two hours of continuous firing, unless they can fire these guns much more rapidly than I had ever supposed.

Mr. SHERLEY. I will say to the gentleman that the amount estimated for Panama is the amount estimated for the insular possessions, and that is a two hours' supply.

Mr. MANN. How fast can they fire one of these 8 or 12 inch guns? Does the gentleman happen to remember?

Mr. SHERLEY. That is testified to. I think two shots in a little over a minute in the heavy guns.

Mr. MILLER. I notice in the hearings Gen. Weaver testifies, on page 57, that a two-hours' allowance for a 12-inch gun is 90 rounds; for the 14-inch gun, 80 rounds; and for the 16-inch gun, 70 rounds.

Mr. SHERLEY. The gentleman was asking me about the rapidity of fire.

Mr. MILLER. I understood that was about the maximum rapidity.

Mr. SHERLEY. Of course, by dividing you would get about the amount.

Mr. LEVY. Will the gentleman allow me?

Mr. SHERLEY. Yes.

Mr. LEVY. Has an estimate ever been made of how much ammunition the producers of ammunition could supply the United States if they were forced to do so?

Mr. SHERLEY. Yes; quite elaborate statements have been made about that in the hearings. I do not want to trust my memory now, but whatever the quantity may have been at the time the estimates were made, I think it has been very greatly increased by virtue of the tremendous activity in America in the manufacture of munitions of war. So that of the evils that have come from the European war, one thing that might be of benefit has occurred, and that is an increase of the capacity of the country for this output.

In regard to the ammunition, I want to say this: Looking back over it, it may be that the amounts that were asked for

were not large enough and that the amounts that were given were not large enough. But, again, men are presented with relative propositions. The things that have been hammered at our committee as being the most important have been those relating to mobile artillery and ammunition and in regard to the defenses of the Hawaiian Islands and the Philippines. Now, we have undertaken to follow the judgment of these men as to the relative importance of matters. In doing that of necessity men do not quite pay the same attention to some matters that they do to others, because of the pressure that is put upon them. Now, we have this situation confronting us at this time. There was an estimate of $200,000 for this ammunition. The committee allowed it. There was some discussion as to whether we should allow an additional sum. The committee was of the judgment that it was not in a position where it ought to go outside of the estimates; that it could present to this committee the facts, and if this committee saw fit to do it, that was with this committee.

Now, I do not desire to detain the committee longer. When we can come to the reading of the bill, to the extent of my ability I will endeavor to answer questions in regard to the various items. I expect to be able to present before this bill is finished a statement touching the Philippine defenses.

I desire now to say that I do not at all concur in the conclusions reached by the gentleman from Minnesota [Mr. MILLER] touching the inadequacy of those defenses. I hope to be able to show where in my judgment he is in error, and I desire to say on behalf of the War Department that this matter has not been neglected. It has not been the result of the opinion of a few men sitting in Washington. The plans for that defense have perhaps received more detailed and repeated consideration than that of any defense either in the insular possessions or here, and men who are on the ground are the men who presented, and in a large measure determined, what should be done in regard to those fortifications. I can not enter into it now without going into a speech of some length, and I am not only tired myself, but I am sure the committee is tired, and when we get to it in the bill I will hope to present a plain statement. But it is perfectly manifest that our committee could not follow with any degree of success the plan suggested by the gentleman from Minnesota. He wanted us to summon an officer who was stationed there and who had certain views about what should be done. Some of those views have been in a great measure concurred in by other officers. Others of them have been concurred in by some other officers, and the matter had been passed upon by a board qualified to judge.

Mr. MILLER. I am sure the gentleman wants to be fair. I did not simply suggest one officer alone. I suggested his name because he was here. There are others here also of the same opinion, and if the gentlemen of the committee had desired to enter upon an investigation I should have been pleased to furnish their names. I do not want it understood that this is the only man that held those opinions.

Mr. SHERLEY. This is the only officer I recall the gentleman mentioning to me.

Mr. MILLER. The gentleman is correct in that.

Mr. SHERLEY. I say, again, that we are confronted with a proposition of whether the committee should sit as a board of inquiry upon whether the defense plans passed upon by the Regular Army board were sufficient or whether the judgment of some officer who had not had his view accepted was to be taken. I submit, in all candor, that the committee followed the common-sense course. And I say another thing, namely, that whenever you get a committee undertaking to listen to and air the views of any officer who happens not to have his viewpoint accepted, you will be traveling far afield, and have a herculean job on your hands, with no result or benefit to the country at large.

Complaint is made of the fact that the flanks of these fortifications are not defended by fortifications. If they had been, I suppose complaint would then have been made that the flanks of those flanks were not defended, and so on ad infinitum. As a matter of fact, they put the fortifications on islands, and not on the mainland, because of the well-known superiority of an island for a fortification as compared with the mainland, and without now going into the matter, I desire to repeat that I do not think the criticisms that the gentleman made are well founded.

Touching the Hawaiian Islands and the land defense there, in justice to myself I should say again that I accepted the viewpoint of the War Department over considerable opposition of some gentlemen who did not want to do anything in regard to the land defenses, and this was at a time when men, then Members of Congress, were silent as to the need of these things being done.

Let me say in justice to the Fortifications Committee that we have for several years past given the money for every gun asked for the insular possessions. We have given the money for all accessories, the searchlights, fire-control mines, and ammunition, and as to ammunition, the supply is a two hours' supply for all the guns. The fortifications of Hawaii are completed except as to a small part of the land defenses, which are provided for in this bill. As to the Philippines, the money has practically all been appropriated, most of the work is done, and the rest is being done as fast as physically possible, and the same statement can be made as to Panama, and the defenses are modern and adequate.

Mr. Chairman, I have detained the committee very much too long. I am very much indebted to you, gentlemen, for your attention, and I shall be glad, as far as I may, to answer inquiries when we come to the consideration of the items. [Applause.]

Mr. GARDNER. Mr. Chairman, I rise in the negative of the motion to strike out the last word. I am going to discuss under the five-minute rule later most of these items.

The gentleman who has just spoken [Mr. SHERLEY] read the evidence of Gen. Wood, and then said I was trying to give the House the idea that the situation had changed of late years; that there was a sudden and marked increase in the attacking power of the war vessels which we might regard as possible opponents. That is correct. I had intended to give that impression, and I had intended to give that impression because it is true. There are built and building and authorized in the wide world to-day just 39 ships that carry 14-inch guns and heavier, and of those 39 ships just 9 are now sailing the ocean, and the other 30 are in process of construction or have been authorized.

Now, that is the reason why this change has come, and at the time when Gen. Wood gave his evidence I do not think that his evidence on its face shows that he completely understood the question that was asked of him. As a matter of fact, when he gave that evidence, in December, 1912, the condition did not exist that exists to-day.

Now, Mr. Chairman, as to this whole question of guns and fortifications, as to the question of how soon you shall put the guns into the scrap heap, the question of how soon you shall put the old fortifications into the scrap heap, that is all only a question of degree. The gentleman from Kentucky [Mr. SHERLEY] thinks you should be a long while about it. I believe you should be a short while about it. I believe, no matter what the expense is of rapidly throwing out the old equipment as it becomes partially antiquated, it should be done, and I believe in rebuilding fortifications much more rapidly than does the gentleman.

Now, what is the situation? When I was a red-headed boy of 19 years of age the Endicott Board began its life, and we are still proceeding to fortify under the plans of the Endicott Board, somewhat modified by the plans of the Taft Board, and here and there by an occasional change in addition.

Oh, the gentleman from Kentucky [Mr. SHERLEY] smiles; but that is one of his favorite methods of arguing. But we are proceeding, as appears from the evidence, on the plans of the Endicott Board. That board was instituted when I was a red-headed lad of 19 years old, and now I am a white-haired man who will be half a century old on my next birthday. Yet in these many years we have not yet come within sight of the completion of the project of the Endicott Board. It is nowhere near completed. The Secretary of War testified the other day, according to page 25 of the hearings, that we need $40,000,000 more to bring these plans of fortifications to completion. Yet we have been appropriating in the last 10 years an average of only $1,150,000 toward our fortifications. At that rate, Mr. Chairman, it will be 34 years more before this project will be complete, and instead of being a man of 50 years old I shall be a lean and slippered pantaloon of 84. [Laughter.]

Now, Mr. Chairman, the gentleman says that the committee did not want to go outside the estimates, in spite of the fact that the Secretary of War testified on page 42 that if he were making the estimates to-day he would make them greater. The gentleman from Kentucky says that the committee would be put under pressure if it went outside the estimates. That is true. We all are put under pressure all the time by people who wish us to spend money. So is the Committee on Naval Affairs under pressure. The Committee on Naval Affairs, however, went outside the estimates, because the members knew that the national defense demanded that they should go outside the estimates. They were not willing to lie back and put the responsibility on the Secretary of the Navy for making low estimates when they knew that more money ought to be expended on our Navy.

That is the situation which faced the Committee on Fortifications, with this exception, that the Secretary of War told

them that the estimates would have been higher if made later in the year, while the Secretary of the Navy never told the Committee on Naval Affairs that his estimates were too low, although that certainly was the case.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ENGINEER DEPARTMENT.

For construction of gun and mortar batteries, $585,000.

Mr. GARDNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GARDNER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARDNER: Page 2, line 4, strike out "$585,000" and insert "$1,835,000."

Mr. GARDNER. Mr. Chairman, if that amendment is adopted it will allow the expenditure of one million and a quarter of dollars for the fortifications of Cape Henry, at the mouth of Chesapeake Bay, and later on I shall offer another amendment to allow $500,000 to be expended on the armament of those fortifications, making in all the one million and three-quarters which the Secretary of War told the committee that we ought to provide if we provide anything at all.

Here is what this Taft Board said nine years ago, in 1906, about this question of Chesapeake Bay:

Commercially and strategically Chesapeake Bay is to-day, as it has always been, of the very first importance. With the entrance as it is now, unfortified, a hostile fleet, should it gain control of the sea, can establish without coming under the fire of a single gun a base on its shores, pass in and out at its pleasure, have access to large quantities of valuable supplies at all times, and paralyze the great trunk lines crossing the head of the bay.

That is what the board said nine years ago, and not one spade full of earth has been turned since that day to remedy that state of affairs. Now, the land has been bought and paid for. We have put all that through. The plan for fortification and armament is complete. We know what it is going to cost. Why not appropriate? Because it would require a supplemental estimate; because the plans were not ready until after the regular estimates were made up last June? Is that a sufficient reason, Mr. Chairman?

The gentleman from Kentucky [Mr. SHERLEY] will perhaps say, as he did a little while ago, that the enemy must first dispose of our fleet before its fleet can enter the mouth of Chesapeake Bay, and that the enemy will first have to dispose of our submarines. The fact is the enemy will not have to do all that. The submarines on the Atlantic coast have mostly disposed of themselves, except those at the Panama Canal. They tried to mobilize under the order of Admiral Fletcher last November. When the commander of the flotilla, Commander Yates Sterling, jr., reported, he announced that only one of the submarines was in condition to dive. It was not his fault. He had called the attention of the Navy Department over and over again to the condition of the submarine fleet, and what had happened? He was reproved by the Secretary of the Navy for so doing.

Mr. GOOD. Will the gentleman yield?

Mr. GARDNER. Yes.

Mr. GOOD. If Congress nine years ago had appropriated for fortifying the Chesapeake, does the gentleman contend that those fortifications would now be such that he would be willing to accept them to-day?

Mr. GARDNER. No; we should probably have had to change them two or three times. They would be just as much out of date as your other old fortifications are that I am trying to get brought up to date.

Mr. GOOD. Then, it was the part of wisdom to postpone, at least for nine years, the commencement of that work.

Mr. GARDNER. Oh, by the same rule it would have been the part of wisdom if I had not insured my automobile last year, because I did not run into anybody. I should have saved that amount of money. No; the part of wisdom would have been to have completed the fortifications then, and, as they became antiquated, renew them, instead of waiting.

Mr. GOOD. The gentleman knows, of course, that the plan of the War Department at that time and for a number of years thereafter was to build an artificial island in the mouth of the Chesapeake that would have cost a number of million dollars.

Mr. MADDEN. Thirty million dollars.

Mr. GARDNER. That may very well have been the best plan. I do not know. But I know this, that if you wait until you get a perfect plan you will never do anything at all; and that would just suit a great many people. There is nothing that is not growing old. Gentlemen say, "Wait until we see what happens in Europe. Wait until we see what happens next." We have been waiting nine years for a better plan for the defenses at the mouth of Chesapeake Bay down below here. We have been waiting a good while, and we will go on waiting from now until doomsday if we are going to wait until we get a perfect plan.

Mr. MADDEN. We have been at peace with all the world during the nine years, have we not?

Mr. GARDNER. Yes.

Mr. MADDEN. And we are likely to be.

Mr. GARDNER. The gentleman says we are likely to be. If everybody agreed with the gentleman, what would be the use of spending any money at all on defenses?

Mr. MONDELL. Mr. Chairman, this question of preparation is all a question of degree. We all agree that there must be reasonable and proper preparation for the possibility and eventuality of hostilities. The only differences arise out of the different views we hold as to what at a certain time and under certain conditions constitutes reasonable preparedness. The gentleman from Massachusetts [Mr. GARDNER] takes a rather extreme view of the matter. I do not altogether disagree with the gentleman from Massachusetts. For, while I would not be inclined and am not inclined to follow him to the length to which he would go, I think the gentleman has performed a helpful and patriotic service in calling attention to some deficiencies and in urging a little more earnestness and possibly just a little more rapidity in carrying out our plans of defense. But we have not neglected this in the past.

We have expended for fortifications in the last 10 years something more than $75,000,000 in addition to all our other war expenditures. In 10 years we have spent on our national defenses, including the bills now reported, $2,754,000,000. And as the gentleman from Illinois [Mr. MADDEN] has just suggested, we have been at peace with all the world all this time. Therefore, so far and up to date, so far as the expenditure has had any effect on our relationship with the world, it has not seemed to be altogether necessary. And yet it has been wise and proper expenditure, and it should be continued in a reasonable, sensible way.

I do not agree with the gentleman from Massachusetts [Mr. GARDNER] in his view that there is any condition now existing which justifies a special speeding up in the matter of preparation for war or in matters of defense, for two reasons: First, as the gentleman from Kentucky [Mr. SHERLEY] very clearly pointed out, no expenditure that we could now make, for permanent fortifications at least, could avail us anything in the improbable case of our becoming embroiled in the troubles now going on in Europe; and, secondly, because I view this as a peculiarly proper time for us to emphasize the fact that while we believe in proper preparation for defense we are not a military people. We do not believe in great armies and great armaments; and with all the world of Europe illustrating the frightful losses and the fearful devastation of war, this is an excellent time for us to emphasize our love and desire for peace. While we should not check our proper preparation for defense, this is not, in my opinion, the time for us to embark upon sudden, extravagant, and ambitious schemes of militarism.

Mr. GARDNER. Will the gentleman yield for a question?

Mr. MONDELL. I do.

Mr. GARDNER. Is it on account of the state of the Treasury that the gentleman opposes this particular amendment?

Mr. MONDELL. Not at all.

Mr. GARDNER. That was the Secretary's reason for not submitting the estimate, was it not?

Mr. MONDELL. My view of that is this, that while there are many expenditures which we might make properly, which we need not make when the Treasury is in its present unfortunate situation, if, as a matter of fact, we need to expend money for defense or preparation for defense, we ought to do it without regard to the condition of the Treasury. [Applause.] So that my view of the matter is not in any wise affected by the condition of the Treasury. We should sell bonds or raise money by further special war taxation if it were necessary, beyond a peradventure, for us to prepare for a more perfect defense. I do not think it is true that conditions are such as to demand or warrant any further speeding up than is contemplated, but I do not arrive at that conclusion because the Treasury is well-nigh empty.

Mr. HELM. Mr. Chairman, I move to strike out the last word. The most hopeful sign that I have seen recently is the calm, serene, and peaceful condition which now seems to possess the soul of the gentleman from Wyoming [Mr. MONDELL]. The country is indeed safe. The storms that were lowering upon our fair land but a short season ago have vanished. I recall distinctly, in our recent apprehended troubles with Mexico, the perfervid manner of my pleasant, my much-admired friend from Wyoming, a gentleman whom I esteem very highly indeed, when he was appealing and praying for a strong hand to stop the unspeakable atrocities, as he then described them,

that were being perpetrated in Mexico. I can see him with his muscles quivering, with his face as florid as the setting autumn sun, screaming and shouting for the time to come when the administration would cease to hesitate to intervene and stop the unparalleled and awful outrages in Mexico. It was something really appalling. You would have thought that the occasion was one in which our Army and our fleet should at once be mobilized and go instanter into Mexico. But times have changed, I am glad to say, and peace reigns.

For some good and substantial reason the gentleman from Wyoming has grounded arms, and we are not to have this war that he was pleading for. War has suddenly come to be unpopular. There was a time when men over on that side of the aisle were groping around this way and the other trying to find something out of which to make an issue. At one time it looked like it would be a popular thing to intervene in Mexico and to stop all of these outrageous cruelties that the gentleman from Wyoming was painting in such a lurid fashion before the House at that time. But now we have had object lessons of war and the people have grown wiser along that line. The administration's course, I apprehend, in keeping out of Mexico, has met with approval somewhere, or else the gentleman from Wyoming would be the last man to hoist the white flag, as he has here to-day, and wave the banner of peace instead of the red flag of intervention.

As I say, this war is not as popular as it was, and now on the other side of the question he is preaching peace. It is a popular thing now to preach peace, and no better indication of the drift of sentiment throughout the country at large than the present attitude of my good genial friend from Wyoming could be had, because he has his ear especially tuned to the popular wave, and I take it that we are not to have this war in Mexico that loomed up threatening on the horizon.

Mr. GARDNER. Will the gentleman yield?

Mr. HELM. Yes.

Mr. GARDNER. The gentleman does not think that the American people would consent to have one of their wars in the middle of the newspaper when other wars were on the front page?

Mr. HELM. The gentleman is getting me out into deep water; he will have to make things a little more plain to me.

Mr. GARDNER. Does not the gentleman think that a war between the United States and Mexico would be on the inside of the newspaper?

Mr. HELM. Decidedly; in other words, a Mexican war would be like a side show compared with Barnum & Bailey's circus under the main tent.

Mr. GARDNER. And the self-respect of the American people would not consent to have their own war confined to the middle of the newspaper while other wars occupied the front page.

Mr. HELM. The gentleman from Massachusetts will not be confined to the inside of the newspaper, because he occupies the first column on the front page. I do not know how it happens, but I think it is fine entertainment; we all like to get up in the morning and read something in box-car letters on the front page as to what the gentleman from Massachusetts is doing. [Laughter.]

Mr. MONDELL. Mr. Chairman, I rise in opposition to the amendment.

Mr. SHERLEY. If the gentleman from Wyoming will allow me, I would like to ask unanimous consent to limit debate on this item to 10 minutes.

Mr. MONDELL. I do not know but that I would like 10 minutes myself, and then the gentleman from Kentucky may want more time.

Mr. SHERLEY. I hope we may proceed with the bill with some rapidity, because it is desirable to finish it to-day.

Mr. MONDELL. I make the suggestion, because it is possible that I may ask for more than five minutes.

Mr. SHERLEY. Then make it 15 minutes. I will say to the gentleman that there are other items that gentlemen can speak on, on the general subject of fortification, unless the gentleman from Wyoming desires to speak to this particular item.

Mr. MONDELL. I made the suggestion because I may ask for more than five minutes on this one item.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent that all debate on this item close in 15 minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that all debate on this item close in 15 minutes. Is there objection?

Mr. HUMPHREY of Washington. Reserving the right to object, Mr. Chairman, I would like to have two minutes when the gentleman from Wyoming has completed his remarks. I do not think the gentleman from Kentucky would object when he knows what I am going to say.

Mr. SHERLEY. I will give the gentleman two minutes out of my five, for I want but three.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. MONDELL. Mr. Chairman, I am never so charmed as I am in listening to my genial and eloquent friend from Kentucky [Mr. HELM] who has just taken his seat. He has many splendid qualities, but he shines above all other things in the possession, first, of a marvelous imagination and, second, of wider, broader, deeper, and more illimitable information in regard to things that are not so than any gentleman of my acquaintance. The gentleman is disturbed because I am not preaching war and bloodshed and insurrection. I am not one of those people who have made a profession of love of peace at any price; but if the gentleman from Kentucky had followed me, as one would imagine he had from what he has just said, he would know that I have never been much enamored of war and military establishment. I look upon military establishments as an unfortunate, a sad, necessity, as a necessary evil. The gentleman illustrated his marvelous genius for imagination by his reference to what I have said at one time and another in regard to our attitude touching Mexico. Evidently the gentleman did not do me the honor of listening to what I said yesterday on that subject. As a matter of fact, it is altogether evident that he has never listened to what I have said on the subject at any time, much less read what I have said on the subject.

The gentleman's imagination leads him to infer from some mention I have made of the situation in Mexico that I have been preaching intervention, war, bloodshed, and that I have been desirous of having armies sent across our southern border to devastate the land. If the gentleman had relied upon the facts more and his imagination less, he would have recalled that I not only have never preached intervention in Mexico, but that I voted against the little, inglorious war that the President brought on with Mexico—a war which, but for the glorious gallantry and heroism of the men wearing our uniform, was as inglorious as it was brief.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, the gentleman appears to know a great deal with regard to what I have said about Mexico which is not so. From the very first mention I made of the blunders—I might almost say the crimes—of this administration touching Mexico and her people, one year ago the 27th of this month, I have insisted that there was no necessity, demand, or reason for our intervening in Mexico.

The policy adopted by the administration was a policy which led inevitably to intervention. It was intervention, unarmed and indirect, but intervention, nevertheless; intervention in behalf of one of the contending parties, and intervention that led to war and cost us the lives of something like a score of splendid young fellows and, in addition, something like fifteen to eighteen millions of dollars cash and great deterioration and loss to our Atlantic Fleet lying down there in the waters of the Gulf for well-nigh a year. The only reason why we did not have a big war with Mexico when the President brought on the little inglorious war was that the faction we struck in Mexico was not strong enough to strike back. Then, like the King of France, who, with a hundred thousand men, marched upon the hill and then marched down again, we, after losing the lives of 20 fine young fellows, killing several hundred Mexicans, and spending $15,000,000, marched home again without having accomplished anything. There was a lot of talk about an insult to the flag. Was there any reparation? Was anyone compelled to salute the flag? Was there ever any demand made and enforced that that alleged insult to the flag should be apologized for or that there should be reparation made? No. We sacrificed 20 good lives, young, vigorous, hearty fellows; we killed a lot of folks who had done us no harm; we spent our money like water and kept our men and ships down there in the rotting climate of the Mexican Gulf, and then sailed away with the question just where it was when we started. [Applause on the Republican side.]

Mr. HUMPHREY of Washington. Mr. Chairman, within a few days I shall have been a Member of this body for 12 years. During that time I have never risen to a question of personal privilege, and do not now, but I hold in my hand a paper published at Staunton, Va., under date of Tuesday, February 23, 1915, and in it are some headlines that do an injustice, in my

judgment, to one of the distinguished Members of this House. I am quoted as declaring in the discussions that took place on Saturday last that the gentleman from Virginia [Mr. FLOOD] is a "featherweight" and a "bootlicker." Anyone reading the text knows that I did not in any degree refer to the gentleman from Virginia, and anyone who heard the controversy knows that that was not the case. So far as the gentleman from Virginia is concerned, he was vigorously defending his bill, which it was his duty to do, and I think he was doing it in a proper and in a gentlemanly manner, and instead of calling forth any condemnation on my part I had only praise for the manner in which he did it. I think it only right to make this statement in behalf of the gentleman from Virginia, whom I esteem as my friend, and whom I believe to be one of the ablest and most gentlemanly Members of this House. [Applause.]

Mr. SHERLEY. Mr. Chairman, I have already said so much about Cape Henry that it is unnecessary that I should say much more. If we are going upon the theory of carrying in this bill everything which is desirable, we will have a bill that will carry not $6,000,000 but several times $6,000,000. As I undertook to say in my general statement, Congress must consider not only the desirability of doing a thing, but the relative desirability of doing things, and must consider total expenditures that are to be made at any given time. I have no doubt that the committee will be urged, and will doubtless see fit, to recommend at the next session of Congress the initiation of the emplacement and armament work for Cape Henry, and that, having undertaken it, it will be pushed as fast as is physically possible. I question whether we ought to now appropriate this money. If I were going to appropriate additional sums, I think that there are other matters that could be urged with much more insistence than this; and I believe, as has been repeatedly said, that there is nothing in the situation that now confronts the country to warrant us in losing our judgment or undertaking to greatly accelerate the speed with which we are providing armament for continental United States.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. MONTAGUE. I understood the gentleman in his address this morning to indicate that an appropriation at this time in relation to the fortifications at Cape Henry would not expedite the consummation of the scheme.

Mr. SHERLEY. I would not put it that strong. The gentleman from Massachusetts [Mr. GARDNER] asked me if it would expedite it to the extent of a year, and I said I thought not. I think, even if the money were at hand at the present time, that there would be considerable delay touching the manufacture of the guns, and that is the thing that will control that would prevent our getting the benefit of a full year over a next year's appropriation.

Mr. MONTAGUE. The gentleman means that it will take approximately a year to make the guns?

Mr. SHERLEY. Oh, no; it will take nearly three years to make the guns, but it would be necessary to get certain machinery and be prepared to undertake the work.

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the amendment offered by the gentleman from Massachusetts [Mr. GARDNER].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

The Secretary of War is authorized to grant to the Norfolk Southern Railroad Co., its successors and assigns, a perpetual right of way through the lands which have been or which may be acquired for fortification purposes at Cape Henry, Va., on such location as he may approve, in exchange for all of said company's lands and rights of way lying within the boundaries of the lands acquired or to be acquired for said fortification purposes: *Provided*, That the said railroad company may be reimbursed from appropriations which may be applicable to the construction of defenses at Cape Henry, Va., for the expense which may be imposed upon the said railroad company in changing the location of its tracks, stations, or other buildings and appurtenances from their present location on the said lands and rights of way of the said railroad company to the right of way hereinbefore authorized to be granted to the said company by the Secretary of War.

Mr. BUTLER. Mr. Chairman, I will ask the gentleman from Kentucky if he will tolerate my addressing the committee for 8 or 10 minutes?

Mr. SHERLEY. Certainly.

Mr. BUTLER. I have something that I would like much to say to the committee. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. BUTLER. Mr. Chairman, I do not want to be an alarmist. If I should attempt to be, I would be dissatisfied with myself; but events have happened and words have been said within the last few hours touching our relations with belligerent nations calculated to fill us with apprehension. I do not want to say in these few minutes anything that may be misunderstood or misleading, but when a gentleman of the great ability and capacity for statesmanship, well recognized the world over, the former President of the United States, Mr. Taft, tells his countrymen that they are approaching a danger, I think the time is here to take heed lest an awful calamity may befall us. Within the last few hours an American ship has been sunk in the North Sea. It is true she carried cotton and, fortunately, no passengers. It is said she was insured by this Government. That I do not know, neither, for this time, do I care; but I do know that she was an American ship and sunk by some force without. That force I do not attempt to describe or the nation applying it do I attempt to indicate, therefore I do not hold anyone responsible for the loss or invasion of an American right. That ship, in my judgment, was where she had a right to be, but it was where she ought not to have been. Is not there some one in this country strong enough to take the part of our own people by keeping them from harm? I was greatly pleased, I even applauded the declaration which the President made some time ago cautioning all of his people to neutrality, to moderation of speech, to temperate language, and good behavior. In my judgment the wishes of the President as expressed in that proclamation have been largely complied with by the American people. I believe that he ought now to go further.

I wish the President of the United States could see it to be his duty to make another proclamation, to warn these shipowners, to warn those who sail ships and carry produce upon the seas to these belligerent nations, to keep away from this death zone. A few minutes ago I was in conversation with the gentleman from Illinois [Mr. MANN]. He and I are two men who recall well the effect the destruction of American property and the destruction of American lives has upon the American people, for we sat here in 1898 when the American people crowded around this Capitol and forced men like the gentleman and myself who had determined, for ourselves, that there should be no war, into a declaration in favor of it. Why can not the President of the United States make another proclamation in which he might say, if he would permit a humble individual like me to suggest it, what our rights are according to the numerous treaties; that we have the right by reason of them to be where we now are; that we have the right to go beyond this dead line marked out by these belligerents. It is true it may be agreed by that that we should attend the markets of belligerents and our safety was thereby guaranteed while we delivered our products. Why does he not go further and say, if you go, you go upon your own risk. [Applause.] Why does he not say to these market men, if you lose your ship it goes down as your ship and we will not redden the waters of the Atlantic with the blood of American soldiers and sailors in order to make good what you have lost. [Applause.] Why does he not say to these belligerents, you are avoiding and violating the laws of neutrality, the specifications and stipulations found in your agreements with us, and when this war is over, when peace once more comes and brings a return of the composure and calmness which you had before this war began, we will hold you responsible in the tribunal already established to the end that you will make good the loss you have put upon our American people. These crafty—I withdraw the word—the American is hunting for trade. The cotton man has cotton to sell, the corn farmer has corn to sell, every American has something to sell. It is much better that it should waste and rot where it grew, even our Nation paying the grower in some measure for it, than in any way to involve ourselves in a war by endeavoring to deliver it to these belligerent nations. [Applause.]

Do not think, my friends, for a minute, that I am begging the question or that I am taking the part of cowardice. It is not true. I strive to do no more than call your attention to the great danger that confronts us and one we are likely to be in at any minute because of the persistent attempts which these men of trade may bring to us. It seems to me that our statesmen and our great men in whose hands our safety lies should at this time do all they know how to do in order to avoid even the possibility of trouble on account of our trade with these belligerents. Ex-President Taft has told us of our rights. He told us of the violation of them, but like many others who have spoken upon the same subject, he did not point out how to avoid the dangers that confront us. Here is what he said, in part:

In preserving the commerce of the United States with the belligerents, however, we are face to face with a crisis. We are threatened with a serious invasion of our rights as a neutral in trading with the belligerent countries. What certainly is an innovation upon previous rules in respect to neutral commerce and contraband of war has been initiated by the belligerents of both sides. The planting of mines in the open sea and the use of submarines to send neutral vessels to the

bottom without inquiry as to their neutrality, when found in a so-called war zone of the open sea, are all of them a variation from the rules of international law governing the action of belligerents toward neutral trade. When their violation results in the destruction of lives of American citizens, or of American property, a grave issue will arise as to what the duty of the Government is. The responsibility of the President and Congress in meeting the critical issue thus presented in maintaining our national rights and our national honor, on the one hand, with due regard to the awful consequences to our 90,000,000 of people of engaging in this horrible world war, on the other, will be very great.

Perhaps I am wrong in suggesting that this warning should come from the President of the United States. I know of no other authority that would command as high attention. It ought surely to come from somewhere, from some of our officials in supreme authority. If not from them, then it should come by resolution from this House [applause], that we will not vote the necessary money, that we will not ask soldiers to enlist for a war made necessary only through the cupidity of the American people. If these belligerents want our goods, contraband or otherwise, let them come in their own ships with their own crews and get the loads on our wharves. Is there no one but me to advocate the use of the strong arm to prevent the risk we are running? Yes, use force, if it can be legally employed, to keep us from the place we are told not to enter. I am perfectly willing to stand by what I have said if I stand alone. Let me repeat, the young American ought to understand that he will not be expected to enlist to punish either of these belligerent nations for acts committed in this death zone upon our commerce which we are endeavoring to carry on with them. They are mad and in great anger—nations that observe their treaty rights in time of peace, but can scarcely be expected to observe them under present conditions. It is beyond reason to expect it. Mr. Chairman, this little ship which went down, as I have said, was an American ship.

I have seen it stated somewhere that the owners of the ship claim she was lost at their own risk. Thus we have escaped. Anyhow, I do not imagine that our Government would hold the destroying power responsible for her loss. To-morrow there may be another. Perhaps the next day still another. How long will the Americans remain patient? Do not put them to the test with too frequent experiments. It was stated this morning that some of her crew were lost. Poor fellows, their destruction did not provoke much comment. But why further tempt us? After a while perhaps one of these belligerents may charge the other with the commission of these wrongs upon our people and our commerce. Oh, the side upon which this Government should throw her power would win in this war. Can it be possible that any of these belligerents would purposely involve us? Heaven forbid this affliction to come to us.

Gentlemen who were Members of this House when the *Maine* was sunk remember distinctly that few questions were asked. Three hundred Americans had perished. The loss of the ship we could account for, but the loss of Americans inflamed the people, until they arose and demanded that the deaths of their sailormen should be avenged. No power can resist such a force. We could not do it then. I feel we are under better restraint now, but let us not be tempted.

Is there no one to speak? Is there no one in authority strong enough to say the right word now, so that the nations may understand and the belligerents may know that if our ships are torpedoed in those waters into which these madmen warn us not to come the sons of America shall not for that cause alone enlist to punish the guilty, and thus perhaps take the part of some belligerent. These belligerents are not affronting us. They have not invaded our territory, disputed our boundaries, nor willfully assaulted us. It is true they agreed we should go into the North Sea. They made the contract that the ocean should be open to us upon certain conditions. Are we not reasonable men? Can we not understand that when men are mad and inflamed with passion they will not reason? We can not expect these belligerents to parley with us now. They are beyond that point. They are spilling the blood of each other. They have defined this death zone. They have told us to stay away from it. Then, in the name of God's service, for the safety of our people, and for the love of humanity, let some one, and the right one, tell these American traders they must stay away from these fields of death. [Applause.]

Mr. MOORE. Mr. Chairman, I move to strike out the last two words.

What the gentleman from Pennsylvania, my distinguished colleague, Mr. BUTLER, has said finds a very responsive chord in the hearts of most of us, whether we vote with him or not. It is especially interesting to me because this morning I took occasion to introduce two resolutions, one requesting of the Secretary of the Treasury information as to the insurance of the steamship *Evelyn*, which was destroyed by a mine day before yesterday, and the other seeking information and particulars as to the ownership of the vessels and cargoes, the premiums paid, and so forth, of all vessels insured by the United States War Risk Insurance Bureau.

The gentleman from Pennsylvania [Mr. BUTLER] asks if anyone will rise and say the word that is necessary now to be said to foreign nations as well as to the people of the United States to stop our being drawn into a possible conflict. The gentleman suggests it might be the President. Well, how can the President of the United States rise and say that word now? He urged this Congress to pass a bill in order that we might further the export trade, that we might further the individual fortunes that are to be made by reason of the war necessities of our friends upon the other side of the water. The President had rushed through this House a bill taking the people's money to establish an insurance company in the name of the Government of the United States to encourage American traders and the manipulators in cotton, in arms, and in grain to use foreign as well as American ships, thus inviting the very disaster that occurred over yonder near by the port of Bremen day before yesterday.

In addition to this the President of the United States had rushed through this House a bill requiring us to take $30,000,000 of the money of the people to buy foreign ships to still further encourage American as well as foreign traders, manipulators, and speculators in cotton and grain and in the munitions of war to challenge the destruction of ships, violate neutrality, and disturb the peaceful relations for which my friend from Pennsylvania pleads so eloquently. How can the President of the United States speak that word the gentleman from Pennsylvania hopes for now? He has gone too far. He has listened to the voice of the trader, to the voice of the speculator, to the voice of the manipulator; he has listened to the voice of the money-maker, and he has put it up to the people to pay the loss upon their ships. I wish with my colleague that the President might rise to the situation and tell the exporters and the traders to keep out of forbidden territory. I hope he will do this before it is too late.

Of what concern is the loss of the *Evelyn* to the gentlemen who owned the ship? Nothing compared to ours. The Government insured them. The loss is not their loss. No; it is not the manipulator's loss; it is not the speculator's loss. We assumed their responsibility. They have unloaded on the Government of the United States. The President of the United States and this Congress, acting at his dictation, swallowed the bait. It is the American people who are liable for this sort of manipulation, for this speculation, for this risk. The President and Congress have made the people of the United States the surety for those who are speculating in cotton or in grain to make money.

Oh, Mr. Chairman, I wish somebody would rise now and explain why we ventured upon this hazardous business. Why was this War Risk Bureau established at the expense of the people of the United States to protect speculators? I wish some one who favored this legislation would rise now and tell us why we want to buy more of these old hulks. The *Evelyn* was 32 years old; she had been a wreck, and yet we passed a wrecking bill a few days ago to admit more of her kind to American registry. She was wrecked in 1897, and got the American flag because she was a wreck. I wish some one would rise now and tell us why we passed that bill. Why, gentlemen, everything we said in opposition to the war-risk bill, everything we said in opposition to the wrecking bill, everything we said in opposition to the shipping bill has been proven by this one incident of the mining of the *Evelyn*. It is your ship, the kind of a ship you wanted the Government to own. It belonged to your speculators; it belonged to the men in New York who wanted to make money, and for whom the President and the Democratic Congress stood sponsor. I sincerely trust it is not too late to stop this kind of business. I hope it is not too late to listen to the appeal of the gentleman from Pennsylvania [Mr. BUTLER]. Some one in authority ought to say that the United States will no longer stand for this sort of manipulation, this speculation and money-making. Some one should be firm enough to tell these people who want to go into these war zones to make money, whether they involve us in war or not, that they go in at their own risk, and that the United States will not assume the responsibility for their acts. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

For construction of mining casemates, cable galleries, torpedo storehouses, cable tanks, and other structures necessary for the operation, preservation, and care of submarine mines and their accessories, and for providing channels for access to torpedo wharves, $31,000.

Mr. GARDNER. Mr. Chairman, I move to strike out the last word.

At this point in the estimates appeared a provision for the construction of landing facilities at Outer Brewster Island, Boston, Mass., $50,000. As I understand it, the purpose of that landing facility is to improve the adjuncts to the existing fortifications; that is to say, it is proposed, in order to increase the efficiency of existing fortifications in Boston Harbor. I find on page 143 of the hearings that Mr. SHERLEY says to Gen. Weaver:

In other words, you are simply proposing now to use it as a site for searchlights?

He is there speaking about Outer Brewster Island. Gen. Weaver says:

Yes; and range-finding station. We can improve thereby very much the accuracy of fire, particularly of the mortar battery at Peddocks Island at Fort Andrews.

He then goes on to say that, in his opinion, later on there will have to be some primary guns installed at Outer Brewster Island, but that, ad interim, Outer Brewster is to be used for approved existing defenses. The Secretary of War thought that that was so necessary, in spite of the fact that he cut down the estimates to the bone, and in a great many places far below the bone—nevertheless in this particular instance the estimates ought not to be cut. This is one of the few items where the committee did not appropriate that which is recommended by the Secretary; and I shall be glad if the chairman would explain the situation.

Mr. SHERLEY. Mr. Chairman, the committee did not recommend the $50,000 asked because it was expected to be expended in a wharf for Outer Brewster Island, and as no provision was made or asked for either the searchlights or the range-finding matériel for the island we felt that we could properly postpone this item for the wharf and let it be carried at the time the other items were carried and there would be no resulting delay. I am inclined to agree with what the Chief of the Coast Artillery said as to the probability that next year there will be presented to us a scheme for the fortification of Outer Brewster Island, perhaps with a primary battery. In that event it is very likely the landing facilities might be something different from what is now contemplated, and in view of the fact that no delay would result thereby, the committee felt warranted in eliminating this item of $50,000.

Mr. GARDNER. Can the gentleman give me any idea as to what class the primary guns would be, the number of calibers or the diameter?

Mr. SHERLEY. I can not, except to this extent: I do not think any plan has been worked out, but the gentleman is familiar with the report of the board recently assembled as to the character of primary armament that should be used in the future, in which they recommend the use of guns of not less than 16-inch diameter and mortars of not less than our most modern 12-inch mortar. Whether it would be desirable to put guns or mortars there I am not advised.

Mr. GARDNER. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The gentleman from Massachusetts withdraws the pro forma amendment.

Mr. BORLAND. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Missouri [Mr. BORLAND] moves to strike out the last two words.

Mr. BORLAND. Mr. Chairman, the gentleman from Pennsylvania [Mr. MOORE] has for the second, and possibly for the third, time referred on this floor to the sinking of the American cotton steamer *Evelyn* at a time when neither he nor even the officials charged with the duty of investigating know anything about the facts in the case. But he continues to demand why there was a cotton steamer in a place where it was liable to be sunk, as near as I can make out.

Now, as a matter of interest, I would like to know what the gentleman would say if all the cotton of the United States were still held in storage in this country and had no foreign outlet at all. I am very curious to know exactly what kind of a speech the gentleman would make under those circumstances.

Mr. BUTLER. Mr. Chairman, does the gentleman refer to me?

Mr. BORLAND. No. I refer to the gentleman from Pennsylvania [Mr. MOORE]. That is the ultimate logic of his position, that we still ought to have our cotton, and not so much as to attempt to find a foreign market for it by the aid of war insurance or any other method. So many of these things are quoted by our distinguished friends on the Republican side, showing that business conditions must be in a terrible condition in this country, that I want to call their attention to the trade report of last week, as published in the Kansas City Star of Sunday, February 21, in which it is stated that—

Exports of merchandise in January exceeded imports by $145,536,103, the largest balance on record for any month. This is what the completed figures show: Exports were $267,801,370, about $64,000,000 more than a year ago, and imports were $122,265,267, or thirty-two and one-half millions less than in January, 1913.

So that it is not true that a flood of imports is coming into this country to demoralize American business. I read further:

In December and January the excess of exports was $276,000,000. Net gold imports last month were $6,204,889.

But gentlemen will say that is all war material. Gentlemen will say that somebody is sending abroad war materials; that nobody is sending abroad anything on earth except war materials. Let us see whether that is the case. Last week nearly 390,000 bales of cotton went abroad; nearly three times as much as in the corresponding week a year ago.

But these gentlemen come from the manufacturing States. How about our friends from the agricultural States? This article that I have in my hand shows that the total farm value of farm products for the year 1914 is $4,936,000,000—$300,000,000 more than the average for the preceding five years. So that the American farmer to-day is $300,000,000 richer than in any year during the preceding five-year period. And can it be possible, with the American farmer $300,000,000 richer than he was and 390,000 bales of cotton going abroad in a single week, that business is going to smash in every locality in this country?

Certainly not. Here are the bank clearings in the last week. It shows a decrease in the clearings in New York City, which is the index of the general business of the country; but it shows 13 cities of the country where there was an increase in clearings over last year, beginning with 1 per cent in the city of Richmond and running to 60 per cent increase in Oklahoma City.

Mr. MADDEN. How much would an increase of 60 per cent in Oklahoma City be? Not over $125,000.

Mr. BORLAND. It would be very substantial for Oklahoma City. The gentleman can make fun of Oklahoma City if he pleases, but it is a very substantial increase. The clearings every week of Oklahoma City are nearly $4,000,000. The clearings of Kansas City show an increase of 43.8 per cent, and the clearings of Kansas City are $75,000,000 a week. Let us see where these cities are that had an increase. St. Louis had an increase; Kansas City, Baltimore, Minneapolis, Cincinnati, Cleveland, Houston, Memphis, Fort Worth, Richmond, Washington, D. C., Wichita, and Oklahoma City. It shows that in the great Central West of this country business is on the increase to-day.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word.

Mr. SHERLEY. Just a moment, Mr. Chairman. I do not desire in any way to unduly cripple debate, but manifestly we ought not under the five-minute rule to be going outside the scope of the bill. There has been a speech both pro and con on this matter. Without desiring to interfere with the gentleman from Illinois [Mr. MADDEN], I shall have to insist hereafter, with a view to expediting the disposition of the bill, that the debate be confined to the bill. I am perfectly willing that the gentleman from Illinois should speak five minutes. I have no desire to make my point personal.

Mr. MADDEN. I think, however, inasmuch as this debate has gone so far afield, Mr. Chairman, there ought not to be any restriction now on this particular item of the bill. However, I shall confine myself to the bill. We are dealing with war, munitions of war, and preparations for war——

Mr. SHERLEY. I suggest to the gentleman that I have no objection to his having five minutes. I am trying to be fair. I want to get this bill through.

Mr. MADDEN. Oh, that is all right. I do not want the gentleman to understand that I think he wishes to be otherwise than fair.

I want to suggest to the House, Mr. Chairman, that if I had my way—and I do not expect that I shall have my way—I would use every power in the Government of the United States to protect every citizen of the United States, no matter where he is, but I would not use the power of the United States to protect the investment of a citizen of the United States outside of continental United States and its possessions. [Applause.] I believe we ought to encourage business at home and prosperity at home by compelling our people to invest their money at home, where they have the right to the protection of the flag.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield for a question?

Mr. MADDEN. Yes.

Mr. MONTAGUE. Just for a question, because the gentleman has made a very interesting distinction.

Mr. MADDEN. Yes; I yield.

Mr. MONTAGUE. Why should you use the powers of the Government, not to protect investments outside of continental United States, and by implication use them to protect investments within continental United States?

Mr. MADDEN. I think that every man who lives within the United States, who is a citizen of the United States, investing his money in the United States and paying taxes to maintain the Government of the United States, and to promote the welfare of the United States, is entitled to every protection that the Government of the United States can give him.

Mr. MONTAGUE. Perhaps I used the wrong word and misled the gentleman. The gentleman said "continental America."

Mr. MADDEN. Of course, I meant continental United States and its possessions. But when a man begins to feel that he must go beyond the borders of his own country to make investments, and expects the Government of the United States to follow him with the flag and with the Army and with the Navy, he is expecting that which he ought not to receive. As a citizen of the United States, entitled to every protection that his citizenship justifies, every power within the Government of the United States should be placed at his disposal; but I would once for all discourage men from going into foreign countries, where the laws are not certain, for the purpose of speculation, and then expecting this Government to stand behind them with a gun.

Mr. BARKLEY. Then the gentleman is not in sympathy with the agitation in certain quarters in this country that the United States ought to use its Army and Navy to protect American investments in Mexico?

Mr. MADDEN. I am not.

Mr. BARKLEY. I am very glad to hear the gentleman say that.

Mr. MADDEN. I never have been and never will be in favor of that, and I do not believe it is any part of the business of the President of the United States or of the Congress of the United States to indicate who the head of the Government of Mexico is to be. I believe we should confine ourselves in our politics to saying who shall govern the people of this country, and not embroil every man, woman, and child in America by endeavoring to dictate the domestic policies of any other country. And I hope that in the present crisis the President of the United States will reiterate his warning to the people of America, not only those who live here and not attempting to do business abroad to maintain the strictest neutrality, but that he will call attention to those who, in their desire for gain, sail into dangerous seas, publicly declared by the belligerent nations to be war zones, should do so at their own peril, and should not rely for protection in their hazardous undertakings on our country, and thereby help to emphasize the neutrality of the United States, and enable us to keep at peace with all the world. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. ADAIR having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had insisted upon its amendment to the bill (H. R. 2642) entitled "An act authorizing the President to reinstate Joseph Eliot Austin as an ensign in the United States Navy," disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. TILLMAN, Mr. SWANSON, and Mr. PERKINS as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 21318) entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1916, and for other purposes," disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MARTIN of Virginia, Mr. OVERMAN, and Mr. WARREN as the conferees on the part of the Senate.

FORTIFICATIONS APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

ARMAMENT OF FORTIFICATIONS.

For purchase, manufacture, and test of mountain, field, and siege cannon, including their carriages, sights, implements, equipments, and the machinery necessary for their manufacture at the arsenals, $450,000: *Provided*, That the Chief of Ordnance, United States Army, is authorized to enter into contracts or otherwise incur obligations for the purposes above mentioned not to exceed $300,000 in addition to the appropriations herein and heretofore made.

Mr. GARDNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend, on page 4, line 21, by striking out "$450,000" and inserting "$900,000."

Mr. GARDNER. Mr. Chairman, we have on hand or building or authorized 852 field guns. What we are aiming at under the so-called Greble Board report is 1,292 guns, so that we are now 440 guns short. That is the Greble Board estimate, the one which has been adopted, the one which the committee is aiming to meet. Now, Gen. Wotherspoon's estimate is 2,834 guns, or 2,000 more guns than we now have. But let us first look at the situation on the basis of the Greble Board estimate and see what we lack. We are short 440 guns of the supply recommended by the Greble Board. How long would it take to make 440 guns if we had unlimited appropriations?

On December 4, 1913, Gen. Wood testified that the entire capacity of this country, working night and day, is 500 guns in one year. That number could be turned out if we had unlimited appropriations. Now, as the gentleman from Kentucky said a little while ago, it is very clear that if we are not to have war for 15 years, we are going ahead quite as fast as we ought to go. If, on the other hand, we are going to have war in one year, we are not going ahead fast enough. The fact is, Mr. Chairman, that at the rate at which we are going, according to Gen. Crozier, the rate at which he asked us to go and the committee asks us to go, it will take six years to complete the Greble Board project. I ask whether it is good judgment to go ahead so slowly that it will take us six years to acquire the full number of guns which every one admits that we ought to have as an accumulation.

Next, let us see whether the Greble Board's estimate is ample.

The Greble Board's estimate calls for only 1,292 guns, whereas Gen. Wotherspoon's estimate calls for 2,834 guns. In commenting on Gen. Wotherspoon's estimate, the gentleman from Kentucky says quite properly that the information which we have as to what is going on in Europe is very recent and very incomplete. We can not, as he points out, come to conclusions based on such insufficient information as we have from the European war. Nevertheless, we can not altogether reject authentic information. We have reports that the European combatants are firing away artillery ammunition at a preposterous rate. According to Gen. Crozier's testimony, one report—I think it was Lieut. Hunsaker's—told of a battery which for four successive days fired 600 rounds a day for each gun. Think what that means. It means 2,400 rounds for each gun in four days. It means that three of those guns in a single day fired away as much ammunition as Uncle Sam can produce in a day. Uncle Sam can produce from 1,600 to 1,800 rounds per day at the outside.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARDNER. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that he may proceed for five minutes. Is there objection?

There was no objection.

Mr. STAFFORD. Will the gentleman yield at this point?

Mr. GARDNER. Yes.

Mr. STAFFORD. The gentleman says that the capacity of the United States for one day is 1,800 rounds. Does the gentleman mean the Government, or the private plants engaged in the manufacture of ammunition?

Mr. GARDNER. The 1,600 to 1,800 rounds estimate was for the Government plant. Gen. Wood's evidence was that we could produce 350,000 rounds in the first six months of war from all sources, including the Government plant. The testimony can be found on page 14 of the fortifications hearings last year.

Mr. STAFFORD. That does not take into account the increase in the private establishments since the European war?

Mr. GARDNER. No; the Secretary of War wrote me on December 23, 1914, that he could not give me information as to this increased capacity. He said, however, that it appeared that Gen. Wood had overestimated and that 1,400 rounds per day about represented Uncle Sam's capacity to turn out artillery ammunition. But this amendment relates to guns, not to ammunition.

We have discussed a little this question of the adequacy of the reports which have been received from officers and others in Europe. Perhaps they may be incomplete, but at all events we have complete reports of the Russo-Japanese war. I find that in the battle of Mukden alone Russia had 1,204 guns engaged, and yet we have only 588 guns, built and building, in the entire country. Japan had 922 guns engaged in that same battle of Mukden.

On page 13 of the hearings held in December, 1913, on the fortifications bill for that year, it appears that at that time, roughly speaking, Russia had 6,000 guns; Germany, 5,000 guns; France, 4,800 guns. That testimony was offered long before the European war broke out. So you can see that when it is said that Gen. Wotherspoon takes an exaggerated view of the situation, at all events, as compared to foreigners, his recommendations are particularly modest. My reason for specifying the sum of $900,000, instead of $450,000, to be appropriated for artillery, is that $900,000 is the amount which was asked for last year by the Bureau of Ordnance.

Mr. SHERLEY. Mr. Chairman, the amendment offered by the gentleman from Massachusetts [Mr. GARDNER] presents no new question to this Congress. The mobile artillery is supplied from funds carried in the Army and in the fortification bills. The matter was very thoroughly thrashed out in consideration of the Army bill, and this House then gave its approval to an appropriation that contemplated the finishing of the project in the Greble Board report within six years.

The Committee on Fortifications has made a recommendation of the amount that will be in accord with the policy approved by the House in connection with the Army bill. I do not desire to detain the House in any elaborate discussion of this matter, because it has been very thoroughly considered not only this year but in previous years.

The gentleman from Massachusetts gave correctly the figures touching the guns that have been appropriated for. We have appropriated for 213 batteries of four guns each, and we have remaining 110 batteries of four guns each to supply. The present item will provide for the making of one battery of 3-inch guns and for the making of four ammunition batteries, and then, under the item which is carried touching the alteration of the 3.2-inch guns into 3-inch guns, funds are provided for the conversion of four such batteries.

Mr. GARDNER. Will the gentleman yield?

Is not there one battery of 3.8-inch howitzers—I mean the one new battery—to be made out of the $450,000 appropriation?

Mr. SHERLEY. Yes, Mr. Chairman; I was mistaken. It was one 3.8-inch howitzer and four 3-inch gun batteries that are to be altered into 3-inch guns.

But, Mr. Chairman, without going into the details of that, I desire simply to say that I took occasion to read some of the old debates in connection with the fortifications bill. That bill has never been a political bill and ought never to be. I read it not with the idea of raising any political issue, but with the idea of ascertaining what had been the thought of those who went before me touching the matter. I found that the original project had contemplated 1 gun for 1,000 rifles and sabers. Then it was 2 guns, and then it was 3.16 guns. The present project is 3.16 guns for 1,000 rifles and sabers. Now, the gentleman from Massachusetts thinks it should be 5 for each 1,000 rifles and sabers, and that predicated on an Army of 500,000 men. The gentleman from Massachusetts thinks it ought to be predicated on a larger Army.

Mr. GARDNER. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. GARDNER. I am taking Gen. Wotherspoon's opinion. I am not giving my opinion. He thinks an army of 205,000 Regulars, or 800,000 men in all, would be necessary; that is, he counts on 600,000 reserves and militia.

Mr. SHERLEY. I did not mean a standing army of 500,000, and I do not think anybody misunderstood me, because it has been so much discussed that they know what I meant. It means an army considered requisite in order to properly meet a force that it is assumed a first-class power could land on our shores, assuming they had control of the seas. That army was figured roughly at 500,000. When you work out the details of their figures and the detail of the guns, not only for the United States but the insular possessions, it runs considerably above that.

But I am not going to undertake now to go into the details of the matter. We acted upon the Greble Board report, which is the only report we have on the matter, or rather the last report on the matter. We did not accept simply the fact expressed by Gen. Wotherspoon. Whether that view be wise or unwise is a matter of opinion. I think the general showed his zeal in all of these matters, as I said earlier, only when he was leaving the War Department, and if that be his present, fixed opinion, it may or may not agree with the opinions of other men; but our committee felt we were making very rapid progress considering the past. This is a matter that was much neglected for a number of years. The situation I think was rather bad, to put it mildly, and the committee in the recent past has strained a point to make liberal allowances for the guns and the ammunition. When we come to the ammunition I may call attention the very rapid increases that have been made in the past few years, jumping from the usual appropriation of about $150,000 to $300,000 in the 1912 bill, then $600,000 in the 1913 bill, then $900,000 in the 1914 bill, then $1,200,000 in the 1915 bill. We are now proposing to go at a rate which will complete the supply of guns within six years. If I shared the viewpoint of the gentleman from Massachusetts, I should not offer an amendment doubling the amount, but I should offer an amendment which would carry a sum sufficient to supply the maximum amount that could be manufactured within the year.

Mr. GARDNER. Mr. Chairman, will the gentleman yield for a moment there?

Mr. SHERLEY. In a moment. Not sharing his viewpoint and having in mind the relative value of things——

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SHERLEY. And having in mind the risk proposed to be provided against, I think we are making very good progress in this branch of the service, particularly when you consider the men that you have to use the material that you are proposing to supply and the time that it takes to get men properly drilled so as to be able to use such equipment. I yield now to the gentleman from Massachusetts.

Mr. GARDNER. Mr. Chairman, I was going to call the gentleman's attention to a matter of which he spoke a moment ago. He said that if he entertained my viewpoint he would offer an amendment for a much more substantial sum. I am only offering an amendment which was equal to the estimate made by the War Department last year.

Mr. SHERLEY. Oh, well, of course I do not know the basis on which the gentleman acts.

Mr. GARDNER. I so stated.

Mr. SHERLEY. Perhaps I should put that in another way. I do not know the reason that makes him adopt the basis that he takes for his action; but manifestly I would not be controlled in a present appropriation by what was asked for the year before, because I would have in mind something that has been done during the year.

Mr. GARDNER. The gentleman last year turned them down and gave them only $450,000.

Mr. SHERLEY. And they are $450,000 better off than they were last year, and they are therefore not now necessarily needing to ask for $450,000 more.

Mr. GARDNER. On that basis you would never complete it.

Mr. SHERLEY. We never will. There never will be a completion of any of these things. The gentleman had considerable quarrel, and he thought a good deal of fun with Gen. Crozier's testimony because Gen. Crozier had stated that they had figured on a six years' completion last year, and as there was no reason for changing that viewpoint he figured on a six years' completion this year. The gentleman intimated that at that rate we would always be six years away from completion, but it is also true that the degree we would be away from completion would be so slight as to have to be figured in parts of a gun after a number of years. We are making substantial progress in this matter and are proceeding very much more rapidly than we ever have in the past. In view of the fact that this matter was thoroughly discussed heretofore and the House expressed its clear conviction by an overwhelming vote on an amendment offered by the gentleman from Massachusetts during the consideration of the Army appropriation bill, I do not feel that I am justified in further detaining the committee now.

Mr. GARDNER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman has an amendment pending now.

Mr. GARDNER. This is an amendment to the amendment. I do that for the purpose of asking the gentleman if he will tell us whether an ammunition battery has as a matter of fact a complete cannon in it?

Mr. SHERLEY. It has one spare gun.

Mr. GARDNER. Is it all in condition to mount or is it simply separate parts to make up one unit?

Mr. SHERLEY. They have an actual gun, speaking now of the gun as distinguished from the carriage. They also have spare parts in regard to the carriage. The gentleman will find a detailed statement about that.

Mr. GARDNER. I did not quite understand the statement. That is why I asked the question. What I want to get at is this: Suppose they make these four ammunition batteries and suppose by any chance we should have a war, would each of

those batteries be able to supply a gun of its own out of the spare parts—a mounted gun?

Mr. SHERLEY. I am not sure as to that, but in figuring the number of guns that we have we are not counting these guns at all.

Mr. GARDNER. I quite understand.

Mr. SHERLEY. They are simply that much additional reserve.

Mr. GARDNER. I was asking for my own information.

Mr. SHERLEY. I am not positive, and I could not tell the gentleman.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For purchase, manufacture, and test of ammunition for mountain, field, and siege cannon, including the necessary experiments in connection therewith and the machinery necessary for its manufacture at the arsenals, $1,160,000.

Mr. GARDNER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend, on page 5, line 6, by striking out "$1,160,000" and inserting "$3,000,000."

Mr. GARDNER. Mr. Chairman, this amendment, of course, is based on the same principles as its predecessor. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For purchase, manufacture, and test of seacoast cannon for coast defense, including their carriages, sights, implements, equipments, and the machinery necessary for their manufacture at the arsenals, $300,000.

Mr. GARDNER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 5, line 10, by striking out "$300,000" and inserting "$800,000."

Mr. GARDNER. Mr. Chairman, that is an amendment which, if adopted, would provide sufficient money to begin the armament of the fortifications at Cape Henry. Inasmuch as the committee has refused to consider the appropriation for the construction of those fortifications, this amendment of mine is merely offered for the purpose of putting it in the RECORD.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For purchase, manufacture, and test of ammunition for seacoast cannon, and for modernizing projectiles on hand, including the necessary experiments in connection therewith, and the machinery necessary for its manufacture at the arsenals, $200,000.

Mr. GARDNER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Amend, page 5, line 15, by striking out "$200,000" and inserting "$400,000."

Mr. GARDNER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For necessary expenses of officers not occupying public quarters at the proving ground, while employed on ordnance duty thereat, at the rate of $2.50 per diem while so employed, and the compensation of draftsmen while employed in the Army Ordnance Bureau on ordnance construction, $18,700: *Provided*, That hereafter the occupancy by such officers, providing themselves with quarters elsewhere, of one room in the building at the proving ground locally known as the brick house shall not be construed as occupancy of public quarters within the meaning of this act and of the law authorizing allowance and commutation of quarters: *Provided further*, That the accounting officers of the Treasury are directed to reimburse Lieut. Col. Jay E. Hoffer, Ordnance Department, United States Army, the sum of $118, and First Lieut. Alfred H. Hobley, Ordnance Department, United States Army, the sum of $156, refunded by them to the United States on April 22 and May 21, 1914, respectively, on account of moneys received by them as commutation of quarters during part of the period June 1 to October 31, 1913, from the appropriation from which payment was originally made and to which the funds were credited when refunded.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I understand this new provision is to make an arrangement for a peculiar condition existing at Sandy Hook whereby the officers only occupy one room and not to consider that one room if occupied in the so-called brick house as really officers' quarters.

Mr. SHERLEY. That is true. It is simply to confirm what has been the practice there for a good many years which a recent ruling of the comptroller made necessary. I think the system that is in vogue there is a system that promotes to a very great degree the efficiency of the Ordnance Department. These men are practically at school even when they are not working.

Mr. STAFFORD. I understand that the department has recommended this paragraph for several years, but the committee has not heretofore reported it.

Mr. SHERLEY. No; that has not been recommended before and never was necessary before, because there has never been any question raised as to the practice, but a recent ruling of the comptroller made it necessary to either get an authorization or suspend the practice, and these small sums, as the gentleman notices, are cases where the ruling of the comptroller came at such a time that it required a repayment by these men of moneys that they had been allowed and which the comptroller held were not justly allowed under existing law.

Mr. STAFFORD. Are there any other similar cases where officers have been compelled to make reimbursements where they were entitled to consideration?

Mr. SHERLEY. No; because this matter only recently occurred. These are the only instances.

Mr. STAFFORD. I withdraw the reservation of the point of order.

The Clerk read as follows:

SUBMARINE MINES.

For purchase of submarine mines and necessary appliances to operate them for closing the channels leading to our principal seaports, and for continuing torpedo experiments, $190,000.

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last word. Mr. Chairman, as soon as they bring in a map I want to ask a question about the fortification of the Pacific coast. I want to ask for some information, and I think this is a very proper place to do it under the head of submarine mines. In the Straits of Juan de Fuca the waters here are very deep and the current so swift that it is impossible to use these submarine mines. I want to call attention to the fact that while there is a fort at the entrance to Puget Sound there is nothing to protect Bellingham, which is situated about 90 miles north from Seattle. Now, when you come down the Pacific coast, starting at the Straits of Juan de Fuca, you come to the mouth of the Columbia River. I think there are some mines there. Coming on down to San Francisco, almost 1,000 miles farther, you find fortifications there. Coming on down to Los Angeles, about 400 or 500 miles farther, you find some fortifications there, but up here at Grays Harbor and also at Willapa Harbor it is absolutely unprotected, and at Bellingham also it is unprotected. Now, the question I would like to know is, what is the advantage of having fortifications under a situation of that character? For instance, here at Bellingham are two great transcontinental railroads, and the largest battleship fleet could come to the wharves without coming within 15 miles of any gun. They could have control of these two transcontinental railroads. They have fine roads from there down to Seattle, reaching to Portland and all that country, and I wondered what was the benefit of having any fortifications where you leave the other places open and entirely unfortified. The same condition exists at Grays Harbor and Willapa Harbor, which are totally undefended.

None of these fortifications on Puget Sound or elsewhere on that portion of the coast could protect themselves from an attack from the land. All the guns on Puget Sound are absolutely useless in a land attack, and I have wondered whether it was not an absolute waste of money to spend it on these fortifications and leave open our defenses at these other places. I want to know what is the theory of protecting the coast in spots. It does seem to me it would be about as effective as it would be to chain up a mad dog with the loose link in a broken chain. I have taken the matter up on different occasions with the department, but the answer I have always received heretofore was that Bellingham and these other towns which are unfortified need not be uneasy because they would not be attacked in case of war.

But recent events have demonstrated that that was an error. I remember I took the matter up on two occasions and called attention to the fact, not on my own information, because I am not an engineer and know nothing whatever about military affairs; but out in the harbor of Bellingham there is an island especially well located, according to engineers, to be fortified, where the guns could not only protect the Straits of Juan de Fuca, but also that harbor. I have never been able to get any

satisfactory information as to why this island is not fortified. I should like to know if the gentleman can tell me what the theory is? I see my friend, Capt. HOBSON, here. I should like to know, and our people out there would like to know, on what theory it is argued that we are protected.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. HUMPHREY of Washington. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SHERLEY. Mr. Chairman, I endeavored to set out in my speech during general debate what the purpose is of seacoast fortifications, as I understood it. And very briefly it was this, that it was not contemplated to protect all coast cities or to protect all the coast, but that they were contemplated to protect certan harbors and certain cities where the importance warranted such protection, the protection of the harbors being with two ideas in view, one that they might be used as a safe rendezvous for our own fleet and the other that they should not be used as a rendezvous for an enemy's fleet and as a base of supplies for any mobile army of an enemy that might be landed.

Now, I am not sufficiently familiar with the topography of the country, to which the gentleman has just alluded, to answer him as to just what particular function the particular ports of Puget Sound are supposed to perform. I do know in a general way there is both an outer and an inner defense there. I do also know that what the gentleman stated as to the difficulty of putting mines in some of those waters, on account of their great depth and the current, is correct. While they are still experimenting, they have not yet come to a satisfactory result. And the Taft Board report contemplated as a part of the defense of Puget Sound the aid by the Navy in the way of submarines and other craft.

Mr. HUMPHREY of Washington. That is one reason why I wanted to bring it to the gentleman's attention and to the attention of the committee. Upon the Pacific coast we have practically no submarines as yet. We have very few torpedo-boat destroyers. They have no battleships and have not had them. We have never had any battleships around there but once, when they came around on that fleeting visit and stayed a few days and then disappeared. And as we do not have the coast fortifications and the harbors could not be mined, I want to call attention to just how helpless we are.

Mr. SHERLEY. There are very superior fortifications up on Puget Sound.

Mr. HUMPHREY of Washington. I probably was indefinite in my expression. I mean that we have no coast fortifications at Bellingham and at these two exposed harbors on the coast.

Mr. SHERLEY. There are a number of harbors and a number of cities—I do not know the number—that are not protected by fortifications—a majority of them. It is not anticipated they will ever be protected, not only on the Pacific but on the Atlantic.

Mr. HUMPHREY of Washington. On the Atlantic coast the situation is somewhat different, because there they have a large number of submarines, and I imagine that most of the harbors can be mined. We have not the submarines out there, and you can not use the mines.

Mr. SHERLEY. Of course, I am not in a position to go afield as to the question of whether there should be submarines stationed on the Pacific coast or not, and I do not feel that I ought now to go into the question as to the number we should have. I want to say to the gentleman for his additional information that the Taft Board project contemplated some additional armament for that part of the western coast, and, as I stated in the general debate, I very much hope, although it is a great task, that by next year we shall have some detailed report touching the particular fortifications on both coasts, and at that time the Fortifications Committee may be better prepared to give the gentleman detailed information. At one time I went very thoroughly into that matter, but it has been some years since I did so, and I should not like to trust my memory now.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. HUMPHREY of Washington. May I have two minutes more, inasmuch as I yielded to the gentleman, and which I was very glad to do?

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. I want to add this statement, that I am very glad to bring to the attention of the gentleman from Kentucky and to the members of the committee the situation on the Pacific coast. We are hoping for better things, but I think it is now perfectly apparent to anyone who has given attention to the matter now and during the time the naval bill was under consideration that we are practically without any defense upon that coast. Here is Puget Sound, that can not be mined, that is without torpedo-boat destroyers, without submarines, and without fortifications with which to protect that portion of the coast, and where they can come right in and seize these two great transcontinental railways and come down the coast and capture all these great coast cities of the Northwest. While we from the Pacific coast have always voted for fortifications and for the Navy, and expect to continue to do so, I feel it is my duty and privilege now to call attention to the fact that the Pacific coast is practically helpless. We are not prepared for war. We are not prepared to defend ourselves. If we should have war on the Pacific coast to-morrow we would be helpless. They could land, and would undoubtedly land, and take those cities, and we might just as well face that fact. I am not stating it as an alarmist. I am calling your attention to the fact that the condition exists, so that if you wake up some day and war is declared you will be prepared for what is going to happen, because you are going to lose the Pacific coast cities.

Mr. SHERLEY. Mr. Chairman, I am not willing to have go unchallenged the statement that the Pacific coast is not at all fortified. I hold in my hand a book that contains information as to the fortifications at every place in the United States and in every insular possession. Manifestly there is a lot of this information that ought not to be made public and, so far as I am concerned, will not be made public. But I speak of having it in order that I may not be considered as speaking without some knowledge of the matter. The fortifications of the Columbia River and at Puget Sound are exceedingly elaborate. As I stated, they contemplated in one instance the protection of not only the outer entrance but, because of the importance of the harbor, there is an inner line of defense; and while what the gentleman from Washington [Mr. HUMPHREY] has said is true as to the difficulty of mining certain of those waters, it does not follow by any means that the fortifications out there are negligible or that the Pacific coast is subject to any sort of invasion, no matter how slight the force.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Washington?

Mr. SHERLEY. Yes

Mr. HUMPHREY of Washington. The gentleman is entirely correct, so far as the fortifications of Puget Sound are concerned. I think they are probably the best in the country. The point I was making—and I might make another point—was that there is another way of coming into Seattle by way of Bellingham that is not fortified, although they may have put one small gun there recently. But wherever the fortifications are I admit that they would do some good.

Mr. SHERLEY. It must be borne in mind—and I have stated it so often that I think everyone must appreciate it by now—that the fortifications were not planned with the idea of protecting all the coast from an invasion. The defense of the country against a landing party is a mobile-army proposition. The fortifications will have served their purpose when they shall have protected a given area, and when they are of sufficient magnitude as to require an enemy to land in order to effect their capture.

Now, I could recite numerous towns along the Atlantic, as well as along the Pacific coast, where there are no fortifications, and where, assuming control of the sea and the desire of an enemy's fleet to do it, they could lie off the shore and bombard those coast cities. But some things are taken as the necessary risks in war. It is not expected that you could prevent any sort of damage to your country. What is undertaken to be done by fortifications is to prevent either the use of harbors or such damage to the places of first magnitude as would not be considered a proper and a to-be-expected loss in case of war.

Mr. HOBSON. Mr. Chairman, I move to strike out the last word.

Mr. HUMPHREY of Washington. Just a moment. I hope my good friend from Kentucky [Mr. SHERLEY] will give that matter of the Bellingham proposition some study between now and the next bill.

Mr. SHERLEY. I do not know that I shall have occasion to consider fortification bills again. If I do, I hope I shall give it, as well as other matters, my best attention.

Mr. HUMPHREY of Washington. I hope the gentleman will.

Mr. HOBSON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Alabama moves to strike out the last word.

Mr. HOBSON. Mr. Chairman, as the gentleman from Kentucky [Mr. SHERLEY] did not feel content to allow the statement of the gentleman from Washington [Mr. HUMPHREY] as to the defenses of the entrances of Puget Sound to go unchallenged, I do not feel inclined to allow the general inference from his statement that the Pacific coast is well defended to go unchallenged. No apologies could make out a case of any standing for the security of the Pacific coast. A number of assumed conditions of war have been worked out at the war colleges. One condition was that if an Asiatic nation in control of the sea making war upon us without wishing to disturb its shipping to India, Australasia, or to Europe, using for transportation of troops only the vessels engaged in trade with America. It was assumed that all the militia, as well as the Regular Army, available in our country were mobilized, with a concentration and cooperation that would really be impossible in war time. Giving our country the advantage of every possible doubt, the war was fought through, and within 60 days the enemy had landed just where my friend from Washington pointed out, had sent an expedition down those roads and taken all the important cities in the Puget Sound region. Simultaneously another expedition had landed at Monterey, and by operating in the rear had taken the fortifications and the city of San Francisco. It proved absolutely impossible for us to make any effective resistance.

What I have cited is a good illustration of the condition of the Pacific coast and of our coasts generally. Without a mobile army, as the gentleman from Kentucky has pointed out, and having such a vast coast line, it is impossible to provide an adequate defense from coast fortifications, even where they are efficient. Without control of the sea we may as well realize that we are at the mercy of any first-class military power.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For land defenses in the Hawaiian Islands, including the procurement and installation of searchlights and the acquisition of land and rights of way, $150,000.

Mr. MILLER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Minnesota moves to strike out the last word.

Mr. MILLER. Mr. Chairman, I understood from the gentleman from Kentucky [Mr. SHERLEY] some time ago that he had some observations that he desired to offer to the committee with respect to the fortifications of the Philippine Islands.

Mr. SHERLEY. I stated that I hoped to have here a statement with regard to those fortifications. It has not yet arrived, so I am advised, and under leave to extend my remarks I will put it in the RECORD. I stated in a general way that I did not agree with the gentleman, but I did not feel then, and I should not like now, to go into the details of it when I can give to the committee something that is so much better than my statement and which will be accurate as to all the details; and inasmuch as the matter is not involved in any proposed legislation, as I understand it, I presume that will be the better course.

Mr. MILLER. Well, Mr. Chairman, not having the statement before us, of course anything like a discussion of what it contains is like talking blindly in the dark. From the statement of the gentleman from Kentucky [Mr. SHERLEY], made in general debate, however, I gathered that it is his intention to put in the RECORD a statement from the board that has control finally of these coast-defense matters—these fortification matters.

I do not know what the board will say. I have nothing to say about it except to call attention to that method, which I do not think is a very good one, but which very likely is the only one that can now be followed. It is the vice and the curse of the bureaucratic method wherever found. A matter comes up through the regular channel, and the final place in the bureau questions the efficiency or accuracy of the report, or the recommendations, or the advisability or wisdom of them. Then it sends back through the same channel, to the same man who originated the scheme, and asks him if he thinks that is a good scheme.

Of course there is but one answer to be expected, and there is but one answer that will be received. I think I can predict in advance about what the statement will be. It will be that the fortifications in the Philippine Islands are on islands; that it is one of their main elements of strength; and that there is no necessity for constructing any fortifications or protecting works on the land. Now, that is exactly what they did about Hawaii—absolutely the same identical thing—and about the protection of Pearl Harbor, and if they are full and complete in the report which they send, the statement will contain an exact account of their attitude toward the fortifications in Hawaii identical with their attitude toward the same problem in the Philippine Islands. But when they thought a critical test was likely to come they found it necessary to change their ideas respecting the Hawaiian Islands, recommended and received last year a large appropriation for land defenses, and we have further evidence of it in the paragraph just read. If I am correct in my recollection, last year's bill carried about $550,000, and this carries a further item of $150,000, making a total of about $700,000, a very large sum, and one that will be sufficient to provide ample land defenses.

They have the same problem in the Philippine Islands, if they will only admit it; and they do admit it in this bill, and the hearings admit it practically, when they say they are going to send four mortars of an earlier type to protect Corregidor from a land attack. That is what the hearings say. I do not think any military man will say—though I do not think any man who studied the conditions there will say—that the four mortars will be a sufficient protection to Corregidor Island from a land attack.

Now, the gentleman has correctly stated that when these fortifications were constructed it was thought that their location on islands was a source of great strength, and it is.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLER. I should like three minutes more.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that his time be extended three minutes. Is there objection?

There was no objection.

Mr. MILLER. When those fortifications were planned and constructed it was thought that no gun could be mounted on the land on either wing of sufficient carrying power to reach those islands and those fortifications; but now they know, because they have tried it; and if they have not tried it, common sense would tell them, from the experience of the warring nations during the past five months, that it is a simple feat to mount guns on either wing that will command the fortifications all along the line of the islands excepting El Fraile. They can not reach El Fraile, thank God; but they can reach and command every gun on Corregidor and on Caballo; and on Carabao it is just like throwing apples at a cow. You could not miss it if you tried.

The gentleman seems to think that my suggestions relative to these fortifications came from some officer there. They do not come from one officer. Let no stigma be cast upon one man by the insinuation of the gentleman from Kentucky, saying he has been overruled by his superiors and therefore probably he was in error. It is the word of every man who built the fortifications with whom I conversed—and I tried to converse with all the officers superintending the physical construction of these elaborate fortifications—that the features I have mentioned are features of marked weakness or of doubtful efficiency. Some of these features these officers, almost with their very souls and hearts in their voices, had pleaded should be changed, but their recommendations were turned down by a board which now, I presume, will bring in a report, handed in in the bureaucratic, official way by the very distinguished gentleman from Kentucky, saying that the recommendations of these men who know, who were there on the ground, were not well made, and therefore should not be followed. In passing let me add that of all the military men I have ever met I consider Col. Ruckman, who had charge of the construction work of these elaborate fortifications, one of the most highly skilled in military science and one whose judgment on matters within his realm would be second to none.

Now, I do not suppose there is anything of immediate value to be gained by a discussion of this item, but I will tell you one thing. I make a little prediction—that within a short period of time the gentleman's committee will report out an item for the correction of these fortifications in the Philippine Islands, just as it has done in respect to Hawaii. [Applause.]

Mr. SHERLEY. Mr. Chairman, the proposition touching the land defenses of the Hawaiian Islands and the land defenses of the islands in Manila Bay are manifestly very different, for one basic reason. The fortifications at Honolulu and at Pearl Harbor are on an island of very great extent, where it is possible to land at numerous points outside the range of the fortifications, and to attempt the reduction of those fortifications from the rear. Necessarily a project had to be worked out for such land defense. That project has been worked out. It went through many stages of evolution, and finally resulted in a series of fortifications in the shape somewhat of a crescent, taking advantage of the topography of the land and a range of hills, with the points of the crescent practically at Pearl Harbor at one end and Honolulu at the other.

The fortifications in Manila Bay consist of those on Corregidor Island, an island of considerable size, on Caballo Island,

Carabao Island, and El Fraile. El Fraile is so small that it corresponds in size about to a battleship, and when completed will be very much like an armored battleship, with heavy armament, and with the guns mounted in turrets. The idea has never been that we could permanently hold the Philippine Islands in the event of the loss of the sea and the landing of any considerable force in those islands, but it was and is contemplated that if necessary Corregidor could be held for quite an indefinite time, and if at the outbreak of the war we should not have any aid from an American fleet, Corregidor could keep the flag flying until such time as aid might come.

These islands were chosen because as islands they had a marked advantage over the mainland in that they were not subject to subjection by direct land assault. The scheme was very carefully worked out, and considerable attention was given to the danger that the fortifications might be in from fire from the shore. Of course, it is not contemplated that no effort would be made by a mobile army stationed in the Philippines, and by mobile artillery, to hold some of these heights that overlook the islands.

But assuming that our force was dislodged and their position occupied by a hostile force, it is still thought that protection should be had against such hostile force. Manifestly mobile artillery on those shores would be better than permanent fortifications, better because of the fact that it would be mobile, and therefore adaptable somewhat to the circumstances presented by the attacking force, and also because, in case of defeat, it would not necessarily fall into the enemy's hands to be used by them against the island fortifications.

But, in addition to that, the armaments of the fortifications cover a very great part of the terrain on either side; it is covered by some of the guns, and to a large extent by the mortars, and now it is proposed to put an additional number of mortars on Caballo Island to aid further in defense against land attack.

The gentleman states that these mortars are to be old, worn-out mortars. I do not know where he gets that information, because the bill carries an item for the actual building of these mortars, and therefore they will not be old and worn out, but will be newly built.

Mr. MILLER. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. MILLER. The hearing states that these are four mortars and states where they are to be taken from in the United States.

Mr. SHERLEY. The gentleman is unfortunately confusing the mortars in connection with the Hawaiian Islands with the mortars for the Philippines.

Mr. MILLER. I beg the gentleman's pardon, I refer to the hearings where it is stated that the mortars are to be taken and placed on Caballo Island as a defense, not to the attack of ships, but for the fortification against a land attack, and uses those words, and the amount of $110,000.

Mr. SHERLEY. The answer to that is that we carry $110,000 in this bill to build them.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. SHERLEY. I ask for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. SHERLEY. They are going to be mortars having a range of nineteen thousand and some-odd yards, or a little less than 11 miles, instead of being mortars with a range of about 7 miles, as the gentleman from Minnesota stated.

Now, I could not in the absence of a map which I have not available, point out the various islands and the relation they bear to each other. It may be, as the gentleman making a prophecy states, that something will come in in the nature of an additional proposal for the fortifications in the Philippines. It would not surprise me at all, and would not indicate that the gentleman's present position is right. All I desire to impress on the committee is that this matter was not hastily entered into, the conclusions finally drawn were the result of much thought, they were not immature, they were not simply the result of a bureaucratic or autocratic governmental action. Officers here had not simply undertaken to put their will against the thought of the officers on the ground.

The officers on the ground made a number of recommendations, some of which have been acquiesced in. The officer who had much to do with the recommendations acquiesced in was Capt. Embick, who is now in Washington, but in making the plans he went out on the ground and, instead of giving merely a few days to it, studied weeks there. He was detailed there with other officers.

Now, I submit to the committee and the House that we have a right to assume, notwithstanding the views expressed by the gentleman as the result of his trip and conversation with certain officers, that the fortifications that are erected and to be erected are adequate. Certainly I would not feel warranted in declining to go forward by virtue of the suggestions made as to the futility of these fortifications.

In considering these island fortifications it might be well to call to gentlemen's minds the history of Fort Sumter. That was a fortification on an island of less than 30 acres. It was bombarded by a fleet for two years and, though garrisoned with only about 300 men and subject to attack from shore batteries, held out for this long period.

I submit herewith memorandum from Capt. Embick touching these fortifications, in accordance with the promise I earlier made. I also, under leave to print, submit the report of the Committee on Fortifications:

Memorandum for the Chief of Coast Artillery.

WAR DEPARTMENT, OFFICE OF THE CHIEF OF STAFF,
Washington, February 24, 1915.

1. Representative SHERLEY, chairman of the subcommittee on Fortifications, House of Representatives, has called attention to the remarks made yesterday on the floor of the House relative to the defenses of Manila Bay and has asked that a general statement in regard to these defenses be furnished him.

2. The first project for the seacoast defense for the entrance to Manila Bay was contained in the report of a board of Engineer and Artillery officers convened upon recommendation of the Chief of Engineers. This project, which was approved by the Secretary of War on February 4, 1902, contemplated the installation of heavy guns and mortars on (1) Mariveles shore, (2) Corregidor Island, (3) Caballo Island, and (4) the south shore of Manila Bay, and also of smaller guns on Carabao Island.

3. The next project for these defenses was a preliminary one, submitted by the National Coast Defense Board on January 11, 1906, which called for the installation of the seacoast armament on (1) the Mariveles shore, (2) Corregidor Island, (3) Caballo Island, and (4) the south shore of Manila Bay. Subsequently to this report Gen. J. P. Story, a member of the National Coast Defense Board, was designated as a committee of one to visit Manila Bay and other localities in the insular possessions for the purpose of perfecting the projects of that board for such localities. Gen. Story was assisted in his investigations by the commanding general, Philippine Division, and other officers stationed in the Philippine Islands, all of whom concurred in the view that the occupation of the south shore of the bay as a site for seacoast batteries was inadvisable on account of the exposure of such site to direct land attack, and that in lieu thereof these batteries should be emplaced on Carabao and El Fraile Islands.

4. Subsequently to the report of the National Coast Defense Board there arose a number of questions in connection with the installation of seacoast batteries at Manila and Subic Bays. With a view to arriving at a decision as to these questions, the Secretary of War, in September, 1907, appointed a board of officers consisting of Lieut. Col. F. V. Abbot, Corps of Engineers, and the undersigned, to visit the Philippine Islands and to investigate and report on all questions connected with seacoast defense that were then under consideration by the department. Having completed its duties, this board, on January 17, 1908, submitted a report to the War Department, which report was concurred in by the commanding general, Philippine Division. In this report it was recommended that all the seacoast armament for the defense of Manila Bay be located on the four islands lying at the entrance, and that the armament that the National Coast Defense Board had proposed for Lasisi Point be emplaced on Corregidor Island instead.

5. Upon the receipt of this report the Secretary of War convened a board consisting of the Chief of Staff, the Assistant Chief of Staff, the Chief of Ordnance, the Chief of Engineers, the Chief of Coast Artillery, and the president of the Army War College, for the final determination of the projects for both Manila and Subic Bays. This latter board concurred in the view that no armament should be emplaced on Lasisi Point on account of its exposure to land attack and adopted a project for Manila Bay that is substantially in accord with the present project.

6. So far as known to the undersigned the wisdom of not occupying any portion of the mainland as a site for seacoast defenses has not been seriously questioned by anyone. The reason for this is that such fortifications installed on the mainland would be open not only to the objection which obtains in the case of the Corregidor batteries—that is, of being capable of being commanded by an enemy's batteries located on the higher neighboring hills—but also to the graver objection of being exposed to capture by direct assault by a land force, an objection which does not obtain in the case of fortifications on the islands. Under the adopted project, therefore, the defense against occupancy of the mainland by the heavy guns of an enemy is intrusted to the mobile forces in the Philippine Islands, supported and supplemented by the fire of the seacoast armament on the fortified islands. Much of the armament now installed on these islands has a range of over 8½ miles, and the item in the pending fortification bill for armament for the insular possessions is to cover the construction of mortars that will have a range of approximately 11 miles. The plans for the land defenses of these fortifications were drawn up in the Philippine Islands, and the full amount of the estimates asked therefor was appropriated by Congress. All of the armament supplied for these defenses was not, however, of the latest type, as, for example, the 5-inch rifles and the 7-inch howitzers. The armament of this character that was provided was of the model 1898; that is, the type just preceding those now being manufactured. In range and ballistic power these guns are equal to those of the present type, and they are inferior thereto only in mobility and rate of fire. Inferiority in these respects is not regarded as of importance in this particular case, as the guns are to be fired from fixed emplacements, and the necessity for conserving even the most liberal supply of ammunition during the continuance of a siege would preclude advantage being taken of the higher rate of fire of the guns of the present type.

STANLEY D. EMBICK,
Captain, Coast Artillery Corps,
Assistant to Chief of Coast Artillery.

[House Report No. 1416, Sixty-third Congress, third session.]

FORTIFICATIONS APPROPRIATION BILL.

Mr. SHERLEY, from the Committee on Appropriations, submitted the following report, to accompany H. R. 21491:

The Committee on Appropriations, in presenting the accompanying bill making appropriations for fortifications and other works of defense, and for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, submit the following in explanation thereof:

The estimates on which the bill is based aggregate $6,193,641.32, which sum includes $5,863,641.32 submitted in the Book of Estimates for the fiscal year 1916 and $330,000 submitted in House Document No. 1529. The accompanying bill appropriates $6,060,216.90, which amount is $432,516.90 more than was appropriated for the same purposes at the last session of Congress, and $133,424.42 less than the estimates submitted.

During the Forty-ninth Congress (fiscal years 1887 and 1888) no appropriations were made on account of fortifications, their maintenance and armament, and for the 12 fiscal years 1875 to 1886, inclusive, the appropriations by Congress on this account averaged only $540,750 per annum, and only $463,500 per annum for the 14 years, including 1887 and 1888, for which latter two fiscal years no specific appropriations were made, as stated.

The bill reported herewith contains appropriations in continuance of the policy adopted by the Fiftieth Congress in the passage of the acts approved September 22, 1888, and March 2, 1889, and continued at the succeeding terms of Congress in acts approved August 18, 1890, February 24, 1891, July 23, 1892, February 18, 1893, August 1, 1894, March 2, 1895, June 6, 1896, March 3, 1897, May 7, 1898, March 3, 1899, May 25, 1900, March 1, 1901, June 6, 1902, March 3, 1903, April 21, 1904, March 3, 1905, June 25, 1906, March 2, 1907, May 27 1908, March 3, 1909, June 23, 1910, March 4, 1911, June 6, 1912, February 13 1913, and June 27, 1914.

The appropriations by said acts for the 27 fiscal years 1889–1915 aggregate $152,584,696.72, of which sum $131,597,432.72 was appropriated for the United States and $20,987,264 for the insular possessions, an average of $5,651,285.06 per annum.

The fortifications appropriation acts enacted during the Fifty-fifth Congress (fiscal years 1899 and 1900) appropriated $14,287,396, in addition to which amount sums aggregating $8,674,898 were provided in deficiency appropriation acts for fortifications and the armament thereof, and the further sum of $13,049,751.86 was allotted for the same objects from the general appropriation of $50,000,000 made for the national defense in the act of March 9, 1898, making in all $36,012,045.86 available for fortifications and the armament thereof under appropriations made during the Fifty-fifth Congress. In addition to the above, the sum of $2,500 was appropriated for fortification purposes *in the act making* appropriations for the support of the Army dated September 22, 1888; $35,000 by the act making appropriations for the support of the Army dated March 2, 1901; $259,200 by the act making appropriations for the support of the Army dated June 30, 1902; and $389,000 by the act making appropriations for the support of the Army dated March 2, 1903; total, $685,700.

There was also appropriated by the act making appropriations for the sundry civil expenses of the Government approved April 28, 1904, $591,046.25; under the act making appropriations for the sundry civil expenses of the Government approved March 3, 1905, $40,000; under the act making appropriations for the sundry civil expenses of the Government approved June 30, 1906, $158,953.75; by the deficiency act of July 7, 1898, $0.70; by the deficiency act of February 14, 1902, $2.68; by the deficiency act of July 1, 1902, $4.38; and by the sundry civil act of March 4, 1911, $154,667; total, $944,674.76.

The urgent deficiency act of February 14, 1902, carried $3,000 for fortifications and the deficiency act of March 4, 1907, $977.79.

The joint resolution approved June 23, 1914, appropriated $31,000 to complete the purchase of necessary land at Cape Henry, Va.

The total appropriations made for fortifications and other works of defense since 1888, and since the recommendations of the Endicott Board of 1885, including the appropriations made in deficiency and other acts, including the Army bills dated September 22, 1888, March 2, 1901, June 30, 1902, and March 2, 1903, the sundry civil bills dated April 28, 1904, March 3, 1905, June 30, 1906, and March 4, 1911, and allotments made from the national defense fund, amount to $175,974,699.13, of which sum $154,682,768.13 was for the United States and $21,291,931 for the insular possessions, and has included the necessary cost of maintenance; $59,198.66 of the amount appropriated for the United States was expended for maintenance of submarine mines in the insular possessions.

The scheme of seacoast fortifications for the continental United States contemplated by the Endicott Board, as modified by the National Coast Defense Board (see S. Doc. No. 248, 59th Cong., 1st sess., for report), and as revised to date, it is estimated, will cost in the aggregate $159,982,534.43, of which amount the sum of $126,112,068.50 has been appropriated and $1,043,998.81 has been returned to the Treasury, a more particular discussion of the details of which will appear elsewhere in this report.

The scheme of fortifications for the insular possessions contemplated by the National Coast Defense Board, as revised to date, it is estimated, will cost in the aggregate $30,177,536.71, of which there has been appropriated the sum of $21,291,931, the details of which are also discussed more at length elsewhere herein.

The difference between the estimated whole cost of the so-called Endicott scheme of fortifications, as modified and revised to date, for continental United States, $159,982,534.43, and the appropriations made therefor to date, $126,112,068.50, less amount returned to Treasury, amounts to $33,870,465.93.

The difference between the estimated whole cost of the scheme of fortifications for the insular possessions, as revised to date, $30,177,536.71, and the appropriations already made therefor, $21,291,931, amounts to $8,885,605.71.

The difference between the combined estimated cost of both schemes, $190,160,071.14, and the combined appropriations therefor to date, $147,403,999.50, less amount returned to Treasury, amounts to $42,756,071.64.

The difference between the $147,403,999.50 already provided toward the scheme of the Endicott Board, modified by the National Coast Defense Board, and the sum total of appropriations, $175,974,699.13 for fortifications since 1888, amounting to $28,570,699.63, is represented in expenditures for erecting and equipping the gun factory at Watervliet, the gun-carriage factory at Watertown, the powder factory at Picatinny, N. J., the Ordnance and Fortification Board, the manufacture of mountain, field, and siege guns, and ammunition therefor, and for sundry other objects incident to providing and maintaining a system of seacoast defenses, and the amount returned to Treasury.

In addition to the foregoing general statement as to the history of and appropriations for the scheme of seacoast fortifications adopted by Congress in 1888 and prosecuted by annual appropriations since that year, it is deemed pertinent at this time to discuss somewhat more in detail the subject of these very considerable expenditures.

By the act of Congress approved March 3, 1885, the President was directed to appoint a board to formulate plans for seacoast defenses. This board later became known under the name of the Endicott Board, and its report, transmitted to Congress on January 23, 1886, formed for many years the guide from which the Secretary of War determined the ports that should be fortified and the amount and type of armament required for each. It will be understood that these plans required many modifications of detail in accordance with the development of commercial and strategic importance of the different ports and emplacements and changes in modern armament. In addition, no provision was made for reserve ammunition, probably due to the fact that the development of satisfactory powder was at that time in an experimental stage. On March 5, 1906, the President of the United States transmitted a message to the Congress in which he inclosed a report of the National Coast Defense Board, which had been appointed by him on January 31, 1905. This report modified and brought up to date the report of the Endicott Board and added a scheme for the fortifications of the insular possessions of the United States, and is usually referred to as the Taft Board report. In pursuance of the plans and projects recommended in that report estimates are submitted annually by the Secretary of War of the sums needed to carry on the work, and the items containing such estimates constitute the bill as submitted to this committee.

It should be stated in passing that the estimates for the fortification of the Panama Canal are submitted as a part of the general canal estimates and are carried in the sundry civil bill and are not included in any of the figures used in this discussion.

These items of appropriation may be roughly divided into three general classes, namely:

1. Fortification of seacoast forts, including ammunition.
2. Supply of field artillery material, including ammunition.
3. Miscellaneous items related to the above, but not strictly forming parts thereof.

The first classification can be subdivided into three items: (a) Items pertaining to new armament and installation, including reserve ammunition. These items embrace guns, gun carriages, emplacements, sites for defense, electrical installation, searchlights, sea walls, submarine-mine structures, fire-control instruments and structures, and ammunition; (b) items pertaining to maintenance, repair, and alterations of property embraced in subdivision (a), except ammunition; and (c) items pertaining to seacoast target-practice ammunition, including appliances for same, and subdivisions (a) and (b) should also be segregated according as they relate to continental United States and the insular possessions.

Under these three subdivisions of the first general division there has been heretofore appropriated for continental United States, including practice ammunition used in the insular possessions, $126,112,068.50. Of this amount, under subdivision a, items pertaining to new armament and installation, there has been apportioned $89,013,055.59; items relating to reserve ammunition, $15,252,885.98. Under subdivision b—that is, the item for maintenance, repair, and alteration—there has been appropriated $15,113,070.12. Under subdivision c, seacoast target-practice ammunition, there has been appropriated the sum of $5,689,058. There has been covered into the Treasury unexpended $1,043,998.81.

Under subdivisions a and b there has been appropriated for the insular possessions $21,291,931. This total includes under subdivision a items pertaining to new armament and installation, $18,072,209.12; items for reserve seacoast ammunition, $2,800,000. Under subdivision b, for maintenance, repair, and alteration, there has been appropriated $419,721.88. So that the total of appropriations for both continental United States and the insular possessions, under heading No. 1, amounts to $147,403,999.50.

The second general classification, to wit: Supply of Field Artillery material, including ammunition, can also be subdivided into three classifications similar to that of item No. 1. In other words, (a) those pertaining to new material, including reserve ammunition; (b) those pertaining to maintenance, repair, and alteration; and (c) those pertaining to target-practice ammunition.

The total appropriated has been $11,880,800. The total of the above that is included under the subdivision a, new material, including reserve ammunition, is $10,388,800, of which $4,201,600 was for such reserve ammunition, leaving $6,187,200 as the amount that has been appropriated for new material. Of this latter sum, $1,005,000 is counted as being for new material, though it is literally for the purpose of making new batteries out of old ones.

Under subdivision b, for maintenance, repair, and alteration, there has been appropriated $441,000. Under subdivision c, for target-practice ammunition, there has been appropriated $1,051,000.

The third general classification, to wit, miscellaneous items related to the preceding but not strictly forming parts thereof, consists of the following items, totaling appropriations of $16,689,899.63.

Board of Ordnance and Fortification	$2, 585, 000. 00
Proving ground, Sandy Hook	1, 690, 978. 00
Machine guns not used for seacoast defenses	385, 073. 00
Ordnance establishments, buildings, gun factory, powder factory, etc	3, 376, 952. 00
Machinery for ordnance establishments	451, 397. 83
Experimental guns, carriages, and ammunition	653, 041. 03
Testing experimental guns and carriages, armor plates, etc	148, 085. 84
Implements, equipments, alteration, and maintenance of old armament	519, 038. 00
Field material and ammunition of old designs	6, 331, 819. 75
Returned to Treasury	110, 928. 69
School submarine defense	16, 500. 00
Amount expended for temporary batteries (national defense fund)	302, 817. 99
Construction of post buildings, act June 6, 1896	100, 000. 00
Repair and maintenance Fort Monroe, Va., acts Mar. 2, 1895, and June 6, 1896	18, 267. 50

This statement does not include estimates of the cost of the additional seacoast defenses needed to complete the fortification projects in accordance with the plans of the National Coast Defense Board,

for the reason that the department has now under consideration the subject of modifying the plans of that board so as to provide that the large-caliber guns to be emplaced in future as additions to existing defenses will be of 16-inch instead of 14-inch caliber as recommended by that board. In view of this fact, it is not deemed practicable to furnish estimates at this time as to the cost of completing the seacoast defenses.

In addition to the above for the continental United States, it is estimated that there will in the future be annually required $1,000,000 for maintenance, repair, and minor alterations, and $425,000 for target practice.

And, in addition, it is also estimated that $70,000 will be annually required for maintenance, repair, and minor alterations, plus a proportionate increase due to the installation of new armament as it is supplied for the insular possessions.

Under the second general classification, first noted, it is estimated that remaining items, coming under subdivision a will be as follows: For new matériel, including funds for the alteration of 3.2-inch batteries, $3,861,718.07; for reserve ammunition, $5,347,812; making a total of $9,209,530.07.

In addition to the above, it is estimated that there will be required annually $55,000 for alteration, maintenance, and repair, and $140,000 for target practice.

It should be stated in connection with the foregoing items for Field Artillery matériel and ammunition that it is also estimated by the War Department that for such remaining matériel and ammunition for the use of the militia there will be required a total of $22,411,239.43; for which latter sum, however, it is expected that estimates will be submitted and appropriations carried in the Army bill.

In the present estimates there is asked, under the first general division for continental United States, subdivision a, new matériel, etc., $1,746,324.42, of which sum there is recommended in the accompanying bill $1,673,000, under subdivision b, maintenance, repair, etc., $1,068,500, of which amount the bill carries $1,038,500; and under subdivision c, target-practice ammunition, $425,000, and $26,100 for submarine-mine practice, all of which is recommended in the bill, except $100, making a total estimate of $3,265,924.42, of which the bill carries $3,162,500.

In the insular possessions, under subdivision a, there is asked for new matériel, ammunition, etc., $763,678, of which there is recommended in the bill $753,678; and under subdivision b, maintenance, repair, etc., $99,000, of which the sum of $89,000 is recommended; making total estimates of $862,678, of which $842,678, as above stated, is recommended; making a grand total of estimates of $4,128,602.42 for both continental United States and the insular possessions under the first general division, of which there is recommended $4,005,178.

Under the second general classification there is asked, under subdivision a, new matériel, etc., including alteration of 3.2-inch batteries, $1,780,000, all of which is recommended, with an authorization of $300,000; under subdivision b, maintenance, repairs, etc., $55,000, of which $50,000 is given; under subdivision c, target-practice ammunition, $140,000, of which $135,000 is given; making total estimates of $1,975,000, of which the bill carries $1,965,000, with authorization of $300,000 as above.

Under the third general division there are asked the following items:

Current expenses, ordnance proving ground, Sandy Hook, N. J.	$56,200
Expenses of officers at the proving ground and compensation of draftsmen	18,700
Board of Ordnance and Fortification	15,000
Total	89,900

All of the estimates under the third general division, $89,900, is recommended, and in addition thereto an item of $138.90 for reimbursement of Col. Frank Green, retired.

The funds appropriated under the fortification acts are expended by or under the supervision of the Chief of Ordnance, the Chief Signal Officer, and the Chief of Engineers. In general terms the Chief of Ordnance has charge of those items pertaining to seacoast cannon, including their carriages, sights, implements, and equipments; mountain, field, and siege cannon, including their carriages, sights, implements, and equipments; ammunition for seacoast cannon; ammunition for mountain, field, and siege cannon; ammunition, subcaliber guns, and other accessories for seacoast artillery practice; ammunition, subcaliber guns, and other accessories for mountain, field, and siege artillery practice; alteration and maintenance of seacoast artillery; alteration and maintenance of mobile artillery; current expenses of the ordnance proving ground, Sandy Hook, N. J., necessary expenses of officers at the proving ground, and compensation of draftsmen. In addition he has charge of the accounts, although not of the disbursements, pertaining to submarine mines, and the Board of Ordnance and Fortification, and expends the funds allotted him by the Secretary of War for fire-control instruments.

The Chief Signal Officer has charge of the operation and maintenance of fire-control installation at seacoast defenses and the expenditure of such funds as may be allotted him by the Secretary of War for the procurement of wiring and instruments for communication service from the appropriations for fire control.

The Chief of Engineers has charge of the construction, maintenance, repair, and modernization of emplacements for seacoast armament; installation and replacement of electric light and power plants and searchlights at seacoast fortifications; procurement or reclamation of land for sites for fortifications; preparation of plans for fortifications; tools, electrical, and engine supplies for operating electric light and power plants in seacoast batteries, and reserve lights therefor; construction, maintenance, and repair of sea walls and embankments; construction, preservation, and repair of structures for torpedo defense; land defenses of seacoast fortifications, exclusive of electrical communications and armament; and the expenditure of such funds as may be allotted him by the Secretary of War from fire-control appropriations for construction of fire-control stations and accessories and purchase of lands and rights of way.

The estimate for fire-control stations and accessories, electrical communications, and range finders, and other instruments for fire control at the fortifications is submitted by the Chief of Coast Artillery, and the appropriation when made is carried on the books of the disbursing officer of the War Department, expenditures being made by the Chief of Ordnance, the Chief Signal Officer, and the Chief of Engineers in accordance with allotments made them by the Secretary of War for particular purposes. The estimate for submarine mines is prepared by the Chief of Coast Artillery and disbursed under his supervision; the accounts are kept by the Chief of Ordnance.

LIMITATIONS.

The following limitations not heretofore imposed on appropriations are recommended:

On page 2:

"The Secretary of War is authorized to grant to the Norfolk Southern Railroad Co., its successors and assigns, a perpetual right of way through the lands which have been or which may be acquired for fortification purposes at Cape Henry, Va., on such location as he may approve, in exchange for all of said company's lands and rights of way lying within the boundaries of the lands acquired or to be acquired for said fortification purposes: *Provided*, That the said railroad company may be reimbursed from appropriations which may be applicable to the construction of defenses at Cape Henry, Va., for the expense which may be imposed upon the said railroad company in changing the location of its tracks, stations, or other buildings and appurtenances from their present location on the said lands and rights of way of the said railroad company to the right of way hereinbefore authorized to be granted to the said company by the Secretary of War."

On page 4:

"The accounting officers of the Treasury are authorized and directed to pay to Lieut. Col. Frank Greene, Signal Corps, United States Army, retired, the sum of $138.90."

On page 7, with reference to officers on duty at the Sandy Hook Proving Ground:

"That hereafter the occupancy by such officers, providing themselves with quarters elsewhere, of one room in the building at the proving ground locally known as the brick house shall not be construed as occupancy of public quarters within the meaning of this act and of the law authorizing allowance and commutation of quarters: *Provided further*, That the accounting officers of the Treasury are directed to reimburse Lieut. Col. Jay E. Hoffer, Ordnance Department, United States Army, the sum of $118, and First Lieut. Alfred H. Hobley, Ordnance Department, United States Army, the sum of $156, refunded by them to the United States on April 22 and May 21, 1914, respectively, on account of moneys received by them as commutation of quarters during part of the period June 1 to October 31, 1913, from the appropriation from which payment was originally made and to which the funds were credited when refunded."

On page 10:

"The transfer of four 12-inch mortars and their carriages and accessories, having an approximate value of $110,000, from fortifications in the United States to the insular possessions, is approved."

On page 12:

"That the payment of rent for offices heretofore leased in the District of Columbia for the Board of Ordnance and Fortification, and the payments heretofore made for rent of such offices, are hereby authorized."

On page 13:

"SEC. 5. That the several appropriations herein made and heretofore made in fortification appropriation acts shall be available for the payment of a per diem allowance in lieu of subsistence to civilian employees when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914."

COMPARATIVE STATEMENT.

The following shows, by items, the appropriations made in the last fortification act, the amounts submitted at this session in the annual estimates, and the amounts recommended in the accompanying bill:

Fortifications appropriation bill, 1916.

Object.	Appropriations for 1915.	Estimates for 1916.	Recommended for 1916.
FORTIFICATIONS AND OTHER WORKS OF DEFENSE.			
Gun and mortar batteries, construction of	$250,000.00	$585,000.00	$585,000.00
Modernizing older emplacements	(1)	100,000.00	100,000.00
Fire-control stations and accessories, construction of		133,974.42	130,000.00
Coast Artillery war instruction	25,000.00	500.00	500.00
Electric light and power plants at seacoast fortifications	50,000.00	60,000.00	50,000.00
Searchlights for important harbors	100,000.00	150,000.00	150,000.00
Protection, preservation, and repair of fortifications	(2)	200,000.00	200,000.00
Torpedo defense, preservation and repair of structures for	20,000.00	30,000.00	
Plans for fortifications	5,000.00	10,000.00	10,000.00
Electric light and power equipment and searchlights, maintenance, repair, tools, etc	40,000.00	40,000.00	40,000.00
Sea walls and embankments, construction of	25,000.00	35,000.00	27,000.00
Fire-control stations, operation and maintenance	130,000.00	130,000.00	130,000.00
Submarine mines, operation, preservation, and care of, including mining casemates, cable galleries, etc		31,000.00	31,000.00
Outer Brewster, Boston, Mass., landing facilities		50,000.00	
Greene, Frank, payment to		138.90	138.90
Total, fortifications and other works of defense	645,000.00	1,555,613.32	1,453,638.90
ARMAMENT OF FORTIFICATIONS.			
Mountain, field, and siege cannon: Purchase, manufacture, equipment, etc	[3] $450,000.00	[3] $450,000.00	$450,000.00
Ammunition for	1,200,000.00	1,160,000.00	1,160,000.00

[1] Reappropriation of $100,000 from unexpended balances of appropriations for protecting defenses of Pensacola, Fla.

[2] Reappropriation of $165,000 from unexpended balances of appropriations for protecting defenses of Pensacola, Fla.

[3] In addition to this sum, authority was granted for 1915 and is asked for 1916 to contract for the further amount of $300,000.

Fortifications appropriation bill, 1916—Continued.

Object.	Appropriations for 1915.	Estimates for 1916.	Recommended for 1916.
ARMAMENT, ETC.—continued.			
Seacoast cannon:			
Purchase, manufacture, equipment, etc	[1] $336,800.00	$300,000.00	$300,000.00
Ammunition for	140,000.00	200,000.00	200,000.00
Subcaliber guns, seacoast artillery, ammunition for	425,000.00	425,000.00	425,000.00
Mobile artillery, alteration and maintenance	45,000.00	55,000.00	50,000.00
Subcaliber guns, mountain, field, and siege artillery, ammunition for	130,000.00	140,000.00	135,000.00
3.2-inch batteries, alteration, sights, etc	175,000.00	170,000.00	170,000.00
Submarine mine material, purchase, manufacture, and test		26,100.00	26,000.00
Seacoast artillery, alteration and maintenance of	300,000.00	300,000.00	500,000.00
Supplemental estimate (H. Doc. 1529)		200,000.00	
Total, armament of fortifications	3,201,800.00	3,426,100.00	3,416,000.00
PROVING GROUND, SANDY HOOK, N. J.			
Current expenses	56,200.00	56,200.00	56,200.00
Expenses of officers and pay of draftsmen	18,700.00	18,700.00	18,700.00
Total, Sandy Hook Proving Ground	74,900.00	74,900.00	74,900.00
SUBMARINE MINES.			
Submarine mines and appliances, purchase of	100,000.00	191,350.00	190,000.00
Submarine mine material, maintenance of	68,000.00	68,000.00	68,000.00
Total, submarine mines	168,000.00	259,350.00	258,000.00
FORTIFICATIONS IN INSULAR POSSESSIONS.			
Seacoast batteries, construction of, Philippine Islands	300,000.00		
Protection, preservation, and repair of fortifications:			
Hawaiian Islands	1,000.00	3,000.00	2,000.00
Philippine Islands		3,000.00	3,000.00
Torpedo structures:			
Hawaiian Islands	2,000.00	1,000.00	1,000.00
Philippine Islands	1,000.00	1,000.00	1,000.00
Land defenses, Hawaiian Islands	457,000.00	150,000.00	150,000.00
Reserve equipment:			
Hawaiian Islands	50,000.00		
Philippine Islands	100,000.00		
Electric light and power plants and searchlights, maintenance, operation, tools, etc.:			
Hawaiian Islands	1,000.00	2,000.00	1,500.00
Philippine Islands	3,000.00	3,000.00	3,000.00
Sea walls and embankments, Hawaiian Islands		21,000.00	21,000.00
Submarine mines, preservation, operation, and care of, including mining casemates, cable galleries, etc		17,000.00	17,000.00
Fire-control installations, operation, etc	10,000.00	10,000.00	10,000.00
Seacoast cannon:			
Purchase, manufacture, equipment, etc	100,000.00	[2] 110,000.00	110,000.00
Ammunition for	400,000.00	400,000.00	400,000.00
Seacoast artillery:			
Alteration and maintenance	35,000.00	46,000.00	60,000.00
Supplemental estimate in H. Doc. No. 1529		20,000.00	
Installation, supervision of	500.00		
Submarine mines:			
Purchase of		50,000.00	40,000.00
Material, maintenance of	7,500.00	10,000.00	7,500.00
Fire-control stations, construction, etc	55,000.00	15,678.00	15,678.00
Total, fortifications in insular possessions	1,523,000.00	862,678.00	842,678.00
Board of Ordnance and Fortifications	15,000.00	15,000.00	15,000.00
Grand total, fortifications	5,627,700.00	6,193,641.32	6,050,216.90

[1] In addition to this sum, authority was granted for 1915 and is asked for 1916 to contract for the further amount of $300,000.
[2] Estimated in H. Doc. No. 1529.

The Clerk read as follows:

The transfer of four 12-inch mortars and their carriages and accessories, having an approximate value of $110,000, from fortifications in the United States to the insular possessions, is approved.

Mr. MILLER. Is this the item the gentleman referred to in relation to mortars for the Philippines?

Mr. SHERLEY. No; the item is on top of page 10, where $110,000 is appropriated to manufacture these mortars.

Mr. MILLER. Those are for Hawaii?

Mr. SHERLEY. No; those are for the Philippines.

Mr. MILLER. The gentleman refers to the paragraph at the top of the page?

Mr. SHERLEY. Yes; and I will tell the gentleman how it came about. The paragraph says:

For purchase, manufacture, and test of seascoast cannon for coast defenses, including their carriages, sights, implements, equipments, and the machinery necessary for their manufacture at the arsenals, $110,000.

That includes mortars.

Mr. MILLER. It might.

Mr. SHERLEY. The language is sufficient to embrace mortars. Here is what happened: They found that they had an additional balance that they could use for emplacements, and they have begun and are completing the emplacements, and because they did not need to come in and ask for an appropriation for emplacement the need for an estimate for the ordnance was overlooked until, in checking up the matter, it was found that it was necessary to get $110,000 to build the four mortars, and that is the reason I am so sure that I am correct, and I verified the matter this morning.

I assure the gentleman they are going to manufacture these four mortars that are to go out there, and that the item that has just been read with reference to a transfer is simply an authorization of a transfer already made of mortars in regard to the Hawaiian Islands.

Mr. MILLER. Mr. Chairman, I have no doubt that the gentleman is absolutely correct. If he has looked it up, I know he is. I certainly have that much confidence in the distinguished gentleman, but I do recall distinctly that one of the witnesses in the hearings testified that the four mortars that were at former fortifications here were to be transported over to the islands.

Mr. SHERLEY. That may be so. There may have been some confusion. The fact that there were four mortars for Hawaii and four for the Philippines, and that both were for land defenses, would naturally lend itself to confusion.

Mr. MILLER. In that case, if they are manufacturing four new mortars, I am quite sure that they will have an increased range over the four old ones contemplated in this paragraph. I want to ask another question. Has there been any firing of mortars at a distance of 19,000 yards that may be called efficient?

Mr. SHERLEY. Mr. Chairman, there are quite a number of our new mortars that have that range.

Mr. MILLER. That is very much in advance of the maximum range that I have been informed by artillery men mortars usually have.

Mr. SHERLEY. We are building a mortar now that is so much longer than the previous mortars that it looks very much like a gun, and those mortars do have a range such as I have indicated, and their effectiveness in the use of either shrapnel or high-explosive shell in the way of covering a terrain against a land attack would be very, very great.

Mr. MILLER. I would like to ask the gentleman one more question. I think the gentleman very clearly and vigorously stated the situation this morning on one important matter, when he said that we should always consider whether or not the enemy had command of the sea when we are considering a fortification. That is basic, of course, and absolutely essential to any consideration. Are not the fortifications of the Philippine Islands based on the fact that we will not have command of the sea and that the enemy will, and is not that an exact reversal of the situation that exists respecting our fortifications generally?

Mr. SHERLEY. Not entirely so. If we had command of the sea it would be impossible for continental United States to be invaded, unless Canada or Mexico should go to war with us, so that the sea control is one of the primal matters in either instance. I think what the gentleman has in mind is this, that a situation might arise in the Philippines, in case of sudden war, where no decisive naval engagement was had and where our fleet was not so immediately available as to protect those islands, and that——

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SHERLEY. And that it ought to be possible to make a stand there pending relief and succor from our fleet and from the United States, and in that particular I thoroughly agree with the gentleman as to the importance of having unusually strong fortifications there.

Mr. MILLER. That is the only reason that I have advocated it, and that advocacy is based on recommendations of military men that we have some fortification to protect against the landing of troops and the siege of our island forts by such landed troops operating from the land against both wings of the fortifications.

Mr. SHERLEY. Wherein I think the gentleman is mistaken is this: It was at one time sought to put batteries on those shores, but they would have been subject to a land assault, and it was so much better to have them on the islands that they discarded that idea and fortified Caballo, Carabao, and El Fraile, in addition to making of Corregidor a great fortification that would be the last stand in case everything went against us. As I stated a few moments ago, it is not to be supposed that there will be no aid from mobile troops or that there will not be any use for mobile artillery; but it is not believed advisable to put permanent fortifications on those two sites, and if they were put there, then it could be said that they are subject also to attack on the flank.

Mr. MILLER. But their presence would locate the enemy, and that is the point.

Mr. SHERLEY. I think the gentleman is mistaken in another thing. The gentleman is reaching some conclusions in regard to a war game that was played there. I think war games have great value in that they enable men in a measure to anticipate what might arise in case of actual war.

But they are not of such value as to warrant men in drawing fixed conclusions always as to what would actually happen from a theoretical happening. For instance, in one of the war games which was played over in the Philippines they put out of commission and had captured by assault batteries which were on the top of a cliff which was almost perpendicular for 200 feet, and it was so absurd that afterwards there was a correction made and a statement that the decision of the war umpires was altogether out of reason, because you can not even get a barrel of cement up there without hoisting it up by derrick.

Mr. MILLER. Will the gentleman permit one question, and I will not go into detail——

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SHERLEY. I ask for the additional three minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky? [After a pause.] The Chair hears none.

Mr. MILLER. In order that the element of theory might not exist in this case, they fired the actual shots, not one shot, but many.

Mr. SHERLEY. Well, there is some of that country where unquestionably guns could be brought up, but it is not an easy proposition, and after they got there it would not be a very healthy place to stay. I do not think the gentleman's conclusions that these fortifications could be readily put out of business would be substantiated by the judgment of a great majority of the men who have studied the matter.

Mr. GARDNER. The gentleman from Kentucky spoke about these new mortars. Does the gentleman refer to the mortars in the report signed by Assistant Secretary Breckenridge and others? It appears on page 29 of the hearings, at the top of the page. The range of the mortars recommended is 21,000 yards.

Mr. SHERLEY. Well, I took my size of mortars from the table, found on 206, because I always like to be conservative, where the 12-inch mortars, latest models, have a range of 19,319 yards. Now, I am not prepared to say that these new mortars might not have a range of 21,000 yards. It only makes my case that much stronger.

Mr. GARDNER. What I was getting at is this: Of these motars with a range of 19,319 yards are there any outside of the Canal Zone?

Mr. SHERLEY. I think there are, but I would have to refer to the record. If the gentleman will wait a minute, I can tell him, I think.

Mr. GARDNER. In place?

Mr. SHERLEY. Oh, we have some few mortars over in the Philippines.

Mr. GARDNER. Installed?

Mr. SHERLEY. And I am not sure about the Hawaiian Islands.

Mr. GARDNER. There are some provided?

Mr. SHERLEY. Oh, yes; there are a number of mortars emplaced in the Philippines and have been for quite a while.

Mr. GARDNER. Are those the long-range mortars?

Mr. SHERLEY. I think so.

The Clerk read as follows:

BOARD OF ORDNANCE AND FORTIFICATION.

For all needful and proper purchases, experiments, and tests to ascertain, with a view to their utilization by the Government, the most effective guns, small arms, cartridges, projectiles, fuses, explosives, torpedoes, armor plates, and other implements and engines of war, and to purchase or cause to be manufactured, under authority of the Secretary of War, such guns, carriages, armor plates, and other war material as may, in the judgment of the board, be necessary in the proper discharge of the duty devolved upon it by the act approved September 22, 1888; salary of the civilian member of the board and for his necessary traveling expenses when traveling on duty as provided by the act of February 24, 1891; necessary expenses of the board, including rent of offices in the District of Columbia at not exceeding $900 per annum and a per diem allowance to each officer detailed to serve thereon, when employed on duty away from his permanent station, of $2.50 a day; test of experimental guns, carriages, and other devices procured in accordance with the recommendation of the board, $15,000, the expenditure of which shall be made by the several bureaus of the War Department heretofore having jurisdiction of the same, or by the board itself, as the Secretary of War may direct: *Provided*, That before any money shall be expended in the construction or test of any gun, gun carriage, ammunition, or implements under the supervision of the said board, the board shall be satisfied, after due inquiry, that the Government of the United States has a lawful right to use the inventions involved in the construction of such gun, gun carriage, ammunition, or implements, or that the construction or test is made at the request of a person either having such lawful right or authorized to convey the same to the Government: *Provided further*, That the payment of rent for offices heretofore leased in the District of Columbia for the Board of Ordnance and Fortification, and the payments heretofore made for rent of such offices, are hereby authorized.

Mr. GARDNER. Mr. Chairman, I move to strike out the last word. I want to get the statement in the RECORD that the amount of ammunition for the seacoast cannon of continental United States on hand and under manufacture, which has hitherto been provided, is only 66 per cent of the total amount estimated by the Taft Board as the necessary minimum for our continental seacoast armament when complete. However, this ammunition amounts to 73 per cent of the quantity estimated as necessary for that part of our continental seacoast armament which has hitherto been provided. I shall read a passage from the evidence of Gen. Crozier. I do so because there has been some confusion as to whether the 73 per cent of which we have been speaking means 73 per cent of the ammunition estimated as requisite for the entire armament of seacoast cannon after the whole project is complete or 73 per cent of the amount estimated as necessary for that part of the armament which up to the present time has been authorized. On page 192 of the hearings Gen. Crozier said:

> The total value of the full allowance of ammunition for the cannon which have already been provided for continental United States is $16,487,000, and the total amount in value which we have on hand is $12,099,000. I think that figures out about 73 per cent.

In order to clear this question up in my own mind, on February 12 I wrote a letter to the Secretary of War. He replied as follows:

> WAR DEPARTMENT,
> *Washington, February 16, 1915.*
>
> Hon. A. P. GARDNER,
> *House of Representatives, Washington, D. C.*
>
> DEAR MR. GARDNER: Referring to your letter of February 12, 1915, in which you request certain information pertaining to the value of ammunition for seacoast cannon, it is assumed from your reference therein to your letter of January 25, 1915, that your queries relate to the armament of continental United States, and the following data are based upon this understanding:
>
> 1. The value of the ammunition on hand and under manufacture is $12,099,000.
>
> 2. On the basis of the ammunition allowance recommended by the Coast Defense Board, the value of the full allowance of ammunition for armament provided and contemplated is $18,216,000.
>
> 3. For the armament provided to date, the value of the additional ammunition necessary to bring the supply up to the full allowance recommended by the Coast Defense Board is $4,388,000.
>
> Very respectfully,
>
> LINDLEY M. GARRISON,
> *Secretary of War.*

This letter shows that we have on hand or under manufacture 66 per cent of the ammunition for the whole continental coast defense project, or 73 per cent of that part of the project for which money has hitherto been appropriated. It is understood, of course, that this statement refers to the requirements estimated by the Taft Board, or, more properly speaking, the National Coast Defense Board.

Mr. SHERLEY. I desire to say to the gentleman that I have never questioned that, and I have never made any statement questioning that.

Mr. GARDNER. But if the gentleman will read his statement this morning he will find that the matter, or so it seems to me, was left in some doubt. Furthermore, the gentleman from New York [Mr. CALDER] yesterday evening made an observation which did not seem to me entirely to clear the matter up. I simply desire to make everything plain in the RECORD.

Mr. SHERLEY. There was not any confusion in my mind. I knew the 73 per cent was of guns not mounted.

Mr. GARDNER. I think if the gentleman will read over his notes this morning he will find it as I have said.

Mr. SHERLEY. I said I had no doubt as to the matter, and I agree with the gentleman's statement.

Mr. GARDNER. That is that the ammunition in question is 73 per cent of the amount required for the armanent hitherto authorized?

Mr. SHERLEY. And not 73 per cent of all that is expected to be put in the authorization. The only question I have with the gentleman touching ammunition is the statement he made in regard to guns, and I called attention, by reading testimony as to the situation as to some of the guns which showed that in some cases that were over 100 per cent, whereas others were down lower, and with the mortars, all averaged about 73 per cent.

Now, the reason the gentleman is able to make his statement in regard to two hours' supply on a transfer from the Pacific to the Atlantic is due to the fact that there are a great many more guns on the Atlantic than on the Pacific. Manifestly, when you send your Pacific supply over to the Atlantic you do not increase the Atlantic supply 100 per cent.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. GARDNER. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent for two minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. GARDNER. It is true, as the gentleman says, that of certain kinds of ammunition we have over 100 per cent of the Taft Board requirement, provided that it is our Pacific coast which is attacked and provided we are successful in shipping to that coast all the ammunition accumulated for the supply of the guns in our Atlantic coast fortifications. But suppose that it is our Atlantic coast which is attacked and suppose that we entirely strip the Pacific defenses of every ounce of seacoast ammunition and transfer it to the threatened Atlantic defenses, how shall we stand as regards a sufficiency of ammunition on the Taft Board basis? On that basis it is supposed that we should have as a minimum amount two hours' battle supply for each gun after this transferring business is complete. But would that be so? By no means. Let me read you Gen. Weaver's statement about the various sizes of ammunition. It is to be found on page 198 of the hearings:

If they were shipped from one coast to the other the percentage for a two hours' supply would be as follows: For 3-inch guns, 42 per cent; for 4.7 inch guns, 74 per cent; for 5-inch guns, 96 per cent; for 6-inch guns, 42 per cent; for 8-inch guns, 55 per cent; for 10-inch guns, 70 per cent; for 12-inch guns, 71 per cent; and for 12-inch mortars. 34 per cent.

In other words, we should be, to an alarming extent, short of the minimum ammunition supply recommended by the so-called Taft board if the war should develop in such a way as to bring the attack on the Atlantic side.

When Gen. Weaver made that statement, Mr. SHERLEY said:

That would depend upon what coast they were shipped from?
Gen. WEAVER. Yes.
Mr. SHERLEY. That is, if shipped from the Pacific to the Atlantic?
Gen. WEAVER. Shipped from the Pacific to the Atlantic coast.

I admit at once that if you take all the ammunition from the Atlantic coast and ship it to the Pacific coast, then you have a good deal more than 100 per cent ammunition supply for a great many of the guns on the Pacific coast; that is, on the Taft board estimate.

Mr. MANN. Mr. Chairman, I move to strike out the last two words.

Mr. SHERLEY. I just want to take a minute to say this: On the Atlantic there are a great many fortifications that, under no conceivable conditions, to my mind, would ever be involved, and, therefore, in figuring the percentages for those guns you are figuring with an abundance of caution, and if you eliminated those guns from consideration your percentage as to other guns would amount to considerable.

Mr. STAFFORD. Will the gentleman inform the committee what the plan is as to the reserve ammunition of these respective guns in various fortifications?

Mr. SHERLEY. I went so fully into that this morning——

Mr. STAFFORD. I listened to the gentleman an hour and a half, and then I was called out of the Chamber. If that was the case, I will read the gentleman's remarks.

Mr. GARDNER. Mr. Chairman, I move to strike out the last two words. Did I understand the gentleman to say that there was a very considerable addition that could be made to the supply of coast-artillery ammunition by discontinuing certain useless fortifications?

Mr. SHERLEY. The gentleman understood me to say practically that. I know what the gentleman is going to do. He is going to read a statement in which a remark is made as to what the percentage would amount to.

Mr. GARDNER. I am going to read a statement from Gen. Weaver that totally disagrees with you.

Mr. SHERLEY. I understand. I want to say in response to that, and after that I shall not undertake to further review this matter, that there is no agreement as to what fortifications are needed to-day. Now, what the general had in mind was simply guns that he thought could be taken down and the fortification not kept, but what I have in mind are the many fortifications that would be in no case involved.

That makes a different premise and therefore a different conclusion.

Mr. GARDNER. Well, I think the general's opinion needed no particular elucidation. Here is what he says, on page 68 of the hearings:

Gen. WEAVER. The number of guns that may be abandoned is so small a percentage of the total number mounted that the abandonment of such armament will result in but slight increases in the amounts of ammunition available for the remaining armament.

Mr. SHERLEY. Oh, yes. The gentleman is talking about abandonment and I am talking about something else.

Mr. GARDNER. The gentleman from Kentucky tried his best to get Gen. Weaver to say the opposite. I read:

Mr. SHERLEY. Now, in point of fact, there are a great many guns that are mounted in continental United States that under practically no conceivable condition would ever be needed?
Gen. WEAVER. There are a number.
Mr. SHERLEY. But there are quite a number?
Gen. WEAVER. Yes; quite a number; but the number is not large in comparison with the total number of guns mounted.
Mr. SHERLEY. So that when you have gotten a one hour's allowance for all of the guns in the United States you actually have a considerably greater allowance for all of the guns than will ever be needed?

Then Gen. Weaver answered in the way I just read. How he could possibly have misunderstood what the gentleman from Kentucky was talking about I can not understand.

Mr. SHERLEY. I said that the premise upon which the gentleman from Massachusetts is now proceeding was not the premise of the General.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last three words, for the purpose of asking the chairman of the committee a question. While I understand the bill does not so expressly specify, I gathered from the remarks of the gentleman in general debate and in reading the hearings that it is not intended to manufacture any Gathmann or torpedo shells to be used in ranges of 10,000 yards and under.

Mr. SHERLEY. I know of no proposal to manufacture Gathmann shells.

Mr. GREEN of Iowa. Well, torpedo shells.

Mr. SHERLEY. I am not quibbling with the gentleman. I do not think they propose to manufacture the type of shell that the gentleman speaks of as the Gathmann shell, or the type that is spoken of as the Isham shell.

Mr. GREEN of Iowa. I did not ask the question because I disagreed with the gentleman on that point, because, on the contrary, I entirely agree with him.

Mr. SHERLEY. I understand that they are not going to manufacture any of them.

Mr. GREEN of Iowa. I will say at this time that I thought it was a great mistake to even authorize those in another bill.

Mr. SHERLEY. I agree with the gentleman.

Mr. CALDER. Mr. Chairman, I wish to ask a question of the gentleman from Kentucky [Mr. SHERLEY]. He says there are a great many guns that will probably never be used. I presume he referred to fortifications like Forth Wadsworth and Fort Hamilton, the second line of defense after Sandy Hook. If Sandy Hook were taken, we might have to rely on Fort Wadsworth and Fort Hamilton.

Mr. SHERLEY. I had not in mind those cases, but cases that are more pronounced. We have a lot of fortifications down here on the Potomac River, for example, where there is not a modern warship that could get near them, and nobody except a person fit for an asylum would ever undertake to bring anything of any size up there to attack those fortifications. What is true there is also true of a number of other fortifications, so far as their importance is concerned.

I am not going to quarrel with the gentleman from Massachusetts [Mr. GARDNER] as to whether my statement is technically to the letter accurate. I still think that it remains true that in a practical sense there are a number of fortifications for which percentages have been figured that do not need to be figured. That does not interfere with the fact that we need to more

nearly approach the totals to have a desirable amount of ammunition.

Mr. MANN. Mr. Chairman, if necessary, I move to strike out any number of words. [Laughter.] I would like to ask about the last proviso about rent. What is the occasion for this? Has there been some ruling about that?

Mr. SHERLEY. Yes. They have rented quarters here, not to any great extent, but they have certain rooms where they keep some of their maps, in a fireproof building, and where there is vault protection, and the comptroller ruled that there was no authority for the payment of rent in the District of Columbia because it was not expressly stated. As a result, it is necessary not only to carry a provision for the future payment of rent, but also to cure any question as to past payments.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 5. That the several appropriations herein made and heretofore made in fortification appropriation acts shall be available for the payment of a per diem allowance in lieu of subsistence to civilian employees when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914.

Mr. ROGERS. Mr. Chairman, I offer the following amendment as a new section at the bottom of the page.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 13, at the end of section 5, add as a new section the following: "All unexpended balances, amounting to $13,531.50, of the appropriations heretofore at various times made for the development and manufacture of the so-called Emery disappearing gun carriage are hereby covered back into the Treasury of the United States."

Mr. ROGERS. Mr. Chairman, the history of the Emery disappearing gun carriage has been an exceedingly strange one. The first appropriation for this Emery gun carriage was made in the year 1893, and additional appropriations have been made from time to time since that date. In other words, for a period of some 22 years the United States has been making appropriations of larger or smaller sums for the Emery carriage.

A. H. Emery, the would-be inventor of this disappearing gun carriage—or nonappearing gun carriage, as they call it in the War Department—achieved a considerable reputation perhaps 25 years ago by making a very elaborate testing machine for the Watertown Arsenal. That met with great success and won the inventor a wide renown. Since that time several additional machines of his invention have been installed and put to good use out at the Bureau of Standards.

Mr. Emery was fortunate in possessing the confidence and the ear of conspicuous Members of Congress both on the other side of the Capitol and on this side, and as a result he was enabled, in 1893, as I have said, to get his original appropriation for this purpose, amounting to $130,000. Then, in 1896 he got $10,000 more; in 1900, $40,000 more; in 1903, $40,000 more; and in 1908, $30,000 more; so that in the quarter century which has elapsed since this project was first brought to the attention of the Congress of the United States he has received in appropriations an even quarter of a million dollars.

The various enactments have in the main relieved him from the necessity of giving any quid pro quo, and from the first day when this authorization was made down to the present day the War Department has not received a single cent's worth of equivalent in return. We have been pouring out this money as the days and years have passed, and we have been getting nothing whatever to show for it. Out of that original quarter of a million dollars there is to-day remaining in the Treasury of the United States $13,531.50. There seems to be no real possibility that anything can ever be done by Mr. Emery toward the ultimate completion and delivery of the gun carriage. I am told by officials of the War Department and officials of the Board of Ordnance and Fortifications that even if Mr. Emery should be successful in building this gun carriage along the lines of the present endeavor, it would not be of the slightest value for our coast defenses; that designs have come on since 1893, have been installed in the coast defenses, and have in turn become obsolete and been superseded by more advanced and more efficacious inventions. So that if the miraculous should happen, if Mr. Emery should succeed after the lapse of all these years in completing a practical carriage, it would not be of the slightest value to the United States Government.

The original appropriation and every appropriation since have been made in direct disregard and in direct violation of the recommendations of the War Department and of the Board of Ordnance and Fortification. I have in my hand a reference to various reports which prove that my statement is true, but I will not take the time to refer to them now. I will just refer to one or two of the very recent ones. For example, in the letter of transmission of the report of the board by the former Secretary of War, Mr. Stimson, in 1912, to the Speaker of the House of Representatives, under date of February 3, 1912, the following appears:

Attention is invited to the statement of the board regarding the Emery disappearing carriage, * * * and in this connection Maj. Gen. Wood, president of the board, in submitting the report, remarks as follows: "The possibility of any useful result being obtained from Mr. Emery's 20 years' experimentation does not warrant continuation of his contract and possibly payment to him of a further $13,500." The matter is therefore submitted to Congress, with a view to action looking to the cancellation of the outstanding contract and the saving to the Government of at least a portion of the money heretofore appropriated for this purpose.

In the report of the board for 1913 the following appears:

Nothing has occurred in the last year that would indicate the eventual completion and delivery of this carriage * * *. Of the quarter million dollars appropriated there remains unexpended $13,531.51, but as some affirmative action on Mr. Emery's part is required to enable him to draw this money from the Treasury, it is likely to remain undisturbed unless Congress authorizes cancellation of the contract and allows the money to revert to the general funds of the Government.

Now, Mr. Chairman, I want to emphasize the fact that the United States has never had the slightest benefit of any kind, real or theoretical, from Mr. Emery's scheme, and that there seems to be no possible reason why this sum, even though small, should not be saved to the Federal Government.

In this connection I wanted to call the attention of the committee to what has resulted from the repeated appropriation by Congress, in direct violation of the recommendation of experts to whom we pay large salaries and who have claimed throughout that the plan was not feasible. Congress took the bit in its teeth, ignored the recommendation of experts, with the result I have indicated. Mr. Chairman, I hope that this recommendation and this amendment may be adopted. I believe that Congress ought to save what little it can out of the wreck of this quarter of a million dollars.

EMERY DISAPPEARING GUN CARRIAGE.

The following appropriations have been made for the Emery disappearing gun carriage:

Act approved Feb. 18, 1893 (Public, 69)	$130,000.00	
Act approved June 6, 1896	10,000.00	
Act approved May 25, 1900	40,000.00	
Act approved Mar. 3, 1903	40,000.00	
Act approved May 27, 1908	30,000.00	
Total appropriations		$250,000.00
Of this amount there was paid Mr. Emery prior to 1903	135,656.98	
Of this amount there was paid Mr. Emery subsequent to 1903	100,811.51	
Total paid to Mr. Emery to date		236,468.49
Unexpended balance of appropriations		13,531.51

The act of February 18, 1893, above referred to, provides in part as follows:

To enable the Board of Ordnance and Fortifications to procure and test one 12-inch elevating carriage of A. H. Emery's design, $130,000, * * * and the Secretary of War is hereby authorized and directed to contract, without advertising, with A. H. Emery for this carriage, and test it, the same to be built, erected, and tested for a sum not exceeding $130,000, which price shall cover the cost of the carriage erected, and including all the powder and projectiles necessary for its preliminary test * * *. Of the price of this contract $110,000 shall be for the carriage and foundations erected, including all changes and repairs, and $20,000 shall be paid the contractor for the preliminary testing of the carriage * * *. Of the $110,000 to be paid for the carriage and its foundations 60 per cent shall be paid in partial payments as the work progresses * * *. Before advancing any part of this 60 per cent the contractor shall furnish bonds satisfactory to the Secretary of War for the return of this money if the carriage is not accepted.

The other portions of this act seem not sufficiently material in this connection to require their quotation.

On March 17, 1893, in accordance with the terms of the act, a contract was entered into with Mr. Emery for the delivery of the completed carriage at Sandy Hook within two years after the date of the contract. The act of June 6, 1896, amended the act of February 18, 1893, by providing that 85 per cent (instead of 60 per cent) of the $110,000 to be paid for the carriage and foundations should be paid in partial payments as the work progressed. It also expressly stipulated, in direct reversal of the earlier act, that "no bond shall be required for the return of this money if the carriage is not accepted, nor shall the said Emery be required to return the money paid * * *." It also provided for an additional $10,000 for a loading apparatus to accompany the carriage.

The Board of Ordnance and Fortification strongly disapproved of the foregoing amendments, stating in a report dated October 31, 1896:

The plans for this carriage were not completely worked out at the time the appropriation bill was passed—referring to 1893 bill—and

were never approved by the board. In its action of January 25, 1893, the board stated as follows:

"In view of the doubts in the mind of the board as to the successful working of this carriage, as expressed in its action of December 29, 1892, it is of the opinion that if Congress deem it advisable to authorize and direct the construction, the appropriation should be so worded as to make the cost of the carriage and foundations payable only after their successful test and acceptance by the War Department."

The board still adheres to the opinion thus expressed. Should the proposed amendment become a law, $93,500 might be paid to Mr. Emery for preliminary work on a carriage the plans for which have never been approved by experts on this class of work and the patents for which are not transferred to the United States, although it should prove of no value after completion.

It will be observed that in spite of this opinion Congress persisted in passing the objectionable amendments above quoted.

In accordance with the amendatory act, a supplementary contract was entered into with Mr. Emery to deliver the loading apparatus at the Sandy Hook Proving Ground March 17, 1898.

On July 27, 1896, the date of the delivery of the carriage was extended to March 17, 1898. Further extensions were granted, first to March 17, 1899, and then to March 28, 1900. Other extensions have since been requested from time to time. A report of the Board of Ordnance and Fortification dated October 31, 1899, states:

The original act was passed after this board, having carefully considered the drawings and specifications submitted to it by Mr. Emery, had declined to approve its plan of construction. The amount appropriated by Congress for the same is several times as large as the cost of carriages of the same kind now in service. A large portion of that amount has already been expended in the construction of innumerable pieces of the carriage. Although the inventor and contractor gives no information whereupon any conjecture or speculation can be made as to the time when the carriage may be completed, yet he has drawn from the Treasury $95,380.16, of which he has expended $12,500 for the purchase of ammunition with which to test it after completion. It now hardly seems probable that this experimental carriage will be finished in time to be used, even if successful, in the adopted plan of our coast defenses.

In volume 3 of the Report of the War Department for the fiscal year ended June 30, 1900, being a report of the Chief of Ordnance, at pages 349 to 359 appears the report of hearings held April 14, 16, and 18, 1900, before the subcommittee of the Senate Committee on Appropriations which was considering the fortifications appropriation bill. Gen. Buffington, the principal witness, deals at length with the Emery gun carriage, stating again and again that the character of it does not commend itself.

It requires a pit of about 30 feet, which is filled up with springs and with hydraulic cylinders, the practicability of the working of which does not appear very clearly. We do not in the ordnance office approve of this carriage as a general type for mounting our seacoast guns, on account of this complication and the expense it would take to build the emplacements for them, and I could not recommend any further appropriation to be expended on it.

Gen. Buffington says that the contract had already been extended five times since 1893, and that there was an application from Mr. Emery then on file for a further extension; that the United States had received nothing in return for its money expended, then amounting to nearly $100,000; that the War Department did not know the stage of completion of the carriage nor when it would be completed; that it was purely experimental, and that experience would indicate that, even if originally workable, it would soon get out of order and become unserviceable.

There is considerable evidence that Senator Teller, who was then on the subcommittee, was greatly interested in behalf of Mr. Emery; certainly the character of his questioning of Gen. Buffington would so indicate. Gen. Buffington pointed out that as he was the deviser of a carriage then used in the service he was placed in a somewhat questionable position in criticizing the Emery carriage.

In spite of the recommendation of Gen. Buffington, there was carried in the act approved May 25, 1900, a further appropriation of $40,000, and by the act approved March 3, 1903, the further sum of $40,000 was appropriated to enable Mr. Emery "to complete and erect the 12-inch carriage." The fortifications appropriation act approved April 21, 1904, authorized the Secretary of War, "to enable A. H. Emery to proceed promptly in the work of building and erecting the 12-inch disappearing carriage and its loading apparatus," to advance Emery any part of the unexpended balance, then amounting to $84,343.02, and also to make a new contract, relieving Emery from further work in connection with the 12-inch carriage and substituting therefor a contract for an 8 or 10 inch disappearing carriage.

In accordance with the provisions of this act, all work on the 12-inch carriage was suspended, and on June 13, 1904, a contract was entered into by the Chief of Ordnance with Mr. Emery for one 10-inch disappearing carriage of his design. The sundry civil appropriation act approved May 27, 1908, carried a further appropriation of $30,000 to enable Emery to complete the gun carriage, "$20,000 to be paid on the approval of this act, $5,000 when Emery is ready to put in the foundations for this carriage, and the other $5,000 when he is ready to erect the carriage for its preliminary test." The report of the Board of Ordnance and Fortification for the year 1908 states, page 11:

The board was not consulted regarding, nor has it any knowledge of the purpose of this additional appropriation other than as shown by the act.

The report of the same board for the year 1910 states:

In the latter part of 1908 Mr. Emery constructed a railroad track connecting the site selected for his carriage at Fort Hancock with the Sandy Hook Proving Ground Railroad. This track was used for the transportation of material for the construction of the concrete foundations for the carriage. Under the provisions of the act of May 27, 1908, Mr. Emery was paid $5,000 for the completion of this work, since which time no further deliveries have been made.

Of the $114,343.02 available for the execution of the present contract with Mr. Emery for his carriage $100,811.51 has been paid him.

There may be added to the $114,000 mentioned above the sum of $135,656.98 paid under a former contract which was canceled by congressional authority, so that the total amount authorized has been a quarter of a million dollars. Of this sum there remains to be paid Mr. Emery $13,531.51. Another year has passed, the seventeenth since this work was authorized, and the Government has nothing to show for the expenditure except the foundations for the carriage, completed about two years ago.

The report of the next year—1911—pages 5 and 6, states:

There have been no development, so far as the board is informed, in connection with the Emery gun carriage, and the board can only repeat what has been said heretofore in regard to the history of this carriage. All the work on the Emery design has been done under direct legislative enactment, and the only part to be taken by the board in the matter is that when completed, if ever, the carriage is to be tested under its supervision. * * * The Government still has nothing to show for the expenditure of 95 per cent of the appropriations except the foundations for the carriage which were put in three years ago in order to enable Mr. Emery to obtain an additional $5,000 as provided by the act of 1908, practically the first which required him to do anything in return for money paid him.

The report for 1912, page 6, says:

The second decade is drawing to a close since Mr. Emery first undertook the work of developing a suitable gun carriage. In this 20 years other designs have been developed, served their time in the coast defenses, and been superseded by more perfect appliances, while Mr. Emery's work is still uncompleted.

In the letter of transmission of this report from the Secretary of War, Mr. Stimson, to the Speaker of the House of Representatives under date of December 3, 1912, appears the following:

Attention is invited to the statement of the board regarding the Emery disappearing carriage, * * * and in this connection Maj. Gen. Wood, president of the board, in submitting the report, remarks as follows: "The possibility of any useful result being obtained from Mr. Emery's 20 years' experimentation does not warrant continuation of his contract and possible payment to him of a further $13,500." The matter is therefore submitted to Congress with a view to action looking to the cancellation of the outstanding contract and the saving to the Government of at least a portion of the money heretofore appropriated for this purpose.

The report of the board for 1913, page 5, states:

Nothing has occurred in the last year that would indicate the eventual completion and delivery of this carriage. * * * Of the quarter million dollars appropriated there remain unexpended $13,531.51, but as some affirmative action on Mr. Emery's part is required to enable him to draw this money from the Treasury, it is likely to remain undisturbed unless Congress authorizes cancellation of the contract and allows the money to revert to the general funds of the Government.

In the endeavor to learn for myself something of the human side of this long story I was referred by various officials of the War Department to Grahame H. Powell, secretary to the Board of Ordnance and Fortification. He states that Mr. Emery made a great reputation about 25 years ago with a wonderful testing machine which he made for the Watertown Arsenal; later he made a duplicate for the Bureau of Standards. He was very friendly, indeed, with certain Members of Congress. Through this friendship he was able to get the various appropriations through Congress against the approval and advice of the Board of Ordnance and Fortification. Mr. Emery is still living, and just prior to my call had visited Mr. Powell. He now seeks an appropriation of $20,000, in addition to the unexpended balance.

Mr. Powell states that originally the alleged invention of Mr. Emery would have been highly useful and desirable for Army use, but that since 1893 many new devices have become perfected and are perfectly adequate for their purpose. Hence, even if Mr. Emery should now miraculously succeed in his endeavor, the result would be obsolete in type and of no especial value to the Army. The machines constructed for the purpose nowadays cost about $20,000. Mr. Emery's, as above shown, has cost nearly $250,000.

In view of this state of affairs, there seems every reason for the passage of an act covering back into the general fund of the Treasury the pittance which is still unexpended of the various appropriations made in behalf of Mr. Emery.

Mr. SHERLEY. Mr. Chairman, the gentleman from Massachusetts called my attention to this proposed amendment. I did know of the history of the Emery gun carriage, and I quite agree with the gentleman's position. It is a splendid illustration of how Congress can lose its head and spend money unwisely. I did not know that there was any balance of the sums appropriated that had not been expended. Personally I see no reason why the amount should not be covered into the Treasury. It is a matter that I had not thought about until presented by the gentleman to me a while ago. This committee is in possession of as much information about it as I am. I assume that the gentleman from Massachusetts knows about the balances and knows whether they are obligated in any way. If they are, the amendment ought not to be agreed to.

Mr. MANN. They are not obligated.

Mr. SHERLEY. Then I see no reason why the amendment should not be agreed to.

Mr. MANN. Mr. Chairman, the provision in the way of appropriations made during a series of years for the Emery gun carriage were lobbied through Congress. I do not use the term in an offensive way at all. The War Department never was in favor of the proposition, but Congress decided to spend one-quarter of a million dollars to see whether a man had a device which, if it proved successful, he would have been willing to have sold to us or let us use it at a high royalty. We spent the money, and if it had proved successful he would have had the advantage. It has not proved successful, and for a series of years the Board of Ordnance and Fortifications—if that is the correct title—has annually recommended that this money be covered back into the Treasury and the contract canceled. I do not know whether it would be safe for Congress to cancel the contract. Nothing is being done about it, although I was told some time ago that Mr. Emery was again coming before Congress to ask for another appropriation, hoping that he might develop some new idea in connection with the plan, the old ones having all failed.

It seems to me it is quite advisable to end this thing by covering the money back into the Treasury. It ought to have taken an hour of discussion in the House to do it, in order to fasten in the minds of Members of the House the undesirability of going off halfcocked merely because some man pleads for a chance to make a pipe dream come true at the expense of the Government and for the benefit of the man, but to think coolly before we do it. That is not the only pipe-dream scheme that is floating around here now, somewhat similar in character.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was agreed to.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by incorporating the past history of the Emery gun carriage.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD in the manner stated. Is there objection?

There was no objection.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I rose a moment ago on the amendment offered by the gentleman from Massachusetts not for the purpose of saying what I did say, although I think it was proper, but for the purpose of commending the gentleman from Massachusetts [Mr. ROGERS] for taking these reports of the board, examining them, examining this whole subject matter in the War Department, and then bringing a concrete proposition before the House. Such work as that deserves the thanks of the House. [Applause.]

Mr. SHERLEY. Mr. Chairman, I move that the committee do now rise, report the bill with the amendment to the House, with the recommendation that the amendment be agreed to, and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOUSTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21491, the fortifications appropriation bill, and had directed him to report the same back with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. GARDNER. Mr. Speaker, I move to recommit the bill to the Committee on Appropriations with certain instructions, which I send to the desk, and on that motion I move the previous question.

The SPEAKER. The gentleman from Massachusetts moves to recommit the bill with instructions, which the Clerk will report.

The Clerk read as follows:

Mr. GARDNER moves to recommit the bill to the Committee on Appropriations with instructions to report an appropriation of $1,000,000 for purchase, manufacture, and test of ammunition for seacoast cannon, in lieu of $200,000.

The SPEAKER. On that motion the gentleman from Massachusetts moves the previous question.

The previous question was ordered.

The SPEAKER. The question now is on the motion to recommit.

The question was taken.

Mr. GARDNER. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. The question is on the motion to recommit with instructions.

The question was taken; and there were—yeas 38, nays 219, answered "present" 2, not voting 164, as follows:

[Roll No. 86.]

YEAS—38.

Britten	Guernsey	Miller	Porter
Bryan	Helgesen	Mott	Powers
Danforth	Hinds	Murdock	Rogers
Deitrick	Hobson	Nolan, J. I.	Shreve
Donohoe	Johnson, Utah	Paige, Mass.	Sinnott
Falconer	Johnson, Wash.	Parker, N. J.	Sutherland
Farr	Kiess, Pa.	Patton, Pa.	Ten Eyck
Gardner	Knowland, J. R.	Peters	Thomson, Ill.
Greene, Mass.	Kreider	Platt	
Greene, Vt.	La Follette	Plumley	

NAYS—219.

Abercrombie	Davis	Hull	Rubey
Adair	Dershem	Humphreys, Miss.	Russell
Adamson	Dickinson	Igoe	Saunders
Aiken	Difenderfer	Jacoway	Scott
Alexander	Dillon	Johnson, Ky.	Seldomridge
Allen	Dixon	Johnson, S. C.	Shackleford
Anderson	Doolittle	Kelly, Pa.	Sherley
Anthony	Doughton	Kennedy, R. I.	Sherwood
Ashbrook	Drukker	Kettner	Sims
Austin	Dupré	Kinkaid	Slayden
Bailey	Eagle	Kirkpatrick	Slemp
Baker	Esch	Kitchin	Sloan
Baltz	Evans	Konop	Small
Barkley	Fergusson	Langley	Smith, Idaho
Bartlett	Fess	Lazaro	Smith, J. M. C.
Barton	Fields	Lee, Ga.	Smith, Md.
Beakes	Finley	Lee, Pa.	Smith, Minn.
Beall, Tex.	Flood, Va.	Lenroot	Smith, N. Y.
Bell, Cal.	Floyd, Ark.	Levy	Smith, Tex.
Bell, Ga.	Fordney	Lieb	Stafford
Blackmon	Foster	Lindbergh	Stanley
Booher	Francis	Linthicum	Stedman
Borchers	Frear	Lloyd	Stephens, Cal.
Borland	French	Lonergan	Stephens, Miss.
Brockson	Gard	McGillicuddy	Stephens, Nebr.
Browne, Wis.	Garner	McKellar	Stone
Browning	Garrett, Tenn.	McKenzie	Stout
Buchanan, Ill.	Garrett, Tex.	McLaughlin	Taggart
Buchanan, Tex.	Gill	Madden	Talcott, N. Y.
Bulkley	Godwin, N. C.	Maguire, Nebr.	Tavenner
Burke, S. Dak.	Goeke	Manahan	Taylor, Ark.
Burke, Wis.	Goldfogle	Mapes	Taylor, Colo.
Butler	Good	Mitchell	Temple
Byrnes, S. C.	Gordon	Moon	Thacher
Byrns, Tenn.	Goulden	Morgan, Okla.	Thomas
Calder	Gray	Morrison	Thompson, Okla.
Callaway	Green, Iowa	Moss, Ind.	Tribble
Campbell	Griest	Murray	Underhill
Candler, Miss.	Gudger	Neeley, Kans.	Vaughan
Caraway	Hamilton, Mich.	Neely, W. Va.	Vinson
Carlin	Hamlin	Norton	Vollmer
Carter	Hardy	Oldfield	Volstead
Casey	Haugen	Page, N. C.	Walters
Church	Hawley	Palmer	Watkins
Clancy	Hayden	Park	Watson
Claypool	Hayes	Parker, N. Y.	Weaver
Cline	Heflin	Phelan	Webb
Coady	Helm	Post	White
Connelly, Kans.	Henry	Quin	Williams
Cox	Hill	Ragsdale	Wingo
Cramton	Hinebaugh	Rainey	Witherspoon
Crisp	Holland	Raker	Woods
Cullop	Houston	Rauch	Young, N. Dak.
Curry	Howell	Reilly, Wis.	Young, Tex.
Davenport	Hughes, Ga.	Rouse	

ANSWERED "PRESENT"—2.

Mann Talbott, Md.

NOT VOTING—164.

Ainey	Edwards	Kennedy, Conn.	Price
Aswell	Elder	Kennedy, Iowa	Prouty
Avis	Estopinal	Kent	Rayburn
Barchfeld	Fairchild	Key, Ohio	Reed
Barnhart	Faison	Kindel	Reilly, Conn.
Bartholdt	Ferris	Korbly	Riordan
Bathrick	Fitzgerald	Lafferty	Roberts, Mass.
Bowdle	FitzHenry	Langham	Roberts, Nev.
Brodbeck	Fowler	L'Engle	Rothermel
Broussard	Gallagher	Lesher	Rucker
Brown, N. Y.	Gallivan	Lever	Rupley
Brown, W. Va.	George	Lewis, Md.	Sabath
Bruckner	Gerry	Lewis, Pa.	Scully
Brumbaugh	Gillett	Lindquist	Sells
Burgess	Gilmore	Lobeck	Sisson
Burke, Pa.	Gittins	Loft	Smith, Saml. W.
Burnett	Glass	Logue	Sparkman
Cantor	Goodwin, Ark.	McAndrews	Steenerson
Cantrill	Gorman	McClellan	Stephens, Tex.
Carew	Graham, Ill.	McGuire, Okla.	Stevens, Minn.
Carr	Graham, Pa.	MacDonald	Stevens, N. H.
Cary	Gregg	Mahan	Stringer
Chandler, N. Y.	Griffin	Maher	Sumners
Clark, Fla.	Hamill	Martin	Switzer
Collier	Hamilton, N. Y.	Metz	Taylor, Ala.
Connolly, Iowa	Harris	Mondell	Taylor, N. Y.
Conry	Harrison	Montague	Towner
Cooper	Hart	Moore	Townsend
Copley	Hay	Morgan, La.	Treadway
Crosser	Helvering	Morin	Tuttle
Dale	Hensley	Moss, W. Va.	Underwood
Decker	Howard	Mulkey	Vare
Dent	Hoxworth	Nelson	Walker
Dies	Hughes, W. Va.	O'Brien	Wallin
Donovan	Hulings	Oglesby	Walsh
Dooling	Humphrey, Wash.	O'Hair	Whaley
Doremus	Jones	O'Shaunessy	Whitacre
Driscoll	Kahn	Padgett	Wilson, Fla.
Dunn	Keating	Patten, N. Y.	Wilson, N. Y.
Eagan	Keister	Peterson	Winslow
Edmonds	Kelley, Mich.	Pou	Woodruff

So the motion to recommit was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. GALLAGHER with Mr. LEWIS of Pennsylvania.

Mr. BROWN of New York with Mr. NELSON.

Mr. GOODWIN of Arkansas with Mr. BARCHFELD.

Mr. GALLIVAN with Mr. KEISTER.

Mr. STEPHENS of Texas with Mr. BARTHOLDT.

Mr. WILSON of Florida with Mr. CARY.

Mr. WALKER with Mr. AVIS.

Mr. PADGETT with Mr. CHANDLER of New York.

Mr. BROWN of West Virginia with Mr. COOPER.

Mr. BURGESS with Mr. HAMILTON of New York.

Mr. BURNETT with Mr. HUMPHREY of Washington.

Mr. CLARK of Florida with Mr. KAHN.

Mr. COLLIER with Mr. KELLEY of Michigan.

Mr. DENT with Mr. KENNEDY of Iowa.

Mr. DIES with Mr. LANGHAM.

Mr. EDWARDS with Mr. MONDELL.

Mr. ESTOPINAL with Mr. MOORE.

Mr. FERRIS with Mr. Moss of West Virginia.

Mr. FITZGERALD with Mr. SELLS.

Mr. GREGG with Mr. STEENERSON.

Mr. HARRISON with Mr. GILLETT.

Mr. HOWARD with Mr. STEVENS of Minnesota.

Mr. GLASS with Mr. MARTIN.

Mr. LEVER with Mr. TREADWAY.

Mr. RUCKER with Mr. MCGUIRE of Oklahoma.

For the session:

Mr. UNDERWOOD with Mr. MANN.

Mr. MANN. Mr. Speaker, because I am paired with the gentleman from Alabama, Mr. UNDERWOOD, I desire to withdraw my vote and be recorded present.

The name of Mr. MANN was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present; the Doorkeeper will open the doors. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. SHERLEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. STEVENS of Minnesota was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of H. R. 9509, granting a pension to Daniel Kelaher, Sixty-third Congress, first session, no adverse report having been made thereon.

Also, the papers in the case of H. R. 3287, granting a pension to Mary Dowling, Sixty-third Congress, first session, no adverse report having been made thereon.

EXTENSION OF REMARKS.

Mr. HOWELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address delivered by Gov. Spry, of Utah, before the conference of western governors.

The SPEAKER. The gentleman from Utah asks unanimous consent to extend his remarks in the RECORD by printing an address delivered by Gov. Spry, of Utah. Is there objection? [After a pause.] The Chair hears none.

SENATE BILL 3863.

Mr. TAYLOR of Arkansas. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. TAYLOR of Arkansas. I ask unanimous consent to file an additional report (No. 818, pt. 2) from the Committee on Public Lands on Senate bill 3863.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the legislative, executive, and judicial appropriation bill (H. R. 19909), to disagree to all the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to take from the Speaker's table the legislative, executive, and judicial appropriation bill, to disagree to all Senate amendments, and ask for a conference. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, there are several items which I think there ought to be a chance to consider in the House, or at least to have them voted upon separately, and manifestly it can not be done to-night. There are three in reference to mileage; one in reference to the legislative reference bureau—I do not know that is so important; one in reference to the expense of opening the Panama Canal; one for an emergency clerical service in the Department of State, about which as yet we have no information; one in reference to gauging liquors in the Internal-Revenue Department, which amendments some Members want to have a chance to consider.

Mr. BARTLETT. May I ask the gentleman if that is the increase of $292,000 for appointments in the Internal-Revenue Department——

Mr. MANN. No; it is the one in reference to the opium law.

Mr. BARTLETT. That is the one.

Mr. MANN. Where they provide for an appropriation of two or three hundred thousand dollars——

Mr. BARTLETT. That is the one.

Mr. MANN (continuing). Regardless of the civil-service law.

Mr. BARTLETT. That is the one I wanted to know whether the gentleman was inquiring about.

Mr. MANN. One is an amendment that increases by several hundred thousand dollars the cost of collecting the internal revenue and the other amendment is the decrease of several hundred thousand dollars of the cost of gauging spirits with a provision in reference to the rectifying of spirits, concerning which I think no one in the House knows anything about.

Mr. BARTLETT. The reason I asked about that one in reference to enforcing the antinarcotic law——

Mr. MANN. The Harrison law.

Mr. BARTLETT (continuing). The Harrison law—is that we had some hearings before the subcommittee on the deficiency bill and we were informed to-day that has been incorporated in the legislative bill. That is the reason I asked about it, because we had some investigation and hearings and we had some information. I do not know whether the Senate had or not.

Mr. JOHNSON of South Carolina. Mr. Speaker, I want to say in reply to the gentleman from Illinois [Mr. MANN] and the gentleman from Georgia [Mr. BARTLETT] that the conferees will not be disposed to settle any of those large items without giving the House an opportunity to discuss them and vote on them. If we bring in any report it will be a report where the Senate has yielded or a partial report that will leave those questions open for the House to determine.

Mr. MANN. That item that the gentleman from Georgia refers to, which is Senate amendment No. 65, apparently makes no provision for anything except for the next fiscal year. It says:

Being for the fiscal year ending June 30, 1916, $292,000.

Mr. BARTLETT. The Senate amendment was a deficiency appropriation. They applied to us for it, and we had some hearings upon it, but they ceased after they got it on the bill.

Mr. MANN. There is no deficiency in this item.

Mr. COX. May I ask if the Panama Canal item is the one for $160,000?

Mr. MANN. It is.

Mr. COX. That is the item that authorizes it to be turned over to the President?

Mr. MANN. It is.
Mr. COX. You asked in regard to 1, 2, and 18?
Mr. MANN. Yes.
Mr. COX. Of course, they all go together.
Mr. MANN. I understood the gentleman to say he would not yield on it until the House had a chance to vote on it.
Mr. JOHNSON of South Carolina. All of these important amendments will be brought back to the House for the House to consider and vote on unless the Senate yields.
Mr. STAFFORD. Take the amendment the gentleman refers to—amendment No. 20—providing for a reference bureau. There are many Members of the House who would prefer to have that stand rather than to have it go out. The matter in controversy is whether it should be retained in the bill rather than eliminated.
Mr. MANN. We desire a separate vote on that proposition. It was stricken out in the House, but put in in the Senate.
Mr. JOHNSON of South Carolina. It is in operation under an appropriation in the existing law, and it was a Senate amendment which was put in by the House by a vote on the floor of the House. The conferees on the part of the House did not agree to it, and brought in a partial report.
Mr. MANN. That was last year.
Mr. JOHNSON of South Carolina. Thereupon a Member of the House made a motion that the House recede and concur.
Mr. MANN. That was last year.
Mr. JOHNSON of South Carolina. And it is now in the law by vote of the House.
Mr. MANN. I understand. Now, as to that amendment, a number of the Members of the House would not want the Senate to recede from this amendment without a chance to vote for the amendment in the House.
Mr. JOHNSON of South Carolina. I am perfectly willing to bring it back.
The SPEAKER. Is there objection? [After a pause.] The Chair hears none.
The SPEAKER named the following conferees: Mr. JOHNSON of South Carolina, Mr. BYRNS of Tennessee, and Mr. GOOD.

EXTENSION OF REMARKS.

Mr. GOOD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an article that appeared in the New York Times on February 21, entitled "An analysis of the election returns of 1914."
The SPEAKER. What was it published in?
Mr. GOOD. In the New York Times.
The SPEAKER. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD by printing an article from the New York Times analyzing the vote of 1914. Is there objection?
There was no objection.
Mr. J. M. C. SMITH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by publishing a poem sent by a person in my district on the subject of "The Flag."
The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD by printing a poem written by one of his constituents on the subject of "The Flag." Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. SHERLEY. Mr. Speaker, I move that the House do now adjourn.
The motion was agreed to; accordingly (at 5 o'clock and 44 minutes p. m.) the House adjourned until Wednesday, February 24, 1915, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. STOUT, from the Committee on the Public Lands, to which was referred the bill (S. 5433) to amend an act entitled "An act to establish the Glacier National Park in the Rocky Mountains south of the international boundary line in the State of Montana, and for other purposes," approved May 11, 1910, reported the same without amendment, accompanied by a report (No. 1432), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FESS, from the Committee on Education, to which was referred the bill (H. R. 11749) to create a national university at the seat of the Federal Government, reported the same without amendment, accompanied by a report (No. 1433), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PARK, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 14996) to purchase a post-office site and to build a post-office building in the city of Marion, N. C., reported the same with amendment, accompanied by a report (No. 1435), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HENRY, from the Committee on Rules, to which was referred the joint resolution (H. J. Res. 426) providing that the Congress of the United States shall participate in the celebration of the opening of The Dalles-Celilo Canal, reported the same without amendment, accompanied by a report (No. 1436), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. McKELLAR, from the Committee on Military Affairs, to which was referred the bill (H. R. 16850) to remove the charge of desertion against Charles A. Lester, reported the same without amendment, accompanied by a report (No. 1437), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ROGERS: A bill (H. R. 21539) covering back into the Treasury the unexpended balances of certain appropriations heretofore made for the development and manufacture of the Emery disappearing gun carriage; to the Committee on Appropriations.

By Mr. RAINEY: A bill (H. R. 21540) to repeal sections 35 to 49, inclusive, of the act of June 13, 1898, concerning mixed flour, as amended by the act of March 2, 1901, and as further amended by the act of April 12, 1902, and for other purposes; to the Committee on Ways and Means.

By Mr. MOORE: Resolution (H. Res. 743) directing the Secretary of the Treasury to forward to the House of Representatives information with respect to the steamship *Evelyn* and insurance upon her cargo; to the Committee on Interstate and Foreign Commerce.

Also, resolution (H. Res. 744) directing the Secretary of the Treasury to transmit to the House of Representatives full information as to the operations of the Bureau of War Risk Insurance; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK: Resolution (H. Res. 745) authorizing additional clerical assistance for the Committee on Enrolled Bills; to the Committee on Accounts.

By Mr. FRENCH: Memorial of the Legislature of the State of Idaho, favoring the extension of Federal aid to the reclamation of arid lands; to the Committee on Irrigation of Arid Lands.

By Mr. SINNOTT: Memorial of Oregon State Legislature, favoring the removal of limitations on the amount of money which may be deposited in postal savings banks, and to use said money as basis for rural credits; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Memorial of the Legislature of the State of California, favoring placing veterans of the United States Army who fought in the Indian wars from 1865 to 1891 on the pension roll; to the Committee on Pensions.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BYRNS of Tennessee: A bill (H. R. 21541) for the relief of the estate of Lorence Banniza; to the Committee on War Claims.

By Mr. CRAMTON: A bill (H. R. 21542) granting a pension to Elizabeth White; to the Committee on Invalid Pensions.

By Mr. FLOYD of Arkansas: A bill (H. R. 21543) granting an increase of pension to Jesse Walters; to the Committee on Invalid Pensions.

By Mr. SLOAN: A bill (H. R. 21544) granting an increase of pension to David L. Hackett; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 21545) for the relief of the Provident Mutual Building Loan Association, of Los Angeles, Cal.; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN: Petition of citizens of Cincinnati, Ohio, against shipment abroad of munitions of war; to the Committee on Foreign Affairs.

By Mr. BELL of California: Communications protesting against any legislation to prohibit the Government printing return requests on stamped envelopes; to the Committee on the Post Office and Post Roads.

Also, petition of Chamber of Commerce, Klamath Falls, Oreg., against any change in the boundary of Crater Lake National Park; to the Committee on Military Affairs.

Also, petition of Associated Employers of Indianapolis, Ind., favoring militia pay bill; to the Committee on Military Affairs.

Also, petition of chamber of commerce, Los Angeles, Cal., advocating the formation of a naval reserve; to the Committee on Naval Affairs.

Also, petition of chamber of commerce, Santa Ana, Cal., favoring establishment by the Reclamation Service of an irrigation project to reclaim 100,000 acres of land near Victorville, Cal.; to the Committee on Irrigation of Arid Lands.

Also, petition of Bay Cities School Board Association, Berkeley, Cal., favoring national aid to States for vocational training; to the Committee on Education.

Also, petition of E. G. Buerkle, Whittier, Cal., also San Francisco Scheutzen Verein, favoring embargo on arms; to the Committee on Foreign Affairs.

By Mr. BROCKSON: Petition of citizens of Wilmington, Del., protesting against the bill for the segregation of the colored people in separate cars in the District of Columbia; to the Committee on the District of Columbia.

By Mr. BROWNE of Wisconsin: Petition of W. D. Wright, John Jamison, and others, of Warsaw, and J. Boyd Stephenson, M. G. Smith, and others, of Weyauwega, Wis., protesting against House bill 20644, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of L. W. Llewellyn, C. F. Kickhoefer, and others, of Marion, Wis., protesting against the Fitzgerald amendment to the Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

By Mr. BRUCKNER: Petitions of Nicholas Meyer and 115 other citizens of New York City and American citizens of Paterson, N. J., protesting against export of war materials; to the Committee on Foreign Affairs.

Also, petitions of sundry citizens of New York City, protesting against circulating the Menace through the mails; to the Committee on the Post Office and Post Roads.

By Mr. BURKE of Wisconsin: Petition of Mrs. E. G. Strassburger, Mrs. William F. Hilgen, and 135 other lady citizens of the city of Cedarburg, Wis., asking for the passage at this session of H. J. Res. 377, to levy an embargo on all contraband of war; to the Committee on Foreign Affairs.

By Mr. BYRNS of Tennessee: Memorial of Woman's Missionary Society (Tenn.) Conference Methodist Episcopal Church, favoring amendment to abolish polygamy; to the Committee on the Judiciary.

By Mr. CALDER: Petition of Empire State Society of the Sons of the American Revolution, relative to national defense; to the Committee on Military Affairs.

By Mr. CLARK of Florida: Petition of H. F. Shive and others of Palm Beach County, Fla., against S. 6865, providing prohibition for the District of Columbia; to the Committee on the District of Columbia.

By Mr. DALE: Memorial of Holy Name Society of the Church of St. Mary of the Immaculate Conception, protesting against the publication of the Menace; to the Committee on the Post Office and Post Roads.

By Mr. GORDON: Petition of citizens of Cleveland, Ohio, against abridgment of freedom of the press; to the Committee on the Post Office and Post Roads.

By Mr. GRIEST: Petition of National Order of Antipolygamy Crusaders, of Columbia, Pa., favoring prohibition of polygamy in the United States; to the Committee on the Judiciary.

Also, petitions of sundry residents of Pennsylvania, against legislation abridging freedom of the press, from Albion, Allentown, Athens, Catasauqua, Cementon, Conshohocken, Egypt, Fullerton, Harrisburg, Jamestown, Lottsville, Marietta, Northumberland, Oil City, Philadelphia, Pittsburgh, Pottsville, Sayre, Scranton, Shamokin, Somerfield, Sunbury, Weatherly, and Wormleysburg; to the Committee on the Post Office and Post Roads.

By Mr. HAYES: Petition of citizens of California, favoring embargo on arms; to the Committee on Foreign Affairs.

By Mr. LOBECK: Memorial of Commercial Club, of Grant, Nebr., favoring passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

Also, memorial of International Association of Mechanics, favoring changes in House bill 17894; to the Committee on Interstate and Foreign Commerce.

By Mr. LONERGAN: Petition of William Ahrens, of East Granby, Conn., favoring bill to prohibit export of war material; to the Committee on Foreign Affairs.

By Mr. MURRAY: Petition of St. Benedict's Church, Shawnee, Okla., favoring protection of the clergy in Mexico; to the Committee on Foreign Affairs.

Also, petition of the Catholic Church of Coalgate, Okla., favoring protection for Catholics in Mexico; to the Committee on Foreign Affairs.

By Mr. RAKER: Petition of Urban A. Walter, Denver, Colo., against the biennial-promotion proposal in the Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

Also, petition of Chamber of Commerce, Los Angeles,, Cal., favoring formation of a naval reserve; to the Committee on Naval Affairs.

By Mr. SHREVE: Petition of Rev. Harry Marschner and 695 other citizens, of Erie, Pa.; St. Paul's United Evangelical Church, St. Luke's Evangelical Church, St. Benedict's Society, August Swartz, William Muellerstein, Alfred Stein, and John E. Wickles, of Erie, Pa.; O. H. Andrews, of Corry, Pa.; and Charles Oldach and others, of North East, Pa., favoring embargo on war materials; to the Committee on Foreign Affairs.

By Mr. J. M. C. SMITH: Petition of 17 citizens of Coldwater, Mich., protesting against House bill 20644, to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. VOLLMER: Petition of Davenport (Iowa) Commercial Club, favoring legislation for flood protection and reclamation along the Mississippi River; to the Committee on Rivers and Harbors.

Also, memorial of American citizens in Paterson, N. J., protesting against export of war material; to the Committee on Foreign Affairs.

SENATE.

WEDNESDAY, *February 24, 1915.*

(Legislative day of Friday, February 19, 1915.)

The Senate met at 10 o'clock a. m., on the expiration of the recess.

Mr. SMOOT. Mr. President, there are very few Senators in the Chamber, and I think we ought to have a quorum before beginning the day's duties. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	Nelson	Swanson
Bankhead	Hollis	Norris	Thomas
Brandegee	James	Overman	Thompson
Bryan	Jones	Page	Tillman
Burleigh	Kern	Penrose	Townsend
Burton	Lane	Perkins	Vardaman
Catron	Lodge	Robinson	Weeks
Chamberlain	McCumber	Sheppard	Works
Clapp	Martin, Va.	Smith, Mich.	
Gallinger	Martine, N. J.	Smoot	
Gore	Myers	Sterling	

Mr. KERN. I desire to announce the unavoidable absence from the city of the senior Senator from Tennessee [Mr. LEA]. He is absent on account of illness in his family. This announcement may stand for the day.

Mr. SMOOT. I wish to announce the unavoidable absence of my colleague [Mr. SUTHERLAND] on account of sickness. He has a general pair with the senior Senator from Arkansas [Mr. CLARKE]. I will allow this announcement to stand for the day.

The VICE PRESIDENT. Forty-one Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of the absentees.

The Secretary called the names of the absent Senators, and Mr. POMERENE, Mr. RANSDELL, and Mr. SHIELDS answered to their names when called.

Mr. SMOOT. I also desire to announce the unavoidable absence of the junior Senator from Iowa [Mr. KENYON], on account of sickness.

Mr. CRAWFORD, Mr. SHAFROTH, and Mr. DILLINGHAM entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-seven Senators have answered to the roll call. There is not a quorum present.

Mr. BRYAN. I move that the Sergeant at Arms be directed to request the attendance of the absentees.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will execute the order of the Senate.

Mr. MARTINE of New Jersey. I desire to state that my colleague [Mr. HUGHES] has been called away from the city to his home on account of his mother's very serious illness.

Mr. JOHNSON and Mr. SMITH of Georgia entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 19909) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1916, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHNSON of South Carolina, Mr. BYRNS of Tennessee, and Mr. GOOD managers at the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 20347) making appropriations for the support of the Army for the fiscal year ending June 30, 1916, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HAY, Mr. DENT, and Mr. KAHN managers at the conference on the part of the House.

The message further announced that the House had passed a bill (H. R. 21491) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 6980. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 7213. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 7402. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 21161. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1916, and for other purposes.

HOUSE BILL REFERRED.

H. R. 21491. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

LEGISLATIVE, ETC., APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 19909) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1916, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MARTIN of Virginia. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. MARTIN of Virginia, Mr. OVERMAN, and Mr. GALLINGER conferees on the part of the Senate.

ARMY APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 20347) making appropriations for the support of the Army for the fiscal year ending June 30, 1916, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CHAMBERLAIN. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. CHAMBERLAIN, Mr. FLETCHER, and Mr. DU PONT conferees on the part of the Senate.

RIVER AND HARBOR APPROPRIATIONS.

The VICE PRESIDENT. The pending question is on the motion of the Senator from Florida [Mr. FLETCHER] that the Senate proceed to the consideration of House bill 20189, known as the river and harbor bill.

Mr. BRANDEGEE. I move to lay that motion on the table.

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts and joint resolution:

On February 23, 1915:

S. 604. An act for the relief of Sarah A. Clinton and Marie Steinberg;

S. 926. An act for the relief of the Georgia Railroad & Banking Co.;

S. 1880. An act for the relief of Chester D. Swift;

S. 3419. An act admitting to citizenship and fully naturalizing George Edward Lerrigo, of the city of Topeka, in the State of Kansas;

S. 3925. An act for the relief of Teresa Girolami;

S. 5092. An act for the relief of Charles A. Spotts;

S. 5254. An act authorizing the Secretary of the Interior, in his discretion, to sell and convey a certain tract of land to the Mandan Town and Country Club;

S. 5449. An act to make Pembina, N. Dak., a port through which merchandise may be imported for transportation without appraisement;

S. 5497. An act authorizing the issuance of patent to Arthur J. Floyd for section 31, township 22 north, range 22 west of the sixth principal meridian, in the State of Nebraska;

S. 5990. An act to authorize the sale and issuance of patent for certain land to William G. Kerckhoff; and

S. J. Res. 187. Joint resolution requesting the President of the United States to invite foreign Governments to participate in the International Congress on Education.

On February 24, 1915:

S. 2334. An act for the relief of S. W. Langhorne and the legal representatives of H. S. Howell;

S. 4146. An act granting certain lands to school district No. 44, Chelan County, Wash.; and

S. 2335. An act to provide for the register and enrollment of vessels built in foreign countries when such vessels have been wrecked on the coasts of the United States or her possessions or adjacent waters and salved by American citizens and repaired in American shipyards.

POST OFFICE APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19906) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1916, and for other purposes.

The VICE PRESIDENT. The pending question is on agreeing to the amendment of the committee striking out section 21, beginning at line 14, on page 56.

Mr. BANKHEAD. Before we proceed to the consideration of that question I move a reconsideration of the amendment, on page 28, striking out line 13 to line 21 and inserting line 22 to line 3, on page 29. I desire to have the Senate reconsider it for the purpose of disagreeing to the Senate committee amendment, leaving the text just as it came from the House.

The VICE PRESIDENT. The Senator from Alabama moves to reconsider the vote whereby the Senate committee amendment, commencing on line 13, page 28, and ending on line 3, page 29, was agreed to.

The motion was agreed to.

Mr. BANKHEAD. I now move that the Senate disagree to the committee amendment, so as to let the House text stand.

The motion was agreed to.

The VICE PRESIDENT. The pending question now is on the amendment of the committee striking out section 21, on page 56.

Mr. TOWNSEND. Mr. President——

The VICE PRESIDENT. The Senator from Michigan.

Mr. TOWNSEND. Mr. President, I trust that this amendment proposed by the Senate committee will not be agreed to. I realize, I think, that there are financial embarrassments connected with the administration of the Post Office Department, but we all hope that they will be temporary. In any event, it seems to me that it is a very unwise thing for the Senate to try, by reducing the pay of the rural letter carriers of the country, to recoup losses which may have been sustained. It may

be a trite saying, but it is nevertheless true, that the Post Office Department is the one department that comes closest to the people. The people have been exceedingly pleased with the Rural Delivery Service, and I doubt if anything that this Government has done in many, many years has been more conducive to the general welfare and happiness of the people than the establishment of the free rural delivery.

It is an open secret that the Postmaster General believes that it would be best to abolish the present carrier service and resort to the contract system. It is probably true that a saving could be made to the people if that were done, but it is equally true that that kind of a saving would be false economy and would not, in my judgment, be approved by the people themselves.

When this system was established, and for many years thereafter, a discretionary power was left with the Postmaster General, by reason of the fact that the salary limit was fixed in the language, not to exceed $300, $400, $800, and so forth, and in the last act not to exceed $1,200 for a standard route of 24 miles. The Postmaster General, feeling that he could accomplish an economy to the Government, has ruled during the last year, and under the law creating the increase of a year ago to $1,200 as the maximum for a 24-mile standard route, that he could impose conditions upon the carriers which will enable him to reduce that salary on many routes of 24 miles, sometimes to a considerable extent; and if he could reduce it a dollar, under his conception of the law, he could reduce it so low that the rural carrier's life would be intolerable, that he could not carry the mail on the route, and that the contract system would be at once established.

Mr. President, I do not believe that when we increased the maximum salary last year to $1,200 there was any other thought in the mind of a single legislator but that the Postmaster General was to pay every man who served a 24-mile route the maximum sum of $1,200; but that has not been done during the last year. There has been an artificial standard fixed, based upon the amount of mail carried, and other elements, all of which are exceedingly unsatisfactory and entirely unscientific. They can not be so based with any degree of justice to the carrier, because the amount of weight changes weekly and monthly, and sometimes daily. Are we going to change the pay daily, weekly, and monthly in order to comply with this artificial standard which shall be fixed by the Postmaster General? I submit, Mr. President, that that is entirely impracticable and that it is a blow, and a disastrous one, to the rural service itself.

I am so thoroughly convinced of the necessity and of the wisdom of free rural delivery that I am seriously protesting against continuing further this discretionary power in the hands of the Postmaster General. If the old law had been interpreted as we supposed it was to be interpreted, and as it had been interpreted during its existence, I would have no objection; but the Postmaster General, I repeat, has insisted that he has the power, and he has exercised that power, of fixing the salaries upon a basis to be determined by him.

Mr. President, a few years ago—I think it was not to exceed two years, anyway—we raised the salaries of the carriers and said we were going to give them an official status; that they were under civil service; that their status was fixed so that there should be no more juggling with it. I say to you what I have said to the carriers, that I believe we have now reached the point when we have provided to pay the carriers all that the conditions of the country will warrant us in paying them for some time to come, perhaps for years; but, that salary being fixed, I do not want it changed by an executive official, by a department head. I want the will of Congress to be carried out, as it was expressed in no uncertain language.

Furthermore, we have been adding to the duties of the carriers. We have established the Parcel Post System, which imposes additional duties upon the carriers, and at this time, with those additional duties imposed upon them, are we to say that their salaries shall be reduced when the natural argument would be rather in favor of increasing them? But let us make that status sure, so that there can be no mistake about it.

It is no reflection upon the Postmaster General that we shall put these terms in the law, because he has construed the law contrary to the intent of the Congress, although he has done it probably legally under the terms that were employed, but not under the practice, not under the wish or the desire or the intention of Congress itself.

Mr. President, I said a moment ago that this plan of the Postmaster General to impose artificial conditions, such as weight, is absolutely unreliable. I have here scores of letters from rural carriers. I am not going to give their names or addresses, because I do not wish to embarrass any of them with the department; but I think it will not be disputed that in the application of the rule that has been laid down by the Postmaster General during the last year there has been grave injustice done even as between carriers out of the same office.

A carrier who serves a 24-mile route or more, whether he carries a load of a quarter of a ton, or of 100 pounds, or even less, must maintain the same equipment. His operating expense is the same, whatever weight he carries. One carrier puts in the same time as another; he puts in the time which he has contracted to the Government; he has the same number of horses, the same number of rigs, and he is subjected to the same expense as any other carrier of mail out of a particular office. Therefore it is an injustice, I say, to impose artificial restraints which can not be checked up and which can not be established on any scientific basis.

These men write me letters in reference to the matter, pointing out the defects of the system that has been adopted by the Postmaster General. I understand, Mr. President, that the Postmaster General asserts that, if this discretion is not left with him, if he can not reduce these salaries as to him seems best, he may be obliged—his statement even amounts almost to a threat—to discontinue some of these routes, to make them triweekly or less often than once a day. Mr. President, I can not imagine that the Postmaster General would do such a thing. Certainly no such threat or suggestion should influence the action of Senators in the performance of their duties. There are other sources of revenue, there are other expenses of the Post Office Department which should be considered before we undertake to retain money that belongs to the carriers, the men who are working day by day in carrying the mail in the rural districts.

Mr. CLAPP. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Minnesota?

Mr. TOWNSEND. Yes.

Mr. CLAPP. I desire to suggest this: The Senator refers to letters he has received from carriers. I have received a great many letters from men who are not carriers in defense of the rights of the carriers. This is not only a question of compensation of the carriers, but, even if it amounts to an expenditure over and above receipts, it is the one expenditure that goes to the people themselves, to the homes of the farmers and the people who live out from the cities.

I am in hearty accord with the suggestion of the Senator that there are other sources from which this amount may be made up, if it is necessary to make it up. The Rural Carrier Service is the one thing that goes to the homes of the American people, and their best interests, as well as justice to the carriers themselves, require that the service shall not be curtailed.

Mr. TOWNSEND. Mr. President, I am obliged to the Senator from Minnesota for his suggestion. I was saying that if it were necessary to make receipts meet the expenses of the Post Office Department there are sources where money could be raised, and where it ought to be raised, which would involve no injustice to anybody, but when have we undertaken before to say that the Post Office Department must in all of its branches be self-supporting or revenue-producing to the Government? Why, we are told that the Rural Delivery Service is an expense to the Government, that we are losing millions of dollars each year; that we do not receive by millions—probably by $20,000,000; I do not know what the figure may be; it is variously stated—as much as we pay out. Mr. President, if the second-class mail privileges of this country were adjusted we might receive into the treasury of the Post Office Department twice as much as we lose through the Rural Delivery Service. I have felt for some time that the Government should impose upon second-class mail matter what it costs the Government to haul advertisements through the mails. If we did that, we could reduce the first-class letter postage one-half, and we would receive enough money in addition to offset any loss that would come to us through the Rural Delivery Service or of any other service of the department.

The rural delivery, as the Senator from Minnesota [Mr. CLAPP] has stated, is the one system that the people want. It is their system, expanding year by year; and, with the growth of the parcel post, if it is extended, as we hope it may be extended, the time will soon be here when the rural carriers will have to occupy their whole time and supply themselves with additional equipment, and the present salaries which they receive will largely be exhausted in supplying that equipment.

But, Mr. President, I think that most of us understand this situation. I think this is a bad place to come in and attempt to make a saving in the expenses of the Government by reducing the pay of its employees. We are imposing additional burdens upon the carriers; we gave them last year an increase of salary, with the idea that their status would be fixed, that

they were all to be affected, and that they would have a standing on the civil-service roll that could not be affected; and just as that has been established it is now proposed to put in the hands of an executive officer the fixing of salaries contrary to the wishes of Congress itself, thereby placing it in his power to abolish the Rural Free Delivery Service, if he wishes, so far as the carrier system is concerned, and establishing the contract system in its place. Such a change is possible under the unbridled discretion proposed to be given to the Postmaster General.

Mr. President, unless some Senator desires me to do so, I do not care to put into the RECORD the letters from carriers and letters from others who, as the Senator from Minnesota has suggested, are not carriers, but who are interested in the Rural Delivery Service——

Mr. GRONNA. Mr. President——

Mr. TOWNSEND. Because, if the Senator from North Dakota will permit me, I have no doubt that every Senator on this floor has received similar letters and knows from his own experience just exactly what the conditions are in his own State.

Mr. GRONNA. Mr. President——

Mr. TOWNSEND. I yield to the Senator from North Dakota.

Mr. GRONNA. Mr. President, I am very glad to know that the Senator from Michigan takes the position he has taken. I wish to add to what he has so well said, that it is the people in general who are interested in the Rural Free Delivery Service. In the section of country from which I come the rural carriers are really the ones who are the least interested. Many of our routes are more than 30 miles in length; we have many routes which are 33 miles in length; and the farmers of our State have to pay the carriers additional in order to get them to carry on the service. That has been done ever since the Rural Free Delivery System was established.

Now, does the Senator from Michigan know of any other class of people who are doing more for their country at this time and have done for it at all times than have the very class of people from whom we are now trying to take the service to which they are entitled? We hear a great deal about the people and the advice given to the people that they should go back to the farm. The rural free-delivery system is one of the features that has made the farm attractive, and I am very glad to know the Senator from Michigan has taken the position that we should provide by law what the carrier shall receive. The Postmaster General has arbitrarily fixed the salary of carriers. It makes no difference to them whether they carry 500 letters or a thousand letters; they have to make the long trips; they have to devote all their time to the service; and they should be paid in accordance with the law enacted by Congress. I believe it is a mistake for us to make this appropriation in a lump sum and leave it to the discretion of the Postmaster General to fix the salaries of these men who so well earn the salaries that they receive.

Mr. TOWNSEND. Mr. President, I do not care to detain the Senate——

Mr. CLAPP. Mr. President, before the Senator closes I desire to say that I assume the Senator has not taken this occasion to make a set speech, but has brought up this matter for such additional information and illumination as may be given it. Assuming this, and not caring to speak upon the subject myself, I am going to ask the Senator to allow me to make a statement at this time in connection with his remarks that I admit would go beyond the ordinary limits of a mere inquiry. It is this:

In the Northern States of this country, where the winters are long and the farmers somewhat stormbound, there has been a remarkable degree of melancholy bordering upon and often termed insanity, undoubtedly very largely due to the lonely life of the farmer; and especially the farmer's wife, shut in as she is in her isolated home during the long winter months. I am credibly informed, although I have not had time to verify the figures, that it is a fact that since the introduction of the telephone and the rural free delivery to the farm homes of the Northwest the statistical insanity has absolutely decreased about 40 per cent, undoubtedly due to the opportunity for the interchange of views, the social contact through the medium of the telephone, and the daily receipt of the daily newspapers.

I thought that fact would be of value, and perhaps appreciated, in connection with the argument the Senator is making.

Mr. TOWNSEND. I do appreciate, Mr. President, what the Senator has stated. I do not believe any considerable number of people in the United States will dispute for a moment the proposition that nothing has done more to uplift and make more tolerable rural life than free rural delivery. I am not going to spend any time arguing that proposition. I am going to beg the question, if you call it begging the question, and assume that that is so, and that nobody is disputing it. The arguments in favor of it are so overwhelming that it seems to me there can not be two sides to it.

Mr. President, this proposition of the House does not add to the appropriation bill. It does not add a dollar to the appropriation as it was intended by Congress—not a dollar. It simply says that this money shall be spent as Congress intended it to be spent. Is that an unusual thing to ask of Congress—that inasmuch as the Postmaster General has interpreted the law differently, Congress shall assert again in unmistakable language just what its intent is? That is the proposition before the Senate.

I think that this amendment, if it is adopted, should go in on page 30, at the end of line 10, in connection with the office of the Fourth Assistant Postmaster General. There are some things in connection with it that may need a few changes after it is adopted, if it is. I shall speak about that a little later; but, as the Senator from Minnesota has suggested, I have no intention of making a set speech, and I am not going to make one. I am simply calling the attention of the Members of the Senate to things they already know. I am only sorry that we have not a majority of the Senate present here so that we can briefly submit this matter to them and they may understand exactly what the situation is; but I hope we are all sufficiently impressed with the importance of the case to make no change, at least at this critical time, and especially no change which may eventually result in an abolition of the carrier service in the United States.

Mr. SWANSON. Mr. President——

The VICE PRESIDENT. The Senator from Virginia.

Mr. SWANSON. I shall detain the Senate only a short while to express my views in connection with this amendment.

I have always been a staunch friend of the Rural Free Delivery Service. I was on the Post Office Committee that reported the first $10,000 for this purpose. I have watched its growth. I am one of those who believe that the estimates of deficiency or loss occasioned by the rural delivery are mistaken. Ever since rural delivery has been established the Government has been more self-sustaining than before in connection with its postal receipts. In charging up the rural delivery they do not credit it with letters that emanate from sources off the rural delivery route. I am satisfied that nothing has done more to develop the country, to make country life pleasant, and to make the country progress than the Rural Delivery Service. I think anything that would impair that service would be a great calamity to the entire Nation.

I have always been opposed to putting the rural delivery carriers under the contract system. About 10 years ago we had a terrific fight in the House of Representatives over a proposition to let the carriers be put upon the contract system. After nearly two weeks' debate, though all the members of the Committee on the Post Office and Post Roads except two members—myself and Mr. Comer—reported in favor of the contract system, Congress, by an overwhelming majority, decided that the rural carrier system should not be put to contract.

The mistake of putting it to contract is that the carrier delivers the individual letters. He handles your mail. He handles your packages. It requires a man of character to have that responsibility and that power in handling anyone's mail. There is a vast difference between carrying mail in pouches under the star contract system and delivering it specially by carrier, who must be a man of character, a man with the confidence of the community, and a person that you think will deliver your mail promptly and properly.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Kansas?

Mr. SWANSON. I do.

Mr. BRISTOW. Let me inquire of the Senator if the star-route carriers do not distribute mail on almost every star route in the United States?

Mr. SWANSON. They do it on the request of the patrons. It is delivered only where the patron himself expresses confidence in the star-route carrier. As I understand, it is not compulsory.

Mr. BRISTOW. Let me ask the Senator again whether it is not almost universally the practice for star-route contractors to deliver the mail to every patron on their routes?

Mr. SWANSON. The carrier makes that contract; but I understand that if a man has not confidence in his star-route contractor he does not ask him to deliver his mail. In addition to that, the rural carrier sells stamps, and also issues money orders.

Mr. TOWNSEND. If the Senator will permit me, I should like to say in that connection that there are star routes where that is not done, namely, the delivery of the mail to individual persons.

Mr. SWANSON. Mr. President, so far as this amendment is concerned, the House and the Senate at the last session of Congress fixed up almost unanimously what they considered a fair compensation for the rural carriers. There had been a system by which this was estimated. We reached the conclusion that, on account of the parcel post, and on account of the increased cost of taking care of the horses, wagons, and expenses incident to rural delivery routes, a salary not exceeding $1,200 was fair to the rural carrier. There has been no diminution in the cost of operating these rural delivery routes. Consequently I am satisfied that the salary fixed a year ago is just and proper, and is not too large. The House of Representatives by an overwhelming vote, though it was subject to a point of order, brought in a special rule and fixed in this bill the salaries that we thought the rural carriers were entitled to 12 months ago.

I am satisfied that that is right. It was the will of Congress, it was the desire of Congress and its expectation, that these salaries would be given. They have not been given. The department had a discretion which precluded, in the exercise of that discretion, certain rural carriers getting the increase that was anticipated by Congress. Now, the House amendment does this. I shall vote to retain the House amendment in the bill. I believe it is right; I believe it is fair; I believe it is just to the carriers. I can see no reason why the rural carriers' salaries should not be fixed equally with those of the carriers in cities and the clerks and other employees of the Government. The disposition of Congress has been to exercise its judgment, its will, its thought, and its convictions as to the salaries to be paid its employees. The House bill does this; and I will vote for a provision that will let Congress fix the salaries of rural carriers as it fixes the salaries of other employees of the Government.

Mr. BRYAN. Mr. President——

The VICE PRESIDENT. The Senator from Florida.

Mr. BRYAN. The appropriation asked for by the department this year was, in round numbers, $299,000,000. The bill as passed by the House carries $321,000,000, in round numbers. In other words, if the appropriation asked by the department had been granted, the bill would have been about $22,000,000 less than as it was reported to the Senate. The Senate committee undertook to reduce the amount of the bill as passed by the House, and did so, by some $3,000,000. Among the changes was one to do away for this year with the automatic annual compulsory promotion of post-office clerks, letter carriers, and railway mail clerks. After the bill was reported to the Senate there came from these three classes of employees protests in large numbers, so many that it was thought advisable to call back together the Post Office Committee, and that committee receded from the action it had taken in so far as the annual promotion was concerned, thus giving back about $3,000,000. The Senate sustained that action.

There is involved in this controversy $2,700,000. If the House provision contained in section 21 prevails, you must add to this bill $2,700,000.

Mr. President, this is not an ordinary year. There are unusual conditions. I do not believe the Government should conduct any branch of the service for the purpose of making money. I believe the men should be paid a reasonable wage for reasonable service. But it is no secret—the Post Office Department does not undertake to withhold from Congress the information—that if this bill is passed, carrying over the estimate of the department $22,000,000 or $25,000,000, we are going to face an enormous deficit in the Post Office Department.

This post-office delivery service is a great business in all its many branches. It is confronted now by conditions brought about by the war and by other causes. Like any other business man engaged in conserving the interests of the business he represents, the Postmaster General says to Congress: "Gentlemen, this is a year in which we ought to economize."

Senators speak as if the Postmaster General was the enemy of the rural carriers; yet, Mr. President, he has established in two years over 1,500 rural routes. The record he has made in establishing rural routes will compare favorably with the record of any prior administration.

It is interesting to note that there are more applications for the establishment of additional routes than there are routes in existence. The total number of routes in existence December 1, 1914, was 43,814, and the total number of applications to December 1, 1914, was 66,945.

It is all very well, Mr. President, to speak of carrying this service into the country to the farmer, but you render it impossible for the department to do so when you place a burden upon it that the Government itself can not carry.

Now, what is all this row about? When the Parcel Post System was adopted in 1913, the rural carriers were receiving $1,000 a year. By reason of the fact that weight would be added to the loads they would have to carry, the Congress raised the salary to $1,100. In August, 1913, the Postmaster General again increased the weight limit, and Congress was appealed to again to raise the salaries of rural carriers and it did so; it raised the salaries to $1,200. But in every appropriation act since the rural service has been established the law has said that the Postmaster General shall pay "not exceeding" whatever the actual salary happens to be. Under that law, reading to-day as it has always read, and as it will remain unless section 21 is adopted, there is discretion given the Postmaster General to pay less than the annual salary stated because of the words "not exceeding" the salary authorized.

I believe I will state the position of the department, because I think it is only fair the Senate should have that when it is considering this question. The Post Office Department said you raised the salary $100 a year because weight was to be added, because it was thought the parcel post would increase the weight so greatly that an increased salary would be justified. Again when the weight limit was increased the salary was increased. Because of what? Because it was supposed that the weight limit, the weight of the sacks or boxes or whatever the carrier had to take with him, would be enormously increased. The Postmaster General said, "Now, then, if that was the purpose, wherever that has happened I will pay the maximum salary, and I will pay between $1,100 and $1,200 in proportion as weight has been added to the carrier."

It is shown in this report of the House committee those who receive $1,100 and the graded allowance up to $1,200. As stated here there are 43,818 carriers. There are given the full routes of 24 miles. The number of those who now receive $1,200 is 6,208; 1,404 receive $1,188; 1,631 receive $1,176; 1,982 receive $1,160, and so on. I shall put the statement in without reading it. It shows 33,286 carriers are involved, but that 6,208 are now receiving the full salary of $1,200.

$1,100	5,085
$1,104	1,607
$1,112	2,956
$1,116	2,045
$1,124	1,852
$1,128	2,191
$1,136	1,849
$1,140	2,393
$1,148	35
$1,152	2,044
$1,160	4
$1,164	1,982
$1,176	1,631
$1,188	1,404
$1,200	6,208
Total	33,286

Mr. President, it is easy to say that we are the friends of the rural carriers. I suppose everybody is; but there are other people to be considered. If you raise the salary of the rural carrier so high that the department will refuse to establish any routes where they are needed, I want to know who is benefited. No rural carrier, because he will not have any job; and yet you leave the people entitled to this service without it simply because the department feels that it can not pay the high salary Congress has insisted it should pay if it does establish the routes.

Mr. GRONNA. Mr. President——

Mr. BRYAN. I yield to the Senator from North Dakota.

Mr. GRONNA. Of course it is true that an increase was made in the salaries of rural carriers; but is it not also true that we increased the amount the railroads should receive 5 per cent in the last Post Office appropriation bill? We have heard no complaint about that; that is, so far as I am concerned, I have heard no complaint.

Mr. BRYAN. Mr. President, I appreciate the full significance of the question asked by the Senator from North Dakota. Congress authorized an increase of not exceeding 5 per cent because of the parcel post, and the department itself has never paid quite 5 per cent, but almost. I do not think anybody would say that if the railroads were being paid a proper rate at the time the parcel post was put on they should not be paid a little more money after it was placed upon them.

I call the attention of the Senate to the fact that a joint commission of Congress, constituted of Members of the Senate and House, after an investigation of over 20 months, have come to

the conclusion that, without considering the parcel post, the railroad companies were underpaid. I am not entering into that. They can take care of themselves.

So communities that are entitled to additional routes will not have them if you make it so burdensome that the department can not provide them.

So far as I am concerned, I do not hesitate to say that, as between the employment of one man at $1,200 and the denial of service to hundreds of people along a rural route, while I will remember the carrier, I will not forget the people entitled to rural-delivery service.

Sir, in the city in which I live the department, after investigation, has recommended three additional rural routes. A community has sprung up there off the railroad, without a post office, where 1,200 people want their mail. Will you tie down the department so that it can not put in that route?

Let us see what benefit this is going to be to the rural carrier. The chances are that by the inclusion of section 21 in the bill for that class of employees the rural carriers are being done an unintentional injury, and it will not take very long to find that out. Now, let us see. I undertake to say that the Postmaster General ought to save a deficit if he can. Pass section 21, and it is still within the power of that department to abolish routes. It is still within the power of the Postmaster General to reduce the frequency of delivery. You may say that on a standard route of 24 miles for daily service he must pay $1,200. He may say in reply, "I can save this money. I will reduce the frequency of delivery upon that route and make a triweekly service, and where the man is getting $1,200 he will hereafter get $600."

Mr. President, routes can be abolished, and they will be abolished. The department does not say that it will do that, but it would be justified in many instances in doing it.

This matter was before the Post Office Committee, and at first they decided to allow section 21, which fixes the rigid and invariable rate of pay. The Postmaster General asked for a hearing and came before the Post Office Committee and stated facts that in my opinion justified the committee, and will justify the Senate, in allowing the law to remain as it is. He pointed out to us that in a certain congressional district of this country there is a county with rural routes around every section of land running north and south and east and west. Take 24 miles, the standard route, and if one of these carriers has 22 miles and people living half a mile or three-quarters of a mile away are in the habit of coming to the road along which he passes to their letter boxes and get their mail, it will enable the rural carrier to increase his salary by having enough mileage added to make it 24 miles, and therefore a standard route. What does he do? He says, "Get up a petition by which I can come right by your house here and deliver the mail to you. Fix up a petition to your Congressman and I will bring it right to your door." Naturally the man falls in with that suggestion and gets up a petition, his neighbors sign it, and on a route of 22 miles somebody living a little farther off will petition Congress to make it a standard route, and you will have what is known in the department as a "tracer." The carrier will be going along the road if it is a mile to his house, and he will have that put on his route; he will go that mile and back and that will be credited to him in the standard route making the 24 miles. There are innumerable instances like that.

Mr. President, I do not know whether there is any use to undertake to argue this question. Congress seems willing to allow these rural carriers to name their salaries. I do not think, in the first place, it will operate to increase the amount. The Postmaster General stated before the House committee that if permitted to let out by contract this service he could do for $35,000,000 the same work, and as efficiently, as it is being done to-day at an expenditure of $54,700,000.

Now, sir, grant that these are worthy men. Grant that they are entitled to consideration at the hands of the Government—and I grant it—ought we for the sake of 43,000 men to inconvenience the millions of people who would get their mail, and who can not get it if Congress is going to yield to their demand and increase their pay? This is the year of all years in which the Post Office Department has the right to appeal to its employees to allow the pay they now receive to remain one year more. This is not the last year. This is not the last appropriation bill.

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from North Dakota?

Mr. BRYAN. I yield.

Mr. GRONNA. I wanted to ask the Senator from Florida a question just for information. I know the Senator from Florida has given this matter very careful study, as he gives to all questions with which he has to do. Is it not true that before any rural route is established it is inspected by a Government inspector and that it is practically laid out by a Government inspector?

Mr. BRYAN. I think that is true.

Mr. GRONNA. Now, how could it be possible for a rural carrier to establish a route in the way the Senator from Florida just described?

Mr. BRYAN. Just in the same way that it is possible for them, organized as they are, to come here and raise annually the Post Office appropriation bill from four to five million dollars for their benefit.

Mr. GRONNA. Mr. President, the Senator knows, of course, better than I do that the routes are increasing every year. There are many routes desired in my State, I want to say to the Senator from Florida, that should have been established more than a year ago. I can say that of my own personal knowledge. But they have not been established.

Mr. BRYAN. Let me say to the Senator from North Dakota that in his State on December 1 there were 584 routes, and there have been, all told, petitions for 898 routes. If you make it so the department can not operate except at this tremendous loss, not one of them will be established and perhaps all of them ought to be established.

Mr. VARDAMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Mississippi?

Mr. BRYAN. I yield to the Senator.

Mr. VARDAMAN. The Senator from Florida has given great thought to this subject, and he is speaking upon it in a very interesting and instructive way. I want to ask him to put into the RECORD just the amount that will be saved at this time by permitting the law to remain as it is.

Mr. BRYAN. Two million seven hundred thousand dollars.

Mr. VARDAMAN. Will the Senator inform me further as to whether there has been any retrenchment or reduction in the expenses of the department anywhere else except in this service?

Mr. BRYAN. Oh, yes; I think several appear in the bill.

Mr. VARDAMAN. Does the Senator recall to what department or service it applies?

Mr. BRYAN. Let me say to the Senator from Mississippi there are a number of instances, as he will see by examining the bill. But this is no decrease in the salary of a single man in the employment of the Rural Service to-day.

Mr. VARDAMAN. It is a decrease from the salary intended to be fixed by Congress.

Mr. BRYAN. It is not the decrease of salary of a single man. It is saying to the Postmaster General that you can not grade these salaries between $1,100 and $1,200, and you must pay them all $1,200.

Mr. VARDAMAN. If I am not interrupting the Senator, I should like to ask him further if he was not surprised in the statement of the Postmaster General when he assumed the right to interpret the law in this way and refused to pay the salaries as they were fixed by Congress?

Mr. BRYAN. I was, Mr. President, because usually the maximum provided for was paid. But I can understand that the Postmaster General, in making his rate for the parcel post with a certain salary in view, could not expect those rates to be self-sustaining if the salaries were increased $5,000,000 a year. He could only expect to make two or three millions dollars at his own figures, but if you let him make that and then increase the salaries of the rural carriers, of course he can not do it.

Mr. President, it is undoubtedly true, I think the facts will demonstrate it, as the Senator from Michigan [Mr. TOWNSEND] knows, that the great bulk of the parcel-post packages never reach a rural route at all. They go between the cities. Sixty per cent are mailed out from Chicago and New York. So the feeling that this is going to add very greatly to the weights they have to carry has no foundation in fact, or very little.

Mr. TOWNSEND. Mr. President, will the Senator allow me?

Mr. BRYAN. I yield to the Senator from Michigan.

Mr. TOWNSEND. Mr. President, the Senator states, and I think probably fairly, I know intentionally so, that there has been no salary reduced, that no man has received less pay than he has heretofore received. May I ask the Senator if the carriers have not been receiving during the last year less salary than Congress intended that they should receive when it increased the salary to $1,200?

Mr. BRYAN. The Senator from Michigan is just as well able to reach a conclusion upon that question as I am. He

knows the law as well as I do. He knows the law has always read "not exceeding" the annual salary.

Mr. TOWNSEND. That is true, but——

Mr. BRYAN. The Postmaster General had a standard rate of $1,100, and when last year it was increased to $1,200 he thereupon graded the salaries between $1,100 and $1,200 in proportion to the weight and the length of time it took to make the trip.

Mr. TOWNSEND. But that had never been done theretofore.

Mr. BRYAN. Twelve hundred dollars had never been paid.

Mr. TOWNSEND. No; but that rule had never been applied. Let me ask the Senator this question. The Senator said that there had been no salary reduced. If Congress approves the action of the Postmaster General in adopting these arbitrary rules, is it not possible for the Postmaster General to reduce the salaries even below $1,100?

Mr. BRYAN. That is possible; but, Mr. President, the Postmaster General appeared before the committee and stated that he had no such purpose and would not do it.

Mr. BRISTOW. Mr. President——

Mr. BRYAN. I yield to the Senator from Kansas.

Mr. BRISTOW. Let me inquire of the Senator from Florida if the Postmaster General has not always had that authority since the Rural Delivery System was established?

Mr. BRYAN. Always. I stated in the beginning the law has always read not exceeding the annual salary. The words "not exceeding" have always preceded the annual salary.

Now, Mr. President, just one word. I make this prediction: I am not an enemy of the rural carrier, but, if I were his enemy, I do not know how I could better show it than to vote to adopt section 21. Some of their salaries will be taken away altogether and others will have their salaries reduced one-half. I make that prediction.

Mr. President, is it supposed that the Postmaster General will stand idly by and see a deficit mounting up into the millions accrue when he has it in his power to stop it?

Mr. TOWNSEND. May I ask the Senator another question? The Senator from Mississippi [Mr. VARDAMAN] asked the question as to whether there had been any curtailment in Government expenses elsewhere. May I ask the Senator from Florida whether, in his judgment, the discretionary power exercised by the Postmaster General in reference to the parcel post, the abolition of the second zone, the increase of weights and the decrease of rates, has not tended to make that deficit in the Post Office Department?

Mr. BRYAN. Mr. President, I do not know why the Senator from Michigan wants to ask me embarrassing questions this morning.

Mr. TOWNSEND. I certainly do not wish to do so. I will state it in this way, if the Senator will permit me, that I believe the Postmaster General's orders have had the effect of creating a deficit in the Post Office Department.

Mr. BRYAN. I do not care to argue that question at this time. The Senator from Michigan knows very well the position I took at the time the order making the change was made. One of the grounds of my position was that the Postmaster General did not have it in his power to fix the expense. He was trying to produce an income regardless of what the expenses of procuring that income would be, and I pointed out that the increase of a hundred dollars a year to the salary of each of the rural carriers would be $4,300,000 a year. I never questioned the good faith of the Postmaster General, and I do not question it now; but if he was wrong about that and I was right, or if he was right and those of us who believed otherwise were wrong, no good will come about by now discussing that question. He is right now, and I propose, if I can, to help him save this $3,000,000, in order that the deficit in the Post Office Department may be as small as possible; and, sir, I believe there is enough patriotism among the rural carriers to cause them to recognize the equity of the request to help the department stand the loss of this year, when business is disarranged and when the revenues of the department in all classes of mail matter have fallen off.

I recognize—I have seen it too often not to recognize it—the power of organized insistence for an increase of salary in Government positions. I know these men go into the rural routes; they discuss politics with the people to whom they carry the mail; they may influence them; they are organized, and the people out there are not. But, sir, you can carry a thing like that too far; you can carry it so far as to create an opposite opinion among the people who are now being served. A very good way to do that is to take away the service they are now receiving, in order that one man may receive a hundred dollars a year or forty or fifty dollars a year more, or they be deprived of getting their mail.

Mr. LANE. Mr. President——

The VICE PRESIDENT. The Senator from Oregon.

Mr. LANE. Mr. President, there are some routes, more particularly on the Pacific coast, where travel is difficult, where the roads are bad, and where a compensation of $100 per month would be little enough for this service; in fact, it is not enough pay. There are, however, other portions of the country where, I presume, it would be good wages. If, however, the adoption of the amendment is going to result in curtailing the number of routes, and it remains in the hands of the Postmaster General to do that, I do not see how we would gain anything by making the minimum wage $100 per month, although in many places that would not be adequate compensation.

I was in favor of the amendment until I heard the explanation given by the Senator from Florida [Mr. BRYAN]. In a general way we ought to pay good wages and require good service for it, and we ought to economize and cut our expenses in other ways. There are many opportunities to do so in the expenditure of the moneys of this Government.

Mr. BRYAN. Mr. President——

Mr. LANE. Just one moment. I shall be through in a moment.

Mr. BRYAN. I want to make a suggestion to the Senator. The Postmaster General says there are postal clerks, letter carriers, and postmasters who are trying for positions as rural letter carriers and who are willing to resign the positions they now hold, which shows that that position is not looked upon as one of hard work for little pay.

Mr. LANE. Mr. President, during the last year I have received many complaints from people living in remote districts of the State from which I come, that their mail star routes had been discontinued on account of the prices which were asked for carrying the excessive weight of the mail which now goes over such routes in comparison with what they formerly had to carry. The Postmaster General has discontinued the routes, or has failed to receive bids which seem to justify him in their continuance. We have had much complaint about that, and it is important that we appropriate enough money to deliver the mail to the people of this country. It is more important that we do that than that we do many other things for which we expend money.

The Senator from Minnesota called attention to the fact that in certain rural districts the percentage of insanity had decreased. Twenty-five years ago I made a report, as the superintendent of an institution, on that subject, calling attention to the fact that among the wives of farmers and their children, and among the settlers generally who lived in the isolated portions of the State, more particularly among those living in the heavily timbered districts, where roads are bad and trails almost impassable, where they were separated from communication and association with other persons, where the husband would break away perhaps once a month and go to town and stay all Saturday night, leaving his wife alone in a district where the darkness was so impenetrable after night set in that you could not see your hand before you, oppressed with a deep silence so oppressive in the heavily forested districts, where no sound breaks the silence aside from the scream of the panther, unless it was a storm, which in its turn was terrifying—among the people in those districts the percentage of insanity in proportion to population was perhaps double what it was in other communities where they had easy means of communication.

In such districts, under such circumstances, to the poor, pitiable mothers with little children, isolated, driven in upon themselves, with no associates, no sympathy reaching them from anywhere, the rural mail carrier, with his horse and cart and bundles, perhaps of shoddy goods or cheap ribbons bought from some exploiting firm in the East, came as a godsend, and the Government can well afford to pay the money to carry the mail to such people. In their behalf I would vote for this notwithstanding the $2,000,000 increase, hoping to cut expenditures in some other manner, if I thought it would accomplish that object, but if it is going to result in the Postmaster General reaching forth his hand and shutting down on the number of routes, I would be afraid to do so.

Mr. VARDAMAN. Mr. President——

The VICE PRESIDENT. The Senator from Mississippi.

Mr. VARDAMAN. Mr. President, I agree with the Senator from Florida [Mr. BRYAN] that it would be well that the Congress should be careful and discreet in making appropriations. The people in the South particularly are in a condition just now which makes it very necessary, if their interests are to be considered, that we lighten the burden of taxation, so far as it is possible to do so without impairing the public service; but I hardly think it altogether fair to make the cut solely upon the

officers who serve that class of our population—the farmers—who bear the greater burden, who produce the wealth of the country, whose labor maintains its commerce in time of peace and the majority of whom give their strong arms to fight the Nation's battles in time of war. I can not see the justice of such a proposition. It seems to me that some people look upon the farmer as a mere thing to be used only to vote and pay taxes. That, I am sure, is not the view of the Senator from Florida. A more patriotic Senator does not sit in this Chamber than he.

The rural mail delivery is the one branch of the General Government service in which the country people are most interested, and by which they are more directly benefited than any other function of the Government. It has done more to drive away the clouds of ignorance and misinformation, it has done more to elevate the standard of intelligence, it has carried more light and comfort into the homes of the patient toiler of the rural sections than any other agency of the Government, and, while we ought to economize, I repeat I do not think it altogether fair to commence economizing on them.

I do not think the rural mail carriers get any more than they are entitled to. The hardships incident to the performance of their duties is too well known to need repetition here. I do not think that $100 a month is more than a man should receive who has to furnish his own team and do the work that the rural carrier has to do. When the carrier is well paid he is going to give better service; he is going to make it more convenient, more helpful to the people he serves. While, as I have said, I do not want to add to the burden of taxation, and I also think we ought to economize, I am not going to begin here. If there were a gradual cutting down of the salaries and reduction of the expenses of the Government generally in other departments, then I should insist on the rural carriers suffering a proportionate cut, but we are not doing that.

As a matter of fact, this Congress is almost reckless in its expenditures. Notwithstanding our platform promise, the last session surpassed any Congress within the history of the Republic in the magnitude of its appropriations. We have created commissions and fixed enormous salaries, provided for an army of minor officers and employees, and otherwise made demands on the Public Treasury which should be done only in times of unlimited prosperity. Every idea of economy seems to be thrown to the winds until we come to treat with the rural carriers, whose salaries are already less than they ought to be. I am very much more interested in improving the Free Rural Mail Service for the farmers of the country than I am in providing ships to be run in foreign commerce for the speculators and manufacturers. In the larger things, and in the service of other classes of our population, and the employees in other branches of the public service this Congress has been liberal to a point approaching extravagance. I am not going to vote to cut down the salaries of the rural carriers who are serving that class of our population that receives less favors at the hands of the Government than any other class and who contribute most to the support of the Government. As a matter of fact, Mr. President, the labor that tills the soil is the source of all material wealth. To the farmer we look for the products that feed and clothe the world. Not only is it true that his labor is the source of all material wealth, but the manner of his living and his environments make him also the source of patriotism, unbiased good judgment, and dauntless courage—the indispensable elements which enter into and make up that healthy public sentiment which writes the laws of the land and maintains the institutions of the Republic. For these reasons I shall be compelled from a sense of duty to vote against the amendment proposed by the committee.

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. The Senator from Wyoming.

Mr. CLARK of Wyoming. Mr. President, in connection with this subject matter I think it ought not to be forgotten that the burden and the work of the rural carrier are continually increasing. The burden and work of the carrier to-day are far and away greater than they were three or four years ago when the service was first instituted. That comes about very largely from the operation of the parcel post. The Congress and the country are committed to the idea of a parcel-post system, and the burden of sustaining that service, it seems to me, ought not to fall in any degree upon those engaged in the Postal Service. It ought to fall, rather, upon the country generally.

I took occasion to say in this Chamber a year or more ago that the operation of the parcel post, unless some relief was had, would do one of two things: It would either create a great deficit in our Post Office Service or else it would reduce the service from the high standard that had heretofore been set. That was not in the nature of a prophecy at all; it was simply a matter of business calculation and computation.

Now we are confronted by a deficit in the Post Office Service. It is costing more than we have appropriated for it, and it will continue to cost more than we appropriate for it. The operation of the parcel post alone constitutes an unknown expense that we can not estimate for, and I doubt very much whether the Post Office Department itself can tell to-day within many millions of dollars what the operation of the parcel-post system is actually costing.

We have that system with us. It is largely a matter of discretion—it has been so interpreted on the part of the Postmaster General—as to what service he shall perform under that system. I think it was not intended that it should be more than a system for distributing small parcels through the mails; but it has grown and grown, until now, in certain sections of the country, we are transacting something of a freight business, and we are doing it at less rates than are charged for actually freighting the same class of goods in the same localities. That is true, and nobody disputes it. There are many places in the West where a 50-pound sack of flour can be transported through the United States mails cheaper than it can be transported by a freight wagon or a freight train. I do not know that that can be avoided, but it is inevitable that somebody must pay for it.

I think we may well expect to increase appropriations for the Post Office Department until something is done to equalize the cost, but I do not think we ought to make that equalization at the expense of the men who are actually transacting the business, and on a standard route, where the carrier is furnishing his own team, his own conveyance, and giving his entire time to the service. I can not for the life of me think that in these days $100 a month is excessive compensation. I hope that the amendment of the committee will be disagreed to.

Mr. WHITE. Mr. President——

The VICE PRESIDENT. The Senator from Alabama.

Mr. WHITE. I was impressed with the argument of the Senator from Florida [Mr. BRYAN] to the effect that the Rural Free Delivery System should be extended, or, rather, I was confirmed in the view that I already possessed on that subject. He makes a strong argument in favor of extending this system. I quite agree with him, but I do not think it should be extended to the detriment of the public or at the expense of the men who are engaged in the service as rural carriers.

It has been stated by the Senator from Florida that if this amendment is adopted it will impose a burden of something over $2,000,000 upon the Treasury. No doubt that is true. Then, if the Treasury is relieved of that burden, some one has to bear it. Who will it be? It will be the carriers who are described in section 21 of the House bill, and who this amendment contemplates depriving of the benefits contained in said section. In other words, we will take from them, according to the Senator's view, about $2,500,000.

Is it proper that that burden should be imposed upon men who are receiving only $1,200 a year for six days' service a week, traveling a route of 24 miles or more, furnishing their own vehicles and their own teams, paying for the upkeep of the outfit, the feeding and care of the team? Why, Mr. President, it does seem to me that there can be no question that this economy should not be instituted at the expense of these men. Let it come from some other source, if it must come; but I say the economy should not be instituted so as to impair the service rendered to the public. The public are interested as well as these carriers. When you deny the laborer fair compensation for his work poor service must be the inevitable result. Fair compensation procures fair service. A meager compensation result in indifferent service.

Mr. President, this is one place where the money of the people is being expended for the people. There is no other expenditure made by the Government where the people receive as directly, as immediately, as proximately, as they do here the benefits that result from the expenditure. This is the people's money that we are spending. We are providing by it service for the people—immediate, direct service—and when we deny to its employees fair compensation we are injuring the public to the extent that the service is impaired.

Mr. CLARK of Wyoming. Mr. President, will the Senator yield for an interruption by way of a suggestion?

Mr. WHITE. Certainly.

Mr. CLARK of Wyoming. I call the Senator's attention to the fact that the Post Office Service is about the only department of the Government which is expected to be anywhere near self-sustaining. The Naval Establishment, the Military Establishment, the Agricultural Department, the Forestry Service, all of them are creating every year what is termed in the Post Office Service a deficit, and the Post Office Service is far and away greater in magnitude and in importance and making for

the well-being of the communities which it reaches than any of the other services. I think we ought not to be horrified if our Post Office Department is costing us a few million dollars a year outside of the receipts that we obtain from it.

Mr. WHITE. I quite agree with the Senator.

Mr. BRYAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Florida?

Mr. WHITE. I will, if I do not lose my place on the floor.

Mr. BRYAN. I have no intention of taking the Senator from the floor.

Mr. WHITE. I know the Senator has not.

Mr. BRYAN. I hope the remarks of the Senator from Wyoming will be remembered, and that if, because of the unusual war conditions which necessarily affect the activities carried on by the Post Office Department, a deficit is produced of from twenty to thirty million dollars some Republican will not arise hereafter and say that it was because of the extravagance of the Democratic administration and the appropriations made by a Democratic Congress.

Mr. CLARK of Wyoming. Mr. President, a deficit in the Post Office Service can be met in the same way that a deficit in the Agricultural Service can be met, or in the Forestry Service, or in any other service conducted in times of profound peace, when we do from year to year meet here and appropriate millions of dollars, without reference to any war, for sustaining the particular service for which the bill provides.

Mr. BRYAN. I shall await the outcome with much interest and with the belief that hereafter some man will rise and claim that there has been an enormous waste of money by the Democratic Congress, and point to the appropriation bill and to the deficit contained in it. During the last Congress, when Republicans were pointing to what they designated as extravagant waste, did any of them call attention to the fact that the expenditures of the Post Office Department, which increased by some $30,000,000, ought to be left out? If they had called attention to that item they would have shown that the appropriation was not large as compared with other years. My recollection is that it was included, however, and no claim was made that we ought not to consider the increase on account of the expenditures of the Post Office Department.

Mr. CLARK of Wyoming. Mr. President, I do not want the Senator from Florida to misstate—inadvertently, of course—the position I take. I believe in the economical administration of all the affairs of the Government, but I think the Senator from Florida realizes that we can not expect to make a government self-sustaining. A government will not sustain itself. It must be sustained by taxes imposed in one way or another. When we are expecting no other department of the Government to be self-sustaining, how can we justly expect the Post Office Department of the Government to be self-sustaining?

Mr. BRYAN. Mr. President, does not the Senator realize that the Post Office Department is perhaps the only department that is engaged in business?

Mr. CLARK of Wyoming. Oh, not at all.

Mr. BRYAN. What others are there?

Mr. CLARK of Wyoming. Why, the Agricultural Department. That department, in my State, is engaged in the business of manufacturing timber and selling hay, and doing a thousand other things. We do not complain at all when the Forestry Service of the Government runs three or four million dollars behind. We do not think anything about that; but when the Post Office Department begins to run a little behind, we must trim down to make it self-sustaining. How? By attempting to trim down the salaries of the men who are putting in six hours a day with their teams in the public service.

Mr. WHITE. Mr. President, of course it is delightful to hear these gentlemen——

Mr. CLARK of Wyoming. I beg the Senator's pardon. I did not mean to interrupt him.

Mr. WHITE. I know the Senators did not mean to interrupt me, but their colloquy having become somewhat extended while I was on my feet, it occurred to me it would be more agreeable to listen to them while seated.

I am not particularly concerned, Mr. President, in the discussion as to what position my colleagues may be placed in by their respective positions on this question; that is far removed from the issue we are considering. The question is, Shall the Senate amendment be adopted or shall the provision of the bill as it left the House be allowed to remain?

The Senator from Wyoming is right in saying that we are taking a wrong view of this question when we are insisting that the Post Office Department, among all the departments of the Government, should be self-sustaining; that is, that it should return to the Treasury as much as it takes from it. Neither the Navy, War, nor any other department of the Government yields any revenue to be returned to the Treasury. They all take vast sums from it. That they are helpful can not be questioned, but their benefits are remote; to say the least of it, they make no returns in dollars and cents to the people.

The Post Office Department, as I have said, is the one branch of the Government by which the people are immediately and directly benefited. This great department that serves the people so well and so generally should not be stinted in order to effect economy, even if a deficit of a few dollars should result from its operation; why, I ask, should Congress become unduly alarmed and seek to destroy its efficiency by withholding needful appropriations.

Mr. President, I am surprised that there is not even a greater deficit. I am surprised that the Post Office Department yields as much money to the Treasury as it does, and that Congress is called upon to go into the Treasury to such a limited degree in order to sustain it. It is the people's department of the Government. Therefore, we should not stint the people in the expenditure of their money. This is their money. It is not ours. This expenditure will be for their benefit. There can be no doubt about their receiving the benefit themselves.

We are spending vast sums of money, Mr. President. There can be no question about that, but I am not criticizing it. We are spending and have spent hundreds of millions on the Panama Canal. It was a proper expenditure; but, sir, that was a gift of the people of the United States to the world. When we are bestowing upon mankind this magnificent gift from the people's money, should we hesitate about spending $2,000,000 to retain efficient service in which they are immediately and directly interested? I think not.

Then, another thing: The will of Congress should follow the expenditure of the people's money; hand in hand with its expenditure the will of Congress should go. It seems that unless this provision of the House bill is restored the will of Congress is to be ignored and the will of a department substituted for its will.

I prefer to accept the views of the Congress of the United States rather than the views of the head of a department, however efficient, when the people's money is to be expended in providing service for them. I am not criticizing this department of the Government; I think that it is being ably and well handled.

Who can say that $1,200 is excessive compensation for a man who has to provide his own team and vehicle, feed his team and keep his vehicle in repair, and serve a standard route of 24 miles or more six days in every week? He must be a man of at least some intelligence, intelligent enough to see that the mail is properly distributed over this route; see that every piece of it reaches its proper destination. He must be a man of integrity and character; otherwise the mail might not be faithfully and honestly distributed. He must have energy and determination. It requires a man of energy and determination to serve one of these routes six days in every week, encountering the vicissitudes of weather. He must be a man of strength and courage; he might be called upon to defend, at the risk of his life, the mail in his charge.

Shall men possessing these traits, these qualities, be driven from the service for want of reasonable and fair compensation? Shall men of inferior intelligence, men lacking in standing and caliber be substituted for them in order to economize even to save between $2,000,000 and $3,000,000, when this service, covering the entire United States, is to be taken into consideration? I think not. The people of the United States are not calling for economy such as is sought to be instituted by depriving these faithful servants of theirs from receiving a fair and equitable compensation.

If economy must be practiced, we should not commence at the bottom, where the salaries are the lowest and the services are arduous, but rather at the top, where the salaries are large and the honor is greater.

Mr. BRYAN. Mr. President——

Mr. WHITE. I yield to the Senator from Florida.

Mr. BRYAN. They have not been getting it during the last year. Has the Senator heard of anybody resigning?

Mr. WHITE. No, Mr. President, I have not. Possibly resignations were withheld hoping that promotions would be granted such as are sought to be denied by this bill unless the provision of the House bill is restored. Or they may have been withheld because these carriers, having given up other business or other occupations and having provided themselves with teams and vehicles to perform this service, could not dispose of them and find other employment. Possibly many of them may have remained in the service for another reason. They may have been men with families dependent upon them for their daily bread.

They may have had wives and children whose bodies had to be clothed and whose mouths had to be fed. These wives may have been sick, these children may have been small, and all of them absolutely dependent upon the carrier. Men surrounded by conditions like these could not resign if they would. Mr. President, neither have I heard of other Government employees resigning, such as officers of the Army or Navy, judges of the courts, or even Members of Congress, who, having given up their business or their callings, can not afford to resign, even if they believe their salaries were not as great as their earnings would be if they were following the occupations and callings which they had left.

For these reasons, Mr. President, among many others that I might advance, I trust that the committee amendment will be defeated, and that the provisions of the House bill will be restored.

Mr. WORKS. Mr. President, the statement has been made by the Senator from Florida, a member of the committee, that the effect of fixing the salaries as they are provided for in section 21 of the bill as passed by the House would be to curtail the rural-route service or prevent its extension. I do not know whether that is a mere expression of opinion on the part of the Senator himself or whether it is intended as a statement of fact. I should like to ask the Senator what warrant he has for making that statement.

Mr. BRYAN. Mr. President, I do not care to enter into the business of detailing private conversations. I place it upon the responsibility of the Postmaster General. What would the Senator from California do in the congressional district in Michigan where there is in one county a rural route around every section of land in it? Would he abolish any routes there?

Mr. WORKS. Mr. President, that has nothing to do, in my estimation, with the salary that should be paid to carriers. It may be that there are a great many rural routes established already that ought not to have been established and could not have been justly called for.

Mr. BRYAN. I will say to the Senator that some of them have recently been abolished.

Mr. WORKS. Certainly, and they may have been abolished rightly; but what I am insisting upon is that that should not depend upon the salary paid to carriers, but upon the question as to whether the people are justly entitled to that service.

Mr. BRYAN. It seems to me it can very easily be appreciated that when people have been accustomed to receiving their mail by rural delivery it would cause confusion, dissatisfaction, and protests to officials against the abolishment of that route.

Mr. WORKS. There is no doubt about that; but that simply calls upon the public official to do his duty as he sees it.

Mr. BRYAN. The question the Senator asked was if I thought any routes would be abolished.

Mr. WORKS. No; my question was, What authority did the Senator have for stating that the effect of fixing these salaries would be to curtail or prevent the extension of the service?

Mr. BRYAN. I can say, so far as the extension of service is concerned, the Postmaster General said he did not feel that he could extend it where it ought to be extended in many instances; and, as a matter of fact, he is not extending it any now. Although he has made a great many extensions since he has been Postmaster General within the last two years, that is all stopped now.

The department claims that some discretion ought to be left to it, and it seems to me it was the intention of Congress in the beginning to leave it some discretion. It is one thing to go over 24 miles of paved roads and another thing to go over rough roads the same distance. You can not correct that inequality if section 21 is adopted, because then the man on the most difficult route will get $1,200, where it will take him 8 or 10 hours to do the work, just the same as the man who will do the work on a paved road in 2 hours. Some discretion ought to be left.

Mr. WORKS. Mr. President, this question seems to be a very simple one, as I look upon it. The question should be whether the amounts fixed as the salaries for these rural carriers are reasonable and just compensation for the services rendered. If so, they should be paid that amount, and the Postmaster General should have no right to abolish any rural route or refuse to establish another because, in his judgment, the salaries paid are too high. That is simply a question of deficiency in the revenues of the Government. So far as I am individually concerned, I feel that the carriers should be paid a reasonable compensation for their services. If it should result in a deficiency, then the people of the country ought to be willing to make up that deficiency by way of taxation, as the extra or extended service is for their benefit.

The trouble about it is that we are attempting to determine this question of the compensation of the carriers by the amount that is necessary to carry on the whole Post Office Department, and the attempt here to economize by reducing the salaries of the carriers in the rural districts to prevent that deficiency which is, to my mind, entirely unjust.

Mr. STERLING. Mr. President, I appreciate the fact that the Post Office Department might discontinue some star routes in the western part of my State, and, further, that the Post Office Department might refuse to put in operation some rural routes that have already been established in that State, because of a deficit either actual or anticipated; but, Mr. President, I am satisfied that the salary of $1,200 a year to the average carrier over the average standard route of 24 miles, considering conditions of roads, considering the work done by that carrier, is not too much, and that he should receive for that average distance traveled in carrying the mail and the work done; considering, too, the equipment which he furnishes, the sum of $1,200 for his work.

I should not object, Mr. President, to some discretion on the part of the Postmaster General, but when a maximum sum of $1,200 was suggested with a minimum sum, between which maximum and minimum the Postmaster General might exercise some discretion in fixing compensation on account of the condition of the roads or on account of the weight of the mail carried, the suggestion was not taken kindly to; but it appeared that the Postmaster General wanted the broad discretion to fix the salary anywhere from $1,200 on down without any limitation.

Mr. President, I think this is too wide a discretion to give the Postmaster General. It is more a matter of legislation than administration to fix these salaries. If they are not to be fixed within certain reasonable limits, then I favor the compensation as fixed by the House. For the reason that the committee amendment gives the Postmaster General too wide a discretion, I am opposed to it and am in favor of the House provision.

Mr. PENROSE. Mr. President, I have, perhaps, followed the development of the rural carrier service as closely as any Member of this body. I have been a member of the Committee on Post Offices and Post Roads for nearly 18 years, and during a large part of the time I was chairman of the committee. When I was assigned to duty upon the Committee on Post Offices and Post Roads the appropriation was considerably under $100,000,000, but so rapidly was this service developing that the committee viewed with alarm the time when the annual appropriations for this strictly business end of the American Government would pass the $100,000,000 mark. The comparatively brief period of 18 years marks a gigantic development in the history of the Post Office Department. From eighty or ninety million dollars of annual appropriation 18 years ago the present bill, according to the committee, aggregates the sum of $317,948,869.

The business of the Post Office Department is to a great extent a barometer of the business of the country. Its extraordinary development is a measure of the commercial growth of our country during the last 18 years.

The rural carrier service was started in a small and humble way after prolonged discussion and agitation. It was thought that it might furnish temporary employment to a farmer or the son of a farmer who might in a desultory way carry the mails through the rural districts. As no one dreamed 18 years ago that the expenditures of the department would be over $317,000,000 to-day, so no one dreamed when the seed was planted for the Rural Delivery Service that in a very few years, much less than 18 years, a period represented by a decade, the appropriation would exceed considerably over $50,000,000 for the Rural Service.

Yet, Mr. President, not withstanding the great doubts which were at the time entertained by many sincere men as to whether this service was not likely to cost more than it was worth, and was not a luxury that was really not demanded by the people, and would entail a lavish expenditure; notwithstanding the fact that the actual expenditure and appropriation has exceeded the enormous total of over $50,000,000, there is not a Member of this body who would raise his voice to abolish it or curtail it.

The employees of the service have grown from badly organized and untrained young men, who were first enlisted to carry the mail, into a well-trained, well-disciplined responsible body of rural carriers, who, in my opinion, are as hard working, conscientious, honest, and deserving a class of postal employees as any in the service of the American Government. Their responsibilities are very great. The standard route is supposed to be 24 miles. In I think over 50 per cent of the cases it is much over that.

I am informed on responsible authority that 50 per cent of the routes in operation are in excess of 24 miles, and that quite a large number are 30 miles, and some 36 miles, and some even more in length.

These rural carriers are exposed to all the inclemencies of weather. They are out every day. The mail has to be delivered. They are at their own expense for horses and vehicles, very largely, and no one who has investigated their condition can, in my opinion, reach any other conclusion than that these men are not overpaid in any of the schedules under which they work.

I received, I think, in the first session of this Congress, when I made a careful investigation of this matter, nearly 1,500 or 2,000 letters from rural carriers, chiefly in Pennsylvania. These letters were written by the men themselves. They were intelligently written. They were written in considerable detail, giving most intresting facts regarding the various character of roads and highways, from the good macadam road or the asphalt boulevard to the dirt road which was nearly impassable in the springtime, from the level country to the difficult roads over the Allegheny Mountains, details in regard to the strain and stress on the horse and on the vehicle, common-sense statements which, if I cared to burden the RECORD or occupy the time of the Senate by reading even some of these communications as a sample, would persuade every Senator—aye, and convince him—that these men are worthy of all that Congress has heretofore done for them.

Originally, by the act of April 21, 1902, the Postmaster General was authorized to classify the Rural Delivery Service and fix the compensation of the employees in such service. That was one of the earliest efforts to bring into a disciplined organized army this great body of efficient and industrious postal employees. It was my pleasure, as I have said, and my opportunity to participate in that early legislation.

Then in 1912, 10 years afterwards, another distinct step in the development and advancement of this branch of the Postal Service was made. After years of representation by the rural carriers and their friends, after a decade of experimenting, the salary was made by the act to which I have referred, which provided that letter carriers of the Rural Delivery Service shall receive a salary not exceeding $1,100 per annum.

Then another step was taken. I ought to remind the Senate, Mr. President, that this progress was slow, that 10 to 15 years have been taken in the careful investigation, in the thorough discussion, in the committee of the House and committee of the Senate, and in long-drawn-out and often bitter contentions in conference committees of the two Houses on the Post Office appropriation bill to bring about a steady develcpment on the lines which we now have embodied in the laws of Congress.

This growth has not been hastily taken. It is the mature thought and conclusion of men of great experience in the House and Senate concerning postal matters, and following out those conclusions and the experience of years the act approved March 9, 1914, provided:

> For pay of letter carriers, substitutes for carriers on annual leave, clerks in charge of substations, and tolls and ferriage, Rural Delivery Service, $53,000,000: *Provided*, That not to exceed $20,000 of the amount hereby appropriated may be used for compensation of clerks in charge of substations: *Provided*, That on and after July 1, 1914, letter carriers of the Rural Delivery Service shall receive a salary not exceeding $1,200 per annum.

So it was the final and best thought of Congress, the conclusions of the two committees of either branch of Congress, the most recent verdict that these men should receive a maximum salary of $1,200. No one familiar with their duties, as has been stated earlier in the morning by several Senators, who have spoken on this question, can contend for a single moment that that maximum salary is too large for the man who has to cover a route from 24 to 36 miles in length, in many cases exposed the greater part of the year to inclement conditions of weather and on roads that are often nearly impassable.

But notwithstanding this decision of Congress by men who would be admitted to be experts by nearly anyone in either branch of Congress, on account of their years of familiarity on either of the committees in the House or Senate, the Post Office Department, and I have no doubt that they had the best intentions in the world, although I disagree with them, proceeded to nullify absolutely the purpose of Congress.

I have here the order of the Postmaster General, dated November 4, 1914, in which an effort is made to modify the schedules based on the length of route by a schedule based on the pieces of mail per month and the pounds of mail per month, an arbitrary and, in my judgment, an entirely unjust schedule, so far as the carriers are concerned. It is impossible to make any fair estimate based on the number of pieces carried. These vary with the seasons. During the Christmas holidays they are almost beyond the strength of the ordinary man, and at other seasons of the year they fall off very much. The number of pieces or the pounds of mail per month might not come up to the maximum fixed by the department's order, and yet the carrier is compelled to travel his route whether it be 4 miles or 34 miles, and feed his horse, pay for the repairs of his vehicle, and go ahead every day, regardless of whether he is doing a large amount of carriage or a small amount.

I will ask permission to insert as a part of my remarks the order of the Postmaster General fixing the schedules based upon pounds of mail per month and pieces of mail per month, in order not to take up the time of the Senate by reading it.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

[Order No. 8451.]

NOVEMBER 4, 1914.

Order No. 8246, of July 14, 1914, is amended to read as follows:

On and after November 1, 1914, the compensation of rural carriers shall be based upon the length of the routes, the time required to serve them in accordance with the authorized official schedules, and the number of pieces and the weight of mail carried as shown by the records of the department.

The rates of pay shall be computed and fixed according to the following schedule:

Schedule.

Length of route.	Salary base.	Pieces of mail per month.	Pounds of mail per month.
4 miles and less than 6 miles	$480	3,000	400
6 miles and less than 8 miles	528	3,700	490
8 miles and less than 10 miles	576	4,400	580
10 miles and less than 12 miles	624	5,100	670
12 miles and less than 14 miles	672	5,800	760
14 miles and less than 16 miles	720	6,500	850
16 miles and less than 18 miles	840	7,200	940
18 miles and less than 20 miles	960	7,900	1,030
20 miles and less than 22 miles	1,080	8,600	1,120
22 miles and less than 24 miles	1,152	9,300	1,210
24 miles and over	1,200	10,000	1,300

An increase or decrease of $12 per annum shall be made for each 1,000 pieces and for each 100 pounds, respectively, greater or less than the schedule, with an allowance of $12 per annum for each closed pouch or closed sack of mail carried per day, and also for each full mile of route served in excess of 25 miles in length: *Provided*, That no carrier shall be reduced in compensation below the schedule in effect June 30, 1914, because of this order, and that $1,200 per annum shall be the maximum salary.

A carrier serving one triweekly route shall be paid on the basis and subject to the above conditions for a route one-half the length of the route served by him, and a carrier serving two triweekly routes shall be paid on the basis and subject to the above conditions for a route one-half the combined length of the two routes.

In addition to the foregoing the following are hereby established as the official time bases for serving routes, and shall begin with the time of leaving and end with the time of return to the office or station.

LENGTH OF ROUTE AND TIME BASES.

Twenty-four miles and over, six and one-half hours a day.
Twenty-two miles and less than twenty-four miles, six hours a day.
Twenty miles and less than twenty-two miles, five and one-half hours a day.
Eighteen miles and less than twenty miles, five hours a day.
Sixteen miles and less than eighteen miles, four and one-half hours a day.
Fourteen miles and less than sixteen miles, four hours a day.
Twelve miles and less than fourteen miles, three and one-half hours a day.
Ten miles and less than twelve miles, three hours a day.
Eight miles and less than ten miles, two and one-half hours a day.
Six miles and less than eight miles, two hours a day.
Four miles and less than six miles, one and one-half hours a day.

When under the present or future schedules as fixed by the department additional time is required to serve any route, the carrier shall be entitled to $12 per annum for each one-half hour thus authorized in excess of that named in the time base.

The compensation of carriers on newly established routes shall be at the rates in effect June 30, 1914.

A. S. BURLESON,
Postmaster General.

Mr. PENROSE. Now, the question before the Senate is on disagreeing to the committee amendment and to restore section 21 as it came over from the House of Representatives. This provision of the House bill is, I believe, identical with an amendment which I introduced in the Senate as early as August 17, 1914, providing for the salaries of rural carriers. I have not compared the House provision with my amendment with sufficient care to say that it is absolutely the same, but it is based upon the same principle, and for all practical purposes they are identical. I will ask to have this amendment, presented by me long before this question came up for consideration in the pending bill, inserted in my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The amendment referred to is as follows:

That on and after July 1, 1914, the compensation of each rural letter carrier for serving a standard route of 24 miles and over, six days in the week, shall be $1,200 per annum, payable monthly; on routes 22 miles and less than 24 miles, $1,152; on routes 20 miles

and less than 22 miles, $1,080; on routes 18 miles and less than 20 miles, $960; on routes 16 miles and less than 18 miles, $840; on routes 14 miles and less than 16 miles, $720; on routes 12 miles and less than 14 miles, $672; on routes 10 miles and less than 12 miles, $624; on routes 8 miles and less than 10 miles, $576; on routes 6 miles and less than 8 miles, $528; on routes 4 miles and less than 6 miles, $480. A rural letter carrier serving one triweekly route shall be paid on the basis for a route one-half the length of the route served by him, and a carrier serving two triweekly routes shall be paid on the basis for a route one-half of the combined length of the two routes: *Provided*, That, in the discretion of the Postmaster General, the pay of carriers who furnish and maintain their own motor vehicles and who serve routes not less than 50 miles in length may be fixed at not exceeding $1,800 per annum: *Provided further*, That the salaries of rural letter carriers shall be based on the length of route served, regardless of the number of pieces or pounds of mail handled.

Mr. PENROSE. Perhaps the clearest statement that could be made of the reasons against departing from the schedules fixed by the House of Representatives and giving this very great and unlimited power to the Postmaster General to classify these employees and expend as he may see fit, on classifications of his own or on a system of star-route contracts, the enormous sum of money appropriated for this service, can be found in a communication addressed to me as a member of the Committee on Post Offices and Post Roads, from W. D. Brown, editor of the Rural Free Delivery News. This paper, I am informed, is the official organ of the National Rural Letters Carriers' Association. It is the official organ of the rural carriers of the State associations and also the official organ of hundreds of county associations of rural carriers. It represents very largely and, I take it, officially the views of the 43,000 rural carriers in the United States. I call the attention of the Senate to a very careful consideration of Mr. Brown's communication. The letter is not very long, and I ask the Secretary to read the communication.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read it.

The Secretary read as follows:

RURAL FREE DELIVERY NEWS,
Washington, D. C., February 4, 1915.

Hon. BOIES PENROSE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I beg leave to call your attention to one feature of the Post Office appropriation bill which, as a member of the Senate Post Office Committee, I would like to have you consider favorably.

Last March the Senate amended the Post Office appropriation bill, fixing the pay of rural letter carriers at $1,200 per year for standard routes of 24 miles or more in length, and a proportionate increase for routes of less length. This amendment was concurred in by the House and became a law. Anticipating the increased salary, many rural carriers purchased new equipment so as to make a more creditable appearance and render more satisfactory and efficient service. This increase was expected to become effective July 1, 1914, but instead of following the established schedule, as Congress manifestly expected him to do, the Postmaster General adopted a new basis of compensation for carriers, which withheld about 65 per cent of the increased pay intended by Congress.

When the Postmaster General's course became known the House took prompt action, and on August 10 passed a bill fixing rural carriers' pay specifically upon 2-mile gradations and removing all discretion from the Postmaster General. This provision was included in the railway mail pay bill, which now awaits action by the Senate Post Office Committee and was intended to become effective at the beginning of the current fiscal year, July 1, 1914.

The Post Office appropriation bill for the fiscal year 1916, as passed by the House, also definitely fixes rural carriers' pay on 2-mile gradations, and I respectfully ask your support of that provision, making same retroactive and to become effective July 1, 1914, in harmony with the action of the House.

I respectfully submit that the new schedule of pay arranged by the Postmaster General, which includes three separate units, namely, length of route, number of pieces of mail handled monthly and weight of same, is unfair. Furthermore, I have received a large number of complaints from carriers to the effect that even this new schedule is not being faithfully observed.

Carriers are required to provide all their own equipment and to cover their full routes daily, regardless of weather or road conditions, and mileage and average road conditions throughout the year should be controlling factors in the adjustment of the pay. It makes little difference to the carrier whether his daily mail be large or small, but the length of his route and condition of his roads have an important bearing upon the durability and cost of repair or replacement of his equipment. When a wagon breaks down or a horse dies the cost falls upon the carrier alone. Many such casualties occur each year.

It has been asserted that rural delivery service is conducted at a loss of $40,000,000 per year. Based upon the system of computation now in use, that claim may be true. At present rural carriers are only allowed credit for mail collected on their routes and carried to the post office for dispatch or delivery. When it is understood that such collections do not equal 20 per cent of the mail carried from the post office for delivery on their routes, it will be seen that any such basis of calculation is entirely unfair. Farmers may telephone orders to local merchants for desired articles and have same forwarded by parcel post. The carrier handles all such parcels, but is allowed no credit for same. Is this fair?

You may not be aware that recently the Postmaster General arranged a new schedule for rural delivery, fixing the maximum time on a route of 24 miles or more in length at six hours and one-half. As about 50 per cent of the number of routes in operation are in excess of 24 miles, quite a large number being 30 miles and some 36 miles and even more in length, it is plain that this time schedule will add greatly to the equipment cost of rural letter carriers. Horses and vehicles can not stand the strain.

The volume of mail handled by rural carriers varies at different seasons of the year, and to adhere strictly to the Postmaster General's present scale of pay would necessitate frequent readjustments. Carriers are liable to be penalized for conditions for which they are not responsible, and I respectfully submit that in fairness to them a straight-out salary scale, such as has been passed by the House, is far better than the Postmaster General's plan. It will require no additional appropriation for the current fiscal year to fix the salaries as Congress intended. The House already has passed a bill giving all rural carriers a level increase in pay of 9 per cent and making same effective July 1, 1914, the beginning of the present fiscal year, and I earnestly solicit your support of this measure in the carriers' behalf.

Thanking you in advance for your interest, I am,

Sincerely, yours,

W. D. BROWN.

Mr. PENROSE. Mr. President, before I proceed further—and I do not intend to detain the Senate much longer—I want to call particular attention to the proviso in the amendment which I have been permitted to insert in the RECORD, introduced, as I say, by myself as early as August 17, 1914, providing for the salaries of rural letter carriers, because I think this amendment is worthy of the very serious consideration of the Senate, and I hope ultimately will be followed by proper action in line with the suggestion contained therein by legislative enactment in some future appropriation bill. I call particular attention to the proviso in the amendment, which reads:

Provided further, That the salaries of rural letter carriers shall be based on the length of routes served, regardless of the number of pieces or pounds of mail handled.

Mr. President, it has been the custom in the last six months to blame a great many of the evils in the body politic upon the war in Europe; and I observe in the report of the committee that one of the reasons stated for the proposition of biennial promotions was that some $2,500,000 would be saved, and would help provide for the deficit caused by the falling off in postal revenues due to the war in Europe. The committee on this point says:

In view of the statements of the Postmaster General made to the committee concerning the marked falling off of the postal revenues due to the war in Europe, and the apparent necessity for economy in the Postal Service, the committee adopted the recommendation relating to promotions of post-office clerks, letter carriers, and railway postal clerks, that after July 1, 1915, these employees should be promoted from the lower to the higher grades after having served in such grade two years instead of one year, as at present, making a saving in this item for the fiscal year ending June 30, 1916, of $2,760,000.

Then there is a statement by the Postmaster General, as follows:

Biennial promotions: The scale of salaries established by law for the compensation of post-office clerks and letter carriers is not so arranged as to stimulate the most efficient service on the part of the employees or to secure to the Government the full advantage of their promotions. A closer adherence in this regard to the methods and practices in the business world is desirable. The compensation of these governmental employees is now and will naturally continue to be much higher than the commercial scale of wages for like services. The present practice of advancing all employees automatically at annual intervals to the grade carrying the maximum salary has a deleterious effect on the efficiency of the service, as promotions come to be regarded as matters of course, and the employee so quickly reaching the highest grade and lacking the years of experience and training necessary to fit him for promotion to supervisory duties becomes dissatisfied and careless. The present promotions are made within certain grades annually and carry salary raises of $100. It is believed that these substantial advances should be reserved in each case as the reward for not less than two years of efficient service, and accordingly it is recommended that the promotions now made annually be made biennially, and that no post-office clerk or letter carrier be promoted before he has served at least two years in the next grade lower than that to which he is promoted.

Mr. President, the proposition of biennial promotions in the opinion of the Senate yesterday was clearly that the effect was deleterious, and the bill as it now stands retains the same old system of annual promotions as heretofore in the three branches of the service referred to—post-office clerks, letter carriers, and railway postal clerks—but, in view of the fact that the committee states the falling off in the postal revenues is due to the war in Europe, I would ask the attention of the Senator from Florida [Mr. BRYAN] for a moment, and inquire of him—I was not able to be present at the meetings of the committee as often as I should like to have been—whether there was any estimate of the amount of such falling off in the postal revenues due to the war in Europe.

Mr. BRYAN. The statement was made that for the month of January the revenues had fallen off 8 per cent from those of January, 1914.

Mr. PENROSE. That is, of postal revenues distinctly to be credited to the foreign mail? Do I understand that?

Mr. BRYAN. The postal revenues for January, 1915, lack 8 per cent of being as large as they were in January, 1914.

Mr. PENROSE. Well, how much of that falling off was due to the war in Europe?

Mr. BRYAN. The Senator can form his estimate as to that as well as can anybody else. The fact was stated that beginning in August, 1914, the revenues began to be less than they were in the corresponding months of the preceding year; but that up to August——

Mr. PENROSE. I can easily understand that, Mr. President,

Mr. BRYAN. I hope the Senator will let me answer, as he asked me a question.

For years the normal increase in a month over the corresponding month of the preceding year had been from 4 to 7 per cent. The Postmaster General stated that the department had enjoyed that normal increase month by month until the month of August last, and that in the month of August the revenues decreased from the revenues of August, 1913, 1.12 per cent; in September the decrease was larger; and it has been growing greater every month, with the exception of December, when, on account of the holidays, the deficit over the preceding December was only 4 per cent, but that in January, 1915, the deficit showed 8 per cent. If that runs throughout the year we are bound to have a very large deficit.

Mr. PENROSE. Mr. President, I am perfectly willing to concede the facts as the Senator has represented them, but I say, with the greatest respect for the Senator's knowledge of this bill—which is more comprehensive perhaps than mine, because he has been a diligent member of the committee and belongs to the party in control of legislation in this Congress—I do not feel that my question has been answered.

I admit the deficit, but I want to know what foundation there is for the statement made by the Postmaster General, as embodied in the committee's report, that it is due to the war in Europe. If it be due to the war in Europe, I want to know whether it is all due to the war in Europe; or, if not, what percentage is due to the war in Europe.

Mr. BRYAN. Mr. President, the Postmaster General did not make an argument as to the cause of the deficit. He was stating the facts to guide the committee in the preparation of the bill. We did not discuss with him the causes which produced the deficit, but we were confronted by the fact.

Mr. PENROSE. The statement is boldly made, Mr. President, that the marked falling off in revenues is due to the war in Europe. Now, nearly everything is being blamed on the war in Europe.

Mr. BRYAN. If the Senator will pardon me for a suggestion, I suppose the conclusion was arrived at in this way: That until the war in Europe began the normal increase that has existed for many years existed in the year 1914 and continued to exist until the month of August, when the war in Europe commenced.

Mr. PENROSE. Do I understand the Senator from Florida to agree with the Postmaster General in the statement to the committee that the marked falling off of the postal revenues is due to the war in Europe? That is what I want to know.

Mr. BRYAN. Mr. President, I do not know that it would be of any benefit to the Senator from Pennsylvania to have my opinion, but I have always understood that the Post Office Department was a very accurate barometer of the conditions of business and that in times of depression the revenues of the post office have invariably fallen off.

Mr. PENROSE. Well, Mr. President, with all due respect to the Senator, I do not feel that I am much more enlightened than when I began my inquiry. The statement is made that the falling off of the postal revenues is due to the war in Europe, that consequently the greatest economy must be exercised in the Postal Service, and that it must be exercised to the detriment of post-office clerks, letter carriers, and railway postal clerks, whose compensation and status and standards of service and of living have been developed by 18 or 20 years of consistent effort, the mature thought of men in the House of Representatives and in the Senate, and that they are to be made to suffer for the war in Europe.

Mr. President. I am somewhat tired of hearing everything blamed on the war in Europe. We are not at war; we are supposed to be going ahead with our business affairs as a nation at peace, jealously guarding our neutrality.

Is no inference to be drawn concerning this deficit in the soup house and in the bread line in the city of Philadelphia and elsewhere; in the nearly 700,000 or 800,000 men out of work or only working on half time in the State of Pennsylvania, and thousands more in other States; in the universal prostration and curtailment of industrial activity; in the fact that there is hardly an industrial concern in the State of Pennsylvania that is running at more than 40 or 50 per cent of its maximum capacity, and that business enterprise and initiative are absolutely paralyzed in the American Republic? Is that due to the war in Europe?

Under date of February 19, we read:

> Two hundred hotels in New York City to-day made arrangements to give free meals to men out of work.

Is that due to the war in Europe? I do not intend to delay the discussion of the appropriation bills by a tariff argument, but we have heard for months that the beneficent operations of the Underwood tariff law were suspended by reason of the war in Europe, and that elections are to be carried in the future by the party now in power on account of the war in Europe. Now the Postmaster General comes along and says that the post-office clerks and letter carriers and railway postal clerks are to have their high standard lowered and their comfortable condition of living and their efficiency, which have been brought about by years of mature thought on the part of men familiar with the situation in the House of Representatives and in the Senate, interfered with on account of the war in Europe.

Mr. President, in my opinion the deficit in revenues is due to the prostration of business in the United States. That is a condition which we must face; but it furnishes no argument for visiting the unfortunate results of this condition upon the helpless postal employees, who are compelled to go ahead and discharge their responsible duties, upon which the business life, the social intercourse, and the very circulation of the lifeblood of the community depends.

There is nothing gained by having cheap postal employees. I reached this conclusion long ago in my study of the question as a member and as chairman of the Committee on Post Offices and Post Roads. There is nothing gained by having cheap employees or by having discontented, dissatisfied, and overworked employees, but there is a distinct gain in having the vast army of many thousand men engaged in these responsible employments contented, loyal to the Government, and ambitious to discharge their duties faithfully.

It is generally admitted that there is no branch of the Federal Government the employees of which are so strictly held to the mark as in the Postal Service. In other departments of the Government in ordinary times many employees may be laid off, many of them may be sick or off on a holiday and the Government does not suffer materially; certainly any delay in the routine in the department might be made up by a little activity later on; but the postal employee, the letter carrier, the railway mail clerk, the man who distributes the mail in the post office, must be on his job every day of the 365 days of the year, either in person or by competent substitutes.

The mail must be delivered; the lifeblood of the social and business community must circulate, and it pulsates through the arteries of the post office. The men in that branch of the service have a responsibility to meet such as the employees of no other branch of the American Government have to meet. Its thousands of men from the West Indies to Alaska and Manila, in every climate and in every manner of employment, have burdens and responsibilities thrown upon them which are not thrown upon the employees of any other department; and I say that these men are the last of all the employees of the Government who should be degraded in their occupations and in their salaries on the pretense that it is necessary to do so because of conditions growing out of the war in Europe.

The Post Office Department is the business end of the Government, and it should be made as nearly self-sustaining as possible; but that it should be entirely self-sustaining is not essential. It is more essential to have employees well paid and contented and efficient than it is to have the department self-sustaining. The department can not always be self-sustaining. The aim is to keep the deficit down as low as possible and in some years not to have any deficit at all; but in taking up new problems, in taking up postal savings banks, the Rural Delivery Service, and the parcel post, which in their inception must necessarily be experimental, it is impossible that every year, year in and year out, the Post Office Department should always be self-sustaining. That has not been its history in the 130 years of its usefulness, and I, for one, am not alarmed if the department occasionally from year to year during a decade or more shows up on the wrong side of the ledger; but I do think that efficiency should be the first aim of everyone who legislates concerning the Postal Service.

If greater revenues are necessary, if it is finally thought that we should secure greater revenues from the Post Office Department, it should not be brought about by a mistaken economy which undoes the development and the work of 20 years, and it should not be brought about at the expense of post-office clerks, letter carriers, and railway postal clerks—the latter of whom often administer their duties at the peril of their lives—but it should rather be brought about by increasing the postage on second-class mail matter or by revising the schedules of the parcel post, or in other ways which will bring about the needed revenue.

FORTIFICATIONS APPROPRIATIONS.

Mr. BRYAN. Mr. President——

The PRESIDING OFFICER (Mr. SAULSBURY in the chair). The Senator from Florida.

Mr. BRYAN. I ask unanimous consent, out of order, to report from the Committee on Appropriations, without amendment, the fortifications appropriation bill.

The PRESIDING OFFICER. Is there any objection? The Chair hears none. The Senator from Florida, from the Committee on Appropriations, reports a bill the title of which will be stated.

The SECRETARY. A bill (H. R. 21491) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

POST-OFFICE APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19906) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1916, and for other purposes.

Mr. SHAFROTH. Mr. President, I hold in my hand a copy of the Washington Post of a few days ago, and it is in marked contrast with what the Senator from Pennsylvania [Mr. PENROSE] has just said. I want to read some of the headlines and a few of the items conveyed in telegrams from many of the cities of the United States. The first headlines relate to a dispatch from New York City, and are as follows:

Big trade rush begun—New York textile buyers tell of widespread prosperity—1915 will be record year—Central West leads with business boom, but extraordinary recovery from the war scare is reported from all sections, including the South, where demand is general.

In the same paper, Mr. President, there are contained a number of dispatches from other portions of the United States, and I want to call attention to the headlines of just a few of them. The following is from Cleveland, Ohio:

Rush of war orders—Cleveland gets contracts for $17,000,000 in supplies—Motor trucks in demand—One factory turning out $3,000,000 worth of wire—Knit goods sales to belligerents total $2,417,000—England buys $150,000 worth of field glasses.

A telegram from Rhode Island has the following heading:

Textile mills report biggest gain in decade.

Mr. PENROSE. Mr. President——

Mr. SHAFROTH. I will yield to the Senator in a moment. An item from Elizabeth, N. J., is printed with the following headline:

Full time for 9,000 at sewing-machine plant.

The following headlines precede a dispatch from New York City.

United States shipyards rushed with orders for vessels.

The following dispatch from Chicago is in the same paper:

ENTIRE GARY PLANT OPEN; 2,000 RETURN TO WORK.

CHICAGO, *February 13, 1915.*

With the starting of the rail mill, all departments of the Gary plant of the Illinois Steel Co. are now in operation.

From Pittsburgh comes a statement preceded by the following headlines:

Ask bids on 1,000,000 shells for England.

From Sharon, Pa., comes a statement with the following headlines:

Mills start to work on 1,500,000 pairs of socks.

Then, from Chicago, comes a dispatch preceded by the following headlines:

Italy buys 600,000 pairs of American blankets.

The following headlines are at the head of a dispatch from Philadelphia:

France orders 100 American locomotives.

From Connellsville, Pa., a telegram is prefaced by the following headlines:

Three thousand three hundred and fifty-five more coke ovens fired by Frick Co.

The same copy of the Washington Post also contains this item:

FACTORY EXPORTS JUMP HIGH.

* * * * * * *

A statement by the Department of Commerce Tuesday shows that in certain lines of manufactures, however, exports made phenomenal gains compared with December a year ago. Among the more notable increases were: Commercial automobiles, from $101,000 to $3,333,000; cotton knit goods, $295,000 to over $2,000,000; woolen clothing, $183,000 to $1,333,000; other woolen goods, including blankets, $103,000 to $2,725,000; rubber boots and shoes, $84,000 to $864,000; sole leather, $354,000 to $3,600,000, and upper leather, $1,750,000.

Zinc increased during the same period from 137,000 pounds to 36,666,000 pounds, while metal-working machinery increased in value from $1,350,000 to $2,432,000.

Surely the Washington Post can not be said to be an administration paper, and yet in this one paper of February 14, 1915, I find 15 statements made of enormous increases in various lines of production, a condition which evidently would reflect itself in the number of men employed and in the steady employment which follows. Now, I yield to the Senator from Pennsylvania.

Mr. PENROSE. Mr. President, I shall not comment on the condition of mind which would boast about prosperity based on the agony of Europe. The orders to which the Senator has referred are for munitions of war and for clothing for millions of men engaged in destroying each other among the civilized nations of Europe. A large body of our citizenship in the United States would urge legislation absolutely to prohibit the exportation of such munitions and articles of destruction, murder, and slaughter which are going over to the other side. Yet the Senator stands here in the Senate of the United States and boasts that his party is bringing on prosperity in the American Republic by sending to Europe the means of destruction or clothing for men exposed to the wintry blasts in the trenches in Germany, Russia, and France. What kind of prosperity is it, Mr. President? A temporary meretricious condition which does nobody any good, which is haphazard in its nature, which may be a relief to starving men who were out of employment six months before the war was ever dreamed of. It may be a slight improvement over the soup house or the bread line, but of no permanent value. It is based on a condition of war which may end to-morrow, which is likely to end in a comparatively short time, which can not last forever, and when it is over, if the present fiscal policy shall be continued, we will face black ruin in the United States so far as American industry is concerned.

Mr. SHAFROTH. Mr. President, from the comments of the Senator, one would think that the Democratic Party had brought on this war. We had nothing whatever to do with the war. We have tried to mitigate in every way possible the severities of the war. The Senator, however, has been complaining that people are out of work, and that there are soup houses, and I wanted to show that in just one recent issue of the Washington Post, which can not be considered an administration paper, there are some 15 or 20 statements from all sections of the country showing an enormous amount of increase in the manufacture of products and the opening of factories.

I want to say to the Senator, in reference to the tariff policy which he has always advocated, that there never was so high a protective tariff as now exists by reason of the war, because imports are nearly prohibited by the fact that there is war, and consequently American factories are in a position to have no competitors whatever. But it seems to me that these statements that are made here in the Washington Post, not from any one section of the country but from any number of sections of the country, in only one paper, show that there is an enormous advance, which indicates a great prosperity that we are bound to have for the year 1915.

Mr. HARDWICK. Mr. President——

The PRESIDING OFFICER. The Senator from Georgia.

Mr. HARDWICK. The motion pending before the Senate is the motion of the Senator from Michigan [Mr. TOWNSEND] to agree to section 21 of the bill as passed by the House of Representatives and disagree to the committee amendment striking out that section. I am in favor of the motion and shall vote for it, and I earnestly hope the Senate may adopt it.

A year ago the Congress of the United States undertook to establish the salaries fixed in this paragraph of the pending bill for the rural letter carriers of this country. It employed language which left the Postmaster General some discretion. It provided that the salaries should be not exceeding the figures named in the present section of the bill. Acting under that authority, although the legislative intent, considering the practice of the departments of this Government in construing acts of Congress, was that the carrier should receive the salary fixed in the bill, and not less than that, the Post Office Department did not give the salary that Congress clearly intended to establish.

It seems to me that when it comes to establishing the salaries that the employees of this Government are to receive, any class or any number of employees in any branch of the service, the will of the Congress of the United States ought to be controlling, and that it is not a matter of departmental or Executive discretion. The salaries established in this bill are reasonable. They are not excessive compared with the salaries of city letter carriers, and when you consider that these rural carriers have to pay for the expense of furnishing their vehicles and horses the salaries are relatively lower. It seems to me that the Senate could do no better than to agree to the carefully worked out proposition of the House. It is a matter of simple justice, and of tardy justice, too, to one great class of our employees, and a deserving class at that.

Mr. President, I feel that in any event this matter would have received this direction in conference. Knowing as I do the temper and desire and disposition of the Senate Committee on Post Offices and Post Roads, I believe that our conferees

could have been relied upon to provide absolutely and distinctly for this branch of the Government service, and to see that these carriers received the pay that we intended they should get a year ago, and that we are determined they shall have now. But after all, since the House proposition has been carefully worked out, I think the safest plan is to agree to the motion made by the Senator from Michigan [Mr. TOWNSEND], and agree to the section as proposed by the House, and it will afford me great pleasure, when the motion is put, to vote in that way.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. McCUMBER. I want to say just one word about this provision.

When we increased the pay of the rural carriers to $1,100 per year and to $1,000 per year it was based upon the 24-mile limit as being the usual length of the service required. We felt that that was not enough, and we finally raised it to $1,200 per year. I then introduced an amendment, which passed the Senate, providing that in no case should it be less than $600 per year, so that the pay would range from $600 to $1,200 per year, it being understood that the $1,200 would take the highest mileage with 24 miles as the basis, and that the least amount would be $600, and that the difference between the lowest and the highest should be a gradual scale upward to the $1,200, when the carrier reached the 24-mile limit.

It seems, Mr. President, that the Postmaster General, disregarding the intent of Congress at the time, has made rules that bring into operation other elements to determine the amount of the salary or pay than the question of mileage, and it is determined somewhat by the weight and the number of packages. That this is certainly a very novel and a very poor method of arriving at a service I think anyone must admit who will give the subject the slightest consideration. The question of the character of the roads is a thousand times more important in determining what the pay should be than the question of the number of packages or the weight.

If a letter carrier should pass between this city and Baltimore, he would find a splendid paved road all the way; and to say that because he took a few more packages in weight than some one who attempted to pass in the springtime for the same number of miles over an ordinary Virginia road, carrying almost nothing, would seem to the average person to verge upon the ridiculous. But we could not make the condition of the roads the basis, so we did the very next best thing we could do, and that was to fix upon the matter of mileage; and we ought to have a system which we would compel the Postmaster General to adhere to that should be based solely upon mileage.

My own view is that there should be nothing less than $600 per year, because there is no route so short that it does not require one-half a day of a man's time, and the longer routes can not require more than one whole day. Therefore, we ought not to have anything less than $600. It requires a team of at least one horse and a vehicle to make the very shortest route. It requires at least three horses and probably two vehicles to make the longer routes, if we make allowance in bad weather for a change, for repairs, and so forth; and in the northern sections of the country, where we have long winters, we must have both the sleigh and the wheeled vehicle, so that it would absolutely require two kinds of vehicles in that section of the country.

When we take into consideration the cost of the feed for the horses, the care and repair of the vehicles, the shoeing of the horses, and when we realize that taking an average of 20 miles per day year in and year out, the average horse will not last over four years of active service, and that the carrier must buy another horse every four years, we will realize that the amount we are paying is exceedingly low compared with what we pay for those engaged in city delivery.

I would be in favor of making $1,200 the basis of a 24-mile route, and proportionately increasing the amount above $1,200 for any number of miles above that. I would also be in favor of making a minimum of $600, and then making a gradual scale from the $600 up to the $1,200; but as we probably will not be able to carry that through, I should favor the provision that we probably can carry through, it having passed the House, and that is the provision which has been stricken out by the action of the committee.

I certainly shall support with a great deal of pleasure the motion made by the Senator from Michigan.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BRISTOW. I send to the desk a letter from a rural carrier at Glenview, Ill., which I ask the Secretary to read.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

GLENVIEW, ILL., *February 22, 1915.*

Hon. JOSEPH L. BRISTOW,
United States Senate, Washington, D. C.

DEAR SENATOR: I note that the Senate committee, in dealing with the Post Office appropriation bill, has left the Postmaster General's salary plan for rural carriers untouched. I just want to say that I am very glad this has been done. I have been a rural carrier nearly 10 years, have had both light and heavy routes in four States, and I want to say that the present arrangement of compensation for the rural boys is all right and ought not to be changed. It is the best thing the service ever had. I hope the committee will not pay too much attention to Mr. W. D. Brown, editor of the Rural Free Delivery News. Mr. Brown is against the order because the majority of the associations seem to be. Mr. Brown gets $531 a year from the association, besides individual subscriptions. I sent three letters to the News for publication, each letter being an expression of good will toward the new salary order. Not one letter was ever published. I am forced to the conclusion that Mr. Brown suppressed the letters because he wishes to make it appear that the entire carrier body is against the department. However, Mr. Brown does not reflect the attitude of all the carriers by a long shot. In closing, let me again say that I am heartily in favor of the present salary plan and hope it will continue. I am not, of course, in favor of the contract proposition, but I can not believe that will happen.

Thanking you for your attention thus far, I am,

Yours, very truly,

W. W. BEARLY, *Carrier No. 1.*

Mr. BRISTOW. Mr. President, this controversy is in regard to the assignment of the last appropriation. I do not question the fact that it was the expectation of the carriers to receive an increase of $100 for each standard route of 24 miles and a corresponding proportion of $100 for the shorter routes. Now, all that the Postmaster General did in apportioning this increase was to take into consideration the question of weight of mails as well as the distance traveled. This controversy is simply a question as to whether the adoption of the parcel post, which in some instances imposes a great deal heavier weight of mails upon the rural carriers, shall be considered in adjusting their compensation. Heretofore the element of weight has not been taken into consideration, because it was not of so much consequence.

The facts are that the average weight of the rural carrier's mail, up to the adoption of the parcel-post policy, was only something less than 25 pounds per day, and of course the difference between 25 pounds or 20 pounds or 15 pounds was not sufficient to justify the department in taking into consideration the weight of the mail which the carrier handled; but when heavier packages were intrusted to the mail and the volume and weight of the mail became an important factor, then he felt in justice to the rural carriers that that element of service ought to be given consideration in fixing the compensation. While he did not reduce any salary as it existed prior to this advance authorized, he did adjust the $100 advance so as to give the carrier who carried a heavy volume of mail a little more than he gave the carrier who did not have a heavy volume of mail.

I think he was justified in doing so, and I do not believe that any criticism against the Postmaster General in regard to this order is justified. I say he had a right to take into consideration that fact, because it was alleged on the floor of the Senate time and again during the debates that this additional compensation of $100 ought to be given because additional demands were being placed upon the carriers because of the Parcel Post System. If that is true, then on a route where there was practically no additional burden the Postmaster General had a right to consider that fact. Congress did not, by mandate, order him to give the full increase that was justified, and so he construed it. Politically speaking, it might have been wiser for him to have let the matter go as it formerly had gone, give everybody the proportionate advance which the $100 would give them, and say nothing about it; but in the discharge of his duties, having in view the equitable adjustment of compensation, it seems to me that no criticism should be made upon him for taking into consideration this new element of service which Congress had imposed upon these carriers.

The question as to whether or not $1,200 a year is enough for a rural carrier is not the question involved here. The question as to whether or not the rural service is a good service is not involved here, because there is no Senator who does not believe that the rural service has been a great blessing to the rural communities of the United States; and those Senators who try to make it appear that the Postmaster General, in this adjustment that he has made has done so as the enemy of the Rural Delivery Service, in order to curtail its usefulness and its desirability, do him an injustice and put him in an improper light.

I can say this with absolute frankness, because I have not been supporting the Postmaster General in a number of his policies. I do not belong to the same political party that he does; but when he does that which I believe is equitable and just, not only to the carriers who deliver the rural mail but to

the revenues of our Government, I believe he is entitled to the support of any Senator who believes that he has done his duty and done it well. So far as I am concerned, whenever he does what I think is right in the administration of his department I shall stand by him and support him to the best of my ability.

It has been said by Senators here that this effort to readjust these salaries, this method of taking into consideration the weight and the volume of the mail, will have a tendency to cripple and limit the service. I was surprised to hear Senators say that. They certainly have not studied the effect. Say that we appropriate fifty-two or fifty-four million dollars, or whatever it may be. There are now, according to the statement submitted here by the junior Senator from Florida, the correctness of which I do not doubt, 66,000 applications for rural routes pending in the department, while there are something over 43,000 in existence. There are 25,000 more applications for additional service than there is now service in existence.

I believe the Congress should pursue a policy which would enable the department to extend this service into the territory where it does not now exist. The Senator from Florida [Mr. BRYAN] is absolutely right when he says that if we make this service so expressive, if we make the cost of establishing a rural route so great, the department will not be justified in extending it as far as it could be if conducted at a less expense.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Michigan?

Mr. BRISTOW. I do.

Mr. TOWNSEND. Where does the Senator get his information that there are 20,000 applications now on file for Rural Delivery Service?

Mr. BRISTOW. The Senator from Florida [Mr. BRYAN] made the statement that there are 66,000 applications on file now in the department for rural routes.

Mr. BRYAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Florida?

Mr. BRISTOW. I do.

Mr. BRYAN. I will say to the Senator that after going over a table I understand that the total number of petitions is 66,945, and the total number of routes is 43,818, which would make 23,000 more petitions for routes than have been established.

Mr. TOWNSEND. If the Senator will permit me, the fact is that there are not to exceed 2,000 live applications on file. That includes all the applications from the beginning of the service down to the present time. Many of them have been merged into the others and satisfied by the establishment of rural routes taking them in, so that to-day the good, bad, and indifferent applications on file do not exceed 2,000.

Mr. BRYAN. The others have been rejected.

Mr. BRISTOW. The Senator from Michigan may think that the whole country is covered with rural delivery routes, but I know it is not, and he will find that to be the fact if he will examine into the facts. I know that in my own State there are vast territories where there is no free delivery, where we would like very much to get it. I know that there is a vast territory in that State where there is a triweekly service where I should like to see it made a daily service, and I know that when you make the expense of establishing a rural route so great and fix iron-clad and inflexible rules by which the Postmaster General can not establish one unless he establishes one at the maximum cost you are going to deny thousands of people the privilege of free delivery when they live 6, 8, 10, and 15 miles from post offices. I am in hearty accord with the view of the Senator from Florida. I have in mind the man who has to go 10 or 15 miles for his mail, and I should like to extend this service to his home.

Why, there have been rural routes discontinued in my State within the last year because the Postmaster General did not believe the number of families served would justify the expense of $1,100 or $1,200 to pay a carrier to deliver their mail. I have in mind now one that was discontinued within the last six weeks in the southwestern part of Kansas that served, I think, something over 30 families. It was the practice in the department for years that 60 families should be served by a route where the carrier received the maximum pay, or the route could not be established. It was afterwards reduced, I think, to 50, and then exceptions were gradually made until the number of families served was still less; and the present Postmaster General, in going over the routes that had been established, and in examining them, has found some that he believes are not justified by the number of people to be served, and they have been discontinued. Now, when you make the expense of maintaining the routes more the inevitable result is that more of them will be discontinued and that more of them will be reduced from a daily service to a triweekly or every-other-day service. That will follow, I do not care who is Postmaster General, if he takes into consideration the facts in the adjustment of this rural service. You can not say that he shall inaugurate any route, if it is not justified by the number of people served, at a cost of $1,200 or $1,300, or whatever it may be, to the Government. The Senate, instead of helping the rural service, instead of extending and improving the rural service by adopting this House provision and refusing to agree to the Senate amendment, in cutting it out, is taking action which will injure the rural service and have a tendency to reduce it from its present state and also to prevent its extension; and I do not believe that is in the public interest.

Where there is a dense population, where there are large quantities of mail to be delivered, the carrier is getting the full amount; but where there is a small amount of mail, he is getting not the additional $100, but a part of it, and that is what all this fuss is about.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from North Dakota?

Mr. BRISTOW. I do.

Mr. GRONNA. The estimate of the department, as I understand, was $54,700,000, was it not?

Mr. BRISTOW. I do not remember the exact figures. The Senator doubtless has them.

Mr. GRONNA. And the amount recommended by the Senate committee is $52,000,000?

Mr. BRISTOW. The Senate committee recommended whatever the Postmaster General thought would be necessary to maintain the service, and with the extensions that he thought would be desirable under the law as it now exists.

Mr. GRONNA. Was that due to the fact that it was considered better to take the difference of $2,700,000 out of the pay of the rural carriers rather than to appropriate it by Congress?

Mr. BRISTOW. How the Postmaster General arrived at that I do not know, but if the Senator from North Dakota wants to offer an amendment to the provision providing that the increase between the $52,000,000 and the fifty-four million and some hundred thousand dollars shall be used in extending the service where it does not now exist and leave the law as it is, I will join with him and vote for the appropriation. But I do not want to deprive those people of a service and give additional pay to the carriers in order to do so, because I do not believe that it is just. If I thought the Postmaster General was rendering an injustice to the carriers, if I did not think there was merit in the proposition that the volume of the mail handled and the weight of the mail that he is compelled to handle is an element which should be considered, then I would not be supporting the amendment of the committee to cut out the House provision.

Mr. GRONNA. I am quite sure the Senator from Kansas is always sincere in his belief; but the bill explains itself. The amendment reported by the Senate committee is that we shall appropriate $52,000,000. The estimate of the Post Office Department is $54,700,000. Evidently that difference could be used in extending the rural route service. There can be no question about that.

Mr. BRISTOW. The Senator from Florida will correct me if I am mistaken; but I do not think the $54,700,000 was the estimate of the department, except that it is the estimate of the department if the carriers are given the full advance, regardless of the weight of the mails they handle. Then it will require that much.

Mr. BRYAN. If section 21 remains in, it will require $54,700,000.

Mr. BRISTOW. Yes; and that does not provide for any more extension of the service than the $52,000,000 which is recommended by the Senate committee would provide for.

Mr. BRYAN. Not at all.

Mr. BRISTOW. If we appropriated the full amount of $54,700,000 and put a provision in the bill that the $2,700,000 shall go to the extension of the service, leaving the salary provision as it is, then you will extend a benefit to the rural people, because you will extend vastly the service that now exists and enable the Post Office Department to extend that service upon an equitable and just basis to carry and deliver the mail.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Michigan?

Mr. BRISTOW. I do.

Mr. TOWNSEND. Does the Senator from Kansas understand that the Postmaster General, whatever is done, has any intention of extending the Rural Delivery Service?

Mr. BRISTOW. Of course I do not know. I can not speak for the Postmaster General.

Mr. TOWNSEND. The Senator knows that during the last year there has not been a single route established?

Mr. BRISTOW. No; I do not know that during the last year none have been established. I think the Senator from Michigan means that none have been recently established. I want to be absolutely frank in this discussion and I am not going to be a partisan. For the first time in 20 years the revenues of the postal service are less than they were for the previous year. For the fiscal year ending June 30, 1915, there will be a decrease in the amount of revenues collected through the Post Office Department, less this year than last year, and that has not happened in 20 years before.

Mr. BRANDEGEE. Will the Senator from Kansas permit an interruption at this point?

Mr. BRISTOW. I will.

Mr. SMITH of Maryland. If the Senator from Kansas will yield, I should like, with the consent of the Senate, to bring up the conference report on the District of Columbia appropriation bill.

The PRESIDING OFFICER. Will the Senator from Kansas yield for that purpose?

Mr. BRISTOW. I have not a right to yield for that purpose, and I shall ask that there be an explanation of that report.

Mr. SMITH of Maryland. It will take but a minute. The chairman of the House committee has been over here urging that we take action upon it.

Mr. BRISTOW. I want to know what is in that conference report before it is adopted.

Mr. SMITH of Maryland. The report was presented yesterday, and it has been printed.

Mr. BRISTOW. I would rather it would not be taken up now and passed. I would rather not yield for that purpose.

Mr. SMITH of Maryland. It has been printed and is before the Senate now.

Mr. BRISTOW. When it is taken up I want to ask some questions in regard to what it contains, and I will not have an opportunity to do it while I am speaking on this question.

The PRESIDING OFFICER. The Senator from Kansas declines to yield.

Mr. BRISTOW. I do not think it is fair for the Senator from Maryland to ask me to yield to allow a conference report to be adopted when I am interested in the provisions of that conference report.

Mr. SMITH of Maryland. Then, I understand the Senator refuses to yield?

Mr. BRISTOW. Yes; I do. If the Senator insists on my refusing, I will refuse.

The PRESIDING OFFICER. The Senator from Kansas will proceed.

Mr. BRISTOW. I am advised by the Senator from Florida [Mr. BRYAN] that since June 30 there have been established 162 additional rural routes.

Mr. BRYAN. Between June 30 and December 1, 1914.

Mr. TOWNSEND. The Postmaster General stated before the committee—I know I am not mistaken about that, because I asked the question, as I recall it; or, if not, some one asked it—that during the first two years he had established something like 1,500 routes, but since then he had not established a route.

Mr. BRYAN. He had not been Postmaster General for two years, and he was speaking of the time since he was Postmaster General. I read from a table printed in the House hearings, in which it is stated that the routes in operation June 30, 1914, were 43,652; routes in operation December 1, 1914, 43,814, which is an increase of 162 in those five months.

Mr. BRISTOW. Mr. President, I was discussing the deficit in the postal revenues this year. Of course, we all have our views as to what caused that deficit. The Postmaster General feels that it is due very largely to the European war. I think that that has had some effect, but I myself think that other causes contributed to it very largely. But regardless of the cause the deficit exists. Whether or not it is a mistaken economic policy we will not discuss here; whether it depends upon the European war and its effect on the commerce of our country we will not discuss, because there would be a difference of opinion, and it would not be relevant to the question now under consideration. But the fact all must admit is that we are facing a deficit in the postal revenues.

I am not one who believes that the general public should be taxed to maintain a postal service. The Government of the United States has monopolized the postal business and handles it as a Government function. It did that because it thought it would be a wise policy, and it is the policy of governments as a rule. But the purpose is to render a distinct service to the citizen for a compensation which it receives for that service. It is not a function of the Government primarily. It is a function the Government assumed, because it is believed the Government can do it more equitably and more impartially than it could be done by any private company or any private individual or corporation, and in that I am in thorough accord. But there is no obligation on the part of the Government to render this particular service to the people at public expense. Fair and adequate compensation ought to be paid for service of this character which the Government renders.

So, if the postage collected is not sufficient, then there should be an increased rate of postage. If the postage collected is too much, then there should be a decreased rate. I believe that we should so adjust the rates and the expenditures that they would about balance. I do not believe in making it a source of revenue, but I do believe it should be self-sustaining, and I think that is sound and equitable.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from North Dakota?

Mr. BRISTOW. Certainly.

Mr. GRONNA. Is it not possible that the parcel post is the cause of a great loss in the revenues of the department?

Mr. BRISTOW. I think the policy of the present Postmaster General in administering the parcel post is not wise. I have disagreed with him upon a number of his official acts in regard to the parcel post. While he claims that there is a surplus, I disagree with him and believe that there is a deficit coming from the parcel post, and I think he has made some great mistakes in the administration of that law.

Mr. GRONNA. Will the Senator from Kansas tell the Senate what the loss has been to the Treasury of the United States or to the Post Office Department in changing third-class matter to fourth class .

Mr. BRISTOW. I think it has been very great. I can not state what the loss has been, because no man can state what it has been, but there has been a loss of several million dollars in the revenues of the department by that change.

Mr. GRONNA. Has there not possibly been a loss of at least $6,000,000?

Mr. BRISTOW. I would not make any statement as to the loss, because I do not believe it has, with any accuracy, been ascertained. I think there is a loss, without doubt, but still the very fact that the parcel post has been extended, that the Government is now carrying a great burden of catalogues, which it did not formerly carry, for the catalogue houses through the mails and delivering them to the rural communities, simply confirms the fact that the Postmaster General, in adjusting the compensation of the carriers, should take into consideration this added burden which falls unevenly upon the carriers, depending, of course, upon the density of the communities which they serve. The very fact that the parcel post has put into the mails very large volumes of merchandise and books and catalogues and tons of stuff that had to be delivered, when investigation showed that the burden resting upon some carriers for this additional service is much heavier than upon others, and where the distance traveled may be the same, makes it absolutely equitable and just that the Postmaster General should take into consideration this volume of mail in making an adjustment of the compensation.

He did not reduce the compensation of carriers, but all he did was to take the advance and apportion it, taking into consideration in the distribution of the advance the volume of the mail as well as the length of the route. You can not have absolute equity in this service, because the roads are very different. Complaints are made. I will say in passing that a carrier who has to travel a route that is 26, 27, 28, 29, or 30 miles ought to have more pay than a carrier whose route is 24 miles. It depends upon the circumstances. Take it over here in the hills of Virginia, where there are mud roads. At this season of the year 24 miles is all that any carrier can successfully handle. Take it in a section of New Jersey or Pennsylvania, where there are macadamized roads, or out West, where there is little rain and where the roads do not get muddy, as they do in other sections of the country, a carrier can make 30 miles, comparatively, with the same ease and during the same time that a carrier would make 24 miles in some other section of the country. So as to the added distance beyond the standard route of 24 miles it has been the policy of the department for years only to go beyond the 24 miles when the conditions of the road will justify it and not impose a burden upon the carrier who has to make it.

Some reference has been made here to the increase in the railway mail pay. Contrary to my judgment and against my vote, there was an increase of 5 per cent for the railways for the added weight due to the parcel post after the parcel-post law was adopted. The Postmaster General has followed the same policy in apportioning this 5 per cent that he has in apportioning the increase in the salaries of carriers. Where he has reason to believe or where he ascertains in his own way that the weight or volume of mail has not been increased 5 per cent he has not given the full 5 per cent. If, according to his investigation, he thinks it has been increased 2 per cent, he has added 2 per cent to the compensation, and if 3 per cent, he has added 3 per cent, and if 5 per cent, he has given the whole amount.

Now, I want to say this in closing: I think the compensation which the Government now pays the rural carriers is adequate. In some instances it may be small, in others it is excessive, depending upon the conditions which may obtain. I believe we ought to pay rural carriers or any other Government employees a just and liberal compensation. I am in favor of that and I am in favor of it now. But I also believe that in fixing the amount of public expenditure for any purpose we should take into consideration the public revenues and the means which we are compelled to resort to in order to obtain them. We find ourselves now, because of the condition of the public revenues, resorting to extraordinary taxes in order to maintain the public service. We have added or undertaken to add $100,000,000 by an extraordinary system of taxation. We have added an income-tax system to the sources of revenue which we formerly had. Yet with this additional revenue coming from the income tax and from these special taxes we are now confronted with a large deficit in the revenues of the Government.

In taking into consideration the revenues and the means we have to resort to to obtain them we should take into consideration the public expenditures. I believe that the present salary of a rural carrier is equal to or is larger than the great majority of such carriers would receive if they were employed in their private occupations in the communities where they live.

Whenever we increase the compensation we have to obtain the money with which to pay it by taxing those who are in private occupation, and when you impose a tax upon the man in the community who is working for $50 a month in order to increase the compensation of the man in the same community who is receiving $100 per month, you are imposing unjustly upon the man who is receiving $50 in the private occupation.

While it may not be popular with the Government employees who are asking for the increased pay to oppose increased pay, and while the citizen upon whose shoulders is placed the burden of furnishing the money to increase this salary may not realize it directly and feel that obligation to a public servant who serves in a legislative body like this for refusing to impose additional burdens on him for the benefit of his neighbor who is in Government service, yet under my duty as a Senator of the United States I feel that I am compelled to do it, and for one I am going to take into consideration in appropriation bills the man who has got to pay the money to sustain the Government of the United States.

It is an easy thing for us to pour out these millions into the public service when it appeals to our imagination or our desires. It is an easy and agreeable thing to pay and increase salaries of the hundreds and thousands of Federal employees, who have their paid representatives here sitting in the galleries to look down and to report to their organizations what every Senator is doing. But, nevertheless, if we do our duty, we have to take into consideration the men who are not organized and who pay the bills. That is what I propose to do. Sometimes I grow somewhat pessimistic when I observe the organizations which during recent years have been formed and maintained, who keep representatives in Washington to increase their own profits or pay whether they are in private business or in the public service.

It is only a short time in our history that the officers of the civil service of the United States have organized their association and employed their paid representatives and lobbyists and maintained them in the Capital for the purpose of increasing their compensations. But now there is not a year passes, there is not a session of Congress, when the corridors of this Capitol are not occupied by men who are paid by organizations of Federal employees to come here and try to induce Congress to tax the American people more than they are now being taxed for their special benefit. For one I do not propose to be unduly influenced by representations of that kind. I will receive their representations with respect. I am glad to listen to any complaints they may have; if I think they are just, I will vote to remedy them; but I will not forget that the majority of the people of the United States live to-day upon a compensation which is less than $60 a month, and that the great burden of the taxes that are paid to sustain this Government of ours comes from people who do not earn $750 a year. In my opinion we should take into consideration that element which deserves our consideration, because they have no one here to represent them as others have. Take the great farming population of the country. They do not keep lobbyists here to protect their interests. They are not so organized. We are discussing now a service in which they are vitally interested, a service which should be extended far beyond what it now is, a service that should be administered with the greatest economy in order that the Government may justly extend it beyond its present limits.

The amendment of the Senate committee to cut out the House provision simply gives the Postmaster General the power to extend that service without doing injustice to a single rural carrier or without reducing the pay of a single Federal employee, and we can do that in the face of the fact that we now have a deficit in the revenues, which we all deprecate.

So I earnestly trust that the amendment of the Senate committee disagreeing to the House provision as contained in section 21 will prevail.

Mr. NELSON. Mr. President, I do not intend to take up more than a few moments of the time of the Senate on this question. To me, from my observation, the question seems very simple and confined within narrow channels. Whatever deficiency has occurred or is occurring in the Postal Service, I imagine we are all agreed that it comes to a large extent from second-class matter and partially within recent times from the undue extension of the parcel post; that is, extending it to merchandise and commodities that never ought to be carried in the parcel post.

The real question here is in reference to the compensation of rural carriers. The question is whether we should take it out of them—deprive them of a little benefit that would inure to them to help make up this deficiency. From the time the service was established it was always the custom, until the present Postmaster General made a change, to base it upon the distance traveled by the rural carrier.

I have in mind concrete cases in my own neighborhood. I live in a town where we have eight rural mail routes. Two of them going out of town pass my own house where I live. I have watched those carriers. In our part of the country we have what you might call at least five months of hard winter weather—bad roads, snowdrifts, snowstorms, sometimes so bad you wonder that the carrier can ever venture on the road. The carrier in our part of the country can not use an automobile. Perhaps there are a few routes on which in summer he can use an automobile, but mostly he must have a light rig. The roads are so constituted that he can not drive with one horse. The tracks in the country are of such a character that you need a team. A rural carrier in our country must keep three horses. He keeps a team on the road steadily every day, and he has an extra horse to meet an emergency. So he has three horses to feed and take care of, and he gives his own time. He has so many miles to make a day. Whether his wagon is loaded with 100 pounds or 500 pounds makes no difference, he has to travel that number of miles; he has to keep that many horses; he has to be out on the road so many hours; he has to go through snowdrifts; he has to go on those country roads, rain or shine, regardless of the amount he carries. The mere fact that a carrier in one instance carries 300 pounds and another carrier in another instance only carries 100 pounds ought not to make a difference in their pay. The real expense to the carrier is in maintaining the team, feeding it, taking care of it, and taking care of himself. It is the time that is put in and not the mere pounds that he carries. Whether a carrier carries 50 pounds of mail on his route or carries 200 pounds, or whether he carries parcel post amounting to 100 pounds or carries parcel post amounting to 300 or 400 or 500 pounds, it is all the same to him; it does not make any difference. The only difference is that with the heavier load perhaps he may have to get out of his wagon a little oftener to deliver the packages than he otherwise would; but the same time, the same expense, the same horses, and the same weight are required in one instance as in the other. Now, why in those cases should you discriminate?

One carrier passes my house. He has a route of 24 miles. Another carrier has a route passing my house. He has a route of 26 miles. I have watched them when they came in at night. I have seen their little horses tired and worn out.

Now, in respect to those carriers, what difference does it make? Why should you discriminate because one wagon or

one sled—they have to use sleds in winter—has a few pounds more than the other? That is not a criterion, and it is unjust to attempt to make up the deficiency that is arising in the Postal Service out of these poor carriers.

For that reason, Mr. President, without going into any extensive discussion of this matter, knowing as I do the hardships of our rural carriers in the northwestern country, knowing and seeing what they have to encounter, my heart goes out to them, and I do not think there ought to be anything done to cut down or diminish their salaries. While I am not here to criticize the Postmaster General, while I am not here to find fault with the administration of that department, yet I think in this respect an injustice which may be unintentional has been done to the rural carriers. If we want to make up the deficiency, let us change our law in relation to second-class mail matter and make that class of mail matter pay its just proportion of the expenses. Let us limit the extension of the parcel post so that it will not be compelled to carry sacks of flour or sacks of oats or sacks of salt or sacks of barley; let us not make our Parcel Post System the vehicle to carry merchandise; let us use it for what it was primarily intended, for carrying packages of a limited size, such as are ordinarily sent by express. If we do that, and if we make second-class mail matter pay its just proportion of postage in this country, if we limit our parcel post within proper bounds, we shall not only have no deficiency, but, Mr. President, I believe in time we may have 1-cent letter postage.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER (Mr. LEE of Maryland in the chair). The Senator from North Dakota.

Mr. GRONNA. Mr. President, I do not know that I can add anything of value to what has already been said on this subject. However, I want to state my opinion regarding it.

The rural carriers in my section of the country are not adequately paid. The Senator from Minnesota [Mr. NELSON] and other Senators have made so plain the investment which has to be made by such carriers that it is unnecessary for me to take up the time of the Senate to go into that matter any further; but I want to say with emphasis that the rural carrier in the western section of the country, in my State and in other States, is not getting as much pay as he is entitled to get.

Only a few days ago, Mr. President, Senators from agricultural States refused to vote for an appropriation of $2,280,000 which provided for a census that, it might be said, was in the interests of the agricultural class. It has been intimated here this afternoon that we ask for this provision simply because we come from the agricultural portion of the country. So far as I am concerned, I am for the House provision, because I know it is only proposing to do justice to the carriers. I know that the people of my State are glad to pay them $1,200 a year, where the route is 24 miles long or more. The Postmaster General has never previously placed such a construction upon the law as he has placed upon it during the last year, not only against a carrier on a standard route or a route 24 miles in length, but holding that such carrier must carry 10,000 pieces of mail per month, and that he must carry weight to the amount of 1,300 pounds.

The Senator from Minnesota has just illustrated the difficulty that the rural carrier encounters in our section of country, at least during the winter months. During four or five long winter months he has to go through snowdrifts which are almost impassable. It is not fair to take $2,700,000 of the money which belongs to these carriers and to say that you are exercising economy and making up for the deficiency caused by the department making a classification which has produced that very deficiency of from $6,000,000 to $9,000,000, when less than 50 firms are benefited by that amount. No one but the mail-order houses of this country are receiving the benefit of that classification. No Senator who has been on the Committee on Post Offices and Post Roads will deny my statement in this regard.

Mr. President, I only have the same interest in this legislation that every other Senator has. It is only a public duty that I feel I have to perform; but we should not say that these rural carriers are not patriotic because they demand fair pay. We have no right to say that the people in the West, where the country is sparsely settled, are not patriotic because they want mail service. The people of the country do not complain because in the Post Office Department there is a deficiency. If you are in favor of extending the rural mail service, increase the appropriation $10,000,000 more, and I shall vote for the proposition. To say that if we do not permit the Postmaster General to make an arbitrary ruling, an arbitrary classification, we must take $2,700,000 of these poor carriers' money in order to extend the service, to me is no argument. The Senate of the United States ought to provide for a sufficient amount of money not only to pay its carriers a fair compensation, but we ought to appropriate enough money to extend the service where the service is needed.

Mr. President, I do not care to delay the Senate any further. I am for the House provision. It is fair, it is honest, and it is just, not only to the carrier but to the people to whom this service is rendered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee striking out section 21.

Mr. TOWNSEND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	du Pont	McLean	Sheppard
Bankhead	Gore	Martine, N. J.	Simmons
Brady	Gronna	Myers	Smith, Md.
Brandegee	Hardwick	Nelson	Stephenson
Bristow	Hughes	Newlands	Sterling
Bryan	James	Norris	Stone
Burleigh	Johnson	Oliver	Swanson
Burton	Jones	Page	Thomas
Camden	Kern	Penrose	Thompson
Chamberlain	La Follette	Perkins	Townsend
Chilton	Lane	Pittman	Vardaman
Clapp	Lee, Md.	Poindexter	Warren
Clark, Wyo.	Lewis	Pomerene	Weeks
Clarke, Ark.	Lippitt	Root	White
Culberson	Lodge	Saulsbury	Williams
Dillingham	McCumber	Shafroth	Works.

Mr. BRISTOW. I desire to state that the senior Senator from Idaho [Mr. BORAH] is detained from the Senate on account of illness.

Mr. LA FOLLETTE. I am requested to announce that the junior Senator from Iowa [Mr. KENYON] is detained from attendance upon the Senate by illness.

Mr. LEWIS. I desire to announce the unavoidable absence of the junior Senator from Missouri [Mr. REED] because of illness.

Mr. RANSDELL. I wish to announce the unavoidable absence of the senior Senator from Louisiana [Mr. THORNTON] on account of sickness.

The PRESIDING OFFICER. Sixty-four Senators have answered to their names. A quorum is present. The question is on agreeing to the amendment of the committee proposing to strike out section 21.

Mr. TOWNSEND. Upon that, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HUGHES. Mr. President, a parliamentary inquiry. What is the question?

The PRESIDING OFFICER. The question is on agreeing to the committee amendment striking out section 21 of the House bill.

Mr. HUGHES. That is the amendment in regard to the salaries of the rural mail-route carriers?

Mr. TOWNSEND. As I understand, to strike that out will leave the provision as it came from the House?

The PRESIDING OFFICER. The committee amendment is to strike out section 21.

Mr. TOWNSEND. By striking that out, we leave it as the House had it?

Mr. JAMES. No; if it is stricken out, it eliminates from the bill the language of the House text.

Mr. HUGHES. By refusing to accept the committee amendment the effect will be to retain the House text.

Mr. TOWNSEND. Then, by disagreeing to the Senate committee amendment we leave the House provision in the bill?

Mr. JAMES. That would leave the House provision in.

Mr. TOWNSEND. A vote in the negative is a vote to disagree to the Senate committee amendment.

Mr. PENROSE. Mr. President——

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. PENROSE. Mr. President, the question, as I understand, is on agreeing to the committee amendment?

Mr. SIMMONS. That is it.

Mr. PENROSE. If the Senate disagrees to the committee amendment, that leaves the House provision stand?

Mr. SIMMONS. That is correct.

The PRESIDING OFFICER. That is correct. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. SAULSBURY (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the senior Senator from Louisiana [Mr. THORNTON] and vote "yea."

Mr. SMITH of Michigan (when his name was called). I am paired with the junior Senator from Missouri [Mr. REED]. I transfer that pair to the senior Senator from Idaho [Mr. BORAH] and will vote. I vote "nay."

Mr. RANSDELL (when Mr. THORNTON'S name was called). I wish to announce the absence of the senior Senator from Louisiana [Mr. THORNTON] on account of sickness. I ask that this announcement stand for the day.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to my colleague [Mr. SMITH of South Carolina], and vote "yea."

The roll call was concluded.

Mr. STERLING. I wish to announce the unavoidable absence of my colleague [Mr. CRAWFORD], and to state that he is paired with the Senator from Tennessee [Mr. LEA].

Mr. GALLINGER. I am requested to announce that the Senator from Iowa [Mr. KENYON] is paired with the Senator from Indiana [Mr. SHIVELY], that the Senator from Illinois [Mr. SHERMAN] is paired with the Senator from Nebraska [Mr. HITCHCOCK], and that the Senator from Utah [Mr. SUTHERLAND] is paired with the Senator from Arkansas [Mr. CLARKE].

The result was announced—yeas 10, nays 62, as follows:

YEAS—10.

Bristow	Gore	Thomas	Weeks
Bryan	Ransdell	Tillman	
Fletcher	Saulsbury	Walsh	

NAYS—62.

Ashurst	Gallinger	Martin, Va.	Simmons
Bankhead	Gronna	Martine, N. J.	Smith, Ga.
Brady	Hardwick	Myers	Smith, Md.
Brandegee	Hughes	Nelson	Smith, Mich.
Burleigh	James	Norris	Stephenson
Burton	Johnson	Oliver	Sterling
Camden	Jones	Overman	Swanson
Catron	Kern	Page	Thompson
Chamberlain	La Follette	Penrose	Townsend
Chilton	Lane	Perkins	Vardaman
Clapp	Lee, Md.	Pittman	Warren
Clark, Wyo.	Lewis	Poindexter	White
Culberson	Lippitt	Pomerene	Williams
Dillingham	Lodge	Root	Works
du Pont	McCumber	Shafroth	
Fall	McLean	Sheppard	

NOT VOTING—24.

Borah	Hitchcock	Owen	Smith, Ariz.
Clarke, Ark.	Hollis	Reed	Smith, S. C.
Colt	Kenyon	Robinson	Smoot
Crawford	Lea, Tenn.	Sherman	Stone
Cummins	Newlands	Shields	Sutherland
Goff	O'Gorman	Shively	Thornton

So the amendment reported by the committee was rejected.

Mr. SMITH of Maryland. Mr. President, I ask the Senate to take up for consideration the report of the committee of conference on the District of Columbia appropriation bill.

Mr. TOWNSEND. I suggest that the Senator allow us to proceed with the pending bill. As I understand, in a few minutes we can get the bill out of the way.

Mr. SMITH of Maryland. Very well.

The PRESIDING OFFICER. The Secretary will state the next amendment passed over.

The SECRETARY. The next amendment passed over is on page 30, line 7, after the word "Service," to strike out "$54,700,000" and insert "$52,000,000," so as to read:

For pay of letters carriers, substitutes for carriers on annual leave, clerks in charge of substations, and tolls and ferriage, Rural Delivery Service, $52,000,000.

Mr. BRYAN. Mr. President, in order to make effective the vote of the Senate on the question just taken as to section 21 the committee amendment on page 30, just stated by the Secretary, should be disagreed to. I ask that the amendment be disagreed to on account of the action taken by the Senate.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 30, striking out "$54,700,000" and inserting "$52,000,000."

The amendment was rejected.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. The Senator from Michigan.

Mr. TOWNSEND. Mr. President, we have disagreed to the committee amendment to section 21, thereby retaining the House provision. An amendment should be made to that provision, in view of the fact that we have made this change, which will direct the Postmaster General to pay the portion of the salaries of rural carriers which has been withheld during the last year on account of his order construing the act of 1914. Therefore I propose as an amendment, at the end of the House provision, on page 57, at the close of the paragraph, the following proviso:

And provided further, That the basis and scale of compensation for rural letter carriers specified in this section shall be applied to the appropriation for pay of rural letter carriers for the fiscal year 1915.

I have already explained the amendment, and I think it will not require any further explanation. It is simply to carry out the intention of Congress from the time the appropriation became effective until the present time.

Mr. BRYAN. That would only increase the deficit $3,000,000 more.

Mr. PENROSE. Mr. President, I should like to ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Pennsylvania?

Mr. TOWNSEND. I yield.

Mr. PENROSE. I understand—but I should like to confirm my view about it by having the opinion of the Senator from Michigan—that this money was appropriated in the last appropriation bill?

Mr. TOWNSEND. It was.

Mr. PENROSE. And was available and was due to the rural carriers, so that this is simply to provide for their getting the compensation which Congress contemplated giving them. Am I correct?

Mr. TOWNSEND. That is correct.

Mr. BRYAN. Mr. President, I really am not going to argue against the proposition of the Senator from Michigan. It is rather a small matter; it only increases the deficit $3,000,000 more. If the Senate wants to do that, very well.

Mr. TOWNSEND. Mr. President, it would seem to me to be a very peculiar situation if now, after having interpreted the act of last year and having provided for enforcing its provisions, we should still allow these amounts to be held in the Treasury. It certainly would lay the Government open to a claim on the part of these men; and it seems to me we should carry out and make the legislation homogeneous and have it mean just exactly what we intended. I am willing to submit the matter on that proposition. I move the adoption of the amendment.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. At the end of the text of the House bill it is proposed to insert the following:

And provided further, That the basis and scale of compensation for rural letter carriers specified in this section shall be applied to the appropriation for pay of rural letter carriers for the fiscal year 1915.

Mr. BRYAN. Mr. President——

The VICE PRESIDENT. The Senator from Florida.

Mr. BRYAN. Mr. President, that means a further expenditure on this bill of $2,700,000. It means that during the present fiscal year we will pay $2,700,000 additional to rural mail carriers. The duty has already been performed. I do not think the Senate understands that not a single, solitary salary has been reduced by the department; but if the Senate wants to throw away $3,000,000 it can do so.

Mr. TOWNSEND. Mr. President, while it is technically true that the money has not been taken away from them, they not having received it, it is true also that we appropriated this money for them last year. It is true that we have now adopted a proposition to pay them this amount for the coming year. During the last year the Postmaster General construed this act to mean that he could withhold a portion of their salary. They were entitled to that salary last year under the vote of the Senate at this time and by the vote of the House of Representatives.

Mr. STERLING. Mr. President——

The VICE PRESIDENT. The Senator from South Dakota.

Mr. STERLING. I doubt very much the advisability of the amendment now proposed by the Senator from Michigan——

Mr. BRYAN. Mr. President, I rise to a point of order. This amendment has not been reported by any standing committee; it has not been estimated for; and I think I would rather take the chance of appealing to the rules of the Senate to protect the Treasury at this time than to the Senate itself. I raise the point of order that it has not been estimated for or reported by any standing committee.

Mr. PENROSE. Mr. President, may I be heard for one or two minutes on the point of order?

The VICE PRESIDENT. Yes.

Mr. PENROSE. The amendment of the Senator from Michigan, as I understand it, is simply to carry out the provision of the existing law, and therefore it is clearly in order.

Mr. BRYAN. No, Mr. President; the existing law says "not exceeding $1,200."

Mr. PENROSE. The Senator from Michigan can explain his own amendment more thoroughly than I can, as he is more familiar with this particular item; but, as I understand, it is simply to pay these men what the act of Congress—the last Post Office appropriation bill—directed should be paid.

Mr. TOWNSEND. That is correct.

Mr. BRYAN. The Senator from Michigan will not contend, nor will anybody else, that the Postmaster General has violated any law or any act of Congress. He has exercised a discretion that Congress has left to him from the beginning, which provides that the salary on the standard route shall not exceed $1,200.

Mr. PENROSE. Mr. President, I am not arguing the question as to whether the Postmaster General has exceeded his authority or not. I have a high respect for that gentleman; but in my opinion his action has resulted in completely negativing the act of Congress and the intention of Congress.

Mr. SMITH of Georgia. Mr. President, is not this the truth about it? His action followed the law. We probably meant to do something that we did not do.

Mr. PENROSE. I think that his action completely shatters the law and ignores the law, as if it never had been written into the statute books.

The VICE PRESIDENT. Let us understand where we are. Will this amendment increase the appropriation?

Mr. BRYAN. It will.

Mr. SMITH of Georgia. It will increase it $3,000,000.

The VICE PRESIDENT. Has it been estimated for? [A pause.] The Chair sustains the point of order.

Mr. BRYAN. Mr. President——

The VICE PRESIDENT. The Senator from Florida.

Mr. BRYAN. I move to strike out lines 20, 21, and 22 on page 30. Yesterday I made the motion at a time when it was not in order; and I desire now to read and call attention to what took place before the House committee. This language is:

For experimental village delivery service in towns and villages having post offices of the second or third class, $150,000.

They have experimented with a number, and pretty soon they will have experimented to the extent of one in each congressional district. As a matter of fact, there is no experiment about it. I suppose every man knows that a letter carrier can deliver mail in a village the same as he can in a town or a city. The department has never estimated it and has always opposed it. I desire to read exactly what occurred, if I may.

The Assistant Postmaster General says:

As soon as a petition from patrons is received it is investigated and the conditions relative to the equipment of the community in the way of sidewalks, streets, lights, etc., are ascertained. If it is shown that there are good grounds for its establishment, it is taken care of forthwith.

Mr. TUTTLE. You only provide for one in each congressional district until all of the congressional districts are taken care of?

Mr. BLAKSLEE. That is the policy; yes, sir. And I might say that I indicated in my report that its value to the Postal Service, either in increasing the revenues or in the adding of any tremendous improvement, is dubious. We have endeavored, however, to combine it with rural-delivery service, so that the rural carriers could be utilized in this service, and we have presented a recommendation for legislation that would permit us to pay rural carriers extra money for such service.

Mr. TUTTLE. In order to get this delivery service installed in a village a petition must come from the patrons of the office?

Mr. BLAKSLEE. Yes, sir.

Mr. STAFFORD. It is the policy to establish at least one village delivery service in each congressional district for experimental purposes?

Mr. BLAKSLEE. We endeavor to do so.

When you establish one in each congressional district the demand will come from every village in each district similarly situated for a village delivery service. It is not experimental at all. It is being built up in this way by having one established in each congressional district, and thereby inviting the insistence by every other village in that district that a village delivery service shall be given to it.

The Post Office Department has never asked for this money. A Congressman selects a town so as to put one in his district. When they get one in each district and the communities and villages all over the country begin to demand it, we are going to have a village delivery service, and the good old days of the people living in town going down to the post office to get their mail and to see the trains pass will have gone. Why, Mr. President, it would be more reasonable to have experimental service in the milking of the cows and the feeding of the horses. You could not keep the people in a village away from the post office if you tried to do it. There is no necessity for this legislation. It is simply a waste of $150,000.

Mr. PENROSE. Mr. President, will the Senator permit an inquiry?

Mr. BRYAN. Certainly.

Mr. PENROSE. I do not quite understand the question before the Senate. Do I understand the Senator from Florida to object to the $150,000 allowed by the committee?

Mr. BRYAN. I object to all of it.

Mr. PENROSE. To all of it?

Mr. BRYAN. Yes.

Mr. PENROSE. I did not know whether the Senator was abiding by the decision of the committee or not.

Mr. BRYAN. I am not. I do not know of any reason why I should. Nobody else does. [Laughter.]

Mr. PENROSE. There is another question I should like to ask the Senator. What is there in this provision, as contained in the House bill or as amended in the Senate, which requires putting this experimental service in every congressional district?

Mr. BRYAN. That is the plan. That is the understanding.

Mr. PENROSE. I never heard of this plan before.

Mr. SMITH of Georgia. You were in the Senate.

Mr. BRYAN. I am surprised that the Senator did not.

Mr. SMITH of Georgia. This goes to Congressmen.

Mr. PENROSE. When the Senator is through I may have a very few remarks to make on the subject.

Mr. BRYAN. I am through.

Mr. SHAFROTH. I should like to ask the Senator from Florida a question, Mr. President. If this service is extended to the extent he thinks it will be by having this special delivery in these small towns, what does the Senator think will be the ultimate cost to the Federal Government?

Mr. BRYAN. Why, I should say we ought to pay the carriers $1,200 a year apiece in the villages.

Mr. SHAFROTH. How much will that amount to, in the Senator's judgment?

Mr. BRYAN. I believe in 10 years it will be half the cost of the pay of the rural carriers.

Mr. SHAFROTH. And how much is that?

Mr. BRYAN. Fifty-four million seven hundred thousand dollars this year.

Mr. SHAFROTH. And the Senator thinks that this experiment, if it is extended, will ultimately cost the Government $27,000,000 a year?

Mr. BRYAN. There is no experiment about it.

Mr. SHAFROTH. I mean, if it is extended to what it is anticipated it might be?

Mr. BRYAN. The Senator knows the number of villages in this country, or he knows there are a great many, and the Senator knows that when one village gets it you can not resist the claim and the justice or the right of another village having it; and the Congressman who gets one in his district will invite the attempt of every other town and village to get one, and he will naturally advocate it; and how long will it take? It will come in a very few years.

I see the Senator from Virginia [Mr. SWANSON] rising. Perhaps I ought to show what has been done in this bill. They have a village delivery service in Virginia in several places. In some places they have two carriers in towns of 1,200 people. They are paying them only $600 a year apiece. I understand there is an old soldiers' home, or something of the kind, that the junior Senator from Virginia wants to take care of. I believe there are 10 districts in Virginia. They all have one apiece.

Mr. SWANSON. The Senator is mistaken about that.

Mr. BRYAN. This book says they have.

Mr. SWANSON. It gives the number of them there—four in Virginia, I think.

Mr. BRYAN. Perhaps I have the wrong place. I will find it.

Mr. SWANSON. I will wait until the Senator gets through.

Mr. BRYAN. Alabama has 3, Arizona has 1, Arkansas 5, California 1, Colorado 1, Connecticut 1, Florida 1, Georgia about 8. Some Congressmen have not been as active as others. New York, for example, has 5 and Virginia 10. Let us see about Michigan; that ought to be a good illustration. Michigan has 5.

Mr. SMITH of Georgia. How many are there in Georgia?

Mr. BRYAN. Georgia has seven.

Mr. SWANSON. Mr. President——

The VICE PRESIDENT. The Senator from Virginia.

Mr. SWANSON. The Senator from Florida has attacked this provision which simply continues a service where it now exists, and appropriates $150,000 for that purpose. There are certain small towns that in three or four years will have city delivery. Under the law you must have a certain amount of receipts before you have city delivery. Of all the communities that have less mail facilities and are more inconveniently situated in that respect than the people who live in the country, the most conspicuous cases are the cities that are on the verge of becoming entitled to city delivery. This has worked such a great hardship that Congress has made this small appropriation, but not for congressional districts. I do not know where the Senator got the idea that each congressional district would have one, except from people who are opposed to it.

Mr. BRYAN. I will read it to the Senator.

Mr. SWANSON. That is a charge that was made in the hearing, but there is no law fixing it.

Mr. BRYAN. Does the Senator say that the Fourth Assistant Postmaster General did not tell the truth about it?

Mr. SWANSON. The Fourth Assistant Postmaster General antagonizes this appropriation, and in order to antagonize it they have said that ultimately every Congressman will get one. He will not get it unless the necessity exists in his district.

Now, look at the situation. Here are cities in Georgia, in Arkansas, in all the States, that in two or three or four years will be entitled, by population and by receipts, to city delivery.

Mr. SMITH of Georgia. Then they will get it.

Mr. SWANSON. Pending that, they have less convenience, less facilities, less mail efficiency, than any class of people in the United States. You deliver the mail in the country, you deliver it in the cities, but this works a hardship in a great many small towns. They are not villages. They are named as villages, but what they mean by villages are cities that are not large enough to have city delivery and yet do not have rural delivery; and this is an amount appropriated to get rid of these hardships where that condition exists.

Mr. SMITH of Georgia. Mr. President, will the Senator from Virginia permit me to ask him a question?

Mr. SWANSON. Yes.

Mr. SMITH of Georgia. Then, why do you not put it in the shape of a general bill, and take care of all that occupy that status, instead of just singling out a few?

Mr. SWANSON. You do not single out a few. You leave it to the department to inaugurate the service where the need is most urgent.

Mr. SMITH of Georgia. Then you just pick some according to the ability to select and enforce it.

Mr. SWANSON. You pick cases where hardships exist. You pick cases where people are inconvenienced; and where you inconvenience the patrons of a post office you lessen the receipts of the office. You deliver the mail in Wall Street, in New York, and in other large cities seven or eight times a day. Why? It is not a special favoritism to them. It is because, when you do that, the people use the mails more, and it pays. Now, if the Senator from Georgia will point out cases in Georgia where hardships do not exist, where they ought not to have this delivery, and if he will go to the Post Office Department and say, "This is a waste of money," I am satisfied that they will withdraw it and give it to places where hardships do exist.

Mr. SMITH of Georgia. Mr. President, I wish to ask the Senator if he thinks it possible, in as large a State as Virginia or Georgia, to single out just seven post offices that have their conditions so peculiar that you could distinguish them on account of those conditions, and require that they should have the service, and not give it to others of the same size?

Mr. SWANSON. If the Senator will permit me, the applications from the different States, as I understand, are made to the department. I think the appropriation ought to be larger. I do not see why, in cities of three or four thousand, some of whose people live nearly 2 miles from the post office, the people who pay for the office and make the office profitable should have less mail facilities than people who live 20 miles from town. This is an appropriation to try to equalize these hardships pending the time when they will have city delivery. If you should strike out this appropriation and withdraw it in a great many of the places that now have this advantage it would be a hardship to deprive them of it. It has been divided among the different States, as I understand, fairly, and it is an appropriation that I think ought to be increased instead of being decreased. There is no intention to give it to every little village. The idea is to give it in the cities where you do not have rural delivery and you do not have city delivery, where a hardship is worked.

Mr. BRYAN. Mr. President, the question has been talked of around here about when a town is entitled to city delivery. My information is that when it reaches the third class it is entitled to city delivery, and this appropriation would be for fourth-class post offices; and the populations of the towns are given.

Mr. SMITH of Georgia. Mr. President, I am opposed to this provision because it is not an experiment. That is simply a name. It contemplates picking out a few towns in each State and giving them city delivery.

Mr. NORRIS. Mr. President, will the Senator permit an interruption there?

Mr. SMITH of Georgia. Yes.

Mr. NORRIS. I wish to correct a statement made by the Senator from Florida. I believe that the law, or the rule of the department, if it is not a law, permits cities to have free delivery when they have a population of 5,000 and receipts from the post office of $10,000.

Mr. SWANSON. That is right.

Mr. NORRIS. I think that is so.

Mr. SMITH of Georgia. Five thousand population and $10,000 receipts.

Mr. NORRIS. I believe that is the rule.

Mr. SWANSON. I think that is it—$10,000 receipts.

Mr. BRYAN. I got my information from the clerk of the Post Office Committee.

Mr. GALLINGER. And they have to have suitable pavements as well.

Mr. SWANSON. I should like to say further to the Senator that in these cases before you are permitted to deliver mail to the city you have to number the houses, and the people have to go to an expense. It was intended that this appropriation should be applied where there were hardships before they had city delivery on account of the requirements.

Mr. SMITH of Georgia. Mr. President, let us see what this provision is. Our general rule provides that where the population is 5,000 or more and the receipts $10,000 or more there shall be city delivery. That is the general rule. The proposition is to appropriate money for an alleged experiment in smaller cities. We have tried the experiment. It is no longer a matter of experiment. We know now. Do we wish to lower the size of the places that are to receive city delivery, and lower the amount of receipts as a basis of city delivery? If so, well and good; treat them all alike. If we wish to say that 4,000 population or 3,000 population or 2,500 population is sufficient for city delivery, let us say so. If we wish to say $5,000 receipts is sufficient, let us say so. Let us not simply take a few in each State and give them city delivery when there are many more of the same class that do not get it.

You can not pick out five or six or seven towns in a State the size of my State under any rule. You pick them arbitrarily. You pick them because somebody suggests them and wants them to have this service. Nobody can suggest a rule for a State the size of mine that would add simply seven more cities to the present law applicable to city delivery. I do not believe they could fix upon a principle that would simply include five more in the State of Virginia. Then how are the seven to be selected? How are the five to be selected? Those that Senators and Congressmen pick out of the lot for some purpose of special favor.

I do not believe in that kind of legislation. I am opposed to picking, as a matter of special privilege, certain cities or certain persons for favors. I believe they ought to be all treated alike. If the Senate is prepared, as I said, to reduce the size of cities to 4,000 before they are permitted to have city delivery, well and good. If it is prepared to reduce the amount to be received from the city in order to have city delivery, well and good. But let us take a uniform scale and give the city delivery alike to all cities that come up to the standard which we fix, and not proceed upon the theory of special favoritism.

Mr. NORRIS. Mr. President——

Mr. SMITH of Georgia. I yield to the Senator from Nebraska.

Mr. NORRIS. I want to suggest to the Senator that I believe I was wrong in the statement I made a while ago about the population of cities required in order to get city delivery. I do not believe it is confined to cities of 5,000 people. I believe the rule, or the law—I do not know whether it is a law or a rule of the department, but I believe it is a law—requires the receipts to be $10,000. I do not believe there is any law in regard to population. I made the statement hurriedly, and I am inclined to think I was wrong in it. I know of cities that have city delivery that I am satisfied have considerably less than 5,000 population.

Mr. SMITH of Georgia. If the rule is simply that they must have $10,000 receipts, then that is made the standard. What I am insisting on is that we have a standard, that we adopt what we consider a proper standard, and feed all the communities and all the States out of the same bowl and under the same plan.

Mr. BRYAN. Mr. President, if the Senator will pardon me, I will read from the Postal Regulations the cities that are entitled to City Delivery Service.

Mr. SMITH of Georgia. I thank the Senator.

Mr. BRYAN. Section 665 of the Postal Regulations covers this matter, and is as follows:

> Letter carriers shall be employed for the free delivery of mail matter, as frequently as the public business may require, at every incorporated city, village, or borough containing a population of 50,000 within its corporate limits, and may be so employed at every place containing a population of not less than 10,000 within its corporate limits, according to the last general census, taken by authority of State or United States law, or at any post office which produced a gross revenue, for the preceding fiscal year, of not less than $10,000: *Provided*, This act shall not affect the existence of the free delivery in places where it is now established: *And provided further*, That in offices where the free delivery shall be established under the provisions of this act such free delivery shall not be abolished by reason of decrease below 10,000 in population or $10,000 in gross postal revenue, except in the discretion of the Postmaster General.

Mr. SMITH of Georgia. Mr. President, I should be glad to extend the free delivery to cities just as rapidly as we can do

it without a loss. I have presented my view completely when I urge the proposition that we should treat all alike.

Mr. WEEKS. Mr. President——

The VICE PRESIDENT. The Senator from Massachusetts.

Mr. WEEKS. I do not wish to take any considerable time in discussing this question; but I have been attracted by the statement which has just been made by the Senator from Georgia that this is not an experimental service. I think, in making that statement, he is in error. It was instituted two or three years ago because there was very considerable pressure from those living in villages for the installation of a similar service on the ground that every person living in the city under the conditions which obtained had his mail delivered at his door, that every person living in a rural section where there were a sufficient number on the route had his mail delivered at his door, and that there was no reason why a person living in a village a mile from a post office, for instance, should not have the mail delivered to him as in these other cases.

I am quite in sympathy with that contention. I agree that possibly this service can be carried on more economically than by having a distinct village delivery service. I think it ought to be connected with the rural carrier service. I think that if proper experiments are made along that line, many of these people who do live a considerable distance from their post office in a village, and very often do not have conveyances of their own, so that it is more difficult for them to get their mail than it is for the man who lives in the country who does have a conveyance of his own, could be connected up with the rural carrier routes so that the mail could be delivered to them. But we have had no report from the department that I am aware of as to the results obtained from this service, and we have not any recommendation about what should be done with it in the future obtained from the results of the service up to this time. I think, therefore, this appropriation should be continued for another year, with the understanding that the department shall report to Congress next winter some definite, concrete plan for connecting up this village service with the rural carrier service, thereby giving these people the service to which, I think, they are entitled without any very material increase in the expense.

Mr. PENROSE. Mr. President——

The VICE PRESIDENT. The Senator from Pennsylvania.

Mr. PENROSE. My attention has been called from the beginning to this special form of delivery service. The proposition was originally started in the House of Representatives by the Hon. WILLIAM W. GRIEST, a Representative in Congress from the State of Pennsylvania, and the first experiment was had in the town of Ephrata in Lancaster County, which constitutes his district; and since then he has consistently pressed the continuation of the experiment. The experiment was undertaken, as the Senator from Massachusetts has said, in response to a real demand on the part of the public and on account of a real need. It is correctly described as an experiment in the bill and in the report of the Postmaster General. The Senator from Georgia may be entirely right in his contention that this service ought to be ultimately upon a more stable and well-defined basis, but evidently the time has not arrived when any such legislation can be secured.

The Postmaster General, in his report, states in regard to village delivery service as follows:

> In pursuance of a provision contained in the Postal Service appropriation act for the fiscal year ended June 30, 1913, experiments have been conducted—

He describes them as experiments—

> in the free delivery of mail from post offices of the second and third class located in communities that are not now entitled by law to City Delivery Service. At the close of the fiscal year the service was in operation in 124 villages. Of these, 22 were offices of the second class and 102 were offices of the third class. A total of 164 carriers were employed, with an average annual compensation of $600.

The report of the Postmaster General then goes on to say that—

> There is no such need or demand for free delivery of mail in small towns and villages as there is in cities and rural districts, and its establishment does not occasion any appreciable increase in the use of the mails. For this reason an economical administration of such a service requires that it be inaugurated only where it is necessary to meet the needs of a particular locality.
>
> The department is endeavoring to work out a feasible plan to coordinate the village delivery with the Rural Delivery Service. As rural routes emanate from practically all of the communities where this village delivery service would be desired, it is believed the carriers should be used to make such deliveries as may be desirable and feasible to the residents of the communities affected. With this change these carriers could be used not only to supplement the general delivery service as indicated, but in many instances in the delivery of parcel-post matter as well, thus obviating the necessity for additional horse hire for the delivery of the larger packages.

It will be observed, therefore, Mr. President, that the Postmaster General distinctly describes this service as an experiment, not as a system to be inaugurated, and he distinctly states that it is to be tried only where the needs of a particular locality may seem to require or justify it.

Mr. BRYAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Florida?

Mr. PENROSE. Certainly.

Mr. BRYAN. Will the Senator now read, beginning at the bottom of page 323?

Mr. PENROSE. If the Senator will just permit me to finish what I was about to say in relation to this paragraph, I will be very glad to have him call my attention to that page.

Then the Postmaster General goes on to state how he thinks that ultimately he may be able to amalgamate it with the rural delivery service, which may be feasible or not feasible, I do not know; but he goes on to use this language, and I quote from the same page of his report:

> The use of the village delivery service has not extended far enough to determine definitely its practical and economic value to the entire service. Efforts will be made through the utilization of the rural delivery, as already stated, and otherwise to perfect and extend this service in proportion to the benefits to accrue therefrom.

I can not find anything in the recommendation of the Postmaster General adverse to this very small appropriation of $200,000 as fixed by the House, or $150,000 as reported by the Senate committee, to continue what, in my opinion, is a most beneficent and necessary experiment in the Postal Service.

I will be glad now if the Senator from Florida will repeat his inquiry.

Mr. BRYAN. The Postmaster General does not recommend the continuance of this experiment and the Fourth Assistant Postmaster General in commenting on it——

Mr. PENROSE. On what page?

Mr. BRYAN. At the bottom of page 322.

Mr. PENROSE. I have it, Mr. President. This appears to be the report of the Fourth Assistant Postmaster General. He says:

> EXPERIMENTAL VILLAGE DELIVERY.
>
> The establishment of this service is authorized at villages and towns having post offices of the second and third classes that are not by law entitled to free-delivery service. The department requires that in towns where the service is instituted there shall be sidewalks, street lights, street signs, and house numbers, and that the patrons shall provide receptacles for the mail. Since the service was assigned to this bureau special attention has been given to the feasibility of utilizing the services of rural carriers to deliver mail to residents of villages, the regulations having been amended so as to permit such delivery. In many towns where the village service is established, rural carriers are rendering service in conjunction with the village carriers, and it is expected that in the smaller villages having post offices from which rural routes are operated, the rural carriers will be able to serve without assistance all patrons who desire to be accommodated. In order that extra compensation may be given to rural carriers in cases where such service adds considerably to their work it is desirable that authority be obtained for such payment out of the appropriation for village delivery service, the additional compensation not to exceed $150 per annum in any individual case. This improved method of administering the experimental delivery service would greatly decrease its cost.
>
> Reports received at the department, however, show that in most of the towns where the experimental service is operated the postal receipts have not been stimulated thereby and that, especially in villages where there are several mail trains daily, the patrons continue to call at the post offices for a large proportion of their mail. The average population of the towns where the service is established is less than 2,000, and the number of persons residing any considerable distance from the post offices in these towns is small. It would thus appear that the village delivery service does not constitute any great convenience for the patrons. Furthermore, the cost of operating the service is heavy when compared with the benefits derived.
>
> An inspection of this service has been directed at each office where it has been in operation for more than six months, and it is expected that by next December full information will be at hand which will be of great service to Congress in determining the advisability of continuing the experiment.

I can not find anything there against continuing this experiment.

Mr. BRYAN. Let me suggest to the Senator that this report was written in October, 1914; that the Fourth Assistant Postmaster General said he would be ready to make a recommendation in December; and then this same gentleman goes before the House committee and says he does not want it.

Mr. PENROSE. I am only stating what he said then. I would be glad if the Senator from Florida would call my attention to the statement made before the House committee. I have the House hearings here, if he will give me the page.

Mr. BRYAN. On page 210.

Mr. PENROSE. I might state, in this connection, that the department in the Book of Estimates for 1916 estimated $200,000 for this item, which the House accepted.

Mr. BRYAN. On page 210 Mr. Blakslee says:

> And I might say that I indicated in my report that its value to the Postal Service, either in increasing the revenues or in the adding of any tremendous improvement, is dubious. We have endeavored, however, to combine it with the Rural Delivery Service—

And so forth. Then he states what the policy is—to give one in each congressional district.

Mr. PENROSE. I see nothing in the statement of Mr. Blakslee before the House committee which does not bear out what I have said. He says as follows:

That is the policy; yes, sir. And I might say that I indicated in my report that its value to the Postal Service, either in increasing the revenues or in the adding of any tremendous improvement, is dubious.

Why, every experiment is dubious, or it would not be an experiment. Let us keep on experimenting until it ceases to be dubious. He continues:

We have endeavored, however, to combine it with Rural Delivery Service, so that the rural carriers could be utilized in this service, and we have presented a recommendation for legislation that would permit us to pay rural carriers extra money for such service.

I can not find in the report of the Postmaster General or the report of the Fourth Assistant Postmaster General any definite and specific adverse report on this service. The furthest they go is to say it is experimental, and that, in the opinion of the Fourth Assistant Postmaster General, it is dubious. I will concede for the sake of the argument that it is dubious, as all experiments are. That is no argument against this small sum of $150,000 in a bill carrying three hundred and twenty-odd million dollars, more or less, to continue an experiment which many people scattered throughout the country have greatly at heart and are greatly interested in.

Now, who the author is of the myth that it is contemplated to put one of these experimental deliveries in every congressional district has not yet developed in this discussion. Somebody said the Postmaster General or the Fourth Assistant had conjured up this ghost. I find no statement of theirs making any such allegation. The statement is made that after this monstrous outrage is perpetrated of giving free delivery in at least one village of every congressional district of the country, we will have saddled on the annual appropriation bill an item of $25,000,000 or $30,000,000 or more. I can not find any foundation for that assertion in any record of the House hearings or in the reports of the department. The proposition has gone no further than the experimental stage, as I understand it.

I have here, Mr. President, a statement of the village delivery service in operation December 1, 1914, which I will ask permission to have inserted as a part of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

Village delivery service in operation Dec. 1, 1914.

State.	Office.	Date established.	Number of carriers.	Annual cost.
Alabama	Florala	Dec. 15, 1913	2	$1,200
Do	Piedmont	May 15, 1913	1	800
Do	Russellville	Nov. 16, 1912	1	600
Arizona	Temple	Jan. 1, 1913	1	925
Arkansas	Benton	Aug. 1, 1913	1	600
Do	Clarksville	Aug. 15, 1913	1	600
Do	Harrison	Apr. 15, 1913	1	600
Do	Morrillton	Apr. 1, 1913	2	1,200
Do	Van Buren	Feb. 17, 1913	1	600
California	Willits	Nov. 16, 1912	1	780
Colorado	Littleton	do	1	600
Connecticut	Guilford	Apr. 1, 1913	1	600
Florida	Monticello	Apr. 15, 1913	1	600
Georgia	Calhoun	Nov. 20, 1912	1	600
Do	Decatur	June 16, 1913	2	1,200
Do	Forsyth	June 1, 1913	1	600
Do	Hawkinsville	July 16, 1914	2	1,200
Do	Sylvania	Jan. 1, 1913	1	500
Do	Sylvester	Oct. 1, 1914	.....	(1)
Do	Waynesboro	July 1, 1914	2	1,200
Idaho	St. Maries	June 1, 1913	1	720
Illinois	Carterville	Mar. 1, 1913	2	1,200
Do	Georgetown	Feb. 17, 1913	2	1,200
Do	Homer	Oct. 16, 1912	1	600
Do	Le Roy	Nov. 1, 1912	1	600
Do	New Athens	May 15, 1913	1	600
Do	Pinckneyville	Dec. 16, 1912	2	1,200
Indiana	Edinburg	July 1, 1914	1	600
Do	Garrett	Oct. 1, 1914	2	1,200
Do	Hope	Nov. 1, 1913	1	700
Do	Jasonville	Dec. 1, 1914	1	600
Do	Mitchell	Nov. 1, 1914	1	600
Do	Rockport	Jan. 1, 1914	2	1,200
Iowa	Belmond	June 16, 1913	1	600
Do	Coon Rapids	Apr. 15, 1913	1	600
Do	Guthrie Center	June 16, 1913	1	600
Do	Lenox	Mar. 1, 1913	1	600
Do	Seymour	June 16, 1913	1	600
Do	West Liberty	do	1	600
Kansas	Minneapolis	Oct. 1, 1913	2	1,200
Do	St. Johns	Jan. 1, 1913	1	600
Do	Wamego	Oct. 1, 1912	1	800
Kentucky	Carlisle	Feb. 1, 1913	1	900
Do	Carrollton	Sept. 1, 1914	1	600
Do	Falmouth	June 1, 1914	1	600
Do	Russellville	May 15, 1913	2	1,200
Do	Sanford	Sept. 1, 1914	1	480
Louisiana	Mansfield	Feb. 1, 1913	1	720
Maine	Kennebunk	Nov. 1, 1912	2	1,200
Maryland	Princess Anne	Dec. 1, 1912	1	600

[1] No change; served by rural carrier.

Village delivery service in operation Dec. 1, 1914—Continued.

State.	Office.	Date established.	Number of carriers.	Annual cost.
Massachusetts	Baldwinsville	Mar. 1, 1913	1	$630
Do	Indian Orchard	Nov. 16, 1912	2	1,440
Do	Yarmouthport	Mar. 1, 1913	1	600
Michigan	Durand	Dec. 1, 1912	2	1,200
Do	Fremont	Mar. 1, 1913	2	1,200
Do	Morenci	Jan. 1, 1913	2	1,200
Do	Plainwell	June 16, 1913	1	600
Do	Reed City	Mar. 1, 1913	1	600
Minnesota	Ada	Dec. 16, 1912	1	600
Do	Zumbrota	Oct. 16, 1912	1	700
Mississippi	Booneville	Feb. 17, 1913	1	600
Do	Ittabena	Dec. 1, 1912	1	600
Missouri	Edina	Mar. 17, 1913	1	600
Do	Festus	May 1, 1914	1	600
Do	Jackson	Mar. 1, 1913	1	600
Do	Lebanon	Oct. 16, 1912	1	800
Do	Pierce City	Aug. 1, 1913	1	600
Do	Plattsburg	Jan. 1, 1913	1	600
Do	Salisbury	Aug. 1, 1913	1	600
Do	Savannah	Apr. 1, 1913	1	600
Nebraska	Pierce	Sept. 1, 1913	1	600
Do	Wymore	Nov. 16, 1912	2	1,200
New Hampshire	Woodsville	Apr. 15, 1913	2	1,200
New Jersey	Leonia	Jan. 16, 1913	2	1,068
Do	Pleasantville	Nov. 1, 1914	2	1,200
New York	Dundee	Nov. 16, 1912	1	600
Do	Lancaster	June 1, 1914	2	1,200
Do	Mayville	Nov. 16, 1912	1	600
Do	Norwood	Apr. 15, 1913	1	600
Do	Painted Post	July 1, 1913	1	600
North Carolina	Newton	Apr. 15, 1913	1	600
North Dakota	Enderlin	Nov. 16, 1912	1	600
Ohio	Jeffersonville	Mar. 1, 1913	1	600
Do	Loudonville	Sept. 15, 1913	2	1,200
Do	Paulding	Dec. 1, 1912	2	1,200
Do	Swanton	Nov. 16, 1912	1	600
Oklahoma	Dewey	Apr. 1, 1913	1	600
Do	Edmond	Apr. 15, 1913	1	600
Do	Sulphur	Feb. 1, 1913	2	1,200
Do	Wynnewood	Mar. 1, 1913	1	600
Pennsylvania	Ephrata	Oct. 16, 1912	2	1,200
Do	Freeland	Nov. 16, 1912	3	1,800
Do	Palmerton	Mar. 17, 1913	2	1,200
Do	Peckville	Aug. 15, 1913	3	1,800
Do	Spring City	May 15, 1913	2	1,200
Do	Tunkhannock	Feb. 17, 1913	2	1,200
Do	White Haven	Nov. 16, 1912	1	900
Do	Wrightsville	Feb. 1, 1913	1	600
Rhode Island	Pascoag	Mar. 1, 1913	1	600
South Carolina	Belton	Sept. 1, 1913	1	600
Do	Blackville	Apr. 15, 1913	1	600
Do	Branchville	Jan. 16, 1913	1	600
Do	Hartsville	June 1, 1914	1	600
Do	Lancaster	Mar. 1, 1913	2	1,200
Do	Winnsboro	Aug. 1, 1913	1	600
Do	Woodruff	Apr. 1, 1913	2	1,140
South Dakota	Gregory	Dec. 1, 1912	1	600
Do	Miller	June 16, 1913	1	600
Tennessee	Elizabethtown	Feb. 17, 1913	1	600
Do	Gallatin	May 1, 1913	2	1,200
Do	Kenton	Nov. 1, 1913	1	600
Do	Lenoir City	Mar. 1, 1913	1	600
Tennessee	McKenzie	May 1, 1913	1	600
Do	McMinnville	Oct. 6, 1912	2	1,200
Do	Newport	Jan. 6, 1913	1	600
Texas	Caldwell	May 15, 1913	1	600
Do	Elgin	Nov. 16, 1912	1	900
Do	Whitesboro	Jan. 1, 1913	1	600
Vermont	Ludlow	July 1, 1913	1	600
Virginia	Berryville	Jan. 1, 1913	1	600
Do	Cape Charles	Feb. 1, 1913	2	1,200
Do	Marion	Sept. 15, 1913	2	1,200
Do	Phoebus	Nov. 1, 1913	2	1,200
Washington	Kent	Dec. 1, 1912	2	1,440
West Virginia	Princeton	Feb. 17, 1913	2	1,400
Wisconsin	Dodgeville	Feb. 1, 1913	2	1,200
Do	Durand	Sept. 1, 1913	1	600
Do	Evansville	Nov. 20, 1912	2	1,200
Do	Kewaunee	July 16, 1913	1	600
Do	New Lisbon	Feb. 1, 1913	1	600

Mr. PENROSE. The question was asked of the Fourth Assistant Postmaster General:

How are these villages selected for the installation of free-delivery service?

And he replied:

This appropriation was transferred to our supervision by the First Assistant Postmaster General in April last, and the policy of the department in connection therewith was to establish one village delivery service in each congressional district in the country if possible.

Now, I have found the author of the first congressional district proposition. I had not seen it before. It exists in the imagination of the Fourth Assistant Postmaster General. But he goes on to say:

As soon as a petition from patrons is received it is investigated, and the conditions relative to the equipment of the community in the way of sidewalks, streets, lights, etc., are ascertained. If it is shown that there are good grounds for its establishment, it is taken care of forthwith.

There is nothing in the act of Congress or in the report of the Postmaster General to indicate this proposition is more

than an experiment. That it is to be extended into every congressional district seems to exist only in the imagination of the Fourth Assistant Postmaster General, and that would clearly be dependent upon whether the experiment is a success or not.

If it is a success, Mr. President, why should not the Government go on with it? I do not know whether the Senator from Florida has any idea of the number of people who would be benfited by this free delivery, but the statement has been made that not less than 15,000,000 people are directly concerned in the success and permanence of town and village mail delivery. That is quite a number of people to be considered when it comes to extending the facilities and the conveniences of the Postal Service. That is a considerable number of people to be discriminated against when the inhabitants of cities and the inhabitants on farms have the mails delivered at their doors and at their gates.

It is all the more important that this paragraph be left in unless the service is abolished entirely, because, as I understand it, the Senate has agreed to the committee amendment striking out the provision in section 22 which empowered the Postmaster General—

to pay an additional compensation to rural carriers, out of the appropriation for village delivery service, a sum not to exceed $150 per annum in any individual case for delivering mail at second and third class post offices not now by law entitled to free-delivery service.

That having been stricken from the bill, as far as the Senate is concerned, should the House concur in the amendment, this very interesting experiment, so potential for good to the villages which enjoy these privileges and of so much possibility for 15,000,000 people inhabiting them throughout the country, will absolutely be wiped out of the bill by this Congress, giving no relief even in the way of continuing the experiment through the Rural Delivery Service.

I do not think, Mr. President, that I ought to detain the Senate much longer on this matter.

Mr. GRIEST, the author of this legislation in the House, took occasion to communicate with a large number of Representatives who had this experimental service started in their districts, and the testimonials in favor of the service are remarkably unanimous and highly favorable to this form of delivery. They are taken from Representatives regardless of party, and they furnish a striking comment in favor of this experimental delivery from Ephrata, in Pennsylvania, to Willits, in California—from the district of Mr. WILLIAM W. GRIEST to the district of Mr. WILLIAM KENT in the State of California.

I hope that the Senate will not start to economize in this bill by striking out this small sum of $150,000.

I ask permission to insert certain matter in the RECORD without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

Class of towns which should be made eligible to receive a permanent mail-carrier service.

State.	Post office.	Gross postal receipts.	Population.	In congressional district of—
Alabama	Florala	$5,711	2,439	Hon. S. H. Dent, jr.
Do	Piedmont	3,624	2,226	Hon. F. L. Blackmon.
Do	Russellville	4,301	2,400	Hon. John L. Burnett.
Arizona	Tempe	6,608	1,800	Hon. Carl Hayden.
Arkansas	Benton	5,110	2,400	Hon. Samuel M. Taylor.
Do	Harrison	7,702	2,000	Hon. John C. Floyd.
Do	Clarksville	5,054	1,700	Hon. H. M. Jacoway.
Do	Morrillton	6,293	2,900	
Do	Van Buren	9,356	4,500	Hon. Otis T. Wingo.
California	Willits	6,695	2,000	Hon. William Kent.
Colorado	Littleton	7,017	1,600	Hon. George J. Kindel.
Connecticut	Guilford	6,150	1,475	Hon. Thomas L. Reilly.
Florida	Monticello	5,032	2,000	Hon. Emmett Wilson.
Georgia	Calhoun	5,617	1,850	Hon. Gordon Lee.
Do	Forsyth	8,320	2,500	Hon. Charles L. Bartlett.
Do	Decatur	6,807	3,000	Hon. William S. Howard.
Do	Sylvania	5,234	1,500	Hon. Charles G. Edwards.
Idaho	St. Maries	7,516	1,500	Hon. B. L. French. Hon. A. T. Smith.
Illinois	Carterville	5,212	3,100	Hon. Robert P. Hill.
Do	Pinckneyville	6,010	2,800	
Do	Dundee	8,517	3,000	Hon. Ira C. Copley.
Do	Georgetown	3,909	3,000	Hon. Frank T. O'Hair.
Do	Homer	3,219	1,130	Hon. Charles M. Borchers.
Do	Le Roy	5,507	1,702	Hon. Louis FitzHenry.
Do	New Athens	2,799	1,200	Hon. William N. Baltz.
Indiana	Hope	4,433	1,400	Hon. Lincoln Dixon.
Iowa	Belmond	5,051	1,350	Hon. Maurice Connolly.
Do	Coon Rapids	4,522	1,200	Hon. Frank P. Woods.
Do	Lenox	4,628	1,274	Hon. H. M. Towner.
Do	Seymour	5,206	2,290	
Do	Guthrie Center	7,063	1,600	Hon. William R. Green.
Do	West Liberty	6,154	1,666	Hon. I. S. Pepper (dead).
Kansas	St. Johns	6,494	1,800	Hon. George A. Neeley.
Do	Minneapolis	7,979	1,925	Hon. Guy T. Helvering.
Do	Wamego	5,675	1,900	Hon. Dudley Doolittle.
Kentucky	Carlisle	5,656	1,433	Hon. William J. Fields.
Do	Russellville	8,160	3,300	Hon. Robert Y. Thomas, jr.
Louisiana	Mansfield	8,163	2,600	Hon. John T. Watkins.
Maine	Kennebunk	7,093	2,300	Hon. Asher C. Hinds.
Maryland	Princess Anne	7,173	1,009	Hon. J. H. Covington.
Massachusetts	Baldwinsville	4,669	2,000	Hon. C. DeWitt Paige.
Do	Yarmouth Port	2,463	800	Hon. T. C. Thacher.
Do	Indian Orchard	8,104	6,000	Hon. F. H. Gillett.
Michigan	Durand	7,310	2,310	Hon. J. W. Fordney.
Do	Fremont	8,660	2,000	Hon. James C. McLaughlin.
Do	Morenci	5,110	1,700	Hon. S. W. Beakes.
Do	Reed City	8,516	1,630	Hon. Francis O. Lindquist.
Do	Plainwell	5,616	1,600	Hon. E. L. Hamilton.
Minnesota	Ada	5,554	1,432	Hon. Halvor Steenerson.
Do	Zumbrota	5,535	1,200	Hon. C. R. Davis.
Mississippi	Boonville	4,958	1,378	Hon. E. S. Candler, jr.
Do	Itta Bena	4,221	1,800	Hon. B. G. Humphreys.
Missouri	Edina	5,117	1,562	Hon. James T. Lloyd.
Do	Jackson	6,036	2,300	Hon. J. J. Russell.
Do	Lebanon	8,403	2,500	Hon. T. L. Rubey.
Do	Plattsburg	5,870	1,960	Hon. J. W. Alexander.
Do	Pierce City	5,356	2,000	Hon. P. D. Decker.
Do	Salisbury	7,673	1,834	Hon. W. W. Rucker.
Do	Savannah	6,256	1,860	Hon. Charles F. Booher.
Nebraska	Pierce	4,276	1,500	Hon. D. V. Stephens.
Do	Wymore	6,181	2,613	Hon. Charles H. Sloan.
New Hampshire	Woodsville	8,379	2,000	Hon. R. B. Stevens.
New Jersey	Leonia	3,617	2,200	Hon. A. C. Hart.
New York	Dundee	5,778	1,227	Hon. S. E. Payne.
Do	Mayville	5,136	1,200	Hon. Charles M. Hamilton.
Do	Norwood	5,436	2,000	Hon. Edwin A. Merritt, jr.
Do	Painted Post	5,542	1,400	Hon. E. S. Underhill.
North Carolina	Newton	6,337	3,000	Hon. E. Y. Webb.
North Dakota	Enderlin	5,540	1,540	Hon. Henry T. Helgesen.
Ohio	Eaton	8,913	3,187	Hon. Warren Gard.
Do	Jeffersonville	2,725	628	Hon. James D. Post.
Do	Loudonville	6,505	1,800	Hon. William G. Sharp.
Do	Paulding	9,082	2,500	Hon. T. T. Ansberry.
Do	Swanton	5,434	1,200	Hon. I. R. Sherwood.
Oklahoma	Dewey	6,841	2,400	Hon. James S. Davenport.
Do	Edmond	6,835	2,090	Hon. Dick T. Morgan.
Do	Sulphur	8,053	3,225	Hon. Charles D. Carter.
Do	Wynnewood	5,080	2,002	Hon. Scott Ferris.
Pennsylvania	Ephrata	7,608	3,300	Hon. W. W. Griest.
Do	Freeland	7,599	7,300	Hon. John J. Casey.
Do	White Haven	7,972	1,500	
Do	Palmerton	6,464	5,200	Hon. A. Mitchell Palmer.
Do	Peckville	4,141	4,000	Hon. John R. Farr.
Do	Spring City	6,924	3,000	Hon. Thomas S. Butler.
Do	Tunkhannock	8,022	2,100	Hon. W. D. B. Ainey.
Do	Wrightsville	3,785	2,025	Hon. A. R. Brodbeck.
Rhode Island	Pascoag	4,334	2,500	
South Carolina	Blackville	4,154	2,400	Hon. J. F. Byrnes.
Do	Belton	4,490	1,650	Hon. Wyatt Aiken.
Do	Branchville	2,713	2,500	Hon. A. F. Lever.
Do	Lancaster	8,004	2,200	Hon. D. E. Finley.
Do	Winnsboro	6,061	2,000	
Do	Woodruff	3,077	2,000	Hon. J. T. Johnson.
South Dakota	Gregory	5,424	1,142	Hon. E. W. Martin.
Do	Miller	5,597	1,202	Hon. Charles H. Burke.
Tennessee	Elizabethton	5,937	2,478	Hon. Sam R. Sells.
Do	Newport	6,293	2,003	
Do	Gallatin	8,680	3,000	Hon. Cordell Hull.
Do	Kenton	3,061	1,200	Hon. F. J. Garrett.
Do	Lenoir City	5,875	3,392	Hon. R. W. Austin.
Do	McMinnville	7,796	2,399	Hon. J. A. Moon.
Do	McKenzie	5,415	2,000	Hon. T. W. Sims.
Texas	Caldwell	5,558	1,600	Hon. J. P. Buchanan.
Do	Elgin	7,280	2,000	
Do	Whitesboro	4,821	1,500	Hon. Sam Rayburn.
Vermont	Ludlow	6,078	1,700	Hon. Frank Plumley.
Virginia	Berryville	5,378	1,150	Hon. James Hay.
Do	Cape Charles	7,481	3,000	Hon. William A. Jones.
Do	Phoebus	6,016	2,200	
Do	Marion	8,105	3,000	Hon. C. B. Slemp.
Washington	Kent	7,223	2,400	Hon. William E. Humphrey.
West Virginia	Princeton	8,945	5,000	Hon. J. A. Hughes.
Wisconsin	Dodgeville	6,775	2,500	Hon. John M. Nelson.
Do	Durand	7,038	1,503	Hon. James A. Frear.
Do	Evansville	8,581	2,250	Hon. Henry A. Cooper.
Do	Kewaunee	8,112	2,000	Hon. Thomas F. Konop.
Do	New Lisbon	3,949	1,074	Hon. John J. Esch.

Class of towns which should be made eligible to receive a permanent mail-carrier service—Continued.

[Appendix to remarks of Hon. WILLIAM W. GRIEST on the bill (H. R. 11338) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1915, and for other purposes.]

Mr. GRIEST. Mr. Speaker, supplementary to my remarks on town and village mail delivery, delivered in the House January 16, 1914, I desire to present additional testimonials which have been received by courtesy of and through Members of the House in commendation and indorsement of the experimental mail delivery now in operation in the districts of these Members. These letters, taken in connection with those previously presented, show that the experimental mail-delivery system is a pronounced success, and they refute the information received by the gentleman from New York [Mr. FITZGERALD], who on the day of the adoption of the paragraph in the Post Office appropriation bill relating to town and village mail delivery is reported in the RECORD as saying:

"Representatives in the House who live in such communities have informed me that they know this service is of no special benefit."

Among the 114 Members who have this service in their districts I have been unable to discover a single one who does not commend it and demand its retention by the Government. The letters now presented for publication, and those heretofore published, indicate a unanimous desire on the part of "Representatives who live in such communities"

for the permanent establishment of a service which, it is now demonstrated, is regarded as indispensable and to the benefits of which from 15,000,000 to 20,000,000 are of right entitled.

Hon. Sereno E. Payne, representing Dundee, N. Y., writes:

"I certainly think this service should be extended to villages of the same class where a single carrier can do the work and larger ones where two carriers can do it."

Congressman Payne also furnishes a letter from Mr. E. Vreeland, of Dundee, who says:

"The people appreciate the service and desire to have it continued and improved. The residences should be ordered numbered and collection boxes erected. Should the service be taken away a vigorous protest will result. With the constant increase of postal business, especially the growth of parcel post, it is almost imperative that a way be provided for the quick disposition of mail matter. Otherwise larger quarters and additional help will be needed to properly conduct the business even in a third-class office."

Hon. H. H. SELDOMRIDGE, representing Littleton, Colo., writes:

"I have just received a letter from the postmaster at Littleton, Colo., which substantially confirms the report made by the postmaster at Ephrata, Pa. The postmaster states that the service has been satisfactory in every way. The carrier there is handling over 18,000 pieces of mail each month. The service has grown to the extent that over 780 patrons are being served. There has been full and complete cooperation between the people and the postmaster, and a discontinuance of the service would be greatly deplored."

Hon. SAM R. SELLS, representing Elizabethton, Tenn., writes:

"I have been to Elizabethton a few days ago and find that the statements of the postmaster with reference to this service are correct. The patrons of the office are very much in favor of the continuance of this delivery, and I trust that arrangements to that effect may be provided for in the annual Post Office appropriation bill."

Congressman SELLS also submits a letter from Mr. E. E. Hathoway, who says:

"The patrons are well pleased with the village free delivery that we have at this office and ask that you use your influence to make it permanent. I believe that it has increased the receipts of this office. I have had a number of the patrons who are served by this delivery to ask that you do what you can to make it permanent, that it saves them time running to the office for the mail, and the business men are more than delighted with it. I hope you will do all you can for us."

Hon. THOMAS L. RUBEY, representing Lebanon, Mo., transmits a letter from F. J. Swett, who says:

"In reply, permit me to say that my experience with the establishment of five rural routes justifies me to believe that the attempt to deliver mail in towns of this size, in view of the time established, is an absolute success. In other words, if this service is made permanent, in a few years there will be no demand at the general-delivery window except by transients. My conclusion regarding the delivery of mail in Lebanon is as follows: The certainty of receiving and collecting mail at regular hours will have a most beneficial effect upon the patrons of the office in saving them time and systematizing their mail, and without additional expense to the service."

Hon. JAMES A. HUGHES, representing Princeton, W. Va., writes:

"I want to say that the postmaster, the city council, and all of the business interests at Princeton are enthusiastically in favor of this service, and, in fact, this service now has become a necessity. This particular town is strung out about 3 miles in length."

Congressman HUGHES submits a latter from Mr. Wirt A. French and a resolution signed by Mayor J. D. Scott as adopted by the City Council of Princeton.

Mr. French writes:

"We have between 6,000 and 7,000 inhabitants within our corporate limits at this time, and I should say that the post office serves at least 7,500 people in and out side of the corporate limits. I beg to report further that the delivery system in use in our city has been of the greatest benefit to all our citizens, and we feel that if anything should occur to deprive us of same that it would indeed be the worst calamity that could possibly befall us."

The resolution reads:

"Whereas it appears that our present city delivery of mails is only temporary and dependent upon the Congress of the United States for an appropriation for its continuance; and

"Whereas that city delivery has been in use in our city for about 11 months, and has proven so entirely satisfactory that our business concerns and residents have become dependent upon same to such an extent that to discontinue same would, in our opinion, be nothing short of a calamity, and would result in irreparable injury to the best interests of our city and the whole citizenship of same * * *.

"Resolved, That a copy of these resolutions be spread upon the minutes of our city, and that the recorder be requested to furnish two copies of same to Wirt A. French, postmaster of our city, with the request that he forward same to our Senators and Members of Congress."

Hon. BURTON L. FRENCH, representing St. Maries, Idaho, advises:

"I would say that as far as the experiment has gone I am advised that it has proven a decided success. The experiment has been seriously handicapped on account of the fact that the service has been allowed but one carrier, and he has not been provided with equipment such as mail bags, etc., that would have best served him as carrier. There has been no provision made for street letter boxes, and as a result of this many people have had to go to the St. Maries post office to mail their letters who had no other reason for making the trip. The postmaster at St. Maries, Mr. Edgar T. Hawley, advises me that it is his judgment that the delivery system that has been tried experimentally at St. Maries would be a decided success in such post offices if a sufficient number of carriers with equipment could be provided and letter boxes for the collection of mail placed at suitable points. He advises that he believes that the public at St. Maries have been profited far beyond the cost of maintaining the system there, and that the general idea is a good one."

Hon. E. A. Merritt, jr., representing Norwood, N. Y., writes:

"For the past two years the village of Norwood, N. Y., in the congressional district which I represent, has been designated as one of those for experimental test of mail-delivery service in towns and villages not eligible under the present law to receive city delivery service. The service in Norwood has proven highly satisfactory to the patrons of the office, has been of great assistance to the business men of the town, and I am informed that the postal receipts since its inauguration have increased. I therefore am most heartily in favor of that item in the Post Office appropriation bill appropriating $200,000 for continuation of this service, and also would favor any plan providing for the proper extension of this service so that all villages where it would be beneficial might be included. Therefore any assistance that I can render to that end I shall be most pleased to do."

Hon. JAMES F. BYRNES, representing Blackville, S. C., sends a letter from Mr. B. J. Hammet, who reports:

"It affords me pleasure to state that the patrons of this office are much pleased and delighted with the city delivery service."

Hon. JAMES A. FREAR, representing Durand, Wis., incloses letters from Messrs. August Ender and H. A. Miles, who say that the mail-carrier service "is highly satisfactory to the patrons."

Mr. Ender writes:

"In regard to your interesting inquiry, will say the city delivery is working wonders here, and our people could hardly get along without it. The revenues of the local post office have increased, and there is such a friendly feeling that we have used our paper to urge people to be still better patrons of Uncle Sam."

Mr. R. P. Wilton, chief burgess of Wrightsville, Pa., writes:

"Learning of the contemplated plan of the Post Office Department to discontinue the free mail-delivery service established in 114 towns and villages throughout the United States, and realizing that the discontinuance of this service would seriously affect the welfare of the town, I called a special mass meeting of citizens to protest the action of the department and to petition Congress. This mass meeting was held Tuesday evening, January 20, and the inclosed sworn copy of resolution will convey, in a measure, the sentiment of the town. Surely, a resolution signed enthusiastically by more than 700 citizens must carry great weight."

The resolution, signed by 751 citizens of Wrightsville, reads:

"Realizing that the discontinuance of free mail-delivery service established in Wrightsville, Pa., in February, 1913, would interfere seriously with the growth and welfare of the borough, and to express our appreciation of this service as now enjoyed and found necessary, it is

"Resolved, That we, the citizens of Wrightsville, Pa., in special mass meeting assembled, do petition Congress and the Post Office Department to take such action that will insure a continuance of this very valuable and appreciated service."

Hon. R. W. AUSTIN, representing Lenoir City, Tenn., presents the following from S. F. Carroll:

"The village delivery service for Lenoir City has proven entirely satisfactory in every respect and has been well received and patronized. The receipts of the office has increased over last year."

Hon. FRANK PLUMLEY, representing Ludlow, Vt., after careful inquiry, writes:

"Extending my answer of the 7th instant to yours of the 29th ultimo, wherein you sought information concerning the operation of the experiment of mail delivery service in towns and villages, in the town or village of Ludlow, Vt., being one of those experimental tests made by the Post Office Department, I am now prepared to say to you that careful inquiry disclosed the fact that beginning with July 4,483 pieces were delivered; August, 7,186; September, 8,310; October, 10,536; November, 9,919; December, 13,600, being a progressive and rapidly increasing use of the facility offered, and constituting a total for the six months ending December 31 of 54,034 pieces. This service was all rendered by one man, except on Christmas week, when a clerk was furnished and a team to help out a carrier, and with this assistance everything was kept cleared up each day. Collections were made by the carrier, as patrons handed him their mail as he passed by.

"It being known that I was making some inquiry to get information concerning the operation of this method of helping out in their village, and a rumor having started that there was danger that the village would lose the privilege they had through it, voluntary letters have come to me from merchants and business men and citizens expressing strong commendation of the service, saying that many of the merchants patronized it; that it is the greatest benefit to ladies and people living a long distance from the office; that the village is served by a very efficient carrier, and everybody would hate very much to give up their great accommodation, and further saying that if Congress wants to take the free delivery away the people in Ludlow must enter a protest. Another asks me most earnestly to support the retention of the free-delivery proposition for Ludlow and other places like it; it is said by this person that 'the experiment here is proving a great convenience and is appreciated by all our people. We hope you will see your way clear to indorse the privilege recently granted.' Another says: 'I certainly hope that the appropriation bill for letter carriers in towns like Ludlow will be carried through. I certainly have enjoyed having my mail and parcel post delivered. It would be a great disappointment to me to have our carrier discontinued. It saves time and is so convenient. I am sure this is the case with everyone in town. Any part you may take in favor of continuing our carrier will be appreciated by me and everyone in town.' Another says: 'I find upon investigation that a goodly number are taking advantage of the arrangement. I feel that there will be much inconvenience felt by a goodly number should the present arrangement be discontinued. One of the rural free delivery carriers stated that if the increase in the use continued it would not be long before a second carrier would be needed.'

"I will say, further, that the other information which I have from Ludlow is along the same line, and substantiates fully the quotations which I have made, and having a deep interest in every step which brings to the people their mail most readily and efficiently, and which tends, as I believe, to the development and betterment of the conditions in our towns and villages of modern size, I heartily favor the continuance and extension of village mail delivery.

"If there is anything which I can do to aid you in your appreciated efforts along this line, I offer my services."

Hon. WILLIAM KENT, representing Willits, Cal., submits a letter from Mr. Charles Whiteel, who writes as follows:

"Relating to experimental city delivery, would state that it is giving good satisfaction, and if it is not made permanent it will be a great disappointment to the patrons of the delivery. It has increased the receipts and made the service more thorough."

Hon. SCOTT FERRIS, representing Wynnewood, Okla., transmits an interesting letter from Mr. H. S. Shackelford and a largely signed petition from patrons of Wynnewood, which reads:

"We, the citizens of Wynnewood, Okla., patrons of the Wynnewood post office, now being served as such through the experimental village free delivery, respectfully petition your honor to work for and aid in securing the continuation of same for this as well as other villages and towns of like size. We are decidedly in favor of this branch of the service, because it enables us to enjoy the same privilege that our rural neighbor enjoys, as well as our neighbors living in a city where the receipts of the office are such that they are permitted to have regular free-delivery service because of said regulations.

"The service in this town has been very efficient and has proven beyond a doubt that the Post Office Department has made no mistake in

establishing said service, and we are loath to give up this highly appreciated service."

Mr. E. E. Norvell, of Wynnewood, Okla., also writes as follows:

"This service has been in operation in this city since March 1, 1913, and recently a petition was circulated for its continuation, and only one man in the whole city refused to sign the petition, yet his wife was very enthusiastic in asking for the continuation of the service.

"This service fills a long-felt want by the women and children of these towns and cities, which enables them to get the daily papers, instead of them being carried to the business houses and thrown down, and perhaps never carried to the residences by their husbands and fathers, thereby depriving them of the educational advantages they would get by the reading of the daily newspapers.

"The women and children of our city are the loudest in their praises of the service they are getting through this branch of the service. We have a population of 2,800, and practically the entire town is being served by the village carrier and the two R. F. D. carriers out of this office. We have been unable to ascertain whether the collection of mail has been greater than would have been mailed at the post office or not because the department has failed to furnish mail boxes for the streets.

"I shall scon retire from the service as postmaster of this city, but I am very enthusiastic in my support of the village delivery service for small towns. I also take a pride in the fact that my office was the second in the State of Oklahoma to have this service established."

I also present a letter from Hon. Daniel C. Roper, First Assistant Postmaster General, who has kindly submitted data as to the number of different towns represented by applications, petitions, and inquiries filed in the Post Office Department concerning the establishment of town or village mail-delivery service.

POST OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER GENERAL,
Washington, January 23, 1914.

Hon. W. W. GRIEST,
House of Representatives.

MY DEAR MR. GRIEST: Referring to your letters of December 22, 1913, and January 19, 1914, I take pleasure in inclosing the data relative to experimental mail delivery service you request, showing by States the number of applications received for the institution of the service on which no action has been taken, and the number of inquiries received on the subject of delivery at the different towns.

I very much regret that through a misunderstanding this data was not furnished you more promptly.

Yours, very truly,

DANIEL C. ROPER,
First Assistant Postmaster General.

Applications filed in Post Office Department in re experimental mail-delivery service on which no action has been taken.

State.	Number of petitions filed.	Number of applications received.	Number of inquiries received.	Total communications regarding service at different offices.
Alabama	1	11	1	13
Arizona		1		1
Arkansas	1	17		18
California		8	0	8
Colorado		2	0	2
Connecticut		6	0	6
Delaware	1	1	0	2
Florida		5		5
Georgia	3	22	1	26
Idaho		1		1
Illinois	1	35	7	43
Indiana	5	32		37
Iowa	1	19		20
Kansas		14		14
Kentucky		18	1	19
Louisiana	2	2		4
Maine	1	12	2	15
Maryland	2	11		13
Massachusetts	2	19	1	22
Michigan	2	21	18	41
Minnesota		8	6	14
Mississippi	4	26		30
Missouri	11	68	12	91
Montana		1		1
Nebraska	3	14		17
New Hampshire		3	2	5
New Jersey	1	21		22
New Mexico		2		2
New York	3	31	9	43
North Carolina	1	18		19
North Dakota		2		2
Ohio	2	29		31
Oklahoma		9	3	12
Oregon		5		5
Pennsylvania	6	57	3	66
Porto Rico		2		2
South Carolina	4	17	3	24
South Dakota		4		4
Tennessee	1	25	4	30
Texas	4	41	5	50
Utah		3		3
Vermont	1	4		5
Virginia		6	2	8
Washington	1	1		2
West Virginia		5	2	7
Wisconsin	2	17		19
Wyoming		1		1
Total	66	677	82	825

NOTE.—By "application" is meant the number of different towns requesting institution of the service. By "petitions" is meant the formal request by a number of citizens for the service. By "inquiries" is meant the number of communications received in addition to the petitions and applications.

Mr. SHAFROTH. Mr. President, I wish to say just a word before the vote is taken upon this amendment.

It seems that the revenues of the Post Office Department, as estimated for the coming year, would be from $20,000,000 to $30,000,000 short of the expenditures. If there ever was a time, it is important now that we should at least curb those appropriations which indicate that in the future will produce great expenditure. The Senator from Florida has stated that, in his judgment, if the experiment is extended from free-delivery village, as now named, to the thousands of the same size in the United States, that it would ultimately make an expenditure of probably $20,000,000 a year.

It seems to me, Mr. President, that in these times we should not make these expenditures. It is not of any great benefit. Everyone knows that in villages less than 2,000, and that is the size which the Postmaster General has said is the limit upon which any delivery of this kind has been established, that the people desire to go to the post office for their mail. It is not any great inconvenience for them to go, because the distance is only a few blocks. Considering the enormous expense it is likely to develop, and the fact that it is not any great convenience to the people, and that we have a deficit in the treasury of the Postal Service, it seems to me that we ought to vote in favor of striking out this appropriation.

Mr. GRONNA. Mr. President, may I ask the Senator from Colorado a question?

Mr. SHAFROTH. Certainly.

Mr. GRONNA. I want to ask the Senator from Colorado if it would not be well to commence economy on the extension of the parcel post?

Mr. SHAFROTH. It is mighty hard to tell——

Mr. GRONNA. If the Senator will permit me to finish my statement, I desire to say that the Senator knows that the department has lost large sums of money this year on account of the classification that has been made; and only such people as Sears, Roebuck & Co., Montgomery Ward, and other catalogue houses have profited by it. It is only recently that Sears, Roebuck & Co. declared a dividend of more than $20,000,000. Why not commence economy there, instead of cutting down on these little items which give the people of this country valuable and needed service?

Mr. SHAFROTH. I will suggest to the Senator that men will differ as to which item of an appropriation bill is the more important. I am satisfied that the parcel post has produced a great reduction in express rates for the people, though maybe that is a service that ought to be curtailed somewhat; but here we are branching out into a new experiment, which it is supposed will in time develop into an enormous expenditure. The Senator from Florida has estimated it at $20,000,000. To start that now at a time when we will have a deficit in the postal receipts seems to me to be very wrong.

Mr. WEEKS. Mr. President——

Mr. SHAFROTH. I yield to the Senator from Massachusetts.

Mr. WEEKS. I agree with the Senator from Colorado that it is desirable to limit expenses, this year especially, so far as possible, but the Senator himself has just voted for a proposition that added $2,700,000 to the bill as reported by the committee, and now he wants to save $150,000 in some other way. Why did he not vote to save the $2,700,000?

Mr. SHAFROTH. Mr. President, 62 Senators voted in favor of that appropriation and only 10 voted against it. That is pretty good evidence of the fact that it was a needed appropriation; but that was a different proposition from establishing and extending a new branch of the service that will involve large expenditures in the future. It seems to me, Mr. President, that the amendment of the Senator from Florida ought to be agreed to and that the provision in the bill ought to be stricken out.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Florida.

Mr. PENROSE. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Nelson	Shields
Bankhead	Gore	Norris	Simmons
Brandegee	Gronna	Oliver	Smith, Md.
Bristow	Hardwick	Page	Sterling
Bryan	James	Penrose	Swanson
Burleigh	Johnson	Perkins	Thomas
Camden	Jones	Pittman	Thompson
Catron	Kern	Poindexter	Townsend
Chamberlain	Lane	Pomerene	Walsh
Chilton	Lewis	Ransdell	Weeks
Clapp	Lippitt	Robinson	White
Clark, Wyo.	Lodge	Root	Williams
Culberson	McCumber	Saulsbury	
Dillingham	Martine, N. J.	Shafroth	
Fletcher	Myers	Sheppard	

The VICE PRESIDENT. Fifty-seven Senators have answered to the roll call. There is a quorum present.

Mr. TOWNSEND. Mr. President, just a word in reference to this amendment. If I understand correctly, the Senator from Florida has moved to strike out the provision for experimental village delivery. I have not listened to all that has been said on the subject, but I wish to submit this thought, which comes to me from practical experience in matters of this kind. This delivery service is only provided in sizeable towns, not small towns but good-sized towns, which are a little too small for ordinary city delivery. I know of many cases where on the outside of the line between a corporate village and the country are families who are served with free rural delivery, while on the inside of the line the patrons have to go to the post office for their mail. That is a hard matter to explain, and it is almost impossible to satisfy those people.

It has occurred to me that the people on the inside, or the village side of the line, are quite as much entitled to delivery as those who live just across the road. That point is emphasized over and over again in all of the cases where we have this delivery; and therefore it seems to me that, until this experiment shall determine the feasibility of the project, we can afford to continue it, having started upon it and not having appropriated any larger amount, until we are satisfied that it is either good or bad.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Florida.

Mr. PENROSE. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SAULSBURY (when his name was called). I transfer my pair as on the last vote, and vote "nay."

Mr. SMITH of Michigan (when his name was called). I again announce my pair with the junior Senator from Missouri [Mr. REED], and I transfer that pair to the senior Senator from Idaho [Mr. BORAH], and vote "nay."

Mr. STERLING (when his name was called). I have a general pair with the Senator from New Jersey [Mr. HUGHES], and therefore withhold my vote. If he were present, I should vote "nay."

The roll call was concluded.

Mr. VARDAMAN (after having voted in the negative). I have a general pair with the junior Senator from Idaho [Mr. BRADY], but I understand if he were present he would vote as I have voted, and so I will let my vote stand.

Mr. STERLING. I transfer my pair with the Senator from New Jersey [Mr. HUGHES] to the junior Senator from Wisconsin [Mr. STEPHENSON] and will vote. I vote "nay."

Mr. CULBERSON (after having voted in the negative). I transfer my general pair with the Senator from Delaware [Mr. DU PONT] to the Senator from Oklahoma [Mr. OWEN] and will allow my vote to stand.

Mr. CHILTON (after having voted in the negative). I inquire whether the Senator from New Mexico [Mr. FALL] has voted.

The VICE PRESIDENT. The Chair is informed that he has not.

Mr. CHILTON. I have a pair with that Senator, but I transfer that pair to the Senator from Nevada [Mr. NEWLANDS], and will let my vote stand.

Mr. MARTINE of New Jersey. I am requested to announce the absence of my colleague [Mr. HUGHES] on account of illness in his family, and to state that he is paired with the Senator from South Dakota [Mr. STERLING].

The result was announced—yeas 29, nays 36, as follows:

YEAS—29.

Bristow	Hardwick	Poindexter	Stone
Bryan	Jones	Ransdell	Thomas
Burton	Kern	Robinson	Thompson
Camden	Martine, N. J.	Root	Walsh
Catron	Myers	Shafroth	White
Clapp	Nelson	Sheppard	
Fletcher	Norris	Smith, Ga.	
Gore	Overman	Smoot	

NAYS—36.

Ashurst	Gronna	Martin, Va.	Smith, Md.
Brandegee	James	Oliver	Smith, Mich.
Burleigh	Johnson	Page	Sterling
Chamberlain	La Follette	Penrose	Swanson
Chilton	Lane	Perkins	Townsend
Clark, Wyo.	Lippitt	Pomerene	Vardaman
Culberson	Lodge	Saulsbury	Warren
Dillingham	McCumber	Simmons	Weeks
Gallinger	McLean	Smith, Ariz.	Williams

NOT VOTING—31.

Bankhead	Fall	Lewis	Shively
Borah	Goff	Newlands	Smith, S. C.
Brady	Hitchcock	O'Gorman	Stephenson
Clarke, Ark.	Hollis	Owen	Sutherland
Colt	Hughes	Pittman	Thornton
Crawford	Kenyon	Reed	Tillman
Cummins	Lea, Tenn.	Sherman	Works
du Pont	Lee, Md.	Shields	

So Mr. BRYAN'S amendment was rejected.

Mr. POINDEXTER. Mr. President, I judge from the length of debate over this item of $150,000 for village delivery and from the statement of the Senator from Colorado [Mr. SHAFROTH] that there is a $20,000,000 deficit in the department, that the committee would not object to any suggestion that would curtail the expenses of the department without interfering with its efficiency. I want to submit an amendment in a moment, and I hope that, in view of the situation of the department as to its revenues, there will not be any point of order made against it by the committee, and that it will at least not be opposed by the committee. The amendment is to take the first-class and second-class post offices out of the control of politics and to put them on a business basis.

This is not a new matter by any means. I do not claim any virtue of discovery or originality in suggesting it. It is a matter that has been very carefully investigated by Government commissions, and I want to read in a moment short extracts from several messages of the President of the United States in a former administration, urging the adoption of this change in the official arrangement for the conduct of the first and second class post offices.

The first and second class post offices are not, or at least ought not to be, political institutions. They are business institutions, the purpose being to receive the mail which comes into the post office, to distribute it, to sell the stamps and money orders, to receive the revenues, and to make the proper accounting for them. It is perfectly obvious, it does not need any argument to convince any reasonable man, that so far as the purposes of these offices are concerned the same economy and the same business efficiency ought to be applied that is applied in any private concern. There can be no object whatever in allowing the desire of a political party to prevail in the country to turn these offices over as the muniments of war of political campaigns.

Mr. PENROSE. Mr. President, may I address an inquiry to the Senator?

Mr. POINDEXTER. I yield to the Senator from Pennsylvania.

Mr. PENROSE. The Senator certainly does not mean to insinuate that that has been the practice under the present administration. Does he?

Mr. POINDEXTER. No; I do not make any insinuation.

Mr. PENROSE. I am very much gratified to know that.

Mr. POINDEXTER. If the Senator has been here and has observed the amount of time the Senate has spent in discussing the wholesale change of first and second class postmasters, he realizes that I would not make any such insinuation. These changes have been based altogether upon the political partisanship of the man receiving the appointment, having nothing whatever to do with their efficiency in the Government business. It is corrupting in its influence and embarrassing to the proper independence of the Senate.

Mr. President, even if there were no saving in the cost of operation, the office ought to be run solely for the purposes of the Post Office Department; but when it costs more to the extent of at least $6,000,000 a year to put them under political control, there is an additional reason why politics ought to be eliminated from it.

In practically every first and second class post office there is both a postmaster and an assistant postmaster.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Mississippi?

Mr. POINDEXTER. I do.

Mr. WILLIAMS. I should like to ask the Senator from Washington what his proposed amendment is?

Mr. POINDEXTER. I will read it to the Senator. I was just going to state the substance of it, in the first place. The substance, before reading the amendment, is to consolidate the two offices of postmaster and assistant postmaster in first and second class offices, and to change the name of the assistant postmaster to superintendent, and put it in the classified civil service.

Mr. WILLIAMS. I should like to have the Senator read the amendment to the Senate, so that I can understand it.

Mr. POINDEXTER. I propose to add, at the close of the bill, this——

Mr. WILLIAMS. The Senator is about to read what he now offers?

Mr. POINDEXTER. Yes; what I will offer in a moment.

The offices of postmaster and assistant postmaster are hereby abolished in first and second class offices, and in lieu thereof is created the office of superintendent of post office. Each post office of the first and second classes shall be in charge of a superintendent, to be appointed by the Postmaster General. In each such office where there is an assistant postmaster such assistant postmaster shall be appointed to the office of superintendent of post office, if qualified therefor, and shall hold the same subject to the laws and regulations of the classified civil service. Thereafter all appointments to the office of superintendent of post office shall be made upon merit, and where practicable by promotion or transfer from the employees of the Postal Service, and shall hold the office without regard to politics or political recommendations, upon the terms and conditions and subject to such tenure as is provided by the laws and regulations governing the classified permanent civil service. For compensation to such superintendents of post offices there is hereby appropriated $3,613,279. This section shall not apply to postmasters or assistant postmasters now in office whose terms have not expired, but they shall be allowed to serve out the term for which they were appointed. All acts in conflict herewith are hereby repealed.

Mr. CLAPP. Mr. President, will the Senator from Washington pardon some inquiries?

Mr. POINDEXTER. I yield to the Senator.

Mr. CLAPP. It is needless, of course, for me to say that I am in hearty sympathy with the spirit of the proposed amendment, but it seems to me to leave the matter incomplete in some respects.

First, it makes no provision for the salaries of these superintendents.

Second, wherever there is to-day a postmaster and an assistant postmaster, theoretically at least the services of the two are required, and dispensing with the one, as this amendment would do, would leave the offices short one assistant or one man who would ordinarily take the place of the assistant. It seems to me that the amendment ought to cover those two points.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Kansas?

Mr. POINDEXTER. I will ask the Senator from Kansas to pardon me just a moment. I am very glad that the Senator from Minnesota made his inquiry. He is mistaken, however, as to the amendment not providing for the salary of these superintendents.

Mr. CLAPP. There is a gross appropriation; but the Senator does not say, in the amendment, what the salary of the superintendent at a given point would be. It does not even continue in force the rate of salary which either the assistant or the postmaster at present is receiving. It is true that the amendment makes an appropriation of some $3,000,000 for salaries.

Mr. POINDEXTER. It would leave it, until corresponding changes are made in the classified service, in the discretion of the Postmaster General to fix the salary of these superintendents, which as a matter of probability would be based upon the present salary of the assistant postmaster.

Mr. CLAPP. If this amendment were adopted, and the term of office of the postmaster in some given post office should expire, the assistant then would become, if qualified, under this amendment, the superintendent. In the absence of any express provision, would the Postmaster General have any authority to fix the compensation of that superintendent? It does not seem to me that he would. If he has, then that point is covered.

Mr. POINDEXTER. I think he would have authority to fix the salary, but if not that is a detail which could be very easily taken care of. It has been estimated by those who have given some attention to the subject that the additional responsibilities and services that would be required of those employees who are now assistant postmasters, in case they took charge of the office and performed the duties that are now performed by the postmaster and the assistant postmaster, would be reasonably compensated by an increase of approximately 20 per cent in the salaries which they now receive.

Mr. CLAPP. That is merely an estimate; but the question is, Does the authority exist? If it does not exist, it seems to me that if this amendment is to be adopted at this time the authority ought to be conferred or some rule given for fixing the salary.

The other point is this: Take a position where to-day there is a postmaster and an assistant postmaster. Under this amendment, if it is adopted, the postmaster will go out at the end of his term and the assistant will be advanced to the office of superintendent. Now, is there any authority anywhere to-day in the law—I am making the inquiry because I am not familiar with the facts—under which the additional help could be appointed, designated, and employed that would be rendered necessary by eliminating one of these officials?

Mr. POINDEXTER. Yes; the Postmaster General has authority to allow additional employees in offices. My opinion is that there probably would be very little need for additional help.

Mr. BRISTOW. Mr. President——

Mr. POINDEXTER. I yield to the Senator from Kansas.

Mr. BRISTOW. The last remark of the Senator is just what I wanted to call his attention to. In my opinion you could drop out of existence, according to the provisions of this amendment, every postmaster in the United States, leaving the assistant postmaster and the superintendent at their present salaries; and, so far as the effectiveness and the efficiency of the service is concerned, the people would never know anything about it.

Mr. CLAPP. In the main that is probably true.

Mr. POINDEXTER. I agree with the Senator as to that, but still there would be a saving of many millions of dollars even if we increased to some extent the salaries of the present assistant postmasters, say, to the extent of 20 per cent. At the present time the salaries of postmasters in first-class offices amount in the aggregate to $1,731,800, and of the postmasters in second-class offices to $4,682,500, being a total of $6,414,300 as the salaries of the postmasters of first and second class offices. All of that would be saved, because the office of postmaster would be abolished. The salaries of assistant postmasters in first-class offices aggregate $846,600, and those of assistant postmasters in second-class offices $2,164,466, or a total of $3,011,066. If the salaries of the assistant postmasters be raised 20 per cent on account of the increased responsibility of having charge of the office, that would amount to $602,213; and if that amount is deducted from the total salaries of the postmasters at the present time it will give a result of $5,812,087, which would be directly saved by this change; but it is estimated that the indirect saving in the increased efficiency of the office by having it in charge of competent superintendents, who are chosen for merit and for experience, would be as great as the direct saving.

I referred a moment ago to the recommendation of the President of the United States. One of the good things that the former President, Mr. Taft, did was to advocate a budget system for the finances of the Government. He gave a great deal of attention and study to it. I do not think he ever received the credit to which he was entitled for the work he did in behalf of the economical administration of the enormous revenues of the United States; but in pursuance of that plan he discussed this question of putting the first and second class post offices upon a business basis and conducting them as they ought to be conducted, in the interest of the service for which they are established.

Mr. President, the reason why there are assistant postmasters in most of the offices is because when some local politician receives the reward for the services which he has rendered to the party that won out in the election, and he is appointed postmaster, he does not know anything about the duties of the office and he has to get somebody to run the office for him. That is the reason why there are assistant postmasters. The assistant postmaster is the man who runs the office. The assistant postmasters could run it just as well, in many cases, if there were not any postmaster there.

Mr. Taft in a message to the Senate and the House of Representatives said.

I have several times called attention to the advantages to be derived from placing in the classified service the local officers under the departments of the Treasury, of the Post Office, of Justice, of the Interior, and of Commerce and Labor. In my message submitted to the Congress on January 17 I referred to the loss occasioned to the Government because of the fact that in many cases two persons are paid for doing work that could easily be done by one. In the meantime I have caused an inquiry to be made as to the amount in money of this loss. The results of this inquiry are that the loss amounts to at least $10,000,000 annually.

That is worth saving, Mr. President, at a time when there is a deficit in the revenues and when you are seeking to recoup those losses out of the salaries of rural carriers and by cutting off the extension of the rural service, of new rural routes. Instead of meeting the deficit in the revenues by a deterioration in the service of the department, you can meet it, in large part, by the changes which I refer to without interfering in the slightest degree with the quality of the service, and, in fact, improving it.

Mr. Taft says:

For example, it appears that a very substantial economy would result from putting experienced and trained officers in charge of the first and second class post offices instead of selecting the postmasters in accordance with the present practice. As the annual operating expenses of the first and second class offices aggregate the enormous sum of more than $80,000,000, undoubtedly if the postmasters of these offices were embraced in the classified service and required to devote all their time to the public service the annual savings would eventually represent many millions of dollars. The saving in salaries alone, not taking into account any saving due to increased efficiency of operation, would amount to about $4,500,000. At the present time the salaries of postmasters of the first and second class amount to $6,076,900, while the salaries of assistant postmasters of the same classes amount to $2,820,000.

Those aggregates have increased since the date of that message and are now the figures which I cited a moment ago. Then the former President proceeded:

If the position of postmaster were placed in the classified service and those officers were given salaries equal to 20 per cent more than

the salaries now given to the assistant postmasters, the latter position being no longer required, there would be a saving in salaries to the Government of $4,512,900. In the case of postmasters at offices of the third class a large annual saving could be made.

He repeated that recommendation in another message February 26, 1913, in which he said:

With respect to the first class I have already submitted recommendations to Congress in several messages transmitting reports in which it is estimated that the direct salary cost of the Government may be reduced not less than $4,500,000 a year—this to be done by placing a large proportion of presidential appointments in the classified service. The salaries of postmasters of the first and second classes amount to over $6,000,000, while the salaries of assistant postmasters of the same classes amount to $2,820,000. If the position of postmaster were placed in the classified service, and these officers were given salaries equal to 20 per cent more than the salaries now given to assistant postmasters, the latter positions being no longer required, there would be a saving of $4,512,000. Besides this direct reduction that might be immediately made in the estimates, there would also be very large indirect reductions of cost that might be availed of in future estimates—reductions that can not be realized so long as appointments are on a partisan basis. These unnecessary indirect costs are due to the fact that a considerable part of the services outside of Washington can not be properly brought within the discipline of administrative officers. So long as high salaried local officers owe their appointments to local influence it may be assumed that their tenures will be fairly secure, regardless of their efficiency. This is discouraging to those in equally responsible positions who are rendering efficient service, but who, by reason of the nonpartisan character of the appointment, receive not more than half the amount of salary; it tends to destroy the esprit de corps, especially with subordinates; it carries with it expenditures that in many instances are unwisely made. Altogether, in the opinion of those who are best acquainted with the service, the indirect saving to the Government amounts to more than the direct saving indicated.

Those conclusions of the former President were not based upon mere surmises, but they were based upon the most careful and long-continued examination by a board or a commission created for that purpose called the Commission on Economy and Efficiency. In their report of December 15, 1911, while there are many things in the report that I do not agree with, there are many things that I do agree with. One of those that has merit is this recommendation:

That it be provided by law that all local officers under any of the executive departments (such as customs officers, internal-revenue officers, postmasters—

Mark you—

marshals, supervising inspectors in the Steamboat-Inspection Service, commissioners of immigration, registers and receivers of district land offices, surveyors general, pension agents, etc.), who are now appointed by the President by and with the advice and consent of the Senate, be appointed by the President alone.

In conclusion, Mr. President, I simply want to say that nothing has been urged against this proposition. I do not think it can be successfully maintained that the efficiency of the service would be interfered with or that the saving which I have stated can not be effected. That being so, I am very much in hopes that there will not be any objection to the amendment which I now offer and ask the Secretary to read.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. Insert, at the end of the bill, the following:

The offices of postmaster and assistant postmaster are hereby abolished in first and second class offices, and in lieu thereof is created the office of superintendent of post office. Each post office of the first and second classes shall be in charge of a superintendent, to be appointed by the Postmaster General. In each such office where there is an assistant postmaster, such assistant postmaster shall be appointed to the office of superintendent of post office, if qualified therefor, and shall hold the same subject to the laws and regulations of the classified civil service. Thereafter all appointments to the office of superintendent of post office shall be made upon merit, and, where practicable, by promotion or transfer from the employees of the Postal Service, and shall hold the office, without regard to politics or political recommendations, upon the terms and conditions and subject to such tenure as is provided by the laws and regulations governing the classified permanent civil service. For compensation to such superintendents of post offices there is hereby appropriated $3,613,279. This section shall not apply to postmasters or assistant postmasters now in office whose terms have not expired, but they shall be allowed to serve out the term for which they were appointed. All acts in conflict herewith are hereby repealed.

Mr. BANKHEAD. Mr. President, I make a point of order against the amendment that it is new legislation.

The VICE PRESIDENT. The point of order is sustained.

Mr. GORE. I desire to offer an amendment to the pending bill, which I send to the desk.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. On page 35, after line 9, insert as an additional section the following:

SEC. 11. That all pamphlets and other matter relating to elections published by any State or municipal government for use at such elections shall be mailable at second-class mail rates of 1 cent per pound under rules and regulations fixed by the Postmaster General.

Mr. BANKHEAD. Mr. President, I make a point of order against that amendment. It is new legislation and changes existing law.

The VICE PRESIDENT. The point of order is sustained.

Mr. OLIVER. Mr. President, I have just this moment received a telegram, and as it relates directly to the business of the department to which the pending bill refers, I ask that it be read. It is from the editor of the Philadelphia Public Ledger, and is a short telegram. I have also an editorial and a short article from the same paper relating to the same subject, the service in the Philadelphia post office. I simply ask that the newspaper articles be inserted in the RECORD, without reading, and that the telegram be read.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[From the Philadelphia Public Ledger, February 23, 1915.]

SLOW MAIL DELIVERIES.

An attempt is made by the post-office authorities to explain—for they can not justify—the slow delivery of mail in Philadelphia by a reference to the operation of the eight-hour law. It is claimed that there are not enough carriers to arrange for late as well as early deliveries, because the man who begins work at, say, 7.30 in the morning has finished his day by half past 3 or 4, and the number of carriers is too small to permit of two shifts. Moreover, the further explanation is offered that "90 per cent of the mail is ready for the early morning delivery," that the work calls for the full force at that hour, and that it would be bad policy to hamper the early delivery of 90 per cent of the mail for the 10 per cent distributed during the remaining hours of the day.

It is obvious to everyone that this argument is fallacious. Mail accumulates in great volume in the morning, it is true, because many business concerns habitually deposit their mail at the close of the day, but it is also true that if the postal authorities deliberately add to this natural accumulation all the mail which under more scientific methods would be delivered at the close of the day throughout the greater part of the city, that 90 per cent represents a great deal more than the legitimate volume of mail for morning delivery.

The omission of provision for an evening delivery is a serious inconvenience, an admission of inadequacy of service, which no first-class city ought to tolerate. And Philadelphia should insist upon a mail service at least equal to that given by the postal authorities in the larger cities of the world. We are in the habit of lauding American efficiency in business affairs, but the Postal Service is a sorry commentary upon the demoralizing results of an admixture of politics and business in what ought to be one of the most perfectly organized services, so vital is it to the welfare of the people and to the success of their commercial undertakings. Whether the fault lies with local or national mismanagement, it calls aloud for immediate correction.

[From the Philadelphia Public Ledger.]

ADVERSE CRITICISM OF POST OFFICE HERE BECOMES GENERAL OVER ENTIRE CITY—BUSINESS MEN COMPARE PHILADELPHIA SYSTEM TO THAT OF ALASKA DURING CLOSED WINTER SEASON.

Letter tests showing inefficiency in delivery system.

Where mailed.	Destination.	Time mailed.	Time received.
Main post office.....	3014 Salmon Street.	Feb. 16, 1 p. m.....	Feb. 17, 1.30 p. m.
Do.....	2135 West Ontario Street.	.....do.....	Feb. 17, 8.40 a. m.
Do.....	1531 Erie Avenue...	.....do.....	Feb. 17, 7.30 p. m.
Do.....	115 South Fifty-fourth Street.	Feb. 18, 2 p. m.....	Feb. 19, 9 a. m.
Do.....	4926 Pulaski Avenue.	.....do.....	Feb. 19, 8.15 a. m.

Criticism against the apparent inability of the local post-office authorities to promptly distribute first-class mail in this city continues to pile up from business men and private individuals, who, by pointing to letters mailed here, some of which were 24 hours in transit, compare the Philadelphia system to that of Alaska during the closed winter season.

The charge by a former employee of the department that mail is permitted to accumulate is borne out by test letters sent by the Public Ledger a few days ago. A case in point is that of a letter mailed at the central post office, Ninth and Chestnut Streets, shortly after 12 o'clock on the noon of February 16, designated for 3014 Salmon street, in the northeastern section of the city. This was received at 1.30 o'clock the following afternoon, being more than 24 hours in transit. The address is within a few squares of the Bridesburg substation, into which, says the department, the mails are carried by trolley.

Another complaint received yesterday declared that a letter posted at the central station at 1 o'clock on Friday for Sixtieth and Market Streets was not received until Monday morning.

The poor showing of Philadelphia in the matter of deliveries as compared with other first-class cities of the country was the subject of a letter from Walter Lippincott, the publisher, who said:

"I read with much interest your article on the inefficiency of the management of our post office, and I am glad the Public Ledger has taken notice of this crying evil. As one of the sufferers I thank you for your effort in their behalf.

"The reason given to me by the post-office officials for the curtailment of deliveries was that the working hours had been reduced from 10 to 8 hours without any increase in the force.

"Furthermore, I learned that New York had three deliveries per day more than Philadelphia, and while the last delivery in Philadelphia was made a little after 4 o'clock, the last delivery in New York was made between 7 and 8 o'clock."

Officials at the post office refused yesterday to discuss the situation. Postmaster Thornton issued a statement that he was preparing an answer from the standpoint of the local department which he would soon make public.

Former officials of this office admit the service manifestly is inefficient and infer that much of the trouble is caused by the "niggardly policy of economy" as enforced by the Post Office Department at Washington, which was, they said, the natural course in view of the recently announced deficit of $30,000,000 in the widespread conduct of the business.

The VICE PRESIDENT. Without objection, the Secretary will read the telegram.

The Secretary read as follows:

PHILADELPHIA, PA., *February 24, 1915.*

Hon. GEORGE T. OLIVER,
United States Senate, Washington, D. C.:

Will you kindly use your influence with President, Postmaster General, and proper officials to secure an adequate and efficient postal

service for the city of Philadelphia, which is now without free delivery after 2 o'clock each afternoon? This works great injury to business and inconvenience and loss to residents.

EDITOR PUBLIC LEDGER.

Mr. PENROSE. Mr. President, I desire in connection with this bill, which brings up the subject properly, to call the attention of the Senate to the importance of some provision for the retirement of postal employees.

I confess, Mr. President, that in the beginning I was opposed to this proposition. It did not seem to me that the Government ought to go into the business of what has been described as a term of opprobrium as a civil pension list. Then, after I looked into the matter a little further it seemed to me that if the Government did adopt a retirement system, accompanied by some half pay or some proportion of pay, the fund should be made up by contributions in the nature of a relief fund or pension fund made by monthly or periodical payments by the employees.

Then I got a little further, Mr. President, in the lapse of years, and I suppose with wise men it is not an evidence of lack of wisdom to develop and progress and change one's mind, until I became convinced that the only practical system was a system of flat, straight, direct retirement and pension.

I was led to that conclusion also by noticing the development of the corporations of the country, representing large aggregations of capital employing an army of men, who, it seemed to me, according to my study and observation, gradually evolved and developed into the conclusion of a flat, direct retirement system.

In the early days of retirement systems, inaugurated originally, I suppose, by the railroads of the country, we had the relief system and the system of periodical payments on the part of the employee. Those systems have been quite elaborately worked out, and I have no doubt have been beneficent in their results. But we live in an age of rapid development, and the most recent systems adopted by the great corporations of the country have evolved beyond this contributory plan and embody a program of flat retirement.

The United States Government, I might say by way of a preliminary, is the only Government of all the leading civilized Governments in the world that has no system of retirement for its superannuated civil-service employees. The custom or practice of all governments, whether national, State, or municipal, in their dealings with their people and employees certainly should furnish some precedent and example for the Federal Government of the United States. Instead of having the distinction of taking the lead in this kind of legislation and setting the example to States and municipalities, of school boards and corporations, we have invited much harsh criticism and have not in any way taken the initiative in this kind of legislation for the relief of the vast army of the employees under the civil service in the Government.

I will call the attention of the Senate to a few instances of retirement plans for the benefit of employees at present in force. The list includes teachers, firemen, and police pension funds without contributions from salaries. In Maryland we have a teachers' retirement list under the jurisdiction of the State board of education; in Boston, Mass., a permanent pension fund; in New Jersey the entire State has such a system; in New York there is a retirement fund for the College of the City of New York. In Philadelphia we have a private foundation looking to the same end. These are educational. So I might go down the list.

Then we have the list with reference to the firemen's pension fund. We have it in Oakland and San Francisco, Cal.; in New Britain and New Haven, in Connecticut; and so on in a number of towns, which I will ask to have inserted in the RECORD as a part of my remarks if there be no objection.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

This list includes teachers, firemen, and police pension funds without contributions from salaries.

I will first take up the teachers:

Maryland: Teachers' retirement list, State board of education; Annapolis; entire State.
Massachusetts: Boston; permanent pension fund.
Nebraska: Omaha.
New Jersey: The entire State.
New York: Retirement fund for the College of the City of New York.
Pennsylvania: Philadelphia; Elkin fund.
Rhode Island: The entire State.
South Carolina: Charleston.

The list with reference to the firemen pension funds is as follows:

California: Oakland and San Francisco.
Connecticut: New Britain and New Haven.
Georgia: Savannah.
Maryland: Baltimore.
Massachusetts: Boston, Cambridge, Holyoke, Lowell, and Springfield.
Michigan: Detroit, Grand Rapids, and Jackson.
Nebraska: Omaha.
New York: Albany, Buffalo, Elmira, and New York City.
Ohio: Canton, Columbus, Springfield, Toledo, and Youngstown.
Pennsylvania: Pittsburgh.
South Carolina: Charleston.

The pension list with reference to policemen is as follows:

Connecticut: Hartford, New Britain, and Waterbury.
Florida: Jacksonville.
Georgia: Augusta and Savannah.
Louisiana: New Orleans.
Maine: Portland.
Massachusetts: Boston, Cambridge, Fall River, Holyoke, Lowell, Lynn, Somerville, and Springfield
Michigan: Grand Rapids, Jackson, and Saginaw.
Minnesota: Duluth.
New Jersey: Bayonne and Hoboken.
New York: Buffalo and Elmira.
Ohio: Akron, Columbus, Springfield, and Youngstown.
South Carolina: Charleston.

Retirement under the above funds is in the majority after 20 years of service and over, upon half pay, with disability provision.

I now desire to take up a number of commercial corporations having pension funds without contribution from salaries of the employees.

First is the American Telephone & Telegraph Co., employing 120,311 employees; retired at 60 years of age, with 20 or more years of service, continuously, upon 1 per cent of salary during the 10 years preceding retirement. Disability provision after 10 years or more of continuous service.

American Sugar Refining Co.: Number of employees, 7,500; retired at 60 to 70 years of age, with 20 or more years of service, upon 1 per cent of salary during the 10 years preceding retirement. One reason for deciding against the type of plan which requires contributions from employees was the high cost of living, which would make any tax on salaries a hardship. This is a statement of the directors of the company.

Carnegie Foundation: This grants pensions to teachers of universities, colleges, and technical schools, $15,000,000 having been provided for the purpose. The average retirement allowance is $1,628.41; the maximum allowance is $4,000.

The Consolidated Gas Co., of New York, gives retirement after 35 years' service upon 1 per cent of salary during the five years preceding retirement.

Mr. PENROSE. These systems were started a number of years ago, and furnish a precedent for what there is an increasing demand for every year, and that is for similar action on the part of the Federal Government.

Then, in addition to the pensions for teachers and firemen and policemen, we have the long line of corporations to which I partially referred. We have the Carnegie Foundation giving a pension to teachers in universities, colleges, and technical schools, $15,000,000 having been provided for that purpose. The average retirement allowance is $1,628. The maximum allowance is $4,000.

The Consolidated Gas Co. of New York gives retirement after 35 years' service upon 1 per cent of salary during the 5 years preceding retirement.

Mr. BRISTOW. Mr. President, will the Senator yield?

Mr. PENROSE. Yes.

Mr. BRISTOW. Let me inquire if there is any more reason why an American citizen who is employed by the Government should have a pension when he arrives at a certain age than there is that the citizen who is not employed should have a pension? Should not an old-age pension, if we are going into that policy, be applied to the man who is employed in private life as well as the man employed by the Government, when the money is raised by taxation that furnishes the pension or retired pay?

Mr. PENROSE. Without wanting to depart from the specific subject which is before the Senate and which I have in mind, which is a system of retirement for a definite class of employees, I will depart for a moment to answer the Senator and say that I will be willing to vote at any time for a moderate and conservative old-age pension in the United States. I am not prepared to say that the Federal Government should inaugurate this system, but that rather it should be a matter within the province of the States. But whether it be taken up by the States or by the Federal Government, and the trend nowadays seems to be to throw everything on the Federal Government and ignore the States, I can assure the Senator from Kansas that I am in hearty sympathy, and I believe that some day we may come to it to have a properly guarded old-age pension in this country. They have it in most of the nations of Europe.

It may be that we have not reached the stage in our civilization which renders the need so pressing in America as it is in Germany or in England, but of one proposition I am convinced, that it is better to give a small pension to a superannuated man or woman thrown upon the cold hospitality of the world in their old age, unable to make a living; that it is better to provide for them a small annuity and in the end it will be cheaper than to board them in the poorhouse; that rather we should give them a little provision for the one, two, or three years, the brief period which they may have to remain on earth, so that they may get along as best they may with their families, their relatives, or friends.

There is already in the United States some little beginning of such a system in many of the States in what is known as mothers' pensions. In the State of Pennsylvania the legislature

at the last session passed a law providing for a commission in any county in the State and a certain appropriation where the county made an equal appropriation for the support of widows with families, on the ground that it was not only an act of justice and propriety, but that it was better and cheaper for the community, in the long run, than to have the mother and the children go to the poorhouse. But that is neither here nor there; it does not affect the argument which I have in mind.

The Consolidated Gas Co., of New York, gives retirement after 35 years' service upon 1 per cent of salary during the five years preceding retirement. Then the Provident Loan Society, of New York; the Public Service Corporation, of New Jersey; the Standard Oil Co.; and Yale University all have pension systems under the jurisdiction of their boards of trustees. The United States Steel Corporation and the Carnegie Pension Fund involves employees to the number of 225,000 who are retired under various definitions and schedules at certain ages. The railroads I have briefly referred to. I shall not take the time of the Senate by reading the list, but ask that it may be inserted in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The list referred to is as follows:

Railroads having pension systems without contributions from the salaries of the employees are as follows:

Atchison, Topeka & Santa Fe Railway Co.
Atlantic Coast Line Railroad.
Baltimore & Ohio Railroad.
Bessemer & Lake Erie Railroad.
Brooklyn Rapid Transit Railroad Co.
Buffalo, Rochester & Pittsburgh Railway Co.
Chicago & North Western Railway Co.
Chicago, Rock Island & Pacific Railway Co.
Chicago, St. Paul, Minneapolis & Omaha Railway.
Cleveland, Cincinnati, Chicago & St. Louis Railway.
Cleveland Valley & Terminal Railroad.
Delaware, Lackawanna & Western Railroad.
Illinois Central Railroad.
Lake Shore & Michigan Southern Railway.
Michigan Central Railroad.
Newburg Railway Co.
New York Central & Hudson River Railroad.
New York, New Haven & Hartford Railroad.
New York Railways Co.
Oregon Railroad & Navigation Co.
Oregon Short Line Railroad.
Pennsylvania Railroad, lines east of Pittsburgh.
Pennsylvania Lines, west of Pittsburgh.
Philadelphia & Reading Railway.
Southern Pacific Co.
Union Pacific Railroad.
Washington, D. C., street railway companies.

Mr. PENROSE. They include the Pennsylvania Railroad lines east of Pittsburgh and the Pennsylvania Railroad lines west of Pittsburgh, and the Philadelphia & Reading Railway system in Pennsylvania. The pension allowances granted to employees of these railroads are from 1 to 2 per cent of the average salaries for the 10 years preceding retirement.

Mr. President, I think perhaps that one of the most complete and liberal systems of retirement and pension was inaugurated a year or so ago, on January 1, 1913, according to the prospectus I hold in my hand, by the American Telephone & Telegraph Co. I have here "a plan for employees' pensions, disability benefits, and insurance," and I understand the system is in successful operation. Regarding pensions, the prospectus reads as follows:

5. PENSIONS.

1. On and after January 1, 1913:

(a) All male employees who have reached the age of 60 years and whose term of employment has been 20 or more years, and all female employees who have reached the age of 55 years and whose term of employment has been 20 or more years, may, at their own request, or at the discretion of the committee, be retired from active service and become eligible to pensions.

(b) Any employee whose term of employment has been 30 years or more, or any male employee who has reached the age of 55 and whose term of employment has been 25 or more years, or any female employee who has reached the age of 50 years and whose term of employment has been 25 or more years may, on the approval of the president or designated vice president, be retired from active service and granted a pension allowance.

What are these pensions?

2 The annual pension allowance for each employee retired with a pension on account of age or length of service shall be as follows:

For each year of active service 1 per cent of the average annual pay during the 10 years next preceding retirement, provided, however, that the committee may at its discretion base such pension upon the average annual pay of the 10 consecutive years of service during which the retired employee was paid the highest rate of wages. The minimum pension shall be $20 per month.

Certainly a liberal provision on the part of one of the great corporations of the United States.

3. Pensions shall continue from date of retirement to death of pensioner and the committee may in its discretion continue pensions to dependents until end of third calendar month following death.

Then there are other provisions, Mr. President, regarding this system which I do not wish to read to the Senate, because it would delay this discussion, which perhaps has been unduly prolonged, and I feel that the bill can be soon passed, so I will make my remarks brief. This prospectus, however, shows that the system provides for very liberal accident disability benefits, sickness disability benefits, and life insurance. The whole system of this and other corporations having similar systems inaugurated within the last two or three years are well worthy of the careful study of every Member of Congress who may have to pass upon the question of the retirement of Federal employees.

I have here a copy of some hearings held by the House of Representatives in the Sixty-second Congress, in January, 1912, containing the report of an actuary regarding civil-service pensions, addressed to the then president of the United States Civil Service Retirement Association in Washington. This report is, in my opinon, of great value; and as the hearings may not be available at the present time I ask unanimous consent—the report is not very long—to insert the report as an appendix to my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. PENROSE. During the past year, Mr. President, many of the old employees of the Government, particularly in the Post Office Department, have been discharged and removed. Many have been removed because of the charge of being incapacitated for duty, the penalty of getting old. As an illustration, I have here an article from the Washington Star of December 27, 1914, reciting the case of John W. Grice, who was employed as a watchman in the Post Office Department in 1873, at a salary of $720 a year. In all of that time he had never received one penny of promotion; but, on the contrary, had been for some years subjected to a reduction of pay. On the 14th of December, 1914, he was dismissed from the Government service on account of incapacity due to old age.

He had saved no money, having been singularly thriftless in the management of his munificent stipend of $60 a month, and now he is an object of public charity.

The case is not exceptional. There are many men in the Government service to-day who are getting just the same pay that they got years ago, who have been giving their best years and best energies to their employment, and who are utterly unable to save anything out of their meager pay. They have no prospect of promotion, no chance for outside occupation, and no hope of honorable retirement on a living income.

It is to be doubted whether the average business institution would retain a faithful worker on its pay roll for over two-score years and then drop him without thought for his future care. Yet this is what the United States is doing right along. Watchman Grice, it is explained officially, was treated with consideration, as he had been kept on the rolls for some time when he was of but little use. But that consideration does not avail him now that he has been turned out to become a public charge.

Departmental retirement is said to be unpopular back in the congressional districts. It may be questioned whether the subject has ever been properly stated outside of Washington or the immediate circles of Government employment in other cities—

This reflection on the congressional districts is a quotation from the Washington Star. I quote again:

The American people are not hard-hearted and they surely can not desire to see the public service run on a "Scrooge" basis. Where there is no sympathy for the governmental retirement it is because of a lack of understanding. The case of Grice, if plainly stated to the average American voter, would probably make him feel that the United States is negligent in the matter of making provision for its faithful veteran employees.

I have here, Mr. President, an article from the Inquirer of February 10, 1915, a paper of large circulation in Philadelphia and in the State of Pennsylvania. It is an editorial, and is entitled "Cruel treatment of aged employees." I will not detain the Senate by reading it, but will ask to have it inserted in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The editorial referred to is as follows:

CRUEL TREATMENT OF AGED EMPLOYEES.

The dismissal of five aged employees from the Chicago post office on account of superannuation and the threatened dismissal of five others at Sioux City for the same reason must cause a feeling of shame to all who believe in justice and fair play, if not in common humanity. That these men should be so ruthlessly cast aside in their declining days is a reflection upon our system of government.

The saddest part of it is that the instances named are not isolated cases. There is no reasonable doubt that hundreds of men have been dismissed recently for the crime of becoming old, and by the representatives of a Government which constantly boasts of how far we are ahead of other nations in furthering the cause of humanity. The remedy for this sort of thing lies in the passage of a fair and reasonable retirement bill. No one believes that men who have outlived their usefulness should be permanently carried on the public pay rolls, but every reasonable person will agree that employees who have given the best years of their lives to the public service and who have a record of efficiency and faithfulness should be cared for in their declining years.

It seems like irony that the Government should be dismissing men for old age at the very moment when big private corporations, which are popularly supposed to have no souls, should be perfecting and putting into practice plans for caring for those who have served them faithfully for a specified term of years. Thus on the very day that we read of the dismissal of the postal employees in Chicago we learn that one of the great telephone companies had paid out in one year the sum of a million dollars for pensions, disability, sickness, and accident. It is

said that the cost of maintaining the pension system of that company has been only a little more than 1 per cent of the amount of the pay roll. It is regarded as a great success from every standpoint, because the retirement of the old and infirm employees brings new blood into the establishment and improves the efficiency of the concern.

It is a great pity that a private corporation should be able to do so much better than the United States Government.

Mr. PENROSE. Now, Mr. President, I deny that some such provision as this is in any way in the nature of a gratuity or a gift. I claim that it can be proven by figures to be not only in the interest of greater efficiency, but in the interest of economy in the administration of the Post Office Department. How does the Government gain by retaining on the pay rolls superannuated employees who are unable to do any work, but whom no one has the brutality or the heart to discharge and render public charges on the community? The Government can not gain by such a system as that, whereas, on the contrary, if the superannuated employee could be retired at half pay, or on any other proper basis, and some active young man or woman, most likely on a salary lower than that which the superannuated employee was receiving, could be assigned to his work and perform his duty to the Government, taking into consideration the zealous, active work of the young man, even though working on a lower salary, and the fact of the Government being relieved of the useless services of the superannuated employee, retired at a much lower compensation than he had been receiving on the active list, the Government certainly might be the gainer, and clearly would not be much the loser from a financial point of view.

Mr. President, on numerous occasions in the last three or four years I have delivered speeches in Pennsylvania and elsewhere advocating these views, which I finally arrived at after starting my study of the question with a prejudice against the proposition based on my ignorance of the facts and the conditions. I feel entirely satisfied from my own experience that anyone who will give the subject the same study that I have done will at least have his views regarding a retirement system much modified, if any prejudice may exist in his mind regarding it.

As long ago as December 8, 1912, I delivered a speech in Philadelphia advocating the proposition which I am now urging on the Senate. In that speech I declared that—

"The United States Government is the only one of the leading Governments of the world that has no system of retirement for its superannuated civil-service employees. In one respect this fact has been unfortunate, because the American Government can well be expected to lead the way in advanced legislation for the good of the people. On the other hand, this advantage has resulted, that we are able to profit by the errors and mistakes and experiments in this and other countries and can perhaps now see our way more clearly than ever before as to the logical lines on which legislation for the retirement of employees in the civil service should be framed.

"It is true that in many respects the Federal Government has been liberal to a degree unparalleled in history in pensions for the soldiers who have fought in the several wars in which the country has been engaged. Nearly $200,000,000 will this year be appropriated for military pensions. Moreover, many of the large industrial corporations in the United States and many more railroads have for a number of years been developing relief pensions and retirement systems. Considerable advance has also been made in the United States in our municipalities and educational systems, particularly in reference to provision for teachers, firemen, and police pension funds. The general question as supplied to the community at large demands thoughtful consideration and practical action, but we now have before us the pressing and specific proposition of adequate provision for the retirement of employees in the civil service. The consideration of this question can no longer be postponed by the American Congress. The time has come when it must be taken up in the light of experience in this and other countries and solved on practical and effective lines. I have every reason to believe that the time is not far distant when some legislation providing for such retirement of a satisfactory character will be enacted by Congress.

"On this as on other questions it has been necessary for the public mind to undergo a considerable education. There has existed among the people a prejudice against a civil pension list. While there has been no difficulty in getting legislation for the well earned and deserved pensions for the veterans of our wars, opposition has frequently developed to any bill providing for pensions for civil employees, and the furthest progress that was made in this direction for a long time was an occasional and often inadequate provision for the pension and retirement of our judges. Opposition has even existed in the ranks of the employees themselves to pension systems proposed by corporations, sometimes based on the terms upon which the pensions were offered and sometimes from the suspicion that in some way a motive existed behind the proposition of coercion, intimidation, or undue control. Gradually, however, these prejudices and misunderstandings are disappearing. The large corporations are rapidly coming into line with pension propositions and provisions, and each new arrangement seems to be more liberal than any of the preceding ones.

"Where all have admitted the desirability of a pension system there has remained one serious difference of opinion as to whether the retirement of the civil-service employees should be based on contributions from salaries or whether it should be a straight retirement and pension without any such contribution or deduction. It is argued that the adoption of a civil-service retirement system should have a contributory feature to it, so as to reduce to the minimum the cost to the Government of the pensions to be paid, but the more we consider the subject and the more carefully we look at the experience of contributory plans which characterize the earlier efforts in this direction, and the further we witness the latest systems of large corporations, the plans of which have been most carefully worked out, the more firmly we are led to the logical conclusion that the civil-service retirement system should be borne and paid for by the Government without any contribution or deduction from salaries, and the retirement should be based upon such length of service and percentage of salary and age as shall be defined by the experts who have studied the question.

"It would be undue hardship, which they could hardly afford, to compel the Government employees, and particularly those in the Postal Service, to pay asessments for the contributory system. The salaries which a large number of them now receive would not permit this on any lines that would meet the requirements of the situation. It is not expected that a satisfactory retirement at the expense of the Government would cost a great deal of money, because the vacancies caused by the retirement of the superannuated would be filled from the lower salaried employees, who would begin at the lowest grades upon entering the service. On the other hand, the Government would be enabled to retire employees who are no longer able, by reason of age, to discharge fully the duties of their position, and many of whom are really only retained now in the service because no provision is made for their retirement.

"The latest and most liberal system of retirement made by a corporation is that of the Bell Telephone system, under which a fund of $10,000,000 for pensions, sick benefits, and life insurance will be available on January 1 for the 175,000 employees of the system. This provision is made entirely at the expense of the various companies interested, without contributions of any kind from the employees themselves. The application of these various benefits will be for the benefit of all employees of every rank. The total yearly pay for the whole group of employees of the Bell system amounts to some $115,000,000. The amount of the pension is automatically based on the years of service and the amount of pay and will be 1 per cent of the average annual pay for 10 years multiplied by the number of years of service.

"Therefore a man who had been 30 years in service would get 30 per cent of the average salary which he had been receiving during his last 10 years of service. No person will be less than $20 per month. Accidents, disability, and death are also liberally provided for, and if any State statute provides for more lieral compensation than is provided under the benefit plan, the statutory provision will prevail. This system will go into effect on January 1 of next year, and I refer to it here because it is the latest and most liberal and comprehensive plan yet advanced by any corporation in the United States.

"I have had, as chairman and member of the Committee on Post Offices and Post Roads of the Senate for many years, opportunity to realize that the pension system for postal employees is specially desirable. They are out in all kinds of weather, often exposed to the dangers of travel, and the work is exacting and it is by no means overpaid. It requires a high order of men, and, in many branches, much higher educational qualifications than the public have any idea of.

"Another notion which has gradually been given up, but which once prevailed generally and still exists in places, is that in some way the pension system tends to enervate and emasculate employees and causes them to lose zeal or ambition in their work. Experience has shown, however, that the contrary condition results. The employee is supplied with every motive to serve the Government loyally, zealously, and industriously, and to earn by merit such promotion as he can with the assurance that at the end of a period of long and faithful service, as old ages causes his energies to relax, he may have confidence that he will be fully and adequately provided for.

"Many publicists and students of industrial questions, and particularly of industrial insurance systems, have even claimed that the admitted preeminence of Germany in all industrial

activities, largely the development of the last 25 years, has been to no small extent due to the system of industrial insurance and pension which the German people were among the earliest to take up and have been the most progressive in perfecting.

"The old-fashioned idea of a pension as an annuity for a stated amount paid when the retiring age is reached and based on contributions from employees, private gifts, and perhaps appropriations by the Government is conceded to be ineffective and unsatisfactory and gives no assurance of solvency. This plan is being supplanted everywhere by the service pension, wherein the allowance made to the employee is a percentage of his average salary for the preceding term of years, multiplied by the number of years of service. The evolution from the contributory plan to the service-pension system is gradually coming to be realized, and the straight retirement and pension at the expence of the Government and without contribution from the employees is the only one that will in the end prove satisfactory and give assurance of solvency."

Mr. President, I hope I have made a sufficient impression on the chairman of the committee, so that he will not raise a point of order on the amendment I am about to offer. It is calculated to give great satisfaction to the employees of the Postal Service, and it is moderate and conservative in its provisions.

APPENDIX.

REPORT OF MR. ARB LANDIS, ACTUARY.

IN RE CIVIL-SERVICE PENSIONS.

A. W. McKEE,
President United States Civil Service Retirement Association,
945 Pennsylvania Avenue, Washington, D. C.

MY DEAR SIR: Pursuant to engagement I have made an estimate of payments proposed for the retirement of employees in the civil service as provided in House bill 9242, introduced by Mr. HAMILL in 1911.

1. The data available for the estimate were the statistics contained in Bulletin 94 (1907) of the Census Bureau. Information in greater detail and more suitable for the computations were prepared in the office of the Director of the Census and furnished to others for similar computations, and in your behalf I made personal request for copies of that data. After much delay in the decision as to whether or not the statistics were at the disposal of the bureau, the information was given the latter part of December that I could have access to photographic copies, provided I came to Washington to see and use them. This statement is made to explain why I used the published statistics in Bulletin 94. Approximate accuracy in the estimate is obtainable from that data, and for all practical purposes reliance may be placed in the results properly deduced from the statistics of that bulletin.

2. The bill could be made clearer in respect of provisions for disabled employees and in regard to compulsory retirement at age 70. I have taken the liberty to construe the provisions of the bill where not clear or specific to accord with general experience and to make possible positive estimates.

3. The computations were made upon the assumptions to follow:

(a) The central age of each age group was taken to represent the age for the group.

(b) That employees will continue until completion of 30 years in service or to attaining age for compulsory retirement on a service pension or previously become eligible for a disability pension.

(c) That high disability rates be employed at ages between 60 and 70 to offset the earlier payments that might be made under the provisions of the bill on account of voluntary retirements at less than 50 per cent of the salary.

(d) That all present employees at attained ages 70 and above and in the service 20 to 25 years are to be retired as disabled on 50 per cent of average salary, those of like attained ages and 15 to 20 years in the service be retired on 45 per cent, and those in service 10 to 15 years at 40 per cent, and those of 5 to 10 years in service and 70 years of age and above be retired at 30 per cent of the average salary; that those employees in the service less than five years and at ages 70 and above be retired at 30 per cent of average salary.

(e) Assume that total and permanent disablement is meant by the words "has became disabled."

(f) That the "average annual salary received for the five years next preceding retirement" be the mean of the average salary for the current period and the average salary for the five years next preceding.

(g) That the computation for disability payment be based upon the salary of the current period and not upon the average salary of the past five-year period, nor the mean of the averages for the current and last five-year periods.

4. The reason for the first (a) assumption is obvious. The method would be more refined to take the central age plus one-half year, but the difference in results would not justify the time consumed in extra computations, even were time allowed before the hearing.

5. The second (b) assumption was necessary and advisable for several reasons. Necessary because there are no voluntary retirement statistics available upon which to estimate the number who would give up a full salary to accept 40 or 45 per cent of a reduced amount in the way of pension. Advisable because common experience and observation force the conclusion that efficient and satisfactory employees render service to secure the stipulated compensation for the support of themselves and their dependents, and few would voluntarily retire to secure 40 or 45 or 50 per cent of an average salary less than that they could earn by continuing at work. We know that the ordinary and general financial condition of those in the civil service is not such as to enable them to voluntarily dispense with 50, 55, or 60 per cent of their present pay. We have reason to believe that those who can render efficient service will continue to do so to the time for compulsory retirement. In this connection it may be stated that this argument (which I hold as sound) tempted me to reduce the estimate of immediate payments, because many who have attained ages 60 and above and in service 30 or more years will not voluntarily retire on 50 per cent of the average salary. I have ignored the possible voluntary retirements at 40 and 45 per cent, but have taken precaution to offset such resulting additional payments by the assumption of a disability rate in excess of the expected at advanced ages, as stated in the third (c) assumption.

6. The fourth (D) assumption is necessary because of the facts that will be developed in actual service under the disability provision, and because of failure in the bill to make provision for retirement allowance at age 70, after attaining which no employee is to be retained. Reference to the probabilities of becoming disabled at age 70 will explain the selection of the retirement percentages given in the fourth assumption.

7. I have been informed that the meaning assigned to "disabled" was intended by the author of the bill.

8. The sixth (F) assumption was considered advisable because the average salary for the "preceding five years," as obtained from the Bulletin, would have been less than the actual average. The average for the current five-year period would have been in excess of the actual, hence the mean between these averages appeared to represent what would be obtained from the facts.

9. The seventh (G) assumption is to produce larger estimates of disability payments as an offset against any payments to those who might enter the service and become disabled between the present date and the future date for which the estimate is made. Where 10, 15, or more years intervene the overstatement is considerable and will exceed the actual payments to entrants during the period and who become disabled. Nevertheless, it is preferable to over rather than under estimate future payments.

10. The treatment of the statistics involved determination of—

(a) The number of employees subject to immediate retirement and the amount of service pensions payable the first year.

(b) The amount of additional service pensions to those continuing from the first year payable in the fifth and any subsequent year.

(c) The amount of disability payments in the fifth (and any subsequent) year on account of previous disablement.

11. That you may be fully advised in regard to the procedure I submit the formulas for the computations:

Immediate pensions.—Payable the first year are the number of pensionable employees multiplied by the per cent of the average salary, determined as heretofore explained. Pensions payable the fifth (or nth) year are the number of present employees multiplied by the probability of surviving to receive the pension $\left(\frac{l_{x+n}}{l_x}\right)$ multiplied by the average salary determined for the nth year (x represents the immediate pension age).

Future pensions.—Payable in the nth year to present active employees were obtained from the formula:

Average salary at age $x+n$ multiplied by number of employees at age x by

$$\left(\frac{l_{x+n}}{l^{aa}_x}-\frac{l^{ii}_{x+t}}{l^{i}_{x+x}}\right)\times\frac{l^{i}}{l^{aa}_x}$$

where x is the present age; $x+t$ is the retirement age, and where n is greater than t; and l is the number of living according to the selected mortality table; l^{i} the number living according to the table of disabled lives; l^{aa} the number of surviving active employees and l^{ii} the number of surviving disabled employees—the sum of the two last $\left(l^{aa}_x+l^{ii}_x\right)$ being equal to the assumed number living (l_x) according to the selected mortality table.

Future disability payments.—Due in the nth year to present active employees who become disabled requires the following formula:

Number of employees multiplied by average salary by

$$\left(\frac{l^{ii}_{x+n}}{l^{i}_{x+n}}-\frac{l^{ii}_{x}}{l^{i}_{x}}\right)\times\frac{l^{i}_{x+n}}{l^{aa}_x}$$

where $x+n$ is not greater than the age of retirement.

Where it is greater, then the probability that an active employee at age x will be on the retired list n years hence on account of total and permanent disability is

$$\left(\frac{l^{ii}_{x+t}}{l^{i}_{x+t}}-\frac{l^{ii}_{x}}{l^{i}_{x}}\right)\times\frac{l^{i}_{x+n}}{l^{aa}_x}$$

12. I selected the National Fraternal Congress Table of Mortality, because it would eliminate a less number on account of death than other standard tables, and thus would tend to prevent an underestimate of future pension payments.

13. I employed probabilities of disability amongst active employees derived by me directly from personal investigation of the disability experience of a number of large American fraternal societies.

14. I employed probabilities of death amongst disabled persons which were derived from the statistical cards secured by me from four American societies.

15. The combined tables were especially prepared for the computations necessary for this report.

16. At this point it may be well to warn against the error of assuming that the disability payments will continue from date of disability to the age of retirement, excepting through discontinuance on account of deaths, as expected from any standard mortality table. The death rate amongst disabled persons is very, very much higher than assumed by the American experience or other ordinary mortality tables. The error would lead to a large overstatement of future disability payments.

STATISTICS.

17. Bulletin 94 gives the statistics concerning 185,874 employees in the civil service, and of these 6,463 might be considered as eligible for pensions under the provision of H. R. 9242.

18. Such an estimate, in my opinion, would overstate largely the amount for which the Government would be called on to pay.

19. I have proceeded on the theory that you desire an estimate that will be reasonably near the facts as developed under the provisions of the bill should it become a law.

20. This procedure will not allow unreasonable assumptions in either direction.

21. It is not reasonable to assume that every employee, who could retire on 40 or 45 per cent of an average salary, will surrender his present pay and leave the service.

22. It is a violent assumption to estimate that all who can retire on 50 per cent of the average salary will quit, while capable of efficient and satisfactory service.

23. Some of the efficient employees, who could secure any rate of pension and be convinced that they could engage in other vocations at

a compensation greater than the forfeited Government pay, would leave the service.

24. Probably those who could not render efficient service, or whose necessities would be provided for by the pension to which they would be entitled, would accept the provisions of the bill.

25. After careful consideration, I am convinced that no attempt should be made to directly estimate the probable service-pension payments under the 40 and 45 per cent provisions. Certainly it would be a gross exaggeration to assume that all who could claim such pensions would do so.

26. A study of all the facts and circumstances leads me to believe that ample provision will be made for the payments to those claiming pensions under the provisions for 45 and 40 per cent of average salary by assuming—

First, that all will make claim under the 50 per cent provision, and thus overstate the actual pensions by the amount allowed for those who will not retire; and

Second, that the estimated disability payments will exceed the actual at the pension ages (from 60 to 70 years of age).

27. Of course there will be an underestimate of the aggregate amount of pension and disability payments proportionate to the understatement of the actual number of employees in the civil service.

28. Census Bulletin 94 (in the tables used in my computations) gives the total of 185,874 civil-service employees. A more recent document issued by the Civil Service Commission gives the number as 222,278. Senate Document 745 credits the Official Register with the statement of 286,902. I am informed by you that the actual number is about 250,000, or probably 260,000.

29. Whatever be the true number, the relation will hold between that and the number assumed in the computations, and it will not be difficult to make the estimate for the larger number if the results are reliable when based upon the smaller number.

30. To assure greater reliability in the statistics, I excluded the "unreported" and those on "piecework," aggregating 1,575, thus leaving subject to treatment 184,299 employees at the various rates of compensation and years and ages of service.

31. The statistics being recorded by age groups, it was impossible to accurately determine the number who might retire at age 62 after 25 or more years of employment. The best estimate was to assume that three-fifths of the number in the age group 60–64 were entitled to the 45 per cent pension.

32. After excluding the 1,575, it was found that the number who might be entitled to service pensions under the 50, 45, and 40 per cent provisions was 5,983, and the possible payments in the first year $3,307,200 on estimates of 50, 45, 40, and 30 per cent of an average annual salary of $1,260, as follows:

Years of service.	Present age.	Average salary.	Annual pension.	Amount of pensions.
30 and over	60 and above	$1,260	$630	$1,906,380
25 to 29	62 and above	1,260	567	564,732
20 to 24	65 and above	1,260	504	496,440
	70 and above	1,260	348	339,648
Total possible payment				3,307,200

33. The total annual salaries of the 184,299 employees amount to $172,829,000, or an average of $938 a year.

34. It would be an error to base estimates upon this general average for the reason that salaries are increased with duration of service. For instance:

Period of service.	Average salary.	Period of service.	Average salary.
Under 5 years	$832	25 to 29 years	$1,195
5 to 9 years	963	30 to 34 years	1,227
10 to 14 years	1,036	35 to 39 years	1,269
15 to 19 years	1,092	40 years and over	1,383
20 to 24 years	1,156		

35. The large number of employees in the service less than 15 years causes an average salary amongst the 184,299 of $938. But the service pension is to be a percentage of the average salary during the five years preceding retirement, and hence much in excess of the general average.

36. The retirement provisions make 60 years the minimum age, and that provision, as well as the one for 20 years or more of service, enters into the determination of the average salary. It has required the expenditure of much labor to work out the requisite averages, since the age attained and the period of service entered into the determination of the average salary as a basis for disability payments. It is not my purpose to burden the record with statistics, but a few examples may prevent conclusions from estimates on general averages:

Present age (years).	Period of service.	Average salary.	Period of service.	Average salary.
20-24	Under 5 years	$773		
25-29	do	838		
30-34	do	857		
35-39	do	859		
40-44	do	861		
45-49	do	870	20-25 years	$1,247
50-54	do	874	do	1,218
55-59	do	884	do	1,155
60-64	do	876	do	1,186
65-69	do	881	do	1,182
70-74	do	983	do	1,126
75-79	do	928	do	1,169
80	do	850	do	988
60-64	35-39 years	1,289	40 years and over.	1,458
65-69	do	1,262	do	1,434
70-74	do	1,206	do	1,329
75-79	do	1,132	do	1,182
80	do	1,244	do	1,068

IMMEDIATE PENSIONS.

37. Under the assumptions heretofore stated, the number of employees estimated for immediate payments was found to be 4,384, and the first year's pensions $2,440,820, as follows:

Age and length of service.	Number of employees.	Per cent of average salary.	Average pension.	Immediate total pensions.
Present age, 60 to 64 years:				
30 to 34 years	505	50	$603	$305,118
35 to 39 years	369	50	628	231,732
40 years and more	292	50	687	200,604
Present age, 65 to 69 years:				
30 to 34 years	378	50	603	227,934
35 to 39 years	323	50	614	198,322
40 years and more	364	50	674	245,335
Present age, 70 to 74 years:				
Under 5 years	149	30	295	43,955
5 to 9 years	219	30	291	63,729
10 to 14 years	221	40	392	86,632
15 to 19 years	147	45	453	66,591
20 to 24 years	155	50	546	84,630
25 to 29 years	177	50	575	101,775
30 to 34 years	148	50	587	86,876
35 to 39 years	128	50	607	77,696
40 years and more	209	50	634	132,506
Present age, 75 to 79 years:				
Under 5 years	32	30	278	8,836
5 to 9 years	54	30	278	15,012
10 to 14 years	59	40	372	21,948
15 to 19 years	45	45	463	20,835
20 to 24 years	40	50	559	22,360
25 to 29 years	49	50	566	27,734
30 to 34 years	49	50	569	27,881
35 to 39 years	53	50	560	29,680
40 years and more	81	50	579	46,899
Present age, 80 years and over:				
Under 5 years	2	30	265	530
5 to 9 years	23	30	278	6,394
10 to 14 years	20	40	422	8,440
15 to 19 years	5	45	545	2,725
20 to 24 years	12	50	603	7,236
25 to 29 years	18	50	520	9,360
30 to 34 years	13	50	484	6,292
35 to 39 years	9	50	548	4,932
40 years and more	35	50	578	20,230
Grand total	4,384	46	557	2,440,820

PAYMENTS IN THE FIFTH YEAR.

38. At the end of the fifth year after the proposed plan goes into effect the service pensions and disability payments are estimated as follows:

To the survivors of those 60 to 64 in first year	$627,230
To the survivors of those 65 to 69 in first year	519,980
To the survivors of those 70 to 74 in first year	494,440
To the survivors of those 75 to 79 in first year	112,430
To the survivors of those 80 in first year	207,750
To the survivors of the immediate pensions	1,961,830
To retired during 5 years from group:	
Under 5 years	131,310
5 to 9 years	212,010
10 to 14 years	187,040
15 to 19 years	200,910
20 to 24 years	164,240
25 to 29 years	847,190
30 to 34 years	260,820
35 to 39 years	121,790
40 and more years	37,183
	2,162,493
Total service pensions in fifth year	4,124,323
To disability payments to disabled in group:	
Under 5 years	62,036
5 to 9 years	82,189
10 to 14 years	46,966
15 to 19 years	44,771
20 to 24 years	34,393
25 to 29 years	28,735
30 to 34 years	9,313
35 to 39 years	3,234
	311,637
Total payments at end of the fifth year	4,435,960

39. The amount of disability payments in the fifth year will probably be nearer $400,000 than $311,637, for the reason that the inefficient and partially disabled, who could not legally come within the provisions for service pensions, will be considered "disabled" and entitled to disability payments. Under such a construction the Government will receive advantage, because such employees are now retained on the rolls at average salaries much in excess of the disability payments on which they might be retired. The difference between such salaries and the disability pensions probably would cover the salaries for new and fewer employees sufficient to perform the work of those who retire. An additional $100,000 may be added to the estimated disability payments and the amount would remain within reason and be for the good of the service.

40. It may be of value to show the continued payments to those pensioned in the first year to indicate the progress toward extinction of pensions after they have been incurred:

Payments in the first year	$2,440,820
Payments in the fifth year	1,866,000
Payments in the tenth year	1,259,200
Payments in the fifteenth year	707,850

Payments in the twentieth year	$296,470
Payments in the twenty-fifth year	77,773
Payments in the thirtieth year	8,757

41. While pensioners are going on the list, they are also going off, and ultimately the service and disability annual payments will become constant, assuming a constant number of employees. It is probable that this Government will continue to grow and prosper and that the number of employees in the civil service will continue to increase and the aggregate pensions may continue to increase, but that fact does not change the relation of the Government to its servants. If it be right and just and expedient to have a pension scheme for 200,000, it is expedient and just and right to continue the plan for 300,000, when the Government service requires that number of employees.

42. In coming to some conclusion in regard to the liability involved by inaugurating such a scheme as proposed in House bill 9242 it is permissible and necessary to assume an ultimate constant number of employees. The resources of the Government are also assumed to remain constant. If there be a continued increase in employees, there will be a corresponding increase in the importance of governmental affairs.

43. To forecast the future expenditures for service and disability payments, it should therefore be assumed that the same number of employees enter and leave the service each year.

44. Of the total exits it may be assumed (from experiences of pension funds) that 57 per cent will be from withdrawals, 30 per cent from retirements, and 13 per cent from deaths.

45. While pensions tend to persistency in service, this applies more especially to those who have remained upward of 10 years in the work. A pension of 40, 45, or 50 per cent at the end of 20, 25, or 30 years, and at no age under 60 years, is too far removed and not sufficiently alluring to hold young and recent entrants who believe they can improve their condition by withdrawal.

46. The employees advanced in age and period of service will persist, but the experience in the operation of pension funds shows a heavy withdrawal rate in early years of service.

47. This fact is important in estimating the future number of pensioners.

48. Ultimately, when the number of employees becomes practically constant, and the entrants and exits are equal, it will be found that about 57 per cent of the total exits is due to withdrawals, 30 per cent to retirements, and 13 per cent to deaths while in the service.

49. The per cent of total service pensioners to the total of employees will always be small. Any computation that ignores the withdrawal rate will greatly exaggerate the ultimate pension payments when undertaking to forecast the future cost of any pension scheme.

50. To attempt to estimate the amount of pension payments 20, 30, or 50 years hence by reduction of present employees through deaths only will produce results far in excess of those actually realized.

51. The proportionate distribution of employees according to ages and years of service will not be greatly different in the next 30 years from that now existing, whether or not we have any pension scheme. The present distribution shows a very low average age for employees, as indicated below:

Age distribution.

Age.	Number at entry ages into service.	Number at present ages.
Under 20 years of age	6,866	3,175
20 to 24 years of age	34,960	18,681
25 to 29 years of age	44,654	29,341
30 to 34 years of age	35,169	31,793
35 to 39 years of age	23,639	29,019
Total	145,288	112,009
40 to 44 years of age	14,392	21,398
45 to 49 years of age	10,185	17,879
50 to 54 years of age	6,893	11,771
55 to 59 years of age	4,070	7,917
60 to 64 years of age	2,258	6,816
65 to 69 years of age	933	4,357
70 to 74 years of age	223	1,553
75 to 79 years of age	55	462
80 and over	2	137
Grand total	184,299	184,299

52. It will be observed that 145,288 of the total of 184,299 entered the service under 40 years of age, being 78.83 per cent, while 112,009 (61.25 per cent) are at present ages under 40. The number in service less than 20 years is 91.53 per cent of the total as shown below:

Service distribution.

Under 5 years in service	89,395
5 to 9 years in service	45,034
10 to 14 years in service	19,065
15 to 19 years in service	15,198
Total	168,692
20 to 24 years in service	7,385
25 to 29 years in service	3,825
30 to 34 years in service	2,118
35 to 39 years in service	1,229
40 years in service	1,050
Grand total	184,299

53. In Senate Document No. 745 an official is quoted as stating that 8,082 civil-service employees are stricken from the rolls each year on account of deaths, withdrawals, and removals. I think it is within the facts to assume that not exceeding 1,050 exits are due to death, leaving about 7,000 loss to the service from withdrawals and removals. It can be safely assumed that retirement on pension would be substituted for present removals for inefficiency where physical condition, age, or service allowed the pension.

54. There is little doubt of the further fact that many aged and physically infirm, now carried on the rolls through sympathy and whose salaries are in the nature of compassionate allowances, would be retired as disability pensioners to the benefit of the service and to the saving of from 50 to 70 per cent of the salaries of the large majority thus affected.

55. The result of inaugurating a pension plan, as proposed in House bill 9242, would be to somewhat reduce the rate of removal for inefficiency due to inability to perform duties on account of physical condition, and would greatly improve the service by permitting supervising officials (with human sympathy and compassion) to retire those physically inefficient who are now carried at salaries in excess of the value of service rendered, and in excess of the disability retirement pension provided in the bill.

56. From a comparison of average salaries at the advanced ages with those for younger ages, on the same length of service, it would appear that supervision now tends to a reduction of pay where the latter is in effect a pension. No doubt this now is accomplished through transfer from one position to another of less responsibility or simpler duties and with correspondingly reduced pay. A similar (and just) method of treatment would induce retirements on pensions of 30, 40, and 50 per cent of average salaries in cases where the employees did not appreciate their failing powers and did not voluntarily retire.

57. The disability provision in the bill is most commendatory in the way of granting relief to the comparatively few at younger ages who become totally and permanently disabled, and is one of the most important provisions in the way of promoting efficiency without violating the promptings of human sympathy and compassion. Men who are accepted by the Government as servants and become inefficient by virtue of age before the period of service entitles them to a service pension should not be, and are not, summarily discharged. However, they now become a clog upon efficiency and an expense to the Government. The disability provision in the bill would do justice to the aged employees and benefit the service by a relief not otherwise obtainable.

58. Because there are comparatively few cases of total permanent disability amongst the great mass of active employees there appears a disposition to slight or ignore the disability provision of the bill, which is one of its most important features (most important in so far as it affects the humanitarian treatment of employees, in ridding the service of the inefficient from physical disability, especially due to advanced age).

59. Excepting for the fact that I have given the question thought and consideration, there would be no material value to any general opinion expressed by me, and I assume your request for an expression is based upon a presumed knowledge of pension schemes.

60. For many years pension funds have existed and actual experience has demonstrated the need for them in public and private service.

61. The relations between the private employer and his employee differ from those of the Government toward the public servant, and there should be a different pension scheme in respect of these two classes of employees.

62. The Government should provide a direct pension for its civil-service employees, but the payment should not be based on the value of service rendered by the active employee.

63. As servants of the Government men are of varying value, according to natural ability, experience, skill, peculiar personal fitness, alertness, and general intelligence.

64. As pensioners of the Government all should have equal consideration as human beings deserving of retirement from long service into a comfortable state of existence for the remainder of life.

65. The amount necessary for a comfortable existence to the average aged or disabled person should be determined, and that amount should fix the pension for every retired employee. Each and every pensioner is a human being and a citizen, and no one of them should be favored above another.

66. Those capable of commanding large compensation while in active service naturally accustom themselves to conditions that require larger expenditures than demanded by the conditions of those receiving smaller pay. Undoubtedly it would be a greater personal sacrifice for those of the first class than for those of the second to adapt themselves to a moderate pension. That fact, of previous personal expenditures and previous pay received for valuable services, has influenced legislators in taking the salary as the basis for pensions.

67. There is no relation between the compensation to which an employee is entitled and the pension he should receive in order to prevent him from becoming an object of charity after devoting the energies of a lifetime to the public service.

68. No employee should be influenced by the character and amount of pension to the belief that he has any "vested interest" in the payment that might be made to him. He should not be led to consider it as "deferred payment" through basing the assurance of it upon the salary he may now or hereafter receive.

69. Every employee should receive a salary commensurate with service rendered.

70. After faithful and efficient service has been rendered for a sufficient period of time, the Government should retire every employee under the guaranty of a comfortable existence for the remainder of life.

71. Those who have been able to earn a large salary should be held responsible for its proper expenditure. Knowing that the pension would be moderate and uniform for all pensioners, these employees would realize the necessity of saving for the future a portion of current salary if they desired to continue the luxuries of life after retirement.

72. The evils that have developed under direct-pension plans have arisen from the erroneous basis of pension payments.

73. To grade the pension by previous salary begets extravagance amongst those who receive large salaries.

74. To grade the pension by previous salary leads to the idea that the pension is "deferred pay," with resulting abuses.

75. To grade the pension by previous salary produces a wrong conception of the true nature of retirement allowances and the real purpose for which pensions are granted.

76. A fair and adequate salary is the due of everyone who can render efficient and satisfactory service.

77. A moderate pension assures comfort in old age, and this should be the last situation of every man and woman, regardless of past condition or previous service.

78. A universal pension is the social need.

79. In the absence of a governmental pension scheme for the whole body politic, the justice of a plan for those who spend their lives and energies in the public service is generally recognized.

80. The basic principles underlying the limited plan should not differ from those of a universal scheme along the lines of the recent superannuation plan adopted in Great Britain.

81. I am well aware that this opinion concerning the determination of a pension is not in accord with prevailing practices or proposed measures.

82. In providing the money for salaries the people at large pay for value received in the way of service.

83. In providing the money for pensions the people would contribute toward the maintenance in comfort of faithful servants. These contributions would be made in the spirit that has prompted recognition from just men since the beginning of service by one person to another.

84. After having received fair compensation for work performed, employees should not ask for more than the assurance of a comfortable and modest living after their retirement.

85. The people would commend an act of the Congress which made reasonable and moderate provision for superannuated and disabled civil-service employees.

86. On the other hand, it is doubtful whether or not the act would meet popular approval if the pension is virtually to replace the salary paid for service.

87. The employees should not permit selfish desire to get the better of sound discretion in the advocacy of pension payments.

88. They should look at the question from the viewpoint of the people who are to provide the funds.

89. The objections against direct pensions (many of which are vigorously presented in S. Doc. No. 745) logically could not be urged if the tendency to abuse were removed by making the retirement allowance unattractive except as a protection against want and destitution after earning capacity has failed.

90. A provident spirit and a habit of saving and a feeling of independence would be instilled, promoted, and encouraged when employees felt that they must lay by something for the future if they wanted more than a modest, comfortable living after retirement.

91. I dwell upon this thought because I believe it is the interest of employees to favor an act of the Congress which will meet popular approval and keep the ultimate annual payments within a reasonable amount not burdensome to the taxpayers. I try faithfully to serve those who employ me, my advice being according to my convictions, hence the earnestness of these lengthy comments.

THE CONTRIBUTION PLAN.

92. The Congress should not adopt any "savings-bank and annuity" plan, as proposed in S. 1944, H. R. 22013, or H. R. 729, or any other proposition which makes the Government the caretaker of money belonging to individuals, under a compulsory system of deposits. It is of questionable policy and a doubtful constitutional procedure.

93. Theoretically the plan may be indorsed as actuarially sound.

94. From the practical viewpoint I doubt if many actuaries would commend the plan to our Government for three reasons:

First. The accumulation of a few thousand dollars subject to draft would cause men to withdraw to enter inviting (or apparently inviting) pursuits where efficiency coupled with a small capital would offer (or appear to offer) greater opportunities than continuing in the service. The tendency would be to lose the efficient and force the retention of the less efficient in the Government employ.

Second. When employees observed the working of the annuity plan very few would enter upon their pensions, but would demand cash payment on attaining the retirement age. Only those in good health and with the anticipation of many years of life would have any inducement to purchase an annuity with their accumulation.

To enter upon the pension (as proposed in bills before the Congress) would mean a forfeiture of the accumulation not consumed in pension payments prior to death. It would not be long before employees would condemn the annuity plan, when they saw retired associates, with $6,000 or $7,000 of accumulation, draw $75 or $1,000 in pensions and then die and have the remainder of the fund forfeited to the Government to enable it to continue payments to other pensioners. A general repudiation of the annuity and a demand for cash settlement at age of retirement would cause the failure of the annuity scheme by subjecting the Government to loss on the persistent lives that entered upon their pensions. The life insurance companies of America and the Government of Great Britain have been losers through granting annuities.

Third. Fifty, sixty, or seventy years is a short period in the life of a republic which is expected to exist forever. At the end of some such period, in the progress of the "saving bank and annuity" scheme, the Government would be in the position of a billionaire investor under the necessity of continually and forever holding safe securities in an amount equal to the enormous accumulation of its employees, and yielding interest income sufficient to enable it to keep its pledges with its enforced depositors. The mere suggestion of this future position condemns the policy as one wholly unsuited to any government, especially one under republican form.

95. It is conceded that the great majority of employees from their present salaries could not afford the required deductions as proposed. It is further conceded that an increase in salaries is necessary to make the plan practical.

96. An increase of salaries to make the plan workable means that the Government must in fact provide for the annuities.

97. It is contended that even though this is true, the fact that the amount of the salary increase is invested gives the advantage of interest accumulation and makes the salary increase much less than the annual pension payments, and therefore is a saving over the direct-pension plan.

98. The contention is supported by fact in the statement that it would require a smaller annual appropriation for each year during the accumulation period than for each year thereafter for annuity or pension payments (provided all of the retiring employees entered upon the pensions).

99. To secure this conditional saving the Government must tax the people for 20 to 50 years before the income is needed for distribution, and in the meantime must assume the responsibility of safely investing hundreds of millions of dollars with required interest income of doubtful realization.

100. It would be better governmental policy and more nearly in accord with popular sentiment amongst the employees and the people to make direct appropriations as needed, rather than anticipate some saving many years hence at the risk not only of financial loss incident to the investment of such vast sums, but at the risk of graft and of political demoralization resulting from the handling of the millions of accumulation, to say nothing of the moral and ethical nature of a political system which assumes control of the funds of individuals, nolens volens, and places them at the possible disposition of party manipulators.

101. Accepting assumptions and methods of computations set forth in public documents of the House and Senate, and using the data of Census Bulletin 94, it would appear that the total accumulation under proposed contribution plans ultimately would not fall much short of $1,000,000,000.

102. A rough estimate easily may be made from figures given in this report. Assuming an average annual salary of $1,200, an interest rate of 3½ per cent, an average monthly deduction from salary of $6, and total employees of 184,299, the accumulation in 22 years would be about $444,000,000.

103. The accumulation would reach its maximum when the annual contributions by employees plus the annual interest income from invested funds equal the total annual payments, or somewhere between 50 and 80 years, according to circumstances affecting the accumulation arising out of interest accretions, management of the fund, and conditions in the service.

104. I present a rough (though accurate as to scale) diagram which graphically illustrates the progress of accumulation in a pension fund and will reflect the general situation that may develop under proposed contribution plans.

105. The age of the fund is represented by the base line from 0 to 90 years.

106. The amounts of the accumulation, the payments, and the contributions are indicated by the points on the scale from 0 to 65; that is to say, the line from A to F represents the maximum accumulation; A to P the constant annual payments to pensioners; A to C the constant annual contributions; and C to P the constant annual interest income.

107. The diagram makes plain the necessity for an enormous accumulation, where the annual pension payments are large, by showing the relative amounts of annual contributions and annual interest income. The accumulation must be large to steadily and continuously produce the annual interest income, which latter will be from 8 to 11 times the amount of the annual contributions, according to the rate of interest earned.

108. The people would never sanction a scheme that contemplated such accumulation as needed for the proposed "Savings bank and annuity" plans. The plan is not within the legitimate functions of government, and the presence of the fund would invite abuses certain to develop.

ABB LANDIS, *Nashville, Tenn.*

JANUARY 17, 1912.

(Diagram and Exhibit A omitted. See Hearings No. 4, 1912, before the House Committee on Reform in the Civil Service.)

EXPLANATION OF EXHIBIT A.

Attached hereto is a sheet of statistics showing the number of employees according to Census Bulletin 94 as of present ages, as of entry ages, and according to years of service. The totals for the numbers on the horizontal lines are given below, showing the employees at present ages. The totals for the columns (vertical summation) show the employees by years of service; the totals by diagonal summation show the number of employees by ages of entry into the service. The totals for the last column on the left-hand margin on the sheet show the employees subject to pensions immediately, and 5 years hence, 10 years hence, etc.:

Horizontal summation.

Employees at present ages:	
Under 20 years	3,175
20 to 24 years	18,681
25 to 29 years	29,341
30 to 34 years	31,793
35 to 39 years	29,019
40 to 44 years	21,398
45 to 49 years	17,879
50 to 54 years	11,771
55 to 59 years	7,917
60 to 64 years	6,816
65 to 69 years	4,357
70 to 74 years	1,553
75 to 79 years	462
80 years	137
Total	184,299

Diagonal summation.

Employees by entry ages:	
Under 20 years	6,866
20 to 24 years	34,960
25 to 29 years	44,654
30 to 34 years	35,169
35 to 39 years	23,639
40 to 44 years	14,392
45 to 49 years	10,185
50 to 54 years	6,893
55 to 59 years	4,070
60 to 64 years	2,258
65 to 69 years	933
70 to 74 years	223
75 to 79 years	55
80 years	2
Total	184,299

Vertical summation.

Employees by years of service:	
Under 5 years	89,395
5 to 9 years	45,034
10 to 14 years	19,065
15 to 19 years	15,198
20 to 24 years	7,385
25 to 29 years	3,825
30 to 34 years	2,118
35 to 39 years	1,229
40 years	1,050
Total	184,299

Totals on left-hand margin.

Employees at present ages subject to pension:	
80 years and over	137
75 to 79 years	462
70 to 74 years	1,553
65 to 69 years	1,065
60 to 64 years	1,167
55 to 59 years	5,401
50 to 54 years	8,623
45 to 49 years	13,442
40 to 44 years	18,940

Employees at present ages subject to pension—Continued.	
35 to 39 years	31,750
30 to 34 years	50,562
25 to 29 years	29,341
20 to 24 years	18,681
Under 20 years	3,175
Total	184,299

I ask to have the Secretary read the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 34, line 26, it is proposed to insert:

An employee in the Postal Service who has served for a period of 25 years or more can be recommended by the postmaster of the city in which he is employed, or other authorized officer, for indefinite leave of absence to the Postmaster General under the following conditions: An employee who has become incapacitated from performing his duties through superannuation shall appear before a board of examiners appointed by the Postmaster General, who shall serve without compensation, with the exception of a physician, who must examine the applicant and make minute inquiry into his physical condition, and make a report of their findings to the Postmaster General. If the application for indefinite leave of absence is recommended by the board of examiners and approved by the Postmaster General, the applicant shall be granted an extended leave of absence, together with an allowance of $600 per annum. This allowance shall be divided pro rata into equal daily installments and shall be payable monthly. If it is found necessary to employ a substitute to fill the place of an employee who has been granted an extended leave of absence, said substitute shall be paid at the rate allowed for vacation work: *Provided, however,* That this will in no way interfere with the substitute's promotion provided a vacancy in the regular force occurs and said substitute is in line for promotion by virtue of his standing on the substitute list: *Provided further,* That the Postmaster General can order an employee who is on an extended leave of absence to report for duty at the office in which he was last employed during seasons of the year when the mail is extraordinarily heavy and the services of the employee could be utilized to good advantage: *Provided further,* That in the event of an employee being required to perform duty during such emergency periods he shall not receive any extra compensation for such service other than the allowance granted him while on an extended leave of absence.

Mr. BANKHEAD. Mr. President——

The VICE PRESIDENT. The Senator from Alabama.

Mr. BANKHEAD. I make the point of order that the amendment is new legislation.

The VICE PRESIDENT. The point of order is sustained.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

DISTRICT APPROPRIATIONS—CONFERENCE REPORT.

Mr. SMITH of Maryland. Mr. President——

The VICE PRESIDENT. The Senator from Maryland.

Mr. SMITH of Maryland. I ask unanimous consent that the report of the conference committee on the District of Columbia appropriation bill (H. R. 19422) may be taken up and agreed to.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. BRISTOW. Mr. President, may I inquire of the Senator from Maryland what points of difference still exist between the conferees?

Mr. SMITH of Maryland. I will state to the Senator from Kansas that the conference report has been printed. Quite a number have been agreed to, and there are only three items upon which the conferees have disagreed.

Mr. BRISTOW. What are those items? That is the inquiry I am making.

Mr. SMITH of Maryland. The items on which there is still a disagreement are the half-and-half principle, the comfort station, and the appropriation for the Emergency Hospital. Those are the three items upon which the conferees have been unable to agree. We desire to have the items upon which they have agreed adopted by the Senate, so that the report may go over to the House and the other matters may be taken up.

Mr. BRISTOW. As I understand, then, the Senator asks that the agreements at which they have arrived shall be adopted by the Senate.

Mr. SMITH of Maryland. That is correct.

Mr. BRISTOW. Approved by the Senate, and that the three items referred to are still in conference?

Mr. SMITH of Maryland. Still in conference, and that conferees may be appointed to act upon those matters.

Mr. BRANDEGEE. Mr. President, I have no objection at all to agreeing to the items, so far as the committee has agreed, but I should like to ask the Senator from Maryland in relation to the appropriation for the Emergency Hospital. Is the cause of the disagreement that the House disagrees in toto to any appriation at all being made?

Mr. SMITH of Maryland. The House has disagreed upon the amount. Of course, I do not know what they may do, but they disagreed upon the amount that the Senate committee put in, and also upon the item for the comfort station and the item relating to the half-and-half principle.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. SMITH of Maryland. I move that the Senate further insist upon its amendments and ask a further conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. SMITH of Maryland, Mr. LEA of Tennessee, and Mr. GALLINGER conferees at the further conference on the part of the Senate.

ADDITIONAL CIRCUIT JUDGE.

Mr. CULBERSON. I ask unanimous consent to take up and consider Order of Business No. 899, being Senate bill 6493, for the appointment of an additional judge in the fifth judicial circuit of the United States. It is a unanimous report from the Committee on the Judiciary, and is an urgent matter.

Mr. PENROSE. What is it about?

Mr. CULBERSON. It is a bill for the appointment of an additional circuit judge for the fifth circuit of the United States. It is a unanimous report from the Committee on the Judiciary.

Mr. PENROSE. I have no objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That there shall be in the fifth judicial circuit of the United States an additional circuit judge, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall possess the same qualifications and have the same powers and jurisdiction and entitled to the same salary now provided by law in respect to the present circuit judges therein.

SEC. 2. That in the event of a vacancy after such appointment in the office of any of the circuit judges of said fifth judicial circuit of the United States such vacancy shall not be filled by appointment until the number of judges who are able to serve actively shall be reduced to less than three.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CULBERSON. I ask that the report of the Committee on the Judiciary may be printed in the RECORD without reading.

The VICE PRESIDENT. In the absence of objection, it will be so ordered.

The report is as follows:

[Senate Report No. 1017, Sixty-third Congress, third session.]

ADDITIONAL CIRCUIT JUDGE, FIFTH JUDICIAL CIRCUIT.

Mr. CULBERSON, from the Committee on the Judiciary, submitted the following report:

The Committee on the Judiciary, which has had under consideration the bill (S. 6493) to provide for the appointment of an additional judge in the fifth judicial circuit of the United States, report the same back to the Senate and recommend its passage without amendment.

As showing the necessity and urgency of the passage of this bill there are appended hereto, first, a letter from the Attorney General of the United States dated September 19, 1914; and, second, two letters from the clerk of the United States Circuit Court of Appeals for the Fifth Circuit, one dated October 3, 1914, the other dated November 9, 1914.

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., September 19, 1914.

Hon. CHARLES A. CULBERSON,
United States Senate.

DEAR SENATOR: I herewith inclose draft of a bill (S. 6493) introduced by Senator SHEPPARD. He has asked me to send you a copy of it and give you a statement of the conditions requiring its passage. The following situation exists in the fifth judicial circuit of the United States:

Judge A. P. McCormick will be 82 years old next December and has not been upon the bench for some 18 months. He has been in an invalid's chair for a year or more and is wheeled around by an attendant. He has been living at Waco, Tex., during the period referred to and will never occupy the bench again. I am reliably informed that he admits that fact, but says he will not retire. Judge Pardee was 77 years old last March, and Judge Shelby died a few weeks ago and his successor has not been appointed.

During the long absence of Judge McCormick from the bench the business of the court has been very badly demoralized. The two circuit judges frequently constitute the entire court, and district judges are from time to time sent to occupy the chair of Judge McCormick. This has likewise resulted in disorganization in the districts of the circuit and has been quite expensive to the Government. I am reliably informed that Judges Pardee and Shelby have earnestly urged some arrangement which would improve this unfortunate state of affairs.

Under these circumstances I unqualifiedly approve this bill and hope that it may be passed at as early a date as practicable.

I understand that a similar bill has been introduced in the House by Congressman SLAYDEN. My recollection is that a bill of this kind was passed by Congress when Judge Rector, of the northern district of Texas, became incapacitated by serious illness from performing the duties of his office.

Respectfully, T. W. GREGORY, *Attorney General.*

UNITED STATES CIRCUIT COURT OF APPEALS, FIFTH CIRCUIT,
New Orleans, La., October 3, 1914.

Hon. C. A. CULBERSON,
Chairman, Washington, D. C.

SIR: I beg to acknowledge receipt of your two telegrams of even date. In reply thereto I beg to say:

The number of cases filed per annum for the past five years, the number of cases disposed of, and undisposed of during the same period, as reported to the Attorney General, at the close of the fiscal years, were as follows:

Year.	Filed.	Disposed of.	Undisposed of.
1910	138	149	89
1911	144	127	106
1912	142	158	85
1913	145	141	89
1914	140	131	98

The number of cases undisposed of on June 30, 1914, as per my report to the Attorney General, amounted to 98. Since then 43 have been filed, making a total of 141 cases undisposed of at this date. The court meets at Atlanta, Ga., on October 5; at Montgomery, Ala., on October 19; and at Fort Worth, Tex., on November 2, 1914, during which sessions 82 cases, out of said total of 141 remaining undisposed of at this time, are assigned for hearing. The balance will be assigned at New Orleans at the session set for the third Monday in November.

The time required to dispose of a case after it is filed depends largely upon when it is filed before the session of the court at which it is returnable. If filed as early as two weeks, or, in some instances, a week, before the term begins, if the record is ready, and application therefor is made, it is assigned at the term about to begin. If this can not be done, the case may, on stipulation of the parties, filed with the clerk and approved by the court, be assigned for hearing at any other place or session of the court.

The court keeps up pretty well with its docket. The bulk of the cases undisposed of, as per the reports to the Attorney General, are usually cases that come in after the terms at Atlanta, Montgomery, and Fort Worth have been held, and no request is made for their transfer, the parties desiring to await the sessions at said places.

Respectfully,

FRANK H. MORTIMER, *Clerk.*

UNITED STATES CIRCUIT COURT OF APPEALS, FIFTH CIRCUIT,
Fort Worth, Tex., November 9, 1914.

Hon. C. A. CULBERSON,
Chairman Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SIR: In reply to your communication of the 3d instant, forwarded here, where the United States circuit court of appeals is now sitting, asking answers to the following queries:

First. The last time Circuit Judge A. P. McCormick took part in any case pending in the circuit court of appeals?

Second. What effect on the disposition of cases pending in that court has his failure to take part had?

Third. What additional cost to the Government has his absence entailed?

In answer to the first, I would say that the last time Judge A. P. McCormick sat in the circuit court of appeals, as shown by the minutes of the court, was March 5, 1912. The last time he took part in any case pending in said court was on September 5, 1914, when he granted an order staying proceedings in the District Court for the Northern District of Mississippi in the bankruptcy case of Clark, Herrin & Campbell Co., petitioner, *v.* H. B. Claflin & Co. et al., respondents, until the disposition in this court of the petition to superintend and revise therein.

In answer to the second query I can only reply that Judge McCormick's absence from the circuit court of appeals during the last two or three years has made it requisite to call district judges from parts of the circuit to sit in his stead. This has resulted in some delays in the final disposition of cases, as the judges called in could only be spared from the districts for a short time, and sometimes the necessary consultations were delayed or were carried on by correspondence.

I have no data upon which I can answer the third query.

Yours, very truly,

FRANK H. MORTIMER, *Clerk.*

NATIONAL ENCAMPMENT, GRAND ARMY OF THE REPUBLIC.

Mr. SMITH of Maryland. From the Committee on Appropriations I report back favorably with amendments the joint resolution (S. J. Res. 238) giving authority to the Commissioners of the District of Columbia to make special regulations for the occasion of the forty-ninth national encampment of the Grand Army of the Republic, to be held in the District of Columbia in the months of September and October, 1915, and for other purposes incident to said encampment, and I ask unanimous consent that the Senate act upon it at this time.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. SMOOT. I should like to have the joint resolution read.

Mr. SMITH of Maryland. I will say to the Senator from Utah that this is exactly the same resolution that was passed five years ago, and it is to regulate the affairs of the District of Columbia during this encampment the same as was done at that time.

Mr. SMOOT. I will simply ask that the resolution may be read for information before giving consent to its consideration.

Mr. SMITH of Maryland. Very well.

The VICE PRESIDENT. The Secretary will read the joint resolution.

The Secretary read the joint resolution, as follows:

Resolved, etc., That the Commissioners of the District of Columbia are hereby authorized and directed to make such special regulations for the occasion of the encampment of the Grand Army of the Republic, which will take place in the District of Columbia from September 27 to October 2, 1915, as they shall deem advisable for the preservation of public order and the protection of life and property, to be in force one week prior to said encampment, during said encampment, and one week subsequent thereto. Such special regulations shall be published in one or more of the daily newspapers of the District of Columbia, and no penalty prescribed for the violation of such regulations shall be enforced until five days after such publication; and said commissioners are authorized and directed to establish a special schedule of fares, applicable to public conveyances in said District, during the period aforesaid. Any person violating any of the aforesaid regulations or the aforesaid schedule of fares shall, upon conviction thereof in the police court of the said District, be liable for such offense to a fine not to exceed $100, and in default of payment of such fine to imprisonment in the workhouse (or jail) of said District for not longer than 60 days. This resolution shall take effect immediately upon its approval, and the sum of $11,000, or as much thereof as may be necessary, payable from any money in the Treasury not otherwise appropriated and from the revenues of the District of Columbia, in equal parts is hereby appropriated to enable the Commissioners of the District of Columbia to carry out the provisions of this section 1 of this joint resolution, $1,000 of which shall be available for the construction, maintenance, and operation of public-comfort stations and information booths, under the direction of said commissioners.

SEC. 2. That the Commissioners of the District of Columbia are hereby authorized to permit the committee on illumination of the citizens' executive committee for the entertainment of the forty-ninth national encampment of the Grand Army of the Republic to stretch suitable conductors, with sufficient supports wherever necessary, for the purpose of effecting the said illumination within the District of Columbia: *Provided*, That the said conductors shall not be used for the conveying of electrical currents after October 2, 1915, and shall, with their supports, be fully and entirely removed from the streets and avenues of the said city of Washington on or before October 20, 1915: *Provided further*, That the stretching and removing of the said wires shall be under the supervision of the Commissioners of the District of Columbia, who shall see that the provisions of this resolution are enforced; that all needful precautions are taken for the protection of the public; and that the pavement of any street, avenue, or alley disturbed is replaced in as good condition as before entering upon the work herein authorized: *Provided further*, That no expense or damage on account of or due to the stretching, operation, or removing of the said temporary overhead conductors shall be incurred by the United States or the District of Columbia: *And provided further*, That if it shall be necessary to erect wires for illumination purposes over any park or reservation in the District of Columbia that the work of erection and removal of said wires shall be under the supervision of the official in charge of said work or reservation.

SEC. 3. That the Secretary of War and the Secretary of the Navy be, and they are hereby, authorized to loan to the chairman of the subcommittee in charge of street decorations, or his successor in said office, for the purpose of decorating the streets of the city of Washington, D. C., on the occasion of the encampment of the Grand Army of the Republic, 1915, such of the United States ensigns, flags (except battle flags), signal numbers, etc., belonging to the Government of the United States, as in their judgment may be spared and are not in use by the Government at the time of the encampment. The loan of the said ensigns, flags, signal numbers, etc., to said chairman shall not take place prior to the 15th day of September and shall be returned by him by the 15th day of October, 1915.

SEC. 4. That for the protection and return of said ensigns, flags, signal numbers, etc., the said chairman, or his successor in office, shall execute and deliver to the President of the United States, or to such officer as he may designate, a satisfactory bond in the penalty of $50,000, to secure just payment for any loss or damage to said ensigns, flags, and signal numbers not necessarily incident to the use specified.

SEC. 5. That the Secretary of War is hereby authorized to grant permits to the citizens' executive committee for the entertainment of the Grand Army of the Republic for the use of any reservation or other public spaces in the city of Washington on the occasion of the forty-ninth national encampment, in the months of September and October, 1915, which, in his opinion, will inflict no serious or permanent injuries upon such reservations or public spaces, or statuary therein; and the Commissioners of the District of Columbia may designate for such and other purposes on the occasion aforesaid such streets, avenues, and sidewalks in said city of Washington as they may deem proper and necessary: *Provided, however*, That all stands and platforms that may be erected on the public spaces aforesaid shall be under the supervision of the said citizens' executive committee and in accordance with plans and designs to be approved by the Architect of the Capitol, the Commissioner of Public Buildings and Grounds, and the building inspector of the District of Columbia.

SEC. 6. That the Secretary of War is hereby authorized to loan to the chairman of the medical department of the forty-ninth national encampment of the Grand Army of the Republic, or his successor in said office, for the purpose of caring for the sick, injured, and infirm on the occasion of the encampment of the Grand Army of the Republic in the months of September and October, 1915, such hospital tents and camp appliances and other necessaries, hospital furniture, and utensils of all descriptions, ambulances, horses, drivers, stretchers, and Red Cross flags and poles belonging to the Government of the United States as in his judgment may be spared and are not in use by the Government at the time of the encampment: *Provided*, That the said chairman, or his successor in said office, shall indemnify the War Department for any loss to such hospital tents and appliances as aforesaid not necessarily incident to such use.

Mr. SMOOT. I have no objection, Mr. President. I understand that a similar resolution was passed five years ago.

The VICE PRESIDENT. The amendments proposed by the committee will be stated.

The first amendment was, on page 2, line 23, before the word "section," to strike out "this," so as to read:

This resolution shall take effect immediately upon its approval, and the sum of $11,000, or as much thereof as may be necessary, payable from any money in the Treasury not otherwise appropriated and from

the revenues of the District of Columbia, in equal parts, is hereby appropriated to enable the Commissioners of the District of Columbia to carry out the provisions of this section 1 of this joint resolution.

The amendment was agreed to.

The next amendment was, on page 4, line 6, to strike out the word "work" and insert the word "park," so as to read:

That if it shall be necessary to erect wires for illumination purposes over any park or reservation in the District of Columbia that the work of erection and removal of said wires shall be under the supervision of the official in charge of said park or reservation.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY WEAVER.

Mr. WHITE. Mr. President——

The VICE PRESIDENT. The Senator from Alabama.

Mr. WHITE. I wish to make a report from the Committee on Claims on House bill 16305, to reimburse Henry Weaver, postmaster at Delmar, Ala., for money and stamps stolen from said post office at Delmar and repaid by him to the Post Office Department. It is a small claim bill, and I ask for its immediate consideration. It involves less than $100.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Henry Weaver, of Delmar, Ala., out of any money in the Treasury not otherwise appropriated, the sum of $94.67, the amount of money and postage stamps stolen from the post office at Delmar, Ala., on the night of September 26, 1910, while he was postmaster at Delmar, and which money and stamps belonged to the said post office, and which said sum he was required to repay, and did repay, to the Post Office Department of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

Mr. JOHNSON. Mr. President——

The VICE PRESIDENT. The Senator from Maine.

Mr. JOHNSON. I wish to ask unanimous consent to take from the calendar for present consideration certain omnibus pensions bills which are awaiting action by the Senate.

I ask the Senate to consider Senate bill 7509.

The VICE PRESIDENT. Is there any objection to the present consideration of the bill? The Chair hears none.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pension the following-named persons at the rates stated:

Charles F. Schantz, late of Company I, Twenty-third Regiment United States Infantry, Regular Establishment, $12 per month.

Arthur W. Martin, late of the U. S. S. *Yale* and *Chicago*, United States Navy, War with Spain, $12 per month.

Blanche Wood, widow of Benjamin F. Wood, late chief engineer, United States Navy, with the rank of commander, $30 per month, and $2 per month additional for each of the minor children of said Benjamin F. Wood until each reaches the age of 16 years.

Jane M. Brown, widow of Joseph E. Brown, late of U. S. S. *Wabash*, United States Navy, $12 per month.

Andrew F. Venable, late of Company C, Sixth Regiment United States Volunteer Infantry, War with Spain, $12 per month.

Anna L. Power, widow of John T. Power, late of United States Navy and Marine Corps, $20 per month.

Charles M. Gregory, late of Company C, Thirty-fifth Regiment United States Volunteer Infantry, War with Spain, $30 per month in lieu of that he is now receiving.

Patrick J. Hyde, late of United States Navy, Regular Establishment, $12 per month.

Benjamin F. Klippert, late of Company I, Fourth Regiment United States Infantry, War with Spain, $20 per month.

Reinhard Anschuetz, alias Charles Reinhard, late of Troop L, Fifth Regiment United States Cavalry, Regular Establishment, $12 per month.

Odelon Valcour, late of Twenty-fourth Company United States Coast Artillery Corps, Regular Establishment, $20 per month.

James N. Yates, late of Company G, Eleventh Regiment United States Infantry, Regular Establishment, $12 per month in lieu of that he is now receiving.

Henry P. Logsdon, dependent father of Mathias Logsdon, late of Troop G, Sixth Regiment United States Cavalry, Regular Establishment, $20 per month.

William C. Campbell, late of Company C, Twenty-second Regiment United States Infantry, Regular Establishment, $12 per month.

Edward Louden, late of Company F, Fifth Regiment United States Infantry, $12 per month.

Joseph H. Dawson, late of Company D, Thirteenth Regiment United States Infantry, War with Spain, $20 per month in lieu of that he is now receiving.

Jennings J. Pierce, late second lieutenant Company I, Fifth Regiment United States Volunteer Infantry, War with Spain, $20 per month in lieu of that he is now receiving.

Wilhelmina Myer, widow of Albert L. Myer, late brigadier general, United States Army, Regular Establishment, $30 per month.

Raymond S. Sheldon, late of Company B, First Regiment Vermont Volunteer Infantry, War with Spain, $12 per month.

Willard D. Cook, late of Battery A, First Regiment United States Artillery, War with Spain, $20 per month in lieu of that he is now receiving.

George P. L. McCarty and Mildred G. McCarty, minor children of Willard A. McCarty, late of the U. S. S. *Buffalo*, United States Navy, War with Spain, $12 per month with $2 per month additional on account of each of said children until they reach the age of 16 years.

Edward F. Collins, late of Company I, Eighth Regiment Massachusetts Volunteer Infantry, War with Spain, $12 per month.

Winfield S. Taylor, late of Company C, First Regiment Missouri Volunteer Infantry, War with Spain, $16 per month.

William G. Taliaferro, late of Hospital Corps, United States Army, War with Spain, $12 per month.

Minnie Lord Henderson, widow of Richard Henderson, late commander, United States Navy, and captain, United States Navy, retired, $30 per month.

Allan E. Pugh, late of U. S. S. *Buffalo*, United States Navy, Regular Establishment, $17 per month.

Eugene Helm, late of Company F, Fourth Regiment United States Infantry, Regular Establishment, $17 per month.

David Roach, late of Company G, First Regiment New Hampshire Volunteer Infantry, War with Spain, $12 per month.

Sarah A. Boll, widow of George T. Boll, late of the Thirtieth Company United States Coast Artillery, $12 per month, and $2 per month additional on account of each of the minor children of the said George T. Boll until they reach the age of 16 years.

William A. Taylor, late of Company I, First Territorial Regiment United States Volunteer Infantry, War with Spain, $20 per month.

Edward M. Booe, late of Company G, One hundred and fifty-eighth Regiment Indiana Volunteer Infantry, War with Spain, $16 per month.

Alice Pollock, widow of Jacob Pollock, late of Company H, Palmetto Regiment South Carolina Volunteers, $20 per month in lieu of that she is now receiving.

Mary R. Kendall, widow of Henry M. Kendall, late captain, Sixth Regiment United States Cavalry, and lieutenant colonel, United States Army, retired, $40 per month in lieu of that she is now receiving.

Caro G. Moore, widow of William S. Moore, late captain, United States Navy, and commodore, United States Navy, retired, $50 per month in lieu of that she is now receiving.

Robert H. Trollinger, late of Company E, First Regiment North Carolina Volunteer Infantry, and Hospital Corps, United States Army, War with Spain, $12 per month.

John Johnson, No. 2, late of the U. S. S. *Saranac*, United States Navy, Regular Establishment, $12 per month.

Louisa M. Fletcher, widow of William Fletcher, late of Company G, First Regiment Ohio Volunteers, War with Mexico, and captain, Twentieth Regiment United States Infantry, and major, United States Army, retired, $25 per month in lieu of that she is now receiving.

Alice S. C. McNaught, widow of John S. McNaught, late captain, Twentieth Regiment United States Infantry, and major, United States Army, retired, $25 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. JOHNSON. I ask the Senate to consider Senate bill 7566.

The VICE PRESIDENT. Is there any objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pension the following-named persons at the rates stated:

Mary A. Attmore, widow of William H. Attmore, late of Company H, Thirteenth Regiment New York State Militia Infantry, $20 per month in lieu of that she is now receiving.

Josiah L. Burton, late of Company H, Thirty-third Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Charles L. Greene, helpless and dependent son of Milton M. Greene, late of Company D, Two hundred and fifth Regiment Pennsylvania Volunteer Infantry, $12 per month.

Ida A. Mitchell, widow of Ela Mitchell, late of Company E, Fifth Regiment Wisconsin Volunteer Infantry, $12 per month.

Mary J. Forbes, former widow of Horace A. Egbert, late first lieutenant Company I, Forty-seventh Regiment Ohio Volunteer Infantry, $25 per month in lieu of that she is now receiving.

Sarah E. C. Emerson, widow of George A. Emerson, late acting assistant paymaster, United States Navy, $20 per month in lieu of that she is now receiving.

John A. Churchill, late of Company A, Thirty-fifth Regiment New York Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Richard Woods, late of Companies K and C, Twelfth Regiment Pennsylvania Reserves Volunteer Infantry, and Third Company, Second Battalion, Veteran Reserve Corps, $30 per month in lieu of that he is now receiving.

John Banks, late of Company C, Fifteenth Regiment Maine Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Mollie C. Warren, widow of Edward M. Warren, late of Company I, One hundred and sixty-fifth Regiment Pennsylvania Volunteer Infantry, $12 per month.

Lucinda Traub, widow of Albert Traub, late second lieutenant Company B and captain Company C, Twenty-eighth Regiment Ohio Volunteer Infantry, $12 per month.

Samuel W. Harden, late of Company E, Seventeenth Regiment West Virginia Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Albert N. Raymond, late of Company B, One hundred and fiftieth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Charles R. Gentner, late of Company D, Sixth Regiment Pennsylvania Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Rodney Jones, late of Company I, First Regiment District of Columbia Volunteer Cavalry, and Company G, First Regiment Maine Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

David H. Hall, late acting master's mate, United States Navy, $24 per month in lieu of that he is now receiving.

Moses H. McLaughlin, late of the U. S. S. *North Carolina*, *San Jacinto*, and *Savannah*, United States Navy, $30 per month in lieu of that he is now receiving.

Robert I. Morrison, late of Company A, Third Battalion District of Columbia Militia Infantry, $12 per month.

Lou E. Hecox, widow of Charles L. Hecox, late of Company G, One hundred and twelfth Regiment New York Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Peter L. Miles, late of Company C, Tenth Regiment New Jersey Volunteer Infantry, $18 per month.

Thomas Hickman, late of Company K, Second Regiment Tennessee Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Eliza J. Arthur, former widow of David S. Arthur, late of Company H, Thirtieth Regiment Indiana Volunteer Infantry, $12 per month.

Bettie Dodge, former widow of Augustus B. Stevens, late of Company H, Twelfth Regiment Vermont Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Maria Love, former widow of Philip Gunckel, late of Company D, Eighty-seventh Regiment Indiana Volunteer Infantry, $12 per month.

Robert Degray, late of Company C, Twenty-second Regiment New Jersey Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Luther Curtis, late of Company H, Twelfth Regiment Indiana Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Orlando L. Daugherty, late of Company I, Thirteenth Regiment Indiana Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Martha E. Messenger, widow of Sherman Messenger, late of Company F, Second Regiment Connecticut Volunteer Heavy Artillery, $20 per month in lieu of that she is now receiving.

Minna Schue, widow of Nicholas Schue, late of Companies E and D, Thirteenth Regiment Connecticut Volunteer Infantry, $12 per month.

Gordon P. Ostrander, late of Company G, First Regiment Michigan Volunteer Engineers and Mechanics, $30 per month in lieu of that he is now receiving.

William W. Chew, late of Company B, One hundred and twentieth Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Minerva M. Walsh, widow of Mathew M. Walsh, late second lieutenant Company C, Fifth Regiment New York Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Ellen Garlick, widow of Charles D. Garlick, late of Company I, Eighth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Sarah E. H. Bartlett, widow of George L. Bartlett, late of Company B, One hundred and twenty-eighth Regiment New York Volunteer Infantry, $20 per month in lieu of that she is now receiving.

George Schmidt, late of Company E, One hundred and forty-third Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

George Fulford, late of Company E, Seventy-first Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

George F. Weitzel, late of Company H, One hundred and first Regiment Pennsylvania Volunteer Infantry, $36 per month in lieu of that he is now receiving.

William M. Allen, late of Company B, Twelfth Regiment West Virginia Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Catherine C. Abbott, widow of Wade Abbott, late of Company I, Second Regiment Illinois Volunteer Cavalry, $12 per month.

Samuel Lilly, late of Company G, One hundred and sixty-fifth Regiment Pennsylvania Drafted Militia Infantry, $50 per month in lieu of that he is now receiving.

Edwin Forbes, late of Company G, Ninety-second Regiment, and Company E, Forty-seventh Regiment, New York Volunteer Infantry, $24 per month in lieu of that he is now receiving.

James W. Toler, late of Company M, Eighth Regiment Indiana Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

George Wort, late of Company K, One hundredth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

George W. Markland, late of Company D, Seventh Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

William A. Rusie, late of Company C, Thirty-third Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Reuben F. Longley, late of Company I, One hundred and fifty-second Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Anna Mott, widow of Albert P. Mott, late of Company H, Twelfth Regiment Indiana Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Thomas Shapley, late of Company F, One hundred and forty-fifth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Cleora A. Carver, widow of William L. Carver, late of Company B, Seventeenth Regiment Kansas Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Mary A. Lowry, widow of Larkin P. Lowry, late of Company B, First Regiment Missouri Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Wiley Whicher, late of Company F, Eleventh Regiment Iowa Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Amos Poe, late captain Company F, Thirty-ninth Regiment Missouri Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Martin Perkins, alias Charles Shepherd, late of Company K, First Regiment Michigan Volunteer Infantry, and Company M, Fifth Regiment New York Volunteer Cavalry, $17 per month.

Florence Ada Tinney, helpless and dependent child of George Tinney, late of Company C, Maine Coast Guards, $12 per month.

Susan J. Alexander, widow of Bradford Alexander, late of Companies D and B, Third Regiment Rhode Island Volunteer Heavy Artillery, $20 per month in lieu of that she is now receiving.

John H. Van Meter, late of Company G, Fourth Regiment Wisconsin Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Lewis C. Lame, late of Company A, Sixth Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Imogene M. Burk, widow of Marshal B. Burk, late captain Company C, Ninth Regiment New York Volunteer Heavy Artillery, $20 per month in lieu of that she is now receiving.

H. B. Crouch, late of Company L, Second Regiment Missouri Volunteer Cavalry, and Company H, Fourteenth Regiment Veteran Reserve Corps, $40 per month in lieu of that he is now receiving.

Mathew Crawford, late of Company F, Ninety-seventh Regiment Ohio Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Joseph Raphile, late of Company B, Forty-fifth Regiment Pennsylvania Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Jonathan Sargent, late of Company E, Third Regiment Vermont Volunteer Infantry, $50 per month in lieu of that he is now receiving.

John P. Simpson, late of Company F, Forty-second Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Albert Baur, late of Company A, One hundred and second Regiment New York Volunteer Infantry, $72 per month in lieu of that he is now receiving.

Thomas T. Jones, late of Company B, Thirty-first Regiment Ohio Volunteer Infantry, $40 per month in lieu of that he is now receiving.

David Cox, late of Company E, Fifty-second Regiment, and Company F, Seventeenth Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Richard Dobson, late of Company G, First Regiment Michigan Volunteer Light Artillery, $40 per month in lieu of that he is now receiving.

Joseph H. Dearborn, late of Company C, Seventy-fourth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Sarah L. Hammerton, widow of Elias Hammerton, late of Company D, Ninety-ninth Regiment Illinois Volunteer Infantry, and former widow of John L. Sullaven, late of Company A, One hundred and ninety-fourth Regiment Ohio Volunteer Infantry, $12 per month.

Theresa L. Breese, widow of Sidney A. Breese, late captain Company G, Sixth Regiment Missouri Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Thomas E. Dunbar, late of Company E, Sixteenth Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Ephraim D. Edwards, late of Company C, First Regiment Indiana Volunteer Heavy Artillery, $24 per month in lieu of that he is now receiving.

Nelson B. Tool, late of Company M, Eleventh Regiment Indiana Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Josiah Hasbrook, late of Company B, Twenty-sixth Regiment United States Colored Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Irena Ward, former widow of Andrew B. Seaver, alias Anselmos Bracey, late of U. S. S. *Ohio*, *Iuka*, and *Mahaska*, United States Navy, $12 per month.

John W. Fletcher, late of Company F, First Regiment New Hampshire Volunteer Heavy Artillery, $40 per month in lieu of that he is now receiving.

James Menaugh, late of Company H, One hundred and seventy-ninth Regiment Pennsylvania Drafted Militia Infantry, $50 per month in lieu of that he is now receiving.

Michael Kirk, late of Company G, One hundred and forty-third Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

George W. Windell, late captain Company K, Thirty-eighth Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Benjamin F. Shepherd, late of Company H, Thirteenth Regiment Ohio Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

William R. Minert, late of Company H, Fourth Regiment Iowa Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Allen C. Goodwin, late of Company B, Twenty-first Regiment Maine Volunteer Infantry, $20 per month in lieu of that he is now receiving.

Daniel H. Pettengill, late of Company C, Seventh Regiment New Hampshire Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Olive Lunn, widow of Henry Lunn, late unassigned, Eighth Regiment Vermont Volunteer Infantry, $12 per month.

Harriett S. Crooks, widow of William Crooks, late colonel Sixth Regiment Minnesota Volunteer Infantry, $20 per month in lieu of that she is now receiving.

William H. McKinley, late of Company H, Fifth Regiment Iowa Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

James F. Hobbs, late of Company M, First Regiment New Hampshire Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Evander V. Turner, late of Company H, Twenty-ninth Regiment Ohio Volunteer Infantry, and second lieutenant Company I, One hundred and ninety-seventh Regiment Ohio Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Mary E. Clark, widow of Arthur E. Clark, late second lieutenant, First Independent Battery Connecticut Volunteer Light Artillery, $20 per month in lieu of that she is now receiving.

Elizabeth M. Norton, widow of Roswell Norton, late unassigned, Third Regiment Wisconsin Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Alicen W. Poe, late of Company M, Thirteenth Regiment Illinois Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Mary E. Searle, widow of Edward H. Searle, late of Company A, Second Regiment Rhode Island Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Thomas M. Wall, late of Company K, Fourteenth Regiment Iowa Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Hugh M. Cory, late of Company K, Seventh Regiment Iowa Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Madison T. Trent, late of Company C, Tenth Regiment, and Company E, Eighth Regiment, Tennessee Volunteer Cavalry, $20 per month in lieu of that he is now receiving.

Rose Barnes, widow of Harrison A. Barnes, late of Company K, Thirty-seventh Regiment New York Volunteer Infantry, and Company H, Second Regiment New York Volunteer Cavalry, and former widow of Joseph Fredenburg, late of Company A, Seventh Regiment Minnesota Volunteer Infantry, $12 per month.

Lewis A. Huffaker, late of Capt. Smith's company, Utah Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

David Parker, late of Company C, Fourteenth Regiment Vermont Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Edward Dudevoire, late of Company A, First Regiment Vermont Volunteer Heavy Artillery, $24 per month in lieu of that he is now receiving.

William Hawkins, late of Company L, Twenty-fourth Regiment New York Volunteer Cavalry, and Company L, First Regiment New York Provisional Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Mr. JOHNSON. I offer the following amendment for the committee.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 11, line 13, strike out the initial "H." in the name of "H. B. Crouch" and in lieu thereof insert the name "Horace."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. JOHNSON. I ask the Senate to consider Senate bill 7598.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pension the following-named persons at the rates stated:

Nancy M. Vinton, former widow of Van Buren McKinstry, late of Company G, Thirty-sixth Regiment Massachusetts Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Edward W. Anderson, late of Company E, Ninth Regiment Illinois Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Josephus Steller, late of Company E, Second Regiment Ohio Volunteer Infantry, $36 per month in lieu of that he is now receiving.

James J. Boothe, late second assistant engineer U. S. Army gunboat *Smith Briggs*, $20 per month.

Effie M. Bing, widow of John E. M. Bing, late of Company E, Fifty-sixth Regiment Ohio Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Porter E. Nash, late of Company K, Fourteenth Regiment Maine Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Laura Garriett, widow of Watson C. Garriett, late of Company G, Twelfth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Irvin M. Hill, late of Company D, Seventh Regiment Minnesota Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Laura M. Goodwine, former widow of Samuel A. Lowry, late of Company I, One hundred and fifty-third Regiment Indiana Volunteer Infantry, $12 per month.

Mary J. White, widow of John White, late of Company K, Second Regiment Maine Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

John L. Russell, late of Company A, First Regiment Iowa Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Sarah A. Ferguson, widow of Andrew Ferguson, late of the U. S. ram *Lioness*, Mississippi Marine Brigade, $12 per month.

Isabelle E. Jones, widow of Lemuel A. Jones, deceased, late of Company E, One hundred and fifty-sixth Regiment Indiana Volunteer Infantry, $12 per month.

Mary A. Conway, widow of Patrick Conway, late of Company H, Seventh Regiment Rhode Island Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Georgianna Thomas, widow of Jacob Thomas, alias Doutha, late of Company F, Sixth Regiment United States Colored Volunteer Cavalry, $12 per month.

William C. Pope, late of Company B, Twenty-fourth Regiment Michigan Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Sarah J. Deloe, widow of William W. Deloe, late of Company H, Fifteenth Regiment West Virginia Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Jesse Franklin Cochran, late of Company K, Ninth Regiment Indiana Volunteer Infantry, $12 per month.

Mary A. Flynn, widow of Patrick Flynn, late of Company F, One hundred and twelfth Regiment Illinois Volunteer Infantry, and Twenty-first Battery Ohio Volunteer Light Artillery, $20 per month in lieu of that she is now receiving.

Leona B. Haucke, widow of Albert Haucke, late of Company D, Fifty-fifth Regiment Kentucky Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Mary B. Jenks, widow of George W. Jenks, late captain Company F, Thirty-second Regiment Illinois Volunteer Infantry, $30 per month in lieu of that she is now receiving.

Mary A. Harrington, widow of Joseph W. Harrington, late of Company H, Seventh Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Amelia M. Payson, widow of Ebenezer F. Payson, late of Company E, Eighteenth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Ida Ingraham, widow of Edwin Ingraham, late of the United States Navy, $24 per month in lieu of that she is now receiving.

Amos T. Phares, late of Company B, Seventieth Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Louis M. Lea, late of Company D, One hundred and forty-eighth Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Johnson G. Trask, late of Company A, Fifteenth Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William H. Langdon, late of Company F, Twelfth Regiment Illinois Volunteer Infantry, $72 per month in lieu of that he is now receiving.

Catherine Curry, widow of Patrick Curry, late of Company E, Eleventh Regiment United States Infantry, and of Company E, One hundred and thirty-ninth Regiment New York Volunteer Infantry, $12 per month.

David Delehanty, late of Company E, One hundred and seventy-ninth Regiment New York Volunteer Infantry, $30 per month in lieu of that he is now receiving.

James H. Clark, late of Company I, Fourteenth Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John F. Thomas, late of Company A, Twenty-sixth Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Joseph C. Townsend, late of Company I, Twenty-sixth Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Rhoda C. Freeman, former widow of Joseph G. Freeman, late of Company A, One hundred and eightieth Regiment Ohio Volunteer Infantry, $12 per month.

Archie C. Fisk, late captain and assistant adjutant general, United States Volunteers, $50 per month in lieu of that he is now receiving.

George W. Killin, late of Company E, First Regiment Oregon Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Mack Carr, late of Company K, Eighteenth Regiment Illinois Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Henry Reed, late of Company F, One hundred and eighty-fourth Regiment Pennsylvania Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Mary A. Richards, widow of Moses Y. Richards, late of U. S. S. *Ohio*, *Minnesota*, and *Princeton*, United States Navy, $12 per month.

William D. Bonar, late of Company I, Twelfth Regiment Indiana Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Rosalie A. Partridge, helpless and dependent child of William L. Partridge, late of Company K, Twenty-fifth Regiment Indiana Volunteer Infantry, $12 per month.

Andrew C. McCorkle, late of Company B, Seventy-eighth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Eli Samson, late of Company L, Second Regiment Nebraska Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Thomas J. Gwin, late of Company D, One hundred and fifty-fourth Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Sarah McDowell, widow of Augustus McDowell, late of Company C, Sixth Regiment Indiana Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Sadie Hatch, widow of Charles S. W. Hatch, alias Samuel W. Hatch, late of Company F, Thirty-third Regiment New York Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Miles Matthews, late of Company C, Thirty-third Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Thomas Clark, late of Company B, Fifth Regiment, and Company A, Seventh Regiment, Delaware Volunteer Infantry, $21 per month in lieu of that he is now receiving.

Margaret J. Howell, widow of Horatio S. Howell, late captain Company B, Fourth Regiment New Jersey Volunteer Infantry, $20 per month in lieu of that she is now receiving.

John Jones, late of Company A, Thirty-third Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Semantha M. Hudson, widow of Josiah K. Hudson, late of Company G, Twelfth Regiment, and Company G, Fiftieth Regiment, Wisconsin Volunteer Infantry, $20 per month in lieu of that she is now receiving.

George T. Moulton, late of Company A, Sixteenth Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Joseph Lieber, late of Company A, Backof's battalion, Missouri Volunteer Artillery, $12 per month.

James Gorman, late of U. S. S. *Ohio*, *Brooklyn*, and *Fort Jackson*, United States Navy, $36 per month in lieu of that he is now receiving.

William A. N. Clare, late of Company K, Forty-sixth Regiment Wisconsin Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Clara McGaughey, helpless and dependent daughter of William McGaughey, late of Company B, Seventy-eighth Regiment Indiana Volunteer Infantry, $12 per month.

Edward H. Baldwin, late pilot, U. S. S. *Sovereign*, *General Sterling Price*, and *Mound City*, Mississippi Squadron, United States Navy, $20 per month.

John J. White, late of Company D, Twenty-ninth Regiment, and Company D, Sixty-first Regiment, Ohio Volunteer Infantry, $30 per month, the same to be paid to him without deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

John R. Lindaberry, late of Company H, Fifteenth Regiment New Jersey Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Samuel J. Bingham, late of Company F, First Regiment Ohio Volunteer Light Artillery, and Company A, Seventeenth Regiment Veteran Reserve Corps, $30 per month in lieu of that he is now receiving.

Peter S. McIntosh, late of Company A, Ninth Regiment New York Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

James H. Gallup, late of Company A, One hundred and seventy-seventh Regiment New York Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Arthur Mahar, late of Company C, One hundred and fifty-eighth Regiment New York Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Ziba Fry, late of Company A, Nineteenth Regiment Wisconsin Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Charles C. Moulton, late of Company K, Third Regiment Iowa Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Parson B. Mix, late of Company I, One hundred and forty-first Regiment Illinois Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Mabel Turton, helpless and dependent daughter of Robert Turton, late of Company K, Fourth Regiment Missouri Volunteer Cavalry, $12 per month.

William Dougherty, late of Company B, Eighty-third Regiment Pennsylvania Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Alonzo Cole, late of Company F, Twenty-ninth Regiment Ohio Volunteer Infantry, $40 per month in lieu of that he is now receiving.

George W. Vogel, late of Company C, One hundred and forty-seventh Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Joseph A. Fisher, late of Capt. Lot Smith's company, Utah Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Edwin W. Moody, late of Company F, Fourteenth Regiment Maine Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Mary L. Lowe, widow of Edward Lowe, late of Company E, Third Regiment Massachusetts Volunteer Heavy Artillery, $20 per month in lieu of that she is now receiving.

Lydia A. Brockway, widow of Henry Brockway, late of Company B, First Regiment Wisconsin Volunteer Heavy Artillery, $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Maggie Brockway, helpless and dependent child of said Henry Brockway, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Lydia A. Brockway the name of the said Maggie Brockway shall be placed on the pension roll at $12 per month from and after the date of death of said Lydia A. Brockway.

Elisha Thomas, late of Company H, Twenty-sixth Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

James B. Kitts, late of U. S. S. *Naiad*, *Grampus*, and *Clara Dolsen*, United States Navy, $50 per month in lieu of that he is now receiving.

James M. Palmer, late of Company H, Second Regiment Maine Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Jackson Smith, late of Company G, One hundred and thirty-sixth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Job Ingram, late of Company I, One hundred and thirty-seventh Regiment Indiana Volunteer Infantry, and chaplain First Territorial Regiment United States Volunteer Infantry, War with Spain, $36 per month in lieu of that he is now receiving.

Alice C. Cox, widow of Joel E. Cox, late of Company K, Seventh Regiment Minnesota Volunteer Infantry, $12 per month.

John Jenkins, late of Company I, Forty-fifth Regiment Illinois Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Charles Woodward, late of Company I, Fourteenth Regiment New Hampshire Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Hattie E. Lawton, widow of William H. Lawton, late of Company D, First Regiment Rhode Island Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

John L. Epperson, late of Company I, Eleventh Regiment Indiana Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

William D. Eudy, late of Company C, Fifteenth Regiment New Hampshire Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Annia Clark, widow of Andrew Clark, late unassigned, Twenty-eighth Regiment United States Colored Volunteer Infantry, $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Isaac Clark, helpless and dependent child of said Andrew Clark, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Annia Clark, the name of the said Isaac Clark shall be placed on the pension roll at $12 per month from and after the date of death of said Annia Clark.

Mary L. Taylor, widow of James P. Taylor, late colonel Twenty-second Regiment Kansas State Militia and first lieutenant Company C, Sixteenth Regiment Illinois Volunteer Infantry, $20 per month.

John Lampke, late of Company H, One hundred and nineteenth Regiment New York Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Herbert A. Oliver, late of Company H, Third Regiment Wisconsin Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Henry C. Jordan, late of Company A, Twenty-third Regiment Iowa Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Hazlett A. Jacobs, late of Company I, Fifty-ninth Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Elias Lloyd, late of Company C, Fourteenth Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

John E. Graham, late of Company G, Sixth Regiment Michigan Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

John McEathron, late of Company A, One hundred and forty-second Regiment Illinois Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Gilbert W. Potter, late of Company E, Eighth Regiment Connecticut Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Sumner P. Boies, late of Company F, Third Regiment Maine Volunteer Infantry, $21 per month.

Joann P. Libby, former widow of Cyrus Swift, late of Company H, Thirteenth Regiment Maine Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Anna Trickey, former widow of William Brewster, late of Thirty-fourth Independent Battery, New York Volunteer Light Artillery, $12 per month.

Mary E. Walker, widow of Samuel H. Walker, late captain Company D, Third Regiment Maryland Volunteer Infantry, $30 per month in lieu of that she is now receiving.

Henrietta C. Stanton, widow of Jerome A. Stanton, late scout and master of transportation, Seventh Corps, United States Army, $12 per month.

The SECRETARY. On page 17 the committee proposes to strike out all of lines 13, 14, 15, and 16, in the following words, the soldier having died:

The name of Hazlett A. Jacobs, late of Company I, Fifty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The SECRETARY. At the end of the bill the committee proposes to insert:

The name of Charles H. Nelson, late of Company G, Nineteenth Regiment, and Company F, Twelfth Regiment, Maine Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The SECRETARY. The committee also proposes to insert the name of James H. Loughman, late of Company B, One hundred and thirty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The SECRETARY. The committee also proposes to insert the name of Roderick O'Connor, late of Company C, One hundredth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. JOHNSON. I ask to have inserted in the RECORD the following report of the committee.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

S. 7569. Charles H. Nelson, of Waterville, Me., is shown by the War Department records to have enlisted August 2, 1862, as a private in Company G, Nineteenth Maine Infantry, and to have been discharged

March 17, 1863, for physical disability, namely, phthisis pulmonalis. He again enlisted February 2, 1865, in Company F, Twelfth Maine Volunteer Infantry, and was honorably discharged, with rank of sergeant, March 3, 1866.

Soldier filed and established a claim for pension under the general law for chronic diarrhea and disease of lungs, and was originally pensioned therefor at $6 per month from discharge; increased to $8 October 12, 1881, and to $10 May 9, 1900. He is now pensioned under the age-and-service act of May 11, 1912, at the rate of $21.50 per month. (Certificate No. 199519.)

This soldier is now 72 years of age. He has not been examined by a board of surgeons since May 9, 1900, when he was rated $10 on chronic diarrhea, impaired digestion, and piles; $6 on disease of lungs, and $4 on disease of heart. Medical evidence filed with this committee shows that claimant is at present in a helpless condition, requiring the constant services of an attendant. The following being the report of the physician:

"That he is now and has been for some time totally incapacitated, requiring the constant services of an attendant, and in my opinion he never will be any better. He is now suffering from a complication of diseases and general breakdown."

Neighbors testify that soldier is entirely helpless and requires the constant care of an attendant, and that he has no property whatever. His case is worthy of favorable consideration, and your committee recommend increase of pension to $50 per month, as proposed in the bill.

S. 7670. James H. Loughman, of South Bend, Ind., was a private in Company B, One hundred and thirty-fifth Regiment Ohio Volunteer Infantry. He enlisted May 2, 1864, and was honorably discharged and mustered out June 25, 1865. The records show that he was taken prisoner in action at North Mountain, Va., July 3, 1864, and confined in Andersonville Prison for nearly 10 months, being paroled June 25, 1865.

Soldier filed and established a claim for pension under the general law for disease of rectum, and was originally pensioned therefor at $2 per month from June 26, 1888, increased to $6 March 2, 1895, and to $8 September 26, 1906. He might have drawn pension from discharge had he applied in time, but he refused to file his claim until after the expiration of the "arrears" act, and so saved the Government some hundreds of dollars. He is now pensioned under the age-and-service act of May 11, 1912, at the rate of $20 per month. (Certificate No. 917382.)

This soldier is now upward of 70 years of age. He has not been examined by a board of surgeons since September 26, 1906, when he was rated $8 on disease of rectum, $6 on disease of heart, $6 on rheumatism, and $6 on diarrhea, and the examining surgeons reported in direct terms that he was not physically able to perform manual labor. Papers filed in the claim at the Pension Bureau show that claimant suffered a stroke of apoplexy in April, 1914, and since then has been paralyzed and helpless, confined to his room and bed, unable to walk or feed himself, and requiring the constant services of an attendant night and day. The chairman of the committee is also reliably informed that claimant is helpless from paralysis and requires the aid and attendance of other persons at all times; that he is also poor and without means and is worthy and deserving of relief. His case excites great sympathy, and your committee report the bill favorably with recommendation for increase of pension to $50 per month.

S. 7657. Roderick O'Connor, of Buffalo, N. Y., served in the Civil War as a private and corporal in Company C, One hundredth New York Volunteer Infantry. He was a good soldier and has a first-class record, having enlisted July 31, 1862, and being honorably discharged June 15, 1865, after nearly three years of continuous service. He has a record of wound in action at Darbytown Road, Va., October 27, 1864.

Soldier filed and established a claim for pension under the general law and is pensioned by certificate No. 174654 at $20 per month for gunshot wound of nose and resulting catarrh, causing severe deafness of left ear and slight deafness of right ear. He was originally pensioned at the ridiculously small rate of $1 per month from discharge; increased to $4 February 2, 1881; to $8 December 11, 1889; and to $20 November 19, 1890. It has thus been 24 years and more since he has had any increase at the Pension Bureau.

Soldier is 68 years of age and, as the evidence shows, totally disabled and in destitute circumstances. The following affidavits accompany the bill:

BUFFALO, N. Y., *June 29, 1914.*

To the Senate and House of Representatives, Washington, D. C.:

GENTLEMEN: Your petitioner, Roderick O'Connor, was a corporal in Company C, One hundredth Regiment New York Volunteer Infantry, during the Civil War, and is 68 years of age. His post-office address is 149 Parkdale Avenue, city of Buffalo, State of New York, county of Erie. He is a pensioner of the United States for disability and draws a pension of $20 per month, granted March 28, 1891. (Certificate No. 174654.) He was wounded in the nose on October 27, 1864, in front of Richmond, the bone or bones of his nose being shattered. He was taken to the hospital at City Point, Va., where fever ague developed, remaining there eight days, and from there sent to the hospital at Fortress Monroe, where erysipelas developed and was kept there six weeks.

The above facts are given to show that while he suffered from the above ailments proper attention could not be given to the gunshot wound and the bone of the nose was not removed at that time or since. The advice of eminent surgeons has been not to atempt an operation. He has been unable to breath through his nose these past 50 years, and this condition has caused him to become deaf and has impaired his eyesight. He is now suffering from rheumatism and is wholly incapacitated and unable to work.

His physical condition is due to the wound and sickness contracted in the Army.

He enlisted in Buffalo, July 18, 1862, and was discharged in June, 1865, in Richmond, Va.

Therefore he asks that his pension be increased to at least $50 per month by special act of Congress, so as to enable him to secure proper medical treatment and other necessaries of life for himself and aged wife.

RODERICK O'CONNOR,
149 Parkdale Ave., Buffalo, N. Y.

Subscribed and sworn to before me this 29th day of June, 1914.
[SEAL.] THEODORE LORENTZ,
Notary Public.

—

BUFFALO, N. Y., *June 29, 1914.*

I hereby certify that Mr. Roderick O'Connor, 149 Parkdale Avenue, Buffalo, N. Y., has been a patient under my care for the past two years; that he has been and is now suffering from necrosis of the nasal and turbinated bones, due to gunshot wound received 50 years ago. The bones were fractured and driven into each other in such a manner that their removal would be fatal.

These fractured bones have so obstructed the nasal passages and pressed upon adjacent tissues that the hearing has become very defective; the sense of smell and taste very much impaired. There is a constant discharge of irritating pus and mucus from the nostrils. He suffers from headache and general debility, loss of appetite, sleeplessness, and is very nervous. He is totally unfit to perform any mental or physical labor.

DAVID F. WHITE, M. D.,
287 Lafayette Avenue, Buffalo, N. Y.

Subscribed and sworn to before me this 29th day of June, 1914.
[SEAL.] THEODORE LORENTZ,
Notary Public.

—

BUFFALO, N. Y., *July 1, 1914.*

To whom it may concern:

This is to certify that Mr. Roderick O'Connor, of 149 Parkdale Avenue, has been under my care on and off for the past 10 years, suffering from chronic cystitis; also rheumatism, especially lower limbs, with severe pains in head, affecting the eyesight and hearing, therefore rendering him unfit to follow his usual occupation.

Yours, respectfully,

H. E. LONG, M. D.

Subscribed and sworn to before me this 1st day of July, 1914.
[SEAL.] THEODORE LORENTZ,
Notary Public.

Evidence of neighbors shows that soldier has no means and is dependent upon his pension for the support of himself and wife, and needs the care and attention of another person.

It is believed that soldier's condition is such that increase to $40 is warranted, his disabilities being partly of service origin; he is not totally helpless and no greater increase is warranted.

Mr. JOHNSON. I ask the Senate to proceed to the consideration of Senate bill 7597.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pension the following-named persons at the rates stated:

William E. McGee, late of Company E, One hundred and fifty-eighth Regiment Indiana Volunteer Infantry, War with Spain, $12 per month.

Charles F. White, late of Company K, Seventh Regiment United States Infantry, War with Spain, $12 per month.

Warren W. Norton, late of Battery C, First Regiment Maine Volunteer Heavy Artillery, War with Spain, $12 per month.

Daniel Howery, foster father of William Murphy, late of Company I, Twenty-third Regiment United States Infantry, War with Spain, $12 per month.

William H. Hart, late fireman, second class, United States Navy, War with Spain, $12 per month.

William M. Miller, late of the Thirty-first Company United States Coast Artillery Corps, Regular Establishment, $20 per month.

Alpheus W. Clark, late of Company D, First Battalion Nevada Volunteer Infantry, War with Spain, $12 per month.

Charles R. Conger, late of Company C, Eleventh Regiment United States Infantry, War With Spain, $17 per month.

Fred F. Harris, late of Battery A, First Regiment Maine Volunteer Heavy Artillery, War with Spain, $30 per month in lieu of that he is now receiving.

Benjamin Matlock, late of Company K, Twenty-seventh Regiment United States Infantry, War with Spain, $12 per month.

John B. Turner, late of the United States Marine Corps, Regular Establishment, $12 per month.

Jeremiah C. Foley, late of the Fourteenth Company United States Volunteer Signal Corps, War with Spain, $12 per month.

Joseph L. Addison, late of Troop M, Third Regiment United States Cavalry, Regular Establishment, $20 per month.

Bernard Christianson, late of the U. S. S. *Hercules*, United States Navy, War with Spain, $24 per month.

Lee Jenkins, late of Company A, Eleventh Regiment United States Infantry, War with Spain, $36 per month in lieu of that he is now receiving.

Katherine H. McDonald, widow of Ray S. McDonald, late lieutenant United States Navy, Regular Establishment, $35 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of said Ray S. McDonald until he reaches the age of 16 years.

John H. Hopewell, late of Company A, Thirteenth Regiment United States Infantry, Regular Establishment, $12 per month.

William Bowen, late of Company H, Thirteenth Regiment Pennsylvania Volunteer Infantry, War with Spain, $17 per month.

Todd L. Wagoner, late of Company F, Twentieth Regiment Kansas Volunteer Infantry, War with Spain, $12 per month in lieu of that he is now receiving.

The SECRETARY. The committee reports at the end of the bill to insert the name of Thomas H. Jones, late of Company D,

Third Regiment Tennessee Volunteer Infantry, War with Spain, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The SECRETARY. The committee also proposes to insert the name of Etta Adair Anderson, widow of J. Patton Anderson, late lieutenant colonel Battalion Mississippi Rifles, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The SECRETARY. The committee also proposes to insert the name of Annie R. Chaffee, widow of Adna R. Chaffee, late lieutenant general (retired) United States Army, and pay her a pension at the rate of $2,000 per annum.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. JOHNSON. I ask permission to have inserted in the RECORD the following report of the committee.

There being no objection, the matter referred to was ordered to be inserted in the RECORD, as follows:

S. 7629. Thomas H. Jones, of Farmington, N. Mex., served as private, artificer, and first sergeant in Company D, Third Tennessee Volunteer Infantry, in the War with Spain. The records of the War Department show that he enlisted April 28, 1898, and was honorably discharged January 31, 1899; also that he was treated in the service for pharyngitis, malarial fever, acute enteritis, constipation, and hepatic engorgement.

He applied for pension May 16, 1912 (No. 1403210), alleging that at Chickamauga Park, Ga., in July or August, 1898, he contracted typhoid fever, resulting in chronic bronchitis, chronic diarrhea, and nervous debility. The application was rejected in January, 1914, on the ground of no record or other satisfactory evidence to prove service origin and continuance from discharge of bronchitis, chronic diarrhea, and nervous debility and claimant's inability to furnish such evidence.

Upon his examination preliminary to discharge claimant stated to the discharging officers that he was suffering from weak lungs, incurred some two years previous in North Carolina. The captain certified that claimant was disabled by weak lungs, when, where, or how incurred not known. The surgeon certified that upon examination he found no disability.

The claim was investigated by special examiners of the Pension Bureau and testimony secured showing that soldier was in good bodily health before enlistment, free from lung trouble or other disability, and was sound and fit for service as a soldier. Two comrades testified to soldier's sickness in service, and there is testimony to the effect that his health has been impaired since discharge from diarrhea and bronchitis, which now incapacitate him for manual labor.

He was examined July 10, 1912, by a surgeon for the Pension Bureau, and the report is as follows:

"Applicant has chronic bronchitis, cough, and considerable expectoration, especially in morning. The sputum is rather thick, with yellowish tinge. He says he has had the cough and expectoration ever since he had the fever in summer of 1898. He understood at the time that he had typhoid fever and was placed in the typhoid ward. There is dullness and tenderness over lower lobe of right lung. Bowels move from four to six times daily, thin, with some mucus; some tenderness over bowels upon pressure. Throat is slightly sensitive, and there is huskiness of voice in the evenings. Liver is slightly enlarged. Spleen normal. Stomach in very good condition. Urinary organs all right. The nervous debility is caused from the bronchitis and chronic diarrhea, and, in my opinion, all these troubles are of tubercular origin. Heart is normal every way except its too rapid action, which I attribute to his tubercular condition.

"I have known applicant for three years, and from my personal acquaintance with him, as well as his present physical condition, will say that his disabilities are not due to nor aggravated by vicious habits. The rapid pulse and respiration, elevated temperature in afternoons, cough and expectoration, diarrhea, loss of flesh—all these applicant has at present and are unquestionable symptoms of tuberculosis."

Soldier is about 39 years of age. Medical and other evidence filed with the bill shows beyond question that he is in very poor health from pulmonary trouble and chronic diarrhea and is wholly incapacitated for the performance of manual labor; also that he is in poor financial circumstances, without property, and has a family dependent upon him for support.

Your committee incline to the opinion that the claim has merit, and so report the bill favorably with recommendation for pension at $20 per month.

S. 7180. Etta Adair Anderson, of Palatka, Fla., is the widow of J. Patton Anderson, late lieutenant colonel Battalion Mississippi Rifles, Mexican War, who served from October 30, 1847, to June 28, 1848, and who died September 20, 1872.

Mrs. Anderson, who is about 78 years of age, was married to the deceased officer April 30, 1853. She is now receiving a pension of $16 per month under special act approved May 17, 1902, and there is no general law under which she can obtain increase. She was originally pensioned at $8 per month (certificate No. 1064) under the Mexican War act of January 29, 1887, granting that rate of pension to all the widows of the soldiers of the Mexican War. The rate of $8 per month provided by the act of 1887 has since been increased to $12 per month by the act of April 19, 1908.

Medical evidence filed with the committee shows that Mrs. Anderson is crippled and helpless from fracture of hip and the infirmities of age, and is in such an enfeebled condition that she can do absolutely nothing toward earning a support, and requires the aid and care of other persons to look after her. She is also shown to be in very poor circumstances, having no property or source of income aside from her pension.

There are many precedents for increasing the pensions of the aged and destitute widows of the soldiers of the Mexican War, and the foregoing facts bring this case fully within such precedents. The bill is reported favorably, with recommendation for increase of pension to $20 per month.

S. 6697. Annie R. Chaffee is the widow of the late Lieut. Gen. Adna R. Chaffee, United States Army.

Gen. Chaffee was born in Ohio in April, 1842, and entered the Army July 22, 1861, as a private in the Sixth United States Regular Cavalry. Two years later, in May, 1863, he was commissioned second lieutenant, becoming a first lieutenant in February, 1865. In October, 1867, he was made captain, and following this was successively promoted through the several grades to the rank of lieutenant general of the Army, to which he was commissioned from January 9, 1904.

Gen. Chaffee had a brilliant career, serving in the Civil War, Indian campaigns, the Spanish War, the Philippine insurrection, and the Chinese Boxer uprising. At El Caney, Cuba, he, having been given command of a brigade, opened the fight, and his men bore the brunt of it throughout the day. In 1900, when fighting began in China, he was selected to command the American forces. After his service in China he was given command of the Philippine forces.

On his return to this country Gen. Chaffee was appointed Chief of Staff, and served in that capacity until 1906. He was in active service continuously until February 1, 1906, when he was placed on the retired list. He served his country faithfully and honorably in the Regular Army for nearly 45 years. We annex a statement of the service of the officer as furnished from the records of the War Department.

Gen. Chaffee died at Los Angeles, Cal., November 1, 1914, of typhoid-pneumonia. As his fatal disease was not contracted during his active service, the Pension Bureau is powerless to grant his widow adequate relief. The only pension she can obtain there is the small sum of $12 per month provided by the act of April 19, 1908, for the widow of an officer or enlisted man who served 90 days in the Civil War.

Mrs. Chaffee married the deceased officer March 31, 1875, is now well advanced in years, and in necessitous circumstances. She has no income from any source.

In view of the long, brilliant, and highly useful service of Gen. Chaffee, the rank he held at the time of his death, and the other facts shown by the evidence, we recommend his widow be paid a pension of $2,000 per year. This is the same amount as that accorded the widows of Gens. McClellan, Hancock, Crook, and Thomas. Mrs. Sheridan received $2,500, and Mrs. Logan, the widow of a Volunteer officer, receives $2,000. There is little likelihood that the case of Mrs. Chaffee will in itself become a precedent. Gen. Chaffee was the last lieutenant general. With his death the rank of lieutenant general dies. It could be revived only by affirmative action of Congress.

WAR DEPARTMENT,
Washington, December 22, 1914.

Hon. BENJAMIN F. SHIVELY,
Chairman Committee on Pensions, United States Senate.

DEAR SIR: In compliance with the request contained in your letter of the 19th instant for a statement of the military service of the late Lieut. Gen. Adna R. Chaffee, United States Army, for the use of the Committee on Pensions in connection with Senate bill 6697, I have the honor to inform you that the official records show as follows:

Adna R. Chaffee enlisted in the Regular Army July 22, 1861, at Warren, Ohio, to serve three years, and was assigned as a private to Troop K, Sixth United States Cavalry; was appointed sergeant and first sergeant October 1, 1861, and September 26, 1862, respectively, and was discharged May 12, 1863, as first sergeant of that troop and regiment on account of promotion to second lieutenant. His service as a commissioned officer was as follows:

Second lieutenant, Sixth United States Cavalry, May 12, 1863; first lieutenant February 22, 1865; regimental adjutant from November 11, 1864, to December 12, 1866; regimental quartermaster from December 12, 1866, to October 12, 1867, when promoted to captain; major, Ninth United States Cavalry, July 7, 1888; lieutenant colonel, Third United States Cavalry, June 1, 1897; brigadier general, United States Volunteers, May 4, 1898; major general, United States Volunteers, from July 8, 1898, to April 13, 1899; brigadier general, United States Volunteers, April 13, 1899; colonel, Eighth United States Cavalry, May 8, 1899; major general, United States Volunteers, July 19, 1900; major general, United States Army, February 4, 1901; lieutenant general, United States Army, January 9, 1904, and was retired as such February 1, 1906. He died November 1, 1914, at Los Angeles, Cal.

He was brevetted as follows: First lieutenant, July 3, 1863, for gallant and meritorious services in the Battle of Gettysburg, Pa.; captain, March 31, 1865, for gallant and meritorious services in the Battle of Dinwiddie Court House, Va.; major, March 7, 1868, for gallant and efficient services in engagement with Comanche Indians at Point Creek, Tex.; and lieutenant colonel, February 27, 1890, for gallant service in leading a Cavalry charge over rough and precipitous bluffs held by Indians on the Red River of Texas August 30, 1874, and gallant service in action against Indians at Big Dry Wash, Ariz., July 17, 1882.

Following is a detailed statement of this officer's service: Served with his regiment in the Army of the Potomac until wounded in the Gettysburg campaign at Fairfield, Pa., July 3, 1863; absent on account of wound to September, 1863; commanding troop to October 11, 1863, when wounded at the battle of Brandy Station, Va.; absent, sick, to November, 1863; with regiment in Army of the Potomac to August, 1864; in the Shenandoah Valley, Va., to February, 1865, and in the campaign against Richmond, Va., to May, 1865, during which period he participated in all the battles, engagements, etc., in which his regiment was engaged (about 50), from the siege of Yorktown, Va., April, 1862, to Appomattox Court House, Va., April, 1865; with regiment at Frederick, Md., June to October, 1865; en route to and at Austin, Tex. (also depot quartermaster at same place December, 1866, to February, 1868), to February, 1868; commanding troop at Fort Griffin, Tex., to September, 1868, being frequently in field on scout and engaged in action with hostile Indians at Point Creek, Tex., March 6, 1868; commanding troop at Sulphur Springs, Tex., September, 1868, to March, 1869; at Canton, Tex., to July 17, 1869; at Tyler, Tex., to January, 1870; at Corsicana, Tex., to May, 1870; at Fort Griffin, Tex., to September, 1870; at Fort Richardson, Tex., to March 20, 1871, being frequently in field on scout against Indians and engaged in action with them November 14, 1870; commanding troop on the march to and at Fort Riley, Kans., to January 28, 1872; at Oxford, Miss., also commanding post, to December 6, 1872; at Fort Harker, Kans., to April 2, 1873; at Fort Supply, Ind. T., to August 19, 1874; in the field on expedition in Indian Territory and Texas to March 23, 1875, being engaged in action against hostile Indians at Mulberry Creek, Tex., August 30, and near Washita River, Ind. T., October 17, 1874; commanding troop at Fort Supply, Ind. T., March 23 to April 29, 1875; at Fort Dodge, Kans., to August 2, 1875; on the march to and

at Fort Verde, Ariz., to May 30, 1876; at Fort Grant, Ariz., to June 21, 1876, and at Fort McDowell, Ariz., to September 13, 1876; on recruiting service October 23, 1876, to October 1, 1878; rejoined his regiment November 12, 1878, and commanded his troop at Fort McDowell, Ariz., to July 1, 1879; in charge of the San Carlos Agency, Ariz., to May 31, 1880; commanding troop and post of Fort McDowell, Ariz., being frequently in field in active operations against hostile Indians, to September 11, 1882, being engaged in action with them at Big Dry Wash, Ariz., July 17, 1882, and was highly commended for services in the field in General Orders No. 37, Department of Arizona, July 31, 1882; on leave September 11, 1882, to January 5, 1883; commanding troop at Fort McDowell, Ariz., to October 17, 1883, being absent in the field with Gen. Crook in Arizona and New Mexico, operating against hostile Apache Indians March 24 to July 9, 1883; commanding troop and post of Fort Huachuca, Ariz., to June 5, 1884; at Fort Craig, N. Mex., to September 12, 1884; on leave to November 10, 1884; commanding troop at Fort Wingate, N. Mex. (in field and at Fort Cummings, N. Mex., May 22, 1885, to October 19, 1886), to August 8, 1888; joined his regiment (Ninth United States Cavalry) August 28, 1888, and commanded post at Fort Duchesne, Utah, on September 27, 1890; acting inspector general, Department of Arizona, October 6, 1890, to July 6, 1893, and of the Department of Colorado to October 4, 1894; on duty with regiment at Fort Robinson, Nebr. (in the field commanding expedition against Indians in Idaho and Wyoming July 28 to October 29, 1895), to November 7, 1896; on duty as instructor of cavalry at the Infantry and Cavalry School, Fort Leavenworth, Kans., November 27, 1896, to April 19, 1898, when he accompanied his regiment to Chickamauga, Ga., where he commanded a brigade to May 20, 1898, a division in the Fifth Army Corps at Tampa, Fla., to June 16, 1898, and in the campaign against Santiago and in Cuba to August 21, 1898.

He was highly commended by Gen. Lawton for especial distinction in successfully planning and attacking the stone fort at El Caney, Cuba, July 1, 1898. From August 21 to September 27, 1898, he commanded his division en route to and at Montauk Point, N. Y.; commanding First Division, Fourth Army Corps, November 1 to December 5, 1898, and Fourth Army Corps to December 14, 1898; chief of staff to Maj. Gens. Brooke and Wood, of the headquarters division of Cuba, Habana, Cuba, December 29, 1898, to May 16, 1900.

He was highly commended by Gens. Brooke and Wood for services rendered in the latter position, the former stating that "the Army has no better example of efficiency" and the latter that "he has filled the position with ability and assiduity rarely seen among public men." He left Cuba May 25, 1900, en route to Washington, and thence to San Francisco, sailing from the latter place July 3 and arriving at Taku, China, July 29, 1900, when he assumed command of the China relief expedition, which he commanded to May 26, 1901, when he proceeded to the Philippines.

He was highly commended by the President and Secretary of War "for the brilliant achievement in which the courage, fortitude, and skill of the American forces under his command in China played so honorable a part."

He arrived at Manila, P. I., June 5, 1901, and after making a tour of inspection of the islands, on July 4, 1901, assumed command of the Division of the Philippines and duties of military governor, and was relieved October 2, 1902; in command of the Department of the East, Governors Island, N. Y., November 21, 1902, to October 26, 1903; member of the General Staff from October 26, 1903, to January 9, 1904, when he became Chief of Staff. He was relieved as Chief of Staff January 15, 1906.

In the case of this officer the medical records show as follows: Wounded, right hip, ball, severe, at Battle of Fairfield, Pa., July 3, 1863; treated, June 10 to 15, 1870, intermittent fever, tertian; August 8 to 12, 1870, intermittent fever; November 1 to 14, 1871, abscess; April 15 to 20, 1873, sprain; December 2 to 4, 1884, quotidian intermittent fever, in line of duty, cured; November 28 to 30, 1893, influenza, in line of duty; December 4 to 13, 1893, epidemic influenza, in line of duty; January 10 to 31, 1894, hemorrhoids; operation, January 10, 1894, removed by clamp and cautery, in line of duty; June 12 to July 3, 1895, sprain, right knee, thrown from horse while on review June 11, in line of duty; hot applications, first; plaster of Paris bandage put on June 13 and removed June 25; at night knee swells slightly after exercising during day, but no pain; returned to duty, cure not complete.

Very truly, yours,

HENRY BRECKINRIDGE,
Assistant Secretary of War.

Mr. JOHNSON. I will not ask the Senator from Oklahoma to yield further to take up the House pension bills. I only wished at this time to call up the Senate bills that had been reported favorably from the Committee on Pensions.

HUNTON ALLEN.

Mr. THOMAS. I ask unanimous consent for the consideration of House bill 17424, for the relief of Hunton Allen. It is a bill which is designed to reimburse a postmaster for a loss caused by burglary.

Mr. SMOOT. I shall not object to the consideration of this bill, but I shall object to any other bills being acted upon or called up from the calendar.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Auditor of the Treasury for the Post Office Department is hereby authorized and directed to credit the account of Hunton Allen, the postmaster at Williamson, in the State of Georgia, with the sum of $237.16, the amount and value of postage stamps stolen from said post office by a burglar on May 13, 1913, without any fault on the part of said Allen; and said amount is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INTERNATIONAL ARBITRATION.

Mr. SHAFROTH. Mr. President, I desire to ask unanimous consent to have printed as a public document a brief communication which I have received concerning the subject of international arbitration.

Mr. SMOOT. I did not hear the request of the Senator from Colorado.

Mr. SHAFROTH. It is a very able communication from a gentleman relative to propositions of peace and of international arbitration. It is a very learned document and one that I think will be read with a great deal of interest.

Mr. BRANDEGEE. Who is the author?

Mr. SHAFROTH. Mr. Oscar T. Crosby, of Warrenton, Va. I do not ask to have it read, but that it be made a Senate document.

Mr. SMOOT. Will not the Senator agree to have it go to the Committee on Printing?

Mr. SHAFROTH. I am afraid I will not get it out. It is not a long communication.

Mr. SMOOT. I think the Senator ought to take his chances about getting it out. If it is all right, I think the committee will report it out, and I would rather have it go to the committee.

The VICE PRESIDENT. Is there objection to printing the paper as a document?

Mr. SMOOT. I object.

Mr. SHAFROTH. Let it go to the Committee on Printing.

The VICE PRESIDENT. It will be referred to the Committee on Printing.

AGRICULTURAL APPROPRIATIONS.

Mr. GORE. Mr. President——

The VICE PRESIDENT. The Senator from Oklahoma.

Mr. GORE. I move that the Senate proceed to the consideration of the Agricultural appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 20415) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1916, which had been reported from the Committee on Agriculture and Forestry with amendments.

Mr. GORE. I ask unanimous consent that the formal reading of the bill be dispensed with and that the committee amendments be first considered.

The VICE PRESIDENT. The Senator from Oklahoma asks that the formal reading of the bill be dispensed with.

Mr. SMITH of Michigan. Mr. President, before unanimous consent is given, I desire to ask the Senator from Oklahoma whether that provision in the House bill which proposes to appropriate $5,000 for the investigation of the so-called cucumber disease is to be restored in the Senate.

Mr. GORE. The committee amendment referred to is on page 18, and upon information received since the committee acted on the subject my judgment is that the amount ought to be restored. When we reach that point I will, if the occasion requires, state my reasons for it.

Mr. SMITH of Michigan. Then, if I understand the Senator, he is perfectly willing that the appropriation shall be restored by which the department is directed to investigate the cucumber disease?

Mr. GORE. Yes; as far as I am concerned I think the appropriation ought to be restored.

Mr. GALLINGER. I should like to ask the Senator from Michigan if it is a disease of cucumbers or a disease created by the use of cucumbers?

Mr. SMITH of Michigan. It is aimed at the cucumber disease. It occasioned the loss of something like $2,000,000 in the State of Michigan alone last year, and it becomes very important to our people that it should be investigated. With the assurance of the Senator from Oklahoma that the appropriation of $5,000 will be restored I have no objection to the request he has made.

The VICE PRESIDENT. There being no objection, the bill will be read for amendment and the committee amendments will be first considered.

The Secretary proceeded to read the bill.

The first amendment was, on page 3, line 12, to strike out "2 watchmen, at $840 each; 42," and insert "44," so as to read:

Forty-four watchmen, at $720 each.

Mr. McCUMBER. Mr. President, I have a few remarks that I wish to make upon this bill, and they may as well be made in reference to this amendment as at any other time. I will discuss what I have to say upon the entire bill in the consideration of this particular amendment.

Mr. President, at the present time, when our minds are filled with the developments of the great war in Europe, it is the part of wisdom for all of our people to give serious consideration to the real and lasting effects of this war upon our own country and its future prospects. I do not mean consideration of the possibility of our Nation becoming involved in the unfortunate struggle. Such a possibility, I believe, is rather remote, and that nothing short of a gross blunder on

our part would involve us in that conflict. No belligerent will court trouble with this country. But the serious consideration which I would invoke is of the great economic effects of the war upon our people. These economic effects are now accomplishing a number of things worthy of note, and the things they will accomplish in the future deserve even more attention.

THE DEMOCRATIC TARIFF AND THE INDUSTRIAL DEPRESSION.

Long before the war broke out a great industrial depression had settled upon our country as a result of the extreme low-tariff legislation insisted upon by the Democratic administration and enacted in the fall of 1913. After this tariff went into effect our imports increased and our exports actually decreased. As this Democratic tariff had included as one of its especial objects the placing of practically all farm products on the free list, its enactment was followed by a great increase in the importation of foreign farm products. Such products came flowing into our American markets from all over the world. From the most remote countries, as well as from the nearest countries, from Australia, China, and Siberia, as well as from Canada and South America, the products of cheaper lands and cheaper labor came freely and abundantly into our American markets, to the consequent displacement or depreciation of the products of the American farmers, obtained from their more costly lands by the more highly paid labor, which is a necessity of their higher standard of living.

It might be well right here, Mr. President, to give a few of the increases in the importation of agricultural products. It will be remembered that the law went into effect on October 4, 1913. I have not the figures here for the particular months preceding and the particular months succeeding, but only for the years, and I would especially call attention to the great increase in the year after the enactment of this law as compared with the year previous.

Imports of agricultural products for 12 months ending Dec. 31, 1912, 1913, and 1914.

	1912	1913	1914
Cattle	$5,296,296	$14,692,916	$19,650,903
Sheep	89,288	312,265	657,388
All other animals, including fowls	656,135	1,115,429	4,495,785
Corn	505,896	3,388,604	9,676,050
Oats	6,099,638	9,820,233	7,845,686
Eggs	.....	376,137	913,688
Beef and veal	.....	2,828,058	22,758,994
Mutton and lamb	.....	46,931	1,824,168
Pork	.....	36,726	2,342,271
Cream	895,061	1,426,122	1,945,497
Milk	88,429	411,034	2,283,084
Butter	235,604	841,712	1,670,522
Wool	.....	28,776,274	58,305,578

For instance, in 1912 the value of all the cattle imported into the United States was $5,296,296. In 1913, with only a few months of this tariff law, it increased to $14,692,916; in 1914 it increased to $19,650,903.

The importations of sheep in 1912 were valued at $89,288; in 1914 at $657,388.

Of all other animals, including fowls, and excepting horses, which remained about stationary, in 1912 we imported $657,135 worth; in 1914 we imported $4,495,785 worth.

Of corn, in 1912 we imported $505,896 worth, and in 1914 $9,676,050 worth. Most of it came from Argentina.

Oats increased from $6,000,000 in 1912, in round numbers, to nearly $10,000,600 in 1913 and nearly $8,000,000 in 1914. It would have been very much more in 1914, except for the great European demand during all the period in which the crop was marketed in the fall of 1914, and also except for the failure of the oats crop in Canada.

Now, coming to beef and veal, I especially call the attention of Senators to the fact that in 1913 we imported, in value, $2,828,058 worth. In 1914 that $2,828,058 grew to $22,758,994, or ten times the amount.

Mr. SMITH of Michigan. Mr. President, if I do not disturb the Senator, I should like to know to what he attributes that large increase?

Mr. McCUMBER. Mr. President, there is only one cause. We put beef and other meats on the free list.

Mr. SMITH of Michigan. Does the Senator know whether these large importations have affected the prices to the consumer?

Mr. McCUMBER. I know they have not affected the prices at all. I will touch upon that a little later.

Again, we imported mutton and lamb in 1913 of the value of only $46,931, but in 1914 the importations grew to $1,824,160. Remember that every dollar's worth displaced a dollar's worth of the product of the American farmer.

Taking pork, I especially call your attention to the fact that in 1913 we imported pork of the value of only $36,726, but in 1914 that $36,726 grew to an importation amounting to $2,342,721.

Let us take the little article of cream. In 1912 we imported $895,000 worth, in round numbers; but in 1914 we imported $1,945,497 worth.

Of milk, in 1912, we imported—and I call especial attention to this—only $88,429 worth; but in 1914 that $88,429 grew to an importation of $2,283,084 worth.

Mr. SMITH of Michigan. If it will not interrupt the Senator, I wish to ask, can he tell us where this milk was imported from?

Mr. McCUMBER. It was mostly imported from Canada.

Mr. SMITH of Michigan. And without a tariff?

Mr. McCUMBER. Without a tariff. We got nothing out of it at all.

Mr. GALLINGER. The cream also came from Canada.

Mr. McCUMBER. That is true; and the New York farmer felt the effect of it, although the consumer in New York did not get his cream any cheaper.

Mr. SMITH of Michigan. Let me ask the Senator whether or not there is any reciprocal arrangement between Canada and the United States affecting the duty on milk?

Mr. McCUMBER. None at all.

Mr. SMITH of Michigan. And we are obliged to pay the tariff in the customhouse in Canada to get milk and cream into Canada?

Mr. McCUMBER. I do not remember what the tariff is to take those articles over across into Canada; but we do not export any over there.

Mr. SMITH of Michigan. We do not export any.

Mr. McCUMBER. But they can send theirs here absolutely free.

Now, let us take butter. In 1912 we imported butter of the value of $235,604, but in 1914 that grew to $1,670,522.

Our wool importations from 1913 to 1914 increased from $28,000,000 to over $58,000,000.

Those are but a few of the products which show an enormous increase under the Democratic tariff.

THE AMERICAN FARMERS' HOME MARKET SACRIFICED.

Mr. President, Democratic legislation had done all that legislation could well do to deprive the American farmers of the American markets. But notwithstanding this severe treatment of our farmers, which the Democratic Party had declared to be necessary for the welfare of the consumers of food products in the cities, these consumers were found to be in no way benefited. The cost of living in the cities was not reduced. It seemed that all that was lost by the farmers was caught up by middlemen and speculators or had in some way disappeared in the course of the distribution of farm products. The Democratic leaders were forced, much to their disgust and humiliation, to admit finally that the cost of living had not been reduced and could scarcely be expected to be reduced as a consequence of the Democratic tariff.

Mr. President, the whole Democratic campaign of 1912 against the then existing Republican tariff as the principal cause of the high cost of living was unfair to the people and untrue to the facts. The higher range of prices, which made up what was called the high cost of living, affected practically all commodities, whether protected or unprotected, and was a notable phenomenon the world over. It was regarded and was being studied by the best economists as a remarkable situation, which was common to the entire world; and it was recognized by them that the remedy, if one could be found, would have to be applied by all the great nations acting in harmony on this subject, as the trouble was world-wide; and it was freely admitted by the leading economists studying this subject that no one nation could alone accomplish anything to lower the high level of prices.

THE INTERNATIONAL HIGH LEVEL OF PRICES AND ITS APPARENT CAUSE.

Prior to the presidential campaign of 1912, Mr. President, the then Republican administration had given attention to this international phenomenon of high prices and had dealt with it in the only honest and fair way—by urging the establishment of an international commission to determine the causes and, if possible, the remedies, and to recommend the prompt adoption of the required remedies by the various nations. This was known to be the only way by which genuine relief could be obtained. In our country the Republican administration was known to be ready to act at the earliest possible moment to apply the true remedy, but would not attempt to mislead the people with a false remedy or engage in a dangerous adventure for the lack of a remedy.

The prevailing opinion among the best economists who have made a special study of the world-wide high prices is that this

feature is a necessary result of the recent extraordinary increase in the world's production of gold. As they point out, gold is the one common measure of value all over the world. All other commodities are exchangeable for gold everywhere, and hence their values are reckoned in terms of gold. Through new discoveries and improved processes of mining, the output of gold throughout the world has increased enormously during the past 15 or 20 years, far more in proportion than the output of the other commodities. Hence a fixed quantity of gold, like a dollar, will exchange for a smaller quantity of the other commodities. And hence a fixed quantity of a certain commodity, like a barrel of flour, will exchange for a larger number of dollars. This is equivalent to saying that the prices of the other commodities are greater than before, because of this universal factor of the gold supply. Of course, the price of gold is what it will exchange for in other commodities, and it would be impossible to note the falling price or depreciation of gold, due to its greater abundance, otherwise than in the rising prices of the other commodities.

Mr. President, I think it quite proper here to insert in the RECORD a table showing the production of gold year by year since the discovery of America, and I ask that it may be inserted here and made a part of my remarks.

The PRESIDING OFFICER (Mr. SWANSON in the chair). Without objection, it will be so ordered.

The table referred to is as follows:

Production of gold in the world since the discovery of America.

[Source: 1493 to 1885, table of averages compiled by Dr. Adolph Soetbeer; other figures represent estimates of the Director of the Mint.]

Period.	Gold.		
	Total for period.		Annual average for period, value.
	Ounces, fine.	Value.	
1493-1520	5,221,160	$107,931,000	$3,855,000
1521-1544	5,524,656	114,205,000	4,759,000
1545-1560	4,377,544	90,492,000	5,656,000
1561-1580	4,398,120	90,917,000	4,546,000
1581-1600	4,745,340	98,095,000	4,905,000
1601-1620	5,478,360	113,248,000	5,662,000
1621-1640	5,336,900	110,324,000	5,516,000
1641-1660	5,639,110	116,571,000	5,828,000
1661-1680	5,954,180	123,084,000	6,154,000
1681-1700	6,921,895	143,088,000	7,154,000
1701-1720	8,243,260	170,403,000	8,520,000
1721-1740	12,268,440	253,611,000	12,681,000
1741-1760	15,824,230	327,116,000	16,356,000
1761-1780	13,313,315	275,211,000	13,761,000
1781-1800	11,438,970	236,464,000	11,823,000
1801-1810	5,715,627	118,152,000	11,815,000
1811-1820	3,679,568	76,063,000	7,606,000
1821-1830	4,570,444	94,479,000	9,448,000
1831-1840	6,522,913	134,841,000	13,484,000
1841-1850	17,605,018	363,928,000	36,393,000
1851-1855	32,051,621	602,566,000	132,513,000
1856-1860	32,431,312	670,415,000	134,083,000
1861	5,949,582	122,989,000	
1862	5,949,582	122,989,000	
1863	5,949,582	122,989,000	
1864	5,949,582	122,989,000	
1865	5,949,582	122,989,000	
1866	6,270,086	129,614,000	
1867	6,270,086	129,614,000	
1868	6,270,086	129,614,000	
1869	6,270,086	129,614,000	
1870	6,270,086	129,614,000	
1871	5,591,014	115,577,000	
1872	5,591,014	115,577,000	
1873	4,653,675	96,200,000	
1874	4,390,031	90,750,000	
1875	4,716,563	97,500,000	
1876	5,016,488	103,700,000	
1877	5,512,193	113,947,200	
1878	5,761,114	119,092,800	
1879	5,262,174	108,778,800	
1880	5,148,880	106,436,800	
1881	4,983,742	103,023,100	
1882	4,834,083	101,996,600	
1883	4,614,588	95,392,000	
1884	4,921,169	101,729,600	
1885	5,245,572	108,435,600	
1886	5,135,679	106,163,900	
1887	5,116,861	105,774,900	
1888	5,330,775	110,196,900	
1889	5,973,790	123,489,200	
1890	5,749,306	118,848,700	
1891	6,320,194	130,650,000	
1892	7,094,266	146,651,500	
1893	7,618,811	157,494,800	
1894	8,764,362	181,175,600	
1895	9,615,190	198,763,600	
1896	9,783,914	202,251,600	
1897	11,420,098	236,073,700	
1898	13,877,806	286,879,700	
1899	14,837,775	306,724,100	
1900	12,315,135	254,576,300	

Production of gold in the world since the discoverey of America—Cont'd.

Period.	Gold.		
	Total for period.		Annual average for period, value.
	Ounces, fine.	Value.	
1901	12,625,527	$260,992,900	
1902	14,354,680	296,737,600	
1903	15,852,620	327,702,200	
1904	16,804,372	347,377,200	
1905	18,396,451	380,288,700	
1906	19,471,080	402,503,000	
1907	19,977,260	412,966,600	
1908	21,422,244	442,476,900	
1909	21,965,111	454,059,100	
1910	22,022,180	455,239,100	
1911	22,348,313	461,939,700	
1912	22,549,335	466,136,100	
Total	714,747,822	14,775,110,000	

Mr. McCUMBER. I would simply call attention to the fact that from 1545 to 1560 the world produced only $90,492,000 worth of gold, whereas in 1907 the production had grown to $412,000,000 in a single year, and has since that time been above the $400,000,000 basis every year.

THE DEMOCRATIC POLICY MISLEADING.

Now, whether or not this increased gold supply be the one fundamental cause of the world's high prices, as is claimed, the proposition is at least a reasonable one and deserves thorough attention, for the subject is of the greatest importance. This gold-supply theory recognizes that the cause or causes of the high level of prices must be some world-wide factor. This theory was advanced long before 1912 as the scientific explanation of the high cost of living throughout the world, and the able men who have written most about it in the United States are both Republicans and Democrats. Nevertheless, the Democratic leaders in the campaign of 1912 and in the Democratic administration now in power persisted in misleading the people on this subject as long as they could possibly do so, and kept maintaining that the Republican protective tariff was the great cause of the high cost of living, and that the Democratic tariff which they proposed and subsequently enacted would be the remedy, and they kept up this farce until their Democratic tariff had been in effect for many months without any reduction in the cost of living being accomplished. Then came the end of this comedy and the open admission of the failure of the Democratic tariff to accomplish this or any other useful result; and this was the situation before the war was in prospect.

THE IMPORTANCE OF GREATER DOMESTIC PRODUCTION.

Mr. President, there is, in my judgment, much to commend the gold-supply theory of high prices. It is in line with sound reason and common knowledge. It is practically a statement that the production of gold has outrun the production of the other commodities. This being so, the obvious remedy for the situation is either to diminish the production of gold, which is apparently impracticable, or to increase the production of the other commodities, which is entirely practicable and is, in fact, actually going on. I have frequently called attention to the great increase in recent years throughout the world of farm products, which form so large a proportion of all the commodities traded in, and I have repeatedly referred to the vast undeveloped agricultural resources of the United States, which would be developed and yield a great additional output of foodstuffs if the American farmers could obtain a proper return for their labor and investment. Such return they could and would obtain if the American markets were given to the American farmers for a term of years, as of right they ought to be. The actual production of the great additional output of American farm products which is at our command is simply a matter of meeting the necessary labor cost under our American standard of living.

OUR UNDEVELOPED AGRICULTURAL RESOURCES.

Our undeveloped resources in this country, for agriculture and other industries as well, are quite thoroughly known and have been often commented on. The United States Department of Agriculture, under Democratic as well as under Republican management, has called attention to the need of greater and better production from our own soil. The present Secretary of Agriculture, a Democrat, said in a recent annual report that according to his estimate less than 40 per cent of our total arable land is reasonably well cultivated, and that less than 12 per cent is yielding fairly full returns.

Mr. President, the present lack of proper agricultural development is by no means limited to the Western States. It is well known that in my own State, North Dakota, less than 30 per cent of the prairie soil has yet been cultivated, and that in Montana there is a vast area waiting for agricultural development. Not only does a similar situation prevail in most of the States of the West, but also in the older States of the East there is disclosed a want of the normal use and development of fertile lands. The commissioner of agriculture in the State of Maine said in a recent report:

> There are thousands of acres of land located near our cities and yielding only light crops that might be made to produce abundant and profitable harvests of fruits, vegetables, grains, and potatoes.

Prof. Liberty H. Bailey, former director of the New York State College of Agriculture, and a great authority on agricultural affairs, has said:

> Speaking broadly, we are now in the rough and crude stage of our agricultural development, but the situation will develop only as it pays and satisfies persons to live in the country. * * * New York is undeveloped agriculturally. The same is true of New England and Pennsylvania and the great regions southward.

THE NEW WEALTH THAT COMES FROM OUR AGRICULTURE.

Mr. President, as agriculture is our basic industry, every addition to its product is an entirely new creation of wealth which flows on throughout the country and increases the production from other industries. Notwithstanding this great truth, and notwithstanding the abundant evidences of our great resources calling for development, the Democratic Party insisted on applying the policy of free trade in farm products and thus freely opening our American markets to such products from everywhere, to the disadvantage of our own farmers and the discouragement of our own agricultural production. The Democratic tariff law enforcing this policy went into effect on October 4, 1913. It had therefore been in effect just about 10 months before the great war began. Our experience during these 10 months illustrates clearly the effect of this policy. Of course, as soon as the war began the situation as to our imports and exports was at once entirely changed as a result of war conditions, so that the statistics of our imports of farm products or other imports during and after August, 1914, do not show the effect of the tariff law of this country but merely the effect of the industrial and trade disturbances in Europe arising from the abnormal condition of war.

THE GREAT IMPORTATIONS UNDER THE DEMOCRATIC TARIFF.

It is important for us, Mr. President, to have a clear idea of the character and extent of the importations of foreign farm products from the enactment of the Democratic tariff to the outbreak of the war in order to understand the conditions imposed by the Democratic policy on our farmers. Under these conditions our fundamental industry of farming was suffering with growing intensity when the war began, and from them this industry will again suffer when the war is over and until this Democratic tariff is repealed, with additional burdens of disadvantage resulting from the war, and to which I shall briefly refer. We can readily obtain an idea of these conditions by comparing the importations of some representative farm products under the 10 months of the Democratic tariff before the war with the importations of these products during the corresponding 10 months one year prior to that time under the former Republican tariff.

CORN.

The Republican tariff maintained a duty of 15 cents per bushel on this great American product. The existing Democratic tariff wiped out this duty entirely and placed corn on the free list. From that time until the beginning of the war corn was brought into our country in enormous quantities from Argentina and other distant countries. During the 10 months from October, 1912, to July, 1913, inclusive, under the then existing Republican tariff, the importations of corn were only 286,000 bushels, valued at $162,000. During the corresponding 10 months one year later, under the present Democratic tariff, corn was imported to the vast total of 13,600,000 bushels, valued at $8,700,000. Not one cent of revenue was paid to our Government by these greatly increased imports, which were thus encouraged to take the place of American corn in our markets.

Mr. President, the rate at which these imports were increasing when the war broke out indicates that when peace comes again there will be scarcely any limit to the importations of foreign corn. This crop is produced in vast and increasing quantities in Argentina from the cheapest lands and by the cheapest labor. Almost all of the corn crop in that country is exported, and, of course, while the American market is freely open to it every encouragement is thus given to increase the acreage devoted to it in the great area there available, and also to increase the yield per acre. Before the war began new arrangements were on the point of being made for additional ships to carry grain from Argentina to this country. Moreover, great preparations were also being made at that time in Russia for sending to this country great quantities of grain, with especial assistance in this matter from the Russian Government. And there were evidences of growing developments in other distant parts of the world, as well as in nearer places, of plans for increased production of grain for shipment to the American market.

OATS.

Under the former Republican tariff there was a duty of 15 cents per bushel on oats. The Democratic tariff cut down this duty to only 6 cents per bushel, which was a reduction of 60 per cent. During the 10 months from October, 1912, to July, 1913, inclusive, under the Republican tariff there were imported only 80,000 bushels, valued at $38,000. I am giving these figures all in round numbers. But in the corresponding 10 months, 1 year later, from October, 1913, to July, 1914, inclusive, under the Democratic tariff the imports of oats amounted to the great quantity of 22,500,000 bushels, valued at nearly $8,000,000. When the war broke out northwestern Canada, with its great production of oats, was just beginning to take advantage of the opportunities given to them under our Democratic tariff in the American market. Of course, the war has interrupted the Canadian and other imports, but it is certain that as soon as the war is over the great increase in the imports of oats will again prevail unless our protective tariff shall have been restored in the meantime.

POTATOES.

On potatoes the Republican rate of duty was 25 cents per bushel. The Democratic tariff has cut down the rate to only 10 per cent ad valorem, with a provision that no duty at all is imposed on potatoes imported from countries which impose no duty on potatoes from the United States. In this respect the situation as to potatoes in the present tariff is the same as that of wheat, and with potatoes as with wheat we have not yet begun to feel the full effects of what is practically equivalent to free trade in these products, and did not experience the full force of the tariff change even before the war began. There have been, however, very considerable importations of potatoes under the Democratic tariff. During the 10 months of this tariff prior to the outbreak of the war not less than 3,630,000 bushels were imported, valued at $1,752,000, most of this quantity paying no duty. The extent of the increase in such imports can be judged by noting that in the corresponding 10 months 1 year before, under the Republican tariff, only 314,000 bushels were imported, valued at $283,000. This great increase in actual imports took place in spite of the fact that great quantities of intended imports were held back by the quarantine which the Agricultural Department found it necessary to enforce against foreign potato diseases. When the war is over and this quarantine has been lifted it will be found that there are many millions of bushels of foreign-grown potatoes ready to be dumped into the American markets.

EGGS.

Mr. President, under the former Republican tariff eggs were kept dutiable at 5 cents per dozen. The Democratic tariff placed eggs on the free list. During the 10 months from the enactment of this tariff to the outbreak of the war 6,000,000 dozens of eggs were brought into our country, the increase being five times the imports during the corresponding period one year before under the Republican tariff. Many thousands of dozens of these foreign eggs came from China, where farm laborers work for a wage equivalent to about 40 cents a week. The Chinese have the art of preserving eggs, and with these, as with other farm products, the modern refrigerating systems which have been installed in ships to a great extent make it easy to carry such products over vast distances. The opening of the Panama Canal encourages the bringing to our shores of eggs and other products from China, Japan, and other parts of Asia. In December last a ship reached New York from China, after passing through the Panama Canal, with a great cargo of frozen Chinese eggs in her refrigerators. Because of the unusual demand in Europe, incident to the war, this cargo was sent on there for consumption by the armies in the field. When the war is over such cargoes will remain for consumption in this country. In fact, notwithstanding the war, a cargo of 60 tons, or 90,000 dozen, Chinese eggs was landed at San Francisco about the middle of February, one of the largest shipments of this kind ever received at that port.

DAIRY PRODUCTS.

On dairy products, also, the Democratic tariff has cut down duties severely where it did not completely establish free trade. Butter, which was dutiable at 6 cents per pound under the Republican tariff, has been reduced to only 2½ cents per pound

under the Democratic tariff. This is a reduction of almost 60 per cent. The result is that our butter market has been thrown open to Canada, Argentina, Siberia, and other butter-producing countries. From October, 1912, to July, 1913, inclusive, under the Republican tariff, the imports of butter amounted to only 1,000,000 pounds, valued at about $272,000; but in the corresponding 10 months one year later, under the Democratic tariff, the imports amounted to the substantial total of 7,685,000 pounds, valued at $1,700,000. Then the war began and stopped importations to a great extent. The duty on cheese was reduced from 6 cents per pound to 20 per cent ad valorem, a reduction of about 40 per cent, and during the 10 months above mentioned the increase in the imports was no less than 12,500,000 pounds, and the prospect of further increase was interrupted only by the war.

Mr. President, cream was placed on the free list by the Democratic tariff, sacrificing the Republican duty of 5 cents per gallon. The importations before the war under this free trade increased by 482,000 gallons. Milk, both fresh and condensed, was also made absolutely free of duty by the Democratic Party. The imports increased enormously. From October, 1912, to July, 1913, under the Republican rates, the importations of fresh and condensed milk were valued at $134,000. During the corresponding 10 months under the Democratic tariff before the war such importations amounted to $1,264,000. New arrangements for the importation of great quantities of condensed milk scarcely had been under way when the war broke out, but already our American dairymen had been obliged to sell their milk at lower prices to our condensed-milk manufacturers because of this foreign competition. Moreover, fresh milk was being sent from Canada into certain parts of the United States in tank cars. When the war is over, such great importations of dairy products will be resumed in their former and in increasing force.

LIMITED ADVANTAGE TO OUR FARMERS FROM THE WAR.

Mr. President, this present war, as it surpasses every former one in the number of nations and the millions of men engaged, has brought a greater disturbance than ever before in the normal trade of the neutral nations. The demand in Europe for wheat and other foodstuffs has been altogether unprecedented. This situation, combined with the bottling up of the great exportable surplus of wheat in Russia, has brought such a demand for wheat from our continent as to raise the price to figures which must, of course, be very gratifying to American farmers. The vast surplus of wheat in Canada is being drawn almost entirely to Europe, and since the war began has not pressed upon the American market as formerly. The war has, in fact, given to the American farmers a temporary but none the less substantial command of the American market for farm products, and, in addition, an extraordinary market abroad.

But the American farmers can take no great satisfaction in these conditions, notwithstanding that they find some unexpected profit in them. They find that these unforeseen war conditions overcome to a great extent the damaging results to them of the Democratic tariff. This is satisfactory, of course, as far as it goes. But it is no satisfaction to reflect that such temporary and partial relief from an ill-advised tariff is merely an incidental result of the death and destruction inflicted in Europe and elsewhere by the contending armies and navies. Our American farmers can not do otherwise than regard the whole conflict with abhorrence and dismay whatever its results.

As a matter of fact, any advantage that may be accruing to our farmers, because of the war prices of foodstuffs, is likely to be greatly overestimated. A great deal of our wheat, corn, and other products was sold by the farmers before the war was in prospect and at prices depressed at the farm through the actual or expected importations of foreign supplies under the Democratic free-trade tariff. And since the war prices came it will be found that the greatest advantage therefrom has gone to the speculators and middlemen, as is usually the case.

Mr. President, it was only the other day that a large farmer from my State was visiting me, and stated that he was on the point of contracting all of his grain at 60 cents a bushel just prior to the outbreak of the war. When that war suddenly came upon the world he felt certain that it would be better for him to keep it, and he sold it but a short time ago for $1.30 a bushel, or more than double what he was willing to take for it just a few days prior to the outbreak of the war.

It is exceptionally difficult for farmers to accumulate such resources as to enable them to hold back their products and wait for improved market conditions, and the very character of their products makes it impossible to do this to any great extent, for the products of agriculture are in general more perishable than those of any other industry.

And while the prices of wheat and other grains have been high because of the abnormal demands of war, the prices of certain other important products have remained low because the war demand has not affected them enough to overcome the effects of the great industrial and commercial depression from which we have been suffering since the Democratic tariff was inflicted on the country. For example, the prices of hogs and of pork have been and remain so low as to bring discouragement to the producers of these necessary articles. This is apparently because of the falling off in our domestic consumption, which is one of the results of the widespread and persistent depression.

Mr. President, I was asking a gentleman who is thoroughly acquainted with the pork and hog market how he accounted for the fact that while beef during the war has increased in value, the hog product had gone down. His reply was somewhat new to me. He stated that the hog product is consumed almost wholly at home; that it is the laborer's meat in the United States; that owing to the depression and the consequent decrease in the consumption of pork by the laborers in the United States, and because of the fact that pork is not used in the armies to any great extent, as they desire beef and mutton and that kind of meat rather than pork, it had depressed rather than raised the price of pork.

GREATER PRODUCTION THE WORLD OVER CAUSED BY THE WAR.

The present war demands of Europe, however, are having a tremendous effect in stimulating a much greater production of wheat and other foodstuffs all over the world. The immediate needs of the warring nations and the prices now being paid are causing all the agricultural countries not engaged in the war to devote all possible energies and resources to the production of the greatest possible supplies of such products. In the United States our wheat crop of 1914 was an enormous one, the greatest in the history of the country. The same was true of the rye crop. The crops of corn, oats, and barley were greater than in any previous year except 1912. With these banner crops to be disposed of by our farmers, and with the great importations of foreign foodstuffs coming into our markets under the Democratic policy of free trade in farm products, the outlook for prices at the farms was not an encouraging one from the standpoint of the farmers prior to the outbreak of the war. But the war has entirely changed this situation, and the farmers who were able to hold their crops, or part of them, until the war began have reaped a substantial reward. And so powerful is the stimulating effect of the war on grain production that an exceptionally large crop of winter wheat has been planted, and its condition is so good that if nothing unforeseen happens, our harvest of winter wheat in 1915 will exceed that of last year, and an even greater planting of spring wheat is in prospect.

A similar increase in production is known to be developing in Canada, in South America, Australia, and other countries, and because of the great areas of available and cheaper land in these places the increase in grain production from these newer countries is bound to run to much larger quantities than the increase in the United States. It is true that in the cotton-growing States of our country there will be thousands of acres diverted from cotton to corn or wheat because of the low and unprofitable price to which cotton fell under war conditions while these same conditions were bringing high and very profitable prices for the grains. But a study of the increased production that already has been accomplished in the great wheat-producing countries of the world indicates that the foreign countries referred to have much greater undeveloped resources for such production than exists in the United States, although it has been demonstrated that in the United States the agricultural possibilities are such as to enable us to raise here all the food we shall need to supply eight times the present population, or 800,000,000 people.

Mr. President, the extent of the recent and continuing development of grain production in a number of the less advanced foreign countries is not clearly understood by many of our people. The period from 1900 to 1912 was one of great development in the United States in agriculture as well as in manufactures. During this period our wheat production increased 39 per cent. But the production of wheat in Russia increased in the same time 59 per cent. In Argentina it increased 63 per cent. In the wheat-raising Provinces of Canada west of the Great Lakes it increased 725 per cent. Canadian statisticians report that western Canada alone can raise enough wheat to feed the whole world to-day. From 1900 to 1912 the production of oats in the United States increased 75 per cent. But in Canada west of the Great Lakes such production increased 262 per cent, and in Argentina as much as 2,952 per cent; and in other foodstuffs there has been a similar increase in production.

THE BETTER UTILIZATION OF GREAT RESOURCES.

Mr. President, now what the war is accomplishing in practically all the great producing countries of the world is a sudden and extraordinary increase in their already great production of foodstuffs. It brings a greater acreage into use and promotes a greater yield per acre. In the great areas of these countries the war does not interrupt but incites production. It is true that Russia is involved in the war and that millions of her men have been called from the fields to the front. But very little of Russia's territory can be invaded, and her population is so great and the women and older men there so much accustomed to farm labor that it is very likely to be true, as reported, that her next crops will not be appreciably diminished by the war. Moreover, the prohibition of the manufacture and sale of vodka and other alcoholic liquors in Russia must have the effect of adding to the available food supply millions of bushels of grain which were formerly turned into alcohol.

Instead of the demoralization and waste which always attend the drinking of alcohol and which have greatly injured and impoverished the Russian peasants, there are now to be found the greater strength and efficiency and the increased savings and resources that attend the practice of strict sobriety. It is reported from Russia that the productive efficiency of the Russian peasants has increased 50 per cent since prohibition was put into effect. As to Australia, although a part of the British Empire, the productiveness of this great country is not affected by the war otherwise than to be aroused to greater results.

The impetus which is thus given by the war to the increased production of foodstuffs in the great countries outside of the areas of battle is bound to continue in force to a great extent after the war is over. In making new efforts it is the first step which costs. Thereafter it is comparatively easy to keep on. It is generally believed that the great conflict can not possibly last more than 12 months longer, and there are good reasons for expecting a much earlier termination. And when the longed-for end of the horror comes, when the last shot has been fired and the whole of the shocking calamity has passed into history, it will be found that from the loss and misery of Europe there remains a force driving on a greater agricultural production.

GREATER AGRICULTURAL PRODUCTION TO COME FROM THE COUNTRIES NOW AT WAR.

Mr. President, when we consider the economic conditions that will prevail within the countries in Europe which have been involved in the struggle, we are bound to see another and a very interesting advance in the development of agriculture. When peace has come to the warring nations it will find almost all of them practically or entirely bankrupt. Whether or not there may be a fiscal bankruptcy of the national treasuries, which does not necessarily follow, there is the widespread collapse and ruin of private enterprises in all the fields of industry. In Germany, Austria-Hungary, Poland, Belgium, and a large part of France manufacturing and trading businesses have been swept away. The capital accumulations of many years have been lost. Over a great area factories, mills, and establishments of all sorts, with their valuable machinery and equipment, have been actually destroyed.

When peace has been restored the brave people who remain on earth amid all this suffering and loss will, of course, go to work with greater energy than before to repair their shattered fortunes and to build up profitable trade anew. They will have to begin all over again. Their Governments will help them in every way possible. They must begin at the beginning to produce wealth again. Where and how shall they begin? They will have to make their great effort in their building-up process through the one industry which has not been and can not be destroyed. This is the fundamental industry of agriculture. Buildings and manufacturing equipment have been destroyed, but no land has been destroyed. All the land remains, and is at once ready to be put to use, no less fertile than before.

Mr. President, there has been very little, if any, interruption of agricultural production within the borders of any of the warring nations. On the other hand, there is now going on a forced production of every possible increase. It is known that the Germans, under the pressure of the keenest necessity for more foodstuffs, are, with their characteristic thoroughness, about to apply the most energetic efforts, aided by the best skill and science, to every available plat of ground in their territory. And it is reported that in Austria-Hungary the Government has issued orders that every available bit of ground be sown with wheat, and that not a single plat of ground anywhere be left uncultivated. It is not only in wheat that the effects of such new efforts will be felt. Corn is being produced in Europe in steadily increasing quantities. All the grains will be produced more abundantly.

All the nations which have suffered so much from the war know very well that it is by working up a great agricultural production, with a great surplus for export wherever possible, that they will be able to obtain, after the conclusion of the war, through the sale of such surplus, the capital urgently needed for the rehabilitation of the other industries. Their agriculture, therefore, the basic industry and the original source of wealth, will be developed and driven to the utmost yield. From this source they must commence to build up again their credit balances with other nations, and the output of their manufacturing industries, and all the superstructure of trade and commerce which helps to advance their progress. For these reasons all the war-time efforts for greater agricultural production will be continued and intensified in time of peace. They will not be buyers of foodstuffs to the extent they formerly were. They will be sellers to a greater extent than ever before. Their economic necessities will drive them in this direction, and their own domestic consumption will be less than before through the loss in war of millions of lives and increased poverty throughout the land.

THE ONLY WAY OF RELIEF FOR AMERICAN FARMERS.

Under these conditions, confronting these economic effects of the war, what will be the position of the American farmers after the close of that war? They will have a greater production of farm products to dispose of, and all the other countries will be similarly situated. Surplus farm products from everywhere will be seeking a market, and such products will be sent to the United States in quantities greater than ever before. Under the Democratic policy of free trade in such products, as long as this policy continues, they will be entering our markets easily and freely. Our own farmers will have no advantage in our markets as against these foreign products and will have to stand by and see their own American products displaced or depreciated by the imported ones. They will have to see their own production discouraged thereby and further development of our American soil retarded.

The meager tariff on wheat and foodstuffs depending upon Canadian duties, which may be removed at any time, the product will enter the country far more freely, and we therefore probably will see Canada and other countries taking advantage of the provision in the Democratic tariff whereby wheat and potatoes will be admitted free of duty into our country from countries which impose no duty on like products from this country. With a great increased production of wheat in Canada and with lessened opportunities for export to Europe because of increased production of grains there and greater supplies going there from South America, our great neighbor on the north, whose extensive lands adjoin our market, will feel the need of every possible advantage in getting her wheat into their nearest market, the United States. Canada consumes only about one-quarter of the wheat she produces. She has, therefore, nothing whatever to lose by removing her duty on wheat from the United States. The imports to Canada from the United States would be inconsiderable, but Canadian wheat would obtain the great benefit of free entry into this country, with its higher priced lands and its far greater consumption of food products.

If the American farmers wish to have a reasonable advantage in the American market, so that they may maintain and advance their industry in the face of the conditions throughout the world, which I have referred to, they will find it necessary to demand the repeal of the Democratic tariff and a return to the protective policy of the Republican Party, under which they were rapidly traveling toward the goal of assured and lasting prosperity.

So, Mr. President, if in this Agricultural appropriation bill there is a real desire to benefit the American farmer, the very first thing to do, and the only thing to do, will be to reinstate the old protection which he had prior to October 4, 1913. He does not need that protection probably during the continuance of the present war, but as soon as it is over, unless that tariff law is repealed, we shall have the greatest agricultural depression in this country it has ever known since the early nineties.

The PRESIDING OFFICER (Mr. CHILTON in the chair). The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment of the Committee on Agriculture and Forestry was, under the head of "Department of Agriculture," in the items for salaries, Office of the Secretary of Agriculture, on page 3, line 16, after the word "each," to strike out "one carriage driver, $600," and in line 20, after the words "in all," to strike out "$352,280" and insert "$351,440," so as to read:

Two lieutenants of the watch, at $960 each; 44 watchmen, at $720 each; 5 mechanics, at $1,200 each; 2 skilled laborers, at $960 each; 1 janitor, $900; 22 assistant messengers, messenger boys, or laborers, at $600 each; 21 laborers or messenger boys, at $480 each; 1 char-

woman, $540; 2 charwomen, at $480 each; 15 charwomen, at $240 each; for extra labor and emergency employments, $12,000; in all, $351,440.

The amendment was agreed to.

The next amendment was, on page 3, line 23, after the word "clerk," to insert "or photographer"; in line 25, after the word "clerks," to insert "or map tracers"; and on page 4, line 4, after the word "photographer," to insert "or clerk," so as to make the clause read:

Salaries, Office of Farm Management: Two clerks, class 3; 1 clerk, class 2; 6 clerks, class 1; 1 clerk or photographer, $1,020; 5 clerks, at $1,000 each; 6 clerks, at $900 each; 3 clerks, at $840 each; 4 clerks or map tracers, at $720 each; 1 messenger or laborer, $720; 1 messenger, messenger boy, or laborer, $660; 3 messengers, messenger boys, or laborers, at $480 each; 1 messenger boy, $360; 1 messenger boy, $300; 4 charwomen, at $240 each; 1 photographer, $1,400; 1 photographer or clerk, $900; 1 map tracer, $720; in all, $36,080.

The amendment was agreed to.

The next amendment was, on page 4, line 21, after the word "Agriculture," to strike out "$623,360" and insert "$622,520," so as to read:

Total for Office of the Secretary of Agriculture, $622,520.

The amendment was agreed to.

The next amendment was, under the head of "Weather Bureau," in the item of appropriation for "Salaries, Weather Bureau," on page 5, line 1, before the word "one," to strike out "and executive assistant, $3,000," and insert "$2,500," so as to read:

Salaries, Weather Bureau: One chief of bureau, $5,000; one assistant chief of bureau, $3,250; one chief clerk $2,500; one chief of division of stations and accounts, $2,750.

The amendment was agreed to.

The next amendment was, in the item for "Salaries, Weather Bureau," on page 6, line 2, after the words "in all," to strike out "$333,400" and insert "$332,900," so as to read:

Thirty-seven messenger boys, at $360 each; one charwoman, $360; three charwomen, at $240 each; in all, $332,900.

The amendment was agreed to.

The next amendment was, in the items for "General expenses, Weather Bureau," on page 6, line 20, after the word "subsistence," to strike out "care and purchase" and insert "and care," so as to read:

For subsistence and care of horses and vehicles.

The amendment was agreed to.

The next amendment was, on page 8, line 11, after the word "aerology," to strike out "$1,185,150" and insert "$1,201,150: *Provided*, That not to exceed $3,000 may be expended for the purchase or construction of an extension of the Tatoosh Island-Port Crescent telegraph line from Port Crescent to Port Angeles, Wash., about 20 miles," so as to make the clause read:

For necessary expenses outside of the city of Washington incident to collecting and disseminating meteorological, climatological, and marine information, and for investigations in meteorology, climatology, seismology, evaporation, and aerology, $1,201,150: *Provided*, That not to exceed $3,000 may be expended for the purchase or construction of an extension of the Tatoosh Island-Port Crescent telegraph line from Port Crescent to Port Angeles, Wash., about 20 miles, including not to exceed $599,660 for salaries, $122,170 for special observations and reports, and $279,000 for telegraphing and telephoning.

The amendment was agreed to.

The next amendment was, on page 8, line 19, after the word "expenses," to strike out "$1,333,150" and insert "$1,349,150," so as to make the clause read:

In all, for general expenses, $1,349,150.

The amendment was agreed to.

The next amendment was, on page 8, line 20, after the word "Bureau," to strike out "$1,666,550" and insert "$1,682,500," so as to make the clause read:

Total for the Weather Bureau, $1,682,050.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Animal Industry," in the item of appropriation for "Salaries, Bureau of Animal Industry," on page 9, line 11, after the word "each," to strike out "two messengers and custodians" and insert one messenger and custodian," and in line 12, after "$1,200," to strike out "each" and insert "one messenger and custodian, $1,000," so as to read:

Salaries, Bureau of Animal Industry: One chief of bureau, $5,000; 1 chief clerk, $2,500; 1 editor and compiler, $2,250; 6 clerks, class 4; 1 clerk, $1,680; 13 clerks, class 3; 2 clerks, at $1,500 each; 23 clerks, class 2; 2 clerks, at $1,380 each; 3 clerks, at $1,320 each; 1 clerk, $1,300; 1 clerk, $1,260; 42 clerks, class 1; 1 clerk, $1,100; 1 clerk, $1,080; 50 clerks, at $1,000 each; 2 clerks, at $960 each; 65 clerks, at $900 each; 1 architect, $2,000; 1 architect, $900; 1 illustrator, $1,400; 1 laboratory helper, $1,200; 1 laboratory helper, $1,020; 2 laboratory helpers, at $840 each; 1 laboratory helper, $720; 1 laboratory helper, $600; 1 laboratory helper, $480; 1 instrument maker, $1,200; 1 carpenter, $1,100; 2 carpenters, at $1,000 each; 1 messenger and custodian, $1,200; 1 messenger and custodian, $1,000.

The amendment was agreed to.

The next amendment was, on page 12, line 9, after the word "ticks," to strike out "$398,800" and insert "$498,800," so as to read:

For all necessary expenses for the eradication of southern cattle ticks, $498,800, of which sum $50,000 may be used for live-stock demonstration work, in cooperation with the States Relations Service, in areas freed of ticks, and of this amount no part shall be used in the purchase of animals for breeding purposes.

Mr. WEEKS. Mr. President——

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. WEEKS. I should like to have some explanation at some time of that item in the bill, and especially of that part of it which is to be diverted to a purpose for which this appropriation has not previously been used. I should like to know what the condition of the attempt to eradicate the cattle ticks has reached. Is progress being made? Every year I note that more money is being provided for that purpose. Now, it seems that an attempt is being made to use some part of the appropriation for another purpose.

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Colorado?

Mr. WEEKS. I do.

Mr. SHAFROTH. This item reads:

For all necessary expenses for the eradication of southern cattle ticks, $498,800.

I will say to the Senator from Massachusetts that the chairman of the committee is temporarily absent, and I wish the Senator would withhold his question until he comes in, if the matter may be passed over until that time.

Mr. WEEKS. I ask that the amendment may be passed over.

The PRESIDING OFFICER. Without objection, the item will be passed over for the present.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 13, line 21, after the word "products," to strike out "$85,940" and insert "$98,580," so as to make the clause read:

For all necessary expenses for scientific investigations in diseases of animals, including the maintenance and improvement of the bureau experiment station at Bethesda, Md., and the necessary alterations of buildings thereon, and the necessary expenses for investigations of tuberculin, serums, antitoxins, and analogous products, $98,580.

The amendment was agreed to.

The next amendment was, on page 14, line 2, after the word "dourine," to strike out "$235,000" and insert "$375,000," so as to read:

For all necessary expenses for the investigation, treatment, and eradication of hog cholera and dourine, $375,000.

The amendment was agreed to.

The next amendment was, on page 14, line 21, after the word "expenses," to strike out "$1,816,706" and insert "$2,069,346."

The amendment was agreed to.

The next amendment was, on page 15, line 4, after the words "Animal Industry," to strike out "$2,545,336" and insert "$2,797,976," so as to make the clause read:

Total for Bureau of Animal Industry, $2,797,976.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Plant Industry," in the item of appropriation for "Salaries, Bureau of Plant Industry," on page 15, line 20, before the word "clerks," to strike out "forty-eight" and insert "forty-seven," so as to read:

Salaries, Bureau of Plant Industry: One physiologist and pathologist, who shall be chief of bureau, $5,000; 1 chief clerk, $3,000; 1 executive assistant in seed distribution, $2,500; 1 officer in charge of publications, $2,250; 1 landscape gardener, $1,800; 1 officer in charge of records, $2,250; 1 superintendent of seed weighing and mailing, $2,000; 1 executive clerk, $2,250; 3 executive clerks, at $1,980 each; 1 assistant superintendent of seed warehouse, $1,400; 1 seed inspector, $1,000; 1 seed warehouseman, $1,400; 1 seed warehouseman, $1,020; 1 seed warehouseman, $1,000; one seed warehouseman, $840; 6 clerks, class 4; 12 clerks, class 3; 2 clerks, at $1,500 each; 21 clerks, class 2; 47 clerks.

The amendment was agreed to.

The next amendment was, in the item of appropriation for "Salaries, Bureau of Plant Industry," on page 16, line 3, after "$1,620," to strike out "one clerk or artist" and insert "two clerks or artists, at," so as to read:

Twenty-six messengers, messenger boys, or laborers, at $600 each; 1 artist, $1,620; 2 clerks or artists, at $1,200.

Mr. SMOOT. Mr. President, I call the Senator's attention to the fact that, if that amendment providing for 2 clerks or artists at $1,200 should be agreed to, there should be inserted after the numerals "$1,200" the word "each."

Mr. SHAFROTH. That is right; the word "each" should be inserted, and I move that amendment.

The PRESIDING OFFICER. The Secretary states to the Chair that that amendment has been corrected by the committee in the copy which is being used at the desk. The amendment will be again stated.

The SECRETARY. On page 16, in lines 3 and 4, it is proposed to strike out the words "one clerk or artist, $1,200," and in lieu thereof to insert "two clerks or artists, at $1,200 each."

Mr. SMOOT. In the copy of the bill which I have the word "each" does not appear.

The PRESIDING OFFICER. The committee has called the attention of the Secretary to that, and the amendment is correctly stated in the copy which the Secretary is using. The amendment will be agreed to as last stated in the absence of objection. The Chair hears none.

Mr. PAGE. Mr. President, I should like to ask if there is some other bill being used at the Secretary's desk than the one which is now on the desks of Senators?

The PRESIDING OFFICER. No; the Chair is informed that there were two places in which the amendments of the committee were not correctly printed in the copies of the bill which are on the desks of Senators, and those corrections will be stated. One has just been stated.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 17, line 22, after the word "fruits,' to strike out "$56,115" and insert "$58,225," so as to make the clause read:

For the control of diseases of orchard and other fruits, $58,225.

Mr. JONES. Mr. President, I wish to ask the chairman of the committee if the increase proposed by that amendment is made to cover an amount named in an amendment introduced by me, which I think was to be inserted at that point. The amendment was introduced at the instance of some one in the department. I offered the amendment to provide for the investigations of fruit rot, spotting, and apple mildew, $2,640, which covers that increase.

Mr. GORE. Yes, sir.

Mr. JONES. That is all right.

The PRESIDING OFFICER. Without objection, the amendment will be agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 18, line 3, after the word "control," to strike out "$57,175" and insert "$67,950," so as to make the clause read:

For the investigation of diseases of forest and ornamental trees and shrubs, including a study of the nature and habits of the parasitic fungi causing the chestnut-tree bark disease, the white-pine blister rust, and other epidemic tree diseases, for the purpose of discovering new methods of control, $67,950.

The amendment was agreed to.

The next amendment was, on page 18, line 6, after the word "plants," to strike out "$56,000" and insert "$51,000," so as to make the clause read:

For the control of diseases of cotton, potatoes, truck crops, forage crops, drug and related plants, $51,000.

Mr. GORE. Mr. President, on information received since the committee recommended this reduction, for the committee I wish to withdraw that amendment. The House figures ought to remain. I will say that the House increased the estimates of the department; the committee reduced it to the estimates, but upon information since received it is the judgment of myself and others that the former amount, the amount provided by the House, should remain in the bill. I therefore ask that the amendment be disagreed to.

The PRESIDING OFFICER. Without objection, the amendment will be disagreed to.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 19, line 5, after the word "investigations," to strike out "$19,770" and insert "$22,270," so as to make the clause read:

For crop technological and fiber plant investigations, $22,270.

The amendment was agreed to.

The next amendment was, on page 19, line 22, after the word "diseases," to insert "and the testing and breeding of flax," so as to read:

For the investigation and improvement of cereals and methods of cereal production, and the study of cereal diseases, and for the investigation of the cultivation and breeding of flax for seed purposes, including a study of flax diseases and the testing and breeding of flax, and for the investigation and improvement of broom corn and methods of broom-corn production.

The amendment was agreed to.

The next amendment was, in the same clause, on page 19, line 25, after the words "broom-corn production," to strike out "$139,505" and insert "$142,005."

Mr. JONES. Mr. President——

The PRESIDING OFFICER. The Senator from Washington.

Mr. JONES. I desire to ask the chairman of the committee a question at that point. I suggested an amendment covering that increase, and, as I understand, the amendment in the bill has been made to meet the requirements of the department in connection with some experimental work in the central part of the State of Washington near Waterville. Is that correct?

Mr. GORE. Mr. President, the increase at this place is due to a transfer from the following page. It was stricken out on another page and transferred to this place.

Mr. JONES. Mr. President, perhaps the Senator did not understand my statement. I suggested an amendment to strike out "$139,505" and to insert "$142,005." Now, the committee has done that. I suggested that amendment for the purpose, as expressed in my amendment, of providing an increase of $2,500 for use in connection with the experiment station at Waterville, Wash. I did that because the department gave the people out there to understand that they would contribute about $2,500. Then it was found that a mistake had been made and that they had not really made an estimate for it. So I suggested this amendment in order to cover that situation, and I want to be sure whether the committee made the amendment in accordance with my suggestion or with some other understanding.

Mr. GORE. Mr. President, I can not give the Senator the information at this moment. I suggest that the amendment be passed over temporarily.

Mr. JONES. Very well; I will ask that it be passed over temporarily.

The PRESIDING OFFICER. In the absence of objection, the amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 20, line 8, after "$10,840," to strike out "*Provided*, That $5,000 of this amount may be used in testing and breeding flax, with a view to increasing the quality and oil content of flaxseed, including rotation experiments and demonstrations," so as to make the clause read:

For testing and breeding fibrous plants, including the testing of flax straw, in cooperation with the North Dakota Agricultural College, which may be used for paper making, $10,840.

The amendment was agreed to.

The next amendment was, on page 22, line 8, after the word "country," to strike out "$75,400" and insert "$70,400," so as to make the clause read:

For investigations in foreign seed and plant introduction, including the study, collection, purchase, testing, propagation, and distribution of rare and valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants from foreign countries and from our possessions, and for experiments with reference to their introduction and cultivation in this country, $70,400.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. The Senator from Utah.

Mr. SMOOT. I will ask the Senator in charge of the bill why the reduction of $5,000 is made in that item?

Mr. GORE. Mr. President, I do not understand the Senator's question.

Mr. SMOOT. On page 22, beginning with line 3 down to and including line 9, there occurs this provision:

For investigations in foreign seed and plant introduction, including the study, collection, purchase, testing, propagation, and distribution of rare and valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants from foreign countries and from our possessions, and for experiments with reference to their introduction and cultivation in this country, $75,400.

That amount has been reduced by the committee to $70,400.

Mr. GORE. Mr. President, in the bill as it passed the House there were several transfers from the lump-fund appropriations to the statutory roll, and a corresponding reduction was made in the lump fund. This reduction is made to cover the reduction that ought to follow, in the judgment of the committee, from those transfers; otherwise the transfers would have been made to the statutory roll without any resulting reduction in the lump fund.

Mr. SMOOT. Mr. President, I think, if we are going to spend money "for investigations in foreign seed and plant introduction, including the study, collection, purchase, testing," and so forth, of rare plants, the amount appropriated ought to be sufficient to do the work well. I am rather inclined to the belief that, if we are going to be extravagant at all, it should be along this line, and I hardly understand how the reduction of $5,000 in this particular item would have any effect whatever upon the transfer to the statutory roll.

Mr. GORE. Mr. President, I will say to the Senator that the committee adopted that rule. A number of transfers had been made in the bill as it passed the House from the lump-fund appropriations to the statutory roll, but, as a rule, there was

no corresponding reduction in any of the lump sums. We rather favored the transfer to the statutory roll, but were of the opinion that a corresponding reduction ought to be made in the lump fund.

I will say further to the Senator that, in connection with this particular appropriation, the department said that owing to conditions in connection with international trade there was not the same necessity for this appropriation as heretofore; that they would not need so much money, because it would be more difficult to procure seed and in all probability importations would be very largely reduced. The direct reason, however, is that certain clerks were transferred from the lump fund to the statutory rolls, and reductions were made to correspond to those changes.

Mr. PAGE. Mr. President——

The PRESIDING OFFICER. The Senator from Vermont.

Mr. PAGE. I think that no reduction of this kind was made in the committee, unless the Secretary of Agriculture, who was present, stated that in his judgment the reduction safely could be made. As the chairman of the committee has well said, in many cases the reduction was made because in some other part of the bill the matter had been taken care of. I do not think we ought to increase any of these amounts or change them without very good reason, because I think the committee has been very, very liberal in meeting all the requirements and suggestions of the Secretary of Agriculture.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 22, line 16, after the word "exceed," to strike out "$39,000" and insert "$100,000," so as to make the clause read:

For the purchase, propagation, testing, and distribution of new and rare seeds; for the investigation and improvement of grasses, alfalfa, clover, and other forage crops, including the investigation of the utilization of cacti and other dry-land plants; and to conduct investigations to determine the most effective methods of eradicating weeds, $119,920: *Provided*, That of this amount not to exceed $100,000 may be used for the purchase and distribution of drought-resistant field seeds throughout the Great Plains area and other dry-land sections of the United States.

The amendment was agreed to.

Mr. BURTON. Mr. President——

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BURTON. I should like to ask whether the appropriation for seed distribution is in this bill?

Mr. GORE. Mr. President, I will state that the appropriation for the congressional seed distribution has been stricken out by the committee.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 23, line 1, after the words "general expenses," to strike out "$1,455,135" and insert "$1,472,845."

The amendment was agreed to.

The next amendment was, on page 23, after line 1, to strike out:

Purchase and distribution of valuable seeds: For purchase, propagation, testing, and congressional distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants; all necessary office fixtures and supplies, fuel, transportation, paper, twine, gum, postal cards, gas, electric current, rent outside of the District of Columbia, official traveling expenses, and all necessary material and repairs for putting up and distributing the same; for repairs and the employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere, $252,540. And the Secretary of Agriculture is hereby directed to expend the said sum, as nearly as practicable, in the purchase, testing, and distribution of such valuable seeds, bulbs, shrubs, vines, cuttings, and plants, the best he can obtain at public or private sale, and such as shall be suitable for the respective localities to which the same are to be apportioned, and in which same are to be distributed as hereinafter stated; and such seeds so purchased shall include a variety of vegetable and flower seeds suitable for planting and culture in the various sections of the United States: *Provided*, That the Secretary of Agriculture, after due advertisement and on competitive bids, is authorized to award the contract for the supplying of printed packets and envelopes and the packeting, assembling, and mailing of the seeds, bulbs, shrubs, vines, cuttings, and plants, or any part thereof, for a period of not more than five years nor less than one year, if by such action he can best protect the interests of the United States. An equal proportion of five-sixths of all seeds, bulbs, shrubs, vines, cuttings, and plants shall, upon their request, after due notification by the Secretary of Agriculture that the allotment to their respective districts is ready for distribution, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents, or mailed by the department upon the receipt of their addressed franks, in packages of such weight as the Secretary of Agriculture and the Postmaster General may jointly determine: *Provided, however*, That upon each envelope or wrapper containing packages of seeds the contents thereof shall be plainly indicated, and the Secretary shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each Member may have seeds of equal value, as near as may be, and the best adapted to the locality he represents: *Provided, also*, That the seeds allotted to Senators and Representatives for distribution in the districts embraced within the twenty-fifth and thirty-fourth parallels of latitude shall be ready for delivery not later than the 10th day of January: *Provided, also*, That any portion of the allotments to Senators, Representatives, and Delegates in Congress remaining uncalled for on the 1st day of April shall be distributed by the Secretary of Agriculture, giving preference to those persons whose names and addresses have been furnished by Senators and Representatives in Congress and who have not before during the same season been supplied by the department: *And provided, also*, That the Secretary shall report, as provided in this act, the place, quantity, and price of seeds purchased, and the date of purchase; but nothing in this paragraph shall be construed to prevent the Secretary of Agriculture from sending seeds to those who apply for the same. And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, testing, propagation, and distribution of valuable seeds, bulbs, mulberry, and other rare and valuable trees, shrubs, vines, cuttings, and plants.

Mr. MARTINE of New Jersey. Mr. President, I notice that the amendment just stated by the Secretary strikes out the provision for the distribution of seeds. Are we to understand that the Senate committee amended the bill to the extent of striking out the appropriation for the distribution of seeds?

Mr. GORE. Mr. President, when the last agricultural appropriation bill was passed by the Senate, and when the bill prior to that was passed, the Senate after considerable discussion voted to eliminate the seed provision from the House bill. The House, as eveybody knows, insisted that it go back in conference; but the committee felt obliged to be governed by the sense of the Senate as heretofore expressed on two different occasions.

Mr. MARTINE of New Jersey. I move now that the Senate disagree to the amendment reported by the committee.

Mr. SMOOT. Mr. President, I will ask the Senator from Oklahoma to allow the amendment to go over for the present.

Mr. GORE. Very well.

Mr. SMOOT. Then, we can return to it after we pass through the bill.

Mr. MARTINE of New Jersey. That will be satisfactory to me.

Mr. SMOOT. I ask that the entire amendment, including the amendment striking out "$2,131,825" and inserting "$1,896,995," in line 16, on page 25, be passed over.

The PRESIDING OFFICER. In the absence of objection the entire amendment will be passed over as indicated by the Senator from Utah.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, under the head of "Forest Service" in the item of appropriation for "General expenses, Forest Service," on page 39, line 20, after "$400,000," to insert "of which sum not to exceed $3,000 may be expended in the erection of a headquarters building at the Grand Canyon National Monument," so as to make the clause read:

For the construction and maintenance of roads, trails, bridges, fire lanes, telephone lines, cabins, fences, and other improvements necessary for the proper and economical administration, protection, and development of the national forests, $400,000, of which sum not to exceed $3,000 may be expended in the erection of a headquarters building at the Grand Canyon National Monument.

The amendment was agreed to.

The next amendment was, on page 40, after line 9, to insert:

That hereafter all moneys received toward cooperative work in forest investigations or in the protection and improvement of national forests or in the survey, examination, and appraisal of lands and timber, the exchange of which shall have been or hereafter may be authorized by Congress for the purpose of eliminating private holdings in national forests or of consolidating lands of the United States therein, shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended, as the Secretary of Agriculture may direct, for the payment of the expenses of said work and of refunds to the contributors of amounts heretofore or hereafter paid in by them in excess of their share of the cost of said work: *Provided*, That annual report shall be made to Congress of all such moneys so received as contributions for such cooperative work. And hereafter in lieu of requiring purchasers of national forest timber to dispose of the brush and débris resulting from cutting operations the Secretary of Agriculture may require them to deposit in the Treasury such sum in each case as he may consider necessary to cover the cost to the United States of such work, and the moneys so deposited shall constitute a special fund, which is hereby appropriated and made available until expended, to enable the Secretary to pay such cost and to make refunds of any amounts deposited by such purchasers in excess of such cost.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). The Senator from Utah.

Mr. SMOOT. I should like to have the Senator in charge of the bill explain the full intent and meaning of that amendment. In reading it so hurriedly I could hardly understand it.

Mr. GORE. Mr. President, the present practice is, when timber is purchased in forest reserves, that the parties purchasing the timber are required to destroy or burn the brush and débris. They do that from time to time, and the danger of forest fire is great. This plan requires that the Secretary of Agriculture may require parties purchasing timber to make a deposit suffi-

cient, in the judgment of the Secretary, to cover the cost of removing or destroying or burning the débris, and if the deposit in any particular case should exceed the actual cost of the removal of the obstruction the excess is returned to the party making the deposit.

Mr. SMOOT. If every farmer who purchases timber from a forest reserve to secure the timber he may want for his use is required to make a deposit, I am afraid a great many of those farmers will be compelled to go without the timber. The cutting of the timber is generally done in the spring or summer, and I know farmers who have not the money to make the deposit; and it does seem to me that it is a hardship to be placed upon them that is not necessary.

Mr. PAGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Vermont?

Mr. SMOOT. I do.

Mr. PAGE. This matter was very carefully discussed in the committee, and the Secretary of Agriculture was present. He did not intimate that this was a course that would be generally pursued, but in certain cases he said it was quite essential that the department should be given this power. If the Senator from Utah will read the matter carefully he will see that it says "the Secretary of Agriculture *may*." It does not say that he shall require this plan to be followed. It is simply a privilege given to him in case he thinks the interests of the Government demand that extra care shall be taken in regard to forest fires or things of that kind, in which case he may ask that the provisions of this amendment shall be applied.

Mr. SMOOT. Mr. President, I want to say to the Senator from Vermont that of course I have no doubt this subject was discussed in the committee, and perhaps the Secretary of Agriculture was present and gave his views upon that amendment; but that does not prevent me, at least, calling attention to the hardships that will come to many of the farmers who cut timber from Government lands.

Mr. PAGE. It is hardly to be expected that where farmers go in to cut just a little timber for their own use the Secretary will insist upon the application of this provision. This, as I understand, is to take care of some of the larger cuttings, where there is a good deal of débris left around which ought to be gathered up under the supervision of the officers of the Government.

Mr. SMOOT. If the Senator has followed this question very closely, he will remember that the charge in the past has been that it is the small man who cuts timber on a forest reserve who causes the fires. I thought the arrangement that exists to-day was severe enough upon the farmer without imposing upon him the further necessity of depositing a sum of money with the Secretary of Agriculture before he can secure the timber.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Dakota?

Mr. SMOOT. I yield.

Mr. GRONNA. I wish to say to the Senator from Vermont that my understanding was that it was to be made general; that no one should be permitted to go into the forests and cut timber unless he had made a deposit, and in that way to prevent forest fires. Of course, I do not know that I have any objection to the amendment, but I think there is a great deal of force in the argument made by the Senator from Utah, that in many cases it would be a hardship to the small man who goes in there to cut his wood or perhaps secure material for posts or fences.

Mr. PAGE. Mr. President, the Senator from North Dakota is always very attentive to the proceedings at committee meetings, and I will trust his memory even further than my own.

Mr. GRONNA. I do not say that the statement of the Senator from Vermont is incorrect, but I gathered from what the Secretary said that it was to be a general provision, a provision to be generally applied——

Mr. SMOOT. Certainly.

Mr. GRONNA. And that no one would be permitted hereafter to enter the national forests and cut any timber unless a deposit was made sufficient to take care of this débris, burn it, and in that way prevent forest fires. I think the Senator from Utah is correct in the position he has taken.

Mr. SMOOT. Mr. President, this is not the first time this subject matter has been up for discussion. It has always been opposed in the past, and I certainly think it should be defeated at this time. The men who ought to receive a benefit from the forest timber are the farmers who live adjacent and near our forest reserves. The Lord knows it is hard enough for them now to hunt up a forester and secure a permit to go in and get a few fence poles, and now to compel those men to make a cash deposit, I say, Mr. President, in fifty cases out of a hundred it will be impossible for them to do it.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Dakota?

Mr. SMOOT. I yield.

Mr. GRONNA. I made no objection to this language going into the bill. I did make this observation, that there were members on the committee who knew more about the affairs in the western country, and especially about the national forests, and I thought if it was not a good provision they would object to it.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New Hampshire?

Mr. SMOOT. I do.

Mr. GALLINGER. I will ask the Senator exactly what this deposit is intended to cover?

Mr. SMOOT. This deposit is intended to cover the expense that may be undergone by the forester or the assistants upon the forest reserve in cleaning up the cuttings that may come from the cutting of timber.

Mr. GALLINGER. Do not the regulations require that the débris shall be cleared up by the purchaser?

Mr. SMOOT. The present requirements are such as to compel them to do it, and now they are not satisfied with that, but they want to require that a deposit of money shall be made with the forester.

Mr. GALLINGER. Is it not the duty of the forester to see that the regulation or the law, whatever it is in that respect, is complied with?

Mr. SMOOT. Yes; and I want to say to the Senator that in the past it has been strictly complied with.

Mr. GALLINGER. There is no difficulty in Germany or France in having every twig cleared from the ground by any person who fells a tree, and I do not see why when we have Federal officers to control those matters it should not be their duty and they should not be held accountable if they neglect to see that the débris is cleared from the land.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Oklahoma?

Mr. SMOOT. I do.

Mr. GORE. I will say that this provision is intended to relate to timber-sale contracts. Its purpose is to diminish fire risks. It is true that under the present system the purchasers of timber are required to remove or to burn the débris. That is inconvenient to those purchasers in many instances, as will be apparent to Senators. This proposition is to require them to make a deposit sufficient to cover the cost of burning or removing the débris, and the excess if any is to be returned to the purchaser. It is a matter of convenience to them and a matter of great security in preventing forest fires.

Further, to illuminate the subject I will request the Senator from Florida [Mr. FLETCHER] to read a paragraph from the letter of the Secretary of Agriculture. It will be seen that it is to be limited to timber sale contracts. If it should be applied to a farmer purchasing a few posts, as suggested by the Senator from Utah, I myself should certainly oppose it.

Mr. SMOOT. Let me read one part of the amendment, so that the Senator can see just what the provision covers:

> And hereafter in lieu of requiring purchasers of national forest timber to dispose of the brush and débris resulting from cutting operations the Secretary of Agriculture may require them to deposit in the Treasury such sum in each case as he may consider necessary to cover the cost to the United States of such work, and the money so deposited—

And so forth. That applies to all purchasers of national forest timber.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. SMOOT. I do.

Mr. GORE. Before the Senator from Nebraska proceeds, will he kindly allow the Senator from Florida to read what the Secretary of Agriculture says?

Mr. SMOOT. Very well; I yield to the Senator from Florida to read what the Secretary of Agriculture says.

Mr. FLETCHER. I will read what the Secretary said about it, and I think it will be very apparent. As the Senator from Oklahoma says, it refers not to a mere incidental tree or cordwood or firewood or something of that sort, as the case may be, but it has application to regular timber contracts. Here is what the Secretary of Agriculture says:

> The amendment provides for the receipt and disbursement of funds by the Government from purchasers of timber from the national forests

to defray the expenses connected with the burning of brush and débris resulting from their timber operations. All timber-sale contracts for national forest timber require that brush and débris shall be burned at the expense of the operator, the contract stipulating a maximum expenditure for which the operator is liable under the requirement. These expenses are now met directly by him. It has not always been practicable, however, for operators to burn brush and débris from timber-sale operations at the most opportune time on account of lack of men or the necessity of employing all men available to them on other major features of their operations. It is intended by the amendment to have the required sum now specified in national forest timber-sale contracts deposited by the operator in the United States Treasury, with which sum the Forest Service can directly defray the expense of brush and débris disposal on the timber-sale areas to which the deposit is applicable. The amendment, proposed for the more adequate and efficient protection and administration of the national forests, will insure the disposal of brush and débris at the proper time and in the proper manner within the maximum liability specified in the timber-sale contract.

I think that makes the point clear.

Mr. SMOOT. Now, Mr. President, I want to say to the Senator and to the Senate again that where there are small purchasers of timber in the western forest reserve—and most of them are small purchasers—there is a requirement made of them to-day that all the débris and branches shall be disposed of, and I have not heard any complaint in the past that that has not been done. I have never heard a solitary small purchaser of timber asked that he be allowed to make a cash deposit in order that he may get what little timber from a forest reserve he may need.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New Hampshire?

Mr. SMOOT. I do.

Mr. GALLINGER. I was going to ask the Senator from Utah, if I understand this correctly, that the purchase is made of timber in a forest reserve, and the present regulations require that the purchaser, who ordinarily, I suppose, would be a poor man, shall clear up the land after the tree or trees have been removed. As I understand this amendment, the poor man is not allowed to do that work at his own expense, giving him employment, but it is put in the hands of officials of the Government to do it and to require a cash payment from the purchaser of the timber for that purpose. Am I correct?

Mr. SMOOT. That is exactly what this amendment provides.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Colorado?

Mr. SMOOT. In just a moment. I can plainly see that if there was a large purchase of timber by a man running a great sawmill and cutting millions of feet of lumber, he could well say, "I will make a cash deposit, and I will allow the foresters here to destroy and burn up the débris and brush"; but where there is one of those there are a hundred small purchasers, and it is going to place a burden upon them which should not be placed upon them. It is hard enough now to get the timber off the forest reserves without placing more burdens on them than are placed to-day.

I yield to the Senator from Colorado.

Mr. THOMAS. I wanted to suggest to the Senator from Utah that in a case of this kind the Government always exacts sufficient money for the purpose; that is, its estimate is large enough to cover the purpose for which it is required, and in many instances if not in most the amounts so required are greater than the actual cost. The difficulties which beset a man in trying to get a refund of that money are very great, and when you consider the delay and the expense it is far more than the amount of the surplus. As a general thing he is poor and is unable to stand the loss. This imposes a burden upon him that may become intolerable.

Mr. SMOOT. The Senator from Colorado has well stated the point. I can imagine a case of this kind, Mr. President, a small timber purchaser cutting what little timber he does has created débris and brush; perhaps $20 will be required from him as a deposit. When it is destroyed it is found that the cost was $16, and I say now that it will be worth more than the $4 to get that amount out of the Treasury of the United States.

Mr. FALL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New Mexico?

Mr. SMOOT. I yield to the Senator from New Mexico.

Mr. FALL. Mr. President, I know that in my State this amendment would work very great hardship. The homesteaders in New Mexico, in undertaking to acquire homesteads, need fence posts, and they have to secure a contract with the forester for a certain number of posts. This amendment leaves it entirely in the hands of the forester to estimate what he assumes will be the cost of gathering the brush and burning it. This requirement can be made very harsh. Even if it is considered to be absolutely just it will still in fact be so harsh upon the homesteader that it will be impossible for him to comply with it. The homesteaders in our country have not the cash to make deposits for purposes of this kind. They have the muscle, the labor, and the desire to do the work themselves, and they will do it. If they are required to deposit $20 or $50 in cash or even $10 in cash at times it would really preclude them from availing themselves of the law under which they can purchase the fence posts at all.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Colorado?

Mr. SMOOT. I yield to the Senator from Colorado.

Mr. THOMAS. I suggest to the Senator from Utah that it seems to me the best and most expeditious way to get at this matter is to move to amend the amendment by striking out of it all after the word "work" in line 25 on page 40.

Mr. SMOOT. The suggestion of the Senator from Colorado is a good one, but I think the best thing to do is to make a point of order against the whole amendment.

Mr. THOMAS. I am not as familiar with the part of the amendment which precedes. I have not read it carefully.

Mr. STERLING and Mr. WALSH addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Utah yield; and if so, to whom?

Mr. SMOOT. I yield to the Senator from South Dakota, as he rose first.

Mr. STERLING. I should like to call the attention of the Senator from Utah to another provision of the amendment which does not relate to forest fires or protection therefrom or cooperation in the extinguishment of forest fires. It is that clause of the amendment relating to the survey examination and appraisal of lands and timber, the exchange of which shall have been or hereafter may be authorized by Congress for the purpose of eliminating private holdings in national forests or of consolidating lands of the United States therein.

The first part of the amendment relates to cooperation or cooperative work in forest investigation. My question is as to whether in the case of a survey examination and appraisal of lands and timber for the purpose of exchange the settler is required to contribute or the one who has a private holding in a forest reserve is obliged to contribute to such survey examination and appraisal.

Mr. SMOOT. I think under the present practice that is required, but I do believe that that ought to be covered in the Treasury direct. I think it is held as a special fund, but it is covered into the Treasury of the United States. I will ask the Senator from Oklahoma if I am right in that statement?

Mr. GORE. Mr. President, I am not able to state, without examining a memorandum I have here, what the present practice is.

Mr. WARREN. Mr. President——

Mr. SMOOT. Perhaps the Senator from Wyoming can tell us.

Mr. GORE. As I remember, this amendment was brought forward by the committee last year and perhaps went out. I think the department desires this particular amendment, because they have had some trouble with respect to bookkeeping. Some bank perhaps failed in which the money was deposited. I am not quite sure, however, without examining my memorandum.

Mr. SMOOT. If that is the case, I do not want to put this burden upon the small man on account of some money in a bank having been lost or the bank having failed.

Mr. GORE. Mr. President, I think another proposition involved in this is perhaps the exchange of lands between the General Government and the State where State school land happens to fall within a reserve. I think there is no provision of law now authorizing an exchange so that the State can consolidate its holdings.

Mr. SMOOT. This has nothing to do with that law. This is a question of exchange where money is involved, and it shall be kept as a special fund in the Treasury.

Mr. GORE. After consulting the memoranda, I find there is no law now authorizing this to be done. I will ask the Senator from Florida to read an extract from the letter of the Secretary of Agriculture.

Mr. SMOOT. Very well.

Mr. FLETCHER. In just a line this memoranda says:

There is no legislation at present permitting the receipt and disbursement of such funds by the Government.

Mr. SMOOT. I think, however, Mr. President, there has been a practice in the past of having cooperative work. I do not know how the funds have been handled, but I have always taken the position that the fund ought to be covered into the Treasury of the United States, and whenever a dollar is paid out from

the Treasury it ought to be upon a requisition of some head of a department.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from South Dakota?

Mr. SMOOT. I yield.

Mr. STERLING. I merely wish to make this statement in connection with the question I asked the Senator from Utah, namely, that I suppose it is the policy of the Government to eliminate the private holdings from forest-reserve lands. If that is true, it does not seem to me to be right that the man who owns the private holding should be required to contribute anything toward the survey, examination, or appraisal of the land.

Mr. SMOOT. I fully agree with the Senator in that statement.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Will the Senator from Utah yield to the Senator from Montana?

Mr. SMOOT. I yield the floor now to the Senator from Montana, but I want to say that at the end of the discussion I shall make the point of order against the amendment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. WALSH. I hope the Senator from Utah will not feel moved to make the point of order as to any portion of the amendment down to and including the paragraph which has been the subject of discussion, leaving in the earlier provision.

Mr. THOMAS. It was my suggestion to strike out the last sentence.

Mr. WALSH. That can be done; but I think the Senator from South Dakota, however, is in error concerning the significance of the first portion of this amendment. It deals with two subjects. They are entirely unrelated and ought not to have been thus combined. The one is contributions made by cooperative work for the purpose of preventing fire or putting out fire. As is well known, the private owners of timberlands, the States, and the National Government are all interested in the prevention of fires. They work together, and private owners make contributions which are to be utilized under the direction and supervision of the Forestry Service for the purpose of accomplishing the work that they all desire to have done.

Now, if that went into the General Treasury, it would be very difficult indeed to get it in shape so that it could be utilized. It seems to me quite proper that that should go into a special fund which the Secretary of Agriculture, who has charge of the Forestry Service, could utilize at any time he saw fit.

Next the amendment deals with another matter, which is not the elimination of private holding within the forest reserve at all. I will say for the benefit of the Senator from South Dakota——

Mr. STERLING. Mr. President, I think the Senator will agree with me that that seems to be the plain reading of the amendment.

Mr. WALSH. No.

Mr. STERLING. The amendment, in the first place, surely contemplates a fund to be derived from the survey, examination, and appraisal of lands, the exchange of which shall have been or hereafter may be authorized by Congress for the purpose of eliminating private holdings in national forests.

Mr. WALSH. The Senator is right about that. I read it hurriedly.

Mr. GORE. Mr. President——

Mr. WALSH. "Or of consolidating lands of the United States therein." That, it seems to me, should go into the private fund as well, so that it could be utilized for that purpose.

Mr. GORE. This amendment is undoubtedly liable to a point of order, and I see no use in protracting the debate.

The PRESIDING OFFICER (Mr. SWANSON in the chair). The Chair rules that the point of order is sustained.

The next amendment was, on page 41, after line 22, to insert:

That hereafter the Secretary of Agriculture is authorized to reimburse forest officers or other persons for horses, vehicles, or equipment lost, damaged, or destroyed while being used for necessary fire fighting, trail, or official business, such reimbursement to be made from any available funds in the appropriation to which the use or hire of such equipment is properly chargeable.

Mr. SMOOT. Mr. President, that is an entire change from the existing regulations of the department. There is no law, of course, covering that item.

The PRESIDING OFFICER. Does the Senator from Utah make the point of order against the amendment?

Mr. SMOOT. It does seem to me that that is opening a door for claims against the Government of the United States that ought never to be opened. Congress has never hesitated to pass a bill relieving a forester, a supervisor, for the loss of a horse or of property of any kind.

Mr. WALSH. My understanding is that this is not the forestry officer at all, but it applies to a private individual whose horse is hired. The forester goes to a liveryman, and says, "There is a fire out here and I want a team to drive out to it." He drives the team and the horses are killed while he is gone. It does seem to me that a provision to cover such a case is proper.

Mr. SMOOT. Let me read the amendment to the Senator, and see if it does not include both classes. It reads:

That hereafter the Secretary of Agriculture is authorized to reimburse forest officers or other persons for horses, vehicles, or equipment lost, damaged, or destroyed while being used for necessary fire fighting, trail, or official business, such reimbursement to be made from any available funds in the appropriation to which the use or hire of such equipment is properly chargeable.

That reads, "To reimburse forest officers or other persons for horses" hired. It does seem to me that wherever a forest officer hires a horse or a vehicle of any kind, or if it is his own horse used in the service, and it is lost, the claim ought to come to Congress and be paid just as such claims have been paid in the past. It seems to me that this would invite a forest officer who had a horse that he desired to get rid of to see that it was lost and make a claim on the Government for reimbursement. I repeat it is opening a door, Mr. President, that should not be opened. All claims against the Government of the United States, outside of those that are provided for for Army and Navy officers, come to Congress.

We passed to-day a claim to reimburse a postmaster for stamps lost; there was reported yesterday a claim of $1,500 for beer stamps that were lost in transportation. An untold number of claims have been presented, but here we are proposing to authorize the Secretary of Agriculture to settle certain claims. I believe that is an unwise policy to inaugurate, and I shall make the point of order against the amendment unless the Senator from Oklahoma desires to say something upon it.

The PRESIDING OFFICER. Does the Senator from Utah make the point of order?

Mr. SMOOT. Yes; I make the point of order against the amendment.

Mr. GORE. Just a word, Mr. President. I will say that under the Agricultural appropriation bill passed March 4, 1913, the Secretary of Agriculture was authorized to reimburse private parties for the loss of horses and vehicles where the loss occurred fighting forest fires. The law requires that certain employees on forest reserves shall furnish their own horses. It was the view of the Secretary of Agriculture that such parties losing horses ought to be reimbursed in the same manner and to the same extent as should private parties. I suppose it was a matter of dispatch in order to avoid the expense and delay of securing reimbursement by a more circuitous route, as indicated a few moments ago, might occur when they were trying to recover the excess deposited.

Mr. SMOOT. Mr. President, I will say to the Senator from Oklahoma that the provision he speaks of refers only to the loss of horses in fighting forest fires.

Mr. GORE. Yes, sir.

Mr. SMOOT. But this goes to private parties, and it goes to officers not only in fighting of fires, but for losses on the trail; that is, in regular, everyday business or on official business of any kind; in fact, it covers every officer in the Forest Service. If any one of them loses a horse from any cause, the Secretary of Agriculture is allowed to reimburse him.

The PRESIDING OFFICER. The Chair understands the Senator from Utah makes a point of order against the amendment?

Mr. SMOOT. I make the point of order against it.

The PRESIDING OFFICER. The point of order is sustained.

Mr. GORE. The amendment is, no doubt, liable to the point of order; but I ask to have printed in the RECORD a memorandum from the Secretary of Agriculture, stating the reasons which actuated him in recommending the amendment.

The PRESIDING OFFICER. In the absence of objection, it will be so ordered.

The letter referred to is as follows:

(12) Page 40, between lines 9 and 10, insert the following:

"That hereafter the Secretary of Agriculture is authorized to reimburse forest officers or other persons for horses, vehicles, or equipment lost, damaged, or destroyed while being used for necessary fire fighting, trail, or official business, such reimbursement to be made from any available funds in the appropriation to which the use or hire of such equipment is properly chargeable."

NOTE.—This item was approved by the House Committee on Agriculture, with the restriction that reimbursement be made only for horses, vehicles, or equipment lost or damaged while being used in fire-fighting or other unforeseen emergencies, but was stricken out on a point of

order. It is deemed to be no more than fair that forest officers should receive the same protection as other owners of horses, vehicles, or equipment lost or damaged while being used on Government work, and therefore it is recommended that the amendment as above be included in the bill.

The act of March 4, 1913, making appropriations for the Department of Agriculture, provided for reimbursement to "owners of horses, vehicles, and other equipment lost, damaged, or destroyed while being used for necessary fire fighting, trail, or official business." It has been decided by the Comptroller of the Treasury that this act does not authorize reimbursement of forest officers for the loss of or damage to horses, vehicles, or other equipment which they are required to furnish in the performance of their official duties. During the past two years there have been several cases in which forest officers who were using their own horses and vehicles in fire fighting or other official business have suffered losses from unusual causes which could not be foreseen or from which they could not escape, and inability to secure reimbursement has caused them to suffer great hardship.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 42, after line 4, to insert:

That hereafter the Secretary of Agriculture, under regulations to be prescribed by him, is hereby authorized to permit the Navy Department to take from the national forests such earth, stone, and timber for the use of the Navy as may be compatible with the administration of the national forests for the purposes for which they are established, and also in the same manner to permit the taking of earth, stone, and timber from the national forests for the construction of Government railways and other Government works in Alaska: *Provided*, That the Secretary of Agriculture shall submit with his annual estimates a report of the quantity and value of earth, stone, and timber furnished as herein provided.

Mr. THOMAS. Mr. President, I should like to inquire of the chairman of the committee what the income for the Forest Service was for the year just ended, if he has the figures at his disposal?

Mr. GORE. Mr. President, I have not the figures immediately available, but I will say that it was something in the neighborhood of $3,000,000. I will furnish the figures to the Senator later.

Mr. THOMAS. A little bit more than half of the amount it cost the Government to look after and administer these reserves?

Mr. GORE. Something more than half. I do not remember the exact amount.

Mr. THOMAS. My impression is that when the proposed leasing system is in full operation the difference between operation and income will be much more startling than that.

Mr. GORE. I think the Forestry Service ought to be made self-sustaining, if possible.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 42, after line 17, to insert:

That hereafter the Secretary of Agriculture may, upon such terms as he may deem proper, for periods not exceeding 30 years, permit responsible persons or associations to use and occupy suitable spaces or portions of ground in the national forests for the construction of summer homes, hotels, stores, or other structures needed for recreation or public convenience, not exceeding 10 acres to any one person or association, but this shall not be construed to interfere with the right to enter homesteads upon agricultural lands in national forests as now provided by law.

The amendment was agreed to.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. The Senator from Montana.

Mr. WALSH. Mr. President, I do not feel that the remark made by the Senator from Colorado [Mr. THOMAS] a few moments ago ought to be allowed to pass without a word at least. My recollection is that when the great extension in the forestry system took place some 10 or 12 years ago it was promised that long before this time not only would the forests be self-sustaining, but that they would be a source of very considerable revenue to the National Government. That promise apparently has not been realized, for quite obviously the receipts do not now nearly cover the expenditures necessary, and the timber is being consumed without any real substantial benefit, so far as that is concerned.

At the same time, Mr. President, what policy shall we pursue with respect to the matter? Shall we allow the great forests that cover the mountain slopes of the Western States to remain absolutely unprotected from the ravages of fire and depredations of all kinds? Obviously the Senator from Colorado does not mean to say that. He does not desire that no appropriation shall be made for the care and preservation of the forests.

Mr. President, the State of Montana is the owner of very extensive tracts of timberland. It had large grants from the National Government at the time it was admitted into the Union; and every time that it was found possible to select timberlands under that grant, exercising the same degree of prudence and influenced by the same selfish motives that would actuate a private owner under the same circumstances, the State went on and selected valuable timberlands. It has not stood idly by and allowed those lands, which it thus owns and which are of immense value to it, to become the prey of forest fires which, regrettable as it may be, sweep over the country and destroy millions of values every year. They are annually making an appropriation to protect those forests in exactly the same way, as was indicated awhile ago, private owners are banding themselves together in timber associations, having exactly the same purpose in mind.

All this simply means, Mr. President, that we are not going to abandon the policy of exercising a fostering care over the national forests; and those of us who have suffered from the administration of the law by a lot of incompetent and inefficient representatives can not, as it seems to me, advance our cause by criticisms that would imply the necessity of absolutely wiping out the entire system. If we are hoping to secure any relief whatever from the conditions that have been found oppressive in every State in which these national forests exist, we must start in by standing upon the proposition that protection must be accorded to the forests from depredations of one kind or another, from the ravages of insects, and from destruction by fire and the elements generally.

Mr. President, I am unable to agree with my esteemed friend from the State of Colorado—and I am always pleased to work with him and usually find myself in accord with him—that the so-called leasing system bears any kind of relation, except the most remote relation, to the forestry reserve system.

Furthermore, Mr. President, so far as the leasing system is concerned, now that I am speaking about this matter I will refer to it briefly. It has not been seriously proposed—and I desire to have that distinctly understood—that it shall be applied to the general body of our agricultural land or to our mineral lands, except such minerals as primarily become the source of power, such as coal, oil, and gas, and likewise those minerals, nonmetallic in character, that occur in great bodies located by the Government itself through the operations of the Geological Survey, such as potash, phosphates, asphaltum, and other nonmetallic minerals of that character.

Mr. President, while speaking of this matter, I want to invite the attention of the Senate, because this is a most opportune time to do so, to a feature of the bill which has thus impliedly had the criticism of the distinguished Senator from the State of Colorado. I refer to that provision of the so-called leasing bill for the disposition of lands containing deposits of phosphates. We import large quantities of potash, which is a deposit of much the same character as phosphate—we import enormous quantities of potash, for instance, from Germany. That supply is now shut off. It becomes the source of nitrogen and potassium and is used in many different ways, but I want to speak particularly about phosphates.

There are great deposits of phosphates, the source of one of the most valuable fertilizers known to agricultural science, in the States of Idaho, Wyoming, Utah, and Montana. The State of Florida exports annually, when the foreign market is open to her, $9,000,000 worth of that product. Great areas of land containing these valuable deposits have been withdrawn from entry, so that to-day there is absolutely no law whatever under which any of those great deposits may be utilized. The people who desire to utilize them, the people who are willing to put their money into them, instead of taking an absolute conveyance of these lands from the Government, are perfectly satisfied with the bill which has been introduced here for the utilization of those phosphate properties. Let me tell you about that.

Those deposits are insoluble. They are made soluble and valuable for fertilizing purposes by the application of sulphuric acid. The fertilizers thus obtained are extensively used, and it is appropriate to discuss the matter in connection with the agricultural appropriation bill. They are now being shipped to Japan across the Pacific Ocean. They are used in California; they are used in intensive farming of all kinds; and now extensive experiments are being conducted in all of the Northwestern States for the utilization of that fertilizer upon the wheat fields of the Northwest, to increase the product of grains in that great region. Those deposits, as I have said, are made soluble by the application of sulphuric acid. That is all that is needed.

In the State of Utah there is a great copper smelter; in the State of Montana are two great copper smelters, which are annually belching into the atmosphere tons and tons and tons of sulphuric acid, to the destruction of vegetation all around. There is no use for it now at all. All you have to do is to save that sulphuric acid and apply it to these phosphate deposits, and you then will have a product that easily can produce $25,000,000 of value a year, and that would easily increase the productive capacity of the lands all over the Northwest from 25 to 40 or 50 per cent.

It affects, Mr. President, only the States of Montana, Idaho, Wyoming, and Utah. The people there want the law; at least, the people of my State, for whom I speak, want this valuable product utilized. We have an opportunity to build up a great industry there, but there is not any law by which the deposits can be made available.

The so-called leasing bill, which has received the strictures of the distinguished Senator from Colorado, provides that anyone who desires to do so may take a lease of 2,560 acres of land containing phosphate deposits, upon such terms as he and the Secretary of the Interior may agree. That is all there is to it. I do not see any reason why that bill should not pass without an objection from the floor here. Bear in mind that this great gas, Mr. President, is not only escaping uselessly into the atmosphere day after day and year after year, but it is actually destroying vegetation in the rich valley of the Deerlodge in my State.

Why, Mr. President, they are now installing at the great smelter works in the city of Anaconda, under the direction of the Bureau of Mines, a plant for the extraction of sulphuric acid from the fumes that escape from the smokestacks. There is practically no purpose to which to apply it. All of it could be utilized, or the most of it could be utilized, in the preparation of this valuable product. Here we go, day after day. The water-power bill is exactly the same. They are values of the very highest character. Speaking about conservation, I am talking conservation to you. Here is a great value that is escaping from you day by day. The water-power bill is in the same situation. Here we are; a million dollars a day is being spent for coal in this country for the production of power that could be just as easily produced by the water which runs idly and unused along in the channels of our rivers.

Mr. President, the other day a gentleman called me out into the Marble Room who represents capital to the extent of $10,000,000 willing to go into the development of a power plant just across the line from the State of Idaho in the State of Washington—the Senator from Idaho will know the place perfectly well—for the production there of nitrogenous products, also for fertilizing purposes, and for use in many of the arts. Ten million dollars is ready to go into that enterprise there, and yet the water-power bill can not pass here because of some academic objections that some gentlemen have to some features of it.

I trust that some day or other we will be able to consider these questions as practical questions of legislation that confront us. I have very great regard and esteem for the Senator from Colorado [Mr. SHAFROTH], who does not want this leasing bill passed. He does not want to permit us to dispose of the phosphate lands in the State of Montana as we would like to dispose of them. I would be quite willing to agree to sell them to anybody who might want to buy them, but we can not get a law of that kind passed, and we can get the other; but such opposition as this is made to it. I think that if we would take these things as practical questions of legislation for the purpose of seeing what we can do without violating fundamental principles, we could solve some of these questions a little more rapidly; and I still entertain the hope that at some time before the termination of this session we shall be able to get through either the power bill or the bill to give us an opportunity to utilize our phosphate deposits, at least.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. The Senator from Colorado.

Mr. THOMAS. If I had supposed that my criticisms of the probable economic results of a leasing system would have aroused my good friend from Montana to such a vigorous protest, I would not have made them; but in view of his defense of the forestry reserves and his advocacy of a leasing law, which carried with it a condemnation of my position, I must beg the indulgence of the Senate for a very few moments.

I am opposed to the present forest reserve system because I believe it to be wasteful, extravagant, and carried to such an extreme that no justification can be made of it. I assure my friend that I am quite as anxious to preserve the forests as he can be. I believe, and always have believed, that they can be best preserved by the people of the respective States wherein they are situated; and I could not but think, as the Senator was eloquently advocating the so-called leasing bill, that if his great State of Montana had control, as it should have control, and ownership of the great phosphate beds and other mineral deposits in that State, it would be very easy for its people to develop them as a part of its own resources and increase its wealth and its population.

When I consider that the forest reserves of the United States consist for the greater part of territory upon which there are no forests, upon which there never were any forests, and upon which there never can be any forests, great tracts of land which were reserved in order to enable those who owned a great part of them to relinquish and exchange them for some of the most valuable lands in the world; and when I further consider that an enormous number of so-called inspectors, field agents, employees, rangers, and other forces under the pay of the Government of the United States are maintained at public expense for the purpose of looking after forest reservations where there are no forests, I think he will agree with me that a much better system could be devised.

It is true that in these forest reservations agricultural land may be homesteaded; but it is equally true that, owing to the many inspections and examinations that are made between a location and its entry, and the many difficulties of obtaining a patent between the date of location and the time when it is issued, with which he is quite as familiar as I am, the situation is almost as bad as though the reservations were absolute.

I want to see the West developed. I want to see it developed as the East and the Mississippi Valley country were developed. I want to see it developed by that sturdy American citizenship which, dependent upon its own resources, wants to avail itself of the largess of the Government, and, by acquiring freeholds upon the public domain, add them to the taxable wealth of the country, establish homes, raise families, and increase populations to the end not only that the western Commonwealths may prosper and wax exceeding strong but that they may contribute of their wealth to the common purposes and growth of the Nation.

I believe—and that is my fundamental objection to the leasing system—that it is un-American. We can not be a great people if our people are a tenantry, and it makes no difference whether the landlord be an individual, a corporation, or the Government of the United States. It is fundamentally wrong.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Montana?

Mr. THOMAS. I yield; yes.

Mr. WALSH. I apprehend the Senator would not imagine that any of us would dispute the proposition that the great bulk of the people of the country ought not to be tenantry; but the Senator will bear in mind that these are not agricultural lands that a man is going to cultivate, and that nobody proposes that the leasing system shall be applied to such lands. Now, why should the Senator make that suggestion when it comes to a matter of phosphate lands?

Mr. THOMAS. Mr. President, I think that if in 1872 our mining laws had been framed upon the theory of the pending leasing measure the great State of Montana would be far less populous than it is at present, and therefore far less prosperous; and I can conceive of no reason why I, a citizen of the United States, can go upon the public land and locate a lead mine, a gold mine, a silver mine, and at the same time should be obliged to lease other forms of metalliferous or mineral deposits from the United States. If one is wrong, the other is also reprehensible.

Mr. WALSH. Mr. President, I should like to tell the Senator why; and the Senator knows likewise that it is not proposed to apply the principle to metallic mines or veins that a man must go out and labor for years to find, bringing to his aid the very highest kind of prospecting skill.

Mr. THOMAS. Why does the Senator say it is not proposed to do that? I want to tell him that if he starts upon this leasing policy, that will be the next step.

Mr. WALSH. Oh, well, of course——

Mr. THOMAS. And, as suggested by the Senator from Utah [Mr. SMOOT], it is even proposed now. In fact, the Senator himself is the author of a measure which, as originally framed, was designed, if I remember correctly, to reserve from the locators of this country all of the public mineral lands which were supposed to contain radium.

Mr. WALSH. The Senator is entirely mistaken. I never introduced a bill of that sort.

Mr. THOMAS. I did not say the Senator introduced the bill, but my recollection is that that was the theory upon which the Senator sought to frame it.

Mr. WALSH. The Senator is in error.

Mr. THOMAS. I am very glad to be corrected.

Mr. WALSH. The idea never entered my head. It never entered the mind of anybody who ever talked with me upon the subject. I am opposed to it as resolutely and as determinedly as the Senator himself can be. So far as the development of the State of Montana is concerned, it was developed through its metallic mines of gold, silver, copper, lead, and zinc; and

nobody proposes to touch even a line of the law as it is now written to substitute anything in the nature of a leasing system.

Mr. THOMAS. Mr. President, I cheerfully confess my error. My memory was evidently at fault with reference to the Senator; but I know that the Interior Department proposed to do it and that a number of conferences were held, some of which I attended, with the purpose of reserving these lands.

Mr. SHAFROTH. Mr. President——

Mr. WALSH. If that is the case, Mr. President, they very skillfully concealed their purpose from me, and I felt that I was in their confidence.

Mr. THOMAS. Of course I can not speak for the Senator. I know what occurred at the conferences which I attended, and I remember very well that my colleague [Mr. SHAFROTH] and I took advantage of the opportunity offered and brought the State commissioner of mines and others to Washington in order to protest against that policy, which, I am glad to say, was abandoned by the department.

I now yield to my colleague.

Mr. SHAFROTH. Mr. President, I wish to suggest to the Senator from Colorado that the conservation congress, from which nearly all these bills were originally started, which was held in Kansas City, absolutely indorsed the withdrawal of all mineral lands.

Mr. THOMAS. Oh, Mr. President, there is no more question but that this policy, when once entered upon, will be extended to all forms of mineral wealth than that I am now speaking upon the subject to the Senate. But, as I said, I am not going to take the time at present to go extensively into this matter. I have perhaps already trespassed upon the patience of the Senate, and certainly upon that of my friend, the Senator from Oklahoma, who has this bill in charge. I merely wish to say before taking my seat, however, that the prediction which I made a few moments ago and which I now repeat, that the leasing system, if entered upon, will be productive of great loss to the Government, is based upon the experiences which the country has encountered in the administration of the Forestry Service.

The leasing bills and the water-power bill, if they become laws, will result as usual in the multiplication of civil-service employees. No landlord, especially upon the scale which the Government of the United States proposes to inaugurate, can carry this system into effect without constant and careful supervision. It means a lot of additional field officers, inspectors, agents, and supervisors, constantly increasing in number, taking not only the profits which the Government expects to realize, but a large amount of revenues which are raised by taxation besides. It will satisfy some people, perhaps, so far as its financial aspect is concerned, but in my judgment it is foredoomed to failure; and I dare say that away down in his heart, if the Senator from Montana could have his own judgment carried into effect, he would not only oppose with all his heart and with all his great ability the institution of such a system, but he would insist upon the acquisition of title to these properties by citizens of the United States as they have been acquired heretofore.

Before I take my seat let me say that the policy which the Government has entered upon, and which it proposes to continue, is in some respects similar to the policy of Great Britain in the eighteenth century which finally culminated in the American Revolution. I wish to call the attention of the Senator from Montana to the fact that our Declaration of Independence assigns that as one of the causes of the rebellion of the American Colonies:

> The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these States. To prove this let facts be submitted to a candid world.
>
> * * * * * * *
>
> He has endeavored to prevent the population of these States; for that purpose obstructing the laws for naturalization of foreigners, refusing to pass others to encourage their migrations hither, and raising the conditions of new appropriations of lands.
>
> * * * * * * *
>
> He has erected a multitude of new offices, and sent hither swarms of officers to harass our people and eat out their substance.

Now, the Government of the United States, so far as its administration of the public lands of the country is concerned, at least those of them that are left, is duplicating the conduct of the King of Great Britain in his administration of the land conditions of the Colonies. We went at that time, and partly in consequence of it, to the extreme of opposition. Nothing of the kind is here contemplated, but this leasing system as a policy of the United States, while it may and probably will become law, will never do so with my vote unless I change my mind very radically upon the subject, which is not at all probable.

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER. The Senator from Colorado.

Mr. GORE. Mr. President——

Mr. SHAFROTH. I want just about five minutes, and that is all, because my name has been mentioned.

The Senator from Montana has referred to me and referred to the bills which are now pending before Congress, and incidentally he referred to the fact that the potassium claims that he is so anxious to have leased by the Government are situated in the States of Montana and Utah and Wyoming and Idaho, and that it seemed, from his standpoint at least, that these lands ought to be developed. I wish to call the attention of the Senator from Montana to the fact that the Senators from Utah, the Senators from Wyoming, and the Senators from Idaho are just as anxious for the development of their States as is the Senator from Montana, and yet every Senator from those States is opposed to these leasing bills.

Is it possible that we are obstructing anything by reason of that when three out of four States mentioned are absolutely opposed to this leasing system?

Mr. President, I opened a paper called the Oregonian the other day. There was an account in the Oregonian of February 5, 1915, of a proceeding that took place in the State senate of that State. Some man had the hardihood to get up there in Oregon and propose an indorsement of the Ferris bill, which is the very bill which the Senator from Montana is now advocating. I will only read the headlines, because they are very clear and plain as to what the senate of Oregon felt with relation to that matter. I read:

> Senate on record against Ferris Act.
> Oregon's water-power policy declared.
> All but one for resolution.
> Even Democrats vote against administration bill.
> Eloquent appeals made.
> Approval entails meeting of 50 delegates from 10 Western States at Portland to wage fight for home control.

Mr. President, that article shows that one man who rose and wanted to approve the Ferris Act was immediately met by such a storm that when the vote came the whole senate unanimously, except that one man, voted against it; and not only that, but they put through resolutions condemning the Ferris Act. So if the Senator thinks that the western people are in favor of this leasing proposition, he is sadly mistaken.

I want to say to him that every political convention in our State for years has been against any leasing system, and specifically have they mentioned the rights of the State with respect to the waters of the State. I want to say to him that there were nine governors of nine Western States who met in the city of Salt Lake in 1913 and declared against the leasing system and in favor of the entry system. I will state that in April, 1914, the governors of nine Western States, irrespective of political party, appeared in the city of Denver and held a conference there, and they unanimously decided in favor of an entry system and against a leasing system.

I want to know whether the Senate of the United States wants to force a leasing system upon the people of the West in view of such a unanimous condemnation by the people of the West. If you do, I must say it will be a sad condition indeed. I believe it will begin a war that it will take 50 years, perhaps, to remove, and which, in my judgment, will eventually end in the repeal of such laws.

Mr. President, the Senator from Montana does not seem to recognize what is in these leasing bills. He does not seem to recognize that there is a question of the sovereignty of the State in the matter. If there is one principle that is recognized as proper and as inherent in a State itself, it is the right of that State to tax every foot of property within the borders of the State. Yet these bills which are presented here cover subjects that can not be the subject of State taxation. If you are going to deprive the State of the right of taxation upon the property within the limits of that State, Mr. President, you can absolutely deny the right of the State to raise any revenue; you can annihilate the State. When you once surrender an inherent principle of sovereignty that is supposed to exist both under the State constitution and under the Constitution of the United States, you are invading the rights of the State to an extent which I do not believe any people or any Members of the Senate will agree to if they fully understand the situation.

Mr. President, I do not care to detain the Senate any further. I have made extended remarks on this question, and I do not care to proceed further at this time. I ask that the article to which I referred from the Portland Oregonian may be appended to my remarks.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

SENATE ON RECORD AGAINST FERRIS ACT—OREGON'S WATER-POWER POLICY DECLARED—ALL BUT ONE FOR RESOLUTION—EVEN DEMOCRATS VOTE AGAINST ADMINISTRATION BILL—ELOQUENT APPEALS MADE—APPROVAL ENTAILS MEETING OF 50 DELEGATES FROM 10 WESTERN STATES AT PORTLAND TO WAGE FIGHT FOR HOME CONTROL.

[By Ronald G. Callvert.]

STATE CAPITOL, *Salem, Oreg., February 4.*

So far as the senate can accomplish that end, the State of Oregon is committed to the main elements of a definite water-power development policy antagonistic to the Ferris bill now before Congress. If there is anywhere near the unanimity in the house that was exhibited in the senate, Oregon will soon not only have declared this policy, but invited 10 other States of the West to share with it in the effort to preserve for Oregon what is Oregon's, and for the West that which belongs to the West.

Although the Ferris bill is recognized as an administration measure, or at least as one having the approval of the Secretary of the Interior, both Democratic members of the Oregon Senate supported to-day's antagonistic resolution.

Senator Strayer did no more than to vote "aye." Senator Garland spoke in his semihumorous, half-sarcastic way, but finally declared his purpose to support the bill. Later in the debate he outlined briefly and seriously his purposes. They were, he said, to place Oregon's interests above party interests whenever there was conflict.

KELLAHER SOLID MINORITY.

The support given the Ferris bill and the opposition to the resolution defining Oregon's water-power policy and calling a conference of Western States came from the habitual minority of the senate. This minority rallied its entire forces, consisting of one Daniel Kellaher, and voted solidly one vote against the resolution. Everybody else voted for it.

The resolution that has been adopted by the senate has heretofore not only been outlined but published in full in the Oregonian. Briefly, it asserts the State's title to the water within the banks of nonnavigable streams and its title to the waters of navigable streams subject to the paramount rights of commerce; declares the Government's interest in water power because of its ownership of the adjacent lands to be merely incidental; urges the Government to turn over to the water-power sites such unappropriated public lands as are needed for water-power development under terms that will guard against monopoly and speculation; and invites 10 other States to join in electing five delegates, each to attend a conference to be held in Portland next summer or fall to define more definitely the legislation that will be acceptable to the West.

ACTION WHOLLY LEGISLATIVE.

Had it not been for one feature of the resolution it would have received a unanimous vote. At least Minority Leader Kellaher declared that his entire faction would vote for it if selection of delegates were given over to the governor instead of to the legislature. Minority Leader Kellaher was emphatically resentful of what he took to be a slap at Gov. Withycombe.

The explanation given of this feature of the bill, as given by Senators Day and Thompson, was that the issue was wholly a legislative one and should be handled throughout by the legislatures. Senator Thompson pointed out that governors often were susceptible to pleas for appointment as delegates, with the result that reclamation representatives and others who had some interest in the proceedings had obtained seats in conferences previously called to attain worthy ends. As a result, the declarations or resolutions of such conferences had not been looked upon as authoritative.

KELLAHER'S MEMORIAL DOWNED.

The formal procedure consisted of defeating the original Kellaher memorial praying Congress to pass the Ferris bill as it had been adopted by the House. The substitute resolution was thereupon taken up under suspension of the rules and adopted.

Perhaps the leading address on the resolution was delivered by Senator Thompson, who called Senator Farrell to the chair that he might speak from the floor. Senator Thompson warmly defended the resolution as not in any way discrediting Secretary Franklin K. Lane. Senator Thompson asserted his belief in Secretary Lane's friendship for the West, but declared him hampered by the influence and power of a combined East. He thought Secretary Lane would be the happiest man in the world if the Western States would unite to make plain the fact that they wanted no more Pinchotism.

MONOPOLY HERE IMPOSSIBLE.

Senator Thompson also pointed out that under the provisions of the Oregon water code and those of the Oregon public-utilities law, monopoly of Oregon water power was impossible; there was no need for Congress to withdraw water-power sites. Senator Butler characterized the Ferris bill as the most deadly blow ever struck at Oregon, and eloquently insisted that the State hold and maintain its water rights. The resolution asked only for a square deal in the eyes of Senator Moser, who referred to the resolution as urging a policy opposite from that of giving money paid for Oregon's good land to the development of reclamation projects in other States.

Mr. GORE. Mr. President, I desire to assure all Senators that if the leasing bill now on the calendar, or any other leasing bill, is proposed as an amendment to the Agricultural bill, I shall feel it my duty to interpose the point of order. This has been a most illuminating discussion, and I entreat Senators now to allow us to proceed with the consideration of the appropriation bill.

The reading of the bill was continued. The next amendment was, under the head of "Bureau of Chemistry," on page 43, line 12, after "$2,500," to strike out "one food and drug inspector" and insert "two food and drug inspectors, at"; in line 13, after "$2,250," to insert "each"; and in line 17, before the word "food," to strike out "four" and insert "two," so as to read:

Salaries, Bureau of Chemistry: One chemist, who shall be chief of bureau, $5,000; 1 chief clerk, $2,500; 3 executive clerks, at $2,000 each; 8 clerks, class 4; 11 clerks, class 3; 1 clerk, $1,440; 12 clerks, class 2; 1 clerk, $1,300; 20 clerks, class 1; 13 clerks, at $1,020 each; 13 clerks, at $1,000 each; 1 clerk, $960; 25 clerks, at $900 each; 1 clerk, $840; one food and drug inspector, $2,500; two food and drug inspectors, at $2,250 each; 13 food and drug inspectors, at $2,000 each; 13 food and drug inspectors, at $1,800 each; 1 food and drug inspector, $1,620; 11 food and drug inspectors, at $1,600 each; 2 food and drug inspectors, at $1,400 each.

The amendment was agreed to.

The next amendment was, in the item of appropriation for "salaries, Bureau of Chemistry," on page 44, line 8, after the words "in all," to strike out "$291,540" and insert "$290,990."

The amendment was agreed to.

The next amendment was, on page 46, line 6, after the word "industry," to strike out "$40,000" and insert "$49,400," so as to make the clause read:

For investigating the preparation for market, handling, grading, packing, freezing, drying, storing, transportation, and preservation of poultry and eggs, and for experimental shipments of poultry and eggs within the United States, in cooperation with the Office of Markets and Rural Organization and the Bureau of Animal Industry, $49,400;

The amendment was agreed to.

The next amendment was, on page 46, after line 19, to insert:

For investigating and testing the chemical and physical properties of leather and tanning materials, and for the study of tanning processes and the utilization of tannery by-products, $8,000;

Mr. SMOOT. Mr. President, if I remember correctly this same item was presented to the Committee on Appropriations at the time they had under consideration the sundry civil bill. I have just sent for a copy of the bill as it was printed for the use of the subcommittee to find out whether I am correct or not, but I feel positive that I am. The Committee on Appropriations had a hearing on this matter, the subcommittee as well as the full committee, and it was decided not to include in that bill this item for investigating and testing the chemical and physical properties of leather and tanning materials, and for the study of tanning processes, and the utilization of tannery by-products. I ask the Senator having the bill in charge what immediate necessity there is for this appropriation and why it was put in the Agricultural appropriation bill?

Mr. GORE. Mr. President, I will say that this work has been conducted for some time by the department. The appropriation has been carried in a different item. This is merely to transfer it. I have here a letter from the Secretary of Agriculture concerning this item if the Senator would care to hear it read.

Mr. SMOOT. I should like the Senator to have the letter read, because I do believe the time will come when we must have some kind of a system established in relation to our appropriation bills. If a department goes to one committee and fails to have an item adopted it should not go to another committee and have it adopted in an appropriation bill under the charge of that particular committee. If the Senator will have the letter read I shall be very glad.

Mr. GORE. I ask the Senator from Florida [Mr. FLETCHER] to read it.

Mr. FLETCHER. This is what the Secretary of Agriculture has to say on the subject:

This item was stricken out on the floor of the House on a point of order. While it is new language, the project is not a new one, and the amount involved, $8,000, is merely a transfer from the appropriation for agricultural investigations, page 42, lines 10 to 12, inclusive, which has been reduced accordingly, and under which the work has heretofore been done. The reason given by Representative PAGE, who made the point of order, was that this work should be done in the Bureau of Standards. Last year the work of testing contract supplies was transferred to the Bureau of Standards. It was understood at that time, however, that the Bureau of Chemistry should continue the constructive work of developing the methods of making leather on a small scale on the farm. Mr. Page undoubtedly had reference to the testing of contract supplies made of leather goods. The work of the Bureau of Chemistry relates to agricultural industry in that it is developing methods by which the farmer can make small quantities of leather and includes also the utilization of products from the farm in tanning. No testing of contract supplies is contemplated under this item, and accordingly there will be no actual conflict between the work of the two bureaus. In the event the committee decides not to adopt the recommendation, it is urgently recommended that the sum involved, $8,000, be restored to the item for agricultural investigations, page 42, lines 10 to 12, inclusive.

It would seem that it does not add anything to the appropriation carried in the bill, but it provides simply another feature for investigating these tanning products, which it seems to me would prove to be quite a good deal of benefit perhaps to farmers and the people who have the products out of which tanning may be made. I know in my own State one source of that supply is what is known as scrub palmetto, which is said to make very excellent tanning material. I merely mention that, I do not know that it has any connection here, at least I do not know that the department proposes to investigate it down there at all. These various products it seems to me might be available if some investigations of this kind were made for the purpose of developing that industry.

Mr. SMOOT. Mr. President, the Bureau of Standards desires an appropriation for this same purpose, and after listening to

all they had to say, the Committee on Appropriations of the House refused to appropriate the amount for this specific purpose. They came before the Cmmittee on Appropriations of the Senate, and after listening to all that was said in relation to the needs for it, the committee decided that this item should not be put in the bill. Now we find it in the Agricultural appropriation bill.

Mr. President, I would much prefer to have the bill read as it was before. If you want to transfer this item to the item suggested by the Department of Agriculture, let us do so, if it is necessary; but let us not in this bill undertake to enumerate everything that is to be accomplished under the lump-sum appropriation referred to by the Secretary of Agriculture. Whenever it is started, Mr. President, and it becomes an item of itself I notice that it never gets out of the appropriation bill. That is why this item is taken out of the lump sum and put into a particular item by itself.

Mr. President, this year it will be $8,000. Next year the item will be reported and increased perhaps to $10,000, and the next year to $15,000, and the next year to $20,000. I only say this because that is the usual policy followed. That has been the result in the past when items of this kind are mentioned in a paragraph by themselves for some particular purpose.

I will ask the Senator having the bill in charge if he is not satisfied to return to page 42 and increase the lump sum there $8,000 and allow this item to go out.

Mr. GORE. I may say that the Secretary suggested that it would be better to state explicitly the purpose for which the appropriation was made. I think there are some good arguments in favor of that course; but, on the other hand, I appreciate the force of the suggestion on the part of the Senator from Utah that when one of these investigations starts it never stops. There seems to be no subject investigated where any department is ever able to find out everything, and they go on forever. I have no serious objection to the transfer, and I will agree to it to facilitate the passage of the bill.

Mr. SMOOT. The designation is wrong in the letter as applied to the bill as it is before us, but wherever the lump sum is stated in the bill, let it be increased $8,000.

Mr. FLETCHER. The letter, I think, refers to the bill as it came from the House.

Mr. SMOOT. I noticed that in looking at the bill.

Mr. FLETCHER. It can be inserted at the proper place where it belongs.

Mr. GORE. I ask unanimous consent that the insertion may be made at the proper place.

The PRESIDING OFFICER. Without objection, the amendment will be disagreed to.

Mr. SMOOT. And then added to the lump sum.

The PRESIDING OFFICER. The clerks in making up the totals will be instructed to add $8,000 to the lump sum at the proper place.

The next amendment was, on page 47, line 1, after the words "general expenses," to strike out "$139,680" and insert "$149,080."

Mr. SMOOT. Of course the total will be changed now, taking $8,000 out of the amount.

Mr. GORE. I should like at this place to ask unanimous consent to have the total changed to conform to the amendment made.

The PRESIDING OFFICER. Without objection, it is so ordered.

The next amendment was, on page 47, line 19, after the word "Chemistry," to strike out "$1,066,381" and insert "$1,075,231," so as to make the clause read:

Total for Bureau of Chemistry, $1,075,231.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Entomology," on page 50, line 9, before the word "charwomen," to strike out "two" and insert "three," and in the same line, after the words "in all," to strike out "$69,050" and insert "$69,530," so as to make the clause read:

Salaries, Bureau of Entomology: One entomologist, who shall be chief of bureau, $4,500; 1 chief clerk and executive assistant, $2,250; 1 financial clerk, $1,800; 3 clerks, class 4; 3 clerks, class 3; 9 clerks, class 2; 7 clerks, class 1; 7 clerks, at $1,000 each; 2 clerks, at $900 each; 2 entomological draftsmen, at $1,400 each; 1 entomological draftsman, $1,080; 4 foremen, at $1,080 each; 2 entomological preparators, at $840 each; 1 entomological preparator, $720; 6 entomological preparators, at $600 each; 1 messenger, $840; 2 messengers or laborers, at $720 each; 4 messenger boys, at $360 each; 1 mechanic, $840; 1 laborer, $540; 3 charwomen, at $480 each; 1 charwoman, $240; in all, $69,530.

The amendment was agreed to.

The next amendment was, on page 52, line 13, after the word "Entomology," to strike out "$829,420" and insert "$829,900," so as to make the clause read:

Total for Bureau of Entomology, $829,900.

The amendment was agreed to.

The next amendment was, on page 54, after line 6, to insert:

For the improvement of the game preserve in Sullys Hill National Park, in the State of North Dakota, including the construction of all fences, sheds, buildings, corrals, roads, and other structures which may be necessary, in addition to the amount heretofore appropriated, $10,000, the same to be available until expended.

Mr. SMOOT. I should like to ask the Senator from North Dakota if this same item which was appropriated a year ago was retained in the bill, or was it lost in conference?

Mr. WARREN. I do not see the Senator from North Dakota present, but I will state that it was lost in conference except a small amount.

The amendment was agreed to.

The next amendment was, on page 54, line 16, after the word "wolves," to insert "coyotes," and in line 19, after the word "marten," to strike out "$110,000" and insert "$300,000," so as to read:

For investigating the food habits of North American birds and mammals in relation to agriculture, horticulture, and forestry, including experiments and demonstrations in destroying wolves, coyotes, prairie dogs, and other animals injurious to agriculture and animal husbandry, and for investigations and experiments in connection with rearing of fur-bearing animals, including mink and marten, $300,000.

Mr. THOMPSON. Mr. President, I feel obliged to object to that item.

Mr. GORE. I will ask to have the item passed over, if that course is agreeable to the Senator from Kansas.

Mr. THOMPSON. It is agreeable to me.

Mr. WARREN. Does the Senator wish to occupy any time on it?

Mr. THOMPSON. A few moments.

Mr. WARREN. I will ask the chairman if it is his wish that it shall go over. Of course, it might as well be settled now as at any time, perhaps. I make no objection if the chairman wishes to have it go over.

Mr. GORE. I fear that the debate might run on and oblige us to stop the consideration of unobjected amendments, and I would not like to have that situation arise at this juncture.

The PRESIDING OFFICER. Is there objection to having the amendment passed over?

Mr. GORE. I should like to insert a comma after the word "animals."

The PRESIDING OFFICER. Without objection, that amendment will be agreed to.

Mr. THOMPSON. We are not agreeing to the appropriation of $300,000?

The PRESIDING OFFICER. No; simply the insertion of a comma. The Senator from Oklahoma, the Chair understands, requests that the amendment be passed over.

Mr. GORE. Yes; for fear that the discussion may develop the want of a quorum.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and the amendment will be passed over.

The next amendment was, on page 55, line 17, after the word "expenses," to strike out "$236,820" and insert "$436,820."

The amendment was agreed to.

The next amendment was, on page 55, line 18, after the words "Biological Survey," to strike out "$271,290" and insert "$471,290," so as to make the clause read:

Total for Bureau of Biological Survey, $471,290.

The amendment was agreed to.

The next amendment was, under the head of "Division of Publications," in the item of appropriation for salaries, Division of Publications, on page 57, line 2, after the word "each," to insert "one chief folder, $1,200," and in line 10, before the word "four," to strike out "two laborers, at $600 each," so as to read:

Four skilled laborers, at $780 each; 1 chief folder, $1,200; 16 skilled laborers, at $720 each; 1 folder, $1,000; 2 folders, at $900 each; 2 skilled laborers, at $1,100 each; 1 skilled laborer, $1,000; 2 messengers, at $840 each; 2 messengers, at $720 each; 3 messengers or messenger boys, at $600 each; 2 messengers or messenger boys, at $480 each; 2 messengers or messenger boys, at $420 each; 2 messengers or messenger boys, at $360 each; 1 laborer, $840; 4 charwomen, at $480 each; 3 charwomen, at $240 each; in all, $174,750.

The amendment was agreed to.

The next amendment was, under the head of "Library, Department of Agriculture," on page 59, line 26, after the word

"expenses," to strike out "$17,500," and insert "$16,300," so as to read:

General expenses, library: For books of reference, technical and scientific books, papers and periodicals, and for expenses incurred in completing imperfect series; for the employment of additional assistants in the city of Washington and elsewhere; for official traveling expenses, and for library fixtures, library cards, supplies, and for all other necessary expenses, $16,300.

The amendment was agreed to.

The next amendment was, on page 60, line 4, after the word "Library," to strike out "$47,220," and insert "$46,020"; so as to make the clause read:

Total for library, $46,020.

The amendment was agreed to.

The next amendment was, under the head of "Miscellaneous expenses," on page 60, line 21, after "$115,000," to insert "of which sum $5,000 shall be immediately available," so as to make the clause read:

Miscellaneous expenses, Department of Agriculture: For stationery, blank books, twine, paper, gum, dry goods, soap, brushes, brooms, mats, oils, paints, glass, lumber, hardware, ice, fuel, water and gas pipes, heating apparatus, furniture, carpets, and matting; for lights, freight, express charges, advertising, telegraphing, telephoning, postage, washing towels, and necessary repairs and improvements to buildings, grounds, and heating apparatus; for the purchase, subsistence, and care of horses and the purchase and repair of harness and vehicles, for official purposes only; for the payment of duties on imported articles, and the Department of Agriculture's proportionate share of the expense of the dispatch agent in New York; for official traveling expenses; and for other miscellaneous supplies and expenses not otherwise provided for, and necessary for the practical and efficient work of the department, $115,000, of which sum $5,000 shall be immediately available.

The amendment was agreed to.

Mr. WILLIAMS. Mr. President, I should like to ask the Senator from Oklahoma, in charge of the bill, why the large amount of rent for buildings for the Department of Agriculture forms an item in this bill? A few years ago the Agricultural Department was confined to the old building. We then gave $1,000,000 to erect a new building. At that time they said that the new building would house everything that they had, and that they could dispose of the old building—could tear it down, because it was not very pretty and was in the Mall. Now they have both buildings; and I see here is a charge of $125,000 per year for rent. Will the Senator from Oklahoma tell me what it is for, and why it should be?

Mr. GORE. Mr. President, I will say to the Senator that this amount is the amount estimated by the department. I think they are just preparing to occupy one or two new buildings. Of course it is due to the expansion of the service in the Agricultural Department. I can not give any of the details in regard to the amount of space used.

Mr. WILLIAMS. What branches of the department are renting?

Mr. GORE. I think quite nearly all of them are. We made an effort at the last session, when the last appropriation bill was passed, to provide long-term leases, so as to reduce the rents, but it failed to meet the approval of the Senate and went out.

Mr. WILLIAMS. Mr. President, I want to say this: The departments in this city are coming to us all the time to erect new buildings of a very fine character, architecturally ornate and impressive, but I do not find that they reduce their rental charges one particle when we construct such buildings.

The Department of Justice wants a building just now; the Department of State wants a building; the Department of Agriculture, before I left the other House, wanted this building. We gave them a million dollars; they have had the building quite a long while; and, as well as I can gather, they have not reduced their rental charges from what they were when they had only the old building.

I introduced a resolution of inquiry quite early in my term in the Senate—and I shall renew it at the beginning of the next session—to have the Committee on Public Buildings and Grounds make an inquiry to discover how many of the departments are renting property in the District of Columbia, why they are renting it, who made the contracts; that is, what particular blood-and-flesh man, representing a department, actually negotiated the lease—not what departments made them, not what division or bureau made them, but what particular person made them—and why it is that the Government rentals are so high in this District, and whether or not those renting precisely the same sort of property to private individuals get less rent than when such property is rented to the Government. I understand that several divisions of the Agricultural Department are in rented buildings.

Mr. GORE. Mr. President, I will say to the Senator that I can now furnish a detailed statement of the rent roll for the current year.

Mr. WILLIAMS. Very well.

Mr. GORE. The appropriations for the fiscal year is a lump-sum appropriation. I send it to the desk, and ask to have the Secretary read it.

Mr. WILLIAMS. I will yield to have it read.

The PRESIDING OFIFCER. The Secretary will read as requested.

The Secretary read as follows:

RENT OF BUILDINGS, DEPARTMENT OF AGRICULTURE.

For rent of buildings and parts of buildings in the District of Columbia for use of the various bureaus, divisions, and offices of the Department of Agriculture, namely:
For Bureau of Animal Industry, $2,220;
For Bureau of Plant Industry, $26,420;
For Forest Service, $25,075;
For Bureau of Chemistry, $17,320;
For Bureau of Soils, $306;
For Divison of Publications, $5,000;
For Office of Solicitor, $2,160;
For Office of Experiment Stations, $5,000;
For Office of Public Roads, $3,500;
For additional rent in cases of emergency for any bureau, division, or office of the department, $21,328;
In all, $108,329.

Mr. WILLIAMS. Mr. President, this is a singular illustration of just what I was talking about. Not only is the Department of Agriculture renting buildings all over the District of Columbia, but all the various divisions of the Department of Agriculture are partially renting. They could not even put the Division of Animal Industry all in the public agricultural buildings which the Government owns; they could not even put all of the Plant Industry Division there; they could not even put all of the Forest Service there—in fact, I believe all of the Forest Service is outside of it; they could not put all of the Bureau of Chemistry there; they could not even put all of the Bureau of Soils there; they could not even house the Division of Publications there. They have got also to rent a special office for the Solicitor of the Department of Agriculture. They could not even put all of the Experiment Station Office there; they could not even put all of the rooms for the Office of Public Roads there.

You would think that, if the department wanted to rent outside, they would rent some building for some special division instead of renting a part of 10 buildings for parts of 10 divisions.

Mr. GALLINGER. Will the Senator permit me to interrupt him?

Mr. WILLIAMS. Yes.

Mr. GALLINGER. Will the Senator state the amount of rental that the office of solicitor calls for?

Mr. WILLIAMS. The rental for the office of solicitor is $2,160.

Mr. GALLINGER. It strikes me that that is an illustration of the fact that they are paying excessive rentals. The idea that a single office of a single individual should require $2,160 rental a year is preposterous.

Mr. WILLIAMS. Mr. President, I think my colleagues here on both sides of the Chamber will bear me out in the claim I make that I am one of the least muckraking of all men in my disposition or in my temperament, but I am tired of this. I do not know how true it may be; I do not know whether or not it is true, but a friend of mine in the city of Washington, who did not want her name mentioned in connection with the matter, one day asked me, "Do you know what the Government is paying for this little property here?" I said, "No; I do not." She told me, and she said, "Right next door to it"—it was about where Gude's florist establishment was at that time, I believe—"private individuals are renting room almost just like it for one-fourth the amount of money." I do not know whether she was correctly informed or not, and I could not use her name, because what she was stating to me was upon information and not based on personal knowledge. In my private opinion there is a great deal of graft in this, and, as I suspect and fear, some "rake-off" to somebody representing the Government as actual negotiating agent. I do not mean in regard to these particular items; I do not know about them, but in my private opinion a great deal of this renting business is utterly useless. It reminds me of a man with five rooms to his house building four more rooms, and then finding after he is through that he has not any more room than he had before he built the four additional rooms. That frequently happens with a bad manager—when the woman of the household does not know how to manage things.

We have these two great wings there of the Agricultural Department Building, to be connected some of these days in the remote future by an ornamental passageway over the street, and perhaps with offices above the passageway; and we were assured, when the Agricultural Committee reported the appropriation to erect the building favorably to the House—and I was then the senior Democratic member of the Agricultural Committee in the House and Mr. Wadsworth, of New York, was chairman of that committee—we were assured at that time that not only would the new building accommodate the Department of Agriculture, but that it would enable us to remove from the Mall the old building, which is an eyesore, and which is not, architecturally speaking, a part of the general plan of the Mall at all, but is a disfigurement. Now, it turns out that here are ten different divisions of the Department of Agriculture renting all over this town.

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Colorado?

Mr. WILLIAMS. I do.

Mr. SHAFROTH. I should like to suggest to the Senator that there is now about to be torn down a splendid building adjoining the Capitol Grounds, called the Maltby Building——

Mr. WILLIAMS. I was just going to come to that.

Mr. SHAFROTH (continuing). Belonging to the Government; and also a row of houses are to be torn down that could accommodate pretty nearly any department of the Government. It is of no use to tear them down; they are part of a park scheme; but they do not fit in with the park scheme.

Mr. WILLIAMS. I was going to come to that after a bit.

Now, I hope that when the next session of Congress begins other Senators will aid me in probing this matter to the bottom. I do not refer especially to the Department of Agriculture; I have no reason to suspect anything particularly in connection with that department or with any other department; I have no information on which to base a charge of any sort; but it smells bad, it looks bad, it feels bad; and it seems to me that there is graft and perhaps "rake-off" in it somewhere along the line. I have been noticing for years that no matter what we build it seems to be to somebody's interest to see to it that the landlords of Washington rent the usual amount of property to the United States Government, and at very stiff prices, as this one item mentioned by the Senator from New Hampshire shows.

Mr. President, as the Senator from Colorado [Mr. SHAFROTH] said some time ago, Congress—I do not know just when; I do not remember now, but it was while I was in the House—passed a bill to condemn parts of 12 squares in the neighborhood of the Capitol. The part west of New Jersey Avenue they seem not to have condemned thus far. There was a provision in the bill, I think, to the effect that not over $500,000 should be expended in any one year in condemnation proceedings. They seem, therefore, thus far not to have condemned west of New Jersey Avenue, because I noticed lights shining in all the houses there to-night, showing occupancy. West of that avenue is the Maltby Building, upon the corner, and all those other buildings which now belong, or which will belong when condemned under the law, to the United States Government. Why can we not stop the condemnation right at New Jersey Avenue?

When the matter came up in the House it was then my function to object to unanimous consent for things, being minority floor leader. It was brought to me, and I said, "I am perfectly willing to have a vista between the new Union Railway Station and the Capitol. When visitors and tourists come to Washington I should like them from the station to see the Senate Office Building, the Capitol, and all that; but all you need in the world, instead of 12 squares, is the property between the Senate Office Building and the Union Station and the square just west of that;" and I thought it was arranged in that way. Somebody came to me and said, "The matter has been fixed the way you want it," and I did not know until I came to the Senate of the United States that these 12 squares had been condemned and put under an everlasting commission, which may never expire until the sun itself ceases to give light to the earth.

Why can we not in some way stop that, and why can not the Agricultural Department locate its force on that side of New Jersey Avenue, in the Maltby and the other buildings, if we do proceed with the condemnation and if the Government does buy that square? Why should we tear down the Maltby Building? Why should we tear down all these other buildings, when not only the Department of Agriculture but every other department is renting outside buildings somewhere?

Senators need not fool themselves. Instead of housing the State, War, and Navy Departments in one great building, if we were to construct a new building for the State Department, we would find it still renting. If you construct a great building for the Department of Justice, you will find it still renting. Somehow or other—I do not know why, but somehow or other—you can not unclasp the tentacles of the landlord interests here off of the Federal Government.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WARREN. I want to say to the Senator from Mississippi that there was not an appropriation of a half million dollars this year. A large appropriation was made two years ago to cover the entire balance of condemnation amounts. The law provided, if I remember correctly, that connected with this improvement there should be an avenue starting at the Peace Monument and ending on the axis in the center of the Union Station.

Mr. WILLIAMS. Mr. President, I am glad the Senator mentioned that; that is one thing which I forgot. If there is anything in the world that ought not to be done, that is the thing. Do you know, if they run that avenue from the Union Station down to the Peace Monument, what it is going to do? It is going cut off a corner of the historic old Capitol Park Grounds close to the little grotto. It will cut off a corner there, and why? Just because somebody wants to draw a straight line, when it will be just as easy to skip it, and to leave the trees that were planted there in Jefferson's administration with the beautiful idea that there should be in the Capitol Grounds a representative of every sort of tree that was native to America that would grow in the grounds. There is the old spring, that was there before the Capitol was built, in that little grotto. How close the avenue will come to that I do not know.

Mr. WARREN. Not near it.

Mr. WILLIAMS. But it will cut off the corner just to the north of it or to the northwest of it. That is my information.

Mr. WARREN. It will take a trifle off the grounds to the northwest, I will say to the Senator, but not to the north.

Mr. WILLIAMS. That is what I meant. It will take off that corner; and there is no reason why it should, and there is no reason under the sun why the Capitol Grounds, which are already so large that it takes the police force of an average city, in numbers at any rate, to take care of them, should be extended except for the purpose of opening a vista between the Union Station and the Capitol itself.

Mr. WARREN. Well, Mr. President, I did not rise to take issue at all with the Senator with regard to what has been done. We have followed the law. We appropriated $500,000 each year for several years, and then appropriated for the remainder a lump sum, to acquire all the land which I understood it was intended to acquire.

Now, as to the Maltby Building, I think I was a Member of the Senate when it was purchased. It was purchased at a small figure, because at the time there was a rumor that it could not be rented for an apartment house because it was considered unsafe. However, we took the chances on that. Later on it was, if not officially condemned, at least condemned in the minds of a great many people, and I recall a great many fervid speeches made by Senators upon the other side of the Chamber—the Democratic side—in favor of constructing the great, extravagant, but elegant and satisfactory, building which we are now occupying as the Senate Office Building, because the Maltby Building was unsafe, and it was said that we had no right to keep Senators in an unsafe building. I myself occupied committee rooms on the third or fourth floor of the Maltby Building for several years and without fear, but some Senators seemed worried.

Mr. WILLIAMS. Mr. President, unfortunately I too remember all that.

Mr. WARREN. Well, I thought that ought to go into the RECORD with the statement of the Senator from Mississippi.

Mr. WILLIAMS. Yes; and we will put a little bit more into the RECORD. About that time the House constructed the House Office Building at a cost, I believe, of $3,800,000—I have forgotten the exact amount now.

They could have given each Member of Congress at that time, and his successors in perpetuity, a $10,000 home in Washington for the same amount. After they got the Office Building built it never did any particular good, but the chief effect of it was that it took twice as long to get a quorum into the House as it had taken previously to that time. Then the Senate said to itself: "Well, if the House is going to 'swell' like that, we want to swell a little, too; so we will spend $2,500,000," I believe it was, "to furnish offices for 96 men." You proceeded to do it; and in order to get popular approval—misled, perhaps, by experts; I do not know; men generally are—men did stand upon this floor and say that the Maltby Building was "unsafe"; it was "apt to fall down" overnight, as the Germans say. Why, from what they said, a man who went down there and dic-

tated a letter ought to have gotten extra life insurance. And with all that this Senate got an excuse to build the Senate Office Building, costing two million and a half dollars, for offices for 96 men.

Mr. GALLINGER. Mr. President, I think it cost nearer $4,000,000.

Mr. WILLIAMS. Was it $4,000,000?

Mr. GALLINGER. I think so.

Mr. WILLIAMS. Well, I think the original appropriation was two and a half million dollars.

Mr. GALLINGER. Yes.

Mr. WILLIAMS. Like most original appropriations, then, it grew by what it fed upon, to wit, itself.

Mr. WARREN. Mr. President, I wish to ask the Senator from New Hampshire if the site did not cost two or three or four times as much as the estimate that was furnished upon which those figures were based when we made the appropriation?

Mr. WILLIAMS. However that may be, if they had confined the cost to the original estimate it would have been a very expensive piece of luxury for 96 men; but the excuse was that those Senators who had no offices in the Capitol and were in the Maltby Building were daily threatened with life extinction; and you built the Senate Office Building, and now we have so many offices that some Senators have five offices. I believe one committee has seven rooms for offices. The excuse, at any rate, was that the Maltby Building was about to fall down; and the Senator from Colorado [Mr. SHAFROTH], who has been down there recently and inspected it, informs me that even now there is not a crack in it that he can discover from the basement to the roof. Is that correct?

Mr. SHAFROTH. I will state that I went all around the building, and I could not find a crack in the rear walls which would show whether or not there was a settling of the foundation, and nothing in the nature of a crack, except under sills or something of that sort, of minor importance, that is found on every building.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. GORE. If any Senator desires to offer an amendment to abolish the House and Senate Office Buildings, I will accept it. [Laughter.]

The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, under the head of "States Relations Service," at the top of page 66, to insert:

That hereafter there be prepared by the Department of Agriculture an annual report on the work and expenditures of the agricultural experiment stations established under the act of Congress of March 2, 1887 (24 Stat. L., 440), on the work and expenditures of the Department of Agriculture in connection therewith, and on the cooperative agricultural extension work and expenditures of the Department of Agriculture and of agricultural colleges under the act of May 8, 1914, entitled "An act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, and the United States Department of Agriculture"; and that there be printed annually 8,000 copies of said report, of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 5,000 copies for the use of the Department of Agriculture.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. The Senator from Utah.

Mr. SMOOT. I make the point of order against that amendment beginning in line 16, after the word "Agriculture," as follows—

and that there be printed annually 8,000 copies of said report, of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 5,000 copies for the use of the Department of Agriculture.

Mr. President, that would conflict with the present law, the printing law, and it is clearly subject to a point of order.

The PRESIDING OFFICER. The Chair would like to ask the Senator from Oklahoma whether this is a new item of appropriation or contrary to any existing law?

Mr. SMOOT. It went out in the House on a point of order. I do not want to make a point of order against the whole amendment, but I do make the point of order against the latter part.

The PRESIDING OFFICER. The Chair understands that the Senator desires to divide this amendment?

Mr. SMOOT. I do.

The PRESIDING OFFICER. If there be no objection, the part of the amendment on page 66 to line 16 will be agreed to. The Chair hears no objection.

Mr. GALLINGER. Mr. President, I should like to inquire of the Senator from Utah what good this report will be if it is not printed?

Mr. SMOOT. It will be then in just exactly the same position as any other report. Under the printing law a certain number of copies of it will be printed; but this provision will not only interfere with our Rule XXIX, paragraph 2, but it will also interfere with the laws providing for the printing of public documents and reports. Therefore I make the point of order against the latter part of it.

The PRESIDING OFFICER. The Chair understands that this is not general legislation. Does the Senator from Utah make the point of order that it is general legislation?

Mr. SMOOT. No; I make the point of order that it is changing existing law.

Mr. GALLINGER. That point will not hold on this matter.

The PRESIDING OFFICER. The Chair understands that under Rule XVI general legislation is not in order on an appropriation bill; but this is not general legislation, as the Chair understands. It is confined simply to the publication of one document.

Mr. SMOOT. Yes, Mr. President; but the present law provides that a certain number of all of these documents shall be printed. Let me call attention also to Rule XXIX of the standing rules of the Senate, paragraph 2:

Motions to print additional numbers shall also be referred to the Committee on Printing; and when the committee shall report favorably the report shall be accompanied by an estimate of the probable cost thereof; and when the cost of printing such additional numbers shall exceed the sum of $500 the concurrence of the House of Representatives shall be necessary for an order to print the same.

Under the provisions of this law this could amount to more than $500. Under the standing rules of this body if it did, it would have to receive the sanction of the House of Representatives, and therefore would have to be referred to that body. This same point was raised and sustained in the House of Representatives.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. GORE. I think possibly the Senator from Utah is under an erroneous impression in regard to this act. The act of April 27, 1904, provides for the publication of the reports of the Office of Agricultural Experiment Stations. The Agricultural bill last year authorized the Secretary of Agriculture to report a plan for the reorganization of the department. The House bill adopted the plan of reorganization proposed by the department under that reorganization. Under the plan of reorganization the name of the Office of Experiment Stations has been changed to the Office of State Relations; and there is a question as to whether or not this publication, already provided for by the act of April 27, 1904, could be done under the changed name of the office. It is to meet that situation that this amendment is proposed. It is not to provide for a new printing, as I understand, but to continue printing heretofore authorized and, I think, perhaps required by law.

Mr. SMOOT. Mr. President, of course it is not only changing the law providing that a certain number of copies shall be printed, as all other reports are provided for, but this provision states that "there shall be printed annually 8,000 copies of said report." I want to say to the Senator that there is no report of which that number of copies are allowed to be printed under the present printing law. This changes that law, and it is also in violation of paragraph 2 of Rule XXIX.

Mr. GORE. Mr. President, I should like to have read the letter of the Secretary of Agriculture in relation to this point.

The PRESIDING OFFICER. The Chair is prepared to rule on the point of order.

Mr. FLETCHER. Mr. President, let me make a suggestion. It seems to me that these reports ought to be printed, and we ought to authorize them. It is not a question of the Senate merely doing it by an amendment of this kind. Of course this goes into the law, and Congress certainly has the right to authorize the printing of these reports. The law as it exists authorizes printing them as reports from experiment stations. Here we are considering the question of the States Relations Service reports, and it seems to me there ought to be some authority to print those reports. If the Senator makes the point of order against this item, there is no authority left to print these reports at all.

Mr. SMOOT. No; the Senator certainly misunderstood me if he thinks that is the case, or else I did not explain myself clearly. The present law provides that a certain number of copies of the report of the department shall be printed; but the department is not satisfied with the regular number, but wants now 8,000 copies of it.

Mr. FLETCHER. In addition to the regular number? I think the Senator is mistaken about that.

Mr. SMOOT. No; it does not say in addition to the regular number, nor do I think that it is in addition to the regular number, but it is 8,000 copies to take the place of the regular number.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. The Chair is prepared to rule.

Mr. GORE. Mr. President——

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GALLINGER. I desire to submit just one observation. The Senator from Utah says this item went out on a point of order in the House of Representatives. The Senator occupying the chair [Mr. SWANSON in the chair] knows that the rule in the House is very different from the rule in this body, and that a change of law is subject to a point of order in the House of Representatives. It is not in this body at all. I will further submit the suggestion that whatever the law may be regarding the printing of reports the Senate surely must have the power to provide for printing a larger number if it sees fit to do so.

I do not know whether this is wise or not; but to say that the Senate can not in its discretion and its wisdom provide for printing a larger number than is provided for in the case of ordinary documents strikes me as being rather remarkable.

The PRESIDING OFFICER. The Chair is satisfied——

Mr. GRONNA. Mr. President, just a word.

Mr. GORE. I send to the desk the letter of the Secretary, which I should like to have read.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. GRONNA. I think the Senator from Utah should forego making the point of order on this amendment. This is a provision to permit the Secretary of Agriculture to print a report to show to the Senate and to the House of Representatives how successful the department has been in teaching the farmer how to farm.

I think the Senate will remember that when this law was passed about a year ago I called their attention to the fact that what the farmer needed more than anything else was a market. While I made no particular objection to an appropriation of money to assist the farmer or to teach the farmer how to farm, I insisted that there was a greater demand to help him to be able to distribute his products. We of the North do not happen to suffer this year, because we have produced an abundance of products that the world needs. You people of the South have produced so much cotton that you are unable to sell it. Consequently the price has declined, and the farmers of the South are suffering from it.

No business man, no matter whether he is engaged in manufacturing or in any other business, is going to produce so much or to throw so much of his product on the market that it will depress prices; but it is different with the farmer. I am simply taking the time of the Senate for just a moment to call attention to what I said when this law was enacted a year or two ago. The appropriation has not benefited the American farmer. It has not benefited the people of the South. It has not benefited the people of the North. I might just as well take the time of the Senate now to call attention to the fact that what we are in need of more than anything else is a system of marketing, or a system of distribution.

With the permission of the Senate, I wish to read a short article published in one of my home papers, the Walhalla Mountaineer. It is an article written by Peter Radford. Mr. Radford is the lecturer of the Farmers' National Union.

MARKETING WORLD'S GREATEST PROBLEM—WE ARE LONG ON PRODUCTION, SHORT ON DISTRIBUTION.

[By Peter Radford, lecturer National Farmers' Union.]

The economic distribution of farm products is to-day the world's greatest problem, and the war, while it has brought its hardships, has clearly emphasized the importance of distribution as a factor in American agriculture and promises to give the farmers the cooperation of the Government and the business men the solution of their marketing problem.

This result will, in a measure, compensate us for our war losses, for the business interests and Government have been in the main assisting almost exclusively on the production side of agriculture. While the Department of Agriculture has been dumping tons of literature on the farmer telling him how to produce, the farmer has been dumping tons of products in the Nation's garbage can for want of a market.

While that does not apply to the farmers this year, it did apply last year, and it will apply again just as soon as peace is established in Europe.

THE WORLD WILL NEVER STARVE.

At no time since Adam and Eve were driven from the Garden of Eden have the inhabitants of this world suffered from lack of production, but some people have gone hungry from the day of creation to this good hour for the lack of proper distribution. Slight variations in production have forced a change in diet, and one locality has felt the pinch of want while another surfeited, but the world as a whole has ever been a land of plenty.

We now have less than one-tenth of the tillable land of the earth's surface under cultivation, and we not only have this surplus area to draw on, but it is safe to estimate that in case of dire necessity one-half the earth's population could at the present time knock their living out of the trees of the forest, gather it from wild vines, and draw it from streams. No one should become alarmed; the world will never starve.

The consumer has always feared that the producer would not supply him, and his fright has found expression on the statute books of our States and nations, and the farmer has been urged to produce recklessly and without reference to a market and regardless of the demands of the consumer.

BACK TO THE SOIL.

The city people have been urging each other to move back to the farm, but very few of them have moved. We welcome our city cousins back to the soil; and this earth's surface contains 16,092,160,000 idle acres of tillable land where they can make a living by tickling the earth with a forked stick; but we do not need them, so far as increasing production is concerned; we now have all the producers we can use. The city man has very erroneous ideas of agricultural conditions. The commonly accepted theory that we are short on production is all wrong. Our annual increase in production far exceeds that of our increase in population.

THE WORLD AS A FARM.

Taking the world as one big farm, we find 2,000,000,000 acres of land in cultivation. Of this amount there is approximately 750,000,000 acres on the western and 1,260,000,000 acres on the eastern hemisphere in cultivation. This estimate of course does not include grazing lands, forests, etc., where large quantities of meat are produced.

The world's annual crop approximates 15,000,0000,000 bushels of cereals, 13,000,000,000 pounds of fiber, and 65,000,000 tons of meat.

The average annual world crop for the past five years, compared with the previous five years, is as follows:

Past half decade.

Crops:		
Corn	bushels	3,934,174,000
Wheat	do	3,522,769,000
Oats	do	4,120,017,000
Cotton	bales	19,863,800

Previous half decade.

Crops:		
Corn	bushels	3,403,655,000
Wheat	do	3,257,526,000
Oats	do	3,508,315,000
Cotton	bales	17,541,200

The world shows an average increase in cereal production of 13 per cent during the past decade, compared with the previous five years, while the world's population shows an increase of only 3 per cent.

The gain in production far exceeds that of our increase in population, and it is safe to estimate that the farmer can easily increase production 25 per cent if a remunerative market can be found for the products. In textile fibers the world shows an increase during the past half decade in production of 15 per cent, against a population increase of 3 per cent.

The people of this Nation should address themselves to the subject of improved facilities for distribution.

During the reading of the article,

Mr. JAMES. Mr. President, I rise to a point of order.

Mr. GRONNA. The Senator need not do that. I will be through in a minute, and the Senator can not take me off my feet.

Mr. JAMES. I did not mean to take the Senator off his feet. I merely intended to make a point of order that the point of order is not debatable; and, if it was, the Senator was not debating it. If he is going to get through soon, I will not insist upon it.

The PRESIDING OFFICER. The point of order can not be debated under the rules of the Senate if it is insisted on.

Mr. JAMES. I will not insist upon the point of order.

Mr. McCUMBER. I understood that my colleague asked the Senator from Utah to withhold his point of order, in order that he might make his statement, and I understood that was assented to.

Mr. GRONNA. I did make that request.

The PRESIDING OFFICER. The Chair did not understand the Senator from Utah to withhold his point of order.

Mr. SMOOT. The Senator from North Dakota will be through in a very few minutes.

Mr. JAMES. I say that I will not make the point of order as the Senator will be through in a moment. It is all right.

Mr. GRONNA. I am much obliged to the Senator from Kentucky.

After the reading of the article,

Mr. GRONNA. Mr. President, in conclusion, I wish to say I do not think that this provision is subject to the point of order.

The PRESIDING OFFICER. The Chair is prepared to rule upon it.

Mr. BRANDEGEE. Mr. President, will the Chair indulge me a moment before ruling?

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BRANDEGEE. I know how anxious the Chair is to rule, but I will guarantee not to take any time.

The PRESIDING OFFICER. The Chair will hear the Senator from Connecticut. The Senator from Kentucky has made a point of order that it is not debatable.

Mr. BRANDEGEE. I admit that it is not debatable, and I do not claim any right to proceed unless the Chair will say it is willing to hear discussion.

The PRESIDING OFFICER. The Chair is willing to hear the Senator from Connecticut, but the Chair has a definite conclusion on the subject.

Mr. BRANDEGEE. I have no doubt the Chair has made up his mind irrevocably.

Mr. SMOOT. I desire to withdraw the point of order and let it go into conference.

The PRESIDING OFFICER. The Chair is prepared to rule.

Mr. BRANDEGEE. Being somewhat of a mind reader, I had an intuition myself, but I renew the point of order, and I make it on the whole paragraph; not the point of order on which the Chair has ruled.

The PRESIDING OFFICER. The first part of the amendment has already been agreed to.

Mr. BRANDEGEE. Then I can not do that.

The PRESIDING OFFICER. The Senator can not do that. Only the latter part has not been agreed to.

Mr. BRANDEGEE. The point of order which the Senator from Utah made has been ruled upon by the Chair?

The PRESIDING OFFICER. It has not.

Mr. BRANDEGEE. But the Chair had agreed to hear me.

The PRESIDING OFFICER. The Chair is willing to hear the Senator from Connecticut.

Mr. BRANDEGEE. I simply want to say that clause 3 of Rule XVI provides that—

No amendment which proposes general legislation shall be received to any general appropriation bill.

Mr. President, I would not ask to be heard if I did not think this an important matter, because the Chair's ruling is liable to be cited as a precedent.

Mr. GORE. Mr. President——

Mr. BRANDEGEE. I yield to the Senator from Oklahoma for a question.

Mr. GORE. I should like to have the letter of the Secretary read before the Senator proceeds.

Mr. BRANDEGEE. I am perfectly willing to have the letter read if the Chair will recognize me afterwards.

The PRESIDING OFFICER. The Chair will recognize the Senator on the point of order. The letter will be read.

Mr. GORE. I think this discussion ought to proceed in the light of the letter.

The PRESIDING OFFICER. The letter will be read.

The Secretary read as follows:

This provision was eliminated on the floor of the House on a point of order. The act of April 27, 1904 (33 Stat., 590), authorizes the printing of the report of the Director of the Office of Experiment Stations on the work and expenditures of that office and of the agricultural experiment stations. This is a permanent provision of law. In the bill the Office of Experiment Stations is converted into the States Relations Service. In view of this change it is doubtful whether the latter will be authorized to prepare the report in question. The language suggested makes no change in the substance of the act of 1904 except that it requires that the report incorporate an account of the activities and disbursements under the Lever Extension Act. The alterations in phraseology, in all respects except as just noted, are merely adaptations of existing law to the new proposed form of organization of the office formerly called the Office of Experiment Stations. The Lever Extension Act directs the Secretary of Agriculture to report to Congress annually the receipts, expenditures, and results of the cooperative agricultural extension work conducted in the various States thereunder.

It should be noted that the general printing bill which has passed the House and is now pending in the Senate contains a provision authorizing the printing of the report required by the act of 1904. We have requested the chairman of the Senate Committee on Printing to substitute the language suggested above for that included in the printing bill. In view of the uncertainty, however, as to when that bill will become a law, it is desirable that the department should have authority to continue the preparation of the report and to include therein the activities and disbursements under the Lever Extension Act.

Mr. BRANDEGEE. I have no objection whatever to giving the department authority to continue the work or to make a proper report about its successes, but my point is as to the rule of the Senate, whether the legislation providing for this very commendable purpose can be put upon a general appropriation bill.

Mr. President, this bill proceeds to appropriate the sums named therein for the fiscal year ending June 30, 1916. It is simply an appropriation bill appropriating money and defining the purposes for which it shall be used. This proposes to place on it as an amendment, on page 66, language in part as follows, "that hereafter," which contemplates the making of a law for all time, not for the fiscal year to which the bill applies itself, but "hereafter" there shall be "prepared by the Department of Agriculture an annual report," and it goes on specifying it, and the latter part of the amendment, after it was subdivided, provides "that there be printed annually" every year. This is simply an appropriation bill for this year.

Mr. President, if the language, on page 66, from line 1 to line 20, inclusive, is not general legislation, I do not know general legislation when I see it.

Mr. GORE. Mr. President——

Mr. BRANDEGEE. I yield to the Senator from Oklahoma.

Mr. GORE. I do not know whether the Senator heard the statement which I previously made. The act of April 27, 1904, required this report to be prepared by the director of the experiment stations. The name of that office has been changed to the office of State relations, and that is the occasion for this amendment. It is that the report can be made in the name and by the authority of the new office under the name it now bears. I understand it is no alteration in the law of 1904, which designated the office as the Office of Experiment Stations.

Mr. FLETCHER. It does not increase the number now provided by law. It is the same number.

Mr. BRANDEGEE. Mr. President, I have not based my point of order upon the fact that this changes existing law or is an increase in the number of employees or attempts to do anything different from the existing law. That is not a point of order in the Senate, as I understand it, but it would be a point of order under the House rules. My point of order is that this is general legislation on an appropriation bill; and it is not only general legislation, but it provides what shall be done each year annually after all the provisions of this bill have been complied with and the appropriation is expended. It is a clear case of legislation. If it is not legislation it is nothing. It is certainly general legislation. The fact that it pertains to this particular department does not make it less general legislation. The appropriation bill itself is legislation. It is not general legislation; it is a law appropriating money, and in that sense it is legislation. As I understand it, the intent of the Senate rule is that upon these legislative bills, designed simply to carry appropriations of money, there shall not be legislation of this character.

That is all I have to say.

The PRESIDING OFFICER. The Chair is of the opinion that the part that has been agreed to is general legislation. The latter part of the amendment is a provision to print a specific report. It does not contemplate changing any general printing law and it is an item that is recommended by a standing committee of the Senate. The Chair is of opinion that it is in order under the rules of the Senate, and overrules the point of order.

Mr. BRANDEGEE. The fact that it was reported by a committee does not make it less liable to the objection that it is general legislation.

The PRESIDING OFFICER. The Chair is of opinion that it is not general legislation. The Chair is of opinion also that it is a specific item reported, and it is in order under the rules of the Senate.

Mr. BRANDEGEE. I do not wish to do anything to impede the progress of this bill; far less to suggest any question about a quorum. If I appeal from the decision of the Chair and that appeal can lie, to be acted upon when there is a quorum here some time, I am perfectly willing that should be done, but I do not want to lose my right of appeal simply out of my desire to have progress made upon the bill.

Mr. PAGE. Mr. President——

The PRESIDING OFFICER. The question is upon the appeal. Shall the decision of the Chair stand as the judgment of the Senate?

Mr. JAMES. The appeal could be submitted without a yea and nay vote.

Mr. BRANDEGEE. I would have to ask for the yeas and nays. I do not do this in any captious spirit, and I do not want to break up the meeting. I understand that certain provisions of the bill have gone over until to-morrow anyway.

Mr. GORE. I will state that no item has gone over until to-morrow. One or two have been passed over. I ask the Senator if he would object to the passing over this for the present.

Mr. BRANDEGEE. I did not understand the last request.

Mr. GORE. I ask the Senator if he would object to the passing over of this amendment for the present.

Mr. BRANDEGEE. Except we could not have the yeas and nays, I assume, without disclosing the lack of a quorum. Otherwise, I would have no objection.

The PRESIDING OFFICER. Does the Senator demand the yeas and nays?

Mr. BRANDEGEE. I should have to do so. I do not make that demand now, unless it is necessary to protect myself.

Mr. NORRIS. I wish to ask the Senator if he would not be willing to let it go over like several other propositions in the bill and let us go on with the bill.

Mr. BRANDEGEE. I have said I would desire to do that, but I was informed that it was objectionable.

Mr. NORRIS. I do not believe anybody would object to letting it go over the same as the other amendments went over.

Mr. FLETCHER. That is what the Senator from Oklahoma asked, that the Senator from Connecticut allow it to go over.

Mr. BRANDEGEE. I would be delighted to have that course adopted.

The PRESIDING OFFICER. Is there objection to the matter going over? The Chair hears none.

Mr. SMOOT. Mr. President, perhaps I can call attention now to a matter that I wanted to refer to on page 63, which was passed over. The reading was so rapid that it was passed before I knew it. However, I will wait until the bill is through, and then I will refer back to page 63.

The reading of the bill was resumed.

The next amendment was, under the head of "Office of Public Roads and Rural Engineering," on page 69, after line 12, to insert:

To enable the Secretary of Agriculture to investigate the existence of artesian water and other underground water supplies suitable for irrigation in the arid and semiarid regions by boring wells, $100,000.

Mr. NORRIS. I move to amend the committee amendment by inserting after the word "Agriculture," in line 13 the words "in conjunction with the Geological Survey," so that it will read:

To enable the Secretary of Agriculture, in conjunction with the Geological Survey, to investigate—

And so forth.

Mr. MARTIN of Virginia. Mr. President, I simply want to call attention to the fact that in the sundry civil appropriation bill there is a provision which reads as follows:

For gauging streams and determining the water supply of the United States, the investigation of underground currents and artesian wells, and the preparation of reports upon the best methods of utilizing the water resources, $150,000.

In other words, Mr. President, the sundry civil appropriation bill already contains an appropriation of $150,000 for this purpose along with some other purposes, and it is not limited to underground currents, but it also includes the gauging of streams and determining the water supply of the United States. While that includes some other matters, it includes the same purposes contained in the clause now under consideration.

So we find that this legislation is establishing in two separate departments the investigation of underground currents and artesian wells. The Agriculture Department is not equipped for such an investigation. The provisions in the sundry civil bill leaves this investigation to the Geological Survey, which is equipped for investigations of this sort and is now conducting such investigations.

It is true the Senator from Nebraska claims that the Geological Survey is not doing work in the arid regions, but in the sundry civil bill as it now stands, having passed really both Houses and will certainly become a law, there is an appropriation of $150,000 embracing this very purpose. So we have two departments of the Government, one equipped for this work and the other not equipped for it, both carrying on these investigations. It is a plain duplication of the work.

I think it is most unfortunate legislation. I can not conceive of any good to come from legislation of the kind. It seems to me if the $150,000 was not sufficient for this purpose, the amount ought to have been increased in the sundry civil appropriation bill and the proper department of the Government—the Geological Survey—required to expend the money in the arid region, if not expending it as it ought to do, proportionately in that region. I simply call attention to it. I think it is very bad legislation. It is practically a duplication of work and intrusting work to a department not equipped for executing it.

Mr. THOMAS. Mr. President, in view of the statement of the Senator from Virginia, I move that the provision now under consideration in the Agricultural appropriation bill be stricken out.

The PRESIDING OFFICER. The Chair will state to the Senator from Colorado that this is an amendment proposed by the committee. The question is on agreeing to the amendment proposed by the committee.

Mr. NORRIS. Mr. President, the question is——

Mr. THOMAS. If I can make a point of order against it I will do that.

Mr. NORRIS. The question is on agreeing to the amendment offered by me to the committee amendment.

Mr. THOMAS. I do not want to make a point of order that will take the Senator off his feet.

Mr. NORRIS. In the first place, I do not believe it is subject to a point of order, but I want to be heard upon the proposition. Will the Senator from Virginia tell me the page upon which that particular item in the sundry civil bill was contained?

Mr. MARTIN of Virginia. It was on page 101, I will say to the Senator. I will send the bill over to him, if he has not a copy of it before him.

Mr. NORRIS. What the Senator from Virginia has said is true. There may be an unfortunate condition here, and I have a great deal of sympathy with the desire of the Senator from Virginia, the chairman of the Committee on Appropriations, to have these various appropriations made in such way that they will not be conflicting. However, I think I shall be able to show that the conflict is more apparent than real. I would have no objection, as I said to the Senator from Virginia, who very kindly called my attention to this matter, it having been called to his attention by a letter from the Geological Survey, if the matter could have been put in the sundry civil bill in such a way that it would insure the investigation provided for in the pending bill. I do not believe, if the amendment I have offered be adopted, that there will be any conflict or any duplication or any lack of harmony in the work. Let me now read this item in the sundry civil bill to which the Senator from Virginia has called our attention. It reads as follows:

For gauging streams and determining the water supply of the United States, the investigation of underground currents and artesian wells, and the preparation of reports upon the best methods of utilizing the water resources, $150,000.

Mr. President, that is an item that has been in the sundry civil bill, I think, for a great many years. The amount appropriated is not the same, I think, but is increased a little this year. The Geological Survey have always complained that the amount appropriated in the item was not sufficient to do the work. They have never yet expended one penny, and do not intend to expend one penny, of that appropriation for the purposes named in this amendment in the Agricultural bill.

Mr. President, useful as it is, and important as it is, the particular item that we are invited to examine by the Senator from Virginia in practical effect has nothing whatever to do with irrigation or the development of irrigation in the arid or semiarid West. They are gauging streams; they will use some of that money perhaps in gauging the Potomac River; they can bore artesian wells in Virginia or in New York or in Maine; they can investigate the underground currents in Ohio or in Indiana or in California.

Mr. JONES. Mr. President——

Mr. NORRIS. In just a moment. The particular thing that I want, however, to accomplish in the provision in the Agricultural bill is to go into the arid and semiarid West and develop irrigation by the boring of artesian wells.

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Washington?

Mr. NORRIS. I yield to the Senator from Washington.

Mr. JONES. Mr. President, I want to suggest to the Senator from Nebraska in reference to this item in the sundry civil bill, that I do not know how the Geological Survey now interprets the language of that appropriation, but I know a few years ago they held that they did not have authority under the language to bore artesian wells. I do not know whether they now hold that under that language they have a right to actually bore wells. If they do, then something might be accomplished under it, but a few years ago they did hold that the language did not authorize them to bore wells. Their investigation was then a sort of theoretical investigation. As the Senator from Nebraska has stated, there never has been a well bored.

Mr. NORRIS. And there never will be under that item.

Mr. JONES. And there never will be one bored under that appropriation.

Mr. NORRIS. Not one; but, Mr. President, they used most of this money for gauging streams. I am not belittling the work they do under this appropriation. It is important for various purposes that we should know the flow of all the streams of the United States.

I am going to read the language as it would read if my amendment were adopted:

To enable the Secretary of Agriculture, in conjunction with the Geological Survey, to investigate the existence of artesian water and other underground water supplies suitable for irrigation in the arid and semiarid regions by boring wells, $100,000.

Mr. PITTMAN. Mr. President——

Mr. NORRIS. I yield to the Senator from Nevada.

Mr. PITTMAN. Would the Senator from Nebraska accept an amendment, inserting the words "to explore for and investigate"?

Mr. NORRIS. I would not have any objection to that language.

Mr. PITTMAN. I only suggest that out of precaution, because, as has been stated, as the language has heretofore been interpreted by the department, they held they had no authority to explore.

Mr. NORRIS. Oh, no; the Senator from Nevada is mistaken. This language has never heretofore been used in the bill.

Mr. PITTMAN. I refer to the sundry civil bill.

Mr. NORRIS. We can not now amend that bill.

Mr. PITTMAN. No; but I was suggesting that we insert in this bill the words "explore for and investigate."

Mr. NORRIS. The language of this amendment reads "by boring wells." I do not know, but I should think that would be sufficient, although I would not have any objection to the language which the Senator suggests.

Mr. PITTMAN. All right. It was only a suggestion.

Mr. NORRIS. Mr. President, this appropriation is for a specific purpose. If you increase the appropriation in the sundry civil bill by adding another hundred thousand dollars to it, unless you also add language which would compel its use for the specific purpose, there would not be a cent used for this purpose.

Mr. MARTIN of Virginia. Mr. President——

Mr. NORRIS. I yield to the Senator from Virginia.

Mr. MARTIN of Virginia. If the Senator will permit me for just a moment, I want to call attention to and to read an extract from a letter received by me from the Director of the Geological Survey, in which, so far from claiming that he did not have a right to use the money for the purpose which the Senator's amendment provides that it shall be used, he says that he has the right and that he has for years been using it for that purpose in the West. I will read exactly what he says.

Mr. NORRIS. I will yield to the Senator for that purpose.

Mr. MARTIN of Virginia. He says:

I do wish to bring to your attention the fact that, in my opinion, such an appropriation could be better made available by a service already organized for this special line of investigation, and which, in fact, as far as its appropriations have permitted, has been carrying on such work for many years in the West.

Mr. NORRIS. Well, now, Mr. President——

Mr. JONES. They have never yet sunk a well.

Mr. NORRIS. I want to say to the Senator from Virginia that, as near as I know, without being present and having personal knowledge of it, I do know that in all the years they have been working under the item noted they have never yet bored a single well.

Mr. MARTIN of Virginia. I should be glad to have the entire letter printed in the RECORD. I did not read it all.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY,
Washington, February 20, 1915.

Hon. THOMAS S. MARTIN,
Chairman Committee on Appropriations.

MY DEAR SENATOR MARTIN: In connection with the Agriculture appropriation bill as reported to the Senate I note the committee amendment, page 69, line 13:

"To enable the Secretary of Agriculture to investigate the existence of artesian water and other underground water supplies suitable for irrigation in the arid and semiarid regions by boring wells, $100,000."

This is in large part a duplication of the authority granted the Geological Survey for a number of years and repeated in the language contained in the sundry civil bill as reported to the Senate, page 101, line 12:

"For gauging streams and determining the water supply of the United States, the investigation of underground currents and artesian wells, and the preparation of reports upon the best methods of utilizing the water resources, $150,000."

The Geological Survey, however, is without adequate appropriations to carry on as much of this work as I realize is needed. The estimates this year provided for an increase of $50,000 in this appropriation, and, as you may remember, last year an amendment increasing this item was offered to the sundry civil bill and carried in the Senate, but was objected to by the House conferees.

Realizing, as I do, the need of increasing the utilization of the ground water in the arid and semiarid regions, I would not care to object to any appropriation made therefor, but I do wish to bring to your attention the fact that, in my opinion, such an appropriation could be better made available by a service already organized for this special line of investigation, and which, in fact, as far as its appropriations have permitted, has been carrying on such work for many years in the West. In this connection you may be interested to refer to the discussion of the matter in the Senate last year by Senator NORRIS and others in the CONGRESSIONAL RECORD of July 7, 1914. (Pages 11702–11704, bound RECORD.)

Yours, very cordially, GEO. OTIS SMITH,
Director.

Mr. NORRIS. This appropriation has been used and for the purposes named, and that is, as specified in the law here, for gauging streams and determining the water supply of the United States. They do that mostly by gauging streams. As I have said, I do not belittle the work of the Geological Survey, but I know that several years ago, on my personal request made of the officials, they refused to expend any of that money for this particular purpose. The reasons they gave were that they were using it for the purpose of gauging streams and that they did not have enough money to do the work. They were trying to cover the whole of the United States. They pointed out the importance of the work, which I readily conceded. I believe in the last appropriation bill they only had a hundred thousand dollars for that purpose—if I am wrong, the Senator from Virginia can correct me—and that they have asked and have received an additional appropriation in the bill of this year for that purpose.

Mr. President, I do not want any duplication; I only want to bring about the possibility of making some of the arid and semiarid regions of the West useful for agricultural purposes. No one is asking the Government to bore for him an artesian well, or any other kind of a well, but there are communities and vast stretches of country in the West and semiarid West that can not at the present time be irrigated from any known supply. It is expensive to put down an artesian well. The people living in those sections of the country are always poor. It is a new country, and no man there can afford to bore a well and run the risk of losing all the money he should put into it; but if he knew that he could get artesian water in a sufficient amount to irrigate his farm he would have no trouble in getting money to bore his own well.

The object of this particular item is for the Government, after making the proper investigation through the Geological Survey, to go into a community where, as a result of the study of the Geological Survey, they have reason to believe that artesian water can be had, and put down a well. When it is established that there is artesian water in sufficient quantities to irrigate, evey man in the community will bore his own well at his own expense and will irrigate his own land. Thus we should make valuable and useful large areas of land that are now a desolate waste.

I remember not long ago receiving a resolution through the mails from a meeting of cattlemen and farmers living in the semiarid West. To that meeting delegates had been sent from a large area of surrounding country, comprising four or five different counties, to discuss methods by which they might get together and put down test wells in different portions of that locality with a view of getting water to irrigate their lands.

Here is an instance, it seems to me, where the Government could utilize its money by making an experiment for the public good. It strikes me that there is not an appropriation in this bill, Mr. President, that can more properly be spent to bring about good results than the appropriation contained in this amendment which is designed to try to get water for irrigation purposes in communities that are now arid or semiarid.

To show you, Mr. President, that such a provision is not out of place in the Agricultural appropriation bill, let me read the item that immediately precedes this in the bill. It is as follows:

For investigating and reporting upon the utilization of water in farm irrigation, including the best methods to apply in practice; the different kinds of power and appliances, and the development of equipment for farm irrigation; the flow of water in ditches, pipes, and other conduits; the duty, apportionment, and measurement of irrigation water; the customs, regulations, and laws affecting irrigation; for the purchase and installation of equipment for experimental purposes; for the giving of expert advice and assistance; for the preparation and illustration of reports and bulletins on irrigation; for the employment of assistants and labor in the city of Washington and elsewhere; for rent outside of the District of Columbia; and for supplies and all necessary expenses, $106,400.

Then follows the amendment under discussion. It seems to me it is absolutely appropriate, although I know that what the Senator from Virginia has said is true, that the Geological Survey is the branch of the Government service, above all others, which is equipped for this kind of work; and therefore I have offered an amendment to the amendment. It occurred to me when the Senator from Virginia was kind enough to call it to my attention before we reached it, knowing that I was interested in the subject, that there ought to be some amendment of the kind I have suggested.

I ought to pause here to refer to the letter from which the Senator from Virginia has read as coming from the Geological Survey. That service wants to do the work, and, I believe, in this case properly so. I think it is proper for them to be considered, although it seems to me the Secretary of Agriculture should have supervision over it, because it comes peculiarly within his province and under his duties. Yet we ought not to forget that this very objection is called to our attention by another bureau, illustrating very well that the bureaus and departments of the Government, located side by side in Washington, are jealous of each other. One looks over the agricultural bill and says, "Here is something that we ought to have," and writes a letter to a Senator, calling attention to the fact that they ought to have that money to expend—in this case, I think, with some reason—but it is at least proper for the Senate to consider, if they have any idea that they ought to give much weight to the letter of the Geological Survey, that it is an attempt of that bureau to get more money which they think might be expended through some other bureau. I believe they

are the best equipped, and it seems to me the Secretary of Agriculture, although in a different department of the Government, can, if this amendment is adopted in the amended form in which I have suggested, make use of the scientific knowledge and the great experience of the scientists in the Geological Survey to utilize their experts and use a portion of this money with which to do it.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Washington?

Mr. NORRIS. I yield.

Mr. JONES. I want to call the Senator's attention to the estimate, which has been submitted for the item, of $150,000, in the sundry civil appropriation bill, taken from the Book of Estimates.

Mr. NORRIS. I will be glad to have the Senator read it.

Mr. JONES. On page 799 of the Book of Estimates I find the estimates for gauging streams, determining water supply, and here they are. Every one of them is an estimate for an officer and his salary, and nothing at all is estimated for machinery or for the operation of machinery or for the hiring of help to sink a well or anything of the kind:

1 hydraulic engineer	$4,000
1 hydraulic engineer	3,600
4 hydraulic engineers, at $2,700 each	10,800
3 hydraulic engineers, at $2,400 each	7,200
1 assistant engineer	2,160
3 assistant engineers, at $1,980 per annum each	5,940
7 assistant engineers, at $1,800 per annum each	12,600
9 assistant engineers, at $1,620 per annum each	14,580
11 junior engineers, at $1,380 per annum each	15,180
13 junior engineers, at $1,200 per annum each	15,600
9 junior engineers, at $1,080 per annum each	9,720
1 chemist	2,400
1 junior chemist	1,200
1 assistant geologist	1,980
1 assistant geologist	1,380
1 geologic aid	1,200
1 geologic aid, at $100 per month	1,200
1 senior clerk	1,800
1 junior clerk	1,380
1 junior clerk	1,320
2 junior clerks, at $1,200 per annum each	2,400
1 junior clerk	1,140
1 clerk	1,620
4 underclerks, at $1,080 per annum each	4,320
2 underclerks, at $1,020 per annum each	2,040
5 underclerks, at $960 per annum each	4,800
1 underclerk	900
1 underclerk	840
2 underclerks, at $720 per annum each	1,440
1 messenger boy	360

He might sink some artesian wells.

One hydraulic engineer	$2,700
One junior engineer	1,440
One junior engineer	1,200
One assistant classifier	1,320
One junior clerk	1,320
Two underclerks, at $1,080 per annum each	2,160
One messenger	720
One accountant	1,800
One purchasing clerk	1,680
One clerk	1,680
One junior clerk	1,320
One underclerk	1,020
One underclerk	720
One messenger	720
Two messenger boys, at $360 per annum each	720
Two charwomen, at 82½ cents per day (300 days each)	495

Mr. NORRIS. I expect it is the charwomen.

Mr. JONES. I expect so.

Mr. NORRIS. Because they would have some shovels, very likely.

Mr. JONES. The total estimate is $156,115. Now, here is what they want this money for. I do not see where they will get any artesian wells put down there with people like that.

Mr. BRANDEGEE. How many underclerks are there altogether?

Mr. JONES. I do not know.

Mr. NORRIS. It seems to me it well illustrates that between that item in the sundry civil bill and this one there can be no real controversy. They are not duplications, although, as I said at the beginning, if the other bill had contained a provision that would compel the use of this money I would just as soon have it there as here, and I would a little rather, because I know it would suit the Senator from Virginia better to have it that way, and it would be more logical.

Mr. MARTIN of Virginia. Mr. President, the Senator is mistaken. I have not the least desire in the matter. I simply brought it to the attention of the Senate in the interests of good legislation. It is a matter of no consequence to me which department uses it. I simply wanted to get before the Senate the condition that existed.

Mr. NORRIS. That is all I want to do. It seems to me that I have done that in the best way I can, and it seems to me I have shown that if we are going to do this work, if we want it done, we must adopt this amendment; that under the sundry civil bill we will get nothing. We might have managed it if we had it before us now; but it has passed the House, and the Senate has voted on it, and it is now in conference, and it is too late to amend it.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. The Senator from Washington.

Mr. JONES. I agree with the Senator from Virginia that it would have been better to have put this amendment in the sundry civil bill. I think last year we put an amendment of that character in that bill, but it went out in conference. Now, unless we have this provision as presented here in the Agricultural bill we will have nothing for demonstrating the supply of artesian water, because the appropriation under the sundry civil bill is not used for that purpose. It never has been used for that purpose in the way of sinking wells, and it never will be used for that purpose until we appropriate a sum of money for that specific purpose.

I have read the estimates here, which show what this money is for. They investigate the matter of artesian water supply from a scientific standpoint. I remember, Mr. President, that I stated, when the sundry civil bill was up before, that several years ago in North Yakima, where I live, they made an investigation under the sundry civil bill to see whether or not artesian water could be secured. They reported that it could not be secured. By and by some man who had a little more money than some of his neighbors and had some land that he wanted irrigated, and who from his practical observation thought there might be artesian water there, went and sank a well, and at a depth of about a thousand feet he struck artesian water. He got enough artesian water out of that well to irrigate 160 acres of land, and to-day there are 20 or 30 artesian wells in that section, all of them being used for the irrigation of land. The scientific investigators said that there was not any such thing as artesian water there. The actual demonstration, by sinking a well, showed that there was and is artesian water there.

That is the purpose of the amendment of the Senator from Nebraska. We want to actually demonstrate and determine whether or not there is artesian water in a certain section. You can not do it under the appropriation in the sundry civil bill unless you make a specific appropriation for that purpose and put it in the hands of these men. We have plenty of men in the Geological Survey to do this work if we would just give them the money for that purpose and authorize them to hire the necessary ordinary labor to go to work and get the spades and machinery and sink the wells, but we have not provided for that in the sundry civil bill, and unless you adopt this provision you will not have anything of that kind done.

The Senator from Nebraska well pointed out the importance of it, and the illustration that I have just used in reference to my own home locality illustrates the importance of it and what can be accomplished. As he has said, if the Government sinks one artesian well in a certain locality, and artesian water is found, that is all the Government has to do. The people owning the lands around there will then sink the other wells. They will reclaim their lands, irrigate them, and develop them. That is what we would like to do. That is what would be done under the amendment the Senator from Nebraska has offered, and I hope it will be adopted.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BRANDEGEE. If these artesian wells are as expensive as the Senator from Nebraska intimates, if you have to go down a thousand feet in order to make a test, as the Senator from Washington says, even if the $150,000 in the sundry civil bill could be used, together with the sum attempted to be appropriated in this bill, it would be none too much to make a respectable beginning, considering the amount of territory to be covered; because if this policy of the Government is to be adopted, it must be pretty generally adopted, and the amendment proposes to cover the arid and semiarid regions of the West, which, I think, is a fairly extensive territory. So if this sum here, $100,000, should be adopted as a beginning, even if the sum referred to by the Senator from Virginia could be used also for the same purpose, I do not think it would be an excessive appropriation, and I hope the amendment will be agreed to.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. STERLING. I want to add just a word of testimony in corroboration of what has been said by the Senator from Ne-

braska, as well as by the Senator from Washington, in regard to the great need there is for an appropriation of this kind for the purpose of sinking artesian wells and demonstrating whether or not an artesian-well supply can be obtained for irrigation purposes and for other domestic uses.

West of the Missouri River, in the State of South Dakota, is a part, at least, of the Great Plains country, a vast semiarid region. That region has been settled largely since 1905 or 1906 under various acts of Congress opening the Indian reservations. It has been settled by homesteaders, who bought their lands of the Government at an average price of about $4 per acre, there being thus something of a Government guaranty that the lands were cultivable lands and could be relied on for the production of crops. In addition to the Government's course in opening these lands and having them appraised at these prices, there were, of course, the advertisements of the railroad companies and the advertisements of the land and real estate people inducing the settlers to go to that section, where now for four successive years they have had crop failures, partial or total, due to want of sufficient rainfall.

The country east of the Missouri River contains within it what is known as the James River Valley, running north and south through central South Dakota. It is one of the famous artesian-well sections of the world. I think, perhaps, it is the most famous, more famous than that region in Artois, France, from which the name "artesian" comes; and the wells first sunk there, many of which were 4½-inch wells or over, had a pressure of 125 to 160 pounds per square inch. The water came with such force that we needed no other or further fire protection in the towns where those wells were put down than the artesian wells themselves. Now, it is supposed that the source of that water—it was then, and I think it is yet the theory—is the Rocky Mountain region beyond, and that it came from the rains and the melting snows percolating down through the strata until it found its place from 850 to 1,200 feet beneath the surface there in the James River Valley, and then, when the well was sunk, the waters gushed forth with that tremendous force. If the Rocky Mountains are the source, the fact that they lie on beyond these semiarid regions in the western part of the State suggests this as one of the great fields in the country for exploration on the part of the Government for the purpose of demonstrating whether water may be found there which can be brought to the surface in quantities sufficient for irrigation purposes.

Mr. President, in view of what the Government has done to induce the settlement of that country, it can do no less than to afford every opportunity within its proper power to help those who are there in the development of the resources of that country, so that they will be enabled to make and maintain their homes in that region. It has been shown here, I think, by what has been cited from the estimates heretofore made, that there will be no duplication of the work provided for in the sundry civil bill and in the present bill, because heretofore they have been doing none of the work covered by the provision in this bill. There is this great field in western South Dakota, and I have not known of the Agricultural Department or of the Geological Survey attempting any work in exploring for artesian wells in all that region, inviting as the field seems to be.

I think this amendment should prevail.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. The Senator from Nevada.

Mr. PITTMAN. I will take up none of the time of the Senate. I simply desire to say that I hope the amendment of the Senator from Nebraska will be adopted. There is no question among western men—that is, men in the arid States—of the importance of legislation of this character. We only regret that the appropriation is not much larger than it is.

The statement of the Senator from Connecticut [Mr. BRANDEGEE] is true. It is a mere pittance. It will only start the work, and if it were not for fear of embarrassing this bill I would offer an amendment to increase the amount. It would only be a start. I trust that the amendment will be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nebraska to the amendment proposed by the committee.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 70, line 16, after the word "expenses," to strike out "$497,700" and insert "$610,505."

The amendment was agreed to.

The next amendment was, on page 70, line 17, after the word "Engineering," to strike out "$573,660" and insert "$686,465," so as to make the clause read:

Total for Office of Public Roads and Rural Engineering, $686,465.

The amendment was agreed to.

Mr. LEE of Maryland. Mr. President——

The PRESIDING OFFICER. The Senator from Maryland.

Mr. LEE of Maryland. Before the good-roads section of the agricultural bill is passed I wish to correct an intimation that was thrown out yesterday by the Senator from Kansas [Mr. BRISTOW]. He criticized some experimental roads which had been made in Maryland by this branch of the Agricultural Department. I wish to state that the work he referred to was done at a time when I was in close observation of it, some years ago, under a Republican administration. It was entirely well done and properly done; but the Bureau of Roads had a certain fund for experimentation purposes, and several very difficult pieces of construction had been attempted by our State roads commission. One section of a road that had cost $14,000 had disappeared in less than a year under heavy traffic and unusual subbase conditions. That and another section of road were opened for experimental purposes. The Agricultural Department people offered to experiment on these roads in Maryland if the local authorities would double their money; and so, by the action of the county authorities and local subscription, the Government money was doubled as available for these experiments, and expended there in that way. Although part of the road was a great deal more expensive than was necessary for local purposes, yet for experimental purposes it seemed proper to make it in the way that the department concluded to construct it.

The whole transaction was very much to the interest of the experimental purpose of the Agricultural Department and was incidentally beneficial to a very worthy portion of the neighborhood of the Capital City.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GALLINGER. I want to state to the Senator from Maryland that whatever experience his State may have had in experimental road building, Maryland deserves the admiration of everybody for the system of roads she has built in recent years. In my opinion, there is no State that has done any better work than Maryland in that direction.

The PRESIDING OFFICER. The Secretary will resume the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, under the head of "Office of Markets and Rural Organization," on page 71, after line 19, to insert:

Experiments in dairying and live-stock production in semiarid and irrigated districts of the western United States: To enable the Secretary of Agriculture to conduct investigations and experiments in problems connected with the establishment of dairying and meat-production enterprises on the semiarid and irrigated lands of the western United States, including the purchase of live stock, the erection of barns and other necessary buildings, and the employment of necessary persons and means in the city of Washington and elsewhere, $87,500.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GALLINGER. I will ask precisely what the significance of the term "western United States" is? I see it says "semiarid and irrigated lands of the western United States." That is a new term.

Mr. STERLING. Mr. President, in answer to that I will say that there is where the semiarid regions for the most part are found—in western United States.

Mr. GALLINGER. I presume the term is correct. It struck me as being a new term, however—"western United States."

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. The Senator from Utah.

Mr. SMOOT. Before this item is agreed to I should like to ask the Senator to what extent this appropriation is to be used for the purchase of live stock, and where that live stock is to be located when purchased, and what we are to do with it?

Mr. GORE. Mr. President——

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. GORE. I am not able to answer the question from the terms of the amendment; but my understanding is that very little or none will be apportioned to that purpose. The object is to conduct experiments, I suppose, using largely the stock furnished by the settler. The general theory was that it would be greatly to the advantage of the settlers on the irrigated lands if they could convert their hay and other materials into stock and dairy products and market them in that form, and no effort

is being made at present to carry on experiments or demonstrations of that sort. The Government is conducting demonstrations in various parts of the country upon an extensive scale, and appropriating a great deal of money for that purpose, and it was deemed but fair to these settlers, who perhaps more than any other single class need this particular service. It seems to me to be a highly important provision.

Mr. SMOOT. Mr. President, I am not complaining about the object of the amendment. Out of this appropriation of $87,500 the department is to pay for "the employment of necessary persons and means in the city of Washington and elsewhere." Does the Senator know how much of this would be spent for the payment of clerks here in Washington and how much would be paid for employees and persons engaged in this work in other parts of the United States, and also if the purchase of live stock is to be for the purpose of experimenting with them upon the products that are raised in the arid and semiarid parts of our country?

Mr. GORE. I suppose the experimental and demonstration work will be largely of the same character as the work that is conducted in other parts of the country, extending to the irrigation regions. I will have read a letter from the department upon this subject. It discloses the various purposes for which the appropriation is made.

Mr. GALLINGER. Mr. President, before the letter is read I want to say that this bill is growing on some of us and becoming more interesting than some novels I have read. We are now going to make an appropriation for the arid and semiarid regions of the United States, and spend the people's money for the purpose of experimenting in live stock. After we have taken care of the arid and semiarid regions we turn to page 79 and then go to sugar cane and cotton districts of the United States and make experiments and demonstrations there in reference to live stock.

I wish that the Senators who framed this bill would not forget that there is a little rocky "neck of the woods" in this country called New England, and on our mountain slopes, and the foothills of our beautiful mountains there is a vast deal of grazing land that might be occupied for experimental demonstrations in the raising of live stock, and we would like to have the Government go into the business there.

While I am not going to oppose these appropriations, notwithstanding they look to me as being rather absurd, yet I will bespeak for New England, for New Hampshire as an illustration, in the preparation of the next appropriation bill a little thought on the part of the committee. If the members of the committee will accompany me to that part of the country, I should like to point out to them the splendid opportunities which are there for raising cattle and horses, if you please, and other live stock at the expense of a paternal Government, which seems to be taking care of the West and the South to the exclusion or the neglect of the northern section of the country.

In one of these amendments we have the western United States. Now, let us go to the northern United States and see if we can not do a little missionary work there in this direction.

Mr. GORE. Mr. President, I will simply say, in response to what the Senator has observed, that if New Hampshire or New England failed to receive anything to which they are entitled it was a mere oversight on the part of the very distinguished and active Senator, and I will join the Senator in rectifying the wrong. I ask that the letter from the Secretary of Agriculture, to which I referred, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

This item was submitted in our estimates, but was not approved by the House committee. The work proposed under this item will be directed toward securing results of an extremely practical nature, particularly in regard to the establishment of animal industries in our dry-land regions of the West. I regard it as extremely important in view of the diminishing meat supply of the country.

The field stations of the department in the semiarid and irrigated districts of the United States have in the past been devoted almost entirely to the production of crops. Methods have been established on these stations that make it possible now to produce forage crops in these districts with a considerable degree of success, but such crops are not marketable for the reason that in most cases there are no near-by cities and there is no demand for them in the immediate neighborhood in which they are produced. The profitable utilization of these crops on the farm, therefore, is essential to successful farming in these regions. For the purpose of establishing proper methods of feeding, along with the natural grazing that is afforded, it is the desire of the department to place live stock at several of the field stations in the semiarid and irrigated districts of the United States and thereby make the production of field crops profitable and at the same time increase the production of live stock. If this work is provided for, attention will be given both to dairying and meat production, and this will make these field stations serve as guides to the farmers in these regions not only in crop production but also in the profitable utilization of these crops for the production of live stock.

The amendment was agreed to.

The next amendment was, on page 73, line 3, after the word "expenses," to strike out "$352,650" and insert "$440,150."

The amendment was agreed to.

The next amendment was, on page 73, line 18, after the word "Organization," to strike out "$484,050" and insert "$571,550," so as to make the clause read:

Total for Office of Markets and Rural Organization, $571,550.

The amendment was agreed to.

The next amendment was, on page 74, line 4, after the word "work," to strike out "$19,702,712" and insert "$20,143,617," so as to make the clause read:

Total, Department of Agriculture, for routine and ordinary work, $20,143,617.

Mr. LANE. I should like to ask the Senator having the bill in charge as to this item. It states that it is the total expenditure for the Department of Agriculture. It does not state that in words, but it is a total for the Department of Agriculture, "for routine and ordinary work, $20,143,617." Then, over here there is an item for general expenses, $440,000, in addition to this $20,143,000. So there are more items of the kind scattered along in that way.

Mr. GORE. If I understood the Senator's question, I will say there is an item of that character under each bureau and division. The general expenses of each division are provided for in the appropriation relating to that division.

Mr. LANE. But there are "general expenses, $440,150."

Mr. GORE. The total on page 73 is for the "Office of Markets and Rural Organization."

Mr. LANE. The item before that was "For general administrative expenses in connection with the lines of investigation, experiments, and demonstration conducted in the Office of Markets and Rural Organization, $23,250." Then this other item is "For general expenses, $440,150"; and then there is another item on the same page, "Total for Office of Markets and Rural Organization, $571,550"; then over here is this item, "For routine and ordinary work, $20,000,000." It is rather confusing, I submit.

Mr. GORE. Perhaps it could be arranged differently and with more wisdom; but the item to which the Senator has referred is for general expenses, another is for incidental expenses, and $20,000,000 is the aggregate for all the bureaus.

Mr. LANE. What are general expenses considered to be? What is the nature of those expenses?

Mr. GORE. The bill contains an enumeration of them.

Mr. LANE. You have an estimate for them?

Mr. GORE. They are estimated for.

Mr. LANE. All right.

The amendment was agreed to.

The next amendment was under the head of "Miscellaneous," on page 75, after line 10, to insert:

That hereafter when any State shall provide for terminal inspection of plants and plant products, and shall establish and maintain, at the sole expense of the State, such inspection at one or more places therein, the proper officials of said State may submit to the Secretary of Agriculture a list of plants and plant products and the plant pests transmitted thereby, that in the opinion of said officials should be subject to terminal inspection in order to prevent the introduction or dissemination in said State of pests injurious to agriculture. Upon his approval of said list, in whole or in part, the Secretary of Agriculture shall transmit the same to the Postmaster General, and thereafter all packages containing any plants or plant products named in said approved lists shall, upon payment of postage therefor, be forwarded by the postmaster at the destination of said package to the proper State official at the nearest place where inspection is maintained. If the plant or plant products are found upon inspection to be free from injurious pests, or if infected shall be disinfected by said official, they shall upon payment of postage therefor be returned to the postmaster at the place of inspection to be forwarded to the person to whom they are addressed; but if found to be infected with injurious pests and incapable of satisfactory disinfection the State inspector shall so notify the postmaster at the place of inspection, who shall promptly notify the sender of said plants or plant products that they will be returned to him upon his request and at his expense, or in default of such request that they will be turned over to the State authorities for destruction.

The amendment was agreed to.

The next amendment was on page 76, after line 13, to insert:

On and after the passage and approval of this act it shall be unlawful for any person, firm, or corporation to deposit in the United States mails any package containing any plant or plant product addressed to any place within a State maintaining inspection thereof, as herein defined, without plainly marking the package so that its contents may be readily ascertained by an inspection of the outside thereof. Whoever shall fail to so mark said packages shall be punished by a fine of not more than $100.

The Postmaster General is hereby authorized and directed to make all needful rules and regulations for carrying out the purposes hereof.

The amendment was agreed to.

The next amendment was, at the top of page 77, to insert:

To enable the Secretary of Agriculture to carry out an agreement heretofore made by and between him and the State of Washington, through its proper officers, looking to the exchange of lands and indemnity rights with said State, $50,000, or so much thereof as may be necessary, to be available until expended when the said State shall

have made available a like amount to be used for carrying out the aforesaid agreement: *Provided*, That such exchanges shall be made on the basis of approximately equal area and value.

The amendment was agreed to.

The next amendment was in the item of appropriation for a domestic potato quarantine, on page 77, line 20, after the word "Columbia," to strike out "$50,000" and insert "$125,000, $25,000 of said sum to be immediately available," so as to make the clause read:

Domestic potato quarantine: To enable the Secretary of Agriculture to cooperate with those States in the inspection of Irish potatoes where a quarantine has been or hereafter shall be established by the Secretary of Agriculture, prohibiting the movement of such potatoes from any State into any other State, District, or Territory of the United States except under such rules and regulations as he may prescribe, and for the enforcement of such rules and regulations, and for the employment of persons and means necessary in the city of Washington and elsewhere, including rent outside of the District of Columbia, $125,000, $25,000 of said sum to be immediately available.

The amendment was agreed to.

The reading of the bill was continued to line 3, on page 78.

Mr. NORRIS. Mr. President, we have already passed it, but it seems to me that it ought not to be passed unnoticed. There is an item upon page 77 of $125,000 for New England.

Mr. GALLINGER. I think they must raise potatoes in other sections of the country.

Mr. NORRIS. Yes; but they raise potatoes that do not have to be quarantined like in New England.

Mr. GALLINGER. They may have to be quarantined next year perhaps.

Mr. NORRIS. This is for New England. I hope the Senator will not move to strike it out.

Mr. GALLINGER. Not at all. I am going to move to add another amendment.

The next amendment was, on page 78, after line 3, to insert:

International Dry Farming Congress, Denver, Colo.: To enable the Secretary of Agriculture to cooperate with and make an exhibit at the next annual meeting of the International Dry Farming Congress, to be held at Denver, Colo., during the fiscal year ending June 30, 1916, illustrative of the investigations, products, and processes relating to farming in the subhumid, arid, and semiarid regions of the United States, including labor and all expenses in the city of Washington and elsewhere, $20,000.

Mr. SMOOT. The item on page 78, "International Dry Farming Congress, Denver, Colo.," provides $20,000 "to enable the Secretary of Agriculture to cooperate with and make an exhibit at the next annual meeting of the International Dry Farming Congress to be held at Denver, Colo."

Mr. President, three years ago, I believe, was the first time an appropriation was made for assisting in the holding a congress at any place in the United States. That was the irrigation congress, which was held at Salt Lake City, being 25 years after the first irrigation congress was ever held in the United States. At that time there was appropriated $10,000. I think since that there was appropriated $20,000 for the dry farming congress held at some place in Oklahoma. Last year, as I remember, $25,000 was appropriated to hold it at some place in Kansas.

But it seems to me, Mr. President, that $10,000 is ample if we are going to make the appropriations for holding these congresses. I ask the Senator from Colorado if the people of Denver are not willing to assist the same as the people of Salt Lake City assisted in entertaining the delegates to the congress held there, and allow this appropriation to be cut to $10,000, the same amount which was provided for the great irrigation congress which was held at Salt Lake City?

Mr. SHAFROTH. Mr. President, the first appropriation that was made for a matter of this kind was to a contribution toward the exhibit which was made in Alberta, Canada, and that was $10,000. But there has been no appropriation for less than $20,000 for any place where this congress has been held in the United States.

Mr. SMOOT. That is, the Dry Farming Congress?

Mr. SHAFROTH. I mean the Dry Farming Congress. The congress to which the Senator refers is the Irrigation Congress, and that congress has gone out of existence by reason of its being consolidated with the Trans-Mississippi Congress. I want to state in relation to this Dry Farming Congress that it is of great importance. We held one once at Colorado Springs, Colo., and we did not ask for any contribution whatever from the National Government. So, if you take the two together, the average has been only $10,000, the same amount that Salt Lake City got for her Irrigation Congress.

But, Mr. President, this is one of the most instructive things to people who are endeavoring to reclaim the portion of the country known as the great semiarid region that can be devised. You may talk about instruction and reading, but the exhibits that were presented in my State when it was held at Colorado Springs consisted of enormous exhibits brought from all over the United States to show just what could be done on the arid lands and what character of plants could be raised there. It was a matter for which people would go and stay there. There were instructors at each of the departments, and the knowledge which was distributed at that time was of great value to the people. I was at the time governor of Colorado, and I spent a whole day at the exhibits, and I must say that it was a great advantage to me, and, I have no doubt, of great advantage to farmers.

This is not a congress of one day. It continues about two weeks, and persons can go there and can get more knowledge in one or two weeks than they can get from the Agriculture Department or from anything that is promulgated by simple literature. It is pretty nearly a school of instructions, and when we get those arid lands raising crops of some kind you will find that they will add great wealth and great population to the United States.

Mr. SMOOT. I agree, Mr. President, with what the Senator said as to the beneficial results from holding this congress; but when I contemplate the fact that we have in the United States dozens of so-called international congresses—the Irrigation Congress, the Trans-Mississippi Congress, the Dry-Farming Congress, and I could enumerate others—I can not differentiate this from any of the great congresses that are held annually in this country.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Oklahoma?

Mr. SMOOT. Certainly.

Mr. GORE. Will the Senator from Utah and the Senator from Colorado agree to pass over this amendment for the present?

Mr. SMOOT. I am perfectly willing——

Mr. STONE. Before it is passed over I should like to make an inquiry of the Senator from Utah. This is an international congress?

Mr. SMOOT. It becomes an international congress in this way, that the invitation is extended to some representatives of foreign countries to attend.

Mr. STONE. Who extends the invitation?

Mr. SMOOT. The name of the congress itself is the International Dry-Farming Congress. Congress does not do it, the President of the United States does not do it, but I think the congress itself does it.

Mr. STONE. I want to say——

Mr. SHAFROTH. If the Senator will allow me, every one of the bills, I understand, that have been passed authorized the President of the United States to invite the nations to send delegates, with the express statement, though, that no part of the appropriation shall be used for the payment of the expenses of delegates.

Mr. SMOOT. I think the Senator is wrong in that statement. As I remember it: First, the Irrigation Congress was simply designated an irrigation congress. Then when the question came up of an appropriation after it had been in existence 25 years and it was to be held at Salt Lake City, where the first one was held, the members of the Committee on Appropriations of the House said that the appropriation should not be made for a congress, because of the fact that there were so many of them in the United States, and one would have as much claim on the Government as another. Then it was decided at that time to make it an International Irrigation Congress. The name was changed and the congress itself invited the representatives of foreign countries, and we had representatives from foreign countries to attend that congress. Since then the Dry Farming Congress has been established, and I understand that congress took the name of the International Dry Farming Congress.

Mr. SHAFROTH. I will state that in the congresses I have attended there have always been representatives of foreign Governments. I remember one from Australia was there, a man who made a speech in relation to the dry sections of Australia, and also from Alberta a large delegation came to that congress. I think over 100 came there.

Mr. WARREN. There was a representative from Brazil also.

Mr. SMOOT. But the President of the United States did not invite them.

Mr. STONE. Mr. President, I beg to say that I did not mean by my inquiry to provoke this sort of a discussion. I simply wanted to ask a question and get a direct answer, which would have taken but a moment. I have no wish to interfere, even if I could, with this bill or with this item. I wanted to say that a great many joint resolutions are introduced in one House or the other for so-called international congresses for almost every imaginable object. Large numbers of them have been referred

to the Committee on Foreign Relations during the last several years; and I suppose most of them go to that committee because of the international character of the enterprises.

The Committee on Foreign Relations has adopted a rule which they adhere to with very rare exceptions, and the exceptions must have some special merit behind them. The rule is to turn down these joint resolutions for inviting foreigners in the name of the Government of the United States. We did for a while pass them, inserting, however, a proviso that the Government of the United States should never at any time in anywise be held responsible for the expenses of such congresses; but more recently it has been thought by the committee that it was hardly a dignified thing to do, to issue an invitation by the President of the United States, and at the same time say, "We do not intend to pay your expenses." I am thoroughly convinced, in my own mind, as are all the other members of the committee to which I refer, that the expenses of these congresses, so called, multiplying, as they are, ought not to be paid out of the Treasury of the United States.

Mr. SMOOT. That is what I say. I will say to the Senator, then, that if he is willing to allow this to go over to-night, I am perfectly willing to do so.

The PRESIDING OFFICER. Is there objection to this item going over? The Chair hears none, and the item goes over.

Mr. GRONNA. Mr. President, we have now been in continuous session for more than 12 hours. I want to inquire of the chairman of the committee how much longer he desires to continue the consideration of the bill?

Mr. GORE. I will state to the Senator from North Dakota, and I intended to state to the Senate, that it is my purpose to ask the Senate to remain only a few moments longer. I therefore suggest that we consider only unobjected amendments.

Mr. GRONNA. Very well.

Mr. GORE. Any amendment to which there is objection we may pass over.

The PRESIDING OFFICER. The reading of the bill will be resumed.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, at the top of page 79, to insert:

Experiments and demonstrations in live-stock production in the cane-sugar and cotton districts of the United States: To enable the Secretary of Agriculture, in cooperation with the authorities of the States concerned, or with individuals, to make such investigations and demonstrations as may be necessary in connection with the development of live-stock production in the cane-sugar and cotton districts of the United States, including the erection of barns and other necessary buildings, and the employment of persons and means in the city of Washington and elsewhere, $60,000; and of the funds heretofore appropriated for the development of live-stock production in the cane-sugar and cotton districts of the United States during the fiscal year 1915, not to exceed $7,500 is hereby made available for the erection of barns and other necessary buildings.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GALLINGER. I send to the desk an amendment to be read. I can not well offer it now, as committee amendments are first being considered. I ask, however, that the amendment be read and lie on the table, giving notice that I shall offer it at the proper time.

The PRESIDING OFFICER. Without objection, the Secretary will read the amendment.

The SECRETARY. It is proposed to insert the following:

Experiments and demonstrations in live-stock production in the New England States: To enable the Secretary of Agriculture, in cooperation with the authorities of the States concerned, or with individuals, to make such investigations and demonstrations as may be necessary in connection with the development of live-stock production in the New England States, including the erection of barns and other necessary buildings, and the employment of persons and means in the city of Washington and elsewhere, $60,000; and of the funds hereby appropriated for the development of live-stock production in the New England States, not to exceed $7,500 is hereby made available for the erection of barns and other necessary buildings.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. McCUMBER. This appropriation, I think, of $60,000 was in last year's appropriation bill, was it not?

Mr. RANSDELL. It was.

Mr. McCUMBER. I am asking the Senator in charge of the bill.

Mr. GORE. It was in last year's appropriation bill.

Mr. McCUMBER. I wish to ask, now, whether or not it is intended to be a continuing appropriation, year after year, of $60,000 for this purpose?

Mr. GORE. Mr. President, I will state that my fear is that it will be; but the department suggests that the amount already expended would in large measure be wasted unless there was another appropriation with which to continue the work. I will also state that the State of Louisiana is cooperating and is furnishing something more than 500 acres of land to assist the Government in the conduct of the experiment. I ask that the amendment be passed over for the present.

Mr. McCUMBER. I want to say just one word on the amendment before it is passed over. I want the Senator having the bill in charge to pause a moment while I read the first two lines of it:

Experiments and demonstrations in live-stock production in the cane-sugar and cotton districts of the United States, * * * $60,000.

I have been engaged more or less in live-stock production, and I never thought there was a different method of producing live stock in the cotton-growing States from that employed upon the prairies. I have thought the same method whereby we produce a steer or a mule in North Dakota would be the method adopted for the production of a like kind of animal in Louisiana.

I can understand, Mr. President, why, after you have so legislated that you have destroyed the sugar-cane industry in Louisiana, you might well expend a little money in making an investigation there to ascertain what can be raised on the land in place of that product. The individual farmer perhaps will not be able to go into the business himself and make experiments to see what he can do; he can not afford it; he has not the money, any more than upon the western plains we can experiment to ascertain what kind of trees or shrubs, and so forth, can best be grown. Most farmers would be bankrupt before they could ascertain that, but the Government can do it, and the Government ought to do something for those people there, from whom they have taken away the means of livelihood; but, Mr. President, upon the face of it, it does seem to me that it is merely spilling $60,000 down there, because we all know that there is no difference in the method of producing live stock in one section of the country from that of producing it in another.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Connecticut?

Mr. McCUMBER. I do.

Mr. BRANDEGEE. Does the Senator from North Dakota think that Congress ought to discriminate in favor of the cane-sugar growers as against the beet-sugar growers in this matter?

Mr. McCUMBER. Oh, no. I think, however, they have taken care of the beet-sugar growers, not in teaching them how to raise live stock, but at least in experimenting to see what else they can raise. I have no objection to the expenditure of money in investigating what the soil will produce; but for many millions of years, so long as there have been human beings upon the face of the earth, they have had a pretty fair idea of how live stock is produced, and we do not need any new lessons as to how to take care of sheep or of lambs, or how to take care of horses, cattle, mules, and so forth. It does seem to me, however, that if there is any good honest reason for the expenditure of $60,000 we ought to state the particular thing for which we want to expend it.

Mr. PENROSE. That amendment had better go over until to-morrow.

Mr. GORE. Mr. President, there may be several reasons actuating this appropriation; possibly the Senator from North Dakota, with his penetrating mind, has divined one or two of them; but I might say, in order to be perfectly ingenuous with the Senator, that the real motive actuating the department and the committee in proposing this appropriation was the hope that the precedent would justify and lead to a similar appropriation for New England.

The PRESIDING OFFICER. Does the Senator from Oklahoma ask that the amendment go over?

Mr. GORE. I am not making the request, but some other Senators desire that it shall go over.

Mr. PENROSE. Let that paragraph go over until to-morrow.

Mr. NORRIS. I think we ought to have a quorum to listen to this debate.

Mr. RANSDELL. What is the request?

Mr. PENROSE. I think this paragraph had better go over. It opens a wide vista, and we can meet the question with fresh minds in the morning.

Mr. RANSDELL. I have no objection to its going over.

Mr. GORE. Let it go over.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 79, after line 23, to insert:

Hereafter the President of the United States is authorized to designate such areas on any lands purchased by the United States under the provisions of the act of March 1, 1911 (36 Stat. L., p. 961), entitled "An act to enable any State to cooperate with any other State or States or with the United States for the protection of the watersheds of navigable streams, and to appoint a commission for the ac-

quisition of lands for the purpose of conserving the navigability of navigable streams," and acts supplementary thereto and amendatory thereof as should, in his opinion, be set aside for the protection of game animals, birds, or fish; and thereafter whoever shall hunt, catch, trap, willfully disturb, or kill any kind of game animal, game or nongame bird, or fish, or take the eggs of any such bird on any lands so set aside, or in or on the waters thereof, except under such rules and regulations as the Secretary of Agriculture may from time to time prescribe, shall be fined not more than $500 or imprisoned not more than six months, or both: *Provided*, That this provision shall be effective only in those States the legislatures of which have consented or which hereafter shall consent to the making by the Congress of the United States or under its authority of such rules and regulations as, in the opinion of the Federal Government, may be needful in respect to said animals, birds, and fish on said lands and in or on the waters thereof.

Mr. SMOOT. Mr. President, to save the time of the Senate, I want to ask the Senator to allow that amendment to go over, because I think a point of order ought to be made against it; but I do not want to make it until I look further into the provisions of the amendment. I will assure the Senator that I will not discuss it at all to-morrow; but, if I conclude to do so, will simply make the point of order.

Mr. GORE. I am perfectly willing that the amendment shall be passed over.

The PRESIDING OFFICER. Without objection, the amendment will be passed over.

Mr. LANE. Mr. President, I should like to ask the Senator for information what the Agricultural Department has to do with naval stores?

Mr. NORRIS. To spend money in connection with them.

Mr. LANE. The provision at the top of page 81 reads:

For investigating the grading, weighing, and handling of naval stores, and preparation of definite type samples thereof, including the employment of necessary persons and means in the city of Washington and elsewhere, $5,000.

Is that an item to provide salaries?

Mr. GORE. Mr. President, the naval stores industry is a very important one in the States of Florida, Alabama, and Georgia, and the provision was inserted in the bill a year ago, I think, on the motion of the senior Senator from Georgia [Mr. SMITH.]

Mr. LANE. What are naval stores?

Mr. FLETCHER. They are yellow-pine products, spirits of turpentine, and rosin, and they exist wherever yellow pine grows in this country.

Mr. LANE. What are naval stores used for?

Mr. FLETCHER. Spirits of turpentine are use for medicinal purposes, they are used in pharmacy, in paints, and in similar articles. Naval stores are forest products.

Mr. LANE. In former times naval stores used to be tar and pitch.

Mr. FLETCHER. Naval stores now mean turpentine and rosin.

Mr. LANE. They are not used in the Army or the Navy as they formerly were?

Mr. FLETCHER. No.

Mr. SMOOT. Mr. President, I remember when this item was put in the appropriation bill. The purpose, as stated then, was to provide for the preparation of definite type samples of naval stores.

Mr. GORE. For their standardization.

Mr. SMOOT. For their standardization. I thought that was perfectly proper and right, and I thought we ought to provide for that in the bill of last year.

Mr. OLIVER. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. OLIVER. My point of order is that the item we are discussing is not a committee amendment, and that discussion is not in order at the present time.

Mr. GORE. If discussion is to ensue, I will ask that the item go over.

The PRESIDING OFFICER. The point of order is well taken.

Mr. SMOOT. Mr. President, we can return to it, of course.

Mr. NORRIS. Mr. President, I should like to ask the Senator from Utah and the Senator from Oklahoma how long it is expected we are to continue to-night? I think it is about time we finished the day's work and took a recess, or we will be faced with a proposition to adjourn.

Mr. FLETCHER. This matter ought not to be under discussion at all; it is not an amendment reported by the Senate committee.

Mr. NORRIS. It is under discussion, however, and time is being taken up.

The PRESIDING OFFICER. The item will be passed over.

Mr. GORE. I think we will conclude in a few moments, I will say to the Senator.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 81, line 6, after the word "exceed," to strike out "$55,000" and insert "$40,000"; in line 7, after the word "appropriations," to strike out "now available or"; in line 11, before the word "work," to insert "field"; in the same line, after the word "Agriculture," to insert "outside the District of Columbia"; and in line 15, after the word "service," to insert "outside the District of Columbia," so as to make the clause read:

That not to exceed $40,000 of the lump-sum appropriation herein made for the Department of Agriculture shall be available for the purchase, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles and motor boats necessary in the conduct of the field work of the Department of Agriculture outside the District of Columbia: *Provided*, That not to exceed $5,000 of this amount shall be expended for the purchase of such vehicles and boats, and that such vehicles and boats shall be used only for official service outside the District of Columbia: *Provided further*, That the Secretary of Agriculture shall on the first day of each regular session of Congress make a report to Congress showing the amount expended under the provisions of this paragraph during the preceding fiscal year.

Mr. PENROSE. Mr. President, I should like to have an explanation of why the words "outside the District of Columbia" are used in lines 15 and 16. The proviso reads:

Provided, That not to exceed $5,000 of this amount shall be expended for the purchase of such vehicles and boats, and that such vehicles and boats shall be used only for official service outside the District of Columbia.

Does that mean that in the District of Columbia pleasure yachts and joy rides are to be permitted?

Mr. GORE. No, sir; it leave officers within the District of Columbia subject to the provisions contained in the legislative appropriation bill of last year. A year ago we inserted the words "field service," so as not to interfere with the necessary service in the field, on the theory that officers within the District of Columbia would fall under the provisions of the legislative bill. In the hearings before the House committee the chief of one bureau stated that they had interpreted "field service" to include the District of Columbia. It was the purpose of the committee and the purpose of the Senate a year ago to limit the use of such vehicles to field service, so that machines could not be operated in the District of Columbia; but in view of that interpretation of the act of a year ago, these words were inserted so as to make it specific beyond any and all reasonable doubt, or any other sort of doubt, that they could not use this money within the District of Columbia for the purchase and operation of machines.

Mr. PENROSE. Then, as I understand, the item of $5,000 does not apply to the District of Columbia?

Mr. GORE. No, sir.

Mr. PENROSE. Well, it does not seem to me that the paragraph is drawn with a very great amount of clearness; but, if that is the explanation, I will make no objection.

Mr. WARREN. Mr. President, perhaps I can make it a little clearer. The large amount is for maintenance, and so forth, and the $5,000 is for the purchase of vehicles; but they are only for use outside of the District of Columbia. The language is a little awkward, I will admit.

Mr. PENROSE. It is certainly awkwardly expressed, and not calculated to convey any other than the impression that within the District of Columbia vehicles may be used for purposes other than for official business.

Mr. GORE. Mr. President, I will suggest that if the Senator will consider this in connection with the provision in the legislative bill of last year, he will see clearly the point which the committee had in mind, which is also the point he seems to have in mind, judging from his suggestion.

Mr. PENROSE. Mr. President, I do not think that in a great supply bill like this the accounting officers of the Government and the legislators called upon to pass the bill ought to be referred to an appropriation bill of the preceding year to secure an explanation of a provision. However, in view of the explanation of the chairman of the committee and of the senior minority member of the committee, I shall not press the matter any further, except to state that, in my opinion, the paragraph is awkwardly and obscurely drawn.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 81, after line 20, to strike out:

In case of an emergency arising out of an outbreak of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious disease of animals, which in the opinion of the Secretary of Agriculture threatens the live-stock industry of the country, he may expend during the fiscal year, in the city of Washington and elsewhere, out of any money in the Treasury not otherwise appropriated, the sum of $2,500,000, or so much thereof as he determines to be necessary, in the arrest and eradication of any such disease.

And insert:

In case of an emergency arising out of an outbreak of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious disease of animals, which in the opinion of the Secretary of Agriculture threatens the live-stock industry of the country, he may expend in the city of Washington and elsewhere, out of any money in the Treasury not otherwise appropriated, the sum of $2,500,000, or so much thereof as he determines to be necessary, in the arrest and eradication of any such disease, including the purchase and destruction, in cooperation with the States, of animals affected by or exposed to, or of materials contaminated by or exposed to, any such disease, and said sum shall be immediately available for the purposes specified.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BRANDEGEE. Mr. President, I thoroughly approve that appropriation, if it is an appropriation. I notice, however, that it is not in the usual form of an appropriation, but it is peculiarly worded. It says that the Secretary of Agriculture may expend two and a half million dollars or such portion of it as he determines to be necessary in the event of this outbreak, and "said sum shall be immediately available for the purposes specified." I simply want to inquire if that beyond any question makes an appropriation which the Secretary of Agriculture—I will wait until the chairman of the committee is at liberty.

Mr. NORRIS. If there is going to be any waiting, I ask the Senator to yield to me?

Mr. BRANDEGEE. I notice the chairman of the committee, versatile as he is, can not attend to two Senators at the same time.

The PRESIDING OFFICER. The Senator from Connecticut requests the attention of the Senator from Oklahoma.

Mr. BRANDEGEE. The inquiry in brief is this——

Mr. GORE. I understood the inquiry, and I think probably there is some force in it.

Mr. BRANDEGEE. The Senator has great powers of perception. I had not concluded my inquiry.

Mr. GORE. I understood the Senator to inquire whether or not this provision contained appropriating language; that is, was not written in the ordinary language of appropriations, and he doubted whether or not——

Mr. BRANDEGEE. Now, I wish to inquire of the Senator whether he is sure that there has been provided here a method by which the Secretary of Agriculture can draw upon the Treasury and get this money in case he needs it?

Mr. GORE. I imagined that was what the Senator desired to know. I will suggest in answer, however, that the amendment was drawn by the department. That does not argue in favor of its infallibility, and I think possibly it ought to be changed.

Mr. BRANDEGEE. Presumptively it is right. All I desire to do is to call the Senator's attention to it, so that he can consider it in conference.

Mr. GORE. Yes, sir.

Mr. WARREN. Mr. President, may I ask the Senator if he noticed the language on lines 11 and 12, where it says "out of any money in the Treasury not otherwise appropriated"?

Mr. BRANDEGEE. Yes.

Mr. WARREN. Of course it is asking the department to do it, and it does not read in the usual way, but I think that covers it.

Mr. BRANDEGEE. My impression was that the suggestion I made is overtechnical. I agree to it; but it is a very important appropriation, and I know how technical the auditors for the Treasury Department are.

Mr. GORE. Mr. President, I will say that I appreciate the suggestion, and I think it ought to be acted on, and I will keep it in mind in conference, if a change is not made before it gets to conference.

I desire to submit, in lieu of the committee amendment, an amendment suggested by the department.

The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. In lieu of the committee amendment it is proposed to insert the following:

In case of an emergency arising out of the existence of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious disease of animals, which, in the opinion of the Secretary of Agriculture, threatens the live-stock industry of the country, he may expend in the city of Washington and elsewhere, out of any money in the Treasury not otherwise appropriated, the sum of $2,500,000, or so much thereof as he determines to be necessary, in the arrest and eradication of any such disease, including the payment of claims growing out of past and future purchases and destruction, in cooperation with the States, of animals affected by or exposed to, or of materials contaminated by or exposed to, any such disease, and said sum shall be immediately available for the purposes specified.

Mr. GORE. I will suggest that the amendment which I have offered is intended to enable the Secretary of Agriculture to make the payments for cattle heretofore slaughtered. The value of those which have been slaughtered exceeds the emergency appropriation made sometime ago, and there was some doubt as to whether or not such payments could be made under the language of the appropriation. This is intended to remove any uncertainty.

Mr. GALLINGER. Mr. President, will the Senator state what percentage of loss is met by the National Government?

Mr. GORE. One-half.

Mr. GALLINGER. Is it one-half?

Mr. GORE. Yes, sir.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oklahoma.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. The Senator from Washington.

Mr. JONES. I suggest that the entire amendment go over until to-morrow. Possibly the chairman may frame such a provision as would be certain to carry an appropriation and incorporate the provision that he has just offered in it.

Mr. WARREN. Mr. President, I hope the Senator will not ask that it go over until I can offer an amendment tending to perfect it on behalf of the committee.

Mr. JONES. I shall be very glad to withhold the request until the Senator offers a committee amendment to perfect it.

Mr. WARREN. I offer two amendments to the same section, both of which have been submitted to the chairman of the committee and both of which have the approval of the department.

The PRESIDING OFFICER. The amendments will be stated.

The SECRETARY. On page 82, line 17, after the word "disease," it is proposed to insert:

Wherever found, and irrespective of ownership, under like or substantially similar circumstances.

Mr. JONES. Mr. President, I suggest——

Mr. WARREN. There is also another amendment, which the Secretary has not yet read.

The PRESIDING OFFICER. The Secretary will read the second amendment offered by the Senator from Wyoming.

The SECRETARY. At the end of line 18, it is proposed to substitute a semicolon for the period and to add the following:

Provided, That no payment for any such diseased or exposed animal or contaminated or exposed materials shall be made if any of the quarantine regulations of the Department of Agriculture shall have been so violated at the yards or pen where such animal is seized or materials found as to cause the disease against which the quarantine is established.

The PRESIDING OFFICER. The Senator from Washington requests that this amendment be passed over and that it be printed. Is there objection?

Mr. JONES. And these suggested amendments.

Mr. GORE. I have no objection.

Mr. GALLINGER. I suggest that it be likewise printed as it has been proposed to be amended, so that we may see it.

The PRESIDING OFFICER. If there is no objection, these amendments will be printed. The Chair hears no objection to this amendment being passed over. The Secretary will resume the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 82, after line 18, to insert:

The unexpended balance on June 30, 1914, remaining to the credit of the appropriation authorized in the Agricultural appropriation act approved March 4, 1913, for the expenses of a commission to investigate and report to Congress on European cooperative land-mortgage banks and rural-credit unions, is hereby appropriated and made available for the fiscal years 1915 and 1916, including expenses incurred since the end of the fiscal year 1914, for the purposes set forth in said act, to be paid out on the audit and order of the chairman of said commission; and such audit and order shall be conclusive and binding upon all departments as to the correctness of the accounts of such commission under this appropriation and under the appropriation made for the fiscal year 1914.

Mr. BRANDEGEE. Mr. President, I wish to ask what the unexpended amount of this appropriation is?

Mr. FLETCHER. I think the amount actually unexpended and on hand is about $1,500. It was appropriated originally to carry out that work, and it was supposed at the time that it would remain available during the life of the commission. Now a technical point has been raised that it expired with the fiscal year, and this is intended simply to continue the appropriation during the lifetime of the commission.

Mr. BRANDEGEE. What does the language mean in line 2, page 83, "including expenses incurred since the end of the fiscal year"?

Mr. FLETCHER. That is intended to meet the situation in which the commission finds itself under a technical ruling of the comptroller that the appropriation covered only the fiscal year ending June 30, 1914. It continues the appropriation during the life of the commission, as the original act, according

to our construction, meant. The most of the fund was expended prior to that time, I will say to the Senator, because, you will remember, this commission went to Europe and spent three months there.

Mr. JONES. Mr. President——

Mr. BRANDEGEE. What I mean to suggest is that I think the words "including expenses" are rather blind, because if the Senator will look at the way this language is framed he will see that it provides that the unexpended balance "is hereby appropriated and made available for the fiscal years 1915 and 1916, including expenses incurred since the end of the fiscal year 1914." What does that mean—that a balance is made available, including some expenses?

Mr. FLETCHER. There are no extra expenses. It is simply to include the items from 1914 on down to date and to the end of 1916; that is all. It is no additional appropriation, no additional item.

Mr. BRANDEGEE. It seems to me to be blind, but I am satisfied with it if the Senator is.

Mr. FLETCHER. I think it is all right. It is all right, I think, according to the direction of the comptroller.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. The Senator from Washington.

Mr. JONES. I think this matter ought to go over. I move that the Senate adjourn.

Mr. FLETCHER. Mr. President, I hope——

Mr. JONES. I move that the Senate adjourn.

Mr. FLETCHER. Mr. President, will not the Senator from Washington withhold that motion?

Mr. JONES. No; I will not. It is now nearly 11 o'clock.

The PRESIDING OFFICER. The Senator from Florida has the floor, and does not yield it.

Mr. JONES. The Chair recognized me.

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Washington?

Mr. JONES. No; I did not ask the Senator to yield at all.

The PRESIDING OFFICER. The Senator from Florida has the floor. He had not surrendered the floor.

Mr. JONES. But the Presiding Officer recognized me.

The PRESIDING OFFICER. The Chair asked the Senator from Florida if he would yield to the Senator from Washington.

Mr. JONES. No.

Mr. FLETCHER. Does the Senator insist that this matter shall not be acted on now?

Mr. JONES. Yes.

Mr. FLETCHER. Everybody else is willing to agree to it.

Mr. JONES. When the Senator gets through I will take my action.

Mr. FLETCHER. I move that the Senate take a recess——

Mr. STONE. Mr. President, before the motion to take a recess is agreed to I simply wish to ask the consent of the Senate, or I will ask it to-morrow morning before this bill is taken up again, immediately on the assembling of the Senate, to have a short executive session.

Mr. SIMMONS. Mr. President, I ask the Senator from Florida if he will not yield to me to offer some reports from the Finance Committee.

Mr. FLETCHER. I yield for that purpose.

Mr. JONES. Mr. President, I ask who has the floor?

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. JONES. That is all right.

PETITIONS.

Mr. WARREN presented a petition of Borner Grange, No. 7, Patrons of Husbandry, of Lander, Wyo., praying for the adoption of a system of rural credits, which was referred to the Committee on Agriculture and Forestry.

Mr. SAULSBURY presented petitions of sundry citizens of Delaware, praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

FORTIFICATIONS APPROPRIATIONS.

Mr. BRYAN. From the Committee on Appropriations I report back favorably, without amendment, the bill (H. R. 21491) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The PRESIDING OFFICER. The bill will be placed on the calendar.

MILITARY ACADEMY APPROPRIATIONS.

Mr. CHAMBERLAIN. From the Committee on Military Affairs I report back favorably, with amendments, the bill (H. R. 21328) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1916, and I submit a report (No. 1028) thereon.

The PRESIDING OFFICER. The bill will be placed on the calendar.

DIPLOMATIC AND CONSULAR APPROPRIATIONS.

Mr. OVERMAN. I am directed by the Committee on Appropriations, to which was referred the bill (H. R. 21201) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1916, to report it with amendments and submit a report (No. 1024) thereon.

The PRESIDING OFFICER. The bill will be placed on the calendar.

REPORTS OF COMMITTEES.

Mr. THOMAS, from the Committee on Public Lands, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 19061. An act for the relief of homestead entrymen under the reclamation projects of the United States (Rept. No. 1026); and

H. R. 19116. An act to grant certain lands to the city of Grand Junction, Colo., for the protection of its water supply (Rept. No. 1025).

Mr. PITTMAN, from the Committee on Public Lands, to which was referred the bill (S. 4110) authorizing the cutting of timber for mining purposes by corporations organized in one State and conducting mining operation in another, reported it without amendment and submitted a report (No. 1027) thereon.

Mr. JOHNSON, from the Committee on Pensions, to which was referred the bill (H. R. 21218) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors, reported it with amendments and submitted a report (No. 1030) thereon.

He also, from the same committee, to which was referred the bill (H. R. 21089) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors, reported it with amendments and submitted a report (No. 1029) thereon.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (H. R. 1062) granting a patent to Joseph Robicheau, reported it with an amendment and submitted a report (No. 1031) thereon.

Mr. SIMMONS, from the Committee on Finance, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 5909. An act to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880 (Rept. No. 1033);

H. R. 2909. An act to extend the privileges of the seventh section of immediate-transportation act to Bay City, Mich. (Rept. No. 1034); and

H. R. 9591. An act to permit the manufacture of denatured alcohol by mixing domestic and wood alcohol while in process of distillation (Rept. No. 1032).

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 7727) granting a pension to Mattie S. M. Hope (with accompanying papers); to the Committee on Pensions.

By Mr. BURLEIGH:

A bill (S. 7728) granting an increase of pension to Edelbert Roundy; to the Committee on Pensions.

By Mr. RANSDELL:

A bill (S. 7729) to authorize the reinstatement of George Hill Carruth as a cadet in the United States Military Academy; to the Committee on Military Affairs.

By Mr. TILLMAN:

A bill (S. 7730) to provide for the appointment of a district judge, district attorney, and marshal for the western district of South Carolina, and for other purposes (with accompanying paper); to the Committee on the Judiciary.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. NEWLANDS submitted an amendment authorizing the District Court of the United States for the District of Alaska, third division, to direct its clerk to refund to the Copper River & Northwestern Railway Co. an amount turned over to him as a license tax of $100 per mile on each mile of road operated in Alaska, etc., intended to be proposed by him to the general

deficiency appropriation bill (H. R. 21546), which was referred to the Committee on Appropriations and ordered to be printed.

RECESS.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER The Senator from North Carolina.

Mr. SIMMONS. I move that the Senate take a recess until half past 10 o'clock to-morrow morning.

Mr. SMOOT. I suggest to the Senator that he make it 11 o'clock.

Mr. OLIVER. Mr. President, it was understood, or, at least, a number of Senators on this side of the Chamber understood, that the session to-night would last only until about 10 o'clock. We have been here an hour longer, and I appeal to the Senator to make it 11 o'clock to-morrow morning.

Mr. JONES. Mr. President——

Mr. SIMMONS. I will change the motion to 11 o'clock.

Mr. GALLINGER. That is right.

The PRESIDING OFFICER. The Senator from North Carolina *moves that* the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to, and (at 10 o'clock and 50 minutes p. m., Wednesday, February 24, 1915) the Senate took a recess until to-morrow, Thursday, February 25, 1915, at 11 o'clock a. m..

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 24, 1915.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, Infinite Spirit, our heavenly Father, for the industry, patience, courage, integrity, and self-control which obtains in the Members of this great legislative body—for the courtesy displayed when feelings are tense on questions of moment before them. Let Thy blessing be upon them in the closing hours of this historic Congress, that they may finish their work and leave behind them a record worthy of emulation. And Thine be the praise, through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 20347. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1916.

The message also announced that the Senate had insisted upon its amendments to the bill H. R. 19909, the legislative, executive, and judicial appropriation bill, had agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed Mr. MARTIN of Virginia, Mr. OVERMAN, and Mr. GALLINGER as the conferees on the part of the Senate.

ARMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 20347) making appropriations for the support of the Army for the fiscal year ending June 30, 1916, disagree to all the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Virginia [Mr. HAY] asks unanimous consent to take from the Speaker's table the Army appropriation bill, H. R. 20347, disagree to all the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill, as follows:

A bill (H. R. 20347) making appropriations for the Army for the fiscal year ending June 30, 1916.

Mr. GARDNER rose.

The SPEAKER. For what purpose does the gentleman from Massachusetts rise?

Mr. GARDNER. The Speaker asked if there was objection, and I rose to reserve the right to object.

The SPEAKER. All right.

Mr. GARDNER. Reserving the right to object, I would like to ask the chairman of the committee if he is in possession of a letter which was written by the Secretary of War or by Gen. Scriven pointing out the necessity of this increase in the aviation appropriation?

Mr. HAY. I am.

Mr. GARDNER. And is the chairman inclined to think that there is some merit in the letter?

Mr. HAY. For what purpose does the gentleman ask that question?

Mr. GARDNER. Because the gentleman, when this was put to a vote in the House, did not mention the existence of that letter—that he had it at the time.

Mr. HAY. I do not recall now whether I had it then or not. I do not know whether it was my business to mention it, even if I did have it.

Mr. GARDNER. When I raised the question as to the gentleman making a mistake in his $300,000 figures, I was supplied immediately afterward with a copy of this letter.

Mr. HAY. I will say to the gentleman from Massachusetts that what was asked for by the War Department was $400,000.

Mr. GARDNER. Yes.

Mr. HAY. And the Committee on Military Affairs cut it down to $300,000, and the Senate committee has raised it to $400,000.

Mr. GARDNER. I understand.

Mr. HAY. And when we get into conference we will do the best we can about it.

The SPEAKER. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House Mr. HAY, Mr. DENT, and Mr. KAHN.

EXTENSION OF REMARKS.

Mr. JOHNSON of Washington rose.

The SPEAKER. For what purpose does the gentleman from Washington rise?

Mr. JOHNSON of Washington. I desire to ask unanimous consent to print in the RECORD a statement from the Forest Service regarding the proposed reduction in the size of the Olympic national monument.

The SPEAKER. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

ADDITIONAL DISTRICT JUDGE, SOUTHERN DISTRICT OF GEORGIA.

Mr. WEBB. Mr. Speaker, if there are no appropriation bills demanding consideration, I ask that the Speaker lay before the House the bill (H. R. 17869) providing for the appointment of an additional district judge for the southern district of the State of Georgia, with Senate amendments.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill, as follows:

A bill (H. R. 17869) providing for the appointment of an additional district judge for the southern district of the State of Georgia.

Mr. CULLOP rose.

The SPEAKER. For what purpose does the gentleman from Indiana rise?

Mr. CULLOP. I rise for the purpose of moving a nonconcurrence in the Senate amendments.

Mr. CRISP. Mr. Speaker, I make a preferential motion. I desire to move to concur in all three Senate amendments.

The SPEAKER. The gentleman from Georgia [Mr. CRISP] makes a preferential motion to concur in all three of the Senate amendments.

Mr. STAFFORD. Mr. Speaker, I ask for a division of that motion of the gentleman from Georgia.

Mr. SPEAKER. The gentleman undoubtedly has the right to it.

Mr. WEBB. I have the floor, Mr. Speaker, have I not?

The SPEAKER. Yes; but everybody has the right to inject that remark into the proceedings.

Mr. WEBB. Certainly. I wanted to see if we could have some agreement as to the time for the discussion of this motion, because I realize the importance of time at this juncture, and I am willing to do my part toward expediting the disposition of the public business. I would be glad to yield to the gentleman any time he desires, so far as my hour is concerned.

Mr. CRISP. I realize at this stage of the session that the House can not take much time on this bill, and I would like to have 10 minutes.

Mr. MANN. We have plenty of time this morning, for all that I can see.

The SPEAKER. What suggestion has anybody to make about this bill?

Mr. WEBB. Mr. Speaker, I ask unanimous consent that all debate on the motion to concur and nonconcur be limited to two hours, one half the time to be controlled by myself and the other half to be controlled by the gentleman from Minnesota [Mr. VOLSTEAD].

Mr. STAFFORD. Is the gentleman from Minnesota opposed to this bill?

Mr. CULLOP rose.

The SPEAKER. For what purpose does the gentleman from Indiana rise?

Mr. WEBB. Mr. Speaker, I ask that the gentleman from Illinois [Mr. MANN] be allowed to control the time instead of the gentleman from Minnesota [Mr. VOLSTEAD].

The SPEAKER. The gentleman from North Carolina [Mr. WEBB] asks unanimous consent that the debate on the motion to concur in these amendments shall be limited to two hours, one hour to be controlled by himself and the other by the gentleman from Illinois [Mr. MANN]. Now, for what purpose does the gentleman from Indiana rise?

Mr. CULLOP. The purpose was to have a division of the time, to be controlled as it is already decided to be controlled, one-half by the friends of the amendment and one-half by those who are opposed to it.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from North Carolina [Mr. WEBB] is recognized for one hour.

Mr. WEBB. Mr. Speaker, I yield five minutes to the gentleman from Georgia [Mr. CRISP].

Mr. CRISP. Mr. Speaker, when this bill passed the House it provided for an additional judge in the southern district of Georgia. The business of the courts there was falling behind. The late Attorney General, Mr. Wickersham, had an agent of the Department of Justice investigate the status of the docket in the district, and he reported that he thought Judge Speer, the judge of that district, should have additional help, because only 62 per cent of the cases filed were being tried yearly, and the business of the court was gradually falling behind, and the Attorney General had Judge Grubbs, from Alabama, detailed to help catch up with the docket.

This bill was introduced in the House by the chairman of the Judiciary Committee [Mr. WEBB], and not by any of the Georgia Members. The Judiciary Committee reported it favorably, the report being a unanimous one. The House will recall that a subcommittee of the Committee on the Judiciary was sent to Georgia to investigate the conduct of the judge of the southern district, Judge Emory Speer. When the committee returned they were of the opinion that the district needed relief, and this bill was the outcome of their report, being introduced, as I said, not by a Georgia Member but by the chairman of the Judiciary Committee, Mr. WEBB, who had just returned from an investigation of the conditions in the judicial district. If the Members of the House will notice the report, they will see that former Attorney General—now Justice—McReynolds on August 4, 1914, wrote the chairman of the Judiciary Committee [Mr. WEBB] to this effect:

> Permit me to reply to your letter of this date, inclosing House bill 17869, providing for an additional judge for Georgia, etc.
>
> Under existing circumstances it seems to me essential that there should be another judge in the southern district of Georgia. The conditions there are lamentable, and I know of no other way in which they can be speedily remedied. I hope the bill will be promptly enacted into law.

Mr. GARNER. Will the gentleman yield?

Mr. CRISP. Certainly.

Mr. GARNER. The gentleman had reference to the House bill, had he not?

Mr. CRISP. Yes.

Mr. GARNER. What has the gentleman to say with reference to the amendment put on by the Senate to make two permanent judges there?

Mr. CRISP. I will come to that in a moment. I was trying to acquaint the House with the conditions that obtained which caused the House in its wisdom to pass the bill providing an extra judge in the district. This bill came up in the House, and the House in its wisdom saw fit to pass the bill as reported to the House, providing that the additional judge should be temporary—or, rather, that when Judge Speer either retired or passed away there should be no successor appointed to him and there should thereafter be only one permanent judge in the district.

Judge Speer is a very able man. In the vigor of his youth he was able to keep up with the work. He is well advanced in years and for a considerable time has suffered with hay fever, which necessitates his absence from the district a good many months in each year in a high altitude. Now, the House passed this bill, but adopted what is known as the Cullop amendment, which provides that the President shall make public the indorsements filed in support of the person appointed.

The SPEAKER. The time of the gentleman has expired.

Mr. WEBB. I yield to the gentleman from Georgia three minutes more.

Mr. CRISP. Personally I have no objection to the amendment, though I doubt whether it is constitutional. I realize that in saying that I may bring ridicule upon myself for mentioning the Constitution in this body. [Applause.] But, Mr. Speaker, at this late day in the session I fear that if the House insists upon that amendment it may jeopardize the bill. For that reason I have moved that the House concur in the Senate amendment to eliminate from the bill the Cullop amendment.

The southern district of Georgia covers the entire southern half of the State and has a population of 1,340,000 people. It has two large ports in it. Judge Speer lives in Macon, which is over 200 miles from either Savannah or Brunswick. Savannah is the largest port for the export of naval supplies in the world. It is the second largest port for the exportation of cotton in the world. Brunswick has a large commerce, and there is a considerable maritime practice in this district. There are 76 counties in the southern district of Georgia. In my opinion, the Senate believed that the best interests of the Government would be served by dividing this very large district into two districts. Therefore the Senate adopted an amendment providing that there should be two judges, or that the new judge should be permanent, which will mean, if the bill becomes a law, that later the southern district will be divided and there will be two districts. According to the RECORD, page 4215, of the proceedings of the present session of Congress, Senators BURTON and ROOT favored the passage of this bill with this amendment making this judge permanent, and it was stated on the floor of the Senate that it had the unanimous support of the Senate Judiciary Committee. I believe, Mr. Speaker, that the best interests of the Government and the people of Georgia will be best subserved by this judge being made permanent, and therefore I have moved to concur in the amendment so providing.

The CHAIRMAN. The time of the gentleman from Georgia has again expired.

Mr. WEBB. I yield to the gentleman from Georgia two minutes more.

Mr. CRISP. I thank the gentleman, and I will stop at the end of that time.

The third amendment simply strikes out the provision allowing the senior circuit judge to designate which district judge shall hold the court. That amendment is unnecessary, because section 23 of the Judicial Code, passed March 3, 1911, regulates this matter. If this bill becomes a law, the general law will provide that until the district is divided the senior circuit judge shall designate the judge to hold the court, so that this provision of the bill as it passed the House is unnecessary. The Senate amendment is a wise one, and I hope it will be concurred in. [Applause.]

Mr. WEBB. I yield five minutes to the gentleman from Georgia [Mr. EDWARDS]. If he does not desire to use the time, I will ask the gentleman from Illinois [Mr. MANN] to use five minutes of his time.

Mr. MANN. Mr. Speaker, will the Chair remind me when I have used 10 minutes? I do not think there is any need at all of this additional judge. When we passed the bill it was stated that the judge there, Judge Speer, was in ill health and was not attending to the business of the court so as to keep it up to date. The other day somebody down there sent me a clipping from the Savannah News, containing a statement made by Judge Speer in discharging the Federal grand jury recently. This clipping is dated February 17, 1915. In this statement to the grand jury Judge Speer, among other things, said:

> You will be very glad to learn that the business of the district is in a most satisfactory condition.

This follows a statement of the number of cases pending in the court, the number of new cases which had been brought, and the number of cases which had been disposed of, with an analysis of the cases which were pending. For instance, take the criminal cases, one important class of suits in that court. Of these there were 179 pending on the 28th of last December. Of that number 57 had been instituted during the months of November and December of last year. In 28 cases no arrests had been made. This left only 94 criminal cases in the entire district over two months old. Of the 176 civil cases pending, 13 were pending on reference before masters; 5 for settlement; in 1 the defendant was dead and no party made; 27 had been filed recently and were not ready for trial or final action; 4 were ancillary to proceedings pending in other districts; 2 awaited the decision of the circuit court of appeals; and 1 awaited the mandate. The judge goes through the different classes of cases pending in his court and shows that the busi-

ness is up to date, probably better in that district than almost any other district in the United States. So you see there is no congestion of business there.

I also received a clipping from the Albany Herald of the date of February 5 last, which has this heading to it:

United States court had a busy session. Practically nothing remaining on the docket after adjournment on January 25.

It has this statement:

The United States court transacted a great deal of business at the recent January term in Albany, and a recapitulation of the docket is highly interesting. It shows that not a single case which could be disposed of was left unattended to, and the docket is in excellent shape.

Then follows a statement in detail of the several cases, bankruptcy cases, naturalization cases, criminal business, and so forth, and the article winds up with the statement, "No cases or matters were left undisposed of that could be tried."

These statements, which can not be successfully contradicted as to the details, show that there is no need of an additional judge in Georgia at this time. More business has been disposed of in that district during the last few months by far than in the average of districts in the United States, and fewer cases undisposed of are pending by far than in the average districts in the United States.

I appreciate the desire of gentlemen in the House to create additional judgships, to be filled by their friends or by a friend, but, after all, that is hardly a sufficient reason for providing an additional judge. If we are ever to exercise any economy, we ought to exercise it in regard to matters of this sort.

Doubtless many people would like to be appointed to a judgeship for life, and if this bill passes some one person will receive the appointment. But if the bill passes it will be for the benefit of that person and not for the benefit of the public business; the public business of the district does not require an additional judge.

It is true that that is not the question now pending in the House, but gentlemen on the other side who have spoken have urged that the House recede from its position in reference to the publicity, and so forth, because of the need of a judge. The judgeship can wait; the House has repeatedly declared its position on these questions, and the House is entitled to maintain its position, instead of yielding weakly to the Senate. When the bill was before the House it was urged that the bill ought to pass because it was such a trifling matter; it did not involve the appointment of a permanent judge. Now, gentlemen say that they want a permanent judge. If the proposition before the House when the bill passed had been the appointment of a permanent judge, I do not believe that the House would have passed the bill.

There are in the United States, as shown by the report of the Attorney General, at least 40 or 50 districts that need a judge much more than this district. The House, instead of constantly creating additional judgeships, ought, in my opinion, to restrict the jurisdiction of the Federal court, so that so many cases will not be taken from the State courts to the Federal courts. [Applause.] We will never accomplish that purpose if we constantly increase the number of the Federal judges. There is no reason why every corporation having a lawsuit involving over $5,000 should be permitted to take it to the Federal court. The people, the individuals and the corporations, on matters which do not involve great national or constitutional questions ought to be willing and ought to be compelled to submit their differerences to the local State courts. [Applause.] I think the only way to accomplish that is to stand out against increasing the number of the Federal judges. Mr. Speaker, I reserve the balance of my time.

Mr. WEBB. Mr. Speaker, in the interest of saving time I wish to say that we will have but one more speech on this side, and if the gentleman from Illinois will use the remainder of his time it may be that we will cut the two hours short.

Mr. MANN. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Speaker, since this bill was projected into the House this morning I have taken occasion to examine the reports of the Attorney General for the year 1913 and the last one available, that of 1914. These reports give a detailed account of the business pending in the northern district of Georgia as well as all other districts of the United States. I have compared the condition of business pending in the northern district of Georgia where it is proposed to have two permanent judges under the bill now presented for consideration with those existing in districts in Indiana, the eastern district of Washington, and the district I am most familiar with in my own State, the eastern district of Wisconsin.

Mr. EDWARDS. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. EDWARDS. This bill provides for an additional judge in the southern district of Georgia and not the northern district.

Mr. STAFFORD. The tables that I examined were for the southern district of Georgia. It was a mere inadvertence my saying northern district.

Mr. COX. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. COX. Has the gentleman the total number of cases tried last year in Indiana and the total number in Georgia?

Mr. STAFFORD. I have. In the case of Indiana other than those suits to which the United States was a party, and that is the main factor in the consideration of the bill before us, there was commenced during the fiscal year 120 suits. There was terminated during the year 134, leaving as unfinished at the close of business June 14, 145. The district of Indiana is represented by only one district judge.

Let us compare the conditions of business in this southern district of Georgia, where they ask in the motion made by the gentleman from Georgia to constitute permanently two judges. I claim there is not much basis for an argument made in favor of the emergency judge coming to the relief of Judge Speer, according to the statement made by the Attorney General in his reports.

I have here the statistics for the southern district of Georgia. Number of cases commenced during the fiscal year, 79; number terminated, 68; pending at the close of business June 30, 130. More cases were pending for disposal in the district of Indiana than in the southern district of Georgia.

Mr. COX. How many in the whole State of Georgia?

Mr. STAFFORD. That, of course, takes in another district. I have the northern district here, and I will give the gentleman the figures; but that is beside the question before us, because we are only providing an additional judge in the southern district. In the northern district the number of cases commenced during the fiscal year was 94; number terminated, 81; number pending at the close of business June 30, 153. There is more warrant for an additional judge in the case of the northern district than there is in the southern district.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. MURDOCK. What is the comparison in new business between Georgia and Nebraska, which has two judges?

Mr. STAFFORD. Of course Nebraska is a Western State. I have not examined that. I think that you will find in the case of Nebraska that they would not have near so much business, because it is an agricultural State.

Mr. MURDOCK. They have two judges there.

Mr. STAFFORD. Yes; and one office was created, no doubt, in years gone by to give some place to a favorite of a Member of another body, just as the proposal is here to give some additional place to some favorite, so that he may hold a life job. I can give that in Nebraska, if the gentleman wishes, but I hardly think that is a parallel case, because Georgia may be likened more to Indiana, where there is not only agriculture but also manufactures, the same as in Wisconsin. I will take the case of Nebraska.

Mr. MURDOCK. Just the new cases.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. Mr. Speaker, I will ask the gentleman from Illinois to yield me five minutes more.

Mr. MANN. Mr. Speaker, I yield five minutes more to the gentleman from Wisconsin.

Mr. STAFFORD. There is but one district in Nebraska, according to the report.

Mr. MURDOCK. There are two judges.

Mr. STAFFORD. If there are two judges, it is not disclosed by this report. Number of cases commenced during the fiscal year, 273; number terminated, a very good record, 326; number pending at the close of business, 317. I could go on and cite figures from the other districts which I have examined, but I think I have shown in the figures given of the condition of business in parallel district courts that there is no reason for a permanent additional judge in the southern district of Georgia, as this bill contemplates in the Senate amendment. As the bill passed the House it was provided that upon the death or resignation of the present incumbent of that court that position should not be filled. That practice has only been followed in a few cases where the conditions have been presented of an aged judge, one who had reached the age of retirement but who refused to retire because he wished to die in office, clogging of the business of the court. I remember in my service of 10 years three or four bills have been introduced to cover those emergencies. Many of us waived the question as to whether

there was real need for an additional judge for temporary purposes because of the unpopularity of Judge Speer and voted in favor of it, so as to remove all doubt.

The gentleman from Georgia [Mr. CRISP] makes a strong plea on the ground that Judge Speer is a hay-fever sufferer. Mr. Chairman, I happen to be one of those unfortunates myself, but during the past two summers I have remained at my work here in Washington. Two years ago I was a member of the lobby-investigating committee, and while at home was summoned here for that work. I remained here during all of that summer and suffered the torments of the damned. Nevertheless I worked, and again I remained here all of last summer during the hay-fever season, from the middle of August until the latter part of October. That is only a temporary condition which occurs when judges usually take their vacations. There is no good argument to be made for the passage of this as a temporary relief measure, because the condition of the calendar does not show that the business is being congested there and that justice is in any way being impaired by delay.

Mr. GORDON. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. GORDON. Have not the statutes of the United States been recently amended so as to authorize the transfer of a judge from another district anywhere in the United States for the purpose of relieving congestion?

Mr. STAFFORD. Mr. Speaker, some time ago we passed here a relief measure authorizing the Chief Justice of the United States Supreme Court to assign circuit judges for relief in New York only, but the civil code, as I recall, authorizes the Chief Justice to assign district judges to other districts, but the gentleman will realize that the district judges are not inclined to leave their own districts and take up additional work in other districts. They are willing to go to New York because of the experience gained by a brief service there of two or three months, but they do not care to be assigned to a little district in the South or in the West. They decline to serve, and it is necessary to have the full cooperation of the judge before he is assigned. That would not be a relief, if there was really any emergency presented here for consideration.

I say to the House on this presentation that I can see no reason for having an emergency judge to come to the relief of this district and the relief of Judge Speer, and certainly no good reason can be advanced in favor of having two judges for the southern district of Georgia.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has again expired.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. FITZGERALD, by direction of the Committee on Appropriations, reported the bill (H. R. 21546) making appropriations to supply deficiencies in appropriations for the fiscal year 1915 and for prior years, and for other purposes, which was read a first and second time and, with the accompanying report (No. 1440), referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. GILLETT. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER pro tempore. The gentleman from Massachusetts reserves all points of order on the bill.

Mr. FITZGERALD. Mr. Speaker, some gentlemen have just inquired respecting the appropriation bills, and I desire to say that this is the last of the general appropriation bills. [Applause.]

ADDITIONAL DISTRICT JUDGE, SOUTHERN DISTRICT OF GEORGIA.

Mr. MANN. Mr. Speaker, I yield 10 minutes to the gentleman from Indiana [Mr. CULLOP].

Mr. CULLOP. Mr. Speaker, I hope that the motion of the gentleman from Georgia [Mr. CRISP] to concur in the Senate amendments will be voted down. The first Senate amendment was to strike out an amendment adopted by the House by a very decisive vote of more than 100 majority. It was to make public by the President all indorsements of the applicants. The second amendment of the Senate is to abolish the temporary provision in reference to this judge and therefore to make it permanent. Now, surely it will not be contended here that this kind of practice in legislation ought to be indulged in even to give some of our friends an office——

Mr. CRISP. Will the gentleman yield?

Mr. CULLOP. Certainly.

Mr. CRISP. Will the gentleman support the bill if the judgeship is left temporary or as an emergency matter and the permanency of it stricken from the bill?

Mr. CULLOP. No; I will not support it then. I do not believe in a duplication of these judgeships. Even if the duplication were made to give my very best friend a job, I would not vote for it then. I do not believe in looting the Public Treasury in that way. I am opposed to that manner of dealing out the patronage. I believe in a higher standard in dispensing the patronage. There is a proper way to get at this. If the present incumbent is not satisfactory, prefer charges and have him removed. Dispose of him in the proper way and not by this proposed questionable method. Our platform indorsed the publicity of these matters, and we ought to carry out the pledges of our party, because the people indorsed that platform at the polls and expect us to obey their instructions. The Senate has refused to comply with it in respect to this particular proposition, and that responsibility is with it to satisfy the people for its breach of duty. Shall that be the policy of this House, especially when that policy is to repudiate a plank in our platform? I hope not. We should be true to the trust reposed and not falter in our duty. Now, from the showing of the gentleman from Illinois, there is no need for this judgeship. The business of that district is up as nearly as any of the courts of this country. In fact, it is in a much better condition than many of the districts in different parts of the country. It is in a better condition than nearly every other district in the United States, and it therefore clearly appears litigants are not suffering from this cause.

Now, because a judge is disagreeable to some litigant or to some of the people in that district, or because he does not retire and give some other man a good job, I do not think that is any excuse for us here in this instance to trample upon what is right and just. There are not as many cases in that district as there are in the district of Indiana. There is not as large a population in the State of Georgia, with its two districts, as there is in the State of Indiana, comprising one district. With more than 3,000,000 of population, with many large business interests of various kinds important in character, one judge in Indiana does the business, and is not occupied nearly all the time each year. In the State of Nebraska, with one judge, that judge is doing as much business, according to the report of the Attorney General, as is done in both districts in Georgia.

Mr. MURDOCK. Will the gentleman yield?

Mr. CULLOP. Certainly.

Mr. MURDOCK. I think the gentleman will find there are two judges in Nebraska.

Mr. CULLOP. I am taking the Attorney General's report as read here a moment ago, which says there is only one. There are two judges—a circuit and a district judge—but the circuit judge no longer holds court as a trial judge in the hearing of cases.

Mr. KINKAID. I desire to say to the gentleman there are two district judges in Nebraska.

Mr. CULLOP. Two district judges, with a population that is nearly as large as the State of Georgia, and with more cases in the court than there are in both districts in Georgia, as the report shows, and those two judges are keeping up the business in the State of Nebraska, but one judge in Indiana is doing the business of that State and keeping up with the docket, and frequently holds court in other States. Now, what is the situation here? It is the policy in litigation that all litigation possible should be tried in the State courts and not in the Federal court; but if we are to duplicate the judgeships to reward political friends or to escape the wrath of a tyrannical judge to appease some one who imagines he has a grievance, then we will reverse the settled policy so long in existence and establish a new one which will be subject to great abuse and reflect on the judiciary of the entire country and one that will provoke intense criticism throughout the country. If we establish this policy, we will regret it, and the country will suffer because of it. I dare say one could not go in a district but what he would find somebody who has a grievance against the presiding judge, whether it is real or imaginary is immaterial. That is another consideration. But there will be found no judge who sits on the bench and administers the laws but what he will trample upon the toes and offend some one in the administration of the same. Appoint these duplicate judges, establish this policy, and we will break down that better policy in litigation; that is, to discourage litigation in the Federal courts and let the State courts settle the litigation.

This proposed policy, this breaking down of a well-settled tradition, will encourage it, because there will be an attempt to make more business in the Federal court and try cases there that ought to be tried in the State courts, bring litigants from long distances, and impose hardships both as to the consumption of time and as to the cost of litigation. The adoption of the policy here proposed will menace the administration of justice and have a bad effect on the public. Now, I am going, when the time comes, to ask for a separate vote on these amend-

ments. The first amendment proposes that the President of the United States, before he makes the appointment of these judges, shall make public the names of the indorsements of the applicant. [Applause.] This is the reason that this fight is on. The Senate is hostile to this amendment. I do not know whether the applicants are or not, but I should think that any man who would apply for the high office of a judgeship would not be afraid or ashamed to have his indorsers made public before the appointment. If he is, he is unworthy to hold that important office and should not be considered in making the appointment. I am sure no President of this country would refuse to comply with such a law. This is the question involved in this bill. I stood for this amendment under a Republican Executive; I stand just as strongly for it under a Democratic Executive. [Applause.] I see no reason why I should be for it when a Republican was President and against it when a Democrat is President. If it is good in one case, it is good in the other. I take it that the constitutionality of this amendment will not longer be controverted. It has been assailed on this ground, but in vain. That question has been determined here in this House on more occasions than one, and on each occasion that assault has been refuted from every standpoint. The principles of the Constitution apply. The principles embodied in that great document may be old, but they easily apply to new doctrines as the occasions arise and sustain them, and it does in this instance, to the delight of its friends and to the chagrin of its enemies. Things now are conceded constitutional which five years ago were denounced as unconstitutional; but they now accept the application of old principles to new doctrines, and this amendment means another step in advance in this respect, one for the public good and the advancement of essential protection to the courts of the country and the welfare of the people. It will prevent vicious and unfounded attacks on the judiciary of the country and uphold the dignity of the courts.

It means this, that if we stand by this amendment we will soon get another amendment to the Constitution that will be hailed with delight in this country. That amendment will be that judges shall be elected for specified terms by a vote of the people in the districts over which they are to preside. Can any man give a reason why the people are competent to select a President, to select State judges, and other public officers, but when you come to the selection of a Federal judge they are not competent to make a selection for that office? The sooner we get this amendment, gentlemen, anybody in this House can see the sooner we will be relieved from such vicious legislation as is proposed here now, and the sooner we will secure the adoption of an amendment to the Federal Constitution requiring that all Federal judges be elected for specified terms, and then the people can select their judges and Congress will not be troubled with such embarrassing legislation as is now proposed. The adoption of the amendment which I have proposed will hasten the authority to elect judges and other Federal officers, which will produce a better era in this Republic and elevate its standards among the people. I hope the day will soon come when the people will elect their officials, and the life tenure will be abolished. A better condition will then prevail, and better administration of public affairs result.

I can not imagine a more vicious thing than to legislate a man out of office by indirection, as they are proposing to do in this bill. It is not to relieve a congested docket; that is not its real purpose, but the real object of this measure means to legislate a Federal judge out of office and put somebody else in his place. Behind this is concealed the real object and another purpose is made to appear, but it will not deceive us. The proposition is vicious within itself. It is revolutionary. If the judge is guilty of such misconduct that he is unfitted to hold his court, charges ought to be preferred against him, and have them investigated, and if sustained remove him as the law prescribes. But it is revolutionary procedure when Congress proposes to establish a new office, a duplicate office, and put the present judge out of office by indirection. We should hesitate before we adopt such a method and consider the consequences of such a course. That is just what this kind of legislation means. It is not only revolutionary legislation, but it is indefensible from any standpoint. Unmasked, it is an attempt to appropriate spoils before the time has come. It is a new way of reaching the pie counter. Now, for one I do not justify the plan, and I do not believe anybody else would openly defend it. It will not be commended by many, I am sure. It is not the way to obtain a judgeship in this country.

If such measures of legislation are resorted to for the purpose of removing the judiciary in this country it will lower the dignity of every Federal court in the United States and menace the judges in the discharge of their duties. Men who hold the judgeships will stand trembling with fear as to the next step Congress will take to legislate them out of office and deprive them of their positions. The spoilsman will camp on their trails all the time. As I have said, the whole plan is revolutionary in its purpose; it is hostile to the spirit of our institutions and the good administration of justice. It is lowering the dignity of every Federal court in this country, and we ought to vote the measure down. We ought to stop such proceedings and put a veto now on this plan of removing Federal judges. For that is what it means, and it means nothing else. Such legislation ought to be voted down, because it is casting a gloom over the pure administration of justice in this country. If Judge Speer is abusing the functions of his high office, complain to the right tribunal, make the charges, have him investigated and removed, but do not adopt this revolutionary plan to put him or any other judge out of office. [Applause.]

Now, Mr. Speaker, if this measure should become a law, and if the President will consider the purpose which animates its enactment, the real object behind it—spoils, purely spoils—the effect it probably will have on the judiciary of the country, watch the scramble for the appointment under it, in my judgment he will hesitate in giving it his approval; and if he refuses to approve it he will do a great work for the upholding of the dignity of the courts of this country and reprove this method of appropriating spoils, which can not, in my judgment, be from any standpoint justified.

Mr. WEBB. Mr. Speaker, I yield five minutes to the gentleman from Georgia [Mr. EDWARDS].

Mr. EDWARDS. Mr. Speaker, on December 9 when this bill was before the House I gave expression to my views, and tried to put before the House the reasons why we need this judge. My remarks can be found on page 66 of the RECORD of December 9, 1914. To the mind of any man who has investigated this matter, there can be no doubt but that we need this relief and need it very badly.

I was somewhat amused when the gentleman from Illinois [Mr. MANN] read from the Savannah Press a statement made by Judge Speer. I am not at all surprised, because it shows the extent to which this judge will go to grip every inch of power that he can. He gave out a statement which he knows is absolutely against this bill, and, in my opinion, it was so aimed, and there can be little doubt about it. To show the need for another judge, I want to read from the report—pages 2 and 3—of the committee:

The subcommittee examined witnesses whose evidence tended to support the charges made against Judge Speer, as follows:

1. That he had violated section 67 of the Judicial Code in allowing his son-in-law, Mr. A. H. Hayward, to be appointed and employed in offices and duties in his court;

2. That he had violated the bankruptcy act in allowing compensation in excess of the provisions of that act to a trustee who was his personal friend;

3. That he had violated the laws as to drawing jurors;

4. That he had violated the mandate of the Supreme Court of the United States;

5. That he had been guilty of the oppressive and corrupt use of his official position in deciding cases unjustly in favor of his son-in-law;

6. That he was guilty of unlawful and corrupt conduct in proceedings in cases wherein his son-in-law had a contingent fee;

7. That he was guilty of corrupt and unwarranted abuse of his official authority in using court officers who were paid by the Government as private servants without rendering any service to the Government.

Mr. TRIBBLE. Will the gentleman yield?

Mr. EDWARDS. Not just now, if my colleague will pardon me. The report further says:

8. That he was guilty of oppressive and corrupt conduct in allowing the dissipation of assets of bankruptcy estates in the employment of unnecessary officials and the payment of excessive fees;

9. That he was guilty of oppressive and corrupt abuse in granting orders appointing receivers for property without notice to the owners and without cause, resulting in great costs to the parties;

10. That he was guilty of oppressive and corrupt abuse of authority in refusing to allow the dismissal of litigation for the purpose of permitting relatives and favorites to profit by the receipts of large fees;

11. That he was guilty of improper, if not a corrupt, abuse of authority in taking, or causing to be taken, money from the court funds for his private use;

12. That he was guilty of oppressive conduct in entertaining matters beyond his jurisdiction, fixing fines, and the like;

13. That he was guilty of unlawful and oppressive conduct in denying the mandate of the Circuit Court of Appeals;

14. That he was guilty of oppressive conduct in allowing money to remain on deposit without interest in banks in which relatives or friends were interested;

15. That he was guilty of allowing excessive fees to receivers for improper purposes and also corrupt conduct in raising the amount of fees allowed to others in order that his son-in-law might profit thereby;

16. That he was guilty of attempted bribery of officials appointed to act as custodians;

17. That he was guilty of oppressive conduct in unlawfully seizing and selling property;

18. That he was guilty of the excessive use of drugs; and

19. That he was guilty of general unlawful and oppressive conduct for his own private ends.

On page 165, the conclusion of that subcommittee is as follows:

The subcommittee regrets its inability to either recommend a complete acquittal of Judge Speer of all culpability so far as these charges are concerned, on the one hand, or an impeachment on the other. And yet it is persuaded that the competent legal evidence at hand is not sufficient to procure a conviction at the hands of the Senate. But it does feel that the record presents a series of legal oppressions and shows an abuse of judicial discretion which, though falling short of impeachable offenses, demand condemnation and criticism.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WEBB. Mr. Speaker, I yield two minutes more to the gentleman from Georgia.

Mr. EDWARDS. Then I will yield to my colleague [Mr. TRIBBLE] for a question.

Mr. TRIBBLE. Granting that all you have read there is true, this House passed a bill to create a temporary judge to be associated with Judge Speer. Now, how does your position prove that two permanent judges will be needed in the southern district of Georgia when Judge Speer is retired at 72 years of age, or goes off the bench?

Mr. EDWARDS. My answer to my colleague is this: Georgia, with a population of 2,609,000, has only two judges. Florida, with a population of 700,000, has two judges. Alabama, with a population of 450,000 less than Georgia, has two judges. In the southern district of Georgia there are 76 counties. There are five divisions. The courts are held at Albany, Augusta, Valdosta, Macon, and Savannah. The southern district of Georgia has a population of 1,354,000.

Mr. TRIBBLE. Will the gentleman yield again?

Mr. EDWARDS. I have only two minutes, and I would like to offer further reasons in support of this bill. I yield to my friend.

Mr. TRIBBLE. Does not the record show that the northern district of Georgia is seventh in volume of business in the United States, and does not the record show that Judge Newman is up with his business in that district? And does not the record show that there is only one-half of the business in the southern district that there is in the northern district?

Mr. EDWARDS. Judge Newman is an exceptionally good judge. I have looked into this matter, and I agree with the report of the committee that three permanent judges are necessary for Georgia.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WEBB. Mr. Speaker, I yield two minutes to the gentleman from Georgia [Mr. CRISP] to make a statement.

Mr. CRISP. Mr. Speaker, I find after conferring with the members of the Judiciary Committee that they feel they can not support the amendment providing that this judge shall be a permanent judge. And knowing that the district needs relief, and believing the surest way to get that relief is to defer to the views of the members of the Judiciary Committee, I give notice that I am going to change my motion by moving to concur in the first and third Senate amendments and ask the House to nonconcur in the amendment making the judge permanent. [Applause.]

Mr. WEBB. Mr. Speaker, I desire to yield five minutes to the gentleman from Pennsylvania [Mr. GRAHAM], a member of the Committee on the Judiciary.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, it seems to me that the argument based upon the quotation from the articles of impeachment is wholly aside from the issue that is presented by these amendments. A bill was reported favorably from the Committee on the Judiciary recognizing, perhaps owing to the discontent and difficulty that pervaded that district and the dissatisfaction among members of the bar in some quarters, that the appointment of a judge temporarily would relieve the situation to a certain extent. The amendments that are returned from the Senate wholly destroy the original purpose of the bill, and for that reason I am opposed to the amendments.

As to the first one, I am in principle opposed to it. I would concur in striking that out of the bill, from my personal viewpoint, as being unnecessary and not a wise provision.

Now, with regard to the other two——

Mr. BARTLETT. Mr. Speaker, may I ask the gentleman a question?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. BARTLETT. Does the gentleman think we have the power to instruct the President as to what he should do in the matter of appointing judges under the Constitution?

Mr. GRAHAM of Pennsylvania. I do not think we ought to ask for the production and printing of anything that is sent to the President to inform him in the exercise of his executive function.

Mr. BARTLETT. I thoroughly agree with the gentleman. I simply wanted to ask the gentleman whether he did not think it would be an invasion of the power of the Executive for Congress to attempt to do that, and whether the President could not regard it as being absolutely an interference with his powers under the fundamental law to do a thing of that sort.

Mr. GRAHAM of Pennsylvania. Well, I do not know as to that; it is a request that might be granted, and the President might furnish the information. Yet, I think it is an intrusion upon the Executive by the legislative branch; and inasmuch as I am opposed to the encroachment by the Executive upon the legislative branch of the Government, so I am opposed to the encroachment by the legislative branch upon the Executive.

Mr. BARTLETT. The gentleman has put it in the way in which I wanted to ask it.

Mr. GRAHAM of Pennsylvania. We have to-day too much interference on the part of one branch of the Government with the functions of another, and I would like to have an opportunity at some time to voice a protest against it as a wrong that will produce evils the consequences of which it is impossible at this time to measure.

But, speaking of the bill, I do not object to the first amendment being concurred in. As to the second amendment, we ought not to concur in it, because it revolutionizes the legislation of the House completely and destroys the purpose of this bill. The statistics quoted here show clearly that there is no need of an additional permanent law judge in that district, and this temporary appointment, which would expire upon the death of the judge now holding the senior commission, was the only thing recommended by our committee.

As to third paragraph, which has been excluded by the Senate amendment, I have some doubt as to the wisdom of leaving that out of the bill. I think there ought to be a direction that the senior judge should arrange the order of business and the assignment of cases for trial in the district between the several district judges. There is no good reason for striking that paragraph from this bill, and I would like to have the gentleman who offered that motion to amend it so that it would apply only to the first Senate amendment and let the other two stand.

Mr. CRISP. Mr. Speaker, if the gentleman will permit, there will be a separate vote taken on all of them, and the reason why I gave notice that I would make the motion to concur in the third amendment was that I thought the general Judiciary Code did regulate it exactly, and therefore the amendment was not needed. That is, the general law covers it, and it would not be necessary to incorporate it in this bill.

Mr. GRAHAM of Pennsylvania. That is true, but, so far as this particular district is concerned, I felt that to have this formally expressed in this bill would be helpful, and not hurtful.

Mr. MANN. Mr. Speaker, I yield five minutes to the gentleman from Georgia [Mr. HOWARD].

The SPEAKER pro tempore. The gentleman from Georgia [Mr. HOWARD] is recognized for five minutes.

Mr. HOWARD. Mr. Speaker and gentlemen of the House, I have tried in my association with my colleagues here to be frank about everything, and I want to be absolutely frank with the House in this instance. Although the appointment of this additional judge affects the State of Georgia, the people in the State of Georgia do not need an additional permanent judge. It is an absolutely useless charge on the Treasury of the United States. They ought not to have it. The judge of the northern district of Georgia, the Hon. William H. Newman, is now in his seventy-first year, and the volume of business in the northern district of Georgia as compared with the volume of business in the other districts of the United States ranks about fifth. The business in the northern district of Georgia is very satisfactory at this time as compared with the condition of the dockets in the southern district of Georgia.

Now, I have not one unkind word to say about Judge Speer; but I do say this: That the health of Judge Speer has been in such a condition for about four and one-half or five years that it is absolutely impossible for the judge to have kept up his docket in the southern district of Georgia. I understand that the distinguished gentleman from Illinois [Mr. MANN] has read a statement here from the judge as to the condition of the business. There is one condition that exists that I think I ought to mention. Judge Speer has been sick. He has been impatient, probably, and he has not run the court to the satisfaction of the bar, and I do not believe that he will be able to do it in the future. I believe he honestly thinks he will be able to do it, but I do not think he will.

Now, we need this temporary judge, and we need him badly, and we ought to have him. What I say about the temporary judgeship is predicated upon what the members of the bar in the southern district of Georgia tell me. Now, then, after Judge Speer's death we would have three judges in the State of Georgia. Two of them would be assigned to the southern district of Georgia; two of them would be assigned to the district in which we need help the least. Now, if we are to have an additional judge he ought to be in the northern district of Georgia, where the volume of business is done. But I hope the House will see fit to give this temporary judgeship to the people of the State of Georgia, because I believe they need it. I believe that Judge Speer, if it had not been for the fact that he has been under certain charges and is now anxious to exonerate himself, would admit that his physical condition is such that he can not competently attend to all the business of the southern district of Georgia.

Now, that is a frank statement about it. I do not care anything about the publicity of the indorsements of those folks. I know who the applicants are and who their indorsers are. Everybody in Georgia knows that. It is public. But if they want to put that in I do not care anything about it.

If they want to know who is indorsing these different candidates, I think they ought to know it. I know whom I indorsed. I did it openly. I went up to the White House at noonday and told the President who my candidate was, and I hope the President will appoint him in the event that we get this temporary judge. I have no doubt everybody in this House will be very glad indeed to see him appointed, because everybody in the House knows him. But to make this a permanent judgeship would be a waste of money, and it ought not to be done. I say with an equal amount of positiveness, on the other hand, that we ought to have this temporary relief, and I hope that gentlemen of the House will give it to us.

The SPEAKER pro tempore (Mr. SAUNDERS). The time of the gentleman has expired.

Mr. MANN. I yield five minutes to the gentleman from Indiana [Mr. COX].

Mr. COX. Mr. Speaker, I do not know that I will consume five minutes. It may possibly be that the State of Georgia needs this temporary judge. I do not know anything about that; but I asked the gentleman from Wisconsin [Mr. STAFFORD], while reading from the report of the Attorney General, to give some comparison between the volume of work done in the State of Georgia and the volume of work done in the State of Indiana. As I retain in my memory the figures that he gave of the total number of cases tried and disposed of in the entire State of Georgia last year and in the State of Indiana, I think the total number of cases tried and disposed of in Georgia was 30 or 40, or possibly 50, in excess of the number tried in the State of Indiana. Now, Indiana has only one district judge. While according to the figures the State of Georgia has probably a few more cases to try, surely when the magnitude of the business is taken into consideration the State of Georgia does not have much, if any, more litigation than the State of Indiana.

Judge Anderson, of my State, in the last two years has tried some of the most notable cases that have been tried in the United States. He has tried cases that took more than three months of hard work to dispose of. I refer to one, known throughout the United States as the dynamite case, which took upward of three months to dispose of. Yet not only has Judge Anderson kept his docket in the State of Indiana up to date, but he actually spends day after day in trying cases in the city of Chicago as a special judge. How does he do it? He does not begin his court at 1 o'clock in the day and adjourn at 4. Every morning when the clock ticks 9 o'clock, promptly the case is called, and, if necessary to expedite business, he requires the attorneys and parties litigant to remain there until 6 o'clock in the evening. Sometimes that is not altogether satisfactory to the attorneys or to the litigants, but Judge Anderson sees to it that the business never crowds his court, but on the other hand sees to it that his court crowds the business.

As I said a moment ago, it may possibly be that the State of Georgia deserves, for the time being, this temporary judge. I do not know about that. But as to its needing another United States district judge, basing my judgment upon the evidence presented here this morning and on the report of the committee, in my opinion there is no earthly use at all of another permanent judge.

Mr. HOWARD. Will the gentleman yield for a question?

Mr. COX. Yes.

Mr. HOWARD. I want to suggest to the gentleman that the comparison made as to the volume of business tried in the State of Georgia during the last year is not, I think, exactly fair to the State, because Judge Speer tried absolutely no cases of any character during the year 1914, and the volume of business that has accrued in the southern district of Georgia, if it had been disposed of normally, would have increased the number of cases in the State very materially.

Mr. COX. That may be. The State of Indiana has a population of approximately 2,700,000. The State of Georgia has a population of about 2,600,000, and I repeat again that while, according to the report of the Attorney General, the total number of cases tried and disposed of in the State of Georgia was somewhat in excess of the number in Indiana, yet when you take into consideration the tremendous magnitude of the cases tried and the length of time it took to dispose of them, if the judge in the State of Georgia could conduct his court as Judge Anderson conducts his court, there would never be any demand from any source for an extra judge, not even for a temporary judge. If this proposition goes through, I agree heartily with my friend from Georgia [Mr. HOWARD] that if the gentleman whom he has recommended, or whom I suppose he has recommended, is appointed to the bench there the business of the court will, I am sure, be transacted promptly and in a satisfactory manner.

Mr. MANN. I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, in view of the statement of the gentleman from Georgia [Mr. CRISP] that he will withdraw his motion to concur in the second amendment and move to nonconcur, I shall have little to say.

When this bill passed the House originally I was very much impressed by the statement of the gentlemen from Georgia who favored the bill, as to the necessity of it to fill a temporary need. But when the gentlemen from Georgia, my good friend Judge CRISP and Mr. EDWARDS, this morning attempted to get the House to concur in the amendment of the Senate making this a permanent judgeship, and when they stated to the House that they believed that a permanent judge was necessary, and that they only withdrew that motion because they were satisfied it could not pass this House, highly as I respect those gentlemen, when they still think that a permanent judge is necessary, in view of the facts that they have presented, my confidence in their judgment as to the necessity of a temporary judge has been very greatly lessened. I am inclined to think that perhaps we could go on for a year or more with this one judge, and that the situation would take care of itself. But the motion is to be made to nonconcur, so I need not discuss this further.

Mr. EDWARDS. Will the gentleman yield for a short interruption?

Mr. LENROOT. Yes.

Mr. EDWARDS. In my remarks on December 9 last, found on page 66 of the RECORD, I stated that I then thought we did need a permanent third judge. I have taken that position all along. I now think we ought to have three districts and three judges in Georgia. I took that position then.

Mr. LENROOT. Mr. Speaker, in reply to the gentleman, I hold in my hand the bill as it was originally introduced in the House. Presumably the bill originally introduced was in accord with the wishes and judgment of the gentlemen from Georgia. That bill, as originally introduced and referred to the committee, made the judge a temporary judge only.

Mr. CRISP. Will the gentleman yield?

Mr. LENROOT. Certainly.

Mr. CRISP. Speaking for myself, I never saw this bill, and I do not think any members of the Georgia delegation saw the bill until after it was introduced by the gentleman from North Carolina, Mr. WEBB, chairman of the Committee on the Judiciary.

Mr. LENROOT. I accept the statement of the gentleman from Georgia. I will say this, that if it had not been for the second section of the bill making the judge a temporary judge, this bill never would have reached the Senate.

I want to say a word with reference to what is known as the Cullop amendment. The gentleman from Georgia this morning stated that to speak of a constitutional question subjected a man to ridicule in this House, and that is true. Ever since our Democratic friends have been in control here it has been practically useless to discuss any constitutional question. Time and again you have passed bills through this House, and they have gone from this House to the Senate when every lawyer in the House knew that there were provisions in the bill in plain violation of the Constitution. So the gentleman from Georgia was correct in saying that it really subjected one to ridicule to discuss constitutional questions in the Sixty-third Congress.

Mr. Speaker, I have no doubt the same statement can be made——

Mr. BARTLETT. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. BARTLETT. Will not the gentleman make some exception to that statement?

Mr. LENROOT. Yes; I will. There are a few exceptions, like the gentleman from Georgia himself.

The SPEAKER pro tempore (Mr. SAUNDERS). The time of the gentleman has expired.

Mr. MANN. I yield to the gentleman from Wisconsin three minutes more.

Mr. LENROOT. We have come to a pass, Mr. Speaker, in this House where if a Member undertakes to quote from the Democratic platform of 1912 it subjects him to ridicule also, because there is scarcely a provision in that platform our Democratic friends have not violated. But upon the subject of the Cullop amendment, I will take the risk of subjecting myself to ridicule by undertaking to read from the Democratic platform of 1912 upon this identical proposition.

The print of this platform which I have here is so fine that I can not read it, but I will put the text in the RECORD. The substance of it is that we commend the Democratic House of Representatives for extending the doctrine of publicity to recommendations made to the President in making appointments. That was your position then when there was a Republican President in the White House, and when you thought you would be making some political capital by taking such a position. Now that you have a Democratic President in the White House what has become of that platform declaration upon this proposition? Do you refuse to abide by it because you dare not take the position that you are willing to have your Democratic President make public the recommendations that have been made to him for the appointment? Were you playing politics four years ago? By your action now you admit that you were. Are you playing politics now by moving to concur in this amendment without attempting to secure a conference upon it to see if the Senate will yield? It is an admission upon your part that there was absolutely no good faith in this promise that you made to the people of America in your platform in 1912.

Mr. MANN. Mr. Speaker, I will read the provision in the Democratic platform which the gentleman from Wisconsin, owing to the fine print, did not read. This plank in the platform was adopted at the Baltimore convention just after the House had inserted in a bill creating an additional district judge a provision providing for publicity of indorsements. I hope the gentlemen on the other side of the House will feel that I am doing this in friendship, because it is pure friendship that causes me to occasionally remind the Democratic Members of that which they have tried to forget—the Democratic platform. [Laughter.]

I will commend a considerable portion of the Democratic side for voting in favor of this plank in the platform upon a number of occasions when it has been up before. The plank is this:

> We commend the Democratic House of Representatives for extending the doctrine of publicity to recommendations, verbal and written, upon which presidential appointments are made.

What is the pending question before the House? The House inserted a provision in this bill that the President shall make public all indorsements made in behalf of the person appointed as such district judge. That followed the recommendation, or the commendation, of the Baltimore platform. That provision was inserted as an amendment to the bill on a roll call, and those gentlemen on the Democratic side who voted one way when the amendment was up and who vote another way to-day will have their names inserted as a special exhibit hereafter in the CONGRESSIONAL RECORD and in Bryan's Commoner. [Laughter on the Republican side.]

Mr. EDWARDS. Will the gentleman yield?

Mr. MANN. No; I can not yield. Gentlemen on that side of the House who voted for the proposition were held up by Mr. Bryan, now Secretary and then Secretary of State, as following the right course, and gentlemen who voted against it were pilloried by him. Those who change their votes will not only be pilloried by Mr. Bryan, but they will be pilloried by the Republicans every time we have a chance.

The proposition now is to strike this out of the bill, and we will have a roll call upon it. I hope this side of the House, under the circumstances, will vote against striking the provision out of the bill, and I hope the other side of the House, those who voted to put it in the bill, will have consistency enough to keep it in the bill. You have violated every other plank of your platform, you have gone back on the one-term provision, on the Panama Canal, on the deposit of public moneys in national banks, on almost every other plank in the platform, and I beseech you as your friend [laughter on the Republican side] to stick to one plank in the platform upon which you have already voted. You can not excuse yourselves for voting against this proposition now by saying that you voted for it once before and straddle both sides of the fence. [Laughter on the Republican side.] You have got to walk up to the rack and take your medicine. If you are in favor of any plank in your platform, you have got to vote against the motion of the gentleman from Georgia [Mr. CRISP] to strike this out of the bill. I hope you will be manly enough to be consistent for once. [Applause and laughter on the Republican side.]

Mr. WEBB. Mr. Speaker, has the gentleman from Illinois used his entire time?

The SPEAKER pro tempore. The gentleman from Illinois has 1 minute left, and the gentleman from North Carolina has 32 minutes left.

Mr. WEBB. Mr. Speaker, it can not be charged that I as an individual member of the Judiciary Committee have ever been in favor of creating useless judgeships. At numerous times during the last 12 years I have opposed the creation of district judgeships. In some instances I have favored them, notably in Ohio, Pennsylvania, and in Maryland. I opposed the creation of a new circuit judgeship in my own circuit. I have never yet advocated the creation of one to give somebody a job, and I never expect to.

When the resolution passed the House to investigate the conduct of Judge Speer a subcommittee composed of Mr. VOLSTEAD, Mr. FITZHENRY, and myself went to Georgia to investigate those charges, and we reported. Having been in the district two weeks we understood thoroughly the condition of affairs. We knew before we went that Mr. Wickersham, the Attorney General of the United States in 1912, had induced other judges to try to clear up the docket, which was then woefully congested. The docket has been congested for four years. After the resolution to investigate Judge Speer was adopted, of course, he tried no more cases. His health was bad, and we had certificates from doctors to the effect that he was almost in extremis, and we continued the hearing for three or four months on account of his condition. For 15 months, I believe it is, not a single case in the entire southern district of Georgia, composed of 76 counties, with more than 1,000,000 population, was tried by this judge. When we recommended that no further proceedings should be taken in the House in reference to his impeachment, the Committee on the Judiciary realized—and that is not the Democratic members alone, but Mr. VOLSTEAD, the ranking Republican member, and the gentleman from Pennsylvania [Mr. GRAHAM], and all Republican and Democratic members—that there was a congestion of business in the southern district of Georgia that ought to be cleared up in the interest of the public and litigants and not in behalf of any particular individual. So deplorable had that condition become that three additional district judges had been sent into this district in an effort to clear it up, but it could not be done. Mr. McReynolds, the former Attorney General of the United States, just last fall wrote to this House a letter in which he declared that conditions in the southern district of Georgia were lamentable—about as strong a term as he could use. We know that there is a demand and an important demand for additional help for this now old and sickly judge in the southern district of Georgia. He can not do a mans' work as he once did. He has been a brilliant man in his day, but he is nearly 68 years of age and has been a sufferer from a chronic disease for many years.

The Committee on the Judiciary recommended this temporary judgeship unanimously. The House passed the bill, and that is as far as the Committee on the Judiciary ask you to go. We have never asked you to make a permanent judge there. I told the gentleman from Georgia [Mr. CRISP] that I, on behalf of the Committee on the Judiciary, could not afford to ask that the House make the judgeship permanent, because we think, we hope at least, that with a strong judge put in to help clear up this docket, that when Judge Speer's time for retirement comes, one able-bodied judge can keep up the work, and that is all we ask you to do. Therefore we ask you to disagree to Senate amendment No. 2 and to agree to Senate amendment No. 3, which strikes out the provision with reference to the distribution of work. Section 23 of the Judicial Code provides for that in the same language, and it is immaterial whether this stays in the bill or goes out of it.

On amendment No. 1 I ask the House to concur. I think we have come to a time where we may just as well discuss this Cullop-Mann amendment frankly and freely as lawyers. I voted for the Cullop amendment before I had investigated the

constitutional side of it, but I swore to support the Constitution of the United States, and every Member does the same thing when he is sworn in here. Mr. Speaker, this is not the Cullop amendment that is on this bill. This is the Mann amendment. Mr. CULLOP, of Indiana, originally offered this amendment, but when this bill was up for consideration last December I believe the gentleman from Illinois adopted it and offered it—offered it and then voted against it, a rather peculiar situation for a distinguished man to occupy, but he did it, and his avowed purpose is to put the Democrats "in a hole." I do not think we ought to legislate in that way. I think we ought to be frank among ourselves, and especially when it involves a constitutional question. My friend from Illinois [Mr. MANN] voted against the amendment because in my judgment he thinks it is unconstitutional, and is not willing to undertake to limit the power of the President of the United States under the Constitution by any such proposition. For a little while I want to dscuss this point, and I ask unanimous consent to have the privilege of extending my remarks in the RECORD upon this point of the Mann-Cullop amendment if I do not have time to finish it. The Constitution, Article II, section 2, provides:

SEC. 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The Constitution has vested in the President of the United States the power to make these appointments, and that is, therefore, a constitutional prerogative, a constitutional power. Congress can not make these appointments. If Congress can not make them, Congress has not the power to tell the President how they shall be made. The President, by and with the advice and consent of the Senate, has been designated by Congress under the Constitution as the power to make these appointments. The Constitution makes it plain that this House has no power to appoint to such an office as contemplated in this bill. The moment Congress puts it in the power of the President to make this appointment, then he makes it under the Constitution. Can you delegate power under the Constitution to the President and take it away at the same time? This power is vested in the President, by and with the advice and consent of the Senate, or by special enactment may be vested in the President alone, in the courts of law, or in the heads of departments. It follows that the House has no power to prescribe the conditions under which it shall be exercised. If the House has power to prescribe the conditions contained in this amendment, then why can they not stretch this power to still other conditions until this constitutional provision has been entirely wiped out?

It is not a question of whether we think such a law would be beneficial, for if it is an encroachment upon the President's prerogative as fixed by the Constitution, then it is our sworn duty to uphold the Constitution until it is changed in the manner provided therein.

The Secretary of War under President Jackson quotes the President as holding that—

Upon the preservation of the Constitution, as well in its partition of duties as in its limitations upon their exercise, depends the stability of this Government which the people have established.

Mr. MADDEN. Will the gentleman yield?

Mr. WEBB. I will.

Mr. MADDEN. Would not the mere fact that the President had to make public the indorsements sent to him regarding the appointment of a candidate for office take away some of his constitutional privileges?

Mr. WEBB. Would it take them away?

Mr. MADDEN. Yes.

Mr. WEBB. Of course it would.

Mr. MADDEN. In what way? It does not take the power of appointment away.

Mr. WEBB. The power of appointment includes the right to pass upon the recommendations and indorsements of applicants.

Mr. MADDEN. Not necessarily.

Mr. WEBB. They are part of the same transaction.

Mr. MADDEN. Not necessarily.

Mr. WEBB. I will deal with that in a moment if the gentleman will allow me to come to it.

But the advocates of this amendment will contend that the simple provision requiring "the President to make public all indorsements made in behalf of the person appointed as such district judge" does not in any way interfere with his right of appointment. A proviso, such as is used in this amendment, is defined to be "a limitation or exception to a grant made or authority conferred, the effect of which is to declare that the one shall not operate or the other be exercised unless in the case provided." It always implies a condition, unless subsequent words change it to a covenant. This amendment when examined, apart from any constitutional provision, would mean that the President is only authorized to make this appointment, by and with the advice and consent of the Senate, on condition that he make public all indorsements; otherwise he is not authorized.

The act contemplates that the exercise of the power shall be dependent upon the compliance with the terms of the proviso, and yet the language used makes it impossible to comply until after the appointment is made, and fixes no limit of time. Would the appointment by and with the advice and consent of the Senate be nullified by the subsequent failure of the President?

In 1860 the House passed an appropriation bill which contained various items, among which was the appropriation—

For the completion of the Washington Aqueduct, $500,000, to be expended according to the plans and estimates of Capt. Meigs and under his superintendence: *Provided*, That the office of engineer of the Potomac Waterworks is hereby abolished and its duties shall hereafter be discharged by the chief engineer of the Washington Aqueduct.

President Buchanan in his message to the House of Representatives on June 25 expressed approval of the appropriation "for the wise and beneficial object," but made it clear to the House that he did not acknowledge their right to interfere with the right of the President to be "Commander in Chief of the Army and Navy of the United States." After placing a strained construction upon the objectionable clause in order to relieve it of its constitutional objection, and after pointing out the disastrous effects it would have if given its literal meaning, he says:

Under these circumstances I have deemed it but fair to inform Congress that while I do not consider the bill unconstitutional, this is only because, in my opinion, Congress did not intend by the language which they have employed to interfere with my absolute authority to order Capt. Meigs to any other service I might deem expedient. My perfect right still remains, notwithstanding the clause, to send him away from Washington to any part of the Union to superintend the erection of a fortification or on any other appropriate duty.

In concluding his message President Buchanan adds the following:

It is not improbable that another question of grave importance may arise out of this clause. Is the appropriation conditional and will it fail provided I do not deem it proper that it shall be expended under the superintendence of Capt. Meigs? This is a question which shall receive serious consideration, because upon its decision may depend whether the completion of the waterworks shall be arrested for another season.

The rights of the House to demand information from the Executive are briefly but accurately stated in the resolution embodied in the report from the Committee on Indian Affairs made to the House by Mr. James Cooper, of Pennsylvania, upon the message of President Tyler, in which he had declined to furnish to the House information as to the affairs of the Cherokee Indians, and as to frauds upon them. The first resolution, which was adopted by a vote of 140 to 8, reads as follows:

Resolved, That the House of Representatives has the right to demand from the Executive such information as may be in his possession relating to subjects of the deliberations of the House and within the sphere of its legitimate powers.

This is all the House should ever claim. This same report goes on to discuss the matter and attempts to make it plain to the President that they recognize his rights, as follows:

This, it will be remarked, does not include any assertion of right on the part of the House to demand from the Executive the information in his possession relating to negotiations with foreign Governments or appointments to office. By the Constitution the power of making treaties is vested in the President and Senate. The House has no participation in the treaty-making power, nor in that of appointment to office—

And so forth.

President Washington, in a message to the House of Representatives of the 30th of March, 1796, declined to comply with a request contained in a resolution of that body to lay before them—

a copy of the instructions to the ministers of the United States who negotiated the treaty with the King of Great Britain, together with the correspondence and other documents relating to the said treaty, excepting such of the said papers as any existing negotiations may render improper to be disclosed.

While this resolution seeks to review the exercise of the power by the President of making treaties, as contained in this same paragraph of the Constitution, what is said by the Presi-

dent is equally applicable in the case now under discussion. The President closed his message to the House with the following:

As, therefore, it is perfectly clear to my understanding that the assent of the House of Representatives is not necessary to the validity of a treaty, as the treaty with Great Britain exhibits in itself all the objects requiring legislative provision, and on these the papers called for can throw no light; and as it is essential to the due administration of the Government that the boundaries fixed by the Constitution between the different departments should be preserved, a just regard to the Constitution and to the duties of my office, under all the circumstances of the case, forbid a compliance with your request.

The fact that this amendment requires the information to be given to the public and not to this House but weakens the contention. The House can have no more power to demand information for the public than for its own use. It will not be contended by the friends of this amendment that it is intended to procure information for the House bearing upon pending legislation. Its real object is to supervise and review the acts of the Chief Executive.

In 1886 the Senate called for the documents and papers filed in the Department of Justice in relation to the management and conduct of the office of district attorney of the United States of the southern district of Alabama, and having exclusive reference to the suspension by the President of George M. Duskin, the late incumbent. Answering this request of the Senate, Mr. Cleveland, in a message on March 1, 1886, among other things, said:

While, therefore, I am constrained to deny the right of the Senate to the papers and documents described, so far as the right to the same is based upon the claim that they are in any view of the subject official, I am also led unequivocally to dispute the right of the Senate, by the aid of any documents whatever, or in any way save through the judicial process of trial on impeachment, to review or reverse the acts of the Executive in the suspension, during the recess of the Senate, of Federal officials.

The requests and demands which by the score have for nearly three months been presented to the different departments of the Government, whatever may be their form, have but one complexion. They assume the right of the Senate to sit in judgment upon the exercise of my exclusive discretion and executive function, for which I am solely responsible to the people from whom I have so lately received the sacred trust of office. My oath to support and defend the Constitution, my duty to the people who have chosen me to execute the powers of their great office and not to relinquish them, and my duty to the Chief Magistracy, which I must preserve unimpaired in all its dignity and vigor, compel me to refuse compliance with the demand.

That was passed by the House of Representatives and had been the construction placed on this matter since the days of John Tyler.

Mr. KAHN. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. KAHN. Does not the gentleman believe that the provision, if incorporated into the law, will allow this condition to arise—a corporation or a trust that might be opposed to the appointment of some man who is named as a possible appointee for the position might, through its officers, send on recommendations to the President of the United States urging the appointment of this man without the knowledge or request of any friend of the man. Is there not danger in that?

Mr. WEBB. The gentleman is exactly right. If the greatest lawyer, a good man, were about to be appointed to office and a trust, some unpopular organization in the United States, were opposed to that good man, the way to defeat him would be to write to the President and tell him that they wanted to see this man made judge, and the President would be either embarrassed or the judge himself would be embarrassed after the appointment.

Mr. LENROOT. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. LENROOT. Does the gentleman think that would afford a reason for repudiating that plank of the platform?

Mr. WEBB. Oh, well, that has been thrashed out so much that I do not care to take the time in discussing it. I know there is some platform declaration commending this kind of legislation, but platforms are not binding on a man's conscience when he comes to construe the Constitution of the United States.

Mr. LENROOT. The gentleman is now referring to a constitutional question.

Mr. WEBB. I think it is a credit to any man who voted one way and, after studying the question, because he was convinced that he ought not to do it under the Constitution, for him to change his vote rather than stick to his old opinion.

Mr. LENROOT. Will the gentleman yield?

Mr. WEBB. I will.

Mr. LENROOT. The inquiry of the gentleman from California, in which the gentleman from North Carolina concurred, was not directed to the constitutional question at all, but to the matter of policy.

Mr. WEBB. I know it was not.

Mr. MANN. Will the gentleman yield?

Mr. WEBB. I do.

Mr. MANN. Do I understand the gentleman's contention is the Democratic platform commended the House of Representatives for inserting an unconstitutional provision?

Mr. WEBB. The gentleman knows how platforms are made.

Mr. MANN. I know; but I am talking about this contention.

Mr. WEBB. They commended that as a matter of policy; they had not discussed or studied the constitutional side of it.

Mr. MANN. That was molasses to catch flies.

Mr. WEBB. They voted upon that question without having to put their hands upon a Bible and swear to support the Constitution and they recommended that as a policy. When we come to vote here we come with the knowledge that we put our hands upon the Bible, swearing to support the Constitution, the greatest instrument, which is our chart and compass, and, as it has been called, the greatest instrument that ever came from the mind of man.

Mr. BURKE of South Dakota. Is it not a fact the same argument was made when the original Cullop amendment was adopted by the House that the gentleman is making, that the very same question was brought out which the gentleman from California has suggested?

Mr. WEBB. I did not hear it, I will say to the gentleman.

Mr. CULLOP. Will the gentleman yield?

Mr. WEBB. I do.

Mr. CULLOP. In the passage of the civil office tenure act did not both branches of Congress, by an overwhelming majority, write this very provision into the law of the land and did it not remain there for many, many years?

Mr. WEBB. They never provided it for the appointment of Federal judges, and never have and never will and never ought to, as long as the Constitution remains unchanged on this point.

Mr. CULLOP. Did not it apply to every appointment and every removal that the President made?

Mr. WEBB. No; and as my friend from Georgia [Mr. BARTLETT] suggests, that was passed when the Constitution was silent under the clash of arms in the United States.

Mr. CULLOP. But did it not go on for more than 30 years after the war closed?

Mr. WEBB. I do not yield any further to my friend.

Mr. CULLOP. And the Executive was changed.

Mr. WEBB. I say again, whatever may have been legislation with regard to minor officers which the Constitution provides for, Congress has never passed any such amendment as this with reference to the appointment of Federal judges, never will, and never should. I take it as almost a reflection upon the President of the United States to put in such a provision. It is an admission that you do not trust him; and if you do not do so, you had better abolish your form of Government. You can not tie strings around everything you would expect him to do, because there are some people just about as good as those who want to hold the strings.

Mr. GORDON. How does it interfere with the President's right to appoint wholly regardless of any recommendations that might be made?

Mr. WEBB. Not at all.

Mr. GORDON. Then how does it interfere with the constitutional power to appoint?

Mr. WEBB. I fear he will not sign the bill. We put it up to him as a condition on which he shall make the appointment.

Mr. GORDON. But you just said it did not interfere with the right to appoint in any way?

Mr. WEBB. Of course; it does not. The President, I fear, will not sign the bill, if you put this proposition up to him, if he thinks it is unconstitutional. If he should sign the bill with this proviso in it, he might feel bound to make the recommendations public.

Mr. MADDEN. Will the gentleman yield?

Mr. WEBB. I will.

Mr. MADDEN. The gentleman said that this gave evidence of distrust of the President. Did the gentleman from North Carolina have it in his mind that he would not trust the President when he voted for this amendment?

Mr. WEBB. I did not. It came up here one day several years ago like a flash of lightning out of a clear sky. I have not studied the question, and I had no idea of reflecting on anybody.

Now, Mr. Speaker, I am citing in this speech numbers of cases similar to this where the House attempted to violate these constitutional provisions and the President has declined to accede to the request of the House. He has as strict a prerogative within his constitutional sphere as you gentlemen have in yours. You must not trespass upon his, and he will not trespass upon yours. The three cardinal principles on which this Government

rests are those which separate the executive, legislative, and judicial branches of the Government. The House attempted this sort of thing in Gen. Grant's time.

In 1876 President Grant declined to answer an inquiry of the House as to whether or not he had performed any Executive acts at a distance from the seat of government in the following language:

I have never hesitated and shall not hesitate to communicate to Congress, and to either branch thereof, all the information which the Constitution makes it the duty of the President to give or which my judgment may suggest to me or a request from either House may indicate to me will be useful in the discharge of the appropriate duties confided to them. I fail, however, to find in the Constitution of the United States the authority given to the House of Representatives (one branch of the Congress in which is vested the legislative power of the Government) to require of the Executive, an independent branch of the Government, coordinate with the Senate and House of Representatives, an account of his discharge of his appropriate and purely executive offices, acts, and duties, either as to when, where, or how performed.

What the House of Representatives may require as a right in its demand upon the Executive for information is limited to what is necessary for the proper discharge of its powers of legislation or impeachment. The inquiry in the resolution of the House as to where Executive acts have within the last seven years been performed and at what distance from any particular spot, or for how long a period at any one time, etc., does not necessarily belong to the province of legislation. It does not profess to be asked for that object.

By a message dated September 30, 1890, President Benjamin Harrison returned to the House of Representatives, without his approval, the joint resolution declaring the retirement of Capt. Charles B. Shivers, of the United States Army, legal and valid, and that he is entitled as such officer to his pay. The President says:

It is undoubtedly competent for Congress by an act or joint resolution to authorize the President, by and with the advice of the Senate, to appoint Capt. Shivers to be a captain in the Army of the United States and to place him upon the retired list. It is also perfectly competent, by suitable legislation, for Congress to give to this officer the pay of this grade during the interval of time when he was improperly carried upon the Army lists. But the joint resolution, which I herewith return, does not attempt to deal with the case in that way. It undertakes to declare that the retirement of Capt. Shivers was legal and valid, and that he always has been and is entitled to his pay as such officer. I do not think this is a competent method of giving the relief intended.

The message states the facts to be that Capt. Shivers was summarily dismissed from the Army by order of the President on July 15, 1863. On August 11, 1863, an order was issued revoking this order of dismissal and restoring Capt. Shivers to duty as an officer of the Army. On December 30, 1864, Capt. Shivers, by proper order, was placed on the retired list of the Army. The Supreme Court (114 U. S., 619) had decided that the President had the authority to so separate an officer from the service, and that having been thus separated he could not be restored except by nomination to the Senate and confirmation thereby. The Attorney General therefore gave an opinion that Capt. Shivers was not an officer on the retired list of the Army.

This message was referred to the Committee on Military Affairs and was not acted on further.

While not questioning the right of the House to decline to appropriate for a diplomatic office, President Grant protested against its assumption that it might give directions as to that service. On August 15, 1876, President Grant sent the following message to the House:

In announcing as I do that I have attached my signature of official approval to the act making appropriations for the Consular and Diplomatic Service of the Government for the year ending June 30, 1877, and for other purposes, it is my duty to call attention to a provision in the act directing that notice be sent to certain of the diplomatic and consular officers of the Government "to close their offices."

In the literal sense of this direction it would be an invasion of the constitutional prerogatives and duty of the Executive.

* * * * * * *

In calling attention to the passage which I have indicated I assume that the intention of the provision is only to exercise the constitutional prerogative of Congress over the expenditures of the Government and to fix a time at which the compensation of certain diplomatic and consular officers shall cease, and not to invade the constitutional rights of the Executive, which I should be compelled to resist, and my present object is not to discuss or dispute the wisdom of failing to appropriate for several officers, but to guard against the construction that might possibly be placed on the language used as implying a right in the legislative branch to direct the closing or discontinuing of any of the diplomatic or consular offices of the Government.

The message was debated at some length, and in the course of the discussion reference was made to the precedent in the case of Mr. Harvey, whom President Johnson appointed minister to Portugal. The Congress declined for a time to appropriate for his salary, but later did so. The message was referred to the Committee on Appropriations, no action on the part of the House being contemplated.

The question suggests itself, For what purpose is it desired that these indorsements should be made public? Whatever the House might think of the indorsements it would, when published, be helpless to change the appointment. If an unfit man was named as judge, it would have the right to prefer charges against him and impeach him. These charges would have to be based upon misconduct in office and not upon objectional indorsements. The public would not have this power, but could only criticize. There is no law to prevent any person from indorsing another for office. There would be no way to ascertain what weight the President gave to any particular indorsement. He might act upon personal information gained in the course of many casual conversations which would be difficult, if not impossible, to concisely state. It would be manifestly unfair to the President to have him judged in the public forum upon the formal indorsements. Let him be judged by results. If he makes a wise appointment, the public will know it and applaud; if unwise, they will not be slow to condemn. He is already accountable to the people who elect him and should be given a fair trial.

The future of this Government depends largely upon our vigilance in observing the limits of power set for the several departments of the Government.

If this amendment were not unconstitutional, still this House would have no right to assume that it possesses superior wisdom and virtue, and therefore could justify its right to demand superior power to review the acts of the Executive.

A just regard for the wisdom, virtue, and constitutional power of the Executive will insure a divided responsibility which, in the opinion of the framers of the Constitution, would guarantee better government.

As said by President Washington, regarding the right of the House of Representatives to demand papers respecting a negotiation with a foreign power, "to admit such right would be to establish a dangerous precedent." While the information sought by this amendment may not within itself have far-reaching effect, and by many may be regarded as a safeguard rather than a pitfall, yet, as stated by President Jackson, "precedents established for good purposes are easily perverted to bad ones."

The logical and far-reaching effects which should naturally be expected as a result of discarding the bounds of power set by the Constitution and starting on this policy of encroachment are forcibly pointed out in the speech of Mr. Buck delivered in opposition to the resolution, already referred to, calling upon President Washington for documents and correspondence in regard to a treaty with Great Britain. He said, in part:

I am opposed to the resolution now under consideration, not from an apprehension that the papers referred to will not bear the public scrutiny or from a belief that there would be the least reluctance on the part of the Executive to deliver them on account of any such apprehensions of his; but I am opposed to the resolution in point of principle, because I conceive those papers can be of no use to us, unless to gratify feelings of resentment or of vain curiosity. As I would never sacrifice principle to these motives and thereby fix a precedent pernicious in its consequences, I hope for the indulgence of the House while I offer my sentiments upon the subject. * * *

But if we are to take upon ourselves the right of judging whether it was expedient to make the treaty or not, whether it is as good a one as might have been obtained or not, and if we are to assume the power of judging upon the merits as well as the constitutionality of it, then those papers may be necessary; and if we possess the power of thus judging, then we may equally possess the right to call for those papers. But from whence do we derive this right and power? Have the people, when coolly deliberating upon and forming the Constitution, which is the expression of their dispassionate will, in that Constitution given us this right? No; not a syllable in the Constitution that ever intimates the idea. Do we possess the right merely because we are the representatives of the people? No; that can not be, for we are their representatives only for particular purposes, and the Constitution has prescribed to us our bounds, and assigned to us the limits of our powers as well as to the Executive. Are we to derive this right from popular opposition to the treaty, and from thence say that it is the will of the Nation that we should exercise this right of inquiry? Is, then, popular clamor, which originates in discontent, fostered in violence and passion, and stimulated by the intrigues of interested and ambitions individuals, to be taken as the dispassionate will of the Nation? If so, how are we to designate *and mark out* the numbers of the discontented? Are we to learn it from inflammatory newspaper publications, teeming with invectives against Government and its measures, and not carrying even the appearance of reason with them? These can furnish no data by which to determine whether it is one-tenth or even one-thousandth part of the Nation that are dissatisfied. * * * If so, where shall we stop? If we, by an assumption of power, may invade the prerogatives of the people vested in the President as their representative in making treaties, and may rifle the sacred deposit of their confidential correspondence with foreign nations, and judge upon the merits of a treaty, then may we reverse the judgment of the President and Senate and annul the treaty. Who is then to make the next? Is it supposable that the President will again attempt it, when the principle is fixed that he and the Senate are not the ultimate judges of its merits? No; to me this is absurd. We must, then, take the whole business to ourselves, and become the negotiators as well as the ratifiers of a treaty; and if we may do this, upon the same principle whenever there shall be a popular clamor raised against the persons appointed to the judiciary department we may interpose, call on the President for the reasons of his making the appointment, declare it injudicious, withhold appropriations for the salaries, and engross all the judiciary powers to ourselves. Upon the same principle we may ultimately determine upon our own adjournments, declare our sittings perpetual, constitute ourselves the judges and executioners of the law, and become the accusers, judges, and

executioners of our fellow citizens. This would be forming an aristocracy with a witness; and where then would be the boasted rights of America, for which she fought and bled?

Therefore, Mr. Speaker, I hope we may have a vote on this Cullop amendment from a conscientious constitutional standpoint, as an interpretation of the Constitution as to our divided powers of Government, the distinction between the legislative, the executive, and the judicial. We have no right or authority to encroach upon the power of the President when he comes to make these appointments, any more than he would have the right to send for your manuscript or recommendations when you made a certain speech on the floor of the House. You are independent in your sphere, as the Executive is independent in his sphere.

Mr. GORDON. What is your view generally—and I submit this question because you are chairman of the Judiciary Committee, and your judgment is entitled to great consideration—of what are the rights of the public as to going to any of the departments of the Government and obtaining information concerning applicants for office?

Mr. WEBB. There is a good deal to be said in favor of that sort of a suggestion and a good deal against it. A bad but powerful man may be an applicant for office, and you and I may want to write to the President and tell him why this man should not be appointed, and tell him confidentially the reasons why we think he is a bad man. You would not want your letter made public. But the fact that correspondence is more or less sacred and guarded by these officers is one reason why men confide in them and tell them the truth.

Mr. NORTON. The question of the gentleman from Ohio [Mr. GORDON] brings to my mind the question of whether you believed or thought that the public should be entitled to examine the records in the different departments? Now, I should like to ask this: Do you think that Members of Congress should have the right to examine the records in the different departments? I know personally that that privilege is not granted to at least Republican Members.

Mr. WEBB. It would take quite a while to answer my friend's question according to my view, and it is aside from the merits of this question, and I hope he will not take my time to discuss that. It is not now before the House.

Mr. CULLOP. Will the gentleman permit a short question?

Mr. WEBB. Yes, sir.

Mr. CULLOP. I wish to say that if this amendment were adopted it would prevent men from fooling candidates for office. They could not indorse all of them without it being made public, and it would eliminate a lot of hypocrisy.

Mr. WEBB. I am not going to agree to violate the Constitution of the United States in order to prevent the making of political hypocrites.

Mr. MANN. Mr. Speaker, I ask for a separate vote on the three amendments.

The SPEAKER. The gentleman from Wisconsin [Mr. STAFFORD] did that two hours ago.

Mr. CRISP. Mr. Speaker, I want to modify my motion and, with the permission of the House, to move to concur in the first and third amendments and nonconcur in amendment No. 2.

Mr. MANN. It is six of one and half a dozen of the other.

The SPEAKER. Both the gentleman from Illinois [Mr. MANN] and the gentleman from Wisconsin [Mr. STAFFORD] ask that these amendments be voted on separately.

Mr. CULLOP. Now, Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Indiana rise?

Mr. CULLOP. I was going to ask that we have a vote by a roll call, but I will not make that request now.

The SPEAKER. The Clerk will report the first Senate amendment.

The Clerk read as follows:

Page 1, line 9, of the House print, after the word "therein," strike out the colon and the proviso, as follows: *"Provided, however,* That the President shall make public all indorsements made in behalf of the person appointed as such district judge."

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Under the form of this amendment, those who wish to vote for this amendment will vote "no." Is that correct? Those who wish to retain this provision in the bill will vote "no"?

The SPEAKER. Those who wish to retain the Cullop amendment will vote "no." Those who want to vote against it will vote "aye."

Mr. SHERLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SHERLEY. Is there any way by which a vote can be had against the Cullop amendment and then a vote also had against the bill?

The SPEAKER. The Chair did not understand what the gentleman said.

Mr. SHERLEY. There are a number of us who are not in favor of the Cullop amendment and at the same time are not in favor of the bill. We would like to have a chance to express both views, if possible.

The SPEAKER. There is no way that the Chair knows of doing that at this time. Those who are in favor of the Cullop amendment will vote "no." Those that are opposed to it will vote "aye."

Mr. CRISP. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. CRISP. There has been no demand for the yeas and nays on this amendment.

The SPEAKER. The Chair knows that. He was not putting the question by yeas and nays.

Mr. MANN. Well, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Clerk will call the roll.

Mr. CULLOP rose.

The SPEAKER. For what purpose does the gentleman from Indiana rise?

Mr. CULLOP. I would like to have the Speaker state the question on which the vote is to be taken. The Speaker just now stated that question erroneously. He said those in favor of the Cullop amendment would vote "aye." Those opposed will vote "no." It is just the reverse.

The SPEAKER. Well, the Chair has correctly stated it. The Clerk will call the roll.

The question was taken; and there were—yeas 99, nays 202, answered "present" 4, not voting 119, as follows:

[Roll No. 87.]

YEAS—99.

Adamson	Doremus	Jacoway	Rainey
Aiken	Dupré	Kent	Rayburn
Alexander	Edwards	Kirkpatrick	Saunders
Allen	Fergusson	Kitchin	Sherley
Bailey	Finley	Lazaro	Slayden
Bartlett	FitzHenry	Lee, Ga.	Smith, Idaho
Beakes	Floyd, Ark.	Lesher	Sparkman
Beall, Tex.	French	Lever	Switzer
Bell, Ga.	Gard	Levy	Taggart
Blackmon	Garner	Linthicum	Talcott, N. Y.
Booher	Garrett, Tenn.	Lloyd	Ten Eyck
Borland	Gittins	Logue	Townsend
Broussard	Goldfogle	Metz	Tuttle
Brown, N. Y.	Graham, Pa.	Montague	Underhill
Bulkley	Griest	Morrison	Underwood
Burnett	Gudger	Murray	Vinson
Butler	Harrison	Padgett	Vollmer
Caraway	Hay	Page, N. C.	Weaver
Carlin	Hayes	Park	Webb
Carter	Holland	Parker, N. J.	Whaley
Claypool	Howard	Patten, N. Y.	Whitacre
Coady	Howell	Platt	White
Connolly, Iowa	Hughes, Ga.	Plumley	Williams
Crisp	Humphreys, Miss.	Pou	Witherspoon
Dies	Igoe	Price	

NAYS—202.

Abercrombie	Decker	Gray	Konop
Adair	Deitrick	Green, Iowa	Kreider
Ainey	Dent	Greene, Mass.	La Follette
Anderson	Dershem	Greene, Vt.	Langley
Anthony	Dickinson	Gregg	Lenroot
Aswell	Difenderfer	Guernsey	Lieb
Austin	Dillon	Hamilton, Mich.	Lindbergh
Avis	Dixon	Hamlin	Lonergan
Baltz	Donohoe	Hardy	McGillicuddy
Barkley	Donovan	Harris	McKellar
Barton	Doolittle	Haugen	McKenzie
Borchers	Doughton	Hawley	McLaughlin
Britten	Drukker	Hayden	MacDonald
Brockson	Eagan	Heflin	Madden
Brown, W. Va.	Eagle	Helgesen	Maguire, Nebr.
Browne, Wis.	Edmonds	Helm	Mann
Browning	Esch	Helvering	Mapes
Bryan	Evans	Henry	Miller
Buchanan, Ill.	Falconer	Hinds	Mitchell
Buchanan, Tex.	Farr	Hinebaugh	Mondell
Burke, S. Dak.	Ferris	Hughes, W. Va.	Moore
Burke, Wis.	Fess	Hulings	Morgan, Okla.
Calder	Fitzgerald	Humphrey, Wash.	Moss, Ind.
Callaway	Fordney	Johnson, Ky.	Moss, W. Va.
Campbell	Foster	Johnson, Utah	Mott
Candler, Miss.	Fowler	Johnson, Wash.	Murdock
Chandler, N. Y.	Frear	Kahn	Neeley, Kans.
Cline	Gardner	Keating	Neely, W. Va.
Connelly, Kans.	Garrett, Tex.	Kelley, Mich.	Nelson
Cooper	Gillett	Kelly, Pa.	Nolan, J. I.
Cox	Gilmore	Kennedy, Iowa	Norton
Cullop	Godwin, N. C.	Kennedy, R. I.	Oldfield
Curry	Goeke	Kettner	Paige, Mass.
Danforth	Gordon	Kiess, Pa.	Parker, N. Y.
Davenport	Goulden	Kinkaid	Patton, Pa.
Davis	Graham, Ill.	Knowland, J. R.	Peters

Phelan	Russell	Stephens, Nebr.	Towner
Plumley	Scott	Stephens, Tex.	Tribble
Porter	Seldomridge	Stevens, Minn.	Vaughan
Powers	Sherwood	Stone	Volstead
Quin	Sims	Stringer	Wallin
Raker	Slemp	Sutherland	Walters
Rauch	Smith, J. M. C.	Tavenner	Watkins
Reed	Smith, Sami. W.	Taylor, Ala.	Watson
Reilly, Conn.	Smith, Minn.	Taylor, Ark.	Wingo
Reilly, Wis.	Smith, Tex.	Taylor, Colo.	Winslow
Roberts, Mass.	Stafford	Temple	Woods
Rogers	Stedman	Thacher	Young, N. Dak.
Rouse	Steenerson	Thomas	Young, Tex.
Rubey	Stephens, Cal.	Thompson, Okla.	
Rucker	Stephens, Miss.	Thomson, Ill.	

ANSWERED "PRESENT"—4.

Flood, Va.	Gill	Key, Ohio	Moon

NOT VOTING—119.

Ashbrook	Dooling	Kennedy, Conn.	Ragsdale
Baker	Driscoll	Kindel	Riordan
Barchfeld	Dunn	Korbly	Roberts, Nev.
Barnhart	Elder	Lafferty	Rothermel
Bartholdt	Estopinal	Langham	Rupley
Bathrick	Fairchild	Lee, Pa.	Sabath
Bell, Cal.	Faison	L'Engle	Scully
Bowdle	Fields	Lewis, Md.	Sells
Brodbeck	Francis	Lewis, Pa.	Shackleford
Bruckner	Gallagher	Lindquist	Shreve
Brumbaugh	Gallivan	Lobeck	Sinnott
Burgess	George	Loft	Sisson
Burke, Pa.	Gerry	McAndrews	Sloan
Byrnes, S. C.	Glass	McClellan	Small
Byrns, Tenn.	Good	McGuire, Okla.	Smith, Md.
Cantor	Goodwin, Ark.	Mahan	Smith, N. Y.
Cantrill	Gorman	Maher	Stanley
Carew	Griffin	Manahan	Stevens, N. H.
Carr	Hamill	Martin	Stout
Cary	Hamilton, N. Y.	Morgan, La.	Sumners
Casey	Hart	Morin	Talbott, Md.
Church	Hensley	Mulkey	Taylor, N. Y.
Clancy	Hill	O'Brien	Treadway
Clark, Fla.	Hobson	Oglesby	Vare
Collier	Houston	O'Hair	Walker
Conry	Hoxworth	O'Shaunessy	Walsh
Copley	Hull	Palmer	Wilson, Fla.
Cramton	Johnson, S. C.	Peterson	Wilson, N. Y.
Crosser	Jones	Post	Woodruff
Dale	Keister	Prouty	

So the motion to concur in Senate amendment No. 1 was rejected.

The Clerk announced the following pairs:

For this day:

Mr. SISSON with Mr. GOOD.

Until further notice:

Mr. BYRNS of Tennessee with Mr. TREADWAY.

Mr. BURGESS with Mr. LINDQUIST.

Mr. JOHNSON of South Carolina with Mr. BARTHOLDT.

Mr. SCULLY with Mr. FAIRCHILD.

Mr. GALLIVAN with Mr. KEISTER.

Mr. WILSON of Florida with Mr. DUNN.

Mr. WALKER with Mr. VARE.

Mr. GOODWIN of Arkansas with Mr. BARCHFELD.

Mr. GALLAGHER with Mr. LEWIS of Pennsylvania.

Mr. SMALL with Mr. COPLEY.

Mr. DALE with Mr. ROBERTS of Nevada.

Mr. ASHBROOK with Mr. BELL of California.

Mr. BYRNES of South Carolina with Mr. CRAMTON.

Mr. CANTRILL with Mr. BURKE of Pennsylvania.

Mr. CLARK of Florida with Mr. LANGHAM.

Mr. COLLIER with Mr. HAMILTON of New York.

Mr. ESTOPINAL with Mr. MCGUIRE of Oklahoma.

Mr. FIELDS with Mr. CARY.

Mr. GLASS with Mr. MARTIN.

Mr. HENSLEY with Mr. MANAHAN.

Mr. HOUSTON with Mr. MORIN.

Mr. HULL with Mr. PROUTY.

Mr. MCANDREWS with Mr. SELLS.

Mr. MORGAN of Louisiana with Mr. SHREVE.

Mr. SHACKLEFORD with Mr. SINNOTT.

Mr. TALBOTT of Maryland with Mr. SLOAN.

Mr. BRODBECK. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the Hall listening?

Mr. BRODBECK. No; I was not. I was on the way.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. GILL. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the Hall listening when his name should have been called?

Mr. GILL. I do not think I can bring myself within the rule. I did not get into the Hall until after my name was called.

The SPEAKER. The gentleman, under his statement, does not bring himself within the rule.

Mr. GILL. Then I will vote present.

The SPEAKER. The motion to concur is rejected, which is equivalent to disagreeing to the amendment. The Clerk will report the third amendment.

The Clerk reported Senate amendment No. 3.

Mr. STAFFORD. Mr. Speaker, this is the third amendment.

The SPEAKER. Yes.

Mr. STAFFORD. What becomes of the second amendment?

The SPEAKER. The Chair will put that later. They did not want to concur in that, but did want to concur in this one.

Mr. MANN. I know; but what "they" want does not determine the order in which amendments shall be voted upon.

The SPEAKER. The Clerk will report the second Senate amendment.

The Clerk read as follows:

Strike out all of section 2, which reads as follows:

"SEC. 2. That whenever a vacancy shall occur in the office of the district judge for the southern district of the State of Georgia senior in commission such vacancy shall not be filled, and thereafter there shall be but one district judge in said district."

The SPEAKER. The question is on concurring in this amendment.

The motion was rejected.

The SPEAKER. The motion to concur is rejected, which is equivalent to a disagreement. The Clerk will report the third amendment.

The Clerk read as follows:

Strike out all of section 3, which reads as follows:

"SEC. 3. That the senior circuit judge of the circuit in which the southern district of Georgia lies shall make all necessary orders for the division of business and the assignment of cases for trial in said district between the several district judges therein."

The SPEAKER. The question is on concurring in this amendment.

The question being taken, the Speaker announced that the noes appeared to have it.

On a division (demanded by Mr. CRISP), there were—ayes 35, noes 101.

The SPEAKER. The House refuses to concur in the third amendment, which is equivalent to a disagreement.

Mr. WEBB. Now, Mr. Speaker, I ask that the House request a conference with the Senate on the disagreeing votes of the two Houses on the bill.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the House request a conference on the disagreeing votes of the two Houses on the bill. Is there objection?

There was no objection.

Mr. CULLOP. Mr. Speaker, before the conferees are appointed I send the following motion to the Clerk's desk. I believe this is the proper time to instruct the conferees.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. CULLOP moves that the House conferees be instructed not to concur in Senate amendment No. 1, which is to strike out, on page 1, line 9, after the word "therein," the words "*Provided, however,* That the President shall make public all indorsements made in behalf of the person appointed as such district judge."

Mr. WEBB. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. WEBB. I want to know if this is debatable.

Mr. CULLOP. I move the previous question.

Mr. WEBB. The gentleman can hardly take me off my feet to make that motion.

The SPEAKER. The gentleman from North Carolina has already claimed the floor.

Mr. WEBB. Mr. Speaker, I just want to say that I hope the House will pass no such resolution as that. The conferees will understand their duty and will obey the mandate of this House. It would be an unusual proceeding to instruct the conferees in this fashion and thus foreclose any conference whatever, because the Senate would never meet the House conferees if that resolution should be adopted, as well as an affront to the Senate.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. WEBB. Yes.

Mr. MANN. Does the gentleman recall the fact that this House, in this Congress, has already passed a similar instruction on another bill, and that the Senate conferees readily met the House conferees when the House conferees were instructed in the identical language of the instruction now offered?

Mr. WEBB. On what bill was that?

Mr. CULLOP. On the Pennsylvania judgeship.

Mr. MANN. On the Philadelphia judgeship.

Mr. WEBB. The House finally yielded on that anyway and struck out the Cullop amendment; and I understand that the Senate conferees never met ours officially after the resolution was adopted.

Mr. MANN. That is another proposition.

Mr. WEBB. That was after it had been voted on several times.

Mr. MANN. But there was no objection on the part of the Senate to appointing conferees, although the House conferees were instructed in this identical way.

It will relieve the gentleman of much embarrassment, because I do not think the Speaker would be warranted in appointing three conferees who had voted against the practical instruction of the House. The gentleman from North Carolina and the next gentleman on that side of the House on the Judiciary Committee do not represent the sentiment of the House under the vote just taken, and I should think that the gentleman would welcome the instruction.

Mr. WEBB. I suppose the gentleman from Illinois knows, although it does not represent our sentiment, that we will represent the sentiment of the House in conference, and he need not worry about that. I have no personal interest in this bill; it is my desire to carry out the mandate of the House. I have done my duty as chairman of the committee, and that is all I expect to do. I will carry out the mandate of the House, and the gentleman from Illinois and the gentleman from Indiana need not worry about that.

The SPEAKER. Has the gentleman from North Carolina yielded the floor?

Mr. WEBB. No; I have not, but I am about to yield the floor. I do not think these instructions ought to be adopted. The conferees will carry out the mandate of the House, and I think it would be a reflection on the House conferees to adopt such instructions.

Mr. CULLOP. Mr. Speaker, I desire to be heard in reply for just a moment, and I assure all that the motion means no reflection on the conferees. They ought to desire the instructions. I would be the last to cast such a reflection. Only a few moments ago the distinguished chairman of the Judiciary Committee, for whom I have the highest regard, stated he was opposed to what is known as the Cullop amendment from conscientious conviction, and hence the adoption of this motion will enable him to support the amendment in conference because of the instruction given the conferees by this House, and thereby save him from embarrassment. I take it that he will be one of the House conferees because of his position. The adoption of this instruction would relieve him of all difficulty in the discharge of his duty as a conferee. There can be no objection to it, and in this Congress on a similar bill to this we passed a resolution by more than a hundred majority instructing the conferees on this same question, and it was considered no reflection upon them. The Senate did meet the House conferees and had a conference a number of times. Consequently the passage of this resolution can not be considered a reflection upon the conferees. It is not a reflection upon anybody. It is simply to show the Senate and the conferees of the Senate that the House means what it says upon this proposition, and that it has a right to be understood upon it.

Mr. CRISP. Will the gentleman yield?

Mr. CULLOP. Yes.

Mr. CRISP. Had not the House and Senate conferees had several conferences upon the matter in relation to the Pennsylvania bill the gentleman speaks of and reported a disagreement before the House adopted instructions to the conferees?

Mr. CULLOP. It had not at the time we disagreed to the Senate amendment, and the RECORD shows that we then instructed the conferees at the same time, just as we are proposing to do it now. The gentleman from Georgia, an experienced parliamentarian, knows we could not have done it at any other time.

Mr. WEBB. Will the gentleman yield?

Mr. CULLOP. Yes.

Mr. WEBB. Did not the House later reverse itself, notwithstanding its instructions, by knocking out the Cullop amendment?

Mr. CULLOP. Some time afterwards, and only after the gentleman from Pennsylvania importuned some of the Members to change their votes, as a personal accommodation doubtless to him; under his importunities they did change their votes.

Mr. WEBB. My suggestion is that these instructions are useless, because if any effort be made to have it adopted you will have a vote on it in the House.

Mr. CULLOP. It is not, in my judgment, useless at this time. The fact is that the conferees, if appointed as is generally done, are not in favor of this amendment, and there should be instructions from the House. To instruct will do no harm, but, on the contrary, be of benefit in disposing of the question. Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from Indiana moves the previous question on his resolution to instruct the conferees.

The question was taken, and the previous question was ordered.

The SPEAKER. The question now is on the resolution.

The question was being taken when Mr. CULLOP demanded the yeas and nays.

The SPEAKER. The gentleman from Indiana demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 168, nays 125, answered "present" 3, not voting 127, as follows:

[Roll No. 88.]

YEAS—168.

Abercrombie	Falconer	Kelly, Pa.	Raker
Ainey	Farr	Kennedy, Iowa	Rauch
Anderson	Fess	Kennedy, R. I.	Reilly, Wis.
Anthony	Fitzgerald	Kettner	Rogers
Ashbrook	Fordney	Kiess, Pa.	Rubey
Aswell	Foster	Kinkaid	Scott
Austin	Fowler	Knowland, J. R.	Sherwood
Avis	Francis	Konop	Slemp
Barkley	Frear	Kreider	Smith, Idaho
Barton	Gardner	La Follette	Smith, J. M. C.
Borchers	Garrett, Tex.	Langley	Smith, Saml. W.
Britten	Gillett	Lenroot	Smith, Minn.
Brown, W. Va.	Gilmore	Lindbergh	Smith, Tex.
Browne, Wis.	Godwin, N. C.	Lonergan	Stafford
Browning	Goeke	McKellar	Steenerson
Buchanan, Ill.	Gordon	McKenzie	Stephens, Cal.
Buchanan, Tex.	Graham, Ill.	McLaughlin	Stephens, Miss.
Burke, S. Dak.	Gray	MacDonald	Stephens, Nebr.
Burke, Wis.	Greene, Mass.	Madden	Stevens, Minn.
Callaway	Gregg.	Maguire, Nebr.	Stone
Candler, Miss.	Guernsey	Manahan	Stout
Chandler, N. Y.	Hamilton, Mich.	Mann	Stringer
Church	Hamilton, N. Y.	Mapes	Sutherland
Cline	Hamlin	Martin	Tavenner
Connelly, Kans.	Hardy	Miller	Taylor, Ark.
Cooper	Haugen	Mitchell	Taylor, Colo.
Cox	Hawley	Mondell	Temple
Cramton	Heflin	Moore	Thompson, Okla.
Cullop	Helgesen	Moss, Ind.	Thomson, Ill.
Davenport	Helm	Moss, W. Va.	Towner
Davis	Henry	Mott	Tribble
Decker	Hinds	Murdock	Volstead
Deitrick	Hinebaugh	Neeley, Kans.	Wallin
Dickinson	Hobson	Nolan, J. I.	Walters
Difenderfer	Hughes, W. Va.	Norton	Watson
Dillon	Hullings	Paige, Mass.	Whitacre
Dixon	Humphrey, Wash.	Parker, N. Y.	Wingo
Doolittle	Johnson, Ky.	Peters	Winslow
Drukker	Johnson, Utah	Platt	Witherspoon
Eagle	Johnson, Wash.	Plumley	Woods
Edmonds	Kahn	Powers	Young, N. Dak.
Esch	Kelley, Mich.	Quin	Young, Tex.

NAYS—125.

Adair	Dershem	Hughes, Ga.	Roberts, Mass.
Adamson	Donohoe	Igoe	Rothermel
Aiken	Doremus	Jacoway	Rouse
Alexander	Doughton	Kent	Rucker
Allen	Dupré	Key, Ohio	Russell
Bailey	Eagan	Kirkpatrick	Saunders
Baltz	Edwards	Kitchin	Sherley
Bartlett	Evans	Lazaro	Slayden
Beakes	Fergusson	Lee, Ga.	Small
Beall, Tex.	Ferris	Lee, Pa.	Sparkman
Bell, Ga.	Fields	Lesher	Stedman
Blackmon	Finley	Lever	Stephens, Tex.
Booher	FitzHenry	Levy	Switzer
Borland	Flood, Va.	Lieb	Taggart
Bowdle	Floyd, Ark.	Logue	Talcott, N. Y.
Brockson	French	Metz	Taylor, Ala.
Brodbeck	Garner	Montague	Ten Eyck
Broussard	Garrett, Tenn.	Morgan, Okla.	Thacher
Brown, N. Y.	Gittins	Morrison	Thomas
Bulkley	Goldfogle	Murray	Townsend
Burnett	Goulden	Nelson	Underhill
Butler	Graham, Pa.	Oldfield	Underwood
Byrnes, S. C.	Gudger	Padgett	Vinson
Caraway	Harris	Page, N. C.	Vollmer
Carlin	Harrison	Palmer	Watkins
Carter	Hay	Park	Weaver
Claypool	Hayes	Parker, N. J.	Whaley
Coady	Helvering	Patten, N. Y.	White
Connolly, Iowa	Hill	Pou	Williams
Crisp	Holland	Price	
Curry	Howard	Rainey	
Dent	Howell	Rayburn	

ANSWERED "PRESENT" 3.

Dies	Sloan	Webb

NOT VOTING—127.

Baker	Byrns, Tenn.	Collier	Estopinal
Barchfeld	Calder	Conry	Fairchild
Barnhart	Campbell	Copley	Faison
Bartholdt	Cantor	Crosser	Gallagher
Bathrick	Cantrill	Dale	Gallivan
Bell, Cal.	Carew	Danforth	Gard
Bruckner	Carr	Donovan	George
Brumbaugh	Cary	Dooling	Gerry
Bryan	Casey	Driscoll	Gill
Burgess	Clancy	Dunn	Glass
Burke, Pa.	Clark, Fla.	Elder	Good

Goodwin, Ark.	Lafferty	O'Brien	Shreve
Gorman	Langham	Oglesby	Sims
Green, Iowa	L'Engle	O'Hair	Sinnott
Greene, Vt.	Lewis, Md.	O'Shaunessy	Sisson
Griest	Lewis, Pa.	Patton, Pa.	Smith, Md.
Griffin	Lindquist	Peterson	Smith, N. Y.
Hamill	Linthicum	Phelan	Stanley
Hart	Lloyd	Porter	Stevens, N. H.
Hayden	Lobeck	Post	Sumners
Hensley	Loft	Prouty	Talbott, Md.
Houston	McAndrews	Ragsdale	Taylor, N. Y.
Hoxworth	McClellan	Reed	Treadway
Hull	McGillicuddy	Reilly, Conn.	Tuttle
Humphreys, Miss.	McGuire, Okla.	Riordan	Vare
Johnson, S. C.	Mahan	Roberts, Nev.	Vaughan
Jones	Maher	Rupley	Walker
Keating	Moon	Sabath	Walsh
Keister	Morgan, La.	Scully	Wilson, Fla.
Kennedy, Conn.	Morin	Seldomridge	Wilson, N. Y.
Kindel	Mulkey	Sells	Woodruff
Korbly	Neely, W. Va.	Shackleford	

So the resolution was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. TALBOTT of Maryland with Mr. BELL of California.

Mr. SIMS with Mr. SLOAN.

Mr. BARNHART with Mr. CALDER.

Mr. SHACKLEFORD with Mr. CAMPBELL.

Mr. COLLIER with Mr. GREEN of Iowa.

Mr. HUMPHREYS of Mississippi with Mr. GREENE of Vermont.

Mr. LINTHICUM with Mr. CARY.

Mr. LLOYD with Mr. PATTON of Pennsylvania.

Mr. LOBECK with Mr. PORTER.

Mr. MCGILLICUDDY with Mr. DANFORTH.

The result of the vote was announced as above recorded.

On motion of Mr. CULLOP, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

Mr. WEBB. Mr. Speaker, in view of the instruction of the House, I ask that the Speaker appoint as conferees Messrs. MCGILLICUDDY, THOMAS, and VOLSTEAD, all three of whom voted for the Cullop amendment.

The SPEAKER. The Chair announces the following conferees, which the Clerk will report.

The Clerk read as follows:

Mr. MCGILLICUDDY, Mr. THOMAS, and Mr. VOLSTEAD.

THE AMERICAN FLAG.

Mr. BURKE of South Dakota. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD for the purpose of printing in the RECORD a speech made on Sunday by my colleague, Mr. MARTIN, on the subject of the American flag.

The SPEAKER. The gentleman from South Dakota asks unanimous consent to extend his remarks in the RECORD by printing a speech made by his colleague, Mr. MARTIN, on the American flag. Is there objection?

There was no objection.

WAR-RISK INSURANCE BUREAU.

Mr. MOORE. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to address the House for five minutes. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, may I ask the gentleman from Pennsylvania on what subject?

Mr. MOORE. On the subject of the War-Risk Insurance Bureau.

Mr. UNDERWOOD. Mr. Speaker, I do not like to object to the gentleman's request, but I would not like to have the House get into a political discussion at this time.

Mr. MOORE. It is not a political controversy. I have some accurate information which the House ought to have, and I think I can state it in five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. MOORE. Mr. Speaker, I am obliged to the gentleman from Alabama [Mr. UNDERWOOD] for waiving his right to object, because what I have to say is timely and I think the House ought to be fully informed. A few mornings ago we were informed in the dispatches from Berlin, Germany, that the steamship *Evelyn*, flying the American flag, had gone down, sunk by a mine. This morning we are informed by similar dispatches from the same city that the steamship *Carib*, flying the American flag, went down in very much the same fashion. It ought to be known to the people of this country that both of these vessels were foreign built, each being constructed at Glasgow, Scotland. It ought to be known, too, that each of these vessels was wrecked upon the American coast, one 14 years after construction and the other 16 years after construction, and that in each instance they were able to obtain the right to use the American flag because they had been repaired on this side of the water. The *Evelyn* was constructed in Glasgow in 1883. She was wrecked on the American coast in 1897. The *Carib* was built in Glasgow in 1882, and she was wrecked on the American coast in 1898. Each was able to obtain the right to sail under the American flag because each had been repaired in this country.

Yesterday I said about all I care to say on the legislation that has been passed with respect to foreign vessels wrecked on the American coast. I wish now to say that by virtue of the war-risk law passed by this Congress and signed by the President September 2, 1914, it was possible for exporters who desired to send cotton abroad to obtain the use of these two ships, both of which had been wrecked and thus obtained the invaluable privilege of the American flag, to go into the war zone on dangerous errands. I call attention to the very significant fact that neither of the vessels was of very great value except for the privilege of using the American flag. I call attention to the further fact that even with the American flag they could not obtain from private companies insurance sufficient to indemnify the cargoes they were to carry into what might be called contraband or belligerent territory. It was not until the Government of the United States stepped in and passed the war-risk law and guaranteed the hulls and the cargoes that these vessels were able to sail into those dangerous and hazardous zones.

The direct result of the act of September 2, 1914, therefore, has been that these two old foreign-built ships, wrecked upon the American coast and using the American flag, were insured by the people of the United States under the law, so that the loss upon the hulls will not be borne by the owners and the loss upon the cargoes will not be borne by the consignors or the consignees. Whatever loss there is, up to the value of the insurance, will be paid by the people of the United States.

The *Evelyn* was insured to the extent of $100,000 upon her hull and her cargo was insured to the extent of $301,000, a total of $401,000, guaranteed by the people of the United States upon cotton going to the war zone. For that insurance the United States received a premium of $13,030, about 3 per cent. That is to say, we staked $401,000 of the people's money against $13,030, which we received in the form of a premium.

Mr. ALEXANDER. Will the gentleman yield?

Mr. MOORE. I can not yield now.

Mr. ALEXANDER. Just for a question.

Mr. MOORE. I yield.

Mr. ALEXANDER. How much has the Government received in the way of premiums for war-risk insurance up to this time?

Mr. MOORE. I will give the figures in a moment. The *Carib* was insured on her hull for $22,253——

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman may have five minutes additional.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the gentleman from Pennsylvania may have five minutes. Is there objection?

Mr. UNDERWOOD. I do not like to object——

Mr. MOORE. I shall not digress from a statement of the facts, if the gentleman from Alabama will permit.

The SPEAKER. The Chair hears no objection.

Mr. MOORE. The *Carib* was insured on her hull for $22,253, on her cargo for $235,850. The total amount of the people's money thus at risk on the *Carib* and her cargo was $258,103. The premium paid was $7,965.62. That is to say, for $7,965.62 received on the *Carib* we staked $258,103 of the people's money.

Now, before I reply to the gentleman from Missouri [Mr. ALEXANDER] I desire to say that the total premiums on those two ships was $20,995, or approximately $21,000, as against a loss of $659,103, approximately $660,000. That is to say, we stand to lose $660,000 of the people's money for $21,000 in premiums.

As to the question of the gentleman from Missouri, I will answer directly. My information from the War Risk Bureau this morning is that the total amount of premiums received on all business thus far done is $1,502,302—more than a million and a half of dollars in round figures—and to be fair with the bureau and with the gentleman from Missouri, a very large proportion of that is protected, because a number of insured cargoes have arrived at their destination. But a million and a half dollars of money derived in premiums insuring owners against loss on cargoes and hulls of these old vessels, wrecked or otherwise, is only one side of the story. The risk we took to secure those premiums of $1,500,000 was $55,000,000, and that is what we stood to lose on that million and a half for which the gentleman claims credit.

Mr. BARTLETT. Can the gentleman give the figures as to what amount in premiums have been earned?

Mr. MOORE. A million and a half earned in premiums.

Mr. BORLAND. Mr. Speaker——

The SPEAKER. To whom does the gentleman yield, if to anyone?

Mr. MOORE. I yield to the gentleman from Georgia.

Mr. BARTLETT. Up to date we have earned in premiums $640,848, and this is the first loss.

Mr. MOORE. Up to date we have lost $659,000, and we stood to lose $55,000,000——

Mr. BARTLETT. Oh, yes.

Mr. MOORE. Yesterday my colleague from Pennsylvania [Mr. BUTLER] made an eloquent appeal for somebody to stop this hazardous business into which we are plunged headlong. As a matter of fact, there is no telling what the volume of the risk will be. We stood to lose $55,000,000, less what has been marked off on cargoes that have gone through. I understand policies have already expired to the amount of $25,000,000, but we still stand to lose $30,000,000, and on two ships we have actually lost $659,000. The surety business is all right when the premiums are coming in, but we are just beginning to hear of the losses, and they seldom grow less.

Mr. BORLAND. Will the gentleman yield?

Mr. MOORE. I can not; I have not the time.

Mr. BORLAND. I wanted to ask the gentleman to put in another fact——

Mr. MOORE. Yesterday the gentleman from Pennsylvania [Mr. BUTLER] rose and said that somebody ought to stop this business; that somebody ought to stop these vessels carrying contraband and conditional contraband into the war zone, inviting complications. Yes; somebody ought to rise and say to the speculators who want to take these chances with ships and lives in the danger zones that the risk belongs to them and not to the people of the United States.

Mr. ALEXANDER. Will the gentleman yield?

Mr. MOORE. I can not. If anyone shall seek to apply the remedy for those losses and those perils, perhaps it may be found in the war-risk law. You provided in that law that the President shall have discretion to stop this business. He can exercise that discretion if he will. He can check this tremendous hazard against which the peace and the money of the people of this country is being staked. Section 9 of the war-risk bill provides:

That the President is authorized whenever, in his judgment, the necessity for further war insurance by the United States shall have ceased to exist, to suspend the operations of this act in so far as it authorizes insurance by the United States against loss or damage by risks of war—

And so forth.

I will insert the rest of it in the RECORD. The time has come for the President to act if he cares to do so. Two vessels have already gone down——

The SPEAKER. The time of the gentleman has again expired.

Mr. MOORE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD. [Applause.]

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE. Mr. Speaker, in extension, I am hopeful the resolutions I offered yesterday to acquire detailed information from the Secretary of the Treasury as to the business of the Bureau of War Risk Insurance may be passed in order that we may know the nature of the cargoes that have been insured and the volume of risk which the country has assumed. The figures I have just presented show that our total risk up to date was $55,000,000, reduced, as claimed by the bureau, to $30,000,000 because a number of vessels with cargoes insured have successfully run the gantlet. That the losses in the bureau are only beginning with the destruction of the *Evelyn* and the *Carib* is patent to those who have any knowledge of the surety business. It is more than probable that we shall hear of war-risk claims for many years after the President has seen fit to discontinue the bureau or after it has died by limitation. We are told that all of the maritime nations have established war-risk bureaus. Many of them are actively engaged in the conflict, and none of them are so happily situated to avoid trouble as is the United States. This morning's papers contain a dispatch from Liverpool indicating that the war-risk losses of the British company are "very slight." They may be slight considering the necessity that has surrounded a country engaged in war. Even at that, the six months' losses of the British War Risk Association appear to mount up in American money to $26,000,000. I append a dispatch bearing upon this subject:

BRITISH SHIPPING LOSSES SMALL, DECLARES ISMAY—CARGOES DESTROYED ONLY SEVEN-TENTHS OF 1 PER CENT OF TOTAL VALUE.

LIVERPOOL, *February 23.*

J. Bruce Ismay, presiding to-day at a meeting of the Liverpool and London War Risks Association, said that the shipping entered in this association was valued at £80,000,000 ($400,000,000); that the vessels identified with the association which had been lost during six months of the war were valued at only £850,000 and the cargoes at £4,500,000. The cargo losses represented only 14 shillings per cent (seven-tenths of 1 per cent) of the total value of the cargoes at risk.

This, he said, constituted a magnificent tribute to the efficacy of the protection afforded by the British Navy, and showed that the submarine peril had been greatly exaggerated.

While I am privileged to do so, Mr. Speaker, I wish to speak briefly as to the remarks made by my colleague from Missouri [Mr. BORLAND] yesterday and my Mississippi colleague [Mr. HARRISON] this afternoon. These gentlemen refer to the necessity of getting cotton abroad, and the gentleman from Missouri is curious to know exactly what kind of a speech the gentleman would make "if all the cotton of the United States was still held in storage in this country and had no foreign outlet at all." I am sorry the gentleman from Missouri has not listened to what I have previously said upon this side of the cotton question. I have contended that there was a market for cotton in the United States under a protective tariff, but that that market has been very seriously affected in this country because of low-tariff conditions. The intense desire of our Democratic friends to send their cotton abroad rather than to sell it at home is partly responsible for the bank balances in Missouri to which the gentleman refers, as it is also responsible for the failure of industrial establishments in the eastern part of the country to buy up as much raw cotton as they would like to use. The gentleman from Missouri and the gentleman from Mississippi should take up the report of the Director of the Census for the month of January to better understand this situation. In January, 1914, when there was no European war and no special complaint about the price of cotton, our cotton exports amounted to 1,052,272 bales. In January, 1915, when the war was on and complaints were heard about the price of cotton, our cotton exports were 1,372,175 bales, or more than 300,000 bales more in war times than in times of peace. It does not appear, therefore, that either the foreigner who uses raw cotton or the planter who sells it had any special cause to complain about the quantity bought or sold in January, 1915. Let us concede that much of this cotton would not have been exported if the Government had not gone into the war-risk insurance business, but while this business has worked well for raw cotton and for foreign manufacturers, who are shipping back tremendous quantities of fabrics into the United States, I do not want my friends to overlook the fact that the same report of the Director of the Census shows that there were 500,000 less cotton spindles active in the United States in January, 1915, than there were in January, 1914. In other words, the increase in cotton exports was at the expense of American industries, and accounts in a large degree for the unemployment that now prevails in the United States. Witness the customhouse statement from New York this morning that German exports to the United States, meaning exports of goods that compete with United States manufactures, have been substantially as great in January, 1915, as they were in January, 1914. If our friends upon the other side can see no danger in purchasing antiquated foreign-built vessels, giving them an American register, insuring them with the people's money, and sending them to war zones, they should at least recognize the injustice done the industries of the United States by the persistence with which our foreign trade in cotton is encouraged to break down the textile industries of the United States.

Mr. ALEXANDER. Mr. Speaker, I ask leave to extend my remarks in the RECORD on the same subject.

The SPEAKER. The gentleman from Missouri [Mr. ALEXANDER] asks leave to extend his remarks in the RECORD on the same question. Is there objection? [After a pause.] The Chair hears none.

Mr. CRISP. Mr. Speaker, I ask leave to revise and extend my remarks in the RECORD on the subject of the Georgia judgeship bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 20347) entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1916," disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CHAMBERLAIN, Mr. FLETCHER, and Mr. DU PONT as the conferees on the part of the Senate.

PRACTICE OF PHARMACY AND SALE OF POISON IN CHINA.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6631) to regu-

late the practice of pharmacy and sale of poison in the consular districts of the United States in China.

The SPEAKER. The gentleman from Virginia asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

An act (S. 6631) to regulate the practice of pharmacy and the sale of poison in the consular districts of the United States in China.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I think the bill ought to be read.

The SPEAKER. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That on and after the 1st day of January, 1915, it shall be unlawful in the consular districts of the United States in China for any person whose permanent allegiance is due to the United States not licensed as a pharmacist within the meaning of this act to conduct or manage any pharmacy, drug, or chemical store, apothecary shop, or other place of business for the retailing, compounding, or dispensing of any drugs, chemicals, or poisons, or for the compounding of physicians' prescriptions, or to keep exposed for sale at retail, any drugs, chemicals, or poisons, except as hereinafter provided, or, except as hereinafter provided, for any person whose permanent allegiance is due to the United States not licensed as a pharmacist within the meaning of this act to compound, dispense, or sell at retail any drug, chemical, poison, or pharmaceutical preparation upon the prescription of a physician, or otherwise, or to compound physicians' prescriptions, except as an aid to and under the proper supervision of a pharmacist licensed under this act. And it shall be unlawful for any person, firm, or corporation owing permanent allegiance to the United States owning partly or wholly or managing a pharmacy, drug store, or other place of business to cause or permit any person other than a licensed pharmacist to compound, dispense, or sell at retail any drug, medicine, or poison except as an aid to and under the proper supervision of a licensed pharmacist: *Provided*, That where it is necessary for a person, firm, or corporation whose permanent allegiance is due to the United States and owning partly or wholly or managing a pharmacy, drug store, or other place of business to employ Chinese subjects to compound, dispense, or sell at retail any drug, medicine, or poison, such person, firm, corporation, owner, part owner, or manager of a pharmacy, drug store, or other place of business may employ such Chinese subjects when their character, ability, and age of 21 years or over have been certified to by at least two recognized and reputable practitioners of medicine, or two pharmacists licensed under this act whose permanent allegiance is due to the United States: *Provided further*, That nothing in this section shall be construed to interfere with any recognized and reputable practitioner of medicine, dentistry, or veterinary surgery in the compounding of his own prescriptions or to prevent him from supplying to his patients such medicines as he may deem proper, except as hereinafter provided; nor with the exclusively wholesale business of any person, firm, or corporation whose permanent allegiance is due to the United States dealing and licensed as pharmacists, or having in their employ at least one person who is so licensed, except as hereinafter provided; nor with the sale by persons, firms, or corporations whose permanent allegiance is due to the United States other than pharmacists of poisonous substances sold exclusively for use in the arts, or as insecticides, when such substances are sold in unbroken packages bearing labels having plainly printed upon them the name of the contents, the word "poison," when practicable the name of at least one suitable antidote, and the name and address of the vender.

SEC. 2. That every person whose permanent allegiance is due to the United States now practicing as a pharmacist or desiring to practice as a pharmacist in the consular districts in China shall file with the consul an application, duly verified under oath, setting forth the name and age of the applicant, the place or places at which he pursued and the time spent in the study of pharmacy, the experience which the applicant has had in compounding physicians' prescriptions under the direction of a licensed pharmacist, and the name and location of the school or college of pharmacy, if any, of which he is a graduate, and shall submit evidence sufficient to show to the satisfaction of said consul that he is of good moral character and not addicted to the use of alcoholic liquors or narcotic drugs so as to render him unfit to practice pharmacy: *Provided*, That applicants shall be not less than 21 years of age and shall have had at least four years' experience in the practice of pharmacy or shall have served three years under the instruction of a regularly licensed pharmacist, and any applicant who has been graduated from a school or college of pharmacy recognized by the proper board of his State, Territory, District of Columbia, or other possession of the United States as in good standing shall be entitled to practice upon presentation of his diploma.

SEC. 3. That if the applicant for license as a pharmacist has complied with the requirements of the preceding section, the consul shall issue to him a license which shall entitle him to practice pharmacy in the consular districts of the United States in China, subject to the provisions of this act.

SEC. 4. That the license of any person whose permanent allegiance is due to the United States to practice pharmacy in the consular districts of the United States in China may be revoked by the consul if such person be found to have obtained such license by fraud, or be addicted to the use of any narcotic or stimulant, or to be suffering from physical or mental disease, in such manner and to such extent as to render it expedient that in the interests of the public his license be canceled; or to be of an immoral character; or if such person be convicted in any court of competent jurisdiction of any offense involving moral turpitude. It shall be the duty of the consul to investigate any case in which it is discovered by him or made to appear to his satisfaction that any license issued under the provisions of this act is revocable and shall, after full hearing, if in his judgment the facts warrant it, revoke such license.

SEC. 5. That every license to practice pharmacy shall be conspicuously displayed by the person to whom the same has been issued in the pharmacy, drug store, or place of business, if any, of which the said person is the owner or part owner or manager.

SEC. 6. That it shall be unlawful for any person, firm, or corporation whose permanent allegiance is due to the United States, either personally or by servant or agent or as the servant or agent of any other person or of any firm or corporation, to sell, furnish, or give away any cocaine, salts of cocaine, or preparation containing cocaine or salts of cocaine, or morphine or preparation containing morphine or salts of morphine, or any opium or preparation containing opium, or any chloral hydrate or preparation containing chloral hydrate, except upon the original written order or prescription of a recognized and reputable practitioner of medicine, dentistry, or veterinary medicine, which order or prescription shall be dated and shall contain the name of the person for whom prescribed, or, if ordered by a practitioner of veterinary medicine, shall state the kind of animal for which ordered and shall be signed by the person giving the order or prescription. Such order or prescription shall be, for a period of three years, retained on file by the person, firm, or corporation who compounds or dispenses the article ordered or prescribed, and it shall not be compounded or dispensed after the first time except upon the written order of the original prescriber: *Provided*, That the above provisions shall not apply to preparations containing not more than 2 grains of opium, or not more than one-quarter grain of morphine, or not more than one-quarter grain of cocaine, or not more than 2 grains of chloral hydrate in the fluid ounce, or, if a solid preparation, in 1 avoirdupois ounce. The above provisions shall not apply to preparations sold in good faith for diarrhea and cholera, each bottle or package of which is accompanied by specific directions for use and caution against habitual use, nor to liniments or ointments sold in good faith as such when plainly labeled "for external use only," nor to powder of ipecac and opium, commonly known as Dover's powder, when sold in quantities not exceeding 20 grains: *Provided further*, That the provisions of this section shall not be construed to permit the selling, furnishing, giving away, or prescribing for the use of any habitual users of the same any cocaine, salts of cocaine, or preparation containing cocaine or salts of cocaine, or morphine or salts of morphine, or preparations containing morphine or salts of morphine, or any opium or preparation containing opium, or any chloral hydrate or preparation containing chloral hydrate. But this proviso shall not be construed to prevent any recognized or reputable practitioner of medicine whose permanent allegiance is due to the United States from furnishing in good faith for the use of any habitual user of narcotic drugs who is under his professional care such substances as he may deem necessary for their treatment, when such prescriptions are not given or substances furnished for the purpose of evading the provisions of this section. But the provisions of this section shall not apply to sales at wholesale between jobbers, manufacturers, and retail druggists, hospitals, and scientific or public institutions.

SEC. 7. That it shall be unlawful for any person, firm, or corporation whose permanent allegiance is due to the United States to sell or deliver to any other person any of the following-described substances or any poisonous compound, combination, or preparation thereof, to wit: The compounds of and salts of antimony, arsenic, barium, chromium, copper, gold, lead, mercury, silver, and zinc, the caustic hydrates of sodium and potassium, solution or water of ammonia, methyl alcohol, paregoric, the concentrated mineral acids, oxalic and hydrocyanic acids and their salts, yellow phosphorus, Paris green, carbolic acid, the essential oils of almonds, pennyroyal, tansy, rue, and savin; croton oil, creosote, chloroform, cantharides, or aconite, belladonna, bitter almonds, colchicum, cotton root, cocculus indicus, conium, cannabis indica, digatalis, ergot, hyoscyamus, ignatia, lobelia, nux vomica, physostigma, phytolacca, strophanthus, stramonium, veratrum viride, or any of the poisonous alkaloids or alkaloidal salts derived from the foregoing, or any other poisonous alkaloids or their salts, or any other virulent poison, except in the manner following, and, moreover, if the applicant be less than 18 years of age, except upon the written order of a person known or believed to be an adult.

It shall first be learned, by due inquiry, that the person to whom delivery is about to be made is aware of the poisonous character of the substance and that it is desired for a lawful purpose, and the box, bottle, or other package shall be plainly labeled with the name of the substance, the word "Poison," the name of at least one suitable antidote, when practicable, and the name and address of the person, firm, or corporation dispensing the substance. And before delivery be made of any of the foregoing substances, excepting solution or water of ammonia and sulphate of copper, there shall be recorded in a book kept for that purpose the name of the article, the quantity delivered, the purpose for which it is to be used, the date of delivery, the name and address of the person for whom it is procured, and the name of the individual personally dispensing the same; and said book shall be preserved by the owner thereof for at least three years after the date of the last entry therein. The foregoing provisions shall not apply to articles dispensed upon the order of persons believed by the dispenser to be recognized and reputable practitioners of medicine, dentistry, or veterinary surgery: *Provided*, That when a physician writes upon his prescription a request that it be marked or labeled "Poison" the pharmacist shall, in the case of liquids, place the same in a colored glass, roughened bottle, of the kind commonly known in trade as a "poison bottle," and, in the case of dry substances, he shall place a poison label upon the container. The record of sale and delivery above mentioned shall not be required of manufacturers and wholesalers who shall sell any of the foregoing substances at wholesale to licensed pharmacists, but the box, bottle, or other package containing such substance, when sold at wholesale, shall be properly labeled with the name of the substance, the word "Poison," and the name and address of the manufacturer or wholesaler: *Provided further*, That it shall not be necessary, in sales either at wholesale or at retail, to place a poison label upon, nor to record the delivery of, the sulphide of antimony, or the oxide or carbonate of zinc, or of colors ground in oil and intended for use as paints, or calomel; nor in the case of preparations containing any of the substances named in this section, when a single box, bottle, or other package, or when the bulk of one-half fluid ounce or the weight of one-half avoirdupois ounce does not contain more than an adult medicinal dose of such substance; nor, in the case of liniments or ointments sold in good faith as such, when plainly labeled "For external use only"; nor, in the case of preparations put up and sold in the form of pills, tablets, or lozenges, containing any of the substances enumerated in this section and intended for internal use, when the dose recommended does not contain more than one-fourth of an adult medicinal dose of such substance.

For the purpose of this and of every other section of this act no box, bottle, or other package shall be regarded as having been labeled "Poison" unless the word "Poison" appears conspicuously thereon, printed in plain, uncondensed gothic letters in red ink.

SEC. 8. That no person, firm, or corporation whose permanent allegiance is due to the United States seeking to procure in the consular districts of the United States in China any substance the sale of which is regulated by the provisions of this act shall make any fraudulent representations so as to evade or defeat the restrictions herein imposed.

SEC. 9. That every person, firm, or corporation whose permanent allegiance is due to the United States owning, partly owning, or managing a drug store or pharmacy shall keep in his place of business a suitable book or file, in which shall be preserved for a period of not less

than three years the original of every prescription compounded or dispensed at such store or pharmacy, or a copy of such prescription, except when the preservation of the original is required by section 6 of this act. Upon request the owner, part owner, or manager of such store shall furnish to the prescribing physician, or to the person for whom such prescription was compounded or dispensed, a true and correct copy thereof. Any prescription required by section 6 of this act, and any prescription for, or register of sales of, substances mentioned in section 6 of this act shall at all times be open to inspection by duly authorized consular officers in the consular districts of the United States in China. No person, firm, or corporation whose permanent allegiance is due to the United States shall, in a consular district, compound or dispense any drug or drugs or deliver the same to any other person without marking on the container thereof the name of the drug or drugs contained therein and directions for using the same.

SEC. 10. That it shall be unlawful for any person whose permanent allegiance is due to the United States, not legally licensed as a pharmacist, to take, use, or exhibit the title of pharmacist, or licensed or registered pharmacist, or the title of druggist or apothecary, or any other title or description of like import.

SEC. 11. That any person, firm, or corporation, whose permanent allegiance is due to the United States, violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $50 and not more than $100 or by imprisonment for not less than 1 month and not more than 60 days, or by both such fine and imprisonment, in the discretion of the court, and if the offense be continuing in its character each week or part of a week during which it continues shall constitute a separate and distinct offense. And it shall be the duty of the consular and judicial officers of the United States in China to enforce the provisions of this act.

SEC. 12. That the word "Consul" as used in this act shall mean the consular officer in charge of the district concerned.

SEC. 13. That nothing in this act shall be construed as modifying or revoking any of the provisions of the act of Congress of February 23, 1887, entitled "An act to provide for the execution of the provisions of article 2 of the treaty concluded between the United States of America and the Emperor of China on the 17th day of November, 1880, and proclaimed by the President of the United States the 5th day of October, 1881."

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I assume that this is the first instance where our Government has sought to legislate extraterritorially over the affairs of American citizens doing business when domiciled in a foreign country. If I am mistaken in that, I ask the chairman of the Committee on Foreign Affairs to correct me.

Mr. FLOOD of Virginia. The Senate passed a bill very similar to this one in 1910, but it failed in the House.

Mr. STAFFORD. My question is whether this is not the first instance where our Government has attempted to legislate extraterritorially over our citizens doing business in a foreign country?

Mr. FLOOD of Virginia. Yes; it is the first one that I recall.

Mr. STAFFORD. I would like to inquire further whether the other Governments who were parties to the convention convened to suppress the opium trade in China passed similar bills applicable to their subjects doing business in China?

Mr. FLOOD of Virginia. This whole matter was entered into upon the initiative of this Government, and the purpose of the other Governments is to follow the course of this Government.

Mr. STAFFORD. There has been a convention called at the instance of this Government to which the leading European nations were invited, in which a common course was agreed upon for the suppression of the opium trade in China.

Mr. FLOOD of Virginia. Exactly.

Mr. STAFFORD. And I am inquiring whether these other foreign Governments have taken any action in the fulfillment of that convention?

Mr. FLOOD of Virginia. I undertook to answer the gentleman's question by saying that this Government was supposed to act first. This whole proceeding was upon the initiative of this Government. The first opium commission, composed of representatives of this Government and Austria, China, France, Germany, Great Britain, Italy, Japan, Netherlands, Persia, Portugal, Russia, and Siam, was formed upon the initiative of this Government and it made recommendations as to the kind of law that should be enacted by the different nations for the control of their nationals in the free ports of China. That measure passed the Senate in 1910 and failed in the House. Then there was an international conference at The Hague of these same nations in reference to this matter, and it was there agreed that the Chinese Government was to formulate a law that would be satisfactory to them and submit it to these Governments. That law was gotten up by China and by this country, and is based largely upon the antidrug law of the District of Columbia, with certain changes which they thought were proper to make. And this Government is to enact it first, and then the other Governments are to follow.

Mr. STAFFORD. I notice that this is a penal statute.

Mr. FLOOD of Virginia. Oh, yes.

Mr. STAFFORD. The very opening sentence provides for it to take effect on and after January 1, 1915. I direct inquiry to the gentleman whether that should not be changed in view of the fact that unquestionably American pharmacists doing business in these Chinese ports over which there are treaty obligations between China and the United States may not have conformed to the provisions of this bill?

Mr. FLOOD of Virginia. I think it ought to be changed to the 1st of January, 1916.

Mr. STAFFORD. Can the gentleman inform us whether there are any other countries that have adopted a like bill to this under consideration?

Mr. FLOOD of Virginia. I think not, up to this time. I think they will follow very rapidly after we have adopted it.

Mr. STAFFORD. We passed here a year ago last June the so-called Harrison Act, regulating the sale of habit-forming drugs. It has recently gone into effect, or will go into effect on March 1. I wish to inquire of the gentleman whether the provisions of the Harrison Act are virtually embodied in the bill under consideration?

Mr. FLOOD of Virginia. I am not sufficiently familiar with the Harrison Act to answer that question with any degree of accuracy. My understanding has been, I will say to the gentleman, that this bill is framed upon the District of Columbia law on this subject.

Mr. STAFFORD. The report shows it was framed with that as a model, and by a certain Mr. Hamilton Wright. Can the gentleman inform us who Mr. Hamilton Wright is?

Mr. FLOOD of Virginia. He is the gentleman who has had charge of the international aspect of the opium work on behalf of this Government.

Mr. STAFFORD. Then it is understood the gentleman intends to offer an amendment substituting "16" for "15"?

Mr. FLOOD of Virginia. I will, with pleasure.

Mr. KAHN. Mr. Speaker, will the gentleman yield for a question?

Mr. FLOOD of Virginia. I will.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. FLOOD of Virginia. I yield to the gentleman from California.

Mr. KAHN. I understand the Government of China has already taken steps to suppress the opium traffic?

Mr. FLOOD of Virginia. Yes. In 1906 it took very vigorous steps to suppress it, and was thwarted by the Americans, whom they could not control because they did not have jurisdiction over them.

Mr. KAHN. I would like to insert in the RECORD statements uttered by the great Chinese statesman, Li Hung Chang, on the opium traffic, and I ask, Mr. Speaker, that I have unanimous consent to extend my remarks in the RECORD on that matter.

The SPEAKER. On what?

Mr. KAHN. To insert in the RECORD some statements of Li Hung Chang on the opium traffic.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD and insert some statements of Li Hung Chang on the opium traffic. Is there objection?

There was no objection.

Mr. KAHN. The statement is as follows:

In the autumn of 1906 the Chinese Government determined to bring to an end the practice of opium smoking in China. In support of China's effort the United States immediately proposed to Austria-Hungary, China, France, Germany, Great Britain, Italy, Japan, Netherlands, Persia, Portugal, Russia, and Siam that an international commission should be assembled to study and recommend means by which the Indo-Chinese opium traffic and the collateral traffic to the Philippine Islands and other eastern territories might be brought to an end. That commission assembled at Shanghai in February, 1909, and in the course of its deliberations on the opium problem it was demonstrated that in the three preceding years the Chinese Empire had been flooded with so-called opium remedies largely manufactured by foreigners resident in the treaty ports of China, and that these so-called anti-opium remedies were composed largely of opium and morphine. It therefore appeared that China's heroic effort to suppress the habit of opium smoking would be frustrated because the habit of swallowing opium was about to take the place of the habit of opium smoking.

The International Opium Commission promptly recognied this fact when demonstrated by the Chinese commissioners, and a means to prevent the replacement of the old habit of opium smoking by opium swallowing and the responsibility of foreigners in the treaty ports of China for the new habit had to be thought out.

After a thorough discussion between the American and Chinese commissioners it was decided that the commission as a whole should recommend to their Governments that they apply their national pharmacy laws to their subjects in the consular districts, settlements, and concessions in China, the object being to prevent foreigners in China manufacturing wholesale and placing on the market so-called antiopium remedies which contain nothing but opium and morphine. Therefore the commission as a whole adopted the following resolution, which was introduced by the American delegation:

RESOLUTION 9—INTERNATIONAL OPIUM COMMISSION.

"Be it resolved, That the International Opium Commission recommends that each delegation move its Government to apply its pharmacy

laws to its subjects in the consular districts, concessions, and settlements in China."

As the American commissioners, after consultation with the Chinese commissioaers, were responsible for this resolution, it was incumbent upon the American Government to be the first to apply any national pharmacy act on the statute books to its subjects resident in its consular districts in China. The only national pharmacy act on the statute books is Public, No. 148, an act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes.

This act was therefore taken as a model of the act which the Chinese Government expected that the American Government would apply to Americans resident in China under those treaty stipulations which are briefed in another memorandum. The modifications of Public, No. 148, which accompanies this memorandum, was passed by the Senate on June 25, 1910, but failed of action in the House, and the matter has rested until the present moment.

Following upon the unanimous action of the International Opium Commission in condemning the evils associated with the opium traffic, this Government proposed to the other interested Governments that an international conference, composed of delegates with full powers, should meet at The Hague to give the force of law and international agreement to the resolutions of the International Opium Commission. That conference assembled at The Hague on the 1st of last December and, after signing a convention, adjourned on the 23d of the following January. Amongst the most important articles signed by the delegates on behalf of their Governments were those which confirmed to China the abolition of the Indo-Chinese opium traffic. (See Ch. 4, International Opium Convention, p. 34, S. Doc. No. 733, 62d Cong., 2d sess.)

Article 16 of chapter 4 of the International Opium Convention is the pertinent one, so far as the proposed legislation is concerned. That article is as follows:

ARTICLE 16, INTERNATIONAL OPIUM CONVENTION.

"The Chinese Government shall promulgate pharmacy laws for its subjects, regulating the sale and distribution of morphine, cocaine, and their respective salts, and of the substances indicated in article 14 of the present convention, and shall communicate these laws to the Governments having treaties with China through the intermediary of their diplomatic representatives at Peking. The contracting powers having treaties with China shall examine these laws, and, if they find them acceptable, shall take the necessary measures to the end that they be applied to their nationals residing in China."

Thus it will be seen that the powers having treaty relations with China, amongst them the United States, have entered into a solema pledge with the Chinese Government to apply such pharmacy laws to their nationals residing in China as will regulate the sale and distribution of opium, morphine, and cocaine, the object being to prevent the nationals of the treaty powers flooding China with remedies containing opium which are more baneful in their effects than the evils of opium smoking, which the Chinese are successfully suppressing.

This pledge on the part of the United States can be redeemed by the passage and approval of the accompanying bill.

In regard to the proposed bill, it can be stated that as a pharmacy act it is as satisfactory as Public No. 148, on which it is modeled, which has been in force in the District of Columbia for several years, and which has proved to be as efficient and workable as the pharmacy acts of any of the States of the Union.

As to the law features of the proposed bill as they affect Americans in China, it may be said to be without fault. It represents the combined efforts of Mr. Hamilton Wright, who has been in charge of the international aspects of the opium work on behalf of the American Government, of the members of the Far Eastern Division, and of the solicitors of the Department of State. Since its drafting it has been submitted to Judge Thayer, of the United States court in China, and to several of the American consuls general in that country. They have all commended it from the point of view of principle, and regard it as practicable and well within treaty and statutory law under which Americans reside in China.

It should be borne in mind that the Chinese Government has by resolution in the International Opium Commission and by treaty stipulation in the International Opium Convention requested this Government to pass this act, and that all Chinese conversant with the question will welcome the present act, if passed and approved, as a model act on which a Chinese national pharmacy act may be based.

The bases for American jurisdiction over Americans resident in China are founded—

1. On the right of citizens of the United States to frequent the open ports of China.

2. On the right of the American Government to superintend and regulate the concerns of citizens of the United States doing business at the open ports of China, together with the right of the United States to appoint consuls or other officers at the same ports.

3. The judicial authority of the United States over citizens who reside at the open ports of China.

First. By article 3 of the treaty of Wang Hea between United States and China, 1844, citizens of the United States were permitted to frequent the five ports of Quangchow, Amoy, Fuchow, Ningpo, and Shanghai, and to reside with their families and trade there; to proceed at pleasure with their vessels and merchandise to and from any foreign port and either of the said five ports, and from either of said five ports to any other of them. (See p. 474, Treaties Between China and Foreign States, vol. 1.)

The provisions of article 3 of the treaty of Wang Hea were reaffirmed and broadened by article 14 of the treaty of Tientsin between the United States and China, 1858, and there was added to the five ports mentioned in article 3 of the treaty of 1844 Swatow, Canton, and Taiwan in the island of Formosa. (See p. 315, ibid.)

Second. By article 4 of the treaty of Wang Hea it is provided that for the superintendence and regulation of the concerns of citizens of the United States doing business in the five ports mentioned in article 3 of that treaty the Government of the United States may appoint consuls or other officers at the time, who shall be duly recognized as such by the officers of the Chinese Government. (See p. 474, ibid.)

Article 10 of the treaty of Tientsin of 1858 reaffirms this right of the United States to appoint consuls at all of the open ports of China.

Third. By article 21 of the treaty of Wang Hea, 1844, the judicial authority of the United States over its citizens who are in residence at the open ports of China was reaffirmed, it being provided by article 21 that citizens of the United States who may commit any crime in China shall be subject to be tried and punished only by the consul or other public functionary of the United States authorized according to the laws of the United States, while subjects of China who may be guilty of any criminal act toward citizens of the United States were to be arrested and punished by the Chinese authorities and according to the laws of China. (See p. 481, ibid.) The provision of this article was amplified by article 25 of the same treaty, which provides that all questions in regard to rights, whether of property or person, arising between citizens of the United States and China shall be subject to the jurisdiction of and regulated by the authorities of their own Government, and all controversies occurring in China between citizens of the United States and the subjects of any other Government shall be regulated by the treaties existing between the United States and such Governments, respectively, without interference on the part of China. (See p. 483, ibid.)

Article 11 of the treaty of Tientsin, 1858, reaffirmed and amplified article 21 of the treaty of Wang hea. (See p. 513, ibid.)

Since these treaties were negotiated the Congress has passed several acts relating to the rights of American citizens in China, and to consular and to judicial jurisdiction over them. The earliest act of Congress which applies was that of August 11, 1848. (9 Stat. L., 276.)

In reporting the bill the Senate Judiciary Committee stated that the measure was considered necessary to the execution of the treaty of 1844 with China. The next legislation was that of June 22, 1860. (12 Stat. L., 72.) It was occasioned partly by the newly made treaty with China, commonly known as the Tientsin treaty of 1858. It extensively amplified and improved the earliest legislation, and, together with the act of July 1, 1870 (16 Stat. L., 183), relating to appeals in certain cases, formed the basis of the law as embodied in the Revised Statutes, sections 4083, 4130. (See p. 787, R. S. U. S., 2d ed., 1878.)

It is repeatedly declared in these statutes that they are intended to carry into effect the treaties which have granted extraterritorial jurisdiction to the United States in China, as well as other oriental countries. The jurisdiction as provided for in China is described with some fullness. The second leading feature of these statutes is that they set forth what law is to be applied in consular courts. (Secs. 4086, 4117–4120, 4126.) The jurisdiction in both criminal and civil matters is to be exercised and enforced in conformity with the laws of the United States, which are by these statutes, and so far as necessary and suitable under the treaties, extended over all citizens of the United States in China, and over all others who may have the right of American protection. If the laws of the United States, the statutes continue, are not adapted to the object of the treaties, or are deficient in the provisions necessary to furnish suitable remedies, the common law and the law of equity and admiralty shall extend in like manner over citizens and other protected persons in those countries. And if neither the common law nor the law of equity or admiralty nor the statutes of the United States furnish appropriate and sufficient remedies, the American minister in China shall issue regulations which shall supply such defects and deficiencies and shall have the force of law. (See pp. 41–42, "American Consular Jurisdiction in the Orient," Hinckley.)

These statutes have been somewhat modified, so far as China is concerned, by the act of June 30, 1906, creating a United States Court for China. That act impliedly removes all jurisdiction and the power of making regulations from the minister to China. It confers this jurisdiction and power upon the judge of the United States Court for China. A copy of the act of June 30, 1906, is attached.

The proposed act to regulate the practice of pharmacy and sale of poisons in the consular districts of the United States in China does not in any way transcend the consular and judicial authority of the United States in China, as provided for in the above-mentioned treaties and statutes. It should be stated in regard to section 13 of the proposed act which protects the act of Congress of February 23, 1887, providing for the execution of the provisions of article 2 of the American-Chinese treaty of 1880, that this is necessary to prevent American citizens in the general act of practicing pharmacy from engaging in the opium trade in Chinese waters, as agreed to by the United States and China by article 2 of the treaty of 1880.

It may be stated as a general proposition that the Chinese Government has always welcomed the worthy exercise of the judicial functions of the United States which are reserved to this Government under the extraterritoriality provisions of our treaties, and the exercise of such power has always made for better relations between the two countries. The accompanying proposed pharmacy act, which is to apply to Americans resident in China, will serve as a sure indication of the solicitude of this Government to do its bounden duty toward China.

The Government of the United States "can, equally with any of the former or present Governments of Europe, make treaties providing for the exercise of judicial authority in other countries by its officers appointed to reside therein." (In re Ross, 1891, 140 U. S., 453, 463. See Moore, vol. 5, p. 161, third paragraph.)

The State Department favors this bill, as is shown by this letter from Secretary Bryan:

DEPARTMENT OF STATE,
Washington, December 15, 1914.

Hon. HENRY D. FLOOD,
Chairman Committee on Foreign Affairs,
House of Representatives.

SIR: There is now pending before the House Committee on Foreign Affairs the bill (S. 6631) to regulate the practice of pharmacy and the sale of poison in China by Americans residing in the consular districts of the United States in that country. The Department of State is greatly interested in the passage of this bill.

The International Opium Commission which met at Shanghai in 1909 recommended that each Government represented at the meeting should enact certain proposed legislation upon this subject. The International Opium Conference at The Hague subsequently adopted a convention, to which the United States is signatory, pledging the signatory powers to the enactment, among other laws, of just such *legislation as is* proposed in the bill mentioned.

Unless this bill or one of similar import be enacted into law, it will be impossible for the American consuls in China to regulate the purchase, sale, and distribution in China of opium, morphine, and other poisonous drugs by Americans or other persons owing allegiance to the United States in that country.

The Department of State trusts, therefore, that your committee will favorably report this bill, and that it will be passed at an early date.

The report upon the bill by the Senate Committee on Foreign Relations gives further information as to the character and need of the legislation asked.

I have the honor to be, sir, your obedient servant,

W. J. BRYAN.

Mr. FLOOD of Virginia. Mr. Speaker, I ask that I may have unanimous consent to extend my remarks in the RECORD on this bill.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an editorial from this morning's Washington Post.

The SPEAKER. The gentleman from Wyoming [Mr. MONDELL] asks unanimous consent to extend his remarks in the RECORD by printing therein an editorial from to-day's Washington Post. Is there objection?

Mr. BORLAND. Reserving the right to object, Mr. Speaker, what is the editorial?

Mr. MONDELL. The caption of the editorial is "Presidential dictation."

Mr. BORLAND. I think I shall have to object.

Mr. STEPHENS of Texas. I object, Mr. Speaker.

The SPEAKER. The gentleman from Texas [Mr. STEPHENS] and the gentleman from Missouri [Mr. BORLAND] both object.

Mr. POWERS rose.

The SPEAKER. For what purpose does the gentleman from Kentucky rise?

Mr. POWERS. I ask unanimous consent to extend my remarks in the RECORD by printing an article prepared by Marcus Borchardt, L. L. M., on the need of a United States official gazette. It is a well-prepared article and gives a great deal of valuable information.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. STAFFORD. Reserving the right to object, can not the object of the gentleman be obtained by printing it as a document?

Mr. ADAIR. I object, Mr. Speaker.

The SPEAKER. The gentleman from Indiana [Mr. ADAIR] objects.

PRACTICE OF PHARMACY AND SALE OF POISON IN CHINA.

Mr. STAFFORD. I understood the gentleman from Virginia was going to offer an amendment to change the date from 1915 to 1916.

Mr. FLOOD of Virginia. Yes. I move to amend the bill, Mr. Speaker, line 4, page 1, by striking out the word "fifteen" and inserting in lieu thereof the word "sixteen."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Virginia.

The Clerk read as follows:

Amend, page 1, line 4, by striking out the word "fifteen" and inserting in lieu thereof the word "sixteen."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill as amended.

The Senate bill as amended was ordered to be read a third time, was read the third time, and passed.

CALENDAR FOR UNANIMOUS CONSENT.

Mr. UNDERWOOD. Mr. Speaker, probably on Monday next the consideration of conference reports will interfere with the calling of the Unanimous Consent Calendar, and in order that there may be another opportunity to pass bills that may be passed by unanimous consent I ask that we now proceed to the consideration of the Unanimous Consent Calendar of the House.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that the House now proceed to the consideration of bills on the Unanimous Consent Calendar. Is there objection?

Mr. MANN. Mr. Speaker, I do not desire to object, but in view of what the gentleman from Alabama [Mr. UNDERWOOD] said about next Monday, I would like to remind him of the fact that to-morrow is one of the last six days of the session and suspensions and bills on the Unanimous Consent Calendar are both in order every day from now on, although probably we will not get at them very often.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the first bill on the Calendar for Unanimous Consent.

RESERVATION OF SCHOOL LANDS IN ALASKA.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 20851) to reserve lands to the Territory of Alaska for educational uses, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I would like to suggest, although I suppose it is an unnecessary suggestion to make, that if the bill is to be read and consent is to be granted it would better be done on the Senate bill than on the House bill.

Mr. LENROOT. That is my intention.

Mr. STAFFORD. Mr. Speaker, this bill has been on the calendar for a long time. I believe the gentleman from Minnesota [Mr. STEVENS] has a companion bill.

Mr. LENROOT. This is an Alaskan bill.

Mr. STAFFORD. Oh, I beg the gentleman's pardon.

Mr. FERRIS. Mr. Speaker, if unanimous consent is to be given, as I understand it is, I will ask unanimous consent to discharge the House Committee on the Public Lands from the consideration of the Senate bill 7515, it being a bill identical in form and verbiage which passed the Senate and was inadvertently referred to the House committee.

Mr. MANN. We want to be sure now that somebody has compared the two bills and has seen to it that the Senate bill is the same as the House bill.

Mr. FERRIS. I am so informed by the gentleman from Alaska [Mr. WICKERSHAM].

Mr. MANN. It can be read, and the fact can easily be ascertained by comparison.

Mr. FERRIS. I have made no comparison of the bills myself. I ask unanimous consent, Mr. Speaker, that the House Committee on the Public Lands be discharged from the further consideration of Senate bill 7515, and ask that the Senate engrossed bill be read so that we can compare it with the House bill.

The SPEAKER pro tempore (Mr. UNDERWOOD). The gentleman from Oklahoma [Mr. FERRIS] asks unanimous consent that in place of House bill 20851, Senate bill 7515 be read for the purpose later of asking unanimous consent for its consideration. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read the bill, as follows:

An act (S. 7515) to reserve lands to the Territory of Alaska for educational uses, and for other purposes.

Be it enacted, etc., That when the public lands of the Territory of Alaska are surveyed, under direction of the Government of the United States, sections Nos. 16 and 36 in each township in said Territory shall be, and the same are hereby, reserved from sale or settlement for the support of common schools in the Territory of Alaska; and section 33 in each township in the Tanana Valley between parallels 64 and 65 north latitude and between the one hundred and forty-fifth and the one hundred and fifty-second degrees of west longitude (meridian of Greenwich) shall be, and the same is hereby, reserved from sale or settlement for the support of a Territorial agricultural college and school of mines when established by the Legislature of Alaska upon the tract granted in section 2 of this act: *Provided*, That where settlement with a view to homestead entry has been made upon any part of the sections reserved hereby before the survey thereof in the field, or where the same may have been sold or otherwise appropriated by or under the authority of any act of Congress, or are wanting or fractional in quantity, other lands may be designated and reserved in lieu thereof in the manner provided by the act of Congress of February 28, 1891 (26 Stats., p. 791): *Provided further*, That the Territory may, by general law, provide for leasing said land in area not to exceed one section to any one person, association, or corporation for not longer than 10 years at any one time: *And provided further*, That if any of said sections, or any part thereof, shall be of known mineral character at the date of acceptance of survey thereof, the reservation herein made shall not be effective or applicable, but the entire proceeds or income derived by the United States from such sections 16 and 36 and such section 33 in each township in the Tanana Valley area hereinbefore described, and the minerals therein, together with the entire proceeds or income derived from said reserved lands, are hereby appropriated and set apart as separate and permanent funds in the Territorial treasury, to be invested, and the income from which shall be expended only for the exclusive use and benefit of the public schools of Alaska or of the agricultural college and school of mines, respectively, in such manner as the Legislature of Alaska may by law direct.

SEC. 2. That section No. 6, in township No. 1 south of the Fairbanks base line and range No. 1 west of the Fairbanks meridian; section No. 31, in township No. 1 north of the Fairbanks base line and range No. 1 west of the Fairbanks meridian; section No. 1, in township No. 1 south of the Fairbanks base line and range No. 2 west of the Fairbanks meridian; and section No. 36, in township No. 1 north of the Fairbanks base line and range No. 2 west of the Fairbanks meridian, be, and the same are hereby, granted to the Territory of Alaska, but with the express condition that they shall be forever reserved and dedicated to use as a site for an agricultural college and school of mines: *Provided*, That nothing in this act shall be held to interfere with or destroy any legal claim of any person or corporation to any part of said lands under the homestead or other law for the disposal of the public lands acquired prior to the approval of this act: *Provided further*, That so much of the said land as is now used by the Government of the United States as an agricultural experiment station may continue to be used for such purpose until abandoned for that use by an order of the President of the United States or by act of Congress.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LENROOT. Mr. Speaker, I think the question is whether the Committee on the Public Lands be discharged and present consideration had of the House bill.

The SPEAKER pro tempore. As the Chair understood it, the request for unanimous consent was that the Committee on

the Public Lands be discharged from the further consideration of the bill S. 7515, and that it be read for the purpose of asking unanimous consent for the passage of the bill.

Mr. LENROOT. Was the unanimous consent given?

The SPEAKER pro tempore. The consent to discharge the committee and to have the bill read at the Clerk's desk was given, but the unanimous consent for the consideration of the bill has not been given. Is there objection?

Mr. NORTON. Reserving the right to object, Mr. Speaker, I desire to ask the gentleman from Wisconsin [Mr. LENROOT] is this bill drawn for the purpose of locating the site of the agricultural college in Alaska?

Mr. LENROOT. It is not, except that if the Territory of Alaska shall use this as a site, it makes a grant of these four sections for that purpose. If they do not use the four sections for an agricultural college, the four sections revert to the Government.

Mr. NORTON. Well, in case the Legislative Assembly of Alaska should determine to locate the agricultural college elsewhere, would the Territory then receive the grant of land, being sections 33 in the townships enumerated?

Mr. LENROOT. It would only affect the four sections.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent to consider the bill in the House as in Committee of the Whole.

The SPEAKER pro tempore. If there be no objection, it will be so ordered. The Clerk will read the bill under the five-minute rule.

The Clerk began the reading of the bill.

Mr. MANN. Mr. Speaker, the bill has just been read. It is not customary to read it again unless somebody asks for it.

Mr. MONDELL. Mr. Speaker, I move to strike out the last word.

Mr. LENROOT. Before the gentleman makes that motion I wish to correct a statement that I made in response to a question of the gentleman from North Dakota [Mr. NORTON]. I stated to him that if the agricultural school was not located on this tract it would not affect the grant. I find that it does.

Mr. NORTON. That is what I thought, and I certainly should object to the consideration of the bill if that is intended to be the law.

Mr. WICKERSHAM. I hope the gentleman will not do that. There is nothing that we need up there more than this.

Mr. MADDEN. It is too late to object now, as consent for the consideration of the bill has been granted.

Mr. MANN. Oh, well, I know, but where a mistake has been made no gentleman is going to take advantage of it.

Mr. LENROOT. Was that statement made before consent was given?

Mr. MANN. Yes; and the gentleman had reserved the right to object.

Mr. NORTON. Mr. Speaker, reserving the right to object, I want to say that the provision which locates this agricultural college at a certain place near Fairbanks, irrespective of the desire of the people of Alaska as may be expressed by their legislative assembly, and provides that unless it is located on these four sections the grant of land will not go to the State Agricultural College of Alaska, is not, in my opinion, a fair provision and savors altogether too much of special congressional legislation for the benefit of a particular city or locality in Alaska to meet my approval.

Mr. MANN. Will the gentleman yield?

Mr. NORTON. Yes.

Mr. MANN. It seems to me that, after all, that is not very material. It has never been customary to give any of this land to an agricultural college under such conditions, and if the Territory of Alaska or the territorial legislature conclude that they want to locate the college somewhere else it will practically be a matter of form for Congress to do the same thing for that location that it has done for this.

Mr. NORTON. Why should not Congress at this time reserve or grant this land for a State agricultural college in Alaska, and leave it to the people of Alaska and to the legislative assembly of Alaska to determine its proper location, as has been done in other States?

Mr. MANN. One reason is that we want, if we can, to get rid of an expensive proposition that we have up there. I do not know whether we will succeed in it or not. I do not know whether the committee contemplated that. We have an experiment station on this land, have we not?

Mr. WICKERSHAM. Yes.

Mr. MANN. While the raising of agricultural products there is undoubtedly profitable, yet this station is very costly, and they do not raise enough to pay the expenses of it, and never will.

Mr. NORTON. How much land is included in this grant?

Mr. MANN. Quite a large amount—one section in every township in a territory probably more than 75 or 100 miles square.

Mr. WICKERSHAM. It is 66⅔ miles one way and about 200 the other.

Mr. MANN. Equivalent to at least 100 miles square.

Mr. NORTON. How many acres are included in the grant?

Mr. WICKERSHAM. It is not a grant, but a mere reservation. Congress may set it aside at any time.

Mr. NORTON. It is to be reserved for the use of this agricultural college.

Mr. WICKERSHAM. Only the four sections at the United States experiment station at Fairbanks were granted. These sections are granted to the Territory because of all spots in the Territory that is the place where the agricultural college ought to be. The Government has chosen that spot as the proper place for an agricultural experiment station, and through this bill we have chosen that location for an agricultural college.

Mr. MANN. An agricultural college anywhere else in Alaska, and I am not sure but one at this place, would be a joke—either an agricultural college or a school of mining. But if it is to be located up there at all, at present, it ought to be located at the experiment station.

Mr. WICKERSHAM. That is really the smallest part of this bill. The really valuable part of the bill is that it reserves the school lands for the Territory of Alaska which have never been reserved heretofore. Every other Territory at the time it was organized had sections 16 and 36 in each township reserved for the support of common schools. We have nothing of that kind in Alaska. We have no public lands, no school lands, no school fund, no school law, no school system. We have 10,000 children of school age and substantially no schools for them. Our legislature meets the 1st of March, and if we can get this bill passed the legislature can begin to pass legislation for the support of our common schools. This bill has been approved by Secretaries Lane and Houston before the committees of the Senate and House. It has been before the committees for a year. It has been most carefully considered. It is one of the most urgent necessities in the development of Alaska, and I certainly hope the gentleman will not object.

Mr. NORTON. There is no one in this House who is more in favor of setting aside public land for school purposes than I am, but I do not believe it is a proper function at all for this Congress to say where in Alaska this agricultural college shall be located.

Mr. WICKERSHAM. It does not say that.

Mr. NORTON. I think that is a function that properly belongs to the people of Alaska and to their legislative assembly.

Mr. WICKERSHAM. The bill does not say that.

Mr. NORTON. It practically says that. No land is granted or reserved for a State agricultural college, unless the college is located on the four sections near Fairbanks.

Mr. WICKERSHAM. The bill makes a grant of four sections at this particular place, because the Government and everybody else agree that that is the best place for the location of that particular kind of an institution.

Mr. NORTON. If the gentleman will permit me to read for a moment, the bill says, beginning on page 1, line 3:

> That when the public lands in the Territory of Alaska are surveyed under direction of the Government of the United States sections Nos. 16 and 36 in each township in said Territory shall be, and the same are hereby, reserved from sale or settlement for the support of common schools in the Territory of Alaska.

That is very good, and I heartily approve that portion of the bill.

Mr. WICKERSHAM. Yes.

Mr. NORTON. It continues—

> And section 33 in each township in the Tanana Valley.

Mr. WICKERSHAM. Notice, that is in the Tanana Valley.

Mr. NORTON. Between parallels 64 and 65 north latitude——

Mr. WICKERSHAM. That is 66⅔ miles.

Mr. NORTON. And between the one hundred and forty-fifth and the one hundred and fifty-second degrees of west longitude.

Mr. WICKERSHAM. That is about 200 miles.

Mr. NORTON. How many acres does that include?

Mr. WICKERSHAM. That would take in 1 section out of each 36.

Mr. NORTON. I know that; but how many acres would that be?

Mr. WICKERSHAM. I judge about 80 sections.

Mr. LA FOLLETTE. Eighty sections would be a little over 50,000 acres.

Mr. LENROOT. It comprises, I think, about 180,000 acres.

Mr. NORTON. I think it would be even more than that. However, the language of the bill continues:

And the same is hereby reserved from sale or settlement for the support of a Territorial agricultural college and school of mines when established by the Legislature of Alaska—

Now, it does not stop there, but it continues as follows:

upon the tract granted in section 2 of this act.

Mr. LENROOT. May I suggest to the gentleman that the gentleman seems to be laboring under the idea that here is a grant of land. All that it does in the world is to preserve from disposition this tract of land. The grant is a subject for the future, and there is no doubt that if the Territory of Alaska chooses to establish this agricultural college at some other point, that when it comes time to make a grant of school lands it will require further legislation and Congress will not refuse to make the grant because the college is not established on this tract.

Mr. NORTON. The language is, "reserved from sale or settlement for the support of a Territorial agricultural college and school of mines." It may be conceded that it does not make an express grant of this land. The grant will be made and completed when the Territory is admitted as a State?

Mr. LENROOT. Yes.

Mr. NORTON. This is preliminary to the complete grant of all title?

Mr. LENROOT. The only thing this does is to prevent its being disposed of. As far as any declaration as to the purpose it is absolutely immaterial, except in future legislation Congress will make the grant in general accord with the purpose.

Mr. STAFFORD. I want to direct the attention of gentlemen to the phraseology in section 2, where there is an express grant.

Mr. LENROOT. Yes; there is an express grant of four sections.

Mr. FALCONER. Mr. Speaker, I would like to ask the gentleman from Alaska is it the intention of the legislature to establish an agricultural college?

Mr. WICKERSHAM. I hope to have it done in March, when the legislature meets.

Mr. FALCONER. Is it the intention to have other educational institutions located in the same place in Alaska, or do you expect to have an agricultural college in one place and a college of arts and sciences in another?

Mr. WICKERSHAM. This is for an agricultural college and a school of mines only. This is in the agricultural region of the interior.

Mr. FALCONER. I want to say that, as a matter of economics, it is a question as to whether it is an advantage to any State or Territory to have a university located in one part of the Territory and an agricultural college in another. It is true that in Washington, as well as in other States, it is reported to have cost the taxpayers a great amount of money having educational institutions located in different parts of the State, and I think that will be true in Alaska. If this is the proper time, as far as Alaska is concerned, with a population of 35,000 white people, to establish an agricultural college and a university and a school of mines in one place, all right; but I should object at any time if I were a citizen of the Territory of Alaska, or as a Congressman here, having to do with the welfare of Alaska, in having two educational institutions in that Territory located in different parts of the Territory at this particular stage of development—just now when the Government is on the eve of great development in the fertile valleys of the Territory.

Mr. WICKERSHAM. This only provides for an agricultural college and a school of mines. Formerly it provided for a university, but the Secretary objected to the use of the word "university" and it is stricken out at his request.

Mr. FALCONER. Does the gentleman feel that it is necessary at this time to establish an agricultural college in Alaska?

Mr. WICKERSHAM. Yes; I do, or I would not be urging it.

Mr. NORTON. Would the gentleman accept an amendment to strike out the words "upon the tract granted in section 2 of this act"?

Mr. LENROOT. I would have no objection except on account of the peculiar situation of the bill at this time with reference to the other end of the Capitol; but I think the gentleman must see that this is immaterial, inasmuch as this only reserves the land, and it is within the complete control of Congress.

Mr. NORTON. It reserves it if this school is located in this identical place.

Mr. LENROOT. The reservation is made whether the school is located in that place or not. The declaration is that the purpose of the reservation shall be for the support or assistance of this school if located there, but the reservation is complete whether the school is located there or not located at all.

Mr. NORTON. I question the gentleman's interpretation.

Mr. STEENERSON. It seems to me, Mr. Speaker, that the statement that this bill does not contain a grant is somewhat questionable, because the original grant of sections 16 and 36 was in these words, substantially: "There is hereby reserved for common schools in the different States sections 13 and 36."

Mr. BORLAND. Mr. Speaker, the regular order.

The SPEAKER. The gentleman from Missouri calls for the regular order.

Mr. NORTON. I object.

Mr. LENROOT. I would agree to accept that amendment.

The SPEAKER. The gentleman from North Dakota objects, and the Clerk will report the next bill.

LEASING OF OIL AND GAS LANDS WITHDRAWN FROM ENTRY.

The next business on the Calendar for Unanimous Consent was the bill S. 5434, "An act authorizing the Secretary of the Interior to grant permits to the occupants of certain unpatented lands on which oil or gas has been discovered, and authorizing the extraction of oil or gas therefrom."

The SPEAKER. Is there objection?

Mr. MANN and Mr. MADDEN objected.

Mr. FALCONER. Do gentlemen understand that the Legislature of the State of Washington, and I presume other legislatures, have memorialized Congress asking for this legislation?

Mr. MANN. Does the gentleman know what the bill is?

Mr. FALCONER. I do.

Mr. MADDEN. It legislates three or four lawsuits out of court.

The SPEAKER. The gentlemen from Illinois [Mr. MANN and Mr. MADDEN] object.

RESERVATION OF SCHOOL LANDS IN ALASKA.

The SPEAKER pro tempore. Before taking up the next bill the Chair desires to call the attention of the House to the fact that the Committee on Public Lands was discharged from further consideration of Senate bill 7515, and that bill is now on the Speaker's table. The Senate bill was read for the purpose of unanimous consent. Objection was made to the consideration of the bill, and the bill is now before the House in some way.

Mr. LENROOT. Mr. Speaker, I ask unanimous consent that the bill remain on the Speaker's table. The Committee on Public Lands has reported identically this bill, and it is on the calendar.

The SPEAKER pro tempore. Then the Chair would suppose it would be proper to refer it to the calendar.

Mr. MANN. No; just have it lie on the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that the bill S. 7515 may remain on the Speaker's table. Is there objection?

Mr. FOSTER. Mr. Speaker, I object. I think it ought to go back to its place.

The SPEAKER pro tempore. The gentleman from Illinois objects. The point is that the bill is in an anomalous position. It was taken from the committee, and it is resting here without any place to go.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the order discharging the committee from further consideration of the bill be vacated.

The SPEAKER pro tempore. Is there objection?

There was no objection, and it was so ordered.

EL PASO & ROCK ISLAND RAILWAY CO.

The next business on the Calendar for Unanimous Consent was the bill (S. 2278) granting the El Paso & Rock Island Railway Co. a right of way for its pipe lines and reservoir upon the Lincoln National Forest for the carrying and storage of water for railroad purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. YOUNG of Texas. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

TREATMENT OF LEPROSY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20040) to provide for the care and treat-

ment of persons afflicted with leprosy and to prevent the spread of leprosy in the United States.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, has the gentleman from Georgia [Mr. ADAMSON] prepared any amendments to the bill?

Mr. ADAMSON. I have not. I have been waiting for suggestions from the gentleman from Illinois. If the gentleman will permit the bill to proceed, I am perfectly willing to strike out the words "or sites," in line 5, and at such other places in the bill where it is necessary, so as to provide for only one site. I would prefer, of course, to have others.

Mr. MANN. Oh, I think the authorization of one is enough at this time. I have no objection to doing that.

Mr. ADAMSON. Very well; I shall offer that amendment when the time comes.

Mr. MANN. There are several other amendments.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would like to inquire what is the idea of granting ad libitum authority to the Surgeon General to grant allowances to those surgeons assigned to duty at this leprosery?

Mr. ADAMSON. I presume it is on account of the extra hazardous and disagreeable work.

Mr. STAFFORD. Why should there be unlimited discretion granted to the Surgeon General to grant any allowances to those surgeons?

Mr. MANN. That is the law now. That does not change the law. It provides for one-half of the pay and allowances extra that are granted by the Surgeon General, and while theoretically they are allowed to fix it, practically it is beyond their control.

Mr. STAFFORD. As far as one-half increased pay is concerned, I do not believe there is any serious objection to that, because it is a very dangerous and hazardous employment.

Mr. ADAMSON. Where are the particular words to which the gentleman refers?

Mr. MANN. This relates to allowances to the man who goes there. This is not one-half of the allowance.

Mr. STAFFORD. No; I am directing attention particularly to the phrase in line 13, page 3.

Mr. MANN. I should suppose if they got a permanent surgeon at a leprosy hospital that they would probably have to make him more allowances than the regular allowance.

Mr. ADAMSON. If the gentleman from Illinois will permit, I think that contemplates legal allowances, and the language proceeds to say "with the approval of the Secretary of the Treasury." So it is not arbitrary with the Surgeon General.

Mr. MANN. On first reading of the bill I supposed that it meant one-half pay and allowances, but on reading the bill again I concluded it meant to give him extra one-half the pay of his grade; and, then, there should be a comma there; and then the language goes on, "and such allowances as may be provided by the Surgeon General." In other words, it was not to be one-half of the ordinary allowances, but they were to be permitted to make extra allowances for him.

Mr. ADAMSON. I presume it must be the legal allowance.

Mr. STAFFORD. Under this phraseology the Surgeon General, with the approval of the Secretary of the Treasury, could grant any allowance he saw fit.

Mr. MANN. Oh, yes.

Mr. ADAMSON. If you do not think it contemplates a lawful allowance we can say so.

Mr. MANN. That is a lawful allowance. They probably would have to make him an extra allowance. If they wanted me to go to a leprosery they would have to make me an extra allowance, although there are some people I know whom I would be very glad to locate there and pay them a considerable extra allowance.

Mr. STAFFORD. There are a great many on the other side who would like to have that distinction fall on many gentlemen on this side.

Mr. MANN. Oh, no; not many, only a few.

Mr. ADAMSON. I hope the gentleman does not intend to be personal to anybody. I desire to say in answer to the suggestion of the gentleman from Wisconsin that I am not partisan enough to wish that bad luck on any gentleman on that side.

Mr. STAFFORD. Not publicly, but maybe privately.

Mr. ADAMSON. No, sir; not privately.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent that it be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That for the purpose of carrying out the provisions of this act the Secretary of the Treasury is authorized to select and obtain, by purchase or otherwise, a site or sites suitable for the establishment of a home or homes for the care and treatment of persons afflicted with leprosy, to be administered by the United States Public Health Service; and the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, or the Secretary of Agriculture is authorized to transfer to the Secretary of the Treasury any abandoned military, naval, or other reservation suitable for the purpose, or as much thereof as may be necessary, with all buildings and improvements thereon, to be used for the purpose of said home or homes.

SEC. 2. That there shall be received into said home or homes, under regulations prepared by the Surgeon General of the Public Health Service, with the approval of the Secretary of the Treasury, any person afflicted with leprosy who presents himself or herself for care, detention, and treatment, or who may be apprehended under authority of the United States quarantine acts, or any person afflicted with leprosy duly consigned to said home or any of said homes by the proper health authorities of any State, Territory, or the District of Columbia. The Surgeon General of the Public Health Service is authorized, upon request of said authorities, to send for any person afflicted with leprosy within their respective jurisdictions, and to convey said person to any such home for detention and treatment, and when the transportation of any such person is undertaken for the protection of the public health the expense of such removal shall be paid from funds set aside for the maintenance of said home or homes.

SEC. 3. That regulations shall be prepared by the Surgeon General of the Public Health Service, with the approval of the Secretary of the Treasury, for the government and administration of said home or homes and for the apprehension, detention, treatment, and release of all persons who are inmates thereof.

SEC. 4. That the Secretary of the Treasury be, and he is hereby, authorized to cause the erection upon such site or sites of suitable and necessary buildings for the purposes of this act at a cost not to exceed the sum herein appropriated for such purpose.

SEC. 5. That when any commissioned or other officer of the Public Health Service is detailed for duty at the home or homes herein provided for he shall receive, in addition to the pay and allowances of his grade, one-half the pay of said grade and such allowances as may be provided by the Surgeon General of the Public Health Service, with the approval of the Secretary of the Treasury.

SEC. 6. That for the purposes of carrying out the provisions of this act there is hereby appropriated, from any money in the Treasury not otherwise appropriated, the sum of $250,000, or as much thereof as may be necessary, for the preparation of said home or homes, including the erection of necessary buildings, the maintenance of the patients, pay and maintenance of necessary officers and employees, until June 30, 1916.

Mr. MANN. Mr. Speaker, I move to strike out, in line 5, page 1, the words "or sites" and to strike out, in line 6, the words "or homes" and to strike out, in lines 3 and 4, page 2, the words "or homes."

Mr. ADAMSON. That is all right; I am willing to that.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

On page 1, in line 5, strike out the words "or sites"; in line 6, strike out the words "or homes"; on page 2, in lines 3 and 4, strike out the words "or homes."

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to strike out, in line 10, page 1, the word "is" and insert the words "are respectively." It is a grammatical error.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

On page 1, in line 10, strike out the word "is" and insert the words "are respectively."

Mr. ADAMSON. Mr. Speaker, if that is done we will have to change the connecting word "or" at the beginning of line 10. As it is it is disjunctive; if you are going to make it conjunctive you will have to put the word "and" in the place of "or."

Mr. MANN. I do not think so, but if the gentleman *prefers* the present grammatical construction, I have no objection.

Mr. ADAMSON. It says "and the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, or the Secretary of Agriculture is authorized to transfer." That is good as it is.

Mr. MANN. All right; I withdraw my amendment.

The SPEAKER pro tempore. Without objection, the amendment is withdrawn.

Mr. MANN. This bill was read?

The SPEAKER pro tempore. Yes.

Mr. MANN. I ask unanimous consent for the following amendments: Page 2, lines 5 and 6, strike out the words "or homes"; page 2, line 12, strike out the words "or any of said homes"; page 3, line 6, strike out the words "or sites."

Mr. STAFFORD. And strike out, in lines 21 and 22, the words "or homes."

Mr. MANN. Yes.

Mr. STAFFORD. And also the word "any," in line 17, page 2. Should not that be stricken out?

Mr. MANN. Do not let the Clerk get it all mixed up.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, lines 21 and 22, strike out the words "or homes"; page 3, line 11, strike out the words "or homes."

Mr. ADAMSON. That is all right.

Mr. STAFFORD. In line 17, should not the word "any" be stricken out? It says, "to any such home." There is only one home. The word "any" presupposes more than one.

Mr. ADAMSON. That is all right. All of these changes are mere verbal changes.

Mr. MANN. And strike out the word "any," in line 17, page 2.

Mr. ADAMSON. These are all proper verbal changes to conform with the amendment already agreed to.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the House agree to the amendments which have been indicated by him.

Mr. MANN. The Clerk had better report them, to see that he gets them correctly.

The SPEAKER pro tempore. The Clerk will report the amendments.

The Clerk read as follows:

On page 2, lines 5 and 6, strike out the words "or homes"; page 2, line 12, strike out the words "or any of said homes"; line 17, strike out the word "any"; in lines 21 and 22, strike out the words "or homes"; page 3, line 6, strike out the words "or sites"; line 11, strike out the words "or homes."

Mr. MANN. And in line 20 strike out the words "or homes."

Mr. STAFFORD. And line 1, page 3, to strike out the words "or homes."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Line 1, page 3, strike out the words "or homes"; line 20, strike out the words "or homes."

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the amendments were agreed to.

Mr. MANN. Mr. Speaker, I move to strike out the last word. This section 6—of course I do not know whether this bill is likely to pass, but I do not think you can do anything under section 6. There is a limitation on the appropriation of $250,000 until June 30, 1916. They can not finish a building by that time.

Mr. STAFFORD. They may be able to contract to make the money available two years after that date.

Mr. MANN. There will be no maintenance during the next year.

Mr. ADAMSON. I presume, though, it means that we spend that much in progress up to that time.

Mr. MANN. I think there ought to be a limit of cost. I move to strike out all of the section of the bill after the word "buildings," in line 21, page 23.

The SPEAKER pro tempore. The Clerk will report the amendment.

Mr. ADAMSON. The idea of the gentleman from Illinois is that it will not be ready for occupancy?

Mr. MANN. It will not be, I think; but if it is, a deficiency appropriation will cover it.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all of the bill after the word "buildings," in line 21.

Mr. ADAMSON. There is this to say about that: I call the attention of the gentleman to the fact that if the department should succeed in acquiring a site it is possible it will be ready for occupation and operation at once.

Mr. MANN. All right; I will withdraw the amendment, if I may. If you want to take the chances on it, all right.

The SPEAKER pro tempore. Without objection, the amendment will be withdrawn.

There was no objection.

Mr. ADAMSON. The amendment we have made confining it to one would make it easier to secure one than it would be to secure two or more.

The SPEAKER pro tempore. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

SITE FOR PUBLIC BUILDING, HARTFORD, CONN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 18310) to acquire a site for a public building at Hartford, Conn.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects, and the Clerk will report the next bill.

PUBLIC BUILDING AT BATH, ME.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 1702) increasing the limit of cost fixed by act of Congress approved June 25, 1910, for enlargement, extension, etc., of Federal building at Bath, Me.

The SPEAKER pro tempore. Is there objection?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I wish to know what particular work was authorized in the original authorization and was eliminated that necessitates the expenditure of $10,000 additional?

Mr. CLARK of Florida. I will say, Mr. Speaker, the department says it is the approaches and a number of other betterments of that sort, and, I think, a better fireproof construction, that they had to leave out, and they need this much money to complete them.

Mr. FITZGERALD. I do not think it is of sufficient importance to pass under the existing condition of the Treasury, and I shall have to object.

Mr. CLARK of Florida. Mr. Speaker, I desire to ask that the bill be passed without prejudice.

The SPEAKER pro tempore. The gentleman from Florida asks unanimous consent that the bill H. R. 1702 be passed without prejudice. Is there objection?

There was no objection.

VALIDATING CERTAIN HOMESTEAD ENTRIES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21122) to validate certain homestead entries.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, this bill was under consideration on the last unanimous-consent day, and the question arose as to wherein these entrymen did not have the privilege of paying the appraised value in obtaining the lands on which they entered under a misapprehension caused by the public-land officials.

Mr. FERRIS. That is right. I stated at that time, if the gentleman will recall, in the colloquy between the gentleman from Illinois [Mr. MANN] and myself, that I was personally on the ground and saw notices that were published at that time. I did not have them with me then, but since that time I have communicated with the United States commissioner who takes the proof down there and who is still commissioner and has been commissioner for 12 or 13 years. He sends me a copy of the note that was published in the paper inviting the people to come on the land, and I have also here a letter from the department that tells the local land office to give publicity to this opening. I shall be glad to read the letter of the department to the gentleman. It is under the date of March 3, 1911. The letter is from the Assistant Commissioner of the General Land Office to the register and receiver of the General Land Office, and it reads:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, March 3, 1911.

Restoration near Wichita National Forest, Okla.

Restoration of public lands to settlement and entry. Notation ordered.

REGISTER AND RECEIVER, *Guthrie, Okla.*

GENTLEMEN: The vacant unappropriated public lands in the following-described areas, which were temporarily withdrawn for forestry purposes on January 29, 1906, and adjoin the Wichita National Forest, Okla., if not otherwise withdrawn or reserved, will be restored to the public domain on May 16, 1911, and become subject to settlement on and after that date, but not to entry, filing, or selection until on and after June 15, 1911, under the usual restrictions, at your office.

In T. 5 N., R. 14 W., NE. ¼ sec. 30, secs. 31 and 32.

In T. 5 N., R. 15 W., sec. 32 and E. ½ sec. 36, Indian meridian.

You will make the proper notations of this restoration to settlement and entry upon your records, post the copy hereof in a conspicuous place in your office, and give as much publicity to the restoration as possible as a matter of news.

This restoration is made upon the recommendation of the Acting Secretary of Agriculture, dated February 14, 1911.

A diagram showing the areas to be restored is hereto attached.

Very respectfully,

S. V. PROUDFIT,
Assistant Commissioner.

Approved March 3, 1911.

FRANK PIERCE,
First Assistant Secretary.

And the diagram shows the land to be restored. Now, let me read the notice to the gentleman that was published in the paper after that letter went out there. It is as follows:

OPENING NEW LANDS SOON.

The vacant unappropriated public lands in the following-described areas, if not otherwise withdrawn or reserved, will be restored to the public domain on May 16, 1911, and become subject to settlement on and after that date, but not to entry and filing or selection until on and after June 15, 1911, under the usual restrictions at the United States land office, Lawton, Okla.

(Then follows description of lands.)

This restoration is made upon the recommendation of the Acting Secretary of Agriculture, dated February 14, 1911. It includes 21,830 acres. The usual restrictions requiring payment of $1.25 per acre when final proof is made will be in force.

STATE OF OKLAHOMA, *County of Comanche, ss:*

Charles C. Black, being first duly sworn upon his oath according to law, deposes and says that he is the editor of the Lawton News, formerly the Lawton News-Republican, and as such has charge of the records and files of said publication; that he finds in the issue of the daily of the Lawton News-Republican of March 10, 1911, a notice of which the above and foregoing is a true and correct copy.

CHARLES C. BLACK.

Subscribed and sworn to before me this 17th day of February.

H. R. BLANDING,
United States Commissioner, Lawton, Okla.

Mr. STAFFORD. On the former occasion I did not question that there had been a publication and that these people were led to believe that these lands were open to entry, but at that time I could not see wherein any of these persons had entered under the provisions of the act approved June 30, 1913.

Mr. FERRIS. They entered way prior to that.

Mr. STAFFORD. They entered under the act of March 3, 1911.

Mr. FERRIS. No; they did not. If they had entered, no doubt the gentleman would be entirely correct. The act that the gentleman refers to was an amendment placed upon the Indian appropriation bill, and the General Land Office and the local land office people did not pursue the provisions of that act, but instead of that they went ahead and provided for the opening of the land. No doubt it was an oversight. No doubt they did not see the amendment in the appropriation bill. They have now paid $1.25 an acre for it. They did exhaust their homestead right. Forty-two of them have entered and complied with the homestead law. Now we ask that they be permitted to do the thing they started out to do, and the thing which they had a right to do.

Mr. STAFFORD. Why do they ask to be relieved of the provisions of the act of 1913?

Mr. FERRIS. Because the later act provides that they shall pay the highest price for this land, under rules and regulations such as the department prescribes. After a man is permitted to homestead, and after he has filed on the land and exhausted his right and proved it and sold his land, it is preposterous for the Government to come along and say, "I will take it away from you and sell it to somebody else, or else make you pay full value for it."

Mr. STAFFORD. Then, as I understand, the only people to whom this bill applies are those who took advantage under the erroneous publication?

Mr. FERRIS. Precisely.

Mr. STAFFORD. And no one who entered by reason of the act of June 30, 1913, is affected?

Mr. FERRIS. Oh, no. They did not enter under the act of June 30, 1913. They bought. They did not make homestead entries at all.

Mr. STAFFORD. It says here in the bill, "All homestead entries erroneously allowed for unused and unreserved lands authorized to be sold under section 6 of the act of March 3, 1911, and under the provisions of the act approved June 30, 1913."

Mr. FERRIS. But the point is that the lands that were sold were not entered at all. They put them up and sold them to the highest bidder. Some very valuable lands were sold in that way. But some of these entrymen have proved up and made leases on the land and moved away. It is a clear case of a mistake made by the Land Office, and they ask that it be corrected.

Mr. STAFFORD. Only 44 of them——

Mr. FERRIS. Fifty-six of them.

Mr. STAFFORD. Twelve of them are not affected by these patents?

Mr. FERRIS. They say, "Unless you get relief from Congress you can not hold these lands."

Mr. STAFFORD. That applies only to the 12?

Mr. FERRIS. Yes.

Mr. STAFFORD. Mr. Speaker, I withdraw my objection.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent to consider the bill in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Oklahoma [Mr. FERRIS] asks unanimous consent that this bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That all homestead entries heretofore erroneously allowed for the unused, unallotted, and unreserved lands of the United States in the Kiowa, Comanche, and Apache Indian Reservations, which lands were authorized to be sold under section 16 of the act approved March 3, 1911 (36 Stat. L., p. 1069), and under the provisions of the act approved June 30, 1913 (38 Stat. L., p. 92), are hereby ratified and confirmed.

With a committee amendment, as follows:

Page 2, line 1, insert the following: "*Provided*, That in addition to the land-office fees prescribed by statute for such entries the entryman shall pay $1.25 per acre for the land entered at the time of submitting final or commutation proof."

Mr. MANN. There is a duplication there, Mr. Speaker, of the word "proof." One of them should be stricken out.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that the duplication of the word "proof" be stricken out.

The SPEAKER. The gentleman from Oklahoma [Mr. FERRIS] asks unanimous consent that the duplication of the word "proof" be stricken out. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. FERRIS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE ACROSS ST. LOUIS RIVER BETWEEN MINNESOTA AND WISCONSIN.

The next business on the Calendar for Unanimous Consent was the bill (S. 5325) authorizing the county of St. Louis to construct a bridge across St. Louis River between Minnesota and Wisconsin.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. LENROOT. I object, Mr. Speaker.

The SPEAKER. The gentleman from Wisconsin [Mr. LENROOT] objects, and the bill is stricken from the calendar. The Clerk will report the next one.

BRIDGE ACROSS ST. LOUIS RIVER, MINN. AND WIS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15727) authorizing the county of St. Louis to construct a bridge across the St. Louis River between Minnesota and Wisconsin.

The Clerk read the title of the bill.

Mr. LENROOT. Reserving the right to object, if the gentleman would like to have this go over——

Mr. MILLER. What would be the object in letting it go over? The gentleman has just objected to the consideration of a Senate bill on the same subject.

Mr. LENROOT. The gentleman is the author of this House bill.

Mr. MILLER. Oh, well, we are not going to quibble about the thing. If the gentleman wants to pass his bill, let us pass it, and I will pass mine. That is fair.

Mr. LENROOT. I told the gentleman that if he desired to have it passed without prejudice I am willing. Otherwise——

Mr. MILLER. What is the use of passing it without prejudice, when in all probability this is the last time that the Unanimous Consent Calendar will be called during this Congress? I do not think we ought to take up the time of the House——

Mr. LENROOT. Mr. Speaker, I object.

The SPEAKER. The gentleman from Wisconsin objects. The bill will be stricken from the calendar.

INTERSTATE TRANSFER RAILWAY CO. BRIDGE ACROSS ST. LOUIS RIVER.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17762) to amend an act approved February 20, 1908, entitled "An act to authorize the Interstate Transfer Railway Co. to construct a bridge across the St. Louis River between the States of Wisconsin and Minnesota."

The Clerk read the title of the bill.

Mr. MILLER. Mr. Speaker, this bill has been read once. Reserving the right to object, is it the purpose of the gentleman from Wisconsin to pass this bill, may I inquire?

Mr. LENROOT. If the gentleman does not object, I expect it will be passed.

Mr. MILLER. The gentleman saw fit to object to a perfectly meritorious, absolutely proper bill in which neither he nor his district is interested in the remotest degree, but in which the whole people of the State of Minnesota are interested, because it is a Minnesota project, a good-roads project, a farmers' market project——

Mr. LENROOT. Mr. Speaker, unless I can have an opportunity to reply to the very inaccurate statements that are being made by the gentleman from Minnesota——

Mr. FOSTER. Regular order, Mr. Speaker.

Mr. MILLER. Reserving the right to object——

Mr. FOSTER. Regular order!

Mr. LENROOT. I hope the gentleman will not object.

Mr. FOSTER. These two gentlemen have had their day in court——

Mr. MILLER. No; we have not. I have been a very patient and silent sufferer under a long-continued persecution, and the long suffering is going to end.

The SPEAKER. Is there objection?

Mr. MILLER. Reserving the right to object——

The SPEAKER. But the regular order is called for.

Mr. MILLER. Then I object.

Mr. FOSTER. I withdraw the demand for the regular order.

Mr. LENROOT. I do not call for the regular order, but I shall have to unless I can have an opportunity to reply to the gentleman from Minnesota——

Mr. FOSTER. I withdraw the demand for the regular order.

Mr. CLARK of Florida. I object.

The SPEAKER. The gentleman from Florida objects. The bill will be stricken from the calendar.

TEMPE, ARIZ.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11253) authorizing the Secretary of the Interior to sell to the town of Tempe, Ariz., a tract of land containing road-making material.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. MADDEN. Reserving the right to object, I should like to ask the gentleman in charge of the bill how much land there is, what the price of it is going to be, and what the value of the land is?

Mr. HAYDEN. The bill describes a tract containing 40 acres of rough land, to be sold to the town of Tempe for $1.25 an acre.

Mr. MADDEN. I object.

Mr. HAYDEN. Will the gentleman let me explain the situation? If he will hear my explanation, I am sure that he will not object.

The SPEAKER. But he has already objected.

Mr. MADDEN. I am willing to withhold the objection to allow the gentleman to make a statement.

Mr. HAYDEN. I will say for the information of the gentleman from Illinois that this tract of land adjoins the north boundary of the town of Tempe, Ariz. I am personally familiar with the situation, because I was born within a mile of the land in question. It has absolutely no value for any purpose except for the road-making material that is contained in it. The town desires to purchase this rough, hilly tract in order to secure a convenient supply of road-making material for the improvement of its streets.

Mr. MADDEN. The value of land for road-making material may be fabulous.

Mr. HAYDEN. Not in Arizona.

Mr. MADDEN. Yes, in Arizona; if it has any road material on it, it is certainly worth more than $1.25 an acre.

Mr. HAYDEN. That is the value that is put upon all public land that is sold to other towns in other States.

Mr. MADDEN. What is the material?

Mr. HAYDEN. It is caliche, a lime formation suitable for use on roads.

Mr. MADDEN. I object.

The SPEAKER. The gentleman from Illinois objects, and the bill will be stricken from the calendar.

VALIDATING CERTAIN HOMESTEAD ENTRIES.

The next business on the Calendar for Unanimous Consent was the bill (S. 3878) to validate certain homestead entries.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MANN. I object.

Mr. STOUT. Will the gentleman reserve his objection?

Mr. MANN. There is no information in the report on this bill, and I do not think reports of this kind ought to be brought in.

Mr. MONDELL. I can give the gentleman information on the subject.

Mr. STOUT. Will the gentleman reserve his objection for a moment?

Mr. MANN. Yes.

Mr. STOUT. This is really a very important bill. I will plead guilty to the charge made by the gentleman from Illinois, that of not making as full and complete and comprehensive report as the importance of the measure might suggest. I plead guilty to that. I will simply say that it was due largely to my inexperience in this body. I put as much in the report as I thought would be necessary for information. But for the further information of the gentleman from Illinois, although I think he perhaps is pretty well aware of the purpose of the bill, this is to permit people who have gone out into the public-land States of the West and filed upon less than 160-acre tracts and proved up on them to avail themselves of the advantage of the enlarged homestead act.

Mr. MONDELL. Will the gentleman allow me to make a brief statement?

Mr. STOUT. Yes.

Mr. MONDELL. Mr. Speaker, a similar bill was reported out of the committee two years ago, when I was a member of the Committee on the Public Lands. I think it passed the House, but for some reason or other failed in the Senate at the end of the session. The enlarged homestead act provides that those who are qualified homestead entrymen may take advantage of that act. At the time the act was passed the department was holding, and had held for 40 years, that anyone who had not taken four subdivisions approximating 160 acres was a qualified entryman, and therefore unless a man had taken such tracts he was qualified to take 320 acres. That ruling was modified by the department until they held that if a homestead, although it contained four subdivisions, was in fact less than 160 acres he could make an entry of 320 acres. After the department had held that for some time it suddenly reversed the ruling of 40 years and held that anyone who had made a homestead entry, even if it was only 40 acres, and had proved up on it, was not a qualified homestead entryman and could not make an entry under the 320-acre law.

In that interim, particularly in Montana, there were a number of entries made. I do not think the bill ought to be brought down to date. I think if we provide as the Senate bill did for cases before January 1, 1914, we would have provided for all of the meritorious cases.

Mr. MANN. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. MANN. I understood the gentleman to say that he reported a bill when he was chairman of the committee.

Mr. MONDELL. I will not say that I reported it.

Mr. MANN. Did the gentleman have a bill like this when he was chairman of the committee?

Mr. MONDELL. No; not when I was chairman of the committee, but when I was a member of the committee.

Mr. STOUT. In the last Congress.

Mr. MONDELL. I remember the legislation very well, because I had many interviews with the department officials as to what the words "qualified entrymen" meant.

Mr. MANN. This bill the gentleman speaks of in the last Congress was intended to cover suspensions of applications down to what date?

Mr. MONDELL. I do not remember.

Mr. MANN. Was it not 1912?

Mr. MONDELL. I think so.

Mr. MANN. Now we have a bill coming down to January, 1915. Why stop there? Why come down to that? Nobody has explained or pretended to explain that. We can not pass

bills here by unanimous consent with no information whatever.

Mr. MONDELL. In some of the districts it appears the register and receiver continued to allow these entries, even after the department had held that a man who had made a homestead entry, even of small acreage, was not a qualified entryman.

Mr. MANN. Does not the gentleman think that we are entitled to information upon the point of why this was done?

Mr. MONDELL. I was familiar with the situation in every detail when I was a member of the committee. Of course, there may have been some developments since that time necessitating the bringing of the legislation down to date.

Mr. MANN. I remember the original bill. We passed it in the House as I recall, coming down to a certain date, because it was said that people had been taking these claims without knowledge and the department had been advising them that they could do so. Then they were advised not to, but they paid no attention to that. The Senate proposed to bring this relief down to January 1 last year, and the House committee proposes to bring it down to January 1 this year. Why stop there if you come down that far?

Mr. MADDEN. Mr. Speaker, I demand the regular order.

The SPEAKER. Is there objection?

Mr. MANN. I shall have to object, or the gentleman can ask to have the bill passed over without prejudice.

Mr. STOUT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

ENLARGED HOMESTEAD.

The next business on the Calendar for Unanimous Consent was the bill (S. 5734) to extend the provisions of an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, to the State of Kansas.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, are not the provisions of this bill practically covered by the Fergusson bill?

Mr. FERRIS. The Fergusson bill goes even farther than this.

Mr. LENROOT. It does not cover it.

Mr. FERRIS. The Fergusson bill authorized a 640-acre homestead, along the line of the Kinkaid bill. This merely authorizes them to take a 320-acre homestead, as we have done in all those States.

Mr. MANN. In the arid regions; but under the Fergusson bill would it not also apply?

Mr. FERRIS. No.

Mr. MANN. Why not?

Mr. FERRIS. Mr. Speaker, in the first place, the Fergusson bill has not yet passed; but in order to come under the Fergusson bill the land must be designated by the Secretary of the Interior as being arid. The Kinkaid 640-acre homestead law applies to western Nebraska, just north of this Kansas land. For South Dakota, the other day, by amendment, we made this 320-acre homestead law applicable, and we have made it applicable to those Western States; but before they can enter any of this land under the enlarged-homestead act the Secretary of the Interior must designate the land as being nonirrigable and nontimbered. This will help settle and populate western Kansas. They have needed this for a long time. Eastern Kansas is all settled and is good land, but western Kansas is arid, and this law is needed to settle it up. It is like western Nebraska, and they were given a 640-acre homestead about 10 years ago. If it was advisable to give Nebraska a 640-acre homestead 10 years ago, when land was plentiful, surely it is advisable now to give Kansas a 320-acre law.

Mr. MANN. I understand; but if he so designates, if the Fergusson bill becomes a law, they could take the 640 acres.

Mr. MONDELL. Oh, no.

Mr. LENROOT. Under the Fergusson bill the Secretary of the Interior will not be authorized to designate any lands 320 acres of which, in his opinion, would support a family.

Mr. MANN. Nobody would ever claim that 320 acres of this land would support a family, because it will not. This is the same character of land.

Mr. MADDEN. How is the Secretary of the Interior going to decide what it takes to support a family?

Mr. MANN. Of course it is impossible under the Fergusson bill to ever comply with its terms and do anything, but according to its intent, it covers this case.

Mr. MONDELL. Mr. Speaker, will the gentleman yield to me?

Mr. MADDEN. Mr. Speaker, I object to the consideration of the bill.

Mr. CAMPBELL. I hope the gentleman will not do that.

Mr. FERRIS. I hope the gentleman will not do that. We have made this applicable to all those Western States. That is the only way they can get this western sand-hill country settled.

Mr. MADDEN. I withdraw the objection.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would like to know the specific reason for opening up the public domain in this wide way before granting unanimous consent.

Mr. NEELEY of Kansas. Mr. Speaker, this bill is designed to apply particularly to the seventh district of Kansas, although it may apply to some small degree to the sixth district also. We have there, as shown by the report of the Secretary of the Interior, about 92,000 acres of unentered land at this time, and in addition to that there are approximately 200,000 acres known as the Kansas National Forest Reserve, soon to be thrown open to homestead entry. The experience of the past 25 years has shown that it is impossible for an average family to make a living on 160 acres of this land. It is the rejected land of the State. It is either sandy, rough, full of soap weed, or there is some other good reason why industrious husbandmen feel that they can not make a living and support themselves on a quarter section of it, with the result that it has remained idle and wild all these years, and will continue to be unproductive unless Congress enacts some such legislation as is here proposed.

The people who live on the entered or deeded lands in the neighborhood of these vacant lands feel that if Congress would amend the law so that the entryman could file on a half section instead of a quarter section that this would result in attracting persons of thrift from other sections of the country who could, by growing dry-land crops adapted to that section and by raising cattle, make a sort of dairy country out of it and bring it to a condition where it will be entirely self-supporting and peopled by contented home owners.

This land is now nontaxable and by reason of this fact it imposes an added burden upon those counties within which the land is located. The most of these counties are sparsely populated, generally having from 700 to 800 people and running from this up to 1,500 or 2,000 population, and in only one or two instances exceeding these figures; so that you can readily see that this is a matter of no small concern to the interested persons.

Mr. STAFFORD. How much of this same character of land has been settled in 160-acre tracts?

Mr. NEELEY of Kansas. Well, practically none. Unless the homesteader was fortunate enough to have sufficient means of his own to enable him to purchase adjoining lands he simply could not make a living on a single quarter section, and the result has been that this is the refuse part of all the public lands yet remaining in Kansas and is of such poor quality that no one has felt justified in using a homestead right and taking the chances of being able to establish a home there.

Mr. STAFFORD. Have there been any entries on lands of the same character within recent years?

Mr. NEELEY of Kansas. Practically none.

Mr. STAFFORD. Have there been any?

Mr. NEELEY of Kansas. Well, I would not want to say there have not been any. It is altogether probable that there have been isolated instances where entries have been made, but the part remaining is the residue after all that appeared to be fit for homestead purposes had been taken. About two years ago President Taft, just before the end of his term, withdrew some forty or fifty thousand acres of the land embraced in this same forest reserve and subjected it to homestead entry. Owing to the fact that it was one of the few remaining bodies of public land subject to entry anywhere in the central portion of the country, the opening was extensively advertised in the newspapers of Kansas and adjoining States for many weeks, and a paper published near the land is my authority for the statement that, notwithstanding all this advertising, not a single homestead entry had been made there within the first three weeks succeeding the opening. This, I believe, will give you a pretty good idea of the desirability of the land under the restrictions of our present law.

Mr. STAFFORD. For my part, I wish to say to the gentleman and to the committee and the House that I am not in sympathy with giving up the public domain when there are so many of our urban population who are desirous of obtaining the public lands to make a livelihood. Now, if some of this

land had been opened to entry and settled upon, I can not see any reason for increasing the size of the unit.

Mr. NEELEY of Kansas. I agree with the gentleman if the quality of the land and the location, and so forth, were such that a family could make a living on this land, but time and repeated trials have demonstrated that this can not be done with this land. I hope the gentleman will not object, and that this measure may meet with the approbation of the House.

Mr. FERRIS. If the gentleman will yield to me for a moment, I think this may appeal to the gentleman. This is the situation: Ten years ago Congress thought it was necessary, and did pass what was called the Kinkaid Act. That act applies to the sand-hill country of western Nebraska, and they gave them there 640 acres. This merely makes the general enlarged-homestead law applicable which gives 320 acres. This western Kansas sand-hill land is just the same as that which 10 years ago we gave 640 acres. If 10 years ago it was thought advisable, in view of the development of that country, to give 640 acres, surely with the remnants which are left in Kansas, just over the State line, it would not be improper to give them 320 acres.

Mr. STAFFORD. Can the gentleman give the information as to whether the same character of lands have been entered upon in recent years under the 160-acre unit?

Mr. FERRIS. Like the gentleman from Kansas, I think you will find that once in a great while a man will find a little head of a valley with water and make there a pond or a tank, and probably make an entry; but otherwise there has been practically no development of that country in 25 years.

Mr. STAFFORD. Under the provisions of this bill it will enable those who have already entered on the 160-acre limit to obtain the additional 160 acres?

Mr. FERRIS. No; it does not renew any homestead right.

Mr. STAFFORD. The Fergusson bill gave former homestead entrymen the right to take additional arid land.

Mr. FERRIS. It did; but it was more liberal than this. This merely makes the same law apply to western Kansas that we recently applied to Dakota.

Mr. MONDELL. If the gentleman will yield, I recollect very well the conditions that existed at the time of the passage of the enlarged-homestead law. The only reason we did not apply it to Kansas was that Kansas at that time had practically no public lands. These lands that the law will now apply to were at that time held in a reservation as a forest reserve. There was no forest on them, but the Forestry Bureau had reserved quite a considerable acreage there with a view to utilizing some of it in the growing of trees. They are reserving the part now that they think they can grow the trees on and restoring the balance to the public domain. That leaves this area similar to areas in surrounding States to which we have heretofore made the homestead laws apply.

Mr. STAFFORD. Is it not safe to assume that the Federal forest, which comprises 200,000 acres, comprised a better character of land than the remnants of the arid lands outside the forest reserve?

Mr. MONDELL. They were worse. The only reason it was reserved as a national forest was that it was the remnant—that it was what was left. Nobody would take it, and they were looking for homestead land in Kansas——

Mr. FERRIS. The gentleman said there were persons down here in Washington looking for forest reserves.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. STAFFORD. I will.

Mr. TAYLOR of Colorado. The State of Colorado, as you know, joins the State of Kansas for 400 miles. This enlarged homestead law which the gentleman from Wyoming put through applies to the State of Colorado, right along by the side of this very Kansas land, for 400 miles. We have demonstrated in our State that those people can not live on 160 acres, the same as they have in western Kansas, but they will live on 320 acres. They will go and take it and have a few cows and settle up that country.

Mr. STAFFORD. Let me ask the gentleman from Kansas whether the land in the forest reserve is of superior quality to that outside?

Mr. NEELEY of Kansas. It is infinitely inferior. The gentleman from Wyoming hit the question all right.

Mr. STAFFORD. Mr. Speaker, I withdraw my objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to consider it in the House as in the Committee of the Whole.

Mr. HARRISON. Mr. Speaker, I object.

Mr. FERRIS. Will the gentleman yield just for a minute? I ask unanimous consent that the gentleman from Mississippi [Mr. HARRISON] may have five minutes.

The SPEAKER. There will be no trouble about his getting five minutes. Is there objection to the bill being considered in the House as in Committee of the Whole? [After a pause.] The Chair hears none, and the Clerk will read the bill. Then the gentleman from Mississippi [Mr. HARRISON] will be recognized for five minutes.

The bill was read, as follows:

Be it enacted, etc., That the provisions of the act entitled "An act to provide for an enlarged homestead," approved February 19, 1909 (35 Stat. L., p. 639), as modified and amended, including section 6 thereof, are hereby extended and made applicable to the State of Kansas.

Also, the following committee amendments were read:

Page 1, line 3, after the word "provisions," insert the words "of sections 1 to 5, inclusive."

Line 7, same page, strike out the words "including section 6 thereof."

Mr. SPEAKER. The gentleman from Mississippi [Mr. HARRISON] is recognized.

Mr. HARRISON. Mr. Speaker, on yesterday the distinguished gentleman from Pennsylvania [Mr. MOORE] made certain remarks in respect to the War Risk Insurance Bureau and criticized the administration about its policy of insuring vessels going into the dangerous war zone across the Atlantic. This afternoon he made another speech along the same line. Unfortunately I was out of the Chamber when the gentleman spoke this afternoon. I read from the RECORD of his speech of yesterday. He said:

O Mr. Chairman, I wish somebody would rise now and explain why we ventured upon this hazardous business. Why was this War Risk Bureau established at the expense of the people of the United States to protect speculators?

I want to say to the distinguished gentleman from Pennsylvania, for whom I have a very high regard, that before this War Risk Insurance Bureau was established there was practically no sale for the cotton and lumber of the South and the many products of other parts of the country. Our cotton was stored in the warehouses or piled upon the docks of the South, and it was impossible to sell it to any appreciable extent to Germany, England, or other warring nations. Since the War Risk Insurance Bureau was established by the Government, up to date the statistics show that we have sold to Germany about as much cotton as was sold during the corresponding period of last year. And the facts about this War Risk Insurance Bureau that my friend criticizes are that it has been one bureau of the Government that has made money. It has been a paying business for the Government and of incalculable benefit to the business interests as well as the farmers of the country. What are the facts?

There have been 961 insurance policies issued since September 2, 1914. That was the day on which the bureau was organized and began business. The total amount insured has been $56,645,084. The premiums on the policies have amounted to $1,502,302.99. Of the above amount, the earned premium—that is, the policies that have been canceled—have amounted to $640,848.

The expenses of running this department have been only $6,766. If you count the loss to the Government of the *Evelyn* and *Carib*, the two vessels recently sunk, on which insurance was carried, we are still to the good by several hundred thousands of dollars. As I stated, the premiums that have been paid up until to-day have been $1,502,000, and we have earned the canceled premiums to the amount of $640,848. The Secretary of the Treasury and the directors of the bureau deserve great credit for the economical and yet efficient and able way in which this bureau has been conducted.

Mr. STAFFORD. Will the gentleman give us the amount of the loss on the two vessels that have just been destroyed?

Mr. HARRISON. Yes. The *Carib*, that was destroyed yesterday, carried $22,253 insurance on the hull of the vessel, and on the cargo there was an insurance of $235,850. On the *Evelyn*, that was destroyed the other day, there was $100,000 carried on the vessel.

Mr. MOORE. On the hull of the vessel?

Mr. HARRISON. Yes; on the hull of the vessel, and $301,000 was carried on the cargo.

Mr. HELGESEN. Mr. Speaker, will the gentleman yield?

Mr. HARRISON. Yes.

Mr. HELGESEN. Are these the amounts that were carried by the Government?

Mr. HARRISON. Yes; these are the amounts that were carried by the Government War Risk Insurance Bureau.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. MOORE. The gentleman's figures are correct.

Mr. STAFFORD. Does the gentleman yield?

Mr. HARRISON. Yes.

Mr. STAFFORD. Can the gentleman inform the House whether there was any insurance carried by private insurance companies on the vessels and cargoes?

Mr. HARRISON. There was no war-risk insurance by private insurance companies carried on the cargoes or the vessels, but under the policies that the Government issues they will not issue a policy on the cargo unless the owners carry marine insurance. And in the face of the policy when it is issued the policyholder agrees that there shall be marine insurance carried to an amount at least equivalent to the war-risk insurance that the Government issues.

And I want to say, Mr. Speaker, in this connection that——

Mr. STAFFORD. Then, there was insurance other than the Government insurance?

Mr. HARRISON. There was marine insurance on the cargo.

Mr. MOORE. I think there was some insurance outside of the cargo, was there not?

Mr. HARRISON. Yes; the marine insurance. Now, Mr. Speaker, the facts show further that before September 2, when this bureau was established, the insurance on many articles was 25 to 30 per cent, and because of the creation of this bureau the insurance rates established by it forced the other war-risk insurance companies to reduce their rates to a very great extent. For instance, for the period immediately following August 1, last year, the war-risk insurance through the North Sea was 25 per cent. Now it is only 3 per cent.

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. HARRISON. Mr. Speaker, I do not like to impose at this late hour on the generosity and patience of the House, and so I ask unanimous consent to extend my remarks on this subject in the RECORD.

Mr. BORLAND. Mr. Speaker, I ask unanimous consent that the gentleman from Mississippi may have three minutes more.

Mr. MOORE. I make the same request, Mr. Speaker.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the gentleman from Mississippi [Mr. HARRISON] may proceed for three minutes more. Is there objection?

Mr. MANN. Reserving the right to object, the gentleman from Missouri [Mr. BORLAND] probably wants to use it himself, I suppose.

Mr. BORLAND. No; I do not want to use it myself. I only want to use about half a minute myself.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. I give notice, Mr. Speaker, that I am going to make a point of no quorum at half-past 5.

Mr. HARRISON. Does the gentleman from Missouri want to ask me a question?

Mr. BORLAND. Yes. I want to ask the gentleman a question in regard to rates. The first rate that the Government put on cotton, as I understand, was 5 per cent. That forced the private companies to reduce their rates, and they were reduced to 3 per cent, and now it is 2 per cent on cotton. Is not that a fact?

Mr. HARRISON. That is my information.

Mr. BORLAND. Under this bill 129 vessels have been transferred to the American flag and are now carrying American products that otherwise would not be carried?

Mr. HARRISON. Yes; under the new registry law that was passed, and encouraged by this bill. I want to say, now, Mr. Speaker, that the gentleman from Pennsylvania [Mr. MOORE] made some suggestions yesterday that were good, although I heartily disapprove of gentlemen on either side of this aisle criticizing and finding fault with the administration at this most inappropriate time about its foreign policy. It is a time when partisan politics should be brushed aside, and if we disapprove of some little event or happening, we should remember the inopportuneness of the time to so express ourselves and remember that it should be a time when "silence is golden."

Now, Mr. Speaker, this bureau has done a great service to the country and it should not be abolished as suggested by the gentleman from Pennsylvania [Mr. MOORE]. I do think, however—and I make the suggestion in the friendliest feeling, and perhaps the plan is already being considered—that the Government issue no more policies without a clause being incorporated in them that the owners of vessels and cargoes shall follow the instructions of the belligerent nations respecting their course in the war zone. In other words, that the insurance policy should be invalidated if they go outside of that course the belligerent nations say is safe to follow. I do not believe they should be permitted to assume unnecessary and unreasonable risk and recover from the Government in case of damage or loss. These details I am sure will be worked out by the board of directors in charge of this bureau, as under the law they are empowered to do.

Mr. MOORE. Mr. Speaker, will the gentleman yield?

Mr. HARRISON. Yes.

Mr. MOORE. While the gentleman is discussing cotton, I want to make this inquiry of him, partly by way of explanation of what I have said. Is it not true that during the month of January, 1915, the cotton exports vastly exceeded those of January, 1914?

Mr. HARRISON. I understand so. If the gentleman investigates, I think he will find that we have shipped to Germany up to now about as much cotton as we shipped to that country up to this time during the preceding year and, I might repeat, up to September 2, 1914, when the War Risk Insurance Bureau was established, we had shipped practically none.

Mr. MOORE. In January, 1915, you had sent out 3,000 bales more than in January, 1914; but at the same time the number of spindles in use in the United States had been reduced 500,000.

Mr. HARRISON. Oh, the gentleman is diverting from the subject under consideration.

The SPEAKER. The time of the gentleman from Mississippi has again expired.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by submitting a statement in regard to the congressional service of Judge HENRY M. GOLDFOGLE, who on March 4 next will have rounded out 14 years of service in this House.

The SPEAKER. The gentleman from Florida [Mr. CLARK] asks unanimous consent to extend his remarks by printing a review of the services of Judge HENRY M. GOLDFOGLE..

Mr. CLARK of Florida. A review of his services in Congress.

The SPEAKER. Yes; a review of his services in Congress. Is there objection?

There was no objection.

Mr. HARRISON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HARRISON. Did the Speaker put my request for an extension of remarks?

The SPEAKER. The Chair did, but perhaps it was not acted on. Is there objection to the request of the gentleman from Mississippi [Mr. HARRISON] that he may extend his remarks in the RECORD?

There was no objection.

Mr. FERRIS. Mr. Speaker, the pending question is on the adoption of the first committee amendment.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. MONDELL. Mr. Speaker, the bill under consideration does not involve directly the question now being very widely discussed as to the dictation by the President in legislative matters, but that is a lively and important question just at this time nevertheless, and I avail myself of the opportunity to have inserted in the RECORD a very able editorial on the subject which appeared in the Washington Post of this morning and which is as follows:

PRESIDENTIAL DICTATION.

Within two weeks after President Wilson was inaugurated stories of Executive pressure began to come out of the congressional cloakrooms; and before the extraordinary session was six weeks old, reputable men were asserting, more or less openly, that every measure represented the judgment of the President rather than the judgment of Congress. For a time these stories made no impression on the public mind, because the country had grown accustomed to exaggerations for political purposes, and for that reason those stories were taken with many grains of salt. Then, too, the newspapers friendly to him and his more active partisans everywhere denied the President's interference, and a large majority of the people accepted the denials. Besides, many of those who knew that the President had gone far beyond any of his predecessors in an effort to coerce a legislative acquiescence in his personal opinions refused to join in the criticism against him, hoping that the occasion for it would pass.

But the last caucus held by the Democrats of the House makes it plain that patriots can not hope to see the House and Senate released from the presidential grip unless the President is brought to understand that the country disapproves his methods of dealing with a coordinate branch of the Government. It is said—and the report comes in such a way that no reasonable man can doubt it—that a spokesman of the President carried into that caucus a ship-purchase bill which he boldly represented as the demand of the President, and declared that it must be accepted without change. The Democratic caucus was not only commanded to approve the President's bill, but was commanded to approve it without amendment.

Can anybody justify, or even excuse, such a flagrant violation of every principle of this Government? All of the fathers believed that when the President was authorized to recommend such laws as he thought necessary or expedient, and to veto such laws as he thought unnecessary or inexpedient, he was clothed with as much power as any man ought to possess over the legislation of a free people; and many of the wisest among them thought that too much. If, however, the President can add to his power of recommendation and veto the secret power—the more dangerous because it is secret—of compelling the Congress to pass laws

according to his judgment rather than according to its own, the constitutional separation and independence of the three great departments will soon be utterly destroyed.

Many Democrats, though protesting against the President's interference, yield to him upon the ground that they fear a disruption of the party such as occurred under Mr. Cleveland's last administration. It is entirely praiseworthy for Democrats to avoid a division where they can do so without sacrificing their self-respect or transgressing the principles of the Constitution; but the disasters which followed the factional quarrels under Mr. Cleveland are not the only disasters which a party should fear. The trouble in Mr. Cleveland's time was that Democrats did not submit to a sufficient party discipline, while the trouble in this time is that Democrats are not allowed a sufficient liberty of thinking for themselves. One was political anarchy, the other is political despotism; and the effect of the last is certain to be as serious as the effect of the first.

Indeed, the effect must in the end be very much worse. Party demoralization, though it arise from an opposite cause, is inevitable and can not be less. It can not be possible to force Democrats, in the face of all they have ever taught, to favor the governmental ownership and operation of business enterprises, and the attempt to do so will not only alienate thousands of the most thoughtful and substantial men from the party, but it will moderate the zeal of hundreds of thousands who will remain in it, though they will have no sympathy with this departure from its established policies. Nothing so vitalizes party strength as the consciousness that the party is united in sentiment; and nothing so dissipates party strength as a feeling that the party is being driven by one man. Such a feeling must ultimately culminate in a revolt which will hopelessly divide the party, or in an abject submission which will reduce it to but a feeble shadow of its former self.

But the effect upon the Government will be more injurious even than the effect upon party organization. Such methods as those employed to force the ship-purchase bill through the Democratic caucus not only exhibit a lack of decent respect to which the individual opinion of every Democrat is entitled, but they violate the very foundation principles of this Government. If the Congress should cheerfully and of its own motion abandon the time-honored theory that the Government shall confine itself to the soverign duty of governing, leaving all business enterprises to individuals and corporations, that alone would introduce a dangerous innovation; and when that dangerous innovation is forced on an unwilling Congress it thus sets at naught that other essential principle of this Government, which requires that the legislative department shall be coordinate with and independent of the executive department.

The President may think that in driving his party he is serving his country; but he is mistaken. No man can serve his country except through an ungrudging obedience to the great principles upon which this Republic was founded; and no man can serve his party except by adhering to the principles which underlie its organization. Though the President's more partisan friends regard every criticism as an unfriendly one, he will find in time that those who tell him the truth, even when the truth is disagreeable, are his safest counselors. Sycophants may be able to mislead the President as to the sentiment of the country, but they can not in the end mislead the country as to the conduct of the President.

Mr. HELGESEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the gentleman's request? [After a pause.] The Chair hears none.

Mr. CLARK of Florida. Mr. Speaker, on what subject?

The SPEAKER. It is too late to inquire now.

Mr. FERRIS. The question is on agreeing to the next amendment.

The SPEAKER. If there be no objection, the amendment will be agreed to.

The amendment was agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. FERRIS, a motion to reconsider the last vote was laid on the table.

HOUR OF MEETING TO-MORROW.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning.

The SPEAKER. The gentleman from Alabama asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 29 minutes p. m.) the House adjourned until Thursday, February 25, 1915, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of State, submitting an estimate of deficiency in the appropriation for emergencies arising in the Diplomatic and Consular Service for the fiscal year ending June 30, 1915, and requesting appropriation for representation of interests of foreign Governments growing out of existing hostilities in Europe and elsewhere be extended and made available during fiscal year ending June 30, 1916 (H. Doc. No. 1616), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HENRY, from the Committee on Rules, to which was referred the joint resolution (H. J. Res. 390) creating a commission and authorizing said commission to acquire, by purchase, the property known as Monticello, and embracing the former home of Thomas Jefferson and the park surrounding the same, consisting of 700 acres of land, all of said property being located in Albemarle County, Va., reported the same with amendment, accompanied by a report (No. 1441), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CLARK of Florida, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 7188) to increase the limit of cost of the United States post-office building at Garden City, Kans., reported the same without amendment, accompanied by a report (No. 1443), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (S. 5847) to authorize the Secretary of the Treasury to convey to the city of Bozeman, Mont., certain land for alley purposes, reported the same without amendment, accompanied by a report (No. 1444), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. YOUNG of North Dakota, from the Committee on Claims, to which was referred the bill (S. 1366) to adjust the claims of certain settlers in Sherman County, Oreg., reported the same with amendment, accompanied by a report (No. 1442), which said bill and report were referred to the Private Calendar.

Mr. GREGG, from the Committee on War Claims, to which was referred the resolution (H. Res. 737) referring certain claims to the Court of Claims for finding of facts and conclusions of law under section 151 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary," reported the same with amendment, accompanied by a report (No. 1445), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FITZGERALD: A bill (H. R. 21546) making appropriations to supply deficiencies in appropriations for the fiscal year 1915 and for prior years, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. ROUSE: A bill (H. R. 21547) making donation of condemned cannon, carriages, and cannon balls to Covington, Ky.; to the Committee on Military Affairs.

By Mr. ABERCROMBIE: A bill (H. R. 21548) to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. KELLY of Pennsylvania: A bill (H. R. 21549) to promote the dissemination of information to voters; to the Committee on the Post Office and Post Roads.

By Mr. FRANCIS: A bill (H. R. 21550) providing for the purchase of a site and the erection of a public building thereon at Wellsville, in the State of Ohio; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 21551) to provide for the erection of a monument at Martins Ferry, Ohio, to the memory of Elizabeth Zane; to the Committee on the Library.

By Mr. CRISP: Resolution (H. Res. 746) authorizing additional clerical assistance and messenger service in the enrolling room of the House; to the Committee on Accounts.

By Mr. ANTHONY: Resolution (H. Res. 747) authorizing the printing of the report of the Pennsylvania Commission on the Gettysburg reunion; to the Committee on Printing.

By Mr. LOBECK: Resolution (H. Res. 748) making provisions for the session clerks of the House of Representatives; to the Committee on Accounts.

By Mr. HAWLEY: Memorial of the Legislature of the State of Oregon, asking removal of limit on postal savings deposit

allowed each person and use of savings funds as basis of rural-credit system; to the Committee on the Post Offices and Post Roads.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CANDLER of Mississippi: A bill (H. R. 21552) granting an increase of pension to Joseph M. Ford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21553) granting an increase of pension to Richard F. Enlow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21554) granting an increase of pension to Thomas B. McClane; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 21555) granting an increase of pension to James Betharde; to the Committee on Invalid Pensions.

By Mr. MORGAN of Louisiana: A bill (H. R. 21556) to authorize the reinstatement of George Hill Carruth as a cadet in the United States Military Academy; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of chamber of commerce, Seattle, Wash., favoring law granting States the right to lease coal and other Government lands; to the Committee on the Public Lands.

By Mr. BROWNE of Wisconsin: Petition of G. W. Stilson, C. G. Allen, and others, of Wood County, Wis., against abridgment of freedom of the press; to the Committee on the Post Office and Post Roads.

By Mr. BROWNING: Memorial of Star of Bethlehem Lodge No. 12, Loyal Patriots of America, of Camden, N. J., and citizens of Blue Anchor, Cedar Brook, Winslow, and Waterford Works, N. J., protesting against exclusion of certain publications from the mails; to the Committee on the Post Office and Post Roads.

By Mr. BRUCKNER: Petition of citizens of New York favoring exclusion of the Menace from the mails; to the Committee on the Post Office and Post Roads.

Also, petition of S. C. Hogan, secretary International Association of Marble Workers, favoring H. R. 7826, the Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

By Mr. CALDER: Petition of citizens of Brooklyn, N. Y., favoring embargo on arms; to the Committee on Foreign Affairs.

By Mr. COADY: Petition of sundry citizens of Baltimore, Md., protesting against export of war material; to the Committee on Foreign Affairs.

By Mr. ESCH: Petition of S. T. Dregue and 82 others of Readstown, Wis., against H. R. 20644, to exclude certain publications from use of mails; to the Committee on the Post Office and Post Roads.

By Mr. FITZGERALD: Memorial of the board of directors of the associated employees of Indianapolis, indorsing the militia pay bill; to the Committee on Military Affairs.

Also, memorial of New York associated dailies, protesting against an increase in the postage rate on newspapers; to the Committee on the Post Office and Post Roads.

Also, memorial of the United Master Butchers of America, favoring passage of a law to prevent slaughter of any calf weighing less than 150 pounds live weight; to the Committee on Agriculture.

Also, memorial of the National Industrial Traffic of Chicago, Ill., relative to national regulation of common carriers; to the Committee on Interstate and Foreign Commerce.

Also, memorial of associated physicians of Long Island, favoring passage of the Palmer-Owen child labor bill; to the Committee on Labor.

Also, petition of 168 citizens of Chicago, Ill., urging Congress to pass a law in accordance with the Constitution, that when a citizen of one State is acquitted of any and all charge of crime in another State that he be returned or allowed to return to his own State, or Harry K. Thaw should be allowed to return to his home in Pennsylvania; to the Committee on the Judiciary.

By Mr. FRENCH: Petition of citizens of Idaho relative to unemployment in United States; to the Committee on Labor.

By Mr. HAYES: Petition of 106 citizens of Glendora, Cal., protesting against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. JOHNSON of Washington: Petitions of sundry citizens of Olympia and Aberdeen, Wash., favoring passage of bills to prohibit export of war material; to the Committee on Foreign Affairs.

By Mr. KELLY of Pennsylvania: Petition of citizens of Allegheny County, Pa., against abridgment of the freedom of the press; to the Committee on the Post Office and Post Roads.

By Mr. LEWIS of Maryland: Petition of Mr. F. M. Fairchild and other citizens of Cumberland, Allegany County, Md., protesting against passage of bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. LONERGAN: Memorial of State committee of the Socialist Party of Connecticut, protesting against increase of armaments; to the Committee on Military Affairs.

Also, petitions of Frank Weber, of New Britain, and Rudolph Rymarzick and 15 others, of Manchester, Conn., favoring passage of bills to prohibit export of war material; to the Committee on Foreign Affairs.

By Mr. METZ: Petition of citizens of New York City and Brooklyn, N. Y., favoring H. J. Res. 377, prohibiting export of arms; to the Committee on Foreign Affairs.

By Mr. STEPHENS of California: Petition of 1,775 citizens of Los Angeles, Cal., favoring passage of bills to prohibit export of war material; to the Committee on Foreign Affairs.

By Mr. VOLLMER: Petitions of 5,422 American citizens, protesting against export of war material; to the Committee on Foreign Affairs.

By Mr. WALLIN: Petition of sundry citizens of Schenectady, N. Y., protesting against any law by Congress abridging freedom of the press; to the Committee on the Post Office and Post Roads.

SENATE.

THURSDAY, *February 25, 1915.*

(Legislative day of Friday, February 19, 1915.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened.

LOUISVILLE & NASHVILLE RAILROAD.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Interstate Commerce Commission transmitting in response to a resolution of August 6, 1913, the report of the commission relative to the financial relations, rates, and practices of the Louisville & Nashville, and the Nashville, Chattanooga & St. Louis Railway, and other carriers. The report already has been printed, and the communication and accompanying paper will be referred to the Committee on Interstate Commerce.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 17869) providing for the appointment of an additional district judge for the southern district of Georgia, requests a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCGILLICUDDY, Mr. THOMAS, and Mr. VORSTEAD managers at the conference on the part of the House.

The message also announced that the House had passed the bill (S. 6631) to regulate the practice of pharmacy and the sale of poison in the consular districts of the United States in China with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 5734) to extend the provisions of an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, to the State of Kansas with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 20040. An act to provide for the care and treatment of persons afflicted with leprosy and to prevent the spread of leprosy in the United States; and

H. R. 21122. An act to validate certain homestead entries.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 136) to promote the welfare of American seamen in the

merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion; to secure the abrogation of treaty provisions in relation thereto, and to promote safety at sea.

PETITIONS AND MEMORIALS.

Mr. BRANDEGEE presented a petition of sundry citizens of Pomfret, Conn., praying for the enactment of legislation to prevent interstate commerce in the products of child labor, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of sundry citizens of Danbury, Conn., remonstrating against the exclusion of certain matter from the mail, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Board of Burgesses of Wallingford, Conn., praying for the enactment of legislation to grant pensions to civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a memorial of the Morning Star Christian Association, of South Norwalk, Conn., remonstrating against the enactment of the so-called Jim Crow car legislation for the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented petitions of the Woman's Christian Temperance Unions of Naugatuck, Wallingford, and New Haven, all in the State of Connecticut, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Meriden and Danbury, in the State of Connecticut, remonstrating against the enactment of legislation to curtail the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Buckland and Manchester, in the State of Connecticut, praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which was referred to the Committee on Foreign Relations.

Mr. PERKINS presented petitions of sundry citizens of San Diego, Santa Rosa, and Stockton, all in the State of California, praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

Mr. GALLINGER presented the petition of J. E. Fernald, president of the National State Capital Bank, of Concord, N. H., praying for a continuation of the Aldrich-Vreeland banking law, which was referred to the Committee on Banking and Currency.

Mr. McLEAN presented a petition of the Woman's Christian Temperance Unions of Naugatuck and Wallingford, in the State of Connecticut, praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Danbury, Conn., remonstrating against the exclusion of certain matter from the mail, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the K. u. K. Oesterreich Ung. Militair Verein, of New Britain, and of sundry citizens of Buckland, Granby, and Manchester, all in the State of Connecticut, praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

Mr. STONE presented memorials of sundry citizens of Hopkins, Everton, Wayland, Nevada, Carthage, Bucklin, Browning, Brookfield, Jackson, Galt, Grubville, and of Newton County and Mississippi County, all in the State of Missouri, remonstrating against the exclusion of certain matter from the mail, which were referred to the Committee on Post Offices and Post Roads.

Mr. CLARK of Wyoming presented petitions of the Pomona Grange, Patrons of Husbandry, of Fremont County, and of Borner Grange, Patrons of Husbandry, of Lander, in the State of Wyoming, praying for the establishment of a system of rural credits, which were referred to the Committee on Banking and Currency.

Mr. NORRIS presented memorials of sundry citizens of Hitchcock County, Nebr., remonstrating against the exclusion of certain matter from the mail, which were referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEES.

Mr. MYERS, from the Committee on Military Affairs, to which was referred the bill (S. 5435) for the relief of Henry J. Davis, reported it with an amendment and submitted a report (No. 1037) thereon.

Mr. JAMES, from the Committee on Claims, to which was referred the bill (S. 2810) for the relief of the heirs of Joshua Nicholls, reported it with an amendment and submitted a report (No. 1038) thereon.

Mr. SHAFROTH, from the Committee on Pacific Islands and Porto Rico, to which was referred the bill (S. 6093) to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii relating to certain gas, electric light and power, telephone, railroad, and street railway companies and franchises in the Territory of Hawaii, and amending the laws relating thereto, reported it without amendment.

Mr. STONE, from the Committee on Corporations Organized in the District of Columbia, to which was referred the bill (S. 3431) to amend subchapter 1, relating to institutions of learning, and subchapter 3, relating to societies, benevolent, educational, etc., of chapter 18 of "An act to establish a code of law for the District of Columbia," approved March 3, 1901, asked to be discharged from its further consideration, and that it be referred to the Committee on the University of the United States, which was agreed to.

SPIRITS USED IN FLAVORING EXTRACTS.

Mr. STONE. I have been directed by the Committee on Finance to report back favorably without amendment the bill (H. R. 12303) to amend section 3246 of the Revised Statutes of the United States, as amended by section 5 of the act of March 1, 1879, with the recommendation that it pass, and I submit a report (No. 1035) thereon. It is a unanimous report of the committee. It is a House bill which has been sent over here, and the committee thinks it important that it be passed at once. At the instance of the committee, I ask unanimous consent that the bill may be now considered.

Mr. TOWNSEND. What is the bill, Mr. President?

The VICE PRESIDENT. The Secretary had better read the bill so that the Senate may understand what it is.

The Secretary read the bill as follows:

Be it enacted, etc., That section 3246 of the Revised Statutes of the United States, as amended by section 5 of the act of March 1, 1879 (20 Stats., p. 327), be, and the same is hereby, amended by adding thereto the following:

"Nor shall any special tax be imposed upon manufacturing chemists or flavoring extract manufacturers for recovering tax-paid alcohol or spiritous liquors from dregs or marc of percolation or extraction, if said recovered alcohol or spirituous liquors be again used in the manufacture of flavoring extracts."

So that said section 3246 of the Revised Statutes of the United States shall read as follows:

"SEC. 3246. Nothing in this chapter shall be construed to impose a special tax upon vintners who sell wine of their own growth, or manufacturers who sell wine produced from grapes grown by others, at the place where the same is made or at the general business office of such vintner or manufacturer: *Provided*, That no vintner or manufacturer shall have more than one office for the sale of such wine that shall be exempt from special tax under this Act; nor shall any special tax be imposed upon apothecaries as to wines or spirituous liquors which they use exclusively in the preparation or making-up of medicines.

"Nor shall any special tax be imposed upon manufacturing chemists or flavoring extract manufacturers for recovering tax-paid alcohol or spirituous liquors from dregs or marc of percolation or extraction if said recovered alcohol or spirituous liquors be again used in the manufacture of flavoring extracts."

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE RICHARDSON.

Mr. MYERS. I report back from the Committee on Public Lands favorably, without amendment, the bill (H. R. 17842) for the relief of George Richardson; and I submit a report (No. 1036) thereon.

Mr. VARDAMAN. Mr. President, that is a bill to correct the title of 160 acres of land in Mississippi, and I ask unanimous consent for its immediate consideration.

Mr. SMOOT. I shall not object to the consideration of this bill; but I shall object to the consideration of any other bill this morning.

Mr. VARDAMAN. It is a very inconsequential matter.

The VICE PRESIDENT. It there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the title of George Richardson in and to the northwest quarter of section 33, township 15, range 16, Noxubee County, Miss., as assignee of the conveyance of John Victor, be, and the same is hereby, quieted and confirmed, and patent therefor shall issue to the said George Richardson.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BARROW COUNTY, GA.

Mr. SMITH of Georgia. I ask unanimous consent to dispose of two bills locating three new counties in Georgia in their proper judicial districts. I report back favorably both bills from the Committee on the Judiciary. The first is House bill 20688, to place Barrow County, Ga., in the eastern division of the northern district of Georgia, and I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the county of Barrow, in the State of Georgia, is hereby attached to and made a part of the eastern division of the northern judicial district of said State.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SOUTHERN JUDICIAL DISTRICT OF GEORGIA.

Mr. SMITH of Georgia. The other bill is upon the same subject. It is simply to place new counties in their proper judicial district. The Senate Judiciary Committee authorized the House bill to be reported back favorably with an amendment taking care of two more counties. (S. Rept. 1039.)

The PRESIDING OFFICER. The Senator from Georgia asks unanimous consent for the consideration of a bill the title of which will be stated.

The SECRETARY. A bill (H. R. 20814) to place Candler, Jenkins, and Evans Counties, Ga., in the eastern division of the southern district of Georgia.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, to add at the end of the bill as a new section the following:

SEC. 2. That the counties of Bacon and Thomas, in the State of Georgia, are hereby attached to and made a part of the southwestern division of the southern judicial district of said State.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill to place Candler, Jenkins, and Evans Counties in the eastern division of the southern district of Georgia and to place Bacon and Thomas Counties, Ga., in the southwestern district of the southern district of Georgia."

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McCUMBER:

A bill (S. 7731) authorizing the Secretary of the Interior to accept the application for land entry of Richard Daeley; to the Committee on Public Lands.

By Mr. HARDWICK:

A bill (S. 7732) to donate certain condemned cannon to the Georgia Military Academy, of College Park, Ga.; to the Committee on Military Affairs.

A bill (S. 7733) for the relief of the legal representatives of the estate of Benjamin Hamilton, deceased; to the Committee on Claims.

By Mr. SMITH of Georgia:

A bill (S. 7734) to construct a public building for a post office at the city of Forsyth, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. SMOOT:

A bill (S. 7735) granting an increase of pension to George Jaggers (with accompanying papers); to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 7736) granting an increase of pension to Fannie M. Cutting (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 7737) granting an increase of pension to Ida J. Morey (with accompanying papers); to the Committee on Pensions.

By Mr. NEWLANDS:

A bill (S. 7738) to amend section 20 of an act to regulate commerce, approved February 4, 1887, as amended June 29, 1906, February 25, 1909, and June 18, 1910, and for other purposes; to the Committee on Interstate Commerce.

By Mr. BANKHEAD (by request):

A bill (S. 7739) to amend the postal laws; to the Committee on Post Offices and Post Roads.

THE LIGHTHOUSE SERVICE.

Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill (H. R. 19746) to authorize aids to navigation and other works in the Lighthouse Service, and for other purposes, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENTS TO GENERAL DEFICIENCY APPROPRIATION BILL (H. R. 21546).

Mr. HARDWICK submitted an amendment proposing to appropriate $28,500 for all needed dredging, repairs, and other improvements at the United States Quarantine Station at the city of Savannah, Ga., etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. McCUMBER (for Mr. SHIVELY) submitted an amendment proposing to appropriate $1,200 to pay Dennis M. Kerr for extra and expert services rendered to the Committee on Pensions during the third session of the Sixty-third Congress, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Pensions and ordered to be printed.

Mr. O'GORMAN submitted an amendment proposing to appropriate $500,000 to provide for the participation of the United States in the Panama Pacific International Exposition, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Industrial Expositions and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. NORRIS it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of the bill (S. 6455) admitting to citizenship and fully naturalizing Edward D. Cohota, of Valentine, Nebr., no adverse report having been made thereon.

On motion of Mr. SHIVELY it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of the bill (S. 4372) for the relief of Joseph Heaton, no adverse report having been made thereon.

PRISONERS' MAIL.

Mr. ASHURST. I have a copy of an article, or rather a pamphlet, written by Hon. J. J. Sanders, parole clerk of the Arizona State prison, on Prisoners' Mail, being a summary showing medieval custom being practiced in the restriction of the mail of the inmates of most American State prisons. I desire to have the article printed as a public document and ask that it be referred to the Committee on Printing for action as soon as possible. This article, written by Mr. Sanders, has attracted wide and favorable notice throughout the length and breadth of our land. I have had many requests for copies of the same and I earnestly hope the Committee on Printing will act favorably on this matter.

Mr. SMOOT. I will say to the Senator from Arizona that the Committee on Printing will have a meeting to-morrow morning.

Mr. ASHURST. I hope the Senator from Utah will see that this article is ordered to be printed, as it is a very valuable document.

The VICE PRESIDENT. Without objection, the article will be referred to the Committee on Printing.

WOMAN SUFFRAGE.

Mr. MARTINE of New Jersey. I have an article from the District of Columbia Association Opposed to Woman Suffrage which I ask may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WOMAN SUFFRAGE.

We desire to present some facts as to the pernicious effect of woman suffrage in the States where it now exists. There has been many theories on this subject presented by the suffragists. It is our purpose to present facts and figures showing that woman suffrage, where it has been tried, not only does not better conditions but actually tends to have the reverse effect from a practical standpoint. Senator THOMAS, of Colorado, has said that he concedes that woman suffrage has not and maintains that it will not change conditions. We agree with the distinguished Senator up to a certain point, but we believe that we can show positively that woman suffrage will in many instances change conditions for the worse. We will first present some figures which will prove conclusively that women do not vote as generally as men where the franchise has been given them.

In the six suffrage States of California, Colorado, Wyoming, Utah, Idaho, and Washington—Oregon, Arizona, and Kansas did not have woman suffrage till voted on at election November 5, 1912—the Abstract of United States Census of 1910, pages 110 and 118, shows there were in April, 1910, 3,170,153 men and women over 21 years of age, exclusive of Japanese and Chinese. The total vote actually cast for President November 5, 1912, in the six woman-suffrage States was 1,521,590, so 47.9 per cent of the men and women, exclusive of Japanese and Chinese, over 21 years of age (in April, 1910) actually voted.

In the six adjoining and neighboring States of Kansas, Nebraska, Oregon, Nevada, South Dakota, and Missouri, where men alone voted, the total number of men 21 years of age and over, exclusive of Japanese and Chinese, was (in April, 1910; Abstract of Census, p. 110) 2,295,119; total vote in the six male-suffrage States for President November 5, 1912, 1,587,984; 69.1 per cent of the men over 21 years of age, exclusive of Japanese and Chinese, actually voted, or about 45 per cent more of the possible voters in the male-suffrage States voted than did the possible voters of the six adjoining woman-suffrage States. If 69.1 per cent of the men voted in the woman-suffrage States—as men in the adjoining male-suffrage States did vote—then an analysis of the figures show that only 19.1 per cent of the women over 21 years of age in the suffrage States actually voted. If more than 19.1 per cent of women did vote in the six woman-suffrage States, then less than 69.1 per cent of the men voted, so it is impossible to escape one or the other conclusion—that the women either do not vote as generally as the men when given the ballot, or if they do their voting does cause less interest to be taken in politics by men, and in either event the suffrage cause is harmful to the Republic.

According to advice from Secretary of State Jordan's office at Sacramento, Cal., where the names and addresses of all registered voters are sent in order that sample ballots can be mailed them according to law, 804,633 men and 180,000 women registered in California to vote at election November 5, 1912. (See Los Angeles Times, Oct. 27, 1912.)

This shows that about 93 per cent of the men in California registered and only about 27 per cent of the women. The total vote for President November 5, 1912, all candidates in California, was 673,527; total registration, 984,633. Sixty-eight and four-tenths per cent of men and women who registered voted. If 68.4 per cent of the registered women actually voted, which is not likely, as women do not register as generally as men—it is not to be supposed that they voted as generally—then only 18.3 per cent of women over 21 years of age in April, 1910, voted November 5, 1912, in the State of California.

In San Franciso, in the latter part of 1912, at a local-option election, out of 120,859 women over 21 years of age in the city, 40,655 women and 89,023 men registered, yet only 15,087 votes all told were cast for local option, and it is estimated that approximately 1 woman in 8 who was interested enough to register took the trouble to go to the polls.

At a city election in San Francisco November 11, 1913, 49,833 women registered and 19,678 voted, about one-quarter of the votes at this election being cast by women. In 3 precincts no women voted; in 49 out of 673 precincts there was an average of less than 10 votes per precinct by women. (Analysis of vote by registrar of elections, Zemansky. See Los Angeles Times, Nov. 20, 1913.) Census of 1910 shows there were 120,859 women over 21 years of age in San Francisco, so only 16.2 per cent voted in election of November 11, 1913.

At an election March 24, 1913, in Los Angeles, Cal., involving radical changes in the city charter, only 31,000 voters, men and women, out of 222,817 cast their ballots, this, too, after a citizens' committee of 1,000 advocated in all the newspapers the adoption of certain propositions and the defeat of others; 9 out of 10 of the reform measures were defeated. The Los Angeles Times of March 26, 1913, says:

"The vote of the women was disappointing. In some precincts it was a negligible quantity, while in others it was only about one-third of the total, yet suffragists carried on an active campaign, attended and spoke at all-day meetings, and even worked at their headquarters on Easter Sunday."

At an election June 3, 1913, in Los Angeles, for mayor, Rose was elected by 8,037 majority over Shenk. Los Angeles had "good-government" officials for several years before women had the ballot. Rose ran on the "open-town" platform and Shenk on "good-government." Every newspaper and practically every minister in the city was for Shenk, and asked the voters to elect Shenk and have a clean city in the interest of the young men and women of Los Angeles.

The Los Angeles Times of June 5, 1913, gives the total vote as 84,055, nearly 100,000 under registration. The Times further says that in spite of the excellent organization of Mrs. John S. Myers and her corps of assistants the women did not turn out in any large numbers, and of those who did a considerable percentage appeared to favor the election of Rose. As there were 222,877 men and women over 21 years of age in Los Angeles (census of 1910), only 38.2 per cent of the men and women of voting age voted. The Los Angeles Express, June 4, 1913, had an editorial on the disgrace of electing Rose.

At an election in Chicago April 7, 1914, with the strenuous efforts of the suffragists to get out the female vote, only 158,686 women voted. Chicago had in 1910 626,629 women over 21 years of age. (Letter from Director of Census Feb. 28, 1914.) About 25 per cent of the women of Chicago over 21 years of age voted. More than double that number of men did vote at the same election.

Most of the women who do vote in the woman-suffrage States do so in self-defense, or at the earnest appeal of the male members of their families, and not because they want the ballot, for if such women did not vote they would lose their own and their husband's political status, with which they were satisfied under male suffrage, and must either vote or live under laws to which they are opposed and made by noisy, ranting suffragettes. For this reason it is unjust to place the burden on a majority of women in order that the few aggressive, forward, notoriety-seeking women can break into politics, some of whom resent the fact that they were created women and not men.

An editorial in the San Francisco, Cal., Chronicle, January 3, 1915, says—

"In this and other States the franchise was given without waiting for the request of a majority of the sex, and as the event has shown, without the desire of a majority. It is more than probable that were the question of the withdrawal of the right submitted to vote in this State, with the women voting, the right would be withdrawn. There are multitudes of women who would register for such an election for the sole purpose of getting rid of a duty they detest and whose obligations they refuse to fulfill."

The suffragists having taken the slogan used by the men of our Colonies, "Taxation without representation is tyranny," utterly fail in endeavoring thereby to show a parallel between women without the ballot to-day and the condition of the Colonies in 1775. The men (the British Parliament), who voted the taxes on the Colonists paid no part of the taxes they laid, and the more taxes they could extort from the American Colonies the less the Englishmen would have to pay themselves; whereas to-day in the United States the men voting the taxes pay the larger part of the same. Only about one-eighth of the women of voting age pay taxes, direct or indirect, so if women had the ballot the women who pay the taxes would not be as fairly and justly treated as they are now, for then seven-eighths of the women who would vote the tax pay no taxes, while with men alone voting about seven-eighths of the taxes paid are paid by the men who vote the taxation. No injustice is possible when the taxes are laid by the voters who pay the larger part of the amount. Most of the property on which women pay taxes is the fruits of the labor of male members of their families, acquired by gift, will, or placed in the names of women for some other reason.

We deny the claim of the suffragists that the men of this country have made a failure of government or that men have become such "mollycoddles" or so weak that it is necessary to place the burden of government upon women, most of whom are opposed to having the additional responsibility imposed upon them.

We are told that the men of the country can not be trusted to make the laws for the women and children, yet an average of four-fifths of the earnings of the man, over and above the necessities of the family, is spent on the women and children.

Woman suffrage would increase the negro's power in politics, as the per cent of negro women to all women over 21 years of age is 9.9 per cent (Census of 1910), while the per cent of negro men to all men is only 9.1 per cent. In the 11 Southern States the per cent of negro women to all women is 35.3 per cent, while the percentage of negro men to all men is 33.6 per cent.

Who would doubt that a larger per cent of negro women would vote than white women?

So many of our people are being misled on the liquor question by the suffragists that it is well to submit some facts on that subject. Prior to November 3, 1914, no State in which women have voted on the question had State-wide prohibition ever been adopted. Ten States where men alone vote had State-wide prohibition. November 5, 1912, Colorado voted on State-wide prohibition; 75,877 votes were cast for the measure and 116,774 against it. (See p. 159, Abstract of Votes, compiled from official returns by James B. Pearce, secretary of State, Denver, Colo.) If 58 per cent of the women over 21 years of age in Colorado had voted for prohibition the measure would have become a law by 7,012 majority, without a single male vote being cast for prohibition, there being 213,425 women over 21 years of age in Colorado. (P. 118, Abstract of Census, 1910.)

Wyoming legalized gambling for about forty years after women had the ballot, and had neither State-wide prohibition nor local option laws.

About six years prior to the adoption of woman suffrage in California, Los Angeles voted on local option, and the measure was defeated nearly 2 to 1. About a month after women had the ballot in Los Angeles, the question was again voted on and the saloons won by nearly 3 to 1.

December, 1912, Los Angeles voted on the question of abolishing free lunches in saloons, but the measure was defeated and lunches are still free in Los Angeles saloons. Missouri and Connecticut have State-wide laws prohibiting free lunches in saloons. Pasadena, Cal., for many years—in fact, practically for its entire history—had been a dry city, but soon after the women had been given the franchise the sale of liquor was legalized. Pasadena had in 1910, 2,688 more women than men over 21 years of age—about 29 per cent.

December 2, 1913, Santa Monica, Cal., voted wet, ballots nearly 3 to 1, for liquor, to be sold on Sundays and nights. The Los Angeles Times of December 3, says: "The triumph of 'demon rum' and the sparkling cabaret is attributed to the women who voted 2 to 1 against a Sunday drought." Total vote for the saloons and Sunday liquor 2,173, against 814. Letter under date of December 13, 1913, from Director of the United States Census, shows that in 1910, Santa Monica had 2,462 males and 2,748 females over 21 years of age—286 more women than men, yet we have the sale of liquor legalized in cafés all night and on Sundays in a city of homes of less than 8,000 (7,847) people, and we doubt that a parallel can be found in any State where the franchise is limited to men.

Redondo, Cal., voted on local option October 14, 1913. The saloons won. Los Angeles Times, October 15, says: "That both sides claim the result was due to women's votes."

Anaheim, Cal. (population 2,628), voted on local option November 6, 1913. The saloons won (see Los Angeles Times, Nov. 7, 1913).

San Bernardino, Cal., voted for the saloon January 30, 1914 (see Los Angeles Times, Jan. 31, 1914). Watts, Cal., voted wet September 8, 1914 (Los Angeles Times, Sept. 9).

At an election in California, April 13, 1914, out of 13 cities and towns voting on the liquor question, 9 voted "wet" and 4 small towns "dry." Hanford, population 4,829, and Merced, population 3,102, both of which had been dry, returned to the wet column (see Los Angeles Times Apr. 14, 1914). Only one small county—Lake County—is dry, and only 10 counties out of 62 in Colorado, were dry.

In Colorado Springs, Colo., where the sale of liquor was prohibited for many years, women voted on the question about two years ago, and liquor selling was legalized. Colorado Springs had 819 more women than men over 21 years of age in 1910 (letter of Director of Census, Feb. 28, 1914).

On pages 208–209, Annual Report of the Commissioner of Internal Revenue, you will find that in the eight States that had woman suffrage, January 1, 1913—California, Colorado, Wyoming, Idaho, Utah, Washington Arizona, and Oregon—there were 28,108 liquor dealers paying special license to the Government for the fisecal year ending June 30, 1914. From page 24, Abstract of United States Census, 1910, you will see that the eight suffrage States above mentioned had a population of 6,040,592, one liquor dealer for every 211 people for the eight States. For the remaining 40 States and District of Columbia, there were 225,299 liquor dealers paying license for the same period. The 40 States and the District of Columbia had a population of 85,931,674, or one liquor dealer for every 381 people, or about one-half the number of dealers, per capita, that the woman-suffrage States require, and then we are told by the suffragists that they are not favorable to the liquor interests.

At local-option elections in Illinois, April 27, 1914, about 1,100 saloons out of 3,000, where elections were held, were abolished; 12 dry counties were added to the 30 already dry, making 42 dry counties of the 100 counties in Illinois.

Kentucky, where men alone vote, has 105 dry counties out of the 120 in the State, and Missouri has 65 no-license counties out of 114 in that State.

Iowa has 77 dry counties out of 99 counties in the State; and in Minnesota, at election April 7, 1914, two-thirds of the counties where local-option elections were held voted dry, and towns that had licensed saloons for 60 years voted dry by men's votes.

Eight out of twelve counties in Michigan that voted on the liquor question April 6, 1914, voted dry, including Lansing, the capital of the State, by men's votes; while in Springfield, the capital of Illinois, where there are 205 more women than men over 21 years of age, voted to retain the saloons.

Eugene W. Chafin, former candidate on the Prohibition ticket for President, said at Long Beach, Cal., February 15, 1914, that "the support expected by prohibitionists in California from women had not developed." (See Los Angeles Times, Feb. 16, 1914.)

During the suffrage campaign in Ohio Miss Margaret Foley, in addressing a meeting of union labor men, said: "Don't be afraid, boys; we're not going to take your beer away from you."

One hundred women working effectually against prohibition amendment, making house-to-house canvass of Los Angeles. (See Los Angeles Times, Oct. 30, 1914.)

In Cleveland many of the suffragists insisted that it was only their enemies who said of them that they would vote against the saloons. In the recent campaign in Chicago, February, 1914, Miss Marion H. Drake, who was nominated for alderman in the first ward, was quoted in the newspapers as standing for "free lunch and saloons."

Mrs. Crystal Eastman Benedict, a prominent woman suffragist of Wisconsin, made before the Manufacturers and Dealers' Club of Milwaukee, in addressing the assembled brewers, the statement: "Why all this hue and cry about woman suffrage injuring the brewing industry? Isn't it a little foolish?" Mrs. O. H. P. Belmont, in an address, said she would welcome the support of the brewers and praised Mrs. Benedict for her work among the representatives of that interest.

Mrs. Minnie Reynolds, for the National Suffrage Association, recently challenged anyone to find a word concerning prohibition among the pamphlets issued by the association.

Hugh Fox, secretary of the United Brewers' Association, in a letter printed in the report of the hearing in December, 1913, before the Committee on Rules of the House on the resolution establishing a Committee on Woman Suffrage, said: "The United Brewers' Association states that the antisuffragists have never received nor asked for contributions from them, although," he adds, "we have had appeals from the other side."

May Wright Sewall said, October 30, 1913, in Milwaukee: "Votes for women will no more prohibit drink than they will prohibit food."

Mrs. Grace Wilbur Trout, president of the Illinois Equal Suffrage Association and one of the leaders in the lobby at Springfield which brought about the enactment of the suffrage bill, said:

"It is a great pleasure to remember that some of the firmest supporters of the suffrage measure in the forty-eighth general assembly were some of the so-called wets."

Suffragists have said the reason the woman-suffrage States had not adopted prohibition was because there were so many miners in those States, and that the men outnumbered the women so greatly. The six States that had woman suffrage November 1, 1912—California, Colorado, Utah, Wyoming, Idaho, and Washington—had in December, 1909, 78,565 wage earners engaged in mining industries. (Abstract of Census, 1910, p. 561.) Total number of men over 21 years of age in the six States, 1,911,518 (Abstract of Census, 1910, p. 107), or about 1 man of every 24 a miner. West Virginia, a prohibition State, had 78,404 wage earners in the mining industry, and had in 1910, 338,349 men over 21 years of age, or about one man out of every four a miner. Alabama, that voted State-wide prohibition, had about 1 man out of every 16 engaged in mining, and Kansas (Kansas adopted prohibition about 30 years ago) had only a few less per cent per capita engaged in mining than the six woman-suffrage States, and yet West Virginia, with nearly six times the number of men per capita over 21, and Alabama, with one-third more per capita, and Kansas, with only a few less per capita of miners than the woman-suffrage States—all three really mining States—voted State-wide prohibition with men's votes only.

Santa Monica and Pasadena, Cal., and Colorado Springs, Colo., all of which have more women than men over 21 years of age, voted to legalize the sale of liquor, so some other reason than miners and more men than women in suffrage States must be found for the suffrage States being "wet" States until some of which voted "dry" last November. In November, 1912, Colorado voted "wet" by about 40,000 majority; last November it voted "dry" by 11,572. As there were more men over 21 in Colorado, as well as other suffrage States, than women, the men undoubtedly voted the State dry, as the proportion of men to women has changed but little in the last two years. California, with 137 men to 100 women of voting age, defeated prohibition by 169,245, while Washington, with 158.9 men to 100 women, adopted prohibition by over 18,000 majority, and Oregon, with 152.8 men to 100 women, by 36,480. Taking the vote collectively of the five woman-suffrage States that voted on prohibition in 1914, the majority against prohibition was 99,416; population of the five States, 5,195,682. Taking the vote of the two male-suffrage States that voted on prohibition—Ohio and Virginia; population, 6,828,733—in 1914, the majority against prohibition was only 53,787. Ohio, which has very large brewing distilling, wholesale and retail liquor interests, voted against prohibition by only 84,152, while California, whose wine and liquor interests are probably very much less, computed in dollars and cents, voted against prohibition by 169,245, and California has only about half the population of Ohio. So anyone who will make an investigation of female suffrage and the liquor question will find that it is not women's votes that bring prohibition, but a general sentiment being worked up against the liquor business.

It is admitted that a prohibition law is the hardest of all laws to be enforced, even when a majority of men in a State vote for it. What chances would there be for the enforcement of such a law if the majority of men were against prohibition and such a law was enacted by women's votes?

Virginia adopted prohibition in 1914 by men's votes. Ohio defeated it the same year. Four women-suffrage States voted prohibition in 1914, but California, a suffrage State, with nearly as large a population as all four women-suffrage States combined that adopted prohibition (and had more women proportionately than the four suffrage States that abolished the liquor traffic) voted overwhelmingly against prohibition. California also voted that the people of that State should not be permitted to vote on the liquor question for eight years. The liquor dealers certainly have nothing to fear from woman suffrage in California.

It has been charged that the liquor interests defeated woman suffrage in the five States that rejected it on November 3, 1914, yet the only two States that adopted it at the same time were Montana and Nevada, two of the "wettest" States in the Union, and States where there never was any territory voted "dry," while North Dakota, a prohibition State, South Dakota, 68 per cent, Nebraska, 56 per cent, and Ohio, 52 per cent "dry," all defeated woman suffrage last year. The cities of Lincoln, Omaha, and Freemont, Nebr., cities with large brewing and liquor interests, collectively gave a majority for woman suffrage, while the country districts of that State (in which are many dry counties) gave over 10,000 majority against it.

The suffragists tell us on all occasions that if women had the ballot much better laws for the education and welfare of the child and youth of our country will be enacted. Let us cite a few instances to disprove such a theory:

At Berkeley, Cal., April 12, 1913, for the issuance of bonds for playgrounds, which were defeated, only about 1,500 of the 8,000 women of the city voted. The mayor, who has been a zealous worker for woman suffrage, reprimands the women for their negligence of this particular issue, which of all others should interest them. In a newspaper article he asks, "Where were the mothers?" Berkeley has 1,301 more women than men over 21 years of age (letter Feb. 28, 1914, Director of United States Census).

At Pasadena, Cal., where there was 2,688 more women than men of voting age, the playgrounds that were the pride of Pasadena, and were established before women had the ballot, were discontinued July, 1912, on account of the failure of the voters to vote money for the purchase of the grounds. (Los Angeles Times, July 27, 1913.) No other playgrounds have been purchased or provided for the children.

At an election November 12, 1913, Pasadena, Cal., failed to vote bonds to repair leaky roofs and make sanitary repairs on schoolhouses, to complete new schoolhouses under construction, and to make it possible to provide schools for the entire school year. The superintendent of schools said the school year would have to be cut a month or two, and that some schools would have to close when rains begin. (Los Angeles Times, Nov. 13, 1913.)

It happened to rain November 12 in Pasadena, and some thought the bonds might have carried had the vote been taken on a fair day when the ladies could more conveniently get to the polls, so it was decided to have another election to vote for bonds in a less amount than was voted on November 12. So on January 16, 1914, a fair day, another election was held and the bonds were again defeated. So the voters of Pasadena decided at two elections that the repair of leaky roofs, and sanitary improvements, etc., of schoolhouses, as well as playgrounds, are to be indefinitely postponed. A letter dated January 12, 1914, from the Director of the United States Census states that there were in 1910, 9,262 males and 11,950 females over 21 years of age. The total vote for and against the bonds was 4,832. Only 22.7 per cent of the voters of Pasadena—population, 30,291—was interested enough to go to the polls at election of January 16.

At an election September 11, 1914, at Pasadena, to vote bonds for about $12,000, to pay school-teachers the balance of their salaries due for teaching the previous school year, the bonds were defeated. (Los Angeles Times, Sept. 12, 1914.)

Much has been said by suffragists about the recall of a mayor in Seattle—who has since been renominated and elected—and the abolishing of the Barbary coast at San Francisco. Mayor Harper was recalled at Los Angeles about four years before women voted, on account of not enforcing the law against vice, and more than 50 cities in the country have abolished segregated vice districts in the past two years. Los Angeles abolished the segregated vice districts about six years before women had the ballot, but it took Denver nearly 20 years after women voted to do away with its segregated vice district. An abatement law was passed in the District of Columbia by men, and such a law has been passed or is pending in several male suffrage States.

Helen M. Foster, in Los Angeles Times, November 7, 1913, under head of "Woman lectures woman," commends Senator WORKS for daring to call attention to the neglect of citizenship by women voters, which, she says, are facts backed up by data and registration lists.

Denver Post, October 17, 1913, report of Mrs. Stewart Walling and Dr. Elizabeth Cassidy: "Colorado reformatory rotten. Nothing but filth and graft found at Buena Vista. Merely a preparatory school for the penitentiary. The reformatory, submerged in politics, is a monument to graft, ignorance, stupidity, extravagance, and mismanagement. Building so infested with vermin that only fire could purify it."

The Daily News, of Denver, of October 13, 1913, says the Rev. A. E. Shattuck, of Grand Junction, has stirred up the animals in fine shape by public denunciation of conditions which he alleges exists in Grand Junction, Colo.

Here are a few of the opinions he expresses:

"Lawlessness is pronounced among us.

"Illicit liquor selling is notorious.

"Gambling joints are in full swing.

"Boys and girls roam our streets late at night in unrestrained violation of the curfew ordnance. (The mothers are possibly away from home attending to political affairs.)

"Officials who hate unjust gain we need."

It has been said that women working in stores and factories need the ballot to increase their wages and for bettering their condition generally. Of the 8,075,773 female workers over 10 years of age only 4,436,804 are employed outside their home and home farms; 1,346,905 are under 21 years of age, leaving only 3,088,899 to vote—only about one-eighth of the women of voting age in the United States, there being many times more workingmen than working women in the country. Why have not men increased their wages by the ballot, as men have had the vote for over 100 years? If the ballot can increase wages and produce wealth and make equal pay for equal work, why do different wage scales obtain in different parts of this country, and why do laboring men rely on labor unions instead of the ballot for better wages and working conditions. No woman-suffrage State can show better laws than can be shown in male-suffrage States, and it is acknowledged that Nebraska, Wisconsin, Ohio, Michigan, and Missouri, which recently defeated woman suffrage overwhelmingly, and New York, Massachusetts, Connecticut, Indiana, etc., all male-suffrage States, are in the forefront with good laws for women and children and years ahead of woman-suffrage States in this regard. In most States where men make the laws a woman can desert her husband, and all he can do is to ask her to come back to him, while men can be imprisoned for deserting their wives. In many male-suffrage States women can sell and convey their real estate without the husband signing the deed, while men must have their wives' signatures in order to convey their own lands.

At the election November 3, 1914, California defeated an eight-hour law and 48 hours per week, and Oregon defeated an eight-hour day and room-ventilation law for women by a large majority.

Suffragists continually tell us that if women had the ballot wars and internal strife would be a thing of the past, yet Colorado, which has had woman suffrage for a generation, was in the throes of civil war nearly all the past year. The State had become so weakened in its fabric that it could not keep order and protect life and property within its borders, but was compelled, through the State authorities, to call

upon the President of the United States to send Government troops to administer affairs and bring order out of chaos. This is another proof of the failure of woman suffrage in the model State of Colorado, and refutes beyond any possibility of controversy the suffragists' claim.

The European war came suddenly and, as with most wars, there was no time for men to vote whether war should or should not be declared. Should a foreign foe invade our country and the women of our land vote to offer no resistance, but decide to surrender our liberty and property and submit with humiliation to the yoke of a foreign despot rather than consent to the men defending our homes and firesides by going to war, and the men of our Nation decided to fight for the honor and well-being of our country, how could the women prevent them? Could an army of women in a contest at arms defeat their husbands, fathers, sons, and brothers? Would it be right for women to vote that our men should not defend our homes and country?

On the other hand, would it be just and right for the women of our country to vote that our men should go to war, when the women would be unable to do their share of the fighting?

Abstract of census 1910, page 107, shows there were in the United States 26,999,151 men over 21 years of age and 24,555,754 women. So the women could not vote any laws that the men opposed.

Woman suffrage is undemocratic—

First. Because the leaders will not leave the question to the women to decide, but would have men force suffrage on women 80 per cent of whom do not want the ballot.

Second. As has been proven beyond a doubt, which any one can verify by United States census and Secretary of State reports, women will not vote, relatively, as generally as men of the different classes, and can never do so, however much they might desire to, on account of their duty of motherhood; consequently the will of the majority is often set aside and defeated where women vote and the political status of both men and women changed and laws representing the will of the minority enacted. This is one of the great injustices of women suffrage, for laws representing the will of the minority are dangerous to our free institutions.

Third. As the Father of our Country truly said, "Government without force is a nullity," and it is not just nor democratic for women to vote laws unless they can fulfill all the functions of government. As they can not serve in the Army and Navy, assist the officers in arresting criminals and in putting down riots, etc., it can not be said they have a right to vote laws which they can not enforce and which would not be enforced unless the men of the country desired they should be.

The women of Colorado or Arizona might say that as men had always held the offices for the enforcement of laws against crimes, such as train robbing, cattle stealing, etc., that it was a right for women to be placed in those offices; but who would say that women could arrest criminals and enforce the laws as well as men? And as they could not, who would say it was a right that they should be given such offices? The same is true of voting; as women only perform the duty of voting to a much less degree than men, and thereby the will of the people is not so well expressed at the polls, it can not be a right, nor is it justice for women to vote.

We believe that you will all agree with us that the main object of voting is to register the will of the majority; that it may be crystallized into the law of the land; that any propaganda that tends to and does, in some instances, defeat the will of the majority is inimical to our form of government.

We think from the instances cited we have shown beyond question that women when given the ballot do not vote as generally as men. When a man votes in a male-suffrage State his vote counts one, but in a woman-suffrage State, unless his wife votes, his vote only counts one-half. If a single man, if the women of his class do not vote relatively as generally as men of his class and opinions, his vote is of less effect than if women were not enfranchised. The fact that the different classes of women do not vote relatively in so large a proportion as men of the different classes in the suffrage States tends to, and in many instances does, defeat the will of the majority, and the registration of the will of the majority is the cornerstone of democratic government. No cause can be just or right that defeats this end. Women's failure to vote as generally as men, where they have been given the ballot, in many cases causes laws to be enacted that are the will of the minority; and that is one of the greatest injustices of woman suffrage, for the laws made by minorities are injurious to our free institutions.

As an illustration of how the will of the minority controls an election on account of women failing to vote relatively in as large numbers as men, in San Francisco County, Cal., where the sentiment was not favorable to woman suffrage, only 35.5 per cent of the men and women over 21 years of age voted for President November 5, 1912, while in Los Angeles County, Cal., which had, in 1910, 346,158 men and women over 21 years of age, which gave a large majority for woman suffrage, 48.5 per cent of the men and women of voting age voted for President in November, 1912. The vote for Wilson in San Francisco County, which had, in 1910, 297,269 men and women over 21 years of age, was 48,965; Roosevelt, 38,610; Debbs, 15,354. Had 48.5 per cent of the men and women in San Francisco County voted, as did in Los Angeles County, there would have been cast 144,175 votes for the presidential candidates instead of 105,646, the actual number cast; and if 144,175 votes had been cast in the same proportion as the 105,646 votes were cast, Wilson would have received 18,288 more votes than he did and Roosevelt 14,478 more.; and instead of Roosevelt carrying California by 174 votes, Wilson would have had the State by 3,636 plurality.

Forty-three per cent of the men and women over 21 years of age, exclusive of Japanese and Chinese, voted in California November 5, 1912.

Another of the many instances that could be cited to show the injustice of giving women the ballot is the fact that it would reduce the power in politics of that great independent vote of the rural communities, which is the larger part of our population. The women in the rural communities, living farther from polling places, would not vote as generally as city women, who reside a few blocks from where they cast their ballots; consequently a smaller per cent of women in the country would vote than city women, and as country women could not vote as generally as the men, then the power in politics of our rural communities would be lessened by woman suffrage. Also, in our big cities, wherever liquor interests are large, the saloons, breweries, hotels, and cafes that sell liquor, property owners who rent property to such interests, all allied trades and business, as well as gamblers, etc., see that their women go to the polls on election day nearly as a unit, besides inducing their women friends to vote, it being to their interest financially to do so, while women with no monetary interests in the election would fail to vote as generally as men of their class and opinions do. So the will of the majority in such an election may often be defeated and the liquor interests win, while if men alone voted the saloon might be abolished. As before mentioned, when men alone voted on local option in Los Angeles the saloon won by about two to one, while with women voting the saloons won by nearly three to one. The same applies to any political machine that seeks to gain ascendancy for graft, organized socialism, etc., that really want to gain an advantage and defeat the will of the majority.

Under caption "What freaks do to California," the Los Angeles Times of September 26, 1914, prints in a dispatch from Sacramento: "California citizens will pay approximately $1,637,500 for the privilege of exercising the right of suffrage this year. This is an increase of 133⅓ per cent since 1910. Above amount is exclusive of city, county, and special elections." Women were given the ballot in California October 10, 1911.

But if women could ever vote as generally as men, there would be little or no change in our laws, for even if a wife once in a while voted in opposition to her husband and canceled his vote—in which event the family would have no voice in the laws at all—the final result of the whole vote would rarely be changed, and we would have the absurd spectacle of two people doing what one alone could accomplish as well, and waste all the effort expended in the study of politics by women and the enormous expense the doubling the vote would entail.

The foundation of every government is the family, and the large majority of men and women of voting age are married. If a wife voted in opposition to her husband, there would be no necessity for either to vote, while if they voted alike her vote would be useless.

Our Government is in part one great business concern; and what business man or factory owner would not consider a proposition childish to use for part of his work double the number of people, at double the cost, to do something that would be of absolutely no profit? Yet it has been proven that woman suffrage does not better conditions or laws, and still suffragists ask men to give women the ballot when it would double the cost of elections and double the number of people to do the voting with no good whatever accomplished.

Five States defeated woman suffrage at the polls in 1914. The wave of hysteria is passing, and instead of woman suffrage growing it is on the decline, as is shown by the vote in Michigan, where it was defeated in 1912 by about 700 majority and in 1913 by over 96,000. In Ohio in 1912 woman's suffrage was defeated by 87,455 majority and in 1914 by 182,905. In the two small States—Nevada and Montana—which enfranchised women in 1914 there were 99,881 women given the ballot; at the same rate of progress it would take 224 years to enfranchise all the women in the United States, as there are over 22,000,000 women that have not yet been given the privilege of voting at all elections.

The more women go out into the rough world to do men's work the greater the loss to the home and the more she loses her delicate charm and sympathy, which is distinctly feminine; and, in the language of the late Senator Vest, of Missouri, "What man would care to go home after the strife, struggle, and worry of the day in the business world and fall into the arms of a constitutional lawyer or a politician for rest, consolation, and comfort?"

DISTRICT OF COLUMBIA ASSOCIATION OPPOSED TO WOMAN SUFFRAGE.

CHARLESTON (S. C.) DRY DOCK (S. DOC. NO. 957).

Mr. TILLMAN. I have a copy of the report of the commandant of the Charleston Navy Yard on dredging for the dry dock at the Charleston Navy Yard. I ask that it may be printed as a public document.

The VICE PRESIDENT. Without objection, it is so ordered.

LABOR EXCHANGES (S. DOC. NO. 956).

Mr. KERN. I have a copy of an article by John B. Andrews, secretary of the American Association for Labor Legislation, on a national system of labor exchanges. An estimate has been made for the printing of the article as a public document, and I find that it will cost less than the amount required by law. I ask that the article may be printed as a public document.

The VICE PRESIDENT. Without objection, it is so ordered.

DISTRICT JUDGE FOR GEORGIA.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 17869) providing for the appointment of an additional district judge for the southern district of the State of Georgia and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SMITH of Georgia. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. CULBERSON, Mr. SMITH of Georgia, and Mr. CLARK of Wyoming conferees on the part of the Senate.

ENLARGED HOMESTEAD.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5734) to extend the provisions of an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, to the State of Kansas, which were, in line 3, after "provisions," to insert "of sections 1 to 5, inclusive," and, in line 7, to strike out "including section 6 thereof."

Mr. THOMPSON. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

SALE OF POISON.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 6631) to regulate the practice of pharmacy and the sale of poison in the

consular districts of the United States in China, which was, on page 1, line 4, to strike out "fifteen" and insert "sixteen."

Mr. SMITH of Michigan. The only amendment made by the House of Representatives is one which changes the date of the year from 1915 to 1916. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

HOUSE BILLS REFERRED.

H. R. 20040. An act to provide for the care and treatment of persons afflicted with leprosy and to prevent the spread of leprosy of in the United States was read twice by its title and referred to the Committee on Public Health and National Quarantine.

H. R. 21122. An act to validate certain homestead entries was read twice by its title and referred to the Committee on Public Lands.

JOSEPH ELIOT AUSTIN.

Mr. SWANSON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2642) authorizing the President to reinstate Joseph Eliot Austin as an ensign in the United States Navy, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: Strike out the new matter inserted in the Senate amendment and in lieu thereof insert the following: "To appoint Joseph Eliot Austin an ensign in the United States Navy and after one year's service as ensign he shall be promoted to the grade of lieutenant, junior grade, as an additional number in that grade and in any grade to which he may thereafter be promoted, to take rank with and next after the officer at the foot of the list of lieutenants, junior grade, at the date of the approval of this act: *Provided*, That the said Joseph Eliot Austin, after one year's service as ensign, shall establish to the satisfaction of the Secretary of the Navy, by examination pursuant to law, his physical, mental, moral, and professional fitness to perform the duties of lieutenant, junior grade, in the Navy"; and the Senate agree to the same.

B. R. TILLMAN,
CLAUDE A. SWANSON,
GEORGE C. PERKINS,
Managers on the part of the Senate.

S. A. WITHERSPOON,
S. J. TRIBBLE,
THOMAS S. BUTLER,
Managers on the part of the House.

The report was agreed to.

THE SEAMEN'S BILL.

Mr. FLETCHER. Mr. President, I desire to submit a conference report on the seaman's bill. It is scarcely necessary to have it printed, because the committee has already had a number of copies printed. I will ask to have them distributed on the desks of Senators.

Mr. LODGE. The Senator will allow it to go over and be printed?

Mr. FLETCHER. I stated that I thought it was hardly necessary to have it printed again.

Mr. LODGE. It has been printed?

Mr. FLETCHER. There are already printed copies to be obtained.

Mr. LODGE. Then the Senator will let it go over?

Mr. FLETCHER. Yes. I am merely submitting the report at this time.

The VICE PRESIDENT. The report will lie on the table.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 136), "An act to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed by the House insert the following:

That section 4516 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4516. In case of desertion or casualty resulting in the loss of one or more of the seamen, the master must ship, if obtainable, a number equal to the number of those whose services he has been deprived of by desertion or casualty, who must be of the same or higher grade or rating with those whose places they fill, and report the same to the United States consul at the first port at which he shall arrive, without incurring the penalty prescribed by the two preceding sections. This section shall not apply to fishing or whaling vessels or yachts."

SEC. 2. That in all merchant vessels of the United States of more than 100 tons gross, excepting those navigating rivers, harbors, bays, or sounds exclusively, the sailors shall, while at sea, be divided into at least two and the firemen, oilers, and water tenders into at least three watches, which shall be kept on duty successively for the performance of ordinary work incident to the sailing and management of the vessel. The seamen shall not be shipped to work alternately in the fireroom and on deck, nor shall those shipped for deck duty be required to work in the fireroom, or vice versa; but these provisions shall not limit either the authority of the master or other officer or the obedience of the seamen when, in the judgment of the master or other officer, the whole or any part of the crew are needed for the maneuvering of the vessel or the performance of work necessary for the safety of the vessel or her cargo, or for the saving of life aboard other vessels in jeopardy, or when in port or at sea from requiring the whole or any part of the crew to participate in the performance of fire, lifeboat, and other drills. While such vessel is in a safe harbor no seaman shall be required to do any unnecessary work on Sundays or the following-named days: New Year's Day, the Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day, but this shall not prevent the dispatch of a vessel on regular schedule or when ready to proceed on her voyage. And at all times while such vessel is in a safe harbor, nine hours, inclusive of the anchor watch, shall constitute a day's work. Whenever the master of any vessel shall fail to comply with this section, the seamen shall be entitled to discharge from such vessel and to receive the wages earned. But this section shall not apply to fishing or whaling vessels, or yachts.

SEC. 3. That section 4529 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4529. The master or owner of any vessel making coasting voyages shall pay to every seaman his wages within two days after the termination of the agreement under which he was shipped, or at the time such seaman is discharged, whichever first happens; and in case of vessels making foreign voyages, or from a port on the Atlantic to a port on the Pacific, or vice versa, within 24 hours after the cargo has been discharged, or within four days after the seaman has been discharged, whichever first happens; and in all cases the seaman shall be entitled to be paid at the time of his discharge on account of wages a sum equal to one-third part of the balance due him. Every master or owner who refuses or neglects to make payment in the manner hereinbefore mentioned without sufficient cause shall pay to the seaman a sum equal to two days' pay for each and every day during which payment is delayed beyond the respective periods, which sum shall be recoverable as wages in any claim made before the court; but this section shall not apply to masters or owners of any vessel the seamen of which are entitled to share in the profits of the cruise or voyage."

SEC. 4. That section 4530 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4530. Every seaman on a vessel of the United States shall be entitled to receive on demand from the master of the vessel to which he belongs one-half part of the wages which he shall have then earned at every port where such vessel, after the voyage has been commenced, shall load or deliver cargo before the voyage is ended and all stipulations in the contract to the contrary shall be void: *Provided*, Such a demand shall not be made before the expiration of nor oftener than once in five days. Any failure on the part of the master to comply with this demand shall release the seaman from his contract and he shall be entitled to full payment of wages earned. And when the voyage is ended every such seaman shall be entitled to the remainder of the wages which shall then be due him, as provided in section 4529 of the Revised Statutes: *Provided further*, That notwithstanding any release signed by any seaman under section 4552 of the Revised Statutes any court having jurisdiction may upon good cause shown set aside such release and take such action as justice shall require: *And provided further*, That this section shall apply to seamen on foreign vessels while in

harbors of the United States, and the courts of the United States shall be open to such seamen for its enforcement."

SEC. 5. That section 4559 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4559. Upon a complaint in writing, signed by the first and second officers or a majority of the crew of any vessel, while in a foreign port, that such vessel is in an unsuitable condition to go to sea because she is leaky or insufficiently supplied with sails, rigging, anchors, or any other equipment, or that the crew is insufficient to man her, or that her provisions, stores, and supplies are not or have not been during the voyage sufficient or wholesome, thereupon, in any of these or like cases the consul or a commercial agent who may discharge any of the duties of a consul shall cause to be appointed three persons of like qualifications with those described in section 4557, who shall proceed to examine into the cause of complaint and who shall proceed and be governed in all their proceedings as provided by said section."

SEC. 6. That section 2 of the act entitled "An act to amend the laws relating to navigation," approved March 3, 1897, be, and is hereby, amended to read as follows:

"SEC. 2. That on all merchant vessels of the United States the construction of which shall be begun after the passage of this act, except yachts, pilot boats, or vessels of less than 100 tons register, every place appropriated to the crew of the vessel shall have a space of not less than 120 cubic feet and not less than 16 square feet, measured on the floor or deck of that place, for each seaman or apprentice lodged therein, and each seaman shall have a separate berth and not more than one berth shall be placed one above another; such place or lodging shall be securely constructed, properly lighted, drained, heated, and ventilated, properly protected from weather and sea, and, as far as practicable, properly shut off and protected from the effluvium of cargo or bilge water. And every such crew space shall be kept free from goods or stores not being the personal property of the crew occupying said place in use during the voyage.

"That in addition to the space allotment for lodgings hereinbefore provided, on all merchant vessels of the United States which in the ordinary course of their trade make voyages of more than three days' duration between ports, and which carry a crew of 12 or more seamen, there shall be constructed a compartment, suitably separated from other spaces, for hospital purposes, and such compartment shall have at least one bunk for every 12 seamen, constituting her crew, provided that not more than six bunks shall be required in any case.

"Every steamboat of the United States plying upon the Mississippi River or its tributaries shall furnish an appropriate place for the crew, which shall conform to the requirements of this section, so far as they are applicable thereto, by providing sleeping room in the engine room of such steamboat, properly protected from the cold, wind, and rain by means of suitable awnings or screens on either side of the guards or sides and forward, reaching from the boiler deck to the lower or main deck, under the direction and approval of the Supervising Inspector General of Steam Vessels, and shall be properly heated.

"All merchant vessels of the United States the construction of which shall be begun after the passage of this act having more than 10 men on deck must have at least one light, clean, and properly ventilated washing place. There shall be provided at least one washing outfit for every two men of the watch. The washing place shall be properly heated. A separate washing place shall be provided for the fireroom and engine-room men, if their number exceed 10, which shall be large enough to accommodate at least one-sixth of them at the same time, and have hot and cold water supply and a sufficient number of wash basins, sinks, and shower baths.

"Any failure to comply with this section shall subject the owner or owners of such vessel to a penalty of not less than $50 nor more than $500: *Provided*, That forecastles shall be fumigated at such intervals as may be provided by regulations to be issued by the Surgeon General of the Public Health Service, with the approval of the Department of Commerce, and shall have at least two exits, one of which may be used in emergencies."

SEC. 7. That section 4596 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4596. Whenever any seaman who has been lawfully engaged or any apprentice to the sea service commits any of the following offenses, he shall be punished as follows:

"First. For desertion, by forfeiture of all or any part of the clothes or effects he leaves on board and of all or any part of the wages or emoluments which he has then earned.

"Second. For neglecting or refusing without reasonable cause to join his vessel or to proceed to sea in his vessel, or for absence without leave at any time within 24 hours of the vessel's sailing from any port, either at the commencement or during the progress of the voyage, or for absence at any time without leave and without sufficient reason from his vessel and from his duty, not amounting to desertion, by forfeiture from his wages of not more than two days' pay or sufficient to defray any expenses which shall have been properly incurred in hiring a substitute.

"Third. For quitting the vessel without leave, after her arrival at the port of her delivery and before she is placed in security, by forfeiture from his wages of not more than one month's pay.

"Fourth. For willful disobedience to any lawful command at sea, by being, at the option of the master, placed in irons until such disobedience shall cease, and upon arrival in port by forfeiture from his wages of not more than four days' pay, or, at the discretion of the court, by imprisonment for not more than one month.

"Fifth. For continued willful disobedience to lawful command or continued willful neglect of duty at sea, by being, at the option of the master, placed in irons, on bread and water, with full rations every fifth day, until such disobedience shall cease, and upon arrival in port by forfeiture, for every 24 hours' continuance of such disobedience or neglect, of a sum of not more than 12 days' pay, or by imprisonment for not more than three months, at the discretion of the court.

"Sixth. For assaulting any master or mate, by imprisonment for not more than two years.

"Seventh. For willfully damaging the vessel, or embezzling or willfully damaging any of the stores or cargo, by forfeiture out of his wages of a sum equal in amount to the loss thereby sustained, and also, at the discretion of the court, by imprisonment for not more than 12 months.

"Eighth. For any act of smuggling for which he is convicted and whereby loss or damage is occasioned to the master or owner, he shall be liable to pay such master or owner such a sum as is sufficient to reimburse the master or owner for such loss or damage, and the whole or any part of his wages may be retained in satisfaction or on account of such liability, and he shall be liable to imprisonment for a period of not more than 12 months."

SEC. 8. That section 4600 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4600. It shall be the duty of all consular officers to discountenance insubordination by every means in their power and, where the local authorities can be usefully employed for that purpose, to lend their aid and use their exertions to that end in the most effectual manner. In all cases where seamen or officers are accused, the consular officer shall inquire into the facts and proceed as provided in section 4583 of the Revised Statutes; and the officer discharging such seaman shall enter upon the crew list and shipping articles and official log the cause of such discharge and the particulars in which the cruel or unusual treatment consisted and subscribe his name thereto officially. He shall read the entry made in the official log to the master, and his reply thereto, if any, shall likewise be entered and subscribed in the same manner."

SEC. 9. That section 4611 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4611. Flogging and all other forms of corporal punishment are hereby prohibited on board of any vessel, and no form of corporal punishment on board of any vessel shall be deemed justifiable, and any master or other officer thereof who shall violate the aforesaid provisions of this section, or either thereof, shall be deemed guilty of a misdemeanor, punishable by imprisonment for not less than three months nor more than two years. Whenever any officer other than the master of such vessel shall violate any provision of this section, it shall be the duty of such master to surrender such officer to the proper authorities as soon as practicable, provided he has actual knowledge of the misdemeanor, or complaint thereof is made within three days after reaching port. Any failure on the part of such master to use due diligence to comply herewith, which failure shall result in the escape of such officer, shall render the master or vessel or the owner of the vessel liable in damages for such flogging or corporal punishment to the person illegally punished by such officer."

SEC. 10. That section 23 of the act entitled "An act to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce," approved December 21, 1898, be, and is hereby, amended as regards the items of water and butter, so that in lieu of a daily requirement of 4 quarts of water there shall be a requirement of 5 quarts of water every day, and in lieu of a daily requirement of 1 ounce of butter there shall be a requirement of 2 ounces of butter every day.

SEC. 11. That section 24 of the act entitled "An act to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce," approved December 21, 1898, be, and is hereby, amended to read as follows:

"SEC. 24. That section 10 of chapter 121 of the laws of 1884, as amended by section 3 of chapter 421 of the laws of 1886, be, and is hereby, amended to read as follows:

"'SEC. 10 (a) That it shall be, and is hereby, made unlawful in any case to pay any seaman wages in advance of the time when he has actually earned the same, or to pay such advance wages, or to make any order, or note, or other evidence of indebtedness therefor to any other person, or to pay any person, for the shipment of seamen when payment is deducted or to be deducted from a seaman's wages. Any person violating any of the foregoing provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than $25 nor more than $100, and may also be imprisoned for a period of not exceeding six months, at the discretion of the court. The payment of such advance wages or allotment shall in no case except as herein provided absolve the vessel or the master or the owner thereof from the full payment of wages after the same shall have been actually earned, and shall be no defense to a libel suit or action for the recovery of such wages. If any person shall demand or receive, either directly or indirectly, from any seaman or other person seeking employment as seaman, or from any person on his behalf, any remuneration whatever for providing him with employment, he shall for every such offense be deemed guilty of a misdemeanor and shall be imprisoned not more than six months or fined not more than $500.

"'(b) That it shall be lawful for any seaman to stipulate in his shipping agreement for an allotment of any portion of the wages he may earn to his grandparents, parents, wife, sister, or children.

"'(c) That no allotment shall be valid unless in writing and signed by and approved by the shipping commissioner. It shall be the duty of the said commissioner to examine such allotments and the parties to them and enforce compliance with the law. All stipulations for the allotment of any part of the wages of a seaman during his absence which are made at the commencement of the voyage shall be inserted in the agreement and shall state the amounts and times of the payments to be made and the persons to whom the payments are to be made.

"'(d) That no allotment except as provided for in this section shall be lawful. Any person who shall falsely claim to be such relation, as above described, of a seaman under this section shall for every such offense be punished by a fine not exceeding $500 or imprisonment not exceeding six months, at the discretion of the court.

"'(e) That this section shall apply as well to foreign vessels while in waters of the United States, as to vessels of the United States, and any master, owner, consignee, or agent of any foreign vessel who has violated its provisions shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be for similar violation.

"'The master, owner, consignee, or agent of any vessel of the United States, or of any foreign vessel seeking clearance from a port of the United States, shall present his shipping articles at the office of clearance, and no clearance shall be granted any such vessel unless the provisions of this section have been complied with.

"'(f) That under the direction of the Secretary of Commerce the Commissioner of Navigation shall make regulations to carry out this section.'"

SEC. 12. That no wages due or accruing to any seaman or apprentice shall be subject to attachment or arrestment from any court, and every payment of wages to a seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of wages or of any attachment, encumbrance, or arrestment thereon; and no assignment or sale of wages or of salvage made prior to the accruing thereof shall bind the party making the same, except such allotments as are authorized by this title. This section shall apply to fishermen employed on fishing vessels as well as to seamen: *Provided*, That nothing contained in this or any preceding section shall interfere with the order by any court regarding the payment by any seaman of any part of his wages for the support and maintenance of his wife and minor children. Section 4536 of the Revised Statutes of the United States is hereby repealed.

SEC. 13. That no vessel of 100 tons gross and upward, except those navigating rivers exclusively and the smaller inland lakes and except as provided in section 1 of this act, shall be permitted to depart from any port of the United States unless she has on board a crew not less than 75 per cent of which, in each department thereof, are able to understand any order given by the officers of such vessel, nor unless 40 per cent in the first year, 45 per cent in the second year, 50 per cent in the third year, 55 per cent in the fourth year after the passage of this act, and thereafter 65 per cent of her deck crew, exclusive of licensed officers and apprentices, are of a rating not less than able seaman. Every person shall be rated an able seaman, and qualified for service as such on the seas, who is 19 years of age or upward, and has had at least three years' service on deck at sea or on the Great Lakes, on a vessel or vessels to which this section applies, including decked fishing vessels, naval vessels or coast guard vessels; and every person shall be rated an able seaman, and qualified to serve as such on the Great Lakes and on the smaller lakes, bays, or sounds, who is 19 years of age or upward and has had at least 18 months' service on deck at sea or on the Great Lakes or on the smaller lakes, bays, or sounds, on a vessel or vessels to which this section applies, including decked fishing vessels, naval vessels, or coast guard vessels; and graduate of school ships approved by and conducted under rules prescribed by the Secretary of Commerce may be rated able seamen after 12 months' service at sea: *Provided*, That upon examination, under rules prescribed by the Department of Commerce as to eyesight, hearing, and physical condition, such persons or graduates are found to be competent: *Provided further*, That upon examination, under rules prescribed by the Department of Commerce as to eyesight, hearing, physical condition, and knowledge of the duties of seamanship a person found competent may be rated as able seaman after having served on deck 12 months at sea, or on the Great Lakes; but seamen examined and rated able seamen under this proviso shall not in any case compose more than one-fourth of the number of able seamen required by this section to be shipped or employed upon any vessel.

Any person may make application to any board of local inspectors for a certificate of service as able seaman, and upon proof being made to said board by affidavit and examination, under rules approved by the Secretary of Commerce, showing the nationality and age of the applicant and the vessel or vessels on which he has had service and that he is entitled to such certificate under the provisions of this section, the board of local inspectors shall issue to said applicant a certificate of service, which shall be retained by him and be accepted as prima facie evidence of his rating as an able seaman.

Each board of local inspectors shall keep a complete record of all certificates of service issued by them and to whom issued and shall keep on file the affidavits upon which said certificates are issued.

The collector of customs may, upon his own motion, and shall, upon the sworn information of any reputable citizen of the United States setting forth that this section is not being complied with, cause a muster of the crew of any vessel to be made to determine the fact; and no clearance shall be given to any vessel failing to comply with the provisions of this section: *Provided*, That the collector of customs shall not be required to cause such muster of the crew to be made unless said sworn information has been filed with him for at least six hours before the vessel departs, or is scheduled to depart: *Provided further*, That any person that shall knowingly make a false affidavit for such purpose shall be deemed guilty of perjury and upon conviction thereof shall be punished by a fine not exceeding $500 or by imprisonment not exceeding one year, or by both such fine and imprisonment, within the discretion of the court. Any violation of any provision of this section by the owner, master, or officer in charge of the vessel shall subject the owner of such vessel to a penalty of not less than $100 and not more than $500: *And provided further*, That the Secretary of Commerce shall make such rules and regulations as may be necessary to carry out the provisions of this section, and nothing herein shall be held or construed to prevent the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, from making rules and regulations authorized by law as to vessels excluded from the operation of this section.

SEC. 14. That section 4488 of the Revised Statutes is hereby amended by adding thereto the following: "The powers bestowed by this section upon the Board of Supervising Inspectors in respect of lifeboats, floats, rafts, life preservers, and other life-saving appliances and equipment, and the further requirements herein as to davits, embarkation of passengers in lifeboats and rafts, and the manning of lifeboats and rafts, and the musters and drills of the crews, on steamers navigating the ocean, or any lake, bay, or sound of the United States, on and after July 1, 1915, shall be subject to the provisions, limitations, and minimum requirements of the regulations herein set forth,

and all such vessels shall thereafter be required to comply in all respects therewith: *Provided*, That foreign vessels leaving ports of the United States shall comply with the rules herein prescribed as to life-saving appliances, their equipment, and the manning of same."

REGULATIONS.

LIFE-SAVING APPLIANCES.

STANDARD TYPES OF BOATS.

The standard types of boats classified as follows:

Class.	Section.	Type.
I. Entirely rigid sides	A. Open	Internal buoyancy only.
	B. Open	Internal and external buoyancy.
	C. Pontoon	Well deck; fixed water-tight bulwarks.
II. Partially collapsible sides.	A. Open	Upper part of sides collapsible.
	B. Pontoon	Well deck, collapsible water-tight bulwarks.
	C. Pontoon	Flush deck; collapsible water-tight bulwarks.

STRENGTH OF BOATS.

Each boat must be of sufficient strength to enable it to be safely lowered into the water when loaded with its full complement of persons and equipment.

ALTERNATIVE TYPES OF BOATS AND RAFTS.

Any type of boat may be accepted as equivalent to a boat of one of the prescribed classes and any type of raft as equivalent to an approved pontoon raft if the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, is satisfied by suitable trials that it is as effective as the standard types of the class in question, or as the approved type of pontoon raft, as the case may be.

Motor boats may be accepted if they comply with the requirements laid down for boats of the first class, but only to a limited number, which number shall be determined by the Board of Supervising Inspectors, with the approval of the Secretary of Commerce.

No boat may be approved the buoyancy of which depends upon the previous adjustment of one of the principal parts of the hull or which has not a cubic capacity of at least 125 cubic feet.

BOATS OF THE FIRST CLASS.

The standard types of boats of the first class must satisfy the following conditions:

1A.—OPEN BOATS WITH INTERNAL BUOYANCY ONLY.

The buoyancy of a wooden boat of this type shall be provided by water-tight air cases, the total volume of which shall be at least equal to one-tenth of the cubic capacity of the boat.

The buoyancy of a metal boat of this type shall not be less than that required above for a wooden boat of the same cubic capacity, the volume of water-tight air cases being increased accordingly.

1A.—OPEN BOATS WITH INTERNAL AND EXTERNAL BUOYANCY.

The internal buoyancy of a wooden boat of this type shall be provided by water-tight air cases, the total volume of which is at least equal to 7½ per cent of the cubic capacity of the boat.

The external buoyancy may be of cork or of any other equally efficient material, but such buoyancy shall not be secured by the use of rushes, cork shavings, loose granulated cork, or any other loose granulated substance, or by any means dependent upon inflation by air.

If the buoyancy is of cork, its volume, for a wooden boat, shall not be less than 0.033 of the cubic capacity of the boat; if of any material other than cork, its volume and distribution shall be such that the buoyancy and stability of the boat are not less than that of a similar boat provided with buoyancy of cork.

The buoyancy of a metal boat shall be not less than that required above for a wooden boat of the same cubic capacity, the volume of the air cases and external buoyancy being increased accordingly.

1C.—PONTOON BOATS, IN WHICH PERSONS CAN NOT BE ACCOMMODATED BELOW THE DECK, HAVING A WELL DECK AND FIXED WATER-TIGHT BULWARKS.

The area of the well deck of a boat of this type shall be at least 30 per cent of the total deck area. The height of the well deck above the water line at all points shall be at least equal to one-half per cent of the length of the boat, this height being increased to 1½ per cent of the length of the boat at the ends of the well.

The freeboard of a boat of this type shall be such as to provide for a reserve buoyancy of at least 35 per cent.

BOATS OF THE SECOND CLASS.

The standard types of boats of the second class must satisfy the following conditions:

2A.—OPEN BOATS HAVING THE UPPER PART OF THE SIDES COLLAPSIBLE.

A boat of this type shall be fitted both with water-tight air cases and with external buoyancy, the volume of which, for each person which the boat is able to accommodate, shall be at least equal to the following amounts: Air cases, 1.5 cubic feet; external buoyancy (if of cork), 0.2 cubic foot.

The minimum freeboard of boats of this type is fixed in relation to their length; it is measured vertically to the top of the solid hull at the side amidships, from the water level when the boat is loaded.

The freeboard in fresh water shall not be less than the following amounts:

Length of the boat.	Minimum freeboard.
Feet.	*Inches.*
26	8
28	9
30	10

The freeboard of boats of intermediate lengths is to be found by interpolation.

2B.—PONTOON BOATS HAVING A WELL DECK AND COLLAPSIBLE BULWARKS.

All the conditions laid down for boats of type 1C are to be applied to boats of this type, which differ from those of type 1C only in regard to the bulwarks.

2C.—PONTOON BOATS, IN WHICH THE PERSONS CAN NOT BE ACCOMMODATED BELOW DECK, HAVING A FLUSH DECK AND COLLAPSIBLE BULWARKS.

The minimum freeboard of boats of this type is independent of their lengths and depends only upon their depth. The depth of the boat is to be measured vertically from the underside of the garboard strake to the top of the deck on the side amidships, and the freeboard is to be measured from the top of the deck at the side amidships to the water level when the boat is loaded.

The freeboard in fresh water shall not be less than the following amounts, which are applicable without correction to boats having a mean sheer equal to 3 per cent of their length:

Depth of boat.	Minimum freeboard.
Inches.	*Inches.*
12	2¾
18	3¾
20	5¼
30	6½

For intermediate depths the freeboard is obtained by interpolation.

If the sheer is less than the standard sheer defined above, the minimum freeboard is obtained by adding to the figures in the table one-seventh of the difference between the standard sheer and the actual mean sheer measured at the stem and sternpost. No deduction is to be made from the freeboard on account of the sheer being greater than the standard sheer or on account of the camber of the deck.

MOTOR BOATS.

When motor boats are accepted, the volume of internal buoyancy and, when fitted, the external buoyancy, must be fixed, having regard to the difference between the weight of the motor and its accessories and the weight of the additional persons which the boat could accommodate if the motor and its accessories were removed.

ARRANGEMENTS FOR CLEARING PONTOON LIFEBOATS OF WATER.

All pontoon lifeboats shall be fitted with efficient means for quickly clearing the deck of water. The orifices for this purpose shall be such that the water can not enter the boat through them when they are intermittently submerged. The number and size of the orifices shall be determined for each type of boat by a special test.

For the purpose of this test the pontoon boat shall be loaded with a weight of iron or bags of sand, equal to that of its complement of persons and equipment.

In the case of a boat 28 feet in length 2 tons of water shall be cleared from the boat in a time not exceeding the following: Type 1C, 60 seconds; type 2B, 60 seconds; type 2C, 20 seconds.

In the case of a boat having a length greater or less than 28 feet the weight of water to be cleared in the same time shall be, for each type, directly proportional to the length of the boat.

CONSTRUCTION OF BOATS.

Open lifeboats of the first class (types 1A and 1B) must have a mean sheer at least equal to 4 per cent of their length.

The air cases of open boats of the first class shall be placed along the sides of the boat; they may also be placed at the ends of the boat, but not in the bottom of the boat.

Pontoon lifeboats may be built of wood or metal. If constructed of wood, they shall have the bottom and deck made of two thicknesses with textile material between; if of metal, they shall be divided into water-tight compartments with means of access to each compartment.

All boats shall be fitted for the use of a steering oar.

PONTOON RAFTS.

No type of pontoon raft may be approved unless it satisfies the following conditions:

First. It should be reversible and fitted with bulwarks of wood, canvas, or other suitable material on both sides. These bulwarks may be collapsible.

Second. It should be of such size, strength, and weight that it can be handled without mechanical appliances, and, if necessary, be thrown from the vessel's deck.

Third. It should have not less than 3 cubic feet of air cases or equivalent buoyancy for each person whom it can accommodate.

Fourth. It should have a deck area of not less than 4 square feet for each person whom it can accommodate and the platform should not be less than 6 inches above the water level when the raft is loaded.

Fifth. The air cases or equivalent buoyancy should be placed as near as possible to the sides of the raft.

CAPACITY OF BOATS AND PONTOON RAFTS.

First. The number of persons which a boat of one of the standard types or a pontoon raft can accommodate is equal to the greatest whole number obtained by dividing the capacity in cubic feet, or the surface in square feet, of the boat or of the raft by the standard unit of capacity, or unit of surface (according to circumstances), defined below for each type.

Second. The cubic capacity in feet of a boat in which the number of persons is determined by the surface shall be assumed to be 10 times the number of persons which it is authorized to carry.

Third. The standard units of capacity and surface are as follows:

Units of capacity, open boats, type 1A, 10 cubic feet; open boats, type 1B, 9 cubic feet.

Unit of surface, open boats, type 2A, 3½ square feet; pontoon boats, type 2C, 3½ square feet; pontoon boats, type 1C, 3¼ square feet; pontoon boats, type 2B, 3¼ square feet.

Fourth. The Board of Supervising Inspectors, with the approval of the Secretary of Commerce, may accept, in place of 3¼, a smaller divisor, if it is satisfied after trial that the number of persons for whom there is seating accommodation in the pontoon boat in question is greater than the number obtained by applying the above divisor, provided always that the divisor adopted in place of 3¼ may never be less than 3.

CAPACITY LIMITS.

Pontoon boats and pontoon rafts shall never be marked with a number of persons greater than that obtained in the manner specified in this section.

This number shall be reduced—

First. When it is greater than the number of persons for which there is proper seating accommodation, the latter number being determined in such a way that the persons when seated do not interfere in any way with the use of the oars.

Second. When in the case of boats other than those of the first two sections of the first class, the freeboard, when the boat is fully loaded, is less than the freeboard laid down for each type, respectively. In such circumstances the number shall be reduced until the freeboard, when the boat is fully loaded, is at least equal to the standard freeboard laid down above.

In boats of types 1C and 2B the raised part of the deck at the sides may be regarded as affording seating accommodation.

EQUIVALENTS FOR AND WEIGHT OF THE PERSONS.

In test for determining the number of persons which a boat or pontoon raft can accommodate each person shall be assumed to be an adult person wearing a life jacket.

In verifications of freeboard the pontoon boats shall be loaded with a weight of at least 165 pounds for each adult person that the pontoon boat is authorized to carry.

In all cases two children under 12 years of age shall be reckoned as one person.

CUBIC CAPACITY OF OPEN BOATS OF THE FIRST CLASS.

First. The cubic capacity of an open boat of type 1A or 1B shall be determined by Stirling's (Simpson's) rule or by any other method, approved by the Board of Supervising Inspectors, giving the same degree of accuracy. The capacity of a square-sterned boat shall be calculated as if the boat had a pointed stern.

Second. For example, the capacity in cubic feet of a boat, calculated by the aid of Stirling's rule, may be considered as given by the following formula:

$$\text{Capacity}=\frac{l}{12}(4A+2B+4C),$$

l being the length of the boat in meters (or feet) from the inside of the planking or plating at the stem to the corresponding point at the stern post; in the case of a boat with a square stern, the length is measured to the inside of the transom.

A, B, C denote, respectively, the areas of the cross sections at the quarter length forward, amidships, and the quarter length aft, which correspond to the three points obtained by dividing l into four equal parts. (The areas corresponding to the two ends of the boat are considered negligible.)

The areas A, B, C shall be deemed to be given in square feet by the successive application of the following formula to each of the three cross sections:

$$\text{Area}=\frac{h}{12}(a+4b+2c+4d+e).$$

h being the depth measured in meters (or in feet) inside the planking or plating from the keel to the level of the gunwale, or, in certain cases, to a lower level, as determined hereafter.

a, b, c, d, e denote the horizontal breadths of the boat measured in feet at the upper and lower points of the depth and at the three points obtained by dividing h into four equal parts (a and e being the breadths at the extreme points, and c at the middle point, of h).

Third. If the sheer of the gunwale, measured at the two points situated at a quarter of the length of the boat from the ends, exceeds 1 per cent of the length of the boat, the depth employed in calculating the area of the cross sections A or C shall be deemed to be the depth amidships plus 1 per cent of the length of the boat.

Fourth. If the depth of the boat amidships exceeds 45 per cent of the breadth, the depth employed in calculating the area of the midship cross section B shall be deemed to be equal to 45 per cent of the breadth; and the depth employed in calculating the areas of the quarter-length sections A and C is obtained by increasing this last figure by an amount equal to 1 per cent of the length of the boat, provided that in no case shall the depths employed in the calculation exceed the actual depths at these points.

Fifth. If the depth of the boat is greater than 4 feet, the number of persons given by the application of this rule shall be reduced in proportion to the ratio of 4 feet to the actual depth, until the boat has been satisfactorily tested afloat with that number of persons on board all wearing life jackets.

Sixth. The Board of Supervising Inspectors shall impose, by suitable formulæ, a limit for the number of persons allowed in boats with very fine ends and in boats very full in form.

Seventh. The Board of Supervising Inspectors may by regulation assign to a boat a capacity equal to the product of the length, the breadth, and the depth multiplied by six-tenths if it is evident that this formula does not give a greater capacity than that obtained by the above method. The dimensions shall then be measured in the following manner:

Length. From the intersection of the outside of the planking with the stem to the corresponding point at the sternpost or, in the case of a square-sterned boat, to the afterside of the transom.

Breadth. From the outside of the planking at the point where the breadth of the boat is greatest.

Depth. Amidships inside the planking from the keel to the level of the gunwale, but the depth used in calculating the cubic

capacity may not in any case exceed 45 per centum of the breadth.

In all cases the vessel owner has the right to require that the cubic capacity of the boat shall be determined by exact measurement.

Eighth. The cubic capacity of a motor boat is obtained from the gross capacity by deducting a volume equal to that occupied by the motor and its accessories.

DECK AREA OF PONTOON BOATS AND OPEN BOATS OF THE SECOND CLASS.

First. The area of the deck of a pontoon boat of type 1C, 2B, or 2C shall be determined by the method indicated below or by any other method giving the same degree of accuracy. The same rule is to be applied in determining the area within the fixed bulwarks of a boat of type 2A.

Second. For example, the surface in square feet of a boat may be deemed to be given by the following formula:

$$\text{Area}=\frac{l}{12}(2a+1.5b+1c+1.5d+2e),$$

l being the length in feet from the intersection of the outside of the planking with the stem to the corresponding point at the sternpost.

a, b, c, d, e denote the horizontal breadths in feet outside the planking at the points obtained by dividing l into four equal parts and subdividing the foremost and aftermost parts into two equal parts (a and e being the breadths at the extreme subdivisions, c at the middle point of the length, and b and d at the intermediate points).

MARKING OF BOATS AND PONTOON RAFTS.

The dimensions of the boat and the number of persons which it is authorized to carry shall be marked on it in clear, permanent characters, according to regulations by the Board of Supervising Inspectors approved by the Secretary of Commerce. These marks shall be specifically approved by the officers appointed to inspect the ship.

Pontoon rafts shall be marked with the number of persons in the same manner.

EQUIPMENT OF BOATS AND PONTOON RAFTS.

First. The normal equipment of every boat shall consist of—

(a) A single-blanked complement of oars and two spare oars; one set and a half of thole pins or crutches; a boat hook.

(b) Two plugs for each plug hole (plugs are not required when proper automatic valves are fitted); a bailer and a galvanized-iron bucket.

(c) A tiller or yoke and yoke lines.

(d) Two hatchets.

(e) A lamp filled with oil and trimmed.

(f) A mast or masts with one good sail at least, and proper gear for each. (This does not apply to motor lifeboats or lifeboats on the Great Lakes or other inland waters.)

(g) A suitable compass.

Pontoon lifeboats will have no plug hole, but shall be provided with at least two bilge pumps.

In the case of a steamer which carries passengers in the North Atlantic, all the boats need not be equipped with masts, sails, and compasses, if the ship is provided with a radiotelegraph installation.

Second. The normal equipment of every approved pontoon raft shall consist of—

(a) Four oars.

(b) Five rowlocks.

(c) A self-igniting life-buoy light.

Third. In addition, every boat and every pontoon raft shall be equipped with—

(a) A life line becketed around the outside.

(b) A sea anchor.

(c) A painter.

(d) A vessel containing 1 gallon of vegetable or animal oil. The vessel shall be so constructed that the oil can be easily distributed on the water and so arranged that it can be attached to the sea anchor.

(e) A water-tight receptacle containing 2 pounds avoirdupois of provisions for each person, except on vessels navigating fresh water.

(f) A water-tight receptacle containing 1 quart for each person, except on vessels navigating fresh water.

(g) A number of self-igniting "red lights" and a water-tight box of matches.

Fourth. All loose equipment must be securely attached to the boat or pontoon raft to which it belongs.

STOWAGE OF BOATS—NUMBER OF DAVITS.

The minimum number of sets of davits is fixed in relation to the length of the vessel; provided that a number of sets of davits greater than the number of boats necessary for the accommodation of all the persons on board may not be required.

HANDLING OF THE BOATS AND RAFTS.

All the boats and rafts must be stowed in such a way that they can be launched in the shortest possible time and that, even under unfavorable conditions of list and trim from the point of view of the handling of the boats and rafts, it may be possible to embark in them as large a number of persons as possible.

The arrangements must be such that it may be possible to launch on either side of the vessel as large a number of boats and rafts as possible.

STRENGTH AND OPERATION OF THE DAVITS.

The davits shall be of such strength that the boats can be lowered with their full complement of persons and equipment, the vessel being assumed to have a list of 15°.

The davits must be fitted with a gear of sufficient power to insure that the boat can be turned out against the maximum list under which the lowering of the boats is possible on the vessel in question.

OTHER APPLIANCES EQUIVALENT TO DAVITS.

Any appliance may be accepted in lieu of davits or sets of davits if the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, is satisfied after proper trials that the appliance in question is as effective as davits for placing the boats in the water.

DAVITS.

Each set of davits shall have a boat of the first class attached to it, provided that the number of open boats of the first class attached to davits shall not be less than the minimum number fixed by the table which follows.

If it is neither practicable nor reasonable to place on a vessel the minimum number of sets of davits required by the rules, the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, may authorize a smaller number of sets of davits to be fitted, provided always that this number shall never be less than the minimum number of open boats of the first class required by the rules.

If a large proportion of the persons on board are accommodated in boats whose length is greater than 50 feet, a further reduction in the number of sets of davits may be allowed exceptionally, if the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, is satisfied that the arrangements are in all respects satisfactory.

In all cases in which a reduction in the minimum number of sets of davits or other equivalent appliances required by the rules is allowed, the owner of the vessel in question shall be required to prove, by a test made in the presence of an officer designated by the Supervising Inspector General, that all the boats can be efficiently launched in a minimum time.

The conditions of this test shall be as follows:

First. The vessel is to be upright and in smooth water.

Second. The time is the time required from the beginning of the removal of the boat covers, or any other operation necessary to prepare the boats for lowering, until the last boat or pontoon raft is afloat.

Third. The number of men employed in the whole operation must not exceed the total number of boat hands that will be carried on the vessel under normal service conditions.

Fourth. Each boat when being lowered must have on board at least two men and its full equipment as required by the rules.

The time allowed for putting all the boats into the water shall be fixed by the Board of Supervising Inspectors, with the approval of the Secretary of Commerce.

MINIMUM NUMBER OF DAVITS AND OF OPEN BOATS OF THE FIRST CLASS—MINIMUM BOAT CAPACITY.

The following table fixes, according to the length of the vessel—

(A) The minimum number of sets of davits to be provided, to each of which must be attached a boat of the first class in accordance with this section.

(B) The minimum total number of open boats of the first class, which must be attached to davits, in accordance with this section.

(C) The minimum boat capacity required, including the boats attached to davits and the additional boats, in accordance with this section.

Registered length of the ship (feet).	(A) Minimum number of sets of davits.	(B Minimum number of open boats of the first class.	(C) Minimum capacity of lifeboats.
			Cubic feet.
100 and less than 120	2	2	980
120 and less than 140	2	2	1,220
140 and less than 160	2	2	1,550
160 and less than 175	3	3	1,880
175 and less than 190	3	3	2,390
190 and less than 205	4	4	2,740
205 and less than 220	4	4	3,330
220 and less than 230	5	4	3,900
230 and less than 245	5	4	4,560
245 and less than 255	6	5	5,100
255 and less than 270	6	5	5,640
270 and less than 285	7	5	6,190
285 and less than 300	7	5	6,930
300 and less than 315	8	6	7,550
315 and less than 330	8	6	8,290
330 and less than 350	9	7	9,000
350 and less than 370	9	7	9,630
370 and less than 390	10	7	10,650
390 and less than 410	10	7	11,700
410 and less than 435	12	9	13,060
435 and less than 460	12	9	14,430
460 and less than 490	14	10	15,920
490 and less than 520	14	10	17,310
520 and less than 550	16	12	18,720
550 and less than 580	16	12	20,350
580 and less than 610	18	13	21,900
610 and less than 640	18	13	23,700
640 and less than 670	20	14	25,350
670 and less than 700	20	14	27,050
700 and less than 730	22	15	28,560
730 and less than 760	22	15	30,180
760 and less than 790	24	17	32,100
790 and less than 820	24	17	34,350
820 and less than 855	26	18	36,450
855 and less than 890	26	18	38,750
890 and less than 925	28	19	41,000
925 and less than 960	28	19	43,880
960 and less than 995	30	20	46,350
995 and less than 1,030	30	20	48,750

When the length of the vessel exceeds 1,030 feet, the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, shall determine the minimum number of sets of davits and of open boats of the first class for that vessel.

EMBARKATION OF THE PASSENGERS IN THE LIFEBOATS AND RAFTS.

Suitable arrangements shall be made for embarking the passengers in the boats, in accord with regulations by the Board of Supervising Inspectors, with the approval of the Secretary of Commerce.

In vessels which carry rafts there shall be a number of rope or wooden ladders always available for use in embarking the persons onto the rafts.

The number and arrangement of the boats, and (where they are allowed) of the pontoon rafts, on a vessel depends upon the total number of persons which the vessel is intended to carry: *Provided*, That there shall not be required on any voyage a total capacity in boats, and (where they are allowed) pontoon rafts, greater than that necessary to accommodate all the persons on board.

At no moment of its voyage shall any passenger steam vessel of the United States on ocean routes more than 20 nautical miles offshore have on board a total number of persons greater than that for whom accommodation is provided in the lifeboats and pontoon life rafts on board.

If the lifeboats attached to davits do not provide sufficient accommodation for all persons on board, additional lifeboats of one of the standard types shall be provided. This addition shall bring the total capacity of the boats on the vessel at least up to the greater of the two following amounts:

(a) The minimum capacity required by these regulations.

(b) A capacity sufficient to accommodate 75 per cent of the persons on board.

The remainder of the accommodation required shall be provided, under regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce, either in boats of class 1 or class 2, or in pontoon rafts of an approved type.

At no moment of its voyage shall any passenger steam vessel of the United States on ocean routes less than 20 nautical miles offshore have on board a total number of persons greater than that for whom accommodation is provided in the lifeboats and pontoon rafts on board. The accommodation provided in lifeboats shall in every case be sufficient to accommodate at least 75 per cent of the persons on board. The number and type of such lifeboats and life rafts shall be determined by regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce: *Provided*, That during the interval from May 15 to September 15, inclusive, any passenger steam vessel of the United States, on ocean routes less than 20 nautical miles offshore, shall be required to carry accommodation for not less than 70 per cent of the total number of persons on board in lifeboats and pontoon life rafts, of which accommodation not less than 50 per cent shall be in lifeboats and 50 per cent may be in collapsible boats or rafts, under regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce.

At no moment of its voyage may any ocean-cargo steam vessel of the United States have on board a total number of persons greater than that for whom accommodation is provided in the lifeboats on board. The number and types of such boats shall be determined by regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce.

At no moment of its voyage may any passenger steam vessel of the United States on the Great Lakes, on routes more than 3 miles offshore, except over waters whose depth is not sufficient to submerge all the decks of the vessel, have on board a total number of persons, including passengers and crew, greater than that for whom accommodation is provided in the lifeboats and pontoon life rafts on board. The accommodation provided in lifeboats shall in every case be sufficient to accommodate at least 75 per cent of the persons on board. The number and types of such lifeboats and lift rafts shall be determined by regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce: *Provided*, That during the interval from May 15 to September 15, inclusive, any such steamer shall be required to carry accommodation for not less than 50 per cent of persons on board in lifeboats and pontoon life rafts, of which accommodation not less than two-fifths shall be in lifeboats and three-fifths may be in collapsible boats or rafts, under regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce: *Provided further*, That all passenger steam vessels of the United States, the keels of which are laid after the 1st of July, 1915, for service on ocean routes, from September 15 to May 15 on the Great Lakes or for service on routes more than 3 miles offshore, shall be built to carry, and shall carry, enough lifeboats and life rafts to accommodate all persons on board, including passengers and crew: *And provided further*, That not more than 25 per cent of such equipment may be in pontoon life rafts or collapsible lifeboats.

At no moment of its voyage may any cargo steam vessel of the United States on the Great Lakes have on board a total number of persons greater than that for whom accommodation is provided in the lifeboats on board. The number and types of such boats shall be determined by regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce.

The number, types, and capacity of lifeboats and life rafts, together with the proportion of such accommodation to the number of persons on board which shall be carried on steam vessels on the Great Lakes, on routes 3 miles or less offshore or over waters whose depth is not sufficient to submerge all the decks of the vessel, and on all other lakes, and on rivers, bays, and sounds, shall be determined by regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce.

All regulations by the Board of Supervising Inspectors, approved by the Secretary of Commerce, authorized by this act, shall be transmitted to Congress as soon as practicable after they are made.

The Secretary of Commerce is authorized in specific cases to exempt existing vessels from the requirements of this section that the davits shall be of such strength and shall be fitted with a gear of sufficient power to insure that the boats can be lowered with their full complement of persons and equipment, the vessel being assumed to have a list of 15°, where their strict application would not be practicable or reasonable.

CERTIFICATED LIFEBOAT MEN—MANNING OF THE BOATS.

There shall be for each boat or raft a number of lifeboat men at least equal to that specified as follows: If the boat or raft carries 25 persons or less, the minimum number of certificated lifeboat men shall be 1; if the boat or raft carries 26 persons and less than 41 persons the minimum number of certificated lifeboat men shall be 2; if the boat or raft carries 41 persons and less than 61 persons the minimum number of certificated lifeboat men shall be 3; if the boat or raft carries from 61 to 85 persons, the minimum number of certificated lifeboat men shall be four; if the boat or raft carries from 86 to 110 persons, the minimum number of certificated lifeboat men shall be 5; if the boat or raft carries from 111 to 160 persons, the minimum number of certificated lifeboat men shall be 6; if the boat or raft carries from 161 to 210 persons, the minimum number of certified lifeboat men shall be 7; and, thereafter, 1 ad-

ditional certificated lifeboat man for each additional 50 persons: *Provided*, That if the raft carries 15 persons or less a licensed officer or able seaman need not be placed in charge of such raft: *Provided further*, That one-half the number of rafts carried shall have a capacity of exceeding 15 persons.

The allocation of the certificated lifeboat men to each boat and raft remains within the discretion of the master, according to the circumstances.

By "certificated lifeboat man" is meant any member of the crew who holds a certificate of efficiency issued under the authority of the Secretary of Commerce, who is hereby directed to provide for the issue of such certificates.

In order to obtain the special lifeboat man's certificate the applicant must prove to the satisfaction of an officer designated by the Secretary of Commerce that he has been trained in all the operations connected with launching lifeboats and the use of oars; that he is acquainted with the practical handling of the boats themselves; and, further, that he is capable of understanding and answering the orders relative to lifeboat service.

Section 4463 of the Revised Statutes, as amended, is hereby amended by adding the words "including certificated lifeboat men, separately stated," to the word "crew" wherever it occurs.

MANNING OF BOATS.

A licensed officer or able seaman shall be placed in charge of each boat or pontoon raft; he shall have a list of its lifeboat men and other members of its crew, which shall be sufficient for her safe management, and shall see that the men placed under his orders are acquainted with their several duties and stations.

A man capable of working the motor shall be assigned to each motor boat.

The duty of seeing that the boats, pontoon rafts, and other life-saving appliances are at all times ready for use shall be assigned to one or more officers.

MUSTER ROLL AND DRILLS.

Special duties for the event of an emergency shall be allotted to each member of the crew.

The muster list shows all these special duties, and indicates, in particular, the station to which each man must go, and the duties that he has to perform.

Before the vessel sails the muster list shall be drawn up and exhibited, and the proper authority, to be designated by the Secretary of Commerce, shall be satisfied that the muster list has been prepared for the vessel. It shall be posted in several parts of the vessel, and in particular in the crew's quarters.

MUSTER LIST.

The muster list shall assign duties to the different members of the crew in connection with—

(a) The closing of the water-tight doors, valves, etc.

(b) The equipment of the boats and rafts generally.

(c) The launching of the boats attached to davits.

(d) The general preparation of the other boats and the pontoon rafts.

(e) The muster of the passengers.

(f) The extinction of fire.

The muster list shall assign to the members of the stewards' department their several duties in relation to the passengers at a time of emergency. These duties shall include—

(a) Warning the passengers.

(b) Seeing that they are dressed and have put on their life jackets in a proper manner.

(c) Assembling the passengers.

(d) Keeping order in the passages and on the stairways, and, generally, controlling the movements of the passengers.

The muster list shall specify definite alarm signals for calling all the crew to the boat and fire stations, and shall give full particulars of these signals.

MUSTERS AND DRILLS.

Musters of the crews at their boat and fire stations, followed by boat and fire drills, respectively, shall be held at least once a week, either in port or at sea. An entry shall be made in the official log book of these drills, or of the reasons why they could not be held.

Different groups of boats shall be used in turn at successive boat drills. The drills and inspections shall be so arranged that the crew thoroughly understand and are practiced in the duties they have to perform, and that all the boats and pontoon rafts on the ship with the gear appertaining to them are always ready for immediate use.

LIFE JACKETS AND LIFE BUOYS.

A life jacket of an approved type, or other appliance of equal buoyancy and capable of being fitted on the body, shall be carried for every person on board, and, in addition, a sufficient number of life jackets, or other equivalent appliances, suitable for children.

First. A life jacket shall satisfy the following conditions:

(a) It shall be of approved material and construction.

(b) It shall be capable of supporting in fresh water for 24 hours 15 pounds avoirdupois of iron.

Life jackets the buoyancy of which depends on air compartments are prohibited.

Second. A life buoy shall satisfy the following conditions:

(a) It shall be of solid cork or any other equivalent material.

(b) It shall be capable of supporting in fresh water for 24 hours at least 31 pounds avoirdupois of iron.

Life buoys filled with rushes, cork shavings, or granulated cork, or any other loose granulated material, or whose buoyancy depends upon air compartments which require to be inflated, are prohibited.

Third. The minimum number of life buoys with which vessels are to be provided is fixed as follows:

Length of the vessel under 400 feet, minimum number of buoys, 12; length of the vessel, 400 and under 600 feet, minimum number of buoys, 18; length of the vessel, 600 and under 800 feet, minimum number of buoys, 24; length of the vessel, 800 feet and over, minimum number of buoys, 30.

Fourth. All the buoys shall be fitted with beckets securely seized. At least one buoy on each side shall be fitted with a life line of at least 15 fathoms in length. The number of luminous buoys shall not be less than one-half of the total number of life buoys, and in no case less than 6. The lights shall be efficient self-igniting lights which can not be extinguished in water, and they shall be kept near the buoys to which they belong, with the necessary means of attachment.

Fifth. All the life buoys and life jackets shall be so placed as to be readily accessible to the persons on board; their position shall be plainly indicated so as to be known to the persons concerned.

The life buoys shall always be capable of being rapidly cast loose, and shall not be permanently secured in any way. The owner of any vessel who neglects or refuses to provide and equip his vessel with such lifeboats, floats, rafts, life preservers, line-carrying projectiles, and the means of propelling them, drags, pumps, or other appliances, as are required under the provisions of this section, or under the regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce, authorized by and made pursuant hereto, shall be fined not less than $500, nor more than $5,000, and every master of a vessel who shall fail to comply with the requirements of this section, and the regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce, authorized by and made pursuant hereto, shall, upon conviction, be fined not less than $50, nor more than $500. Section 4489 of the Revised Statutes is hereby repealed.

SEC. 15. That the owner, agent, or master of every barge which while in tow through the open sea has sustained or caused any accident, shall be subject in all respects to the provisions of sections 10, 11, 12, and 13 of chapter 344 of the Statutes at Large, approved June 20, 1874, and the reports therein prescribed shall be transmitted by collectors of customs to the Secretary of Commerce, who shall transmit annually to Congress a summary of such reports during the previous fiscal year, together with a brief statement of the action of the department in respect to such accidents.

SEC. 16. That in the judgment of Congress articles in treaties and conventions of the United States, in so far as they provide for the arrest and imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of the United States in foreign countries, and for the arrest and imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of foreign nations in the United States and the Territories and possessions thereof, and for the cooperation, aid, and protection of competent legal authorities in effecting such arrest or imprisonment and any other treaty provision in conflict with the provisions of this act, ought to be terminated, and to this end the President be, and he is hereby, requested and directed, within 90 days after the passage of this act, to give notice to the several Governments, respectively, that so much as hereinbefore described of all such treaties and conventions between the United States and foreign Governments will terminate on the expiration of such periods after notices have been given as may be required in such treaties and conventions.

SEC. 17. That upon the expiration after notice of the periods required, respectively, by said treaties and conventions and of one year in the case of the independent State of the Kongo, so much as hereinbefore described in each and every one of said articles shall be deemed and held to have expired and to be of

no force and effect, and thereupon section 5280 and so much of section 4081 of the Revised Statutes as relates to the arrest or imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of foreign nations in the United States and Territories and possessions thereof, and for the cooperation, aid, and protection of competent legal authorities in effecting such arrest or imprisonment, shall be, and is hereby, repealed.

SEC. 18. That this act shall take effect, as to all vessels of the United States, 8 months after its passage, and as to foreign vessels 12 months after its passage, except that such parts hereof as are in conflict with articles of any treaty or convention with any foreign nation shall take effect as regards the vessels of such foreign nation on the expiration of the period fixed in the notice of abrogation of the said articles as provided in section 16 of this act.

SEC. 19. That section 16 of the act approved December 21, 1898, entitled "An act to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce," be amended by adding at the end of the section the following:

"*Provided*, That at the discretion of the Secretary of Commerce, and under such regulations as he may prescribe, if any seaman incapacitated from service by injury or illness is on board a vessel so situated that a prompt discharge requiring the personal appearance of the master of the vessel before an American consul or consular agent is impracticable, such seaman may be sent to a consul or consular agent, who shall care for him and defray the cost of his maintenance and transportation, as provided in this paragraph."

SEC. 20. That in any suit to recover damages for any injury sustained on board vessel or in its service seamen having command shall not be held to be fellow servants with those under their authority.

And the House agree to the same.

DUNCAN U. FLETCHER,
GEO. E. CHAMBERLAIN,
JAS. K. VARDAMAN,
KNUTE NELSON,
WILLIAM ALDEN SMITH,
Managers on the part of the Senate.
JOSHUA W. ALEXANDER,
RUFUS HARDY,
M. E. BURKE,
WILLIAM S. GREENE,
C. F. CURRY,
Managers on the part of the House.

PRESIDENTIAL APPROVAL.

A message from the President of the United States by Mr. Latta, executive clerk, announced that the President had on this day approved and signed the following act:

S. 5629. An act for the relief of certain persons who made entry under the provisions of section 6, act of May 29, 1908.

AGRICULTURAL APPROPRIATIONS.

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20415) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1916.

The VICE PRESIDENT. The pending question is on the appeal taken by the Senator from Connecticut [Mr. BRANDEGEE] from the ruling of the Chair on the last clause of the amendment to the bill, on page 66. The question is, Shall the ruling of the Chair stand as the judgment of the Senate?

Mr. BRANDEGEE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	Myers	Smith, Mich.
Bankhead	Gronna	Nelson	Smoot
Brady	Hardwick	Newlands	Sterling
Brandegee	Hollis	Norris	Stone
Bryan	James	O'Gorman	Swanson
Burleigh	Johnson	Page	Thomas
Burton	Jones	Perkins	Tillman
Catron	Kern	Pittman	Townsend
Chamberlain	La Follette	Pomerene	Vardaman
Clark, Wyo.	Lippitt	Robinson	Walsh
Culberson	Lodge	Shafroth	Warren
Dillingham	McCumber	Sheppard	Weeks
du Pont	McLean	Shields	White
Fletcher	Martin, Va.	Simmons	Works
Gallinger	Martine, N. J.	Smith, Ga.	

Mr. BRADY. I desire to announce that my colleague [Mr. BORAH] is detained from the Senate to-day on account of illness.

Mr. SMOOT. I desire to announce the unavoidable absence of the junior Senator from Iowa [Mr. KENYON] on account of illness; and I also desire to announce the unavoidable absence of my colleague [Mr. SUTHERLAND] for the same reason.

Mr. KERN. I desire to announce the unavoidable absence of the senior Senator from Tennessee [Mr. LEA] on account of serious illness in his family. This announcement may stand for the day.

I also desire to announce the unavoidable absence of the senior Senator from Mississippi [Mr. WILLIAMS] on account of illness. He is paired with the junior Senator from Illinois [Mr. SHERMAN]. This announcement also may stand for the day.

The VICE PRESIDENT. Fifty-nine Senators have answered to the roll call. There is a quorum present. The pending question is on the appeal of the Senator from Connecticut from the decision of the Chair on the point of order that the last clause of the amendment on page 66 is general legislation, the Chair having decided that it was not.

Mr. BRANDEGEE and Mr. GORE addressed the Chair.

The VICE PRESIDENT. The Senator from Connecticut.

Mr. BRANDEGEE. Mr. President, I want to say in advance that when I took the appeal from the ruling of the Chair last evening I was in no sense hostile to the provision of the bill upon which the ruling had been made. Personally I care nothing whatever whether 8,000 copies of this report are printed or not. It is simply a question of principle with me; and, inasmuch as the Chair had ruled that it was not legislation I did not like that to stand as a precedent, because it would justify what I think is clearly legislation upon an appropriation bill, which is obnoxious to the rule.

I will be very brief. We are all familiar with the rule, which provides that—

No amendment which proposes general legislation shall be received to any general appropriation bill.

This is a general appropriation bill and nothing else. It is supposed to appropriate the moneys for the Agricultural Department and to provide how the moneys shall be used.

This amendment, on page 66, from line 1 to line 20, inclusive, was divided into two parts at the request of a Senator, and the Chair announced that the first part of the amendment, from line 1 down to and after the word "Agriculture," in line 16, in his opinion, was clearly general legislation and would be subject to a point of order; but that after the word "Agriculture," in line 16 and down to the end of line 20, the provision was not legislation. It seems to me there can not possibly be any distinction between those two parts. The first part of the amendment commences:

That hereafter there be prepared by the Department—

That looks to the contemplation of a law which shall stand forever hereafter until repealed, while the whole force and effect of the appropriation bill expires with the fiscal year ending June 30, 1915. If that be correct, it is equally correct that, on line 16, it starts right off and says:

And that there be printed annually 8,000 copies of said report—

The word "annually," applied to the future, is equally continuous and operates to make a law which shall be in effect long after the effect of this appropriation bill and the money appropriated under it shall have expired. It seems to me to be a clear case of general legislation to provide that 8,000 copies of a report shall be printed each year hereafter. I thought it was a clear case of general legislation, and so made the point of order; but, as I have said, I have no other interest in it, except that, if the ruling be wrong, it should not stand as a precedent to justify other legislation upon appropriation bills. However, if the Senate think that it is not legislation and that the ruling was correct, of course they may vote to sustain the ruling of the Chair, and personally I do not care which they do.

Mr. SWANSON. Mr. President——

The VICE PRESIDENT. The Senator from Virginia.

Mr. SWANSON. Mr. President, I made the ruling as the occupant of the chair when the question arose. As I understand, this is an appropriation to print a specific report. The only thing that could possibly make the amendment subject to the point of order was the word "annually" in it; but I do not think it is general legislation under that term, as it is usually employed. The appropriation is for a specific item, one specific proposal. The first part of it had been adopted under the rules of the Senate. A new item of appropriation recommended by the direction of a standing committee of the Senate is in order, and my impression was that, if the first part of the provision was adopted, the second part was an item of appropriation.

Mr. BRANDEGEE. Mr. President, just a word——

Mr. FLETCHER. Mr. President——

Mr. BRANDEGEE. Does the Senator desire to debate this appeal?

Mr. FLETCHER. Yes. I want to call the Senator's attention to the fact that Rule XVI, which he invoked, provides:

And no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session, or unless the same be moved by direction of a standing or select committee of the Senate.

Mr. BRANDEGEE. I beg the Senator's pardon; that is not the rule to which I referred. That is one rule, but not the one under which I made my point of order.

Mr. FLETCHER. At any rate, I want to call attention to that rule, and also to point out to the Senator that the existing law provides—

That there be printed 8,000 copies of the report of the Director of the Office of Experiment Stations, prepared under the supervision of the Secretary of Agriculture.

That is the existing law. This provision does not change that law; it does not enact any general legislation; it simply transfers from the report of the Director of the Office of Experiment Stations certain items that have been provided for by the law with reference to the State-relations service. It is the same report for the same service, only under another name; that is all. The other name has been created by a recent act, but it is the identical report provided for in the existing law to which I have just referred—Thirty-third Statutes at Large, 590, passed April 27, 1904. That law provides that 8,000 copies of the report of the Director of the Office of Experiment Stations shall be printed. This item provides for 8,000 copies of the same report for the same service, only a new name is given it under the recent act; that is all. I move to lay on the table the appeal from the decision of the Chair.

Mr. BRANDEGEE. Mr. President, I hope the Senator will withhold the motion, so as to allow me to reply to the point he has just raised.

Mr. FLETCHER. I will if the Senator so desires.

Mr. BRANDEGEE. Mr. President, the point of order is not that this amendment changes existing law. That would be a point of order in the House of Representatives, but is not known under the rules of the Senate. The point of order is that it is general legislation. It is no less legislation on an appropriation bill because we have changed the name of some service. The point of order is made under clause 3, of Rule XVI, which says:

No amendment which proposes general legislation shall be received to any general appropriation bill.

This is clearly general legislation. General legislation does not mean, in my opinion, that it must be anything more than legislation. An appropriation bill is a legislative measure. In order to become a law it has to be signed; and anything that is legislation on an appropriation bill is general legislation and contravenes, in my opinion, the rule.

Mr. FLETCHER. Mr. President, I renew my motion to lay on the table the appeal from the decision of the Chair.

The VICE PRESIDENT. The question is on the motion of the Senator from Florida to lay on the table the appeal from the decision of the Chair. [Putting the question.] The ayes seem to have it—the ayes have it; and the appeal is laid on the table. If there be no further objection, the amendment will be agreed to. The Secretary will state the pending amendment.

The SECRETARY. The pending amendment is the amendment found on page 82, beginning on line 19.

The VICE PRESIDENT. The amendment was read last night. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 83, after line 10, to insert:

The north half of the south half of section 19, township 2 north, range 11 west, Indian meridian, Oklahoma, formerly a part of the Kiowa, Comanche, and Apache Indian Reservation, is hereby set aside for use of the Department of Agriculture for experimental purposes; and the sum of $200 is hereby appropriated to pay the Indians therefor, which sum shall be placed on deposit in the Treasury of the United States to the credit of the fund "Interest on Apache, Kiowa, and Comanche 4 per cent fund (benefits)."

The amendment was agreed to.

The next amendment was, on page 83, line 21, after the word "Agriculture," to strike out "$22,627,716" and insert "$23,193,817," so as to make the clause read:

Total carried by this bill for the Department of Agriculture, $23,193,817.

The amendment was agreed to.

The reading of the bill was concluded.

The VICE PRESIDENT. The Secretary will read the amendments passed over.

The SECRETARY. The first committee amendment in the bill passed over is on page 12, in the item "For all necessary expenses for the eradication of southern cattle ticks," where the committee proposes to strike out "$398,800" and in lieu of that sum to insert "$498,800."

The VICE PRESIDENT. This amendment was passed over on the suggestion of the junior Senator from Massachusetts [Mr. WEEKS].

Mr. SMOOT. Mr. President, this amendment went over on the urgent request of the junior Senator from Massachusetts, who was in the Chamber just a moment ago, and has stepped out. I ask unanimous consent that it may be passed over until his return to the Chamber, which will be very soon.

Mr. GORE. I have no objection to that.

The VICE PRESIDENT. The amendment will be again passed over.

The SECRETARY. The next committee amendment passed over is on page 19, line 25, relative to the investigation and improvement of cereals and methods of cereal production. In the total the committee proposes to strike out "$139,505" and to insert "$142,005."

The VICE PRESIDENT. This amendment was passed over at the suggestion of the Senator from Washington [Mr. JONES].

Mr. JONES. In that case, Mr. President, I offered an amendment of $2,500, intended to cover the experimental station that has been started at Waterville, in the semiarid section of our State.

Mr. FLETCHER. What line is that?

Mr. JONES. Line 25, page 19. I see that the committee has increased the amount by just the amount of my amendment. I wanted to understand, if I could, whether it was intended to cover the feature of my amendment by that increase.

Mr. GORE. Mr. President, I will state that the amount of the increase reported by the committee corresponds to the amount involved in the amendment of the Senator from Washington, and as the amount corresponds, I assume it was for the reason which he indicates. I can not answer with absolute certainty, because there are so many of these amendments; but that is my impression, and the department has expressed an interest in the work proposed to be conducted under this item.

Mr. JONES. That is satisfactory.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The SECRETARY. The next amendment of the committee passed over is on page 23, at the instance of the Senator from Utah [Mr. SMOOT], for the purchase and distribution of valuable seeds. The Senate committee proposes to strike out all that item on page 23, beginning with line 2, down to and including line 15 on page 25.

Mr. MARTINE of New Jersey. Mr. President, I trust that that amendment may not prevail. I believe the distribution of seeds and plants by the department has been of great service and of great value to this country, and I should look upon it as being a calamity if that habit should cease. I know it would meet with disapprobation by 90 per cent, I believe, of the people of this country.

Mr. GALLINGER. Mr. President, may I ask the Senator a question?

Mr. MARTINE of New Jersey. Yes.

Mr. GALLINGER. I have heretofore contended that this seed distribution was of value to the country. The appropriation is not very large; and while it has been the habit in certain quarters to sneer at it and belittle it, yet, according to my observation, it has been a very desirable thing.

Mr. MARTINE of New Jersey. Very.

Mr. GALLINGER. I want to ask the Senator from New Jersey whether he is having the experience that I am now having in this matter, of getting a great many letters from schools asking that a considerable quantity of seeds be sent to the school to be distributed among the children, in order that they may be encouraged to plant the garden and to cultivate the soil, and in that way become interested in this matter. I ask the Senator whether he is in receipt of letters of that sort?

Mr. MARTINE of New Jersey. I will respond that my experience in that direction has been very like that of the Senator from New Hampshire. Two years ago, when I first came here, I felt that that was a fit and proper field for the distribution of seeds. I started in my own home town, and with results that to me were remarkable, and much comment was made in the State papers upon the satisfactory results. Since that time I have received letters from the principals of various

schools, not only in my own State but over in New York State, urging that I send them seeds and stating that they were endeavoring to inculcate the habit of culture of plants and seeds with their scholars, with most beneficent results. But in a larger field I know the habit has been to sneer at seeds and say that it is the opportunity for Congressmen and Senators to make themselves "solid" with their constituency. I have listened to that for many years. Twenty-odd years ago I received a package containing about a quart of wheat. We were afflicted with that which is known as rust in wheat in our section of the State to such a degree that it became most alarming. The rust would attack the straw just beneath the head and the grain and head would shrivel, to the detriment of the crop. I planted this quart of seed in a choice little bit of ground in drills, and ultimately continued to replant and replant its production until I planted an area of over 20 acres. The result was the development of a class of wheat that I spread as seed all over my section of the State. This was about 22 years ago, and was the means of introducing and inducting a new class of wheat that was a positive benefit in the increase of the quantity, and at the same time it was utterly free from the attacks of rust and blight.

I cite that instance as being one of the evidences of the great benefit that came to me from the distribution of seed. It was a foreign seed that had been brought here. I have communications innumerable from very many of my constituents that attest the value of garden plants and floral display as being a thing of beauty and a joy forever. I do not look at this as being merely æsthetic, but I think there is something of real value in beautiful blooms; and I should view as a matter of calamity and disaster the striking out of this provision.

Mr. GALLINGER. Mr. President, this matter has been discussed so often and so elaborately that I am not going to take any of the valuable time of the Senate beyond making a suggestion or two in regard to it.

My observation has been that a great deal of good has come to the people, especially in the villages and rural districts, from the seed distribution of the Government. It has encouraged them to plant their gardens, which otherwise they might not do. It has been said that a farmer can write a letter, and for 5 cents he can get the seeds from some seed establishment; but the farmer does not write the letter. It is quite a task for the average farmer to write a letter, and he neglects to do it. Now, if in addition to that a custom is being developed whereby the schools and churches and Sabbath schools are becoming interested in this matter and calling for seeds to encourage the children to plant the gardens, it seems to me it is a very desirable thing.

In this very morning's mail I received two letters from principals of schools, and one letter from a clergyman, asking for a quantity of seed to be distributed among the children. I really feel that this is not a very large contribution to the agricultural interests of the country, and especially to encourage the children to become interested in this matter, and I hope the amendment of the committee will not prevail.

Mr. CLARK of Wyoming. Mr. President, there is another feature of this seed distribution to which I wish to call attention, and that is that connected with it for several years there has been an endeavor on the part of the Agricultural Department to promote, as far as possible, the cultivation of our arid lands that are not susceptible to irrigation; in other words, the dry-farming process. The Department of Agriculture has been busily and profitably engaged in experimenting with the finding the sort of seed, grass and otherwise, that is best adapted for farming where there is no irrigation and not sufficient rainfall for the ordinary crops. My experience has been, both from observation and from information, that this part of the distribution has been remarkably beneficial in that respect.

It is said by some that the old system of distributing seeds amounted to nothing, and that it was taken as a matter of course, and the farmers took no interest in it. That has not been my experience. Within the last two months I have received more than 2,000 letters from farmers in my part of the country in regard to this seed distribution. They are particularly anxious to get those seeds, both garden and field, that can be well grown, due regard being had to the climate and the soil in their particular localities. The reports from those localities have indicated that this is money well expended if any money at all in the Agricultural appropriation bill is well expended.

I hope the amendment proposed by the committee will be rejected.

Mr. McCUMBER. Mr. President, I wish to say just one word on this subject. We are expending many hundreds of thousands of dollars for the purpose of farm-extension work and to give information in the matter of the production of all kinds of farm products. I know no better way to carry on anything of that character and to secure the right spirit and energy back of it than to get the children of the country interested in it. Most of the letters I am receiving from my own State relative to these seeds are from school children, my State being wholly agricultural, and great interest is taken in our schools and among the school children themselves in their contests to produce the best character of any vegetable or fruit. I am certain that the seeds which are sent out to those children and to their homes are producing a greater interest in agricultural pursuits, a greater interest in an effort to produce the best possible results from the soil, than anything that has been done.

I sincerely hope that with all the ridicule which has been thrown around the distribution of seeds we will not be taken off our feet and that our judgment will not be thrown to the winds, but that we will continue in doing just what we have been doing in the past, engendering an interest on the part of the young people upon the farms to produce good results from the sowing of seeds that are sent to them.

Mr. SMOOT. Mr. President, in the past I have felt myself like it was a waste of public money in appropriating for the purchase and distribution of seeds and plants. I partook of the same feeling that was quite general throughout the country, that it was unnecessary and no good came from it. But in the last few years I have changed my opinion in this regard, and that opinion has been changed from the results I have seen not only in my own State, but in other States as well. To-day the school children are more interested in the receiving of these seeds and in planting them than ever the farmer was in the past. There is not a Western State a Senator can go in where he will not see the results of the flowers that are planted in the front yards of homes that perhaps would never have had flowers unless the seeds had been sent there.

The school-teachers are taking an interest in it and they are seeing that these seeds are placed in the hands of children who will take an interest in planting them. I may say that in the last month I have sent at least 5,000 packages of seeds to school children in my own State. I received letters from them from all parts of the State requesting that they be sent these seeds; and not only that, Mr. President, I have received from last year's distribution thousands of letters acknowledging them and giving the results of the planting. It is doing an immense amount of good.

This appropriation of $252,540 is a mere bagatelle compared with the good that it is accomplishing in the different States, particularly in inspiring young men and young women in the schools to plant them and attend to them and enjoy the results that come from them.

Mr. President, I sincerely hope that the Senate will not agree to the amendment of the committee and the plans we have had in the past of distributing these seeds will continue. I know that many people who used to scoff at the idea of the distribution of these seeds, many people who claimed that it was only paying off a political debt and making a Senator or a Representative solid with his constituents, have changed their minds entirely.

I hope and trust, Mr. President, that this amendment striking the provision from the bill will not prevail in the Senate.

Mr. POMERENE. Mr. President, I feel like indorsing every word that the Senator from Utah [Mr. SMOOT] has said upon this subject. I think there has been some criticism of the seed proposition in the past, but I believe that the department was unfortunate in the character of some of the seeds that it had been able to get for distribution, and whatever criticism has come to this proposition has come from that fact, and not because of the distribution of good seeds.

My experience in the distribution of these seeds has been practically a duplicate of what the Senator from Utah has just given to the Senate. I know that great good is coming from it. I know that the people generally are very much interested in the subject, and I think it would be a very great disappointment to the rural people if they did not have these seeds. It is a mere bagatelle, but I am quite sure that if the various expenditures contained in the bill were submitted to a referendum there would be more votes in favor of this proposition than of any other proposition in the bill.

Mr. GORE. Mr. President, I wish to say first, in response to the remarks of the Senator from Wyoming [Mr. CLARK], that I think he is under an erroneous impression as to what this item involves. He seemed to be under the impression that it involves a testing and distribution of drought-resistant seed. That item is carried on page 22; and that is a subject of considerable importance.

With respect to the pending amendment, I will say that on two previous occasions, after full and elaborate debate, the Senate solemnly decided to eliminate this seed provision from the Agricultural appropriation bill. The Committee on Agriculture and Forestry felt itself bound to respect the expressed sense and will of the Senate on these two previous occasions. Of course the Senate is at liberty to reverse itself at its pleasure.

It may be true that a quarter of a million of dollars is a mere bagatelle. I do not know how many bagatelles it takes to constitute a substantial appropriation. It may be, at least in the judgment of Senators, that the addition of any number of bagatelles results in a bagatelle as the addition of zeros results in zero. I do not know what standard they employ. It seems to be the disposition of some Senators to appropriate money with a degree of liberality in inverse proportion to the amount of money available in the Treasury.

But I have no further concern in this proposition than to justify the action of the Senate committee in showing its deference to the registered will of the Senate on two former occasions.

Mr. JONES. Mr. President, as the chairman of the committee has said, I do not know how many bagatelles it will take to make a sum, but 10 of these bagatelles make about $2,500,000, and we have appropriated that much for this purpose in the last 10 years.

I have always been opposed to this distribution. I have considered it an absolute waste of the people's money. But I never had any hope of cutting it out. It has been cut out several times, but our friends in another body, especially from certain sections of the country, always insist upon its going back, and it always has gone back.

I think some good has come out of it in the last year or two, and that more good is coming out of it now than ever before, but it is not by virtue of the provisions of the bill or the appropriation at all; it is because of the different methods that are being taken, I think, by Members of Congress and Senators in the distribution of these seeds. The seeds are apparently being distributed more and more to schools throughout the country, and to that extent I approve of it. If we are going to distribute these seeds I think we would get more good by distributing them to the schools than in any other way. If we had a provision in the bill requiring the distribution of the seeds to schools throughout the country, then on the face of it there would be some justification for it; but upon the face of the appropriation it is simply a provision for Senators and Representatives to send out under their frank to whomsoever they please these seeds. The people of the country understand what that is for and what the effect of it has been heretofore.

I want to say, Mr. President, that I do not think I have ever received since I have been in Congress more than 250 personal requests for these seeds from my State. I have received, probably, an equal number of letters from farmers and ordinary citizens denouncing this as a waste of the public money and as a fraud upon the people. I received a letter just a few days ago from some one in my State saying, "I can go to a store and for 5 cents buy all the seeds that are sent out by the Government; I do not want that kind of seed, but I want a certain kind of seed."

What I would like to see would be to have this appropriation provide for rare and valuable seeds, and then the department get rare and valuable seeds and make the distribution of them. I should like to see a provision put into the law that they shall go to schools and educational institutions, so far as requested. Then we would get some real, substantial benefit out of them. But there is not any hope apparently for that. We let the Department of Agriculture buy in the open market from private parties the same seeds that we go to the store and buy for 5 cents a package, and then they hand over 25,000 packages to us and we send them out under our frank and distribute them as we see fit.

I am glad that more of this distribution is going to the schools of the country than heretofore. I will say frankly I distribute those that have come to me in the easiest possible way. I have sent them out in packages of 100 and 150 to the country newspapers throughout the State. Then they have given notice in their columns that certain seeds have come and that those who desire them may get them. That is the way I have distributed them. I have not had time to distribute them one package at a time. I have gotten rid of them just as easily as I could.

But in the last year or two the public schools have been taking up the matter, and instead of sending the seeds out to newspapers I am sending them to public schools. I am trying to get from the county superintendents a list of the schools that they think would use these seeds to the best advantage, and I am sending them out in that way. I think much more good will come from that than from the former way of distributing them. If we have to keep the provision in the bill, and I suppose we will, I hope they will be distributed largely in that way, and then there will some good come from it.

I wish the committee, if we are going to retain this, would provide that the distribution shall come, not through Senators and Representatives but through the Department of Agriculture, and let them handle it, let them take care of it, and let the people of the country know if they want these seeds they can apply to the Secretary of Agriculture; that if a school wants these seeds it shall apply to the Secretary of Agriculture, and he will send them out. Representatives and Senators ought not to have their time taken up, or the time of their secretaries taken up, in sending out these seeds. We ought not to seem to think it will help us a little if they go out under our frank, but let them be distributed through the Department of Agriculture to those who call for them and will make use of them.

Mr. TOWNSEND. Mr. President, I have hoped ever since I have been in Congress that it might abolish this system of distributing seeds. We are talking about economy, we are looking for some place to economize, and it seems to me that this is a good place to begin.

I believe candidly that a majority of the people who are familiar with this method of seed distribution are opposed to it. To me it is largely a system of political aid to Congressmen. I feel sure that a majority of Congress could be induced to support the proposition for free seeds as it is being followed if it were not for the thought that possibly some political advantage could be obtained for the sender.

The original intention was to distribute rare seeds in localities where the same were not known but where it was thought they might be profitably planted, and I am sure that when that idea was carried out good resulted. But the seed which are now largely distributed are practically the seeds which are bought by the Government in the very locality where Congressmen distribute them, for instance, seeds purchased by the department and which are sent back to that State at Government expense for planting. This is entirely foreign to the original idea.

I am heartily in favor of distribution of new seed. I like the plan that the Secretary of Agriculture has followed of sending out alfalfa seed in packages large enough to test them in the localities where they are not indigenous. This bill provides for that in another section.

I repeat that this is a good time to begin to economize on an item that is not demanded by the people and where no good, as it seems to me, on a large scale can come to the people. Therefore I shall vote for the amendment to strike this provision out.

Mr. MARTINE of New Jersey. The trouble is the Senator can find no method by which the people can express themselves in a general way; but if it were submitted to the people, there would be an overwhelming result in favor of retaining this feature rather than abolishing it.

Mr. TOWNSEND. I speak from my own correspondence. I have been in the habit, I will say to the Senator from Washington [Mr. JONES], of sending seeds out in bags, as he has. I send them out largely to the schools or to the large manufacturing concerns where they employ a great many men. I send them to the factory superintendent and have him distribute them to the men who have gardens. Now, that, in a way, is a good thing; it saves them from buying a 5-cent package or a 10-cent package of seeds possibly, but I submit it is not the province of the Government to send out seeds or stock or anything else of that kind except as an encouragement to the propagation and use of new and valuable food and forage products.

Mr. MARTINE of New Jersey. Mr. President, I think it is a good and proper part of the Government to aid in making a cheaper food supply. I send to a factory. I recall the Taylor Iron Works at Highbridge, N. J. I sent a number of packages of seed to the Taylor Iron Works, and I received the word from Mr. J. Knox Taylor, whom I know very well, telling me that he had made a very liberal distribution of the seeds and that it had induced the clearing up and the planting of back dooryards in vegetables and fruit and inured to the benefit of families to a very remarkable extent. He said, "It astonished me myself to know how much valuable foodstuff can be gotten out of a little garden in the rear that had been long a desolation and waste." So I feel that we have accomplished something in that way.

Mr. TOWNSEND. I understand the Senator's position, but he looks at this question differently from what I do. I do not

think it is the business of the Government to clean up any back dooryards and to furnish seed which can be obtained from dealers right there in the local market. The only object that the Government had when it started this plan was to furnish the men in New Jersey and in Michigan seeds that otherwise would not be obtained by them, a new variety of seeds that would develop a new crop.

Mr. MARTINE of New Jersey. Mr. President, I am very broadly a Democrat, and I do not know but what I am getting to be almost a Socialist. I believe it is the part of the Government to advance the well-being and welfare of the people of the country, and whether they do it with seeds or whether it be by some other process I am not so particular. If you can make cheaper bread and butter and make mankind happier and correspondingly better citizens, then I believe we have advanced the cause of humanity and advanced the cause of our God and advanced and blessed the cause of our country.

Mr. TOWNSEND. If I thought that the sending out of these seeds would do that I do not know but that I would be induced to support it, but why stop at seeds? Why not send cattle, horses, hogs, sheep, and farm and garden implements?

Mr. MARTINE of New Jersey. The Senator has been brought up in a different atmosphere. He has been studying Blackstone. He has been a lawyer——

Mr. TOWNSEND. Not enough to hurt me.

Mr. MARTINE of New Jersey. I have been a farmer, and the difference is very wide between the lawyer and the farmer.

Mr. GALLINGER. Mr. President, I want to address an inquiry to my genial friend from New Jersey, who does not always agree with me——

Mr. MARTINE of New Jersey. Not always; but I do most generally.

Mr. GALLINGER. But he sometimes does. We are being told that consumption is rapidly overtaking production in the United States. Can the Senator from New Jersey imagine anything that would do more good to the people of this country than would cultivating the ground that to-day is not used?

Mr. MARTINE of New Jersey. No, sir; I can not.

Mr. GALLINGER. Even the little patches in our cities?

Mr. MARTINE of New Jersey. Even those little patches; that is the fact.

Mr. GALLINGER. It would tend very largely to solve this problem.

Mr. MARTINE of New Jersey. It would solve it very largely; it would tend to induce industry, and, as it is said, "get back to the soil." I am a great believer in that. I do not believe with my friend from North Dakota that we are producing too much; I do not believe we have yet produced enough. I look at the fields in Virginia and in many other parts of the South, also in the New England States and in my own State, and I say we are not half thrifty enough; we are not half industrious enough. If a man is a benefactor who makes two blades of grass to grow where but one grew before, then I desire that the Senate shall be ten times a benefactor by making a thousand blades of grass grow where but one grew before.

The VICE PRESIDENT. The question is on the committee amendment.

Mr. GALLINGER. I ask for the yeas and nays on that question.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARKE of Arkansas (when his name was called). I have a pair with the Senator from Utah [Mr. SUTHERLAND]. I observe that he is not present, and I therefore withhold my vote.

Mr. SAULSBURY (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the senior Senator from Louisiana [Mr. THORNTON] and vote "nay."

Mr. STERLING (when his name was called). I have a pair with the senior Senator from New Jersey [Mr. HUGHES]. Not knowing how he would vote on this question if present, I withhold my vote.

The roll call was concluded.

Mr. SMITH of Michigan (after having voted in the negative). I am paired with the Senator from Missouri [Mr. REED]. Not knowing how he would vote, I withdraw my vote.

Mr. GRONNA (after having voted in the affirmative). I voted, forgetting that I have a general pair with the senior Senator from Maine [Mr. JOHNSON]. May I inquire whether or not he has voted?

The VICE PRESIDENT. He has not.

Mr. GRONNA. Then I withdraw my vote. If I were permitted to vote, I should vote "yea."

Mr. CRAWFORD (after having voted in the affirmative). May I inquire if the senior Senator from Tennessee [Mr. LEA] has voted?

The VICE PRESIDENT. He has not.

Mr. CRAWFORD. I have a pair with that Senator, and in his absence I withdraw my vote.

Mr. NORRIS. I desire to announce that the junior Senator from Iowa [Mr. KENYON] is detained from the Chamber on account of illness. He is paired with the Senator from Indiana [Mr. SHIVELY]. If the Senator from Iowa were present, he would vote "yea." I desire this announcement as to the Senator's illness to stand for the day.

Mr. CLARK of Wyoming (after having voted in the negative). I ask if the senior Senator from Missouri [Mr. STONE] has voted?

The VICE PRESIDENT. He has not.

Mr. CLARK of Wyoming. I have a general pair with that Senator, and therefore withdraw my vote, not knowing how that Senator stands on this proposition.

Mr. WALSH (after having voted in the affirmative). I notice that the senior Senator from Rhode Island [Mr. LIPPITT] has not voted. I have a pair with that Senator, and therefore withdraw my vote.

The result was announced—yeas 21, nays 36, as follows:

YEAS—21.

Brandegee	Jones	Page	Thomas
Bryan	Lane	Poindexter	Townsend
Burton	Lewis	Ransdell	Weeks
Fall	Lodge	Robinson	
Fletcher	Nelson	Root	
Gore	Norris	Sheppard	

NAYS—36.

Ashurst	Hardwick	O'Gorman	Simmons
Bankhead	Hollis	Oliver	Smith, Ariz.
Catron	Kern	Overman	Smith, Md.
Chamberlain	La Follette	Penrose	Smoot
Chilton	McCumber	Perkins	Swanson
Culberson	McLean	Pittman	Thompson
Dillingham	Martin, Va.	Pomerene	Vardaman
du Pont	Martine, N. J.	Saulsbury	White
Gallinger	Myers	Shafroth	Works

NOT VOTING—39.

Borah	Cummins	Lippitt	Stephenson
Brady	Goff	Newlands	Sterling
Bristow	Gronna	Owen	Stone
Burleigh	Hitchcock	Reed	Sutherland
Camden	Hughes	Sherman	Thornton
Clapp	James	Shields	Tillman
Clark, Wyo.	Johnson	Shively	Walsh
Clarke, Ark.	Kenyon	Smith, Ga.	Warren
Colt	Lea, Tenn.	Smith, Mich.	Williams
Crawford	Lee, Md.	Smith, S. C.	

So the amendment was rejected.

The VICE PRESIDENT. The next committee amendment passed over will be stated.

The next amendment passed over was, on page 25, at the end of line 16, to strike out the sum of "$2,131,825" and to insert "$1,896,995," so as to read:

Total for Bureau of Plant Industry, $1,896,995.

Mr. SMOOT. That amendment should now be disagreed to.

The VICE PRESIDENT. Without objection, the amendment is disagreed to. The next committee amendment passed over will be stated.

The next amendment passed over was, on page 54, line 19, after the word "marten," to strike out the sum "$110,000" and in lieu thereof to insert "$300,000," so as to read:

For investigating the food habits of North American birds and mammals in relation to agriculture, horticulture, and forestry, including experiments and demonstrations in destroying wolves, coyotes, prairie dogs, and other animals injurious to agriculture and animal husbandry, and for investigations and experiments in connection with rearing of fur-bearings animals, including mink and marten, $300,000.

Mr. THOMPSON. Mr. President——

The VICE PRESIDENT. The Senator from Kansas.

Mr. THOMPSON. I hope the committee amendment will not prevail in this instance. It must strike everyone familiar with this item that, to say the least, the amount is extremely extravagant in view of the other appropriations made in the bill. It should be borne in mind that the amount heretofore appropriated for this purpose has never exceeded $115,000 in any bill of this character; $110,000 is all that the department has asked for this year, and it is the amount fixed by the other House, but it has been increased by the committee $190,000. In comparison with other items in the bill of greater importance, it does seem to me that the amount is extremely extravagant. Conditions in this country at the present time are certainly such as to justify economy in appropriations. If there is any place in the bill where we can resort to a little economy, it is in items of this character.

If you will refer to page 14 of the bill, you will find that for the important subject of the treatment and eradication of hog cholera, by which millions of dollars are lost by the farmers every year through deaths from this disease in all sections of the country, we have only appropriated $375,000; yet for a mere experiment in the destruction of wolves, coyotes, and prairie dogs the Senate committee proposes to increase the amount of the appropriation of $110,000, as allowed by the other House and as asked for by the department, to $300,000. This is an increase of practically 300 per cent, a larger increase than on any other item in this bill. This paragraph has been in this bill for several years, and like similar appropriations has gradually grown from $25,000 to the present enormous proposal of $300,000. The appropriation for five years last past was as follows: 1911, $25,000; 1912, $23,000; 1913, $40,000; 1914, $60,000; and 1915, $115,000.

The largeness of the proposed increase so challenged my attention that I directed a letter to the Secretary of Agriculture to ascertain whether there was any necessity for this great increase, and received the following reply:

I have your letter of February 15 regarding the item in the Agricultural appropriation bill * * * for investigating the food habits of North American birds and mammals in relation to agriculture, etc., including experiments and demonstrations in destroying wolves, coyotes, prairie dogs, etc. As a result of our experimental work we have already discovered improved methods of combating the prairie-dog and ground-squirrel pests, and in field demonstrations on a large scale have proved that these animals can be destroyed over great areas at much lower cost than heretofore thought practicable. On the public lands of California in 1914 we destroyed over 95 per cent of the ground squirrels on 170,000 acres, at an average cost of about 5½ cents per acre. During the same period on areas infested with prairie dogs we destroyed about 95 per cent of these animals on 360,000 acres, at the same average cost. The department has already made excellent progress in its investigations of the best methods of destroying predatory animals, especially wolves and coyotes, which are so destructive to live stock. The prairie-dog campaign has been carried on over parts of Colorado, Utah, and Arizona. Demonstrations for controlling the jack-rabbit pest have been carried on in Oregon, Washington, Nevada, and Idaho. Experiments and demonstrations for controlling wolves and other predacious animals have been inaugurated in Texas, Colorado, Idaho, and Nevada.

The amount carried in the House bill of $110,000 covers the estimate submitted for the work, and the department does not desire to change its recommendations in the matter at this time.

Very truly, yours,

D. F. HOUSTON, *Secretary.*

It does seem to me that when the department which is charged with the expenditure of this money for this purpose is asking only for $110,000, which amount in itself seems sufficient, the Senate ought not to increase the appropriation to such an extravagant figure, and I hope the amendment will not prevail.

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from North Dakota?

Mr. THOMPSON. Certainly.

Mr. GRONNA. I desire to ask the Senator from Kansas if it was not shown to the committee that upwards of $15,000,000 worth of animals were being destroyed annually by wolves and coyotes and other predatory animals, and if that was not the reason why this appropriation was increased?

Mr. THOMPSON. There was some statement or some resolution of that character presented; but the Secretary of Agriculture, who has this matter in charge, says that he can get along, do the necessary work, protect the live stock, and prevent injury with $110,000. It does seem to me that that is a sufficient amount.

Mr. GRONNA. Is it not a fact that we had before us concurrent resolutions from the Legislature of the State of Oregon, calling attention to the great number of animals that were being killed every year in the Western States by wolves and coyotes and other predatory animals?

Mr. THOMPSON. There were some resolutions of that character it is true; but I believe that the cattle in these States will be just as fully protected with the amount asked by the department as with a larger amount which is evidently not needed.

Mr. WARREN. Mr. President——

Mr. GRONNA. The Senator from Wyoming, of course, knows more about the matter than I do, and I will be glad to yield to him.

Mr. WARREN. Mr. President——

The VICE PRESIDENT. The Senator from Wyoming.

Mr. WARREN. I do not intend to enter into any extended argument on this question, but merely to make a statement and to ask the Senate to vote upon that statement of fact.

We have appropriated heretofore $2,500,000 in this Congress toward eradicating the foot-and-mouth disease in cattle. We are now appropriating by this bill $2,500,000 more for the same purpose, making $5,000,000 within a year that we shall expend to eradicate the foot-and-mouth disease in cattle, to prevent the death of cattle and the decrease of our meat supply. If to that $5,000,000 you add $5,000,000 more, which the States contribute—and they pay a sum equal to that appropriated by the General Government—you have $10,000,000. Then, if you add what the owners of cattle will lose—because the Government does not intend, in the States, to pay full value, for if it did it might be taken advantage of—the amount will total from two to five million dollars more. So that we are expending from $12,000,000 to $15,000,000 to eradicate the foot-and-mouth disease, to protect those who are growing cattle, and, what is more to the point, to protect the meat supply and consumers who are those most interested.

Now, so far as the foot-and-mouth disease is concerned, the Government is under no specific or special obligation, except that for the best interests of the public and for the protection of a great product it is deemed expedient that the Government should enter this field and do its share of the work. Take the other side of the question: We have now reached the point where it is claimed—and the claim is very well backed up by argument—that we will lose enormously in live stock because of predatory animals, not of course from prairie dogs and animals of that kind, but from wolves and coyotes, and in connection with this loss and in contradistinction to the losses from foot-and-mouth disease, the Government is directly responsible to the greatest degree if it permits such destruction by wolves and other predatory animals to continue. The Government owns and controls over 200,000,000 acres of land carved out and segregated in United States reservations in the various States. Half, or more than half, of the State from which I come, two-thirds of the adjoining States, and from a quarter to three-quarters of some other States are embraced in various national reservations. The Government is maintaining those great areas, which amount to a large section of the United States, and which practically furnish the breeding grounds for wild animals, which come from there out onto the lands of the settlers and destroy their stock. Now, the United States Government pays no taxes to the States or municipalities. The States make liberal appropriations for the extermination of these wild beasts. They make very large appropriations from State funds; the counties make further appropriations, and live-stock associations and individuals contribute large sums for the destruction of these pests; but, meanwhile, they are surrounded by these United States forests, and so we can spend millions of dollars and hardly make a mark in eradicating these animals, since the Government has taken these great areas, has barred all outsiders, and allows such animals to breed.

Everyone who knows anything about forestry and the western country knows that there is the breeding ground for all the predatory animals. Is it fair that the Government should take the larger part of a State and take the money of cattle and sheep men for pasturage there in those reservations and not properly protect that pasturage against a pest which the States and the people around the reserves are engaged in destroying?

The States have made large appropriations for the purpose. For instance, here are the annual appropriations of a few of them: The State of Montana, $178,047 in one year. And, by the way, these figures merely show what the State itself pays; but counties, associations, and individual stock growers also pay large additional amounts. Indeed, associations pay very large amounts for the same purpose. Texas spends $88,930; Oregon, fifty-two thousand and some odd dollars; Utah, over $54,000; and so on down the list of other Western States, some paying much more and some a little less.

The Government in the first appropriations made heretofore has made some progress, but it devotes its attention to the particular localities in which the live stock of its tenants is confined; but here is all the broad area that is not pastured, the mountains and plains, still remaining the breeding ground for these animals; and others do not go in and destroy the animals, so the Government itself should proceed to do so.

It is said that the department has not asked for quite so much money. That is true; and the department, I am glad to say—I support it therein—so far as I have information, confined its estimates to what was allowed in the appropriation bill of the year before. There is always difficulty in getting the first appropriation for even a small amount. There is twice as much said against it; and all that the department says now is that it has made that certain estimate, and it does not add to it.

In the destroying work that has already been carried on for the last five years in those little restricted areas, it is reported that between 35,000 and 36,000 animals have been destroyed. Over 1,000 were the gray and black wolves, and those who know them know how many farm animals they destroy. They do not stop to eat an animal. They simply

throw it down, take its blood, and go on and bring down another. I have known one wolf to destroy scores of young stock, calves or sheep, in a night.

Mr. JONES. Mr. President——

The VICE PRESIDENT. Does the Senator from Wyoming yield to the Senator from Washington?

Mr. WARREN. I do.

Mr. JONES. As I understand, heretofore this appropriation bill has carried an appropriation of this kind providing for experiments and demonstrations in destroying wolves. Now, what have they accomplished? What have they shown to be the best method of destroying wolves, or have they made any demonstrations at all?

Mr. WARREN. I have just stated what the result has been as to destroying these animals and as to the experiments. They have performed their own experiments, and are working under them.

Mr. JONES. I do not understand that this appropriation is simply for the purpose of killing wolves. It is for experimenting and demonstrating the best methods of doing it.

Mr. WARREN. Oh, Mr. President, of course that is a technicality that the Senator, if he reads the appropriation, will understand may not have particular place there. It is, in the first instance, for the establishment of a system, and in the next for destroying the wild animals; because, as I say, with a small appropriation and in a restricted area the agents of the department have destroyed up into between thirty and forty thousand.

Mr. JONES. That is the very point I am coming to—that they are doing what the bill does not authorize them to do. We are not providing this appropriation for the purpose of continuing the destruction of wolves. We are providing this appropriation to make demonstrations.

Mr. WARREN. If the Senator will allow me, if he wants to make an argument, I should be glad if he would allow me to finish. I have very little more to say.

Mr. JONES. The Senator is a member of the committee.

Mr. WARREN. I am.

Mr. JONES. Then I want him to give me whatever information the department have given to the committee as to what experiments and demonstrations they have conducted, and whether or not they have demonstrated any special way of destroying wolves.

Mr. SMITH of Arizona. Mr. President, if the Senator will permit me, would it not be about the best way to ascertain how to do it by doing it?

Mr. JONES. Well, we know how to do it. All the people out there know how to do it.

Mr. SMITH of Arizona. We do not know how to do it.

Mr. JONES. I will venture to say that the Senator from Arizona can kill a wolf a good deal better than somebody from the Agriculture Department.

Mr. SMITH of Arizona. Yes; but you have got to kill a thousand a day.

Mr. WARREN. The Senator knows, and probably has studied, what might be called the organic act of the Department of Agriculture. It is founded on lines a little different from those of the other departments. He knows that all these appropriations for killing cattle—and he will not deny that they are killing them by the thousand—and killing hogs that are diseased—and he will not deny that they are killing them by the thousand—are made in each and every case along the line of an investigation, followed by the destroying of a curse of that kind.

Mr. FALL. Mr. President, will the Senator yield to me for a moment?

Mr. WARREN. I yield.

Mr. FALL. The Senator from Washington has suggested to the Senator from Arizona that he knew better than the department how to kill a wolf. The great trouble is that he can not apply his knowledge on any of these Government reserves. The Senator is not allowed to go on one of the Government reserves and display his knowledge of how to get rid of these animals.

If the Senator will allow me for just one moment to make a statement along the lines of his statement, in New Mexico, for instance, we have 11,000,000 acres in reserves, and we can not go upon them to demonstrate the knowledge which we gain by experience in killing these animals. We must leave it to the Government. The consequence is, as the Senator has said, that the reserves themselves are the breeding grounds for these animals. The matter has reached such proportions, I may say to the Snator from Kansas, that the State Department of the United States Government has taken up the matter with foreign Governments. The State Department of this Government has taken up this very question of the destruction of predatory animals with the Mexican Government and with the different governors of the northern States of Mexico because so much destruction was being continually caused by the depredations of these animals in the Southwestern States and along the border.

The Senator is absolutely correct. The breeding grounds for the animals are the Government reserves. In New Mexico we are spending $100,000 or $200,000 a year in the attempt to destroy these animals that are breeding and the stock of which is being continually renewed upon the forest reserves, upon which we can not go.

Mr. WARREN. Mr. President, if the department can not use this money, or does not wish to use it, the Congress will have done its part if it provides it. That the department officials will find a way, notwithstanding the fact that investigation is included here, of destroying the animals has been demonstrated, because they have destroyed them, and they have destroyed other animals. That is the only way to eradicate. So the matter of money being lost does not enter into it at all.

I do not stand here pleading for any one interest alone. It is, of course, to the interest of the live-stock growers that the Government shall protect those from whom it gets money through leases of forest reserves, and those around them who pay the taxes, while the Government pays none, in the States; but the great final trouble lies in the question of the meat supply of this country, which must be rapidly diminishing, as shown by the increased price. The societies have sent in the most urgent appeals on this subject, and the legislatures the same way. I send to the desk and ask to have the Secretary read senate joint memorial No. 1, adopted by the State of Oregon, on this subject.

The PRESIDING OFFICER (Mr. MYERS in the chair). In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

Senate joint memorial No. 1.

Memorial to the Congress of the United States of America petitioning the United States Government to appropriate $300,000 for suppressing carnivorous wild animals destructive to live stock in the public-land States of the West.

To the honorable Senate and House of Representatives of the Congress of the United States:

Your memorialists, the governor and Legislature of the State of Oregon, respectfully represent that—

Whereas in the Western States, known as the public-land States, the losses of live stock and poultry, due to the attacks of coyotes, wolves, wildcats, cougars, and bears, amount to not less than $15,000,000 annually; and

Whereas in these western public-land States the State, county, and stockmen do now, and have for years, paid large bounties and used other means to bring about the eradication of these carnivorous animals; and

Whereas in these western public-land States there is now withdrawn from settlement in some form or other approximately 225,000,000 acres of Federal land, which land constitutes the principal breeding ground and refuge of these carnivorous wild animals, and enables them to increase their numbers in spite of the efforts made by the State, county, and stockmen to exterminate them: Now, therefore, be it

Resolved, That the Legislature of the State of Oregon does hereby most respectfully urge and request that Congress immediately appropriate the sum of $300,000, to be used by the United States Department of Agriculture for the destruction of coyotes, wolves, wildcats, cougars, and bears in these western public-land States, in order that the meat supply of the Nation may be increased and the proper development of the West encouraged.

Adopted by the house January 13, 1915.

BEN SELLING,
Speaker of the House.

Adopted by the senate January 13, 1915.

W. LAIR THOMPSON,
President of the Senate.

Mr. WARREN. One word more and I shall have completed my remarks. That corresponds precisely to the information I get from other States, and especially from those interested in this great industry. I submit that it is simply a question whether the Government will do its part in a small way alongside of the settlers in those States, whom they have encouraged to go there and settle upon the public lands and who are paying the taxes and expenses of the State, to which the Government does not have to contribute.

Mr. SMITH of Arizona. If the Senator will permit me right at that point, I will say that the Legislature of Arizona also passed a memorial at the last session very much like that, and I think it was presented to the Senate by the Vice President and inserted in the CONGRESSIONAL RECORD. I have not it before me; but I would like to say to the Senate, while I am on the floor for a second, that the people of Arizona living on the edges of these forest reserves are losing enormous amounts of property through the depredations of these animals. They have no right, however, to invade these forest reserves in great numbers and protect themselves. It seems to me that it is absolutely incumbent on the part of the Government, as the Senator is arguing, to give relief to these cases.

Mr. WARREN. Mr. President, that is all I have to say. I have stated the case, and I state it in the interest of the entire

populace of the United States who are interested in the meat supply. It is true that the losses through foot-and-mouth disease extend over the States that do not have forest reserves; but the forest reserves are nearly all in that mountain country which has been known as a range country, and which in the last three or four decades has contributed so largely to the meat supply and the wool supply for clothing, and from which we are bound to draw very heavily. These statements are not exaggerated as to the losses that occur through these wild animals; and the question is whether all the surrounding States shall continue appropriating money to destroy wolves while the Government locks its reserves in, taking the settlers' money for rentals, and deliberately, if not intentionally—and I do not charge that—breeding these wild animals to turn them out upon the balance of the States.

Mr. THOMAS. Mr. President——

Mr. JONES. Mr. President——

The PRESIDING OFFICER (Mr. ASHURST in the chair). The Senator from Colorado.

Mr. JONES. Will the Senator yield for a question?

Mr. WARREN. I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado has the floor. Does he yield to the Senator from Washington?

Mr. JONES. I wanted to ask the Senator from Wyoming a question about this matter.

Mr. WARREN subsequently said: Mr. President, I ask to have inserted in the RECORD, without reading, a short article in the Country Gentleman referring to exactly what we have had under consideration. I should like to have it inserted without the illustrations, of course.

The PRESIDING OFFICER. Is there objection to the insertion in the RECORD of the article referred to by the Senator from Wyoming? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

THE WOLF AT THE STOCKMAN'S DOOR—SHEEP AND CATTLE KILLERS BREED IN THE NATIONAL RESERVES.

[By S. W. McClure.]

Depredations of carnivorous wild animals annually cause a loss of not less than $15,000,000 to stockmen in the territory west of the Missouri River. This was the conclusion reached at the National Wool Growers' Convention in Omaha some years ago, and after 14 years' residence in the section I am satisfied that it is a conservative estimate. It is important to every consumer as well as to every producer of meat that this menace be removed. For 20 years this territory lying west of the Missouri River has been the chief source of the country's supply of sheep and cattle, and if I am right nature has intended this section to be for all time the breeding ground for the Nation's meat.

The States most affected by the wild-animal menace are public-land States in which the Federal Government still retains enormous areas of land—Washington, Oregon, California, Arizona, New Mexico, Colorado, Utah, Nevada, Idaho, Wyoming, Montana, and South Dakota. These States were originally the home of the buffalo, elk, deer, goat, and mountain sheep. Also they were and still are the home of the bear, wolf, coyote, cougar, and wildcat. As they have been settled, the herbivorous wild animals have been greatly reduced in numbers—in some cases exterminated. The carnivorous animals, however, still remain, and some species exist in greater numbers than ever before. Originally the food supply of these carnivorous animals was limited. Now, with the land filled with poultry and domestic animals, the marauders find an abundant food supply, easily obtainable.

In the order of losses they occasion the importance of these carnivorous animals is about as follows: Coyotes, wildcats, bears, cougars, and wolves. Probably the coyote causes the loss of more stock and poultry than all the others combined, not because he is more vicious and daring, but because he exists in greater numbers and finds the new conditions of living in a semisettled country distinctly to his liking. For downright viciousness the wolf exceeds all our native wild animals, but the lands that he most loves to frequent have been largely settled; hence the number of wolves is not so great as formerly.

The coyote is the most stealthy of all our wild animals. Nature endowed him with wonderful cunning, and 50 years of close association with mankind have added to this store of knowledge. He knows about traps, rifles, and poisonous baits; he seems to take pride in circumventing the hunters. In size the coyote is about as large as a collie dog, though probably a little lighter built and a trifle faster; in color he is a dirty yellow range gray, varying somewhat with the season. In habits he is very versatile, living on the flat plain, the rough mountain, or in the timbered valley. His presence depends not so much upon the climate or topography of the country as upon his ability to obtain a supply of food. Settlement tends to exterminate most of the larger wild animals, but not the coyote. Up to a certain limit settlement stimulates his productiveness as long as he has safe ground upon which to breed.

The coyote prefers a diet of meat, yet in its absence he becomes a vegetarian and lives on prunes, peaches, watermelons, and similar foods. If we are to judge by his tastes, however, the coyote greatly prefers young lambs. In the absence of lamb his choice falls upon chickens, calves, pigs, or full-grown sheep. The coyote seldom sleeps; he is abroad by day and night, prowling in search of food, or, if his appetite is satisfied, still prowling with the fixed purpose of killing each defenseless thing within his reach. The toll he takes is always many times greater than his food requirements. Sheepmen believe that they annually lose from 5 to 10 per cent of the total number of their sheep as a result of the depredations of coyotes.

In the States mentioned all sheep and lambs are herded in bands ranging from 1,200 to 2,000 head. During the summer one herder is in charge of each band, and as the sheep spread out over a considerable area it often happens that they are as far as half a mile distant from the herder. Coyotes follow these bands throughout most of the year. In the daytime the coyotes sit on near-by hillsides out of the range of the herder's rifle or hide in clumps of bushes while the sheep spread out to graze. As a lamb or a sheep strays within reach a coyotte will sally forth, and in a moment or two there is one less sheep. During the night, when the sheep are in the bed ground and the herder is sleeping near by, coyotes may rush into the flock, kill a few and scare the rest so that they do not take on flesh for several days. Day in and day out throughout the year this is the program of the coyote in the sheep country. In some sections these marauders take a sheep a day from each band. It sometimes happens that a bunch of fifty or a hundred head becomes separated from the main band. The loss is not discovered until night, and the next day the herder finds most of these sheep dead, the rest maimed and crippled so they will die in a few days.

But the sheepman is not always the greatest sufferer from the coyote. The farmer produces a part of his food supply in the form of poultry and poultry products. Turkeys, ducks, and chickens all stray from the farmhouse into the field, where the wildcat and the coyote take such a heavy toll that the housewife soon gives up the idea of raising poultry. In the aggregate this loss of poultry is enormous. Then the farmers' calves or young pigs give the coyote a change from mutton and lamb, and he frequently avails himself of it.

On the open ranges, where the cattle run at large, a cow will drop away from the rest of the herd to bring forth her young in some isolated spot. After the calf is born the mother hides it in a clump of bushes or in the tall weeds and goes in search of food. Probably one or two coyotes have observed the hiding place from a neighboring hillside, and the moment the mother is at a safe distance the coyotes rush upon the calf.

Next in destructiveness to the coyote comes the wild cat, which is several times larger than the domestic cat. In cunning and shrewdness he falls far short of the coyote. His distribution is not so wide and he is not given to travel. He finds a satisfactory abode in the rocks along some stream or in the mountains, near a supply of lambs or poultry. In spring, when young lambs and pigs are born, he thrives best. Mostly he goes abroad at night, and few buildings for stock or poultry are so well secured that he does not find entrance. In the course of a year wildcats consume a large quantity of small stock and poultry. What it takes to support them would furnish meat for a fair-sized town.

BEARS PREFER BERRIES.

Then there are the bears, and probably as many of these animals as in the old days. Ordinarily bears attack only sheep and hogs, and in years when the berry crop is short they kill thousands of sheep. This year the huckleberry crop was a total failure, and the bears turned to mutton and lamb, with the result that thousands of sheep have been destroyed in the northwestern mountains during the past few months. Most of the bears live in the national forests or on their borders. Early in spring they locate near some lambing camp and live on lambs until the sheepmen move to a new location.

The cougar, or mountain lion, is a vicious carnivorous animal, found only in the mountains or in the broken lands along rivers. Mostly he preys upon elk and deer, but in the summer and fall it is no unusual thing for him to kill sheep, cattle, and colts while they are being pastured on the mountain ranges.

Last in importance now is the wolf. Originally the West was filled with wolves, and in some parts of the Southwest, notably in Texas, there are still many of them. But the wolf does not relish settlement, and the war that has been waged against him in many Western States has greatly reduced his numbers. However, the loss occasioned in Wyoming, Montana, South Dakota, and New Mexico is considerable and falls heavily upon our beef supply, as the wolf prefers beef to any other food. A single wolf can kill outright a cow of almost any age, although attacks are generally confined to cattle under 2 years of age. Frequently wolves travel in bunches of two or three, and kill out of sheer devilishness. The loss to cattlemen from wolves is great—in some sections so great that a bounty as high as $100 may be paid for the destruction of a single wolf that has made a reputation as a killer.

Recently I have talked with stockmen of several States about the losses caused by carnivorous wild animals. Here are a few of their statements:

An Oregon sheep breeder said: "We have lost many sheep and lambs in the mountains this year from bears and coyotes. Several years ago Oregon repealed its bounties and the wild animals increased rapidly. After a few years the bounties were again put on, and thousands of coyotes, cougars, and bears have since been killed."

A Washington stockman said: "In July and August of this year I lost $1,000 worth of sheep by wild animals. One of my neighbors has had greater losses. A few days ago my son came across a heifer that had been killed by a cougar."

An Idaho sheepman said: "In my vicinity alone more than 1,000 sheep were killed by bears early this spring. Those sheep were worth $5 a head, so the loss was considerable. Our loss from coyotes alone is about 6 per cent of our flocks."

A southern Montana stockman said: "Our loss of livestock from wild animals is annually between 5 and 8 per cent. Coyotes are the worst offenders."

A Utah stockman said: "My loss of sheep last summer while I was in the national forest was not less than 300 head. Something must be done to destroy the coyotes if we are to remain in the sheep business."

A small Oregon farmer said: "We were away from our farm for one full day. When we returned we found we had been visited by coyotes, and at least 10 chickens had been killed."

The actual destruction of livestock is not the only loss caused by these pests. In a country abounding with wild animals the expenses of handling stock are materially increased. Sheep must constantly be protected, and western flockmasters annually pay for labor about $1 a head for each sheep they own. This labor charge, the highest in the world, could be reduced 50 per cent if the wild-animal menace was removed. Sheep do not do well when they are constantly herded; if they could be turned loose in a pasture they would produce an average of 1 pound more wool apiece and more and better lambs would be obtained.

Is there a single reason for allowing these predatory wild animals to live? Certainly not. They do not perform a solitary service of valne to mankind. Even their hides, in most cases, are inferior to the pelts produced by the domestic animals they destroy. The coyote furnishes a hide of inferior quality and any yellow dog produces better fur. In some sections it is believed that the coyote does some good by killing rabbits, which cause considerable injury to young trees. A fence of wire netting is more effective, because the coyote kills few rabbits; he can not catch them unless the snow is very soft or the rabbit is very young.

A continuous war has been waged against these wild animals in all the western stock States, most of which pay bounties for the destruc-

tion of the marauders. Counties have also paid bounties, and the stockmen offer liberal rewards. In the aggregate these bounties have amounted to millions of dollars. * * *

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MONEY IS NECESSARY.

Why have these animals not been eradicated? Simply because the Federal Government has withdrawn from settlement or development millions of acres of land on which carnivorous wild animals breed by the hundreds of thousands and will continue to breed as long as the land is held as at present. Just look at some of the withdrawals in these 12 States: For national forests, 135,602,892 acres; for national parks, 4,435,143 acres; for game preserves, 1,492,928 acres; for national monuments, 1,962,012 acres; for power sites, 1,991,285 acres; for reservoir sites and water reserves, 221,097 acres; unallotted Indian lands, 32,909,108 acres; oil-land withdrawals, 4,228,513 acres; phosphate-land withdrawals, 2,750,294 acres; potash-land withdrawals, 225,989 acres. In addition the Government has withdrawn 41,041,660 acres of land containing coal. These lands are open to agricultural entry, but the entrymen can secure title only to the surface of the land, and up to the present time there have been very few settlers to take advantage of the openings. Here is a total area withdrawn from settlement in 12 States amounting to 226,860,921 acres, upon which carnivorous wild animals are permitted to breed without molestation. Under such conditions is it any wonder that the States and the stockmen have failed in their efforts to exterminate wild animals?

I have not the slightest complaint about these lands being withdrawn; in fact, I am in full accord with a conservation policy that preserves for the present and for the future. However, with the exception of the lands withdrawn for power sites and water reserves, these withdrawn lands are held for the benefit of the entire Nation as much as for the benefit of the States in which they are located. The Nation, therefore, should assume the obligations which the withdrawals impose, at least to the extent of keeping the lands from becoming a menace to the surrounding country. To do this I believe that Congress should at the earliest moment appropriate $100,000 for the use of the Forest Service in destroying carnivorous wild animals within the national forests and $250,000 for the destruction of these animals outside of the forests. The consumers of the country should understand that there can be no appreciable increase in livestock production in the West until the question of the destruction of these predatory wild animals has been definitely settled.

Mr. THOMAS. Mr. President, I sympathize very much with the views of the Senator from Kansas [Mr. THOMPSON] regarding this amendment. The House made an appropriation of $110,000 for the purpose. The Senate committee has increased it to $300,000, at the same time adding coyotes to the list of animals to be exterminated. I think it is a fair inference, therefore, that the additional $190,000 is designed for the destruction or extermination of coyotes, and that the original appropriation is sufficient for all the other animals enumerated.

Mr. President, why should the Government of the United States appropriate this enormous sum of money at this time for the purpose of investigating the food habits of North American birds and mammals, of destroying wolves, coyotes, prairie dogs, and other animals injurious to agriculture and animal husbandry, for investigations and experiments in connection with the rearing of fur-bearing animals, including mink and marten, for the destruction of ground squirrels on the national forests, and for investigating the diseases of the wild ducks of Utah? All of these things may be important in themselves, and yet all of them directly concern the States where these animals are found and where these investigations are to be made.

Mr. President, every State in the Rocky Mountain region has legislated against predatory animals, and has exerted its efforts largely, and, I think, successfully, toward their extermination. My own State, for example, offers or did pay bounties upon the scalps of certain animals, and the obtaining of which finally assumed some of the proportions of an organized industry. The natural instincts of the hunter are always turned in the direction of these predatory animals. I recall that some time ago a noted hunter of international reputation came to Colorado, and in the course of two weeks killed about 25 bobcats. I recall that some time afterwards, during his campaign for election to the Presidency, I found a score of Democrats over in one of the western counties of the State all of whom were going to vote for him for President of the United States, although he belonged to a different political party, the reason assigned being his ability to kill bobcats.

Mr. President, the attitude of the State with reference to this matter simply demonstrates the exercise of a power properly belonging to it. So far as I am concerned, I look with some apprehension upon the constant tendency of the States in these days not only to shirk their responsibilities, but to do so with alacrity, and insist that the National Government shall exercise functions with which they are properly clothed and which they only should exercise. I have almost reached the point of believing that any right of a State can be easily overthrown or abandoned by an appropriation designed for expenditure within its boundaries.

Just at present our revenues are deficient, Mr. President. Everybody knows that. Senators upon the other side of the Chamber frequently taunt us—and there is good ground for it—with our extravagance of administration, and never tire of reading our platform pledge upon the subject; yet I notice that, generally speaking, they vote for all appropriations with quite as much unanimity, and support them with quite as much earnestness, as they are voted for and supported on this side of the Chamber.

My distinguished friend the Senator from Wyoming [Mr. WARREN] always believes in economy when it is wise or politic to criticize Democratic extravagance, but I have not yet noticed that his vote has been cast in favor of the elimination of a single appropriation which makes for economy.

I am aware, Mr. President, of the fact that the forest reserves have eliminated a large amount of territory in the Western States from the jurisdiction of the State governments and that they are supervised, superintended, controlled, inspected, examined, dissected, and guarded by a large army of Government employees at the expense of the Public Treasury. We have just appropriated, or will appropriate in this bill, over five and a half million dollars for the care of our forest reserves. If it is true, as here asserted, that they have become safety places for the predatory animals of the region, which can not be attacked or exterminated by the State authorities, it is very easy to provide in the bill that the forest rangers and the inspectors and supervisors and assistant supervisors and deputy assistant supervisors and deputy inspectors and the other members and attachés of that army of employees who bask in the sunshine of the civil service be required to devote a part of their valuable time in exterminating these animals.

Mr. President, you will notice that of this sum of $300,000, $15,000 is to be used for the destruction of ground squirrels on the national forests and other public lands. Why can they not be destroyed; why should they not be destroyed without this extra appropriation, all of which means additional agents and representatives of the Government to carry out this work? If this bill passes, we will have a superintendent of coyote destruction and a supervisor of prairie dogs and a bureau of investigation on fur-bearing animals, together with assistants, deputy assistants, and stenographers, with the result that this $300,000 will be expended in the making of investigations accompanied by voluminous reports that will be laid upon our desks at the next session, but which none of us will ever read. It is merely the extension, Mr. President, of office holding and the results will be practically negligible.

It may be that there is an increase in the number of predatory animals out in the public-land States, in spite of State activities. I am obliged to take the word of others for that; but if it be true, then $300,000 is not sufficient for the purpose. And if it be true, then the efforts of the last 25 or 30 or 40 years of the State governments in their work of extermination of these animals goes for nothing.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. THOMAS. Certainly.

Mr. WARREN. Does the Senator expect that those States can be entirely successful when they are surrounded by these great forest reserves, which are continually breeding wolves and coyotes and turning them loose?

Mr. THOMAS. I have just stated that we ought to find something for these forest inspectors and rangers, and so forth, to do. Let us charge them with the duty either of expelling or exterminating these predatory animals that are said now to find a refuge and a haven of safety within the borders of the forest reserves.

If it be true—and I suppose there is some basis for it—that the exclusion from State jurisdiction of these large areas of territory tends to the propagation of predatory wild animals and consequently to the increase of depredations and destructive acts by those animals, there is of course placed upon the country a corresponding duty to bear its share of the burden; but it will not do it by the mere appropriation of $300,000 to be expended under the direction of the Department of Agriculture. We can get at it through the Forest Service if it is good for anything. We can require them to do it and then we can determine by the result whether they are or are not good for anything.

I think, Mr. President, under the circumstances the addition of $190,000 in this item should not at this time be made. I very much question whether the sum of $110,000 is not, under the circumstances, extravagant. I hope the committee amendment therefore will not be agreed to.

Mr. MYERS. Mr. President, this is an appropriation for the purpose, among other things, of making experiments and demonstrations in the work of destroying wolves, coyotes, prairie dogs, and other wild animals injurious to agriculture and animal industry. It is intended to aid in the extermination of those pests which make great inroads upon the farmers' flocks and herds in the great West, and often, too, in other sec-

tions of the country. The amendment is to increase the appropriation for those purposes from $110,000 to $300,000.

I do not believe there is an appropriation provided for in this bill which is more worthy and meritorious or more founded on reason than this item and this increase of the amount appropriated over the amount estimated by the Agricultural Department. I believe that this appropriation and the increase recommended has substantial merit back of it, which should appeal to Members of this body and to the people of the whole country—to the entire United States. I am sorry to see Senators on this side from great agricultural and stock-raising States oppose this increase, not that I think it will be especially beneficial in any discriminatory way to their States or to the West or to any particular part of the country, for I believe here is an appropriation that is beneficial not alone to any one section of the country, not to any one class of people, but to the whole country and to all the people.

My esteemed friend, the Senator from Colorado [Mr. THOMAS], as is usual with anything he does not like, turns his well-known and well-trained powers of sarcasm and ridicule against this item, and we all know he is an expert with that weapon of argument. But I wish to call attention to the fact that sarcasm, ridicule, and derision may be turned upon a good thing just as strongly as upon a bad one, and sarcasm and ridicule neither prove nor disprove anything. Neither goes to the fact nor the merit of any matter. It has been said that ridicule is the only weapon with which you can fight truth, and I believe it is generally availed of when there is no other weapon which may be used in a controversy.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Colorado?

Mr. MYERS. With great pleasure.

Mr. THOMAS. My experience is that it falls harmless when directed against an appropriation.

Mr. MYERS. I hope this will prove no exception to the Senator's experience, because I believe there is great merit in this appropriation.

The Senator from Colorado [Mr. THOMAS], for whom I have the very highest esteem for his ability and sincerity, seems to have a nightmare of fear that this Government is going to put on a vast army of officials and employees every time a new appropriation is brought before this body. I do not believe there is anything in the fear that we are going to have more officials and employees in this country than private citizens, although that seems to be the Senator's fear.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield further to the Senator from Colorado?

Mr. MYERS. With great pleasure.

Mr. THOMAS. I think the fear is pretty well founded. I recall that a few days ago a Senator, referring to this subject, said that office seeking and office holding had become an organized industry of constantly increasing dimensions in his State, a statement which is confirmed by my own experience in other parts of the Union.

Mr. MYERS. The Senator from Colorado is one of them, and I think ought to be glad to see his own kind increased.

There is, seriously speaking, nothing in this item, neither in the original appropriation nor in the proposed increase, that provides for any inspectors or clerks or bureau officers or any increase of officials or employees whatever. I do not believe that is contemplated. I do not believe there is any reason to apprehend that it will require any more than are now required to administer the expenditure of this fund.

I regard this as a most serious and important matter. I believe that one of the greatest benefits which can be conferred upon the people of the United States is to reduce or at least to keep down the ever-increasing price of meat. The price of meat to the consumer in this country has become a serious matter. The time has come when meat is almost beyond the reach of the ordinary laboring man in this country at the price at which it is retailed. If a man has to go to butcher shops and markets to buy it, the price of meat as a daily article of consumption is far beyond the means of a great many working people in this country. Indeed it may be classed with jewelry in price but not in need. The price of meat, indeed, has become a serious matter with thousands and millions of people in the ordinary walks of life, among the middle classes, fairly well-to-do people, who are earning a modest living; and I say if the Congress of the United States by any legislation or by making a small appropriation or by increasing an appropriation can do anything to keep down the price of meat, it will confer a boon upon the people of this country that can not and will not be surpassed by anything else that Congress may do.

Manifestly the greater the number of live stock in the country the less the price of meat to the consumer ought to be. Manifestly the larger the supply the less ought to be the price, and manifestly the more animals that are saved from destruction the larger is going to be the meat supply of the country, and the more animals that are sacrificed in useless destruction the shorter is going to be the meat supply of the country.

I believe one of the great objects of this country now and from now on should be to increase the meat supply of the country. For many years past the number of cattle in this country has been steadily diminishing and the price of meat has steadily gone onward and upward. I believe one of the most serious duties that confronts this country—not only the Government of the country, but the citizens themselves—is to induce and bring about a larger meat supply in the country.

I am glad to see from statistics recently given out by the Agricultural Department that last year there were a slight number more of cattle in this country than there were the year before; that there was a slight increase. If we can encourage that increase and cause the increase to continue it is bound to result in good to the people of the country, to the consumers of meat; and in what better way can we encourage it, in what better way can we promote it or bring it about, than by stopping the useless destruction of millions of dollars' worth of live stock in the country every year by predatory animals, by wild beasts? Every calf, every sheep, every head of live stock that is destroyed by one of these animals of prey is simply that much taken away from the people of the country. It is meat destroyed that might be consumed by some workingman, by some citizen, and would go to supply food to the people of the country, to make brain and brawn for our workers. These animals destroy millions of dollars' worth of live stock every year. Is it not our duty, is it not a plain and manifest duty, to address ourselves to that subject and stop it, if it may be stopped, and thereby keep the wolf away from the door, as might be suggested?

The results of these experiments by the Agricultural Department, as far as they have been reported, have been substantial and beneficial. If the sum of $110,000 expended in that way has produced good results, I think it is reasonable to believe that a larger appropriation, to a reasonable extent, would accomplish even more good to the people of the country.

The Senator from Kansas [Mr. THOMPSON] has read here a communication from the Agricultural Department in which the department says that it can get along with the amount of money heretofore appropriated—the sum of $110,000. From my reading of that article, I do not believe it says that a larger amount could not be used with beneficial results. Of course they can get along with $110,000; they could get along without any appropriation and let more calves and sheep be destroyed; but if we believe that $300,000 appropriated for this purpose will result in more good, in saving more animals from destruction and increase the meat supply of the country, then I believe it is our duty to make the appropriation.

I speak not only for the West but for all sections of the country. If this affects the price of meat, it affects every man, woman, and child in the United States. Its benefits will not be confined to the West, but will extend to every section of the country, and especially to the people of the large cities of the country.

It is true that the people in the old States of the North, the East, and the South may not be subject much to the destruction of their live stock by predatory animals, but the effect of this legislation will reach the people in the larger cities of the country—people who do not raise live stock at all—where the greatest consumers of meat are found, as it is retailed over the counters in the butcher shops and markets.

It is not a sectional provision. Its benefits will be felt by all the people of the country. It is not especially for the benefit of stock growers, but is more for the benefit of the great number of people in this country who do not raise live stock but consume meat. It would not be primarily for the benefit of the large stock growers on the plains of the West, but I believe it would apply more directly to the small farmer and live stock grower of the West. The great, extensive live stock grower in the West who runs his thousands of cattle and sheep on the plains can afford to lose a few hundred or a thousand animals.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Colorado?

Mr. MYERS. With great pleasure.

Mr. THOMAS. The remark made by the Senator a few moments ago concerning other sections of the country inspires the recollection that in the days when the Middle West and South were settled, when the Pacific coast was peopled by that

class of immigrants who have made that section one of the greatest and most prosperous of the country, wild animals infested all these regions at that time in numbers and in species greatly beyond that which now exists in our section of the country. We had no Agricultural Department at that time and no Federal Treasury to draw upon for the extermination of those animals. I should like to have the Senator explain how under those circumstances, with a sparse population surrounded by these terrible conditions which he says has resulted in increasing the price of meat, they ever managed to continue the breeding of live stock at all. What has become of those predatory animals which were then quite as fierce and whose depredations were quite as common as they are now?

Mr. MYERS. I do not contend, Mr. President, that the destruction of live stock by these predatory animals is the cause of the high price of meat, but it seems to me that it is manifest that anything which tends to increase the number of live stock in this country tends to lower the price of meat, and anything which tends to decrease the number of live stock in the country must increase the price of meat.

Mr. THOMAS. There is no doubt whatever about that argument; but, Mr. President, the fact is that during the era of this country's development and actual settlement, when the pioneer farmer and miner and business man relied upon his own strong arm and his own resources, without calling upon a Government bureau to aid him, he overcame this difficulty and this danger and removed it. Since that time the Western States have taken it in hand, and, of course, that work has been carried on together with the individual efforts of each man for the protection of his own property. What has come over the spirit of American manhood and energy and resourcefulness in these days, when we are obliged to call upon the Government of the United States for $300,000 to do the thing which our ancestors did for themselves before governmental instrumentalities had been extended to this branch of industrial activity?

Mr. WALSH. If my colleague will yield to me, I should like to inquire of the Senator from Colorado how those distinguished gentlemen, for whom he has spoken with such great reverence, got along without any of the activities of the Agriculture Department? Would not the argument of the Senator signify that we ought to abolish the whole thing?

Mr. THOMAS. It merely signifies that we ought to abolish a great many of the activities, not only of this but of some of the other departments, which go away beyond their legitimate scope. But I do not think that conclusion follows at all. It clearly demonstrates that in those days the people of the country got along very well without so much governmental assistance.

Mr. WALSH. Without any at all from the Agriculture Department.

Mr. THOMAS. And they got along until a few years ago without any at all from the Agriculture Department. Now, the activities of the Agriculture Department in proper directions are not only to be approved but encouraged; but they are misdirected when they are used for appropriations, of which this is not the only one, for this bill and other bills teem with appropriations of many sorts that are really designed to spend the public money in different localities of this country, which depend upon each other for passage. We have here an establishment of the old principle, "You scratch my back and I will scratch yours," which makes the aggregate of these bills so enormous, and which encourages appropriations that otherwise would not be thought of.

Mr. MYERS. The live-stock industry at the time of which the Senator from Colorado speaks so highly did not perish; it survives now, and it would survive without this appropriation. But I think it is evident that it would get along a great deal better with the appropriation than without it. In the days of which the Senator from Colorado speaks there was more live stock per capita to the people of this country than there is to-day. There was more live stock and fewer people than to-day. At present there are more consumers and there is less live stock, which makes of this a very serious question which addresses itself to us.

As I was saying, I do not think this will primarily benefit the large stockmen with extensive ranches in the West. They can lose hundreds of animals just as they lost thousands in the early days. They calculate to lose a certain percentage of their flocks and herds as a part of the profits and a loss of their business. But if we are to increase the number of live stock in this country we must encourage the small farmer to go into the business of farming in Montana and Colorado and all the Western States—men who can conveniently keep on hand half a dozen or a dozen or a couple of dozen head of cattle and who can incidentally keep a few sheep. Those are the men to whom the depredations of wild animals mean something. Wolves and coyotes come in the night; they come down from the mountains and kill two or three or half a dozen of their domestic animals. If the wild animals do that once or twice or thrice during a season, these people will quit raising or keeping live stock; they will become discouraged; they can not afford to stand such losses; and they are the ones whom we must encourage. The great live-stock baron of the West is passing away; the vast free ranges are disappearing; the public domain is being rapidly settled and fenced. It is to the small farmer and stock grower we must look for our future meat supply, and working people must eat meat to keep strong and well.

If we are to have an adequate meat supply in this country and keep down the price of meat, it is to the great West that we must look for that supply. Of course, the people of the old States, in the East and South, may raise enough for their own local consumption, but to supply the markets of the great cities of the country we must look to the country west of the Missouri River and to Texas in which to find that supply.

As far as extravagance or waste is concerned, I am opposed to that as much as anybody can be, but that does not frighten me in the face of duty. I believe in looking into the merits of each proposed appropriation, and if the expenditure of money is needed, if it would be beneficial, if it would result in a great saving to the people of the country, if it would result in benefit to the people for whom it is expended—if the expenditure of $300,000 may be the means of saving many hundreds of thousands of dollars or saving millions of dollars to the people of this country, if it is to be well spent, if there is need for it, if there is good reason to spend it, and if it comes back to us manyfold—I say then the money is not wasted, it is not misspent, and it is not extravagance. I believe such items are the last which should be attacked in appropriation bills for the purpose of keeping down the maximum appropriation of which we hear much and which we should ever keep well in mind.

The expenditure of this money, I believe, is needed. It has been prayed for by western legislatures. Western States are supplementing it. Montana is doing her part by expending in one year the sum of $178,000 for this same purpose; and if Montana can expend $178,000 for this purpose and if other Western States do likewise, can not the Federal Government, in the interest of the whole people, afford to contribute the sum of $300,000 to that purpose? To my mind it would not be wasteful, it would not be extravagant, and I believe it ought to be appropriated. I believe the increase ought to be made. I believe there is good ground for it, and I hope it will be made. It will be money well expended. It will furnish meat to hungry mouths. By it we can feed the hungry. Let no child go hungry for meat if we can help it.

Mr. WORKS. Mr. President, I sympathize a good deal with the position taken by the Senator from Colorado [Mr. THOMAS] respecting the tendency of the present time to aid States by the appropriation of money in carrying on their affairs. There is just one thing that appeals to me in favor of this appropriation, and that is the fact mentioned by the Senator from Wyoming [Mr. WARREN] that the Government owns millions of acres of land, most of it wild land, within the States that are untaxable. I think the injustice of that condition of things ought to appeal to every Senator. Just now we are proposing by legislation that is pending before this Senate to perpetuate that condition of affairs by absolutely withdrawing these lands from sale, legislation that will prevent the passing of the title into the hands of private owners or the States themselves and make them perpetually nontaxable by a leasing system that is proposed, which will retain the title in the Government and thereby prevent the taxing of the lands by the States. This condition of affairs, it seems to me, imposes some obligation on the part of the Government to protect the owners of domestic animals from the ravages of wild animals that are propagated and find their habitat on these lands owned by the Government. How far that obligation should extend may be a matter of question. The appropriation here is not a very large one. I know that practically all of the Western States are expending money for the purpose that is intended to be met by this appropriation. It seems to me to be an act of justice on the part of the Government to bear its share of the losses that may result, or to endeavor on its behalf to prevent such losses by some appropriation of this kind for the reasons that I have stated.

If these lands were in the hands of private individuals, if they were taxable, if the Government itself was not the owner of a large portion of the lands within the Western States, then I should be opposed to this sort of appropriation. I look with a good deal of apprehension upon the tendency of the present time to make this a paternal Government. The people of this

country have come to look to the National Government for help upon all occasions where the expenditure of money seems to be necessary for the purpose of their protection. I think that is an unfortunate condition of things. It takes away the independence and the initiative of the private citizen; it teaches him to lean upon the Government for help when he should help himself. It is a condition that I think should be corrected, but the tendency, I am sorry to say, Mr. President, at the present time is the other way. We are increasing rather than diminishing these appropriations. We are reaching out in all directions in our efforts to help men who should help themselves and be independent, and, generally speaking, I am opposed to this kind of legislation. It is only for the reason that I have suggested that there seems to be an obligation resting upon the Government that I should be in favor of any legislation of this kind.

Mr. WALSH. Mr. President, I would not feel justified in saying a word in addition to what has been offered in this discussion were it not for the fact that the State which I have the honor in part to represent is spending annually two-thirds as much as the appropriation asked here for the extermination of predatory carniverous animals.

Mr. President, this appropriation does not stand on the narrow basis, if there be any basis at all, upon which many appropriations in this bill stand. Even the distinguished Senator from Colorado [Mr. THOMAS] freely admits that, in view of the conditions that exist, an obligation does rest upon the National Government to contribute something toward the extermination of these animals that find their breeding places upon the forest reserves that are maintained by the National Government and which are maintained for a national purpose. Those forest reserves are not maintained for the exclusive benefit of the people who live within the States wherein they are found.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Colorado?

Mr. WALSH. I do.

Mr. THOMAS. If I remember correctly, my suggestion was that the large force of men engaged in the work of looking after these reserves should be required, among other things, to exterminate these animals, as far as possible, that find their refuge upon these large forest reserves.

Mr. WALSH. That is correct; that is to say, the Senator admits that the obligation, to some extent, at least, rests upon the National Government.

Mr. THOMAS. Not to the extent of making an appropriation to employ a whole lot of other people in addition to do something that should be done by them.

Mr. WALSH. I want to call special attention to the fact that admission is made that obligation rests upon the National Government to take care of this matter to some extent. The Senator from Colorado proposes simply that it be taken care of by adding to the duties of the present force, without an additional appropriation. As a matter of course, that is a very convenient way to dispose of this matter; but presumably every man who is now in the Forestry Service is doing something; presumably he has something to do. Is the Senator from Colorado able to tell us, from any knowledge about the matter, originating from any official source, that it will be possible to utilize the present force of the Forestry Service for this purpose? I feel like the Senator does, that there are a great many of these men; I oftentimes wonder what they do, as does the Senator; but I am not yet prepared to say, Mr. President, that they can be employed for this purpose.

Mr. President, I want to speak in that connection in answer to an inquiry addressed to the Senator from Wyoming [Mr. WARREN] by the Senator from Washington [Mr. JONES]. What character of experimentation, the Senator asked, would be done under this appropriation? Mr. President, notwithstanding the fact that the State of Montana expends almost $200,000 annually to abate this serious menace to the stock interests of our State, the evil continues to grow upon us. We do not perceive that we are making any substantial progress at all toward the alleviation of the heavy burden upon this industry. Some years ago a veterinary surgeon of our State suggested that the inoculation of the wolves and coyotes with the mange would be a very effective way of ridding the State of this pest. That has been extensively pursued. Many coyotes have been caught and have been inoculated with the mange.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from New Hampshire?

Mr. WALSH. I trust the Senator will pardon me a moment.

Mr. GALLINGER. Certainly.

Mr. WALSH. I merely wish to say that the results of that experiment, of that test, nobody can tell anything about except by something in the nature of an exhaustive investigation. It may be demonstrated that that is not a successful method of coping with the evil, but, Mr. President, can it be said that we shall make no progress in this matter at all? Can not science bring some means to aid us in this matter? Must we still resort to the gun, to which our people a hundred years ago resorted, and to no other method of eliminating this trouble?

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from New Hampshire?

Mr. WALSH. I yield to the Senator from New Hampshire.

Mr. GALLINGER. The Senator suggests that, notwithstanding all the efforts that have been made, the pest continues. That is equally true of other things. We are appropriating money annually to destroy the brown-tailed gypsy moth of New England, which are ravaging our forests. We have not as yet exterminated them; but we have made reasonable progress. That is equally true as to the boll weevil in the South. It occurs to me, Mr. President, that this appropriation is justified by the fact that we should have a much worse condition existing if this appropriation were not made.

Mr. WALSH. Undoubtedly.

Mr. GALLINGER. Wolves and coyotes and other predatory animals that have been destroyed as a result of our appropriations doubtless have greatly lessened the destruction that would have ensued had nothing been done. So I, knowing nothing about this matter, except what I read and hear in this discussion, am very warmly in favor of liberal appropriations for this purpose.

Mr. WALSH. I am very glad to hear the Senator say so; and the position he takes is undoubtedly correct.

I submit, Mr. President, that we ought to get the benefit of the scientific investigation of this subject so as to determine whether or not there is some method that science can bring to our aid in the elimination of these animals by some other method than the old system of either trapping them or shooting them. As a matter of course, these animals are especially wild. They propagate in this way and increase in number by reason of the fact that they are altogether too shrewd even for the cunning hunter who is trained in their destruction.

Mr. RANSDELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Louisiana?

Mr. WALSH. I do.

Mr. RANSDELL. I wish to suggest to the Senator from Montana that I am very much interested in this item. It reminds me strikingly of the splendid results of the efforts in the South to eradicate the cattle tick, the awful pest we have down there, different, of course, in kind, but very similar, I should say, in degree.

I wish to testify to the wonderful results that have come from the efforts of the National Department of Agriculture in eradicating the cattle tick. It has been completely driven out of a great many thousands of square miles of area, and the cattle industry is rapidly spreading over the South now with every hope of prosperity and success. We could not have done it to have saved our lives without the help of the National Department of Agriculture. It has cost a good deal of money; but let me say, the department had to educate the farmers in these methods of tick eradication. They first found out for themselves how to eradicate the tick, and then they taught the farmers. I have no doubt that better methods can be found for eradicating this awful animal pest which the Senator describes than by merely going out and killing them when you catch them. I am in hearty sympathy with the effort. I think it is very similar to that which has worked so successfully in regard to the eradication of the cattle tick in the South.

Mr. WALSH. Mr. President, the illustration given by the Senator from Louisiana undoubtedly has much force. There is just another idea to which I desire to advert. One of the purposes for which large areas of land were included within the forest reserves—oftentimes, as we have repeatedly complained, of the immense areas that were treeless, that were not properly included within forest reserves at all—one of the purposes avowed for the inclusion in these great areas within forest reserves was to preserve them to homesteaders, who were to be invited, and were by the act invited, to go within such forest reserves and make their homes, to take the areas that were within those forest reserves that were susceptible to tillage, that were capable of cultivation, and appropriate them under the homestead law. We have often felt that that act was not carried out in the spirit in which it was enacted, that the proper encouragement was not given by the Forestry Serv-

ice and its officials to homesteaders to go within the limits of the forest reserves and take up these lands. Whatever repression there was, however, Mr. President, great numbers of people have gone within those forest reserves and have taken up their homes there.

Furthermore, Mr. President, everybody recognizes that the great ranges of the West have practically passed away and that the ground that was once occupied by the great cattle kings is being taken by the settler. There were 19,000 homestead entries in my State last year. Every available tract is being taken up by homesteaders; and, Mr. President, every agency of the Government, every agency of the State, every commercial body is organizing in urging him to give up the attempt to make a living by raising grain, and, as speedily as he can, to get a head or two of cattle, to get a few cows and go into the dairy business, to get a few sheep and fatten them and sell the lambs; in other words, to go into stock raising. That is the constant talk to these people.

Mr. President, they are within the forest reserves, they are upon the foothills, on the very margin of the forest reserves; and while, as stated by my colleague, the loss of a cow or of a steer, or of 10 cows or 20 cows, might not be a serious matter to a man with a great herd of 500 head, say, it is utter ruin to the homesteader who has 2 or 3 cows to lose one of them, or even to lose the calf of one of them.

Mr. WARREN. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Wyoming?

Mr. WALSH. Yes.

Mr. WARREN. The Senator, in line with his remarks, might note that wolves are just as destructive of chickens, of pigs, and all of the support that a family has in animal life, as they are of cattle and of sheep.

Mr. WALSH. Mr. President, I think that this appropriation has a perfectly sound basis, a better basis than many of the appropriations in the bill, and I think a perfect basis. It affords a perfect ground upon which an appeal can be made to the National Government, and certainly the policy of it addresses itself to us with special and particular force.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. The Senator from Washington.

Mr. JONES. Mr. President, the Senator from Montana [Mr. WALSH] has given the only good reason, in my judgment, that has been given for this appropriation under the terms of the provision. This item comes under the title of "Bureau of Biological Survey," and the provision itself reads:

> For investigating the food habits of North American birds and mammals in relation to agriculture, horticulture, and forestry, including experiments and demonstrations in destroying wolves, coyotes, prairie dogs, and other animals injurious to agriculture and animal husbandry—

And so forth.

That language does not warrant an appropriation solely for the destroying or killing of animals; yet that has been the basis of practically all the arguments for it that have been presented, until the Senator from Montana suggested that in Montana they have tried an experiment, a special method of destroying the coyotes, which they hoped would be successful. That is all right; that comes under the terms of this appropriation. If it is possible to inaugurate some different and more effective method of destroying these animals, which can then be put into operation by the farmers and settlers and stock raisers, we would be carrying out the purpose of this language, and we would be accomplishing something; but all the arguments, with the exception I have noted, have been based entirely upon the proposition that the Government ought to destroy these animals. There can not be any question or any difference of opinion, so far as that is concerned, as to the desirability of the destruction of the wolves and other predatory animals. There can not be any difference of opinion that we ought to prevent, if we possibly can, the killing by predatory animals of sheep and cattle and hogs and chickens and other valuable animals of the homesteader and settler and of the large owners of stock as well, so far as that is concerned.

The senior Senator from Montana [Mr. MYERS] seemed to think that some suggestion had been made here that this appropriation was in the interest of the large stock owners. I have heard no one suggest anything of that sort, nor have I heard anyone suggest that the provision was in the interest of any particular section of the country. The purpose of it, of course, is to destroy predatory animals, if possible, and to assist in the increase of the supply of cattle and sheep and food animals.

Now, I want to suggest that if you increase this amount to $200,000 you are not going to get anything out of it along the lines that have been argued as desirable. You will be putting this money in the hands of some scientists; and those scientists are to do what? Well, they are to investigate, for one thing, "the food habits of North American birds and mammals." If you give them more than $110,000 without some qualification, they are going to use more money for that purpose. Then they are to use this money "for investigations and experiments in connection with rearing of fur-bearing animals, including mink and marten."

Now, you give them more money and they will devote more attention to that branch of the subject. Then there is a proviso in the paragraph, which reads:

> *Provided*, That of this sum—

That relates to the amount as provided in the House bill of $110,000—

> *Provided*, That of this sum $15,000 shall be used for the destruction of ground squirrels on the national forests and other public lands.

That is all the money that they will use on national forests and the public lands for the destruction of animals, and they are going to use that for prairie dogs.

> *And provided further*, That of this sum not more than $5,000 may be used in investigating the disease of wild ducks in the Salt Lake Valley region of Utah.

They will use that $5,000 for that purpose; they will use the $15,000 for the ground squirrels in the national forests; and then they will use the greater amount of what we give them "for investigations and experiments in connection with rearing of fur-bearing animals, including mink and marten," and similar animals; but you are not going to have any destruction of wolves and coyotes.

Mr. WARREN. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Wyoming?

Mr. JONES. Certainly.

Mr. WARREN. Where does the Senator get his information as to what the department will do with this money, other than what the bill provides for?

Mr. JONES. Oh, Mr. President, I have been down here for 16 years, and, although that is not nearly so long as the Senator from Wyoming has been here, I know a great deal about how the departments work and how they use appropriations; and that is the information upon which I base that statement.

Mr. WARREN. But the Senator has no specific information whatever about the matter.

Mr. JONES. Oh, the Senator knows I have not.

Mr. WARREN. That is what I thought.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Montana?

Mr. JONES. Certainly.

Mr. WALSH. Would an amendment of this character not meet the objection?—

> *Provided further*, That not less than $200,000 shall be used for experiments and demonstrations in destroying animals injurious to agriculture and animal husbandry.

Mr. JONES. Yes; or something like this, which I have written down here:

> *And provided also*, That $150,000 shall be used in the national forests in destroying predatory animals.

I was going to offer such an amendment as that if the amendment increasing the appropriation to $300,000 should be adopted. The reason I will do that is largely because of the arguments made by the Senator from Wyoming [Mr. WARREN] and the senior Senator from Montana [Mr. MYERS]. They have based their arguments largely upon the ground that these predatory animals come out of the national forests; that those forests are a sort of harbor of refuge for them; that the lands in the forest reserves are lands of the National Government; that the farmers and homesteaders and settlers can not go onto that territory and kill these animals, but that the animals are allowed to breed and multiply; and while we may kill them off from the outside, as fast as we kill them off they are replenished from this harbor of refuge which the Government maintains. I think there is a good deal of force in that suggestion. I believe that, as a matter of fact, a great many of these predatory animals do come from the forest reserves; they very soon know where they are protected and where they are not; and so they no doubt do multiply very rapidly in the forest reserves.

If we want to meet that situation—and I think we ought to meet it—then let us provide a sum of money and direct it to be used within the limits of the reserves in the destruction of predatory animals. Then we will accomplish something; we will serve some good purpose.

Mr. WARREN. I think the Senator had better make the amount for that purpose more than $150,000, then.

Mr. JONES. The Senator from Wyoming suggests that I ought to make the amount more than $150,000. Under the provision as it passed the House it carried $110,000. No doubt that has already been apportioned by the department for certain purposes. They want that for certain purposes, and they have mapped out the lines along which the appropriation shall be spent next year. You have provided that $15,000 of that amount shall be spent for certain purposes, and that $5,000 shall be spent for certain other purposes. The amendment reported by the committee increases the amount to $300,000, which is an increase of $190,000. I thought we could leave part of that for these general purposes, and so I concluded that it would be well to allot $150,000 of the $190,000 increase for the purpose of destroying predatory animals in the national forests, leaving $40,000 additional for the department to use for the purposes which it has already mapped out. Then, we will accomplish something. We would have $40,000 additional for experiments, such as the Senator from Montana [Mr. WALSH] has suggested, and which, I think, are very desirable and very valuable if there is any hope of developing any method that is more effective than present methods, by which we can destroy predatory animals.

Mr. SMITH of Arizona. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Arizona?

Mr. JONES. Certainly.

Mr. SMITH of Arizona. I appreciate the great force of the Senator's argument, but I think to confine the appropriation simply to the forest reserves would place too much of a limitation on the destruction of these predatory animals. There are edges and wide areas about forest reserves for which some provision should be made in this connection.

Mr. JONES. I only confine a certain part of it to the forest reserves.

Mr. SMITH of Arizona. Leaving the balance to provide for the extermination of predatory animals anywhere?

Mr. JONES. Oh, yes.

Mr. SMITH of Arizona. I have no objection to that. The Senator's amendment will leave the remainder of the appropriation available for use outside the reserves.

Mr. JONES. Perhaps it would be better to have that in the amendment, but I thought probably the word "predatory" would cover those animals. I merely wrote the proposed amendment hurriedly.

Mr. SMITH of Arizona. I was afraid the department might construe the provision to mean that it could not kill an animal if it was not on a forest reserve.

There might be a place 20 miles distant from a forest reserve, amongst the rocks, where you could not go except with great difficulty, where there are no trees, and where the predatory animals are more dangerous than they are even in the forest reserves; and the department, unless the provision was made clear, might hold that it could not expend any of the money for the purpose of exterminating such animals.

Mr. JONES. If the Senator's idea should be correct, then the department could not use any of this money for that purpose. I propose to leave the $110,000 to be expended exactly as provided in the bill, and I leave $40,000 of the proposed increase in the amount also to be used just as provided in the paragraph, and then the remainder of the amount may be applied by the department in the extermination of predatory animals on the public lands.

Mr. SMITH of Arizona. If the Senator's amendment left the department free to exterminate predatory animals wherever they might be found, I think it would be very wise.

Mr. JONES. My amendment would not change the bill in any respect except to require that $150,000 of the $300,000 shall be used in killing animals in the forest reserves. I leave $40,000 for them to expend anywhere and to be used for any of the purposes specified in the bill.

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Colorado?

Mr. JONES. Certainly.

Mr. SHAFROTH. I fully agree with the Senator that some portion of this amount ought to be clearly provided to remedy the evil that now exists in respect to the destruction of cattle and sheep, but I do not think the amount which the Senator has specified is large enough for that purpose. It seems to me that it ought to be $200,000. I believe that this is an appropriation for which evidently there is a great demand. We are apt to think that appropriations relate to insignificant matters unless we have heard something about them; but when we look into them we conclude that they have a great deal of merit.

I want to say that the joint resolution of the State of Oregon, which recites that $15,000,000 worth of live stock are killed every year by wolves and coyotes, is something that, it seems to me, would justify this appropriation. We have appropriated $2,500,000 for the foot-and-mouth disease and we have appropriated large sums of money for other purposes in this bill, and the fact that this appropriation is made necessary because the forest reserves are the breeding places for predatory animals would justify, it seems to me, this appropriation.

Mr. JONES. Mr. President, what I really want to emphasize is this: If we are to make an additional appropriation, then we ought to provide specifically for the use of a certain amount of it for the purpose that we want served, because if you do not do that you will have a great part of the money used, just as surely as you appropriate it, for experiments with reference to mink, marten, and other fur-bearing animals and investigating the food habits of North American birds; you will not serve the purpose everyone has in mind, which is the destruction of wolves, coyotes, and other predatory animals which destroy the valuable animals of the settlers and of those who are trying to furnish a food supply for the people of the country.

Mr. President, the people of my State are spending large sums of money for this purpose. I think the State itself appropriates several thousand dollars for it; then every county in the State, wherever it is desirable at any rate, appropriates money to pay bounties for scalps of wolves and coyotes and similar animals. So I have no doubt that in the aggregate the people of my State are paying many thousands of dollars to accomplish the purpose that is sought by the increase of this appropriation.

I am in favor of appropriating money for the destruction of these animals, but I am not in favor of increasing this appropriation by a large sum of money and leaving it to the discretion of these officials to be used under the general terms of this clause in the bill. Those who want predatory animals destroyed ought to provide for their destruction, and we ought to so frame the law that the money will be used for that very purpose.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from North Dakota?

Mr. JONES. Yes.

Mr. McCUMBER. Right at that point I should like a little information. Possibly what I may say is more in the line of a suggestion; but, as I understand, the bill as it now reads allows the department to use whatever portion of this appropriation it sees fit in investigating how to kill these animals.

Mr. JONES. Except that it provides that $15,000 shall be used for the destruction of ground squirrels on the national forests and other public lands, and $5,000 to investigate the disease of wild ducks in the Salt Lake Valley in Utah.

Mr. McCUMBER. Yes; but what I am getting at is that instead of providing that a certain amount shall be expended for the destruction of the animals, the provision is that it shall be expended in ascertaining how to destroy them.

Mr. JONES. That is it.

Mr. McCUMBER. That is about as sensible as voting a sum of money to determine how you would skin a cat after you got it.

Mr. JONES. Yes; that is it.

Mr. McCUMBER. I have an idea that if you would appropriate $1 for the pelt and say that all the hunters in the West may go in upon these Government reserves and use $200,000 for that purpose you would have 200,000 pelts, and that would be ten times as many as the department would get hold of in 10 years through its investigations.

It does seem to me that instead of appropriating money to determine how to do a simple thing which everybody knows how to do the better method is simply to provide for the expenditure of a certain amount for doing the thing itself. I do not know but that if they are as plentiful as is suggested here an offer of a bounty of 50 cents per pelt by the Government would exterminate all that would be found upon these Government reserves.

Mr. WALSH. Mr. President——

Mr. JONES. The Senator has stated much more clearly than I have the very point to which I was calling attention.

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Montana?

Mr. JONES. Certainly.

Mr. WALSH. In view of the remarks of the Senator from North Dakota I wish to assure him that his remedy would be found exceedingly ineffectual. Our State gives a bounty of $10 for every wolfskin and $3 for every coyote skin. The stock

associations add to that a further bounty, and private companies engaged in the business add a bounty to that, and after all we do not make much progress. The Senator from North Dakota was not in the Chamber a while ago when I indicated that it would be very much more profitable to spend this money to find out some other way of getting rid of them, inoculating them with mange, or some other scientific process, rather than taking the old means of shooting them or trapping them for the purpose of killing them. In other words, the amendment ought to remain as it is—for experimentation in the process of destroying them, and not for actual destruction.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington further yield to the Senator from North Dakota?

Mr. JONES. Yes; I yield.

Mr. McCUMBER. I simply want to say, in answer to that question, that I moved to the State where I now reside in the early days, when it was practically a wilderness of prairie, when there were a great many wolves and coyotes and animals of that character in the State, and with a very small bounty we were able to exterminate them entirely in the eastern section of the country, and without any very heavy bounty being paid, either; at a very slight cost. I am certain that generally the Government will get better results under the bounty system than it is getting now.

Mr. JONES. Mr. President, under my amendment there would be left $150,000 for the purposes outlined by the Senator from Montana and covered by the provisions of the bill. Of course, the $150,000 that I would provide for the destruction of these animals may be used also in trying to get the best methods of destroying them. That does not mean that they have to go out and shoot them alone, but if they can develop any other method by which they can more effectively destroy them under the $150,000, they can do it. What I want, and what I think has been shown to be necessary by the arguments that have been presented here, is that a definite amount of this money shall be used in the forest reserves, the territory now absolutely under the control and jurisdiction of the United States, for the destruction of these animals. Let them be destroyed right in the harbor that the Government has created, where they are now preserved. I should like to see the forest-reserve officers used for that purpose. I think they could do it more effectively than these biological engineers and scientific men, and there ought to be some way by which you could coordinate the services of the biological people and the others.

Mr. WARREN. Mr. President, what does the Senator mean by "biological engineers"?

Mr. JONES. You have them here. There is an executive assistant; one biologist, who shall be chief of the bureau; a chief clerk, and so forth.

Mr. WARREN. But they are not engineers.

Mr. JONES. Not exactly, no; but they are experts. They are biological experts. That is what they are.

Mr. WARREN. Yes; that is better.

Mr. JONES. They do not call them engineers, but it amounts to the same thing in a different line of work. They are scientists. But if we can get an appropriation under which we can direct these forest-reserve officers or, if we must have these biological scientists to do it, direct them to use that money in the forest reserves for killing these animals, then we will accomplish something that will result in good.

I wish to say, further, that if this amendment of $300,000 is adopted, I shall propose an amendment along the lines I have already indicated.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Colorado?

Mr. JONES. I yield to the Senator from Colorado.

Mr. THOMAS. The Senator from Montana said a few moments ago that in his State a bounty of $10 was paid by the State for every wolf scalp, and an additional reward from the State stock associations, and a further bounty from private concerns, making three rewards in all. Now, my State also offers bounties for the scalps of these predatory animals. In addition to that, there is a constantly increasing demand for fur. If those incentives are not sufficient to exterminate these animals, does the Senator think it possible to exterminate them or increase their extermination by an act of Congress carrying $300,000?

Mr. JONES. Possibly not, except by making a provision that the officers of the Government shall go on the forest reserves and kill them. I do not suppose the citizens outside of the reserves can go on the forest reserves and kill these animals in order to get these bounties. That is the principal evil complained of by the Senator from Wyoming [Mr. WARREN] and the senior Senator from Montana [Mr. MYERS]—that these forest reserves are a sort of harbor of refuge, and that the ordinary citizen of the State can not get at these animals on the reserves, whether the bounty is large or small.

Mr. THOMAS. Mr. President, does the Senator understand that a citizen is prohibited from going upon a forest reserve for the purpose of killing a predatory animal? I do not understand that the regulations go to that extent. I know they are innumerable and are designed to cover almost every element of human activity, but I do not believe there is any such prohibition as that.

Mr. JONES. I do not know what all their prohibitions are, but I think they are so many and so uncertain that most citizens would not run the risk of going on there to hunt these coyotes and wolves.

Mr. THOMAS. It may be, but I do not believe the regulations have extended to that subject and excluded the inhabitants of the respective States from hunting game during the open season, or at any time killing these animals that are inimical to civilization.

Mr. JONES. Of course the Senator understands that on some of these reserves, I think, they have some regulations that, if strictly construed, would not permit us to go on at all without a permit.

Mr. THOMAS. It may be. I am prepared for information going to any extent upon that subject, but I do not believe the subject has been covered specifically.

Mr. JONES. At any rate, that has been the basis of the argument that has been presented here to-day—the fact that these reserves constitute a harbor of refuge for these animals.

Mr. THOMAS. Yes; that is the reason why I asked the question. It has been assumed here that such was the case.

Mr. JONES. I know that they have a great many regulations and they are very restrictive, and I would not be surprised to find that by a technical enforcement of their regulations they could pretty nearly prevent a person from going on there with a gun for almost any purpose, except to follow along certain trails or lines to get across.

It has been suggested that there are lots of settlers in the forest reserves, and that to these settlers the loss of a cow or the loss of a sheep or a chicken or a pig means more than the loss of a great many animals to large stock owners. Of course that is true; and yet nobody supposes that under this appropriation anybody is going to go into the forest reserves around the neighborhood of these settlers and kill the animals about there and protect them—not at all. They may do it if we provide specifically that a certain amount of this money shall be used in the forest reserves for the purpose of killing these animals.

Mr. President, I am not going to take the time of the Senate further. I am not in favor of increasing this amount if we leave the provision of this paragraph as it is. If we do increase it, then we ought to provide that a specific amount shall be used for the destruction of these animals. As a matter of fact, we ought to separate that paragraph from the other parts of the paragraph providing for investigating the food habits of North American birds and mammals in relation to agriculture and for investigations and experiments in connection with the rearing of fur-bearing animals, including mink and marten. We ought to separate the clause providing for the destruction of these other animals from all of that, and put those duties under a certain class of Government employees, and put this other, except the scientific part of it, possibly, the experimental part, as suggested by the Senator from Montana [Mr. MYERS], under another class of persons, and I think preferably under the forest-reserve people.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. GORE. I simply wish to throw out a hint to the wise, to the effect that if this appropriation is to be made available, if it is to be made effective, it would be a pretty good idea to pass this bill on or before high noon on March 4. I should like to remind the Senators that while we talk these wolves are breeding and multiplying and replenishing in the national forests.

The committee recommended this amendment. It was the sense of the majority of the committee. I am standing by the committee. Notwithstanding the discussion, I am still for the amendment; but I wish to say that I shall not feel justified in pressing this amendment, or in pressing any other amendment, at the peril of defeating this or any other appropriation bill. I hope we are ready to vote.

Mr. JONES. Mr. President, just one word.

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Washington?

Mr. JONES. I am not asking the Senator to yield. I simply wish to say that this talk does not make any difference as to when the bill will go into effect. These appropriations will not

become effective until the 1st of July, anyhow, so that we have not delayed the killing of any of these animals by the time the matter has been under discussion.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. KERN. I should like to have the amendment stated.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. The committee amendment is on page 54, line 19. It proposes to strike out "$110,000" and to insert "$300,000."

Mr. THOMPSON. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. STONE (when Mr. REED's name was called). I desire to state that my colleague [Mr. REED] has been absent for several days on important business, which has compelled him to be out of the city. He expects to return to-morrow.

Mr. SMITH of Maryland (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. DILLINGHAM]. In his absence, I withhold my vote.

Mr. SMITH of Michigan (when his name was called). I again announce my pair with the junior Senator from Missouri [Mr. REED]. I transfer that pair to the senior Senator from Idaho [Mr. BORAH] and will vote. I vote "yea."

Mr. WALSH (when his name was called). I have a general pair with the senior Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to the senior Senator from Oklahoma [Mr. OWEN] and will vote. I vote "yea."

The roll call was concluded.

Mr. DU PONT (after having voted in the affirmative). I inquire whether the senior Senator from Texas [Mr. CULBERSON] has voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. DU PONT. In that case I withdraw my vote, as I have a general pair with him.

Mr. CRAWFORD (after having voted in the affirmative). I voted inadvertently, finding that my pair, the senior Senator from Tennessee [Mr. LEA], is absent. I transfer that pair to the junior Senator from Wisconsin [Mr. STEPHENSON], and will allow my vote to stand.

Mr. STERLING (after having voted in the affirmative). I have a general pair with the senior Senator from New Jersey [Mr. MARTINE], and therefore withdraw my vote.

Mr. GALLINGER. I have been requested to announce a pair between the senior Senator from Ohio [Mr. BURTON] and the junior Senator from Kentucky [Mr. CAMDEN]; also a pair between the junior Senator from Illinois [Mr. SHERMAN] and the senior Senator from Mississippi [Mr. WILLIAMS].

The result was announced—yeas 43, nays 15, as follows:

YEAS—43.

Ashurst	Gallinger	Norris	Smith, Ariz.
Bankhead	Gore	O'Gorman	Smith, Mich.
Brady	Gronna	Oliver	Smoot
Brandegee	Johnson	Page	Townsend
Catron	La Follette	Penrose	Vardaman
Chamberlain	Lodge	Perkins	Walsh
Clapp	McCumber	Pittman	Warren
Clark, Wyo.	McLean	Poindexter	Weeks
Crawford	Martin, Va.	Ransdell	White
Fall	Myers	Shafroth	Works
Fletcher	Nelson	Sheppard	

NAYS—15.

Bristow	James	Lewis	Swanson
Bryan	Jones	Pomerene	Thomas
Hitchcock	Kern	Simmons	Thompson
Hollis	Lane	Smith, Ga.	

NOT VOTING—38.

Borah	du Pont	Overman	Smith, S. C.
Burleigh	Goff	Owen	Stephenson
Burton	Hardwick	Reed	Sterling
Camden	Hughes	Robinson	Stone
Chilton	Kenyon	Root	Sutherland
Clarke, Ark.	Lea, Tenn.	Saulsbury	Thornton
Colt	Lee, Md.	Sherman	Tillman
Culberson	Lippitt	Shields	Williams
Cummins	Martine, N. J.	Shively	
Dillingham	Newlands	Smith, Md.	

So the amendment of the committee was agreed to.

Mr. JONES. Mr. President, I wish to ask whether it would be in order at this time to offer another amendment to this paragraph? I am not sure as to whether it would be, under the agreement that all committee amendments are to be disposed of first.

Mr. GORE. Mr. President, I think under the agreement the amendment would not be in order, unless the Senator asks unanimous consent.

Mr. JONES. If it can be done, I ask unanimous consent to present an amendment at this point.

The PRESIDING OFFICER. Is there objection?

Mr. GORE. I will request the Senator to defer it until we finish the committee amendments.

Mr. JONES. Very well.

The SECRETARY. The next amendment of the committee passed over is, on page 78, the item relative to the International Dry Farming Congress to be held in Denver, Colo.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. The Senator from Utah.

Mr. SMOOT. That item was passed over last night at my request. In the discussion of the item last night I asked the Senator from Colorado if he would not agree to reduce the amount from $20,000 to $10,000, and suggested certain reasons why that should be done. I am quite sure that if this policy of appropriating money to pay the expenses of the different congresses held in the different parts of the United States becomes a fixed policy of the Government it is going to cost hundreds of thousands of dollars every year.

I hold in my hand a letter, received this morning, in which I am advised that the International Irrigation Congress has already made a request of a certain Senator that an appropriation of $20,000 be made for defraying the expenses of the congress that is to be held at Sacramento this year. I have tried, since last night, to get a list of all of the congresses that hold their annual sessions in the United States, but so far I have not been able to get the names of all of them. There are, however, 20 or more whose names I have; and I take it for granted that there is not a person interested in any one of those congresses and the subjects matter which are to be discussed by them who does not feel that his particular congress is of just as much importance as the International Dry Farming Congress possibly could be.

The Irrigation Congress was organized some 28 years ago. The first appropriation this congress ever had was three years ago, at a time when a quarter of a century had elapsed from its first meeting, and it was held at the same place where the first meeting was held. The irrigation congress was one of the first to be organized in this country, and I want to be frank in saying that this congress has had a wonderful influence upon the education of the American people upon this most vital question. I have no doubt, Mr. President, but that the Dry Farming Congress is one of great interest, and that it has a beneficial effect upon thousands of people. I have no doubt that the representatives who come from foreign countries and the representatives from different States attending the congress carry away with them information that is disseminated among the people of their own communities, and that is of great benefit not only to the communities in which they live but to the country at large.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New Hampshire?

Mr. SMOOT. I do.

Mr. GALLINGER. I know nothing, Mr. President, as to the desirability of the amount that is named in this amendment, but I am in favor of some appropriation for this purpose. I want to ask the Senator from Utah, who seems to have, in a sense, arrayed himself against appropriations for these conferences and conventions, if he knows of a single instance where delegates from the United States have been invited to any foreign conference or convention that an appropriation has not been made by the foreign Government?

Mr. SMOOT. Offhand, I could not state whether there has or has not been. I can say this to the Senator, however, that there have been appropriations made by Congress for the payment of the expenses of our delegates who attended foreign congresses or conferences.

Mr. GALLINGER. There is no question about that.

Mr. SMOOT. That I do know, but I can not say as to whether any other country has made appropriations to pay expenses of delegates or not.

Mr. GALLINGER. I do not think that any foreign Government more than our Government has made appropriations to pay the traveling expenses, but in every instance I am aware of, and I have taken some pains to investigate the matter, the foreign Governments have made appropriations for the entertainment of the delegates; and I think we can do no less than that when we invite people to come to this country from other countries.

Mr. SMOOT. If the Congress or the President of the United States invited them it would be quite a different thing than to have the officers of the Dry Farming Congress or other congresses extend the invitation.

Mr. GALLINGER. I think that is true.

Mr. SMOOT. In the case of this congress the President does not invite them. It is true that in this very case the very day this item was reported in this appropriation bill to the Senate there was a resolution from the House which provides that the

President shall extend an invitation to foreign countries to attend this congress, and a proviso of the resolution provided that there should be no expense in connection with it.

Mr. GALLINGER. If the Senator will permit me, I had not observed that this invitation is not to be made by the President. As a rule, or in very many instances, that is the case, and by legislation we provide that the invitation shall be extended through the President of the United States.

Mr. SMOOT. But this is not one of those cases, I will say to the Senator.

Mr. GALLINGER. Yet even in this case it seems to me that to extend an invitation to people of other countries to come here to take part in a scientific congress that will be of advantage to our own people as well as to those who come here, it would be almost an insult to say to them that the Government will give you no recognition so far as making a little appropriation is concerned.

Mr. SMOOT. I will say to the Senator that in the past, for the last quarter of a century, there has been a rivalry between cities in the United States as to where these congresses should be held. I have been to a number of them, particularly the Trans-Mississippi Congress and the Irrigation Congress, where delegates from one State would ask the congress to hold its next session in a particular city of that State, and delegates from another State requested that it be held in some city of their State, and a campaign immediately began for support. Cities in the past have always paid the expenses until about three years ago; and I think, Mr. President, that is what they ought to do now. If the Dry Farming Congress is held in Salt Lake City, Utah, I think the Salt Lake City people ought to pay the expenses of entertaining the congress. It brings people from all over the country, the business interests of the city receive a direct benefit, and the whole State receives advertising through the congress. I think the city and the State ought to pay the expense of entertaining. It is for that reason, Mr. President, that I am opposed to entering upon the policy of the Government paying the expenses of these congresses wherever they are held and as often as they are held.

I know it will be immediately stated that I asked for an appropriation of $10,000 for the International Irrigation Congress three years ago that was held in Salt Lake City. I thought that amount was ample. I thought the $10,000 which was appropriated then was nothing more than fair, and that Salt Lake City should put up all the balance of the money. It was the twenty-fifth anniversary of the organization of the irrigation congress, the first one being held in Salt Lake City and the twenty-fifth one being held at the same place. For that reason invitations were extended to officials of every State in the Union and foreign countries. Representatives fron many foreign countries were present, and there was hardly a State in the Union which did not have representatives at that congress.

Now, Mr. President, we are asked at this time to appropriate $20,000. I know that two years ago there was appropriated $20,000 for this same congress held in a city in Oklahoma, and I knew that there was $20,000 appropriated a year ago for this same congress held in some city in Kansas But, Mr. President, if the Dry Farming Congress is to receive $20,000 every year from Congress for the purpose of defraying the expenses of holding that congress I can not see why the irrigation congress, the trans-Mississippi congress, and all the other 20 or 30 congresses, which are held annually in this country, should not receive the same consideration at the hands of Congress.

I will say to the Senator from Colorado [Mr. SHAFROTH], who is so deeply interested in this item, that it does seem to me if Congress does appropriate $10,000 toward defraying the expenses of this congress the city of Denver ought to pay the balance of the expense without a question, and I shall offer, and do now offer, an amendment to the proposed committee amendment by striking out "$20,000" and inserting "$10,000."

Mr. SHAFROTH. Mr. President, the Senator from Utah has made a plea in behalf of cutting down this appropriation, because he is opposed to this general character of legislation. If this was the starting of a new scheme there might be great force in the position which he takes. I am not asking for anything out of the usual order. I am not asking for a dollar more than has been appropriated for Oklahoma and for the State of Kansas. The Senator from Utah himself admits that the first irrigation congress was held in the city of Salt Lake many years ago, and that there was $10,000 appropriated for that. That is a precedent which authorizes, to some extent at least, these appropriations. At any rate, Mr. President, this matter is one that is not open to the objection that it is starting a new line. Whenever the question of another congress of a different character that has not been appropriated for comes up, that is the time to urge an objection of that kind.

Now, I want to say to the Senator—and he, perhaps, knows it well—there is not a line of agriculture that has such possibilities in it as agriculture on these arid plains. We often lament the fact that we have not had sufficient downfall of water to raise crops, and that is one thing the people of the West have often complained of. Yet we have the most fertile soil in all the world, and that fertility would not exist if it had not been for the fact that we had a scarcity of rain. It is the downpour of the ages on lands in other portions of the United States that has made them sterile.

We know that all soil is nothing but disintegrated rock, that the fertility of the soil depends upon the presence of mineral salts in in the soil, and that the mineral salts are dissipated and dissolved and washed away by frequent rain. Consequently the very fertility of our soil has been preserved by reason of the fact that our country is arid.

Now, we have this vast rich land upon which we can raise any quantity of products. I have seen at the dry farming congresses certificates and samples of wheat that yielded 40 bushels to the acre. It is a certain character of wheat; it has to be planted in a certain way; the soil has to be tilled in a certain way. All that has developed by reason of this agitation among the people, and these congresses are the one thing that have made this possibility greater than perhaps any other thing, for we know as a matter of fact that soil after a rain will crack, and exposure of that kind produces evaporation. That is what makes the land so dry that it will not produce crops. We have discovered that by harrowing that land after every rainfall the tendency is to keep the moisture in the soil, and by reason of that one discovery alone many many crops are made a success when they were a complete failure. All that has been developed by reason of consultation and essays and speeches made at thees congresses of the dry farming land, and that is worth more to the United States than pretty nearly any quantity of literature that you can distribute. All of those things add to the development of the country.

There are millions and millions and millions of acres of this land, and is it possible that we want in some way to discourage the holding of these congresses? There are exhibits produced there. It is not only the meeting of the farmers and the discussions of the matters that come up in the congress, but it is the live illustrations that are made right there by exhibiting the products. They are brought from all over the United States. It encourages the people who have gone upon these dry lands for the purpose and expectation of making homes there. If you can get a home built on every 320 acres of land in that arid West you will add 10,000,000 or 15,000,000 people to the population of the United States. The very fact that people are there ready to demonstrate and show that men can make a living upon this land and that they can produce good results is worth many times the simple appropriation that is made here.

Mr. President, I do not want to discuss the question to any extent. I believe this appropriation is made in accordance with what has been made in the past. We are not asking for any more. This Dry Farming Congress does not pay; I mean by that no city makes any money out of it. You can not appeal to the hotel people or people engaged in business there to contribute. The city of Denver does that at times. It raised $100,000 for the holding of the Democratic national convention there years ago, and it was thoroughly satisfied with the investment; but when you take a scientific question that is to be discussed, to be illustrated, you have not the number of people who have large bank rolls and can afford to stop at fine hotels, and consequently the hotel people are not keen to subscribe for the bringing of the congress there.

I want to say further in reference to what the Senator said concerning the Trans-Mississippi Congress, that congress is now in such condition that they can not get cities in which to hold it. There was no Trans-Mississippi Congress held last year. It was because, not being an international congress, having matters relating solely to the West, there was not any inducement to people to subscribe for the holding of the convention in their particular city. On that account cities after cities have shirked it. Instead of there being a competition for it there is simply a request not to bring it in many cases, and the result has been that they could not get last year any city to undertake the entertainment of those people.

Mr. President, this is not only a congress where people meet and discuss, but it is the exhibition of what is actually done on those lands out in the West, which it is important that the Government should get rid of and on which it is important that homes should be made.

With that, Mr. President, it seems to me that it is not a good time now, when we have made this appropriation for every meeting of this congress that has ever been held in the United

States, and it is not exactly fair to our section to say, "No; we will draw the line here; just as quickly as it gets to your State we will have it half the amount."

Mr. President, I hope that the amendment offered by the Senator from Utah to the amendment will be voted down.

Mr. SMOOT. Mr. President, so that the record may be kept straight, I will say to the Senator from Colorado that last year there was no gathering of the International Irrigation Congress for the reason that the city that had invited the congress, and the invitation accepted, gave notice, too late, however, for another place to prepare for the congress, that it was impossible for it to meet the expenses. I suppose the Senator knows that that was the reason the congress was not held.

The congress will be held this year at Sacramento. The congress is designated the International Irrigation Congress ever since three years ago when the first appropriation was made to partially pay the expenses incident to the holding of the congress at Salt Lake City.

I recognize, of course, Mr. President, the wonderful amount of good that has come from the holding of the Dry Farming Congress, but it certainly has not been more than the good which has come from the holding of the irrigation congresses in the past, the Trans-Mississippi Congress, and many of the other congresses held in different parts of the United States annually.

Dry farming is a coming industry in the United States. In my own State we are raising to-day more wheat upon dry farm lands than upon irrigated lands. Years ago it was thought that the proper way to raise dry farm wheat was to roll the surface to keep it hard, thinking that by so doing the evaporation of water would not take place so quickly, but some 10 or 12 years ago it was discovered that in order to successfully raise wheat upon dry lands without irrigation, first there should be deep plowing, the deeper the better, and that it should be on summer fallow land; that it should be plowed in the fall and sowed in the fall. Experience taught us that the proper way for the successful growth of grain on dry farm land was to prepare the land with a view of drawing the water stored by winter snows in the land to the surface, and that only could be done by having a loose, open surface, allowing the sun to draw the water so that the roots of the grain could absorb the moisture.

The Senator stated that following every rainstorm the successful farmer of dry land takes his harrow and harrows the ground over. That is true. I remember, Mr. President, the first time I ever saw this course practiced. I thought there would be no grain left; I thought the farmer was certainly making a mistake; but time has proven that that is the only way to make a success in dry farming.

Mr. President, it is not so much as to whether the Congress is going to cost $20,000 for the entertainment of the delegates attending it or not. I do think if the congress is to be held in Denver, Denver ought to take an interest in it and pay a part of the expense. That is why I offered the amendment which I did, and upon that amendment I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Utah proposes the following amendment to the amendment, which the Secretary will read.

The SECRETARY. On page 78, line 13, strike out "$20,000" and insert "$10,000," so as to read:

International Dry Farming Congress, Denver, Colo.: To enable the Secretary of Agriculture to cooperate with and make an exhibit at the next annual meeting of the International Dry Farming Congress, to be held at Denver, Colo., during the fiscal year ending June 30, 1916, illustrative of the investigations, products, and processes relating to farming in the subhumid, arid, and semiarid regions of the United States, including labor and all expenses in the city of Washington and elsewhere, $10,000.

The PRESIDING OFFICER. Upon this amendment to the amendment the Senator from Utah demands the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SMITH of Maryland (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. In his absence I withhold my vote.

Mr. STERLING (when his name was called). I again announce my pair with the Senator from New Jersey [Mr. HUGHES] and withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to my colleague [Mr. SMITH of South Carolina] and vote "nay."

The roll call was concluded.

Mr. CLARKE of Arkansas. I have a pair with the Senator from Utah [Mr. SUTHERLAND].

Mr. CAMDEN. I announce my pair with the Senator from Ohio [Mr. BURTON] and withhold my vote.

Mr. CHILTON. I wish to inquire if the Senator from New Mexico [Mr. FALL] has voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. CHILTON. I have a pair with that Senator, which I transfer to the Senator from Oklahoma [Mr. OWEN] and vote "nay."

Mr. LIPPITT. I ask whether the Senator from Montana [Mr. WALSH] has voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. LIPPITT. As I have a pair with him, I withhold my vote.

Mr. SMITH of Michigan. I announce my pair with the junior Senator from Missouri [Mr. REED] and withhold my vote.

Mr. DILLINGHAM. I inquire whether the senior Senator from Maryland [Mr. SMITH] has voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. DILLINGHAM. I withhold my vote, having a pair with him.

Mr. RANSDELL. I wish to announce that my colleague [Mr. THORNTON] is absent on account of illness. I ask that this announcement may stand for the day.

Mr. SAULSBURY. I transfer my pair as before and vote "nay."

Mr. GALLINGER. I wish to announce that the Senator from Maine [Mr. BURLEIGH] is paired with the Senator from Maryland [Mr. LEE].

The result was announced—yeas 13, nays 40, as follows:

YEAS—13.

Brandegee	Jones	Pomerene	Weeks
Bristow	Kern	Smith, Ariz.	
Hardwick	Lane	Smoot	
James	Overman	Stone	

NAYS—40.

Ashurst	Gronna	Newlands	Shafroth
Bankhead	Hitchcock	Norris	Sheppard
Brady	Johnson	Oliver	Simmons
Catron	La Follette	Page	Swanson
Chilton	Lodge	Perkins	Thompson
Clapp	McCumber	Pittman	Tillman
Clark, Wyo.	Martin, Va.	Poindexter	Townsend
Fletcher	Martine, N. J.	Ransdell	Vardaman
Gallinger	Myers	Robinson	Warren
Gore	Nelson	Saulsbury	White

NOT VOTING—43.

Borah	Dillingham	McLean	Smith, Mich.
Bryan	du Pont	O'Gorman	Smith, S. C.
Burleigh	Fall	Owen	Stephenson
Burton	Goff	Penrose	Sterling
Camden	Hollis	Reed	Sutherland
Chamberlain	Hughes	Root	Thomas
Clarke, Ark.	Kenyon	Sherman	Thornton
Colt	Lea, Tenn.	Shields	Walsh
Crawford	Lee, Md.	Shively	Williams
Culberson	Lewis	Smith, Ga.	Works
Cummins	Lippitt	Smith, Md.	

So Mr. SMOOT's amendment to the amendment was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

LEGISLATIVE, ETC., APPROPRIATIONS—CONFERENCE REPORT (S. DOC. NO. 955).

Mr. MARTIN of Virginia. Mr. President, I present the report of the conference committee on the legislative, executive, and judicial appropriation bill, and move its adoption.

The VICE PRESIDENT. The Secretary will read the report.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19909) "making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1916, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 32, 33, 34, 42, 43, 44, 47, 48, 50, 59, 60, 61, 67, 68, 69, 70, 71, 72, 76, 77, 78, 79, 80, 82, 91, 92, 94, 97, 98, 99, 100, 101, 102, 104, 121, 122, 123, 124, 125, 127, 128, 131, 136, 138, 140, and 141.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 17, 19, 22, 23, 24, 25, 26, 27, 28, 29, 37, 39, 45, 46, 51, 52, 54, 55, 57, 58, 62, 66, 74, 81, 83, 84, 85, 86, 87, 88, 89, 90, 93, 95, 96, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 132, 133, 134, 135, 137, 139, and 142, and agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$141,130"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and

agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,500"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,000"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Division of efficiency: For establishment and maintenance of system of efficiency ratings, pursuant to section 4 of the legislative, executive, and judicial appropriation act for the fiscal year 1913, for investigation of the needs of the several executive departments and independent establishments with respect to personnel, and for investigation of duplication of statistical and other work and method of business in the various branches of the Government service; including not more than $2,500 for equipment, supplies, stationery, books, and printing; and not more than $50 for street car fare; $30,000; the chief of the division of efficiency herein provided for shall be appointed by the President and shall report to Congress at the beginning of each regular session, through the President, the nature and progress of work undertaken by the division, together with a detailed statement of expenditures showing the persons employed, their duties, and the compensation paid to each: *Provided*, That no person shall be employed hereunder at a compensation in excess of $4,000 per annum."

And the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twenty-three," and on page 33 of the bill, in line 23, strike out "$8,000" and insert in lieu thereof the sum "$7,280"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$321,020"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$250"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$156,780"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25,000"; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "two translators, at $1,600 each"; and the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$166,758"; and the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,000"; and the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$18,500"; and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: And at end of matter inserted by said amendment insert the following: "A detailed statement of traveling expenses incurred hereunder shall be made to Congress at the beginning of each regular session thereof"; and the Senate agree to the same.

Amendment numbered 126: That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: In lieu of the number proposed insert "thirty"; and the Senate agree to the same.

Amendment numbered 129: That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$158,500"; and the Senate agree to the same.

Amendment numbered 130: That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$359,600"; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 1, 2, 16, 18, 20, 21, 35, 41, 63, 64, and 65.

THOMAS S. MARTIN,
LEE S. OVERMAN,
J. H. GALLINGER,
Managers on the part of the Senate.
JOSEPH T. JOHNSON,
JOSEPH W. BYRNS,
JAMES W. GOOD,
Managers on the part of the House.

Mr. BRISTOW. Mr. President, I think the report ought to go over and be printed. We have had a commission of the kind referred to in the conference report, which made a report within a year or so after spending $50,000. Now, we are starting in again.

Mr. MARTIN of Virginia. Mr. President, this is not new matter. The Senator from Kansas is under a misapprehension. This is a continuing service; it is not introduced as new matter.

I will say to the Senator that a great deal of money has been saved the Government by the investigations of this bureau. For instance, I recall a case where there was a request for a large increase of the clerical force in one of the departments. Mr. Brown, who was at the head of this service, investigated the matter, and his investigation resulted in a great reduction of that force. He found the methods of business were cumbersome and unnecessary; that the work could be simplified, the labor diminished, and the efficiency of the force increased. I repeat, a great deal has been saved the Government by this commission. It is not a new service, but it is a service that is required by law. There was a provision in 1912 or 1913——

Mr. SMOOT. It was in 1913.

Mr. MARTIN of Virginia. In 1913 there was a provision that required the Civil Service Commission to maintain this service. It is in pursuance of that law, which made an absolute requirement that this work should be done, that this appropriation is now made.

Mr. BRISTOW. What change has been made by the conference report in the original bill as it passed the Senate?

Mr. MARTIN of Virginia. I will say to the Senator that it has been a very difficult matter to adjust. There has been some friction between the Civil Service Commission and Mr. Brown, the gentleman at the head of this special service. We have tried to remove that friction by giving the President the power to appoint the head of this service, and still not take away from the service the supervision of the Civil Service Commission.

Mr. BRISTOW. Of course we can get no conception as to what the report means from its rapid reading. Why should the report not be printed and go over until to-morrow? Then, unless there is objection to it, of course it will take no time to dispose of it.

I am interested in the provision to which I have referred, because I happen to know something about the commission that was formerly appointed. I do not think the Congress ever utilized to any extent any suggestion made by the commission.

Mr. SMOOT. I should like to ask the Senator from Virginia to let the conference report go over and be printed. I want to look into some of the items.

Mr. MARTIN of Virginia. If that is insisted upon, it will have to be assented to; but I hope Senators will understand that if we carry these appropriation bills over in this way—and this seems to be a very small matter; by the reading at the desk Senators could get a full insight into it, as there is nothing intricate or difficult about it—it will be impossible to complete the work of the session.

Mr. BRISTOW. I will say to the Senator that, after I have looked into it, I may not want to take more than a minute. I

should like, however, to have an opportunity to look over the report just a little. I do not ask to delay its consideration.

Mr. SMOOT. I do not ask that the report be printed for delay; but, for instance, it appears from the reading of the report that some 40 amendments have been disagreed to, and it is impossible to understand what they are from their hurried reading.

Mr. MARTIN of Virginia. But this very amendment has been read, and it can be read again.

Mr. SMOOT. It is not this particular amendment to which I refer. I think it would hasten matters to have the report printed, and then, just as soon as we can get it printed, we can take it up.

Mr. MARTIN of Virginia. I understand there is a demand that the report be printed, and I will interpose no objection to that course, but I do want the Senate to understand that if this policy is pursued as to all appropriation bills—and there is less controversy in this than usual, for there is nothing in controversy here worth mentioning—if this impeding of the progress of appropriation bills is to go on, we had just as well realize that we can not possibly finish them in season.

Mr. BRISTOW. Mr. President, I think the remarks of the Senator from Virginia are entirely uncalled for, so far as I am concerned. I have not undertaken to delay appropriation bills; but here comes in a report as to which there is not a Senator here, except the Senator from Virginia, who knows anything about it. Some of us are interested as well as he in the report, and I should, for one, like to know a little about it. We can not know much about it, of course, but when we ask that it be printed and laid over, I think it should be done.

Mr. MARTIN of Virginia. I am perfectly willing to let the report go over.

Mr. BRISTOW. I only wish to have it go over long enough to learn just what it means.

Mr. MARTIN of Virginia. If the Senator from Utah [Mr. SMOOT], who was on the committee, and who, I thought, was as familiar with these matters as anybody could be, asks that the report go over, I am perfectly willing it shall go over and be printed. I did not say what I said with the idea of irritating the Senator from Kansas; I did not mean to intimate that he was designing to impede the progress of the bill, but I did say, and I now repeat, that if these conference reports as they come in have all got to be laid over a day to be printed, we had just as well realize that we can not possibly get through with the appropriation bills and that we must have an extra session. I repeat, there is as little to excite controversy in this conference report as it is possible to find in any conference report that will be presented to the Senate. I simply desire to emphasize the importance of avoiding delay, and I hope Senators will adopt some other method of getting the information they desire, which, it seems to me, they can get without having a day lost on each one of the appropriation bills. So far as I am concerned, as Senators ask it, I am perfectly willing, or at least I submit to it, to let this report go over and be printed, and to take it up to-morrow.

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. The Senator from Wyoming.

Mr. CLARK of Wyoming. The Senator from Virginia says that the sources of information are open to everybody and that we can get our information otherwise. How can Senators, who are not upon the Appropriations Committee or upon the conference committee, get information as to these 80 or 90 amendments without having them printed so that they can look over the report? They, of course, can not go to the conference report itself and get that information.

Mr. MARTIN of Virginia. I certainly did not mean to say that every Senator had the same information.

Mr. CLARK of Wyoming. No; but the Senator from Virginia said he hoped Senators would try to get their information in some other way than by having a conference report printed, and I was wondering whether there was any other way.

Mr. MARTIN of Virginia. If there were any matters in which Senators were interested, if they would speak to me about them I would be very glad to give the information.

Mr. CLARK of Wyoming. This is not a personal matter, but is a matter of general public importance on an appropriation bill; and I hold that a Senator, if he does his duty, should not look only after the little things in which he is interested, but should look into matters which may interest the country at large.

Mr. MARTIN of Virginia. I did not indicate that it was personal to any Senator; but I meant as to the items of this bill that some Senators give attention to one matter and other Senators to other matters; and as to those which especially concern Senators, if they will invite my attention to them, I shall be glad to give information. It is, however, useless to waste further time in discussing the matter. I consent that the conference report may go over and be printed.

Mr. BRISTOW. Mr. President, I desire to say to the Senator from Virginia [Mr. MARTIN] that I certainly did not mean to show any heat at all. If I did—and I probably did—I can realize how earnest the Senator is in regard to these appropriations, and I sympathize with his desire to get them through in a hurry. If I spoke with some feeling, I desire to withdraw the feeling. I simply desire to have an opportunity to look over the amendments.

The VICE PRESIDENT. The report will lie over and be printed.

AGRICULTURAL APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20415), making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1916.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. The Senator from New Hampshire.

Mr. GALLINGER. Mr. President, on last evening I suggested that I would offer an amendment to the pending bill providing for an appropriation for the purpose of making investigations and demonstrations in connection with the development of live stock in the New England States, there being two similar provisions in the bill. I have concluded not to offer it, Mr. President, but to wait and see what happens to the two provisions that are now in the bill, if they shall remain there. If I am here when a similar bill is presented to the Senate next year I will see what I can do on behalf of my section of the country in that regard.

Now, Mr. President, I have an amendment that I desire to offer; but, before doing so, I wish to make a brief statement concerning it.

The VICE PRESIDENT. The Chair is compelled to state to the Senator from New Hampshire that the committee amendments have not been completed.

Mr. GALLINGER. I supposed they had been completed.

The VICE PRESIDENT. They have not all been acted upon.

Mr. GALLINGER. I will withhold the amendment I intend to offer.

The VICE PRESIDENT. The Secretary will state the next committee amendment passed over.

The SECRETARY. On page 79, beginning with line 1 and ending in line 16, the committee propose to insert the following:

Experiments and demonstrations in live-stock production in the cane-sugar and cotton districts of the United States: To enable the Secretary of Agriculture, in cooperation with the authorities of the States concerned, or with individuals, to make such investigations and demonstrations as may be necessary in connection with the development of live-stock production in the cane-sugar and cotton districts of the United States, including the erection of barns and other necessary buildings, and the employment of persons and means in the city of Washington and elsewhere, $60,000; and of the funds heretofore appropriated for the development of live-stock production in the cane-sugar and cotton districts of the United States during the fiscal year 1915, not to exceed $7,500 is hereby made available for the erection of barns and other necessary buildings.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. The Senator from Colorado.

Mr. THOMAS. I make the point of order against that amendment, that it adds a new item of appropriation for which there has been no estimate.

Mr. RANSDELL. Mr. President, the item was estimated for by the Department of Agriculture; it was reported by a committee of the Senate, and it therefore comes directly within the rule. We have a very strong letter from the department in regard to it. I will say that the estimate is contained in the Book of Estimates.

Mr. THOMAS. If that is the case, I withdraw the point of order that it has not been estimated for; but I must insist upon the point of order that it adds a new item of appropriation, and that it is not made to carry out the provisions of existing law.

Mr. RANSDELL. Mr. President, if the Chair wishes a statement on that point, I will be glad to proceed.

The VICE PRESIDENT. The two clauses of the rule are disjunctive and not conjunctive. The rule reads:

And no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law or treaty stipulation or act or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate—

Which has been done in this instance—

or proposed in pursuance of an estimate of the head of some one of the departments.

That has also been done in this instance. The point of order is overruled. The question is on agreeing to the amendment. [Putting the question.] By the sound the "noes" seem to have it.

Mr. RANSDELL. I ask for a division.

The VICE PRESIDENT. All in favor will rise——

Mr. POINDEXTER. Mr. President, I should like to have the amendment stated. What is the nature of the amendment?

Mr. RANSDELL. The amendment, Mr. President, is to appropriate $60,000 for carrying on live-stock experimental work in the sugar and cotton sections of the South. A similar provision was inserted in the bill last year after a very extended debate. The work is going on, and a considerable amount of money has already been expended under the appropriation made last year. It is a work that is very greatly needed, I will say, in my State and in some other States of the South.

Furthermore, in this very bill we have just passed, without opposition, an appropriation of $87,500 for carrying on this same kind of work in the arid regions of the West. That item was put on this bill with my active assistance in the Committee on Agriculture. The committee took the ground that it was impossible for the people in the arid regions to sell in the shape of grain and hay the products of that region; that they were too far from transportation, and so they would have to sell the meat.

The VICE PRESIDENT. A division was proceeding. The Chair had stated "the noes have it," when the call was made for a division. The Chair does not think the matter is debatable. Those in favor will rise. [A pause.] Those opposed will rise. [A pause.] The amendment is adopted.

The SECRETARY. The next amendment passed over is, on page 79, beginning in line 24.

Mr. THOMAS. Mr. President, I make the point of order against that amendment that it is general legislation and not germane to the subject matter of the bill.

The VICE PRESIDENT. The amendment reads:

Hereafter the President of the United States is authorized to designate such areas on any lands purchased by the United States under the provisions of the act of March 1, 1911 (36 Stat. L., p. 961), entitled "An act to enable any State to cooperate with any other State or States or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable streams," and acts supplementary thereto and amendatory thereof as should, in his opinion, be set aside for the protection of game animals, birds, or fish, and thereafter whoever shall hunt, catch, trap, willfully disturb, or kill any kind of game animal, game, or nongame bird, or fish, or take the eggs of any such bird on any lands so set aside, or in or on the waters thereof, except under such rules and regulations as the Secretary of Agriculture may from time to time prescribe, shall be fined not more than $500 or imprisoned not more than six months, or both: *Provided*, That this provision shall be effective only in those States, the legislatures of which have consented or which hereafter shall consent to the making by the Congress of the United States, or under its authority, of such rules and regulations as, in the opinion of the Federal Government, may be needful in respect to said animals, birds, and fish on said lands, and in or on the waters thereof.

Mr. OVERMAN. Mr. President, I hope the Senator from Colorado will withdraw his point of order. I want to say that the Government has bought a large tract of land in my State known as the Vanderbilt land, which has been splendidly stocked with game. The North Carolina Legislature has passed a bill protecting the game in the forest, and this amendment is designed merely to get the General Government to act in cooperation with the State government in protecting the game.

Mr. SMOOT. Mr. President, I am perfectly willing, if the Senator wants a law applying to that particular game preserve, to support it; but this provision will constitute a general law. It authorizes the President of the United States to go into any State, buy land, and make a game preserve of it.

The VICE PRESIDENT. Does the Senator from Colorado withdraw the point of order?

Mr. THOMAS. Mr. President, I would willingly assent to the amendment if it were drawn as suggested by the Senator from Utah [Mr. SMOOT]; but this provision is quite as applicable to the forest reserves in my State as it is to the Vanderbilt farm in the State of North Carolina. I therefore must insist upon the point of order.

The VICE PRESIDENT. The point of order is sustained.

Mr. GALLINGER. Mr. President, have all the committee amendments yet been acted upon?

The VICE PRESIDENT. Not all of them, as the Chair understands. The Secretary will state the next committee amendment passed over.

The SECRETARY. On page 82, beginning in line 6, it is proposed to insert:

In case of an emergency arising out of an outbreak of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious disease of animals, which in the opinion of the Secretary of Agriculture threatens to live-stock industry of the country, he may expend in the city of Washington and elsewhere, out of any money in the Treasury not otherwise appropriated, the sum of $2,500,000, or so much thereof as he determines to be necessary, in the arrest and eradication of any such disease including the purchase and destruction, in cooperation with the States, of animals affected by or exposed to, or of materials contaminated by or exposed to, any such disease, and said sum shall be immediately available for the purposes specified.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. GORE. Mr. President, I sent to the desk last night an amendment to take the place of that amendment. I do not know whether it was agreed to or not, but I do not understand that it was.

The VICE PRESIDENT. All in favor of the amendment will say "aye," those opposed "no." The "ayes" have it, and the amendment is agreed to.

Mr. GORE. Mr. President, after the figures "$2,500,000," I move to insert the words "which amount is hereby appropriated." I do that on the suggestion the Senator from Connecticut [Mr. BRANDEGEE] made last night.

The VICE PRESIDENT. The amendment has just been agreed to. Does the Senator from Oklahoma move to reconsider the vote whereby the amendment was agreed to?

Mr. GORE. I misunderstood the announcement of the Chair. I thought the announcement was made in regard to the amendment which I submitted last night.

Mr. BRANDEGEE. If the amendment as printed in the bill was agreed to without the proposed amendment to it having been laid before the Senate, I think that we ought to give unanimous consent to reconsider that action.

The VICE PRESIDENT. Without objection, the vote whereby the amendment was agreed to will be reconsidered.

Mr. GORE. I now offer an amendment to the amendment.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In lieu of the committee amendment, on page 82, lines 6 to 18, inclusive, it is proposed to insert:

In case of an emergency arising out of the existence of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious disease of animals, which in the opinion of the Secretary of Agriculture threatens the live-stock industry of the country, he may expend in the city of Washington and elsewhere, out of any money in the Treasury not otherwise appropriated, the sum of $2,500,000, or so much thereof as he determines to be necessary, in the arrest and eradication of any such disease, including the payment of claims growing out of past and future purchases and destruction, in cooperation with the States, of animals affected by or exposed to, or of materials contaminated by or exposed to, any such disease, and said sum shall be immediately available for the purposes specified.

Mr. WARREN. Mr. President, does the Senator move that amendment in lieu of what was originally in the bill?

Mr. GORE. I offer that as a substitute for the amendment reported by the committee.

Mr. WARREN. Then I desire that the amendment which I sent to the desk last night, the purport of which the Senator understands, may be included in the amendment. I offer it as an amendment to the amendment.

Mr. GORE. I make no objection to that suggestion.

Mr. SMOOT. Let the amendment to the amendment be stated.

Mr. OLIVER. Mr. President, I call the attention of the Senator in charge of the bill to the fact that in the proposed substitute there is no direct appropriation. I would suggest that he put in after the amount the words "which sum is hereby appropriated."

Mr. GORE. Mr. President, I think that is a good suggestion, and I move that amendment to the substitute as offered.

The SECRETARY. After the figures "$2,500,000" it is proposed to insert "which sum is hereby appropriated."

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The Senator from Wyoming [Mr. WARREN] offers an amendment to the amendment, which the Secretary will state.

The SECRETARY. After the words "any such disease," it is proposed to insert the following:

Wherever found and irrespective of ownership under like or substantially similar circumstances.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment. Without objection, the amendment to the amendment is agreed to.

Mr. WARREN. I offer another amendment to the amendment.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. At the end of the proposed amendment insert:

Provided, That no payment for any such diseased or exposed animal, or contaminated or exposed materials, shall be made if any of the quarantine regulations of the Department of Agriculture shall have been so violated at the yards or pen where such animal is seized or materials found as to cause the disease against which the quarantine is established.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. The Senator from North Dakota.

Mr. GRONNA. I wish to offer an amendment to the amendment. I move to insert at the proper place the words "quarantine, treatment, or other expenses incurred in."

Mr. President, I offer this amendment for the reason that it has been demonstrated that it is not necessary to kill the herds where they are infected with the foot-and-mouth disease. During the month of October a herd of cattle, a dairy herd, consisting of some 750 animals, were quarantined in the stockyards in the city of Chicago. As I understand the case, the Secretary of Agriculture consented that the animals should be allowed to be quarantined and not slaughtered. It has been demonstrated beyond a question of doubt that it is possible to cure the animals after they contract this disease, and that it is not necessary to slaughter them. It seems to me, Mr. President, that it would mean a saving of hundreds of thousands, yes millions, of dollars to the Government if the Secretary of Agriculture were permitted to quarantine and to permit treatment of the stock or of the cattle after they had been infected with this disease. I hope the chairman of the committee will see fit to accept the amendment.

Mr. GORE. Mr. President, I will say that I have not had an opportunity to give the amendment sufficient consideration to let it go in with my approval. I will raise no objection at this point, however, suggesting to the Senator that I will look further into it in conference.

Mr. GRONNA. I shall be perfectly willing to let it go in in that way. I move, after the word "including," in line 15 of the amendment, to insert "quarantine, treatment, or other expenses incurred in."

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In line 15 of the amendment, after the word "including," it is proposed to insert "quarantine, treatment, or other expenses incurred in."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SHAFROTH. Mr. President——

The VICE PRESIDENT. There is one further committee amendment that was passed over.

The SECRETARY. The committee amendment on page 12 was passed over at the request of the Senator from Massachusetts [Mr. WEEKS].

Mr. SMOOT. Mr. President, I understood that on page 83 the last item was passed over last evening. I requested that it should be passed over.

The VICE PRESIDENT. It was agreed to this morning.

Mr. SMOOT. I will say that last evening I asked that it go over. Of course it may have been acted upon in my absence from the Chamber.

The VICE PRESIDENT. It did go over, and it was acted upon this morning and agreed to.

Mr. WEEKS. Mr. President——

The VICE PRESIDENT. The Senator from Massachusetts.

Mr. WEEKS. I wish particularly to call the attention of the chairman of the Committee on Agriculture and Forestry to the amendment on page 12 relating to the eradication of the cattle tick. I was a member of the Committee on Agriculture when the effort to eradicate the cattle tick was instituted, and I took a great deal of interest in it and believed that it was a good work. I wish, however, to call the chairman's attention particularly to the fact that the appropriation seems to increase from year to year, although the testimony is that in many places the cattle tick has been eradicated, and in this bill there is a provision to divert $50,000 of the appropriation to a purpose which has no connection whatever with the eradication of the tick. The language of the bill is:

> Of which sum $50,000 may be used for live-stock demonstration work in cooperation with the States relations service in areas freed of ticks, and of this amount no part shall be used in the purchase of animals for breeding purposes.

There are at least three different propositions in this bill for demonstration work connected with the development of live stock. We have just made an appropriation for some demonstration work in the cane-sugar and cotton districts of the South and an appropriation for doing similar work in the irrigated districts of the West, and here is $50,000 in this particular appropriation which has nothing whatever to do with the eradication of ticks.

The chairman will recognize the truth of the statement that when an appropriation is once made it is generally the desire and the purpose of the department officers to carry on that work in some form. I have read with some care and interest the testimony which was given before the House committee on this particular subject. Substantially nothing has been done yet, and there is not any demonstrated necessity for it, except the possibility of keeping a certain number of men at work who have been heretofore employed in connection with the original work for which the appropriation was intended. Moreover, there is not anything in the bill or in the testimony to indicate that a man who is competent to act as an inspector in the eradication of cattle ticks would be competent in advising farmers what kind of stock they should purchase or how they should care for that stock. It is an entirely distinct question.

If it is desirable to appropriate more money to assist in the development of dairying interests or live-stock interests, it should be done as a definite proposition, entirely distinct from the appropriation which is under consideration here. I hope the chairman of the committee will accept an amendment to strike out of the bill that part of the appropriation.

Mr. GORE. Mr. President——

The PRESIDING OFFICER (Mr. HOLLIS in the chair). The Senator from Oklahoma.

Mr. GORE. I will say, with reference to the general appropriation and provision looking to the eradication of the Texas fever tick, that I regard it as a most important item. This work has been in progress during the last 14 years, and some 250,000 square miles have been rid of this cattle pest, which has resulted to the great advantage of the cattle producers living in the immediate communities, as well as to the general interest of the entire country. There remains some 540,000 square miles still subjected to this cattle-tick fever and pest. At the rate of progress heretofore made it will require 28 years to completely eradicate the tick throughout the entire southern section. It has seemed to the committee that it would be wise to speed the execution of that work and to clean up this territory as rapidly as possible and not allow 28 years or any such approximate time to elapse before the country is cleaned up in that regard.

I will say, with reference to the item of $50,000, that it is a House provision, and therefore did not come under the investigation of the Senate committee. I find that I have nothing from the department in regard to the exact purposes which it contemplates. I will say to the Senator that I have no objection to that provision going out and being looked into further in conference.

Mr. WEEKS. Mr. President——

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. WEEKS. I move to strike out, in line 9, page 12, after the word "ticks," all of that line down to and including the word "purposes," in line 13, page 12, and to insert in its place "$448,800."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 12, line 9, after the word "ticks" and the comma, it is proposed to strike out all down to and including the word "purposes," in line 13, and to insert "$448,800," so that if amended it will read:

> For all necessary expenses for the eradication of southern cattle ticks, $448,800: *Provided, however*—

And so forth.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Massachusetts.

The amendment was agreed to.

The PRESIDING OFFICER. The committee amendments are now completed, so far as the printed bill is concerned.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GORE. I will say to the Senator from New Hampshire that there are one or two amendments that were overlooked by the committee which I should like to offer at this time.

Mr. GALLINGER. I will give way for that, of course.

Mr. GORE. I send the first amendment to the desk.

The PRESIDING OFFICER. The Senator from Oklahoma offers a further committee amendment, which will be stated.

The SECRETARY. It is proposed to insert, on page 18, line 3, after the word "control," the words "and by putting into application methods of control already discovered."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oklahoma.

The amendment was agreed to.

Mr. GORE. Mr. President, I offer another amendment which was overlooked by the committee.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 63 of the bill, line 13, after the word "thereto," it is proposed to strike out the semicolon and insert a colon and the words "*And provided further*, That hereafter all correspondence, bulletins, and reports for the furtherance of the purposes of the act approved May 8, 1914, entitled 'An act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and the act supplementary thereto, and the United States Department of Agriculture,' may be transmitted in the mails of the United States free of charge for postage, under such regulations as the Postmaster General from time to time may prescribe, by such college officer or other person connected with the extension department of such college as the Secretary of Agriculture may designate to the Postmaster General."

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BRISTOW. It seems to me we ought not to extend the franking privilege any further than we now have it, and I make the point of order that that is legislation.

Mr. GORE. I hope the Senator will withhold the point of order for a moment. I will say to the Senator that this amendment was offered last year, and was discussed at considerable length, and it was adopted last year, excluding the word "hereafter," and is the law now. It has proved most satisfactory and most desirable. It is in execution of what is known as the Smith-Lever extension act, and is almost essential to the thoroughgoing prosecution of that work. It is in the law now, but it went out in the House on a point of order. I offer exactly the provision contained in the present Agricultural appropriation bill, with the addition of the word "hereafter," which was stricken out last year, and I trust the Senator will not insist on the entire amendment going out.

Mr. BRISTOW. Every year there are all kinds of devices and ingenious propositions made to extend the franking privilege and burden the mails with free matter, and I think that instead of extending that privilege it ought to be curtailed. While I regret to make a point of order against a matter that the Senator from Oklahoma presents, I believe it ought to be done.

Mr. GORE. I will ask the Senator if it would meet his objections to omit the word "hereafter" from the amendment?

Mr. BRISTOW. Mr. President, I do not think any of this matter ought to be frankable. I think we ought to know what it is costing the Government to handle these various features of administration. It has not anything whatever to do with the Postal Service.

Mr. GORE. I will say that the matter which is intended to be transmitted free under this provision is the bulletins and the results of experimental work in connection with the experiment stations and other demonstration work.

Mr. BRISTOW. But let me suggest to the Senator that it does not relate to what the departments are doing here, but anybody, anywhere, scattered all over the country has the free use of the mails to send out anything that he may label as a bulletin, and nobody can tell what amount or volume of matter will be thrown into the mails in this way.

Mr. SHAFROTH. Mr. President——

Mr. NORRIS. Mr. President, will the Senator from Kansas yield to me for a moment?

Mr. BRISTOW. Yes.

Mr. NORRIS. I should like to say to the Senator from Kansas that I think he has an erroneous idea of what would happen and what is taking place now under a similar law. They could not be sent out by anybody, as I understand, but the results of these experiments that are made are sent out by the agricultural colleges that make the experiments in connection with the officials of the Government. It is just as important as any of the farm bulletins that we send out under our franks, and I think more so. It is not something that anybody could use. It is confined to these officials under rules and regulations made by the Postmaster General himself.

Mr. BRISTOW. Mr. President, may we have the amendment stated again?

The VICE PRESIDENT. The Secretary will again state the amendment.

Mr. SHAFROTH. I should like to suggest to the Senator from Kansas that the Government is now appropriating a great deal of money for this experimental service; and is it possible that in order to save a little postage we are going to lock up information that costs hundreds of thousands of dollars, and not send it out?

Mr. CLARK of Wyoming. Why, Mr. President, it can be sent out now by the Government.

Mr. SHAFROTH. It can be?

Mr. CLARK of Wyoming. By the Government, yes; but this provides that it may be sent out by other people.

Mr. SHAFROTH. By the agricultural colleges, as I understand. Of course the people in each State are more interested, and it is a matter of the spread of this information. This bureau has not as accurate information as to the people who need it as the State agricultural colleges have; and it seems to me that we are simply saving just a very small amount and locking up information which it has cost a great deal of money for the Government to secure.

Mr. CLARK of Wyoming. Mr. President, the Senator says that we are saving a very small amount. I have no idea how much it is, and I doubt if the Senator has.

Mr. SHAFROTH. Oh, no; it is very difficult to tell how much it is.

Mr. CLARK of Wyoming. It is very hard to tell that, and that is one of the difficulties.

Mr. SHAFROTH. It can not be very much, though, I should think. I should think even the printing would cost——

Mr. BRANDEGEE. Mr. President, is anybody yielding the floor to anybody else?

The VICE PRESIDENT. No.

Mr. BRANDEGEE. I think, then, I will take the floor myself. I should like to have the amendment read.

The VICE PRESIDENT. It has been ordered read.

The SECRETARY. On page 63, line 13, after the word "thereto," it is proposed to strike out the semicolon and insert a colon and the following proviso:

And provided further, That hereafter all correspondence, bulletins, and reports for the furtherance of the purposes of the act approved May 8, 1914, entitled "An act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and the act supplementary thereto, and the United States Department of Agriculture," may be transmitted in the mails of the United States free of charge for postage, under such regulations as the Postmaster General from time to time may prescribe, by such college officer or other person connected with the extension department of such college as the Secretary of Agriculture may designate to the Postmaster General.

Mr. BRISTOW. If you can make anything more sweeping than that, I should like to have somebody undertake it.

Mr. NORRIS. Mr. President, has the Senator noticed the last part—"by such college officer"?

Mr. BRISTOW. Yes; or by somebody else.

Mr. NORRIS. Well, that other person must be designated by the Secretary of Agriculture.

Mr. BRISTOW. Yes; and that is any agent they happen to have or any correspondent for promoting this matter. I make the point of order.

The VICE PRESIDENT. Does the Chair understand that the point of order is insisted upon?

Mr. BRISTOW. Yes; it is.

The VICE PRESIDENT. If so, it is sustained.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. The Senator from New Hampshire.

Mr. GALLINGER. Awhile ago I said that I had intended to propose an amendment, but would withhold it. In view of the fact that a similar amendment has been agreed to with reference to the cotton and cane growing section of the country, I have concluded to offer my amendment.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to insert the following on page 79, after line 16:

Experiments and demonstrations in live-stock production in the New England States: To enable the Secretary of Agriculture, in cooperation with the authorities of the States concerned, or with individuals, to make such investigations and demonstrations as may be necessary in connection with the development of live-stock production in the New England States, including the erection of barns and other necessary buildings, and the employment of persons and means in the city of Washington and elsewhere, $60,000; and of the funds hereby appropriated for the development of live-stock production in the New England States, not to exceed $7,500 is hereby made available for the erection of barns and other necessary buildings.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. GORE. Mr. President, I dislike to differ from the Senator from New Hampshire in connection with any appropriation that would stimulate the development of New England, especially in an agricultural way, but I feel obliged to interpose a point of order against this amendment.

Mr. GALLINGER. Mr. President, I must submit, of course; and I now give notice that when the bill goes to the Senate I shall make the point of order against the amendment on page 71, an appropriation for the semiarid and arid regions, which provides for a somewhat similar enterprise. I regret that the Senator makes the point of order. I should like to have it go to conference.

Mr. GORE. Well, Mr. President, on reflection, I believe I will comply with the Senator's suggestion.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, I have one other amendment concerning which it is necessary that I should make a brief statement.

Under the so-called Weeks law of 1910, $11,000,000 was appropriated for the purchase of lands in the Appalachian and White Mountain region. The first year it was impossible to use the appropriation of $1,000,000, as the commission which was appointed was not ready for work. The second year the appropriation of $2,000,000 might have been used, but the commission, in its wisdom, concluded that it wanted more time to investigate the prices of the lands that had been offered and that would be offered, and it did not use the $2,000,000 for the year 1911, which, under the law, it might have used. The law expires on the 30th day of June, 1915; and the appropriaton, less the $3,000,000 which lapsed, has been used or will be used at the termination of the present fiscal year.

The commission has tried to administer this law not only with fidelity but with due regard to economy. The commission consists of the Secretary of War, who is president of the commission; the Secretary of Agriculture; the Secretary of the Interior; the senior Senator from Maryland [Mr. SMITH]; the senior Senator from New Hampshire [Mr. GALLINGER]; Representative HAWLEY of Oregon; and Representative LEE of Georgia. We recently saved a million dollars in a single purchase by holding up a proposition for several months, and in various ways a very large amount of money has been saved by the commission in exercising great care in the matter of purchases, and insisting that the lands shall be offered at a very low price. It is a fact that all the purchases have been made at prices that seemed impossible when the commission was organized.

The Senator from Wyoming [Mr. CLARK] asks about what the average price is. I will say that it is somewhere between $4 and $6 an acre. Some of it is forest land and a good deal of it is cut-over land; but the investments have been so made that it is generally admitted by every person who has looked into it that the purchases have been made at figures much below what was considered possible even two years ago. As I suggested, in a recent purchase in the White Mountain region in my own State a million dollars was saved by holding it up for several months and insisting that if the sale was to be made it should be made at a certain figure; and my impression is that the land was sold much below its real value.

The commission has taken up this matter with a great deal of care. I do not know whether there is a formal estimate for what I am going to offer or not. I have not had an opportunity to look at the Book of Estimates; but I know that the Secretary of War, who is president of the commission, is very warmly in favor of this; the Secretary of Agriculture, who is a member of the commission, is likewise very earnestly in favor of the proposition, because it was discussed at the last meeting of the commission, and the proposition was included in the report of the commission in a few lines, which I am going to read.

To show that the commission is trying to administer economically the responsibilities that have been placed upon it, I will call attention to the fact that the commission was allowed in the bill $25,000 a year for expenses, and yet the last year it used only $481.17, turning back into the Treasury $24,518.83. From the report of the commission I will read this:

> It is to be emphasized that the Congress established this project upon the basis of an appropriation of $11,000,000. Instead of hastening into purchases in order to utilize an annual appropriation, which would have been unbusinesslike and resulted in loss to the Government, the commission adopted the more conservative policy of making purchases only after full information had been secured in regard to each tract and reasonable prices had been obtained. By so doing it established the work upon a sound basis, but $3,000,000 of the money which had been appropriated reverted to the Treasury. This $3,000,000 will have to be reappropriated if the work is to be carried as far as the Congress intended under the first appropriation.

That money was appropriated, as I have said, and $2,000,000 of it could have been expended if this commission had not exercised the care and the economy that it did exercise in not using it in the second year. The $1,000,000 for the first year probably could not have been used at all; but I feel that the $3,000,000, which, if it is allowed, will only make up the $11,000,000 that was appropriated under the so-called Weeks law, ought to be granted; and I offer this amendment.

Mr. JONES. Mr. President, may I ask the Senator a question?

Mr. GALLINGER. Certainly.

Mr. JONES. I want to say that I am on an investigating committee which is about to begin its session, and I should like to get to it as soon as possible. I have an amendment that I do not think will take any time, if the Senator will let me offer it.

Mr. GALLINGER. I have no objection. I will suggest to the Senator that I have been summoned before a committee myself at 4 o'clock; but I will yield.

Mr. JONES. I thought probably this might take some little time.

Mr. GALLINGER. No; I hope not; but I will yield to the Senator if he will just withhold his amendment for a moment.

Mr. JONES. Yes.

Mr. GALLINGER. Let the amendment be stated.

The SECRETARY. On page 41, after line 22, it is proposed to insert:

> For the examination, survey, and acquisition of lands under the provisions of the act of March 1, 1911 (36 Stat. L., p. 961), as amended March 4, 1913 (37 Stat. L., p. 828), and June 30, 1914 (38 Stat. L., p. 441), $3,000,000 which appropriation shall be available until expended.

Mr. GALLINGER. I will suggest that that amendment was prepared under the direct supervision of the Secretary of Agriculture and the Secretary of War.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JONES. Mr. President, on page 54 I desire to offer an amendment, to come in at the close of the paragraph relating to birds, mammals, and so forth.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 54, at the end of the paragraph relative to investigating the food habits of North American birds and mammals, it is proposed to insert the following after the word "Utah," at the end of line 24:

> *And provided also*, That of this sum $175,000 shall be used on the national forests in destroying wolves, coyotes, and other animals injurious to agriculture and animal husbandry.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Washington.

Mr. GORE. Did I understand the Senator correctly regarding the former amendment, that he limited it to national forest reserves?

Mr. JONES. Yes; and this does, too.

Mr. GORE. I wish to suggest to the Senator to add the words "and the public domain."

Mr. JONES. I have no objection.

Mr. GORE. Those words ought to be added.

Mr. JONES. Yes.

Mr. GORE. I also suggest to the Senator, if he does not think it would be better to say "not less than $175,000"?

Mr. JONES. That would be still more satisfactory to me.

Mr. GORE. The department has made no request for the additional service included in this item, and it seems to me that to carry out the purpose which actuated the committee in inserting it the amendment ought to read "not less."

Mr. JONES. That will be entirely satisfactory.

The VICE PRESIDENT. The amendment will be read as modified.

The SECRETARY. So as to read:

> *Provided also*, That of this sum not less than $175,000 shall be used on the national forests and the public domain in destroying wolves, coyotes, and other animals injurious to agriculture and animal husbandry.

The amendment was agreed to.

Mr. GORE. I wish to say to the Senator from New Hampshire [Mr. GALLINGER] particularly, and to the Senate in general, that he put across here about $3,000,000 in the three seconds while I happened to be engaged in conversation with other Senators. I shall not move to reconsider, but I shall expect the Senator from New Hampshire to defend the Committee on Agriculture, if not the entire administration, for its reputation for economy.

Mr. SHAFROTH. I desire to submit an amendment.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. On page 78, after line 13, insert:

> That the President is hereby authorized to extend an invitation to other nations to appoint delegates or representatives to the International Dry Farming Congress to be held at Denver, Colo., September 27, to October 8, inclusive, 1915: *Provided*, That no appropriation shall be granted or used for the expenses of delegates.

The amendment was agreed to.

Mr. McCUMBER. Mr. President, I offer the following amendment to be inserted at the end of the bill, and I ask the atten-

tion of the Senator having the bill in charge. The amendment which I propose is a substitute which I offered for the rural-credit bill. I understand that that bill will not come up at this session of Congress. I wish to submit some remarks upon it, and not desiring to take any time more than is absolutely necessary I will ask that the amendment which I now offer may be printed in the RECORD, and I will explain it without taking the time to read it, although it is only eight pages. Then, if what I may have to say on the matter is not sufficient to induce the Senator having the bill in charge to agree to raise no point of order, we will at least have saved the time of reading the amendment.

Mr. GORE. I will say to the Senator that I may save even more time than that. If it is the rural-credit bill, I shall certainly make no objection to it. Although I have not had an opportunity to investigate it I would be glad to confer with that Senator and other Senators in regard to it.

Mr. BRISTOW. May I ask the Senator from North Dakota to yield to me for just a moment that I may offer an amendment which can be disposed of in a minute?

Mr. McCUMBER. If I do not lose the floor by so doing I will yield.

Mr. BRISTOW. I call the attention of the Senator in charge of the bill to the following amendment and ask if he will not consent to have it incorporated in the bill. There is no paragraph in the bill that has any more merit than this, I know he will admit.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 83, after line 20, insert:

For constructing lakes and reservoirs on the Plains between the ninety-eighth meridian and the foothills of the Rocky Mountains, $500,000.

The VICE PRESIDENT. The amendment will be agreed to, without objection.

Mr. POINDEXTER. Will the Senator from North Dakota allow me to offer an amendment, upon which, I think, there will be no debate? If there is, I will withdraw it.

Mr. McCUMBER. Very well; with the same understanding I will yield.

Mr. LANE. I did not understand the last amendment. Was $500,000 appropriated to put lakes on top of the Rocky Mountains?

Mr. BRISTOW. Oh, no.

Mr. LANE. For what purpose was the appropriation made?

Mr. BRISTOW. It was an amendment for the construction of lakes and reservoirs on the Great Plains between the ninety-eighth meridian and the foothills of the Rocky Mountains.

The VICE PRESIDENT. The amendment proposed by the Senator from Washington [Mr. POINDEXTER] will be stated.

The SECRETARY. Insert, after the amendment last agreed to on page 83, after line 20, the following:

To enable the Secretary of Agriculture to provide for the demonstration at farmers' institutes, or other farmers' societies and meetings, practicable farm uses of denatured alcohol, the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated.

Mr. GORE. I wish merely to observe that I regard that as a meritorious amendment.

The amendment was agreed to.

Mr. POINDEXTER. In connection with that amendment I ask leave to insert in the RECORD, without reading, a statement of the number and kind of denatured-alcohol distilleries now established in Germany.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

German distilleries, showing their number, capacity, and output in 1908.

Capacity classification, based on annual production, computed as absolute alcohol (gallons).	Number of distilleries.						
	Classified according to crude material principally consumed.						Total, all classes.
	Potato.		Cereals.		Molasses.	Other substances.	
	Agricultural.	Industrial.	Agricultural.	Industrial.			
13.2 to 2,640	2,277	19	7,577	430	0	53,033	63,636
2,640 to 21,120	2,131	11	493	231	2	16	2,914
21,120 to 42,240	1,552	1	50	31	5	1	1,640
42,240 to 105,600	405	2	18	45	15	0	485
105,600 to 211,200	2	0	1	12	5	0	20
Exceeding 211,200	0	0	0	9	1	0	10
Total	6,367	33	8,169	758	28	53,050	68,405
Total production computed in absolute gallons	92,675,892	271,228	7,888,503	11,794,040	2,184,780	806,896	115,621,340

The amendment submitted by Mr. McCUMBER was to add at the end of the bill the following additional section:

That there is hereby created in the Treasury Department a bureau to be known as the bureau of farm credits. Said bureau shall be presided over by an officer who shall be designated commissioner of farm credits. The Secretary of the Treasury shall provide for sufficient clerical force to perform the duties of said bureau.

That there is hereby appropriated and set aside for the use of said bureau, in the manner hereinafter provided, the sum of $10,000,000, or so much thereof as may be necessary.

That the said sum so provided shall be used for the purpose of purchasing notes secured by first mortgages on agricultural lands, as hereinafter provided, for stationery and clerical expenses, and such other expenses as may be incident to the business of said bureau.

That every national bank and every State bank desiring to avail itself of the privileges herein provided are hereby created and declared to be agencies of the Treasury Department for the purpose of receiving from mortgagors notes and mortgages securing same, advancing the moneys to the said mortgagors, and transmitting said notes and mortgages to the bureau of farm credits and receiving in return therefor the amount advanced to the mortgagor by the said bureau.

That it shall be the duty of the Secretary of the Treasury to apportion the sum hereby appropriated among the several States, according to the agricultural population, importance of the agricultural productions of each State, and percentage of agricultural lands incumbered by mortgages or trust deeds, and to pay for such notes and mortgages as may be presented to the extent of the amount apportioned to any State.

That any owner of agricultural lands within the United States, who is living upon and farming such lands, desiring a loan under the provisions of this act shall execute a promissory note due in 10 years, bearing interest at the rate of 5 per cent per annum, interest payable annually, which interest shall be evidenced by 10 coupon notes attached to said principal note, and which coupons shall also bear interest at the rate of 5 per cent per annum from the date of maturity until paid, payable annually. Said note shall also provide that the principal may be paid on any interest-paying day after the expiration of five years. Said note shall be secured by a first mortgage upon the lands so farmed by the owner, and executed and recorded in the manner provided by the laws of the State in which the land is situated, for the execution and recording of mortgages on real estate. Such mortgage shall be accompanied by an application for loan, which application shall recite the purpose for which the loan is desired, the market value of the land, the value at which it was last assessed for taxation, the value and kind of buildings thereon, the number of acres under cultivation, the character and quality of the soil, the number of acres capable of being cultivated, and such other information as may be required by the rules of the said bureau. Said application shall have attached thereto or made as a part thereof an affidavit signed by the owner and at least two neighbors who are thoroughly acquainted with land values in the vicinity, stating the market value of such lands and the market value of the particular lands to be mortgaged. Said note, mortgage, and application shall also be accompanied by an abstract of title duly certified by an abstract company, the register of deeds, or other officer authorized by the laws of the State to make and certify abstracts of lands, which abstract shall show no other mortgages, judgments, delinquent taxes, or other liens of any character against the said lands, unless the purpose of the loan is to secure money to cancel such liens. Said owner shall then present to any national bank or State bank accepting the provisions of this act the said loan papers. The said abstract and papers shall be carefully examined by the president, cashier, or other officer of the bank for the purpose of ascertaining whether the title is perfect in the mortgagor, whether the land is affected by any liens, who shall certify the result of his examination of the abstract, and who shall further certify what in his opinion and judgment is the actual cash selling price of the land. And no mortgage shall be accepted for a greater amount than one-half of the value of such lands, including improvements; nor in any event to an amount exceeding one-half of the actual market value thereof. The said bank may charge the borrower for its services in examining papers and abstract and in forwarding the papers to the bureau of farm credits a sum not exceeding 1 per cent of the amount of the mortgage. No mortgage shall be less than $300 nor more than $10,000 to one person or company, and shall be in multiples of $100. The said notes and mortgages shall not be dated at the time they are executed and presented to the bank. The said bank shall forward all the said papers to the said bureau of farm credits, which bureau shall examine the abstract, note, mortgage, and application, and if said abstract shows the land to be clear or to have no liens of greater amount than the amount desired to be loaned, and all papers properly executed, it shall remit to the bank forwarding the papers the amount of the loan and shall date the notes and mortgage the date on which the remittance is

made, from which date interest shall begin to accrue; and all coupons shall be dated to correspond with the date affixed to the principal instrument; and said bureau shall return with the remittance the abstract of title. Upon receipt of the said abstract of title by the bank, said bank shall require the abstract to be continued up to date of payment by said bank to the borrower, and if said abstract after being continued shows the land clear the bank shall indorse over to the borrower the remittance made by the bureau of farm credits. If there are any liens upon the land, the bank, out of the remittance, shall first pay and have canceled such liens and pay the balance to the borrower. The bank shall be held responsible for any negligence in the performance of its duties as agent of said bureau. The principal and all interest coupons shall be payable at the bank where and through which the loan is negotiated and remitted by said bank to said bureau.

That whenever the bureau of farm credits shall have received such mortgages to the extent of $1,000,000 it shall issue bonds in the name of the United States, payable in 20 years and bearing 4½ per cent interest, payable annually, with the privilege and option of the said bureau to pay the principal at the expiration of 10 years. Said bonds shall be issued in denominations from $100 to $500 each, and the said commissioner of farm credits shall sell the said bonds for the face value thereof to any persons applying therefor, preference being given to those desiring small investments. Said bonds shall not be subject to taxation by the United States, a State, or municipality. All moneys received by the said commissioner in the sale of bonds and the principal and all interest paid on said mortgages shall be covered into the said fund of $10,000,000 and used in the payment of mortgages as they may be presented, the expenses of the bureau, the interest on bonds, and payment thereof at maturity.

That all mortgages shall run to the commissioner of farm credits, and said commissioner shall have all the rights and authority of a mortgagee under the laws of the State wherein such mortgage is executed.

That all taxes of every kind levied by a State or municipality which may become a lien prior to said mortgage shall be paid by the mortgagor at least 30 days prior to the time such lands could be sold for delinquent taxes. Upon his failure to do so, or to pay any other lien that may attach to said lands and become superior to said mortgage, the commissioner may pay the same and the mortgage shall stand as security for such sums so paid and interest thereon at 8 per cent per annum. And said mortgage shall further provide that in default of the payment of any interest or the payment of taxes, or other superior liens, as aforesaid, the commissioner may foreclose the premises pursuant to the laws of the State in which the land is situated. All papers necessary for the foreclosure proceedings shall be prepared and premises foreclosed by the proper law officer of the bureau. In lieu of foreclosure the commissioner may sell the mortgage to any person desiring to purchase the same, without recourse, and the money so received shall be covered into the said fund. Upon foreclosure the said commissioner may transfer and assign the certificate of sale to any purchaser, and after the period of redemption has expired may sell the lands. And any sum received therefor shall in like manner be covered into said fund.

That it is the purpose of this act not only to secure and facilitate borrowing upon agricultural lands at a reasonable rate of interest, but also to afford a means for those who desire a safe investment, and so long as the said bureau shall be able to dispose of bonds at par it shall accept mortgages presented to any extent above the $10,000,000 hereby appropriated.

That said bonds shall be negotiable in form, and transferable by indorsement, and may be bought and sold by Federal reserve banks under the provisions of sections 13 and 14 of the Federal reserve act, approved December 23, 1913, and may also be received as collateral for the issue of Federal reserve notes under the provisions of section 16 of said act.

That the word "mortgage" shall be construed to include deeds of trust or any other instruments of security on agricultural lands.

That the Secretary of the Treasury shall make all needful rules and regulations to carry out the provisions of this act.

That this act shall take effect from and after its passage and approval.

Mr. McCUMBER. Mr. President, I desire for just one moment the attention of the Senator from Oklahoma and also of Senators upon that side while I quote a single paragraph from the Democratic platform of 1912. I will say that I do not ordinarily go to that instrument for any political or industrial text, but sometimes between the rigid lips of a bivalve may be found a pearl of great price. I would therefore ask the Senator just to listen to one sentence. It is under the heading of "Rural credits," and reads as follows:

> Of equal importance with the question of currency reform is the question of rural credits for agricultural finance.

"Of equal importance." The question of currency reform was considered of such great importance that it was necessary for the administration to call an extra session; and that extra session, lasting all last year nearly, was taken up in the consideration of that one subject. Now, this other subject, according to your Koran, is of equal importance.

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Oklahoma?

Mr. McCUMBER. For a question.

Mr. GORE. The Senator in various instances, I understood, addresses himself to me particularly and to this side of the Chamber in general. I merely want to say to the Senator, I agree with him as to the importance of rural credits legislation. Without having seen his amendment I am willing to have it go upon this bill without raising a point of order, and if it needs further improvement—and I do not mean to suggest that the Senator's amendment would not be perfect—I shall hope that we shall work that out in conference. I regret that rural credits legislation has not been enacted into law during the Sixty-third Congress. I further regret that Senators on the other side should have felt obliged to murder time in opposition to the shipping bill, in a filibuster against the shipping bill, and in a filibuster against the tariff bill, and a filibuster against the Federal reserve act, and to consume so much time of the session that we have been obliged to omit other necessary and essential and desirable legislation.

If this measure should fail at this time on the Senator's motion it is my hope that it will be enacted into law early in the next session, whether it be an extra or a regular session.

Mr. McCUMBER. I thank the Senator, indeed, and I regret also at the very close almost of this Congress we should have taken up a whole day in attempting to kill one coyote while a bill of this character was lying upon the table without any consideration whatever.

Mr. President, I would not even take the time to discuss this matter, were it not for the fact that another one has been reported to the Senate, which I consider as absolutely unworkable, and the one I propose is a very simple expedient, without any new machinery. Therefore, if the Senator, when I get through, will agree that it may go in, we will at least have the argument for it to back it up, and I regret and apologize for even having detained the Senate the necessary time for its explanation.

Mr. President, ever so often, ever since I have been in Congress, I have heard eulogies on farmers and farm life; dissertations for the most part on the beauties of poverty. These golden words handed out to the farmer are materialized only in the gold bricks so frequently handed to him. Part of my duties here have been to apply the chemical test of analysis to show to the agricultural communities the spurious character of that which has been extended to them and to demonstrate to them that "all that glitters is not gold."

Some of the Senators remember a few years ago when the denatured alcohol bill was up how that bill was declared to be one of the greatest boons to the farmers; how during the long winters they could convert their cornstalks, their turnip tops, their straw, and their potatoes into liquid dollars; how this article would revolutionize motive power on the farm, and, above all, how it would totally paralyze the Standard Oil Co. and finally crush that octopus that had been sucking the life-blood from honest competitive commerce.

In the clamor and hurrah my voice of caution could not penetrate very far, but I took occasion to say that the American farmer would not secure any benefit out of that law; that it was but another one of the many attempts to play the farmer for political ends. Six years have elapsed since the enactment of that denatured-alcohol law, which was to smile prosperity into every American farm home, and not a single gallon of that precious liquid has been produced on an American farm. On the contrary, lest in the future there might be some possibility of benefit, our Democratic brethren voted to remove all protection on denatured alcohol, thereby removing beyond all question any possibility of agricultural benefit.

We passed that bill. I can not say that the bubble burst, but it was soon found that whatever motive power alcohol gas had inside this Chamber it had little or none outside. I do not mean to say we deceived the farmers. As a matter of fact, they had learned long before to take with many grains of salt the aureate promises of this body, and so they kept right on plowing.

Then another great idea was sprung to challenge attention and to fill the farmer's heart with hopeful joy. It was a scheme for the appointment of a commission—a great national commission—to teach the poor, benighted farmer how to make farm life attractive; to send him a missionary to lead him out of the dark ways of his vocation. In vain I tried to persuade the Congress that the farmer knew just as much as any lecturer you could send him how to make his home attractive. In vain I declared that if you would assist him in making his business as profitable as city business, you could trust to his good common sense to make farm life just as attractive as city life; that it was a question of dollars and not of inclination or intelligence; that the attractiveness of any vocation depends almost wholly upon the remuneration from it; that circulating libraries would not dig potatoes or increase the price of grain. My appeal was in vain. You passed your bill for a commission. That commission did its work and the farmer paid his proportion of its expense. Its report to-day lies mummified in the archives of the country, waiting the day of resurrection. And here, as before, you did not deceive the farmer. He knew it was a mere sop and, as before, he just simply kept on plowing.

And so I might go on citing bills and resolutions by the score which have been introduced proposing to do this and that for the welfare of the agricultural people of the country, bills and resolutions that would make farm life so enticing that the overcrowded cities would find relief for their congested population.

Mr. President, you have done everything but the right thing. I have pointed out the right thing to do again and again. It is a simple proposition. I have said what you all well know, that the drift of population will always be to the field of greatest remuneration for a given amount of expended energy; the greatest comforts, conveniences, and pleasures that can be secured for a given number of hours of labor. And I have further insisted that just so long as the average earnings in city trades and professions are three or four times greater than the average farm earnings, not only will the people who are now in the cities remain there but the sons and daughters of our American farmers will abandon the calling of their fathers and drift to the cities.

Let me put this question straight to you who profess such a deep interest in the welfare of the farming population: Are you willing that the farmer shall be able, after paying himself and his family city wages for their services, to declare a dividend upon his investment in lands, stock, and machinery equal to the average dividends declared on city business investments? If you will stand with me and extend to the American farmer that equal justice, we will solve the back-to-the-farm movement. There is no use saying this can not be done. Mr. President, it can be done. Just throw around the American farmer the same protection you have in the past accorded to the manufacturer; just raise the protection wall around food products until the price which the farmer shall receive for the things he produces will assure him a compensation that will enable him to pay city wages for all of his labor, including that of himself and his family and still declare a dividend on his investment. Or if you think he is not entitled to the same treatment, to the same profits as the banker or the merchant, then give him such protection as will enable him to earn as much, hour for hour, as the carpenter in the city.

I know your usual answer: "The farmer does not spend as much as the city resident, therefore does not need to earn as much." But, Mr. President, that is an unjust answer. He is entitled to spend as much; he is entitled to the same pleasures and amusements; he is entitled to take his family to the theaters; he is entitled to indulge his tastes; he is entitled to everything that belongs to twentieth-century living, the same as the average urban population. He surrenders no inherent human right by following agricultural pursuits. Now, the only way you can secure him those conditions is to make his business pay as great a remuneration as the other important occupations.

But whenever you observe the farmer receiving for his produce a price that will place him on an equal plane with his city brethren, you are filled with apprehension and consternation. To-day you are crying against the price of wheat and flour. I received a postal the other day from New York printed in big, black letters, "Place an embargo on the exportation of wheat and check the greed of the avaricious farmer." The man who had money enough to send that postal all over the United States was probably receiving from 25 to 50 per cent interest on whatever he may have invested in business. The farmer who may have received $1 per bushel for his wheat may have netted $1 per day for his work and no dividend on his investment.

I have stated again and again, and proved my statements, that taking into account the number of hours of labor performed by the American farmers and their children, and leaving out of consideration entirely the amount invested in their farming operations, they are the poorest paid labor in the United States.

Let me ask you, Will $1.50 a bushel for wheat enable the farmer to pay his labor more than reasonable wages and declare more than a reasonable dividend on his investment? I know it will not, you ought to know it, and every man who owns an acre of farm land knows that it will not. Let me tell you right here and now that if the grain raiser should realize the same wages for his eight hours of labor that the mason in any large city receives, he must have more than $2 a bushel for his wheat, and the values of all other cereals must advance in like proportion. I am asking for this equality between farm labor and city labor.

Flour retails generally at from $2.25 to $2.50 per hundredweight. To-day the wholesale price in New York was about $3.75 per hundredweight. Even at this rate flour is the cheapest article that is served on the American table. It is still so unimportant, from the standpoint of expense, that the average restaurant makes no charge for bread whatever.

If people would just stop long enough to analyze their ordinary expenses and compare their flour bills with other expenses of city life, they would rid themselves of this everlasting fear lest flour might advance a few cents. I do not believe I could find 10 men in this city of more than 400,000 people who would have the slightest idea what they pay annually for the flour used in their families or how much each one of them consumes. I wish I could secure the attention of the average citizen of the great city just long enough to impress upon him that he consumes only about one barrel of flour a year; that this barrel of flour can generally be purchased for about $6.50. It can probably be purchased to-day at retail for, say, about $8. I want him to realize that what he pays for just one theater ticket for the cheapest, flattest kind of play, will purchase all the flour he consumes in three months; that the tip which he throws to the waiter for a single meal will pay for all the bread he will consume in a week; that he pays four or five times as much for his cigars as he does for his flour; that he submits to extortionate charges everywhere with stolid indifference, but if his flour bill is increased 10 cents a month he grows hysterical.

Mr. President, when the new administration came into power, it came laden with a mighty promise on its hands to both the farmer and the laborer. It promised to play one against the other for their mutual advantage. The farmer was to have higher prices for his food products and the rest of the people were all to have cheaper food products. And as a complement to this absurd promise the laborer was to receive greater wages in the production of articles that were to be sold to the farmer, and yet the farmer was to secure goods produced by that laborer at a less price. You began the fulfillment of your promise. Coincidently laborers began to be discharged by the thousands and all forms of farm products started on a downward toboggan slide, and Heaven knows where they would have landed had not the stern god of war intervened in the Old World and, by filling it with blood and carnage, checking and destroying its productive capacity, created a demand for our goods. The war upset the natural consequences of this duplicity, and by setting most of the civilized world murdering each other created an enormous demand for our food products and a feverish demand for many manufactured products and saved the country from the impending curse of free trade.

But, Mr. President, this war can not last forever. There is a bottom to the treasury chest and a limit to the credit of these nations. What then will happen?

Have you Senators stopped to consider the first process in the rehabilitation of the devastated countries of Europe? How will those destroyed factories in Belgium, France, and Gallicia and elsewhere be restored? Not only are the factories in ruins, but the commerce which flowed from them is gone. How long will it take to bring them into existence again? All wealth, Mr. President, must first be lured or dug from the earth. In the famished condition of the Old World its people will first seek the shortest possible means of producing wealth. It will take years to build the factories and regain the commerce. On the other hand, practically all kinds of crops can be raised in 90 days. When this war is over this most speedy method of rehabilitation will manifest itself in an enormous increase in acreage planted for the harvesting of food crops. That means a mighty surplus, a surplus that must be forced upon an impoverished people whose first thought will be economy. That means just what it meant shortly after our Civil War, when in a comparatively short time, wheat dropped from $3 to 50 cents per bushel. It means cheaper cereals when this war is over.

We ought to prepare to meet that situation. How can we do it? There is but one proper way—protection. Give the American market to the American farmer to the extent that he is able to supply that market at a just and fair profit. Put up the bars of protection high enough to assure him simple justice. This, Mr. President, is the first great duty we owe the American farmer. He would get more real benefit out of this protection in a single year than he would get out of any rural credits bill in half a century. Undo the wrong you did to him in 1913, when you put practically everything he raised on the free list and compelled him to compete with the whole world. So long as this war lasts he will escape the great loss which is the natural result of your unjust and unequal policy. But when this war closes, great losses will surely overtake him. You will not do this, but you say you will give him something else which may divert his mind awhile; you will concentrate his mind on a shining quarter while you are relieving his pockets of a $10 bill.

And so, Mr. President, we are met again with a proposal to give the farmer a rural credits bill. Is it like all the other proposals, to fade away into nothingness? Do you really want to give the farmer a rural credits bill that will be of real and substantial benefit? I am certain the bill reported from the committee, no matter how well intended, will not be a success. It depends too much upon the philanthropic sentiment in business, which I have never yet been able to discover. There is no

philanthropy in the business world. People do not go into business for other people's benfit; second, it is too complex, too cumbersome. It requires too much red tape to answer the farmer's demands. I have an abiding conviction that it is not fitted to the farm conditions of the United States; that it will be but another one of those impracticable theories that have from time to time been thrown out to the farmers.

I have drafted a substitute which I believe will meet their demands, and meet them in a simple and effective way.

My substitute requires no new, complex, or untried system. It is based upon the theory that there is sufficient money in this country ready and eager for investment at 4½ per cent on long-time securities. The vast deposits in savings banks, the investments of life insurance companies, of trustees, and trust companies show that a 10 or 20 year Government debenture bearing 4½ per cent would be taken as rapidly as it could be issued.

Now, what is the procedure under my substitute?

A farmer in my State wants to borrow, say, a thousand dollars on his land. He goes to a bank he has been in the habit of dealing with, executes a 5 per cent interest coupon note and mortgage, and accompanies them with an abstract showing good title in him and an application for loan, giving full description of the land, amount under cultivation, character of soil, kind and value of improvements, and any other matter that may indicate his ability to raise crops and to meet the interest. That application and the values are verified by two neighbors. The banker knows him, knows the land, and the value of the security. In nine cases out of ten if the farmer wishes the money on that very day, the banker will advance it to him, as he would be secured by the mortgage in his possession. The banker is the agent of the Government, and as such, held to great care in appraisals, will be very careful that the loan does not exceed the half of the actual value of the land and that it fully meets the requirements of the law. The application, mortgage, note, and abstract will then be sent to the Treasury Department; the abstract of title will be examined; the application and appraisement will be carefully scanned not only to ascertain that the value is unquestionable, but that the applicant is possessed of everything necessary to produce crops on that land to meet the annual interest. If everything is found to be correct, the papers will be returned to the bank with a draft, the mortgage will be recorded, and the draft turned over to the borrower.

That is all the borrower will have to do—no more than he has to do to-day if he wants a loan.

When the interest becomes due the borrower will pay at this particular bank, which is the Government's collecting agency. If his crops have not yet been fully harvested, or if he is too busy plowing to market them, this bank will advance the money for its customer.

Under the working of this law the borrower will be brought into touch with and become the customer of the bank.

Everything connected with the transaction is simple and in the ordinary course of dealing between banker and farmer. There is no red tape, no complex system of primary associations, secondary associations, of side banks, underbanks and overbanks, of horizontal or perpendicular supervision, management, inspection, or investigation.

There is no responsibility of one farmer for the delinquency of another, no requirement for an investment or for buying the stock in a corporation which may or may not pay dividends, and probably will not, in order to secure a loan.

After the Treasury Department has received a number of these mortgages—and remember they will be maturing at odd times, and as new ones are taken in they will become payable year after year—the next step will be very simple. The Government will issue its debenture bearing 4½ per cent, due in 20 years, with the privilege of paying in 10. This privilege is to meet any change in the system that might possibly be agreed upon in the future. The difference between the rate which the farmer pays on his loan, 5 per cent, and the rate of the debenture, 4½ per cent, or one-half of 1 per cent, will cover all the expenses of the Government.

The Government, in effect only a guarantor, then sells this debenture at par to investors. The guaranty of the Government is adequately secured, not only by the farm property, which is a security two dollars for one, but in addition it has the personal responsibility of the mortgagor. With such a margin there could be no possibility of governmental loss.

As the amount advanced by the Government to the farmer will be immediately repaid into the Treasury by the investor who purchases the debenture, the whole scheme can be worked with practically no investment on the part of the Government.

Now, Mr. President, if you really want to help the farmer, if you really want to give him relief from what you say are excessive loan rates, if you want to provide a workable scheme to accomplish this result, simple and sure, you have the opportunity in adopting the measure which I have offered as a substitute.

It may be said that this substitute crowds too closely to the line of paternalism. I am compelled to admit that it does come close to that line, but it remains on this side. It does not pass the line. I wish the relief might be obtained without coming so close to the border line. The only thing paternalistic about it, however, is that when the farmer places in the hands of the Government securities, mortgages on his farm, which is at least twice the value of the loan, the Government will assist him to float that mortgage—that is, put it in a form in which it can be made the basis of a continuous credit—in other words, give to him the guaranty of the Government that he may assure to the investor the highest class of investment, from the standpoint of security, of both principal and interest, and assure to the agriculturists of the country reasonable rates, the Government's main duty being to bring investor and farmer together. It is not asking the Government to loan to the farmer, because, in effect, the Government is broker rather than lender.

Certainly those who have been courageous enough to support a measure for Government ownership and operation of railways in Alaska, or Government operation of ships in our foreign trade, or of the Government buying up all the surplus cotton in the United States need have no timidity about supporting a measure of this character. These measures were all clearly paternalistic. My substitute does not come within miles of the paternalistic features of these bills. But if I wanted to find precedent for this bill I would have little difficulty in doing so. Take, for instance, the guaranteeing of the Philippine railway bonds which the Congress voted some years ago. Surely it seems to me that if this Government could not only lend its aid but could guarantee bonds of a railway company, which bonds may represent the total cost of the system; if it can do this for people who are not American citizens, it certainly does seem to me that it ought not to hesitate to guarantee a million dollars' worth of farm mortgages, supported by $2,000,000 worth of actual farm value, and the personal liability of the owners of these $2,000,000 worth of farms, for the benefit of the agriculturists of the United States. The only difference between the two cases is that in one case the power was exercised for the benefit of the capitalist; in this case I am asking it for the farmer. In the one case it is placed upon property that may or may not pay, and may be destroyed. In this case it is placed upon property which must pay out, and which is indestructible.

It is quite a common thing for farmers to pay from 7 to 12 per cent interest. But when interest gets that high in the cities when the business men must pay that much there has always been a great demand that the Government deplete its Treasury that its gold might be placed at the disposal of these business men for the purpose of reducing interest charges. That has been done every time we have had any character of disturbance in our great cities. They come to the Treasury Department of the United States for gold to be paid over to these great cities, that they may use it in the banks there to bring down interest. And by the new banking system which we have just adopted, when such condition as that arises in the cities provision is made to issue Federal reserve currency, to inflate and debase the purchasing value of money to protect business against excessive interest rates.

Now, we are simply asking that without any expediture on the part of the Government, without any inflation of the currency, we shall assist the farmer in securing lower rates on his long-time farm security paper. I have no faith whatever in the bill authorized by the committee. I am sure that my substitute would work successfully.

It has been suggested that this substitute might operate as an interference with and to the detriment of the country banks which lend to farmers. That is not true. If there is anything that the country bank is interested in it is that the farmers shall be prosperous. Wherever you can find a prosperous farming community you will find prosperous country banks, and the reverse is also true. Whatever the farmer saves in this interest on his lands he will find a place for its investment. It will encourage him in the purchase of other lands, in greater development, in new buildings and improvements, all of which will demand assistance from the banks.

I have not in my measure touched upon general bankable farmers' paper. I have refrained from that in this bill because the proposition is new and untried. We ought to observe the operation of the system as it affects absolutely secure paper before we venture further, and make it cover less reliable paper. I believe the success of this measure will justify its

extension to cover the whole field of farm paper. But let us take one step at a time in any new and untried field.

I call attention also to two features in my provision which will operate to the advantage of the bank: First, it makes the farmer seeking the loan the customer of that bank; second, it gives the bank a fair remuneration for drafting papers, examining abstracts, and remitting collections. In my opinion it will work to the advantage of these banks.

Mr. President, a great number of bills have been introduced of late years, and especially during this Congress, providing for some form of rural credits. They include a vast number of systems, ranging from the simple paternalistic provision that the Government shall loan directly to every farmer wishing to borrow on any kind of security he may offer to the most elaborate and complex provisions, requiring a new system of banks, subbanks, and societies as extensive as the Federal reserve banking system. The purpose of all of those is undoubtedly beneficent and indicate not only a desire to make agriculture a more important feature of our industrial economy, but also to assure a greater return upon farm operations.

I do not wish to criticize or undervalue the labor bestowed by the committee on this most important subject. They have labored faithfully to formulate a great comprehensive scheme that will enable farmers to borrow money from time to time to operate their farms, and to borrow at a lower rate of interest than they are now usually compelled to pay. But their system is not only too complex and too cumbersome, but to a considerable extent is based upon erroneous assumptions. The framework of the structure now offered, relieved of the vast amount of conditions and provisions, is about this:

I wish first to briefly describe the bill which I understand has received the sanction of the committee, and then show why that bill is not workable, wherein it is too complex and will be of no benefit to the farming public.

There is first the Federal Reserve Board, already provided for by law, which is to be the financial head of their proposed new system, a system which must either be enormous or nothing. This board appoints a farm-loan commissioner and other officers and assistants. There shall then be created farm-loan associations who are not mere borrowers, but who are to carry on the business of loaning on farm-mortgage security. These associations are presumed to cover a number of counties. Then the farm-loan commissioner is to determine whether there is any need for such an association where it is organized; and if he thinks there is no such need he has a right to refuse incorporation. This association is a corporation with capital stock, with the usual corporate powers. This association must have a board of directors. Its capital stock must be not less than $10,000. Its funds for making farm loans are to be obtained in the first instance from the sale of its stock.

The next step in the system is a Federal land bank operating within a prescribed district. At least 10 per cent of the capital stock of the association must be invested in United States bonds. In order for a farmer to become a borrower he must first become a member of an association and purchase stock, or he can pay for his stock with a mortgage if he desires. This association must elect two members to serve as members of an appraisal committee and the Federal land bank must select a third. This loan association shall have power to make the loans to farmer members, secured by first mortgages within the loan district, and to purchase from other loan associations first mortgages.

The mortgage given by the farmer must contain an agreement for the reduction of the face of the loan so secured through annual amortization payments, mortgages to run from 5 to 30 years. The farmer borrowing must bond himself to use the money only for certain specified purposes—to pay debts already incurred, to pay for improvements, to provide for the purchase of a farm, or for the purchase of equipment. He can not use it to send his boy to a high school or a member of his family to the hospital. The loan is limited to $4,000, and not to exceed 20 per cent of the capital and surplus of the association.

The Federal Reserve Board has power to charter the Federal land banks or to refuse a Federal land bank. This bank is to issue its debentures secured by the farm mortgages to maintain the fund for loaning purposes, and the capital must be at least $500,000.

There are two classes of stock—"A" and "B." Class "A" may be held by individuals, corporations, or the Government; class "B" by national farm-loan associations. Provision is made for division of profits, and so forth.

There are a great many other provisions, unnecessary to describe here. The complexity of the bill is evidenced by the fact that it requires 48 pages to set out its provisions. There are other bills along the same line, some requiring joint credits; that is, every member of the association must become responsible for the entire bonded obligations of all its members.

Mr. President, I want to say to those who have labored so honestly and so earnestly and have taken so many volumes of testimony that I do not think the bill reported is applicable to the farm conditions; and I think it is so complex, and so many different requirements are provided for in the bill, that the farmers of the country will not take to it as an easy means of securing what they may desire.

I might briefly here state some of the reasons why in this country the usual farm-credits systems of Europe, from which these bills are mostly copied, would not be applicable and would be failures.

First. The American farmer is either by nature or by custom entirely independent of all of his neighbors. He does not live in communities as in Europe.

Second. He is disinclined to in any way take part in an organization affecting the entire agricultural class. He goes about his own business solely, and has no inclination to attend to the business of others.

Third. He is averse to any kind of liability other than his own liability. He would rather not sign the note of his neighbor, much less would he want to become responsible for all the farmers in his adjoining counties.

Fourth. He does not hold his land for life as in Europe. His land is always for sale; he is ready to dispose of it any time he deems it to his advantage to do so, and equally ready to reinvest in other lands. He is as ready, as a rule, to sell his real estate as he is his personal property, provided he gets his price, and he does not want that right limited.

Fifth. He is opposed to long mortgages; being hopeful and energetic, he wants to pay off his debt whenever he can and in whatever installments he and his creditor can agree upon.

Sixth. While a great many loan companies provide in farm mortgages that the farmer may pay any multiple of the entire debt on any interest-paying day, it is a fact that very few, indeed, ever take advantage of it, but prefer to invest what money they may have and depend upon paying the entire sum at the time it becomes due, or reborrow for whatever may be necessary. That I have found to be universally the rule, at least in the Northwest.

Seventh. And, most important of all, the American farmer does not want any red-tape business connected with his proceedings. He wants a simple method whereby he can borrow at once, or get the money at least in a few days, and be able to pay at once and get his release.

In every one of the aforesaid respects he probably differs from the European farmer. Those differences are sufficient to make unworkable any European system in the United States.

There is the same difference between the American and the European business man that there is between the American and the European farmer. This bill reported from the committee depends upon the philanthropic sentiment of American business men. It assumes that there will be found competent business men who will be willing to work for a small salary and take charge of a business in which there is no opportunity to add to the earnings of the parties operating. It is enough to say that this is not the American spirit. Men who are competent to operate a business of that kind are all out in the field of enterprise, buoyed by the hope of amassing a fortune. I do not believe you could get safe and reliable men to put their capital into this enterprise, either in the land bank or in the associations. Mr. President, I invite the Democratic Members, who are responsible for the legislation, to help carry out the one meritorious plank in their platform, and that is the plank relating to rural credits.

I hope the Senators will allow this amendment to go upon the agricultural bill, where it properly belongs, because it is a measure presupposed to be for the benefit of the farming public; and I am certain that when they take the time to look over the simple provisions which I have embodied in the offered substitute they will find that it is the best and, in my opinion, the only way in which we can secure a rural credits bill that will be workable in the United States.

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. The junior Senator from North Dakota.

Mr. GRONNA. I want to ask my colleague a question. I have looked over the bill presented by him, and I wish to inquire of him if it provides for any personal loans, or simply for loans on real estate?

Mr. McCUMBER. As I stated, this provides only for loans on real estate. I did not desire to go too far until we had had an opportunity to test out this new system on paper that was unquestionably good, and would make a solid foundation, as

good as gold itself, to float Government debentures that would go into the hands of the ordinary investor.

Mr. GRONNA. I used the term "real estate." I perhaps should have used the expression "farms."

Mr. McCUMBER. This is farm loans only. It covers no other real estate.

Mr. GRONNA. The reason why I ask the question is that in a bill which I introduced some time ago there was a section which provided for short-term loans, and I might want to offer that as an amendment. It is a brief section.

Mr. McCUMBER. Yes; it might or might not be in harmony with this. I do not know.

Mr. HOLLIS. Mr. President——

The VICE PRESIDENT. The Senator from New Hampshire.

Mr. HOLLIS. As the chairman of the Subcommittee on Rural Credits, which prepared and introduced the bill to which the Senator from North Dakota has referred as the committee bill, I think I ought to make a short statement.

The Senator is in error in saying that the bill has been reported. It has not been reported. It has been introduced and referred to the Committee on Banking and Currency. The Banking and Currency Committee has held many meetings and is still considering the bill. A short time ago the Senator from North Dakota called my attention to the bill which he has just discussed and I have examined it carefully. No one would be more rejoiced than I if it would work. It would have this result, that over $2,000,000 of farm mortgages would be taken by the Government and the Government would issue its bonds for the money which it loaned to the farmers. The paternalistic feature would not frighten me at all if it would work, but the bill has two objectionable features which would prevent its working.

In the first place, it would allow any three farmers who put their heads together to place an enhanced value on their farms and make mortgages to present to any State or national bank authorized under the bill and obtain loans, which would not be safe. That feature of the bill might be amended so that the loans could be more carefully appraised and examined.

But another feature of the bill, the second one to which I wish to refer, seems to be vital. We should have the Government of the United States loaning directly to farmers over $2,000,000,000, and there would probably never be an instance where the Government would foreclose. Experience has shown that where the Government loans money to the States or to private individuals it does not collect.

If I were assured that the loans could be made safe and the Government would collect when the loans became due, I should not be at all afraid of the paternalistic feature, but after the discussions that have been had in the Senate in the past two years I am satisfied that a majority of the Senate, as well as a majority of the House of Representatives, is opposed to a paternalistic feature of this kind. We have had numerous objections. The objection was raised on the Alaskan railway bill to the amount of the investment there where there was no constitutional feature, but it was strictly limited. Under the ship-purchase bill that has been debated the amount of investment is strictly limited. There is no limit here. The loans of all the farmers of the country exceed $2,000,000,000, and if they could borrow from the Government where they knew they would not be pressed, where they could borrow as under this bill at a fixed maximum rate of 5 per cent, there would be practically no limit. It would lead to an inflation of farm values and to speculation of which no man can see the end.

Therefore, Mr. President, although thoroughly with the object of the bill and while I wish that it could work, I feel obliged to raise the point of order that it is general legislation.

Mr. McCUMBER. Mr. President, allow me to answer the Senator before he makes that point of order. I want to call the Senator's attention to the fact that I fear he has not read over all the provisions of the bill very carefully. He said that it would require the Government to loan $2,000,000 to the farmers. Under the provisions of the bill the Government never issues a debenture until it first has the mortgage. On this debenture it secures money to cover its investment. That balances its cash account. The Government is not out a penny in the transaction. If the Government has a million dollars' worth of farm paper, secured on $2,000,000 worth of farm lands, maturing at different times, the Government debenture would bring the cash back to the Government vaults. Therefore there would be, as I said, no investment whatever on the part of the Government, except practically advancing the money on a particular farm loan. It would be exactly as any broker who is dealing in farm mortgages. He may handle farm mortgages to the amount of $500,000,000 a year, and yet he may not invest or advance a quarter of a million in those farm investments.

Now, as to the other danger, the danger of farmers getting together and overvaluing those farms, not only must an application be made which will require a full statement of all the conditions, which will show that the loan is absolutely secure, which will show the value, which will show what kind of crops can and are being raised, which will show that the borrower will raise crops to cover interest and principal; that application will be verified by neighbors who live in the vicinity. In addition to that, the banker becomes the agent of the Government, and he must also make his estimates, and for any abuse of the duties of an agent the banker himself would be responsible under the terms of the bill. This method of making loans has always worked well in private practice, and there is no reason to believe that it would not work equally well if the Government is a party to the transaction.

In preparing these provisions I have followed that which is customary in our State and customary throughout the Northwest. An application is made. That application is signed by the farmer. He gives all the information that is required. It is verified generally by two persons who know the value of the land. It is then submitted to the party who wishes to make the loan, and he can refuse it or he can accept it. The Government would have means, through its inspector, a Government bank inspector and other inspectors of the Government, to know the value of the lands in every section of the United States, and they would not be imposed upon unless they were themselves inefficient.

Mr. HOLLIS. It is provided in the bill of the Senator, on page 4, that the bank shall examine the title and give a certified opinion of the value; but the bank is not made responsible except in cases of neglect, which would have to be proved. The bank does not guarantee the loan. The bank does not indorse the loan. So much for that.

On the other point, the only place where the Government could get money to loan to farmers would be through bonds. When it issues bonds it becomes liable to pay them when due, whether the mortgages are paid or not. So it is very clear that the Government has to borrow the money. It has the mortgages as security, but it must first collect them, and experience has shown, where the scheme has been tried in other places, that when mortgages become due and payable the Government does not foreclose and does not collect. It would make a great deal of trouble for the administration in power which undertook to do that.

Mr. President, at the request of the chairman of the Committee on Agriculture and Forestry, I withdraw the point of order.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from North Dakota [Mr. McCUMBER].

The amendment was agreed to.

Mr. SMOOT. I move to strike out lines 1, 2, 3, 4, and 5 on page 81.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 81, strike out lines 1, 2, 3, 4, and 5, naval stores investigations.

Mr. SMOOT. Mr. President, this item was placed in the appropriation bill for the first time a year ago. The department had in view and recommended the appropriation at that time for the purpose of preparing definite type samples of naval stores. That has been accomplished, and there is no necessity whatever for this appropriation. It only emphasizes the statement I made yesterday that whenever an appropriation is put in one of the general appropriation bills for any purpose, and it is generally put in for some immediate purpose, it is never excluded from future appropriation bills. I move to strike it out.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Utah [Mr. SMOOT].

The amendment was agreed to.

Mr. SMOOT. There is one other amendment I wish to offer, and then I am through.

Mr. GORE. Mr. President, I did not understand the vote taken. The amendment upon which it was taken was to strike out the item of $5,000 for naval stores investigations?

The VICE PRESIDENT. It struck out the appropriation of $5,000 for that purpose.

Mr. SMOOT. On page 63 of the bill, lines 14, 15, 16, and 17, there is an appropriation of $386,080, as follows:

For farmers' cooperative demonstration work outside of the cotton belt, including the employment of labor in the city of Washington and elsewhere, supplies, and all other necessary expenses, $386,080.

Following that is an appropriation of $666,020, as follows:

For farmers' cooperative demonstrations and for the study and demonstration of the best methods of meeting the ravages of the cotton-boll weevil, including the employment of labor in the city of Washington and elsewhere, supplies, and all other necessary expenses, $666,020.

I have received many telegrams from different parts of the United States, and also letters upon these two items. I will read one telegram, which is a fair sample of the many that I have received, and it also covers the same point that the letters do. The telegram is as follows:

LOGAN, UTAH, *February 22, 1915.*

Hon. REED SMOOT,
United States Senate, Washington, D. C.:

We are informed that in appropriation bill soon to be considered the Office of Farmers' Cooperative Demonstrations of Northern and Western States is to receive $400,000 for work in 33 States, and that the same office for work in 15 Southern States is to receive $625,000, despite critical agricultural condition of South. This division of funds seems unjust, inasmuch as the appropriations to office mentioned help us directly in employing extension workers in Utah and other Western States. We are directly concerned in having western territory given full consideration.

E. G. PETERSON.

I will ask the Senator having in charge the bill whether these complaints were considered by the committee at the time the amount of the appropriation was agreed upon.

Mr. GORE. I will say to the Senator that no complaints of that character came to my attention and none came addressed to the committee. I will say further that no complaint was brought to the attention of the committee by any member of the committee.

The Senator, of course, is well aware that this appropriation for the eradication of the boll weevil has been of increasing growth and progress for a number of years. It received a great deal of attention at the hands of Secretary Wilson, formerly Secretary of Agriculture, and it has resulted in almost incalculable advantage to that section.

There are several reasons why the South needed this appropriation as compared and contrasted with other sections. Agriculture was not so well advanced in that section. The appropriation to carry on demonstration work in other sections of the country, I believe, has been carried now, this is the third year, and I suppose is largely an innovation from the sentiment which the telegram just read reflects. I think, perhaps, it is being carried on in some States where it is needed and where the science of agriculture has been carried to a very high degree, I might say to perfection; but a sort of sentiment prevailing here and elsewhere that these favors, if I may call them favors, or this consideration, if I may call it consideration, ought to be in a way balanced, has given rise to an appropriation of some four hundred and some odd thousand dollars for conducting demonstration work in other parts of the country.

I know of no general complaint, and I think that those who understand it perhaps really would not cherish the sentiment of section which may be indicated by this telegram.

Mr. SMOOT. I will say to the Senator that the letters I have received have been dated within the last few days as are also the telegrams that I have received. The very first one was dated February 22, and they are generally from agricultural colleges in the Middle West and the West.

Mr. GORE. I will say, Mr. President——

Mr. SMOOT. Just one word and then I will yield.

I think that the reason why the Senator has not received any protest or why no protests were presented to the committee at the time the bill was under consideration was owing to the fact that they really did not know what the appropriations were until after the bill had been reported to the Senate.

Mr. GORE. I will say these amounts are in about the same proportion contained in the Agricultural bill last year. These are both House items, and, I imagine, from the fact that the complaints have been coming for only a few days—and I take it from what the Senator suggests they are pretty much the same date—undoubtedly an emanation which has been concerted and suggested by some particular source. Of course, I have no means of knowing that. But I call the attention of the Senator further to the Smith-Lever bill. I believe it distributes this year $1,000,000 equitably and equally among various States; that is, $1,000,000 to conduct demonstration work, inspection work, on a fixed standard of apportionment that is just and undiscriminating as between the several States.

Mr. SMOOT. I fully understand that. Of course, the law provided that at the time of its passage. It has been suggested to me that the $386,080 ought to be increased to $450,000 and the appropriation of $666,020 ought to be decreased to $550,000, but if the Senator will state that that would be unfair to any section of the country or any State——

Mr. GORE. I think it would be.

Mr. SMOOT. I certainly do not want to do anything that would in any way do an injustice to any State in the Union.

Mr. GORE. I think it would be, for the reason that in the South, where this $666,000 is provided for, the work has been a matter of gradual evolution, covering now some 10 or 12 years. It has been expanded, and the appropriation has grown with the expanding service and, I think, is coterminous with the service. I think the appropriation for other sections of the country was a large appropriation. Perhaps that began so or it soon became so, and it is being gradually worked out. I have no doubt the department is extending the work as rapidly as can be done.

Mr. SMOOT. Do I understand the theory then of this appropriation is that there should be an increase each year?

Mr. GORE. I think the two considerations ought to control the state of the Treasury and the actual needs of the service, according to the recommendation or estimates of the department. My own individual view is that the appropriation at least for the South must have approached the maximum.

Mr. FLETCHER. May I interrupt the Senator to suggest that I have not heard anybody in the South protesting against the millions of dollars being expended for the prevention of the foot-and-mouth disease, the hog cholera, and that sort of thing in the West and Northwest?

Mr. SMOOT. Oh, Mr. President, if the disease prevailed in the South, no one would ever think of protesting.

Mr. FLETCHER. But it happens not to be in the South.

Mr. SMOOT. But I say, if it were a disease of that character in the South there would be no one to object. I want also to say to the Senator from Florida that I did not introduce this question as a sectional matter. I do not care for what section of the country money is appropriated, if it be absolutely necessary. I know very well that the boll weevil in the South has been a menace to that part of our country, and ever since I have been in the Senate I have cheerfully voted to appropriate money for the purpose of enabling the Agricultural Department to eliminate as far as possible that menace upon the farmers of the South. Therefore I hardly think the suggestion of the Senator ought to——

Mr. FLETCHER. The suggestion was made in response to the suggestion in the telegram which the Senator had read.

Mr. SMOOT. I read the telegram; but, in reading it, I did not even question the appropriation of $660,000 because it went to the Southern States. I never mentioned that fact, and did not intend to mention it, and did not have it in mind. I suppose the senders of the telegram felt that, if the demonstration work in 15 States of the South was appropriated for to the extent of $660,000, at least the other 33 States for demonstration work ought to be equally well treated. I did not, however, take that position, nor do I take it now. I want to say that if it is absolutely necessary that the appropriation of $660,000 be made for this purpose, I am not going to object; but I did ask the Senator having the bill in charge if this question had been brought before the committee for consideration, and if so, to what extent had the committee considered the propriety of the appropriation for the other 33 States. That is all I asked, and that is all about which I intended to inquire.

Mr. GORE. Mr. President, the Senator from Utah [Mr. SMOOT] will remember that the appropriation for demonstration work in the Northern States is about the same as the appropriation previously carried for the Southern States prior to the elimination of the Rockefeller endowment fund. That occasioned a deficit, which has been met out of the General Treasury.

I wish to say at this time that I appreciate the suggestion of the Senator from Utah that he alluded to this in no sectional spirit. I did not apprehend that he did, and I did not imagine that any Senator could be animated by a sectional spirit with reference to a service so important, not only to different sections, but to the entire country.

We make generous appropriations to exterminate the brown-tail moth, the gypsy moth of New England, not because it is New England, but because those particular pests happen to prevail in that section. We increased by $190,000 the appropriation to exterminate wolves in the Rocky Mountain States, not because of those States particularly, but because those pests happen to exist in that section. We have made generous appropriations to eradicate hog cholera in the great agricultural section where hogs are raised extensively and where the disease happens to prevail as a calamity. We make appropriations to exterminate the boll weevil in the South, because cotton is raised in that section and that particular insect prevails in that region, and we make appropriations for the eradication of the potato disease in Maine. All over this country wherever such troubles exist the committee and the Congress have responded generously.

It is an eternal monument to Secretary of Agriculture Wilson, a stalwart and admirable Republican, that he instituted this work and this service in the South and made no corresponding extension of the work in the Northern States, disregarding en-

tirely all sectional considerations. I say that is to his enduring honor.

For my own part, if any of these appropriations ever come to be made or apportioned upon sectional lines, for one I shall resist them.

Mr. SMOOT. Mr. President, I shall not offer the amendment I suggested. I simply wanted to call attention to the matter and to secure the information which I have secured, so that I could intelligently answer the telegrams and letters received upon this point.

Mr. SHAFROTH. Mr. President——

The VICE PRESIDENT. The Senator from Colorado.

Mr. SHAFROTH. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Colorado will be stated.

The SECRETARY. At the end of line 6, on page 61, it is proposed to insert:

Until otherwise ordered the Maltby Building and all the buildings on the west side of New Jersey Avenue between B and C Streets NW., in the city of Washington, D. C., belonging to the Government may be used for governmental purposes by the Agricultural Department.

Mr. SHAFROTH. Mr. President, I hope no Senator will make a point of order against the amendment. It follows the appropriation of $123,689 for rents in the District of Columbia. It seems to me that inasmuch as the amendment is not compulsory, but provides that the officers of the Agricultural Department may examine the property and see whether or not it is available for the purposes of the department, I hope no point of order will be made against the amendment. It would save the Government at least $520,000 per annum.

Mr. SMOOT. Mr. President, the hope of the Senator from Colorado is admirable, I know, but my experience has been in the past that even where we have provided additional space for a department it has not reduced by one cent the amount of rent that was formerly paid. If this amendment were adopted, I say now there would be some bureaus of the department, perhaps one of them, put into the Maltby Building; but there would not be one cent less paid for rentals than the department is now paying for the other bureaus.

Mr. SHAFROTH. But the department would have more room and less excuse for asking for the rental of additional buildings.

Mr. SMOOT. If the Senator from Colorado will join me in the future, when we come to appropriate money for the rent of private buildings, we will make such provision that the departments will not be permitted to increase their rentals until they have proved beyond question that it is absolutely necessary that they should have more room.

Mr. SHAFROTH. Let me call the attention of the Senator to the fact that the Maltby Building is about to be destroyed. This amendment is not permanent. It says "until otherwise ordered." If that building is destroyed, together with the other buildings facing New Jersey Avenue, it will leave the most unsightly buildings facing that court or that alley to the back, and it will not make nearly so good a showing for the park itself as the Maltby Building and those buildings facing the east side of New Jersey Avenue.

Mr. SMOOT. Mr. President, I will say to the Senator that the Art Commission, as I remember, has passed upon this plan, and it has been adopted by Congress. There is no question as to what was intended to be done at the time Congress passed upon the proposition. Therefore I make the point of order against the amendment.

Mr. SHAFROTH. Let me call the attention of the Senator to this plat [exhibiting] which has been made of the property to be condemned. Here [indicating] is the Capitol Building at this point; here [indicating] is the Union Station, and the property which has been condemned is between Delaware Avenue and New Jersey Avenue. Then, here [indicating] is the block or half block, which is not near the northwest corner of the Capitol Grounds; it has no connection with the park scheme, and no connection with the vista that exists between the Capitol and the Union Station. It is composed of buildings that are respectable in appearance, some of them are very nice-looking buildings, whereas the buildings on the alley, or little street called Arthur Place, are not good at all. There is a shop back there which is a galvanized-iron place but one story in height. The other buildings are very small. Then there is a building in this very block which has been condemned, a school building, which can be utilized.

Mr. SMOOT. Mr. President, I should like to have this bill passed at once, and in order to save time I will withdraw my point of order and let the whole matter go to conference. If the conferees see proper to adopt it, well and good.

Mr. SHAFROTH. Very well.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

The bill is before the Senate as in Committee of the Whole and open to further amendment.

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. The Senator from North Dakota.

Mr. GRONNA. Mr. President, yesterday evening, while I happened to be temporarily absent from the Senate Chamber, there was an amendment, on page 54, relating to the improvement of Sullys Hill National Park, which the Senate adopted. The Senator from Utah [Mr. SMOOT] asked a question which was directed to me, as I find from the RECORD, and the Senator from Wyoming [Mr. WARREN] was kind enough to explain it, but not so fully as I think it should have been explained. I shall not take the time of the Senate to explain it; but I have here two short letters from the Agricultural Department which fully explain it, and I ask that they may be printed in the RECORD, in order to give the committee of conference and Senators such information on the subject as they may desire.

The VICE PRESIDENT. Without objection, it is so ordered.

The letters referred to are as follows:

DEPARTMENT OF AGRICULTURE,
Washington, February 13, 1915.

Hon. ASLE J. GRONNA, *United States Senate.*

DEAR SENATOR GRONNA: Referring to your communication of February 11 relative to an additional appropriation for the establishment of a game preserve on Sullys Hill National Park, I find on looking into this matter that a bill was introduced by you at the last session of Congress providing for an appropriation of $10,000 to build the necessary fence, trails, etc., for establishing the game preserve, and that it was referred to this department for comment and returned with the statement that if it was the desire of Congress to improve this park and use it as a game preserve it would require at least $10,000. As you know, the bill introduced by you was afterwards made a paragraph of the Agricultural appropriation bill and passed the Senate carrying an appropriation of $10,000, which was reduced by the conference committee to $5,000, to be available until expended.

Bids were advertised for the construction of a woven-wire fence, 88 inches in height, on the basis of the fence complete and in place. When the bids were opened it was found that the lowest bid submitted for the construction of the fence was $8,258.88, or an average of $1,179.84 per mile. So far practically nothing has been done to start the word. If the Congress deems it advisable to carry out this project, it will require at least an additional $5,000 to build the fence and construct the necessary trails, corrals, etc. It is doubtful whether it would be possible with this sum to construct the necessary sheds, buildings, and other structures. For your information I am inclosing herewith a copy of a letter which was addressed to the chairman of the Committee on Agriculture and Forestry of the Senate last year regarding this matter.

Very truly, yours, D. F. HOUSTON, *Secretary.*

(Inclosure.)

—

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., March 27, 1914.

Hon. THOMAS P. GORE,
United States Senate.

DEAR SENATOR GORE: I beg to acknowledge receipt of your letter of March 24, 1914, inclosing a copy of a bill (S. 758) providing for the improvement of Sullys Hill National Park, and requesting a report thereon.

Sullys Hill National Park, comprising about 680 acres on the south side of Devils Lake, N. Dak., was established by act of Congress April 27, 1904 (33 Stat., 328), but thus far little or nothing has been appropriated for its improvement. The park is partly wooded, well watered, and contains some excellent grazing grounds. The highest point on the reservation, Sullys Hill, has an elevation of about 1,000 feet above Devils Lake. The park is ample for the maintenance of a moderate number of the various kinds of big game native to the Northern Plains region, such as antelope, buffalo, elk, mule and white-tailed deer, and, if inclosed with a suitable fence, it will be well adapted for a preserve and will undoubtedly become a point of attraction to visitors from all parts of North Dakota and from other States. Its location on Devils Lake is easy of access, and the number of visitors would undoubtedly be greatly increased if the park were improved.

Experience in the Yellowstone National Park, the Wichita Game Preserve, and elsewhere has clearly demonstrated the importance of having several herds of buffalo and other big game located at widely separated points to prevent the spread of contagious diseases which are likely to break out from time to time.

Since this park was created Congress has provided similar preserves for the care of big game in several of the Western States, including the Wichita Game Preserve in Oklahoma, the National Bison Range in Montana, the Wind Cave Game Preserve in South Dakota, and the Niobrara Reservation in Nebraska. Sullys Hill Park is smaller than any of these and can be established and maintained at less cost. The department is prepared to transfer a small herd of elk to the park as soon as an inclosure is provided, and arrangements could doubtless be made for securing a few buffalo and other big game without cost to the Government other than the transportation of the animals. In addition to providing a center of distribution for stocking other parks with big game, it will also provide a refuge for native birds. It would seem, therefore, that the project is feasible, economical, and desirable.

Very truly, yours,

B. T. GALLOWAY,
Assistant Secretary.

The VICE PRESIDENT. If there are no further amendments, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

Mr. THOMAS. Mr. President, an amendment has been adopted, as in Committee of the Whole, on page 83, at the end of the printed bill, offered by the Senator from Kansas [Mr. BRISTOW], making an appropriation of $500,000 for the building of lakes and reservoirs in the West. I wish to make a point of order against that appropriation that it has not been estimated for and that it is a new item of appropriation added to the bill.

Mr. SMOOT. Has the bill been reported to the Senate, Mr. President?

The VICE PRESIDENT. It has been. The Chair is of the opinion that unless the point of order was made as in Committee of the Whole it can not be made when the bill is in the Senate.

Mr. THOMAS. If that is the ruling of the Chair, I accede to it.

Mr. LODGE. Mr. President, I think there can be no doubt that a point of order can be made both as in Committee of the Whole and in the Senate unless there is some new rule to the contrary.

The VICE PRESIDENT. It has been decided a number of times otherwise. A separate vote on the question can be had in the Senate if it is desired.

Mr. THOMAS. I will not appeal from the ruling of the Chair, though my own opinion was to the contrary—that a point of order would lie against amendments adopted as in Committee of the Whole when the bill was reported to the Senate.

Mr. LODGE. Mr. President, the rule provides that a question of order may be raised at any stage of the proceedings. I have never seen it questioned before, but there may be authority to the contrary. I think, however, the rule is plain.

The VICE PRESIDENT. The Chair quotes from Precedents, Decisions on Points of Order in the United States Senate, page 145, the decision which the Chair had in mind:

[Forty-fourth Congress, second session, February 21, 1877.]

* * * * * * *

The Chair (Mr. Ferry, President pro tempore) ruled that "in Committee of the Whole the Senate agreed to a certain amendment and like service embraced in the amendment of the Senator from Kansas. Therefore it is now a new proposition. The amount is not increased, nor is the nature of the service changed. The point of order was not made in Committee of the Whole, and it is too late to make it now." (See CONGRESSIONAL RECORD, p. 1743.)

That was the precedent upon which the Chair ruled. It may not be a good precedent.

The VICE PRESIDENT subsequently said: The Chair wishes that the reporter would go back to the place where the Chair ruled on the point of order, and let it be stated that the decision of the Chair was based on the ruling of President pro tempore Ferry, but that the Chair will not be bound by it in the future unless convinced that the ruling of the President pro tempore at that time was correct.

Mr. THOMAS. Mr. President, I have accepted the decision of the Chair as final.

The VICE PRESIDENT. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. SMOOT. Mr. President, when the bill was in the Senate as in Committee of the Whole, on page 83, the amendment beginning in line 11 and concluding with line 20 was agreed to. I desired at that time to ask the Senator having the bill in charge to what purpose this land was to be put. The amendment provides that it is to be set aside "for use of the Department of Agriculture for experimental purposes."

Mr. GORE. It is a subhumid farming station, which is identical with a dry-farming station, except that it investigates both the wet and dry sides of the proposition at this particular place. It is to be a dry-farming station.

Mr. SMOOT. Does not the Agricultural College of Oklahoma conduct such experiments, or have they no experimental farm?

Mr. GORE. This is not for an experimental station. If that language is used, it ought not to be there.

Mr. SMOOT. It says "for experimental purposes."

Mr. GORE. It ought to read for a dry-farming or subhumid station. I suggest that change.

Mr. SMOOT. Mr. President, I do not think that we ought to begin now to establish experimental stations in any State, inasmuch as we are making appropriations direct to the agricultural colleges for that particular purpose.

Mr. GORE. I will say to the Senator that it was an oversight; I did not notice that. I suggest the substitution of the words "dry-farming or subhumid station."

Mr. SMOOT. Does the Senator know what it is going to cost the Government each year after it is established?

Mr. GORE. I will say that it is of the same order as a number of other stations. There are a number of them throughout the Western States, probably one in the Senator's own State. There is one in the Panhandle of Texas, and also, I think, one in western Kansas and one in western Nebraska. There are several of these dry-farming stations, as the Senator knows and as he has observed from the report of the Secretary of Agriculture.

Mr. SMOOT. I know the agricultural college of Utah has six of such stations in different parts of the State, but the Government of the United States does not pay anything for the purchase of the land, nor does it pay anything for the maintenance, with the exception of the general appropriation that is made to the agricultural college.

Mr. GORE. Mr. President, I will say that if that be the case the State is carrying on a parallel series of experiment stations, I suppose. The United States Government has a number of these dry-farming stations throughout the arid and semi-arid portions of the country.

Mr. SMOOT. I did intend to make a point of order against it, but I do not know enough about it, nor can I find out enough about it to say whether it would be an injustice to the State or not; so I will let it be acted upon and go into conference.

The VICE PRESIDENT. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

NAVAL APPROPRIATIONS.

Mr. SWANSON. Mr. President——

The VICE PRESIDENT. The Senator from Virginia.

Mr. SWANSON. I desire to call up House bill 20975, the naval appropriation bill, and I move that the Senate proceed to its consideration.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 20975) making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes, which had been reported from the Committee on Naval Affairs, with amendments.

Mr. SWANSON. Mr. President, I desire to say that this is a unanimous report from the Committee on Naval Affairs, which investigated this bill. I think they agreed on all the provisions in it.

I wish to say at the beginning that I feel that as the Senator in charge of the bill I should make points of order against propositions that are submitted that are subject to points of order, whether I favor the propositions or not.

I ask that the formal reading of the bill be dispensed with, that it be read for committee amendments, and that the committee amendments be first considered.

The VICE PRESIDENT. Is there objection to the request of the Senator from Virginia? The Chair hears none, and it is so ordered.

The Secretary will state the first amendment of the committee.

The first amendment of the Committee on Naval Affairs was, under the subhead "Pay, miscellaneous," on page 3, line 1, after the word "service," to insert "(hereafter subscriptions may be paid for in advance)," so as to read:

For commissions and interest; transportation of funds; exchange; mileage to officers while traveling under orders in the United States, and for actual personal expenses of officers while traveling abroad under orders, and for traveling expenses of civilian employees, and for actual and necessary traveling expenses of midshipmen while proceeding from their homes to the Naval Academy for examination and appointment as midshipmen; for actual traveling expenses of female nurses; actual expenses of officers while on shore patrol duty; for rent of buildings and offices not in navy yards, including the rental of offices in the District of Columbia; expenses of courts-martial, prisoners and prisons, and courts of inquiry, boards of inspection, examining boards, with clerks' and witnesses' fees, and traveling expenses and costs; stationery and recording; religious books; expenses of purchasing paymasters' offices of the various cities, including clerks, furniture, fuel, stationery, and incidental expenses; newspapers and periodicals for the naval service (hereafter subscriptions may be paid for in advance).

The amendment was agreed to.

The next amendment was, on page 3, after line 22, to insert:

There shall be a chief of naval operations, who shall be an officer on the active list of the Navy appointed by the President, by and with the advice and consent of the Senate, from among the officers of the line of the Navy not below the grade of captain for a period of four years, who shall, under the direction of the Secretary of the Navy, be charged with the operations of the fleet and with the preparation and readiness of plans for its use in war: *Provided*, That if an officer of the grade of captain be appointed chief of naval operations, he shall have the rank, title, and emoluments of a rear admiral while holding that position.

Mr. WARREN. Mr. President, I wish to ask whether that is a rear admiral of the first or second grade?

Mr. SWANSON. Not below the grade of captain. The language is:

He shall have the rank, title, and emoluments of a rear admiral while holding that position.

We thought he ought to have that title. It is a very responsible place, and he must have that title.

Mr. WARREN. But at what salary—at the salary of the higher grade or the lower grade?

Mr. SWANSON. He has the title of rear admiral while he occupies that position.

Mr. WARREN. But rear admirals, as I understand, are of two classes and have two different rates of pay—one that of major general and the other that of brigadier general.

Mr. LODGE. That is according to the time he is on the admirals' list.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 4, after line 9, to insert:

During the temporary absence of the Secretary and the Assistant Secretary of the Navy, the Chief of Naval Operations shall be next in succession to act as Secretary of the Navy.

The amendment was agreed to.

The next amendment was, on page 4, line 21, after "$46,000," to insert "*Provided*, That the accounting officers of the Treasury are hereby authorized and directed to allow, in the settlement of accounts of disbursing officers involved, payments made under the appropriation 'Contingent, Navy,' to civilian employees appointed by the Navy Department for duty in and serving at naval stations maintained in the island possessions during the fiscal year 1916: *Provided further*, That the act 'To authorize and provide for the disposal of useless papers in the executive departments,' approved February 16, 1889, is hereby amended so that accumulations in the files of navy yards and naval stations that, in the judgment of the Secretary of the Navy, are not needed or useful in the transaction of current business and have no permanent value or historical interest may be disposed of by the Secretary of the Navy by sale, after advertisement for proposals as waste paper if practicable, or if not practicable then otherwise as may appear best for the interests of the Government, the said Secretary to make detailed report to the Congress in every case of the papers destroyed; provided always that no papers less than two years old from the date of the last indorsement thereon shall be destroyed or disposed of by the Secretary of the Navy, except in the manner provided in said act of February 16, 1889," so as to make the clause read:

Contingent, Navy: For all emergencies and extraordinary expenses, exclusive of personal services in the Navy Department, or any of its subordinate bureaus or offices at Washington, D. C., arising at home or abroad, but impossible to be anticipated or classified, to be expended on the approval and authority of the Secretary of the Navy, and for such purposes as he may deem proper, $46,000: *Provided*, That the accounting officers of the Treasury are hereby authorized and directed to allow, in the settlement of accounts of disbursing officers involved, payments made under the appropriation "Contingent, Navy," to civilian employees appointed by the Navy Department for duty in and serving at naval stations maintained in the island possessions during the fiscal year 1916: *Provided further*, That the act "To authorize and provide for the disposal of useless papers in the executive departments," approved February 16, 1889, is hereby amended so that accumulations in the files of navy yards and naval stations that, in the judgment of the Secretary of the Navy, are not needed or useful in the transaction of current business and have no permanent value or historical interest may be disposed of by the Secretary of the Navy by sale, after advertisement for proposals as waste paper if practicable, or if not practicable then otherwise as may appear best for the interests of the Government, the said Secretary to make detailed report to the Congress in every case of the papers destroyed; provided always that no papers less than 2 years old from the date of the last indorsement thereon shall be destroyed or disposed of by the Secretary of the Navy, except in the manner provided in said act of February 16, 1889.

The amendment was agreed to.

The next amendment was, on page 5, line 22, before the word "officers," to strike out "That" and insert "Hereafter," so as to make the clause read:

Hereafter officers who now perform engineering duty on shore only and officers of the Construction Corps shall be eligible for any shore duty compatible with their rank and grade to which the Secretary of the Navy may assign them.

The amendment was agreed to.

The next amendment was, on page 6, line 3, after the words "sum of," to strike out "$500,000" and insert "$1,000,000," so as to make the clause read:

Aeronautics: The sum of $1,000,000 is hereby reappropriated out of the unobligated balance of the appropriation "Construction and repair of vessels" for the fiscal year ending June 30, 1914, and made available for aeronautics, to be expended under the direction of the Secretary of the Navy for procuring, producing, constructing, operating, preserving, storing, and handling air craft and appurtenances, maintenance of air-craft stations and experimental work in development of aviation for naval purposes.

The amendment was agreed to.

The next amendment was, on page 6, after line 12, to insert:

An advisory committee for aeronautics is hereby established, and the President is authorized to appoint not to exceed 10 members, to consist of 2 members from the War Department, from the office in charge of military aeronautics; 2 members from the Navy Department, from the office in charge of naval aeronautics; a representative each of the Smithsonian Institution, of the United States Weather Bureau, and of the United States Bureau of Standards; together with not more than 3 additional persons who shall be acquainted with the needs of aeronautical science, either civil or military, or skilled in aeronautical engineering or its allied sciences, 1 of whom may be resident of the District of Columbia and the others shall be inhabitants of some State, but not more than 1 of them from the same State: *Provided*, That the members of the advisory committee for aeronautics, as such, shall serve without compensation: *Provided further*, That it shall be the duty of the advisory committee for aeronautics to supervise and direct the scientific study of the problems of flight, with a view to their practical solution, and to determine the problems which should be experimentally attacked, and to discuss their solution and their application to practical questions. In the event of a laboratory or laboratories, either in whole or in part, being placed under the direction of the committee, the committee may direct and conduct research and experiment in aeronautics in such laboratory or laboratories: *And provided further*, That rules and regulations for the conduct of the work of the committee shall be formulated by the committee and approved by the President.

The amendment was agreed to.

The next amendment was, on page 7, after line 15, to insert:

That the sum of $5,000 a year, or so much thereof as may be necessary, for five years is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available, for experimental work and investigations undertaken by the committee, clerical expenses and supplies, and necessary expenses of members of the committee in going to, returning from, and while attending meetings of the committee: *Provided*, That an annual report to the Congress shall be submitted through the President, including an itemized statement of expenditures.

The amendment was agreed to.

The next amendment was, on page 8, line 18, after the word "Navy," to strike out "or," and in the same line, after the word "Corps," to insert "or Coast Guard," so as to make the clause read:

The President of the United States is hereby empowered to prepare a suitable medal of honor to be awarded to any officer of the Navy, Marine Corps, or Coast Guard who shall have distinguished himself in battle or displayed extraordinary heroism in the line of his profession.

The amendment was agreed to.

The next amendment was at the top of page 9 to insert:

Hurricane damages, American Samoa: For the relief of the inhabitants of American Samoa, to be immediately available, $10,000.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Navigation," on page 13, line 1, before the words "of nautical," to insert "and printing," and in line 2, after the word "directions," to strike out "$80,000" and insert "$105,000," so as to make the clause read:

Ocean and lake surveys: Hydrographic surveys, including the pay of the necessary hydrographic surveyors, cartographic draftsmen and recorders, and for the purchase and printing of nautical books, charts, and sailing directions, $105,000: *Provided*, That the Secretary of the Navy is authorized to detail such naval officers not exceeding four as may be necessary to the Hydrographic Office.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Ordnance," on page 18, line 23, after "$5,795,420," to strike out "*Provided*, That no part of this appropriation shall be expending for the purchase of armor-piercing shells of 12-inch caliber or larger unless such shells are found by tests to be able to penetrate 10-inch Kruppized plate without breaking up when fired with a standard service powder charge and an actual range of 12,000 yards," so as to make the clause read:

Ordnance and ordnance stores: For procuring, producing, preserving, and handling ordnance material; for the armament of ships; for fuel, material, and labor to be used in the general work of the Ordnance Department; for furniture at naval magazines, torpedo stations, and proving ground; for maintenance of the proving ground and powder factory and for target practice; for the maintenance, repair, or operation of horse-drawn passenger-carrying vehicles, to be used only for official purposes at naval magazines, the naval proving ground, Indianhead, Md., and naval torpedo stations, and for pay of chemists, clerical, drafting, inspection, and messenger service in navy yards, naval stations, and naval magazines: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for chemists, clerical, drafting, inspection, watchmen, and messenger service in navy yards, naval stations, and naval magazines for the fiscal year ending June 30, 1916, shall not exceed $468,000; in all, $5,795,420.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. The Senator from Colorado.

Mr. THOMAS. I wish to inquire from the Senator having the bill in charge why that proviso is stricken out.

Mr. SWANSON. The proviso on pages 18 and 19?

Mr. THOMAS. Yes.

Mr. SWANSON. The department says it is utterly impossible to make the test of 12,000 yards for projectiles. They have no station for it. That would be as far as from here to Alexandria. You have no suitable range. You would have to have nearly 10 miles, or possibly more than that, to make the test; and the projectiles that we now have are the very best, or as good as any that any nation has. The department says that it would be utterly impossible to make the test. The only way it could be made would be on the sea, and if you were to shoot at a target on the sea you could not find what was the effect of the projectile. I have here a letter from the department on the subject.

Mr. THOMAS. The explanation is perfectly clear; but it has been frequently asserted of late that the superiority of armor and of foreign guns over the armor of our ships and over the range of our guns is such that this proviso struck me as being extremely important and desirable. Certainly there is no reason why ammunition of this caliber should be purchased unless it is as effective as the occasion for its use may require. Of course I am ignorant of the methods of testing ammunition, either of this caliber or of any other, for that matter; but surely there ought to be some way of testing ammunition where the exigency which may require its use would be such as to make it either ineffective or useless unless it possesses the power and piercing quality which this test would demonstrate.

Mr. SWANSON. If the Senator will permit me, we appropriate over $100,000—I think this bill carries that amount—to make tests for projectiles. We make the tests. This Government is making continual tests as to the effectiveness of its projectiles. We get the very best, and the foreign governments are buying projectiles such as we buy now. In addition to that, we make an appropriation of $500,000 for manufacturing our own projectiles and testing them. If this proviso is passed it simply means that we will not have any projectiles purchased for the new battleships because it is impossible to make the tests. We have only projectiles enough for about a two hours' engagement. Battleships carry 100 projectiles, and then we have a reserve of 125; and shooting 2 a minute in an engagement of two hours would consume the projectiles we now have, and to adopt this provision would simply mean that the Government would not purchase any under this bill.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 20, after line 7, to insert:

Melville, R. I.: For the construction of a building for the storage of torpedoes, $20,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 22, to insert:

The sum of $500,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available for the construction and equipment of a plant for the manufacture of projectiles, said plant to be located on such site now owned by the Government as may be determined by the President. The amount hereby appropriated to be available until expended.

Mr. PENROSE. Mr. President, I am informed that this paragraph provides an appropriation for a projectile establishment which has never been investigated by the Navy Department, which has never been reported on by any official bureau of the Government, and is in the nature of general legislation. I am not prepared to say that ultimately it may not be well for the American Government to take up this proposition, but I certainly think that a little more consideration should be given to it than the introduction of an amendment to this bill without any consideration whatever having been given to it in the history of the Navy Department. I therefore raise the point of order that it has never been estimated for and is general legislation.

Mr. SWANSON. I will state to the Senator that the Secretary of the Navy very earnestly recommends this appropriation.

Mr. PENROSE. I have no doubt that the Secretary of the Navy recommends it. That does not alter my contention, and I think I am right—I may be wrong—in saying that no investigation of this matter has ever been had.

Mr. SWANSON. If the Senator will permit me, this is an item under Rule XVI. If the Chair will read the rule he will see it states that no new item shall be included in a general appropriation bill unless it is moved by a standing committee of the Senate——

Mr. LODGE. "Or."

Mr. SWANSON. Or if it has been estimated it can be moved, or if it has been recommended by a standing committee of the Senate, either one. This has not been estimated for by the Secretary of the Treasury, but I am directed by a standing committee of the Senate, the Committee on Naval Affairs, to move this item of appropriation, and consequently under Rule XVI I am satisfied it is a new item of appropriation which can be included in this bill.

Mr. PENROSE. It certainly seems to me to be evident that a paragraph which embarks the American Government on an enterprise that is of such a serious character as the manufacture of projectiles, leading perhaps to the general manufacture of all munitions of war, is new legislation. As far as the item of appropriation is concerned, it has never been estimated for, it has never been officially recommended by any bureau of the Government, and the only scintilla of official sanction is a letter from the Secretary of the Navy to a member of the committee; not even an official communication to Congress or an official communication to the committee as a committee.

Mr. SWANSON. If the Senator will permit me, Rule XVI states:

Or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law or treaty stipulation or act or resolution previously passed by the Senate during that session, or unless the same be moved by direction of a standing or select committee of the Senate or proposed in pursuance of an estimate of the head of some one of the departments.

My contention is that if it is moved by direction of a standing committee of the Senate, and I move it by the direction of the Committee on Naval Affairs, a standing committee, or if it is estimated for, as I understand the rule, even if not moved by a standing committee, it is in order and can be moved as an amendment to a general appropriation bill.

Mr. PENROSE. There is no estimate in this case.

Mr. SWANSON. There is no estimate, but certainly a committee of the Senate has directed this amendment to be reported.

Mr. PENROSE. But it must be in accordance with an estimate.

Mr. SWANSON. The rule does not say so.

Mr. PENROSE. It goes on to say——

Mr. SWANSON. It says "or," not "and."

Mr. THOMAS. Mr. President, I made a similar point of order to a similar item in the agricultural bill a few hours ago, and the point of order was overruled on the ground stated by the Senator from Virginia.

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). The Chair is of the opinion that Rule XVI covers the situation in the language "or unless the same be moved by a standing or select committee." This is evidently moved by a standing committee. The clause "or proposed in pursuance of an estimate of the head of some one of the departments" is an alternative. The amendment having been moved by direction of a standing committee, it seems to the Chair that the point of order should not be sustained.

Mr. OLIVER. Mr. President, I should like to ask the Senator from Virginia what information was before the committee as to whether this $500,000 would build the projectile factory or whether they had the plans for a factory, to know how much money it would take to finally complete it. It seems to me that this amendment is brought in here without adequate information either to the Senate or even to the committee as to what we are entering into. From my information and from what I know about such matters, it seems to me that $500,000 would scarcely mark the beginning of a factory of this kind.

Mr. SWANSON. I will state to the Senator that I have the following letter from the Secretary of the Navy——

Mr. PAGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Vermont?

Mr. SWANSON. I do.

Mr. PAGE. I should like to have this point clear in my mind as to a part of Rule XVI. It reads:

All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are considered, be referred to the Committee on Appropriations.

Has this amendment been referred to the Committee on Appropriations?

Mr. SWANSON. This is from the Committee on Appropriations. The Committee on Naval Affairs is a committee on appropriations.

Mr. PAGE. Does the Senator understand that the words "committee on appropriations" refer to the Committee on Naval Affairs?

Mr. LODGE. If I may say a word, that rule was adopted before the appropriation bills were divided. *All* committees having appropriation bills are committees on appropriations.

Mr. SWANSON. There is another rule which states that all items of appropriations must be referred to certain committees, but I understand this is the only rule of the Senate which directs that bills shall be referred to the Committee on Appropriations.

Now, Mr. President, I desire to read a letter from the Secretary of the Navy in reference to this matter:

NAVY DEPARTMENT,
Washington, February 8, 1915.

Hon. B. R. TILLMAN,
Chairman Committee on Naval Affairs,
United States Senate, Washington, D. C.

MY DEAR MR. CHAIRMAN: In my hearings before the House Committee on Naval Affairs I recommended an appropriation of $500,000 for the construction and equipment of a plant for the manufacture of projectiles. This amount gives a fairly close estimate of the cost of an

establishment capable of turning out a sufficient number of large-caliber projectiles to meet our needs.

During the past few years the bids for projectiles have varied so widely as to indicate that at times the Government is charged excessive prices; for example, in 1910 one firm supplied 14-inch armor-piercing projectiles for $410 each and another firm for $500 each; in 1911 the firm which had furnished these projectiles for $410 raised their price to $490 each, and the firm which had charged $500 continued to charge $500 each; in 1914, January, the firm which had been charging $500 each reduced their price to $320 each, and the firm which had previously charged $410 and $490 reduced their price to $375.

While the quality of our armor-piercing projectiles has improved, I am of the opinion that still greater progress would be made at a Government plant, for the reason that the principal effort at such a plant would be directed toward the production of the highest-grade projectile, unhampered by any question of money profit in the manufacture.

Sincerely, yours,

JOSEPHUS DANIELS.

Mr. President, whether this is used to build a plant or not the department is apprehensive that the price of projectiles authorized by this bill will be greatly increased. I do not think there is any possible purpose to build a plant unless it is demonstrated that the charges are too high for the projectiles authorized to be purchased under the bill. It does seem to me, if we are desirous of taking care of the Government both in the quality and price of projectiles, the department ought to have authority to construct a plant if it can not get good projectiles at a reasonable price.

Mr. OLIVER. Mr. President, I do not want to stand here and oppose the building of a plant of this kind if it is once shown to us that it is to the interest of the Government to do it, but I do say that in this particular instance we are entering into the project without any due conception of what it amounts to. The letter of the Secretary of the Navy is merely general. Nobody knows what this plant will cost, or whether $500,000 will come near reaching it. Before this is gone into, I think some estimate ought to be given to us as to what the plant would cost.

If there is any disposition on the part of the people who are furnishing these munitions to overcharge the Government, I think it is perfectly right for the Government to enter upon the manufacture, just as they have entered upon the manufacture of small arms and munitions in the various arsenals, and I would not oppose it; but we have no estimate here as to what it is going to cost, or as to how far the appropriation of $500,000 will reach.

Mr. SWANSON. Mr. President, I should like to say to the Senator, if he will permit me, that the price of projectiles has increased very rapidly on account of the war. In addition to that, the manufacturers might get such high prices for their projectiles from foreign nations that we might not be able to get any for some years. I am satisfied the Secretary of the Navy has no definite purpose at present. This estimate has been made recently by the department, and he is satisfied that this expenditure should be made. I think it would be wise, whether we went into this manufacturing business or not, to give the Government authority to go into it, provided it can not get good projectiles and can not get them at a reasonable price.

Mr. OLIVER. I can easily understand that the Secretary of the Navy has no definite purpose at present, because his letter and this amendment and the speech of the Senator from Virginia are about as indefinite upon the subject as anything I can possibly conceive. I think it is almost criminal, Mr. President, for us to go pell-mell into such things without knowing what we are about. I can say that, greatly as I like and really admire the Secretary of the Navy, for indefiniteness this proposition of his rather takes the palm.

Mr. PENROSE. I should like to address an inquiry to the Senator from Virginia. I understood him to intimate in his explanation of this paragraph that he is under the impression that this item is only contingent upon the Secretary not being able to get projectiles at a reasonable figure; that is to say, it is not mandatory on the Secretary to build this projectile factory.

Mr. SWANSON. It is not mandatory; it authorizes him.

Mr. PENROSE. I take it it is mandatory and I want that to be cleared up, for I think the Senator has mixed up the character of the armor-plate proposition with this projectile proposition. Would the Senator object, if that is his view, to inserting the words "if the Secretary of the Navy finds he can not get projectiles at a reasonable price"?

Mr. SWANSON. He is authorized, and I suppose if this money is appropriated it would become compulsory.

Mr. PENROSE. If he finds he can not get the projectiles at a reasonable price, he is authorized to proceed under this appropriation. That is what we put in the armor-plate paragraph.

Mr. LODGE. If the Senator will allow me, on page 65, "if the Secretary of the Navy is unable to purchase armor at what he considers to be a reasonable price he is authorized to begin the construction of an armor-plate factory," and so forth.

Mr. PENROSE. I would accept the amendment under those circumstances, but I know something about this matter. Many of these manufactories are situated in Pennsylvania, and I am very familiar with the industry, and I do not want to see the Government go helter-skelter into it.

Mr. SWANSON. I will accept that amendment and let it go to conference.

Mr. PENROSE. I will be entirely satisfied with that clause inserted.

Mr. SWANSON. Let that amendment be accepted, and let it go to conference.

Mr. LIPPITT. Mr. President, before we go ahead with that, I wish the Senator from Virginia would read to me the last sentence in the letter from the Secretary of the Navy. As I listened to the reading, it is rather a remarkable proposition.

Mr. PENROSE. Of course, the money amounts to nothing. He says the expense does not mean anything.

Mr. LIPPITT. I understand he wants this plant to experiment in making projectiles without regard to expense.

Mr. PENROSE. That is it.

Mr. LIPPITT. He seems to complain that the quality of projectiles is without regard to expense. It seems to me that plenty of private people would be glad to experiment without regard to expense, if that is the way they want to have it.

Mr. SWANSON. Does the Senator desire to have the letter read at the desk?

Mr. LIPPITT. Just the last sentence.

Mr. SWANSON. The Secretary says:

> While the quality of our armor-piercing projectiles has improved, I am of the opinion that still greater progress would be made at a Government plant, for the reason that the principal effort of such a plant would be directed toward the production of the highest grade projectile, unhampered by any question of money profit in the manufacture.

That is, the profit which comes to the man who sells to the Government. With most of these people who manufacture projectiles to-day, whether they are good or whether they are bad, the main idea that prevails with the manufacturers is the profit made in the sale of projectiles. The Secretary of the Navy very properly says in a matter as important as projectiles, upon which the test of efficiency of our Navy is dependent, it would be well to have a Government plant, producing it as low as possible, but where the profit of a man who manufactures would not be the consideration mainly controlling. I do not think the letter has the impression that seems to have occurred to the Senator from Rhode Island, if it is fairly construed.

Mr. LIPPITT. The profit of making projectiles is a very small part, I fancy, of their cost. Of course the Government has got to consider the interest on the plant and the fixed charges in estimating the cost, as well as other people.

Mr. SWANSON. If the Senator will permit me, the price of projectiles, as the Secretary of the Navy writes, was reduced from $500 to $320, and that was a profit of $180 on each projectile. A battleship will take about 100 projectiles for each gun and 125 for the reserve. That makes 225 projectiles that are purchased when we equip a battleship. When you take the number of guns on a battleship and the number of battleships we are constructing it is a very large sum of money, and the Government is entitled to this excessive profit. If there is complaint made of some of our projectiles we would have this opportunity to go into the business if the Government can make a cheaper and a more efficient projectile, and certainly this should be passed to prevent excessive prices being charged the Government.

Mr. LIPPITT. Mr. President, I know nothing about whether excessive prices have been charged the Government or not. The Senator cites a case in which prices have been reduced on certain projectiles. I have no doubt the prices may have been reduced and changed. Sometimes they go up and sometimes they go down. I do not understand that a reduction in price had anything to do with any projectiles that the Government was to make, but whatever was the cause of the reduction, the point which I was coming at is that the Senator in one breath says the purpose of this factory is to reduce the cost of making projectiles and then he reads a letter from the Secretary of the Navy in which the Secretary intimates that the purpose of it is to experiment in making a more perfect projectile without regard to cost. Of course the two things can not be carried on at one and the same time.

Mr. SWANSON. The Senator makes a mistake. The Secretary did not say regardless of cost; he says not considering the question of profit. The profit belongs to the manufacturer. The Government expects to sell none.

Mr. LIPPITT. There is no meaning to the expression "without regard to profit."

Mr. SWANSON. I am sorry the Senator can not grasp the meaning.

Mr. LIPPITT. I understand it about as well as the Senator does, and I know exactly what is meant by profit, too.

Mr. SWANSON. I have no doubt the Senator is well acquainted with that.

Mr. LIPPITT. To undertake to experiment without regard to profit, unless it also means without regard to cost, is an expression that has no particularly definite meaning at all.

The Senator from Pennsylvania [Mr. OLIVER] is objecting to this provision because it is indefinite. I was simply trying to harmonize the first expression of the Senator that it was for the purpose of reducing the cost of manufacture and the expression of the Secretary of the Navy that it was for the purpose of carrying on experiments without regard to expenses. The two things seem to be entirely inconsistent.

Mr. PENROSE. Mr. President——

Mr. SWANSON. Will the Senator from Pennsylvania state his amendment?

Mr. PENROSE. Yes, sir. I suggest that this paragraph be amended in harmony with the similar provision on page 65 regarding the proposed armor-plate establishment, and, if the Secretary will take it down—I have not reduced it to writing—I can state it.

The PRESIDING OFFICER. The amendment proposed by the Senator from Pennsylvania will be stated.

The SECRETARY. In lieu of the words proposed to be inserted by the committee it is proposed to insert the following:

That if the Secretary of the Navy is unable to purchase projectiles at what he considers to be a reasonable price, he is authorized to construct and equip a plant for the manufacture of projectiles, the total cost not to exceed $500,000; which sum is hereby appropriated for the purpose; said plant to be located on such site now owned by the Government as may be determined by the President. The amount hereby appropriated to be available until expended.

Mr. SWANSON. I will accept that amendment in order to let the matter go to conference.

Mr. PENROSE. Mr. President, I have nothing further to say on this matter, except that I want in entire good faith to call the attention of the Senate and of the country to the seriousness of the steps that are being taken toward Government manufacture and Government ownership. If it is to be the ultimate policy of the Government, of course we shall all have to be reconciled to it; but some of us may well hesitate.

As I understand American institutions and the policy of the American Government, it has always been the idea that private individuals should be encouraged and that the Government should do nothing that could be left to private initiative and private enterprise. Now, the argument is made that extravagant prices are charged for many of these munitions, or that collusion is occasionally suspected to prevail. If that can be proved, of course that brings up a new proposition; but in this particular case of projectiles, the letter of the Secretary distinctly states that they have dropped some 50 per cent in the last year or so in their cost to the Government; and there are so many concerns manufacturing them, or which are able to manufacture them, all over the United States that I do not think there is or can be any charge of collusion.

The Government is getting these projectiles in a satisfactory way, and cheaply; and it is a very serious question and problem to my mind whether, with an enormous deficit staring us in the face, the Government ought recklessly to embark on an enterprise that has never been investigated and has never been agitated before the people of the country; for which I know of no public sentiment, and which will lead us into an enterprise that may terminate in the expenditure of millions of dollars without sufficient justification.

Be that as it may, the amendment which the Senator from Virginia has accepted puts the proposition on something like a legitimate basis, and I am satisfied to have it go to conference in that way.

The PRESIDING OFFICER. If there is no objection, the amendment of the Senator from Pennsylvania——

Mr. OLIVER. Mr. President, before the amendment is acted upon I wish to say that I think as amended the proposed amendment is clearly subject to a point of order as being general legislation. I will not now make that point of order, but will reserve the right to make it in the Senate if I shall then deem it proper to do so.

Mr. SWANSON. If the junior Senator from Pennsylvania insists on making the point of order against the amendment as amended, I should prefer to let the point of order be made; and I will not accept the amendment proposed by his colleague.

Mr. OLIVER. I do not propose to make the point of order at this time, and in all probability shall not make it when the bill comes into the Senate, but I simply reserve the right to do so.

The PRESIDING OFFICER. If there is no objection, the amendment proposed by the Senator from Pennsylvania [Mr. PENROSE] to the amendment will be considered as agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, under the subhead "Bureau of Yards and Docks," on page 23, line 10, after "$15,000," to insert "toward the construction of a building slip and equipment, $50,000," and in line 11, after the words "in all," to strike out "$80,000" and insert "$130,000," so as to make the clause read:

Navy yard, Norfolk, Va.: Building for school, $50,000; railroad system, extensions, $15,000; disinfecting plant, $15,000; toward the construction of a building slip and equipment, $50,000; in all, $130,000.

The amendment was agreed to.

The next amendment was, on page 23, line 14, after "$10,000," to insert "to make dry and wet borings to determine waterfront conditions for locating suitable docks, piers, and slips, $15,000; toward the construction of building ways for constructing tugs, lighters, barges, and small naval auxiliary craft, $50,000," and in line 18, after the words "in all," to strike out "$30,000" and insert "$95,000," so as to make the clause read:

Navy yard, Charleston, S. C.: Dredging, to continue, $20,000; paving and grading, to continue, $10,000; to make dry and wet borings to determine water-front conditions for locating suitable docks, piers, and slips, $15,000; toward the construction of building ways for constructing tugs, lighters, barges, and small naval auxiliary craft, $50,000; in all, $95,000.

The amendment was agreed to.

The next amendment was, on page 23, after line 20, to insert:

Naval Station, Pensacola, Fla.: For remodeling building 52 to fit it as a sick quarters and dispensary for use of United States Navy Aeronautic Station, $15,000, reappropriated from unexpended appropriation act of March 2, 1907, for renewal of present naval hospital buildings, Pensacola, Fla.

The amendment was agreed to.

The next amendment was, on page 25, after line 13, to insert:

That the appropriation of $400,000 for erection on the Isthmus of Panama of barracks, quarters, and other buildings for accommodation of marines, contained in the act of March 4, 1913, is hereby reappropriated, and $200,000 thereof made available for the erection of marine barracks at Mare Island, Cal., and $200,000 thereof made available for the erection of marine barracks at Norfolk, Va.

The amendment was agreed to.

The next amendment was, on page 26, line 4, after the word "fuel," to strike out "$2,527,816" and insert "$2,642,816," so as to make the clause read:

Total public works, navy yards, naval stations, naval proving grounds, and magazines, naval training station, San Francisco, naval hospital, New York, and depots for coal and other fuel, $2,642,816, and the amounts herein appropriated for public works, except for repairs and preservation at navy yards and stations, shall be available until expended.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Medicine and Surgery," on page 27, line 21, after "$15,000," to insert:

Provided, That no deduction shall hereafter be made from the six months' gratuity pay allowed under the naval act of August 22, 1912, on account of expenses for preparation and transportation of the remains: *Provided further*, That the sum herein appropriated shall be available for payment for transportation of the remains of officers and men who have died while on duty at any time since April 21, 1898, and shall be available until June 30, 1917.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. The Senator from Utah.

Mr. SMOOT. I desire to ask the Senator having the bill in charge why this proviso is offered at this time?

Mr. SWANSON. It is offered at the request of the department on account of a ruling of the Comptroller of the Treasury. The law provides that whenever we transfer the remains of a sailor or of anyone in the naval service for burial there shall be taken from his pay the amount specified, which I think is $60 for burial expenses, even if the remains are shipped home and the home people pay the expense of interment, carriages, and everything incident to it. The very fact that there was transportation requires this sum to be subtracted from the month's gratuity pay. There have been cases where the expenses have been paid by the home people for interment. There is another appropriation for transportation. The law provides that whereever transportation is furnished for the remains this amount shall be taken out of the gratuity, although the Government pays for the transportation. This amendment was recommended to avoid that decision of the Comptroller of the Currency, which in a great many cases works a hardship.

Mr. SMOOT. Then, it will not cost the Government anything?

Mr. SWANSON. It might cost the Government in some cases the expenses of the interment, and the Government has usually paid such expenses.

Mr. SMOOT. I think it ought to do so.

Mr. SWANSON. But they subtract it in every case where transportation is furnished.

Mr. LODGE. If the Senator will allow me, this is to prevent, under the ruling of the comptroller, making the dead man pay for his own burial out of the gratuity pay, which the law allows for his widow and children.

Mr. SMOOT. From what the Senator from Virginia says, even if some one else pays the burial expenses, under the ruling of the comptroller it would be taken out of the gratuity pay. Does the Senator understand that?

Mr. SWANSON. If the Senator will permit me, as I understand from my reading of the matter and as I recall, the law is that whenever transportation has been furnished for the remains of a sailor or officer of the Navy, this amount shall be subtracted. The Comptroller of the Treasury requires it to be taken out in all cases when the gratuity is paid to the party entitled to it. This amendment is designed to get rid of that decision, which has worked very great hardship in some cases where relatives or friends paid the expenses themselves.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, under the subhead "Bureau of Supplies and Accounts," on page 29, line 9, after the word "with," to strike out "Naval Militia, and for," and in line 10, after the word "men," to insert "and for the pay of enlisted men detailed for duty with the Naval Militia," so as to read:

Pay of petty officers, seamen, landsmen, and apprentice seamen, including men in the engineers' force and men detailed for duty with the Fish Commission, 48,000 men, and for the pay of enlisted men detailed for duty with the Naval Militia, $23,616,000.

The amendment was agreed to.

The next amendment was, at the top of page 30, to insert:

Hereafter no officer shall be promoted who has not had active sea service covering half or more of the time during which he has been in the service, and any officer who has failed to have such an amount of sea service to his credit shall be placed on the retired list: *Provided*, That this shall not apply to the grades of commander and captain until two years from the date of the approval of this act: *Provided further*, That this provision shall not apply to those engineer officers transferred to the line under section 5 of the act of March 3, 1899.

Hereafter retired officers shall be assigned to shore duty wherever an officer of the Navy is required for such duty: *Provided*, That no officer shall be thus assigned whose physical condition makes him unfit for such duty.

Section 9 of the naval personnel act of March 3, 1899, entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," be, and the same is hereby, repealed.

Mr. SWANSON. Mr. President——

The PRESIDING OFFICER. The Senator from Virginia.

Mr. SWANSON. The committee desire to offer an amendment in lieu of the amendment printed in the bill.

Mr. LODGE. The committee desire to modify the printed amendment, which the committee has the right to do.

The PRESIDING OFFICER. In lieu of how many lines of the proposed amendment?

Mr. SWANSON. In lieu of the lines from 1 to 14, inclusive.

Mr. LODGE. Mr. President, the substitute amendment which the Secretary is about to read applies to the two paragraphs from line 1 to line 14, inclusive, on page 30, but the whole portion in italics, which the Secretary has read, is a substitute for the House provision at the bottom of the page. The amendment of the committee at the top of page 30 should have followed the amendment stricken out at the bottom of the page, but what the Secretary is about to read is a substitute for the two paragraphs I have indicated.

Mr. SWANSON. We propose also to strike out section 9 of the naval personnel act.

Mr. LODGE. We strike out the House provision and insert what has been read.

Mr. SWANSON. If Senators will look at the bottom of page 30, they will find the provision stricken out of the House bill.

Mr. STONE. I understand that it is proposed to reinsert that provision.

Mr. SWANSON. The provision stricken out reads:

Section 9 of the naval personnel act of March 3, 1899, entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," be, and the same is hereby, repealed.

That, of course, is part of the House bill. The committee offers as a substitute for that the amendment which the Secretary will now read.

Mr. STONE. Then, it is proposed to reinsert what is stricken out?

Mr. SWANSON. We propose to reinsert that provision which is stricken out. The effect will be that section 9 of the act providing for what is known as the plucking board will contain the language proposed by the committee.

Mr. SMOOT. Then, Mr. President, the new matter inserted by the committee should have followed the portion stricken out at the bottom of page 30.

Mr. SWANSON. Yes; that was a mistake in the print.

The SECRETARY. In lieu of the amendment as reported in the bill it is proposed by the committee to insert the following:

Hereafter no officer of the line, Medical, or Pay Corps shall be promoted who has not had active sea service covering half or more of the time during which he has been in the service; and any officer who has failed to have such an amount of sea service to his credit shall be placed on the retired list: *Provided*, That this shall not apply to the grades of commander and captain until three years from the date of the approval of this act, or to the grade of ensign: *Provided further*, That this provision shall not apply to those engineer officers transferred to the line under section 5 of the act of March 3, 1899: *Provided further*, That shore duty beyond the seas shall be considered as active sea service for the purposes of this act.

Hereafter whenever an officer of the Navy has been assigned to shore duty retired officers of suitable rank may be assigned to such duty in all posts where the appointment of an officer of the active list is not required by law: *Provided*, That when retired officers are thus assigned to active duty they shall receive the pay and allowances of the grade from which they were retired.

Mr. SMOOT. Mr. President——

Mr. LODGE. What has been read by the Secretary should be a substitute only for that portion of the amendment on page 30, from line 1 to line 12. As I understand, it is not proposed to strike out the proviso reading:

Provided, That no officer shall be thus assigned whose physical condition makes him unfit for such duty.

Mr. SWANSON. The amendment as now stated leaves the Secretary of the Navy to assign the officers, and of course the Secretary will consider their physical condition.

Mr. LODGE. That is true.

Mr. SWANSON. So that there is no necessity of including that proviso.

Mr. OLIVER. Mr. President, I should like to ask the Senator why this provision should not apply to the grades of commander, captain, and ensign for two years. Why is it made applicable to lieutenants and lieutenant commanders without the two-year exemption?

Mr. LODGE. Commanders and captains are the two highest grades below admiral.

Mr. OLIVER. Yes; I understand that; and ensign is the lowest grade.

Mr. LODGE. I will explain it. It is perfectly explainable. Commanders and captains will have no time to meet the requirements unless two years are given. Otherwise we would retire them all, practically, and that, of course, is not the intention. So in their case the provision is worded in order to give them time to get credit for half sea service. In the case of the ensign the reason is entirely obvious. The midshipmen become ensigns as soon as they leave the Naval Academy, and midshipmen do not have half of their time at sea, of course, and can not have.

Mr. OLIVER. But suppose a lieutenant, by reason of some assignment he may have had, has not spent half his service at sea, then, under this provision——

Mr. LODGE. Then it begins to count against him. The object of this amendment is to make officers seek sea service instead of shore service. That is the precise object.

Mr. OLIVER. I understand that perfectly; but I am looking at it from the light of, say, a lieutenant who to-day would be on the eve of promotion, but who under this provision, if he has not served half his time at sea, would be immediately retired.

Mr. LODGE. As a matter of fact, Mr. President, I think the Senator in charge of the bill has the figures. It would practically cut out nobody. That has been considered. It is not retroactive.

Mr. STONE. If it does not cut out anybody, what is the use of putting it in?

Mr. LODGE. The object of putting it in is to enforce it in the future.

Mr. STONE. Mr. President——

The PRESIDING OFFICER. The Senator from Missouri.

Mr. STONE. I feel a little interest in this provision, and had intended to make some observations briefly with respect to it; but I am not able to understand clearly just what change is made in the text as printed by the amendment proposed.

Mr. LODGE. If the Senator will take his bill, I can show him what has been done.

Mr. STONE. I have the bill before me. I was just going to make this suggestion and see whether it would be satisfactory to the Senator in charge and other members of the committee to pass over this particular provision for a little while, until

I can get that amendment and make a comparison. I can not do it while we are debating here.

Mr. LODGE. I hope the Senator from Virginia will allow it to be passed over for the present, because my colleague [Mr. WEEKS] is interested in it and said he would return in an hour and wishes to be present when it is considered.

Mr. SWANSON. I have no objection to its being passed over.

The PRESIDING OFFICER. Without objection, the amendment will be passed over.

Mr. LODGE. Before I sit down, if I may I will say to the Senator from Missouri that the men in the lower grades are the ones who go to sea, and who now have 50 per cent of sea service. It is the men in the upper ranks who do not spend 50 per cent of their time at sea. The object of the measure is to compel them all to seek sea service instead of shore service so that they shall all have at least 50 per cent of sea service. The younger men have it for a time.

Mr. LIPPITT. Mr. President, I should like to ask the Senator from Massachusetts if there is any provision to cover cases of officers who do not have the required amount of sea service on account of sickness?

Mr. LODGE. If the officer is physically disabled, of course——

Mr. LIPPITT. He may not necessarily be permanently disabled, but suppose at any one period his illness prevented his having the usual term of sea service?

Mr. LODGE. This covers his whole career, his whole time.

Mr. LIPPITT. But it says that no officer shall be promoted. I suppose that means, promoted at any time.

Mr. LODGE. Yes; no officer who has not had active sea service covering half or more of the time during which he has been in the service. It is cumulative; a man could count all his sea service, from the day he became an ensign; and it is inconceivable that he should not be at sea more than half the time.

Mr. LIPPITT. Suppose he has failed to have that amount of sea service, though against his will, and because he has been ordered to other service?

Mr. LODGE. He will not be. We are short of officers at sea. There is a great demand for shore duty now, and this is to try to make them demand sea duty. This is the system which has been in use in the English Navy for years.

Mr. LIPPITT. It seems like a pretty drastic provision, as though contingencies would not sometimes come up that would be very unjust to a deserving officer, if you make such a drastic thing without any exceptions.

Mr. LODGE. It is not as drastic as it seems. The most of them have half the service now.

Mr. LIPPITT. Well, it seems very drastic. I am not sufficiently familiar with the details of it, but on its face it looks as though it would result in injustice at times.

Mr. LODGE. I will say to the Senator that the young officers all have more than 50 per cent of sea service during their entire period of service. In the upper grades they begin to fall off, and the object is to encourage sea service; and if the Senator will notice it, the next clause is directed to reducing the number of shore posts.

If the matter is going over, however, I do not want to say anything more about it now.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 31, line 4, after the word "Corps," to strike out "all officers" and insert "any officer"; and in line 7, after the word "act," to strike out "and from the active to the retired list of the Navy or the Marine Corps by the action of any board," so as to make the clause read:

That the President be, and he is hereby, authorized, within two years of the date of the approval of this act, by and with the advice and consent of the Senate, to transfer to the active list of the Navy or Marine Corps any officer who may have been transferred from the active to the retired list of the Navy under the provisions of section 9 of said personnel act.

The amendment was agreed to.

The next amendment was, on page 31, after line 8, to strike out:

That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to transfer from the retired to the active list of the Marine Corps, in the grade and with the rank and seniority to which he would have been entitled had he not been so retired, in his original place, as an additional number, any officer now on the retired list of the Marine Corps: *Provided*, That the circumstances concerning his retirement have been examined by the Committees on Naval Affairs of the Senate and House of Representatives of the Sixty-third Congress, and that both of said committees have reported favorably to the Senate or to the House a bill to transfer such officer to the active list of said Marine Corps: *Provided*, That such officer shall be transferred to the place on the active list which he would have held if he had not been retired, or to which he had passed a satisfactory examination or promotion, and shall be called as an additional number in the grade to which he may be transferred or at any time thereafter promoted: *And provided further*, That such officer shall stand a satisfactory medical and professional examination for promotion, as now provided by law.

Mr. SMITH of Georgia. Mr. President, I move to substitute for the language of the House bill the language of a bill which has passed the Senate.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In lieu of the committee amendment on page 31, line 9, and the remainder of the page, it is proposed to insert:

That the President of the United States be, and is hereby, authorized to restore Constantine Marrast Perkins, now a lieutenant colonel on the retired list, to the active list of the Marine Corps, in the grade of colonel, to take rank in said grade next after George Barnett, who was the officer immediately above the said Constantine Marrast Perkins in the list of lieutenant colonels at the date said Constantine Marrast Perkins was retired from active service with the rank of lieutenant colonel: *Provided*, That the said Constantine Marrast Perkins shall establish to the satisfaction of the Secretary of the Navy, by examination pursuant to law, his physical, mental, moral, and professional fitness to perform the duties of colonel: *Provided further*, That the said Constantine Marrast Perkins shall be carried, while on the active list, as additional to the number in the grade to which he may be advanced pursuant to this act until such time as a vacancy occurs in said grade: *And provided further*, That the said Constantine Marrast Perkins shall not, by the passage of this act, be entitled to any back pay or allowances.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. LODGE. I understand the Senator from Georgia proposes to insert that.

Mr. SMITH of Georgia. I offer that as a substitute.

Mr. LODGE. No; the Senator proposes to insert it where the committee has proposed to strike out certain matter on page 31?

Mr. SMITH of Georgia. Yes.

Mr. LODGE. The Senator proposes to strike out that matter and insert this, because that general language covers the Perkins case only; and if we are going to do it—and I think it ought to be done—let us put in and say what we mean, and not put in general legislation to cover the case of one man.

Mr. SMITH of Georgia. That is right.

Mr. BRYAN. Mr. President——

The PRESIDING OFFICER. The Senator from Florida.

Mr. BRYAN. I was very insistent in the committee that this general language should be stricken out. I have no objection to the thing being done in the straightforward way of naming the man it is to benefit. The Senate passed a bill to restore this officer to the active list upon the recommendation of the Navy Department. The bill has not been reached on the House calendar. I understand that this language, which is almost unintelligible, undertaking to make a general provision, was properly stricken out by the committee, and that the committee would have no objection to the reinstatement of this officer, because the commitee reported and the Senate passed a bill for that purpose.

Mr. SWANSON. Mr. President——

The PRESIDING OFFICER. The Senator from Virginia.

Mr. SWANSON. The language struck out here was intended really to take care of the Perkins case, and was so understood in the House of Representatives. If it goes to conference, I think this amendment, which makes it direct, can be adopted; and I accept the amendment in place of this language.

Mr. LODGE. It is a motion to strike out and insert.

Mr. SWANSON. To strike out and insert that language.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Georgia.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 32, line 12, before the word "*Provided*," to strike out "That the President be, and he is hereby, also authorized, within two years of the date of the approval of this act, by and with the advice and consent of the Senate, to transfer to the active list of the Navy any other officer who may have been retired under the said section 9 whom he may consider physically and professionally qualified to discharge his duties on the active list"; and in line 18, after the word "satisfactory," to strike out "medical" and insert "physical," so as to make the proviso read:

Provided, That such officer shall be transferred to the place on the active list which he would have held if he had not been retired and shall be carried as an additional number in the grade to which he may be transferred or at any time thereafter promoted: *Provided further*, That such officer shall stand a satisfactory physical and professional examination as now prescribed by law: *And provided further*, That any officer transferred to the active list shall not by the passage of this act be entitled to back pay or allowances of any kind.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. The Senator from Utah.

Mr. SMOOT. Can the Senator explain in just a few words why the Senate disagreed to the House provision?

Mr. LODGE. That was stricken out because it was duplicated in the House bill. It is all included in lines 1 to 8 on page 31. The House put it in in that form and then added something else.

Mr. SWANSON. In the House an amendment was sent in by the department. They had their amendment printed, and they accepted both. It is simply a duplication.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 32, after line 22, to insert:

The President is hereby authorized to transfer to the active list of the Navy any officer retired on July 1, 1914, under the personnel act of 1899 as modified by the act approved August 22, 1912, who is now performing active duty: *Provided*, That such officer shall be transferred to the number on the active list he would have held if not retired on said date, and shall be an extra number on the said active list.

The amendment was agreed to.

The next amendment was, on page 33, after line 7, to insert:

That the President be, and he is hereby, authorized to transfer, by and with the advice and consent of the Senate, to the grade of assistant dental surgeon authorized under the provisions of the act approved August 22, 1912, entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes," two officers from among those acting assistant or acting dental surgeons appointed for temporary service under the provisions of the said act approved August 22, 1912. Said transfers shall be made upon the approval of this act subject to such examinations as may be prescribed by the Secretary of the Navy and without regard to age and without reduction in pay or allowances: *Provided*, That an officer so transferred shall not be placed on the retired list of the Navy for any cause whatever until such officer has served not less than 30 years in the Navy, and if found to be incapacitated for the performance of duty by reason of physical disability prior to the completion of 30 years' service, he shall be discharged from the service with not more than one year's pay.

Mr. OVERMAN. Mr. President, in order to perfect that amendment, before it is adopted, I move to strike out the period and insert a colon in line 4, page 34, and I will introduce an amendment offered by the Senator from Iowa [Mr. CUMMINS], and I hope the Senator in charge of the bill will accept it. I want to read one paragraph from a letter from the Secretary of the Navy to the chairman of the committee, Senator TILLMAN:

Inasmuch as the dental legislation is now distributed through three acts of Congress, which has resulted in a certain amount of ambiguity and consequent administrative difficulties, I had hoped the matter would be remedied by new legislation before any issues were raised under the existing laws. I am confident that the present unsatisfactory condition will be appreciated and speedily corrected by Congress when brought to its attention, which I shall do at an early date.

There are continual difficulties coming up on this subject, and I hope the Senator will accept the amendment I introduce here. It is in the nature of the amendment introduced by the Senator from Iowa [Mr. CUMMINS], though it is not exactly that amendment.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 34, line 4, after the word "pay" and before the period, it is proposed to insert:

That all acting assistant dental surgeons appointed under the said act may, without further examination or age requirement, be appointed by the President, by and with the advice and consent of the Senate, assistant dental surgeons with the rank of lieutenant (junior grade) in the Dental Reserve Corps of the Navy, and the said acting grades are hereby abolished, and all such appointees may thus become available for active service in emergencies, and, in addition and in common with all the other assistant dental surgeons heretofore or hereafter appointed in the Dental Reserve Corps, shall be available for service in such numbers as the Secretary of the Navy may at any time deem necessary to the health and efficiency of the personnel of the Navy and Marine Corps, and for appointment to the regular dental corps as hereinafter authorized, subject to the age, mental, moral, physical, and professional examination requirements; that a regular dental corps is hereby authorized and established as a constituent part of the Medical Department of the Navy, which dental corps shall be organized and conducted under the laws and regulations now or hereafter applicable to the Medical Corps of the Navy analogously applied, and said dental corps shall consist of not exceeding 10 per cent of each of the several grades of rank in the said Medical Corps, and the said laws and regulations shall be modified in their application to said dental corps as follows:

First. That the first examination for the purpose of filling the vacancies hereby created in the entrance grade shall be both competitive and satisfactory and shall not occur until there are at least as many candidates in the Dental Reserve Corps who have had either active service or pursued a course of instruction as there are vacancies in the regular dental corps, and in computing the entrance age for dental officers the actual age shall be reduced by the time the candidate theretofore served in the Army, Navy, or Marine Corps.

Second. That the promotions to fill other vacancies hereby created shall be made at a rate of not exceeding 25 per cent per year of the number who become eligible under the law applicable to the Medical Corps, and the right of promotion shall not in any case be earned by a dental corps officer in a shorter period of service than is or may be required for corresponding promotion in the Medical Corps.

Third. That no dental officer shall be retired for age under any construction of any law heretofore enacted unless such dental officer was within the entrance age required when appointed to the dental corps, by and with the advice and consent of the Senate, nor unless he shall have reached the age of 64 years when so retired; that there shall be a distinctive dental corps insignia and the word "Dental" shall be used as a designating part of the title of dental officers, and appropriate assignments and regulations may be made to define and promote the exercise of the distinctive functions and duties of dental officers.

Mr. OVERMAN. I want to say that this carries out the law as we think it is now. We think it does. I want the Senator to accept that amendment and let it go to conference, and I think he will find it is so. There have been three laws passed upon this subject, and we have tried to take away the ambiguity in the two acts. There are a great many Senators here interested in this matter; and if the Senator will accept this, it is all right and good. If not, I want him to let it be passed over, because there is going to be a debate over it. I know that the Senator from Michigan [Mr. TOWNSEND] desires to be heard on it, as well as half a dozen other Senators.

Mr. SWANSON. How long does the Senator think the debate will last?

Mr. OVERMAN. Oh, I have no idea how long it will last.

Mr. SWANSON. Mr. President, I am very anxious to get this bill through, and the Senate has eliminated all personnel legislation, for the simple reason that we thought it would hasten the passage of the bill, and therefore we did not consider it. But as it is evident that that will retard it, I will accept the amendment, with the distinct understanding that it will be considered in conference.

Mr. OVERMAN. That is all I want.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. The Senator from Colorado.

Mr. THOMAS. I wish to make a point of order against the amendment on the ground that it is general legislation and has no place in an appropriation bill.

Mr. OVERMAN. It is not general legislation.

Mr. THOMAS. If it is not general legislation, I do not know the meaning of the term. I do not think amendments of this kind should be accepted by the committee. It is evidently a matter of some importance, and I do not think there is any question but that it is general legislation. I do not think the assurance or intimation that unless a matter of this kind is accepted there is going to be protracted debate ought to influence the Senate in determining whether or not legislation of this kind shall be incorporated in an appropriation bill. There is too much of this already.

Mr. OVERMAN. Well, Mr. President, that is being done in this bill.

Mr. THOMAS. Wherever we can put a limitation upon it we ought to do it. I insist upon the point of order.

Mr. SMOOT. Mr. President, I think the Senator having the bill in charge ought to have now whatever discussion there is to be. I should hate to see the conference report coming back here and the discussion occurring then. I think the Senator knows that the amendment will not be agreed to; and then when it comes back here in the shape of a conference report the whole question will be discussed again. I would rather have it discussed now and settled than to have the conference report come back here and spend a lot of time in a discussion of it at that time.

The PRESIDING OFFICER. The Chair would like to have the Senator from Virginia state whether, in his opinion, the amendment is subject to a point of order.

Mr. SWANSON. I am satisfied that it is subject to a point of order. It is general legislation on this appropriation bill.

Mr. OVERMAN. Mr. President, it is not general legislation. As I understand, there are three laws on the subject already in existence, and this modifies the law as it is. It is not new legislation as we understand the term. It is the law as it is brought forward and made plain. The Secretary of the Navy himself says the law is so ambiguous that he has not been able to construe what the law means, and we try to make the law mean something.

Mr. THOMAS. The fact that it is a modification of the law seems to me to be an admission that it is general legislation.

Mr. OVERMAN. It is carrying out what the law is.

Mr. THOMAS. What law?

The PRESIDING OFFICER. The point of order is sustained.

Mr. OVERMAN. I make a point of order, then, against the amendment, from line 8 on page 33 to line 4 on page 34, that it is general legislation.

Mr. SWANSON. It is subject to a point of order.

The PRESIDING OFFICER. The point of order is sustained.

The next amendment was, on page 34, after line 4, to insert:

Hereafter officers of the Navy and Marine Corps appointed student naval aviators, while lawfully detailed for duty involving actual flying in air craft, including balloons, dirigibles, and aeroplanes, shall receive the pay and allowances of their rank and service plus 35 per cent increase thereof; and those officers who have heretofore qualified, or may hereafter qualify, as naval aviators, under such rules and regu-

lations as have been or may be prescribed by the Secretary of the Navy, shall, while lawfully detailed for duty involving actual flying in air craft, receive the pay and allowances of their rank and service plus 50 per cent increase thereof. Hereafter enlisted men of the Navy or Marine Corps, while detailed for duty involving actual flying in air craft, shall receive the pay, and the permanent additions thereto, including allowances, of their rating and service or rank and service, as the case may be, plus 50 per cent increase thereof: *Provided*, That not more than a yearly average of 48 officers and 96 enlisted men of the Navy and 12 officers and 24 enlisted men of the Marine Corps, detailed for duty involving actual flying in air craft, shall receive any increase in pay while on duty involving actual flying in air craft, nor shall any officer in the Navy senior in rank to lieutenant commander, nor any officer in the Marine Corps senior in rank to major, receive any increase in pay or allowances by reason of such detail or duty.

The amendment was agreed to.

The next amendment was, on page 35, after line 4, to insert:

In the event of the death of an officer or enlisted man of the Navy or Marine Corps from wounds or disease, the result of an aviation accident, not the result of his own misconduct, received while engaged in actual flying in or in handling air craft, the gratuity to be paid under the provisions of the act approved August 22, 1912, entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes," shall be an amount equal to one year's pay at the rate received by such officer or enlisted man at the time of the accident resulting in his death. In all cases where an officer or enlisted man of the Navy or Marine Corps dies, or where an enlisted man of the Navy or Marine Corps is disabled by reason of any injury received or disease contracted in line of duty, the result of an aviation accident, received while employed in actual flying in or in handling air craft, the amount of pension allowed shall be double that authorized to be paid should death or the disability have occurred by reason of an injury received or disease contracted in line of duty not the result of an aviation accident.

The amendment was agreed to.

The next amendment was, at the top of page 36, to insert:

All acts or parts of acts in so far as they are inconsistent with the provisions of this act are hereby repealed.

The amendment was agreed to.

The next amendment was, on page 36, after line 8, to insert:

There is hereby established a United States naval reserve, which shall consist of citizens of the United States who have been or may be entitled to be honorably discharged from the Navy after not less than one four-year term of enlistment or after a term of enlistment during minority. The naval reserve shall be organized under the Bureau of Navigation and shall be governed by the Articles for the Government of the Navy and by the Naval Regulations and Instructions. Whenever actively employed with the Navy, or whenever employed in authorized travel to and from prescribed active duty with the Navy, its members shall be employed as members of the naval reserve and shall while so employed be held and considered to be in all respects in the same status as enlisted men of the Navy on active duty, except that they shall not be advanced in rating in time of peace. When not actively employed with the Navy, members of the naval reserve shall not be entitled to any pay, bounty, gratuity, or pension except the pay expressly provided for members of the naval reserve by the provisions of this act, nor shall they be entitled to retirement by reason of such service in the naval reserve.

Enlistments in the naval reserve shall be made in the rating in which last honorably discharged from the Navy for a period of four years unless sooner discharged by competent authority. No man shall be first enlisted in the naval reserve after eight years from the date of his last discharge from the Navy nor unless he be found to be physically fit to perform the duties of the rating in which last discharged, nor shall any man whose last service in the Navy was terminated by any means other than by an honorable discharge be eligible for enlistment in the naval reserve. Reenlistments in the naval reserve shall be made under such regulations as may be prescribed by the Secretary of the Navy.

Enlistments in the naval reserve shall be made in two classes. Class 1 shall consist of those men who enlist in the naval reserve within four months from the date of their last honorable discharge from the Navy. Class 2 shall consist of those men who enlist in the naval reserve after four months and within eight years from the date of their last honorable discharge from the Navy.

In addition to the enlistments in the naval reserve above provided, the Secretary of the Navy is authorized to transfer to the naval reserve at the expiration of an enlistment any enlisted man of the Navy who may, after two years from the date of approval of this act, complete service in the Navy of 16, 20, or 24 or more years and be entitled at the expiration of his enlistment to an honorable discharge. Such transfers shall only be made upon voluntary application and in the rating in which then serving, and the men so transferred shall be continued in the naval reserve until discharged by competent authority.

Members of the naval reserve of class 1 and men transferred to the naval reserve shall be required to keep on hand such part of the uniform clothing outfit as may be prescribed by the Secretary of the Navy, and all members of the naval reserve shall be issued a distinctive badge or button which may be worn with civilian dress.

Members of class 1 who have served less than 8 years in the Navy shall be paid at the rate of $30 per annum, and those who have served more than 8 years and less than 12 years in the Navy shall be paid at the rate of $60 per annum, and those who have served more than 12 years in the Navy $100 per annum. All members of the naval reserve of class 2 shall be paid at the rate of $12 per annum, and when first called into active service on board a vessel of the Navy shall receive an allowance for an outfit of clothing not exceeding $30 in value, to be expended under regulations prescribed by the Secretary of the Navy.

Members of the naval reserve who have, when transferred to the naval reserve, completed service in the Navy of 16, 20, or 24 or more years shall be paid at the rate of one-fourth, one-third, and one-half, respectively, of the base pay, plus permanent additions thereto, which they were receiving at the close of their last service in the Navy.

Members of the naval reserve may, in time of peace, be required to perform not less than one month's active service on board a vessel of the Navy, during each year of service in the naval reserve, and such active service shall not exceed two months in any one year: *Provided*, That the aforesaid active service with the Navy may be required at any time after entrance in the naval reserve. In time of war they may be required to perform active service with the Navy throughout the war, not to exceed the term of enlistment in the case of those enlisted in the naval reserve. Any pay which may be due any member of the naval reserve shall be forfeited when so ordered by the Secretary of the Navy upon the failure, under such conditions as may be prescribed by the Secretary of the Navy, of such man to report for muster and inspection.

Those members of the naval reserve of class 1, and those members who have been transferred to the naval reserve, who reenlist in the Navy within four months from the date of their discharge from the naval reserve, shall not be entitled to a gratuity of four months' pay, but their reenlistment in the Navy shall be held and considered to have been made within four months from the date of discharge from the Navy for the purpose of continuous-service pay. The period of time during which members of the naval reserve were actively employed with the Navy while enlisted in the naval reserve shall, for the purposes of retirement, be counted as active service in the Navy in the case of those who reenlist in the Navy after service in the naval reserve.

The Secretary of the Navy is authorized in time of war, or when, in the opinion of the President, war is threatened, to call any enlisted man on the retired list into active service for such duty as he may be able to perform. While so employed such enlisted men shall receive the same pay and allowances they were receiving when placed on the retired list: *Provided*, That enlisted men on the retired list shall not be eligible for enlistment in or transfer to the naval reserve.

The sum of $130,000 is hereby appropriated to carry into effect the foregoing provisions relating to a naval reserve.

The amendment was agreed to.

The next amendment was, on page 40, after line 16, to insert:

From and after June 1, 1915, the commander in chief of the United States Atlantic Fleet, if detailed by the President, shall, while serving as such, have the rank of admiral, and the commander in chief of the United States Pacific Fleet, the commander in chief of the United States Asiatic Fleet, and the officer serving as second in command of the United States Atlantic Fleet, if detailed by the President, shall, while serving as such, have the rank of vice admiral. In time of peace, details as commander in chief of the United States Atlantic, Pacific, and Asiatic Fleets, and as second in command of the United States Atlantic Fleet, shall be made from among the officers on the active list in the grade of rear admiral. Nothing herein contained shall be held to create a vacancy in any grade of the Navy, nor to increase the total number of officers allowed by law, nor to increase or decrease the pay and allowances of any officer of the Navy, and the provisions of section 1506 of the Revised Statutes, as amended by the act approved June 17, 1878, shall not apply in the cases of officers so advanced in rank.

Mr. PENROSE. I desire to offer an amendment at the end of that paragraph, after line 11, on page 41. This is a paragraph taken from Senate bill 3590, introduced by the Senator from South Carolina [Mr. TILLMAN], unanimously recommended by the Committee on Naval Affairs, and it has passed the Senate without any opposition. The bill is entitled:

An act to make the appointment of pay clerks in the United States Navy permanent, and to create the grade of chief pay clerk, and for other purposes.

I do not think any Senator or any Representative has any objection whatever to the paragraph. It is recommended by the department. The Senator from Virginia understands it.

Mr. SWANSON. The committee amendments are in order first. That is not in order at present.

Mr. PENROSE. I was going to add it after the committee amendment.

Mr. SWANSON. The Senator will have an opportunity after the committee amendments are disposed of.

Mr. PENROSE. The Senator from North Carolina [Mr. OVERMAN] offered an amendment.

Mr. SWANSON. His was an amendment to an amendment of the committee. The Senator will withhold it until we get through with the committee amendments.

Mr. PENROSE. I accept the suggestion. I will withhold it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 44, line 5, after "$4,500,000," to insert "*Provided*, That hereafter, when the lowest obtainable cost of transporting coal by merchant carriers is considered excessive, the appropriation 'Fuel and transportation' may be charged with the expense of pay, transportation, shipping, and subsistence of civilian officers and crews, and such other incidental expenses as can not be paid from other appropriations, of naval auxiliaries engaged in the transportation of fuel: *Provided*, That the appropriation 'Maintenance of naval auxiliaries' is insufficient therefor," so as to make the clause read:

Fuel and transportation: Coal and other fuel for steamers' and ships' use, including expenses of transportation, storage, and handling the same; maintenance and general operation of machinery of naval coaling depots and coaling plants; water for all purposes on board naval vessels; and ice for the cooling of water, including the expense of transportation and storage of both, $4,500,000: *Provided*, That hereafter, when the lowest obtainable cost of transporting coal by merchant carriers is considered excessive, the appropriation "Fuel and transportation" may be charged with the expense of pay, transportation, shipping, and subsistence of civilian officers and crews, and such other incidental expenses as can not be paid from other appropriations, of naval auxiliaries engaged in the transportation of fuel: *Provided*, That the appropriation "Maintenance of naval auxiliaries" is insufficient therefor.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Construction and Repair," page 44, line 19, after the word "windlasses," to insert "air craft," and in line 22, after the word "tank," to insert "and wind tunnel," so as to read:

Construction and repair of vessels: For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; steam steerers, pneumatic steerers, steam capstans, steam windlasses, air craft, and all other auxiliaries; labor in navy yards and on foreign stations; purchase of machinery and tools for use in shops; carrying on work of experimental model tank and wind tunnel; designing naval vessels.

The amendment was agreed to.

The next amendment was, on page 47, after line 15, to insert:

Officers of the line of the Navy who have had not less than three years' service in the grade of ensign and have taken or are taking satisfactorily a post-graduate course in naval architecture under orders from the Secretary of the Navy shall be eligible for transfer to the grade of assistant naval constructor: *Provided*, That there shall not be more than five such transfers in any one calendar year and that the total increase in the number of naval constructors and assistant naval constructors by reason of such transfers shall not exceed 24.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Steam Engineering," on page 48, line 4, after the word "vessels," to insert "air craft," and in line 11, after the word "service," to insert "including the purchase of land as necessary for sites for radio shore stations," so as to read:

Engineering: For repairs, preservation, and renewal of machinery, auxiliary machinery, and boilers of naval vessels, air craft, yard craft, and ships' boats; distilling and refrigerating apparatus; repairs, preservation, and renewal of electric interior and exterior signal communications and all electrical appliances of whatsoever nature on board naval vessels, except range finders, battle order and range transmitters and indicators, and motors and their controlling apparatus used to operate machinery belonging to other bureaus; maintenance of coast signal service, including the purchase of land as necessary for sites for radio shore stations.

The amendment was agreed to.

The next amendment was, in the item of appropriation for engineering, on page 49, line 6, after "$650,000," to insert "*Provided further*, That the sum to be paid out of this appropriation for the purchase of land for sites for radio shore stations shall not exceed $10,000," and in line 11, after the word "engineering," to strike out "$7,727,973" and insert "$7,742,973," so as to read:

Provided, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for clerical, drafting, inspection, and messenger service in navy yards, naval stations, and offices of United States inspectors of machinery and engineering material for the fiscal year ending June 30, 1916, shall not exceed $650,000: *Provided further*, That the sum to be paid out of this appropriation for the purchase of land for sites for radio shore stations shall not exceed $10,000: *Provided further*, That the total expenditures under this appropriation at the naval radio laboratory shall not exceed $5,000; in all, engineering, $7,742,973.

The amendment was agreed to.

The next amendment was, on page 49, after line 12, to insert:

High-power radio stations: Toward the purchase and preparation of necessary sites, purchase and erection of towers and buildings, and the purchase and installation of machinery and apparatus of high-power radio stations (cost not to exceed $1,500,000), to be located at follows: One in the Isthmian Canal Zone, one on the California coast, one in the Hawaiian Islands, one in American Samoa, one on the island of Guam, and one in the Philippine Islands, $400,000, to be available until expended.

The amendment was agreed to.

The next amendment was, under the subhead "Marine Corps," on page 55, line 12, after the word "ashore," to insert "*Provided*, That the number of gunnery sergeants heretofore authorized is increased by 20; that the number of sergeants heretofore authorized is increased by 20; that the number of corporals heretofore authorized is increased by 70; and that the number of privates heretofore authorized is decreased by 110"; and in line 18, after the words "In all," to strike out "$2,916,684.05" and insert "$2,932,764.05," so as to make the clause read:

Pay of enlisted men, active list: Pay of noncommissioned officers, musicians, and privates, as prescribed by law, and the number of enlisted men shall be exclusive of those undergoing imprisonment with sentence of dishonorable discharge from the service at the expiration of such confinement, and for the expenses of clerks of the United States Marine Corps traveling under orders, and including additional compensation for enlisted men of the Marine Corps regularly detailed as gun captains, gun pointers, mess sergeants, cooks, messmen, signalmen, or holding good-conduct medals, pins, or bars, including interest on deposits by enlisted men, post-exchange debts of deserters, under such rules as the Secretary of the Navy may prescribe, and the authorized travel allowance of discharged enlisted men and for prizes for excellence in gunnery exercise and target practice, both afloat and ashore: *Provided*, That the number of gunnery sergeants heretofore authorized is increased by 20; that the number of sergeants heretofore authorized is increased by 20; that the number of corporals heretofore authorized is increased by 70; and that the number of privates heretofore authorized is decreased by 110. In all, $2,932,764.05.

The amendment was agreed to.

The next amendment was, on page 57, line 4, after the word "Corps," to strike out "$4,494,754.33" and insert "$4,510,834.33," so as to make the clause read:

In all, pay, Marine Corps, $4,510,834.33.

The amendment was agreed to.

The next amendment was, under the subhead "Maintenance, Quartermaster's Department, Marine Corps," on page 62, line 21, after the word "works," to strike out "$7,494,754.33" and insert "$7,510,834.33," so as to make the clause read:

Total Marine Corps, exclusive of public works, $7,510,834.33.

The amendment was agreed to.

The next amendment was, under the head of "Increase of the Navy," on page 63, line 6, before the word "torpedo-boat," to insert "or more"; in the same line, after the words "to have," to strike out "the highest practicable speed" and insert "a speed of not less than 30 knots per hour and"; and in line 9, after the word "each," to insert "and in the aggregate not to exceed $5,550,000," so as to make the clause read:

Six or more torpedo-boat destroyers, to have a speed of not less than 30 knots per hour and to cost, exclusive of armor and armament, not to exceed $925,000 each, and in the aggregate not to exceed $5,550,000.

The amendment was agreed to.

The next amendment was, on page 63, line 11, after the word "said," to strike out "torpedo boats" and insert "torpedo-boat destroyers," so as to read:

Provided, That three of said torpedo-boat destroyers herein authorized shall be built on the Pacific coast.

The amendment was agreed to.

The next amendment was, on page 63, line 17, before the words "to be," to strike out "One submarine" and insert "Five submarines"; in line 18, after the words "speed of," to insert "twenty-five knots or more if possible, but"; in line 20, after the word "exceeding," to strike out "$1,400,000" and insert "$1,500,000 each"; in line 21, before the word "submarines," to strike out "eleven" and insert "sixteen"; in line 22, after the words "sum of," to strike out "$2,305,000" and insert "$6,820,000," so as to make the clause read:

Five submarines to be of seagoing type to have a surface speed of 25 knots or more if possible, but not less than 20 knots, to cost, exclusive of armor and armament, not exceeding $1,500,000 each, and 16 submarines to cost, exclusive of armor and armament, not exceeding $550,000 each, and the sum of $6,820,000 is hereby appropriated for said purposes to be available until expended.

Mr. SMOOT. I ask that the paragraph beginning at line 17, down to and including line 24, on page 63, may go over.

Mr. SWANSON. Let it go over.

The PRESIDING OFFICER. Is there objection to the paragraph going over? The Chair hears none, and it goes over.

The next amendment was, on page 64, after line 12, to insert:

One gunboat, to cost, exclusive of armor and armanent, not to exceed $750,000.

The amendment was agreed to.

The next amendment was, on page 64, after line 14, to insert:

One hospital ship, to cost not to exceed $2,250,000.

The amendment was agreed to.

The next amendment was, on page 65, line 3, after the word "expended," to strike out "$20,664,459" and insert "$21,539,459," so as to make the clause read:

Construction and machinery: On account of hulls and outfits of vessels and machinery of vessels heretofore and herein authorized, to be available until expended, $21,539,459.

The amendment was agreed to.

The next amendment was, on page 65, line 18, to strike out "$18,588,998" and insert "$19,275,998," so as to read:

Increase of the Navy; armor and armament: Toward the armor and armament for vessels heretofore and herein authorized, to be available until expended, $19,275,998.

The amendment was agreed to.

The next amendment was, on page 65, line 17, to insert the following proviso:

Provided, That if the Secretary of the Navy is unable to purchase armor at what he considers to be a reasonable price he is authorized to begin the construction of an armor-plate factory upon land already owned by the Government, the total cost not to exceed $8,000,000, toward the construction of which $1,000,000 is hereby appropriated: *Provided further*, That the time for the submission of the report of the committee appointed by the act of June 30, 1914 (Public, No. 121), is hereby extended to the regular session of Congress convening in December, 1915.

Mr. SMOOT. Let the amendment go over.

The PRESIDING OFFICER. Is there objection to the proviso going over? The Chair hears none. Is there objection to the paragraph following going over? The Chair hears none, and it is so ordered.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 66, line 7, to strike out "$42,899,801" and insert "$47,876,801," so as to read:

Total increase of the Navy heretofore and herein authorized, $47,876,801.

Mr. SWANSON. I desire to make a correction there. The sum as contained in the bill was improperly added. It ought to be "$49,976,801."

Mr. LODGE. On that amendment I suggest to the Senator in charge of the bill that until we have decided on the submarine paragraph it is impossible to deal with the total.

Mr. SWANSON. If the Senator will permit me——

The PRESIDING OFFICER. There ought to be a motion to authorize the Secretary to correct the totals.

Mr. SWANSON. The Secretary should be authorized to correct the totals.

The PRESIDING OFFICER. When the different items are agreed to the Secretary can add up the appropriations.

Mr. SWANSON. I simply want this corrected because it has not been properly added.

Mr. LODGE. It can be corrected now, and afterwards we can give the Secretary authority to change it if changes are made.

The PRESIDING OFFICER. Without objection the amendment to the amendment suggested by the Senator from Virginia is agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 66, after line 7, to insert:

The Secretary of the Navy is hereby directed to prepare and submit to the next Congress plans and specifications for building four warships of the type, power, and speed which, in his judgment based on the knowledge gained from the prevailing war in Europe, are best suited for war on the sea; also to report, in the light of that war, the value and uses in naval warfare of aeroplanes, Zeppelins, and submarines.

Mr. THOMAS. Mr. President, I ask to have that amendment go over for the present.

The PRESIDING OFFICER. Is there objection to the amendment going over?

Mr. PENROSE. Which amendment is that, Mr. President?

The PRESIDING OFFICER. The amendment relating to the construction of four battleships.

Mr. PENROSE. Very well.

Mr. TILLMAN. It relates to the construction of four warships; it does not specify battleships.

The PRESIDING OFFICER. The paragraph will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Naval Affairs was, on page 67, line 3, after the word "That," to insert "hereafter"; in line 4, after the word "appropriations," to strike out "made in this act" and insert "for the naval service"; in line 13, before the word "appropriations," to strike out "the" and insert "such"; and in the same line, after the word "made," to strike out "in this act" and insert "for the naval service," so as to make the clause read:

Of each of the sums appropriated by this act, except such amounts as may be required to meet obligations authorized in previous acts and for which contracts have been made, no part shall be used to procure through purchase or contract any vessel, armament, articles, or materials, which the navy yards, gun factories, or other industrial plants operated by the Navy Department are equipped to supply, unless such Government plants are operated approximately at their full capacity for not less than one regular shift each working day, except when contract costs are less than costs in said Government plants, and except when said Government plants are unable to complete the work within the time required, and except in cases of emergency: *Provided*, That hereafter no part of the appropriations for the naval service shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch or other time-measuring device a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of such appropriations made for the naval service be available to pay any premium or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant.

Mr. OLIVER obtained the floor.

Mr. WARREN. Mr. President, I desire to make a point of order against the amendment.

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Wyoming for that purpose?

Mr. OLIVER. I do.

Mr. WARREN. I make the point of order on the Senate committee amendments in lines 3, 4, and 5, on page 67, and also on the amendment in lines 13 and 14, in the same paragraph. They propose to change existing law, and make the provision general legislation in an appropriation bill.

Mr. SWANSON. This provision has usually been in the naval appropriation bill, as I understand.

Mr. WARREN. I think not; certainly not in this way.

Mr. SWANSON. No.

Mr. WARREN. I am alluding to the language used.

Mr. SWANSON. Will the Senator permit me to interrupt him?

The PRESIDING OFFICER (Mr. SMITH of Georgia in the chair). Does the Senator from Wyoming yield to the Senator from Virginia?

Mr. WARREN. I do.

Mr. SWANSON. The word "hereafter," in line 3, on page 67, is inserted simply so as not to have this question come up at every session of Congress and to limit it to this bill. If the point of order is made, of course it is proper. The word "hereafter" makes it general legislation and not confined to this bill.

Mr. WARREN. The point of order is good as to those lines. I will say that, so long as this matter is being considered by the Industrial Commission, we should not tie its hands as to the future by passing general legislation in an appropriation bill, which provides for one year only.

Mr. SWANSON. I ask, if the point of order is made and sustained, that the language be returned to what is contained in the bill as it came from the House.

The PRESIDING OFFICER. Does the Senator from Wyoming insist on his point of order?

Mr. WARREN. I do.

The PRESIDING OFFICER. The point of order is sustained.

Mr. WARREN. Mr. President, I ask that the language be changed to conform to the provision as it came from the House.

The PRESIDING OFFICER. Without objection, that will be done.

Mr. OLIVER. Then, Mr. President, I assume the language now stands as it came from the House. I wish to give notice that, after the committee amendments are disposed of, I shall move to strike out that entire paragraph.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 67, after line 17, to insert:

That no part of any sum herein appropriated shall be expended for the purchase of structural steel, ship plates, armor, armament, or machinery from any persons, firms, or corporations who have combined or conspired to monopolize the interstate or foreign commerce or trade of the United States, or the commerce or trade between the States and any Territory or the District of Columbia, in any of the articles aforesaid, and no purchase of structural steel, ship plates, or machinery shall be made at a price in excess of a reasonable profit above the actual cost of manufacture. But this limitation shall in no case apply to any existing contract.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. SWANSON. Mr. President, I have a few amendments to offer on behalf of the committee. On page 4, line 21, I move to strike out down to and including the word "sixteen," in line 4, on page 5.

The PRESIDING OFFICER. The amendment will be stated.

Mr. LODGE. What is the amendment?

Mr. SWANSON. I think possibly that amendment had better not be made. There is really no necessity for it, although there possibly may be a few accounts of civilian employees being detailed to the Philippines. So I will not ask that those words be stricken out. The department have stated that they found no occasion for it now. I withdraw the amendment.

The PRESIDING OFFICER. The amendment has heretofore been agreed to, and a motion to reconsider——

Mr. SWANSON. I have withdrawn the amendment.

Mr. PENROSE. Do I understand that the reading of the bill for the consideration of committee amendments has now been concluded?

Mr. SWANSON. I have a few technical amendments to offer. On line 4, page 6, I move to change the word "balance" to "balances." The word should be in the plural.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. SWANSON. In line 5, page 6, I move to change the word "appropriation" to "appropriations."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. SWANSON. In line 5, page 6, after the word "vessels," I move to insert "and steam machinery."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. SWANSON. On page 38, line 26, I move to strike out "16" and to insert "12."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 38, line 26, it is proposed to strike out "16" and to insert "12."

Mr. SWANSON. I move to reconsider the vote by which that amendment was agreed to. There was a mistake in its printing.

The PRESIDING OFFICER. Without objection, the vote whereby the amendment was agreed to will be reconsidered.

Mr. SWANSON. I now move to strike out "16" and to insert "12."

The amendment was agreed to.

Mr. SWANSON. On page 39, line 1, before the word "or," I move to strike out "20" and to insert "16."

The amendment was agreed to.

Mr. SWANSON. On page 39, line 1, after the word "or" where it occurs the first time, I move to strike out "24" and to insert "20."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. LODGE. Mr. President——

Mr. PENROSE. I now desire to offer an amendment to the bill.

Mr. LODGE. There were two or three items passed over.

Mr. PENROSE. Yes; but I think I am now in order, Mr. President, and I offer an amendment to the bill, after line 11, on page 44. Before having the Secretary read the amendment I wish to state that it is taken bodily, without the alteration of a word, from the bill introduced by the Senator from South Carolina [Mr. TILLMAN] on December 8 last, entitled "A bill to make the appointment of pay clerks in the United States Navy permanent and to create the grade of chief pay clerk, and for other purposes," reported favorably unanimously by the Committee on Naval Affairs and passed by the Senate without any opposition, recommended by the Navy Department, and I think urged by every Senator who is familiar with the situation. I ask the chairman of the Committee on Naval Affairs to accept the amendment, which ought to go so far as the conference committee anyway.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 41, after line 11, it is proposed to insert:

The title of paymaster's clerk in the United States Navy is hereby changed to pay clerk, and hereafter all pay clerks shall be warranted from acting pay clerks who shall be appointed from enlisted men in the Navy holding acting or permanent appointments as chief petty officers who have served at least three years as enlisted men, at least two years of which service must have been on board a cruising vessel of the Navy. All appointments as acting pay clerk shall be made by the Secretary of the Navy, and all such appointees, in addition to the qualifications above set forth, must be citizens of the United States. All acting appointments herein provided for shall be made permanent under regulations established by the Secretary of the Navy: *Provided*, That paymasters' clerks now in the Navy whose total service as such is less than one year and who are citizens of the United States may, upon the passage of this act, be given appointments as acting pay clerks without previous service as enlisted men: *Provided further*, That paymasters' clerks now in the service and former paymasters' clerks whose appointments have been revoked within six months next preceding the passage of this act, who have had not less than one year's actual service as such, and who are citizens of the United States, may, upon the passage of this act, be warranted as pay clerks without previous service as enlisted men or as acting pay clerks: *And provided further*, That pay clerks and acting pay clerks shall have the same pay, allowances, and other benefits as are now or may hereafter be allowed other warrant officers and acting warrant officers, respectively.

That all pay clerks shall, after six years' service as such, be commissioned chief pay clerks and shall on promotion have the rank, pay, and allowances of chief boatswain: *Provided*, That in computing the six years' service herein provided for credit shall be given for all service in the Navy as pay clerk, acting pay clerk, and paymaster's clerk: *Provided further*, That paymasters' clerks now in the Navy and former paymasters' clerks whose appointments have been revoked within six months next preceding the passage of this act, who have had not less than six years' actual service as such, and who are citizens of the United States, may, upon the passage of this act, be commissioned as chief pay clerks without previous service as enlisted men, acting pay clerks, or pay clerks.

That the total number of chief pay clerks, pay clerks, and acting pay clerks allowed by this act shall not exceed 1 for each 250 enlisted men in the United States Navy now or hereafter allowed by law, and such chief pay clerks, pay clerks, and acting pay clerks shall be assigned to duty with pay officers under such rules as the Secretary of the Navy may prescribe: *Provided*, That no person shall be appointed a chief pay clerk, pay clerk, or acting pay clerk under any provisions contained in this act until his physical, mental, moral, and professional qualifications have been satisfactorily established by examination before a board of examining officers appointed by the Secretary of the Navy, from officers of the pay corps when practicable and according to such regulations as he may prescribe: *Provided further*, That no person shall be appointed a chief pay clerk, pay clerk, or acting pay clerk unless his accumulated previous service in the Army, Navy, and Marine Corps, together with his possible future service prior to attaining the age of 62 years, will amount to at least 30 years, except that this proviso shall not apply to such persons as were serving in the Navy as paymasters' clerks during the period from September 1, 1913, to October 31, 1913.

That the limitation as to age contained in section 1379 of the Revised Statutes of the United States, relating to appointment of assistant paymasters in the United States Navy, shall not apply to chief pay clerks and pay clerks appointed under the provisions of this act, who must be between the ages of 21 and 35 years at the time of appointment as assistant paymasters in the United States Navy: *Provided*, That this shall not be construed as giving any preference in said appointment of assistant paymasters to said chief pay clerks and pay clerks except as to the limitation of age.

That sections 1386, 1387, and 1388 of the Revised Statutes, and all acts and parts of acts, so far as they are in conflict with the provisions of this act, be, and the same are hereby, repealed.

Mr. THOMAS. Mr. President, will the Senator from Pennsylvania please inform me how the duties that are provided for in this amendment have up to this time been performed, and by whom?

Mr. PENROSE. The Senator from Massachusetts [Mr. LODGE] is more familiar with this matter than am I, and I think he can explain it to the Senator.

Mr. LODGE. Mr. President, the amendment simply proposes to grade the Pay Corps and open it to the enlisted men. The total increase of expense is only $42,000. A bill embodying the same proposition has been reported upon favorably by the committee——

Mr. THOMAS. That is satisfactory.

Mr. LODGE. And has been passed by the Senate. It has also been reported unanimously by the House committee, and is simply delayed on the calendar. The Senator from South Carolina [Mr. TILLMAN] introduced the bill.

Mr. TILLMAN. And I hope the amendment will be accepted by the Senator in charge of the bill.

Mr. SWANSON. I accept the amendment. It has been passed by the committee and by the Senate.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. PENROSE. Mr. President, for the information of Senators, and possibly of the conferees, I ask to have inserted in the RECORD a memorandum on this subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

The amendment now proposed is identical with Senate bill 3590, introduced by Senator TILLMAN December 8, 1913, Sixty-third Congress, second session.

This bill was reported by Senator TILLMAN March 4, 1914, Sixty-third Congress, second session, Report No. 314 hereto attached; No. 2. This bill was in accordance with a recommendation from the Navy Department suggesting certain changes in a House bill Mr. HOBSON had introduced, pages 2 to 6, Report No. 314, Sixty-third Congress, second session.

As reported the bill contained one amendment, the insertion of a section 5 and a change of what had been section 5 to section 6.

When the bill came up in the Senate, April 27, 1914, section 5 was changed, and with the change then made the bill was passed April 27, 1914, as by bill hereto attached and marked "No. 3." When the bill as passed came to the House Naval Committee it eliminated section 5 of the bill and, by unanimous vote, inserted in the House naval appropriation bill all the rest of the bill that had passed the Senate April 27, 1914; line 5, page 30, to the end of line 11, page 33, H. R. 20975, as reported by the committee; No. 4. This went out on a point of order on the floor of the House.

In the report accompanying said bill hereto attached, marked "5," House Report No. 1287, heading "Paymaster's clerks in the Navy," pages 10 and 11, is given the committee's reason for including this provision.

There what is proposed is identical with—

1. What the Navy Department recommended, Senate Report No. 314, pages 2 to 6.

2. What Senator TILLMAN introduced December 8, 1913, S. 3590, Sixty-third Congress, second session.

3. What has already passed the Senate, S. 3590, passed April 27, 1914.

4. What has been recommended unanimously by the House Naval Committee, House Report No. 1287, pages 10 and 11.

The increased cost of this legislation would amount to about $14,000 per annum, department's letter May 14, 1914, to the chairman Committee on Naval Affairs of the House, page 1, hereto attached.

MEMORANDUM.

Hitherto pay clerks have had no permanent position in the Navy.

They have been appointed at the instance of the paymaster with whom they were to serve.

Should they chance to render an entire service of 30 years, they by law become entitled to retirement.

The purpose of this bill is to give them a permanent status. In order to do that it is necessary to assimilate them to some permanent class in the Navy.

What this bill does is to classify them with warrant officers. Beyond that it is in no sense personal legislation. Both machinists and pharmacists had been left without further recognition as warrant officers, and they were given such recognition on appropriation bills.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. CLAPP. I desire to offer an amendment in reference to Mr. George W. Littlehales, who entered the academy at Annapolis in the latter seventies, graduated with high honors, but at the opening of the Panama transit in 1885 met with physical reverses which disqualified him from service. When the Spanish War broke out he took and passed an examination, and the Government assigned him to duty as professor. The matter was considered by the committee, and the Senator from Alabama [Mr. BANKHEAD] was to have offered the amendment, but he is not here, and I therefore offer the amendment.

Mr. PENROSE. I think, Mr. President, the committee looked with favor upon this amendment, and suggested that the Senator from Alabama [Mr. BANKHEAD] should offer it on the floor of the Senate. I understand also that the chairman of the

committee is willing to accept it, for conference, at any rate. It is a very meritorious case.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 30, after line 19, it is proposed to insert:

The President is hereby authorized, by and with the advice and consent of the Senate, to appoint George W. Littlehales professor in the corps of professors of mathematics of the Navy, to take rank next after that grade of the Naval Academy in the corps of professors of mathematics who last preceded him in date of graduation, as additional number in that grade and in any grade to which he may thereafter be promoted.

Mr. SWANSON. Mr. President, I have no objection to that amendment going to conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. OLIVER. Mr. President——

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. OLIVER. Do I understand the committee amendments have been disposed of?

Mr. SWANSON. Yes; the committee amendments have been concluded.

The PRESIDING OFFICER (Mr. ASHURST in the chair). The Secretary advises the present temporary occupant of the chair that certain committee amendments have been passed over.

Mr. SWANSON. Certain committee amendments have been passed over; but a number of Senators who are interested in those amendments have not returned, and consequently I think it would be better to consider other amendments. I do not mean that we are going to adjourn, because I want to try to get this bill through to-night, if we can keep a quorum here.

Mr. THOMAS. Will the Senator from Pennsylvania allow me a moment?

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Colorado?

Mr. OLIVER. Certainly; I yield to the Senator from Colorado.

Mr. THOMAS. Mr. President, at my request the amendment beginning in line 8, on page 66, went over. The chairman of the committee has since informed me of its purpose and has explained some features of it with which I was not familiar. I therefore withdraw any objection to it; and, so far as I am concerned, it may be agreed to.

Mr. SWANSON. I move that that amendment be adopted.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. OLIVER. Mr. President, I move to strike out, on page 67, line 3, all of the proviso down to and including line 17, on the same page.

In connection with that amendment, Mr. President, I desire to say that the Senator from Virginia is familiar with the fact that precisely the same amendment in the Army bill was rejected by the Senate only two days ago; and I do not think that one rule should prevail in one branch of the Government service and another rule in another.

In addition to that, Mr. President, the Industrial Commission appointed by the President is now at work on this and other problems of the same kind. I think it would be well to let the thing go over for the present. I feel rather insistent on having this acted on, but I do not want to call for a quorum at this time, and I am inclined to appeal to the Senator to let this amendment be adopted and let it go to conference and let the conferees settle it with the House.

Mr. SWANSON. Mr. President, I am in favor of this amendment. It passed the House.

Mr. OLIVER. It was adopted on the floor of the House, as I understand. It was not reported by the committee in the House.

Mr. SWANSON. I know that the Senate, after full discussion, has defeated this amendment on the military bill, and I could not consent to have it go out without a vote of the Senate.

Mr. President, this in an effort to prevent the Taylor system from being introduced into Government employment. I am one of those who think the Government ought to be a model employer of labor. I think the Government ought to do all it can to show that it is a generous, model employer of labor. I think it is foolish in this Government, the greatest employer of labor in this Nation, to criticize other employers of labor for being harsh, for being exacting, for speeding up or introducing the Taylor system, for paying low wages, when it is not itself a model, generous employer. I think this Government is more interested in the prosperity, the happiness, the health, and the good pay of its employees than any manufacturer or any other employer of labor could be.

Feeling that way, and feeling that the Government ought to be a generous model employer of labor I as one man am opposed to the introduction into the Government work in any direction of the Taylor system, or anything appertaining to the speeding up of men, which will exhaust them quickly, impair their skill and their energy and their health.

With that remark, stating my position, thinking that the Senate made a mistake, I am willing to have a vote on this question and let the Senate decide it. If the Senate decides to strike it out, it will go to conference; but I think I should state that I am strongly in favor of this amendment. I think it is right and proper.

Mr. VARDAMAN. Mr. President, I will ask what page the amendment is on.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 67, line 3, the proviso, commencing after the word "emergency" and running down to and including the words "Government plant," in line 17.

Mr. OLIVER. Mr. President, I am willing to have it go to a vote.

Mr. VARDAMAN. Let the amendment be stated.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. The junior Senator from Pennsylvania moves to strike out the following language:

That no part of the appropriations made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch or other time-measuring device a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this act be available to pay any premium or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant.

Mr. NORRIS. Mr. President, I rise to obtain some information with regard to this amendment. As the Secretary read it, he read the words that are stricken out by the committee amendment, and did not read those that were inserted. I supposed those words had been agreed to.

Mr. SWANSON. No; they went out on a point of order.

Mr. NORRIS. That gives me the information I desired to have.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The language is stricken from the bill.

Mr. THOMAS. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 64, line 24, after the word "vessels," it is proposed to strike out the colon and insert:

That the Secretary of the Navy shall not consider any bid by any corporation for the construction herein provided for, or any part thereof, unless such bid is accompanied by a sworn list of stockholders and bondholders of the corporation submitting such bid as the same appears upon the books of such corporation on the 1st of July, A. D. 1914, which list shall be transmitted to Congress by the Secretary of the Navy in his annual report.

Mr. SWANSON. Mr. President, I make the point of order on that amendment that it is general legislation.

The PRESIDING OFFICER. The point of order is sustained.

Mr. MARTIN of Virginia. Mr. President——

The PRESIDING OFFICER. The Senator from Virginia.

Mr. MARTIN of Virginia. I send to the desk an amendment to be added after line 21, on page 5, and, as explanatory of it, I send up a letter from the Acting Secretary of the Navy, which I ask to have read.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 5, after line 21, it is proposed to insert:

That the accounting officers of the Treasury are hereby authorized and directed to allow, in the accounts of disbursing officers of the Navy, all payments heretofore made for telephones in Government quarters that have been disallowed or are subject to disallowance under section 7 of the act making appropriations for the legislative, executive, and judicial expenses of the Government approved August 23, 1912.

The PRESIDING OFFICER. The letter sent to the desk by the Senator from Virginia will be read, in the absence of objection.

The Secretary read as follows:

NAVY DEPARTMENT,
Washington, January 29, 1915.

Hon. BENJAMIN R. TILLMAN,
Chairman Committee on Naval Affairs,
United States Senate.

MY DEAR SENATOR: The act making appropriations for the legislative, executive, and judicial expenses of the Government approved August 23, 1912 (37 Stats., 414), in section 7 prohibits the expenditure of money appropriated by that or any other act "for telephone service installed in any private residence or private apartment or for tolls or

other charges for telephone service from private residences or private apartments, except for long-distance telephone tolls required strictly for the public business * * *."

At the time this act was passed telephone service in Government quarters at navy yards and stations was maintained for public purposes at public expense, as it had been for many years previously, and it was not understood that these quarters were affected by the act. Later it was held by the Comptroller of the Treasury that such quarters were "private residences or private apartments" within the meaning of the statute, and consequently that the expenditure of public funds for telephone service installed therein was prohibited.

In the meantime, however, before this ruling became known to them, many pay officers had, in the ordinary course of duty, made the usual payments on account of such service from the date of the act under the Government's contracts with the telephone companies, and for these payments, which amount in the aggregate to about $1,800, the accounting officers of the Treasury deny them credit in the settlement of their accounts and hold them personally responsible. They will accordingly, unless Congress otherwise provides, have to reimburse the Government for the sums so paid.

It is deemed inequitable, in the circumstances, that they should be required to do this, and I therefore recommend that they be given relief. This, it is suggested, might appropriately be granted, should the committee see fit, by means of a clause in the pending naval appropriation bill (H. R. 20975) directing the accounting officers of the Treasury to allow these payments in the settlement of their accounts. The draft of a clause that would, it is believed, effect the desired end is inclosed. This provision, as will be seen, involves no appropriation, but merely authorizes due credit to be given for payments heretofore made in good faith for service for which the Government had, for its own purposes, contracted.

I have the honor to be,

Very respectfully, yours, FRANKLIN D. ROOSEVELT,
Acting Secretary.

Mr. SMITH of Georgia. Mr. President, that is a small item; but, as I gather it, these telephones were used for a private purpose and not for a governmental purpose. They were simply for the benefit of the individuals. If that is true, no matter how small it is, on principle the amount ought not to be paid by the Government.

Mr. MARTIN of Virginia. Mr. President, I do not think the Senator is correct about that. Undoubtedly the telephones were used to some extent for private purposes, but they were put there for the Government service. It had been a custom for a long time. They had been paid for by the Government, and they were used by the officers of the Government for Government purposes; but they were in residences which they occupied, and which had been assigned to them as quarters. Undoubtedly, as I say, they were used to some extent for private purposes; but they were put there for Government purposes, and hitherto have been paid for by the Government on that account and for those purposes. These officers of the Navy, when they put in these telephones, had no idea of putting in anything for themselves. They were put in for Government purposes, and the Secretary of the Navy thinks they ought not to be required to pay for them.

Mr. SMITH of Georgia. With the explanation of the Senator from Virginia I will not make a point of order against this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SMOOT. Mr. President, there was an amendment passed over upon which the junior Senator from Massachusetts [Mr. WEEKS] desired to speak. He is very deeply interested in the question, and he did not expect the bill to reach this stage so early, and I think he went home to his dinner. He has not yet returned to the Senate. I will ask the Senator in charge of the bill if he will not let that matter go over until to-morrow morning?

In that connection I wish to say that I desire to offer an amendment to the submarine paragraph; and the Senator from Oklahoma [Mr. GORE] desires to offer an amendment to my amendment, providing that the sale of Panama bonds shall be authorized for the purpose of paying for the construction of the submarines.

I will say to the Senator that it is not going to take very long to discuss the matter. I certainly should want a vote of the Senate upon the amendment, and I ask the Senator if he will not allow the bill to go over now until to-morrow morning with those two questions unsettled?

Mr. SWANSON. I should like to ask the Secretary what amendments were passed over?

The SECRETARY. On page 30 the committee offered a substitute for lines 1 to 19, which was passed over on the request of the senior Senator from Massachusetts.

On page 63——

Mr. SWANSON. On page 32, lines 23 and 24, and down to line 7, on page 33, went over at the request of the Senator from Missouri [Mr. STONE].

The PRESIDING OFFICER. The Chair is advised that that was agreed to.

Mr. SWANSON. Then I ask for a reconsideration of the vote, because he asked that it should go over until he returned.

The PRESIDING OFFICER. Without objection, the vote whereby the amendment was agreed to is unanimously reconsidered, and it will be passed over.

The SECRETARY. On page 32, lines 23 and 24, and on page 33, lines 1 to 7, both inclusive, are passed over.

Mr. SWANSON. Mr. President, I see that the Senator from Massachusetts [Mr. WEEKS] is here now, and we will be able to take up the section popularly known as the "plucking board," which we passed over until he could return and be present in the Senate.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 30, it is proposed to strike out lines 20, 21, 22, 23, and 24, and in lieu thereof to insert:

Hereafter no officer of the line, Medical or Pay Corps, shall be promoted who has not had active sea service covering half or more of the time during which he has been in the service; and any officer who has failed to have such an amount of sea service to his credit shall be placed on the retired list: *Provided*, That this shall not apply to the grades of commander and captain until three years from the date of the approval of this act, or to the grade of ensign: *Provided further*, That this provision shall not apply to those engineer officers transferred to the line under section 5 of the act of March 3, 1899: *Provided further*, That shore duty beyond the seas shall be considered as active sea service for the purposes of this act.

Hereafter whenever an officer of the Navy has been assigned to shore duty, retired officers of suitable rank may be assigned to such duty in all posts where the appointment of an officer of the active list is not required by law: *Provided*, That when retired officers are thus assigned to active duty, they shall receive the pay and allowances of the grade from which they were retired.

Section 9 of the naval personnel act of March 3, 1899, entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," be, and the same is hereby, repealed.

Mr. SWANSON. Mr. President, I will try in a succinct way to explain the effect of this provision. It proposes to repeal section 9 of what is known as the personnel act and substitute this as a provision to obtain the retirement of officers. The House of Representatives repealed section 9 of the act, which requires the retirement of 15 officers each year whether they are efficient or not. The board is assembled and the men are retired, unless 40 have been retired voluntarily during the year. Recently there has been a great deal of criticism on account of the officers retired. It is shown that they have been retiring efficient men, which is not productive of good to the Navy. Gibbons, Hill, Rusk, and various prominent, efficient naval officers were retired. The effect of the retirement was that the officers were retired on three-fourths pay and rendered no service to the Government, and the Government continued to pay them.

These cases came up before the committees of the House and Senate. Some of them were anxious to be put on the active list of the Navy. Practically all these men asked was to be permitted to serve the Government without any pay except a few thousand dollars, which really meant that they asked to serve the Government practically for nothing. They were so interested in naval work, in their life work in the Navy, that that was the request they made to the Government.

Now, when the ninth section is repealed it is important that there should be a way in which officers who are inefficient, officers who have not and can not have sea service, may be retired so that they can not some day have command of important positions in fleets. So the Committee on Naval Affairs of the Senate recommend a repeal of section 9 of the personnel bill, which provides for a "plucking board," and then offers this as a substitute to what the House provided, which would make it in order, so as to compel naval officers in order to get a promotion to spend one-half of their time at sea.

Now, the great effort is to get shore service. Influences are sought to get officers located on shore. By this provision we expect that the demand will be for sea service and not for shore service. If a man has not been at sea or engaged in sea service one-half his time, when the time for his promotion arrives he can not be promoted and he is retired.

This is based on the English law. The English law has a way of getting rid of inefficient officers, men who can not go to sea and men who do not wish to go to sea, by requiring them to be at sea one-half the time they have served before they can have a promotion. Consequently they have efficient men, men who are capable physically and mentally and in every way to command fleets. We believe this will be effective. It has proven effective in the English system.

Another part of this amendment leaves it discretionary with the department to employ retired naval officers in certain work. Under the present law, as I understand it, retired naval officers can only be given assignments on their request or as they may wish. This leaves the discretion with the department, so that the department may give them assignments by which they may render some service to the Government when they are retired on three-fourths pay.

We have on our retired list, I think, 980 officers. We have on the active list about 3,300 officers. This is a very large proportion. The amendment confines it to the line, to the Medical and to the Pay Corps. This is the seagoing corps of the Navy. The others are not affected by this provision.

We believe this is wise. We believe it is just. We believe it will give us a Navy which will have sufficient service previously rendered on the sea and that there will be a desire to go to sea instead of coming to shore. We believe that is necessary for a very efficient Navy.

I have asked the department to give me a list of the officers who would be retired at present by this provision. I do not think there is any necessity for retiring officers in the Navy at present. We have a shortage of officers for the Navy. The Secretary of the Navy wrote me as follows:

NAVY DEPARTMENT,
Washington, February 25, 1915.

Hon. CLAUDE A. SWANSON,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Referring to your request by telephone as to the number of officers that probably would be retired by the sea-service clause of the pending appropriation bill owing to their having had less sea service than half of their total service when due for promotion, I beg to submit the following as the numbers that it appears would unavoidably be retired if the clause in question became law:

Line officers.

Captains	1
Commanders	1
Lieutenant commanders	1
Lieutenants	2
Lieutenants (junior grade)	1
Ensigns	134
Total	140

The amendment sent to the department at that time did not exclude ensigns. The amendment as now proposed excludes ensigns from its operation, and hence 134 officers would not be included.

Medical officers.

Medical inspectors	None.
Surgeons	None.
Passed assistant surgeons	None.
Assistant surgeons	None.

Pay officers.

Pay inspectors	3
Paymasters	2
Passed assistant paymasters	None.
Assistant paymasters	None.
Total	5
Chaplains	None.

It is evident that this will not operate to get rid of any efficient officers in the Navy. Its benefits are expected for the future in the fact that it will require sea service in order to get promotion.

Mr. BRANDEGEE. Let me ask the Senator from Virginia a question.

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). Does the Senator from Virginia yield to the Senator from Connecticut?

Mr. SWANSON. I do.

Mr. BRANDEGEE. I assume from this that any officer who wanted to would be sure of being able to spend half of his service at sea. Then, if it was the policy of the department to lay up quite a number of ships, if they did not want to keep them in commission, is it possible this would operate against the wish of an officer to retire him on the ground that he had not had an opportunity to comply with the demand which is put upon him to serve half his time at sea?

Mr. SWANSON. I can not speak positively of that. Very frequently, I understand, in the English system——

Mr. LODGE rose.

Mr. SWANSON. I yield to the Senator from Massachusetts.

Mr. LODGE. If the Senator from Virginia will allow me, I will say in reply to the Senator from Connecticut that we know now and the department complains that they are short of officers for the ships we have at sea. We ought to have all our ships in commission. It is owing to the fact that we have not enough men. We ought to have more men. As the Assistant Secretary of the Navy testified, there are 18,000 men short. We are short of officers for sea service. There is plenty of opportunity for sea service; there is no trouble about that; and I shall show later what the condition is with officers on shore duty.

Mr. STONE. Mr. President, if there is a shortage of the kind mentioned by the Senator from Massachusetts, why is it that the officers are not ordered into the service?

Mr. LODGE. I am prepared to reply to that question.

Mr. SWANSON. I yield to the Senator from Massachusetts.

Mr. LODGE. The shortage, I think, is over 300 officers that the department has represented to us. This came from the Assistant Secretary of the Navy to-day. We have at this time 112 officers of the line on shore duty in the District of Columbia, and we have 426 on shore duty, both beyond the seas and in the United States, other than in the District of Columbia. Those beyond the seas are attachés at legations and embassies, and are very few in number. So we have here 500 officers now upon the active list on shore duty.

To give some idea as to how it is here in the District of Columbia I will quote from Navy and Marine Corps List and Directory, of February 1, 1915. These positions the Senate will understand. Some of them must be officers in the active service. Some at the heads of bureaus are required by law to be officers on the active list.

Aid for operations	1
Assistants	4
Aid for the Marine Corps	1
Aid for personnel (assistant)	1
Aid for material	1
Assistants	3
Aid for education	1

Those are the Secretary's personal staff, at it may be described.

Director of the navy yards	1
Aid for the Secretary	1
Admiral of the Navy	1
Assistants to the Admiral of the Navy	2
Director of the Office of Naval Intelligence	1
Assistants	8

I do not think there is any need of that number of young officers in the Bureau of Naval Intelligence.

Chief of Bureau of Navigation (that is, by law)	1
Assistants	5
Hydrographic officer	1
Assistants	3

That is an office where we must have scientific men; you can not avoid it.

Chief of Bureau of Yards and Docks	1
Assistants	4
Chief of Bureau of Ordnance	1
Assistants	14

Fourteen officers in that bureau under the chief.

Chief of Bureau of Construction and Repair	1
Assistants	7
Chief of Bureau of Steam Engineering	1
Assistants	16
Chief of Bureau of Supplies and Accounts	1
Assistants	6

That is work which can be done by civilian clerks perfectly well.

Chief of Bureau of Medicine and Surgery	1
Assistants	5
Judge Advocate General	1
Assistants	8
Commandant of the navy yard	1
Assistants	23
General Board:	
Admiral of the Navy	0
Rear admirals	1
Captains	4
Other officers	5
Inspection Board	5
General inspector	1
Naval Examining Board	4
Retiring and Medical Examining Board	6

All those boards must be made up of naval officers.

Marine headquarters	9
Quartermaster's Department	4
Marine Barracks	6
Other officers on duty	42
Total	214

Here are all these young officers doing, many of them, purely clerical work in the Navy Department, and we are short of officers on our ships.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Nebraska.

Mr. LODGE. Certainly.

Mr. NORRIS. What was the total?

Mr. LODGE. In the District of Columbia, 112.

Mr. NORRIS. I mean the total of officers on shore duty.

Mr. LODGE. Officers on shore duty, 534.

Mr. NORRIS. Can the Senator give the number who are on shore duty where it is compulsory under the law?

Mr. LODGE. Very few. All the chiefs of bureaus—seven chiefs of bureaus—are under the law.

Mr. NORRIS. The balance are there by some detail?

Mr. LODGE. Of course, we must have a naval officer for Judge Advocate General and at the Hydrographic Office, and one to be director of the Naval Academy, making 10.

Mr. NORRIS. And the balance, something over 500, are on shore because they are detailed?

Mr. LODGE. They are on shore because they are detailed. Now, the purpose of this amendment is to make the competition for sea duty because their promotion would depend upon

that instead of competition among the young officers for shore duty.

Mr. NORRIS. I should like to know whether it would not be possible, even if the amendment were passed, for some of these officers to be detailed on shore duty without any desire on their part, and thus be prevented from gaining a promotion to which they would otherwise be entitled?

Mr. LODGE. There are more places on sea duty than there are officers.

Mr. NORRIS. That is true now, and yet we find over 500 of them are doing shore duty when there is a shortage of officers on sea duty.

Mr. LODGE. There would be no danger of that if they were obliged to perform 50 per cent of sea duty. They would seek it. There is nothing to prevent the employment of civilian clerks in these offices.

Mr. NORRIS. I agree with the Senator. I am not asking these questions in any spirit of criticism.

Mr. LODGE. No; I understand.

Mr. NORRIS. What I want to get at is whether, even though this amendment were adopted, it would not be possible for some of these officers to be detailed against their wish for shore duty and thus be prevented from gaining a promotion.

Mr. LODGE. I can not conceive that the department would do a thing like that.

Mr. NORRIS. They have been detailing these men for shore duty.

Mr. LODGE. They have been detailing them for duty which they seek and orders which they request.

Mr. SWANSON. If the Senator will permit me, the letter I received this evening from the Secretary of the Navy shows that there would not be half a dozen officers who would be retired when you eliminate the ensigns by requiring half sea duty. The plucking board and the Secretary of the Navy require recently sea duty for promotion, and that has made a great many seek sea duty. The only people who would not get it to-day if they applied would be people who are inefficient for the command of a ship. If the man who wanted sea duty is inefficient and is not suited to have command of a ship, they could refuse it; and that would be one way to eliminate a man who was inefficient.

Mr. LODGE. That would operate to get inefficient men out of the service.

Mr. SWANSON. You have got to leave a discretion somewhere. As a means to get rid of inefficient men the board has not been satisfactory, and recently there has been a great demand for the repeal of section 9. They have never refused to give a man sea service, as I understand, either in England or here, if the man was capable for sea service.

Mr. NORRIS. I should like to know why the officials of the Navy do this detailing when they do not need the men on shore but do need them at sea?

Mr. LODGE. I will answer the Senator that these heads of bureaus seek young officers for their assistants. Many of the young officers like to have shore duty here in Washington. It is very pleasant. If those men insisted on going to sea because it was necesary for their promotion, it could not be refused, if they were competent men; and if they were not competent men they ought to be refused. We have tried to meet that difficulty by the second part, to which I was going to call attention.

Mr. BRANDEGEE. But up to this point, if the Senator will permit me to interrupt him, it seems to me the inevitable conclusion from what the Senator has said is that it is a very poor and weak administration of the department that allows this accumulation of officers where they are not needed on shore, and at the same time is complaining of lack of officers at sea. Officers ought not to be detailed here, if they are not needed, simply because they like it.

Mr. LODGE. No.

Mr. SWANSON. If the Senator will permit me, I think there is decidedly a less number on shore now than there were.

Mr. LODGE. They have been reduced very much under the present requirement.

Mr. SWANSON. They have been greatly reduced under the present requirement.

Mr. LODGE. Let me go back a moment. The personnel bill owes its existence very largely to the fact that the flow of promotion had become clogged with the creation of what they call a "hump," where men passed a lifetime in the inferior grades and then went through the last grades, perhaps being a couple of years a captain and one year an admiral. They all went through, with no men having any length of term in the upper grades, and it created this "hump," as they call it, where there was no promotion. They passed all the best years of their life when they could be most useful to the country as lieutenants and lieutenant commanders.

To meet that difficulty and open the flow of promotion the law provided that there should be as least 40 officers taken out of the service every year in addition to vacancies created by death and promotion. Of those 40 they provided that any officer who wished to voluntarily retire could retire for illness or for any other reason with one grade higher than the one he held, and if the number did not reach 40, then what was known as the plucking board was authorized to select not more than 15 men toward making up the 40—it has usually been much less than 15—from the grades of the Navy which were duly proportioned.

That started the flow of promotions and enabled officers to get higher commands while they were still in the prime of life and able to give the best service. The plucking board, for reasons I need not go into, has excited great hostility. It is generally believed, whether rightly or wrongly, that the plucking board is influenced by personal considerations in many cases and that officers have been retired by the plucking board who ought to have been kept and others should have been retired; that is, that some of those retired by the plucking board were superior to those who had been left in the service. I am not going into the truth or the falsity of that, but that was the general belief, and that is what has lead to the action of the House and caused the general feeling, as I understand, in the Senate to abolish the plucking board. If we do that and put nothing whatever in its place, we again stop the flow of promotions and we again choke up the officers into "a hump," as it is called, where they pass, as I have said, all the best years of their lives in the lower grades and never reach large and responsible commands, as they ought to do when they are of most value to the Nation.

For that reason the committee in its amendment adopted the English system and what has been the English system for years; that is, requiring a certain percentage of sea service out of the years of total service of an officer. In the Navy in England, I think, they require a higher amount of sea service. It has worked extremely well in that country for a great many years. The incompetent and inefficient men have been weeded out by a process of natural selection, the flow of promotion has been maintained, and officers have sought sea service.

There are two ways in which we can help this. I think the system will work of itself if we can aid it in two ways: One is to give civilian assistants in these offices which the laws have not yet given and which we can not provide for in this bill, but which can easily be done. The other is to avail ourselves of the retired officers, which we have done here. There are many men retired at the age of 62 under the law of our Navy—and it is a proper law—who are just as competent to take charge of a navy yard or of a naval station as they ever were. I have known many of them, men who would be glad to continue at their work. That is the practice in foreign navies; they do not take their men off the active list and put them in command of shore stations, but they avail themselves of the retired list so far as they can.

We have a great body of retired officers, many of whom are not only thoroughly fit to do work of that sort, better perhaps than many others who are appointed, and who desire work, but who are kept in enforced idleness. There is a large force that we can avail ourselves of. We have officers lower down in the service who have been retired because of some disability, who are perfectly competent to do office work. I remember a case that came to my own knowledge, and in which I took an interest, of an officer who had lost a leg in the line of duty. He was retired and left with only his retired pay. He was an excellent hydrographer, a well-trained officer, a graduate of Annapolis. A bill was passed by Congress, in which I took an interest, restoring him to the active list. I do not know where that officer is now at this moment, but I think he has been in the Hydrographic Office ever since. He was, of course, incapacitated for sea service. He had lost a leg in the course of his duty by an accident in the service. While he could not go to sea, he was thoroughly fitted to do that office work; and we availed ourselves of his services. If we had had this law, we need not have passed a special act to restore him to the active list, but he could have been put right in by the department.

In this amendment we now give the Secretary of the Navy the power to assign retired officers. He can not do so under the law now unless the retired officers are willing to take the duty. Many of them are willing to take duty, but they want to select it. This gives the Secretary the power to appoint retired officers who are physically fit to fill places which are now occupied by

officers whom we need in the active service. Even with our present shortage of men and with our ships out of commission, we are still short of officers, and the Navy is complaining of it. What the committee desires to do in this amendment is to take such steps as will allow the Secretary of the Navy to get rid of active officers who are needlessly put on shore duty.

I think myself that if the plucking board is to be abolished we must have some method of keeping open the flow of promotion. I think this amendment will accomplish that. If it does not, then it will be very easy at another session to make some change. I think, however, to abolish the plucking board and put nothing in its place would be a great mistake. It would clog all the avenues of promotion. I think this amendment will also have the effect of using our present force to the best advantage, using the retired officers where they can be used, and in that way setting free a number of officers who are now taken from the active list and placed on shore duty.

I can only say, in conclusion, that this is not a new experiment. It has been in operation for years in the English Navy, and has there worked extremely well. So far as I know, it is not a service that is complained of at all. The English naval officer's one desire is to get to sea. If he shirks his duty and keeps away from it, he is retired when he comes up for promotion, or if for any reason he is inefficient or incompetent and not fit to be trusted to command a ship, he does not get the command of a ship.

This is a good system, and it can very easily be amended another year if there is found to be any trouble. As a matter of fact, it can not do any injustice.

The men who are now on the list who would be affected by it, as Admiral Blue told us, are almost all men who are physically unable to go to sea; and they ought to be retired. There are very few of these, not half a dozen altogether. Since the department has required 40 per cent of sea service, it has had the effect of sending men to sea. We ought not to have this mass of naval officers, whom we educate, pay, and keep in the service, doing clerical duty in the department, as many of them are doing. It is unreasonable on the face of it. We ought not to let them be doing work which the retired officers can do just as well.

That is the explanation of the amendment, in which I took a great deal of interest, as did all members of the committee, because we felt that if the plucking board was to be abolished, something should be put in its place.

Mr. WEEKS. Mr. President——

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. WEEKS. Mr. President, I presume that what I may suggest may not have any particular effect in the solution of this question, but I wish to make a brief statement, for I hold very different views about the plucking board and the effect of the plucking board from those held by many Senators and Representatives.

Mr. LODGE. Mr. President, if my colleague will allow me, of course he understands that when I was stating the objection to the plucking board I did not agree with a great many of the objections made to it. I simply stated the undeniable fact that the objections which have been made to the board led to the action of the House.

Mr. WEEKS. Mr. President, I think I understand the position of my colleague, and I do not wish to take issue with what he has just said.

I desire, however, to refer to some considerations which were urged in favor of the legislation providing for the "plucking board" and to state some of the results of the operations of that board as I understand them. One of the difficulties, as I see it, in the development of our naval and military administration is that we are apt to do things in a lopsided way. There develops a demand for more ships, and we construct the ships without providing at the same time a suitable number of men for them. What we should do, if we want a homogeneous Navy, is to take a ton of a battleship as a unit, and for every ton of battleship there should be constructed a proportional tonnage of torpedo boats, battle cruisers, scout cruisers, and submarines, and there should be officers and men provided at the same time by the same provision sufficient to man each ton of shipping provided.

Mr. THOMAS. And transports.

Mr. WEEKS. And, as the Senator from Colorado very properly suggests, there should be provided a suitable tonnage of auxiliaries of all kinds at the same time. Then we would not have a condition where we would be short of officers and men; this method would prevent that condition in the Navy where at one time we would have much more material than we have men to man it, and at another time we would have a surplus of personnel—as, for instance, 35 years ago a large number of junior officers were mustered out of the naval service because we had insufficient ships.

The plucking board was provided for the purpose of stimulating promotion in the Navy in the higher grades. For a great many years we had had a captain's list where the average captain was between 55 and 60 years of age. In many instances we had lieutenants who did not get out of that grade and into the grade of lieutenant commander until they were nearly 50 years of age. In other words, many of these officers were too old when they passed into the command grades—very much older than such officers in any other service in the world.

There were suggested different methods of overcoming that difficulty, so that men should come into command rank at an age when their initiative is not entirely gone, when they are young enough to take the responsibility which men in middle life will take, but which frequently men who have passed the meridian of life will not take.

The plucking board was not provided primarily to take out of the service inefficient or mediocre men, but to retire a certain number of men in the higher grades each year, so that there would be a steady flow of promotion and officers would get into the commander's grade as early in their forties as possible; that they would get into the captain's grade before they were 50, and would become rear admirals by the time they were 55, 56, or 57 years old at the latest, so that we would have men of suitable rank who had had experience as commanders not only of ships but of squadrons and fleets years before they reached the retiring age, so that they would be trained for command in case we got into difficulty. That was the primary reason for the plucking-board provision.

I do not think any method which might be adopted for the retirement of officers would be satisfactory to the officers themselves in every case; I do not think it would be satisfactory to the Senate or to the House in every case. We are apt to have our sympathies appealed to by friends of ours who have been plucked by the board; and our judgments are formed on our knowledge of such men or our feeling toward them, rather than upon the best interests of the service.

Some of the men who have been plucked in recent years, and very recently, too, are among my most intimate personal friends, men with whom I served in the Naval Academy, whom I have known personally and intimately since. I am sorry they have been plucked. In some cases I myself could not see the reason why they had been plucked, and yet in other cases I knew of reasons which did not appear in the public record. Every Senator here knows men who go on through life without a scratch against their records in any way or shape, and yet they are men of very moderate capacity, and frequently are not men who would be put in positions of responsibility. That is true of the Navy. Then there are men in the naval service who are naturally martinets, who do not have a happy ship or a happy watch or a happy condition amongst those who are junior to them. The latter condition applies to one of the men who are going to be affected by this bill—I will not mention his name, but he has many friends in the Senate and House of Representatives who are anxious that he be restored to the service. His record is clear in the Navy Department, but he is a man who has not, in my judgment, treated his subordinates with fairness, and he was undoubtedly—I do not know this to be a fact—but he was undoubtedly plucked because he invariably had an unhappy watch, an unhappy ship wherever he served. You can not get the best efficiency in any occupation if you are not going to have thorough harmony between the senior and the junior and the men or employees in the service or in civil life. Even a mediocre man in command, if there is harmony and happiness on board his ship, is better than a man of much greater intellectuality but who is a martinet, who is unfair to those under him, either to his officers or the men, in which case the result is always unhappiness and inefficiency.

One of the men who are going to be affected by this bill as it stands now is an excellent officer, in my opinion, in most respects, and yet he had a ship that was in such condition at one time that a board of inspection asked that there should be a court of inquiry to determine why the condition of the ship was unsatisfactory.

All of such things, or most of them, do not appear in the officer's record; in the latter instance, of course, it did, but in many cases they do not appear in the officer's record.

Who have been the members of the "plucking boards"? They have generally been the very best officers in the service and have been frequently headed by a man who has commanded a battleship fleet during its last cruise, and by other admirals who have had intimate up-to-date knowledge, not only of the activities of the service but of the officers themselves. They

meet in the Navy Department, they consider the records, and undoubtedly they are influenced by their own personal knowledge of the officers. I do not mean to say that in every case they have been entirely happy in the selections which they have made, but in most cases they have been. I remember when the first board sat, even though I had been out of the service nearly 20 years, I marked more than half of the men whom I believed should be selected out under the provisions of this act. It was perfectly apparent that certain men were inefficient; that certain men had habits which militated against the best interests of the service; that some of them had not those qualities which would make the most competent men, even in the grades which they held, and which would prevent their being placed in positions of greater responsibility in case of war.

In a general way, preventing that condition, that has been the kind of service the plucking boards have performed. In my judgment, the plucking board, with its defects, has done more than anything else to stimulate the officers of the service, to bring them up to a high degree of efficiency, to cause them to try to make themselves so competent in the requirements of the service that they would not be plucked by the next board. It has driven to sea men who ordinarily would have stayed ashore, if otherwise they had had an opportunity to have done so and before the establishment of the plucking board. They knew that if they stayed ashore beyond a certain limitation of time they would be plucked by the next board, and they have frequently asked permission to go to sea, even when the best interests of the service required that they remain on shore. In every way it has caused men to study, it has corrected the habits of men, and it has given us a list of captains which I believe has never been excelled and has never been equaled in the American Navy.

What are we substituting for this? If we are going to eliminate the plucking board—and I am not prepared to say that it could not be improved—I wish the substitution had been studied with great deliberation and not during the consideration and preparation of an appropriation bill. I am sure the members of the committee will not consider that I am criticizing them unduly when I say that the proposition which they brought into the Senate this afternoon, which appears in the bill which we would have considered until this bill was taken up, would have provided for the retirement of 137 ensigns, the whole construction corps of the Navy, the whole corps of civil engineers of the Navy, a portion of the chaplains' corps, and many paymasters and surgeons. It was not intended that those men should be eliminated from the service, but they would have been if this amendment which the Senator from Virginia has offered had not been prepared and corrected that condition. Even now, under the present conditions, as proposed in that amendment, in my judgment, we are going to establish a system which, from the standpoint of the best interests of the service, is so much more reprehensible than the plucking board that it ought not to be considered. What are we going to do? We are going to say that if a man has not served one-half his time at sea in a certain grade when he comes up for promotion he shall be retired.

Mr. LODGE. In all grades.

Mr. WEEKS. Well, in all grades. He is to be retired. Let us suppose that the Secretary of the Navy or the Assistant Secretary of the Navy or the Chief of the Bureau of Navigation wants to retire a man. Let us suppose that they do not like a man; that they are prejudiced against a man. They could keep him on shore until his service on shore would be longer than his service at sea, so that when he comes up he would be automatically retired. In other words, you are going to substitute the Navy Department itself for a board made up of the best and most efficient officers of the Navy.

I submit, Mr. President, that any man would prefer to have his conduct, his qualities, and his work passed on by his fellows, by his peers, than by those who have never seen him in action. How can the Secretary of the Navy know anything about the qualities of a naval officer when he never has seen that officer in service? Who can know any better about his qualities than can his commanding officer and his fleet officer, under whom he may have served on many cruises?

In other words, and in a word, I believe we are substituting for a system which is not perfect by any means, but which has done much for the service, a condition and a method which will not work as well, which will not be as fair, which will be no improvement whatever over what we have, and which, inside of a reasonable time, will go into the discard, just as the plucking board is likely to do.

Mr. LODGE. Mr. President, may I ask the Senator a question?

Mr. WEEKS. I yield to my colleague.

Mr. LODGE. The Senator is very much more familiar with naval matters than anybody else on this floor. Does he think that that system has been a failure in the British Navy?

Mr. WEEKS. Mr. President, I do not understand that exactly that system has been in vogue in the British Navy.

Mr. LODGE. That is what I judge from their statutes and from what I have been told.

Mr. WEEKS. It has been a system of promotion up. There has been in Great Britain such laws that the board of admirals had the power to select an especially efficient man and promote him over the heads of his fellows. That is what has given the British Navy a list of commanding officers and of fleet officers younger in years than those of any other navy, and they are considered by many the best men in any navy. If they have been well selected, that would be the result.

I read in a paper the other day that Vice Admiral Beatty, who is commanding one of the divisions or a part of the fleet now operating in the North Sea, was a man in the forties. We have not now, and we have not had within my recollection, a rear admiral under 55 years of age. In other words, they take a man in middle life who has proven his efficiency, just as we have done several times in our Army, and give him a promotion which probably is justified. It is justified if absolutely good judgment and fairness are observed.

Mr. SWANSON. Mr. President, will the Senator permit a question?

Mr. WEEKS. Yes.

Mr. SWANSON. I understand that the Senator is opposed to this provision because the Secretary of the Navy can exercise a prejudice and refuse to send a man to sea even if he is efficient for sea service.

Mr. WEEKS. I say that is possible.

Mr. SWANSON. It is possible. Would the Senator recommend an amendment to this bill which would permit the Secretary of the Navy or the President to promote a man regardless of his position or grade in the Navy? Does not the Senator think that prejudice would be exercised in one case as much as in the other?

Mr. WEEKS. Mr. President, the Senator has asked that question without giving my statement any consideration. I am talking about the English Navy. The English Navy is governed by an admiralty board, and the men on that admiralty board are naval officers themselves.

Mr. LODGE. They are civil lords and sea lords.

Mr. WEEKS. Yes; they are civil lords and sea lords; but they have the same quality of opinion and judgment as the plucking board which has been in operation in this country; so that, in effect, they are promoting outside of the regular order while we are retiring men because they have been less efficient, because their habits have not been good or for some other reason, taking the men who can best be spared, and thereby bringing about a steady flow of promotion in the service.

I do not mean to say that any of these systems are perfect. No system can be perfect which has the human equation as a part of it, as any such system must have; but it is a subject that is so vital to the best interests of the Navy that, in my judgment, it should not be undertaken without the most careful consideration, and it should not be undertaken in the haste that is always found in the consideration of an appropriation bill, a haste which is accentuated at this time by the conditions surrounding legislation in this Congress.

I am not sure what the results will be. I can only hope for the best, because the Naval Committees of both House and Senate have decided that the plucking board must go—a decision which I can not help thinking has been brought about not by the judgment of the Members but as the result of sympathies which have been created by their unfortunate friends who have been plucked—but I am so anxious that our Navy shall be thoroughly efficient, that it shall not be influenced in any way by political conditions, that it shall not be influenced in any way by personal sympathies, that it shall not be influenced in any way by anything except a desire to have the best men in places of responsibility, that I can only express the hope that these important changes affecting the personnel may be considered and brought about at a time of deliberation, when we can have at our disposal the experience of all other nations as well as the testimony of the best officers in our own service.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to his colleague?

Mr. WEEKS. I yield to my colleague.

Mr. LODGE. I believe that despite all its errors the plucking board should be retained; but I fear that if we abolish the

plucking board and put nothing in its place we will restore the old condition, which, I think, is much worse than any other.

Mr. WEEKS. I am quite in agreement with that statement.

Mr. LODGE. I would keep the plucking board, if I could, despite its errors; and I do not think its members are guilty of all that is charged against them by any means. I think they have made some errors. That is human. I shall be sorry if Congress decides to abolish them; but if it does, I do think we ought to devise some method to keep the flow of promotions open. The committee has turned—I am aware it has been done in haste—to the British system. What my colleague says about promotions is quite true; but is it not also true that the British statute which I have read requires the sea service?

Mr. WEEKS. I think it does.

Mr. LODGE. I am sure it does.

Mr. WEEKS. That is my recollection, and I am not objecting to the sea service; but every Senator must remember that the duty performed by an officer is the duty to which he has been assigned by the department itself. If he does not have sufficient sea service to justify his promotion, then it is the fault of the department, rather than the fault of the officer; and he ought not to be held responsible because he has been performing the duties to which he has been assigned.

An old friend of mine whom I have not seen for 30 years came to see me to-day. He was "plucked" three or four years ago. He complained that he had been kept performing duty on shore when he had entered his protest several times against it, had asked for sea duty, had begged for sea duty, but had not been given it. When the plucking board came along, they decided, among other things, that he had not performed his proper share of the sea duty that he should have performed, so he was one of those plucked. I think he was a reasonably good officer; and he was kept on shore in that instance not by his own desire but by the orders of the department, against his own wish.

Mr. LIPPITT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Rhode Island?

Mr. WEEKS. I yield to the Senator from Rhode Island.

Mr. LIPPITT. The Senator from Massachusetts, in his description of the English and American methods of improving the personnel of their respective navies, describes the English system as one in which the personnel is kept up to the mark by promotion for efficiency, while the American system apparently is that of punishment for inefficiency. One is a system of rewards and the other a system of punishments.

I think there is a great deal of force in what the Senator from Massachusetts has said about the effect of the fear of the plucking board keeping American naval officers up to the mark. I have talked with a good many of them about it, and I can see in my conversations with them that the possibility of such a thing as plucking occurring to themselves has a very decided effect upon the way in which they regard their duties, and particularly upon the way in which they regard the personal habits which they are at liberty to enjoy. Nevertheless, it seems to me—and this is what I am coming to—that while this plucking provision, as I understand it, is a compulsory plucking system—that is, a certain number or a certain proportion of the men have to be retired every year—it necessarily involves either that some men shall be retired whose inefficiency, if you choose to call it such, is not sufficient to justify it, or that some men are left in the service whose inefficiency is so great that they ought to be retired.

If it is going to be a compulsory retirement for the purpose of opening up the higher grades to the possibility of promotion for younger men, and that retirement is going to be made without any charges being brought against the men, why can not it be made without the attachment of the disgrace that comes from the use of the word "plucking"? Why can not a man be retired in such a way that there is no dishonor attached to it, and where it is distinctly understood that the only reason for it is not because there is any inefficiency attached to his service, but because it is necessary to open up the higher grades? In other words, why could not the declaration be made that there are too many officers in the Navy, and so the ones of a certain condition have to be retired?

Mr. WEEKS. Mr. President, I am not quite sure whether the Senator was present when I commenced my discussion. If he was, he will recall that I said that the primary purpose of establishing the plucking board was to provide a steady flow of promotion. It did not necessarily mean that there were inefficient men to be plucked. It meant that the men who could be best spared would be plucked. They might be very good men, but their age was such that they were not reaching a suitable command age or a suitable flag age before they had passed the period required for the best results in those particular grades; and therefore the primary purpose was to stimulate promotions, rather than to get rid of inefficient men.

Mr. LIPPITT. That was just the point that I had in my mind. If men are retired on account of age, why should not their retirement be placed on that ground, and not on the ground of inefficiency?

The fact is that there has been connected with every man who has been retired by this board—I do not know whether "plucking board" is the official name for it or not; I presume not, but it is the common name—an element of disgrace. It has been regarded by his friends, both in and out of the service, that there has been a reflection on his professional character. In a few instances in which I have happened to know the individuals, it seemed to me like a very unjust thing that men who have arrived at the age that they have, who have had a long and apparently honorable service, should come to the conclusion of it and have to retire under a system by which a jury of their peers decided that they were unfit.

Mr. WEEKS. Mr. President, that is simply a conclusion to which the Senator has come without in my opinion any justification for it.

Mr. LIPPITT. Well, Mr. President, it is the common judgment.

Mr. WEEKS. I know that is the common judgment; but it is not the law, and it is not the purpose of the law, and it never was the intention of the law.

Mr. SMITH of Georgia. Mr. President, is that not the effect, whether it was the intention or not?

Mr. WEEKS. Mr. President, the effect is to retire some men so that younger men can be promoted. If those who are selected out want to assume that it is a humiliation—and I think it is, to some degree—of course that is one result of it. But the conclusion I am afraid the Senator is going to come to is that we must give consideration to the feelings of men rather than to the best interests of the service. The best interests of the service require a steady flow of promotions.

Mr. LIPPITT. If the Senator will allow me, the best interests of no service or of no employment anywhere in the world, whether Government employment or private employment, make necessary the disgrace of faithful servants because some other younger man comes up and wants his place. That is not the way to get good men into a service. That is not the way in which to keep good employees. The way to do is when they arrive at the time of life when their age makes it necessary that they should go into retirement of some sort to offer the most honorable means of retirement it is in the power of the employer to employ. That will be the duty of the Government as much as of private individuals.

Mr. WEEKS. Mr. President, the Senator from Rhode Island has set up a bogie man for which there is absolutely no reason. It should not disgrace a man socially or in any other way to have been plucked by this board. The purpose of the board is to stimulate promotions, and the board, if it does its duty, selects the man who can be best spared. It is all done for the best interests of the service, not from any other consideration.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. WEEKS. I yield.

Mr. SMITH of Georgia. It is undoubtedly true, is it not, that practically everyone recognizes the effect of the action of the plucking board as a reflection upon the officer who is removed from service by the action of the board. What I wanted to ask the Senator is this: Would it not be practicable, instead of having the plucking board which took out of service one from a number of the officers, to have a promotion board that would add from the lower ranks without taking the older officer out of the service?

Mr. WEEKS. I want to say to the Senator from Georgia that I am not an advocate of the present system; but if it is to be changed I want something better to replace it; if not, we are going to see bad results in the service. Every man who is plucked goes to his Senator, to his Congressman, and to his friends, and he stimulates the sentiment that he has been humiliated, and he creates a sympathy among legislators, who as the result are doing what they can, as far as the elimination of the plucking board, without a substitute, is concerned, to decrease rather than increase the efficiency of the service.

Now, I want to go on for just a moment. It is not pleasant for me to stand here and say these things. Many of these men are my friends—pretty nearly everyone who has been plucked during the last 10 years. I am sorry for every one of them. Many of them seem to me to be good men. But I care a great deal more for the efficiency of the Navy than I do for the feel-

ings of any one man or any half dozen men. We can not run the military establishment on any such basis. We are talking about and urging efficiency in civil life and in military life. Why do we not practice what we preach? We should not sweep away a system which has the indorsement of pretty nearly everyone who knows anything intimately about it without substituting for it something which will be more effective and better. As far as my personal feelings are concerned, I would be glad to have all those who have been selected out continued in the service, but I know well that a man should reach the grade of commander in the early forties, that he should reach the grade of captain before he is 50, and he should reach the grade of admiral, so that he will have an opportunity to command a fleet, long before he is 60. Unless we are going to have that condition we are not going to have the most efficient personnel in our Navy. That is what I want, and anybody who can bring about that kind of a result without humiliating anyone, without committing any injustice to anyone, will be a public benefactor, and the plan shall have my hearty support and indorsement.

Mr. SMITH of Georgia. I hope the Senator will not take his seat, because I want to hear from him further. I wish to say that, so far from disagreeing with the Senator about the absolute necessity for these promotions, I would vote to retain the plucking board if it was the only way to make the vacancies so that at an earlier age we may have men promoted to the highest ranks in the service.

But what I really wanted was to hear the Senator's opinion on this point, because I feel he is the one Senator who is in a position especially to give us information on the subject. Why is it not practicable to reach this end by a board of promotion rather than by a board of retirement?

Mr. WEEKS. Mr. President, we have had several officers promoted in the Army over the heads of their fellows. In some cases they were promoted over one or two grades. You all have the individuals in mind. In my judgment in every instance, at least in every instance that I recall now, they have been excellent officers, and in some cases they have been remarkably good officers and were entitled to promotion if that kind of a system is going to be followed. Yet you know how much unhappiness there has been in the Army as the result of those promotions; how much criticism there has been of the President because he has selected this man or selected that man for unusual preferment and promotion. That method can not be followed and bring about satisfactory results, in my judgment, to the officers of the service. What the Senator from Rhode Island [Mr. LIPPITT] says is true, that you want to keep as nearly as possible a happy condition in the military service as in every other business. But the unhappy men are those who are going on the retired list, and the men who have striven as hard as they can to make themselves efficient and effective are the men who are remaining on the active list until, as I have said, in my judgment the captains' list in the Navy is more efficient than it has ever been before. Remove all this plucking-board system or substitute something for it less effective and you are going to lessen the efficiency of the Navy. I do care for my friends; I care for their feelings; but I care infinitely more for the best interests of the service than I do for the opinions or interests of any individual.

Mr. LODGE. Mr. President, we ran the Navy, down to the time of the personnel act, on a sympathetic plan entirely. We got all our avenues of promotion clogged. We got them in such a condition as my colleague has described, when men would be admirals with only a year to serve, and all over 60. We got it into such a condition that it was felt absolutely necessary to do something.

Now, by abolishing the plucking board and putting nothing in its place you return to that old sympathetic system, which went on the principle that if a man lived long enough and did nothing that was bad, time and age would give him all the grades in the Navy. We are going to return to that if we abolish the plucking board and put nothing in its place. I should prefer to keep the plucking board and let the matter be settled by Congress in another year and see if we can not deal with it in some better way. But if it is to be abolished, and both Houses seem to be determined, then I say we must put something in its place.

It will be most unfortunate at this stage, with the great new Navy we have, with the dangers that may possibly come, to return to the old system and find ourselves in the condition we were at the time of the Spanish War, when we had to go to the captains' list to get our admirals, the condition in which we were at the beginning of the Civil War, when almost the first thing they had to do was to appoint a board of selection and get rid of all the upper grades and take men who had not risen above the rank of a captain, lieutenant commander, and commander to take charge of the Navy.

Mr. NELSON. May I ask the Senator, for information, some questions?

Mr. LODGE. Certainly.

Mr. NELSON. As I understand it, all promotions in the Navy are made at present by seniority?

Mr. LODGE. Entirely.

Mr. NELSON. If that is the case, would it not be wiser to stop at the rank of lieutenant commander or commander, and say that all promotions beyond that grade should only take place after an examination by a board appointed, instead of applying the rule of seniority to the higher grades? Could it not be reached better in that way? Then all the junior officers would know what they would have to expect—that they would have to run the gantlet of that board.

Mr. LODGE. That is, a selection board?

Mr. NELSON. A selection board.

Mr. LODGE. We have, of course, promotion boards before which everybody has to go before promotion for examination, both physical and mental, but the fact is it is seniority. In the Army they have given the President the right to take any man he chooses, to take a lieutenant, if he wants, and make him a brigadier general. To the President we have confided the right to select the men who, in his judgment, are best fitted for promotion to the rank of brigadier general, and although all the Presidents have executed that duty with not only best intentions but with excellent results, it has not given satisfaction in the Army. I have seen again and again in this Chamber great contests made because the oldest man on the list was not taken. The moment you attempt to stimulate the flow of promotion or to get the best men you are met with the sympathetic cry. In order to get the best and most efficient naval service or Army service you have got to be a little hard-hearted, you have got to be a little unsympathetic. They should be retired on some system which will remove the less efficient. I think the plucking board, despite all that has been said against it, has been of great value to the Navy, and I shall be content to keep it.

Mr. STONE. Mr. President——

Mr. LODGE. But, if the Senator will permit me to finish my sentence, I do not want to abolish the plucking board and leave us now at this time, with this large Navy that we have built up, in the miserable condition we were in before the personnel act of 1899.

Mr. STONE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Missouri?

Mr. LODGE. Certainly.

Mr. STONE. Mr. President, the Senator speaks of the plucking board. If I understand the operation of that board, the inefficient men, or those deemed inefficient by the board, are plucked or set aside?

Mr. LODGE. Compelled to retire.

Mr. STONE. Yes; to make room for younger and more efficient men. The Senator says he does not wish that board to be dispensed with unless something as good is substituted.

Mr. LODGE. I did not say something as good, but I said something that would keep the flow of promotion open.

Mr STONE. I really ask to be informed. I am speaking with the greatest diffidence about the matter, knowing very little from personal examination into it. The Senator has given a great deal of attention to it. I want to know just what the effect is going to be of this provision that you have substituted here for the clause wherein you repeal the plucking board. It says that hereafter when officers of the line and Medical and Pay Corps shall be promoted, no officers shall be promoted who has not had active sea service covering half the time during the time he has been in service. To what extent will that open up promotions?

Mr. LODGE. I think it will have the effect of keeping up a flow of promotion about equal to that we get through the plucking board, or it might be more. I think it probably would be about equal to that in amount. I do not believe it would be much more; but it might be more.

Of course, the Senator can see very well for himself that the English system, which combines promotion with plucking, comes back really to the system of the plucking board. As a matter of fact, the Admiralty, I assume, does not give the sea service to inefficient men, and then they are retired by operation of law. Of course, in the English Navy there is a much larger navy now and more ships to make opportunity for sea service.

Mr. PAGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Vermont?

Mr. LODGE. I yield.

Mr. PAGE. I should like to ask the Senator from Massachusetts if he can conceive of any method whereby there will not be heartburning and disappointment, whether you promote from below over older officers or whether you retire from above, as we have done in the case of the plucking board.

Mr. LODGE. There is sure to be. The men who are passed over by men being put over their heads or the men who are dropped by the plucking board, even if it was absolutely just, would feel wronged and hurt, and would come here with complaints.

Mr. PAGE. In this connection I think the Senator from Massachusetts will bear me witness that in many cases the men who appeared before the Committee on Naval Affairs complaining because they had been plucked, so to speak, upon being asked, replied that they thought the plucking board was an honorable, upright body of men who designed to do exactly right. I think there has been nothing said before the committee that should discourage the Senate as to the plucking board, except that occasionally some men who thought they ought not to have been plucked were retired when others have not been.

But, Mr. President, as remarked by the junior Senator from Massachusetts [Mr. WEEKS], you can not have any board of that kind without disappointing those who are plucked. It has been my experience in my service upon the Committee on Naval Affairs that the friends of the men who have been plucked have made out that they have been the very best men in the service without exception, and you would think to sit and hear the claims made by the men who have been plucked that they were beyond question the very best men in the service.

Mr. President, if it is a certain fact that we must have something to promote the flow of promotion and we can not without misgivings and without heartburnings and trouble promote over the heads of others, I do not know to-day of any method that is going to be more efficient or better than the present method—the plucking board. Yet I have this serious charge to make, that almost every man who has been plucked has regarded the Committee on Naval Affairs as a board of review, and they have come before us. I have finally, in my own judgment, decided that I would not in any case vote to reverse the judgment of the plucking board, because I think if we did so we would soon come to a time when we would be a plucking board ourselves—a very unfortunate condition, it seems to me.

Mr. LODGE. There are three propositions involved in this amendment. If the Senate intends to adopt the House provision for the abolition of the plucking board, I think the second amendment, which provides for the retirement on failure of sea service, ought to go in; but the one clause about retired officers, I think, ought to be adopted in any event, no matter what we do. I think that is sound legislation, and I shall ask that they be separated.

Mr. TOWNSEND. The Senator from Massachusetts has suggested, as have several other Senators, that this must be done, that we can not have the present law. Is that necessarily true? Could we not have a vote on the proposition to retain the present condition if we have to choose between that and the proposition submitted by the committee?

Mr. LODGE. Certainly, Mr. President, if the Senator from Michigan or any other Senator asks to have the question divided and take a vote on what is really the first proposition, though it is put last on the page—the abolition of the plucking board—and decide that first, that is the way it ought to be decided.

Mr. BRYAN. Can we have the question put in that way?

Mr. LODGE. I think we can have it put in that way.

Mr. BRYAN. I should like to have it put in that way.

Mr. LODGE. If the question is divided, the Senate can take the different divisions in any order they choose, I should think.

Mr. BRYAN. That would enable me to vote in accordance with my wishes. I should like to vote against striking out the House provision and leave the law as it is. If that is not done, of course I want to substitute something for the "plucking board."

Mr. TOWNSEND. That was the point I made.

Mr. LODGE. That is what I think. If we can have a vote first on the question of agreeing to the House provision, if it should be disagreed to, that would end it, except so far as the retired officers' provision goes. If, on the other hand, it be agreed to, then, I think, we ought to put in something, and that would be the second clause.

Mr. STONE. That is the way the bill ought to have been brought in.

Mr. LODGE. That is the way it was treated all along; but I do not think that made any difference.

Mr. SWANSON. The motion before the Senate is to strike out the House provision and to insert, which motion under the rules is not divisible.

Mr. LODGE. No; but it is in order to perfect what it is proposed to insert.

Mr. SWANSON. We can take a vote to strike out after we vote on the question to strike out and insert.

Mr. LODGE. But you must first determine what you are inserting.

Mr. SWANSON. The Senator is right. Now, Mr. President, if the Senator from Massachusetts is through——

Mr. LODGE. Yes.

Mr. LIPPITT. If the Senator will allow me for just a moment, why can we not make a motion to strike out and leave the——

Mr. SWANSON. Because we have got a motion pending to strike out and insert, which I think takes precedence of the motion to strike out.

Mr. LIPPITT. It does; but can you not withdraw it?

Mr. SWANSON. I am not willing to withdraw it.

Mr. LIPPITT. That is different.

Mr. LODGE. I can move to perfect the amendment. I move to strike from the amendment the last clause from line 15 to line 19. That strikes from the amendment——

Mr. LIPPITT. What page?

Mr. LODGE. Page 30. That strikes from the amendment the repealing clause.

Mr. SMITH of Georgia. That is good.

Mr. LODGE. That is perfecting an amendment, and it is perfectly in order.

Mr. STONE. What is the Senator's motion?

Mr. LODGE. To strike out——

Mr. SWANSON. That comes after the other motion.

Mr. LODGE. Not at all. I can perfect either branch of it under our rules.

Mr. SWANSON. That is a separate proposition.

Mr. LODGE. It does not make any difference. The Chair has the rule before him. It is open to amendment.

Mr. SWANSON. The Senator can make his motion when the time comes.

Mr. LODGE. You can not put your motion first.

Mr. SWANSON. I have the floor now.

Mr. LODGE. No; not on the point of order. You have not the floor.

Mr. SWANSON. I am making a speech.

Mr. LODGE. I am making a point of order. I do not ask the Senator to yield.

Mr. SWANSON. A Senator can not be taken off the floor.

Mr. LODGE. I made a motion, and I am going to show that it is in order.

Mr. SWANSON. I did not yield to the Senator to make it.

Mr. LODGE. I made the point of order before the Senator from Virginia took the floor.

The PRESIDING OFFICER. The recollection of the Chair is that the Senator from Massachusetts offered an amendment to strike out the last clause, which is not a point of order.

Mr. LODGE. No; I made the point of order.

Mr. SWANSON. The question as to which should have precedence can be determined when the vote is taken.

Mr. LODGE. That is predetermining the whole question. My point of order is that my motion takes precedence; and I will——

Mr. SWANSON. The Chair is not putting that question. The Senator from Virginia claims that he has the floor to make a speech on the amendment.

Mr. LODGE. I have no objection to the Senator making as many speeches as he wants to make.

Mr. SWANSON. When the time comes, we shall discuss the question of order.

Mr. LODGE. The Senator from Virginia says that his motion to strike out and insert comes before a motion to perfect what it is proposed to insert; and that, I say, is not correct.

Mr. SWANSON. We are clearly entitled to perfect what we are going to insert before the vote is taken on the motion to strike out and insert.

Mr. LODGE. Very well; my motion to strike out a part of it is perfecting the text.

Mr. SWANSON. Mr. President——

The PRESIDING OFFICER. The Senator from Virginia.

Mr. SWANSON. Mr. President, it seems to me that this is not so complicated a question as the junior Senator from Massachusetts [Mr. WEEKS] would have us believe. We now have a deficiency of 203 officers in the Navy. Thus we lack 203 officers who are necessary to-day to make our Navy efficient and to

furnish officers for the battleships we have. We now have 980 officers on the retired list. We have 3,300 officers on the active list. I do not believe there is a navy in the world that has so many retired naval officers in comparison with the active naval officers. We pay $3,000,000 a year in salaries to retired naval officers. With this deficiency in officers, with this expenditure of $3,000,000 a year for retired naval officers, there are Senators who still insist that section 9 of the personnel act providing for retirement should continue in force. Let us see why it should continue. Are the retirements that are now made retirements of incompetent and inefficient men? What has been designated as the "plucking board" is compelled under the law to retire 15 officers every year, even if they are capable and efficient, unless 40 officers retire voluntarily each year. They must retire as many as 15 to make the retirement each year number 40. For what purpose? To give an opportunity for officers to get promotions.

If we had a surplus of officers, there would be some excuse for retiring efficient and capable officers. Who have been retired lately by this "plucking board"? Capt. Gibbons, superintendent of the Naval Academy, one of the most gallant naval officers that the Navy possessed, a man who had commanded a ship, a man who was at Vera Cruz; Capt. Rust, and Capt. Hill. There is no question but that the men who have been recently retired would add to the efficiency of the Navy and not detract from it. They were not retired because they were not competent, because they were not capable, because they were not ornaments to the Navy, but they were retired because section 9 of the measure, commonly known as the plucking-board provision, compelled the retirement of 15 officers a year, unless 40 officers had retired voluntarily.

The position I take is that with a deficiency of 203 officers, with a retired list of 980 officers, this "plucking board" should be discontinued, and the guillotine should not fall on the 30th of June and remove 15 capable officers from the Navy, with its present deficiency in number.

Is the Navy created to give promotions to officers? Is it created for the purpose of making an officer an admiral, a captain, or a lieutenant? This vast sum of money is expended, and cheerfully expended, by the people to give us an efficient Navy as cheaply as possible.

Now, let us see what the complaint is. Every officer of the Navy is automatically retired when he reaches the age of 62 years, whether he be competent or incompetent; so that age relieves a great deal of the inefficiency complained of. Under section 8 of the personnel act, which is not repealed, 40 officers are permitted to retire voluntarily each year. Complaint has been made that incompetent officers get into high places.

The law requires every officer before he is promoted to stand an examination as to his physical, mental, and moral qualifications. If the law is enforced, if the examinations are thorough, no officer can be improperly promoted so long as that requirement remains. If incompetency has crept into high places, it should be arrested when the promotions start in the lower, instead of in the higher grades. That is the place and time to purge the Navy.

It is also complained that men have been "plucked" by the board when they did not have sea service, and although, as suggested by the junior Senator from Massachusetts [Mr. WEEKS], they tried to get sea service, the department would not give it to them. The complaint he made against this substitute was that it required sea service and that the department might refuse to give sea service when an officer desired it. The same complaint that can be made in one case can be made in the other.

Mr. SMITH of Michigan. Mr. President, will the Senator permit me to make a suggestion?

Mr. SWANSON. I yield to the Senator from Michigan.

Mr. SMITH of Michigan. I desire to suggest that Capt. Gibbons, to whom he has referred, had 35 years of service from the time he left the Naval Academy until he was retired by the board; and in that 35 years he had 18½ years of sea service. That ought to count, especially when his service was all distinguished and in places where at times the Navy found itself in very close quarters.

Mr. SWANSON. Mr. President, I will state that I am in favor of repealing section 9 of the personnel act, and I am willing to vote for a substitute such as is desired by the Senator from Massachusetts [Mr. LODGE], who prepared this amendment and offered it in the committee, under which sea service amounting to half of the time the officer has been in the Navy would be necessary before he could be promoted. The effect of that would be to compel officers, before they shall be promoted, to go to sea and to secure the experience and the acquaintance with the management of ships gained from sea service. That is an element that is indispensable. Then they would also be required to stand an examination as to their physical, moral, and mental fitness for promotion, so that they would have the experience which would be gained by requiring sea service and the knowledge and acquaintance with the management of ships, and would also have to measure up to the naval standard of physical, mental, and moral fitness.

It seems to me it is a wise provision; but whether the provision is adopted or not, I, for one, favor abolishing section 9 of the personnel act. I can see no good reason for retiring 15 good, efficient officers on three-fourths pay in return for which they render no service to the Government, when the Navy is deficient in officers to the extent of 203 to-day. What excuse can we give the taxpayers of this country for retiring each year compulsorily 15 officers when we lack 203 officers to man our Navy to-day? What excuse can we give when, in the last two years, when retirements have been made under section 9 of the personnel act, committees of the House and of the Senate by a majority have decided that many of the officers retired were efficient and capable and worthy of trust and confidence in naval affairs? What excuse can we give when some of the men who have been plucked are the most capable, the most brilliant, and possess the most splendid records in the naval service?

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Mississippi?

Mr. SWANSON. I do.

Mr. VARDAMAN. What is the average age of the officers who have been "plucked"?

Mr. SWANSON. I do not know their average age, but they have all been under 62.

Mr. VARDAMAN. Have not many of them been in the prime of life?

Mr. SWANSON. Capt. Gibbons was in the prime of life.

Mr. SMITH of Michigan. He was 54.

Mr. VARDAMAN. So that they frequently retire an officer when he is approaching the better part of his life.

Mr. SWANSON. Now, I can readily understand why the younger officers in the Navy, who are clamoring for promotion, would be glad to have the "plucking board" retire 50, 100, or 200 officers a year, if thereby they could secure rapid and quick promotion.

Mr. NORRIS. Mr. President——

Mr. SWANSON. I yield to the Senator from Nebraska.

Mr. NORRIS. I want to ask the Senator a question entirely for information. Would the amendment which the committee proposes result in retiring as many officers as are retired now through the "plucking board"?

Mr. SWANSON. This provision would retire very few at present, because most of them could comply with the service requirement; but it would require every officer to have to his credit a sea service equal to one-half of the years he has been an officer of the Navy before he could be considered for promotion.

Mr. NORRIS. Would there not be this danger: Could not the Secretary of the Navy, by detailing men to shore duty and preventing them from having the sea duty necessary for promotion, arbitrarily prevent the promotion of officers and compel their retirement? I asked the same question of the Senator from Massachusetts, but I desire to repeat it.

Mr. SWANSON. He could do so under this provision.

Mr. NORRIS. Could not the provision be amended in some way so that that possible injustice could be obviated?

Mr. SWANSON. We considered that; but to say if an officer applied for sea duty and it was denied him that it should be counted sea duty might compel the department to assign the command of a battleship to a captain who was incompetent. It might compel the department to give control of matters on the sea to officers they did not think ought to have such a responsibility.

Mr. NORRIS. Well, if an officer applied for sea duty it would not necessarily follow, would it, that he would have to be assigned to the command of a battleship?

Mr. SWANSON. If he was a captain it would follow. The higher officers are the ones it is desired to remove. The effect in the British Navy has been that officers who did not wish to go to sea and officers who could not go to sea and officers that the Government was satisfied ought not to be sent to sea were automatically retired by not giving them sea service; but the same thing is effected by section 9 of the personnel act.

Mr. NORRIS. I think to a great extent that is true, but I do not want to jump from one evil to another.

Mr. SWANSON. The plucking board has no responsibility to anyone; its decisions can not be reviewed. The plucking board is more intimately acquainted personally with the officers than is the Secretary of the Navy. The members of the board have gone to school with the officers whose names come before them; they have been their shipmates; they have been their schoolmates; so that the members of the board are better acquainted personally with the officers and have more personal prejudices and preferences than has the Secretary of the Navy.

Mr. NORRIS. Would there not be danger of a Secretary of the Navy having a political connection that would be as much of an evil as the friendship which exists between the members of the board and other officers of the Navy?

Mr. SWANSON. There is that danger; but the responsibility must be put somewhere to determine who shall command the battleships, who shall command the fleet. My idea was that this power could be as well exercised as provided in the amendment as it could be under section 9 of the personnel act.

Mr. NORRIS. Would there not be danger, for instance, of Senators, Representatives, and other high officials in public life using their influence with the Secretary of the Navy to——

Mr. SWANSON. To prevent an officer going to sea? I do not see how they could prevent an officer from going to sea if he is efficient, when there is a deficiency of 203 officers in the Navy.

Mr. NORRIS. There is a deficiency now, and still they have a surplus of men on shore duy. I can not understand that under present conditions.

Mr. SWANSON. That has been very much exaggerated, but if we are going to keep them all at sea, they would never have any shore duty.

Mr. NORRIS. But I understand we are now short of officers on the sea and have a surplus on shore.

Mr. SWANSON. We have about 500 officers on shore out of 3,300 officers. I am not accurate about the number on shore, but it is about one-seventh. If you are going to give them any shore duty—and it is absolutely necessary to do so—you can not have a much less number than one-seventh on shore.

Mr. NORRIS. I understand there are something over 500 officers now on shore duty.

Mr. SWANSON. Out of 3,300.

Mr. NORRIS. Is it not true that a great many of those on shore duty could be assigned to duty at sea without affecting the work that must be done on shore?

Mr. SWANSON. They could, except that it is always thought that an officer is entitled to some little shore duty. You can not take an officer and keep him at sea for 10 years or 15 years or 20 years.

Mr. NORRIS. No; not all the time, of course; but is it not true that some of the officers on shore duty have not been on sea duty for several years?

Mr. SWANSON. I asked for a statement from the Secretary of the Navy as to how many officers would be retired under the law at present if this bill should pass requiring half sea duty. The Reporter has the letter. It would be one captain, one commander, and only five or six officers. Recently the demand for shore duty has ceased on account of the Secretary of the Navy insisting on this sea duty before he would recommend for promotion or promote officers, so that most of them have their requirement at present.

Mr. NORRIS. Is it true that under present conditions the officers are anxious to be detailed for shore duty in preference to sea duty?

Mr. SWANSON. Until recently it was. During the last two years, I am told, the demand for sea duty has exceeded the demand for shore duty on account of the Secretary of the Navy stating that he would not make promotions unless the man had sea duty. In the case of the admirals named for the chiefs of the various divisions here and for the commandants of the various yards, the Secretary of the Navy made the statement that he would not make appointments to these places unless the officer had sea duty. This declaration on the part of the Secretary of the Navy, made boldly at the beginning of his administration, has made officers desirous of going to sea instead of coming to the shore as heretofore.

Mr. NORRIS. I should say that was very commendable on the part of the Secretary.

Mr. SWANSON. This amendment does this, if the Senator from Nebraska will permit me: We think no officer who has not had extensive sea experience should have the responsibility of managing ships and fleets. We think that is the sine qua non of responsibility in naval matters.

Mr. NORRIS. I agree with the Senator in that respect. It seems to me that is reasonable.

Mr. SWANSON. We think no man can have that experience who has not spent half of his service at sea in direct command of ships, the management of machinery, maneuvering, and other sea duty. So this amendment provides that no officer shall be promoted unless he has had a sea service equal to one-half of the time he has been in the service. This does not preclude the other examinations, physical, mental, and moral. You then have the age of 62 for retirement. We believe, with these provisions, that that is all that could be expected to get the proper retirements and to have efficient, capable officers in command.

Mr. BRYAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Florida?

Mr. SWANSON. I do.

Mr. BRYAN. I will ask the Senator from Virginia if he has an agreement with anybody that this bill shall go over until to-morrow?

Mr. SWANSON. I have no agreement, except that I am satisfied that we can not vote on the——

Mr. BRYAN. I will ask the Senator, then, if he will not lay it aside and let us take up the fortifications bill?

Mr. SWANSON. I would not be willing to lay it aside until we get rid of this plucking-board provision.

Mr. BRYAN. The Senator realizes, however, that we can not pass the bill to-night?

Mr. SWANSON. I realize that if we come back here and discuss this provision to-morrow it will be gone over and we will be here all day on it, and I must insist on disposing of all the amendments I can.

Mr. LODGE. It is my motion, Mr. President.

Mr. STONE. Mr. President——

The PRESIDING OFFICER. The Senator from Missouri.

Mr. STONE. I wanted to say a word or two about this matter. I did intend to say more than I shall say, but it has been very fully discussed, and I appreciate the anxiety of the Senate to vote and share in it.

Mr. President, I sympathize as much as any Senator does whenever a good man suffers what he considers a humiliation, when his sensibilities are wounded. It is a hard thing to strike a good man a blow. But I am so thoroughly in sympathy with what was said by the junior Senator from Massachusetts [Mr. WEEKS] that I feel that over and above considerations of the kind to which I have just adverted the tremendous importance to the country of having the very best possible available men in control of our Navy, in its actual command, should govern our judgment. I feel disposed to pass by these purely personal considerations and subordinate them to the higher obligation we owe to the public service.

Mr. President, I can not understand how any Senator should hesitate about adopting some rule of procedure by the operation of which the very best available men will be selected for this exceedingly important service. To place the power in the hands of a few men, constituting this so-called "plucking board," is to put in their hands a rather dangerous power—I admit that—for it is so subject to abuse. The officers composing the board are human beings and are apt to be more or less influenced by the considerations that affect most men when they come to act in matters of this kind. There is always a danger of acting from the standpoint of personal favoritism. It may be unconsciously done, but influences of that kind will operate upon men. But I believe, Mr. President, that even that danger can be reduced to the lowest minimum, and I do not know that the power has been abused in any instance. I only say that it can be, and therefore there is a certain element of danger in it.

Mr. SMITH of Michigan. Mr. President, if the Senator will permit me, right on that point, and quite to the point, that was the exact situation in which the last plucking board found itself. The truth is that there were 10 or 12 captains available for retirement who had demerit marks against them, who had taken their ships upon the rocks, who had been court-martialed for one offense or another, and the strange thing about it is that this board passed them all over and took men without a single blemish against their records. That shows the very thing of which the Senator has spoken—that they are prejudiced.

Mr. STONE. Mr. President, I am not sufficiently advised to pass judgment upon the action of the board. A very excellent officer might in some circumstances run his ship into a shoal or against a rock. I do not know the facts or the circumstances. I assume that the board acting in the matter had far better knowledge of the facts than any Senator here. It is to be presumed that they did, or otherwise they were acting with absolute dishonesty.

Mr. SMITH of Michigan. Prejudice, possibly.

Mr. STONE. I say there is danger of that sort of thing, but it is not to be presumed that partialities or prejudices will operate very strongly.

Mr. President, personally I am inclined to favor the plucking board unless you can put something as good or better in its place. I was struck by what the Senator from Massachusetts [Mr. WEEKS] said as to the provision in this bill about retiring officers who have not had half their service at sea. I happen to know of one instance myself where an officer has not had half of his service at sea, but, as in the case referred to by the Senator from Massachusetts, he desired such service. He sought it, he insisted upon it, but it was denied him. Now, men are detailed for shore service in numerous ways and in very important arms of the service, and they are doing an important work ashore. I am not speaking of men who are put into places of ease and who devote their time to social duties; but I do know of one or two men who are constantly engaged in the hardest kind of work and very useful work, and one of these men has sought to go to sea and he has not been permitted to go. I hardly think that is fair to that man, and therefore I do not like that provision; and if we can have a vote here to-night on the proposition to retain the plucking board as against the scheme proposed, I am going to vote for the plucking board.

That is all I have to say.

Mr. POINDEXTER. Mr. President, it seems to me we have been discussing this case entirely upon the assumption that we must either keep the plucking board as it is or do without it altogether. If that were true, we certainly would be confronted with a most difficult problem in regulating the personnel of the Navy; but I do not understand that that is the case at all. It is perfectly feasible to retain the plucking board and this system of retiring officers, or at least the system of retiring them through the plucking board; but instead of leaving the plucking board as it is now, without any law either of God or of man to regulate its action, to provide a rule for the government of the plucking board in the performance of this business of retiring officers.

The plucking board, under the present system, meets in star chamber. No officer of the Navy knows that he is being considered for retirement. The plucking board considers his case and comes to the conclusion that for the benefit of the Navy and as promoting the efficiency of the Navy the officer under consideration should be retired. That is a severe judgment to render against a man who is serving his country in the Navy, and yet it is rendered without giving him an opportunity of being heard as to whether his retirement would conduce to the efficiency of the Navy. The matter is entirely in the discretion of this board of officers who meet and act in secret.

If the plucking board is retained—and this is all I wanted to say—and the provision of the House bill which abolishes the plucking board is stricken out by the Senate, there ought to be something further added to the bill providing a rule of action for the plucking board. There have been a number of cases where officers have been retired by this body who not only were efficient but who had been a credit to the Navy, who not only had good records but who had distinguished records. I have complete information about several of these cases where officers have been retired. The records have been made up. I have examined them in detail, and find they are men who not only have performed the duties that are required of them as naval officers, but have gone far beyond that, and have rendered services to the Navy entirely beyond and outside of the routine duties. They have invented devices which have been adopted and are in use by the Navy, and have increased its efficiency. They have written books upon various branches of their profession which have been adopted in the Navy and are used with profit and benefit by the Navy. The records which show the conduct of these men in the various grades through which they have risen to the rank which they held at the time they were retired are marked "good," "very good," and "excellent." If a merit roll were kept in the Navy they would stand far above a large number of officers who have been left untouched by this retiring board. That is unjust. It is manifestly unjust.

The Senator from Missouri says that this plucking board knows more about the cases than the Senate itself; but that is not necessarily true, because the action of the plucking board has been investigated by committees of Congress, members of the plucking board have been put upon the stand and examined, their testimony has been printed, and it has been found that they were unable to give any satisfactory reason for their action; that it was purely arbitrary.

Undoubtedly there ought to be some method by which the stagnation in the line of promotion of officers in the Navy could be done away with, and opportunities given for the lower grades to have some incentive to render faithful service by a reasonable hope of obtaining a higher grade. That can be done without vesting in the board the arbitrary and unrestrained license and discretion to retire anybody who in their secret minds they may select to retire.

There is a retirement system in the German Navy, but I am informed that is regulated by certain rules by which merit rolls of the officers in various grades are kept, and those who stand lowest on those rolls as made up from the daily and yearly performance of their duties are retired. It is perfectly feasible to keep such a roll as that. It can be kept with just as much accuracy as the rating of the midshipmen at Annapolis, which is highly commended by everyone for its justice. I do not think I have ever heard a single individual complain as to the system by which the naval cadets are rated in their several classes upon the work which they do from day to day. It is perfectly feasible to keep a similar rating by the reports of superior officers and the observations of officers under their command, and from that roll select those who stand lowest and retire the requisite number.

I rose simply to say that if we are to retain the plucking board there ought to be some provision adopted by which their actions would be based upon a regular system not left to the chances and to the secret will of these men. They are nothing but men, and they are liable to make the same mistakes that other men make. I am not charging them, far be it from me to charge them, with any willful injustice to any officer whom they retired, but they are officers in the Navy, and these officers are subject to all the prejudices and to all the preconceived opinions which arise among any set of men who are working together and come in contact and rivalry with each other in their profession, and those conditions are bound to influence their acts.

If this motion prevails, I shall offer an amendment providing that when the plucking board, as it is popularly called, selects officers for retirement they shall select those who upon their official record can be dispensed with from the service of the Navy with least detriment to the service.

The PRESIDING OFFICER. The question before the Senate is the amendment offered by the Senator from Massachusetts [Mr. LODGE] to strike from the Senate committee amendment the last clause thereof, namely:

> Section 9 of the naval personnel act of March 3, 1899, entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," be, and the same is hereby, repealed.

Mr. SMITH of Michigan. Mr. President, I am not going to detain the Senate except to say—and I feel I ought to say it, as a member of the committee—that we fully agreed on this bill as it is presented here. Perhaps we did not meet the views of every Member as he would have liked to have had us do, but nevertheless it is the majority report from our committee.

I propose myself to stand by the committee's report. I find no fault with any Senator who takes any other view, but to retain the plucking board with its arbitrary power to fix conditions, without let or hindrance, upon which men shall be retired even at the age of 54, at the very best time in their lives, it seems to me is vesting in a board altogether too much power. I know they have exercised this power with very little discretion. Before the House Committee on Naval Affairs it appeared that several captains in the Navy were subject to retirement under this rule, with demerit marks against them, with courts-martial against them. Those were the men who ought to have been plucked first, and not the men who had no mark against them from the time they left the academy until they were plucked by this board.

If you tell me a man with an absolutely perfect title to become an admiral, for which he has labored all his life, may be deprived of that privilege by an arbitrary board when there are men subject to retirement for cause, I tell you that you are establishing a system in the American Navy that strikes at its very heart.

I feel very keenly about this matter. I asked one of the plucking board, before the House Committee on Naval Affairs, if the Navy had been improved by plucking these last officers, and he told me no, that the Navy had been weakened by plucking the last officers who were plucked. If that is the case, when we are short several thousand men and several hundred officers, I think we are pursuing a course not calculated to bring any credit to ourselves or any credit to our Navy or any efficiency in the Navy. That is all I care to say about it.

I thought the committee were quite in accord about what had been done and about our bill, but if members of the committee think otherwise, very well.

Mr. TOWNSEND. Will my colleague yield for a question?

Mr. SMITH of Michigan. Certainly.

Mr. TOWNSEND. I hope my colleague listened to the remarks of the Senator from Washington [Mr. POINDEXTER], which, in the confusion of the Senate, it seemed to me were not properly considered. It seems to me from what has been said here that there has been no system advocated or proposed which is entirely satisfactory, but I confess I have been very greatly impressed with the statement that as between the two systems that have been discussed the present one is better than the one proposed. If we were to restore the present law and then the law were amended, as suggested by the Senator from Washington, so that this plucking board must only pluck those whose records show that they are of the least service to the Navy, it would seem to me that we would have a guide to go by that would come as nearly to governing them in deciding the proper men to select as we could possibly hope to devise.

Mr. SMITH of Michigan. My colleague is entirely right. He has sensed, as he usually does, with great accuracy the merit in the suggestion of the Senator from Washington. Undoubtedly that is the proper thing to do, but that is just the thing that the plucking board do not do. It is undoubtedly the method that should be employed that those with the most demerit marks against them should fall first. But under the present system I do know it often shocks the men in the Navy beyond measure to see the character of men who are plucked.

I said a moment ago that before the House committee Admiral Knight made a statement and placed it upon the record that there were demerit marks against men who were available for retirement. Why were they not chosen? Will any Senator tell us why those with demerit marks to their credit were not chosen for decapitation instead of men of merit and faultless records?

Mr. PAGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Vermont?

Mr. SMITH of Michigan. With pleasure.

Mr. PAGE. The Senator has asked a question and I feel that I can not sit here without answering that question. In my judgment, if we are to have any board to pass upon these matters a more honorable, upright, high-minded board can not be selected than the admirals who have been placed in charge of this service. When a case was before the Committee on Naval Affairs I asked the question of the man who had been plucked, "In your judgment, sir, have the board been unfair?" "No, sir." "Have they been influenced by improper motives?" "No, sir." "Do you regard them as an upright, honorable, and high-minded set of men?" "I do emphatically. I think they have not fully considered my case."

I do not think we have a right to sit silently here to-night and hear that board of men denounced as they have been denounced, and I want to answer the Senator from Michigan by saying that, in my judgment, they are a good board of men. They can not perform the duty they are performing unless they injure, or apparently injure, some admiral or some officer. That officer goes to his Senator or to his Congressman and he points out to him his good record, and it no doubt oftentimes is good; but I believe that that board look up the case, and when they have performed their duty they have tried to select fairly, honorably, and uprightly, but most of all for the good of the service.

Mr. SMITH of Michigan. Mr. President, there is no difference between the Senator from Vermont and myself. He is talking about one board and I am talking about another. Unfortunately, those who would naturally be appointed on that board were off with our fleet at Vera Cruz, and the men who sat upon that board, in at least two instances, were men whose shore duty had been quite as consistent and extensive as the shore duty of the men whom they criticized. I am not finding fault with the board of a year ago and I have not referred to them. The only strictures I make upon this board are, as Admiral Knight told me himself, that the Navy had been weakened by the retirement of these men. If that is a slander, charge it up to him; do not charge it to me.

Mr. PAGE. But, if the Senator will permit me, that board performed their duty as they understood that duty should be performed. They may have made mistakes. I do not think you can appoint any board that would not in the plucking of officials here and there be condemned by the friends of those officials. But those men have tried to do right. I do not think there is a more honorable set of men in our whole country than the admirals of the Navy, who have performed a very unpleasant duty simply because they felt it their duty to their country to perform it.

Mr. SMITH of Michigan. They have too much power; they are too far removed from the merit system; they are uncontrolled absolutely by anybody. There is no appeal. They can exercise their will or their judgment or their caprice or their spite, if they have any, and most human beings have it. In this case I think their verdict is quite generally disapproved in the Navy and throughout the country. I have not heard anybody apologize for them or excuse them. I have heard it very roundly condemned. They chose the very best men they had for sacrifice and overlooked men whose records warranted careful scrutiny at least. I know it has got to be done by some one. Whenever the retirements by death or resignation fail to reach 40, they must be brought up to that number by an elimination of some kind. But I like the suggestion of my friend from Washington [Mr. POINDEXTER] that the basis of elimination shall be the record these men have made, and that really ought to be the system.

Mr. CLAPP. Mr. President——

Mr. SMITH of Michigan. I wish to make just one observation and then I will yield. The Senator from Virginia [Mr. SWANSON] said in committee the other day that he liked the merit system proposed by the Senator from Washington, but we can not whip it into form now; that the time is too short. If we repeal this law, it will certainly mean that there shall be no plucking board in June, and there will be no officers plucked in June. When we get back here and have an opportunity to study the question we may make a basis for the elimination of surplus officers that will be far more creditable to us than the basis upon which we are now acting.

Mr. PAGE. Mr. President, whether we ought or ought not to diminish the number of officers is not, to my mind, the great question before us to-night. To my mind it is unbelievable that a board of admirals of the United States Navy should act without an examination of the record, and I do not believe they have so acted.

Mr. SMITH of Michigan. If the Senator will look over the hearings before the House committee, which unanimously decided against the board, I think he will find sufficient testimony that they were not very thorough. That is all I have to say about that. The House committee unanimously decided that the board acted without information and without warrant.

Mr. CLAPP. Will the Senator pardon an interruption?

Mr. SMITH of Michigan. Certainly.

Mr. CLAPP. Independent of the decision of the House in any of these particular cases, is it not the fact that the board is required to strike out 15 names where the retirement does not exceed 40, regardless of whether there is a single man who is subject to demerit or has any marks or charges against him?

Mr. SMITH of Michigan. No; they may take any basis for elimination that they see fit.

Mr. CLAPP. Yes; but they must still strike out 15.

Mr. SMITH of Michigan. Certainly.

Mr. CLAPP. And if there are not officers there against whom marks exist they have got to take some other basis?

Mr. SMITH of Michigan. There is no doubt about that.

Mr. CLAPP. Is not that the inherent weakness and vice, if I may use that term, of the system itself?

Mr. SMITH of Michigan. It is.

Mr. CLAPP. That is my view of it. I would not be in favor of the suggestion of the Senator from Washington [Mr. POINDEXTER] as applied to any board. We should prescribe the rules under which the elimination should take place, and leave it to the Secretary of the Navy to carry into effect those rules.

Mr. SMITH of Michigan. That is perfectly satisfactory to me, and it was so when the Senator suggested it. I think that would be much fairer than the present system. That we have got to perpetuate a system which does work injustice and wrong and which is detrimental to the Navy is beyond my belief; and that this does work in that way no one denies.

Mr. CLAPP. And that at times it is inevitable that it should work in that way.

Mr. SMITH of Michigan. Yes; and it does work in that way.

Mr. CLAPP. Now, then, if we take a merit system or any system whereby we prescribe the rules, we shall not then need a board at all. It can be done by the Secretary of the Navy.

Mr. SMITH of Michigan. Is it not possible for us to agree upon some legislation of that character when we recognize that fact?

Mr. CLAPP. Oh, certainly; and I think it ought to be done.

Mr. SMITH of Michigan. No great harm is going to be done if we do not widen the breach between our necessities and the supply of officers we have. I see no harm to result from it.

Mr. CLAPP. I want to say, in regard to that board, that the testimony before the Senate Naval Committee always has been that there was no charge of any intended unfairness. The trouble is with the system. You can not get such a board as will not be subject to that criticism.

Mr. BRYAN rose.

Mr. SMITH of Michigan. Does the Senator from Florida desire to ask me a question, or is he taking the floor in his own right?

Mr. BRYAN. I desire to take the floor.

Mr. SMITH of Michigan. I yield the floor to my friend from Florida.

Mr. BRYAN. Mr. President, the Senator from Virginia [Mr. SWANSON] makes the statement that we are short 203 officers; that we need 203 more officers to man our ships. The senior Senator from Massachusetts [Mr. LODGE] pointed out that there were 534 men in the Navy performing shore duty, if there are any duties on shore for a naval officer. It occurs to me to inquire why not supply this need for 203 officers with the 534 that are now on shore?

Again, Mr. President, it is not accurate to say that we have 3,388 officers of the Navy. That is the personnel of the Navy; but the personnel of the Navy is made up of officers of the line, of staff officers, and of warrant officers. Of the officers of the line, there are but 1,878, and there are not 1,878 officers provided for in the personnel act. The personnel act, by section 7, provides for 18 rear admirals, 70 captains, 112 commanders, 170 lieutenant commanders, 300 lieutenants, and not more than 350 lieutenants of the junior grade and the ensigns in addition; and yet, reading from the list that the Senator from Virginia used to make up this enormous total of 3,388 naval officers, we find that there are additional numbers in the various grades.

There are 7 additional numbers in the grade of rear admiral; there are 20 in the grade of captain; there are 9 in the grade of commander; there are 36 in the grade of lieutenant commander; there are 51 in the grade of lieutenant; and 40 in the grade of lieutenant (junior grade), making 163 additional number officers.

Mr. President, it is all very easy to charge the plucking board with unfairness and injustice of every description; it is easy to say that the few men who have been plucked are the best officers in the Navy; it is easy to say that they ought to have been retained and that everybody else ought to have been retired. So far as I am concerned I was opposed to the repeal of the plucking board as constituted by section 9 of the personnel act. My vote in the Committee on Naval Affairs was to the effect that if the plucking board had to go I wanted to suggest something to take its place. If it has to go, I am in favor of the amendment, but surely enough consideration has not been given to this question, and enough consideration will not be given to it here to-night, in the midst of this hilarity, to determine what we ought to do with reference to this rather serious matter.

How did the personnel act originate? In the Spanish-American War, as has been stated here, the officers who had arrived at the highest grade were incapable of taking command of the fleet. We had to put the command of the battleships into the hands of the junior officers. They would rise to the highest grade, to the grade of rear admiral, and they would remain there until they had reached the retiring age.

Section 7 of the act of 1899 provides for 1,020 officers of the grade above ensign. Section 8 provides for voluntary retirement. Section 9 is for compulsory retirement. It is assumed that 40 men above the grade of ensign will quit the service each year. If they do not, then a board is established to make up the difference between the number that do retire voluntarily and the number of 40, provided that not more than 15 of such officers may be retired.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Ohio?

Mr. BRYAN. I do.

Mr. POMERENE. I understood the Senator from Florida to make the statement that it was presumed that there would be 40 retirements each year. Upon what fact is that presumption based?

Mr. BRYAN. It is based on the law. Section 8 provides for voluntary retirements.

Mr. POMERENE. I know; but what reason is there for saying that 40, rather than 35 or 75, should be retired?

Mr. BRYAN. The law fixes that number. I suppose if the law had said 35, somebody would have asked why not 40? It was assumed that that would be the number that would permit the required number of promotions.

Mr. President, the Senator from Washington has given notice that he will offer an amendment which would insert a provision that the board must consider efficiency, and discharge only the least efficient. The plucking board is not the only board. There are two other boards. There is the retirement board and there is the examining board. The question of efficiency, of mental equipment, of moral equipment, of physical ability, is taken into consideration by those boards. In fact, the examining board acts before a promotion is ever allowed to take place, and after officers are found to be fit physically and sound mentally, and the time for promotion arrives, their names are considered by the plucking board and a selection is made. The plucking board must select for retirement at least 15 officers from the various grades.

I do not care to take up the time of the Senate in arguing the question. The only case that was tried out thoroughly before the Committee on Naval Affairs developed the fact that an officer—a captain—was about to be made a rear admiral; that a new Secretary of the Navy, the present Secretary, had come in, and he said, "It occurs to me, as a landsman, that to learn a seagoing profession a man ought to go to sea," and he instructed the plucking board that he would not approve its recommendations for promotions unless the officers recommended had had adequate sea service.

The man who complained in the case referred to was one of four captains. Three were to be advanced and one was to be retired. Which one should the plucking board retire? I ask the Senate to determine which one of the four in the grade of captain it would have retired; and I will not mention any names. One of the four had a sea service of 2 years, 1 month, and 1 day; one had a sea service of 1 year, 5 months, and 11 days; one had a sea service of 2 years, 8 months, and 11 days; and the fourth had a sea service of 9 months and 15 days. Who ought to have been selected for retirement? This unfair board, this board that never considered the interests of the Navy, this board that, according to the Senator from Virginia, sits up nights to find out who is the best man in the service and then selects him for retirement, reached the absurd conclusion that the man who had only nine months' sea service ought to be retired.

The naval officer who appeared for the Secretary of the Navy explained thoroughly, and to my satisfaction, that if an officer wanted to go to sea, he never had any trouble in getting there; and he explained that in selecting the plucking board the department selected the commanders of the three fleets as a part of the board. That was the case made for this officer who wanted to be advanced, and yet a majority of the committee recommended that a bill in his behalf be passed.

Mr. President, if we adopt the amendment last reported, the same trouble will exist. There must be a way of arriving at the results desired; but I am so much in favor of that amendment, if we eliminate the plucking board, that I believe I will not dwell on the manner in which the same results would be attained. I am ready for a vote, but I did not want it to be understood that there were not available men to fill the 203 places which the Senator from Virginia said were vacant because of a lack of officers. That can not be so, because there are more than that number of men right here in the city of Washington, in the Capital of the Nation, on shore duty than are needed to fill the quota of our naval vessels.

As the Senator from Massachusetts has said, 534 of the 1,020 required by law are now doing shore duty. Is it unreasonable in the present Secretary of the Navy to say to an officer: "If you want to command a great battleship, costing millions of dollars, with the lives of thousands of men at stake, you must go to sea and learn how to command it or you will be retired. If you have wanted to stay on shore all your life up to now, we will give you a chance to stay on shore all the remainder of your life so far as the Navy is concerned."

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts to strike out the last clause of the committee amendment reported to the Senate.

Mr. SWANSON. I should like to say, Mr. President, that if that is stricken out, it means a continuance of the present board constituted under section 9 of the personnel act.

Mr. VARDAMAN. Let the amendment be stated.

The SECRETARY. It is proposed to strike out the following:

Section 9 of the naval personnel act of March 3, 1899, entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," be, and the same is hereby, repealed.

The PRESIDING OFFICER. The question is on the motion of the Senator from Massachusetts to strike out the part of the committee amendment which has just been read. Those in favor of the motion will say "aye"; those opposed, "no." The ayes seem to have it.

Mr. CLAPP. I ask for the yeas and nays.

Mr. SWANSON. I call for a division, Mr. President.

The PRESIDING OFFICER. A division is called for. As many as are in favor of striking out the provision will signify it by rising. [A pause.] As many as are opposed to striking out the provision will rise.

Mr. LEWIS. Mr. President, I am in a little uncertainty as to this matter. I understand a vote in the negative abolishes the plucking board. I want to put it out of existence, and I desire to vote in any way I can to accomplish that purpose.

Mr. NORRIS. Then the Senator need only vote in the negative.

Mr. SWANSON. Mr. President, so that there may be no misunderstanding, I will say that a vote for this motion means a vote to continue in power the board constituted under section 9 of the personnel act, while a vote in the negative is a vote to abolish it.

Mr. SMOOT. Mr. President, the Senator is out of order. The Senate was dividing.

The PRESIDING OFFICER. Those who are opposed will rise. [A pause.] The motion of the Senator from Massachusetts is carried.

Mr. POINDEXTER. I offer the following amendment.

Mr. CLAPP. I ask for the yeas and nays on the amendment just voted on.

Mr. BRYAN. Before that is done, let me ask the Senator from Virginia [Mr. SWANSON] if he will not allow the naval bill to be laid aside temporarily, so that I may move to take up the fortifications appropriation bill? He can proceed with the naval bill to-morrow.

Mr. SWANSON. I shall be willing to do that after the yeas and nays are ordered.

The PRESIDING OFFICER. The Senator from Minnesota demands the yeas and nays on the amendment proposed by the Senator from Massachusetts to the amendment reported by the committee.

The yeas and nays were ordered.

Mr. TOWNSEND. I move that the Senate take a recess until to-morrow at 11 o'clock.

Mr. BRYAN. Let me ask the Senator from Michigan to withhold the motion. I promised the chairman of the Committee on Appropriations to move to take up the fortifications bill. There is not a single amendment to it.

Mr. LODGE. It is a quarter to 11 o'clock now.

Mr. BRYAN. There has not been an amendment reported by the committee.

Mr. LIPPITT. I do not think the Senator ought to bring the bill up to-night.

Mr. BRYAN. I move that the Senate proceed to the consideration of the bill (H. R. 21491) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The PRESIDING OFFICER. The question is on the motion of the Senator from Florida.

Mr. SWANSON. Before that is put, I ask that the naval appropriation bill be temporarily laid aside.

The PRESIDING OFFICER. If there is no objection, the naval appropriation bill will be temporarily laid aside. The Chair hears none.

FORTIFICATIONS APPROPRIATIONS.

Mr. BRYAN. I now renew my motion that the Senate proceed to the consideration of the fortifications appropriation bill.

The PRESIDING OFFICER. The question now is on the motion of the Senator from Florida to proceed to the consideration of the fortifications appropriation bill.

Mr. LIPPITT. Mr. President, I do not think a bill can be laid aside when the yeas and nays have been ordered on an amendment.

Mr. NORRIS. Well, Mr. President, the Senator from Michigan [Mr. TOWNSEND] made a motion to take a recess.

Mr. TOWNSEND. Yes, Mr. President; I made that motion.

Mr. NORRIS. Why has not that motion been put? It was made before this other one. The Senator from Michigan made a motion to take a recess until to-morrow morning at 11 o'clock.

The PRESIDING OFFICER. The Chair was under the impression that he withdrew it.

Mr. BRYAN. Will not the Senator permit us to take up this bill? It will take only a short time.

Mr. TOWNSEND. I do not believe I will insist on the motion if the Senator wishes to take up the fortifications bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Florida.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 21491) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, which had been reported from the Committee on Appropriations without amendment.

The Secretary proceeded to read the bill, and read to line 14 on page 3, as follows:

Be it enacted, etc., That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available and to continue available until expended, namely:

FORTIFICATIONS AND OTHER WORKS OF DEFENSE.

ENGINEER DEPARTMENT.

For construction of gun and mortar batteries, $585,000.

The Secretary of War is authorized to grant to the Norfolk Southern Railroad Co., its successors and assigns, a perpetual right of way through the lands which have been or which may be acquired for fortification purposes at Cape Henry, Va., on such location as he may approve, in exchange for all of said company's lands and rights of way lying within the boundaries of the lands acquired or to be acquired for said fortification purposes: *Provided*, That the said railroad company may be reimbursed from appropriations which may be applicable to the construction of defenses at Cape Henry, Va., for the expense which may be imposed upon the said railroad company in changing the location of its tracks, stations, or other buildings and appurtenances from their present location on the said lands and rights of way of the said railroad company to the right of way hereinbefore authorized to be granted to the said company by the Secretary of War.

For modernizing older emplacements, $100,000.

For construction of fire-control stations and accessories, including purchase of lands and rights of way, purchase and installation of necessary lines and means of electrical communication, including telephones, dial and other telegraphs, wiring and all special instruments, apparatus, and materials, coast signal apparatus, and salaries of electrical experts, engineers, and other necessary employees connected with the use of coast artillery; purchase, manufacture, and test of range finders and other instruments for fire control at the fortifications, and the machinery necessary for their manufacture at the arsenals, $130,000.

For maintenance of Coast Artillery war-instruction matériel at Coast Artillery posts, including necessary material and labor therefor and for extra-duty pay to soldiers necessarily employed for periods not less than 10 days, $500.

For installation and replacement of electric-light and power plants at seacoast fortifications, $50,000.

For purchase and installation of searchlights for the defenses of our most important harbors, $150,000.

For protection, preservation, and repair of fortifications for which there may be no special appropriation available, and of structures for the torpedo defense of the United States and for maintaining channels for access to torpedo wharves, $200,000.

Mr. POINDEXTER. Mr. President, let me ask the Senator from Florida what is the total appropriation carried by this bill?

Mr. BRYAN. Six million and sixty thousand dollars.

Mr. POINDEXTER. It is for coast defenses, I believe?

Mr. BRYAN. Yes.

Mr. POINDEXTER. By the appropriation of this $6,060,000 will the coast defenses be improved at all over the present condition?

Mr. BRYAN. What does the Senator suppose we are making the appropriation for?

Mr. POINDEXTER. I am trying to find out what we are making it for.

Mr. BRYAN. That is what it is intended to do.

Mr. POINDEXTER. Is the Senator informed as to the correctness of the report, which has been more or less current, that the coast defenses are wholly inefficient as a defense of our seaports against an attack by modern guns such as foreign navies have?

Mr. BRYAN. It is wholly incorrect.

Mr. POINDEXTER. Is it the Senator's opinion that the guns that are mounted in the coast defenses for which this money is appropriated are capable of resisting attacks by modern battleships of foreign navies in case there should be such attacks?

If the Senator will pardon me, lest I should seem to be catechising the Senator from Florida, let me explain why I am asking him these questions. The reason is that in submitting this bill there was no statement whatever made as to the purposes of it or as to the present condition of the coast defenses of the country, for which these appropriations are intended.

Mr. BRYAN. Mr. President, I observe that the Senator from Washington has discovered that fact. However, I desire to say that it was not thought necessary to prepare a report, in view of the fact that there are no amendments to the House bill and, further, in view of the fact that there was a very full and complete report by the House committee; and anyone who desires information can easily find it in the 250 pages of hearings held by the House committee.

Mr. LODGE. Mr. President, will the Senator from Washington permit me to interrupt him?

Mr. POINDEXTER. I yield to the Senator from Massachusetts.

Mr. LODGE. Gen. Wotherspoon and Gen. Weaver, in a report to the Chief of Ordnance, recommended guns of larger caliber at Cape Henry, on the ground that the 12-inch guns which we have in our forts to-day are outranged by the guns now carried on the battleships of many powers. In other words, the battleships carry guns with which they can come and fire at those forts while remaining beyond the reach of the guns of the forts.

We have just had that exhibited. The allies attacked the forts in the Dardanelles. They shelled them at a range where the 12-inch guns of the Turkish forts could not reach them. They destroyed the forts, and to-night the news has just come, I am told, over the wires of the Associated Press, that they have forced the Dardanelles and are in the Sea of Marmora.

Mr. POINDEXTER. I am informed, Mr. President—I am not able to state it on my own personal knowledge, although I have the report on my desk in my office; but I had no idea that we would take up another appropriation bill at this hour of the night, or else I would have had it here—that the report of Admiral Beatty, who commanded the English cruisers in the battle in the North Sea fought only a short time ago with German cruisers, says that he began firing upon the German cruisers at a range of 18,000 yards; that he secured hits at 17,000 yards; that long before he came within such a distance as would be within the range of any of our guns provided by this appropriation bill the battle was over, and the German ships had been put out of action; one of them had been sunk, and the others had gotten within the area of the German mines.

I do not care to provoke a discussion of this entire matter to-night; but certainly, instead of simply being referred to a report of the House, we ought to have some information here on which the Senate can determine whether the country will derive any benefit from the expenditure of this money.

The Senator from Florida, in answer to the first question which I asked him, said that it was intended by this appropriation to put the coast defenses in better condition than they are at present. I should like to know in what way they would be put in better condition. Are we going to have better guns? Are we going to arrange the guns that we now have or supply them with ammunition so as to give them a better range or make them more effective than they are said to be now by the experts of the Army, who testified before the committee in the hearings to the effect that they are utterly helpless in the face of an attack by modern guns on board modern battleships?

Mr. BRYAN. Mr. President——

The PRESIDING OFFICER. The Senator from Florida.

Mr. BRYAN. I think, if the Senator will read the bill, he will see the purpose under each item. If the Senator wants to ask me the question, I think I can answer it.

In the first place, the War Department states that the fortifications bill is not intended to place batteries all along the coast upon the Atlantic and Pacific. The Senator knows, I assume, that the first board to consider the question of coast defenses was the board of 1883, known as the Endicott Board. It made its report and recommended an expenditure of about $159,000,000. About 20 years later, in 1906, another board, appointed by President Roosevelt, known as the Taft Board, made its report, which increased the expenditure by about $22,000,000 for continental United States. From year to year Congress has been appropriating money to carry out the plans that have been developed from 1883 down to date. I supposed that everybody who had ever voted upon a fortifications appropriation bill knew that that was its purpose.

The Secretary of War says that the work is now about 91 per cent finished, which would indicate that if the reports of the Endicott Board and the Taft Board are of any value, if the plans there advocated, if carried out, would be of any benefit to this country in time of trouble, they have been about 91 per cent completed.

Another thing pointed out by the Secretary of War and his force that appeared before the House committee, and that is shown in full detail in the hearings, is that for the protection of cities in the harbors where these fortifications are placed it is not always necessary to have guns that will shoot as far as the guns upon the modern battleships. I remember noticing in the hearings that the statement was made that the port of Boston could be easily protected by guns which had a range of only 12 miles.

Mr. POINDEXTER. Mr. President, if the port of Boston is attacked by guns which have a range of 14 miles, how is it going to be protected by guns that have a range of 12 miles?

Mr. BRYAN. Because until they are within 12 miles they can not get in position to attack the city of Boston.

Mr. POINDEXTER. Can they not come within 14 miles of the port of Boston? What is going to prevent them from coming into position?

Mr. BRYAN. Coming into position to attack the city? I have never been there, but I can very easily understand that various things might prevent it.

Mr. THOMAS. Submarines and mines.

Mr. BRYAN. For instance, while I do not know how far Boston is from the sea—take a city 20 miles up a river that had fortifications at the mouth of the river; it would not be necessary for those fortifications to have guns of as great capacity as the battleships that attacked the city.

Mr. NORRIS. Why not?

Mr. BRYAN. Because you could not hit the city 30 or 40 miles away.

Mr. NORRIS. Exactly; but you could first destroy the fortifications from a point so far away that the fortifications could not defend themselves, and then you could go up the river and take the city.

Mr. POINDEXTER. The Senator from Colorado [Mr. THOMAS] interjected a very interesting remark in answer to the question which I asked the Senator from Florida—that we would defend the city with submarines. If we defend it with submarines, and depend upon submarines for it, there is no occasion to expend this money for guns which have a range of only 12 miles, while the guns of the enemy have a range of 14 miles.

Mr. THOMAS. Why not spend it on submarines, then?

Mr. POINDEXTER. That would be far more logical than to spend it on inefficient guns, Mr. President.

This bill involves a question that has been under discussion before the country for a number of weeks. In view of the dispute over the coast defenses and the efficacy of the coast defenses and the lack of any information as to whether this bill provides any means of making them more efficient, I ask that it be allowed to go over until to-morrow.

Mr. KERN. Mr. President——

Mr. POINDEXTER. I yield to the Senator from Indiana.

Mr. KERN. I move that the Senate take a recess——

Mr. SHEPPARD. Will the Senator withhold the motion for just a moment?

Mr. KERN. Certainly.

Mr. SHEPPARD. I have two bridge bills here of urgent importance, one of which the Senator from West Virginia [Mr. CHILTON] is very much interested in.

Mr. KERN. I yield to the Senator from Texas for that purpose.

Mr. SHEPPARD. They are of very great importance.

Mr. SMOOT. What are the bills?

Mr. SHEPPARD. Two bridge bills.

Mr. SMOOT. I suggest that the Senator report them in the morning. It is nearly 11 o'clock, and we have been here for 12 hours.

Mr. SHEPPARD. Very well; I will withdraw them.

RECESS.

Mr. KERN. I move that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 10 o'clock and 55 minutes p. m., Thursday, February 25, 1915) the Senate took a recess until to-morrow, Friday, February 26, 1915, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate February 25 (legislative day of February 19), 1915.

COLLECTOR OF CUSTOMS.

George W. Acklin, of Pittsburgh, Pa., to be collector of customs for customs collection district No. 12, in place of Mahlon M. Garland, resigned.

COLLECTORS OF INTERNAL REVENUE.

John F. Haley, of Honolulu, Hawaii, to be collector of internal revenue for the district of Hawaii, in place of Charles A. Cottrill, superseded.

Benjamin F. Davis, of Lancaster, Pa., to be collector of internal revenue for the ninth district of Pennsylvania, in place of Fred C. Kirkendall, nominated for collector for the twelfth district.

UNITED STATES ATTORNEY.

Melville J. France, of Brooklyn, N. Y., to be United States attorney for the eastern district of New York, vice William J. Youngs, resigned.

UNITED STATES MARSHALS.

Samuel J. Burris, of Pueblo, Colo., to be United States marshal for the district of Colorado, vice Dewey C. Bailey, whose term will expire March 2, 1915.

Michael Devanney, of Cincinnati, Ohio, to be United States marshal for the southern district of Ohio, vice Eugene L. Lewis, whose term has expired.

William R. Bennett, of San Juan, P. R., to be United States marshal for the district of Porto Rico, vice Harry S. Hubbard, whose term has expired.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

First Lieut. Charles Abel, Fifteenth Infantry, to be captain from February 12, 1915, vice Capt. John E. Woodward, unassigned, promoted.

First Lieut. Walter E. Gunster, Eighteenth Infantry, to be captain from February 13, 1915, vice Capt. James T. Moore, Twenty-seventh Infantry, promoted.

Second Lieut. Harry B. Crea, Twenty-fourth Infantry, to be first lieutenant from February 12, 1915, vice First Lieut. Charles Abel, Fifteenth Infantry, promoted.

Second Lieut. Robert C. Cotton, Twentieth Infantry, to be first lieutenant from February 13, 1915, vice First Lieut. Walter E. Gunster, Eighteenth Infantry, promoted.

APPOINTMENT, BY TRANSFER, IN THE ARMY.

Second Lieut. John Kennard, Twelfth Infantry, to be second lieutenant of Cavalry, with rank from June 13, 1914.

PROMOTIONS IN THE NAVY.

Lieut. Edward J. Marquart to be a lieutenant commander in the Navy from the 11th day of December, 1914.

Lieut. (Junior Grade) John H. Hoover to be a lieutenant in the Navy from the 29th day of October, 1914.

Ensign Archibald McGlasson to be a lieutenant (junior grade) in the Navy from the 5th day of June, 1914.

Lieut. William L. Pryor to be a lieutenant commander in the Navy from the 10th day of July, 1914.

Lieut. (Junior Grade) Louis H. Maxfield to be a lieutenant in the Navy from the 5th day of November, 1914.

Ensign Joseph M. Deem to be a lieutenant (junior grade) in the Navy from the 5th day of June, 1914.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 25 (legislative day of February 19), 1915.

COLLECTOR OF INTERNAL REVENUE.

Fred C. Kirkendall to be collector of internal revenue for the twelfth district of Pennsylvania.

POSTMASTERS.

ALABAMA.

S. D. Fulford, Georgiani.

CALIFORNIA.

Alexander P. Bettersworth, Elk Grove.
Corinne Dolcini, Guadalupe.
C. H. Gallagher, Sebastopol.
Ruth D. Kilgore, Colusa.
C. E. Lilly, Santa Cruz.
Phillippe P. Roche, Fillmore.
Clarence Tynan, Salinas.

CONNECTICUT.

Daniel P. Hurley, Terryville.
Joseph F. Leahy, Stonington.
John J. Moran, Southington.
John Mulville, Norfolk.
John P. Murphy, Norwich.
Thomas S. Rourke, Unionville.
Edward R. Wooster, Bridgewater.

FLORIDA.

James M. Miller, Bonifay.

GEORGIA.

Kate W. Kirkpatrick, Decatur.

INDIANA.

Verado W. Bigney, Sunman.
Peter F. Hein, Crown Point.
Marley Kendall, Dana.

IOWA.

Frank C. Siebengartner, Bettendorf.
W. C. Swigart, Maquoketa.
Louis A. Wiweke, Cherokee.

KANSAS.

George Harman, Valley Falls.
Isaac N. Richardson, Delphos.
E. E. Scott, Council Grove.

KENTUCKY.

David L. May, Elizabethtown.
O. C. Quirey, Sturgis.

LOUISIANA.

J. M. Callaway, Jonesboro.
Teakle W. Dardenne, Plaquemine.
Kate Gilbert, Farmerville.
Lee Kiblinger, Jackson.
Maydie Nichols, South Mansfield.

MARYLAND.

Joseph P. Getty, Western Port.
W. G. Musgrove, Brunswick.
J. A. Williamson, Frederick.

MICHIGAN.

Arthur L. Francis, Portland.
Chauncey Hummel, Chelsea.
Ellis T. Jermin, Ewen.
Charles A. Lahser, Redford.
Levi S. Rice, Bessemer.
Judson E. Richardson, Evart.
William O'Riley, Hudson.
Jacob Steffes, Lake Linden.
Peter Van Lopik, Grand Haven.

MINNESOTA.

Isaac I. Bargen, Mountain Lake.
Clarence O. Madson, Halstad.

MISSISSIPPI.

Robert Burns, Brandon.
Willie Herring, Bude.
Rose Walley, Richton.

MISSOURI.

George C. Bean, Illmo.
Patrick H. Kidwell, Versailles.
Stephen B. Rogers, Cainesville.
Alva S. Wells, Wyaconda.
George T. Barker, Everton.

MONTANA.

Presley L. Herring, Glasgow.
A. R. McDonald, Whitehall.

NEW JERSEY.

Fred P. Crater, Gladstone.
Matt. Ely, Jersey City.
Frank McMurtry, Mendham.
Bayard C. Stavely, Haddonfield.
Walter S. Terrell, Chatham.

NORTH CAROLINA.

Lacy M. Clark, Raeford.
M. W. Cranford, Davidson.
Rosse D. Edgerton, Kenly.
Samuel S. Gay, Nashville.

OHIO.

Roy E. Faber, Rittman.
Edward L. Hauser, Girard.
Robert E. Jennings, West Milton.

OKLAHOMA.

Edgar R. Christopher, Lone Wolf.
Calvin R. Lockhart, Dustin.

SOUTH DAKOTA.

V. M. Dalthorp, Volga.
G. F. Davis, Estelline.
John T. McCullen, Miller.
H. H. Swift, Arlington.

TEXAS.

Lloyd E. Lockhart, Van Horn.
Georgia B. Welch, Corpus Christi.
George D. Zivley, Lampasas.

WASHINGTON.

Constance C. Clark, Montesano.
Nelson Murray, Roy.
Hugh A. Nolan, Everett.

WYOMING.

A. W. Coons, Basin.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 25, 1915.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We thank Thee, our Father in heaven, for that germ of divinity with which Thou hast endowed us, which makes us children of the living God, immortal souls. Help us with keen appreciation to strive earnestly to develop the God-giving quality of our being until we all come unto the measure of the stature of the fullness of Christ, and thus be worthy of such preferment; and everlasting praise be Thine, in His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

DISPOSITION OF THE PUBLIC LANDS.

Mr. NORTON. Mr. Speaker, I ask unanimous consent to print in the RECORD a concurrent resolution of the North Dakota Legislature directed to Congress.

The SPEAKER. The gentleman from North Dakota asks unanimous consent to print in the RECORD a resolution passed by the Legislature of North Dakota directed to Congress. Is there objection?

Mr. STAFFORD. Reserving the right to object, I wish to inquire of the gentleman whether this is the same resolution that was presented by his colleague, Mr. YOUNG? I notice that the gentlemen from North Dakota are presenting these resolutions frequently for incorporation in the RECORD. The other day his colleague, Mr. YOUNG, asked unanimous consent to extend his remarks in the RECORD by incorporating a resolution. It is not customary to have these resolutions incorporated in the body of the RECORD.

Mr. NORTON. As far as my knowledge is concerned, this resolution has not been printed in the RECORD. It is a resolution pertaining to the public lands.

Mr. STAFFORD. The fact is that a few years ago the legislature of my State, when it had nothing else to do, would pass resolutions on subjects that it knew nothing about, and we received something like 15 in one session. We did not then spread them upon the RECORD, but filed them away and let them lie dormant in the pigeonhole.

Mr. FERRIS. Is the gentleman speaking of his own State of Wisconsin?

Mr. STAFFORD. I said it was my own State. I will not object to this request, but I think it is a bad practice.

The SPEAKER. Is there objection?

There was no objection.

The resolution is as follows:

STATE OF NORTH DAKOTA,
DEPARTMENT OF STATE.

I, Thomas Hall, secretary of state of the State of North Dakota, and keeper of the great seal thereof, hereby certify that the attached is a true and correct copy of a certain concurrent resolution adopted by the Fourteenth Legislative Assembly of the State of North Dakota, and the whole of such resolution.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State at the capitol, in the city of Bismarck, this 16th day of February, A. D. 1915.

[SEAL.]

THOMAS HALL,
Secretary of State.

A concurrent resolution (Turner).

Whereas when North Dakota was admitted to statehood the State was given for State institutions by the Federal Government lands aggregating 500,000 acres. This land was divided among the various State institutions, and as these lands are sold the moneys derived from them go into a permament fund, the income of which is used, and shall be used, for the maintenance and support of the institution for which these lands stand as an endowment; and

Whereas there is in North Dakota to-day about 700,000 acres of vacant Government land remaining, much of which is subject to the 320-acre homestead, and may be subject to a homestead entry of 640 acres, provided a bill now before Congress shall be enacted into law; and

Whereas if this shall be done, the remaining public lands in North Dakota will only provide a little over 1,000 homesteads; and

Whereas if Congress should enact a law giving to every public-land State 500,000 acres of the remaining vacant public lands in the various public-land States, thereby benefiting all of the people of those States, and in a way in which and by which they would derive a much greater benefit than were the lands open for homesteads to a few: Now therefore be it

Resolved by the House of Representatives of the State of North Dakota (the Senate concurring), That we respectfully request and petition the Congress of the United States, through our Senators and Representatives of Congress, that a law be enacted so that the States receiving these public lands shall be authorized, through their legislatures, to distribute the lands so given between the penal, charitable, and educational institutions of the State; but provided that one-fifth of the lands so given shall be set aside by the legislature as an endowment fund, the interest from which, when the lands shall have been sold, to be used for the purpose of building roads and bridges in the various States.

A. P. HANSON,
Speaker of the House.
ALBERT N. WOLD,
Chief Clerk of the House.
J. H. FRAINE,
President of the Senate.
M. J. GEORGE,
Secretary of the Senate.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 19906) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1916, and for other purposes, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested.

S. J. Res. 238. Joint resolution giving authority to the Commissioners of the District of Columbia to make special regulations for the occasion of the forty-ninth national encampment of the Grand Army of the Republic, to be held in the District of Columbia in the months of September and October, 1915, and for other purposes incident to said encampment.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 16305. An act to reimburse Henry Weaver, postmaster at Delmar, Ala., for money and stamps stolen from said post office at Delmar and repaid by him to the Post Office Department;

H. R. 17424. An act for the relief of Hunton Allen; and

H. R. 17842. An act for the relief of George Richardson.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19422) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1916, and for other purposes, had further insisted upon its amendments and asked a further conference with the House, and had appointed Mr. SMITH of Maryland, Mr. LEA of Tennessee, and Mr. GALLINGER as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6493. An act for the appointment of an additional judge in the fifth judicial circuit of the United States;

S. 7509. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 7566. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent relatives of such soldiers and sailors;

S. 7597. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; and

S. 7598. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the President had approved and signed bills and joint resolution of the following titles:

On February 23, 1915:

S. J. Res. 187. Joint resolution requesting the President of the United States to invite foreign Governments to participate in the International Congress on Education;

S. 604. An act for the relief of Sarah A. Clinton and Marie Steinberg;

S. 926. An act for the relief of the Georgia Railroad & Banking Co.;

S. 1880. An act for the relief of Chester D. Swift;

S. 3419. An act admitting to citizenship and fully naturalizing George Edward Lerrigo, of the city of Topeka, in the State of Kansas;

S. 3925. An act for the relief of Teresa Girelami;

S. 5092. An act for the relief of Charles A. Spotts;

S. 5254. An act authorizing the Secretary of the Interior in his discretion to sell and convey a certain tract of land to the Mandan Town and Country Club;

S. 5449. An act to make Pembina, N. Dak., a port through which merchandise may be imported for transportation without appraisement;

S. 5497. An act authorizing the issuance of patent to Arthur J. Floyd for section 31, township 22 north, range 22 west of the sixth principal meridian, in the State of Nebraska; and

S. 5990. An act to authorize the sale and issuance of patent for certain land to William G. Kerckhoff.

On February 24, 1915:

S. 2334. An act for the relief of S. W. Langhorne and the legal representatives of H. S. Howell;

S. 4146. An act granting certain lands to school district No. 44, Chelan County, Wash.; and

S. 2335. An act to provide for the register and enrollment of vessels built in foreign countries when such vessels have been wrecked on the coasts of the United States or her possessions or adjacent waters and salved by American citizens and repaired in American shipyards.

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 7509. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; to the Committee on Pensions.

S. 7566. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

S. 7597. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; to the Committee on Pensions.

S. 7598. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

S. J. Res. 238. Joint resolution giving authority to the Commissioners of the District of Columbia to make special regulations for the occasion of the forty-ninth national encampment of the Grand Army of the Republic, to be held in the District of Columbia in the months of September and October, 1915, and for other purposes incident to said encampment; to the Committee on the District of Columbia.

ENROLLED BILLS SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 16305. An act to reimburse Henry Weaver, postmaster at Delmar, Ala., for money and stamps stolen from said post office at Delmar and repaid by him to the Post Office Department; and

H. R. 17424. An act for the relief of Hunton Allen.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. STEVENS of Minnesota was given leave to withdraw from the files of the House without leaving copies papers in the following cases, no adverse reports having been made thereon;

Bill for the relief of Lydia Mahoney, H. R. 3294, Sixty-third Congress, first session;

Bill for the relief of Herman W. Reichow, H. R. 3298, Sixty-third Congress; and

Bill for the relief of Ole Hamrey, H. R. 3291, Sixty-third Congress, first session.

GENERAL DEFICIENCY BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 21546, the general deficiency bill, and pending that I wish to inquire if we can agree on time for general debate.

Mr. GILLETT. I have requests for three hours of general debate on this side which I should be glad to grant.

Mr. LEWIS of Pennsylvania. Pending that, Mr. Speaker, I have a request to make. I want to rise to a question of personal privilege for about one minute.

The SPEAKER. The Chair will recognize the gentleman from Pennsylvania later.

Mr. FITZGERALD. We can not agree to six hours' general debate.

Mr. GILLETT. Can the gentleman from New York give me some of his time?

Mr. FITZGERALD. If the gentleman will make it four hours, I will give him three or four minutes of my time. [Laughter.]

Mr. GILLETT. This is the last appropriation bill upon which there will be general debate.

Mr. FITZGERALD. Yes; and it is the last parasang in the journey. There will be conference reports coming in. If gentlemen on that side wish to indulge in harmless talk, I can arrange to accommodate them with time; but if they want to indulge in unjustifiable talk, we will have to use the time ourselves. It all depends on how gentlemen behave whether I give them any of my time or not.

Mr. ALEXANDER. Mr. Speaker, reserving the right to object to the request of the gentleman from New York, I want to make this statement: The conference report on the seamen's bill was filed yesterday and was ordered printed. It is here, and I desire to call that up and have it acted upon as soon as possible, as we want the bill to become a law before the end of the session. We are to act on it first in the House, and I would like to have it acted on to-day. For that reason I hope that debate on this bill will not be unduly prolonged.

Mr. FITZGERALD. I think four hours for general debate is sufficient.

Mr. ALEXANDER. If we do not act on it to-day or to-morrow, I fear it will be too late.

Mr. MANN. Why do we not dispose of it now?

Mr. ALEXANDER. I would be glad to do so unless there is to be prolonged debate upon it.

Mr. FITZGERALD. If we can get started on the general deficiency bill, I will move to rise at half past 4 o'clock in order to take up the seamen's bill.

The SPEAKER. The Chair will inquire of the gentleman from Missouri how long it will take to act upon the conference report?

Mr. ALEXANDER. I am not sure. I know that no member of the committee desires to discuss it at length. I am not informed whether there will be any opposition to the report or not.

Mr. HUMPHREY of Washington. Mr. Speaker, I want to state that I want some time on the conference report on the seamen's bill.

Mr. ALEXANDER. How much?

Mr. HUMPHREY of Washington. Not less than 30 minutes.

Mr. MOORE. And I would like to have some time on the seamen's bill.

Mr. FITZGERALD. I will ask unanimous consent that general debate on the general deficiency bill be limited to four hours, one-half to be controlled by the gentleman from Massachusetts and one-half by myself, and if that request is granted I shall withdraw the motion to go into Committee of the Whole House on the state of the Union at this time to enable the gentleman from Missouri to proceed with the conference report at once.

Mr. MANN. Can not the gentleman make it four hours and a quarter?

Mr. GILLETT. Will the gentleman from New York give me some of his time?

Mr. FITZGERALD. I will give the gentleman from Massachusetts one-quarter of an hour.

Mr. GILLETT. That is two hours and a quarter for this side and one hour and three quarters for the other side.

Mr. FITZGERALD. Yes; I will yield the gentleman 15 minutes.

The SPEAKER. Pending the motion to go into Committee of the Whole House on the state of the Union, the gentleman from New York asks unanimous consent that general debate on the deficiency bill be limited to four hours, two hours to be controlled by himself and two hours by the gentleman from Massachusetts [Mr. GILLETT]. Is there objection?

Mr. MOORE. Mr. Speaker, reserving the right to object, is the request of the gentleman from Missouri [Mr. ALEXANDER] coupled with this request?

The SPEAKER. It is not; but the gentleman from New York has stated that as soon as he obtains this agreement he will yield the floor to the gentleman from Missouri [Mr. ALEXANDER] to call up the conference report.

Mr. STAFFORD. Mr. Speaker, I have just sent to the document room for a copy of the seamen's bill, and I have been advised that copies are not available at this time. I have a copy of the conference report, but I have no copy of the bill.

Mr. FITZGERALD. I suggest that I can go on until 1 o'clock.

Mr. GILLETT. The bill is here.

Mr. MANN. I understand the bill was printed a month ago.

The SPEAKER. The Chair understands a copy of the bill is here. Does the gentleman from New York desire to go on with the deficiency appropriation bill?

Mr. FITZGERALD. If the gentleman from Missouri makes his motion, I shall not raise the question. I understand the gentleman from Missouri desires to call up the conference report on the seamen's bill.

The SPEAKER. Does the gentleman from Missouri intend to call up that conference report at this time?

Mr. ALEXANDER. Yes, Mr. Speaker. I understand the conference report is here.

Mr. MANN. The papers should be on the Clerk's desk.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none, and it is so ordered.

QUESTION OF PERSONAL PRIVILEGE.

Mr. LEWIS of Maryland. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. LEWIS of Maryland. Mr. Speaker, in the Post Office appropriation bill of the Sixty-second Congress, in what is known as the parcel-post section, a provision was inserted providing for a joint committee of the House and Senate to make inquiry into the subject of a general parcel post and all matters relating thereto. On the part of the House the Speaker appointed the gentleman from South Carolina, Mr. Finley, the gentleman from New Jersey, Mr. Gardner, and myself, and on the part of the Senate three Members of that body were appointed. The legal authority of that committee to act expired in December of last year. The committee itself never held a meeting, except one lasting about half an hour, at which time the Senator from Kansas, Mr. BRISTOW, was elected chairman. Despite the fact that the committee held no meetings whatever and had no consultations whatever, the chairman of the committee prepared a report, which the two members of the committee on the part of the Senate latterly signed, which has been issued since the date of the expiration of the power of the committee itself. The members on the part of the House have not joined in that report, and they have declined to do so, because no consideration of the subject by the committee had been had and the committee was without legal authority, in their judgment, to issue such a report. Mr. Speaker, in my judgment the issuing of the report under these circumstances was a breach of the rules of this House, and the report ought not to be received by the House.

I wish now to ask unanimous consent to extend my remarks in the RECORD for the purpose of dealing with the subject of the report so made.

The SPEAKER. The gentleman from Maryland asks unanimous consent to extend his remarks in the RECORD on the subject about which he has spoken in the manner indicated. Is there objection?

There was no objection.

THE MERCHANT MARINE.

Mr. ALEXANDER. Mr. Speaker, I call up the conference report on the bill (S. 136) to promote the welfare of American seamen in the merchant marine of the United States, to abolish arrest and imprisonment as a penalty for desertion and to secure the abrogation of treaty provisions in relation thereto, and to promote safety at sea, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Missouri calls up the conference report on the seamen's bill, and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. HUMPHREY of Washington. Mr. Speaker, reserving the right to object, I want to know whether we can arrange some time for debate?

Mr. ALEXANDER. I am entitled to an hour. How much time does the gentleman from Washington desire?

Mr. HUMPHREY of Washington. Mr. Speaker, I would like to have 30 minutes.

Mr. MOORE. Mr. Speaker, I shall want some time, if the gentleman can arrange it.

Mr. ALEXANDER. How much time does the gentleman from Pennsylvania desire?

Mr. MOORE. About 15 minutes.

Mr. ALEXANDER. That would be 45 minutes. Does anyone else desire any time?

Mr. MANN. The gentleman from Kansas [Mr. MURDOCK] says that the gentleman from Washington [Mr. BRYAN] wanted 2 or 3 minutes. I suppose he can obtain those from the gentleman from Missouri?

Mr. ALEXANDER. Yes. Does the gentleman from Massachusetts [Mr. GREENE] desire any time?

Mr. GREENE of Massachusetts. I do not.

Mr. ALEXANDER. Mr. Speaker, I would suggest, then, that the time be limited to an hour and a half, and in that connection I ask unanimous consent that those who speak on the bill may have leave to revise and extend their remarks in the RECORD.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the debate on the conference report be limited to an hour and a half, one half to be controlled by himself and the other half——

Mr. ALEXANDER. By the gentleman from Massachusetts [Mr. GREENE].

The SPEAKER. And the other half by the gentleman from Massachusetts [Mr. GREENE], and that all gentlemen who speak shall have the right to extend their remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. Is there objection to the request of the gentleman from Missouri that the statement of the managers on the part of the House be read in lieu of the report? [After a pause.] The Chair hears none, and the Clerk will read the statement.

The conference report is as follows:

CONFERENCE REPORT (NO. 1439).

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 136, "An act to promote the welfare of American seamen in the merchant marine of the United States, to abolish arrest and imprisonment as a penalty for desertion and to secure the abrogation of treaty provisions in relation thereto, and to promote safety at sea," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed by the House insert the following:

That section 4516 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4516. In case of desertion or casualty resulting in the loss of one or more of the seamen, the master must ship, if obtainable, a number equal to the number of those whose services he has been deprived of by desertion or casualty, who must be of the same or higher grade or rating with those whose places they fill, and report the same to the United States consul at the first port at which he shall arrive, without incurring the penalty prescribed by the two preceding sections. This section shall not apply to fishing or whaling vessels or yachts."

SEC. 2. That in all merchant vessels of the United States of more than 100 tons gross, excepting those navigating rivers, harbors, bays, or sounds exclusively, the sailors shall, while at sea, be divided into at least two and the firemen, oilers, and water tenders into at least three watches, which shall be kept on duty successively for the performance of ordinary work incident to the sailing and management of the vessel. The seamen shall not be shipped to work alternately in the fireroom and on deck, nor shall those shipped for deck duty be required to work in the fireroom, or vice versa; but these provisions shall not limit either the authority of the master or other officer or the obedience of the seamen when, in the judgment of the master or other officer, the whole or any part of the crew are needed for the maneuvering of the vessel or the performance of work necessary for the safety of the vessel or her cargo, or for the saving of life aboard other vessels in jeopardy, or when in port or at sea from requiring the whole or any part of the crew to participate in the performance of fire, lifeboat, and other drills. While such vessel is in a safe harbor no seaman shall be required to do any unnecessary work on Sundays or the following-named days: New Year's Day, the Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day, but this shall not prevent the dispatch of a vessel on regular schedule or when ready to proceed on her voyage. And at all times while such vessel is in a safe harbor, nine hours, inclusive of the anchor watch, shall constitute a day's work. Whenever the master of any vessel shall fail to comply with this section, the seamen shall be entitled to discharge from such vessel and to receive the wages earned. But this section shall not apply to fishing or whaling vessels, or yachts.

SEC. 3. That section 4529 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4529. The master or owner of any vessel making coasting voyages shall pay to every seaman his wages within two

days after the termination of the agreement under which he was shipped, or at the time such seaman is discharged, whichever first happens; and in case of vessels making foreign voyages, or from a port on the Atlantic to a port on the Pacific, or vice versa, within 24 hours after the cargo has been discharged, or within four days after the seaman has been discharged, whichever first happens; and in all cases the seaman shall be entitled to be paid at the time of his discharge on account of wages a sum equal to one-third part of the balance due him. Every master or owner who refusese or neglects to make payment in the manner hereinbefore mentioned without sufficient cause shall pay to the seaman a sum equal to two days' pay for each and every day during which payment is delayed beyond the respective periods, which sum shall be recoverable as wages in any claim made before the court; but this section shall not apply to masters or owners of any vessel the seamen of which are entitled to share in the profits of the cruise or voyage."

SEC. 4. That section 4530 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4530. Every seaman on a vessel of the United States shall be entitled to receive on demand from the master of the vessel to which he belongs one-half part of the wages which he shall have then earned at every port where such vessel, after the voyage has been commenced, shall load or deliver cargo before the voyage is ended and all stipulations in the contract to the contrary shall be void: *Provided*, Such a demand shall not be made before the expiration of nor oftener than once in five days. Any failure on the part of the master to comply with this demand shall release the seaman from his contract and he shall be entitled to full payment of wages earned. And when the voyage is ended every such seaman shall be entitled to the remainder of the wages which shall then be due him, as provided in section 4529 of the Revised Statutes: *Provided further*, That notwithstanding any release signed by any seaman under section 4552 of the Revised Statutes any court having jurisdiction may upon good cause shown set aside such release and take such action as justice shall require: *And provided further*, That this section shall apply to seamen on foreign vessels while in harbors of the United States, and the courts of the United States shall be open to such seamen for its enforcement."

SEC. 5. That section 4559 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4559. Upon a complaint in writing, signed by the first and second officers or a majority of the crew of any vessel, while in a foreign port, that such vessel is in an unsuitable condition to go to sea because she is leaky or insufficiently supplied with sails, rigging, anchors, or any other equipment, or that the crew is insufficient to man her, or that her provisions, stores, and supplies are not or have not been during the voyage sufficient or wholesome, thereupon, in any of these or like cases the consul or a commercial agent who may discharge any of the duties of a consul shall cause to be appointed three persons of like qualifications with those described in section 4557, who shall proceed to examine into the cause of complaint and who shall proceed and be governed in all their proceedings as provided by said section."

SEC. 6. That section 2 of the act entitled "An act to amend the laws relating to navigation," approved March 3, 1897, be, and is hereby, amended to read as follows:

"SEC. 2. That on all merchant vessels of the United States the construction of which shall be begun after the passage of this act, except yachts, pilot boats, or vessels of less than 100 tons register, every place appropriated to the crew of the vessel shall have a space of not less than 120 cubic feet and not less than 16 square feet, measured on the floor or deck of that place, for each seaman or apprentice lodged therein, and each seaman shall have a separate berth and not more than one berth shall be placed one above another; such place or lodging shall be securely constructed, properly lighted, drained, heated, and ventilated, properly protected from weather and sea, and, as far as practicable, properly shut off and protected from the effluvium of cargo or bilge water. And every such crew space shall be kept free from goods or stores not being the personal property of the crew occupying said place in use during the voyage.

"That in addition to the space allotment for lodgings hereinbefore provided, on all merchant vessels of the United States which in the ordinary course of their trade make voyages of more than three days' duration between ports, and which carry a crew of 12 or more seamen, there shall be constructed a compartment, suitably separated from other spaces, for hospital purposes, and such compartment shall have at least one bunk for every 12 seamen constituting her crew, provided that not more than six bunks shall be required in any case.

"Every steamboat of the United States plying upon the Mississippi River or its tributaries shall furnish an appropriate place for the crew, which shall conform to the requirements of this section, so far as they are applicable thereto, by providing sleeping room in the engine room of such steamboat, properly protected from the cold, wind, and rain by means of suitable awnings or screens on either side of the guards or sides and forward, reaching from the boiler deck to the lower or main deck, under the direction and approval of the Supervising Inspector General of Steam Vessels, and shall be properly heated.

"All merchant vessels of the United States the construction of which shall be begun after the passage of this act having more than 10 men on deck must have at least one light, clean, and properly ventilated washing place. There shall be provided at least one washing outfit for every two men of the watch. The washing place shall be properly heated. A separate washing place shall be provided for the fireroom and engine-room men, if their number exceed 10, which shall be large enough to accommodate at least one-sixth of them at the same time, and have hot and cold water supply and a sufficient number of washbasins, sinks, and shower baths.

"Any failure to comply with this section shall subject the owner or owners of such vessel to a penalty of not less than $50 nor more than $500: *Provided*, That forecastles shall be fumigated at such intervals as may be provided by regulations to be issued by the Surgeon General of the Public Health Service, with the approval of the Department of Commerce, and shall have at least two exits, one of which may be used in emergencies."

SEC. 7. That section 4596 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4596. Whenever any seaman who has been lawfully engaged or any apprentice to the sea service commits any of the following offenses, he shall be punished as follows:

"First. For desertion, by forfeiture of all or any part of the clothes or effects he leaves on board and of all or any part of the wages or emoluments which he has then earned.

"Second. For neglecting or refusing without reasonable cause to join his vessel or to proceed to sea in his vessel, or for absence without leave at any time within 24 hours of the vessel's sailing from any port, either at the commencement or during the progress of the voyage, or for absence at any time without leave and without sufficient reason from his vessel and from his duty, not amounting to desertion, by forfeiture from his wages of not more than two days' pay or sufficient to defray any expenses which shall have been properly incurred in hiring a substitute.

"Third. For quitting the vessel without leave, after her arrival at the port of her delivery and before she is placed in security, by forfeiture from his wages of not more than one month's pay.

"Fourth. For willful disobedience to any lawful command at sea, by being, at the option of the master, placed in irons until such disobedience shall cease, and upon arrival in port by forfeiture from his wages of not more than four days' pay, or, at the discretion of the court, by imprisonment for not more than one month.

"Fifth. For continued willful disobedience to lawful command or continued willful neglect of duty at sea, by being, at the option of the master, placed in irons, on bread and water, with full rations every fifth day, until such disobedience shall cease, and upon arrival in port by forfeiture, for every 24 hours' continuance of such disobedience or neglect, of a sum of not more than 12 days' pay, or by imprisonment for not more than three months, at the discretion of the court.

"Sixth. For assaulting any master or mate, by imprisonment for not more than two years.

"Seventh. For willfully damaging the vessel, or embezzling or willfully damaging any of the stores or cargo, by forfeiture out of his wages of a sum equal in amount to the loss thereby sustained, and also, at the discretion of the court, by imprisonment for not more than 12 months.

"Eighth. For any act of smuggling for which he is convicted and whereby loss or damage is occasioned to the master or owner, he shall be liable to pay such master or owner such a sum as is sufficient to reimburse the master or owner for such loss or damage, and the whole or any part of his wages may be retained in satisfaction or on account of such liability, and he shall be liable to imprisonment for a period of not more than 12 months."

SEC. 8. That section 4600 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4600. It shall be the duty of all consular officers to discountenance insubordination by every means in their power and, where the local authorities can be usefully employed for that

purpose, to lend their aid and use their exertions to that end in the most effectual manner. In all cases where seamen or officers are accused, the consular officer shall inquire into the facts and proceed as provided in section 4583 of the Revised Statutes; and the officer discharging such seaman shall enter upon the crew list and shipping articles and official log the cause of such discharge and the particulars in which the cruel or unusual treatment consisted and subscribe his name thereto officially. He shall read the entry made in the official log to the master, and his reply thereto, if any, shall likewise be entered and subscribed in the same manner."

SEC. 9. That section 4611 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4611. Flogging and all other forms of corporal punishment are hereby prohibited on board of any vessel, and no form of corporal punishment on board of any vessel shall be deemed justifiable, and any master or other officer thereof who shall violate the aforesaid provisions of this section, or either thereof, shall be deemed guilty of a misdemeanor, punishable by imprisonment for not less than three months nor more than two years. Whenever any officer other than the master of such vessel shall violate any provision of this section, it shall be the duty of such master to surrender such officer to the proper authorities as soon as practicable, provided he has actual knowledge of the misdemeanor, or complaint thereof is made within three days after reaching port. Any failure on the part of such master to use due diligence to comply herewith, which failure shall result in the escape of such officer, shall render the master or vessel or the owner of the vessel liable in damages for such flogging or corporal punishment to the person illegally punished by such officer."

SEC. 10. That section 23 of the act entitled "An act to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce," approved December 21, 1898, be, and is hereby, amended as regards the items of water and butter, so that in lieu of a daily requirement of 4 quarts of water there shall be a requirement of 5 quarts of water every day, and in lieu of a daily requirement of 1 ounce of butter there shall be a requirement of 2 ounces of butter every day.

SEC. 11. That section 24 of the act entitled "An act to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce," approved December 21, 1898, be, and is hereby, amended to read as follows:

"SEC. 24. That section 10 of chapter 121 of the laws of 1884, as amended by section 3 of chapter 421 of the laws of 1886, be, and is hereby, amended to read as follows:

"'SEC. 10. (a) That it shall be, and is hereby, made unlawful in any case to pay any seaman wages in advance of the time when he has actually earned the same, or to pay such advance wages, or to make any order, or note, or other evidence of indebtedness therefor to any other person, or to pay any person, for the shipment of seamen when payment is deducted or to be deducted from a seaman's wages. Any person violating any of the foregoing provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than $25 nor more than $100, and may also be imprisoned for a period of not exceeding six months, at the discretion of the court. The payment of such advance wages or allotment shall in no case except as herein provided absolve the vessel or the master or the owner thereof from the full payment of wages after the same shall have been actually earned, and shall be no defense to a libel suit or action for the recovery of such wages. If any person shall demand or receive, either directly or indirectly, from any seaman or other person seeking employment as seaman, or from any person on his behalf, any remuneration whatever for providing him with employment, he shall for every such offense be deemed guilty of a misdemeanor and shall be imprisoned not more than six months or fined not more than $500.

"'(b) That it shall be lawful for any seaman to stipulate in his shipping agreement for an allotment of any portion of the wages he may earn to his grandparents, parents, wife, sister, or children.

"'(c) That no allotment shall be valid unless in writing and signed by and approved by the shipping commissioner. It shall be the duty of the said commissioner to examine such allotments and the parties to them and enforce compliance with the law. All stipulations for the allotment of any part of the wages of a seaman during his absence which are made at the commencement of the voyage shall be inserted in the agreement and shall state the amounts and times of the payments to be made and the persons to whom the payments are to be made.

"'(d) That no allotment except as provided for in this section shall be lawful. Any person who shall falsely claim to be such relation, as above described of a seaman under this section shall for every such offense be punished by a fine not exceeding $500 or imprisonment not exceeding six months, at the discretion of the court.

"'(e) That this section shall apply as well to foreign vessels while in waters of the United States as to vessels of the United States, and any master, owner, consignee, or agent of any foreign vessel who has violated its provisions shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be for similar violation.

"'The master, owner, consignee, or agent of any vessel of the United States, or of any foreign vessel seeking clearance from a port of the United States, shall present his shipping articles at the office of clearance, and no clearance shall be granted any such vessel unless the provisions of this section have been complied with.

"'(f) That under the direction of the Secretary of Commerce the Commissioner of Navigation shall make regulations to carry out this section.'"

SEC. 12. That no wages due or accruing to any seaman or apprentice shall be subject to attachment or arrestment from any court, and every payment of wages to a seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of wages or of any attachment, encumbrance, or arrestment thereon; and no assignment or sale of wages or of salvage made prior to the accruing thereof shall bind the party making the same, except such allotments as are authorized by this title. This section shall apply to fishermen employed on fishing vessels as well as to seamen: *Provided*, That nothing contained in this or any preceding section shall interfere with the order by any court regarding the payment by any seaman of any part of his wages for the support and maintenance of his wife and minor children. Section 4536 of the Revised Statutes of the United States is hereby repealed.

SEC. 13. That no vessel of 100 tons gross and upward, except those navigating rivers exclusively and the smaller inland lakes and except as provided in section 1 of this act, shall be permitted to depart from any port of the United States unless she has on board a crew not less than 75 per cent of which, in each department thereof, are able to understand any order given by the officers of such vessel, nor unless 40 per cent in the first year, 45 per cent in the second year, 50 per cent in the third year, 55 per cent in the fourth year after the passage of this act, and thereafter 65 per cent of her deck crew, exclusive of licensed officers and apprentices, are of a rating not less than able seaman. Every person shall be rated an able seaman, and qualified for service as such on the seas, who is 19 years of age or upward, and has had at least three years' service on deck at sea or on the Great Lakes, on a vessel or vessels to which this section applies, including decked fishing vessels, naval vessels, or coast-guard vessels; and every person shall be rated an able seaman, and qualified to serve as such on the Great Lakes and on the smaller lakes, bays, or sounds, who is 19 years of age or upward and has had at least 18 months' service on deck at sea or on the Great Lakes or on the smaller lakes, bays, or sounds, on a vessel or vessels to which this section applies, including decked fishing vessels, naval vessels, or coast-guard vessels; and graduate of school ships approved by and conducted under rules prescribed by the Secretary of Commerce may be rated able seamen after 12 months' service at sea: *Provided*, That upon examination, under rules prescribed by the Department of Commerce as to eyesight, hearing, and physical condition, such persons or graduates are found to be competent: *Provided further*, That upon examination, under rules prescribed by the Department of Commerce as to eyesight, hearing, physical condition, and knowledge of the duties of seamanship a person found competent may be rated as able seaman after having served on deck 12 months at sea, or on the Great Lakes; but seamen examined and rated able seamen under this proviso shall not in any case compose more than one-fourth of the number of able seamen required by this section to be shipped or employed upon any vessel.

Any person may make application to any board of local inspectors for a certificate of service as able seaman, and upon proof being made to said board by affidavit and examination, under rules approved by the Secretary of Commerce, showing the nationality and age of the applicant and the vessel or vessels on which he has had service and that he is entitled to such certificate under the provisions of this section, the board of local inspectors shall issue to said applicant a certificate of service, which shall be retained by him and be accepted as prima facie evidence of his rating as an able seaman.

Each board of local inspectors shall keep a complete record of all certificates of service issued by them and to whom issued and shall keep on file the affidavits upon which said certificates are issued.

The collector of customs may, upon his own motion, and shall, upon the sworn information of any reputable citizen of the United States setting forth that this section is not being complied with, cause a muster of the crew of any vessel to be made to determine the fact; and no clearance shall be given to any vessel failing to comply with the provisions of this section: *Provided*, That the collector of customs shall not be required to cause such muster of the crew to be made unless said sworn information has been filed with him for at least six hours before the vessel departs or is scheduled to depart: *Provided further*, That any person that shall knowingly make a false affidavit for such purpose shall be deemed guilty of perjury, and upon conviction thereof shall be punished by a fine not exceeding $500 or by imprisonment not exceeding one year, or by both such fine and imprisonment, within the discretion of the court. Any violation of any provision of this section by the owner, master, or officer in charge of the vessel shall subject the owner of such vessel to a penalty of not less than $100 and not more than $500: *And provided further*, That the Secretary of Commerce shall make such rules and regulations as may be necessary to carry out the provisions of this section, and nothing herein shall be held or construed to prevent the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, from making rules and regulations authorized by law as to vessels excluded from the operation of this section.

SEC. 14. That section 4488 of the Revised Statutes is hereby amended by adding thereto the following: "The powers bestowed by this section upon the Board of Supervising Inspectors in respect of lifeboats, floats, rafts, life preservers, and other life-saving appliances and equipment, and the further requirements herein as to davits, embarkation of passengers in lifeboats and rafts, and the manning of lifeboats and rafts, and the musters and drills of the crews, on steamers navigating the ocean, or any lake, bay, or sound of the United States, on and after July 1, 1915, shall be subject to the provisions, limitations, and minimum requirements of the regulations herein set forth, and all such vessels shall thereafter be required to comply in all respects therewith: *Provided*, That foreign vessels leaving ports of the United States shall comply with the rules herein prescribed as to life-saving appliances, their equipment, and the manning of same."

REGULATIONS.

LIFE-SAVING APPLIANCES.

STANDARD TYPES OF BOATS.

The standard types of boats classified as follows:

Class.	Section.	Type.
I. Entirely rigid sides	A. Open	Internal buoyancy only.
	B. Open	Internal and external buoyancy.
	C. Pontoon	Well deck; fixed water-tight bulwarks.
II. Partially collapsible sides.	A. Open	Upper part of sides collapsible.
	B. Pontoon	Well deck, collapsible water-tight bulwarks.
	C. Pontoon	Flush deck; collapsible water-tight bulwarks.

STRENGTH OF BOATS.

Each boat must be of sufficient strength to enable it to be safely lowered into the water when loaded with its full complement of persons and equipment.

ALTERNATIVE TYPES OF BOATS AND RAFTS.

Any type of boat may be accepted as equivalent to a boat of one of the prescribed classes and any type of raft as equivalent to an approved pontoon raft if the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, is satisfied by suitable trials that it is as effective as the standard types of the class in question, or as the approved type of pontoon raft, as the case may be.

Motor boats may be accepted if they comply with the requirements laid down for boats of the first class, but only to a limited number, which number shall be determined by the Board of Supervising Inspectors, with the approval of the Secretary of Commerce.

No boat may be approved the buoyancy of which depends upon the previous adjustment of one of the principal parts of the hull or which has not a cubic capacity of at least 125 cubic feet.

BOATS OF THE FIRST CLASS.

The standard types of boats of the first class must satisfy the following conditions:

1A.—OPEN BOATS WITH INTERNAL BUOYANCY ONLY.

The buoyancy of a wooden boat of this type shall be provided by water-tight air cases, the total volume of which shall be at least equal to one-tenth of the cubic capacity of the boat.

The buoyancy of a metal boat of this type shall not be less than that required above for a wooden boat of the same cubic capacity, the volume of water-tight air cases being increased accordingly.

1A.—OPEN BOATS WITH INTERNAL AND EXTERNAL BUOYANCY.

The internal buoyancy of a wooden boat of this type shall be provided by water-tight air cases, the total volume of which is at least equal to 7½ per cent of the cubic capacity of the boat.

The external buoyancy may be of cork or of any other equally efficient material, but such buoyancy shall not be secured by the use of rushes, cork shavings, loose granulated cork, or any other loose granulated substance, or by any means dependent upon inflation by air.

If the buoyancy is of cork, its volume, for a wooden boat, shall not be less than 0.033 of the cubic capacity of the boat; if of any material other than cork, its volume and distribution shall be such that the buoyancy and stability of the boat are not less than that of a similar boat provided with buoyancy of cork.

The buoyancy of a metal boat shall be not less than that required above for a wooden boat of the same cubic capacity, the volume of the air cases and external buoyancy being increased accordingly.

1C.—PONTOON BOATS, IN WHICH PERSONS CAN NOT BE ACCOMMODATED BELOW THE DECK, HAVING A WELL DECK AND FIXED WATER-TIGHT BULWARKS.

The area of the well deck of a boat of this type shall be at least 30 per cent of the total deck area. The height of the well deck above the water line at all points shall be at least equal to one-half per cent of the length of the boat, this height being increased to 1½ per cent of the length of the boat at the ends of the well.

The freeboard of a boat of this type shall be such as to provide for a reserve buoyancy of at least 35 per cent.

BOATS OF THE SECOND CLASS.

The standard types of boats of the second class must satisfy the following conditions:

2A.—OPEN BOATS HAVING THE UPPER PART OF THE SIDES COLLAPSIBLE.

A boat of this type shall be fitted both with water-tight air cases and with external buoyancy, the volume of which, for each person which the boat is able to accommodate, shall be at least equal to the following amounts: Air cases, 1.5 cubic feet; external buoyancy (if of cork), 0.2 cubic foot.

The minimum freeboard of boats of this type is fixed in relation to their length; it is measured vertically to the top of the solid hull at the side amidships, from the water level when the boat is loaded.

The freeboard in fresh water shall not be less than the following amounts:

Length of the boat.	Minimum freeboard.
Feet.	*Inches.*
26	8
28	9
30	10

The freeboard of boats of intermediate lengths is to be found by interpolation.

2B.—PONTOON BOATS HAVING A WELL DECK AND COLLAPSIBLE BULWARKS.

All the conditions laid down for boats of type 1C are to be applied to boats of this type, which differ from those of type 1C only in regard to the bulwarks.

2C.—PONTOON BOATS, IN WHICH THE PERSONS CAN NOT BE ACCOMMODATED BELOW DECK, HAVING A FLUSH DECK AND COLLAPSIBLE BULWARKS.

The minimum freeboard of boats of this type is independent of their lengths and depends only upon their depth. The depth of the boat is to be measured vertically from the underside of the garboard strake to the top of the deck on the side amidships, and the freeboard is to be measured from the top of the deck at the side amidships to the water level when the boat is loaded.

The freeboard in fresh water shall not be less than the following amounts, which are applicable without correction to boats having a mean sheer equal to 3 per cent of their length:

Depth of boat.	Minimum freeboard.
Inches.	*Inches.*
12	2½
18	3½
20	5½
30	6½

For intermediate depths the freeboard is obtained by interpolation.

If the sheer is less than the standard sheer defined above, the minimum freeboard is obtained by adding to the figures in the table one-seventh of the difference between the standard sheer and the actual mean sheer measured at the stem and sternpost. No deduction is to be made from the freeboard on account of the sheer being greater than the standard sheer or on account of the camber of the deck.

MOTOR BOATS.

When motor boats are accepted, the volume of internal buoyancy and, when fitted, the external buoyancy, must be fixed, having regard to the difference between the weight of the motor and its accessories and the weight of the additional persons which the boat could accommodate if the motor and its accessories were removed.

ARRANGEMENTS FOR CLEARING PONTOON LIFEBOAT OF WATER.

All pontoon lifeboats shall be fitted with efficient means for quickly clearing the deck of water. The orifices for this purpose shall be such that the water can not enter the boat through them when they are intermittently submerged. The number and size of the orifices shall be determined for each type of boat by a special test.

For the purpose of this test the pontoon boat shall be loaded with a weight of iron or bags of sand equal to that of its complement of persons and equipment.

In the case of a boat 28 feet in length 2 tons of water shall be cleared from the boat in a time not exceeding the following: Type 1C, 60 seconds; type 2B, 60 seconds; type 2C, 20 seconds.

In the case of a boat having a length greater or less than 28 feet the weight of water to be cleared in the same time shall be for each type directly proportional to the length of the boat.

CONSTRUCTION OF BOATS.

Open lifeboats of the first class (types 1A and 1B) must have a mean sheer at least equal to 4 per cent of their length.

The air cases of open boats of the first class shall be placed along the sides of the boat; they may also be placed at the ends of the boat, but not in the bottom of the boat.

Pontoon lifeboats may be built of wood or metal. If constructed of wood, they shall have the bottom and deck made of two thicknesses with textile material between; if of metal, they shall be divided into water-tight compartments with means of access to each compartment.

All boats shall be fitted for the use of a steering oar.

PONTOON RAFTS.

No type of pontoon raft may be approved unless it satisfies the following conditions:

First. It should be reversible and fitted with bulwarks of wood, canvas, or other suitable material on both sides. These bulwarks may be collapsible.

Second. It should be of such size, strength, and weight that it can be handled without mechanical appliances, and, if necessary, be thrown from the vessel's deck.

Third. It should have not less than 3 cubic feet of air cases or equivalent buoyancy for each person whom it can accommodate.

Fourth. It should have a deck area of not less than 4 square feet for each person whom it can accommodate and the platform should not be less than 6 inches above the water level when the raft is loaded.

Fifth. The air cases or equivalent buoyancy should be placed as near as possible to the sides of the raft.

CAPACITY OF BOATS AND PONTOON RAFTS.

First. The number of persons which a boat of one of the standard types or a pontoon raft can accommodate is equal to the greatest whole number obtained by dividing the capacity in cubic feet, or the surface in square feet, of the boat or of the raft by the standard unit of capacity, or unit of surface (according to circumstances), defined below for each type.

Second. The cubic capacity in feet of a boat in which the number of persons is determined by the surface shall be assumed to be 10 times the number of persons which it is authorized to carry.

Third. The standard units of capacity and surface are as follows:

Units of capacity, open boats, type 1A, 10 cubic feet; open boats, type 1B, 9 cubic feet.

Unit of surface, open boats, type 2A, 3½ square feet; pontoon boats, type 2C, 3½ square feet; pontoon boats, type 1C, 3¼ square feet; pontoon boats, type 2B, 3¼ square feet.

Fourth. The Board of Supervising Inspectors, with the approval of the Secretary of Commerce, may accept, in place of 3¼, a smaller divisor, if it is satisfied after a trial that the number of persons for whom there is seating accommodation in the pontoon boat in question is greater than the number obtained by applying the above divisor, provided always that the divisor adopted in place of 3¼ may never be less than 3.

CAPACITY LIMITS.

Pontoon boats and pontoon rafts shall never be marked with a number of persons greater than that obtained in the manner specified in this section.

This number shall be reduced—

First. When it is greater than the number of persons for which there is proper seating accommodation, the latter number being determined in such a way that the persons when seated do not interfere in any way with the use of the oars.

Second. When in the case of boats other than those of the first two sections of the first class, the freeboard, when the boat is fully loaded, is less than the freeboard laid down for each type, respectively. In such circumstances the number shall be reduced until the freeboard, when the boat is fully loaded, is at least equal to the standard freeboard laid down above.

In boats of types 1C and 2B the raised part of the deck at the sides may be regarded as affording seating accommodation.

EQUIVALENTS FOR AND WEIGHT OF THE PERSONS.

In test for determining the number of persons which a boat or pontoon raft can accommodate each person shall be assumed to be an adult person wearing a life jacket.

In verifications of freeboard the pontoon boats shall be loaded with a weight of at least 165 pounds for each adult person that the pontoon boat is authorized to carry.

In all cases two children under 12 years of age shall be reckoned as one person.

CUBIC CAPACITY OF OPEN BOATS OF THE FIRST CLASS.

First. The cubic capacity of an open boat of type 1A or 1B shall be determined by Stirling's (Simpson's) rule or by any other method, approved by the Board of Supervising Inspectors, giving the same degree of accuracy. The capacity of a square-sterned boat shall be calculated as if the boat had a pointed stern.

Second. For example, the capacity in cubic feet of a boat, calculated by the aid of Stirling's rule, may be considered as given by the following formula:

$$\text{Capacity}=\frac{l}{12}(4A+2B+4C),$$

l being the length of the boat in meters (or feet) from the inside of the planking or plating at the stem of the corresponding point at the sternpost; in the case of a boat with a square stern, the length is measured to the inside of the transom.

A, B, C denote, respectively, the areas of the cross sections at the quarter length forward, amidships, and the quarter length aft, which correspond to the three points obtained by dividing l into four equal parts. (The areas corresponding to the two ends of the boat are considered negligible.)

The areas A, B, C shall be deemed to be given in square feet by the successive application of the following formula to each of the three cross sections:

$$\text{Area}=\frac{h}{12}(a+4b+2c+4d+e),$$

h being the depth measured in meters (or in feet) inside the planking or plating from the keel to the level of the gunwale, or, in certain cases, to a lower level, as determined hereafter.

a, b, c, d, e denote the horizontal breadths of the boat measured in feet at the upper and lower points of the depth and at the three points obtained by dividing h into four equal parts (a and e being the breadths at the extreme points, and c at the middle point, of h).

Third. If the sheer of the gunwale, measured at the two points situated at a quarter of the length of the boat from the ends, exceeds 1 per cent of the length of the boat, the depth employed in calculating the area of the cross sections A or C shall be deemed to be the depth amidships plus 1 per cent of the length of the boat.

Fourth. If the depth of the boat amidships exceeds 45 per cent of the breadth, the depth employed in calculating the area of the midship cross section B shall be deemed to be equal to 45 per cent of the breadth; and the depth employed in calculating the areas of the quarter-length sections A and C is obtained by increasing this last figure by an amount equal to 1 per cent of the length of the boat, provided that in no case shall the depths employed in the calculation exceed the actual depths at these points.

Fifth. If the depth of the boat is greater than 4 feet, the number of persons given by the application of this rule shall

be reduced in proportion to the ratio of 4 feet to the actual depth, until the boat has been satisfactorily tested afloat with that number of persons on board all wearing life jackets.

Sixth. The Board of Supervising Inspectors shall impose, by suitable formulæ, a limit for the number of persons allowed in boats with very fine ends and in boats very full in form.

Seventh. The Board of Supervising Inspectors may by regulation assign to a boat a capacity equal to the product of the length, the breadth, and the depth multiplied by six-tenths if it is evident that this formula does not give a greater capacity than that obtained by the above method. The dimensions shall then be measured in the following manner:

Length. From the intersection of the outside of the planking with the stem to the corresponding point at the sternpost or, in the case of a square-sterned boat, to the afterside of the transom.

Breadth. From the outside of the planking at the point where the breadth of the boat is greatest.

Depth. Amidships inside the planking from the keel to the level of the gunwale, but the depth used in calculating the cubic capacity may not in any case exceed 45 per cent of the breadth.

In all cases the vessel owner has the right to require that the cubic capacity of the boat shall be determined by exact measurement.

Eighth. The cubic capacity of a motor boat is obtained from the gross capacity by deducting a volume equal to that occupied by the motor and its accessories.

DECK AREA OF PONTOON BOATS AND OPEN BOATS OF THE SECOND CLASS.

First. The area of the deck of a pontoon boat of type 1C, 2B, or 2C shall be determined by the method indicated below or by any other method giving the same degree of accuracy. The same rule is to be applied in determining the area within the fixed bulwarks of a boat of type 2A.

Second. For example, the surface in square feet of a boat may be deemed to be given by the following formula:

$$\text{Area}=\frac{l}{12}(2a+1.5b+4c+1.5d+2e),$$

l being the length in feet from the intersection of the outside of the planking with the stem to the corresponding point at the sternpost.

a, b, c, d, e denote the horizontal breadths in feet outside the planking at the points obtained by dividing l into four equal parts and subdividing the foremost and aftermost parts into two equal parts (a and e being the breadths at the extreme subdivisions, c at the middle point of the length, and b and d at the intermediate points).

MARKING OF BOATS AND PONTOON RAFTS.

The dimensions of the boat and the number of persons which it is authorized to carry shall be marked on it in clear, permanent characters, according to regulations by the Board of Supervising Inspectors approved by the Secretary of Commerce. These marks shall be specifically approved by the officers appointed to inspect the ship.

Pontoon rafts shall be marked with the number of persons in the same manner.

EQUIPMENT OF BOATS AND PONTOON RAFTS.

First. The normal equipment of every boat shall consist of—

(a) A single-blanked complement of oars and two spare oars; one set and a half of thole pins or crutches; a boat hook.

(b) Two plugs for each plug hole (plugs are not required when proper automatic valves are fitted); a bailer and a galvanized-iron bucket.

(c) A tiller or yoke and yoke lines.

(d) Two hatchets.

(e) A lamp filled with oil and trimmed.

(f) A mast or masts with one good sail at least, and proper gear for each. (This does not apply to motor lifeboats or lifeboats on the Great Lakes or other inland waters.)

(g) A suitable compass.

Pontoon lifeboats will have no plug hole, but shall be provided with at least two bilge pumps.

In the case of a steamer which carries passengers in the North Atlantic, all the boats need not be equipped with masts, sails, and compasses, if the ship is provided with a radiotelegraph installation.

Second. The normal equipment of every approved pontoon raft shall consist of—

(a) Four oars.

(b) Five rowlocks.

(c) A self-igniting life-buoy light.

Third. In addition, every boat and every pontoon raft shall be equipped with—

(a) A life line becketed around the outside.

(b) A sea anchor.

(c) A painter.

(d) A vessel containing 1 gallon of vegetable or animal oil. The vessel shall be so constructed that the oil can be easily distributed on the water and so arranged that it can be attached to the sea anchor.

(e) A water-tight receptacle containing 2 pounds avoirdupois of provisions for each person, except on vessels navigating fresh water.

(f) A water-tight receptacle containing 1 quart for each person, except on vessels navigating fresh water.

(g) A number of self-igniting "red lights" and a water-tight box of matches.

Fourth. All loose equipment must be securely attached to the boat or pontoon raft to which it belongs.

STOWAGE OF BOATS—NUMBER OF DAVITS.

The minimum number of sets of davits is fixed in relation to the length of the vessel; provided that a number of sets of davits greater than the number of boats necessary for the accommodation of all the persons on board may not be required.

HANDLING OF THE BOATS AND RAFTS.

All the boats and rafts must be stowed in such a way that they can be launched in the shortest possible time and that, even under unfavorable conditions of list and trim from the point of view of the handling of the boats and rafts, it may be possible to embark in them as large a number of persons as possible.

The arrangements must be such that it may be possible to launch on either side of the vessel as large a number of boats and rafts as possible.

STRENGTH AND OPERATION OF THE DAVITS.

The davits shall be of such strength that the boats can be lowered with their full complement of persons and equipment, the vessel being assumed to have a list of 15°.

The davits must be fitted with a gear of sufficient power to insure that the boat can be turned out against the maximum list under which the lowering of the boats is possible on the vessel in question.

OTHER APPLIANCES EQUIVALENT TO DAVITS.

Any appliance may be accepted in lieu of davits or sets of davits if the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, is satisfied after proper trials that the appliance in question is as effective as davits for placing the boats in the water.

DAVITS.

Each set of davits shall have a boat of the first class attached to it, provided that the number of open boats of the first class attached to davits shall not be less than the minimum number fixed by the table which follows.

If it is neither practicable nor reasonable to place on a vessel the minimum number of sets of davits required by the rules, the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, may authorize a smaller number of sets of davits to be fitted, provided always that this number shall never be less than the minimum number of open boats of the first class required by the rules.

If a large proportion of the persons on board are accommodated in boats whose length is greater than 50 feet, a further reduction in the number of sets of davits may be allowed exceptionally, if the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, is satisfied that the arrangements are in all respects satisfactory.

In all cases in which a reduction in the minimum number of sets of davits or other equivalent appliances required by the rules is allowed, the owner of the vessel in question shall be required to prove, by a test made in the presence of an officer designated by the Supervising Inspector General, that all the boats can be efficiently launched in a minimum time.

The conditions of this test shall be as follows:

First. The vessel is to be upright and in smooth water.

Second. The time is the time required from the beginning of the removal of the boat covers, or any other operation necessary to prepare the boats for lowering, until the last boat or pontoon raft is afloat.

Third. The number of men employed in the whole operation must not exceed the total number of boat hands that will be carried on the vessel under normal service conditions.

Fourth. Each boat when being lowered must have on board at least two men and its full equipment as required by the rules.

The time allowed for putting all the boats into the water shall be fixed by the Board of Supervising Inspectors, with the approval of the Secretary of Commerce.

MINIMUM NUMBER OF DAVITS AND OF OPEN BOATS OF THE FIRST CLASS—MINIMUM BOAT CAPACITY.

The following table fixes, according to the length of the vessel—

(A) The minimum number of sets of davits to be provided, to each of which must be attached a boat of the first class in accordance with this section.

(B) The minimum total number of open boats of the first class, which must be attached to davits, in accordance with this section.

(C) The minimum boat capacity required, including the boats attached to davits and the additional boats, in accordance with this section.

Registered length of the ship (feet).	(A) Minimum number of sets of davits.	(B) Minimum number of open boats of the first class.	(C) Minimum capacity of lifeboats.
			Cubic feet.
100 and less than 120	2	2	980
120 and less than 140	2	2	1,220
140 and less than 160	2	2	1,550
160 and less than 175	3	3	1,880
175 and less than 190	3	3	2,390
190 and less than 205	4	4	2,740
205 and less than 220	4	4	3,330
220 and less than 230	5	4	3,900
230 and less than 245	5	4	4,560
245 and less than 255	6	5	5,100
255 and less than 270	6	5	5,640
270 and less than 285	7	5	6,190
285 and less than 300	7	5	6,930
300 and less than 315	8	6	7,550
315 and less than 330	8	6	8,290
330 and less than 350	9	7	9,000
350 and less than 370	9	7	9,630
370 and less than 390	10	7	10,650
390 and less than 410	10	7	11,700
410 and less than 435	12	9	13,060
435 and less than 460	12	9	14,430
460 and less than 490	14	10	15,920
490 and less than 520	14	10	17,310
520 and less than 550	16	12	18,720
550 and less than 580	16	12	20,350
580 and less than 610	18	13	21,900
610 and less than 640	18	13	23,700
640 and less than 670	20	14	25,350
670 and less than 700	20	14	27,050
700 and less than 730	22	15	28,560
730 and less than 760	22	15	30,180
760 and less than 790	24	17	32,100
790 and less than 820	24	17	34,350
820 and less than 855	26	18	36,450
855 and less than 890	26	18	38,750
890 and less than 925	28	19	41,000
925 and less than 960	28	19	43,880
960 and less than 995	30	20	46,350
995 and less than 1,030	30	20	48,750

When the length of the vessel exceeds 1,030 feet, the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, shall determine the minimum number of sets of davits and of open boats of the first class for that vessel.

EMBARKATION OF THE PASSENGERS IN THE LIFEBOATS AND RAFTS.

Suitable arrangements shall be made for embarking the passengers in the boats, in accord with regulations by the Board of Supervising Inspectors, with the approval of the Secretary of Commerce.

In vessels which carry rafts there shall be a number of rope or wooden ladders always available for use in embarking the persons onto the rafts.

The number and arrangement of the boats, and (where they are allowed) of the pontoon rafts, on a vessel depends upon the total number of persons which the vessel is intended to carry: *Provided*, That there shall not be required on any voyage a total capacity in boats, and (where they are allowed) pontoon rafts, greater than that necessary to accommodate all the persons on board.

At no moment of its voyage shall any passenger steam vessel of the United States on ocean routes more than 20 nautical miles offshore have on board a total number of persons greater than that for whom accommodation is provided in the lifeboats and pontoon life rafts on board.

If the lifeboats attached to davits do not provide sufficient accommodation for all persons on board, additional lifeboats of one of the standard types shall be provided. This addition shall bring the total capacity of the boats on the vessel at least up to the greater of the two following amounts:

(a) The minimum capacity required by these regulations.

(b) A capacity sufficient to accommodate 75 per cent of the persons on board.

The remainder of the accommodation required shall be provided, under regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce, either in boats of class 1 or class 2, or in pontoon rafts of an approved type.

At no moment of its voyage shall any passenger steam vessel of the United States on ocean routes less than 20 nautical miles offshore have on board a total number of persons greater than that for whom accommodation is provided in the lifeboats and pontoon rafts on board. The accommodation provided in lifeboats shall in every case be sufficient to accommodate at least 75 per cent of the persons on board. The number and type of such lifeboats and life rafts shall be determined by regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce: *Provided*, That during the interval from May 15 to September 15, inclusive, any passenger steam vessel of the United States, on ocean routes less than 20 nautical miles offshore, shall be required to carry accommodation for not less than 70 per cent of the total number of persons on board in lifeboats and pontoon life rafts, of which accommodation not less than 50 per cent shall be in lifeboats and 50 per cent may be in collapsible boats or rafts, under regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce.

At no moment of its voyage may any ocean-cargo steam vessel of the United States have on board a total number of persons greater than that for whom accommodation is provided in the lifeboats on board. The number and types of such boats shall be determined by regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce.

At no moment of its voyage may any passenger steam vessel of the United States on the Great Lakes, on routes more than 3 miles offshore, except over waters whose depth is not sufficient to submerge all the decks of the vessel, have on board a total number of persons, including passengers and crew, greater than that for whom accommodation is provided in the lifeboats and pontoon life rafts on board. The accommodation provided in lifeboats shall in every case be sufficient to accommodate at least 75 per cent of the persons on board. The number and types of such lifeboats and life rafts shall be determined by regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce: *Provided*, That during the interval from May 15 to September 15, inclusive, any such steamer shall be required to carry accommodation for not less than 50 per cent of persons on board in lifeboats and pontoon life rafts, of which accommodation not less than two-fifths shall be in lifeboats and three-fifths may be in collapsible boats or rafts, under regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce: *Provided further*, That all passenger steam vessels of the United States, the keels of which are laid after the 1st of July, 1915, for service on ocean routes, from September 15 to May 15 on the Great Lakes or for service on routes more than 3 miles offshore, shall be built to carry, and shall carry, enough lifeboats and life rafts to accommodate all persons on board, including passengers and crew: *And provided further*, That no more than 25 per cent of such equipment may be in pontoon life rafts or collapsible lifeboats.

At no moment of its voyage may any cargo steam vessel of the United States on the Great Lakes have on board a total number of persons greater than that for whom accommodation is provided in the lifeboats on board. The number and types of such boats shall be determined by regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce.

The number, types, and capacity of lifeboats and life rafts, together with the proportion of such accommodation to the number of persons on board which shall be carried on steam vessels on the Great Lakes, on routes 3 miles or less offshore or over waters whose depth is not sufficient to submerge all the decks of the vessel, and on all other lakes, and on rivers, bays, and sounds, shall be determined by regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce.

All regulations by the Board of Supervising Inspectors, approved by the Secretary of Commerce, authorized by this act shall be transmitted to Congress as soon as practicable after they are made.

The Secretary of Commerce is authorized in specific cases to exempt existing vessels from the requirements of this section that the davits shall be of such strength and shall be fitted with a gear of sufficient power to insure that the boats can be lowered with their full complement of persons and equipment,

the vessel being assumed to have a list of 15°, where their strict application would not be practicable or reasonable.

CERTIFICATED LIFEBOAT MEN—MANNING OF THE BOATS.

There shall be for each boat or raft a number of lifeboat men at least equal to that specified as follows: If the boat or raft carries 25 persons or less, the minimum number of certificated lifeboat men shall be 1; if the boat or raft carries 26 persons and less than 41 persons the minimum number of certificated lifeboat men shall be 2; if the boat or raft carries 41 persons and less than 41 persons, the minimum number of certificated lifeboat men shall be 3; if the boat or raft carries from 61 to 85 persons, the minimum number of certificated lifeboat men shall be 4; if the boat or raft carries from 86 to 110 persons, the minimum number of certificated lifeboat men shall be 5; if the boat or raft carries from 111 to 160 persons, the minimum number of certificated lifeboat men shall be 6; if the boat or raft carries from 161 to 210 persons, the minimum number of certificated lifeboat men shall be 7; and, thereafter, 1 additional certificated lifeboat man for each additional 50 persons: *Provided*, That if the raft carries 15 persons or less a licensed officer or able seaman need not be placed in charge of such raft: *Provided further*, That one-half the number of rafts carried shall have a capacity of exceeding 15 persons.

The allocation of the certificated lifeboat men to each boat and raft remains within the discretion of the master, according to the circumstances.

By "certificated lifeboat man" is meant any member of the crew who holds a certificate of efficiency issued under the authority of the Secretary of Commerce, who is hereby directed to provide for the issue of such certificates.

In order to obtain the special lifeboat man's certificate the applicant must prove to the satisfaction of an officer designated by the Secretary of Commerce that he has been trained in all the operations connected with launching lifeboats and the use of oars; that he is acquainted with the practical handling of the boats themselves; and, further, that he is capable of understanding and answering the orders relative to lifeboat service.

Section 4463 of the Revised Statutes, as amended, is hereby amended by adding the words "including certificated lifeboat men, separately stated," to the word "crew" wherever it occurs.

MANNING OF BOATS.

A licensed officer or able seaman shall be placed in charge of each boat or pontoon raft; he shall have a list of its lifeboat men and other members of its crew, which shall be sufficient for her safe management, and shall see that the men placed under his orders are acquainted with their several duties and stations.

A man capable of working the motor shall be assigned to each motor boat.

The duty of seeing that the boats, pontoon rafts, and other life-saving appliances are at all times ready for use shall be assigned to one or more officers.

MUSTER ROLL AND DRILLS.

Special duties for the event of an emergency shall be allotted to each member of the crew.

The muster list shows all these special duties, and indicates, in particular, the station to which each man must go and the duties that he has to perform.

Before the vessel sails the muster list shall be drawn up and exhibited, and the proper authority, to be designated by the Secretary of Commerce, shall be satisfied that the muster list has been prepared for the vessel. It shall be posted in several parts of the vessel, and in particular in the crew's quarters.

MUSTER LIST.

The muster list shall assign duties to the different members of the crew in connection with—

(a) The closing of the water-tight doors, valves, etc.

(b) The equipment of the boats and rafts generally.

(c) The launching of the boats attached to davits.

(d) The general preparation of the other boats and the pontoon rafts.

(e) The muster of the passengers.

(f) The extinction of fire.

The muster list shall assign to the members of the stewards' department their several duties in relation to the passengers at a time of emergency. These duties shall include—

(a) Warning the passengers.

(b) Seeing that they are dressed and have put on their life jackets in a proper manner.

(c) Assembling the passengers.

(d) Keeping order in the passages and on the stairways, and, generally, controlling the movements of the passengers.

The muster list shall specify definite alarm signals for calling all the crew to the boat and fire stations, and shall give full particulars of these signals.

MUSTERS AND DRILLS.

Musters of the crews at their boat and fire stations, followed by boat and fire drills, respectively, shall be held at least once a week, either in port or at sea. An entry shall be made in the official log book of these drills, or of the reasons why they could not be held.

Different groups of boats shall be used in turn at successive boat drills. The drills and inspections shall be so arranged that the crew thoroughly understand and are practiced in the duties they have to perform, and that all the boats and pontoon rafts on the ship with the gear appertaining to them are always ready for immediate use.

LIFE JACKETS AND LIFE BUOYS.

A life jacket of an approved type, or other appliance of equal buoyancy and capable of being fitted on the body, shall be carried for every person on board, and, in addition, a sufficient number of life jackets, or other equivalent appliances, suitable for children.

First. A life jacket shall satisfy the following conditions:

(a) It shall be of approved material and construction.

(b) It shall be capable of supporting in fresh water for 24 hours 15 pounds avoirdupois of iron.

Life jackets the buoyancy of which depends on air compartments are prohibited.

Second. A life buoy shall satisfy the following conditions:

(a) It shall be of solid cork or any other equivalent material.

(b) It shall be capable of supporting in fresh water for 24 hours at least 31 pounds avoirdupois of iron.

Life buoys filled with rushes, cork shavings, or granulated cork, or any other loose granulated material, or whose buoyancy depends upon air compartments which require to be inflated, are prohibited.

Third. The minimum number of life buoys with which vessels are to be provided is fixed as follows:

Length of the vessel under 400 feet, minimum number of buoys, 12; length of the vessel, 400 and under 600 feet, minimum number of buoys, 18; length of the vessel, 600 and under 800 feet, minimum number of buoys, 24; length of the vessel, 800 feet and over, minimum number of buoys, 30.

Fourth. All the buoys shall be fitted with beckets securely seized. At least one buoy on each side shall be fitted with a life line of at least 15 fathoms in length. The number of luminous buoys shall not be less than one-half of the total number of life buoys, and in no case less than 6. The lights shall be efficient self-igniting lights which can not be extinguished in water, and they shall be kept near the buoys to which they belong, with the necessary means of attachment.

Fifth. All the life buoys and life jackets shall be so placed as to be readily accessible to the persons on board; their position shall be plainly indicated so as to be known to the persons concerned.

The life buoys shall always be capable of being rapidly cast loose, and shall not be permanently secured in any way. The owner of any vessel who neglects or refuses to provide and equip his vessel with such lifeboats, floats, rafts, life preservers, line-carrying projectiles, and the means of propelling them, drags, pumps, or other appliances, as are required under the provisions of this section or under the regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce, authorized by and made pursuant hereto, shall be fined not less than $500 nor more than $5,000; and every master of a vessel who shall fail to comply with the requirements of this section and the regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce, authorized by and made pursuant hereto, shall, upon conviction, be fined not less than $50 nor more than $500. Section 4489 of the Revised Statutes is hereby repealed.

SEC. 15. That the owner, agent, or master of every barge which while in tow through the open sea has sustained or caused any accident shall be subject in all respects to the provisions of sections 10, 11, 12, and 13 of chapter 344 of the Statutes at Large, approved June 20, 1874, and the reports therein prescribed shall be transmitted by collectors of customs to the Secretary of Commerce, who shall transmit annually to Congress a summary of such reports during the previous fiscal year, together with a brief statement of the action of the department in respect to such accidents.

SEC. 16. That in the judgment of Congress articles in treaties and conventions of the United States, in so far as they provide for the arrest and imprisonment of officers and seamen deserting

or charged with desertion from merchant vessels of the United States in foreign countries, and for the arrest and imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of foreign nations in the United States and the Territories and possessions thereof, and for the cooperation, aid, and protection of competent legal authorities in effecting such arrest or imprisonment and any other treaty provision in conflict with the provisions of this act, ought to be terminated, and to this end the President be, and he is hereby, requested and directed, within 90 days after the passasge of this act, to give notice to the several Governments, respectively, that so much as hereinbefore described of all such treaties and conventions between the United States and foreign Governments will terminate on the expiration of such periods after notices have been given as may be required in such treaties and conventions.

SEC. 17. That upon the expiration after notice of the periods required, respectively, by said treaties and conventions and of one year in the case of the independent State of the Kongo, so much as hereinbefore described in each and every one of said articles shall be deemed and held to have expired and to be of no force and effect, and thereupon section 5280 and so much of section 4081 of the Revised Statutes as relates to the arrest or imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of foreign nations in the United States and Territories and possessions thereof, and for the cooperation, aid, and protection of competent legal authorities in effecting such arrest or imprisonment, shall be, and is hereby, repealed.

SEC. 18. That this act shall take effect, as to all vessels of the United States, 8 months after its passage, and as to foreign vessels 12 months after its passage, except that such parts hereof as are in conflict with articles of any treaty or convention with any foreign nation shall take effect as regards the vessels of such foreign nation on the expiration of the period fixed in the notice of abrogation of the said articles as provided in section 16 of this act.

SEC. 19. That section 16 of the act approved December 21, 1898, entitled "An act to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce," be amended by adding at the end of the section the following:

"*Provided*, That at the discretion of the Secretary of Commerce, and under such regulations as he may prescribe, if any seaman incapacitated from service by injury or illness is on board a vessel so situated that a prompt discharge requiring the personal appearance of the master of the vessel before an American consul or consular agent is impracticable, such seaman may be sent to a consul or consular agent, who shall care for him and defray the cost of his maintenance and transportation, as provided in this paragraph."

SEC. 20. That in any suit to recover damages for any injury sustained on board vessel or in its service seamen having command shall not be held to be fellow servants with those under their authority.

And the House agree to the same.

JOSHUA W. ALEXANDER,
RUFUS HARDY,
M. E. BURKE,
WILLIAM S. GREENE,
C. F. CURRY,
Managers on the part of the House.

DUNCAN U. FLETCHER,
GEO. E. CHAMBERLAIN,
JAS. K. VARDAMAN,
KNUTE NELSON,
WILLIAM ALDEN SMITH,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 136) to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea, submit the following written statement explaining the effect of the action agreed on:

The provisions of sections 1, 2, 5, 7, 10, and 17 of the House amendment are incorporated without changes in the conference report.

Section 2 of the Senate bill and section 3 of the House amendment are the same, section 7 of the Senate bill and section 8 of the House amendment are the same, section 13 of the Senate bill and section 15 of the House amendment are the same, section 14 of the Senate bill and section 16 of the House amendment are the same, section 17 of the Senate bill and section 19 of the House amendment are the same, and all these sections remain unchanged in the conference report.

Section 4 of the House amendment provided that demand for one-half part of wages earned should not be made oftener than once in five days. This provision is incorporated in section 4 of the conference report as follows:

Provided, Such a demand shall not be made before the expiration of nor oftener than once in five days. Any failure on the part of the master to comply with this demand shall release the seaman from his contract, and he shall be entitled to full payment of wages earned.

Section 6 of the House amendment as incorporated in section 6 of the conference report contains the following provision for a hospital compartment, to wit:

That in addition to the space allotment for lodgings hereinbefore provided, on all merchant vessels of the United States which in the ordinary course of their trade make voyages of more than 3 days' duration between ports, and which carry a crew of 12 or more seamen, there shall be constructed a compartment, suitably separated from other spaces, for hospital purposes, and such compartment shall have at least 1 bunk for every 12 seamen, constituting her crew, provided that not more than 6 bunks shall be required in any case.

Section 6 of the conference report also contains the following provision taken from section 5 of the Senate bill, to wit:

Provided, That forecastles shall be fumigated at such intervals as may be provided by regulations to be issued by the Surgeon General of the Public Health Service, with the approval of the Department of Commerce, and shall have at least two exits, one of which may be used in emergencies.

These provisions are intended to add to the comfort, care, and safety of seamen.

The only change made in section 9 of the House amendment as incorporated in section 9 of the conference report is that making the vessel, as well as the master or owner of the vessel, liable in damages for flogging and all other forms of corporal punishment prohibited by the section.

Section 11 of the conference report is the same as section 11 of the House amendment, except that the following proviso at the end of subdivision (e) is stricken out:

Provided, That treaties in force between the United States and foreign nations do not conflict herewith.

Section 12 of the conference report is the same as section 12 of the House amendment, except that the words "employed on a vessel of the United States" are stricken out, making the exemptions therein provided for apply to seamen generally.

Section 13 of the House amendment is the same as section 13 of the conference report, with the following modifications: As amended, the section applies to vessels of over 100 tons gross and upward, except those navigating rivers exclusively and the small inland lakes, etc. The language exempting the smaller inland lakes only, "where the line of travel is at no point more than 3½ miles from land" is stricken out and the small inland lakes are exempt from its provisions along with rivers. The section is further modified to provide that seamen serving on decked fishing vessels, naval vessels, or coast-guard (revenue-cutter) vessels for the time prescribed shall be entitled to the rating of able seamen; also that graduates of school ships approved by the Secretary of Commerce may be rated able seamen after 12 months' service at sea; also cutting the requirement of 24 months' service on deck at sea, or on the Great Lakes, or on the smaller lakes, bays, or sounds, to 18 months to entitle a person to the rating of able seaman and qualify him to serve as such on the Great Lakes, smaller lakes, bays, and sounds.

Persons who have served 12 months on deck on the Great Lakes as well as at sea are included among those who may become entitled to the rating of able seamen if found competent under rules prescribed by the Secretary of Commerce as to eyesight, hearing, physical condition, and knowledge of the duties of seamanship; and the number of seamen examined and rated able seamen under the proviso that may be shipped or employed upon any vessel at one time is increased from one-fourth to one-half.

It is further provided that the Secretary of Commerce shall make such rules and regulations as may be necessary to carry out the provisions of the section.

Said section 13 of the House amendment as amended and agreed to by the conferees and incorporated in section 13 of the conference report is as follows:

SEC. 13. That no vessel of 100 tons gross and upward, except those navigating rivers exclusively and the smaller inland lakes and except as provided in section 1 of this act, shall be permitted to depart from any port of the United States unless she has on board a crew not less than 75 per cent of which, in each department thereof, are able to understand any order given by the officers of such vessel, nor unless 40 per cent in the first year, 45 per cent in the second year, 50 per cent in the third year, 55 per cent in the fourth year after the passage of this act, and thereafter 65 per cent of her deck crew,

exclusive of licensed officers and apprentices, are of a rating not less than able seaman. Every person shall be rated an able seaman, and qualified for service as such on the seas, who is 19 years of age or upward, and has had at least three years' service on deck at sea or on the Great Lakes, on a vessel or vessels to which this section applies, including decked fishing vessels, naval vessels, or coast-guard vessels; and every person shall be rated an able seaman, and qualified to serve as such on the Great Lakes and on the smaller lakes, bays, or sounds, who is 19 years of age or upward and has had at least 18 months' service on deck at sea or on the Great Lakes or on the smaller lakes, bays, or sounds, on a vessel or vessels to which this section applies, including decked fishing vessels, naval vessels, or coast-guard vessels; and graduates of school ships approved by and conducted under rules prescribed by the Secretary of Commerce may be rated able seaman after 12 months' service at sea: *Provided*, That upon examination, under rules prescribed by the Department of Commerce as to eyesight, hearing, and physical condition, such persons or graduates are found to be competent: *Provided further*, That upon examination, under rules prescribed by the Department of Commerce as to eyesight, hearing, physical condition, and knowledge of the duties of seamanship, a person found competent may be rated as able seaman after having served on deck 12 months at sea, or on the Great Lakes; but seamen examined and rated able seamen under this proviso shall not in any case compose more than one-fourth of the number of able seamen required by this section to be shipped or employed upon any vessel.

Any person may make application to any board of local inspectors for a certificate of service as able seaman, and upon proof being made to said board by affidavit and examination, under rules approved by the Secretary of Commerce, showing the nationality and age of the applicant and the vessel or vessels on which he has had service and that he is entitled to such certificate under the provisions of this section, the board of local inspectors shall issue to said applicant a certificate of service, which shall be retained by him and be accepted as prima facie evidence of his rating as an able seaman.

Each board of local inspectors shall keep a complete record of all certificates of service issued by them and to whom issued, and shall keep on file the affidavits upon which said certificates are issued.

The collector of customs may, upon his own motion, and shall, upon the sworn information of any reputable citizen of the United States setting forth that this section is not being complied with, cause a muster of the crew of any vessel to be made to determine the fact; and no clearance shall be given to any vessel failing to comply with the provisions of this section: *Provided*, That the collector of customs shall not be required to cause such muster of the crew to be made unless said sworn information has been filed with him for at least six hours before the vessel departs, or is scheduled to depart: *Provided further*, That any person that shall knowingly make a false affidavit for such purpose shall be deemed guilty of perjury and upon conviction thereof shall be punished by a fine not exceeding $500 or by imprisonment not exceeding one year, or by both such fine and imprisonment, within the discretion of the court. Any violation of any provision of this section by the owner, master, or officer in charge of the vessel shall subject the owner of such vessel to a penalty of not less than $100 and not more than $500: *And provided further*, That the Secretary of Commerce shall make such rules and regulations as may be necessary to carry out the provisions of this section, and nothing herein shall be held or construed to prevent the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, from making rules and regulations authorized by laws as to vessels excluded from the operation of this section.

Section 14 of the House amendment is agreed to by the conferees and incorporated in section 14 of the conference report, with certain amendments hereinafter referred to.

The following proviso is inserted at the end of the first paragraph of section 14, and before the word "Regulations," to wit:

Provided, That foreign vessels leaving ports of the United States shall comply with the rules herein prescribed as to life-saving appliances, their equipment, and the manning of same.

While section 4488 of the Revised Statutes, which is amended by section 14, seems to apply to foreign vessels as well as to vessels of the United States, the proviso was inserted by the conferees to make it clear that it shall so apply.

Under the title, "Arrangements for clearing pontoon lifeboats of water," bags of sand as well as a weight of iron may be used in making tests.

Under the title "Equipment of boats and pontoon rafts": "First, the normal equipment of every boat shall consist of," in subdivision (f) lifeboats on the Great Lakes or other inland waters are not required to be equipped with masts and sails and gear for same, and under "Third, in addition, every boat and every pontoon raft shall be equipped with," subdivisions (e) and (f), the lifeboats and life rafts on vessels navigating fresh waters are not required to be equipped with provisions and fresh water, as provided in the House amendment.

The House amendment provides that all passenger steam vessels of the United States, the keels of which are laid after the 1st of July, 1915, for service on ocean routes and on the Great Lakes, on routes more than 3 miles offshore, shall be built to carry and shall carry enough lifeboats and life rafts to accommodate all persons on board, including passengers and crew, not more than 25 per cent of such equipment to be in life rafts or collapsible lifeboats. The conferees modified this provision, as it affects the Great Lakes, to read:

That all passenger steam vessels of the United States, the keels of which are laid after the 1st of July, 1915, for service on ocean routes or for service from September 15 to May 15, on the Great Lakes, on routes more than 3 miles offshore, shall be built to carry, and shall carry, enough lifeboats and life rafts to accommodate all persons on board, including passengers and crew: *Provided*, That not more than 25 per cent of such equipment may be in pontoon life rafts or collapsible lifeboats.

The conferees regarded the provision in the House amendment harsh and impracticable to apply to passenger vessels on the Great Lakes navigating during the summer months.

Section 14 of the House amendment, under the title "Certificated lifeboat men—Manning of the boats," provides:

There shall be for each boat or raft a number of lifeboat men at least equal to that specified as follows: If the boat or raft carries less than 61 persons, the minimum number of certificated lifeboat men shall be 3.

As amended by the conferees said provision reads as follows:

There shall be for each boat or raft a number of lifeboat men at least equal to that specified, as follows: If the boat or raft carries 25 persons or less, the minimum number of certificated lifeboat men shall be 1; if the boat or raft carries 26 persons and less than 41 persons, the minimum number of certificated lifeboat men shall be 2; if the boat or raft carries 41 persons and less than 61 persons, the minimum number of certificated lifeboat men shall be 3, etc.

This amendment was made to meet conditions on the Great Lakes and the other inland waters. The lifeboats in use on the Great Lakes will accommodate from 16 to 25 persons, and the life rafts from 12 to 15 persons. The conferees did not regard it reasonable to require a lifeboat carrying 25 persons or less to be manned by a licensed officer or able seaman and three certificated lifeboat men, nor did the conferees regard it reasonable to require a life raft accommodating from 12 to 15 persons to be manned by a licensed officer or able seaman and three certificated lifeboat men; hence, they divided these boats and rafts carrying less than 61 persons into three groups and undertook to provide for the manning of each according to its size and the number of persons carried. The section provides that at no moment of its voyage may any passenger steam vessel of the United States on the Great Lakes, on routes more than 3 miles offshore, except over waters whose depth is not sufficient to submerge all the decks of the vessel, have on board a total number of persons, including passengers and crew, greater than that for whom accommodation is provided in the lifeboats and pontoon life rafts on board. The accommodation provided in lifeboats shall in every case be sufficient to accommodate at least 75 per cent of the persons on board. The number and types of such lifeboats and life rafts shall be determined by regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce: *Provided*, That during the interval from May 15 to September 15, inclusive, any such steamer shall be required to carry accommodation for not less than 50 per cent of persons on board in lifeboats and pontoon life rafts, of which accommodation not less than two-fifths shall be in lifeboats and three-fifths may be in collapsible boats or rafts, under regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce.

The effect of the amendment made by the conferees is if the boat or raft carries 25 persons or less, it shall be in charge of a licensed officer or able seaman and 1 certificated lifeboat man, provided that if the raft carries 15 persons or less, a licensed officer or able seaman need not be placed in charge of such raft; if the boat or raft carries 26 persons and less than 41 persons, it shall be manned by a licensed officer or able seaman and 2 certificated lifeboat men; if the boat or raft carries 41 persons and less than 61 persons, the same shall be manned by a licensed officer or able seaman and 3 certificated lifeboat men. The amendment of the conferees further provides that "one-half the number of rafts carried shall have a capacity of exceeding 15 persons."

Section 18 of the House amendment provides that the act shall take effect as to all vessels of the United States 6 months after its passage, and as to foreign vessels 12 months after its passage, except as otherwise provided. Section 18 of the conference report provides that the act shall take effect as to all vessels of the United States 8 months after its passage, and as to foreign vessels 12 months after its passage, except as otherwise provided.

Section 20 of the conference report is taken from the proviso at the end of section 7 of the Senate bill.

Except as herein mentioned, the House amendment is agreed to by the conferees.

JOSHUA W. ALEXANDER,
RUFUS HARDY,
M. E. BURKE,
WILLIAM S. GREENE,
C. F. CURRY,
Managers on the part of the House.

The SPEAKER. The gentleman from Missouri is recognized for 45 minutes.

Mr. HUMPHREY of Washington. Mr. Speaker, before the gentleman begins, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Washington makes the point of order that there is no quorum present. The Chair will count.

Mr. HUMPHREY of Washington. Mr. Speaker, I withdraw that point temporarily.

The SPEAKER. The gentleman from Washington withdraws the point of order of no quorum. The gentleman from Missouri is recognized.

Mr. ALEXANDER. Mr. Speaker, it is not my purpose to detain the House for more than 5 or possibly 10 minutes at this time.

There were five meetings of the conferees. We were in session from 8 o'clock until 11 or 12 o'clock each evening, and went through all the provisions of this bill with care, and finally came to a unanimous agreement. The conferees on the part of the House were myself, Mr. HARDY, Mr. BURKE of Wisconsin, Mr. GREENE of Massachusetts, and Mr. CURRY. On the part of the Senate they were Senators DUNCAN U. FLETCHER, GEORGE E. CHAMBERLAIN, JAMES K. VARDAMAN, KNUTE NELSON, and WILLIAM ALDEN SMITH. I need not say that the conference report in all of its provisions does not meet with the entire approval of all of the conferees, but we smoothed out our differences and agreed on the conference report as the best solution of many very important and difficult questions involved. A comparative print of the Senate bill, the House bill, and conference report has been made and is available for the use of the Members for comparison if they wish to utilize it.

In the statement just read by the Clerk the conferees on the part of the House have set out briefly the modifications made in the House bill. I might say that the House substitute or amendment for the Senate bill which was reported from the Committee on the Merchant Marine and Fisheries was accepted by the conferees as the basis of the conference report, and constitutes the conference report except as modified, as indicated in the statement of the managers on the part of the House, just read by the Clerk. It will be noted by reference to the statement that the provisions of sections 1, 2, 5, 7, 10, and 17 of the House amendment are incorporated without changes in the conference report.

Section 2 of the Senate bill and section 3 of the House amendment are the same, section 7 of the Senate bill and section 8 of the House amendment are the same, section 13 of the Senate bill and section 15 of the House amendment are the same, section 14 of the Senate bill and section 16 of the House amendment are the same, section 17 of the Senate bill and section 19 of the House amendment are the same, and all these sections remain unchanged in the conference report.

Section 4 of the House amendment provided that demand for one-half part of wages earned should not be made oftener than once in five days. This provision is incorporated in section 4 of the conference report, as follows:

Provided, Such a demand shall not be made before the expiration of nor oftener than once in five days. Any failure on the part of the master to comply with this demand shall release the seaman from his contract, and he shall be entitled to full payment of wages earned.

Section 6 of the House amendment as incorporated in section 6 of the conference report contains the following provision for a hospital compartment, to wit:

That in addition to the space allotment for lodgings hereinbefore provided, on all merchant vessels of the United States which in the ordinary course of their trade make voyages of more than 3 days' duration between ports, and which carry a crew of 12 or more seamen, there shall be constructed a compartment, suitably separated from other spaces, for hospital purposes, and such compartment shall have at least 1 bunk for every 12 seamen, constituting her crew, provided that not more than 6 bunks shall be required in any case.

Section 6 of the conference report also contains the following provision taken from section 5 of the Senate bill, to wit:

Provided, That forecastles shall be fumigated at such intervals as may be provided by regulations to be issued by the Surgeon General of the Public Health Service, with the approval of the Department of Commerce, and shall have at least two exits, one of which may be used in emergencies.

These provisions are intended to add to the comfort, care, and safety of seamen.

The only change made in section 9 of the House amendment as incorporated in section 9 of the conference report is that making the vessel, as well as the master or owner of the vessel, liable in damages for flogging and all other forms of corporal punishment prohibited by the section.

Section 11 of the conference report is the same as section 11 of the House amendment, except that the following proviso at the end of subdivision (e) is stricken out:

Provided, That treaties in force between the United States and foreign nations do not conflict herewith.

Section 12 of the conference report is the same as section 12 of the House amendment, except that the words "employed on a vessel of the United States" are stricken out, making the exemptions therein provided for apply to seamen generally.

Section 13 of the House amendment is the same as section 13 of the conference report, with the following modifications: As amended, the section applies to vessels of over 100 tons gross and upward, except those navigating rivers exclusively and the small inland lakes, etc. The language exempting the smaller inland lakes only, "where the line of travel is at no point more than 3½ miles from land" is stricken out, and the small inland lakes are exempt from its provisions along with rivers. The section is further modified to provide that seamen serving on decked fishing vessels, naval vessels, or Coast Guard (revenue-cutter) vessels for the time prescribed shall be entitled to the rating of able seamen; also that graduates of school ships approved by the Secretary of Commerce may be rated able seamen after 12 months' service at sea; also cutting the requirement of 24 months' service on deck at sea, or on the Great Lakes, or on the smaller lakes, bays, or sounds, to 18 months to entitle a person to the rating of able seaman and qualify him to serve as such on the Great Lakes, smaller lakes, bays, and sounds.

Persons who have served 12 months on deck on the Great Lakes as well as at sea are included among those who may become entitled to the rating of able seamen if found competent under rules prescribed by the Secretary of Commerce as to eyesight, hearing, physical condition, and knowledge of the duties of seamanship; and the number of seamen examined and rated able seamen under the proviso that may be shipped or employed upon any vessel at one time is increased from one-fourth to one-half.

It is further provided that the Secretary of Commerce shall make such rules and regulations as may be necessary to carry out the provisions of the section.

Section 14 of the House amendment is agreed to by the conferees and incorporated in section 14 of the conference report, with certain amendments hereinafter referred to.

The following proviso is inserted at the end of the first paragraph of section 14, and before the word "Regulations," to wit:

Provided, That foreign vessels leaving ports of the United States shall comply with the rules herein prescribed as to life-saving appliances, their equipment, and the manning of same.

While section 4488 of the Revised Statutes, which is amended by section 14, seems to apply to foreign vessels as well as to vessels of the United States, the proviso was inserted by the conferees to make it clear that it shall so apply.

Under the title, "Arrangements for clearing pontoon lifeboats of water," bags of sand as well as a weight of iron may be used in making tests.

Lifeboats on the Great Lakes or other inland waters are not required to be equipped with masts and sails and gear for same, and lifeboats and life rafts on vessels navigating fresh waters are not required to be equipped with provisions and fresh water, as provided in the House amendment.

The House amendment provides that all passenger steam vessels of the United States, the keels of which are laid after the 1st of July, 1915, for service on ocean routes and on the Great Lakes, on routes more than 3 miles offshore, shall be built to carry and shall carry enough lifeboats and life rafts to accommodate all persons on board, including passengers and crew, not more than 25 per cent of such equipment to be in life rafts or collapsible lifeboats. The conferees modified this provision, as it affects the Great Lakes, to read:

That all passenger steam vessels of the United States, the keels of which are laid after the 1st of July, 1915, for service on ocean routes or for service from September 15 to May 15 on the Great Lakes, on routes more than 3 miles offshore, shall be built to carry, and shall carry, enough lifeboats and life rafts to accommodate all persons on board, including passengers and crew: *Provided*, That not more than 25 per cent of such equipment may be in pontoon life rafts or collapsible lifeboats.

The conferees regarded the provision in the House amendment harsh and impracticable to apply to passenger vessels on the Great Lakes navigating during the summer months.

Section 14 of the House amendment, under the title "Certificated lifeboat men—Manning of the boats," provides:

There shall be for each boat or raft a number of lifeboat men at least equal to that specified as follows: If the boat or raft carries less than 61 persons, the minimum number of certificated lifeboat men shall be three.

As amended by the conferees said provision reads as follows:

There shall be for each boat or raft a number of lifeboat men at least equal to that specified, as follows: If the boat or raft carries 25 persons or less, the minimum number of certificated lifeboat men shall be one; if the boat or raft carries 26 persons and less than 41 persons, the minimum number of certificated lifeboat men shall be two; if the boat or raft carries 41 persons and less than 61 persons, the minimum number of certificated lifeboat men shall be three—

And so forth.

This amendment was made to meet conditions on the Great Lakes and the other inland waters. The lifeboats in use on the Great Lakes will accommodate from 16 to 25 persons, and the life rafts from 12 to 15 persons. The conferees did not regard it reasonable to require a lifeboat carrying 25 persons or less to be manned by a licensed officer or able seaman and three certificated lifeboat men, nor did the conferees regard it reasonable to require a life raft accommodating from 12 to 15 persons to be manned by a licensed officer or able seaman and three certificated lifeboat men; hence, they divided these boats and rafts carrying less than 61 persons into three groups and undertook to provide for the manning of each according to its size and the number of persons carried. The section provides that at no moment of its voyage may any passenger steam vessel of the United States on the Great Lakes, on routes more than 3 miles offshore, except over waters whose depth is not sufficient to submerge all the decks of the vessel, have on board a total number of persons, including passengers and crew, greater than that for whom accommodation is provided in the lifeboats and pontoon life rafts on board. The accommodation provided in lifeboats shall in every case be sufficient to accommodate at least 75 per cent of the persons on board. The number and types of such lifeboats and life rafts shall be determined by regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce: *Provided*, That during the interval from May 15 to September 15, inclusive, any such steamer shall be required to carry accommodation for not less than 50 per cent of persons on board in lifeboats and pontoon life rafts, of which acccommodation not less than two-fifths shall be in lifeboats and three-fifths may be in collapsible boats or rafts, under regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce.

The effect of the amendment made by the conferees is if the boat or raft carries 25 persons or less it shall be in charge of a licensed officer or able seaman and one certificated lifeboat man, provided that if the raft carries 15 persons or less a licensed officer or able seaman need not be placed in charge of such raft; if the boat or raft carries 26 persons and less than 41 persons, it shall be manned by a licensed officer or able seaman and two certificated lifeboat men; if the boat or raft carries 41 persons and less than 61 persons, the same shall be manned by a licensed officer or able seaman and three certificated lifeboat men. The amendment of the conferees further provides that "one-half the number of rafts carried shall have a capacity of exceeding 15 persons."

Section 18 of the House amendment provides that the act shall take effect as to all vessels of the United States 6 months after its passage, and as to foreign vessels 12 months after its passage, except as otherwise provided. Section 18 of the conference report provides that the act shall take effect as to all vessels of the United States 8 months after its passage, and as to foreign vessels 12 months after its passage, except as otherwise provided.

Section 20 of the conference report is taken from the proviso at the end of section 7 of the Senate bill.

Except as mentioned, the House amendment is agreed to by the conferees.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. ALEXANDER. Yes.

Mr. MADDEN. In what respect does the conference report differ from the House substitute or amendment with respect to lake navigation; that is, in reference to life-saving apparatus and able seamen?

Mr. ALEXANDER. The bill as it passed the House provided that passenger vessels on the Great Lakes should carry enough lifeboats and life rafts to accommodate 50 per cent of the persons on board, two-fifths of the equipment to be in lifeboats and three-fifths in life rafts. Those are the minimum requirements. Of course the Steamboat-Inspection Service might increase the equipment, but those are the minimum requirements. As the bill passed the House it provided that the lifeboats and life rafts should be manned by a licensed officer or able seaman and three certificated lifeboat men. The owners of passenger vessels on the Great Lakes, with reason, objected to the latter provision. The conferees did not change the provisions of the House substitute or amendment with reference to the number of lifeboats and life rafts that may be carried, but did modify the provisions with reference to the manning of lifeboats and life rafts. The committee in writing the bill and applying its provisions to the Great Lakes overlooked the provisions in section 14 that all lifeboats carrying 61 persons or less should be manned by a licensed officer or able seaman and three certificated lifeboat men.

Mr. MADDEN. What is the provision now?

Mr. ALEXANDER. On the Great Lakes the life rafts now in use carry from 12 to 15 people and the lifeboats 16 to 25. None of them have a capacity for more than 25, hence if you applied the rule as it was written in the bill when it passed the House to these smaller boats and rafts it would mean that they must have a licensed officer or able seaman and three certificated boatmen in charge of each lifeboat and life raft with a capacity not to exceed 25 persons. Of course there is no necessity for any such manning scale for that size boat or raft. The conferees did not regard it reasonable for a life raft carrying from 12 to 15 people or a lifeboat carrying 25 people or less to be manned by an officer or able seaman and three certificated lifeboat men. Hence we divided them into classes; that is to say, the lifeboats carrying 25 persons or less shall be in charge of a licensed officer or able seaman and a certificated lifeboat man.

Mr. MANN. That is, one certificated lifeboat man.

Mr. ALEXANDER. Yes; one certificated lifeboat man. If it carries 26 to 41 persons, they shall be in charge of a licensed officer or able seaman and two certificated lifeboat men. If they have a capacity of between 41 and 61, they shall be in charge of a licensed officer or able seaman and three certificated lifeboat men. Those are the modifications that have been made.

Mr. MADDEN. That applies to lifeboats and not rafts.

Mr. ALEXANDER. It applies to the rafts.

Mr. MADDEN. And boats?

Mr. ALEXANDER. And boats, too, except if the life raft carries 15 persons or less it may be in charge of a certificated lifeboat man.

Mr. MADDEN. Just one?

Mr. ALEXANDER. Just one. We did not regard there was necessity for any more. I will say this: This bill in its provisions as they apply to the ocean service are just as they were written in the House substitute for the Senate bill. The Senate bill provided for lifeboats for all on ocean-going vessels, and not less than two able seamen for each lifeboat, and the House bill provides lifeboats for all on ocean-going vessels except in certain circumstances. Twenty-five per cent of their equipment may be in life rafts, but that provision would only apply to very few ocean-going vessels. Section 14 of the House substitute carries out the provisions of the London Convention on Safety of Life at Sea, and embodies the provisions of that convention as regards lifeboats and life rafts and manning of same in that section, and provides that the manning of the boats and rafts shall be as prescribed in the London convention, except we provide that boats and rafts shall be in charge of a licensed officer or able seaman instead of licensed officer or seaman, and the minimum number of certificated lifeboat men is three, and from three up, depending upon the size of the boat or rafts. In other words, we provide, as does the London convention, for a class of men to man the lifeboats, in addition to the licensed officer or able seamen, known as certificated lifeboat men. In order to obtain the special lifeboat man's certificate, the applicant must prove that he has been trained in all the operations connected with the launching of lifeboats and the use of oars; that he is acquainted with the practical handling of the boats themselves, and further, that he is capable of understanding and answering the orders relative to lifeboat service.

Mr. MADDEN. So that at sea there must be not less than three certificated lifeboat men and an able seaman or officer in charge of the lifeboat and more, according to the size of the boat?

Mr. ALEXANDER. Yes.

Mr. MADDEN. While on the Lakes there shall be not to exceed three certificated lifeboat men, one able seaman or officer, and down to the minimum of one able seaman?

Mr. ALEXANDER. One certificated lifeboat man on a life raft carrying not more than 15.

Mr. GOULDEN. Will the gentleman yield?

Mr. ALEXANDER. I will yield.

Mr. GOULDEN. I want to say that you have covered one of the questions I desired to ask in regard to lifeboats. Having been a member of the Merchant Marine and Fisheries Committee for eight years, during which time we had this under discussion many times, I am deeply interested. The question I wish to ask the gentleman is: What are the regulations for the health and comfort of the sailors as to air space, berths, and so forth?

Mr. ALEXANDER. We have increased the crew space on vessels newly constructed from 72 feet to 120 feet.

Mr. GOULDEN. Cubic feet?

Mr. ALEXANDER. Cubic feet. And the provisions for their comfort are very ample. For instance, we provide for a hos-

pital ward for seamen on all merchant vessels of the United States which in the ordinary course of their trade make voyages of more than three days' duration between ports.

Mr. GOULDEN. Which is very necessary, indeed.

Mr. ALEXANDER. And we provide a better food scale. We also forbid advancements and allotments except to members of their families. And all the provisions, as they affect the welfare of the seamen, in the Senate bill and in the House substitute are incorporated in the conference report, and the comfort and welfare of the seamen are generously provided for.

Mr. GOULDEN. How far do these regulations that we are proposing now to adopt apply under the London convention and regulations of other nations in the merchant-vessel service of different countries?

Mr. ALEXANDER. The provisions of this bill apply to our own vessels and vessels of foreign nations leaving our ports.

Mr. GOULDEN. But to none others?

Mr. ALEXANDER. That is about all there would be.

Mr. GOULDEN. I thought perhaps the London conference had agreed substantially along the line this bill proposes to cover. I had hoped so, at least.

Mr. ALEXANDER. The London convention does not cover the manning of vessels.

Mr. LEVY. I understand that this bill provides the manner in which foreign seamen shall be discharged when they arrive in American ports.

Mr. ALEXANDER. We make the same law apply to seamen in our ports, whether they are foreign or domestic seamen.

Mr. LEVY. Will not that be in defiance of all the treaties that we have with foreign countries?

Mr. ALEXANDER. We provide for abrogation of all the treaties in conflict with the provisions of the bill.

Mr. LEVY. Does not the gentleman think that this is a serious time to provide for abrogation of treaties?

Mr. ALEXANDER. We have always claimed the right to inspect foreign vessels entering our ports, but our navigation laws provide that where the inspection laws of foreign countries are substantially the same as our own we will, under certain conditions, waive inspection of their vessels. We do not inspect their vessels now if they meet certain requirements of our navigation laws, but the London convention, so far as the lifeboat equipment and the manning of lifeboats are concerned, is written into this bill, in section 14. The convention has been ratified by the United States Senate, and, as I understand, has been ratified by the principal maritime nations, and they obligate themselves to conform to those requirements.

Mr. Speaker, I do not care to consume any more of my time now.

Mr. MOORE. Will my colleague yield for two questions?

Mr. ALEXANDER. Yes.

Mr. MOORE. Is your time up?

Mr. ALEXANDER. I will take another minute or two to answer your questions.

Mr. MOORE. The statement on page 27 seems to indicate that the provision which would respect the treaties of foreign Governments in the matter of seamen has been taken out of the bill. Is that correct?

Mr. ALEXANDER. We provide for the abrogation of all treaties in conflict with the provisions of the bill.

Mr. MOORE. You do provide for their abrogation?

Mr. ALEXANDER. Yes.

Mr. MOORE. Then we are to disregard the treaties or give notice of their dissolution?

Mr. ALEXANDER. Abrogation; whenever they conflict with the terms of the bill.

Mr. MOORE. One other question as to the manner in which men may become able-bodied seamen. They must serve three years. Is there any system of apprenticeship provided for in this bill?

Mr. ALEXANDER. Yes. We provide that any seaman, after one year's service at sea, upon passing an examination as to eyesight, hearing, and knowledge of the duties of seamanship, may be rated an able seaman.

Mr. MOORE. How does he get on the ship under the law to qualify after one year?

Mr. ALEXANDER. He can receive a certificate as such. The Department of Commerce has the power under the provisions of the bill to provide rules and regulations.

Mr. MOORE. Before he has qualified as an A. B. he must have had three years' service?

Mr. ALEXANDER. Certainly; except as I have already explained.

Mr. FESS. Will the gentleman yield?

Mr. ALEXANDER. Just for a moment.

Mr. FESS. There is some fear expressed in a resolution of the Ohio Legislature that this legislation will be very hurtful to shipping on the Great Lakes. What, in your opinion, would be the effect on the Great Lakes of the legislation as now proposed by this conference report?

Mr. ALEXANDER. I think one effect will be this, that during the excursion season, when lake excursion boats carry such large numbers of people, it will curb that disposition somewhat, and I think in the interest of safety of life that should be done. If they insist upon carrying such great numbers of people, they will be compelled to equip themselves proportionately Now, of course, the lake people stoutly objected to the Senate bill, known as the La Follette bill, and they objected to some of the provisions of the House substitute. They would rather not have any regulation at all, except under the Steamboat-Inspection Service; but the provisions of the House substitute or amendment, as modified by the conference report, I think, meet the views of every reasonable operator of passenger steamers on the Great Lakes.

Mr. FESS. That it would not interfere with legitimate traffic on the Lakes?

Mr. ALEXANDER. It would not. I would regret very much to have it do so.

Mr. SWITZER. Mr. Speaker——

Mr. ALEXANDER. I have not any more time now.

Mr. SWITZER. I should like to know how it affects the Ohio River.

Mr. ALEXANDER. It does not affect the Ohio River at all. Mr. Speaker, I reserve the balance of my time.

Mr. GREENE of Massachusetts. Mr. Speaker, I yield 10 minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Speaker, a few moments ago I made a point of no quorum, but some gentlemen thought that it might inconvenience some Members, and so I withdrew it. The reason why I made that point of no quorum was this, that I do not believe that very many Members of this House outside of those on the committee understand the provisions of this bill, and I think that if they did we would not have passed it. I made the statement on the floor of the House the other day—and I was simply quoting newspaper statements, and perhaps I was not correct; I do not know—but according to the statements that came to me, the President of the United States does not believe that this is an opportune time to pass this bill.

Now, all of the Members of this House on each side of this aisle have applauded the President for every step that he has taken to preserve the peace and the neutrality of this country. We all want to do everything that we can to uphold his hands in that respect. But if I understand the provisions of this bill, we are now passing legislation that is going to lead us directly into danger, and I can not see the emergency that would justify us at this particular inopportune time, when the whole world is ablaze, in passing a bill that violates every treaty we have with every commercial nation of the world, and is likely to lead us into friction with all the shipping countries that send their vessels to our ports.

And what is the emergency? They tell you that the emergency for the passage of this bill is to keep the American seamen from being imprisoned. Everybody is in favor of that proposition. But what is the emergency that it should be done just now in violation of our treaties, without giving notice to the foreign countries? It is not in behalf of the American sailor. We have no American sailors to free. That is simply a fiction. That is imagination only that has been appealed to in order to get this bill passed through the House. We have not to-day 500 Amercan sailors upon the Pacific Ocean. We have very few anywhere.

Now, I want to call the attention of this House to the provisions of the bill, and I am going to leave out all discussions in regard to its effect on our domestic trade. I believe it is a much better bill than that which came over from the Senate. I think it is a better bill than the one we passed through the House once before, but its provisions in regard to the foreign vessels are the same. I do not believe the Members of the House know the conditions that we prescribe on every vessel, foreign as well as our own, that comes into American ports. Now, let me read some of the provisions. I read:

That it shall be, and is hereby, made unlawful in any case to pay any seaman wages in advance of the time when he has actually earned the same, or to pay such advance wages, or to make any order, or note, or other evidence of indebtedness therefor to any other person, or to pay any person, for the shipment of seamen when payment is deducted or to be deducted from a seaman's wages. Any person violating any of the foregoing provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than $25 nor more than $100, and may also be imprisoned for a period

of not exceeding six months, at the discretion of the court. The payment of such advance wages or allotment shall in no case, except as herein provided, absolve the vessel or the master or the owner thereof from the full payment of wages after the same shall have been actually earned, and shall be no defense to a libel suit or action for the recovery of such wages. If any person shall demand or receive, either directly or indirectly, from any seaman or other person seeking employment as seaman, or from any person on his behalf, any remuneration whatever for providing him with employment, he shall for every such offense be deemed guilty of a misdemeanor, and shall be imprisoned not more than six months or fined not more than $500.

Then it goes on and prescribes various other conditions in relation not only to our vessels but to any foreign vessel that comes into this country. Now, suppose a German vessel should come to our shores. Perhaps that is rather a violent presumption just at this time, in the situation we are in; but the war is not going to last always. Suppose a Japanese vessel comes into one of our ports—and they are coming in every day—and upon that vessel is a seaman who has been paid some of his wages in advance—a Japanese sailor, or perhaps it may be a Chinese sailor, paid in accordance with the laws both of China and Japan. He comes into one of our ports. Some irresponsible person files an affidavit, as provided under this bill, to the effect that there has been a payment made to that man in advance, although it was perfectly lawful in his own country, and, in fact, in the two countries, in the illustration I have made; yet immediately upon the filing of that affidavit they arrest the captain of this vessel and fine him or imprison him.

Is any self-respecting nation going to submit to any such performance as that?

That is clearly what might happen under the terms of this bill. I think if I would ask my distinguished friend, Judge ALEXANDER—although perhaps I ought not to say so—he would tell you that if that performance were gone through with perhaps the Attorney General of the United States would hold that we had no authority to make any such provision. But if that is so, why should we go through the idle performance of irritating some foreign country? What is the purpose of all this? Are we simply legislating to deceive somebody or to obtain the good will of some one?

But that is only one of the many pernicious provisions in regard to foreign ships. Let me read you some more of them. I read:

SEC. 13. That no vessel of 100 tons gross and upward, except those navigating rivers exclusively and the smaller inland lakes and except as provided in section 1 of this act, shall be permitted to depart from any port of the United States unless she has on board a crew not less than 75 per cent of which, in each department thereof, are able to understand any order given by the officers of such vessel, nor unless 40 per cent in the first year, 45 per cent in the second year, 50 per cent in the third year, 55 per cent in the fourth year after the passage of this act, and thereafter 65 per cent of her deck crew, exclusive of licensed officers and apprentices, are of a rating not less than able seaman. Every person shall be rated an able seaman, and qualified for service as such on the seas, who is 19 years of age or upward and has had at least three years' service on deck at sea or on the Great Lakes, on a vessel or vessels to which this section applies, including decked fishing vessels, naval vessels, or Coast Guard vessels; and every person shall be rated an able seaman, and qualified to serve as such on the Great Lakes and on the smaller lakes, bays, or sounds, who is 19 years of age or upward and has had at least 18 months' service on deck at sea or on the Great Lakes or on the smaller lakes, bays, or sounds, on a vessel or vessels to which this section applies, including decked fishing vessels, naval vessels, or Coast Guard vessels; and graduates of school ships approved by and conducted under rules prescribed by the Secretary of Commerce may be rated able seamen after 12 months' service at sea: *Provided*, That upon examination, under rules prescribed by the Department of Commerce, as to eyesight, hearing, and physical condition, such persons or graduates are found to be competent: *Provided further*, That upon examination, under rules prescribed by the Department of Commerce, as to eyesight, hearing, physical condition, and knowledge of the duties of seamanship a person found competent may be rated as able seaman after having served on deck 12 months at sea or on the Great Lakes; but seamen examined and rated able seamen under this proviso shall not in any case compose more than one-fourth of the number of able seamen required by this section to be shipped or employed upon any vessel.

Now, if they were prescribing that for some of our own ships, that would be our own business. I am not saying now but what that is a regulation that ought to be adopted for our own vessels. But what is "an able seaman"? They go on and tell you that "an able seaman" is a man that has had 18 months' service at sea. You have changed it, have you not? I make this inquiry of the gentleman from Missouri [Mr. ALEXANDER].

Mr. ALEXANDER. Three years' service on the ocean or 18 months on the Great Lakes.

Mr. HUMPHREY of Washington. Yes; 3 years' service on the ocean, or 18 months' service on the Great Lakes.

Mr. ALEXANDER. After 12 months' service at sea or on the Great Lakes if he stands the examination provided for.

Mr. HUMPHREY of Washington. Yes. And he must be 19 years of age. Whatever the precise qualifications are, it does not matter. But it is not the qualifications prescribed that I have objected to. What I want to call your attention to is the fact that it says "no vessels," clearly including foreign as well as American. Now, for fear that they might in the courts construe the words "no vessels" as not including foreign vessels, although it is as broad as you can make it, in section 14 there is this proviso:

Provided, That foreign vessels leaving ports of the United States shall comply with the rules herein prescribed as to life-saving appliances, their equipment, and the manning of same.

Mr. ALEXANDER. Will the gentleman yield at that point?

Mr. HUMPHREY of Washington. Yes.

Mr. ALEXANDER. I call the gentleman's attention to the fact that section 14 applies those provisions of international convention on safety of life at sea to which the principal maritime nations have given their assent, and it meets their views.

Mr. HUMPHREY of Washington. That part of it is perhaps true. But I want to ask the gentleman if it was not the intention and the understanding of the conferees that these provisions of section 13 should apply to foreign ships?

Mr. ALEXANDER. We amend section 4488 of the Revised Statutes, which applies to all vessels, whether domestic or foreign; and I thought, without that clause written in expressly so stating, the section would apply both to domestic and foreign vessels. But some members of the conference were so insistent that the provisions of section 14 should apply to foreign as well as United States vessels that I consented that that provision might be inserted, which would make it doubly certain.

Mr. HUMPHREY of Washington. So that it is absolutely sure, so far as the intention is concerned, that these provisions shall apply to foreign ships?

Mr. ALEXANDER. The provisions of section 14?

Mr. HUMPHREY of Washington. The provisions of section 13.

Mr. ALEXANDER. There is nothing to indicate that it shall apply to foreign ships, except that it says any vessel of more than 100 tons gross departing from a port of the United States shall be manned in a certain way.

Mr. HUMPHREY of Washington. I want to state further to the chairman of the committee, I think in all fairness to this House we ought to know whether it is intended that the provisions of section 13 shall apply to foreign vessels; because I have been a member of the Committee on the Merchant Marine and Fisheries for 10 years before this Congress, and a similar bill was before that committee during all the time I have been a member of it. I know that it is the very foundation of this bill.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GREENE of Massachusetts. I yield to the gentleman from Washington 10 minutes.

Mr. HUMPHREY of Washington. I know that it has always been the one great motive back of this bill to make it apply to foreign ships. I know that is what the president of the Seamen's Union is contending for, and I know that it would not receive sanction from that source for five minutes if it was not intended to apply to foreign ships. The gentleman ought to be fair with the House and with the country. You either intend this to apply to foreign ships or you do not. Now, I should like to know if it is understood, and if the gentleman will accept an amendment providing that this shall apply only to American ships? If so, then it will remove many of the objections to this bill, because it will prevent the violation of these foreign treaties. It will avoid the complications that are likely to arise. Much of my opposition, so far as that portion of this bill is concerned, is based upon that fact; and I should like to know whether it is the understanding of those advocating the bill that section 13 applies to foreign ships. I think the time has come when we ought to know. You have no right to keep this information from the House or the country. I will yield to the gentleman [Mr. ALEXANDER] to state whether it is the intention to apply this to foreign ships or not, as he understands it.

Mr. ALEXANDER. I do not know of anybody objecting to that provision except the gentleman from Washington. The conference report can not be amended. That is very clear. It was intended to apply indiscriminately to domestic and foreign vessels departing from our ports. That is the theory upon which the bill was drawn. It was in that form when it passed the House in the last Congress and the Senate and was pocketed by President Taft.

Mr. HUMPHREY of Washington. I thank the gentleman. So we agree. I have always contended that it was intended to apply to foreign ships. So now, having settled that point, I want to point out——

Mr. EDMONDS. Will the gentleman yield?

Mr. HUMPHREY of Washington. I yield to the gentleman from Pennsylvania.

Mr. EDMONDS. I want to call the attention of the gentleman to section 16, which says:

Any other treaty provision in conflict with the provisions of this act ought to be terminated, and to this end the President be, and he is hereby, requested and directed, within 90 days after the passage of this act, to give notice to the several Governments, respectively, that so much as hereinbefore described of all such treaties and conventions between the United States and foreign Governments will terminate on the expiration of such periods after notices have been given as may be required in such treaties and conventions.

Mr. HUMPHREY of Washington. Yes; and section 18 provides that it shall take effect as to all vessels of the United States 8 months after its passage and as to foreign vessels after 12 months, and then it provides further in the bill that the President shall give notice to foreign countries, and so forth.

As a matter of fact, it violates some treaty with almost every nation in the world. There is no question about that. No one disputes it. We will have to set aside many treaties that we have with these foreign countries.

But now let me call attention to a situation——

Mr. ALEXANDER. I will say that we have no treaty with a foreign nation relating to the manning of vessels.

Mr. HUMPHREY of Washington. That may be true in particular respects, but I think it is a violation of many of our treaties to impose the conditions which we are going to impose in this bill upon foreign ships.

I take conditions on my own coast, because I am more familiar with them; but exactly the same conditions would apply at all ports. I want to give you a specific illustration of what is going to occur under this bill. Then I shall have done my duty. I think if we pass this bill we are going to have difficult situations to face. I think it will lead us possibly into war. But after having made my statement, which I have made repeatedly on the floor of the House, I am not going to refer to this matter further. I have heretofore had to point out to the Members of this House that for the sake of doing an imaginary right to somebody who does not suffer, at this time when almost the whole world is engaged in war, we are going to enact legislation that will bring us trouble. The question I want you to consider is whether or not you are willing to do it. This bill is no more to me personally than it is to any other Member of this House. I never directly or indirectly had a penny's worth of interest in any ship or in shipping, domestic or foreign.

But to illustrate the working of this bill, a Japanese vessel comes into the city of Seattle, one of those great transoceanic liners with a crew of from 600 to 800 men. That vessel comes in to our wharf and is taking on a cargo. She is loaded and ready to put to sea. Any person, it makes no difference how irresponsible he may be, can file an affidavit under the terms of this bill, saying that the men upon that vessel do not understand the language of their officers, saying that some of them have been paid in advance, saying that some of them are under 19 years of age, saying that some of them have not had the required experience to make them able seamen, and immediately the collector of customs must cause a muster of that crew and not permit the vessel to sail. Now, how long is it going to take to muster that crew? It will take from 6, 10, and probably 24 hours to do it, and after it is done and over with, under the provisions of this bill another affidavit can at once be filed that some other of the numerous provisions have been violated. The dangers of this provision can not well be overestimated.

I want to ask this House if it thinks that any of the great nations are going to submit to such a humiliation? What is the justification for such action? Why should we tell Japan how old her sailors should be; why should we tell her how she shall pay her sailors? It does not affect our safety; it does not have anything to do with international relations or domestic affairs that will justify us in taking such action.

Further, they provide that if sailors desert they can not be taken back on board. I would like to see that provision in force if it can be done by international agreement, but we are the only one that takes that step. If negotiations were entered into, the other nations might join us.

The president of the sailors' union told me that if the bill went into effect Japanese seamen would desert, and that was one of the reasons why he wanted the bill.

If this crew of 600 or 800 men desert at Tacoma or Seattle, that vessel is not permitted to sail until they have a crew that understands the language of the officers, and that would be a Japanese crew. Where are you going to get that crew? It could not be gotten on the Pacific coast without great delay and cost. But this vessel from a friendly nation is not permitted to depart from our ports until they have conformed to our laws in these matters relating entirely to their own sailors. If it was a matter in regard to the use of the port or any way affecting our trade or commerce, it would be a different proposition.

Mr. GORDON. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. GORDON. Would not those Japanese leaving their vessel, deserting, conflict with our exclusion law in our own port?

Mr. HUMPHREY of Washington. It would if they were Chinese. I do not know whether it would if they were Japanese or not, but it would violate our immigration laws. The point to which the gentleman from Ohio calls attention is a very important one that the Immigration Committee ought to take notice of. This bill leaves the gate wide open, and you can bring in an unlimited number of men if it goes upon the statute under the guise of sailors that come here and desert.

Mr. JOHNSON of Washington. What law is there that would keep Japanese out?

Mr. HUMPHREY of Washington. Nothing, except the general immigration laws.

Mr. LEVY. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. LEVY. The gentleman is familiar with the coastwise traffic on the Pacific coast. I would like to ask him how this law would affect the Pacific coast traffic, and if he does not consider it a very onerous burden on the coastwise ships.

Mr. HUMPHREY of Washington. As far as the coastwise trade on the Pacific coast is concerned it will not affect it materially. As far as the over-sea trade is concerned it will destroy it.

Mr. FESS. Will the gentleman from Washington yield?

Mr. HUMPHREY of Washington. Yes.

Mr. FESS. In legislative matters conflicting with treaties, what has been our custom? Is it to get an agreement for a change of the treaty, or is it first to pass a law and then abrogate the treaty?

Mr. HUMPHREY of Washington. I can not say what our custom has been, because I have not looked it up; but I can say that reasonable courtesy would suggest that we get an international agreement first, or, at least, attempt to get one. What is the necessity of our passing this law now, without giving time to other nations of the world to join with us if they so desire?

The SPEAKER pro tempore (Mr. CRISP). The time of the gentleman has again expired.

Mr. GREENE of Massachusetts. I yield five minutes more to the gentleman from Washington.

Mr. FESS. Will the gentleman again yield?

Mr. HUMPHREY of Washington. Yes.

Mr. FESS. Has the gentleman made up his mind that this is a violation of the treaty?

Mr. HUMPHREY of Washington. I have no doubt about it, and there can be no question about it. I have talked with no one who has studied the bill that does not agree that this is in violation of many of our commercial treaties.

Now, Mr. Speaker, I did not intend to discuss this matter locally, but since the gentleman from New York [Mr. LEVY] asked how it will affect the Pacific coast, I will say that if a Japanese vessel comes into our port they at least have the possibility of the desertion of their crew. They at least have the possibility of some one attempting to enforce this law. They are at least subject to the chance of some one harassing them.

Over at Vancouver, just across the line, they have every advantage that they have at Seattle, and I am unable to understand why any foreign ship should come to Seattle, where it is possible to harass them under this hostile legislation, where we hold out an invitation to the crew to desert, where we place it in the power of any irresponsible citizen to annoy them, to call a muster of their crew, why a vessel should come down there instead of going to Vancouver. I have not a particle of doubt that if this law goes on the statute books it will largely destroy Seattle as a great shipping port and transfer much of our business to Vancouver, British Columbia. It is bound to do that.

I want to say in conclusion that I have confidence that the President of the United States will have patriotism enough, if we do not, not to permit this law to go on the statute books at this time. I believe when the President looks at the bill and discovers that it is in violation of the various treaties we have with other countries, and when he looks at the conditions as they are to-day, believing that its enactment may lead to friction, that he will not approve it.

I thank the House for the time I have taken. I hope I shall never be called upon to talk on the seamen's bill again.

Mr. ALEXANDER. Mr. Speaker, I yield 10 minutes to the gentleman from Texas [Mr. HARDY].

Mr. HARDY. Mr. Speaker, the gentleman from Washington [Mr. HUMPHREY] is certainly one of the radical opponents of most any legislation proposed to amend our navigation laws by way of reforming them. He says that if the Members of this House understood this bill they would not pass it. That is a very poor compliment to the members of the conference committee, who spent five nights in conference, after weeks and months, and some of them years, in study of the bill, who, when they got together in conference, every single, solitary member signed this report. It is a unanimous report.

Mr. HUMPHREY of Washington. Mr. Speaker, will the gentleman yield?

Mr. HARDY. No; I have only 10 minutes.

Mr. HUMPHREY of Washington. But the gentleman misquotes me there.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. HARDY. I can not yield. Now, the whole committee signed this report of this bill, after mutually yielding and conceding, so that probably it is not exactly what any one of them would have written. The gentleman says that there is no emergency for this bill. We are not presenting this bill as an emergency bill, but as a long-needed reform. Let me call the attention of Members of the House to the fact that for years the fight has been going on before the Merchant Marine and Fisheries Committee and the appropriate committee in the Senate to secure the reforms provided in this bill. At the last session, toward the close of Congress, this bill virtually was passed, and suffered a pocket veto, because the President either did not approve it or have time to examine it. Years before that this bill, or nearly its equivalent, was before the same committee, but the gentleman from Washington [Mr. HUMPHREY] was on the committee and fought it hard, and so now, after years of labor on it, it nears a triumphant passage. Emergency! Why, for 20 years the friends of seamen have been fighting to strike the shackles off the wrists of the seamen, and so abolish the last relic of slavery that exists in any enlightened country; and this bill does that.

The gentleman from Washington says he does not oppose the abolition of involuntary servitude provided in this bill, and yet concludes his argument with the statement that that provision will cause Seattle to lose its commerce to Vancouver, because he says ships will go to Vancouver, where seamen are not free men, in preference to Seattle, where they are free men. I predict that when we have passed this bill there will not be an enlightened nation on the earth that will not follow our example and strike the shackles from the wrists and ankles of the seamen of their country. [Applause.] The gentleman says when we get this bill we are going into danger, and the President is not going to approve it, because we would get in danger. Why? Because we strike the shackles from the wrists of our seamen? He overestimates the power of his sophistry with the President, for you know and I know that no enlightened nation is going to make such a proposition a bone of contention or a ground of quarrel with the United States, nor will any Government quarrel with us for imposing in our ports the same rules on their vessels which we apply to our own. What nation would complain, and if it did complain could further complain when we say, "Mr. Britisher, Mr. Frenchman, the rules we apply to your vessel we apply to our own"? But this matter has been gone into, as to whether foreign ships might be made subject to our rules, and in the bark *Endora* case, a case in reference to our allotment law, which was made applicable to foreign ships as well as our own, our court said that on English or foreign vessels the law of the country to which the vessel belonged applied to rules governing the vessel, and so forth, by courtesy of nations, but if a nation saw proper to assert its own authority within its own jurisdiction, the implied consent to the rule of the law of other nations was withdrawn, and our laws would apply. That was the decision of the Supreme Court of the United States. Make these rules which we apply to our vessels apply to foreign vessels? Of course that is the purpose of this bill. Why? For this reason. We are struggling to build up an American merchant marine. If you do not have rules that restrict competitors of the American merchant marine, to the full extent and just as you restrict the American merchant marine, you never can have an American merchant marine. The real milk in the coconut seems to be this.

Gentlemen like my friend from Washington do not want any American merchant marine unless they can get it by the pathway of subsidy, and they would like to talk in the future as they have in the past about the restrictions on our merchant marine being such that they prevent us from competing with other merchant marines that are not governed by those restrictions. For instance, they would say an American shipowner must pay half of the wages due to his seaman at any port he enters, but that that is not so with the British shipowner navigating our waters. They further would say we have passed a law that strikes the shackles from the seamen in our port, but we have left the law so that the foreign shipowner can manacle his seaman through his hunger and thirst and want. Also that we require our ships to be efficiently manned, but permit foreign ships to do as they please. What about it? A seaman comes from Naples here on a low wage. When he gets into the port of New York, he is dissatisfied. He has been out a month, the ship is safe in port, and some wages are due him. The shipmaster, fearing that perhaps he will not return, will not give him a dollar. He can not go out in New York and pay for a night's lodging or for a meal. Had you not just as well have the law say, "We will arrest him and put him back," as to have the law say that when he gets to New York he can not get a dollar or a dime of the wages due him simply because he has contracted that way across the water? We provide here that when these men come to our ports they shall be entitled to demand half the wages earned, and if refused to go to our courts and sue for one-half of the wages due them. Mark you, we do not encourage the seaman to desert, and we make him lose all he leaves—one-half his wages and his clothing and property on board the ship—but we give him a little mite, so that he may buy a night's lodging or pay for a breakfast.

Mr. LEVY. Mr. Speaker, will the gentleman yield?

Mr. HARDY. No; I can not.

Mr. LEVY. I have no time to speak myself, and this is the only way in which I can have myself heard.

Mr. HARDY. I decline to yield. The gentleman from Washington says that under these circumstances the seaman under this bill goes and has the officer of the vessel arrested, and that will get us into trouble. The gentleman is mistaken. All he can do is to go to our courts and sue for the wages that are due him, and that is not going to get us into any trouble. It is a strange thing to me that men like the gentleman from Washington [Mr. HUMPHREY] are here constantly fighting the battles of the foreign shipowner. Why? What bond of sympathy is it that makes the gentleman from Washington stand up here and defend the so-called or suppose rights of the shipowner of Great Britain, Norway, or Germany? The answer to all of it is this, that if we exempt foreign ships from the restrictions we put on our own the gentleman from Washington can then urge that we have so restricted the shipowner of the United States by constraints that are not upon the shipowners of other countries that he can not compete, and that therefore we must give our shipowner a subsidy.

No, my countrymen, I tell you what we want. We want to build up an American merchant marine. We want to put the American shipowner on the seas governed by the same rules, subject to the same restrictions that the foreign shipowner is under; no more, no less, and this bill in addition to striking the shackles from the limbs of the seaman places our shipowner on the ocean on equal terms with the shipowner of any other nation with one exception, and that is that he may have to pay more for his vessel, but if it is one in the foreign trade only he gets his vessel on equal terms. Then when you put two vessels under different flags, plowing the same waters, and the seaman is free, the seamen of those two vessels will receive the same wages because the seamen will go to where they can get higher wages. But if you shackle them, if you say we will arrest you if you desert, or we will hold you to your ship by the pangs of your stomach, or we will not let you sleep, we will not let you eat, we will not give you anything you have earned if you leave the ship, if we do that then the shipowner abroad can hold in chains his seamen as long as he pleases. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ALEXANDER. Will the gentleman from Massachusetts use some time?

Mr. GREENE of Massachusetts. I yield five minutes to the gentleman from Minnesota [Mr. MANAHAN].

Mr. MANAHAN. Mr. Speaker, a very ordinary way to attempt to destroy a meritorious measure that can not be met upon its merits by argument is by invoking the specter of fear, and the gentleman from Washington [Mr. HUMPHREY] is past master of the art of evoking specters. To my mind there is absolutely no reason why any man in this Chamber should hesitate in voting for this conference report. The bill, as the gentleman from Texas [Mr. HARDY] has just clearly stated, has been carefully considered, has been the subject of the best study of the best men in this Chamber for many years. It is the result of the judgment of the conferees, and, in my opinion, it commends

itself to every thoughtful man. Not one argument has been urged against it upon the merits of the measure, and when gentlemen try to defeat it by talking war and the danger of war they belittle the intelligence of the House and discredit their own. There is no reason why this Nation should be involved in war because, forsooth, a Japanese vessel which sails into the port of Seattle has to submit to the provisions of this bill. The gentleman offers the suggestion that the provisions of this law may be by some irresponsible person insisted upon and embarrassment thereby result. This is purely imaginary. The Empire of Japan is governed by intelligent, patriotic men. They are not going to invoke the terrible catastrophe of war because the men operating vessels under their flag are subjected to exactly the same treatment as men operating our vessels are subjected to in our own ports. An irresponsible man in Seattle might get us into trouble with a foreign power by dynamiting one of their vessels, but not by invoking the provisions of a law deliberately passed by a great government and applied to all alike.

The argument, to my mind, is absurd, and I do not believe the gentleman himself considers it any more than a specious argument, a special plea. This conference report ought to be accepted; this bill ought to be passed. The toiling men in the merchant-marine service have been demanding this legislation for years. We must encourage and protect them. It is the only way we can get the right kind of men to go into the service and build up a merchant marine. It is the only way we can do justice to the sailors upon the seas. It is the only way we can——

Mr. LEVY. Will the gentleman yield? How many sailors have we now in the service?

Mr. MANAHAN. Only a few, because the laws we have in force have been infamously unjust to sailors, and that is why we ought to make this bill a law and enforce it honestly; then, as the years come and go, you will find under its provisions a great merchant marine built up of American sailors to man American ships——

Mr. LEVY. We have not any at all.

Mr. MANAHAN. Because they will get a square deal under its provisions which they do not get now. The very question of the gentleman from New York, as to how many sailors we have, discredits our present law and emphasizes the necessity for this legislation. [Applause.]

Mr. GREENE of Massachusetts. Mr. Speaker, I yield 15 minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE. Mr. Speaker, there are two men in this House whose consistency I admire. One is the distinguished gentleman from Alabama [Mr. UNDERWOOD], who from the beginning to the end of his career in the House has been a consistent advocate of tariff for revenue only. He has held to it through the course of the tariff bill which bears his name, even though the country is sorely distressed, and he refuses to admit the error of his policy when unemployment prevails around about him. He stands by his guns, though the industries shall be closed down. The other gentleman whose consistency I admire is the distinguished gentleman from Missouri [Mr. ALEXANDER], whose course in relation to shipping legislation has been very much like that of the distinguished Democratic leader, Mr. UNDERWOOD. He wants to revise the shipping laws of the United States. He wants to introduce a new merchant-marine system. He has undertaken to do it, partly by suggestion from the White House, by the introduction of certain bills and the repeal of others, until to-day we have the crowning effort of his maritime career. He wants to do to-day with the shipping of the United States what the distinguished gentleman from Alabama [Mr. UNDERWOOD] has done with the industries of the United States—turn them over to our foreign competitors.

Mr. GORDON. Will the gentleman yield right there?

Mr. MOORE. No; I can not.

Mr. GORDON. I wanted to ask the gentleman a question——

Mr. MOORE. I would like to answer, but I have not the time. In his efforts to change the merchant marine, the gentleman approved the bill which came from the Interstate and Foreign Commerce Committee in the Panama Canal act, granting American registry to foreign ships. That meant to confer the American flag upon foreign ships built by foreign cheap labor. The boon of the American flag on foreign craft is of inestimable value to foreigners upon the high seas to-day. Then we had what is called the ship purchase bill, introduced at the instance of the President of the United States, to buy foreign ships. Thank God, it has not yet passed the other Chamber, though it passed this one. That meant the transfer of American money to foreign shipyards. Then we had the bill providing for war-risk insurance for foreign ships that were given the American register. Two ships have already gone down under this system—ships built by foreign cheap labor—which because they were wrecked had had conferred upon them the right to use the American flag. The Government has already lost through insuring these two foreign-built vessels about $660,000, which the people staked against premiums amounting to $21,000. Then we had what was called the wreckage bill, brought in by the gentleman from Missouri [Mr. ALEXANDER] and his committee. That bill proposed that where old foreign hulks were wrecked upon the American coast and repaired somewhere in American shipyards they shall be given the right to use the American flag. Thus we see how, in the matter of building a new marine industry in the United States, the gentleman from Missouri has been absolutely consistent in his course, as the gentleman from Alabama was consistent in his course in helping—unwittingly, of course—to close up the industries of this country for the benefit of our foreign competitors.

Through the vast imports that come into this country from foreign mills—both British and German—even during the war, we have been able to discern just what it means to have the low tariff in this country. The imports have not fallen off to any great extent relatively, so far as the activities of the mills in Germany and Great Britain have been concerned. We have been sending them more raw material than ever, especially cotton, to work up into competitive manufactures to batter down our own industries.

The damage has been great, not only to the employers and the labor in the textile industries in the United States but the loss to the Treasury has been most acute. That our own industries suffered while we have been feeding foreign mills to compete with us under the low tariff, even during the war, is attested by the hundreds of thousands of unemployed workmen in our own country. I have not overindulged the temptation to tell of the misery that exists in the textile districts of Philadelphia, but I know there is lack of employment both in the mills and in the shipyards, and I further know that it is due not to the European war but to the legislation recently passed and proposed in this Congress which favors the European manufacturers and European shipbuilders above the men and the women who obtain their livelihood here. The closing of at least 12 hosiery mills in Philadelphia alone during the last year is but a drop in the bucket of industrial depression that has prevailed since the low-tariff law went into effect. The imports from Germany have been so steady and so heavy that it was useless for these mills to undertake to do business against so cheap and so formidable a foreign deluge.

And we have the unemployed with us still, not only in the textile industry but at the shipyards, in the iron and steel industry, and in various other industries all over this country.

Now, what does this shipping bill propose to do? In short, it proposes to turn over about everything we have left in the way of an advantage to American shipping to our foreign competitors. The gentleman from Texas [Mr. HARDY] makes a most brilliant and eloquent speech about the gyves that are upon the wrists and the shackles that are upon the legs of American seamen, but the gentleman from Minnesota [Mr. MANAHAN] says there are no American seamen. Then what becomes of this beautiful bit of sympathetic oratory from Texas? If there are no American seamen, it is useless to talk of shackles upon American seamen. The bill is weak in this particular, because it speaks of "involuntary servitude." I do not believe in shackles or involuntary servitude, and I am not prepared to weep crocodile tears over any such pretense of slavery. The American workman does not yield to shackles or slavery anywhere in this country. It is a favorite expression with agitators, but it belies the spirit of the man who works for a living in the United States. We have no slaves in the United States to-day. It is idle to talk of "slavery" in connection with this bill. We abolished slavery long ago. We struck the shackles from 4,000,000 slaves, and did it effectively and well, and there have been no slaves in this country since.

What does this bill propose? It proposes that inasmuch as we have no Amreican sailors we shall give the American sailors' rights to foreign sailors, that inasmuch as we have no American ships we shall confer every American right upon foreign ships. We have done that right along in every bill that has been introduced under the present administration. We provide in this bill that no man shall be qualified as an able-bodied seaman unless he has had three years' actual service upon the high seas. The gentleman from Missouri [Mr. ALEXANDER] admitted that in a question put to him by me a little while ago. Where, in the name of heaven, are we going to get American men equipped to be American seamen unless we provide for some sort of apprenticeship? Where are we going to get able-bodied American seamen when the only men qualified to serve under

the law are the men who have had three years' experience on the high seas? What men are qualified to become able-bodied seamen? The fact is that under this bill the only man who can claim to be an able-bodied seaman, there being no American seamen, is the man who has served three years on a foreign ship and who speaks some foreign language. [Applause.]

Mr. ALEXANDER. Will the gentleman yield?

Mr. MOORE. Yes.

Mr. ALEXANDER. The gentleman who applauded that sentiment does not know the provisions.

Mr. MOORE. I think that was the Seamen's Union.

Mr. ALEXANDER. The bill provides that graduates of school ships may become able seamen after 12 months' service.

Mr. MOORE. If that is provided in this bill, it may help a little; but the three-year seaman is a foreign seaman.

Mr. ALEXANDER. It is provided in this bill. It also provides that any seaman after 12 months' service at sea or on the Great Lakes, and who passes an examination as to eyesight and seamanship, may become an able seaman.

Mr. MOORE. May I ask the gentleman where we will get American seamen while we are waiting for the three years to pass by?

Mr. ALEXANDER. Why, we have not any American seamen in any number.

Mr. MOORE. Then, we will have to fill up this new American merchant marine, of which the gentleman from Missouri is the father, by employing foreign seamen on foreign ships flying the American flag. Take foreign material, foreign labor, foreign workshops, foreign shipyards, and foreign ships and put foreign labor on them, and then we have an American merchant marine. Do not do any of the work in this country; do it abroad. That is the proposition in this bill.

Mr. ALEXANDER. Will the gentleman let me answer that question? All ships under the American flag employ the same class of seamen as vessels under foreign flags, and we have no law, and have not had for 20 years, requiring them to be American seamen.

Mr. MOORE. Mr. Speaker, I wish to say this: That while the gentleman has devoted himself to this work, and very consistently as I have said, the gentleman is mistaken if, in his opinion, American advantages will be derived from the passage of this bill. What will become of the man with small capital who operates a single ship along the Atlantic seaboard stopping from port to port, or any small corporation for that matter, subjected as they will be to the restrictions and limitations imposed by this bill? The crew can do substantially what it pleases with the vessel. With the great corporations owning large steamships and able to employ counsel and maintain an organization for protective purposes it will be different. They can drive the small operator away from the coast or off the seas. The man who owns a yacht is exempted from the provisions of this bill, but the small shipper will have a hard fight for existence under it. The advantage, if any, will be with the large foreign corporations, many of which now have a firm foothold in this country. Apart from the fact that the grant of the American flag to foreign ships has had the effect of increasing foreign wages, there is no advantage in this kind of legislation. It will not help to build up an American merchant marine. On the contrary, while it involves complications in the matter of our treaty relations with foreign countries, it is more in the interest of the great foreign corporations that now do the American carrying trade over the seas than it is in the interest of American shipping. It certainly will not help American shipyards or American labor. It will have the one effect of increasing the wages of foreign seamen and of reducing the opportunities of the American workingman generally for employment.

One other point. The course which the gentleman from Missouri has been pursuing with regard to the merchant marine has not all been smooth sailing. For several days I have been calling attention to the menace of the War Risk Bureau created at the instance of the President. I have called attention to the sinking of the two foreign-built vessels that secured the American flag, under which to carry cotton into the war zones. I have referred to the power of the President to interfere with this hazardous business if he saw fit to exercise his power. Apparently the President has seen fit to take steps in this regard. It is with much pleasure I read from a report in the Washington Herald this morning:

WAR INSURANCE HELD UP—DAMPER ON SHIP DANGER—ACTION FOLLOWS LOSS OF TWO AMERICAN SHIPS IN MINE AREA.

The first tangible result in Washington of the sinking of the American steamships *Evelyn* and *Carib* in the mine area of the North Sea was the action of the Bureau of War Risk Insurance yesterday in deciding upon temporary suspension of insurance on ships bound for north European ports.

This decision followed a conference by President Wilson with Secretary of the Treasury McAdoo and Assistant Secretary of the Treasury Peters at the White House. The decision reached was that there should be an immediate horizontal increase in the rates on risks in the zone of war. Pending a meeting of the advisory insurance board to fix new rates no policies will be issued on such risks.

While it is represented officially that the decision is a purely technical result of the newly demonstrated dangers in the North Sea areas, it is pointed out that one effect of the Government's action will be to discourage in some measure American ships from entering the mine and war-zone areas.

In addition to this report, Secretary McAdoo, of the Treasury Department, is declared to have given out a statement admitting the loss on the steamships *Evelyn* and *Carib*. I append that statement, which verifies the information given by me to the House yesterday, and which was subsequently confirmed in the statement of the gentleman from Mississippi [Mr. HARRISON]:

The total insurance carried by the Bureau of War Risk Insurance of the Treasury Department upon the steamship *Evelyn*, reported sunk off Borkum Island February 19, and the steamer *Carib*, reported sunk in the North Sea February 23, is $659,103, which is covered entirely by premiums already earned by the Bureau of War Risk Insurance.

Now, Mr. Speaker, the War Risk Bureau was to have been the inspiration of the new American merchant marine, especially to get our exports into the war zone. The business was a thriving business while the premiums were coming in, but the loss of two ships of the hundreds that have been insured wiped out more than one-third of all the collections. It is possible the President has yielded to the demands made upon this floor for a halt in the reckless business we seem to have been doing. I am grateful that the President, whether he has responded to the demands made upon this floor or not, has decided to take action on a matter so fraught with peril.

Mr. GUERNSEY. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Maine?

Mr. MOORE. I regret I have not the time. I am glad that in the mad rush to pass shipping legislation that is in the interest of the foreign corporations and against legitimate American shipping our protests have at last been heard. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE. Mr. Speaker, in extending my remarks, I desire to insert an editorial from this morning's Philadelphia Record. The Record is a Democratic paper which is devoted to President Wilson. It does not approve this so-called seamen's bill for reasons which are very clearly stated. It is as follows:

[From the Philadelphia Record, Feb. 25, 1915.]

WAGES FOLLOW THE FLAG.

It is a curious thing that the foreign officers and men of American-owned, but foreign-built, vessels demanded American wages just as soon as the flag was changed, and it is a more curious thing that the owners found it necessary to increase the wages very nearly double as soon as the nationality of the ship was changed, though the owners and the crews were identically the same as before. Senator Gallinger has sought information on this point from companies that have had their property transferred from foreign to the American flag, and all of them tell the same story.

If men will work under a foreign flag for about half what they demanded under the American flag there is a very obvious and simple reason, of unquestionable solvency in commerce, for letting them go on working under the Norwegian, or Danish, or Dutch, or Italian flag. What is the use of raising the American flag over them and doubling their wages?

If it will cost a great deal more to operate steamers under the American than under a foreign flag private capital, which has a sordid interest in profits, will for the most part keep clear of American steamers. The loss will not be endured by private capital, and if there is a loss to private owners it can't be turned into a profit by making good the deficit out of the Public Treasury, whether by subsidizing privately owned steamers or by defraying the expenses of steamers owned by the Government. All that can be done is to transfer that loss from individual owners to all the people of the Nation.

There are two conditions that would justify the Nation in operating American steamers at a loss. One would be the lack of transportation facilities. The amount of shipping in our ports before the war and the rapid increase of our exports refute this. Whatever deficiency there is at the present time is greatly exaggerated, as is proved by the enormous amount of our exports.

The other condition is the importance of being able to invade some other country. The one strong, consistent argument for the support of an American merchant marine out of the Public Treasury, which rests upon facts and not dreams and fictions, is the need of a large mercantile marine to support the Navy and transport the Army in the event of an aggressive war. Here the advocates of a merchant marine supported in considerable part by the proceeds of taxation have plenty of facts. When we invaded Cuba with a small Army we had trouble in getting a sufficient supply of transports and store ships. If we should undertake to invade England, or France, Germany, Italy, Russia or Japan we should find it almost impossible to get vessels enough to carry the troops and their war material. If we are planning a war of aggression on any country except Mexico and Canada, both of which we can enter by land, then there is undoubtedly a reason why public moneys should be freely used in acquiring and maintaining a merchant fleet that we could commandeer on the instant.

Mr. GREENE of Massachusetts. Mr. Speaker, I ask the gentleman from Missouri [Mr. ALEXANDER], who, I understand, has 20 minutes, if he intends to occupy that time himself?

Mr. ALEXANDER. I yield three minutes to the gentleman from New York [Mr. LEVY].

The SPEAKER. The gentleman from New York [Mr. LEVY] is recognized for three minutes.

Mr. LEVY. Mr. Speaker, I regret exceedingly that I can not have more time than three minutes on this very important measure. I myself am a friend of the sailors and seamen. My father was a cabin boy on one of Stephen Girard's ships, and followed the sea all his life. Therefore I am a friend of the seamen. In my opinion this bill is directly against the interests of the seamen, and I think it will prove disastrous to the shipping interests of the United States—what little we have left.

Do you want to drive out the little remnant of trade that still remains? The gentleman stated that we have but few sailors in the United States on account of our poor laws. It is because of our shipping laws, which have driven American ships from the sea. We have comparatively few sailors; only a few thousand. It is a disgrace. American sailors are absolutely ignored in this bill. This bill is in the interest of foreign sailors. Here is one item alone which I will read which proves that the measure is injurious to the American sailor:

> That is shall be, and is hereby, made unlawful in any case to pay any seaman wages in advance of the time when he has actually earned the same, or to pay such advance wages, or to make any order, or note, or other evidence of indebtedness therefor to any other person, or to pay any person, for the shipment of seamen when payment is deducted or to be deducted from a seaman's wages. Any person violating any of the foregoing provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than $25 nor more than $100, and may also be imprisoned for a period of not exceeding six months, at the discretion of the court. The payment of such advance wages or allotment shall in no case except as herein provided absolve the vessel or the master or the owner thereof from the full payment of wages after the same shall have been actually earned, and shall be no defense to a libel suit or action for the recovery of such wages. If any person shall demand or receive, either directly or indirectly, from any seaman or other person seeking employment, as seaman, or from any person on his behalf, any remuneration whatever for providing him with employment, he shall for every such offense be deemed guilty of a misdemeanor and shall be imprisoned not more than six months or fined not more than $500.

Why, under this section they will not be allowed to advance a poor sailor a few dollars if he needs the money. Suppose a sailor is in trouble and wants money. The captain, if he gives him aid, will be libeled when he returns to port, and he can be annoyed by no end of litigation.

The shipping laws as administered in every port can take care of our ships. Our officials know how they are manned. Anyone can go and complain to-day and have an investigation made of a ship before sailing.

Take, for instance, the business on the Pacific coast. Many have stated that the coastwise trade has been lucrative. I know that in many cases 97 per cent of the gross receipts of steamships has been expended on the upkeep and running expenses of the ships, allowing nothing for deterioration or anything that would add to the value of the vessel. This condition has prevailed for the last three or four years in the hope that prosperity might come, and in the hope that some good might come from this Congress in the interest of shipping. There are some good features in this bill which will aid and protect life at sea, but little or no encouragement is given our merchant marine.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield there?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Missouri?

Mr. LEVY. I regret I have not the time. I have only three minutes. I will state now that every Member of this House ought to vote against this bill, because it will not in any way aid the shipping interests of the United States. [Applause.]

The SPEAKER. The time of the gentleman from New York has expired. The gentleman from Missouri [Mr. ALEXANDER] has 17 minutes left.

Mr. ALEXANDER. Mr. Speaker, I yield seven minutes to the gentleman from Washington [Mr. BRYAN].

The SPEAKER. The gentleman from Washington [Mr. BRYAN] is recognized for seven minutes.

Mr. BRYAN. Mr. Speaker, I am in favor of this bill. If I mistake not, there is a determination on the part of the public in this country to assert an American doctrine in reference to the merchant marine of this country.

We have lived for a long time under the idea of doing something that will please the foreigner. We have tried to handle our ships to the satisfaction of foreign nations. We have heard the arguments about English, German, Belgian, and other ships, and how they are maintained, and that we had to align ourselves in some way to their policy. Where have we gone on that theory? What have we accomplished? We have no foreign merchant marine now. We have practically no foreign ships upon the seas. We have no ships that are ready to be turned into transports in case of war. We have none of the glory that comes from having ships in the ports of the world. We have got to change our policy. We have got to adopt an American policy.

The gentleman from my State [Mr. HUMPHREY of Washington] comes and says that over in Vancouver there are certain conditions, and he wants us to pattern our shipping laws after the laws that obtain over at Vancouver. He does not believe in applying labor conditions obtaining in Vancouver to other matters in the State of Washington, but he wants an American standard established where lime, fish, lumber, and other industries are involved. In all matters except ocean shipping he wants standards established that will be satisfactory to the American people, and he wants those standards to be applied to labor in all its various forms, except when it comes to the Shipping Trust, when it comes to vessels; then it seems that it is necessary for us, in his judgment, to so handle our shipping industry that we may be in accord with the laws of British Columbia, that we may be able to stop at their ports and compete with their labor. But I say we have got to adopt an American policy.

Reference has been made to the coastwise trade, which has been so carefully protected. But even our coastwise shipping is not a haven for American sailors. Chinese employees are found there. Chinese crews are permitted in our coastwise traffic on both oceans.

We have no recognition of American standards, even in our coastwise traffic. I do not believe that the American people are going to continue to stand for that kind of thing. I believe that the action of the administration and the conditions that obtain now internationally have forced the problems of our American merchant marine to the front and that the American people are going to rise up and demand an American policy, one commensurate with the dignity of the American people and in accord with our traditions as to justice and fairness to the seamen and to the passengers on the vessels.

Mr. CAMPBELL. Will the gentleman yield?

Mr. BRYAN. I yield to the gentleman from Kansas.

Mr. CAMPBELL. I am anxious to vote right on this bill. I do not know a thing about it. I wish the gentleman would tell me why I should vote for it.

Mr. BRYAN. If the gentleman is a ranking minority Member, a leading Republican here on this floor and has been for all these years, and does not know anything about this bill at this day and stage of the game, I am sure I could not inform him.

Mr. CAMPBELL. Men differ about it——

Mr. BRYAN. I refuse to yield further. I will not yield to ignorance on a matter of this kind.

Mr. CAMPBELL. You are giving the House a whole lot of ignorance now.

The SPEAKER. The gentleman declines to yield.

Mr. BRYAN. There is one difference between the gentleman and myself. The gentleman admits his absolute ignorance, says he does not know about it. He has been a Member on the floor all this time. He admits his ignorance, and I do not admit mine.

Mr. CAMPBELL. They can prove it on you.

Mr. BRYAN. I decline to yield. We are spending a million dollars a month, we are spending over $12,000,000 a year in keeping up our lighthouses, our coast guards, and various agencies of the Federal Government to help ships, to make their course clear, and to help the traffic up and down our coasts. Then, we are spending something like $50,000,000 a year on rivers and harbors. We spent $400,000,000 for the Panama Canal, and are spending a million a month to operate it. But when the time comes when we want an American merchant marine, when an emergency arises and we look for our ships, we find that American capital is invested in foreign ships. We find the American Mercantile Co. owning English companies and owning American companies, and the English companies own ships and the American companies own ships, but still the proprietorship of the whole fleet and the series of subsidiary companies is down on Wall Street, in New York. And in their report just a few months ago the American Mercantile Co. stated that they had decided to transfer their two American-built vessels from the English company to the American company, because since they were American-built vessels they might take part in the coastwise trade. So they stand there as high lords of the admiralty and are able to transfer from one flag to the other, in accordance with the way that the nation to whom they may appeal will favor them. The shipping organizations stand at the threshold of parliaments and at the

doors of the kings of the world, and they say to the Governments, "You want a merchant marine; you want ships to carry your troops; you want the glory of your flag maintained on the high seas; you want the advantage of having a merchant marine of your own to carry your commerce. We have the boats. We will come and enlist under your flag, provided you give us the money." And so they bluff nation after nation and make the Governments of the earth stand as bidders for their boats, and they come here to this Congress and expect the American people to give them subsidies, to pay them cash by the million, in order that we may thereby have ships to carry our commerce. But we are not going to do it. That is not going to be the American policy. A better policy will be worked out. I believe that the people are back of the present plan. I believe that the people are willing to go into the ownership of these ships and the handling and operating of them if it is necessary in order to promote the American merchant marine. We are not going to be ridiculed, we are not going to be laughed at and scoffed at by the men who own the ships, when the time comes. If we have to vote the money, we will at least have the ships to show for it. We are not going to have our sailors driven off the sea, either. We are not going to have every American standard forgotten and all the means of ocean transportation under our flag taken away from us by the hiring of cheap labor, by the hiring of Chinese and all kinds of crews. This is an emergency. It is a matter that calls for the highest and most profound patriotism. [Applause.]

Mr. GREENE of Massachusetts. Is the gentleman from Missouri prepared to conclude in one speech?

Mr. ALEXANDER. There will be two other speeches on this side.

Mr. GREENE of Massachusetts. I have one other speech on this side.

Mr. ALEXANDER. I yield to the gentleman from Illinois [Mr. MANN] three minutes.

Mr. MANN. Mr. Speaker, this matter has been before Congress for a number of years, and has received very careful attention. The conference report now before us was signed by all five of the House conferees and all five of the Senate conferees. I shall vote for the conference report without hesitation.

However, there is one matter that I have a question about. I do not know how far the passage of this bill might interfere in any way with our foreign affairs at this time or involve us in any foreign complications; but I shall vote for the conference report, assuming that if the Department of State or the President of the United States, upon examination, finds that the passage of this bill at this time might be embarrassing to our country in dealing with foreign countries under the existing conditions the President will take the responsibility, if necessary, of vetoing the bill and stating the reasons why. And if he should veto the bill because of these reasons, I do not think I would be willing to vote to pass the bill over the President's veto. I am satisfied that the administration will do everything within its reasonable power to prevent our country becoming involved with foreign countries in such complications as might lead now to war or even to misunderstandings now which might bring war in the future. And in this matter, where we have not yet been advised by the President and the State Department that there are such fears or difficulties, we must, in my judgment, leave the matter at present in the sound and wise discretion of the President. [Applause.]

Mr. GREENE of Massachusetts. Mr. Speaker, I yield to the gentleman from Washington [Mr. HUMPHREY] four minutes.

Mr. HUMPHREY of Washington. Mr. Speaker, I am not going to occupy but a moment. I want to call the attention of my colleague to one fact in regard to which he was mistaken when he said that they used Chinese crews in the coastwise trade. That is not true upon the Pacific coast nor upon the Atlantic coast. The sailors' union dominates the coastwise trade on the Pacific coast, and they do not allow Chinese sailors to be employed; and I am glad that they do not.

My colleague spoke about the transfer of business to Vancouver that now comes to Seattle. This will certainly be the result of this bill if it is enacted into law. The result of this bill will be to place all American shipping on the Pacific under the Japanese flag. It will be easier for the great Pacific mail vessels to change their flag than it will be to change their crew. That is what will occur. I am not blaming my colleague. I know that he does not think it is true. It is not an error of the heart on his part, but a lack of understanding of the situation.

Mr. BRYAN. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. BRYAN. Does the gentleman take the position that no Chinese are employed in the coastwise trade?

Mr. HUMPHREY of Washington. None are employed that I know of as sailors, and I think I know what I am talking about.

Mr. BRYAN. Maybe the gentleman thinks he knows, just as I think I know; and I know I am right.

Mr. HUMPHREY of Washington. The evil I fear is the one spoken of by the distinguished gentleman from Illinois, and that is the situation to-day is such throughout the world, and especially upon the Pacific coast, that I anticipate great danger if this bill is passed. I can not conceive of any emergency at this time in our country requiring us to take any chances of becoming involved with foreign countries. The tension to-day is such that I think that unless there is some great reason for it we ought to keep away even from the shadow of trouble. It is not a question of how close we can come to war and escape it; the thing to do in the mind of every true American citizen is how far we can keep away from trouble, and that is the reason why I am opposed to this bill at this time. I now yield the balance of my time to the gentleman from Kansas [Mr. CAMPBELL].

The SPEAKER. The gentleman from Kansas is recognized for one minute.

Mr. CAMPBELL. Mr. Speaker, in one minute I want to simply say that I shall vote for the bill because of three things I hope the law will accomplish which the gentleman from Washington [Mr. BRYAN] apparently does not know. It abolishes arrest for desertion and makes the rules for shipping in our ports the same for all ships that enter, and adds to safety at sea. I had hoped that some one would discuss the bill as to these purposes of the bill and give us some real reasons for supporting it. The gentleman from Washington [Mr. BRYAN] apparently does not know the purposes of the bill. [Laughter.]

The SPEAKER. The time of the gentleman from Kansas has expired.

Mr. ALEXANDER. Mr. Speaker, I yield one minute to the gentleman from Pennsylvania [Mr. BUTLER].

Mr. BUTLER. Mr. Speaker, I do not feel that I can afford to vote against this bill because of the great merit that is contained in many of its provisions. I vote for it, however, at this time with some apprehension. Like the gentleman from Illinois [Mr. MANN] I am willing to pass the responsibility in this instance to the President of the United States; but I will go further than the gentleman from Illinois, in that if the President vetoes it because of the dangers that may come to us by reason of its passage and enforcement, I will not vote to pass it notwithstanding his veto. [Applause.]

Mr. ALEXANDER. Mr. Speaker, I am not sure that the gentleman from Kansas was here all the time, but if he was I do not feel complimented at all if he did not understand the explanation I undertook to make to the membership of the House of the provisions of the bill.

Mr. Speaker, I have not the time nor the disposition to answer all the objections which have been made by the gentleman from Pennsylvania [Mr. MOORE] to this bill. I never can understand his logic; there is not much sequence between his premises and his conclusions.

Just how this bill is framed in the interest of the foreign sailors and shipowners I confess I can not see. I have never heard that charge made before. It is proposed by the Seamen's Union and has the unqualified support of the Federation of Labor, and I assume that these gentlemen understand the bill from the standpoint of labor better than does the gentleman from Pennsylvania.

I have observed this fact: That the most of the propositions coming up in the House having the support of the Federation of Labor and the Seamen's Union are opposed by the gentleman from Pennsylvania [Mr. MOORE].

Now, this bill proposes to abrogate so much of our treaties with foreign nations as provide for the arrest of sailors or seamen who have violated their civil contract of service.

Article 13 of the Constitution of the United States, section 1, provides:

> Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

And yet our Supreme Court held that the vocation of seamen was so different from that of service on land that seamen were not included in this provision of the Constitution of the United States. The Democratic national platform of 1912 contains the following plank:

> We urge upon Congress the speedy enactment of laws for greater security of life and property at sea, and we favor the repeal of all laws

and the abrogation of so much of our treaties with other nations as provide for the arrest and imprisonment of seamen charged with violation of their contracts of service. Such laws and treaties are un-American and violate the spirit, if not the letter, of the Constitution of the United States.

The Republican platform of 1912 also contains this declaration:

We favor the speedy enactment of laws to provide that seamen shall not be compelled to endure involuntary servitude and that life and property at sea shall be safeguarded by the ample equipment of vessels with life-saving appliances and with full complements of skilled, able-bodied seamen to operate them.

Hence the provision of this bill that abrogates so much of our treaties as require us to arrest and return deserting seamen for the violation of their civil contracts of service carry out the pledges of the two platforms, and we are pledged to the abrogation of those treaties.

As declared in the Democratic platform, "such laws and treaties are un-American and violate the spirit, if not the letter, of the Constitution of the United States."

The provisions of this bill which appeal to me more strongly than any others are those which provide for greater safety of life at sea, and I am very sure this bill does provide for greater safety of life at sea. On ocean-going vessels we provide that there shall be lifeboats enough for all. When the *Titanic* went down provision was made for only 30 per cent of those on board. This is the first time such ample provision has been made for the safety of those who go down to the sea in ships. We provide for the efficient manning of those lifeboats. We provide for the efficient manning of vessels. We do not impose any additional burdens on the vessel owners by unnecessarily increasing the crew. We provide for greater efficiency.

We have never heretofore defined by law who may be rated an able seaman. We make provision in this bill that certain service at sea shall be required to entitle a man to the rating of able seaman. Heretofore this vast power, affecting as it does so vitally the safety of life at sea, has been vested in local inspectors. They are human. They must come in contact with vast and powerful interests; and if the vessel owners have exercised an unwholesome influence in this regard—in other words, if the provisions in the matter of manning vessels and in the equipment of vessels have not been up to the high standards necessary to safety of life at sea—we should not find fault with the local inspectors. The duty has been with us all of the while to prescribe the minimum standards, and hence in this bill we are prescribing minimum standards in order that there may be greater safety of life at sea. We are taking away from the local inspectors part of the discretion heretofore vested in them under the law. I feel sure they will welcome relief to that extent from the very great responsibilities with which they are charged.

This is a good bill. It not only ameliorates the lot of the seaman but it provides a far greater means of safety of life at sea.

No one questions the desirability of applying the standards of safety provided for in this bill to vessels of the United States. If they are reasonable and should be applied to vessels under our flag, there is no good reason why they should not apply to foreign vessels entering and departing from our ports.

More than 90 per cent of our over-seas commerce is carried in foreign ships, and nearly all American citizens going to and returning from foreign countries travel in foreign ships. Why, then, should we not require foreign vessels to comply with our standards of safety?

The gentleman from Washington [Mr. HUMPHREY] expresses the fear that if this bill becomes a law it may involve us in serious difficulty with Japan. Mr. R. P. Schwerin, vice president and general manager of the Pacific Mail Steamship Co., in letters to me of recent date, expresses the opinion that if this bill becomes a law the effect will be to give Japan the monopoly of the over-seas trade on the Pacific. If that should be the effect, Japan will not have occasion to complain. But I think both of these gentlemen are wrong.

Mr. Schwerin bases his contention on the provision in section 13 of the bill, requiring not less than 75 per cent of the crew to understand any order given by the officers of the vessel. He fears that the effect of this provision will be to force the Pacific Mail Steamship Co. to discharge its Chinese crews and make it impossible to compete with the subsidized lines of Japan.

Mr. Schwerin states that wages of the European seamen out of Pacific coast ports vary in the different departments from $40 to $55 per month gold, while the wages of the oriental seamen out of oriental ports vary from $7.50 to $9 gold, and that the cost of feeding the European sailor is 55 cents per diem, while that of feeding the oriental sailor is 13 cents. There is therefore a great difference of operating vessels in the same trade where one pays oriental and the other pays European wages; but would Mr. Schwerin be compelled to discharge his Chinese crews? In his testimony before the Committee on the Merchant Marine and Fisheries, when this bill was under consideration in the last Congress, Mr. Schwerin stated that the Pacific Mail Steamship Co. does not have to handle its Asiatic crews through interpreters, as these men understand the sea language of the officers. Mr. J. Kruttschnitt, chairman of the executive committee of the Pacific Mail Steamship Co., in a letter to me of date January 20, 1915, referring to and discussing the seamen's bill, makes the statement that the Pacific Mail Steamship Co. does not have to handle its Asiatic crews through interpreters, as these men understand the sea language of the officers and answer individually all orders, irrespective of any statements to the contrary. Hence I am at a loss to know why it would be necessary for the Pacific Mail Steamship Co. to discharge their Chinese crews. The Chinese crews on their vessels should be able to meet the requirements of the language test. This provision in section 13 is not intended to vex vessel owners, but to insure the efficiency of crews. If the wages of oriental seamen are only from $7.50 to $9 gold per month and the cost of feeding oriental sailors only 13 cents per day, and if there is any doubt of the Chinese crews on the vessels of the Pacific Mail Steamship Co. being able to meet the language test, it would not involve much expense to have schools of instruction in which they might be qualified to meet the requirements of the law. As I had occasion to remark in my report on this bill, while it may be true ordinarily that the orders of the officers may be communicated to the crew through an interpreter, yet there are times and circumstances under which this would not be practicable, and it is the duty of the vessel owner to provide a crew to meet every exigency in the event of fire or collision or other circumstances resulting in panic on board ship. The officers and crew should act promptly and the crew should be under perfect discipline, and the safety of the vessel and her cargo and of the persons on board should not be imperiled by any such limitation as would be imposed by requiring orders of the officers to be conveyed to the crew through interpreters. It is not hard to imagine cases where, by casualty, the services of the interpreter might not be available when most needed.

It is the duty of the owners of steamers carrying goods and passengers not only to provide a seaworthy vessel, but they must also provide a vessel with a crew adequate in number and competent for their duty with reference to the exigencies of the intended route—not merely competent for the ordinary duties of the uneventful voyage, but for any exigency that is likely to happen.

Section 13 further provides that the Secretary of Commerce shall make such rules and regulations as may be necessary to carry out the provisions of such section. I assume that the regulations will be reasonable and will be enforced impartially and with a view solely of securing efficient crews.

The gentleman from Washington [Mr. HUMPHREY] was very insistent that any irresponsible person can secure a muster of the crew and occasion vexatious delay in the departure of a vessel from port. The bill provides that the collector of customs may, upon his own motion and shall upon the sworn information of any responsible citizen of the United States setting forth that the law is not being complied with, cause a muster of the crew of any vessel to be made to determine the fact, and no clearance shall be given to any vessel failing to comply with the provisions of the section. The section further provides, however, that the collector of customs shall not be required to cause such muster of the crew to be made unless said sworn information has been filed with him for at least six hours before the vessel departs or is scheduled to depart; and further, that any person who shall knowingly make a false affidavit for such purpose shall be deemed guilty of perjury, and upon conviction thereof shall be punished by a fine not exceeding $500 or by imprisonment not exceeding one year, or by both such fine and imprisonment, within the discretion of the court. The penalty prescribed should be sufficient to prevent any irresponsible person from making the affidavit, and I hardly think the gentleman's fears are well founded.

It has been insisted in some quarters that the provision of the bill with reference to lifeboats and life rafts and the manning of same should be the same on passenger vessels on our inland waters, including the Great Lakes, as the requirements on vessels on the high seas. The bill as it passed the Senate applies the same rules to passenger vessels on our lakes, bays, and sounds as are applied to ocean-going vessels in the merchant

marine. The committee, after extended hearings, at which the vessel owners on our lakes, bays, and sounds were heard, as well as those who took the contrary view, were of the opinion that it would be unreasonable to apply the same rules as to lifeboat equipment on the Great Lakes and on the bays and sounds as should be applied to ocean-going vessels. The conferees take the same view. The bays and sounds are exempt from the provisions of the bill as regards lifeboat equipment. The duty will devolve upon the Steamboat-Inspection Service as heretofore to provide the equipment in the matter of lifeboats for passenger vessels on rivers, bays, and sounds and on the Great Lakes on routes less than 3 miles offshore and over waters whose depth is not sufficient to entirely submerge the vessel.

The following article was prepared by Mr. M. E. Farr, president of the Detroit Ship Building Co., and is a fair statement of the present conditions on the Great Lakes as regards safety of travel, as shown by the hearings on the bill before the Committee on the Merchant Marine and Fisheries and by affidavits filed with the committee by the passenger-vessel owners, all of which testimony was carefully considered by the committee in framing section 14 of the bill as it affects the Great Lakes. The article follows:

SAFETY OF TRAVEL ON THE GREAT LAKES.

FEBRUARY 4, 1915.

Coincident with the use of steel in the construction of lake passenger steamers began an era of safety in transportation on the northern Lakes. Before this time many steamers plying on the Great Lakes met with disaster, and compared with the number of passengers carried the loss of life and property was considerable. The substitution of steel for wood construction made it possible to introduce safeguards for the protection of life and property that were impossible under the practice of wooden construction. It was impossible to provide water bottoms and water-tight bulkheads in a steamer built of wood, and there was little advantage in having the fireroom, smokestack, and cabin casings of material other than wood, for the reason that the entire ship was built of this material. In case of serious accident through collision or stranding, or from fire, which generally originated in the fireroom, the galley, or lamp room, and often in the crew's quarters, there was little hope of saving the wooden vessel, and the lives of the passengers and crew were in distinct peril.

In the older type of ship the lamp room had no metal protection whatever, and in later vessels built of wood this room was covered with ordinary galvanized iron tacked on without any insulation whatever. In the earlier steamers fluid and later kerosene oil was used for illuminating purposes. The quality of either of these illuminants was not always the best, and many serious fires originated from this source.

These wooden passenger steamers carried wooden lifeboats, or rather yawls, which were seldom lowered from the davits from the beginning to the end of the season, and often when these yawls were launched they swamped immediately, for the reason that the seams had opened through the neglect of the crew to keep water in the boats to prevent shrinking. Often the davit falls were rotten, and it was not infrequent that the eyebolts would pull out through the rottenness of the yawl. The life raft was practically unknown and life boards were used instead. The life preservers generally were not of the best quality, and cases have been known where these have been weighted with metal to give them the weight required by law.

Since the advent of the use of steel in the construction of lake passenger steamers not one passenger's life has been lost, and no steamer has been lost through stranding, collision, or stress of weather. Modern passenger steamers are now equipped with water bottoms, collision and other bulkheads, steel decks, steel engine room, smokestack, cabin and other casings, which practically eliminates the danger of fire so far as the hull is concerned, and reduces to a minimum danger of loss of the steamer through collision or stress of weather.

We now find all life-saving equipment of the best and strictly in accordance with the highest practice and in conformity with Government regulations. Instead of the wooden yawl we now have not only a serviceable lifeboat built of steel and equipped with air tanks, which affords stability in case of filling, but davits, falls, and releasing devices, insuring speedy and certain launching of the life-saving equipment; also crews familiar with the handling of this equipment through frequent drills not only required by law but by other demonstrations insisted upon by Government inspectors and also the steamboat managers. Instead of kerosene oil we now have electricity for illuminating, and instead of a single fire pump we now have numerous pumps with many hydrants placed throughout the ship, together with a sprinkler system and an automatic fire-alarm system, which reduces the fire hazard to a minimum.

Above all, the manager of the modern lake steamer insists upon discipline and sobriety, and I have yet to find a master or any other important officer of a passenger steamer who not only qualifies as a nondrinker but as a most careful and level-headed navigator.

The fact that the passenger lines operating steel steamers upon the Great Lakes, carrying millions of passengers, have not lost a single passenger should be ample proof that the modern steamer is a stable and safe vehicle for water transportation, and also that these steamers are controlled by careful and efficient men, whose success and the success of their transportation companies depends entirely upon the safety of the passengers and the property intrusted to their care. No navigable waters in the world have a better record for safety in transporting passengers than the Great Lakes of North America. Great disasters have occurred in harbors and on inland rivers, but we have yet to record a serious accident which has occurred on the Great Lakes since steel has been used in the construction of lake passenger steamers.

The following tables were prepared for me by my request by Gen. Uhler, Chief of the Steamboat-Inspection Service:

Table A shows the equipment now required by the regulations of the Steamboat-Inspection Service on vessels on the Great Lakes on routes and under the conditions shown in the table.

Table B shows the lifeboat equipment and manning that would be required on the Great Lakes under the provisions of the Senate bill.

Table C shows the lifeboat equipment and manning that would be required by the conference report on vessels on the Great Lakes on routes more than 3 miles offshore, except over waters whose depth is not sufficient to entirely submerge the vessel.

TABLE A.—*Present equipment under regulations of Steamboat-Inspection Service.*

Name of vessel, and points between which operated.	Present equipment.					Present crew.				Number of persons carried.			
	Lifeboats.	Persons allowed to lifeboats.	Life rafts.	Persons allowed to life rafts.	Total number allowed to all boats and rafts.	Officers.	Crew connected with navigation.	Stewards' and other departments.	Total crew.	May 15 to Oct. 15.	Oct. 15 to May 15.	Five miles.[1]	Ten miles.[2]
The Erie & Western Transit Co., Buffalo, N. Y.:													
Octorara, Buffalo, N. Y.–Duluth, Minn.	10	260	9	175	435	6	27	77	110	435	435	.....	.....
Juniata, Buffalo, N. Y.–Duluth, Minn	10	260	9	175	435	6	27	77	110	435	435	.....	.....
Tionesta, Buffalo, N. Y.–Duluth, Minn	10	260	9	175	435	6	27	77	110	435	435	.....	.....
The Lake Erie Excursion Co., Buffalo, N. Y.:													
Americana, Buffalo, N. Y.–Crystal Beach, Ontario	6	130	9	227	357	4	26	19	49	3,549	354	.....	.....
Canadiana, Buffalo, N. Y.–Crystal Beach, Ontario	6	110	11	245	355	4	26	19	49	3,549	354	.....	.....
St. Joseph–Chicago Steamship Co., St. Joseph, Mich.:													
Eastland, St. Joseph, Mich.–Chicago, Ill.	8	159	31	486	645	6	34	35	75	1,220	645	.....	.....
Eugene C. Hart, St. Joseph, Mich.–Chicago, Ill.	5	78	3	47	125	5	12	6	23	415	102	.....	.....
Chicago & South Haven Steamship Co., Chicago, Ill.:													
City of South Haven, Chicago, Ill.–South Haven	12	227	32	547	774	6	24	50	80	2,580	487	.....	.....
Petoskey, Chicago, Ill.–South Haven	7	115	8	107	222	5	15	30	50	740	115	.....	.....
Arnold Transit Co., Mackinac Island, Mich.:													
Chippewa, St. Ignace–Sault Ste. Marie	4	72	2	20	92	5	16	20	41	306	92	641	.....
Islander, Cheboygan–Les. Cheneaux Island	3	38	2	22	60	4	8	2	14	200	60	600	.....
Elva, Detour–Sault Ste. Marie	1	14	1	10	24	2	2	1	5	(3)	(3)	(3)	.....
Mackinac, Petoskey–Sault Ste. Marie	4	70	1	15	85	4	10	3	17	283	85	662	.....
Island Transportation Co., St. Ignace, Mich.:													
Algomah, St. Ignace–Cheboygan	5	80	2	30	110	4	10	2	16	366	94	618	.....
City of Cheboygan, St. Ignace–Mackinaw City	3	49	2	32	81	4	8	2	14	240	81	536	.....
The Goodrich Transit Co., Chicago, Ill.:													
Christopher Columbus, Chicago, Ill.–Milwaukee, Wis.	18	305	8	168	473	6	48	108	160	1,410	250	3,809	.....
Indiana, Chicago, Ill.–Milwaukee, Wis.	10	169	8	136	368	5	17	68	90	1,054	278	.....	.....
Iowa, Chicago, Ill.–Milwaukee, Wis.	7	156	6	136	292	5	17	70	92	679	200	.....	.....
Alabama, Chicago, Ill.–Grand Haven, Mich.	11	213	9	223	436	5	19	113	137	1,450	409	.....	.....
Virginia, Chicago, Ill.–Grand Haven, Mich.	10	189	14	270	459	5	19	70	94	1,471	365	.....	.....
Carolina, Chicago, Ill.–Mackinac Island	9	207	6	144	351	5	17	90	112	1,058	214	.....	.....
Arizona, Chicago, Ill.–Georgian Bay, Ontario	9	183	11	193	376	5	15	80	100	886	276	.....	.....
Georgia, Chicago, Ill.–Sault Ste. Marie	5	118	4	73	191	5	15	70	90	520	101	.....	.....
Chicago, Chicago, Ill.–Manitowoc, Wis	7	129	4	68	197	5	17	60	82	522	115	.....	.....

[1] When operated on routes which are at all points within 5 miles of land or over waters whose depth is not sufficient to entirely submerge the vessel.

[2] Steamer, being equipped with wireless telegraphy may, while so equipped and when navigating in daylight only, and on routes which are at all points within 10 miles of land or over waters whose depth is not sufficient to entirely submerge the vessel.

[3] Rivers, 155.

TABLE A.—*Present equipment under regulations of Steamboat-Inspection Service*—Continued.

Name of vessel, and points between which operated.	Present equipment.					Present crew.				Number of persons carried.			
	Life-boats.	Persons allowed to life-boats.	Life rafts.	Persons allowed to life rafts.	Total number allowed to all boats and rafts.	Officers.	Crew connected with navigation.	Stewards' and other departments.	Total crew.	May 15 to Oct. 15.	Oct. 15 to May 15.	Five miles.	Ten miles.
Indiana Transportation Co., Chicago, Ill.:													
Theodore Roosevelt, Chicago, Ill.–Michigan City	15	277	70	605	882	6	32	31	69	2,940	277	.....	.....
United States, Chicago, Ill.–Michigan City	9	166	46	411	577	5	22	23	50	1,920	204	.....	.....
The Hill Steamship Line, Kenosha, Wis.:													
Maywood, Chicago, Ill.–Racine, Wis	4	74	1	20	94	4	8	3	15	.....	91	637	.....
The Graham & Morton Transportation Co., Benton Harbor, Mich.:													
City of Grand Rapids, Chicago, Ill.–Holland, Mich	14	244	6	155	399	6	40	29	75	1,330	324	.....	.....
Puritan, Chicago, Ill.–Holland, Mich	12	216	8	170	386	6	33	34	73	1,286	386	.....	.....
Holland, Chicago, Ill.–St. Joseph, Mich	7	121	16	340	461	5	27	20	52	1,530	323	.....	.....
City of Chicago, Chicago, Ill.–St. Joseph, Mich	9	156	22	515	671	5	18	33	56	2,140	298	.....	.....
City of Benton Harbor, Chicago, Ill.–St. Joseph, Mich	10	183	33	712	895	6	25	17	48	2,845	306	.....	.....
The Cleveland & Buffalo Transit Co., Cleveland, Ohio:													
Seeandbee, Cleveland, Ohio–Buffalo, N. Y	19	504	34	510	1,014	8	58	95	161	3,207	1,002	.....	.....
City of Buffalo, Cleveland, Ohio–Buffalo, N. Y	9	176	12	256	432	5	35	65	105	1,410	424	.....	2,105
City of Erie, Cleveland, Ohio–Buffalo, N. Y	7	135	15	317	452	5	35	65	105	1,490	447	.....	2,105
State of Ohio, Cleveland, Ohio–Port Stanley, Ontario	5	86	14	243	329	5	23	37	65	1,053	316	.....	1,165
The Detroit & Cleveland Navigation Co., Detroit, Mich.:													
City of Detroit III, Detroit–Buffalo, N. Y	21	560	18	180	740	7	44	175	226	2,440	732	4,161	.....
City of Cleveland III, Detroit–Buffalo, N. Y	17	439	22	216	655	6	40	100	146	2,160	648	.....	.....
Western States, Detroit–Cleveland, Ohio	15	392	16	256	648	6	32	100	138	2,140	642	2,333	.....
Eastern States, Detroit–Cleveland, Ohio	15	394	16	256	650	6	35	100	141	2,146	644	2,335	.....
City of St. Ignace, Detroit–Cleveland, Ohio	9	226	10	164	390	6	24	60	90	1,283	385	2,109	.....
City of Detroit II, Detroit–St. Ignace, Mich	9	224	11	173	397	6	30	60	96	1,303	391	2,196	.....
City of Alpena II, Detroit–St. Ignace, Mich	5	103	15	207	310	5	30	75	110	967	303	.....	.....
City of Mackinac II, Detroit–St. Ignace, Mich	5	103	13	202	305	5	32	56	93	970	299	.....	.....
State of New York, Detroit–Put-in-Bay	7	126	12	179	305	4	17	31	52	996	299	1,306	.....
Ashley & Dustin Steamer Line, Detroit, Mich.:													
Put-in-Bay, Detroit, Mich.–Sandusky, Ohio	7	126	17	205	331	4	24	76	104	1,079	325	3,250	.....
Frank E. Kirby, Detroit, Mich.–Sandusky, Ohio	7	116	3	57	173	4	17	20	41	556	167	[1] 841 [2] 1,041	.....

[1] When main deck is freight laden. [2] When main deck is not freight laden.

TABLE B.

[Senate bill. Lifeboats for all on board; no rafts (all year around); 2 officers or able seamen to each boat (25 persons to each boat).]

Name of vessel.	May 15 to Oct. 15.			Oct. 15 to May 15.			Shoal water.		
	Persons carried.	Life-boats necessary.	Able seamen or officers.	Persons carried.	Life-boats necessary.	Able seamen or officers.	Persons carried.	Life-boats necessary.	Able seamen or officers.
Octorara	435	18	36	.....	.....	.....	.....	.....	.....
Juniata	435	18	36	.....	.....	.....	.....	.....	.....
Tionesta	435	18	36	.....	.....	.....	.....	.....	.....
Americana	[1] 3,549	142	284	354	15	30	3,549	142	284
Canadiana	[1] 3,549	142	284	354	15	30	3,549	142	284
Eastland	2,120	85	170	645	26	52	.....	.....	.....
Eugene C. Hart	415	17	34	102	5	10	.....	.....	.....
City of South Haven	2,580	104	208	487	20	40	.....	.....	.....
Petoskey	740	30	60	115	5	10	.....	.....	.....
Chippewa	306	13	26	92	4	8	641	26	52
Islander	200	8	16	60	3	6	609	24	48
Elva	.....	.....	.....	.....	.....	.....	155	7	14
Mackinac	283	12	20	85	4	8	662	27	54
Algomah	366	15	30	94	4	8	618	25	50
City of Cheboygan	240	10	20	81	4	8	536	22	44
Christopher Columbus	1,410	57	114	250	10	20	3,800	152	304
Indiana	1,054	43	86	278	12	24	.....	.....	.....
Iowa	679	28	56	200	8	16	.....	.....	.....
Alabama	1,450	58	116	409	17	34	.....	.....	.....
Virginia	1,471	59	118	365	15	30	.....	.....	.....
Carolina	1,058	43	86	214	9	18	.....	.....	.....
Arizona	886	36	72	276	12	24	.....	.....	.....
Georgia	520	21	42	101	5	10	.....	.....	.....
Chicago	522	21	42	115	5	10	.....	.....	.....
Theodore Roosevelt	2,940	118	236	277	12	24	.....	.....	.....
United States	1,920	77	154	204	9	18	.....	.....	.....
Maywood	.....	.....	.....	91	4	8	637	26	52
City of Grand Rapids	1,330	54	108	324	13	26	.....	.....	.....
Puritan	1,286	52	104	386	16	32	.....	.....	.....
Holland	1,530	62	124	323	13	26	.....	.....	.....
City of Chicago	2,140	86	172	298	12	24	.....	.....	.....
City of Benton Harbor	2,845	114	228	306	13	26	.....	.....	.....
Seeandbee	3,207	129	258	1,002	41	82	.....	.....	.....
City of Buffalo	1,410	57	114	424	17	34	2,105	85	170
City of Erie	1,490	60	120	447	18	36	2,105	85	170
State of Ohio	1,053	43	86	316	13	26	1,165	47	94
City of Detroit III	2,440	98	196	732	30	60	4,161	167	334
City of Cleveland III	2,160	87	174	648	26	52	.....	.....	.....
Western States	2,140	86	172	642	26	52	2,333	114	228
Eastern States	2,146	86	172	644	26	52	2,335	114	228
City of St. Ignace	1,283	52	104	385	16	32	2,109	85	170
City of Detroit II	1,303	53	106	391	16	32	2,196	88	176
City of Alpena II	967	39	78	303	13	26	.....	.....	.....
City of Mackinac II	970	39	78	299	12	24	.....	.....	.....
State of New York	996	40	80	299	12	24	1,306	53	106
Put-in-Bay	1,079	43	86	325	13	26	3,250	130	260
Frank E. Kirby	556	23	46	167	7	14	[2] 841 [3] 1,041	34 42	68 84

[1] Route between May 15 and Oct. 15 in shoal water. [2] With main deck freight laden. [3] With main deck not freight laden.

TABLE C.—*Equipment provided for in conference report.*

Name of vessel.	May 15 to Sept. 15: Accommodation 50 per cent of persons carried—40 per cent lifeboats, 60 per cent life rafts; 25 persons to each boat; 15 persons to each raft.									Sept. 15 to May 15: Accommodations for all on board—75 per cent lifeboats, 25 per cent life rafts; 25 persons to each boat; 15 persons to each raft.									Shoal water: Regulations Board of Supervising Inspectors, 10 per cent—25 per cent lifeboats, 75 per cent life rafts; 25 persons to each boat; 15 persons to each raft.								
						Crew necessary to man lifeboats and rafts.									Crew necessary to man lifeboats and rafts.									Crew necessary to man lifeboats and rafts.			
	Persons allowed to be carried.	Lifeboats necessary.	Persons allowed to lifeboats.	Life rafts necessary.	Persons allowed to life rafts.	1 licensed officer or able seaman and 1 certificated lifeboat man.	1 certificated lifeboat man.	1 officer or able seaman.	Lifeboats and rafts, 3 certificated lifeboat men.	Persons allowed to be carried.	Lifeboats necessary.	Persons allowed to lifeboats.	Life rafts necessary.	Persons allowed to life rafts.	Officers or able seamen and 1 certificated lifeboat man.	Certificated lifeboat men.	Officers or able seamen.	Certificated lifeboat men.	Persons allowed to be carried.	Lifeboats necessary.	Persons allowed to lifeboats.	Life rafts necessary.	Persons allowed to life rafts.	Officers or able seamen and 1 certificated lifeboat man.	Certificated lifeboat men.	Officers or able seamen.	Certificated lifeboat men.
Octorara	435	4	100	8	120	8	8	12	36	435	13	325	8	120	26	8	21	63	.....	.....	.....	.....	.....	.....	.....	.....	.....
Juniata	435	4	100	8	120	8	8	12	36	435	13	325	8	120	26	8	21	63	.....	.....	.....	.....	.....	.....	.....	.....	.....
Tionesta	435	4	100	8	120	8	8	12	36	435	13	325	8	120	26	8	21	63	.....	.....	.....	.....	.....	.....	.....	.....	.....
Americana	[1] 3,549	29	725	70	1,050	58	70	99	297	354	11	275	6	90	22	6	17	51	3,549	4	100	17	255	8	17	21	63
Canadiana	[1] 3,549	29	725	70	1,050	58	70	99	297	354	11	275	6	90	22	6	17	51	3,549	4	100	17	255	8	17	21	63
Eastland	2,120	17	425	43	645	34	43	60	180	645	20	500	10	150	40	10	30	90	.....	.....	.....	.....	.....	.....	.....	.....	.....
Eugene C. Hart	415	4	100	8	120	8	8	12	36	102	3	75	2	30	6	2	5	15	.....	.....	.....	.....	.....	.....	.....	.....	.....
City of South Haven	2,580	21	525	51	765	42	51	72	216	487	15	375	9	135	30	9	24	72	.....	.....	.....	.....	.....	.....	.....	.....	.....
Petoskey	740	6	150	15	225	12	15	21	63	115	4	100	1	15	8	1	5	15	.....	.....	.....	.....	.....	.....	.....	.....	.....
Chippewa	306	3	75	6	90	6	6	9	27	92	3	75	2	30	6	2	5	15	641	1	25	3	45	2	3	4	12
Islander	200	2	50	4	60	4	4	6	18	60	2	50	1	15	4	1	3	9	600	1	25	3	45	2	3	4	12
Elva	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	155	1	25	.....	.....	2	.....	1	3
Mackinac	283	3	75	5	75	6	5	8	24	85	3	75	1	15	6	1	4	12	662	1	25	3	45	2	3	4	12
Algomah	366	3	75	8	120	6	8	11	33	94	3	75	2	30	6	2	5	15	618	1	25	3	45	2	3	4	12
City of Cheboygan	240	2	50	5	75	4	5	7	21	81	3	75	1	15	6	1	4	12	536	1	25	2	30	2	2	3	9
Christopher Columbus	1,410	12	300	27	405	24	27	39	117	250	8	200	4	60	16	4	12	36	3,800	4	100	17	285	8	17	21	63
Indiana	1,054	9	225	21	315	18	21	30	90	278	9	225	4	60	18	4	13	39	.....	.....	.....	.....	.....	.....	.....	.....	.....
Iowa	679	6	150	13	195	12	13	19	57	200	6	150	4	60	12	4	10	30	.....	.....	.....	.....	.....	.....	.....	.....	.....
Alabama	1,450	12	300	29	435	24	29	41	123	409	13	325	6	90	26	6	19	57	.....	.....	.....	.....	.....	.....	.....	.....	.....
Virginia	1,471	12	300	30	450	24	30	42	126	365	12	300	5	75	24	5	17	51	.....	.....	.....	.....	.....	.....	.....	.....	.....
Carolina	1,058	9	225	21	315	18	21	30	90	214	7	175	3	45	14	3	10	30	.....	.....	.....	.....	.....	.....	.....	.....	.....
Arizona	886	8	200	17	255	16	17	25	75	276	9	225	4	60	18	4	13	39	.....	.....	.....	.....	.....	.....	.....	.....	.....
Georgia	520	5	125	9	135	10	9	14	42	101	4	100	1	15	8	1	5	15	.....	.....	.....	.....	.....	.....	.....	.....	.....
Chicago	522	5	125	10	150	10	10	15	45	115	4	100	1	15	8	1	5	15	.....	.....	.....	.....	.....	.....	.....	.....	.....
Theodore Roosevelt	2,940	24	600	58	870	48	58	82	246	277	9	225	4	60	18	4	13	39	.....	.....	.....	.....	.....	.....	.....	.....	.....
United States	1,920	16	400	38	570	32	38	54	162	204	7	175	3	45	14	3	10	30	.....	.....	.....	.....	.....	.....	.....	.....	.....
City of Grand Rapids	1,330	11	275	26	390	22	26	37	111	324	10	250	5	75	20	5	15	45	.....	.....	.....	.....	.....	.....	.....	.....	.....
Puritan	1,286	11	275	25	375	22	25	36	108	386	12	300	6	90	24	6	18	54	.....	.....	.....	.....	.....	.....	.....	.....	.....
Holland	1,530	13	325	30	450	26	30	43	129	323	10	250	5	75	20	5	15	45	.....	.....	.....	.....	.....	.....	.....	.....	.....
City of Chicago	2,140	18	450	42	630	36	42	60	180	298	9	225	5	75	18	5	14	42	.....	.....	.....	.....	.....	.....	.....	.....	.....
City of Benton Harbor	2,845	23	575	57	855	46	57	80	240	306	10	250	4	60	20	4	14	42	.....	.....	.....	.....	.....	.....	.....	.....	.....
Seeandbee	3,207	26	650	64	960	52	64	90	270	1,002	31	775	16	240	62	16	47	141	.....	.....	.....	.....	.....	.....	.....	.....	.....
City of Buffalo	1,410	12	300	27	405	24	27	39	117	424	13	325	7	105	26	7	20	60	2,105	3	75	10	150	6	10	13	39
City of Erie	1,490	12	300	30	450	24	30	42	126	447	14	350	7	105	28	7	21	63	2,105	3	75	10	150	6	10	13	39
State of Ohio	1,053	9	225	21	315	18	21	30	90	316	10	250	5	75	20	5	15	45	1,165	2	50	5	75	4	5	7	21
City of Detroit III	2,440	20	500	48	720	40	48	68	204	732	22	550	13	195	44	13	35	105	4,161	5	125	20	300	10	20	25	75
City of Cleveland III	2,160	18	450	42	630	36	42	60	180	648	20	500	10	150	40	10	30	90	.....	.....	.....	.....	.....	.....	.....	.....	.....
Western States	2,140	18	450	42	630	36	42	60	180	642	20	500	10	150	40	10	30	90	2,333	3	75	11	165	6	11	14	42
Eastern States	2,146	18	450	42	630	36	42	60	180	644	20	500	10	150	40	10	30	90	2,335	3	75	11	165	6	11	14	42
City of St. Ignace	1,283	11	275	25	375	22	25	36	108	385	12	300	6	90	24	6	18	54	2,109	3	75	10	150	6	10	13	39
City of Detroit II	1,303	11	275	26	390	22	26	37	111	391	12	300	7	105	24	7	19	57	2,196	3	75	11	165	6	11	14	42
City of Alpena II	967	8	200	19	285	16	19	27	81	303	10	250	4	60	20	4	14	42	.....	.....	.....	.....	.....	.....	.....	.....	.....
City of Mackinac II	970	8	200	19	285	16	19	27	81	299	9	225	5	75	18	5	14	42	.....	.....	.....	.....	.....	.....	.....	.....	.....
State of New York	996	8	200	20	300	16	28	28	84	299	9	225	5	75	18	5	14	42	1,306	2	50	6	90	4	6	8	24
Put-in-Bay	1,079	9	225	21	315	18	21	30	90	325	10	250	5	75	20	5	15	45	3,250	4	100	15	225	8	25	19	57
Frank E. Kirby	556	5	125	11	165	10	11	16	48	167	6	150	2	30	12	2	8	24	{ 841 1,041	1 2	25 50	5 4	75 60	2 4	5 4	6 6	[2] 18 [3] 18
Maywood	.....	.....	.....	.....	.....	.....	.....	.....	.....	91	3	75	2	30	6	2	5	15	637	1	25	3	45	2	3	4	12

[1] Route on shoal water. [2] With main deck freight laden. [3] With main deck not freight laden.

I do not see any occasion to discuss the bill further at this time, as I had occasion to discuss the various provisions of the bill somewhat in detail in my report accompanying S. 136, made to the House on the 19th day of June last.

The SPEAKER. The time of the gentleman from Missouri has expired. All time has expired. The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. ALEXANDER, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, Mr. HAMILTON of New York was granted leave of absence for the remainder of the week, on account of illness.

ADDITIONAL JUDGE FOR SOUTHERN DISTRICT OF GEORGIA.

The SPEAKER. Yesterday the Chair appointed the gentleman from Maine, Mr. MCGILLICUDDY, one of the conferees on the bill providing for an additional judge for the southern district of Georgia. Mr. MCGILLICUDDY reports that he can not serve, because he is so busy with other matters. The Chair therefore appoints the gentleman from Arkansas, Mr. FLOYD, in his stead.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 12303. An act to amend section 3246 of the Revised Statute of the United States as amended by section 5 of the act of March 1, 1879.

The message also announced that the Senate had insisted upon its amendments to the bill H. R. 17869, entitled "An act providing for the appointment of an additional district judge for the southern district of the State of Georgia, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CULBERSON, Mr. SMITH of Georgia, and Mr. CLARK of Wyoming as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H. R. 2642, entitled "An act authorizing the President to

reinstate Joseph Eliot Austin as an ensign in the United States Navy."

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. PAGE of North Carolina. Mr. Speaker, I call up the conference report on the bill H. R. 19422, the District of Columbia appropriation bill, and ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from North Carolina calls up the conference report on the District appropriation bill, and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. MADDEN. Mr. Speaker, I desire to make a point of order against the report, and I object.

Mr. FITZGERALD. I suggest to the gentleman that we dispense with the reading of the report and then he may make his point of order.

Mr. MANN. We have to read either one or the other, and one is about as long as the other.

The SPEAKER. The Clerk will read the report.

Mr. MADDEN. Mr. Speaker, I reserve all points of order.

The SPEAKER. The Chair understands that and will protect the gentleman in his rights.

The Clerk read the conference report, as follows:

CONFERENCE REPORT (NO. 1438).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19422) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1916, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 7, 8, 14, 16, 17, 25, 27, 28, 30, 32, 35, 37, 39, 43, 46, 48, 52, 58, 59, 64, 67, 68, 73, 75, 76, 77, 79, 85, 89, 99, 103, 111, 112, 118, 119, 120, and 121.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 5, 6, 9, 10, 11, 12, 13, 15, 19, 20, 29, 31, 33, 34, 38, 40, 44, 45, 47, 49, 50, 53, 55, 57, 60, 61, 66, 69, 70, 71, 72, 80, 82, 83, 84, 86, 87, 88, 90, 91, 92, 93, 94, 95, 96, 97, 98, 100, 102, 106, 107, 108, 109, 115, 116, 123, 124, 126, 127, and 128, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$47,576"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment and, on page 17 of the bill, line 7, strike out the words "force and"; and in line 8 strike out the words "fire department"; and in line 7, after the word "police," insert the following: "crossing police, park police, and fire department"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For constructing market buildings on the site of the present municipal fish wharf and market, including refrigerating and cold-storage plant, which shall be equipped for the accommodation of such retail business as may obtain at that point and shall serve as the wholesale receiving and distributing point for marine and other products to be retailed elsewhere in the District, within a limit of cost of $185,000, which is hereby fixed, $125,000."

And the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$110,700"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,700"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$28,500"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$29,000"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$118,700"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$160,800"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,000"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$49,015"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: On page 33 of the bill, line 6, strike out "$124,000" and insert in lieu thereof "$119,000"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$27,500"; and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment strike out the following: "to be immediately available"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Hereafter all pupils whose parents are employed officially or otherwise in the District of Columbia shall be admitted and taught free of charge in the schools of said District, and hereafter the members of the board of education shall be appointed by the Commissioners of the District of Columbia."

And the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$48,600"; and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lines 4, 5, and 6 of the matter inserted by said amendment strike out the following: "; but no person so removed shall be reappointed to any position in said fire department"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$131,800"; and the Senate agree to the same.

Amendment numbered 101: That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$45,932"; and the Senate agree to the same.

Amendment numbered 104: That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25,600"; and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Gallinger Hospital: Toward the construction and equipment of the Gallinger Hospital, including grading of the site, $150,000, and the limit of cost of the construction of said hospital and accessory buildings, and equipment, is hereby fixed at $1,000,000."

And the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$60,000"; and the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$96,080"; and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert the following: "$6,000"; and the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: Omit the matter inserted by said amendment and, on page 73 of the bill, in line 4, strike out the following: "and of the United States"; and the Senate agree to the same.

Amendment numbered 125: That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"ANACOSTIA RIVER FLATS.

"For continuing the reclamation and development of the Anacostia River and Flats from the Anacostia Bridge northeast to the District line, to be expended for the purposes and under the conditions specified in the item for this improvement contained in the 'District of Columbia appropriation act for the fiscal year 1915,' $100,000; and authority is hereby granted to the Chief of Engineers, United States Army, to enter into a contract or contracts for and on account of said work in an amount not exceeding $100,000, exclusive of the amount herein appropriated."

And the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 1, 51, and 105.

ROBERT N. PAGE,
T. U. SISSON,
C. R. DAVIS,
Managers on the part of the House.

JOHN WALTER SMITH,
LUKE LEA,
J. H. GALLINGER,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19422) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1916, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, namely:

Nos. 2, 3, and 4, relating to the auditor's office: Strikes out the increase of $200 in the salary of the property survey officer, proposed by the Senate, and increases the pay of one clerk from $900 to $1,000.

Nos. 5 and 6: Appropriates $240, as proposed by the Senate, for a laborer at $40 per month at the fish wharf and market.

Nos. 7 and 8: Strikes out the changes in designation of employees and of the title of the office of the superintendent of weights, measures, and markets.

Nos. 9 and 10: Increases the pay of one clerk in the municipal architect's office from $620 to $720.

Nos. 11 and 12: Increases the amount for incidental expenses of the Public Utilities Commission from $2,799 to $4,000, as proposed by the Senate.

No. 13: Inserts the authority, proposed by the Senate, for hire and care of teams for the surveyor's office.

No. 14: Strikes out the allowance of $300, proposed by the Senate, for traveling expenses of the librarian of the Free Public Library.

No. 15: Increases the amount for motor vehicles from $14,534 to $15,284, as proposed by the Senate.

Nos. 16 and 17: Strikes out the authority, proposed by the Senate, for maintenance of telephones in the residences of the engineer of the water department, the master mechanic of the water department, and the assistant superintendent of the street-cleaning division.

No. 18: Restores the provision, stricken out by the Senate, and requires the street railway companies to transport free of charge members of the Metropolitan police, crossing police, park police, and fire department when in uniform and in the performance of their duties.

No. 19: Increases the amount for advertising notice of taxes in arrears from $2,500 to $3,500, as proposed by the Senate.

No. 20: Appropriates $4,500, as proposed by the Senate, for metal file cases for the office of the register of wills.

No. 21: Appropriates $125,000 toward market buildings on the site of the present municipal fish wharf and market and fixes the ultimate cost of such buildings at $185,000.

Nos. 22, 23, 24, 25, 26, 27, 28, 29, and 30, relating to work on streets and avenues: Appropriates $110,000, instead of $89,400 as proposed by the House and $160,400 as proposed by the Senate; makes an allotment of $12,700 for the northwest section schedule, instead of $6,400 as proposed by the House and $18,900 as proposed by the Senate; allots $28,500 for the southwest section schedule, instead of $18,500 as proposed by the House and $34,000 as proposed by the Senate; allots $35,000, as proposed by the House, instead of $63,000, as proposed by the Senate, for the southeast section schedule; allots $29,000, instead of $24,000 as proposed by the House and $39,000 as proposed by the Senate, for the northeast section schedule; fixes July 1, 1886, as the date for determining the quality of asphalt pavement to be relaid, as proposed by the House, instead of July 1, 1914, as proposed by the Senate; fixes July 1, 1904, as the date for determining the quality of asphalt block pavement to be laid, as proposed by the House, instead of July 1, 1914, as proposed by the Senate; increases the width of pavement of the roadway of Tenth Street NW. from Pennsylvania Avenue to the south side of B Street from 40 to 45 feet, as proposed by the Senate; and strikes out the appropriation of $18,000, proposed by the Senate, for repaving P Street NW. between Twenty-eighth Street and Wisconsin Avenue.

Nos. 31, 32, 33, 34, 35, and 36, relating to construction of suburban roads: Strikes out the provision requiring the Chesapeake & Ohio Canal Co. to pay one-half of the cost of the retaining wall on the south side of Canal Road; strikes out the appropriation of $30,000 for the improvement of Connecticut Avenue from Tilden Street to Grant Road; inserts $6,000 for grading Albemarle Street from Connecticut Avenue to Reno Road; inserts $9,400 to grade and improve Kenyon Street from Georgia Avenue to Park Road; and strikes out the appropriation of $4,200 for grading and improving Benning Road from the end of macadam to Central Avenue.

No. 37: Strikes out the increase of $15,000, proposed by the Senate, in the appropriation for repairs to suburban roads.

Nos. 38 and 39: Increases the appropriation for construction and repair of bridges from $20,000 to $22,000, as proposed by the Senate, and provides that the amounts collected from railways for repair of bridges carrying streets over their rights of way shall be deposited in the Treasury to the credit of the United States and the District of Columbia in equal parts, as proposed by the House.

Nos. 40, 41, 42, and 43, relating to sewers: Appropriates $75,000, as proposed by the Senate, instead of $67,500, as proposed by the House, for main and pipe sewers and receiving basins; appropriates $160,800, instead of $145,100 as proposed by the House and $175,000 as proposed by the Senate, for suburban sewers; appropriates $2,000, instead of $1,000 as proposed by the House and $2,500 as proposed by the Senate, for rights of way for sewers; and strikes out the authority, inserted by the Senate, to make the sum of $50,000 for the Anacostia main intercepter "available until expended."

Nos. 44 and 45: Appropriates $280,000, as proposed by the Senate, instead of $270,000, as proposed by the House, for sprinkling and cleaning streets; and increases the allowance to inspectors for maintenance of horses and vehicles or motor vehicles from $25 to $27.50 per month each, as proposed by the Senate.

No. 46: Strikes out the increase in the appropriation for disposal of city refuse from $179,945 to $190,160, proposed by the Senate.

No. 47: Provides that $5,000 of the appropriation of $45,000 for the parking commission shall be immediately available.

No. 48: Restores the provision, proposed by the House, providing for the sale of public scales and strikes out the appropriation of $200, proposed by the Senate, for replacement and repair of public scales.

Nos. 49 and 50: Inserts the appropriation of $3,750, inserted by the Senate, for the equipment of the Georgetown playground.

Nos. 52, 53, 54, and 55, relating to the electrical department: Provides an additional telephone operator at $540; strikes out the increase of $250, proposed by the Senate, in the salary of

the electrical engineer; and provides that the commissioners may maintain part of the lamps on any street, avenue, and alley for a shorter period each night after 1 o'clock a. m. than is now required by law.

Nos. 56, 57, and 58, relating to the Washington Aqueduct: Appropriates $119,000 instead of $124,000 for operation, maintenance, and repair of the aqueduct; inserts the sum of $5,000, proposed by the Senate, for repair, grading, and maintenance of Conduit Road, and strikes out authority to do such work on Conduit Road from the general appropriation; strikes out the sum of $23,750, proposed by the Senate, for the purchase and installation of water meters on water services to United States buildings, reservation, and grounds.

No. 59: Appropriates $18,000, as proposed by the House, instead of $20,000, as proposed by the Senate, for care and improvement of Rock Creek Park.

Nos. 60, 61, 62, 63, 64, 65, 66, 67, and 68, relating to the public schools: Increases the pay of a special beginning teacher in the normal school from $800 to $900, as proposed by the Senate; appropriates $27,500, instead of $25,000, as proposed by the House, and $30,000, as proposed by the Senate, for furniture, apparatus, tools, etc., for use in manual training; appropriates $50,000, as proposed by the Senate, for equipment and furnishings for the Western High School, and strikes out authority to make the amount immediately available; strikes out the sum of $2,000, proposed by the Senate, for temporary personal services; inserts the provision, proposed by the Senate, which requires that all pupils whose parents are employed officially or otherwise in the District of Columbia shall be admitted and taught free of charge in the schools of the District, and modifies the amendment so as to provide that hereafter members of the board of education shall be appointed by the commissioners; appropriates $66,000, as proposed by the Senate, for an eight-room addition to the Powell School; strikes out the authority, proposed by the Senate, permitting the commissioners to close public areas which may lie wholly within the boundaries of any site purchased for the Eastern High School; and strikes out the paragraph, inserted by the Senate, making any unexpended balance remaining of the appropriation for the purchase of the site for the Eastern High School available for putting the site in a suitable condition for the uses for which it was purchased.

Nos. 69, 70, 71, 72, 73, and 74, relating to the Metropolitan police: Increases the number of privates detailed for special service in the detection and prevention of crime from 20 to 24, as proposed by the Senate; increases the sum for maintenance of motor vehicles from $5,000 to $6,000, as proposed by the Senate; strikes out the appropriation of $5,000, proposed by the Senate, for reconstruction of cell corridors and the construction of modern locking devices in the second precinct station house.

Nos. 75, 76, 77, 78, 79, 80, 81, 82, and 83, relating to the fire department: Strikes out the increase in salary and the additional employments, proposed by the Senate; inserts the paragraph, proposed by the Senate, relative to the removal of members of the fire department modified so as to not prevent the reappointment of any person removed; appropriates $15,000, as proposed by the House, instead of $8,000, as proposed by the Senate, for repairs to apparatus and motor vehicles and apparatus; appropriates $35,000, as proposed by the Senate, instead of $32,250, as proposed by the House, for forage; and appropriates $12,000, as proposed by the Senate, for two motor-driven combination chemical and hose wagons.

Nos. 84, 85, 86, 87, 88, and 89, relating to the health department: Appropriates $1,000, as proposed by the Senate, for repairs to the smallpox hospital and administration building; strikes out the sum of $1,800, inserted by the Senate, for extension of water mains to provide fire protection to the smallpox hospital; increases the sum for maintaining the bacteriological laboratory from $300 to $1,000, as proposed by the Senate; inserts the appropriation of $3,335, proposed by the Senate, for apparatus, equipment, and maintenance of the chemical laboratory; inserts the provision, proposed by the Senate, relative to the examination and inspection of milk shipped into the District from adjoining States; and strikes out the appropriation of $2,000, inserted by the Senate, for repairing the public crematory.

Nos. 90 and 91: Increases the appropriation for fees of witnesses for the police court from $3,000 to $3,250, as proposed by the Senate.

No. 92: Increases the appropriation for support of convicts from $80,000 to $90,000, as proposed by the Senate.

Nos. 93, 94, 95, 96, 97, and 98, relating to the Washington Asylum and Jail: Appropriates for an X-ray machine operator at $600, a pathologist at $600, and an anesthetist at $300, as proposed by the Senate; provides $2,750 for the purchase of an X-ray machine and $1,000 for the purchase of pathological equipment, as proposed by the Senate; and increases the amount for destitute women and children from $5,000 to $6,000, as proposed by the Senate.

Nos. 99, 100, and 101, relating to the Home for Aged and Infirm: Strikes out the appropriation of $4,875, inserted by the Senate, for purchase of two electric generators, and inserts $500, proposed by the Senate, for a permanent fence.

Nos. 102, 103, and 104, relating to the National Training School for Girls: Appropriates $220, as proposed by the Senate, for repairs to buildings, and strikes out the sum of $250, inserted by the Senate, for remodeling fire escapes.

Nos. 106, 107, 108, and 109, relating to the Tuberculosis Hospital: Increases the pay of the resident physician from $480 to $600 and the pay of two ward maids from $180 to $240 each, as proposed by the Senate.

No. 110: Appropriates $150,000 toward the construction of Gallinger Hospital and fixes the limit of cost of the hospital, the accessory buildings, and equipment at $1,000,000.

Nos. 111, 112, 113, and 114, relating to the Board of Children's Guardians: Strikes out the additional placing officer at $1,000, proposed by the Senate; appropriates $60,000, instead of $55,000 as proposed by the House and $65,000 as proposed by the Senate, for board and care of all children.

Nos. 115 and 116: Appropriates $2,000, as proposed by the Senate, for a new boiler for the Industrial Home School.

No. 117: Appropriates $6,000, instead of $10,000, as proposed by the Senate, for the Southern Relief Society.

Nos. 118, 119, and 120: Strikes out the appropriations, inserted by the Senate, of $5,000 each for the Aid Associations for the Blind and the Columbia Polytechnic Institute.

Nos. 121 and 122, relating to the reformatory: Appropriates $15,000 for the reformatory in the language proposed by the House, instead of $50,000 in the language proposed by the Senate; strikes out the provision, inserted by the Senate, relative to the sale of workhouse and reformatory products and modifies the provision of the bill as passed by the House so as to limit the sale of such products to departments and institutions of the government of the District of Columbia.

Nos. 123 and 124, relating to the militia: Appropriates $30,000, as proposed by the Senate, instead of $25,900, as proposed by the House, for expenses of camps, practice marches, etc.; and increases the appropriation for expenses of target practice and matches from $1,250 to $2,500, as proposed by the Senate.

No. 125: Appropriates $100,000, as proposed by the Senate, for the reclamation and development of the Anacostia River and Flats.

Nos. 126 and 127, relating to the water department: Increases the pay of one clerk from $1,500 to $1,800, as proposed by the Senate.

No. 128: Inserts the authority, proposed by the Senate, for the payment of "engineering and other" expenses from the "miscellaneous trust fund" appropriation account.

The committee of conference have been unable to agree on the following amendments of the Senate:

No. 1: Relating to the proportion of appropriations to be paid, respectively, from the Treasury of the United States and the revenues of the District of Columbia.

No. 51: Relating to the appropriation of $18,000 for the construction of a new public convenience station at the intersection of Fifteenth Street and Maryland Avenue and H Street NE.

No. 105: Relating to the appropriation of $50,000 for the construction of a new building for the Central Dispensary and Emergency Hospital.

ROBERT N. PAGE,
T. U. SISSON,
C. R. DAVIS,
Managers on the part of the House.

Mr. MADDEN. Mr. Speaker, I make the point of order against the language in line 3, page 3, of the report, after the word "District":

And hereafter members of the Board of Education shall be appointed by the Commissioners of the District of Columbia.

Mr. PAGE of North Carolina. Does the gentleman make the point of order or reserve it?

Mr. MADDEN. Mr. Speaker, I will reserve the point of order if the gentleman desires to discuss it.

Mr. PAGE of North Carolina. I would like to have the gentleman reserve his point of order for a moment.

Mr. MADDEN. Very well.

Mr. PAGE of North Carolina. Mr. Speaker, I am inclined to think that the gentleman's point of order is well taken, but I want to say to the House in that connection—and I do not know whether it will affect the gentleman's attitude or not—that the

members of the school board for the District of Columbia under existing law, and for that reason I am frank to say I think the gentleman's point of order is well taken, are appointed by the members of the Supreme Court of the District of Columbia. Just why this was done a few gentlemen on the floor know possibly better than I do, and I shall not enter into a discussion of the reasons leading up to the enactment of that law. But I do know the results that have followed that legislation and this method of appointing the members of the school board of the District of Columbia. It removes the members of the school board absolutely from under any control or supervision of the governing board of the District, the commissioners. The members of the school board have complete control over the management of the schools of the District of Columbia. The members of the Board of Commissioners are appointed by the President and confirmed by the Senate. All of this has resulted in such a condition that no committee of this House, in spite of the most diligent efforts, has been able for three years to receive any report from this board of education relating to school questions, and your conference committee on the part of the House, meeting with the approbation of the conferees on the part of the Senate, believe that the only way the schools could be brought under the supervision of the Congress was to have the members of the board appointed by the Commissioners of the District, who have to deal with the Congress. For that reason, believing that it was in the interest of good administration of the schools of the District and good administration otherwise, the conferees have placed this in their report, fully conscious of the fact that it might be made the subject of a point of order, and I very much hope that the gentleman from Illinois, who I know has at heart the good of the school system of the city of Washington, will not insist upon his point of order and that this change may be made in the law so that the school system of the District may be more efficiently administered and that they may be accountable to somebody, and that there will be some way in which to reach them.

Mr. MADDEN. Mr. Speaker, I recollect very well when the transfer of the power was made from the District Commissioners to the Supreme Court of the District to make these appointments. It so happened that the then District Commissioners were appointed by a Republican President, and this change was made in the form of a trade with one or two Democratic Members of the House, members of the Committee on Appropriations, who believed that they had influence enough with the judges who were to make the appointments not to appoint men of a certain race.

Mr. PAGE of North Carolina. Will the gentleman yield for a moment?

Mr. MADDEN. Yes, sir.

Mr. PAGE of North Carolina. Were not the judges of the Supreme Court also appointed by a Republican President?

Mr. MADDEN. Yes; but wait. It so happened that the agreement that was had was had with a court totally different from the court which was finally given power in the bill, and they did not keep what was said to be an agreement, because they did not understand anything about the agreement. But it now happens that the District Commissioners are men who would probably carry out the agreement that was supposed to have been entered into at that time, if they had the power to make the appointment. I believe that the members of the board of education ought not to be in politics, either directly or indirectly, and that they ought not to be appointed by any political power, and that the appointments made as they are now keep them further away from politics than they could be kept if they should happen by any chance to be appointed by the District Commissioners. Hence, believing that the power rests where it should and where it is giving the best results, I feel constrained to insist upon the point of order.

Mr. PAGE of North Carolina. Will the gentleman yield for a moment?

Mr. MADDEN. Yes.

Mr. PAGE of North Carolina. Has the gentleman thought of this phase of the present law? It was suggested to me by one of the members of the Supreme Court of the District of Columbia—and in that connection I want to say that the Commissioners of the District of Columbia are not, so far as I know, in favor of this legislation on this conference report; they have never said so to me if they are—but several members of the supreme bench in the District of Columbia have suggested that the matter is none of their business as a court, and they doubted seriously whether or not that Congress should place this obligation upon them.

Mr. MADDEN. I will say to the gentleman that in the State from which I come the legislature grants the power to circuit judges of our State to appoint the members of park commissions and boards of that character except one, and this board is appointed by the governor of the State, and we find that the men who are appointed by the courts are absolutely out of politics, and in my judgment the management of the parks under their jurisdiction is superior to the management of the parks where the commissioners are appointed as a result of politics, and we are waiting for the day to come when every appointment of the class that I have described will be made by the courts.

Mr. PAGE of North Carolina. I could convince the gentleman privately that instead of taking the appointment by these commissioners out of politics, by placing the appointment in the hands of the Supreme Court they are kept in politics.

Mr. MADDEN. Well, I can not understand how a man, as a judge appointed for life, would allow himself to be influenced by politics, but I can understand how a man appointed to a political job, holding that job during the administration that appointed him, might and probably would be affected by politics.

Mr. CLARK of Missouri. Will the gentleman yield to me for a minute or two?

Mr. MADDEN. Certainly.

Mr. CLARK of Missouri. Of course I have not taken any part on the floor on the point of order, but I want to straighten out the historical facts. The truth about this transfer of the power to appoint the school board from one set of men to another was simply one feature in the fight for the reorganization of the whole school system of the District of Columbia. The history of the transaction is that a boy, 13 years old, was the cause of that fight. My son came to me one night, said that two of his teachers wanted to come and see me, and he wanted me to treat them well. You get very tired of these people legging around here sometimes, and you grow somewhat cross with them sometimes, and they frequently have no claim whatever to any consideration. So I told him I would see them. The two women came down the next night. They had a real grievance, and they had it worked out with the facts and figures. They demonstrated that the whole school system of this District was top-heavy; that the upper ones, these high ones anyway, were getting more pay in proportion than the ones below. So I participated in the debate next day, and the gentleman from Michigan, Mr. Gardner, I think, was controlling the thing, or Mr. McCleary——

Mr. MADDEN. It was Mr. Morrell, of Pennsylvania.

Mr. CLARK of Missouri. Anyhow, it came so we were about to get what we wanted, and then finally he promised me that if I would withdraw the opposition to the bill the next year they would fix it somewhat on the basis that Mr. Cochran, of New York, Mr. GOULDEN, and myself wanted it fixed. I do not think there was a particle of politics in it. The commissioners were Republicans, those judges were Republicans, and everybody was tired of that old school board and wanted to get rid of it. We wanted to get rid of it, but we thought these commissioners would reappoint that school board.

And while I never liked to give this power to the judges of the Supreme Court of the District of Columbia, and thought it was ultra vires and clear out of their line of business, we could not think of anybody else on whom to confer the power. There was no politics in it. It was simply for the good of the community.

Mr. PAGE of North Carolina. The result has been, if the gentleman will permit me, whatever may have been the intention—and, of course, the Speaker knows the facts that he has related—to absolutely remove the school system of the District of Columbia from the control of the Congress of the United States. And it will be so as long as they owe their appointment to a body that is appointed for life and is itself not answerable to the Congress of the United States. And if the gentleman wants to continue the former condition of affairs of the District of Columbia, he is proceeding now to do it.

Mr. MADDEN. I am very sorry that I can not agree with my friend from North Carolina [Mr. PAGE], but I do not see it as he does.

Mr. GOULDEN. Mr. Speaker, I ask the gentleman to yield for a moment. I find in going back to April 23, 1906, that what the Speaker says is absolutely correct. And, being recently from New York City, where I had served as a commissioner of education, when I landed here the teachers and others interested in school matters immediately secured my attention in the matter of improvement of the public schools. In connection with our late lamented colleague, Mr. Foster of Vermont, I undertook the contract. Both of us introduced bills. I will never again undertake another like it, for it took much of my time during four years following. However, the matter came up and the greatest opposition we had to relieving the school

system of the top-heaviness to which the Speaker has alluded were the District Commissioners, and we determined to put them out of it so far as the schools were concerned. And Mr. Foster offered the amendment that took the power away from the Board of Commissioners and put it into the hands of the judges of the Supreme Court of the District of Columbia, and we carried it. There was not a bit of politics in it at the time, because Mr. Foster was a very ardent Republican, and, I hope, I was an equally ardent Democrat. I do not think it was a mistake then; not a bit of it; but I believe, with the present Board of Commissioners, a new set of public officials, and with the great importance of the school system, greatly improved the last eight years, we might very properly, I think, go back to the old system of allowing the Board of Commissioners of the District of Columbia to make the appointments, especially as the judges of the district wish to be relieved of the responsibilities.

Mr. MADDEN. Mr. Speaker, I yield two minutes to the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Mr. Speaker, your conferees agreed to this item in the bill with this amendment; and if it had not been for the amendment I think I know what I say when I tell you I would not have agreed to the present amendment of the Senate. The language to which the gentleman from Illinois [Mr. MADDEN] makes objection is the language that we were desirous of having in the bill. Now, I think if you gentlemen were on the Appropriations Committee and on this subcommittee you would feel about it like the conferees of the House and the Senate feel. I do not believe that any man who knows the conferees of the Senate would believe that they would agree to anything that was not for, as they thought, the good of the school system of this District. Now, so far as your House conferees were concerned, I feel that I speak the sentiment of all of them when I say to you that we have at heart as much as the three Senators the good of the schools of the District. But we do not feel it is proper that we should lose absolute control of the school system of the District of Columbia, as we have done. As was explained to the House by the gentleman from North Carolina [Mr. PAGE], as chairman of the conferees on the part of the House, we know nothing about how this money is expended. We can get no report. No report has been made to us for three years, and the judges do not feel it is their duty to do it. They feel they have enough of other duties to perform without devoting their time and attention to the internal plans of the public schools of this District. The result is that the trustees appointed by them have their own way. They are appointed by the judges; and the judges, having all their time, as they say, taken up, can not devote all their attention to the public schools, and therefore they leave it entirely in the hands of the trustees whom they appoint, and the trustees decline to make a report to the District Commissioners, who are appointed and under the control of Congress, and from whom we get no report. And the Senate as well as the House agrees that this is a good amendment.

I want to say this to the gentleman from Illinois [Mr. MADDEN] that my understanding of the parliamentary status is that if your point of order is sustained the whole conference report goes out. Is that true, Mr. Speaker?

The SPEAKER. That is true.

Mr. SISSON. Now, what I want is to be sure that the whole item goes out, and I presume that, with the whole conference report, will go out, and that will leave the bill just where it was when it went into conference, with your conferees' hands untied in reference to the item itself to which we agree with this amendment. And if the Chair sustains the gentleman's point of order, my understanding is that the House has lost nothing so far as the first part of the item is concerned.

The SPEAKER. Does the gentleman insist on his point of order?

Mr. MADDEN. I want to yield first to the gentleman from New York [Mr. PLATT] one minute.

Mr. PLATT. I want to read, Mr. Speaker, the last speech made by my colleague, Mr. Payne, in this House on the 10th of December, the day of his death. It consisted of about 15 lines, in which he said:

> Mr. Chairman, I want to say to the gentleman that I am very much interested in his discussion of this question, and also his proposition to investigate it. I remember very well when this change was made, during a wave of reform that passed over the House. Nothing could stop it, because some gentlemen had some difficulty with the members of the old school board as it then existed, and it was claimed that everything was to be happy and lovely if they could get these appointments made by the supreme court. It seemed to me at the time that the members of the Supreme Court of the District were the last persons in the world to make these appointments, and while some of us fought it and voted against it, yet the reform, so called, prevailed.

Mr. MADDEN. Mr. Speaker, the gentleman from Maryland [Mr. LINTHICUM] wants a minute.

Mr. LINTHICUM. Mr. Speaker, I hope the gentleman from Illinois will not insist upon this point of order, because it throws out the entire amendment. I am particularly interested in this amendment, because it provides that the children living in my State and around the District may come here and attend the public schools.

It is an injustice that children of parents working in the District of Columbia but living in Maryland should be debarred from a schooling in Washington without paying a tuition fee therefor. The parents of most of the children affected by that change have gone on the outskirts of the District for the pure air and open surroundings of the country, where they may have a few chickens and a small vegetable garden, acquire a vote, and buy a home at a price within their reach. I deny that the schooling of these children works a hardship upon the taxpayers of the District of Columbia. One-half the cost of maintaining the District schools is borne by the National Government. As offsetting the other half, I would recall that the trade of the great majority of these people is almost exclusively with Washington merchants. Indeed, so closely identified are these people with the social and business interests of Washington that they feel themselves nearly as much residents of the District as of Maryland. Washington is the center of their interests. They read its papers, attend its churches and theaters, and welcome their Washington friends into Maryland, who make our State, particularly during the summer, a pleasure ground. We do not believe the people of Washington think the schooling of these children much of an injustice to them.

Mr. MADDEN. This would not discriminate against them.

Mr. LINTHICUM. This would throw out the entire amendment.

Mr. MADDEN. It leaves it open for the conferees to fix that part of it, though.

Mr. LINTHICUM. I know that; but if he would not insist on the point of order at this time, that vexatious question would be closed and children would be able to come into the District and attend school when their parents are officially or otherwise employed in the District.

The SPEAKER. The gentleman from Maryland [Mr. LINTHICUM] is mistaken about the effect. It is this part that the conferees put in.

Mr. LINTHICUM. I think I understand about that, Mr. Speaker, but if the gentleman from Illinois insists on the point of order, the entire conference report goes out.

The SPEAKER. Of course it does. The whole thing goes back to the conferees.

Mr. LINTHICUM. I am aware of that; but the session is getting very short, and I would like to see this thing closed up now, so that these children will be provided for whenever their parents are officially or otherwise employed in the District of Columbia.

Mr. MADDEN. If the gentleman from Maryland will possess his soul in patience, the matter will be properly taken care of. In the meantime, Mr. Speaker, I make a point of order against it.

The SPEAKER. The point of order is sustained.

Mr. PAGE of North Carolina. Mr. Speaker, there are three amendments that are still in dispute in this report. I would like to have them disposed of before this matter goes back to conference.

The SPEAKER. Does the gentleman want to make a motion?

Mr. PAGE of North Carolina. Yes. I move that the House further disagree to all the amendments of the Senate and ask for a conference.

The SPEAKER. The gentleman from North Carolina moves that the House disagree to all the Senate amendments and ask for a conference.

Mr. MANN. The gentleman's motion is to further insist upon disagreement. That is a privileged motion.

Mr. PAGE of North Carolina. I move, Mr. Speaker, to further insist.

Mr. FITZGERALD. Mr. Speaker, I wish to make a suggestion to the gentleman from North Carolina. Three of the amendments go back in disagreement. We might just as well reserve those and settle them if they can be settled at this time.

Mr. MANN. I do not think it is possible to settle the half-and-half proposition at this time.

Mr. FITZGERALD. We might find out.

Mr. MANN. The House at this time will certainly insist upon its disagreement. It is not yet near enough to the end of the session to yield. Of course, we will get there after a while.

Mr. UNDERWOOD. Mr. Speaker, I wish to say to the gentleman in charge of the bill that I would like to move to concur in one of these items, although I do not wish to proceed otherwise than as the gentleman desires.

Mr. PAGE of North Carolina. Mr. Speaker, amendment No. 1, one of the three amendments in disagreement on the report that was filed and which has been disagreed to by a point of order, namely, amendment No. 1, is known as the Johnson amendment, and affects the proportion of the amount paid by the National Government for the support of the District of Columbia. That is in disagreement between the conferees. If anybody has any motion to make other than the one I have made, to insist upon a disagreement, he has opportunity now.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the managers on the part of the House be instructed not to agree to the amendment No. 1.

Mr. FITZGERALD. That is not in order now. That motion is not in order at this time.

The SPEAKER. What is the gentleman's motion?

Mr. FITZGERALD. To instruct the conferees.

Mr. JOHNSON of Kentucky. My motion, Mr. Speaker, was that the managers on the part of the House be instructed not to agree to Senate amendment numbered 1.

The SPEAKER. That is not in order at this time.

Mr. LINTHICUM. Mr. Speaker, I would like to say to the gentleman from North Carolina that I would like to ask that the amendment in reference to the $50,000 item for the hospital be concurred in.

Mr. PAGE of North Carolina. That is amendment numbered 105, if the gentleman wants to make that motion.

Mr. LINTHICUM. Mr. Speaker, I make that motion.

The SPEAKER. What motion?

Mr. LINTHICUM. That amendment No. 105, in reference to the $50,000 for the Emergency Hospital here in Washington, be agreed to.

The SPEAKER. The gentleman from Maryland [Mr. LINTHICUM] moves to concur in amendment numbered 105.

Mr. PAGE of North Carolina. Mr. Speaker, I would like to see if we can reach an agreement as to the length of time for debate on this amendment.

Mr. UNDERWOOD. I would like to have five minutes on this.

Mr. LINTHICUM. I do not want more than five minutes.

Mr. PAGE of North Carolina. Say, 25 minutes, Mr. Speaker.

Mr. GILLETT. I would like to have five minutes.

Mr. PAGE of North Carolina. Mr. Speaker, I ask unanimous consent that all debate on this motion close in 35 minutes.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that all debate on amendment 105 close in 35 minutes. Is there objection?

There was no objection.

Mr. PAGE of North Carolina. Mr. Speaker, this item, carrying an appropriation of $50,000 for the purpose of constructing or helping to complete the Emergency Hospital in the District of Columbia, was placed in the bill in the Senate. It has never been considered in the House, for the reason that the District Commissioners have never estimated for it, and it has never been presented to the House Committee on Appropriations. A year ago it was inserted in the bill in the Senate and went out in conference. At this time we find it again in the bill making appropriations for the support of the District of Columbia, inserted therein by the Senate.

The history of this attempted piece of legislation is this: The Emergency Hospital, a private corporation, over which the Government has absolutely no control, is located at the present time on Fifteenth Street in a block of buildings that was condemned by the Government. Under the condemnation proceedings this corporation was paid $80,000 for their property. I am not here to say whether that was less than it was worth or more than it was worth, but gentlemen who are familiar with prices placed on property under condemnation proceedings when the Government is the purchaser may draw their own conclusions. It certainly was enough for this property. In addition to that, and since that time, by an amendment similar to this, an appropriation was made by Congress of $50,000, a gift to a private corporation, for the construction of this Emergency Hospital.

My understanding is that they have in course of construction and practically now completed a hospital located somewhere beyond the War and Navy Department Building. They have consumed the $80,000 that was paid them for their old property, together with $50,000, a contribution that was made by the Government, and approximately $100,000 raised by private citizens in the city of Washington, making in all $225,000 or $230,000. The building is practically completed, but it lacks equipment.

I have to say to the House only this, that it is a private corporation. It is not, as I understand, operated for profit; but at the same time we are asked in this amendment to go into the Treasury of the United States and donate $50,000 for the construction of a hospital over which the Government has no control.

Now, I have no feeling against this hospital, and it has served a magnificently useful purpose in this city. There is no question about that, but it is a matter of policy about which I am talking. I do not believe it is good policy for the Government of the United States to contribute money for the erection or equipment of an institution over which it has and can have absolutely no control. I do not believe that is the proper governmental policy. For that reason I have all the while opposed this appropriation which has been placed in the bill by an amendment in the Senate.

Mr. HUMPHREYS of Mississippi. Will the gentleman yield?

Mr. PAGE of North Carolina. I yield to the gentleman from Mississippi.

Mr. HUMPHREYS of Mississippi. The gentleman says the Government has and can have absolutely no control over this hospital. Why is it that Congress can not make such regulatory provisions as in the wisdom of Congress may seem necessary?

Mr. PAGE of North Carolina. Congress can, but Congress will not.

Mr. HUMPHREYS of Mississippi. Congress can, however. It has the power to regulate such institutions. It can regulate any hospital or eleemosynary institution.

Mr. PAGE of North Carolina. But it would have to amend the charter that has already been granted to this institution.

Mr. HUMPHREYS of Mississippi. But it could do that.

Mr. PAGE of North Carolina. It could do it, of course, but I want to say to the gentleman from Mississippi that whenever you undertake to do things of that kind you meet with obstacles which you can not overcome.

Mr. STAFFORD. Will the gentleman yield?

Mr. PAGE of North Carolina. Mr. Speaker, how much time have I consumed?

The SPEAKER. The gentleman has consumed five minutes.

Mr. PAGE of North Carolina. Just one minute more. I yield to the gentleman from Wisconsin.

Mr. STAFFORD. I rise for information. Has the municipality any hospital that performs similar service to that performed by this Emergency Hospital?

Mr. PAGE of North Carolina. Oh, the municipality practically has no hospital. I have another item in this bill in which I am trying to get a hospital for the municipality, and that proposition meets with objection on the floor of this House.

Mr. STAFFORD. Would it perform similar work?

Mr. PAGE of North Carolina. I do not know that it would. It might, of course, be made to do it, but it is not so contemplated.

Mr. Speaker, I yield 10 minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I very seldom make a speech on an item in an appropriation bill, and I would not call this question to the attention of the House if I did not consider it a very meritorious and a very important matter.

The Emergency Hospital has been conducted for a good many years by an association composed largely of the good women of this District, and it has rendered efficient service to the people of the District of Columbia and the strangers within its gates.

Not because of any desire upon the part of the people who conduct this hospital, but because the Government wanted to acquire the block in which it was located, the property was condemned and a price fixed upon it, and it must be torn down. The Government paid $80,000 for the property. It is to be assumed that they got what it was worth and got no more.

The old hospital was not large enough for their business and to properly take care of their patients. They had $80,000. They raised $100,000 themselves and the Government donated to them $50,000 to complete a new building for this great charity. It is a beautiful building, well constructed, up to date in every way, an ornament to the city of Washington. They have reached a point where the building is nearly completed, but they have no money for equipment. I am informed that the ladies in charge of this hospital have arranged to raise another $100,000 themselves for the equipment and installation of this hospital, but that is as far as they can go, and it will take $150,000 to put this hospital on its feet and enable it to render the service that is necessary to the people of this District.

Now, I want to say to the House that I think often the city of Washington is far behind other cities in the donations of its own people to charitable and other institutions, but that is not the

case here. The gentleman from North Carolina says we are going to take this money out of the Treasury of the United States. This is not the Government of the United States paying this $50,000. It is the government of the District of Columbia. It is true that under the arrangement with the District of Columbia and the Government of the United States some of that money actually does come out of the Treasury of the United States, but that is not the proposition. This is an effort to secure an appropriation from the District of Columbia for a great charitable purpose, not only for the people of the District but for any strangers who may be within the District and may here meet with unforeseen accidents. It may be a citizen who lives in the District who meets with an accident and is carried to this hospital for immediate relief, or it may be my child or your child that is knocked down by a street car or injured anywhere in this great District and carried to this emergency hospital for immediate relief to save its life or its health.

The Government of the United States is about to close the present hospital because it has condemned the property on which it is located, and this District of Columbia is now asked to contribute out of its public funds a portion of the money that private charity has contributed to take care of the wounded and unfortunate. As a matter of fact, it might be well if the District of Columbia paid every dollar for the maintenance of this Emergency Hospital that will be conducted and run by private charity in the future; but here you are facing an emergency. This session of Congress is about to close. The credit of these good women is exhausted when they have raised an additional $100,000 to commence the operation of this new hospital. They must have that relief, and they are asking that the District of Columbia out of its public funds contribute one-half of what they are themselves prepared to contribute. Why, I hardly know of a city in this country where the city government is not willing to contribute to good charities in emergencies of this kind. They do in my city, and I have no doubt they do in your cities. Why should we attempt to treat the people of the District of Columbia, because they may be orphan children in the Government of the United States, in a different way from that in which our own people act at home? I am not in favor of increasing appropriations, and I have made an earnest effort to hold them down; but this is a governmental necessity. There is no greater charity that I know of, when a stricken man falls by the wayside, his friends not about him, his home perhaps a thousand miles away, than to have an ambulance come to his assistance and, whether he has a dollar or whether he has not, carry him to a place where his life may be saved and he may be nursed back to health and happiness for his family.

Mr. PAGE of North Carolina. Will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. PAGE of North Carolina. Does the gentleman lose sight of the fact that there are several other very finely equipped hospitals in the District that would take these people, and that we have spent nearly $2,000,000 in the construction of them?

Mr. UNDERWOOD. They do not do this emergency work. They are not equipped for this emergency work at this time. And why ought you to make this appropriation? This is a public service. It is a public duty; and I say to my friend from North Carolina [Mr. PAGE], chairman of this great committee having in charge the appropriations for the District of Columbia, carrying the purse strings of the District in his hand, he owes a real responsibility to these people to see that their health and their lives receive proper protection in the governmental utilities of this District.

Mr. PAGE of North Carolina. Now, if the gentleman will permit, these people have had at their command more than $230,000 for the construction of a hospital, and they constructed one that cost $400,000. What was the necessity for it?

Mr. UNDERWOOD. Well, I admit that they have built a very handsome and beautiful building. It is possible that in the immediate future a smaller building might have answered the purpose, but, building for the future, I do not think they have built this hospital one foot too large. The real economy was in constructing a building that may last and serve these people for generations yet to come, and they have built on that plan. [Applause.]

Mr. FITZHENRY. Will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. FITZHENRY. If this appropriation of $50,000 is made, what effect will it have on the necessity for the Gallinger Hospital?

Mr. UNDERWOOD. I do not know that that has anything to do with it.

The SPEAKER pro tempore (Mr. MOON). The time of the gentleman from Alabama has expired.

Mr. PAGE of North Carolina. Mr. Speaker, I yield five minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Speaker, the gentleman from North Carolina makes his principal objection that this is a private corporation. I do not see that that enters into it to any great extent, because this private corporation does not do private work alone, but public work, and answers a public necessity. Here is an institution run by these ladies who are doing what it costs the Government perhaps two or three times as much to do. By keeping up the hospital and making this appropriation we are getting the benefit of the services of any number of women interested in charitable work. We are getting the benefit of a magnificent hospital, and they are helping to keep it up. They have shown their good faith in these transactions by raising $100,000 before they built this new hospital. They put every dollar they received from their property into the building, and now they come and ask us to appropriate $50,000 toward finishing and equipping it.

I have always found in my experience that when the Government or a State tries to do a work of charity in this line it costs a great deal of money, but when you can get an institution doing a charitable work in which women and men are interested, themselves raising the money, then the Government gets a substantial benefit.

If we refuse this appropriation, if they do not have the hospital, the Government would have to undertake the work itself, and nobody can argue for a moment that the Government could do this work for as little money as these people are asking for in this appropriation. I say it is a great public necessity. Washington must have an emergency hospital, and it seems to me that we are getting off in the cheapest manner possible.

It is true that they have a magnificent building, but as the gentleman from Alabama stated, it is more economical in the long run to put up a building equaling the necessities for the future than it would be to wait until the future necessities arrive and endeavor to enlarge.

I am strongly in favor of the appropriation, which follows the absolute necessities of an emergency hospital, and this hospital is designed to do this kind of work, look out for emergency cases throughout the District, and I hope the amendment will be agreed to.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PAGE of North Carolina. Mr. Speaker, I yield five minutes to the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. Mr. Speaker, I hope this amendment appropriating $50,000 toward the Emergency Hospital building will receive the favorable action of the House. I do not think the objections urged that it is an appropriation for a private institution are tenable in this case. There are precedents for it regarding this very hospital. Congress has appropriated $50,000 toward the new building now nearing completion and has appropriated in former years for the construction of the building which it is now occupying. It is one of the important institutions of the city, in that it is patronized almost exclusively by emergency cases. Its central location and the effective work that it has done in giving attention to emergency cases entitles it to the favorable consideration of the Congress, which is responsible for appropriations for the District.

The building is substantially completed and needs equipment, and $50,000 is absolutely necessary for that purpose. The citizens of the District have been exceedingly liberal in their subscriptions to the extent of $120,000, and to that has been added $50,000 appropriated heretofore by Congress, plus $100,000 which has been borrowed and secured upon the property.

If there should be unusual delay, and there would be unless Congress granted the appropriation, not only would the work of the institution be impaired, but they would be required to pay continuous interest on the loan of $100,000. So in view of the conditions, in view of the very active and zealous labors of the committee of ladies of the District, in view of the importance of the hospital to the District, the merit it has established as the only institution of its kind, I think it is entitled to the favorable consideration of this House, and the appropriation ought to be made, and I hope the membership will give it their favorable support.

Mr. THACHER. Will the gentleman yield?

Mr. SMALL. I will.

Mr. THACHER. Is it not true, as the gentleman from Alabama says, that this is the only hospital equipped for emergency service in the city?

Mr. SMALL. I so understand.

Mr. THACHER. And is it not a fact that a few days ago a man fell on the steps of the Capitol, breaking his leg in two or three places, and was taken down to the hospital?

Mr. SMALL. That is true, and those accidents occur not only every day but, often, many times a day.

Now, Mr. Speaker, I had occasion to visit the hospital a few days ago, and the impression made upon me was decidedly unfavorable. I think they labor under great difficulties in maintaining proper sanitation of the building with the handicap under which they work. Of course, they must vacate the building very soon—whenever the Government shall determine to raze the building and take possession of the property. But, regardless of that, they ought to be permitted to vacate this insufficient and insanitary building at the earliest opportunity, and this appropriation is the one desideratum for that end. [Applause.]

Mr. PAGE of North Carolina. Mr. Speaker, before proceeding further I desire to state that I made a miscalculation in respect to the time on this amendment, and I ask unanimous consent that it be extended for 10 minutes.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that the time on this amendment be extended for 10 minutes. Is there objection?

There was no objection.

Mr. PAGE of North Carolina. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT. Mr. Speaker, the gentleman from Alabama [Mr. UNDERWOOD] expressed so fully and so well the opinions I hold upon this subject that I feel that it is hardly necessary for me to do anything except to show my interest. There is no question about the need for this hospital. It is admitted by the gentleman from North Carolina [Mr. PAGE] that we need this hospital. There is no other hospital that does this work. The gentleman himself says that if the municipal hospital shall be appropriated for, that does not provide for emergency work. Emergency work is the most pressing and essential of all, and yet this is the only hospital in the city that provides for it. Therefore, obviously there must be such a hospital. And it ought to be situated like this, in the middle of the city, and not like all the other hospitals, in the outskirts. It is very commendable, I think, and speaks in favor of this appropriation that there has already been collected by the citizens of the District of Columbia within the last year $100,000 for this purpose.

Mr. SMALL. One hundred and twenty thousand dollars.

Mr. GILLETT. We must remember that Washington differs very much from other cities. It is not a business city. There are no great factories here, where people get rich and can liberally contribute to such institutions. The great mass of the people in the city of Washington are Government employees with small incomes, and it is only from large incomes that such an institution as this can be erected. We know that the rich people who live in Washington who can contribute generously are people who are here for a short time, who have other homes and other hospitals and interests there, and I think it is distinctly creditable to the people of the city of Washington that they have raised so much money and contemplate raising as much more. They ought to be encouraged. The gentleman says that we are contributing from our funds. We have done that for hospitals in this city year after year. Why should we not do it for this?

The very argument the gentleman makes against it is, to my mind, one of the strongest arguments in its favor. He says the Government has no control. I think that is an argument for this, because I believe the people charitably disposed, the unselfish men and women, who have given their money and are daily giving their time to the support and management of this hospital will manage it in an infinitely better way than any Government control we can have. I thoroughly favor the principle of contributing to private hospitals rather than undertaking to run them. I believe in this particular case it is contributing to an object which is essentially proper, and I hope the appropriation will be given.

Mr. PAGE of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. GILLETT. Yes.

Mr. PAGE of North Carolina. If private individuals can operate this hospital better than Government officials can, why not farm it all out to private individuals?

Mr. GILLETT. We have been doing that for a number of years.

Mr. PAGE of North Carolina. Not only in hospital work, but in other things.

Mr. GILLETT. That is what we have been doing for hospitals. The gentleman does not make this distinction that the people of Washington are giving vastly more to this hospital than the Government.

Mr. PAGE of North Carolina. I think the gentleman is mistaken in that respect.

Mr. GILLETT. They have given $120,000, and the Government has only given $100,000, and they are going to give $100,000 more, the gentleman from Alabama [Mr. UNDERWOOD] says, and you ought to remember that this system on which we have been operating hospitals in this District year after year is the one on which we expect to operate for some time to come under the current law. I do not see why this hospital should be discriminated against.

Mr. PAGE of North Carolina. I yield five minutes to the gentleman from Mississippi [Mr. HARRISON].

Mr. HARRISON. Mr. Speaker, the gentleman agreed to yield me a little longer time.

Mr. PAGE of North Carolina. But other gentlemen have consumed the time, and the proponents of this motion have had three-fourths of the time. I yield the gentleman five minutes.

Mr. HARRISON. That shows the merits of our contention. Mr. Speaker, I am one of those in this House who have consistently voted economically when it came to appropriating money for the District of Columbia, not because I have not always felt a pride in the city of Washington, such a pride as every American should feel in the Capital City of the Nation, but because I have been more absorbed in the affairs of my own district and have been trying so hard to get appropriations needed for my district and looking after its interest. Of course my position, candidly expressed, is but the position of the great majority of the Members of the House. But this appropriation appeals to me. It appeals to me because I think it is in the interest of humanity. It is right; it is just. I do not take much stock in the contention that this is an appropriation for a private corporation and that for that reason we ought not to make the appropriation. While the Government, as a rule, should not appropriate money gratuitously out of the Treasury nor donate to private institutions, there are, I think, exceptions to the general rule. We have no authority of law for appropriating money out of the Treasury for flood sufferers or fire sufferers or cyclone sufferers, but we do it. We have no authority of law for appropriating money out of the Treasury for private institutions, but we ought to look beyond the technical rule to ascertain for what purposes the appropriations are to be expended. This appropriation is one of the exceptions, in my opinion. While this is a private institution, it is doing a public service. It is taking care of the poor and needy as well as the rich. It is caring for your constituents and mine when visiting in this city and are stricken by disease or accident.

Under the contract that the Government has with the Board of Charities, we appropriate only $17,000 yearly for the service it renders. The contract with this Emergency Hospital only allows $1.20 a person for taking care of these sick and destitude people, and the facts are that it costs the hospital $2.20 a day to take care of them. They are doing a great and deserving service, and this hospital and one other hospital in the District are the only hospitals in the city that maintain a public ambulance service.

Now, as to the Government donating this money to a private corporation, and the probability of losing it in the future, I find that in volume 27, United States Statutes, at page 552, there appears a statute that says that where the Government makes an appropriation for the purchase of real estate or buildings for a charitable institution like this, and in event that institution should go out of business or dissolve, the Government shall maintain a lien upon all of its property and can enforce that lien for the amount that the Government has expended. I read from that statute:

> And all sums of money herein appropriated, or which may hereafter be appropriated and expended in aid of the purchase of real estate for charitable or reformatory institutions in the District of Columbia, or for buildings or for permanent improvements to buildings thereon, shall (subject to any trust deed, mortgage, or other security or incumbrance existing on such property at the time of its purchase, or created at the time of its purchase) be a lien upon such property, and in case of the dissolution of any such corporation owning such property, or in case of the disposal of such property by such corporation, entitle the United States to reimbursement in proportion to any other contributions or funds used for such purposes; and the acceptance by any such corporation of any sum of money appropriated for the foregoing purposes shall be an acceptance of and agreement to this provision.

Therefore I submit that here is an institution that is operated not for private gain. They have never declared a dividend during its existence. It is in the interest of the public. It has performed a great service to strangers and the people of the District of Columbia, and if it should ever be dissolved or go out of existence the Government could, if it should so desire, come in and take the buildings for the money that we here appropriate.

I submit further, Mr. Speaker, in view of the great service it is rendering all classes, in view of the special kind of work it is doing for the people, in view of its necessary and indispen-

sable character, we should not hesitate to make this appropriation. The facts are that for the past 10 years 259,000 emergency patients were taken care of by this Emergency Hospital, and that was at a time when the hospital was not so large or so commodious as it will be when this apropriation is made. Now, these good ladies have raised $120,000 by public subscription. They have arranged to borrow $100,000 more. The Government came in and took the property that it formerly possessed. It was not particularly anxious to give up the hospital site it formerly maintained, but the Government forced them to give it up. A jury tried the question of compensation and awarded $90,000 for their old site and building. Unless we grant this appropriation they can not go on and render the service to the public it is proposed to render, and I submit that what we ought to do is to concur in the Senate amendment, so that this hospital will be assured and can soon begin to render to the needy and sick such service as they might need. [Applause.]

Mr. PAGE of North Carolina. Mr. Speaker, I yield two minutes to the gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER. Mr. Speaker, in two minutes I can not enter upon any discussion of the pending motion, but will merely attempt to state my attitude. I am opposed to the Senate amendment. I am surprised at the number of gentlemen who have stood on the floor here to-day and urged Congress to take from the Public Treasury another $50,000 and donate it to this Emergency Hospital enterprise. There is no doubt in my mind that it is a great institution, but there are thousands of great institutions that no gentleman here can justify himself in using public money to promote or to preserve. I believe the time has come, and if the remarks I have heard from the distinguished leader of this House recently are true, I believe the time has come when we ought to cease yielding to every importunity and using public money, drawn from the taxpayers of this land, for private interest, however meritorious that interest may be. Therefore I am opposed to the Senate amendment, and shall vote to strike it from the bill.

Mr. PAGE of North Carolina. Mr. Speaker, I yield the remainder of my time—10 minutes, or whatever it is—to the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Mr. Speaker, the gentleman from Mississippi [Mr. HARRISON], in stating that this statute created a lien upon the property where the Federal Government contributed to an institution, is not absolutely correct. Where the Government buys the real estate, and where the appropriation on its face states that it is made for the purpose of aiding in the construction of a building, then the lien attaches. This appropriation is for the purpose of furnishing the building and not for the purpose of purchasing land nor for the purpose of constructing a building, and in order that we may retain a lien it must state on the face of the appropriation the purpose for which it is made to be included in this statute.

Mr. HARRISON. Will the gentleman yield just for one moment?

Mr. SISSON. I will.

Mr. HARRISON. Will the gentleman read the statute or just a part of it to see whether or not his contention is correct?

Mr. SISSON. I have not the time to read the statute——

Mr. HARRISON. It is a very short statute.

Mr. SISSON. It would take a little time; there are 12 or 15 lines in it. But, in brief, the statute is that it must be an appropriation for real estate. That is it, in a word. There is no question about that. Now, it has been stated also by the gentleman from Alabama [Mr. UNDERWOOD] that there is no hospital to which you can carry a man when injured. There are two—the Providence and the Garfield Hospitals——

Mr. UNDERWOOD. If the gentleman will permit, I hope the gentleman will not misquote me. I did not say there is no hospital to which a man could be carried, but I said there was no hospital equipped for this emergency work.

Mr. SISSON. These hospitals are equipped with all the necessary instruments and necessary surgeons to take care of emergency cases. Now, there is no question about that, gentlemen, but this Emergency Hospital will be devoted solely to that purpose. However, the Garfield Hospital will take emergency cases, and so will Providence Hospital; and I have heard of no complaint about the treatment which the emergency cases get. But the serious objection to this is when certain people become interested in charitable work in the District of Columbia they realize that when they shall put their hands to the wheel, when they shall undertake a proposition, extensive and costly, that if they shall fall down on the proposition that they may come to Congress. They are constantly here. I am not blaming them for their interest, but I blame men for yielding to these demands, because the people distant from the Treasury can not—and I expect it is extremely fortunate for the Treasury—make these demands upon it; but we have appropriated nearly $2,000,000—one million nine hundred and odd thousand dollars—to the construction of Providence and Garfield Hospitals, the two of them together. Now, we have paid something like $100,000 to private institutions, all told, carried in all these bills, for these private institutions, and I am opposed to that policy. I agree with the gentleman from North Carolina [Mr. SMALL] absolutely, that the Federal Government should divorce itself from all the sectarian institutions to which they are now appropriating money; that the Government ought to divorce itself from these private institutions; but I do not agree with the doctrine that it is well to appropriate money for private institutions where you can not control the admission of inmates; where you can not control what shall become of the fund after it gets into their hands; where you have no one whom you can hold accountable for it; but, above all things, what we need in the District of Columbia is a hospital under the control of Congress, under the control of men appointed through and by Congress, and under the laws of the Government. There is not a man on your subcommittee, there is not a man, so far as I know, on the Committee on Appropriations, I doubt whether there is one in this House, who would not be more than glad to see proper hospital facilities here. Now, this hospital is to receive $50,000. It was not contemplated at the time this charter was granted, it was not contemplated at the time the building was constructed, but when they asked Congress for the first $50,000, after Congress bought the lot for $80,000, or whatever it did pay for it, it was thought that the $50,000 would be enough, with what they would be able to raise, to build and equip this hospital.

Now, after several years have elapsed they have undertaken a greater proposition than they started out with originally, or it is costing a great deal more. Now they are asking Congress to give them, in addition to what they have already granted them, for the purpose of furnishing this hospital, $50,000. Now, I stated that if this $50,000 is contributed to the furniture under this statute there can be no lien upon the property. If this property was a part of the real estate, and this purchase price was a part of the $50,000, and the amount of this $50,000 went into the real estate or into the building, then you would have a lien on the property to that extent and that alone.

Mr. HARRISON. Will the gentleman yield for a second?

Mr. SISSON. Yes.

Mr. HARRISON. The provision especially states:

> Toward the construction of a new building for the Central Dispensary and Emergency Hospital, erected on the site purchased and owned by said hospital, $50,000.

It especially states it conforms to the statute.

Mr. SISSON. As a matter of fact, the language which the gentleman reads is the language originally carried in the bill. But the fact is, and the testimony shows, this was for the purpose of equipping the building. The building is about completed already.

Mr. UNDERWOOD. Will the gentleman yield?

Mr. SISSON. I will.

Mr. UNDERWOOD. As a matter of fact, I think it is necessary to spend a large portion of this money for equipment, but the elevators are not finished and parts of the building are not finished. But that is not the purpose for which I rose. My friend is arguing this question from the standpoint of a lien. If you think this is a good charity and ought to be extended, you do not want any lien in order to get your money back.

Mr. SISSON. In other words, when a government shall put its money into one of these institutions and the private corporation should dissolve, I do not want the assets of the institution divided up among private individuals when the Federal Government has put $100,000 into the building of it.

Mr. UNDERWOOD. This will never dissolve.

Mr. SISSON. I do not know whether it will or not or do you.

Mr. UNDERWOOD. If you gave $50,000 to a good charity, would you want your money back?

Mr. SISSON. The great trouble is that everybody in the District now is expecting the Federal Government to respond in good charities, where there are a hundred magnificent charities the Government could perform to-day in the District of Columbia and millions of them throughout the United States. There are millions of people asking for bread, and there are millions of people without homes; there are millions of people living in tenement houses. Great cities are filled with tenement houses, and these people need homes. In God's name, if you put it on that ground, if the Federal Treasury should respond to all good charities, where would it end?

Mr. UNDERWOOD. But the gentleman——

Mr. SISSON. I can not yield any further.

I do not deny that if you build hospitals, you are doing a great work; but the people who undertake to perform a charity and expect credit for the charity have the duty placed upon them to care for it. Now, they already have a mortgage on this building. And I want to state further in reference to your lien, that the statute also provides that all mortgages that may be on the property at the time shall be a preferred lien on it, and if this mortgage is not paid the Government would lose the $100,000 in the event the corporation is dissolved. As long as the Federal Government contributes and continues to contribute in this business, just so long the District of Columbia will fail to do what the gentleman from North Carolina [Mr. PAGE] states. He is a man above reproach, not only in his honesty and integrity, which all men concede, but in his charity, in his broad view of public questions, there is no one better in this or the other end of the Capitol. And the gentleman from Alabama is one of those people who prevent the District of Columbia doing the very thing that the gentleman from North Carolina and myself want to do; that is, to have the Federal Government do the very thing in the District of Columbia that it ought to do.

Mr. UNDERWOOD. Yes; and when the gentleman had a chance he has always refused to do it.

Mr. SISSON. I have never done anything of the kind. I am here now asking you to do it.

Mr. UNDERWOOD. You refuse to do it now, and you refuse to do it when you vote.

Mr. SISSON. I am not doing anything of the kind, and the gentleman knows it. This bill contains an item to build a municipal hospital, and if the gentleman will support that you will get all you want, and then the Government can be relieved of appropriations to sectarian institutions.

The SPEAKER. The question is on agreeing to the amendment No. 105.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. PAGE of North Carolina. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 75, noes 23.

Mr. PAGE of North Carolina. Mr. Speaker, I make the point that there is no quorum present.

Mr. MANN. Not on that item. You do not care.

The SPEAKER. The Chair will count.

Mr. MANN. What are you filibustering on that for?

Mr. PAGE of North Carolina. I am not filibustering. I want a record vote.

The SPEAKER (after counting). One hundred and eleven gentlemen are present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 196, nays 107, answered "present" 1, not voting 119, as follows:

[Roll No. 89.]

YEAS—196.

Abercrombie	Doremus	Holland	Mann
Alexander	Dupré	Houston	Mapes
Anderson	Eagan	Howell	Martin
Anthony	Esch	Hughes, W. Va.	Miller
Austin	Evans	Hulings	Mitchell
Avis	Fairchild	Humphrey, Wash.	Montague
Baker	Falconer	Humphreys, Miss.	Moore
Barchfeld	Farr	Igoe	Morgan, Okla.
Beakes	Fess	Johnson, Wash.	Morin
Bell, Ga.	Fields	Keister	Mott
Blackmon	FitzHenry	Kelley, Mich.	Murdock
Bowdle	Flood, Va.	Kelly, Pa.	Nelson
Britten	Fordney	Kennedy, Conn.	Nolan, J. I.
Broussard	Francis	Kennedy, Iowa	Norton
Brown, N. Y.	Frear	Kennedy, R. I.	O'Hair
Browne, Wis.	French	Kent	Padgett
Browning	Gallagher	Kettner	Paige, Mass.
Bryan	Gallivan	Kiess, Pa.	Parker, N. J.
Bulkley	Gardner	Kinkaid	Parker, N. Y.
Burke, S. Dak.	Gill	Kirkpatrick	Patten, N. Y.
Burke, Wis.	Gillett	Knowland, J. R.	Patton, Pa.
Burnett	Gittins	Konop	Peters
Butler	Good	Korbly	Platt
Campbell	Goulden	Kreider	Plumley
Cantrill	Graham, Ill.	La Follette	Powers
Carlin	Gray	Langley	Ragsdale
Casey	Greene, Mass.	Lazaro	Rainey
Clark, Fla.	Greene, Vt.	Levy	Raker
Coady	Griffin	Lewis, Md.	Rauch
Connolly, Iowa	Gudger	Linthicum	Reed
Copley	Guernsey	Lloyd	Reilly, Conn.
Cramton	Hamilton, Mich.	Lobeck	Riordan
Crisp	Harris	Lonergan	Roberts, Mass.
Curry	Harrison	McAndrews	Scott
Danforth	Hawley	McGillicuddy	Scully
Davis	Hayes	McLaughlin	Seldomridge
Deitrick	Heflin	MacDonald	Sinnott
Dent	Helgesen	Madden	Slemp
Difenderfer	Henry	Maguire, Nebr.	Sloan
Dillon	Hobson	Manahan	Small
Smith, Idaho	Stevens, N. H.	Ten Eyck	Volstead
Smith, J. M. C.	Stone	Thacher	Wallin
Smith, Minn.	Stringer	Thomson, Ill.	Walsh
Smith, N. Y.	Sutherland	Towner	Walters
Smith, Sami. W.	Switzer	Townsend	Watkins
Stafford	Taggart	Treadway	Watson
Steenerson	Tavenner	Tuttle	Whitacre
Stephens, Cal.	Taylor, Ala.	Underhill	White
Stevens, Minn.	Temple	Underwood	Winslow

NAYS—107.

Adair	Connelly, Kans.	Howard	Sims
Adamson	Cox	Hoxworth	Sisson
Aiken	Cullop	Hughes, Ga.	Slayden
Allen	Decker	Jacoway	Smith, Tex.
Ashbrook	Dickinson	Johnson, Ky.	Sparkman
Bailey	Dies	Johnson, S. C.	Stedman
Baltz	Dixon	Keating	Stephens, Miss.
Barkley	Doolittle	Kitchin	Stephens, Nebr.
Bartlett	Doughton	McKenzie	Stephens, Tex.
Barton	Eagle	Moon	Stout
Bathrick	Edwards	Morrison	Sumners
Beall, Tex.	Fergusson	Murray	Taylor, Ark.
Booher	Ferris	Neeley, Kans.	Taylor, Colo.
Borchers	Fitzgerald	Neely, W. Va.	Thomas
Borland	Floyd, Ark.	Oldfield	Thompson, Okla.
Brockson	Foster	Page, N. C.	Tribble
Buchanan, Ill.	Fowler	Palmer	Vaughan
Buchanan, Tex.	Garrett, Tenn.	Park	Weaver
Byrnes S. C.	Garrett, Tex.	Pou	Webb
Bryns, Tenn.	Godwin, N. C.	Prouty	Whaley
Callaway	Gordon	Quin	Williams
Candler, Miss.	Gregg	Rayburn	Wingo
Caraway	Hardy	Reilly, Wis.	Witherspoon
Carter	Hayden	Rouse	Woods
Church	Helm	Rubey	Young, N. Dak.
Claypool	Hill	Russell	Young, Tex.
Cline	Hinebaugh	Shackleford	

ANSWERED "PRESENT"—1.

Lee, Ga.

NOT VOTING—119.

Ainey	Dunn	Jones	O'Shaunessy
Aswell	Edmonds	Kahn	Peterson
Barnhart	Elder	Key, Ohio	Phelan
Bartholdt	Estopinal	Kindel	Porter
Bell, Cal.	Faison	Lafferty	Post
Brodbeck	Finley	Langham	Price
Brown, W. Va.	Gard	Lee, Pa.	Roberts, Nev.
Bruckner	Garner	L'Engle	Rogers
Braumbaugh	George	Lenroot	Rothermel
Burgess	Gerry	Lesher	Rucker
Burke, Pa.	Gilmore	Lever	Rupley
Calder	Glass	Lewis, Pa.	Sabath
Cantor	Goeke	Lieb	Saunders
Carew	Goldfogle	Lindbergh	Sells
Carr	Goodwin, Ark.	Lindquist	Sherley
Cary	Gorman	Loft	Sherwood
Chandler, N. Y.	Graham, Pa.	Logue	Shreve
Clancy	Green, Iowa	McClellan	Smith, Md.
Collier	Griest	McGuire, Okla.	Stanley
Conry	Hamill	McKellar	Talbott, Md.
Cooper	Hamilton, N. Y.	Mahan	Talcott, N. Y.
Crosser	Hamlin	Maher	Taylor, N. Y.
Dale	Hart	Metz	Vare
Davenport	Haugen	Mondell	Vinson
Dershem	Hay	Morgan, La.	Vollmer
Donohoe	Helvering	Moss, Ind.	Walker
Donovan	Hensley	Moss, W. Va.	Wilson, Fla.
Dooling	Hinds	Mulkey	Wilson, N. Y.
Driscoll	Hull	O'Brien	Woodruff
Drukker	Johnson, Utah	Oglesby	

So the amendment was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. SABATH with Mr. AINEY.

Mr. GOODWIN of Arkansas with Mr. CARY.

Mr. WALKER with Mr. VARE.

Mr. O'SHAUNESSY with Mr. ROGERS.

Mr. HENSLEY with Mr. BARTHOLDT.

Mr. MORGAN of Louisiana with Mr. BURKE of Pennsylvania.

Mr. TALBOTT of Maryland with Mr. KAHN.

Mr. DALE with Mr. ROBERTS of Nevada.

Mr. BURGESS with Mr. LINDQUIST.

Mr. WILSON of Florida with Mr. DUNN.

Mr. BARNHART with Mr. CALDER.

Mr. COLLIER with Mr. EDMONDS.

Mr. CONRY with Mr. BELL of California.

Mr. DAVENPORT with Mr. CHANDLER of New York.

Mr. ESTOPINAL with Mr. COOPER.

Mr. FINLEY with Mr. DRUKKER.

Mr. GARNER with Mr. GRAHAM of Pennsylvania.

Mr. GLASS with Mr. HAMILTON of New York.

Mr. HAMLIN with Mr. GREEN of Iowa.

Mr. KEY of Ohio with Mr. GRIEST.

Mr. HAY with Mr. LANGHAM.

Mr. HELVERING with Mr. JOHNSON of Utah.

Mr. LEVER with Mr. HAUGEN.

Mr. HULL with Mr. SHREVE.

Mr. MCKELLAR with Mr. SELLS.

Mr. Moss of Indiana with Mr. PORTER.

Mr. RUCKER with Mr. Moss of West Virginia.

Mr. SAUNDERS with Mr. MONDELL.
Mr. SHERLEY with Mr. HINDS.
Mr. SHERWOOD with Mr. LEWIS of Pennsylvania.
Mr. VINSON with Mr. WOODRUFF.
The result of the vote was announced as above recorded.
The SPEAKER. A quorum is present, and Senate amendment No. 105 is concurred in. The Doorkeeper will open the doors.
Mr. PAGE of North Carolina. Mr. Speaker, I ask unanimous consent to disagree to all Senate amendments and ask for a conference. Was that request put as to the other Senate amendments than the one voted on?
The SPEAKER. The gentleman from North Carolina asks unanimous consent to disagree to all the Senate amendments except the one just voted on, and ask for a conference. Is there objection?
There was no objection.
Mr. FITZGERALD. Mr. Speaker, I offer the following motion.
The SPEAKER. The Clerk will report the motion offered by the gentleman from New York [Mr. FITZGERALD].
The Clerk read as follows:

Resolved, That the managers on the part of the House be instructed not to agree to Senate amendment No. 110.

Mr. PAGE of North Carolina. Mr. Speaker, I would like to see if we can arrange as to the time to be allowed for the discussion of this amendment. I ask unanimous consent that all debate on this motion close in 25 minutes.
The SPEAKER. The gentleman from North Carolina asks unanimous consent that all debate on this motion be confined to 25 minutes.
Mr. MANN. How is that time to be used?
Mr. PAGE of North Carolina. Well, I had calculated that by the number of gentlemen who had indicated that they desired time when I put that motion. The gentleman from New York [Mr. FITZGERALD] was to have 10 minutes, and the gentleman from Illinois [Mr. FOSTER] has asked for 5 minutes, and I was reserving 10 minutes for those who are opposing this motion.
Mr. MANN. We would like to have 10 or 15 minutes over here.
Mr. PAGE of North Carolina. Would the gentleman indicate on which side of the question?
Mr. MANN. No. It is indicated on this side of the aisle.
Mr. PAGE of North Carolina. How much time does the gentleman desire?
Mr. MANN. Ten or fifteen minutes.
Mr. JOHNSON of Kentucky rose.
The SPEAKER. For what purpose does the gentleman from Kentucky rise?
Mr. JOHNSON of Kentucky. I rise to offer a motion to instruct.
The SPEAKER. Does the gentleman wish to add to the motion offered by the gentleman from New York [Mr. FITZGERALD]?
Mr. JOHNSON of Kentucky. No. It is a motion to instruct.
The SPEAKER. You can not have two motions to instruct pending at the same time. You can offer it as an amendment, but you can not have two motions to instruct pending at one time, unless one of them is offered as an amendment to the other or as a substitute for the other. Does the gentleman want to offer it as a substitute or as an amendment?
Mr. JOHNSON of Kentucky. Mr. Speaker, they relate to different subjects.
The SPEAKER. To different parts of the bill?
Mr. JOHNSON of Kentucky. Yes; they would reach different parts of the bill.
The SPEAKER. If it relates to the same subject matter in the bill, it might be in order, but otherwise the Chair does not think it would be pertinent to the amendment.
Mr. JOHNSON of Kentucky. I do not care to interfere with the motion made by the gentleman from New York.
The SPEAKER. You can not have two motions to instruct pending at once.
Mr. PAGE of North Carolina. Mr. Speaker, I desire to amend my submission of the unanimous-consent request. I ask unanimous consent that the debate on this motion be concluded in 35 minutes, 15 minutes of that time to be controlled by the gentleman from Illinois [Mr. MANN] and the remainder to be controlled by myself.
Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the resolution which I send to the Clerk's desk be considered as an amendment to the motion offered by the gentleman from New York.
The SPEAKER. The Clerk will report the amendment offered by the gentleman from Kentucky as an amendment to that offered by the gentleman from New York.
Mr. FITZGERALD. Who has the floor now?
The SPEAKER. The Speaker has. Nobody else has.
Mr. FITZGERALD. If the gentleman from North Carolina does not claim the floor, I am entitled to it. I have offered a motion. Under the rules of the House he has control of the floor until he yields to somebody.
The SPEAKER. The gentleman from North Carolina [Mr. PAGE] has the floor. The gentleman from Kentucky offered an amendment.
Mr. MANN. He can not offer an amendment without getting the floor.
Mr. FITZGERALD. He can not offer it, Mr. Speaker.
The SPEAKER. Nobody was occupying the floor.
Mr. MANN. The gentleman from North Carolina was on the floor asking for unanimous consent.
The SPEAKER. What happened was that the gentleman from North Carolina was talking to some one else, and so was the gentleman from New York. I think they were talking with each other.
Mr. PAGE of North Carolina. I was going to say that if the gentleman from North Carolina was in conversation with anyone, it was with the gentleman from New York, but I was——
Mr. MANN. The gentleman from North Carolina [Mr. PAGE] was entitled to the floor and took the floor, and then made a request for unanimous consent, which, by the way, has not yet been disposed of.
The SPEAKER. The Chair understands that.
Mr. MANN. And somebody else can not rise and offer an amendment pending that.
The SPEAKER. The Chair thinks the gentleman from Illinois is correct, and that the gentleman from North Carolina [Mr. PAGE] technically had the floor. The gentleman made a request for unanimous consent, and therefore the amendment is out of order. The gentleman from North Carolina [Mr. PAGE] asks unanimous consent that debate on this proposition be limited to 35 minutes, he to control 20 minutes and the gentleman from Illinois 15 minutes. Is there objection?
Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I should like to know where I would fall between these two gentlemen? Nobody has suggested that I am to get time from either one of them.
Mr. PAGE of North Carolina. I will yield to the gentleman 5 minutes of the 20 that I have reserved for myself.
Mr. FITZGERALD. I made the statement to start out with that I wanted 10 minutes.
Mr. PAGE of North Carolina. I amend my request for unanimous consent, that the debate may conclude in 40 minutes, 15 minutes to be controlled by the gentleman from Illinois [Mr. MANN], 10 minutes by the gentleman from New York [Mr. FITZGERALD], and 15 minutes by myself.
The SPEAKER. The gentleman asks unanimous consent that the debate close in 40 minutes, 10 minutes to be controlled by the gentleman from New York, 15 minutes by the gentleman from Illinois, and the remainder of the time by the gentleman from North Carolina. Is there objection?
Mr. FITZGERALD. Mr. Speaker, reserving the right to object, do I understand that the time of the gentleman from Illinois [Mr. MANN] is to be used for or against my motion?
Mr. MANN. Both.
Mr. FITZGERALD. I do not think all the time ought to be on one side.
Mr. MANN. That is what I think. I have taken only one-third of the time for this side.
Mr. FITZGERALD. That is not on the merits of the proposition.
Mr. PAGE of North Carolina. If the gentleman will allow me, I propose to yield five minutes of the time I have reserved to a gentleman favoring his proposition.
The SPEAKER. Is there objection?
There was no objection.
Mr. FITZGERALD. Mr. Speaker, Senate amendment 110 is as follows:

Gallinger Hospital: Toward the construction of the Gallinger Hospital, including grading of the site, $150,000, and the limit of cost of the construction of said hospital and accessory buildings is hereby fixed at $500,000: *Provided*, That said hospital shall be constructed with a view to making future additions, as the exigencies may demand.

The managers on the part of the House have agreed to the Senate amendment with an amendment, and as agreed to by the managers of the two Houses, the provision is:

Gallinger Hospital: Toward the construction and equipment of the Gallinger Hospital, including grading of the site, $150,000, and the limit of cost of the construction of said hospital and accessory buildings and equipment is hereby fixed at $1,000,000.

Mr. Speaker, there are several matters to which I wish to call attention. In the first place, if a hospital or any other institution is to be constructed by the Federal Government, in my opinion it should not be named after any living public man who is active in political life. [Applause.] I believe that to be a fundamental objection of a highly important character. When I make this statement I do not wish to be considered as in any way disparaging or reflecting upon the distinguished public services of the gentleman whom it is proposed to honor in this way.

In the second place, Mr. Speaker, the proposition to authorize the construction of a municipal hospital to cost $1,000,000 can not, in my opinion, be justified at this time in view of the condition of the Public Treasury.

In all probability there will be a substantial deficit in the Treasury of the United States this year, and in the next fiscal year a deficit of a very considerable sum, variously estimated at from forty to eighty or ninety million dollars. Additional tax legislation must soon be enacted. Under the circumstances no public improvement involving an expenditure out of the Public Treasury eventually of $1,000,000 should be authorized at this time by the Congress unless there be such an emergency and compelling necessity as to justify the expenditure.

In the third place, I am opposed to the proposition for what to me is the most important reason of all. The policy so far pursued in the District of Columbia of caring for the indigent sick is a policy that has been followed for many years. There are a large number of private institutions in the District which are well conducted, well managed, and which have received the commendation of all who are familiar with them. Under the present system the indigent sick are cared for largely in those institutions, under contracts made with the Board of Charities. They are cared for under such contracts at less than they can be cared for in Government institutions, and whatever sum is required additional to that provided by the contract with the Government is made up from the private resources of the institutions. This policy in the care of the indigent sick in the District of Columbia has been so pronounced that Congress, not including the $50,000 which the House has just overwhelmingly voted as a contribution to one such private institution, has hitherto appropriated $2,242,637 to the private institutions as aids for their buildings and equipment. If we embark upon the scheme of a great municipal hospital, and there care for all the indigent sick of the District, the policy involves the discontinuance entirely of the policy heretofore existing of having some of the unfortunates cared for under contract in private institutions. The result will be that an expenditure of $2,240,000 heretofore made will, so far as the Government is concerned, be lost and the proper advantage and benefit from such expenditure will not be derived from it.

Mr. CARTER. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. CARTER. Do I understand the gentleman to say that the Senate put in $500,000 for this hospital, and that the amount has been raised in conference to $1,000,000?

Mr. FITZGERALD. The Senate fixed the limit of cost at $500,000, and the managers on the part of the two Houses agreed to the Senate amendment with an amendment fixing the limit of cost at $1,000,000.

Mr. CARTER. Did not the conferees exceed their jurisdiction in doing that?

Mr. FITZGERALD. Mr. Speaker, I do not wish to debate that question. I believe it to be a debatable question, but I have not the time to discuss it now. In some of the contracts made with these institutions the indigent sick are cared for at a trifle over 50 cents a day. In the Government-managed institution in this city the cost is well over $1 a day. At the Washington Asylum the per capita cost is $1.06 a day. The Washington Asylum, however, is such an institution that it is not to be expected that the same conditions and the same comforts and the same surroundings will be provided there as would be provided for the sick under more advantageous circumstances.

To illustrate what it would cost in a Government-controlled institution we have only one basis of comparison, and that is the cost of the tuberculosis patients in the Tuberculosis Hospital. The cost of the tuberculosis patients is less than the cost of taking care of other patients. They do not require the close attention from nurses and attendants that other hospital patients require. The cost of tuberculosis patients in that hospital is $1.36 a day.

The policy proposed here involves the construction of an institution to cost $1,000,000 to take care of, as I am informed, at least 600 patients, at a cost far in excess of what they can be cared for in existing institutions, with the surrendering of the advantages that already accrue to the Government from the investment in those institutions, and the adoption of a policy entirely excluding the charitably disposed and those interested in privately endowed institutions from participation in this work.

I believe that it is a grave mistake to change the present policy, and I hope that this motion or resolution will be agreed to, and that the proposed step will not be taken at this time. If it is to be taken, it should be done at a time when there is an opportunity to discuss such a far-reaching change of policy and ascertain what the cost will be in caring for the patients under such conditions.

Mr. PAGE of North Carolina. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER. Mr. Speaker, it was the policy of the Government in the past to appropriate directly for hospitals—to so-called privately controlled institutions. A little while ago $50,000 was donated to the Emergency Hospital; so that in all these donations the Government has made in the past it gets at least some moral right in these hospitals.

As has been said by the gentleman from New York a minute ago, under the arrangement which Congress has with the Board of Charities existing in the District of Columbia a certain amount of money is appropriated for the care of indigent persons in these institutions.

I have looked some little into all the hospitals in the city of Washington, and I think, taking them all in all, there is an excellent system existing in this city. The care of patients in the Tuberculosis Hospital, which is a Government institution, owned and managed by the Government, and which has a class of patients which is less expensive than surgical or lying-in patients, costs the Government more money now than it does in any other private institution we have in the city. For instance, in the Columbia Hospital we pay, I think, $1.20 a day. It is well known to anybody who has anything to do with or understands the situation that they are more expensive, or at least the most expensive of any class of patients that goes into a hospital. So if we have a Government institution, we must expect in the future not only to have the expense of building the institution but we must pay more money for the care of the patients than is now paid by the Government.

Of course, we all like to see a large, fine institution. It looks well, and to talk about it sounds well, and I submit that they could get no better care than this class of patients has to-day in the Garfield Hospital, the Homeopathic Hospital, the Sibley Hospital, the Georgetown Hospital, the Emergency Hospital, the Providence Hospital, the Children's Hospital, or any other institution in this city.

Mr. MURDOCK. Will the gentleman yield?

Mr. FOSTER. Yes.

Mr. MURDOCK. Can the gentleman give the House any information as to how this proposed institution got its name?

Mr. FOSTER. It was in one of those amendments that comes back from another body in which, I take it, that some one wanted to honor an old member of that body, one who has served many years on the District of Columbia Committee, and who was himself in the early days of his life a physician. I suppose it was to do honor to him that it was given the name it now bears. But when we vote for an institution with the amendments placed upon it by the Senate we must remember that $500,000 will not pay for the building of this institution. You must remember that one, three, or four million dollars will be necessary before you complete this Government institution. I do not believe that we ought to go into this expenditure at this time, when we are able to take care of these patients in institutions now in existence and have them taken care of for less money than we can ever do in this proposed Government institution.

Now, these private hospitals in the city are not money-making institutions. They are not organized for the purpose of making money. Physicians must treat many of their patients in hospitals to get the best results. Surgical operations must be performed in hospitals in order to afford the best treatment.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. GILLETT. Mr. Speaker, I do not find anyone on this side who cares for time against the proposition of the gentleman from New York.

Mr. PAGE of North Carolina. Mr. Speaker, I am sorry that the gentleman from Illinois is not on the floor.

Mr. GILLETT. He yielded his time to me and asked me to take charge of it. I wish to use a little time myself, but I am on the same side of it that has already been advocated.

Mr. PAGE of North Carolina. There are only 10 minutes reserved against the proposition.

Mr. GILLETT. I will speak now. Mr. Speaker, for several sessions of Congress, some years ago, I was chairman of the subcommittee of the Appropriations Committee which had in charge this District bill. At that time this very proposition which now comes before us came before us session after session, although a larger sum was stated to be necessary. It was urged upon us by the District Commissioners, and at that time the committee, solidly, as I recollect, stood against the proposition. I am sorry to see that there has been a change and that the present committee is in favor of a municipal hospital. The reason we opposed it was on the ground of economy. To appropriate for several private existing hospitals instead of building a municipal hospital is not a new proposition. If it were, it would be very different. If we were beginning new, it might be better to build a municipal hospital. But there have been built up here in Washington, largely, I admit, by Government contributions, a number of excellent private hospitals. They have received about $2,000,000 of public money from the Government, and they are governed by men and women of high purpose. They are, I believe, better and more economically governed than a municipal hospital would be governed. They are already in existence, and that money which we have contributed to them and which they have raised themselves is now available to take care of the needy in the city of Washington.

Why, then, should we enter into competition with them and launch out into a new proposition which starts with a million dollars and certainly will cost very much more than that? Why should we waste these $2,000,000 which we have already contributed? Why should we waste this energy and skill and devotion which the men and women of Washington are ready to contribute to hospital service and educate it afresh for the Government? What the Government does in the District of Columbia is always extravagant, I think, and as long as we can accomplish the same result by private means I am in favor of it.

I will admit there is a question which probably is disagreeable to some of us of making appropriations for sectarian purposes. I will admit that I am against that in principle. I do not think the Government ought to do it. I believe it is a good rule to lay down that the Government should not make appropriations for sectarian purposes, but these sectarian institutions are now in existence. They do not teach sectarianism. They are of different sects. They are doing their work splendidly. We have been appropriating for them year by year, and it seems to me that just because it may embarrass us politically, or because we have fundamental objections to it, that should not prevent our carrying on the policy which we have carried on year after year in the interest of economy and good management. We would be wasting all of that and all of the energy and devotion that these good men and women have given by undertaking a great extravagant Government hospital to accomplish the same thing. Therefore I am in favor of the proposition of the gentleman from New York. I reserve the remainder of my time.

Mr. PAGE of North Carolina. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Mr. Speaker, the proposition to which the gentleman referred as having been pending for some time before Congress is not the proposition in this bill at all. The proposition there was to build a three-million-and-a-half-dollar hospital, and plans and specifications were submitted last year in conference, and your subcommittee declined to consider that proposition because the plans and specifications were for a magnificent building, which would really not be suited for the purposes of a hospital. With the Senate conferees agreeing thereto we asked the municipal architect of the District of Columbia, in conjunction with the physicians who had practical experience, to submit to us plans and specifications to make a well-lighted, substantial municipal hospital at the very lowest possible figure that such a building could be erected for. After several days they came back with plans and specifications, the physicians testifying to the amount of space needed in each ward and for each patient, and the supervising architect then made a building in accordance with that, providing all modern appliances for hospital purposes, and said that for between eight and nine hundred thousand dollars the building could be constructed, and that $100,000 would provide all of the modern, up-to-date equipment. This bill provides for such a hospital and appropriates only $150,000. I do not believe a man in this House will charge that I favor appropriations that are to any extent extravagant.

I believe this is the most economical proposition that the Government can adopt, because we have not only in the past appropriated only $2,000,000 to assist in building two hospitals in the District but, in addition to that, we have appropriated from ninety to one hundred thousand dollars each and every year toward the maintenance and support of private institutions. For this reason the District has no hospital. The people who have charge of the distribution of these funds in the District of Columbia tell us in the subcommittee that the amount of money which we are now appropriating to these private institutions will care for all of the District charities. I do not believe that we ought to continue to make these appropriations. I want to get rid of the sectarian influences that operate upon the minds and hearts of Members of this Congress. I want to divorce the Government from all contributions to these institutions under sectarian control. Am I right? The Congress of the United States in 1896 passed a statute which makes it a violation of law, in so far as it can control Congress, which can repeal any law at any time, defining it to be the fixed policy of the Federal Government not to contribute any money to any sectarian institution of any kind. That was a fixed policy.

Mr. GILLETT. These institutions do not teach any sectarian doctrines, do they?

Mr. SISSON. But the statute is not so narrow as that, and says any institution under sectarian control.

Mr. GILLETT. That statute does not bind us.

Mr. SISSON. Of course, and for that reason Congress does as it pleases, but it was then defined to be the fixed policy of the Government, and I think it ought to be the fixed policy now of the Government, and in order that you may separate all of the religious influences from this body it is absolutely essential that we should not make any appropriations of this kind. When you appropriate for an institution under one sectarian control the people of another sectarian control will demand a like amount, and what we ought to do is to remove all religious influences from the legislation both in the States and in the Nation.

Now, this $1,000,000 will build and equip, according to the statement of the Supervising Architect and the physicians, a modern, up-to-date hospital that will take care of all the patients that will come to it within the next 10 years, and it is so designed that you can add to it without losing any of the work which you have already constructed in the event we need more, and, with the money which we are now appropriating for these private institutions, maintain and support the hospital. You will only have one management instead of, in the case of these others, several managements. You will concentrate your management in the hands of one board. You will have only one lot of employees to look after the institution, and the overhead charge will be just as much less as one bears to all the institutions here, which have to pay so many overhead charges. We are now paying for two institutions, $19,000 each, and in many instances we are called upon not to pay deficiencies to both of those institutions.

Mr. FITZGERALD. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. FITZGERALD. The $19,000 for Providence Hospital takes care of patients at 52 cents a day. That is about one-third the cost of taking care of them in a Government institution.

Mr. SISSON. The Government institutions up to date have been quite small, and the overhead charges will be the same irrespective of the size of the hospital, and the more patients the less the average cost will be. But, irrespective of costs, I would take the churches out of politics.

The SPEAKER. The time of the gentleman has expired.

Mr. GILLETT. Mr. Speaker, I yield two minutes to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Speaker, I doubt whether the House fully realizes what they are asked to do by amendment 110, on page 72. The Senate put on an amendment providing for a $500,000 Gallinger Hospital. The conferees agreed to raise it $500,000, making it a million-dollar Gallinger Hospital. I would like to ask the membership of this House if this is an appropriate time to spend $1,000,000 for a Gallinger Hospital or any other kind of a hospital? I can not fathom the logic of my good friend from North Carolina [Mr. PAGE], and I am shocked and upset that my good friend from Mississippi [Mr. SISSON], who always pulls back on the lines, in this instance has evidently abandoned all his former views on curtailment of appropriations.

Mr. SISSON. Will the gentleman yield?

Mr. FERRIS. Let me proceed; I only have two minutes.

Mr. SISSON. The gentleman has charged me with abandoning my former views, and I think he ought to yield to let me tell him the facts——

The SPEAKER. The gentleman from Oklahoma declines to yield.

Mr. FERRIS. I will leave it to the House. I want to ask the membership on this side of the aisle, when the Treasury is at a vanishing point and it looks like a special session sure, I would like to ask, What has become of the reason and the common sense on this side of the House that they should first agree to a Senate amendment for $500,000 and then the conferees should agree to $500,000 more? The provision offered by the gentleman from New York [Mr. FITZGERALD], instructing these conferees to disagree to this whole thing, ought to be carried. There is, of course, nothing personal in this. They may call it the "Gallinger Hospital" if they want to, or they may call it the "Congressman Mann Hospital" if they want to, or they may call it the "Speaker Clark Hospital" if they want to, but this is no time and no place to do anything of this sort. We have not the money to spare to build a million-dollar hospital in this city or any other city. I yield back any time I may have left.

The SPEAKER. The time of the gentleman has expired.

Mr. GILLETT. Mr. Speaker, I yield two minutes to the gentleman from Iowa [Mr. GOOD].

Mr. GOOD. Mr. Chairman, I think this is a very important proposition. I believe it is one that is not thoroughly understood by the membership of the House. We ought to know just what we are doing before we appropriate a million dollars of the people's money at this time, when we are levying taxes on our people to build a hospital in the city of Washington to take care of indigent sick who become charges on the city. There is not a city in all of this country that takes better care of her poor when they are well or sick than does the city of Washington. We are caring for them to-day in the best hospitals to be found any place. These hospitals are taking care of them at a very low charge. They have ample facilities, ample room, in all these hospitals to take care of the poor of the city who are sick and ought to go to the hospitals. Now, what is the proposition? At this time, when the Treasury is empty and the people are being taxed, you propose on that side of the House to tax the people a million dollars more to build a Government hospital in the city of Washington; and I want to say to you that, notwithstanding the fact that these poor people are well taken care of now, when you have a Government hospital, instead of taking care of them at 60 cents per day or thereabouts, the policy will be not how well we can care for them, but how much we can expend on all the fads and fancies of theorists and exploiters. The cost will come out of the people of the United States. They are to be taxed, and when you vote against the amendment of the gentleman from New York, remember you are voting to place a tax on the people of the United States to the extent of a million dollars for that purpose. That is what is before the House.

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. Mr. Speaker, how much time remains on this side?

The SPEAKER. Seven minutes.

Mr. MANN. Mr. Speaker, the proposition here is not to appropriate $1,000,000, not to appropriate $500,000, but to appropriate $150,000, of which in any event one-half would be paid by the District of Columbia. The Senate amendment proposes to limit the cost to $500,000 for certain buildings, with the authority to increase that hereafter by further appropriations. Well, the House conferees' report is not now before us, but as the report was presented it proposed to limit the cost for all buildings and equipment to $1,000,000. The gentleman from Oklahoma [Mr. FERRIS] says that we ought not to appropriate this $75,000 of the people's money and $75,000 of the District's money for a hospital, but I notice he was very strongly in favor of the proposition to appropriate a very large sum of money for a hospital for the Indians, and even the gentleman from New York in the sundry civil bill carried an appropriation of $70,000 for taking care of the insane in Alaska, which has not much more than one-fifth or one-tenth of the population of the District of Columbia.

Mr. FITZGERALD. That is, to be taken care of in a private institution under contract, the same as the District sick are at present.

Mr. MANN. Very likely. It is just as much money, whether it is one case or the other. Now, it seems to me that a Congress that can appropriate two or three hundred million dollars for defense against war, appropriate or authorize new construction in the Navy to the extent of $75,000,000, might properly appropriate a small sum of money toward the construction of a municipal hospital to be governed by Congress or by the authorities which Congress designates for the District of Columbia. Who would abolish the insane hospital in the District of Columbia and turn all the patients over to private institutions? In every great city of the country we provide now for Government-controlled hospitals, and the enlightened sentiment of the day demands that this shall be done. I have no animosity toward those hospitals that now receive help from the Government. I think it is perfectly proper that they should receive it, but it seems to me that even now, with the present state of the Treasury, we can better afford to expend $150,000, one-half to be paid by the District, for starting a municipal hospital in this District which will meet all demands than to expend $70,000 in Alaska, and I do not know how many thousands of dollars for hospitals for the Indians. They are proper, doubtless, but they are not needed as much as a hospital right here, controlled by the Government. [Applause.]

Mr. PAGE of North Carolina. Mr. Speaker, how much time have I remaining?

The SPEAKER. Five minutes.

Mr. MANN. I yield to the gentleman the balance of my time.

The SPEAKER. The gentleman from Illinois [Mr. MANN] yields three minutes, making eight minutes in all for the gentleman from North Carolina.

Mr. PAGE of North Carolina. Mr. Speaker, the gentleman from Illinois has properly stated the proposition as to the appropriation of this money and as to the wording of this amendment. The amendment inserted in the Senate is:

> Toward the construction of the Gallinger Hospital, including grading of the site, $150,000, and the limit of cost of the construction of said hospital and auxiliary buildings is hereby fixed at $500,000: *Provided*, That said hospital shall be constructed with a view to making future additions as the exigencies may demand.

There was no limit of cost fixed in the Senate amendment, and in conference the House conferees insisted upon fixing a definite limit of cost, and we fixed the $1,000,000, but not as a guess. We acted upon definite information that we had obtained from the best sources possible as to the amount of room that would be necessary in this hospital to care for the indigent sick of the District of Columbia.

Now, gentlemen speak of the proper care at the present time of the indigent sick in the District of Columbia. I say that those gentlemen either do not know what they are talking about or they are misrepresenting the facts. The indigent sick are not properly cared for at the present time and never will be, in my judgment, until there is a municipally owned and operated hospital for their care.

Mr. FITZGERALD. Will the gentleman yield?

Mr. PAGE of North Carolina. I yield.

Mr. FITZGERALD. Does the gentleman mean that the indigent sick in the private institutions under contract are not cared for?

Mr. PAGE of North Carolina. Oh, no; I did not mean that.

Mr. FITZGERALD. The gentleman means that the indigent sick cared for in the strictly governmental institutions are not properly cared for?

Mr. PAGE of North Carolina. No; I do not mean that. I mean that the hospital that is now known as the Municipal Hospital, and has room for no more than 175 indigent sick people, has 250 people, crowded 6 in a ward, and that is the condition that confronts this Congress and this city and your conferees. It is not a matter of guesswork, but a matter of information. And under the present arrangement, equipment, and authority for caring for the indigent sick in the District of Columbia, I ask the question as to why 250 of these indigent sick are crowded in an institution, composed of ramshackle wooden buildings, not suited for the purpose of proper hospital care, when its capacity is only 175, if these private institutions will take care of them.

Mr. GOOD. Will the gentleman yield?

Mr. PAGE of North Carolina. For a short question.

Mr. GOOD. The gentleman does not mean to give the impression there is no room in the other hospitals, such as Providence and Garfield Hospitals, if the board having charge desires to make arrangements for their care?

Mr. PAGE of North Carolina. They can not make arrangements beyond the sum allowed by Congress for their care. But, aside from this, in this amendment and in the motion pending, by the gentleman from New York, there is not the mere matter of whether we shall make appropriations at this time for the construction of a municipal hospital, but a question of whether the municipality, the District of Columbia, is going to care for its indigent sick in a hospital it controls or whether we are going to continue in the future, as in the past, to make appropriations for the care of a part of them in private institutions, not the whole of them.

Gentlemen speak of the additional cost if it is under governmental control. I say no one here has sufficient information to know what would be the cost in a properly constructed and equipped Government hospital. They are basing their figures upon an institution whose capacity is 175 patients. The

overhead charges are practically as great as they would be in this institution, which would provide for all the indigent sick in this District, amounting now to 500, and provision being made in this amendment to take care of 600, which would allow for the growth in future years.

This is no matter of personal interest to me any more than it is to any other gentleman here, but it is a matter involved as to the policy which we pursue, and it is up to the Congress. It is a matter of perfect indifference to me personally whether or not the motion of the gentleman from New York [Mr. FITZGERALD] is voted up or voted down. But I think it is a matter of vast importance to the proper care of the indigent sick in this city and in this District whether his amendment is voted up or voted down. I believe that we should in this enlightened age go forward and not backward. He speaks of the investment of $2,000,000 that we have in private hospitals in this city. True, we have, but we have no control, absolutely none, of these hospitals. And it is questionable as to whether or not we have a vested right, although we have been accorded it. I am glad this motion which is pending has produced one result on the floor of this House. It has brought the gentleman from Oklahoma [Mr. FERRIS] to the point of being in favor of economy. Who ever heard of his voting for anything that was in the interest of economy prior to this motion that is pending here to-day? [Laughter.]

Mr. FERRIS. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from North Carolina yield to the gentleman from Oklahoma?

Mr. PAGE of North Carolina. I can not yield at present.

Mr. FERRIS. Just for a moment.

Mr. PAGE of North Carolina. Well, I yield to the gentleman.

Mr. FERRIS. The gentleman says he has brought me to economize. Let me remind the gentleman that only a moment ago the House turned a double somersault on the gentleman, and I voted with him then.

Mr. PAGE of North Carolina. And in that instance the House was voting against economy. I say that usually when I stand up on this floor in the interest of real economy this House has done me a double somersault. I would not be surprised if it should do that at this time; but because it does, that does not make it right. I am for a principle that I believe is preeminently right.

Mr. FESS. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from North Carolina yield to the gentleman from Ohio?

Mr. PAGE of North Carolina. Yes.

Mr. FESS. What effect will this have on the hospitals that are already in operation?

Mr. PAGE of North Carolina. It will have no effect on them. It will merely affect the private institutions in this city to the extent that under the present arrangement sick are committed to these private institutions, and if this municipal hospital were built and equipped they would be assigned to this hospital, and not to the private institutions. It is for the assignment of the indigent sick to the municipal hospital, and not to the private institutions; that is really the principle involved.

Mr. LOBECK. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from North Carolina yield to the gentleman from Nebraska?

Mr. PAGE of North Carolina. Yes.

Mr. LOBECK. Will this amount of $1,000,000 pay for the equipment of the building?

Mr. PAGE of North Carolina. Absolutely it will. It will construct the building and equip it for the care of 600 indigent sick. That is based upon information that I have obtained from the municipal architect and from the Board of Charities and from physicians who are in charge of this hospital.

The SPEAKER. The time of the gentleman from North Carolina has expired.

Mr. PAGE of North Carolina. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on agreeing to the resolution offered by the gentleman from New York [Mr. FITZGERALD].

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. PAGE of North Carolina. Mr. Speaker, I ask for a division.

The SPEAKER. The gentleman from North Carolina asks for a division.

The House divided; and there were—ayes 86, noes 57.

Mr. SISSON. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. Evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of instruction on Senate No. 110 will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 202, nays 86, answered "present" 1, not voting 134 as follows:

[Roll No. 90.]

YEAS—202.

Abercrombie	Dies	Hughes, Ga.	Riordan
Adair	Difenderfer	Hull	Rouse
Adamson	Dixon	Humphreys, Miss.	Rubey
Alexander	Doolittle	Igoe	Russell
Allen	Doremus	Jacoway	Scully
Ashbrook	Doughton	Johnson, Ky.	Seldomridge
Baltz	Dupré	Keating	Sherley
Barchfeld	Eagan	Keiley, Mich.	Sherwood
Barkley	Eagle	Kelly, Pa.	Slayden
Bartlett	Edwards	Kennedy, Conn.	Small
Barton	Estopinal	Kennedy, R. I.	Smith, Minn.
Beakes	Evans	Kettner	Smith, N. Y.
Beall, Tex.	Fergusson	Kirkpatrick	Smith, Tex.
Bell, Ga.	Ferris	Konop	Sparkman
Blackmon	Fess	Lafferty	Stafford
Booher	Fields	Lazaro	Stanley
Borchers	Fitzgerald	Lee, Pa.	Steenerson
Borland	FitzHenry	Lenroot	Stephens, Miss.
Brockson	Foster	Lesher	Stephens, Tex.
Brodbeck	Fowler	Levy	Stone
Broussard	Francis	Lieb	Stringer
Brumbaugh	Frear	Linthicum	Sumners
Buchanan, Ill.	Gallagher	Lloyd	Sutherland
Buchanan, Tex.	Gallivan	Lonergan	Taggart
Bulkley	Gard	McAndrews	Talcott, N. Y.
Burke, Wis.	Garner	McGillicuddy	Tavenner
Burnett	Garrett, Tenn.	MacDonald	Taylor, Ark.
Byrnes, S. C.	Garrett, Tex.	Madden	Taylor, Colo.
Byrns, Tenn.	Gerry	Maguire, Nebr.	Ten Eyck
Callaway	Gill	Montague	Thacher
Campbell	Gillett	Moon	Thomas
Candler, Miss.	Godwin, N. C.	Morin	Thompson, Okla.
Caraway	Goeke	Morrison	Townsend
Carter	Good	Moss, Ind.	Tribble
Casey	Gordon	Murdock	Tuttle
Clark, Fla.	Goulden	Murray	Underhill
Claypool	Gray	Neely, W. Va.	Underwood
Cline	Griffin	Norton	Vaughan
Coady	Gudger	O'Hair	Walsh
Collier	Hardy	Oldfield	Watkins
Connelly, Kans.	Harrison	Padgett	Watson
Connolly, Iowa	Hayes	Palmer	Weaver
Cox	Heflin	Park	Whaley
Crisp	Helm	Patten, N. Y.	White
Curry	Henry	Prouty	Williams
Danforth	Hill	Quin	Wingo
Davenport	Hinebaugh	Ragsdale	Witherspoon
Decker	Holland	Rainey	Young, N. Dak.
Deitrick	Houston	Rauch	Young, Tex.
Dershem	Howard	Rayburn	
Dickinson	Howell	Reilly, Conn.	

NAYS—86.

Anderson	Fordney	La Follette	Raker
Austin	French	Langley	Roberts, Mass.
Avis	Gardner	Lobeck	Scott
Bailey	Greene, Mass.	McLaughlin	Shackleford
Britten	Greene, Vt.	Mann	Sims
Browne, Wis.	Gregg	Mapes	Sisson
Browning	Griest	Martin	Slemp
Bryan	Guernsey	Miller	Sloan
Burke, S. Dak.	Hamilton, Mich.	Mondell	Smith, J. M. C.
Butler	Harris	Morgan, Okla.	Stephens, Cal.
Cooper	Hawley	Mott	Stephens, Nebr.
Copley	Helgesen	Nelson	Stevens, Minn.
Cramton	Hinds	Nolan, J. I.	Stout
Cullop	Hughes, W. Va.	Page, N. C.	Temple
Davis	Humphrey, Wash.	Paige, Mass.	Towner
Dillon	Johnson, S. C.	Parker, N. J.	Treadway
Drukker	Johnson, Utah	Parker, N. Y.	Wallin
Esch	Johnson, Wash.	Peters	Walters
Fairchild	Kennedy, Iowa	Platt	Webb
Falconer	Kiess, Pa.	Porter	Winslow
Farr	Kinkaid	Pou	
Finley	Kreider	Powers	

ANSWERED "PRESENT"—1.

Carlin

NOT VOTING—134.

Aiken	Crosser	Hamlin	Lindbergh
Ainey	Dale	Hart	Lindquist
Anthony	Dent	Haugen	Loft
Aswell	Donohoe	Hay	Logue
Baker	Donovan	Hayden	McClellan
Barnhart	Dooling	Helvering	McGuire, Okla.
Bartholdt	Driscoll	Hensley	McKellar
Bathrick	Dunn	Hobson	McKenzie
Bell, Cal.	Edmonds	Hoxworth	Mahan
Bowdle	Elder	Hulings	Maher
Brown, N. Y.	Faison	Jones	Manahan
Brown, W. Va.	Flood, Va.	Kahn	Metz
Bruckner	Floyd, Ark.	Keister	Mitchell
Burgess	George	Kent	Moore
Burke, Pa.	Gilmore	Key, Ohio	Morgan, La.
Calder	Gittins	Kindel	Moss, W. Va.
Cantor	Glass	Kitchin	Mulkey
Cantrill	Goldfogle	Knowland, J. R.	Neeley, Kans.
Carew	Goodwin, Ark.	Korbly	O'Brien
Carr	Gorman	Langham	Oglesby
Cary	Graham, Ill.	Lee, Ga.	O'Shaunessy
Chandler, N. Y.	Graham, Pa.	L'Engle	Patton, Pa.
Church	Green, Iowa	Lever	Peterson
Clancy	Hamill	Lewis, Md.	Phelan
Conry	Hamilton, N. Y.	Lewis, Pa.	Plumley

Post	Sabath	Stevens, N. H.	Volstead
Price	Saunders	Switzer	Walker
Reed	Sells	Talbott, Md.	Whitacre
Reilly, Wis.	Shreve	Taylor, Ala.	Wilson, Fla.
Roberts, Nev.	Sinnott	Taylor, N. Y.	Wilson, N. Y.
Rogers	Smith, Idaho	Thomson, Ill.	Woodruff
Rothermel	Smith, Md.	Vare	Woods
Rucker	Smith, Saml. W.	Vinson	
Rupley	Stedman	Vollmer	

So the motion of Mr. FITZGERALD was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. AIKEN with Mr. MCKENZIE.

Mr. ASWELL with Mr. MANAHAN.

Mr. BROWN of West Virginia with Mr. ANTHONY.

Mr. CANTRILL with Mr. MOORE.

Mr. FAISON with Mr. PATTON of Pennsylvania.

Mr. DENT with Mr. PLUMLEY.

Mr. DRISCOLL with Mr. SINNOTT.

Mr. FLOOD of Virginia with Mr. SAMUEL W. SMITH.

Mr. GRAHAM of Illinois with Mr. SMITH of Idaho.

Mr. LEE of Georgia with Mr. SWITZER.

Mr. KITCHIN with Mr. WOODS.

Mr. REILLY of Wisconsin with Mr. VOLSTEAD.

Mr. HAYDEN with Mr. J. R. KNOWLAND.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will unlock the doors.

Mr. PAGE of North Carolina. Mr. Speaker, I believe my request that the House disagree to the other amendments was granted, and also my request for a further conference.

The SPEAKER. The gentleman is correct.

Mr. JOHNSON of Kentucky. Mr. Speaker, I offer the following resolution.

The SPEAKER. The gentleman from Kentucky offers a resolution which the Clerk will report.

The Clerk read as follows:

Resolved, That the managers on the part of the House be instructed not to agree to Senate amendment No. 1.

The resolution was agreed to.

The Speaker announced as the conferees on the part of the House Mr. PAGE of North Carolina, Mr. SISSON, and Mr. DAVIS.

CHANGE OF CONFEREES.

The SPEAKER. The gentleman from Kentucky [Mr. THOMAS], who was appointed a conferee on the bill (H. R. 17863) providing for the appointment of an additional district judge for the southern district of Georgia, declines to serve, and the Chair appoints the gentleman from Kansas [Mr. TAGGART] in his place.

LEAVE TO WITHDRAW PAPERS.

By unanimous consent, at the request of Mr. STEVENS of Minnesota, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the cases of—

Michael Flaherty (H. R. 3865, Sixty-third Congress, first session);

Mathilde K. Schiffman (H. R. 3286, Sixty-third Congress, first session);

Leslie R. Loveland (H. R. 19198, Sixty-third Congress, second session); and

Minnesota & Ontario Power Co. (H. R. 3300, Sixty-third Congress, first session)—

No adverse report having been made thereon.

FEDERAL BUILDING, HONOLULU, HAWAII.

Mr. CLARK of Florida. Mr. Speaker, I call up the conference report on S. 5295.

The SPEAKER. Has it been printed?

Mr. CLARK of Florida. Yes.

The SPEAKER. The Clerk will report it.

Mr. CLARK of Florida. I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from Florida asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. MANN. Let us have the title of the bill reported first, Mr. Speaker.

The SPEAKER. The Clerk will report it by title.

The Clerk read the title of the bill (S. 5295) to amend existing legislation providing for the acquisition of a site and the construction of a building thereon for the accommodation of the post office, United States courts, customhouse, and other governmental offices at Honolulu, Territory of Hawaii, and for other purposes.

The SPEAKER. The gentleman from Florida asks unanimous consent to read the statement in lieu of the report. Is there objection?

There was no objection.

The conference report is as follows:

CONFERENCE REPORT (NO. 1430).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5295) entitled "An act to amend existing legislation providing for the acquisition of a site and the construction of a building thereon for the accommodation of the post office, United States courts, customhouse, and other governmental offices at Honolulu, Territory of Hawaii, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 3, 5, 6, 7, 8, 9, and 10, and agree to the same.

Amendment numbered 2: That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted insert the following: "sell and convey by usual quitclaim deed said site to the highest bidder at public or private sale, after giving notice by advertisement for 30 days in at least two newspapers published in said city of Honolulu at a minimum price of not less than $165,000; and the Secretary of the Treasury is hereby authorized to arrange for the reimbursement of the contributors to the opening and dedication of Bishop Street adjoining said site through any responsible fiscal agent in Honolulu whom he may designate: *Provided*, That the agent serves without compensation; and the Secretary of the Treasury is authorized to deposit with such agent $35,000 of the amount realized from the sale of the present site and take a bond from the agent for the full deposit; and the agent shall ascertain the names of the contributors, and the amounts contributed, and shall reimburse them, taking receipt in each case, the reimbursement to be the amount contributed without interest; and the receipt obtained by the fiscal agent shall be considered as evidence of the reimbursement, and the person so reimbursed shall have no further claim. The appointment of the fiscal agent and the conditions under which the reimbursement is to be arranged shall be advertised in at least two local newspapers of wide circulation a stated number of times, and no one of the original contributors shall be entitled to reimbursement unless the claim is filed with the agent within one year after the last time the matter referred to is advertised. The difference between the amount obtained for the sale of the site and $35,000 shall be deposited in the Treasury as a miscellaneous receipt, and any balance of the $35,000 which the designated fiscal agent is unable to return to the original contributors shall also be turned into the Treasury as a miscellaneous receipt;" and the House agree to the same.

Amendment numbered 4: That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed to be inserted insert "$275,000"; and the House agree to the same.

FRANK CLARK,
JOHN L. BURNETT,
R. W. AUSTIN,
Managers on the part of the House.

CLAUDE A. SWANSON,
JAMES E. MARTINE,
F. E. WARREN,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5295) entitled "An act to amend existing legislation providing for the acquisition of a site and the construction of a building thereon for the accommodation of the post office, United States courts, customhouse, and other governmental offices at Honolulu, Territory of Hawaii, and for other purposes," submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the amendments of the House, namely:

On amendment No. 1: Strikes out the language leaving the question of sale of present site in the discretion of the Secretary of the Treasury, as proposed by the House.

On amendment No. 2: Strikes out the language proposed by the Senate relative to reconveyance of the present site to the person or persons from whom the United States acquired title,

and so forth, and provides for the sale of said site, as proposed by the House, and for the reimbursement of the contributors to the opening and dedication of Bishop Street, adjoining said site, through a responsible fiscal agent, to be designated by the Secretary of the Treasury and to serve without compensation, under such proper arrangements, bond, and so forth, as may meet with the approval of the Secretary of the Treasury; said sale of site to be negotiated at a minimum price of not less than $165,000, which would return to the Government its payment of $104,000, with interest and provide a balance of $35,000, as specified in the amendment, with which to reimburse the street contributors.

On amendment No. 3: Strikes out the language leaving the purchase and acquisition of a new site in the discretion of the Secretary of the Treasury, as proposed by the House.

On amendment No. 4: Authorizes a limit of cost of $275,000 instead of $250,000, as proposed by the House, thereby giving the Secretary of the Treasury more latitude in acquiring site.

On amendment No. 5: Strikes out authority to enlarge present site, as proposed by the House.

On amendment No. 6: Strikes out language referring to cost of an enlargement of site, in conformity with language striken out in amendment No. 5, as proposed by the House.

On amendment No. 7: Strikes out authority to use proceeds of sale of present site toward the acquisition of a new site, as proposed by the House, such proceeds, less $35,000, to be deposited in the Treasury as a miscellaneous receipt, as provided in amendment No. 2.

On amendment No. 8: Strikes out language about enlargement of present site, as proposed by the House, in conformity with amendments Nos. 5 and 6.

On amendments Nos. 9 and 10: These amendments strike out, as proposed by the House, language used by the Senate in contemplation of the possible enlargement and use of the present site, and make the final clause of the bill conform to the new proposition to give up and sell the present site and acquire an entirely new one.

FRANK CLARK,
JOHN L. BURNETT,
R. W. AUSTIN,
Managers on the part of the House.

The conference report was agreed to.

JOSEPH ELIOT AUSTIN.

Mr. WITHERSPOON. Mr. Speaker, I present a conference report and accompanying statement of the managers on the part of the House on the bill (H. R. 2642) to restore to the Navy Joseph Eliot Austin, and I ask unanimous consent for the present consideration of the report.

The SPEAKER. The gentleman asks unanimous consent for the present consideration of the conference report, notwithstanding the rule which requires conference reports to be printed in the RECORD and go over for one day.

Mr. MANN. Reserving the right to object, what is the effect of the conference report; what does it do with the Senate amendment?

Mr. WITHERSPOON. It was a compromise, and I will state the effect of it. Under the House bill as we passed it, this young man would have been put 10 numbers below the place he would have occupied if he had not been removed. Under the amendment agreed on by the conferees he will be placed 15 numbers lower than the place he would have occupied if he had not been removed.

Mr. MANN. I do not object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read the statement.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2642) authorizing the President to reinstate Joseph Eliot Austin as an ensign in the United States Navy, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: Strike out the new matter inserted in the Senate amendment and in lieu thereof insert the following: "to appoint Joseph Eliot Austin an ensign in the United States Navy and after one year's service as ensign he shall be promoted to the grade of lieutenant, junior grade, as an additional number in that grade and in any grade to which he may thereafter be promoted, to take rank with and next after the officer at the foot of the list of lieutenants, junior grade, at the date of the approval of this act: *Provided*, That the said Joseph Eliot Austin, after one year's service as ensign, shall establish to the satisfaction of the Secretary of the Navy, by examination pursuant to law, his physical, mental, moral, and professional fitness to perform the duties of lieutenant, junior grade, in the Navy"; and the Senate agree to the same.

S. A. WITHERSPOON,
S. J. TRIBBLE,
THOMAS S. BUTLER,
Managers on the part of the House.
B. R. TILLMAN,
CLAUDE A. SWANSON,
GEO. C. PERKINS,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the bill (H. R. 2642) authorizing the President to reinstate Joseph Eliot Austin as an ensign in the United States Navy, submit the following written statement in explanation of the effect of the action agreed upon and submitted by the accompanying report on the amendment of the Senate, namely:

The Senate amendment authorizes the President to appoint Joseph Eliot Austin an ensign in the United States Navy, to take rank at the foot of the list of ensigns, and the House recedes with an amendment whereby Joseph Eliot Austin is appointed an ensign in the Navy, and after one year's service as such is eligible to be promoted to the rank of lieutenant (junior grade) as an additional number in that grade or any grade to which he may thereafter be promoted, to take rank with and next after the officer at the foot of the list of lieutenants (junior grade) at the date of the approval of this act: *Provided*, That he shall establish to the satisfaction of the Secretary of the Navy, by the usual examination, his physical, mental, moral, and professional fitness to perform the duties of lieutenant (junior grade) in the Navy.

S. A. WITHERSPOON,
S. J. TRIBBLE,
THOMAS S. BUTLER,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

HOUR OF MEETING TO-MORROW.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that when the House adjourn to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. The gentleman from New York asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning. Is there objection?

There was no objection.

POST OFFICE APPROPRIATION BILL.

Mr. MOON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table House bill 19906, making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1916, and for other purposes, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to take from the Speaker's table the Post Office appropriation bill, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. MANN. Reserving the right to object, I would like to say to the gentleman that there are two Senate amendments, Nos. 4 and 12, one relating to assistant postmasters and the other relating to demoted letter carriers, upon which some of us do not want an agreement in conference without an opportunity to vote upon it in the House.

Mr. MOON. In the event that I should be one of the conferees, I would not agree to it at all unless it was a full agreement of the Senate conferees. If the matter should reach a point where the House ought to give instructions, we would be glad to come back for instructions on those matters.

Mr. MANN. We can ask for a separate vote on the amendments now, but that might not be necessary. I think we will have to do that unless we have an understanding that these

two amendments shall not be disposed of in conference in the first instance.

Mr. MOON. I think we ought to have a full and complete conference on everything; but there will be no disposition to take advantage of that, and if there is anybody in the House who wants to vote on any matter I do not object.

Mr. MANN. The gentleman from Tennessee and I do not quite understand each other, or I do not quite understand the gentleman from Tennessee. Of course we can ask for a separate vote now upon all amendments.

Mr. MOON. I take it that the bill would go to the committee now if there was objection to this request.

Mr. MANN. Is the gentleman willing to assure us that these amendments will not be disposed of in conference without an opportunity for the House to vote upon them?

Mr. MOON. Do I understand the gentleman to mean that if the Senate conferees should be willing to accept the House proposition, still he wants a separate vote upon them?

Mr. MANN. Yes; certainly.

Mr. MOON. I do not know that I have any objection to it, but it seems to me a little odd that gentlemen want to vote on a proposition where the Senate accepts the House proposition.

Mr. MANN. I understand; but we have a right to a separate vote on any Senate amendment, and I do not think it would be well to have the Senate recede from the amendments without a vote in the House. If the gentleman brings it back, he can move to further disagree or concur.

Mr. MOON. The gentleman wants a vote on these two amendments?

Mr. MANN. Yes; Nos. 4 and 12.

Mr. MOON. Very well.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears none, and the Chair appoints the following conferees:

The conferees named were Mr. MOON, Mr. FINLEY, and Mr. MADDEN.

Mr. STAFFORD. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. STAFFORD. Among the conferees who have been named on the Post Office appropriation bill is the gentleman from Illinois [Mr. MADDEN], representing the minority. The gentleman from Illinois is not the ranking member on the Post Office Committee, but the ranking member is Mr. SAMUEL W. SMITH, of Michigan. The next in order is the gentleman from Minnesota [Mr. STEENERSON], and then comes the gentleman from Illinois [Mr. MADDEN]. My inquiry is whether, under the usual practice of the House in the naming of conferees, the ranking member of the minority on the committee is not designated as the representative of the minority on the conference?

The SPEAKER. Usually he is.

Mr. MOON. Mr. Speaker, I want to say to the gentleman from Wisconsin that for three sessions the ranking member on the Democratic side on the committee was not appointed on the conference committee for reasons that best suited the chairman of the committee.

Mr. STAFFORD. Mr. Speaker, I have never known the time. Perhaps the gentleman is right in his recollection, but——

Mr. MOON. I will state to the gentleman when it was. It was when the gentleman from California, Mr. Loud, was chairman of the committee.

Mr. STAFFORD. Oh, that is going back into ancient history, but in the last 12 years on the Post Office appropriation bill and on every other appropriation bill the ranking member of the minority has been recognized and appointed as one of the conferees.

The SPEAKER. That is the usual practice. There is no question about that, but the Chair as a matter of routine usually appoints the conferees that the chairman of a particular committee asks to have appointed.

Mr. STAFFORD. Then I put this further question to the Speaker, Whether the minority is not entitled to have as a representative on the conference a person who is opposed to the position of the majority on the amendments in disagreement?

The SPEAKER. The Chair does not think that is true.

Mr. STAFFORD. I understand that the representative of the minority should be a person who takes the opposite position to the position of the majority, when the amendments are in disagreement and the two sides of the Chamber are in opposition, and that is the very purpose of having a minority representative on the committee of conference. It is to have a member who represents the minority in disagreement to the position of the majority.

The SPEAKER. If that rule were carried out, then about one-half of the time, considering the political minority, we would have the men who represented the views of those opposed to the bill.

Mr. STAFFORD. That would be only in case a question is raised, as the question is raised now. There are certain amendments proposed here in this bill, and some of the minority are opposed to those amendments.

The SPEAKER. The rule gives the Speaker absolute authority about it; but, as the Chair has stated, the Chair would have to dig down into the lists of the committees every time, and unless there is some exceedingly good reason he is guided by the desire of the chairman of the committee.

Mr. STAFFORD. Is it to be the understanding that as a precedent to be established now the chairman of the committee has the right to select the minority members.

The SPEAKER. The Chair has never said anything of the sort.

Mr. STAFFORD. That is what is being done at the present time.

The SPEAKER. The Chair said that the appointment of the conferees was vested absolutely in the Speaker; and, in the second place, as a matter of practice the Chair generally appoints those asked for by the chairmen of the various committees. There is no precedent about it.

Mr. FITZGERALD. Mr. Speaker, the managers on the part of the House must represent the attitude of the House upon these questions.

The SPEAKER. The Chair was going to add that. It has always seemed to the Speaker that in a controverted question the conferees from the House ought to represent the sentiment of the House.

Mr. STAFFORD. Then in that case, as the gentleman from Kansas [Mr. MURDOCK] has just suggested to me, why have a representative of the minority upon the conference committee if you are not going to have a representative to carry out the expressed wishes of the minority?

The SPEAKER. But there are two minorities in this House, one of them political and the other legislative. It might turn out at any time that all of the Republicans were in favor of a proposition, with enough Democrats to carry it. It does not make any difference how one arrives at it, that is the sentiment of the House if the proposition is carried.

Mr. STAFFORD. Then we are to understand, Mr. Speaker, that the selection of the conferees is in the control of the chairman of the committee?

The SPEAKER. No. The Chair has never said anything of the sort.

Mr. STAFFORD. That is the case in this instance.

The SPEAKER. The Chair has said that the Chair usually follows the suggestion of the chairman of the committee. The gentleman from Tennessee [Mr. MOON], chairman of the Committee on the Post Office and Post Roads, asked the Chair to appoint these particular men, and the Chair appointed them, and that is all there is to it.

Mr. MOON. Mr. Speaker, I want to say to the gentleman from Wisconsin [Mr. STAFFORD] in justification of that fact that this House upon this bill is going to be in a death struggle with the Senate upon matters that involve to this Government more than $10,000,000 per annum, and so far as the House is concerned it has passed the bill demanding that economy, and as a conferee I want some one to assist me who is going to stand by the House, and not either one of the gentlemen preceding in rank upon the committee the gentleman from Illinois [Mr. MADDEN], because they are both against the will of the majority of this House.

Mr. STAFFORD. But the gentleman who has been designated——

Mr. MOON. We are representing the sentiment of the House.

Mr. STAFFORD. The gentleman who has been appointed voted with the majority and not with the minority.

Mr. GARRETT of Tennessee. Mr. Speaker, I demand the regular order.

GENERAL DEFICIENCY APPROPRIATION BILL.

The SPEAKER. The regular order is the motion of the gentleman from New York [Mr. FITZGERALD], about half past 11, to go into the Committee of the Whole House on the state of the Union for the consideration of the general deficiency bill.

The question was taken, and the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 21546, the deficiency bill, with Mr. FERRIS in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 21546, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 21546) making appropriations to supply deficiencies in appropriations for the fiscal year 1915 and for prior years, and for other purposes.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Chairman, I would ask the gentleman from Massachusetts to use some time.

Mr. GILLETT. Mr. Chairman, I do not intend to discuss the bill itself at the present time. Whatever I care to say about that, I can do so under the five-minute rule, but I wish to occupy a few minutes in some desultory remarks. The older Members of the House will remember that for many years I was chairman of the Committee on Reform in the Civil Service, a reform with which I always was in sympathy, and that position gave me especial interest in it, and during the last year at different times I made some comment on the attitude of this administration toward the merit system. When this administration came into power I expected that the merit system, as it is called, would be strictly enforced and supported. My confidence depended not upon the character or the platform pledges of the Democratic Party, but it was based entirely upon the character and previous pledges of the President of the United States. At the time he was nominated he was the vice president of the National Civil Service League, and in resigning, as he very properly and modestly did on being nominated for President, he stated that it did not indicate any lack of interest in the cause. Consequently, as I say, I expected from him a full performance of what his previous life and professions had promised; but, as some remarks I made last year indicated, I have been disappointed.

Having had no time during this winter to watch what was being done to the civil service until yesterday, when our last appropriation bill was finished, I then dropped into the rooms of the Civil Service Commission to see what Executive orders had been issued, and to see whether the principles—for I believe they were the genuine principles of the President—had been exemplified in his conduct. You all know, of course, that the civil-service law gives to the President power at any moment to waive its provisions and appoint a man to any position whatever under the civil service without any competitive examination. I believe that was a wise provision. It was put in, of course, because now and then there will come up an instance where the civil-service law is an inconvenience and where the best interests of the Government require that it should be temporarily waived. It gives a little elasticity to the law, and in all administrations there have been occasional waivers by the President. So I stepped in yesterday to see what waivers had been made this year. I looked through the list and I found in the two years since President Wilson was inaugurated 137 persons had been appointed by Executive order and excepted from the ordinary civil-service rules and from competitive examination. Under President Roosevelt a practice was inaugurated that when he desired to except a person from examination he would, before issuing an order, submit the case to the Civil Service Commission and request their opinion upon it, and then he could act in the light of an impartial and unbiased opinion. That has been followed ever since, and has become the ordinary course of Presidents. President Wilson has in the main followed this practice—and, by the way, I want to say right here that, while I criticized as an act of partisanship the appointment of the present commission, the appointment of two Democrats and one Progressive, instead of two Democrats and one Republican, as held all through the administration of Presidents Roosevelt and Taft, yet this commission, although appointed in this partisan manner, has not, in my opinion, acted in a partisan way itself.

On the contrary, as far as it has come to my knowledge, this present commission has acted impartially and fairly and as the judicial body which it ought to be. Its opinions have my respect, and I believe it has aimed to carry out the spirit of the law. Now, President Wilson I find submitted to the Civil Service Commission for their judgment all but 18 of these 137 cases. Eighteen cases he did not submit at all to the commission. I suppose the reason has been both with him and with Republican Presidents, that there were cases where they had made up their mind they were going to waive the civil-service rules anyway, and they preferred to waive them without first submitting them to the commission and having the commission disapprove them, and then being obliged to waive them in the face of a disapproval by the commission. Now, President Wilson waived the examination in 18 cases which he did not submit to the commission at all, and, as I say, I suppose in that, as in other cases, those were ones in which he was quite confident the commission would not agree with him and would advise that the order ought not to issue. In 41 cases the Civil Service Commission indorsed the suggestion and approved the waiver of the examination, and in those 41 cases I have no criticism to make upon the Executive. Where the Civil Service Commission, sitting, as I believe they have, as a judicial body, have impartially ruled that for the good of the service the exception ought to be made, I acquiesce and accept that as conclusive. But in 78 cases which the President submitted to the Civil Service Commission for their judgment they reported that the exception ought not to be made, and yet in those 78 cases he made the exception against the advice of the Civil Service Commission. In that I believe he has disregarded the spirit of the civil-service law.

Now, I wondered whether these cases were unusually numerous with President Wilson or whether this was a fair specimen of the conduct of our Presidents, and therefore I asked my clerk last night to look up the records of the first two years of President Roosevelt's term and the first two years of President Taft's term, and compare them with these first two years of President Wilson's term. In President Roosevelt's term he could not give me the figures, because it was not specified in the reports what action the Civil Service Commission took. But he found them under President Taft, and I find that President Taft in the first two years of office excepted 77 men from taking the examination—77 by President Taft against 137 by President Wilson, just about half as many. I find that President Taft waived the examination in the cases of 11 without submitting them at all to the Civil Service Commission. And I assume there, as I did in the case of President Wilson, that he feared an adverse report from the Civil Service Commission, and therefore preferred to make the appointments without being obliged to do so over their heads, and such appointments I criticize and condemn. So that President Taft appointed 11 without referring them to the commission, while President Wilson appointed 18.

I find that in 65 cases which were referred to the commission by President Taft the commission approved the order, and therefore, I say, the spirit of the civil-service law was carried out. And it is worth noticing that of those 65 persons 29 were included in one Executive order, in which, so far as I could see, the circumstances made it perfectly clear there was no partisanship, but that it was done for the good of the service. And there was just one case which the Civil Service Commission disapproved and where President Taft made the appointment despite the disapproval. So the figures stand like this: There were 137 exceptions by President Wilson, 77 by President Taft. President Wilson appointed 18 without referring them to the commission at all; President Taft appointed 11, all to be criticized. President Wilson's recommendations were approved in 41 cases by the Civil Service Commission; President Taft's were approved in 65. President Wilson appointed 78 men against the judgment of the Civil Service Commission and President Taft appointed 1—78 to 1.

Mr. GARDNER. Will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. GARDNER. Was that during the whole four years?

Mr. GILLETT. The first two years. I did not look at the last two years. I made the comparison equal. The first two years of President Wilson and the first two years of President Taft.

Mr. SLOAN. Will the gentleman yield?

Mr. GILLETT. I will.

Mr. SLOAN. In how many cases did the President acquiesce in the objections of the Civil Service Commission?

Mr. GILLETT. Of that there is no record. Where the President sends the suggestion to the commission and they disapprove, and he does not act, there is no record, at least none was shown me, and so I have no means of knowing. And I should like to add there that I requested at the offices of the Civil Service Commission to be shown the correspondence between the President and the commission. I should like to have seen the letters which the commission wrote to the President and to see against what advice he still followed his own wishes. But the commission informed me—and I am not criticizing them for that, for I presume it is proper—that that correspondence was confidential and that I could not see it.

So, those are the figures. Now, it seems to me that does not conform, as we had a right to expect the conduct of the President would conform, to his previous statements and position on this question.

Mr. FESS. Will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. FESS. How far should that confidential relationship between the President and the department exist, in that Congressmen could not see the correspondence?

Mr. GILLETT. I do not wish to pass upon that. I do not wish to criticize the commission, because when they said that to me I said to myself I presume I should say the same thing if I were in their place. I have not studied the question, and I do not know whether that is confidential or whether it is not; but it seems to me at first blush that they were right.

Mr. SLOAN. Is the gentleman able to find any case where the President abided by the objections made by the Civil Service Commissioners?

Mr. GILLETT. I presume there were such cases, but I have no knowledge on that point at all, because those cases did not appear on the record.

Mr. Chairman, how much time have I used?

The CHAIRMAN. The gentleman has used 15 minutes.

Mr. HAYES. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from California?

Mr. GILLETT. Certainly.

Mr. HAYES. I would like to ask if the gentleman does not think that this correspondence, being under the law, as I understand it, was a part of the official acts of the commission?

Mr. GILLETT. No; this is not under the law. The President is not required to submit it to the Civil Service Commission for their judgment. It was a system inaugurated by President Roosevelt on his own initiative, and is not a part of the law, so that I presume it is confidential.

Now, I make no criticism of that. The criticism I make is that after the position of the President before election and the declaration of the Democratic Party—although I do not think any of us on this side attached much value to that—this long list of orders against the advice of the commission is depressing. I confess it is with genuine disappointment that I find that the law is not being observed in spirit as it had been before.

There were a couple of cases that attracted my attention for the reason that they were both worded in exactly the same language, in accordance apparently with a formula. They were cases that came from the office of the Attorney General. They waived examinations for two high-priced positions in the office of the Attorney General, and made the waiver on the ground given by the Attorney General that the positions were highly confidential and required a peculiar order of talent and that the men were known to the Attorney General personally. Those cases were, neither of them, even referred to the commission, but the appointments were made without reference.

Now, I find that one of those cases was that of Charles E. Stewart, of Alabama, August 22, and the other was that of Calvin Satterfield, of Pennsylvania, December 30. I have had very little time to investigate, but I find those cases were not to fill vacancies. Vacancies were made for the appointment of those two men by requesting the men who held the positions before to resign. Both of them who held the positions before were men who had risen up from the ranks in the service to these higher positions. The chief clerk, as I ascertained, was appointed by Attorney General Knox. He had served with satisfaction apparently through the terms of Attorney General Knox, Attorney General Moody, Attorney General Bonaparte, Attorney General Wickersham, and Attorney General McReynolds, and it was not until last fall that it was discovered that the position of chief clerk was so extremely confidential that a proper man could not be found in the civil service, and that the position must be given to Mr. Charles E. Stewart, of Alabama.

I inquired this afternoon who he was. By the way, I was perfectly certain before I made the inquiry that these two men were both Democrats. I was perfectly confident myself that it was done on the principle enunciated by the premier of this administration—"to find places for deserving Democrats." [Laughter on the Republican side.] I find that Mr. Stewart was a newspaper man stationed in Washington who was very active in the recent campaign for Mr. UNDERWOOD. In that way, I presume, he showed his peculiar fitness for this position. The other gentleman, Mr. Calvin Satterfield, of Pennsylvania, I know nothing about; but I see the gentleman from Pennsylvania [Mr. PALMER], who, I think, is the most influential in patronage in that State. I should like to ask Mr. PALMER if he knows who he is?

Mr. PALMER. I never heard of him before. [Laughter.]

Mr. GILLETT. I confess I am surprised. I venture to say some Democrat from Pennsylvania has heard of him.

Mr. PALMER. I suppose somebody threw something over on me. [Laughter.]

Mr. GILLETT. I do not suppose the gentleman owns the whole State. I know nothing about him, but I venture to say that he is a Democrat. It strikes me as significant that in those two cases the same formula was used, and that whereas through all these previous administrations the man who rose up through the civil-service ranks became chief clerk and Chief of Accounts Division and was satisfactory to all those Attorneys General, yet now with this new officer the examination is waived and these two high-priced offices are filled.

Why, gentlemen, the idea of a chief clerk in the Attorney General's office being a peculiarly confidential position!

Mr. MONDELL. Did the gentleman state what the position is that is occupied by the second gentleman to whom he referred?

Mr. GILLETT. It is the position of Chief of the Division of Accounts in the Attorney General's office.

Mr. MONDELL. Is that supposed to be a highly confidential position?

Mr. GILLETT. I should say it is just about as highly confidential as the other. It had been occupied in the same way through all these Republican administrations by this gentleman who had worked up from the ranks, but it has suddenly become highly confidential and extremely personal.

Mr. PALMER. Will the gentleman yield?

Mr. GILLETT. Yes.

Mr. PALMER. Is it a Pennsylvanian who occupies the position of Chief of the Division of Accounts?

Mr. GILLETT. Yes.

Mr. PALMER. Does the gentleman know where he is from?

Mr. GILLETT. I do not. All it said in the presidential order was—

Charles Calvin Satterfield, of Pennsylvania.

I have not been able to learn anything more about him. I am sorry that the gentleman from Pennsylvania can not enlighten me. I venture to say that there is some Democrat from Pennsylvania who could enlighten him.

Now, Mr. Chairman, I have taken more time than I meant to take. There is just one other word that I wish to say before taking my seat, a word of quite a different and more pleasing character. I have found much to criticize in this administration. With its domestic policies I am entirely at variance. But after it actually commenced war with Mexico I stated that, although I thought its Mexican policy was mistaken and shortsighted, yet inasmuch as the die was cast and actual war was waging, I should try in every way I could to assist and uphold our foreign policy, and I uttered no further criticism until our soldiers came back from Vera Cruz.

It seems to me events have justified my original position, and that by taking sides instead of preserving a strict neutrality we have made ourselves in some measure responsible for the anarchy now devastating Mexico, and if European nations were not too busy at home they would now demand of us that we protect the lives and property of their citizens there, or would themselves proceed to protect them regardless of the Monroe doctrine.

But I am glad to avow that the attitude of the administration during this European war has my full and unqualified approval. I think it has been wise, impartial, dignified, temperate, asserting our rights as neutrals firmly and considerately, acknowledging our duties as neutrals frankly and voluntarily, and displaying always a friendly and sympathetic spirit which ought to qualify us for any possible rôle of peacemaker. I trust this pacific and unexceptionable disposition will continue. I trust we shall not allow any sudden episode to stir hot blood and provoke retaliation. We must remember that the nations there are struggling desperately for their lives, are accustomed to the daily tortures and deaths of thousands, and in their intense absorption are liable to ignore or to forget that there are also nations in the world who are still at peace and who are still engaged in the pursuits of commerce and who have rights. While we must not waive or yield those rights, yet I think we must allow for the abnormal conditions and must not allow any sudden injury to draw us into that vortex of fiery passions and hates. We can afford to keep calm and cool. I thoroughly approve and indorse the temperate and pacific and genuinely neutral policy of the administration. I hope it will continue, and I shall be glad to continue my support. [Applause.]

Now I yield 25 minutes to the gentleman from Michigan [Mr. HAMILTON].

Mr. BARTLETT. Does the gentleman want to use that time now?

Mr. GILLETT. I supposed you would like to have me use the time. You have the right to go on if you please.

Mr. BARTLETT. I am perfectly willing to accede to the gentleman, whatever his wishes may be. We have agreed to yield to the gentleman from Ohio [Mr. FRANCIS].

Mr. GILLETT. Will that end the debate this evening?

Mr. BARTLETT. Does the gentleman from Michigan wish to go on?

Mr. HAMILTON of Michigan. I think perhaps after the other gentleman talks we may as well adjourn.

Mr. BARTLETT. If the gentleman from Michigan wishes to use any time, I am perfectly willing to yield it to him.

Mr. HAMILTON of Michigan. I do not want to inconvenience the other gentlemen.

Mr. BARTLETT. Not in the least.

Mr. HAMILTON of Michigan. Mr. Speaker, when the President speaks on political subjects his words convey the purposes and policies of the Chief Magistrate of the greatest Nation on earth.

Through the President the executive power of the United States speaks, not only to the people of the United States, but to the people of other nations.

The words of the President then should carry with them the dignity of his great office, and the greatness of the office should inspire the man who holds it to strive to express in his life, character, and public utterances the ideals of the Nation.

More than any other public utterance of the President during this administration his Indianapolis speech will serve to give historians and the people generally a mental photograph of the man.

In making that speech he spoke from the complex and contradictory standpoints of a militant partisan, the captain of a political team, an alleged independent, a historian, and the President of all the people.

Appreciation of executive responsibility and the responsibility of a political party intrusted with representative power have seldom been more nobly expressed than in the President's inaugural address.

The coarser phases of mere political swaggering were never more startlingly obtruded than in his Indianapolis speech.

When this administration shall have passed into the wake of time and the historian shall seek among the published utterances of the President material from which to estimate his character, he will find beneath the gloss of rhetoric a compound of idealism, brain power, will power, arrogance, self-confidence, and a somewhat conscious geniality not far removed from the frost line; idealism, mixed with shrewd ability to use patronage and preferment to bend his party followers to his purposes, notwithstanding a thinly veiled disdain for them; self-confidence, apparently troubled with no introspective doubts about his own infallibility, which sought to impose his own ideas by presidential thought suggestion, in direct conflict with the visible, every-day facts of human experience; and from time to time there will be found to have broken out a sort of swashbuckler arrogance like that exhibited at Indianapolis, curiously at variance with a self-centered and studious temperament.

THE INALIENABLE RIGHT TO SPILL BLOOD.

The verbal picture of himself by himself of "Woodrow sitting back in his chair and chuckling" is one which the American people, regardless of party, would be glad to have stricken from the permanent record.

Even to quote the statement seems like derogation from the dignity of the presidential office.

No citizen of the United States will have a higher opinion of the presidential office after reading it.

And why did "Woodrow chuckle"? Because he says he knew that when the great newspapers of the country "thundered with rising scorn" at his "watchful-waiting" policy public opinion would sustain him, because he claims to have a "reckless enthusiasm about human liberty" in Mexico.

And yet I doubt if public opinion will approve of his conception of his duty and the duty of the Nation toward the kind of "human liberty" that rides in predatory bands in Mexico.

"Have not the European nations," he asks, "taken as long as they wanted and spilt as much blood as they pleased in settling their affairs, and shall we deny that to Mexico because she is weak?"

And, having "a reckless enthusiasm about human liberty," he says, "so far as my influence goes, while I am President nobody shall interfere with them."

In view of our obligations under the Monroe doctrine, the President must have realized that his declaration was somewhat safer than it would have been before the European war.

Having a great enthusiasm for human liberty, does the President consider the sordid and ignoble strife among ruffian aspirants for power in Mexico as a fight for liberty?

Having a great enthusiasm for human liberty, does the President believe, and "chuckle" because he believes, that the people of the United States look upon the business of killing, torturing, ravishing, and destruction in Mexico as an inalienable right of a weak people which a strong people are not only under no obligations to restrain, but are under obligations to guard from interference for such time as the business may require?

I doubt if this picture of "Woodrow chuckling" while the United States, under his personal management and direction, forms a ring and orders other nations to stand back while torture, bloodshed, and destruction of property proceed in Mexico, will appeal to the people of the United States; and I doubt if the President, as a historian, will approve of what he said as a rhetorician speaking under the enthusiasm of the occasion.

TWO POLICIES.

The policy of nonintervention may be best, but let us not convert our attitude of nonintervention into one of approving protection of extermination.

We had a choice between two policies in Mexico, one the policy of pacification without war by the use of all the resources of international law—the policy of self-respecting protection of the lives and property of our own citizens, and mindful of our responsibilities under the Monroe doctrine, the policy of protection of the lives and property of the citizens and subjects of other nations.

The other policy was that of armed intervention with sufficient force to restore order and establish government.

Most Americans are devoutly glad that we are not at war with Mexico and that no more American lives have been sacrificed.

We are willing to say little about a policy which declared our unwillingness to be "partisans of either party" and yet was partisan.

We are willing to say little of a policy that declared against intervention and kept on intervening.

We are willing to say little about the controversy as to whether 7 or 21 guns constituted a sufficient apology.

But we who went to war with Spain because of her treatment of Cuba; we who have established a stable government in the Philippine Islands are scarcely willing to let the full definition of our relation to Mexico stand as a double "watchful waiting" policy which not only watches, waits, and approves while the months of bloodshed and destruction lengthen into years, but watches and waits to keep off interference.

EMOTIONS AND IDEAS.

Himself having "reckless enthusiasm," the President says what he misses in Republicans is that "they do not seem to have any great emotions," and have not had a new idea for 30 years.

Let us examine this. Under our system of government, Governments derive their just powers from the consent of the governed, and the governed consent by majorities.

The Republican Party came into being in the white heat of a national crisis over the issue of slavery, and with the exception of the bankrupt years from 1893 to 1897 and the lean years beginning with this administration, it has represented the purposes and ideals of a majority of the people of the United States so far as their purposes and ideals could be expressed in a political way.

During all that time this Government has "never repudiated an obligation to its creditors, or to humanity"; it has never struck a blow except for humanity, and it has never struck its colors.

To say that a majority of the people of the United States have had no great emotions and no new ideas for 30 years is to say that we have been a stagnant people in the time of our most rapid progress.

Much as we might like to preserve the President's reputation for accuracy as a historian, he can be easily refuted with his own History of the American People as evidence.

This administration has talked a good deal about new things—new ideas; the new freedom; the new spirit; the new era; the new America—but little has been said about new taxes and the new deficit.

Ideas count if they take on the shape of things accomplished, but the fact that an idea is new is no evidence of its value.

In politics and philosophy some ideas become principles, and a party that has a new set of principles every campaign is not a reliable party; and a party that repudiates its platform principles is not a reliable party; and a President who leads his party in repudiating its platform principles and then talks about teamwork is at least inconsistent.

Let us compare ideas for a moment. In 1896 the Democratic Party declared for the free and unlimited coinage of silver and gold at the ratio of 16 to 1, and proposed that 40-cent silver dollars so coined should be legal tender for the payment of debts, public and private, contracted at 100 cents on the dollar.

There was nothing new about that. It was old as dishonesty.

We said that a free, open mint is a place run by the Government where bullion goes in bullion and comes out coin; that the touch of the Government stamp does not create value; and that for sovereign power to make 40-cent silver dollars legal tender in payment of debts contracted at 100 cents on the dollar was dishonest.

There was nothing new about that. It was as old as honesty.

In 1900 the Democratic Party declared that the Constitution automatically extended itself into and over the Philippine Islands and that the Philippine Islands thereby became an integral part of the Union, but at the same time they proposed to withdraw the Constitution from the Philippine Islands and dispose of them.

There was nothing new about that. The claim that the Constitution extended itself was a part of the Calhoun doctrine that the Constitution extended itself and thereby slavery over free soil; and the proposition to withdraw the Constitution and dispose of the islands was a part of the logic of disunion.

By resolution of April 20, 1898, we demanded that Spain should relinquish her authority over Cuba, and gave the President power to use the land and naval forces of the United States to enforce the resolution.

At the same time we declared our purpose not to exercise sovereignty over Cuba except for pacification, but to give the Government of Cuba to her own people and unfurl for her her own flag among the nations of the earth.

That was a new idea in the history of the world, and we kept our word.

Early in the morning of May 1, 1898, Admiral Dewey steamed into the harbor of Manila and quietly gave an order which has become historic, "When you are ready, you may fire, Gridley."

We entered into possession of the Philippine Islands, not for exploitation, but to give them law, order, schools, courts, government, and security of life, property, and civil rights.

That was a new idea which makes every American prouder of his flag.

We annexed the Hawaiian Islands, posted them like sentinels to guard our western coast, and organized them into a Territory.

We reorganized Porto Rico and gave her $5,000,000 to repair the devastation of a hurricane.

We defined Alaskan boundaries by peaceful arbitration.

We joined in the relief of the legations beleaguered in Pekin.

We turned back to China the unexpended indemnity balance and with it China has been sending students to American colleges.

We recognized the Republic of Panama and dug the Panama Canal largely out of current revenues.

Meanwhile we were paying the running expenses of the greatest nation on earth and no man who wanted to work was out of a job.

In 1887 we passed "An act to regulate commerce," amended it from time to time, and overhauled it completely in 1906.

In 1890 we passed the "act to protect trade and commerce against unlawful restraints and monopolies."

In 1903 we created a Department of Commerce and Labor with a Bureau of Corporations to compel publicity, and we passed a physical valuation of railroads law.

Not only did we frame laws to protect consumers, independent producers, and shippers from the combined power of cooperating monopoly, but we passed the pure-food law to prevent diligent scoundrels from adulterating, vitiating, and falsely labeling foods and drugs.

Not only that, but we passed the safety-appliance law, the employers' liability law, the law limiting the working hours of railroad men, the boiler-inspection law, and the railroad accidents law.

Not only that, but we passed the parcels-post and the postal-savings laws.

Not only that, but we established a Childrens' Bureau and we passed a child-labor law for the District of Columbia.

Not only that, but we passed an eight-hour day law for Government employees and a law for their compensation for injuries.

Not only that, but we created a Bureau of Mines; and we framed laws to irrigate deserts off the face of the map.

The President was mistaken. He was not speaking as a historian. He was speaking as a biased partizan, who for the time being had taken down the partition between facts and imagination.

A STATE OF MIND.

The President says there is nothing the matter with American business except "a state of mind."

Well, what is the cause of the state of mind? "As a man thinketh, so is he."

What causes men to think there is something wrong with business?

In one of Cesare's powerful cartoons in the New York Sun, three threadbare figures, a man and a woman with a child clinging to her skirts, pinched with cold, are standing in the slush of a city pavement in the bitter winds of winter, and the man and the woman are reading a notice in a window that the Belgian relief fund has reached a million and a half dollars. The cartoon is called "Some American Neutrals."

This little shivering group illustrates the condition of thousands of men and women in America.

And the President, with uplifted eyes at Indianapolis, says:

It goes very much to my heart to see how many men are at a disadvantage and are without guides and helpers.

Disadvantage! They are starving. Guides and helpers! They want work.

And then he asks:

Don't you think it would be a pretty good idea for the Democratic Party to undertake a systematic method of helping the working men of America?

We do! And if the starving, shivering, homeless men and women out of work in America could answer the President's question, they would answer it in tones that would disturb the tranquil self-sufficiency of the White House that one "systematic method" would be to repeal the Underwood blight and pass a law to protect American labor and American industry.

For a President to talk about depressed business and starved labor as a "state of mind" in the presence of bread lines, bankruptcy, and closed factories is fatuous pretense.

When they needed men in the western harvest fields last summer, he says he had notices put up in the post offices to get men and the job together.

That was a brilliant idea, worthy of a theorist. Everybody knows when grain grows ripe for the harvest and for years men who had the money to pay for transportation have flocked to the harvest fields for work.

But that is a job that grows out of the ground, which this administration so far has not been able to destroy, notwithstanding the removal of duty on farm products.

That is a job created by the sun, the rain, the dew, and the soil, which tariff-tinkering theorists have not been able to destroy; and next summer's crop will grow large, stimulated by a demand created by bloodshed in Europe, not by reason of any help from this administration.

It is a different kind of a job and furnishes a different kind of work from the 18,280 commercial failures compiled by Bradstreet's for last year.

These failures furnished jobs for courts, lawyers, receivers, auctioneers, and all the parasites of disaster.

They were the direct product of this administration. They brought the men and jobs together, fat jobs—the mortuary rites of business.

Our people are willing and anxious to avail themselves of facilities now gathering rust and cobwebs, but business threatened with bankruptcy, pestered by political nagging, and men out of work, forced to starve or be fed by charity, are compelled to wait for the passing of this Democratic visitation.

WHAT HE DID NOT SAY.

The President went out to Indiana to justify his administration and to invite the independent voter to merge his independence in the Democratic Party, but he said nothing about high prices.

He forgot to tell his audience that he and his party had gone into power on a platform declaring that protection was the unconstitutional cause of high prices, which they promised to reduce by "legislation that would not injure or destroy any legitimate industry," but that they had injured and destroyed legitimate industries and had not lowered prices.

He did not remind the farmers in his audience that he and his party had reduced and removed the duties on farm products to make things cheaper for the people who live in cities.

He did not refer to the working of his plan to "sharpen the wits" of business men by requiring them to figure on how to pay an income tax out of the profits of business that paid no profits and to "sharpen the wits" of laboring men by compelling them to figure on how to pay for food and clothes and rent while looking for work when there was no work.

This administration went into power with a full treasury and abundant revenues, but the President did not tell his audience anything about the approaching deficit.

He did not tell them that our Treasury balance has declined from $161,612,615 on the 30th day of June last to $42,387,119 this morning, and that by July 1 next this administration is likely to have to sell bonds to raise money to run the Government.

On the same day on which the President talked at Indianapolis the Democratic chairman of the Appropriations Committee stated in the House that he had "given considerable study to the public finances and to the probable situation of the Treasury during the next fiscal year" and that he could "not escape the conclusion that there will be a deficit in the Treasury in the next fiscal year which will be unquestionably $30,000,000 and may reach the sum of $80,000,000 or $100,000,000."

He stated that he did "not state these figures as mere idle guesses," but as his opinion "after a very thorough and exhaustive examination of our probable receipts and expenditures."

The President did not tell his audience that we are running behind at the rate of fourteen and a half million dollars a month and that by the end of the fiscal year we shall be running in debt at every tick of the clock, notwithstanding the income tax, the corporation tax, and the so-called emergency revenue tax.

He did not tell his audience that our revenues have steadily declined from $30,138,049 in October, 1913, to $14,890,982 in December, 1914.

He did not tell his audience that three years ago we were buying and selling among ourselves to the amount of $35,000,000,000; that that money was paid by Americans to Americans for the wages of American labor and the products of American farms and factories and that since that time we have been levying contributions on the necessities of our people and are soon to have to mortgage their resources by selling bonds.

He did not tell them that one of the reasons why our revenues, derived from importations, plus internal revenue, plus the income tax, plus the corporation tax, plus the emergency tax, and plus miscellaneous receipts, is not sufficient to pay the running expenses of this administration is because the appropriations of this Congress have been greater than the appropriations of any Congress since the foundation of our Government, notwithstanding the Democratic platform pledge of economy.

He did not tell them that these appropriations were made notwithstanding the repeated protests of the Democratic chairman of the Appropriations Committee, who on April 10 last reminded Democrats of their platform pledges of "economy and the abolishment of useless offices" and told them they had "unnecessarily piled up the public expenditures until the Democratic Party had become the laughingstock of the country."

He did not say anything about the encroachment of the executive branch of the Government upon the legislative branch, contrary to the principles of the Constitution.

He did not mention the use of executive influence to control legislative action.

He did not mention any of these things to his audience, but he talked to them about ideas and emotions and liberty and the New Freedom and teamwork.

He did not discuss whether representatives should represent the people or obey the command of the Executive, but he told his audience he had implicit confidence in the people.

However, as Col. Harvey, of the North American Review, casually remarks:

That is not the question. Quite the contrary, we should say.

Mr. FITZGERALD. Mr. Chairman, I yield to the gentleman from New York [Mr. METZ].

Mr. METZ. Mr. Chairman, I want to say a few words on the necessity of doing something on the shipping question. I am sorry I did not have the information when I addressed the House before. I want to point out to the Members the necessity of doing something now.

I have in my hand several letters which I have received from exporters, and among them is one from a large shipper heretofore of machinery and tools. I ask to have this letter printed as a part of my remarks, because it shows completely the trouble shippers are having in shipping to neutral countries. It points out that the Swedish Government was compelled by Great Britain to give a guaranty that the tools and machinery shipped to Sweden were intended for Swedish consumption. In spite of this guaranty and the declaration of the shippers here, the Swedish Steamship Line refuses to accept machinery for Sweden, because their ships are held up in England and searched and detained. Therefore they will not carry the goods.

The same situation arises in regard to rubber. The embargo on rubber has been raised under certain conditions. One condition is that the American manufacturer must sign an agreement which covers not only the rubber obtained through Great Britain but all rubber he receives or had on hand, no matter where or when he got it. In the case of export to any neutral country on earth of any article made from or containing rubber, the goods must be shipped to Liverpool and there reshipped by the British Government. This makes Liverpool the clearing house for the whole world for such products and puts the British Government in absolute control. This is not only so in regard to rubber goods, but includes even carpet sweepers and wash wringers, in the construction of which a very small amount of rubber is used—in the case of the carpet sweepers as a band on the wheels and in the case of the wash wringer on the squeeze rollers. Hundreds of other instances could be mentioned of products that are thus barred from international commerce because rubber forms an infinitesimal part of their construction. The steamship companies are afraid to carry these goods because of the liability of being held up, and the agreement which Great Britain insists upon receiving from those who obtain rubber compels them to submit to the British consul in New York a record of all goods that may be exported in which rubber is used. We are therefore practically closed out from all the markets reached by neutral vessels, such as Italian, Norwegian, Swedish, Danish, and Spanish.

If an American buyer should own a quantity of rubber in neutral countries that produce it, such as Brazil, he is at the mercy of British ships to bring it to the United States. The British ships refuse to carry any rubber not controlled by the British Government; so the tie-up is absolute. If ever there was an agreement in restraint of trade, certainly the conditions imposed by the British Government upon those who use rubber in any form in their business constitute a model for the absolute accomplishment of the purpose for which it was intended.

A letter from a firm, which I had the other day, complains that a cargo of apples sent to Sweden for consumption in Sweden, accompanied by the required Swedish certificate, had been held up for two or three weeks in England until the apples had rotted, and then it was released and sent on to Sweden. That concern will put in a claim through this Government for the damage sustained.

Such are the conditions under which our export trade is suffering. The restriction on copper exports has resulted in the loss of sales of copper to Germany and Austria, and steamers of neutral countries are also afraid to carry this product to neutral countries. But beyond this, the fact that copper is being replaced largely in the industries by other metals will cause us damage of a more serious and permanent nature. I have a letter from one of the largest concerns in Germany, which compares with the General Electric Co. in this country, giving details as to the extent copper is being replaced by iron or galvanized iron or iron covered with bronze.

In the first place, so far as copper for war purposes is concerned, they state that Germany has sufficient copper to last all through the present war, no matter how long it may last, and as many more wars as might follow. It is for the industries, and for industrial purposes entirely, that its use will be curtailed, not only during this war, but for the future. Iron wire is being used for electric light and power transmission, and an alloy of iron and aluminum for cables. In machinery, where brass and bronze were used because of somewhat easier manipulation, they are being replaced by iron. In shipbuilding, where the use of copper, brass, or bronze has been largely one of habit, either hollow bronze or iron covered with bronze is replacing the heavier parts for which copper was used.

It stands to reason that if the industries of Germany adapt themselves to these conditions it will not be long before other countries take up and employ the same substitutes. Ways of manipulation will be found to make them commercially advantageous, and the only country to suffer will be the United States with its great copper output. All these things indicate the necessity of some way of getting our goods abroad without being dependent upon the whims or arbitrary rulings of the British Government and the influence it has upon the foreign shipping controlled by neutral nations. The neutral ships do not dare take any freight that may at all be questioned. The charterers can not take the chance of being held up indefinitely at the English ports.

In addition to the hampered shipping, the insurance question also plays a very important part in our export trade. The Government's War Risk Bureau has done incalculable good so

far as shipments in American ships are concerned by forcing private companies to write insurance and controlling rates; it ought to be extended to American cargoes in other neutral vessels. It is simply impossible to reinsure cargoes to which Great Britain objects for any other countries except Great Britain, France, and Russia. The English companies refuse absolutely to write such insurance, while the means of communicating by cable with companies of other countries, including neutrals, that might take the risk depend upon the British censors allowing the messages to go through, which makes the chance of getting insurance a slim one indeed.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. METZ. Yes.

Mr. STAFFORD. Will the gentleman add also to the list that he has given the case where England, in her imperious way, holds shipments up?

Mr. METZ. Absolutely.

Mr. STAFFORD. Numerous instances have been called to my attention by manufacturers of leather in Milwaukee where shipments have been held up and neutral ships have declined to receive those goods because they know that their vessels will be held up on the high seas.

Mr. METZ. Yes; and that holds good, too, if the article be not wholly composed of leather, but contains only a piece of leather, as, for instance, in the case of the carpet sweeper. A shipment of carpet sweepers would be held up because the little wheels that run on the carpet are bound with strips of rubber. This same is true with regard to leather. If there is a piece of leather on an article in the shipment it will be held up, as, for instance, furniture that is leather covered.

These are the facts that I wanted to bring to the attention of the committee and thus show in what a precarious condition our exporters of any goods, except munitions or war and other products to the allies, find themselves because of our lack of American ships.

The letter to which I referred follows:

DEAR SIR: Referring to our conversation of to-day, we hereby beg to state that shipping of goods in our line, consisting principally of machine tools and small tools and grinding wheels for use in machine shops, has become practically impossible owing to the interference of the British Government. While we do not feel disposed to complain very strongly at the endeavor of the British Government to prevent the shipping of our goods to Germany and Austria, we certainly consider it a most wanton act of the British Government to disturb and practically wipe out our business in American goods with the neutral nations of Denmark, Sweden, and Norway. Up to a short time ago we have been able to forward machinery, etc., on orders received from our Stockholm and Copenhagen houses to ports such as Gothenburg and Copenhagen. The steamship companies, forced by British inspectors, demanded from us that we produce certificates from the Swedish Government through the Swedish legation in Washington guaranteeing that the goods shipped by us are bona fide, intended for Swedish consumption, and that they will not be reshipped to Germany or Austria. We always procured these certificates in the required form, and would have been glad to submit this proof for all our future shipments.

In spite of this guaranty from the Swedish Government, as well as our own declaration under oath that our goods will not be reshipped to Germany or Austria, it seems that the British Government caused the steamship companies having machines as part of their cargo so much trouble and delay that they have been forced to refuse any further cargoes consisting of machinery or tools.

Up to a few days ago we had space engaged on Danish steamers sailing between now and March 1, but have now received notification from the steamship agents that they will not accept any more freight from us, regardless of whether these shipments are intended for Sweden, Denmark, or any other country. This, you will understand, is quite an arbitrary ruling, and as far as our Stockholm and Copenhagen houses are concerned it would mean practically ruin of their business on account of not being able to get goods from us owing to the mere suspicion of the British Government that these machines shipped to Sweden or Denmark might eventually be forwarded from there to Germany. Incidentally American manufacturers of machines and tools are losing their regular export trade with Scandinavian countries.

The manner in which the British Government inspects steamship cargoes for Sweden and Denmark on the docks in New York may also be of great interest to you. The British Government has two British inspectors on the steamship dock, and they open every single case by removing a board or two to see whether the statements on the manifests are true. In other words, statements of American citizens are not accepted by the British Government as fact, and we are left entirely at the mercy of the inspector of these ships, regardless of their knowledge of the material shipped.

You will see from the above that not only shipping to Germany is impossible, but according to the latest developments whereby neutral steamship lines refuse machinery freight, also shipments of our goods to Sweden, Norway, and Denmark are at a deadlock. The steamship lines, of course, are not to be blamed, and it is quite natural that they will refuse any freight objectionable to the British inspectors, as they do not wish to run the risk of having their steamers detained for a month or so in British ports, which causes them a tremendous loss.

Mr. GILLETT. Mr. Chairman, I yield now to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting therein a letter or statement from Mr. George C. Potter, of Johnstown, N. Y., on the question of the tariff.

The CHAIRMAN. Is there objection?

There was no objection.

The statement referred to is as follows:

LOW TARIFF AND FAILURES—SIGNIFICANT FACTS DISCLOSED BY MERCANTILE AGENCY REPORTS.

R. G. Dun & Co.'s report of failures for 21 years shows clearly the disastrous effect of low tariff on the business life of the country.

Figures given are from Dun's Review, January 9, 1915. We have indicated the high and low tariff years:

Years.	Number of failures.	Number of business concerns.	Per cent of failures.	Remarks.
1914	18,280	1,655,496	1.10	Low tariff: Wilson-Underwood bill.
1913	16,037	1,616,517	.99	
1912	15,452	1,564,279	.98	
1911	13,441	1,525,024	.81	
1910	12,652	1,515,143	.80	
1909	12,924	1,486,389	.80	
1908	15,690	1,447,554	1.08	
1907	11,725	1,418,075	.82	
1906	10,682	1,392,949	.77	Protective tariff: Payne-Aldrich and Dingley bills.
1905	11,520	1,357,455	.85	
1904	12,199	1,320,172	.92	
1903	12,069	1,281,481	.94	
1902	11,615	1,253,172	.93	
1901	11,002	1,219,242	.90	
1900	10,774	1,174,300	.92	
1899	9,337	1,147,595	.81	
1898	12,186	1,105,830	1.10	
1897	13,351	1,058,521	1.26	Low tariff: Cleveland administration.
1896	15,088	1,151,579	1.31	
1895	13,197	1,209,282	1.09	
1894	13,885	1,114,174	1.25	

Of the 21 years given it will be noted that 6 years were under low or free-trade tariff while 15 years were under protective tariff.

	Per cent.
Average percentage of failures for the 6 years of low tariff	1.18
Average percentage of failures for the 15 consecutive years of protective tariff	.89
Excess of failures in low-tariff years	32.6

These are mercantile agency figures, not political "bunk."

Low tariff has not reduced the cost of living, but it has in every year of its existence destroyed the opportunities of earning a livelihood by putting American factories out of business and American workmen out of employment. The only "expansion" which can be found in any low-tariff year is one of record-breaking business mortality and business depression.

With reference to the increase of failures during 1914, R. G. Dun & Co. say:

"This in a measure was traceable to the effects of the European war, which accentuated the depression in trade and exerted a particularly unfavorable influence on conditions in the South."

This refers, of course, to the cotton States and the collapse of cotton prices; but upon analyzing the figures, it appears that the increase of failures in all these States combined—North Carolina, South Carolina, Georgia, Alabama, Tennessee, Oklahoma, Mississippi, Louisiana, and Texas—is only 536, while in the three Middle Atlantic States—New York, New Jersey, and Pennsylvania—the increase was 690.

Of the Southern States, Florida shows the largest increase—404 failures in 1914 against 165 in 1913—but Florida can hardly be classed as a cotton State; and if the balance of the country was prosperous, the luxuries grown in Florida, such as fruits and early vegetables, would find ready sale at good prices. Oranges and grapefruit have not been bringing enough on the New York market to pay for the boxes and transportation, and this, no doubt, accounts for much of Florida's business mortality.

The real cause of the present widespread depression is clearly shown in the figures of the United States customhouse. These prove conclusively that closed factories and factories working on greatly reduced time all over the country are not the result of the war—on the contrary, this has been the means of temporarily opening many of them—but are the direct result of our present free-trade tariff, under which a credit balance in our favor during 1913 of over $691,000,000 has been changed in five months—April, May, June, July, and August—of 1914 to a debit balance of over $39,000,000, or at the rate of about $100,000,000 per year against us.

That is to say, the volume of imports has been so great under the Wilson-Underwood-Simmons tariff that instead of receiving from the rest of the world nearly $700,000,000 net per year for goods which we sell them, we are paying them under the present tariff about $100,000,000 net for goods which they sell us, a change against us of nearly $800,000,000, or about $66,000,000 a month.

If American factories and American workmen were permitted to produce a part of these goods, valued at $66,000,000 per month, instead of our friends across the water, everyone who wanted to work could be employed at good wages—double or two and a half times the wages paid abroad for the same work in any line. There is no way that this standard of wages can be maintained without a sufficient tariff to fully cover the difference in cost of production here and abroad.

Mr. J. M. C. SMITH. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting therein an article from the Cosmopolitan Magazine for the month of October, 1914, on the Senator from Michigan [Mr. WILLIAM ALDEN SMITH].

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD in the manner stated. Is there objection?

There was no objection.

[The article referred to appears elsewhere in to-day's RECORD.]

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FERRIS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21546, the general deficiency appropriation bill, and had come to no resolution thereon.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 21161. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1916, and for other purposes;

H. R. 15557. An act for the relief of Anna Miller; and

H. R. 18745. An act in relation to the location of a navigable channel of the Calumet River in Illinois.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 6 o'clock and 7 minutes p. m.), in accordance with the order heretofore made, the House adjourned until to-morrow, Friday, February 26, 1915, at 11 o'clock a. m.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of a communication from the Attorney General of the United States submitting estimates of $50,000 for protecting interests of the United States in matters and suits affecting withdrawn oil lands, for the fiscal year ending June 30, 1916 (H. Doc. No. 1617), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. KEY of Ohio, from the Committee on Pensions, to which was referred the bill (S. 7509) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 1447), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 6981) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 1448), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 7212) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 1449), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 7597) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 1450), which said bill and report were referred to the Private Calendar.

Mr. SHERWOOD, from the Committee on Invalid Pensions, to which was referred the bill (S. 7566) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 1451), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 7598) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 1452), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CARLIN (by request): A bill (H. R. 21557) for the purpose of preserving life at sea, etc.; to the Committee on the Merchant Marine and Fisheries.

By Mr. PORTER: A bill (H. R. 21558) to authorize the President of the United States to lay, regulate, and revoke embargoes; to the Committee on Ways and Means.

By Mr. HELGESEN: Joint resolution (H. J. Res. 431) to correct certain maps issued by the United States Navy Department (Hydrographic Office); to the Committee on Naval Affairs.

By Mr. HAWLEY: Memorial from the State of Oregon, urging upon Congress to enact appropriate legislation ratifying and confirming the compact and giving its consent to the compact and agreement between the States of Washington and Oregon as is required by section 10 of Article I of the Constitution of the United States of America; to the Committee on the Merchant Marine and Fisheries.

By Mr. LAFFERTY: Memorial of the Legislature of Oregon asking that postal savings bank law be so amended as to permit deposits in any amount and to pay 3 per cent interest thereon, and making such deposits the basis for a national rural-credit system; to the Committee on Banking and Currency.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HINDS: A bill (H. R. 21559) granting a pension to Sarah C. Foster; to the Committee on Invalid Pensions.

By Mr. NEELY of West Virginia: A bill (H. R. 21560) granting a pension to Sarah E. Champ; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21561) for the relief of the heirs of Solomon Griffin; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of board of trustees of Tuskegee Institute, urging appropriation for Howard University; to the Committee on Appropriations.

Also (by request), petition of citizens of Sacramento, Cal., protesting against passage of bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also (by request), petition of sundry merchants and voters of the State of Missouri, urging legislation in the Sixty-fourth Congress, taxing mail-order houses; to the Committee on Ways and Means.

By Mr. ALLEN: Petitions of residents of Cleveland, Waterford, and Relief, Ohio, protesting against passage of bills abridging freedom of the press; to the Committee on the Post Office and Post Roads.

Also, petition of the Council of Cheviot, Ohio, favoring civil-service retirement; to the Committee on Reform in the Civil Service.

Also, petition of citizens of Newark, Columbus, and Lorain, Ohio, against the passage of laws abridging freedom of the press; to the Committee on the Post Office and Post Roads.

By Mr. BROWNING: Petition of citizens of Camden County, N. J., and Philadelphia, Pa., favoring embargo on war material except foodstuff; to the Committee on Foreign Affairs.

Also, memorial of Camden County Federation of Patriotic and Religious Fraternities, protesting against further restrictions of the freedom of the press; to the Committee on the Post Office and Post Roads.

By Mr. COOPER: Memorial of L. H. D. Crane Post, Grand Army of the Republic, Beloit, Wis., favoring appropriation for peace jubilee at Vicksburg, Miss., in October, 1915; to the Committee on Appropriations.

Also, petition of Henry Graugon and others, of Lake Geneva, Wis., and Jacob Bentz and others, of Kenosha County, Wis., favoring embargo on arms; to the Committee on Foreign Affairs.

By Mr. CURRY: Petition of 48 citizens of Stockton, Cal., favoring embargo on arms; to the Committee on Foreign Affairs.

By Mr. DRUKKER: Memorial of American citizens and Christelyke Volksbond, of Paterson, N. J., protesting against export of war material; to the Committee on Foreign Affairs.

Also, petition of R. C. Hill, of Paterson, N. J., favoring bill to limit export of wheat, etc.; to the Committee on Ways and Means.

By Mr. EAGAN: Petitions of Frank Lot, of Weehawken, and 21 members of the German-American Shooting Society, of South River, N. J., favoring passage of bills to prohibit export of war material; to the Committee on Foreign Affairs.

By Mr. FESS: Petition of 65 citizens of Springfield, Ohio, opposing the Fitzgerald amendment to the Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

By Mr. FINLEY: Petition of H. R. Blakeney, of Lancaster, S. C., favoring rural credits legislation; to the Committee on Banking and Currency.

Also, petition of citizens of Boston and Malden, Mass., and Albemarle, N. C., against any law abridging the freedom of the press; to the Committee on the Post Office and Post Roads.

By Mr. GRIEST: Petitions of sundry residents of Pennsylvania, against legislation abridging freedom of the press, from Adamsdale, Athens, Blandon, Camp Hill, Canton, Carlisle, Harrisburg, Lancaster, Mechanicsburg, Norristown, Parker Ford, Philadelphia, Pittsburgh, Pottstown, Phoenixville, Pottsville, Reading, Sayre, Scranton, Shillington, Shiremanstown, South Waverly, Sunbury, Yocumtown, York, Raymond, Gold, and Genesee; to the Committee on the Post Office and Post Roads.

By Mr. GUERNSEY: Petition of Ernest T. McGlanflin and others and G. W. English and others, urging Senate amendment to House bill to increase appropriation for Federal inspection of potatoes; to the Committee on Appropriations.

By Mr. HAWLEY: Petitions of citizens of Oregon, favoring passage of law to allow Harry K. Thaw to return to the State of Pennsylvania; to the Committee on the Judiciary.

By Mr. LIEB: Memorial of the Walsh Baking Co., of Evansville, Ind., urging legislation to limit the export of wheat, and thereby protect the interests of the American bakers and consumers; to the Committee on Ways and Means.

Also, petition of J. S. Berger, L. Sternberg, John H. Berger, August Block, George C. Sallmon, William Klurmeier, George D. Sallmon, Ben Wilbers, Gerhard Tollman, E. A. Magenheimer, William E. Hauff, George L. Rhinefort, George H. Sollman, Louisa Kruse, Gilbert C. Kruse, Paul M. Kruse, William O. Sollman, N. S. Watkins, E. Michol, A. Grouper, C. Strohm, Martin J. Kruse, and C. Reinbrecht, all of Fort Branch, Ind., in favor of House joint resolution 377; to the Committee on Foreign Affairs.

Also, petition of Gottlieb Gliefel, William Graper, G. C. Frohbieter, Christ Welmer, Christ Kruse, George Giesscman, William H. Block, G. F. Tepling, John F. Roeumershausen, Frank Kiefer, C. F. W. Wehmer, John G. Freund, Fred Block, August Klurmeier, John Haffelbrink, Charles Kruse, Eugene Nuebling, Henry W. Jeide, W. J. Rhinfort, and D. Hoefner, all of Fort Branch, Ind., in favor of House joint resolution 377; to the Committee on Foreign Affairs.

By Mr. LONERGAN: Letter of Capt. W. C. Clark, of Buffalo, N. Y., relative to building of canals; to the Committee on Interstate and Foreign Commerce.

By Mr. McCLELLAN: Petition of Conrad Rabel and 28 others, of Kingston, N. Y., urging legislation to prohibit export of war material; to the Committee on Foreign Affairs.

By Mr. MAGUIRE of Nebraska: Petition of citizens of College View, Nebr., protesting against passage of bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. MOTT: Petition of citizens of Watertown, N. Y., protesting against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. NEELEY of Kansas: Petition of citizens of Kingman County, Kans., against any abridgment of the freedom of the press; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of the seventh district of Kansas, favoring construction of public works; to the Committee on Public Buildings and Grounds.

By Mr. NEELY of West Virginia: Papers to accompany a bill for relief of Sarah E. Champ; to the Committee on Invalid Pensions.

Also, papers to accompany a bill for relief of heirs of Solomon Griffin; to the Committee on War Claims.

Also, petition of 22 citizens of Wheeling, W. Va., favoring embargo on arms; to the Committee on Foreign Affairs.

By Mr. NORTON: Petition of John Fetzer and others, of Deering, N. Dak., urging work on public roads, reclamations, and reforesting projects for the purpose of giving employment to the unemployed of the United States; to the Committee on Roads.

By Mr. PAGE of North Carolina: Petition of sundry citizens of the State of North Carolina, favoring passage of the Hollis-Bulkley rural-credits bill; to the Committee on Banking and Currency.

By Mr. PARKER of New York: Petition of Frank M. Champine and others, of Rensselaer, N. Y., against any abridgment of the freedom of the press; to the Committee on the Post Office and Post Roads.

By Mr. SELDOMRIDGE: Petition of citizens of Englewood, Colo., against laws abridging freedom of the press; to the Committee on the Post Office and Post Roads.

By Mr. VARE: Petition of First African Seventh-day Adventist Church, of Philadelphia, Pa., protesting against passage of bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

SENATE.

FRIDAY, *February 26, 1915.*

(Legislative day of Friday, February 19, 1915.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

EXECUTIVE SESSION.

Mr. STONE. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened.

MOTHER'S DAY ASSOCIATION.

Mr. LA FOLLETTE. I ask unanimous consent to present some reports from a committee.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. LA FOLLETTE. From the Committee on Corporations Organized in the District of Columbia I report back favorably without amendment the bill (H. R. 16298) to incorporate the Mother's Day Association, and I submit a report (No. 1040) thereon.

Mr. President, I ask unanimous consent for the present consideration of the bill. There can be no objection to its passage, I think.

Mr. SMOOT. It is a unanimous report?

Mr. LA FOLLETTE. It is a unanimous report.

Mr. SWANSON. I shall not object, unless it leads to debate.

Mr. LA FOLLETTE. If there is any debate, I will withdraw it.

Mr. GALLINGER. I should like to hear the bill read.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary proceeded to read the bill, and read to the end of the first section.

Mr. CLARK of Wyoming. Mr. President, that is as far as I care to have the bill read. I ask the Senator from Wisconsin if this is a corporation that can not be organized under the general law applicable to corporations in the District of Columbia?

Mr. LA FOLLETTE. It is not, I understand.

Mr. SMOOT. I should like to have the bill read through.

Mr. LA FOLLETTE. Very well.

The Secretary resumed, and concluded the reading of the bill.

Mr. LA FOLLETTE. Mr. President, on the request of the Senator from Wyoming [Mr. CLARK] that the bill may go over I withdraw my request for unanimous consent for its present consideration.

The VICE PRESIDENT. The bill will go to the calendar.

DAUGHTERS OF AMERICAN REVOLUTION.

Mr. LA FOLLETTE. From the Committee on Corporations Organized in the District of Columbia I report back favorably without amendment the bill (H. R. 2504) to amend section 2 of an act entitled "An act to incorporate the National Society of the Daughters of the American Revolution," and I submit a report (No. 1042) thereon.

Mr. President, I ask unanimous consent for the present consideration of this bill. I will state just in a word, with the permission of the Senate, that the Daughters of the American Revolution are already incorporated. The amount of property in the act of incorporation which they are permitted to hold is limited to $500,000 in value. They have already acquired property exceeding that amount. They have erected a splendid building here. The bill proposes an amendment of the original act of incorporation to this extent only, that it increases the amount of property they can hold not to exceed $1,000,000.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FEDERAL COUNCIL OF CHURCHES OF CHRIST.

Mr. LA FOLLETTE. I am directed by the Committee on Corporations Organized in the District of Columbia, to which was referred the bill (S. 6111) to incorporate the Federal Council of the Churches of Christ, to report it favorably without amendment, and I submit a report (No. 1041) thereon.

Mr. WHITE. I ask for the immediate consideration of the bill.

Mr. CLARK of Wyoming. I ask that the bill may go over the same as the preceding bill went over.

The VICE PRESIDENT. Objection is made, and the bill will be placed on the calendar.

WAGES ON FOREIGN AND AMERICAN SHIPS.

Mr. SWANSON. I desire to call up the unfinished business.

Mr. GALLINGER. Will the Senator from Virginia yield to me to make a request?

Mr. SWANSON. I will yield temporarily to the Senator.

Mr. GALLINGER. I ask unanimous consent to place in the RECORD a statement concerning the wages on foreign and American ships.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

COST OF OPERATING FOREIGN-BUILT VESSELS TRANSFERRED TO AMERICAN FLAG.

30 CHURCH STREET, NEW YORK, N. Y., *February 24, 1915.*

Hon. J. H. GALLINGER,
United States Senate, Washington, D. C.

DEAR SIR: Your letter of the 10th instant, addressed to Mr. J. A. Farrell, president United States Steel Corporation, has been referred to us for attention, as this company is the subsidiary of the corporation which owns the foreign-built steamers recently transferred to the American flag. The present and former scale of wages on our steamers and the percentage of increase is shown in the following statement:

Wages of captains under American scale vary according to seniority.

Wages of other officers and the engineers are fixed, being same on all steamers.

Crew.	British.				American.	
	First year.	Second year.	Third year.	Average.	Average.[1]	Increase.
	£ s.	£ s.	£	£ s. d.		P. ct.
Captain	25 0	.....	.....	25 0 0=$121.66	(1)	35.6
Chief officer	14 0	15 0	16	15 0 0= 73.00	$90	23.3
Second officer	10 10	11 0	12	11 3 4= 54.34	70	28.8
Third officer	9 0	.....	.....	9 0 0= 43.80	60	37.0
Chief engineer	20 0	21 0	22	21 0 0= 102.20	150	46.8
First assistant engineer	14 0	15 0	16	15 0 0= 73.00	100	37.0
Second assistant engineer	10 10	11 0	12	11 3 4= 54.34	90	65.6
Third assistant engineer	8 0	8 10	9	8 10 0= 41.36	80	93.4

[1] $150–$180, average $165.

Safe-navigation money to captains, $300 per year, payable annually January 1, on showing a clean record for the previous 12 months.

The wages of the following members of the crew vary on the different steamers, depending upon the supply available and the port at which signed on. The steamship *San Francisco* is quoted as an example:

Crew.	British.	American.	Increase.
	£ s.		Per cent.
Chief steward	8 0=$38.93	$55	41.2
Second steward	4 0= 19.47	25	28.4
Messroom steward	3 0= 14.60	22	50.7
Chief cook	7 0= 34.07	40	17.4
Second cook	5 0= 24.33	25	2.8
Carpenter	7 0= 34.07	40	17.4
Boatswain	6 10= 31.63	35	10.7
Sailors	5 10= 36.76	28	4.6
Firemen	5 10= 26.76	32	19.6
Oilers	6 0= 29.20	35	19.9
Donkeyman	6 10= 31.63	35	10.7

Owing to the unsettled conditions which have prevailed throughout the world since the outbreak of the present war in Europe, the increased cost of operation in the other departments can not be fairly stated, as we have no basis upon which to make a definite comparison.

Yours, very truly,

UNITED STATES STEEL PRODUCTS CO.,
JOHN HUGHES, *General Agent.*

DISPOSAL OF UNIFORMS, ETC.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield?

Mr. SWANSON. I yield to the Senator from Ohio.

Mr. POMERENE. I desire to ask unanimous consent for the present consideration of the bill (S. 7051) to authorize the disposal of clothing or uniforms which have become unserviceable or unsuitable. It relates to the giving away of uniforms which have been ruined to such an extent that they are not fit for apparel.

Mr. SWANSON. I can not yield for anything except reports of committees.

Mr. POMERENE. If this bill leads to any discussion, I shall not press it.

Mr. SWANSON. So many Senators have asked me to yield to allow them to move the consideration of bills on the calendar, and I have refused to do so, that I would not like to make an exception. Although I am very fond of the Senator from Ohio, while I have concluded to yield for reports, I can not yield to call up any bills from the calendar.

HOURS OF LABOR.

Mr. ROBINSON. Will the Senator from Virginia yield to me to submit a report on a bill from the Interstate Commerce Committee and to ask for its immediate consideration?

Mr. SWANSON. I will yield for the presentation of the report; and if there is no objection to the consideration of the bill and no debate upon it, I will yield to that.

Mr. ROBINSON. From the Committee on Interstate Commerce I report back the bill H. R. 17893, to amend section 3 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907.

Mr. CRAWFORD. Mr. President——

Mr. ROBINSON. Just a brief statement. This bill simply amends the hours-of-service act by fixing a minimum penalty. It has been repeatedly recommended by the Interstate Commerce Commission, and is found necessary in the proper administration of the hours-of-service law. Under the law as it now exists the maximum penalty of not exceeding $500 may be fixed, but there is no minimum penalty; and the fact that there is no minimum penalty has encouraged violations of the law.

Mr. OLIVER. Mr. President, I would ask the Senator from Arkansas what is the minimum penalty fixed by the bill?

Mr. ROBINSON. The minimum penalty fixed in the bill is $100. The maximum penalty under the present law is $500.

Mr. OLIVER. I think the bill had better go over for a day. After I examine it I do not believe I will object to its being called up.

Mr. ROBINSON. May I just make one statement to the Senator from Pennsylvania? The difficulty arises out of the congested condition in the Senate and the procedure here. We are frequently able to get the consideration of bills as they are reported, but are not able to get consideration of bills after they have gone on the calendar. If the Senator desires to object, for the present I shall ask leave to withdraw the report and to present it later.

Mr. OLIVER. If the Senator will kindly withdraw the report and let me have an opportunity to look over the bill, I shall be obliged to him.

Mr. ROBINSON. I ask unanimous consent to withdraw the report for the present.

The PRESIDING OFFICER. In the absence of objection, permission is granted to withdraw the report.

ADDITIONAL JUDGE IN GEORGIA.

Mr. CULBERSON. Mr. President——

Mr. SWANSON. I yield to the Senator from Texas to present a conference report.

Mr. CULBERSON. I present a conference report, and ask for its adoption.

Mr. SWANSON. I will yield for its consideration if it does not precipitate any debate.

The VICE PRESIDENT. The report will be read.

The Secretary read the report as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17869) providing for the appointment of an additional district judge for the southern district of Georgia having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 2.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same.

On the amendment of the Senate numbered 1 the committee of conference have been unable to agree.

C. A. CULBERSON,
HOKE SMITH,
C. D. CLARK,
Managers on the part of the Senate.

J. C. FLOYD,
JOSEPH TAGGART,
A. J. VOLSTEAD,
Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. BURTON. Mr. President, does that mean the final disposition of the question?

Mr. CULBERSON. No; it does not. I shall ask for a further conference.

Mr. SUTHERLAND. Mr. President, what is the character of the report which has been agreed upon?

Mr. CULBERSON. There were three Senate amendments in disagreement. The Senate receded on one, the House on another, and the third amendment, numbered 1, is still in disagreement, it being the amendment relating to the publication of indorsements for the district judge who may be appointed.

Mr. CLARK of Wyoming. If the Senator will allow me, I will state that there were three amendments made by the Senate striking out three sections of the House bill. The first section of the House bill provided for making public the indorsements of the judge. The second section provided for the distribution of duties between the judges.

Mr. CULBERSON. It provided for a temporary appointment, if the Senator will allow me to make that suggestion.

Mr. CLARK of Wyoming. Well, the temporary appointment was the second amendment; that when the senior judge should pass from the bench there should be no appointment to fill the vacancy. That was the second amendment. The third amendment was as to the question of apportioning the work. The House bill provided that the senior circuit judge should apportion the work between the two judges. The Senate struck that out because of the general provision applicable to that matter. The conference committee disagreed, and intend to ask a further conference on the question of publicity. On the question of the appointment to fill the vacancy, the House agreed to the Senate amendment.

Mr. TOWNSEND. What was the Senate amendment on that? I have forgotten. Was it No. 2 of which the Senator spoke?

Mr. CLARK of Wyoming. The Senate receded from its amendment No. 2.

The VICE PRESIDENT. Why not let the Secretary read the clause? It is very brief.

Mr. CLARK of Wyoming. Very well.

The Secretary read as follows:

SEC. 2. That whenever a vacancy shall occur in the office of the district judge for the southern district of the State of Georgia senior in commission such vacancy shall not be filled, and thereafter there shall be but one district judge in said district.

Mr. SUTHERLAND. What was the disposition of that item?

Mr. CULBERSON. The Senate amendment struck out the section. The Senate recedes from that amendment and allows the section to remain in the bill. The appointment of an additional judge is temporary only; that is to say, after the vacancy caused by the death or resignation of the senior judge, it will not be filled by another appointment.

Mr. SUTHERLAND. Mr. President, I think the Senate ought not to recede from that amendment. I will say that I served as a member of the subcommittee of the Committee on the Judiciary on this bill, and that subcommittee was unanimous in reporting in favor of striking this provision out of the bill. The reason I objected to it was that I thought such a provision constituted a reflection upon the sitting judge, and I did not want to see anything in the bill which could be so construed. I am willing to provide for an additional judge in Georgia, but I hope nothing will be put into the bill which can be construed as a reflection upon the judge who now occupies the bench in that district.

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. The Senator from Wyoming.

Mr. CLARK of Wyoming. Of course the Senator from Utah [Mr. SUTHERLAND] will remember that this is not a novel feature in a bill of this sort. We have provided for additional judges and also provided that the place should not be filled when the senior judge passes into retirement. It is not a new provision, but is the same provision that has been placed in bills of this character heretofore.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. NORRIS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. NORRIS. Would it be in order now to move that the Senate recede from its amendment numbered 1?

Mr. SMITH of Georgia. The first question is on agreeing to the part of the report upon which the conferees have agreed.

Mr. NORRIS. I have no objection to doing that; but, as I understand the motion as it is made, it would carry with it a disagreement as to amendment numbered 1. I wish to make a motion at the proper time——

Mr. CULBERSON. I intend to move, after the report is accepted, that the Senate further insist upon its amendment numbered 1; that it ask for a further conference with the House; and that the Chair appoint the conferees, following the usual course. The Senator's motion could then come up on that; that is, the question which he suggests would then arise.

Mr. NORRIS. With that understanding, I have no objection to the first motion.

Mr. SWANSON. Mr. President, having charge of the bill which is the unfinished business, I could not consent to yield if the Senator from Nebraska is going to make a motion to recede, which I know will precipitate a debate. If the Senator insists on making that motion to recede, I must decline to yield further.

Mr. NORRIS. Let me say to the Senator that, while it might bring on a debate, I have no disposition to debate it. Every Senator understands the situation. I have previously debated the matter in the Senate; but I want to get a roll call on the motion. I will not discuss it, except to briefly explain the proposition.

Mr. SWANSON. Mr. President, I will yield for a motion to be made to agree to the report, and then let the further disposition of the matter go over.

Mr. NORRIS. Let it lie on the table, then.

Mr. SWANSON. It will lie on the table. As I understand, a motion will be made by the Senator from Texas to agree to the report of the conference committee. If that is agreed to, then the Senator from Nebraska can make his motion.

Mr. CULBERSON. The motion to agree to the conference report is the pending question, as I understand.

The VICE PRESIDENT. That is agreed to, without objection. Nobody has objected to it.

Mr. CULBERSON. Now, I enter a motion that the Senate further insist upon its amendment numbered 1, ask for a further conference with the House on the disagreeing votes of the two Houses on that amendment, and that the conferees on the part of the Senate be appointed by the Chair.

Mr. NORRIS. I offer a motion which I think takes precedence over that, and that is, that the Senate recede from its amendment No. 1.

Mr. CULBERSON. I do not think that motion takes precedence.

The VICE PRESIDENT. Yes, it does; there is no doubt about that. It brings the two Houses together.

Mr. SWANSON. Mr. President, I can not yield further for the consideration of the matter.

The VICE PRESIDENT. The report will lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House recedes from its disagreement to the amendment of the Senate No. 105 to the bill (H. R. 19422) making appropriations for the support of the government of the District of Columbia for the fiscal year ending June 30, 1916, and for other purposes, and agrees to the same; insists upon its disagreement to all other amendments to the bill, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PAGE of North Carolina, Mr. FLOYD of Arkansas, and Mr. DAVIS managers at the further conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 19906) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1916, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MOON, Mr. FINLEY, and Mr. MADDEN managers at the conference on the part of the House.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5295) to amend existing legislation providing for the acquisition of a site and the construction of a building thereon for the accommodation of the post office, United States courts, customhouse, and other governmental offices at Honolulu, Territory of Hawaii, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 16305. An act to reimburse Henry Weaver, postmaster at Delmar, Ala., for money and stamps stolen from said post office at Delmar and repaid by him to the Post Office Department;

H. R. 17424. An act for the relief of Hunton Allen; and

H. R. 17842. An act for the relief of George Richardson.

PETITIONS AND MEMORIALS.

Mr. PERKINS presented a petition of sundry citizens of Petaluma, Cal., praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which was referred to the Committee on Foreign Relations.

Mr. LANE. I present a memorial of the Legislature of Oregon relating to postal savings deposits, which I ask may be printed in the RECORD and referred to the Committee on Post Offices and Post Roads.

There being no objection, the memorial was referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, Ben W. Olcott, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of senate joint memorial No. 7 with the original thereof filed in the office of the secretary of state of the State of Oregon on the 18th day of February, 1915, and that the same is a full, true, and complete transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 18th day of February, A. D. 1915.

[SEAL.]

BEN W. OLCOTT,
Secretary of State,
By S. A. KOZER, *Deputy.*

Senate joint memorial No. 7.

To the honorable Senate and House of Representatives of the United States of America:

Your memorialists, the Legislature of the State of Oregon, respectfully represent that—

Whereas there is a limit on the amount of money that may be deposited by any person in the postal savings banks of the United States; and

Whereas the rate of interest paid by the Federal Government upon such deposits is 2 per cent per annum; and

Whereas the postal savings are loaned to private banks at the rate of 2½ per cent: Therefore be it

Resolved by the senate (the house of representatives concurring), That our Representatives and Senators in Congress be, and are hereby, memorialized and requested to use their best endeavors to secure the passage of a law providing that all limitations upon the amount that may be deposited in postal savings banks be removed, and that the rate of interest paid by the Federal Government upon such deposits be increased to 3 per cent per annum; and further

Resolved, That the money that may hereafter be deposited in postal savings banks shall be used as a basis for the formation of a rural-credit system in this country.

Adopted by the house February 16, 1915.

BEN SELLING,
Speaker of the House.

Adopted by the senate February 9, 1915.

W. LAIR THOMPSON,
President of the Senate.

(Indorsed:) Senate joint memorial No. 7, by Senator Dimick. J. W. Cochran, chief clerk. Filed February 18, 1915, at 10.50 o'clock a. m. Ben W. Olcott, secretary of state, by S. A. Kozer, deputy.

Mr. LANE. I present a memorial of the Legislature of Oregon, relating to salmon and other food fishes in the Columbia River, Oreg., which I ask may be printed in the RECORD and referred to the Committee on Fisheries.

There being no objection, the joint memorial was referred to the Committee on Fisheries and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, Ben W. Olcott, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate concurrent resolution No. 5 with the original thereof filed in the office of the secretary of state of the State of Oregon on the 20th day of February, 1915, and that the same is a full, true, and complete transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capital, at Salem, Oreg., this 20th day of February, A. D. 1915.

[SEAL.]

BEN W. OLCOTT.
Secretary of State.
By S. A. KOZER, *Deputy.*

Senate concurrent resolution No. 5.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Whereas the Legislatures of the States of Oregon and Washington did appoint committees from their respective bodies to confer each with the other and to recommend legislation necessary to be provided for the regulation, preservation, and protection of salmon and other food fishes in the waters of the Columbia River, over which the States of Washington and Oregon have concurrent jurisdiction, and over waters within the boundaries of said States which might be of concurrent interest; and

Whereas said committees did meet in Portland, Oreg., on the 6th day of February, 1915, and did agree on the necessary measures and legislation to be enacted by the Legislatures of the States of Washington and Oregon, and in their reports to their respective bodies did recommend, "We further recommend that a resolution be passed by the Legislatures of Washington and Oregon whereby the ratification by Congress of the laws of the States of Oregon and Washington shall act as a treaty between said States, subject to modification by joint agreement by said States"; and

Whereas said report was adopted by both the house of representatives and the senate by the passage of senate concurrent resolution No. 4; and

Whereas the legislature did fulfill the recommendations by enactment of senate bill No. 265, which, in section 20, reads as follows:

"Section 20. Should Congress, by virtue of the authority invested in it under section 10, Article I, of the Constitution of the United States, providing for compacts and agreements between States, ratifying the recommendations of the conference committees of the States of Oregon and Washington appointed to agree on the legislation necessary for the regulation, preservation, and protection of fish in the waters of the Columbia River, over which said States have concurrent jurisdiction, and other waters within either State which would be affected by said concurrent interest, recommendation being as follows:

"'We further recommend that a resolution be passed by the Legislatures of Washington and Oregon whereby the ratification by Congress of the laws of the States of Oregon and Washington shall act as a treaty between said States, subject to modification only by joint agreement by said States'; and said recommendation having been approved by resolution adopted by adopting the report of the conference committee, then, and in that event, there shall exist between the States of Oregon and Washington a definite compact and agreement, the purport of which shall be substantially as follows:

"All laws and regulations now existing or which may be necessary for regulating, protecting, or preserving fish in the waters of the Columbia River, over which the States of Oregon and Washington have concurrent jurisdiction, or any other waters within either of said States which would affect said concurrent jurisdiction, shall be made, changed, altered, and amended, in whole or in part, only with the mutual consent and approbation of both States": Therefore be it

Resolved (the house concurring), That we urge upon Congress of the United States of America to enact appropriate legislation ratifying and confirming the compact and giving its consent to the compact and agreement between the States of Washington and Oregon as is required by section 10 of Article I of the Constitution of the United States of America.

Concurred in by the house February 19, 1915.

BEN SELLING,
Speaker of the House.

Adopted by the senate February 16, 1915.

W. LAIR THOMPSON,
President of the Senate.

(Indorsed:) Senate concurrent resolution No. 5, by Senator Bingham; J. W. Cochran, chief clerk. Filed: February 20, 1915, at 10.45 o'clock a. m. Ben. W. Olcott, secretary of state, by S. A. Kozer, deputy.

Mr. OLIVER presented petitions of sundry citizens of Pennsylvania, praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of Pennsylvania, remonstrating against the enactment of legislation restricting the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the congregations of the Methodist Episcopal Church of Wilmerding, and of St. John's Evangelical Lutheran Church, of Carnegie, in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented a petition of the Philadelphia Yearly Meeting of the Religious Society of Friends, representing a membership of 10,000 persons resident in the States of Pennsylvania, New Jersey, and Delaware, praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, etc., which was referred to the Committee on Interstate Commerce.

Mr. BRISTOW presented petitions of sundry citizens of Barnes and Hillsboro, in the State of Kansas, praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Sterling, Kans., remonstrating against the exclusion of certain matter from the mail, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Topeka, Kans., praying for the amendment of the pension laws, etc., which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Lakin, Kans., praying for the amendment of the public-land laws with regard to the grazing of cattle, which was referred to the Committee on Public Lands.

Mr. SHIVELY presented petitions of the Westminster Guild, of Bedford; of the congregation of the Presbyterian Church of Bedford; of the Woman's Missionary Society of Bedford; and of sundry citizens of Mishawaka, all in the State of Indiana, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Woman's Club of Mishawaka, Ind., remonstrating against the shipment of American horses to the belligerents engaged in the present European war, which was referred to the Committee on Foreign Relations.

He also presented petitions of the congregations of the Friends' Church, of Fairmount; of the First Congregational Church of Fairmount; of the First Methodist Episcopal Church

of Upland; of the Morris Chapel Church, of Marion; of the Swayzee Street United Brethren Church, of Marion; of the Friends' Church, of Upland; of the teachers of the graded schools of Fairmount; of the Woman's Foreign Missionary Society of the Friends' Church, of Fairmount; of the Epworth League of the Methodist Episcopal Church of Sweetser; of the students of Taylor University, of Upland; and of the Woman's Christian Temperance Unions of Greentown, Milo, Marion, Plainfield, Deer Creek, and Sweetser, all in the State of Indiana, praying for the enactment of legislation to provide Federal censorship of motion-picture films; which were referred to the Committee on Education and Labor.

DENNIS M. KERR.

Mr. JOHNSON, from the Committee on Pensions, to which was referred the amendment submitted by Mr. MCCUMBER (for Mr. SHIVELY) on the 25th instant proposing to appropriate $1,200 to pay Dennis M. Kerr for extra and expert services rendered to the Committee on Pensions during the third session of the Sixty-third Congress, etc., intended to be proposed to the general deficiency appropriation bill (H. R. 21546), reported favorably thereon and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NORRIS (for Mr. KENYON):

A bill (S. 7740) authorizing and directing the Secretary of Agriculture to ascertain the real value for breeding and other purposes of stock destroyed by reason of foot-and-mouth disease and make settlement on that basis; to the Committee on Agriculture and Forestry.

By Mr. BURLEIGH:

A bill (S. 7741) granting an increase of pension to Gilman P. Lombard; to the Committee on Pensions.

By Mr. JOHNSON:

A bill (S. 7742) authorizing the St. Croix Water Power Co., of Maine, and the Sprague's Falls Manufacturing Co. (Ltd.), of Canada, to operate a dam across the St. Croix River at Baileyville, Me.; to the Committee on Commerce.

By Mr. JAMES:

A bill (S. 7743) to incorporate the Ellen Wilson Memorial Homes; to the Committee on Corporations Organized in the District of Columbia.

AMENDMENTS TO GENERAL DEFICIENCY APPROPRIATION BILL (H. R. 21546).

Mr. CLARKE of Arkansas submitted an amendment proposing to appropriate $50,000 for the erection of a post-office building at Forrest City, Ark., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SIMMONS submitted an amendment proposing to pay Joseph S. McCoy $500 for additional services to the Committee on Finance, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Finance and ordered to be printed.

Mr. SMOOT submitted an amendment proposing to appropriate $4,200 to reimburse the Official Reporters of the Senate for extra expenses, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. LODGE submitted an amendment proposing to appropriate $11,709.69 to enable the Secretary of the Treasury to carry out the provisions of an act for the relief of Samuel Butter & Co., approved March 3, 1913, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

WITHDRAWAL OF PAPERS—HARVEY J. ARTERBURN.

On motion of Mr. BRISTOW, it was

Ordered That the papers filed with Senate bill 6253, granting a pension to Harvey J. Arterburn, be withdrawn from the files of the Senate, no adverse action having been taken thereon.

POST OFFICE APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 19906) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1916, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BANKHEAD. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. BANKHEAD, Mr. SWANSON, and Mr. PENROSE conferees on the part of the Senate.

DISTRICT OF COLUMBIA APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives receding from its disagreement to the amendment of the Senate No. 105 to the bill (H. R. 19422) making appropriations for the government of the District of Columbia for the fiscal year ending June 30, 1916, and for other purposes, insisting upon its disagreement to all other amendments to the bill and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SMITH of Maryland. I move that the Senate further insist upon its amendments, agree to the further conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SMITH of Maryland, Mr. LEA of Tennessee, and Mr. GALLINGER conferees at the further conference on the part of the Senate.

ARMY APPROPRIATIONS.

Mr. CHAMBERLAIN. I present the conference report on the Army bill and ask that it be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20347) making appropriations for the support of the Army for the fiscal year ending June 30, 1916, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 7, 8, 9, 10, 11, 12, 13, 14, 17, 18, 21, 28, 29, 30, 38, 50, 60, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 102, 103, and 105.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 6, 15, 16, 25, 27, 31, 33, 34, 37, 39, 40, 43, 44, 45, 46, 48, 51, 54, 56, 59, 62, 64, 69, 89, 90, 93, 94, 95, 96, 97, 98, 99, 100, 101, 104, 106, 108, 109, and 111, and agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$7,800,000"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$18,200,000"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,050,000"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,200,000"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "Three clerks, at $2,000 each per annum"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$312,690"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$225,000"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ": *Provided*, That hereafter the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to transfer to the active list of the Army any officer under 50 years of age and with rank not above that of captain who may have been transferred heretofore or who may be traus-

ferred hereafter for physical disability from the active to the retired list of the Army by the action of any retiring board: *Provided*, That such officer shall be transferred to the place on the active list which he would have had if he had not been retired, and shall be carried as an additional number in the grade to which he may be transferred or at any time thereafter promoted: *Provided further*, That such officer shall stand a satisfactory medical and professional examination for promotion as now provided for by law: *Provided further*, That the President be, and he is hereby, authorized, within two years of the approval of this act, by and with the advice and consent of the Senate, to transfer to the active list of the Army any officer who may have been transferred heretofore for physical disability from the active to the retired list of the Army by the action of any retiring board: *Provided*, That such officer shall be transferred to the place on the active list which he would have had if he had not been retired, and shall be carried as an additional number in the grade to which he may be transferred or at any time thereafter promoted: *Provided further*, That such officer shall stand a satisfactory medical and professional examination for promotion as may be prescribed by the Secretary of War: *Provided further*, That any officer who may have already been transferred from the retired list to the active list shall receive the benefits of this act"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$640,000"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: Restore the word stricken out by said amendment and thereafter insert a comma, so that it will read: "veterinarians, members of the Nurse Corps"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: On page 15, line 25, of the bill strike out the comma after the amount "$100,000"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$65,000"; and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "*Provided*, That the permanent captains of the Porto Rico Regiment of Infantry now holding commissions as such in said regiment shall be recommissioned as captains of Infantry of the United States Army, to take rank on the lineal list of officers of Infantry immediately after the junior officers of the same grade whose total commissioned service equals or exceeds theirs: *Provided further*, That those officers of the Porto Rico Regiment of Infantry, recommissioned as captains of Infantry, whose total commissioned service is less than that of any officer of Infantry of the next lower grade, shall not advance on the lineal list of captains of Infantry, nor on the relative list of officers of the United States Army, until such time as there no longer remains on the lineal list of officers of Infantry any officer of the next lower grade of equal or greater length of total commissioned service and shall take rank in the grade of captain on the lineal list of officers of Infantry and on the relative list of officers of the United States Army immediately after the juniors in rank of such officers of Infantry of equal or greater total commissioned service: *Provided*, That for the purpose of this act total commissioned service shall include commissioned service in the Regular Army, in the Volunteers, in the Porto Rico Provisional Regiment of Infantry, and in the Porto Rico Regiment of Infantry, and that the commissioned service of those officers of the Porto Rico Regiment of Infantry who were officers of the Porto Rico Provisional Regiment of Infantry, shall be counted as continuous and uninterrupted between the 29th day of June, 1908, and the 31st day of December, 1908"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,943,384.64"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,661,360"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,872,163"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,067,558"; and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,626,518"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$1,656,254"; and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$165,000" and strike out the rest of the amendment; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ": *Provided further*, That on and after October 1, 1915, no officer or enlisted man of the Army shall, except upon his own request, be required to serve in a single tour of duty for more than two years in the Philippine Islands, nor more than three years in the Panama Canal Zone, except in case of insurrection or of actual or threatened hostilities: *Provided further*, That the foregoing provision shall not apply to the organization known as the Philippine Scouts"; and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,693,000"; and the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: Strike out the matter inserted by said amendment; and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$45,000"; and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "*Provided*, That hereafter when one bureau of the War or Navy Departments procures by purchase or manufacture stores or material of any kind or performs any service for another bureau of such departments the funds of the bureau or department for which the stores or material are to be procured or the service performed may be placed subject to the requisition of the bureau or department making the procurement or performing the service for direct expenditure by it: *Provided*, That when the stores being procured are for current issue during the year stores of equal value may be issued from stock on hand in place of any of those aforesaid"; and the Senate agree to the same.

On the amendments of the Senate numbered 19, 58, 70, 107, 112, 113, 114, 115, 116, and 117 the committee of conference have been unable to agree.

GEO. E. CHAMBERLAIN,
DUNCAN U. FLETCHER,
HENRY A. DU PONT,
Managers on the part of the Senate.

JAMES HAY,
S. H. DENT, Jr.,
JULIUS KAHN,
Managers on the part of the House.

Mr. SMOOT. Mr. President, I desire to ask the Senator what are the amendments upon which the conferees have not been able to agree?

Mr. CHAMBERLAIN. They are about four or five in number.

Mr. SMOOT. What subjects do they deal with?

Mr. CHAMBERLAIN. We disagree on the $26,000 appropriation for the State of Montana, for the purchase of ground for a military reservation out there. We disagree as to the item of $200,000 for the purchase of grounds, and $200,000 further for the construction of buildings on the aviation grounds in California. We differ on the so-called Taylor system, the amendment of the House which was stricken out in the Senate; and we differ on the Articles of War. The Articles of War embrace 4, 5, 6, or 7 of the last items mentioned in the disagreement.

I move that the Senate further insist upon its amendments still in disagreement, ask a further conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. CHAMBERLAIN, Mr. FLETCHER, and Mr. DU PONT conferees at the further conference on the part of the Senate.

NAVAL APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20975) making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes.

The VICE PRESIDENT. The pending question is on the motion of the Senator from Massachusetts [Mr. LODGE] to amend the committee amendment on page 30. On that question the yeas and nays have been ordered. The Secretary will state the amendment.

The SECRETARY. Mr. Lodge moves to amend the amendment of the committee, which was offered as a substitute, by striking out the following:

> Section 9 of the naval personnel act of March 3, 1899, entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," be, and the same is hereby, repealed.

Mr. GALLINGER. That, Mr. President, as I understand, is a part of the text of the House bill as it came to the Senate. I desire to be heard for a few moments on the motion.

Mr. BRYAN. Mr. President, before the Senator from New Hampshire proceeds I should like to submit a parliamentary inquiry.

Mr. GALLINGER. I yield to the Senator for that purpose.

Mr. BRYAN. Mr. President, page 4625 of the RECORD shows that the Chair announced:

> The ayes seem to have it.

The Senator from Minnesota [Mr. CLAPP] then said:

> I ask for the yeas and nays.

Immediately the Senator from Virginia [Mr. SWANSON] asked for a division a division was granted; and after the Senate divided the Chair announced:

> The motion of the Senator from Massachusetts is carried.

My parliamentary inquiry is, Has not the Senate already agreed to the LODGE amendment, and can a Senator wait until after the question is tested on a division and an adverse decision has been rendered, and then ask for the yeas and nays?

Mr. CLAPP. Mr. President——

The VICE PRESIDENT. The Senator from Minnesota.

Mr. CLAPP. When that matter came up upon the viva voce vote I asked for the yeas and nays. Pending that the Senator from Virginia asked for a division, and the Chair put the question on the division. As soon as that was through with, I demanded the yeas and nays, and the Chair announced a sufficient number of hands up.

Mr. BRYAN. Mr. President, it does not make any difference how many seconded the demand or who asked for the yeas and nays, the question is whether the yeas and nays were ordered before the question was determined. They were not so ordered.

Mr. SWANSON. Mr. President, I will submit this suggestion to the Chair: The inquiry of the Senator from Florida, which amounts to a point of order, comes entirely too late. The Senate has ordered the yeas and nays. At that time, or before the yeas and nays had been ordered on the demand for them, the Senator might have made the point of order, but the point of order must be made before action is taken; and the Senate has ordered the yeas and nays.

I will say, in addition, that the RECORD will show that the Senator from Minnesota demanded the yeas and nays on the viva voce vote. Of course, it ought to have taken precedence of the demand for a division, if it had been seconded, but there was some confusion, and I am satisfied the Senator from Colorado [Mr. SHAFROTH], who was presiding at the time, believed that the Senator from Minnesota was in ample time to have the yeas and nays ordered.

The VICE PRESIDENT. Is this on page 4625 of the RECORD?

Mr. BRYAN. Yes.

The VICE PRESIDENT. In the second column?

Mr. BRYAN. Yes.

The VICE PRESIDENT. There does not seem to have been any decision of the Chair that it was carried.

Mr. BRYAN. Oh, yes; there was.

The VICE PRESIDENT. Where is it?

Mr. GALLINGER. Mr. President, supposing the Chair said the amendment was carried on a division, and then a demand was made for the yeas and nays, the demand, of course, ought to have been entertained.

Mr. BRYAN. About midway on the page the Presiding Officer says:

> Those who are opposed will rise. [A pause.] The motion of the Senator from Massachusetts is carried.

Now, Mr. President, everybody here knows why a division was asked instead of a demand for the yeas and nays.

The VICE PRESIDENT. It appears, however, that subsequently the Senator from Minnesota called for the yeas and nays, that the yeas and nays were ordered, and that no protest was made at the time.

Mr. BRYAN. There was some confusion. The point is, Mr. President, that after the question has been determined the only way to reopen it is by a motion to reconsider.

The VICE PRESIDENT. Well, the yeas and nays appear from the RECORD to have been ordered, and there was no objection taken at the time. So the Chair thinks the roll must be called.

Mr. GALLINGER. Mr. President, on that point I will express surprise that the Senator from Florida should claim, even though it had been announced when the Senate divided that the ayes had it, that a demand for the yeas and nays could not then be entertained. It is so plain a matter that I am surprised that so experienced a legislator as the Senator from Florida should raise that question.

Mr. BRYAN. Mr. President, will the Senator pardon me a further suggestion?

Mr. GALLINGER. Certainly.

Mr. BRYAN. The question was put to the Senate, and the vote was taken viva voce. The Chair said, "The ayes seem to have it." If the Senator from Minnesota then had any doubt that was the proper time for him to ask for the yeas and nays, so as to get a record vote. That was not done, but the Senate contented itself by determining the question upon a division, and after the question was so determined and the result announced by the Chair, I do say it was too late to ask for the yeas and nays.

Mr. STONE. Mr. President, I thought there was a constitutional right to have the yeas and nays.

Mr. GALLINGER. I had supposed so, too.

Mr. SWANSON. Mr. President——

Mr. GALLINGER. Now, Mr. President, I will proceed.

It is a matter of regret to me that I was unavoidably detained from the Senate last evening, for the reason that I have very pronounced opinions on the question that is now before the Senate, which I would have been glad to have presented when the matter was under debate last evening and which I will now briefly submit. I have run over the RECORD of this morning as hurriedly as what little leisure I have had would permit me to do, and have thus acquainted myself to some extent with what occurred last night. I regret that the speech of the junior Senator from Massachusetts [Mr. WEEKS] is not in the RECORD, because that might have enlightened me to a considerable extent as to the position that some Members of this body take on this important question.

Mr. President, I have long been of the opinion that the plucking board is an institution that ought to be abolished. I look upon it as an un-American, un-Democratic, un-Republican institution. It is an institution that enables a few men, however well meaning they may be and however honest they may be, to work their prejudices and their prepossessions to the disadvantage of individual officers of the Navy; and I want to suggest that a board that can force out of the service men like Veeder and Gibbons and Hill and Rust, when they are in the full possession of their physical and mental faculties, for the purpose of making way for the promotion of men who have recently graduated from the Naval Academy, is something that ought not to be tolerated.

I do not say that there ought not to be some other method, and I think very likely some other method can be worked out

if this board shall be abolished; but I do say that putting in the hands of a few officers the power arbitrarily and ruthlessly to drive from the service officers as experienced and as able as those I have named is something that the American people ought to get rid of.

Why, Mr. President, I know personally of one man who suffered almost the tortures of the Inquisition when he sat on that board. He knew what was going to happen. He knew that a certain officer had been marked for slaughter, and he could not sleep while the process was being gone through with. He knew that the action that was to be taken was a wrong action; that a man was going to be driven out who ought to have been retained in the service.

Mr. President, this is something that we ought to look at very seriously. These men are driven from the service under conditions that are not tolerated in reference to the messengers in our departments. We can not discharge a messenger, or a charwoman for that matter, under our civil-service laws or regulations, without giving them an opportunity to be heard; but we can take a man who for 20 or 25 years has been in the service of the United States Government, who has navigated a ship, who has performed admirable service during all that long period of time, and we can practically expel him from the service, and he has not a word to say about it save to accept the sentence and the punishment. I do not believe in it. I never have believed in it; and I hope Senators will look at this matter with unprejudiced and unbiased minds, uninfluenced by the pressure that is upon every one of us to-day in relation to this matter, because I have felt it, and I apprehend other Senators have felt it.

I notice that the old matter of a "hump" in the service was brought into the discussion last evening. If there is a "hump" in the service I submit that that "hump" ought not to be removed by taking out of the service men like Veeder and Gibbons and Rust and Hill. When we got rid of that "hump," then each Member of both Houses of Congress was permitted to nominate two midshipmen instead of one, as formerly, for the purpose of increasing the officers of the Navy. There seems to be a great desire to make rapid promotions of these young men and to get rid of the older and experienced officers of this important arm of the military service of the Government. I think it is a mistake that we ought to remedy at the present time, and we can remedy it only by agreeing to the provision of the House bill which gets rid of this so-called plucking board, and which the Senator from Massachusetts [Mr. LODGE] moves to strike out. If we abolish this plucking board, and it is desirable to do so, we can then adopt a more reasonable, rational, and better method for meeting any emergency that may exist in the naval service. That better system, whatever it may be, never will be accomplished so long as this board exists; but it will be accomplished, in my judgment, if we act wisely and abolish this board, thus giving us an opportunity to devise some means that is better calculated to do justice to these men who have earned honorable promotion in the naval service of the country.

Mr. President, it is an extraordinary thing that we should put in the hands of a few men an opportunity to drive men from the service on technicalities, on prejudices, on prepossessions, whose acquirements as officers of the Navy are established and acknowledged. I know one man who was retired from the service by this board, and the only explanation given was that he was somewhat petulant; that he had not always been courteous to his subordinates. He was marked for slaughter, and he was slaughtered, and yet that man has a record that any citizen of this Republic might well wish to have attached to his name as a public servant. I know that all the record of that man was not placed before the board. It has been admitted at a hearing that his entire record was not placed before the board, and yet I observe that on last evening honorable Senators declared that there never had been an instance where any injustice had been done one of these men by withholding any portion of his record.

Mr. President, all I want, all I have ever contended for in matters of this kind, is that we should deal justly and fairly and honorably when we come to dispose of important questions such as are now before the Senate. I apprehend that we could organize a board here to-day to pass upon the qualifications and the conduct of Members of this body, and if we did that the men who would be slaughtered would be the men against whom prejudices or personal animosities exist in the Senate. It is giving too much power to a few men. It enables them to do rank injustice to their associates in the service. The fact that the men I have named and others have been driven from the service in this way when they were at the zenith of their physical and mental powers, and were able to continue to do valiant and honorable service for their country, renders unnecessary any extended argument on my part to show that it is a power that ought to be curtailed, or, better still, entirely taken away from a board of this kind, and that they should not be permitted to go on doing injustice to honorable and upright men.

Mr. President, as I suggested a moment ago, the influence that is being exerted is perhaps irresistible. Perhaps it can not be stemmed, and this injustice will be continued; but it will not be continued without a protest on my part, which I desire to make in the most emphatic manner, declaring it as my opinion that so long as this board lasts injustice will be done, harm will come to the service, and no good can possibly result.

The House of Representatives took up this matter with great care. They had hearings on the subject, and by an overwhelming vote they came to the conclusion that it was desirable that this legislation should be enacted, and if Senators will give careful consideration to the subject I feel sure that the action of the House will be concurred in.

Mr. OLIVER. Mr. President, will the Senator yield for a question?

Mr. GALLINGER. I yield to the Senator from Pennsylvania.

Mr. OLIVER. I will ask the Senator what objection he has to the proposition of the Senate committee, which, it seems to me, would substitute something less rigorous than the present rule, and would repeal the present rule?

Mr. GALLINGER. I have not examined that carefully. The Senate committee reported favorably on the action that the House had taken; and I have been somewhat surprised that after that report, coming from that great committee, there should be such determined opposition to it in the Senate. The provision of the House comes to us in the report that the Senate committee made, and I suppose the Senate committee gave consideration to it before reporting the bill. I do not believe any modification can be made of this matter so long as this arbitrary board continues in existence that will meet the requirements of the case. Abolish the board, do what the House has done in the matter, and then will be the time to consider whether we can legislate into existence a more reasonable, fair, and satisfactory method of dealing with the troubles in the Navy, if any exist, in this direction.

For my part, I do not believe there is any need of driving these men from the service. They will be forced by law to retire at an age much below that at which I think the retirement age ought to be placed. But when men of the age of 45 or 50 or 55, who are in the full possession of their intellectual and physical capacities, are arbitrarily retired from the service and put on the pay roll as long as they live, apparently for the simple purpose of giving younger men an opportunity to rise more rapidly in their profession, I believe it is a system that, as I said a moment ago, is unrepublican, undemocratic, un-American, and ought not to be continued.

Mr. President, I think if Senators would carefully look at the pay roll of the retired officers' list at the present time they would be startled into the conviction that we ought not to increase that pay roll by mustering out of the service men who are able to perform satisfactorily their duties as officers of the Navy. Let the amendment of the Senator from Massachusetts be defeated.

Mr. BRYAN. Mr. President, like the Senator from New Hampshire [Mr. GALLINGER], I regret very much that the remarks of the junior Senator from Massachusetts [Mr. WEEKS] do not appear in the RECORD this morning. Again, it is a matter of regret, though the necessities of the case bring it about, that Senators can not remain in the Chamber during the discussion of an important proposition like this, and therefore we act upon it without full information.

The speech of the junior Senator from Massachusetts last night demonstrated that this question is of enough importance to require the careful consideration of Congress before section 9 of the personnel act is repealed. That is one objection to having this important general legislation acted upon when we are in a rush and considering an appropriation bill.

The Senator from New Hampshire has expressed his surprise that any member of the Committee on Naval Affairs should rise here to oppose the action recommended by that committee. I think I can explain to him how that might easily come about. I was in favor and a number of other members of the committee were in favor of striking out the provision repealing section 9; but as between a repeal with nothing to take its place and a repeal coupled with some other provision of like character to that its place, of course I preferred that some other board or some other method should be established in order that these men might be retired from the service.

The Senator from New Hampshire says that section 9 is undemocratic and unrepublican; that the action taken is arbi-

trary; that there is a spirit of revenge in it; otherwise, I suppose there is no objection to it. Let us see, Mr. President. What is the provision of section 9? That this board, popularly called the plucking board, shall consist of five rear admirals; that—

Each member of said board shall swear or affirm that he will, without prejudice or partiality, and having in view solely the special fitness of officers and the efficiency of the naval service, perform the duties imposed upon him by this act.

Mr. GALLINGER. Mr. President, will the Senator permit me?

Mr. BRYAN. Certainly.

Mr. GALLINGER. As I understand this matter, and I do not claim to be very well versed in naval matters, 15 officers have to be arbitrarily retired. Is not that true?

Mr. BRYAN. Not necessarily.

Mr. GALLINGER. Well that is the understanding?

Mr. BRYAN. No.

Mr. GALLINGER. They have to bring up the number to 40 each year.

Mr. BRYAN. That is right.

Mr. GALLINGER. Will the Senator permit me to read a few lines when the cases of Capts. Gibbons, Hill, and Leonard were being considered by another body? A letter addressed to Hon. LEMUEL P. PADGETT, of the House of Representatives, who is chairman of the Committee on Naval Affairs, reads as follows:

ANNAPOLIS, MD., *July 21, 1914.*

The Hon. LEMUEL P. PADGETT,
House of Representatives, Washington, D. C.

MY DEAR SIR: Capt. F. K. Hill, who has recently been retired by the plucking board, served under me as chief of staff during my command of the Atlantic Fleet. He performed his duties most efficiently in every particular.

From my intimate acquaintance and official association with Capt. Hill during the past 20 years, I am convinced that he has no superior professionally among officers of command rank, and I believe this to be the judgment of a large majority of the officers of the Navy. From his early years in the Navy he has displayed marked aptitude and efficiency. He has been a close and intelligent student of naval progress and development, and is a thoroughly equipped, all-round officer.

His retirement is a distinct loss to the service. I would, therefore, invite your careful attention to his record and career in the Navy, feeling sure that it will convince you that a great injustice has been done to this efficient and capable officer. It can not be in the best interest of the service to retire two officers of the capacity and efficiency of Capts. Hill and Gibbons.

Very respectfully,

H. OSTERHAUS,
Rear Admiral, United States Navy.

Now, Mr. President, I think I was justified in saying that this plucking board, which is compelled to retire a certain number of officers every year, does do great injustice in many cases to highly capable and efficient officers of the Navy apparently for the single purpose of permitting younger and less capable and less efficient officers to be more rapidly promoted than they otherwise would be.

Mr. DU PONT. Will the Senator yield to me for a question?

Mr. BRYAN. Certainly.

Mr. DU PONT. I should like to ask whether the finding of the plucking board is simply the finding of a majority of that board?

Mr. BRYAN. I will come to that in just a few minutes, if the Senator will allow me. Here are five men, selected because of their official fitness, selected because of their acquaintance with the officers who come up for promotion. I do not know who constituted the plucking board last June, but I have here a list of the officers who constituted the plucking board in 1913. It was stated before the Committee on Naval Affairs that they were selected from widely separated localities:

The board was appointed as follows: Rear Admiral Ward, from New York; Rear Admiral Southerland, recently from the Pacific Fleet; Rear Admiral Knight, commander in chief of the Atlantic Reserve Fleet at Philadelphia; Rear Admiral Winslow, commanding second division Atlantic Fleet; Rear Admiral Fletcher, commanding third division Atlantic Fleet. Commander Pollock, who had recently come from sea to duty at the Naval Observatory, was made recorder.

Those five men, under oath that they would consider only the efficiency of the Navy, that they would not allow any personal feeling to enter into their deliberations, retired each year a certain number of officers under the law—not that those officers would be incapable of performing the duties of the grades, but that the retirement may be made in order that the upper grades may be in command of men at a time of life when they can render efficient service, and in order that the grade of rear admiral may not be filled up with men who will stay there until they reach the retiring age.

No great hardship is done to a man retired by the plucking board. He gets three-fourths of his pay.

Now, there is another provision which I believe Senators have overlooked. I will read the language of the law:

Its finding—

That is, the findings of the plucking board—

which shall be in writing, signed by all the members—not less than four governing—shall be transmitted to the President, who shall thereupon by order make the transfers of such officers to the retired list as are selected by the board.

Mr. President, suppose one or two of those officers have a personal feeling against men coming up for consideration or for promotion, this law is so drawn that four out of the five men must concur before any recommendation is made for the detachment from the service.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Ohio?

Mr. BRYAN. I will yield in just a moment.

It is not a mere majority of the board that acts, but four must concur in the judgment reached by the board before the retirement takes effect. When they get through, that is not all. If you say that four out of the five of the commanders of the three fleets of the Navy would be so small, so unfair as to select out for retirement a man whom they ought not to select, that they would do that thing under oath, then you have to go a step further; you have to say that the President of the United States, who reviews their action, would not be governed by the interests of the service.

Mr. President, every navy in the world has some method of retiring officers in order that the service may be kept efficient. As I said last night, this act was passed just after the Spanish-American War, and grew out of the experiences in that way; because I have heard it stated, and I have no doubt it is true, that men who ordinarily and in the natural order of things would command battleships themselves were not willing to assume charge of a battleship, and they stood aside for younger officers, for men who had been at sea. The men in these higher grades had not had the sea service that would commend itself to the Navy Department. They did not have the sea service that would make them feel themselves that they were competent to command a ship at sea in war.

Mr. GALLINGER. Will the Senator permit a question?

Mr. BRYAN. Certainly.

Mr. GALLINGER. Whose fault was it that they did not have adequate sea service?

Mr. BRYAN. It was because we did not have any method of retiring incapable officers. That was the opinion of Congress when it passed the act.

Mr. GALLINGER. The Senator says they did not have a sufficient amount of sea service. Whose fault was it?

Mr. BRYAN. Unless you have some method of retirement they will go on in the natural order of promotion; and if you repeal this section and do not substitute anything in its place, you will have this situation, that men now in the grade of rear admirals will stay there; nobody can come to that grade. The officers in the lower grades will remain. As one is retired by the age limit the captain will take his place and be retired almost immediately. So you would not have men with the experience they ought to have and that this act was designed to compel them to have. That is the reason.

I have never said, and I heard nobody say here last night, that mistakes were never made by the plucking board. I suppose they have been made, and I suppose they will continue to be made if the board is allowed to remain in existence; but that they are actuated by revenge, that they are actuated by anything except the best interests of the service, I do not believe. I can not see how men of the character and standing of the men who constitute the plucking board could stoop to commit any of the offenses charged against them. If they do that thing, they themselves ought to be retired; they ought to be court-martialed and put out of the service. It is a serious charge to make against the flag officers who go upon this board. The Navy Department stated that they took the officers who constituted this board from as widely separated a field as possible, so that they will not have the personal animosity that might be suspected from close contact and association.

Mr. GALLINGER. Will the Senator permit me? I suppose the Senator knows Admiral Osterhaus.

Mr. BRYAN. I know Admiral Osterhaus.

Mr. GALLINGER. Admiral Osterhaus seems to think they did act very badly in retiring the officers whose names I have read.

Mr. BRYAN. How long has Admiral Osterhaus been retired?

Mr. GALLINGER. That I can not state.

Mr. BRYAN. A good many years.

Mr. GALLINGER. I do not know.

Mr. BRYAN. Admiral Osterhaus has seemed to have the same sympathy for a man who feels he has been aggrieved that anybody else would have. Admiral Osterhaus came before the Committee on Naval Affairs and said it was wrong; that we ought to place a man in the grade of rear admiral who in the grade of captain had had but nine and a half months of sea duty. It was his friendship for the man, and Admiral Osterhaus was not on oath acting on a plucking board to select out a certain number of men from men all of whom it may be assumed are efficient. Somebody had to go.

Mr. GALLINGER. Mr. President, I will ask the Senator another question. I may not be well informed on the matter. If it is necessary to force these men out of the service arbitrarily to make room for younger men, why is it not done in the Army?

Mr. BRYAN. The Senator has been here a great deal longer than I have. I do not know why he has not had it done. I understand that in the Army the promotion is left to the President.

Mr. GALLINGER. Certainly.

Mr. BRYAN. I am sorry the Senator did not hear the speech of the junior Senator from Massachusetts [Mr. WEEKS] last night, in which he spoke of the necessity for a feeling of goodfellowship to exist among men of the Navy, and that this was the least objectionable form that had been devised; that there is great complaint in the Army when a lieutenant is promoted to brigadier general.

Mr. GALLINGER. A lieutenant is never promoted to a brigadier general.

Mr. BRYAN. That was an illustration the junior Senator from Massachusetts used.

Mr. STONE. Gen. Wood was promoted over a great many officers.

Mr. GALLINGER. Yes.

Mr. STONE. And he has, in my opinion, made a most excellent officer.

Mr. GALLINGER. So, if we imitated that custom in the Army, we would leave it to the President to promote these younger naval officers, if he saw proper.

Mr. BRYAN. Some method must be provided for promotions. I do not suppose even the Senator from New Hampshire would want to leave it to a popular election to say who would be promoted and who would not be.

Mr. GALLINGER. Oh, no.

Mr. BRYAN. I can not conceive how it can be supposed that Congress can better determine as between the individual merits of the men in the naval service than officers associated with them, than the Navy Department, whose business it is to know what it is doing when it detaches a man from the service.

Mr. POMERENE. Mr. President, the Senator from Florida a few moments ago suggested in substance that if there were one or two members of this plucking board who did have a personal feeling against an officer whose case was being considered by the board, it was only necessary to have a report signed by four of the members of the board in order to place the officer on the retired list.

Mr. BRYAN. No; I did not say exactly that. In order that the report may be made operative the evidence must be submitted to the President, and the President must approve before any man can be detached from the service.

Mr. POMERENE. That is practically the same thing. If any man can sit on this board who has a personal feeling against any officer whose case is being considered by that board, then the rules which control the action of that board ought to be changed, and if any member who sits upon this board has a personal feeling against any man whose case is being considered by the board, he ought not to sit for one minute.

Mr. BRYAN. I agree with the Senator. I do not know that that condition has ever existed. It ought not to exist.

Mr. POMERENE. It does seem to me that this board has had a rather poor conception of its duty. I want to say a word on this subject with reference to one case to which I have given some little attention, and that is the case of Capt. Hill. I hold in my hand a report from the House committee written apparently by Representative BRITTEN, of the Committee on Naval Affairs. He says, with reference to Capt. Hill, that the committee "came to the unanimous conclusion that Capt. Hill's retirement was unjustified; that his retirement detracted considerably from the present efficiency of the Navy; that his retirement was caused by his energetic criticism of his superiors in demanding constructive reforms in the Navy from time to time, all of which with one exception have been carried into effect."

That is, he was a man who knew something, who had some initiative, and discovered that certain improvements were necessary. He called the attention of the department to them, criticized to some extent his superior officers, and because of that criticism it is apparent that there was some feeling against him. That he was right appears from the fact that the improvements he suggested were later adopted.

Now, let us see what Rear Admiral Knight says with respect to these removals:

> There was no officer who was eliminated from the captains' list this year whose elimination was deserved because of anything he had done, and hardly one whose elimination contributed anything to the absolute efficiency of the service, * * * that the board was obliged to select five captains for elimination, and if there is no officer on whose record there is the slightest blemish five must still be taken.

So we have five captains removed by this board, the removal of whom added nothing to the efficiency of the Navy.

It seems, further, from the investigation which was made by this subcommittee in the House that there was one charge against the captain which related to the ship *Marietta*, and I want to read just a paragraph from this report as indicating something of the reasons which actuated the plucking board in placing Capt. Hill upon the retired list. I submit that while it may appeal to certain men in the Navy Department, it does not appeal to anyone who has any sense of judicial fairness. I read:

> Your committee was informed by Admiral Knight that the sole reason for the retirement of Capt. Hill was the report of the board of inspection and survey on the U. S. S. *Marietta*, the ship which Capt. Hill commanded as commander, but neither the admiral nor any member of the retiring board had seen the *Marietta* when under Commander Hill's command, and therefore should have been guided entirely by what appears in his official record, kept for that purpose.
>
> It developed, however, that when the *Marietta* incident was under consideration by the Navy Department it was a matter of very general conversation and discussion throughout the Navy, and few naval officers failed to hear a great deal about it because of the personal prominence of Commander Hill, and Admiral Knight admitted that the sentiment and general information conveyed on this matter by the newspapers might have been incorrect and to have done an injustice to Capt. Hill. He said that the retiring board was not guided entirely by the record, but rather by the general impression that prevailed at the time concerning the condition of the *Marietta*.

So we have a great plucking board dealing with the records and reputations of the officers of the Navy, guided in part by general impressions which are obtained from newspaper reading. If that is the conception which this board has of its sense of official duty, it is quite time that we displaced it.

Mr. BRYAN. Mr. President——

Mr. POMERENE. Just one moment. I do not deny that there ought to be some tribunal which would hear questions of this character and determine them. It may be, and I will assume for the sake of the argument, that a plucking board is a proper tribunal. I am convinced from the report in this case that the personnel of this plucking board is not what it ought to be, and, for one, I am not willing that a board should be continued which treats officers of the character of Capt. Hill and others who have been plucked in this way. Bills for their reinstatement are now pending on the calendar. It does seem to me that an injustice has been done by this board, and that we ought to do something toward rectifying the wrong which has been committed against these men.

Mr. BRYAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Florida?

Mr. POMERENE. I do.

Mr. BRYAN. From what State is Capt. Hill?

Mr. POMERENE. I do not know; but I understand he has some friends in Cincinnati, who first called my attention to this matter.

Mr. BRYAN. I will say, for the Senator's information, that Capt. Hill was appointed from Ohio.

Mr. POMERENE. That may be so; but whether he was from Ohio or Florida, I do not care. It does seem to me that with the record that this man has, at this particular time when we need men of ability and experience in the Navy, we ought to do something toward reinstating him.

We will be in session again in a few months. If it be found necessary to provide another tribunal to perform the duties which now devolve upon the plucking board, we can then pass the necessary legislation and prescribe the rules for its conduct so as to prevent the repetition of the injustices wrought by the present board. Certainly a new board can not be less satisfactory.

Mr. CLAPP. Mr. President——

The VICE PRESIDENT. The Senator from Minnesota.

Mr. CLAPP. I want to call the attention of the Senator from Ohio [Mr. POMERENE] to the fact that, strictly speaking, this is not a tribunal; and that is the vice of this whole situation. According to Admiral Knight's testimony, not a spot or blemish

existed on the reputation of these officers; the Navy received no benefit; and yet, notwithstanding that condition, this board had to retire five men. That is not a fair position in which to put any body of men. The vice is inherent in the system itself, because though there may not be a single man against whose record there is one single scratch, yet, notwithstanding that perfection of record, we impose upon a body of men the selection of five victims—for that is what it amounts to.

I am in hearty accord with the spirit of the Senator from Ohio that this board should be abolished. I do not think we ought to condemn the board so much as some are disposed to condemn it. They had to pick out five men without any blemish or objection against one of them. You can not put a body of men in that position and leave them free from criticism. The vice is in the system, and the system ought to go.

Mr. POMERENE. Yes, Mr. President; and what encouragement is it to an officer to do his duty when, no matter how efficient he may be, no matter how brilliant his services may be either in the past or what may be his promise in the future, he does not know how soon the hour is to come when he is to be decapitated by a board, every member of which may be his inferior in ability, in accomplishment, or in efficiency?

The VICE PRESIDENT. The question is on the amendment. The yeas and nays have been ordered, and the Secretary will call the roll.

Mr. CLAPP. Mr. President, will the Chair please state the amendment, so that it may be understood?

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. The committee's first proposition was to strike out and insert certain words; the second proposition is to strike out and insert certain other words; and in that amendment occurs this paragraph which the Senator from Massachusetts [Mr. LODGE] now moves to strike out:

Section 9 of the naval personnel act of March 3, 1899, entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," be, and the same is hereby, repealed.

Mr. TOWNSEND. Mr. President, I am going to vote for that amendment with the understanding that we can perfect it; that we can adopt additional legislation, so as to keep what I think is generally admitted as a necessity, namely, a board in the control of promotions and at the same time lay down a rule which will prevent some of the injustices which have been mentioned by Senators.

Mr. SMITH of Michigan. Mr. President, I desire to make a parliamentary inquiry. On the roll call to vote "yea," as I understand, is to sustain the report of the committee?

Mr. LODGE. No.

The VICE PRESIDENT. A vote of "yea" is to strike out the part of the committee report.

Mr. SMITH of Michigan. Then, if we desire to support the committee, we vote "nay"?

The VICE PRESIDENT. That is correct.

Mr. BRISTOW. I desire to understand this matter. As I understand to vote "nay" means that we would sustain the committee in striking out what is called the plucking board?

The VICE PRESIDENT. No. As the Chair understands, this section refers to what is commonly known as the plucking board. The committee has reported to repeal that section, and the pending question is on striking out that portion of it.

Mr. SWANSON. Mr. President, as I understand, if the Chair will permit me, a vote "nay" means to keep in the Senate committee amendment which abolishes the plucking board.

Mr. GALLINGER. That is right.

Mr. SWANSON. A vote "nay" would keep in the Senate amendment, which abolishes the plucking board, and a vote "yea" indicates a desire to continue the plucking board.

Mr. LODGE. That is right.

Mr. OLIVER. I understand that to vote "nay" means to abolish the plucking board but to substitute another method?

Mr. GALLINGER. No; there is no substitute about it.

Mr. SWANSON. That comes up later.

The VICE PRESIDENT. That will come up later. To vote "yea" is to vote for the so-called plucking board and to vote "nay" is to vote against it.

Mr. GALLINGER. That is correct.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FALL (when his name was called). I have a pair with the senior Senator from West Virginia [Mr. CHILTON]. In his absence I withhold my vote.

Mr. KERN (when the name of Mr. LEA of Tennessee was called). I desire to announce the unavoidable absence of the Senator from Tennessee [Mr. LEA] on account of illness in his family. This announcement may stand for the day.

Mr. KERN (when Mr. SHIVELY's name was called). I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY]. He is paired with the Senator from Iowa [Mr. KENYON]. This announcement may stand for the day.

Mr. SMITH of Michigan (when his name was called). I desire to announce my pair with the Senator from Missouri [Mr. REED]. I transfer that pair to the senior Senator from Idaho [Mr. BORAH] and vote "nay."

Mr. STERLING (when his name was called). I am paired with the senior Senator from New Jersey [Mr. HUGHES], and therefore withhold my vote. If at liberty to vote, I should vote "nay."

Mr. RANSDELL (when Mr. THORNTON's name was called). I wish to announce the necessary absence of my colleague, the senior Senator from Louisiana [Mr. THORNTON], on account of illness. I ask that this announcement may stand for the day.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to my colleague [Mr. SMITH of South Carolina] and vote "nay."

Mr. WEEKS (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. JAMES]. I transfer that pair to the senior Senator from Connecticut [Mr. BRANDEGEE] and vote "yea."

Mr. KERN (when the name of Mr. WILLIAMS was called). I announce the unavoidable absence of the senior Senator from Mississippi [Mr. WILLIAMS] on account of illness. He is paired with the junior Senator from Illinois [Mr. SHERMAN]. This announcement may stand for the day.

The roll call was concluded.

Mr. NELSON (after having voted in the negative). Through inadvertence I voted. I have a pair with the Senator from Louisiana [Mr. THORNTON] and therefore withdraw my vote.

Mr. NORRIS. I desire to announce that the junior Senator from Iowa [Mr. KENYON] is detained from the Chamber on account of illness. I ask that this announcement stand for the day.

Mr. BRISTOW. I desire to announce that the senior Senator from Idaho [Mr. BORAH] is detained from the Chamber on account of illness.

Mr. SAULSBURY (after having voted in the affirmative). I saw the junior Senator from Rhode Island [Mr. COLT], with whom I have a general pair, in the Chamber this morning, and therefore voted when my name was called. As that Senator has not voted, I transfer my pair with him to the Senator from Arizona [Mr. SMITH] and allow my vote to stand.

Mr. SHERMAN (after having voted in the negative). I inquire if the senior Senator from Mississippi [Mr. WILLIAMS] has voted?

The VICE PRESIDENT. The Chair is informed that he has not.

Mr. SHERMAN. I have a pair with the Senator from Mississippi, and on that account withdraw my vote.

Mr. CRAWFORD (after having voted in the affirmative). In the absence of my pair and not being able to secure a transfer, I shall have to withdraw my vote.

Mr. CLAPP (after having voted in the negative). I inquire if the senior Senator from North Carolina [Mr. SIMMONS] has voted?

The VICE PRESIDENT. The Chair is informed that he has not.

Mr. CLAPP. I shall feel constrained, then, to withdraw my vote, having a general pair with that Senator.

The result was announced—yeas 24, nays 41, as follows:

YEAS—24.

Bryan	Lee, Md.	Pittman	Smith, Ga.
Burton	Lippitt	Ransdell	Stone
Catron	Lodge	Root	Thomas
Dillingham	Myers	Saulsbury	Townsend
Fletcher	Oliver	Shafroth	Walsh
Jones	Page	Sheppard	Weeks

NAYS—41.

Bankhead	Gore	Norris	Smoot
Brady	Gronna	O'Gorman	Stephenson
Bristow	Hardwick	Overman	Sutherland
Burleigh	Johnson	Owen	Swanson
Camden	Kern	Penrose	Tillman
Chamberlain	Lane	Perkins	Vardaman
Clark, Wyo.	Lewis	Poindexter	White
Clarke, Ark.	McCumber	Pomerene	Works
Culberson	McLean	Robinson	
du Pont	Martin, Va.	Smith, Md.	
Gallinger	Martine, N. J.	Smith, Mich.	

NOT VOTING—31.

Ashurst	Fall	Lea, Tenn.	Smith, Ariz.
Borah	Goff	Nelson	Smith, S. C.
Brandegee	Hitchcock	Newlands	Sterling
Chilton	Hollis	Reed	Thompson
Clapp	Hughes	Sherman	Thornton
Colt	James	Shields	Warren
Crawford	Kenyon	Shively	Williams
Cummins	La Follette	Simmons	

So Mr. LODGE's amendment to the amendment of the committee was rejected.

LEGISLATIVE, ETC., APPROPRIATIONS CONFERENCE REPORT (S. DOC. NO. 955).

Mr. SWANSON obtained the floor.

Mr. MARTIN of Virginia. Mr. President, I will ask the Senator having charge of the naval bill to allow it to be laid aside temporarily, in order that I may have action on the conference report on the legislative bill.

Mr. SWANSON. I yield for that purpose.

Mr. MARTIN of Virginia. I ask that the report may be laid before the Senate.

The Secretary read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19909) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1916, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 32, 33, 34, 42, 43, 44, 47, 48, 50, 59, 60, 61, 67, 68, 69, 70, 71, 72, 76, 77, 78, 79, 80, 82, 91, 92, 94, 97, 98, 99, 100, 101, 102, 104, 121, 122, 123, 124, 125, 127, 128, 131, 136, 138, 140, and 141.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 17, 19, 22, 23, 24, 25, 26, 27, 28, 29, 37, 39, 45, 46, 51, 52, 54, 55, 57, 58, 62, 66, 74, 81, 83, 84, 85, 86, 87, 88, 89, 90, 93, 95, 96, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 132, 133, 134, 135, 137, 139, and 142, and agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agreed to the same with an amendment as follows: In lieu of the sum proposed insert "$141,130"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendemnt as follows: In lieu of the sum proposed insert "$15,500"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of sum proposed insert "$8,000"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Division of Efficiency: For establishment and maintenance of system of efficiency ratings, pursuant to section 4 of the legislative, executive, and judicial appropriation act for the fiscal year 1913, for investigation of the needs of the several executive departments and independent establishments with respect to personnel, and for investigation of duplication of statistical and other work and method of business in the various branches of the Government service; including not more than $2,500 for equipment, supplies, stationery, books, and printing; and not more than $50 for street car fare; $30,000; the Chief of the Division of Efficiency herein provided for shall be appointed by the President and shall report to Congress at the beginning of each regular session, through the President, the nature and progress of work undertaken by the division, together with a detailed statement of expenditures showing the persons employed, their duties, and the compensation paid to each: *Provided*, That no person shall be employed hereunder at a compensation in excess of $4,000 per annum."

And the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the number proposed insert "23," and on page 33 of the bill, in line 23, strike out "$8,000" and insert in lieu thereof the sum "$7,280"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$321,020"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$250"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$156,780"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25,000"; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "two translators, at $1,600" each; and the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$166,758"; and the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,000"; and the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$18,500"; and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: And at end of matter inserted by said amendment insert the following:

"A detailed statement of traveling expenses incurred hereunder shall be made to Congress at the beginning of each regular session thereof."

And the Senate agree to the same.

Amendment numbered 126: That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: In lieu of the number proposed insert "thirty"; and the Senate agree to the same.

Amendment numbered 129: That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$158,500"; and the Senate agree to the same.

Amendment numbered 130: That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$359,600"; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 1, 2, 16, 18, 20, 21, 35, 41, 63, 64, and 65.

THOMAS S. MARTIN,
LEE S. OVERMAN,
J. H. GALLINGER,
Managers on the part of the Senate.

JOSEPH T. JOHNSON,
JOSEPH W. BYRNS,
JAMES W. GOOD,
Managers on the part of the House.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. The Senator from Utah.

Mr. SUTHERLAND. I hope the conference report will not be agreed to. I should not feel warranted in resisting the motion of the Senator from Virginia on account of the item to which I shall call attention, if it were not for the fact that the bill must go back to conference in any event. Several of the items, as shown by the conference report, have not yet been

agreed to, so that no time will be lost by sending back the entire conference report.

The item to which I desire to invite the attention of the Senate is that contained on page 69 of this print and involves Senate amendments 69, 70, 71, and 72. The bill as it came from the House provided, with reference to the assay office at Salt Lake City, Utah, an assayer in charge, who shall also perform the duties of melter, chief clerk, and cashier, $1,800; for wages of workmen and other employees, $1,500; for incidental and contingent expenses, $500. It will be observed that the House bill provided for but a single official in that assay office—the assayer in charge, who was to perform all the duties of the office.

There is no other assay office in the country where any such provision is made. For example, in Boise City, Idaho, the provision is for any assayer in charge, $1,800; an assistant assayer, $1,200; and a chief clerk, $1,200; in all, $4,200. The provision for the assay office at Salt Lake City is for a single employee at $1,800, while in Boise City, Idaho, there are three employees drawing aggregate salaries of $4,200.

In Deadwood, S. Dak., the provision is for an assayer in charge, who shall also perform the duties of melter, $1,800; clerk, $1,000; assistant assayer, $1,200; in all, $4,000.

In the assay office at Helena, Mont., there is an assayer in charge at $1,800; a chief clerk at $1,400; an assistant assayer at $1,200; in all, $4,400.

At Carson City, Nev., where the office is a mint instead of an assay office, but where the duties are practically the same, the assayer in charge receives $1,800, the assistant assayer $1,200, and the chief clerk $1,200, aggregating $4,200.

So it will be seen that out of the five western assay offices the amount appropriated is for three employees in every instance, and the aggregate salaries are from $4,000 to $4,200, while it is attempted in the House provision to cut down the office at Salt Lake City to a single officer, who is to perform all of these duties, with a salary of $1,800.

Mr. President, it is impossible for that one official to do all of that work. In addition to that he is charged with responsible duties. He is required under the House bill to do all of the assaying, to do all of the bookkeeping, to do all of the other things that are requisite to be done in an assay office of that character. He gives a bond, it is true; but if there were no other reason for it, it is necessary that there should be at least two regular employees in the office in order that they may constitute a check upon one another. It is not a wise thing that, in an office of that character, handling hundreds of thousands of dollars in gold every year, there should be but a single employee, who discharges all of the duties with reference to those deposits. It is an absurdity to continue an office of this character with a single employee; and I am at a loss to understand upon what theory the House conferees could have insisted that there should have been but this single official.

The Director of the Mint, in his report, has called attention to the differences that have existed between the House and the Senate over these western assay offices for a long time. He says:

> The assay offices should be either abolished or given adequate appropriations. The responsibilities that attach to the officers and employees of these institutions are very considerable. They receive important amounts of gold bullion, determine its value, and draw drafts on the Treasury for the payments. These functions should be intrusted only to capable and experienced men of technical education, and the Government should expect to pay them fair compensation. Considerable amounts of bullion are on hand at times, and a proper watch force should be employed. If these precautions are too costly, the offices should be abolished and the public informed that it must do business with the mints direct.

It is a thoroughly unwise policy, if these offices are to be continued—and it seems to be the policy of Congress that they should be continued for the present—that they should not be furnished with adequate working forces. It has been said that these assay offices do not pay. That is true; and it is equally true that two-thirds of the post offices in the United States do not pay. The income which makes up the aggregate of the post-office receipts comes in the main from probably one-third of the post offices in the United States; yet nobody thinks of abolishing a post office simply because the receipts of the office are not as much as the expenses.

The assay office at Seattle, for example, which has an income of $3,800 a year, costs $38,000 to maintain, ten times as much as its income; but it receives millions of dollars of gold every year, a large proportion of which would be diverted into Canada if it were not for the existence of the various assay offices. I am not going into the argument in favor of the maintenance of the offices. That has been gone over time and again in the Senate. It is the policy to maintain them; and if they are to be maintained we ought to provide for adequate clerical and other assistance in order to maintain them properly.

I therefore hope that the conference report will not be agreed to, but that the bill will be sent back to conference, and that in the conference the Senate conferees will insist upon these items, to the end that this office may not be strangled out of existence.

Mr. MARTIN of Virginia. Mr. President——

The VICE PRESIDENT. The Senator from Virginia.

Mr. MARTIN of Virginia. The proposition of the Senator from Utah is that this appropriation bill, carrying $36,000,000, shall at this critical stage of the session be sent back to conference because he is disappointed in getting a $1,200 clerkship for the assay office in his State.

Mr. President, we can not legislate without the concurrence of the other House. The Senate has no right to plant itself arbitrarily on any proposition. All the Senate can do, and all its conferees can do, is to present a matter like this fairly and frankly and earnestly to the House; and when that is done the time comes when one or the other must yield.

In this particular matter the Senate did put on this clerk at the assay office at Salt Lake City, in the Senator's State, and the matter was carefully and thoroughly discussed with the House conferees. The Senate conferees urged it in every possible way. We urged it not only on its merits as well as we could—it is very difficult to sustain the proposition strictly on its merits, as I will show in a few moments—but we appealed to them to save time and begged them not to delay this bill by a little item of $1,200. We appealed to them from every point of view that could possibly be presented, and we found them absolutely determined. They stated that it was useless to discuss it further; that they did not intend to and never would agree to this item.

It does seem to me that when the Senate conferees have made all the efforts they could reasonably make it is a rather extreme position for the Senator from Utah to take to ask that the entire report be rejected in order that we may again undertake the impossible task of convincing the House conferees.

Mr. SUTHERLAND. Mr. President, may I ask the Senator from Virginia a question?

Mr. MARTIN of Virginia. Certainly.

Mr. SUTHERLAND. This report must go back to conference in any event, must it not?

Mr. MARTIN of Virginia. It has to go back on other items; yes.

Mr. SUTHERLAND. How much are the Senator and his colleagues upon the conference committee going to be embarrassed by having this little item included with the others?

Mr. MARTIN of Virginia. Mr. President, I want the Senate to settle this matter and to tell us to defeat this bill unless this item is put in, if that is their purpose, for we have done everything else that we could do except defeat the bill. We have been told by the House conferees that they would see it defeated before they would put it in. If the Senate wants to make a deadlock on that $1,200 item in a $36,000,000 bill, I want them to instruct me to that effect. I do not want to go back to the House conferees and attempt the impossible. I have exhausted this subject. I have made every argument and every appeal I am capable of making, and the other Senate conferees have done the same, and we have been told that the House never would agree to this item.

I shall detain the Senate a few moments longer to show the situation that the House conferees present to us, and it is a very difficult situation. This assay office for the last year received only $540.51. The total income, the total receipts, the total earnings at this office, were $541. The bill as it came from the conference appropriates $3,800 to earn $541. That is the amount the bill, as agreed to in conference, appropriates—$3,800—with which to earn $541.

I realize that every agency of the Government may not be self-supporting. I realize that the Government sometimes has to furnish, and ought to furnish, facilities even at a loss; but we found it impossible to convince the House conferees that this was such a case as that.

Mr. SUTHERLAND. May I ask the Senator from Virginia another question at this point?

Mr. MARTIN of Virginia. Certainly.

Mr. SUTHERLAND. The assay office at Seattle, which is the largest assay office in the country, had an income of $3,836.53, and the expenses of maintaining the office were $38,257.95, so the expense was ten times the income. If the Senator objects to the maintenance of the office at Salt Lake City because the income is so much less than the expenses, why does he maintain the office at Seattle, where exactly the same relative condition exists? Let me say, further, that the office at Helena, Mont., had an income of $1,943.32 and an expense item of $8,876.20, seven or eight times as much; and that is true of every assay office in the West.

If the Senator's argument against the maintenance of the office in Salt Lake City is a good one, then it is a good one in favor of abolishing every assay office in the country. These offices are not run to make money. They are run for the accommodation of the prospectors and miners in that section. That is the theory upon which they have been maintained for years.

Mr. MARTIN of Virginia. Mr. President, the weakness of the Senator's argument is that he says that I am asking that this office in his State be discontinued. I have done nothing of the sort. On the contrary, I have used every effort in my power to maintain what he is asking. I am simply telling him the difficulties we encountered with the House conferees.

I am not going to take the time to go through all the assay offices. I will say very frankly that it is very hard to justify the maintenance of many of them. They probably ought to be closed up. If I am not mistaken, they were discounted at one time, and I, answering the appeals and the arguments of the western Senators, made a fight to reinstate them in the appropriation bill, and they were reinstated. I have not fought the assay offices in the West. I have made the best efforts I could make to maintain this little $1,200 clerkship for which the Senator wants a $136,000,000 bill to be held up.

Mr. SUTHERLAND. Mr. President, the statement of the Senator from Virginia is not quite fair. I said in the beginning that if this involved sending back to conference a bill that otherwise would not go to conference I would not feel justified in taking the position I did; but in view of the fact that the bill must go back to conference in any event I am at a loss to understand why the Senator from Virginia should so strenuously object to this item going back.

Mr. MARTIN of Virginia. I can tell the Senator the reason. If we disagree to this report, it opens up every item in the bill.

Mr. SUTHERLAND. No, no.

Mr. MARTIN of Virginia. It is useless for the Senator from Utah to say "No, no." Everybody on the floor of the Senate knows that it will be opened if this report is rejected; that the House then can come and contend over every item on which we have come to an agreement.

Mr. SMOOT. Mr. President, I do not think the junior Senator from Utah intends to send back the report with all of the other items disagreed to. He simply wants this one item to go back with the three items that are already in disagreement.

Mr. MARTIN of Virginia. The Senator from Utah knows that can not be done. This report must be either adopted or rejected as a whole, and if it is rejected it opens up every item in the bill. We can not adopt it partly and reject it partly.

Mr. SMOOT. I want to say to the Senator that, of course, I do not think there will be any question between the conferees on any item upon which they have already agreed. I do not think that would take any time at all, because I do not think either one of the Houses desires to open up questions that have already been settled.

Mr. MARTIN of Virginia. Mr. President, the House conferees yielded on certain Senate amendments with great reluctance and after much difficulty, and I have no doubt it would open up others; but, in the next place, it is entirely useless. There is no use in going back to men who are determined upon their course. There must be an end of discussion and of controversy, and we have exhausted this subject. We have made every argument and every appeal, and we have been told by the House conferees that they never did intend to agree to this item.

Mr. SMOOT. Mr. President, I can not understand why the House conferees have singled out one assay office in the United States and reduced the help there to one employee based upon the fact that the receipts are not sufficient to pay expenses, when at Seattle there is an assay office that costs the Government of the United States over $30,000, whereas the difference in receipts and the cost of operating the Salt Lake office is less than $3,000.

I want to state also to the Senator the fact that during the last year the receipts at the Salt Lake office have been much less than usual, because there has been so little mining going on. That has been the case particularly in States where gold and silver are mined. There have not been one-half the employees in mines working in the State of Utah during the past year. It seems to me a very small thing for the conferees of the House to say that a bill carrying $136,000,000 shall not pass unless this one clerk at $1,200 is excluded from the provisions of the bill. It may be that they have taken that position, Mr. President, but I think it is rather a weak position for them to take.

Mr. MARTIN of Virginia. They think that it is a rather small position for us to take to insist upon this large sum being appropriated to earn $541, and they were very positive about it.

I say very frankly unless the Senate wants me to defeat this bill I hope it will not send the report back to conference, because you can do nothing except to defeat the bill. I have exhausted the subject so far as I can in reasonable discussion. I have exhausted the subject on the part of the Senate, and if it will instruct me to defeat this bill on account of giving up an item for a $1,200 clerk I will do that, but unless the Senate is to so instruct me I hope it will not send the report back.

Mr. SMOOT. I should like to ask the Senator what reason did the House conferees give for agreeing to the Seattle items, the amount of the expense being $30,000 more than the income?

Mr. MARTIN of Virginia. They did not discuss it at all.

Mr. SMOOT. That is the trouble.

Mr. OVERMAN. I did ask a question about Seattle. They do a great deal of business from Alaska there, while in Utah they do very little, comparatively.

Mr. SMOOT. The Utah office does more business compared to the amount of expenditure by the Government than Seattle does. I am not saying a word against Seattle. I know that the assay office ought to be maintained at Seattle, and I know that assay offices should be maintained at Boise, Idaho, and in Montana and wherever they are at present located. No one has contended that the assay offices are self-supporting. They never have been and they never will be; but they bring untold advantage to the Government of the United States. They are there for the purpose of assisting the miner and prospector in ascertaining whether the rock he discovers is of value sufficient to justify development of the property. If it were not for the prospector, if it were not for the man who goes out upon the hills and seeks for the precious metals, instead of having hundreds of millions of dollars each year produced in gold and silver there would be scarcely any, and the precious metals are the blood of commerce and are what has made business in this country grow so rapidly in the past.

Therefore, Mr. President, as to the conferees on the part of the House saying unless the small sum of $1,200 for one clerk is excluded they are going to fail to pass an appropriation bill carrying $136,000,000, I can not conceive of such a position.

Mr. MARTIN of Virginia. These other assay offices were not before the conference. They were put in by the House, and there was no amendment of the Senate. The one we had to deal with was where there was a Senate amendment, which Senate amendment the House conferees refused to accept.

Mr. President, I will not waste any more time on it. There are a great many of these offices. I will say to the Senator that they do not all do business at a loss, that some of them pay a very large profit, and it is a growing question whether these little offices in the West that are a charge on the Government every year should not be abolished. There is a strong feeling that they should be abolished, and it is very difficult to prevent them from being abolished. The conferees on the part of the House raised that question. They want to abolish all those offices that bring the Government in debt.

Mr. SUTHERLAND. Will the Senator permit me to suggest to him at this point that if it were not for these assay offices, particularly those in the States bordering upon Canada, millions of dollars of gold that now come to the United States, and finds its way into the Treasury of the United States finally, would be diverted to Canada, because Canada maintains assay offices along the American border, and because we have those western assay offices gold from Montana, gold from Idaho, gold from Alaska comes to the American assay offices instead of going to the Canadian offices.

The maintenance of these assay offices even at a loss has served a very useful purpose. The Senator must understand that these assay offices handle many millions of dollars of gold every year and that they make only a nominal charge for an assay. The amount of gold handled last year in Utah was very much smaller than it ever had been, for certain of our mines closed down during the last year; but the information which I receive from the office now is that the amount is increasing and it will run three or four times this year what it did last year.

Mr. MARTIN of Virginia. Mr. President, I shall not prolong this debate. All I can say is that I hope the Senate will adopt the conference report. If it sends it back it can do nothing except defeat this bill. I have exhausted the subject and I do not wish to undertake any more work in that connection, because I can do no more than I have done. I hope the report of the conference committee will be adopted.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

Mr. MARTIN of Virginia. I move that the Senate further insist upon its amendments still in disagreement and ask for a further conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. MARTIN of Virginia, Mr. OVERMAN, and Mr. GALLINGER conferees at the further conference on the part of the Senate.

NAVAL APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20975) making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes.

The VICE PRESIDENT. The pending question is on the amendment of the committee, which will be stated.

The SECRETARY. On page 30 it is proposed to strike out lines 20, 21, 22, 23, and 24, and to insert:

Hereafter no officer of the line, Medical or Pay Corps shall be promoted who has not had active sea service covering half or more of the time during which he has been in the service; and any officer who has failed to have such an amount of sea service to his credit shall be plaeed on the retired list: *Provided*, That this shall not apply to the grades of commander and captain until three years from the date of the approval of this act or to the grade of ensign: *Provided further*, That this provision shall not apply to those Engineer officers transferred to the line under section 5 of the act of March 3, 1899: *Provided further*, That shore duty beyond the seas shall be considered as active sea service for the purposes of this act.

Hereafter whenever an officer of the Navy has been assigned to shore duty retired officers of suitable rank may be assigned to such duty in all posts where the appointment of an officer of the active list is not required by law: *Provided*, That when retired officers are thus assigned to active duty they shall receive the pay and allowances of the grade from which they were retired.

Section 9 of the naval personnel act of March 3, 1899, entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," be, and the same is hereby, repealed.

The amendment was agreed to.

The VICE PRESIDENT. The next amendment passed over will be stated.

The SECRETARY. The next committee amendment passed over is on page 32, at the bottom of the page, where the committee proposes to insert, after line 22, the following words:

The President is hereby authorized to transfer to the active list of the Navy any officer retired on July 1, 1914, under the personnel act of 1899 as modified by the act approved August 22, 1912, who is now performing active duty: *Provided*, That such officer shall be transferred to the number on the active list he would have held if not retired on said date, and shall be an extra number on the said active list.

Mr. SWANSON. I should like to substitute "1913" for "1914," on page 33, line 1.

Mr. WEEKS. Let me suggest to the Senator to insert "1913, or July 1" before "1914."

Mr. SWANSON. I will accept that modification.

Mr. BRYAN. What particular officer is this intended to take care of?

Mr. SWANSON. I understand there are only two officers to be affected by it. They retired voluntarily, and they are now going back on the active list.

Mr. LODGE. They are on the active list doing active duty?

Mr. SWANSON. Commander Pollock and Commander Cook.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. After "July 1," line 24, page 32, insert "1913, or July 1," so as to read:

The President is hereby authorized to transfer to the active list of the Navy any officer retired on July 1, 1913, or July 1, 1914.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The VICE PRESIDENT. The next amendment of the committee passed over will be stated.

The SECRETARY. The next amendment of the committee passed over is on page 63, several amendments relative to submarines.

Mr. SMOOT. Mr. President, a parliamentary inquiry. Is it in order to act on the committee amendments and then to offer an amendment as a substitute or to offer the substitute now?

The VICE PRESIDENT. The substitute first.

Mr. SMOOT. Then, Mr. President, I offer the following substitute for line 17 down to line 24, inclusive, page 63.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 63, in lieu of lines 17, 18, 19, 20, 21, 22, 23, and 24, insert:

Fifty submarines, to be of seagoing type, to have a surface speed of 25 knots, or more if possible, but not less than 20 knots; to cost, exclusive of armor and armament, not exceeding $1,500,000 each; and 25 submarines, to cost, exclusive of armor and armament, not exceeding $550,000 each; and the sum of $30,000,000 is hereby appropriated for said purposes, to be available until expended.

Mr. SMOOT. Mr. President, the Senator from Oklahoma [Mr. GORE] has notified me that he intends to offer a further amendment to the substitute providing for the sale of Panama bonds to pay for the submarines as constructed. In passing, I will say that I have no objection to that amendment, and I will support it. What I hope to secure is the immediate construction, or, at least, the beginning of the construction and the completion as quickly as possible, of the 50 submarines to be of a seagoing type and to have a surface speed of 25 knots, or more if possible, but not less than 20 knots, as well as 25 coast-defense submarines.

Mr. President, I realize that in the past there has been a difference of opinion as to the relative value of the different types of defense vessels, but during the progress of the present European war I think it has been demonstrated beyond a question that the submarine has been the most effective vessel of national defense. The submarine is complete in itself. It does not require auxiliary vessels to accompany it when in operation. The crew of the submarine is small in number. Its operation is inexpensive. It is quickly constructed and most deadly in its attack.

I realize our Nation's unpreparedness to-day in case of war, and particularly our lack of war vessels in the Navy.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. SMOOT. I yield.

Mr. NORRIS. The Senator has said that submarines can be constructed without the lapse of very much time. How quickly in case of an emergency could one of these seagoing submarines be constructed?

Mr. SMOOT. The seagoing type is the costly type, and they can be constructed in between five and six months. Another advantage, I will say to the Senator, is that they can be constructed in almost any yard in the United States.

Mr. NORRIS. I am asking the question with a view of asking another one. If these submarines can be constructed so easily, would it not be better policy for our Government to pursue not to construct so many at one time, and thus get the advantage which may accrue in the way improvements? The Senator has provided for quite a large number. Even in case of a war after hostilities had commenced we could construct submarines with little delay. It seems to me it would be unwise to construct too many now when they can be constructed so easily and so rapidly.

Mr. SMOOT. The position of the Senator would be absolutely correct if the war situation of the world was not as it is.

Mr. NORRIS. The Senator does not expect war in the next five or six months or in a year, does he?

Mr. SMOOT. I pray daily that we will not be in a war, Mr. President, but no man living can say we will not be in a war in three months from to-day. No man can say that the conditions in Europe to-day will not involve us in difficulties at almost any time. I think the building of these submarines will be the greatest insurance against war that we can possibly have.

Mr. NORRIS. May it not happen that the building of these submarines will only stimulate other Governments to build a whole lot more submarines.

Mr. SMOOT. I did not hear what the Senator said.

Mr. NORRIS. I ask the Senator if it is not also true that the building of these submarines will act as a stimulant to other Governments to build them? If we build 50, will it not stimulate other Governments to build 75 apiece?

Mr. SMOOT. That is another reason why I am in favor of the building of submarines, for they are used not for offense but for defense in case of war. The seagoing type of submarine can make a voyage of 8 or 10 days before returning to basis of operation.

Mr. NORRIS. Does not the war illustrate the fact that submarines are now being used in an offensive way to a much greater extent than in a defensive way?

Mr. SMOOT. That is true in Europe, where the countries are near neighbors, but it would not be true as far as our country is concerned, unless we were involved, perhaps, in war with South American countries, and I hardly think that will ever happen.

Mr. NORRIS. We are closer to Europe than we are to South America.

Mr. SMOOT. Mr. President, I notice that in the annual report of the Secretary of the Navy he outlines a building program for the Navy for the coming year.

Mr. THOMAS. Mr. President, before the Senator enters upon that——

The PRESIDING OFFICER (Mr. SIMMONS in the chair). Will the Senator from Utah yield to the Senator from Colorado?

Mr. SMOOT. Certainly.

Mr. THOMAS. I simply want to inquire about the place where this amendment would be inserted.

Mr. SMOOT. I will say to the Senator it is a substitute for the item found on page 63, beginning with line 17, down to and including line 24.

The Secretary of the Navy, in his report dated December 1, 1914, makes this statement:

> The building program recommended this year differs little from the recommendations in last year's annual report. It is a "well-balanced program." The construction of the following is included in the estimates:
> Two dreadnaughts; 6 destroyers; 8 submarines or more, 1 to be of seagoing and 7 or more of coast-defense type; 1 gunboat; 1 oiler.

Further in his report the Secretary says:

> However, in view of the demonstrated power of the submarine, I would impress upon Congress the importance of making a larger increase in the submarine craft, appropriating generously therefor without reducing the appropriations for other craft. The estimates for these were reduced to the minimum.

Mr. President, the estimate that was made by the Secretary of the Navy was made after every head of the department was instructed to cut the estimates to the very lowest point. If I had my way, I would very much prefer to strike from this bill the appropriation for the building of the two battleships and use every dollar of that appropriation in the construction of submarines.

I do not believe the American people will ever sanction an offensive war or any war with any power unless we are drawn into it and it becomes absolutely necessary to defend the honor of the Nation. What we want is a war craft for defending our coasts. I know of hundreds of places along the Pacific Ocean where an army could be landed very easily, miles and miles from any fortification. If we had the submarines provided for in this amendment, they would be sufficient to guard and protect every mile of our coast, both on the Pacific and on the Atlantic. A submarine is the best possible defense. It is most deadly in its attack. A foreign country would hesitate a long time if we had these submarines for defense to undertake to land an army upon our soil.

Mr. LEE of Maryland. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Maryland?

Mr. SMOOT. I gladly yield.

Mr. LEE of Maryland. I should like to ask the Senator from Utah a question. It appears, from the amount appropriated on page 63, that the seagoing submarine is very much more expensive to build—three times as expensive to build——

Mr. SMOOT. Nearly so.

Mr. LEE of Maryland. As compared with the smaller type. As the Senator is restricting his argument to the coast-defense proposition, is it not fair to ask why he would not restrict his amendment to a type of submarine that would seem apparently sufficient for that purpose?

Mr. SMOOT. I want to say to the Senator that the seagoing submarine can be used for nearly all purposes that the coast-defense submarine can and go to sea as well. It can travel many more miles than the small type. It can also travel faster than a smaller submarine; and not only that, if it becomes necessary it could be defensive and offensive, and the smaller coast submarine could not be used for the latter purpose.

Mr. SWANSON. If the Senator will permit me, the seagoing submarine can not go in shallow water like we have on the coast. A seagoing submarine to be submerged is bound to be in deep water. Its construction is for distinctive uses, and it would not be available for coast defense to go to the bottom of the sea. The seagoing submarines are intended to accompany the fleet.

Mr. SMOOT. There is hardly a mile of the coast line on the Pacific or the Atlantic where a seagoing submarine would not be perfectly safe, and yet hardly be out of sight of the land. The water is abundantly deep. It is true that a seagoing submarine requires a little deeper water in which to operate, but I believe in case of war we ought to attack any vessel that comes to our shores before it ever gets into shallow water. Our conditions are entirely different from those in Europe.

Some of our States are larger in area than the whole of Germany, and you hardly have to take more than a hop, skip, and a jump in one country until you are in another. Our long shore line is such that the submarine is the war craft that is better fitted to defend our country against a foe of any kind, than even the battleship itself.

Mr. President, the report from the Secretary of the Navy shows the relative tonnage of the principal naval powers of the world. I find of submarines, Great Britain has built 75. She is now building 22 more. Germany has 27, and she is now building 18 more. The United States has 30, and we are now building 19 more. France has 64, and she is now building 22 more. Japan has 13, and she is now building, I believe, 2 more. If we are to take newspaper reports—and I have no doubt they are true—Germany has been building submarines since the beginning of this war as fast and as numerously as it has been possible for her establishments to construct them.

Mr. President, if Germany had sufficient submarines to-day she could destroy the English commerce. Germany's submarines to-day are her only defense that has prevented the destruction of her battleships; Germany's submarines have prevented the English Navy from going into the harbors of Germany and sending her battleships to the bottom of the ocean.

Mr. SWANSON. If the Senator will permit me, I desire to say that mines are much more effective than submarines.

Mr. SMOOT. Oh, Mr. President, mines are not so effective. When we were at war with Spain mines did not keep us out of the Bay of Manila, and mines have not kept the German submarines and battleships from the English coast. Mines can be destroyed by mine sweepers, but the submarines can not; they are always alert and can move wherever the vessel of the enemy is found.

Mr. President, if the European war should last two years longer the United States will control the greater part of the finances and trade of the world. When we attain that position we shall find ourselves without power to protect our interests, while, on the other hand, Europe will have the power to protect her interests, but will be suffering from loss of wealth and trade. Her credit will be strained and her trade nearly destroyed.

I have been one who has hoped in the past that the Christian nations of the world would never again go to war. I admit my hope has always been clouded with a doubt. My hopes have been shattered, for the greatest of wars in all the history of the world is now raging, and all of the countries involved are Christian countries. After the war in Europe is over every effort will be made by the powers of Europe to control the trade of the world; and if a war such as is now in progress to-day could be brought about by the casting aside "of a mere scrap of paper," is it far-fetched for us to believe or to think that another war could be brought about in order that the trade of the world might be controlled? If that shall happen, Mr. President, I want our Government to be in a position where we at least can protect ourselves against any foe on earth.

Mr. President, I think that there have been two points demonstrated beyond question in the present European war, and I think that our Government ought now to learn and profit by the experiences of other countries rather than to wait and learn by experience in a war in which we are ourselves involved. One is that the submarine has played the most important part in the present war as a means of defense and offense; the other is that the principal use of the aeroplane is for locating the enemy.

I will admit, Mr. President, that in the past I have been a great believer in a strong Navy. I have said time and again that if I were going to be extravagant in the expenditure of public money it would be to build a strong Navy. I still believe that to be the best policy for my country; I still believe that is the only way to insure the people of this country all their rights as American citizens, to maintain the honor of our Nation, and to preserve the existence of our country. It is for these purposes that I have offered this amendment. Instead of constructing great battleships, when one of which is lost nearly 1,000 souls go to the bottom of the sea with it, we should construct submarines, which are just as deadly in their attack, if not more so, and which can be operated with a few men, and the expenditure for which, compared with that of the battleship, is a mere bagatelle.

Mr. President, therefore I sincerely trust that the Senate will at this time vote for the amendment offered by me, for I believe it provides for just what our Navy needs. I have heard some few Senators say that they are satisfied that it provides for the kind of war craft that should be constructed; but they have complained of the amount that is proposed to be appropriated to provide for the number proposed in the amendment.

As I said before, I shall be very glad to support the amendment which the Senator from Oklahoma intends to propose, providing that the construction of these submarines shall be paid for by the sale of Panama bonds. We have $240,000,000 of those bonds unsold. Authorization for their issue has been made. Every dollar of those bonds could have been expended upon the construction of the Panama Canal, but instead of issuing them the cost of building the canal was paid in part from the regular receipts of the Government. The construction

of 75 submarines would be the greatest defense for the Panama Canal that could possibly be made.

Mr. President. I shall conclude what I have to say by expressing the hope that the amendment may be supported by the Senate.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER (Mr. WHITE in the chair). The Senator from Colorado.

Mr. THOMAS. Mr. President, the amendment under discussion, if adopted, will enable our Navy Department to equip itself with an efficient method of defense by sea, which recent developments across the ocean have demonstrated to be most formidable and effective. I am therefore heartily in favor of it, because I believe that we shall not only, through the building of a fleet of submarines, furnish our coast with the best possible modern system of protection against all invasion, but it will also demonstrate the futility and uselessness of our constantly increasing expenditures in the construction of modern battleships.

Mr. President, the historic encounter between the *Monitor* and the *Merrimac* at Hampton Roads in 1862 marked a tremendous epoch in maritime warfare and maritime equipment. It wrote the doom of every wooden war vessel in the world and sent it to the junk heap. From that time no nation has constructed any wooden men-of-war. To have done otherwise would have been folly and extravagance, because that great historic encounter demonstrated that upon the sea armored vessels equipped with turrets and guns were superior to any other craft which, up to that time, had been devised by the wit of man.

The nation first to perceive the importance of that battle was Great Britain, and she immediately began to reconstruct her navy. Within the period of a very few years every wooden vessel of war which she had was discarded or put to subordinate uses. Other nations followed suit, since each was obliged to adopt for offensive and defensive warfare the best existing types.

Mr. President, armed preparation upon the sea has gone through a process of constant evolution ever since that time. The monitor and ram were succeeded by the cruiser and the battleship, and the cruisers of 20 and 30 years ago gave way to those better equipped as to armor, power, and speed, and finally what was called the dreadnaught made its appearance a few years ago, which made obsolete every battleship then afloat. Since that time the great powers of the world have been competing in the matter of battleship construction, and changes of type and of power have been so swift that before vessels in process of construction could be completed they in turn became obsolete; and that fact furnishes the groundwork, Mr. President, of the complaint now so vociferously urged all over the United States that our Navy is insufficient and totally inadequate for any purpose of offense or defense upon a large scale, a complaint which has behind it the greed and the organization of the war-implement manufacturer.

During the last 10 years we have expended over a thousand million dollars in naval construction; and next to Great Britain and Germany we are apparently the strongest of all sea powers, and yet it is contended, with some show of plausibility, that our past preparation has practically gone for nothing, and that the work of naval equipment to a degree of satisfactory efficiency is a work of the future; and not only a work of the future, Mr. President, but one which we must at once undertake, regardless of expenses, and carry to completion as rapidly as possible.

Mr. President, we have now in process of construction a number of first-class battleships. We have a number of others in commission, and it is stated by very high authority that a large percentage of them are lacking in gun power and in speed as compared with the first-class types of other nations, all of which means, if true, that expenditure in and for the construction of battleships is useless and prodigal, and that the nations, in their rivalry to secure the best, are leaving each other and themselves behind.

If it be true that the dreadnaught of seven or eight years ago can not contend against the dreadnaught of 1914 it is equally true that the dreadnaughts of 1914 will be outclassed in 1920; indeed, in my judgment, Mr. President, there can be no question about it. It is as certain as any future thing can be. Hence, irrespective of the developments of the European war, to which the Senator from Utah [Mr. SMOOT] has directed attention, I believe that moneys expended in the construction of battleships and in the increase of our Navy with that type of vessel is inexpedient, unwise, and unjustified by experience.

But, Mr. President, let us assume that such are not the real conditions, and then regard the problem from the standpoint of the experiences of the past few months and of those which are now in process. These demonstrate to my mind that the battleship of 1914 is as obsolete as the wooden man-of-war of 1862; that it has outlived its day, and can only survive as a type illustrative of extravagant expenditures in the effort to serve the real purposes of their construction.

I was struck, Mr. President, about three months before the outbreak of the European war with an interview given by Sir Percy Scott, of the British Navy, to a press correspondent. Sir Percy Scott is recognized as one of the great British naval experts. He expressed the opinion that the submarine was the vessel of the future, and ended his interview with the remarkable statement that "The construction of battleships hereafter will constitute a sheer waste of money." I give his language as it was reported. I was struck with it because it harmonized very largely with the views that I had entertained, based upon a somewhat general observation and understanding of the progress that was being made and expense incurred in the matter of superior battleship construction.

About the time of the outbreak of the European war Collier's Weekly published, from the pen of Sir Arthur Conan Doyle, an imaginary account of a war previously waged between Great Britain and some inferior power. The account was intensely interesting, because it outlined the manner in which the greatest naval nation in the world was reduced to subjection and helplessness by its weaker rival through the agency and effective use of the submarine. It was announced that this article was published as a warning, to the end that the British Admiralty might perceive the seriousness of the situation in the event of hostilities with a foreign power and the danger to which it would be subjected by the use of this weapon of warfare unless it took every precaution against its possibilities.

Mr. President, that imaginary condition is being to some extent duplicated by the events that are now transpiring across the seas. We know nothing, except as we may conjecture, of the outcome of this war; but I think we feel and are impressed with the conviction that if Germany shall triumph it will be due to her effective use of this modern marine monster and its effect not only against British commerce but against the British Navy. The effective use which Germany is making of the submarine is well illustrated by a statement which appeared in the Washington Times of last night, giving the results following the going into effect of the German so-called war-zone decree up to and including February 24:

February 19: Norwegian steamer *Belridge*, torpedoed in channel.
February 19: French steamer *Dinorah*, torpedoed in channel.
February 20: British steamer *Cambank*, torpedoed in Irish Sea.
February 20: British steamer *Downshire*, sunk by bomb placed by German submarine in Irish Sea.
February 23: Norwegian steamer *Regin*, torpedoed in channel.
February 23: British collier *Branksome Chine*, torpedoed in channel.
February 23: British steamer *Oakby*, torpedoed in channel.
February 24: British steamer *Harpalion*, torpedoed in channel.
February 24: British steamer *Rio Parana*, torpedoed in channel.
February 24: British steamer *Deptford*, torpedoed or mined in North Sea.
February 24: British steamer *Western Coast*, torpedoed or mined in channel.

In addition to vessels torpedoed or sunk by mines in British waters, the American steamers *Carib* and *Evelyn* have been sunk by mines in the North Sea. Loss of at least three other steamers has been unofficially reported. Unofficial reports declare that at least three German submarines have been sunk.

Here are 14 vessels, Mr. President, destroyed as the result of six days' operation of the German submarines in the war zone around the British Islands, and it may be noticed that there is a progressive increase in the casualties, beginning with two on February 19 and showing four on February 24. If this continues, even though the rate of progression diminishes, it is bound in the near future to seriously threaten the food supply of the islands of Great Britain and Ireland, and if it continues its moral effect will be quite as deterrent as its destructive consequences.

On the other hand, Mr. President, the British Navy, the greatest in the world, now lying for the most part between England and Germany, can merely exercise the duties of a sentinel, constantly alert, always apprehensive, but unable to determine when and where its unseen foe will strike. It is true that the German Navy is by the immense British naval force practically bottled up in German waters, and in that regard Britain's great fleet is unquestionably of inestimable service to her; but because of the German submarine, used offensively for defensive purposes, coupled with the German sea mine, the accomplishments of the British Navy up to date have been almost exclusively negative. Her fleet of submarines are practically useless because of the absence of German bottoms within the zones of investment, and I think it is safe to say, Mr. President, that however long this war may continue the British Navy, in so far as the German coast is concerned, will be able to inflict little, if any, damage because of the interference and effective use

of this formidable weapon of modern naval warfare, coupled with the mines sown so thickly along her coast lines. The allied fleet is doing good service at the Dardanelles and in the gulf, but it is because of the absence there of the submarine, in so far as we are able to judge from this distance, and I venture the prediction that if it shall appear in those waters it will have a similar paralyzing effect upon the activities of the British and French squadrons in the Mediterranean.

In the face of these conditions, and with this lesson before us, shall we make effective use of this experience by adopting the amendment offered by the Senator from Utah, or shall we continue to squander millions upon millions in the construction of battleships, the only benefit whereof will be to increase the dividends of the Armor Plate and Naval Equipment Trusts, all of which are interested in great navies because of the enormous profits which go to them in consequence of this construction?

Mr. President, the casualties of the British Navy have been quite as remarkable and perhaps fully as extensive as to vessels, and far more extensive as to mortality, than the loss inflicted upon its merchant marine. Three of its great cruisers were sunk simultaneously by one submarine, entailing a loss, as I now remember, of more than 1,500 sailors and marines. The *Audacious*, struck either by a mine or by a submarine, disappeared beneath the waters, its crew being fortunately saved; and the *Bulwark*, without any warning, exploded, either because of some infernal machine inside of it or because of a mine or submarine outside of it, and its crew was blown to atoms.

In these days the word "dreadnaught" is a misnomer. These vessels dread everything, and properly so. They are subject to attack from the air, from defects of internal construction, from the mine, and from the submarine; and the effect of this continued, nameless, and unavoidable danger upon the morale of the crews can be well imagined. Indee, I may say that with the possible exception of the Russo-Japanese War the casualties of battleships have been far more formidable as to their own than to the crews of enemy vessels. Such is the experience of our Navy, of the French Navy, and of the British Navy, and such they will continue to be as the result of this new danger.

Mr. President, the submarine has nothing new about it, so far as the idea and its development is concerned. Its novelty consists in the recent successful overcoming of those difficulties of detail which have made it heretofore inoperative. Mr. Hendricks tells us in the McClure Magazine for February that during the Napoleonic wars Robert Fulton, subsequently the discoverer of the steamboat, declared to Napoleon that he had an effective method of removing the British fleet, and thus making the French invasion of Great Britain readily feasible. He built a submarine, but its first experiment proving ineffective Napoleon dismissed him in disgrace. The English, with greater prevision, invited Mr. Fulton to England, and there offered to purchase, that they might suppress, his invention—a proposition which Mr. Fulton did not see fit to accept. At that time he gave expression to a prophecy which is being verified—a remarkable prophecy. He declared that the torpedo and the submarine would eventually assure the freedom of the seas to all the nations; and we of this generation see that prophecy verified, for the device which was then designed, and which was not effective, has been developed by others from time to time. As a result, the modern submarine is here; and the use which Germany is making of it and the helplessness of the greatest navy in the world before it demonstrate that with it and through its aid the freedom of the seas will soon be absolute.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Kansas?

Mr. THOMAS. I do.

Mr. BRISTOW. Is it not practically conceded by the British Admiralty that all that is needed to meet the submarine successfully is a sufficient number of destroyers, light and swift small craft, that can find the submarines and destroy them? Is it not admitted that they are very easy to sink when once attacked by an armed vessel?

Mr. THOMAS. Mr. President, such is the conclusion, I understand, of the British Admiralty; but long ago it was declared that the best way to catch a bird is to put salt on its tail. It is easy to destroy the submarine if it can be located. Thus far but one method of location seems to have been devised, and that is the airship, for it is a singular fact that from the sky the outlines of the submarine may be seen beneath the surface of the sea, and the Germans are meeting that difficulty by painting their submarines the color of the sea.

Of course, a torpedo-boat destroyer can easily get rid of one of these monsters—because that is what they are—provided it can be located and struck before it sinks so far beneath the surface as to make it impossible for a shot or a torpedo to reach it; but the remarkable thing about the submarine is that it is not vulnerable to the attack of another submarine, and that is the reason why the submarine fleet of the British Navy is helpless. One of its submarines might collide with a German submarine beneath the waters and it might also collide with an English submarine. There is no method of discovering and detecting them or of identifying their nationality when submerged, and they are not apt to come toward the surface, except in so far as is necessary for the periscope to obtrude itself above it. If there is any hostile or other craft near by, it will wait for a more propitious time to come to the surface. The best of these submarines have a radius of 1,200 miles, a distance almost halfway across the Atlantic, and enabled, therefore, to screen themselves so that identification and location become practically impossible. They are demonstrating everything that has been predicted of them.

Mr. President, our Navy is primarily for defensive warfare. The battleship will not be used very much longer for offensive warfare, because of the submarine and the mine. Those who have nightmares of coming invasions of this country by the great powers need not fear. Apart from the enormous difficulty consequent upon them—no such invasion having been attempted since the days of the Armada—can find absolute security in a sufficient equipment of submarines and vessels for sowing mines. How can the city of New York, whether it is defended by coast fortifications or not, be reached by the invading force of an enemy if we have a fleet of submarines within and without the harbor, with mines sown as they would be under such conditions, the whereabouts of which are known only to the defenders? And how could a landing be made in Boston or any other seaport similarly defended? And what other line of defense can be as effective?

Mr. President, with a line of swift modern scout cruisers and a sufficient equipment of torpedo boats and torpedo-boat destroyers, the submarines to be provided for by the amendment of the Senator from Utah would make this country, until something more formidable is devised, as absolutely secure from invasion by sea as though we were an inland republic.

Those who wish to learn something about the formidable character of this method of sea attack and defense will find in the March number of the Century a most illuminating article, entitled "The art of submarine defense and offense as applied to international peace," by Simon Lake, who is the inventor of a type of submarine. It is not very long, and I shall ask to have it printed, of course excluding the illustrations, as a part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

THE ART OF SUBMARINE DEFENSE AND OFFENSE AS APPLIED TO INTERNATIONAL PEACE.

[By Simon Lake.]

In 1893, when the United States Government advertised for inventors to submit plans for a submarine, no successful boat of the kind had yet been built. Over a hundred attempts had been made, but all had been found lacking in the essentials necessary to produce a weapon of value either for defensive or offensive warfare. At this time the favorite method of control was by the use of vertical and horizontal rudders placed at the stern of cigar-shaped craft. Water was then admitted into various tanks until the vessel would have a buoyancy of only a few pounds. By the use of the horizontal rudder the vessel's bow was depressed, and she was made to dive until the desired depth was reached. Then the rudder was changed to allow the bow of the vessel to assume such an angle that the downward inclined thrust of the propellers was just sufficient to overcome the buoyancy of the vessel. Theoretically, the vessel would then make progress in a straight line.

The largest and most important of the vessels built to operate on this principle were the *Plongeur*, 1864; the *Gymnote*, built in France in 1888; the Nordenfelt boats, built for Russia and Turkey in 1887 and 1888; the *Peral*, built by a Spanish naval officer for Spain in 1888; and the boats built by the Confederates and by Mr. John P. Holland in this country.

At first glance this seems an ideal method of control, but it has been the cause of the loss of many vessels and lives. The method fails because the submarine is not a body with a fixed center of gravity. The submarine is compelled to carry water ballast, fuel, crew, and stores, the combined weight of which is both variable and movable. The amount of water ballast must vary according to this weight. It must also vary according to the density of the water in which the vessel is operating, which varies at times as much as 3 per cent.

It is very difficult to secure a fixed center of gravity in a long, shallow vessel that must depart from a level keel to dive under water. The early builders of this type of vessel did not understand the importance of this fact, with the result that when the bow of the vessel was depressed by the horizontal rudder the water ballast shifted to the forward end of the partly filled tanks and further depressed the bow. The angle then became so excessive that the crew was thrown forward, still further depressing the bow, and the vessel dived to the bottom.

I am informed that this is what occurred in two instances in the *Hunley*, a Confederate submarine. Twice she was found with her bow sticking in the bottom of the river, with the bodies of her crew of nine men in the bow, where they had died from suffocation. The *Lutin* and *Farfadet* of the French Navy, and several vessels of this type built for the British Navy, were lost through this diving tendency.

By means of numerous small ballast and fuel tanks, so that the water or fuel can not shift forward or aft, and large horizontal rudders under power control, much of the early difficulty has been overcome, and the type still survives in both the American and English Navy. Mr. John P. Holland spent a large part of his life in trying to overcome the inherent tendency of the diving boat to make uncontrollable dives. That this type still exists is due principally to the refinements of ballasting and control mechanism introduced into the art of submarine navigation by him and his associates.

The writer was one of the three inventors who submitted designs to the Navy Department in 1893, under its well-advertised call throughout the world for plans for a submarine torpedo boat. The fact that there were submitted only three propositions proved how little the subject was understood.

My plans contained several features entirely new to the art of submarine navigation at that time. The most important of these was that the vessel was designed to be submerged on a level keel, water ballast being admitted, as in all types of submarine. The vessel was also fitted with horizontal rudders aft and forward, but these were designed to keep the vessel always on a level keel, instead of causing her to depart from it, as in the diving type.

My boat was intended to prevent the dangerous shifting of water ballast or fuel that had proved disastrous in the earlier boats. Submergence was effected by four hydroplanes placed forward and aft, at an equal distance from the center of gravity and buoyancy of the vessel, so that when they were inclined either up or down they raised or submerged the vessel and did not alter the trim.

The feature which attracted the attention of scientific journals of the period was that the vessel was not only designed to travel on the surface and at any desired depth below the surface, but that it could also be navigated on wheels over the water bed itself. An air lock and diving compartment were provided. From the compartment a door could be opened, and the crew, by donning diving suits, could walk out on the bottom of the ocean and work on wrecks, cut cables, and plant mines.

The matter of awarding a contract was held in abeyance for over a year. Finally the award was made to the Holland company for the construction of the *Plunger* on certain guaranties of performance, which were destined never to be fulfilled. This boat was to have done many things that even to this day have never been accomplished by any submarine boat. Her construction extended over a period of several years, and she was finally abandoned in 1900, after the Holland company had brought out a much simpler vessel in the *Holland*, the first United States submarine torpedo boat to go into commission.

In 1894 I built a small coffin-shaped vessel of wood, 14 feet long, and provided it with wheels and a diving compartment. This vessel was built simply to demonstrate the practicability of my method of navigating on the water bed and opening a door under water. It was propelled by revolving the wheels by hand.

The complete success of these experiments enabled me to secure sufficient capital to build the *Argonaut*, which was launched at the Columbian Iron Works in August, 1897. She was the first submarine to be fitted with an internal-combustion engine.

I carried on extensive experiments with her in the Chesapeake Bay and on the bottom of the Atlantic Ocean off Cape Henry. Many of these experiments were made during the Spanish-American War, when the entrance to Hampton Roads was mined. I remember lying all one night at the edge of the mine field, with only my sightinghood above water. This was before the invention of the periscope. At this time there was much excitement in the country for fear that Admiral Cevera's fleet, which was known to be on the Atlantic, would attempt to enter the capes and make an attack on the vessels at Hampton Roads, or even attempt an attack on Baltimore. The searchlights from the fort were played all night long, and although the rays frequently shone into the windows of my sightinghood, the watchers at the fort never once saw me. Had I been an enemy, I could have easily destroyed the efficiency of our observation mine defenses by cutting the shore connections.

I had previously written to Mr. Roosevelt, when he was Assistant Secretary of War, offering the *Argonaut* to the Government for such uses as she could be put to, and he replied that a board would be appointed to look into the matter; but nothing ever resulted.

While at Hampton Roads, I met two officers who were attached to the *Harvard*, one of the American Line ships that had been converted into an auxiliary. One of these officers had been engaged in a cable-cutting expedition on the Cuban coast and had to grapple and lift the telegraph cable close to the shore while under fire from the Spanish.

He thought the *Argonaut* was just the thing for that purpose and for mining and countermining. Both officers were anxious to make a trip down to the capes on the bottom, which I was delighted to have them do. All arrangements were made; but on applying to Capt. Sigsbee, their commanding officer, he refused permission, on the ground that he did not feel justified in allowing them to take the trip, as some accident might happen which would deprive the Government of their services.

While I did not obtain recognition from the authorities at Fort Monroe, I gained much valuable experience. I found that navigation over the bottom was much simpler than running a bicycle. The buoyancy could be adjusted so nicely that the submarine would mount any obstruction she could get her bow over. It was interesting to sit in the diver's compartment of the *Argonaut* and watch through the open door below (air pressure kept the water from coming up into the boat) the changing sea bottom, often covered with oysters. One day we went outside the capes after a severe northeast storm, and found near the bottom a heavy ground swell that would lift the vessel bodily and dash her to the bottom. After breaking a jaw clutch 11 inches in diameter attached to our wheel shaft, we were forced to come up.

This experience exploded the theory that the effect of a wave extends below the surface to a depth only equal to its height, and led me to put the wheels on swinging arms and to provide a cushioning device that would permit the hull of the vessel to rise and fall while the wheels rested on the bottom. The cushioned wheels solved the difficulty. After completing tests to my entire satisfaction and learning much about bottom conditions in Chesapeake Bay and on the coast, I brought the *Argonaut* to New York under her own power.

Another important lesson learned was that a cigar-shaped vessel is not seaworthy as a surface vessel. I was caught out in the October storm of 1898, and was compelled to lock down all hatches and lash myself to the top of the conning tower. The *Argonaut* was at this time a cigar-shaped craft like most of the submarines that had been built up to that time. In a storm at sea she would not rise sufficiently with the waves, which would at times go over the top of the conning tower in a solid mass. She was lengthened 20 feet, and a buoyant, ship-shaped superstructure was added to increase her surface buoyancy.

This light, plated superstructure was not designed to withstand pressure, to prevent collapse, and was filled with water before submergence. My light, water-tight superstructure had been adopted on modern types of submarines, except the Holland boat, and is more seaworthy in surface cruising in rough weather.

In 1901 I was called to Washington by a telegram from Senator Hale, then chairman of the Naval Committee, to submit plans to the Navy Department for a submarine torpedo boat. I submitted three designs—one for a small boat to be carried on the deck of a battleship or cruiser, one 65 feet long, and one a large seagoing or cruiser type. The Board of Construction stated that, in their opinion, the plans were the best that had yet been proposed either in this country or abroad. They wished to have vessels of my type in the naval service, but said they were powerless to get them, as Congress had left no authority with the department as to the type of vessel they should buy. They suggested that if I could build, at other than Government expense, the intermediate-size boat, they would have it tested, and if it was found satisfactory, they would recommend its purchase and the adoption of the type for the United States Naval Service.

I returned to Bridgeport and raised sufficient capital to build the *Protector*. The boat worked perfectly on her first trial. Anyone who could steer a motor boat could control her submerged without any previous experience in a submarine. The department was notified that she was ready, but certain interests opposed her trial until another boat could be built to compete with her. Finally, Mr. Taft, then Secretary of War, appointed a board to try her in comparison with boats then in the United States Naval Service. This board tried her out, and reported her superior to any other boat, and recommended her purchase and the purchase of four others for coast defense.

Mr. Taft sent the report to the Senate and recommended the purchase of the *Protector*. The Senate, after two days' discussion, voted to purchase her for $250,000, but the proposal was killed in the House. Consequently I accepted an offer for her, and she was shipped to Russia.

On the arrival of the *Protector* in Russia, she was submitted to exhaustive trials in the Gulf of Finland, in competition with another type, over which she proved her superiority. She was then shipped overland to Vladivostok, where she was placed in commission just previous to the signing of the treaty of peace. Several others of her design were built for the Russian Government, and later larger boats of the cruiser type. These boats were the largest and most powerful that had been built up to 1909. They also performed satisfactorily while submerged on their first trials. They were designed for 14 knots, but the engines were found to be faulty and could not be driven at full speed. They are probably the most powerfully armed submarines in commission up to the present time, as they are armed with torpedo tubes which may be fired ahead and astern or on either side.

The tactics of the submarine will largely depend upon the type of submarine in possession of a country and whether the submarine is being used for defense or offense. If it is proper to carry the defense of one's country to the extent of destroying the enemy's warships and transports in their own harbors, then entirely different tactics must be pursued from that of the purely defensive, and special types must be constructed for that particular purpose.

What might be termed a semipassive defense is the simplest form of defense, but it would be thoroughly effective in preventing the invasion of a country or the bombardment of any of its coast cities.

If the days of common sense ever arrive and all nations get together and agree to disarm, weapons for a semipassive defense should be the only kind permitted.

A perfect defense of any harbor or coast line may be provided by inexpensive submarines with a comparatively small radius of action, both surface and submerged. They should be assigned to fixed stations off the coast, as light vessels are assigned, and to harbors and entrances of estuaries of the sea. They should have sufficient freeboard and surface buoyancy to enable them to ride at anchor comfortably in all ordinary weather and should be fitted with powerful searchlights, wireless, submarine signals, and sound-receiving apparatus. Finally there should be sufficient of them to form a complete cordon about the port or city to be defended.

The Fessenden oscillator is a new invention, and its tests have proved that communication may be carried on between submarines for a distance of 20 miles. Wireless conversation may be carried on under water for several hundred yards. With this arrangement, submarines may be kept in constant communication with shore stations, high-speed scout ships, or with submarines on watch duty. They are able to receive information of the approach of an invading force in ample time to house their wireless apparatus and submerge, leaving only their periscopes or invisible conning towers above the surface. On sighting the enemy, the submarines lift their anchors and proceed to the attack entirely submerged, occasionally coming to rest for an observation. One of the first principles always to be borne in mind is not to let the enemy know of the presence of the submarine, otherwise the quarry will see the white wake of disturbed water, and take to flight.

The commanders of the submarines may, by means of their oscillators, keep one another advised of their course of approach and distance from the enemy, so as to prevent running foul of one another.

Assume the entrance to New York is to be defended by submarines with the characteristics above mentioned, each submarine carrying eight Whitehead torpedoes, each torpedo capable of sinking a battleship. If three lines of defense were established from the entrance at Sandy Hook, one line of defense on a radius of 10 miles, with 4 submarines distributed over the outer semicircle, 3 distributed over the second line of defense on a 5-mile radius, and 1 located at the entrance, it would be impossible for any enemy's ship to reach the entrance without having to run the gantlet within torpedo range of at least 3 submarines. During its progress the submarines could fire at least 12 torpedoes without leaving their stations. The commander of the submarine would, however, on observing the approach of the enemy, maneuver to intercept or get a nearer shot. The chances of the enemy ever getting by the outer line of defense would be very small. This distribution of submarines would be an equivalent to the mining of an area of about 200 square miles with automobile mines. Such submarines can not be discovered by sweeping or any other method known to the art of naval warfare at the present time.

A sea-going submarine called a submarine cruiser was first proposed by the writer to the United States Government in 1901. This vessel was designed to have a speed equal to the cruising speed of a battle squadron. A large surface buoyancy was secured by a superstructure and sufficient freeboard to make the vessel seaworthy and habitable in

surface cruising. A number of vessels of this type have since been built, after designs by the writer, for foreign Governments and the United States. Sufficient experience has been had with them to show that they are excellent seagoing boats, and are well able to fulfill the functions for which they were designed, as far as the boats themselves are concerned. As yet no engine builder has produced a suitable submarine heavy-oil engine with sufficient reliability to warrant an ocean voyage of several thousand miles. There are no engine repair shops on the Atlantic highway.

Engine designers and builders are now beginning to listen to the demands of the submarine-boat builders and are cooperating with them to fulfill the requirements. Last year Congress made an appropriation for a 20-knot submarine. The Navy Department, recognizing the difficulty of securing a suitable engine, has allowed three years' time in which to construct such a vessel. Two builders put in propositions, backed by guaranties, to build. I believe that even higher speed will be developed before the expiration of the three years, if the present war continues.

To prevent a long period of suffering, due to one nation driving the commerce of another nation off the high seas and thus isolating it from the rest of the world, a commercial nation can not permit a hostile fleet of commerce-destroying ships, battleships, or transports to remain "in being." As Winston Churchill, the first lord of the British Admiralty says, it must "dig them out."

By holding its own fleets of battleships and commerce destroyers back of mine-protected bases and sending out cruising submarines to destroy the convoys of merchant ships, it is conceivable that one nation might gradually wear down a manufacturing country until it became bankrupt through its inability to carry on maritime commerce.

To destroy ships in a harbor or back of mine-protected bases requires a different kind of vessel from either the coast-defense or the cruiser type. It requires the sly and cunning tactics of a rat, which burrows under or gnaws its way through obstructions and does its work in the dark.

These vessels should be small, provided, like the *Protector*, with wheels to enable them to maneuver on the bottom. They should be provided with guards to ward off mines while passing through mined fields at low speed, and they should have diving compartments to enable divers to leave or enter the boats and to plant mines underneath the enemy's vessels while they are lying at anchor. This type should be provided with telescoping periscopes for taking observations by day and invisible conning towers for taking observations by night, so as to get direct vision, because the periscope is useless for night work.

Mr. THOMAS. I wish in this connection, however, to read the closing sentences of this wonderful article:

It is surprising how accurately the human ear can detect sound under the water. The writer first discovered in his experiments in Hampton Roads, in 1897, that when the machinery was shut down in the submarine he could distinguish the approach of surface vessels from considerable distances by simply resting a stick against the plating of the submarine and putting the other end into his ear. The steel hull of the vessel became a great sound receiver, and the stick carried the sound waves to the ear. This did not give a sense of direction, so I devised a rotary receiver which could be rotated on top of the hull to pick up the direction of the sound. Shortly afterwards Mr. Mundy, of Boston, introduced his submarine signal and receiving apparatus, which gives a very correct indication of the direction of the sound. Now the Fessenden oscillator improves on that to the extent that conversations may be carried on under water for considerable distances. Not only can you detect the direction of the sound but a little experience with the receivers gives a good idea as to the distance. Every ship has sounds peculiar to itself; the smash of paddle wheels, the slow, but deep, pound of the bearings in large, powerfully engined ships, and the high-speed machinery of the destroyer can all be distinguished by the operator at the receiver. Without any sound-receiving device, while in a submarine resting on the bottom, with all machinery stopped, I have heard even the whir of the machinery in a Whitehead torpedo nearly a mile away.

The "evading submarine" has the advantage of sight and hearing over the surface vessel in searching for its prey. It has invisibility for itself, and carries either mines or automobile torpedoes capable of attacking the surface vessel in the most vulnerable part of her structure. It can make its approach on the surface or awash until near the danger zone of mine fields. It can submerge to the bottom, and proceeding according to the chart, work its way through the cables of mines or under nets or booms until it reaches the vicinity of the enemy's anchorage. If the enemy has its torpedo nets out, the submarine can creep up near the vessel, send a diver out, and attach a bottom mine under her, to be electrically exploded after the submarine has moved a safe distance away. If desired, a mine can be attached to the bottom of the surface vessel and exploded hours later by clockwork mechanism. In this manner mines can be placed under several ships, and all can be blown up simultaneously at a given hour, when the submarine may be miles away. If desired, the submarine can take up a position within torpedo range of several ships, wait until just before darkness sets in, take very accurate bearings, and as soon as darkness arrives, fire torpedoes with net-cutting attachments as rapidly as possible in the direction in which the ships had been located. With this night method the mark of bubbles left on the water by the air-exhaust from the torpedo engines would not betray the direction from which the torpedoes are fired, and the chances are the ships would be destroyed without observing the attacking submarine.

Does this weapon, with such a potential power of destruction, tend to improve mankind or is it a step backward?

The inventors of submarine boats, and those who have given the most serious study to their possibilities agree that they will be the most potent influence that has been conceived to bring about a permanent peace between maritime nations.

Mr. John P. Holland years ago called attention to the important fact that "submarines could not fight submarines." This simple fact makes submarines so potent that I believe they will be able to enforce peace between maritime nations. How can one ward off an attack from the unseen? Dreadnaughts may be pitted against dreadnaughts, aeroplanes against dirigibles, gun against gun, man against man; but take away sight, and all becomes chaos. In this lies the superiority of the submarine, since human vision is incapable of penetrating through the water except for a distance of a very few feet.

The submarine is unique in that it is the first weapon which has a potential power to destroy an invading force and also to prevent an invading force from leaving its own harbors or roadsteads, but which is itself useless for invading purposes.

This states in epitome the essential advantages of the modern submarine, demonstrated by its effective use at the present time in the Old World. In the face of these conditions, is it not folly to go on constructing battleships? This bill calls for two that will ultimately cost between seventeen and eighteen million dollars each. That amount of money devoted to the construction of submarines will give us a permanent fleet, a better fleet, and a cheaper fleet, so far as the aggregate of expenditure is concerned. It requires a smaller number of men to operate them, and at the same time they are, as shown, far more deadly and effective.

Suppose we build these two additional vessels—and some want four and others a greater number—in order that our competition with the other maritime powers may be kept fairly abreast, and war is declared, in consequence of which they may be used: Can they invade an enemy's country? They may attempt it, Mr. President; but when we afterwards learn through the dispatches that they have been blown to atoms by an unseen power whose approach could not be divined or guarded against, will we not then reflect, when it is too late, after these millions have suddenly disappeared and thousands of lives have been lost in an instant, that our policy of ship construction and Navy equipment has been worse than insensate folly?

Mr. President, I believe the time will come when the submarine will be developed so as to serve as a means of transportation. We had, in my judgment, better anticipate these conditions by meeting them with proper equipment than to wait until it is demonstrated by actual experiences of our own how useless it is to continue our present methods.

I propose, although I confess I have no hope of its adoption, before this bill leaves the Committee of the Whole to move an amendment striking out that provision for the building of two more battleships, and providing that the sums of money there appropriated shall be used for the construction of a fleet of submarines both on the Atlantic and on the Pacific Oceans. I want to say to the Senator from Utah that in one particular I think his amendment is defective, because it ought to provide for a certain number of these submarines to be made or operated upon the Pacific coast. With such an equipment the apprehensions of the timid ought to be satisfied; and the greed of the Armor Plate Trust and the Military Equipment Trust will be satiated, if satiated at all, by stimulating the theories and rousing the apprehensions of other nations. Then we will be, as in truth we ought to be, first in all the elements of defensive equipment upon the sea.

Mr. SWANSON. Mr. President——

The PRESIDING OFFICER. The Senator from Virginia.

Mr. SWANSON. I shall not detain the Senate very long.

Mr. BRISTOW. Mr. President, will the Senator yield for a question?

Mr. SWANSON. I will.

Mr. BRISTOW. I should like to inquire of the Senator from Virginia what is the relative range of the most powerful guns we have on our vessels as compared with the range of the guns on the vessels of the British Navy and the French Navy and the German Navy?

Mr. SWANSON. We have 14-inch guns on our recent vessels. Unless Germany has recently put on 14-inch guns, I do not think she has any. I think we will have 15-inch guns on some of our vessels. Great Britain has some guns as large as ours, but I do not think there is any nation that has guns of a longer range than those that have been recently put on our battleships. We have generally led the world in the range of the guns on our battleships.

Mr. BRISTOW. Mr. President, may I ask the Senator what is the range of the guns on our best battleships, and how many of those battleships we have?

Mr. SWANSON. I do not know the exact range of the guns on the different battleships. It is stated here in the Navy Yearbook, which will give the Senator the name of each battleship, with the range of the guns and the number of guns; but I am satisfied that, with the exception of the English Navy, our Navy, in range of guns and weight of delivery, is equal to any other navy. I think possibly it is equal to the German Navy, though that is disputed. Some say it is greater, and some say it is less.

Mr. BRISTOW. Does not the Senator believe that the two vital things necessary for an effective fleet now are speed of the ships and range of the guns?

Mr. SWANSON. We have the range of guns. We have no battle cruisers that have great speed. There has been some dispute as to whether it is better to have battle cruisers than to have the regular battleships. Our General Board and Navy Department have been anxious to have some cruisers. They

have asked for some cruisers, in addition to the battleships; but we have not made our appropriations as large as they desire, and consequently I think they have preferred the battleship over the cruiser.

Of course, if a cruiser engages with a battleship whose range of guns is less than that of the cruiser, the cruiser, on account of its speed, can keep entirely outside of the range of the guns of the battleship and destroy the battleship, while the battleship could not hurt the cruiser if it kept out of range. But the department has thought that since our ships recently built have guns as large as any cruisers or other battleships, our battleships would not be put in the condition of being in conflict with a battle cruiser whose range exceeded ours; and they have reached the conclusion that with a long range of guns equal to that which any ship could have, it would be better to have battleships that could both receive and deliver blows.

Mr. BRISTOW. But does not the Senator realize that that makes the fleet just half effective? It will be effective in defense if its range of guns is longer than that of the approaching enemy; it can defend itself, but it would be helpless in undertaking to pursue and capture the enemy.

Mr. SWANSON. It would be impossible for it to capture a battle cruiser of excessive speed.

Mr. CHAMBERLAIN. Will the Senator yield to me for a moment?

Mr. SWANSON. I yield.

Mr. CHAMBERLAIN. I ask the Senator to allow me to present a conference report.

Mr. SWANSON. I will yield for that purpose as soon as I have finished. I will finish in about 5 or 10 minutes.

Mr. BRISTOW. What I wanted to inquire of the Senator is, it seems to me, of vital consequence. I agree with the Senator from Colorado [Mr. THOMAS] as to some features of this question. It seems to me that it is idle for us to appropriate money to construct ships that have not at least equal speed and equal range of guns with any others in the world. What we ought to do is to provide ships with greater speed and greater range of guns, and then we will not need nearly so many in order to become invincible.

Mr. SWANSON. If the Senator will permit me, while we could not capture a battle cruiser, yet, if our fleet was composed of battle cruisers and the enemy had battleships of an equal range of guns, we would be deterred from practically any offensive warfare against them. The only benefit we would have then would be that we would be able to get away and not fight; but if we had 14-inch guns on a battle cruiser and 14-inch guns on a battleship, and they were in a conflict, and each gun was equally effective, and the cruiser was struck, it would be much more easily destroyed than a battleship. The effect of that would be that we would have a good Navy for running away, but a very poor Navy for fighting. We think a Navy ought to have the ability to fight as much as to run away.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Utah?

Mr. SWANSON. I yield.

Mr. SMOOT. I have just turned to the Navy Yearbook; and I will say to the Senator from Kansas, in answer to his question, that Great Britain has 14 battleships that carry 15-inch guns, with a speed of 22 to 25 knots. Germany has 3 battleships carrying 15-inch guns, with a speed of from 22 to 23 knots.

Mr. SWANSON. If the Senator will permit me, those battleships of Germany will not be completed until 1916.

Mr. SMOOT. I am reading from the ones that are completed. The United States has six battleships carrying 14-inch guns, with a speed of from 21 to 25½ knots.

Mr. SWANSON. What is the Senator reading from?

Mr. SMOOT. I am reading from the Navy Yearbook.

Mr. SWANSON. That is what I have here. The vessels with 15-inch guns of which the Senator speaks are building. One of them will be completed in 1916, one of them in 1917, and one of them——

Mr. SMOOT. No; I take it from the Yearbook, in which I counted the number of vessels, and the names of the vessels are here.

It is true it is in 1916 when they will be completed. It gives the year they are to be completed, and I notice that the last for Germany is 1916.

Mr. BRISTOW. If the Senator will yield to a further question, does he not think it is useless for us to expend the money in constructing ships that have an equal speed and an equal range? That simply puts us on an equal footing. It seems to me we ought to have a superior fleet at greater range in order to have any advantage at all. Now, to go ahead and construct ships that are inferior to those that the other great maritime nations are constructing, it seems to me, is wasting money, for they are of no use at all. The conflicts which have been had between England and Germany demonstrate that one ship with the greater speed and range is absolutely the victor against almost any number.

Mr. SWANSON. If the Senator will permit me, the speed of our battleships is equal to the speed of the German battleships.

Mr. BRISTOW. What about the English?

Mr. SWANSON. It is equal to the speed of the English, except some of the battle cruisers. We have not constructed battle cruisers. Battle cruisers would be very effective against our 8, 10, and 12 inch guns, but could not be effective against the larger guns. With guns of equal range and size, the battleships would have every advantage in the conflict, because one hit from a battleship's 15-inch gun against a cruiser with a 15-inch gun would be twice as effective and would be most destructive. The increased armor plate on a battleship would protect it.

Mr. TILLMAN. There are no cruisers that have 15-inch guns that I know of.

Mr. SWANSON. Of course, our Navy is deficient in not having some battle cruisers that can sail fast. I should like to see some constructed.

Mr. President, I will not detain the Senate long in replying to the Senator from Utah and the Senator from Colorado. I have great confidence in the judgment of those Senators. Their discursive talent goes into all fields of investigation and thought; they have splendid genius and splendid acquirements; but I have more confidence in the General Board of the Navy and in the department, in the Admiralty, and in the navy departments of England, Germany, France, and Italy, and all the other Governments of the world than I have in the judgment of these two gentlemen.

So far as these submarines are concerned, the Senate scarcely realizes what the committee has done. We propose to authorize five seagoing submarines. The General Board of the Navy recommended only three.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Colorado?

Mr. SWANSON. I yield.

Mr. THOMAS. The Senator has stated that he has great confidence in the judgment of this board. Why did the committee increase the number?

Mr. SWANSON. I will state to the Senator that they recommended only 3 and 16 submarines. The committee gave the 16 submarines and recommended 5 seagoing submarines, 2 in excess of the recommendation of the General Board. We authorize for submarines in this bill $16,300,000. Five seagoing submarines at $1,500,000 each will cost $7,500,000. Sixteen submarines at $550,000 each will cost $8,800,000. There is authorized by this bill from the committee $16,300,000 for submarines. That is all that we can afford to authorize with the present condition of our Treasury and with the question of the effectiveness of seagoing submarines still experimental. We can not afford to exceed that sum. That, as I have previously stated, is more than the General Board recommends.

The proposition of the Senator from Utah to appropriate for 25 seagoing submarines at $1,500,000 each and for 25 coast submarines is entirely unnecessary, considering it from any standpoint.

Mr. SMITH of Georgia. May I ask the Senator a question?

Mr. SWANSON. Certainly.

Mr. SMITH of Georgia. How would you view an amendment that would place in the hands of this board $50,000,000 to be spent for such increase and improvement of the Navy as could be made effective in six months, and leave it to their discretion, with the approval of the President, as to how it shall be spent?

Mr. SWANSON. I think the proper way to make these appropriations is for the General Board to make its recommendations, for the Navy Department to make its recommendations, for the committees of the House and Senate to examine and make their recommendations, and then for the Senate and the House from all these sources to reach a conclusion as to what the interests of the Government require. Then we get the information, the judgment, and the views of all of these departments as to the wise policy to pursue in connection with our Naval Establishment.

Now, let us see whether we could appropriate more money for submarines. Senators have an idea that we have no defense to our coasts except through submarines. Mines are effective. No battleship will go where mines have been laid. They are equally as effective as a submarine. The advantage of a sub-

marine is that it can go out where mines can not be laid and thus have a torpedo hit a battleship.

Now, as to the seagoing submarines, I have a letter here from the Secretary of the Navy, which states that seagoing submarines, of which the Senator from Utah wants 25, are still an experiment. The first time these seagoing submarines were recommended was last year, this Government leading other nations, as usual, in its naval policy. The department had an idea that we should have a submarine to accompany our fleet, to go anywhere the fleet would go—if necessary, to go around the world with the fleet—and we have been building one that is experimental in this matter. The contract was let only in December. It is doubtful whether it will be a great success or not. It has to be seagoing to accompany the fleet. It is known as a fleet submarine. Before 5, 10, or 25 should be authorized and constructed we should have an experiment to know that it is a success. We do not know that Germany and Great Britain or any nation has constructed a submarine that can accompany a fleet. There have been some newspaper articles on the subject, but the Navy Department says that they have no positive information that a seagoing submarine has been an absolute success.

There is no doubt the coast-defense submarine has been made a success. We authorized 8 last year. We now authorize 16, making 24 in the last two years. If Senators will read the report of the Secretary of the Navy, they will ascertain that Great Britain has the largest number of submarines, France next, and the United States next. The mistake that France made in its naval policy was to stop building dreadnaughts, as desired by the Senator from Colorado, and thus she lost the position of fourth in naval power. When she was ahead of Germany she had a minister of marine who believed in submarines, and she has submarines second to Great Britain, but when war comes it is the dreadnaught, the battleship, that determines the question of the control of the seas.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER (Mr. SAULSBURY in the chair). Does the Senator from Virginia yield to the Senator from Colorado?

Mr. SWANSON. I do.

Mr. THOMAS. If the German Navy shall ever invade the shores of France and attempt to assail her harbors from the ocean, the Senator will then discover the statesmanship of the French ministry, which constructed a fleet of submarines, and it will be demonstrated to perfection, for it will constitute her protection and not her line of battleships.

Mr. SWANSON. Possibly the judgment of the Senator from Colorado may be correct, but the naval establishment of France thinks otherwise, and France is now trying to remedy its defect in the direction of dreadnaughts and is rapidly increasing dreadnaughts. The judgment of the French ministry is that it made a mistake, and it is trying to get back its naval power by building battleships.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield further to the Senator from Colorado?

Mr. SWANSON. I do.

Mr. THOMAS. The development consequent upon Liebnechts's exposé of the Armor Plate Trust indicated that officials high in the French and British Governments and their navies, aye, in the established Church of England, for material reasons, exercise the most potent influence sometimes toward the construction of these expensive equipments rather than those which are not so expensive, but which are at the same time more efficient. Since that time I must confess, speaking for myself alone, that my confidence in the judgment of those who make these expenditures is far less than it was, for the greatest of all combinations on earth and the most remorseless is one which coins blood and tears into dividends, whose assets are war and rumors of war. So the people who furnish the equipment to the armies and navies and who have their stockholders and supporters in all——

Mr. SWANSON. Mr. President, I can not yield further.

The PRESIDING OFFICER. The Senator from Virginia declines to yield further.

Mr. SWANSON. If the Senator will permit me, as to trusts—his advocacy of 25 submarines of a coast character and 25 of a seagoing character, making $30,000,000, equal to the cost of two battleships, as only two companies in America are able to construct submarines—the Elco and the Lake may come behind this, if trusts are working—there is a big, if not a bigger, monopoly behind submarines than behind battleships.

Mr. THOMAS. Mr. President——

Mr. SWANSON. Just a moment.

Mr. THOMAS. I simply wish to say when this fleet is constructed there will be no necessity of duplicating and multiplying them as in the case of the battleships, which become obsolete before many years.

Mr. SWANSON. I beg to differ from the Senator from Colorado. What occasions Great Britain's supremacy to-day on the sea? What makes British commerce in all parts of the world continue except the little portion of it that might be destroyed by submarines? It is because Great Britain has the greatest aggregation of battleships in the world. Germany is afraid to let her battleships come out and contest supremacy with Great Britain. All that Germany is trying to do with her submarines is what? To destroy battleships sufficient so that her battleships can come out and have a conflict with Great Britain. She realizes that when the contest comes it is the fleet of battleships that will determine the supremacy and not the submarines. The only purpose of submarines is as an auxiliary to give supremacy to battleships and not as a navy. It does not look forward to taking care of your commerce. Without the battleships your trade and your business is a failure from beginning to end. France realizes that, and France is now trying to correct the mistake.

A submarine must wait for an opportunity before it is effective. We have given it all the merit which it is entitled to, but it is not a fleet. It can only make the relative differences between two fleets stronger or less. A submarine can not chase a battleship. A submarine is only effective when it gets into the line in which a battleship is going. If a battleship is going from it it can never overtake it. It must wait an opportunity to be in its path. A submarine can only stay 24 hours under water. That is the maximum. When it has been under water 24 hours it has got to come to the top, and the destroyer or the battleship near there can destroy it quickly and rapidly, and it ceases to be of any value. It can only go under water about 45 miles. When it goes under water 45 miles it exhausts its battery and must come to the top. It is dependent upon opportunity. I, for one, am not willing that the great, splendid fleet of America shall be destroyed and that we shall depend upon submarines or gunboats.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Georgia?

Mr. SWANSON. I do.

Mr. SMITH of Georgia. Agreeing with the Senator entirely about the propriety of not relying upon submarines but increasing our large vessels as rapidly as possible, I wish to ask the Senator whether any request was made from the General Board indicating a willingness by the department to go much beyond the ordinary appropriations for the purpose of putting the Navy in the best possible fighting condition if it had to do some fighting in the next six months.

Mr. SWANSON. The General Board wanted two more battleships. It desired some other auxiliaries. It desired more torpedo destroyers. But after considering the condition of the Treasury and the fact that the navies of the world are now at war among themselves, and that none of these nations could direct all of its navy against us now, the committees of the House and Senate and the Navy Department reached the conclusion that this was all that ought to be recommended at this time.

Mr. SMITH of Georgia. Suppose it was the view of the Senate that the condition of the Treasury should not control, but that other conditions should, and that we should spend all we could intelligently spend for the purpose of putting the Navy on a fighting footing within the next six months, does the information furnished by the General Board give us a basis for such an increase?

Mr. SWANSON. I think the report of the General Board was made in November. They examined the conditions of the world in November and the possibilities and the chances of the fleets of the world. Much of the information they had was secret and can not be given to us. They can not give all the information and sources of information, but the only real difference between the committee and the General Board is that the General Board recommended four battleships and the committee recommended only two and the other four auxiliaries, which could be supplied. So far as the request for submarines are concerned, we exceed the request of the General Board.

Mr. President, this committee has recommended, after investigation, the largest naval budget that America ever had. It exceeds any appropriation ever recommended in the past and all the conditions that might arise in the future will require. The Senator must realize that at least two or three years must elapse before these battleships will be constructed. He must realize that that is to be taken into consideration. He must realize the fact that, with all the great powers in the world to-day at war, none of them will send their entire fleet here.

There is no more necessity for increasing this any more now than heretofore, except the committee realizes the idea that the submarine has proved its worth, has proved its effectiveness, has proved its power of offensive and defensive warfare, and consequently we felt justified in exceeding the recommendations of the General Board in that respect.

Now, Mr. President, I move to lay the amendment of the Senator from Utah on the table.

Mr. LEWIS. I believe that cuts off debate under the rule.

Mr. SWANSON. I will withhold the motion.

Mr. LEWIS. I should like a few moments to make some observations, if it does not conflict with the polity of the committee.

Mr. SWANSON. I will withhold the motion if the Senator from Illinois desires to address the Senate.

Mr. LEWIS. Mr. President, I should like the indulgence of the Senate for a few moments while I express some ideas that I fancy I can not claim a monopoly of. The inquiry of the Senator from Georgia [Mr. SMITH] to the Senator from Virginia [Mr. SWANSON], who is my conferee on this committee, seriously arrests my attention. What I will say I do not say as a member of the Naval Committee. I have not given that committee such attention as it deserves from me. Therefore I speak only as a Member of this body, and I speak wholly for myself.

The expression of the Senator from Georgia in his inquiry to the Senator from Virginia respecting the prospective preparation of building battleships within the next six months gives a suggestive form of wisdom that does not clearly appear upon the surface, but which, in my mind, has much more justification than the ordinary man hearing the inquiry would ordinarily apply to it.

For myself, I have no desire to court the reputation of being an alarmist or one who would inflame my country with unnecessary fear, nor shall I speak in any but the calmness of deliberation. Mr. President, I can not look at a great conflagration blazing all around my household and noting the impotency of my fire department without realizing that I, too, may be caught within the flare of the flame and that the habitation in which I reside may be subject to destruction.

The country to-day—I say the country, Mr. President, meaning the world about us—is in the most inflammable state that has existed in a century. To assume that we, the United States, made up of people subject to the same emotions, fretting under the same form of restraint, sensitive to the same affronts as others of the lands involved, can escape complications and, perchance, involvement in a world war is to lay a "flattering unction to our souls" that can not be supported by the mere application of the standard of human nature.

My mind reverts to the fact that there are no records of wars that can be summoned up by the scholars and able men who do the compliment to listen to me here in the Senate but will be recalled as having been brought about in large instance without intention, brought about without a war object, and resulting from conditions little dreamed as likely to provoke conflict so soon as they did.

Wars, Mr. President, as history informs us, are not decreed by Governments in power, by policies of administration in existence. Wars are made by the opposition to the administrations in power. Wars are made by the man in the street, the woman in the house. Wars and conflicts are often brought about by those without who assail administrations in power either for reasons of political issue or to avenge personal remissness in protecting national honor. From such disputation the public is aroused to feel that to maintain national honor it is necessary that conflict be declared.

There sit about me Senators who recall from history that England had no intention of getting into the war of the Crimea. She was removed by interest and by distance miles and miles from every question at issue. It was not the object of her premier when he rose to speak of the conditions surrounding the world to involve England. He sought merely to maintain a neutrality as against Russia and Turkey and two other countries which then threatened to enter into the arena. But we do know that in that undertaking England found herself in a conflict of so great and stupendous a nature that pen has seldom described and history has but barely defined its outline.

There was no intent of England or Germany, Mr. President, to become involved in the Napoleonic wars when the assaults were addressed only to Italy and Austria. It was but an effort, as we recall, to maintain freedom in isolation from assault. But soon England and Germany found themselves enveloped by the flames of the conflagration and soon the torches of wisdom were lighted with flames of war and these countries found themselves marching to the conflict and forced to maintain it to the end at Waterloo.

Sir, do we, Mr. President, fancy that we may escape where others of the same strengths of sentiment of peace and caution as ourselves have not been able to exempt themselves?

What, then, is our condition? If I may be pardoned, as a mere citizen, for expressing myself as I see that condition, I will answer my own inquiry. It is, Mr. President, first, the hope from the heart of every citizen that we may be able to escape the conflict that is now swirling around us. We know that the dream from the bosom of every mother who has a son who might bear arms and lay his life down on distant hills and hidden vales is that the conflict of life and death may never arise. But we are conscious that it has arisen with us under the very exact conditions that it has arisen, suddenly and unintended, in other countries. I see distinguished Senators around me who sat with me in 1898 in the House of Representatives. It is well remembered that I participated in a matter which if I could apologize for and erase from my record I would unhesitatingly offer to do so. The record is that a resolution was offered by Mr. LEWIS, Member of the House of Representatives from the State of Washington, who happens to be the same Mr. LEWIS who is now a Senator from the State of Illinois. The resolution was to recognize the belligerency of Cuba and her independence. It had no object other than to involve a parliamentary conflict between myself and a distinguished Democrat with whom I could not agree at that time and my honorable opponents, the Republicans. But our opponents, the Republicans, seeing that such maneuver was a mere parliamentary attempt, having for its object a political expendiency, tendered an amendment to my resolution which demanded the independence of Cuba to be recognized by the McKinley administration.

The Democrats did not dare to vote against it. The Republicans had not desired to bring on this conflict, but in order that there should be no party advantage from either side the Lewis resolution and the resolution tendered by the distinguished gentleman, afterwards the Speaker, Mr. Cannon, were carried unanimously without the slightest intention on the part of any one to effect any other result than a mere parliamentary advantage. In one week from that day the *Maine* was blown up, as we know, in the harbor at Habana. Our country then cried for vengeance. War was upon us. The experiences of that conflict are well remembered and our unpreparedness and its consequence are recalled.

So we may assume to-day that war never would have been declared but for the affront which Spain felt she suffered by the resolution which we passed in Congress, which at the time did not have for its purpose war. No Member on either side I am sure expected that war would follow. All would have avoided it.

Mr. WORKS rose.

Mr. LEWIS. Does the Senator from California rise to interrupt me?

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from California?

Mr. LEWIS. I yield to the Senator from California.

Mr. WORKS. I should like to ask the Senator from Illinois if he does not think that we are inviting exactly the same trouble now and increasing our danger by shipping munitions of war and other things to the belligerent nations in our own ships?

Mr. LEWIS. Mr. President, the Senator from Georgia [Mr. SMITH], with an erudition which all admire who know him intimately, and with a premonition of the future which must have been very clearly indicated by his interrogatory, comprehended some of the things the able Senator from California has just intimated, and that is that within the next six months, deplorable as the possibility may be, some things can arise in this country to which this our country would give serious aspect to and as far as possible prepare for as war.

I answer the Senator and say my country may be verging ever closer and closer to that serious conflict, but which only the calmest intellect, the noblest emotion, and the highest Christain cooperation can rescue us from.

So with words of the Prince to Horatio—

> Since the affairs of men still rest uncertain
> Let's reason with the worst that may befall.

Mr. President, I recount some of these situations. We are a sensitive people; we are a people slow to take affront as a body; but when we take affront we seldom surrender the offense without some form of resentment to the extent of retaliation. Keeping in mind the question of the Senator from California [Mr. WORKS], of late we have noted the irritation caused our country by the contentions of some of those nations now engaged in war. On the part of Germany and her spokesmen there is a demand that there shall not go from America ships carrying certain things which an ordinary American ship, when her Na-

tion is at peace, would have the right to convey. Mr. President, breadstuffs is threatened as contraband. It is gravely proposed in certain quarters that our Nation should assume the agency of serving one or the other of the combatants, depriving our own people of the revenues coming from the sale of their own products and our commerce of the prosperity of the exchange, notwithstanding that article 12 of the treaty with Prussia in 1785, revived by the treaty of 1828, guaranteed free intercourse with foreign nations, an "intercourse of commerce not to be interrupted." This treaty followed the spirit of similar treaties with Prussia as early as 1799, which has at present the same spirit in expression—declaring in form of contract—authorizing this, the country of America, to send its manufactured products into any part of the world wherever our country shall not be at war, we being a neutral. There is a disposition to deny that privilege. We stand strong upon our rights.

England in the meantime steps aside, if I do not mistake her position, from the literal word of our treaty obligation with her, and she likewise insists that there shall be no engagement on the part of the United States by her vessels in any matter which her rival may enjoy the benefit of, be it of whatsoever condition, quality, or quantity, particularly opposing the sending of breadstuffs. It is forgotten by England, I am sure, that in the war between Japan and Russia, when one of the combatants there urged a similar doctrine against us to that which England is urging upon us, the Secretary of State for the United States, Mr. John Hay, controverted the principle, and in an official note, receiving the indorsement of America, said:

> The Russian rule obviates the necessity of blockades; it renders meaningless the principle of the declaration of Paris—that a blockade in order to be obligatory must be effective; it obliterates all distinctions between commerce in contraband and noncontraband goods, and is in effect a declaration of war between a people of a neutral and those of a belligerent State.

We recall that upon the receipt of that note from America Russia receded from her position, though she was on the eve of applying it in the East against us in the same manner as is now threatened in European waters in the attitude of England in the European war.

During the South American war Lord Salisbury, speaking of the attitude of Great Britain, anxious at that time to have such supplies as would serve their purposes against the Boers, did not hesitate to affirm saying:

> Foodstuffs, though having a hostile destination, can be considered as contraband of war only if they are for the enemy's forces; it is not sufficient that they are capable of being so used; it must be shown that this was in fact their destination at the time of their seizure.

Mr. President, I take it that all Senators sitting around me, doing me the courtesy of paying their attention, recognize these principles as fundamental in the guaranties to America.

Now, the question of the Senator from California and that which was no doubt in the mind of the Senator from Georgia [Mr. SMITH] brings me to ask, Mr. President: If nations shall, for purposes of expediency, or being driven by the exigencies of war, find it agreeable to treat these treaties as having no existence or to violate them because it may serve their objects elsewhere, what should be our position? I answer, can the United States supinely surrender its rights merely to accommodate the exigencies of others at war between themselves? Shall we decline to enforce the duty we owe the American citizen because it might conflict with the conveniences of one or the other of the belligerents or place one at a slight disadvantage to the other in the arena of war? Mr. President, we can not. Shall we decline to protect our commerce in its right to enter into every avenue in the open sea wherever it can be occupied to the advantage of our people while we are a neutral complying with the law applicable to neutrals? I answer, we can not.

Then, sir, if there shall be any country which shall grow so courageous or allow its courage to take advantage of what is alleged in certain quarters to be our unprepared state and rise to the altitude of audacity and not only violate its treaty with us but to assail our American ships in such manner as to destroy them to prevent their cargo being delivered to the destination, and, as a consequence, sir, shall take the life of an American citizen, as the lives of American citizens were taken when the *Maine* was blown up in the harbor of Habana, does any Senator assume that our American people will be so quiescent under mere rule of neutrality or desire of peace as to allow that affront before the world to go without resentment? Dearly as we would love to feel that those matters might be adjusted without conflict, we know our country, we know our people. They will not take insult nor remain inactive under assault. Then, Mr. President, in view of this fact of our immediate surrounding of danger of possible conflict and complication, why should we not look at it fairly and reckon with it openly?

The reason why the Navy of the United States to-day has not as complete preparation as it should have and why the Army is not so sufficient as it might be is because every time a public man occupying the public arena somewhere has risen to propound to his countrymen the dangers as he saw them the public press of our country, anxious for peace and solicitous to allay the alarmist wherever he may be, has immediately announced that there was no foundation in the fear of the spokesman. The citizen has been educated, therefore, to believe that we have no dangers ahead and that, therefore, it is unjust for us to put an expense upon him for a thing that could not be justified; consequently, where we tender the expense for increase of Navy and Army at this time the reply is, "There are no dangers to justify it."

I hold, Mr. President, that the hour is upon us when we should tell our countrymen frankly where the dangers really are, that we may justify them in their confidence in us and cause them to feel that their contribution of the necessary expenses for the rehabilitation of the Navy and the proper adjustment of the Army is vindicated by the conditions.

Sir, some of them rise to my mind, and I take the liberty to revive to the memory of Senators that when I assumed to open the debate upon the Panama-toll bill on this floor, supporting the viewpoint of the President and giving the reasons, I then advanced the logic of why we should not hastily break treaties with other countries and thus invite conflict against our commerce and retaliation at the hands of the nations of the world against our ships and the consequent result of war possibilities, as had occurred with England and France by the United States. I pointed out the dangers as I saw them of what we might enter upon.

I now call attention, Mr. President, to the fact that Japan, however much her leaders might feel the desire for peace, has grievances against this, my country; that Russia, however much her administration might desire peace, has resentments growing out of broken treaties against this, my country; that in South America there is not a feeling of kindliness or affection to this land of ours. These South American countries feel that, under the guise of the Monroe doctrine, we are gradually intruding ourselves upon them, first as guardians and next as proprietors. Sir, with the memory of what transpired in connection with Panama and Colombia, coupled with conditions now in Mexico and as they have been for the last year and more, we can hope for nothing but a sentiment of resentment and unkindliness from that particular zone of the Western Hemisphere.

Mr. President, I now wish to ask that if a conflict should arise between any of these countries and ours, how do we stand? Let us frankly look at it as a citizen might. Japan is to-day allied with Russia, France, and England. With one of the countries she was only lately in deadly combat. Does any American of intelligence assume that the Japanese are not an artful people, that their legislators are not shrewd and wise, and that through generations of 2,000 years they have not educated themselves to the art of skillful diplomacy that disguises real purpose when necessary? Will it be denied that they would take advantage of every just opportunity?

What are their two grievances? First, we contend that it is contrary to our principles to allow their people to enter into our country upon the same equality as does the European. The Japanese resent that. Mr. President, supposing China was to be set upon by Japan and there shall be a repetition of the war between China and Japan, and there shall be before America the very appearance that China is to be absorbed by military methods on the part of Japan; and supposing, in behalf of the commerce of America and our institutions, we should go to the rescue of that young Republic, modeled after our Constitution, and should attempt to render some aid by advice, or in any other form, for the protection of that which is hers and ours, in the meantime denying Japan the renewal of the "gentlemen's agreement," so termed, respecting her citizens entering into this country and enforcing that other, to wit, the exclusion of her subjects, Japan will have her grievance against America. Do you think, my colleague Senators, it will end there? Permit me to be so presumptuous as to offer my suggestion as to what will transpire. Japan will say to Russia, to France, and to England: "Gentlemen, in the hour of your trouble I was your ally and friend. In return for that I now demand of you that you serve your partnership with me, joining with me—Japan—in a demand upon America that she shall fulfill what I feel is her just obligation; but, at any rate, that you shall join with me—Japan—in supporting me in my demand for the same rights in America for my countrymen that you—Russia, France, and England—enjoy."

Will anyone imagine that these three countries can remain indifferent to that demand? Will any of my brother Senators,

historians and scholars as they are, deny that such was the very reason that England was forced into the Crimea? Will they forget that that was the very reason of the obligation that caused England to enter the Napoleonic wars? Will they lose sight of the obligation that these countries will really owe to Japan in view of Japan's entrance into the arena against Germany in the East? Then if France, England, and Russia did not feel that they could enter into active operations with Japan, and though they might withhold their steaming galleons and not assault our Atlantic coast directly, it is perfectly plain we could expect no sympathy from them and that our enemy would be receiving at their hands every form of supply that could go to an enemy, wherever such was, either in money or munitions. Then we would have to assault these for their indirect war on us.

Then there would be that other situation in South America and in Central America. They would be encouraged to be the base of supplies to the enemy, with France and England and Russia—France and England particularly—entering in their own commercial spheres in those countries against America and converting the Panama Canal against us.

Now, Mr. President, it is perfectly plain that, if we look at our country through the glass of history, we must recognize that she will have reflected upon her the very same conditions that have followed other countries and set upon them under similar conditions. Then what should be our position of preparation? Should it be to sit quietly by and assume that these things can not arise because we are American? Is there any magic in the name America to these, our natural foreign opponents?

We have been regarded by them as intruders in commerce, experimenters in government, innovators in the attempt to overthrow kings. We are received with wonderment, but in no wise accepted with approval. Shall we fancy that merely because we are America, in the splendid prestige that we have enjoyed in the past, these, our natural opponents, shall be frighted from their opportunities when the time shall come? If, as the able Senator from California intimates, one of these great countries should feel that we are violating neutrality by sending out our ships, which may carry arms, on the one hand, or breadstuffs, on the other, the grievance is the same to each. Their privilege to resent it will remain as strong. Their power to retaliate and punish will remain as firm, while their qualifications to enter into the conflict quickly and hastily is demonstrated by the very manner in which they are waging the contest of death and the immolation of countries before the eyes of civilization.

Mr. WORKS. Mr. President——

Mr. LEWIS. Does the Senator rise to interrupt me?

Mr. WORKS. Yes.

Mr. LEWIS. I yield to the Senator from California.

Mr. WORKS. Mr. President, I did not make my inquiry of the Senator from Illinois upon the ground that we were violating the neutrality laws at all. I was thinking alone of the interest of our own country, whether we were not, by shipping munitions of war, foodstuffs, and various other things that are going from this country to the belligerents, endangering our own country and tending to bring us into the very conflict that we are trying to escape?

Mr. LEWIS. Of course, Mr. President, I can not overlook the Christian character of the able Senator from California and his great anxiety to avoid conflict by doing such things as he feels would be humane, Christian, and godly. His point of view is rather born of that standard; but, as much as I would love to enjoy such, I am compelled to recognize myself merely human and my fellow citizens of my country intensely so, and that if the time shall come when they feel they must take a practical method to enforce practical results no amount of precept will restrain them; and, if any opponents bring upon themselves the necessities of conflict, conflict only will our Nation be content with, and to the fullest extent necessary. I therefore say to the Senator it may be all true as he says, but our people will not accept that holy theory of righteousness as the sole standard.

Now, Mr. President, what should be our attitude of defense, if I dare offer it as a fellow citizen and as a Member of this body? In the first place, Mr. President, no adequate Navy can, as the Senator from Georgia intimated, be so constructed within the next six months or the next year as to wholly defend us against the advances of these things which may arise; but some immediate steps must be taken by us for the legitimate anticipation of future difficulties. This all men should admit. It may be that we may expend a little more than necessary; but what is the loss? I have lived on the Pacific coast. I was born and reared, as is well known—at least to those who have interest enough to know anything about me at all—on the Atlantic coast. I had an inconsequential service in the Spanish-American War; I am intensely interested in the welfare of the National Guard, of which I am an humble officer. I view the standpoint of my country to some degree, let it be admitted, affected by my interest in the militia and the experience I have drawn from a very casual and not important service.

I would, Mr. President, therefore feel that if this country should expend a little more money than necessary two things would follow: First, in the fortifications of the coast cities. In these fortifications being made sufficient work could be given thousands of men now out of employment; factories could be given occupation; all that enters into fortifications would be utilized, and the fortifications would serve as an alarm and warning to those who would hereafter contemplate, if contemplate they should, advancement upon our coast. To that extent we would minimize the cost of a large Navy.

Then, when it came to the Navy construction of the large ships—as this has been the theory of the committee, and in it I heartily concur—we have a double advantage. In constructing these large ships we construct them at home. Formerly, when the cry went out against the building of a Navy because of expense it was in those days when we bought most of our material abroad and our money therefore went to others. But to-day the iron and steel, the wood and the cloth, the interior and the exterior furnishings, all come from our own people; and if we spend the money of our Treasury we spend it on ourselves, by extra employment to labor in all forms of its utilization, reaping the benefit through a sense of protection which gives security to the citizen at home and offers an insurance to him in undertaking with freedom his general commerce and business, which otherwise he would hesitate upon, for fear of dangers which now menace him.

Therefore, the committee's recommendation has my approval, and I give my reason for my justification of the committee. If this thing that I fancy can arise to my country, and which I feel it should prepare for openly, courageously, and bravely, I accept it and prepare for it. I can not accept the idea certain distinguished Senators have expressed on the floor that if we give evidence of undertaking war preparation we arouse a sort of resentment on the part of other countries. I can not care if we do; I can not pause in the discharge of the duty I owe my country to measure what some other country may feel from its punctilious sense of affront or what it feels may be its privilege to be sole in the preparation for self-defense. I can only calculate the rights of my own people as I see them, contemplate the justification of my own Nation in her conduct as I feel it to be just and righteous.

Mr. President, I have in these utterances given reasons why I support the committee and have expressed the fear that I now reiterate—that dangers surround this, our country; that in the universal conflagration we are threatened with, the prospect of being involved in the flame is apparent; that if we escape, it will be an instance contrary to the rule of history, for which we should first express our gratitude to God, then our appreciation of the patience of our countrymen that enabled us to enjoy such fortune.

But, sir, as I conclude these observations, let me send one word from this arena, speaking for myself. I trust that no country in the world will draw any encouragement from any differences that Senators on this floor may disclose in discussion or that Members of the House of Representatives may voice in what is called naval military preparation. I trust no country will assume from these debates that there is any party in this land that is opposed to a just national defense. That none will lay to themselves the consolation that there is a spirit in this land that would discourage the very fullest resentment of a wrong that was against American honor. We may have our differences, as we will have, in purely local politics. We will contest in the arena of thought upon political ideas, and we will differ in debate as to the best method of achieving results; but to the world we send this greeting: We welcome them all in peace; we pray God that benign state will always continue with us, with the world; but if there shall be any who now brood the thought of visiting upon America any other form of fortune than peace, let them contemplate that we know our duty; we feel our honor; we are sensitive of the complete unity and support we enjoy from the humblest to the highest of the citizens in this land. Mr. President, if I correctly understood the allusion made this morning it was to assert that there were financial institutions and organizations existing now in these United States with purposes to antagonize our country here at home to serve our enemies abroad. Mr. President, I can not believe that any organization of American citizens, foreign born or otherwise, could band together to embarrass their adopted country. I will not accept the accusation. To the charge made

from any quarter I answer—for them, for us, for all—and say that we are Americans; and in America there is no place for any man or set of men who shall resolve themselves into any order of citizenship with the issue of themselves as financiers or as foreigners against America, their home. By no pretense or excuse will this be justified in American hearts; and, while no man will receive at our hands discrimination, nor his nationality be abused, nor his race discredited, matters not from what land he comes, having been received in our asylum of liberty, blessed with the generosity of our justice, we will ask of him that he, too, be an American and serve as an American.

If he can be less, ever so little, he is no American. Then, as all are Americans and must remain such in any hour of conflict from any land anywhere, let it be understood that we are a united people in America as against all forms of opposition against America. The differences of the past between our dear beloved country of the South and of the North have been healed in blood, and all sections now live together in love. All political differences of the ballot box likewise close; and in serried ranks of union we move to protect the flag and maintain the honor of our country against all form of assault, while we sustain the dignity of the Nation and uphold the supremacy of her people as against all enemies wherever, within or without. So, Mr. President, paraphrasing Philip of Faulconbridge in King John, we proclaim to the earth, saying:

> Now, these her princes are come home again,
> Come the three corners of the world in arms,
> And we shall shock them. Naught shall make us rue,
> *If America to itself do rest but true.*

I support the amendment of the committee, Mr. President.

Mr. JONES. Mr. President, I consider the amendment offered by the Senator from Utah [Mr. SMOOT] a very important amendment and in the interest of peace. I want to see this country at peace with all the world. I want to see it stay at peace with all the world. I am in favor of doing almost anything, short of impairing our national integrity, in order to preserve peace, and especially to keep out of the contest that is now going on in Europe. I can see no excuse for our getting into this contest. We ought to keep out of it by all means; but I am fearful that we are tending toward getting into it, not intentionally, not purposely on the part of any officials of the Government, but nevertheless surely. I feel satisfied that they are all striving to keep us out of this contest, but it looks to me as if we are moving almost inexorably toward this strife. I hope I am mistaken; but as I see the events that come from day to day, and the steps that are being taken and attempted to be taken, I am sometimes led to wonder whether fate is not driving us irresistibly into this contest.

It seems that selfish interests and selfish desires have led to practically every contest in the past, and those same interests and those same influences seem to be controlling our destinies at the present time. I fear that many of the acts of the Government itself have a tendency to lead us nearer and nearer to the seat of war. We have passed a law providing for Government insurance of private vessels—war insurance. We have placed the Government behind the proposition to hold out this inducement to the merchant and the shipowner and the commerce trafficker, and have said to them, "Take the risk, face the dangers, and we will stand behind you, and we will pay your losses—the people, the Government of the United States." They are taking the risks, they are going into the war zone, they are striking the mines, they are being blown up, and our people are going to be asked to pay the bills.

The other day I saw across the whole front page of one of our great daily papers, in great headlines, the name of a certain vessel flying the American flag, and the statement that she had been blown up by a mine or a torpedo. Mr. President, that can have but one effect upon the people, and it will to a greater or less degree inflame their minds and increase the war spirit throughout the country. How many such incidents as that it will take to bring us to the point where the people will insist that something shall be done in a radical way, in a forceful way, in a warlike way, to prevent such occurrences, I do not know. Certainly, however, there are certain interests and elements in the country that seem to be willing to take advantage of these incidents in order to create, apparently, a warlike spirit throughout the country. Inflammatory statements are made in the papers; attention is called to the fact that a vessel flying the American flag has been blown up; and it is now stated in the papers that this Government as a Government is liable, by reason of the insurance we have authorized, in the amount of six or seven hundred thousand dollars for the destruction of these vessels.

These are privately owned ships, they were carrying privately owned cargoes, and yet the American people must make good the loss they have suffered. They knew where they were going. They knew what they were going for. They knew they were in a danger zone. They had been warned by the Governments at war as to what was likely to happen in this territory, and yet they took the risk. For what? For gain solely; for profit only. The Government of the United States, as a Government, gets nothing out of this matter. The benefit is simply to commerce. That benefits a few individuals, a few people, and certain industries.

Then again, Mr. President, we are urged to pass a law under which the Government of the United States itself is asked and expected to send a Government-owned ship into these same waters, into the ports of the warring countries. Why, Mr. President, what would that mean? The people of the country understand, when a ship flying the United States flag, but owned by a private citizen, goes into this territory and is blown up, that of course the integrity of the Government is not affected; that the Government property is not destroyed; that the Government sovereignty is not infringed upon; that to a certain extent the private owner has taken the risk. But suppose a Government ship, not only flying the American flag but owned by the Government of the United States, operated by the Government of the United States, and part of the very territory of the United States, and part of the property of the United States, is blown up?

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to his colleague?

Mr. JONES. Certainly.

Mr. POINDEXTER. I should like to ask my colleague if he thinks any material difference would be made in the situation he has just described by creating a corporation as the instrument by which the Government owning the vessels conducted the business?

Mr. JONES. Not at all. That is simply a subterfuge. It really makes the transaction worse.

Mr. POINDEXTER. It seems to me the Senator has not at all overstated the dangers that would arise from that situation, and that the mere indirection of operating through a corporation does not relieve us in any respect.

Mr. JONES. Not at all; I do not think so. I treat it as a Government vessel. Other nations will look at the substance and not regard the shadow. It does not make any difference if we are doing this through a corporation, and, Mr. President, it does not need any argument. As a matter of fact, you can not argue a proposition of that kind. We know what the American people are likely to do in a case of that kind. We know how they are likely to act in a case of that kind. We know what a feeling of indignation and of patriotism would sweep over the country the moment the news was flashed across the electric wires that a Government ship—a ship of the United States Government—had been sunk by a torpedo or by a mine.

It seems to me that the events of the last few days ought to make us stop absolutely in the course along which we seem to have been headed, if for no other reason than to avoid such possible risks.

I would do this, if I were the President of the United States, under the present condition of things: I would issue a proclamation stating to the people of the United States that every owner or operator of a ship going into the war zone that has been declared such by the belligerent powers of Europe does so at his own risk, and he must not expect to involve the people of the United States in this terrific struggle simply because of his desire to make a few paltry dollars for the carrying and sale of cargoes.

It is true that we have rights as a neutral Nation. It is true that our citizens have rights as citizens of a neutral Nation. It may be well and proper for us to insist upon those rights ordinarily, but there are times when a man is not justified in insisting strictly upon his rights, or if he does he must take the consequences.

Out in our western country we used to have—we do not have them very much any more—classes of men who very frequently came into our towns and went down the street shooting out the lights and shooting out the windows, shooting up the town, as they called it—cowboys. If a citizen of the town learns that there are two bands of these men shooting up a certain street, he has a perfect right to go out and go on that street while this is going on, because it is a public highway, but if he does he ought to take all the risk of anything that happens to him, and if he gets shot, or if he gets an eye put out, he has nobody but himself to blame, and the man who would insist on doing it simply because it is a public highway and he has a right to be on it would get but little sympathy if he should be shot.

Mr. SMITH of Michigan. Mr. President, is it the understanding of the Senator from Washington that the Government now takes the risk of these vessels that are going into the danger zone?

Mr. JONES. I see that some of these vessels that have been blown up have had insurance under the war-insurance bill that we passed. If that statement is correct—I simply take the newspaper reports for it—then, of course, we are liable; but that is not the point I am trying to make at all. The point I am trying to make is that we see in the papers every day statements that our vessels are neutral; that we have neutral rights, and that our ships have a right to carry our commerce from the ports of this country to the ports across the water, whether belligerent or neutral, and they seem to be insisting that the Government should get behind these people and insist upon their rights notwithstanding the fact that the belligerent countries, the countries at war, have declared that certain territory is a war zone, and that mines are there and submarines are there and torpedoes may be expected there, and all that sort of thing.

Mr. SMITH of Michigan. Mr. President, as to the wisdom of the Government engaging in the insurance business, I desire to direct the attention of the Senator from Washington to this recent experience:

The *Evelyn*, I understand, was insured for $100,000 on her hull by the Government and $311,000 on her cargo. The premium paid was $13,000. The *Carib* was insured on her hull for $22,253 and her cargo for $235,850. The premium paid was about $8,000. The total premiums received by the Government for the insurance of these two vessels amounted to about $20,000 and the loss which the Government must bear amounts to over $650,000. The total amount received by the War Risk Bureau in premiums since the passage of this law is $1,500,000, and the liabilities of the Government amount to $55,000,000.

If that is a good enterprise for the Government of the United States to engage in, it is not working out very satisfactorily.

Mr. JONES. Mr. President, from a financial standpoint it may not work out well. I do not expect it will if this war lasts long, but I am not so much interested in that. We may lose thirty or forty million dollars, but that is nothing—nothing compared with what would happen if we should get into this struggle. That is what I want to warn against. If a few more ships are blown up upon which we have issued war insurance, it will not be the fact that it will cost us more money that will inflame the people of the United States—not at all. That will be used simply as an incentive or as a means of inflaming the people. It will be called to their attention that their money is behind these ships, their Government is behind these ships, and, therefore, that their Government is attacked when these ships are sunk; and this will be used as a leverage by certain interests to inflame the people of the country and lead them into trouble to maintain the Nation's honor, when, in fact, it is all done in the interest of trade, commerce, and financial profit. That is what I am afraid of. It is not the financial loss that worries me in regard to this matter—not at all.

But as I was proceeding to say, Mr. President, we ought to notify and give the trading interests of this country to understand that while it is true we have neutral rights and they may have neutral rights, this is not the time and this is not the occasion to absolutely insist upon the strict observance of those rights; and that when Germany lays down a war zone and when England lays down a war zone, each for its own defense, and warns the neutral nations of the earth that they must keep out of there, then we should say to our people, "If you go in there, you go there at your own risk."

Mr. TOWNSEND. Mr. President, will the Senator yield for a question?

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Michigan?

Mr. JONES. Certainly.

Mr. TOWNSEND. Suppose Germany or Great Britain laid down as a war zone the Atlantic Ocean. Does the Senator contend that the United States would have no business to send its ships out into the Atlantic?

In other words, my question is to this effect: Suppose Great Britain or Germany or any other nation outlines a zone that is entirely unreasonable, that interferes with the shipping of the United States. Is this Government going to serve notice upon its people that they can not go upon the sea, because the nations have outlined this unreasonable zone?

Mr. JONES. I have not said that we should notify them that they can not go into these zones, but that if they go there they go at their own risk. So, if England declares the Atlantic Ocean a closed sea, which is an almost unsupposable case, as a matter of self-defense, as a matter of self-protection, unless we want to get into the war, then I think we should say to our people: "There is the declaration. It is made by these belligerents. Their passions are aroused. They recognize no international law that interferes with their right of self-defense, and international law goes the way of war when war comes, and if you go into this zone you do it at your own risk." Now, then, we might have a right to say that England has no right to declare the open sea a closed zone, but we can not enforce that except by war if England determines that, for her protection, she must do it.

Mr. TOWNSEND. Mr. President, I share with the Senator from Washington his desire for peace. I am willing to go to the very extent of honor to secure it and maintain it; but I have grown up in this country to believe that it is the business of the Government to protect the rights of its citizens where they have a right to be, and I think the way for this country to get into war is supinely to lie down and say to the nations of the world, "You can prescribe your zones, you can lay down your rules, and we will say to our people, 'We will not protect you. We will not follow the flag where the flag has a right to be.'"

I repeat, I think the very suggestions that are made that we must acquiesce in what the other nations say to us is an invitation to war. It can not possibly be avoided, because there is no person so subject to attack as the coward, the man who will not support his own rights.

Mr. JONES. Mr. President, I am not urging this from a cowardly standpoint. I am urging it from the standpoint of our own interests. I am not urging it from the standpoint of fear of Germany or of England. I am not urging it from the standpoint that we are not able to enforce what we claim is our right to navigate the sea, but I am urging it in the interest of those who must fight if fighting is done. I am urging it in behalf of those who must die if dying is to be done. I am urging it in behalf of the homes of the land that must be broken if war comes; and I say that the homes of the land and the lives of our citizens are worth far more than the right to carry trade and commerce for freight and to gain a few paltry dollars through any open sea or war zone.

Mr. SWANSON. Mr. President, I should like to make a suggestion to the Senator.

Mr. JONES. I am going to get through after I say a few things.

Mr. SWANSON. If we do not get the bill in conference soon, it will be impossible to pass it. There are a great many differences. The Senator is discussing what our conduct should be in connection with a question of diplomacy. I hope the Senator will let us get the bill in conference and defer that for a future speech.

Mr. JONES. I know the anxiety of the Senator from Virginia to get the bill into conference, and I want it done. I sympathize with him in that, but there has been a good deal of freedom of debate in this matter this afternoon, and I am going to take a little time. In fact, I would have been pretty nearly through by this time but for this colloquy. If the Senator will just let me go on, I have a few things to say, and I am going to say them, not because I want to delay the bill, but because I want to say them, I guess, and because I think they ought to be said.

Now, Mr. President, it is not a cowardly policy that I am advocating. It is not the policy of fear, it is not the policy that invites aggression, but it is a policy that I advocate in behalf of the people of this country and one that conserves our own interests and the welfare of our people.

It was stated on the floor a moment ago that we must protect and assert the rights of American citizens. That is true, but the American citizen will have to protect and assert his rights if anything is done by way of force. We can not protect the rights of American citizens on the floor of the Senate. If force must be used to assert and protect his rights, that must be done by the bayonet in the hands of the American citizen, and his breast will be bared to the cannon ball and the saber thrust when his rights are defended or asserted by force.

I ask, Mr. President, that we shall follow a policy when the nations of the earth are inflamed with passion and hatred and stubbornness that will keep us out of it—not from fear, but for the preservation of the happiness and peace and prosperity and homes and rights of our own people and our own country.

Now, Mr. President, I have here an editorial from one of the papers of my State that expresses my sentiments pretty thoroughly on this matter, that I want to read. This is from the American-Reveille, of Bellingham, Wash. It says:

[From the American-Reveille, July 16, 1915.]

GENERAL EMBARGO MAY BE NECESSARY.

The attitude of Great Britain and Germany toward United States shipping has created a feeling of such tenseness as to be truly alarming.

There is not a doubt that both of these great nations would draw this country into the conflict if by doing so they can see an advantage to themselves.

I do not think there is any doubt about that—

Germany seeks to make our shipping so perilous that the United States will decline to accept the responsibility of sending American ships across the Atlantic. Great Britain, on the other hand, by flying the Stars and Stripes over her vessels, is tempting Germany to torpedo one of our ships and thus provoke a quarrel.

Both of these nations are utterly selfish in the new policy adopted by them. They do not care a rap what injury is done to this country if, perchance, they secure an advantage thereby.

And it is this condition that is so disquieting.

If Germany were to destroy an American ship, presuming it to be a vessel of one of her enemies flying false colors, the United States could do little else than to protest. Our Navy could not punish Germany. Our Army would never be sent to Europe to command respect. We would be required to await the end of the war and obtain such justice as could be possibly rendered in the courts. And this would be a humiliation to the United States such as this Government has never been called upon to suffer.

This country can keep out of this trap by forbidding ships of American registry crossing the Atlantic until the crisis has passed. It can avoid complications by keeping out of the war zone. Furthermore, it can lessen the dangers of being brought into the conflict, now or later, by placing an embargo upon foodstuffs and war materials intended for either of the belligerents.

There would be a loss of business, true, but a thousand times better it would be to the United States to lose this trade than be involved in war. No business is so important as to require the risk of the peace of this country while all Europe is crazed with war. Indeed, from the domestic standpoint, there should be no more shipments of foodstuffs exported for a year at least. The demand from abroad is already working a serious hardship upon this country. It is the essence of folly to empty our storehouses when we, ourselves, may be upon the verge of war.

Washington holds the key that locks the door to permanent peace. That key is in the form of an Executive embargo. If we permit a few grain speculators and ammunition manufacturers to menace our peace while trying to reap the profits of a foreign war, now that the transporting of these articles threaten to involve us, we commit a national crime.

If we can not trade abroad without endangering our interests, we should manage to forego the temporary benefits, keep our surplus supplies at home, and "watchfully wait" until our warring neighbors have recovered their sanity.

South America wants and needs much of our surplus. Trade with neutral nations, such as Norway, Sweden, Italy, and China, and especially with those that have ships that can transport supplies purchased of us, can be continued. But to risk the perils of being held unneutral because of selling supplies to belligerents is too grave to be continued. We had better establish storehouses of our own and fill them for a possible emergency, even to the point of purchasing these supplies with Government funds, than pursue a policy that threatens a breach with any power.

It is believed by men whose judgment should be sound that the present attitude of American merchants in collecting and shipping supplies for those at war is prolonging that conflict. If this is true, all the dangers considered, we should be strictly neutral, keep our products and manufactures at home or sell to other neutrals, and await the time when trade may be resumed without embarrassment.

England will not permit Americans to supply foodstuffs and clothing even to civilians of her enemies. Germany will not consent to us manufacturing cannon and ammunition with which to arm and equip her foes. War-time logic sustains both in these representations. Then why favor either; why indirectly assist either?

Mr. President, the whole idea of that editorial is not fear, not cowardice, but it is a desire to protect our own people and preserve our own interest, promote our own welfare and our own happiness. It places life, happiness, and peace above avarice, selfishness, trade, and the dollar.

Now, Mr. President, just a word about this amendment. About 15 years ago, soon after I entered the House of Representatives, I received an invitation to go down on the Potomac with other Members of Congress to see an exhibit of a submarine. I went and I saw that exhibit, and I have been a strong advocate of submarines ever since. This was in the early stage of submarine development, and yet enough was shown to me, at least—unscientific and inexperienced in naval matters as I was—enough was shown there to convince me that that was the coming instrument of defense in war. It showed even in its imperfect condition how it could go under the water, how it could sink and then maintain a certain depth for a considerable distance. I was convinced that it would only be a short time, I was convinced that the time was not far off, when these vessels could not only be sailed under water, but they can also be directed under water without anything showing above the surface for a considerable distance. I do not think there is any doubt about it. They will direct their course under water by compass or in some similar way.

They have been developed wonderfully since that time, and every day in the papers I see evidences of the effectiveness of the submarines. Battleships have been sunk without any chance of defense or protection. Cruisers have been sent to the bottom, and now almost every day merchant ships are sunk. It seems to me that this war has actually demonstrated what I was convinced of before—that a new era has opened in naval warfare. I have appeared before the committees of the House and I have urged in the Senate increased appropriations for these submarines, and I am glad that the committee has made very liberal appropriations for submarines. I am glad it has been as liberal as it has been, and possibly we have no right to expect that they should do anything more in view of the recommendation of the naval board and the action heretofore taken.

Right here I want to say this, Mr. President. I have a great deal of respect for the opinions of these expert officers. But my observation with reference to experts has been that their opinions are not very reliable along the particular line in which they are expert, and they do not take into account the general practical situation and results, and so I think that oftentimes the opinion of the layman as to the general policy that should be pursued is far better and more reliable than the opinion of the experts. The experts recommend, I believe, one of these ocean-going submarines. I am glad the committee has disregarded that recommendation and has recommended five. I think the committee has shown more wisdom in a broad way than this expert board, who are no doubt patriotic; there is no question about that; who are no doubt experienced naval men who want to do what is for the best interest of the country, but their horizon of wisdom is narrowed by their expert training.

I do not believe that this country can do better in the way of defense than to get a large fleet of submarines. I guess it is all right to have two battleships. I have been voting for them for quite a while. A certain program was adopted a few years ago, and I have been willing to vote to get enough battleships to carry out that program to make up different units in the fleets that they want to make up, but I have hoped that some time we would get those units filled and stop building these great battleships that become practically useless after just a very few years, and cost a million or two each year to operate.

I would be glad to take out one of the battleships of this bill and take the money for its construction and put it in submarines. I think we would add to our Navy by far and large by such action as that. But I suppose we can not do that. It might not be desirable to do it in view of our trying to bring up these battleship units.

So I will not propose anything of that kind. I should like to see it done, and I hope we will soon do it, but if we are not going to do it now, I should like to see us increase this appropriation to a certain extent in order to get this means of defense.

O Mr. President, we do not want anything for offense in this country. We do not need anything for offense. But if it is necessary for defense, then we have our millions and our billions. I have no fear of being attacked unless, as I said a while ago, in some mysterious way over which apparently we have no control, and which seems to be accelerated by our own acts, we should be drawn into this struggle—as I hope we will not be—but if we are to be, then we should have something for defense. I am anxious for this increase of submarines, because they can be constructed in this country in a comparatively short while, and they can be put in the principal harbors of our country without much delay. If we have 40 or 50 of these submarines along our coasts and harbors, there is not a battleship fleet in the world that will dare to come within striking distance of it. If they do not come within striking distance of us, what is the use of our having battleships, then, to repel their battleships and go out on the ocean and try to sink them or let them sink us. What does it amount to when we are sunk? If we can keep them away from our shores, that is all we care for. I think what this country really needs for its Navy is a good flotilla of submarines and a few fast cruisers—not battleships, but cruisers—that can run away from, if you please, the warships of any other country on the seas and catch any merchant ship that floats. Then we can destroy the commerce of our competing country; and that is really what counts in these wars, so far as the sea is concerned.

Mr. CLAPP. That is all it is about.

Mr. JONES. That is all it is about, as the Senator from Minnesota states. Somebody said a while ago that we want battleships to protect our commerce. You do not see any battleships protecting the British commerce. What does protect her commerce? Her cruisers; cruisers that can run faster than the cruisers of the enemy and can shoot farther. That is the reason the cruisers of Germany were sunk down here off the coast of South America a short time ago. It was because they could not run as fast as the British cruisers and could not shoot so far. That is what we want on the sea. It is to destroy the enemy's commerce; and we can do that by ships that can run faster than her commerce ships and also faster than the enemy's warships. We keep out of their way and catch the commerce vessels and destroy them. That is what I should like to see if we get in war. I should like to see built a few cruisers—the fastest cruisers in the world.

Of course I suppose they would turn right around and build some faster ships. That is what war development comes to in the end. This can be done with battleships and cruisers, but it can not be done with submarines. One submarine can be more efficient than another, but one can not wholly surpass another. The nature of their operations prevents that. Their effectiveness does not depend alone upon their speed and the size of their torpedoes.

The real thing that we want is a defensive navy, and there is not a better defensive navy than a fleet of submarines in the different harbors of our country.

We are appropriating millions for fortifications. I suppose that is all right, and yet these touch only a few points on the coast. They are fixed and immobile. This war has shown that fortifications do not really amount to very much any way in the face of modern artillery. If you take the money that we are spending for fortifications and build submarines for these different harbors, it will do more to keep battleships away than these fortifications and cover a far greater territory.

Now, Mr. President, this is the cheapest way to build up a navy. It will build up the most efficient navy of defense. It can be maintained in the cheapest possible way. Then why should not we adopt it?

Just right here I want to call attention to what probably every Senator knows; I really did not know it—that is, I did not think about it or that it amounted to so much. If I had stopped to study and add up the appropriations of each year, then I would have begun to realize what we are spending for war in time of peace. I do not mean for pensions. I do not mean for what has come out of the Civil War, but I mean for what we have been appropriating year after year for war preparation in time of peace and without actually expecting war.

For the Navy alone we have appropriated $1,892,103,000 in annual appropriations since 1898—almost $2,000,000,000; with the appropriation in this bill it is over $2,000,000,000.

Mr. GALLINGER. For how many years?

Mr. JONES. Since 1898.

Mr. LANE. I should like to ask the Senator how those expenditures compare with the amount which has been expended in the same length of time by Germany, and how the two navies compare?

Mr. JONES. I will let the members of the Naval Committee tell the Senator. I have not looked it up. I am really interested in what we have done.

Mr. LANE. For the information of the Senator I will say that we have expended a number of millions more money than Germany. They have an effective and efficient navy, and ours ought to be in the hospital from what I can learn.

Mr. JONES. We must not overlook this, that we pay our officers and our men, both in the Army and Navy, much more than is paid for officers and men in the other armies and navies of the world. This makes up a large part of these appropriations.

Mr. GALLINGER. But, Mr. President, we pay our laborers more to construct our ships; we pay them almost twice as much.

Mr. JONES. That is true.

Mr. GALLINGER. And it is not true that our Navy is not in good working order and an effective fighting force.

Mr. JONES. I imagine that our Navy would give a pretty good account of itself if it got into trouble.

Mr. GALLINGER. Ship for ship, our Navy is as good as any in the world.

Mr. JONES. I presume so; but I am just calling the attention of the country to what we are actually expending for the Navy in time of peace.

For our Army we have appropriated $1,495,885,000 since 1898—one and a half billion dollars—not for war, but for our Army in time of peace. We have expended for fortifications $122,716,000, or a total of actual appropriations since 1898 of $3,510,704,000, and in this Congress we are going to appropriate $250,000,000 more; in other words, since 1898, with the close of the coming fiscal year, we shall have appropriated almost $4,000,000,000, which has been taken from somebody somewhere and somehow, and used in preparations for war in this country.

Mr. President, I am willing to put a little bit more into this bill for submarines, because I think they are the most effective means of defense; we can get them ready very soon, and they will make our coast and our Nation absolutely impregnable. Then let us stop the battleship construction, diminish our expense, relieve the people of some of this tremendous burden, and add to the sum of human happiness and the comfort of the individual citizen.

Mr. TOWNSEND. Mr. President, I shall not detain the Senate long. It is very seldom, indeed, that I differ from the Senator from Washington [Mr. JONES], and I do not now differ from him in the desire he has for peace; but I have been somewhat surprised at his statements in reference to our duty at this time.

I said a moment ago that I believed that a surrender of fundamental rights on the sea might lead to war. Such surrender, I am convinced, would stamp us as cowards; and the coward is always open to attack. It has not been our doctrine in the past to surrender national rights at the order of any nation, and we have been clear of trouble. I commend, as I could commend nothing else that President Wilson has ever done, the two messages he has recently sent—one to Great Britain and the other to Germany. Those two messages meant more for the security and honor of the people of the United States than anything he has done since the European war opened.

I do not want to invite war, but I do want to preserve the rights of the American people. I condemned the proposition to buy ships by the Government to put upon the war-stirred sea because I maintain that it was an unwarranted invitation to trouble. I did not like the proposition to invite the merchantmen of the warring nations of Europe to desert their nations in time of trouble by granting them the right to enlist under our flag. It was an act unbecoming a great neutral nation. It is possible that Great Britain may excuse, in a measure, her approval of hoisting the Stars and Stripes over her ships as a deception to Germany's guns; but under the law of nations, under the unbroken custom of all civilized maritime nations, we have undisputed rights upon the seas, and any nation can be permitted to say to our country, "You must keep out of a certain zone that we mark out"; they can say, "You must forego your trade with South America; we are going to patrol the southern seas, and if you go in there you go in at your peril."

Mr. President, I say that such has not been the policy of the United States in the past, and it has had the respect of the world because it has first demanded nothing that was not right, and then has at all times insisted that its rights should be observed.

I object most strenuously to pulling down the flag or vacating any right essential to national sovereignty which belongs to this country and which does not entrench upon the rights of any other nation. I insist that we must maintain the honor, integrity, and sovereignty of the United States. If we do that, we shall be secure from attack; but, if we do not do it, we shall say to our producers, to our farmers, and others, "The markets which have been secured through peace and war throughout our history, the markets of the world which are yours, you must forego for fear you shall violate some policy—some false and improper policy—which other nations have adopted." No, sir; I want to avoid trouble, and to avoid it I want to be prepared at all times to protect and defend American rights.

During Cleveland's administration England sought to make trouble in Venezuela, and it looked as though there would be war, but the President of the United States served notice on Great Britain that American rights would be protected. The result was peace, and the Stars and Stripes was made more secure in its rights on the seas and elsewhere. So, Mr. President, I repeat that I sympathize with the Senator from Washington in his desire for peace, and I will not invite war by supinely surrendering to any preposterous claims which Great Britain, Germany, or any other nation may make upon us.

Mr. JONES. May I interrupt the Senator a moment?

Mr. TOWNSEND. Yes; certainly.

Mr. JONES. I merely want to interrupt the Senator to suggest that the conditions now are entirely different from what they were in the Venezuela incident. Then we were at peace, and now war is on.

Mr. TOWNSEND. But the United States is at peace at the present time. Some mistakes have been made in our foreign policies; but at this momentous time it is the duty of the people of the United States to stand by the President in our vital foreign relations when he insists upon the rights of the American people; and I, for one, propose to do so.

I will vote for a sufficient appropriation to make a Navy that will be strong enough to protect us in every relation. I do not like the suggestion of "running away" or of building boats that can "run away." It has been the policy of the United States to stand up to the fighting line when it has been necessary to do so, and all the world has believed that we were capable of doing it. I do not want to change that policy now; I do not want to lose the respect of other nations, because to me it might mean war. It not only might mean war, but it would mean humiliation and disgrace, which are generally worse than war. This Nation must maintain its self-respect. It can do that by asking no unjust thing, by assuming no im-

proper position, but, at the same time, insisting that its every national right shall be sacred in the eyes of the world.

The VICE PRESIDENT. Not understanding the amendment some time since, the Chair was in error in ruling that the amendment offered by the Senator from Utah [Mr. SMOOT] was in order. The amendments proposed by the committee are first in order. Then the amendment of the Senator from Utah will be taken up. The next amendment of the committee passed over will be stated.

The next committee amendment passed over was, on page 63, line 17, to strike out "one submarine" and insert "five submarines."

Mr. BRISTOW. Mr. President, a parliamentary inquiry. Is not the amendment of the Senator from Utah in the nature of a substitute for the committee amendment, and therefore does not the vote first come upon the amendment of the Senator from Utah?

The VICE PRESIDENT. The amendment of the committee is to strike out and insert.

Mr. SWANSON. I make the point of order against the amendment of the Senator from Utah that it has not been estimated for; that it is not reported by a standing committee of the Senate; and that it increases an item of expense.

Mr. SMOOT. There is not any question but that we can amend the House provision of a bill; and that is virtually what my amendment proposes to do. The committee has already amended the provision of the House bill, and I will offer an amendment to the House provision. I inquired when I took the floor, as a parliamentary question, whether the amendment would be in order.

The VICE PRESIDENT. There can be no doubt that committee amendments are first in order. The committee has the right to perfect the text before the motion is entertained to strike out.

Mr. SMOOT. I believe the Chair is right in that, and that is the reason I made the inquiry before I began to speak.

The VICE PRESIDENT. The Chair did not understand the matter, as he had not looked at the bill when he previously ruled. Without objection, the amendment of the committee is agreed to.

The next amendment passed over was on page 63, line 18, after the words "speed of," to insert "twenty-five knots or more if possible, but"; in line 20, after the word "exceeding," to strike out "$1,400,000" and insert "$1,500,000 each"; in line 21, before the word "submarines," to strike out "eleven" and insert "sixteen"; and at the beginning of line 23 to strike out "$2,305,000" and insert "$6,820,000," so as to make the clause read:

Five submarines to be of seagoing type to have a surface speed of 25 knots or more if possible, but not less than 20 knots, to cost, exclusive of armor and armament, not exceeding $1,500,000 each, and 16 submarines to cost, exclusive of armor and armament, not exceeding $550,000 each, and the sum of $6,820,000 is hereby appropriated for said purposes to be available until expended.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. SWANSON. Mr. President, I call the attention of the Chair to Rule XVI, which reads:

And no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill—

The amendment proposed by the Senator from Utah increases the amount—

or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law—

That is not true of the amendment of the Senator from Utah—

or treaty stipulations—

The amendment does not comply with that requirement—

or treaty stipulation, or act, or resolution previously passed by the Senate during that session—

It does not comply with that requirement—

or unless the same be moved by direction of a standing or select committee of the Senate—

It does not comply with that requirement—

or proposed in pursuance of an estimate of the head of some one of the departments.

And it does not comply with that requirement. It is not estimated for.

Mr. SMOOT. Mr. President, the committee has amended the House provision and the committee amendment has not been estimated for. Five seagoing submarines have not been estimated for.

The VICE PRESIDENT. There is not any requirement that they should be.

Mr. SWANSON. That amendment was moved by direction of a standing committee.

The VICE PRESIDENT. The amendment was moved by direction of a standing committee.

Mr. SMOOT. That is true.

The VICE PRESIDENT. The point of order is sustained.

Mr. MARTINE of New Jersey. Mr. President, I now offer the amendment which I send to the desk, to come in after line 24, page 63.

The VICE PRESIDENT. The committee amendments have not yet been disposed of, and nothing is in order until they are disposed of. The Secretary will state the next committee amendment passed over.

The SECRETARY. On page 65, beginning in line 18, after the numerals, it is proposed to insert:

Provided, That if the Secretary of the Navy is unable to purchase armor at what he considers to be a reasonable price he is authorized to begin the construction of an armor plate factory upon land already owned by the Government, the total cost not to exceed $8,000,000, toward the construction of which $1,000,000 is hereby appropriated: *Provided further*, That the time for the submission of the report of the committee appointed by the act of June 30, 1914 (Public, No. 121), is hereby extended to the regular session of Congress convening in December, 1915.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. That completes the committee amendments. The bill is in the Senate, as in Committee of the Whole, and open to amendment.

Mr. MARTINE of New Jersey. Mr. President——

The VICE PRESIDENT. The Senator from New Jersey.

Mr. MARTINE of New Jersey. I offer the amendment which I send to the desk to come in on page 63, after line 24.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 63, line 24, after the word "expended," it is proposed to insert:

Provided, That chief boatswains, chief gunners, chief machinists, chief carpenters, and chief pharmacists shall be termed commissioned chiefs, and that the commissioned chiefs and warrant officers shall constitute a corps in the naval service to be known as the service corps, which corps is hereby created: *Provided*, That the commissioned chiefs shall, after six years from date of commission, be recommissioned with the rank of lieutenant, junior grade, and six years from date of commission as chief with the rank of lieutenant, junior grade, be recommissioned as chief, with the rank of lieutenant in the naval service: *Provided*, That officers of the service corps shall take precedence next following officers of like rank in the line of the Navy whose commissions dates on the same day or previous to that of the service officer, except in the case of chief carpenters and chief pharmacists, who shall take precedence in a like manner to officers of the construction corps and Medical Corps, respectively: *Provided*, That officers of the service corps shall receive the pay and allowances, including longevity pay, heat, light, and quarters' allowance, as is now allowed or may in the future be allowed officers of equal rank in the line of the Navy: *Provided*, That warrant officers shall receive the same allowance for heat and light as is now allowed or may in the future be allowed an ensign in the line of the Navy, this to be in addition to the pay and allowances already provided by law: *Provided*, That immediately on the passage of this act that officers of the service corps shall be recommissioned in accordance with the provisions of this act, and thereafter all officers of the service corps shall be examined for promotion by a board of officers from the service corps.

Mr. BRYAN. Mr. President——

The VICE PRESIDENT. The Senator from Florida.

Mr. BRYAN. I raise the point of order that the amendment violates paragraph 3 of Rule XVI.

Mr. MARTINE of New Jersey. I hope the Sentaor will not raise the point of order.

The VICE PRESIDENT. The point of order is sustained.

Mr. WEEKS. Mr. President——

The VICE PRESIDENT. The Senator from Massachusetts.

Mr. WEEKS. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 54, line 13, after the figures "$980,799.50," it is proposed to insert the following proviso:

Provided, That the increased compensation as now fixed by law for the Marine Corps for foreign shore service shall hereafter be paid to the officers and enlisted men in that corps while on sea duty, in the same manner and under the same conditions as is provided by the act approved May 13, 1908, for officers of the Navy.

Mr. SWANSON. Mr. President, I make the point of order against that amendment.

Mr. WEEKS. I hope the Senator will withhold the point of order until I can explain what the amendment means.

Mr. SWANSON. I withhold it for that purpose.

Mr. WEEKS. Mr. President, three or four years ago it was determined that it was fair to allow the officers of the Navy additional pay for performing duty at sea beyond the limits of continental United States. The officers of the Marine Corps are performing the same kind of service that the line officers and staff officers of the Navy are performing, and there is no

reason why the conditions of pay should not apply to one corps as well as to the other. It is distinctly unfair that these men, because they happen to belong to another corps of the service, should be receiving the same pay that they would receive if performing duty at the navy yards of the country, while other officers on the same ship under the same conditions are receiving 10 per cent additional pay. I hope the Senator will see the fairness of the proposition and be willing to allow it to go into the bill.

Mr. SWANSON. I will let it go into conference and look into it.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. TOWNSEND. Mr. President——

The VICE PRESIDENT. The Senator from Michigan.

Mr. TOWNSEND. I desire to offer an amendment to the bill, on page 33, which it seems to me should be adopted in order to carry out the clear intention of the law. It can not be done directly, because of the point of order that would lie against it if the positive remedy were to be suggested here.

The point that I wish to cover is this: On March 4, 1912, the Congress passed a law providing for a Naval Dental Corps. It treated the corps just as it did the naval corps itself. That provision of law, however, has never been observed. The provision of law to which I refer is found on page 14 of public act No. 433, which provides as follows:

That a Navy Dental Reserve Corps is hereby authorized to be organized and operated under the provisions of the act approved August 22, 1912, providing for the organization and operation of a Navy Medical Reserve Corps, and differing therefrom in no respect other than that the qualification requirements of the appointees shall be dental surgeons and graduates of reputable schools of medicines or dentistry instead of "graduates of reputable schools of medicine," and so many of said appointees may be ordered to temporary active service as the Secretary of the Navy may deem necessary to the health and efficiency of the personnel of the Navy and Marine Corps, providing the whole number of both regular corps and reserve corps dental surgeons in active service shall not exceed, in time of peace, 1 to each 1,500 of the said personnel.

Here is what I want to call your attention to:

And no dental surgeon shall render service other than temporary service until his appointment shall have been confirmed by the Senate.

Under that act no regular dental surgeons have been appointed. No name has been presented to the Senate for confirmation, but certain dental students or dentists have been detailed by the department to act in this capacity; and the ruling has come to be by the Attorney General that these details, not having come to the Senate at all, are now appointments for life.

I propose, on page 33, at the end of the paragraph at the top of that page, to offer a limitation to that appropriation, which I send to the desk.

Mr. SWANSON. Mr. President, I think that matter was disposed of last night on a point of order.

Mr. TOWNSEND. No, indeed.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add, on page 33, line 7, after the words "said active list," the following:

Provided, That no money appropriated for the pay of the Navy or for the pay of retired officers of the Navy shall be used for the pay of any dental surgeon, or for the retired pay of any dental surgeon, or for the pay of any dental surgeon on whose behalf a claim for retirement for age or disability as an officer of permanent tenure might be predicated, unless such dental surgeon shall have been appointed a dental officer by and with the advice and consent of the Senate.

Mr. SWANSON. Mr. President, I think that is a limitation on an appropriation, and a point of order would not lie against it; and I will consent to its going to conference, to be looked into.

Mr. THOMAS. Mr. President, I made the point of order last night on the amendment offered by the Senator from North Carolina [Mr. OVERMAN] as being general legislation, and I renew it now.

Mr. OVERMAN. This is not at all the same, Mr. President. This is a limitation and not general legislation.

The VICE PRESIDENT. The point of order is overruled. This is simply a limitation on paying out some money, and says that it shall not be paid out for a certain purpose. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WEEKS. Mr. President——

The VICE PRESIDENT. The Senator from Massachusetts.

Mr. WEEKS. I should like to ask the chairman of the committee if the matter at the top of page 31 stands as printed in the bill? I am somewhat confused on account of the changes that have been made.

Mr. SWANSON. It reads as follows:

That the President be, and he is hereby, authorized, within two years of the date of the approval of this act, by and with the advice and consent of the Senate, to transfer to the active list of the Navy or Marine Corps any officer who may have been transferred from the active to the retired list of the Navy under the provisions of section 9 of said personnel act.

Mr. WEEKS. Then, Mr. President, I offer an amendment to that, which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. At the top of page 31, on line 6, after the word "section," it is proposed to strike out the word "section" and insert "sections," and also to insert the words "eight or," so that it will read:

Under the provisions of sections 8 or 9 of said personnel act.

Mr. WEEKS. Mr. President, I should like to explain that amendment. Under the personnel law a list of applicants for voluntary retirement is provided in section 8, and from that list are selected by the Secretary of the Navy those who may retire at the end of the fiscal year, taking the place of men who otherwise would be selected out if these applications for voluntary retirement had not been made and the applications granted. Now, we are providing in section 6 of the bill that the President may within two years reinstate those who have been plucked from the service. It seems to me that he should have the same privilege in the case of those who have made application for voluntary retirement. It means that the President may restore efficient officers who may have been sick at one time, have recovered their health, and who are strong enough to perform valuable service, as well as others. I hope the amendment will be accepted by the committee.

Mr. SWANSON. Mr. President, I do not know to what extent this would permit reinstatements in the Navy. Has the Senator any idea as to how many officers would be affected by it?

Mr. WEEKS. Yes. There is a list in the Navy Register of those who have retired.

Mr. SWANSON. How many have been retired by voluntary retirement?

Mr. WEEKS. I should think probably there are about as many as have been plucked. There may be 50 on the list now. I could tell exactly by examining the register.

Mr. GALLINGER. Mr. President, will the Senator permit a suggestion?

Mr. WEEKS. Certainly.

Mr. GALLINGER. The distinction between the two classes is that one class retires voluntarily, and the other retires involuntarily. I think that as we have repealed the so-called plucking law, we had better let that provision stand as it is, and deal with that alone. I hope the Senator will not agree to the amendment.

Mr. WEEKS. Mr. President, I wish to say a word in reply to what the Senator from New Hampshire has just said.

We have had a plucking board in operation which has presumably plucked the men who were least efficient, and who therefore could be better retired than others. These men who have voluntarily retired have been almost invariably men who were in good health, but in many cases they have voluntarily retired because they may have intended to take up some other vocation. After retiring, however, they found, as a result of regulations made by the Navy Department, that they could not take up employment with any company or any individual who was furnishing supplies to the Navy. If they had not supposed when they made their application for retirement in many of these cases that they could take up such employment, they would not have asked for retirement. I think they are, on the whole, better men than the men who are proposed to be restored to the service by section 6, and if we are looking to the efficiency of the service rather than to do something for somebody, we should give the President the same privilege in the case of those who voluntarily retire that we have given him in the case of those who were involuntarily retired.

Mr. GALLINGER. Mr. President, will the Senator permit a further observation?

Mr. WEEKS. Yes.

Mr. GALLINGER. It seems to me that this is a most extraordinary procedure. A man is educated at the expense of the Government for the service of the Navy. He sees an opportunity to go into business, and he voluntarily retires. He may not make a success of business, and he wants to get back into the Navy. I can not see that we are under any obligations to provide that he shall get back into the Navy.

Mr. WEEKS. If the Senator will pardon me, I think as far as the usefulness of the Navy is concerned we are under just as much obligation to provide that such men may get back as we are to provide that those who have been plucked shall get back.

Mr. GALLINGER. That is a matter of opinion. I do not agree with that.

Mr. SWANSON. Mr. President, my information is that a great many people have voluntarily retired, under the apprehension that they would go before the plucking board.

Mr. WEEKS. I think that is probably true.

Mr. SWANSON. And in that way a great many people who are very inefficient, who wanted to get out of the Navy, and were satisfied that they could not stand before the plucking board, have gone on the retired list.

Mr. WEEKS. There may be such cases.

Mr. SWANSON. I would not like to open up the list to a parcel of people who were afraid to go before a plucking board because they knew their record was such that they would be plucked, and I feel constrained to make a point of order against the amendment.

Mr. WEEKS. On what does the Senator base his point of order?

Mr. SWANSON. I base the point of order on the fact that the provision of the bill is limited to section 9, and this is an endeavor to put an amendment on section 8.

The VICE PRESIDENT. The point of order is overruled. The question is on agreeing to the amendment. [Putting the question.] By the sound the noes seem to have it.

Mr. WEEKS. I ask for the yeas and nays.

The yeas and nays were not ordered.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. STONE. Mr. President——

The VICE PRESIDENT. The Senator from Missouri.

Mr. STONE. I ask the consent of the chairman and the Senate to a reconsideration of the vote by which the amendment beginning at the foot of page 32 and ending on line 7, page 33, was adopted.

The VICE PRESIDENT. The Senator from Missouri moves to reconsider the vote whereby the amendment beginning at the bottom of page 32 and ending at line 7, on page 33, was adopted. [Putting the question.] The Chair is in doubt.

Mr. SWANSON. Mr. President, before this vote is taken I should like to say that the Senator from Missouri asked that this amendment be passed over, and it was passed over; and then it was taken up in his absence to-day, when he was out of the Senate Chamber. I did not know that he was absent; and I think he ought to be given an opportunity, under the agreement that it would go over last night on account of his absence, to offer his amendment now, and have the matter reconsidered for that purpose.

The VICE PRESIDENT. Without objection, then, the vote whereby the amendment was agreed to will be reconsidered.

Mr. STONE. Mr. President, on line 24 of page 32 and line 1 of page 33, I move to strike out the words "on July 1, 1914." I will state that this amendment and the one following will perfect the section, if agreed to. I have submitted them to the chairman of the committee and to the Senator from Massachusetts [Mr. WEEKS], at whose instance the amendment was put in, as I am informed, and they say they have no objection.

Mr. CLAPP. Do I understand the Senator to say that the amendment is on page 32?

Mr. STONE. It begins on page 32, at the bottom of the page.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 32, in the committee amendment, on line 24, after the word "retired," it is proposed to strike out the words "on July 1, 1914."

The VICE PRESIDENT. The Chair assumes that the Senator from Missouri is not in possession of the fact that this amendment was amended, and that there is an amendment here inserting the words "from July 1, 1913, or."

Mr. STONE. I was not aware of that fact.

The VICE PRESIDENT. Does the Senator wish to strike out those words also?

Mr. STONE. Yes, sir.

The VICE PRESIDENT. The amendment, as modified, will be stated.

The SECRETARY. It is proposed to strike out, after the word "retired," in line 24, page 32, the words "on July 1, 1913, or July 1, 1914."

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. STONE. Now, Mr. President, on line 6, page 33, after the word "not," I ask to insert the word "so."

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 33, line 6, after the word "not" and before the word "retired," it is proposed to insert the word "so."

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. STONE. In the same line, I move to strike out the words "on said date." I will ask the Chair whether it should not be "dates"?

The VICE PRESIDENT. It should be nothing now, since we have stricken out the dates.

Mr. STONE. It still appears in the bill, Mr. President, as I understand. The words "on said date" still remain in the bill.

The VICE PRESIDENT. Yes; they should go out.

Mr. STONE. They should go out, and I ask that they go out.

The VICE PRESIDENT. The Secretary will state the amendment to the amendment.

The SECRETARY. It is proposed to strike out the words "on said date" in line 6, page 33.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. WEEKS. Mr. President——

The VICE PRESIDENT. The Senator from Massachusetts.

Mr. WEEKS. I send an amendment to the desk, which I ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 33, line 4, after the word "duty," it is proposed to insert——

The VICE PRESIDENT. That is in an amendment which has been adopted. It will be necessary to reconsider it again.

Mr. WEEKS. I move to reconsider it.

Mr. SWANSON. I ask to have the amendment stated.

Mr. SMITH of Michigan. What does the amendment propose, Mr. President?

Mr. WEEKS. I ask that it may be read.

The SECRETARY. The Senator from Massachusetts proposes, after the word "duty," on line 4, page 33, to insert the following words:

Or any officer retired under section 8 of said act of 1899, the action in whose case has been examined by the Naval Committees of the House and Senate and favorable reports made by said committees on a bill to transfer said officer to the active list.

Mr. WEEKS. Mr. President, that would apply to two officers only, both of whose cases have been examined by the Naval Committees of the House and Senate, and bills have passed Congress restoring them to the service.

Mr. SWANSON. What two officers?

Mr. WEEKS. Commander W. W. White and Commander Harry Kimmel.

Mr. SWANSON. The Senator says the committees of both Houses have passed on the matter?

Mr. WEEKS. The committees of both Houses have examined the cases, and bills for this purpose have passed Congress.

Mr. SWANSON. With that understanding and on that statement, I have no objection to the amendment being reconsidered.

Mr. SMITH of Michigan. Let me ask the Senator from Massachusetts if that does not qualify the language which precedes it?

Mr. WEEKS. I do not think so, in any way.

Mr. SMITH of Michigan. It seems to me that the language used in the Senator's amendment, about the cases being reported on by the committees of the House and Senate, would be applicable to the entire paragraph.

Mr. SWANSON. I did not think so from the language as read by the Secretary.

Mr. SMITH of Michigan. Let us have it read again.

The VICE PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. After the word "duty" it is proposed to insert the following words:

Or any officer retired under section 8 of said act of 1899, the action in whose case has been examined by the Naval Committees of the House and Senate and favorable reports made by said committees on a bill to transfer said officer to the active list.

Mr. SWANSON. The word "or" evidently does not limit it to what precedes it.

Mr. SMITH of Michigan. Do I understand it is a favorable report by the House committee *and* the Senate committee, or the House committee *or* the Senate committee?

Mr. WEEKS. The House committee *and* the Senate committee.

The VICE PRESIDENT. The word is "and."

Mr. WEEKS. Both.

Mr. SMITH of Michigan. Does the Senator mean by that that it must be concurrent?

Mr. WEEKS. I mean to say that both cases have been passed on by the Naval Committee of the House and the Naval Committee of the Senate and the bills have passed Congress.

Mr. SMITH of Michigan. Oh.

The VICE PRESIDENT. The vote whereby the amendment was agreed to is reconsidered. The amendment of the Senator from Massachusetts is adopted and the amendment as amended is agreed to.

Mr. POINDEXTER. I should like to inquire if the committee amendment on page 30, lines 1 to 14, has been adopted?

The VICE PRESIDENT. The Senate adopted a substitute.

Mr. POINDEXTER. The substitute offered by the committee?

The VICE PRESIDENT. Offered by the committee.

Mr. POINDEXTER. I move to add the following to the amendment as it was adopted.

Mr. CLAPP. Let the amendment be read, so that we may know what it is.

The VICE PRESIDENT. The Secretary will read the amendment.

The SECRETARY. On page 30, add to the amendment of the committee already agreed to, at that place, the following words:

There shall be kept a merit roll of all line officers, upon which shall be entered and continuously kept the professional rating of each officer, and should it be found at the end of any fiscal year that the retirements pursuant to law—the voluntary retirements under the Navy personnel act of March 3, 1899—and casualties are not sufficient to cause the average vacancies enumerated in section 8 of said personnel act, the Secretary of the Navy shall, as soon as practicable after the 1st day of July in each year, select a sufficient number of officers from the grades of captain, commander, lieutenant commander, and lieutenant having the lowest rating upon said roll in their respective grades, to cause the average vacancies enumerated in section 8 of said act. These selections shall be transmitted to the President, who shall thereupon by order transfer the officers so selected to the retired list: *Provided*, That not more than five captains, four commanders, four lieutenant commanders, and two lieutenants are so retired in any one year. The promotions to fill the vacancies thus created shall date from the 30th day of June of the current year.

Mr. POINDEXTER. Mr. President, I do not desire to make a speech on this amendment, except to say that it is a method of retiring officers to take the place of the plucking board, which has been abolished. The Senate by a vote to-day abolished the plucking board, and it seems to be the general opinion in the Navy, and, I think, largely in the Senate, that the Navy will suffer very greatly if this system of retirement which has been in force is abolished and nothing is substituted in its place.

The amendment which I have offered provides for the same number of retirements, the same kind of retirements, but instead of having the officers to be retired selected in the discretion of a board, which has come to be called the plucking board, they are to be selected by the Secretary of the Navy from a merit roll, and those are to be retired who have the lowest rating upon that roll.

I hope the chairman of the committee will accept the amendment.

Mr. BRYAN. Is the Senator from Washington aware of the fact that three-fourths sea pay of the next higher grade was changed by the act of August, 1912, so that now an officer is retired on the grade he occupies at the time?

Mr. POINDEXTER. No; I was not aware that the law of 1899 had been changed.

Mr. BRYAN. It has been changed so far that they are retired on the same grade they hold at the time of retirement. I suggest to the Senator that he amend his amendment in that respect.

Mr. POINDEXTER. Yes; I will accept the suggestion of the Senator from Florida.

Mr. SWANSON. Mr. President, I can see no occasion for the adoption of this amendment. We have already adopted the amendment reported by the committee as a substitute for the elimination of what is popularly known as the plucking board. This amendment simply gives to the Secretary of the Navy the power that the plucking board possessed, except it does say that their records must be examined. The law governing the plucking board required them to do the same thing, and it produced a great deal of discontent. I do not see how the difficulties and objections can be removed by transferring it from the plucking board to the Secretary of the Navy.

Mr. POINDEXTER. If the Senator will allow an interruption there, I will say that the plucking board was not required at all to select officers for retirement from their ratings on a certain record. It is the essential change in the situation that should take place by this amendment, that the selection would be from those whose records have the lowest rating.

Mr. GALLINGER. I wish to ask the Senator from Washington a question.

Mr. POINDEXTER. Certainly.

Mr. GALLINGER. I ask him if he thinks the Secretary of the Navy ever examines those records? Would it not, after all, be in the hands of underlings, who, as a rule, make all the trouble in the Navy?

Mr. POINDEXTER. I hardly think so, because the service record of the officers would be known to the officers themselves. Those records are already kept with a great deal of care, and if they are kept with additional care, which it would be incumbent upon them to do if the retirement is to be based upon the rating, a system would be developed which would be comparatively free from inaccuracy. Every man would have an opportunity to inspect his own record, and it would be almost impossible for any injustice to be done or any discrimination shown between officers.

Mr. SWANSON. I think it would be utterly impossible to determine whether a man had a record of 89, 91, 87, or 82 with a degree of accuracy to pass upon the retirement of officers. I think the plucking board law was equally as good, if not better than this. They took the record and, in addition to that, they looked at the general situation, the general competency, the general ability. It would seem that this would leave a record fixed by superior officers, because they must pass on the record, they must determine their derelictions of duty, and it would produce more discontent and would be more ineffective than the present plucking board.

Mr. POINDEXTER. Mr. President, I can not understand how a system which would be based upon merit and upon the official record with a requirement that those standing lowest upon the list should be retired can be compared by the Senator from Virginia with a system which leaves it to the arbitrary discretion of the board to retire whomsoever in their judgment should be retired to promote the efficiency of the Navy. The system proposed by this amendment is a system of rules. The system which was operated under the plucking board was a system without any rule at all.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Washington [Mr. POINDEXTER].

The amendment was rejected.

Mr. THOMAS. I sent an amendment to the desk sometime ago which I ask to have read.

The VICE PRESIDENT. It will be read.

The SECRETARY. On page 63, beginning with line 1, strike out the following words:

Two first-class battleships, carrying as heavy armor and as powerful armament as any vessel of their class, to have the highest practicable speed and greatest desirable radius of action, and to cost, exclusive of armor and armament, not to exceed $7,800,000 each.

The VICE PRESIDENT. The question is on the amendment of the Senator from Colorado [Mr. THOMAS].

The amendment was rejected.

Mr. STERLING. Mr. President, I am aware that a point of order was made and sustained upon an amendment similar to the one which I propose to offer. It was the amendment moved by the Senator from Utah [Mr. SMOOT] awhile ago, but I could not support the amendment of the Senator from Utah because of the great number of submarines for which that amendment provided. However, I think the provision offered by the committee goes to the other extreme. Considering our present submarine equipment and considering present needs and conditions, I think the number of seagoing submarines to be provided for in the bill should be doubled, and that the number of the other class should be, at least, increased from 16 to 20. I therefore offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 63, strike out lines 17 to 24, inclusive, as amended, and insert:

Ten submarines, to be of seagoing type, to have a surface speed of 25 knots or more if possible, but not less than 20 knots, to cost, exclusive of armor and armament, not exceeding $1,500,000 each; and 20 submarines to cost, exclusive of armor and armament, not exceeding $550,000 each; and the sum of $10,000,000 is hereby appropriated for said purpose, to be available until expended.

Mr. SWANSON. I make the same point of order.

The VICE PRESIDENT. The point of order is sustained.

The bill was reported to the Senate as amended.

Mr. GALLINGER. Mr. President, I wish to occupy about three minutes. On pages 22, 23, and 24, under the head of "Bureau of Yards and Docks," the following appropriations are made for the navy yards of the country: Navy yard, Boston, $25,000; navy yard, New York, $135,000; navy yard, Philadelphia, $55,000; navy yard, Washington, D. C., $145,000; navy yard, Norfolk, Va., $130,000, as amended; navy yard, Charleston, as amended, $95,000; naval station, Key West, Fla., $5,000; naval station, Pensacola, Fla., $15,000; navy yard, Mare Island, $65,000; navy yard, Puget Sound, $60,000.

I observe that the Portsmouth (N. H.) Navy Yard has been forgotten in this distribution of the money of the Government for navy yards. I understand that no estimates were made for that yard by the Secretary of the Navy, and hence it has been

entirely neglected. There was a time when Portsmouth shared equally with the other navy yards, but last year that yard was forgotten; and it is forgotten again. I can not imagine why this should be, because there are many things that are needed in that most excellent yard. I do not know whether a message from Washington, which created considerable consternation in Portsmouth at the time of the last election and which was intended for the workingmen in that yard, had anything to do with this neglect or not; but I mention it as a possible reason.

The navy yard at Norfolk, Va., was given in the House bill $80,000, but that has been increased to $130,000. I do not find any estimate for that. I will ask the Senator from Virginia whether or not the increased appropriation was estimated for?

Mr. SWANSON. There is an estimate. An estimate was subsequently submitted upon that item.

Mr. GALLINGER. Submitted upon request, I suppose.

Mr. SWANSON. No; the Secretary called on me. He desired to build some torpedo destroyers there.

Mr. GALLINGER. I notice also that the navy yard at Charleston, S. C., as the bill came from the House, had $30,000 allowed, and now it is $95,000 in this bill. I can not find that there is any estimate for this increased appropriation. Does the Senator from Virginia know of any?

Mr. SWANSON. The Secretary of the Navy wrote a letter favoring it, and so it was inserted. There was no estimate made by the Secretary of the Treasury for it. The committee moved it on account of the letter from the Secretary of the Navy and the commandant as to the urgency.

Mr. GALLINGER. Of course, the commandant, whoever he may be, could not make an estimate under the law. And does the Senator from Virginia accept a letter from the Secretary of the Navy as an estimate for an increased appropriation? All estimates should come through the Secretary of the Treasury, as the Senator from Virginia knows.

Mr. SWANSON. The Senator will recall that the rules of the Senate say that when moved by a standing or select committee of the Senate it is in order. The Senate Committee on Naval Affairs does not yield itself entirely to the Navy Department, and where they think an estimate should be exceeded and the facts are presented to show that it should be exceeded, they have usually acted upon it, and it is in order under the rules of the Senate.

Mr. GALLINGER. Does the Senator contend that the estimate for Charleston of $30,000 might have been increased by the Committee on Naval Affairs to $100,000 or $500,000 under the rules of the Senate?

Mr. SWANSON. If they thought it was wise and for the best interests of the Government, they would submit it for the consideration of the Senate under the rule.

Mr. GALLINGER. That is a very dangerous practice, and I do not think the rules allow it.

Mr. SWANSON. The rules of the Senate permit an increase of any item by a standing committee of the Senate.

Mr. GALLINGER. That means that an amendment shall be referred to a standing committee, acted upon by that standing committee, reported back to the Senate, and then referred to the Committee on Appropriations. That is the way I interpret the rule, not that the Committee on Appropriations shall take charge of a matter of that kind, and without the amendment having been submitted, as I have suggested, increase the appropriation to any amount the committee may see fit to do.

But, Mr. President, I do not care to have a contest over that. I merely wanted to call attention to the fact that for two years the Portsmouth Navy Yard has been forgotten in the matter of estimates and in the matter of appropriations, while all the other navy yards have had appropriations granted to them, and now the two navy yards situated in the southern part of the country have had their appropriations increased by the Committee on Naval Affairs beyond the estimates. While possibly I should not find fault with this, yet I think it well to have that fact go in the RECORD, as a matter of reference, and I venture to express the hope that whoever may be Secretary of the Navy next year may not lose sight of the fact that there is a navy yard at Portsmouth, and that it is in need of appropriations, just as much as the navy yard at Charleston, S. C., or Pensacola, Fla., or Key West, Fla., or any other navy yard for which appropriations have been made. That is all I care to say about it.

Mr. SWANSON. I should like to say to the Senator from New Hampshire that, so far as the Naval Committee of the Senate is concerned, if the Senator will come before the Naval Committee with any proposition that shows that it is necessary to develop the Portsmouth Navy Yard, that it would be to the general interests of the country, even if it is not recommended by the Secretary of the Navy, he will have consideration by that committee, as a subject entitled to be given consideration under the rules of the Senate. I recall that in the last year Portsmouth was given an appropriation to build a slip, or some construction was started, was it not?

Mr. GALLINGER. Not a dollar. Not a dollar for any purpose. I will say to the Senator, who is always courteous, and who is always generously disposed toward me personally, that I will not forget, if I am a Member of the Senate one year from now, that he has invited me to appear before the committee. I shall certainly do so. I confess that I have rather felt like leaving this matter, which in former years I have looked after, to another Member of the Senate, and I trust that he likewise will appear before the committee, and we will endeavor to get an appropriation for some very necessary improvements at the Portsmouth yard, a yard which ranks far above the yards at Charleston, Key West, or Pensacola.

The VICE PRESIDENT. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The amendments were ordered to be engrossed and the bill read a third time.

The bill was read the third time and passed.

Mr. TILLMAN. Mr. President, I want to say a few words before the bill is passed.

The VICE PRESIDENT. The Chair was not aware of that.

Mr. TILLMAN. I shall make a part of my speech at the special request of the Senator from Pennsylvania [Mr. PENROSE], who wanted some enlightenment about the Charleston Navy Yard, and I also had a special request from the Senator from Michigan [Mr. SMITH] to talk about the plucking board.

Mr. PENROSE. Mr. President, I am here to listen carefully to the Senator from South Carolina; and I want to say that I have never failed in 18 years to vote for the appropriations for the Charleston Navy Yard, knowing all the time that I could not get an adjournment of Congress until I did so. [Laughter.]

Mr. TILLMAN. The Senator from Pennsylvania is disposed to be facetious at my expense. I used to be able to bandy epithets with almost anybody here, but since I have been paralyzed I am not so agile on my feet or alert-minded as I once was.

Mr. PENROSE. Mr. President, no matter what the physical condition of the Senator from South Carolina may be, the mention of the Charleston Navy Yard is calculated to put the light of battle in his eye. [Laughter.]

Mr. TILLMAN. When that navy yard is lied about it does make me angry, necessarily.

Mr. President, the impression has been industriously circulated in the northern press, inspired, doubtless, by selfishness and, perhaps, sectional animosity, that the Charleston Navy Yard is no good, and that the dock is little else than a mudhole filled with silt and inaccessible to battleships for repair. In order to give official proof that this impression is entirely erroneous and that the navy yard ought to be developed instead of being starved, as it has been for seven or eight years, yesterday I presented the report of Admiral John R. Edwards, an officer known to all of you, as to the amount of dredging required last year for keeping the dock free of mud.

Instead of costing, as has been testified in a hearing before the House Committee on Naval Affairs, $75,000 a year, or something like that, the cost last year was only $6,208. I hope Senators will examine Senate Document 957, on page 8, for information in regard to that matter and the present conditions at the yard.

The reason why dredging must be frequently resorted to is because as soon as the mud and silt are gotten out of the dock, of course the walls of soft ooze above and below are washed into the hole when the tide rises and falls; hence, dredging must be resorted to until there is a key wall built extending into the river to the deep channel where there is 34 feet of water at mean low tide.

There is another item for dredging which ought to go in the river and harbor bill, or be provided for in this bill; and that is to remove the sharp bend in the Cooper River opposite Drum Island, 3 or 4 miles below the dry dock. This has been surveyed by the War Department. The estimates are that for $175,000 enough mud could be taken out of the river at this sharp bend to allow vessels drawing 30 feet of water to proceed to the dock and above. If we have a river and harbor bill this session, I shall insist on that item going in. Unless it is put in I shall fight against the enactment of any river and harbor bill and vote against it, and even filibuster to keep it from being passed at this session. So I serve notice now that I am going to fight

to have the Charleston Navy Yard made accessible to battleships at all times.

Mr. President, I desire to have inserted in the RECORD the official report of the War Department in regard to this dredging. The indorsement of the project by that department and also by the General Board and the Secretary of the Navy and others shows that the Navy Department is very anxious to have the improvement made in order to render the navy yard accessible at all times, high or low tide, to our largest battleships.

I also present as proof of this official reports of the Hydrographer in corroboration of the speech I made in the Senate in reply to Mr. Meyer.

I also ask permission to insert, instead of having it read, a communication from Admiral Blue, transmitting the report of the Hydrographer in regard to this subject.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

MY DEAR SENATOR: I am inclosing the information you asked for. It has just come in from the Hydrographic Office. You are perfectly safe in making the statement referred to.

Very sincerely,

VICTOR BLUE.

—

[From Senator TILLMAN'S speech in reply to Mr. Meyer, February 11, 1915.]

Charleston Harbor is the only really good and commodious one between Norfolk and Key West. The commerce of Cooper River would well warrant the expenditure of $175,000 needed to dredge the point off of a shoal now jutting into the channel. When this is done our largest battleships at present constructed can steam into the harbor through the jetties up to and into the dry dock itself at the navy yard at mean low tide.

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[Memorandum for Bureau of Navigation.]

HYDROGRAPHIC OFFICE,
Washington, D. C., February 11, 1915.

An examination of the chart of Charleston Harbor shows that at mean low water a draft of at least 28 feet can easily be carried into the harbor and up to the shoal at the north end of Drum Island, and from thence the same or a greater draft can be carried up to the navy yard.

If the shoal referred to is the one at the north of Drum Island, it could be removed, and a draft of 28 feet could be easily carried to the navy yard at mean low water. From the character of the bottom it is presumed that the shoal is of mud and not difficult of removal.

There is a rise of 5.1 feet, which, added to 28 feet, would give 33.1 feet of draft possible to carry any ship from the ocean up to the navy yard; and the draft of 28 feet mean low water is sufficient for almost all of the ships that we now have.

THOS. WASHINGTON,
Captain, United States Navy, Hydrographer.

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[Memorandum for Capt. Washington, hydrographer.]

NAVY DEPARTMENT,
BUREAU OF NAVIGATION,
Washington, D. C., February 11, 1915.

The inclosed is the substance of a statement of Senator TILLMAN. He has just phoned me requesting that it be verified, at least that part of it which states that the largest battleships could steam into the harbor through the jetties up to and into the dry dock itself at the navy yard at mean low tide if the point is dredged off the shoal which now juts into the channel.

As he wants an answer to this to-day, I will thank you to have the matter looked up immediately and a memorandum forwarded to me on the subject.

[Memorandum for the Chief of Bureau of Navigation.]

FEBRUARY 11, 1915.

An examination of the chart of Charleston Harbor shows that at mean low water a draft of 28 feet can be carried into the harbor as far up as abreast the railroad piers at the south entrance of Town Creek and that a draft of 27 feet can be carried up the Cooper River as far as the north end of Drum Island. Through Town Creek a draft of probably as much as 30 feet can be carried up as far as black spar buoy No. 25, above the north end of Drum Island, at which place there is a shoal reducing the depth to 25 feet. From that shoal 27 feet can be carried as far as white light No. 9, about a half a mile below the naval reservation, and from that light to the reservation a depth of 29 feet and more can be carried to the yard.

The mean height of high water above the plane of reference is 5.1 feet, from which it is apparent that no difficulty whatever would be experienced in taking ships of any draft at the present time through the jetties and up to the naval reservation, but at mean low water the shoal off the north end of Drum Island (spar buoy No. 25 and red light No. 8) will reduce that depth to about 25 feet.

THOS. WASHINGTON.

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[Committee on Rivers and Harbors, House of Representatives, United States, Document No. 19, 63d Cong., 2d sess.]

COOPER RIVER, S. C.

LETTER FROM THE CHIEF OF ENGINEERS, UNITED STATES ARMY, TRANSMITTING REPORT OF THE BOARD OF ENGINEERS FOR RIVERS AND HARBORS ON COOPER RIVER, S. C.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, May 22, 1914.

SIR: 1. Referring to your letter dated February 23, 1914, inclosing a copy of a resolution by the Committee on Rivers and Harbors of the House of Representatives, of the same date, requesting the Board of Engineers for Rivers and Harbors to examine and review the report on Cooper River, S. C., printed in House Document No. 947, Sixty-first Congress, second session, I have the honor to inclose herewith a copy of the report of the board, dated May 19, 1914, in response thereto.

2. In the report referred to in the document mentioned above it was stated that the construction of a channel 30 feet deep at all stages up to the navy yard, at an estimated cost of $175,000, was deemed advisable in the interests of the Navy. It appears that since that investigation was made there has been some commercial development above the navy yard, and the board is of opinion that it is advisable for the United States to provide a channel up to the naval reservation 26 feet in depth at mean low water and 300 feet wide, at an estimated cost of $14,000, local interests having stated that they will provide this depth above the naval reservation. I concur with the Board of Engineers for Rivers and Harbors in the opinion that the improvement of Cooper River by the United States is advisable in the interests of commerce to the extent above indicated. The full amount of the estimated cost should be provided in one appropriation.

Very respectfully,

DAN C. KINGMAN,
Chief of Engineers, United States Army.

Hon. S. M. SPARKMAN,
Chairman Committee on Rivers and Harbors,
House of Representatives.

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WAR DEPARTMENT,
BOARD OF ENGINEERS FOR RIVERS AND HARBORS,
Washington, D. C., May 19, 1914.

From: The senior member, the Board of Engineers for Rivers and Harbors.

To: The Chief of Engineers, United States Army, Washington, D. C.

Subject: Report on Cooper River, S. C.

1. The board submits its report in response to the following resolution:

"*Resolved by the Committee on Rivers and Harbors of the House of Representatives of the United States,* That the Board of Engineers for Rivers and Harbors, created under section 3 of the river and harbor act approved June 13, 1902, be requested to examine and review the report on Cooper River, S. C., printed in House Document No. 947, Sixty-first Congress, second session."

The report referred to in this document recommended an improvement of Cooper River to a depth of 30 feet, at an estimated cost of $175,000, in the interests of the Navy, there being no commercial need at that time for the improvement. The project has not been adopted.

2. Upon recommendation of the board, the district officer has submitted data covering conditions at the present time. There has been a change in the commercial situation above the naval reservation since the submission of the former report by the establishment of a cotton compress and of storage oil tanks. There was at the time of the former report a fertilizer factory and a lumber mill. The commerce now handled by these industries is reported as amounting to 57,576 tons, having a value somewhat in excess of $4,000,000. This commerce would be benefited if the present available depth, 22 feet, were increased to 26 feet at mean low water. The district officer states that local interests have decided to provide this depth over some shoal places above the naval reservation.

3. Estimates have been prepared for channels 300, 400, and 600 feet in width up to the reservation, amounting to $14,000, $21,000, and $40,000, respectively. The district officer and the division engineer are of opinion that the locality is now worthy of improvement in the interests of general commerce to the extent of providing a channel 300 feet wide and 26 feet deep up to the navy yard. It is also stated that the improvement would be of material value to the Navy.

4. No estimate for maintenance is submitted, but it appears that this will not be large. In view of this fact the cost of improvement seems not unreasonable when compared with the commerce, present and prospective, to be benefited. The board therefore reports that in its opinion it is advisable for the United States to provide a channel up to the naval reservation 26 feet in depth at mean low water and 300 feet wide, at an estimated cost of $14,000. Local interests have stated that they will provide this depth above the naval reservation. The full amount of the estimate should be made available in one appropriation.

5. In compliance with law, the board reports that there are no questions of terminal facilities, water power, or other subjects so related to the project proposed that they may be coordinated therewith to lessen the cost and compensate the Government for expenditures made in the interests of navigation.

For the board:

W. M. BLACK,
Colonel, Corps of Engineers,
Senior Member of the Board.

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WAR DEPARTMENT,
UNITED STATES ENGINEER OFFICE,
Charleston, S. C., March 19, 1914.

From: The District Engineer Officer.

To: The Chief of Engineers, United States Army (through the Division Engineer, S. E. Div., Savannah, Ga.).

Subject: Examination of Cooper River, S. C.

1. In compliance with instructions contained in third indorsement, Office Chief of Engineers, dated March 16, 1914, on letter transmitting resolution of the Committee on Rivers and Harbors, House of Representatives of the United States, the following report is submitted:

2. A survey of the river was made in 1910, and report thereon with estimate of cost of improvement is printed in House Document No. 947, Sixty-first Congress, second session (with map). Recommendation was submitted to Congress for a channel 30 feet deep at all stages, with widths varying from 600 feet to 1,000 feet up to the naval station, at a cost of $175,000; it was stated that Cooper River was worthy of improvement to this extent for naval purposes. In requesting an examination and review of this report, the Committee on Rivers and Harbors states:

"The object is to ascertain whether, in view of changed conditions, if any, the improvement is desirable in the interests of commerce at this time, the original report having only recommended the stream as worthy of improvement for naval purposes up to the naval station."

3. Below the naval station the commercial enterprises that might be benefited by the improvement are located on Shipyard Creek, a tributary of Cooper River. The entrance to Shipyard Creek, however, has a depth of only 15 feet at low water, which depth already exists in Cooper River. Above the naval station for a distance of 1½ miles there are located a lumber mill, tanks for oil and petroleum products, a cotton compress, and a fertilizer manufactory. The cotton compress and the oil tanks have been established since the report on the Copper River

was submitted. These concerns would be benefited by the improvement. For the year 1913 the following business was done by them:

	Tons.	Value.
Receipts:		
Fertilizer material	11,781	$157,563
Petroleum products	12,000	160,000
	23,781	317,563
Shipments:		
Cotton, 55,180 bales	13,795	3,655,775
Lumber, etc., 20,000,000 feet	20,000	300,000
	33,795	3,955,775
Total	57,576	4,273,338

4. The deepest draft vessel that brings cargo of fertilizer materials upstream is about 24 feet; but there is ample storage capacity at the plant for larger cargoes in deeper draft vessels. As vessels bringing such cargoes to Charleston have a draft of 27 or 28 feet, it is probable that they would go up the Cooper River were facilities provided. The depth at the fertilizer wharf is only 22 feet, but the owners state that they would increase the depth to procure larger cargoes.

5. The deepest draft vessels that take cotton downstream are about 24 feet, with length of 480 feet. They are not fully loaded, as the compress has not sufficient capacity to fill a vessel bound for a single foreign port, such as Liverpool or Bremen. The loading may be completed elsewhere or the vessel may arrive partly loaded and complete its cargo. Arrangements have been made to increase the capacity of the compress to 150,000 or 200,000 bales; and it is intended, in addition, to develop the shipping of other and heavier cargoes, such as steel rails, cottonseed products, etc., as through business.

6. The accompanying map (not printed), showing this section of the river, gives the location of the foregoing plants, and the depths in the stream as determined from Coast Survey charts. Below the compress wharf soundings of 18, 20, 22 feet are shown, and unless such shoals were removed, there would be little benefit to commerce to increase the depths below the naval station. The owners of the compress have decided to remove these shoals to a depth of approximately 26 feet at low water, which is the general depth in that vicinity. A good 26-foot channel as far as the naval station would consequently be of benefit to commerce.

7. The entrance channel to Charleston Harbor has a low-water depth of 28 feet, and this depth or greater extends to the upper end of Drum Island, as shown on the map accompanying the report on the Cooper River. To procure a channel 26 feet deep at mean low water with a width of 600 feet would involve dredging for a distance of 3,000 feet at the upper end of Drum Island, and removing shoals off Clouter Creek. The cost would be:

Dredging:	
Drum Island, 225,000 cubic yards, at 12 cents	$27,000
Clouter Creek, 28,500 cubic yards, at 20 cents	5,700
Superintendence and contingencies	7,300
Total	40,000

8. Such a channel would not only benefit present and prospective commerce, but would be of material assistance to the Navy. A channel 600 feet wide with a low-water depth of 26 feet would have a high-water depth of 31 feet, and would probably allow a battleship of the *North Dakota* class to reach the naval station, as this ship on a visit to Charleston in 1912 had a draft of 28 feet 10 inches, with a length of 510 feet. On a sheet issued by the Bureau of Yards and Docks of the Navy in 1911, the controlling depth to the yard at Charleston was shown as 22 feet. The improvement to 26 feet would increase the controlling depth 4 feet and would greatly add to the efficiency of the station.

9. It is believed advisable at the present time in the interests of general commerce and navigation to improve the Cooper River as far as the naval station to a low-water depth of 26 feet with width of 600 feet, at an estimated cost of $40,000. This amount should be appropriated in one sum. The expense of maintenance will be small; in fact, no estimate can be submitted, as it is believed several years would elapse before maintenance would be required.

Respectfully submitted.

G. P. HOWELL,
Major, Corps of Engineers.

[First indorsement.]

OFFICE DIVISION ENGINEER, SOUTHEASTERN DIVISION,
March 21, 1914.

To the CHIEF OF ENGINEERS:

1. It would appear from the report of the district officer that commercial conditions in Cooper River above the navy yard have changed since the report in 1910, published in House Document No. 947, Sixty-first Congress, second session, and that there is now a commerce passing the navy yard amounting to 57,576 tons, valued at $4,273,338.

2. Based on the present and prospective developments of this commerce, the district officer recommends dredging at two localities to obtain a low-water channel 600 feet in width and 26 feet deep, at an estimated cost of $40,000. He believes that no maintenance work will be required for a number of years.

3. In addition to its value to commerce, the district officer states that the suggested improvement will also be of advantage to the navy yard.

4. In view of all the circumstances, I concur in the conclusions and recommendations of the district officer as expressed in paragraph 9 of the report.

W. C. LANGFITT,
Colonel, Corps of Engineers.

WAR DEPARTMENT,
UNITED STATES ENGINEER OFFICE,
Charleston, S. C., April 30, 1914.

From: The District Engineer Officer.
To: The Chief of Engineers, United States Army (through the Division Engineer, southeastern division, Savannah, Ga.).
Subject: Improvement of Cooper River, S. C.—additional estimates.

1. As requested by the Board of Engineers for Rivers and Harbors in letter addressed to the Chief of Engineers United States Army April 21, 1914, the following additional estimates with reference to improvement of Cooper River, S. C., are submitted:

2. Referring to paragraph 7 of the report of March 19, 1914, there is off Clouter Creek a shoal in the middle of the river on which the depth is less than 26 feet. This shoal is in dimensions about 850 feet by 250 feet. To cut it down to a depth of 26 feet would require the removal of 22,000 cubic yards, costing, at 20 cents per cubic yard, $4,400. To form a channel 300 or 400 feet wide on either side of this shoal would require the removal of about one-half of it and would leave the remainder as a menace to navigation in time of fog or strong currents. As the cost of entire removal is so small, it is believed it should be done.

3. The dredging near Drum Island would be as follows:

300-foot channel, 35,000 cubic yards, at 20 cents	$7,000
400-foot channel, 65,000 cubic yards, at 20 cents	13,000

The unit price has been increased from 12 cents in previous estimate to 20 cents on account of the reduction in yardage.

4. The total cost would be, including contingencies:

300-foot channel	$14,000
400-foot channel	21,000

5. Either of these widths will be adequate for the class of merchant vessels that may be expected to use this channel.

6. Referring to paragraph 6 of the report of March 19, 1914, concerning the shoal near the compress wharf, it is recommended that the improvement of the Cooper River below the navy yard for the benefit of merchant vessels be made contingent upon the prior removal of this shoal to a depth equal to that to be obtained below the navy yard.

Respectfully submitted.

G. P. HOWELL,
Major, Corps of Engineers.

Mr. TILLMAN. These reports prove conclusively that the battleship fleet we now have can steam into the harbor from the ocean at mean low tide. They prove that if the dredging is done off Drum Island, costing $175,000, the fleet could proceed directly to the navy yard itself and be put into the dry dock without the slightest difficulty.

I saw seven battleships, the largest we now have, steam in and anchor at Charleston December, 1913.

Of course, while the dock is deep enough it is not long enough to dock any vessel over 575 feet in length. These would have to go to New York. But we ought to have another dock at Charleston, and will some day, I hope.

Now, while I am on my feet I want to say a word about the plucking board.

Mr. President, as a member of the Naval Committee for 20 years, and therefore somewhat familiar with naval affairs and our naval officers, I heartily favor the abolition of the plucking board. It is of vital importance that we should have some instrumentality to get rid of deadwood among naval officers; but I would much prefer to see the machinery provided for promoting zealous and able young officers on merit alone rather than see the retired list filled up with officers who are personally very meritorious, but for some reason are not suited for high command. The President of the United States ought to be given authority to select for promotion any officer above the age of 30 whose record warrants his being jumped over his fellows. We will never have that efficiency and energy, a determination to do or die, which characterized John Paul Jones, Lord Nelson, Farragut, not to mention others, until the American Navy has some system of promotion such as I have outlined.

I have examined into the matter, and I find that Lord Nelson was made post captain in the English Navy at 21 years of age, was 40 years old when he fought the Battle of the Nile, which bottled Napoleon up in Egypt and led finally to his downfall, although he became Emperor afterwards, and that the same man who bottled him up in Egypt defeated the French and Spanish fleets at Trafalgar when he was 47, and was killed there.

John Paul Jones was only 32 when he won immortality as captain of the *Bon Homme Richard* in his famous fight with the *Serapis*, showing that men who are young make the best fighters. There will be heartburnings, of course. There always are in such matters, but we simply can not afford to keep the plucking board because it has been a failure, and the Naval Committee has become a court of appeals to try the merits of officers who have been "plucked." All of them believe they have been wronged; all of them have friends; hence we devote more time to such bills than we ought. There should not be any machinery in the Navy which would make it necessary for the Naval Committee to deal with such cases. And above all we should not have on the retired list men who are physically able to do good work, but who, in order to enable promotion to be rapid, are retired on three-fourths pay to make room for those below. That system is vicious and ought to be abolished, and I sincerely hope some scheme may be evolved by which promotion for merit may be obtained without the heartburnings caused by the plucking board, so young men educated by the United States may be allowed to serve their country instead of being laid on the shelf.

Mr. PENROSE. Mr. President, I should like to ask the Senator one question. I do not intend to tax his strength, but I

should like to know what the expense is estimated to be for rendering the harbor and waters and channels approaching the Charleston Navy Yard navigable for battleships?

Mr. TILLMAN. I have just explained that the report of the Army engineers shows there is deep water sufficient now, and that $175,000 will dredge off a corner, a sharp curve, where battleships are likely to go aground. If we get that $175,000, we could have the battleships go in there at any time at high or low tide and steam right up to the dry dock.

Mr. PENROSE. What depth of water would be there?

Mr. TILLMAN. Thirty feet.

Mr. PENROSE. Thirty-five feet is considered the requisite depth, as I understand nowadays, for safe navigation of battleships.

Mr. TILLMAN. No; you have not got 35 feet at Philadelphia, unless it is very recently.

Mr. PENROSE. We expect to have it, and there is a plan now looking to that end.

Mr. TILLMAN. Oh!

Mr. PENROSE. It has been projected for and surveyed.

Mr. TILLMAN. This at Charleston has been projected for and surveyed, too.

Mr. PENROSE. I mean 35 feet is being provided at Philadelphia. Would this be a permanent improvement at Charleston or would the mud come back the following spring?

Mr. TILLMAN. If the key wall is built it will never come back.

Mr. PENROSE. I will vote for the amendment, Mr. President.

Mr. SWANSON. Mr. President, I move that the Senate insist upon its amendments, ask for a conference with the House, and that the Vice President appoint the conferees on the part of the Senate.

The VICE PRESIDENT. The Senator from Virginia moves that the Senate insist upon its amendments, request a conference with the House, and that the Chair appoint the conferees. The question is on that motion.

The motion was agreed to; and the Chair appointed Mr. TILLMAN, Mr. SWANSON, Mr. BRYAN, Mr. PERKINS, and Mr. PENROSE conferees on the part of the Senate.

FORTIFICATIONS APPROPRIATIONS.

Mr. BRYAN. Mr. President——

The VICE PRESIDENT. The Senator from Florida.

Mr. BRYAN. I move that the Senate proceed to the consideration of House bill 21491.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 21491) making appropriations for fortifications and other works, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

Mr. ASHURST. Mr. President——

The VICE PRESIDENT. The Senator from Arizona.

Mr. ASHURST. Mr. President, it was my intention to move that the Senate proceed to the consideration of House bill 20150, being the Indian appropriation bill, but I will not make that motion now, as I understand the Senator from Florida [Mr. BRYAN] wishes to proceed with the fortifications bill, and that the Senator from North Carolina [Mr. OVERMAN] wishes to move thereafter the consideration of the Diplomatic and Consular appropriation bill; but I wish to give notice that immediately upon the passage of the Diplomatic and Consular appropriation bill, which is to follow the fortifications bill, I shall move that the Senate proceed to the consideration of the Indian appropriation bill, to wit, House bill 20150.

Mr. FLETCHER. Mr. President, I wish to say that the conference report on what is known as the seamen's bill was presented yesterday, and I think that report ought to be taken up very soon. I did not know that there was any other program mapped out, and my purpose was to ask to have that conference report taken up immediately after the disposition of the fortifications bill.

The VICE PRESIDENT. The Chair will note the notices in order, and recognize Senators accordingly.

Mr. BURTON. Mr. President, I should like to understand the matter. There was so much confusion that it was impossible for me to do so accurately. It was proposed, as I understand, first, to take up the fortifications appropriation bill, then the Diplomatic and Consular appropriation bill, and then the Indian appropriation bill. Does the suggestion of the Senator from Florida differ from that?

Mr. FLETCHER. I stated that on yesterday the report on the seamen's bill was presented, but I did not press at that time for its immediate consideration, with the understanding that it would be taken up to-day. I therefore feel that I ought to move to take up that report immediately after the fortifications bill is disposed of.

The VICE PRESIDENT. The Chair has been proceeding in accordance with the custom of the Senate, as it has been ever since the present occupant has been here, to recognize Senators in the order in which they serve notice that they want to be recognized. The Chair has not anything to say regarding what the Senate will do about it; but if the present occupant of the chair is here, he is going to recognize after the Senator from Florida [Mr. BRYAN] the Senator from North Carolina [Mr. OVERMAN], then the Senator from Arizona [Mr. ASHURST], and then the Senator from Florida [Mr. FLETCHER].

Mr. SMITH of Georgia. Mr. President, I wish to state that at some time during the afternoon I will move that the Senate act upon the conference report on the bill with reference to the additional judge for the southern district of Georgia.

Mr. WEEKS. Mr. President, has the Senator from Florida the floor?

Mr. BRYAN. No.

Mr. WEEKS. Mr. President, I want to make a motion, which I think will be readily agreed to, which is that when the Senate adjourns or takes a recess on Saturday, February 27, 1915, it shall be until Sunday, February 28, 1915, at 10.45 a. m., to consider resolutions and listen to addresses commemorative of the lives and services of William H. Wilder, late a Representative from the State of Massachusetts, and Forrest Goodwin, late a Representative from the State of Maine.

The VICE PRESIDENT. Is there any objection?

Mr. SMOOT. One moment. I do not know what the Senate desires to do now about holding a session on Sunday.

Mr. GALLINGER. It will be for eulogies.

Mr. LODGE. The session will be for memorial addresses on two deceased Representatives.

Mr. SMOOT. I am perfectly aware of that. I wish to say, however, that Sunday sessions have never been held for that purpose in the past, and I hardly think that a Sunday session ought to be held now. I am not going to object, but I wish to ask why not arrange at the same time for eulogies on the late Senator from Kentucky, Mr. Bradley?

Mr. KERN. I understand Senators are not ready.

Mr. SMOOT. Very well.

Mr. KERN. Mr. President, I hope the Senator from Massachusetts will not insist on submitting his motion now, because, I think, under a fair construction of it, any other business on Sunday would be excluded. An emergency might exist for the transaction of other business on Sunday, and therefore I would not like to consent that the right to transact other business be foreclosed.

Mr. WEEKS. Mr. President, I supposed that an arrangement had been made which would preclude the consideration of other business on Sunday, and it was my understanding that the time would be favorable for the purpose indicated in my motion.

Mr. KERN. Let me say to the Senator there will be no objection in the world to the exercises referred to.

Mr. WEEKS. It is customary, Mr. President, I think, or always has been customary, to adjourn immediately after holding such exercises.

Mr. KERN. I know that that has been the custom, but I do not know what emergency might arise.

Mr. SMOOT. I understand, then, Mr. President, the Senator from Massachusetts makes the motion with the understanding that no other business is to be transacted on Sunday?

Mr. WEEKS. I have no knowledge of any other business, and I supposed that an arrangement had been made that no other business would be then considered.

Mr. SMOOT. I shall object to any other business being transacted on Sunday.

Mr. KERN. I regret that the Senator from Massachusetts presents the matter at this time. It can be presented tomorrow, and by that time, perhaps, we can come to some understanding about it.

Mr. WEEKS. Well, I will withdraw the motion.

The Secretary resumed the reading of the fortifications appropriation bill on page 3, line 14.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. BRYAN. Mr. President, I desire to say, in reference to the fortifications bill which has just been passed, that as the House passed the bill the amount appropriated was within $130,000 of the estimate of the department. I ask permission to incorporate in the RECORD the first six pages of the House report, prepared by Mr. SHERLEY of Kentucky, who has given many years of study to the seacoast defenses, and who has

prepared this year, as he does every year, a very valuable report. By examining this report Senators can form a very complete idea of the scope of the work that has been done since the the establishment of the Endicott Board back in 1886.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

Mr. SHERLEY, from the Committee on Appropriations, submitted the following report:

The Committee on Appropriations, in presenting the accompanying bill making appropriations for fortifications and other works of defense, and for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, submit the following in explanation thereof:

The estimates on which the bill is based aggregate $6,193,641.32, which sum includes $5,863,641.32 submitted in the Book of Estimates for the fiscal year 1916 and $330,000 submitted in House Document No. 1529. The accompanying bill appropriates $6,060,216.90, which amount is $432,516.90 more than was appropriated for the same purposes at the last session of Congress, and $133,424.42 less than the estimates submitted.

During the Forty-ninth Congress (fiscal years 1887 and 1888) no appropriations were made on account of fortifications, their maintenance and armament, and for the 12 fiscal years 1875 to 1886, inclusive, the appropriations by Congress on this account averaged only $540,750 per annum, and only $463,500 per annum for the 14 years, including 1887 and 1888, for which latter two fiscal years no specific appropriations were made, as stated.

The bill reported herewith contains appropriations in continuance of the policy adopted by the Fiftieth Congress in the passage of the acts approved September 22, 1888, and March 2, 1889, and continued at the succeeding terms of Congress in acts approved August 18, 1890, February 24, 1891, July 23, 1892, February 18, 1893, August 1, 1894, March 2, 1895, June 6, 1896, March 3, 1897, May 7, 1898, March 3, 1899, May 25, 1900, March 1, 1901, June 6, 1902, March 3, 1903, April 21, 1904, March 3, 1905, June 25, 1906, March 2, 1907, May 27, 1908, March 3, 1909, June 23, 1910, March 4, 1911, June 6, 1912, February 13, 1913, and June 27, 1914.

The appropriations by said acts for the 27 fiscal years 1889–1915 aggregate $152,584,696.72, of which sum $131,597,432.72 was appropriated for the United States and $20,987,264 for the insular possessions, an average of $5,651,285.06 per annum.

The fortifications appropriation acts enacted during the Fifty-fifth Congress (fiscal years 1899 and 1900) appropriated $14,287,396, in addition to which amount sums aggregating $8,674,898 were provided in deficiency appropriation acts for fortifications and the armament thereof, and the further sum of $13,049,751.86 was allotted for the same objects from the general appropriation of $50,000,000 made for the national defense in the act of March 9, 1898, making in all $36,012,045.86 available for fortifications and the armament thereof under appropriations made during the Fifty-fifth Congress. In addition to the above, the sum of $2,500 was appropriated for fortification purposes in the act making appropriations for the support of the Army dated September 22, 1888; $35,000 by the act making appropriations for the support of the Army dated March 2, 1901; $259,200 by the act making appropriations for the support of the Army dated June 30, 1902; and $389,000 by the act making appropriations for the support of the Army dated March 2, 1903; total, $685,700.

There was also appropriated by the act making appropriations for the sundry civil expenses of the Government approved April 28, 1904, $591,046.25; under the act making appropriations for the sundry civil expenses of the Government approved March 3, 1905, $40,000; under the act making appropriations for the sundry civil expenses of the Government approved June 30, 1906, $158,953.75; by the deficiency act of July 7, 1898, $0.70; by the deficiency act of February 14, 1902, $2.68; by the deficiency act of July 1, 1902, $4.38; and by the sundry civil act of March 4, 1911, $154,667; total, $944,674.76.

The urgent deficiency act of February 14, 1902, carried $3,000 for fortifications and the deficiency act of March 4, 1907, $977.79.

The joint resolution, approved June 23, 1914, appropriated $31,000 to complete the purchase of necessary land at Cape Henry, Va.

The total appropriations made for fortifications and other works of defense since 1888, and since the recommendations of the Endicott Board of 1885, including the appropriations made in deficiency and other acts, including the Army bills dated September 22, 1888, March 2, 1901, June 30, 1902, and March 2, 1903, the sundry civil bills dated April 28, 1904, March 3, 1905, June 30, 1906, and March 4, 1911, and allotments made from the national defense fund, amount to $175,974,699.13, of which sum $154,682,768.13 was for the United States and $21,291,931 for the insular possessions, and has included the necessary cost of maintenance; $59,198.66 of the amount appropriated for the United States was expended for maintenance of submarine mines in the insular possessions.

The scheme of seacoast fortifications for the continental United States contemplated by the Endicott Board, as modified by the National Coast Defense Board (see S. Doc. No. 248, 59th Cong., 1st sess., for report), and as revised to date, it is estimated, will cost in the aggregate $159,982,534.43, of which amount the sum of $126,112,068.50 has been appropriated and $1,043,998.81 has been returned to the Treasury, a more particular discussion of the details of which will appear elsewhere in this report.

The scheme of fortifications for the insular possessions contemplated by the National Coast Defense Board, as revised to date, it is estimated, will cost in the aggregate $30,177,536.71, of which there has been appropriated the sum of $21,291,931, the details of which are also discussed more at length elsewhere herein.

The difference between the estimated whole cost of the so-called Endicott scheme of fortifications, as modified and revised to date, for continental United States, $159,982,534.43, and the appropriations made therefor to date, $126,112,068.50, less amount returned to Treasury, amounts to $33,870,465.93.

The difference between the estimated whole cost of the scheme of fortifications for the insular possessions, as revised to date, $30,177,536.71, and the appropriations already made therefor, $21,291,931, amounts to $8,885,605.71.

The difference between the combined estimated cost of both schemes, $190,160,071.14, and the combined appropriations therefor to date, $147,403,999.50 (less amount returned to Treasury), amounts to $42,756,071.64.

The difference between the $147,403,999.50 already provided toward the scheme of the Endicott Board, modified by the National Coast Defense Board, and the sum total of appropriations, $175,974,699.13 for fortifications since 1888, amounting to $28,570,699.63, is represented in expenditures for erecting and equipping the gun factory at Watervliet, the gun-carriage factory at Watertown, the powder factory at Picatinny, N. J., the Ordnance and Fortification Board, the manufacture of mountain, field, and siege guns, and ammunition therefor, and for sundry other objects incident to providing and maintaining a system of seacoast defenses, and the amount returned to Treasury.

In addition to the foregoing general statement as to the history of and appropriations for the scheme of seacoast fortifications adopted by Congress in 1888 and prosecuted by annual appropriations since that year, it is deemed pertinent at this time to discuss somewhat more in detail the subject of these very considerable expenditures.

By the act of Congress approved March 3, 1885, the President was directed to appoint a board to formulate plans for seacoast defenses. This board later became known under the name of the Endicott Board, and its report, transmitted to Congress on January 23, 1886, formed for many years the guide from which the Secretary of War determined the ports that should be fortified and the amount and type of armament required for each. It will be understood that these plans required many modifications of detail in accordance with the development of commercial and strategic importance of the different ports and emplacements and changes in modern armament. In addition, no provision was made for reserve ammunition, probably due to the fact that the development of satisfactory powder was at that time in an experimental stage. On March 5, 1906, the President of the United States transmitted a message to the Congress, in which he inclosed a report of the National Coast Defense Board, which had been appointed by him on January 31, 1905. This report modified and brought up to date the report of the Endicott Board and added a scheme for the fortifications of the insular possessions of the United States, and is usually referred to as the Taft Board report. In pursuance of the plans and projects recommended in that report, estimates are submitted annually by the Secretary of War of the sums needed to carry on the work, and the items containing such estimates constitute the bill as submitted to this committee.

It should be stated in passing that the estimates for the fortification of the Panama Canal are submitted as a part of the general canal estimates and are carried in the sundry civil bill and are not included in any of the figures used in this discussion.

These items of appropriation may be roughly divided into three general classes, namely:

1. Fortification of seacoast forts, including ammunition.
2. Supply of Field Artillery material, including ammunition.
3. Miscellaneous items related to the above, but not strictly forming parts thereof.

The first classification can be subdivided into three items: (a) Items pertaining to new armament and installation, including reserve ammunition. These items embrace guns, gun carriages, emplacements, sites for defense, electrical installation, searchlights, sea walls, submarine-mine structures, fire-control instruments and structures, and ammunition; (b) items pertaining to maintenance, repair, and alterations of property embraced in subdivision a, except ammunition; and (c) items pertaining to seacoast target-practice ammunition, including appliances for same, and subdivisions a and b should also be segregated according as they relate to continental United States and the insular possessions.

Under these three subdivisions of the first general division there has been heretofore appropriated for continental United States, including practice ammunition used in the insular possessions, $126,112,068.50. Of this amount, under subdivision a, items pertaining to new armament and installation, there has been apportioned $89,013,055.59; items relating to reserve ammunition, $15,252,885.98. Under subdivision b—that is, the item for maintenance, repair, and alteration—there has been appropriated $15,113,070.12. Under subdivision c, seacoast target-practice ammunition, there has been appropriated the sum of $5,689,058. There has been covered into the Treasury unexpended $1,043,998.81.

Under subdivisions a and b there has been appropriated for the insular possessions $21,291,931. This total includes under subdivision a items pertaining to new armament and installation, $18,072,209.12; items for reserve seacoast ammunition, $2,800,000. Under subdivision b, for maintenance, repair, and alteration, there has been appropriated $419,721.88. So that the total of appropriations for both continental United States and the insular possessions, under heading No. 1, amounts to $147,403,999.50.

The second general classification, to wit: Supply of Field Artillery material, including ammunition, can also be subdivided into thre classifications similar to that of item No. 1. In other words, (a) those pertaining to new material, including reserve ammunition; (b) those pertaining to maintenance, repair, and alteration; and (c) those pertaining to target-practice ammunition.

The total appropriated has been $11,880,800. The total of the above that is included under the subdivision a, new material, including reserve ammunition, is $10,388,800, of which $4,201,600 was for such reserve ammunition, leaving $6,187,200 as the amount that has been appropriated for new material. Of this latter sum, $1,005,000 is counted as being for new material, though it is literally for the purpose of making new batteries out of old ones.

Under subdivision b, for maintenance, repair, and alteration, there has been appropriated $441,000. Under subdivision c, for target-practice ammunition, there has been appropriated $1,051,000.

The third general classification, to wit, miscellaneous items related to the preceding but not strictly forming parts thereof, consists of the following items, totaling appropriations of $16,689,899.63.

Board of Ordnance and Fortification	$2,585,000.00
Proving Ground, Sandy Hook	1,690,978.00
Machine guns not used for seacoast defenses	385,073.00
Ordnance establishments, buildings, gun factory, powder factory, etc	3,376,952.00
Machinery for ordnance establishments	451,397.83
Experimental guns, carriages, and ammunition	653,041.03
Testing experimental guns and carriages, armor plates, etc	148,085.84
Implements, equipments, alteration, and maintenance of old armament	519,038.00
Field material and ammunition of old designs	6,331,819.75
Returned to Treasury	110,928.69
School submarine defense	16,500.00
Amount expended for temporary batteries (national defense fund)	302,817.99
Construction of post buildings, act June 6, 1896	100,000.00
Repair and maintenance Fort Monroe, Va., acts Mar. 2, 1895, and June 6, 1896	18,267.50

This statement does not include estimates of the cost of the additional seacoast defenses needed to complete the fortification projects in accordance with the plans of the National Coast Defense Board, for the reason that the department has now under consideration the subject of modifying the plans of that board so as to provide that the large-caliber guns to be emplaced in future as additions to existing defenses will be of 16-inch instead of 14-inch caliber as recommended by that board. In view of this fact it is not deemed practicable to furnish estimates at this time as to the cost of completing the seacoast defenses.

In addition to the above for the continental United States it is estimated that there will, in the future, be annually required $1,000,000 for maintenance, repair, and minor alterations, and $425,000 for target practice.

And, in addition, it is also estimated that $70,000 will be annually required for maintenance, repair, and minor alterations, plus a proportionate increase due to the installation of new armament as it is supplied for the insular possessions.

Under the second general classification, first noted, it is estimated that remaining items, coming under subdivision a will be as follows: For new matériel, including funds for the alteration of 3.2-inch batteries, $3,861,718.07; for reserve ammunition, $5,347,812; making a total of $9,209,530.07.

In addition to the above, it is estimated that there will be required annually $55,000 for alteration, maintenance, and repair, and $140,000 for target practice.

It should be stated in connection with the foregoing items for Field Artillery matériel and ammunition that it is also estimated by the War Department that for such remaining matériel and ammunition for the use of the militia there will be required a total of $22,411,239.43; for which latter sum, however, it is expected that estimates will be submitted and appropriations carried in the Army bill.

In the present estimates there is asked, under the first general division for continental United States, subdivision a, new matériel, etc., $1,746,324.42, of which sum there is recommended in the accompanying bill $1,673,000; under subdivision b, maintenance, repair, etc., $1,068,500, of which amount the bill carries $1,038,500; and under subdivision c, target-practice ammunition, $425,000, and $26,100 for submarine-mine practice, all of which is recommended in the bill, except $100, making a total estimate of $3,265,924.42, of which the bill carries $3,162,500.

In the insular possessions, under subdivision a, there is asked for new matériel, ammunition, etc., $763,678, of which there is recommended in the bill $753,678; and under subdivision b, maintenance, repair, etc., $99,000, of which the sum of $89,000 is recommended; making total estimates of $862,678, of which $842,678, as above stated, is recommended; making a grand total of estimates of $4,128,602.42 for both continental United States and the insular possessions under the first general division, of which there is recommended $4,005,178.

Under the second general classification there is asked, under subdivision a, new matériel, etc., including alteration of 3.2-inch batteries, $1,780,000, all of which is recommended, with an authorization of $300,000; under subdivion b, maintenance, repairs, etc., $55,000, of which $50,000 is given; under subdivision c, target-practice ammunition, $140,000, of which $135,000 is given; making total estimates of $1,975,000, of which the bill carries $1,965,000, with authorization of $300,000 as above.

Under the third general division there are asked the following items:

Current expenses, ordnance proving ground, Sandy Hook, N. J.	$56,200
Expenses of officers at the proving ground and compensation of draftsmen	18,700
Board of Ordnance and Fortification	15,000
Total	89,900

All of the estimates under the third general division—$89,900—is recommended, and in addition thereto an item of $138.90 for reimbursement of Col. Frank Green, retired.

The funds appropriated under the fortification acts are expended by or under the supervision of the Chief of Ordnance, the Chief Signal Officer, and the Chief of Engineers. In general terms the Chief of Ordnance has charge of those items pertaining to seacoast cannon, including their carriages, sights, implements, and equipments; mountain, field, and siege cannon, including their carriages, sights, implements, and equipments; ammunition for seacoast cannon; ammunition for mountain, field, and siege cannon; ammunition, subcaliber guns, and other accessories for seacoast artillery practice; ammunition, subcaliber guns, and other accessories for mountain, field, and siege artillery practice; alteration and maintenance of seacoast artillery; alteration and maintenance of mobile artillery; current expenses of the ordnance proving ground, Sandy Hook, N. J., necessary expenses of officers at the proving ground, and compensation of draftsmen. In addition he has charge of the accounts, although not of the disbursements, pertaining to submarine mines, and the Board of Ordnance and Fortifications, and expends the funds allotted him by the Secretary of War for fire-control instruments.

The Chief Signal Officer has charge of the operation and maintenance of fire-control installation at seacoast defenses and the expenditure of such funds as may be allotted him by the Secretary of War for the procurement of wiring and instruments for communication service from the appropriations for fire control.

The Chief of Engineers has charge of the construction, maintenance, repair, and modernization of emplacements for seacoast armament; installation and replacement of electric light and power plants and searchlights at seacoast fortifications; procurement or reclamation of land for sites for fortifications; preparation of plants for fortifications; tools, electrical and engine supplies for operating electric light and power plants in seacoast batteries, and reserve lights therefor; construction, maintenance, and repair of sea walls and embankments; construction, preservation, and repair of structures for torpedo defense; land defenses of seacoast fortifications, exclusive of electrical communications and armament; and the expenditure of such funds as may be allotted him by the Secretary of War from fire-control appropriations for construction of fire-control stations and accessories and purchase of lands and rights of way.

The estimate for fire-control stations and accessories, electrical communications, and range finders, and other instruments for fire control at the fortifications is submitted by the Chief of Coast Artillery, and the appropriation when made is carried on the books of the disbursing officer of the War Department expenditures being made by the Chief of Ordnance, the Chief Signal Officer, and the Chief of Engineers in accordance with allotments made them by the Secretary of War for particular purposes. The estate for submarine mines is prepared by the Chief of Coast Artillery and disbursed under his supervision; the accounts are kept by the Chief of Ordnance.

DIPLOMATIC AND CONSULAR APPROPRIATIONS.

Mr. OVERMAN. Mr. President——

The VICE PRESIDENT. The Senator from North Carolina.

Mr. OVERMAN. I move to take up House bill 21201, known as the Diplomatic and Consular appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 21201) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1916, which had been reported from the Committee on Appropriations with amendments.

Mr. OVERMAN. I move that the formal reading of the bill be dispensed with, that it be read for committee amendments, and that the committee amendments be first considered.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from North Carolina.

The motion was agreed to.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the subhead "International Boundary Commission, United States and Mexico," on page 10, line 14, after the date "1905," to strike out "$7,500" and insert "$18,000," and in line 15, after the word "That," to strike out "$5,000" and insert "$10,000," so as to read:

To enable the commission to continue its work under the treaties of 1884, 1889, and 1905, $18,000: *Provided*, That $10,000 thereof is made immediately available to resume and continue the work relating to the distribution of water, under the direction of the Secretary of State, and as authorized by and in pursuance to the protocol of May 6, 1896, between the United States and Mexico, and to enable the commission to study the questions connected with the equitable distribution of the waters of the Rio Grande River between the citizens of the United States and Mexico, and to make an investigation, under the supervision of the Secretary of State, as to the best and most feasible method of preserving the boundary line between the United States and Mexico by preventing the flood waters of the Rio Grande and its tributaries where the said Rio Grande constitutes said boundary line from disturbing and changing the channel, and also the best and most feasible mode of impounding, regulating, and utilizing said waters in such manner as to secure to each country and its inhabitants their legal and equitable rights and interests in said waters, and to report in detail plans, findings, and conclusions to Congress not later than December 10, 1915.

Mr. SHEPPARD. Mr. President, I move to amend the committee amendment by substituting "$25,000" for "$18,000" in line 15, page 10, and by substituting "$16,212" for "$10,000" in the same line.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 10, line 14, the committee proposes to strike out "$7,500" and to insert "$18,000." The Senator from Texas now proposes to amend the committee amendment by striking out "$18,000" and inserting in lieu thereof "$25,000."

Mr. SMOOT. Mr. President, I make a point of order against that, on the ground that it is an increase of an appropriation and no estimate has been made for it.

Mr. OVERMAN. Mr. President, the estimate was made for $25,000. In fact, the estimate was for $50,000.

Mr. SHEPPARD. I will say to the Senator from Utah that the estimate covered much more than $25,000.

Mr. SMOOT. I understood that we had raised it to the amount of the estimate.

Mr. OVERMAN. No; we did not.

Mr. SHEPPARD. Fifty thousand dollars would be really needed to carry out the work that is contemplated. It developed at the hearings, however, that valuable work could be done on the American side of the international boundary line with $25,000.

Mr. SMOOT. I want to say now that if there were not a treaty involved in this matter I would oppose the whole appropriation. I have not seen any good that has ever come from it. I have tried to read the reports and get some information on it, and so has the Committee on Appropriations.

Mr. SHEPPARD. There were ample hearings before the subcommittee showing the good to be accomplished by this work on the American side. The construction of the Elephant Butte Dam had for one of its purposes the maintenance of a fixed international boundary line for a distance of 80 miles below El Paso, and it will accomplish that purpose. This is to appropriate for an examination, survey, and estimate for similar work from Fort Quitman, 80 miles from El Paso, to the mouth of the Rio Grande. The river is in a state of constant variation. After each flood the channel moves from one point to another, and leaves citizens of Mexico apparently in United States territory and citizens of the United States in what is claimed to be Mexican territory.

The boundary commission has endeavored to settle these questions of disputed jurisdiction and territory, and it has expended about $800,000 in the last 20 years. The settlement of these disputes has been imposed on the boundary commission,

and the water commissioner has as part of his duties the preparation of a plan for a fixed boundary line from Fort Quitman to the mouth of the Rio Grande. I say to the Senator that it is a small addition, and the evidence shows that some substantial work may be done with $25,000, whereas with $18,000 only a skeleton organization could be maintained and very little accomplished.

Mr. OVERMAN. Mr. President, I will say to the Senator from Utah that we gave them about what they had last year. It is true that it was testified before the committee that the system they had had there before had been an absolute failure. They have spent about $800,000 down there trying to establish a line between this country and Mexico, but by reason of the flood waters that come down that river, which change its channel every year, they never have been able to do it. The American part of the commission has a theory that it can make a great storage dam there and control the Pecos River and the Devils River, and that by that means, by storing the waters of these rivers, it can establish a fixed boundary and have it permanently fixed, so that we will know what is the line between Mexico and the United States.

Mr. SMOOT. I predict right now that as long as we make appropriations for the International Boundary Commission of the United States and Mexico it never will be fixed, and it only emphasizes the fact that wherever a commission is organized and established by the Government it never ceases.

Mr. SHEPPARD. I wish to call the Senator's attention to the fact that in this paragraph a report is required to be made next December as to a definite proposition for settling the whole matter. In view of the magnitude of the interests involved, this is comparatively a small request.

Mr. SMOOT. Yes; I expect a report to be made, and I expect that the report will be the basis of appropriations for the next quarter of a century. That will be about the result of the report.

Mr. SHEPPARD. I do not think the Senator will find that that is the case.

The PRESIDING OFFICER (Mr. THOMAS in the chair). In view of the statement of the Senator from North Carolina, the Chair is obliged to overrule the point of order.

Mr. OVERMAN. There is no doubt about its having been estimated for.

Mr. SMOOT. I made the point of order on the ground that it was not estimated for. I understood that we had increased the House amount, as we did, from $7,500 to $18,000, and that we had increased the $5,000 to $10,000. As I remembered, that was the amount of the estimate, and it was upon that understanding that I made the point of order.

Mr. OVERMAN. No, Mr. President.

Mr. SMOOT. But I will say to the Senator that I take the statement just made as being correct, and that the estimate was more than this, and therefore the point of order naturally would not lie.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The SECRETARY. On line 15, the committee proposes to strike out "$5,000" and insert "$10,000." The Senator from Texas moves to amend the amendment by striking out "$10,000" and inserting "$16,212."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas to the amendment of the committee.

Mr. OVERMAN. Mr. President, does the Senator intend that? He intends to make the amount, as I understand, $25,000 where the committee recommended $18,000.

Mr. SHEPPARD. Yes; that is correct. That was agreed to.

Mr. OVERMAN. And $16,212 where the $10,000 appears.

Mr. SMOOT. That is $41,000.

Mr. OVERMAN. No; $25,000 is all.

Mr. SHEPPARD. Twenty-five thousand dollars in all.

Mr. OVERMAN. It is $16,212 instead of $10,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SHEPPARD. There is one other little clerical correction that ought to be made there. In line 20, between the words "the" and "commission," the word "water" should be inserted, and instead of "commission" the word "commissioner" should be inserted, so as to read "water commissioner."

Mr. OVERMAN. I have no objection to that.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to strike out the word "commission" and to insert in lieu thereof the words "water commissioner."

Mr. SMOOT. Mr. President, just a minute.

The PRESIDING OFFICER. The Senator from Utah.

Mr. SMOOT. The House provision says, "to enable the commission to study the questions."

Mr. SHEPPARD. Exactly.

Mr. OVERMAN. That was evidently a mistake.

Mr. SMOOT. But that must refer to the International Boundary Commission.

Mr. SHEPPARD. No; the engineers of the International Boundary Commission have been put, by order of the Secretary of State, under the water commissioner. There is no international boundary commissioner, and has been none since the resignation of Gen. Mills. The actual work of measuring the water has been done by the water commissioner, and this topographic study is to be under the water commissioner, who will have at his command the engineering and clerical force of the Boundary Commission.

Mr. SMOOT. Then the whole paragraph ought to be rewritten.

Mr. OVERMAN. No, Mr. President. The Senator understands that the Boundary Commission is a commission raised by reason of a treaty with Mexico. Mexico has a commissioner and this country has one. Subsequently to the making of that treaty there was a protocol which provided for the water commissioner. Now there is no commissioner from Mexico. There is one, but we do not recognize him under the treaty. He has his headquarters in El Paso, but we do not recognize him as a commissioner. What we are doing there now is measuring the water for the American people, having nothing to do with the Mexican side, under the water commission—not under the commission as provided for in the treaty, but a separate commission, the water commission, which was raised by reason of this protocol which was subsequently issued.

Mr. SMOOT. What I had reference to in stating that the paragraph should be rewritten was this: It is under the heading of "International Boundary Commission, United States and Mexico."

Mr. SHEPPARD. Yes.

Mr. SMOOT. The first line says: "To enable the commission," and so forth. Of course that refers to the International Boundary Commission.

Mr. SHEPPARD. That is true.

Mr. SMOOT. I understood the Senator to say that there was no commission now, and had not been for some time.

Mr. SHEPPARD. I say there is no American boundary commissioner, but that the clerical and engineering force formerly under the boundary commissioner is being maintained, and that they are working now under the water commissioner on the Rio Grande. That is why we had to make it "water commissioner" on line 20.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On line 20 it is proposed to strike out the word "commission" and to insert the words "water commissioner."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SMOOT. May I ask the Senator what is meant by chiefs of parties?

Mr. OVERMAN. This estimate was sent to the committee by the department in a letter in which they state that parties go out under the chiefs, and they could not get the money to pay off their hands unless some provision was made like this. The department wanted the chief to have the right to have the money advanced to him, he giving sufficient bonds to protect the Government and make the returns to the Treasuy Depatment. This amendment was dawn up by the depatment itself. They say:

> Please permit me to call your attention to a provision included in the estimates of the State Department in connection with the appropriation, "Boundary line, Alaska and Canada, and United States and Canada," and which it seems has not been clearly understood in the House of Representatives.
>
> * * * * * * *
>
> This provision was not intended to institute new methods in the handling of funds under the appropriation named, but simply to give specific authority for the method of advances which has been followed since the creation of these commissions, and which method has been in vogue in the Coast and Geodetic Survey for more than 50 years.

It is the same system that the Coast and Geodetic Survey have.

Mr. SMOOT. The designation "chiefs of parties" sounded so strange to me that I wondered what it really meant.

Mr. OVERMAN. The chief is sent out with a party. I understand they send out parties under certain men who are called "chiefs."

Mr. SMOOT. They are called chiefs instead of superintendents or managers?

Mr. OVERMAN. Yes.

Mr. ROOT. They are the heads of surveyors who go out and locate these lands on the lines which were defined by treaty and which are laid down on the surface of the earth. It is a laborious and long process. They have to be far away from banks and counting houses.

Mr. SMOOT. I have no objection to payment of the money. I was trying to learn why they are called "chiefs."

Mr. ROOT. Each survey party has at its head a man called a "chief."

The amendment was agreed to.

The next amendment was, on page 14, after line 2, to strike out:

INTERNATIONAL COMMISSION ON ANNUAL TABLES OF CONSTANTS, ETC.

To the International Commission on Annual Tables of Constants and Numerical Data, Chemical, Physical, and Technological, as established by the Seventh International Congress of Applied Chemistry in London and as continued by the eighth congress in New York, as a contribution by the United States toward the publication of annual tables of constants, chemical, physical, and technological, $500.

Mr. LODGE. Mr. President, this is a very small matter of $500 which the United States contributes to the International Commission on Annual Table of Constants and Numerical Data. They are very valuable scientifically. Really it seems to me to cut out a little appropriation of that sort which is of great value ought not to be done.

Mr. OVERMAN. I want to say to the Senator that a good many such items are cut out this year because of the war troubles. I know nothing about this item. It has been appropriated for years and years and has been going on until everybody almost lost sight of it.

Mr. LODGE. This is an annual appropriation to secure certain publications.

Mr. OVERMAN. It is a contribution of $500 to somebody in Europe who gets out reports and sends them here.

Mr. LODGE. They are of great value to scientific men. It is an annual contribution of $500. If we can not get them on account of the war, the money will not be spent. I think to cut off a petty sum like this and deprive us of those tables which are of value——

Mr. OVERMAN. The money will be spent. I inquired about that. This is not for the purchase of books. It is a contribution on the part of this Government.

Mr. LODGE. I know, but we get the annual reports.

Mr. OVERMAN. The contribution is sent on a certain date every year by this Government to some man abroad, whether we get the reports or not, and I suppose we do. Nobody was insisting on this item, and we cut it out.

Mr. LODGE. If the plan is to withdraw us from every civilized communication of a branch of knowledge, I dare say it will work. It seems to me like an unenlightened thing to do. It seems to me to be stupid to save $500 in that way.

Mr. ROOT. We are spending hundreds of thousands of dollars for scientific work. We maintain a Bureau of Standards at very great expense. We have the Smithsonian Institution, which is going on at great expense, and we have thousands of men employed in scientific work by the United States. Here is something which is so important for the scientific men of the whole world that the different civilized countries have united in making a small contribution in order to keep up the work, furnishing the basis for scientific work in all the different countries. It seems to me rather picayune to cut off a little contribution of $500.

Mr. OVERMAN. We appropriate in every appropriation bill for nearly every department a considerable sum of money to buy all the books we need to buy. We give them all the expert books they want.

Mr. ROOT. This is not for buying books. This is having work done.

Mr. OVERMAN. I do not think a man would do much work for $500, and I should not think the warring nations are going to contribute. It was our idea that as the nations are at war we will pay our $500 and they will not pay their contributions. The thing is ended over there, and we thought we could continue it when the war is over and it can be done.

Mr. ROOT. How do you know they will not pay their contributions?

Mr. OVERMAN. We just take it for granted that the countries which are at war will never contribute money for a purpose like this.

Mr. ROOT. If the work is not done, it will not be paid for.

Mr. OVERMAN. We do not pay, we contribute; and even if they do not contribute, if the appropriation is made we contribute our $500 and the balance of the countries do not.

Mr. ROOT. That is something the executive department ascertains for itself. We can not tell about that.

Mr. OVERMAN. I asked about this matter. As soon as we are notified by some bureau in a foreign country, wherever it is located, we send our check for the amount.

Mr. ROOT. If we are not notified, we will not send a check.

Mr. OVERMAN. They will be apt to notify us. The man who gets the money will notify us. I do not care anything about it.

The PRESIDING OFFICER. Without objection, the amendment will be agreed to.

The SECRETARY. The next amendment is, on page 14, line 17——

Mr. LODGE. Mr. President, I rise to a question of order. There was an amendment which was passed. I wanted at least to vote on that amendment.

The PRESIDING OFFICER. Does the Senator refer to the amendment concerning constants?

Mr. LODGE. Yes. I did not understand that it had been agreed to. I objected to it strongly. It could not have been passed without objection, for I had made objection as strongly as I could.

Mr. OVERMAN. I have no objection to reconsidering the vote.

Mr. LODGE. There was not any vote. It was agreed to without objection. There was objection, and it was not agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee striking out the clause under consideration.

The amendment was rejected.

The next amendment was, under the subhead "Bureau of Interparliamentary Union for Promotion of International Arbitration," on page 14, line 16, after the word "Belgium," to strike out "$2,000" and insert "$500," so as to make the clause read:

For the contribution of the United States toward the maintenance of the Interparliamentary Union for the Promotion of International Arbitration at Brussels, Belgium, $500.

Mr. BURTON. Mr. President, I trust this amendment will not be adopted. Two thousand dollars have been contributed by this Government to the Interparliamentary Union for many years. In fact, in the year 1904 the members of the union were invited to come to the United States, and an appropriation of $50,000 was made for it.

In order to briefly explain it I may say that the union is made up of members of legislative bodies the world over. Japan is included, Roumania, Portugal, and Spain. The South American countries, I believe, are not represented, but I suppose a majority of all parliamentary organizations in the world are members of this union. It was on their initiative that the Second Hague Conference was held. They have rendered very potent service in the cause of arbitration on many occasions. The association has a very large membership. It is true the annual meeting was not held last autumn because of the war, but it is necessary to maintain the bureau. An effort has been made by the executive officers of the association to bring together members of parliamentary bodies in countries not now at war. At the close of the war it is hoped the organization will be more effective than ever at any time in its history. The fact that certain nations are now engaged in this conflict and may possibly withhold their contributions affords all the greater reason why we should contribute the usual amount.

I do not think it is looking at international relations from a large standpoint to cut down this amount from $2,000 to $500, and I trust the amendment will not be adopted.

Mr. OVERMAN. The nations now at war have been sending delegates. It is a kind of a private concern, and it has never been adopted by any nation especially, except by some resolutions that Congress passed that we would appropriate a certain amount as our contribution. The different countries that are represented in this interparliamentary union are now at war. We do not propose to discontinue it entirely. This is not done by any treaty or any agreement between nations. It is more of a private concern.

Mr. BURTON. A very influential one, however.

Mr. OVERMAN. Very, indeed; and I hope it can be kept up. Therefore we appropriate $500. They can not use $2,000 with all the nations at war.

Mr. BURTON. It is a contribution as a contributing member.

Mr. OVERMAN. I know it is a contribution as a contributing member.

Mr. BURTON. It is for the most part for the maintenance of the bureau, because at every meeting there is involved a certain amount of expense.

Mr. OVERMAN. Nearly every great country that has been sending delegates is now at war. I ask the Senator if that is not the case? He has attended it.

Mr. BURTON. Germany and France, Austria-Hungary and Great Britain are at war, but the other countries—Italy and Spain and the United States, Norway, Sweden, Denmark, Holland, Belgium—all send their delegates.

The point I wish especially to emphasize is that there is an exceptional need of money at this time because of their greater activity in seeking to bring about peace arbitration and also the possibility that contributions may be withheld because of the war.

Mr. SHAFROTH. Mr. President, I hope the Senator from North Carolina will yield as to this amendment. I feel as the Senator from Ohio does, that here is a bureau whose activities must be greater now than they have ever been in the history of the Interparliamentary Union, initiating resolutions no doubt, and sending out literature and devising some kind of a form of an international agreement. I have not any doubt that their expenses are a great deal more than in any other year, and inasmuch as this is the usual contribution which we have made it seems to me we ought to continue it at the same rate at least.

Mr. OVERMAN. I should like to ask the Senator from Ohio what kind of work they are doing now or that they can do?

Mr. BURTON. They have been publishing literature year by year. They have been sending out invitations to neutral nations. They have been sending them to me. I fear those invitations will not meet with so favorable a response as to justify a meeting. They are also sending out propositions in regard to the course which neutral nations should pursue.

Mr. OVERMAN. I should like to know what is done. This country furnishes $2,000 and the other countries contribute pro rata. They must have $50,000 or $75,000. What do they do with that money?

Mr. BURTON. I will frankly say that our contributions are the largest.

Mr. OVERMAN. What do they do with the money?

Mr. BURTON. They maintain this union, publish the proceedings of the union and a great amount——

Mr. OVERMAN. Right there, let me say there will be no union this year.

Mr. BURTON. The union is maintained. It has a membership in all these countries. The Senator from North Carolina does not wish any organization that looks to arbitration and peace to be dissolved or abandoned at this time?

Mr. OVERMAN. I do not. Therefore we propose to appriate $500. If it is necessary, I would not object to appropriating the whole amount, but nobody has ever told me what they have done with this money. What do they do with it?

Mr. ROOT. Mr. President, Mr. Langer, the secretary, a very able and competent man, came here last year. He is the secretary of this organization and devotes his entire time to it. He came here for the purpose of trying to increase the efficiency and cooperation of the American parliamentary group. He was devoting a great amount of time in that effort in the different countries of the world.

The organization is composed of members of the parliaments of all the different countries; that is to say, it is composed of men who have something to do with the Governments of all the great countries of the world. Of course a man of consequence and ability can not be obtained to devote his time to the management and direction of an organization of this kind without being paid and without having an officer and assistants and without having contingent expenses. It may be that at this moment many of his activities are prevented by the existence of the war, but I should be very sorry if that organization, which brings together men who are leaders of opinion in every country and have official relations with the Governments of every country, were not ready the instant that there are indications of possible peace to play its part in endeavoring to bring about the kind of peace there ought to be. We will not be wasting any money in America in making provision for having all the influences that can possibly contribute to bring about the right kind of peace ready to act the instant that the war ends or shows a disposition to end.

Mr. OVERMAN. I will agree with the Senator, but I have never yet had anyone tell me how they spend $40,000 or $50,000. When they have had these interparliamentary meetings we have appropriated $2,000 every year, and other nations have been giving it pro rata. They must have $40,000 or $50,000. How do they spend it? Of course, they ought to have some salaried officer. The committee proposes to give $500 this year. We have been giving $2,000. The question is whether we will give $2,000 or $500. If anyone can tell me what they will do to spend $50,000, I should like to know.

Mr. ROOT. Undoubtedly if an accounting were called for it would be produced, but I can not produce it here. The Senator from Ohio can not produce it here.

Mr. OVERMAN. I did not ask the Senator to produce any account.

Mr. ROOT. We ought not to cut off this appropriation because an account has not been produced which has not been asked for. Of course they keep account.

Mr. OVERMAN. I wish to call the Senator's attention to the fact that we are passing resolutions through Congress all the time and have for the last 10 or 15 years, making binding agreements that we shall contribute to certain conventions abroad or send persons abroad until it has grown to be almost to be a scandal; we have had so many of them. Last year we struck out half a dozen. We did not think we ought to strike this out, but that we ought to keep it going, and we thought $500 was sufficient. The Senator knows that we have not spent so much money every year as contributing members that we have absolutely lost sight of some of them. People over there, foreigners, are drawing money from this Government.

Mr. SHAFROTH. Mr. President, I want to say to the Senator from North Carolina that the American branch of the Inter-Parliamentary Union is a very active one in the United States.

Mr. OVERMAN. I am a member of it.

Mr. SHAFROTH. They had a meeting on the 24th day of February in the city of Washington, in one of the large committee rooms of the House of Representatives; and I am told it was splendidly attended; and that it was very enthusiastic in the hope that something might be done in the way of proposing terms of peace or securing international arbitration articles, so as to get something in the way of a solid basis for permanent peace.

Mr. OVERMAN. What has this to do with that?

Mr. SHAFROTH. This is one of the branches. They have no doubt a secretary and they have literature that they have to distribute. You can not have a field composed of the entire world to be supplied with literature without it costing something; and it is a marvel to me that $60,000 could do it.

Mr. OVERMAN. What do they do? This organization, as I understand, is a legislative body, and meets as such; it is a body composed of legislators from the parliamentary bodies of each country. This year they were to meet here, and we appropriated $40,000 for that convention. I want to know why we should spend $2,000 more for an employee, some foreigner, in a foreign country. What does he do? What is the money intended for? That is what I have been trying to find out.

Mr. SHAFROTH. I repeat, they must have literature and they must provide for the distribution of their literature.

Mr. OVERMAN. Your own convention has your literature.

Mr. SHAFROTH. No; it does not. This is for the purpose of the meeting, entertaining persons, paying for the rent of halls, and things of that kind. It seems to me that this provision at this time, above all others, ought not to go out of the bill.

Mr. STONE. Mr. President, there are two or three amendments in the latter part of the bill as to which I was anxious to be present when they were considered. I am compelled to go away now. If we are going to spend very much time on these $500 items, I want to suggest to the Senator if it is agreeable, to make progress, I would just pay those items myself, and go on with the bill.

Mr. OVERMAN. I do not know whether or not I can take the Senator's check. [Laughter.]

The PRESIDING OFFICER. The question is on the committee amendment, on page 14, line 17.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the subhead "United States Court for China," at the top of page 16, to insert:

The judicial authority and jurisdiction in civil and criminal cases vested in and reserved to the consul general of the United States at Shanghai, China, by the act of June 30, 1906, entitled "An act creating a United States Court for China, and prescribing the jurisdiction thereof," and vested by the diplomatic and consular appropriation act approved March 2, 1909, in the vice consul general of the United States to be designated from time to time by the Secretary of State, shall subsequent to the approval of this act be vested in and exercised by a vice consul of the United States at Shanghai, China.

Mr. ROOT. Mr. President, I should like to ask where that item came from.

Mr. OVERMAN. It came from the State Department. It seems that by some act of Congress jurisdiction was conferred on some officer who has been changed by some other act of Congress. It is now proposed to give the jurisdiction to the consul general.

Mr. ROOT. If it has the approval of the State Department, that is sufficient for me.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 16, after line 21, to strike out:

INTERNATIONAL SEISMOLOGICAL ASSOCIATION.

For defraying the necessary expenses in fulfilling the obligations of the United States as a member of the International Seismological Association, including the annual contribution to the expenses of the association, $800.

The amendment was agreed to.

Mr. LODGE subsequently said: Mr. President, my attention was diverted for a moment. I want to call attention to the item on page 16, beginning in line 22 and ending in line 26, providing an appropriation of $800.

Mr. OVERMAN. Let there be a disagreement to the amendment, Mr. President, rather than have any debate over it. It is a small amount.

The PRESIDING OFFICER. The amendment referred to will be disagreed to in the absence of objection.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Arbitration of outstanding pecuniary claims between the United States and Great Britain," on page 17, after line 8, to strike out:

Salaries, United States agency: Two counsel, at $2,520 per annum each; one stenographer, at $1,200 per annum; and messenger, $720 per annum; in all, $6,960.

Expenses, United States agency: Necessary and contingent expenses, $500; rent of rooms, $1,380.

In all, $8,840.

And in lieu thereof to insert:

Salaries, United States agency: Joint secretary, at $3,000 per annum; stenographer, at $1,200 per annum; in all, $4,200.

Expenses, United States agency: Necessary and contingent expenses, $200; rent of rooms, $1,000; in all, $1,200.

Mr. ROOT. Mr. President——

Mr. OVERMAN. As the Senator from New York remembers, we had some discussion over this matter last year.

Mr. ROOT. I remember it very well.

Mr. OVERMAN. The Secretary of State, in a letter to the committee, said that he desired to keep only a secretary there at this time; that there is but little to be done; but that there ought to be a secretary kept there to look after the papers and files and to attend to correspondence. This was asked for by the Department of State; and we put it in as though it were an estimate.

Mr. SMOOT. Was it an estimate or was it a letter?

Mr. OVERMAN. It is a letter, and it is estimated for in that way.

Mr. SMOOT. It did not come with the regular estimates?

Mr. OVERMAN. No.

Mr. SMOOT. But it came in the shape of a recommendation?

Mr. OVERMAN. Yes; that is right.

Mr. SMOOT. Then it is not an estimate, Mr. President.

Mr. ROOT. They have suspended the hearings.

Mr. OVERMAN. I will read to the Senator from New York the letter of the Secretary of State. It is as follows:

DEPARTMENT OF STATE,
Washington, February 22, 1915.

Hon. LEE OVERMAN,
United States Senator, Washington, D. C.

DEAR MR. OVERMAN: Owing to the war in Europe, the meetings of the Tribunal of the Pecuniary Claims Commission have been interrupted. This tribunal was created by treaty, and passes upon claims of citizens of the United States against Great Britain and claims of citizens of Great Britain against the United States, which claims are presented to the tribunal by the agencies of the United States and of Great Britain. Necessarily the agency of the United States has not been as active as heretofore, and hence the expense of it has been reduced to a minimum.

I feel, however, that some appropriation should be made to keep the agency going. There are many cases, involving large amounts, still pending, and others which require the drafting of additional pleadings, while there is constant correspondence between the United States agency and the agency of Great Britain; the latter country, although in a state of war, has continued to file pleadings, and has asked that the American agency file its pleadings also. Should the war cease, necessarily the tribunal would resume its labors, and the American agency ought to be in a position where it could transact any necessary business, either before the tribunal or with the agency of Great Britain.

I think that provision should be made for a joint secretary, at a salary of $3,000, and for one counsel, at a salary of $2,520, in addition to the other small items necessary to the work of the American agency.

Yours, very truly, W. J. BRYAN.

Mr. ROOT. There does not seem to be any provision at all for counsel.

Mr. OVERMAN. No; we struck that out. We did not think we needed any counsel now, as there is nothing for one to do.

Mr. ROOT. I thought the Secretary of State asked for counsel.

Mr. OVERMAN. He does propose counsel at an annual salary of $2,520.

Mr. ROOT. All the counsel have been cut out?

Mr. OVERMAN. The committee thought that, as there was nothing to do, there was no necessity of having counsel, at $2,520 a year, sitting around, and that the secretary could do the work. After the war is over we shall need counsel, but we do not need counsel now.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 18, line 15, after the date "1916," to strike out "$2,000" and insert "$1,500," so as to make the clause read:

Fisheries convention, United States and Great Britain: For the payment of the actual and necessary expenses of a commissioner on the part of the United States under the convention between the United States and Great Britain concerning the fisheries in waters contiguous to the United States and the Dominion of Canada, signed at Washington on April 11, 1908, while engaged in work under the convention, including clerical expenses that may be incurred in carrying out the convention during the fiscal year ending June 30, 1916, $1,500, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, under the subhead "Waterways treaty, United States and Great Britain: International Joint Commission, United States and Great Britain," on page 19, line 6, after the date "1909," to insert "as well as not to exceed the sum of $5,000 for the payment of necessary expenses incurred and for services rendered under the direction of the Secretary of State in the examination and preparation of cases involving the use, distribution, or division of waters and other questions or matters of difference covered by the treaty of January 11, 1909, between the United States and Great Britain, and in representing this Government and the American interests involved in the presentation of such cases before the International Joint Commission constituted under that treaty, $60,000"; and in line 20, after the words "Secretary of State," to strike out "*Provided*, That no part of the appropriation shall be expended for subsistence of the commission, its attorney and secretary, except the sum of $5 per day when absent from Washington on official business; and no part of it shall be expended for subsistence and traveling expenses from and to their places of residence and Washington," so as to make the clause read:

For salaries and expenses, including salaries of commissioners and salaries of clerks and other employees appointed by the commissioners on the part of the United States, with the approval solely of the Secretary of State, including rental of offices at Washington, D. C., expense of printing and necessary traveling and other expenses, and for one-half of all reasonable and necessary joint expenses of the International Joint Commission incurred under the terms of the treaty between the United States and Great Britain concerning the use of boundary waters between the United States and Canada, and for other purposes, signed January 11, 1909, as well as not to exceed the sum of $5,000 for the payment of necessary expenses incurred and for services rendered under the direction of the Secretary of State in the examination and preparation of cases involving the use, distribution, or division of waters and other questions or matters of difference covered by the treaty of January 11, 1909, between the United States and Great Britain, and in representing this Government and the American interests involved in the presentation of such cases before the International Joint Commission constituted under that treaty, $60,000, together with the unexpected balance of the appropriation made for this object for the fiscal year 1915, said amounts to be disbursed under the direction of the Secretary of State.

The amendment was agreed to.

Mr. JONES. Mr. President, I think, in justice to this commission and in view of some criticisms which have been made of it and its work, that at least a brief statement ought to be made with reference to its work.

As a general rule I think these commissions are almost a useless expense, and I had rather a prejudice against the continuance of this commission; but we had the chairman of the commission and another member of it, Mr. Tawney, before the committee, and they made quite a full statement with reference to its work, and data were submitted by them that convinced me that this is one of the most important commissions if not the most important commission that we have, and that its work is very valuable, especially to the United States and Great Britain and Canada.

The work of the commission is not sensational at all, and but very little notice has been given to the commission by the press or by Members of the House and Senate. The commission is working very harmoniously. If its members were quarreling among themselves, they might get some notice in the papers and otherwise, or if they were encouraging disputes between the two countries they would probably get some notice;

but instead of that they are settling disputes, and settling them very successfully.

In view of the statements that were made before the committee by members of the commission and the data submitted, I have thought it proper to prepare in a very succinct form a statement of the principal work of this commission, and I wish to present it to the Senate, so that it may go in the RECORD in a concise form. Therefore I am going to take a little of the time of the Senate to present briefly the work of this commission.

On January 11, 1909, shortly before the close of the Roosevelt administration, a treaty was signed between Great Britain and the United States concerning the use of the boundary waters between Canada and the United States. This treaty had a threefold purpose—first, to prevent disputes regarding the use of boundary waters; second, "to settle all questions which are now pending between the United States and the Dominion of Canada involving the rights, obligations, and interests of either in relation to the other along their common frontier"; and, third, "to make provision for the adjustment and settlement of all such questions as may hereafter arise." It was, therefore, the then existing disputes regarding the use of boundary waters that gave the opportunity, and this opportunity was eagerly seized, to agree to settle all pending questions, whatever their nature; and at the same time, in order that the friendly relations between Canada and the United States should not be disturbed, that the high contracting parties provided for the adjustment and settlement of all future disputes.

It is not my purpose to analyze in detail this important treaty. I merely want to call attention briefly to the jurisdiction, functions, and the powers of the International Joint Commission created by article 7 of this treaty and also to call attention briefly to what the commission has accomplished in furtherance of the purposes for which the treaty was made and for which the commission was created, which statements will effectively answer and refute reckless statements recently made to the effect that this commission was an unnecessary organization and had thus far accomplished practically nothing.

By the express terms of this treaty the International Joint Commission is given final jurisdiction in all cases involving the uses, obstructions, or diversions, whether temporary or permanent, of the waters that mark the boundary between Canada and the United States for more than 2,000 miles. In all cases arising under articles 3, 4, 8, and 10 of the treaty the decisions of the commission are final, from which there is no appeal, either on the part of the people effected thereby or on the part of either Government. Therefore in all cases of difference, specified in the foregoing articles of the treaty, the commission acts as an international court and renders its judgment, which is binding within the jurisdiction of both countries.

Under article 9 the high contracting parties have agreed to refer questions, from time to time, to the commission for investigation, and the commission shall, on the request of either Government, examine and report on the law and the facts, together with their recommendations, on all questions so referred, but their findings in such cases are not binding either as decisions or as arbitral awards. It is important to note that under article 9 the high contracting parties agree to refer questions, from time to time, and that the obligation to do so is created by express language, for in such cases the word "shall" is construed as mandatory.

Although this treaty was signed January 11, 1909, and was promulgated by President Taft on the 13th day of May, 1910, owing to the delay in appointment by the King of Great Britain of the three Canadian members of the commission, the commission was not organized until January 10, 1912. Since then it has been actively engaged in the settlement of disputes that existed at the time the treaty was signed and in the settlement of cases and in the conduct of investigations under article 9, involving the rights and interests of both Governments and the rights and interests of their respective people in the use, obstruction, and diversion of these boundary waters. An examination of the record of the work of the commission will disclose the fact that since its organization three years ago this commission has finally settled and adjusted more controversies between the people of Canada and the United States and between the two Governments than were previously settled and adjusted through the diplomatic agencies of England and the United States since the beginning of our Government.

That is rather a remarkable statement, Mr. President, but it was made before the committee by Mr. Tawney, a member of the commission, and I think it is fully borne out by the report of the work of the commission.

In fact, differences and disputes between Canada and the United States involving territorial rights or other interests of the two Governments and of their peoples through the established diplomatic agencies have been comparatively few. All important questions or disputes arising between Canada and the United States prior to the treaty of January 11, 1909, were referred for settlement either to special boards of arbitration or to special commissions created for such purposes. These boards and commissions always sat either in London or in Washington, but mostly in London, and were always attended with a large retinue of subordinate officials, costing both Governments many hundreds of thousands of dollars.

The records of this commission will also disclose the fact that it has settled and now has under consideration and investigation cases involving matters of serious difference between Canada and the United States and between their people which have been pending for over 20 years, during which time the two Governments have failed to adjust these differences through diplomatic negotiations.

For the information of the Senate, I will cite only two of these cases. The first is the Lake of the Woods controversy. Many Senators have doubtless never heard of this controversy or know nothing whatever as to the nature and extent of it, yet it has been pending between the two Governments ever since the construction of the Norman Dam at the outlet of the Lake of the Woods at the city of Kenora, Ontario, in 1888. The Lake of the Woods is a body of water 1,500 square miles in area. In it there are more than 9,000 meandered islands. The drainage area of this lake and its tributary waters is more than 26,000 square miles, almost equally divided between Canada and the United States. From the source of the Pigeon River, the extreme easterly waters flowing into the Lake of the Woods, and the outlet of the lake is a distance of over 400 miles. On the south and west shores of the lake, a distance of over 50 miles when at its normal level, the waters of the lake and the land meet almost on a level.

The construction of the dam just referred to materially raised the level of this lake, submerging many thousands of acres of agricultural and timber lands in private and public ownership. Some of these lands were and are now owned by the Government of the United States. Some are owned by the State of Minnesota, and others are owned by citizens of that State. In addition to this, the construction of the International Dam at International Falls, at the outlet of Rainy Lake, a tributary of the Lake of the Woods, also raised the level of Rainy Lake, which is a boundary water, doing, as it is claimed, great damage to riparian owners on both sides of this lake. The construction of these two dams and their consequent effect upon the levels of both lakes, and the injury occasioned thereby, has led to strenuous protest and to claims for damages on the part of the people, which the two Governments, through diplomatic agencies, have ever since in vain endeavored to settle.

It is estimated that there is invested in industrial enterprises on both sides of these boundary waters not less than $150,000,000, to say nothing of the agricultural interests that are involved. Under article 9 of this treaty, and by reference of the two Governments, the International Joint Commission must investigate and report its conclusions and recommendations as to what the normal level of the Lake of the Woods was, between what range of levels the commission would recommend the establishment of permanent levels, and whether such levels so recommended can be reasonably maintained, what amount of agricultural land will be submerged at the recommended levels, and what is the value of that land.

This has involved a complete topographic survey of the entire drainage area of this lake and its tributary waters. There never has been a survey of this kind of this region in either country. This survey has been completed, and the data thus collected is now being compiled, and the final report of the engineers will soon be made, when the commission must determine the levels it will recommend, and then, by public hearings conducted along these waters, ascertain the value of the land that will be submerged at the levels agreed upon. This will afford to both Governments the necessary information upon which an agreement may be reached for the adjustment of this most difficult question, and also an agreement as to the nature of that international control over these waters and their outlets that is necessary to insure that protection as well as the benefit which the people of both countries are justly entitled to in respect to the use of these waters.

In this case the report of the commission, with its conclusions and recommendations on the questions referred for investigation, will not be regarded as a decision of the questions submitted, nor will it have the character of an arbitral award,

for under article 9 of the treaty the jurisdiction of the commission is investigative.

For about 12 years there was a dispute between Canada and the United States over the use of the waters of the St. Marys River for power purposes at the Soo. The St. Marys River, as you know, is the outlet of Lake Superior, a body of water about 34,000 square miles in extent. Congress had previously authorized the construction of compensating works on our side of the line for the diversion of our one-half of the waters of this river for power purposes. The Dominion of Canada and the Province of Ontario had given like authorization for the diversion of the waters on their side for power purposes. The minimum flow of this river is about 60,000 cubic feet per second. Notwithstanding the fact that the works on both sides of the boundary were authorized by both Governments, the control of these works for the regulation of the levels of Lake Superior and division of the waters, as well as the character of the works themselves, could not be mutually agreed upon, and, in fact, the obstruction of these works after the promulgation of the treaty of May 13, 1910, could not be proceeded with on either side without the approval of this commission. Application was made for such approval under article 3 of the treaty in June, 1913.

The effect of the construction of these compensating works in the St. Marys River was to entirely obstruct the natural outlet of Lake Superior, substituting therefor a mechanically operated outlet. The effect of this will be to raise the mean level of Lake Superior a few inches. Hence it was necessary in the consideration and final determination of these cases on both sides of the line to consider the rights and interests of the people and of the municipalities bordering on this great lake.

The treaty authorizes the commission in such cases to impose in its final order of approval such conditions precedent as in its judgment may be necessary to protect the rights and interests of the people of both countries against injury in consequence of such obstructions. It may even require the applicant to indemnify people injured on the other side of the line in consequence of the change in the levels of the waters obstructed, or it may require as a condition of its order the construction of additional protective works.

The hearing in this case was begun at the city of Detroit, Mich., in March and was concluded in Washington in the month of April. Representatives of both Governments, of the municipalities interested on both sides of the line, and representatives of corporate and private interests were heard in this case. In May, 1914, just 11 months after the application was filed, the commission made and filed with the respective Governments its final order in both the Michigan Northern Power Co. case and the Algoma Steel Corporation (Ltd.) case, finally approving the proposed obstruction and diversion of the waters of this river on both sides of the line for power purposes and creating an international board consisting of an engineer representative of both Governments, with full power to control and regulate the operations of this mechanically operated outlet of Lake Superior, so as to protect the interests of navigation and the interests of both Governments and their respective peoples, both at the "Soo" and on the shores of this great lake.

In the final determination of these two cases the long-standing controversy between Canada and the United States was determined. Another result is the fact that the two Governments have leased to the two corporations referred to the right to use the waters of this river for power purposes. Under the lease executed by the Government of the United States to the Michigan Northern Power Co., which lease runs for 30 years, the United States will derive a maximum annual revenue of $66,000, or a total of $1,980,000 during the entire term of the lease. At the expiration of the lease the compensating works built by the Michigan Northern Power Co. at an enormous cost will become the property of our Government and our Government will continue thereafter to derive an equal, if not a greater, revenue. Measured, therefore, in dollars and cents, the work of this commission in the settlement of this one controversy, if it did nothing else, would reimburse our Government for all the expense incurred in consequence of its existence and on account of the work it has done and is now engaged in.

There were many other disputes existing at the time this commission was created that have since been finally determined. One was the Livingstone Channel controversy in the Detroit River, where our Government had expended $11,000,000 on both sides of the line in the interest of navigation through that river, which was finally determined to the satisfaction of both Governments by this commission. Another was the decision of the commission in the application of the Rainy River Improvement Co. for approval of its proposed dam at Kettle Falls in Rainy Lake. Another was the determination of the application of the Watrous Island Boom Co. for approval of its proposed construction of a log boom in Rainy River 10 miles long, which threatened injury to the navigation interests and to the interests of the people on both sides of the line. Another was the application of the city of Winnipeg for the daily diversion of a hundred million gallons of the water of the Lake of the Woods, which waters are to be carried from the Lake of the Woods to Winnipeg, Ontario, a distance of about 90 miles. There are also other applications now pending before the commission for its final approval under article 3 of the treaty of other proposed obstructions and diversions of these boundary waters for power and other purposes.

Under article 4 of this treaty the high contracting parties have agreed that the waters therein defined as boundary waters and waters flowing across the boundary shall not be polluted on either side to the injury of health or property on the other. In 1912 complaint was made to both Governments that this provision of the treaty was being violated, in that these waters, and especially the rivers connecting the Great Lakes, were being polluted on both sides to the injury of health and property on the other side. Thereupon the Governments agreed to refer and did refer to this commission with instructions to investigate and report its conclusions upon the question as to whether these waters were in fact polluted in contravention of the treaty; and if so, at what places, from what sources, and to what extent; and the Governments also required in their reference that the commission recommend suitable and adequate remedies for such pollution wherever found to exist contrary to the provisions of the treaty.

The investigation of the first branch of this reference has been concluded and the result thereof embodied in a progress report, which the commission presented to the two Governments about a year ago, copies of which report have been furnished Senators and Members of the House. The investigation of this first branch of the reference involved the bacteriological examination of these boundary waters from the Lake of the Woods on the west to the St. Croix River on the east, a distance of over 2,000 miles. It was the most extensive bacteriological examination of water ever made. Over 19,000 samples of water were examined and 17 field laboratories were installed and used for that purpose; 34 bacteriologists were employed under the direction of the consulting sanitary expert, Dr. Allen J. McLaughlin, of the United States Public Health Service.

The field work in this examination was concluded in just seven months from the time it began, with the result that these boundary waters, with the exception of the waters in the Great Lakes, were found to be polluted, and some of them grossly polluted, in contravention of this treaty. Even the waters of the Rainy River were shown to be polluted from International Falls to the Lake of the Woods, a distance of 100 miles. The same is true of all the rivers connecting the Great Lakes, as well as the St. Lawrence River, their outlet.

According to the census of Canada and the United States, this investigation of the pollution of these waters involves directly the health of over 7,000,000 people, for almost the entire boundary water population is located in large centers of population on the rivers connecting the Great Lakes. The commission is now engaged in the more difficult branch of this investigation and one that is far more complicated, namely, the remedies which it is required to recommend to the two Governments for the pollution which it has already found to exist on both sides of the line, to the injury of health and property on the other side.

It will be seen, therefore, that since the organization of this commission it has not only been actively engaged in the discharge of its duty under the treaty, but that it has accomplished more in the final determination of disputes between the two Governments, and especially between their respective peoples, than any other similar institution that has ever existed by authority of these two high contracting parties. Thus far in the performance of its duty its decisions, its reports with conclusions and recommendations have all been unanimous except one, which involved merely a technical question of jurisdiction, in which case one Canadian member of the commission joined with the three American members and rendered a final decision. It is also true that all of the final decisions of this commission and all of the reports with their conclusions and recommendations have been accepted by both Governments as being entirely satisfactory. This commission therefore has not only justified its existence and the wisdom of the high contracting parties in creating it, from the standpoint of material benefit to the Governments and to the people living along these boundary waters, but its work and the satisfaction which the result of its labor has given to both Governments and their people is a splendid tribute to the genius and progressive international statesmanship of the two great English-speaking na-

tions of the world in thus providing a means which, as the result of actual experience, is proving efficient and invaluable for the judicial settlement of great international questions involving treaty obligations or the rights and interests, as well as the health, of their respective peoples.

It must be apparent to anyone that with a boundary between two countries almost 4,000 miles in extent, with millions of people living side by side under two separate and distinct governmental jurisdictions, whose commercial, industrial, and financial interests are necessarily and intimately related, and who are the owners in common of a vast property which marks almost one-half of that boundary, conflict of interest will arise in the future as in the past. This conflict of interest will hereafter as heretofore lead to controversies not between the two Governments necessarily, but inevitably between their people. Between no two countries in the world is there a boundary of such territorial extent as that between the United States and Canada. It is likewise true that there is no boundary between any two countries in the world marked by a common property like the water which marks almost one-half the boundary between Canada and the United States or that is as valuable or as essential to the industrial welfare of the people of both countries as is the water from the Lake of the Woods to the St. Croix River.

Without an international tribunal of some kind whose jurisdiction, in the settlement of international controversies or in the determination of individual rights and interests, may be invoked by the people of these two countries as well as by the Governments themselves for the prompt settlement of such controversies or for the ascertainment and determination of their respective rights and interests, there is no existing instrumentality available for that purpose except the diplomatic agency of the two Governments. Diplomacy does not afford the people of two nations, whose rights and interests are involved in any international controversy or in a controversy between themselves, the opportunity to appear face to face to have their controversies determined upon sworn testimony and according to the principles of law. The necessity, therefore, for the existence of this International Joint Commission or of some similar international tribunal will exist as long as there is necessity for the existence of courts either in the United States or Canada for the determination of controversies arising among their own people. This is so because of the intimate commercial, industrial, and financial relations, and also because of the exercise within their respective governmental jurisdiction of their common right to the use of the water which marks the international boundary between them.

The treaty between Great Britain and the United States creating this international court of justice marks the most advanced step yet taken by any two nations in the history of the world, not only for the settlement of international questions arising between them, but also for the settlement of questions of less consequence from an international standpoint between the people of both nations.

There are many arbitration treaties between the United States and other nations. Doubtless there are many between other nations of the world, but there are none between any two nations, except between Great Britain and the United States, that creates a tribunal composed of citizens of both nations for the settlement of international questions between their Governments or between their people. This commission, therefore, charged as it is with the duty, and having the power to work out practically the great problem of whether or not the theory of international peace through the instrumentality of a court of arbitral justice can or can not be made a success should have the hearty support and encouragement of both Governments and their representatives.

In my judgment, this tribunal furnishes an example of an instrumentality that may be well used, not only between the United States and Canada or Great Britain but between other countries, in the settlement of disputes between nations and people.

I thought, in justice to the commission, that this statement ought to be made, especially after I had an opportunity to see the work the commission has done.

The PRESIDING OFFICER (Mr. ROBINSON in the chair). The Secretary will resume the reading of the bill.

The reading of the bill was resumed.

The next amendment was under the subhead "Salaries of the Consular Service," on page 20, line 16, after the word "consuls," to insert "from February 5 to June 30, 1915, both dates inclusive," and in line 20, after "$13,333.35," to insert "or so much thereof as may be necessary," so as to make the clause read:

For salaries of consuls general and consuls, as provided in the act approved February 5, 1915, entitled "An act for the improvement of the foreign service," $1,069,000: *Provided*, That the amount appropriated for salaries of consuls general and consuls contained in the act entitled "An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915," approved June 30, 1914, is hereby made available for salaries of consuls general and consuls at the rate of compensation specified in the act entitled "An act for the improvement of the foreign service," approved February 5, 1915; and that there is also hereby appropriated for salaries of consuls general and consuls from February 5 to June 30, 1915, both dates inclusive, to be expended in accordance with the provisions of the said act of February 5, 1915, the additional sum of $13,333.35, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, at the top of page 24, to strike out:

INTERNATIONAL COMMISSION ON PUBLIC AND PRIVATE INTERNATIONAL LAW.

The appropriation of $15,000 "for the payment of compensation to, and the necessary expenses of, the representative or representatives of the United States on the International Commission of Jurists, organized under the convention signed at the Third International American Conference, August 23, 1906, approved by the Senate February 3, 1908, and ratified by the President February 8, 1908, for the purpose of preparing drafts of codes of public and private international law; and for the payment of the quota of the United States of the expenses incident to the preparation of such drafts, including the compensation of experts under article 4 of the convention," made in the "act making appropriations for Diplomatic and Consular Service for the fiscal year ending June 30, 1915," is hereby extended and made available for the fiscal year ending June 30, 1916.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. OVERMAN. Mr. President, I see the Senator from Massachusetts is rising. To save time, I will ask him if it is expected that this conference will be held here this year? This is making available the sum appropriated last year for this convention to be held here this year.

Mr. LODGE. No, Mr. President; this is not the $40,000 item, unless I have misread.

Mr. OVERMAN. I am talking about the $15,000 one for the International Law Conference.

Mr. LODGE. This does not provide for its being held here.

Mr. OVERMAN. No; not here.

Mr. LODGE. This is our quota under our agreement, which has been appropriated, not used, and is now reappropriated. Of course, if the meeting can not be held, it will not be used.

Mr. OVERMAN. I ask whether it is going to be held. If it is going to be held, the money ought to be appropriated. If it is not, why appropriate it? We appropriated it last year. If the Senator tells me it is going to be held, I am willing to strike out the amendment.

Mr. LODGE (reading)—

The appropriation of $15,000, "for the payment of compensation to, and the necessary expenses of, the representative or representatives of the United States on the International Commission of Jurists, organized under the convention signed at the Third International American Conference August 23, 1906.

This is an appropriation to which we are bound by a convention.

Mr. OVERMAN. I understand that.

Mr. LODGE. Now, why should we, in the midst of this war, when there are all these questions of treaty observance coming up, suddenly break our obligation because we do not think the money will be called for? If there is no conference the money will not be used. It comes over from last year, I suppose, because it was not used.

Mr. OVERMAN. If there is going to be no conference, why appropriate the money?

Mr. LODGE. What difference does it make? In the first place, you are not appropriating the money; you are reappropriating it.

Mr. OVERMAN. Yes; but that is the same thing as appropriating it.

Mr. LODGE. It is money already appropriated and is in the Treasury. What I dislike is, because of the misfortune of a great war in Europe, that we should begin to break all our agreements under conventions on the ground that the meetings can not be held. It seems to me—well, I do not like to use language to describe how it does seem to me. I think it is unfortunate to put the United States in such an attitude at such a time, for the sake of apparently saving a few thousand dollars but not really saving it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The next amendment was, on page 24, after line 20, to strike out:

COMPILATION OF CHINESE TREATIES.

The appropriation of $2,500, or so much thereof as may be necessary, for the printing and binding of a compilation by the Department of State of the treaties, contracts, and international arrangements entered into by the Empire and Republic of China with other Governments, made in the act approved February 28, 1913, making appropriation for the Diplomatic and Consular Service for the fiscal year ending June 30, 1914, and reappropriated and made available in the act ap-

proved June 30, 1914, making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915, is hereby extended and made available for the fiscal year ending June 30, 1916.

The amendment was agreed to.

The next amendment was, on page 25, after line 10, to strike out:

INTERNATIONAL CONFERENCE ON MARITIME LAW.

The appropriation of $5,000, or so much thereof as may be necessary, "for the expenses of participation by the United States by officially appointed delegates in the International Conference of Maritime Law to meet at Brussels in 1913," made in the act approved February 28, 1913, making appropriation for the Diplomatic and Consular Service for the fiscal year ending June 30, 1914, and extended and made available for the fiscal year ending June 30, 1915, by the Diplomatic and Consular act approved June 30, 1914, is hereby extended and made available for the meeting of the said conference during the fiscal year ending June 30, 1916.

The amendment was agreed to.

The next amendment was, on page 26, after line 2, to strike out:

NINETEENTH CONFERENCE, INTERPARLIAMENTARY UNION.

The appropriation of $40,000 "For the purpose of defraying the expenses in Washington City incident to the Nineteenth Conference of the Interparliamentary Union, to be held in Washington in 1915, to be expended under such rules and regulations as the Secretary of State may prescribe, made in the 'act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915,' is hereby extended and made available for the fiscal year ending June 30, 1916. The President is hereby requested to extend an invitation to the members of the Interparliamentary Union."

The amendment was agreed to.

The next amendment was, on page 27, after line 2, to insert:

SECOND PAN AMERICAN SCIENTIFIC CONGRESS.

To enable the Government of the United States suitably to participate in the Second Pan American Scientific Congress, to be held at the city of Washington in October, 1915, and for the necessary expenses for clerks, printing (including the publication of the proceedings of the congress in English and Spanish), stationery, and supplies and other incidental expenses, including rent in the District of Columbia, and for the entertainment of the delegates, to be immediately available, $15,000, which sum is in addition to the $35,000 appropriated for the same purposes by the act entitled "An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915," approved June 30, 1914, to be expended under the direction of the Secretary of State.

The amendment was agreed to.

The next amendment was, on page 28, line 17, after the date "1915," to insert "$10,000, or so much thereof as may be necessary, to be immediately available and to be expended for the entertainment of the foreign delegates," so as to make the clause read:

That the President of the United States be, and he is hereby, authorized and requested to invite the several Governments of the Republics of Mexico, Central and South America, Haiti, and Santo Domingo and Cuba to send official delegates to the meeting of the Pan American Medical Congress, to be held in the city of San Francisco, Cal., Panama-Pacific International Exposition, June 17, 18, 19, 20, and 21, 1915, $10,000, or as much thereof as may be necessary, to be immediately available and to be expended for the entertainment of the foreign delegates.

The amendment was agreed to.

The next amendment was, on page 28, after line 17, to insert:

INTERNATIONAL ENGINEERING CONGRESS.

The President is hereby authorized to extend invitations to other nations to appoint delegates or representatives to the International Engineering Congress to be held at San Francisco, Cal., September 20 to 25, inclusive, 1915: *Provided*, That no appropriation shall be granted for the expenses of delegates or for other expenses incurred in connection with the said congress.

The amendment was agreed to.

The next amendment was under the subhead "Exposition in city of Panama," on page 29, line 5, after the words "sum of," to strike out "$25,000" and insert "$100,000," and in line 9 after the word "country," to insert "$75,000 of which, or so much thereof as may be necessary, to be expended for the erection, on land donated to this Government by the Government of Panama, of a suitable building, which may permanently stand as a bureau of information and commercial museum to exhibit and draw attention at all times to the industrial and commercial standing of the United States, and the residue to be expended," so as to make the clause read:

That the President be, and he is hereby, authorized to accept an invitation extended by the Government of Panama to the Government of the United States to participate in an exposition to be held in the city of Panama; and the sum of $100,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to enable suitable participation in said exposition by this country, $75,000 of which, or so much thereof as may be necessary, to be expended for the erection, on land donated to this Government by the Government of Panama, of a suitable building, which may permanently stand as a bureau of information and commercial museum to exhibit and draw attention at all times to the industrial and commercial standing of the United States, and the residue to be expended for an appropriate exhibit of the arts, industries, manufactures, products of the soil, mines, and waters of the United States, and, as far as practicable, of the functions of the General Government, and an exhibit of such other articles as the President may direct, including an exhibit relating to the Panama Canal.

Mr. WEEKS. Mr. President, I should like to make an inquiry of the Senator in charge of the bill. Is there likely to be a further appropriation in connection with this exposition?

Mr. OVERMAN. I think not.

Mr. MARTINE of New Jersey. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from New Jersey?

Mr. WEEKS. If the Senator from North Carolina has answered the question, I will yield to the Senator from New Jersey for a question.

Mr. OVERMAN. The House, after investigating this matter, appropriated only $25,000. They wanted to erect a building in which the United States could make a display, and I suppose there might be hereafter some further appropriations. This $25,000 was simply for the purpose of erecting a building in which there could be exhibited certain articles of the arts, industries, manufactures, products of the soil, mines, and waters of the United States. Panama has proposed to donate to the United States a certain amount of land contiguous to our territory.

Mr. WEEKS. There may be peculiar reasons why we should make an appropriation for an exposition at Panama; but I think we have very greatly overdone the exposition business in the past, and almost invariably the undertaking commences with a small appropriation and leads to a very considerable one before it is completed. I should like to know about how much this is going to cost, if the Senator can tell us, before the exposition is completed.

Mr. OVERMAN. Panama has invited this country to participate in this exposition. The House investigated it thoroughly and made it only $25,000. The committee proposed to give the full amount, but it was reduced in the House. We thought we ought to put up a building there and let it be a permanent building for this country for an exhibit of arts and manufactures which people traveling through the canal could see.

Mr. WEEKS. I should like to ask the Senator would it not be better to have a permanent building for some of the purposes for which we will require buildings on the Isthmus in connection with our occupation of the Canal Zone or in connection with the canal?

Mr. OVERMAN. Why not have it on our own property donated by the Government of Panama for the purpose of exhibiting our own manufactures?

Mr. WEEKS. You mean as a permanent exposition?

Mr. OVERMAN. Yes; a permanent exposition.

Mr. WEEKS. I am simply asking for information. I do not know anything about it, but I am suspicious about undertakings of this kind, and I have felt that I would not support them in the future.

Mr. OVERMAN. I agree with the Senator, but I do think this is an exceptional case, because the little country of Panama has invited us to participate. The House of Representatives appropriated the amount of $25,000 and we propose to increase it to $100,000.

Mr. MARTINE of New Jersey. Mr. President, in response to the Senator from Massachusetts [Mr. WEEKS], who asked the question if there is likely to be any further expenditure, I beg to state that I am chairman of the Committee on Industrial Expositions, as Senators know. So far as a permanent exposition at Panama is concerned, I know but little, but I do say that I have been solicited by a Representative from California [Congressman KAHN] urging that I present a joint resolution looking to the visit of a joint committee of the Senate and of the House to Panama as well as the California exposition. I would say just at this time——

Mr. PENROSE. Will the Senator permit me?

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Pennsylvania?

Mr. MARTINE of New Jersey. Certainly.

Mr. PENROSE. Do I understand that this contemplated visit is to be at the public expense?

Mr. MARTINE of New Jersey. I may imagine so.

Mr. PENROSE. It would not be a pleasant trip unless it was made under an appropriation.

Mr. MARTINE of New Jersey. Oh, that comes very ungenerously from the Senator from Pennsylvania with his big, broad heart and generous promptings and impulses.

Mr. PENROSE. I am not going to oppose it. I simply wanted to know in what direction we were heading.

Mr. MARTINE of New Jersey. I can say I am not one of those who believe that these great expositions which are held are merely a junket. I believe in expositions. It may be that I am spectacular, but I believe that the great exposition at Philadelphia, the great exposition at St. Louis, and the expositions at other points have been a real blessing and genuine

profit to our country. I believe this is a time when the particular purpose in view, celebrating the extraordinary piece of engineering work, the completion of the Panama Canal, means so much not only to the United States but to the world; inasmuch as the United States was the chief and principal factor in it, it is fitting and proper that a dignified and proper recognition should be had upon the part of the Congress of the United States and that it could be well continued on to the California Exposition.

I do not know just what the amount will be, but I believe the public will recognize and not criticize adversely the proper recognition of those two great demonstrations by a reasonable expenditure of money, so that a number, say 7 to 10 Members of the House and about the same number from the Senate, may visit that great exposition. I believe this is a great epoch and feature in our history that we can well afford to recognize, and that the public will not charge us with unwisdom or extravagance on that account.

Mr. PENROSE. After listening carefully to the explanation of the Senator from New Jersey, I do not want to make any opposition to this item.

Mr. MARTINE of New Jersey. I did not believe the Senator would.

Mr. OVERMAN. Will the Senator yield to me to state that that is not the item which is under consideration?

Mr. PENROSE. If the Senator will permit me to finish my sentence, I will then yield. If the ultimate object of this exposition is to provide at the Government expense for 10 or 15 Representatives and an equal number of Senators, headed by the distinguished chairman of the Industrial Expositions Committee, I know of no Senator more calculated to uphold the dignity of such a romantic and sentimental occasion. So far from opposing this very modest sum I will vote to increase it.

Mr. MARTINE of New Jersey. I have no doubt about that.

Mr. PENROSE. I do not expect, Mr. President, to be admitted into the select circle who will participate upon the historical occasion, but they shall carry my best wishes to the ancient city at Panama.

Mr. MARTINE of New Jersey. I will say in response to that splendid thought, so beautifully expressed, that I know of no man in this broad land who would be a more delightful associate to accompany the chairman of the committee than the distinguished Senator from Pennsylvania. I am infinitely happy that God has restored him to his splendid health of days gone by, and that I may hope he may associate with and accompany this committee when it may go.

I may be talking somewhat in anticipation. I have not yet introduced the joint resolution, but I will prepare the Senate for the fact that I shall offer a joint resolution. Just how this committee may be selected I am not prepared to state, but I can say with perfect assurance I feel I express the gratification of every other Senator in this body that we will all glory to the extent of our capacity to have the distinguished Senator from Pennsylvania accompany us to that exposition.

The amendment was agreed to.

The next amendment was, at the top of page 30, to insert:

EXPENDITURE BY UNITED STATES, PACIFICATION IN CUBA.

The President is hereby requested to take such steps as he may deem necessary to have the Republic of Cuba reimburse the United States to the extent of $6,509,511.26, said sum being the amount expended out of the Treasury of the United States from 1907 to 1909 on account of the army of pacification in Cuba.

Mr. LODGE. On that amendment I desire to make a point of order. I do not want to debate it.

Mr. OVERMAN. The point of order is well taken.

The PRESIDING OFFICER. The Chair sustains the point of order.

The next amendment was, on page 30, after line 8, to insert:

CONFERENCE OF AMERICAN FINANCIERS.

The President is hereby authorized to extend to the Governments of Central and South America an invitation to be represented by their ministers of finance and leading bankers, not exceeding three in number in each case, to attend a conference with the Secretary of the Treasury in the city of Washington at such date as shall be determined by the President, with a view of establishing closer and more satisfactory financial relations between their countries and the United States of America, and authority is hereby given to the Secretary of the Treasury to invite, in his discretion, representative bankers of the United States to participate in the said conference, and for the purpose of meeting such actual and necessary expenses as may be incidental to the meeting of said conference and for the entertainment of the foreign conferees the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, on page 31, after line 2, to insert:

CERTAIN CHINESE RESIDENTS OF THE UNITED STATES TRAVELING ABROAD PERMITTED TO REENTER UNITED STATES.

Such Chinese residents of the United States, not exceeding 500, as may accompany to China Mr. A. T. Bin Town Chu, a Chinese merchant, resident of the city of New York, N. Y., for the purpose of studying conditions affecting and the ways and means of the building of a model city in the Chinese Republic illustrative of American methods of administration, transportation, sanitation, etc., shall be permitted subsequently to reenter the United States, under regulations to be prescribed by the Secretary of State and the Secretary of Labor.

Mr. LODGE. That amendment, it seems to me, is a very extraordinary one.

Mr. OVERMAN. This was brought to the attention of the committee by the Senator from Missouri [Mr. STONE] and we referred it to the Secretary of Labor and he writes a letter recommending it. It seems that this Mr. Bin Town Chu, who is a Chinese merchant, proposes to establish in China a modern city to which to take about 300 or 400 men. He wants to come back when he goes over there and establishes his city, and we propose to provide that he may come back under such rules and regulations as may be provided by the Secretary of State and the Secretary of Labor. We do not see any harm in it.

Mr. LODGE. Most of the Chinese in this country are what is known as the coolie class.

Mr. OVERMAN. I think this man belongs to the gentleman class.

Mr. LODGE. I do not think they are persons to engage in the founding of new republics. They are good workmen, no doubt. The trouble with this is that it will take out 500 of these people and may bring back 500, who were not here before, new ones.

Mr. OVERMAN. I asked that question. We do not think, under the safeguards, that that can or will be done.

Mr. LODGE. They look very much alike. I am somewhat familiar with the question of immigration, and I assure the Senator I think it is a very dangerous thing to put in the bill without knowing more about it.

Mr. ROOT. May I ask whether there has been any communication from the Government of China on the subject.

Mr. OVERMAN. None at all.

Mr. ROOT. I do not think we ought to do it.

Mr. LODGE. Of course, I supposed there had been some communication from the Government of China.

Mr. ROOT. It is a wild sort of a thing. It looks to me like Gilbert and Sullivan.

Mr. OVERMAN. I do not think it has been diplomatically taken up at all.

Mr. ROOT. I make a point of order that it is general legislation.

The PRESIDING OFFICER (Mr. THOMAS in the chair). The point of order must be sustained.

The bill was reported to the Senate as amended.

Mr. NEWLANDS. Mr. President, I would like to call the attention of the Senator from North Carolina to an estimate which was made by the State Department for the acquisition of a building at Shanghai for the accommodation of the consulate general, United States court, jail, post office, and other offices of the United States, $360,000. I observe that that item was reported in the House bill, and I have been told that it went out on a point of order. I am informed by a Member of the House that this item had the support of the committee of the House, and that it would have met the approval of the House had not the point of order been raised. The Member of the House who spoke to me about it was one of the noted Taft party who made a visit to the Orient, and upon that trip it was the observation of all Americans in the party that the accommodations of the United States for the offices of the consul general and the other offices that were there were too inadequate and not at all dignified in character or in location.

Since that time, as the result of some agitation upon the subject, the question has been considered by the State Department of the purchase of a suitable lot on the Bund, the chief commercial street of Shanghai, on the water front, the street upon which, I believe, all the offices of foreign countries are located. The portion that is subject to acquisition by foreigners in the city of Shanghai is very limited, and this particular location is a very desirable one. Unless the United States Government avails itself of the option that has been secured, which expires, I believe, in March next, it is extremely probable that the location will be acquired by some other power.

I may add that since the trip in which the Congressman participated the Government acquired by lease the very premises that it now seeks to acquire by purchase, and that there is

danger of its losing possession of the property under the lease and of the property being sold.

It does seem to me that this is a matter of importance. I observe that it is very strongly recommended by the State Department in a communication to the chairman of the Committee on Foreign Affairs of the House.

Mr. GALLINGER. If the Senator will permit me, what is the amount of the appropriation that has been suggested?

Mr. NEWLANDS. Three hundred and sixty thousand dollars. The most complete evidence, I may say, of the reasonableness of the price is contained in the communication from the Department of State. They make comparative statements in reference to the purchases and sales that have been made in that locality and show that the price is a very reasonable one.

Mr. GALLINGER. Do I understand that it has been estimated for?

Mr. NEWLANDS. It was estimated for.

Mr. GALLINGER. And it is authorized by law?

Mr. NEWLANDS. Yes.

Mr. GALLINGER. Mr. President, I am in great sympathy with the Senator's suggestion. I have called the attention of the Senate several times to this matter since I have been permitted to occupy a seat here, and I hope that at some time we may take a broad view of the fact that our consuls are housed inadequately in almost every country of the world. I recall the fact that a few years ago talking with a gentleman who had gone abroad for the purpose of trying to extend American trade, and he said the flags of Great Britain and other countries were floating over rather palatial quarters, and when he went to look up the American consul he found him in a back street upstairs.

I think we ought to give the matter consideration, of course, not now, but at some future time. For the present I hope the Senator will get the amendment in which he is interested attached to this bill.

Mr. OVERMAN. I want to say that we are very anxious to do the same thing. I believe under the law it is required that the Secretary of State shall every year make an estimate for a building somewhere abroad. There ought to be a building in London, there ought to be a building in France, and one in Switzerland, and in all those countries, but we did not think with the condition of our Treasury this year that we could spend $360,000 upon a building in China.

This old idea that there is an option upon the property has been advanced before. There is nothing in that. We can buy this property later, and if not we can buy just as good property somewhere else. I do not think this is the time to make this appropriation. I assure the Senator from Nevada that we adopted the policy last year, and we are going to carry it on, but this is not the year to do it. We have not enough money to spend $360,000 at this time upon a building in Shanghai, when such a building is needed in London, and another in France, and in Germany, and in other countries.

Mr. NEWLANDS. I regret very much to push any amendment here against the disposition of the Senator in charge of the bill. I hoped to persuade him to consent to this amendment. It is admitted, of course, that it is a step in the right direction, and that we ought to act much more largely upon this question. It seems to me that when well-authenticated necessity is shown and the reasonableness of the price fully demonstrated, accompanied by a strong recommendation from the State Department, and the statement is made that there is danger of losing this property unless it is acquired now, this is the time to act with reference to it.

The communication from the State Department shows that the area which can be acquired for this purpose under the laws of China is exceedingly limited. Foreigners are not allowed to acquire property except in very limited area, and foreign Governments are seeking the choicest locations. I may say that on both sides of this particular location prominent foreign Governments have already established themselves. The United States Government is now in possession of this property under a lease, having selected it as a most appropriate place for this purpose. In view of the fact that the option expires in March next and that the area of possible purchase is exceedingly limited, and foreign Governments are taking up the most available sites and are crowding into this area, it seems to me it would be wise for the Senator to acquiesce in the insertion of this amendment now, so that it can be considered in conference. I ask the Senator whether he will not assent to having the amendment put in the bill with a view to its consideration in conference? And then, if the conclusion of the conferees should be that it is not advisable, I will rest content.

Mr. OVERMAN. I can not accept it. In the first place, we are not able now to make an appropriation of $360,000 for a building abroad. In the next place, I want to get this bill through. I know it would be fought on the floor of the House, no matter what the conference committee agreed upon; and we do not want to make a fight on an item like this. We must finish this bill and all the appropriation bills if we are to get away and avoid an extra session. At this time, in the condition of the Treasury, I do not think I can afford to accept an amendment appropriating $360,000 for this purpose.

Mr. NEWLANDS. If the Senator can not see his way clear to assent to this amendment, I will not press it, because I do not wish to have it defeated.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. OVERMAN. I move that the Senate insist on its amendments, ask for a conference with the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. OVERMAN, Mr. LEA of Tennessee, and Mr. JONES conferees on the part of the Senate.

THE SEAMEN'S BILL—CONFERENCE REPORT.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. The Senator from Florida.

Mr. FLETCHER. I move that the Senate proceed to the consideration of the conference report on Senate bill 136.

Mr. GALLINGER. Pending that motion, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Johnson	Page	Smith, Ga.
Bryan	Jones	Penrose	Smoot
Burton	La Follette	Pittman	Sterling
Catron	Lewis	Pomerene	Thomas
Chilton	Lodge	Ransdell	Thompson
Clapp	Martin, Va.	Robinson	Tillman
Fletcher	Martine, N. J.	Root	Vardaman
Gallinger	Newlands	Shafroth	Walsh
Gronna	Norris	Sheppard	White
Hardwick	O'Gorman	Shields	
Hollis	Overman	Simmons	
James	Owen	Smith, Ariz.	

The PRESIDING OFFICER. Forty-five Senators have answered to their names. There is not a quorum present. The Secretary will call the names of absentees.

The Secretary called the names of absent Senators, and Mr. LANE responded to his name when called.

The PRESIDING OFFICER. Forty-six Senators have answered to their names. There is not a quorum present.

Mr. FLETCHER. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Mr. CLARK of Wyoming and Mr. NELSON entered the Chamber and responded to their names.

Mr. KERN entered the Chamber and answered to his name.

Mr. BANKHEAD entered the Chamber and answered to his name.

The PRESIDING OFFICER. Fifty Senators have answered to their names. A quorum of the Senate is present. The Senator from Florida moves that the Senate proceed to the consideration of the conference report on Senate bill 136. The question is on the motion. [Putting the question.] It is agreed to.

Mr. LODGE. Let us have the yeas and nays.

The yeas and nays were not ordered.

Mr. MARTINE of New Jersey. What is the motion?

The PRESIDING OFFICER. The motion was to proceed to the consideration of the conference report on Senate bill 136. The question was put and declared carried by the Chair. Then the yeas and nays were demanded. The Chair has decided that not a sufficient number demanded the yeas and nays, and the report is therefore before the Senate.

Mr. JOHNSON. I ask the Senator from Florida to yield to me to have four pension bills from the House considered.

Mr. FLETCHER. I yield to the Senator from Maine for that purpose.

PENSIONS AND INCREASE OF PENSIONS.

Mr. JOHNSON. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 20643) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and the widows of such soldiers and sailors.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 2, line 8, before the word "Company," to strike out "Regular Establishment," so as to make the clause read:

The name of Margaret A. Warren, widow of George W. Warren, late of Company D, Nineteenth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 3, after line 2, to strike out:

The name of William Kral, late of Company I, Third Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 3, line 14, before the words "per month," to strike out "$17" and insert "$12," so as to make the clause read:

The name of Wesley C. Beatty, late of Company K, Third Regiment New Jersey Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 4, line 5, after the words "late of," to strike out "Companies" and insert "Company"; in the same line, after the word "Fifteenth," to insert "Regiment," and in line 6, after the word "and," to insert "Company," so as to make the clause read:

The name of Thomas J. McQuillen, alias Thomas J. Jones, late of Company M, Fifteenth Regiment, and Company D, Eleventh Regiment, United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 4, after line 12, to strike out:

The name of Mahala J. H. Johnson, widow of Paul W. Johnson, late of Company H, Third Regiment Tennessee Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 4, line 21, before the words "United States," to insert "Regiment," and in line 24, before the words "per month," to strike out "$17" and insert "$12," so as to make the clause read:

The name of William S. Wilmoth, late of Battery E, First Regiment United States Artillery, and Companies F and K, Fifteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 5, line 1, before the word "mother," to insert "dependent," so as to make the clause read:

The name of Margaret McGreevy, dependent mother of William J. McGreevy, late of Company A, Sixteenth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 5, line 20, after the word "late," to strike out "of the," so as to make the clause read:

The name of Thomas B. Lumpkin, late Unassigned Twelfth Regiment, United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 6, after line 4, to strike out:

The name of Thomas McCormick, late of Company E, Third Regiment United States Artillery, Regular Establishment, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 6, line 10, before the word "Thirtieth," to strike out "late of the," and, in the same line, after the word "Company," to insert "United States," so as to make the clause read:

The name of Monroe F. Kirby, late of Battery H, Third Regiment United States Artillery, and Thirtieth Company United States Coast Artillery, War with Spain, and pay him a pension at the rate of $17 per month.

The amendment was agreed to.

The next amendment was, on page 6, after line 21, to strike out:

The name of Ellen Owens, widow of Barney Owens, late of Company K, Sixteenth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving, and $2 per month additional on account of each of the two minor children of said Barney Owens until they reach the ages of 16 years, respectively.

The amendment was agreed to.

The next amendment was, on page 7, line 12, after the word "late," to strike out "of the" and insert "first lieutenant," so as to make the clause read:

The name of Ernest F. Slater, late first lieutenant, Medical Reserve Corps, United States Army, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 8, to strike out:

The name of James W. Gillespie, late of Company B, Thirty-seventh Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The amendment was agreed to.

The next amendment was, on page 8, line 12, after the name "Gardner," to strike out "wife" and insert "widow," so as to make the clause read:

The name of Lydia L. Gardner, widow of James E. Gardner, late of Company B, Tenth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 8, after line 15, to strike out:

The name of Edward B. Earl, late of Battery A, Pennsylvania Volunteer Light Artillery, War with Spain, and pay him a pension at the rate of $17 per month.

The amendment was agreed to.

The next amendment was, on page 9, after line 2, to strike out:

The name of William R. Ford, late of Company K, Fourth Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 9, line 6, after the word "Company," to strike out the letter "I" and insert the letter "C," so as to make the clause read:

The name of Archie M. Leighton, late of Company C, First Regiment New Hampshire Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 9, after line 9, to strike out:

The name of Daisy M. Watson, widow of Frank L. Watson, late of Company H, First Regiment West Virginia Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month and $2 per month additional on account of each of the minor children of the said Frank L. Watson until they reach the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 10, after line 11, to strike out:

The name of Virginia Fleming, widow of Horace F. Fleming, late of Company L, Forty-seventh Regiment United States Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month and $2 per month additional for each minor child of the deceased soldier until they reach the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 11, line 6, after the word "Corps," to strike out "of the," so as to make the clause read:

The name of Frederick C. Hammetter, late of the Hospital Corps, United States Army, Regular Establishment, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, after line 15, to strike out:

The name of Katharina Bamberg, widow of Nicholas Bamberg, late of Company G, Thirty-first Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $12 per month and $2 per month additional on account of each of the minor children of the said Nicholas Bamberg until they reach the age of 16 years.

The amendment was agreed to.

The next amendment was, at the top of page 12, to strike out:

The name of Elizabeth J. Brennan, widow of Patrick J. Brennan, late of Company L, Eighth Regiment Massachusetts Volunteer Infantry, and Company H, Twenty-sixth Regiment, United States Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month and $2 per month additional on account of each of the minor children of the said Patrick J. Brennan until they reach the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 12, after line 21, to strike out:

The name of Joseph E. La Rocque, dependent father of Edmund R. La Rocque, late of Troop E, Fifteenth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 13, after line 16, to strike out:

The name of Tressie Bratton, widow of Robert E. Bratton, late of Company L, Fifth Regiment Missouri Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of the minor child of the said Robert E. Bratton until it reaches the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 14, after line 6, to strike out:

The name of Bella Doyle, widow of Patrick Doyle, late of the Regular Establishment, United States Navy, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 14, after line 9, to strike out:

The name of Susan Lanckart, widow of George Lanckart, late of Company I, First Regiment Kentucky Volunteer Cavalry, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 15, after line 2, to strike out:

The name of Henry Wachter, late of United States Navy, Regular Establishment, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 15, after line 21, to strike out:

The name of Alice W. France, widow of John M. France, late acting assistant surgeon, United States Army, Regular Establishment, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 18, after line 6, to strike out:

The name of Goldie M. Nichols, widow of Robert J. Nichols, late of Company L, Thirty-fourth Regiment Michigan Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional for each of the three minor children of said Robert J. Nichols until they shall reach the age of 16 years, respectively.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. JOHNSON. I ask the Senate to consider House bill 21037, granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 3, line 10, after the words "per month," to strike out "in lieu of that she is now receiving," so as to make the clause read:

The name of Catharine Mann, widow of Jonathan Mann, late of Company I, One hundred and forty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 4, line 4, before the word "seaman," to strike out "who served as a" and insert "late," and in the same line, after the word "seaman," to strike out "in," so as to make the clause read:

The name of Catharine Casler, widow of Henry Casler, late seaman, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 7, after line 14, to strike out:

The name of Robert B. Martin, late of Company H, Forty-sixth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, after line 18, to insert:

The name of Malinda J. Wall, former widow of John H. McMillin, late of Company B, Ninety-first Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 11, after line 16, to strike out:

The name of Jonathan J. Boyer, late of Company F, Eleventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, line 11, after the word "determine," to strike out: "*Provided further*, That in the event of the death of Catharine McDermott, the name of said Emma McDermott shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Catharine McDermott," so as to make the clause read:

The name of Catharine McDermott, widow of Patrick McDermott, late of Company H, Third Regiment New York Volunteer Light Artillery, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Emma McDermott, helpless and dependent child of said Patrick McDermott, the additional pension herein granted shall cease and determine.

The amendment was agreed to.

The next amendment was, on page 15, line 12, before the words "per month," to strike out "$30" and insert "$40," so as to make the clause read:

The name of Albert C. Worthington, alias Amzi W. Cowles, late of Company G, Twenty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 15, after line 20, to strike out:

The name of William M. Wilson, who served as a harness maker, Quartermaster's Department, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 18, after line 10, to strike out:

The name of Rodney W. Anderson, late acting assistant surgeon, United States Army, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, line 1, after the name "Walsh," to strike out "who served as a" and insert "late," so as to make the clause read:

The name of Walter Walsh, late coal heaver, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 23, after line 4, to insert:

The name of Louisa B. Tittle, widow of Christopher C. H. Tittle, late of Company I, First Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 24, after line 4, to strike out:

The name of Henry Hodson, late of Company D, Seventh Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 28, line 22, before the words "per month," to strike out "$36" and insert "$30," so as to make the clause read:

The name of Edward D. Hurlburt, late of Company F, Thirty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 34, line 24, before the words "per month," to strike out "$24" and insert "$20," so as to make the clause read:

The name of Harriet N. Weeden, widow of George W. Weeden, late of Company C, Eleventh Regiment United States Colored Heavy Artillery, and Companies D and F, Second Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 36, line 8, before the words "per month," to strike out "$24" and insert "$20," so as to make the clause read:

The name of Bella E. Swartzlander, widow of Jacob Swartzlander, late of Company D, One hundred and fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 39, line 1, after the words "late of," to insert "First and Second," and in line 2, after the word "Batteries," to strike out "One and Two," so as to make the clause read:

The name of James Harvey, late of First and Second Batteries Vermont Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 39, line 19, after the word "Regiment," to strike out "Indian" and insert "Indiana," so as to make the clause read:

The name of Sarah J. Andrews, now Ayars, former widow of George A. Andrews, late of Company G, One hundred and twenty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 47, line 13, before the word "Cavalry," to strike out "Volunteer," so as to make the clause read:

The name of Minerva Hickock, widow of Harrison D. Hickock, late of Company D, Fourth Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 48, line 2, after the word "receiving," to insert "all pension to cease upon proof that the soldier is still living," so as to make the clause read:

The name of Theresa B. Nash, widow of Warren C. Nash, late of Companies E and D, Nineteenth Regiment United States Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving, all pension to cease upon proof that the soldier is still living.

The amendment was agreed to.

The next amendment was, on page 49, line 2, before the words "per month," to strike out "$30" and insert "$20," so as to make the clause read:

The name of Hannah M. Budd, widow of Joshua Budd, late adjutant One hundred and forty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 49, line 5, before the words "per month," to strike out "$24" and insert "$20," so as to make the clause read:

The name of Amanda Keys, widow of Jasper H. Keys, late of Company G, Sixty-fifth Indiana Regiment Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 50, line 2, before the words "per month," to strike out "$50" and insert "$40," so as to make the clause read:

The name of William W. Giles, late of Company D, One hundred and eighty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 50, line 18, before the words "per month," to strike out "$24" and insert "$20," so as to make the clause read:

The name of Eliza E. Wells, widow of Alexander N. Wells, late of Companies F and H, Forty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 50, line 23, after the name "James," to strike out the initial "R." and insert the initial "H.," so as to make the clause read:

The name of James H. Whitney, late of Company E, Fourth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 52, after line 2, to strike out:

The name of George W. Hayward, late of Company G, One hundred and twenty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 54, after line 14, to strike out:

The name of Anna Carver, widow of Wiley Carver, late of Company F, Thirty-ninth Regiment Kentucky Volunteer Mounted Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 55, line 2, after the word "Navy," to insert "and widow of Frank Lee, late of Company G, Third Regiment Wisconsin Volunteer Infantry," so as to make the clause read:

The name of Adelaide Lee, former widow of Edward Jenkins, late of the United States Navy, and widow of Frank Lee, late of Company G, Third Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 55, after line 17, to strike out:

The name of Amos Hall, late of Company H, One hundred and thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 56, line 4, after the word "Company," to strike out the letter "F" and insert the letter "E," so as to make the clause read:

The name of Augusta Albert, widow of George Albert, late of Company E, Twenty-eighth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 56, line 8, after the word "colonel," to strike out "and brigadier general (brevet)," in line 9, after the word "Infantry," to insert "and brevet brigadier general, United States Volunteers," and in line 11, before the words "per month," to strike out "$40" and insert "$30," so as to make the clause read:

The name of Barbara Mehringer, widow of John Mehringer, late colonel Ninety-first Regiment Indiana Volunteer Infantry, and brevet brigadier general, United States Volunteers, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 56, line 19, after the word "Volunteer," to strike out "Infantry" and insert "Cavalry," so as to make the clause read:

The name of George E. Bryant, late of Company H, First Regiment Connecticut Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 56, line 26, before the word "Independent," to strike out "Company E," and in the same line, after the word "Battery," to insert the letter "E," so as to make the clause read:

The name of Amelia Walker, widow of George J. Walker, late of Independent Battery E, Pennsylvania Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 59, line 3, before the words "per month," to strike out "$24" and insert "$36," so as to make the clause read:

The name of Hiram W. Shroyer, late of Company H, One hundred and fiftieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 59, line 22, before the name "Charles," to strike out "General," and in the same line, after the word "late," to strike out "of" and insert "captain," so as to make the clause read:

The name of Cora Day Young, widow of Charles L. Young, late captain Company G, Seventieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 60, after line 16, to strike out:

The name of Thomas Mahoney, late of Company E, Sixteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 60, line 22, after the words "Company A," to strike out "Fifteenth Regiment," so as to make the clause read:

The name of Mary Older, widow of Henry M. Older, late of Company A, and commissary sergeant Fifteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 61, after line 10, to strike out:

The name of Thomas Brewer, late of Companies I and F, Thirty-first Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. JOHNSON. I ask the Senate to consider House bill 21089, granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 2, after line 19, to strike out:

The name of John H. Bostick, late of Company D, Second Regiment Louisiana Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The amendment was agreed to.

The next amendment was, on page 3, after line 2, to strike out:

The name of Herman Grasse, late of Company C, Second Regiment Wisconsin Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 3, after line 9, to strike out:

The name of James P. McClintock, late of Company K, Second Regiment West Virginia Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The amendment was agreed to.

The next amendment was, on page 4, line 12, before the word "Infantry," to strike out "Volunteer," so as to make the clause read:

The name of Henderson Ramey, late of Company L, Eleventh Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 4, after line 20, to strike out:

The name of Bridget Gaffney, widow of Patrick Gaffney, late of Troop K, Fifth Regiment United States Cavalry, Regular Establishment, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 5, after line 7, to strike out:

The name of Julia Ward, dependent mother of Michael J. Ward, late of Company C, Forty-third Regiment United States Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 5, after line 18, to strike out:

The name of Robert G. Knox, late of Troop L, First Regiment United States Volunteer Cavalry, War with Spain, and pay him a pension at the rate of $17 per month.

The amendment was agreed to.

The next amendment was, on page 6, line 18, after the word "establishment," to strike out "(Custer's brigade, Indian War)," and in line 20, before the words "per month," to strike out "$17" and insert "$12," so as to make the clause read:

The name of Daniel A. Kanipe, late of Company C, Seventh Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 9, after line 15, to strike out:

The name of Ethelyn M. Ulsh, widow of William H. Ulsh, late assistant surgeon, United States Navy, War with Spain, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 9, after line 21, to strike out:

The name of John J. F. Petty, late of United States Navy, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 10, line 6, after the name "Cunningham," to strike out "(insane)," and in line 9, after the words "per month," to strike out "payable to the duly appointed guardian," so as to make the clause read:

The name of Thomas H. Cunningham, late of Company A, First Regiment California Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month.

The amendment was agreed to.

The next amendment was, on page 10, line 18, before the words "per month," to strike out "$17" and insert "$12," so as to make the clause read:

The name of Perry B. Bowman, late of Company D, Thirteenth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 10, line 21, before the words "per month," to strike out "$17" and insert "$12," so as to make the clause read:

The name of Daniel Miles, late of Company A, Fifteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 14, line 8, before the name "Kelly," to strike out "Zacariah" and insert "Zachariah," so as to make the clause read:

The name of Martha J. Kelly, widow of Zachariah Kelly, late of Company G, and drum major Second Regiment Mississippi Foot Volunteers, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 16, line 20, after the word "each," to strike out "minor child" and insert "of the minor children," so as to make the clause read:

The name of Marian E. Keyes, widow of Charles H. Keyes, late of the United States Marine Corps, United States Navy, Regular Establishment, and pay her a pension at the rate of $12 per month and $2 per month additional on account of each of the minor children of the said Charles H. Keyes until they reach the age of 16 years.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. JOHNSON. I ask the Senate to proceed to the consideration of the bill (H. R. 21218) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 3, after line 16, to strike out:

The name of Minnie A. Cullen, widow of William Cullen, late of Company G, Fourth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $12 per month and $2 per month additional on account of the minor child of the said William Cullen until it reaches the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 4, after line 3, to strike out:

The name of Alphonsus L. Crook, late of Companies D and L, Fourteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 5, after line 11, to strike out:

The name of Allen M. Jackson, late of Troop C, First Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 6, line 19, before the word "reaches," to strike out "it" and insert "he," so as to make the clause read:

The name of Gertrude M. Haydon, widow of Thomas L. Haydon, late second lieutenant Company D, First Regiment Kentucky Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month and $2 per month additional on account of the minor child of the said Thomas L. Haydon until he reaches the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 6, after line 20, to strike out:

The name of William A. Bowen, late of Company E, Third Regiment Georgia Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 7, after line 8, to strike out:

The name of Gertrude S. Kessler, widow of William S. Kessler, late of Company I, Eleventh Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $12 per month and $2 per month additional on account of three minor children of the said William S. Kessler until they reach the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 7, line 16, after the word "Volunteers," to insert "War with Mexico," so as to make the clause read:

The name of Marcella Matlock, widow of John Matlock, late of Company D, Fourth Regiment Kentucky Volunteers, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate with amendments, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

THE SEAMEN'S BILL—CONFERENCE REPORT.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. The conference report on Senate bill 136 is before the Senate.

Mr. FLETCHER. Mr. President, Senators will see by the comparative print of the conference report on the desk and also by the report itself, which has been printed and laid on the desks, the work of the conferees.

The provisions of sections 1, 2, 5, 7, 10, and 17 of the House amendment are incorporated without changes in the conference report:

Section 2 of the Senate bill and section 3 of the House amendment are the same; section 7 of the Senate bill and section 8 of the House amendment are the same; section 13 of the Senate bill and section 15 of the House amendment are the same; section 14 of the Senate bill and section 16 of the House amendment are the same; section 17 of the Senate bill and section 19 of the House amendment are the same, and all these sections remain unchanged in the conference report.

Section 4 of the House amendment provided that demand for one-half part of wages earned should not be made oftener than once in five days. This provision is incorporated in section 4 of the conference report as follows:

Provided, That such a demand shall not be made before the expiration of nor oftener than once in five days. Any failure on the part of the master to comply with this demand shall release the seaman from his contract, and he shall be entitled to full payment of wages earned.

Section 6 of the committee bill, as reported to the Senate, as incorporated in section 6 of the conference report, contains the following provision for a hospital compartment, to wit:

That in addition to the space allotment for lodging hereinbefore provided on all merchant vessels of the United States, which in the ordinary course of their trade make voyages of more than three days' duration between ports and which carry a crew of 12 or more seamen, there shall be constructed a compartment, suitably separated from other spaces, for hospital purposes, and such compartment shall have at least one bunk for every 12 seamen constituting her crew: *Provided*, That not more than six bunks shall be required in any case.

The conferees of both Houses recommend the provision as it is reported.

Section 6 of the conference report also contains the following provision from section 5 of the Senate bill, to wit:

Provided, That forecastles shall be fumigated at such intervals as may be provided by regulations to be issued by the Surgeon General of the Public Health Service, with the approval of the Department of Commerce, and shall have at least two exits, one of which may be used in emergencies.

These provisions are intended to add to the comfort, care, and safety of seamen.

The only change made in section 9 of the House amendment, as incorporated in section 9 of the conference report, is that making the vessel as well as the master or owner of the vessel liable to damages for flogging and all other forms of corporal punishment prohibited by the section.

Section 11 of the conference report is the same as section 11 of the House amendment, except that the following proviso at the end of subdivision (e) is stricken out:

Provided, That treaties in force between the United States and foreign nations do not conflict herewith.

Section 12 of the conference report is the same as section 12 of the House amendment, except that the words "employed on a vessel of the United States" are stricken out, making the exemptions therein provided for apply to seamen generally.

Mr. BURTON. May I ask the Senator to state just where those words "employed on a vessel of the United States" are stricken out?

Mr. FLETCHER. In section 12 of the conference report.

Mr. BURTON. On what page of the conference agreement?

Mr. FLETCHER. Does the Senator refer to the comparative print?

Mr. BURTON. Yes.

Mr. FLETCHER. Section 12, on page 14, of the comparative print:

That no wages, due or accruing, to any seaman or apprentice shall be subject to attachment, etc.

Mr. BURTON. I see the words "employed on a vessel of the United States."

Mr. FLETCHER. Those words are omitted in the conference report.

Section 13 of the House amendment is the same as section 13 of the conference report, with the following modifications: As amended, the section applies to vessels of over 100 tons gross and upward, except those navigating rivers exclusively and the smaller inland lakes, and so forth. The language exempting the smaller inland lakes only, "where the line of travel is at no point more than 3½ miles from land" is stricken out, and the smaller inland lakes are exempt from its provisions along with rivers. The section is further modified to provide that seamen serving on decked fishing vessels, naval vessels, or coast-guard—revenue-cutter—vessels for the time prescribed shall be entitled to the rating of able seamen; also that graduates of school ships approved by the Secretary of Commerce may be rated able seamen after 12 months' service at sea; also cutting the requirement of 24 months' service on deck at sea or on the Great Lakes, or on the smaller lakes, bays, or sounds, to 18 months, to entitle a person to the rating of able seaman and qualify him to serve as such on the Great Lakes, smaller lakes, bays, and sounds.

Persons who have served 12 months on deck on the Great Lakes as well as at sea are included among those who may become entitled to the rating of able seamen if found competent under rules prescribed by the Secretary of Commerce as to eyesight, hearing, physical condition, and knowledge of the duties of seamanship.

It is further provided that the Secretary of Commerce shall make such rules and regulations as may be necessary to carry out the provisions of the section.

Said section 13 of the House amendment as amended and agreed to by the conferees and incorporated in section 13 of the conference report is as follows:

SEC. 13. That no vessel of 100 tons gross and upward, except those navigating rivers exclusively and the smaller inland lakes and except as provided in section 1 of this act, shall be permitted to depart from any port of the United States unless she has on board a crew not less than 75 per cent of which, in each department thereof, are able to understand any order given by the officers of such vessel, nor unless 40 per cent in the first year, 45 per cent in the second year, 50 per cent in the third year, 55 per cent in the fourth year after the passage of this act, and thereafter 65 per cent of her deck crew, exclusive of licensed officers and apprentices, are of a rating not less than able seaman. Every person shall be rated an able seaman, and qualified for service as such on the seas, who is 19 years of age or upward, and has had at least three years' service on deck at sea or on the Great Lakes, on a vessel or vessels to which this section applies, including decked fishing vessels, naval vessels, or Coast Guard vessels; and every person shall be rated an able seaman, and qualified to serve as such on the Great Lakes and on the smaller lakes, bays, or sounds, who is 19 years of age or upward and has had at least 18 months' service on deck at sea or on the Great Lakes or on the smaller lakes, bays, or sounds, on a vessel or vessels to which this section applies, including decked fishing vessels, naval vessels, or coast-guard vessels; and graduates of school ships approved by and conducted under rules prescribed by the Secretary of Commerce may be rated able seamen after 12 months' service at sea: *Provided*, That upon examination, under rules prescribed by the Department of Commerce as to eyesight, hearing, and physical condition, such persons or graduates are found to be competent: *Provided further*, That upon examination, under rules prescribed by the Department of Commerce as to eyesight, hearing, physical condition, and knowledge of the duties of seamanship a person found competent may be rated as able seaman after having served on deck 12 months at sea or on the Great Lakes; but seamen examined and rated able seamen under this proviso shall not in any case compose more than one-fourth of the number of able seamen required by this section to be shipped or employed upon any vessel.

Any person may make application to any board of local inspectors for a certificate of service as able seaman, and upon proof being made to said board by affidavit and examination, under rules approved by the Secretary of Commerce, showing the nationality and age of the applicant and the vessel or vessels on which he has had service and that he is entitled to such certificate under the provisions of this section, the board of local inspectors shall issue to said applicant a certificate of service, which shall be retained by him and be accepted as prima facie evidence of his rating as an able seaman.

Each board of local inspectors shall keep a complete record of all certificates of service issued by them and to whom issued and shall keep on file the affidavits upon which said certificates are issued.

The collector of customs may, upon his own motion, and shall, upon the sworn information of any reputable citizen of the United States setting forth that this section is not being complied with, cause a muster of the crew of any vessel to be made to determine the fact; and no clearance shall be given to any vessel failing to comply with the provisions of this section: *Provided*, That the collector of customs shall not be required to cause such muster of the crew to be made unless said sworn information has been filed with him for at least six hours before the vessel departs, or is scheduled to depart: *Provided further*, That any person that shall knowingly make a false affidavit for such purpose shall be deemed guilty of perjury and upon conviction thereof shall be punished by a fine not exceeding $500 or by imprisonment not exceeding one year, or by both such fine and imprisonment, within the discretion of the court. Any violation of any provision if this section by the owner, master, or officer in charge of the vessel shall subject the owner of such vessel to a penalty of not less than $100 and not more than $500: *And provided further*, That the Secretary of Commerce shall make such rules and regulations as may be necessary to carry out the provisions of this section, and nothing herein shall be held or construed to prevent the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, from making rules and regulations authorized by law as to vessels excluded from the operation of this section.

Section 14 of the House amendment is agreed to by the conferees and incorporated in section 14 of the conference report, with certain amendments hereafter referred to.

The following proviso is inserted at the end of the first paragraph of section 14, and before the word "regulations," to wit:

Provided, That foreign vessels leaving ports of the United States shall comply with the rules herein prescribed as to life-saving appliances, their equipment, and the manning of same.

While section 4488 of the Revised Statutes, which is amended by section 14, seems to apply to foreign vessels as well as to vessels of the United States, the proviso was inserted by the conferee to make it clear that it shall so apply.

Under the title "Arrangements for clearing pontoon lifeboats of water," bags of sand as well as a weight of iron may be used in making tests.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from New Hampshire?

Mr. FLETCHER. I do.

Mr. GALLINGER. Was the proviso which the Senator read on page 19 found in either the House or the Senate bill?

Mr. FLETCHER. No; it was not found in the House bill. I think it was originally in the Senate bill. Perhaps it was not in the Senate bill as it passed the Senate, but as it was reported by the committee to the Senate. I am not sure about that.

Mr. SMITH of Georgia. Was it found anywhere in the Senate bill as adopted?

Mr. GALLINGER. Not being in either the House or the Senate bill, it seems to me the conferees must have exceeded their authority in inserting that new language.

Mr. FLETCHER. I shall have to examine to ascertain whether or not it was in the Senate bill. I do not quite recall. It was considered necessary; but at the same time perhaps it was not necessary, because I believe under the law that would be so, anyway. We wanted, however, to make it clear. I think under the statute that would be true.

Mr. BURTON. I should like to ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Ohio?

Mr. FLETCHER. I do.

Mr. BURTON. Is it not true that a considerable number of provisions have been inserted in the conference report which were not in either the House or the Senate bill? For instance, the provision in regard to hospitals, which I commend and which was in the bill I reported at one time. That was inserted bodily, was it not, without being either in the House or the Senate bill?

Mr. FLETCHER. That is true. It was in the bill as it was reported to the Senate, but possibly not in the bill as it passed the Senate.

Mr. BURTON. Not as it passed either House?

Mr. FLETCHER. Or as it passed either House.

Mr. BURTON. Is it not also true that on page 17 the provision in regard to the service at sea or on the Great Lakes is changed from 24 to 18 months, while the minimum in either bill was 24 months?

Mr. FLETCHER. The minimum in the House bill was 24 months.

Mr. BURTON. And in the Senate bill also, was it not?

Mr. FLETCHER. I think in the Senate bill it was three years.

Mr. BURTON. In the Senate bill it was 3 years and in the House bill 24 months. The conferees have made this 18 months, have they not?

Mr. FLETCHER. They made it 18 months on the theory that on the Great Lakes the service is rather by seasons. It lasts from six to eight months, I believe. Instead of saying so many years, it was supposed that 18 months would about cover three seasons on the Great Lakes; and we made it 18 months so as to make it clear that the service—not necessarily continuous—should be 18 months, which would mean ordinarily about 3 years' service.

Mr. BURTON. Then, in this conference report, there is a reduction in the time required to qualify as able seamen from both bills. It is 3 years in the Senate bill, 24 months in the House bill, and 18 months in the conference report?

Mr. FLETCHER. I think that is correct.

Mr. BURTON. Is it not true that in the bill, on page 17, there has been added a class of persons who can be rated as able seamen? It is given in these words:

To which this section applies—

This is the vital part of it—

including decked fishing vessels, naval vessels, or Coast Guard vessels; and graduates of school ships approved by and conducted under rules prescribed by the Secretary of Commerce may be rated able seamen after 12 months' service at sea.

Is not that an addition, and an addition not only of material but of a new class?

Mr. FLETCHER. I think that is correct. It was considered, after going into that matter quite thoroughly, that the deck-fishing vessels, naval vessels, and Coast Guard vessels ought to be vessels of sufficient consequence that service on them would be the "service on the ordinary merchant passenger ship."

Mr. BURTON. Is it not also true that on page 17 there are inserted the words, "such persons or graduates are," which do not appear in either bill?

Mr. FLETCHER. I think that is true. That was done merely to clarify the language and to make it plain rather than to extend it.

Mr. BURTON. In regard to liability for any injury to seamen, on page 12 of this print, I desire to call the attention of the Senator from Florida to the provision beginning at the bottom of page 11, which is as follows:

Any failure on the part of such master to comply herewith, which failure shall result in the escape of such officer, shall render the master or the vessel liable in damages.

You have it here, have you not, "master, or vessel, or the owner"?

Mr. FLETCHER. That is correct. We thought that would make the provision somewhat plainer and better and more effective.

Under the title "Equipment of boats and pontoon rafts," in subdivision (f), lifeboats on the Great Lakes or other inland waters are not required to be equipped with masts and sails and gear for same; and in second subdivisions (e and f), under same title, the lifeboats and life rafts on vessels navigating fresh waters are not required to be equipped with provisions and fresh water, as provided in the House amendment.

The House amendment provides that all passenger steam vessels of the United States, the keels of which are laid after the 1st of July, 1915, for service on ocean routes and on the Great Lakes, on routes more than 3 miles offshore, shall be built to carry and shall carry enough lifeboats and life rafts to accommodate all persons on board, including passengers and crew; not more than 25 per cent of such equipment to be in life rafts or collapsible lifeboats. The conferees modified this provision, as it affects the Great Lakes, to read:

That all passenger steam vessels of the United States, the keels of which are laid after the 1st of July, 1915, for service on ocean routes, or for service from September 15 to May 15, on the Great Lakes—

That is during the winter season when the great storms occur, and not so many passengers are carried. The vessels can better provide the accommodation during that time, and the risk is somewhat greater. The provision does not apply during the excursion season—

on routes more than 3 miles offshore, shall be built to carry, and shall carry, enough lifeboats and life rafts to accommodate all persons on board, including passengers and crew: *Provided*, That not more than 25 per cent of such equipment may be in pontoon life rafts or collapsible lifeboats.

The conferees regarded the provision in the House amendment harsh and impracticable to apply to passenger vessels on the Great Lakes navigating during the summer months.

Section 14 of the House amendment, under the title "Certificated lifeboat men—Manning of the boats," provides:

There shall be for each boat or raft a number of lifeboat men at least equal to that specified as follows: If the boat or raft carries less than 61 persons, the minimum number of certificated lifeboat men shall be 3.

As amended by the conferees, said provision reads as follows:

There shall be for each boat or raft a number of lifeboat men at least equal to that specified as follows: If the boat or raft carries 25 persons or less, the minimum number of certificated lifeboat men shall be 1; if the boat or raft carries 26 persons and less than 41 persons, the minimum number of certificated lifeboat men shall be 2; if the boat or raft carries 41 persons and less than 61 persons, the minimum number of certificated lifeboat men shall be 3, etc.

This amendment was made to meet conditions on the Great Lakes and the other inland waters. The lifeboats in use on the Great Lakes will accommodate from 16 to 25 persons and the life rafts from 12 to 15 persons. The conferees did not regard it reasonable to require a lifeboat carrying 25 persons or less to be manned by a licensed officer or able seaman and 3 certificated lifeboat men, nor did the conferees regard it reasonable to require a life raft accommodating from 12 to 15 persons to be manned by a licensed officer or able seaman and 3 certificated lifeboat men; hence, they divided these boats and rafts carrying less than 61 persons into 3 groups and undertook to provide for the manning of each according to its size and the number of persons carried. The section provides that at no moment of its voyage may any passenger steam vessel of the United States on the Great Lakes, on routes more than 3 miles offshore, except over waters whose depth is not sufficient to submerge all the decks of the vessel, have on board a total number of persons, including passengers and crew, greater than that for whom accommodation is provided in the lifeboats and pontoon life rafts on board. The accommodation provided in lifeboats shall in every case be sufficient to accommodate at least 75 per cent of the persons on board.

The number and types of such lifeboats and life rafts shall be determined by regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce: *Provided*, That during the interval from May 15 to September 15, inclusive, any such steamer shall be required to carry accommodation for not less than 50 per cent of persons on board in lifeboats and pontoon life rafts, of which accommodation not less than two-fifths shall be in lifeboats and three-fifths may be in collapsible boats or rafts, under regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce.

The effect of the amendment made by the conferees is, if the boat or raft carries 25 persons or less it shall be in charge of a licensed officer or able seaman and one certificated lifeboat man, provided that if the raft carries 15 persons or less a licensed officer or able seaman need not be placed in charge of such raft; if the boat or raft carries 26 persons and less than 41 persons, it shall be manned by a licensed officer or able seaman and two certificated lifeboat men; if the boat or raft carries 41 persons and less than 61 persons, the same shall be manned by a licensed officer or able seaman and three certificated lifeboat men. The amendment of the conferees further provides that "one-half the number of rafts carried shall have a capacity of exceeding 15 persons."

Section 16 as agreed upon by the conferees reads:

SEC. 16. That in the judgment of Congress articles in treaties and conventions of the United States, in so far as they provide for the arrest and imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of the United States in foreign countries, and for the arrest and imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of foreign nations in the United States and the Territories and possessions thereof, and for the cooperation, aid, and protection of competent legal authorities in effecting such arrest or imprisonment, and any other treaty provision in conflict with the provisions of this act, ought to be terminated, and to this end the President be, and he is hereby,

requested and directed, within 90 days after the passage of this act, to give notice to the several Governments, respectively, that so much as hereinbefore described of all such treaties and conventions between the United States and foreign Governments will terminate on the expiration of such periods after notices have been given as may be required in such treaties and conventions.

Section 17 provides:

SEC. 17. That upon the expiration after notice of the periods required, respectively, by said treaties and conventions and of one year in the case of the independent State of the Kongo, so much as hereinbefore described in each and every one of said articles shall be deemed and held to have expired and to be of no force and effect, and thereupon section 5280 and so much of section 4081 of the Revised Statutes as relates to the arrest or imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of foreign nations in the United States and Territories and possessions thereof, and for the cooperation, aid, and protection of competent legal authorities in effecting such arrest or imprisonment, shall be, and is hereby, repealed.

Section 18 of the House amendment provides that the act shall take effect as to all vessels of the United States 6 months after its passage, and as to foreign vessels 12 months after its passage, except as otherwise provided. Section 18 of the conference report provides that the act shall take effect as to all vessels of the United States 8 months after its passage, and as to foreign vessels 12 months after its passage, except as otherwise provided.

Section 20 of the conference report is taken from the proviso at the end of section 7 of the Senate bill.

These are the principal matters in the report. As I have said, the conferees determined upon the bill as it is now presented in this report as the best that could be accomplished after a thorough consideration of the bill as it went to the House and of the substitute which was inserted by the House in lieu of the Senate bill.

Mr. LODGE. Mr. President, at the time when this bill passed the Senate I had the misfortune to be absent, owing to illness. In the long period which has elapsed since that time, while the bill has been in conference, I have been occupied with other matters, and I have not examined it with the thoroughness which a measure of such great importance deserves. I can not discuss satisfactorily to myself, to say nothing of anybody else, all the details and domestic features of the bill, but there are certain provisions in the bill which gravely affect our relations with other countries, of which I wish to speak very briefly.

I should like very much to vote for a bill improving the conditions of our seamen in any proper way. It would be a matter of regret to me that I could not vote for this bill, but there are certain features which involve our relations with other nations which, I think, ought to be considered by the Senate before we agree to the conference report.

I believe the House bill had a provision, if I can lay my hand on it, in regard to the matter of treaties, which has disappeared from the bill. It amounted to this, that the provisions of the treaties should remain in force; that the bill should not be enforced where in conflict with treaties. It does not matter, because the conference has substituted for it section 16. That is, it has substituted for the House provision what I suppose to be the Senate provision, but omitting a clause that was in the House bill; but that does not matter. The section as it stands reads:

SEC. 16. That in the judgment of Congress articles in treaties and conventions of the United States, in so far as they provide for the arrest and imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of the United States in foreign countries, and for the arrest and imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of foreign nations in the United States and the Territories and possessions thereof, and for the cooperation, aid, and protection of competent legal authorities in effecting such arrest or imprisonment and any other treaty provision in conflict with the provisions of this act, ought to be terminated; and to this end the President be, and he is hereby, requested and directed, within 90 days after the passage of this act, to give notice to the several Governments, respectively, that so much as hereinbefore described of all such treaties and conventions between the United States and foreign Governments will terminate on the expiration of such periods after notices have been given as may be required in such treaties and conventions.

Section 17 provides:

That upon the expiration after notice of the periods required, respectively, by said treaties and conventions and of one year in the case of the independent State of the Kongo, so much as hereinbefore described in each and every one of said articles shall be deemed and held to have expired and to be of no force and effect.

Mr. President, I am in favor of putting an end to arrests for desertion. I am in favor of bringing to a close the old system which was endured for many years which gives power to the masters of vessels to secure the arrest through the municipal police at the port where they happen to be of any such seaman who has deserted or who is charged with desertion. We have put an end to that in our own merchant marine and I think it eminently proper that it should cease entirely. This bill, however, provides that the Secretary shall give the notice required by the treaties. I think there are some 30 treaties of amity and commerce. It provides that he shall give the notice required by the treaty for terminating its provisions. He must do it within 90 days; and after the notice has been given, if nothing has been said, all the articles relating to this subject shall be deemed to have expired. The President is called upon, in other words, to terminate by notice clauses in treaties of amity and commerce with some 30 nations.

That is a very serious matter. It is the proper way to bring about the result we desire, but it is a very serious matter at any time to undertake to terminate these treaties with friendly nations in that way. A large part of the world is at present engaged in a war of unequaled magnitude. These notices would go to nations all friendly to us, but some of them neutrals in the existing war, and some belligerents. It seems to me that to compel the President to take such action within 90 days is a very serious matter indeed at such a time as this.

We have, if I may venture to say so, a good many very serious questions now pending with other nations, questions which require the most careful management, some of which perhaps may prove perilous; and in the midst of this grave situation, with these questions involving our relations in a most serious way with many of the greatest nations of the world, the President is suddenly compelled by this law in 90 days to terminate the provisions in a whole series of treaties.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from New Hampshire?

Mr. LODGE. I yield.

Mr. GALLINGER. I will ask the Senator if we can terminate a treaty in 90 days upon notice?

Mr. LODGE. No; the clause provides that the treaty shall terminate in accordance with the terms of the treaty.

Mr. GALLINGER. Oh, yes.

Mr. LODGE. But the President is compelled to give the notice within 90 days.

Mr. GALLINGER. Yes.

Mr. LODGE. No matter whether, for reasons that may seem good to himself, he should judge it unwise to give that notice and terminate the treaty at that moment or not.

Mr. GALLINGER. The treaty could not be terminated, I suppose, until the expiration of a year, or thereabouts? Is that the rule?

Mr. LODGE. The rule is, generally, I think, about a year's notice.

Mr. CLARK of Wyoming. What page is the Senator reading from?

Mr. LODGE. I am reading from page 41, section 16 and the first part of section 17. But the President, charged with all these grave duties, with many embarrassing questions—perhaps more than any administration has ever been charged with—desirous, as we all are and must be, to maintain the best relations with all the nations of the world at such a time as this——

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Mississippi?

Mr. LODGE. I yield.

Mr. VARDAMAN. The Senator from Massachusetts is probably as well informed upon the subject he is discussing as any man in public life in America, and I shall ask this question for information. Could the notice required under this bill to be given by the President possibly be taken as an unfriendly act, an act out of which could reasonably grow disagreeable relations with the nations concerned?

Mr. LODGE. Technically, of course, under the terms of the treaties, the methods of giving notice and limitation of time are all fixed, and either party to the treaty has the right to give that notice. There is no question of that; but that a notice of a termination of a treaty, without any prior attempt to settle the matter by negotiations, is often regarded as a most unfriendly act, is undoubted. We have had cases within our own knowledge where, although in exact accord with the terms of the treaty, the sudden notice of its termination without any word of preparation or negotiation has been considered a most unfriendly act.

Mr. VARDAMAN. I will ask the Senator, further, if it is an unreasonable or unusual notice to give? Certainly our Government would be acting within its rights in giving the notice.

Mr. LODGE. There is no question of the right. I am not questioning the right.

Mr. VARDAMAN. But I can not see how it could in any way be construed as an expression of unfriendliness or one out of which might grow any serious or disagreeable consequence.

Mr. LODGE. Of course, to terminate a treaty by notice, though undoubtedly that is the naked right, is a somewhat

drastic step, if no attempt is made before to settle the question by friendly negotiation. It might easily lead to the destruction of the whole treaty, as it did in the case of Russia.

The point I am trying to make is that it seems to me extremely unwise to limit the power of the President, at a time like this, within such narrow bounds. He has many questions to deal with. All these countries have many questions to deal with. They are overwhelmed with matters of the gravest import, and suddenly a nation which is on friendly terms with them projects upon them the legal notice which it has the right to give under the treaty without giving them any chance to say whether or not they will modify it. There is no opportunity for negotiations in the present state of diplomatic business and the present state of communications otherwise than by wire, and therefore I think it is a very serious objection to compel the President to act with such abruptness.

I turn from that to another question, which is not a matter of treaty or notice, but which I think is charged with danger, especially in the conditions in which the world now finds itself. On page 12, section 10 (a)—I am aware that this was in all three bills—I find this provision:

That it shall be, and is hereby, made unlawful in any case to pay any seaman wages in advance of the time when he has actually earned the same, or to pay such advance wages, or to make any order, or note, or other evidence of indebtedness therefor to any other person, or to pay any person, for the shipment of seamen when payment is deducted or to be deducted from a seaman's wages. Any person violating any of the foregoing provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than $25 nor more than $100, and may also be imprisoned for a period of not exceeding six months, at the discretion of the court.

I am not going to discuss the merits of the thing. I dare say it has merit, viewed from the standpoint of the evil that it is intended to prevent, but this is not confined to American citizens. It goes on, on page 14:

That this section—

That is, section 10, containing this provision that I have read and the penalty for its violation—

That this section shall apply as well to foreign vessels while in waters of the United States as to vessels of the United States, and any master, owner, consignee, or agent of any foreign vessel who has violated its provisions shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be for similar violation.

That is, he shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by fine, and he may also be imprisoned.

Under that we undertake to arrest the masters of foreign vessels, as I read it—the citizens or subjects of other powers. We undertake to arrest them and punish them in our courts for acts which are entirely lawful in their own country. I can not conceive that any country in the world, if I read those sections correctly, would patiently submit to having its citizens and subjects who are the masters or officers of vessels arrested in a foreign port and tried and fined and perhaps put in prison for an act which is entirely lawful in their own country and under their own flag. It seems to me that in practice that would be very much resented.

We have an undoubted right, if we see fit to do it—this is a question of expediency—to refuse clearance to a foreign vessel from our ports if we are willing to interrupt our commerce, to check the flow of exports by refusing clearance to vessels which do not conform to our regulations and whose masters and owners do not conform to our regulations. That we have an undoubted right to do. That is a question of expediency for us to determine. We can say, "If you do not conform to certain laws, you shall not trade in our ports." That is what it amounts to, but I can not believe that we have the right under any international law to arrest a man on his own ship, under his own flag, for the commission of an act which is lawful in his own country. That is the contract which he has made in his own country.

Mr. BURTON. Will the Senator from Massachusetts yield for a question there?

Mr. LODGE. Certainly.

Mr. BURTON. I find this clause at the top of page 14:

That this section shall apply as well to foreign vessels while in waters of the United States as to vessels of the United States, and any master, owner, consignee, or agent of any foreign vessel who has violated its provisions shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be for similar violation.

Does that mean that if the master or owner has made an allotment in a foreign country, say in Germany or England, he may be arrested in the ports of the United States, or does it mean that he may make an allotment in the ports of the United States without incurring a penalty? I think that question very vital.

Mr. LODGE. It seemed to me on reading it that it is here made unlawful to pay any seaman wages in advance of the time he has actually earned the same, or to pay such advance wages or to make any order. I assume that means an advance here.

Mr. BURTON. And not abroad?

Mr. LODGE. I suppose so.

Mr. BURTON. So that an allotment might be made in Germany, where it is very common, without incurring this penalty.

Mr. LODGE. I am not clear on that, but that is my personal impression. I have not had time to give it careful consideration.

Mr. BURTON. If the Senator from Massachusetts will permit me, I do not think that is intended to apply except in case the allotment is made in a port of the United States.

Mr. LODGE. That is my impression.

Mr. BURTON. I am frank to say that the interpretation of the words "agent of any foreign vessels who has violated its provisions" is somewhat doubtful.

Mr. LODGE. Then it goes on to say:

Other evidence of indebtedness therefore to any other person, or to pay any person, for the shipment of seamen when payment is deducted or to be deducted from a seaman's wages.

It seems that must apply to both ends of the line. That is the description of a certain offense; but suppose a master of a foreign vessel had agreed to make a certain advance and to pay a certain amount of advance on the arrival in the port of destination, which is the United States.

Mr. BURTON. I may say in this connection, if the Senator from Massachusetts will permit me, that that is not the usual way in which it is done.

Mr. LODGE. I understand that. I am only putting it as an illustration.

Mr. BURTON. It is meant to be paid on the other side to the family or creditor of a seaman who departs for this side.

Mr. LODGE. But it seems to me that it opens the door to a great deal of misunderstanding. If we are to assume the right to arrest masters of vessels or officers of vessels for the performance of that which may well be entirely lawful under their own laws, it struck me in such an examination as I could give to the bill as a very doubtful if not dangerous provision.

There is also one other provision to which I desire to call attention—on page 19, the proviso to which the Senator from Ohio has already called attention, I think, as not having been in either the House or the Senate bill:

Provided, That foreign vessels leaving ports of the United States shall comply with the rules herein prescribed as to life-saving appliances, their equipment, and the manning of same.

There is no doubt whatever that we have a right to compel all those things and that our method of compulsion is to refuse clearance, but, again, it seems to me unfortunate to do that at this precise moment. The carrying tonnage of the world has been reduced. Freight rates are very high. The ordinary tramp steamship, on which we must very largely depend for the carriage of our exports, would probably shun our ports under that provision. The great lines which ply regularly between this country and Europe would probably meet it, and I have no doubt they ought to meet it, but it will have a tendency to still further reduce, I think, the carrying capacity now open to us for our exports. Those are the points to which I desired to call attention.

Mr. LEWIS. Will the Senator from Massachusetts allow me an interrogatory?

Mr. LODGE. Certainly.

Mr. LEWIS. Mr. President, may I ask the Senator if the Senator's position is that he does not think this country has a legal right to enforce the provisions in its own harbors, in its own jurisdiction, or that, even though it has a legal right, it is not wise to do it?

Mr. LODGE. I just stated that we had the undoubted right to refuse clearance of the vessels that did not comply with any conditions we chose to impose. My objection was that it was very inexpedient to do it at this moment, for reasons which I tried to explain.

Mr. LEWIS. I thought I understood the Senator to assert that we had the right to deny clearance papers. I thought I gathered from him that he thought we did not have the right to enforce the penalties in our harbors.

Mr. LODGE. That relates to another subject.

Mr. LEWIS. It relates to the violation of another section?

Mr. LODGE. It relates to another subject. I was speaking last of procuring ships. The other one was the arresting of the master of a ship for the performance of an act legal in his own country but in violation of this law. I do not mean to say that we may not have the right to do it and that we may not do it, but I do say that I believe other nations may become very impatient of it, as I think we should.

Mr. LEWIS. I only want to ascertain the Senator's attitude. It is not that we have not the right in our ports to enforce it; but, having the right, the Senator does not regard it wise or expedient to avail ourselves of it?

Mr. LODGE. I do not think it is wise or expedient. I think there is some reasonable doubt. It would depend a great deal, of course, upon exactly what happened; but I think there is a very reasonable doubt whether under this section, which was pretty broadly drawn, we should not arrest men for a less violation of the laws when we had no right to do it.

Those are the points, Mr. President, to which I wish to call attention and which makes me view the placing of this law upon the statute books with some apprehension. Before I sit down I should like to read a report from the maritime committee of the Boston Chamber of Commerce. The committee took this measure up and gave it great care and attention. The chamber of commerce is a very large one. I think it has the largest membership of any in the United States. They say:

We have reviewed this bill, having in mind—

This was in 1914. Of course that does not apply to this precise bill, because this was a year ago. The bill has been some time upon its way—

We have reviewed this bill, having in mind the maritime conditions as we find them, both as to seamen and as to vessels. We have assiduously made inquiries among shipping circles to find the reasons for and against this bill and have heard arguments on both sides, from representatives of the seamen as well as from representatives of the shipowners.

It appears to us that this bill does not properly provide for safety at sea or encourage our young men to go to sea, and by adding considerable extra cost to the operation of all shipping will hinder the development of our merchant marine, thereby seriously affecting the interests of the American shipper and tending to divert trade to foreign countries.

We are further of the opinion that the bill as proposed will in many ways conflict with treaties now in force with friendly Governments and might result in ill-feeling and possibly retaliation which can not but have a serious effect on our foreign trade and would effectually prevent uniform rules for safety at sea which are desirable amongst all nations.

I frankly say that the provisions of the bill as to safety at sea I have not examined with sufficient care to venture upon giving an opinion about them or as to their encouragement of young men to go to sea, still less as to added cost. I have no doubt it will, but that is not to be considered, of course, if we are to attain the higher object. But I do think the statement of the committee on maritime affairs of the Boston Chamber of Commerce in regard to the ill effects of the bill abroad are sound, and if they were sound in January, 1914, I think they are much sounder now.

Mr. LA FOLLETTE. Mr. President, can the Senator state what bill the committee on maritime affairs had reference to—whether it was the Senate bill or the House bill?

Mr. LODGE. It was the Senate bill, an act entitled "To promote the welfare of American seamen in the merchant marine of the United States." I suppose that is the bill.

Mr. LA FOLLETTE. Is the number given?

Mr. LODGE. One hundred and thirty-six.

Mr. LA FOLLETTE. That is the Senate bill.

Mr. SMITH of Michigan. The Senator from Massachusetts says he has not had time to examine the regulations with reference to life-saving equipment, and so forth. He understands, of course, that these regulations are the London conference regulations to which most of the nations informally assented. They ought not to be very injurious if they were assented to in the London conference. The Governments did not generally ratify the London conference, but that was due almost entirely to the fact that they were at war with one another at a time when the ratifications were to be exchanged.

Mr. LODGE. The Senator is now referring to the regulations for safety of life at sea?

Mr. SMITH of Michigan. Yes; I am referring to the recent convention at London. This bill practically indorses the London conference regulation regarding life-saving equipment.

Mr. LODGE. I made no comparison. The reason why I expressed some slight surprise was because in this case I can not understand why there is such opposition to the convention.

Mr. SMITH of Michigan. The regulations were adopted in toto by the conferees.

Mr. LODGE. The Senator means the provisions about hull construction?

Mr. SMITH of Michigan. Unfortunately the question of hull construction is not dealt with. I wish it had been. I will say without any hesitation at all that the recommendation upon the question of hull construction in the London conference was a genuine achievement upon the part of the American representatives in that convention.

Mr. LODGE. I know the Senator and I agree upon that very strongly. As I have said, I have not examined those portions of the bill, and I ask for information whether those were included.

Mr. SMITH of Michigan. In my opinion, the recommendations with reference to hull construction, if given effect by them, were to be the rule hereafter in the construction of vessels, would go further to protect life and make it safer to travel at sea than any of the regulations contained in this bill. But the question of hull construction was not adopted in this bill. It was not. We were laying down a plan of that character, but did not go so far as the London convention did. However, with reference to equipment, we adopted the London convention regulations.

Mr. LODGE. Is there anything in here about wireless telegraphy?

Mr. SMITH of Michigan. Oh, we have our wireless law.

Mr. LODGE. I mean in this bill.

Mr. SMITH of Michigan. We have our wireless law, and it works very well.

Mr. LODGE. There is nothing in this bill about it.

Mr. SMITH of Michigan. No; that would be a mere repetition. I think, in fact, the London conference weakens in a measure the American regulation.

Mr. LODGE. It was not as good as the American law.

Mr. SMITH of Michigan. I am inclined to think that the American law with reference to the use of wireless at sea goes almost further than any other country and quite creditably to the United States. It is not here because it would be a mere repetition.

Mr. LODGE. No; it is not necessary, of course; but what I said was that the conference regulations about wireless telegraphy, though inferior to ours, were, as I remember, better than those of many other countries. It raised the general standard.

Now, if the Senator will allow me—of course he is very familiar with the subject and I am not—does this include anything about freight routes and ocean lanes of navigation?

Mr. SMITH of Michigan. No; there are no lanes prescribed in this bill.

Mr. LODGE. There is nothing about ice patrol.

Mr. SMITH of Michigan. No ice patrol.

Mr. LODGE. It comes down to the mere declaration which relates to equipment.

Mr. SMITH of Michigan. Exactly. I think there are a great many things in the London convention which would have been very valuable if they could have become the law of nations. but unfortunately they encountered the European war situation which made it impossible to pass upon the question properly.

Mr. LODGE. I misunderstood the Senator. I thought he said that practically all the provisions of the London conference were in this bill.

Mr. SMITH of Michigan. I had reference to equipment merely.

Mr. LODGE. That is what surprised me.

Mr. LEWIS. May I suggest to the Senator from Massachusetts a matter on which either I am misinformed or he himself? May I be permitted with his consent? It may be recalled by him that I had the honor to represent this body in the conference at London.

Mr. LODGE. I recollect it very well.

Mr. LEWIS. I beg to call to your attention that while Portugal ratified the conference in England there came to us in some form, a separate form, that the Chamber of Commerce in Boston, after looking over what was done by the London conference respecting equipment, and the chamber at New York, and one of Detroit, the city of my distinguished friend, modified previous views of opposition which had previously been expressed in the original bill and accepted the theory of equipment, not because they thought it best but because of the suggestion of uniformity for all nations; and also the wireless, which the Senator from Massachusetts correctly alludes to, as the Senator from Massachusetts says correctly, really less than we had originally, was also admittedly weaker, but in order to have uniformity, because of Belgium's peculiar form of objection. I do not wish to be understood as saying the Chamber of Commerce of Boston, but your great shipping associations sometime afterwards withdrew their objections to the House bill, not on the ground that they did not regard the objections well taken but gave concurrence to equipment on the grounds that it had been accepted as most uniform by these countries and most agreeable to them. Does the Senator recall that?

Mr. LODGE. I do not recollect the action of the Chamber of Commerce of Boston or the course the mercantile associa-

tion took on that point. I have not discussed the question of equipment at all.

Mr. LEWIS. I beg pardon. I thought the Senator from Massachusetts——

Mr. LODGE. I had nothing to say about it. The Senator from Michigan referred to it.

Mr. LEWIS. Then, I wholly misapprehended the Senator from Massachusetts.

Mr. BURTON. If the Senator from Massachusetts will allow me, I desire to say that it seems to me Senators are to an extent misunderstanding each other, and that is made clear by what the Senator from Massachusetts has said just now.

The House bill very largely followed the provisions of the London conference as regards life-saving appliances at sea, the number of lifeboats, and the class of persons to man them; but it did not deal at all with the question with which the Senator from Massachusetts is concerned and upon which he has commented—the payment of wages, allotments, able seamen, or anything of the kind.

Mr. LODGE. Oh, no; I know that.

Mr. BURTON. No doubt the Boston Maritime Association, or whatever it may be called, approved the action of the House, which was widely different from that of the Senate in adopting the provision of the London conference in that line—that is, in relation to lifeboats, and so forth.

Mr. LODGE. The London conference, which I think did a very great and valuable work, covered roughly hull construction, ocean lanes, the ice patrol, wireless telegraphy, and the life-saving equipment. Roughly, the work may be divided in that way. I do not intend to say how much of it has been embodied here, but from the Senator from Michigan I learn that all that has been embodied are the provisions relating to life-saving apparatus. Of course, I need not say to the Senator from Illinois [Mr. LEWIS], who had a large part in the London conference, that the work of the conference went far beyond the single question of equipment.

Mr. LEWIS. I thought there was confusion growing out of a misunderstanding of the terms.

Mr. ROOT. Mr. President——

The PRESIDING OFFICER. The Senator from New York.

Mr. ROOT. Mr. President, there are some things in this bill that I like and some things that I do not like. I should be glad to have the old practice of enforcing the contracts of seamen by arrest and return to their vessels done away with. I think that is an anachronism, and I think our own experience with regard to sailors upon our own ships in our own ports has shown that it is not either necessary or useful.

I regretted very much that the ratification of the treaty, or in the Senate's advice to the ratification of the convention produced by the London conference, the assent was of a partial and almost destructive nature. Accepting compromises, which always have to be made in a conference of that kind in order to reconcile conflicting interests and views, we passed a resolution, which accepted the compromises made by others, and declared that we would not abide by any concessions made by ourselves unless we saw fit to do so. As I was very friendly to that convention, and thought it was a most admirable piece of work, I am glad to see its provisions regarding life-saving apparatus and the manning of such apparatus to a great extent reproduced in this bill.

The bill, I think, goes further, however, in the attempt to control foreign vessels than it is either expedient or lawful for us to go. I should like to call attention to some provisions which seem to me to be open to the second objection—that is, provisions which I think we have not any right to enact. In section 4 there is found this provision:

> SEC. 4530. Every seaman on a vessel of the United States shall be entitled to receive on demand from the master of the vessel to which he belongs one-half part of the wages which he shall have then earned at every port where such vessel, after the voyage has been commenced, shall load or deliver cargo before the voyage is ended and all stipulations in the contract to the contrary shall be void: *Provided*, Such a demand shall not be made before the expiration of, nor oftener than once in five days. Any failure on the part of the master to comply with this demand shall release the seaman from his contract and he shall be entitled to full payment of wages earned.

When the voyage is ended the seaman is entitled to the remainder of his wages. The section ends with this provision:

> *And provided further*, That this section shall apply to seamen on foreign vessels while in harbors of the United States, and the courts of the United States shall be open to such seamen for its enforcement.

That provision plainly applies to contracts which have been made and which must have been made in the case of a foreign vessel in the home of the vessel. I may be mistaken, but I can see no other reasonable construction. A French, German, or Italian ship coming into the port of Philadelphia immediately becomes subject to this provision; its crew are navigating the ship under contracts made in France or in Germany or in Italy. Those contracts may have provided for any one of many different kinds and periods of payments. It may be entirely in violation of the contracts that the seaman, one party to the contract, shall be entitled to demand and be paid one-half his wages up to the time when he reaches the port of Philadelphia. This provision, if I understand it correctly, declares that the seaman shall be entitled to have that payment notwithstanding the contrary contract. It declares that a contract to the contrary shall be deemed to be void, and it declares that the seamen shall have the assistance of the courts of the United States to enforce—what? Not the contract, but the obligation of law, the obligation arising upon the statute which voids the contract and substitutes a different obligation.

Is it competent for us to do that? Of course every lawyer will concede that we have not power by our statutes to control or affect a contract made in a foreign country between two persons in that country; and as we can not control or affect that contract, we can not add to or detract from the obligation created by the contract as between the contracting parties. When we say that our courts will enforce a claim by one of the contracting parties against the other in violation of the contract, we say that our courts will by force of their process assist one party to violate the contract as against the other.

Sir, that is a pretty harsh proposal. We have with most of the civilized maritime countries of the world treaties providing for freedom of commerce, treaties under which their ships are declared entitled to enter our ports to bring in merchandise and to take out merchandise, to be subject to tolls and port charges, directly limited and regulated; and, as respects all those ships, what does the proposal amount to but that we impose a new and different condition upon the exercise of the right secured by these treaties? We say, "True, we have agreed with you that you shall have freedom of commerce; that your ships may enter our ports with their merchandise upon terms that are stated; but we will now no longer permit your ships to enter our ports; we will no longer permit to you freedom of commerce, except upon certain new conditions, which we impose of our own free will; that is to say, we will no longer permit your ships to engage in commerce with us except upon condition that you at home, in your own country, will make contracts with your sailors not in accordance with your public policy, but in accordance with ours."

Mr. BURTON. Mr. President, I should like to repeat the same question which I asked the Senator from Massachusetts.

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Ohio?

Mr. ROOT. Certainly.

Mr. BURTON. What does the provision in subsection (e), at the top of page 14, in regard to allotments, mean?

Mr. ROOT. I am now speaking about section 4, on page 6.

Mr. BURTON. I beg the Senator's pardon. I thought he was referring to the other section.

Mr. ROOT. Mr. President, I can see no escape from the construction of the perfectly plain meaning of this provision, and I say that that is a wholly unpermissible and unjustifiable attempt to control the legislation and the freedom of contract in a foreign country by refusing the rights and privileges of commerce with us unless they yield to our view as to how they ought to conduct their affairs.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Michigan?

Mr. ROOT. Certainly.

Mr. SMITH of Michigan. I should like to ask the Senator from New York whether, in the absence of the treaty to which he refers, our courts could acquire any jurisdiction over the two foreigners who are parties to the contract to which he refers? Could our courts acquire any jurisdiction over a contract made in a foreign country between two foreigners, not citizens of the United States, except for the treaty to which the Senator refers?

Mr. ROOT. Oh, Mr. President, we can give our courts jurisdiction over causes arising in foreign countries, provided there is jurisdiction of person, and that is assumed. There is jurisdiction of the person here; the ship will be here and the sailors will be here, and the question whether our courts can exercise jurisdiction in a controversy as between them is merely a matter of the scope of jurisdiction that our statutes have given them.

Mr. SMITH of Michigan. And the treaty, in the estimation of the Senator, would not give us any additional jurisdiction or rights?

Mr. ROOT. Certainly not. The treaty is not the source of jurisdiction in that case; the treaty is merely an additional

limitation upon our right to impose conditions; and even if there were no treaty, the universal custom of the civilized world would lead to practically the same result. Unless we are going back to the old and barbarous days in which the ship of a friendly nation could not enter the port of another nation without being liable to seizure and confiscation, the principle of freedom of intercourse among civilized people denounces any attempt like this to prevent—for that is what it amounts to—the ships of a friendly country from entering our ports unless they will submit to our laws controlling their contracts in their own home.

There is another provision, Mr. President, which runs along in the same direction. On page 14 there is a provision at the close of section 11—and this is what the Senator from Ohio [Mr. BURTON] asked about a few moments ago—which reads:

(e) That this section shall apply as well to foreign vessels while in waters of the United States as to vessels of the United States, and any master, owner, consignee, or agent of any foreign vessel who has violated its provisions shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be for similar violation.

The master, owner, consignee, or agent of any vessel of the United States, or of any foreign vessel seeking clearance from a port of the United States, shall present his shipping articles at the office of clearance, and no clearance shall be granted any such vessel unless the provisions of this section have been complied with.

(f) That under the direction of the Secretary of Commerce the Commissioner of Navigation shall make regulations to carry out this section.

Section 10, which is referred to in these provisions which I have just read, contained at the outset this provision:

That it shall be, and is hereby, made unlawful in any case to pay any seaman wages in advance of the time when he has actually earned the same, or to pay such advance wages, or to make any order or note or other evidence of indebtedness therefor to any other person, or to pay any person for the shipment of seamen when payment is deducted or to be deducted from a seaman's wages.

I do not think it is so clear as it was, regarding section 4, that this provision applies to payments made outside the United States. It may be that by construction that denunciation of illegality may be confined to the payment of advance wages while in the territory of the United States, but the language is very sweeping. It is not merely that the section shall apply to vessels while in the waters of the United States, but it is that no clearance shall be granted to any such vessel unless the provisions of this section have been complied with. In the section there is a series of affirmative provisions which might well, if not complied with, furnish the ground for refusing the clearance in accordance with this positive clause which I have read; and of course, if that be true, the observations that I have made regarding the attempt to impose a condition upon the exercise of the right of free commerce upon a vessel because of something done or not done outside of our jurisdiction, and which we have no legal right to control, would be applicable.

There are still further provisions. Section 13 provides:

That no vessel of 100 tons gross and upward, except those navigating rivers exclusively and the smaller inland lakes and except as provided in section 1 of this act, shall be permitted to depart from any port of the United States unless she has on board a crew not less than 75 per cent of which, in each department thereof, are able to understand any order given by the officers of such vessel, nor unless 40 per cent in the first year, 45 per cent in the second year, 50 per cent in the third year, 55 per cent in the fourth year after the passage of this act, and thereafter 65 per cent of her deck crew, exclusive of licensed officers and apprentices, are of a rating not less than able seaman.

Mr. President, that is pretty strong language. I see no limitation to it. The natural construction would be that it means what it says—"that no vessel * * * shall be permitted to depart from any port of the United States unless she has on board" such and such men. I dwell upon this because—and I hope I am not transgressing the rule regarding references to another place—the protagonist of this bill in the lower House has declared that that is his construction of this section, and that is what it was intended to mean; it was intended to include foreign vessels as well as vessels of the United States, and the language is made thus sweeping and comprehensive with that purpose.

Mr. LIPPITT. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Rhode Island?

Mr. ROOT. I yield.

Mr. LIPPITT. There is a provision in section 13, which the Senator has just read, which excepts from its provisions such vessels as are "provided in section 1 of this act." I was reading that over the other day. I do not know where "section 1 of this act" is. The bill, on the first page, begins:

That section 4516 of the Revised Statutes—

And then it goes on to section 2. I have been wondering what the exception covered by section 1 may mean. I did not know whether the Senator from New York perhaps had looked up that matter to see what it covered, or whether perhaps the Senator from Michigan might understand it.

Mr. ROOT. Section 1 of the bill provides that that section shall not apply to fishing or whaling vessels or yachts; and I suppose this language was intended to carry into this other section that same exception.

Mr. LIPPITT. Then the Senator will notice that prior to that the section is made to apply to all vessels of 100 tons gross and upward, except those navigating rivers exclusively and the smaller inland lakes, while in section 2 of the bill it is apparently made to apply to all vessels except those navigating rivers, harbors, bays, or sounds exclusively. Now, it so happens that in the community which I represent the proviso excepting rivers, harbors, bays, or sounds pretty thoroughly eliminates the waters contingent to Rhode Island from the provisions of this measure; but when we come back to section 13, instead of excluding rivers, harbors, bays, and sounds, simply rivers are excluded. I have been trying to establish in my own mind whether that proviso in section 2 eliminates Narragansett Bay from all the provisions of this bill or only from a portion of them, because it would make a very great difference as to the opinion I might have of the bill.

Mr. ROOT. Mr. President, I shall not try to solve that, because I am unwilling to treat Rhode Island as a foreign country, and I am now trying to get the judgment of the Senators who are here on the proposition that this act is an unjustifiable and unlawful restraint upon the freedom of conduct of other countries in matters over which we have not any jurisdiction. It attempts to force them to conduct their affairs in accordance with our views rather than in accordance with theirs; in accordance with our policy rather than in accordance with theirs, by means of refusing to them the privileges that are included in freedom of commerce. According to our treaties and according to the customs of the civilized world I do not think we ought to attempt it. I do not think it is consistent with the development of commerce among nations, with the friendly and harmonious relations necessary to the promotion and development of commerce. These foreign countries have a right to fix for themselves the numbers of the crews they shall have on their ships. If we say to the French Republic, "We will not let your ships come into our ports unless you regulate your crews according to our laws instead of according to your laws," we are denying them freedom of commerce. The result would naturally be that they would turn around and refuse to allow our ships to go to their ports unless we do the things that they choose to have done instead of the things that we choose to do. We would have just as much right to say, "Your ships can not come into our ports unless they are painted blue. They shall not come into our ports unless they are of such a size. They shall not come into our ports unless they are of such an age."

You can not conduct commercial relations on any such basis as that. If we are going to let English ships, French ships, German ships come into our ports and expect them to let our ships go into their ports, we must take their ships as they are, and have them take our ships as they are. That is quite a different thing from merely regulating their conduct while they are here. Of course we are entitled to regulate their conduct while they are here, but we are not entitled to say what they shall be before they come here, or what they shall do before they come here, or what contracts they shall make before they come here, or what crews they shall be required to put upon them to navigate them in order that they may come here.

There is another provision which runs along in the same general line, section 14. I want to call especial attention to this also. I thought I had the Senator from Missouri [Mr. STONE] interested for a few minutes——

Mr. STONE. I am very much interested.

Mr. ROOT. And I should like to have him listen to this. In this bill we say, in section 14:

That section 4488 of the Revised Statutes is hereby amended by adding thereto the following: "The powers bestowed by this section upon the board of supervising inspectors in respect of lifeboats, floats, rafts, life preservers, and other life-saving appliances and equipment, and the further requirements herein as to davits, embarkation of passengers in lifeboats and rafts, and the manning of lifeboats and rafts, and the musters and drills of the crews, on steamers navigating the ocean, or any lake, bay, or sound of the United States, on and after July 1, 1915, shall be subject to the provisions, limitations, and minimum requirements of the regulations herein set forth, and all such vessels shall thereafter be required to comply in all respects therewith: *Provided*, That foreign vessels leaving ports of the United States shall comply with the rules herein prescribed as to life-saving appliances, their equipment, and the manning of same."

Of course, the way to enforce that would be by refusing clearance. Under this language no collector would be entitled

to give clearance to a foreign vessel unless she complied with the rules, to which I shall presently call attention, upon the subject.

Mr. SMITH of Michigan. Mr. President, will the Senator from New York permit me to ask him right there whether he thinks the Government of the United States has power to enforce that provision?

Mr. ROOT. I will answer the Senator; but will the Senator let me do it in my own way, as I intend to do in a moment?

Mr. SMITH of Michigan. Certainly.

Mr. ROOT. Before I answer it let me call attention to the circumstance that this does not apply merely to passenger steamers. I should be heartily in favor of saying that no ship under any flag should take American passengers from our ports without making provision that we regard as adequate for their safety. But we do not limit it to that. This applies to every tramp steamer, it applies to every schooner, every vessel that comes into an American port. A vessel built and owned in Italy, officered and manned in Italy, carrying a cargo of Italian produce, landing it in New York, and proposing to sail out in ballast, is to be prevented from going out, prevented from going out of that port, imprisoned, interned, to use the modern phrase. unless she has complied with certain provisions which are enumerated here, and those provisions are that such and such things shall be done, there shall be such and such boats and such and such rafts, and the boats are to be laid in accordance with detailed provisions, and they are to be manned in accordance with detailed provisions. But the provisions are accompanied by a series of grants of power to our Board of Supervising Inspectors and our Secretary of Commerce. For example, there must have been such and such drill for the use of the boats, and the boats must be capable of being lowered within the limit fixed by the Board of Supervising Inspectors, with the approval of the Secretary of Commerce; and when the length of the vessel exceeds 1,030 feet the supervising inspectors, with the approval of the Secretary of Commerce, shall determine the minimum number of sets of davits and of open boats of the first class for that vessel.

Now, a ship comes here from Naples, owned in Italy, officered and manned in Italy, unloads in the port of New York her cargo of Italian passengers, and she can not leave, she can not get a clearance unless she has the number of boat davits that our Secretary of Commerce concludes she ought to have. What business is it of ours to dictate to the Government of Italy how many davits she shall require her vessels to have? If she carries American passengers, even then our authority would be limited to saying you shall not carry them unless you have the 24 davits; but if the Government of Italy thinks that 12 or 16 of 18 would be sufficient, what business is it of ours to say that that vessel shall not be entitled to enter and leave a port of the United States?

Mr. STONE. Would the Senator refuse clearance to such a vessel if it did not come up to the standard prescribed by our regulations, if it were to carry American passengers, or would the Senator, by some other means, prevent the ship from receiving such passengers?

Mr. ROOT. Either, Mr. President. It would be quite simple to draft a statute which would prevent a vessel from receiving or taking out or clearing with American passengers unless she complied with certain regulations; but to say she shall not go or say she shall not bring and unlade goods or she shall not take out and carry away goods unless she is adapted to our policy rather than to the policy of the nation that owns her seems to me to be wholly useless.

There is another provision under this same head:

A licensed officer or able seaman shall be placed in charge of each boat or pontoon raft; he shall have a list of its lifeboat men and other members of its crew, which shall be sufficient for her safe management, and shall see that the men placed under his orders are acquainted with their several duties and stations.

We define in this bill an able seaman. A vessel comes from Naples, the ship that I am using as an illustration. She comes in with boats in accordance with the Italian law and she has highly skilled boatmen on board to take care of them. They may not comply with our definition of an able seaman. They may be vastly more efficient. They may answer to the demands of the conscience of the Government of Italy that are far better than our definition of an able seaman, but that ship can not go out when her provisions in this respect are in accordance with the laws of her own country, instead of being in accordance with what we see fit to impose.

Mr. President, that concludes the clauses of this bill that I had in mind to call attention to, and I will relieve the attention of the Senate by saying that these provisions illustrate what I believe to be a wholly erroneous method of attempting to carry on trade with the world. You can not do that with a club. You can not do it with arrogant indifference to the interests and even the prejudices of other nations. There was a time when we, an agricultural country with all of our life confined within our own borders, could get down and ignore the fact that other people in the world had their ideas and were entitled to entertain them and to act according to them. But a country whose production and industries have been so organized that its life and prosperity are dependent upon the continuance of a commerce of thousands of millions of dollars, almost, a year can not live upon any such method of legislation.

For that reason, I am against this bill.

Mr. BURTON. Does the Senator from Wisconsin [Mr. LA FOLLETTE] desire to proceed?

Mr. LA FOLLETTE. No; I will wait.

Mr. BURTON. I am perfectly willing to yield, because the Senator will favor the proposed law, I understand. Perhaps it would be more evenly divided if he went ahead.

Mr. LA FOLLETTE. The Senator may proceed.

Mr. BURTON. Mr. President, on one or two other occasions I have opposed many provisions of this bill. In October, 1913, almost alone I opposed certain requirements which appear in this conference report. Possibly a majority of the Senate are in favor of this kind of a measure, but I am unwilling to allow it to become a law without uttering a word of protest and without pointing out the very serious dangers which lurk in this conference report. Four-fifths of this report I should approve. I certainly indorse its humanitarian features, which if time offers I intend to enumerate.

But I wish to call attention, in the first instance, to the influence such a law would have upon both foreign and domestic shipping through regulations which must hamper their usefulness, which must impede commerce and which must involve us in serious friction with foreign nations. You can not interfere with the orderly commercial relations existing between us and foreign countries without inviting a measure of disaster.

First, I desire to take up certain requirements in this bill which are new to our own country, and, so far as I know, to any country in the world.

I refer, in the first place, to the provision in regard to wages. On page 6 of the conference agreement I call attention to section 4. I repeat, I know of no such provision in the statutes of any country in the world. It is my desire to explain briefly how this will work out:

SEC. 4. That section 4530 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4530. Every seaman on a vessel of the United States shall be entitled to receive, on demand, from the master of the vessel to which he belongs one-half part of the wages which he shall have then earned at every port where such vessel, after the voyage has been commenced, shall load or deliver cargo before the voyage is ended, and all stipulations in the contract to the contrary shall be void: *Provided*, Such a demand shall not be made before the expiration of nor oftener than once in five days. Any failure on the part of the master to comply with this demand shall release the seaman from his contract and he shall be entitled to full payment of wages earned. And when the voyage is ended every such seaman shall be entitled to the remainder of the wages which shall then be due him, as provided in section 4529 of the Revised Statutes: *Provided further*, That notwithstanding any release signed by any seaman under section 4552 of the Revised Statutes, any court having jurisdiction may, upon good cause shown, set aside such release and take such action as justice shall require."

Thus far this differs in one part only from existing law; that is, so far as it pertains to domestic shipping. That one particular is that the present law authorizes the seaman to make a contract by which he shall demand half of his wages. Those contracts are usually made in the shipping articles. But there is an addition at the end which is almost startling, as it affects our relations with other nations:

And provided further, That this section shall apply to seamen on foreign vessels while in harbors of the United States, and the courts of the United States shall be open to such seamen for its enforcement.

The usual custom in Europe is to make an apportionment of the wages which a seaman will earn on his voyage, to be paid to his relatives or to his creditors. The agreement is signed, and when the boat has passed the last European port on the way to America a cablegram is sent to the home office of the line—if the boat sails from Hamburg, the message is sent from Plymouth or Cherbourg—to the effect that the seaman still remains with the vessel. Then the apportionment is carried into effect by the payment of the amount specified. That apportionment may be the whole amount of his wages as far as New York. That is the almost invariable custom. It has been said that it would be impossible to make contracts with sailors without such an apportionment, but under this law, notwithstanding the payment in advance of a part or the whole of the wages earned, before leaving New York or a port in the United States the seaman may demand one-half those wages again. The avowed object of this bill, declared by its advo-

cates, is to give to the seaman an opportunity to obtain money so that he may desert.

Mr. CLARK of Wyoming. Will the Senator yield for a question?

Mr. BURTON. Certainly.

Mr. CLARK of Wyoming. Under this provision, is there a possibility of the recovery in our port of wages already paid under the contract?

Mr. BURTON. The main object of the statute is that the wages earned shall be paid, whether part or all have been already paid. I do not think anyone will deny that. In a bill on this subject drawn two or three years ago he could recover only wages which had accrued.

Mr. CLARK of Wyoming. But suppose the wages earned had already been paid.

Mr. BURTON. That makes no difference. Such a contract is made illegal. The sailor may, nevertheless, receive the amount, as the Senator from Wyoming can clearly see. The provision would be futile for the purpose intended, namely, to give to the sailor some money on this side, if it could be nullified by the allotment of all his wages in advance before the vessel departs from its home port.

Mr. CLARK of Wyoming. It seems rather a novel proposition that a man could go into court and sue to recover wages that had already been paid. I can not conceive of any court rendering a judgment under such circumstances.

Mr. BURTON. The sole object of this section is to provide for that very case.

Now, let me call attention to the treaty we have, say, with the German Empire, found on page 554 of the Treaties and Conventions, volume 1:

Consuls generals, consuls, vice consuls, or consular agents shall have exclusive charge of the internal order of the merchant vessels of their nation, and shall have the exclusive power to take cognizance of and to determine differences of every kind which may arise, either at sea or in port, between the captains, officers and crews, and especially in reference to wages and the execution of mutual contracts. Neither any court or authority shall, on any pretext, interfere in these differences, except in cases where the differences on board ship are of a nature to disturb the peace and public order in port or on shore or when persons other than the officers and crew of the vessel are parties to the disturbance.

Except as aforesaid the local authorities shall confine themselves to the rendering of efficient aid to the consuls.

Such a provision is to be found in practically all our commercial treaties with foreign countries.

One with Austria-Hungary, concluded July 11, 1870; one with Belgium, concluded March 9, 1880; one with Bolivia, with Colombia, even with the Independent State of the Kongo; one with Denmark, concluded July 11, 1861; one with France, June 24, 1822; another one with France, concluded February 23, 1853; the one with the German Empire was concluded December 11, 1871; I have already read the treaty concluded June 3, 1892, with Great Britain; with Greece, November 19, 1902; with Italy, May 8, 1878; with the Netherlands, May 23, 1878; with Roumania, June 17, 1881; with Spain, July 3, 1902; with Sweden and Norway, July 4, 1827; a new treaty with Sweden June 1, 1910; and with Japan February 21, 1911. Every one of these treaties provides that the sole control in wage disputes between the master or owner of a vessel and the seaman shall be vested in the consul or in their own authorities. The basis for this is that a ship is regarded as the soil of the country to which it belongs. A French ship in New York Harbor is French soil and is under French jurisdiction, except in case of some crime or violence.

On this subject a decision by our own Supreme Court very elaborately sets forth the law. I have an immediate reference to it in Mr. James Brown Scott's Cases on International Law, or I will read a reference to it, which is found on page 5747 of the CONGRESSIONAL RECORD for October 22, 1913. Chief Justice Waite, in the case of Wildenhus (120 U. S., 11), says:

From experience, however, it was found long ago that it would be beneficial to commerce if the local government would abstain from interfering with the internal discipline of the ship and the general regulations of the rights and duties of the officers and crew toward the vessel or among themselves. And so by comity it came to be generally understood among the civilized nations that all matters of discipline and all things done on board which affected only the vessel or those belonging to her, and did not involve the peace or dignity of the country or the tranquillity of the port should be left by the local government to be dealt with by the authorities of the nation to which the vessel belonged, as the laws of that nation or the interest of its commerce should require.

I have called attention to all these treaties. A provision in this bill declares that the President shall give notice within 90 days for the revocation of such portions of treaties as conflict with this proposed act. The revocation of a part of a treaty carries with it the right of the other party to the treaty to revoke the whole. If we revoke this provision which gives them control of wages in our ports it means that the whole question of the commercial treaties between Germany, Great Britain, the Netherlands, Norway, Spain, and all the rest is thrown open for treaty negotiation, and that, too, by demanding a concession, which is peculiarly obnoxious to every one of them and contrary to the general custom and usage of nations, and no one can suppose for a moment that such a demand can be made without retaliation or at least a demand for very substantial concessions in return. That is one section of this conference report.

Another feature is found on page 12 with reference to allotments, and I wish especially to call the attention of the Senator from Wyoming to this. It is found on page 12, well toward the bottom of the third column:

SEC. 10 (a). That it shall be, and is hereby, made unlawful in any case to pay any seaman wages in advance of the time when he has actually earned the same, or to pay such advance wages, or to make any order, or note, or other evidence of indebtedness therefor to any other person, or to pay any person, for the shipment of seamen when payment is deducted or to be deducted from a seaman's wages.

The Senator from Wyoming remarked that he could not conceive how any court after an advance payment had been made to a seaman could render a judgment against his employer; but the point is that this bill makes that advance payment illegal. There is an evil against which this section is aimed which should awaken our attention, and that is the danger that the sailor may be imposed upon; the danger that some go-between, a class of persons known by the name of "crimps," may obtain an assignment of his wages, and in that manner gain a great advantage over him.

While it seems to me that this is a very strong provision, there is at least some justification for the law. An exception is made in the bill for the payment to certain classes of relatives. The seaman can make payment to them; but, generally speaking, an advance payment is absolutely unlawful.

Let me now call attention to a very ambiguous provision about which I have already questioned the Senators from Massachusetts and New York. I will read at the top of page 14:

(e) That this section—

That is, the one forbidding allotments—

(e) That this section shall apply as well to foreign vessels while in waters of the United States as to vessels of the United States, and any master, owner, consignee, or agent of any foreign vessel who has violated its provision shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be for similar violation.

I think before we vote on this conference report that subsection should be clearly explained. What does it mean? Does it mean that an allotment made in France or England or Germany or Italy by the owner or master of a foreign steamship subjects him to a penalty here in the courts of the United States, or is it limited to a case in which the allotment or advance payment is made in the ports of the United States? As this was drawn in the bill that was before the Senate early in March of 1913, I think it clearly related only to allotments made in ports of the United States; but let us notice the language; let us notice particularly the tense of one auxiliary verb, beginning with line 4:

And any master, owner, consignee, or agent of any foreign vessel who has violated its provisions shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be for similar violation.

You have the broad, general provision forbidding allotments, providing a penalty in case they are made, and then this statement that it shall apply to foreign vessels and to anyone who has violated its terms. Then, in the next, or really in the same, subsection it is provided:

The master, owner, consignee, or agent of any vessel of the United States, or of any foreign vessel seeking clearance from a port of the United States, shall present his shipping articles at the office of clearance, and no clearance shall be granted any such vessel unless the provisions of this section have been complied with.

What is the object of that provision if it does not mean that an allotment made in a foreign country is a violation of the law? And, Mr. President, when we are speaking of this subject, I may say that this is the almost universal custom in other countries. I do not say whether it is a good or a bad practice and it is possibly open to abuse. We have taken a more advanced position in forbidding these allotments. Conditions may exist here so that abuses are more likely to arise, but our custom in that regard and our laws are radically different from those of other countries, and by this act we are seeking to penalize a contract which is entirely legal and customary in the other commercial nations with which we are dealing.

Here is another provision following the one just alluded to, showing the extent to which we are adopting a new policy and how far we are going toward taking away from foreign countries their control over their own shipping and making laws and regulations to control that which they have left to us and

which we have left to them from time immemorial. I call attention further to the fact that on page 14 the conference committee has of its own accord stricken out a provision which was in the House bill. The words "employed on a vessel of the United States" are stricken out, so that it reads:

SEC. 12. That no wages due or accruing to any seaman or apprentice shall be subject to attachment or arrestment from any court, and every payment of wages to a seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of wages or of any attachment, encumbrance, or arrestment thereon; and no assignment or sale of wages or of salvage made prior to the accruing thereof shall bind the party making the same, except such allotments as are authorized by this title.

Mr. President, there may be good reasons for that; and as regards our own shipping, I am not going to stand here and oppose this very severe law, although it interferes with the freedom of contract. Many men who are familiar with conditions relating to seamen say that the degree to which they are subject to imposition is such as to justify relieving them from these assignments and imposing a penalty, even, for the making of any agreement for allotment. That is one thing, and imposing that law on foreign vessels coming to our own ports is altogether another thing.

I call attention next to the provision in regard to the language test on page 15. This is a new provision which appeared first—at any rate, first during my term in the Senate—in an act which passed the House in 1912. It was stricken out in the Senate and the House concurred in the bill as it passed the Senate. The bill was presented to President Taft only an hour before the expiration of his term, and he declined to approve it. It is provided by section 13:

SEC. 13. That no vessel of 100 tons gross and upward, except those navigating rivers exclusively and the smaller inland lakes and except as provided in section 1 of this act, shall be permitted to depart from any port of the United States unless she has on board a crew not less than 75 per cent of which, in each department thereof, are able to understand any order given by the officers of such vessel, nor unless 40 per cent in the first year, 45 per cent in the second year, 50 per cent in the third year, 55 per cent in the fourth year after the passage of this act, and thereafter 65 per cent of her deck crew, exclusive of licensed officers and apprentices, are of a rating not less than able seamen.

Then it goes on to define what is an able seaman.

In the first place I should like to have an explanation of what is meant by this language:

Unless she has on board a crew not less than 75 per cent of which in each department thereof are able to understand any order given by the officers of such vessel.

Does that mean that everyone in the cook's department, everyone in the steward's department, everyone in the firemen's department, every member of the crew must understand the language of the captain and the mate; that is, those who have charge of the navigation of the vessel?

Mr. SMITH of Michigan. Mr. President, it may mean that the mate must speak their language.

Mr. BURTON. Now, let me suggest to the Senator from Michigan a concrete case. Suppose a vessel has a crew of whom the seamen, strictly so called—that is, those who are on the deck and have to do with the navigation of the vessel—are English, the captain is English, the firemen are Chinese, the cooks are Italians, and the stewards are Swiss; what does this provision as applied to them mean? Does it mean that 75 per cent of those in the cook's department must understand the captain's language; that 75 per cent of those in the steward's department and in the firemen's department must understand English, or what does it mean?

Mr. SMITH of Michigan. I think it does. I think it means that they must be able to comprehend the orders that are given. Surely this is essential to proper discipline.

Mr. GALLINGER. Mr. President, will the Senator permit me to make an inquiry?

Mr. BURTON. Yes.

Mr. GALLINGER. Mr. President, I will ask the Senator from Indiana if he does not think we have done a pretty good day's work to-day?

Mr. KERN. Mr. President, we had expected to take a recess at 11 o'clock. We may make it five minutes before 11 o'clock.

Mr. GALLINGER. That will be agreeable.

Mr. KERN. It may depend upon whether the Senator from Ohio is in the midst of a flight or not.

Mr. BURTON. I think, Mr. President, it is very desirable to have these matters explained.

So far as the men who have to do immediately with the navigation are concerned I do not believe this provision would be wrong. As to the men on deck handling appliances that pertain to the navigation of the ship, it is all right; but if you require that all the firemen and all the cooks and all the stewards shall understand the language of the navigation officers, it is a very severe provision, and one that you will find will not work well.

Mr. GALLINGER. Mr. President, if the Senator will permit me, I will suggest that I think it would certainly be very necessary for cooks to understand the language.

Mr. BURTON. They should understand the language of somebody. There is no doubt of that. So far as those who immediately have to do with the safeguarding of life is concerned, it would be very well to require that they understand, and understand well, the language of the officers. The place where this question arises more than anywhere else is on the Pacific coast, at least so far as regards our own shipping. We have had an experience ourselves. The Government of the United States runs Army transports from San Francisco to Manila. It was thought desirable to have Caucasians in the fireroom, and so they displaced the Chinese firemen who had been in service for years and put Caucasians in their place. What was the result? In the frightful heat of a good share of the journey the Caucasians gave out, and it became necessary to replace them with orientals. Under this law 75 per cent of all who are on board—it matters not whether they have to do with the safety of human life or not—must understand any order given by the officers of the vessel. Although the language is ambiguous, I take it this is the real meaning.

The next provision is in regard to able seamen. I have already discussed that matter at such length before the Senate that I hardly feel like talking longer upon it at this time. There was for a time a requirement in England, as to a certain class of ships, that they must carry a certain number of able seamen. In the maritime law of Australia there is a provision of this kind, but there is so much discretion left to the marine department that it is by no means as severe as this, and in addition to that it is made applicable only to domestic vessels, according to the present regulations.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to his colleague?

Mr. BURTON. I yield to my colleague.

Mr. POMERENE. The Senator has just stated that in several other countries they require a certain number of able seamen.

Mr. BURTON. In England.

Mr. POMERENE. In England. Can the Senator tell us what constitutes an able seaman in England?

Mr. BURTON. The exact requirements I am not able to state. Perhaps the Senator from Wisconsin [Mr. LA FOLLETTE] can state that.

Mr. LA FOLLETTE. By statute, three years' service at sea.

Mr. POMERENE. Does the question whether a man is an able seaman in those countries depend only on the length of service?

Mr. BURTON. I so understand—three years of service. In the great majority of the mercantile marines, however, no such rule is enforced, none whatever.

I want to call attention now to the fact that the question of the language and the question of the number of able seamen are left, respectively, to the collectors of customs and to the inspectors. The collectors of customs are under the Treasury Department, and the inspectors are under the Department of Commerce. Now, what is the number of seamen coming to the United States in the course of a year? There certainly would be in the aggregate, from foreign countries, 250,000 or 300,000. Some of them would come and go on numerous voyages. Does anyone believe that our collectors of customs, with all the varied nationalities of the shipping with which they have to deal, are going to be able to examine all of those men on a language test—Chinese, Japanese, and all these other languages? Then, again, it is left to the inspectors to determine who shall be rated as able seamen; and I want to give some of the requirements in regard to that.

Mr. LIPPITT. Mr. President, if the Senator will permit me, I suppose it would be possible to find enough men who would be willing to fill those offices to get enough collectors of customs to examine all of these men, if they had an administration that was ready to appoint them.

Mr. BURTON. I presume so; but it would be adding a class of duties quite alien to those which they now perform, and I fear there would be necessity for engaging a great many new officials.

Now, let me call attention to another provision in this bill. I call attention to this to show the impracticability of it. After the provision in regard to able seamen it goes on:

Any person may make application to any board of local inspectors for a certificate of service as able seaman, and upon proof being made to said board by affidavit and examination, under rules approved by

the Secretary of Commerce, showing the nationality and age of the applicant and the vessel or vessels on which he has had service and that he is entitled to such certificates under the provisions of this section, the board of local inspectors shall issue to said applicant a certificate of service, which shall be retained by him and be accepted as prima facie evidence of his rating as an able seaman.

Each board of local inspectors shall keep a complete record of all certificates of service issued by them and to whom issued and shall keep on file the affidavits upon which said certificates are issued.

Every boat that comes from the four quarters of the globe must have this quota of able seamen before the boat can leave our ports. Every sailor on every boat must file his affidavit, must make a showing that he is entitled to this rating of able seaman, must obtain a certificate. And that is not all. Every time that boat departs, whether the sailor has been here once or ten times, it must be shown to the satisfaction of the authorities that the required quota of able seamen is present. The task is simply impossible.

Let me call attention to another provision in the bill right here. It seems as if it were drawn to make it impossible. Every seaman that departs from the United States must have a certificate of this kind from our officials, and must afford proof that he is entitled to the prescribed rating, otherwise the boat on which he sails is liable to be detained and refused a clearance.

The collector of customs may, upon his own motion, and shall, upon the sworn information of any reputable citizen of the United States setting forth that this section is not being complied with, cause a muster of the crew of any vessel to be made to determine the fact; and no clearance shall be given to any vessel failing to comply with the provisions of this section: *Provided*, That the collector of customs shall not be required to cause such muster of the crew to be made unless said sworn information has been filed with him for at least six hours before the vessel departs or is scheduled to depart.

That is, a passenger boat carrying 2,000 or 4,000 passengers may be preparing for departure, and six hours before the time it is scheduled to sail any reputable citizen of the United States may file an affidavit stating that he does not believe the law has been complied with; that there are not a sufficient number of able seamen on board, or that the language requirement has not been complied with. Then that boat must be held for a muster, in which case perhaps 600 or 700 persons on board that boat must be examined. Does anyone here believe that foreign ships will comply with such a requirement as that without not only resistance but even retaliation?

RECESS.

Mr. KERN. Mr. President, in order that there may be ample time for the Members of the Senate to consider as to the proper answer to be given to the question just asked, I move that the Senate take a recess until 10 o'clock to-morrow morning.

The motion was agreed to; and (at 10 o'clock and 50 minutes p. m., Friday, February 26, 1915) the Senate took a recess until to-morrow, Saturday, February 27, 1915, at 10 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate February 26 (legislative day of February 19), 1915.

COLLECTOR OF CUSTOMS.

Richard I. Lawson, of Detroit, Mich., to be collector of customs for customs collection district No. 38, in place of John B. Whelan, whose term of office will expire by limitation February 28, 1915.

DISTRICT ATTORNEY OF THE UNITED STATES COURT FOR CHINA.

Chauncey P. Holcomb, of New Castle, Del., to be district attorney of the United States Court for China, vice Frank E. Hinckley.

PROMOTION IN THE ARMY.

Col. John L. Clem, Quartermaster Corps, retired with the rank of brigadier general.

APPOINTMENTS IN THE ARMY.

MEDICAL CORPS.

Dr. Charles Ruby Castlen, of Washington, late first lieutenant in the Medical Corps, to be first lieutenant in the Medical Corps with rank from February 23, 1915, vice Capt. James M. Phalen, promoted April 16, 1913.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from February 24, 1915.

Arden Freer, of New York.
John Stuart Gaul, of Pennsylvania.
Charles George Hutter, of Illinois.
Harvard Clayton Moore, of Oregon.
William Frederick Rice, of the District of Columbia.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 26 (legislative day of February 19), 1915.

RECEIVER OF PUBLIC MONEYS.

Francis P. O'Connor to be receiver of public moneys at Wausau, Wis.

REGISTER OF THE LAND OFFICE.

Arthur J. Evans to be register of the land office at Fort Sumner, N. Mex.

POSTMASTERS.

ARIZONA.

Dan L. Robinson Clarkdale.

COLORADO.

George J. W. Longmore, Louisville.

ILLINOIS.

J. L. Adkison, Ipava.
Edward T. Crock, Hampshire.
John F. Bosworth, El Paso.
Ernest R. Duncan, Potomac.
Solomon H. Handy, Marshall.
Robert H. Lewman, Georgetown.
Hugh Rice, jr., Piper City.
Frederick E. Schweer, Beardstown.
Ann Sheehan, Ohio.
M. C. Slattery, Galena.
J. F. Stillwell, Edwardsville.
David Wilson, Gridley.

MICHIGAN.

Charles E. Hogadone, Grand Rapids.
James J. Jones, Clio.
Benjamin G. Oosterbaan, Muskegon.

MINNESOTA.

J. M. Collins, Pine City.
Charles R. Frazee, Pelican Rapids.
William Gausewitz, Hill City.
Frank L. Gorenflo, Cass Lake.
Jacob Scherer, Winthrop.
E. N. Smith, Blackduck.
E. J. Sutherland, Chatfield.
James H. Parker, Kasson.

NEW HAMPSHIRE.

Otis F. Sumner, Goffstown.

NEW JERSEY.

Louis J. Langham, Hammonton.

NEW YORK.

George F. Brunner, Harrison.
Augustus S. Hughes, Seneca Falls.
Thomas Smith, West Winfield.
Dennis F. Spellman, Newport.
Leverne Thomas, Prattsburg.

NORTH DAKOTA.

W. L. Armstrong, White Earth.
Harriet A. Deyoe, Marion.
Watler P. Osborne, Hunter.

OHIO.

Henry Becker, jr., New Washington.
James G. Bell, Frankfort.
Hardie E. Bursk, Mason.
John H. Geach, Granville.
Wilson S. Potts, Lisbon.
Frank J. Sullivan, South Charleston.
E. C. Wisman, Bryan.

OKLAHOMA.

Walter J. Stevens, Lexington.

OREGON.

Robert Blumenstein, Elgin.
E. L. Campbell, Eugene.
John G. Foster, Baker.
E. J. Kaiser, Ashland.
C. H. Stewart, Albany.

PENNSYLVANIA.

Origen K. Bingham, Slippery Rock.
John W. Bisbee, Hop Bottom.
Nathainel S. Byers, Perryopolis.
Orville W. Chase, Montrose.
Otis H. Davis, Wellsboro.

John M. Decker, Stroudsburg.
William Fairchild, sr., Dawson.
Allen S. Garman, Tyrone.
John P. Hines, Stoneboro.
James C. Jacobs, Burnham.
B. C. Lamberson, McConnellsburg.
Thomas P. McCormick, Forest City.
Daniel J. O'Brien, Everson.
John W. Runkle, Middleburg.
Ralph W. Simcox, Sandy Lake.
Thomas Wood, Muncy.
Andrew J. Young, Pen Argyl.

VIRGINIA.

Clarence W. Garrett, Bowling Green.
Emmet W. Skinner, Falls Church.

WISCONSIN.

Alexander Buchanan, Lakemills.
Charles B. Carstens, Grafton.
Thomas N. Curran, Campbellsport.
Ida Englesby, Eleva.
Peter Veling, Beaver Dam.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 26, 1915.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty God, our heavenly Father, look, we beseech Thee, with compassion upon our infirmities; when we are weak impart unto us strength, when we are perplexed impart unto us wisdom, when we falter impart unto us courage, that with true devotion to duty we may press toward the mark for the prize of the high calling of God, in Christ Jesus. For Thine is the kingdom, and the power, and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

QUESTION OF PERSONAL PRIVILEGE.

Mr. PADGETT. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. PADGETT. Mr. Speaker, in the Post-Intelligencer, Seattle, Thursday, February 18, 1915, there appeared an article purporting to be by Ashmun Brown. I send a copy of it to the Clerk's desk and ask that it be read.

The SPEAKER. The Clerk will read it.

The Clerk read as follows:

[From the Post-Intelligencer, Seattle, Thursday, February 18, 1915.]

(By Ashmun Brown.)

When the Navy bill was under discussion in the House, and the item providing for the construction of six torpedo-boat destroyers was reached, Representative HUMPHREY, as previously told in these dispatches, secured an amendment for building three of them on the Pacific coast.

For a member of the minority to secure the adoption of an amendment to an appropriation bill on the floor of the House, especially when that amendment has not been considered by the committee, is a most unusual thing. For him to do it without a word of protest from any member of the committee is still more unusual.

The CONGRESSIONAL RECORD shows that when Mr. HUMPHREY, without explanation, offered his amendment, Mr. PADGETT, chairman of the Naval Committee, said, "I have no objection to that," and instantly the amendment was agreed to.

Every student of legislative affairs knew that there was some mystery about it all. But Representative MANN, of Illinois, has cleared it up. He explains that Mr. PADGETT found out that Mr. HUMPHREY was prepared to use that amendment, if it were opposed, as a means of making an attack on Secretary Daniels in the debate. Mr. HUMPHREY had with him a sheaf of papers, including a letter from Secretary Daniels admitting that in letting contracts for torpedo-boat destroyers last December the Secretary awarded one boat to a Maine firm of shipbuilders at a price of $10,000 higher than a Seattle firm offered to do the work, and including also other papers indicating that politics had something to do with the award.

Now, the Democratic leaders in the House, Mr. PADGETT among them, have no stomach for further attacks on Democratic executive officers. So when Mr. HUMPHREY offered his amendment and laid out his papers Mr. PADGETT took one look at them, hastily accepted the amendment, gave Mr. HUMPHREY a meaning look, and Mr. HUMPHREY nodded his acceptance.

Mr. HUMPHREY got his amendment and kept still.

Molasses catches flies sometimes; at other times swatters get a lot.

Mr. PADGETT. Mr. Speaker, I wish to say that I reported from the Naval Committee a year ago the naval appropriation bill making provision for building a portion of the submarines on the Pacific coast. In the bill reported at the present session of Congress a like provision was carried. I had not received any notice from Mr. HUMPHREY of Washington or from anyone else of his intention to offer said amendment. I had no knowledge, information, notice, or expectation that any amendment was going to be offered for a portion of the torpedo destroyers to be built upon the Pacific until Mr. HUMPHREY made the motion upon the floor, and then, believing that it was a fair proposition, I stated upon the floor that I had no objection to it. I had no knowledge and did not know and it never occurred to me that Mr. HUMPHREY was contemplating making an attack upon the Secretary of the Navy or anyone else, nor that anyone else was going to make such an attack. With the single exception that I stated that I had no objection to the amendment, I want to say that all the rest of this article, with its innuendoes and its insinuations, is without any basis of fact and is utterly devoid of truth and is an absolute falsehood, a baseless fabrication by the writer. Now, Mr. Speaker, I shall not make further comment upon the matter, except I have a letter here from the Secretary of the Navy which I shall ask the Clerk to read.

The SPEAKER. The Clerk will report the letter.

The Clerk read as follows:

NAVY DEPARTMENT,
Washington, February 24, 1915.

Hon. LEMUEL P. PADGETT, M. C.,
Chairman Committee on Naval Affairs,
House of Representatives.

MY DEAR MR. PADGETT: My attention has been invited to an article from the Post-Intelligencer, of Seattle, Wash., of Thursday, February 18, 1915, by Ashmun Brown—copy appended—relative to the award of contracts for destroyers *Nos. 63* to *68*. The fact is that I awarded two boats to a Maine firm of shipbuilders, namely, the Bath Iron Works, at a price $10,000 lower, not higher, than the final price of the Seattle Construction & Dry Dock Co.

When these bids were opened I regarded them all as too high. The Seattle company was among the highest. I invited the bidders to reduce their figures. The Seattle company reduced its figure from $873,000 to $810,000. The Bath Iron Works reduced its figure from $850,500 each for two boats to $800,000 each, and the contract was awarded to the Bath Co. upon this basis.

The Cramp Co., to which one boat was awarded, reduced its figure from $845,000 to $812,309 What I really did, then, was to award a boat to a Pennsylvania firm of shipbuilders, which had originally bid lower than the Seattle company, for $2,309 more than the revised figure of the Seattle company. In view of the inexperience of the Seattle company in this class of construction I could not have done otherwise, having in view the interests of the Government.

I may remark that by insisting upon the reduction of the prices originally bid I saved the Government something like $133,000 on this transaction alone.

Sincerely, yours, JOSEPHUS DANIELS.

Mr. HUMPHREY of Washington. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Washington rise?

Mr. HUMPHREY of Washington. Mr. Speaker, inasmuch as my name was mentioned in reference to the article I ask unanimous consent that I may proceed for five minutes.

The SPEAKER. The gentleman from Washington asks leave to address the House for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HUMPHREY of Washington. Mr. Speaker, so far as the statements of the gentleman from Tennessee are concerned I do not intend to refer to those in any way. I am perfectly willing to take his statements as correct. He has always been fair to the Pacific coast; never so far as known have we had any right to complain of his action. But the statement made by the Secretary of the Navy in the letter read at the desk should not go unchallenged. Now, I happen to know something personally about the facts in regard to that transaction referred to, and when the Secretary of the Navy attempts to create an impression upon this House, the letter now having been brought before it by the distinguished gentleman, the chairman of the Committee on Naval Affairs, that he acted in the interest of the public in rejecting the bid offered by the Seattle Construction Co., I take issue with him upon the statement of facts. Now here is what transpired: The department called for bids for the construction of certain torpedo-boat destroyers. The Seattle Construction Co. bid. After that bid was submitted they sent a man all the way from Seattle down here to talk with the Secretary in regard to the construction of one or more of those vessels, at a cost probably of $1,000 to that company. All bids were held up.

The Secretary of the Navy was jockeying back and forth with different parties to see whether or not he could get a reduction in the bids, a practice that is at least open to question. After I came here last fall I went to see the Secretary myself in company with Senator JONES, and we were given to understand that he would like for the Seattle Construction Co. to submit an additional bid. I went to the attorney of the Seattle Construction Co. here in the city, and he wired for the authority and received it to reduce the bid, and I took it myself and placed it in the hands of the Secretary of the Navy. I have here a letter that the Secretary wrote to Senator JONES, a copy of which I shall put in the RECORD, which shows at the time that bid was submitted and the contract let, according to his own

statement, William Cramp & Sons Ship & Engine Building Co. bid for construction of one boat at $820,000; that the Seattle Construction & Dry Dock Co. offered to construct one for $810,000; so that at that time—the time of letting the contract—the Seattle Construction Co. was $10,000 below the Cramp Co. Afterwards the Cramp Co. modified their bid, as I was informed by the Secretary, until it was only some $2,500 above the Seattle Construction Co.; but even in that event the Seattle Construction Co. was still the lowest bidder. But this last reduction took place after the company had secured the contract and the Seattle Co. had no opportunity to meet it. While the Secretary was giving them an opportunity to again reduce their bid, why did he not give the Seattle Co. an opportunity to meet it? If it was his desire to save money, why did he not keep up his policy of jockeying with the different companies?

We need these vessels upon the Pacific coast, and we have always been given to understand when our bids were no higher, in order to get vessels on that coast and to save the cost of freight in taking material out there, we might expect to get that contract. But now we on the Pacific are denied this when we are $10,000 lower, and even $2,500 lower after the modification, which we had no opportunity to meet. Now he attempts to escape from the responsibility in awarding the bid to the higher bidder by making the statement "that it was in the interest of the public," and that is what I resent. It was not in the interest of the public for him to make a reduction and give that bid to the party who bid higher than the Seattle Construction Co. His excuse was that he did not know whether or not the Seattle Construction Co. was competent to build that boat and get it in time.

The Seattle Construction Co. is one of the strongest shipbuilding firms in the United States. It stands ready to give a bond in any amount to carry out those contracts. If the Seattle Construction Co. was not competent to carry out its contracts, why did the Secretary let one of the men come across the continent and take up the question and dicker with him here for several days? Why, then, did he take up the question again with me and permit me to go there and file this additional bid? Just when did his so-called experts doubt the ability of the Seattle Construction Co. to carry out their contract? What happened after the last bid—and the lowest of all—was submitted? It was time for him——

The SPEAKER. The time of the gentleman has expired.

Mr. HUMPHREY of Washington. I ask unanimous consent for five minutes more.

GENERAL DEFICIENCY BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of bill H. R. 21546, the general deficiency bill. The gentleman from Washington can get the time in general debate. I can not permit the public business to be interrupted.

Mr. HUMPHREY of Washington. The gentleman had best give me five minutes more now.

Mr. FITZGERALD. I will not yield a minute under a threat.

Mr. HUMPHREY of Washington. All right. I make the point that there is no quorum present, and I will make it every time until I get those five minutes if you do not have a quorum here.

Mr. FITZGERALD. The gentleman will not get five minutes at any time while I am here, if I can help it.

The SPEAKER. The Chair will count in order to see if there is a quorum present. [After counting.] One hundred and four gentlemen are present, not a quorum.

Mr. FITZGERALD. I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

[Roll No. 91.]

Ainey	Coady	Finley	Haugen
Anderson	Conry	Gallivan	Hawley
Anthony	Cooper	Gard	Helgesen
Barchfeld	Curry	George	Helm
Barnhart	Dale	Gerry	Helvering
Bartholdt	Davis	Gilmore	Henry
Bowdle	Dixon	Goldfogle	Hensley
Bruckner	Donovan	Good	Hill
Bryan	Dooling	Goodwin, Ark.	Hobson
Burke, Pa.	Doolittle	Gorman	Howard
Cantor	Driscoll	Green, Iowa	Hoxworth
Cantrill	Dunn	Greene, Vt.	Hulings
Carew	Eagan	Gudger	Kindel
Carlin	Edmonds	Hamill	Kreider
Cary	Elder	Hamilton, N. Y.	L'Engle
Clark, Fla.	Faison	Hart	Lever
Lewis, Pa.	Moss, W. Va.	Pou	Talbott, Md.
Lindbergh	Mott	Price	Taylor, Ala.
Lindquist	Mulkey	Prouty	Taylor, N. Y.
Loft	Murdock	Reed	Townsend
Logue	Norton	Reilly, Wis.	Tuttle
McClellan	O'Brien	Riordan	Vollmer
McGuire, Okla.	Oglesby	Roberts, Nev.	White
McKellar	O'Hair	Rothermel	Williams
McLaughlin	O'Shaunessy	Rupley	Wilson, Fla.
Mahan	Paige, Mass.	Sabath	Wilson, N. Y.
Maher	Palmer	Sells	Woodruff
Metz	Park	Shreve	
Montague	Peterson	Smith, Saml. W.	
Morin	Phelan	Stanley	

The SPEAKER. On this call 306 Members, a quorum, answered to their names.

Mr. FITZGERALD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 20415. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1916.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 6631. An act to regulate the practice of pharmacy and the sale of poison in the consular districts of the United States in China; and

S. 5734. An act to extend the provisions of an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, to the State of Kansas.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 20688. An act to place Barrow County, Ga., in the eastern division of the northern district of Georgia.

The message also announced that the Senate had passed with amendments the bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 20814. An act to place Candler, Jenkins, and Evans Counties, Ga., in the eastern division of the southern district of Georgia.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 19906) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1916, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. BANKHEAD, Mr. SWANSON, and Mr. PENROSE as the conferees on the part of the Senate.

LEAVE OF ABSENCE.

Mr. MCKELLAR, on request of Mr. SLEMP, by unanimous consent, was granted leave of absence for three days, beginning February 25 and inclusive therefrom, on account of sickness.

Mr. CLARK of Florida, by unanimous consent, was granted leave of absence, on account of sickness.

GENERAL DEFICIENCY BILL.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] moves that the House resolve itself into the Committee of the Whole House on the state of the Union——

Mr. EDWARDS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. EDWARDS. To submit a request for unanimous consent.

The SPEAKER. Does the gentleman from New York [Mr. FITZGERALD] withhold his motion or not?

Mr. FITZGERALD. I can not withhold the motion.

The SPEAKER. The question is on the House resolving itself into the Committee of the Whole House on the state of the Union for the consideration of the deficiency bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 21546, the general deficiency bill, with Mr. FERRIS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the general deficiency bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 21546) making appropriations to supply deficiencies for the fiscal year 1915 and for prior years, and for other purposes.

Mr. FITZGERALD. Mr. Chairman, I yield 20 minutes to the gentleman from Ohio [Mr. FRANCIS].

THE REVISION OF THE LAWS.

Mr. FRANCIS. Mr. Chairman, in asking the indulgence and attention of the membership of this House my purpose is not only to avail myself of the privilege which is afforded me to discuss a question of such vast importance, but it is to perform a duty which I owe to the House and to the committee which this subject concerns. My topic is the codification and revision of the Federal Statutes; its importance, its progress, and its value.

During my legislative career in this House it has been my pleasure and good fortune to have been associated officially and socially with one of the ablest personnels constituting a committee of this body. I have reference to the Committee on Revision of the Laws, which has as its chairman as hard working, as sincere, as conscientious, and as liberal a man as any whose name appears on the membership roll of this House, Judge WATKINS, of Louisiana, who, beginning in the Sixty-fourth Congress, becomes the dean of the Louisiana delegation in the House of Representatives.

Section 35 of Rule XI of this House, Mr. Chairman, charges the Committee on Revision of the Laws with the codification and revision of the statutes of the United States. The committee was created on July 25, 1868, and has been a standing committee of the House since that time. On June 4, 1897, Congress authorized the appointment by the President of three commissioners at an annual salary of $5,000 each, whose duties were specified to revise and codify the criminal and penal laws of the United States, under the direction of the Attorney General. These commissioners were supplied with adequate assistance and had appropriated for them by Congress money with which to defray the expenses which they incurred in the discharge of their official duties. These commissioners constituted what was known as the Commission to Codify and Revise the Criminal and Penal Laws of the United States. By the act of March 3, 1899, Congress further extended the duties of the commission by requiring a revision and codification of the laws concerning the jurisdiction and practice of the courts of the United States, including the judiciary act, the acts in amendment thereof and supplementary thereto, and all acts providing for the removal, appeal, and transfer of causes. On March 3, 1901, Congress again extended the duties of the commission by directing it to revise and codify all the laws of the United States of a permanent and general nature in force at the time the same shall be reported. The same act made it the duty of the commission to bring together all statutes and parts of statutes relating to the same subjects and directed the commission to omit all redundant and obsolete enactments. The commission was required to make such alterations as may be necessary to reconcile the contradictions, supply the omissions, and amend the imperfections of the original text. The commission was given authority to propose and embody in the revision changes in the substance of the existing law, but it was required to set forth clearly all such changes in an accompanying report. Congress required the commission to arrange the revision under titles, chapters, and sections, or other suitable divisions and subdivision, with headnotes briefly expressive of the matter contained in such division, and with marginal notes so drawn as to point to the contents of the text, and with references to the original text from which each section of the revision was compiled, and to the decisions of the Supreme Court of the United States explaining or construing the same. These duties just enumerated constitute the duties of the Committee on Revision of the Laws of this House, the accurate and efficient performance of which our committee has industriously striven to accomplish. Our entire work, before going into a detailed analysis of it, is based on the final report of the commission made to the Congress on December 15, 1906.

After the work of the commission was well under way, on the 12th day of December, 1902, a report by the commission was made to the Attorney General detailing the progress of its labors, in which I find a statement which, in my opinion, should have long since been called to the attention of every Member of this House during the struggle of the Committee on Revision of the Laws to obtain the cooperation of the individual Members of this body. The statement is as follows:

> It is due that there should be an understanding of the magnitude of the task assigned to us, but as to this it is difficult to convey an adequate conception.

That statement was made by the eminent men composing the commission, and was briefly, but solemnly, expressive of the tremendous undertaking which they had assumed as presidential appointees for the execution of the work of codifying and revising the laws.

I have often wondered in amazement how the individual Members of this the greatest legislative body in the world could undertake to belittle the work of the Committee on Revision of the Laws and antagonize and stultify it on the floor of this House; but, nevertheless, this has been the case in many instances, and especially is this true since Congress deprived the committee of the services of its coterie of assistants, who acted as attachés to the Joint Committee on Revision of the Laws from March, 1907, to the beginning of the Sixty-second Congress in 1911.

At the very time I entered service as a Member of this body the Committee on Revision of the Laws, just being made to stand alone and perform in the same accurate and expeditious manner the work imposed upon it by the rules of this House, was placed under the supervision of the distinguished gentleman and jurist from Louisiana, Judge J. T. WATKINS. I recall the organization meeting of that committee. The nature of the work was reviewed and the explanation made by the chairman that the performance of the work would fall upon the shoulders of the chairman and members of the committee, with the clerical aid of the clerk of the committee, and warning us of the task we had before us to perform. Fortunately, Judge WATKINS had with him a young man with several years' training and experience in legislative and legal work. This young man was his son; and it was decided by the committee to select him as the clerk, to do the best he could, unassisted, in continuing the work of the committee. Being a student of the legal profession, he seized upon the work and earnestly and diligently began to equip himself for service to the committee which had selected him. Having no one to aid him, he, by his untiring efforts and perseverance, finally mastered the intricate work with which the committee is charged. The committee would meet and review and criticize his work, and, finally, when he had in code form the unfinished part of the judiciary title of the Revised Statutes and subsequent laws, we presented to this body what was called "The Judicial Code, Part II," and after consideration of it on ten consecutive Calendar Wednesdays the bill was passed by this House without a dissenting vote. This was on June 17, 1914, and the bill went to the Senate and was referred to the Joint Committee on Revision of the Laws of that body. After several days had elapsed the distinguished Senator from Utah [Mr. SUTHERLAND] arose in the Senate and explained that there did not then exist a Joint Committee on Revision of the Laws, and moved that in view of that fact the Judicial Code, Part II, be referred to the Committee on the Judiciary of the Senate, in order that consideration of it might be had. This was done, and a subcommittee from the Judiciary Committee of the Senate was appointed to consider it. This was at a time when the Clayton antitrust bill was being considered by the Committee on the Judiciary of the Senate, and it was impossible to begin consideration of the Judicial Code, Part II, at that time.

The Committee on the Judiciary of the Senate is one of the hardest worked committees of Congress, and every effort has been made by the committee to consider and report out this important proposed legislation, but so far without success. I am glad to be able to state to this House that it now appears the time has come when it seems that we are about to have the right kind of cooperation on the part of the Senate in this work, for there is now pending in the Committee on Rules of that body a proposed amendment to the rules of the Senate providing for the creation of a standing committee on revision of the laws, which gives the committee power to act jointly with the Committee on Revision of the Laws of the House. This proposed amendment to the rules is embodied in Senate resolution 534, submitted by the distinguished Senator from Arkansas, Mr. ROBINSON, and I congratulate the Senator on having taken this important step.

Let us briefly review the contents of the Judicial Code, part 2, the immediate passage of which the American Bar Association, through the good offices of the Hon. Thomas W. Shelton, of Norfolk, Va., chairman of the committee on uniform judicial procedure, is earnestly advocating: The appointment of the United States attorneys, marshals, clerks, commissioners, and stenographers, their duties and salaries; the compensation of jurors and witnesses; the laws on evidence; civil procedure; criminal procedure; procedure on error and appeal; judgments, costs, and executions; limitations, habeas corpus, and extradition; all of which is based on that part of the judiciary title of the Revised Statutes which was not embraced in the Judicial Code of March 3, 1911. I desire to refer briefly to some of the important changes proposed in the Judicial Code, part 2, which were adopted by the House during the consideration of that measure: The clerks of the United States district courts are taken from the fee system, as the present mode of their pay-

ment, and placed on a graduated scale of salaries; a provision is in the bill prohibiting judges of the Federal courts from expressing opinion on the facts or making any comment on the weight of evidence in jury trials, and also a provision which prohibits judges from taking from the jury the determination of the issues of fact arising under the evidence. The bill contains a provision correcting the evil of allowing clerks of the courts in certain States to charge double the fees and retain double the maximum compensation; but since the bill has been in the Senate another act of Congress has been passed putting an end to this discrimination. The Judicial Code, part 2, also contains an amendment vesting authority in the circuit court of appeals to issue writs of habeas corpus. It contains other important changes too numerous to be enumerated.

Besides the active support which the American Bar Association has given the Committee on Revision of the Laws, through Mr. Shelton, our committee has had the warm support of the clerks of the United States district courts, through Hon. Edwin M. Keatley, clerk of the United States district court for the southern district of West Virginia, who was designated by the clerks to represent them before the committees of Congress. In support of this work Hon. Thomas W. Shelton, chairman of the committee on uniform judicial procedure of the American Bar Association, has written me:

It is most desirable that the bill known as H. R. 15578, the result of extensive and intelligent labor, be considered during the coming vacation preparatory to its passage during the next session of Congress. It is gratifying to observe the progress reported in the proposed creation of a joint Senate and House committee on revision of the laws.

The following is what Hon. Edwin M. Keatley has to say of our work:

Referring to the work on revision of the laws, which has been going on for some time, and H. R. 15578, which passed the House of Representatives at the last session and is now pending before a subcommittee of the Judiciary Committee of the Senate, I am taking the liberty of addressing you in reference to this subject. The writer has had occasion to examine the work done by your reviser, and too much can not be said in praise of the work that has been done. The writer feels competent to speak on this subject for the reason that he is close in touch with the work of the Federal courts, and has occasion from day to day to use the Federal Statutes, and it is almost impossible for one not familiar with the same to find our civil laws. The work of revision should by all means be carried forward, and I trust that you will not consider it a presumption upon my part in urging upon you the importance of this great work, and I trust it will be your pleasure to assist in any way you can the continuance of the same.

During the consideration of the Judicial Code, part 2, in this House, I recall numerous suggestions offered by the minority leader [Mr. MANN] which the chairman and members of the Committee on Revision of the Laws gladly accepted. I recall the impartial conduct of our chairman of the committee, Judge WATKINS, throughout the entire time of the consideration of the bill. I noted at the time with genuine pleasure the very high regard which our chairman entertained for the opinion and suggestions of the gentleman from Illinois [Mr. MANN]. I remember well, too, the praise which the minority leader of this House saw fit to extend to the chairman of the Committee on Revision of the Laws for his able management of the bill during its consideration and his impartiality on each day's proceeding. I remember also the commendatory remarks of the gentleman from Illinois [Mr. MANN] on the work which was done in preparing the bill for presentation to this House. After recalling the very pleasant termination of the proceedings had on that bill, it is very unpleasant to have to recall the fact that the minority leader on this floor has endeavored to oppose the progress of our work and express himself in opposition to the creation of the position of the reviser of the statutes for our committee, the only additional competent assistance we have. To my utter surprise, he did this on July 3, 1914, when a resolution was reported from the Committee on Accounts authorizing the Committee on Revision of the Laws to employ this person. The gentleman from Illinois [Mr. MANN] based his opposition on the fact that the salary to be paid this person was in excess of any salary paid to a clerk of a committee, with one exception. He was generous enough, however, to state that he recognized the efficiency of the young man who had prepared this revision of the judiciary title. He undertook to make a comparison of the duties of the contemplated reviser with those of the clerk of the Committee on the Judiciary, which was very unfair. Before enumerating the duties of this reviser, for the purpose of seeing how they compare with the duties of the clerk of any committee of this House—including, of course, the duties of the clerk of the Committee on the Judiciary, the clerk of the Appropriations Committee, the clerk of the Interstate and Foreign Commerce Committee, or any other clerk—I desire to make an observation which touches the Committee on Appropriations of this House: I notice in the sundry civil appropriation bill for the fiscal year ending June 30, 1916, as in other sundry civil acts of recent years, an item paying to whatever persons who shall be designated by the chairmen of the Committees on Appropriations of the House and Senate the sum of $4,000 for preparing statements showing what appropriations were made, new offices created; offices the salaries of which have been omitted, increased, or reduced; indefinite appropriations; and contracts authorized, together with a chronological history of the regular appropriation bills. I am far from wanting to offer any criticism of the necessity for this appropriation of $4,000 to be paid those persons; but I do feel that my high appreciation of the services which the reviser for our committee is required to render makes it incumbent upon me to direct attention to items of this kind, especially in view of the fact that the clerk of the Committee on Appropriations now receives $5,000 per annum, and at the same time has one assistant clerk and stenographer at $2,500 per annum, one assistant clerk at $1,900, and one assistant clerk at $1,800, and a messenger to that committee, whose salary is $1,000 per annum.

The last assistant clerk I have just mentioned for this committee was provided for in the deficiency appropriation act of March 4, 1913—quite recent, Mr. Chairman. The item was taking care, and permanent care, of a resolution adopted by this House providing for an assistant clerk to the Committee on Appropriations. The item in the deficiency bill carried the salary of this employee from January 21, 1913, to the end of the fiscal year 1914, and I find that this employee has gone on the statutory rolls and is being annually provided for by Congress. This is right if the committee needs the services of this person, which it no doubt does. But the Committee on Revision of the Laws of this House is deserving of the same consideration, respect, and attention at the hands of our Appropriations Committee.

I desire now to make a few comparisons concerning the duties of the reviser of the statutes for our committee with those of the clerks of the Judiciary and Appropriations Committees of the House. The reviser of the statutes for our committee is first required to procure in volume form all the laws enacted by Congress on whatever title is assigned to him for codification and revision. He then extracts from these volumes a copy of these laws by typewriting them, and if too voluminous to take a typewritten copy, is forced to purchase paper bound volumes from the Superintendent of Documents at the Government Printing Office, as our committee is no longer supplied with these volumes for this purpose. He then proceeds to codify them in the order of the dates of their approval, and when he has completed his compilation of these enactments he proceeds to revise them by blending them together and omitting all repealed, redundant, and obsolete laws, noting these changes to be incorporated in his report and the report of the committee to this House. He then procures the decisions of the United States Supreme Court, which, parenthetically speaking, we are forced to borrow from the Library of the House, being no longer supplied with them, although required under the rules of this House to cite the decisions of the Supreme Court beside the sections of law which they construe. The reviser is required to study each decision before he is able to intelligently and properly place it. He then proceeds to write his report not only on every act with which he deals in the revision, but on every section of the act, showing when and where changed, either by statute or by himself, the reason therefor, and the effect it will have. After this report is completed he proceeds to the preparation of a reference index to the acts of Congress concerning the particular title with which he is dealing and designates the section of the proposed code in which appears the particular section or sections of the act or acts therein codified and revised. When this is completed, he prepares a table to accompany his report, specifying the omissions of acts and parts of acts and reasons therefor. Last, but not least by any means, he enters upon his duties of preparing a complete double index to accompany the code in the House of Representatives, which means a saving of approximately a thousand dollars, and often more, to the Government, which has been the usual approximated amount paid by Congress to persons making these indices. This was the case in the Criminal Code of 1909 and the Judicial Code of 1911. Although the commission, the final report of which our work is based on, was required by the act of March 3, 1901, to "provide by an index for an easy reference to every portion of such revision," the commission only submitted a reference index to all the statutes with which it dealt and did not supply an index to the subject matter. The reviser of the statutes, although burdened with duties, has advised our committee that he considers it his duty to prepare these indices and that in his opinion the act of March 3, 1901, contemplated such an index, and not merely a reference index to the statutes.

Aside from the arduous duties which the reviser has to perform under the direction and supervision of the Committee on Revision of the Laws, he is required by the committee to lend these same services to whatever committee of the Senate these codification bills may be referred, and in this connection, I invite attention to his report to the Judiciary Committee of the Senate on the Judcial Code, part two, made on July 29, 1914, showing not only the status of these sections up to the time consideration was begun by the House, but pointing out specifically every change made by the House, and what the change meant.

Mr. Chairman, the Committee on Revision of the Laws of this House is now in the midst of the preparation and consideration of a code of laws governing common carriers of interstate and foreign commerce and combinations in restraint of trade. The demand for copies of the tentative print of this code bespeaks for it a vast amount of popularity. Our committee is receiving calls for it from every direction, but of course has no authority to make a gratuitous distribution of it. But I feel that from the number of requests from Members of this House, which we have endeavored to comply with, you must be familiar with the work we are doing and the status of our work. However, I want to take the attention of the House long enough to refer briefly to what the proposed common carriers and antitrust code contains: In the code we have dealt with regulations of transportation, Interstate Commerce Commission, safety appliances on railroad cars, locomotive safety appliances, boiler inspectors, care of animals in transit, liability for injuries to employees, arbitration between carriers and employees, hours of service of employees, Public Utilities Commission of the District of Columbia, combinations in restraint of trade, and the Federal Trade Commission. This proposed code bids fair to become one of the most useful, if not the most useful, compilation of laws on any subject which we find on our statute books. No one but the members of the Committee on Revision of the Laws and the employees associated with this work is expected to be able to appreciate the magnitude of the work. I only wish it were so that every Member of this body could find the time to inspect personally the work which is being done in the committee room of the Committee on Revision of the Laws, for I feel sure that it would be the means of having the earnest support of each of you. Congress now is being charged with total inability to keep its laws even in codified form, much less in revised form. I for one resent any such accusation when it is directed at the Committee on Revision of the Laws, but I can not as conscientiously play the part of a staunch defender when this accusation is leveled at the House of Representatives, for it is, indeed, a subject which has almost constantly been called to the attention of this body during the past several months.

Mr. Chairman, I suppose that the laws regulating common carriers of interstate and foreign commerce are the most tedious, most difficult, and most complicated statutes with which we have to deal. When the reviser for this committee completed his tentative work on this proposed code, it was submitted by the Committee on Revision of the Laws to the Interstate Commerce Commission for the most careful scrutiny by the members of the commission, and on December 19, 1914, the Hon. Joseph W. Folk, chief counsel for the Interstate Commerce Commission, in his report made the following statement:

> I have examined the proposed code of laws governing common carriers of interstate and foreign commerce. The compilation shows careful research and deep study, and an intricate and difficult subject is handled remarkably well.

On December 18, 1914, Hon. P. J. Farrell, solicitor, division of valuation, Interstate Commerce Commission, in making his report on the proposed common carriers' code to the commission uses the following language:

> I find that the work of the Committee on Revision has been carefully and thoroughly done.

I quote from the reports of these gentlemen for the purpose of showing the Members of this House the high class of work which the reviser of the statutes is doing, and especially for the purpose of refuting the statement made on July 3, 1914, by the minority leader [Mr. MANN] that the clerks of the Committee on the Judiciary, of the Committee on Interstate and Foreign Commerce, and of the Committee on the Public Lands had more difficult work to perform than the then contemplated reviser of the statutes. If it is a fact that the clerks of the committees I have just referred to have the same intricate and difficult work imposed upon them as the reviser of the statutes, this House should feel ashamed of itself for not adequately compensating these men for the work they have to perform.

Mr. Chairman, the Committee on Revision of the Laws of the House points with a great deal of pride to the work which has been done, and which is now being done, by Mr. W. K. Watkins, the reviser of the statutes. Mr. Watkins is a typical gentleman in every respect. I am glad of the opportunity to pay tribute to his sterling qualities; he is a sober, moral, intelligent, highly efficient, and ambitious gentleman, and possesses most agreeable manners. For month in and month out, even prior to his appointment as reviser, he has been found at his work on an average of from 14 to 16 hours a day. Some Members of this House have had the temerity to refer to the fact that he is the son of the chairman of the committee. That is true, and I join with others in congratulating our genial chairman and associate, Judge WATKINS, that he has such a son. I remember well the day in last July, after the resolution creating the position of reviser had been passed by this House, the Committee on Revision of the Laws met to make its selection of the appointee. The chairman of the committee stated to us that a resolution of the House had been passed authorizing the employment of a competent person to assist the committee in codifying and revising the statutes, and said that he himself had no recommendation nor nomination to make for the place, but would leave the matter entirely to the pleasure of the membership of the committee. I at once arose in my place at the meeting and discussed the qualifications of the present reviser and nominated him for the position under the resolution. I was followed by other members of the committee, Republicans and Democrats alike. He was unanimously chosen to fill the place. I remember also that our distinguished colleague on the committee, the gentleman from Pennsylvania [Mr. LOGUE] moved that the committee offer expressions of appreciation and thanks to Mr. Watkins, the outgoing clerk of the committee, for his successful efforts on the general work of codification and revision. I merely rehearse what transpired at this meeting for the purpose of showing the membership of this House in what high regard the son of our chairman is held and to lay stress on the fact that the gentleman from Louisiana [Mr. WATKINS] took no part in the designation of his son for the position of reviser. I have wanted for a long time to speak these words of praise of my young friend from Louisiana, but opportunity was not afforded me, and I feel sure that the members of the Committee on Revision of the Laws join with me in what I have had to say of him.

Mr. Chairman, my services in this body are soon to terminate. I regret that I must part company with the associates and friends I have in this House, and I am equally sorry that I must sever connection, socially and officially, with a committee of this House the duties of which are just getting well under way, and the faithful discharge of which is causing the committee to ripen into the prominence to which its work entitles it. I dare say that no committee of this House has attached to it harder work and greater responsibility than the Committee on Revision of the Laws, and it is earnestly hoped that instead of meeting with opposition on the part of a few Members of this body they will all join in aiding the committee in its tremendous undertaking of bringing up and keeping up the laws which we enact, especially in view of the fact that it is now incumbent upon us to save some several hundred thousands of dollars which the maintenance of the commission from June 4, 1897, to December 15, 1906, and the Joint Committee on Revision of the Laws from March 2, 1907, to the beginning of the Sixty-second Congress, in 1911, a period of about 13 years, aggregating an annual outlay of about $21,000, has cost the Government of the United States. This is what is now being accomplished on $4,000 per annum, as the salary of the assistant which we now have.

Mr. Chairman, in conclusion I want to say that while the Committee on Revision of the Laws has selected certain important titles to deal with first, we still have numerous titles just as important with which to deal, such as the laws governing the departments of our Government—the Army; the Navy; immigration; naturalization; collection of duties upon imports; internal revenue; coinage, weights, and measures; appropriations; public printing, advertisements, and public documents; the Postal Service; foreign relations; commerce and navigation; regulation of vessels in foreign commerce; regulation of vessels in domestic commerce; rivers and harbors; neutrality; the slave trade; bankruptcy; the coast survey; the public debt; regulation of steam vessels; pensions; prize; national banks; the Congress; the President; and others, all which constitute the Revised Statutes which have not been brought up to date in an authentic manner since 1878. I want to again express the hope that every Member of this House will aid us to accomplish our work well. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. FRANCIS. I ask unanimous consent, Mr. Chairman, to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. BARTLETT. Mr. Chairman, I yield to the gentleman from Virginia [Mr. SAUNDERS] half a minute.

The CHAIRMAN. The gentleman from Virginia [Mr. SAUNDERS] is recognized for half a minute.

Mr. SAUNDERS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the subject of rural credits.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. GILLETT. Mr. Chairman, I yield to the gentleman from New York [Mr. CALDER] such time as he may desire.

Mr. CALDER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing a short address by former Secretary of War Stimson on our national defenses.

The CHAIRMAN. The gentleman from New York [Mr. CALDER] asks unanimous consent to extend his remarks in the RECORD by printing an address by former Secretary of War Stimson. Is there objection?

There was no objection.

Mr. LINTHICUM. Mr. Chairman, I ask unanimous consent to extend my remarks on the Agricultural bill on the subject of farm-extension work.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to extend his remarks on the Agricultural bill. Is there objection?

There was no objection.

Mr. KINKAID. Mr. Chairman, I ask unanimous consent to extend my remarks on the subject of rural credits.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to extend his remarks on the subject of rural credits. Is there objection?

There was no objection.

Mr. CONNOLLY of Iowa. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from Iowa [Mr. CONNOLLY] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. CARLIN. Mr. Chairman, I ask unanimous consent to extend my remarks by inserting an address by the Hon. Joseph E. Davies.

The CHAIRMAN. The gentleman from Virginia [Mr. CARLIN] asks unanimous consent to extend his remarks in the RECORD by inserting an address by Hon. Joseph E. Davies. Is there objection?

There was no objection.

Mr. BARTLETT. Mr. Chairman, I yield three minutes to the gentleman from Connecticut [Mr. REILLY].

The CHAIRMAN. The gentleman from Connecticut [Mr. REILLY] is recognized for three minutes.

Mr. REILLY of Connecticut. Mr. Chairman, in these days of world-wide turmoil, in these days when great nations are in what may be a death grapple, in these days when the United States stands almost alone as the one conspicuous example of peace, in these days when on various subjects recently discussed there is frequent reference in the press and in the Congress to the constitutional rights of States and of individuals, in these days when every agency that makes for the best citizenship should be employed, it appears to me that no more effective means can be used to make the people of this country, native and foreign born, understand why this great Republic of the western world stands supreme than to place in their hands in convenient form the Declaration of Independence and the Constitution of the United States.

Many people appear to have an idea that the Constitution is some mysterious sacred thing kept locked up in a big safe and guarded night and day, and that it is a rare favor to be allowed to get a peep at it. This is partly true, but not in that sense. It is sacred but should not be mysterious. It is kept in a big safe, but the strong box is the loyal heart of the people. It is guarded night and day by a jealous army of nearly 100,000,000 patriotic men and women, gathered here from all corners of the earth.

Let us place in the hands of these people the Constitution and the Declaration in concise form, that they may read and respect them. With that end in view, so far as it applies to the district I have the honor to represent, I ask unanimous consent to extend my remarks by printing in the RECORD the Declaration of Independence and the Constitution of the United States, "lest we forget." [Applause.]

THE DECLARATION OF INDEPENDENCE—1776.*

(* The delegates of the United Colonies of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, New Castle, Kent, and Sussex, in Delaware, Maryland, Virginia, North Carolina, and South Carolina, in Congress assembled at Philadelphia, *Resolved*, on the 10th of May, 1776, to recommend to the respective assemblies and conventions of the United Colonies, where no government sufficient to the exigencies of their affairs had been established, to adopt such a government as should, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular, and of America in general. A preamble to this resolution, agreed to on the 15th of May, stated the intention to be totally to suppress the exercise of every kind of authority under the British Crown. On the 7th of June, certain resolutions respecting independency were moved and seconded. On the 10th of June it was resolved that a committee should be appointed to prepare a declaration to the following effect: "That the United Colonies are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British Crown; and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved." On the preceding day it was determined that the committee for preparing the declaration should consist of five, and they were chosen accordingly, in the following order: Mr. Jefferson, Mr. J. Adams, Mr. Franklin, Mr. Sherman, Mr. R. R. Livingston. On the 11th of June a resolution was passed to appoint a committee to prepare and digest the form of a confederation to be entered into between the colonies, and another committee to prepare a plan of treaties to be proposed to foreign powers. On the 12th of June, it was resolved that a committee of Congress should be appointed by the name of a board of war and ordnance, to consist of five members. On the 25th of June, a declaration of the deputies of Pennsylvania, met in provincial conference, expressing their willingness to concur in a vote declaring the United Colonies free and independent States, was laid before Congress and read. On the 28th of June, the committee appointed to prepare a declaration of independence brought in a draught, which was read and ordered to lie on the table. On the 1st of July, a resolution of the convention of Maryland, passed the 28th of June, authorizing the deputies of that colony to concur in declaring the United Colonies free and independent States, was laid before Congress and read. On the same day Congress resolved itself into a Committee of the Whole, to take into consideration the resolution respecting independency. On the 2d of July, a resolution declaring the Colonies free and independent States was adopted. A declaration to that effect was, on the same and the following days, taken into further consideration. Finally, on the 4th of July, the Declaration of Independence was agreed to, engrossed on paper, signed by John Hancock as President, and directed to be sent to the several assemblies, conventions, and committees, or councils of safety, and to the several commanding officers of the Continental troops, and to be proclaimed in each of the United States, and at the head of the Army. It was also ordered to be entered upon the Journals of Congress, and on the 2d of August, a copy engrossed on parchment was signed by all but one of the 56 signers whose names are appended to it. That one was Matthew Thornton, of New Hampshire, who on taking his seat in November asked and obtained the privilege of signing it. Several who signed it on the 2d of August were absent when it was adopted on the 4th of July, but, approving of it, they thus signified their approbation.

NOTE.—The proof of this document, as published above, was read by Mr. Ferdinand Jefferson, the keeper of the rolls at the Department of State, at Washington, who compared it with the fac simile of the original in his custody. He says: "In the fac simile, as in the original, the whole instrument runs on without a break, but dashes are mostly inserted. I have, in this copy, followed the arrangement of paragraphs adopted in the publication of the Declaration in the newspaper of John Dunlap, and as printed by him for the Congress, which printed copy is inserted in the original Journal of the old Congress. The same paragraphs are also made by the author, in the original draught preserved in the Department of State.")

IN CONGRESS, JULY 4, 1776.

The unanimous Declaration of the Thirteen United States of America.

When in the course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness. That to secure these rights, Governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object evinces a design to reduce them under absolute despotism, it is their right, it is their duty to throw off such Government and to provide new guards for their future security. Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these States. To prove this, let facts be submitted to a candid world.

He has refused his assent to laws, the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained, and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected, whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the State remaining in the meantime exposed to all the dangers of invasion from without and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people, and eat out their substance.

He has kept among us, in times of peace, standing armies without the consent of our legislature.

He has affected to render the military independent of and superior to the civil power.

He has combined with others to subject us to a jurisdiction foreign to our Constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us.

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States.

For cutting off our trade with all parts of the world.

For imposing taxes on us without our consent.

For depriving us in many cases of the benefits of trial by jury.

For transporting us beyond seas to be tried for pretended offences.

For abolishing the free system of English laws in a neighbouring Province, establishing therein an arbitrary government, and enlarging its boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies.

For taking away our Charters, abolishing our most valuable laws, and altering fundamentally the forms of our Government.

For suspending our own legislature, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated Government here by declaring us out of his protection and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow citizens taken captive on the high seas to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms; our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attention to our Brittish brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They, too, have been deaf to the voice of justice and of consanguinity. We must therefore acquiesce in the necessity which denounces our separation and hold them, as we hold the rest of mankind, enemies in war, in peace friends.

We, therefore, the representatives of the United States of America, in General Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by authority of the good people of these Colonies, solemnly publish and declare that these United Colonies are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

JOHN HANCOCK.

NEW HAMPSHIRE.

JOSIAH BARTLETT.
WM. WHIPPLE.
MATTHEW THORNTON.

MASSACHUSETTS BAY.

SAML. ADAMS.
JOHN ADAMS.
ROBT. TREAT PAINE.
ELBRIDGE GERRY.

RHODE ISLAND.

STEP. HOPKINS.
WILLIAM ELLERY.

CONNECTICUT.

ROGER SHERMAN.
SAM'EL HUNTINGTON.
WM. WILLIAMS.
OLIVER WOLCOTT.

NEW YORK.

WM. FLOYD.
PHIL. LIVINGSTON.
FRANS. LEWIS.
LEWIS MORRIS.

NEW JERSEY.

RICHD. STOCKTON.
JNO. WITHERSPOON.
FRAS. HOPKINSON.
JOHN HART.
ABRA. CLARK.

PENNSYLVANIA.

ROBT. MORRIS.
BENJAMIN RUSH.
BENJA. FRANKLIN.
JOHN MORTON.
GEO. CLYMER.
JAS. SMITH.
GEO. TAYLOR.
JAMES WILSON.
GEO. ROSS.

DELAWARE.

CÆSAR RODNEY.
GEO. READ.
THO. M'KEAN.

MARYLAND.

SAMUEL CHASE.
WM. PACA.
THOS. STONE.
CHARLES CARROLL of Carrollton.

VIRGINIA.

GEORGE WYTHE.
RICHARD HENRY LEE.
TH. JEFFERSON.
BENJA. HARRISON.
THOS. NELSON, Jr.
FRANCIS LIGHTFOOT LEE.
CARTER BRAXTON.

NORTH CAROLINA.

WM. HOOPER.
JOSEPH HEWES.
JOHN PENN.

SOUTH CAROLINA.

EDWARD RUTLEDGE.
THOS. HEYWARD, Junr.
THOMAS LYNCH, Junr.
ARTHUR MIDDLETON.

GEORGIA.

BUTTON GWINNETT.
LYMAN HALL.
GEO. WALTON.

THE CONSTITUTION OF THE UNITED STATES OF AMERICA.

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

SECTION 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SEC. 2. The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

No person shall be a Representative who shall not have attained to the age of 25 years and been seven years a citizen of the United States, and who shall not when elected be an inhabitant of that State in which he shall be chosen.

[Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons.]

The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of 10 years, in such manner as they shall by law direct. The number of Representatives shall not exceed 1 for every 30,000, but each State shall have at least 1 Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose 3, Massachusetts 8, Rhode Island and Providence Plantations 1, Connecticut 5, New York 6, New Jersey 4, Pennsylvania 8, Delaware 1, Maryland 6, Virginia 10, North Carolina, 5, South Carolina 5, and Georgia 3.

When vacancies happen in the representation from any State the executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

SEC. 3. [The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.]

Immediately after they shall be assembled in consequence of the first election they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments [until the next meeting of the legislature, which shall then fill such vacancies].

No person shall be a Senator who shall not have attained to the age of 30 years and been 9 years a citizen of the United States and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided.

The Senate shall choose their other officers, and also a president pro tempore in the absence of the Vice President or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose they shall be on oath or affirmation. When the President of the United States is tried the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the Members present.

Judgment in cases of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment according to law.

SEC. 4. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SEC. 5. Each House shall be the judge of the elections, returns, and qualifications of its own Members, and a majority of each shall con-

stitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent Members in such manner and under such penalties as each House may provide.

Each House may determine the rules of its proceedings, punish its Members for disorderly behavior, and, with the concurrence of two-thirds, expel a Member.

Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the Members of either House on any question shall, at the desire of one-fifth of those present, be entered on the Journal.

Neither House during the session of Congress shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SEC. 6. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law and paid out of the Treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

No Senator or Representative shall during the time for which he was elected be appointed to any civil office under the authority of the United States which shall have been created or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a Member of either House during his continuance in office.

SEC. 7. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President of the United States; if he approve, he shall sign it, but if not he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their Journal and proceed to reconsider it. If after such reconsideration two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the Journal of each House respectively. If any bill shall not be returned by the President within 10 days (Sunday excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States, and before the same shall take effect shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SEC. 8. The Congress shall have power to lay and collect taxes, duties, imposts, and excise to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations and among the several States and with the Indian tribes;

To establish a uniform rule of naturalization and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post offices and post roads;

To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the Supreme Court.

To define and punish piracies and felonies committed on the high seas and offenses against the law of nations.

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years.

To provide and maintain a navy.

To make rules for the government and regulation of the land and naval forces.

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

To exercise exclusive legislation in all cases whatsoever over such district (not exceeding 10 miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be for the erection of forts, magazines, arsenals, dockyards, and other needful buildings.

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof.

SEC. 9. The migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to the year 1808, but a tax or duty may be imposed on such importation not exceeding $10 for each person.

The privilege of the writ of habeas corpus shall not be suspended unless, when in cases of rebellion or invasion, the public safety may require it.

No bill of attainder or ex post facto law shall be passed.

No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

No tax or duty shall be laid on articles exported from any State.

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another, nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the Treasury, but in consequence of appropriations made by laws, and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States, and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever from any king, prince, or foreign State.

SEC. 10 No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bills of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any State on imports or exports shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State or with a foreign power, or engage in war unless actually invaded or in such imminent danger as will not admit of delay.

ARTICLE II.

SECTION 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President chosen for the same term, be elected as follows:

Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative or person holding an office of trust or profit under the United States shall be appointed an elector.

The electors shall meet in their respective States and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for and of the number of votes for each, which list they shall sign and certify and transmit sealed to the seat of the Government of the United States directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President the votes shall be taken by States, the representation from each State having one vote. A quorum for this purpose shall consist of a Member or Members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice President.

The Congress may determine the time of choosing the electors and the day on which they shall give their votes, which day shall be the same throughout the United States.

No person except a natural-born citizen or a citizen of the United States at the time of the adoption of this Constitution shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of 35 years and been 14 years a resident within the United States.

In case of the removal of the President from office or of his death, resignation, or inability to discharge the powers and duties of the said office the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed or a President shall be elected.

The President shall at stated times receive for his services a compensation which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States or any of them.

Before he enter on the execution of his office he shall take the following oath or affirmation: "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States and will to the best of my ability preserve, protect, and defend the Constitution of the United States."

SEC. 2. The President shall be Commander in Chief of the Army and Navy of the United States and of the militia of the several States when called into the actual service of the United States. He may require the opinion in writing of the principal officer in each of the executive departments upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur, and he shall nominate and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for and which shall be established by law, but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Seante by granting commissions which shall expire at the end of their next session.

SEC. 3. He shall from time to time give to the Congress information of the state of the Union and recommend to their consideration such measures as he shall judge necessary and expedient; he may on extraordinary occasions convene both Houses, or either of them, and in case of disagreement between them with respect to the time of adjournment he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care

that the laws be faithfully executed and shall commission all the officers of the United States.

SEC. 4. The President, Vice President, and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

SECTION 1. The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior and shall at stated times receive for their services a compensation which shall not be diminished during their continuance in office.

SEC. 2. The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made or which shall be made under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State or the citizens thereof and foreign States, citizens, or subjects.

In all cases affecting ambassadors, other public ministers, and consuls and those in which a State shall be party the Supreme Court shall have original jurisdiction. In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State the trial shall be at such place or places as the Congress may by law have directed.

SEC. 3. Treason against the United States shall consist only in levying war against them or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture except during the life of the person attainted.

ARTICLE IV.

SECTION 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SEC. 2. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

A person charged in any State with treason, felony, or other crime who shall flee from justice and be found in another State shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

No person held to service or labor in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SEC. 3. New States may be admitted by the Congress into this Union, but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States or parts of States without the consent of the legislatures of the States concerned, as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

SEC. 4. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion and, on application of the legislature or of the executive (when the legislature can not be convened), against domestic violence.

ARTICLE V.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: *Provided*, That no amendment which may be made prior to the year 1808 shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the United States under this Constitution as under the Confederation.

This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land, and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in convention by the unanimous consent of the States present the 17th day of September, in the year of our Lord 1787, and of the independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names.

GO. WASHINGTON,
President and deputy from Virginia.

NEW HAMPSHIRE.	
JOHN LANGDON.	NICHOLAS GILMAN.
MASSACHUSETTS.	
NATHANIEL GORHAM.	RUFUS KING.
CONNECTICUT.	
WM. SAML. JOHNSON.	ROGER SHERMAN.
NEW YORK.	
ALEXANDER HAMILTON.	
NEW JERSEY.	
WIL. LIVINGSTON.	WM. PATTERSON.
DAVID BREARLEY.	JONA. DAYTON.
PENNSYLVANIA.	
B. FRANKLIN.	THOMAS MIFFLIN.
ROBT. MORRIS.	GEO. CLYMER.
THOS. FITZSIMONS.	JARED INGERSOLL.
JAMES WILSON.	GOUV. MORRIS.
DELAWARE.	
GEO. READ.	GUNNING BEDFORD, Jun.
JOHN DICKINSON.	RICHARD BASSETT.
JACO. BROOM.	
MARYLAND.	
JAMES MCHENRY.	DAN. of ST. THOS. JENIFER.
DANL. CARROLL.	
VIRGINIA.	
JOHN BLAIR.	JAMES MADISON, Jr.
NORTH CAROLINA.	
WM. BLOUNT.	RICHD. DOBBS SPAIGHT.
HU. WILLIAMSON.	
SOUTH CAROLINA.	
J. RUTLEDGE.	CHARLES COTESWORTH PINCKNEY.
CHARLES PINCKNEY.	PIERCE BUTLER.
GEORGIA.	
WILLIAM FEW.	ABR. BALDWIN.

Attest:

WILLIAM JACKSON, *Secretary.*

ARTICLES IN ADDITION TO, AND AMENDMENT OF, THE CONSTITUTION OF THE UNITED STATES OF AMERICA, PROPOSED BY CONGRESS, AND RATIFIED BY THE LEGISLATURES OF THE SEVERAL STATES, PURSUANT TO THE FIFTH ARTICLE OF THE ORIGINAL CONSTITUTION.

ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

ARTICLE II.

A well-regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

ARTICLE III.

No soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI.

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the acusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

ARTICLE VII.

In suits at common law where the value in controversy shall exceed $20, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any court of the United States than according to the rules of the common law.

ARTICLE VIII.

Excessive bail shall not be required nor excessive fines imposed nor cruel and unusual punishments inflicted.

ARTICLE IX.

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

The powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively or to the people.

ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State or by citizens or subjects of any foreign State.

ARTICLE XII.

The electors shall meet in their respective States and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted. The person having the greatest number of votes for President shall be the President if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately by ballot the President. But in choosing the President the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice President shall be the Vice President if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

ARTICLE XIII.

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV.

SECTION 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof is denied to any of the male inhabitants of such State being 21 years of age and citizens of the United States or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

SEC. 3. No person shall be a Senator or Representative in Congress or elector of President and Vice President or hold any office, civil or military, under the United States or under any State who having previously taken an oath as a Member of Congress or as an officer of the United States or as a member of any State legislature or as an executive or judicial officer of any State to support the Constitution of the United States shall have engaged in insurrection or rebellion against the same or given aid or comfort to the enemies thereof; but Congress may be a vote of two-thirds of each House remove such disability.

SEC. 4. The validity of the public debt of the United States authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XVI.

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States and without regard to any census or enumeration.

ARTICLE XVII.

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointment until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

Mr. GREENE of Massachusetts. Mr. Chairman, I rise to a question of personal privilege.

Mr. BARTLETT. I have no objection to the gentleman speaking, Mr. Chairman, but I call the gentleman's attention to the fact that we are now in Committee of the Whole House on the state of the Union.

Mr. GREENE of Massachusetts. Very well. I will take time later.

Mr. BARTLETT. Of course, I do not object, and I will yield to the gentleman from Massachusetts [Mr. GILLETT] if he desires to afford his colleague some time.

Mr. GILLETT. If the gentleman from Georgia will allow me to use some time now, I will yield to the gentleman 15 minutes.

Mr. BARTLETT. Very well.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GREENE] is recognized for 15 minutes.

Mr. GREENE of Massachusetts. Mr. Chairman, on the night of the 10th of September last the following article appeared in the Fall River Daily Globe, of the city of Fall River, Mass., where I reside, which city was then the headquarters of the United Textile Workers of America:

[From Fall River Daily Globe, Thursday, September 10, 1914.]

DEPLORABLE TEXTILE CONDITIONS.

(From yesterday's latest edition.)

The emergency committee of the United Textile Workers of America met yesterday and President Golden reported on his visit to the scene of the strike of textile workers of the Fulton Bag & Cotton Co., in Atlanta, Ga., and the deplorable conditions found among the strikers. An abstract from his report follows:

"On my arrival in Atlanta I made every effort to bring about a settlement of the strike, which was then in its fourth month. A strong and influential committee of Atlanta citizens cooperated with me to this end. Our efforts failed, however, Mr. Elseas, the principal owner of the mills, taking the usual position of the employer who is deadly opposed to his employees joining a trade-union when he said: 'This is my business, and I have a right to run it my own way.' It was no use to tell him he was living in an age when the right of the wageworker to organize and join a legitimate trade-union was recognized by all fair-minded employers. This man Elseas has boasted of having made $10,000,000 in the business since he started, a dozen years ago; that he is now about to resign as head of the concern and leave the business to his three sons, all of whom, I suppose, expect to make another $10,000,000 each. From what I saw of the conditions surrounding the Fulton Bag & Cotton Co., if Mr. Elseas has made $10,000,000 profit, he has made it out of the sweat and blood and the lives of the women and little children who have for 12 years toiled incessantly under the most filthy and insanitary conditions in the places where they worked and the miserable shacks in which they were compelled to live in order to pay further tribute from their miserable pittance of a wage to the man who boasts of having made $10,000,000 in a little over as many years.

"Nearly 1,200 people are involved in the strike, which resulted through the discharge of a number of old employees who had given years of faithful service because they had dared to form a union. Hired thugs parade the streets around the mill, supposedly for the purpose of protecting the mill property when, as a matter of fact, no violence whatever either against the mill property or against the imported help has ever been attempted. The principal work these hired thugs are engaged in is to try and goad the strikers to some lawless act.

"On my arrival in Atlanta I found our people were being evicted from the company shacks by negroes engaged by the company, white men in and around Atlanta refusing to engage in such work. I immediately purchased a number of Army tents and secured the grounds at White City close to the mill property. These grounds are owned by an old union printer and were turned over to me free of cost as long as the strike lasted. In about one more week we will have all the strikers under canvas, a healthful change from a filthy unsanitary company shack to a clean sanitary Army tent, out in God's sunshine and fresh air, which the Fulton Bag & Cotton Co. with all its millions can not take from them.

"Unless the right to organize is granted to these people we are prepared to fight for this right until it is granted if it takes all this year and the next. We are going to feed these people better than their scanty wages allowed them to feed themselves. We plan to secure donations of clothes and shoes to fortify them against the cold blasts of winter from those generous people who are always ready to help in such a worthy cause. We plan further to thoroughly expose the terrible conditions existing in Atlanta and other parts of the South, which, to say the least, are a disgrace to twentieth-century civilization as they apply to the textile industry.

"The American Federation of Labor is working hand in hand with us in the battle that has commenced for the emancipation of the textile workers of the South from long hours of labor, insanitary conditions, and miserable wages. We are going to take the little children from the mills and place them in the school and the playground, where God intended they should pass their childhood days, rather than have their little lives crushed out making millions for a few families of the Elseas type. We know that all liberty-loving Americans will sympathize, aid, and assist us in the task which the United Textile Workers are determined to accomplish."

As the result of that publication I offered the following resolution in the House on September 15, 1914:

House resolution 621.

Resolved, That the House Committee on Labor is hereby authorized and directed to make a thorough and complete investigation of the conditions existing in the textile industry in the city of Atlanta, in the State of Georgia, for the purpose of ascertaining—

First. The underlying causes of dissatisfaction among the wage earners in said industry.

Second. The existing relations between employers and employees in each of the textile mills in said city.

Third. The conditions of sanitation and safety of employees and the provisions for protecting the life, limb, and health of the employees.

Fourth. Whether there exists any association or associations of wage earners, and the effect upon the relations between employers and employees.

Fifth. The number and the ages of children employed in said industry.

Sixth. The number of hours constituting a day's labor, and the amount of wages paid per day to each class of employees.

Seventh. Whether or not any system of peonage has been or is being maintained in said industry.

Said committee, or any subcommittee thereof, is hereby empowered to sit and act during the session or recess of Congress, or either House thereof, at such time and place as it may deem necessary; to require, by subpœna or otherwise, the attendance of witnesses and the production of papers, books, and documents; and to employ stenographers and such other clerical assistance as may be necessary. The chairman of the committee or any member thereof may administer oaths to witnesses.

The expenses shall be paid out of the contingent fund of the House on vouchers ordered by said committee, signed by the chairman thereof and approved by the Committee on Accounts.

Because of the presentation of that resolution the gentleman from Georgia [Mr. HOWARD], representing the city of Atlanta, sent a letter to the secretary of the Atlanta Federation of Trades, in which he used language in regard to myself which at least is very peculiar. I quote from the letter, as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., October 7, 1914.

Mr. J. F. BRADFIELD,
Secretary Atlanta Federation of Trades, Atlanta, Ga.

MY DEAR MR. BRADFIELD: I am just in receipt of your letter of the 15th instant, as follows:

"At the last meeting of the Federation of Trades resolutions thanking Congressman GREENE of Massachusetts for his activity in behalf of legislation affecting the striking textile workers of this city were adopted.

"In the discussion your inactivity was criticized, and the secretary was instructed to write you of the action of the federation and to ask if your attitude toward organized labor had undergone a change, and why."

It is inconceivable to my mind how any labor organization that believes in the underlying and fundamental principles of organized labor could be so unjust to a faithful friend and an active public servant who by his every vote, every utterance, and every act has shown his sincerity and fidelity to the men who toil.

I have never been a demagogue. I do not propose to start demagogy now. I have never done an act in my life for my own personal or political aggrandizement. What I have done I have done as one servant who only hoped to receive as his reward the plaudit of those he sought to represent, "Well done, thou good and faithful servant."

Mr. BARTLETT. Mr. Chairman, will the gentleman allow me to interrupt him?

Mr. GREENE of Massachusetts. Yes, sir.

Mr. BARTLETT. My colleague [Mr. HOWARD] does not seem to be here just now.

Mr. GREENE of Massachusetts. I am very sorry. I have not seen him for some time. I am sorry, I say, but I talked to him after I introduced this resolution, and said I only desired to obtain the facts; and he said he would cooperate with me in every way to get at the facts. I want to show what his letter contains. It is dated October 7, 1914.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield for a question?

Mr. GREENE of Massachusetts. Yes.

Mr. GARRETT of Tennessee. The gentleman says that resolution was referred to the Committee on Rules, which is true.

Mr. GREENE of Massachusetts. Yes.

Mr. GARRETT of Tennessee. I call the gentleman's attention to the fact that less than two years ago the Committee on Rules made a thorough investigation, under a similar resolution, of conditions existing in Massachusetts——

Mr. GREENE of Massachusetts. Yes——

Mr. GARRETT of Tennessee. And came to the conclusion that this Congress had no authority to enter into such an investigation as the gentleman suggests.

Mr. GREENE of Massachusetts. Yes. I have but a brief allotment of time, and, if the gentleman will allow me to continue, I will say that I called on several members of the Committee on Rules, who told me that if I asked for a hearing before that committee, it would be granted without doubt. One of the gentlemen referred to was the gentleman from New York [Mr. GOLDFOGLE]. I asked for an opportunity to appear before the committee and to be granted a hearing on the resolution, and the gentleman from New York said to me that the investigation into the strike at Lawrence, Mass., had been expensive, and that he believed a hearing would answer the same purpose.

I afterwards saw the gentleman from Texas [Mr. HENRY], the chairman of the Committee on Rules, and he said to me that they were too busy during the last session of Congress, but that if I would let it go over until December he would grant me a hearing some time after Congress reassembled this winter. I saw him several times after that, and also spoke to the gentleman from Kansas [Mr. CAMPBELL], a minority member of the committee, and said to him that I desired to be granted an opportunity to have a hearing, and that I was willing to waive the investigation, provided I could have a hearing and bring out the facts. He said there would be no objection to that, only I would have to wait for it.

Now, the letter written by the gentleman from Georgia [Mr. HOWARD] to which I have referred continues, and the language regarding my action is quoted as follows:

Mr. Webster defines a demagogue as "one who plays an insincere rôle in public life for the sake of gaining political influence or office; a poser in politics; one who panders to popular prejudice or seeks to inflame reasonless passions in the advancement of his personal interests." If he had had an intimate acquaintance with Congressman GREENE of Massachusetts, he could not have described the man, as he is known to all men, in better terms. When the Atlanta Federation of Trades passed a resolution thanking Mr. GREENE for his activities in behalf of labor, I am sure no one was more surprised to receive such a resolution than was Mr. GREENE, and probably in all his life this was the first letter of this character he had ever received.

And then he refers to the fact that an investigation had been taken up in regard to the State of Massachusetts and the city of Lawrence, and he makes some statements in regard to that which I think are entirely out of character, because he says people were shot down on the streets there, which really was an extravagant statement, and then he makes further reference to myself, as follows:

Now, what is the Greene resolution and why was it introduced? In the first place he singles out the cotton mills of Atlanta, Ga., for Federal investigation, when, as a matter of fact, there is only trouble in one mill in Atlanta. You know there has been great enmity existing between the cotton-mill men of the New England States and those of the Southern States almost since the inception of the cotton industry. Mr. GREENE is a candidate for reelection. He has always served the manufacturing interests of his district, and to incur a little more stimulus and probably a little larger campaign contribution for the ensuing election he jumps on the southern mills by introducing this resolution, which he has made no effort to have passed or a rule adopted to bring it up on the floor of the House. It was pure, unadulterated demagogy. He had no hope of passing such a resolution, and he knew when he introduced it that he did not intend to push it.

I wish to say that I have lived in the manufacturing city of Fall River all but three years of my life, and those were the first three. I have been associated with both manufacturers and operatives during all that period and have been constantly in public life for more than 40 years, consequently I have been in the limelight and could not have been known as a demagogue.

Having had that amount of public experience and having met both manufacturers and operatives and having lived in peace and harmony with both during all my lifetime, it comes with rather poor grace at this late day for a Member of this House, in a letter to his constituents, to charge that I am endeavoring to incur the favor of the cotton manufacturers of my city and to secure from them contributions for a campaign. I will inform the gentleman that there are more than 40 corporations in Fall River, Mass., representing 111 cotton mills, and under the law of the United States no corporation can make contributions for campaign or election purposes. So whatever may be my shortcomings, this is a charge that ought not to have been made against me by a Member of this House.

I happened to have received a copy of the letter written by the gentleman from Georgia [Mr. HOWARD], and that is how I was informed as to his action. To my face the gentleman from Georgia [Mr. HOWARD] has stated that he desired to have this matter cleared up. I stated in reply that it would be to the credit of the people of Atlanta if they could prove that the statements referred to were without foundation. If the charges made by the United Textile Workers of America were incorrect, if a hearing could be granted, then the Fulton Bag & Cotton Co. could be vindicated. The representatives of the United Textile Workers of America, who are affiliated with the American Federation of Labor, have written me several times and have called on me by their representatives, and I have said to them, "I have the promise of a hearing"; but it seems to have been promised to me in one way and denied to me in another. Therefore I bring the subject to the attention of the House.

There have been some contracts put out by this Atlanta corporation which I consider very peculiar, looking at them from a Massachusetts viewpoint. They may seem different from the viewpoint in the State of Georgia. I have before me a contract which the Atlanta employee in the Fulton Bag & Cotton Mills has to sign before he or she goes to work. It provides that the employee must give five days' notice if he wants to quit, but they can discharge him at any moment they please; but he can not draw his full pay, no matter for what cause he is absent, even though it be on account of sickness and he is unable to give five days' notice, he can not draw his full pay. One week's wages are held by the company as a forfeit.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREENE of Massachusetts. Will the gentleman yield me a little more time?

Mr. GILLETT. I have promised more time than I have. How much time does the gentleman want?

Mr. GREENE of Massachusetts. I think perhaps I can get along with 10 minutes.

Mr. GILLETT. I have got to cut down the time I have promised to others. Suppose I give the gentleman five minutes?

Mr. GREENE of Massachusetts. Very well. This contract to which I have referred and the rules for the operatives and section men are as follows:

CONTRACT FOR EMPLOYMENT.

[No. A 31.]

ATLANTA, GA., ———, *190* .

The Fulton Bag & Cotton Mills, hereinafter called company of the first part, and ——— ———, of the second part, agree as follows:

In consideration of the promises and agreements hereinafter made by the party of the second part, the company hereby employs him (her) either as a cotton-mill hand in either spinning, weaving, or carding departments, or as a hand in bleachery or any other department of said first party, with the right to change the nature of the employment. The company is to pay for such services as are actually rendered by the said employee, and is not to pay for lost time arising from accident, disability, or any other cause. The company may discharge him (her) whenever it shall become unwilling to retain him (her).

In consideration of said employment, and as it is agreed that it causes the company loss for an operative or employee to quit its services without giving notice, and also causes a breach of discipline, party of the second part agrees to give the company one week's notice in writing of his (her) intention to quit before he (she) shall leave the services of the company, and agrees to continue to work during the full period of said notice. Said employee shall not have the right to furnish a substitute to work said one week's notice, but shall perform the same personally. Said employee agrees to make good to the company any injury to its machinery or property which may be caused by said employee's negligence. Said employee states that he (she) is — years of age.

It is further agreed that this contract shall remain in force between the parties upon any subsequent employment of said party of the second part, it being the intention that this agreement shall be binding between the parties whenever the relationship of employer or employee exists between them at any time whatsoever.

The company agrees to pay wages at such rate and at such time as may be agreed upon from time to time. But it is mutually agreed that the employment may not be constant.

It is distinctly understood that the wages for one week—a week being construed to mean not less than wages for five days—are to be always held by the company, and said wages are not to become due and payable at all, and the same is hereby agreed upon as liquidated damages if said employee should quit said services without giving the one week's notice above mentioned.

When the employment is terminated, the employee, if a tenant, agrees at once to vacate without further notice, and any wages due the employee may be held by the company to cover any rent or damage done.

It is also agreed that claims for shortage in pay envelopes will not be recognized by this company unless such envelope is opened at the time it is received and amount counted in the presence of the party delivering the envelope.

It is also agreed that any sum which may be due an employee on piecework on being discharged shall be payable by the company after a reasonable length of time (not exceeding two days), in order to count or inspect the stock.

This contract shall only be altered by agreement in writing, nor shall any custom vary the same or any part thereof.

Age, — years.

FULTON BAG & COTTON MILLS, [L. S.]
By ——— ———, [L. S.]
——— ———. [L. S.]

Witness:
——— ———,
——— ———.

AFFIDAVIT.

STATE OF GEORGIA, *County of Fulton:*

Personally appeared before the undersigned officer, duly authorized to administer oaths, ——— ———, who, being duly sworn, deposes and says that he (she) was born on the — day of ———, 19—, and at the date of this certificate is — years and — months old.

(Signed) ——— ———.

Sworn to and subscribed before me this — day of ———, 19—.

———,
Notary Public, Fulton County, Ga.

NOTE.—The word "he" or the word "she" in the second line should be stricken. This affidavit must be signed in the presence of and attested by some officer authorized to administer oaths.

I also present the rules for operatives used in the Fulton Bag & Cotton Mills:

One week's wages is to be always held back.

One week's notice is required before leaving the service of the company. Should you leave without completing said notice, the week's time withheld will be forfeited.

Weavers will be charged for bad work, and upon leaving the service of the company before the work is inspected, whether on notice or upon being discharged, will be required to deposit $1 or more until the work has been inspected. A self-addressed post card will be furnished for address, and upon receipt of same the company will mail check to cover the amount withheld, less charges for seconds.

Frame hands (slubbers, intermediate and speeders) will be charged for bad work, and the amount charged will be given to the spinner detecting the bad work. The work can not be inspected until it is spun; this requires from one to two weeks. From 50 cents to $1 will be withheld—the rule applying to frame hands the same as weavers.

No matches, except the kind furnished free of charge by the company, are allowed in the plant. A fine of $1 will be assessed when this rule is violated.

Pay envelopes will not be delivered on Saturdays unless you have in five days' work on the present week. What time is lost on the present week must be made up the following week before the pay envelope can be drawn. "Ask your friends about the premiums."

RULES FOR SECTION MEN IN WEAVE DEPARTMENT.

Loom fixers are expected to be at their work morning and noon in time to see that all looms in their section are in operation promptly at starting time, and will see that they are not shut off until speed slacks at noon and night.

You are required to use straight edges. The overseer will specify the kind used. You can secure these at the storeroom. A deposit of $1 and $2, according to size, is required, and when returned in good condition the amount deposited will be refunded.

A complete set of tolls is required.

You will be fined 20 per cent of the seconds on your section.

When leaving the service of this company, whether you complete a notice or are discharged, 25 per cent of your time will be withheld at the time of settlement until all of the cloth on your section has been inspected, taking from one to two weeks to inspect same.

This does not cover all the rules for loom fixers, but is intended to outline some of the most important ones.

FULTON BAG & COTTON MILLS.

On December 8, 1914, the following letter was written to me by Mr. John Golden, president of the United Textile Workers of America, whose headquarters then were in Fall River, Mass., where I reside:

UNITED TEXTILE WORKERS OF AMERICA,
December 8, 1914.

Hon. WILLIAM S. GREENE,
House of Representatives, Washington, D. C.

MY DEAR MR. GREENE: I trust that, now Congress has convened, you will not relax in your efforts to secure a congressional investigation of conditions in the textile mills in Georgia and the Fulton Bag & Cotton Co., of Atlanta, Ga. The strike is still on here, with our people just as determined as ever to fight for the right to belong to a trade-union and break down this pernicious contract system in operation at this particular concern, which is the only mill corporation in the State of Georgia having such a contract, and which everyone who has studied it agrees is nothing more nor less than peonage. Every employee has to sign this contract as a condition of employment.

One of the clauses of this contract will give you an idea of what it is. The employee agrees to forfeit all pay coming to him if he leaves work without giving five full days' notice, no matter what be the conditions that cause him to cease work. The employer, however, can discharge an employee for any cause or no cause whatever. This was the reason why less than 100 people came out on strike the first day; they stayed in and worked their notice rather than lose what small earnings they had coming to them; but they came out just the same.

The mill officials of the Fulton Bag & Cotton Co. have stated openly that all Congressman GREENE was doing was "playing cheap politics"; that now the elections were over your activities would cease in this respect.

I am in possession of a letter written by Congressman HOWARD, of Atlanta, Ga., addressed to the Federation of Trades here at the time they passed the resolution thanking you for your efforts to secure the investigation, and at the same time asked him what he was doing in the matter, wherein Mr. HOWARD makes the same identical statements regarding your sincerity in asking for the investigation, saying, among other things, you knew you hadn't a dog's chance of getting such a thing through when you started the movement.

I agreed with the Federation of Trades here to write you on the matter. They have decided to communicate with Congressman HOWARD and find out where he stands on this issue. There are two Federal mediators on the job, but I don't believe they are making much headway.

This strike in Atlanta, Ga., has aroused interest all over the South, in spite of the efforts of such men as Oscar Elsas, head of the Fulton Bag & Cotton Co., and Congressman HOWARD and others to make light of it. Our people are still living in the Army tents, and since the convention of the American Federation of Labor in Philadelphia, Pa., last month this interest has spread all over the country. We are fully determined to fight this thing out to a finish. The Federation of Labor is behind us to a man in this struggle for better conditions and the abolition of peonage.

I am on the ground conducting the fight, and mean to stay here. I shall be glad to assist in any manner possible; and again let me say I trust you will not relax your efforts in this matter and disprove the charges I have mentioned. With best regards,

Very truly, yours,

JOHN GOLDEN,
General President United Textile Workers of America,
Hotel Terminal, Atlanta, Ga.

It is the first time during my entire life that any individual anywhere has ever accused me of practicing demagogy to advance my particular interests. I have served in this House for more than 16 years, and no gentleman has ever heard me make any allusion whatever in the way of discrediting the southern cotton manufacturers. I have frequently stated that the people of New England did not object to the manufacture of cotton goods in the South, and, of course, if we did object we could not stop it. The northern and southern manufacturers meet in conventions and cooperate with each other.

Mr. ROGERS. Will the gentleman yield?

Mr. GREENE of Massachusetts. Certainly.

Mr. ROGERS. I hold in my hand a copy of the extraordinary contract to which the gentleman alluded, of the Fulton Bag & Cotton Mill, and also a copy of the even more extraordinary rules for the operatives which govern the employees of that concern, and I ask the gentleman from Massachusetts if he will extend his remarks in the RECORD by incorporating these in full.

Mr. GREENE of Massachusetts. I will do so. I repeat, no man on this floor—and I have heretofore spoken several times during the debate on the tariff bill—ever heard me say anything to the detriment of any southern cotton manufacturer. I could only wish they had the same laws there that we have in Massachusetts.

Mr. BARTLETT. We have.

Mr. GREENE of Massachusetts. Oh, no.

Mr. BARTLETT. Better ones than those in Massachusetts.

Mr. GREENE of Massachusetts. Oh, no. It is easy to get up and make such a statement, but an examination and comparison of the laws of both States would better illustrate the actual facts.

Mr. BARTLETT. I have a copy of them here in my hand.

Mr. GREENE of Massachusetts. But the laws are not carried out.

Mr. BARTLETT. That is not true.

Mr. GREENE of Massachusetts. We know in Massachusetts by long experience that any law is not worth the paper that it is written on unless there is a penalty prescribed, and if no penalty is prescribed it is not enforced either in Massachusetts or Georgia.

Mr. BARTLETT. Will the gentleman permit me? I have the laws in my hand to which the penalty is attached.

Mr. GREENE of Massachusetts. Well, all right. I wish the gentleman would not take up any more of my time. The gentleman can put copies of these laws in the RECORD four or five times, but these laws are not very effective, even in Georgia, when such rules as I have presented and such contracts as are required by the Fulton Bag & Cotton Co. as are entered into with employees are in practice in that State. As I have said, I tried my best to get the Committee on Rules to give me a hearing, realizing that the Committee on Rules had determined not to give authority for an investigation. Now, Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD, including also such papers as may bear upon the subject under discussion.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. EDWARDS. I object. I think speeches of this kind ought to be made on the floor of the House.

[Subsequently Mr. GREENE of Massachusetts obtained unanimous consent to extend his remarks in the RECORD.]

Mr. BARTLETT. Mr. Chairman, I yield five minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Chairman, I do not feel called upon nor have I any desire to enter into the personal phases suggested by the gentleman from Massachusetts [Mr. GREENE]. I do not know anything about this particular cotton manufactory that he refers to in Atlanta, Ga. So far as I recall, I never heard of it until this resolution was introduced. I do not know who owns the factory; I do not know where the stock is owned. It would not be at all surprising if the fact were to develop that the majority of the stock of that particular factory, like the majority of the stock of a great many other southern manufactories, is owned not in the South but in the North.

Mr. GARDNER. Will the gentleman yield?

Mr. GARRETT of Tennessee. I will.

Mr. GARDNER. What reason has the gentleman for believing that the majority of the stock of the company is owned in the North?

Mr. GARRETT of Tennessee. I have no reason whatever; I said it would not be surprising if the fact developed, because the gentleman from Massachusetts knows that there are a great many cotton factories of the South in which the majority of the stock is owned not in the South but in the North. However, I do not know what the facts are about that, and I do not want to go into that controversy, for I do not care anything about it.

Mr. GREENE of Massachusetts. If you had granted a hearing, would not all of these facts be brought out?

Mr. GARRETT of Tennessee. I do not think so, before the Committee on Rules, and that is precisely the thing I want to speak about. Since I have been a member of the Committee on Rules, beginning with the Sixty-second Congress, there have been, again and again, presented to that committee demands for investigations. One of the first cases presented for investigation was a case somewhat similar to this, the case of the Lawrence, Mass., strike.

The resolution was introduced by the distinguished gentleman from Wisconsin, Mr. Berger. The Committee on Rules gave a hearing upon that, ostensibly to determine whether or not there was involved in the matter such questions as would justify an investigation by the Congress. After the hearing, at which advantage was taken to introduce not only testimony and statements upon the legal proposition involved, but also facts in regard to the strike, not under oath, the Committee on Rules unanimously came to the conclusion that no Federal question was involved—that there was no question involved in which the Congress could properly enter upon an investigation.

Following that, we had numerous other resolutions; we had the Colorado strike and the Michigan strike resolution introduced. The Committee on Rules, realizing that there was no Federal question involved in it, thought that was no proper matter which Congress could investigate and refused to present that resolution. The result was that a caucus was called, and the caucus was swept from its feet and the House was swept from its feet and investigations ordered which cost—I do not know how much; not a great deal, perhaps—which have resulted in absolutely nothing.

The gentleman from Massachusetts [Mr. GREENE] introduced a resolution to investigate this proposition in Georgia—not the general conditions in the cotton-textile world, but conditions in Georgia, at a particular factory in Georgia—and there was no Federal question involved in it. The gentleman from Massachusetts has admitted that it was bunk, because he said if he could have had a hearing before the Committee on Rules, not under oath, he would have been content not to have the investigation called for in his own resolution.

Mr. GREENE of Massachusetts. Oh, no; if the gentleman understood that he misunderstood me entirely.

Mr. GARRETT of Tennessee. I understood the gentleman to say that he told the gentleman from Texas [Mr. HENRY], chairman of the Committee on Rules, that if he would give him a hearing before the Rules Committee he would be satisfied without the investigation.

Mr. GREENE of Massachusetts. I tried to get something out of it; they would not grant the investigation.

Mr. GARRETT of Tennessee. That is the reason which has controlled the Rules Committee in these matters. It is time that we stop these investigations of matters with which Congress has absolutely nothing to do. [Applause.]

Mr. GILLETT. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Mr. Chairman, I wish the Committee on Rules would get back to its original functions, instead of spending its time in investigations which should be made by other committees and in determining what bills this Congress is to consider and what it is not to consider. I wish the Committee on Rules would re-form the rules of this House and bring them down at least within 100 years of date. The condition of the rules of this House is such that only a few experts understand them.

That is the proper function of the Committee on Rules. I suggest, among a great many other changes to be accomplished, that we ought to have a system worked out under which the Members can find out when hearings are to take place before the different committees. Furthermore, Members of Congress ought to be able to find out beforehand what is coming up in the House, and when. We ought to be given some idea when to prepare ourselves and when to make our arrangements so as to be on hand. Otherwise, one of two things is unavoidable, so far as busy Members are concerned. Either we must neglect the routine work of our constituencies and our own study and preparation or else we must run the risk of being absent when really vital questions are voted upon.

Take the case of the Palmer child-labor bill, which passed the House of Representatives on Monday, February 15. Without any notice to the House, Mr. PALMER moved to suspend the rules and pass that bill. Those of us who were interested in the matter never had a chance to be on hand to vote or speak in its favor.

As every Member of this House knows full well, it is impossible for us to attend sessions regularly, and attend to the business of our constituencies at the same time. We can not be in two places at once. As you realize, Mr. Chairman, most of us do our work in our offices and in the departments, and appear on the floor only during the consideration of important matters, or matters in which our constituencies are interested, or matters coming from committees of which we are members. Some of the most energetic Members of Congress do not undertake to be on hand even for roll calls, unless the vote is likely to be close, or unless they have not been recorded at some stage of the question under consideration. For instance, take my own case. I often am obliged to content myself with voting only on one stage of a measure. That one vote, of course, is necessary in order to show where I stand. To attempt to vote on all roll calls would hamper me seriously and needlessly in the work which I undertake to accomplish.

The result of the present absurd state of the rules is the fourfold multiplication of this difficulty. Often and often I have hung around this Hall for hours with the expectation that some particular bill would be reached. Often and often I have found at the end of my long wait that the chairman of the committee in charge of the bill never had the slightest intention of bringing the matter up at that particular session.

As a matter of fact, when the Palmer child-labor bill was voted upon I was not attending to my other congressional duties. On the contrary, I was in the hands of the dentist undergoing very necessary treatment. If I had had the slightest idea that Mr. PALMER intended to present his bill under suspension of the rules, I never should have allowed the opportunity to escape me to be on hand to give him a helping hand. I had been given to understand that nothing except "unanimous consents" would be considered that day, and I was quite unaware of the situation until I read the RECORD the next morning.

However, although I did not have the opportunity to vote for it, I am very glad that the Palmer child-labor bill has passed the House. I sincerely hope that it will pass the Senate as well and speedily become a law. It is a much-needed piece of legislation.

Mr. ROGERS. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from Massachusetts [Mr. ROGERS] makes the same request. Is there objection?

Mr. BARTLETT. Mr. Chairman, do I understand that anybody can get the floor and make these requests? I understood that control of the time was with the gentleman from Massachusetts [Mr. GILLETT] and the gentleman from New York [Mr. FITZGERALD].

Mr. GILLETT. Mr. Chairman, I yield to the gentleman from Massachusetts one-quarter of a minute.

Mr. BARTLETT. I have no objection to that.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. BARTLETT. Upon what subject?

Mr. ROGERS. On the subject of the remarks just made by the gentleman from Massachusetts [Mr. GREENE], by incorporating a contract of employment of the Fulton Bag & Cotton Mills Co., of Atlanta, Ga., and also the rules for operatives in that mill.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GILLETT. Mr. Chairman, I now yield 10 minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Chairman, continuing my remarks where I left off this morning when the gentleman from New York [Mr. FITZGERALD] refused to permit me to proceed for 5 minutes, I will now proceed for 10 minutes.

The gentleman from Tennessee [Mr. PADGETT] had read a letter written by the Secretary of the Navy in regard to his letting a contract for the construction of a certain torpedo-boat destroyer to a bidder who was some $10,000 higher in his bid than the Seattle Construction Co. In that letter occurs this sentence:

> What I really did then was to award a boat to a Pennsylvania firm of shipbuilders, which had originally bid lower than the Seattle company, for $2,309 more than the revised figures of the Seattle company. In view of the inexperience of the Seattle company in this class of construction I could not have done otherwise, having in view the interests of the Government.

It was that statement in his letter that caused me to attempt to reply to him this morning, when the gentleman from New York [Mr. FITZGERALD] objected to my proceeding for five minutes.

Mr. Chairman, I think that the Secretary of the Navy ought to be very grateful if that matter is forgotten instead of injecting it here on the floor of the House. I hold in my hand two letters written by the Secretary of the Navy to Senator JONES, and in one of them he says that the William Cramp & Son Ship & Engine Building Co. made a bid of $820,000, and that the Seattle Construction & Dry Dock Co.'s bid was for $810,000, a difference of $10,000. In his letter this morning he would have you believe that it was considerably less than that, but it was not when the contract was let. On December 23, three days after he wrote the letter to Senator JONES, from which I have just read, he wrote the Senator another in which he said:

> Replying to your letter of the 21st instant, advising you of the award of contracts for destroyers *Nos. 63* and *68*, I have the honor to say that owing to the changes of type of machinery different from that first contemplated the price of the vessel to be built by the William Cramp & Son Ship & Engine Building Co. will be reduced to $812,000 instead of $820,000.

So that the reduction was an after consideration, according to his own letter, and three days after the contract had been let he notified Senator JONES that owing to some change in the machinery they had reduced their price. But the Seattle company had no opportunity to reduce its price or to consider the change that the Secretary permitted the other company to make.

He attempted to justify himself on the ground that the Seattle company had not had the experience sufficient to justify him in thinking they would complete their contract on time. The Seattle company has constructed one of the great battleships of this country—the *Nebraska*. It has constructed four or more submarines for this country, the most complicated vessels that any yard builds. It has constructed two submarines, recently completed, for Chile. All of these vessels were constructed according to contract.

I have here upon my desk the record, and it shows they delivered these submarines to our Navy practically on time. This record and its readiness and ability to furnish any bond asked take away the excuse that the Secretary of the Navy gives that it was because they could not perform their contract on time that they were not given it. The action of the Secretary in relation to matters of this kind has not always been marked with such care. The Lake Co. has had contracts let to it time and again, and, so far as I know, has never yet completed but one boat, and that is out of commission and never was fit for service. Of all the boats that have been let to that company, they have never completed one on time, and the only one it ever did complete is of no use. Yet in the face of that record they are again given contracts to construct a number of our submarines. Yet the Secretary of the Navy wants the country to believe, and so states in a letter that he sends to have publicly read from the Speaker's desk, because he must have known what was the purpose of it, that the reason he does not let the contract to the Seattle Construction Co. when it is the lowest bidder is because he is afraid they would not have that vessel constructed on time, a vessel of comparatively simple construction.

Mr. Chairman, it has been my pleasure to know the Secretary of the Navy well. Our relations have been friendly. I have taken occasion to defend him, and was glad to do it when I thought he was unjustly attacked, and I have received his personal thanks for so doing, but in this case the Secretary is certainly subject to criticism. He says that his experts advised him that he ought not to let this contract. That may be true, and I think that it is true, but I want to call the attention of the House to the situation in which the Secretary of the Navy places himself. He dickers back and forth with the different shipbuilding companies throughout the country, and then finally ends up by awarding the contract not to the lowest bidder but to one who has bid higher. During all these negotiations he considers the bid of the Seattle company. But after it finally submits the lowest bid, after several weeks spent in negotiations with it, he suddenly discovers that it should not have the contract. What were these so-called experts doing all that time? Why did they not tell the Secretary and stop him wasting his time and that of Senator JONES and myself? It took these experts a long time to wake up. What aroused them? If they advised the Secretary not to let the contract to the Seattle Construction Co., then during the weeks of negotiation they were not acting in good faith. The loss of the money to the country does not amount to very much. Ten thousand dollars is comparatively insignificant, but the principle involved is important, and I hope that the Secretary of the Navy, after he reads these few remarks, will understand how this transaction looks to others. If he does, and sins no more, I will be content.

I do not think there is any truth in the statement, but the statement has been made that on the Saturday after I delivered to him the lower bid of the Seattle Construction Co., instead of its being the influence of the experts that caused him to take the bid from the Seattle Construction Co. and give it to another company, that he was visited by certain influential politicians, and that, after his interview with them, he decided to give the contract to the Cramp Co., and take it from the lowest bidder in order to do it.

Now, whether that is true or not I do not know, but I do not believe that it is true; but it shows the position that he gets himself in by jockeying back and forth and letting the contract under the circumstances he did.

I made these statements before the committee and pointed out these facts, and the Secretary of the Navy was in the committee room within 20 minutes after I ended, and these statements were not corrected. He had better have made a statement then than to wait until now and send in a letter and have it read from the desk to reflect upon one of the leading companies of this country in order to justify himself. There is no justification for this action except that he said that he followed the judgment of his experts, and I am willing to give him the benefit of his statement; but if his experts advised him to do that they were acting either through ignorance or prejudice. I call the attention of the House to the situation. Are we going to appropriate millions of dollars for the building of a Navy and then have the contracts not let to the lowest bidder but upon the advice of so-called experts? If this is done, how long will it be until the great shipbuilding industry of this country will have their hands secretly upon men, the experts, who are in that department? If they do not reach and influence these men, there are those who will think they do. We all know what the result will be. It will lead to scandal and corruption. I hope the Secretary of the Navy will not place himself in that position again; but if he does I hope he will have the courage to stand up and bear the responsibility of the act and not attempt, by sending a letter to be read upon the floor of this House, to excuse himself by an unjust reflection upon a company that has

always kept its contracts with this Government and with other Governments for which it has built vessels.

I hope that never again will the occasion arise where anyone can with even the shadow of justification say that a contract for the construction of a naval vessel is influenced, even in the slightest degree, by political considerations.

I repeat that I do not believe that there is anything wrong about this transaction, but it is open to criticism, and just criticism. The facts do not warrant the Secretary's action. I had concluded, however, to let the matter stand without further publicity, but the Secretary, it seems to me, injected himself into this controversy when he should have kept out. As I have already said, he ought to be glad to have the transaction forgotten.

Mr. Chairman, I ask to extend my remarks. I will also insert in the RECORD the letters referred to.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington? [After a pause.] The Chair hears none.

The letters are as follows:

NAVY DEPARTMENT,
Washington, December 21, 1914.

Hon. WESLEY L. JONES,
United States Senate.

MY DEAR SENATOR: Answering your inquiry of the 16th instant concerning the proposals and awards of contract for the destroyers, *Nos. 63 to 68*, authorized by the act of the 30th of June last, I have the honor to inclose herewith a schedule made at the time of the opening—the 10th ultimo—which contains the names of the several bidders and their original offers.

Three of the bidders subsequently reduced the prices named by them to the following figures:

The Bath Iron Works, from $850,000 to $800,000;

The Seattle Construction & Dry Dock Co., from $860,000 to $810,000, for one or two boats; and

The William Cramp & Sons Ship & Engine Building Co., from $853,000 to $820,000, for one boat.

On the 17th instant the department awarded contracts to—

The Fore River Shipbuilding Corporation, for two boats, at $795,000 each, its original price;

The Bath Iron Works, for two boats, at $800,000 each, its modified price; and

The William Cramp & Sons Ship & Engine Building Co., for one boat, at $820,000, its modified price.

The other of the six boats authorized will be built at the navy yard, Mare Island, whose estimated cost of construction is $626,487.

Sincerely, yours,

JOSEPHUS DANIELS, *Secretary.*

(Inclosure.)

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NAVY DEPARTMENT,
Washington, December 23, 1914.

Hon. WESLEY L. JONES,
United States Senate.

MY DEAR SENATOR: Referring to my letter of the 21st instant, advising you as to the award of contracts for destroyers *Nos. 63–68*, I have the honor to say that, owing to the choice of a type of machinery different from that first contemplated, the price of the vessel to be built by the William Cramp & Sons Ship & Engine Building Co. will be $812,309 instead of $820,000.

Sincerely, yours,

JOSEPHUS DANIELS, *Secretary.*

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BIDS FOR TORPEDO-BOAT DESTROYERS "NOS. 63" TO "68."

NAVY DEPARTMENT,
Washington, D. C., November 10, 1914.

The bids were opened at 12.40 p. m., November 10, 1914, at the Navy Department, in the presence of the Assistant Secretary of the Navy.

The certificate of the postmaster at Washington, D. C., that all mail matter addressed to the Secretary of the Navy received up to 12 o'clock noon had been delivered, was received and read.

BIDS.

Class 1.—Hull and machinery in accordance with department's plans and specifications.

Class 2.—Hull and equipment in accordance with department's plans and specifications; machinery in accordance with contractor's plans and specifications.

NEWPORT NEWS SHIPBUILDING & DRY DOCK CO., NEWPORT NEWS, VA.

Class 2.—Speed, 29½ knots: Parsons turbines; 2 vessels, 1 within 23 months, other within 24 months, $885,000 each.

Class 2.—Speed 29½ knots: Curtis turbines; 2 vessels, 1 within 23 months, other within 24 months, $875,000 each.

Proposal in duplicate. Bond for $30,000.

UNION IRON WORKS CO., SAN FRANCISCO, CAL.

Class 1.—Speed, 29½ knots: 2 vessels, 1 within 23 months, other within 24 months, $880,000 each.

Proposal in duplicate. Bond for $30,000.

BATH IRON WORKS (LTD.), BATH, ME.

Class 2.—Speed, 30 knots: 1 vessel within 21 months, $864,000; 2 vessels, 1 within 21 months, other within 24 months, $850,500 each; 3 vessels, 1 within 21 months, 1 within 22 months, and 1 within 24 months, $850,500 each.

Class 2–A.—Speed, 30 knots: 1 vessel within 21 months, $864,000; 2 vessels, 1 within 21 months, other within 24 months, $850,500 each; 3 vessels, 1 within 21 months, 1 within 22 months, and 1 within 24 months, $850,500 each.

Proposal in duplicate. Bond for $50,000.

SEATTLE CONSTRUCTION & DRY DOCK CO., SEATTLE, WASH.

Class 2.—Speed, 29½ knots: 1 vessel within 22 months, $873,000; 2 vessels, 1 within 22 months, other within 24 months, $860,000 each.

Proposal in duplicate. Bond for $30,000.

FORE RIVER SHIPBUILDING CORPORATION, QUINCY, MASS.

Class 1, bid No. 1.—Speed, 29½ knots: 1 vessel within 24 months, $872,000; 2 vessels, 1 within 23 months, other within 24 months, $852,000 each.

Class 2, bid No. 1.—Speed, 29½ knots: 1 vessel within 24 months, $889,000; 2 vessels, 1 within 23 months, other within 24 months, $867,000 each.

Class 2, bid No. 2.—Speed, 29½ knots: 1 vessel within 24 months, $815,000; 2 vessels, 1 within 23 months, other within 24 months, $795,000 each.

Proposal in duplicate. Bond for $30,000.

WILLIAM CRAMP & SONS SHIP & ENGINE BUILDING CO., PHILADELPHIA, PA.

Class 1.—Speed, 29½ knots: 1 vessel within 24 months, $859,000; 2 vessels, 1 within 23½ months, other within 24 months, $847,000 each; 3 vessels, 1 within 23 months, 1 within 23½ months, and 1 within 24 months, $834,000 each.

Class 2–A.—Speed, 29½ knots: 1 vessel within 23 months, $853,000; 2 vessels, 1 within 22 months, other within 23 months, $841,000 each; 3 vessels, 1 within 21 months, 1 within 22 months, and 1 within 23 months, $830,000 each.

Class 2–B.—Speed, 29½ knots: 1 vessel within 22 months, $845,000; 2 vessels, 1 within 21 months, other within 22 months, $834,000 each; 3 vessels, 1 within 20 months, 1 within 21 months, and 1 within 22 months, $825,000 each.

Proposal in duplicate. Bond for $50,000.

Mr. BARTLETT. Mr. Chairman, I yield 30 minutes to the gentleman from Ohio [Mr. GORDON].

Mr. GORDON. Mr. Chairman, I ask leave to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. GORDON. Mr. Chairman, I rose primarily for the purpose of inserting in the RECORD some statistics concerning our imports and exports which bear upon an interrogatory which I propounded a few days ago to the gentleman from Michigan [Mr. FORDNEY] who was then addressing the House. That question and the speech——

Mr. GREENE of Massachusetts. Does the gentleman desire to extend his remarks?

Mr. GORDON. I have already obtained leave for that purpose; yes, sir.

Mr. GREENE of Massachusetts. I did not hear that the gentleman had obtained leave. Very well.

The CHAIRMAN. Leave has been granted.

Mr. GORDON. The question which I propounded and the subject upon which the gentleman from Michigan was addressing the House was the business condition of the country especially during the past six months, or since the outbreak of the European War, and the effect of the Underwood tariff law upon business conditions. The gentleman from Michigan insists, and it is quite generally contended upon the Republican side of the House, that the whole country has been suffering since the enactment of the Underwood tariff law from its evil consequences, and that the unemployment and adverse conditions which obtain, are the direct results of that tariff law. Upon that subject particularly, Mr. Chairman, I desire to insert some figures into the RECORD which I think are absolutely conclusive upon the question. Speaking generally, Mr. Chairman, I can not for my life understand the political philosophy of gentlemen who contend that you can improve business conditions by interfering with natural laws of trade, commerce, and industry.

In my political philosophy that is just as absurd as it is to contend generally that you can promote the prosperity of an individual or the people of a nation by increasing their taxes, and that is exactly what our Republican friends claim to do. They have been contending for the last 40 or 50 years that the way to make people rich is to increase their taxes. Now, that is a species of economic rottenness that has been instilled into the American people for so long a period that it seems to me it is time to refute it. My own judgment is that the history of the United States since the 3d day of August, 1914, has furnished a most complete, a most perfect, and most unanswerable refutation of the whole theory of those who contend that you can promote business prosperity by interfering with the natural laws of trade, commerce, and industry. The Underwood tariff law was just as effectually superseded on the outbreak of the European war, so far as our relations with all the great manufacturing and industrial nations of the world are concerned, as if Congress had upon that day passed a law multiplying duties upon imports by 10, for practically the European war has operated as a prohibitive tariff, and I undertake to say that the figures from the Department of Commerce, which I shall insert in the RECORD, effectually establish that beyond any possible question. Permit me to call attention to the figures, and I will only speak of the round figures, omitting the details and inserting the correct amount as shown by statistics in my remarks. I have here a table showing the imports and exports of merchandise for the last five months of 1913 and the last five months of 1914, and also a table showing in detail our exports for three years past to the countries of Europe and the other grand divisions of the world.

Imports and exports of merchandise for the last five months of 1913 and 1914.

IMPORTS.

Months.	Free of duty.	Dutiable.	Total.	Per cent of free.
1913—August	$70,062,817	$67,588,736	$137,651,553	50.8
September	92,031,627	79,053,216	171,084,843	53.8
October	81,553,889	51,395,413	132,949,302	61.4
November	91,498,137	56,738,399	148,236,536	61.7
December	117,547,218	66,478,353	184,025,571	63.9
Total	452,693,688	321,254,117	773,947,805	58.5
1914—August	80,268,143	49,499,747	129,767,890	61.9
September	85,179,372	54,531,239	139,710,611	60.9
October	86,944,520	51,136,000	138,080,520	63.0
November	78,512,793	47,954,269	126,467,062	62.1
December	69,444,579	45,211,966	114,656,545	60.6
Total	400,349,407	248,333,221	648,682,628	61.7

Imports and exports of merchandise, etc.—Continued.

EXPORTS.

Months.	Domestic.	Foreign.	Total.	Excess.
1913—August	$185,114,273	$2,794,747	$187,909,020	$50,257,467
September	215,817,627	2,422,374	218,240,001	47,155,158
October	269,003,434	2,858,030	271,861,464	138,912,162
November	242,375,068	2,163,974	245,539,042	97,302,506
December	230,483,344	2,712,284	233,195,628	49,170,057
Total	1,143,793,746	12,951,409	1,156,745,155	382,797,350
1914—August	103,198,262	2,169,232	110,367,494	[1] 19,400,396
September	153,201,392	2,850,941	156,052,333	16,341,722
October	190,329,376	4,381,794	194,711,170	56,630,650
November	200,008,223	5,870,110	205,878,333	79,411,271
December	240,644,206	4,988,352	245,632,558	130,976,013
Total	892,381,459	20,260,429	912,641,888	263,959,260

[1] An excess of imports which is subtracted.

Total values of exports from the United States to Europe and to the other grand divisions of the world, during the calendar years 1912, 1913, and 1914, by six-month periods.

[Department of Commerce, Bureau of Foreign and Domestic Commerce.]

Countries.	Six months ending—June 30—			Six months ending—Dec. 31—			Six months, Dec., 1914, compared with 1913—			
							Increase.		Decrease.	
	1912	1913	1914	1912	1913	1914	Value.	Per cent.	Value.	Per cent.
Austria-Hungary	$11,836,490	$11,108,861	$11,582,520	$12,211,835	$11,135,738	$1,218,675			$9,917,063	89.1
Germany	146,887,934	148,121,316	140,985,051	183,562,896	203,809,225	17,309,935			186,499,290	91.5
Denmark	7,848,793	10,593,909	7,646,986	8,093,885	8,023,149	34,298,358	$26,275,209	327.5		
Italy	35,927,200	38,338,465	33,898,434	37,946,813	40,336,578	64,033,766	23,697,188	58.7		
Netherlands	48,608,687	64,196,415	54,860,050	61,713,447	57,355,623	45,803,753			11,471,870	20.0
Norway	4,003,321	4,334,834	4,145,576	4,056,624	4,921,034	15,489,631	10,568,597	214.8		
Sweden	4,265,992	5,866,207	6,923,837	6,239,159	7,720,389	24,037,448	16,317,059	211.4		
Belgium	24,745,156	29,037,266	25,939,691	37,808,196	35,280,203	8,831,332			26,448,871	75.0
France	65,413,514	56,301,046	62,197,444	89,799,155	97,621,480	107,906,597	10,285,117	10.5		
Greece	416,644	666,703	687,975	549,492	435,536	8,108,167	7,672.631	1,761.7		
Portugal	1,248,387	2,636,752	2,608,211	1,530,406	2,614,837	1,340,895			1,273,942	48.7
Russia in Europe	11,775,362	11,040,780	15,164,072	14,323,015	14,924,571	7,095,990			7,828,581	52.5
Spain	13,403,992	13,204,159	12,818,252	18,267,564	17,569,317	14,997.252			2,572,065	14.6
Switzerland	474,804	448,161	631,581	378,388	388,021	138,031			249,990	64.4
Turkey in Europe	1,251,392	1,187,574	1,103,608	1,029,499	1,056,681	634,549			422,132	40.0
United Kingdom	270,459,860	260,633,952	264,173,417	336,515,107	330,098,446	335,638,878	5,540,432	1.7		
Other Europe	2,240,002	4,714,057	3,989,118	2,619,823	3,852,078	2,976,836			875,242	22.7
Total Europe	650,807,530	662,430,457	649,355,823	816,644,304	837,142,906	689,940,093			147,202,813	17.6
Total Austria-Hungary and Germany	158,724,424	159,230,177	152,567,571	195,774,731	214,944,963	18,528,610			196,416,353	91.4
Total Denmark, Italy, Netherlands, Norway, and Sweden.	100,653,993	123,329,830	107,474,883	118,048,928	118,356,773	183,742,956	65,386,183	55.5		
GRAND DIVISION.										
North America	[1]	[1]	[1]	[1]	288,757,000	241,700,000			47,057,000	16.3
South America	[1]	[1]	[1]	[1]	72,277,000	38,751,000			33,526,000	46.4
Asia	[1]	[1]	[1]	[1]	61,582,000	47,350,000			14,232,000	23.1
Oceania	[1]	[1]	[1]	[1]	43,025,000	36,666,000			6,359,000	14.8
Africa	[1]	[1]	[1]	[1]	14,952,000	12,374,000			2,578,000	17.2
Total exports					1,317,736,000	1,066,781,000			250,955,000	19.0

[1] Grand division figures (other than for Europe) are given only in round numbers for the six-month periods ending December, 1913 and 1914.

For the five months ending December 31, 1914, our imports free of duty amounted to $400,349,407, and for the same period of 1913 they had been $452,693,688—a loss of $52,344,281.

Our dutiable imports for this same period in 1914 were $248,333,224, and for the same period of 1913, $321,254,117—a loss of $72,920,896.

Our exports for the five months following the war were $912,641,885, and for the same period of 1913, $1,156,745,155—a loss of $244,103,267, notwithstanding the enormous increase in exports of foodstuffs during the latter period.

Our exports to Germany and Austria-Hungary alone for the six months ending December 31, 1913, amounted to $214,942,963, and for the same period of 1914 they dropped to $18,528,610, and of this sum $16,201,116 was for July, 1914, before the war began, and only $2,327,494 for the remaining five months of last year.

What is most significant and remarkable, as bearing upon the effect of the war upon industry in this country, is that the revival of the same, which is daily becoming more evident, is exactly coincident with and, in my judgment, entirely dependent upon the steady increase of trade and commerce in this country, as shown by reports of clearing-house associations, and the constant increase of our foreign commerce, exactly as the flow of blood through the arteries and veins of the human body indicates a revival in health and an approach to physical and mental vigor, while the interruption of the same results in stagnation, decay, and death to the victim.

Now, of course, our protection friends insist that the way a reduction of the tariff injures domestic industries is that it permits the importation of articles made abroad and thereby displaces similar articles made at home; therefore they invoke the taxing power of the Government for the purpose of excluding those importations. The value of the imports of dutiable articles during the five months ending December 31, 1913, amounted to $321,000,000. The value of the imports of dutiable articles for the same five months of the year 1914 amounted to $248,000,000. Under the tariff theory of our protection friends that should have been the greatest era of prosperity the people of this country have ever enjoyed.

Mr. KELLEY of Michigan. Mr. Chairman, will the gentleman yield?

Mr. GORDON. I will, sir.

Mr. KELLEY of Michigan. Has the gentleman the figures of the total imports?

Mr. GORDON. I have, sir.

Mr. KELLEY of Michigan. Will the Gentleman please state those?

Mr. GORDON. The total imports for that period, dutiable and nondutiable, were $773,000,000, and the imports for the same period, of dutiable and nondutiable goods, for 1914 were $648,000,000.

Mr. KELLEY of Michigan. The difference is not so great.

Mr. GORDON. Not quite so great, but it is a very substantial difference. It is a difference which amounts to $125,000,000 in the five months.

Mr. FORDNEY. Will the gentleman permit?

Mr. GORDON. I will.

Mr. FORDNEY. Give the imports for the first seven months of 1914 in connection with those, and then give the total for the entire calendar year.

Mr. GORDON. Of course, I have not those figures available here.

Mr. FORDNEY. Well, I have. It is only $73,000,000.

Mr. GORDON. Then you can insert them in your own speech.

Mr. FORDNEY. Will the gentleman permit me to state it is only $3,000,000 difference for the whole year?

Mr. GORDON. I am not prepared to accept that statement or to refute it. As I say, I have not the figures available.

Mr. FORDNEY. To be exact, it is $3,300,000 for the calendar year less than the calendar year 1913.

Mr. GORDON. The gentleman from Michigan, however, is seeking to include all of the free importations, which have increased. Of course, importations from South America have not fallen off as the importations from Europe have. But the point I desire to emphasize in this connection is, that the importations from the great industrial nations of the world, those and those alone, which actually attempt to and do compete with the American manufacturer, have declined in every single instance. The total value of imports of manufactured goods, wares, and merchandise for the calendar year 1914 was $71,056,867 less than in 1913.

Mr. AUSTIN. Is not that also true of goods manufactured in America? Have not the demand and sale in them declined, too?

Mr. GORDON. No, sir; I do not think it is true.

Mr. AUSTIN. Then you think the people are buying just as much?

Mr. GORDON. Oh, yes; and——

Mr. AUSTIN. And the manufacturing plants turning out just as much and selling just as much?

Mr. GORDON. No; they are not selling as much, because their exports were entirely cut off by this war. It cut off our exports to the amount of about $250,000,000 in five months.

Mr. AUSTIN. I mean to the local market; to the local consumer?

Mr. GORDON. No; I do not think there has been a very substantial difference between the five months ending in December, 1914, and the five months of the preceding year, 1913. I think, so far as our internal demands are concerned, they are substantially the same. That is my judgment about it, without having the figures available. Now, the specific figures, Mr. Chairman, show that in the calendar year of 1913 as compared with 1914 our imports declined in the iron and steel business to the amount of $5,000,000. We imported $5,000,000 less of iron and steel products in the year 1914 than we did in the year 1913.

Mr. AUSTIN. Do not the steel company officials state that the output of the American mills has fallen off 50 per cent?

Mr. GORDON. Now, Mr. Chairman, I do not propose to have any of these statements of the managers of steel companies embalmed in my remarks. I do not think what they say is important. What I say is taken from the statistics furnished by the Government.

Our imports of cotton goods were $65,000,000 in 1913 and $60,000,000 in 1914. Our imports of chemicals were $114,000,000 in 1913 and $101,000,000 in 1914. Mr. Chairman, to produce statistics or figures in support of the contention that the Government can not improve the condition of its people by increasing their taxes is like attempting to offer proof in support of the multiplication table, but there has been so much of this political buncombe indulged in on the floor of this House by distinguished gentlemen of long years of service it seems to me it is time that some figures were furnished to refute the whole contention.

Now, in my own congressional district, Mr. Chairman, these contentions of our friends were not taken seriously in the recent campaign. There was not any substantial claim made such as we have heard here with such great elaboration upon the floor of this House, to wit, that the nonemployment of labor and the disarrangement of business following the European war was the result of anything else than that war. The foreign and domestic commerce of the United States aggregates, I believe, under normal conditions now something like $4,000,000,000 a year. You cut off that commerce arbitrarily in a night, as was done on the 3d of last August, and you subject public and private credit, trade, commerce, and industry to the greatest strain that can possibly be imposed upon it. This European war did subject public and private credit of the United States to the greatest strain known since the Civil War.

Mr. CAMPBELL. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Kansas?

Mr. GORDON. I do.

Mr. CAMPBELL. Has the gentleman from Ohio made any investigation as to the percentage of our manufactured products that have been exported during the years 1913 and 1914?

Mr. GORDON. I have made no computation other than is before me, and it shows the total value in exports and imports for the five months ending December 31, 1913 and 1914.

Mr. CAMPBELL. What I was wanting to direct the gentleman's attention to was the amount of our exports as compared with the amount of our manufactures, or the percentage of the product of manufacture that has gone into export rather than into our domestic consumption.

Mr. GORDON. No; I have not those figures before me. I have the total exports for the two years.

I think I was saying, Mr. Chairman, that this contention was not seriously made in that part of the country where I come from during the campaign last fall, but it was made apparently in some localities, and successfully made. It seems to me that in the face of the figures which are available to every Member of Congress, if some of my Democratic colleagues had obtained and published those figures they would have succeeded in convincing their constituents that, in so far as the effect upon business conditions of the Underwood law is concerned, the claims of our Republican opponents are wholly without any foundation in fact.

Now, it is contended that in the iron and steel business especially there existed a business depression prior to the breaking out of the European war, and that this was due to the Underwood tariff law. That there was some depression in the iron and steel business is shown by the statistics. The number of furnaces operating was lower, very much lower, than at present, and somewhat lower than normal. But I desire to call the attention of the membership of this House to this fact, that between 40 and 50 per cent of the products of the iron and steel manufactories of this country are consumed by the railroads. About the 1st of June, 1913, a large proportion of the railroads in the United States filed an application with the Interstate Commerce Commission for an increase in their rates. And one of the most astonishing examples of great minds moving in the same channel was furnished by the fact that immediately following the application for that increase the railroad companies throughout the United States ceased buying materials from the iron and steel mills and everybody else and commenced laying off men.

Now, I do not charge—because I have not the testimony to substantiate it—that there was a concert of action upon that question. But what I do know, and what every other intelligent observer knows, is, that, beginning with the filing of this application for an increase of rates, the railroads ceased buying material and commenced laying off men. I believe that any depression in the iron and steel business can easily be traced to that fact, and the nonemployment existing prior to the breaking out of the war was largely due to the same thing. That continued to almost the present time.

But what I would like to have some of our Republican friends do is to take the actual facts upon which there can be no issue and discuss them here upon their merits in so far as they relate to business conditions subsequent to the breaking out of the European war and before that date. To me it is as clear as any proposition can be established by human testimony. By cutting off our foreign trade many lines of business were compelled to close down, and did close down, throwing men out of employment.

But, as has been observed by one of my Republican colleagues, the effect of this war was exactly the same as the effect of a protective tariff. The only purpose of a protective tariff must be to restrict trade. If it does not do that, it is inoperative and ineffective. Now, as a trade restricter the figures from the Department of Commerce show that this war has exceeded anything known in our history since the embargo imposed during the War of 1812; and if there is any virtue in the contention that by imposing artificial restraints upon trade and commerce the material prosperity of the people may be promoted, it seems to me we have had an excellent opportunity to establish that fact during the past six and one-half months of our history.

Mr. KELLEY of Michigan. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Michigan?

Mr. GORDON. Yes, sir.

Mr. KELLEY of Michigan. Assuming that the war in Europe operates as a protective tariff here, does not the gentle-

man think that the uncertain condition of that tariff would practically destroy any benefit which might naturally follow from it?

Mr. GORDON. No, I do not, Mr. Chairman. On the contrary, the certainty of the absolute prostration and destruction of industry in Europe as the result of this war is very much more permanently established than any protective tariff that you gentlemen have ever imposed, or can impose, because the history of this country shows that about every time the Republicans got into power and gave the tariff another boost, the people turned them out of office, showing that it is a very precarious situation that you gentlemen and your tariff schedules are in; whereas when you prostrate the industry of all the great manufacturing nations of the world, outside of our own, by abandoning the work and killing off the workmen, these nations will have to begin to build anew, and it is absolutely certain that if the war stopped to-morrow business in those countries could not be resumed for a year or more; and many years will be required for them to reach their former state of skill and efficiency.

Mr. KELLEY of Michigan. Does the gentleman think the manufacturing business of Great Britain is prostrated now?

Mr. GORDON. Of course it is.

Mr. KELLEY of Michigan. Now, when three-fourths of all the people engaged in the manufacture of woolen and cotton are women and children, what falling off is there?

Mr. GORDON. Why, as a matter of fact, commerce and trade and industry are absolutely prostrated in all these nations that are at war.

Mr. KELLEY of Michigan. I think the gentleman must be in error about that.

Mr. GORDON. Oh, no; I am not in error. There is no question about that. You talk about bread lines. Take the dispatches in the newspapers. Over there all the able-bodied men are away fighting. Who are running those manufacturing plants?

Mr. KELLEY of Michigan. There are about 50,000,000 people in Great Britain. One-fifth of them would be men, numbering 10,000,000. Now, I understand that only 1,000,000 of them are under arms, leaving 9,000,000 men, together with all the women and children, engaged in the usual avocations.

Mr. GORDON. Only men are under arms, technically, perhaps, but is it not apparent that the energies of those people have been diverted into new and different channels and away from their ordinary pursuits by this war? I have not been to Europe, and I do not expect to go there soon.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Kentucky?

Mr. GORDON. Yes.

Mr. BARKLEY. I call the gentleman's attention to the fact that all the men engaged in war are able-bodied, while a large proportion of those who are not at war are not able-bodied.

Mr. GORDON. Of course that is true. Under the protection philosophy, when they send all their able-bodied men to the war to fight, their industries ought to be in an excellent condition.

Mr. SWITZER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Ohio yield to his colleague?

Mr. GORDON. Certainly.

Mr. SWITZER. Is it not true that the manufacturing industries of Great Britain are now in a more prosperous condition than they were a year ago? Is not that a fact?

Mr. GORDON. I do not think that is a fact either in England or in any of those countries. I know that England controls the seas, and I know that exports to the United States have declined enormously, and I do not know why they do not need the money now as well as ever they did. Oh, no. I do not think war is a good thing, Mr. Chairman, for anybody. It is simply destructive and injurious to everybody. Of course, that violates the protection theory. The people of those countries that are now at war ought to be very prosperous, and if all the able-bodied men in those countries are killed off and they are compelled to depend for their labor upon the lame and the halt and the blind, it will, according to this restrictive philosophy, create enormous demands for labor, and everybody will be rich. I utterly and wholly repudiate the whole theory of that school of political economy. I do not think there is anything in it any more than there is in the contention of our Republican friends that you can make people rich by interfering with the natural laws of trade and commerce, or even by increasing their taxes.

Now, Mr. Chairman, I yield back the balance of my time. [Applause on the Democratic side.]

Mr. GREENE of Massachusetts. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BARTLETT. Mr. Chairman, did the gentleman from Ohio [Mr. GORDON] use all of his time?

The CHAIRMAN. He consumed all of his time.

Mr. BARTLETT. I yield to the gentleman from Missouri [Mr. BORLAND] 10 minutes.

Mr. BORLAND. Mr. Chairman, there is still pending before one branch of the American Congress a bill to continue the improvement of the rivers and harbors of this country. When that bill was before this House it was very bitterly assailed by a number of gentlemen, most of whom I have no doubt were sincere in their criticisms, some of whom I apprehend were somewhat swayed by a natural but not very commendable party zeal.

I have no criticism to offer of the strict examination and analysis of appropriation bills. It seems to me that it is a very high and imperative duty of the American Congress to analyze appropriation bills with the strictest care, and I do not think we often err in our overperformance of that duty. But that is a totally different thing from an indiscriminate attack upon a line of governmental activity the purpose of which is to develop the trade and resources of the country. I believe we ought to curtail unnecessary expenses of the Government, especially in the increase of salaries, emoluments, and gratuities of various kinds that have been distributed under one pretext or another; but I think it is a false economy for us to refuse to extend the business facilities of this country.

I want to call the attention of my colleagues from the Central West, and the great Mississippi Valley particularly, to the absolutely imperative need of internal waterway transportation to that great producing section of our country. I am not going to comment upon other propositions, because I do not feel able to do so. I must leave that to the Rivers and Harbors Committee. But I do know something about the Mississippi and Missouri Valleys.

It has been stated recently, and I think correctly, that the opening of the Panama Canal will prove a disaster to the business conditions of the Mississippi Valley unless it is coupled with an extension of inland waterway navigation. Here is the situation in a nutshell: The rate from the Missouri River and the Mississippi River to the coast is 75 cents a hundred pounds first class. The rate from New York to the Pacific coast by way of the canal is 30 cents a hundred pounds first class, and other classes in proportion. The rate from the city of St. Louis to San Francisco by rail is 75 cents. The rate from New York to St. Louis is 35 cents by rail, and the rate from New York to San Francisco is 30 cents by sea, so that the combined rail and sea rate from St. Louis via New York to San Francisco is 10 cents cheaper than it is by rail from St. Louis to San Francisco. The rate from Kansas City to New York is 60 cents first class, or 90 cents from Kansas City to the coast via New York, and 75 cents by rail direct from Kansas City to the coast.

Mr. SIMS. Is that a class or a commodity rate?

Mr. BORLAND. That is the first-class rate, and you can figure everything else on that basis. But, gentlemen, the rate via the Missouri River Packet Transportation Co. to the Gulf and through the Panama Canal from Kansas City to San Francisco is 53 cents; 53 cents from Kansas City by its packet line by way of St. Louis and New Orleans and the Panama Canal to San Francisco, as against 75 cents all rail. What does that mean? It means that if it were not for the fact that a packet line is now making weekly trips the rate would be 75 cents instead of 53 cents. As a matter of fact, the packet line makes trips oftener than once a week, but the only basis upon which the Interstate Commerce Commission will figure is that there must be regular transportation by a line making trips as frequently as once a week. But for that the industries of Kansas City would be entirely prostrated by the opening of the Panama Canal, and with it would go all the territory surrounding it. Some of the greatest industries of that region are furnished from the agricultural country around it; the great packing-house products, the packed meat, the soap, tallow, lard, the flour and milling products, all kinds of breakfast foods that are manufactured there, everything of that kind drawn directly from the great agricultural regions represented by the gentlemen who come from the Middle West are all dependent upon the maintenance of that 53-cent rate out of Kansas City.

Mr. SUMNERS. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. SUMNERS. Does this packet company make any money at that rate?

Mr. BORLAND. No.

Mr. CAMPBELL. They do not haul anything, do they?

Mr. BORLAND. I will answer the gentleman from Kansas in a moment. In reply to the gentleman from Texas I will say that that packet company does not make any money, for this reason: We have only proceeded with our improvement of the Missouri River one-third of the way down from Kansas City to St. Louis. We do not get a 6-foot channel clear through, but we have a line of steel barges which are adapted to a 6-foot draft—that is, 4½ feet when they are loaded. When the river shoals down in August and September, as it frequently does, to less than 4½ feet, they must load those barges light at a loss, or they must carry an extra barge to lighter the cargo over the shoal places. That condition has been getting better each year as we extend the improvements farther and farther down toward St. Louis, and now fully one-third of the way is open with not less than a 7-foot channel.

Now, the gentleman from Kansas [Mr. CAMPBELL] is among those who attacked the river and harbor appropriation bill the other day. Yet he comes from one of the richest trade territories in the United States, wholly dependent upon the maintenance of that rate for the protection of every industry located there. Its cement, its mining industry, its flour milling, its agricultural industry, every industry in that territory is dependent for a fair and equal opportunity for trade with the world on the maintenance of an open river. And yet, whether it be because of partisan zeal or without knowledge of the facts, I know not, the gentleman undertook to tell this House that it would be better to sink the money in Cow Creek in southern Kansas than to continue the improvement of that great waterway, the Missouri River.

Mr. CAMPBELL. I think I said it would be just as well.

Mr. BORLAND. I yield to the gentleman from Kansas.

Mr. CAMPBELL. Does the gentleman from Missouri know how much corn and wheat and cement are shipped by water from Kansas City to San Francisco or any other point?

Mr. BORLAND. Yes; and the gentleman can find it in my remarks made here about three weeks ago, when I put those figures into the RECORD. I can not take the time now to reeducate the gentleman.

Mr. CAMPBELL. I have not been able to find anybody who has knowledge of much freight of that sort.

Mr. BORLAND. Then the gentleman had better refer to the statement I put into the RECORD, because it is given there in detail much more completely than I could give it to him now.

Now let us see how the northern part of the Mississippi Valley fares. It costs $5 a ton less to bring canned goods from the Pacific coast through the Panama Canal to New York by rail and west to St. Paul than to ship them direct by rail from the Pacific coast to St. Paul. What is the result? Minneapolis, St. Paul, Davenport, Quincy, and other river towns are now building docks and terminals and getting ready to take advantage of the all-water route down the great river and through the Panama Canal.

St. Louis has a packet line to the Gulf which only averages 1 trip in 20 days, and for that reason St. Louis has been denied an all-water route and rate to the Pacific coast. Kansas City, having a packet line operating once a week or oftener, is given the all-water route and rate, and the result is that Kansas City now enjoys a 53-cent rate direct through, which is as low as St. Louis can get. In other words, the shorter distance from St. Louis to the sea has not been taken advantage of by St. Louis, but that handicap is going to be removed in the near future.

The gentleman from Kansas perhaps did not understand that when there is a water line operating as often as once a week, then, whether any great quantity of freight is carried by the water line or not, the Interstate Commerce Commission allows the making of a competitive rail rate, with the result that all the freight carried is carried just as cheaply as though it all went by water. This is the vital fact in connection with these river and harbor improvements, which the opponents of the river and harbor bill seem utterly unable to understand. During the last year the municipal docks at Kansas City were completed, steel unloading docks, entirely under the control of the municipality and absolutely free for the interchange of freight, and all up and down the river municipal docks and terminals are being completed, so that the through water route will be established.

Now, suppose you lock up that waterway, gentlemen. Suppose you strike down the whole river and harbor bill without discrimination as to the items. You have locked up the greatest producing section of this country. Our Ohio Valley friends are in the same condition. Our upper Mississippi Valley friends are in the same condition. Take a manufactory located in the Ohio Valley, a great soap factory, for instance; it is not prepared to meet, without water rates, its New Jersey and New York competitor, because in shipping to San Francisco it must ship by its competitor's doors in order to reach its customers.

The CHAIRMAN. The time of the gentleman has expired.

[Mr. BORLAND was granted leave to extend his remarks.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. EAGAN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19009) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1916, and for other purposes, and had further insisted upon its amendments to the said bill disagreed to by the House of Representatives, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MARTIN of Virginia, Mr. OVERMAN, and Mr. GALLINGER as the conferees on the part of the Senate.

The message also announced that the Senate had further insisted upon its amendments to the bill (H. R. 19422) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1916, and for other purposes, disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMITH of Maryland, Mr. LEA of Tennessee, and Mr. GALLINGER as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 2504. An act to amend section 2 of an act entitled "An act to incorporate the National Society of the Daughters of the American Revolution."

GENERAL DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

Mr. GILLETT. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Chairman, I agree with the gentleman from Ohio [Mr. GORDON], who a few minutes ago said that on the whole the effect of the European war on American trade and commerce could not but be disastrous. I agree with him that no general and permanent economic benefit can accrue to the world by reason of a great war such as is now in progress. And yet, Mr. Chairman, some industries in America will at least temporarily benefit on account of the European war. There has been an increase in the demand and in the price of food products on account of the war. Our exports of these products, especially during these latter months, have exceeded all previous records.

For the seven months ending with January of this year our exports of breadstuffs and meats amounted to $377,400,000. This was an increase over a like period of the previous year of $188,000,000. We increased our exports of wheat 100,000,000 bushels; of oats, 38,000,000 bushels; of corn, 10,000,000 bushels; of fresh beef, 40,000,000 pounds; of canned beef, 34,500,000 pounds; of flour, 1,500,000 barrels.

Not only has the European war caused an increased demand for these food products, but other causes have contributed. Although our domestic wheat crop for 1914 was the largest on record, being 120,000,000 bushels larger than that of the preceding year, the wheat crop of the world was last year 440,000,000 bushels less than in 1913. This has caused both an unprecedented demand for the American crop and has caused the price to increase to a great figure.

While this has benefited the producers, it has been a great burden to consumers. The general depression of business throughout the country, with thousands of laboring men either completely deprived of a livelihood or compelled to work on part-time schedules or for decreased wages, has made the increased cost of these necessities a real hardship. So serious have seemed these conditions to many that a demand has arisen that the Government should place an embargo on these food products and absolutely forbid their export.

EMBARGOES.

It is urged that such a large depletion of our food supply will soon exhaust our surplus and endanger the amount necessary for home consumption. To determine the fact in this regard, the President directed the Agricultural Department to investigate and report conditions. The report shows that our supply

is ample both for our own demands and for the probable foreign demand until our next crop shall be available.

It is likely that the high prices are, in part at least, speculative, and the present trend is downward and not upward. When it was reported that as a result of the probable opening of the Dardanelles from 100,000,000 to 200,000,000 more bushels of wheat would be made available the price broke 6 or 7 cents on the market.

In any event, a mere increase in price would not be a justification for an embargo. The disastrous effects of an embargo would be much greater than would result from increased prices, to whatever figure they might rise.

The effects of an embargo to a nation not at war are far-reaching and extremely injurious. Our experience with the experiment during Jefferson's administration ought to warn us never to repeat it. Mr. Henry Adams, in his History of the United States, thus describes its operation:

As the order was carried along the seacoast every artisan dropped his tools, every merchant closed his doors, every ship was dismantled. American produce—wheat, timber, cotton, tobacco, rice—dropped in value or became unsalable; every imported article rose in price; wages stopped; swarms of debtors became bankrupt; thousands of sailors hung idle around the wharves trying to find employment on coasters to escape to the West Indies or Nova Scotia. A reign of idleness began, and the men who were not already ruined felt that their ruin was only a matter of time.

Of course it is not claimed that such extremely disastrous results would now follow an embargo such as is proposed, but it is certain that serious and widespread injury to business would be certain to occur. It should be remembered that even Jefferson admitted that an embargo was economically indefensible.

The worst feature of an embargo is that it fails to accomplish the purpose intended. The purpose of the embargo of 1808 was to bring the European nations to terms by shutting off their supplies. England and France had impressed American seamen, and on every pretext had injured and almost destroyed our commerce. The object of the embargo was to punish them and bring them to terms. But although persisted in for years, the embargo was in every way a failure. It injured our commerce more than foreign aggression, and was one of the causes which brought on the War of 1812.

FARMERS NOT PROFITING.

The idea seems to be prevalent that the farmers have been holding their grain and are receiving the benefit of the present high prices. This is an error. Very few producers have storage facilities for their grain. Most of the product is sent at once from the field to the elevator or railway, and most of it is then sold. Some wheat was sold by the farmers this last year for 65 cents, more of it for 75 and 80 cents, and most of it for less than a dollar a bushel.

The prices of cattle and hogs have, in fact, declined since the beginning of the war. The dealers in grain and the packers have made most of the profits resulting from the increase in price paid for these products for export.

COTTON GROWERS SERIOUSLY INJURED.

While the European war has increased at least to some extent the demand for and enhanced the price of food products, it is a matter of national concern that the exports of cotton, as well as the price, have seriously declined in consequence of the war. For the period of seven months ending January, 1915, the total exports of cotton were but 4,105,525 bales, or a decrease of 2,500,000 bales from the amount exported during the same months of the preceding year.

With this has come a corresponding decrease in the price. The consequent loss to the planters has been great. Not only have they been unable to sell a large part of their crop at all, but they have been compelled to sell what could be sold at a greatly reduced price.

To remedy this condition many expedients have been proposed. It has been urged that the cotton should be bought by the Government at a fair price and held until normal conditions returned. A plan was proposed to issue currency to the owners based on the security of the cotton on a fair valuation. Various other plans of a similar character were presented.

A careful consideration of all these expedients led to the conclusion that any such action would be of questionable benefit to the cotton growers and not justified as a Government policy. Other plans designed to relieve the situation have been accepted, however, by the administration.

WAR-RISK INSURANCE.

One plan was the creation of a bureau of war-risk insurance by the Government. A nation at war is justified in guaranteeing its own merchant vessels against destruction by its enemies, but a nation at peace, desiring to preserve its own neutrality, is never justified in such action. It is admittedly economically indefensible. Even its advocates agree that its operation probably will result in loss. The earned premiums up until the destruction of the *Evelyn* and the *Carib* were $640,848. The Government's loss on these two ships alone is $659,103. The expenses to that time were $6,766; so that the Government so far is a loser to the extent of $25,021.

But that is of small consequence compared to the danger it brings of leading us into war. The *Evelyn* and the *Carib* would not have sailed into the war zone, would not have gone into the mine fields, but for the guaranty given them by the United States Government. The Government induced them to take the awful risk. The Government guaranteed that if they would sail into the forbidden territory it would see that if they were destroyed it would reimburse their loss.

If the business was profitable, marine insurance companies already in existence would be glad to take the risk. If it was safe, private enterprise would embark in the business. But because it was neither profitable nor safe the Government undertook it. The Government's action was designed to induce shipments that were extra hazardous, and for that reason its action is an inducement to private parties to undertake enterprises that from their very nature must necessarily bring about international difficulties and dangers. Our Government would be under obligations to press the claims of a private individual if his loss were occasioned by the violation of international law. To do so would involve no question of neutrality. But for the Government to press a claim it had itself guaranteed is to raise a question at once which is dangerous. If a ship is seized or destroyed by any of the belligerent nations which are now in what they consider a life-and-death struggle for existence, and any unfortunate incident occurs, if any indignity to American citizens or seamen should be shown, if any act which could be construed as an insult to our flag should happen, then, at once, we would be upon the brink of war.

The blowing up of the *Maine* led inevitably to the Spanish-American War. A fancied insult to a small party of American marines in Mexico, which was evidently not intended and for which apology was made, led to sending our fleet to blockade Mexican ports, to an invasion of Mexican territory with our armed forces, to capturing and holding for months their principal seaport, and to a war which though brief in time and small in loss of life was so only because Mexico could not defend her territory or resist our superior force.

War is so very, very easy to get into and so hard to get out of that a nation should do nothing, no matter how financially beneficial it may appear, that will increase the hazards of war. We can afford to suffer any merely material loss rather than go to war. For these reasons the war-risk insurance act was unwise and dangerous and ought to be at once repealed.

SHIP-PURCHASE BILL.

The ship-purchase bill, so strenuously pressed by the administration, is also an unwise and dangerous proposition. Like the war-risk insurance act, it, too, is economically indefensible. It could not effect a general reduction of rates, for the $40,000,000 provided would not purchase enough ships either to carry the cargoes themselves or materially to reduce by their competition the rates of the thousands of ships required and which are now engaged in the business.

It could not build up an American merchant marine, for it would prevent the investment of private capital, which would not go into competition with the Government, while to depend on Government extensions alone would mean the investment of hundreds of millions instead of forty millions.

The bill was pressed as an emergency measure, hence ships can not be built, for that would require 10 or 12 months. To buy ships of neutral nations would add nothing to the existing shipping facilities, for such ships are already engaged to their fullest capacity. The ships of belligerent nations are not available, for to purchase them would violate the rule by which all the belligerents have announced they will be governed—that ships of a belligerent nation can not be transferred to a neutral nation after war has been declared when the effect of the transfer would enable the owners to evade the consequences of the war. There were, in fact, no belligerent ships for sale, except German ships interned in our harbors. The proposition, then, resolves itself into whether we shall purchase the German interned ships.

At once when the plan was proposed the allies vigorously protested. Great Britain and France announced that they would not recognize the validity of the transfers. Even the sale of the *Dacia* by a German company to an American citizen was protested. How much more would it be considered a violation of the announced rule and of neutrality if the German ships should be purchased and operated by the Government itself.

The committee, in reporting the bill, admit that if the Government purchased the German ships there was danger that complications might arise, but believed the shipping board would act with caution. It consoled itself with the declaration that—

The President will have the State Department to advise him on all questions affecting our rights and duties as neutrals.

To some of us this is a not altogether satisfactory assurance. Secretary McAdoo admitted before the committee that if the United States operated the vessels outright "an awkward situation" might arise. But he argued that under the corporation plan of management the Government could relieve itself of responsibility. Unfortunately no one seems to think so except the Secretary.

It must be evident that the proposition is hazardous in the extreme. There is no necessity that we should take such a terrible risk. Cotton exports are continually increasing and the price is better. There is reason to believe it will continue to advance. The people of Europe need food first of all, and that has been their first demand. There have been and are now enough ships to carry all and more than all the grain and foodstuffs that the ports can handle, and we are satisfying the demand. When that demand is abated there will be plenty of ships for cotton, and let us hope an increased demand and enhanced prices. But we can not afford and we must not try to force cotton or anything else into German ports or any other ports at the risk of an almost certainty of war.

OUR RIGHTS AS NEUTRALS.

It is urged that our rights as neutrals are being violated; that our ocean-going trade is being seriously injured; that our vessels are being destroyed by the powers now at war, and that we must assert our rights. I agree to that proposition. But this we have already done. The administration has fully asserted our rights and has protested both vigorously and courteously against their violation. And for that I commend the administration. But suppose our right to the free use of the seas is transgressed, shall be go to war for that? No; because that always occurs whenever a great war is being carried on between great nations. Interference with trade and with the freedom of the seas is the inevitable result of all such wars.

In time of peace no nation has the right to stop merchant ships upon the high seas and search them upon any pretext. But in time of war it is the admitted, undoubted right of any nation engaged in war to stop the merchant ships of any neutral nation anywhere upon the high seas to ascertain whether they carry aid or contraband of war to the enemy. This is a right we have always claimed and freely exercise during our own wars. It is the abuse of the right rather than its exercise of which complaint is usually made. We complain, justly, I think, that our ships have been taken by British cruisers from their courses, convoyed to British ports, and there detained unnecessarily. If that be true, and I believe it is, we can hold the English nation responsible for all losses that thus occur, and she must respond in damages for them. This our President had declared we will do. As he says, there must be a day of reckoning, and our claim for damages will be fully commensurate with our losses. It will not be limited to a delayed shipment or a confiscated cargo, but will include all the indirect injury and damages that are occasioned by hampering our trade and restricting our commerce. But the time to press such claims and demand such settlement is not now. We can afford to wait, both because it is good policy to do so and because we can not afford to exasperate an angered nation fighting for its life. We can not afford to do any act that will probably or possibly lead to war if such act can without irreparable injury be avoided. In any event, it would be both unjustifiable and wicked for the United States to go to war because of a delayed shipment or a confiscated cargo.

England's fleets command the seas. Her long years of preparation and lavish expenditure have made her navy all powerful, and she is now securing her reward. It is to be expected that she will to the fullest degree press her advantage on her enemies. It is also to be expected that in so doing the commerce of neutral nations will suffer. It will be our duty to protest carefully and upon safe grounds against every encroachment on our rights, and when the day of reckoning comes to press vigorously our claims for settlement. But we can afford to wait for that day; and when it shall come, we have no present reason to doubt that full reparation will be made. If, however, it should be refused, we will then determine what course to pursue. We shall be in a position to demand our rights, and shall doubtless be in a position to insist on their recognition.

CONTRABAND OF WAR.

It is objected that the warring nations of Europe are making unwarranted additions to the lists of contraband of war. I agree to that. But there has never been any general agreement among nations as to what should be considered contraband of war; and, until that is done, contraband of war has no settled definition in international law. It is customary for nations at war to make declaration each for itself of what it will consider contraband of war. This has been done during the present war. If unreasonable and unwarranted additions have been made by any warring nation, and any neutral nation has suffered thereby, it is probable that the offending nation can be compelled to respond in damages. We have made our protest, and this is all we should do. Again it should be emphatically said there is here no cause for war.

THE CASE OF THE "WILHELMINA."

The President has protested, and I think with entire justification, against the action of Great Britain in seizing the American ship *Wilhelmina*, laden with a cargo of grain and foodstuffs, bound for a German port and consigned to German citizens. Great Britain has the power to stop the sending of foodstuffs to Germany by either declaring all foodstuffs contraband of war or by proclaiming a blockade of all German ports. Neither of these has been done. Under these circumstances citizens of the United States have the undoubted right to ship foodstuffs to German private citizens.

Great Britain seeks to justify her order on the ground that Germany has issued an order to control the food supplies of the Empire; that this order is really made to conserve the food supply of the army and navy; and that food supplies sent to private citizens will go into control of the Government, and are therefore liable to seizure the same as if consigned directly to the Government.

I am satisfied, from an examination of the order, that Great Britain's contention is not justified. It appears the order was only intended to prevent the food supply of Germany from being controlled by speculators, who were demanding exorbitant prices for the necessities of life from the people, and was intended to conserve the food supplies of the people rather than the army and navy. I believe the prize court will not feel justified in sustaining the rather strained plea of the English authorities.

In any event the Americans were within their rights, and the English authorities have given "definite assurance that the owners of the *Wilhelmina*, as well as the owners of her cargo, if found to be contraband would be equitably indemnified." If found not to be contraband, the vessel will be released to continue her voyage, with damages for her detention. So in this and like cases there will be found no cause for war.

Complaint is made in the press because Great Britain is constantly interfering with our vessels carrying cargoes to the German ports, yet does not declare a blockade. While we complain and have a right to complain of such interferences, we still do send many cargoes to German ports, and as long as no blockade is declared Great Britain is responsible in damages for every such interference. But if a blockade is declared, then all German ports will be closed and we can send no shipments whatever to Germany. As long as Great Britain does not declare a blockade it is to our advantage, and we are very foolish to complain that she does not, or to so act or protest as to lead her to make such declaration.

BRITISH SHIPS FLYING THE AMERICAN FLAG.

The British liner *Lusitania* sailed from the United States with a cargo and a large number of passengers bound for Liverpool. Nearing her destination and entering the war zone proclaimed by Germany and supposed to be infested with her deadly submarines, the captain, in response, it is claimed, to the request of the American passengers, hoisted the American flag, and putting on full steam safely reached the harbor. At once our Government protested, stating that it felt "certain anxiety in considering the possibility of any general use of the flag of the United States by British vessels traversing those waters, since the effect of such a policy might be to bring about a menace to the lives and vessels of United States citizens."

The British note in reply declares that the instance was one where, under the principles and usages of international law, a belligerent merchant vessel is permitted in time of war to use a neutral flag in an emergency for the purpose of escaping capture. It disclaims any intention of advising its merchant shipping "to use foreign flags as a general practice or to resort to them otherwise than for escaping capture or destruction."

At first many of our citizens believed this was a grave infraction of our rights which ought to be stopped at once. But an examination of the precedents shows that the British captain was well within his rights. Our own vessels during the Civil War many times used the British flag as a means of protection from capture by Confederate cruisers. During our war with Spain the scout cruiser *Harvard*, under Capt. Sigsbee, made good use of the Spanish flag off the harbor of San Juan. Dur-

ing the present war a German cruiser, the *Emden*, flew a neutral flag, not for defensive but for offensive use, and thus disguised entered the port of Penang and there destroyed British merchant vessels anchored within the harbor. The exploit is regarded as one of the most daring in all naval history.

In any event, our formal protest was against "any general use" of the flag of the United States, and since Great Britain has assured us that her merchant vessels will not use our flag as "a general practice," the object of our protest is accomplished. In this incident or in others of a like character that may follow there is no cause for war.

LOSS OF THE "EVELYN" AND "CARIB" AND THE USE OF SUBMARINE MINES.

The *Evelyn* and *Carib*, two merchant vessels carrying the flag of the United States, were struck by mines on the German side of the North Sea when nearing their destination. These vessels carried cargoes of cotton for German consumption. It is not yet determined whether the losses occurred on the high seas or whether the vessels unintentionally invaded the mine fields protecting the German ports. Many other neutral vessels have thus been destroyed, some 40 being listed belonging to Norway, Sweden, Denmark, and Holland. In nearly all such cases the cargoes were intended for German consumption, and were in most instances, at least, destroyed by German mines. It can not, therefore, be concluded that such destruction of neutral ships and cargoes was intended or desired by the German nation.

It is to be regretted that the rules of international law regarding these terrible engines of destruction have not yet been definitely settled. The development of this method of warfare is confined to comparatively recent times. Submarine mines properly, so called, were not adopted as a regular means of defense until the American Civil War, when the Confederacy destroyed some of the blockading northern ships by means of them. In the Russo-Japanese War of 1904–1905 both belligerents used submarine mines on a large scale, and the results showed that innocent neutrals might suffer from them to a hitherto unsuspected extent. They have been used by all the belligerents in the present war and have caused the destruction of a large number of both war and merchant, enemy and neutral vessels. The usual form of such mines is an automatic contact submarine bomb, which when struck will explode through some internal action. They may be anchored to the bottom and adjusted to any required depth below the surface. An unanchored mine, or one which has broken its anchorage, may float anywhere at sea and become a peril to all commerce.

All the warring nations disclaim any strewing of the seas with unanchored mines, but the evidence is very much against such disclaimer. Of course in the case of an unattached mine, or one which has broken its moorings, there is no way of determining what nation is responsible for placing it.

It is considered entirely justifiable for a nation to defend any of its ports or coast line by mines placed within the 3-mile limit of its waters. It is also considered defensible to place mines within the territorial waters of an enemy to prevent the ingress or egress of its vessels. It is needless to say that both these methods have been used by the belligerents during the present war.

If the *Evelyn* and *Carib* invaded the mined fields protecting the German ports, or drifted thereon, it is likely there can be no recovery for the loss. But if it can be shown either that they were pursuing their course under the direction of the German authorities, or that they were destroyed outside the German territorial waters by German floating mines, in either case the German Government would be held responsible.

In any event there is nothing in these instances and there will be nothing in others like them to justify our going to war.

THE USE OF SUBMARINES.

A more serious question, however, has arisen with regard to the use of submarines. Germany in retaliation for what she declares is an effort to starve her people into submission, has issued the following "war-zone proclamation:

> The waters around Great Britain and Ireland, including the whole English Channel, are declared a war zone from and after February 18, 1915.
>
> Every enemy ship found in this war zone will be destroyed, even if it is impossible to avert dangers which threaten the crew and passengers.
>
> Also, neutral ships in the war zone are in danger, as in consequence of the misuse of neutral flags ordered by the British Government on January 31, and in view of the hazards of naval warfare, it can not always be avoided that attacks meant for enemy ships endanger neutral ships.

It is evident that the only way by which Germany can make effective such an order is by using her submarines. It is also evident that such indiscriminate use of submarines would constitute a grave menace to all neutral vessels endeavoring to use such waters.

Our Government at once filed a most vigorous protest against the declaration because of "the very serious possibilities of the course of action apparently contemplated." It declared that the destruction of an American vessel by a German submarine on the high seas would constitute "an indefensible violation of neutral rights, which it would be very hard indeed to reconcile with the friendly relations now happily subsisting between the two Governments."

In her reply Germany explains her order on the ground of military necessity, and disclaims any intention of purposely injuring neutral commerce. A subsequent statement sent out from Berlin declares:

> German submarines and warships will endeavor by every means in their power to avoid sinking American or other neutral ships, and will take every precaution to avoid a mistake being made. The proclamation of the waters around Great Britain as a war zone, like similar British measures which were taken as a precedent, is designed to warn neutrals that a ship venturing within the naval field of operations exposes itself in the same fashion as a civilian wandering on a land battle field to the risk of being struck by a chance shot.

It can not seriously be believed that Germany would intend to destroy a United States vessel by her submarines. It is not at all likely; in fact, it is almost impossible, that any such thing should occur. But if it did, what then? We would demand reparation and apology and would be entirely justified in doing so. There is no reason that can be suggested why Germany would refuse to do what the acknowledged principles of international law and every dictate of prudence and justice would require her to do. Even in this extreme case there would be no justification or excuse for war.

DUTY OF GOVERNMENT AND PEOPLE.

I have with some degree of particularity discussed these incidents which have already occured, regarding some of which we have just cause for complaint, but which are susceptible of peaceful settlement. We must demand and insist upon our rights, and this we have already done and will continue to do. But in the intercourse of nations, especially in times like these, cases are constantly arising where the rights of one nation are invaded by another. Such cases may be and usually are settled by diplomacy or by arbitration, not by war. All will agree that now especially we should exhaust every possible peaceful resource before we resort to war. Never before were its horrors so realized, never before was its utter worthlessness as a means of settling international difficulties so demonstrated as now.

While this is true we must recognize the fact that war exists in its most terrible form, and that its madness, its excesses, its utter unreason should be taken into consideration as affecting and modifying our every word and act during the progress of hostilities. We are justified in urging every right we possess as neutrals and in protesting every infringement of those rights. But in so doing we should be doubly certain that our demands are well grounded, and in pressing them for recognition and satisfaction we should be especially considerate and moderate.

The danger that confronts the administration is that in its efforts to restore prosperity, to increase our trade and extend our commerce, it may press our interests too hard and too far. It is difficult to exercise restraint when claiming and urging that which is regarded as an undoubted right. But it should be remembered that we are not now operating under normal conditions nor with nations capable of calmly considering insistent demands. If we should press an imperative demand and it should be met with an unqualified refusal, an impasse would at once arise that might be fatal to peace. If, however, we shall in the future as we have in the past promptly protest every infraction of our rights as neutrals and notify the offenders that they will be held responsible, there will come a day of reckoning, which we hope shall be a day of peace, when calm reason and enlightened judgment shall determine our rights and the method and extent of our redress.

There is danger also from the easily aroused resentment of the people. The war spirit is quick to excite and difficult to assuage. Incidents may arise which may easily be used to excite such resentment and arouse such war spirit. In spite of the efforts of the Government to ascertain the facts and arrange for a peaceful settlement the spirit of the people may demand instant action and redress. At such times the administration's policy will seem to run counter to the patriotic impulse of the people, when in fact it may be really serving their best interest. If under such circumstances the administration shall yield to the popular demand, the country will suffer the disastrous consequences of its own folly. What is most to be feared is a hastily formed public opinion, the passion of the multitude stirred and inflamed by selfish interests and urged to action by irresponsible enthusiasts. At such times it is easy to bring on war.

Under such circumstances it is the duty of every Representative and every citizen to endeavor to form a public opinion against

war and to support the administration in its endeavor to avoid war, so that if an event occurs which the war makers and the sensation mongers shall use to stimulate the war spirit it may be met by a public opinion controlled by moderation and reason.

There is every reason to believe that it is the policy and purpose of all the nations now at war to deal fairly with this country. It is inconceivable that any of these Governments should desire that an affront be given us or that any wanton or unjustifiable act be done to our injury. But if some petty official or some half-crazed officer should insult our flag or commit some indignity upon our citizens a storm of indignation would arise in resentment among our people that would be difficult to abate. In such a case every citizen should carefully guard his utterance and withhold his judgment, that he may be able to aid and not hinder a fair and honorable settlement.

A nation should not be held responsible culpably for an act done by a subordinate which it disavows. A demand for reparation or apology should not be pressed in such a spirit as to excite a resentment which will prevent the favorable action which otherwise the offending nation would be glad to give. If in insisting on the recognition of our rights or pressing for reparation for wrongs which we may suffer we shall maintain that poise and dignity befitting a great and mighty nation, there is little danger that we will not obtain everything we are fairly and honorably entitled to claim. A powerful nation can afford to be magnanimous. A Christian nation should, above all, be just.

Mr. GILLETT. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. ROGERS] five minutes.

Mr. ROGERS. Mr. Chairman, a week ago to-day I made some observations in the House on the recent conduct of the portfolio of state in the course of which I took occasion to trace the history of the administration dealing with the Republic of Santo Domingo. I was accused at that time and since of being somewhat partisan in the course which my discussion took. I do not want to be partisan; I do not want even to be deemed partisan; on the contrary, I wish it to be understood that I laid before the House the facts of the case as fairly and squarely and conservatively as possible.

Much of the testimony upon which I relied had been furnished by Mr. Walker W. Vick, an eminent Democrat, upon whose authority and responsibility the recent investigation was undertaken. Since I made my speech of a week ago Mr. Vick, under date of February 22, has issued a statement to the leaders of the Democratic Party. As a Democrat speaking to Democrats, I think his word at least could not be regarded as partisan, and for the possible enlightenment and interest of the House I send this memorandum to the desk and ask that it be read in my time.

The Clerk read as follows:

STATEMENT OF WALKER W. VICK TO THE LEADERS OF THE DEMOCRATIC PARTY.

RUTHERFORD, N. J., *February 22, 1915.*

Because of my connection with President Wilson's campaigns and inaugural, my position as assistant secretary of the Democratic national committee, and my having held office under the administration I have been criticized in certain quarters for my responsibility in bringing about the investigation of James Mark Sullivan, minister to Santo Domingo. This criticism is based upon a misconception of the facts by some and misrepresentation of the facts by others.

I firmly believe house cleaning, when necessary, should be done within the party, and so thoroughly and effectively as to leave no opportunity for doubt as to Democratic good faith. The Santo Domingo scandal was a condition which had to be met frankly and squarely by the Democratic Party. I endeavored for about eight months to have the State Department give the matter the serious consideration it deserved. Ample facts indicative of the urgent necessity for thorough investigation were presented by many persons besides myself whose motives could not be questioned. Secretary Tumulty has testified I was acting upon instructions of the White House in making reports on the Sullivan situation. It is also true I laid certain facts before Secretary Bryan upon instructions of my superior officer, the Secretary of War. It is not true that I made charges against Minister Sullivan.

Apparently the State Department made no competent investigation before deciding to stand by Sullivan. The department's "whitewashing" of him created consternation among those having a knowledge of the situation. Mr. Sullivan's own reference to what he termed his "vindication" from the White House (press dispatch of September 30, 1914) and his boast that he was returning to Santo Domingo "to stay," left no other honorable course than the one I followed.

My voluntary resignation forwarded to the President June 9, 1914, was misrepresented in certain quarters, and it was asserted that I would have been removed had I not resigned. Efforts were made to besmirch my character by false affidavits and slanderous statements when Sullivan's defenders found they could not attack my official record.

While regretting the necessity, I felt my duty demanded the facts be laid before the President. This was done by letter of December 1, 1914. The appointment of Commissioner James Duval Phelan and steps for a competent investigation followed.

A comprehensive presentation of the case to the President required that the facts as I knew them should be supplemented with affidavits and other evidence, which I as an individual lacked resources to obtain. The New York World—a Democratic and administration paper—undertook its own investigation at my suggestion and with my cooperation. The results more than corroborated the facts as they had come to me. I refused to cooperate with others whose purposes I believed to have been inimical to the administration and the Democratic Party.

The testimony, as developed by Commissioner Phelan's investigation, speaks for itself. In presenting my testimony I have not resorted to personalities, but have stuck religiously to the issues involved; i. e., events leading up to the appointment of Mr. Sullivan, his fitness for the post, and his actions in office. The necessity for presenting Mr. Bryan's letter arose from the statement contained therein that Mr. Sullivan was "a strong, courageous, reliable fellow"—a prejudgment back of which Mr. Bryan had refused to go.

The record of the investigation shows convincingly Mr. Bryan has been imposed upon by men intent upon selling him and the Democratic Party for their own selfish ends.

It is a further duty of the Democratic Party to clean up the pernicious lobby whose activities in tariff, treaty, and other legislation have been only partly brought to light in the record of the Sullivan investigation. A Democratic investigation exposed the Republican lobby. As Democrats we can not afford to have the tables turned or allow the party to become stultified by "revenue-only" Democrats serving their own ends.

By compelling a thorough investigation of the Sullivan scandal I have rendered a public service to my country and discharged a duty to the administration and the party. I have no apologies to offer, but do not desire to be misunderstood or misrepresented. No one has given more loyal and devoted service to President Wilson and the party than I. I stand squarely upon my record of accomplishment and the sacrifices I have been compelled to make, financially and politically, because I would not shut my eyes to a situation that no honest man could ignore.

Very truly, yours, WALKER W. VICK.

Mr. BARTLETT. Mr. Chairman, I yield to the gentleman from Tennessee [Mr. HULL] 10 minutes.

Mr. HULL. Mr. Speaker, one of the surprising facts relating to the existing European war is the entire failure of so many intelligent citizens of the United States to realize and appreciate its tremendous effects upon finance, commerce, and industry throughout the world; indeed, they do not grasp the real scope and extent of the war itself. Little do many people, especially in the peace countries, realize that we are passing through the most momentous epoch in the history of the human race. The world's population is about 1,620,000,000. A majority of this, or 925,000,000 persons, reside in the countries and colonies directly involved in the war. The total area of the globe, not including the polar regions, is about 52,000,000 square miles. The countries engaged in the war comprise an area of 28,500,000 square miles. All five continents are more or less involved in the actual fighting. The awful tide of militarism is at full flow.

The wars of Alexander, Cæsar, Hannibal, Frederick the Great, and Napoleon were but trivial engagements when compared with the present mighty European conflict. To-day huge armies aggregating nearly 15,000,000 men have been organized, equipped, and are in battle array. The flower of Europe's manhood has been summoned from field, forest, mine, and factory to make up this mighty host. Marshaled behind their respective colors, the great armies of France, Germany, Russia, Austria, and England are facing each other in deadly combat on battle lines aggregating 1,000 miles in length. Day and night, summer and winter, they are fighting on the land, on the sea, in the air, and under the sea. Already they have suffered a combined loss of more than 3,000,000 in killed, wounded, and captured. According to the best official figures obtainable, this war has cost $8,500,000,000 during its first six months, or at the rate of $17,000,000,000 per year, or $47,000,000 per day. This does not include lives lost nor property destroyed. The human imagination can not easily grasp the full meaning and scope of the war, much less its awful destructive effects.

The world's international trade is $40,000,000,000 per year, and of this total amount the warring countries and their colonies have $25,000,000,000. Under modern business development, aided by rapid communication over telephones, telegraphs, and cable lines and by transportation facilities between all commercial points, the world's business in a large measure has become one great structure. The commerce and finance of the different countries of the world have become closely associated and related and interdependent. The arteries of the world's business have thus become almost as intimately associated as the arteries of the human body.

What were some of the additional results when the flames of the European war suddenly burst forth on the 1st of August last? All our international exchange suddenly broke down. Our international credit likewise fell to the ground. For several months the shock of the war dominated the world's commercial affairs. The leading stock markets everywhere were closed, thus shutting off any market for the world's securities. Trade was not only universally disturbed, but paralyzed for the time being. Financial chaos reigned supreme. All transportation lines in Europe were utilized for the transportation of armies and army supplies, to the exclusion of commerce. At this time the United States owed Europe $4,500,000,000. Three hundred million dollars of this amount was practically due, and our European creditors were demanding payment in gold. They also threatened to dump upon us immense blocks of our stocks and bonds which they held. The

world's international commerce disappeared from the seas at the rate of more than $3,000,000,000 per month. During the first five months of the war the international trade was cut down from $40,000,000,000 to $24,000,000,000. Before the war the trade of the United States with the countries at war comprised $1,600,000,000 (excluding colonies) of its total annual foreign trade of $3,900,000,000.

The war has driven the powerful German merchant marine, comprising 2,388 vessels, from the sea. The foreign trade of Germany, Hungary, and Belgium, which represented about 22 per cent of the trade of the world, has practically vanished. England has taken out of the foreign merchant-marine service 1,200 vessels of her total number of 4,235. Four hundred vessels engaged in the carrying trade between South America and Europe were suddenly withdrawn from this service following the outbreak of the war. Sweeping embargoes on the exportation to the United States and other countries of a large number of both raw and manufactured products have been imposed not only by the warring nations but by the Scandinavian countries, Switzerland, Italy, and other peace nations. The war dangers of navigation to merchant vessels, the high war insurance rates, the greatly augmented freight rates between shipping points throughout the world—in some cases representing an increase of 1,000 per cent—the extraordinary and unparalleled congestion of European ports, which in some cases has caused a delay in discharging cargoes of two to four months—these tremendous handicaps, applying as they do generally to the world's commerce, have disarranged, depressed, and demoralized the business of the world to an extent beyond computation. Yet it is most difficult for the citizens of peace countries to understand that because a given country is not actually engaged in the war it is nevertheless the victim of the awful handicaps of war with respect to trade, finance, and commerce. In the recent language of Senator BURTON, of Ohio:

> I want you to realize this fact: There is war, and this war has deranged the routes of trade. It has destroyed many of the agencies of transportation. It has diminished shipping facilities. It has introduced demoralization, partial destruction in almost every branch of commercial and industrial activity.

A few citations of facts and figures will better illustrate the staggering loss to the world's trade on account of the war. During the year 1914 the exports of England decreased more than $475,000,000, while imports decreased more than $355,000,000. Notwithstanding her enormous purchases of food stuffs, her imports for January show a loss of more than $3,000,000, while her exports for this month fell off $98,000,000. For the month of December last the imports of the United States from Great Britain declined from $20,000,000 to $14,000,000, while like imports from all the warring countries to the United States declined from $72,000,000 to $31,000,000. The foreign trade of France during the first four months of the war shows a loss almost as appalling as that of England, aggregating as it did $650,000,000. For the month of December last the exports of France to the United States fell from $17,500,000 to $6,000,000, while for the first five months of the war like imports from France declined more than 50 per cent, and continue to decline. Our export trade to Germany, Austria, and Belgium, heretofore amounting to more than $500,000,000, is practically wiped out. Belgium's international trade, amounting to more than $1,500,000,000, is gone; her fields are laid waste; her highways and bridges are destroyed; and scores of her towns and cities have been wiped out by the ravages of war; her richest people are in the bread line. The rich Argentine Republic is in the throes of a severe business depression. Since the war began, it is estimated that there were more than 80,000 idle persons in one city alone, and a corresponding proportion of unemployed in other parts of the country. Not only has her international commerce, which has been chiefly with Europe, greatly declined, but the failure of Europe on account of war necessities at home to furnish large supplies of capital, as heretofore, has left both the people and the Government almost prostrated. Many of her railroads and factories have greatly curtailed operations for lack of fuel and certain other supplies. The shipments of her cereals have been largely cut off for the reasons I have heretofore stated. The Government itself is in financial straits. The deplorable conditions of Argentina, which is the richest country in South America, well illustrate the unfortunate plight of all South American countries under European war conditions. Some of them can not even borrow money to pay interest on their public debts. They are almost in a general state of moratorium.

The fact is beyond controversy that the disastrous effects of the European war are world-wide. If we go to the Scandinavian countries we find that Sweden, for example, is severely suffering from the stress of the war. Prices of everything have greatly increased—many foodstuffs having doubled in value. Exports and imports are practically cut off. Fuel is most difficult to secure. Japan has been no exception with respect to general rise in prices and severe stagnation of business. During the first few months of the war this little country suffered a loss of import revenue of $41,000,000. In far-off China and Korea a general depression of business has come as a result of the European war. In many parts of the European colonies in Africa we find the same measure of distress in most lines of business and finance. It is needless to recount the terribly acute conditions of privation, high prices, and commercial distress existing in countries like Holland and Switzerland. Their proximity to the war zone augments the financial and commercial burden inflicted upon the peace countries throughout the world by the war. Spain is likewise in the grasp of a severe commercial and financial depression and has her full share of unemployed. A recent dispatch states that workingmen and their families are suffering much throughout Spain because of the increasing lack of employment. In some localities famine is threatened. Bread riots have occurred in many cities of Italy. Her destitution is well known.

Canada, which is at our very door, affords another typical illustration of the many business and industrial handicaps and misfortunes which are the common lot of practically every nation on the planet, whether actually engaged in war or not. Her business failures for the year 1914 were more than double those of the preceding year. Her exports decreased over $20,000,000 and her imports for 11 months show a loss of over $60,000,000. The building permits for only four cities show a shrinkage of over $29,000,000. Large orders for munitions of war have recently increased her hitherto declining exports. The losses of railroad earnings in Canada have been much greater relatively than similar losses in the United States. The depression in all lines of business in Canada is, and has, for the past two years, been more severe than any business disturbances in the United States. Some of the Provinces are in the act of establishing a moratorium for the benefit of debtors on account of their inability generally to meet their obligations. The United States is enjoying a great business boom in comparison with Canada's condition; the business of the latter is more prostrate than almost any other country on earth. The customs or tariff revenues of this little country, which only spends $190,000,000 annually, fell off $26,000,000 during the year 1914. A new war revenue act imposing a direct tax on almost every taxable article except foodstuffs, agricultural machinery, fuel, and similar items, has recently been proposed by the Government. They estimate that even with these new revenues the end of the present fiscal year will show a loss of revenue of $33,000,000 and a total deficit of $60,000,000. This does not include the special war expenditures of $100,000,000, which will be borrowed. I need scarcely add that the percentage of unemployed in Canada is in greater proportion than that in the United States.

To the American citizen, who seems unable to realize the existence of a war unless he should hear the drum tap or the cannon's roar, a brief sojourn in any other peace country of the world and the experience of worse conditions as to the unemployed, the earnings of railroads and other industrial organizations, the great decline in building permits and consequent low price of lumber, the loss of Government revenues, the severe high prices of articles of common use, the extreme scarcity of fuel and oftentimes of foodstuffs, and the general decline and depression in practically every important line of business, would enable such citizen much more greatly to appreciate and enjoy the blessings of American conditions; he would no longer shut his eyes to the existence of the terrible conflagration in Europe which ramifies until it directly embraces a majority of both the population and the area of the world and scatters its devastating influences amongst all bystander nations and their peoples from one end of the earth to the other. Neither would he, with this broad experience and new vision, be so blind and narrow as to hold the Government at Washington responsible for these world-wide conditions, which are utterly beyond the power of any Government, or any number of Governments combined, at this time effectively to control or materially to change.

Careful observation of the financial, commercial, and industrial conditions that have existed in each of the important countries of the world during the past two years, and especially during the European war, compels the conclusion that the American people have fared better and suffered less with respect to each important phase of their finance, trade, and industry than any other nation.

A glance at the controlling conditions and influences affecting business, finance, and material development in the United States during the past two years, and especially during the

European war, and some comment upon the present soundness of each branch and the basis they afford for permanent nation-wide prosperity now rapidly coming in some lines and gradually in others might be of interest. The United States is wonderfully blessed with respect to practically all the needs and conveniences of a great people. We produce 42 per cent of the world's pig iron, about 25 per cent of its wheat, 42 per cent of its coal, 71 per cent of its corn, and 61 per cent of its cotton. Being so richly endowed in natural resources and peopled by the most intelligent, industrious, and skillful race on earth, the United States has correspondingly greater opportunities for progress in every line, and should and will under world-wide conditions, whether good or bad, fare better than any other country. Since 1912 there has been a world-wide reaction in the nature of depression in business and finance. The Balkan war was responsible for its origin. It created the serious fear throughout its existence that the great powers of Europe might any day become involved; the result was that the masses in those countries withdrew immense amounts of deposits from the banks and also converted their securities into cash. This action alone cut down the world's supply of available capital to the estimated amount of more than $450,000,000. This sudden reduction of the world's money supply, together with the financial demands incident to the Balkan war, the gradual rise in the world's standard of prices, and the immense outlay for European armaments, were the chief factors contributing to the depression which commenced in Europe in 1912. Its effects were first felt across the sea in South America, the countries of which had been financed by Europe for a generation. Their accustomed supply of capital was materially reduced, and then it was that those countries began to suffer from the business conditions I have described.

As is true of all other business depressions that have first arisen in Europe, this condition in a measure manifested itself in the United States during the year 1913. Agriculture is the basis of prosperity; 1913 was a bad crop year in the United States. Since 1912 large amounts of our then $5,000,000,000 indebtedness to Europe have been coming back in a constant stream for liquidation. This depressed our securities and discouraged further European investments here. A temporary halting and hesitation in business and finance were also a natural result of the enactment of the new currency law and the tariff-revision law by Congress. It was inevitable that business should adjust itself to the new conditions created by these two highly beneficial pieces of constructive legislation. The reconstruction of our banking system, which gave the country assurance of sound and up-to-date banking and of an elastic currency system, through the agency of the recent wonderful currency legislation, marked by far the most important progress in the financial policy of this Government during the past 50 years. Enabling the country, as it does, to prevent panics and to cope with any financial crisis, the passage of this great piece of legislation so much needed was a most encouraging business factor. The enactment of the new tariff law was in response to a long and persistent demand of the people generally for relief from an antiquated, harsh, inequitable, and class system of taxation. Perhaps no more fair and equitable tax law can be found in the statutes of any nation, as future experience will thoroughly demonstrate. After the business of the world had practically adjusted itself to the new conditions created by these laws and the Nation was in the act of turning into the lane of unexampled and permanent prosperity, the awful European war, in all its destructive effects, suddenly projected itself upon the world.

Other nations have been struggling under these terrible war effects as I have described. The soundness of all business conditions in this country and the long period of liquidation through which it had passed placed the United States in the best possible attitude to weather the European storm. Notwithstanding the mountain of facts I have pointed out showing the universal effects of the war, certain individuals and groups of individuals in this country have attempted to set up the false cry that we have not materially suffered from the war, but that the new tariff law is responsible for such business disturbances as we have had; that such law is a failure, both as a revenue producer and as a sound economic measure. These persons would deceive the American people by falsely attributing unfavorable business developments to the new tariff, but giving the war credit for all favorable developments. This false propaganda is the merest pretense, intended to discredit the great constructive legislative measures enacted by this administration. Theirs is the voice of selfish protectionist greed, seeking to capitalize the country's misfortunes, due to the war, for standpat political and protective tariff purposes. The attempt to start this outrageous and false propaganda at this serious and critical period through which the country is passing is conduct most despicable. It is placing politics and greed high above patriotism. The empty and bald assertion, wholly unsupported by any tangible facts, that the new tariff law is a revenue failure during normal times is refuted by a glance at its revenue yield during the nine months of its existence prior to the war. The law took effect October 3, 1913. On that date $85,500,000 had been collected during the fiscal year 1913–14. It was estimated that during the remainder of the fiscal year ending June 30, 1914, the new law would yield an additional $184,500,000, making a total yield from customs for the fiscal year of $270,000,000. This estimated yield was far exceeded. The new law, in fact, yielded $206,500,000 instead of the estimated $184,500,000, making a total customs yield for the fiscal year of $292,000,000. The total tariff and income-tax yield combined fully met the estimates, while the total revenue yield for that fiscal year from the tariff, the income tax that had accrued, and the internal revenue proper was in excess of nearly $15,000,000 over the same combined revenue yield of the Payne law for the previous year. Several million dollars of the income tax accruing was not paid into the Treasury until after the 1st of July, 1914.

As was true of all other countries, the war dealt a severe blow to our imports and to customs receipts. They have been gradually declining each month since the outbreak of the war. A continued decline rather than an increase may be expected while the war continues. In no other peace nation has any individual been so bereft of a sense of patriotism and fairness as to charge the decline in customs revenues on account of the war to inadequate tariff legislation. The fact that the ravages of the war are gradually choking international commerce would lead to the conclusion that our customs receipts for the present fiscal year may fall as low as $205,000,000. However, this contingency can properly be met, if necessary, by an issuance of Panama Canal bonds during the next fiscal year. The Treasury, during the fiscal years 1914 and 1915, has paid out of the general fund on account of canal obligations the amount of $55,000,000 to date. There have been five issues of these canal bonds since 1907, aggregating $138,600,000, and their proceeds placed in the Treasury for general expenditure. There were two issues during the life of the Payne tariff law, and without which it would have brought a deficit three of the four years of its existence. Whatever decline of revenues this Nation may suffer during the present trying period, it will suffer a smaller proportionate loss and have a smaller revenue deficit, if any, than any other peace country on earth. Every patriotic American citizen should frankly realize these facts, and, instead of attempting to play politics, all should cooperate in a joint effort to enable our country to weather these war conditions as best it can. We should thank God that they are no worse, and that, though handicapped by the war's effects, we are not at war.

The bitter standpat Republican calamity howler has suggested that the balance of international trade during the first eight months of the existence of the new tariff law showed a loss against the United States to the extent of $313,000,000 compared with previous year, and that this minor fact demonstrated the law's failure. The balance of trade against the United States between the years 1908 and 1910 was $478,000,000. By this process of reasoning the Payne law can be proven to have been a far greater failure. This kind of balderdash, however, has ceased, for the reason that for some time the balance of trade in favor of the United States indicates an annual showing of more than $1,000,000,000. Germany and other countries also suffered a loss of exports at the time the Republicans complain of.

The hidebound protectionist has also been making the most astounding and reckless statements relative to the amount and value of our imports under the new tariff law. He would create the erroneous impression that our imports have been enormous and are calculated to destroy the manufacturing industries of the country. The truth is that the imports of manufactures for the calendar year 1913 were valued at $753,689,000, while the imports for the year 1914 were $682,632,000, yet the average manufacturer is being taught to imagine that he is about to be overwhelmed with foreign imports of manufactures. The facts are that our total imports for the calendar year 1913 were valued at $1,792,596,000, while those for the year 1914 were valued at $1,789,276,000. Practically the only increase of imports under the new tariff law have been confined to the one item of foodstuffs and food animals. The new tariff law will remove or greatly reduce the tariff tax on crude materials for use in manufacturing. I append to my remarks a compilation showing the principal classes of articles imported during these two years and their values, which clearly exposes the Republican fallacy that the new law is productive of any real injury to manufacturers,

and that, on the contrary, it enables them to get cheaper raw materials.

Suppose that the Payne tariff were in operation during these troublous war times and even prior thereto. It would not have aided business prior to the war any more than the Dingley law in the panic of 1907. Furthermore, with the Payne law in operation without an income tax during this war the customs losses would have been correspondingly greater and Congress would have had to enact a war-tax law that would yield about $70,000,000 more than the present war tax is estimated to yield. But why the folly and inconsistency of prating about the protective tariff at this time? The war has constructed around this country a tariff wall higher than all the protective tariffs combined could build. With this complete and unheard-of degree of protection from foreign competition, why are we having so-called hard times in certain lines if the war has nothing to do with our business conditions? Why does not protection assert itself?

Perhaps there has been more stagnation in the iron and steel industry during the past two years than any other; but no person with the slightest regard for truth and fairness will attribute this condition to the new tariff. The whole truth is that the imports of all iron and steel and manufactures thereof for the calendar year 1913 were $33,601,000, while for the calendar year 1914 they were only $28,615,000, or $5,000,000 less under the Underwood tariff than under the Payne tariff. It may be further observed that the imports of dutiable iron and steel products for the year 1913 exceeded in value those for the year 1914 more than $10,000,000. The iron and steel industry first experienced a halting of business more than a year ago, when the railroads of the country began to reduce their normal purchases. Another serious handicap arising about this time was the inability of foreign countries, to which we have been in the habit of exporting iron and steel products, to purchase the usual amounts by reason of their general business depression, to which I have already referred. It will undoubtedly not be contended that our tariff caused these foreign business depressions. With diminished imports of iron and steel products under the new tariff law, to argue that this law has hurt that industry would be downright deception.

The inability of foreign customers to purchase the usual amounts of our iron and steel products is convincingly shown by the fact that our exports of these products to foreign countries for the year 1914 showed a loss of $94,000,000. One of the principal causes of the great decline in the purchase of iron and steel products by railroads in this country was that so many of our railroads fell a prey to financial pirates and railroad wreckers during recent years. The unfortunate experience and plight of the Rock Island system, the New York, New Haven & Hartford system, and the St. Louis & San Francisco; the serious financial entanglements of the Missouri Pacific, Denver & Rio Grande, Western Pacific, Cincinnati, Hamilton & Dayton, Pere Marquette, and Wabash-Pittsburgh Terminal, are good illustrations of the deadly work of the financial railroad looters. Many of the finest railroad properties in the country have been thus wrecked. These conditions of railroad business outlawry greatly impaired investment confidence both here and in Europe, with the result that European investors have dumped back upon us immense blocks of railroad securities. These terribly destructive influences have since been halted, and the railroads of the country are now facing a constructive era with normal conditions.

A few woolen manufacturers, including the American Woolen Trust, find it difficult to reconcile themselves to the loss of the immense tariff graft which they enjoyed for 40 years under previous tariff laws, and they complain at the present law. Every wealthy mill owner who has an old or unimproved or run-down mill, or who has installed incompetent relatives as managers of their plants, cries loudly for protective tariff rates that will protect their products from foreign competition. They would have our 90,000,000 people pay higher prices for clothes, blankets, etc., in order to maintain this indefensible degree of protection. The present tariff law may, as every honest tariff law should, place at a disadvantage old or obsolete textile mills without up-to-date machinery and equipment and without ordinary efficiency in their operation. Practically the only complaint against the present law comes from these sources. It would be outrageous to tax the American people for a purpose so selfish and indefensible. Our woolen manufacturers have, perhaps, forgotten that a greater depression existed in their industry in the years 1890 and 1891 under the McKinley law than during the past 18 months. Furthermore, their pretended claim of injury under the new law is refuted by the fact that they have been making immense purchases of raw wool. Their purchases for the fiscal year of 1914 were greater than for several years and amounted to 542,000,000 pounds, as compared with 495,000,000 pounds for the previous year. These facts speak louder than their idle tariff complaints. The mills are evidently not idle and do not expect to be idle in the future. The sheep raisers, whom these woolen manufacturers had deluded for a generation by the false representation that free wool would lower prices and destroy the sheep industry, almost went into spasms when the new tariff law passed. Yet, as Democrats have long contended as a sound economic proposition, free wool has not hurt the sheep industry here, but has given the sheep grower the stable prices of the world's market instead of the fluctuating and manipulated American market at Boston. Their eyes should now be opened in the light of wool prices since the new tariff. The truth is that the wool supply of the world is gradually decreasing. For the year 1914 the world's supply fell off 100,000,000 pounds from the year 1912.

The number of sheep in the aggregate is gradually decreasing throughout the world. For several years the price of wool in the world's market at London has generally been higher than that of the American market at Boston. Under the new law our American sheep raisers have begun to export certain classes of wool where they can get the best world's prices, instead of being compelled, as heretofore, to accept arbitrary prices in the United States. Trade laws as to wool, as well as trade laws generally, are created by and respond to world-wide conditions, and can not be controlled by legislation. In response to the new tariff law, the woolen manufacturers immediately marked down prices in many lines, the benefits of which were in sight of the American consumer; but before they had disposed of their high-priced stocks on hand the war came on, and under its entire protection they have marked prices up again. This fact is also true of the cotton trade. I append tables fully explanatory of woolen conditions under the new tariff law. These tables clearly show the ability of our domestic manufacturers, with the advantage of existing tariff margins, to maintain their industry at a reasonable profit without injury from foreign importations, although they will, after the war, be required to make reasonable reductions of former high and extortionate prices.

The cotton schedule of the new tariff law will compel the sale of cotton goods to the people at reasonable prices, and at the same time afford no just complaint by the cotton mills. The increase of cotton-goods importations during the first nine months of the year 1914 was only a little over $2,000,000, or less than 5 per cent. We have been exporting from $20,000,000 to $40,000,000 of cotton goods to many countries of the world. We grow our own cotton, and ship and sell to foreign mills an immense proportion of their product of consumption. It is absurd to contend, especially under conditions of war and conditions that must exist for many years following the war, that foreign mills can pay the high ocean freights on raw cotton and high insurance back and forth across the ocean and undersell our own manufacturers, either in the United States or elsewhere. This economic condition must exist in any event for many years to come.

The great blow inflicted upon the textile and all other industries in Europe by the war, the destruction of mills in Poland, in Alsace-Lorraine, in France, and Belgium, the complete disorganization of their best mills by the demands of the armies for their skilled employees—these and like conditions will not only leave the textile market of the United States almost undisputed to our domestic manufacturers, but likewise will open to them the markets of the world if they will but exercise reasonable energy and enterprise to secure them. It is true that we are temporarily handicapped with respect to dyestuffs, the chief amount of which we have heretofore procured from Germany. American ingenuity, however, can soon solve this problem. The imports of cotton cloth for the year 1914, taken in the aggregate, is in no wise calculated seriously to injure American cotton mills, although there was a substantial increase in certain lines. Our estimated consumption of cotton cloth, including duck, for the year 1914 is $546,323,000, while our imports for this year were $11,000,000, or 2.01 per cent of our consumption. Naturally there has been uncertainty of cotton prices and instability of the cotton market under war conditions, and the mills have only sought to meet the immediate needs and buyers of mill products have only purchased temporary supplies. Nineteen hundred and fourteen was a hard year for the cotton grower. The war greatly delayed and reduced the usual European purchases. The crop of 1914 was next to the largest crop in the history of the industry in the United States. In addition to these handicaps, the cotton-export countries of England have been unable to purchase the usual amounts of cotton goods, and on this account alone the output of English mills has been greatly reduced. However, our cotton exports are only 2,000,000

bales behind those of the year 1913; and notwithstanding the serious war conditions, the prices are higher than at this date in 1900, 1902, and 1905. There is no reason why present cotton prices will not at least be maintained. In view of the world's manifest needs, only the great European war could have materially cut down prices of raw cotton at this time. No tariff considerations could possibly affect this condition. The future for the American cotton manufacturer is clearing and presents splendid prospects. If the cotton-mill men will make reasonable effort to meet the new conditions by correcting bad factory management, selling methods, by improving efficiency, and so forth, instead of listening to the siren song of standpat Republicans and waiting for another high tariff, they will during the next few years make wonderful strides in the development of the cotton textile industry.

After the reduction of the duties, sugar prices in this country responded in the way of substantial reductions. When the war began, however, England's supply of sugar, which had measurably come from Austria, was cut off, and she at once made large purchases from this and other countries, and the Austrian supply being eliminated from the world's market, the result was that prices have again risen. This is but another illustration of the sound economic law of the world's supply and demand, which can not be materially influenced by any kind of local legislation. This law has likewise applied to food products. There is a shortage of food in the world at present. The result is that crops are bringing higher prices than ordinarily prevail. No tariff or like artificial considerations can affect them. The price of wheat, for instance, is high, more on account of the demand than the supply. The closing of the Dardanelles shut off the export of wheat from Russia. The war will greatly reduce the normal European crops for the year 1915. The American people can feel assured of good prices for all the foodstuffs they can possibly produce during this year. Our $50,000,000 of tobacco exports have been greatly handicapped and reduced by the war, with the result that there is stagnation and depression in tobacco.

Republican calamity howlers have heretofore said that the new tariff would create low prices and ruin manufacturers and that it should be increased. Now they say the Democrats have not carried out their promise by creating low prices under the new tariff. They are trying to ride two or three horses by announcing to the wheat grower, the wool grower, the sugar producer, and the cattle raiser that the high prices of their products are due to the war, while they hypocritically tell the coal operator, the cotton grower, the tobacco raiser, the lumber owner, and others suffering stagnation of business that the Underwood tariff is solely responsible. They seek to mystify and mislead the American consumer by pointing to the present general high range of war prices and attempt to divert attention from these war effects by attributing them to the new tariff. There is no trick they are not resorting to in this respect. No arguments could be more pure humbug and essentially dishonest than these. Apart from the facts and conditions I have cited with respect to prices and values, it should be remembered that during the past 20 years there has been a gradual rise in the scale of prices the world over. The law of supply and demand as to labor and the products of labor and capital, and also the great increase in the gold supply of the world are most important factors in this connection. In 1893 the gold output of the world was only $130,650,000. It has been gradually increasing until in 1914 it reached the enormous sum of $455,305,000. The gold output of the United States alone for 1914 was $92,800,000. The United States has a larger stock of gold than any other country, amounting to $1,824,000,000.

The tariff bugaboo is also paraded before the coal operator, although the facts show no remote relation between the tariff and the present coal-trade conditions. To-day many countries in South America have curtailed railroad and manufacturing activities for lack of coal. Sweden and some of the continental countries are in greater distress. The scarcity of ships and the enormous freight rates and insurance make it impossible to export coal on profitable terms. The lack of the normal consumption by the railroads of this country has also been a factor in its trade effects. Standpatters have sought to arouse the lumber people by specious tariff pleas, when they well know that the tariff has not affected, and could not affect, the decline in the building business during the past two years, which has occurred in every country. Our great exports of pine to South America have been cut off, both by scarcity of vessels, high freights, and by the inability of those countries to purchase on account of business stagnation. The railroads have not made their usual purchases for construction work for the reasons already given. A standpat gentleman wails continuously because British Columbia, a little Province that recently borrowed $2,500,000 from the United States, has sent a few shingles into the Northwest to enable the settlers to protect themselves from the rain and snows of the winter, and wants a wholesale tariff revision for the benefit of a few lumber kings and rich mill owners.

When under the stress of political adversity, the standpat Republican high protectionist rolls his eyes heavenward and pretends to clamor for a tariff commission. In the light of the real attitude of the Republican Party toward tariff commissions in the past, this ruse is as amusing as it is hypocritical. Both the Republican Party and the protected manufacturers have always really opposed a tariff commission except as a political expedient. They well know that an impartial report of a commission would prescribe tariff rates substantially as those contained in the present new law. Furthermore, from four to eight years would be required in which to enact a new tariff law based upon the findings of a commission. No greedy manufacturer would stand for this delay. If restored to power the Republicans at the behest of the manufacturers would brush aside tariff-commission suggestions and deal with the tariff in the old way, as they did in 1909.

Republicans paid no attention to the report of the tariff commission in 1883, nor to President Taft's recent tariff board. The report of the latter showed that wages were not a reason for high duties. So long as protection for protection's sake constitutes one of the fundamental issues between the two political parties no commission can settle the question. The situation is that whenever the manufacturers control Congress they demand and receive all the protection graft in sight; but when the people's representatives, unhampered, are in control, such extortion is eliminated from our tariff laws, as was done in the Underwood law. Prior to the Civil War the doctrine of protection had been repudiated by all parties, including the Republican, and driven from the field of economic discussion. Its complete overthrow was again accomplished in the passage of the Underwood law. Monopoly had hitherto controlled production, distribution, and prices in this country. Neither the accustomed manufacturers' lobby nor special interests had a hand in writing this law, which was framed in the interest of all the people. Save for the war the Underwood law would have yielded ample revenue to meet the reasonable expenditures of the Government. And I strongly favor rigid economy. The income-tax law alone will yield $100,000,000 or more in normal business times. Under the war conditions the Underwood law will still yield a larger revenue than would the Payne law had it continued in operation, for the reason that while dutiable imports have fallen off under the new law, which is designed to encourage increased imports, they would have declined far more under the high and, in many instances, prohibitive tariff rates in the Payne law. The new law has removed most of the arbitrary restraints imposed upon legitimate trade and commerce by the class provisions of former laws. It marks the end of subsidies, bounties, and special privileges, all of which have been uppermost in the minds of those responsible for protective legislation. Having been in a hothouse so long it is but natural that some of our manufacturers and their standpat representatives in Congress would whine and cry for their former privileges. We have already heard harangues in this House which sounded not unlike the pleas of leaders of the Industrial Workers of the World and made in an effort to magnify our disturbed business and to cast odium upon recent tariff and other constructive legislation.

These people are still demanding high tariff protection against Belgium, whose remaining inhabitants are chiefly widows and orphans, and which is practically a barren waste, with no hope of even partial recovery for a generation; against France, most of whose able-bodied and skilled workmen have closed her factories and workshops and gone to the war, from which a majority may never return; against Germany, whom this war will leave so utterly prostrate as to require many years to even approach the restoration of her former commercial conditions; against England, whose citizens have likewise gone to war and abandoned indefinitely the work of maintaining her commerce, with the result that her business decline and demoralization from the war will become so great that the work of the next generation can scarcely repair it. Imagine the Steel Trust, the Woolen Trust, the Harvester Trust, the Sugar Trust, and other giant octopuses—creatures of special privilege in this country—loudly crying, like puny children, for protection against widows, orphans, and the old men who are left to maintain the tottering industries in the principal European countries, while most of their able-bodied citizens are being shot and killed or wounded in the war!

The fact should not be overlooked, but carefully weighed, that during the past two years the United States has only had trade reaction and depression in spots and in certain lines of business. The further fact should be kept in mind that the Underwood tariff law was designed to afford an increase of dutiable imports of manufactures of every kind to the extent of reasonable and fair competition. This condition bid fair to occur, as designed, at the outbreak of the war. On the other hand, manufacturers have been given free raw material, making it possible for them to compete with other nations in any part of the world.

The war not only greatly augments their opportunities, but offers to the American people engaged in every important line of finance, industry, and commerce the most unlimited possibilities offered any country in all history. Already many lines of business have commenced their onward march. The United States is the great storehouse from which both the warring and the peace countries must draw an immense portion of manufactures, foodstuffs, and raw materials. To meet these unlimited requirements will tax the ability, energy, and enterprise of the American people. I have the utmost faith that the great body of our business men will throw off any lethargy they have acquired under the reign of special privilege and do their part toward making this country the center of both the finance and the commerce of the world. The United States, however, can not be lifted to this exalted plane of power and wealth and greatness if any considerable number of our business men give heed to the constant mutterings and calamity howling of blind partisans, demagogues, and agitators, who in the main seek the restoration of special privilege. These prophets of evil are abroad in the land attempting on every occasion to insult the President of the United States and the United States itself, just as other copperheads have appeared and shrieked during former critical times. Despite their efforts, under our existing sound financial and commercial conditions—and they never were sounder—business in practically every line is either gradually or rapidly improving and developing. Soon this improvement will become complete, and then permanent and boundless prosperity through this country will bless not only the American people, but the world.

APPENDIX A.

Comparisons of receipts from customs and income tax of corporations and individuals, paid into Treasury during fiscal years named below.

	For year ended June 30, 1914.	For year ended June 30, 1913.
Customs	$292,320,014.51	$318,891,395.86
Corporation and income tax	71,381,274.74	35,006,299.84
Total	363,701,289.25	252,897,695.70

APPENDIX B.

COMPARISON OF THE IMPORTS INTO THE UNITED STATES DURING THE CALENDAR YEARS 1913 AND 1914.

The total imports (dutiable and free) during the calendar year 1913 amounted to $1,792,596,480, as compared with $1,789,276,001 during the same period of 1914. The total imports for 1914 were $3,320,479, or two-tenths of 1 per cent less than those for 1913.

The following table shows the imports by groups:

Comparison showing the imports of crude materials, foodstuffs, manufactures, and miscellaneous imports, 1913 and 1914.

[Compiled from the December Monthly Summary of the Foreign Commerce of the United States.]

Group.	1913	1914	Decrease or increase in 1914.	Per cent change in 1914.
Crude materials for use in manufacturing	$604,962,567	$597,920,626	[1] $7,041,941	[1] 1.2
Foodstuffs and food animals	419,137,662	491,208,544	[2] 72,070,882	[2] 17.2
Manufactures	753,689,536	682,632,669	[1] 71,056,867	[1] 9.4
All other	14,806,715	17,514,162	[2] 2,707,447	[2] 15.4
Total	1,792,596,480	1,789,276,001	[1] 3,320,479	[1] .2

[1] Decrease. [2] Increase.

This table shows—

1. That the total imports in 1914 were $3,320,479 less than those in 1913.
2. That the imports of foodstuffs in 1914 were $72,070,882 greater than in 1913.
3. That the imports of crude materials in 1914 were $7,041,941 less than those of 1913, and the imports of manufactures were $71,056,867 less than those of 1913.

A compilation showing all the articles in which the total value of the imports was greater than $5,000,000 during the calendar years 1913 and 1914 will account for $1,666,549,307 of the 1913 imports and $1,670,391,442 of those for 1914, and show pretty well the tendencies of the import trade.

The following table is a comparison of the imports in 1913 and 1914 of all the articles in which the total import value has exceeded $5,000,000:

Comparison of articles imported into the United States during the calendar years 1913 and 1914, in which the total import value exceeded $5,000,000.

[Compiled from the December Monthly Summary of the Foreign Commerce of the United States.]

Group.	1913	1914	Decrease or increase in 1914.	
			Amount.	Per cent.
CRUDE MATERIALS.				
Copper ore, matte, etc	$13,573,327	$12,172,138	[1] $1,401,189	[1] 10.3
Cotton, unmanufactured	19,479,571	23,074,323	[2] 3,594,752	[2] 18.5
Fibers, vegetable and grasses	50,739,957	49,122,495	[1] 1,617,462	[1] 3.2
Furs and skins, undressed	14,079,764	7,526,495	[1] 6,553,269	[1] 46.5
Hides and skins	105,893,361	112,319,501	[2] 6,426,140	[2] 6.1
India rubber and substitutes	84,901,600	74,693,332	[1] 10,208,268	[1] 12.0
Iron ore	8,959,640	5,166,656	[1] 3,792,984	[1] 42.3
Nickel ore and matte	6,427,639	4,956,448	[1] 1,471,191	[1] 22.9
Paper stock, crude (except wood pulp)	7,724,663	7,352,309	[1] 372,354	[1] 4.8
Seeds	17,142,248	21,522,975	[2] 4,380,727	[2] 25.6
Silk, unmanufactured	92,815,211	92,571,818	[1] 243,393	[1] .3
Tobacco, leaf	36,320,964	34,772,047	[1] 1,548,917	[1] 4.3
Wood, unmanufactured	18,053,274	15,747,056	[1] 2,306,218	[1] 12.8
Wool, unmanufactured	28,776,274	58,305,578	[2] 29,529,304	[2] 102.6
Total	504,887,493	519,303,171	[2] 14,415,678	[2] 2.9
FOODSTUFFS AND FOOD ANIMALS.				
Animals	18,380,451	26,454,760	[2] 8,074,309	[2] 43.9
Breadstuffs	25,790,510	30,578,317	[2] 4,787,807	[2] 18.6
Cocoa	19,682,993	19,122,852	[1] 560,141	[1] 2.8
Coffee	104,671,501	104,794,319	[2] 122,818	[2] .1
Fish	17,634,002	19,081,951	[2] 1,447,949	[2] 8.2
Fruits and nuts	48,804,548	49,772,047	[2] 967,499	[2] 2.0
Meat and dairy products	19,816,034	51,629,258	[2] 31,813,224	[2] 160.5
Spices	5,548,084	5,278,888	[1] 269,196	[1] 4.9
Sugar	97,129,471	127,218,384	[2] 30,088,913	[2] 31.0
Tea	16,404,293	17,775,979	[2] 1,371,686	[2] 8.4
Vegetables	12,655,660	11,931,563	[1] 724,097	[1] 5.7
Total	386,517,547	463,638,318	[2] 77,120,771	[2] 20.0
MANUFACTURES.				
Chemicals, drugs, etc	101,292,697	87,675,573	[1] 13,617,124	[1] 13.4
Copper manufactures	44,479,568	27,974,533	[1] 16,505,035	[1] 37.1
Cork and manufactures of	5,986,704	6,427,640	[2] 440,936	[2] 7.4
Cotton manufactures	65,359,542	60,312,913	[1] 5,046,629	[1] 7.7
Earthen, stone, etc., ware	10,608,998	9,552,529	[1] 1,056,469	[1] 10.0
Feathers, natural, etc	11,903,106	6,428,705	[1] 5,474,401	[1] 46.0
Fertilizers	19,480,932	17,411,840	[1] 2,069,092	[1] 10.6
Fibers, vegetable and textile, grass manufactures	80,310,586	74,473,836	[1] 5,836,750	[1] 7.3
Furs, dressed and manufactures	7,802,234	3,685,366	[1] 4,116,868	[1] 52.8
Glass and glassware	7,172,740	6,864,020	[1] 308,720	[1] 4.3
Hats, bonnets, and hoods	11,570,601	10,818,448	[1] 752,156	[1] 6.5
Iron and steel manufactures	33,601,985	28,615,344	[1] 4,986,641	[1] 14.8
Leather, etc., manufactures	19,714,008	25,226,271	[2] 5,512,263	[2] 28.0
Metals, metal compositions, and manufactures of, n. e. s	$7,398,915	$5,485,383	[1] $1,913,532	[1] 25.9
Oils	45,390,321	40,090,493	[1] 5,299,828	[1] 11.7
Paper and manufactures of	24,359,827	27,604,771	[2] 3,244,944	[2] 13.3
Silk manufactures	31,776,299	29,960,140	[1] 1,816,159	[1] 5.7
Tin, in bars, blocks, pigs, or grain or granulated	46,900,314	32,861,188	[1] 14,039,126	[1] 29.9
Tobacco manufactures	6,096,312	4,688,463	[1] 1,407,849	[1] 23.1
Toys	8,856,575	8,597,905	[1] 258,670	[1] 2.9
Wood manufactures	42,594,657	47,427,556	[2] 4,832,899	[2] 11.3
Wool manufactures	17,351,423	44,100,353	[2] 26,748,930	[2] 154.2
Total	650,008,347	606,283,270	[1] 43,725,077	[1] 6.7
MISCELLANEOUS.				
Articles, the growth, produce, and manufacture of the United States returned	17,490,318	16,608,765	[1] 881,553	[1] 5.0
Art works	35,053,730	22,109,958	[1] 12,943,772	[1] 36.9
Household and personal effects and wearing apparel in use	5,149,006	6,063,598	[2] 914,592	[2] 17.7
Precious and semiprecious stones, and imitations of	46,560,608	19,764,987	[1] 26,795,621	[1] 57.5
Spirits, wines, and malt liquors	20,882,258	16,619,375	[1] 4,262,883	[1] 20.4
Total	125,135,920	81,166,683	[1] 43,969,237	[1] 35.1
Grand total	1,666,549,307	1,670,391,442	[2] 3,842,135	[2] .2

[1] Decrease. [2] Increase.

APPENDIX C.

WOOLEN MANUFACTURES.

Carpets and carpeting.

Item.	Wilson tariff.	Dingley tariff.	Payne tariff.		Underwood tariff.
	1896	1905	1910	1913	1914
Imports:					
Quantity (square yards)		814,388.51	1,143,163.49	940,969.45	1,202,845
Value	$2,025,317.18	$2,909,092.01	$4,619,169.68	$4,263,981.81	$4,171,918
Average unit		$3.57	$4.04	$4.53	$3.47
Duties	$805,580.48	$1,831,572.16	$2,802,211.52	$2,498,728.81	
Equivalent ad valorem (per cent)	39.79	62.96	60.66	58.60	
Production		$61,656,433.00	$71,667,313.00		[1] $80,000,000
Exports	$225,207.00	$64,641.00	$57,152.00		
Consumption		$64,500,884.00	$76,229,331.00		[1] $84,171,918
Per cent of imports to consumption		4.51	6.06		[1] 4.96

[1] Estimated production consumed.

Clothing, ready-made, and articles of wearing apparel of every description, including shawls, whether knitted or woven, and knitted articles of every description made up or manufactured wholly or in part, n. s. p. f.

Item.	Wilson tariff.	Dingley tariff.	Payne tariff.		Underwood tariff.
	1896	1905	1910	1912	1914
Imports:					
Quantity (pounds)		853,294	860,413	974,189	
Value	$3,748,782	$1,691,751	$1,776,236	$2,190,302	$2,237,807
Average unit		$1.98	$2.06	$2.25	
Duties	$1,798,470	$1,390,494	$1,444,297	$1,742,687	
Equivalent ad valorem (per cent)	47.97	82.20	81.31	79.56	
Production		[1] $369,370,867	[1] $501,248,262		[2] $640,000,000
Exports		$1,624,472	$1,555,184		
Consumption		$369,438,146	$501,469,314		[2] $642,237,807
Per cent of imports to consumption		.46	.35		[2] .35

[1] Includes clothing, men's (industry), wool hat bodies, hand-knit goods (industry), and hats and caps, other than felt, straw, and wool (industry).
[2] Estimated.

Women's and children's dress goods, coat linings, Italian cloths, bunting, and goods of similar description and character, composed wholly or in part of wool, n. s. p. f.

Item.	Wilson tariff.	Dingley tariff.	Payne tariff.		Underwood tariff.
	1896	1905	1910	1912	1914
Imports:					
Value	$19,494,268	$8,807,452	$9,218,374	$3,366,965	$9,578,437
Duties	$9,620,517	$8,966,386	$9,481,207	$3,356,883	
Equivalent ad valorem (per cent)	49.35	101.80	102.85	99.70	
Production:					
Quantity (square yards)		206,052,735	246,178,033		
Value		$73,002,836	$98,742,175		[1] $126,000,000
Average unit		$0.354	$0.401		
Exports		$15,572	$27,906		
Consumption		$83,794,716	$107,932,643		
Per cent of imports to consumption		10.51	8.54		[1] 7.06

[1] Estimated.

Cloths, knit fabrics, etc.

Item.	Wilson tariff	Dingley tariff.	Payne tariff.		Underwood tariff.
	1896	1905	1910	1912	1914
Imports:					
Quantity (pounds)	34,406,230	3,956,741	6,403,613	4,579,681	16,253,170
Value	$21,236,899	$4,290,853	$6,658,288	$5,145,929	$15,815,984
Average unit	$0.617	$1.08	$1.04	$1.12	$0.97
Duties	$10,167,411	$4,090,836	$6,645,884	$4,838,701	
Equivalent ad valorem (per cent)	47.88	95.34	97.20	94.03	
Production		$153,803,379	$196,452,964		[1] $240,000,000
Exports [1]		$248,813	$360,910		
Consumption		$157,845,419	$202,451,242		[1] $255,815,984
Per cent of imports to consumption		2.72	3.29		[1] 6.18

[1] Estimated.

APPENDIX D.

COTTON MANUFACTURES.

Stockings, hose, and half hose, made on knitting machines or frames, n. s. p. f.

Item.	Wilson tariff.	Dingley tariff.	Payne tariff.		Underwood tariff.
	1896	1905	1910	1912	1914
Imports:					
Quantity (dozen pairs)	33,774	14,159	134,891	318,744	
Value	$18,495	$7,134	$78,383	$174,788	
Average unit	$0.550	$0.504	$0.581	$0.548	
Duties	$5,549	$2,140	$23,515	$52,436	
Rate (per cent)	30.00	30.00	30.00	30.00	
Production					

Stockings, hose, and half hose, etc.

Item.	Wilson tariff.	Dingley tariff.	Payne tariff.		Underwood tariff.
	1896	1905	1910	1913	1914
Imports:					
Quantity (dozen pairs)	5,181,506	4,217,872	4,342,897	2,030,919	2,017,390
Value	$5,605,241	$5,423,928	$5,746,717	$2,737,642	$2,543,839
Average unit	$1.08	$1.29	$1.32	$1.35	$1.26
Duties	$2,802,621	$3,285,381	$4,116,174	$2,063,650	
Equivalent ad valorem (per cent)	50	60.57	71.66	75.38	
Production:					
Quantity (dozen pairs)		39,393,047	57,305,000		
Value		$34,586,629	$55,910,000		[1] $84,000,000
Average unit		$0.878	$0.976		
Consumption		$40,010,357	$61,656,717		[1] $85,543,839
Per cent of imports to consumption		15.68	9.32		[1] 2.94

[1] Estimated.

Cotton cloth, including duck.

Item.	Wilson tariff.	Dingley tariff.	Payne tariff.		Underwood tariff.
	1896	1905	1910	1912	1914
Imports:					
Quantity (square yards)	42,021,854	50,339,051	65,350,501	46,041,533	62,272,013
Value	$4,994,125	$8,217,735	$9,681,846	$7,638,631	$10,958,964
Average unit	$0.119	$0.163	$0.148	$0.166	$0.176
Duties	$2,078,711	$3,167,543	$4,078,034	$3,265,190	
Equivalent ad valorem (per cent)	41.62	38.54	42.13	42.75	
Production:					
Quantity (square yards)		4,895,121,171	6,059,035,547		
Value		$298,701,411	$421,237,839		[1] $559,000,000
Average unit		$0.061	$0.070		
Exports		$41,320,542	$19,971,491		$23,635,599
Consumption		$265,598,604	$410,948,194		[1] $546,323,365
Per cent of imports to consumption		3.10	2.36		[1] 2.01

[1] Estimated.

Cotton thread.

Item.	Wilson tariff.	Dingley tariff.	Payne tariff.		Underwood tariff.
	1896	1905	1910	1912	1914
Imports:					
Quantity (pounds)	2,330,687	4,963,382	8,809,271	6,739,549	6,650,146
Value	$850,081	$2,170,736	$4,289,058	$4,013,926	$4,035,320
Average unit	$0.360	$0.437	$0.487	$0.596	$0.607
Duties	$321,717	$742,438	$1,380,389	$1,265,925	
Equivalent ad valorem (per cent)	37.85	34.20	32.18	31.54	

Cotton thread—Continued.

Item.	Wilson tariff.	Dingley tariff.	Payne tariff.		Underwood tariff.
	1896	1905	1910	1913	1914
Production:					
Quantity (pounds)		369,679,680	480,153,000		
Value		$80,936,359	$111,205,000		[1]$144,000,000
Average unit		$0.218	$0.232		
Exports		$310,237	$463,404		$909,934
Consumption		$82,796,858	$115,030,654		[1]$147,125,386
Per cent of imports to consumption		2.62	3.73		[1] 2.74

[1] Estimated.

Handkerchiefs or mufflers composed of cotton, whether in the piece or otherwise and whether finished or unfinished.

Item.	Wilson tariff.	Dingley tariff.	Payne tariff.		Underwood tariff.
	1896	1905	1910	1912	1914
Imports:					
Value		$297,760	$453,182	$382,997	$331,272
Duties		$173,352	$267,655	$226,993	
Equivalent ad valorem (per cent)		58.22	59.05	59.27	

Cotton laces, etc.

Item.	Twelve months ending December—		
	1912	1913	1914
Imports	$38,099,887	$34,231,253	$26,378,288
Exports	[1] 67,933	198,462	264,294
COTTON PLUSHES, VELVETS, VELVETEENS, AND OTHER PILE FABRICS (EXCEPT CORDUROYS).			
Imports:			
Quantity.....square yards	4,947,085	5,071,153	3,484,603
Value	$2,788,053	$2,527,152	$1,707,769
Average unit	$0.56	$0.50	$0.49
COTTON WASTE OR FLOCKS.			
Imports:			
Quantity.....pounds	37,541,144	38,195,858	19,139,522
Value	$1,759,093	$1,759,803	$972,157
Average unit	$0.05	$0.05	$0.05
Exports:			
Quantity.....pounds	74,900,010	77,059,287	58,750,931
Value	$4,070,240	$4,850,341	$3,813,688
Average unit	$0.05	$0.06	$0.06
COTTON KNIT GOODS (NOT INCLUDING HOSE AND HALF HOSE).			
Imports	440,161	915,686	3,271,894
Exports (including hose and half hose)	2,251,025	2,685,231	6,423,715
ALL OTHER COTTON WEARING APPAREL.			
Imports	4,023,878	4,049,972	1,501,147
Exports	7,902,101	8,455,156	8,320,966
ALL OTHER COTTON MANUFACTURES.			
Imports	5,489,025	6,030,414	8,612,263
Exports	6,498,525	5,809,528	6,263,500

[1] Figures are for 6 months, January to June, inclusive.

APPENDIX E.

[From Bradstreet's, New York, Saturday, Jan. 9, 1915.]

In view of the wide range of hostilities, with all its consequences upon the finance, trade, and industry alike of belligerents and neutrals, it seems like ancient history to speak now of the starting point of the present trouble in the autumn of 1912. And yet the toppling of the laboriously built-up structure of commerce seems to date from October of that year. Certainly since then the commercial history of the world has been a tale of liquidation, of the ending of booms, of a tightening of credit, resulting in a virtual collapse, in which all continents have shared or by which they have been unfavorably affected. Last year the word "moratorium" ceased to be a mere dictionary term and became a living actuality to the world. Nothing like the present conflict has desolated mankind since the days of Napoleon and, before him, since the time of Frederick the Great; but the interdependence of world relations to-day makes the results of war all the more severe and far-reaching.

Mr. BARTLETT. Mr. Chairman, I yield 10 minutes to the gentleman from Colorado [Mr. KEATING].

Mr. KEATING. Mr. Chairman, the gentleman from Michigan [Mr. FORDNEY] entertained the House the other day with a speech on the tariff. As usual, he concluded his remarks with an appeal for the restoration of the duty on sugar. I confess, however, that I was somewhat disappointed that the gentleman did not have more to say about the farmer who raises the beets from which the sugar factories extract the sugar.

In view of the fact that many of the beet-sugar companies of this country will this year earn dividends of 100 per cent on the capital invested, while many of the sugar-beet farmers will not make expenses, it seems to me that the gentleman may very properly be charged with having wasted sympathy on the Sugar Trust and with having denied it to those who are entitled to it in generous measure.

I do not intend to discuss the sugar tariff to-day. We will cross that bridge when we come to it.

I have arisen for the purpose of calling the attention of the country to the fact that the Sugar Trust, which controls most of the refineries on the Atlantic coast, and which dominates the great majority of the beet-sugar factories of the Middle West and far West, is depriving the farmers of just compensation for their beets, and thereby materially interfering with the development of the beet-sugar industry.

TRUST CLOSES FACTORIES.

There are seven beet-sugar factories in my district. Three were operated during the last season and four were closed down. The three which were operated have modern equipment and are favorably located with reference to the production of beets. At least three of those which were closed down have antiquated machinery, and can not produce sugar economically.

Despite this fact, however, all these factories could have been run at a profit if the Sugar Trust would have consented to pay a fair price for the farmers' beets. Why did the sugar companies prefer to permit their ancient machinery to rust rather than allow the farmer to benefit from the high prices which have resulted from the European war?

Mr. FORDNEY. Mr. Chairman, will the gentleman yeld?

Mr. KEATING. Yes.

Mr. FORDNEY. The reason why is that for this last year's crop they should have and must have contracted for the beets a year ago, before you gave them any notice that there was going to be a war in Europe.

Mr. KEATING. Mr. Chairman, I am glad the gentleman made that statement, but that does not apply to next year's crop.

Mr. FORDNEY. No; but will you give them any——

Mr. KEATING. Mr. Chairman, I have yielded to the gentleman, and I have only 10 minutes. I can not yield any more. I trust the gentleman will pardon me. The farmers of my district are prepared to supply ample beets for every one of these factories, but they insist that they shall share in the benefits which flow from the high price of sugar.

HIGH PRICES FOR SUGAR.

Granulated sugar is now selling in eastern markets at $5.75 per hundred pounds. It commands $6.25 per hundred pounds in the Denver market, and corresponding prices in the other markets of the country. Six dollars per hundred pounds would probably be a good average price.

The farmers of the Arkansas Valley in my district have organized and have demanded $6 per ton for beets testing from 12 to 16 per cent, and 33⅓ cents increase for every 1 per cent or fraction thereof above 16 per cent.

This means that the farmers are demanding that they receive about 2 cents a pound for the sugar in their beets, the same sugar that the factory is selling for from 5¾ to 6¼ cents a pound.

FARMERS' MODERATE DEMANDS.

In view of the fact that the leading sugar experts in this country have testified time and time again that it costs less than 1 cent a pound to extract sugar from beets, the farmers' demands do not seem unreasonable; in fact, they are so very reasonable that one is amazed at their moderation.

I hold in my hand, and I will make it a part of these remarks, a statement prepared by the Otero County (Colo.) Beet Growers' Association, and signed by the president and secretary.

This statement deals with the Rocky Ford (Colo.) sugar factory, and shows that during the season just closed the factory handled 201,600 tons of beets. In a public statement the factory management claimed that it paid an average of $7.44 per ton for these beets. We have it on the word of the farmers who produced the beets that this statement is false, and that, as a matter of fact, the average price was $5.30. The total that the farmers received from this factory for their beets was $1,068,480. It is estimated that it cost the factory $3 a ton to

handle these beets. This item covers the expense of manufacturing, freight, cartage, and so forth.

The total cost of the factory was therefore $1,673,280.

FACTORY'S ENORMOUS PROFITS.

According to the factory's own statement its output for the season amounted to 500,000 bags of 100 pounds each.

The farmers figure that the factory received $5.25 per sack for this sugar, a very moderate estimate as I have shown, because the current price for sugar is from 50 cents to a dollar higher than that figure. Let us accept the farmers' figure, however, of $5.25 per sack, and we find that the sugar company received $2,625,000 for the sugar. It is estimated that it received $164,308 for various by-products, or a total of $2,789,308.

If we deduct from this latter sum the amount paid the farmers for their beets and the total cost to the factory for handling the beets, we find that the company's net profit was $1,116,028.

This is on an investment of about $1,000,000.

Mr. TALCOTT of New York. Mr. Chairman, will the gentleman yield?

Mr. KEATING. Yes.

Mr. TALCOTT of New York. Was the production in 1914 of sugar beets in Colorado much below that of 1913?

Mr. KEATING. No; it was approximately the same. I have not the exact figures at hand.

Mr. TALCOTT of New York. That was so throughout the country also, was it not?

Mr. KEATING. I have not the figures at hand. I do not think the reduction was very great.

FARMERS' FIGURES ACCURATE.

I have studied the sugar question with some care, and I unhesitatingly approve as accurate the figures submitted by the Otero County Beet Growers' Association. The only complaint I have to make concerning them is that they underestimate rather than overestimate the sugar company's profits.

In this same statement the farmers set forth the cost of raising beets, and they assure us that the men who produced the beets which enabled the Rocky Ford sugar factory to earn this tremendous profit actually suffered a loss of $128,320 on the season's crop.

In view of this fact the farmers demand that the sugar company shall increase the price paid for beets, and they insist that if their demands are not granted they will plant other crops on their lands. As I have frequently stated on this floor, the farmers of Colorado are extremely fortunate, in that they are not at the mercy of the Sugar Trust. When the trust undertakes to deprive them of a fair return on their product, they are in a position to turn to other crops, and this is what they now announce they are prepared to do.

STATEMENT BY OTERO GROWERS.

At this point in my remarks, Mr. Chairman, I desire to insert the following statement from the Otero County Beet Growers' Association as it appeared in the Rocky Ford Tribune of recent date:

MORE FIGURES CONCERNING THE BEET-SUGAR INDUSTRY.

In recent issues of the Rocky Ford Tribune and Enterprise certain facts and figures were given by the local beet-sugar factory which we would like to extend and note the result.

First. They say that they have paid the farmers in this locality $1,500,000, harvested 201,600 tons of beets from 17,000 acres, and manufactured 500,000 bags of sugar.

Second. If we divide 1,500,000 by 201,600, we have $7.44 as average price paid for beets. This is misleading. We think $5.30 is much nearer the average. If we multiply 201,600 by $5.30, we have $1,068,480 as the actual amount received. Now let us see what it cost the farmers to get this $1,068,480.

The figures which I shall use in computing the cost of beets per acre to raise and market are those arrived at by the convention held at Denver, December 5, 1914, by delegates from the States of Montana, Nebraska, Wyoming, and Colorado.

They discussed every item of expense carefully, taking the sworn statement of the Longmont factory, which belongs to the Great Western Sugar Co., as a basis of comparison, and the report of the committee was $70.40 per acre.

Hon. T. M. Robertson, chief of the Federal Department of Commerce, was present at the reading of the report. He had come from Washington with many records on beet culture and cost of production especially to attend this convention. He compared his data with that of the farmers, and was agreeably surprised to find that they tallied so closely with those arrived at by the convention. We have the schedule in full.

So if we multiply the 17,000 acres by $70.40 we have $1,196,800 as the cost to the farmer to get $1,068,480, an actual loss to the farmer of $128,320. This kind of financiering will impoverish any community.

In order to be fair let us figure the factory's gain or loss.

We are told in that publication that they manufactured 500,000 bags of sugar. Our merchants are now paying $5.65 per bag for sugar, but to be conservative let us figure the price at $5.25. Multiplying 500,000 by this we have $2,625,000 for sale of sugar. Now, to this we desire to add some other items. We were told at the factory that 53 per cent of the weight of the beet returned in pulp; 53 per cent of 201,600 is 106,848 tons of pulp. This pulp is sold at 25 cents, 50 cents, and 75 cents per ton; taking the average, 50 cents, this pulp is worth $53,428. We find in the CONGRESSIONAL RECORD in Hon. CHARLES S. THOMAS'S speech made in the United States Senate Monday, September 15, 1913, on the beet-sugar industry and the tariff that 5 per cent of the sirup to every ton of beets is sold by the factories for feeding purposes; at the local factory it is sold at $11 per ton.

Five per cent of 201,600 is 10,080 tons; at $11 per ton, is $110,880; adding the value of these by-products together we have $164,308; add this to the sale of sugar, we have $2,789,308 as the total income, not to mention the brown sugar they still have on hand.

Now let us figure the sugar company's expense. Two hundred and one thousand six hundred tons of beets, at $5.30, is $1,068,480 paid the farmer. In the above CONGRESSIONAL RECORD previously referred to, on page 10, we find that $2.50 covered the actual expense of manufacturing a ton of beets into sugar, and that they expected to reduce this cost to $2, or lower, and we find that $3 will pay every item of expense—manufacturing, freight, cartage, etc.—according to this record, and from other information which we have at hand we think it is very conservative.

Now, if we multiply 201,600 by $3 we have $604,800 as cost of manufacturing the beets into sugar.

If we add this to the $1,068,480 paid the farmer, we have the sugar company's total cost, which is $1,673,280, as the total cost to the factory. Now, if we subtract this amount from the total income, we can readily see what they have left. The total income was $2,789,308; from this subtract $1,675,280, and we have $1,116,028; this looks like a good income from a $1,000,000 investment.

In view of the above conditions and the probable advanced prices of sugar for the next year, on account of the European war, the beet growers of Otero County and the Arkansas Valley have organized and have asked from our sugar factories an advance in price to $6 per ton for beets testing from 12 to 16 per cent, and 33⅓ cents increase for every 1 per cent or fraction thereof above 16 per cent.

Also 20 per cent of the pulp to the weight of the beets delivered.

So far we have had no reply from the representatives of the local factory. They seem to be inclined to ignore our organization and are sending their field men out to the growers to try to persuade them to sign contracts.

In view of the present prices of wheat and the possibility of still advance prices over the present on account of the conflict in Europe many of our growers are contemplating sowing wheat. And for the purpose of talking over this phase of the matter and to ascertain as nearly as possible how much will be needed so we can ship it in by the carload lots meetings will be held at the following places and dates: Weitzer, Monday evening, 7.30, February 1; Newdale, Wednesday evening, February 3; Fowler, Thursday evening, February 4; Holbrook, Friday evening, February 5; Las Animas, Monday evening, February 8. All growers are requested to attend.

OTERO COUNTY BEET GROWERS' ASSOCIATION,
H. C. AMEND, *President.*
O. J. BAXTER, *Secretary.*

FARMERS' HARD STRUGGLE.

Mr. Chairman, this struggle between the farmers of Colorado and the Sugar Trust is not of recent origin. From the moment that the trust secured control of the Great Western Sugar Co. and other beet-sugar concerns it has endeavored to force the farmers to raise beets at a loss. The farmers have been wise enough, however, to organize, and they have gradually forced up the price, until prior to the passage of the Underwood tariff bill they were receiving an average of about $5.50 per ton for 15 per cent beets.

When the Underwood bill became a law the Sugar Trust, through its champions in Congress and through the newspapers and magazines which it could reach, proclaimed that the beet-sugar industry was in serious danger of destruction, and that the farmer must be prepared to accept a lower price for his beets.

Accordingly, contracts were offered to the farmers which provided for a reduction of about 50 cents a ton in the price of beets. This was the situation when the European war broke out, and the price of granulated sugar rapidly advanced 2 or 3 cents a pound. Realizing that the sugar companies were in a position to make enormous profits, the farmers pleaded for a restoration of the old schedule. At first their demand was peremptorily refused, but after a time the sugar companies were made to see the light and return to the prices paid prior to the enactment of the Underwood law.

PRESIDENT AIDS GROWERS.

The friends of the Sugar Trust have paraded this action as an evidence of the trust's generous treatment of the farmer. I think it is time that the facts were placed in the RECORD, in order that they may be available when future Congresses discuss the sugar question.

I herewith submit certain documents which I believe conclusively prove that our Democratic President, through the Department of Justice, was directly responsible for the trust changing its position and granting the demands of the farmers.

In order that these documents which I am making a part of my remarks may be better understood it will be necessary for me to indulge in a short explanation.

When, following the passage of the Underwood bill, the Great Western and other sugar companies announced that they would insist upon cutting the price paid the farmers for their beets, I took the liberty of calling President Wilson's attention to the situation, and requested that an investigation of the beet-sugar industry be instituted by the Department of Commerce, with a view to ascertaining if the beet-sugar companies were justified in taking the action which they contemplated. I have reason to believe that other western Representatives and

Senators made similar suggestions, and these appeals were seconded by letters from some of the sugar-beet growers.

MR. GIESLER'S LETTER.

Among others, Mr. J. D. Giesler, of Johnstown, Colo., under date of February 14, 1914, wrote the President, submitting data sustaining his charge that there was nothing to justify the proposed cut in the price of beets. The President referred Mr. Giesler's letter to the Department of Justice, and the documents which I hold in my hand show that the department acted promptly on Mr. Giesler's complaint.

About September 10, 1914, Hon. James R. Knapp, special assistant to the United States attorney for the district of New York, had an interview with Hon. Charles W. Waterman, the attorney for and one of the directors of the Great Western Sugar Co. The result of that interview can best be told in Mr. Knapp's own language, which I quote as follows from a report made by Mr. Knapp to Hon. H. Snowden Marshall, United States attorney, New York:

I pointed out the fact to him (Mr. Waterman) that the European war having brought about a large increase in the price of refined sugar in this country, the Great Western Sugar Co. could amply afford to pay for their beets this season the same amount they had been paying in the past; that a failure to do so would tend to demonstrate that the Great Western Sugar Co. was using the power which it had by reason of its being the only beet company in northeastern Colorado to depress the price when conditions seemed to warrant it, but not to raise the price when conditions, on the other hand, warranted an increase. I informed him that, personally, I believed his company might find itself in danger of an additional prosecution, inasmuch as the Government was seriously investigating conditions in the western beet-sugar companies and was ready to take such steps as the facts should warrant. I suggested to him very forcibly that I believed it would be the duty of the Great Western Sugar Co. to take some action in the line of raising the price of beets to the farmers by reason of the changed conditions occurring because of the war, and asked him to consider this very seriously. According to the letter from Mr. Giesler, an announcement of an increase of price of 50 cents per ton by the Great Western Sugar Co. took place on September 30, 1914.

HOW THE TRUST LOVES THE FARMER.

Mr. Chairman, it will be seen from the foregoing that the Sugar Trust's love for the beet-sugar farmer did not develop until after Uncle Sam, through a Democratic President and a Democratic Department of Justice, had flourished his big stick.

Right here I think it is proper to state that, so far as I know, none of the champions of the tariff on sugar have ever publicly protested against the sugar companies' robbery of the sugar-beet farmer. Their only interest in the latter seems to be to use him as the instrument by which they may secure tremendously profitable special privileges for the trust. After the privileges have been secured, in the form of excessive tariff rates, the poor farmer is permitted to shift for himself.

Now, Mr. Chairman, in order to make the record complete, I beg leave to print Mr. Giesler's letter to Hon. H. Snowden Marshall and Mr. Marshall's response.

MR. GIESLER'S LETTER.

THE JOHNSTOWN MILLING AND ELEVATOR CO.,
Johnstown, Colo., October 8, 1914.

Mr. H. SNOWDEN MARSHALL,
New York, N. Y.

MY DEAR SIR: On or about February 14, 1914, I wrote President Wilson a letter with data complaining against the Great Western Sugar Co. for this 1914 contract they gave the farmer to grow beets, and the same was forwarded to the Department of Justice, and under date of March 2, 1914, it was turned over to you, and on April the 21st you received a letter and data from me. On April 25 you wrote me with initial JRK and JDR.

Later on you asked Mr. Fitch to call on me, and he did, and we got a lot of evidence from the farmers in different localities, and now I wish to call your attention to the fact that the sugar factory people have authorized the press to say that they will pay for the 1914 crop of beets the same as they paid for the 1913, and annul the 1914 contract. They claim this to be a voluntary act of the Great Western Sugar Co. to the farmers, and makes them the good fellows. Some of us believe that your investigation that you are making or some one of the Department has brought a pressure to bear that has caused the Great Western to make this advance, rather than stand an investigation.

They claim they can afford to do it on account of the war prices, otherwise the tariff would hold them to the 1914 contract.

J. D. GIESLER.

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OCTOBER 13, 1914.

J. D. GIESLER, Esq.,
Care of the Johnstown Milling & Elevator Co.,
Johnstown, Colo.

SIR: I have the honor to acknowledge receipt of your letter dated October 8, 1914, and beg to advise you that Mr. Knapp, who has charge of the sugar case, will return on Friday next, whereupon your letter will be referred to him for further reply.

Yours, respectfully,

H. SNOWDEN MARSHALL,
United States Attorney.

FORCING THE TRUST TO TERMS.

And now, Mr. Chairman, I desire to submit the report to Hon. James R. Knapp, special assistant to Hon. H. Snowden Marshall, in which Mr. Knapp tells of his very interesting interview with the attorney for the Great Western Sugar Co., and of how it resulted so beneficially to the beet-sugar growers of the West:

REPORT TO H. SNOWDEN MARSHALL, UNITED STATES ATTORNEY, BY JAMES R. KNAPP, SPECIAL ASSISTANT, ON MATTER OF CONTRACTS FOR BEETS BY GREAT WESTERN SUGAR CO. FOR CROP OF 1914.

DEPARTMENT OF JUSTICE,
UNITED STATES ATTORNEY'S OFFICE,
New York, October 20, 1914.

SIR: This report is made to put you in information of facts relative to a letter of J. S. Giesler, of October 8, 1914, to you inquiring concerning the reasons for the increase of the price of beets by the Great Western Sugar Co.

Mr. Giesler made a complaint to the President in February in a letter, stating that the Great Western Sugar Co. had reduced the price of beets to the farmers in Colorado, giving as the reason the 25 per cent reduction in tariff, and claiming this was a subterfuge and an act of suppression. This letter was referred by the Attorney General to you for investigation, and by you to me. I procured the matter to be investigated by the Bureau of Investigation of the Department of Justice, the actual work being performed by Special Agent William S. Fitch at Denver, Colo., and vicinity. His investigation extended over a period of a month or more, during which time he interviewed many farmers and local people in Colorado, securing copies of contracts, etc. The facts were that the Great Western Sugar Co. announced in January, 1914, that the prices which were to be paid for beets for the season of 1914 would be paid on a sliding scale contract, at a reduction of 25 cents per ton below the price in those contracts which had been in existence for some years prior to that time; that the reason for doing this was the 25 per cent reduction in tariff, with the statement that "as it appears now unless a radically favorable readjustment should occur, which seems unlikely, present conditions will render it impossible for the company to operate after the year 1914." The opinion among the farmers interviewed was, in a great many instances, that this reduction in the price of beets would make it impossible for the farmers to raise beets, and many believed that the cut was not justified by the reduction in tariff. These views were not unanimous, nor was there sufficient evidence to satisfy me that the company could, with the evidence at hand, be proven to have made a cut in the price not justified by the conditions, or furnish a basis for any prosecution or use of this testimony other than possibly as cumulative evidence in the Sherman law case against the American Sugar Refining Co. and others for what it might be worth, to show the control which the Great Western Sugar Co. had over the farmers in Colorado.

About September 10, 1914, I had an interview with Mr. Charles W. Waterman, the attorney for and one of the directors of the Great Western Sugar Co. I informed him of the fact that there was widespread dissatisfaction among the farmers in Colorado by reason of the cut in the prices of beets, and that the Government was investigating those conditions.

I pointed out the fact to him that the European war having brought about a large increase in the price of refined sugar in this country, the Great Western Sugar Co. could amply afford to pay for their beets this season the same amount they had been paying in the past; that a failure to do so would tend to demonstrate that the Great Western Sugar Co. was using the power which it had by reason of its being the only beet company in northeastern Colorado to depress the price when conditions seemed to warrant it, but not to raise the price when conditions, on the other hand, warranted an increase. I informed him that, personally, I believed that his company might find itself in danger of an additional prosecution, inasmuch as the Government was seriously investigating conditions in the western beet-sugar companies, and was ready to take such steps as the facts should warrant. I suggested to him very forcibly that I believed it would be the duty of the Great Western Sugar Co. to take some action in the line of raising the price of beets to the farmers by reason of the changed conditions occurring because of the war, and asked him to consider this very seriously. According to the letter from Mr. Giesler, an announcement of an increase of price of 50 cents per ton by the Great Western Sugar Co. took place on September 30, 1914.

I sailed for England on September 12 for the taking of testimony in the sugar case, and therefore received no announcement from Mr. Waterman of his decision on the suggestion made by me. I am unable to state, therefore, whether the rise in the price of beets is because of the action taken by the Government, but think that the coincidence of facts and times warrant the inference that the action of the Government was in part, at least, responsible for the rise in prices.

Respectfully,

JAMES R. KNAPP,
Special Assistant to United States Attorney.

SOME "INSIDE" FACTS.

Prior to the last campaign I received a very interesting letter from a Colorado gentleman, who owns a generous block of stock in the Great Western Sugar Co. It contains much interesting inside information concerning the profits of this branch of the great Sugar Trust. I think it should become a part of the permanent record, and with the permission of the House I will insert it as follows in my remarks:

Hon. EDWARD KEATING, M. C.,
Washington, D. C.:

The information that I have secured is from a report issued by the Great Western Sugar Co., and which report was intended for a select few. This report is in the hands of their chosen brokers and is veiled in great secrecy, the brokers having been informed that should they give out the said report or statement in any way for publication, or if they should permit copies of the same to be made that they would forfeit all claim to receiving any such report for themselves in the future (from the company or any of its officers).

It has been very difficult to obtain this information except as it was possible for me to memorize the various items. I fear that I can not give as full and accurate a statement regarding it as I would have been able to do had I been allowed to copy the statement. However, you can absolutely rely on the figures to the extent that I can remember the items.

GREAT WESTERN'S ASSETS.

The Great Western Sugar Co. statement shows that on March 1, 1914, they had on hand cash totaling $3,001,000. In addition to this they had at that time $7,868,000 worth of sugar. The sugar on hand

was invoiced at the cost of production, which cost included every item of expense, such as storage, carrying charges, interest on the money, etc. Presuming that the sugar was sold at the price quoted in the public press as coming from the officers of this company, a sum equal to $10,500,000 or more was realized when the sugar was disposed of in the open market. In addition the Great Western Sugar Co. statement carried an item of nearly $900,000 for pulp and molasses. The pulp being sold to the farmers and also being used for feeding cattle, this statement shows that the cattle owned by the Great Western Sugar Co. are invoiced at $506,000. In addition to all this the company's statement shows that they have beet seed and other material on hand to the amount of almost $900,000, and this report still further shows that they have several hundred thousand dollars of collectible bills outstanding.

This is only part of their report and does not include the earnings or cash reserve of the beet-sugar factories located at Billings, Mont., and Scottsbluff, Nebr., nor does it contain any statement concerning the earnings of the Great Western Railway.

We might, if we wished, extend this statement by giving some of the particulars concerning other operations of this company, such as its effort to create sentiment against the Underwood tariff bill and the reduction of the tariff on sugar. For instance, it has been charged in the Denver newspapers that certain sums had been paid out of the earnings of this company for the employment of lobbyists and others, for maintaining headquarters, and for the dissemination of literature looking to the manufacture of favorable sentiment. In addition to all this they have always embraced the opportunity to deceive the public as to the earning power of the Great Western Sugar Co. During the past two years they have been repeatedly buying space in various newspapers, equaling two whole pages, displaying pictures of the factories that would be closed down when the Underwood tariff went into effect.

NO FACTORY CLOSED.

Up to date no factory belonging to this company has closed its doors. On the contrary, for the sugar campaign beginning about October 1, 1913, and ending with the last of February, 1914, this company made a profit of at least $2,000,000 over and above its dividend requirements.

Taking their own figures, they paid to the farmer $5.50 per ton for his sugar beets, from which they received about 270 pounds of sugar. Multiplying the 270 pounds by $3.75 per hundred, the price at which the company "invoices" the sugar which it sells on the open market for as high as $6.25, we find they receive $10.32 for the sugar extracted from 1 ton of beets.

In addition they sell back the pulp which is the residue of the beets after the sugar has been extracted, receiving from the farmer from 50 cents to $1 per ton therefor, or else they feed it to their own stock upon which they fatten for the market. The proceeds from the sale of this pulp about pays for all factory operation; therefore the net earnings on each ton of sugar beets is the difference between the $5.50 paid to the farmer and the amount received from the consumer. At $3.75, the "invoice" price, this amount would be $10.32; but at $6, the prevailing market price, it would be $16.20.

CONCEALING ITS EARNINGS.

In giving the foregoing figures I forgot to mention that the Great Western Sugar Co. statement shows that in addition to their enormous holdings of cash and other properties that they have between five and six million dollars invested in other companies.

We could go on elaborating on these various items to a much greater extent, but will conclude by saying the officers of the company tell those on the inside not to urge any increase in dividends nor to ask for any statements until the tariff agitation is over, for by doing so they would destroy any hope for the retention of a tariff. Telling them the people of Colorado would not support them if they knew the inside story, and now Mr. Congressman KEATING, as they accuse you and your colleagues of disloyalty to one of the leading industries of this State, I would suggest that you dare and defy the officers of this Great Western Sugar Co. to make a clear, full, and itemized complete report of their earnings and disbursements for the period from 1903 up to and including 1914.

And if they accept your challenge they must admit and confess they have not only deceived the producing farmer but also the consumer, to say nothing of the investing public, and they are still continuing that policy of deception, to the detriment of Colorado and for the one purpose of placing a burden on a long-suffering public.

It is generally accepted that if the earnings of the subsidiary companies were included in the profits of the parent company there would be somewhere in the neighborhood of $26,000,000 earned during the past 10 years after the payment of dividends of 7 per cent on about $13,500,000 of preferred stock and 5 per cent on about $10,800,000 of common stock.

Mr. Chairman, I have not used the name of the gentleman who wrote the above letter. For business reasons it is best that he should not be drawn into this controversy, but I desire to state to the Members of the House that he is one of Colorado's well-known citizens, and a fearless, truthful man.

MORE "CONFIDENTIAL" REPORTS.

We are not compelled, however, Mr. Chairman, to depend upon anonymous communications for confirmation of most of the statements contained in the letter I have quoted. I beg leave to submit two confidential reports sent out to their customers by the Moody Manual Co., of 33 Broadway, New York. Many of the Members of the House are undoubtedly familiar with the Moody Manual Co. It furnishes its customers with what it describes as a "Daily Digest Service." This is supposed to be very confidential information concerning the financial conditions of great corporations whose stocks are dealt in on the exchanges of the country.

Here is the report concerning the Great Western Sugar Co. which the Moody Manual Co. sent out on October 13, 1914. I want to call particular attention to the second paragraph of this report, where it is stated that "the reduction of the sugar tariff gave a body blow to the beet-sugar industry, and earnings suffered a big decrease. We doubt if Great Western earned its 5 per cent dividend last year." The Moody Manual Co. believed this statement when it sent it out to its subscribers on October 13, 1914, but it was compelled to make a flat denial of it on October 22, 1914, as will be seen from the second report, which I submit herewith. The following is the Moody Manual Co.'s report of October 13, 1914:

[Moody Manual Co.—Daily Digest Service.]

THE GREAT WESTERN SUGAR CO.

In 1912 we gave our subscribers some surprising figures never before published, showing high book values for the common stock of the above-named company. A few months later, evidence brought out incidentally in court showed our figures to have been even too conservative, and that in 1910 the actual surplus was nearly $9,000,000 on the $10,544,000 common stock, indicating earnings for the first five years' operation of around 18 per cent annually on the common. In 1911 our information was that 43 per cent was earned.

The reduction of the sugar tariff gave a body blow to the beet-sugar industry, and earnings suffered a big decrease. We doubt if Great Western earned its 5 per cent dividend last year, and the stock fell below 40. Conditions arising from the war have given new hope to the industry, however, through the cutting down of European supplies and the resulting rise in prices, and the common stock, the principal market for which is in Denver, has rallied to about 50.

Europe produces about half the world's supply of sugar. (Estimates are 40 per cent to 50 per cent.) A shortage of 12 per cent of the world's production caused granulated to sell around 7½ cents a pound. The coming Cuban crop is expected to be heavy, but the best authorities expect a material cutting down not only of this year's but of next year's European crop, and that a relatively high price level will continue for two years, by which time the tariff outlook may change.

As usual, no official figures are available, but we have estimates from well-informed sources that the company will make from 3,500,000 to 4,500,000 bags of sugar during this season, now under way. Its earnings will, of course, depend upon the price during the next few months, but it is easily seen that each extra cent a pound will equal probably 40 per cent on the outstanding common, and that earning at present prices—6½ cents—may run up to 80 per cent on the stock.

Despite the newspaper talk of a possible shortage of beet seed, we understand that Great Western has been anticipating such an emergency, and has made provision for its seed supply for 1915 and 1916.

P. S.—All reports are rendered in strict confidence and for the use of subscribers only. Rumors, unauthenticated information, and opinions are presented only as such by this service, acting as the subscriber's agent, for his interest and information, and without guaranty as to their correctness. All reports should be judged by the light of the subscriber's own knowledge and information.

"REMARKABLE EARNINGS."

And, Mr. Chairman, here is the Moody Manual Co.'s report of October 22, in which even this conservative concern confesses amazement at the enormous earnings of the Great Western Sugar Co. at a time when the Underwood tariff was supposed to have destroyed all sugar industry.

GREAT WESTERN SUGAR CO.,
October 22, 1914.

Since our letter of October 13 on this company the price of raw sugar has declined considerably, with a drop in the refined which at the moment is expected to go even lower.

Subscribers should therefore bear in mind that the estimates of our previous letter was based on 6½-cent refined sugar, New York, and those interested in these shares should therefore watch carefully the market for the commodity during the next few months.

It goes without saying, however, that Great Western can stand a considerable drop in prices on the product of this year's campaign and still show remarkable earnings for the year.

In our letter of October 13 we stated that we doubted whether Great Western earned its 5 per cent common dividend last year. Since that time we have gained additional information which leads us to believe that the actual profits of the company were considerably in excess of the amount needed to pay the 5 per cent common dividend, a better showing than we really believed to be the case. The estimate which we now have seems to show that several hundred thousand dollars was earned above the common dividend. How much, if any, of this was charged off we are unable to say.

(Same P. S. as on other letter.)

SUGAR "LOBBY" RETURNS.

Mr. Chairman, as I stated in the beginning, it is not my intention to-day to discuss the sugar tariff. As the Members of this House know, the Underwood tariff bill reduced the tariff on sugar 25 per cent, and provided that sugar should be placed on the free list on May 1, 1916. I take it that no Democratic Congress will attempt to repeal the sugar schedule of the Underwood bill. I do not think the Sugar Trust itself expects to succeed in its designs so long as the Democratic Party is in control of this Government. Its object is to manufacture a public sentiment which will restore the Republican Party to power and sustain that party in reenacting the robber sugar tariff.

To this end the Sugar Trust has reestablished its corrupt lobby in the city of Washington. That lobby is producing newspaper and magazine articles and speeches for public men who will agree to deliver them.

One of the principal arguments used by the representatives of the trust is that the consumer is not benefited from the reduction of the sugar tariff. I wish to take enough time to brand that statement as absolutely false.

During my campaign in Colorado in the fall of 1912 I took occasion to ascertain the retail price of sugar in the various towns I visited. I found that grocers were selling from 12 to 14 pounds of sugar for $1. After the Underwood bill was enacted those same grocers sold 20, 21, and even 22 pounds of sugar

for $1. The consumer of sugar, therefore, received from 6 to 8 pounds more of sugar for his dollar than he had received prior to the change in the tariff.

Inquiry at any grocery in the city of Washington will confirm these figures.

I would like to go into this feature of the subject more thoroughly, but time will not permit, and I must content myself with merely nailing the falsehood.

In normal times the consumer will receive the full benefit of the removal of the tariff on sugar, and this statement is fully sustained by the country's experience during those periods when it has enjoyed the blessings of "free sugar."

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. KEATING. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I understood the gentleman said that he and others had asked the President to order an investigation?

Mr. KEATING. Yes.

Mr. MANN. Through the Department of Commerce? Does the gentleman know whether such an investigation was made?

Mr. KEATING. Yes; I understand the Department of Justice sent an agent or agents throughout the West.

Mr. MANN. The Department of Justice?

Mr. KEATING. I mean the Department of Commerce. I beg the gentleman's pardon.

Mr. MANN. Is it not true the Bureau of Corporations in the Department of Commerce has made quite an extensive investigation of the sugar situation and completed it some time ago?

Mr. KEATING. It may have completed the investigation, but it has not prepared a report.

Mr. MANN. Does the gentleman know why they did not prepare the report?

Mr. KEATING. I understand they are at work on the report now.

Mr. MANN. I understand the report has been completed for some time, but it does not show the facts they wanted, hence they will not publish it until they change it. I do not object to the gentleman's request.

Mr. KEATING. I do not want the gentleman's statement to go in without contradiction, because that is not based on the facts. I was at the Bureau of Corporations a week or so ago——

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEATING. And the report has not been completed in the sense that it can be given to the public.

Mr. MANN. I know; it will not be completed until it is changed.

Mr. MOORE. Mr. Chairman, reserving the right to object——

Mr. FITZGERALD. Mr. Chairman, the gentleman can not use my time.

Mr. MOORE. But the gentleman from Colorado has made a request.

Mr. FITZGERALD. But the gentleman has no time. His time has expired.

Mr. MOORE. I ask the gentleman to permit me to make a proper inquiry of the gentleman who has made this request for unanimous consent. I want to know if he knows anything about the investigation of manufactures in Montgomery County, Pa., and why that report was withheld.

Mr. FITZGERALD. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The regular order is, Is there objection to the request of the gentleman from Colorado? [After a pause.] The Chair hears none.

Mr. GILLETT. Mr. Chairman I yield 10 minutes to the gentleman from California [Mr. J. R. KNOWLAND].

Mr. J. R. KNOWLAND. Mr. Chairman, apropos of the remarks of the gentleman from Missouri [Mr. BORLAND] a few moments ago upon the subject of the influence of the Panama Canal on freight rates, I desire to call attention to a recent decision rendered by the Interstate Commerce Commission in the matter of commodity rates to Pacific coast terminals and intermediate points. This decision is important because of its bearing upon the broad question of the effect of the Panama Canal upon freight rates throughout the United States. The application of the carriers was for relief from the provisions of the fourth section, known as the long-and-short-haul clause, of the act to regulate commerce, from the operation of which section the commission has authority to relieve carriers.

NEW ERA IN TRANSPORTATION BETWEEN ATLANTIC AND PACIFIC COASTS.

In this decision, allowing a reduction of rates between certain Atlantic and Pacific coast terminals lower than to intermediate points, and less than now prevailing, the commission makes this significant statement:

> We are witnessing the beginning of a new era in transportation between the Atlantic and Pacific coasts. To secure any considerable percentage of this coast-to-coast traffic, rates on many commodities must be established by the rail lines materially lower than those now existing.

The commission further observes in another part of the report:

> If the railroads are able to make such rates from the Atlantic seaboard to the Pacific coast as will hold to their lines some portion of this traffic with profit to themselves, they should be permitted so to do. The acceptance of this traffic will add something to their net revenues, and to that extent decrease, and not increase, the burden that must be borne by other traffic. It will also give the shippers to the coast points the benefit of an additional and competitive service.

REDUCTIONS AT COAST TERMINALS REFLECTED THROUGHOUT INTERIOR.

This decision fully sustains the position of those who have contended that all reductions in freight rates between Atlantic, Gulf, and Pacific ports would be reflected throughout the interior of the country.

In the minority report which I submitted to this House on March 20, 1912, advocating free tolls for American coastwise ships, this statement was made:

> Any reduction in rail freight rates forced by sea competition between, say, New York and San Francisco is contemporaneously applied between Chicago, St. Paul, St. Louis, Kansas City, and, in fact, every city of the Middle West on the one hand and every Pacific coast city or town on the other. This always has been so; it always will be so.

In the same minority report, referring to the fear expressed by certain localities in the Middle West that the coast terminals would reap all the benefit of reduced rates to the disadvantage of interior points, this observation was made:

> There might be some ground for this assumption were it not for the fact that rail freight rates between the Middle West and the Pacific coast never exceed those between the Atlantic and Pacific seaboards, and are frequently lower.

In proof that this has worked out exactly as predicted, the Interstate Commerce Commission, in its decision of January 20, to which reference has already been made, declared:

> That if further relief be not afforded to the carriers upon this traffic, the present policy of the carriers of maintaining rates from intermediate territory to the Pacific coast no higher than from the Atlantic seaboard will be defeated.

INTERIOR LOCALITIES RECEIVING BENEFITS.

The application of the railroads before the commission for a reduction of transcontinental rates to enable them to compete with the canal was supported by representatives from Duluth, Minneapolis, St. Paul, Chicago, St. Louis, and other Missouri River cities—the very localities that contended that they would derive no benefit from the Panama Canal.

Of particular interest to these interior points was another statement made by the commission in their report, which I now quote:

> In so far as any reasonable and lawful reduction of rates will permit, the benefits of this increased service through the canal should be extended to all of the people. It may be said also that a policy of greater liberality on the part of the rail carrier to these interior towns will result in benefit to themselves. Every carload of freight brought from the east and distributed from these interior cities instead of from the coast will effect for the carriers a saving in expense and an addition to their net revenues. The present coast-to-coast rates of the rail lines and the problem of holding a reasonable proportion of the business to these interior points to the rail lines can only be met on the part of the carriers with rates which will afford the interior points reasonable opportunity to distribute merchandise in contiguous territory.

QUESTION OF TOLL RATES TEMPORARILY SETTLED.

Congress has, temporarily at least, declared against a policy of free tolls for American coastwise ships, and I do not desire to enter into a discussion of that question. I might comment upon the fact, however, that attached to the repeal law was a proviso that the act should not be held as a waiver or relinquishment of any right the United States might have under the treaty with Great Britain to discriminate in favor of its vessels by exempting vessels of the United States or its citizens from the payment of tolls. This means that the subject is open for future discussion. Likewise I can not refrain from referring to the legislative bill now pending in the House making an appropriation, and properly, for the celebration of the opening of the Panama Canal. This bill provides that the President is authorized to use vessels of the United States Army transport service and of the Panama Railroad, and that in passing through the canal they shall be exempt from payment of Panama Canal tolls. We have not been enlightened as to whether permission has been obtained from Great Britain for this exemption.

In the second minority report which I submitted to the House upon this subject, March 14, 1914, in opposition to the repeal bill, the question of shipments through the canal and into the interior was discussed, as the following quotation from that report will show:

> Nor are reductions in rail rates the only advantage which the people from the great interior of our country are to reap. Much of the com-

merce of the great Mississippi Valley will flow down the rivers which drain it to the Gulf and thence through the canal to the Pacific coast. Likewise Pacific coast products will to a large extent eventually be distributed through the Middle West via her waterways. Every burden placed upon traffic through the canal impairs its usefulness as a competitive route.

TRAFFIC THROUGH CANAL TO INTERIOR POINTS.

There is no question that under a free-toll policy applied to domestic commerce there would now be a greater movement of canal traffic to and from interior points. Even under present conditions some traffic has moved from interior points, but not to any large extent. The Interstate Commerce Commission directs attention to shipments of cast-iron pipe from Birmingham, Ala., by rail to New Orleans and then through the canal to the Pacific coast. Structural iron originating at various points in Pennsylvania has likewise used the waterway. Other points cited are Wheeling, W. Va., and various localities in Ohio.

Statements have also been made that there have been shipments between Chicago, St. Louis, Kansas City, Detroit, and St. Paul through the canal to Pacific coast points. Experience since the canal opened clearly demonstrates that the lower the toll the more far-reaching would be the benefit to the consumer and shipper of the United States. As time passes this will become more evident.

MANY INDEPENDENT STEAMSHIP LINES OPERATING THROUGH CANAL, CONTRARY TO PREDICTIONS.

When the Panama Canal bill was pending some of us advocated and had inserted in that law a provision that no railroad-owned ship competing with its rail lines for traffic could operate through the Panama Canal; those opposed to that legislation declared that if such a provision were incorporated there would be no ships, or at least very few, constructed or even leased for the Panama Canal service. On the other hand, those of us who urged this legislation in the interest of the shippers of the United States contended that if the inhibition were in the law it would result in a greater number of independent steamship lines operating through the canal than if we granted railroad-owned ships access to the waterway.

The experience of five and a half months has demonstrated that the predictions of those of us who advocated this legislation have been more than fulfilled. There are to-day 50 American coastwise ships regularly operating through the Panama Canal. There are at least six independent steamship lines. One of those lines operates 26 ships, with sailings every five days, and the smallest line operates at least 1 ship every 30 days. Several sailing vessels have passed through the canal. It will be interesting to learn if sailing craft can operate through the waterway at a profit.

COAST TO COAST TRAFFIC FAR EXCEEDING ESTIMATES.

I have been making some investigation as to the amount of freight which has been carried through the canal during the five and a half months that it has been open to traffic. The canal was unofficially opened August 15, and up to the 1st day of February, the latest date for which accurate figures are available, the total coast-to-coast traffic amounted to 916,158 net register tons. Taking this as a basis, the total for the first year should reach 2,000,890 net register tons. When the canal legislation was pending Prof. Emery R. Johnson, special commissioner on Panama Canal traffic and tolls, submitted figures, the result of months of careful and exhaustive study, and he estimated that the coastwise traffic for the first year would total 1,160,000 tons. The actual tonnage is exceeding by 72½ per cent Prof. Johnson's estimate, and when we consider the general business depression throughout the country this is, indeed, greater than any of us had hoped for.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. J. R. KNOWLAND. I will.

Mr. HUMPHREY of Washington. The gentleman is not surprised at Dr. Johnson's mistake in view of the various other blunders he made before the committee and in public speeches?

Mr. J. R. KNOWLAND. I think, in all fairness, we should give Dr. Johnson credit of availing himself of all the data obtainable, as far as traffic is concerned; and while on some questions we may not agree with him, his statistics on traffic were the most reliable presented and the result of painstaking effort.

Mr. MOORE. Will the gentleman yield?

Mr. J. R. KNOWLAND. Yes.

Mr. MOORE. Dr. Johnson is a gentleman of considerable prominence in the educational world, is he not, and a man who has made some reputation as a statistician?

Mr. J. R. KNOWLAND. Inasmuch as the gentleman lives in Pennsylvania, I am willing to admit that all my colleague from that State says is true.

Mr. MOORE. And he was selected by the proper authority to do this work.

Mr. J. R. KNOWLAND. He was selected, as I recall, by President Taft to do this work.

Mr. MANN. Will the gentleman yield? Have you time?

Mr. J. R. KNOWLAND. I have but little time remaining, otherwise I would gladly yield to my distinguished colleague.

Mr. MANN. Then I will not interrupt the gentleman.

FOREIGN TRAFFIC FALLING BELOW ESTIMATES.

Mr. J. R. KNOWLAND. We now come to the foreign traffic. The total for the first five and a half months has reached only 1,276,698 net registered tons. At this ratio the total for the year would reach 2,785,522 tons, 6,544,478 tons below the estimate of the Government expert. In other words, there has been a falling off of 234 per cent in foreign business as estimated, due without question to the European war, which has prevented such lines as the Royal Mail, Hamburg-American, North German-Lloyd, and various French lines from utilizing the canal as they had planned.

Under these conditions, with the foreign trade necessarily falling far below all estimates, the canal tolls will more than pay the cost of maintenance and operation.

CANAL DEMONSTRATING VALUE AS REGULATOR OF FREIGHT RATES.

The canal has only been open to traffic, as already stated, for about six months, and during that time has demonstrated, I believe, to a greater extent even than its advocates ever predicted, its value as a regulator of transcontinental freight rates. The water carriers have reduced their rates, shortened the time for transportation, and increased the frequency of their sailings.

While the railroads must readjust rates, I do not feel that they will, eventually at least, suffer much injury. More freight will move because of low rates. Certain commodities will go by water and others by rail. The railroads will obtain the benefit of back hauls on much of the canal traffic. This is already the case.

ADVOCATES OF CANAL FORTIFICATION VINDICATED.

This is a most interesting subject, and I regret that my time is limited. Before closing, however, I desire to call attention to the fact that events of the European war have completely vindicated the position taken by those of us in this House who insisted upon the fortification of the canal and fought for the necessary appropriations. We were told that neutralization would be sufficient protection for this important waterway, of such tremendous military advantage to this Nation. The neutrality of Belgium was guaranteed. Other instances might be cited showing how little dependence can be placed in the protection afforded by neutrality. When war breaks out the awakening comes, and it is then too late. Congress acted wisely in fortifying the canal.

I am proud to have been a Member of this body during a period when practically all the legislation providing for the construction and operation of the Panama Canal was enacted. It is a satisfaction to have taken somewhat of a prominent part in the framing of much of this legislation. It is also gratifying to feel that recent events and the results shown since the canal opened are, in a measure at least, justifying the position I have taken. [Applause.]

Mr. BARTLETT. Mr. Chairman, I yield to the gentleman from Missouri [Mr. LLOYD].

The CHAIRMAN. How much time?

Mr. BARTLETT. How much time is remaining to this side?

The CHAIRMAN. Twenty-seven minutes.

Mr. BARTLETT. I yield to the gentleman from Missouri 10 minutes.

Mr. LLOYD. Mr. Chairman, the gentleman from Minnesota [Mr. STEENERSON], in some remarks he made on the floor of the House several days ago, made some strictures on the Postmaster General, and charged that department with mismanagement and failure to improve the finanical conditions in the service as they should be improved. He charged especially that there had been serious loss as the result of the parcel post. It should be remembered that the Postmaster General is in no way responsible for the parcel-post law. That was passed by this Congress, and it was his duty to see that the law was rigidly enforced. It is charged that he failed to do that which was for the best interests of the department when he changed the limit of weight that might be carried in parcels from 11 pounds to 50 pounds. A careful investigation of that question has shown by the report that has been recently sent out by the Postmaster General that only seven-tenths of 1 per cent of the parcels that had been carried weighed above 11 pounds. In other words, that only 7 out of 1,000 parcels weigh more than 11 pounds. So there could be no serious loss as a result of the carriage of packages above 11 pounds, and the gentleman is mistaken

in making any serious criticism upon the Post Office Department because of the parcel-post law. It is the duty of the Postmaster General to carry out the law, and the regulation which he made he had a right to make, and there has been no serious loss as a result of it.

In another part of his speech the gentleman from Minnesota stated, in substance, that the effect of the Underwood tariff could be plainly seen upon the postal receipts of the country. At that time there was something of a colloquy between the gentleman and myself with reference to the cause of the postal deficit, and as the result of that colloquy the Third Assistant Postmaster General, Mr. Dockery, sent me a letter which explains the condition fully with reference to the management of that department. He admits that there will be a deficit in the postal account during the current fiscal year, and that that deficit is due, as was stated in that colloquy, to the fact that the European war had come upon us and had the effect of demoralizing to a very great extent the postal conditions.

I will read the letter that was sent to me by Mr. Dockery. It is as follows:

POST OFFICE DEPARTMENT,
THIRD ASSISTANT POSTMASTER GENERAL,
Washington, February 26, 1915.

Hon. JAMES T. LLOYD,
House of Representatives, Washington, D. C.

MY DEAR MR. LLOYD: My attention has been called to the remarks of Representative STEENERSON, of Minnesota, on the subject of postal finances, during the debate of the pension appropriation bill in the House of Representatives on the 18th instant, in which debate you participated. Commenting on a statement made by Congressman UNDERWOOD during the debate of the naval bill, that there will probably be a deficit in the postal revenues for the current fiscal year due to conditions brought about, to a large extent, by reason of the war in Europe, Mr. STEENERSON disputed the reasons given for the decrease in receipts, and said that "Whenever the shadow of free trade has come upon the country under Democratic administrations the postal receipts have fallen off."

I am duly appreciative of Mr. STEENERSON'S expressions of personal friendship and regard. I am also fully appreciative of and admire his usual attitude of fair dealing and impartiality. For this reason I am constrained to ask that you bring to his attention certain facts relating to postal finances which fully support and justify Mr. UNDERWOOD'S statement as to the time when the decline in postal receipts began.

That there will be a deficiency in postal revenues in the fiscal year 1915 is no longer doubted. What the amount of the deficit will be no one can say at this time. Even if peace should be declared immediately in Europe it is doubtful if general financial conditions abroad could become normal and be reflected in improved business conditions there before June 30, when our current fiscal year ends.

Mr. STEENERSON. Mr. Chairman, I rise to a point of order. I believe that under the Constitution it is not proper for an official of an executive department to criticize a Member of Congress for what he has said in debate on the floor of the House. I therefore object to the reading of this letter as a violation of the Constitution.

Mr. LLOYD. Mr. Chairman, there is nothing in this letter that reflects upon the character of the gentleman from Minnesota [Mr. STEENERSON].

The CHAIRMAN. Has the gentleman from Minnesota any authority which he cares to present?

Mr. STEENERSON. The Constitution itself says so. "That for any speech or debate in either House he shall not be questioned in any other place." (Sec. 6, Art. I.)

Mr. BARTLETT. The Constitution says he "shall not be held accountable for." It does not say that he "shall not be criticized."

Mr. STEENERSON. Well, in view of the fact that Assistant Postmaster General Dockery is a good friend of mine, and I have a great esteem for him, and although I think it violates all proprieties, I withdraw the objection.

Mr. LLOYD. The letter says further:

As is well known, the accounts for the Post Office Department are audited by an officer of the Treasury, the Auditor for the Post Office Department. His reports constitute the official statements of postal finances. An examination of the reports of this official shows that during the first 15 months of this administration—that is to say, from April, 1913, to June, 1914—the postal revenues increased at the rate of 8.25 per cent over the period from April, 1912, to June, 1913. The average yearly increase in postal revenues for the 10 consecutive fiscal years from 1905 to 1914, inclusive, was 7.15 per cent. Postal receipts have not decreased, therefore, as a result of the application of the principles of so-called free trade, as embodied in the tariff law under which the Government is now operating.

The evidence that the present decrease in receipts has been brought about by reason of the European war is, if possible, even more conclusive. In marked contrast to previous substantial increases in postal revenues, an estimate prepared by the Auditor for the Post Office Department shows an increase in postal revenues for the quarter ended September 30, 1914, of only 2.41 per cent. The accounts of the Postal Service are rendered quarterly. It is therefore impracticable to give audited results by months for the purpose of showing the immediate effect on postal receipts of the European war, which, as is well known, began in the latter days of July, 1914. Statements of monthly receipts are received by the department, however, from the 50 largest post offices at which approximately 50 per cent of the postal revenues are collected. For the month of July, 1914, immediately preceding the outbreak of the war, these returns showed an increase of 4.7 per cent, even in the face of incessant rumblings of disturbed conditions which later came to a climax. In the month of August, however, not only was this increase lost, but a decrease of 1.2 per cent was shown. Reports for every month since that time have shown continuous and greater decreases.

Deficits in the returns from the postal establishment have not been unusual. They have been the rule rather than the exception. Prior to 1913 the last actual surplus was announced by Postmaster General Gresham in 1883. For the 27 years from 1884 to 1910, inclusive, there were continuous deficits, ranging from $2,961,169.91 in the fiscal year 1902 to $17,479,770.47 in the fiscal year 1909. These deficits amounted in the aggregate to $210,544,802.90, a yearly average of $7,797,955.66. In marked contrast to this average yearly deficit, Postmaster General Burleson was able to announce a real surplus in the postal revenue for the fiscal year ended June 30, 1913, after providing for the liquidation of all outstanding indebtedness, of approximately $3,800,000, which has been actually paid into the Treasury for the general uses of the Government. For the fiscal year ended June 30, 1914, he was able to announce a second real surplus of approximately $3,500,000, which will also be paid into the general fund of the Treasury. The surplus for the fiscal year 1914 was accomplished despite the fact that it was necessary to expend large sums of money for the purpose of rehabilitating the service, which had been seriously impaired by the introduction of ill-conceived economies.

From the foregoing fiscal exhibit two facts are so apparent that he who runs may read, and no fair-minded citizen can, after investigation, dispute them: First, that the decline in postal receipts began with the outbreak of the European war; second, that both the fiscal years 1913 and 1914 furnished an actual, bona fide postal surplus after the payment of all obligations.

It is not, therefore, as declared by my friend Representative STEENERSON, "the shadow of free trade" which has occasioned the decline in postal revenues, but the appalling shadow of the most stupendous catastrophe in all human history. One-half the world is now engaged in destructive war—destructive of life, resources, trade, and commerce without precedent—resulting in the reduction of the ordinary revenues of every civilized nation of the world. These events demonstrate conclusively the commercial interdependence of nations, and that that which affects one to a greater or lesser degree affects all.

Is it any wonder, then, with this world-wide industrial halt in peaceful trade, that business in our own country should be intimidated and that we should be confronted with diminishing revenues? Industrial activity is the very basis of revenue for all nations, and when it is arrested there follows with the certainty of the law of gravity dwindling revenues of every kind and character, except those derived from war loans. Neither denunciation nor denial can disturb this immutable fact.

Appended hereto is a table showing the surpluses and deficiencies and the percentages of increase in postal revenues for the fiscal years 1905 to 1914, inclusive, as reported by the Auditor for the Post Office Department.

Very respectfully,
A. M. DOCKERY,
Third Assistant Postmaster General.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. LLOYD. Mr. Chairman, I should like five minutes more.

Mr. BARTLETT. I yield to the gentleman five minutes more.

Mr. GILLETT. Can I call the gentleman's attention to the fact that he promised me 15 minutes, and I understand he has only 17 left?

Mr. BARTLETT. That is so; and therefore I yield to the gentleman from Missouri two minutes.

Mr. LLOYD. I submit herewith the table referred to in Mr. Dockery's letter:

Table showing the surpluses and deficiencies and percentage of increase in postal revenues for the fiscal years 1905 to 1914, inclusive, as reported by the Auditor for the Post Office Department.

Fiscal year.	Audited surplus.	Audited deficiency.	Percentage of increase.
1905		$14,594,387.12	6.44
1906		10,542,941.76	9.88
1907		6,692,031.47	9.32
1908		16,910,278.99	4.30
1909		17,479,770.47	6.31
1910		5,881,481.95	10.10
1911	$219,118.12		6.14
1912		1,785,523.10	3.72
1913	4,510,650.91		8.05
1914	4,376,463.05		7.99
Average percentage of increase for 10 consecutive years			7.15

Mr. Chairman, no man who has been connected with the Post Office Department in recent years is a more careful, cautious, and painstaking business man than Mr. Dockery, and certainly no one can successfully maintain the charge that the Postmaster General is extravagant in the administration of his office.

The statement of the Third Assistant Postmaster General ought to convince anyone that the declining postal receipts are not due to the Underwood tariff law, but have come with the European war.

I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. LLOYD. I also ask leave to revise my remarks.

The CHAIRMAN. And to revise his remarks. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman yields back one minute.

Mr. STEENERSON. Mr. Chairman, will the gentleman yield me that one minute?

Mr. BARTLETT. Mr. Chairman, I desire to make the statement that my colleague [Mr. HOWARD], who represents the fifth district of Georgia, is not present to-day. He is confined to his room by illness. I make this statement so that it may go along with the statement made by the gentleman from Massachusetts [Mr. GREENE].

Mr. STEENERSON. Mr. Chairman, I make the point that there is no quorum present.

The CHAIRMAN. The gentleman from Minnesota [Mr. STEENERSON] makes the point of order that there is no quorum present. The Chair will count.

Mr. STEENERSON. Mr. Chairman, I withdraw the point of no quorum.

The CHAIRMAN. The gentleman from Minnesota withdraws the point of no quorum.

Mr. GILLETT. Mr. Chairman, I yield 15 minutes to the gentleman from Oklahoma [Mr. MORGAN], and the gentleman from New York [Mr. CALDER] yields 15 minutes to him also.

The CHAIRMAN. The gentleman from Oklahoma [Mr. MORGAN] is recognized for 30 minutes.

Mr. MORGAN of Oklahoma. Mr. Chairman, I desire to speak on the question of rural credits. I expected to have made this talk on yesterday. The first thing that I had intended to have said in my speech was that all hope for rural-credits legislation in this Congress had vanished. However, I am glad to say to-day that, owing to the action which was taken in the Senate yesterday, there is at least some hope that the Sixty-third Congress will go down in history as the one which enacted the first rural-credits legislation on the part of the National Government.

I am sure that no greater distinction could be given to any Congress than to have that honor. On yesterday the Agricultural appropriation bill was amended in the Senate by adding thereto a bill known as the McCumber rural-credits bill, which the Senator from North Dakota introduced some time ago. I am glad that it was a Republican Senator that took the initiative and thus brought about conditions which may result in legislation along this line within the next few days, and I trust and hope that the leaders in this House on both sides, and that the rank and file of the membership of the House of Representatives of the United States, will all exert their greatest endeavors to secure this legislation.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from Nebraska?

Mr. MORGAN of Oklahoma. I will yield gladly to my colleague from Nebraska.

Mr. SLOAN. Do I understand that the distinguished Senator from North Dakota is bringing this in for the purpose of securing the redemption of at least one pledge of the Baltimore platform?

Mr. MORGAN of Oklahoma. Well, I think the country should be congratulated that it has a Republican Senator who had the ingenuity and the skill and the interest of the people so much at heart that he saw the opportunity and seized upon it, and of course in that way would help the Democratic Party to redeem its promise to enact rural-credits legislation.

Now, Mr. Chairman, it was not my purpose so much to criticize the Democratic administration for failure to act upon this important subject, though I think it is subject to severe criticism on that account. It is my purpose rather to criticize what I regard as the administration's plan of rural credits. I think there is an administration plan of rural credits pending before this House at the present time. That plan is not the McCumber bill, which was placed as an amendment upon the Agricultural appropriation bill. There was a commission appointed by the President under the authority of Congress which went abroad to study rural credits. That commission went abroad, came home, and made a report, and there was introduced in both Houses of Congress a bill which is said to represent the idea and plan of that commission. That bill is known as the Moss-Fletcher bill, introduced into the House by the gentleman from Indiana [Mr. Moss], who is recognized as perhaps the best authority in this House upon rural credits, and has given profound study to the subject. That bill came from the commission that was appointed by the President. More than that, the gentleman from Indiana [Mr. Moss] on the floor of this House defended the administration plan of opposition to the use of Government credit or of the Government's funds in aid of the establishment of a rural-credit system; so that this bill can, I think, be fairly said to be one of the administration bills.

Then there is the Bulkley-Hollis bill, introduced in this House by the gentleman from Ohio [Mr. BULKLEY], who has also given great study to this question and is an authority on the subject. The same bill was introduced in the Senate by the Senator from New Hampshire [Mr. HOLLIS]. Now, this comes from the subcommittee of the House Committee on Banking and Currency and the Senate Committee on Finance, so that the Bulkley-Hollis bill represents the official majority, so to speak, of the Democratic majority in Congress.

Mr. PLATT and Mr. SLOAN rose.

The CHAIRMAN. Does the gentleman yield, and to whom?

Mr. MORGAN of Oklahoma. I yield first to the gentleman from New York [Mr. PLATT].

Mr. PLATT. Does the gentleman contend that the Bulkley-Hollis bill is an administration measure?

Mr. MORGAN of Oklahoma. I contend that it is an administration bill, if we consider the fact that Congress, or the Democratic majority in Congress, is to be regarded as a part of the national Democratic administration.

Mr. PLATT. Does the gentleman know that the Bulkley-Hollis bill was held up in the Committee on Banking and Currency because it does not meet the wishes of the President and because of its Government-aid features, where the Government is authorized to subscribe to the land banks and also to subscribe to not exceeding $50,000,000 of land bonds?

Mr. MORGAN of Oklahoma. I am aware of that fact, and I am aware of the fact also that the chairman of the subcommittee of the Finance Committee of the Senate has reintroduced the Bulkley-Hollis bill with the Government-aid feature eliminated.

Mr. PLATT. So far as the bonds are concerned, but not so far as subscriptions to the land banks are concerned.

Mr. MORGAN of Oklahoma. But that is a very minor detail.

THREE ESSENTIALS.

In adopting a plan of land credits three things should be kept in mind, namely:

First. The nature and character of the institution created and empowered to manage, conduct, and control the system of land credit to be put in operation.

Second. The system of land credit adopted must be such as will provide adequate credit for the agricultural interests of the United States.

Third. The system of land credit created must furnish credit at a low rate of interest.

My conclusion is that neither the Moss-Fletcher bill nor the Bulkley-Hollis bill meet these three essential requirements.

Without any spirit of partisanship, but solely with the view of contributing my mite toward the proper settlement of this great problem, I wish to submit some observations to establish the foregoing proposition.

CHARACTER OF INSTITUTION.

My first objection to both of these bills is to the kind, the character, and the nature of the banking corporations created to operate our land-credit system. Each of these bills places the land-credit system of the United States in the control of privately owned, dividend-paying, surplus-accumulating, profit-sharing banking corporations, conducted not in the slightest degree for the general public good, but purely for private gain. These banking institutions are in no way placed under obligation to make their chief end and purpose the promotion of agricultural development and the betterment of the financial condition of the 40,000,000 people residing on the farms of the United States. These bills propose to create a system of national land banks, endowed with special privileges and granted exceptional and extraordinary exemptions without requiring that their chief end shall be to carry out a great national policy designed to strengthen the very fabric of our National Government and promote the general welfare of all the people of the United States.

ADEQUATE CREDIT NOT ASSURED.

Neither of these bills assures adequate land credit for the farmers of the United States. Both of them authorize the land banks created thereby to issue and sell bonds or debentures based upon farm mortgages as security therefor. Under the Moss-Fletcher bill the total bonds issued must not be more than 15 times the capital stock of the bank issuing the bonds. The limit of bonds under the Bulkley-Hollis bill is 20 times the capital stock of the bank issuing the bonds. The loans to be made are thus limited by the capital stock of the banks which may be organized under the system. The Moss-Fletcher bill authorizes the formation of land banks with capital stock of

not less than $100,000. There is no limit to the number of such banks which may be organized. There is, however, no absolute assurance that a single bank would be organized under this bill. Certainly there is no reasonable probability that a sufficient number of such banks would be organized within any reasonable time to supply the demand for land credit in the United States. The Bulkley-Hollis bill authorizes the organization of local banks with not less than $10,000 capital stock and 12 district Federal land banks with capital stock of not less than $500,000 each. In case the public fails to take the full amount of this stock the Secretary of the Treasury, for the United States, is authorized to subscribe the balance. This would insure at least $6,000,000 of capital stock for these 12 Federal land banks. There is no assurance, however, that these banks would ever have capital stock in excess of $6,000,000. With this amount of capital stock, these banks could make loans amounting in the aggregate to only $120,000,000. The land-mortgage indebtedness of the United States now reaches at least $3,000,000,000. It would require banks with at least $200,000,000 in capital stock to take up this existing farm-mortgage indebtedness of $3,000,000,000. Yet under the Moss-Fletcher bill no definite amount of bank capital is assured, and under the Bulkley-Hollis bill only $6,000,000 of capital is certain. When we consider the fact that the national banks for the fiscal year ending June 30, 1914, paid average dividends on their stock of 11.39 per cent and set aside large additional surplus, we must be forced to conclude that $200,000,000 will not be invested in the capital stock of land banks with dividends limited to 6 per cent per annum. I am, therefore, forced to the conclusion that the land banks created by these two administration bills will be nothing more than experimental land-credit stations, dotting here and there the vast field of land credit covering in the United States 3,000,000 square miles of territory.

LOW RATE OF INTEREST NOT ASSURED.

Neither of these bills assures a low rate of interest on farm loans.

There is no provision in either of these bills which either fixes the rate to be charged or which provides for a maximum rate.

The Moss-Fletcher bill in no way limits the rate of interest which the land banks may charge, except by the provision which requires that the interest on loans shall not exceed the interest on land bonds by more than 1 per cent per annum.

The Bulkley-Hollis bill has a number of provisions relating to the interest charge. In substance these provisions are as follows:

(a) The interest rate of mortgages must not exceed the legal rate current in the State in which the mortgage land is situated.

(b) The "normal" rate of interest must not exceed the rate of interest on the last bond issue by more than 1 per cent per annum.

(c) The commissioner of land credits is authorized to fix a "specific" rate of interest for any district.

(d) The Federal Reserve Board is authorized to "review and alter" the interest rate.

I submit that none of these provisions are sufficient to guarantee a low rate of interest on farm loans in the United States.

There are no provisions in the bills which offer any substantial inducement to the land banks to make loans at a low rate of interest.

Under these bills the banks are allowed 1 per cent per annum above the interest rate on the bonds as a margin on which to do business; that is to say, the interest rate on mortgages must not exceed the interest rate on the bonds by more than 1 per cent per annum. Under this provision the banks will have nothing whatever to gain by loaning at a low rate of interest. Indeed, it might be to the advantage of the banks to loan at a high rate of interest, because they would thereby be permitted to sell bonds at a higher rate, and bonds at a high rate will sell more readily than bonds at a low rate. The western and southern banks must sell their bonds in competition with banks in the eastern and central parts of the United States, which are located nearer the centers of credit. To meet this competition, there will be a tendency with competing banks to place bonds on the market with a high rate of interest; but to do this they must loan at a higher rate, because, under the law, there must be only 1 per cent difference between the interest rate on mortgages and the interest rate on bonds. To illustrate: Suppose the law declared that no loan should be made at an interest rate in excess of 5 per cent per annum, and that the banks were perfectly free to sell their land bonds at any rate they chose, and were at liberty to make any profit they could. In such case the banks would be vitally interested in issuing and selling bonds at the very lowest rate of interest. Under such arrangement the banks would use every effort to issue a bond that would have a high standing with investors and could be sold readily at a low rate of interest. If privately controlled banks shall be given control of our land-credit system they should be placed in a position where the interests of the stockholders of the bank require that the bonds should sell at a low rate of interest. Universally we get the best service from men when their own interests require them to work for the public good.

Mr. SLOAN. Will the gentleman yield?

Mr. MORGAN of Oklahoma. I yield to the gentleman from Nebraska.

Mr. SLOAN. Calling attention to the activity of the author of the Fletcher bill in another body in the last 40 days on the shipping bill, does it not appear that the administration's rural-credits bill is entirely set aside and abandoned, under the theory that ships on the ocean are of more importance to this country than credits on the land?

Mr. MORGAN of Oklahoma. Mr. Chairman, I regret that it does appear that the present administration is far more interested in the commercial interests, so to speak, than in the interests of the farmers of the United States. Now, Mr. Chairman, I must proceed or I will not be able to finish what I intended.

Bonds issued by 12 different banks under the Bulkley-Hollis bill or bonds issued by a hundred or more banks under the Moss-Fletcher bill scattered here and there throughout the United States will not sell on the market at as low a rate of interest as bonds issued by a single bank, with capital stock approximately as great as the combined capital stocks of all the smaller banks. In every land-credit system the rate of interest is governed almost entirely by the rate of interest the bonds issued bear.

The rate of interest on mortgages must always be above the rate of interest on the bonds, unless operating expenses are otherwise provided for. The mortgage must draw sufficient interest to pay the interest on the bond and a small additional per cent to pay interest on capital employed and to defray operating expenses. Land-mortgage bonds should therefore be issued by institutions of such financial strength as will command the confidence of the investing public. We should not overlook the fact that this is even more important here than in European countries. We have a vast area of country. European countries have small area. Our country is comparatively sparsely settled. European countries are thickly settled. Germany, composed of some 26 States or Provinces, with nearly 70,000,000 population, has less area than the State of Texas. Land bonds issued by landschafts and other land-credit institutions of Germany, usually find a market in the very community in which the land is situated. Not so in this country. By far the greater part of the bonds issued by the land banks must be sold to investors residing one, two, or three thousand miles distant, who know little of the bank, the products of the country, or the character of the people. Very naturally men will hesitate to risk their savings in banks of this kind. But a single great bank would command the confidence of investors. It would quickly attain a national standing and its name would become familiar throughout the country. Land securities issued by such a bank would sell more readily and at a lower rate of interest than securities issued by numerous small banks, about which the public generally could have but little knowledge. France, in enacting a law to establish her land-credit system, started with the idea of having many land banks with authority to issue bonds. After a brief trial she abandoned the idea. The smaller banks were purchased by the one great land-credit institution—the Crédit Foncier. Mr. Herrick, in his Rural Credits, referring to the plan adopted by France, says:

> France decided that centralization and unity of action were better than competition, and proceeded to establish a large central institution, with agencies throughout the nation, which should make loans upon the same general conditions and issue debentures of standard types.

Emperor Napoleon III promulgated a decree which extended the powers of the Land Bank of Paris, conferred upon it the title La Société du Crédit Foncier de France, and "authorized it to absorb the other companies which had been formed."

Mr. Herrick, in Rural Credits, page 114, referring to the Credit Foncier, says, "It is the only mortgage-bond company of consequence lending on land situated in France."

Even in Germany it has been found necessary to create a central landschaft to aid the local landschafts in selling their bonds. In discussing the difficulty of local institutions in disposing of their bonds, Mr. Herrick, in Rural Credits, page 188, says:

> The need or advantage of having a central organization for standardizing their business methods and strengthening their credit by mutual assistance became apparent as soon as the landschafts had spread over

Germany. Between 1870 and 1875 the market price of the debentures of several of the associations was low and unstable. Inasmuch as their business methods were practically the same, and the guaranties offered were as good as those of others whose debentures were selling at a satisfactory figure, it was evident that the difference was due to distance from the money centers and adverse local conditions.

In devising plans for its formation, Prussia not only opened up the financial channels which all converge at Berlin, but utilized the principle of cooperation, and encouraged the landschafts themselves to unite into a large association with power to issue debentures upon their combined guaranty, and thus to create a security so safe and sound that it would have all Europe for its market.

I have discussed this matter somewhat fully, because I have come to the conclusion that the farmers of the United States will make a fatal mistake if they are led to sanction a land-credit system that is based upon the credit and standing of small banks scattered throughout the vast territory of the United States. To have many banks issuing land-mortgage bonds will cost the farmers millions of dollars every year in higher rates of interest.

All experience demonstrates that in every line and character of business conducted by governments, corporations, associations, partnerships or individuals the strong government, the large concern, the big institution, the wealthy individual, can always borrow money upon the best terms and at the lowest rate of interest. The United States can borrow money cheaper than it can be borrowed by the small Republics of Central and South America. The Standard Oil Co. and the United States Steel Co. have better credit than their small independent competitors. The Wanamaker and Marshall Field department stores can command money at a lower rate of interest than the small concerns located on obscure streets in Philadelphia or Chicago. All of which illustrates the strength of credit that comes from centralization and unity. The farmers have the best security in the world. But that security may be materially weakened by the character of the institutions which offer this security to investors. For this reason I am opposed to permitting numerous small banks to issue mortgage bonds upon land securities. Twelve bond-issuing banks will be better than 100, but 1 such bank will be better than 12.

Mr. STEPHENS of Texas. Will the gentleman yield before he proceeds?

Mr. MORGAN of Oklahoma. I will gladly yield for a question.

Mr. STEPHENS of Texas. There have been five or six Republican Presidents before the present administration. Which one of those Republican Presidents has ever recommended any relief for the farmers along the line now suggested?

Mr. MORGAN of Oklahoma. Back under the Republican administrations the farmers in this country were so prosperous that they did not need rural credit so badly as they do now. [Laughter.]

The banks created by these bills to operate our land-credit system can not be operated economically, and economical operation is absolutely essential to a low rate of interest. Under both the Moss-Fletcher bill and the Bulkley-Hollis bill the banks are allowed to loan at a rate of interest 1 per cent higher than the rate of interest on the bonds. Under the Bulkley-Hollis bill the commissioner of land credits may fix a "specific" rate of interest in a district, allowing the banks to loan at a higher rate than 1 per cent above the rate of interest on the bonds. The authors of these bills estimate that it will require at least 1 per cent per annum on loans to pay the operating expense. This is practically double the amount allowed European land-credit banks. The land bonds of the landschaft of Germany generally bear the same rate of interest of the mortgage. The borrower pays no more interest than the bond issued on his mortgage. This can be done by the landschaft, because the operating expenses of the landschaft are insignificant. But these bills propose to allow the land banks 1 per cent annually on loans to operate the banks. Think what this means! On a loan of $2,000 the borrower contributes $20 every year to the banks for their services. In five years he will have contributed $100. In 10 years $200 of the earnings have gone, not to the purchasers of the bonds, who really furnish the money for the loan, but to the banks, who act as middlemen between the borrower and the investor. Herrick, on page 122 in Rural Credits, referring to the interest rates on loans by the Crédit Foncier, says:

The rate of interest on money loaned must not exceed by more than six-tenths of 1 per cent the rate of the debentures by which it was raised, except in Algeria and Tunis.

Why should the farmers of the United States pay 1 per cent per annum as purely administrative charges when the farmers of Europe on the average pay less than one-half that amount? The payment of an extra one-half of 1 per cent per annum for administrative expenses on total loans of $3,000,000,000 in 10 years would amount to $150,000,000.

Costly operating expenses, heavy administration charges, are inconsistent and incompatible with a low rate of interest. The borrower foots the entire bill. The farmers who mortgage their farms through interest payments support the system. All authorities agree that the low rate of interest on land mortgages made through the landschaft of Germany is due to the fact that these institutions are conducted with little expense. Both of these bills bring into existence a large number of privately owned, dividend-paying, profit-making banks. The capital invested in these banks must be provided with dividends. A surplus must be created, ostensibly to give strength and safety to the bank, but in effect the surplus simply adds value to the bank stock through contributions made by borrowers. The banks must erect expensive buildings or pay high rent for places in which to do business. The banking houses must be furnished and equipped; the active officers must be paid good salaries; employees must be provided with fair wages; an army of people must be supported. The mortgagors, through interest payments, are taxed to pay the bill. Every unnecessary dividend-paying, profit-sharing, surplus-creating bank employed to operate our land-credit system adds to the rate of interest the farmers must pay for every dollar borrowed.

Mr. PLATT. Is it not a fact that President Taft started the whole rural-credit movement by beginning an investigation in Europe through our diplomatic representatives there?

Mr. MORGAN of Oklahoma. The fact is that Mr. Taft was the first President to call attention to this subject, and that his ambassador whom he sent abroad to France, who has conferred so much honor upon this Nation, gave special study to that question, and he has come home with a message to the people of the United States, and has written a book that it would be well for the present administration and all of us to read.

Mr. MURRAY. Will the gentleman yield for a correction there?

Mr. MORGAN of Oklahoma. Briefly.

Mr. MURRAY. To get the record straight, does not my colleague know that it was Teddy who started this?

Mr. MORGAN of Oklahoma. I do not know that.

Mr. MURRAY. He appointed a rural commission to go out and study the condition of the farmers, and on the report of that commission followed it up——

Mr. MORGAN of Oklahoma. I can not yield any further.

Mr. SLOAN. I want to congratulate the gentleman from Oklahoma, Mr. MURRAY, on having selected a President who can be defended.

Mr. J. M. C. SMITH. Will the gentleman yield?

Mr. MORGAN of Oklahoma. I will yield for a question.

Mr. J. M. C. SMITH. Is it expected that the farmers will get as much relief under this rural-credits bill as the people of the country have received under the Underwood tariff bill? [Laughter on the Republican side.]

Mr. MORGAN of Oklahoma. I hope they will receive more.

Mr. SLOAN. Will the gentleman yield?

Mr. MORGAN of Oklahoma. Yes; for a question.

Mr. SLOAN. Does the gentleman think that a maximum rate that would obtain and be proper in one section of the country would be proper in another section, where the commercial and agricultural conditions differed largely?

Mr. MORGAN of Oklahoma. I think a rate that is good in Ohio, good in Iowa, and good in Nebraska should be good in Maine or in Oklahoma. The farm that is mortgaged is the security. If our lands in Oklahoma are worth only $50 per acre, 50 per cent of its value would represent $25 an acre, the amount to be loaned thereon. If the splendid lands of Nebraska are worth $100 an acre, you can get a $50 loan per acre on your land. This idea that the farmers of the East or the central United States should be able to borrow money cheaper than the farmers of the far West is not sound, and that is my objection to these administration bills; they would discriminate against the West.

Mr. TOWNER. Will the gentleman yield?

Mr. MORGAN of Oklahoma. Yes.

Mr. TOWNER. I notice in the McCumber bill interest is fixed at 5 per cent. Does the gentleman think that would be of any benefit to the farmer?

Mr. MORGAN of Oklahoma. I think it would be. I believe the farmers of the United States, under a proper system of land credits, can borrow money cheaper than 5 per cent.

Mr. TOWNER. The gentleman thinks the rate fixed in the McCumber amendment, then, is too high?

Mr. MORGAN of Oklahoma. That is my judgment; but in my bill I fix a lower rate.

Mr. TOWNER. The time limit on loans is 10 years. Does the gentleman think that that is too short a period?

Mr. MORGAN of Oklahoma. I think it is too short; but the average farmer of the United States that has a farm, I think, would be satisfied with a 10-year loan, as 5 years is generally regarded as a long-time loan.

Mr. NORTON. Will the gentleman yield?

Mr. MORGAN of Oklahoma. Yes.

Mr. NORTON. Is it not a fact that the best authority that we have recourse to states that the average rate of interest on farm credits is 8½ per cent, and a reduction to 5 per cent on the major part of all the loans would certainly be of great assistance?

Mr. MORGAN of Oklahoma. Unquestionably so.

Mr. MURRAY. Will the gentleman yield?

Mr. MORGAN of Oklahoma. Certainly.

Mr. MURRAY. I presume the gentleman has read the McCumber bill?

Mr. MORGAN of Oklahoma. I have.

Mr. MURRAY. In the third paragraph of that bill it provides that certain sums of money are appropriated, and that the national banks and State banks desiring to avail themselves of the privilege become the agents of the department. Does not that leave it wholly with the banks to determine whether the farmers shall borrow any money at all or not?

Mr. MORGAN of Oklahoma. I think it does. That should be amended so as to require national banks to act, and leave it optional with the State banks.

Mr. CARTER. Will the gentleman yield?

Mr. MORGAN of Oklahoma. Yes; briefly.

Mr. CARTER. Does the McCumber amendment provide for any limitation as to the amount that may be issued in bonds?

Mr. MORGAN of Oklahoma. No; and I think that is a correct principle. I believe that to limit the bonds to fifteen times the capital is unwise, because it is not the capital of the banks but the man's farm that furnishes the security, and the landschaft of Germany have no capital stock, and, all things considered, the landschaft is the best system of farm loans in the world.

Mr. CARTER. And the McCumber amendment provides for 4 per cent interest.

Mr. MORGAN of Oklahoma. Five per cent, but for 4½ per cent bonds.

Mr. CARTER. And exempts them from taxation and also provides they shall not be sold for more than par value. Have we not already a billion dollars United States 3 per cent bonds?

Mr. MORGAN of Oklahoma. I do not think we have a billion.

Mr. CARTER. Well, a large amount. What effect does the gentleman think the issuance of 4½ per cent bonds, not to be sold for more than par value, would have on the 3 per cent obligations that are already in existence?

Mr. MORGAN of Oklahoma. I do not think I could answer the gentleman fully in my limited time, but I think the rate on the land bonds should be below 4½ rate of interest. Now, Mr. Chairman, I must hurry through.

SYNOPSIS OF H. R. 21474.

Mr. Chairman, on the 16th day of February I introduced H. R. 21474, entitled "A bill to provide better credit facilities and lower interest for farmers."

The provisions of this bill do not express the extent to which I am willing to go in the use of the Government credit or the Government's funds to provide our farmers with adequate credit at a low rate of interest. I am in favor of using either the funds or the credit of the Government to any extent that may be necessary to create an adequate system of agricultural credit. However, in drawing this bill I have attempted to present a plan which will provide adequate credit and a low rate of interest without the use of the Government's credit or the Government's funds, except in supervision and in a very limited way to inaugurate the system.

My bill creates a single institution—the national land bank—which has no capital stock, declares no dividends, accumulates no surplus for the benefit of shareholders, distributes no profits to its managers, and is not run for private gain, but for the public good. The directors are appointed by the President. With the object of providing for economical machinery of administration all national banks are required and all State banks are permitted to act as agencies in transmitting and closing loans, such banks to be paid by the national land bank and not by farmers. To obtain an operating fund the Secretary of the Treasury is directed to accept deposits from the public, to the amount of $10,000,000, and pay 3 per cent thereon, which the bank repays to the Government. These deposits run for 10 years. The secretary is directed to deposit any amount not deposited by the public. This $10,000,000, which may be increased to $20,000,000, is transferred to the national land bank as an operating fund. The amount is loaned on farm mortgages, bonds are issued thereon, and these bonds are sold, and the loan fund is thus replenished to the original amount, and reloaned again and again, and thus kept revolving without limit.

Loans above 10 years are required to be paid in small annual installments, provision is made for a reserve fund to meet any losses, bonds are made available for various kinds of investment funds, and mortgages and bonds are exempted from taxation. Every care is taken to provide a perfectly sound and safe system of land credit, capable of unlimited expansion. The bill fixes the rate of interest on mortgages at 3½ per cent on loans above 10 years, and 4 per cent on loans under 10 years. The bonds bear a rate of interest one-half of 1 per cent less than mortgages. The entire business is conducted and ample reserve funds accumulated by a margin of one-half of 1 per cent of the interest charge. Economy of administration, the elimination of excessive commissions and fees, charges and profits by agents, middle men and go-betweens of all kinds will be the most important factors in securing cheap interest for our farmers.

Mr. Chairman, what I have said has not been in the spirit of criticism. I am deeply interested in this question. I shall feel more than repaid if anything I have said will awaken any additional interest in the subject. We can not properly deal with the rural-credit proposition unless we have a clear vision of the future. We have spent more than $300,000,000 on the Panama Canal for the benefit of the world's commerce. In the past 10 years we have spent $300,000,000 for the improvement of our rivers and harbors. We are adding to our appropriations by many millions of dollars annually to increase our Navy, enlarge our Army, and to otherwise strengthen our means of national defense. We have appropriated $40,000,000 to build a railroad for Alaska—in a remote territory in which there are but a mere handful of people. We are appropriating annually thirty or forty millions of dollars to erect magnificent public buildings to ornament and beautify our towns and cities in every section of the country. Indeed, the greater part of the time of the National Congress is spent in devising and enacting revenue bills to bring the money into the Treasury and in passing appropriation bills to take it out of the Treasury. Yes, sir; we hesitate and halt before the proposition to use to the slightest extent the Government credit or the Government's funds to establish a system of farm credits, the main purpose of which is to increase the food supply of the Nation.

The mighty struggle going on now between the great nations of Europe is an object lesson we can not forget. It is becoming not a question of great generals, not a question of braver soldiers, not a question of dreadnaughts, submarines, and air crafts, but a question of food, of hunger, of starvation—not for the armies, but for the men, women, and children at home.

Who knows when this country may unhappily be compelled to engage in a like struggle? Who can tell when the honor of that flag and the very life of our Republic may depend upon our ability to feed our own people?

Fifty years from now we will have 250,000,000 people living in the United States. These people must be fed. May the lesson of the present hour enable us to prepare for the future.

Whatever else we may do, we should pursue a national policy that will insure an ample supply of food for our people. My hope and prayer is that the time may never come when from the lack of food products we shall see our people humiliated, our flag dishonored, our national existence endangered.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. MORGAN of Oklahoma. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD and to print certain exhibits.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MORGAN of Oklahoma. Under this leave to extend my remarks I herewith print a copy of H. R. 21474, introduced by me February 16, 1915. The bill is as follows:

EXHIBIT A.

A bill to provide better credit facilities and lower interest for farmers.

Be it enacted, etc., That the national land bank is hereby created, and under such name is hereby declared to be a corporate body of the District of Columbia, and by such name shall be known and have perpetual succession with the powers, limitations, and restrictions herein contained, unless otherwise provided by Congress.

OBJECT OF CORPORATION.

SEC. 2. That the object of the national land bank shall be to provide for the general welfare of the people of the United States through the development and expansion of agriculture and to establish better credit facilities and cheaper interest for the farmers of the United States.

MANAGEMENT.

SEC. 3. That the national land bank shall be controlled and managed by a board of directors, consisting of five persons. The board of directors shall be appointed by the President, by and with the advice and

consent of the Senate. The terms of office of the directors shall be for four years, except that the persons first appointed on said board shall hold their offices for one, two, three, four, and five years, respectively.

ORGANIZATION.

SEC. 4. That within 30 days after their confirmation the directors, under the call of the Secretary of the Treasury, shall convene, take the oath of office, and proceed to organize and enter upon their duties. The Secretary of the Treasury shall provide the said national land bank with suitable rooms in which to conduct the business of the bank until otherwise provided by law.

The national land bank shall be under the supervision of the Secretary of the Treasury, who shall have the same authority over said bank as he has by law over national banking associations so far as such laws are applicable and do not conflict with specific provisions herein, and the Secretary of the Treasury shall have and exercise such additional authority as shall be herein given him.

BANK OFFICERS.

SEC. 5. That the President shall designate one of the directors as the president of said bank and one as the secretary-treasurer thereof. All of the directors shall devote their time exclusively to the duties of their offices and in conducting the business of said bank. The president shall receive a salary of $6,000 per annum, the secretary-treasurer shall receive an annual salary of $5,000 per annum, and the other directors shall each receive a salary of $3,000 per annum.

The directors of said bank are authorized, under the approval of the Secretary of the Treasury, to employ such clerks, assistants, inspectors, and other employees as shall from time to time be necessary to conduct its business.

That for the first 10 years after the organization of such bank the salaries of the officers, directors, and all other employees of said bank shall be paid by the United States, and thereafter the same shall be paid by the bank, unless otherwise provided by Congress.

ADVISORY BOARD.

SEC. 6. That the governors of the several States shall appoint one person from each State, who shall constitute the advisory board of the national land bank. Should the governor of any State fail to make such appointment, the Secretary of the Treasury is hereby authorized to make the appointment. No person shall be a member of such advisory board who is not a bona fide farmer. But no person shall be eligible as a member of said advisory board who is an applicant for a loan from said bank, or has received a loan from said bank, and no loan shall be granted to a member of the advisory board. The members of the advisory board shall receive no salaries, but they shall be paid their actual expenses when attending meetings of said board, and shall be allowed $10 per day for time actually employed in attending meetings of said board. The advisory board shall meet annually at Washington, D. C., unless otherwise directed by the Secretary of the Treasury. It shall be the duty of members of the advisory board to aid the directors of the national land bank by furnishing information relating to their respective States pertaining to the loan business, to present matters in behalf of applicants for loans in their respective States, and at the meetings of the board they shall discuss propositions for the betterment of the service rendered by the land credit system hereby established, and by resolutions may make such recommendations as in their judgment will contribute to the success of the business of the national land bank. The president of the bank shall be ex officio chairman of the advisory board, and a member of the advisory board shall be elected as the vice chairman of said board.

POWERS OF THE NATIONAL LAND BANK.

SEC. 7. That the national land bank shall have power—

1. To adopt and use a corporate seal to be approved by the Secretary of the Treasury, a description of which seal, together with an impression thereof and a certificate of approval thereof by the Secretary of the Treasury, shall be filed in the office of the Secretary of State.

2. To make contracts.

3. To sue and be sued, complain and defend in any court of law or equity as fully as natural persons.

4. To exercise, by its board of directors or duly authorized officers or agents subject to law, all the general and specific powers herein granted and such incidental powers as shall be necessary to carry on the business herein described.

BANKS AUTHORIZED AGENCIES.

SEC. 8. That all national banks are hereby required and all State banks, including trust companies and savings banks, are hereby authorized to act as agencies of the national land bank to receive and transmit applications for loans, to furnish information as to the value of lands covered by applications for loans, or as to other matters pertaining to said loans, to receive from the national land bank the proceeds of any loan and pay the same to mortgagors, to sell national farm-loan bonds, and to do such other acts as shall be authorized by the national land bank, under the approval of the Secretary of the Treasury.

For services rendered by any bank in connection with any loan under the foregoing section the national land bank is authorized to pay to such bank any sum not to exceed one-fifth of 1 per cent on the face value thereof and a like amount for negotiating and securing the sale of nation farm-loan bonds.

It shall be unlawful for any bank, or officer or employee thereof, to make any charge or to receive or accept any pay whatsoever from the mortgagor for any service rendered in securing a loan from the national land bank.

It shall be unlawful for any director, clerk, officer, or employee of the national land bank, either directly or indirectly, to secure loans under the provisions of this act, or to be interested financially therein, or to purchase or own or have any interest whatever in any bond or other security issued under the provisions of this act, or to be in any way directly interested in any of the business transactions of the national land bank.

DEPOSITORIES.

SEC. 9. That prior to accepting any deposits as hereinafter provided the national land bank shall select one or more banks or trust companies, to be approved by the Secretary of the Treasury, a depository or depositories in which the said national land bank shall deposit all its funds of every kind or character, and no part or portion of such funds shall be withdrawn from such depository or depositories except on check or order signed by the secretary-treasurer, countersigned by the president of such bank. Under the approval of the Secretary of the Treasury additional depositories may be designated. Every bank acting as a depository for the funds of the national land bank shall pay to such bank upon such deposits 3 per cent annual interest, based upon the average monthly balances. Every bank acting as such depository shall secure the deposits of the national land bank by delivering to the Secretary of the Treasury, in trust for the use and benefit of the national land bank, national farm-loan bonds in such amount or amounts as shall be required by the Secretary of the Treasury: *Provided*, That for the first year after the organization of the national land bank other securities, approved by the Secretary of the Treasury, may be accepted in lieu of national farm-land bonds.

NATIONAL FARM-LOAN FUND.

SEC. 10. That to secure a working fund on which the national land bank shall conduct its business, the Secretary of the Treasury is hereby authorized and directed to receive deposits amounting in the aggregate to not less than $10,000,000, upon which he shall pay 3 per cent annual interest: *Provided*, That in the discretion of the Secretary of the Treasury the maximum limit of said deposits may be increased from time to time to $20,000,000. Said deposits shall be set apart as a separate fund, and is hereby designated as the "national farm-loan fund."

Certificates of deposits, under form to be approved by the Secretary of the Treasury, shall be given to depositors, and said certificates shall be transferable in such manner as shall be prescribed by the Secretary of the Treasury, and in the discretion of the Secretary may be made payable to bearer. Said deposits shall be payable at the end of 10 years or earlier, at the option of the Secretary of the Treasury, and shall be exempt from all Federal, State, and local taxation. Such certificates of deposits shall be available for all purposes for which national land bank bonds may be used as hereafter provided. Sixty days' notice shall be given of the time when such deposits will be first received and the terms upon which they shall be made.

During the first 60 days after the time fixed for receiving deposits, no deposits shall be accepted except from farmers, or persons actively engaged in agriculture or horticulture, and deposits shall be accepted in the order of time in which they are received. In granting loans the national land bank shall allow depositors the preference in point of time over all other applicants, provided that no depositor shall be granted a loan unless he meets all the conditions required generally of other applicants. Should any depositor secure a loan from said bank and shall thereafter pay the same in full, he shall be entitled, at his option, to have his deposit paid to him. If at the end of the 60 days after the time advertised upon which deposits would be received $10,000,000 have not been deposited with the Secretary of the Treasury, he shall accept deposits from the public generally, and if at the end of 60 days after notice is given that deposits will be accepted from the public generally the full amount of $10,000,000 shall not have been deposited, the Secretary of the Treasury is hereby authorized and directed to deposit in said fund the balance of said $10,000,000, and the amount necessary for such purpose is hereby appropriated out of any funds in the Treasury not otherwise appropriated, and said deposit shall be upon the same terms as deposits made by individuals.

Thereupon the Secretary of the Treasury shall deposit the said $10,000,000 in one or more of the depositories of the national land bank to the credit of said national land bank, which shall proceed to loan the same as herein provided.

The national land bank shall reimburse the United States for the amount of money expended in interest payments on the national farm-land fund, and the Secretary of the Treasury is authorized to fix the date and conditions upon which such payments shall be made, and require a fund to be set aside for such purpose.

SINKING FUND.

SEC. 11. That all amortization payments shall be set apart into a separate fund, to be known as the sinking fund, and shall be used for no purpose except for the payment, redemption, and retirement of the bonds issued by said bank. The sinking fund shall be deposited in one of the depositories of the national land bank, and said depository shall pay 3 per cent annual interest thereon, which interest shall be credited to said fund, and the depository shall deposit with the Secretary of the Treasury, in trust, for the use and benefit of the national land bank, national land bank bonds, equal in face value to the amount of the sinking fund, to secure the payment of said fund.

The Secretary of the Treasury shall prescribe rules and regulations which shall control the method and manner of selecting bonds issued by the national land bank for the payment or retirement thereof.

RESERVE FUND.

SEC. 12. That for the purpose of creating a fund to guarantee the prompt payment of bonds and interest thereon issued under this act a special fund is created as follows: One-fifth of 1 per cent of all interest paid on notes and mortgages until the same amounts to $10,000,000 shall be set apart as a separate fund and shall be known as the reserve fund: *Provided*, That by order of the Secretary of the Treasury said reserve fund shall be increased from time to time, in the above manner, to such amount as may be necessary to provide ample security for the payment of said bonds and interest and to fully meet any and all losses by reason of the nonpayment of mortgages and notes secured thereby.

The reserve fund shall be placed in one or more of the depositories of the national land bank and held as a trust fund to be used in the payment of any bond or interest thereon when due in case at any time the regular payment on notes and mortgages shall be insufficient therefor.

The depository or depositories holding the reserve fund shall pay on such deposit 3 per cent annual interest, based upon the average monthly balances in said fund, and the interest derived therefrom shall be credited to and placed in the reserve fund and shall become a part thereof.

The banks receiving any portion of the reserve fund as deposits shall secure the same by depositing with the Secretary of the Treasury national farm-loan bonds of face value equal to such deposits.

Should any portion of the reserve fund be used to pay the interest or any part of the principal on any note secured by mortgage upon which there has been a default in the payment of any part of the principal or interest, any payment made on such note or mortgage thereafter or collection thereon shall be applied first to reimburse the reserve fund in the amount of money used to make good the default aforesaid, and the balance of such payments or collections shall be placed in the national farm-loan fund.

LOANS AND INTEREST.

SEC. 13. That when the national farm-loan fund shall amount to $10,000,000 the national farm-land bank shall proceed to loan said fund to bona fide farmers of the United States or to citizens of the United States desirous of becoming actual farmers. All such loans shall be made under the restrictions and limitations hereinafter set

forth and upon such other restrictions and limitations and under such rules and regulations as shall be prescribed by the Secretary of the Treasury under the authority herein given. Loans shall be classified as follows: Class A shall include all loans exceeding 10 years and less than 35 years, class B shall include all loans for not less than 3 years and for not more than 10 years, and class C shall include all loans exceeding 35 years and less than 65 years. Class C loans shall be designed to aid tenants, farm laborers, and persons residing in towns and cities desirous of becoming farm owners to purchase and pay for farms, and the national land bank, under the direction of the Secretary of the Treasury, is hereby directed to arrange the terms and conditions of such loans, not in conflict with any provision herein, on such plan as will increase the number of farmers in the United States, develop more intensive methods of farming, reduce the number of tenants, check the movement of our population from the farms to our cities, increase the number of farm-home owners, and maintain an increase in the production of food products corresponding to the increase of population. Loans in class C may be equal to two-thirds of the value of the land mortgaged, but loans in class C shall be made only upon lands of a highly productive character.

The national land bank shall give due notice of the times and terms upon which loans will be made. In making loans the same shall be equitably apportioned among the States and the funds fairly distributed as between the two classes of loans. Loans in class A shall be made at not to exceed 3½ per cent per annum interest and an annual amortization fee paid on the principal sufficient to pay the same at the expiration of the loan. Loans in class B shall be made at not to exceed 4 per cent annual interest, without any amortization fee, but the borrower shall have the privilege of paying any portion of the principal at the time of any interest payment.

NATIONAL FARM-LAND BONDS.

SEC. 14. That whenever the national land bank shall have made loans in any class to the amount of $500,000 or more it shall deposit the mortgages and notes secured thereby with the Secretary of the Treasury, who shall issue a certificate to the national farm-land bank certifying to the fact that such notes and mortgages have been delivered to him as security for the bonds to be issued thereon and authorizing the national land bank to issue to the amount of the face value of said mortgages and notes secured thereby bonds in series corresponding to the classes of loans, and said bonds shall be issued in the name of the national land bank and shall be known as "national farm-loan bonds." Class A and class C bonds shall bear 3 per cent interest, payable annually, and class B bonds shall bear 3½ per cent interest, payable annually. The national land bank, under the approval of the Secretary of the Treasury, shall prescribe the form of such bonds, and the same shall be printed by the Bureau of Engraving and Printing, under the direction of the Secretary of the Treasury. Said bonds shall be issued in denominations of from $25 to $1,000 each, and the said national land bank shall sell said bonds for the face value thereof to any persons applying therefor, preference being given to those desiring small investments. He may sell the same direct to the purchaser or utilize banks or other agencies therefor, but in no case shall he allow more than one-fifth of 1 per cent upon the par value thereof as commission for selling said bonds. The proceeds from the sale of said bonds and the principal and interest paid on notes and mortgages shall be covered into the national farm-loan fund and used in making additional loans and in the payment of interest on bonds or in the payment of such bonds at maturity, or for such other purposes as may be provided for herein.

BONDS.

SEC. 15. That all national farm-loan bonds issued under this act shall be payable at a date specified and shall be subject to call at par at any interest period after the date of issue or after a specified time by such proper notice and advertisement as may be provided by the Secretary of the Treasury.

All national farm-loan bonds issued under this act shall be protected by deposits with the Secretary of the Treasury, as security therefor, of at least an equal amount on the face value of first mortgage or first deed of trust farm loans and notes secured thereby.

That as the amortization payments are credited upon the first mortgage or first deed of trust farm loans deposited as security the national farm-loan bonds issued by the national land bank and secured thereby shall be called and paid, or purchased in the open market and retired to the extent of the credits made upon such first mortgage or first deed of trust farm loans held as security for the same.

When any mortgage and notes secured thereby upon which bonds have been issued shall be paid before due, the national land bank shall, under the supervision of the Secretary of the Treasury, withdraw the same and deliver the same to the mortgagor and release said mortgage on the record: *Provided*, That before withdrawing said notes and mortgages he shall deliver to the Secretary in lieu thereof notes and mortgages of at least equal face value falling due not earlier than the notes and mortgages so withdrawn.

PRIVILEGES GRANTED TO NATIONAL FARM-LOAN BONDS.

SEC. 16. That national farm-loan bonds issued under this act shall be available for the following purposes:

First. As security for the deposit of postal-savings funds in all banks authorized to receive such deposits.

Second. As a legal investment for time deposits of national banking associations, as provided in the Federal reserve act, and for the funds accumulated in savings banks organized and doing business in the District of Columbia.

Third. As a legal investment for trust funds and estates under the charge of or administered by any of the courts of the United States.

Fourth. As security for loans from national banking associations to individuals or corporations for not exceeding five years, to an amount aggregating not over 25 per cent of the capital and surplus, or to one-third of the time deposits of the national banking associations making such loan. Such loans to be made and held by the national banking association making the same as being within the provisions of section 24 of the Federal reserve act, so as to permit national banking associations to lend to individuals or corporations on their obligations, secured by their national farm-loan mortgage bonds in place of making the loan directly on farm lands, as provided for in said section.

Fifth. As collateral security for short-time loans made by any national banking association to individuals or corporations to the same extent as bonds issued by public utility, transportation, industrial, or commercial corporations.

Sixth. As a legal investment for the funds of savings banks operating in any State, and of trust funds and estates held by or under the control of the courts of that State, as a legal investment for the reserves of insurance companies incorporated under or operating under the laws of that State, and as collateral security for short-time loans by any State bank when not in conflict with the laws of such State: *Provided*, That the national land bank shall make loans only in such States wherein, in the judgment of the Secretary of the Treasury, the laws of such State relative to the recording of titles and the enforcement of mortgage liens are such as to afford all reasonable and proper protection to mortgagors.

NOTES AND BONDS EXEMPT FROM TAXATION.

SEC. 17. That all the funds, deposits, moneys, notes, mortgages, and bonds belonging to the national land bank, issued under this act, and the income therefrom, shall be exempt from all Federal, State, and local taxation, and such notes, mortgages, and bonds are hereby declared to be instrumentalities of the Government of the United States, authorized and issued to provide for the general welfare of the country.

LOANS.

SEC. 18. That every loan made under the provisions of this act shall be secured by a first mortgage or first deed of trust on farm land.

Loans may be made to complete the purchase of agricultural lands mortgaged, to improve and equip such lands for agricultural purposes, and to pay either personal or mortgage indebtedness of applicants.

No loan, except in class C, shall be made in excess of 50 per cent of the value of the land mortgaged to secure the same if said land be improved, and not in excess of 40 per cent of the value of the land in other cases; the value of said land to be determined by appraisal under the provisions of this act.

In every loan made the notes and mortgage secured thereby shall contain a provision for the amortization of such loan, or a provision that the principal sum due shall be reduced by annual or semiannual payments.

Any loan may be paid off in whole or in part by the borrower at any interest period, and the same may be paid in cash or by the delivery of national farm-loan bonds to the amount due on said loan.

EXAMINATION.

SEC. 19. That the Secretary of the Treasury shall annually, and at such other times as he may deem it necessary, have an examination made of the national land bank. Such examination shall be made by a national bank examiner, and the purpose of such examination shall be to ascertain the conditions of the business of said bank, the value of its notes and mortgages held as security for bonds issued thereon, the safety of its business methods, and to obtain such other information as in the judgment of the Secretary may be necessary to insure a wise and safe administration of said bank, protect the interests of both mortgagors and bondholders, give confidence in securities issued by the bank, and promote the success of the system of farm credits established by this act. The Secretary in his annual report to Congress shall make such recommendations for additional legislation pertaining to said bureau as he may think wise.

RULES AND REGULATIONS.

SEC. 20. That the Secretary of the Treasury is hereby authorized and directed to make rules and regulations and adopt plans for the carrying out of all the provisions of this act, and the same when not in conflict with the provisions of this act shall have the force and effect of law; and the Secretary of the Treasury shall make such rules and regulations as will safeguard the business transactions of the national land bank, protect the interests of bondholders, guard against financial losses, and promote efficiency and economy in the business conducted by said bank.

ANNUAL REPORTS OF COMMISSIONER.

SEC. 21. That the national land bank shall make an annual report to Congress, covering fully the business of the preceding fiscal year, showing the amount of loans made, their distribution in the various States, the amount of bonds issued, the conditions of the national farm-loan fund, the sinking fund, and the reserve fund, and such other information as may be prescribed by the Secretary of the Treasury, called for by Congress, or which may be deemed proper by the bank.

DISPOSAL OF REAL ESTATE.

SEC. 22. That when any mortgagor shall make default in the payment of the principal, interest, amortization fee, or any other obligation due on his notes and mortgages, the national land bank is authorized and directed to enforce collection thereof, by suit or otherwise, and is authorized to make and hold title to any land taken through foreclosure proceedings or otherwise, and shall dispose of said land at public or private sale within reasonable time, and shall in no case hold title to any tract of land to exceed five years, and in the enforcement of collection of notes and mortgages is authorized to accept less than the face value thereof in full payment when in the judgment of the directors of such bank such would be best.

INSURANCE OF BUILDINGS.

SEC. 23. That all mortgagors shall be required to keep the buildings upon the land mortgaged insured in some reliable company, the loss, if any, to be paid thereon to inure to the benefit of the mortgagee.

INSPECTORS AND APPRAISEMENT.

SEC. 24. That every applicant for loan shall state under oath the fair cash value of the land proposed to be mortgaged, and shall file therewith a certificate from the proper officer showing the assessed valuation of said land at the assessment last prior thereto. He shall also file a statement by two of his neighbors, duly verified under oath, giving their judgment of the value of said land. The bank transmitting said application shall state whether or not the appraisement made by the applicant and his neighbors represents the fair cash value of said land.

The national land bank shall appoint from time to time such inspectors as are necessary to make inspection and appraisement of all lands before loans shall be closed thereon. Said inspectors shall be paid such salaries as shall be prescribed by the Secretary of the Treasury, not exceeding $1,500 per annum, and a reasonable allowance for traveling expenses.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

REVENUE-CUTTER SERVICE.

For expenses of the Revenue-Cutter Service, including the same objects specified under this head in the sundry civil appropriation act for the fiscal year 1914, $7,398.58.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I notice various items in this bill for the Revenue-Cutter

Service and the Life-Saving Service, in addition to the Coast-Guard Service. The title is what attracts my attention. Of course the Revenue-Cutter Service and the Life-Saving Service are no longer known by those names.

Mr. FITZGERALD. But under the law appropriations for this year for the two services are available for the Coast-Guard Service. The passage of the Coast-Guard bill gave certain mandatory increases in salaries.

Mr. MANN. I am not asking about the items.

Mr. FITZGERALD. And the deficiency appropriations are made in the language of the original appropriations.

Mr. MANN. I understand, but that law provided that appropriations thereafter made for the fiscal year should be available for the Coast-Guard Service.

Mr. FITZGERALD. Not thereafter made, but appropriations for this fiscal year are available for the Coast-Guard Service; but in making the appropriations for deficiencies they are made in the same terms as the original appropriations.

Mr. MANN. I understand.

Mr. FITZGERALD. And this is the way the accounts run on the books of the Treasury, and out of these particular items certain sums are paid. It prevents the opening of new accounts until the beginning of the next fiscal year, when the different form of appropriation becomes effective.

Mr. MANN. If the gentleman can get it past the accounting officers, all right.

Mr. FITZGERALD. All I have to worry about is getting it past the House. [Laughter.] Getting it past the accounting officer is something for the chaps who want the money to worry about.

Mr. MANN. I should be rather surprised if an appropriation made now for a service under a title which has been abolished was available, where the law itself provided that appropriations already made should be available for the new service.

Mr. FITZGERALD. There is no appropriation under other titles in which there is a deficiency. The appropriations available at this time for the Coast-Guard Service are carried in accounts in the manner in which these deficiencies are carried, and these are to supply deficiencies.

Mr. MANN. I understand; but they are carried now under the Coast-Guard Service.

Mr. FITZGERALD. No; they are not.

Mr. MANN. They must be. The law says they shall be.

Mr. FITZGERALD. No; it did not say the account should be carried in that way. It said the appropriations for this fiscal year for these particular services should be available for the Coast-Guard Service.

Mr. MANN. But you are making an appropriation for a service which has been abolished.

Mr. FITZGERALD. They are using the appropriations for services that are abolished for the consolidated service.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FERRIS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21546, the general deficiency appropriation bill, and had come to no resolution thereon.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker, I call up the conference report on the legislative, executive, and judicial appropriation bill.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 19909) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1916, and for other purposes.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none.

The conference report is as follows:

CONFERENCE REPORT (NO. 1446).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19909) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1916, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 32, 33, 34, 42, 43, 44, 47, 48, 50, 59, 60, 61, 67, 68, 69, 70, 71, 72, 76, 77, 78, 79, 80, 82, 91, 92, 94, 97, 98, 99, 100, 101, 102, 104, 121, 122, 123, 124, 125, 127, 128, 131, 136, 138, 140, and 141.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 17, 19, 22, 23, 24, 25, 26, 27, 28, 29, 37, 39, 45, 46, 51, 52, 54, 55, 57, 58, 62, 66, 74, 81, 83, 84, 85, 86, 87, 88, 89, 90, 93, 95, 96, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 132, 133, 134, 135, 137, 139, and 142, and agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$141,130"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,500"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,000"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Division of Efficiency: For establishment and maintenance of system of efficiency ratings, pursuant to section 4 of the legislative, executive, and judicial appropriation act for the fiscal year 1913, for investigation of the needs of the several executive departments and independent establishments with respect to personnel; and for investigation of duplication of statistical and other work and methods of business in the various branches of the Government service; including not more than $2,500 for equipment, supplies, stationery, books, and printing; and not more than $50 for street car fare; $30,000; the Chief of the Division of Efficiency herein provided for shall be appointed by the President and shall report to Congress at the beginning of each regular session, through the President, the nature and progress of work undertaken by the division together with a detailed statement of expenditures showing the persons employed, their duties, and the compensation paid to each: *Provided*, That no person shall be employed hereunder at a compensation in excess of $4,000 per annum."

And the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twenty-three" and on page 33 of the bill, in line 23, strike out "$8,000" and insert in lieu thereof the sum "$7,280"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$231,020"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$250"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$156,780"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25,000"; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "two translators, at $1,600 each"; and the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu

of the sum proposed insert "$166,758"; and the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,000"; and the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$18,500"; and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: And at end of matter inserted by said amendment insert the following:

"A detailed statement of traveling expenses incurred hereunder shall be made to Congress at the beginning of each regular session thereof."

And the Senate agree to the same.

Amendment numbered 126: That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: In lieu of the number proposed insert "thirty"; and the Senate agree to the same.

Amendment numbered 129: That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$158,500"; and the Senate agree to the same.

Amendment numbered 130: That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$359,600"; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 1, 2, 16, 18, 20, 21, 35, 41, 63, 64, and 65.

JOSEPH T. JOHNSON,
JOSEPH W. BYRNS,
JAMES W. GOOD,
Managers on the part of the House.

THOMAS S. MARTIN,
LEE S. OVERMAN,
J. H. GALLINGER,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19909) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1916, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, namely:

Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 17, relating to the Senate: Appropriates for employees and expenses of the Senate, as proposed by the Senate.

No. 19: Provides for the appointment of successors of certain special employees of the House, as proposed by the Senate.

Nos. 22, 23, and 24: Provides two additional assistants at $1,500 each and one at $1,400 for the distribution of card indexes in the Library of Congress, as proposed by the Senate.

Nos. 25, 26, 27, 28, and 29, relating to the Congressional Library Building and Grounds: Provides for a superintendent of the Library building at $3,000, as proposed by the Senate; and appropriates for a clerk at $2,000 in his office, as proposed by the Senate, instead of a disbursing clerk and assistant superintendent at $2,500, as proposed by the House.

Nos. 30 and 31, relating to the Botanic Garden: Appropriates $15,500, instead of $14,593.75, as proposed by the House, and $16,593.75, as proposed by the Senate, for assistants and laborers; and appropriates $8,000, instead of $6,500, as proposed by the House, and $8,500, as proposed by the Senate, for repairs and improvements.

Nos. 32, 33, and 34, relating to the Executive Office: Strikes out the proposed increase of $700 each in the pay of two clerks.

No. 36: Appropriates $30,000, as proposed by the House, instead of $40,000, as proposed by the Senate, for the Efficiency Division in the Civil Service Commission; requires the appointment of the chief of the division to be made by the President and a detailed report to Congress to be made at each regular session as to the work undertaken, persons employed, and salaries paid to each.

Nos. 37, 38, 39, and 40, relating to the Department of State: Provides an additional messenger at $840, as proposed by the Senate, provides 23 assistant messengers at $720 each, instead of 24, as proposed by the Senate, and 25, as proposed by the House; provides a driver at $840 and a hostler at $720, as proposed by the Senate; and reduces the appropriation for miscellaneous expenses from $8,000 to $7,280.

Nos. 42, 43, and 44, relating to the Office of the Chief Clerk of the Treasury Department: Strikes out the assistant painter at $900, the carpenter at $900, and the wireman at $900, proposed by the Senate, and appropriates for a skilled laborer at $840, as proposed by the House.

Nos. 45, 46, and 55: Consolidates the Division of Revenue-Cutter Service and the Office of Life-Saving Service into the Office of the Coast Guard, as proposed by the Senate, and makes a reduction of $3,000 in the appropriations.

Nos. 47 and 48: Strikes out the additional laborer at $660 proposed by the Senate in the Division of Printing and Stationery of the Treasury Department.

No. 49: Appropriates $250 instead of $500, as proposed by the Senate, for law books for the Comptroller of the Treasury.

Nos. 50, 51, 52 and 53, relating to the Office of the Comptroller of the Currency: Strikes out the additional clerk at $1,800, proposed by the Senate, and appropriates, as proposed by the Senate, for an additional clerk at $1,600 and one at $1,400.

No. 54: Appropriates $6,050, as proposed by the Senate, for additional employees in the Office of the Commissioner of Internal Revenue, from July 1, 1915, to December 31, 1915.

No. 56: Appropriates $25,000, instead of $20,000 as proposed by the House and $30,000 as proposed by the Senate, for freight on bullion and coin.

Nos. 57, 58, 59, 60, 61, and 62, relating to contingent expenses of the Treasury Department: Consolidates the stationery appropriations for the Revenue-Cutter Service and the Life-Saving Service into one item for the Coast Guard; strikes out the increase of $1,000 proposed by the Senate in the appropriation of motor and horse-drawn vehicles; strikes out the increase of $50 in the allotment for street car tickets; strikes out the appropriation of $500 proposed by the Senate for shelving and transferring records and files from and to the Treasury Building and its annexes; and increases the appropriation for the purveying depot of the Public Health Service from $400 to $750, as proposed by the Senate.

No. 66, relating to the Internal-Revenue Service: Increases the appropriation for miscellaneous expenses of the service from $90,000 to $100,000, as proposed by the Senate.

Nos. 67, 68, 69, 70, 71, and 72, relating to mints and assay offices: Strikes out the increases proposed by the Senate in the assay offices at Deadwood, S. Dak., and Salt Lake City, Utah.

Nos. 73, 74, and 75, relating to the Office of the Surgeon General of the Army: Appropriates for two translators at $1,600 each, instead of two at $1,800 each as proposed by the Senate; and strikes out two clerks at $1,400 each as proposed by the Senate.

Nos. 76, 77, 78, 79, 80, 81, and 82, relating to public buildings and grounds: Provides for park "watchmen" instead of park "police"; and increases the amount for purchase of bicycles and revolvers from $400 to $1,000, as proposed by the Senate.

Nos. 83 and 84: Consolidates the appropriations for the "Library" and the "Office of Naval Records of the Rebellion" into the "Office of Naval Records and Library" and reduces the total appropriation in the sum of $720.

Nos. 85 and 86: Provides for two additional assistants at $1,800 each in the Nautical Almanac Office, as proposed by the Senate.

Nos. 87 and 88: Authorizes two additional clerks at $1,000 each in the Division of Naval Militia Affairs, as proposed by the Senate.

No. 89: Changes the designation of the "Old Post Office Department Building" to the "General Land Office Building," as proposed by the Senate.

No. 90: Provides that the depositary, acting for the Commissioner of the General Land Office as receiver of public moneys, may, with the approval of the commissioner, designate a clerk of the General Land Office to act in the absence of such depositary.

Nos. 91, 92, and 93, relating to the Pension Office: Strikes out the increase of $15,000 in the appropriation for expenses of persons detailed to make special investigations; strikes out the appropriation of $200 for purchase of law and reference

books; and inserts the provision, proposed by the Senate, for the construction of a vault for the use of the disbursing office.

Nos. 94, 95, and 96, relating to the Patent Office: Strikes out the appropriation of $5,000 for special and temporary services of typewriters; and consolidates the appropriations for the purchase of books.

Nos. 97, 98, 99, 100, 101, 102, 103, 104, 105, and 106, relating to the offices of surveyors general: Strikes out the increases proposed in the offices of the surveyors general of Alaska, Arizona, and Washington; appropriates $15,000 for clerks in the office of the surveyor general for Wyoming, instead of $18,500 as proposed by the Senate and $12,500 as proposed by the House, and strikes out the increase in the amount for contingent expenses; and inserts authority for the payment of traveling expenses of clerks detailed temporarily from the office of one surveyor general to another, modified so as to require a statement of such expenses to be submitted to Congress at the beginning of each session.

Nos. 107, 108, 109, 110, 111, 112, and 113, relating to the office of the Third Assistant Postmaster General: Makes a reduction of three clerks at $1,600 each, three at $1,400 each, three at $1,200 each, and provides for two clerks at $1,000 each, two at $900 each, and four assistant messengers at $720 each, as proposed by the Senate.

Nos. 114, 115, and 116, relating to the office of the Fourth Assistant Postmaster General: Appropriates for a superintendent of the Dead Letter Division at $2,500, as proposed by the Senate, and makes a correction in the text of the bill.

No. 117: Provides for the exchange of law books for the library of the Department of Justice.

Nos. 118 and 119: Increases the pay of two firemen in the office of the Secretary of Commerce from $660 to $720 each, as proposed by the Senate.

No. 120: Reduces the sum for securing information for census reports from $552,300 to $512,000, and makes $150,000 immediately available for completing the census of manufactures.

Nos. 121, 122, and 123, relating to the Bureau of Foreign and Domestic Commerce: Strikes out the additional clerk at $1,800, proposed by the Senate, and provides for one clerk to each commercial attaché at $1,500, as proposed by the House.

Nos. 124, 125, 126, 127, 128, 129, 130, and 131, relating to the Steamboat-Inspection Service: Strikes out the two additional clerks at $900 each, proposed by the Senate, in the office of the Supervising Inspector General; provides for 30 assistant inspectors at $2,000 each at the port of New York instead of 27 as proposed by the House and 33 as proposed by the Senate; strikes out the additional assistant inspectors, proposed by the Senate, for the ports of Providence, Cleveland, Chicago, Grand Haven, Detroit, and Portland, Oreg.; provides for 8 assistant inspectors at Milwaukee, as proposed by the House, instead of 2 as proposed by the Senate; and strikes out the authority, proposed by the Senate, for an allowance of $7 per diem for subsistence of employees when traveling in Alaska.

Nos. 132, 133, 134, 135, and 136, relating to the Bureau of Navigation: Strikes out, as proposed by the Senate, the shipping commissioners at Bath, Gloucester, and Pascagoula; and strikes out the increase of $900 in the appropriation for clerk hire in offices of shipping commissioners.

Nos. 137 and 138, relating to the Bureau of Standards: Appropriates $10,000 for the investigation and standardization of methods and instruments employed in radio communication; and strikes out the appropriation of $10,000 for investigation of the methods of measurement and technical processes in the manufacture of pottery, brick, tile, terra cotta, and other clay products.

Nos. 139, 140, and 141, relating to the Bureau of Labor Statistics: Inserts authority for the use of $6,000 in the employment of temporary services in the District of Columbia at not exceeding $100 per month for not more than six consecutive months for each person and strikes out the increase of $6,000 proposed in the sum for the employment of experts and special agents; and strikes out the appropriation of $6,000 for an investigation into the cost of living of wage earners, other than Government employees, in the District of Columbia.

No. 142: Inserts authority for the exchange of law books for judicial officers.

The committee of conference have been unable to agree upon the following Senate amendments:

Nos. 1, 2, and 18: Relating to mileage of Senators and Representatives.

Nos. 16 and 20: Relating to the maintenance of the automobiles for the Vice President and the Speaker.

No. 21: Providing for a legislative reference bureau in the Library of Congress.

No. 35: Appropriating $160,000 to defray expenses in connection with the formal and official opening of the Panama Canal.

No. 41: Appropriating $75,000 for emergency clerical services in the Department of State.

No. 63: Increasing the appropriation for salaries and expenses of collectors of internal revenue from $2,165,000 to $2,480,000.

No. 64: Reducing the amount for expenses of revenue agents, gaugers, storekeepers, and storekeeper-gaugers from $2,600,000 to $2,200,000.

No. 65: Appropriating $292,000 for enforcement of the act restricting the sale of opium and allied drugs.

JOSEPH T. JOHNSON,
JOSEPH W. BYRNS,
JAMES W. GOOD,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. COX. Mr. Speaker, I want to ask the gentleman a question or two.

Mr. JOHNSON of South Carolina. I yield to the gentleman.

Mr. COX. What disposition, if any, was shown on the part of the managers on the part of the Senate about amendments numbered 1, 2, and 18, relating to mileage?

Mr. JOHNSON of South Carolina. Those matters are still pending. Will the gentleman wait until the conference report is agreed to? Mr. Speaker, I move the adoption of the conference report.

The question was taken, and the conference report was agreed to.

Mr. JOHNSON of South Carolina. Mr. Speaker, I call up the first amendment.

The SPEAKER. The Clerk will report the first amendment.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask unanimous consent to take up amendments numbered 1, 2, and 18 together; they all relate to mileage.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to consider amendments numbered 1, 2, and 18 together, being on the same subject of mileage. Is there objection? [After a pause.] The Chair hears none. The Clerk will report all three amendments.

The Clerk read as follows:

Amendment No. 1: Strike out the following language on pages 1 and 2 of the printed bill: "That in lieu of all mileage each Senator, Representative, Delegate, or Resident Commissioner shall be allowed his actual traveling expenses for himself and the dependent members of his family in coming from and returning to his home at each session of Congress."

Amendment No. 2: Page 2, line 4, of the printed bill, strike out "$12,750" and insert "$51,000."

Amendment No. 18: Page 12, line 15, of the printed bill, strike out the figures "$43,750" and insert "$175,000."

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House further insist upon its disagreement to the amendments of the Senate, and I want to make this statement: The first amendment relates to mileage, and the Senate conferees very frankly stated to the House conferees that if we wanted to defeat the passage of this bill we could do so by insisting upon the Senate yielding on this amendment. I want to be frank with the House and state that the conferees on the part of the Senate have given us to understand that rather than yield upon this amendment they will suffer the bill to be defeated.

Mr. MONDELL. Will the gentleman yield?

Mr. JOHNSON of South Carolina. I yield to the gentleman.

Mr. MONDELL. The gentleman feels confident that the Senate conferees will stand by this statement, does he?

Mr. JOHNSON of South Carolina. I believe they will.

Mr. MONDELL. Then, would it not be the part of wisdom on the part of the House to yield on the matter and not carry it further if this is to be the final outcome? The gentleman, of course, does not expect to allow his bill to fail?

Mr. JOHNSON of South Carolina. Well, I do not know of anybody who wants the bill to fail, because there is nobody who wants an extra session of Congress.

Mr. DUPRÉ. Will the gentleman yield?

Mr. JOHNSON of South Carolina. I will.

Mr. DUPRÉ. Is the gentleman's argument an appeal to the House to vote down the motion that he has made?

Mr. JOHNSON of South Carolina. No; I am not asking to vote it down. Mr. Speaker, I call for a vote.

Mr. COX. Did the Senate conferees, or the managers on the part of the Senate, make any statement to the gentleman which he is in a position to give to the effect that later on they would see to it that a fair, square vote was given this proposition in the Senate?

Mr. JOHNSON of South Carolina. They stated that at this short session of Congress they were not willing to enter into a serious discussion of this amendment; but one of the conferees

very frankly stated that so far as he was concerned that at the next session of Congress he hoped that if the House insisted upon this mileage proposition that the Senate would take it up and settle it in some way. That was as far as the statement went.

Mr. COX. Will the gentleman yield to me three or four minutes?

Mr. JOHNSON of South Carolina. I yield five minutes to the gentleman, if he desires.

Mr. COX. Mr. Speaker, I do not propose to make a point of order that there is no quorum to get a direct vote on this proposition, because I recognize it is a short session, near adjournment, and I do not desire to do that at this time. But it was well stated, and stated with emphasis, by some gentleman on that side of the Chamber—I do not remember who, but it was probably the gentleman from Iowa, if I remember correctly—who said we know, and know well, that the Senate will write this amendment. Some gentlemen on this side of the House, at the time when the provision was under discussion, characterized it as an opera bouffe, a mere child's performance, and I have come to look upon it very largely in that light myself. [Applause.] There are some men here, in my judgment, sincere on this proposition, but every time the conferees come back and say, "The Senate says this bill is going to fail, and there is no way on earth to avoid a defeat of this bill except by the House conferees yielding on it." That is the only way out of it now. We were told that when the legislative bill came back here last year. There were only two or three days more before the fiscal year closed, and we were told then by the gentleman from Alabama [Mr. UNDERWOOD] and, I believe, by the gentleman from New York [Mr. FITZGERALD] and the gentleman from Illinois [Mr. MANN] that the only way to get this bill upon the statute books would be for the House to yield on this proposition, because the Senate never would yield. I wonder, Mr. Speaker, whether the big Senate of the United States is willing to go upon record of seeing the great legislative bill fail to become a law absolutely because of a little item of mileage, pertaining to them individually, only amounting to $51,000 at each session of Congress.

Mr. FITZGERALD. Will the gentleman yield?

Mr. COX. For a question.

Mr. FITZGERALD. Is the gentleman willing to try that out at this session?

Mr. COX. I am absolutely willing to do so.

Mr. FITZGERALD. So am I.

Mr. COX. I am absolutely willing to try it out, with a view of seeing whether or not we are sincere upon this side and whether or not if the other end of the Capitol—the Senate of the United States—is willing to let this bill fail solely because of their mileage. The time has come when we ought to insist upon our rights. I think this is the third or fourth time that the House has passed this mileage provision, sent it over to the Senate; and I am told by the conferees that they can scarcely ever get decent treatment out of the managers on the part of the Senate when it comes to dealing with this question. The time has come, if we are sincere, to put it right up to them and let them vote in any way or manner they see fit, and if they want to accept the odium of defeating this bill, let them do it. But, as I said a moment ago, we are now within three or four days of the adjournment of this session of Congress. I would gladly vote at this time, at this late hour, so far as I am concerned, to put it up to the Senate and fight it out. If it was put squarely up to them, in my candid judgment, at the hour of 11.45 o'clock on the morning of March 4 you would see the Senate back up on this provision and accept it instead of letting this bill fail.

Mr. SIMS. Will the gentleman yield?

Mr. COX. I will.

Mr. SIMS. Now, in order that at the next Congress the Senate will know we are in earnest, suppose we cover back into the Treasury all the mileage appropriated.

Mr. COX. I refuse to yield to the gentleman any more. I do not care how the gentleman votes. I am perfectly willing to yield for a question, but I am not going to yield to have things of this nature injected into my remarks.

Again replying to the statement of the gentleman from New York [Mr. FITZGERALD], I should be glad to see the House right now take a position and send this bill back to conference, with a vote behind it, with the determination on the part of the managers on the part of the House to carry it out, and let the bill fail, if necessary, rather than for us to be everlastingly engaged in this pantomine performance of year in and year out passing this bill over to the Senate and having the House conferees back up and saying that they can not do it because the Senate conferees say that the bill will fail.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I think the motion of the gentleman from South Carolina [Mr. JOHNSON] to further disagree ought to be adopted by the House. I do not believe that the Senate would defeat this bill because of this mileage item, and I feel equally confident that the House will not. I do not believe that the Members of Congress who have been in almost continuous session now for several years, those who have been here that long, desire to continue in session all this summer. The Senate is in a somewhat different position, if the papers are correct, because they state that the President proposes to call a special session of the Senate anyhow. They possibly are a little more independent in this matter than we are. It would not be so much the merits of the particular proposition which would cause either body to remain stubborn as it would to change the precedents. It has been the unwritten rule in Congress for many years that where either the House or the Senate proposed new legislation in an appropriation bill, and the other body refused to accept it and no compromise could be reached, that the body which proposed the legislation eventually yielded. I do not altogether approve of that precedent.

Mr. COX. Will the gentleman yield for a question?

Mr. MANN. I think the time might arise when the House which originates appropriation bills might want to insist upon some legislative item in the bill and, if necessary, stop the machinery of the Government until that question could be tested.

I yield to the gentleman from Indiana.

Mr. COX. I am well aware of the rule the gentleman has just mentioned that the House originating the legislation must yield finally. Will the gentleman let me call his attention to the provision in the last legislative bill that was known as the Borland amendment, on which, as I understand, the conferees between the two bodies struggled for weeks, if not months, the Senate declaring that it never would yield. That amendment was originated in the House. And yet the time came, and it came three days before the last day of last June, when the Senate yielded upon that provision and let the House conferees have their way about it, although it was originally a House provision.

Mr. MANN. That does not conflict with the statement which I made. I do not know whether the Senate will yield now. I do not think the Senate would cause an extra session of Congress on account of the mileage proposition, no matter what they may say now.

Mr. ADAMSON. Will the gentleman yield?

Mr. MANN. I yield.

Mr. ADAMSON. Does this proposition differ in any respect so far as its provisions are concerned from any other rider on an appropriation bill?

Mr. MANN. I do not think it does. Everything of the sort comes before the two bodies. It is perfectly certain, as long as gentlemen have said what they have, in my opinion, that this body will not stay here deliberately after the 4th of March in order to change the rate of mileage which they will be paid in going home. I think they prefer to get home——

Mr. ADAMSON. Will the gentleman permit another question?

Mr. MANN (continuing). Rather than to draw or miss mileage.

Mr. ADAMSON. The gentleman from Illinois referred a few moments ago to the possibility of the Senate being called alone in extra session. When those extra sessions of the Senate are called are they paid mileage for them?

Mr. MANN. Under the law they are not. The law only provides for mileage at regular sessions of Congress. Of course, usually they are called immediately after the adjournment of Congress, and there is no mileage. I think we ought to maintain our position for the present; and if we can get the Senate to yield, all right. But if they will not, if they are willing to stand before their constituents, they will have to answer to their constituents in the end, and temporarily we will have to yield.

Mr. TAGGART. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Kansas rise?

Mr. TAGGART. To make a preferential motion.

The SPEAKER. The gentleman will state it.

Mr. TAGGART. Mr. Speaker, I move that the House concur in amendments Nos. 1, 2, and 18.

Mr. JOHNSON of South Carolina. I hope the gentleman will not insist on that motion. It will necessitate a roll call, and we would like to get this bill back to conference.

The SPEAKER. The gentleman from Kansas makes the preferential motion.

Mr. TAGGART. Mr. Speaker, I withdraw the motion for the time being.

Mr. JOHNSON of South Carolina. I ask for a vote.

The SPEAKER. The gentleman from Kansas [Mr. TAGGART] withdraws his preferential motion temporarily, and the gentleman from South Carolina moves that the House further insist on its disagreement to Senate amendments Nos. 1, 2, and 18. Without objection, it is so ordered.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20347) making appropriations for the support of the Army for the fiscal year ending June 30, 1916, and had further insisted upon its amendments to the said bill in disagreement, asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CHAMBERLAIN, Mr. FLETCHER, and Mr. DU PONT as the conferees on the part of the Senate.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask unanimous consent to take up amendments numbered 16 and 20 together.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to consider amendments numbered 16 and 20 together. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report them.

The Clerk read as follows:

Page 10, line 16, amendment numbered 16: Insert the words "For driving, maintenance, and care of automobile for the Vice President, $1,500."

Amendment numbered 20, page 21 of the bill, line 16: Insert the words "For driving, maintenance, and operation of automobile for the Speaker of the House of Representatives, $1,500."

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House recede from its disagreement to the amendments of the Senate numbered 16 and 20 and concur in the same.

The SPEAKER. The gentleman from South Carolina moves that the House recede from its disagreement to both amendments and concur in the same.

Mr. MOORE rose.

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. MOORE. I wanted to ask the gentleman if both officers are treated alike in this matter?

Mr. BYRNS of Tennessee. They are.

The SPEAKER. The Chair can not answer.

Mr. MOORE. I am satisfied.

The SPEAKER. The question is on the motion to recede and concur in these two Senate amendments.

The question was taken, and the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment numbered 21: Page 24 of the bill, after line 3, insert the following:

"Legislative reference: To enable the Librarian of Congress to employ competent persons to gather, classify, and make available, in translations, indexes, digests, compilations, and bulletins, and otherwise, data for or bearing upon legislation, and to render such data serviceable to Congress and committees and Members thereof, and for the acquisition of material required for their work, and for other expenses incidental thereto, $25,000, together with the unexpended balance, if any, of the sum appropriated under the head of 'Legislative reference' for the fiscal year 1915."

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House further insist upon its disagreement to the amendment of the Senate numbered 21.

The SPEAKER. The gentleman from South Carolina moves that the House further insist upon its disagreement to the Senate amendment numbered 21.

Mr. MONDELL rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. MONDELL. To make a preferential motion.

The SPEAKER. The gentleman will state it.

Mr. MONDELL. That the House recede and concur in the Senate amendment.

The SPEAKER. The gentleman from Wyoming moves that the House recede and concur in the Senate amendment. The question is on agreeing to that motion.

The question was taken, and the motion was rejected.

The SPEAKER. The question is on agreeing to the motion of the gentleman from South Carolina [Mr. JOHNSON] to further insist upon the disagreement of the House to the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next one.

The Clerk read as follows:

Amendment No. 35: Page 30 of the bill, after line 18, insert the following: "For such expenses as, in the opinion of the President, are properly connected with the formal and official opening of the Panama Canal and each and every purpose connected therewith, $160,000, to be immediately available, to be expended at the discretion of the President and accounted for on his certificate solely. The President is authorized to utilize the services of such officers of the Army and Navy as he may designate to assist in the formal and official opening of the Panama Canal. The services of the officers of the Army while so employed shall be counted as service with their organizations within the meaning of all laws relating to the detachment of officers from their organizations for duty of any kind. The actual expenses of officers of the Army and Navy while on such duty shall be paid them in lieu of any mileage allowance to which they may be entitled by law. The President is authorized to use such vessels of the United States Army transport service and of the Panama Railroad for the purposes indicated herein as in his opinion can properly be spared, and any expense connected with this use of such vessels shall be payable out of the appropriation herein made, and any vessel not carrying freight-earning cargo used for the purposes indicated herein shall during such use for those purposes be exempt from payment of Panama Canal tolls."

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House further insist upon its disagreement to the Senate amendment numbered 35; and before that motion is voted on I want to say that the conferees on the part of the House would like to have some expression from the membership of the House in regard to this item. It was never before the Committee on Appropriations of the House. We know nothing about the estimates upon which it was based. We know nothing about the reasons which may exist in favor of the appropriation. It comes to us as a Senate amendment, carrying $160,000 for the purpose of celebrating the opening of the Panama Canal.

Mr. FITZGERALD. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Carolina. Yes; I yield to the gentleman from New York.

Mr. FITZGERALD. Would it not be well for the gentleman from South Carolina to state to the House the purpose of the appropriation and the program contemplated, so that the Members would then be able to pass intelligently upon it?

Mr. JOHNSON of South Carolina. I know nothing about the purpose of the amendment except as that purpose is revealed in the language of the amendment itself. I know nothing about the plans for the expenditure of the money except as they are revealed in the amendment.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Carolina. I yield to the gentleman.

Mr. COX. Has not the gentleman or some member of the Committee on Appropriations or some member of the conference committee some letter, some knowledge, or some information to give to the House as to what they propose to use this money for?

Mr. JOHNSON of South Carolina. I can not speak as to the information possessed by other men. I have no such information as the gentleman desires.

Mr. COX. I read the debate on the amendment while it was pending in the Senate, and it seemed to be very blank as to who was behind it, who was asking for it.

Mr. JOHNSON of South Carolina. The Senate of the United States is behind it.

Mr. MANN. Mr. Speaker, will the gentleman yield to me?

Mr. JOHNSON of South Carolina. I yield to the gentleman from Illinois.

The SPEAKER. For how long?

Mr. JOHNSON of South Carolina. Five minutes, or longer, if the gentleman wants it.

Mr. MANN. I will ask for more time if I want more.

Mr. Speaker, there has always been some talk of having some kind of ceremony in connection with the opening of the Panama Canal. The Committee on Interstate and Foreign Commerce of the House, I think, would have jurisdiction over legislation relating to the matter. They have made no report to the House of any bill. Some time ago—I think the date was the day before the President made his Indianapolis speech, because my recollection is that he was leaving the conference that he had called in order to go to Indianapolis—the President invited several Members of the House and several Members of the Senate to go to the White House on this matter. It is a very delicate thing to endeavor to repeat from recollection any proposition which is laid before you, and I may be in error as to my recollection of the proposition that was submitted by the President.

The gentleman from Kentucky [Mr. SHERLEY], as I recall, was there; and if my recollection is erroneous, he doubtless will correct me. The President read to those who were there a statement which, I think, he stated had been prepared by some one

in the War Department and submitted to him by the Secretary of War as a tentative proposition. My recollection is that that contemplated that on the 5th of March—of course, the dates have now been changed—there were to be two or three vessels sail from New York. The President himself at that time intended to go to Panama on the battleship *New York*, leaving here on March 7 and to arrive at Panama on the 12th. The contemplation was, as I recall it, that the Cabinet were to be taken from New York to Panama on one of the Panama Railroad steamships, and from there, after the ceremonies at Panama, to San Francisco, where the President then intended to go on the *New York*, in connection with visiting the Panama Exposition. As I recall, the proposition also contemplated taking the representatives of foreign countries here to Panama on one of the other Panama Railroad steamships. It also contemplated the employment of a private steamship, with a passenger-carrying capacity of about 250, to take Members of Congress to Panama; and, in addition, one or two of the Army transports, if they could be put in condition, would take about another 100 of the Members of Congress.

The proposition also contemplated inviting ex-President Taft and ex-President Roosevelt. I think, if my memory is right, each of those gentlemen was to go on a naval vessel.

The main talk at the conference was as to how to bring the matter to Congress and how quickly it could be disposed of, because then it was getting late to make the arrangements which had been outlined, and as the date for sailing from New York was March 5, speedy action was needed. The plan also contemplated asking various foreign countries, at least those in Central and South America, to send a representative from each country to Panama. I think it was not stated whether it was expected that the traveling expenses of these representatives were to be paid by our Government. The plan was to have these representatives of foreign countries, and possibly others who were there, entertained in some manner on the night of either March 12 or March 13, and then the next day to have some formal ceremonies, either in Gatun Lake or over on the Pacific side, the ceremonies to consist mainly of the presentation of the canal—probably that is not the proper term—by Gov. Goethals to the Secretary of War and by the Secretary of War to the President. The ceremonies were not intended to be elaborate, but dignified and simple. Although the matter was not discussed to any extent at the conference, it did not seem to me that there was any necessity or any likelihood of Congress voting a junketing trip for itself. Especially in view of the fact that there is quite a discussion going on in Congress in reference to the payment of mileage, it hardly seemed to me that the House would insist upon reducing the mileage to send its Members home and then pay for sending them to Panama. As I recall, it was not intended that any of these invited guests were to go beyond Panama except the Cabinet. The President naturally would go to San Francisco. As I understand from the newspapers, that part of the program is abandoned.

I do not know whether my recollection agrees entirely with that of the gentleman from Kentucky as to the substance of the memorandum which was submitted. I think somebody has the memorandum. What took place at the conference further than that does not amount to very much. Personally I believe it would be entirely proper for the President to go to Panama. I do not understand that in any event any of the money appropriated here would be used for any of his expenses. Where the President travels on one of the naval vessels I do not understand that the expenses are charged up to anybody else; but if they were, I take it they would be paid out of the presidential traveling appropriation.

If ceremonies are had there, I think it would be entirely appropriate to invite ex-President Taft and ex-President Roosevelt, though I doubt very much whether they would go. If exercises are held there, I think it would be entirely appropriate to invite foreign countries to send representatives, and for this country to give them some entertainment while there; but as the canal is for the benefit of those other countries as much as it is for our benefit, I can see no reason why we should pay their traveling expenses in going to and from Panama. I think it would be entirely appropriate for Congress to appoint a small committee of the House and of the Senate to attend the exercises, if such committee should be desired, although I do not believe the House or the Senate would be willing to employ a steamship for the purpose of carrying them down there, and my understanding is that the reduction of the amount from $250,000—the item that Secretary Garrison submitted—to $160,000 was because of the cutting out of the congressional expense, although at that time the expense of Members of Congress, it was figured, would be in the neighborhood of $40,000 or $50,000.

I make these statements in justice to the House. The President desired only to lay the matter before Congress in order that Congress might do what it saw fit; and he did it as speedily, as he stated, as he was able to do.

Mr. MADDEN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MADDEN. I want to get about two or three minutes.

Mr. JOHNSON of South Carolina. In a moment. I yield to the gentleman from Kentucky [Mr. SHERLEY] five minutes.

Mr. SHERLEY. Mr. Speaker, inasmuch as I was one of those invited to meet with the President when this matter was discussed it is perhaps proper that I should say a word or two in addition to that which has been said by the gentleman from Illinois [Mr. MANN].

My recollection is that the gentleman from Illinois has correctly stated the program, although since it was read to me I have never seen the detailed statement of the estimate of cost.

The President stated that it was his understanding that some celebration on the part of the country upon the completion of the canal had been contemplated and that he had called the gentlemen together to talk over the matter informally, as the time was getting very short when arrangements must be made, if any were to be made. There was then submitted a statement as to the general expense that would be entailed. There was some discussion as to the representation that should be had, and it was generally thought that it was impracticable for Congress to go as a body, but inasmuch as Congress had had a large share in the authorization and continuation of the work it was thought that it should be represented in any celebration that might be had there. With the submission of the general program as it was then understood the informal meeting broke up.

I desire simply to say this about my own view of the matter, now that it is brought before the House: I do think that the opening of the Panama Canal is an event of sufficient moment to warrant this Nation in celebrating it. I do believe that it is entirely proper that the President of the United States should be present at such celebration, and that proper provision should be made that he may be there with such guests as have been suggested—the two former Presidents, who had much to do with the building of the canal, and such other limited number of guests as the fitness of the occasion would necessarily indicate. I do not believe that there ought to be any great expenditure made for the purpose of what is commonly spoken of as a junket, and I do not believe that anybody desires anything of that kind being done.

Whether Congress desires to have a limited number of its Members represented or not is for Congress to determine. Certainly I do believe that it is proper that the legislative branch of our Government should be represented in a matter of this moment. I appreciate the difficulty that confronts Members in dealing with a matter of this kind, and I should not personally be willing to vote any extravagant sum, but I think men are lacking in perspective and lacking somewhat in appreciation of the people of America—for the people rightly have a great pride touching the building of the canal—if they think the people desire that Congress shall not take any action in regard to the opening of the canal. I think that we owe it to the dignity of the Nation to recognize one of the greatest events in material achievement in the world's history in some formal way.

As to the amount, I have not sufficient information to determine, but it ought to be sufficient to enable the President and his guests to go there under proper circumstances and auspices. It ought not to be any more than is necessary for a proper and small representative number of Americans representing the various branches of the Government.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. Mr. Speaker, in the act to provide for the opening and operation of the Panama Canal and the government of the zone approved August 24, 1912, it was provided that when the canal should be completed the President of the United States should formally and officially open the canal. That enactment left alone gives him full authority, gives him plenary power, but it does not give him the money. The only thing absolutely necessary to enable him to discharge that duty is an appropriation.

As the time drew near, as it was thought, for the completion of the canal and the proper time for the official and formal opening of the canal, the Secretary of War took up the subject in regard to the method of that opening and how much it would cost. He had made a detailed estimate and statement of the various features of the opening ceremonies. He submitted that to the President, and the President, as has been stated, called together the fiscal authorities of the two

Houses and the political leaders of the two Houses, and talked over informally with them the probability as to what Congress would see proper to do in the matter.

Following that conference a resolution was prepared and one copy delivered to me and one to the Senator having jurisdiction of the subject, with the suggestion that we discuss the matter with the respective Houses and if it were thought wise to introduce the resolution.

I conferred with the gentleman from Alabama [Mr. UNDERWOOD], the leader of our side of the House, and with the gentleman from Illinois [Mr. MANN], the leader of the minority, and after conferring with them I decided that I would not introduce the resolution for $250,000, first, because it was late in the session and there was doubt about securing recognition and securing the enactment in that shape during the session. Second, it included $90,000 or $100,000 for the expense of carrying Congress down there, and I do not believe that I found a single Congressman in all my conferences willing to stand for that proposition.

I went over and saw the members of the Senate committee and suggested that the best way to expedite the legislation was to place the proper amount on an appropriation bill, and it could be thrashed out in conference, and if the proper amount was not placed in the bill it could be reached and agreed upon.

I have that itemized statement somewhere, and I thought the committee had it, but I believe I sent it to Senator MARTIN of Virginia by Representative FLOOD of Virginia. It was not put on a bill in the House because it was thought that there ought to be time to notify the representatives of the foreign Governments in order that they might reach the canal in time for the opening, which at that time was to take place early in March, and the bill now before the House was already in the Senate and likely to become a law first.

When it was found that we could not get ready by the 5th of March, that the canal itself would not be physically ready by the 5th of March, it was postponed. But before that postponement was made the Senate determined to place the provision upon this bill in order that expedition might be had, and it was done.

This $160,000 includes an item for the cost of carrying the President and his suite and the Cabinet and the foregn ambassadors and everybody whom the President might invite, but not Congress as such. It contemplates using our own vessels except one, as stated by the gentleman from Illinois, which was to be chartered. This $160,000 includes everything except the expense of carrying the Members of the House and the Senate, the President preferring that Congress should separately arrange for attendance or representation. We ageed that that ought to be left out. Of course the President if he has this money appropriated need not spend it all if it is not necessary. What is left remains in the Treasury. We ought not to be niggardly about it. We have spent almost $400,000,000 in accomplishing the greatest engineering feat the world ever saw, and it would be a ridiculous fiasco to wind that up with the cheeseparing business of refusing a few thousand dollars for an adequate, honorable celebration of the event for the benefit of the world.

Mr. BYRNS of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. BYRNS of Tennessee. I want to say to the gentleman that, as one of the conferees, I am very glad to hear these statements, because, as the gentleman from South Carolina [Mr. JOHNSON] has stated, there was no information given to the conferees. We had no information as to exactly what it was intended to do with this appropriation. I understand the gentleman to say that it is contemplated that no Members of Congress shall be transported to Panama as a result of this appropriation, but that it is contemplated only that the President and his suite shall go, and the diplomats who are here in Washington shall be invited as guests, and also the two ex-Presidents and members of the Cabinet. The gentleman from Illinois [Mr. MANN] has stated that there will be no expense attached to the President's visit to Panama, because he will go upon one of the naval vessels. In view of these facts, I want to ask the gentleman what possible excuse there can be, in face of the condition of the Treasury growing worse, as it is, every day, for appropriating the immense sum of $160,000 for this trip to Panama?

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield two minutes more to the gentleman.

Mr. ADAMSON. Mr. Speaker, I should have stated, if I did not do so, that the estimate made by the Secretary of War contemplated the power of the President to invite some guests to attend, various distinguished personages, and that he might, if he saw proper, invite Members of the House and the Senate to attend. Without express authority from Congress providing the expense for Members of Congress there would be no provision except in the general authority to the President to invite such people as he chose to invite to participate in the celebration. As to the question of the gentleman respecting the items of expense, I am sure the Senate committee had one of those statements, and I shall endeavor to find another and furnish it to the conferees, showing in detail all of these items, but I can assure the gentleman that this $160,000 does not contemplate any provision for any congressional committee or any Congressman to go unless he should go as the specially invited guest of the President, but the President does not wish the responsibility of determining what Congressmen shall attend, preferring that Congress act for itself on that matter. In view of the statement of gentlemen here I do not insist that this shall be concurred in now, because I think they ought to have an opportunity to see the items and thrash it out and discuss it and understand it, and I have no doubt that they will do the thing that is right and honorable about it, and that this Congress will do likewise.

Mr. AUSTIN. Mr. Speaker, may I ask the gentleman a question?

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, the United States has been the instrumentality by means of which the greatest engineering project of the civilized ages is about to be thrown open to the public, and I think it is altogether proper that we should celebrate the achievement in some way. I am not altogether sure that the President of the United States should be the only functionary who has the right to invite guests to this celebration. I believe that the language of this amendment, if it should be approved at all by the conferees, should be so modified as to authorize the Speaker of the House and the President of the Senate to appoint a small committee of the House and of the Senate to be participants in this celebration. I think it would be very undignified to have any celebration of the opening of the canal in which this body and the body at the other end of the Capitol were not officially represented, and I believe it ought not to be delegated to the President of the United States to invite, if he saw fit, Members of the House and of the Senate, but that the presiding officers of these two bodies should be given the power to name such men as they please.

Mr. ADAMSON. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. ADAMSON. I will state to the gentleman from Illinois that it is the wish of the President and the Secretary of War that Congress shall determine upon such arrangement as it sees proper to make as to the attendance of its own Members, or any committee thereof, in addition to this $160,000.

Mr. MADDEN. Oh, I think the $160,000 will be quite sufficient to meet all of the expenses connected with the modest celebration which ought to be had on the Isthmus of Panama, and sufficient to include such committees as the House and the Senate might think proper to name.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. COX. In view of the fact that our Treasury balances are going down at the rate of a million dollars a day, or nearly so, and that they have been traveling at that rate for the last 15 days and are likely to go on for the next 40 or 50 days at the same rate, does not the gentleman feel that $160,000 is far too much to appropriate for this purpose?

Mr. MADDEN. Well, I think if we are going to have a celebration at all that all branches of the Government should be identified with it officially. I am not especially convinced that we should celebrate the opening of the canal at this time, especially when the Treasury balance is being reduced daily, as the gentleman from Indiana [Mr. Cox] well says, and because of the fact that this Treasury balance is being so reduced men in the service of the Government, at least the men who are in humble positions in the service of the Government, are being either dismissed from the service or having their salaries reduced as a result of the diminished revenues.

Mr. SIMS. Will the gentleman yield for a question?

Mr. MADDEN. Certainly.

Mr. SIMS. I understand the gentleman from Illinois to say that he thinks it is proper for a committee of the House and Senate to be appointed by their own presiding officers.

Mr. MADDEN. I think if any committee of the House is to be appointed at all, it would be undignified for them to accept appointment from any other source than the presiding officers of the respective bodies.

Mr. SIMS. Especially as they represent the only members of the Government elected directly by the people. I think, like the gentleman, it would be much more proper for us to have a little to say about this rather than for the representatives of the people directly by election to be guests of indirectly elected or appointed officers of the Government.

Mr. MADDEN. To begin with, if we are to have a celebration at all, the House and the Senate should be identified officially with the celebration, and we would be placed in the humiliating position of asking the President of the United States to invite Members of this House or the Senate as officials to be represented at the celebration, and particularly we ought not to be put in the attitude of being the personal guests of the President when we have the power to suggest to the Speaker of the House and the President of the Senate what they shall do officially.

ARMOR-PLATE INVESTIGATION (H. DOC. NO. 1620).

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield one minute to the gentleman from Tennessee [Mr. PADGETT].

Mr. PADGETT. Mr. Speaker, in the naval appropriation bill passed at the last session of Congress a committee was appointed known as the armor-plate committee. I desire to submit to the House the report of that committee.

The SPEAKER. The Clerk will report it by title.

The Clerk read as follows:

The committee appointed under the provisions of the act making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes, approved June 30, 1914, begs to submit to Congress the following report.

The SPEAKER. Ordered to be printed and referred to the Committee on Naval Affairs.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. FITZGERALD]

Mr. FITZGERALD. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Mr. FITZGERALD moves to recede from the disagreement of the House to Senate amendment No. 35 and agree to the same with an amendment striking out of the amendment the words "to be expended at the discretion of the President and accounted for on his certificate solely."

Mr. PAGE of North Carolina. Mr. Speaker, I offer an amendment to the amendment of the gentleman from New York, to strike out of the Senate amendment "$160,000" and insert in lieu thereof "$50,000."

The SPEAKER. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Mr. PAGE of North Carolina moves to amend the amendment offered by Mr. FITZGERALD by striking out of the Senate amendment "$160,000" and inserting in lieu thereof "$50,000."

The SPEAKER. The gentleman from New York is recognized for 10 minutes.

Mr. FITZGERALD. Mr. Speaker, I offer this motion so that the House may have an opportunity to express its opinion upon the question before it. Such an expression of opinion will give the managers on the part of the House some information as to the attitude of the House so it may determine the question. The motion which I have submitted is to recede from the disagreement to the amendment of the Senate and concur in the Senate amendment with an amendment. The Senate amendment provides:

For such expenses as, in the opinion of the President, are properly connected with the formal and official opening of the Panama Canal and each and every purpose connected therewith.

That portion of the amendment leaves to the President to determine what expenses would be appropriate for which the money may be expended. I have no disposition to change that portion of the amendment, but the amendment further provides that no accounting whatever shall be made of the money and no audit of the expenditures shall be made of those expenditures as required by law of every other expenditure in the Government, with the sole exception of the appropriation of $25,000 for the traveling expenses of the President.

We all know, as a matter of fact, that the expenditure of this money will not be under the personal supervision of the President of the United States. Some subordinate official of the State Department or of the War Department will be passing upon the bills and making the disbursements. If we provide that the expenditures shall be made solely upon the certificate of the President, which means that they shall not be audited by the proper auditing officers of the Government, either the President necessarily must give personal attention and supervision to the expenditures or he will be merely acting in a formal manner in ratifying the action of some subordinate official. I do not believe that such authority should be granted by Congress regarding any appropriation. There is a single appropriation to which such a provision, perhaps, is properly attached, and that is the provision for the appropriation for the traveling expenses of the President.

The amendment which I propose strikes out this provision and gives to the President the discretion to determine the expenses which are proper in connection with the celebration, and then it will require the vouchers for the expenditures to be transmitted to and be examined and approved by the proper auditor of the Government. I do not believe we can justify the expenditure of Government money in any other manner.

I do not know, Mr. Speaker, how much is necessary for this celebration. I was unfortunately required to be out of the city the day that the conference with the President was held regarding this matter. I was requested to be present, but could not attend. Those gentlemen who were present said that a statement was made as to the tentative expenses to be incurred. I have never seen the program. I do not know the expenditures contemplated. I have no knowledge as to the particular items for which the money is to be expended, except that I was subsequently informed that $90,000 had been included for the expenses of the representation from Congress, which amount has been eliminated. This situation strikingly illustrates the desirability and importance of insisting upon estimates for appropriations being transmitted to Congress in the manner prescribed by law. If the estimate had been transmitted to Congress, as the law requires, all of the information which is now sought would be contained in an official document printed by the two Houses, and gentlemen would not be in the dark as to just what is contemplated. I am not criticizing the suggestion of the amount proposed, because I have not the information upon which to express an opinion. I am of the opinion that it is appropriate that the Government of the United States should in a proper and in a dignified manner commemorate the completion of the Panama Canal. I believe that at such a celebration it is appropriate to invite the representatives of the other civilized nations of the earth, and also former officials of the United States Government who had a large part in the undertaking. Congress itself made provision for official representation of the Congress at such a celebration. In the sundry civil appropriation bill for the current year, in an item connected with the Canal Zone, there is provision for the expenses of the official representation of Congress attending the formal opening of the canal. Those expenses were to have been paid out of an appropriation of $500,000 made available for this fiscal year. When the Committee on Appropriations reported that provision at the last session of Congress it was in the belief that some action would be taken by the two Houses to provide for the appointment of appropriate committees to represent the two Houses of Congress. It may be of some interest to the House to know that I have been informed that this appropriation has been entirely expended, so that the language contained in it will be of little value to the House if it does appoint a committee to attend the celebration.

I do not believe, Mr. Speaker, in view of the condition surrounding the matter, that the managers upon the part of the House should be left to deal with this subject without any expression of opinion on the part of the House as to what should be done. With the motion to concur pending, it is possible for the House, if it does not believe $160,000 should be appropriated, to express its opinion upon various sums as they may be offered in amendments. In that way the House can determine how much it is willing to appropriate to pay the expenses of the celebration. When the amount is fixed, it will be possible for those who will have control of the celebration to arrange it in such a manner that it can be conducted within the sum appropriated. I believe that to be the proper way to determine the matter. I hope that the House will definitely determine if anything is to be appropriated, how much it is to be. In that way the House will be on record as definitely expressing its views upon the question. The matter has not been discussed in the House, but it should be discussed. The conference that was had relative to this matter called by the President, and to which were invited certain Members of the House on this side, the gentleman from Illinois [Mr. MANN] representing the minority, certain Members of the Senate, and the leader of the Republicans in the Senate were called in view of the situation at the time. The purpose in having the informal conference was to see if the consensus of opinion of the two bodies would be such that if the proposed celebration was to have taken place immediately

after the adjournment of Congress, as then contemplated, some means could be arranged by which the appropriation would be made sufficiently early to enable proper arrangements to be made to have those participate whom it was contemplated would be invited.

Mr. ADAMSON. Will the gentleman yield?

Mr. FITZGERALD. I yield.

Mr. ADAMSON. I will ask the gentleman, if it is the desire of the House or Congress to make a separate arrangement for representation from Congress, the session being so near its close, would it not be wise that the amendment be so made as to provide in this bill at this time for that representation?

Mr. FITZGERALD. My opinion is that if the House wishes to express an opinion upon that question it would be wise to permit such amendments to be offered and considered at this time. We will have no better opportunity for the House to express its desires in the matter. If it wishes to have representation of the House and the Senate, and make provision for such representation, I believe it is desirable to determine that question now.

Mr. ADAMSON. Does the gentleman object to modifying his amendment and suggesting a plan by which there would be representation?

Mr. FITZGERALD. I do not wish to accept it as a part of my motion, but I would not object to the consideration of an amendment that would give the House an opportunity to pass upon the question. If an amendment is proposed to do it, so far as I am concerned, I shall not object. I believe that this is the best, perhaps the only, opportunity the House will have to express an opinion upon the matter.

The SPEAKER. The time of the gentleman has expired.

Mr. MADDEN. Mr. Speaker, I offer the following amendment.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from North Carolina [Mr. PAGE].

The SPEAKER. There is already one amendment pending to the amendment.

Mr. PAGE of North Carolina. Mr. Speaker——

The SPEAKER. How much time has the gentleman?

Mr. PAGE of North Carolina. Five minutes.

So far as I am personally concerned, Mr. Speaker, I should have been willing to support the motion made by the chairman of the conference committee to further disagree to this amendment and let it go back to the conference, to be settled by the conferees on the part of the House. But since the gentleman from New York [Mr. FITZGERALD] has offered a motion to concur in the Senate amendment, I believe that the amount, if we are going to fix it definitely, should be made at a much less figure than that carried in the Senate amendment.

As has been stated on the floor, the President himself and, possibly, a number of his guests will be carried on a ship of the Navy without additional expense, so far as transportation is concerned, and it occurred to me that while we ought to celebrate the opening of this canal in a proper manner and the President should be left free to invite such persons to be present on this occasion as in his judgment should be present, the amount included in the amendment I have offered of $50,000 would be ample, in view of the fact that possibly the transportation of the entire party will only be at nominal expense, if at any additional expense at all, to celebrate the occasion in proper form and with dignity. And, believing that, I hope the House will adopt the amendment that I have offered.

The SPEAKER. The Chair would like to inquire of the gentleman from North Carolina where his amendment would come in with respect to the Fitzgerald amendment?

Mr. PAGE of North Carolina. Add to the amendment "and that the amount," and so forth.

Mr. MANN. "And also."

Mr. PAGE of North Carolina. Yes; "and also."

Mr. Speaker, I am informed that in addition to this amount that we are to appropriate in this item the Navy has more than $100,000 that it can expend for this purpose in the entertainment of the navies of other countries.

Mr. MANN. They will not be there.

Mr. PAGE of North Carolina. They will not be there, possibly, in very great numbers; but at the same time possibly some of them may be there.

Mr. PADGETT. Mr. Speaker, will the gentleman yield there?

Mr. PAGE of North Carolina. Yes.

Mr. PADGETT. I wanted to state that the appropriation available for the Navy carried in the bill of last year is limited to the entertainment of foreign guests.

Mr. PAGE of North Carolina. Yes. That would include, I presume, the navies of the South American countries or any other foreign countries that would participate in this celebration.

Mr. Speaker, I yield back such time as I have not used.

The SPEAKER. The gentleman has yielded back two minutes.

Mr. JOHNSON of South Carolina. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 15 minutes.

Mr. MANN. You just started on a new hour when the motion was made by the gentleman from New York [Mr. FITZGERALD].

Mr. JOHNSON of South Carolina. I yield five minutes to the gentleman from Illinois, Mr. Speaker.

Mr. MANN. Mr. Speaker, I think the amount proposed in the amendment of the gentleman from North Carolina [Mr. PAGE], namely, $50,000, is fully ample, and probably more than will be expended. Among the items which were originally contemplated was the taking of the entire Cabinet from New York by way of Panama to California. That will not be done. The Secretary of the Navy, I presume, will go on a naval vessel. Very likely the Secretary of War will go on a naval vessel, and I should presume that the Secretary of State would likely go on a naval vessel. The other Secretaries ought not to go at all. They have no occasion to go to Panama. I can see no reason why we should take all of the representatives of foreign countries to this country from Washington down to Panama and bring them back home. We invite representatives from foreign countries, to be selected by the countries, to come. They pay their own expenses hither. The cost of entertaining them while in Panama will be very slight. I can not imagine how it is possible to expend as much as $50,000 upon this proposition.

How many Members of Congress would be disposed to go to Panama in June or July and stay there two or three days and then come back to New York? Not many people will do that for the purpose of hearing an able speech, very brief, by Col.—it ought to be Gen.—Goethals, by the Secretary of War, and by the President. There will be practically no other ceremonies. I can not see how a larger amount is needed. I do not see why they need as much as $50,000, but I am perfectly willing to vote for that, out of excess of generosity.

Mr. JOHNSON of South Carolina. Mr. Speaker, some of the Members of the House seem to think that the Government has not already made provision to celebrate the building and opening of the Panama Canal. The Congress has already appropriated more than $1,100,000, in one form and another, to celebrate this great engineering enterprise. We appropriated $500,000 for the Government exhibit at San Francisco, and that great exposition itself is in celebration of the construction of the Panama Canal. We have appropriated $500 for the erection of a Government building on the exposition grounds in San Francisco.

Mr. J. R. KNOWLAND. Will the gentleman yield?

Mr. JOHNSON of South Carolina. Yes.

Mr. J. R. KNOWLAND. Does not the gentleman know that that building has not been started and will not be ready?

Mr. JOHNSON of South Carolina. We have appropriated for it. I am speaking of the action of Congress.

Mr. J. R. KNOWLAND. It should not be charged up to the exposition, because it will not be ready, and the plans have never been prepared.

Mr. JOHNSON of South Carolina. It should be charged up to the Panama Canal. The last naval appropriation bill authorized the naval officers to expend $104,000 in entertaining naval officers who may visit the exposition.

This is a great enterprise, but there have been other great events in American history. In 1876 we celebrated the birth of this Republic, 100 years after it occurred. In 1893 we celebrated the discovery of America, 400 years after the event. In 1904 we celebrated the Louisiana Purchase, 100 years afterwards. We have had many smaller expositions. In Buffalo, in 1901, occurred the Pan American Exposition, which was intended primarily to cultivate the South American countries and to encourage trade with them.

Mr. AUSTIN. May I ask the gentleman a question?

Mr. JOHNSON of South Carolina. Yes.

Mr. AUSTIN. At these celebrations were the House and Senate represented; and if so, were the Speaker of the House and President of the Senate ignored in the selection of committees to represent these legislative bodies?

Mr. JOHNSON of South Carolina. I can not answer the gentleman's question, because I am talking on another point.

But, Mr. Speaker, in all these great celebrations, which marked important events in our history, it was not considered necessary that the Government should specially entertain distinguished guests as a part of the celebration. This is a gracious thing to do. It is a magnanimous thing to do. But, Mr. Speaker, in view of the fact that the expenses of the Government are running far beyond the revenues, I want to say

that this is not an opportune time to assume a luxury that we have never had in connection with any other exposition held on this continent. The conferees on the part of the House are quite content to abide the instructions of the House, but with no facts before us we brought the matter back for you to discuss and to indicate your wishes. Whatever your wishes may be, the conferees on the part of the House will endeavor to enact them into law. I have expressed my individual views that at this time, in the condition of the Treasury, we ought not to make this appropriation. [Applause.]

Mr. BARTLETT. Mr. Speaker, may I ask the gentleman a question?

Mr. JOHNSON of South Carolina. I yield to the gentleman from Georgia.

Mr. BARTLETT. In the deficiency bill last year we appropriated $25,000 for the purpose of having three men—if I remember correctly, probably two civilians and an Army officer—represent this Government at the opening of the Panama Canal. Can the gentleman tell us what is being done by those gentlemen toward representing the United States Government at the opening of the canal?

Mr. JOHNSON of South Carolina. I can not.

Mr. BARTLETT. This is in addition to that $25,000 to have somebody else represent us?

Mr. JOHNSON of South Carolina. That $25,000 is in addition to the $1,104,000 about which I have already told the House.

Mr. Speaker, I call for a vote.

Mr. COX. Will the gentleman yield?

Mr. JOHNSON of South Carolina. I yield to the gentleman from Indiana.

Mr. COX. Mr. Speaker, I offer as a substitute for the motion offered by the gentleman from North Carolina [Mr. PAGE] a motion to strike out the figures "$50,000" and to insert "$25,000."

Mr. PAGE of North Carolina. Mr. Speaker, is that amendment in order?

The SPEAKER. The way it stands now——

Mr. COX. I offer this as a substitute.

The SPEAKER. Here is the parliamentary situation: The gentleman from New York offered an amendment and the gentleman from North Carolina [Mr. PAGE] offered an amendment to that amendment. That is as far as the amendment business goes.

Mr. MANN. Mr. Speaker, did the gentleman make a point of order on it?

Mr. PAGE of North Carolina. I raised the point of order.

Mr. MANN. I think we ought to leave it to the House to vote on it.

Mr. PAGE of North Carolina. Mr. Speaker, I will withdraw the point of order.

Mr. MANN. Of course, it would be subject to a point of order as being an amendment in the third degree; but if a point of order is not made, we can vote upon it.

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the point of order, I want to make a parliamentary inquiry. What would be the effect if the Cox amendment should be adopted, it being offered as a substitute for the whole; would not that prevent a vote on the Fitzgerald amendment?

Mr. MANN. No; the gentleman from Indiana offers it as an amendment to the amendment.

Mr. CARLIN. Mr. Speaker, I ask that the Cox amendment be again reported.

The SPEAKER. It is to substitute $25,000 instead of $50,000.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from South Carolina moves the previous question.

The previous question was ordered.

The SPEAKER. The parliamentary effect of this would be that if the Cox substitute is offered for the whole thing——

Mr. MANN. It is not; it is only offered as an amendment to the amendment.

Mr. GARRETT of Tennessee. Mr. Speaker, I will not make the point of order, although it is subject to a point of order unless offered as a substitute for the whole proposition.

The SPEAKER. Of course it is; but everybody seems to want to vote on it, and, without regarding it as a precedent, the Chair will put the question. The question is, first, on the proposition of the gentleman from Indiana [Mr. Cox] to insert "$25,000" instead of "$50,000."

The question was taken; and on a division (demanded by Mr. PAGE of North Carolina) there 60 ayes and 63 noes.

Mr. COX. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER. The gentleman from Indiana makes the point that no quorum is present, and the Chair will count. [After counting.] One hundred and sixty Members present—not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 139, nays 156, answered "present" 1, not voting 127, as follows:

[Roll No. 92.]

YEAS—139.

Aiken	Davenport	Johnson, Wash.	Shackleford
Ashbrook	Decker	Keating	Sherwood
Aswell	Dent	Kelly, Pa.	Sinnott
Baltz	Dickinson	Key, Ohio	Sisson
Barkley	Dies	Kitchin	Slayden
Barton	Dillon	Konop	Smith, Idaho
Beall, Tex.	Doolittle	La Follette	Smith, Tex.
Bell, Ga.	Eagle	Langley	Stafford
Blackmon	Edwards	Lenroot	Steenerson
Borchers	Evans	Lever	Stephens, Miss.
Brockson	Ferris	Lloyd	Stephens, Tex.
Brown, W. Va.	Fields	Lobeck	Stevens, N. H.
Brumbaugh	Finley	McGillicuddy	Stringer
Buchanan, Tex.	Foster	MacDonald	Sumners
Burgess	Francis	Manahan	Sutherland
Burke, Wis.	French	Moon	Taggart
Burnett	Gardner	Morgan, La.	Tavenner
Butler	Garner	Morgan, Okla.	Taylor, Ark.
Byrnes, S. C.	Garrett, Tex.	Moss, Ind.	Taylor, Colo.
Byrns, Tenn.	Gillett	Norton	Temple
Callaway	Godwin, N. C.	O'Brien	Thomas
Campbell	Gordon	Oldfield	Thompson, Okla.
Candler, Miss.	Graham, Ill.	Park	Thomson, Ill.
Cantrill	Gray	Post	Towner
Caraway	Hamlin	Powers	Treadway
Claypool	Haugen	Quin	Tribble
Cline	Heflin	Ragsdale	Vaughan
Collier	Henry	Rainey	Vinson
Connelly, Kans.	Hill	Rayburn	Walker
Cooper	Holland	Reilly, Wis.	Webb
Cox	Hull	Rouse	Wingo
Cramton	Humphrey, Wash.	Rubey	Witherspoon
Crisp	Humphreys, Miss.	Rucker	Young, N. Dak.
Crosser	Johnson, Ky.	Russell	Young, Tex.
Cullop	Johnson, S. C.	Saunders	

NAYS—156.

Abercrombie	Edmonds	Hughes, Ga.	Parker, N. Y.
Adair	Esch	Hulings	Peters
Adamson	Fairchild	Igoe	Platt
Alexander	Falconer	Jacoway	Plumley
Anderson	Farr	Johnson, Utah	Porter
Austin	Fergusson	Kahn	Raker
Avis	Fess	Kelley, Mich.	Rauch
Bailey	Fitzgerald	Kennedy, Conn.	Reilly, Conn.
Baker	FitzHenry	Kennedy, Iowa	Riordan
Bartlett	Flood, Va.	Kennedy, R. I.	Roberts, Mass.
Beakes	Floyd, Ark.	Kettner	Rogers
Bell, Cal.	Fordney	Kinkaid	Scott
Booher	Frear	Kirkpatrick	Seldomridge
Borland	Gallagher	Knowland, J. R.	Sherley
Britten	Gallivan	Korbly	Sims
Brodbeck	Gard	Kreider	Sloan
Browning	Garrett, Tenn.	Lafferty	Small
Buchanan, Ill.	Gill	Lee, Ga.	Smith, J. M. C.
Bulkley	Glass	Lesher	Smith, Minn.
Burke, S. Dak.	Gorman	Levy	Smith, N. Y.
Calder	Goulden	Lieb	Sparkman
Carlin	Greene, Mass.	Lonergan	Stedman
Carter	Greene, Vt.	McAndrews	Stephens, Cal.
Casey	Griffin	McLaughlin	Stevens, Minn.
Church	Gudger	Madden	Stone
Clancy	Guernsey	Maguire, Nebr.	Switzer
Coady	Hamilton, Mich.	Mann	Talcott, N. Y.
Connolly, Iowa	Hardy	Mapes	Ten Eyck
Copley	Harrison	Martin	Townsend
Curry	Hawley	Miller	Tuttle
Danforth	Hay	Mitchell	Underhill
Deitrick	Hayes	Mondell	Underwood
Dershem	Helgesen	Montague	Vare
Dixon	Helm	Moore	Volstead
Donohoe	Helvering	Morrison	Walsh
Doremus	Hinds	Nolan, J. I.	Watkins
Doughton	Hinebaugh	Padgett	Watson
Dupré	Houston	Page, N. C.	Weaver
Eagan	Howell	Parker, N. J.	Whaley

ANSWERED "PRESENT"—1.

Talbott, Md.

NOT VOTING—127.

Ainey	Clark, Fla.	Goldfogle	Kent
Allen	Conry	Good	Kiess, Pa.
Anthony	Dale	Goodwin, Ark.	Kindel
Barchfeld	Davis	Graham, Pa.	Langham
Barnhart	Difenderfer	Green, Iowa	Lazaro
Bartholdt	Donovan	Gregg	Lee, Pa.
Bathrick	Dooling	Griest	L'Engle
Bowdle	Driscoll	Hamill	Lewis, Md.
Broussard	Drukker	Hamilton, N. Y.	Lewis, Pa.
Brown, N. Y.	Dunn	Harris	Lindbergh
Browne, Wis.	Elder	Hart	Lindquist
Bruckner	Estopinal	Hayden	Linthicum
Bryan	Faison	Hensley	Loft
Burke, Pa.	Fowler	Hobson	Logue
Cantor	George	Howard	McClellan
Carew	Gerry	Hoxworth	McGuire, Okla.
Carr	Gilmore	Hughes, W. Va.	McKellar
Cary	Gittins	Jones	McKenzie
Chandler, N. Y.	Goeke	Keister	Mahan

Maher	O'Shaunessy	Rupley	Thacher
Metz	Paige, Mass.	Sabath	Vollmer
Morin	Palmer	Scully	Wallin
Moss, W. Va.	Patten, N. Y.	Sells	Walters
Mott	Patton, Pa.	Shreve	Whitacre
Mulkey	Peterson	Slemp	White
Murdock	Phelan	Smith, Md.	Williams
Murray	Pou	Smith, Saml. W.	Wilson, Fla.
Neeley, Kans.	Price	Stanley	Wilson, N. Y.
Neely, W. Va.	Prouty	Stephens, Nebr.	Winslow
Nelson	Reed	Stout	Woodruff
Oglesby	Roberts, Nev.	Taylor, Ala.	Woods
O'Hair	Rothermel	Taylor, N. Y.	

So the Cox amendment was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. SABATH with Mr. AINEY.

Mr. GOODWIN of Arkansas with Mr. CARY.

Mr. HENSLEY with Mr. BARTHOLDT.

Mr. DALE with Mr. ROBERTS of Nevada.

Mr. WILSON of Florida with Mr. DUNN.

Mr. BARNHART with Mr. LINDQUIST.

Mr. TALBOTT of Maryland with Mr. BURKE of Pennsylvania.

Mr. ESTOPINAL with Mr. ANTHONY.

Mr. HAYDEN with Mr. BROWNE of Wisconsin.

Mr. HOWARD with Mr. BARCHFELD.

Mr. LINTHICUM with Mr. DRUKKER.

Mr. MCKELLAR with Mr. GOOD.

Mr. NEELEY of Kansas with Mr. GRIEST.

Mr. NEELY of West Virginia with Mr. CHANDLER of New York.

Mr. CLARK of Florida with Mr. GRAHAM of Pennsylvania.

Mr. CONRY with Mr. HAMILTON of New York.

Mr. GOLDFOGLE with Mr. HUGHES of West Virginia.

Mr. MURRAY with Mr. MCGUIRE of Oklahoma.

Mr. OGLESBY with Mr. KEISTER.

Mr. O'SHAUNESSY with Mr. KIESS of Pennsylvania.

Mr. FAISON with Mr. J. R. KNOWLAND.

Mr. PALMER with Mr. LANGHAM.

Mr. PATTEN of New York with Mr. LEWIS of Pennsylvania.

Mr. PETERSON with Mr. MCKENZIE.

Mr. PHELAN with Mr. PAIGE of Massachusetts.

Mr. POU with Mr. MORIN.

Mr. PRICE with Mr. MOSS of West Virginia.

Mr. REED with Mr. MOTT.

Mr. SCULLY with Mr. PATTON of Pennsylvania.

Mr. STEPHENS of Nebraska with Mr. SELLS.

Mr. STOUT with Mr. PROUTY.

Mr. DOOLING with Mr. SHREVE.

Mr. MAHER with Mr. WALLIN.

Mr. WILLIAMS with Mr. SLEMP.

Mr. BRUCKNER with Mr. SAMUEL W. SMITH.

Mr. BROWN of New York with Mr. WINSLOW.

Mr. CANTOR with Mr. WOODS.

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

The SPEAKER. The question now is on the Page amendment for $50,000.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on the Fitzgerald amendment, as amended by the Page amendment.

The question was taken, and the amendment was agreed to.

Mr. MADDEN. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Amendment of Mr. MADDEN: Add, after the word "tolls," on page 31, line 17, the following:

"*Provided*, That the Speaker of the House shall appoint eight Members of the House, of whom he shall be one, and the President of the Senate shall appoint four Members of the Senate, of whom he shall be one, to represent the Congress at such celebration."

Mr. PAGE of North Carolina. Mr. Speaker, I make the point of order against the amendment.

Mr. MADDEN. Mr. Speaker, I do not think it is subject to the point of order. We are providing for a celebration of the opening of the Panama Canal. We have appropriated money to carry out that celebration. We have given authority to the President of the United States to invite certain guests. We are dealing with the subject of the celebration, and I maintain that this is just as much a part of the terms under which the celebration is to be provided for as the original matter contained in the Senate amendment. It is not contrary to the provisions of the Senate amendment. I maintain that it is germane, that it deals with the subject matter, that it does not add to the appropriation, and therefore is not subject to the point of order.

Mr. PAGE of North Carolina. Mr. Speaker, on the motion of the gentleman from New York this amendment of the Senate was concurred in by the House, and that closes the matter. I am sure that this is an original amendment and is not admissible at this time.

Mr. AUSTIN rose.

The SPEAKER. For what purpose does the gentleman from Tennessee rise?

Mr. AUSTIN. To discuss the point of order.

The SPEAKER. The Chair will hear the gentleman.

Mr. AUSTIN. Mr. Speaker, every time the American Congress has recognized a national or historical event in the United States the Speaker of this House has been clothed with authority to appoint a committee to represent the House. This is the first attempt in the history of this country to ignore and slight the Presiding Officer of the House of Representatives. Why should he be slighted? He deserves the confidence, the respect, and the admiration of every man in this House. [Applause.] I appeal to my colleague from North Carolina [Mr. PAGE] to uphold the dignity of the House of Representatives; I appeal to him not to put this slight upon the great man who presides over this House impartially, honestly, and fairly. [Applause.] It is a reflection upon the House of Representatives. It is virtually an insult to every Member of this organization to ask us, for the first time in the history of the American Congress, to ignore the Speaker of the House of Representatives. There ought not to be a dissenting voice on either side of this Chamber to the amendment offered by the gentleman from Illinois [Mr. MADDEN], and I appeal to the patriotism, to the fairness, to the justice of the gentleman from North Carolina to reconsider this matter and let us have a vote upon it.

The SPEAKER. The point of order is sustained.

Mr. JOHNSON of South Carolina. Mr. Speaker, I call up amendment numbered 41.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 35, amendment No. 41, after line 4, insert the following:

"For emergency clerical services, to be expended by the Secretary of State in his discretion, $75,000, or so much thereof as may be necessary."

Mr. STAFFORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Wisconsin will state it.

Mr. STAFFORD. What disposition did the House take as to concurring or further insisting on amendment numbered 35?

The SPEAKER. Why, the House adopted a motion to concur with an amendment.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House further insist on its disagreement to Senate amendment numbered 41.

The SPEAKER. The gentleman from South Carolina moves that the House further insist upon its disagreement to Senate amendment No. 41.

Mr. MANN. Will the gentleman yield for a question?

Mr. JOHNSON of South Carolina. I yield to the gentleman.

Mr. MANN. Has the gentleman any information concerning this amendment which he can impart to the House?

Mr. JOHNSON of South Carolina. Nothing more than the statement made by the Secretary of State to the Committee on Appropriations of the Senate; but since the bill went to conference I have received a letter from the Secretary that is substantially the same as the statement made to the Senate committee—that the reason for asking for the increase in the clerical force of the Department of State is that the European war has increased the activities of that department, the Secretary of State informs the committee, very greatly. In the regular estimates which were submitted, and upon which the bill was made up, the Secretary of State asked for $30,000 worth of additional clerical assistants. I objected to providing for a number of permanent clerks when it was stated that the reason for employing them was an emergency.

Mr. MANN. May I ask the gentleman, without detaining him too long, did the Secretary in the statement or letter give any information as to the details as to how this would be used?

Mr. JOHNSON of South Carolina. None whatever.

Mr. MANN. Is it just a lump-sum appropriation?

Mr. JOHNSON of South Carolina. Yes; it is a lump-sum appropriation. Now, if I may proceed with the statement I was making, in formulating the bill in the first instance we were not willing to include the additional clerks as permanent employees of the State Department on account of an emergency, and we explained to the Secretary of State that if we made this appropriation by providing additional persons on the statutory roll there never would be a time when we could dispense with their services, and if the conditions in the State Department were such as to make additional help imperative, then that appropriation should specifically state that it was for emergency assistants and should be made in a lump sum, although I am ordinarily very much opposed to that form of appropriating money.

Mr. MANN. May I ask the gentleman——

Mr. JOHNSON of South Carolina. The bill went to the Senate without the House having provided anything, and the Senate reported the bill with an amendment giving the Secretary of State a lump sum of $30,000 to employ help on account of this emergency, but upon the floor of the Senate the amount was increased to $75,000.

Mr. MANN. May I ask the gentleman if there was any estimate submitted for this purpose?

Mr. JOHNSON of South Carolina. The estimates upon which we based the bill called for additional clerks in the State Department at a compensation aggregating $30,000.

Mr. MANN. I understand.

Mr. JOHNSON of South Carolina. We declined to make a permanent increase of that force.

Mr. MANN. I understand that was the gentleman's statement; but has any estimate been submitted by the Secretary of State to the Secretary of the Treasury as to this $75,000 item?

Mr. JOHNSON of South Carolina. No, sir. I have no information as to any detailed estimates except the estimates calling for $30,000 for assistance.

Mr. MANN. Does the gentleman know of any reason or any disability which would prevent the Secretary of State from requesting the Secretary of the Treasury to transmit an estimate for this amount of money if he needed it——

Mr. JOHNSON of South Carolina. I do not.

Mr. MANN (continuing). According to the provision of the law?

Mr. JOHNSON of South Carolina. I think that estimates should be submitted in the regular way, and, as a matter of fact, they were estimated for to the extent of $30,000.

Mr. CAMPBELL. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Kansas rise?

Mr. CAMPBELL. For the purpose of asking the gentleman from South Carolina a question.

The SPEAKER. Does the gentleman from South Carolina yield to the gentleman from Kansas?

Mr. JOHNSON of South Carolina. I yield to the gentleman.

Mr. CAMPBELL. How many clerks have been appointed or employed for which this appropriation is made?

Mr. JOHNSON of South Carolina. This appropriation has not been made.

Mr. CAMPBELL. Well, for which it is asked?

Mr. JOHNSON of South Carolina. I do not know the number of people who would be employed. I do not know what their compensation would be. The Senate has sent us an amendment that provides for a lump-sum appropriation of $75,000.

Mr. CAMPBELL. For additional clerks in the State Department?

Mr. JOHNSON of South Carolina. Yes.

Mr. CAMPBELL. That ought to take care of some "deserving Democrats."

Mr. JOHNSON of South Carolina. The House conferees will probably——

Mr. BYRNS of Tennessee. Will the gentleman from South Carolina yield?

Mr. JOHNSON of South Carolina. I yield.

Mr. BYRNS of Tennessee. I want to say to the gentleman from Illinois, inasmuch as he asked a question awhile ago as to whether or not any estimates were originally submitted for emergency clerical service in the Department of State, that I will read from the original estimates submitted, as follows:

For emergency clerical services, to be expended by the Secretary in his discretion, $2,000, or so much thereof as may be necessary.

Mr. CALDER. Will the gentleman from South Carolina yield?

The SPEAKER. Does the gentleman from South Carolina yield to the gentleman from New York?

Mr. JOHNSON of South Carolina. I yield to the gentleman.

Mr. CALDER. I understand these men are to be appointed without recourse to the civil service?

Mr. JOHNSON of South Carolina. I do not know. The gentleman can construe the language of the Senate amendment as well as I can. But so far as I am concerned, I am willing that whatever force we may provide for in the bill shall come from the civil-service register. I call for a vote, Mr. Speaker.

The SPEAKER. The question is on the motion of the gentleman from South Carolina [Mr. JOHNSON] to further insist on amendment No. 44.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 63: Strike out "$2,165,000" and insert "$2,480,000."

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask unanimous consent that amendments Nos. 63, 64, and 65, all on page 59 and relating to the same subject, be considered together.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that the three amendments named, on the same subject, be considered at the same time. Is there objection?

Mr. FITZGERALD. What are the amendments, Mr. Speaker?

The SPEAKER. The Clerk will report all three of the amendments.

The Clerk read as follows:

Amendment No. 63, on page 59 of the bill: Strike out "$2,165,000" and insert "$2,480,000."

Amendment No. 64, on page 59 of the bill: Line 24, strike out "$2,600,000" and insert "$2,200,000": *Provided*, That whenever——

Mr. MANN. Mr. Speaker, I object to considering them together. There is no use of reporting them all.

Mr. JOHNSON of South Carolina. I move that the House further insist on its disagreement to Senate amendment No. 63.

The SPEAKER. The gentleman from South Carolina moves that the House further insist on the disagreement of the House to Senate amendment No. 63.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 64, on page 59 of the bill: Strike out "$2,600,000" and insert "$2,200,000" and the following proviso:

"*Provided*, That whenever any cask or package of distilled spirits containing 5 wine gallons or more is dumped by a rectifier for rectification or filled and received from rectification for sale, shipment, or delivery the same shall be gauged, marked, branded, and stamped by a United States gauger; but the Commissioner of Internal Revenue may by regulations approved by the Secretary of the Treasury provide that the gauging, marking, stamping, and branding of such packages so dumped for rectification or received therefrom be done by the rectifier instead of by a United States gauger."

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House insist on its disagreement to the amendment of the Senate numbered 64.

The SPEAKER. The gentleman from South Carolina moves that the House further insist on its disagreement to the amendment of the Senate numbered 64. The question is on agreeing to that motion.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Carolina. Yes; I yield to the gentleman from Illinois.

Mr. MANN. This involves quite a change from the existing law with reference to the gauging of spirits. I know nothing about it myself, except what the Secretary of the Treasury has reported. Has the gentleman made any investigation, or has anyone who is familiar with the gauging of spirits made any investigation? Does the gentleman from South Carolina know?

Mr. JOHNSON of South Carolina. I have no information except that which comes from the Secretary of the Treasury.

Mr. MANN. His letter I have read.

Mr. JOHNSON of South Carolina. Under existing conditions the whisky is gauged twice—first when it is taken out of the bonded warehouse, and then again when it goes through the rectifying process. The Government collects its revenue upon the basis of the last gauging, and the Secretary of the Treasury and those having charge of this work state that the two gaugings are not necessary, and that by dispensing with one of them they can save $400,000 a year.

Mr. MANN. Will some learned gentleman tell me—I hate to confess my ignorance—what is meant by these words:

Whenever any cask or package of distilled spirits containing 5 wine gallons or more is dumped by a rectifier for rectification—

And so forth? I could not find an explanation of it in any of the books.

Mr. JOHNSON of South Carolina. I am not acquainted with the technique of whisky in any of its forms. My friend from Kentucky [Mr. JOHNSON] no doubt can give the gentleman the information he desires.

Mr. JOHNSON of Kentucky. I will say, Mr. Speaker, that rectified whisky is made with alcohol as the basis. Whenever alcohol goes into the establishment of a producer of rectified goods it is dumped into a tank. That dumping is a trade expression. In other words, it is emptied into a tank, and there the proof of it is reduced by the addition of water. It is not rectified until it is brought down to the proof to which the rectifier desires to bring it.

Mr. MANN. Of course "rectifying" in relation to spirits has not the same meaning as rectifying a wrong. In other

words, it is making a mixed liquor by additions to the pure stuff. What are the ingredients that are added?

Mr. JOHNSON of Kentucky. Well, not only water is added to it, but beading oil is added, and coloring is added, and sometimes straight whisky is added to it to give it an aroma.

The SPEAKER. The question is on agreeing to the motion of the gentleman from South Carolina, to further insist on the disagreement of the House to the Senate amendment numbered 64.

The motion was agreed to.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask that amendment numbered 65 be reported.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Amendment No. 65, on page 61 of the bill: After line 4 insert the following: "Restricting the sale of opium, etc.: For expenses to enforce the provisions of the act approved December 17, 1914, entitled 'An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or cocoa leaves, their salts, derivatives, or preparations, and for other purposes,' including the employment of agents, deputy collectors, inspectors, chemists, assistant chemists, clerks, and messengers in the field and in the Bureau of Internal Revenue in the District of Columbia, to be appointed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, and for the purchase of such supplies, equipment, mechanical devices, and other articles as may be necessary for use in the District of Columbia and the several collection districts, including not to exceed $4 per diem in lieu of subsistence to employees while officially engaged away from their designated posts of duty, being for the fiscal year ending June 30, 1916, $292,000."

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House further insist upon its disagreement to the amendment of the Senate numbered 65.

The SPEAKER. The gentleman from South Carolina moves that the House further insist upon its disagreement to the Senate amendment numbered 65.

Mr. GILLETT rose.

The SPEAKER. For what purpose does the gentleman from Massachusetts rise?

Mr. GILLETT. I would like to ask the gentleman from South Carolina a question.

Mr. JOHNSON of South Carolina. I yield to the gentleman.

Mr. GILLETT. Can the gentleman tell me why the language is used that these various officers and clerks shall be appointed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury?

Mr. JOHNSON of South Carolina. I do not know. It was a Senate amendment.

Mr. GILLETT. Perhaps the gentleman can tell me. It occurred to me that very possibly the Senate, with a desire conforming to the well-known views of the Secretary of State "to find places for deserving Democrats," might have intended by this language to except those places from the civil service. I do not believe it does it myself, but it struck me as curious, and I could see no reason for it at all unless it was the hope that by this ingenious and doubtful language they might possibly accomplish what they did not dare to state openly. I wondered whether the gentleman could state whether that suspicion was unfair to the distinguished body at the other end of the Capitol.

Mr. JOHNSON of South Carolina. The gentleman from South Carolina knows no more about the intention of the Senators than does the gentleman from Massachusetts. I do know that there are lots of deserving Democrats that ought to have places. [Laughter and applause.]

Mr. GILLETT. I do not think this would accomplish that. I thought I would suggest it to the gentleman, so that in the conference he might bear it in mind.

The SPEAKER. The question is on agreeing to the motion of the gentleman from South Carolina.

The motion was agreed to.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from South Carolina moves that the House grant the conference asked for by the Senate. The question is on agreeing to that motion.

The motion was agreed to; and the Speaker announced as the conferees on the part of the House Mr. JOHNSON of South Carolina, Mr. BYRNS of Tennessee, and Mr. CALDER.

ARMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I call up the conference report on the Army appropriation bill, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Virginia [Mr. HAY] calls up the conference report on the Army appropriation bill and asks unanimous consent that the statement accompanying it be read in lieu of the report.

Mr. MANN. Reserving the right to object, how long will it take? Is there any controversy over the report?

Mr. HAY. I do not think there is any controversy. The gentleman from Montana [Mr. STOUT] has stated that he desires to move to concur in one of the Senate amendments.

Mr. MANN. It is not a complete report?

Mr. HAY. No; it is not. That is the reason I want to get it back to the Senate.

Mr. MANN. I do not object.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the statement of the House conferees.

The conference report and statement are as follows:

CONFERENCE REPORT (NO. 1402).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20347) making appropriations for the support of the Army for the fiscal year ending June 30, 1916, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 7, 8, 9, 10, 11, 12, 13, 14, 17, 18, 21, 28, 29, 30, 38, 50, 60, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 102, 103, and 105.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 6, 15, 16, 25, 27, 31, 33, 34, 37, 39, 40, 43, 44, 45, 46, 48, 51, 54, 56, 59, 62, 64, 69, 89, 90, 93, 94, 95, 96, 97, 98, 99, 100, 101, 104, 106, 108, 109, and 111, and agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$7,800,000"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$18,200,000"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,050,000"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,200,000"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "Three clerks, at $2,000 each per annum"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$312,690"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$225,000"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ": *Provided*, That hereafter the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to transfer to the active list of the Army any officer under 50 years of age and with rank not above that of captain who may have been transferred heretofore or who may be transferred hereafter for physical disability from the active to the retired list of the Army by the action of any retiring board: *Provided*, That such officer shall be transferred to the place on the active list which he would have had if he had not been retired, and shall be carried as an additional number in the grade to which he may be transferred or at any time thereafter promoted: *Provided further*, That such officer shall stand a satisfactory medical and professional examination for promotion as now provided for by law: *Provided further*, That the President be, and he is hereby, authorized, within two years of the approval of this act, by and with the advice and consent of the

Senate, to transfer to the active list of the Army any officer who may have been transferred heretofore for physical disability from the active to the retired list of the Army by the action of any retiring board: *Provided*, That such officer shall be transferred to the place on the active list which he would have had if he had not been retired, and shall be carried as an additional number in the grade to which he may be transferred or at any time thereafter promoted: *Provided further*, That such officer shall stand a satisfactory medical and professional examination for promotion as may be prescribed by the Secretary of War: *Provided further*, That any officer who may have already been transferred from the retired list to the active list shall receive the benefits of this act"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$640,000"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: Restore the word stricken out by said amendment and thereafter insert a comma, so that it will read: "veterinarians, members of the Nurse Corps"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: On page 15, line 25, of the bill strike out the comma after the amount "$100,000"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$65,000"; and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "*Provided*, That the permanent captains of the Porto Rico Regiment of Infantry now holding commissions as such in said regiment shall be recommissioned as captains of Infantry of the United States Army, to take rank on the lineal list of officers of Infantry immediately after the junior officers of the same grade whose total commissioned service equals or exceeds theirs: *Provided further*, That those officers of the Porto Rico Regiment of Infantry, recommissioned as captains of Infantry, whose total commissioned service is less than that of any officer of Infantry of the next lower grade, shall not advance on the lineal list of captains of Infantry, nor on the relative list of officers of the United States Army, until such time as there no longer remains on the lineal list of officers of Infantry any officer of the next lower grade of equal or greater length of total commissioned service and shall take rank in the grade of captain on the lineal list of officers of Infantry and on the relative list of officers of the United States Army immediately after the juniors in rank of such officers of Infantry of equal or greater total commissioned service: *Provided*, That for the purpose of this act total commissioned service shall include commissioned service in the Regular Army, in the Volunteers, in the Porto Rico Provisional Regiment of Infantry, and in the Porto Rico Regiment of Infantry, and that the commissioned service of those officers of the Porto Rico Regiment of Infantry who were officers of the Porto Rico Provisional Regiment of Infantry, shall be counted as continuous and uninterrupted between the 29th day of June, 1908, and the 31st day of December, 1908"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,943,384.64"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,661,360"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,872,163"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,067,558"; and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,626,518"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$1,656,254"; and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$165,000" and strike out the rest of the amendment; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ": *Provided further*, That on and after October 1, 1915, no officer or enlisted man of the Army shall, except upon his own request, be required to serve in a single tour of duty for more than two years in the Philippine Islands, nor more than three years in the Panama Canal Zone, except in case of insurrection or of actual or threatened hostilities: *Provided further*, That the foregoing provision shall not apply to the organization known as the Philippine Scouts"; and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,693,000"; and the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: Strike out the matter inserted by said amendment; and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$45,000"; and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "*Provided*, That hereafter when one bureau of the War or Navy Departments procures by purchase or manufacture stores or material of any kind or performs any service for another bureau of such departments the funds of the bureau or department for which the stores or material are to be procured or the service performed may be placed subject to the requisition of the bureau or department making the procurement or performing the service for direct expenditure by it: *Provided*, That when the stores being procured are for current issue during the year stores of equal value may be issued from stock on hand in place of any of those aforesaid"; and the Senate agree to the same.

On the amendments of the Senate numbered 19, 58, 70, 107, 112, 113, 114, 115, 116, and 117 the committee of conference have been unable to agree.

JAMES HAY,
S. H. DENT, Jr.,
JULIUS KAHN,
Managers on the part of the House.

GEO. E. CHAMBERLAIN,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

STATEMENT.

The bill as it passed the House carried the sum of $101,055,788.23; as it passed the Senate it carried $103,362,587.87, an increase of $2,306,799.64 over the House bill. In conference the Senate has receded from its amendments to the extent of $1,249,281.60, leaving the sum now carried in the bill $102,113,306.27; there are, however, in disagreement items amounting to $426,000.

The following amendments of the Senate which were agreed to by the House were unimportant, being either the correction of typographical errors, the transfer of words, or the changing of punctuation, viz, amendments 5, 15, 16, 40, 43, 44, 46, 47, 48, 51, 54, 56, 59, 62, 69, 89, 93, 94, 98, 99, 100, and 101.

The following amendments of the Senate which were agreed to by the House involved items of appropriation, viz, amendments 4, 31, 37, and 95.

The following amendments of the Senate were agreed to by the House with amendments, and pertain to items of appropriation: Amendments 20, 21, 22, 23, 24, 35, 41, 49, 53, 55, 57, 61, 63, 65, 66, 68, and 92.

Amendment of the Senate numbered 1 included the words "drafting and messenger service," and the House receded.

Senate amendment 2 provides for the instruction of students and attachés without increasing the appropriation, and the House recedes.

Senate amendment 3 provided for mileage and actual expenses, etc., for military attachés, and the Senate recedes.

Amendment of the Senate No. 4 provides for the expenses of officers now observing conditions of the war in Europe, and the House recedes.

Senate amendment 6 provides for the pay of a translator in the service schools from the appropriation for those schools and decreases the appropriation by $1,200, and the House recedes.

Senate amendment 20: The Senate recedes as to the amount, and the House agrees to the amendment of the Senate fixing the status of Maj. Gen. Murray during the Panama-Pacific Exposition.

Amendments of the Senate 25, 26, 27, 28, 29, 30, and 31 deal with clerks in the office of the Chief of Staff. The effect of the amendments as agreed to is to increase the salary of the chief clerk $150 per annum, and to increase the salaries of three clerks $200 each per annum, and to do away with three clerks at $1,800 each per annum and one laborer at $480 per annum.

Senate amendment 36, as amended and agreed to by the conferees, provides a way by which officers on the retired list who have been placed there by reason of physical disability can be restored to the active list by the President, if they stand a physical and mental examination and are not above the age of 50 years nor above the rank of captain; a temporary clause in the amendment provides for the restoration of certain other retired officers within two years from the passage of this act.

Amendment 64 provides for covering the loss or damage to the baggage of officers, and the House recedes.

Amendment 52 struck out the House provision for the relief of the permanent captains of the Porto Rico Regiment. The Senate receded with an amendment, which gave the relief but provided against possible injustice to others.

Amendment 67 of the Senate provided for term of the tour of duty of men and officers of the Army, Navy, and Marine Corps and civil-service employees in the Philippine and Hawaiian Islands. This was so amended as to apply only to the officers and enlisted men of the Army.

Amendment 90 provided for the sale of medical stores to the Red Cross, and the House receded.

Amendment 110 of the Senate was so amended by the conferees as to apply only to the War and Navy Departments.

Amendment 111 provides for the promotion of four brigadier generals on the retired list, who were veterans of the Civil War, to the rank of major general, three of these—Gens. Graham, Anderson, and Kent—to receive no additional pay, and Gen. Baldwin to receive the pay of his rank on the retired list.

The Senate recedes from the following amendments involving increase in items of appropriation, viz, amendments 7, 8, 9, 10, 11, 12, 13, 14, 17, 18, 20, 21, 38, 50, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 102.

The Senate recedes from its amendments numbered 103 and 105, which amendments provided for the purchase of Field Artillery material and Field Artillery ammunition, and the bill now provides for the manufacture of these things by the Government.

The following amendments are in disagreement: 19, 58, 70, 107, 112, 113, 114, 115, 116, and 117.

Amendment 19 provides for the purchase of a site and the erection of buildings at San Diego, Cal., for an aviation school, and appropriates $400,000 for the purpose.

Amendment 58 transfers from the Board of Commissioners of the Soldiers' Home to the Secretary of War the direction and control of military prisons.

Amendment 70 provides for the purchase of 280 acres of land, at $26,000, for an addition to the reservation at Fort Missoula, Mont.

Amendment 107 strikes out the House provision with regard to the Taylor system at Government plants.

Amendments 112 to 117, inclusive, relate to the Articles of War and embody a new military code.

JAMES HAY,
S. H. DENT, Jr.,
JULIUS KAHN,
Managers on the part of the House.

Mr. HAY. Mr. Speaker, I move that the conference report be agreed to.

Mr. GARDNER. Will the gentleman yield for a question?

Mr. HAY. I will.

Mr. GARDNER. What have the conferees done about the appropriation for aeroplanes?

Mr. HAY. The provision remains as it passed the House.

Mr. GARDNER. The Senate receded from its amendment?

Mr. HAY. Yes.

The motion of Mr. HAY was agreed to.

Mr. HAY. I move that the House further insist on its disagreement to the amendment of the Senate numbered 19.

Mr. MANN. What amendments are still in disagreement?

Mr. HAY. I will ask the Clerk to read the numbers.

The CLERK. Amendments numbered 19, 58, 70, 107, 112, 113, 114, 115, 116, and 117.

Mr. MANN. Is there any contest over these? Will another motion be made on any of these?

Mr. HAY. I think the gentleman from Montana [Mr. STOUT] intends to move to concur in Senate amendment No. 70.

Mr. MANN. Then, why does not the gentleman ask unanimous consent to further insist on the disagreement to all the others?

Mr. HAY. I move that the House further insist on its disagreement to all the remaining Senate amendments except No. 70.

The SPEAKER. The gentleman from Virginia moves that the House further insist on its disagreement to all the amendments not included in the report just agreed to except No. 70.

The motion was agreed to.

Mr. HAY. Now, I ask the Clerk to read amendment No. 70, and I move to further insist. I do not know whether the gentleman from Montana is going to move to concur or not.

The Clerk read as follows:

Amendment No. 70 provides for the purchase of 280 acres of land, at $26,000, for an addition to the reservation at Missoula, Mont.

Mr. STAFFORD. I ask the Clerk to read the amendment and not the statement.

The SPEAKER. The Clerk will read the amendment.

The Clerk read as follows:

On page 40, line 11, strike out "$45,000" and insert "$71,000," with the following proviso:

"*Provided*, That $26,000 thereof may be used, in the discretion of the Secretary of War, for the purchase of a certain tract of land, comprising 280 acres, more or less, being a part of what is known as the Macauley ranch and adjoining the United States Army post at Fort Missoula, in the State of Montana, providing the title to said realty be in fee simple and be approved by the Secretary of War."

Mr. HAY. Mr. Speaker, I will say that I do not see the gentleman from Montana [Mr. STOUT] here. He may have been misled by me, as I told him I did not expect to bring up this report this evening. I do not think we can afford to delay the bill, and therefore I move that the House further insist on its disagreement to this amendment.

Mr. MANN. Especially as we are sure never to agree to the amendment.

Mr. HAY. I hope not.

The SPEAKER. The gentleman from Virginia moves that the House further insist on its disagreement to Senate amendment No. 70.

The motion was agreed to.

Mr. HAY. Mr. Speaker, I move that the House agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from Virginia moves that the House agree to the conference asked for by the Senate.

The motion was agreed to.

The Chair appointed as conferees on the part of the House Mr. HAY, Mr. DENT, and Mr. KAHN.

HOUR OF MEETING TO-MORROW.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that when the House adjourn to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. The gentleman from New York asks unanimous consent that when the House adjourn to-day it adjourn to meet at 11 o'clock to-morrow. Is there objection?

Mr. MANN. Reserving the right to object, will not the gentleman put the other request first?

Mr. FITZGERALD. Mr. Speaker, pending that, I ask unanimous consent that following the completion of the general deficiency bill it shall be in order to consider private pension bills, with the understanding that they shall not interfere with conference reports or sending bills to conference.

The SPEAKER. The gentleman from New York, pending his first request, asks unanimous consent that at the conclusion of the consideration of the general deficiency bill Senate pension bills shall be in order, not to interfere with conference reports or sending bills to conference.

Mr. CARLIN. Reserving the right to object, I would like to ask what will that displace; what will be the regular order for to-morrow?

Mr. FITZGERALD. In the last six days of the session motions to suspend the rules are in order.

Mr. CARLIN. Will this unanimous consent, if given, displace suspensions?

Mr. MANN. Probably the only effect of this will be that Senate pension bills will be passed without opposition. Otherwise gentlemen would be recognized to move to suspend the rules, and we would have 40 minutes' additional debate on each bill.

Mr. CARLIN. I have no desire to delay pension bills.

Mr. FITZGERALD. My purpose in making the request is this: To-day is the day under the rule for the consideration of pension bills. I had expected, if no conference reports had intervened, to move that the Committee of the Whole House on the state of the Union rise at 5 o'clock so that these pension bills might be considered. I am trying to get the House to meet at 11 o'clock to-morrow, and gentlemen want this request made at the same time, otherwise they will object to meeting at 11 o'clock.

Mr. CARLIN. How long will it take to dispose of the pension bills?

Mr. RUSSELL. I do not think it will take more than an hour.

Mr. FITZGERALD. I do not think it will take more than two hours to dispose of the general deficiency bill.

Mr. MANN. I doubt if there will be many suspensions to-morrow.

The SPEAKER. The gentleman from New York asks unanimous consent that at the close of the consideration of the general deficiency bill it shall be in order to consider Senate pensions bill, not to interfere with conference reports or sending bills to conference. Is there objection?

There was no objection.

The SPEAKER. The gentleman from New York also asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow. Is there objection?

There was no objection.

EASTERN DIVISION OF SOUTHERN DISTRICT OF GEORGIA.

Mr. EDWARDS. Mr. Speaker, I call up the bill H. R. 20814, an act to place Candler, Jenkins, and Evans Counties, Ga., in the eastern division of the southern district of Georgia with Senate amendments.

The SPEAKER. The gentleman from Georgia calls up the bill H. R. 20814, and the Clerk will report the bill with Senate amendments.

The Clerk read the Senate amendments.

Mr. EDWARDS. Mr. Speaker, I move to concur in the Senate amendments.

The motion was agreed to.

On motion of Mr. EDWARDS, a motion to reconsider the vote whereby the Senate amendments were agreed to was laid on the table.

Mr. EDWARDS. Mr. Speaker, I ask unanimous consent to print in the RECORD a telegram from the chamber of commerce from Waycross, Ga., on the bill H. R. 20814, just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. MANN. Reserving the right to object, does the gentleman think that that is any more important than the request to extend remarks in the RECORD by printing certain papers which the gentleman from Massachusetts [Mr. GREENE] asked to insert this morning?

Mr. EDWARDS. I would like to say in reply that my objection was not to the gentleman from Massachusetts extending his remarks, but the gentleman from Georgia [Mr. HOWARD] was not here and there was no opportunity to answer those charges. Later I did not object because I wanted to find out where the gentleman from Georgia was.

Mr. BARTLETT. The gentleman from Massachusetts afterwards got unanimous consent to insert the papers in the RECORD.

Mr. MANN. I shall not object to the request of the gentleman from Georgia, but the gentleman from Georgia objected this morning with much temper.

Mr. EDWARDS. I was trying to defend the fair name of my State.

The SPEAKER. Is there objection to the request of the gentleman from Georgia? [After a pause.] The Chair hears none.

The following is the telegram:

WAYCROSS, GA., *February 25, 1915.*

Hon. CHARLES G. EDWARDS,
House of Representatives, Washington, D. C.:

Spare no effort to have new judgeship bill passed in some shape. Will be hailed with universal acclaim by this great section of Georgia. Relief is much needed and this the great opportunity. See other Congressmen in its behalf.

V. L. STANTON,
President Chamber of Commerce Waycross and Ware County.

EXTENSION OF REMARKS.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on bills now pending on the oil situation in California.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD on the subject indicated. Is there objection?

There was no objection.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the rural-credits amendment pending to the appropriation bill.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD on the subject of rural credits.

Mr. MANN. Reserving the right to object, does the gentleman want to insert a speech that he has prepared, or a lot of literature that he has compiled?

Mr. FERRIS. I want to insert some remarks that I am going to prepare.

Mr. MANN. I have no objection to the gentleman's inserting a speech, but I do not want him to insert a book.

The SPEAKER. Is there objection?

There was no objection.

Mr. BORLAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the relation of the United States Government to the District of Columbia on the conference report on the District of Columbia bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, if it were anyone else, would the gentleman from Missouri object, knowing what he is going to insert?

Mr. BORLAND. No; it is original matter.

The SPEAKER. Is there objection?

There was no objection.

Mr. VAUGHAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of rural credits.

The SPEAKER. Is there objection?

There was no objection.

Mr. POWERS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an article by Mr. Borchardt, of the District bar, on the need of a United States official gazette.

The SPEAKER. Is there any objection?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, how long is the article?

Mr. POWERS. I expect it will cover 4,000 words. It is a well-prepared article and is a labor of love on the part of Mr. Borchardt. Great Britain has one, as have France and Germany.

Mr. FITZGERALD. I am against the whole thing, and I object.

ENROLLED BILLS SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 12303. An act to amend section 3246 of the Revised Statutes of the United States, as amended by section 5 of the act of March 1, 1879;

H. R. 20688. An act to place Barrow County, Ga., in the eastern division of the northern district of Georgia; and

H. R. 17842. An act for the relief of George Richardson.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 6631. An act to regulate the practice of pharmacy and the sale of poison in the consular districts of the United States in China.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 16305. An act to reimburse Henry Weaver, postmaster at Delmar, Ala., for money and stamps stolen from said post office at Delmar, and repaid by him to the Post Office Department;

H. R. 17424. An act for the relief of Hunton Allen; and

H. R. 17842. An act for the relief of George Richardson.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 6 o'clock and 40 minutes p. m), in accordance with the order heretofore made, the House adjourned until to-morrow, Saturday, February 27, 1915, at 11 o'clock a. m.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting a communication of the Acting Secretary of the Interior submitting an estimate of appropriation presented by the Alaskan Engineering Commission, to pay Old Bettis, a native Indian of Nenana, Alaska, for loss of cabin and contents by fire set by parties of the Alaskan Engineering Commission during the summer of 1914 (H. Doc. No. 1619), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORT OF COMMITTEE ON JOINT RESOLUTION.

Under clause 2 of Rule XIII,

Mr. HULL, from the Committee on Ways and Means, to which was referred the joint resolution (H. J. Res. 398) to refund under certain conditions, and for the year 1914, a portion of the offers in compromise for failure to make return required under the act of October 3, 1913, said offers in compromise having been covered into the Treasury, reported the same with amendment, accompanied by a report (No. 1456), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. VOLLMER, from the Committee on Claims, to which was referred the bill (H. R. 19457) for the relief of James Bookhamer, reported the same without amendment, accompanied by a report (No. 1453), which said bill and report were referred to the Private Calendar.

Mr. POU, from the Committee on Claims, to which was referred the bill (H. R. 20885) for the relief of the heir or heirs of John Howard Payne, deceased, late United States consul at Tunis, reported the same with amendment, accompanied by a report (No. 1454), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 1185) for the relief of Ellen B. Monahan, reported the same without amendment, accompanied by a report (No. 1455), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MORGAN of Louisiana: A bill (H. R. 21562) to authorize the construction of a bridge across Pearl River at or near the city of Bogalusa, La.; to the Committee on Interstate and Foreign Commerce.

By Mr. KENNEDY of Iowa: A bill (H. R. 21563) granting the consent of Congress to the Keokuk & Hamilton Bridge Co. to construct a bridge across the Mississippi River at Keokuk, Iowa; to the Committee on Interstate and Foreign Commerce.

By Mr. LINTHICUM: A bill (H. R. 21564) to provide American register and enrollment for the steamer *Minnesota* upon certain conditions; to the Committee on the Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CHANDLER of New York (by request): A bill (H. R. 21565) to compensate Alfred A. Thresher for the infringement of his letters patent by the United States; to the Committee on Claims.

By Mr. DERSHEM: A bill (H. R. 21566) granting a pension to Alice Hamilton; to the Committee on Invalid Pensions.

By Mr. HAYDEN (by request): A bill (H. R. 21567) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in the claim of Lee Perry against the United States; to the Committee on Claims.

Also, a bill (H. R. 21568) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in the claim of James W. Pearce against the United States; to the Committee on Claims.

By Mr. LEE of Pennsylvania: A bill (H. R. 21569) granting an increase of pension to Frank M. Bertram; to the Committee on Invalid Pensions.

By Mr. PHELAN: A bill (H. R. 21570) granting a pension to Allan Adie; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of members of the American Neutrality League, favoring embargo on munitions of war; to the Committee on Foreign Affairs.

By Mr. ALEXANDER: Petitions of John A. Dix Post, No. 76, Grand Army of the Republic, of Kidder; Marion Post, No. 119, Grand Army of the Republic, of Stanberry; Gentry Post, No. 134, Grand Army of the Republic, of Albany; Joe Hooker Post, No. 17, Grand Army of the Republic, of Cameron; L. W. Cooper Post, No. 81, Grand Army of the Republic, of Lathrop; S. A. Hurlbut Post, No. 32, Grand Army of the Republic, of Hamilton; Captain C. C. Harvey Post, No. 96, Grand Army of the Republic, of Maysville, all in the State of Missouri, favoring House bill 15, providing pensions for all State militia, etc., that rendered service to the Union for 90 days or more during the Civil War; to the Committee on Invalid Pensions.

By Mr. ALLEN: Memorial of unemployed committee of Cincinnati, Ohio, favoring a Federal system of employment agencies; to the Committee on Labor.

Also, petition of citizens of Conneaut, Ohio, against any abridgement of the freedom of the press; to the Committee on the Post Office and Post Roads.

By Mr. BAILEY: Petition of Altoona (Pa.) Council, No. 1, L. M. of U. S., representing 1,600 members, against any abridgment of freedom of the press; to the Committee on the Post Office and Post Roads.

By Mr. BARTHOLDT: Petition of American citizens resident in Europe, in favor of an embargo on arms; to the Committee on Foreign Affairs.

Also, petitions of citizens of St. Louis, Mo., and neighboring cities, in favor of an embargo on arms; to the Committee on Foreign Affairs.

Also, petition of German-Irish Alliance of Passaic, N. J., in favor of an embargo on arms; to the Committee on Foreign Affairs.

Also, petition of St. Francis Benevolent Society, of St. Louis, Mo., in favor of the Fitzgerald amendment to the Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

By Mr. BEAKES: Petitions of E. N. Strong and 39 citizens of Culdesac, Idaho; A. D. Sawdon and 14 citizens of Detroit; Rev. A. C. Bourdeau and 35 citizens of Kalamazoo; Theodore Jenkins and 2 citizens of Holland; George Pyke and 66 citizens of Gaylord; H. B. Clapsadle and 12 citizens of Jackson, all of the State of Michigan, protesting against bills relative to the freedom of the press; to the Committee on the Post Office and Post Roads.

By Mr. BORCHERS: Petition of citizens of Monticello, Ill., against any abridgment of the freedom of the press; to the Committee on the Post Office and Post Roads.

By Mr. EAGAN: Petition of 24 citizens of Hudson County, N. J., favoring passage of bills to prohibit export of war material; to the Committee on Foreign Affairs.

By Mr. LONERGAN: Petition of Friedrich Engel, of New Britain, Conn., protesting against export of war material; to the Committee on Foreign Affairs.

By Mr. MAGUIRE of Nebraska: Petition of Omaha (Nebr.) Sud Seite Turnverein, favoring bills to prohibit export of war material; to the Committee on Foreign Affairs.

By Mr. J. I. NOLAN: Telegrams from Richard J. Welch and J. H. Dearin, of San Francisco, Cal., and Frank H. S. Short, Fresno, Cal., urging the passage of the relief provisions contained in Senate bill 5434 affecting oil lands; to the Committee on the Public Lands.

By Mr. REILLY of Connecticut: Memorial of board of burgesses of the borough of Wallingford, Conn., favoring the passage of the Hamill bill, H. R. 5139; to the Committee on Reform in the Civil Service.

Also, petition of citizens of Guilford, Conn., protesting against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. RUBEY: Petition from Gen. Frank J. Herron Post, No. 161, Grand Army of the Republic, Buffalo, Mo., in support of

House bill 15, pension bill; to the Committee on Invalid Pensions.

Also, petition from George D. Meade Post, No. 48, Grand Army of the Republic, Lebanon, Mo., in support of House bill 15, pension bill; to the Committee on Invalid Pensions.

Also, petition from Post No. 588, Grand Army of the Republic, Marshfield, Mo., in support of House bill 15, pension bill; to the Committee on Invalid Pensions.

Also, petition from Post No. 433, Grand Army of the Republic, Mount Grove, Mo., in support of House bill 15, pension bill; to the Committee on Invalid Pensions.

Also, petition from Houston Post, No. 339, Grand Army of the Republic, Houston, Mo., in support of House bill 15, pension bill; to the Committee on Invalid Pensions.

Also, petition from Post No. 355, Grand Army of the Republic, Dixon, Mo., in support of House bill 15, pension bill; to the Committee on Invalid Pensions.

By Mr. SCULLY: Petitions of Emil Miller, of Freehold, and David Ulman, of Chrome, both of the State of New Jersey, favoring action by Congress to limit exports of wheat, etc.; to the Committee on Ways and Means.

By Mr. J. M. C. SMITH: Petitions of Albert Randall and 45 citizens of Waldron, and C. E. Paul and 24 citizens of the vicinity of Bedford, all of the State of Michigan, protesting against the passage of bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. UNDERWOOD (by request): Petition of sundry citizens of Birmingham, Ala., protesting against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. VOLLMER: Petition of 35 American citizens protesting against House bill 20644, to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. WALLIN: Petition of sundry citizens of Schenectady, N. Y., favoring passage of bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. WEBB: Petition of sundry citizens of North Carolina, favoring passage of Hollis-Bulkley rural-credits bill; to the Committee on Banking and Currency.

SENATE.

SATURDAY, *February 27, 1915.*

(Legislative day of Friday, February 19, 1915.)

The Senate reassembled at 10 o'clock a. m., on the expiration of the recess.

THE SEAMEN'S BILL—CONFERENCE REPORT.

The Senate resumed the consideration of the conference report on the disagreeing votes of the two Houses upon the bill (S. 136) to promote the welfare of American seamen in the merchant marine of the United States, to abolish arrest and imprisonment as a penalty for desertion and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea.

Mr. BURTON. Mr. President, at the conclusion of the session last night I had the floor upon the conference report.

Mr. GALLINGER. Will the Senator from Ohio permit me a moment?

Mr. BURTON. Certainly.

Mr. GALLINGER. I ask unanimous consent to have inserted in the RECORD a brief article from the Journal of Commerce on wages upon American ships.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

[From the New York Journal of Commerce, Feb. 25, 1915.]

COST OF RUNNING AMERICAN SHIPS.

NEW YORK, *February 24, 1915.*

Editor of the JOURNAL OF COMMERCE AND COMMERCIAL BULLETIN.

SIR: Assuming that the replies received by Senator GALLINGER to the inquiries he sent to representatives of companies that have placed foreign-built vessels under American registry are correct—and I have no reason to doubt their accuracy—it would seem that when the American flag is raised on a vessel the officers and crew demand American rates of pay and American conditions of living. This imposes an expense upon the American owners that seriously handicaps them in meeting the competition of vessels under foreign flags, run much more cheaply than vessels under the American flag are run. In the matter of crew pay the difference runs from over 40 to almost 90 per cent higher on the American than on the foreign vessel, and the extra cost of victualing still further increases the difference. This amounts to several thousand dollars in a year. The difference may be just enough to spell loss instead of profit in running a vessel under the American flag in competition with a vessel under a foreign flag.

There is a well-defined "demand" for an American merchant marine in the United States. The figures you quote Senator GALLINGER as having obtained from American owners of foreign-built vessels recently placed under the American flag show that for the American investor to meet that demand, by furnishing vessels under the American flag for foreign trade, he imposes upon himself an extra expense, not voluntarily, but compulsorily, once the flag is raised, that he is helpless to avoid. He seriously, if not fatally, handicaps himself in competition with ships under foreign flags. He found, running his ship under foreign flags, that he could run it as cheaply as his foreign competitor could run his ship, and he has, seemingly at least, been content to earn the profits that his foreign competitors earn, else how shall we explain American ownership of upward of 2,000,000—some say 2,500,000—gross tons of vessels under foreign flags? But he has met the American demand for an American merchant marine at a quite unnecessary additional expense to himself to the extent that he personally is able to meet that demand. We will say that he gets in return for this added expense the protection of the American flag, which is of substantial value during this European war, and he also gets the benefit of the Government insurance of his vessel against war risks, also of some pecuniary value.

Will you say what benefit an American owner of a vessel under a foreign flag could count upon in peace time for the extra expense he would incur in placing his vessel under the American flag to operate in foreign trade? I know of none. No discrimination is made in favor of a vessel under our flag, nor is any discrimination made in favor of the goods carried in an American vessel. Our laws treat the foreign vessel in competition with the American vessel in the carriage of our imports and exports in every respect precisely alike. Why, then, in peace time, should an American handicap himself with the extra expense of running a vessel under the American flag that he can avoid by running her under a foreign flag? Why should he risk loss of profit and final bankruptcy in running his vessel under the American flag at a greater expense than his competitor is under in running his foreign vessel under a foreign flag, in a carrying trade that is competitive?

If there is an advantage to the Government or to the Nation through its possession of an American merchant marine—an American merchant marine privately owned—and American registry places the American owner at a disadvantage he can not overcome in running his ships in competition with foreign ships in foreign trade, should not the Government or the Nation, because of the advantage it has in having an American merchant marine, indemnify the American owners of it for the pecuniary losses they suffer thereby?

If the American investors in ships under foreign flags are able to show, as Senator GALLINGER has been shown, that it costs several thousands of dollars more annually to run a vessel under the American flag than it costs to run the same vessel under a foreign flag, why should an American investor or American investors lose several thousand dollars annually on each ship? And, demonstrating this handicap of higher expense under the American flag, are not the American investors in ships under the American flag justified in asking the beneficiary of an American merchant marine to make good the losses they suffer because they carry the American flag? Is it just to denounce such American investors as "Treasury looters" or "subsidy grabbers," or as persons seeking to rob the National Treasury, to hold them up to public scorn and opprobrium? Of course, relief for them lies in placing their vessels under foreign flags, where they are not subject to the annual losses of several thousand dollars—a relief, manifestly, that many of them had found before this war, a relief obviously that they will find again when the war is over.

Is it not plain that if the United States, the Nation, needs an American merchant marine, the United States, the Nation, should pay for it, at least to the extent that an American merchant marine is more expensive to those who operate it than a foreign merchant marine?

Respectfully, yours,

A. R. SMITH,
Editor of the Marine News.

Mr. BURTON. Mr. President, I call attention to that phase of the proposed bill which pertains to our relations with foreign countries. In the first place, the bill provides for abolition of arrests for desertion. That, I believe, every Member of the Senate will approve. It is contrary to the genius of our institutions to compel any man to submit to an involuntary servitude. Under the treaties which are now in existence, our police officials can be called upon to arrest in ports of the United States deserters from foreign ships in our ports. That provision of the treaties is not enforced to any considerable extent and the abrogation of that part of our agreements with foreign nations would cause very little friction, because they recognize that the sentiment of our people is against it. We abolished, in 1898, the arrest of domestic seamen for desertion, and the results have not been serious. It was maintained by some shipowners at the time that the abolition of arrest would cause desertion and make it impossible to conduct the business of shipping without serious embarrassments. It was claimed that the discipline maintained on board ships should be similar to that in the Army, and that it was necessary, when a ship sailed for a voyage to and on return from any port, that there must be assurance that the crew would be available for the round trip. But in practice no serious results have accrued. We now ask in this bill—and it seems to me there should be no opposition to it—that abolition of arrest for desertion from foreign ships should be placed on the same footing with the law pertaining to domestic shipping.

There are, however, other provisions in the bill of a most serious nature. It is proposed, in the first place, that even though advance wages have been paid in a foreign port to sailors on foreign ships they can, nevertheless, on giving notice, again collect one-half their wages in any domestic port. The manifest object of this is to furnish a certain amount of money so that they may have means to make desertion effective. In order to carry out this provision, that half the wages must be paid, our courts have been opened for the enforcement of the claim.

There is no country in the world, so far as I know, that has any such provision in its maritime law. It is a violation of the law of contract. It is a palpable violation of international comity. It is impossible that it should be submitted to without very serious protest and the most vigorous opposition. Already protests have been filed by foreign countries against this provision. In order to make this law effective it would be necessary to abrogate commercial treaties with the leading nations of the earth. The abrogation of one clause such as I read yesterday, showing that our treaty with Germany gives special control in the matter of wages, would reopen the whole subject and would, no doubt, induce every one of the countries to ask concessions from us and perhaps would invoke retaliation in other matters. We can not afford, Mr. President, to take such a step.

Again, the statute in regard to allotment is very ambiguous. In conversation with the author of the bill in the House of Representatives he expressed doubt as to what it meant. I am inclined to think it is intended to refer only to allotments made in ports of the United States, but the provision as I read it last night is open to the construction that it pertains to allotments made in foreign countries. These allotments are almost universal. They are made in practically every country with which we have commercial relations.

Besides the difficulties in regard to allotments, the bill contains some very unusual provisions pertaining to able seamen. Every one of the large number of seamen on boats entering our ports must file an affidavit and show that he has had three years' experience at sea or other qualifications, and must take out his certificate in this country. At first sight that might seem an easy matter, but it pertains to 250,000 seamen who annually visit our ports, many of whom come as often as once a month. It is utterly impracticable without a serious enlargement of our force of officials, who must carry out this provision of the law.

Still further in regard to the language test, it must be enforced by collectors of customs. It is even more impracticable and difficult to enforce than the certification of seamen. It would be necessary for every collector of customs to have a staff of men understanding a great variety of languages—French, German, Spanish, Swedish, Norwegian, Italian, Slavic, Chinese, Japanese, and probably others.

To this is still further added a provision that a reputable citizen may up to six hours before the hour of sailing file a statement that he does not believe the provision in regard to language and to the number of able seamen has been complied with, and the collector must make a muster of the crew. Fancy what would happen with a boat carrying thousands of passengers, a crew of five or six hundred members, if the collector were compelled within six hours of departure to make a muster of the crew and determine whether in all departments the crew understood the language of their officers and whether all its members who were required to be able seamen had the necessary certificates. It is beyond question that it will be utterly impossible to enforce this provision in any six hours. It would mean that ocean mail steamers, which are liable to heavy penalties if they do not sail on schedule time, must be delayed for many hours after the date of sailing. The passengers would be detained, and it would probably be necessary for the boat to postpone its departure until long after its schedule time. These regulations are absolutely unprecedented. Sailings could not occur regularly. They impose upon the masters and owners hardships which are unendurable.

It is not alone consideration of our duties to foreign countries which affords objections to this bill. Its enactment is bound to cause a great increase in freight and passenger rates in our own country, and this will apply with especial force to the cotton ports of the South. If a boat enters any port from Norfolk to Galveston or Aransas Pass it must be subject to all these regulations: First, the requirement that any master or officer on board who violates the law in regard to the payment of half wages is subject to be arrested and taken from his vessel. Again, there must be a certificate filed that the law in regard to allotment has been complied with. Still further, there may be a muster of the crew to show that there is the requisite number of able seamen and that the language test has been complied with. This will delay the sailing of boats and it will greatly increase the expense. There is nothing which causes greater demoralization than uncertainty. The immediate result of such regulations when carried into effect would be higher rates upon our grain, our cotton, and all our products which are shipped abroad, and, in addition to that, a great uncertainty in obtaining vessels at the time when they are needed and interference with the date of sailing.

Can we afford to pass such a law as this? Can we afford to create this degree of tension and irritation with all the nations of the earth which send their ships to our country?

Mr. President, if there is one thing more than any other on which I wish to speak before I leave this Senate it is upon the necessity of a greater degree of cooperation with foreign Governments. Year by year our relations with even the remotest countries are becoming closer. Possibly in the Senate the flippant remark has been made, "What have we to do with abroad?" Mr. President, we have everything to do with abroad. We are of the great community of nations; we should assume a leading position among nations of the earth, and the first characteristic of that position should be that our course be one of justice and our disposition be one of good will, of comity, and of cooperation.

I am perfectly aware how popular with many audiences is that appeal to a false spirit of patriotism which would exaggerate our own rights and cause us to disregard the rights and the feelings of the many nations with which we have to do. It is not a dream that the time is coming when there will be more perfect harmony among the civilized nations, and in that great movement which is sure to come we should take the lead. Every statute, every treaty rejected or adopted in which we look out only for ourselves and have no regard for other people, is a backward step in the progress of the United States and in the progress of the world. We should assume a new position in this regard. We should assume a position under which we seek to pay regard to the interests and the rights and the feelings of every nation on the globe, be it great or small.

I do not share the alarmist note which was uttered yesterday in regard to the outlook for the future. A great war is being waged, in which the interests of Americans will be involved, in which there will be injury done to our ships, in which, in view of the awful conflict that is raging, the assertion of rights by the warring nations may offend us and cause us to feel that our rights and interests are disregarded.

Mr. President, we should stand firmly by what is right. We should have a lively appreciation of the fact that nations with which we have been at peace are engaged in a life and death struggle. I do not altogether approve this supreme regard which seems to prevail in our country for the exploitation of our trade at this time. In the future a condition is sure to arise in which mere relationship of commerce will be eclipsed by other considerations. The great question will be whether the nations of the earth are to continue their colossal armaments or whether they are to live in unarmed peace.

I trust that after this war is over there will be such a realization of the horrors of war that men of all nations will combine in the resolves that it is time to do away with this barbarous method of settlement of international difficulties and that a great court, like our own supreme tribunal, will decide questions at issue between nations as well as between individuals. No time quite so inopportune as the present could be chosen to pass such a bill as this. If they were at peace, if they could give consideration to their commercial relations and to their treaties without the embarrassment of war, there might possibly be some justification for such provisions and regulations as are contained in this bill, but at this time, when the whole thought of everyone of these leading countries is occupied with war, with their supreme attempts for victory, we should not add to their difficulties and complications by adopting regulations which are offensive and burdensome to them. Some in speaking of this controversy lightly say that an untoward incident or an unfriendly act toward a foreign nation will mean war. I do not believe that. I do not believe that there is any strong probability that this Nation, which is now at peace and is enjoying the blessings of peace during a fearful war, can possibly be brought into the conflict, but there is a consideration quite as serious as that. What are to be our relations with these countries now and in the future? Are they to be those of friendship and good will or are we, as it were, to thrust a sword into their vitals, which will cause ill will and retaliation when the war has come to an end? This conflict must cease at some time, and there should be no roots of bitterness planted in this day when they are engaged in this struggle which may survive when they are at peace. It will surely mean retaliation; it will surely mean ill will. So, I say, even if the regulations proposed in this bill had justification, this is not the time to adopt them.

I say again that we should not in this peremptory manner by a statute abrogate treaties, but prior to that and preliminary to that we should engage in negotiations with the various countries with which the treaties are made.

I have no doubt that the provision in regard to desertion could readily be removed from every treaty in which they are contained. I should favor insisting upon that. It is said the fugitive-slave law, about the year 1792, was based on this statute for the arrest of deserters from boats. It has remained in our treaties and on our statute books for 120 years. Let it be re-

moved, but let everything be done with decorum and in an orderly manner.

A conference met at London, largely on our initiative, which sought to go over this whole field. It provided for greater security to life at sea by more efficient hull construction; it provided a more perfect system for the detection of derelicts, for pointing out the existence of ice, for arranging lanes over which vessels should take their course; it provided elaborate regulations as to lifeboat service, and I want to say that the part of this bill incorporating these provisions meets with my hearty approval. These provisions were agreed upon by the leading maritime nations after two months or more of consideration. It was carried into the House bill, which differed very materially from the Senate bill. The Senate bill made the test of skill in handling lifeboats the qualification of all able seamen. A man may have served three years and yet know nothing about the handling of lifeboats. I regard that provision as an extremely vicious one. The House provision, following the London conference, adopted instead the requirements for certificated lifeboat men—a very great improvement. In this regard the bill is in accordance, as I have said, with the London conference, and it should be adopted.

We, however, left out everything in regard to hull construction; everything in regard to derelicts and ice, and also the other provisions relating to fire on board ships, a fruitful source of disaster. Those are not in this bill. In any well-framed legislation each and all of them should have a part, but this bill is framed in accordance with the desires of one side of this controversy for their advantage, rather than for the advantage of the general public.

It was not without learning some lessons, Mr. President, that the Committee on Commerce listened for two months to the impracticable and sometimes selfish arguments on both sides of this controversy and then sought to frame a bill which should be, as far as it could be, framed in accordance with the wishes of those who were interested in shipping and those who were employed, but with the polar star, to which we looked—the interests of the public.

That bill passed with some amendments here just before the 4th of March, 1913. It had first passed the other House. As I said last night, it was then amended in the Senate and made a much better measure, one which safeguarded the interests of the public in a higher degree and omitted some of the very drastic and impracticable provisions of the House bill. Unfortunately it was presented to the President only an hour before the expiration of his term, and he refused to approve it.

In a matter of this kind we can not listen wholly to either side. It is our duty as Senators to regard the interest of the whole Nation and all its people, and to have due regard for our treaty engagements. This conference report disregards those treaty engagements; and, if I may appeal to the commercial interests of the country, it is fraught with danger to our producers. It means higher rates on freight; it means that a higher price will have to be paid on cotton and on grain; it means more irregular sailings and poorer facilities for the shipment of our exports.

Mr. SMITH of Georgia. Mr. President, will the Senator allow me to ask him a question?

Mr. BURTON. Certainly.

Mr. SMITH of Georgia. Does it not also mean the creation of such a condition of affairs for the average ship that, at least for quite a length of time, we will probably have very few foreign vessels come into our ports at all, which will seriously involve danger to our exports?

Mr. BURTON. I would not express it as strongly as that. It would surely lessen the number of ships coming here; it would surely increase rates; it would surely embarrass regularity and promptness in the shipment of our exports; and, right in line with what is suggested by the Senator from Georgia, it would give a very great advantage to other countries which are in competition with us.

Mr. MARTINE of New Jersey. Mr. President——

Mr. BURTON. Just one moment; allow me to finish answering the question of the Senator from Georgia.

In view of these regulations with which compliance is so difficult, any tramp steamer, instead of going to Galveston or Savannah or New Orleans, would prefer to go to Buenos Aires or Montevideo or some other outlying port of the world. In the rates of freight there would be a lower schedule for those countries than here, and foreign ships would, as far as possible, avoid our ports and use the ports of other countries. That is inevitable.

Mr. MARTINE of New Jersey. Mr. President, will the Senator now yield to me for a moment for a question?

Mr. BURTON. Certainly.

Mr. MARTINE of New Jersey. I would ask, would it not tend to safeguard the lives of passengers and seamen? Money is a consideration that it is well to look after; but there is something greater and higher than the visible stipends of profit. I believe it would be possible, from conversations I have had with men engaged in seafaring life, to better safeguard the lives of seamen and passengers. I believe the history of the *Titanic*—and from that great disaster this bill originally sprang—should teach us a lesson that we should not lose sight of. I believe the very features of this bill are an advance in the direction of safety at sea, and I believe that the life and the welfare of the poor seaman who stands before the mast should be considered quite as well as the matter of dollars and cents that is raised by the Senator from Georgia [Mr. SMITH].

Mr. BURTON. Mr. President, I will not admit for a moment that I am any less solicitous for the safety of human life than is the Senator from New Jersey or any other Senator.

Mr. MARTINE of New Jersey. I do not want to believe that the Senator is, but the whole thought advanced by the Senator——

Mr. SMITH of Georgia. I raise the point of order that the Senator from New Jersey is not asking a question, but is making a speech, and the Senator——

Mr. MARTINE of New Jersey. Oh, Mr. President, I do not think I made a speech, but asked a question.

Mr. SMITH of Georgia. I am raising a point of order, and I am entitled to the floor. The Senator from New Jersey can not by loud expression deter me from making my point of order.

Mr. MARTINE of New Jersey. Oh, great God! I have no such thought.

Mr. SMITH of Georgia. I raise the point of order that the Senator from Ohio can not yield to the Senator from New Jersey except for a question.

Mr. MARTINE of New Jersey. That is what I was doing; I did not make a speech at all.

Mr. SMITH of Georgia. The Senator from Ohio can not yield except for a question.

The VICE PRESIDENT. The ruling of the Chair has been that if the Senator holding the floor yields for other than a question, he yields the floor, and may be taken off the floor if the Chair chooses to recognize any other Senator claiming recognition.

Mr. MARTINE of New Jersey. Mr. President, I feel that I was entirely within that provision. I rose to ask a question, and I feel that what I said was simply a question.

Mr. BURTON. Mr. President, I understood the Senator from New Jersey to be propounding a question.

Mr. MARTINE of New Jersey. I have no desire to prolong the controversy, but I can not condone or pardon the vengeance with which the Senator from Georgia attacks me.

Mr. BURTON. Mr. President, I think I can not yield further, although I desire to accommodate the Senator from New Jersey.

So far as the humanitarian provisions of this bill are concerned, so far as the provisions for lifeboats are concerned, I cordially approve the general provisions of the bill. In some cases the provisions are altogether too drastic; but I do not wish anyone to rise here and by the remotest implication assert that I am disregarding the safety of human life. The trouble is that is not the object of this bill. The object of this bill is to give control to a certain element over the shipping of this country, so that they can tie it up in any port at any time.

You have added to the provisions which are attractive and salutary other provisions which complicate our relations with every maritime nation in the world, which violate treaties, which violate the comity among nations, and which will impose untold hardships on our own people.

Do not let the excuse be made that this bill is alone for the safety of human life. The provisions for the safety of human life were contained in the bill passed in March, 1913; they are in the London conference. If that were the object of the bill, why do we not have inserted here that which is most important in the saving of life—provision for better hull construction and security against fire. Everyone who has studied this subject realizes that in a majority of instances when disasters occur at sea lifeboats are inefficient to save life. If there is a wind of 20 miles an hour or more, it is almost impossible to handle them. The one rock, I may say, on which we should rest should be the ability of a ship to float and its protection against fire. There is nothing on that subject in this bill. There is nothing to prevent collision with icebergs; there is nothing in regard to reports from one ship to another on the great ocean lanes concerning obstacles likely to be met; but there is a great deal about the payment of half wages in violation of contracts;

there is a great deal about understanding the language, and there is a great deal about qualifications of seamen.

There is a provision here which makes it possible to tie up the fastest and most important ship on an affidavit filed with the collector of customs, under which it is made his duty to stop the sailing of any ship until he can take a muster. Mr. President, you know how impossible it would be, with a crew of 600 or more, to go through such a muster as that without finding some unintentional or trivial violation of the law.

Mr. SMITH of Georgia. Will the Senator call attention to the paragraph in the bill which covers the provision to which he is referring?

Mr. BURTON. Does the Senator mean the provision in regard to muster?

Mr. SMITH of Georgia. Yes.

Mr. BURTON. It is on page 18 of the comparative print, third column, and is as follows:

> The collector of customs may, upon his own motion, and shall, upon the sworn information of any reputable citizen of the United States setting forth that this section is not being complied with, cause a muster of the crew of any vessel to be made to determine the fact; and no clearance shall be given to any vessel failing to comply with the provisions of this section: *Provided*, That the collector of customs shall not be required to cause such muster of the crew to be made unless said sworn information has been filed with him for at least six hours before the vessel departs, or is scheduled to depart.

Now, fancy what would happen if an ocean liner could be held up under such a provision as that. Fancy what would happen at one of your southern ports, where I think the hardship would be greatest. Suppose a boat comes there for a cargo, and a part of the crew or the whole crew desert. It would be very difficult to obtain sailors in their place. It would be easier at the great centers of shipping like Boston and New York and Philadelphia, but at such a port as Galveston or Savannah or Mobile it would be exceedingly difficult. Perhaps the master would say, "I can not sail at all." But suppose he did get together a crew. Suppose there was a bitter contest between the master and the seamen. Some reputable citizen could file such an affidavit as this and keep the boat in that port indefinitely. Before a boat sails from the other side they are going to take into account all those possibilities. The owners, in the first place, would hesitate about sending the boats at all; and if they were sent, the rates of freight would be very much higher in view of the possibilities which might arise under such a regulation.

Mr. SMITH of Georgia. Mr. President, does not that paragraph apply to all the limitations as to age, length of service, and so on?

Mr. BURTON. Yes; as to language and the number of able seamen as well.

Mr. SMITH of Georgia. Suppose a boat with a crew without the qualifications required in this provision came, say, into the port of Jacksonville, Fla. It could not go out unless it was able to equip itself with a crew from that point with the specified length of service.

Mr. BURTON. Certainly not. Let me call attention to one other difference in the law which may not assume the greatest importance, but should, nevertheless, be considered. The age of an able seaman in Norway is 18 years. Under this statute it is 19 years. Suppose a boat which sails from Norway with a number of able seamen under their law, but two or three of them that are only 18 years old. That boat could be held indefinitely in the port of Jacksonville before it would be allowed to sail.

There is nothing like it, I repeat, in the laws of any nation on the globe. We are occupying a position which puts us out of harmony with the whole shipping business as it now exists in all nations; and we are seeking to enforce regulations so drastic, so impracticable, so difficult of execution, that in the long run, notwithstanding the offense given to foreign countries, we will be the chief sufferers. We can not pass such a statute and enforce such a system without bringing the chief disadvantage upon the United States.

Mr. President, I have advanced these arguments before, and it almost seems to me vain to reiterate them now. I have sometimes thought it might be best to have this bill passed and see how it would result, under the principle that the best way to defeat a vicious law is to enforce it.

Mr. FLETCHER. Mr. President——

Mr. BURTON. I hope that if it does pass there may be such forbearance on the part of those who could take advantage of its provisions, such fairness, I may say, that the havoc which lurks in it will not arise. So far as the increase of wages of seamen is concerned, I am entirely in sympathy with its features.

Mr. FLETCHER. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Florida?

Mr. BURTON. In just a minute. I am in sympathy with its provisions for shorter hours, for more opportunity for rest in port, for better quarters, and better food, and hospital provision. My sympathies in this matter are with the seamen, who lead a life of unusual hardship, and who, to tell the truth, have been very badly treated by their employers on some occasions. But let us not deliver a smashing blow to the whole shipping world just to accomplish these things, which can be readily accomplished without legislation so radical, so extreme, and so obnoxious to all the other maritime nations of the world.

This same hardship rests upon our domestic shipping. We have listened here for hours to arguments in regard to the decadence of American shipping. There is not a man here who does not wish to see the American flag restored to the sea. That is a long story. The main reason why we do not have a mercantile marine is that we are placed in competition with the whole world. Wages are lower on foreign ships. The cost of construction is less. There is an infinite opportunity in this country for investment on land. The tastes and preferences of our people are not for the sea. The great majority of our seamen are foreigners. It is an almost inevitable condition.

You can build a tariff wall around this country; you can give subventions to our manufacturers and producers and enable them to shut out the products of other countries; but man stops at the shore. When we enter into competition on the ocean, presumably those who will furnish the service cheapest must prevail. That, in a word, is the history of the decadence of American shipping. But we have recently passed laws allowing American registry to foreign-built ships. There exists a great emergency, in which a large part of the shipping of the world has been withdrawn from use for a variety of reasons. Now is the encouraging time, if ever, to build an American marine.

I do not wish to interject into this discussion my views about the ship-purchase bill, but I think it not only discourages but almost destroys private initiative. I know of many instances of private investors who wish to buy ships, who are ambitious to own boats that would fly the American flag and enter into the ports of foreign countries, who have been deterred from doing anything by the pendency of the ship-purchase bill. Now we come along with this statute, which discourages them all, which makes it uncertain whether the owner of a boat can control the boat and utilize it in such manner as will make it a useful agency of transportation.

Why, Mr. President, the friction caused by giving preference to American shipping through the Panama Canal is but a bagatelle in comparison with the irritation that this act will cause among foreign nations. That was a controversy with but one nation. This has the seeds of controversy, of irritation and retaliation, with every nation that owns ships which enter our ports. I can not believe that the Senate, if it would thoroughly consider this subject, would pass such a bill as this. Pass every part of it which gives shorter hours, which improves the condition of seamen; but the main purpose of this bill is to enable them to break contracts and demand half their wages; to provide regulations in regard to the manning of boats which other nations do not provide; to establish a principle which has been always denied, that we can control the internal management of foreign ships. It is the denial of a principle for which we ourselves stood as strenuously as any nation so long as we had a mercantile marine. It is the assertion of a principle which, if ever our mercantile marine gains a new position, will come home to plague us by retaliatory measures on the part of other nations.

Why, do you believe that if we owned a mercantile marine we would wish the German authorities at Hamburg or Bremen to go on board and inquire regarding the contracts for wages and to say, "True; you made a contract in the United States, but we will invalidate that contract and make another of our own"? Would we submit to that? The chief sufferer will not be the foreign shipowner. He will take care of himself. If he can not go to the ports of the United States and receive there the treatment accorded everywhere else in the world, he will go to some other port. He will carry the wheat of Argentina to the markets of Europe at cheaper rates than he carries the wheat of the United States. He will be averse to affording shipping for carrying the cotton of the United States to the markets of England and of Germany and of France. I do not, however, wish to make this appeal to the selfishness of the American people. The substance of my argument I make rather to the fact that these nations who have protested against this bill are now engaged in a colossal struggle, and that we are

taking advantage of that position by imposing upon them regulations which just so surely as peace will come—as it must come—will provoke retaliation, discrimination against American ports, and discrimination against American trade. Still more, it is not fair to them when they are engaged in such a contest as this to pass a law which abrogates treaties.

I would say a few words in regard to the condition on the Great Lakes, but I am not going to allow my interest in that locality to affect my argument on this occasion. I want to stand for national faith, for good will with foreign countries, and I want to deal with the features of this bill which have an international aspect. The boats at Cleveland, Chicago, Buffalo, and Detroit—at least the passenger boats—will no doubt be very much hampered. Some of them may be put out of business. The excursion business certainly will be very much handicapped; but that is not the main argument against this bill. Under the measure as it passed the Senate a boat line from Detroit to Cleveland and Buffalo, which for 50 years has not lost the life of a passenger, would be compelled to carry 30 or 50 extra men on every trip to comply with an impractical regulation regarding lifeboats. Under this bill, as it passed the Senate—and I call special attention to that—a boat which is rarely more than 10 miles from land, which passes other ships every few minutes, would be subjected to regulations the same as those which govern a boat sailing 6,000 miles on the ocean, on a course where it would hardly meet a single ship for the whole journey. That not only was wrong, but it was an absurdity. The conferees saw that; and I want to say to the conferees who are here that I do not think any possible criticism can be visited upon them. They had two bills, one of the House and one of the Senate, both very drastic in their nature. Their function was to harmonize those two bills and make a measure derived from them. They had a difficult task, and their work is rather to be commended than criticized. It is true that they did what I think is rather irregular in such a connection. They struck out provisions that were in both bills, and they put in provisions that were in neither. They had a power greater than that of the President of the United States. The President would be extremely glad if, when this measure comes to him, he could say, "I approve the general tenor of this bill, but here is a paragraph that I will strike out, and here in another place is a paragraph that I will insert." I am not sure but that our legislation would be better if the President had that right, but he does not have it. Just as he has the right only to approve a bill or to veto it in its entirety, so a conference committee has only the right to take the bills before it and harmonize them. The committee did more than that. But I am inclined to think they very much improved the bill.

However, if you establish that precedent here, that a conference committee has the right of appeal and of initiative, we are liable to have propositions inserted in bills that neither the Senate nor the House has approved. I question whether the Senate desires to approve such a precedent as that. As I understand it, legislation rests with the Senate and with the House, and there are very well-defined limitations upon the powers of conference committees under the rules of parliamentary law. I know of no statute or any parliamentary law which allows a conference committee to frame the laws which Congress is to enact.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from New Hampshire?

Mr. BURTON. Certainly.

Mr. GALLINGER. The Senator from Ohio, who had long experience in the House, is aware of the fact that in the other branch of Congress a conference report can be absolutely thrown aside if a violation such as the Senator has called attention to has been committed.

Mr. BURTON. I so understand.

Mr. GALLINGER. I think we ought to have that rule here.

Mr. BURTON. I do not know what the rule has been in the Senate, but it certainly ought to be the rule that the Senate and the House after full discussion should pass bills which are to be enacted into law.

Mr. SHERMAN. Mr. President——

Mr. BURTON. I yield to the Senator from Illinois.

Mr. SHERMAN. The conference committee does not possess any power of original legislation, but is confined, is it not, to an adjustment of the differences between the two Houses? It has not power to originate independent sections or introduce a new subject matter.

Mr. BURTON. Certainly not. You can see what might happen to us at the close of a session. A bill might pass both Houses with some differences and go to a conference committee, and that conference committee might put in some entirely new matter of the most objectionable nature. It would come here in the closing hours of Congress containing provisions of which nobody knew except the conference committee.

Mr. STERLING. I think it is true, so far as I can gather the fact in the limited experience I have had here, that conferees have incorporated in a bill something entirely new, not considered by either House; but, on the other hand, I have known instances where objection was made, and made with considerable emphasis, because the conferees had injected into the bill matters not considered by either House. One familiar example of that is the Alaskan coal-land-leasing bill, where matters finally were stricken out in the Senate because they had been incorporated in the bill by a conference and had not been passed upon by either House.

Mr. BURTON. I take it the Senator from South Dakota approved that action. No matter how salutary it is, the question is not whether it is better or worse, but whether it is regular and in accordance with orderly parliamentary procedure.

Mr. GALLINGER. I will ask the Senator if he noticed what occurred only a few days ago. The conferees on the District of Columbia appropriation bill attached some language to an amendment in the bill providing that the board of education should hereafter be appointed by the Commissioners of the District of Columbia instead of the court. When it reached the other body a point of order was made against it, and it went out of the bill as a consequence.

Mr. BURTON. I have no doubt that is correct.

Mr. President, I believe I have said all I care to say at this time. I regret that there is not a larger attendance of Senators, because I can hardly believe those who survey this acute situation would believe in passing a law which so affects the cherished rights of nations at war at a time when they are disabled. If full consideration were given to it, I can hardly believe they would pass this measure with its drastic regulations. Put anything in the bill in regard to health or the better condition of seamen and there will be no vote against it. Insert the provision taken from the London conference in regard to life saving, which was very carefully worked out by that body, assert the rights of the American seamen and protect them, but do not pass a statute which runs counter to our own national policy in our relations with foreign nations. Do not pass a statute impossible of execution.

Does anybody believe that our officials are going to receive the affidavits and the applications of 250,000 seamen who come to the ports of this country again and again during a year? Does anybody believe that our collectors of customs or any of their employees are such experts that they can tell whether all the members of a crew understand the language of the officers?

It has been intimated—I believe it was stated in the House, though the exact words that I am using may not have been employed—that this law would be enforced with a soft pedal. They will find that it can not be enforced with our present system.

I have noticed this very singular fact, that several of the great shipping lines are perfectly willing that it should pass. I do not care to mention the name of the line, but it is one of the leading companies in the world which did not oppose this measure or say a word against any of its provisions. Why? Because they knew that they were strong, and that in the general confusion and demoralization which would be caused by this bill they would have the advantage, while the small shipowner or the owner of a single ship would be subjected to hardships likely to drive his boat out of business and keep him away from American ports. Do not let anyone lay the flattering unction to his soul that he is curbing monopoly or that he is restraining any Shipping Trust by passing this bill. Like any radical step of this kind, the strong can endure; they will raise their rates; they will have a callous disregard of the interests of American exporters; but the smaller man who goes to the numerous ports of the South and the minor ports of the North will find it impossible to carry on business under such a law as this.

I make my final appeal that when the world is full of the din of war and the nations that are affected are powerless to protest it is unfair for us to enforce such regulations, which are unprecedented in the history of shipping and which are an offense and most obnoxious to all the nations, and which if we look at it even from the most sordid standpoint will lead surely to retaliation in the future days of European peace.

Mr. VARDAMAN. Mr. President, I realize that the time of this session is passing very rapidly and the close is near at hand, and a great deal of legislation remains yet to be enacted—important legislation. I am not going to trespass very long upon the time of the Senate this morning in the discussion of

this question, although I regard it as one of the most important measures that have engaged the attention of this body since I became a member of it.

It is peculiar in this: The prominent feature, the chief purpose, is to ameliorate the condition of that class of American citizens whose inhuman treatment, to my mind, has become a national disgrace. We have given some attention to the welfare and well-being of every other class of American laborers except the toilers of the sea. Not only is this legislation designed to improve the condition of the sailor, but when this conference report shall be adopted and this bill shall be enacted into law the effect will be felt throughout the civilized world.

Mr. President, if the Sermon on the Mount were delivered to this body to-day for the first time, from the veracious lips of Moral Completeness, some Senator in this Chamber would rise in his place and object to the application to governmental questions of the eternal principles enunciated in that sacred message, lest the order of things might be disturbed and business disorganized on account of the abnormal conditions and the sensitive state of the public mind produced by war. If the Decalogue had been discovered on yesterday and transferred from Sinai's mysterious height to the Presiding Officer of this body with the direction that he lay it before the Senate for consideration, I have not the slightest doubt but that some voice in this Chamber would be heard very promptly protesting against the interference with established condition, the vested right of big business, the control and management of all the affairs of men that a few might grow rich at the sacrifice of the many, by the enactment into law of the principles embodied in that incomparable message from the loving lips of Compassionate Omniscience.

Mr. President, I am afraid the rule of gold has taken the place of the golden rule in matters of legislation. The love of money is eating out the hearts of the American business man and its malign influence is being felt in the legislative councils of the Nation.

> How long, O Lord, how long,
> Shall creeds conceal Thy human side,
> And Christ the God is crowned in song
> While Christ the man is crucified?

Now, let us see what this conference report contains, what this bill is designed to bring about. First, safety at sea, the protection of the life and providing comfort for the people who patronize ships, and make the business profitable to operate them. Second, to protect from the exactions of conscienceless greed the men who do the work, who operate the ships, and give them larger liberty and make the vocation more attractive to self-respecting men; to elevate the standard of manhood, and in that way improve the efficiency of the men and, consequently, benefit the entire world.

The Senator from Ohio [Mr. BURTON] speaks of demoralizing trade, interfering with the orderly management of our international affairs. Mr. President, if the passage of this bill should bring about a temporary disorganization or a temporary disturbance in business, the result to be accomplished is well worth whatever difficulties may result therefrom or sacrifice that business may suffer.

I can not for the life of me see how any man who loves his fellow man can object to securing to the sailor those rights, those privileges, those immunities which are provided in this bill. It is only doing scant justice to a long-suffering class of patient toilers. It can not hurt business. No business is entitled to prosper that has to prosper upon injustice and wrong.

I sometimes think that the cheapest thing in the world, in the estimation of the average man bent upon making money, is a human being. No more thought is given to him, no more care is taken of him than the piece of inanimate machinery he operates. He is a thing to be used, abused, and cast aside when no longer needed by the man or corporation in whose service he is employed. I submit that no business has a right to prosper upon conditions and upon a system of that character, and that is all there is in this bill that any Senator can object to.

I sincerely hope, Mr. President, that the conference report may be promptly adopted and that this bill may become a law. The Democratic Party is committed to it. It has the approval of the Chief Executive. It is demanded by our platform. It was one of the accomplishments of the Democratic Party mentioned in our campaign book that we went to the country on last fall and asked for indorsement at the hands of the American voters, and now to fail to adopt this conference report, to fail to redeem that promise would be an act of faithlessness on the part of the Democratic administration which I trust will not be charged against us when the inventory is made up of the accomplishments of this administration. Common honesty demands that this legislation be enacted.

Mr. VARDAMAN subsequently said:

I ask unanimous consent to incorporate in my remarks an extract from the platform and some other extracts from the campaign book giving something that the President had to say on this question.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

PRESIDENT'S ADDRESS, DECEMBER 2, 1913.

An international congress for the discussion of all questions that affect safetly at sea is now sitting in London at the suggestion of our own Government. So soon as the conclusions of that congress can be learned and considered we ought to address ourselves, among other things, to the prompt alleviation of the very unsafe, unjust, and burdensome conditions which now surround the employment of sailors and render it extremely difficult to obtain the services of spirited and competent men such as every ship needs if it is to be safely handled and brought to port.

BALTIMORE PLATFORM, 1912—DEMOCRATIC.

We urge upon Congress the speedy enactment of laws for the greater security of life and property at sea, and favor the repeal of all laws and the abrogation of so much of our treaties with other nations as provide for the arrest and imprisonment of seamen charged with desertion and with violation of their contract of service. Such laws and treaties are un-American and violate the spirit, if not the letter, of the Constitution of the United States.

DEMOCRATIC TEXTBOOK, 1914.

Safety at sea: The action of the administration in sending representatives to the international congress in London has resulted in conclusions indorsed by the governments of the world for the better protection and safety of passengers and property at sea.

Lesson of *Titanic* disaster heeded: By the passage in both Houses of the Alexander-La Follette seamen's bill the working conditions of American sailors in the merchant service are improved and precautions are taken to avoid, in so far as American legislation can, such fearful loss of life as accompanied the *Titanic* disaster. All ships coming under United States jurisdiction are required to carry adequate life-saving equipment and to maintain crews of sufficient number and experience to meet any emergency. At this writing the bill is in conference, but is certain of becoming a completed achievement before Congress adjourns.

The VICE PRESIDENT. The question is on agreeing to the conference report. All in favor say "aye." [A pause.] Those opposed. [A pause.] The ayes have it, and the conference report is agreed to.

OHIO RIVER BRIDGE.

Mr. SHEPPARD. Mr. President, I intend to ask unanimous consent for the present consideration and passage of two bridge bills, which I shall now report. It is necessary that they shall be passed by the Senate to-day in order to get them through the other House before the session ends. I trust there will be no objection to their consideration.

From the Committee on Commerce I report back favorably, without amendment, Senate bill 7646, to authorize Parkersburg-Ohio Bridge Co., a corporation created and existing under the laws of the State of West Virginia, its successors and assigns, to construct a bridge across the Ohio River from the city of Parkersburg, State of West Virginia, to the town of Belpre, State of Ohio, and I submit a report (No. 1043) thereon. I ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. CHAMBERLAIN. Mr. President, I understand this is a bridge bill?

The VICE PRESIDENT. Yes. Is there objection to its present consideration?

Mr. CHAMBERLAIN. I have none, Mr. President.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RED RIVER BRIDGE, TEXAS.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably, with an amendment, the bill (S. 7723) authorizing the Texarkana Board of Trade to construct a bridge across the Red River between Fulton, Ark., and Index, Tex., and I submit a report (No. 1044) thereon. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, on page 1, line 11, after the date "1906," to strike out the words "and also the act of December 17, 1872, as amended by the act of February 14, 1883," so as to make the bill read:

Be it enacted, etc., That the Texarkana Board of Trade, of Texarkana, Ark.-Tex., be, and it is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto over the Red River between Fulton, Ark., and Index, Tex., for railroad and other traffic, at a point suitable to the interests of navigation, in accordance with the pro-

visions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MILITARY ACADEMY APPROPRIATIONS.

Mr. CHAMBERLAIN. I move that the Senate proceed to the consideration of the Military Academy appropriation bill.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. The Senator from Colorado.

Mr. THOMAS. Will the Senator from Oregon yield for a moment, that I may ask unanimous consent for the consideration and passage of a small bill on the calendar?

Mr. CHAMBERLAIN. If I may be permitted to first have the Military Academy bill taken up, I shall be glad to yield to the Senator.

The VICE PRESIDENT. The question is on the motion of the Senator from Oregon to proceed to the consideration of a bill the title of which will be stated.

The SECRETARY. A bill (H. R. 21328) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1916, and for other purposes.

The motion was agreed to.

LAND GRANT TO GRAND JUNCTION, COLO.

Mr. THOMAS. Mr. President, I ask unanimous consent for the immediate consideration of House bill 19116 to grant certain lands to the city of Grand Junction, Colo., for the protection of its water supply. It involves a title to a section of land which is very necessary for the purpose indicated in the title of the bill.

Mr. SMOOT. I will say to the Senator from Colorado that we shall have plenty of time to pass this bill—which is a House bill—before adjournment.

Mr. THOMAS. That is possible; but Representative TAYLOR, of my State, is very much interested in the matter, and has asked me to take advantage of the first opportunity to secure its passage, if possible. It will take but a moment.

Mr. SMOOT. I do not object to the bill.

Mr. THOMAS. I am glad the Senator does not object to it.

Mr. SMOOT. I will not object to this bill; but I think we ought to have the calendar taken up and considered some evening.

The VICE PRESIDENT. Is there objection to the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOMESTEAD ENTRYMEN UNDER RECLAMATION PROJECTS.

Mr. THOMAS. Mr. President, I ask unanimous consent for the immediate consideration of the bill immediately following on the calendar the one just passed, being the bill (H. R. 19061) for the relief of homestead entrymen under the reclamation projects of the United States.

Mr. SMOOT. Mr. President——

Mr. THOMAS. It is a very short bill.

Mr. CHAMBERLAIN. I do not think the Senator ought to ask that, in view of the crowded condition of the calendar.

Mr. THOMAS. I shall not insist on the request. I am much obliged to Senators for allowing me to bring up and have passed the one bill.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the amendments of the Senate to the bill (H. R. 20814) to place Candler, Jenkins, and Evans Counties, Ga., in the eastern division of the southern district of Georgia.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20347) making appropriations for the support of the Army for the fiscal year ending June 30, 1916, further insists upon its disagreements to the amendments of the Senate to the bill still in disagreement, agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HAY, Mr. DENT, and Mr. KAHN managers at the conference on the part of the House.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19909) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1916, and for other purposes, recedes from its disagreement to the amendments of the Senate numbered 16 and 20 to the bill and agrees to the same; recedes from its disagreement to the amendment of the Senate numbered 35 to the bill and agrees to the same with amendments, in which it requested the concurrence of the Senate; further insists upon its disagreement to the amendments of the Senate numbered 1, 2, 18, 21, 41, 63, 64, and 65, agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHNSON of South Carolina, Mr. BYRNS of Tennessee, and Mr. CALDER managers at the conference on the part of the House.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2642) authorizing the President to reinstate Joseph Eliot Austin as an ensign in the United States Navy.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 6631. An act to regulate the practice of pharmacy and the sale of poison in the consular districts of the United States in China;

H. R. 20688. An act to place Barrow County, Ga., in the eastern division of the northern district of Georgia; and

H. R. 12303. An act to amend section 3246 of the Revised Statutes of the United States, as amended by section 5 of the act of March 1, 1879.

SENATOR TILLMAN TO THE PEOPLE OF SOUTH CAROLINA.

Mr. CLARKE of Arkansas. Mr. President, I ask unanimous consent to have printed in the RECORD, without reading, the farewell address of the senior Senator from South Carolina [Mr. TILLMAN] addressed to his constituents. It is not an official communication, but it relates more particularly to the events that constitute the history of his public life in the service in the State of South Carolina. It is an account somewhat of the labors and achievements of his public life. It is worth being perpetuated. It is part of the life story of a man who, in my opinion, will be considered, when history comes to deal finally and fairly with him, as one of the remarkable men of his time.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

[From the Charleston (S. C.) News and Courier, Aug. 15, 1914.]

TILLMAN TO THE PEOPLE—THANKS VOTERS FOR HONORS CONFERRED—GOOD-BY TO OFFICE—SENIOR SENATOR SAYS HE WILL NOT BE CANDIDATE AFTER TERM EXPIRES—SERVED PEOPLE 28 YEARS—SAYS HE DOES NOT BELIEVE GOV. BLEASE SHOULD BE SENT TO THE SENATE.

The News and Courier received last night the following communication from Senator TILLMAN for publication this morning:

"To my constituents: Fellow citizens, I was 67 years old the 11th day of August, and felt like sending all of you a greeting. I served you as governor 4 years and have been your Senator in Washington 20 years. When my term expires, March 4, 1919, if I live so long, I shall have held the highest offices in your gift for 28 years. An old man desires to thank you for your generous support all this long while. May he not, without boasting, but in sincerity and earnestness, say that he has done his very best for both South Carolina and the Nation? Constituted as I am, I could not have done otherwise.

"One of the first lessons my good and noble mother taught me was, 'If a thing is worth doing at all, it is worth doing well.' While I was governor, therefore, I was governor, as everyone in South Carolina knows, not of the Tillmanites alone, but of all the people. And since I have been Senator I have tried to be as good a Senator as there was in Washington.

HIS FIRST SPEECH.

"Since August, 1885, when I made my first speech at Bennettsville, I have been one of the most prominent figures, and since 1890 the most powerful political factor in South Carolina. From the very start I won the love and confidence of a large majority of my fellow citizens, and it was because of the genuineness of my Democracy that I was so hated and bitterly opposed. Many good men believed I was an office-seeking demagogue, and could find no language strong enough to express their hatred and contempt.

"Two years ago, when a test of my patriotism came, I demonstrated to those who had always opposed me that I was not the selfish politician they had judged me to be. No one knew better than I the risk I ran in making the Ferguson letter public. I knew it jeopardized my reelection, but I would rather have been beaten than to have remained silent.

"My frankness, straightforward openness of speech, and honesty of purpose—I despise hypocrisy above all other vices—have thrown me into many a briar patch, which a more cautious man would have avoided; but I never have lost sight of the ideals which opened before me at Bennettsville, and the welfare and uplift of the masses have always been the guiding star which led me on. Your faith, fellow citizens, sustained me, and I greet you in this farewell address with affection and confidence.

GOOD-BY TO OFFICE.

"This is my good-by to public office. I shall not be a candidate again. Two years ago, when I asked you to reelect me that I might 'die in harness,' I fully expected to die very soon; but the good Lord

has seen fit to prolong my life and by teaching me to live rationally has enabled me to regain some degree of health. Should I live to the end of by term, I shall be 72 years of age, and I now serve notice upon all who are interested that I shall not try to succeed myself. If I live until March 4, 1919, I shall die out of and not in harness, as I have always wanted to do. But I shall not worry. Death awaits us all and is inevitable. I go the way of all my fathers, and I try to say in all humility and sincerity, 'Lord, Thy will be done.'

"For four years at least many men in South Carolina have had their eyes on the seat I hold. This is natural because of my illness and the expectation of my early death. There has been some discussion of it in the newspapers, which was to be expected. How curious, fantastic, and cruel is human selfishness! But, withal, how natural a thing it is. It is the only element of human nature which is universal. I do not complain at it, and I earnestly hope that the man who is chosen will serve the people as faithfully as I have. You may find a man with more ability than I possess; you can not find one who will bring to his work greater earnestness and honesty of purpose.

PRESENT SITUATION.

"Under the peculiar circumstances which now exist in South Carolina I hope I may be permitted to say a few words about the present situation in our State without being misunderstood. It gives me deep concern. I am mortified and disappointed that the primary system has failed to develop in the people sufficient political intelligence to enable them to escape the wiles and tricks of demagogues. Audacity and aptitude in repartee, coupled with a striking personality, have made the people an easy prey. Instead of candidates being compelled to discuss public questions and policies, they have beeen allowed to make appeals to prejudice, and the people, blinded by these arts, have followed and made heroes of men who are wholly unworthy. I have been, and still am, accused of inaugurating this method of campaigning. I challenge the production of a single speech of mine wherein I departed from the discussion of public issues or indulged in unparliamentary language until forced to do so by unfair opponents. The more bitter enemies of the reform movement began the vituperation and abuse that have marked South Carolina politics since 1890. They answered argument with invective; they greeted truth with showers of mud and filth, and they, not I, must bear the responsibility.

CONFIDENCE IN PEOPLE.

"Two years ago I lamented this same thing, and said I doubted whether I had not made a mistake in giving the people the ballot and teaching them how to use it. But I was impatient. I here reaffirm my confidence in the people—all the people collectively. I believe that the judgment of the whole people, rich and poor, educated and ignorant, high and low, is the surest and truest guide to political action. Their mistakes will be fewer and will be more quickly mended than will the errors of any one class, be it ever so enlightened. I believe this so religiously that I would rather have a bad governor or a bad Senator, elected by all the people than a good one elected by any one class. The whole people correct their blunders; the rule of a class tends to the growth and perpetuation of abuses. I have implicit faith that all the people of South Carolina are going to stamp out Bleaseism sooner or later. The strongest Bleaseites will be leaders as soon as they are convinced that they have made a mistake. If I did not believe this, I would lose all faith in self-government.

JEFFERSON'S SLOGAN.

"Jefferson's slogan was 'Teach the people and trust the people.' To this principle all patriots will give credence, and all Democrats will gladly obey. When the demagogue comes along and blinds the people by the glamor of his arts and instills deviltry and poison into their minds, good citizens must not despair, but redouble their efforts; for the truth is more powerful than falsehood and must prevail in the long run.

"Again I reaffirm my faith in the people. The battle between privilege and freedom, between equality and favoritism, is world-wide and ages old. It has brought the cataclysm which we are witnessing in Europe to-day. The people of that continent are struggling to free themselves from the shackles of autocracy and the Divine right of kings. It is a battle between autocracy and republicanism. The contest in South Carolina in 1890 was to overthrow an aristocracy which had come down to us from colonial days. It was a real revolution in which families were divided, father against son and brother against brother, showing that principle, and principle alone, moved the people to action. It was my high privilege to lead that movement which emancipated South Carolinians from the thralldom of an oligarchy which had ruled the State for a century. That was my greatest work. I taught South Carolinians to know their rights and how to obtain those rights, and the State has made marvelous progress in every way. In education, in some of its aspects, it has progressed more than any of its sister States; for we have Clemson and Winthrop as model schools, the best of their kind, and, if there were less selfishness and more public spirit throughout the State, the lamentable ignorance now existing in some sections would soon disappear.

SCHOOLS DEFICIENT.

"But our common schools in many counties are sadly deficient, and must be improved. A democracy without adequate means for educating its citizens is bound to be shipwrecked. We can not afford to let our children grow up like weeds. If we do they will choke out all that is best in our people and destroy our civilization. The State, in self-defense, if for no other reason, will, somehow or other, have to see to it that all the white children get at least the rudiments of an education. Compulsory education is a big question, and I have never heretofore favored it, but acute diseases demand drastic remedies, and if a statute can be framed that will force the white children into school, and at the same time give the blacks only the kind of training—manual and industrial—which they can assimilate, it ought to be done. Effective compulsory education will require a great deal of money, but if we are not willing to spend money for our children, God pity us. Whether a general law or local option by counties is the best is a matter of opinion, and will have to be thrashed out by the legislature.

SCORES BLEASEISM.

"The people two years ago elected a man governor who has 'run amuck,' as it were, and displayed so little realization of his high opportunities that it makes me sad and angry to be told, as I have been more than once, that Tillmanism is the direct cause of Bleaseism. All thoughtful and intelligent men know that this is only a half truth, and half truths are the worst sort of lies. Tillmanism taught the people that they could whip and destroy special privilege with the ballot. That was a good thing, all must admit. Now, is Tillmanism to blame because the people have used that same ballot with which to elevate a demagogue? Yes; I taught the people that they had a right to govern South Carolina, and I proclaim the principle anew. They have the right, even if they elect a hundred Bleases. 'Teach the people and trust the people.' We will in the end have better government at the hands of all the people than we would have if any one class ruled. The people will rectify their blunders as soon as they become convinced of their error.

"It would be just as true to say that Democracy causes socialism and anarchy as it would be to say that Tillmanism caused Bleaseism. Had my health continued good, I would have taught the people the folly of Bleaseism two years ago, pointed out the difference and stemmed the tide which Jones found himself unable to cope with. I would have guided the Tillmanites, while Blease only misled them, and all for the gratification of his own selfish ambition.

LAW AND ORDER.

"A large per cent of those who two years ago, and now, are yelling 'law and order,' want a law and order of their own contriving. They are not ready to admit that, politically speaking, *all white South Carolinians are equal*. They think themselves divinely commissioned to rule everybody else. The plain people saw this resurrected Bourbonism, and thinking it was the old 'ring' come to life again, took Bleaseism in preference to it. Blease himself is a mere symptom. The real fever is bigotry, political intolerance, and social injustice. I call upon you, my fellow citizens, you who know and claim to want better and higher things, to broaden your sympathies. Stop prating about 'law and order' and treat your next-door neighbor with a little more consideration. Though he live in a hovel, though he never saw the inside of a schoolroom, he has the same right to vote for Blease that you have to vote against him, and you have no more right to question his motive than he has to question yours. Learn that great truth, act on it to the uttermost, and my word for it, Bleaseism will disappear—and it will not disappear until you do learn it.

UNJUST DEALINGS.

"Then, too, a certain class of our fellow citizens have been very unjust and unreasonable in their dealing with the poorer people, treating them with no consideration whatever and showing a contempt for them. This is especially true with regard to those who work in the cotton mills. In many communities the people in the mill villages are a class apart, looked down upon and not associated with. No wonder socialism and the Industrial Workers of the World are getting a foothold among these citizens of ours. It did not used to be so, and it ought not to be so now. We all should address ourselves to the remedy, lest it bring dire disaster upon the Commonwealth; for in the last analysis white unity is absolutely essential for the continuation of good government. If these poor men are trampled under foot as they have been taught to believe they are, they will join with any movement, no matter how radical and ultra, to get revenge. This is the secret of Blease's hold on the people who work in the cotton mills; and we ought by every means in our power to break that hold by showing the same respect and consideration for them that we do for others.

"As for those who compare Blease the man with TILLMAN the man, they are, for want of a better term, what I may call maliciously ignorant. Blease and TILLMAN were both popular idols, and there the resemblance ends. I had definite ends to accomplish; my personal character and private life were always above reproach; and my integrity was never questioned, save by a few slanderers, who merely asserted without attempting to prove. There is just enough similarity between Blease and TILLMAN to deceive the ignorant and furnish a bludgeon to the vicious.

BLEASE AND SENATE.

"I do not believe Gov. Blease ought to be sent to the United States Senate, because he is not worthy of the honor; and so believing, I would be recreant to the people of South Carolina if I did not say so. But do not misunderstand me. I speak as a citizen merely, and I fully realize and recognize the right of the humblest man in South Carolina to differ with me. A man's ballot is his own, and no other man has a right to criticize him for using it as he chooses.

"I am too near the grave to tell any lies, if I ever had the inclination to do so. I have nothing to gain by speaking; hence there is no selfishness in my utterance. But I love the State which has honored me so long and in such a marked degree, and I want to warn our people—those who will listen to me—before it is too late. I repeat, there is absolutely no element of personality or selfishness in it. All my ambitions—and I thank God they were all worthy ones—have been satisfied. Therefore I speak, as it were, from a mountain top, looking down upon my fellows who in a few years must follow me to the grave. If ever a man's utterances ought to cause the people to pause and listen and think, mine should. For all essential purposes I speak as one who is dead. If I allowed selfishness to influence me, I would quietly work to have Blease sent here, because there is nothing more certain than this: While Woodrow Wilson is President, Blease will get no recognition in the way of patronage whatever. I have had little or none, but I would have it all hereafter with Blease as a colleague. If a Republican should follow Wilson, Blease might in a way duplicate or repeat my attitude toward Cleveland, who did not recognize the Tillmanites in South Carolina as Democrats at all. If the unhappy difference among our people in South Carolina shall continue and Bleaseism becomes the dominant factor in the State, Blease might in time play the rôle of Mahone in Virginia. All signs, however, point to the triumphant reelection of President Wilson and the continuation of the Democratic Party in power.

ONE STRIKING THING.

"There is one striking thing about Gov. Blease as a leader and a statesman to be very seriously considered. It seems to have been lost sight of up to this time. He has been in public life since 1890. He came to the front the same year I did. If he is such a great leader now, more worthy to be followed than TILLMAN, more worthy of admiration and trust, how has he succeeded all these years in hiding it? What has he ever done in a constructive way to benefit the people of South Carolina? Let those who are his sponsors answer. I have demonstrated my statesmanship and ability to lead in a dozen ways. Without even mentioning what I have done in Washington as a Senator, I have many monuments in South Carolina—Clemson and Winthrop in an educational way; the constitutional convention, which relieved the people of the State of the menace of negro domination by the organic law under which we live; the primary system of choosing candidates; and the despised and slandered dispensary, which only failed because the corrupt politicians in the legislature got hold of it and the anti-Tillmanites egged them on to destroy it. But in spite of all their machination and cunning it still survives locally in many counties. All these are largely my handiwork. In God's name, let

those who were formerly Tillmanites, but now Blease shouters, show what Blease has done of a similar character. They can not do it, and they owe it to themselves to pause and analyze things and recover their reason—if they can. They can undo some of the wrongs they have perpetrated and restore the State's good name, which Blease has made a byword and a hissing. The 25th of August will tell the story, and I watch the result with confidence.

"B. R. TILLMAN."

MILITARY ACADEMY APPROPRIATIONS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 21328) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1916, and for other purposes, which had been reported from the Committee on Military Affairs with amendments.

Mr. SMOOT. Mr. President, there are a number of Senators absent who, I think, are interested in some of the items to be considered in the pending bill. I therefore suggest the absence of a quorum in order that they may be present.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Culberson	Lodge	Smith, Md.
Bankhead	du Pont	McLean	Smith, Mich.
Brady	Fall	Martine, N. J.	Smoot
Bristow	Fletcher	Nelson	Sterling
Bryan	Gallinger	Norris	Stone
Burleigh	Gronna	O'Gorman	Thomas
Burton	Hitchcock	Overman	Thompson
Camden	Jones	Page	Vardaman
Catron	Kenyon	Perkins	Warren
Chamberlain	Kern	Poindexter	Weeks
Chilton	La Follette	Shafroth	White
Clark, Wyo.	Lane	Sheppard	Works
Clarke, Ark.	Lea, Tenn.	Sherman	
Colt	Lee, Md.	Shields	
Crawford	Lippitt	Simmons	

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY]. This announcement may stand for the day. I also desire to announce the unavoidable absence of the senior Senator from Mississippi [Mr. WILLIAMS], who is detained at his home on account of illness.

Mr. MARTINE of New Jersey. I desire to announce the unavoidable absence, owing to illness in his family, of my colleague, the Senator from New Jersey [Mr. HUGHES].

Mr. LIPPITT. I have been requested by the members of the Committee on Interstate Commerce to say that that committee is in session, engaged on important business, and that a large number of the members of the committee are attending that session.

Mr. SMOOT. I desire to announce the unavoidable absence of my colleague [Mr. SUTHERLAND]. He has a general pair with the senior Senator from Arkansas [Mr. CLARKE]. I will ask that this announcement stand for the day.

I also desire to announce that the Senator from West Virginia [Mr. GOFF] and the Senator from Connecticut [Mr. BRANDEGEE] are also unavoidably absent from the Senate, and that they are paired, respectively, with the Senator from South Carolina [Mr. TILLMAN] and the Senator from New Jersey [Mr. MARTINE].

The VICE PRESIDENT. Fifty-seven Senators have answered to the roll call. There is a quorum present.

Mr. CHAMBERLAIN. I ask unanimous consent that the formal reading of the bill be dispensed with and that it be read for amendment, the committee amendments to be first considered.

The VICE PRESIDENT. Is there objection? The Chair hears none, and that will be the order.

The first amendment reported by the Committee on Military Affairs was, under the subhead "Permanent establishment," on page 2, line 5, after the word "cadets," to strike out "$390,000" and insert "$420,000," so as to make the clause read:

For pay of cadets, $420,000, $10,000 of which is made immediately available.

The amendment was agreed to.

The next amendment was, on page 4, line 9, after the word "service," to insert "detachment," so as to make the clause read:

For pay of general Army service detachment: One first sergeant, $540.

The amendment was agreed to.

The next amendment was, on page 5, line 19, after the word "mechanics," to strike out "$1,800" and insert "$1,080," so as to make the clause read:

Four mechanics, $1,080.

Mr. SMOOT. Mr. President, I want to call the attention of the chairman of the committee having the bill in charge to appropriations provided for on pages 4 and 5 of the bill. For instance, there is this provision:

For pay of general Army service detachment: One first sergeant, $540; Eight sergeants, $2,880.

In all of the other appropriation bills, particularly those that are reported by the Committee on Appropriations, that would read "eight sergeants, $2,280 each."

Mr. CHAMBERLAIN. Oh, no; that $2,280 pays all the sergeants.

Mr. SMOOT. Then there is the further provision:

Two trumpeters, $360.

That is on page 5. Does that mean that they get $180 each?

Mr. CHAMBERLAIN. Yes, sir. The pay is small.

Mr. SMOOT. The next item is:

Three horseshoers, $1,080.

Does that mean that three horseshoers shall be hired at $1,080 each?

Mr. CHAMBERLAIN. That covers the pay of all of them.

Mr. SMOOT. Is it possible they can hire horseshoers for $360 a year?

Mr. CHAMBERLAIN. Whether they can or not, they seem to get along in some way with it, I will say to the Senator, and that is true with reference to the item "eight sergeants, $2,280." That means that the eight sergeants get that amount. It is the pay of the combined group.

Mr. SMOOT. If it is understood that that is the total appropriation to pay all of the eight sergeants, I presume it is all right.

Mr. DU PONT. Mr. President, I will say to the Senator from Utah that these horseshoers are enlisted men. I will also say that the appropriations for the Military Academy have always been carried precisely in this way every year, so far as I have had any knowledge of them.

Mr. SMOOT. It is all right, if it is understood that the amount named is the pay for the group of sergeants or corporals, as the case may be.

Mr. SMITH of Georgia. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Georgia?

Mr. CHAMBERLAIN. I yield.

Mr. SMITH of Georgia. I desire to give notice of a motion to reconsider the action of the Senate in agreeing to the conference report on the seamen's bill.

Mr. CHAMBERLAIN. I do not yield for that purpose.

The VICE PRESIDENT. The Senator from Oregon does not yield for that purpose.

Mr. CHAMBERLAIN. No; I supposed the Senator was going to address himself to this bill.

Mr. SMITH of Georgia. Mr. President, I think I ought to have the privilege of giving such a notice, so as to prevent the action of the Senate from going over to the House.

Mr. CHAMBERLAIN. I decline to yield for that purpose.

The VICE PRESIDENT. It can only be done by unanimous consent under the rules of the Senate.

Mr. CHAMBERLAIN. I insist on proceeding with the consideration of the Military Academy bill. There will be plenty of time for the Senator from Georgia.

Mr. LODGE. The Senator from Georgia can not be shut off in that way.

Mr. GALLINGER. The Senator can not be shut off from giving notice to move a reconsideration.

Mr. CHAMBERLAIN. I understood the Senator was intending to make an address.

Mr. SMITH of Georgia. Not at all; I want to give a notice that will prevent the action of the Senate from passing out of the control of the Senate. I had understood that a Senator had begun a speech on the conference report of the seamen's bill, and I understood also that there was to be another elaborate speech. I was called downstairs to give my testimony in relation to a case that is pending in New York City, which I thought would occupy me 10 minutes, and I would then return. I am very much interested in the seamen's bill, and very much opposed to it.

Mr. KERN. Mr. President, I only desire to submit the proposition that a notice of a motion to reconsider can hardly be given by a Senator who did not vote in the affirmative.

Mr. GALLINGER. There was no recorded vote.

Mr. CHAMBERLAIN. Mr. President, I insist that I have the floor.

Mr. VARDAMAN. Regular order!

The VICE PRESIDENT. The Senator from Oregon has the floor. There is going to be no change in the ruling of the Chair until it is reversed by the Senate of the United States. The ruling has been complied with here for weeks and weeks that a Senator having the floor can only yield for the purpose of a question unless by unanimous consent. There is objection, and the Chair is going to stand by the ruling.

Mr. CHAMBERLAIN. Mr. President, let me say here that I do not want to interfere with the giving of a notice, but it would lead to the discussion of a parliamentary question, and that means all day. That is the objection I have to it. If the Senator will content himself with giving the notice, I will be glad to have him do so.

The VICE PRESIDENT. There was an objection by the Senator from Indiana [Mr. KERN]. The unfinished business is before the Senate.

Mr. CHAMBERLAIN. Yes, sir.

The VICE PRESIDENT. And nothing else is in order unless by unanimous consent. There was objection by the Senator from Indiana; that is the trouble about it.

Mr. CHAMBERLAIN. Now, Mr. President, addressing myself to the question raised by the Senator from Utah [Mr. SMOOT], I desire to say that the estimates will show that these several amounts, which he thinks ought to be separated, are grouped together because they are for enlisted men, and their pay is small in each case.

Mr. GALLINGER. Mr. President——

Mr. SMITH of Georgia. Mr. President——

The VICE PRESIDENT. The Senator from New Hampshire.

Mr. GALLINGER. Addressing myself to that matter, I want to say that I had some notes on my desk and had intended to address myself to the seamen's bill. My daughter called me out for a moment, and while I was out the bill was passed; I do not know how. I hope it will come up in some form hereafter.

THE SEAMEN'S BILL—CONFERENCE REPORT.

Mr. SMITH of Georgia. Mr. President——

The VICE PRESIDENT. The Senator from Georgia.

Mr. SMITH of Georgia. I think the Senate should have a right to reconsider that action. If necessary, I think we should temporarily displace this appropriation bill and give an opportunity for a motion to reconsider. I know there were a number of Senators who had intended to speak against this measure. I had understood that there were two or three speeches to be made. I said to a Senator that I was called downstairs to give my testimony in a case pending in New York City that would take but a few minutes, and I supposed it would be perfectly safe for me to leave.

I now move, Mr. President, that the unfinished business be temporarily laid aside, that a motion may be made to reconsider the action of the Senate on the seamen's bill.

Mr. ASHURST. Mr. President, I move to lay that motion on the table.

Mr. CHAMBERLAIN. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator from Oregon will state his point of order.

Mr. CHAMBERLAIN. That is, that this motion is not in order now during the pendency of the unfinished business.

The VICE PRESIDENT. The Chair sustains the point of order.

Mr. SMITH of Georgia. Does the Chair hold that we can not lay aside a pending measure?

The VICE PRESIDENT. No; the Chair holds no such thing. The Chair holds that if a Senator wants to lay it aside he must make a motion to take up something else, which the Senator from Georgia is not proposing to do.

Mr. FLETCHER. Regular order!

Mr. SMITH of Georgia. Then, Mr. President, having the floor, I desire to give some of the views I have as to why the seamen's bill should not have been passed.

Mr. KERN. Mr. President, a point of order.

The VICE PRESIDENT. The Senator from Indiana will state his point of order.

Mr. KERN. There is no motion before the Senate to which the Senator can address himself.

The VICE PRESIDENT. There is a bill before the Senate, and the Senator has a right to address himself to that. There is no doubt about that. A Senator can talk about anything here in the United States Senate except the matter under consideration.

Mr. KERN. I submit that he must pretend, at least, to address himself to the question before the Senate. My point is that where a Senator announces that he proposes to discuss a question that is not before the Senate he is not in order.

The VICE PRESIDENT. The rule as the Chair stated it has been the rule since the foundation of the Senate.

Mr. FLETCHER. I make the further point of order that the Senator announces that he proposes to address the Senate and present an argument as to why a bill which has been passed should not have been passed, and I submit that that is not in order at any time.

The VICE PRESIDENT. The Senate of the United States never discusses the subject in hand, and the Senator from Georgia has a perfect right to the floor.

Mr. SMITH of Georgia. Mr. President——

Mr. ASHURST. Mr. President, will the Senator from Georgia yield to me to enable me to make a brief statement?

Mr. SMITH of Georgia. If I do not lose my place on the floor; but I will not yield in any way to lose my position, and I believe that under the rulings I would lose it if I yielded to anything except a question.

Mr. ASHURST. Very well; I will ask a question. I wish to ask if the rule of common courtesy, that by tradition adheres to and inheres in the Senate, is going to be dispensed with? And in supplementing my question it is necessary to make a statement:

I gave notice some days ago that I desired to proceed to the consideration of the Indian appropriation bill. Three distinguished Senators in charge of various bills appealed to me not to press the Indian appropriation bill, and feeling that by reason of their priority of service in the Senate I ought in some measure to yield, I yielded and did not make the motion. Last night, by common consent in this Chamber, which no one will deny, it was understood that the Indian appropriation bill was to follow the Diplomatic and Consular bill. When the time came for me to make the appropriate motion, Senators on both sides of the Chamber appealed to me not to impinge the Indian appropriation bill in front of the seamen's bill; and the distinguished Senator from Florida [Mr. FLETCHER], the distinguished Senator from Wisconsin [Mr. LA FOLLETTE], and other Senators who are not leaders and who do not want to be leaders, assured me that so soon as——

Mr. LODGE. Mr. President, I should like to ask a question. Does the Senator mean to say that there was unanimous consent as to any of these bills?

Mr. ASHURST. Mr. President, my distinguished and learned friend, the Senator from Massachusetts, must have been out of the Chamber a moment ago. I did not say there was an agreement by unanimous consent, but I said that by common report or common fame in the Senate it was known that I was to be next in pressing the Indian appropriation bill.

Mr. LODGE. No notice was given and no unanimous consent.

Mr. ASHURST. Oh, yes; notice was given. Notice was given in the open Senate and Senators were told privately.

Mr. LODGE. But a notice binds no one.

Mr. SMITH of Georgia. Mr. President——

Mr. ASHURST. There may be Senators whom notices do not bind, but there are Senators whom notices and courtesies do bind. Now, we would like to hear the speech of our distinguished friend, the learned Senator from Georgia; but it is addressed to a subject that is concluded; it is going to be addressed to a bill the Senate has passed, and I hope that we may proceed to the consideration of the Indian bill at some time during this day.

Mr. SMITH of Georgia. Mr. President, I sympathize with the desire of the Senator from Arizona to proceed with the Indian bill. I personally know that he has been most courteous in yielding upon this subject to other measures. He has been courteous to me with reference to it. I do not think the seamen's bill ought to have been taken up ahead of the appropriations bill.

Now, it is not my purpose to waste the time of the Senate. I think we ought to have an opportunity to move to reconsider that action. I think the bill ought to be kept in the Senate until we have the opportunity to secure a yea-and-nay vote on a motion to reconsider the vote on the seamen's bill. It is because I desire to stop the seamen's bill, if possible, that I am addressing the Senate.

The VICE PRESIDENT. The Chair will state, for the information of the Senator from Georgia, that he interrupted the Senator from Oregon before, when he had no right to interrupt him, without his consent, for any other purpose than a question; but having the floor now, the Senator can make his motion if he wants to.

Mr. SMITH of Georgia. I move, then, that the Senate reconsider its action with reference to the seamen's bill.

Mr. ASHURST. Mr. President, a point of order.

Mr. LA FOLLETTE. Mr. President——

Mr. SMITH of Georgia. And before I yield the floor I desire to present some views in support of that motion.

Mr. LA FOLLETTE. Mr. President——

Mr. MARTINE of New Jersey. I move to lay that motion on the table.

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. SMITH of Georgia. I do not.

Mr. LA FOLLETTE. I insist that no Senator can make such a motion and hold the floor. When the motion is made it is proper to have it stated to the Senate. That takes the Senator off the floor, and a motion then to lay on the table is in order.

The VICE PRESIDENT. If the Senator from Wisconsin insists upon the motion of the Senator from Georgia being reduced to writing, it must be reduced to writing.

Mr. VARDAMAN. Mr. President, a point of order.

Mr. LA FOLLETTE. I insist that no Senator can make such a motion and hold the floor after it is made.

Mr. FLETCHER. I ask that the motion may be reduced to writing.

The VICE PRESIDENT. The request——

Mr. SMITH of Georgia. Then I will reduce it to writing in due time, and I will proceed with what I desire to say in support of it before I send it to the desk.

Mr. VARDAMAN. A point of order, Mr. President.

Mr. LA FOLLETTE. I demand the regular order.

Mr. VARDAMAN. A point of order.

The VICE PRESIDENT. The Senator from Mississippi will state it.

Mr. VARDAMAN. The Senator can not make that motion as long as the Military Academy bill is before the Senate. In order that he may make that motion, it is necessary to displace the bill now before the Senate.

Mr. DU PONT. Mr. President——

The VICE PRESIDENT. The Chair's mind is pretty clear on this question now. There is no doubt about these propositions, to the Chair's satisfaction, at least:

First, that when a Senator has the floor, he has the right to say that he will not yield to any other Senator except for the purposes of a question. It was upon that ground that the Chair ruled originally, that the motion of the Senator from Georgia was not in order. The Chair has no doubt, however, that when a Senator does get the floor he has a right to move for a reconsideration of a vote, which practically amounts to displacing the unfinished business if it be carried. In accordance with the former rulings of other presiding officers, however, and in accordance with the rules of the Senate, the Senator from Georgia will be compelled, upon request, which has been made, to reduce his motion to writing, have it presented, and read by the Secretary, and he loses his right to the floor when that is done. But if it be not presented, in accordance with a custom which the Chair, with due courtesy to the Senate, would say should be more honored in the breach than in the observance thereof, the Senate of the United States permits a Senator to talk upon any question, whether it be germane to the pending measure or not. So that the Senator from Georgia, in accordance with the rulings of the Senate, has a perfect right, on the Military Academy bill, to talk about anything he wants to.

Mr. SMITH of Georgia. Mr. President, I regret exceedingly that for a few moments I was out of the Chamber and that a vote upon the seamen's bill was had during my temporary absence. There is much in that bill that commends itself to me. There is much in the bill that I would be glad to support; but I can give in a very few words reasons that make it impossible for me to support and cause me earnestly to desire to defeat the measure as it is now presented.

I would call attention to two of them. It is the interference with the admission of foreign vessels to our harbors, the interference that it will cause to that part of our commerce which depends upon the tramp steamer, that leads me to fear the consequences of this bill. Of our three billion seven hundred and fifty millions of transoceanic commerce, 85 per cent, I understand, is carried by tramp steamers. It is carried by vessels not owned by citizens of the United States. The vessels of all the world handle this business for our people. My own immediate section is absolutely dependent to-day upon vessels of that character to carry cotton to foreign consumers. The paralysis of the price of our cotton during October, November, and part of December was to a large extent due to the entire absence of any transportation for cotton to foreign ports. If we strike a blow at those foreign vessels, if we strike a blow at the service that is being rendered by those vessels doing our transoceanic commerce, we will affect the laboring people of this entire country by the blow. We will affect the farmer in the sale of his products. We will affect the manufacturer in the sale of his products.

I yield to no man in my desire to help develop and improve the status of the laboring men of this country; but I will not be carried away by a proposition such as this bill contains which, in the interest of the laboring man upon the ocean, in my judgment, strikes a blow at every laboring man upon a farm in the United States, at the laboring men upon our trains, at all the laboring men of the United States whose occupations rest in large part upon the transportation of the products of this country to foreign consumers.

While we are undertaking to regulate the conduct of our own vessels, let us remember that there are but few of them engaged in transoceanic trade. If this bill stopped with the regulation of domestic vessels, I would have nothing to say; but it undertakes to place all the regulations with which we surround our own vessels upon every vessel that comes into our harbors—not only passenger vessels but freight vessels coming to carry our products across the ocean. I fear, I believe, that this measure is calculated to cut off from our harbors the vessels so necessary to carry our products to foreign consumers. Let me illustrate by referring to only two of its provisions.

Let us take section 4. Section 4 concludes with the statement:

> That this section shall apply to seamen on foreign vessels while in harbors of the United States, and the courts of the United States shall be open to such seamen for its enforcement.

That section sets aside the contract made between the owner of the vessel and the men who work on it. If the owner of a tramp steamer at Genoa, Italy, or at some point in Norway or Sweden or in Holland, employs his crew for a trip to Norfolk or Galveston or Boston and return, that section breaks the contract that the owner of the vessel has made with his crew when they enter an American port. It puts new regulations upon his men. It imposes new regulations as to what character of men can handle his vessel.

Mr. FLETCHER. Mr. President, may I interrupt the Senator to inquire if he is addressing himself to the merits of the bill which has been passed with the idea of making a motion to reconsider that vote? Is that the Senator's position? If so, I will ask the Senator if it is not a fact, judging from his remarks already, that he would not have voted with the prevailing side in the adoption of that report if he had been in the Senate Chamber? Is not that true?

Mr. SMITH of Georgia. I answer the Senator that if there had been no yea-and-nay vote, no matter which way I voted, I could have moved to reconsider, under the rules of the Senate.

Mr. FLETCHER. I call the Senator's attention to Rule——

Mr. SMITH of Georgia. I do not yield to the Senator.

Mr. FLETCHER. Then I make the point of order that the Senator can not move to reconsider, because he did not vote with the prevailing side.

Mr. SMITH of Georgia. When I present the motion I shall be ready to meet the Senator on that proposition.

Mr. FLETCHER. The Senator announced that he was not in the Senate Chamber, and his argument shows that he would not have voted with the prevailing side if he had been in the Senate Chamber. Consequently, he is not in a position to make any such motion, and I make the point of order that he can not make that motion.

The VICE PRESIDENT. It has been decided a number of times that when there is no yea-and-nay vote anybody can move to reconsider.

Mr. SMITH of Georgia. Now, Mr. President and Senators, I beg you to listen. I beg you not to be swept away by this bill, but to realize what you are doing to your constituents.

This section 4 breaks the contract between owners of foreign vessels and members of their crews and relieves the crew from any contract to return with the vessel. It relieves them from the obligation of their contracts and enforces payment of full wages up to the time they quit. So, if a Norwegian, Swedish, Holland, Italian, or Spanish vessel leaves a harbor of one of these countries and comes across with a crew that has been employed to make the round trip, the contract is over when the American port is entered, and the owner of the vessel must secure a crew under the contract prescribed by this bill before his vessel can sail.

What further does it do? It prescribes the terms on which that vessel can employ the new crew going out of the port; it prescribes in detail who can serve; it prescribes the equipment of the vessel, with limitation after limitation upon the vessel.

Now, Senators, suppose a vessel should come into the port of Galveston from Norway with a crew under contract to sail to Galveston and back to Norway. The contract is broken when it goes into Galveston. The owner of the vessel must obtain a new crew under the terms of this bill. Who guarantees that the men will be at the port to be employed, with the qualifications required by the bill? What assurance has the owner of such a vessel that such a crew can be employed? We undertake to regulate that vessel. What careful business man would wish to take his vessel into a port under such circumstances? Are

we not driving them off? Are we not about to pass a bill which would prevent our transoceanic shipment from being carried by vessels foreign owned? Will not the regulations and restrictions placed upon them when they come inside of an American port make their owners afraid to come?

I would be glad to see every possible advancement for all these men, but I am unwilling to see a regulation placed upon the vessels that we require to-day to carry our products to foreign consumers so shaped, so devised, as to prevent us from having carriage. Who is to secure transportation for our flour and our other agricultural products of the Middle West?

I state frankly what concerns me most is to secure the transportation of the cotton of my constituents. I will be candid about it. I am more interested in taking their cotton to market than I am in any other one thing of a business character. By this bill we strike a blow at the cotton farmer. We put the owners of foreign freight steamers in a position where probably they will not dare serve us. We may destroy the only means we have of shipping cotton, grain, and other farm products abroad.

I voted for the shipping bill. I voted for the United States to put $40,000,000 into a shipping company. I voted for it and will continue to vote for it even though it had in it things that I did not like, and I understand it is coming back here with things which I like less, but I would rather take the chances in the future of getting rid of permanent operation than to fail during this crisis to have transportation for the products of this country to foreign consumers.

When we realize that we sold last year $2,750,000,000 of our products to foreign consumers, when we realize that the paralysis of that commerce would absolutely paralyze the whole business of the country and carry want into the homes of most of the humble and poorer classes of the country, when we realize the harm that would come from the loss of transportation of products to foreign consumers, how can we afford to vote for this measure? Even if we had passed the shipping bill we would still be compelled to rely in large part upon the tramp steamers for transportation. Yet we are asked to add these restrictions upon foreign vessels, these extreme limitations, these limitations as to their crews that will require them to obtain new crews when they come into one of our ports before they can go out with our products. We are asked to make it impossible for them to sail from across the ocean with a crew employed to come here and go back.

What is going to happen to our transportation facilities upon which we must rely to carry our products abroad for consumption and what will happen to our communities when their opportunity for transportation is taken from them?

I say, again, there may be many splendid features in this bill. I say, further, that I would be glad to see many of these features extended to the vessels of the world by common agreement; but to undertake in this way to force them on every vessel that comes into our harbors is to force those vessels out of our harbors to a great extent. It is to put them in a shape where they can not afford to come into our harbors if they can get business anywhere else; and now, while we have already been shown the difficulties of transportation which confront us, I simply feel a sense of dread as to the consequences which will follow this measure.

Mr. President, as I said, I do not desire to detain the Senate. I send the following to the Secretary's desk.

The VICE PRESIDENT. The Secretary will read it.

The SECRETARY. The Senator from Georgia [Mr. SMITH]:

I move to reconsider the vote by which the Senate agreed to the conference report on Senate bill 136, "An act to promote the welfare of American seamen and the merchant marine of the United States, to abolish arrest and imprisonment as a penalty for desertion, and to secure the abrogation of treaty provisions in relation thereto, and to promote safety at sea," and that the House be requested to return said bill to the Senate.

Mr. LA FOLLETTE. Mr. President——

Mr. SMITH of Georgia. I suggest the absence of a quorum.

Mr. LA FOLLETTE. Does the Senator from Georgia suggest the absence of a quorum?

Mr. SMITH of Georgia (to Mr. LA FOLLETTE). You have the floor.

Mr. LA FOLLETTE. Mr. President, I am reluctant in the present condition of the public business to take one moment that is needed for the consideration of other important legislation to debate the question whether the report should be reconsidered.

The VICE PRESIDENT. The Senator from Georgia suggested the absence of a quorum. The Chair thought the Senator took the floor for another purpose.

Mr. LA FOLLETTE. I understood the Senator from Georgia to withdraw the suggestion.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fall	Myers	Smith, Ariz.
Bankhead	Fletcher	Nelson	Smith, Ga.
Bryan	Gallinger	Norris	Smith, Md.
Burleigh	Gore	O'Gorman	Smith, Mich.
Burton	Gronna	Oliver	Smoot
Camden	Hitchcock	Overman	Stephenson
Catron	Johnson	Page	Sterling
Chamberlain	Jones	Perkins	Stone
Chilton	Kenyon	Pittman	Swanson
Clapp	Kern	Poindexter	Thompson
Clark, Wyo.	La Follette	Ransdell	Tillman
Clarke, Ark.	Lane	Robinson	Townsend
Colt	Lea, Tenn.	Saulsbury	Weeks
Crawford	Lee, Md.	Shafroth	White
Culberson	Lewis	Sheppard	Works
Cummins	Lippitt	Sherman	
Dillingham	Lodge	Shields	
du Pont	Martine, N. J.	Simmons	

Mr. RANSDELL. The senior Senator from Louisiana [Mr. THORNTON] is absent on account of sickness. I ask that this announcement may stand for the day.

Mr. MARTINE of New Jersey. I desire to announce the absence of my colleague [Mr. HUGHES] on account of illness in his family. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Sixty-nine Senators have answered to the roll call. There is a quorum present.

Mr. SMITH of Georgia. I rise to a parliamentary inquiry. Is the bill still in the Senate, or has it been sent to the House?

The VICE PRESIDENT. It is here.

Mr. SMITH of Georgia. Then I wish to withdraw that part of my resolution which asks that it be returned from the House.

The VICE PRESIDENT. That has been done. The Chair ordered it withdrawn.

Mr. LA FOLLETTE. Mr. President, I do not purpose to take but a few minutes of the time of the Senate. The discussion last evening and this morning—the observations of the Senator from Massachusetts [Mr. LODGE], the Senator from New York [Mr. ROOT], the Senator from Ohio [Mr. BURTON], and the Senator from Georgia [Mr. SMITH]—proceeded upon the assumption that this proposed legislation, in so far as it applies to foreign vessels, is unprecedented and is not enforceable because it interferes with contracts made abroad by foreign vessels with foreign seamen.

Mr. President, I wish to say that the provisions of this bill, with regard to the application of certain of its provisions to foreign vessels, are taken almost word for word from the existing statute passed in 1898, which applies to foreign vessels sailing from ports of the United States to ports of the West Indies, Mexico, and Canada. The act of 1898 provides, just as this bill provides, that there shall be no allotment or advance made in wages to seamen, and that if allotments or advances are made the seamen shall be entitled to recover the full amount of wages earned, regardless of any allotment or advance that may have been paid. Then there follows this provision:

(f) That this section shall apply as well to foreign vessels as to vessels of the United States; and any master, owner, consignee, or agent of any foreign vessel who has violated its provisions shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be for a similar violation: *Provided*, That treaties in force between the United States and foreign nations do not conflict.

The provision of the bill covering this same subject is as follows:

(e) That this section shall apply as well to foreign vessels *while in waters of the United States* as to vessels of the United States; and any master, owner, consignee, or agent of any foreign vessel who has violated its provisions shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be for similar violation. The master, owner, consignee, or agent of any vessel of the United States, or of any foreign vessel seeking clearance from a port of the United States, shall present his shipping articles at the office of clearance, and no clearance shall be granted any such vessel unless the provisions of this section have been complied with.

This bill provides, as to conflicting provisions in our treaties, that the President shall give the required notice to foreign countries, and ample time shall be allowed for an adjustment by negotiations, so that the countries affected shall be brought into harmony with regard to these new provisions.

Furthermore, Mr. President, the bill introduced by the Senator from Ohio in 1913 contains this provision with respect to prohibiting advances or allotments in, I think, almost precisely the language of this bill. I have that bill before me. With respect to foreign vessels it provides:

The master, owner, consignee, or agent of any foreign vessel seeking clearance from a port of the United States shall present his shipping articles at the office of clearance, and the collector of customs may, upon reasonable evidence that the provisions of this section have not been complied with, refuse to grant clearance to such vessel.

Now, Mr. President, the validity of those provisions was questioned after the enactment of the law of 1898. The bark *Eudora*, a British vessel, violated the provisions of the act by paying advances to the seamen. The case went to the Supreme Court of the United States, and the provisions of the act of 1898 prohibiting the payment of advance, even by foreign vessels, were sustained. I will not take the time to read the entire opinion to the Senate, but ask that I may have leave to print in the RECORD the statement of the issues involved in the case and the entire opinion following, which was delivered by the late Justice Brewer.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. SMITH of Georgia. Mr. President, I should like to hear such parts as are important now.

The VICE PRESIDENT. Does the Senator from Georgia object?

Mr. SMITH of Georgia. Yes.

Mr. LA FOLLETTE. Mr. President, I shall be forced, then, to take a few moments to present some extracts from the opinion to the Senate.

Mr. ASHURST. Will the Senator yield to me?

Mr. LA FOLLETTE. For a question.

Mr. ASHURST. I appeal to the Senator from Georgia to withdraw his objection.

Mr. SMITH of Georgia. Mr. President, I think it important that we should know. I regard this as legislation, if I comprehend it, that threatens seriously the people whom I represent. I am afraid it is a terrible blow to their chief industry that has already been severely injured, and it is so serious——

Mr. LA FOLLETTE. Mr. President, I do not yield to be taken off the floor.

The VICE PRESIDENT. The Senator from Wisconsin has the floor.

Mr. LA FOLLETTE. I think there is enough in the paragraphs of the opinion which I will read to present the issue to the Senate, so that I do not need to read the statement of the court as to the facts of the case.

It is a case that was certified up from the circuit court to the Supreme Court, and the questions certified up for the opinion of the court were:

First. Is the act of Congress of December 21, 1898, properly applicable to the contract in this case?

Second. Under the agreed statement of facts above set forth, upon a libel filed by said seamen, after the completion of the voyage, against the British vessel to recover wages which were not due to them under the terms of their contract or under the law of Great Britain, were the libellants entitled to a decree against the vessel?

That is, an advance of $20 had been made at the time these men shipped on board of this foreign vessel. There was no provision in the contract that they should have a right to recover regardless of the fact that the advance had been paid, and yet the law 1898 provided specifically that they should be entitled to recover the full amount earned regardless of any advance paid, and the reason for that rule is stated in this opinion:

Mr. Justice Brewer, after making the statement, delivered the opinion of the court. He said:

"Applying the ordinary rules of construction, it does not seem to us doubtful that the act of Congress, if within its power, is applicable in this case. The act makes it unlawful to pay any seaman wages in advance, makes such payment a misdemeanor, and in terms provides that such payment shall not absolve the vessel or its master or owner for full payment of wages after the same shall have been actually earned; and, further, it declares that the section making these provisions shall apply as well to foreign vessels as to vessels of the United States, provided that treaties in force between the United States and foreign nations do not conflict. * * * When, as here, the statute declares in plain words its intent in reference to a prepayment of seamen's wages, and follows that declaration with a further statement that the rule thus announced shall apply to foreign vessels as well as to vessels of the United States, it would do violence to language to say that it was not applicable to a foreign vessel."

That is the language of the opinion. It continues:

"But the main contention is that the statute is beyond the power of Congress to enact, especially as applicable to foreign vessels."

That was the contention urged last night by the Senator from Massachusetts [Mr. LODGE] and the Senator from New York [Mr. ROOT]. The court said:

It is urged that it invades the liberty of contract which is guaranteed by the fourteenth amendment to the Federal Constitution, and reference is made to Allgeyer *v.* Louisiana (165 U. S., 578, 589), in which we said—

Then it quotes from that opinion with regard to the interference of contract, and I ask to have that printed as a part of my remarks without reading.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

The liberty mentioned in that amendment means not only the right of the citizen to be free from the mere physical restraint of his person, as by incarceration, but the term is deemed to embrace the right of the citizen to be free in the enjoyment of all his faculties; to be free to use them in all lawful ways; to live and work where he will; to earn his livelihood by any lawful calling; to pursue any livelihood or avocation, and for that purpose to enter into all contracts which may be proper, necessary, and essential to his carrying out to a successful conclusion the purposes above mentioned.

Mr. LA FOLLETTE. I read again from the opinion:

Further, that even if the contract be one subject to restraint under the police power, that power is vested in the States—

That is a further opinion which was advanced by those arguing against the validity of this law. Now mark what the court says upon this point:

That, even if the contract be one subject to restraint under the police power, that power is vested in the States and not in the General Government, and any restraint, if exercised at all, can only be exercised by the State in which the contract is entered into; that the only jurisdiction possessed by Congress in respect to such matters is by virtue of its power to regulate commerce, interstate and foreign; that the regulation of commerce does not carry with it the power of controlling contracts of employment by those engaged in such service any more than it includes the power to regulate contracts for service on interstate railroads or for the manufacture of goods which may be intended for interstate or foreign commerce; and, finally, that the validity of a contract is to be determined by the law of the place of performance and not by that of the place of the contract; that the contract in this case was one entered into in the United States, to be performed on board a British vessel, which is undoubtedly British territory, and therefore its validity is to be determined by British law, and that, as conceded in the question, sustains its validity.

Mr. President, I do not wish to consume the time of the Senate in reading this entire opinion, but I will read such portions of it as meet the questions which have been raised. Mr. Justice Brewer and the court say:

We are unable to yield our assent to this contention. That there is, generally speaking, a liberty of contract which is protected by the fourteenth amendment may be conceded, yet such liberty does not extend to all contracts. As said in Frisbie *v.* United States (157 U. S., 160, 165):

"While it may be conceded that, generally speaking, among the inalienable rights of the citizen is that of the liberty of contract, yet such liberty is not absolute and universal. It is within the undoubted power of government to restrain some individuals from all contracts, as well as all individuals from some contracts. It may deny to all the right to contract for the purchase or sale of lottery tickets; to the minor the right to assume any obligations, except for the necessaries of existence; to the common carrier the power to make any contract releasing himself from negligence, and, indeed, may restrain all engaged in any employment from any contract in the course of that employment which is against public policy. The possession of this power by government in no manner conflicts with the proposition that, generally speaking, every citizen has a right freely to contract for the price of his labor, services, or property."

And that the contract of a sailor for his services is subject to some restrictions was settled in Robertson *v.* Baldwin (165 U. S., 275), in which sections 4598 and 4599, Revised Statutes, in so far as they require seamen to carry out the contracts contained in their shipping articles, were held not to be in conflict with the thirteenth amendment, and in which a deprivation of personal liberty not warranted in respect to other employees was sustained as to sailors.

Mr. BURTON. Mr. President, will the Senator from Wisconsin yield for a question?

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Ohio?

Mr. LA FOLLETTE. I do.

Mr. BURTON. We had some discussion last night about whether this provision as to allotments pertained to allotments made in foreign countries. Does the Senator from Wisconsin maintain that the bill as now drawn does forbid allotments made in foreign countries by foreign steamships, or is it restricted to allotments made in the United States?

Mr. LA FOLLETTE. Mr. President, while I have not in mind the exact language of the bill relating to that question I understand the bill limits its application to foreign ships while in the waters of the United States.

Mr. BURTON. At the top, I believe, of page 14——

Mr. LA FOLLETTE. I do not wish to be diverted at this time. I read again from this opinion, in which the court quoted as follows from the case of Robertson against Baldwin:

From the earliest historical period the contract of the sailor has been treated as an exceptional one, and involving, to a certain extent, the surrender of his personal liberty during the life of the contract. Indeed, the business of navigation could scarcely be carried on without some guaranty, beyond the ordinary civil remedies upon contract, that the sailor will not desert the ship at a critical moment or leave her at some place where seamen are impossible to be obtained—as Molloy forcibly expresses it, "to rot in her neglected brine." Such desertion might involve a long delay of the vessel while the master is seeking another crew, an abandonment of the voyage, and in some cases the safety of the ship itself. Hence the laws of nearly all maritime nations have made provision for securing criminal punishment for desertion or absence without leave during the life of the shipping articles.

With regard to that, Mr. President, no man stands on this floor at this time advocating the continuance of the involuntary servitude which the decision in the Robertson case enforced as against seamen. We have gone past that time. Mr. Justice Brewer says:

If the necessities of the public justify the enforcement of a sailor's contract by exceptional means, justice requires that the rights of the sailor be in like manner protected. The story of the wrongs done to sailors in the larger ports, not merely of this Nation but of the world,

is an oft-told tale, and many have been the efforts to protect them against such wrongs. One of the most common means of doing these wrongs is the advancement of wages. Bad men lure them into haunts of vice, advance a little money to continue their dissipation, and, having thus acquired a partial control and by liquor dulled their faculties, place them on board the vessel just ready to sail and most ready to return the advances. When once on shipboard and the ship at sea the sailor is powerless and no relief is availing. It was in order to stop this evil, to protect the sailor, and not to restrict him of his liberty, that this statute was passed. And while in some cases it may operate harshly, no one can doubt that the best interests of seamen as a class are preserved by such legislation.

Neither do we think there is in it any trespass on the rights of the States. No question is before us as to the applicability of the statute to contracts of sailors for services wholly within the State. We need not determine whether one who contracts to serve on a steamboat between New York and Albany or between any two places within the limits of a State can avail himself of the privileges of this legislation, for the services contracted for in this case were to be performed beyond the limits of any single State and in an ocean voyage. Contracts with sailors for their services are, as we have seen, exceptional in their character, and may be subjected to special restrictions for the purpose of securing the full and safe carrying on of commerce on the water, being so subject whenever the contract is for employment in commerce not wholly within the domain of Congress, which is charged with the duty of protecting foreign and interstate commerce.

Finally, while it has often been stated that that law of the place of performance determines the validity of a contract (London Assurance *v.* Companhia de Moagens, 167 U. S., 149, 160), yet that doctrine does not control this case. It may be remarked in passing that it does not appear that the contract of shipment or the advance payments were made on board the vessel. On the contrary, the stipulated fact is that the "seamen were engaged in the presence of the British vice consul at the port of New York." The wrongful acts were, therefore, done on the territory and within the jurisdiction of the United States. It is undoubtedly true that for some purposes a foreign ship is treated as a foreign territory. As said by Mr. Justice Blackburn, in Queen *v.* Anderson (L. R. 1 Crown Cases Reserved, 161), "A ship which bears a nation's flag is to be treated as part of the territory of that nation. A ship is a kind of floating island." Yet when a foreign merchant vessel comes into our ports, like a foreign citizen coming into our territory, it subjects itself to the jurisdiction of this country. In Schooner Exchange *v.* McFadden (7 Cranch., 116, 136, 186), this court held that a public armed vessel in the service of a sovereign at peace with the United States is not within the ordinary jurisdiction of our tribunals while within a port of the United States. In the opinion of Chief Justice Marshall it was said that "the jurisdiction of the nation within its own territory is necessarily exclusive and absolute; it is susceptible of no limitation not imposed by itself. Any restriction upon it depriving validity from an external source would imply diminution of its sovereignty to the extent of the restriction. All exceptions, therefore, to the full and complete power of a nation within its own territory must be traced to the consent of the nation itself. They can flow from no other legitimate source. This consent may be either express or implied. In the latter case it is less determinate, exposed more to the uncertainties of construction; but, if understood, not less obligatory." And again, after holding it "to be a principle of public law that national ships of war, entering the port of a friendly power, open for their reception, are to be considered as exempted by the consent of that power from its jurisdiction," he added: "Without doubt, the sovereign of the place is capable of destroying this implication. He may claim and exercise jurisdiction, either by employing force or by subjecting such vessels to the ordinary tribunals."

Again, in Wildenhus's case (120 U. S., 1), in which the jurisdiction of a State court over one charged with murder committed on board a foreign merchant vessel in a harbor of the State was sustained, it was said by Mr. Chief Justice Waite (pp. 11, 12):

"It is part of the law of civilized nations that when a merchant vessel of one country enters the ports of another for the purposes of trade, it subjects itself to the law of the place to which it goes unless by treaty or otherwise the two countries have come to some different understanding or agreement. * * * From experience, however, it was found long ago that it would be beneficial to commerce if the local government would abstain from interfering with the internal discipline of the ship and the general regulation of the rights and duties of the officers and crew toward the vessel or among themselves. And so by comity it came to be generally understood among civilized nations that all matters of discipline and all things done on board which affected only the vessel or those belonging to her, and did not involve the peace or dignity of the country or the tranquillity of the port, should be left by the local government to be dealt with by the authorities of the nation to which the vessel belonged as the laws of that nation or the interests in its commerce should require. But if crimes were committed on board of a character to disturb the peace and tranquillity of the country to which the vessel has been brought, the offenders have never by comity or usage been entitled to any exemption from the operation of the local laws for their punishment, if the local tribunals see fit to assert their authority."

It follows from these decisions that it is within the power of Congress to prescribe the penal provisions of section 10, and no one within the jurisdiction of the United States can escape liability for a violation of those provisions on the plea that he is a foreign citizen or an officer of a foreign merchant vessel. It also follows that it is the duty of the courts of the United States to give full force and effect to such provisions. It is not pretended that this Government can control the action of foreign tribunals. In any case presented to them they will be guided by their own views of the law and its scope and effect; but the courts of the United States are bound to accept their legislation and enforce it whenever its provisions are violated. The implied consent of this Government to leave jurisdiction over the internal affairs of foreign merchant vessels in our harbors to the nations to which those vessels belong may be withdrawn. Indeed, the implied consent to permit them to enter our harbor may be withdrawn, and if this implied consent may be wholly withdrawn it may be extended upon such terms and conditions as the Government sees fit to impose. And this legislation, as plainly as words can make it, imposes these conditions upon the shipment of sailors in our harbors and declares that they are applicable to foreign as well as to domestic vessels. Congress has thus prescribed conditions which attend the entrance of foreign vessels into our ports and those conditions the courts are not at liberty to dispense with.

Mr. President, there can not, I believe, remain in the mind of any Senator any question as to the right of this Government to enact this legislation. As to the wisdom of the public policy of such enactment there has been no objection made here that is not answerable—overwhelmingly answerable—but, much as I should like to cover that ground, I refrain from taking two or three hours for that purpose because of the pressure of important legislation before the Senate at this time.

The history of this legislation is fresh in the minds of Senators. It has been a long, hard struggle of more than 20 years, exemplifying the difficulties of establishing the rights of men when in conflict with the money power.

This bill, if it becomes law, in so far as the United States can do it, will make of the seaman a free man. It gives him the right to one-half the wages earned, and this will enable him to exercise and protect his freedom. It will prevent "crimping" and "shanghaiing." It protects against unfair competition with orientals. It regulates the hours of labor in port and at sea. It compels better living conditions for seamen on the vessels. It establishes a satisfactory standard for able seamen employed upon ocean vessels. It requires certificated lifeboat men as part of the manning of the lifeboats, without establishing a definite standard of efficiency for them. The bill provides a standard for davits, a standard for lifeboats, and requires the equipment of vessels with a certain number of lifeboats.

In the provisions for the public this bill does not go as far as it should.

Why, Mr. President, when this same Committee on Commerce investigated the great *Titanic* disaster and reported the result of their investigation to the Senate, it recommended that vessels going out of our ports should be compelled to carry lifeboats for all. At that time there was no dissent from any member of that committee to that proposition. The Senate, when it considered this bill, in October, 1913, incorporated in it a provision that every vessel leaving our ports—foreign vessels as well as the vessels of the United States—should furnish lifeboats for all, and that the assignment of every passenger to his place in a lifeboat should be made when he purchased his ticket. I must not take the time of the Senate to discuss the influences that have operated to cut down these provisions for the safety of passengers.

This conference report, if it is adopted and made a law, furnishes such safety provisions only to 75 per cent of the passengers. Every boat leaving the United States, whether foreign or a vessel of this country, will be required to furnish lifeboats for 75 per cent and life rafts for 25 per cent. This provision, which the Senator from Ohio so highly commends, means just this: In midocean, when the temperature is low and when a vessel, as in the case of the *Titanic*, is fatally hurt and must go down, 25 per cent of those on board must take refuge, such as is offered, on rafts. What does that mean? The rafts are two cylinders which support a platform of slats. When the rafts are loaded, the water must wash over them and go up through the openings between the slats. A life line runs around outside of the raft. For what purpose? To enable those who jump overboard to hold and either draw themselves onto the raft or support themselves in the water. The raft is thrown over by hand. The passengers having no other means of possible safety must jump overboard, and it may be into water that will chill them to death in less than two hours, as was the case in the wreck of the *Empress of Ireland*. They can hold onto the rope if they have the strength, or the raft may float them if they climb on top of it; but if they are on top of it, they will still be washed by the icy sea as it passes over them. Without question lifeboats should be provided for all. When it is understood what inadequate protection the raft furnishes against disasters at sea, the public will demand lifeboats for all. And I serve notice that, at the beginning of the next session, if I live, I shall press upon the attention of the committee and of Congress, and upon the attention of the public, the importance of furnishing lifeboats for all, in order to provide that degree of safety at sea to which all are entitled.

Mr. President, this subject tempts me to go further, but the condition of business in the Senate admonishes me that I must forbear. I must not take more time.

I move to lay the motion of the Senator from Georgia [Mr. SMITH] on the table.

Mr. BURTON. Mr. President, I want to be heard about five minutes on that. There is a ready answer to what the Senator from Wisconsin has said.

The VICE PRESIDENT. Well, the Chair——

Mr. LA FOLLETTE. The Senator has already spoken two or three hours.

Mr. BURTON. But statements have been made——

The VICE PRESIDENT. The Chair has no power to grant a request of the kind made by the Senator from Ohio.

Mr. BURTON. Mr. President——

The VICE PRESIDENT. The Chair has no power to grant the request.

Mr. BURTON. I know that; but I make the request of the Senator from Wisconsin. He has made statements entirely new in the discussion of this question, which should be answered before this matter comes to a vote.

Mr. STONE. Mr. President, this conference report was agreed to under very peculiar circumstances. There is no disposition, or I think none, to unduly delay the consideration of this matter, and I do not think it is fair to force it to a vote in this way after what has occurred. The way in which it passed was not due to those who were opposed to the bill, but the bill was passed in their absence. Personally I think advantage was taken of their temporary absence, and that ought not to be.

Mr. ASHURST. Regular order, Mr. President.

The VICE PRESIDENT. The Chair has not anything to do with it. It is the rule of the Senate.

Mr. FLETCHER. Regular order!

Mr. BURTON. I understand that a request to postpone the motion is refused. Against that I enter my protest.

The VICE PRESIDENT. So the Chair understands.

Mr. BURTON. In five minutes I could present the facts to the Senate in such manner as to show that the arguments of the Senator from Wisconsin in regard to this matter are not at all based upon the facts.

Mr. LA FOLLETTE. I would not press this motion if I were not warned by other Senators that if this debate is protracted it will not only put in jeopardy this legislation, but also appropriation bills which must be passed, unless an extra session comes on.

The VICE PRESIDENT. The Chair has absolutely no power to grant the request.

Mr. LA FOLLETTE. I must ask for the regular order.

The VICE PRESIDENT. The question is on the motion of the Senator from Wisconsin [Mr. LA FOLLETTE] to lay on the table the motion to reconsider.

Mr. SMITH of Georgia. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARKE of Arkansas (when his name was called). I have a pair with the junior Senator from Utah [Mr. SUTHERLAND] and withhold my vote, unless he makes his appearance.

Mr. MARTINE of New Jersey (when his name was called). I am paired with the Senator from Connecticut [Mr. BRANDEGEE]. I transfer that pair to the Senator from Virginia [Mr. MARTIN] and vote "yea."

Mr. MYERS (when his name was called). I have a pair with the Senator from Connecticut [Mr. MCLEAN]. In his absence I withhold my vote.

Mr. STERLING (when his name was called). I have a general pair with the junior Senator from New Jersey [Mr. HUGHES]. In his absence I withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to my colleague [Mr. SMITH of South Carolina] and vote "yea."

The roll call was concluded.

Mr. COLT (after having voted in the negative). I inquire if the junior Senator from Delaware [Mr. SAULSBURY] has voted?

The VICE PRESIDENT. The Chair is informed he has not.

Mr. COLT. In his absence I withdraw my vote. I have a pair with that Senator.

Mr. GRONNA (after having voted in the affirmative). I inquire if the senior Senator from Maine [Mr. JOHNSON] has voted?

The VICE PRESIDENT. The Chair is informed that he has not voted.

Mr. GRONNA. I have a pair with that Senator, and, as I am unable to get a transfer, I am compelled to withdraw my vote.

Mr. GALLINGER. I have been requested to announce the following pairs:

The Senator from Idaho [Mr. BORAH] with the Senator from Louisiana [Mr. THORNTON];

The Senator from Utah [Mr. SUTHERLAND] with the Senator from Arkansas [Mr. CLARKE]; and

The Senator from Idaho [Mr. BRADY] with the Senator from Indiana [Mr. SHIVELY].

The result was announced—yeas 39, nays 33, as follows:

YEAS—39.

Ashurst	Fletcher	Kenyon	Lee, Md.
Chamberlain	Gore	Kern	Lewis
Chilton	Hitchcock	La Follette	Martine, N. J.
Clapp	Hollis	Lane	Norris
Cummins	James	Lea, Tenn.	Owen
Perkins	Reed	Smith, Mich.	Vardaman
Pittman	Robinson	Swanson	Walsh
Poindexter	Shafroth	Thomas	White
Pomerene	Sheppard	Thompson	Works
Ransdell	Smith, Ariz.	Tillman	

NAYS—33.

Bankhead	Dillingham	Oliver	Smoot
Bryan	du Pont	Overman	Stephenson
Burleigh	Fall	Page	Stone
Burton	Gallinger	Penrose	Townsend
Camden	Hardwick	Root	Warren
Catron	Jones	Sherman	Weeks
Clark, Wyo.	Lippitt	Simmons	
Crawford	Lodge	Smith, Ga.	
Culberson	O'Gorman	Smith, Md.	

NOT VOTING—24.

Borah	Goff	Martin, Va.	Shively
Brady	Gronna	Myers	Smith, S. C.
Brandegee	Hughes	Nelson	Sterling
Bristow	Johnson	Newlands	Sutherland
Clarke, Ark.	McCumber	Saulsbury	Thornton
Colt	McLean	Shields	Williams.

So the motion to reconsider was laid on the table.

Mr. STONE. Mr. President——

The VICE PRESIDENT. The Senator from Missouri.

Mr. STONE. What is the question now before the Senate?

The VICE PRESIDENT. The Military Academy appropriation bill is now before the Senate.

Mr. STONE. I desire to take the floor.

The VICE PRESIDENT. The Senator from Missouri.

Mr. STONE. Mr. President, I voted against the motion of the Senator from Wisconsin [Mr. LA FOLLETTE] to lay on the table a motion of the Senator from Georgia [Mr. SMITH] to reconsider the vote whereby the conference report on the seamen's bill was agreed to. When the conference report was pending I was called from the Chamber to the office of the Secretary to execute a paper which it is important should be mailed to-day. When I left the Chamber I understood that the Senator from Georgia [Mr. SMITH] and other Senators desired to discuss the conference report following the address of the Senator from Mississippi [Mr. VARDAMAN], who was speaking at that time. On my return to the Chamber, greatly to my astonishment, I found that the report had been agreed to. From my point of view I could not support the bill as reported from the conference, and I desired to state my reasons for that position. When the Senator from Georgia made his motion to reconsider, I intended to vote for the motion and reopen the subject, and hence, when the Senator from Wisconsin moved to table the motion to reconsider, I felt constrained to vote against it. But since the motion to table was adopted, I wish now briefly to state some of my objections to the bill itself.

Mr. President, this seamen's bill in its present form does not have the approval of my deliberate judgment. I am as much interested in promoting the welfare of the American workingmen as any other Senator, although I do not have as much to say as some others on that subject. I feel just as deeply with respect to this subject as those who give more time than I do to the exploitation of their views upon it. I can not support a measure which I believe to be wrong and unwise, simply because some organization of men may favor it, however much I may be in sympathy with those men. From the sentimental or sympathetic view I should have liked to support the seamen's bill. If it had been confined in its operations to American seamen and American ships, it would have had my hearty support; but when we go beyond that and undertake a sort of Utopian scheme of caring for foreign seamen and regulating foreign ships and imposing our standards of policy upon the Governments of the world, I am compelled to halt, for I have a grave apprehension that an attempt of that kind will involve us in serious trouble without accomplishing any measure of good that would compensate for the dangers we incur. I greatly desire to promote the welfare of American workingmen in whatever line they are employed; I want their conditions improved, so as to make them the best possible; I want them to have the best wages paid anywhere in the world; I want them to enjoy every possible comfort and the widest liberty of conduct consistent with good citizenship. When we work on these lines we are working within our own jurisdiction and keeping within our own limitations, but when we venture beyond this boundary and, in a spirit of knight errantry, undertake by law to apply our standards to other nations, I think we venture upon dangerous ground.

The Senator from Wisconsin said that this seamen's bill represented a significant phase of the struggle now going on between men and the rights of men upon the one side and money on the other side. If I comprehend what he means he intended to impress the idea that there is a struggle between employees and employers—between seamen who work and shipowners who

employ them. That may be true. Possibly it is true. I do not perhaps know as well as the Senator from Wisconsin about the details of this conflict; I do not know how acute it is or about its history or the extent of it. Everyone knows that I have nothing to do, directly or indirectly, with any shipping interest, and that I have no concern about the shipping interest except in its broad and general aspects.

Mr. President, I make no issue on the legal phases of the subject, as they have been presented by the Senator from Wisconsin and others. I think the United States can deny foreign ships the right to enter its ports if it should so desire, and that it follows, therefore, that the United States can admit foreign ships to its ports upon any terms it pleases. We can impose any conditions in that behalf we may desire. But I am looking at the question as one purely of public policy. The seamen's union want this bill; their representatives have been urging it actively upon the consideration and favor of Members of Congress. They think that the bill will not only help American seamen, but will also help foreign seamen who come upon foreign ships into our ports. I can not believe that this latter result is possible of attainment through this means. If foreign seamen should generally avail themselves of the provisions of this proposed law, they would probably soon find themselves out of employment altogether. They might come ashore and remain here, or they might exact of their employers additional compensation or additional advantages in other ways as a condition for carrying out their contracts and returning to their employment aboard ship. They might do that for the moment. But can you doubt that such men would be blacklisted, and that on returning home they would be subjected to some form of punishment by their home authorities, or at least that they would lose their employment and be put adrift. If they refused to return to the service which they had been engaged to perform, and should remain in America, what then? They would be men trained in the service to which they had been devoting their lives and would be measurably unfit for any other employment. It follows, therefore, that they would crowd in upon the opportunity of American seamen and overstock the labor market of this country. I do not see how any substantial or permanent good can be derived in this direction from this bill.

But, Mr. President, my greatest objection to this bill lies in this direction: By congressional legislation and because of our public policy, we have practically destroyed our over-seas merchant marine. We have few ships of our own; we have by a blind and fatuous course, inexplicable and amazing, driven our flag from the high seas. And now we propose to establish a policy the inevitable tendency of which is to drive foreign ships from our ports and thus further harass and distress the great commercial and industrial interests of the country. We have millions of tons of our products—the products of our enterprise and labor—for shipment to the various markets of the word. We are dependent upon the ships of foreign countries to supply the facilities of transportation. To the extent that you hamper and embarrass the commercial and industrial interests of the country in finding ready and adequate means of transportation you injure the labor of the country employed in productive industry, and you injure enterprise and investment. I would like to render any wise and considerate service to workingmen employed in ocean shipping, but I can not forget that there are many hundredfold more workingmen whose interests seem to me to lie in another direction. At all events, I am not willing to take the chance of trying to help the working people of other nations by doing at the same time not only a possible but a probable serious injury to thousands of wage earners in my own country.

The Senator from Georgia [Mr. SMITH] says that from 75 to 80 per cent of the cotton, food products, manufactures, and other American commodities are shipped abroad in the bottoms of what are known as tramp ships. I can not escape a profound apprehension that these ships will avoid our ports, coming here only when they can find no cargoes in other countries, if this measure becomes a law and is rigidly enforced. Of course I may be mistaken about this and hope I am, but that we incur a grave danger in this direction seems clear to my mind. The bill would not appeal to my judgment even if the world was at peace; but in the circumstances of this period, I can not help looking upon this movement with unqualified disapprobation.

Mr. President, can we expect foreign nations to acquiesce in a drastic policy of this kind? Will they not justly regard it as a gross interference with their rights? Will we not provoke them into adopting some policy of their own by way of retaliation, and thus not only unsettle business conditions in this country but seriously disturb our international relations? I can not but view this measure with deep apprehension. I do not believe that the possible good to be derived from it will begin to compensate for the injury it will occasion.

Mr. President, in this hurried way I give a skeleton view of my objections to the bill. Nothing I can say will be of any avail, I know, for the vote has been already taken. We have now passed the measure beyond the control of the Senate, but I feel that I ought to say at least this much in support of my attitude. There are other things I would like to say, and I would like to elaborate the points I have touched upon, but the time of the Senate is so precious now that I will not furtker intrude upon it.

INDIAN APPROPRIATIONS.

Mr. ASHURST. Mr. President——

The VICE PRESIDENT. The Senator from Arizona.

Mr. ASHURST. I move that the Senate proceed to the consideration of H. R. 20150, the Indian appropriation bill.

Mr. JONES. Mr. President, before that is done I wish to make a statement in reference to my vote on the last question which was voted upon.

Mr. ASHURST. Mr. President, let the motion be stated.

Mr. JONES. I guess I can discuss this motion.

Mr. ASHURST. Wait until we get the bill up; then the Senator can discuss it.

Mr. JONES. I do not want to discuss the bill. I simply want to make a brief statement in connection with the last vote, and I will take this opportunity to do it, on the motion to take up this bill.

Mr. President, I voted against the motion to lay on the table the motion of the Senator from Georgia [Mr. SMITH]. I had intended to vote for the adoption of the conference report. I would have done so with very much misgiving, because of the provisions in it relating to foreign ships and because of our treaties. I voted, however, against the motion to lay on the table the motion of the Senator from Georgia because on general principles I am opposed to laying propositions on the table. I prefer to vote on them directly. Furthermore, it seemed to me that the Senate had hardly acted fairly in the acceptance of the conference report, because it was known that several Senators desired to speak upon it, and I believe that no technical advantage should be taken of them. I voted against this motion largely on that account.

Mr. BURTON. Mr. President——

The VICE PRESIDENT. The Senator from Ohio.

Mr. BURTON. In discussing the seamen's bill, the Senator from Wisconsin [Mr. LA FOLLETTE] animadverted upon the statements made by several Senators in the discussion, including the Senators from Massachusetts and New York as well as the Senator from Georgia and myself, and maintained that this proposed legislation was in line with statutes of the United States now existing. It will take but a very few minutes to show that either he quoted a very insignificant part of those statutes or he was in error.

It will be noted that the Senator from Wisconsin gave practically his whole time to the statutes of the United States relating to allotments or advance payments of wages to seamen, and when questioned as to whether the proposed law, as set forth on the top of page 14, referred to allotments made in foreign countries as well as in the United States, he expressed some doubt, but said he took it for granted that it did. Then he read at length from the case of the *Eudora*. That was a case in which allotments were made in the United States. He referred also to a bill introduced by me forbidding advance payments. The bill which I introduced forbade only allotments made in this country, and that bill very carefully limited penalties for allotments to those made in the United States. This conference report may be interpreted as limiting the law to allotments in the United States, but it is very doubtful, and it is evident that the intention of its proponents is to make it applicable to all allotments. I have already read the paragraph. Let me read the provisions in the two bills, and first from the pending bill:

> The master, owner, consignee, or agent of any vessel of the United States, or of any foreign vessel seeking clearance from a port of the United States, shall present his shipping articles at the office of clearance; and no clearance shall be granted any such vessel unless the provisions of this section have been complied with.

That is the provision in this bill relating to compliance with the law in regard to allotments. Now, a very significant line was in the former bill as it passed the House in March, 1913, and was in the bill as proposed by the Senator from Minnesota [Mr. NELSON] and myself, the omission of which changes the whole meaning of this section. The first lines are the same:

> The master, owner, consignee, or agent of any foreign vessels seeking clearance from a port of the United States shall present his shipping articles, so far as they relate to the engagement of seamen in the United States—

The last portion is significant. That was in the bill which passed the House and Senate in 1913; it was in the bill as recommended by the Committee on Commerce, expressly and in the most distinct language limiting the operation of this law to the engagement of seamen in the United States. This last line is left out in this conference report, and I presume it is left out with a purpose.

So, Mr. President, we have here a proposed law which penalizes the custom in vogue in every foreign country, a custom which we have tolerated all these years, namely, the allotment in a foreign country. We have sought by no statute to interfere, nor is there any judicial decision which interferes, with that custom. Every statute, every decision, is limited to allotments made in the United States, and until this law that comity was preserved between our own and every other.

But the question of allotments is an insignificant and immaterial one in this bill.

The principal section of the law read by the Senator from Wisconsin to sustain his contention contained the very important clause, "provided treaties with foreign countries do not conflict." In the paragraphs of which the opponents of the bill complain treaties do conflict.

The Senator from Wisconsin very judiciously avoided the other features in this conference report, which will demoralize shipping, which will interfere with comity with foreign nations. He said nothing of this provision that provides that a demand may be made for half of the wages which have been earned by a foreign seaman—a violation of the rule of contract; of the section which imposes upon every one of these boats—and I want to speak especially for the tramp boats—the necessity, after they have allotted and paid to their seamen perhaps the whole amount of wages earned, to pay one-half of that amount again if it is demanded in a port of the United States.

The Senator from Wisconsin very wisely omitted reference to the language test, which is new—new not only in this country, but in all countries. He omitted reference to the able-seaman test; he omitted what probably in practice will be the worst of all—the provision for a muster six hours before the boat is scheduled to depart.

These are the leading objections to the bill. The allotment provision to which he refers is of insignificant importance in comparison with those. Thus the Senator from Massachusetts, the Senator from New York, and the Senator from Georgia were right in their inferences of the damage to be done by this measure.

Mr. President, this is my last word upon this subject. I trust it is, anyway. If I were seeking personal vindication, I would say: "Pass this bill and try it." I have desired to state the objections to it and the dangers which lurk in it. I have tried to do my duty. My sympathy is all with the seamen. Their scale of wages all over the world, except in some exceptional localities, like the Pacific coast and the Great Lakes, is a low one. Anything that will improve their condition and give them a fair and rational basis for demanding larger compensation I shall most cordially approve and favor. But this bill interferes with our relations with every foreign country that has a merchant marine. It violates our treaties; it violates the customs of shipping that have been in vogue now, not merely for a hundred years, but from time immemorial. You can not introduce such demoralization in any trade without injuring the very men that you are seeking to benefit, because you lessen their opportunities for employment; you will drive boats away from the United States which otherwise would come here; you will make the rates for the transportation of products which compete with our own lower from those competing countries than they are when shipped from the United States, so that, in the long run, the very men that this bill seeks to benefit will be injured, and an injury of the greatest proportions will be imposed upon the producers of the United States.

I sincerely hope that the apprehensions of those who oppose this bill may not be realized; but if they are not, it will be because this law will be enforced with laxity or those who have opportunity to take advantage of it will show a degree of forbearance which could be hardly expected of any men.

There is one other thing I want to speak of—the provision with regard to lifeboats and rafts. The Senator from Wisconsin was criticizing this very conference report when he spoke of the 75 per cent of lifeboats and 25 per cent of rafts. That is in this bill; but just one word about that. It was not putting the investment of capital against the lives or safety of the passengers that prompted that. It was because under many circumstances the rafts are better than the lifeboats. If there is a rough sea the lifeboat in lowering is liable to be smashed against the side of the ship. If the ship sinks in a very short time there is not time to remove the boats from the davits and get them away; but there is time for the imperiled passenger to locate himself upon a raft and float away in safety. If this question comes up at any future time I trust the Senate or the House will not be influenced by any careless or superficial examination of this question, but will consider the facts, and recognize that this proportion between lifeboats and rafts was adopted by the London convention, by the best experts in the world, after careful consideration, and with a view to the greater security of human life.

MILITARY ACADEMY APPROPRIATIONS.

Mr. CHAMBERLAIN. I understand the Senator from Arizona [Mr. ASHURST], who has charge of the Indian appropriation bill, made a motion to supplant the pending unfinished business, but he assured me he would withdraw it and let me proceed with the Military Academy appropriation bill.

The PRESIDING OFFICER (Mr. SAULSBURY in the chair). The motion being withdrawn, as stated by the Senator from Oregon, the Senate will resume the consideration of the Military Academy appropriation bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 21328) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1916, and for other purposes.

The reading of the bill was continued. The next amendment of the Committee on Military Affairs was under the subhead, "Pay of civilians," on page 13, line 8, before the word "typewriter," to strike out "copyist" and insert "stenographer," so as to make the clause read:

For pay of one stenographer, typewriter, and attendant in the department of English and history, to be appointed by the Superintendent of the United States Military Academy, $840.

The amendment was agreed to.

The next amendment was, on page 13, line 17, after the word "charwoman," to insert "at headquarters, United States Military Academy," so as to make the clause read:

For pay of one charwoman at headquarters, United States Military Academy, $480.

The amendment was agreed to.

The next amendment was, on page 15, line 19, after the word "contingencies," to strike out "$1,700" and insert "$2,000," so as to make the clause read:

Printing: For printing and binding, type, materials for office, including repairs to motors and machinery, diplomas for graduates, annual registers, blanks, and monthly reports to parents of cadets, and contingencies, $2,000.

The amendment was agreed to.

The next amendment was, on page 15, line 25, after the word "and," to strike out "guardhouse" and insert "cadet headquarters," and on page 16, line 6, after the word "room," to strike out "$1,500" and insert "$2,000," so as to make the clause read:

For camp stools, camp and office furniture, and repairs to same; for doormats for cadet barracks, sinks, and cadet headquarters; for stationery, typewriting supplies and repairs, for use of instructor and assistant instructors of tactics; for books and maps, binding books, and mounting maps; for plumes, silk and worsted sashes for cadet officers and acting officers; for furniture, curtains, and rugs for cadet reception room, $2,000.

The amendment was agreed to.

The next amendment was, on page 16, line 12, after the word "tank," to strike out "$2,500" and insert "$3,500," so as to make the clause read:

Gymnasium and athletic supplies: For repairs, new machines, athletic supplies, and fixtures for gymnasium; for foils, masks, belts, fencing gloves, fencing jackets, gaiters, sabers, and repairs; for repairs and improvements to dressing rooms, platform, and swimming tank, $3,500.

The amendment was agreed to.

The next amendment was, on page 17, line 10, after the words "and so forth," to insert "to be immediately available," so as to make the clause read:

For general repairs to cadet camp, including camp grounds, repairs to tent platforms, painting, shower baths, and underground sinks, etc., to be immediately available, $1,000.

Mr. SMOOT. Is that amendment put in because of the fact that they spent $1,000 more than last year's appropriation?

Mr. CHAMBERLAIN. No; it is not for a deficiency. They want to get ready for the coming spring and summer encampment. As frequently happens, they want to begin work just as soon as the bill becomes a law. That is the only reason, I will state to the Senator.

Mr. SMOOT. As the Senator knows, there is a way under some of the appropriation bills of putting in appropriations to be immediately available, and it is done for no other purpose than to pay a deficit.

Mr. CHAMBERLAIN. I know that, but that is not the case here, I will state to the Senator.

The amendment was agreed to.

The next amendment was, on page 17, line 12, after the word "camp," to insert "to be immediately available," so as to make the clause read:

For 100 new tent floors for cadet camp, to be immediately available, $1,500.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous items and incidental expenses," on page 22, line 26, after the word "superintendent," to strike out "$1,400" and insert "$1,500," so as to make the clause read:

Purchase of instruments for band and repairs to same; for purchase of reeds, pads, strings, and other materials necessary for brass, wood, wind, and string instruments; for purchase of music stands and other equipments; for purchase of music for military band and orchestra and for extra parts; and for contingent expenses not otherwise provided for; all to be purchased in open market on order of superintendent, $1,500.

The amendment was agreed to.

The next amendment was, on page 23, line 9, after the word "bathhouses," to strike out "$11,000" and insert "$11,410," so as to make the clause read:

For the policing of barracks and bathhouses, $11,410, $400 of which is made immediately available.

The amendment was agreed to.

The next amendment was, on page 23, line 12, after the word "barracks," to strike out "$2,850" and insert "$3,600," so as to make the clause read:

For supplying light and plain furniture to cadets' barracks, $3,600.

The amendment was agreed to.

The next amendment was, on page 23, line 22, after the word "appropriations," to insert: "*Provided further*, That so much of section 96 of the act approved January 12, 1895, as requires envelopes for official use to be purchased under contracts made by the Postmaster General, shall not apply to the purchase of envelopes from any of the foregoing appropriations."

Mr. SMOOT. Mr. President, the object of the amendment I suppose is to change the printing law so that the envelopes can be purchased outside, not under the contract made by the Postmaster General. I want to have some explanation as to why that amendment should be adopted changing existing law, because I doubt very much whether the provision should be allowed to pass.

Mr. CHAMBERLAIN. I will say, if the Senator will permit me, Mr. President, that the reason they give for this provision is that they use file envelopes, a different class of envelopes, showing the subject, and they are different from the class of envelopes usually supplied by the Postmaster General. That is the only reason they gave for asking it.

Mr. SMOOT. Congress, in the last four or five years particularly, has undertaken to see that all supplies and all printing shall be obtained from one source. We have stopped a great deal of the printing in different sections of the country that cost the Government sometimes 150 per cent more than if printed here at the Government Printing Office.

Mr. CHAMBERLAIN. I will say to the Senator it is not a very important or essential provision, and I do not care to insist on it.

Mr. SMOOT. Then I ask that the amendment be disagreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

The next amendment was, under the subhead "Buildings and grounds," on page 25, after line 15, to insert:

For repairs to cadet mess building, $2,050.

The amendment was agreed to.

The next amendment was, at the top of page 27, to insert:

For grading and granolithic paving in area of the south cadet barracks, to be immediately available, $10,527.

Mr. SMOOT. Was that amount estimated for by the department?

Mr. CHAMBERLAIN. It was estimated for, but not allowed by the House. I will say to the Senator that the old pavement has been there for a great many years, and it is in a very much worse condition than the pavement to the east of this Capitol, because the system had not been improved for paving then, and the estimate is for repairs to put it in order.

The amendment was agreed to.

The next amendment was, on page 27, after line 5, to insert:

For increasing the efficiency of the power plant: For two 440-horsepower boilers complete with settings; for piping and connections for same; for replacing eight defective gate valves with globes; and making necessary alterations in piping in connection therewith, $19,960.

The amendment was agreed to.

The next amendment was, on page 27, after line 10, to insert:

Repairs and extensions to docks and wharves at West Point, N. Y.: For extensions, repair, and maintenance of south dock and wharf, including all necessary labor and material therefor, fuel for waiting rooms, and water for flushing urinals and closets, painting, repairs, brooms, shovels, etc., $15,000.

The amendment was agreed to.

The next amendment was, on page 27, line 20, after the word "wharf," to insert "and ferry slip at West Point, N. Y.," so as to make the clause read:

The Secretary of War is authorized to have collected from vessels using the wharf and ferry slip at West Point, N. Y., such wharfage dues as he may deem just, reasonable, and necessary, the same to be paid at the time of landing to the post quartermaster or his authorized agent.

The amendment was agreed to.

The next amendment was, on page 28, after line 4, to insert:

Hereafter printing, binding, and blank books required for the use of the United States Military Academy may be done or procured elsewhere than at the Government Printing Office when in the opinion of the Secretary of War such work can be more advantageously done or procured locally, the cost thereof to be paid from the proper appropriation or appropriations made for the Military Academy.

Mr. SMOOT. Mr. President, I make a point of order against the amendment that it is general legislation upon an appropriation bill.

Mr. CHAMBERLAIN. I concede that the point is well taken, Mr. President.

The PRESIDING OFFICER. The Chair decides that the point is well taken and that the amendment is out of order.

Mr. MARTINE of New Jersey. Mr. President——

The PRESIDING OFFICER. Have all the committee amendments been disposed of?

Mr. CHAMBERLAIN. The committee has no further amendment to offer.

Mr. MARTINE of New Jersey. I offer the following amendment.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. On page 2, line 10, after the word "admitted" insert the following proviso:

Provided further, That the President be, and he is hereby, authorized to reappoint as cadets at the United States Military Academy, without regard to age or the existence of vacancies, Charles August Meyer and Clifford Hildebrandt Tate.

Mr. SMOOT. I will ask the Senator from New Jersey to kindly explain why that amendment should be adopted.

Mr. MARTINE of New Jersey. The facts of the case briefly are these: These two young men are from my State. They were cadets at West Point and had a most exceptional record for deportment and ability and all the other requirements. They served nearly three years. Their matter was brought up last year before the military board. It passed the military board and the measure passed the Senate. It then went over to the House, but owing to the exceeding crush of business at that time it was impossible to get it through.

On behalf of these young men I appeared before the Committee on Military Affairs, and the action for the reinstatement of these men had the approbation of the entire committee. I now plead that these young men, whose conduct was exemplary in the academy, having failed only slightly on analytic geometry, instead of being discharged nolens volens and prevented from serving their country, which was the ambition of their lives, may be reinstated or put back so that they may begin again and have another trial.

Mr. SMOOT. The reason for their discharge is on account of the fact that they failed in one study, does the Senator say?

Mr. MARTINE of New Jersey. They failed slightly on analytic geometry. I have a letter here which I would like to have the Senator and the Senate hear. It seems to me that it presents their case in a way such as to justify my proposition, and I believe will induce the vote of every Senator here. I ask that this letter addressed to myself from one of these young men may be read by the Secretary.

The PRESIDING OFFICER. Without objection, the Secretary will read the letter.

Mr. SMOOT. Just a moment. I will ask the Senator if their conduct was such that they received demerits sufficient to call for their discharge?

Mr. MARTINE of New Jersey. No, sir; their conduct was most exemplary.

Mr. SMOOT. There was no charge of that kind against them?

Mr. MARTINE of New Jersey. It was nothing of that kind. There are precedents for this action. I recall, as doubtless the Senator will, the reinstatement of cadets. He will doubtless recall the instance at Fort Myer some two or three years ago where, I think, three young men were guilty of insubordination to a degree of intoxication, and they were removed, and through the action of the Senator from Delaware [Mr. DU PONT], who indorsed the report in their favor, these young men were not

discharged nolens volens but reinstated. That is simply what I ask here. I do not know that it is necessary to have the letter read, but——

Mr. SMOOT. Let it be put in the RECORD.

Mr. MARTINE of New Jersey. I should like to have this pleading letter of the young man read, but let it go into the RECORD without reading. I do not want to take the time of the Senate.

The PRESIDING OFFICER. Without objection, the letter will be printed in the RECORD without reading, and without objection the amendment will be agreed to.

The letter referred to is as follows:

ANDOVER, N. J., *March 14, 1914.*

Hon. JAMES E. MARTINE,
United States Senate, Washington, D. C.

DEAR SIR: I submit to you the following statement, as requested by you, in connection with my reinstatement as a cadet to the United States Military Academy.

I entered the United States Military Academy on June 14, 1912. I passed off my first year successfully without having to take an examination in any subject, and was advanced to the next higher class. In my second year I found the mathematics more difficult than in the first year, and only in one branch of same, analytical geometry. After the mid-year general reviews were over I found that I was deficient in this subject and was compelled to take the final examination only in mathematics, having passed my other subjects successfully. My mother was very ill at home about this time, and this, in connection with the fact that I had never been ordered out for an examination before and the uncertainty of the outcome of the same, caused me considerable worriment.

The examination in analytical geometry was ordered for the morning after Christmas and that in descriptive geometry three days later. In anticipation of the examination I studied up to 12.30 Christmas night, contrary to regulations, in order to prepare for the final test. About 2.30 that morning I was awakened by two buckets of cold water, thrown on me by some underclassmen. This prevented me from sleeping the rest of that night. From this, and from the other reasons previously stated, it can be seen that I was not in the best of physical and mental condition to take the examination. I did not report the matter to the authorities, as I hardly believed that they would give me any consideration. I had two days to prepare for the examination in descriptive geometry, and I feel almost certain that I passed this one. There was no way of telling whether I had passed the examinations or not until 12 days later, when an order was issued discharging me from the academy for being deficient in mathematics.

There was absolutely nothing against my conduct or character, as I had only 58 demerits from June 1 to December 1, which is considered good. Col. Townsley, the superintendent, also stated that I had made a favorable impression upon the tactical department, which department has charge of all the military and tactical work at the academy.

After my discharge I called upon Gen. Barry at Governors Island. He was the superintendent at the academy during part of my first year's course He was surprised that I had not been turned back instead of being discharged, stating that during his administration at the academy he was always in favor of giving an upper classman a second trial. In connection with this he wrote to Col. Townsley, recommending that the academic board approve of my reappointment.

In view of all these facts, and willing, if necessary, to start all over again and thereby sacrifice two years, my reappointment by Congressman HART was not approved by the academic board. The reason given for not approving of my reappointment was that I had not made a favorable impression upon the majority of the members of the academic board. This statement was apparently based on the report of the assistant instructor of mathematics, who claimed that I appeared indifferent. In contradiction to this so-called indifference, I herewith submit a copy of a letter from my roommate, Mr. Finlay, to my father. I had roomed with Mr. Finlay for a year and a half at the academy, and he would be better qualified to judge my character than my former assistant instructor in mathematics, who saw me in the section room daily 1 hour and 20 minutes for a period of only four months.

I herewith submit a list of names of cadets discharged at different times in the past few years for deficiency in one or more subjects and whose reappointments have been approved by the academic board. From this you will see that the request of Congressman HART for the approval of my reappointment is nothing unusual and has been granted in numerous other cases. I would also draw your attention to the case of C. H. Evans, a member of my class, who was turned out for the examinations in both mathematics and French and failed in mathematics. He was not discharged, but turned back a year and given another trial. His standings in all subjects, with the exception of drill regulations, were lower than mine in the third class year.

It seems to be unreasonable because of my failure by a small margin in one subject, after having spent 19 months and complying with all the requirements at the academy, that I should not be given another chance to show that I can and will make good.

Very respectfully,

CHAS. A. MEYER.

Subscribed and sworn to before me this 17th day of March, 1914.
[SEAL.] MORTON J. LUCHS,
Notary Public.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill be read a third time.

The bill was read the third time and passed.

INDIAN APPROPRIATIONS.

Mr. ASHURST. I move that the Senate proceed to the consideration of the Indian appropriation bill, House bill 20150.

The PRESIDING OFFICER. The question is on the motion of the Senator from Arizona.

The motion was agreed to.

Mr. SMOOT. There are a number of Senators absent who I know desire to be here when the bill is considered, and I suggest the absence of a quorum.

Mr. ASHURST. Will the Senator withhold that for just a moment?

Mr. GRONNA. I ask the Senator from Utah to withhold his demand.

Mr. SMOOT. For what purpose?

Mr. ASHURST. I wish to yield to the Senator from Montana [Mr. MYERS] to submit a report which will lead to no discussion whatever, he assures me.

Mr. SMOOT. I withhold it for the moment.

Mr. ASHURST. I yield to the Senator from Montana for the purpose of presenting a report.

DRY-LAND AGRICULTURE IN NORTH DAKOTA.

Mr. MYERS. From the Committee on Public Lands I report back favorably with amendments the bill (S. 7648) to authorize an exchange of lands with the State of North Dakota for promotion of experiments in dry-land agriculture, and for other purposes, and I submit a report (No. 1047) thereon.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from North Dakota?

Mr. ASHURST. I yield, with the understanding that the procedure will lead to no discussion.

Mr. GRONNA. It can not possibly lead to any discussion. The purpose of the bill is to authorize the State of North Dakota to transfer one section of school land for an experimental station. The bill was drawn by the Secretary of Agriculture. It has the recommendation of the Agricultural Department, and is recommended by the Secretary of the Interior, and it is a unanimous report from the Committee on Public Lands. I ask unanimous consent for the consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendments of the committee were, on page 1, line 5, to strike out the words "January 26" and insert "February 6," and in line 10, after the word "vacant," to insert "survey unreserved," so as to make the bill read:

Be it enacted, etc., That upon receipt of a proper deed from the State of North Dakota, executed under authority of the act of its legislative assembly, approved February 6, 1915, reconveying to the United States title to section 16, township 138 north, range 81 west, fifth principal meridian, the Secretary of the Interior is authorized to issue patents to said State for such vacant, surveyed, unreserved, unoccupied, nonmineral public lands as may be selected by said State within its boundaries, not exceeding 1,280 acres in aggregate area, and said section, when so reconveyed, shall not be subject to settlement, location, entry, or selection under the public-land laws, but shall be reserved for the use of the Department of Agriculture in carrying on experiments in dry-land agriculture at the Northern Great Plains Field Station, Mandan, N. Dak.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CALLING OF THE ROLL.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hardwick	O'Gorman	Shields
Bankhead	Hollis	Oliver	Simmons
Bryan	James	Overman	Smith, Ariz.
Burleigh	Jones	Owen	Smith, Ga.
Burton	Kenyon	Page	Smith, Md.
Catron	Kern	Penrose	Smoot
Clapp	La Follette	Perkins	Stephenson
Clark, Wyo.	Lane	Poindexter	Sterling
Clarke, Ark.	Lea, Tenn.	Ransdell	Thomas
Colt	Lee, Md.	Robinson	Thompson
Culberson	Lewis	Root	Tillman
Dillingham	Lodge	Saulsbury	White
du Pont	McCumber	Shafroth	Works.
Fletcher	Myers	Sheppard	
Gronna	Norris	Sherman	

The PRESIDING OFFICER. Fifty-eight Senators have answered to their names. A quorum is present.

WALTER DEAN.

Mr. MYERS. I was just permitted to submit a report from the Committee on Public Lands, and I now ask leave to submit another one. It will not take any time.

Mr. ASHURST. I want it understood that it does not displace the unfinished business, the Indian appropriation bill.

The PRESIDING OFFICER. Is there objection to the reception of the report? The Chair hears none.

Mr. MYERS. From the Committee on Public Lands I report back favorably without amendment the bill (H. R. 20427) to authorize the sale of certain land in Alabama to Walter Dean, and I submit a report (No. 1046) thereon.

Mr. WHITE. I ask unanimous consent for the immediate consideration of the bill. The department recommends it.

Mr. ASHURST. With the understanding that it leads to no discussion, I do not object.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue a patent to Walter Dean, of Calhoun County, Ala., for the north half of section 24, township 14 south, range 7 east, Huntsville meridian, in the State of Alabama: *Provided*, That the said Dean shall within six months from approval hereof file his application for said tract and pay the register and receiver of the land office at Montgomery, Ala., the sum of $1.25 per acre therefor.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIFE-SAVING STATION NEAR DUXBURY REEF, CAL.

Mr. WORKS. There is a short bill upon the calendar, but an important one and of some urgency. I ask for the present consideration of the bill (H. R. 20977) to provide for the establishment of a life-saving station in the vicinity of Duxbury Reef, Cal. If it leads to any discussion I will not press it.

Mr. ASHURST. I have no objection, assuming that it will not lead to any discussion.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to establish a life-saving station in the vicinity of Duxbury Reef, or Bolinas Bay, Cal. at a cost not to exceed $12,000.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INDIAN APPROPRIATIONS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 20150) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1916, which had been reported from the Committee on Indian Affairs with amendments.

Mr. ASHURST. I ask unanimous consent that the formal reading of the bill be dispensed with and that the bill be read for amendments, the committee amendments to be first considered.

The PRESIDING OFFICER. Without objection, that course will be adopted. The Chair hears none.

Mr. SMOOT. Mr. President, this is a very important bill, and I ask that it be read in full as we proceed, for if pages of it are passed without reading many items that we desire to consider may be passed without being noticed. It will not take very long to read the bill, and I ask that it be read in full.

The PRESIDING OFFICER. The Secretary will proceed with the reading of the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Indian Affairs was, on page 3, line 6, after the date "1914," to insert "and to remain available until expended," so as to read:

For the construction, repair, and maintenance of ditches, reservoirs, and dams, purchase and use of irrigation tools and appliances, water rights, ditches, lands necessary for canals, pipe lines, and reservoirs for Indian reservations and allotments, and for drainage and protection of irrigable lands from damage by floods, or loss of water rights, including expenses of necessary surveys and investigations to determine the feasibility and estimated cost of new projects and power and reservoir sites on Indian reservations in accordance with the provisions of section 13 of the act of June 25, 1910, $250,000, reimbursable as provided in the act of August 1, 1914, and to remain available until expended.

Mr. SMOOT. Mr. President, I should like to ask the Senator having the bill in charge why that amendment should be adopted? The amendment is on page 3, line 7, to insert the words "and to remain available until expended." Is not that changing existing conditions, and is it a proper thing in making an appropriation of $250,000 "for the construction, repair, and maintenance of ditches, reservoirs, and dams, purchase and use of irrigation tools and appliances," and so forth, to have a clause that it shall "remain available until expended"? If this provision is adopted and the $250,000 appropriated can be half used during the fiscal year ending June 30, 1916, and if the next appropriation bill shall carry a similar amount, as it probably will, and if the same words are used, that can go on indefinitely, and the Congress of the United States will never know how much money is in hand for this purpose. It may be a piling up of appropriations from year to year. I want to ask the Senator from Arizona [Mr. ASHURST] if he does not think that that is a bad piece of legislation? Whatever is required for each year Congress is perfectly willing to appropriate; but I do not believe it is good policy to appropriate money and to let it remain unexpended in any particular fund, and then in the next appropriation bill perhaps provide money for the same purpose, when there is an unexpended balance in the Treasury to the credit of the same fund.

Mr. ASHURST. Mr. President, I shall only make a very brief reply to the suggestion of the Senator from Utah. I can not evade, nor do I attempt to evade, the force of his observations, that Congress should at all times assume jurisdiction of unexpended amounts after the end of the fiscal year. This situation, however, is somewhat different because as the Senator will observe this is a reimbursable appropriation. It is reimbursable as provided in the act of August 6, 1914, and it is intended and expected that the whole sum of $250,000 will be necessary for this particular work. It is a part of a revolving appropriation. While it was not the intention of the committee by inserting this language to, what we might say, short-circuit Congress, nevertheless, in view of the fact that a careful investigation established that this amount would be necessary and it might not be the part of wisdom and good business judgment to expend it before the end of the fiscal year, we simply wanted to give the Interior Department the authority to use the unexpended balance after the end of the fiscal year.

Mr. SMOOT. I know it is a reimbursable fund, but that does not take it out of the class of appropriations to which I have just referred. I do not believe that Congress would hesitate one minute to appropriate in the next Indian appropriation bill for the year 1917 whatever the department might ask; but I do believe that whatever sum is appropriated for this year, if not expended during the year, ought to lapse, and whatever is wanted for the year 1917 ought to be appropriated for next year.

Mr. President, this policy of appropriating money to remain available until expended used to be quite prevalent; but in late years one hardly ever sees that language in an appropriation bill. The policy is a bad one, it never ought to be encouraged; and I believe it will not hurt the beneficiaries of this item if it is not put into the appropriation bill; but, of course, if the Senator from Arizona insists upon the amendment, I do not want to say anything more about it. I do know, however, that as a policy or a principle it is wrong.

Mr. ASHURST. Mr. President, in reply to the Senator, I wish merely to read to the Senate what the Indian Office has to say in regard to this matter, on page 23 of the House hearings. They there made the following observations. Mr. Meritt, in response to a question, said:

Yes, sir; there is always an unexpended balance from this appropriation. It is a continuing appropriation.

Mr. SMOOT. That is the trouble.

Mr. ASHURST. Mr. Meritt continued:

It is necessarily so on account of the construction work.

I again say that I admit the force of the argument of the Senator from Utah, but I trust that this particular amendment may remain in the bill.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. NORRIS. Before the amendment is agreed to I want to ask the Senator from Arizona a question or two in regard to it. Was a similar item carried in last year's appropriation bill?

Mr. ASHURST. In response to the question of the Senator from Nebraska, I will say that it was.

Mr. NORRIS. Has that all been expended?

Mr. ASHURST. All except that at the time the estimates were made there remained the sum of $122,624.42, and that estimate was made four months ago.

Mr. NORRIS. What was the amount of the appropriation last year?

Mr. ASHURST. It was $250,000.

Mr. NORRIS. Then, as a matter of fact, they only spent half of it?

Mr. ASHURST. Yes; but that estimate was four months ago, and the fiscal year had only run for a very brief time.

Mr. NORRIS. Was the provision contained in last year's appropriation bill that the sum appropriated should remain available until expended?

Mr. ASHURST. It was.

Mr. NORRIS. Then let us see what we have now. We shall have in this fund, if we appropriate this sum, $250,000 and $122,000 of last year's appropriation, making $372,000.

Mr. ASHURST. But the Senator will bear in mind that the unexpended balance of $122,624 when the estimates were made was, as I have stated, four months ago. Of course, that fund has been rapidly depleted and has been actively drawn upon since that time.

Mr. NORRIS. I should like to ask the Senator from Arizona something about the work that has been done with this money. Where has it been expended? What has been done with it?

Mr. ASHURST. I will, as briefly as I may, give the Senator an analysis of the manner in which and the purposes for which this fund is being expended:

Analysis of expenditures.

Salaries, wages, etc	$234,222.94
Traveling expenses	13,425.42
Transportation of supplies	7,583.67
Telegraph and telephone service	497.95
Printing, binding, and advertising	299.08
Forage	1,040.16
Fuel	1,539.48
Stationery and office supplies	1,178.71
Equipment, material, etc	57,730.80
Rent	201.83
Geological Survey, gauging stations, etc	10,150.47
Miscellaneous	559.59
	328,430.10

As I said before, this has been a reimbursable, continuing appropriation. Now, I will read to the Senator from page 12 of the House hearings. Mr. Meritt, the Assistant Commissioner of Indian Affairs, addressing the House committee, said:

GENERAL FUND, IRRIGATION INDIAN RESERVATIONS, REIMBURSABLE, $295,700.

This fund, which is reimbursable where the Indians have adequate funds to repay the Government, is a very important one. It is for work on various reservations and allotments where the Indians have no money available to construct and maintain the irrigation works necessary for the cultivation of the land. It provides for irrigation, drainage, and protection of irrigable lands from damage by floods, and is the only appropriation available for use in emergency work such as extraordinary repairs, and that the necessity for which arises from unusual weather conditions. It is used also to pay the annual reclamation and maintenance charges on land allotted to Paiute Indians irrigable under Truckee-Carson project, Nevada, of the United States Reclamation Service.

From this fund is paid the expenses of the chief assistant inspectors of irrigation and a large part of the expenses of the superintendents of irrigation in charge of the various districts. It is necessary for the payment of the superintendent of irrigation to handle water-right matters and the field-cost accountant.

The field work is divided into five principal districts, and the work proposed to be done with the amount as shown by the estimates for expenses of the organization, construction, and maintenance of irrigation systems, drainage and protection of irrigable lands from damage by floods or loss of water rights, and surveys to determine the feasibility and estimated cost of new projects, and power and reservoir possibilities on Indian lands appears in the following table:

The tables which are comprised in several pages are then set out. In brief, I wish to conclude by saying that the committee regards this as a very important appropriation, and the money is used for the purposes which I have indicated to the Senator.

Mr. NORRIS. Mr. President, the Senator's explanation makes it very plain that it is a very important appropriation. He has given us some very valuable information in regard to it. I notice, however, that the total expenditure stated exceeds by more than $50,000 the amount of the appropriation for last year. Was there something in the fund remaining from a preceding year?

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Minnesota?

Mr. ASHURST. Certainly.

Mr. CLAPP. There was undoubtedly an unexpended balance coming over, as this is a provision that is contained, I think, in every Indian appropriation bill with reference to this item. The Senator in charge of the bill, I think, was mistaken as to the amount appropriated last year.

Mr. ASHURST. I find on examination that I was mistaken.

Mr. CLAPP. It was $335,000, which was a very large appropriation.

Mr. NORRIS. Well, there is $125,000 left, and there was $325,000 spent.

Mr. CLAPP. The appropriation was $335,000——

Mr. NORRIS. Yes.

Mr. CLAPP. Which would cover the point raised by the Senator.

Mr. NORRIS. Not quite. The appropriation was $335,000; they spent $325,000, and yet they had $125,000 left.

Mr. CLAPP. That was undoubtedly——

Mr. NORRIS. So there must have been $115,000 which they got somewhere else.

Mr. CLAPP. No; $90,000, which probably came over from the year preceding.

Mr. NORRIS. I was trying to find out where they got the balance of that money.

Mr. CLAPP. The act of the preceding year contains this same provision. I think it has been in the bill ever since I have known anything of the bill.

Mr. NORRIS. I want to ask a further question about it. These amounts are reimbursable?

Mr. CLAPP. Some of them are.

Mr. NORRIS. Well, they are reimbursable, as I understand, in all instances where the Indians have any money out of which reimbursement can be made.

Mr. CLAPP. Yes.

Mr. NORRIS. Account is kept, I presume, of how much is expended under this appropriation on each project?

Mr. CLAPP. Certainly.

Mr. NORRIS. And charged up against that particular tribe?

Mr. CLAPP. Certainly.

Mr. NORRIS. There was one question which I asked the chairman which he did not explain, and that was, Where is the money used?

Mr. CLAPP. That would require a detailed analysis.

Mr. NORRIS. I only want a general account of it. I merely want to get a general idea of where this money is expended.

Mr. ASHURST. Mr. President, there are five districts in which this money is expended. The first is called district No. 1. There are subdivisions of the district. Under district No. 1 there is the Yakima (Wash.) project, which has an area possible of irrigation of 5,000 acres. The area now irrigated by the Indians is 454 acres. The cost of the project to date has been $59,285.22. There are many other important details which I will omit, because I presume the Senator would not care to have them all.

In the same district is the Round Valley (Cal.) project, concerning which I read the following:

Area to be affected, 5,000 acres.
Indians to be affected, 1,000.
Indians on the reservation, 1,528.
No expenditures from irrigation funds heretofore; some work has been done by the agency.

In that same district I find the Warm Springs Reservation, Oreg., concerning which I read the following:

Land that may be irrigated, 2,700 acres.
Indian allotments to be affected, 35.
No expenditures made for irrigation.

In the same district there is the Klamath Indian Reservation, Oreg.

Then, in district No. 2, under the heading "Nevada, repayment, reclamation charges, Carson Sink," I read the following:

Land irrigable, 4,640 acres.
Indians benefited, 463.

In the same district there is the project at Fort Lapwai, Idaho, concerning which the following figures are given:

Idaho, Fort Lapwai.

Expended previous to 1910	$2,995.70
Water suit	1,318.93
Domestic water supply	201.12
Irrigation, 1914	599.75
Irrigation, 1913	119.24
Total expense	5,234.74

In the same district is the Moapa River project, Nevada, as to which the following appears:

Census	119
Acreage under ditch	625
Cultivated area	125
Total expenditures to date	$8,200

In the same district I find the Pyramid Lake Reservation, Nev., concerning which I quote the following:

Total population	609
Cultivated by 200 Indians	1,000
Length of main canal—miles	5
Length of wooden flume—feet	1,082

In the same district is the Shivwits Reservation, in Utah, where $500 is needed to maintain and operate a small ditch system furnishing water.

In the same district is the Walker River Reservation, Nev., with a population of 500 Indians, and an area to be irrigated, when the work is completed, of 6,000 acres.

In the same district (No. 2) is the Nevada and Idaho Western Shoshone Reservation, with a total number of Indians of 579, with 480 acres irrigated at the present time and an acreage estimated to be possible of irrigation of 30,000.

In the same district a miscellaneous expense of $2,000 is required, which is intended to cover the expenses—salary, travel, and so forth—of the engineers and assistants incurred in the investigation of miscellaneous details at various points in the district.

In the same district is the Fort McDermitt Reservation, in Nevada, concerning which the following facts are given:

Number of Indians	340
Acreage under ditch	350
Cultivated at the present time	285
Expended to June 30, 1914	$3,500

Then I find the Wind River (ceded) Reservation in Wyoming, concerning which it is said:

On the ceded portion of the Wind River Reservation there are under privately constructed ditches approximately 7,350 acres of allotted Indian land.

That is district No. 3. In that district there is also a requirement of $2,000 for a miscellaneous item for investigating the necessity, feasibility, and propriety of other projects.

Then there is the Gila River Reservation, Casa Blanca project, in Arizona, concerning which the following facts are given:

Number of Indians	2,500
Irrigated area under proposed project—acres	25,000 to 35,000
Cost when completed, per acre, approximately	$25
Value of irrigated lands, per acre	$150
Cost of completed project: Final estimate not complete, but will be approximately	$750,000

Then, there is the Mission Reservation in California, concerning which I quote as follows:

These reservations include the Augustine, Cabezon, Torres, and Martinez.
Total population, 253.
Irrigated area under wells, 350 acres.
Amount expended on construction to June 30, 1914, $28,844.

In the same district there will be found an item of $13,000 for miscellaneous expenses for investigating the necessity and propriety of other projects for the benefit of the Indians.

Then, reaching district No. 4, an expenditure of $10,000 is required in behalf of the nomadic Papagos. I quote as follows:

Number of Indians benefited, estimated, 4,500.
Country not reserved, but subject to squatter rights.
Amount expended to June 30, 1914, $4,321.

I will not continue further along this line, but will send to the Senator a copy of the House hearings for his information. The matter is set out at some length there.

Mr. NORRIS. Mr. President, I should like to ask the Senator how much of this amount during the last year was actually reimbursed to the Government?

Mr. ASHURST. I am unable at this moment to give the Senator that information, because he will recall that the Indian appropriation bill making it reimbursable did not take effect until August 1, 1914. The estimates were made in October and manifestly there was such a short time between August 1 and October 1, that I have not the data, and it is not available now.

Mr. NORRIS. That is the act referred to in this paragraph?

Mr. ASHURST. Yes, sir.

Mr. NORRIS. I should like to ask the Senator a further question. I suppose that act will give us the information, but I do not happen to have it here, and I wish he would briefly let the Senate know how the fund is to be reimbursed.

Mr. ASHURST. These funds are reimbursed on various reservations in different ways. For instance, I have one reservation in mind where a reimbursable appropriation of $15,000 was made for the purchase of stock for the benefit of the Indians. They repaid that reimbursable appropriation inside of six months.

Mr. NORRIS. Yes; I understand about the stock.

Mr. ASHURST. I have in mind another one——

Mr. NORRIS. But I mean, in connection with these irrigation projects, in what way does the Government get back the money that is appropriated in this particular item?

Mr. ASHURST. Does the Senator wish information as to how this specific appropriation is reimbursed?

Mr. NORRIS. Yes.

Mr. ASHURST. That comes about, as I said before, in various ways on various reservations. Upon some of them, as the Senator knows, some Indian lands are irrigated and some lands belonging to the whites. Frequently water rights are sold to the whites or leased to them, as the case may be. It seems to me wise that the whites and the Indians shall have water rights together in order that the Indians may learn the art of irrigation from the whites. These rights are sold under carefully safeguarded methods of procedure, and the funds thereby obtained are used to reimburse this reimbursable fund.

I have in mind also another place where the produce—the truck from the gardens—the crops are sold and a part of the proceeds thereof taken to repay the reimbursable appropriation; but the department has always been very careful not to be harsh with any Indian in an effort to secure a speedy repayment of the reimbursable funds.

Mr. NORRIS. I understood that sometimes it occurs where the Indians have no funds out of which the reimbursements can be made—that there is in effect no reimbursement—but from the Senator's explanation I would get the idea that in all cases there would take place a reimbursement if at any time in the future there was produced off the land anything from which reimbursement could be made. Does this money become a lien in any way on the Indian's land or other property?

Mr. ASHURST. Well, that of course is a question of law the Senator propounds to me. In my judgment, it is not a lien that can be enforced by the Government or by any individual.

Mr. LANE. Mr. President, I understand that——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Oregon?

Mr. NORRIS. I do.

Mr. LANE. I understand that that is exactly what it is, and that has always been the explanation given to me, the land of the Indian, the entire reservation or so much thereof as may be in control of the Government, is pledged for the repayment of these funds to the Government. The way they proceed to recover the fund is by the sale of lands lying under the reclamation project to whites at a certain price fixed by the Government, as a rule.

Mr. NORRIS. This land is the Indians' land?

Mr. LANE. It is the Indians' land. The Indians' land is pledged for the loan made by the Government. It is complained by many Indians that the lands of those Indians who have been given allotments upon high ground which never can be irrigated are also held for repayment with the lands of those Indians whose allotments are made under the ditches. The department is trying to correct that; but the fact, as I understand it, is that the money is repaid from the sale of the Indian's land. The Indian is allotted small tracts, such as he is considered capable of farming, and his reservation is restricted by the amount of land which is sold to pay for the irrigation scheme.

Mr. ASHURST. Mr. President, if the Senator will pardon me a moment, if he will give his attention to the amendment, commencing on line 23, page 3, which I will ask the Secretary to read, he will see exactly that it is set out how returns shall be made.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

Provided further, That hereafter the proceeds of sales of material utilized for temporary irrigation work and structures shall be covered into the appropriation made therefor and be available for the purpose of the appropriation: *Provided further*, That the rights of the United States to water for use on Indian reservations are hereby confirmed for use on land to Indians in severalty: *Provided further*, That for lands irrigable under any irrigation system or project within the jurisdiction of the Bureau of Indian Affairs, the Secretary of the Interior may fix maintenance and operation charges, which shall be paid as he may direct, such payments to be available for use in maintaining and operating the project or system for which collected: *Provided further*, That irrigable land allotted to Indians in severalty may be leased for cultivation under irrigation for a term not exceeding 10 years, in the discretion of the Secretary of the Interior, and he is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary for the purpose of carrying this provision into full force and effect.

Mr. PAGE. Mr. President——

Mr. LANE. That is a new provision, is it not, Mr. President?

The PRESIDING OFFICER. The Senator from Nebraska was recognized. Does he yield to the Senator from Vermont?

Mr. NORRIS. I yield to the Senator from Vermont.

Mr. PAGE. Mr. President, I want to say, in regard to the provision which has just been read, that the Indians are very much dissatisfied with this provision. They say that the returns from rental belong to them. This provision directs that they be used for maintenance and operating charges of the irrigation system. I have an idea that they feel that this law is not constitutional; that it is contrary to treaties; that it is open to the objection that it is defrauding them of property which they actually own.

Mr. President, the Senator from Minnesota says that the rents go to them. I read:

Provided further, That for lands irrigable under any irrigation system or project within the jurisdiction of the Bureau of Indian Affairs the Secretary of the Interior may fix maintenance and operation charges, which shall be paid as he may direct, such payments to be available for use in maintaining and operating the project or system for which collected.

Mr. CLAPP. Mr. President, will the Senator pardon me a moment? That is true. That is for the cost and maintenance and operation of the system. Then the same section goes on to provide:

That irrigable land allotted to Indians in severalty may be leased for cultivation under irrigation for a term not exceeding 10 years, in the discretion of the Secretary of the Interior, and he is hereby

authorized to perform any and all acts and to make such rules and regulations as may be necessary for the purpose of carrying this provision into full force and effect.

The provision does not take the rental of the Indian's individually allotted irrigable lands away from him. There are two provisions here.

Mr. PAGE. What is done with that?

Mr. CLAPP. Why, that would naturally go to the Indian, of course. It would require no law. The moment an Indian is allotted a piece of land and the Government leases that land, without any law at all, the rental goes to the Indian, unless there is some specific provision to divert it. Now, the provision for the cost of maintenance is found in lines 4 to 10, which apply to the cost of maintenance and operation. That is for lands that may be taken by white people as well as Indians; but whenever the Indian's allotted irrigation district is leased, the rental would go to the Indian.

Mr. PAGE. Mr. President, the Senator may be right, but here is the language. It reads very plainly, and yet it is certainly ambiguous if the Senator from Minnesota is correct:

Provided further, That the rights of the United States to water for use on Indian reservations are hereby confirmed for use on land to Indians in severalty: *Provided further*, That for lands irrigable under any irrigation system or project within the jurisdiction of the Bureau of Indian Affairs the Secretary of the Interior may fix maintenance and operation charges, which shall be paid as he may direct, such payments to be available for use in maintaining and operating the project or system for which collected.

It is true that after the lands have been alloted the Indian receives the benefit from the rental, but in the case of the land owned in severalty he does not.

Mr. CLAPP. Why, Mr. President, there is no authorization for the leasing of irrigated lands owned in severalty.

The PRESIDING OFFICER. The Chair will state that the question before the Senate is the adoption of the amendment in line 7, page 3. Is there objection to that amendment?

Mr. NORRIS. Mr. President, I was using this amendment in an endeavor to get some information in regard to the matter, which I think is perfectly proper.

Mr. FALL. I do not think it is possible to vote intelligently upon the amendment now pending unless this entire provision is understood. It all goes together.

The PRESIDING OFFICER. The Chair was simply calling attention to the fact that the second amendment, and not the one now pending, was being discussed.

Mr. FALL. Mr. President, I do not know who has the floor.

The PRESIDING OFFICER. The Senator from Nebraska [Mr. NORRIS] was recognized and yielded to the Senator from Vermont.

Mr. FALL. Will the Senator yield for a moment?

Mr. NORRIS. I am perfectly willing to yield the floor. I am simply trying to get some information about this matter.

Mr. FALL. I simply want to ask a question along the line of that asked by the Senator from Minnesota. It seems to be the impression of that Senator that the irrigable lands held in severalty are not leased. The last portion of this amendment distinctly provides that they shall be leased. It does not provide that they may be leased by the Indian, but provides that they may be leased by the Secretary of the Interior; nor does it provide who shall receive the benefit of any such lease at all. The Senator's idea is that without such provision the proceeds of the lease naturally go to the Indian. Now, without such provision the natural supposition would be that the Indian had the right to lease his own lands which belong to him, and possibly with the approval of the Secretary of the Interior; but this provision does not cover that at all. By this provision the Secretary of the Interior makes the lease, and not the Indian at all.

Mr. CLAPP. First, I want to correct my statement, if I used the word "severalty." I meant in tribal ownership, of course.

Mr. PAGE. Yes; that is correct.

Mr. CLAPP. That was an inadvertence. As to the other point, in the first place, to answer the question of the Senator from Nebraska, you have got to take into account the language on pages 3 and 4, and also the provisions of the act of August 1, 1914. The two of them read together make the provision for reimbursing this fund.

There could be no objection if any Senator desired to put in here a provision that this rental shall go to the allottee; but I do take it as elementary that where the Government leases the allotment of an individual Indian, in the absence of some provision authorizing the diversion of that rental money or lease money, it, of course, would stand to the credit of the individual allottee. There could be no objection, however, to a specific provision to that effect.

Mr. FALL. Mr. President, before the Senator takes his seat I want to suggest to him that, as this amendment stands, if adopted, the Indian himself has no voice at all in the leasing of his several allotment.

Mr. CLAPP. Because most of these Indians are Indians who are still under restrictions.

Mr. FALL. Then, why is it, Mr. President, that they put in this provision on lines 2 to 4?

Mr. CLAPP. That is, for the Government to make the application for the water in order to protect it for the use of the Indian.

Mr. FALL. That is exactly what it is not for, as I understand it. It is confirmation by Congress of the waters which might have belonged to the Indian had his allotment remained upon the reserve. In the event that a portion of the reserve, for instance, is thrown open and becomes public land, and settlers locate upon such public land, and there has been no appropriation of the waters for use upon these lands which were formerly allotted, but which have now become part of the public domain, the Indian is entitled to his allotment upon them. No appropriation has been made of any kind or character whatsoever. An apropriation may have been made under the law of the State, and beneficial use may have been had of these waters for 10 years by some citizen of the United States, and now you are confirming to the Government the right to take away from that citizen the rights which he has acquired under the local law and by custom and by actual use.

Mr. CLAPP. Why, no, Mr. President.

Mr. FALL. Then I should like to know what it is for.

Mr. CLAPP. I will tell the Senator. Congress can not change the law of appropriation of water nor interfere with the right. These appropriations are made for irrigation projects, and, of course, the water can not be appropriated in the first instance by the Indian Department or the United States acting through the Indian Department for the Indians' use in severalty. It is a general appropriation of the water of a stream by an irrigation project.

Mr. FALL. Under what law, Mr. President?

Mr. CLAPP. Under the law of the State, of course. It must be under the law of the State.

Mr. FALL. I will answer the Senator. If he does not want me to interrupt him now I will answer him later. I do not want to interrupt the Senator, but we want to get at the truth of this thing, and the law. I shall undertake to show what it is, and what the custom is, when the Senator completes his statement.

Mr. CLAPP. Now, in order that these rights may be confirmed to the Indians in severalty, they not being citizens clothed with the power of citizenship as individuals to acquire the rights, most of them still being subject to a limitation upon alienation, this provision is put in here not that the rights of anybody else, not that the rights of a prior appropriator of the water, but "that the rights of the United States to water for use on Indian reservations are hereby confirmed for use on land to Indians in severalty."

Mr. PAGE. Mr. President, I do not object to any part of this language on the bottom of page 3 and the top of page 4 until we come down to the proviso on page 4.

I know that the Indians believe that we are wronging them by this provision. It is hardly necessary to say to the Senate that the Indians believe that in many of these matters of legislation they are practically without representation here. They feel that the white man is represented here by his Senator or his Representative. They complain, and I think justly, that the net result of this legislation is against them. For one, I want to protest against this class of legislation in general, such as we have commenced here in this bill to-day.

It seems to me very clear that in this proviso, from lines 4 to 16, we are legislating in an appropriation bill; and I make the point of order that it is legislation on an appropriation bill.

Mr. NORRIS. Mr. President——

Mr. CLAPP. Mr. President, I hope the Senator will withhold that point. Just see the position it puts this matter in. We are making provision here for irrigation out of certain funds, and we make these funds reimbursable.

Mr. PAGE. I will withhold the point of order temporarily.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. The Chair will state that we have not yet reached the amendment to which the Senator has addressed his point of order. The question before the Senate is the adoption of the committee amendment on page 3.

Mr. FALL. Mr. President——

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. FALL. The Senator has said that the United States makes appropriations of these waters under the local laws. I want to say to the Senator that there are three cases pending now in the United States courts—one in the United States court for the southern district of Colorado—in every one of which

the United States has absolutely denied the jurisdiction of the local tribunal. The Interior Department have recently adopted that theory, and they are fighting every step of the attempt of a State to maintain its jurisdiction over any of the reclamation projects or any of the projects on an Indian reserve. They are objecting to the jurisdiction of the State courts, although the State laws provide the methods by which water rights may be obtained by the United States or by anyone for whom they are acting, or by individuals, and insisting that the United States is not subject to the local rules and regulations. They have insisted upon their right to remove every case from the State courts to the Federal courts for trial, not under the State laws; not under the local laws. Although the reclamation act directly provides that the United States shall operate under the local laws of the States, the Interior Department have filed objections in every case pending, with one of which I am thoroughly familiar, because it comes from my own State, to the jurisdiction of the State courts. Although Congress itself has said that they must submit to such jurisdiction, that case is now pending. The question has not yet been decided; but instead of complying with the local rules and regulations there they arrogate to themselves the right to make laws by means of the rules and regulations of the Secretary of the Interior in defiance of the laws of Congress.

The Senator is mistaken again, if I can read the English language, about the last proviso—the one to which the Senator from Vermont is referring as being objectionable to the Indians. Instead of being allowed to receive the proceeds of the lease of their allotments in severalty, they are being deprived of some of their rights, because the Secretary of the Interior invariably takes a portion of the amount derived from the lease of those lands for the maintenance and operation of the ditch, whether it is a severalty allotment or whether it is the land in general under the irrigation proposition before it has been allotted. That is the process through which they are going; and the Secretary of the Interior here, by this provision, has the sole right to lease the severalty allotment of the Indian, although it may be as much his land under the law as is the farm owned by the chairman in his own State or land owned by the Senator who is defending this provision. There is no provision here that the Indian has any voice in the lease of his allotment. Who leases it? Under this provision the Secretary of the Interior. There is no requirement that the Indian shall be even consulted about his allotment. Under the broad wording of this section the Secretary of the Interior can take the allotment of any Indian made in severalty, and upon which he is now living, away from him and lease it for the full period of 10 years, and dispose of the proceeds in his discretion. That is the wording of this amendment.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER (Mr. WHITE in the chair). Does the Senator from New Mexico yield to the Senator from Minnesota?

Mr. FALL. I have not concluded yet. I want to say, Mr. President, that I am a member of the Committee on Indian Affairs, but I was not present at the time these provisions were put in this bill. I was absent from the city. I construe the legal effect of the first proviso, commencing in line 1 and ending in line 4, on page 4, in a different way from the Senator from Minnesota. I do not agree with his legal conclusions upon that proposition, as I said a few moments ago in interrupting him.

I want to protect the Indian absolutely in every right which he has. I want to protect him in his property, and at the same time I want to protect the citizens of the United States on the public domain of the United States. As it happens, with due respect to the Senator, whose great ability and familiarity with questions of this kind I fully recognize, I have been dragged through the United States court in just exactly such a matter as will be covered by this provision.

There are two or three suits which have been instituted by people in my State to quiet the title to their water appropriation. In one case the Indians on the Mescalero Apache Reservation were allowed, or compelled, by their agents to construct new ditches for the use of an additional amount of water which never had been used by the Indians. More than 50 years before that a settlement had been made by citizens of the United States at the mouth of the canyon down which these waters ran. A town had been established, a town site selected under the laws of the United States, lands taken up under the desert-land act and acquired under the homestead act and other public-land laws of the United States. Appropriations for every drop of water had been made and the water had been beneficially used by the appropriators, citizens of the United States. About 8 acres of land had been cultivated by the Indians, as to which they had a prior right to the use of the water, or a right equal to the rights of these appropriators below. Fifty years afterwards citizens are compelled to bring suit to establish their right to any water whatsoever. Ditches were taken out on the Indian reserve, carried up on the sides of the mountains, carried over the divide so that the waters used would never find their way back into the natural drainage, and the people below were deprived of the use of the water even for drinking purposes.

Suit was brought and finally an adjustment was had. The people were compelled to submit. They could not fight the United States Government. They were compelled to submit. The Indians acquired the use of 50 times as much water as they had ever appropriated or beneficially used, and it took away from the people below. Every step in that suit was fought by the attorney for the United States, and finally the question was raised as to the right of any one to sue the Indians, who had not been allotted their lands in severalty, because they had not received leave to sue the United States, and that, as a matter of fact, a suit against Indians in the position of the Mescaleros was a suit against the United States; and under threats of this character the people were compelled to sign a stipulation deeding away their rights. I am not going into details to show the injustice of it and that there were sufficient lands upon other portions of this reserve.

If the construction which the Senator places upon this proviso contained on page 4, to which I have just referred, is correct, then there is no need whatsoever for the proviso. If the law is as he states it there is no necessity whatsoever for putting in this proviso. If this proviso does not do exactly what I said it did where an allotment has been made, various reserves have been thrown open—one of the reserves of which the Senator is speaking and concerning which we have heard so much recently and for which one of these reimbursable appropriations is now being used. A portion of the reserve has been thrown open after allotments have been made. Then it becomes public domain, except that the Indians have their segregated allotments. Citizens have filed there upon lands and upon water rights, and the effect of this amendment, as I construe it, would be to say that citizens who have acquired prior rights to water would now be deprived of it because at some time the United States had jurisdiction over those waters.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. CLAPP. I can not understand how there is any conflict between the Senator and myself as to the law upon this subject.

Mr. FALL. There is not if the Senator agrees with me.

Mr. CLAPP. I think I agree with the Senator. My statement was that we could gain no rights against prior appropriations by this act or any act that we passed; that the purpose of this provision was that where the Government had made this appropriation by laying out and instituting an irrigation project it carried over to the individual Indians, when they came to have their allotments made of the irrigable land, the water rights that the United States acquired.

Now, I do not think the United States—and I am not responsible for these suits that are being brought, of course—can add anything to its rights against either a State or prior appropriation by the citizens of a State of the water of a river.

Mr. FALL. Suppose, however, that after waters have run off the reservation and have been acquired under the local laws and customs by appropriators and have been beneficially used until even the statute of limitations has run in favor of the appropriators the United States Government lays out a system of irrigation on the Indian reserve, the stream upon which the prior appropriations have been made by the citizens arising on or running through the Indian reserve. The United States Government, then, without going before the local tribunal and making its appropriation exactly as the American citizen has to do, simply lays out, under authority of Congress, an irrigation scheme upon the reserve. Suppose they take all the water, what is the recourse of the citizen?

Mr. CLAPP. Above the place where appropriation has actually been made by a citizen? Could they do that?

Mr. FALL. They do do it.

Mr. CLAPP. I am not speaking of what they are trying to do. I am speaking of their legal rights.

Mr. FALL. Well, then, what is the recourse of the citizen if they do?

Mr. CLAPP. I suppose he would have to go to law.

Mr. FALL. How are you going to sue the United States? In what tribunal? Where? Under what law?

Mr. CLAPP. The citizen could sue the individual property owner when the land was divided up.

Mr. FALL. Exactly; and you can sue the United States with the permission of the United States, and without it you can not.

Mr. CLAPP. But it does not seem to me that this enlarges one iota——

Mr. FALL. Well, then, let us leave it out.

Mr. CLAPP. No; for this reason: I have no more interest in it than the Senator has.

Mr. FALL. Certainly not. I understand the Senator has no personal interest in it.

Mr. CLAPP. We both want the same thing, of course; but it occurs to me that where the Government has gone on and made this project, laid it out and initiated it, it may be desirable, in transferring and dividing up that project, segregating it, and making the allotments to the individual Indians, that the use of the water which the Government obtained through the Indian Office with the Indian tribe by the general system that it initiated is transferred to and confirmed in the individual Indian. That is my understanding of the situation.

Mr. FALL. Let me give the Senator a concrete illustration of just what the United States is doing.

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from New Mexico?

Mr. CLAPP. Certainly.

Mr. FALL. To refer again for a moment to the reclamation act, under the general reclamation act, under the provisions of which the Government is constructing reservoirs and irrigating lands in the western country, it is specifically provided by Congress that the Government of the United States must subject itself to the local jurisdiction. Very well. In the case of the Hondo project in New Mexico—which is an absolute, miserable failure, after costing the taxpayers of this country several hundred thousand dollars, and it is so admitted—a suit was brought, and the local rules and regulations as to water rights invoked by the people of New Mexico, and the jurisdiction of the court denied and the jurisdiction of the State denied. That case is now pending, and I am informed directly from the Interior Department that they propose to take that position in every case of the kind hereafter arising. That suit is now pending in the southern district of Colorado.

Mr. CLAPP. Would that have relation to the language here?

Mr. FALL. Oh, no, Mr. President; it would not, because here we do not even provide that the local jurisdiction shall remain in the State courts. We are not guarding the rights of the people here, as we did in the reclamation act, by compelling the United States to comply with the local rules and regulations and submit their case to the local courts. In that act we did so. That act, however, has been defied, and in this act we do not attempt to do it.

Mr. CLAPP. Taking the individual cases to which the Senator refers, is there anything in this language that relates to those cases?

Mr. FALL. The Senator asks me a question which I will answer frankly. I think there was some case of exactly this kind in the mind of whoever drew this amendment or whoever inspired it; that there is some conflict, and necessarily must be, between the parties as to prior appropriations, and that they are now taking it out of the jurisdiction of the local tribunal.

Mr. ASHURST. Did the Senator address an inquiry as to the committee amendment?

Mr. FALL. No; I said it must be intended to cover a case of that kind—to take away from the local court jurisdiction they otherwise would have.

Mr. CLAPP. I can not spell out of this language any jurisdictional question, that the rights of the United States to water for use on Indian reservations are hereby confirmed for use on lands of the Indians in severalty.

Mr. FALL. How long do those rights last, rights which the United States may have that may be disputed by other appropriators? There may be a disputed question of right. You are confirming a right to one party as against the contestant, and then you are putting him in a jurisdiction foreign to his State.

Mr. CLAPP. There are two questions now involved by the Senator's statement. I will take them in the inverse order in which they were stated. I do not see how we would give jurisdiction. If there are disputed rights, unless the right is in the United States, it is not confirmed.

Mr. FALL. Congress can confirm a right upon an Indian reservation, because Congress has jurisdiction at this time upon the Indian reservation. Congress has undertaken in such cases as I have mentioned to confer jurisdiction on the local courts, and that power of Congress has been defied. Now you are undertaking to absolutely deprive the local court of jurisdiction to try these cases at bar.

Mr. CLAPP. Let me ask the Senator this question: The Government, through the Indian Office, we will say, has attempted to make an appropriation of water upon a stream from which water may be drawn for irrigation, but it has failed to comply with the law, or there are alleged prior appropriation rights existing. Now, does the Senator claim that Congress can settle that question by an act using the language confirming the right? Clearly not. If that appropriation has not been made according to law it is not valid. If there are conflicting rights which under the law have precedence over the attempt of the Government to appropriate the water no act of Congress can settle that controversy.

Mr. FALL. Mr. President, let me ask the Senator, why does he want this act? What is the purpose of it?

Mr. CLAPP. As I said before, the Indian Department, acting for a tribe collectively, makes an effort at the appropriation of water and initiate an irrigation project. That is done for the tribe. In the course of time the tribal relation is dissolved, especially as to the ownership of property, and this land that has been placed under irrigation is divided up into 20, 40, or 80 acre tracts and each tract allotted to an Indian in severalty. Now, that the right which the Government secured by the appropriation, by the initiation of the irrigation project, may pass to the allottee in his individual capacity, this provides that the rights of the United States to water for use on the Indian reservation are hereby confirmed to the use of the land that the Indian holds in severalty. That is evidently the purpose of the provision.

Mr. FALL. Evidently.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from North Dakota?

Mr. CLAPP. I am taking a good deal of the time of the chairman of the committee.

Mr. GRONNA. I was just going to say to the Senator from Minnesota that we are discussing an amendment which begins at the bottom of page 3 and ends at line 16, page 4. I believe there is some objection to that amendment. It is claimed that it violates property rights and takes Indian allotments for lease without their consent.

Mr. CLAPP. I will answer that.

Mr. GRONNA. The question before the Senate is the amendment on page 3, line 7. That has not yet been disposed of.

Mr. CLAPP. Of course this law proceeds upon the theory that as to an Indian whose right of alienation has not become perfect and to whom there is a restriction upon his right of alienation the authority to lease is vested in the Secretary of the Interior. I think every law that has ever been passed for the leasing of the land of an Indian who is still subject to restriction vests the authority in the Secretary of the Interior.

Mr. STERLING. Mr. President, I wish to ask the Senator from Minnesota if he is quite sure as to the last proposition that this pertains only to lands allotted but which have not yet been patented? Does not the broad language of the last provision exclude that idea so that it will pertain to any Indian lands that are held in severalty, whether patented or not?

Mr. CLAPP. It could not. Certain laws become self-operative. If an Indian has had his restrictions removed and has his final patent in fee as distinguished from a trust patent, Congress could not reach over and take jurisdiction of that Indian's property with reference to leasing or selling. Congress must do that within the period of restriction prescribed or existing by previous extension of the time of restriction.

Mr. TOWNSEND. Mr. President, I desire to call attention to the last proviso in this proposed amendment. We have had some trouble on the Crow Reservation in reference to the leasing of the tribal lands which also included the leasing of the allotments of the Indians. It occurs to me, Mr. President, that this proposition may be desirable providing it has the approval of the Indian allottee.

I was not present in the committee, evidently, when this amendment was adopted. If I had been, I certainly should have objected to a general provision to lease the irrigated allotments of Indians without the consent or approval of the allottee. I have always assumed that when we irrigated Indian lands we did it for the benefit of the Indian; that we did it with the idea that the Indian was going to take advantage of his allotment and farm it. Yet here is a proposition which will permit the Secretary of the Interior to lease the allotments of the Indians which have been irrigated without any approval even of the owner of the allotment.

Mr. BRYAN. Mr. President——

Mr. TOWNSEND. I yield to the Senator from Florida.

Mr. BRYAN. Mr. President, I observe that this bill is full of general legislation. The Senator from Michigan is a member of the committee?

Mr. TOWNSEND. I am a member of the committee.

Mr. BRYAN. Why does he not raise a point of order on this general legislation?

Mr. TOWNSEND. No; I do not know that I am prepared to raise it. I am not objecting to it generally. I want to amend the provision, however. I want a provision which will require the consent of the owner of the Indian allotment before his land is leased.

Mr. CLAPP. Before the Senator from Florida makes his point of order will he let me explain this provision, and I believe he will see not only the right of it but the necessity of this supplemental legislation.

Mr. BRYAN. Mr. President, it is only to save time.

Mr. CLAPP. Time!

Mr. BRYAN. Yes; time is valuable. Other Senators have told me they intend to raise a point of order, but they are withholding it so that Sentors may debate the bill, in which there is legislation on almost every page.

Mr. CLAPP. Let me tell the Senator what will happen.

Mr. BRYAN. Just a minute. I know very little about the Indian appropriation bill, but I see that it is full of general legislation. It is my understanding that if this general legislation is to be discussed, it will take two or three days to pass this bill. It would take very little time to make the appropriations. There is a place for general legislation, and, as a rule, it is not upon appropriation bills.

I want to say to the Senator from Minnesota that two or three Senators have told me that when this discussion is over they propose to raise a point of order. If it is to be done, why not do it now?

Mr. CLAPP. When they come to realize what the point of order means it may be they will not make the point of order. Will the Senator let me explain it for just a moment?

Mr. BRYAN. I will listen to the Senator if he does not talk very long. If he undertakes to make a long speech, I am going to raise the point of order if no one else does.

Mr. CLAPP. Mr. President, I have no more concern in the point of order than the Senator from Florida has. We have taken the property of the Indian, and we have advanced to a certain point with that property. We have started irrigation projects on these lands under a law that makes the cost of the project reimbursable from the funds of those Indians. Now, as those projects have developed and have reached a point where the land is to be utilized, if an Indian is unable to utilize his irrigation allotment he either will lose it, or at best certainly will lose the benefit of it, unless at this point in the development of the plan we authorize the leasing.

I want to say to the Senator from Michigan [Mr. TOWNSEND] that I am in hearty accord with his proposition to make it subject to the approval of the allottee. I think it is a good time to change that principle in legislation.

If the Senator from Florida will bear with me a moment further, this provision on page 4 also provides the details of the manner in which this reimbursable provision shall be worked out.

Now, I want to say another word.

Mr. BRYAN. Let me ask the Senator if we have reached the amendment at the top of page 4?

Mr. CLAPP. In one sense, no; except the provision at the bottom of page 3 and top of page 4 is interwoven with the amendment on line 7 of page 3. It was to save time that they were discussed together.

Mr. BRYAN. Is the Committee on Indian Affairs divided on this amendment?

Mr. CLAPP. Not in the slightest, except that it has occurred, as it always occurs in a process of development of a matter, that the Senator from Michigan would put in the words "with the approval of the allottee." I do not think there is a member of the committee who would object——

Mr. ASHURST. There is no objection to the amendment.

Mr. BRYAN. Let us see if the amendment will be agreed to.

Mr. CLAPP. Certainly it will be agreed to. I want to say to the Senator——

Mr. BRYAN. I wish to say to the Senator before he says anything to me that I have seen these Indian appropriation bills take a week for discussion.

Mr. CLAPP. Undoubtedly.

Mr. BRYAN. It has never been upon the items of appropriations. The bill for several years has been loaded down with general legislation, and in the economy of time a point of order should be made. We can not stay here three or four days considering the merits of the general legislation. In matters upon which the committee are agreed, if they are matters of importance, it might be well enough to waive the point of order; but if hours and hours are to be taken up in discussing general legislation, in the interests of time I am not going to sit here and submit to it; I am going to raise a point of order.

Mr. CLAPP. I say to the Senator from Florida, I think if there is a committee in the Senate where a man does penance in serving on it, it is the Committee on Indian Affairs. We are projecting ourselves constantly along a pathway we must more or less experiment upon. We have no given landmarks in advance.

Now, when you take the Indian in his tribal relation, where he is receiving every year so many annuities, so many pounds of pork and so many pounds of salt, it requires little legislation to administer his affairs, but when you segregate those Indians and put them on individual allotments, and take them by the hand and loan this one a little money and loan another some money to buy machinery with, and individualize the Indians, it requires a great deal of constructive legislation; and I think the Senator will bear witness it is impossible to get that legislation except upon an appropriation bill.

Mr. BRYAN. I can not agree to that altogether.

Mr. TOWNSEND. The Senator will allow me to add in addition to what he says, I am no more in sympathy with delays than the Senator is, but here is a particular bill where there are certain things necessary to be done every year in connection with appropriations. Each new appropriation presents a new problem. If you are going to carry it out you have got in some way to protect the rights of the Indians. That, it seems to me, is absolutely necessary in the consideration of a bill of this kind.

Mr. BRYAN. That is one of the reasons I had in mind in addition to saving time. It does not seem to me that it is fair and just to the Indians in the consideration of an appropriation bill to put on legislation of a general nature that might vitally affect their interests and their rights.

Mr. TOWNSEND. That is true, and they ought to be guarded. But we have also in this bill treaty items. We have practically to legislate in reference to appropriations in connection with treaty items.

Mr. ASHURST. Will the Senator yield to me? I do not believe there is any opposition to the amendment proposed by the Senator from Michigan.

Mr. LANE. There is.

Mr. ASHURST. Very well, I will withdraw the suggestion.

Mr. LANE. I will say I do not think it cures the defect. I understood that there will be a point of order raised against this provision. I have been informed it does not cure the defect for the reason that the power is placed in the hands of the Secretary of the Interior to fix the maintenance and operation charges and that can be done in such a manner under administrations such as we have seen that it would be disastrous.

Mr. TOWNSEND. Does not that apply to the administration of irrigation projects?

Mr. LANE. Yes.

Mr. TOWNSEND. Somebody has to do that. It has to be fixed by somebody.

Mr. LANE. I know; and so I say it has been done in the past in a way that has been disastrous to the Indian.

Mr. TOWNSEND. Unless that is done there can be no use of irrigated lands for an Indian.

Mr. LANE. Not unless you let him take care of himself.

Mr. ASHURST. Question!

Mr. LANE. Unless you turn it over to him and let him manage it through a council and fix his own charge.

Mr. JONES. With reference to the merits of allowing this land to be leased for 10 years, I wish to ask the chairman of the committee whether the department is in favor of this proposition?

Mr. ASHURST. Mr. President, I rose a moment ago to state and should have stated before that this proposed amendment was drawn by the Interior Department, submitted to the committee as it now is, and was urged by the Interior Department.

Mr. JONES. I will state the reason why I asked the question.

We have a law under which the agricultural lands of the Indians may be rented for a period not exceeding 5 years. We have had that law for a long time. A good many years ago I got a provision passed allowing the leasing of allotted land on the Yakima Indian Reservation for not more than 10 years. Yet we have never been able to get a single lease approved for a period of 10 years. The department has refused to do it. It has been the policy of the Interior Department heretofore not to approve leases for any such term as that. That is the reason why I asked the question of the chairman. I wondered whether they had changed their ideas about it.

Now, I want to make a little further inquiry. In view of the language of this provision, which is not exactly as I thought at first, this thought has been suggested: Before the Indian was left out entirely in making leases when the department wanted to do it. I do not think that ought to be done. I

want to say the great complaint which comes from the Indians on the Yakima Indian Reservation—and I refer to that because I am more familiar with it, as it is close to my home—is that they want to have the handling of money that comes from their leases.

Mr. ASHURST. I have just said that, as far as I am concerned, I have not the slightest opposition to such an amendment.

Mr. JONES. There has not been such an amendment suggested.

Mr. TOWNSEND. I propose to offer it.

Mr. JONES. I understood that the lease should be approved by the Secretary; but that does not dispose of the lease money. Here is the way they do on the Yakima Indian Reservation. They let an Indian have $5 a month or $10 a month, or whatever they think they ought to let him have. He complains of that. He thinks this land has been allotted to him and it is his. Some of those Indians have had their allotments for 10, 12, or 15 years, and they are pretty good business men. Yet they get only the small amount dribbled to them month by month and month by month, and they do not like it. I do not blame them for not liking it. So I thought it would be a much better policy if the Secretary would allow these Indians to have their rent money at least, unless they are dissipated or using it especially for that purpose. The leases on the Yakima Reservation, it is my recollection of the law, are made by the Indians simply subject to the approval of the Secretary, and the Secretary proposes such terms as he sees fit. At least the Indian ought to be first consulted with reference to the lease. He ought to make the lease, as a matter of fact.

Mr. TOWNSEND. I have no objection to that, but I do not want to offer the amendment if what the Senator from Florida says is true, that there are Senators here who are going to make a point of order on the proposition. If we are sure we can put it through, I should like to offer to perfect the amendment, because I think it is a most important one and quite important to the welfare of the Indian; but, as I said, I do not care to do it if there is to be a point of order made against it, because it is my judgment that it would be time wasted.

Mr. MYERS. I observe that the chairman of the committee awhile ago called for the question. I want to know what is the question? What amendment is before the Senate to be voted on?

The VICE PRESIDENT. The amendment on page 3, line 7.

Mr. MYERS. Why not vote on it and get it disposed of before we go to the next amendment? I suggest that we vote on the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment. Without objection, the amendment is agreed to.

Mr. FALL. Mr. President, the Senator was prepared to make a point of order, and if he does not do so I shall.

Mr. BRYAN. That is different, Mr. President.

Mr. FALL. I say I will make the point of order unless the Senator does.

Mr. BRYAN. If the point of order is going to be made, why not make it now, instead of waiting an hour or two? That is the point I have in view.

Mr. FALL. The amendment has not been read, I will say to the Senator. There is no desire on the part of the Senator from New Mexico to take up time. When we reach this provision which is subject to the point of order, I shall make it. It has not as yet been read, and so I have not yet made it. This provision has only been read for information, as I understand. Has the entire section been read?

Mr. ASHURST. Yes, sir.

Mr. FALL. Then I make the point of order, Mr. President, against the proviso from the top of page 4 down to and including line 16 on the same page that those two provisos are general legislation.

Mr. LANE. At what point is that?

Mr. FALL. I refer to the two provisos beginning in line 1, on page 4. To the balance of it I have no objection at all.

Mr. THOMAS. Does that begin on line 4?

Mr. FALL. On line 1, page 4, of the two provisos, down to and including line 16 on that page. I make the point of order that it is general legislation.

Mr. JONES. I want to suggest that this is not only an appropriation bill to appropriate money, but it is to fulfill treaty stipulations with various Indian tribes. Therefore legislation to carry out those treaty stipulations would be in order on this bill.

Mr. BRYAN. This is an appropriation bill.

The VICE PRESIDENT. The only question in the mind of the Chair is that this seems to be a point of order raised to a part of the amendment.

Mr. FALL. There are three distinct propositions. If the Chair will permit me for a moment, I think I can explain it.

The VICE PRESIDENT. Does the Senator from New Mexico ask for a division of the question?

Mr. FALL. Yes.

The VICE PRESIDENT. The Senator raises a point of order on the proviso from line 4 to line 16.

Mr. FALL. On the provisos on page 4 from line 1 to line 16.

The VICE PRESIDENT. The Chair will sustain the point of order as to its being general legislation. The question is on agreeing to the first proviso. [Putting the question.] The ayes have it, and it is agreed to.

Mr. FALL. Did the Chair overrule the point of order?

The VICE PRESIDENT. No; the Chair sustained the point of order.

Mr. FALL. Then I understand, if the point of order is sustained, the provisos are out.

Mr. CLAPP. Mr. President, I invite the attention of the Chair to the language on page 3, line 5, which is "reimbursable as provided in the act of August 1, 1914." That act provided that where the Indians had funds the reimbursement should be made out of those funds. The proviso, at least from line 4 to line 10, it seems to me, is carrying out the provisions of an existing law, furnishing the detailed method by which the reimbursement may be made.

The VICE PRESIDENT. There can not be any question of doubt that it is general legislation. It is in reference to how the irrigable lands of the Indians are to be allotted in severalty—the leases for cultivation, and all that.

Mr. CLAPP. General legislation, I understand, is not objectionable if it is for the purpose of carrying out the provisions of an existing treaty or of an existing law.

The VICE PRESIDENT. That has reference to an appropriation. It has not any reference to general legislation at all. The point of order is sustained.

Mr. SMOOT. Mr. President, I want to ask the Senator having the bill in charge—the point of order having been sustained—does he still believe that the first part of that amendment should be agreed to? I refer to that part which reads as follows:

Provided further, That hereafter the proceeds of sales of material utilized for temporary irrigation work and structures shall be covered into the appropriation made therefor and be available for the purpose of the appropriation.

Does the Senator desire that part to remain in the bill, the other part having been stricken out?

Mr. ASHURST. That is the same provision that was in the appropriation bill of last year, and I trust the Senator from Utah will not make the point of order against it. I believe it is necessary to carry into full force and effect the provisions of the law. I therefore hope the point of order will not be made.

Mr. SMOOT. I did not rise to make the point of order; I rose for the purpose of asking the Senator, seeing that the point of order had been made on the remainder of the amendment, whether he really thought it was advisable to keep the first part of the amendment in the bill?

Mr. ASHURST. I think it is advisable to retain it.

Mr. SMOOT. Then I shall make no objection.

The VICE PRESIDENT. The question is on agreeing to the remaining part of the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed, as follows:

For the suppression of the traffic in intoxicating liquors among Indians, $125,000.

Mr. OWEN. Mr. President, I should like to propose an amendment at that point.

The VICE PRESIDENT. The order of the Senate is that committee amendments shall first be considered.

Mr. OWEN. Very well.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 4, line 23, after the word "vaccination," to strike out "maintenance of hospitals and sanatoriums, for incidental and all other expenses for their proper conduct and management, including pay of employees, repairs, improvements, and for necessary expenses of transporting Indian patients to and from such hospitals and sanatoriums, and for the correction of sanitary defects in Indian homes, $350,000," and insert "$300,000: *Provided*, That not to exceed $90,000 of the amount herein appropriated may be expended in the erection and equipment of new hospitals for the use of Indians; and no hospital shall be constructed at a cost to exceed $15,000, including equipment," so as to make the clause read:

To relieve distress among Indians and to provide for their care and for the prevention and treatment of tuberculosis, trachoma, smallpox,

and other contagious and infectious diseases, including the purchase of vaccine and expense of vaccination, $300,000: *Provided*, That not to exceed $90,000 of the amount herein appropriated may be expended in the erection and equipment of new hospitals for the use of Indians; and no hospital shall be constructed at a cost to exceed $15,000, including equipment: *Provided further*, That hereafter the Secretary of the Interior shall submit to Congress annually a detailed report as to all moneys expended in the erection and maintenance of hospitals and sanatoriums as provided for herein.

Mr. JONES. Mr. President, I notice that the committee has stricken out the provision for the maintenance of hospitals and sanitariums. In the last appropriation bill we passed, I think, $300,000 was appropriated for the very purpose of this paragraph, and we had $100,000 provided out of it for the erection of hospitals. Now, if we strike out the provision for maintenance of hospitals, how are we going to maintain them? Have we any hospitals constructed for the Indians, I wish to ask the chairman of the committee?

Mr. ASHURST. I will say, in reply to the Senator, that the provision to which he calls attention, and which has been stricken out, is provided for in another part of the bill.

Mr. JONES. I want to ask the Senator how many hospitals had been constructed under the provision of the bill of last year, appropriating $100,000 of this fund now used for the construction of hospitals? I want to know how much of that money has been expended and how many hospitals have been erected.

Mr. ASHURST. A full statement of that expenditure will be found——

Mr. JONES. I should like to have it stated in a general way.

Mr. ASHURST. I will be very brief. The statement is found on page 29 of the House hearings, and is as follows:

Analysis of expenditures.

Salaries, wages, etc	$53,864.00
Traveling expenses	12,804.16

In the interest of time, I shall not read all of the items.

Mr. JONES. That is what I want, I will say to the Senator.

Mr. ASHURST. The locations of the hospitals are as follows:

These new institutions—

That is, the hospitals; and I will state that these estimates were made in October—

These new institutions will probably be located at the Turtle Mountain Indian School, Belcourt, N. Dak.; Blackfeet Indian School, Browning, Mont.; Pima Indian School, Sacaton, Ariz.; Mescalero Indian School, Mescalero, N. Mex.; at or near the San Xavier Indian School, Tucson, Ariz.; and Carson Indian School, Stewart, Nev.; also a contract has been made for the construction of a new hospital at the Laguna Pueblo under the jurisdiction of the Santa Fe Indian School. These will be ready for operation by July 1, 1915.

Mr. JONES. So, we have not as yet any hospitals constructed and completed under that appropriation?

Mr. ROBINSON. Mr. President, contracts have been let, the hospitals are being constructed, and they will be put into operation about the first of the next fiscal year.

Mr. JONES. Can the Senator point me to the item further on in the bill providing for the operation and maintenance of these hospitals?

Mr. ASHURST. I will do that as soon as I can find it.

Mr. ROBINSON. If the Senator from Washington will pardon me for a moment, the matter was gone into very carefully by the committee, and provision is made for that in other parts of the bill. It will be difficult now to find and point out the separate items without taking considerable time, and I ask the Senator from Washington if he will not be willing to wait until we reach them.

Mr. JONES. Certainly; I will be glad to do so. I simply want to be sure that the matter is cared for.

Mr. ASHURST. It is cared for.

The VICE PRESIDENT. The question is on the amendment reported by the committee.

[Mr. SMITH of Arizona addressed the Senate. See Appendix.]

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 5, line 17, after the word "children," to strike out "$1,440,000" and insert "$1,550,000," so as to make the clause read:

For support of Indian day and industrial schools not otherwise provided for and for other educational and industrial purposes in connection therewith, including not to exceed $40,000 for the support and education of deaf and dumb and blind Indian children, $1,550,000.

Mr. SMOOT. Mr. President, I will ask the Senator why that increase of $110,000 was made?

Mr. ASHURST. I will state that that is in accordance with the estimate. A somewhat protracted hearing was held by the Senate committee and the House committee. It covers some eight pages of the House hearings; and it was ascertained that that amount, being the same as was estimated for last year, was necessary.

The distinguished Senator from Utah, in a question a moment ago, asked about the expenditures for the Papago Indians. Replying to that interrogatory propounded by the Senator, let me say that the department says:

This money—

Referring to the appropriation for the Papagoes—

This money is being expended; the schools to be established will be ready for use in the near future, and this will result in the enrollment of Navajo and Papago children whose education must be provided for by the use of this appropriation.

Of the Navajoes there are about 29,193 and of the Papagoes 6,965. Estimating upon a basis of 20 per cent, there would be of the Navajoes 5,838 school children and of the Papagoes 1,390 school children.

That, however, so far as the Papagoes may be concerned, will be somewhat lessened, because some of them go into the public schools, so I am advised.

Mr. SMOOT. The hearing in the House was held upon the increase to $1,550,000?

Mr. ASHURST. No; the hearings in the House resulted in the appropriation of $1,440,000, but the Senate committee increased it by $110,000.

Mr. SMOOT. But at the hearings in the House the $1,550,000 was asked for, and the House failed to grant it?

Mr. ASHURST. Yes; the House did not come up to the estimates by $110,000, although the department estimated for the amount the Senate committee appropriated.

Mr. GRONNA. I will say to the Senator from Utah that this is the same amount that was appropriated last year, and all of it was used by the 1st day of October, with the exception of $62,000. Of course every bit of that will be used up by the end of the fiscal year, so there is no increase whatever in the appropriation.

Mr. PAGE. Mr. President——

The VICE PRESIDENT. The Senator from Vermont.

Mr. PAGE. I want to say generally in reference to the Indian appropriation bill that I have been in favor of liberality in the support of Indian schools. I know that there has been a disposition in several cases to cut down these appropriations. It seems to me that if we have a duty to perform that is especially pressing it is to see that the Indian has an opportunity to be educated—not well educated, perhaps, as we would speak of it were it a white school, but that he shall have an opportunity to become proficient in the ordinary lower grades of school work.

The number of Indians that must be educated is increasing from year to year, as I believe; and when the department ask, as they did this year, for the same and no more than they had last year, I felt that it ought to be granted. I still feel so. I think the $1,550,000 is none too large.

Mr. LANE. Mr. President, I will say for the information of the Senator who made the inquiry that I went upon one reservation and stayed for four days, and found, of the total population of children of school age of 900, that over 600 of them had no school to which to go. If we are going to educate them, let us do it. I do not know whether our methods will improve their general condition in the long run or not; but if we attempt it at all, let us do it right; otherwise, let us quit.

Mr. SMOOT. I agree with the Senator.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed, and the Secretary read to line 6, on page 6, as follows:

Provided, That no part of this appropriation, or any other appropriation provided for herein, except appropriations made pursuant to treaties, shall be used to educate children of less than one-fourth Indian blood whose parents are citizens of the United States and of the State wherein they live and where there are adequate free school facilities provided and the facilities of the Indian schools are needed for pupils of more than one-fourth Indian blood: *Provided further*, That no part of this appropriation shall be used for the support of Indian day and industrial schools where specific appropriation is made: *Provided further*, That not more than $50,000 of the amount herein appropriated may be expended for the tuition of Indian children enrolled in the public schools.

Mr. JONES. Mr. President, I wish to ask the chairman of the committee whether or not this amount of $50,000 is sufficient to pay the tuition that would be properly chargeable against the Indian children in the public schools?

Mr. ASHURST. I believe it is. It is distributed among the various States. The Senator will remember that last year a question was propounded by the distinguished senior Senator from Utah [Mr. SMOOT] regarding that matter. It was ascertained that this was about the requisite sum to be distributed among the States.

Mr. JONES. Last year we appropriated only $20,000 for this purpose. Now we appropriate $50,000; and I wondered if the department had data from which they had determined that this

$50,000 would cover the amount to be distributed among the States.

Mr. ASHURST. The sum of $50,000 is the amount estimated for; and I assume, of course, that that is the amount they require. They have not indicated that it is necessary to have a larger sum.

Mr. JONES. I know, but they might not feel it necessary to take care of all the proper charges in the different States, and that is what I wanted to ascertain—whether or not they have the data upon which they can determine the amount that they ought properly to pay in the different States for the public school facilities furnished in each.

Mr. ASHURST. Yes; they have the data, and this is the amount at which they arrived.

The reading of the bill was resumed.

The next amendment was, on page 6, line 9, after the word "therewith," to strike out "$400,000" and insert "$440,000," so as to read:

For construction, lease, purchase, repair, and improvement of school and agency buildings, including sewer, water, and lighting systems in connection therewith, $440,000.

The amendment was agreed to.

The next amendment was, on page 7, line 5, after the word "Alaska," to insert "All moneys appropriated herein for school purposes among the Indians may be expended, without restriction as to per capita expenditure, for the annual support and education of any one pupil in any school," so as to make the clause read:

For collection and transportation of pupils to and from Indian and public schools, and for placing school pupils, with the consent of their parents, under the care and control of white families qualified to give them moral, industrial, and educational training, $72,000: *Provided*, That not exceeding $5,000 of this sum may be used for obtaining remunerative employment for Indian youths and, when necessary, for payment of transportation and other expenses to their places of employment. The provisions of this section shall also apply to native pupils of school age under 21 years of age brought from Alaska. All moneys appropriated herein for school purposes among the Indians may be expended, without restriction as to per capita expenditures, for the annual support and education of any one pupil in any school.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. The Senator from Colorado.

Mr. THOMAS. Upon the face of it, that is a most remarkable amendment. I should like to inquire of the Senator in charge of the bill what the purpose of the amendment is. As it stands, this entire amount of millions of dollars can be expended upon one pupil, as I read it, if not more.

Mr. ROBINSON. Mr. President, that provision has been carried in the Indian appropriation bill for many years. It has been found that in the various schools it is impossible to make these expenditures on a uniform basis. That is to say, the cost per capita at one school can not be the same in every case as the cost per capita at other schools; and it is merely intended to relieve them from embarrassment in the matter of administration.

Mr. THOMAS. If that is the purpose of it, it seems to me it is very unfortunately worded.

Mr. ROBINSON. I will say to the Senator from Colorado that that is the language that has been carried in the Indian appropriation bill for a good many years. If the Senator will permit me further, it was contained in the bill as reported to the House of Representatives, but I think was stricken out there perhaps on a point of order, a point of order being made in the House of Representatives against every provision in the bill that was subject to a point of order under the peculiar conditions that existed when the bill was being considered there.

Mr. ASHURST. Mr. President, I ask unanimous consent that the paragraph just read shall be a separate paragraph. It should be a separate paragraph.

Mr. THOMAS. I have no intention, in view of the explanation made by the Senator from Arkansas, of making a point of order against the amendment, although on general principles I believe that all general legislation should be eliminated from these bills; but, standing by itself, it appears to be a very remarkable amendment.

Mr. ROBINSON. I will state further to the Senator that it was considered very carefully by the committee and the matter gone over fully, and the committee reached the conclusion that it was best to retain in the bill the provision which has been carried heretofore on that subject.

Mr. THOMAS. Of course, I assume that it has been carefully considered, but it was so unique in its character that I wanted some explanation about it.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ASHURST. May it be made a separate paragraph?

The VICE PRESIDENT. It will be made a separate paragraph.

The next amendment was, on page 8, line 1, after the word "Indians," to strike out "$400,000" and insert "$450,000," so as to read:

For the purposes of preserving living and growing timber on Indian reservations and allotments, and to educate Indians in the proper care of forests; for the employment of suitable persons as matrons to teach Indian women and girls housekeeping and other household duties, for necessary traveling expenses of such matrons; and for furnishing necessary equipments and supplies and renting quarters for them where necessary; for the conducting of experiments on Indian school or agency farms designed to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, cotton, and fruits, and for the employment of practical farmers and stockmen, in addition to the agency and school farmers now employed; for necessary traveling expenses of such farmers and stockmen and for furnishing necessary equipment and supplies for them; and for superintending and directing farming and stock raising among Indians, $450,000.

Mr. SMOOT. Mr. President, I will ask the chairman of the committee whether this is not a new provision?

Mr. ASHURST. No; it has been carried in the bill. It was carried in the bill for the fiscal year 1915, the bill for 1914, and, if I remember correctly, in the bill for 1913. It is not a new provision at all. The amount of $450,000 is the amount estimated for by the department and the amount appropriated last year.

Mr. SMOOT. I have before me the appropriation bill for last year. I notice that there was the same amount of appropriation, but it was worded considerably different than it is this time. I suppose the object is the same.

Mr. ASHURST. The object is the same.

Mr. SMOOT. I notice that there is quite a difference in the wording of it.

Mr. ASHURST. Only in form; not as to substance.

[Mr. SMITH of Arizona addressed the Senate. See Appendix.]

Mr. TOWNSEND. Mr. President, I suppose it is just as well to make no answer to items that are not up for a vote at this time, but I do not believe the senior Senator from Arizona [Mr. SMITH] is in harmony with a majority of the sentiment in the United States. As to the first part of this section, which the Senator criticizes—namely, that relating to the education of Indians in the proper care of forests—of course there is no school that is maintained for that purpose, but the Indians live in the forest; they have some very valuable timber. Those forests are subject to fires; they are subject to destruction. It is the business of the United States to preserve the forests for the Indians just as much as it is to preserve the forests on the other public domain.

This is a proposition to teach in the schools with other lessons those modern ideas of civilization which would look to the preservation of the Indian's property. I repeat there is no school established for this particular purpose, but we have required of late that the department shall enumerate in detail what is taught and what is done in the schools. We are trying to find out what is done with every dollar of money that is appropriated by the Government. This is but one of the items that are enumerated as a part of the curriculum of an Indian school, and it seems to me that it is highly commendable.

Mr. PAGE. Mr. President, I have heard with sincere regret the expression of disapprobation on the part of the Senator from Arizona [Mr. SMITH] on the educational attitude of this country toward its Indian wards. It may be and probably is true among Indians as well as whites that many are not materially benefited by the class of education which they receive. The education of life is probably the best education they get. But we owe it to the Indian to give him as near as we can the same class of and as much education as we give to the white man. That can not be done, of course, in its entirety, but we certainly ought to strive toward that end.

I have no sympathy with the idea that the Indian is altogether bad, and that, therefore, we ought to leave him to go his bad way without attempting to educate him. It is true, as the Senator from Michigan [Mr. TOWNSEND] has said, that we have asked the department to tell us not as to the general trend of education throughout all the Indian reservations but to tell us wherever any part of their money is used and the part used in certain sections of the country for the education of Indians and in the proper care of Indian forests.

It was my pleasure a few years ago to visit an Indian reservation in Wisconsin, the Menominee Reservation, an Indian reservation where there are hundreds of thousands of dollars worth of timber land. We have undertaken there to let the Indian conduct his business affairs. It is true we furnish a white superintendent, a white general manager, but there is an

experiment in which we are attempting to see just how much the Indian can do for himself. He is working out the plan there of becoming a business man who will take care of his own reservation.

The Forestry Service sent their man there, and in the cutting of the timber on that reservation every tree is marked by the forester. They strive to educate those Indians so that that great quantity of Indian lands may be conserved that the Indians may from year to year take out the dead or matured timber, that he may remove the débris so that fires are not liable to occur. That is not perhaps a line of action that is pursued generally, but it is pursued in that reservation, and if we are faithful to our trust we will ask the Commissioner of Indian Affairs, as he comes before our committee, to tell us what he has done in the way of educating the Indians, so that he may perform the duty that seems to be incumbent upon him there. That is the necessity for this particular sentence where it says "and to educate Indians in the proper care of forestry." It is not done generally, but it is done there. It is a proper thing to do, and we ought not to strike out this provision from the bill, in my judgment.

The Forestry Service sent their men there, and in the cutting of the timber on that reservation every tree is marked by the forester. They strive to educate those Indians so that a great quantity of Indian lands may be conserved and that the Indian may from year to year take out the dead and the mature timber and remove the débris so that fires are less liable to occur. That perhaps is not a line of action that is pursued generally, but it is pursued on that reservation. If we are faithful to our trust, we will ask the Commissioner of Indian Affairs, as he comes before our committee, to tell us what he has done in the way of educating the Indian so that he may perform the duty that seems to be incumbent upon him there. That is the necessity for this particular clause, "and to educate Indians in the proper care of forests." It is not done generally, but it is done there. It is a proper thing to do, and we ought not to strike this clause from the bill, in my judgment.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 8, line 19, after the word "three," to insert "permanent," and in the same line, after the words "Indian Service," to insert: "*Provided further*, That section 3709, Revised Statutes, in so far as that section requires that advertisement be made, shall apply only to those purchases and contracts for supplies or services, except personal services, for the Indian field service which exceed in amount the sum of $50 each, and section 23 of the act of June 25, 1910 (36 Stat. L., 861), is hereby amended accordingly."

So as to make the clause read:

For the purchase of goods and supplies for the Indian Service, including inspection, pay of necessary employees, and all other expenses connected therewith, including advertising, storage, and transportation of Indian goods and supplies, $300,000: *Provided*, That no part of the sum hereby appropriated shall be used for the maintenance of to exceed three permanent warehouses in the Indian Service: *Provided further*, That section 3709, Revised Statutes, in so far as that section requires that advertisement be made, shall apply only to those purchases and contracts for supplies or services, except personal services, for the Indian field service which exceed in amount the sum of $50 each, and section 23 of the act of June 25, 1910 (36 Stat. L., 861), is hereby amended accordingly.

Mr. SMOOT. That is a new provision put in this year's appropriation bill. I have not section 3709 of the Thirty-sixth Statutes at Large, which is amended by this provision. I will ask the Senator if he can state offhand what is the amount now that is expended under the requirement that advertisements shall be made?

Mr. ASHURST. One hundred dollars. This reduced it to $50. It seemed to be a salutary amendment. It impressed the committee.

The amendment was agreed to.

The next amendment was, on page 9, line 15, after the word "Commissioners," to strike out "$4,000" and insert "$10,000," so as to make the clause read:

For expenses of the Board of Indian Commissioners, $10,000.

The amendment was agreed to.

The next amendment was, on page 9, line 21, after the word "agencies," to strike out "$100,000" and insert "$200,000," so as to make the clause read:

For pay of Indian police, including chiefs of police at not to exceed $50 per month each and privates at not to exceed $30 per month each, to be employed in maintaining order, for purchase of equipments and supplies and for rations for policemen at nonration agencies, $200,000.

Mr. PAGE. Mr. President, I am thoroughly opposed to this amendment. I think the House did right when they provided that the amount should be $100,000 rather than $200,000. I have taken a little pains to talk with Indians about this appropriation, and they say the class of men who hang around the reservations as policemen are of the cheapest kind, and they do not believe that we should increase the appropriation for these policemen. I do not know why it has been done. I am opposed to the amendment.

Mr. THOMAS. I suppose it is necessary to increase the expenses for policing in proportion as we increase the appropriations for education. The two go together with the Caucasian, and it is the same thing with the Indian.

Mr. ASHURST. I may be wrong, but I thought that the Senator from Vermont [Mr. PAGE] in the committee agreed to increasing the amount to $200,000. It is the impression of the chairman of the committee that it is a necessary and a wise provision. On page 72 of the hearings the following proceedings appear in the House committee hearings:

PAY OF INDIAN POLICE, $200,000.

The appropriation under this head provides for the salaries of Indian police and subsistence at nonration agencies, uniforms, forage for their mounts, equipment, etc. There are on the salary roll for the present fiscal year 646 Indian police, whose duty it is to assist in the maintenance of law and order, suppression of the liquor traffic, and other duties as affecting over 300,000 Indians scattered throughout the country and covering millions of acres of land.

The per capita cost is but 66⅔ cents. In 195 cities having a population of over 30,000 each the per capita payment for the police department is $2.04, and there is no doubt that the area of these cities will not compare favorably with the area of the Indian country. In the group which comprises cities having a population between 300,000 to 500,000 the per capita payment for the police department is $2.14.

The office is experiencing some difficulty in certain localities in retaining efficient and honest men at the salary provided for. As laborers they can earn from $1.50 to $2 per day, and with such opportunities they are unwilling to remain as Government employees at a salary of $30 or less. To increase their compensation reduces the availability of the appropriation, and as a result the efficiency of the service is to a certain extent impaired.

These employees form an important part in the administration of the affairs of the reservations and are an essential part of the machinery used in protecting the lives, property, and welfare of these people throughout the country. The entire amount of the appropriation is necessary.

Mr. PAGE. Mr. President, I think I recall what the chairman of our committee has said as occurring before the committee. I might say to him that there are many, many items in this bill that we passed over on a purely ex parte showing. As you will find if you will go through the bill, the administration has asked us to increase the expenditures in almost every case, and in some cases they have been increased immensely. I have had occasion to make inquiry in regard to conditions outside of the committee, and I have become convinced that in many of these instances we have done wrong in increasing the appropriations. I believe we have done wrong in increasing this one. I received my information from those who I think are qualified to judge from having been on these reservations, knowing the facts. The facts are, and I think it will appear somewhere in our hearings, that the men who are engaged in the Indian police service are not a class of men who promote the welfare of the Indian as a rule. They are a cheap class of men, men who are hired for so small a salary that they can not be good men.

Mr. ASHURST. Will the Senator yield to me?

Mr. PAGE. With pleasure.

Mr. ASHURST. The Senator, I know, is aware of the fact that these police are Indians themselves.

Mr. PAGE. Yes; but they are a very cheap class of men, and I do not think we ought to increase the appropriation. But I do not care to take the time of the Senate.

Mr. CLARK of Wyoming. Mr. President, I can hardly allow the Senator's statement to pass without saying that my observation does not bear out the Senator's statement. I think that the Indian police upon our reservations are, if anything, rather superior to the average Indians upon the reservations. I think there is no question about that, particularly upon the western reservations.

I will further call the attention of the Senator to the fact that their efficiency is not necessarily measured by the amount of money that they receive. An Indian is not much different from white people. Many people are willing to take a position of authority, a position of dignity, or a position of responsibility at quite a moderate salary, less than they, perhaps, would be willing to receive for manual work or for employment in other avenues.

But I arose to say that I believe the Senator is mistaken when he says that the Indian police are a cheap class of Indians. My observation has been exactly to the contrary.

Mr. CRAWFORD. Mr. President, I wish to say to the Senator from Vermont that in the State which I in part represent we have perhaps 20,000 Sioux Indians on several reservations, and I had a chance to observe more or less closely for about 30 years. It is my impression that the police force, which is made up of the Indians themselves, represent a class of men

who are above the average and who are a very necessary force in localities inhabited by the Indians where depredations are being committed, where desperadoes get in and sometimes raise a great deal of trouble, where whisky is being smuggled to the Indians. As a rule the men who are wearing the uniform of police are valuable citizens, are a trusty class of men, and my own impression is that the Senator's statement that they are a cheap lot, indicating that they are below the average, is not correct. I simply feel that it is only just and proper that I should say that, so far as my observation has extended.

Mr. PAGE. Mr. President, I of course yield to the closer and more intimate acquaintance of the Senator from South Dakota and the Senator from Wyoming with the Indian Service. I certainly have tried to acquaint myself, where I thought I ought to do so, with some of the items which have been increased in the bill. I think perhaps I may say without violating any of the rules of the Senate, that one of the most efficient laborers in this Indian vineyard, so called, is the chairman of the Indian Affairs Committee in the other House. I do not know that I ought to say that here; but I know that he and others with whom I happen to have acquaintance assure me that this is a bad amendment. I want to say generally that I probably shall have occasion before we pass through the bill to oppose several of the amendments increasing appropriations. We have increased these appropriations by, I think, more than $3,000,000.

Mr. CLARK of Wyoming. Will the Senator yield to me for a moment?

Mr. PAGE. Certainly.

Mr. CLARK of Wyoming. My remarks to the Senator were not at all called out by the amount of the appropriation. I expressed no opinion as to whether the amount should be the sum contained in the original bill or the sum proposed in the Senate committee amendment. My remark was called out by the observations made by the Senator as to the character of the men who are engaged in filling these offices.

Mr. PAGE. I yield to the better judgment and better experience of the two Senators who have spoken on this matter. I simply say that information has come to me that they are not a high class of men. The very fact that they are willing to accept the service for perhaps a few dollars a month indicates that they must make their living out of something besides their salary.

Mr. CLARK of Wyoming. I suppose there are very many useful employments and very many useful services in which the Senator from Vermont engages for far less than $30 a month.

Mr. FALL. Mr. President, will the Senator from Vermont yield to me for a moment?

Mr. PAGE. I yield.

Mr. FALL. Each of the Indian police of whom I have any knowledge has exactly the same interest in the tribal property that every other Indian on the reserve has, he has exactly the same means of support that the other Indians upon the reserve have, he has the same income that the other Indians upon the reserve have, and he has additional income for the services which he renders the Indians as a policeman. He has an extra hazardous employment on the Indian reserve, particularly in my part of the country.

I can say to the Senator that the Indian police have from time to time performed services not only to their own people, to their own tribes, which were worthy of all praise, but they have performed services as police officers to the citizens generally beyond any estimate. I want to say, sir, as to the police officers on the Mescalero Reservation, in which my own home partly lies in New Mexico, where I am brought into almost daily contact with some of them, there are no police officers in New Mexico or anywhere else superior to them. We have to-day, for instance, a condition existing there, which has been kept down so far by the Indian police. Over the opposition of the Senators from New Mexico, Senators will recall that the Fort Sill Geronimo Apaches were removed to the Mescalero Reserve, in New Mexico; and they have there been allotted the lands which the Mescaleros had always believed belonged to them. They have taken up the best of the grazing lands and farming lands that remain upon the reserve. They have deprived the Mescalero Indians of an income of more than $8,000, which has not been made up to them in any way by Congress or by the Indian Department. They have been almost at swords' points. From time to time it has been necessary to send Army officers who are familiar with the Indians there upon that reserve—while the matters have been kept out of the newspapers—for the purpose of keeping peace between the Fort Sill Indians and the Mescaleros. The Mescalero police—and the members of the police force are Mescaleros—have performed the duties of their office to the satisfaction of all parties to such an extent that they, and they alone, are responsible for the fact that there has not been the bloody outbreak which I prophesied would possibly occur upon the Mescalero Reserve. Those are the people who are working for $30 a month.

A short time ago, Mr. President, the value of their services was called in question in my county. A murder was committed by an Indian on the Indian reservation. The American citizens in the county were thoroughly aroused and insisted upon invading the reserve in force; insisted that the sheriff should collect a large posse to pursue the murderer. They knew nothing about who he was. They did by force invade the reserve and with a very large posse. The Indian police were called off by the agent and restrained from interfering with the trespass upon the reserve by the police officers; they were requested to remain quiet and to allow the sheriff and his posse to do what they could toward the apprehension of the murderer. The efforts of the sheriff, who was a brave man and an excellent peace officer, availed nothing; it was impossible for him to secure any evidence or to even find the trail of the man who committed the murder. Finally, after consultation between various citizens and the agent, upon the one hand, and some of the Indians and the sheriff on the other, the sheriff was persuaded to withdraw his posse from the reserve. He did so under protest, placing the responsibility entirely upon the agent for the apprehension of the murderer, stating that he would be held responsible if the murderer was not apprehended. The agent answered that he would take the responsibility; that he had confidence in his police, and that he believed he knew what they would do.

After the American posse had left the reserve he then called the Indian police around him and said: "Now, I want the man who committed that murder; you can find him, and I want him arrested." The newspapers were full of it, stating that the agent was not doing his duty and that the Indians would protect the Indian murderer—it was known, or supposed to be known, that it was an Indian who murdered the white man—that the Indians would protect one of their own tribe, and that they would not see him punished according to law. Now, remember that American police officers, and as good as we have in New Mexico, had not been able to effect the arrest nor to secure even a trail or a clew which would lead to the apprehension of the guilty party. Within 24 hours after the American posse had left the reserve the Indians brought the murderer in dead. They had killed him.

Invariably they can be counted upon, sir, to perform the duties of their office as very few American officers can be. I want to say that, in my judgment, the Indian police upon the Mescalero Reserve are superior Indians in every respect, and they receive very small remuneration for the labors which they perform, the services which they give, which are of advantage, as I have said, not only to their own people but to all Americans living in the community.

Mr. PAGE. Mr. President, I want to assure the Senator from New Mexico that no man more than myself is gratified with the assurance that he gives in regard to the character of the Indian police. I can only say that in examining this bill I have applied to persons who I thought were qualified to give me the best possible information. One of my sources of information is, in my opinion, as well prepared to know and to judge as to these appropriations as any man in Congress, and his assurance is that $200,000 is unnecessary; that the $100,000 appropriated by the House is all that ought to be appropriated; and I have relied upon his superior opinion, rather than upon my own judgment, as to what we ought to do.

The other feature to which I have referred, namely, the character of the police, I presume varies in different sections of the country. I think there are sections of the country where if you make the inquiry, "What is the general character of the Indian police?" the reply will come, "In my vicinity, in my territory, they are a bad lot."

Now, I withdraw all that. So far as I am concerned I am simply applying my ideas to this bill generally. We have had purely ex parte statements in regard to the increase of these appropriations as a whole. The department comes to us and says, "We would like so many thousand dollars; the House has given us only so many thousand dollars." I think that nine times out of ten in the Senate Committee on Indian Affairs, if I may be permitted to say so without any impropriety—and I think I may—we have accepted the suggestions of the Assistant Commissioner of Indian Affairs. In doing so I am satisfied that we have made too large a bill for these days, when we are all struggling with the great propositions before the country, and when we are helping to pay the Nation's bills by putting a 1-cent stamp on every telegram that is sent out. I do not think

we ought to be as liberal as we have been here. I believe we ought to be liberal in matters of education—I am the last man who would cut down an appropriation along that line—but when we come to increasing and doubling the appropriation for the Indian police, and I have the assurance that I have from what I believe to be a proper source, I deem it my duty to protest against the amendment.

Mr. FALL. Mr. President, I want to say to the Senator from Vermont, as the Senator from Wyoming [Mr. CLARK] has already said, that I had no reference in my remarks to the amount of the appropriation. I was simply giving the Senator my own ideas from my own experience as to the character of the Indian policeman, at least in those portions of New Mexico where I am familiar with his character, and particularly on the Mescalero Reserve, which, as the Senator understands, is the reserve of the Apaches, who a few years ago were wild Indians, and whom we were making appropriations to fight. I was simply giving my idea as to the character of the Indians on that reserve when they are intrusted with the enforcement of law and order as police, and was not referring to the amount of the appropriation.

Mr. PAGE. I have not the slightest doubt, Mr. President, as to the correctness of the Senator's statement. I simply feel this way in regard to these appropriation bills: I was present at the hearings almost every minute from the time they commenced until they were ended, and I confess that I have been sometimes shocked at the ease with which the committee would increase an appropriation from $100,000 to $200,000, or from half a million dollars to a million dollars.

Mr. ROBINSON. Mr. President, will the Senator yield to me for a question?

Mr. PAGE. With pleasure.

Mr. ROBINSON. Is the Senator from Vermont aware of the fact that this is not an increase in the appropriation; that the appropriation bill for the fiscal year ending June 30, 1915, carried the same amount? He has been discussing the matter as if it were an increase in the appropriation. We carry in this bill the same amount that was carried last year, and unless that amount is carried it will make necessary a reduction in the force of Indian police by nearly one-half. Of course, if the Senator thinks that the police are inefficient or a "bad lot," as he has said, his position, in my judgment, would be tenable; but from the investigations I have made, on the whole I think the Indian police compare quite favorably with white police.

Mr. PAGE. Mr. President, I perhaps was wrong in not saying that this was an increase over the amount appropriated by the House bill.

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. Does the Senator from Vermont yield to the Senator from North Dakota?

Mr. PAGE. With pleasure.

Mr. GRONNA. I dislike very much to oppose anything the Senator from Vermont proposes, because he gives a great deal of attention to every question that comes before the Committee on Indian Affairs; but I want to say to the Senator that it is my belief that it would be a mistake to reduce this appropriation. As the Senator from Arkansas has just stated, we appropriated a like amount, $200,000, last year, and it has all been expended with the exception of $8,000.

With reference to the class of men who are appointed as Indian police, I will say that I live in a State where there are located three fair-sized reservations, and the Indians who are appointed to these responsible positions are, as a rule, the very best class of Indians, and they perform very valuable services. If it were not that I do not wish to take up the time of the Senate, I should like to read the testimony of Mr. Meritt, the Assistant Commissioner, on this point. I will, however, read a short extract from his testimony:

The CHAIRMAN. Don't you think that in view of the fact that so much of the work of these Indians is being policed by the State and the State authorities that we could very materially cut this appropriation?

Mr. MERITT. Mr. Chairman, I think it would be unfortunate to cut this appropriation. We are somewhat embarrassed now because of the limitation. We find that the Indian police are of material assistance to the service in maintaining order and performing necessary duties on the reservations. We have at this time 646 Indian police who are paid out of this appropriation.

The CHAIRMAN. Is it a part of the duties of these policemen to prevent the sale of liquors on the various reservations?

Mr. MERITT. They help in that work.

The CHAIRMAN. Then you have another appropriation for that purpose, have you not?

Mr. MERITT. But this only supplements their regular work.

The CHAIRMAN. Why shouldn't these two items be thrown together? Is it any more important that they be protected from the sale of whisky than anything else?

Mr. MERITT. It is one of the most important things in the Indian Service, that they be protected from liquor.

I trust the Senator from Vermont will not oppose the appropriation of $200,000, because I really believe it is absolutely necessary to have that amount.

Mr. PAGE. Mr. President, if Senators will turn to the bill which we are now considering, I should like to call attention to pages 9, 10, and 11, because they illustrate the thought I am trying to impress upon the Senate in connection with this bill. I have not suggested my opposition to this increase from $100,000 to $200,000 without making an investigation and becoming satisfied from the best information I could get that the increase was wrong; but what I want to call attention to is this—and it is not to this particular feature that I especially refer; my point is applicable to almost every feature of the bill: We are now on page 9, line 21, but if you will turn to page 10, in line 9, you will find the appropriation there has been increased from $100,000 to $125,000; on page 11, line 22, the appropriation has been increased from $200,000 to $600,000. Bear in mind that, as a rule, we had before us in the consideration of this bill only one authority to whom we could go, and that was the Assistant Commissioner of Indian Affairs, and whenever he said the department would like an increase we gave it to him. As the Senator from North Dakota well knows, that was almost universally the case. We hardly stopped to debate the question at all. None of us could debate it, because he knew all the facts and we knew nothing; but after going through the bill I took upon myself the labor of making an investigation outside. I tried to find men who were thoroughly conversant with the necessities of the service, and one of the best men I found—and I think he is one of the very best authorities on Indian matters—says that $100,000 is all that ought to be appropriated for the Indian police.

Mr. CRAWFORD. Mr. President, will the Senator permit me to interrupt him?

Mr. PAGE. With pleasure.

Mr. CRAWFORD. I realize that the members of the committee, perhaps, who have been acting with it for years and attending the hearings and considering the testimony, have an opportunity in that way to come closer to the material details in dealing with this great question than have Members of the Senate who are not on that committee. I take that into consideration in weighing my own view; but I feel obliged to say that from my own observation the expenditure of money as provided on page 11, in the sum of $600,000—

For the purpose of encouraging industry—

Mark those words—

For the purpose of encouraging industry and self-support among the Indians and to aid them in the culture of fruits, grains, and other crops—

And so forth—

Is, in my opinion, money wisely and intelligently expended in that direction, and is a thousandfold more practicable and beneficial to the Indians than the maintaining of Indian schools far distant from their homes, such as the one in Pennsylvania, designed to teach what might be called "book learning." I am not undervaluing book learning—knowledge of arithmetic, reading, penmanship, literature, history. Of course I am not undervaluing it; but I say that millions of dollars are expended on these Indian boys and girls away from the reservations in these schools that are practically lost. They come from their homes, they go there, they learn to wear clothes and read in books, and then they go back to their natural habitat, and in a few weeks they are tearing the carcasses of animals and eating raw meat and going back into the old habits. But if you send intelligent men among them to get down close to the earth, to pursue the course of education that Mr. Washington is pursuing with the negroes at Tuskegee—to get down and teach them how to learn the simple lessons of industry and self-support—you are doing something for the Indians.

Mr. PAGE. Mr. President, may I interrupt the Senator?

Mr. CRAWFORD. Certainly.

Mr. PAGE. I want to ask him if he has ever been to Carlisle?

Mr. CRAWFORD. No; but I have seen these boys, if the Senator pleases, and I have seen these girls, who have been away at school, who would write me letters in beautiful penmanship which looked like engraving, and who could read in books. I have seen them, after a year or two, back in the old habits, and, if anything, worse than the old, full-blood Indians who brought them into the world.

I simply desire to add that you can take a full-blood Indian—an old Indian who has come down here from out in his tepee, and who is giving his testimony to the committee through an interpreter—and in ninety-nine cases out of a hundred there is more inherent honesty and integrity and manliness in that old, full-

blood Indian than there is in any mixed blood who has been away and received a smattering of education, and comes back there and along with the smattering of education has learned the white man's vices. There is more integrity and rugged honesty and trustworthiness in that old, full-blood Indian than there is in this mixed blood with his smattering of education.

Mr. PAGE. Mr. President, may I interrupt the Senator there?

Mr. CRAWFORD. Certainly.

Mr. PAGE. I have been to the Carlisle School, and have given it careful study. I have been to the Hayward School in Wisconsin. I have taken a great interest in these Indian schools; and the Senator is mistaken in his statement as to what they learn there. You go to Carlisle, and you will find there a good blacksmith shop. The Indian is taught to be a blacksmith, so that if he goes back to his tribe he can be a blacksmith. He is made a good wheelwright. He is taught to paint. He is taught to paper rooms. He is taught to do all those kinds of work which are essential in his tribe.

Mr. CRAWFORD. If the Senator will permit me there, I admit all that, and that he learns those things; and I am not underrating the motives, the high purpose, the ideals of the men who have founded those institutions and the beautiful sentiment of the men who uphold them and vote the money to sustain them; but I ask the Senator, what becomes of that wheelwright, what becomes of that blacksmith, what becomes of that mechanic, when he leaves there with this knowledge that he has acquired?

Mr. PAGE. I should like to answer the Senator.

Mr. CRAWFORD. Why do you not find him at work over here in the shops of the Pennsylvania Railway? Why do you not find him, if he has learned bookkeeping, employed down here in one of the mercantile establishments in the city of Washington? Go all over the United States and look for these Indian boys in the fields of industry, and why are they not there? You do not find them.

Mr. PAGE. Mr. President——

Mr. CRAWFORD. Just answer the question. There is the difficulty. Why are they not there?

Mr. PAGE. I will answer the question. The Senator is half right, but he is also half wrong. I tell you, I have taken pains to follow up these boys who have graduated or who have gone from the Carlisle School, and many, many of them have gone out into white sections and have made good artisans and good business men.

Mr. CRAWFORD. Where are they?

Mr. PAGE. I say, they have gone into the walks of life in the eastern cities. A certain part of them, of course, like the white boys, are no good, and when they get back to the reservation, if it is a blanket country, they pretty soon get to wearing the blanket; and I have heard it said, and it is probably true, that a bad Indian slightly educated is perhaps the worst Indian in the world. But, generally speaking, those boys learn something that is for the good of their tribe, and the girls learn how to go home and prevent the spread of tuberculosis and trachoma. They go home prepared to be of genuine service to their people, and I believe in many cases they are.

Mr. CRAWFORD. Mr. President, so far as the theory and the purposes of it are concerned, I could not stand up here and make war upon it; but I am looking at results. Take my own State: There are the different reservations there. There are all those schools. There is this attempt to educate them in this way that has been going on here for a generation. I go to every town in my State, the largest and the smallest; I go in there to see who the clerks are, who the bookkeepers are, and not a single Indian have I ever seen in one of them. I go to the different divisions and headquarters of the railway companies, I go down among the mechanics in the shops, in the places of industry, and I do not find them there. I go out on the farms, where we are short of labor, where high wages are offered for farm hands in agricultural pursuits, and I never find an Indian. After all these years, with the crop of boys and girls constantly being sent away and coming back again, go among the domestics in one of the States and try to find an Indian girl acting as a cook in a family or performing the service of a domestic in a household. Do you find them? Nowhere. What has become of them? What is the result of all of this?

Mr. WALSH. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Montana will state it.

Mr. WALSH. Am I right in the assumption that the pending question is in relation to the Indian police?

The VICE PRESIDENT. It is.

Mr. CRAWFORD. No; it has taken a wider range than that. The Senator is discussing the wisdom of these appropriations and attacking the increases, and the question of the expenditure of money for educational purposes in general has been involved in it. I think it is just as legitimate a branch of the discussion as anything else, and a good deal more legitimate than the debate that is often indulged in in this body.

Mr. CLARK of Wyoming. Mr. President, will the Senator yield to me?

Mr. CRAWFORD. Certainly.

Mr. CLARK of Wyoming. I think the difficulty in this question of Indian education arises from the fact that, to my notion, we get at it rather from the wrong point of view and the wrong point of operation.

I have no fault whatever to find with Carlisle or any of the other institutions for the education of the Indian. I believe they are doing a good work for the Indian if the Indian wants to stay at Carlisle, or stay away from the Indian country, perhaps; but an Indian boy from Carlisle going back on the reservation—and the same thing applies to an Indian girl—finds himself up against this situation: He must either go back to the ways of the tribe to which he goes, or he must live out and away from and beyond them. He is either ostracized, or he goes back into the tribe—one or the other.

Mr. CRAWFORD. That is true.

Mr. CLARK of Wyoming. Occasionally in the western country you find a graduate from Carlisle in the Geological Survey, where, undoubtedly, he performs good service for the Government; but the boys who go back to the Indian reservations and the girls who go back to the Indian reservations in order to keep themselves in harmony with their own mates not only have to discard Carlisle but they have to go it one better. They have to get a little worse than the ordinary boy or girl upon the reservation, because they are looked upon with suspicion. It is believed that they feel a little bit higher for the reason that they have been to Carlisle or Hampton or some other place, and therefore, in order to make good, they have got to get a little shade under the other Indians.

Mr. President, I have often expressed the view that the money that is paid out at Carlisle or these other places for the education of the Indian, whether in domestic science or in mechanical arts or in any other way, would be better spent and better applied if that education were furnished right at home on the reservation. I have always had that view. I have it now, and I believe it is a view that is generally entertained by those who come in the closest contact with the reservations themselves.

Mr. CRAWFORD. Mr. President, I am not going to take much of the time of the Senate, and I have not been in the habit of occupying much of the time of the Senate, but I want to complete the idea that I have in my mind. I am not belittling the attempts in these schools, such as Carlisle, to do the work they have. They may be doing some good. I am perfectly willing that we shall keep on trying to do something in that way, but I say that it is incomplete and that it does not produce results, and it can not be expected to produce results unless we go to the habitat and environment from which these boys and girls come and build up a situation there that will continue after they go back. I say that in order to get that you want an appropriation like this $600,000 for encouraging industry and self-support among the Indians.

Mr. ASHURST. Mr. President, will the Senator yield to me?

Mr. CRAWFORD. I shall conclude in just a minute.

Mr. ASHURST. I have no idea of doing more than answering the suggestion the Senator has made. I simply want to say that the very appropriation of $600,000 to which the distinguished Senator from South Dakota refers is an appropriation made in accordance with a well-defined, well-thought-out, well-considered policy of the department that aid shall be extended to the Indian, so that when he goes home from school after having been taught the useful mechanical arts he will be enabled, by reason of this appropriation, to know how to cultivate the soil, to breed cattle, and to take care of live stock. That is the very purpose of the whole scheme and plan of the Indian Department as rearranged during the last year and a half. I think the remarks of the Senator are very pertinent.

Mr. CRAWFORD. I am glad to hear the statement of the Senator from Arizona, and I am glad this provision is being made, because unless this book learning is supplemented by some practical work of that kind—which I regard as of vastly more importance than a smattering of book learning—unless that is provided for and patiently and thoroughly worked out, these attempts to give a smattering of knowledge found in books are not going to produce results.

Mr. ASHURST. What the Senator says is eminently correct, in the judgment of the committee, if I may be permitted

to speak for them. I was going to ask, however, that we might pass on this item, and then we will reach the item——

Mr. CRAWFORD. I will say to the Senator that I shall detain the Senate only a moment. Just a word or two more and I am through.

I simply want to emphasize the fact that by going among these people and patiently and in a determined way, year after year, standing there with them and teaching them habits of industry and self-support, and keeping everlastingly at it; teaching them the simple principles of honesty in the payment of their debts, that when they incur an obligation it must be paid, and that if they would live they must work; teaching them the habit of prudence, and to save their means, and to cultivate the soil, and to breed animals—when you get down upon the earth and teach them in that way and remain among them and teach them after they come back from Carlisle, because they are mere children, and the book learning they have gotten there is of practically no value to them, you are getting down to an education that is worth something.

Why, Mr. President, a great deal of this education is a failure. You can go to one of the institutions of higher learning and spend a little fortune educating your boy, and after he graduates from an institution of higher learning put him out on the sidewalk without a cent in his pocket, and he is one of the most helpless boys in the world. Does he know anything about stenography? Does he know anything about typewriting? Could he go into a telegraph office and do anything? Could he work at a trade? Not a thing. If with his knowledge of Greek and Latin and everything else he were thrown out without a dollar in his pocket, he would have to drive a delivery wagon for $6 a week to make a living. I am talking about one of your educated white boys. Now, you take the Indian boy down here at Carlisle and give him a little smattering of books, or take the girl and teach her how to make a biscuit or knead a loaf of bread, and send them back to where they came from, and withdraw your further efforts, and it is a failure.

I want to see this appropriation stay in the bill.

Mr. ASHURST. Mr. President, I want to read, for the Senator's information, a short extract, and a very short one only, from the hearings showing that the Senator from South Dakota is correct in his observation. It refers to the $600,000 item on page 11, line 22. The department say as follows, to which I ask the Senator's especial attention:

> One of the most regrettable conditions which frequently presents itself to the service is the almost hopeless plea for help from many returned students. These are young men and women who have been educated at Government expense, and they go back to their homes equipped with a knowledge of "how to do things" but usually "without the equipment or funds" required to become active workers.

Mr. LANE. Mr. President, allow me to suggest to the chairman of the committee and the Members of the Senate a state of affairs which exists in many parts of the United States. They send Indian boys and girls to Carlisle, and, as you say, they are taught some smattering, or they may be educated to a degree where they can pass examinations at Oxford, England; yet when those boys and girls are through with their educational work and return to their reservation homes in some of the far Western States they have not a dollar, they have not a plow or a harrow or a hoe with which to go upon the land and raise wheat or other crops. There is no opportunity presented to them. What are they going to do? It is not long until their clothing is worn out, and then perhaps they put on blankets, as anyone else would have to do; and it is not long—and it is happening now, today; it did yesterday and it will to-morrow—that they have nothing to eat unless they get out and kill and eat prairie dogs and skunks, if you please; and prairie dogs and skunks are not good eating.

Now, what do we do? We have got to go further than to send them to Carlisle. Even at Carlisle in many instances they are not kept long enough in any one department to thoroughly learn a trade and to become efficient and capable mechanics, and they are thrown into a position afterwards where it is impossible for the Indian boy or girl to raise themselves above a dead level of poverty and hunger. In many cases they have, despite these facts, done well. It is all due to the way we have been treating the Indians; and whose fault is it that they were not taught a trade or furnished means to go on the land and earn a living?

Mr. SMITH of Arizona. Will the Senator permit me to ask him a question?

Mr. LANE. Certainly.

Mr. SMITH of Arizona. Does the Senator think the education he receives at Carlisle has a tendency to make the Indian a willing farmer?

Mr. LANE. I do not know that it does. I presume it gives him the aspiration, the same as it does a white child, for different things; but even so, he is afterwards placed under conditions where it would be almost impossible for him to advance.

Mr. ASHURST. Question!

Mr. PAGE. Mr. President, just a moment. I think I owe it to the Senate that I should correct myself. In discussing the appropriation of $200,000 I referred to the general trend of the appropriations, and said they had been generally raised. I want to say that I do not think they have all been increased without merit. With the item on page 11, where the increase is made to $600,000, I am in hearty accord. I simply mention that as of the general class which will be found running through the whole bill.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 10, line 9, after the word "available," to strike out "$100,000" and insert "$125,000," so as to make the clause read:

> For pay of special agents at $2,000 per annum; for traveling and incidental expenses of such special agents, including sleeping-car fare, and a per diem of not to exceed $3 in lieu of subsistence in the discretion of the Secretary of the Interior when actually employed on duty in the field or ordered to the seat of government; for transportation and incidental expenses of officers and clerks of the Office of Indian Affairs when traveling on official duty; for pay of employees not otherwise provided for; and for other necessary expenses of the Indian Service for which no other appropriation is available, $125,000.

The amendment was agreed to.

The next amendment was, on page 10, line 10, after the word "inspectors," to insert "exclusive of one chief inspector," so as to make the clause read:

> For pay of six Indian Service inspectors, exclusive of one chief inspector, at salaries not to exceed $2,500 per annum and actual traveling expenses, and $3 per diem in lieu of subsistence when actually employed on duty in the field, $30,000.

The amendment was agreed to.

Mr. LANE. I wish to notify the chairman of the committee that I would like to add an amendment later on in the proceedings. I wish to reserve the right to do so.

The VICE PRESIDENT. It is not necessary to reserve it. It is the Senator's right.

The reading of the bill was continued to line 11, on page 11.

Mr. SMOOT. There is just one question I should like to ask. I notice in line 16, on page 10, the word "property" is used. In all former appropriation acts the word "allotment" has been used. I ask the Senator why the word "property" is used, because it seems to me that if property is used it not only means the allotment but whatever the Indian may have outside of his allotment.

Mr. ASHURST. In reply to the inquiry propounded by the Senator from Utah, I will state that that change was made, if I remember correctly, because if it were limited to the word "allotment" there are certain species of property, especially among the Osages, that would not fall within the definition of the word "allotment." For instance, a certain leasehold might not be classed as an allotment. It was deemed by the department that the word "property" is the best word to use.

Mr. SMOOT. That may be the case, but it does seem to me the word "allotment" should be used to make the sentence complete.

> For the purpose of determining the heirs of deceased Indian allottees having any right, title, or interest in any trust or restricted allotment.

Not "restricted property." What would the Senator think was restricted property? He is an allottee, and it must be a restricted allotment—not restricted property.

Mr. ASHURST. I have no objection to inserting the word "allotment."

Mr. TOWNSEND. What is the amendment the Senator has proposed?

Mr. SMOOT. To strike out "property," in line 16, page 10, and insert "allotment," so as to conform to the law as it always has been.

Mr. TOWNSEND. I have no objection to it, but I imagine there is a great difference there. Property might be distributed and there would be heirs entitled to it. An Indian child might be entitled to some inheritance that would not be in the nature of an allotment.

Mr. SMOOT. Yes; but that would not be restricted property.

Mr. TOWNSEND. It might be; but I have no objection to letting it go to conference, to be examined there.

Mr. NORRIS. I should like to inquire if there is not an agreement that the committee amendment must be considered first?

Mr. SMOOT. But I called attention to it, thinking perhaps the chairman would want to amend the bill in this particular as we proceed.

Mr. NORRIS. The Senator is not proposing an amendment now.

Mr. GRONNA. I would suggest that we pass it over for a while, because I think it would be a mistake to change it.

Mr. NORRIS. I should like the attention of the chairman of the committee. I wish to inquire of the chairman why it is provided here that these provisions, beginning on line 10, page 10, and running down the balance of the page, are not made applicable to the Indian tribes therein specified? Why are those tribes exempted from the provisions of this law?

Mr. ROBINSON. With the permission of the chairman, I will state that there is a special law governing these matters relating to those particular tribes. There is some legislation later in this bill relating to them.

Mr. NORRIS. Then I should like to ask the Senator—and I ask the question because it so often appears in the Indian appropriation bills that certain provisions do not apply to certain tribes—if the tribes exempted are here provided for by law, why was not the law made general and all included?

Mr. ROBINSON. Those matters are governed by laws heretofore passed by Congress covering the subject. That is the reason for the exemption. It would constitute a repeal of quite a number of statutes.

Mr. NORRIS. I do not think the Senator caught the last question I asked him. Assuming that to be true, why should not the law be amended so as to include all these Indians; in other words, have one law cover all? Would not that be practicable?

Mr. ROBINSON. That would require a codification of the existing Indian laws, which would be an exceedingly desirable thing, but it would probably require Congress 12 months to do it. That is the real reason.

Mr. LANE. I may answer the Senator from Nebraska by saying that the land belonging to the Osage Indians, and in many cases the Five Civilized Tribes, is particularly and unusually valuable. The process of reaching them by ordinary legislation probably was not effective or speedy enough.

The reading of the bill was resumed. The next amendment was, on page 11, line 22, after the word "crops," to strike out "$200,000" and insert "$600,000," and on page 12, line 7, after the word "exceed," to strike out "$50,000" and insert "$100,000," so as to make the clause read:

For the purpose of encouraging industry and self-support among the Indians and to aid them in the culture of fruits, grains, and other crops, $600,000, or so much thereof as may be necessary, to be immediately available, which sum may be used for the purchase of seed, animals, machinery, tools, implements, and other equipment necessary, in the discretion of the Secretary of the Interior, to enable Indians to become self-supporting: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925: *Provided further*, That not to exceed $100,000 of the amount herein appropriated shall be expended on any one reservation or for the benefit of any one tribe of Indians.

The amendment was agreed to.

The next amendment was, on page 12, after line 9, to insert:

There is hereby authorized to be continued during the Sixty-fourth Congress the joint commission to investigate Indian affairs, with powers and duties as provided in the Indian appropriation act of June 30, 1913 (38 Stat. L., 81) and the unexpended amount therein appropriated for the expense of said commission is hereby reappropriated and made immediately available for the purposes therein authorized. Said commission shall make their findings, conclusions, and recommendations to the Sixty-fourth Congress: *Provided*, That when any vacancy shall occur upon said joint commission by reason of the expiration of the term of office of any Member of the House of Representatives upon said joint commission, or of any Senator upon said joint commission, or from any other cause, the Speaker of the House, if the vacancy occurs with reference to a Member of the House of Representatives, or the President of the Senate, with reference to a Senator, shall fill such vacancy by appointment.

The amendment was agreed to.

PACIFICATION OF EUROPE.

Mr. NEWLANDS. Mr. President, there are several resolutions pending before the Committee on Foreign Relations with reference to a conference of neutral nations looking to the pacification of Europe. I desire to introduce a joint resolution upon this subject and ask its reference to the Committee on Foreign Relations and its insertion in the RECORD. Its purpose is to give voice from an authoritative source to what is in the mind of everybody, outside of the warring peoples, that this war means loss to all and gain to none, and that it is better to declare it a drawn battle before the coming spring slaughter is inaugurated and all the possibilities of suffering and loss are realized.

The joint resolution (S. J. Res. 242) authorizing the President of the United States to invite foreign neutral powers to a conference in Washington, D. C., to consider measures for bringing to an end the war in Europe, and for other purposes, was read twice by its title and referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

Joint resolution (S. J. Res. 242) authorizing the President of the United States to invite foreign neutral powers to a conference in Washington, D. C., to consider measures for bringing to an end the war in Europe, and for other purposes.

Resolved, etc., That the European war is a world-wide catastrophe, calamitous alike to peaceful and warring nations; that it involves widespread destruction of lives and property; the increase of widowhood and orphanage; the disabling or death of the fit, the strong, and the courageous, and the survival of the unfit, the weak, and the helpless; the decline of science, literature, and art; the impairment of high ideals in the advancement of humanity toward universal brotherhood; the substitution of the law of the jungle for that of Christian civilization; the waste of the accumulations of centuries of civilized effort; the imposition upon future generations of a burden of debt unequaled in history, to be slowly and painfully paid by the toiling masses; and, finally, the change of governments and dynasties by the swift and bloody process of revolution instead of the orderly process of evolution;

Second. That the effect upon the neutral nations is second only to that upon the warring nations, involving as it does radical changes in the currents of trade, the loss of markets, the disturbance of the relations between producer and consumer, buyer and seller, debtor and creditor, shipper and carrier, and the consequent prostration of trade, bringing about unemployment and want; and that it is the right of the neutral nations to protest against the continuance of a war entailing such disastrous conditions, and to counsel its discontinuance pending negotiations for a permanent settlement of issues involved;

Third. That the distinguishing characteristics of this war include the disclaimer by each of the warring nations of responsibility for its commencement and continuance, the assurance by each that it is not animated by a desire for conquest, the agreement by all participants that it is a senseless war, the declaration of each that it is fighting for its national life and not for aggression or increased dominion, and protests by all against dominant individual militarism either on land or sea;

Fourth. That without reference to the merits of such contradictory declarations, the highest qualities of patriotism, courage, and self-sacrifice have been shown by each of the warring nations, and that each has proved its right to an individual national life, the destruction of which would be a loss to civilization;

Fifth. That after more than six months of conflict unparalleled in the number of men engaged, in the loss of life, and the destruction of wealth, no appreciable permanent advantage has been gained by either side, and no material results have been obtained beyond the destruction of lives and property; that all have lost and none has won; that victory hereafter to be attained by any of the warring powers will be at a stupendous cost far exceeding its value; and that thus the only result of continued warfare will be the common deterioration of race and impoverishment of conditions;

Sixth. That the present conditions offer an opportunity of crystallizing into action the sentiment common to all civilized peoples that international justice should be administered as is national justice, without savagery, passion, or prejudice, and according to the orderly forms of law:

Resolved, therefore, That the United States of America, animated by a spirit of friendliness toward all the nations involved, invites a conference of the neutral nations for the purpose of urging upon the warring powers, first, a discontinuance of hostilities; second, a withdrawal of the forces of each nation within its boundaries and retirement from captured territory; third, a conference with the warring powers looking to the calling of a peace conference; and, fourth, the establishment, with the approval and cooperation of the belligerent nations, of an international court, tribunal, or executive body with power to adjudicate questions arising between nations, and to enforce its findings: And be it further

Resolved, That the President of the United States is hereby authorized to invite such neutral powers as he may deem advisable to participate in a conference to be convened at Washington as soon as practicable for the purpose of considering the foregoing questions in harmony with the spirit of this Nation as set forth herein, and to designate in such invitation the number of commissioners to be selected by each power, and to appoint such commissioners to such conference from the United States of America as he shall deem advisable, and to fix the compensation for their reasonable expenses to be paid out of the appropriation herein made; and that an appropriation of $50,000 be, and it is hereby, made for the expenses of such commissioners.

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. The Senator from Nevada.

Mr. NEWLANDS. Mr. President, I desire to submit a favorable report from the Interstate Commerce Committee on Senate bill 7738, to amend section 20 of "An act to regulate commerce," approved February 4, 1887, as amended June 29, 1906. I also submit a proposed amendment to the general deficiency appropriation bill, which I am authorized to offer, covering the same subject matter.

Mr. OLIVER. Mr. President, I am compelled to object to the receipt of that report except in the regular order.

The VICE PRESIDENT. There is objection.

ADDITIONAL JUDGE FOR SOUTHERN DISTRICT OF GEORGIA.

Mr. SMITH of Georgia. Mr. President——

The VICE PRESIDENT. The Senator from Georgia.

Mr. SMITH of Georgia. I wish to call attention to the conference report on House bill 17869, providing for the appointment of an additional judge for the southern district of the State of Georgia. I am quite anxious that the matter shall be disposed of, so that we may get it back to the other House.

Mr. SMOOT. I want to say to the Senator from Georgia that I have not the slightest objection to the consideration of the conference report, but a number of Senators have left the Cham-

ber who want to be here to discuss it. One of those Senators has gone away, thinking that this matter would not come up this afternoon.

Mr. SMITH of Georgia. I am afraid that if I do not promptly get it back to the other House the bill will fail.

Mr. SMOOT. I can say to the Senator that he can just as well call up the report on Monday. I dislike to object to it, and yet I feel I shall have to do so, as the Senator to whom I refer is absent.

Mr. SMITH of Georgia. I tried to get up the report last night, but it was objected to; and if I do not get it up now the Senate may adhere to its disagreement with the House on a certain proposition. If so, I want to get it to the House, to see if the House will recede. It has to go back to the House. I deferred pressing it last night on account of the absence of the Senator referred to.

Mr. SMOOT. Of course, I am responsible to the Senator who left the Chamber on account of having a special engagement to-night, and I think the Senator from Georgia knows what it is.

Mr. SMITH of Georgia. Yes.

Mr. SMOOT. I did not know this matter would come up; and the Senator to whom I referred asked me if there was anything coming up, and I said "no."

Mr. SMITH of Georgia. The Senator from Wyoming [Mr. CLARK] is here now. He is the Senator to whom the Senator from Utah refers, as I understand.

Mr. SMOOT. No; he is not the Senator to whom I refer. I repeat that I really dislike to object to the consideration of the report, but I do not feel justified in allowing it to be acted on in the absence of the Senator to whom I refer.

The VICE PRESIDENT. Is there objection to the consideration of the report?

Mr. CLARK of Wyoming. What is the bill to which it relates?

Mr. SMITH of Georgia. I was trying to get up the bill for the additional judgeship in the southern district of Georgia, and was desirous that the Senate should take one course or the other with reference to the amendment on which we have disagreed, so that we could get it over to the other House.

Mr. CLARK of Wyoming. If the purpose is simply to insist on the disagreement and to send the report back to the conference committee, I think there would be no trouble; but if the purpose is, as indicated to me last evening, it will lead to considerable debate, I fancy.

The VICE PRESIDENT. Is there objection to the present consideration of the conference report?

Mr. CLARK of Wyoming. Mr. President, the conference report has been agreed to.

The VICE PRESIDENT. It was laid on the table; and there are two motions pending. The Senator from Texas [Mr. CULBERSON] has moved that the Senate further insist upon its amendment numbered 1, disagreed to by the House, and ask for a further conference on the disagreeing votes thereon——

Mr. CLARK of Wyoming. That is it exactly.

The VICE PRESIDENT. And that the Chair appoint the conferees on the part of the Senate. Pending that, the Senator from Nebraska [Mr. NORRIS] moved that the Senate recede from its amendment numbered 1.

Mr. CLARK of Wyoming. But, Mr. President, the conference report was agreed to; and then the chairman of the committee moved a further conference.

The VICE PRESIDENT. Yes; and if the Senate recedes——

Mr. NORRIS. It is all over.

The VICE PRESIDENT. Yes.

Mr. CLARK of Wyoming. The conference report was agreed to, and the conference report was an agreement as to two items and a disagreement as to one.

The VICE PRESIDENT. The conference report has been agreed to.

Mr. CLARK of Wyoming. The conference report has been agreed to. The question was then on the motion of the Senator from Texas [Mr. CULBERSON], but the Senator from Nebraska submitted a motion, which took precedence.

The VICE PRESIDENT. The question is on the Senate receding from amendment numbered 1.

Mr. CLARK of Wyoming. Well, Mr. President——

The VICE PRESIDENT. The Chair wants to know whether there is any objection to the present consideration of the report.

Mr. CLARK of Wyoming. I object to that, Mr. President.

The VICE PRESIDENT. There is objection.

Mr. SMITH of Georgia. Then, Mr. President, I move to proceed to the consideration of the report.

The VICE PRESIDENT. That is in order.

Mr. ASHURST. I want to be heard on that motion, if it is debatable, Mr. President.

The VICE PRESIDENT. It is debatable.

Mr. ASHURST. So far as courtesy goes, I try to extend every courtesy to every Senator on both sides of the Chamber.

Mr. SMITH of Georgia. I will not press the motion against the consent of the Senator from Arizona. I will only make the motion if he is willing to have me take the time to do so.

Mr. ASHURST. I am in favor of the bill and in favor of the position taken by the Senator from Georgia; but if the motion is made, it may result in disclosing the want of a quorum and interfere with the present unfinished business. So I hope the Senator from Georgia will make his motion at another time.

Mr. SMITH of Georgia. I have an agreement with the Senator from Arizona that I will not press the matter until later this evening, at any rate. I am very anxious about the matter.

Mr. ASHURST. Yes; and I will not object to the Senator's motion at another time; but I wish now to proceed as far as possible with the Indian appropriation bill.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 20975) making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes, asks for a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PADGETT, Mr. TALBOTT of Maryland, Mr. ESTOPINAL, Mr. BUTLER, and Mr. ROBERTS of Massachusetts managers at the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 21201) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1916, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FLOOD of Virginia, Mr. CLINE, and Mr. COOPER managers at the conference on the part of the House.

The message further announced that the House had passed a bill (H. R. 21563) granting the consent of Congress to the Keokuk & Hamilton Bridge Co. to construct a bridge across the Mississippi River at Keokuk, Iowa, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and they were thereupon signed by the Vice President:

S. 136. An act to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion; and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea;

S. 5734. An act to extend the provisions of an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, to the State of Kansas;

H. R. 2504. An act to amend section 2 of an act entitled "An act to incorporate the National Society of the Daughters of the American Revolution";

H. R. 19116. An act to grant certain lands to the city of Grand Junction, Colo., for the protection of its water supply;

H. R. 20814. An act to place Candler, Jenkins, and Evans Counties, Ga., in the eastern division of the southern district of Georgia, and to place Bacon and Thomas Counties, Ga., in the southwestern division of the southern district of Georgia; and

H. R. 21491. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

HOUSE BILL REFERRED.

H. R. 21563. An act granting the consent of Congress to the Keokuk & Hamilton Bridge Co. to construct a bridge across the Mississippi River at Keokuk, Iowa, was read twice by its title and referred to the Committee on Commerce.

NAVAL APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 20975) making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SWANSON. I move that the Senate insist upon its amendments, agree to the conference asked for by the House,

the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. TILLMAN, Mr. SWANSON, Mr. BRYAN, Mr. PERKINS, and Mr. PENROSE conferees on the part of the Senate.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts:

S. 2518. An act granting to the town of Nevadaville, Colo., the right to purchase certain lands for the protection of water supply; and

S. 3897. An act to authorize the Great Northern Railway Co. to revise the location of its right of way, and for other purposes.

PUBLIC BUILDING AT HONOLULU, HAWAII.

Mr. SWANSON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5295) entitled "An act to amend existing legislation providing for the acquisition of a site and the construction of a building thereon for the accommodation of the post office, United States courts, customhouse, and other governmental offices at Honolulu, Territory of Hawaii, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 3, 5, 6, 7, 8, 9, and 10, and agree to the same.

Amendment numbered 2: That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted insert the following: "sell and convey, by usual quitclaim deed, said site to the highest bidder, at public or private sale, after giving notice by advertisement for 30 days in at least two newspapers published in said city of Honolulu at a minimum price of not less that $165,000; and the Secretary of the Treasury is hereby authorized to arrange for the reimbursement of the contributors to the opening and dedication of Bishop Street adjoining said site, through any responsible fiscal agent in Honolulu whom he may designate: *Provided*, That the agent serves without compensation; and the Secretary of the Treasury is authorized to deposit with such agent $35,000 of the amount realized from the sale of the present site, and take a bond from the agent for the full deposit; and the agent shall ascertain the names of the contributors, and the amounts contributed, and shall reimburse them, taking receipt in each case, the reimbursement to be the amount contributed without interest; and the receipt obtained by the fiscal agent shall be considered as evidence of the reimbursement, and the person so reimbursed shall have no further claim. The appointment of the fiscal agent and the conditions under which the reimbursement is to be arranged shall be advertised in at least two local newspapers of wide circulation a stated number of times, and no one of the original contributors shall be entitled to reimbursement unless the claim is filed with the agent within one year after the last time the matter referred to is advertised. The difference between the amount obtained for the sale of the site and $35,000 shall be deposited in the Treasury as a miscellaneous receipt, and any balance of the $35,000 which the designated fiscal agent is unable to return to the original contributors shall also be turned into the Treasury as a miscellaneous receipt;" and the House agree to the same.

Amendment numbered 4: That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed to be inserted insert "$275,000"; and the House agree to the same.

CLAUDE A. SWANSON,
JAMES E. MARTINE,
F. E. WARREN,
Managers on the part of the Senate.

FRANK CLARK,
JOHN L. BURNETT,
R. W. AUSTIN,
Managers on the part of the House.

The report was agreed to.

INDIAN APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20150) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1916.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 13, line 9, after the word "exceed," to strike out "$8,000" and insert "$13,000"; in line 10, before the word "horse-drawn" to strike out "forty" and insert "sixty"; and in line 11, after the word "vehicles," to insert "and not to exceed $20,000 for the purchase of motor-propelled, passenger-carrying vehicles," so as to make the clause read:

That not to exceed $200,000 of the appropriations made herein for the Bureau of Indian Affairs shall be available for the maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for the use of superintendents, farmers, physicians, field matrons, allotting, irrigation, and other employees in the Indian field service: *Provided*, That not to exceed $13,000 shall be used in the purchase of not to exceed 60 horse-drawn passenger-carrying vehicles, and not to exceed $20,000 for the purchase of motor-propelled passenger-carrying vehicles, and that such vehicles shall be used only for official service.

Mr. SMOOT. Mr. President, I should like to ask the chairman of the committee what kind of passenger-carrying vehicles have been used up to this time for the purposes mentioned in this paragraph?

Mr. ASHURST. In response to the Senator's question I will say that this legislation is made necessary as disclosed by the hearings. Mr. Meritt, the Assistant Commissioner of Indian Affairs, said:

I may say that that legislation is made necessary because of section 5 of the legislative, executive, and judicial act of the current year, which prohibited the departments and bureaus of the Government from purchasing passenger-carrying vehicles and motor-propelled vehicles without first getting permission and authority from Congress.

Then he proceeded to say:

We are not asking for an appropriation; we simply ask permission to use out of the funds that have been available heretofore money for the purchase of new equipment necessary for the service.

The CHAIRMAN. What funds do you refer to as being available heretofore?

Mr. MERITT. For example, the fund for farmers. We can not use that appropriation for the purchase of a vehicle for a farmer when it is necessary.

This refers to motor-propelled passenger-carrying vehicles, which means the modern automobile, I presume. It has been ascertained that the automobile has made a great change in the methods of locomotion; that the officials are enabled to get over a reservation 100 miles a day on a motor-propelled vehicle, where they might not have been able to get over it in five days with a horse-drawn vehicle.

We have in the Indian Service 118 automobiles, valued at $113,978, and 739 vehicles—

I presume that means horse-drawn vehicles—

valued at $77,538. The superintendents this year estimated for 76 automobiles and 126 vehicles.

Mr. SMOOT. I was wondering why there was not a proviso inserted in this paragraph for the exchange of horse-drawn vehicles and the sale of the horses in order to partially pay for the automobiles.

Mr. ASHURST. That would be a salutary amendment, I believe.

Mr. SMOOT. I know that has been done in a number of the appropriation bills.

Mr. ASHURST. I hope the Senator will propose an amendment to that effect.

Mr. SMOOT. While I am on my feet I want to say that I believe the law which has been enacted preventing the purchase of motor-propelled passenger-carrying vehicles should be repealed. There is not an appropriation bill now presented to the Senate which does not contain a provision specifically stating, as the appropriation does in this paragraph, that it is for such vehicles.

Mr. ASHURST. I hope when the Senate committee amendments shall have been disposed of the Senator will propose such an amendment as he has suggested.

Mr. SMOOT. After the committee amendments are disposed of I shall gladly do that.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The next amendment was, on page 13, after line 13, to insert:

For correction of sanitary defects in, and improvement of, Indian homes, $100,000; to be immediately available and to remain available until expended, said appropriation to be expended and reimbursed under such rules, regulations, and conditions as the Secretary of the Interior may prescribe.

Mr. SMOOT. I ask that all the amendments beginning with line 14, on page 13, and ending with line 13, on page 18, be

passed over for to-night. They all contain new legislation, I will say to the Senator, and I hope he will allow them to go over and proceed with the remainder of the bill, and when we are through with the other amendments we can return to them.

Mr. ASHURST. That is a very reasonable request and entirely within the right and province of the Senator, but may I ask him, since the amendments are going over, will not the Senator do them the credit and himself the justice of reading the House hearings from page 34 to page 40 relating to the particular item?

Mr. SMOOT. I will gladly do so.

The VICE PRESIDENT. In the absence of objection, all the amendments on pages 13, 14, 15, 16, 17, and 18, beginning with line 14, on page 13, down to and including line 13, on page 18, will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, in section 2, under the head of "Arizona and New Mexico," on page 18, line 23, after the word "superintendent," to strike out "$110,400" and insert "$119,500"; in line 24, after the word "improvements," to strike out "$7,500" and insert "$10,000"; and in the same line, after the words "in all," to strike out "$117,900" and insert "$129,500," so as to make the clause read:

For support and education of 700 Indian pupils at the Indian school at Phoenix, Ariz., and for pay of superintendent, $119,500; for general repairs and improvements, $10,000; in all, $129,500.

The amendment was agreed to.

The next amendment was, on page 19, after line 13, to insert:

That so much of the Indian appropriation act approved June 30, 1913 (38 Stat. L., 85), as makes reimbursable out of the tribal funds of the Indians of the San Carlos Indian Reservation an appropriation for the construction of two bridges on the said San Carlos Indian Reservation in Arizona be, and the same is hereby, repealed.

The amendment was agreed to.

The next amendment was, on page 20, line 21, after the name "Arizona," to strike out "$10,000" and insert "$15,000," so as to make the clause read:

For improvement and sinking of wells, installation of pumping machinery, construction of tanks for domestic and stock water, and for the necessary structures for the development and distribution of a supply of water for Papago Indian villages in southern Arizona, $15,000.

The amendment was agreed to.

Mr. PAGE. Mr. President, do I understand that the amendment beginning on line 22 has gone over until Monday?

The VICE PRESIDENT. To what page does the Senator refer?

Mr. PAGE. Page 20.

The VICE PRESIDENT. That amendment is about to be stated.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 20, after line 21, to insert:

For enlarging the irrigation system for the irrigation of Indian lands, for protective works to prevent damage to irrigable lands by floods, and for development of domestic water supply on the Papago Indian Reservation in Arizona, in accordance with the plans and specifications submitted by the chief engineer in the Indian Service and approved by the Commissioner of Indian Affairs and the Secretary of the Interior, $20,000, to remain available until expended: *Provided*, That the total cost of this project shall not exceed $150,000: *Provided further*, That the cost of the said project shall be reimbursed to the United States in accordance with such rules and regulations as the Secretary of the Interior may prescribe.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. LANE. I ask that that amendment go over until Monday.

The VICE PRESIDENT. Which one?

Mr. LANE. I ask that that amendment and the one following go over.

The VICE PRESIDENT. The Chair can not understand the request of the Senator from Oregon.

Mr. LANE. That the amendment just read be allowed to go over until Monday and that the amendment following it be also allowed to go over.

The VICE PRESIDENT. The Chair will state that the Chair put the question on the amendment, and declared it adopted.

Mr. PAGE. I ask that the amendments commencing with line 22, on page 20, down to line 18, on page 23, go over.

Mr. ASHURST. That requires unanimous consent, and to that I object.

Mr. PAGE. Well, Mr. President, I do not want to say that I will object to the amendments on the ground that they are general legislation, but if the Senator declines to let them go over, as I can probably make the point of order, I shall have to do so. I leave that for him to say.

Mr. CLAPP. I do not see what objection there is to letting the amendments go over.

The VICE PRESIDENT. What is the desire of the Senate—that the amendments go over or that they be considered?

Mr. ASHURST. I object to them going over.

Mr. TOWNSEND. Mr. President, I did not hear what the Senator from Arizona said.

Mr. PAGE. He objected to the amendments going over.

Mr. TOWNSEND. May I not say a word to the chairman of the committee? As I understand, the Senator from Oregon [Mr. LANE] and the Senator from Vermont [Mr. PAGE] desire that these amendments go over, at least until we complete the remainder of the bill. It seems to me we would save time by allowing them to go over, and take up the other items and proceed with the bill. Of course, if we reach them before Monday, or at any other time, they can be taken up. It is only asked that they be passed over until the other amendments are considered.

Mr. ASHURST. If the Senator from Michigan asks that they go over, I have no objection, Mr. President.

Mr. PAGE. I make the request that the amendments go over, and if that request is not granted, I desire to be heard.

The VICE PRESIDENT. Let the amendments referred to be passed over.

SESSION FOR MEMORIAL ADDRESSES.

Mr. KERN. Mr. President, I desire to ask unanimous consent for the adoption of the following order:

That at not later than 6.15 o'clock this evening the Senate will take a recess until 10.45 a. m. to-morrow, when memorial exercises will be held commemorative of the lives and public services of WILLIAM H. WILDER, late Representative from the State of Massachusetts, and FORREST GOODWIN, late Representative from the State of Maine, at the conclusion of which memorial exercises the Senate will recess until 11 o'clock Monday morning.

Mr. SMOOT. Mr. President, may I ask the Senator to make that 6 o'clock to-night? I am obliged to leave here at 6 o'clock.

Mr. KERN. We are going to have an executive session. I changed it from 6 to 6.15 so that we might have a short executive session.

Mr. SMOOT. I have to leave at 6 o'clock, but that is all right.

The VICE PRESIDENT. Is there any objection to the order? The Chair hears none, and the order is adopted.

INDIAN APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20150) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1916.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. The Senator from Nevada.

Mr. NEWLANDS. Out of order I submit a report from the Committee on Interstate Commerce.

Mr. TOWNSEND. What is the request?

The VICE PRESIDENT. The Senator from Nevada has asked unanimous consent to make a report. Is there any objection? The Chair hears none.

The SECRETARY. From the Committee on Interstate Commerce the Senator from Nevada submits a report on Senate bill 7738.

Mr. OLIVER. What bill is that?

Mr. PENROSE. What is the title of the bill?

The VICE PRESIDENT. The Chair will ask the Senator from Nevada where is the bill that accompanies the report?

Mr. OLIVER. I will ask the Senator to explain the bill.

Mr. NEWLANDS. I will send for it.

Mr. TOWNSEND. Mr. President, what is the regular order—the consideration of the Indian bill?

The VICE PRESIDENT. Yes. The Senator from Nevada is hunting for a bill.

Mr. TOWNSEND. I call for the regular order.

Mr. HOLLIS. Mr. President——

The VICE PRESIDENT. The Senator from New Hampshire.

Mr. HOLLIS. Out of order, I submit a report from the Banking and Currency Committee.

The VICE PRESIDENT. Is there any objection?

Mr. PENROSE. What is the report? Let us hear it.

Mr. TOWNSEND. I call for the regular order, Mr. President.

Mr. PENROSE. I ask for the regular order.

The VICE PRESIDENT. There is an objection. The Secretary will continue the reading of the bill.

The reading of the bill was resumed, beginning on page 23, line 19, under the heading "California."

Mr. ASHURST. Mr. President, do I understand that the remainder of the Arizona items have gone over?

The VICE PRESIDENT. The Chair understood that there was no objection to the balance of the items going over, to line 19, page 23.

Mr. ASHURST. Then, do I understand that the paragraph, beginning at line 22, page 20, and all the other items under "Arizona," have gone over?

The VICE PRESIDENT. That is what was asked for, and the Senator from Arizona said it was satisfactory.

Mr. ASHURST. I did not hear any request of that kind. I thought the Senator from Michigan asked that one item referring to the Papago Indians should go over, commencing at the bottom of page 20, line 22.

Mr. TOWNSEND. Mr. President, what I did ask was this: I was anxious to make as much headway as possible, and I understood that there was some objection to those two items which might not be urged if Senators had time to consider them; and I thought we could gain time by passing over those, and proceeding with the balance of the bill until we got through.

Mr. ASHURST. There is no objection to those two items going over; but I have been informed that several items more than those two have gone over. I do not want to pass over all of them to which there is no objection.

Mr. CLAPP. The request was made, and it was made very distinctly, beginning at the bottom——

Mr. ASHURST. It may have been distinct to some Senators, but it may have been very indistinct to some on this side. The Senators on that side are not everybody, yet.

Mr. CLAPP. The request was to pass over the items from line 22 on page 20 down to and including line 18 on page 23.

Mr. TOWNSEND. If, however, the chairman of the committee thinks we could gain time by proceeding, I will withdraw the request to have them passed over. I think we will save time by passing them over, inasmuch as we have so much else to do on the bill, but I do not want to interfere at all with the desire of the chairman in reference to that. If he thinks time will be gained by proceeding with the matter, I do not want to ask to have it go over.

Mr. ASHURST. If there be any item in any individual paragraph to which there is objection, I shall be glad to have it passed over; but I do object to a whole section going over, including many paragraphs to which no specific objection has been made.

The VICE PRESIDENT. Well, what shall we do? We must do something.

Mr. ASHURST. I ask that the Secretary continue the reading of the bill, commencing on line 21, page 21.

The reading of the bill was resumed, beginning on line 21, page 21.

The next amendment was, on page 21, line 22, after the word "Reservation," to strike out "$10,000" and insert "$25,000, to be immediately available and," so as to make the clause read:

For continuing the development of a water supply for the Navajo Indians on the Navajo Reservation, $25,000, to be immediately available and to remain available until expended, reimbursable out of any funds of said Indians now or hereafter available.

The amendment was agreed to.

The next amendment was, at the top of page 22, to insert:

To enable the Secretary of the Interior to investigate the desirability and feasibility of purchasing the railroad lands within the Navajo Indian Reservation, in Arizona and New Mexico, out of a reimbursable appropriation, for the use and benefit of the Navajo Indians, and to submit a report thereon to the Congress at the beginning of its next session, which report shall include the estimated cost of said lands and such other information as may be deemed desirable, $1,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 22, after line 9, to insert:

For beginning the construction of a dam and necessary controlling works for diverting water from the Gila River for the irrigation of Indian land and allotments on the Gila River Indian Reservation, Ariz., as recommended by the Board of Engineers of the United States Army in paragraph 217 of its report to the Secretary of War of February 14, 1914 (H. Doc. No. 791), $50,000, to remain available until expended, reimbursable as Congress may hereafter provide, the total cost not to exceed $160,000.

Mr. PAGE. Mr. President——

The VICE PRESIDENT. The Senator from Vermont.

Mr. PAGE. I know how deeply interested the Senator from Arizona is in this item. I think I want to support it. I hope he will let it go over. I think if he should press it unduly the question of its being subject to a point of order might be raised.

Mr. ASHURST. I have no objection to its going over, Mr. President.

Mr. PAGE. I should like to have that and all between line 10, on page 22, and line 18, on page 23, go over.

Mr. ASHURST. I object to that, Mr. President.

ADDITIONAL JUDGE FOR SOUTHERN DISTRICT OF GEORGIA.

Mr. SMITH of Georgia. Mr. President, if the Senator from Arizona will yield to me now, I wish to move to take up the conference report upon House bill 17869. There will be no objection to it, I think.

Mr. ROOT. Mr. President, we do not know what the bill is or what the request is.

Mr. SMITH of Georgia. I simply ask unanimous consent to take up the conference report on the bill providing for an additional district judge in the State of Georgia.

The VICE PRESIDENT. Is there any objection? The Chair hears none. The pending motion is the motion by the Senator from Nebraska [Mr. NORRIS] that the Senate recede from its disagreement to the House amendment numbered 1.

Mr. ROOT. Mr. President, may the amendment be read?

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. Amendment numbered 1 is on page 1 of the blue print, the proviso reading as follows:

Provided, however, That the President shall make public all indorsements made in behalf of the person appointed as such district judge.

Mr. ROOT. Mr. President——

The VICE PRESIDENT. The Senator from New York.

Mr. ROOT. I wish to say that I consider that provision unconstitutional, unjustifiable, preposterous, and almost insulting. I am wholly opposed to it. I shall not filibuster against the bill. I shall vote against it. I do not think we can properly make up for sacrificing the independence of the Senate by attempting to destroy the independence of the President.

The PRESIDING OFFICER (Mr. WALSH in the chair). The question is on agreeing to the motion of the Senator from Nebraska.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NORRIS. I had not intended to debate this proposition, because of the lateness of the session and the desirability of getting on with other legislation.

Mr. SMITH of Georgia. Mr. President, will the Senator allow me for just a moment?

Mr. NORRIS. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. I am not an advocate of the provision that the House placed upon this bill, and I do not want to be considered as advocating it; but I do not object a particle in this instance to the President furnishing all the information he has in connection with the appointment of this judge; and it is so important to the southern district of Georgia to have this bill passed that I am going to vote for the amendment of the Senator from Nebraska, to get the bill through.

Mr. NORRIS. Mr. President, it seems to me the remarks of the Senator from New York can not be passed by unnoticed. I have no objection to a man thinking that a proposition of this kind is insulting; but if he feels that way, I really believe that if he wanted to be real gentlemanly he would keep it to himself.

In my opinion the proposition contained in the motion I have made is simply to do the public business in a public way. The House has a provision in this bill that the recommendations filed with the President in favor of the judge he shall appoint shall be made public. The appointment of a judge is a public official act on the part of the President. It seems to me that the President ought to be glad of an opportunity to give publicity to all the recommendations that may be filed with him. While there is no law against it now, they are considered confidential in their nature. If we had a law that provided that they should be public, it seems to me it would sometimes relieve the President of embarrassment.

Mr. CHILTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from West Virginia?

Mr. NORRIS. Not just now. Let me proceed for just a moment.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. NORRIS. At present I do. If, on the other hand, the President should decide that this is none of the business of Congress, that is for him to determine. I should think he would welcome it. If he considers otherwise, he can take such steps as he deems necessary; but it seems to me that to give publicity to recommendations filed on behalf of judicial appointments is something that would tend to give us better judicial appointments—and all other appointments, for that matter—than we have been getting in the past. At least, every man has a right to his opinion and to his judgment, and he has a right to say that he believes those things ought to be made public without his motives being impugned. The matter is of

such consequence that the great Democratic Party, in its last national platform, had a plank in it in favor of this very proceeding, that publicity should be given.

Mr. President, in this particular case the motion is not of great importance, because it applies only to one man, and perhaps it is a doubtful question whether, if I offered the amendment in the nature of an instruction to make it general law, it would be subject to a point of order at this stage. I did it once before. If I had noticed this bill when it was going through, I would have offered an amendment that would have made it general. I want to give notice now that at the very first opportunity I get when any of these bills are going through providing for the appointment of judges I am going to offer an amendment making it general and providing that the President in all cases shall give publicity to the recommendations; and I am not going to find fault with the man who does not believe in it. He has a right to his opinion. He can vote against it. All I want is a vote, a roll-call vote, when that time comes. I will not ask for a roll call on this, because it is of very little importance, but when that opportunity comes I shall discuss it at more length than I feel I am justified in doing now.

I had said to the Senators who are in favor of hurrying this bill through that I would not debate the matter at all. I did not intend to say anything. I would not have said anything, but it seemed to me, after the remarks of the Senator from New York, that I could not have said less.

Mr. O'GORMAN. Mr. President——

The PRESIDING OFFICER. The Senator from New York.

Mr. O'GORMAN. I simply desire to say a word.

The House provision in this bill is consistent with the declaration of the Democratic Party in its platform at Baltimore two years ago. This question arose in the Judiciary Committee of the Senate. There were some of us Democrats who felt that a decent regard for the platform of the party required us to insist upon inserting a provision on the subject such as the House embraced in this bill. I believe that it can do no harm. I believe that it may exercise a salutary influence.

It is popular now in both parties to speak of the great virtues accomplished by publicity. If people who preach of publicity and its advantages are sincere in their declarations, they surely can have no opposition to a bill requiring the President of the United States, when he nominates judicial officers, to file with the Senate all recommendations regarding the persons named.

I have only to add that I desire a yea-and-nay vote on this proposition.

Mr. CLARK of Wyoming. Mr. President, this is not a new matter for the Senate nor for the conferees who have acted upon this bill. It has been up before this time and has been thrashed out in both Houses. The last case, I think, was the case of a Pennsylvania judge, where some amendment was passed by the House and disagreed to by the Senate and after two sessions of Congress the House receded from their proposition.

Mr. President, as far as I am concerned, I hope the motion of the Senator from Nebraska will not prevail, and that the motion made by the chairman of the conferees will prevail, that the Senate insist upon its disagreement and insist upon a further conference. I think that is due to the conference committee who made this first report.

I do not suppose anyone, particularly at this time, is moved by the idea that this or that or the other thing is or is not considered in any platform, Democratic or Republican. Even the wording of this amendment is unfortunate. It means nothing; it can accomplish nothing.

But, Mr. President, it seems to me clearly an invasion of the right of the President to select whom he chooses for nominations to the Senate. When the nomination comes to the Senate it is for the Senate to assure itself of the qualifications for office of the nominee. I can see where a President would be very much embarrassed. Suppose a good man were nominated for judge and some people who were not so good should indorse that nomination, it would prejudice the nominee and prejudice the choice of the President in the Senate by sending in such indorsements. The President would have to send them all in whether they were intended for the good of the nominee or otherwise.

It seems to me, Mr. President, that the motion ought to be defeated, as it has often been defeated in the Senate before.

Mr. FLETCHER. Mr. President, I wish to make a parliamentary inquiry. Do I understand that this is an amendment to a conference report?

Mr. CLARK of Wyoming. No; it is an amendment offered to a motion made by the chairman of the conference committee.

Mr. NORRIS. It is a motion to recede, which means that the House provision of the bill will become a law if the motion prevails.

The PRESIDING OFFICER. The Chair has held that the motion of the Senator from Nebraska has precedence over the motion to insist.

Mr. FLETCHER. That I understand, but as it was presented it seemed to be an amendment to the conference report, and I was going to suggest that such an amendment is out of order.

Mr. JAMES. Mr. President, I rise for the purpose of supporting the motion made by the Senator from Nebraska [Mr. NORRIS] in favor of the Senate receding from the disagreement to the House provision, and to concur therein, which provision is:

Provided, however, That the President shall make public all indorsements made in behalf of the person appointed as such district judge.

Mr. President, what reasonable objection can be offered to this provision. I know of none; not one, except those objections which have always been made by those who desire the public business transacted in the dark and under cover of secrecy rather than in the open and in the light.

The spirit of the great Republic—the very breath that gave it life—was, "Take the people into your confidence." Mr. President, the Democratic platform adopted at Baltimore in 1912, upon which Woodrow Wilson was elected President of the United States, provides:

We note with gratification the unanimous sentiment in favor of publicity, before the election, of campaign contributions—a measure demanded in our national platform of 1908, and at that time opposed by the Republican Party—and we commend the Democratic House of Representatives for extending the doctrine of publicity to recommendations, verbal and written, upon which presidential appointments are made.

By this platform declaration the Democratic Party is committed to support the provision which is here at issue, and I insist that we shall keep the faith, that we shall redeem another promise made by our party to the American people in our national platform.

The President, in appointing a Federal judge, acts as the agent of all the people. Why should the people, the principals from whom the agent derives his power and authority, be denied the right and opportunity to see and know the facts upon which their agent acted? What principal in the conduct and operation of his business affairs would allow his agent to secrete from him the facts surrounding a transaction? The great President who guides the destiny of this Republic believes in publicity. He has taken the people into his confidence in all things. He will do so in appointing a Federal judge. He will welcome such a law as is here proposed. He would submit, I have no doubt, to any citizen who requests it all recommendations made to him. We know that. What we want is to establish by law the principle of publicity, not only for this administration but for all that are to follow it. It is more important to have publicity in the selection of a judge than that of any other appointment, while it is important as to all. The Federal judge is appointed for life while other officers are appointed only for a short term of years. The Federal judge holds the scales in which are weighed not only the property of all the people, but the liberty and life of all the people.

Some say that to make public these recommendations would give the corporations, trusts, and privilege-seeking classes a chance to embarrass a candidate, or one whose name was under consideration, by indorsing him in order to defeat him or to embarrass him if selected. This argument will not hold water. In the first place my observation has always been that the corporation, the trust, and the monopoly never indorse those they do not want. They are too busy pulling wires to get selected the one they do want. Suppose they should resort to such a device or fraud as this? It would deceive no one; the people are not a lot of fools. They would see through this very quickly. The people can sift the wheat from the chaff. I notice one thing that stands out plainly, and that is the special-privilege class are all opposing this character of publicity. If it was such an easy device of deception, it is strange they are not all supporting it. It can never be said of the favor-seeking class that they "Do not know what they want." They always know and the light is one of the things they do not want—they work better in the dark. They do not want "publicity," because they work better privately and confidentially.

Mr. President, let us throw around the selecting of our judges the brightest light and the greatest publicity to the end that our courts may continue pure and above suspicion, for at least the safety and life of a Republic rests in the purity and incorruptibility of its judiciary.

The PRESIDING OFFICER. The question is on the motion of the Senator from Nebraska [Mr. NORRIS] that the Senate recede from its amendment numbered 1.

Mr. CLARK of Wyoming. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. THOMAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Colorado will state it.

Mr. THOMAS. What is the form in which the question comes before the Senate?

The PRESIDING OFFICER. It is the motion of the Senator from Nebraska [Mr. NORRIS] that the Senate recede from its amendment and assent to the House provision. The yeas and nays have been ordered, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. GRONNA (when his name was called). I have a general pair with the senior Senator from Maine [Mr. JOHNSON], and I withhold my vote.

Mr. SAULSBURY (when his name was called). I have a pair with the junior Senator from Rhode Island [Mr. COLT], and therefore withhold my vote.

Mr. STERLING (when his name was called). I have a general pair with the junior Senator from New Jersey [Mr. HUGHES], and therefore withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to my colleague [Mr. SMITH of South Carolina] and vote "yea."

Mr. TOWNSEND (when his name was called). Has the Senator from Florida [Mr. BRYAN] voted?

The PRESIDING OFFICER. He has not.

Mr. TOWNSEND. I have a pair with that Senator, and withold my vote.

The PRESIDING OFFICER (when Mr. WALSH's name was called). I have a general pair with the Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to the Senator from Maryland [Mr. LEE] and vote "yea."

The roll call was concluded.

Mr. STERLING. I transfer my pair with the junior Senator from New Jersey [Mr. HUGHES] to the junior Senator from Maine [Mr. BURLEIGH] and vote. I vote "nay."

Mr. MYERS. Has the Senator from Connecticut [Mr. McLEAN] voted?

The PRESIDING OFFICER. He has not.

Mr. MYERS. I have a pair with that Senator. I transfer my pair to the Senator from Arizona [Mr. SMITH] and vote "yea."

Mr. MARTINE of New Jersey (after having voted in the affirmative). I voted inadvertently. I have a pair with the Senator from Connecticut [Mr. BRANDEGEE]. I transfer that pair to the Senator from Mississippi [Mr. WILLIAMS] and allow my vote to stand.

Mr. GRONNA. I will transfer my pair with the senior Senator from Maine [Mr. JOHNSON] to the junior Senator from California [Mr. WORKS] and vote. I vote "yea."

Mr. LEA of Tennessee (after having voted in the affirmative). Has the senior Senator from South Dakota [Mr. CRAWFORD] voted?

The PRESIDING OFFICER. He has not voted.

Mr. LEA of Tennessee. I have a general pair with that Senator which I transfer to the junior Senator from Nevada [Mr. PITTMAN], and I will let my vote stand.

Mr. CLARK of Wyoming. I wish to announce the following pairs:

The Senator from Idaho [Mr. BORAH] with the Senator from Louisiana [Mr. THORNTON];

The Senator from Utah [Mr. SUTHERLAND] with the Senator from Arkansas [Mr. CLARKE]; and

The Senator from Idaho [Mr. BRADY] with the Senator from Indiana [Mr. SHIVELY].

Mr. O'GORMAN. I have a pair with the senior Senator from New Hampshire [Mr. GALLINGER]. I transfer that pair to the junior Senator from Alabama [Mr. WHITE] and vote "yea."

Mr. OVERMAN. I am paired with the senior Senator from California [Mr. PERKINS] and withhold my vote. I wish to be counted as present.

The result was announced—yeas 37, nays 10, as follows:

YEAS—37.

Ashurst	Hollis	Newlands	Sheppard
Bankhead	James	Norris	Simmons
Burton	Kenyon	O'Gorman	Smith, Mich.
Chamberlain	Kern	Owen	Thomas
Chilton	La Follette	Page	Thompson
Clapp	Lane	Poindexter	Tillman
Fletcher	Lea, Tenn.	Ransdell	Walsh
Gore	Martin, Va.	Reed	
Gronna	Martine, N. J.	Robinson	
Hardwick	Myers	Shafroth	

NAYS—10.

Catron	Jones	Root	Weeks
Clark, Wyo.	Oliver	Sterling	
Fall	Penrose	Warren	

NOT VOTING—49.

Borah	du Pont	Overman	Stephenson
Brady	Gallinger	Perkins	Stone
Brandegee	Goff	Pittman	Sutherland
Bristow	Hitchcock	Pomerene	Swanson
Bryan	Hughes	Saulsbury	Thornton
Burleigh	Johnson	Sherman	Townsend
Camden	Lee, Md.	Shields	Vardaman
Clarke, Ark.	Lewis	Shively	White
Colt	Lippitt	Smith, Ariz.	Williams
Crawford	Lodge	Smith, Ga.	Works
Culberson	McCumber	Smith, Md.	
Cummins	McLean	Smith, S. C.	
Dillingham	Nelson	Smoot	

The PRESIDING OFFICER. In addition to those voting there are in the Chamber Senators OVERMAN, SAULSBURY, TOWNSEND, STONE, and SHIELDS. A quorum is present, and the motion of the Senator from Nebraska [Mr. NORRIS] is carried.

So the Senate receded from its disagreement to its amendment numbered 1.

PETITIONS AND MEMORIALS.

Mr. NELSON presented petitions of sundry citizens of Minnesota, praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

Mr. GALLINGER presented a petition of the Joint Legislative Bureau of Information, of Washington, D. C., praying for the enactment of legislation to amend the hours-of-service law relating to railroads so as to provide a minimum fine of $100 for violations thereof, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Joint Legislative Bureau of Information, of Washington, D. C., praying for the enactment of further legislation to promote safety of travel, which was referred to the Committee on Interstate Commerce.

Mr. GRONNA presented a petition of the North Dakota Retail Hardware Association, praying for the adoption of a 1-cent letter postage rate, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the North Dakota Retail Hardware Association, praying for the enactment of legislation to provide for the publicity of prices and the regulation of price cutting, which was referred to the Committee on Manufactures.

Mr. WARREN presented a petition of the Pioneer Grange, No. 1, of Burns, Wyo., praying for the enactment of legislation to establish a system of rural credits, which was referred to the Committee on Banking and Currency.

Mr. McLEAN presented petitions of the St. Michael's D. R. K. K. U. Verein, of Bridgeport, and of sundry citizens of New Britain, Bridgeport, and Hartford, in the State of Connecticut, praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of Hamden and Danbury, in the State of Connecticut, remonstrating against the exclusion of certain matter from the mail, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Woman's Christian Temperance Union, of New Haven, Conn., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. CHAMBERLAIN. I present a memorial of the Legislature of Oregon, which I ask may be printed in the RECORD and referred to the Committee on Post Offices and Post Roads.

There being no objection, the memorial was referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, Ben W. Olcott, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of senate joint memorial No. 7 with the original thereof, filed in the office of the secretary of state of the State of Oregon on the 18th day of February, 1915, and that the same is a full, true, and complete transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set may hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 18th day of February, A. D. 1915.

[SEAL.]

BEN W. OLCOTT,
Secretary of State.
By S. A. KOZER, *Deputy.*

Senate joint memorial No. 7.

To the honorable Senate and House of Representatives of the United States of America:

Your memorialists, the Legislature of the State of Oregon, respectfully represent that—

Whereas there is a limit on the amount of money that may be deposited by any person in the postal savings banks of the United States; and

Whereas the rate of interest paid by the Federal Government upon such deposits is 2 per cent per annum; and

Whereas the postal savings are loaned to private banks at the rate of 2½ per cent: Therefore be it

Resolved by the senate, the house of representatives concurring, That our Representatives and Senators in Congress be, and are hereby, memorialized and requested to use their best endeavors to secure the passage of a law providing that all limitations upon the amount that may be deposited in postal savings banks be removed, and that the rate of interest paid by the Federal Government upon such deposits be increased to 3 per cent per annum; and further

Resolved, That the money that may hereafter be deposited in postal savings banks shall be used as a basis for the formation of a rural credit system in this country.

Adopted by the house February 16, 1915.

BEN SELLING,
Speaker of the House.

Adopted by the senate February 9, 1915.

W. LAIR THOMPSON,
President of the Senate.

(Indorsed:) Senate joint memorial No. 7, by Senator Dimick. J. W. Cochran, chief clerk Filed February 18, 1915, at 10.50 o'clock a. m. Ben W. Olcott, secretary of state, by S. A. Kozer, deputy.

HOMESTEAD ENTRIES.

Mr. MYERS, from the Committee on Public Lands, to which was referred the bill (H. R. 21122) to validate certain homestead entries, reported it without amendment and submitted a report (No. 1045) thereon.

RURAL CREDITS.

Mr. HOLLIS. From the Committee on Banking and Currency I report back favorably, with an amendment, the bill (S. 5542) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgages, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to provide a method of applying postal savings deposits to the promotion of the public welfare, and for other purposes, and I submit a report (No. 1048) thereon.

The PRESIDING OFFICER. The bill will be placed on the calendar.

BILL INTRODUCED.

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BURLEIGH:

A bill (S. 7744) granting an increase of pension to Nathaniel Gurney; to the Committee on Pensions.

AMENDMENTS TO GENERAL DEFICIENCY APPROPRIATION BILL (H. R. 21546).

Mr. KERN submitted an amendment authorizing the Secretary of the Treasury to consider and adjudicate, under the act of Congress approved July 27, 1912, the claims of trust companies or other claimants for refund of taxes illegally collected on capital, surplus, or undivided profits, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. JONES submitted an amendment authorizing the Secretary of the Navy to reimburse from the unexpended balance of the appropriation for "depots for coal," fiscal year 1913, certain persons, the same being the appraised value of the personal belongings of each of them which were lost while being lightered ashore at Katalla, Alaska, from the steamship by which transporting from Seattle, Wash., etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SHIVELY submitted an amendment proposing to appropriate $800 to pay Byford E. Long for extra services as clerk to the Committee on Pensions, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Pensions and ordered to be printed.

Subsequently, Mr. JOHNSON, from the Committee on Pensions, to which was referred the foregoing amendment, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

MERCHANTS BRIDGE, ST. LOUIS, MO.

Mr. REED submitted the following resolution (S. Res. 554), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the Judiciary or a subcommittee thereof be authorized, during the interval between the Sixty-third Congress and the first session of the Sixty-fourth Congress or during a session or recess of the Sixty-fourth Congress, to send for persons and papers, to administer oaths, to employ a stenographer, at a cost of not to exceed $1 per printed page, to report such hearings as may be had in connection with the subject matter of Senate joint resolution 111, Sixty-third Congress, now pending before a subcommittee of said committee, and to have such hearings printed for the use of the committee; that the expenses of such hearings be paid out of the contingent fund of the Senate; and that the said committee and such subcommittee thereof may sit during the sessions of the Senate and may conduct said hearings and investigations in the city of Washington or elsewhere as it may deem proper.

ADVERTISEMENTS BY PATENT ATTORNEYS.

Mr. JAMES. I ask unanimous consent for the present consideration of Senate bill 7427.

Mr. OLIVER. I call for the regular order.

Mr. JAMES. I believe the Senator will not object if he hears the bill read. It is a bill introduced by the Senator from Washington [Mr. POINDEXTER]. I think every Senator here will be interested in having it passed.

Mr. WEEKS. I should like——

Mr. JAMES. The bill is not four lines long. A lot of patent lawyers have gone around and gotten Senators and Representatives to give them letters, and they have been advertising in order to get the patronage of the public. This bill proposes to prevent that sort of business. It is solely for the protection of Senators and Representatives.

Mr. WEEKS. I wish to call the attention of the Chair to the fact that there was a unanimous-consent agreement to go into executive session at 6 o'clock and to take a recess at 6.15. I think that agreement should be carried out.

The PRESIDING OFFICER. The unanimous-consent agreement is that not later than 6.15 o'clock the Senate shall take a recess.

Mr. JAMES. If the Senator is going to make that point, of course the unanimous-consent agreement has to be carried out.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 6 o'clock and 15 minutes p. m., Saturday, February 27, 1915) the Senate took a recess until to-morrow, Sunday, February 28, 1915, at 10 o'clock and 45 minutes a. m.

NOMINATIONS.

Executive nominations received by the Senate February 27 (legislative day of February 19), 1915.

SECRETARIES OF EMBASSY OR LEGATION.

CLASS 1.

Marshall Langhorne, of Virginia, now secretary of the legation to the Netherlands and Luxemburg, to be secretary of embassy or legation of class 1 of the United States of America.

CLASS 2.

Arthur Hugh Frazier, of Pennsylvania, now second secretary of the embassy at Paris, to be secretary of embassy or legation of class 2 of the United States of America.

Leland Harrison, of Illinois, now secretary of the legation at Bogota, to be secretary of embassy or legation of class 2 of the United States of America.

Jordan Herbert Stabler, of Maryland, now secretary of embassy or legation of class 3, to be secretary of embassy or legation of class 2 of the United States of America.

G. Cornell Tarler, of New York, now second secretary of the embassy at Constantinople, to be secretary of embassy or legation of class 2 of the United States of America.

Craig W. Wadsworth, of New York, now secretary of the legation and consul general at Teheran, to be secretary of embassy or legation of class 2 of the United States of America.

CLASS 3.

William Whiting Andrews, of Ohio, lately secretary of the legation at Berne, to be secretary of embassy or legation of class 3 of the United States of America.

Frank D. Arnold, of Pennsylvania, now third secretary of the embassy at Tokyo, to be secretary of embassy or legation of class 3 of the United States of America.

Alexander Benson, of Pennsylvania, lately second secretary of the embassy at Rome, to be secretary of embassy or legation of class 3 of the United States of America.

Albert B. Ruddock, of Illinois, now third secretary of the embassy at Berlin, to be secretary of embassy or legation of class 3 of the United States of America.

Charles E. Stangeland, of Washington, now on detail as second secretary of the embassy at London, to be secretary of embassy or legation of class 3 of the United States of America.

CLASS 4.

Elbridge Gerry Greene, of Massachusetts, now third secretary of the embassy at London, to be secretary of embassy or legation of class 4 of the United States of America.

Hallett Johnson, of New Jersey, now third secretary of the embassy at Constantinople, to be secretary of embassy or legation of class 4 of the United States of America.

Ralph W. Hills, of Washington, D. C., to be secretary of embassy or legation of class 4 of the United States of America.

Stewart Johnson, of Winnetka, Ill., to be secretary of embassy or legation of class 4 of the United States of America.

Alexander C. Kirk, of Chicago, Ill., to be secretary of embassy or legation of class 4 of the United States of America.

CLASS 5.

Henry R. Carey, of Cambridge, Mass., to be secretary of embassy or legation of class 5 of the United States of America.

Frederic R. Dolbeare, of New York, to be secretary of embassy or legation of class 5 of the United States of America.

John Latta Ryan, of Greensburg, Pa., to be secretary of embassy or legation of class 5 of the United States of America.

Eugene C. Shoecraft, of St. Joseph, Mo., to be secretary of embassy or legation of class 5 of the United States of America.

UNITED STATES DISTRICT JUDGE.

Martin J. Wade, of Iowa City, Iowa, to be United States district judge for the southern district of Iowa, vice Smith McPherson, deceased.

UNITED STATES ATTORNEY.

Vernon A. Bullard, of Burlington, Vt., to be United States attorney for the district of Vermont, vice Alexander Dunnett, whose term has expired.

POSTMASTERS.

ALABAMA.

Clifford R. Rankin to be postmaster at Brewton, Ala., in place of George F. Schad, resigned.

ARIZONA.

Grace Moorman to be postmaster at Ray, Ariz., in place of George O. Nolan. Incumbent's commission expired February 16, 1915.

CALIFORNIA.

Katherine S. Bell to be postmaster at Clovis, Cal., in place of Kate Bell. Incumbent's commission expired December 21, 1913.

Hugh Countryman to be postmaster at Westwood, Cal. Office became presidential January 1, 1915.

J. J. Coutts to be postmaster at Sunnyvale, Cal., in place of Fred E. Cornell. Incumbent's commission expired February 1, 1915.

Ira J. Cree to be postmaster at Claremont, Cal., in place of Oliver H. Duvall. Incumbent's commission expired February 17, 1915.

Beatrice F. Donaldson to be postmaster at Hughson, Cal. Office became presidential January 1, 1915.

R. L. Evans to be postmaster at Riverbank, Cal. Office became presidential January 1, 1915.

James Fullerton to be postmaster at Orange, Cal., in place of Nelson T. Edwards. Incumbent's commission expired January 27, 1915.

Virginia H. Gould to be postmaster at Cottonwood, Cal. Office became presidential January 1, 1915.

Daniel M. Gibson to be postmaster at Van Nuys, Cal. Office became presidential January 1, 1915.

James A. Kelly to be postmaster at Beaumont, Cal., in place of James A. Kelly. Incumbent's commission expired July 23, 1913.

Daniel F. Stafford to be postmaster at Covina, Cal., in place of James L. Matthews. Incumbent's commission expired February 4, 1912.

COLORADO.

Milas N. Johnson to be postmaster at Calhan, Colo. Office became presidential January 1, 1915.

Benjamin F. Stapleton to be postmaster at Denver, Colo., in place of Joseph H. Harrison, resigned.

FLORIDA.

John W. Jackson to be postmaster at Palmetto, Fla., in place of George E. Koons. Incumbent's commission expired February 17, 1915.

GEORGIA.

John H. Derrick to be postmaster at Clayton, Ga. Office became presidential October 1, 1914.

IDAHO.

Alva A. White to be postmaster at Mountain Home, Idaho, in place of Rhese P. Harmon. Incumbent's commission expires March 3, 1915.

William F. Winkler to be postmaster at Council, Idaho, in place of Pearl Mitchell, removed.

ILLINOIS.

Harry Bryant to be postmaster at Norris City, Ill., in place of Edward E. Gott. Incumbent's commission expired February 1, 1915.

G. M. Davis to be postmaster at Findlay, Ill., in place of Otis E. Stumpf. Incumbent's commission expired January 31, 1915.

J. A. Mathews to be postmaster at Greenview, Ill., in place of George C. Roberts, removed.

C. E. Schmidt to be postmaster at Farina, Ill., in place of Arch L. Wade, resigned.

Eugene F. Williams to be postmaster at Sterling, Ill., in place of James P. Overholser. Incumbent's commission expired April 20, 1914.

INDIANA.

Louis G. Trixler to be postmaster at Huntington, Ind., in place of Francis I. Stults. Incumbent's commission expires March 3, 1915.

IOWA.

Merton I. J. Ackley to be postmaster at Marble Rock, Iowa, in place of Willard Bucklen, resigned.

W. B. Chapman to be postmaster at Correctionville, Iowa, in place of Fred W. Colvin, resigned.

Joseph M. Drees to be postmaster at Carroll, Iowa, in place of Harry E. Beach. Incumbent's commission expired February 1, 1915.

W. B. Durham to be postmaster at Milo, Iowa, in place of Charles J. Millican. Incumbent's commission expired January 18, 1915.

Chris Haffner to be postmaster at Donnellson, Iowa. Office became presidential January 1, 1915.

George F. Hughes to be postmaster at Council Bluffs, Iowa, in place of Arthur S. Hazelton. Incumbent's commission expired January 18, 1915.

Joseph E. McKillip to be postmaster at Bellevue, Iowa, in place of John C. Campbell. Incumbent's commission expired January 18, 1915.

William Molloy to be postmaster at Galva, Iowa. Office became presidential January 1, 1915.

A. Stader to be postmaster at Ankeny, Iowa. Office became presidential January 1, 1915.

KANSAS.

Ernest Bray to be postmaster at Neodesha, Kans., in place of Frank E. Shoemaker. Incumbent's commission expires March 2, 1915.

Merida Castleberry to be postmaster at McCune Kans., in place of H. I. Dolson. Incumbent's commission expired February 16, 1915.

James H. Cosgrove to be postmaster at Olathe, Kans., in place of Thomas L. Hogue. Incumbent's commission expired February 14, 1915.

R. G. Hepworth to be postmaster at Burlingame, Kans., in place of Thomas A. Ellis. Incumbent's commission expired February 21, 1915.

T. P. Mannion to be postmaster at Eldorado, Kans., in place of Alice Murdock. Incumbent's commission expires March 3, 1915.

Catharine E. Simmons to be postmaster at Wellsville, Kans., in place of J. C. Simmons, deceased.

C. K. Simon to be postmaster at Goff, Kans., in place of Walter L. Stocking. Incumbent's commission expires March 2, 1915.

Rodney Torrey to be postmaster at La Crosse, Kans., in place of A. W. Robinson, removed.

Mary A. Travers to be postmaster at Osborne, Kans., in place of Cliff W. Weeks. Incumbent's commission expired February 23, 1915.

KENTUCKY.

Joseph E. Moseley to be postmaster at Hopkinsville, Ky., in place of Vincent M. Williamson, removed.

LOUISIANA.

George S. Eisely to be postmaster at Tallulah, La., in place of George S. Eisely. Incumbent's commission expired January 25, 1914.

MAINE.

Linza A. Burns to be postmaster at Clinton, Me., in place of John M. Jewell. Incumbent's commission expired February 1, 1915.

William F. Curran to be postmaster at Bangor, Me., in place of John M. Oak. Incumbent's commission expired December 19, 1914.

Louis P. Gagnon to be postmaster at Van Buren, Me., in place of Charles F. Hammond. Incumbent's commission expired January 19, 1915.

William S. Hagar to be postmaster at Island Falls, Me., in place of George H. Donham. Incumbent's commission expires March 3, 1915.

Rufus L. Mudgett to be postmaster at Stockton Springs, Me., in place of Harry R. Hichborn. Incumbent's commission expired February 23, 1915.

A. P. Stinchfield to be postmaster at Danforth, Me., in place of Varney A. Putnam. Incumbent's commission expired February 23, 1915.

Ira G. White to be postmaster at Winterport, Me., in place of T. H. Sproud. Incumbent's commission expired February 8, 1915.

MARYLAND.

J. McC. Foreman to be postmaster at Emmitsburg, Md., in place of John A. Horner. Incumbent's commission expired February 16, 1915.

MASSACHUSETTS.

Richard A. Cronan to be postmaster at Chicopee, Mass., in place of Alexander Grant. Incumbent's commission expired February 1, 1915.

Daniel J. Driscoll to be postmaster at Chicopee Falls, Mass., in place of A. R. Martin. Incumbent's commission expired February 1, 1915.

Frank A. Foster to be postmaster at Manchester, Mass., in place of Samuel L. Wheaton. Incumbent's commission expired February 1, 1915.

Charles P. McMullen to be postmaster at North Easton, Mass., in place of L. B. Crockett. Incumbent's commission expired January 11, 1915.

John R. Smith to be postmaster at Fitchburg, Mass., in place of Charles E. Wallace, deceased.

MICHIGAN.

M. D. McPhee to be postmaster at Wolverine, Mich., in place of Charles M. Fails. Incumbent's commission expired February 16, 1915.

Sidney E. Younglove to be postmaster at Monroe, Mich., in place of Charles E. Kirby. Incumbent's commission expired February 16, 1915.

MINNESOTA.

James Adlard to be postmaster at Brown Valley, Minn., in place of Jennie M. Gordon, removed.

Fred H. Baldwin to be postmaster at Edgerton, Minn. Office became presidential January 1, 1915.

John L. Harwick to be postmaster at Rochester, Minn., in place of John C. Crabb. Incumbent's commission expired January 11, 1915.

Anthony J. Malmquist to be postmaster at Rushmore, Minn. Office became presidential January 1, 1915.

Frederick Pfaender to be postmaster at New Ulm, Minn., in place of Philip Liesch. Incumbent's commission expires March 2, 1915.

Otto N. Raths to be postmaster at St. Paul, Minn., in place of Edward Yanish. Incumbent's commission expired February 17, 1915.

William Reid to be postmaster at Deer Wood, Minn., in place of E. A. Wasserzieher. Incumbent's commission expired February 23, 1915.

John L. Sammons to be postmaster at Westbrook, Minn. Office became presidential January 1, 1915.

Mark N. Swedberg to be postmaster at Luverne, Minn., in place of Mark Swedberg. Incumbent's commission expired February 23, 1915.

MISSOURI.

Orville M. Headlee to be postmaster at Morehouse, Mo., in place of Frederick R. Rauch. Incumbent's commission expires February 28, 1915.

John H. Jackson to be postmaster at Bland, Mo. Office became presidential January 1, 1915.

John Tappmeyer to be postmaster at Owensville, Mo., in place of George W. Tappmeyer. Incumbent's commission expired January 11, 1915.

Hickman J. Wigginton to be postmaster at Linneus, Mo., in place of David B. Ormiston, removed.

MONTANA.

Andrew Fleming to be postmaster at Melstone, Mont. Office became presidential January 1, 1915.

G. M. Hanson to be postmaster at Wolf Point, Mont. Office became presidential January 1, 1915.

Tena M. Sanderson to be postmaster at Grassrange, Mont. Office became presidential January 1, 1915.

F. A. Tintinger to be postmaster at Cascade, Mont., in place of Melvin Rowe. Incumbent's commission expired February 6, 1915.

NEW HAMPSHIRE.

Michael J. White to be postmaster at Dover, N. H., in place of John T. Welch. Incumbent's commission expired March 14, 1914.

NEW JERSEY.

George W. Baldwin to be postmaster at Summit, N. J., in place of Alfred M. Jones. Incumbent's commission expired February 8, 1915.

George Breisacher to be postmaster at Bergenfield, N. J., in place of Charles B. Hunter. Incumbent's commission expired February 23, 1915.

William J. Downs to be postmaster at Wharton, N. J., in place of Edward S. Hance, deceased.

Michael F. Quinn to be postmaster at Linden, N. J. Office became presidential January 1, 1913.

E. W. Townsend to be postmaster at Montclair, N. J., in place of Herbert H. Biddulph. Incumbent's commission expired January 20, 1915.

NEW YORK.

John E. Barlow to be postmaster at Horseheads, N. Y., in place of Thomas J. Wintermute. Incumbent's commission expired January 10, 1915.

Frank A. Bartley to be postmaster at Sidney, N. Y., in place of Charles H. Seeley, deceased.

Walter J. Burke to be postmaster at Mineville, N. Y. Office became presidential April 1, 1914.

Jerome Ceperley to be postmaster at Otego, N. Y., in place of Andrew D. Annable. Incumbent's commission expired February 6, 1915.

Almond Cramer to be postmaster at Cherry Valley, N. Y., in place of James O. Beach. Incumbent's commission expires March 3, 1915.

James J. Cunningham, to be postmaster at Corinth, N. Y., in place of Ezra Sayre. Incumbent's commission expired February 21, 1914.

William D. Delaney to be postmaster at Clayton, N. Y., in place of John O. Thibault, deceased.

Frank N. Dowd to be postmaster at Faust, N. Y., in place of Frank R. Pelsue. Incumbent's commission expired December 13, 1914.

John P. Dugan to be postmaster at Fishkill, N. Y., in place of Herman Dean. Incumbent's commission expired December 13, 1914.

David Dunham to be postmaster at Ilion, N. Y., in place of Floyd S. Brooks. Incumbent's commission expired January 10, 1915.

Maurice Fanning to be postmaster at Roxbury, N. Y., in place of B. S. Preston. Incumbent's commission expired December 16, 1914.

Wickham R. Gildersleeve to be postmaster at Mattituck, N. Y., in place of James L. Reeve, resigned.

Albert E. Helmer to be postmaster at Evans Mills, N. Y., in place of Wesley Rulison, deceased.

T. M. Larsen to be postmaster at Dundee, N. Y., in place of Eugene Vreeland. Incumbent's commission expired December 13, 1914.

Peter Lynch, jr., to be postmaster at Roslyn, N. Y., in place of Simon D. Replogle. Incumbent's commission expired February 23, 1915.

John H. Quinlan to be postmaster at Pavilion, N. Y. Office became presidential January 1, 1915.

Daniel J. Roach to be postmaster at West New Brighton, N. Y., in place of George L. Nichol. Incumbent's commission expired January 16, 1915.

Jean L. Reed to be postmaster at Little Valley, N. Y., in place of James H. Wilson. Incumbent's commission expired December 13, 1914.

Frank K. Roberts to be postmaster at Holland Patent, N. Y., in place of Charles R. Peabody. Incumbent's commission expired January 6, 1914.

Fred L. Seager to be postmaster at Randolph, N. Y., in place of Marc D. Johnson, resigned.

Louis P. Snyder to be postmaster at Williamsville, N. Y., in place of Howard G. Britting. Incumbent's commission expired February 1, 1915.

J. W. Telford to be postmaster at Margaretville, N. Y., in place of James H. Hitt. Incumbent's commission expired February 1, 1915.

Edwin J. Van Gorden to be postmaster at Hammondsport, N. Y., in place of George H. Keeler. Incumbent's commission expired February 8, 1915.

Ray B. Worthing to be postmaster at East Rochester, N. Y., in place of Benjamin R. Erwin. Incumbent's commission expired June 14, 1914.

NORTH CAROLINA.

Joseph B. Cullipher to be postmaster at Saluda, N. C., in place of William Cannon, deceased.

R. B. Ritchie to be postmaster at Whitney, N. C. Office became presidential January 1, 1915.

L. E. Stevens to be postmaster at Benson, N. C., in place of Robert D. Langdon. Incumbent's commission expires March 2, 1915.

NORTH DAKOTA.

James A. Foley to be postmaster at Grafton, N. Dak., in place of Herbert B. Grover. Incumbent's commission expired February 23, 1915.

Nette A. Isham to be postmaster at Manning, N. Dak. Office became presidential October 1, 1914.

P. F. Meharry to be postmaster at Starkweather, N. Dak., in place of Percy F. Meharry. Incumbent's commission expired February 23, 1915.

A. R. Thompson to be postmaster at Rolla, N. Dak., in place of William J. Hoskins. Incumbent's commission expired February 23, 1915.

NEBRASKA.

William C. Brodhun to be postmaster at Dodge, Nebr., in place of Joseph F. Hejtmanek, resigned.

John A. Cocklin to be postmaster at Milford, Nebr., in place of Henry J. Matzke, resigned.

Sebastian E. Marty to be postmaster at Columbus, Nebr., in place of W. A. McAllister. Incumbent's commission expired January 13, 1915.

John Menary to be postmaster at Arnold, Nebr. Office became presidential April 1, 1914.

A. E. Ovenden to be postmaster at Pawnee City, Nebr., in place of John F. Griffith. Incumbent's commission expires March 2, 1915.

William R. Pease to be postmaster at Niobrara, Nebr., in place of George W. Draper. Incumbent's commission expired February 5, 1914.

T. A. Willmore to be postmaster at Hebron, Nebr., in place of William Cook. Incumbent's commission expired February 14, 1915.

OKLAHOMA.

Frank Emanuel to be postmaster at Sulphur, Okla., in place of Harris B. Webster. Incumbent's commission expired June 7, 1914.

E. S. Gray to be postmaster at Weleetka, Okla., in place of Arthur B. Pemberton. Incumbent's commission expires March 2, 1915.

Henry W. Kinnard to be postmaster at Rush Springs, Okla., in place of J. Lee Wilemon, resigned.

R. A. Lackey to be postmaster at Roosevelt, Okla., in place of Calvin S. Ward. Incumbent's commission expired February 17, 1915.

L. A. Owens to be postmaster at Fort Cobb, Okla., in place of John M. Clifford. Incumbent's commission expired December 15, 1914.

W. B. Pickett to be postmaster at Hinton, Okla., in place of Henry A. White. Incumbent's commission expired December 15, 1914.

J. B. Pope to be postmaster at Heavener, Okla., in place of Noah S. Costelou. Incumbent's commission expired February 14, 1915.

John D. Pugh to be postmaster at Anadarko, Okla., in place of W. I. Lacy. Incumbent's commission expired January 27, 1915.

OREGON.

Hugh P. McLain to be postmaster at Marshfield, Oreg., in place of William B. Curtis. Incumbent's commission expires March 2, 1915.

S. Bruce Shangle to be postmaster at Milton, Oreg., in place of Fletcher E. Wilcox. Incumbent's commission expired February 1, 1915.

PENNSYLVANIA.

Nicholas F. Barrett to be postmaster at Carnegie, Pa., in place of J. Kelso Nickel. Incumbent's commission expires March 2, 1915.

Ulysses G. Bowers to be postmaster at Big Run, Pa., in place of William D. McHenry. Incumbent's commission expires March 2, 1915.

John W. Clouse to be postmaster at Moscow, Pa. Office became presidential October 1, 1914.

Josiah Cole to be postmaster at Slatington, Pa., in place of Samuel J. Evans. Incumbent's commission expired January 19, 1915.

Jesse B. Conner to be postmaster at Overbrook, Pa., in place of Jesse B. Conner. Incumbent's commission expired February 16, 1915.

Alexander B. Grof to be postmaster at Somerset, Pa., in place of John A. Lambert. Incumbent's commission expires March 2, 1915.

W. F. Harrer to be postmaster at Montoursville, Pa., in place of George C. Burrows. Incumbent's commission expired February 23, 1915.

Christian Henderson to be postmaster at Woodlawn, Pa., in place of William G. Cochran. Incumbent's commission expired January 10, 1915.

J. M. Keesey to be postmaster at Foxburg, Pa. Office became presidential January 1, 1914.

Clyde G. McMurray to be postmaster at Oakdale, Pa., in place of Elsie Shrodes. Incumbent's commission expires March 2, 1915.

Nora L. Pickering to be postmaster at Peckville, Pa., in place of Nora L. Pickering. Incumbent's commission expired December 13, 1914.

M. J. Sarvey to be postmaster at Mars, Pa., in place of Charles B. Boyd. Incumbent's commission expired December 16, 1914.

Frederick A. Shaw to be postmaster at Tidioute, Pa., in place of William W. Kemble. Incumbent's commission expired February 1, 1915.

Charles N. Stevens to be postmaster at Knoxville, Pa., in place of Fred G. Brown. Incumbent's commission expired February 17, 1915.

SOUTH DAKOTA.

Emma Kathryn Biehn to be postmaster at Gregory, S. Dak., in place of Fred Huston, resigned.

TEXAS.

W. E. Bellah to be postmaster at St. Jo, Tex., in place of Samuel J. Hott. Incumbent's commission expired February 16, 1915.

Charles H. Cmajdalka to be postmaster at Fayetteville, Tex., in place of William Hotmann. Incumbent's commission expired December 16, 1914.

UTAH.

Linda Bardsley to be postmaster at Gunnison, Utah. Office became presidential January 1, 1915.

VERMONT.

J. A. Cannon to be postmaster at Rochester, Vt., in place of Ernest W. Chase. Incumbent's commission expired January 11, 1915.

William J. Francis to be postmaster at Fort Ethan Allen, Vt. Office became presidential January 1, 1915.

VIRGINIA.

Walter Fauntleroy to be postmaster at Alta Vista, Va., in place of Charles Q. Edwards. Incumbent's commission expired February 1, 1915.

WASHINGTON.

E. J. Byrne to be postmaster at Garfield, Wash., in place of Charles A. Gwinn. Incumbent's commission expired January 11, 1915.

L. N. Sill to be postmaster at Coupeville, Wash. Office became presidential January 1, 1915.

WEST VIRGINIA.

Daniel J. Moran to be postmaster at Thomas, W. Va., in place of Fannie E. Helmick. Incumbent's commission expired January 31, 1915.

WISCONSIN.

William Denomie to be postmaster at Odanah, Wis., in place of Robert V. Walker. Incumbent's commission expired January 10, 1915.

Carrie M. Hogan to be postmaster at Turtle Lake, Wis. Office became presidential October 1, 1914.

Herman A. Ohm to be postmaster at South Milwaukee, Wis., in place of Frank J. Boyle. Incumbent's commission expired December 15, 1914.

F. M. Porter to be postmaster at Elkhorn, Wis., in place of John H. Snyder, jr. Incumbent's commission expired February 17, 1915.

Benjamin S. Shove to be postmaster at Onalaska, Wis., in place of Thomas G. Aiken. Incumbent's commission expired February 6, 1915.

W. B. Telyea to be postmaster at Cambridge, Wis., in place of Christ Lagried. Incumbent's commission expires March 2, 1915.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 27 (legislative day of February 19), 1915.

POSTMASTERS.

COLORADO.

Benjamin F. Stapleton, Denver.

KENTUCKY.

Virgie H. Lytle, Augusta.

NEW YORK.

Thomas H. O'Keefe, Oyster Bay.

TENNESSEE.

James M. Cates, Maryville.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 27, 1915.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, our heavenly Father, we would draw near to Thee, that by the contact with infinite purity and goodness we may be able, in spite of the temptations which assail us, to live clean lives; to forgive our enemies, if we have any; to overcome evil with good by doing unto others as we would be done by, after the manner of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

BRIDGE ACROSS MISSISSIPPI RIVER, KEOKUK, IOWA.

Mr. ADAMSON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. ADAMSON. Mr. Speaker, I desire to ask unanimous consent to consider an emergency proposition introduced by the gentleman from Iowa [Mr. KENNEDY]. All parties at interest have agreed upon an adjustment of it, and all that remains is for an old bridge to be placed under the general bridge act. I wish to ask unanimous consent to consider that bill now.

The SPEAKER. If it will not take over five minutes the Chair will recognize the gentlemen.

Mr. ADAMSON. It will not take any more than the time necessary to read it. Everybody interested has agreed on it.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 21563) granting the consent of Congress to the Keokuk & Hamilton Bridge Co. to construct a bridge across the Mississippi River at Keokuk, Iowa.

Be it enacted, etc., That the consent of Congress is hereby granted to the Keokuk & Hamilton Bridge Co., and its successors and assigns, to reconstruct, maintain, and operate their bridge and approaches thereto across the Mississippi River at a point suitable to the interests of navigation, at or near Keokuk, Iowa, in the county of Lee, in the State of Iowa, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed, with amendments, bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 20975. An act making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes.

The message also announced that the Senate had passed, with amendments, bill of the following title, had insisted upon its amendments, asked a conference with the House, and had appointed Mr. OVERMAN, Mr. LEA of Tennessee, and Mr. JONES as the conferees on the part of the Senate:

H. R. 21201. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1916.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 21491. An act making appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service, and for other purposes.

The message also announced that the Senate had passed, with amendments, bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 20643. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and the widows of such soldiers and sailors.

H. R. 21089. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and the widows of such soldiers and sailors.

H. R. 21218. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors.

CONFERENCE REPORT, DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. PAGE of North Carolina. Mr. Speaker, I call up the conference report on the bill H. R. 19422, the District of Columbia appropriation bill.

The SPEAKER. The Clerk will report the bill by title.

Mr. MANN. Has the conference report heretofore been submitted?

Mr. PAGE of North Carolina. I submit, Mr. Speaker, the conference report. It is in the hands of the Clerk.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 19422) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1916, and for other purposes.

Mr. PAGE of North Carolina. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I shall not make any point of order against the conference report—and I am not sure the point of order would be good—but this conference report in orderly procedure ought to be considered by the Senate first under the practice of both bodies. The other day the gentleman will recall that a bill was signed by the Speaker and Vice President as having been duly passed and enrolled. Unless we observe orderly procedure, it is almost impossible for the enrolling clerks and the Committee on Enrolled Bills to keep track of these matters and to know when and how a thing is passed, especially in these days of the session. I hope that nobody else is going to violate the practice and precedents.

Mr. PAGE of North Carolina. If the gentleman will allow me, I do not care to be held up here as violating the customs and rules without making a statement, at any rate, as to why I do so. The conferees recognize the fact that under ordinary procedure these papers would have gone first to the Senate, but upon not only the consent but request of the Senate conferees the papers were turned over to the House.

Mr. MANN. The gentleman means the House conferees retained possession of the papers?

Mr. PAGE of North Carolina. We retained possession of the papers at the suggestion of the Senate conferees.

Mr. MANN. Well, I know; but after all, it is a bad practice. As I say, the enrolling clerks and the enrolling committees have a right to assume that the proper procedure is followed, and without that it is a very difficult matter for them to keep track of these proceedings.

Mr. PAGE of North Carolina. I recognize the truth of what the gentleman says, and ordinarily I agree with him.

Mr. MADDEN. Will the gentleman yield to me?

Mr. PAGE of North Carolina. I will.

Mr. MADDEN. I am not sure I have the same report, but it is a copy of the report that was before the House in which objection was made with respect to the item for the board of education.

Mr. PAGE of North Carolina. If the gentleman will allow the statement to be read, I will make an explanation of that.

The SPEAKER. Is there objection to reading the statement in lieu of the report?

Mr. PAGE of North Carolina. I will say to the gentleman that is not this report. This report is made within the last six days of the session, and we did not wish to consume time to print.

Mr. MADDEN. My purpose in asking was to ascertain if it had the same language.

Mr. PAGE of North Carolina. The same language is not in this report, but I will make a full explanation as to that.

Mr. MANN. I have no objection to the reading of the statement as long as the report has not been printed, but I desire to reserve the right to make a point of order against the report.

The SPEAKER. The gentleman from Illinois reserves the right to make a point of order against the report. Is there objection to the reading of the statement in lieu of the report? [After a pause.] The Chair hears none and the Clerk will read.

The conference report is as follows:

CONFERENCE REPORT (NO. 1461).

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 19422) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1916, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 7, 8, 14, 16, 17, 25, 27, 28, 30, 32, 35, 37, 39, 43, 46, 48, 52, 58, 59, 64, 67, 68, 73, 75, 76, 77, 79, 85, 89, 99, 103, 110, 111, 112, 118, 119, 120, and 121.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 5, 6, 9, 10, 11, 12, 13, 15, 19, 20, 29, 31, 33, 34, 38, 40, 44, 45, 47, 49, 50, 53, 55, 57, 60, 61, 65, 66, 69, 70, 71, 72, 80, 82, 83, 84, 86, 87, 88, 90, 91, 92, 93, 94, 95, 96, 97, 98, 100, 102, 106, 107, 108, 109, 115, 116, 123, 124, 126, 127, and 128, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$47,576"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, and on page 17 of the bill, line 7, strike out the words "force and," and in line 8 strike out the words "fire department," and in line 7, after the word "police," insert the following: "Crossing police, park police, and fire department"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For constructing market buildings on the site of the present municipal fish wharf and market, including refrigerating and cold-storage plant, which shall be equipped for the accommodation of such retail business as may obtain at that point and shall serve as the wholesale receiving and distributing point for marine and other products to be retailed elsewhere in the District, within a limit of cost of $185,000 which is hereby fixed, $125,000."

And the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$110,700"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,700"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$28,500"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$29,000"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$118,700"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$160,800"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,000"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert the following: "$5,000"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$49,015"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: On page 33 of the bill, line 6, strike out "$124,000" and insert in lieu thereof "$119,000"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$27,500"; and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment strike out the following: "to be immediately available"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$48,600"; and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lines 4, 5, and 6 of the matter inserted by said amendment strike out the following: "; but no person so removed shall be reappointed to any position in said Fire Department"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$131,800"; and the Senate agree to the same.

Amendment numbered 101: That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$45,932"; and the Senate agree to the same.

Amendment numbered 104: That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25,600"; and the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$60,000"; and the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$96,080"; and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$6,000"; and the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: Omit the matter inserted by said amendment and on page 73 of the bill, in line 4, strike out the following: "and of the United States"; and the Senate agree to the same.

Amendment numbered 125: That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"ANACOSTIA RIVER FLATS.

"For continuing the reclamation and development of the Anacostia River and Flats from the Anacostia Bridge northeast to the District line, to be expended for the purposes and under the conditions specified in the item for this improvement contained in the 'District of Columbia appropriation act for the fiscal year 1915,' $100,000, and authority is hereby granted to the Chief of Engineers, United States Army, to enter into a contract or contracts for and on account of said work in an amount not exceeding $100,000, exclusive of the amount herein appropriated."

And the Senate agree to the same.

The committee of conference have been unable to agree on the amendment of the Senate numbered 1.

ROBERT N. PAGE,
T. U. SISSON,
C. R. DAVIS,
Managers on the part of the House.

JOHN WALTER SMITH,
J. H. GALLINGER,
Managers on the part of the Senate.

Mr. BORLAND. Mr. Speaker——

Mr. PAGE of North Carolina. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. BORLAND. I rise to reserve a point of order on the conference report. I want to ask the chairman of the committee—I notice in the conference report there is an agreement on certain expenses for improvement of streets in the District. Is there any appropriation in there for the improvement of streets otherwise than under the Borland amendment?

Mr. PAGE of North Carolina. There is not. The Borland amendment is now permanent law, and it is not carried in this bill at all.

Mr. BORLAND. That covers the improvement of streets?

Mr. PAGE of North Carolina. Yes.

The SPEAKER. The question is on the conference report.

Mr. STAFFORD. Will the gentleman yield?

Mr. PAGE of North Carolina. I do.

Mr. STAFFORD. Will the gentleman inform the House how many items are still in disagreement?

Mr. PAGE of North Carolina. Only one, which has been read at the Clerk's desk.

Mr. STAFFORD. Which one?

Mr. PAGE of North Carolina. Amendment No. 1 is still in disagreement.

Mr. MADDEN. Will the gentleman yield to me?

Mr. PAGE of North Carolina. I yield to the gentleman.

Mr. MADDEN. I suppose there has been eliminated from the bill the question of the appointment of the members of the board of education as provided in the point of order sustained by the Chair the other day?

Mr. PAGE of North Carolina. Yes, sir; it is eliminated from the bill entirely.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. JOHNSON of Kentucky. Will the gentleman yield to me?

Mr. PAGE of North Carolina. I yield a moment to the gentleman.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House adhere to its disagreement as to Senate amendment No. 1.

The SPEAKER. The gentleman from Kentucky [Mr. JOHNSON] moves that the House adhere to its disagreement to Senate amendment No. 1.

Mr. UNDERWOOD. Mr. Speaker——

Mr. MANN. Mr. Speaker, I offer a preferential motion.

Mr. UNDERWOOD. Mr. Speaker, I desire to move to amend Senate amendment No. 1 by offering a substitute. I ask if that is in order at this time.

The SPEAKER. As a motion to concur with an amendment, it is.

Mr. UNDERWOOD. Then I desire to send the amendment to the Clerk's desk. I move to strike out all of Senate amendment No. 1 and concur with an amendment which I send to the Clerk's desk. In other words, my motion is to concur, with an amendment by striking out all of the Senate amendment and substituting in place thereof the language which I send to the desk.

The SPEAKER. The Clerk will report it.

Mr. PAGE of North Carolina. Mr. Speaker, it is not a Senate amendment; it is a House provision.

Mr. UNDERWOOD. I concur in the Senate amendment to strike it out, with an amendment striking out all of the House provision and inserting in lieu thereof the language sent to the Clerk's desk.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Mr. UNDERWOOD moves to concur in the Senate amendment No. 1 by striking out all of the House amendment and substituting therefor——

Mr. MANN. Striking out the language in the bill and inserting in lieu thereof.

The Clerk continued as follows:

And inserting in lieu thereof:

"*Provided*, That a joint select committee shall be appointed, consisting of three Senators, to be named by the Presiding Officer of the Senate, and three Members of the House, to be named by the Speaker of the House of Representatives, whose duty it shall be to prepare and submit to Congress a statement of the proper proportion of the expenses of the government of the District of Columbia, or any branch thereof, including interest on the funded debt, which shall be borne by said District and the United States, respectively, together with the reason upon which their conclusions may be based; and in discharge of the duty hereby imposed said committee is authorized to employ such assistance as it may deem advisable, at an expense not to exceed the sum of $5,000, and said sum, or so much thereof as may be necessary, be, and the same is hereby, appropriated for that purpose."

Mr. JOHNSON of Kentucky. Mr. Speaker, I make the point of order against the amendment, because it is not germane.

The SPEAKER. The gentleman from Kentucky makes the point of order that it is not germane.

Mr. MANN. Mr. Speaker, I move to concur in Senate amendment——

Mr. JOHNSON of Kentucky. Mr. Speaker, I make my point of order.

Mr. UNDERWOOD. Mr. Speaker, I can not recall the precedent now, but some years ago this same condition arose before the House, where there was a substantive proposition pending, and a motion to appoint a committee to investigate and report was offered at this stage of the proceedings in lieu of the provision in the bill; and it was then held to be germane to the proposition, because the real issue before this House was the question of the half-and-half agreement between the Government of the United States and the District of Columbia in reference to the raising of revenue and the levying of taxes. Now, that is the question in issue between the two Houses. The House of Representatives has offered a provision affecting the present half-and-half agreement.

The SPEAKER. If the gentleman will suspend a moment, the Chair will state that the motion of the gentleman from Illinois [Mr. MANN] is preferential over this whole business at this stage of the proceedings. If that is voted up by the House, why, then, the rest of this is unnecessary; and if that is voted down, the Chair will hear the gentleman from Alabama and also the gentleman from Kentucky [Mr. JOHNSON].

Mr. MANN. Well, Mr. Speaker, I think the Speaker ought to pass on the point of order.

The SPEAKER. What is the use of passing on a point of order that would not be pertinent if the motion of the gentleman from Illinois prevails?

Mr. MANN. When the motion was made it was in order.

The SPEAKER. The Chair will hear the gentleman, then. He may proceed.

Mr. UNDERWOOD. Mr. Speaker, I should like to ask the gentleman from Illinois to withdraw his motion, if he will, for this reason: As far as I am concerned, I should like to have this matter thoroughly investigated, with facts brought before the House on which we could find a verdict or something on which to base it. But if the proposition that I proposed can not prevail, I would vote for the gentleman's proposition rather than to tie this House up and beat this bill by a motion to adhere. And I should like to vote for this proposition.

Mr. MANN. I will say to the gentleman that I suppose that no rights would be lost if the motion to concur were at present withdrawn.

The SPEAKER. The Chair will recognize the gentleman to make it.

Mr. MANN. Mr. Speaker, I withdraw the motion to concur at present.

Mr. UNDERWOOD. Mr. Speaker, I will not take up the time of the House and the Chair at this time in attempting to discuss the merits of the proposition that I sent to the Clerk's desk. If the Chair rules it is in order, I would then like to discuss it. But, as to the point of order, the question at issue before the House is a proposition to change the present half-and-half agreement between the Government and the District of Columbia, the House proposing to make a change and the Senate refusing to accept the change.

Mr. BORLAND. Will the gentleman yield to me at that point? The gentleman has several times in the last few minutes used the words "half-and-half agreement." Now, the gentleman does not mean to convey to the House the impression that there is any agreement with regard to a half and half between two contracting parties, but that it is embodied in a piece of legislation by Congress passed in 1878, which is of the same dignity and power, and no greater, than the piece of legislation now before the Congress.

Mr. UNDERWOOD. I referred to that as an agreement. It is a legislative agreement.

Mr. BORLAND. The word "agreement" was simply a figure of speech.

Mr. UNDERWOOD. It is an agreement.

Mr. BORLAND. The legislation now before Congress is of the same dignity, power, and force as the legislative act of 1878.

Mr. UNDERWOOD. I am not contending that Congress has not the right to change the law it has already made. But there is a legislative agreement, written on the statute books, to the effect that the people of the District of Columbia shall pay one half of the burden of maintaining the District government, and the other half, in lieu of taxes to be charged against the Government, shall be taken out of the Public Treasury.

Mr. BORLAND. Who were the parties to the agreement?
Mr. UNDERWOOD. The Government of the United States.
Mr. SIMS. Itself?
Mr. UNDERWOOD. Yes.
Mr. SIMS. Nobody else.
Mr. UNDERWOOD. But that is not material. I just wanted to state the case.

Now, Mr. Speaker, this matter being in issue, the real issue is whether or not we shall maintain this legislative agreement or legislative provision as to the division of the payment of the revenue, one-half by the Government and one-half by the District of Columbia. Now, the provision that I have offered—the two Houses having disagreed—is to appoint a committee of the two Houses, a joint committee, to ascertain all the facts in reference to this same matter and report back to the next Congress the facts they ascertain for the Congress to pass upon.

Now, I say that the proposition that Congress, instead of passing upon the situation now, should refer the matter to a committee is germane to the original proposition. If it were a matter before the House it would always be in order to refer for further consideration by Congress. Now, here is a matter pending between the two Houses, a matter in dispute, and my proposition is to refer the very proposition pending between the two Houses to a joint committee for further consideration.

It seems to me it is clearly germane and would be in order, if it were solely a House proposition, to refer for further information, and my proposition is to refer to a joint committee. It seems to me it makes it clearly germane to the proposition.

Mr. CRISP. Mr. Speaker, I rise to support the point of order made by the gentleman from Kentucky [Mr. JOHNSON].

Mr. Speaker, the proposition pending before the House is a District of Columbia appropriation bill, a bill making appropriations to run the municipal government of the District. Under the act of June 11, 1878, half of the amount appropriated for the expenses of the District of Columbia is to be paid out of the Federal Treasury. This House in its wisdom, by a vote of 186 to 100, saw fit to repeal the act of 1878, which act is of no higher dignity than this act, should it become a law, by providing that the Federal Government should not contribute one-half of the expenses of the District of Columbia.

Now, that is the question at issue between the two Houses. I am sure no one will controvert the proposition that an amendment to that amendment must be germane to it to be in order. The amendment offered by the gentleman from Alabama [Mr. UNDERWOOD], in my judgment, is not germane to it. That amendment does not affect the amount of money paid out of the Treasury of the United States in accordance with the provisions of this bill. It has no effect whatever on the moneys appropriated in this bill, but that amendment deals entirely with a different subject matter, to wit, it provides for the appointment of a commission to investigate certain matters and to make a report to the next Congress.

The SPEAKER. Not a commission; a committee.

Mr. CRISP. A joint committee; yes; which is the same proposition, because it will have to have the approval of the President to create this joint committee or joint commission. The amendment provides that they shall take up a matter that has no connection whatever with the matter in dispute between the two Houses; it provides that they shall investigate an extraneous matter. It provides an appropriation for making this investigation. It does not affect this amendment and, in my judgment, it is not germane.

Mr. UNDERWOOD. Mr. Speaker, in answer to what the gentleman from Georgia has said, I desire to call the attention of the House to the fact that the proposition in amendment numbered 1, which is in dispute, is itself legislation. It had to be put on this bill by rule.

Mr. JOHNSON of Kentucky. The gentleman is mistaken about that. Nothing of the sort ever occurred.

Mr. UNDERWOOD. I thought it was a proposition for which a rule was required.

Mr. CRISP. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. Certainly.

Mr. CRISP. I grant your proposition that if legislation is on the bill which is not in order it can be amended, but that amendment must be germane. In my judgment this is not germane.

The SPEAKER. What is the reason why it is not germane?

Mr. CRISP. Because the issue in dispute between the two Houses is whether or not the Federal Government shall be charged with one-half of the money appropriated by this bill. The amendment proposed by the gentleman from Alabama does not deal with this bill at all. It does not affect in the slightest how these moneys appropriated by this legislation before the House shall be charged, but provides that a joint committee shall make an investigation as to what part of the expenses of the District government the Federal Government should bear and to report the results of the same to some future Congress.

Mr. JOHNSON of Kentucky. And another question which arises, Mr. Speaker, is this: If one part of this bill is referred to a commission——

The SPEAKER. A committee——

Mr. JOHNSON of Kentucky. Without the settlement of the whole matter, would not the whole bill go to it?

The SPEAKER. Of course not.

Mr. JOHNSON of Kentucky. I do not think it is a matter of course, but if the Chair would hold that, then it would become such.

Mr. MANN. Mr. Speaker——

The SPEAKER. Has the gentleman from Kentucky finished?

Mr. JOHNSON of Kentucky. Yes.

The SPEAKER. The gentleman from Illinois is recognized.

Mr. MANN. Mr. Speaker, my recollection is—and the Speaker himself may have a better remembrance of it than I—that some years ago, on the immigration bill, there was reported to the House and taken under consideration a complete immigration bill, and some gentleman—I am not sure who; I think it was Gen. Grosvenor—offered an amendment or substitute providing for the appointment of an immigration commission, and that amendment was held in order and was voted for by the House.

That amendment was held in order providing for a commission. The gentleman from California [Mr. HAYES] states that the amendment for a commission was offered as a substitute for the literacy test in the immigration bill. I do not recall myself; I do not recall the arguments or whether a point of order was made. Doubtless it was, because it was a very hot contest, and the commission amendment, as a substitute or amendment for a provision in the bill, was held to be in order.

It looks to me as though that were on all-fours with this proposition. Here was a legislative provision inserted in this bill under a rule of the House as a matter of legislation, to determine how the money should be paid out, or from what funds it should be paid out. That matter is in controversy now between the two Houses. The gentleman from Alabama [Mr. UNDERWOOD] proposes to submit that matter in a way to the test of a joint committee. I can not see how the proposition is subject to a point of order.

Mr. BORLAND. Mr. Speaker, I should like to address myself briefly to the point of order. The provision of the House bill is as follows:

That the following sums, respectively, are appropriated, in full for the following expenses of the government of the District of Columbia for the fiscal year ending June 30, 1916. That all moneys appropriated for the expenses of the government of the District of Columbia shall be paid out of the revenues of said District to the extent that they are available, and the balance shall be paid out of money in the Treasury of the United States not otherwise appropriated, but the amount to be paid from the Treasury of the United States shall in no event be as much as one-half of said expenses, and all laws in conflict herewith are hereby repealed.

That was offered from the floor by the gentleman from Kentucky [Mr. JOHNSON] as an amendment in lieu of the words of the original bill, which words of the original bill are embodied in the Senate amendment, as follows:

That one half of the following sums, respectively, is appropriated, out of any money in the Treasury not otherwise appropriated, and the other half out of the revenues of the District of Columbia, in full for the following expenses of the government of the District of Columbia for the fiscal year ending June 30, 1916, namely:

At the time the bill was submitted to the House the words of the bill were as the Senate amendment now is. The gentleman from Kentucky [Mr. JOHNSON] offered an amendment embracing the words as the bill left the House. That amendment was held in order without a special rule. The gentleman from Alabama [Mr. UNDERWOOD] does not recall, but it was held in order without a special rule, on the ground that it was within the terms of the Holman rule, and necessarily reduced the amount carried in the bill, because it provided that not as much as one-half should be paid out of the Federal Treasury, whereas the original bill provided that one-half should be paid out of the Federal Treasury.

Now, the gentleman from Alabama [Mr. UNDERWOOD] has offered a substitute or a motion to concur with an amendment to the Senate amendment, in which he seeks to restore the original language of the House bill with a legislative provision creating a joint committee of Congress and authorizing it to do certain work and to expend certain public money. There is no doubt in the world but that it is a pure piece of legislation, an additional appropriation not authorized by law, and under no circumstances would it be germane or in order on this bill if it had been offered originally before the gentleman from Kentucky [Mr. JOHNSON] offered his amendment. If this bill was pending in the House with the original language in it, and the amendment

of the gentleman from Alabama was offered, it would be held subject to a point of order without a moment's discussion.

The SPEAKER. On what ground?

Mr. BORLAND. On the ground that it is legislation, that it creates a joint committee of the House and Senate, that it authorizes that committee to expend certain money to investigate certain things and therefore is not germane to the proposition embodied in the bill.

Mr. UNDERWOOD. If the gentleman will allow me to interrupt him, I think he is mistaken in his statement of fact that the original proposition would be germane because it reduces expenses. It does not do it in this bill. It might do it in the end, but it does not do it in this bill.

Mr. MADDEN. And this might do it in the end.

The SPEAKER. The Chair will suggest to the gentleman from Missouri that the only question here now is whether this is germane, not whether it is new legislation, or anything of the sort.

Mr. BORLAND. That is the question I want to discuss. Whether the new amendment offered by the gentleman from Alabama would reduce expenses is purely argumentative. On its face it does not reduce expenses. On its face it provides for additional expenses.

The SPEAKER. Yes; but that has nothing to do with this question—is this amendment of the gentleman from Alabama germane to the proposition that the Senate has put in here?

Mr. BORLAND. It is not germane, and it can not be made germane on any but a purely argumentative theory that the whole subject under discussion is the half-and-half act of 1878. Now, it is argued here that because this bill changes the method in which the appropriations are paid and the proportion of the way in which they are paid out of the Federal Treasury and the District treasury, therefore the whole act of 1878 is ingrafted on this bill in some argumentative form and is open to the investigation of a committee. That is the weakness of the argument of the gentleman from Illinois [Mr. MANN]. He says that at one time some immigration legislation was here and a substitute was offered to appoint a commission to investigate a subject under discussion. But his question was clearly broader than the question here, which is, How shall this money be paid?

Now, the amendment of the gentleman from Kentucky [Mr. JOHNSON] simply provides that the money shall be paid in a certain way which makes a less burden upon the Federal Treasury. The amendment of the gentleman from Alabama does not touch that question at all, but goes into a very much wider field—that of the act of 1878 and its binding force upon the Federal Government at this time—which is clearly not germane. It broadens the proposition infinitely beyond what was embraced in the original proposition.

Mr. JOHNSON of Kentucky. Mr. Speaker, I wish to extend my point of order to this amendment, because it is legislation upon an appropriation bill.

The SPEAKER. If it is germane to the Senate amendment, the gentleman's last point of order does not lie.

Mr. MANN. Mr. Speaker, awhile ago I referred to the ruling on the immigration bill some years ago.

On June 25, 1906 (p. 9166 of the CONGRESSIONAL RECORD of that date), while the immigration bill was under consideration, Gen. Grosvenor, of Ohio, moved to strike out section 38 and insert an amendment which provided for a commission. Section 38 was the section which provided for the literacy test. Gen. Grosvenor's amendment provided that a commission is hereby created, and so forth, defining the jurisdiction and authority of the commission.

Mr. Watson, of Indiana, was in the chair. He was a very able parliamentarian, and his decision sustaining the amendment and overruling the point of order is found on page 9166 of the RECORD. Of course, here in the House we are governed very largely by precedent. It seems to me that the precedent is squarely in point.

The SPEAKER. As far as the statement of the gentleman from Missouri [Mr. BORLAND] is concerned, this proposition of the gentleman from Alabama [Mr. UNDERWOOD] has nothing to do with the way in which the money of this particular bill is appropriated. The motion of the gentleman from Alabama is to agree to the Senate amendment with an amendment.

The original section in the bill was struck out on an amendment offered by the gentleman from Kentucky [Mr. JOHNSON], changing the half-and-half plan, as follows:

That the following sums, respectively, are appropriated in full for the following expenses of the government of the District of Columbia for the fiscal year ending June 30, 1916: That all moneys appropriated for the expenses of the government of the District of Columbia shall be paid out of the revenues of said District to the extent that they are available, and the balance shall be paid out of money in the Treasury of the United States not otherwise appropriated, but the amount to be paid from the Treasury of the United States shall in no event be as much as one-half of said expenses, and all laws in conflict herewith are hereby repealed.

That amendment was secured under the Holman rule, as has been stated. The Senate struck out all of that and restored the original language of the bill as it was reported to the House, as follows:

That one-half of the following sums, respectively, is appropriated, out of any money in the Treasury not otherwise appropriated, and the other half out of the revenues of the District of Columbia, in full for the following expenses of the government of the District of Columbia for the fiscal year ending June 30, 1916, namely—

Both the original amendment of the gentleman from Kentucky and this Senate amendment have reference to appropriating money and nothing else. The language of the amendment offered by the gentleman from Alabama is simply an addendum to that, and reads as follows:

Provided, That a joint select committee shall be appointed, consisting of three Senators, to be named by the Presiding Officer of the Senate, and three Members of the House, to be named by the Speaker of the House of Representatives, whose duty it shall be to prepare and submit to Congress a statement of the proper proportion of the expenses of the government of the District of Columbia, or any branch thereof, including interest on the funded debt, which shall be borne by said District and the United States, respectively, giving the reasons upon which their conclusions are based, and in discharging the duty hereby imposed said committee is authorized to employ such assistance as it may deem advisable, at an expense not to exceed the sum of $5,000, and the said sum, or so much thereof as may be necessary, be, and the same is hereby, appropriated for that purpose.

Mr. CRISP. Will the Speaker pardon me for one suggestion?

The SPEAKER. Certainly.

Mr. CRISP. The Chair stated that the amendment restored the old language and added new matter. I call the attention of the Chair to the fact that the unbroken practice of the House that if any part of an amendment is out of order the whole amendment is out of order, and I would like for the Speaker to think whether the new matter he speaks of would have been in order had it been offered as an amendment to the bill.

The SPEAKER. The Chair will ask the gentleman from Georgia a question; he is a good parliamentarian. The rule in regard to new legislation does not apply on an appropriation bill when it comes back from the Senate, does it?

Mr. CRISP. I think it would, as this is offered as an amendment; and I think nothing would be in order that was not germane.

Mr. JOHNSON of Kentucky. And this is a House amendment, too.

The SPEAKER. But we are operating upon a Senate amendment.

Mr. CRISP. Striking out a part of the text that the House passed.

The SPEAKER. That is true.

Mr. CRISP. I call the attention of the Chair to the proposition that if any part of an amendment is out of order the whole falls.

The SPEAKER. What part of this amendment does the gentleman claim is out of order?

Mr. CRISP. The appointment of a commission and direction to report to the next Congress as to what proportionate part of the expenses of the District should be paid out of the Treasury. I claim that is new legislation and not germane to the Senate amendment, and it does not affect appropriations in this bill.

The SPEAKER. The question of whether it is new legislation would have applied originally, but it does not apply in this situation, and the Holman rule has nothing to do with the amendment. In the opinion of the Chair, the motion of the gentleman from Alabama [Mr. UNDERWOOD] contains a proposition which is germane, and therefore the point of order raised by the gentleman from Kentucky [Mr. JOHNSON] is overruled.

Mr. UNDERWOOD rose.

Mr. MANN. Will the gentleman yield?

Mr. UNDERWOOD. I will.

Mr. MANN. In the amendment the gentleman has just offered it was not very clearly stated just what the motion was.

Mr. UNDERWOOD. My motion was to concur in the Senate amendment with an amendment striking out all of the language of the House bill in reference to this point in dispute and inserting in lieu thereof the language that I sent to the Clerk's desk.

Mr. MANN. But that leaves out the appropriating clause of the bill. What the gentleman intends to do is to concur in the Senate amendment by adding the language sent to the Clerk's desk.

Mr. UNDERWOOD. The gentleman is correct.

Mr. PAGE of North Carolina. Mr. Speaker, have I the floor?

The SPEAKER. The gentleman from North Carolina has the floor. Does the gentleman from Illinois wish to renew his motion that he withdrew?

Mr. MANN. I do not, Mr. Speaker.

Mr. PAGE of North Carolina. Mr. Speaker, I would like to see if we can not agree upon time for debate.

Mr. MANN. I think we had better proceed a little while without an agreement.

Mr. PAGE of North Carolina. What does the gentleman think of an hour?

Mr. MANN. I think we had better proceed. It is entirely within the control of the gentleman from North Carolina.

Mr. PAGE of North Carolina. All right; we will proceed for the present.

Mr. UNDERWOOD. Mr. Speaker, as the proponent of the proposition I would like to have 10 minutes to state the case, and then I would like to have 5 minutes additional in order to answer any questions that may be asked.

Mr. PAGE of North Carolina. Then I will yield to the gentleman from Alabama 15 minutes, and he can use it as he sees fit.

The SPEAKER. The gentleman from Alabama is recognized for 15 minutes.

Mr. UNDERWOOD. Mr. Speaker, I desire to speak for 10 minutes, and to reserve the remaining 5 minutes.

As the House knows, an arrangement was made by legislation 30 or 40 years ago providing that the District of Columbia should not collect taxes from the Government on Government property, and that in lieu of those taxes the Government should pay one-half of the expenses of running the District, and the people of the District should pay the other half by taxation.

Mr. CRISP. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. For what purpose?

Mr. CRISP. I would like to ask the gentleman a question.

Mr. UNDERWOOD. What is it?

Mr. CRISP. Did the Government ever pay taxes in the District on any property, or in any State of the Union?

Mr. UNDERWOOD. I am not advised as to that proposition. I am stating the reason why this agreement was entered into. It ran satisfactorily for a great many years. The question now has come as to whether or not it is a fair proposition to pay one-half of the expenses of this District, and for the taxpayers of the District to pay only the other half. The position that I take before the House is this, that the Government of the United States ought not to put the entire burden of running this District government on the people of the District.

Mr. JOHNSON of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. I can not yield much time. I will yield for a question.

Mr. JOHNSON of Kentucky. I will ask the gentleman if there is any such proposition pending before Congress, such as he has just stated?

Mr. UNDERWOOD. No; I do not say that there is any pending. The only question pending before the House is my proposition, and I am glad to see that the gentleman from Kentucky by his question concedes that I am right, as I understand him.

Mr. JOHNSON of Kentucky. Well, the gentleman fails to understand me.

Mr. UNDERWOOD. Then the gentleman from Kentucky maintains that the people of the District ought to carry all of the burden of this government? Is that right?

Mr. JOHNSON of Kentucky. I have never said that. I have always said to the contrary, and the amendment which was adopted and put upon the appropriation bill is exactly the contrary to what the gentleman from Alabama says.

Mr. UNDERWOOD. Then that is what I said in the beginning—that the gentleman conceded that the people of the District ought not to bear the entire burden of this District government. I just want to get the gentleman's position accurately. It is conceded by the gentleman, who is the chairman of the Committee on the District of Columbia, and I suppose by everyone else in the House, that the entire burden of this District government ought not to be put on the people of the District. Then the question is, How much ought they to carry? Mr. Speaker, we may talk about some people having great palaces in the District of Columbia, but the people of that class do not live here as a rule. They pay on their real estate, but the balance of their taxes are paid back in the States where they live. That is true of most of them. The burden of the taxes in this District rests on the plain people who live in the District and who earn moderate salaries. We are keeping up a great city with wide boulevards and great parks, and we are keeping it up as the pride of this Nation, and I am proud of it, and I believe my constituency is proud of it.

It is manifest that the fact that the Government has this large number of Government buildings here that must be maintained, that must be protected from fire, that must have general police protection outside of the police protection that is in the building, with the other functions of the city government that must be performed, so far as the District property is concerned—it is manifest, I say, that the burden of keeping up the property of the Government of the United States ought not to rest, in justice and fairness, on only the people who live in the District of Columbia. They could not carry the burden. It would be an impossible burden, if it rested on them, and there ought to be some fair adjustment of it. The situation will remain as it is, and it will be a bone of contention Congress after Congress unless we reach some reasonable, sane, proper settlement of the difficulty. I do not think the proposition in the original language of this bill in any way solves the difficulty in a capable way. As I understand the language in the bill which the gentleman from Kentucky seeks to adhere to, it merely provides that the same proportion of taxes shall be levied, or, in other words, that taxes shall be levied as under existing law to-day, and that then, after that levy is collected, be it great or small, the Government shall pay the balance. I think I state that correctly; and if not, I hope the gentleman from Kentucky will correct me—that the Government shall pay the balance after you have levied the taxes under existing law. With all due respect to the gentleman who offered the proposition, I do not believe that that is a fair, just, or proper way to determine this question. There is a certain amount of property in this District owned by its citizens. There is a certain amount owned by the Government.

The citizens of the District receive certain benefits and the Government receives certain benefits. You should not go out and tax a man just because you can tax him. You should only levy taxes to the extent that the exigencies of the Government require, and in distributing the burden it should be distributed not as a matter of charity to help the District out with so much revenue that it can not pay, but there must be some place, some line of demarcation, where you can determine that the Government ought to pay a certain portion of the burden and that the people of the District ought to bear the other portion; and when you fix that, then you ought not to levy a dollar more of taxes than the exigencies of the Government require. You do not want to levy taxes on the people unless your Government requires the money to run the Government. Therefore, I say that the logical way to settle this proposition is to have a determination as to what is the fair share for the Government to pay, and after you have ascertained that fair share then levy your taxes accordingly. My proposition is to appoint a committee that can go out here and ascertain these facts and ultimately bring them back to the House.

The SPEAKER pro tempore (Mr. GARNER). The Chair will state that the gentleman has used 10 minutes of his time.

Mr. PAGE of North Carolina. Mr. Speaker, I yield 15 minutes to the gentleman from Kentucky [Mr. JOHNSON].

Mr. JOHNSON of Kentucky. Mr. Speaker, the proposition which is now before the House is the same old ruse that has been employed from time immemorial to defeat the interests of the people. The amendment which the gentleman from Alabama has just offered is a copy of a proposition offered in the Senate by Senator GALLINGER.

The gentleman from Alabama proposes that the half-and-half principle shall be continued during the proposed investigation. Why should the House not stand to its proposition and, during the pendency of the inquiry or investigation, let the better plan, the equitable plan, prevail in the meantime—that the District of Columbia should be taxed at only a reasonable rate, that all the money derived during that time shall be expended upon its own projects, and during that time that the Government of the United States furnish whatever balance may be necessary, not exceeding one-half. The plan proposed by the gentleman from Alabama is the same one which the railroads and other great corporations of the country have adopted to defeat the interests of the people during all the years gone by; that is, to continue a wrong while an appeal is being made to the courts. This wrong is to be continued while an appeal is to be made to this commission. And what kind of a commission is proposed? I will tell you the kind of commission that is proposed. The kind of commission that is proposed was suggested by the Washington Evening Star of January 13, 1915, in which it says:

This commission should be, in short, the same sort of body as the committee that worked out the present financial system and form of government for the District of Columbia.

Mr. UNDERWOOD. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I will.

Mr. UNDERWOOD. I do not propose a commission. The purpose of this proposition is a committee—three to be appointed by the Speaker of the House and three to be appointed by the Vice President of the United States—and I am sure that the gentleman will not contest the fact that the Speaker and the Vice President will appoint Members who will fairly represent this body.

Mr. JOHNSON of Kentucky. I will comment upon that in a moment. Further, quoting from the Washington Star on the date just named, I find this language:

In the selection of its members—

Referring to the commission—

the real character of the commission should be borne in mind, so that it will not be prejudiced in advance of its inquiry against the existing system or in favor of a radical departure therefrom.

Now, that is Senator Gallinger's proposition, and that is the proposition the gentleman from Alabama has brought in here, that this commission should not be in favor of a radical departure from the present plan.

Mr. UNDERWOOD. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I yield.

Mr. UNDERWOOD. I deny entirely that is my proposition, and on its face it shows it is not. I am not standing for any commission, but I am asking for a joint committee, one-half of which committee will be appointed by the Speaker of this House.

Mr. JOHNSON of Kentucky. There is no difference between a commission and what is proposed and designated as a joint committee. A joint committee was appointed back in the seventies to inquire into this very subject, and it reported that the District of Columbia should pay 60 per cent of the expenses of the District of Columbia, and that the Federal Government should pay only 40 per cent, and it took the local lobby three years to defeat that proposition and get the half-and-half.

The gentleman from Alabama would have you to understand that the location of the Federal Government here is a burden upon the District. The Federal Government in its local pay roll occupies the same attitude to the District of Columbia that local factories would occupy. We hear the plaint every day that the District of Columbia has no factories and consequently no great pay roll, but the Federal Government maintains in the District of Columbia the best of all factories—a money factory—and its pay roll is unequaled by any other factory of which I know. Six million dollars are distributed in the District every month in the way of salaries. What sort of manufactories would distribute more money than that?

The District of Columbia owes its existence to the Federal Government. It owes its future existence to the Federal Government. Remove the Federal Government and the value of property here would go to pieces for the want of this great pay roll. How can anybody insist that the location of the Federal Government here is a burden upon the local people? If you propose to tax the Federal Government because it has its property here and has its money factory here, which give substance to District of Columbia values, you would next be wanting to impose taxes upon the sun, which gives light to the District of Columbia; you would want to impose taxes upon the Potomac River, which gives water to the District of Columbia; one is as reasonable as the other. But the Federal Government gives to the District of Columbia everything it is. They talk about the tax rate and the reasonableness of it. The tax rate on real estate here is $1.50 a hundred on a two-thirds valuation. That is a dollar a hundred on the real valuation. I and the gentleman from Iowa [Mr. PROUTY] have time and again shown you 40 cities in the United States that compare to the nearest in size to the District of Columbia and have shown you that the lowest rate prevailing among them is right here in the District of Columbia.

Mr. CULLOP. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I will.

Mr. CULLOP. In the event the gentleman's amendment is adopted, which provides that in no event shall the Federal Government pay one-half of the taxes, who will settle the proportion to be paid by the District and the proportion to be paid by the United States?

Mr. JOHNSON of Kentucky. Congress will do that in making its appropriations.

Now, then, as I was about to say when the gentleman from Indiana interrupted me, only a few days ago I took a clipping from a Bloomington (Ind.) paper, under date of February 15, which gives the rate of taxation in Indiana cities, and it is as follows:

Loogootee, $3.70; Shoals, $3.57; Madison, $3.46; North Vernon, $3.76; Salem, $4.04; Campbellsburg, $3.82; Washington, $3.71; Montgomery, $3.84; Elnora, $3.27; Versailles, $2.90; Osgood, $3.90; Scottsburg, $3.65; Bedford, $3.84; Mitchell, $4.44; Hope, $3.98; Edinburg, $2.95; Columbus, $3.04; Jeffersonville, $3.59; Charlestown, $3.11; Bloomington, $4.60; Paoli, $4.29; Orleans, $3.65; French Lick, $4.96; West Baden, $4.42; Corydon, $3.62; Seymour, $3.56; Crothersville, $3.51; Brownstown, $3.37; Bicknell, $4.19; Vincennes, $3.50; Sullivan, $3.48.

That list is a fair comparison of what the rates of taxation are in this country with those in the District of Columbia, and shows that Indiana towns are taxed between three and four times as much as the District of Columbia—in rate, I mean.

Now, Mr. Speaker, the local press here has outlined in advance a course of procedure by which the House will be asked to abandon its position and accept the position of the Senate.

I read now from the Washington Times of Tuesday, December 15, 1914. More than two months ago they outlined their plan of procedure to compel this House to yield its position to the Senate. The article says:

Senators who are concerned about District legislation do not believe there will be any serious collision between the two Houses over the District bill. The Senate will pass a bill which will observe the half-and-half plan. The bill will then go to conference. Senators believe the House will recede from the Johnson rider after a reasonable length of time.

But in case the House conferees should insist on sticking to the Johnson rider and trying to deal a death blow to the half-and-half covenant, then there is little reason to doubt the Senate would simply refuse to pass the pending bill at all.

And it further says in quoting Senator GALLINGER:

I am strongly opposed to the Johnson amendment—

Said Senator GALLINGER.

I have always opposed the destruction of the half-and-half plan, and I adhere to that position.

Let me ask the House this question: When did Senator GALLINGER and when did the gentleman from Alabama [Mr. UNDERWOOD] conceive the idea of referring this question to a commission? As long as the District of Columbia was having half of its taxes paid by the taxpayers in the States, neither Senator GALLINGER nor the gentleman from Alabama raised a voice in protest, nor did they have one word to say about a commission. But when this House had acted in behalf of the people of the States and had said that these people are taxed at a greater rate than are the people of the District of Columbia, then, and not until then, a commission is asked for to inquire into rates and relations. Senator GALLINGER openly says that he took his position from former knowledge. The gentleman from Alabama comes and says notwithstanding he has been here 20 years, that to-day he has no opinion upon this subject, and asks that it be referred to a commission in order that he may be enlightened. Members of this House who have been here many years less than he has have gained information sufficient for them, by a large and overwhelming majority, to stand by the people of the States upon this question and not yield to the blandishments which are showered by the people of the District of Columbia in a further effort to have half of their taxes paid by the people of the States.

Mr. UNDERWOOD. Will the gentleman yield for a question?

Mr. JOHNSON of Kentucky. I will.

Mr. UNDERWOOD. The gentleman conceded awhile ago that he thought the Government ought to pay a portion of this tax.

Mr. JOHNSON of Kentucky. If the gentleman will permit me, I wish to correct him. When the gentleman misunderstood me, I did not interrupt him further, because he had just shown he did not desire to be interrupted; but the position I have always taken is this: That the people of the District of Columbia should be taxed at a reasonable rate of taxation. Let that rate bring what revenue it will, and let it be applied to the expenses of the District of Columbia, and then, if that is not sufficient, let the United States Government supply the rest. But the people of the District of Columbia should not be permitted, as they are now seeking, to compel the people of the States to pay half of their taxes, when they will this year have between two and three million dollars left in their own treasury as a surplus.

Mr. UNDERWOOD. Well, I did not understand the gentleman's position when I stated it awhile ago, because it is different from what I stated. But he does not take the position, then, that there ought to be any fixed division of the taxation, whereas I take the position that there ought to be an honest ascertainment of how much burden should be borne by one and how much by the other.

The SPEAKER pro tempore. The time of the gentleman from Kentucky has expired.

Mr. PAGE of North Carolina. Mr. Speaker, I yield five minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Speaker, the Government of the United States has its seat in the District of Columbia under a provision of the Constitution of the United States. The Con-

stitution created the District of Columbia and located the Capital of the United States here, and retains to itself exclusive jurisdiction and legislative power. The people of the United States have their Central Government here and have their Capital here. The people of the District of Columbia have no power over the Capital of the United States. The people who live here are citizens of Alabama, and of Kentucky, and of Iowa, and of Kansas, and of all the States of the Union. No matter whether they have been here 2 years or 10 years or 20, they still claim their residence in the States, because that is the only place where they have a home, where they can exercise any influence or any authority as citizens of the United States.

Mr. JOHNSON of Kentucky. Will the gentleman yield for a question?

Mr. CAMPBELL. Make it very brief. I have only five minutes.

Mr. JOHNSON of Kentucky. I should like to ask the gentleman if he owns property in the District of Columbia?

Mr. CAMPBELL. Not a cent's worth of property in the District of Columbia, except some second-hand furniture.

Mr. JOHNSON of Kentucky. I should like to ask the gentleman if he has a brother by the name of John?

Mr. CAMPBELL. Yes.

Mr. JOHNSON of Kentucky. And I should like to ask if he owned a piece of property on P Street?

Mr. CAMPBELL. Yes.

Mr. JOHNSON of Kentucky. And I should like to ask the gentleman when he sold it?

Mr. CAMPBELL. He sold it some years ago.

Mr. JOHNSON of Kentucky. Let me ask——

Mr. CAMPBELL. I spurn the gentleman's questions. They are beneath him.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. JOHNSON of Kentucky. Will the gentleman yield to me to ask him if his brother owned that property, and who got the money for the sale?

Mr. CAMPBELL. I can not yield for any such pusillanimous position as taken by the gentleman from Kentucky.

Mr. JOHNSON of Kentucky. Will you repeat that when you go out, after this is over?

Mr. CAMPBELL. The gentleman from Kentucky may be influenced because he has no property in the District of Columbia. He may think other men are influenced because they have property in the District of Columbia. If I had $1,000,000 worth of property in the District of Columbia, I would still believe in the Federal authority controlling, as it does control, and in paying its share of the taxes, as it ought to pay, for the maintenance of the government of the District of Columbia. This is the Capital of the Nation. It is not like the county seat of a county, nor the capital of a State, secured by the people of the town where the county seat is located or the people of the city where the capital is located.

Mr. CARAWAY. Will the gentleman yield just for a question?

Mr. CAMPBELL. Make it very short.

Mr. CARAWAY. What is the tax rate in your home town—Pittsburg, Kans.?

Mr. CAMPBELL. I think it is about a cent and a half, or something like that. I do not know.

Mr. CARAWAY. And you have property there?

Mr. CAMPBELL. I have.

Mr. CARAWAY. Do you not know that you pay more than that? It is 1.90.

Mr. CAMPBELL. Well, it is coming up. But that is not the question. There is only one Capital of the United States; and does any man want the Capital of this Nation to be on a parity with the other towns and cities in America in its parks, in the manner in which its streets are kept up, in the manner in which it is policed, and all other things that go to make up the capital of a great nation?

Every American citizen, I care not where he comes from, ought to be willing to make this a great capital, greater than the capital of any other country, and I have never heard anybody except Members upon the floor of this House complain about the share that the people of the United States pay in maintaining the Government of the District of Columbia.

The SPEAKER pro tempore. The time of the gentleman from Kansas has expired.

Mr. PAGE of North Carolina. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. BORLAND].

The SPEAKER pro tempore. The gentleman from Missouri [Mr. BORLAND] is recognized for five minutes.

Mr. BORLAND. Mr. Speaker, lest this subject become any more confused or involved, let us get back for a moment to just exactly what this proposition is. I want to clear up two fallacies, or to my mind wrongful impressions, that were left and are left upon the minds of Members of this House by something that has been said by the advocates of this Gallinger-Underwood amendment.

In the first place there is no agreement between the people of the United States and anybody in regard to the taxes of the District of Columbia, and there can be no agreement. There never was such an agreement, and there never will be such an agreement. The gentleman from Kansas [Mr. CAMPBELL], who is a good lawyer, has stated his position on that question very clearly. This Government owns the District of Columbia as the seat of government, and the Congress is the sole legislative body; and I deny that any set of gentlemen in the District of Columbia have the right, or can contend for the right, to deal on equal terms with the law-making power of the Federal Government. It is a legal absurdity, and the gentleman from Kansas explained it and made it as clear as I have.

Now, in the second place, the amendment which the House adopted, and which represents six years of patient investigation by this House, six years of amendment and discussion by this House, which finally crystallizes in the language of this bill, provides that the revenues of the District of Columbia shall be applied to local purposes, so far as they are available, and the balance, if any, shall be paid out of the Treasury of the United States. It is not true that there is any proposition here to place all of the burdens of local government upon the taxpayers of the District, and it is not true that the taxes of the District are going to be raised as the result of this amendment.

Now, what is true? The private property in the District of Columbia now pays 15 mills by law, which is one-half, approximately, of the taxes which each of you gentlemen pays in his own town; approximately one-half. But there is no proposition to raise that 15 mills in this act. It would take substantive legislation by Congress to do that. But that 15 mills, which is imposed only on the small home owners and the small merchants in the District of Columbia, raises now $7,000,000 a year. If we adhere to the half-and-half principle you will have $14,000,000 as the combined sum; and if you decide in your wisdom, as you did decide, that you ought to spend only $11,500,000 in the government of the District, and in doing it still have $2,500,000 left, the question is whether you will use that $2,500,000 to further reduce the taxes, which are now only 15 mills, or whether the surplus belongs in the Treasury of the people who have been contributing for years to these expenses.

Now, when this half-and-half principle was first adopted the amount contributed by the Federal Government was only $300,000. To-day it is $7,000,000, and if the District of Columbia next year should raise $8,000,000, they would claim $8,000,000 out of the Federal Treasury; and if the following year they should raise $10,000,000, they would claim $10,000,000 out of the Federal Treasury; and it would be necessary, then, either to spend it or return it to the Federal Treasury, or further reduce the 15 mills tax.

That is the proposition here. There is not a word here that raises the taxes of a single home owner. I will tell you what it does do. It strikes down the bulwark behind which the tax dodger in the District of Columbia has hidden heretofore, and behind which he has escaped the payment of taxes on personal and intangible property. The great fortune of the late Mr. C. W. Post, made by making breakfast food at Battle Creek, Mich., was represented on his death by $30,000,000 of property, of which only $150,000 was real estate, and the rest was stocks and bonds. He was a nominal resident of the District of Columbia. He had withdrawn the $30,000,000 from taxation in Michigan, and he paid no tax in the District of Columbia because the half-and-half principle protected him. How did the half-and-half principle protect him? Because if you taxed Mr. Post's property, his intangible wealth here, you would tax the Federal Government dollar for dollar in an equal amount as long as the tax stands. If you had taxed Mr. Post's $30,000,000 you would have put the same amount of tax on the people of the United States. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Missouri has expired.

Mr. PAGE of North Carolina. Mr. Speaker, I yield 10 minutes to the gentleman from Georgia [Mr. CRISP].

The SPEAKER pro tempore. The gentleman from Georgia [Mr. CRISP] is recognized for 10 minutes.

Mr. CRISP. Mr. Speaker and gentlemen of the House, I rise to oppose the amendment offered by the gentleman from Alabama [Mr. UNDERWOOD] and to advocate the motion proposed by the gentleman from Kentucky [Mr. JOHNSON], that the House adhere to its disagreement to this amendment.

I want to call the attention of the Members of the House who may not be well versed in parliamentary law as some others to the fact that the parliamentary effect of the motion to adhere is to frankly put the Senate on notice that the House will not give up its contention, and that the House does not care to have further conferences with the Senate on this amendment.

Now, that is the intention of the proponents of the motion to further adhere to the House disagreement. Now, Mr. Speaker, I would not do any injustice to the citizens of the District of Columbia. I am proud of the Capital. Neither do I desire to impose upon them unjust burdens of taxation. But neither do I desire for them to escape fair and reasonable taxation and have the people of the States, the people of my district and of your district, bear a part of the burdens that they themselves should bear.

Now, what does the amendment that the House has adopted do? It simply provides that there shall be a reasonable tax levied upon the property of the District of Columbia, and that the sum raised from that reasonable tax shall be first applied to maintaining the municipal government of the District of Columbia. Now, I do not believe that this body should act as the town council for the District of Columbia, as it does. I believe in local self-government, and I believe these people should govern their own affairs and pay their own taxes. But under the law we are their council.

Now, what is the practical effect of this amendment if it is adopted? There will be a reasonable rate of taxation levied. Then this body, the lawmaking body of the District, determines what amount of money is necessary to run this District government, and the amount raised by the people themselves is first applied, and then the Federal Government contributes the difference.

Now, you hear it talked—and it has been repeatedly talked—that the repeal of the act of 1878 works a great injustice on the people of the District of Columbia; that they now, under existing law, bear excessive tax burdens.

I desire to call the attention of the House to this fact, first, that the people of the District of Columbia pay no taxes on intangible personal property, and real estate is assessed for taxation at two-thirds of its value.

Mr. WALSH. Under the two-thirds assessed valuation, what tax rate does the gentleman think would be considered fair and reasonable for the District of Columbia under the plan proposed by the gentleman from Kentucky?

Mr. CRISP. Under the plan proposed by the gentleman from Kentucky we would not take up the question of tax rates. It would be left for Congress to determine what amount of money was needed to run the affairs of the government.

Mr. WALSH. Has the gentleman any idea how much increase there would be in the tax rate under the same assessment?

Mr. KEATING. There would not be any.

Mr. CRISP. If you will make intangible property bear its just burden, as they do in my State and in yours, I do not believe there would be one cent of increase; but, on the contrary, I believe you could reduce the tax rate.

Now, I am going to give the House some figures that I used in a speech some time ago. These are not my figures. They are the figures of the United States Census Office.

Mr. BUTLER. Mr. Speaker, here is a man who knows something about the subject he is talking about, and I would like the opportunity to hear him.

The SPEAKER pro tempore. The House will be in order.

Mr CRISP. Gentleman, these are the figures of comparative tax rates, prepared not by me but by the United States Census Office, and in all of the cities the assessment is on a full valuation of the property. The tax rate in Detroit is $2.35. In Milwaukee it is $1.42. And I want to add here that in these other cities——

Mr. HULINGS. Will the gentleman yield?

Mr. CRISP. In a moment. Let me finish this statement. I want to add that in these other cities the taxpayers pay county and State taxes also, while in Washington there is only one tax.

Mr. HULINGS. It was just that point that I wanted to bring out.

Mr. CRISP. In Cincinnati the tax rate is $1.48; in Newark, N. J., $2.04; and in Washington $1 a hundred, and intangible personal property in Washington is exempt from taxation. In Minneapolis the rate is $1.40; in Jersey City, $2.20.

Mr. MARTIN. Will the gentleman yield?

Mr. CRISP. Let me finish this statement of figures. In Indianapolis the rate is $1.31; in Louisville, $1.79. My good friend, Judge PROUTY, has also put in the RECORD figures of the tax rate of a number of other cities. By comparing these figures you will see that Washington has the lowest tax rate of any city approximately its size, and all intangible personal property bears no tax.

Mr. MARTIN. In what way would the pending resolution affect the taxation of personalty?

Mr. CRISP. The pending resolution would not directly affect it at all; but, answering the gentleman, I will say if Congress repeals the law requiring your constituents and my constituents to contribute half of the taxes of this city, it will be a very short time before the real estate owners within the District will be advocating that intangible personal property be taxed, and it will follow as the night the day that Congress will put a tax on intangible personal property within the District. And I will say to the gentleman that when the so-called act of 1878 was passed it provided that intangible personal property should be taxed; but under the operation of the law, even after reducing the tax rate, they could not spend the money raised and make the Government pay half the expenses, so it was necessary to reduce the amount collected in some form, because the people would not stand——

Mr. PARKER of New York. Will the gentleman yield?

Mr. CRISP. Not now.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. CRISP. The people would not stand for the Government to continue to appropriate funds out of the Federal Treasury to relieve the tax burdens of the people of the District of Columbia, and at the same time the District of Columbia was accumulating a big balance in the United States Treasury, so therefore the sacred organic act of 1878 was amended; and instead of relieving the general taxpayers of the country, Congress sought to further relieve the people of the city of Washington from further taxation and exempted intangible personal property from taxation.

Now another thing. While I have the attention of the House I am going to take the privilege of repeating some statements that I made in a speech delivered in this House over a year ago which I do not think very many of the membership of the House heard. It is freely stated that it would be an injustice for the Government to withdraw its aid, and the inference is that if we do it we are a barbarous Government, and acting differently from other governments. Now I want to call attention to the fact that the Government of the United States owns property in your State and my State and in the States of all of us. Before the Government will invest in that property your State and my State cede jurisdiction to the Federal Government, and the Federal Government will not pay one cent of taxes on any property owned in your State, and it owns many thousand acres in some of the Western States, and we are all glad to have the Government own property in our States, even if the Washington papers do say we are "pork-barrel" statesmen. We are not "pork-barrel" statesmen, but we are statesmen superior to Webster and Benton when we open the Treasury of the United States and give to the District of Columbia. Now I want to show how the other governments of the world deal with their capital cities.

The Senate of the United States adopted a resolution calling on the various ministers of the United States to inquire of the Governments to which they were accredited as to how those Governments treated their capital cities in the way of taxation. Let us see how the foreign Governments of the world deal with their capital cities, so far as the ownership of property is concerned:

The Russian Government does not pay taxes on property unless the property is rented to individuals and yields a revenue. Portugal pays nothing on its property nor contributes nothing to the municipality. Brazil pays no tax on its property. Chile pays no tax on its property. The Netherlands pays no tax on its property. Japan pays no tax on property owned by it. In Spain property used for governmental purposes is not taxed by the municipality. Argentina pays no tax on property used for governmental purposes. France pays no tax on property owned in Paris which produces no revenue, but the French Government contributes to the city of Paris to remunerate them for services rendered in sweeping the streets and draining to the sewers and for like services rendered. Our mother country—England—pays no tax on property owned in the city of London, but the English Government, as a matter of gratuity, makes a contribution to its various municipalities by reason of owning property therein exempt from taxation, but the amount of the contribution is fixed by the English Parliament. The Italian Government pays no tax on certain Government property, but on other property it pays assessments to the municipality, and the German Government pays no tax on a large part of property owned by it. The German Government engages in business in competition with private persons, and on such property taxes are assessed. The correctness of this statement may be verified by

reference to Senate Document No. 163, Sixty-third Congress, first session, which contains a report of the various ambassadors and ministers of the United States accredited to the forenamed foreign countries of the world. While a few of the foreign Governments do pay taxes to the municipality of its capital city, it likewise pays the same tax to every other municipality within its realm on property owned therein, but, Mr. Speaker, the United States pays not one cent of tax to any State or city within the United States by reason of its ownership of property therein, and why should it discriminate in favor of the city of Washington?

In 1878, when the act we seek to repeal was passed, there was 6,110 acres being cared for, 3,606 of it in streets already laid out and mostly paved, and the Government owned 1,523 acres of the 6,110, the Government land being mostly in parks. Now, the people of the United States are bearing half the burden of caring for 38,406 acres, of which amount 15,228 acres are in streets, many of them yet to be developed, and the Government only owns, including all parks within the 10 miles square, 5,212 acres. Excluding the parks, the Government does not own 100 acres that are used exclusively for Government use. It is manifestly unjust to longer require the taxpayers of the United States to pay half the expenses of the District of Columbia.

Mr. COOPER. Will the gentleman yield?

Mr. CRISP. Yes.

Mr. COOPER. Do any of the Governments named by the gentleman from Georgia, in their constitutions, give the sole authority to the National Government to make all the laws for the municipalities in which their respective capitals are located, as is the case with this country?

Mr. CRISP. I can not answer that question.

Mr. COOPER. Is not that a very important factor?

Mr. CRISP. Prior to 1874 the city of Washington had a mayor and city council and regulated and ran its own business, but it gave up that right for the advantage of having the Government bear one-half of the burdens of their taxation.

The SPEAKER. The time of the gentleman has expired.

Mr. SISSON. Mr. Speaker, I yield one minute to the gentleman from Virginia [Mr. FLOOD].

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 21201, the Diplomatic and Consular appropriation bill, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Virginia asks unanimous consent to take from the Speaker's table the Diplomatic and Consular appropriation bill, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. MANN. Reserving the right to object, I would like to ask the gentleman if the bill has been printed with the Senate amendments?

Mr. FLOOD of Virginia. I have not seen it, but I think it has.

Mr. MANN. I sent to the document room for it a short time ago, but failed to get it. There are two or three Senate amendments that I think we want a separate vote upon in the House. One is in reference to the Panama Exposition, and one in relation to an appropriation for an international conference. Can not the gentleman call it up some time later in the day?

Mr. FLOOD of Virginia. The reason I ask to call it now is that the Senate conferees have asked for a conference at 2.30 o'clock. I know the amendments that the gentleman refers to, and the conferees on the part of the House will give the House an opportunity to pass upon them.

Mr. MANN. It seems to me that at this stage it may be more desirable to have a vote in advance rather than to wait until Monday or Tuesday.

Mr. FLOOD of Virginia. Very well, Mr. Speaker, I will withdraw the request.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 136) to promote the welfare of American seamen in the merchant marine of the United States, to abolish arrest and imprisonment as a penalty for desertion and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. SISSON. Mr. Speaker, I yield 10 minutes to the gentleman from Iowa [Mr. PROUTY].

Mr. PROUTY. Mr. Speaker, as these words I shall now utter will probably be the last statement I shall be permitted to make on this subject, I wish to have the calm thought and consideration of my fellow Members. I know that a good many of you have thought that I have been very zealous; that I have some personal grievance or grudge. Such is not the case. I was appointed by this House as a member of the Committee on the District of Columbia, and feeling that it was my duty, having been appointed on that committee, to investigate closely and carefully and candidly the relations existing between the Federal Government and the District of Columbia, I did so.

I reached certain conclusions, that the present situation is, to my mind, simply intolerant, and I have therefore perhaps seemed to Members of this House to be overzealous and overactive, and perhaps they have thought sometimes pugnacious.

I think the whole trouble with the situation is the fact that Members of Congress have not thought about it. I heard a little remark made over here in the House Office Building as I was coming out the other night that I think exactly illustrates the situation. Two charwomen were discussing a certain question—I do not know what it was—but finally one looked into the face of the other and said, "Is that so; I never thought to think about that." [Laughter.] That is the trouble with the Members of this House—I will be perfectly frank with you—you have never thought to think about it. I do not believe there is a man on the floor of this House, including the patriotic gentleman from Kansas, who is willing to go on record and say that he believes the people of the United States outside of Washington should contribute to the payment of taxes of the people here in Washington, who only pay one-half of the taxes that they themselves pay. That is the fact; there is no varnishing it over, no talk about patriotism, and its being a great city, and that we are proud of it, and all that will change that fact. It is simply a clear, straight business proposition. Are we, the representatives of the people of the United States, coming from our various districts, willing to continue to tolerate the situation, which every man who thinks about it knows, that we are compelling them at home to pay taxes twice what are paid here and then contribute to relieve the people of the District of Columbia?

Now, take sidewalks; we build half the sidewalks here and at home I build the whole sidewalk. We paid for all the pavement here until we got through a little amendment. People at home pay for half of it here besides paying for their own. They pay for all of their own schools, twice as high a rate as the people pay here, and then they pay half of the rates here. Such a condition is intolerable, and there is no man that will sit down calmly with me in the cloakroom and say that it is not.

Now, there is a whole lot of misconception and ambiguity that gets into this thing always at every discussion of it. The gentleman from Kansas made the bold statement that the Government owned the District of Columbia. The Constitution of the United States provides that a certain district not exceeding 10 miles square that might be ceded from the States to the Federal Government should be used for the Government's Capital, and in the same connection gives exclusive jurisdiction over them and the property that is ceded for public purposes. In other words, the Federal Government——

Mr. CAMPBELL. Mr. Speaker, will the gentleman yield?

Mr. PROUTY. No.

Mr. CAMPBELL. I think the gentleman should read the Constitution correctly.

Mr. PROUTY. Oh, I know more about the Constitution than the gentleman does. [Laughter.] In other words, the relation of the Federal Government to the municipal affairs of the District of Columbia is exactly what the relation of the State legislature is to the municipalities within the jurisdiction of the various States, no higher in any respect. When Maryland and Virginia ceded certain territory to the United States Government, it did not convey the title. It conveyed simply the question of jurisdiction, and if we yielded it back to-morrow the title of not a single particle of property would change. It is the question of jurisdiction over it, and not ownership of it.

The gentleman from Alabama [Mr. UNDERWOOD] laid a great deal of stress upon the fact that this Government was under obligations to take care of the District of Columbia. Has it ever occurred to you—and that is one of the first things I looked up when I was put upon this commission—that for 75 years our forefathers and their descendants never conceded or recognized the fact that because we had retained jurisdiction, sovereignty, over it, that we were therefore under any obligation to pay a portion of the burden of taxes here? For 75 years under the early administration of the fathers of the Republic it was never conceived that we owed the people here any obligation of paying for half of the education of their children or for building half of their sidewalks or pavements. It never was

thought of. The same gentleman speaks a great deal about the pride that he has in the Capital. I have as much pride in the Capital as he has, I believe, though may be not. I have not lived here as long as he has, and I have noticed that the longer a fellow lives here the more pride he gets in the Capital—at least the more he forgets the people whom he represents at home. [Applause.]

But, Mr. Speaker, there can be pride and justice at the same time. I may have pride in my two daughters, but I can not be just with them at the same time if I take from one of them and give to the other. I am proud of this great Republic, but I am not proud enough of it to take part of the money that belongs to the individual and pay it over to the Government. Right is right.

The question was asked here, Does this change the rate? No; it does not change the rate. I think the rate ought to be changed; but I am not going to discuss that. This bill does not change the rate of taxation, but it does change the amount of money to be paid out of the Federal Treasury. Under the amendment as proposed by Mr. UNDERWOOD there would be about $3,000,000 that is collected now under the law, under the system of taxation, still left in the Treasury unappropriated, while we send out to my State and to your State to get money to educate these people and to build their sidewalks and their pavements.

There is one thing that has impressed me profoundly of which I want to speak before I leave this House, and that is the truckling of this House to the other end of the Capitol. [Applause.] I have seen this House again and again undertake to be economical, to deal justly and fairly, and the bill goes over there and some addition is put onto it, and I have stood here in shame to see this House yield on almost every proposition. Did it ever occur to you that under the Constitution of the United States we are the Representatives of the people in the levying of taxes? I said to a distinguished Senator not long ago in private conversation, "How in the world are we going to take care of all of these appropriations? Every bill that we send over to the Senate is added to and increased, and we are supposed to take charge of the finances and control them, because we are supposed to be close Representatives of the people. What are we going to do? Every time we send over an appropriation bill you add something to it." He said, "Why, there is only one thing for you to do, and that is to levy more taxes." Mr. Speaker, that is a great question that will be some time heard of in this country. It will be a question of whether or not one body that was not by the Constitution given the power to fix the amount of taxation will, by indirect methods, be able longer to say, "We will make the appropriation and force you to levy the taxes." Right here, with all due respect, this little amendment offered by the distinguished gentleman from Alabama is in fact an exact copy, printed, cut out, of the resolution offered in the Senate, and the effect of it will be to make a levy of $3,000,000 more upon the people of the United States. Is there any man, if he has "thought to think about it," who will be willing to do that?

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. PROUTY. I will ask the gentleman from Mississippi to give me two minutes more. I was promised five.

Mr. SISSON. Mr. Speaker, I yield two minutes more to the gentleman.

Mr. PROUTY. No one who has considered this question will believe that the people of the city of Washington are taxed even fairly, as compared with other people. They pay 10 mills on the dollar on their real estate. In my town I pay 22 mills. In your town you pay 23 mills. On personal property they pay 15 mills, and in my town I pay 22 mills. In my town I pay 5 mills on intangible property, and here they pay nothing. In my town, when I die, whatever property is left to my heirs is taxed, and here it is taxed not at all. And yet we are willing to have this condition remain, under the effect of the Underwood amendment, pending an investigation. If the gentleman would allow the method that is proposed by the House to continue during the years that this investigation will go on, I would favor that part of his amendment—the appointment of a committee to look into the matter—because the whole question ought to be dug up. But here is the real question: Will we allow the District of Columbia practically to rob the Federal Government of from three to four million dollars a year during the time that this investigation is going on? And that is the only question. [Applause.]

Mr. SISSON. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, there is a practical question to be determined by the House. The House proposed that for the moneys required to be expended in the District of Columbia for the next year, the revenues of the District of Columbia should be used as far as available, and that then the additional sum required should be provided out of the Federal Treasury. The Senate proposes that the money shall be provided as it has been for thirty-odd years, half out of the District treasury and half out of the Federal Treasury. The House, by a vote of almost 2 to 1, decided in favor of the proposition which it proposed, and the Senate, by a vote of almost 2 to 1, was recorded in favor of its proposition.

All of the differences between the two Houses upon this bill—the bill which carries the money for the conduct of the government of the District of Columbia—have been adjusted with the exception of this question as to what proportion of the expenses of the District government for the next fiscal year shall be paid out of the Treasury of the United States. I have given considerable attention and thought to the question of the contribution of the Federal Government to the expenses of the District. I am convinced that the method proposed by the House is as fair, as just, and as reasonable as any thinking man can expect. [Applause.] I say this without the slightest hesitation. Not only do I say it, but I believe that a revision of the tax laws of the District of Columbia, so that they shall be reasonable and fair, not unjust or burdensome, would probably result——

Mr. PARKER of New York. Will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. FITZGERALD. I prefer not to yield—in a very slight contribution under such a system from the Federal Treasury. I hope that such a system will be adopted. I do not believe it will be adopted at this session of Congress. I have no more taste for the performance of this House marching up the hill and then marching down at the last moment than the gentleman from Iowa or anyone else. I have marched up once or twice myself in such controversies, and the House stood with me, and we stood there and finally accomplished what we sought.

Mr. PROUTY. Do it again.

Mr. FITZGERALD. But I believe, and I express my honest conviction, that the Senate will not yield at this time on this proposition. I should like to see an investigation made, not only of the question of what is the proper contribution by the Federal Government, but what additional legislation should be enacted to obtain revenues from the people of the District for the support of their government. Why should they alone, practically of all the people of the United States, be relieved from any inheritance tax? Why should not there be a proper inheritance-tax law applicable to the District of Columbia, the revenues of which should be applied to the expenses of the District? I would be very happy to see the gentleman from Iowa a member of a commission appointed by the Speaker on behalf of the House [applause], so that the House should have the advantage of his wide information, his ripe experience, and his sound judgment upon the questions involved. I believe such an investigation should be made. A report could be submitted to the House by the next session. Then there could be ended these pleas that there has not been a suitable investigation or inquiry for more than 30 years.

So long as we defer such an inquiry or such an investigation just so long will we continue to have this struggle and have it end unsuccessfully. For these reasons I shall vote for the motion of the gentleman from Alabama. I do not believe the Federal Government should pay one-half the expenses for maintaining the District government. I wish to see something done that will make it possible to stop what I believe to be an injustice to the Federal Treasury. The continual plea that there has not been an investigation, that there has not been a report, that there has not been any information available for Members of Congress, will fall if such an investigation be made. Let us gather and submit the information to Congress and then make the fight. I believe that no one can justify antagonism to such a proposition.

The SPEAKER. The time of the gentleman has expired, and the time of the gentleman from North Carolina has expired.

Mr. SISSON. Mr. Speaker——

The SPEAKER. The gentleman from Mississippi is recognized for an hour.

Mr. FITZGERALD. I will ask the gentleman to give me a few minutes more.

Mr. SISSON. How much time does the gentleman want?

Mr. FITZGERALD. Two or three minutes—about three minutes.

Mr. SISSON. I will yield three minutes to the gentleman.

Mr. FITZGERALD. What the House proposes is so simple and so fair and so just that it is difficult to understand the opposition to it. What is the House proposition? That under the present tax laws of the District of Columbia, a taxing sys-

tem which imposes as slight a burden upon the taxpayers of the District as any taxing system in existence in the United States, that the money which is collected under that system shall be used to pay the expenses of conducting the municipal government in the District of Columbia, and that the balance shall be made up out of the Federal Treasury. I can not understand the antagonism to that proposition.

The justice of it is convincing and conclusive. I do know, however, and I do understand the difficulties in getting legislation of this character. I know it is repeated time and again here and there that not since 1878 or 1879 has there been that exhaustive investigation and report upon which Congress is justified in determining this question, that years ago the present system was established and it would be unjust to change it without full information. Therefore I favor this investigation and report so that the one slight ineffective argument now urged can be forever refuted. Personally I am so convinced myself of the justice of the House proposition that I would be willing to stand up against the Senate, but I know what will happen. Next Thursday this Congress expires by limitation. We will drag on and at the last minute we will quit on our side of the controversy, and we will not have this investigation authorized, and we will be just where we started—with the club in the hands of the opposition——

Mr. BORLAND. Will the gentleman yield?

Mr. FITZGERALD. I will.

Mr. BORLAND. If we adopt this Gallinger-Underwood proposition, will not we, then, be tying our hands for an indefinite time, and does it not seem better to leave the proposition as it is and to stand by it?

Mr. FITZGERALD. I would put in an amendment requiring a report next November——

Mr. UNDERWOOD. I will say, if the gentleman will yield, that I will offer an amendment that there shall be a report on the 1st day of January.

Mr. COX. December.

Mr. UNDERWOOD. The committee will be Members of Congress, and it is better to give them 30 days after they get back here.

Mr. FITZGERALD. I think such an amendment should be inserted. I do not want to be completely defeated by getting nothing at all at the windup, as will happen, as we must appropriate the necessary money to carry on the Government.

Mr. SIMS. Mr. Speaker, the people of the District of Columbia have no direct political power. They can not elect a Member of Congress or a Senator.

The power to tax is the power to destroy, and it is always dangerous to those who have no representation. But we are doing it in the District of Columbia, and the danger, perhaps less probable, is not impossible because you divide the amount of the tax to be collected. Congress with its absolute power can make appropriations in this District in such volume that to pay one-half would practically confiscate the property of the people of the District of Columbia. But will it do it? We can authorize great, wide streets, avenues, and other improvements here and direct that they shall be made, and provide that one-half of the cost shall be paid out of the current revenues of the District, and make a rate of taxation that will raise the money, even if it is $5 a hundred. But will we ever do such an unjust thing as that? Never. Then if our sense of justice can be relied on not to abuse our power with the half-and-half plan, why can not our sense of justice and right be relied on not to place an excessive levy upon a people without voice and without opportunity to defend themselves? Absolute protection against unreasonable taxation lies with Congress by fixing the rate and the subjects for taxation. When we provide that the rate shall not exceed a certain per cent in value of taxable property, and name the subjects of taxation, then if Congress should appropriate $50,000,000 for one year, the people of the District of Columbia would not have to pay one cent more than the tax produced by that just, honest, and reasonable rate. And when gentlemen get up here and claim that we want to make victims out of the District of Columbia, I want to say that we could do it now if we wanted to. When I first went on the Committee on the District of Columbia the people of the District came before that committee and appealed for a law authorizing the Government to loan them money without interest to pay the annual appropriations, or their part of it, in excess of what the levy produced, because they complained——

Mr. JOHNSON of Kentucky. Without interest.

Mr. SIMS. Without interest; that Congress had authorized large and permanent improvements that it was impossible for them to pay for out of current revenues. They asked for it without interest. We finally let them have it at 2 per cent interest out of the Treasury of the United States to pay the excess of the appropriations over and above the amount that the tax rate produced to enable them to pay their one-half. Did we rob them then? Did we show ourselves enemies or friends when they were in distress? Their complaint then was that the half-and-half plan worked a hardship on them, and it did at that time. Now, then, if we put a fair rate upon such property as is usually taxed in the States, it does not make any difference how big or how little the appropriations may be, they can not be hurt; they can not be mulcted; they can not be injured. Some gentlemen try to leave the impression that some here hate the people of the District and want to get even with them.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SIMS. Can the gentleman give me more time?

Mr. SISSON. I am sorry to say that I can not.

Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I want to address a few remarks to the motion of the gentleman from Kentucky [Mr. JOHNSON], which motion will come before the House if the motion of the gentleman from Alabama should not be agreed to.

The gentleman from Kentucky moves that the House adhere to its disagreement to the Senate amendment. If the House takes that action, it means that we will have an extra session of Congress. Under ordinary conditions a motion to adhere is a discourtesy to the other body, and is so taken, and if at this stage of the proceedings the House votes to adhere to its disagreement the other body will probably vote to adhere to its amendment and all proceedings between the two bodies will stop, unless in the end one of them, with a woeful lack of pride, moves to recede from its position, a very awkward attitude for either body to take. I predict without hesitation that if this House now moves to adhere to its disagreement it will either later in the session swallow its pride and with ignomy retreat from its position or else there will be an extra session of Congress.

If there is anyone here hankering for an extra session of Congress, he has a good way to help it on now. This sort of thing comes before Congress a good many times in the last few days of Congress. Gentlemen, without duly considering that both the House and the Senate must treat each other with ordinary courtesy if they expect good results, in a moment of overenthusiasm or passion, excited by the circumstances, think that one body can say, "I am Congress." Now, Congress consists of two bodies.

I have seen this sort of situation several times since I have been in the House. There is no escape from the proposition. If the motion of the gentleman from Kentucky [Mr. JOHNSON] prevails, we will either retreat or we will come back. I am not in favor of taking a position and retreating from it where it is a matter of pride, and I am not in favor just at present of an extra session of Congress. If we have an extra session of Congress, I am going to do my best to keep Congress in session all this year. [Applause.]

Mr. UNDERWOOD. Will the gentleman from Mississippi yield to me for a moment? I desire to ask unanimous consent to offer an amendment to the proposition which I offered, to strike out, in the first proviso, the word "*Provided*" and add a proviso that is on this paper and which I will ask the Clerk to read. Strike out the first word "*Provided.*"

Mr. SISSON. Can not the gentleman wait until the debate is closed?

Mr. UNDERWOOD. I should like to have the proposition before the House.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent to strike out the word "*Provided.*"

Mr. UNDERWOOD. I submit the following proviso at the end.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Amend the amendment by striking out the word "*Provided,*" at the beginning of the amendment, and at the end of the amendment add the following:

"*Provided,* That the report of said committee shall be submitted to the Congress not later than the 1st day of January, 1916."

The SPEAKER. Is there objection?

Mr. JOHNSON of Kentucky. I object, Mr. Speaker.

Mr. UNDERWOOD. I will make the motion when I get the floor.

Mr. SISSON. Mr. Speaker, I yield five minutes to the gentleman from Arkansas [Mr. CARAWAY].

Mr. CARAWAY. Mr. Speaker, I believe the most remarkable statement I have heard on this floor since I have been a Member of this Congress came from the distinguished gentle-

man from Illinois [Mr. MANN] in his concluding statement. He said he had seen this kind of condition arise before, and it resulted in the House swallowing its pride and retreating; and inasmuch as he did not want to retreat, he was going to vote to retreat now. That is what it amounts to—that it is to swallow our pride, to rurrender the position that we have heretofore taken on this measure, and in order to save his pride he will surrender before he is asked to do so.

So far as I am individually concerned, I do not want an extra session. But before I would be driven from a position which I thought I was justified in taking I would let the extra session come.

I have noticed this since I have been here: Gentlemen who are appealing for the continuation of the half-and-half arrangement invariably take one of two positions. First, they say they are proud of this city as a National Capital. That is the argument of the distinguished gentleman from Kansas [Mr. CAMPBELL]. He has made it twenty times since I have been here. I had read it in the Washington newspapers before I heard him make it. I know as well what he is going to say when he gets up to talk upon this question as if he had already concluded. And I want to say to him that whenever a man has more pride in his National Capital than he has love for the people who elect him, he has altogether too much pride in the Capital, and has stayed here too long. [Applause.]

If he represents the people here to the extent that he is willing to tax the people in his home town in order to exempt these people here from paying taxes at all, I think his people at home ought to elect some one else who will represent them awhile, and not return the gentleman, who always represents the District of Columbia as against the interests of his people at home.

The people in Pittsburg, Kans., the gentleman's home city, do not have the advantages that the people here have. They have not the wide streets, they have not the public libraries, they have not the art galleries, they have not the parks and the fountains and the pleasant drives; and yet they pay more than twice as much taxes as the people of the District of Columbia, and the gentleman from Kansas comes here and says, "Well, bless their souls, they live in Kansas, and have no rights, anyway." [Laughter.]

Mr. CAMPBELL. Mr. Speaker, will the gentleman yield there?

The SPEAKER. Does the gentleman yield?

Mr. CARAWAY. Yes.

Mr. CAMPBELL. I beg the gentleman's pardon. I said nothing of the kind.

Mr. CARAWAY. Oh, you did not say it in words. You did not have to. Whenever you say you are willing to tax the people at home, and do not even know what their tax rate is, but you are willing to lay the taxes on them, regardless of the rate, in order to relieve these people from all taxes, you, in effect, say what I stated.

Mr. CAMPBELL. I pay them without question.

Mr. CARAWAY. Of course you do; and you let your people pay them also, without representation, too. [Laughter.]

Whenever gentlemen urge us to abandon our rights because either pride in the District of Columbia or because we will be forced to an extra session, I believe that argument ought to fall upon deaf ears, and that it is going to do so.

Now, with all due respect for the gentleman from Alabama [Mr. UNDERWOOD], the time has been when I would almost be willing to follow him with my eyes blinded. But when here, in the very last days of this Congress, the question arises as to whether the people at home should be relieved of a burden which they ought never to have borne and it becomes apparent that the only way to continue this wrong is to propose a commission or committee to investigate some abstract question, thereafter I am unwilling to follow the gentleman another inch, blindfolded or otherwise.

I have heard it stated here that nobody at home complains of this abuse. Well, the reason they do not complain is because you never told them the truth about it. That is the reason. [Laughter.] I know and you know there is not a man in the States of either of the gentlemen that would not complain if you should tell him the people in the District of Columbia, with more wealth, with more advantages, with more opportunities to acquire wealth, are undertaxed, and yet that we generously pay the half of their taxes merely because they are so fortunate as to live in the District of Columbia. And you tell me that man would not object? I know he would object. I have never heard a man yet who did not live in the District of Columbia that did not, when told of this wrong, object. [Applause.]

The SPEAKER. The time of the gentleman from Arkansas has expired.

Mr. SISSON. Mr. Speaker, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

The SPEAKER. The gentleman from Wyoming [Mr. MONDELL] is recognized for five minutes.

Mr. MONDELL. Mr. Speaker, in my experience in the House I do not recollect a time when we have been confronted with a situation that so clearly indicated the unwisdom of legislating upon appropriation bills as the present situation. We passed a Post Office appropriation bill and placed a very great deal of legislation upon it and that bill comes back with the legislation largely stricken off. We passed the District of Columbia bill and placed important legislation on it. The Agricultural appropriation bill, leaving the House without much in the way of new legislation, comes back with some very important legislative propositions on it. We are expected to settle these matters as the result of conferences in the last three or four days of the session. There can be but one result. We can not possibly legislate wisely, legislate intelligently, under these circumstances. We complain because the Senate places important legislation upon the appropriation bills. We start it ourselves by placing important legislation on the appropriation bills in the House.

Now, I am not in favor of either the proposition placed on this bill which it is proposed to amend or the amendment, and I am not in favor of them largely because of the way in which it is proposed that we shall legislate. We should not attempt to do this thing on an appropriation bill. There is a proper and an orderly and a decent way to accomplish all good things that may be accomplished by legislation. If the Committee on the District of Columbia will bring in a well-digested plan for a modification of the present system as between the Federal Government and the city of Washington, if they will bring in a carefully considered plan for a commission to investigate the matter, personally I would be very glad to follow the committee. But instead of that we are expected, on an appropriation bill, in a brief paragraph, to settle questions that ought to be settled after careful consideration and reports from committees.

It might be a good thing to have a commission appointed. I am not altogether certain about that. But of this I am certain: There has been so much feeling with regard to this matter, certain gentlemen have taken such a decided attitude and have expressed such extreme views with regard to it, that I am frank to say that I do not believe that they, as members of a committee, could arrive at a fair and unbiased judgment with regard to the proper relations as between the District and the Federal Government. Furthermore, it occurs to me that before a commission is appointed Congress should determine, if possible, the basis of the participation of the Federal Government in the expenditures of the District. If we can have it settled and determined, the basis or theory on which we are to pay part of the expenses of the District, a commission could secure the facts on which to fix the proportion that the Government should pay. In all the time I have been here I can recall no subject that has been discussed with regard to which there has been so much of exaggeration, so much, as I think, of downright misstatement, as there has been in regard to taxation in the District of Columbia with regard to the alleged relief of the people of the District from the burdens of taxation as compared to other cities. It seems to me that when we take the sums that are raised by taxation in this District and compare them with cities of equal size elsewhere and the sums they raise, these reckless statements made by gentlemen with regard to the tax-paying possibilities of the District are shown to be extravagant in the extreme and without any reasonable foundation.

It is probable that the present relation between the District and the Federal Government is not an ideal one. It is possible that the United States Government is paying more than it should toward the maintenance of the District government; but we will never arrive at a solution of the problem, in my opinion, until the question is brought before us on the report of a committee, considered carefully and dispassionately. So far as this particular proposition now before us is concerned, we ought to know, as has been suggested by several gentlemen here, that we are simply talking against time. We will take this march up the hill and down again, for the Senate will unquestionably insist, as they have the right to insist, that we must not place on an appropriation bill legislation which does not meet their approval.

Mr. SISSON. I yield five minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, whatever the contention on either side of this question may be, I think it is only fair to say that before we can rightly settle the question involved in this controversy we must make the kind of an investigation that will

lead to information which will give us the intelligence we must have in order to reach just conclusions.

It may be that the Government of the United States pays more than its proportion of the expenses of the District of Columbia, but I think no man can say that for certain. So that in order that we who are to pass on this question may be in possession of information we should have some commission authorized first to ascertain what is the value of the Government property in the District of Columbia, what other conditions there are that will justify the imposition of a part of the expense of the government of the District of Columbia upon the Government of the United States, and then we should ascertain by some scientific investigation whether the people of the District of Columbia are as a matter of fact being taxed less than they ought to be or whether they are being taxed more than they ought to be. Such a commission as is proposed in the amendment offered by the gentleman from Alabama [Mr. UNDERWOOD] should be able to obtain this information and place it in possession of the House. When such a commission has acted, we will have before us reasons for what we do; for when such a commission has concluded its work it is fair to assume that it will have concluded that work as the result of unbiased investigation, and when the information which it is able to submit to us is before the Congress every man here will then have something to guide him in his action. I believe there is no other just way to solve this intricate problem, for no man now knows just what proportion of the expense of maintaining the District government should be paid by the District and what proportion should be paid by the Government of the United States. So I submit that there can be no more just proposal submitted to the House than that embodied in the amendment offered by the gentleman from Alabama [Mr. UNDERWOOD]. I hope it will be adopted, and that such a joint committee may be appointed as will not only have the confidence of all the people of the District of Columbia, but every man in both Houses of Congress; and when they report I hope that we will accept their conclusions as the thing that ought to be done, not only for the people of the United States but for the people of the District of Columbia.

Mr. SISSON. I yield one minute to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Speaker, I shall vote for the amendment offered by the gentleman from Alabama [Mr. UNDERWOOD]. It gives an opportunity hereafter to vote intelligently and satisfactorily, to myself at least, on an issue that has been before the Congress ever since I have been here. I do not want to vote to injure the people of the District of Columbia, and I do not want to act unjustly toward the people of the country or my district. Yet here is an issue that comes up every session; and frequently on District day, when we are required to consider matters pertaining to the District, we hear this same subject discussed, with more or less acrimony, and I am confused. This motion gives an opportunity for us to get the information that will give a basis upon which to vote. I would not vote to uproot a relationship with the District which has existed for many years without further investigation. At the same time I have listened to the presentation of facts touching the issue that seemed very strong. Then, on the other hand, presentations are made which convince me that I can not support the contention of the opponents of this motion. I am glad that this opportunity comes for us to vote for a joint committee to supply the necessary data, the information upon which we can act intelligently. Therefore I hope that the amendment will prevail.

Mr. SISSON. I yield one minute to the gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER. Mr. Speaker, during the last 12 or 15 years I have given a good deal of attention to this question. I believe it is an outrage to tax the people of the United States to improve streets and build sidewalks and set out shade trees in the District of Columbia. I shall vote for the motion made by the gentleman from Kentucky [Mr. JOHNSON].

Mr. SISSON. I yield five minutes to the gentleman from Kentucky [Mr. JOHNSON].

Mr. JOHNSON of Kentucky. Mr. Speaker, like the gentleman from Arkansas, I have heard with some amusement the arguments advanced by the gentleman from Illinois [Mr. MANN] and the gentleman from New York [Mr. FITZGERALD]. Each of them has served notice that in time he is going to retreat. The statement of each reminds me of the old story that we have heard, coming down since the days of the Civil War, when one of the soldiers said to the company with which he was serving, "Boys, before this is over we will be compelled to retreat, and as I am a little crippled and am not very enthusiastic anyhow, I am going to start right now." [Laughter.]

Mr. Speaker, in the few minutes I have allotted to me I wish to invite the attention of the House to one fact that, in all the arguments I have heard upon this subject, has never been advanced. We have it drummed into our ears every day as to the extent of the Federal Government's ownership of real estate in the District of Columbia. Everybody who cares to know does know that less than 100 acres out of the entire 45,000 acres in this District are used exclusively by the Federal Government. I wish the attention of Members when I invite their minds to the act of July 1, 1888, by which every piece of Federal-owned land in the District of Columbia which is not being used exclusively by the United States, which brings a revenue, donates one-half of that revenue directly to the District of Columbia. Then when the Federal Government, under the half-and-half plan, comes to put up it finds itself compelled to match dollar for dollar every dollar that the District government has, under the act of July 1, 1888, received from property owned by the Federal Government. So that the result is that the entire revenue from every piece of ground in the District of Columbia owned by the Federal Government goes to the District of Columbia.

A few moments ago I propounded to the gentleman from Kansas [Mr. CAMPBELL] a question, as to whether or not he owned any real estate in the District of Columbia. He answered me that he did not. His manner indicated that he took umbrage at my question. I do not believe, Mr. Speaker, that those who have any interest in the subject matter of this legislation should vote upon this question. Neither do I believe that the vote of another should be influenced by anyone who has local interests here.

If I am correctly advised, and I entertain no doubt that I am, a piece of property on P Street, in Washington, several years ago was sold. When the seller of it came to convey title he made the title to John Campbell, a brother of the gentleman from Kansas. Notwithstanding the fact that the title of the property was in John Campbell, the gentleman from Kansas occupied the property. By and by Mr. John Campbell sold the property on P Street.

The SPEAKER. The time of the gentleman has expired.

Mr. JOHNSON of Kentucky. Mr. Speaker, I would like to have the gentleman give me two minutes more.

Mr. SISSON. The time is all allotted. Mr. Speaker, I ask unanimous consent that my time may be increased two minutes and that the gentleman from Kentucky may have it.

The SPEAKER. The gentleman from Mississippi asks that his time be increased two minutes. Is there objection?

Mr. CAMPBELL. Reserving the right to object, if the gentleman from Mississippi will ask for an extension so as to give me five minutes, if I want to use it, I will not object.

Mr. SISSON. I have no objection to that.

The SPEAKER. The gentleman from Mississippi asks that his hour be increased by seven minutes, the gentleman from Kentucky to have two minutes and the gentleman from Kansas five minutes. Is there objection?

There was no objection.

Mr. JOHNSON of Kentucky. As I was saying, Mr. Speaker, by and by the gentleman from Kansas, according to my information, purchased a piece of real estate consisting of about 40 acres at the southern end of the Highway Bridge. When he came to pay for that 40 acres of ground the house and lot on P Street, the title of which was in his brother John, was conveyed as part payment for the 40 acres of ground at the south end of the Highway Bridge. When the title came to be made to the 40 acres of ground that title was placed in the name of the gentleman from Kansas, and not in his brother John.

Now, I am also informed that that is a very valuable tract of land, and that the gentleman has refused $1,000 an acre for 10 of the most undesirable acres of that tract. If the gentleman from Kansas had not shown such petulance and apparent indignation when I asked him the question, he would not have left the implication that it was not the correct thing for him to have done to have been investing in real estate in the District of Columbia, and then take the position on the bill which he does take. That would have ended the matter so far as I am concerned. But from the gentleman's manner and what he said I am clearly convinced that he agrees with me that that was not right, and since there was no opportunity for me to even state the premises upon which I put the question to the gentleman from Kansas, I have said what I am now concluding.

Mr. CAMPBELL. Mr. Speaker, this seems to be a very important public matter, and the gentleman from Kentucky seems to have given a great deal of attention to my private affairs. I think he will have to go over this matter again and ascertain

the real facts in regard to it. That is all I have to say. I yield back the balance of my time.

Mr. SISSON. Mr. Speaker, I yield 10 minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I desire to move to amend the amendment that I have pending on the desk in the way that it will be reported by the Clerk.

The SPEAKER. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Amend the amendment by striking out at the beginning of the amendment the word *"Provided,"* and adding at the end of the amendment the following: *"Provided,* That the report of said committee shall be submitted to the Congress not later than the 1st day of January, 1916.

Mr. SAMUEL W. SMITH. Mr. Speaker, I make the point of no quorum.

SEVERAL MEMBERS. Oh, do not do that.

Mr. SAMUEL W. SMITH. I will withdraw it, Mr. Speaker.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that the amendment to the amendment be agreed to.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the amendment to the amendment be agreed to. Is there objection?

There was no objection.

Mr. UNDERWOOD. Mr. Speaker, the amendment to the amendment that has just been agreed to relieves any objection to the proposition in the matter of delay. The committee appointed by the two Houses will be compelled to make its report by the 1st day of next January.

Now, I do not agree with what some of my friends have said here about our standing out regardless of the consequences for what we think is right in this bill. In the first place, the House must bear in mind that this initial proposition is legislation on an appropriation bill, and according to the custom of the two Houses for generations past when you put legislation on an appropriation bill, and the two Houses disagree, it has always been the custom that the House that proposes the new legislation must yield in order that the appropriation bills may go through and the money necessary to supply the Government be furnished. So according to the custom, and a necessary custom—because we should not legislate on appropriation bills ordinarily, and should not stop supply bills—in the last analysis, if the Senate does not agree to the House proposition, it will be the duty of the House to yield on its proposition rather than defeat this bill. There can not be any question about the attitude of the Senate on this proposal. Time and time again it has refused to accept the proposition. If you vote for the motion of the gentleman from Kentucky [Mr. JOHNSON] to adhere to the disagreement of the House to the Senate amendment, then that means that we will not go back to conference, that we will not consider an agreement with the Senate any further. That is what it means when we agree to a motion to adhere. It is not a question of further insisting, but it is a question of adhering, which says to the Senate, "You must accept this amendment or let this bill fail." There is no question about what that means. It means an extra session of the Congress.

Mr. BORLAND. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. BORLAND. The gentleman thinks that, as a cardinal principle of the Democratic Party, the Holman rule is right?

Mr. UNDERWOOD. Yes; but that has nothing to do with this.

Mr. BORLAND. That an amendment to an appropriation bill reducing a charge on the Federal Treasury is properly in this bill.

Mr. UNDERWOOD. But the Speaker has ruled this morning that that has nothing to do with this.

Mr. BORLAND. That has something to do with it as to whether the House shall recede.

Mr. UNDERWOOD. There is nothing in this bill that reduces expenditures as the bill stands. It might ultimately do it.

Mr. BORLAND. There is something in the bill that does reduce it.

Mr. UNDERWOOD. Not a thing. So that you must yield if the Senate does not agree. I do not ask to yield. I have never contended that the half-and-half system is the correct one. I have always contended that the Federal Treasury should bear a proportionate share of the burdens of the government of this District, and I believe that that is right, but as to what proportion I am free to say I am not informed, and I have not the information that will satisfy me as to what the proportion ought to be. I can not tell what we ought to fix on the Federal Government and what proportion of taxes we ought to fix on the citizens of the District. This question has been battered around in this House for 10 years past on almost every District day and almost every District bill. You must come to some conclusion, some solution. How can you do it better in this contingency than to appoint a committee? You can not assume that a committee appointed by the Speaker of the House and the Vice President of the Senate is not going to be a fair and just committee and report back the facts to you as that committee see them.

The report of that committee does not bind you to vote for their report. When they make their report you can determine the matter, and I hope it will be determined away from an appropriation bill, where we can consider it as a legislative matter and settle it in the right way. I have not injected this proposition. I have believed for a long time that we ought to have a thorough investigation of this matter before we decide it, but, feeling that there was sentiment in the House in favor of the House proposition, I have not attempted to interfere. I have stayed here and I have not insisted on the House receding, until here we come to the last moment. I say that we have no right to throw this supply bill over, and you are up against one of two questions if you do not adopt the compromise that I have suggested to you and appoint this committee. You are up against the question of agreeing to the motion of the gentleman from Kentucky to adhere, and, if the Senate does not yield, throw this bill out, with the resultant consequences, or you are up against the proposition of agreeing to the motion that the gentleman from Illinois [Mr. MANN] has indicated he would make—of concurring in the Senate amendment—and throwing the whole proposition out and letting it stand where it is to-day without any effort to solve the problem. I say under these circumstances the proposition that I offer to the House is a reasonable one. It is clearly indicated that you can not carry your proposition. I do not think the House wants to concur in the Senate amendment and throw it all out and say that we will not solve the question; but we can say to our constituents and to the people of the District of Columbia that before we come to a final vote in the next Congress—and it is going to the next Congress whether you adopt this proposition or not—we will give an opportunity for a committee of this House and of the Senate to review all of the facts that anybody wants to present to them, and have that information laid before this House for its intelligent action.

I yield back the remainder of my time.

The SPEAKER. The gentleman yields back three minutes.

Mr. HARDY rose.

The SPEAKER. For what purpose does the gentleman from Texas rise?

Mr. HARDY. Mr. Speaker, it is a question, I believe, of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. HARDY. I just wish to state that, having some property in the District of Columbia, while I have, I believe, always voted with my friend from Kentucky [Mr. JOHNSON], I wish to be excused from voting on this proposition.

The SPEAKER. The gentleman wants to be excused from voting on this proposition because he owns property in the District of Columbia.

Mr. MANN. That can only be done by leave of the House.

The SPEAKER. Of course.

Mr. MANN. Mr. Speaker, reserving the right to object, because the gentleman wears woolen goods, does he think himself disqualified from voting on a tariff bill?

Mr. HARDY. My statement was more to give notice. I have some doubt. I do not think it disqualifies me.

Mr. MANN. Of course it does not.

Mr. HARDY. But, to be on the safe side, I prefer not to vote.

The SPEAKER. Will the House excuse the gentleman from voting?

Mr. MANN. I do not think the House ought to excuse the gentleman from voting on this ground. The gentleman can refrain from voting.

Mr. HARDY. I think it is only a matter of giving notice to the House.

The SPEAKER. Any gentleman can refuse to vote when he desires to. They tried to make John Quincy Adams vote here once, and they worked at it for two or three days, but never did do it.

Mr. SISSON. Mr. Speaker, quite a good deal of time has been consumed on this proposition, but I think it is one of the most important propositions that has come up for the consideration of the House, so far as the government of the District of Columbia is concerned. Now, in the first place, we ought to find out exactly what relation the Federal Government originally bore to this territory. The only portion of this great domain controlled by the American people which has passed out from

under the control of the people who live within the various subdivisions of the Government is the small territory known as the District of Columbia. The State of Maryland and the State of Virginia ceded the District of Columbia to the Congress of the United States, and by divesting themselves of that sovereignty invested Congress with that sovereignty, so every man who moves into the District of Columbia, every man who owned property at the time of the cession to the Federal Government, owned that property subject to the terms of the cession. The cession was that it should be the seat of government, that the rights of the individuals should always yield to the rights of the Federal Government. In the States the other doctrine would prevail where the majority of the people control the State. The government there exists for the benefit of the people of the State. Here the District of Columbia exists for the benefit of the Federal Government. So much then for the rights of a man buying property in the District of Columbia. If he decided that he wanted to buy property here and take advantage of all of the benefits of living at the National Capital, he has the right to do so, and he buys it with the distinct understanding that he is buying property in that portion of the Federal Government in which he surrenders his sovereignty as a citizen if he lives here, because the sovereignty is in Congress. If this should cease to be used for governmental purposes, it would go back to the State of Maryland and become a part of her domain. So the rights of the citizen or the property owner in the District of Columbia is an entirely different proposition from the ownership of property in the States. That was the contract made when the State of Maryland surrendered her sovereignty here.

Now, what is the proposition being presented? We propose by this bill not to change the rate of taxation, not to change the amount of the assessment, but to use in the District government all of the money collected at the present rate and under the present assessment; and if there is not enough to pay the expenses of the District government as Congress thinks the District ought to be run, then Congress pays out of the Treasury of the United States the balance of the money, not to exceed as much as has been paid by the District. Now, if the rate of taxation is fair—and no man says it is unfair; if the rate of assessment is fair—and no man says it is unfair, except there is complaint that the poor home owner pays on a greater proportion of the value than does the man who owns the city property, and no man says the home owner's property is badly assessed—then what is the injustice of this proposition that the people of the District of Columbia shall be treated just as the people elsewhere, and a little better? We do not propose to raise the taxes. We do not propose to raise the assessment. We do not propose to increase the rate of taxation. We simply say to the people of the District of Columbia, "You pay that which you now pay; if that fails to get enough money to run the District government, the Federal Government will bear the balance of it." Now, who are insisting on this commission? Why, those gentlemen who always have been unalterably opposed to change what they call the sacred half-and-half plan——

Mr. SIMS. Opposed to changing it.

Mr. SISSON. Opposed to changing the present half-and-half plan, but when they find an overwhelming majority of this Congress have been convinced of the fairness of this proposition, when they find that for the first time in thirty-odd years a voice has been raised in the Senate of the United States in favor of the taxpayers outside of the District—and there were twenty-odd Senators to follow him, and I think it only needs a change of heart of 10 or 12 Senators to make this proposition accepted in the Senate—the people of the District of Columbia became alarmed. Why? Because they realized that at last a light was beginning to dawn on the Senate. For the first time in years some consideration was given over there in the Senate to a District appropriation bill. [Applause.] And when the truth began to dawn, then it was that Senators commenced to see the light; they realized the injustice being done the taxpayers at home; they realized the special privileges that the property owner of the District of Columbia was enjoying. Now, we do not seek to injure the taxpayer of the District in the least. We simply say to him we are going to collect a reasonable tax, and we are going to make it so that the balance shall be paid out of the Federal Treasury. Now, in response to the question as to an extra session. Why, no man believes that the Senate of the United States would bring about an extra session on account of this bill. That is another bugaboo brought up to scare men. Why do not the gentlemen appeal to the justice of the proposition? Why do not they say it is just and fair and right? No; but they must make up a bogie man; they must make a ghost; and they are trying to frighten men from voting their honest, conscientious convictions, with the idea that "I will consult my convenience, because I want to go home." I am surprised that that sort of a proposition should be urged here for the purpose of getting men who honestly believe this is a good proposition to desert their colors and do violence to their own convictions for their advantage and convenience. I do not believe that many Members of the House are going to heed that sort of an appeal. It is on too low a plane. All that this motion to adhere, made by the gentleman from Kentucky, means is that we have for the last three or four years discussed this matter repeatedly, and a vote for the resolution offered by the gentleman from Alabama means that you concede the right of the taxpayer of the District of Columbia to have the Federal Government contribute an arbitrary amount to run the District Government. I deny that right. They have no right to any arbitrary amount.

If they pay a tax like they pay in my State, like they pay in the States in this Union, I am satisfied. They should pay the same rate of taxes that we pay at home. They then could raise enough money to run the entire Government. But nobody is asking for that. I am willing for Congress to say, "You fix a fair rate of taxation, fix a fair valuation, and spend that money honestly, and if it is not what Congress thinks ought to be paid, we will put up the balance, as we have a right to do, in accordance with the interests of the Federal Government, its dignity, its standing before the country, and its standing before the world." And I can trust Congress to do that, and so can you. This motion to adhere simply means we are in earnest about this proposition, and the Senate would make a very serious blunder, certainly, if they said they were willing for the bill to fail entirely. The same influence that holds in the hollow of their hands this matter will insist that these gentlemen concur with the House, and they will concur. If not, a resolution to continue the last year's appropriation will certainly be agreed to, and this unworthy argument to do wrong to avoid a special session fall to the ground. The moment the Senate of the United States makes that proposition to the taxpayers of this District, that moment they are going to tell their friends from the Senate and, if the newspapers are telling the truth and represent the views of the people of the District, which are largely the views I have heard uttered for this resolution on this floor—I have read it before in the newspapers—if that is the sentiment of the people in the District of Columbia, they will ask the Senate then to recede and let this bill become a law; and the Senate will recede, because they are not going to forego the advantages of the magnificent appropriations in this bill for new school buildings, for new streets, for street improvements, and for bridges and other things in the District of Columbia. The people of the District of Columbia will be clamoring when they find out that this House is in earnest, will demand of the Senate to recede, and the Senate will recede. When Members of the House have the courage to stand by their convictions, the Senate even will respect us, and the country at large will applaud us. We have already repeatedly voted that the House amendment is just and fair and honest.

No man has said, no man can say, no man will truthfully say, that this amendment does any man in the District of Columbia one particle of injustice. No man can say that it increases his taxes a penny. No man can say that it increases the assessment on his property one penny. No man can say that at the next session of Congress you may adopt this House amendment, the so-called Johnson amendment, and, as a separate proposition, as a separate measure, do what? As a separate measure have this resolution. What is the gentleman from Alabama [Mr. UNDERWOOD] doing? What are these other proponents doing, who criticize legislation on an appropriation bill? They are endeavoring to force upon the Members of the House and Members of the Senate a proposition to have a commission appointed. To do what? To change the method of taxation? No. To change the rate of taxation? No. To change the system of government here? No. What is the single proposition, what is the single issue, presented by the resolution of the gentleman from Alabama? The single resolution is to determine the one proposition, the ratio of expenses to be borne by the Federal Treasury and by the District property here; to fix an arbitrary amount that should be paid in the future; and it may be that that arbitrary amount in the next few years will be as unjust, will be as unfair, and as execrable on one side or the other as the half-and-half plan is now. And if you fix it arbitrarily and it gets to be wrong, it gets to be unjust, then you have got to have another quarter of a century's fight to change it. Gentlemen, the proposition submitted to you, and which you adopted by an overwhelming majority and sent to the Senate, is no such foolish proposition. You sent an honest proposition to the Senate to leave the taxes as they are and let them raise the amount they now raise, and then the Federal Government will

pay what they think is necessary to supplement the amount in order to meet the expenses. There is nothing unfair about it; there is no bugaboo man in it; and there is no complication in it, and no mystery.

This thing got to be a mysterious and difficult problem to certain interested gentlemen in the District and to certain interested gentlemen on the floor of the House and to certain other interested gentlemen in the Senate. It became a marvelous and stupendous and overwhelming burden upon the minds and hearts of Congress to determine the arbitrary amount each should pay. These gentlemen hope that this commission will be the grave of this good legislation. They know the only way to do justice is to have an honest assessment, an honest rate of taxation, and fix it for all time to come. This the proponents of this commission do not want. This resolution begs the question and gives the special-privileges class here another year of grace. Let the District pay an honest and fair amount of taxes, and that will end it. There will then be nothing more to do; and when Congress has exercised that sovereign right which she ought to exercise it will have dealt fairly with the District people and she will then have to deal fairly with the Treasury of the United States.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman reserves the balance of his time. The gentleman has 11 minutes remaining.

Mr. SISSON. Mr. Speaker, I yield the balance of my time to the gentleman from North Carolina [Mr. PAGE].

Mr. PAGE of North Carolina. Mr. Speaker, I shall not consume the 11 minutes; but before the vote is taken I want to make a statement for the RECORD as to the figures in this bill. The bill as passed by the House carried $11,313,048.45. There was added in the Senate by way of amendment $1,029,276. By the action of the conference between the two Houses this amount was reduced and the bill carried, as the conference report has been adopted in the House, $11,859,584.45, or $312,955.04 less than the current law.

Now, one word relating to the pending motion by the gentleman from Alabama and the existing law as to the meaning of the expenses of the conduct of the District of Columbia. For the fiscal year 1915 the estimated revenue from the collection of taxes in the District of Columbia, matched by an equal amount from the Treasury of the United States, was, in round numbers, $14,500,000. The committees of the Congress, and Congress itself, in making appropriations for the District for the fiscal year 1915, appropriated $12,172,539, leaving a surplus of $2,327,000 in the Treasury. The estimated revenues for the fiscal year 1916, from taxes collected in the District of Columbia, is estimated at $8,000,000. That amount, matched under the present law by $8,000,000 from the Treasury of the United States, would make an available sum of $16,000,000 for the conduct of the affairs of the District of Columbia for the fiscal year for which we are legislating. The conference report as adopted this morning, providing for all the various activities of the District of Columbia for the fiscal year 1916, carries $11,859,584, leaving a surplus of $4,140,416 in the Treasury of the United States. If the gentlemen of this House will take those figures and analyze them they will say, in my judgment, that we have more money under the present plan than can be properly expended for the conduct of the affairs of the District of Columbia. That, to my mind, answers this whole question. The Johnson amendment provides, if it were adopted——

Mr. MADDEN. Will the gentleman yield for a question?

Mr. PAGE of North Carolina. In one moment. The Johnson amendment provides that out of the appropriations in this bill of $11,859,584.45, $8,000,000 of it, in round numbers, would be paid by taxes raised upon property in the District of Columbia and $3,859,584 would be paid from the Treasury of the United States.

Mr. BORLAND. Without increasing the rate.

Mr. PAGE of North Carolina. Yes; without increasing the tax rate or the assessment or any other element touching the tax rate in the District.

Mr. MADDEN. I was going to ask the gentleman from North Carolina if the great surplus in the Treasury to which he alludes is not due in large measure to the fact that the committee has not authorized a great many permanent improvements that the District of Columbia ought to have made?

Mr. MANN. There is no surplus.

Mr. PAGE of North Carolina. No; I think not. The estimates made by the commissioners to this Congress, coming to this Congress for the year 1916—and I have not the exact figures before me—were a little more than $12,500,000, according to my recollection; so that we are meeting the needs of the District of Columbia. In fact, we have in this bill appropriations for which the District commissioners did not estimate, and we are building schoolhouses that they did not ask for. We are meeting all the needs for the current conduct of the government of the District of Columbia, and, in addition, making permanent improvements.

Mr. MADDEN. Now will the gentleman yield for one more question?

Mr. PAGE of North Carolina. I yield to the gentleman.

Mr. MADDEN. The committee has recommended legislation authorizing the children of the State of Maryland to attend the public schools of the District of Columbia, which will entail an expense on the people of the District of Columbia. Does the gentleman think that in the face of that character of legislation the Government of the United States ought not to pay part of it?

Mr. PAGE of North Carolina. Well, I never have said, I will say to the gentleman, that the United States Treasury ought not to pay a part of it. We are paying, if the Johnson amendment were in vogue to-day, out of this $11,859,000, for the conduct of District affairs, out of the general fund in the Treasury, an amount of $3,859,000 to meet the expenses of this District. I will say to the gentleman what I have said on this floor repeatedly heretofore, that I believe there is an obligation on the part of the National Treasury to the District of Columbia, and that obligation is met when we meet the needs of the District of Columbia.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. PAGE of North Carolina. I yield to the gentleman.

Mr. STAFFORD. I was going to say that under the present assessment, instead of its being 50 per cent it virtually becomes 66⅔, in the relation of $8,000,000 to $4,000,000.

Mr. PAGE of North Carolina. Yes. Now, Mr. Speaker, as one of the conferees of this House, trying to get this legislation, I want directions from this House. It has voted 2 to 1 for the so-called Johnson amendment, and as a conferee of the House, with my colleagues on that conference, we are not going to yield until this House yields. [Applause.] We are not going to assume the responsibility, as the agents of this House, of laying down upon a proposition that has been voted in by a vote of 2 to 1 in the House of Representatives; and it is up to you, and, as conferees, we are to carry out your will. But we want you to express your will.

Mr. UNDERWOOD. Mr. Speaker, will the gentleman allow me to ask him a question?

Mr. PAGE of North Carolina. Yes; I yield to the gentleman.

Mr. UNDERWOOD. Of course, the gentleman can not say with any definiteness, but does the gentleman expect the Senate to yield on this proposition?

Mr. PAGE of North Carolina. I do not see any reason why the Senate should not yield any more than that we should yield.

Mr. UNDERWOOD. Has there been any indication that the Senate would yield?

Mr. PAGE of North Carolina. No; nor has there been any here.

Mr. UNDERWOOD. Is it not customary, when legislation is put on an appropriation bill, for the House proposing it to yield in case of a deadlock?

Mr. PAGE of North Carolina. I think I will admit without any question that that has been the custom in the past. But I think there have been very few questions, even in the gentleman's long experience here, where there has been so decided a difference of opinion between the two Houses as there is on this proposition.

Mr. UNDERWOOD. If that is the case, is not the wiser course to accept this amendment as a compromise?

Mr. PAGE of North Carolina. I will answer the gentleman as I said awhile ago. That is up to this House, not to me as a conferee.

Mr. UNDERWOOD. I understand.

Mr. PAGE of North Carolina. I, as a conferee, will carry out the will of this House, whatever it may be; and I want that expression from the House this morning.

Mr. UNDERWOOD. The gentleman is entitled to have that.

Mr. PAGE of North Carolina. Mr. Speaker, I move the previous question on the two motions.

The SPEAKER. The gentleman from North Carolina moves the previous question on the motion offered by the gentleman from Alabama [Mr. UNDERWOOD] and on the motion offered by the gentleman from Kentucky [Mr. JOHNSON].

The previous question was ordered.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Alabama.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. CRISP, Mr. JOHNSON of Kentucky, and Mr. SISSON demanded a division.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 80, noes 85.

Mr. UNDERWOOD. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Alabama demands the yeas and nays. Those in favor of taking this vote by the yeas and nays will rise and stand until they are counted. [After counting.] Sixty-two gentlemen have risen—a sufficient number. The yeas and nays are ordered. The Clerk will call the roll. Those in favor of the motion will vote "yea"; those opposed will vote "nay."

The question was taken; and there were—yeas 165, nays 151, answered "present" 3, not voting 104, as follows:

[Roll No. 93.]

YEAS—165.

Aiken	Fields	Kinkaid	Ragsdale
Ainey	Finley	Kirkpatrick	Rainey
Alexander	Fitzgerald	Knowland, J. R.	Reilly, Conn.
Allen	FitzHenry	Langham	Reilly, Wis.
Anthony	Flood, Va.	Lazaro	Roberts, Mass.
Austin	Fordney	Lee, Pa.	Rogers
Baker	Francis	Lenroot	Rothermel
Beakes	Frear	Lesher	Scott
Blackmon	French	Lever	Seldomridge
Booher	Gallagher	Levy	Sells
Broussard	Gallivan	Lewis, Md.	Sinnott
Brown, W. Va.	Gard	Linthicum	Slayden
Browne, Wis.	Gillett	Lloyd	Slemp
Buchanan, Ill.	Glass	Logue	Sloan
Bulkley	Goeke	Lonergan	Small
Burke, S. Dak.	Goulden	McAndrews	Smith, Idaho
Butler	Greene, Mass.	McKenzie	Smith, J. M. C.
Byrnes, S. C.	Gregg	McLaughlin	Smith, N. Y.
Calder	Griffin	Madden	Stephens, Nebr.
Campbell	Guernsey	Managhan	Stevens, Minn.
Carlin	Hamilton, Mich.	Miller	Stevens, N. H.
Church	Harris	Mitchell	Stone
Coady	Hayden	Montague	Stout
Connolly, Iowa	Hayes	Morgan, La.	Switzer
Conry	Helgesen	Morgan, Okla.	Talcott, N. Y.
Cooper	Hill	Morrison	Ten Eyck
Copley	Hinds	Mott	Thacher
Danforth	Hobson	Nelson	Towner
Deitrick	Holland	Nolan, J. I.	Townsend
Dershem	Howell	Padgett	Treadway
Dillon	Humphrey, Wash.	Paige, Mass.	Underhill
Donohoe	Humphreys, Miss.	Parker, N. J.	Underwood
Doolittle	Igoe	Parker, N. Y.	Volstead
Dupré	Johnson, Wash.	Patten, N. Y.	Walsh
Eagan	Kelster	Patton, Pa.	Watson
Esch	Kelley, Mich.	Peters	Whitacre
Estopinal	Kennedy, Conn.	Phelan	White
Evans	Kennedy, Iowa	Platt	Winslow
Fairchild	Kennedy, R. I.	Plumley	Woods
Falconer	Kent	Post	
Farr	Kettner	Powers	
Fess	Kiess, Pa.	Price	

NAYS—151.

Abercrombie	Davenport	Johnson, Ky.	Rucker
Adair	Davis	Johnson, S. C.	Russell
Adamson	Decker	Keating	Shackleford
Anderson	Dickinson	Kelly, Pa.	Sherley
Ashbrook	Dies	Key, Ohio	Sherwood
Aswell	Dixon	Konop	Sims
Avis	Doremus	Korbly	Sisson
Bailey	Doughton	La Follette	Smith, Saml. W.
Baltz	Eagle	Langley	Smith, Minn.
Barkley	Edwards	Lee, Ga.	Smith, Tex.
Bartlett	Fergusson	Lieb	Sparkman
Barton	Ferris	Lindbergh	Stafford
Bathrick	Floyd, Ark.	Lobeck	Stedman
Beall, Tex.	Foster	McKellar	Steenerson
Bell, Ga.	Fowler	MacDonald	Stephens, Cal.
Borchers	Garner	Maguire, Nebr.	Stephens, Miss.
Borland	Garrett, Tenn.	Mann	Stephens, Tex.
Britten	Garrett, Tex.	Mapes	Sumners
Brockson	Godwin, N. C.	Martin	Sutherland
Buchanan, Tex.	Gordon	Mondell	Tavenner
Burke, Wis.	Gorman	Moon	Taylor, Ark.
Burnett	Graham, Ill.	Moore	Taylor, Colo.
Byrns, Tenn.	Gray	Moss, Ind.	Thomas
Callaway	Gudger	Murray	Thompson, Okla.
Candler, Miss.	Hamlin	Neeley, Kans.	Thomson, Ill.
Caraway	Harrison	Norton	Tribble
Carter	Haugen	O'Hair	Vare
Casey	Heflin	Oldfield	Vaughan
Claypool	Helm	Page, N. C.	Vinson
Cline	Helvering	Park	Vollmer
Collier	Henry	Pou	Walters
Connelly, Kans.	Hinebaugh	Prouty	Webb
Cox	Houston	Quin	Whaley
Cramton	Howard	Rauch	Wingo
Crisp	Hughes, Ga.	Rayburn	Witherspoon
Crosser	Hulings	Reed	Young, N. Dak.
Cullop	Hull	Rouse	Young, Tex.
Curry	Jacoway	Rubey	

ANSWERED "PRESENT"—3.

Gardner	Hardy	Talbott, Md.

NOT VOTING—104.

Barchfeld	Bruckner	Carr	Donovan
Barnhart	Brumbaugh	Cary	Dooling
Bartholdt	Bryan	Chandler, N. Y.	Driscoll
Bell, Cal.	Burgess	Clancy	Drukker
Bowdle	Burke, Pa.	Clark, Fla.	Dunn
Brodbeck	Cantor	Dale	Edmonds
Brown, N. Y.	Cantrill	Dent	Elder
Browning	Carew	Difenderfer	Faison
George	Hughes, W. Va.	Moss, W. Va.	Stanley
Gerry	Johnson, Utah	Mulkey	Stringer
Gill	Jones.	Murdock	Taggart
Gilmore	Kahn	Neely, W. Va.	Taylor, Ala.
Gittins	Kindel	O'Brien	Taylor, N. Y.
Goldfogle	Kitchin	Oglesby	Temple
Good	Kreider	O'Shaunessy	Tuttle
Goodwin, Ark.	Lafferty	Palmer	Walker
Graham, Pa.	L'Engle	Peterson	Wallin
Green, Iowa	Lewis, Pa.	Porter	Watkins
Greene, Vt.	Lindquist	Raker	Weaver
Griest	Loft	Riordan	Williams
Hamill	McClellan	Roberts, Nev.	Wilson, Fla.
Hamilton, N. Y.	McGillicuddy	Rupley	Wilson, N. Y.
Hart	McGuire, Okla.	Sabath	Woodruff
Hawley	Mahan	Saunders	
Hay	Maher	Scully	
Hensley	Metz	Shreve	
Hoxworth	Morin	Smith, Md.	

So the motion of Mr. UNDERWOOD was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. WILSON of Florida with Mr. DUNN.

Mr. TALBOTT of Maryland with Mr. BURKE of Pennsylvania.

Mr. BARNHART with Mr. LINDQUIST.

Mr. DALE with Mr. ROBERTS of Nevada.

Mr. GOODWIN of Arkansas with Mr. CARY.

Mr. HENSLEY with Mr. BARTHOLDT.

Mr. SABATH with Mr. HAMILTON of New York.

Mr. CANTRILL with Mr. BARCHFELD.

Mr. BROWN of New York with Mr. CHANDLER of New York.

Mr. SCULLY with Mr. BROWNING.

Mr. BURGESS with Mr. DRUKKER.

Mr. CLARK of Florida with Mr. EDMONDS.

Mr. DENT with Mr. HUGHES of West Virginia.

Mr. DOOLING with Mr. GOOD.

Mr. HAY With Mr. KAHN.

Mr. KITCHIN with Mr. GRAHAM of Pennsylvania.

Mr. HART with Mr. GREEN of Iowa.

Mr. BRUCKNER with Mr. GREENE of Vermont.

Mr. FAISON with Mr. HAWLEY.

Mr. MAHER with Mr. JOHNSON of Utah.

Mr. NEELY of West Virginia with Mr. Moss of West Virginia.

Mr. PALMER with Mr. KREIDER.

Mr. PETERSON with Mr. LEWIS of Pennsylvania.

Mr. RAKER with Mr. MORIN.

Mr. SAUNDERS with Mr. PORTER.

Mr. TAGGART with Mr. MCGUIRE of Oklahoma.

Mr. WALKER with Mr. GRIEST.

Mr. WILLIAMS with Mr. WALLIN.

Mr. HAMILL with Mr. TEMPLE.

Mr. CARLIN. Mr. Speaker, I was in the Hall, listening, but did not hear my name.

The SPEAKER pro tempore (Mr. GARRETT of Tennessee). The Clerk will call the gentleman's name.

The Clerk called the name of Mr. CARLIN, and he voted "aye."

Mr. TEMPLE. Mr. Speaker, I should like to vote.

The SPEAKER pro tempore. Was the gentleman in the Hall listening?

Mr. TEMPLE. No; I was in the lobby.

The SPEAKER pro tempore. The gentleman does not bring himself within the rule.

The SPEAKER took the chair.

Mr. BRUMBAUGH. Mr. Speaker, I desire to vote "aye."

The SPEAKER. Was the gentleman in the Hall listening?

Mr. BRUMBAUGH. I came in during the second roll call, Mr. Speaker.

The SPEAKER. The question is, when your name was called on the second roll call, were you here and listening?

Mr. BRUMBAUGH. No.

The SPEAKER. The gentleman is not qualified.

Mr. JOHNSON of Kentucky. Mr. Speaker, I do not know how the gentleman from Virginia [Mr. CARLIN] voted. That is immaterial; but I failed to hear the Speaker put the qualifying question to him.

Mr. GARRETT of Tennessee. Mr. Speaker, I happened to be occupying the chair at the time, and the gentleman from Virginia [Mr. CARLIN] stated voluntarily, without my putting the question to him, that he was in the Hall listening.

The result of the vote was announced as above recorded.

Mr. PAGE of North Carolina. Mr. Speaker, I have no further motion to make with regard to the District of Columbia appropriation bill.

Mr. MANN. Oh, yes——

Mr. PAGE of North Carolina. Let them ask for a conference.

PANAMA CANAL.

Mr. ADAMSON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Georgia rise?

Mr. ADAMSON. I wish to submit a request for unanimous consent. A good deal was said yesterday about a committee of Congress to attend the opening of the Panama Canal, and I have dropped in the box the following resolution. I ask unanimous consent for its present consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (H. J. Res. 434) providing for a joint committee to represent Congress at the formal and official opening of the Panama Canal.

Resolved, etc., That the Vice President of the United States and 7 Senators, to be appointed by him, and the Speaker of the House of Representatives and 14 other Members of the House, to be appointed by him, shall constitute a joint committee to attend and represent the Congress of the United States on the occasion of the formal and official opening of the Panama Canal by the President. For the purpose of defraying the expense of attending and participation by said committee the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury not otherwise appropriated.

The SPEAKER. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I should like to ask the gentleman to withhold his resolution for the present. I do not think the matter ought to be taken up, if at all, until the legislative bill is passed and we know what has been determined upon about the general celebration.

Mr. ADAMSON. Mr. Speaker, I do not question the wisdom of the gentleman from Alabama in making the request to await the result of the other proposition, but I do not want to withdraw the resolution.

Mr. UNDERWOOD. I am unwilling to give unanimous consent for consideration at this time.

Mr. GALLIVAN. Mr. Speaker, I object.

Mr. ADAMSON. The resolution is in the basket and it will take its course.

LEAVE OF ABSENCE.

Mr. LANGLEY. Mr. Speaker, the gentleman from West Virginia [Mr. HUGHES] is confined to his room on account of illness, and I ask that he be granted leave of absence for to-day.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that the gentleman from West Virginia [Mr. HUGHES] have leave of absence for to-day. Is there objection?

There was no objection.

By unanimous consent, leave of absence was granted to Mr. RAKER, for three days, on account of death in his family.

EXTENSION OF REMARKS.

Mr. CRISP. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the District of Columbia bill.

The SPEAKER. The gentleman from Georgia asks unanimous consent to revise and extend his remarks on the District of Columbia bill. Is there objection?

There was no objection.

Mr. JOHNSON of Kentucky. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 21201, the Diplomatic and Consular appropriation bill, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 21201) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1916.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. MANN. Reserving the right to object, I would like to have a separate vote now on Senate amendments 1 and 2, which come together, and amendments 22 and 23, which come together. I think it will take a very short time to do it. Will not the gentleman from Virginia ask unanimous consent to take the bill from the Speaker's table for present consideration and disagree to the other Senate amendments?

Mr. FLOOD of Virginia. Mr. Speaker, I will ask unanimous consent to take the bill from the Speaker's table and nonconcur in all of the amendments except Senate amendments 1 and 2 and 22 and 23.

The SPEAKER. The gentleman from Virginia asks unanimous consent to take from the Speaker's table the bill H. R. 21201, the Diplomatic and Consular appropriation bill, and disagree to all the Senate amendments except amendments 1 and 2 and 22 and 23. Is there objection?

Mr. LINTHICUM. Mr. Speaker, reserving the right to object, I want to say that I would like 10 minutes on amendments 1 and 2.

Mr. MANN. That will come up later.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report Senate amendments 1 and 2.

Mr. MANN. Reporting the amendments will give little information. Senate amendments 1 and 2 are in relation to the International Boundary Commission between the United States and Mexico. The House appropriated $7,500, and the Senate has increased it to $25,000. The House made $5,000 of that available to resume and continue the work relating to the distribution of water, and the Senate has increased that to $16,000. I do not wish to move to concur, but I want to emphasize the attitude of the House when the gentleman moves to disagree to the amendments by asking for a division. If anyone wants to concur in these amendments, now is his time to take the chance.

Mr. LINTHICUM. Mr. Speaker, I move that the House disagree to Senate amendments 1 and 2. I am a member of the Committee on Foreign Affairs, and these amendments are in reference to the International Boundary Commission between the United States and Mexico. We appropriated $7,500, $5,000 of which was to be made immediately available to resume and continue the distribution of the water, as set forth on page 10 of the bill.

We gave this matter thorough consideration and appropriated $7,500. We appropriated all that they can possibly use at this time.

The Senate has seen proper to make it $25,000 instead of $7,500, and to make $16,000 available for the investigation and distribution of water. The idea of this $16,000 is to go there and devise plans of impounding the water of the Rio Grande River for distribution. It is absolutely impossible for them to do any work at this time; they could not do it on the Mexican side, and it would be useless to try to do it on the American side without cooperation with the Mexican commission. The Mexican commission is not doing any work, they are taking no part in the matter, and $7,500 provides ample salaries for those to look after the distribution of the water.

So far as undertaking to lay down plans for the distribution and impounding the waters of the Rio Grande River, it is absolutely impossible to do it, and it would be merely a waste of the $17,500 which the Senate put in the bill. We went into the matter thoroughly and concluded that $7,500 was all that could possibly be used and all that would be used to any great advantage at this time.

I am opposed to it because we can not make any use of it. Mexico and the United States are not on speaking terms, at least the Governments are not, and there is no Mexican commission to cooperate with. You could merely stand on the hills and look over onto the Mexican side to see what would be practicable. As for expending $16,000 to any advantage, it is absolutely impossible and a waste of Government money.

I do not want to go into the matter too deeply, but the committee looked into the whole affair and determined exactly what money could be used. I am opposed to the amendment.

The SPEAKER. The gentleman from Maryland moves that the House disagree to the Senate amendments 1 and 2.

The question was taken; and on a division (demanded by Mr. MANN) there were 117 ayes and 6 noes.

So the motion to disagree was agreed to.

The SPEAKER. The Clerk will report Senate amendments 22 and 23.

The Clerk read as follows:

Amendment 22:
Page 29, line 10, strike out "$25,000" and insert "$100,000."
Amendment 23:
Page 29, line 13, after the word "country," insert: "$75,000 of which, or so much thereof as may be necessary, to be expended for the erection, on land donated to this Government by the Government of Panama, of a suitable building, which may permanently stand as a bureau of information and commercial museum to exhibit and draw attention at all times to the industrial and commercial standing of the United States, and the residue to be expended."

Mr. FLOOD of Virginia. Mr. Speaker, I move to nonconcur in Senate amendments 22 and 23.

Mr. MANN rose.

Mr. FLOOD of Virginia. Mr. Speaker, I yield to the gentleman from Illinois.

Mr. MANN. Mr. Speaker, this is the item for the Panama Exposition, by the Government of Panama. The Department of State originally asked for $75,000. The House appropriated $25,000, leaving out the provision for a permanent exposition building. The matter was discussed quite fully in the House when it was before the House. The Senate has made it $100,000, of which $75,000 shall be used for the construction of a perma-

nent exposition building. I will undertake to say that, in my judgment, if the entire membership of this House should go to Panama and view the situation, there would not be 5 out of the 425 or more Members who would be in favor of constructing this exposition building at the place where it is proposed now to construct it. I wish to emphasize if I can the action of the House, if they are opposed to the amendment, by disagreeing, so that it will back up the conferees.

Mr. HELM. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes.

Mr. HELM. Is this building to be constructed on the Canal Zone?

Mr. MANN. It is not.

Mr. HELM. Where is it to be constructed?

Mr. MANN. Away across the city of Panama, on the other side of the city from the Canal Zone.

Mr. FITZGERALD. Out in the country away from everything.

Mr. MANN. It is a place where they would like to promote a very nice suburban real-estate boom.

Mr. HELM. Do I understand the gentleman is opposing the location of the building and the proposition as a business proposition?

Mr. MANN. Oh, I do not say that we might not properly erect a permanent exposition building there at some time on the Canal Zone, but that has nothing to do with this proposition.

Mr. HELM. This is simply the location of the site?

Mr. MANN. This is for the construction of a permanent exposition building out in the country on ground to be given to the Government by the present owners, in order to have us construct a permanent building, away from the Canal Zone.

Mr. HELM. Mr. Speaker, I will ask the gentleman from Virginia to yield to me.

Mr. FLOOD of Virginia. Mr. Speaker, I yield two minutes to the gentleman from Kentucky.

Mr. HELM. Mr. Speaker, I think there is a great deal of merit in the proposition to have an exposition building on the Canal Zone somewhere, some kind of a business museum or exposition building. It may be that the location of this particular site is ill advised, but the proposition of having an institution where American goods, wares, and merchandise may be put on exhibition and viewed by the people of Central and South America who must traverse this Canal Zone, utilizing the Canal Zone as a highway of travel, I think is important.

Mr. SMITH of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. HELM. Yes.

Mr. SMITH of Minnesota. Does the gentleman not think it would be a better business proposition to fix up some of our post-office buildings in the United States than to go outside and to build an exposition building?

Mr. HELM. Oh, the gentleman is clear off the track. This is a serious business proposition. I think it promises good results if it is properly handled, and I do not think it ought to be treated lightly.

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. FLOOD of Virginia. Mr. Speaker, the Committee on Foreign Affairs reported this item as it passed the Senate. In the House the $75,000 went out on a point of order. After hearing what the gentleman from Illinois [Mr. MANN], who had personally investigated the property on his visit to Panama, said about the location of the proposed building, I was convinced, and I believe other members of the committee that reported the bill were convinced, that his position is correct. I will say to the gentleman from Kentucky that this appropriation is for the erection of a building at a particular spot which is designated in the bill itself.

Mr. HELM. Mr. Speaker, will the gentleman yield?

Mr. FLOOD of Virginia. Yes.

Mr. HELM. I am not taking issue with the chairman of the committee. It may be that all he says is correct, that this may be in a very ill-advised situation, but I am in favor, generally speaking, of a proposition that will afford an opportunity to exhibit American products.

Mr. FLOOD of Virginia. That may be all right as an original proposition, but it is not before the House. This is a proposition to erect a building on the other side of the city of Panama from the Canal Zone, in a particular locality, designated in the bill. I think the House ought to disagree to the Senate amendments. I ask for a vote.

The SPEAKER. The question is on the motion of the gentleman from Virginia to disagree to Senate amendments 22 and 23.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 117, noes 1.

So the Senate amendments were disagreed to.

The Chair announced the following conferees: Mr. FLOOD of Virginia, Mr. CLINE, and Mr. COOPER.

AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 20415) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1916, with Senate amendments thereto, disagree to all of the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to take the Agricultural appropriation bill from the Speaker's table, disagree to all of the Senate amendments, and ask for a conference. Is there objection?

Mr. WINGO. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from South Carolina if any arrangement can be made for those who wish to vote on the rural-credit amendment? I favor immediate action on rural credits, and unless I can have that amendment considered and concurred in, either with our without amendment, I shall object.

Mr. LEVER. To what amendment goes the gentleman refer?

Mr. WINGO. To the McCumber amendment, 89.

Mr. LEVER. Amendment 89?

Mr. WINGO. Amendment numbered 89.

Mr. LEVER. I will say to the gentleman from Arkansas that personally I have no objection whatever to some arrangement being entered into by which a separate vote on amendment No. 89 may be had. The gentleman understands, of course, that it would take unanimous consent to make such an arrangement. Personally I shall not object to unanimous consent being asked for that purpose.

Mr. GARNER. Mr. Speaker, I ask unanimous consent, then, to disagree to all amendments except amendment No. 89——

Mr. MANN. Let the gentleman from South Carolina make the request.

Mr. LEVER. I prefer not to make that request. Let some one else make it.

The SPEAKER. What is the request the gentleman from South Carolina makes?

Mr. LEVER. My request is to take this bill from the table, to disagree to all Senate amendments, and ask for a conference. These gentlemen are proposing another plan of procedure, and I ask them to make their proposition.

Mr. GARNER. Let me state my request for unanimous consent. The gentleman from South Carolina has stated he would have no objection himself to giving an opportunity for a separate vote on amendment numbered 89. Now, if that meets the approval of the House, we can very easily get at it. Then I ask unanimous consent to disagree to all Senate amendments except 89, and consider Senate amendment numbered 89 in the House as in the Committee of the Whole House at this time. I make that request.

Mr. HENRY. Mr. Speaker, reserving the right to object, will the gentleman broaden his request so as to make it cover the proposition, so that we may vote upon this Senate amendment numbered 89, any amendment to it, any amendment to the amendment, a substitute for the amendment, and any amendment to that, so we will have a fair, square vote on the rural-credits proposition?

Mr. GARNER. That follows the unanimous consent; that covers the entire proposition. If we consider this matter in the House as in the Committee of the Whole House, it will be open for amendment, and amendments may be offered and voted on. It is at the pleasure of the House.

Mr. HENRY. Well, does the gentleman change his request to that extent?

The SPEAKER. There is not any request to start on.

Mr. HENRY. Mr. Speaker, I submitted a request.

The SPEAKER. The Chair knows; but the gentleman from Texas [Mr. GARNER] included that in his request.

Mr. FERRIS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Oklahoma rise?

Mr. FERRIS. To submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FERRIS. If unanimous consent is given will the request of the gentleman from Texas [Mr. GARNER] serve as instructions to the House conferees to bring that back as it is? What is the legal effect?

The SPEAKER. The gentleman proposes to take it up right now and dispose of it.

Mr. FERRIS. What effect does that have?

The SPEAKER. The effect it has is whatever the House does. If the House agrees to it or agrees with an amendment, that is the end of that part of it.

Mr. RAGSDALE. Mr. Chairman, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAGSDALE. Is it necessary that the unanimous consent request of the gentleman from Texas [Mr. HENRY] should be granted if the request of the gentleman from Texas [Mr. GARNER] should be complied with?

The SPEAKER. Why, the gentleman from Texas [Mr. HENRY] never made any unanimous-consent request.

Mr. HENRY. I was going to make it to supplement the request of the gentleman from Texas [Mr. GARNER].

Mr. RAGSDALE. A parliamentary inquiry.

The SPEAKER. The request of the gentleman from Texas [Mr. GARNER] included the very thing the gentleman from Texas [Mr. HENRY] was talking about.

Mr. RAGSDALE. That was what I was trying to get at.

Mr. HENRY. Let me understand it. It includes——

The SPEAKER. The Chair will state the request. The gentleman from Texas [Mr. GARNER] requests that the House disagree to all the Senate amendments except 89, and that 89 shall be taken up immediately, and that the House as in Committee of the Whole House on the state of the Union dispose of it.

Mr. HENRY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HENRY. Suppose we agree to the gentleman's request and then we take up amendment numbered 89, and some gentleman moves to disagree, and some other gentleman moves as a preferential motion to concur, and some other gentleman moves to concur with an amendment—a gentleman who is not friendly to the proposition—and then, if he moves the previous question on it, would we be able to vote on every phase of this proposition?

The SPEAKER. The way that would stand at this time is with all three of these motions pyramided a motion to concur with an amendment would take precedence over the motion to concur, and both of them would take precedence over a motion to disagree; and if the motion to concur is voted down, it is equal to a disagreement.

Mr. HENRY. Then if some gentleman who is not friendly to some of the propositions we intend to propose here should move to concur with an amendment and then move the previous question we would have no right to vote on our propositions?

Mr. MANN. They will be far better off than when the Committee on Rules—because we can vote down the previous question and we can not vote down the Committee on Rules.

The SPEAKER. The House is under no sort of obligation to vote for the previous question. If it deliberately votes for the previous question it shuts it off.

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER. If the friends of the rural credits are in the majority, they can vote down the previous question and submit any proposition to this House——

The SPEAKER. Of course they can, any proposition that is within the rule.

Mr. HENRY. Mr. Speaker, the friends of rural credit can enter into an agreement now that we can stand by hereafter?

The SPEAKER. I do not know about that.

Mr. HENRY. Then, Mr. Speaker, we can object?

The SPEAKER. Of course you can object.

Mr. BATHRICK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BATHRICK. I desire at some stage of this parliamentary proceeding to make a motion to concur in Senate amendment No. 89.

The SPEAKER. We have not arrived at that stage yet, and the prospects are not very good. [Laughter.]

Mr. WINGO. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WINGO. Mr. Speaker, if the agreement is made, as suggested by the gentleman from Texas [Mr. GARNER], the McCumber amendment would then be considered under the five-minute rule?

The SPEAKER. It would, undoubtedly.

Mr. WINGO. The Senate amendment is considered as one section, is it not?

The SPEAKER. Yes.

Mr. GARNER. May I make another parliamentary inquiry?

The SPEAKER. The gentleman from Texas will state it.

Mr. GARNER. Mr. Speaker, in order that some gentlemen who stand around here and ask questions may understand, I would like to ask if this bill should go to the committee under the regular rules of the House and be reported back, and it was being considered in the Committee of the Whole, the same rules would apply to this section that would apply to it under this unanimous-consent request?

Mr. MANN. No.

Mr. GARNER. Except you can not move the previous question in the Committee of the Whole?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, under the request of the gentleman from Texas——

The SPEAKER. If the gentleman from New York [Mr. FITZGERALD] will allow the Chair to answer the parliamentary inquiry, then he will recognize him. There will be two differences. In the Committee of the Whole you have general debate, and can not move the previous question.

Mr. FITZGERALD. Mr. Speaker, the gentleman's request is to consider the Senate amendment in the House as in the Committee of the Whole House on the state of the Union. That amendment appropriates $10,000,000. It must be considered as a single amendment. One amendment could be offered to it, and after five minutes' debate some friend of this appropriation could move the previous question; and if they had the votes, after five minutes' debate they could vote to adopt this item appropriating $10,000,000. It is a little too rapid for me, and I object.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] objects. The gentleman from South Carolina [Mr. LEVER] asks unanimous consent to take the bill from the Speaker's table, disagree to all the Senate amendments, and ask for a conference.

Mr. FERRIS. Mr. Speaker, I object.

Mr. MANN. It is all over.

Mr. NORTON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. NORTON. Is it in order at this time to move to suspend the rules?

The SPEAKER. It is not. The gentleman from South Carolina [Mr. LEVER] moves to take this bill from the Speaker's table and disagree to all the Senate mendments and ask for a conference.

Mr. HENRY. Mr. Speaker, I demand a second.

The SPEAKER. There is no second about it.

Mr. FERRIS. I object, Mr. Speaker, to unanimous consent.

Mr. NORTON. I object to that, Mr. Speaker.

Mr. HENRY. I understood the Chair to say that the gentleman moved to suspend the rules.

The SPEAKER. Oh, no. He asked unanimous consent, and there was objection made.

Mr. LEVER. I offer the following motion.

The SPEAKER. The gentleman from South Carolina offers a motion, which the Clerk will report.

The Clerk read as follows:

Mr. LEVER moves to suspend the rules and take from the Speaker's table H. R. 20415, an act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1916, disagree to all Senate amendments thereto, and ask a free conference.

Mr. HENRY. Mr. Speaker, I demand a second.

Mr. HOWARD. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. HOWARD. Did the Chair recognize the gentleman from Texas [Mr. HENRY] to demand a second? I was on my feet and addressed the Chair, and the gentleman from Texas simply, without being recognized by the Chair, said, "Mr. Speaker, I demand a second." The Chair, as I understand it, had not recognized the gentleman from Texas to make any motion at this time because of the fact that the motion of the gentleman from South Carolina [Mr. LEVER] had intervened. Now, the gentleman from Texas demands a second without any recognition from the Chair for the purpose of demanding a second, and I was on my feet for the purpose——

The SPEAKER. I know, and there were a dozen other Members on their feet.

Mr. MANN. The gentleman was too slow.

Mr. HOWARD. I was trying to proceed according to the parliamentary practices.

Mr. HENRY. Mr. Speaker, the gentleman had not said a word.

The SPEAKER. The Chair had not heard the gentleman.

Mr. HOWARD. I said, Mr. Speaker, the gentleman from Texas said, "Mr. Speaker, I demand a second," and I say under that procedure he can not get the attention of the Chair.

The SPEAKER. The gentleman from Texas happened to be standing right in front of the Speaker, doing the same thing that the gentleman from Georgia says that he is doing. The gentleman from Texas [Mr. HENRY] demands a second.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

Mr. MURRAY. I object, Mr. Speaker.

The SPEAKER. The gentleman from Oklahoma objects, and the gentleman from South Carolina [Mr. LEVER] and the gentleman from Texas [Mr. HENRY] will take their places as tellers.

The House divided, and the tellers reported—ayes 61, noes 68.

So a second was refused.

Mr. LEVER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LEVER. I was about to inquire of the Chair, Mr. Speaker, if this bill under these circumstances went automatically to the Committee on Agriculture?

The SPEAKER. Yes.

Mr. NORTON. Mr. Speaker——

The SPEAKER. The bill is referred to the Committee on Agriculture. [Applause.] For what purpose does the gentleman from North Dakota rise?

Mr. NORTON. I desire to inquire whether, after the vote was taken, or after the tellers were had on the vote to suspend the rules, it was in order then to move to suspend the rules and concur in Senate amendment 89?

Mr. MANN. Oh, that is water that has run over the mill.

The SPEAKER. The bill has been referred to the committee.

Mr. NORTON. All right.

The SPEAKER. That was settled, so far as this particular juncture is concerned.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 20975, the naval appropriation bill, with the Senate amendments, disagree to all the amendments, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] asks unanimous consent to take from the Speaker's table House bill 20975, the naval appropriation bill, disagree to all the Senate amendments, and agree to the conference asked by the Senate. The Clerk will report the bill.

The Clerk read the title of the bill, as follows:

A bill (H. R. 20975) making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes.

The SPEAKER. Is there objection?

Mr. J. I. NOLAN. Reserving the right to object, Mr. Speaker, I would like to know if some arrangement could be made whereby we may get a separate vote on Senate amendment numbered 71?

The SPEAKER. What is it about?

Mr. J. I. NOLAN. The efficiency system of shop management.

Mr. PADGETT. I have no objection to bringing it back, sir.

Mr. J. I. NOLAN. If there is some arrangement of that kind, a good many of us here would like an opportunity to vote on that proposition in case the House would concur in the Senate amendment; and if the chairman of the committee would bring that in, any objection I would have would be withdrawn.

Mr. MANN. That is also true with respect to the Army appropriation bill.

Mr. J. I. NOLAN. The Army bill went into conference, and they are in disagreement on that item now.

Mr. MANN. Yes; I understand. I take it that what will be agreed upon as to the one will be done with the other.

Mr. PADGETT. Mr. Speaker, I shall endeavor to make whatever action the House takes on the naval bill conform to the action it takes on the Army bill in that respect.

The SPEAKER. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House Mr. PADGETT, Mr. TALBOTT of Maryland, Mr. ESTOPINAL, Mr. BUTLER, and Mr. ROBERTS of Massachusetts.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. BARTLETT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the general deficiency bill.

The SPEAKER. The gentleman from Georgia [Mr. BARTLETT] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 21546, the general deficiency bill. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Oklahoma [Mr. FERRIS] will take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 21546, the general deficiency bill, with Mr. FERRIS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 21546, the general deficiency bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 21546) making appropriations to supply deficiencies in appropriations for the fiscal year 1915 and for prior years, and for other purposes.

The CHAIRMAN. The Clerk will proceed with the reading of the bill for amendment.

The Clerk read as follows:

REVENUE-CUTTER SERVICE.

For expenses of the Revenue-Cutter Service, including the same objects specified under this head in the sundry civil appropriation act for the fiscal year 1914, $7,398.58.

Mr. MANN. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last two words.

Mr. MANN. I do that for the purpose of again calling the attention of the gentleman from New York [Mr. FITZGERALD] to the term "Revenue-Cutter Service" which is carried in this bill in several places.

Mr. FITZGERALD. The item that has been read is an ascertained deficiency for 1914.

Mr. MANN. I understand. There are, as I understand, various items in the bill, as I stated before, under the term "Revenue-Cutter Service" and under the term "Life-Saving Service." The law creating the Coast Guard Service uses this language:

And all funds and appropriations now provided by law for the Revenue-Cutter Service and all funds and appropriations now provided by law for the Life-Saving Service shall be available for like services under the Coast Guard hereby created.

Of course that language clearly does not cover items in this bill under the heads of "Life-Saving Service" and "Revenue-Cutter Service." But I think, before this bill becomes a law, there ought to be language inserted somewhere in this bill showing that these items in the bill under these titles shall be available for the Coast Guard.

Mr. FITZGERALD. My understanding of the situation is this: Certain appropriations have been made under certain titles for the current year for the Life-Saving Service and the Revenue-Cutter Service. The bill creating the Coast Guard provides for appropriations made for these two services for the next fiscal year.

Mr. MANN. It does not so provide. I have just read the language to the gentleman.

Mr. FITZGERALD. If the gentleman will read that language, I will use it to explain my position.

Mr. MANN. It says:

All funds and appropriations now provided by law for the Revenue-Cutter Service and all funds and appropriations now provided by law for the Life-Saving Service shall be available for like purposes under the Coast Guard hereby created.

Mr. FITZGERALD. The Coast Guard act provided that the appropriations that had been made for this fiscal year, at the time the Coast Guard act went into effect, were available for the Coast Guard Service.

Mr. MANN. They might have been made for the last fiscal year.

Mr. FITZGERALD. These accounts are opened on the books of the Treasury. When a deficiency appropriation is made for any one of them, it is added to the account opened, and is treated as if it had been made for the entire fiscal year.

Mr. MANN. It can not be without violating this provision.

Mr. FITZGERALD. The auditor's office of the Treasury Department, which controls these matters, takes this position, and if they are not embarrassed, I do not see why I should worry.

Mr. MANN. I am sure the auditor's office and the comptroller's office have not passed upon the matter, and if they have, they are perfect fools. Here is a provision to the effect that the appropriations heretofore made shall be available for a certain purpose, and the gentleman assumes that that means that the appropriations hereafter made shall be available. If this assumes that it is necessary—and I do not know whether it is or not—and something is needed under this bill, the moneys will not be available.

Mr. FITZGERALD. Well, the Treasury Department, which has control of the Treasury, and the experts in the Division of Bookkeeping and Warrants and the various auditors are sup-

posed to submit estimates in such a form that they can use the money. I have sufficient trouble in determining how much they ought to get, and I am not concerned so much about the form of the appropriation. My troubles are incurred in trying to determine how much they should expend, if any.

Mr. MANN. I understand it probably will not be fair to ask the gentleman from New York to use any of his gray matter to explain the estimates submitted to the committee. But when I use my gray matter for that purpose, if the gentleman had good judgment, he would accept the benefit of it.

Mr. FITZGERALD. Why should the gentleman worry about the mistakes of the Treasury Department?

Mr. MANN. I do not worry about the mistakes of the Treasury Department, but I hate to see Congress act like a pack of small children at any time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

War-risk insurance: To pay the United States Steel Products Co. refund of a portion of premium on account of war-risk policy No. 8, having ceased to cover on November 29, 1914, $1,435.60.

Mr. MOORE. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 5, line 7, after the word "eight," strike out the word "having" and insert the word "which."

Mr. MOORE. Mr. Chairman, my amendment is offered with a view of improving the phraseology of the bill, but it pertains to a paragraph which I desire to discuss briefly.

In August last, when the war risk insurance proposition was before the House, I called attention to the fact that many of those who advocated the legislation represented the so-called trusts and combinations of the country, and that the ordinary people of the land whose $5,000,000 was to be set up to capitalize a war risk insurance company had evidently not been consulted. I indicated then that the formation of this Government agency was fraught with danger, not only because of possible international complications, but because of the use of the people's money for a hazardous purpose. I said then what seems to be confirmed now, since at least two vessels going into the war zone have been sunk at a loss to the people of $659,000, that the War Risk Bureau would doubtless be used not only by American shippers seeking to get their materials into belligerent territory, but by exporters, speculators, and adventurers having a higher regard for the European dollar than they have for the American market or the American workingman. Of course, this suggestion was no more acceptable then to our Democratic brethern who are so fond of "the common people" than it is now.

FAVORING THE "BIG INTERESTS."

Since it is the favorite practice of the Democratic Party to denounce the Republican Party for its adherence to the protective-tariff system and to accuse it of fostering trusts and monopolies, I now recall for the benefit of our friends upon the other side that the war-risk bill came to us about the time that 62 distinguished gentlemen, thoroughly representative of "Wall Street" and the so-called "Money Trust," had called upon the President of the United States to discuss the war-risk proposition, increased railroad rates, and other matters the approval of which seemed to be at total variance with the long-standing and oft-repeated professions of Democratic orators. I will not now recall the names of these so-called "malefactors of great wealth" or of "predatory wealth" or of the "special interests" whom the President consulted in the hour of the Nation's great adversity, but shall deem it sufficient to say that the United States Steel Corporation, the Standard Oil Co., the United Fruit Co., the great New York banks, and various other "big interests" that "no honest Democrat" could formerly sleep with comfortably, were all there. They could have established a War Risk Bureau, capitalized at many times $5,000,000, without asking the people to stake their money, but the Democratic administration concluded to help out in the matter and the bill was passed. Of course the country was in great distress, due to the Democratic low-tariff legislation, but there was such a hue and cry about the inability of the cotton planter to get his product to the European mills that the welfare of the mills of the United States and the employment of our own industries were overlooked.

CRITICISM OF WAR RISK BUREAU.

Now, Mr. Chairman, although we have lost two ships, both foreign built and aged, which obtained the right to use the American flag because they had been wrecked upon the American coast, we are beginning to understand why our Democratic friends are "touchy" when we refer to their friendship for "the big interests" or to "the reckless interests" in the creation of the War Risk Bureau.

It appears from the paragraph before us that we are expected to refund, not to one of the "common people" who lost his money in the desire to sell his products to a foreign customer, but to the heretofore much-belabored United States Steel Products Co., the sum of $1,435.60, being a portion "of premium on account of war risk policy numbered 8." It seems the "big interests" were evidently obtaining the benefit of the people's money which capitalized the War Risk Bureau.

My friend JUDGE ALEXANDER, of Missouri, criticizes me in this morning's RECORD for reflecting in some of these war-risk talks upon the operations of the bureau. Well, I do criticize the bureau, not because of its personnel, but because it is a Government institution the origin and utility of which are debatable propositions. I believe the passage of the two resolutions which I have offered, one to obtain information about the sinking of the *Evelyn* and the other to secure an accurate list of the vessels and cargoes insured, with a statement as to ownership, destinations, etc., will reveal some facts that will be interesting to the plain people whose money has been used to enable the ships belonging principally to large corporations to carry on a business for which insurance could not be had from private companies and at rates which apparently would make it pay to have some of these old vessels sent to the bottom.

OLD HULL OVERINSURED.

The other day I called attention to the sinking of the *Evelyn* and the *Carib*, insured for $659,103 on premiums amounting to $20,995. These figures and others presented by me are confirmed by my friend from Missouri [Mr. ALEXANDER] in the statement he puts in the RECORD this morning; but although it has been contended that the War Risk Bureau is pursuing the insurance business in the way it would be conducted by private companies, I do not believe the House or the country fully understands the kind of discretion that is exercised in fixing valuations upon which to pledge the insurance money of the people.

I have been looking up the case of the *Evelyn* and find that she was sold at public auction in conjunction with a sister ship, the *Mae*, about a year or so ago. The owners of the vessels had a hard time to get rid of them, but sold together they brought $84,500. Now, the *Evelyn* was built in 1883, 32 years ago, and was rebuilt after being wrecked in 1897. The *Mae* was built in 1899; she was therefore a younger, and doubtless a better ship. If we deal with values on the fifty-fifty plan, we would not place a higher value on the *Evelyn* than $42,250, or one-half the total. Now, what was the situation? Cotton was seeking ships to go into foreign ports. The marine companies were not cheerfully taking the risk, owing to war conditions. The Government War Risk Bureau was formed. Perhaps it should have been the very last agency to encourage American shippers to venture into belligerent territory. Perhaps it should have told them to keep out and attend to their own business in the United States, but that was not the purpose of the War Risk Bureau.

UNLOADED ON THE UNITED STATES.

It was intended to take the very risk that resulted in the mining of the *Evelyn*. The selling value of the *Evelyn*, as stated, was $42,250. The owners sought insurance from the War Risk Bureau and obtained a policy for $100,000. Then, the cargo of cotton was insured for $301,000, a total of $401,000. I do not know what the value of that cotton was, but, between the foreign guarantees and the American insurance, I venture the assertion that the men who sent that cotton by way of the *Evelyn* will not lose a dollar upon it. So far as the hull of the ship is concerned, the situation is even more interesting. Insured for $100,000 on a possible value of $42,500, it would pay the owner of any vessel to search out the floating mines and send the whole business to "Davy Jones's locker." We are told now that some of the lives on board the *Evelyn* were lost. Putting these facts and the whole problem of our Government's official mixing up in the war affairs of foreign nations together, it would seem as if we ought to have some further information about the operations of the War Risk Bureau.

Incidentally, and in passing, I call the attention of my Democratic friends to the rather significant fact that although the *Evelyn*, which was built in 1883, was insured on the hull for $100,000, the *Carib*, which also went to the bottom, sunk by a mine, was built in 1882, and was insured on the hull for only $22,253. Wouldn't it be worth while to have some information as to the manner in which these valuations are fixed and these estimates of insurance arranged? I am creditably informed that under normal conditions vessels of the age of the *Evelyn* and the *Carib* would not be insured by the old-line marine insurance companies, if carrying such cargoes as sugar or

cotton. Therefore the worst end of the marine war-risk business seems to have been unloaded upon the United States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

SOMEBODY BOUND TO MAKE MONEY.

Mr. MOORE. If we fix the value of this steamship *Evelyn* at $42,250, which is one-half of the total price for which the two ships were sold. then where does the judgment of the War Risk Bureau of the United States that gives to the owners of that vessel $100,000 insurance come in? On an old hulk like that, backed up by the people's insurance, to the extent of $100,000, somebody is bound to make money.

Mr. FESS. Will the gentleman yield there?

Mr. MOORE. I yield to the gentleman from Ohio.

Mr. FESS. Is the House to understand that the insurance on the *Evelyn* was $100,000 and its value some time ago $42,000?

Mr. MOORE. I mean to say that the *Evelyn* and her sister ship, the *Mae*, which is a younger ship, were sold together for $84,500, which, if divided fifty-fifty, would mean that the *Evelyn* was worth $42,250 at best, and that the Government insured her for $100,000, and that is what the people stand to pay under the bond.

Mr. FESS. Is it the custom of insurance companies to insure property at a rate of 150 per cent of its value?

SURETY SAFEGUARDS IN OTHER BUSINESS.

Mr. MOORE. It is not the custom of insurance companies, using their own capital, to make any such valuations for insurance. They are a little more shrewd than the Government War Risk Bureau, because they have to take care of their funds, but apparently the War Risk Bureau having unlimited funds behind it, can do as it pleases for these great corporations and others. I am chiding the Democrats for this method of doing business. It is contrary to their professions and it varies from existing departmental practices. The Treasury Department has rules and regulations respecting surety companies doing business with the Government, and it is not quite so liberal with them. I think there is a rule prohibiting the acceptance of surety bonds where the risks in certain individual cases are deemed too high. My Democratic colleague [Mr. LOGUE] has introduced a bill relating to subcontractors and material men which fixes a limitation like this:

That no corporate surety company authorized to do business with the Government shall expose itself to a loss on any one risk or hazard for any one principal in excess of the amount of 10 per cent of its paid-up capital and surplus.

That is intended to protect the Government against surety companies playing favorites or overindulging the speculative habit. When the Government is in the war-risk business, however, it is different.

BIG VALUES ON OLD SHIPS.

From the testimony of our former colleague from Massachusetts, the Assistant Secretary of the Treasury, Mr. Peters, before the Appropriations Committee, February 17 last, it would appear that the desire of the bureau is to raise the limit of risk staked on one policy.

Mr. BORLAND. Will the gentleman yield?

Mr. MOORE. Yes.

Mr. BORLAND. The gentleman says that the ship was insured for $100,000. The gentleman knows that they do not pay any more than the real loss regardless of the amount of the policy.

Mr. MOORE. I know that when you give a bond you are liable to pay the bond, and the bond in this case was for $100,000. That is the value that was accepted. The Treasury Department concedes it.

Mr. BORLAND. The gentleman is too good a business man not to know that they do not pay any more than the value of the loss.

Mr. MOORE. I know that the valuations varied from $100,000 on the *Evelyn* to $22,225 on the *Carib*, which also went down the other day. The hulls apparently were of the same value and both very old.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

REIMBURSING THE UNITED STATES STEEL.

Mr. Chairman, in extension I would say that the testimony of Assistant Secretary Peters, to whom I have just referred, was in support of this item of $1,435.60 to reimburse the United States Steel Products Co. for a portion of the premium paid on insurance of the steamer *Buenaventura* on September 17, shortly after the passage of the war-risk law. I have every personal regard for the Assistant Secretary, as all of my colleagues have, but I respectfully submit that his statement in support of the refund to the United States Steel Products Co. supports the suggestion I have heretofore made, that resolutions should be passed giving the House complete information with respect to the business thus far done by the War Risk Bureau. It would help the people to a better understanding of the kind of business the Government is doing. Mr. Peters tells us that the *Buenaventura* was laden with copper, which was not contraband when the vessel started out but which was declared contraband before she reached her destination. That the desire to get the copper to Europe involved a risk apart from the risk of the money with which the people capitalized the War Risk Bureau is immediately apparent. I quote that portion of the testimony which bears upon this situation:

Mr. PETERS. Mr. Chairman, the insurance was taken out on the steamer *Buenaventura* on September 17 for 90 days, and the policy issued contained a clause which provided that the assured was not to load contraband; the assured loaded copper, which, at the time the policy was written and at the time the vessel sailed, was not contraband. After the vessel sailed copper was declared by Great Britain to be contraband, so that the policy did not cover it. The assured thereupon insured in private companies, and so from that time, November 29 to December 17, the policy was of no value to them. The money had already been turned into the Public Treasury, so that we could not refund it, and we are therefore asking this appropriation to pay back the amount due on the premium for the 18 days.

Mr. BARTLETT. How much was the full premium?

Mr. PETERS. $7,178, or 2 per cent of $358,900.

Mr. BARTLETT. Will the refund for the 18 days amount to this sum, $1,435.60?

Mr. PETERS. Yes.

Mr. BARTLETT. How long did you insure it for?

Mr. PETERS. For 90 days.

Mr. BARTLETT. This is about one-sixth?

Mr. PETERS. About that; yes. We began business the first part of September, and this occurred at about the time we started. Since then the Division of Public Moneys has retained the premiums until we are certain that there will be no return premiums due; they are retained until that time before they are covered into the Treasury.

The CHAIRMAN. The law requires you to cover them into the Treasury?

Mr. PETERS. Yes.

Mr. BARTLETT. Have they delivered the cargo on the other side?

Mr. PETERS. Yes.

The CHAIRMAN. If the law requires you to cover them into the Treasury, how can you give them back?

Mr. PETERS. Well, the money is retained until the amount of the premium is absolutely fixed. You see, the way they do business is this: The shipowner declares that he will have a certain amount on a vessel and later finds that the freight space available cuts down his amount so that he can load but a part of that which he originally expected to load. As the banks require documents prior to the completion of the loading, very often provisional amounts are declared and later reduced, which necessitates a return of premium.

The CHAIRMAN. Those policies are taken out to be effective from the time the ship sails?

Mr. PETERS. Yes.

Mr. BARTLETT. Is it a blanket policy?

Mr. PETERS. But in order to get their advance on the shipment the bankers require assurance that the war risk will be covered.

The CHAIRMAN. They issue binders?

Mr. PETERS. Yes. The bureau issues a letter which says that it will grant insurance on this cargo under certain conditions.

Mr. BARTLETT. And upon that the money is paid?

Mr. PETERS. Yes; and we will not do that until we get the premium on the largest amount which they are going to take.

Mr. BARTLETT. The policy does not state what particular goods are to be insured, but it insures the cargo.

Mr. PETERS. It usually specifies the goods.

Mr. BARTLETT. But it did not specify copper?

Mr. PETERS. Yes; at the time the policy was issued copper was not contraband, but after the policy had been written and after the boat sailed copper was declared to be contraband by Great Britain.

The CHAIRMAN. What happened was this: You issued a policy covering copper, but the provisions of your policy provided that you were not to cover contraband material.

Mr. PETERS. Not exactly; copper was not contraband at the time we wrote the policy or at the time the boat sailed, but after the boat sailed England declared copper to be contraband, which probably invalidated our policy. The policy covered the hull of the vessel, not the cargo; and one of its provisions was that contraband was not to be loaded.

"AMBITIOUS" INSURERS GET IN FIRST.

Mr. Chairman, this testimony pertains to but one vessel. A little further on in his statement Mr. Peters tells us (this was February 17, 1915) that 907 policies had been issued. The total amount insured was $54,604,264, says Mr. Peters, and the premiums so far paid were $1,452,706.75. It then developed

that a number of the policies had expired, and for this the bureau claims credit. Mr. Peters was asked if claims had been made for losses. This was before the $659,000 had gone down in the *Evelyn* and the *Carib*. He said no, but answered as follows:

Notice has been given us that claims might be presented in the case of vessels which have been taken into port.

As to the rate of insurance, the following transpired:

The CHAIRMAN. Do you limit the amount of insurance that you issue on any boat?
Mr. PETERS. Yes.
The CHAIRMAN. In what way?
Mr. PETERS. Originally we limited the total amount of insurance on any one boat and cargo to $300,000. That amount has been increased, however, so that now we will write as much at $1,000,000 worth of insurance on a boat and cargo. That, however, is the limit.
Mr. BARTLETT. Do you insure the boat as well as the cargo?
Mr. PETERS. Yes.
The CHAIRMAN. How is that apportioned?
Mr. PETERS. According to the demands which come on us.
The CHAIRMAN. I know; but there was some complaint that the insurance which was issued was controlled through certain channels and that the average applicant never had a chance to get any.
Mr. PETERS. We are extremely careful to guard against that, Mr. Chairman. Some difficulty arose after we had been insuring for a short time. Some very ambitious insurer would find out when a boat was going to sail. He would then come to us and tell us that he had $800,000 worth of cargo, or some other sum, and he would get the insurance on it, when, as a matter of fact, he did not have it. Then he would try to peddle that out; but as soon as we discovered that we required evidence that a man actually owned the cargo on which he wanted insurance.

RAISING THE LIMIT TO $1,000,000.

The concluding portion of Mr. Peters's testimony is so interesting that I append it herewith:

Mr. PETERS. When the war first broke out there were about 36 companies which were doing a commercial business; of those 36 companies, 16 or 17 were English companies. The English companies were, by their law, forbidden to give insurance against anything which the English Government might do.
Mr. SISSON. I do not catch that exactly.
Mr. PETERS. The English companies were forbidden to insure against any accident or against any risk arising from an act of the British Government—that is, they could not insure against capture or confiscation by England.
The CHAIRMAN. That is because the Government was insuring a part of the risk?
Mr. PETERS. Not necessarily, but because of an English law which provided against it. Then there were several German companies. The German companies were commercially unavailable on account of the closing of communication between this country and Germany, and the financial difficulties were such that their policies would not be acceptable to our banks at that time. The remaining American companies, while very strong, could do only a very small proportion of the business, and without reinsurance. They were overcautious with war risks, as they had the whole of the market. So they made rates of 8 and 10 per cent, and sometimes more, and they could only write in amounts of perhaps $150,000 on any one vessel at any one time, at any rate, amounts very much below what would be required to move an ordinary cargo. However, as soon as the war-risk insurance bureau came into the market immediately the rates were lowered.
Mr. SISSON. Did that affect the English rates?
Mr. PETERS. They are now about 2 per cent. While we do not always take the whole of the cargo, we take a sufficient proportion of it to compel all the outside insurance companies to meet our rate. After a short time people came to us and requested us to bind insurance on cargoes which they did not mean to ship. Originally we started to limit the amount of insurance to $300,000 on one cargo. Then we discovered that some people would get practically all of the insurance on a cargo and hold up the other shippers. We met that by first refusing to let any one person have all of the insurance. When complaint was made by any one that they were unable to get insurance on a cargo we would go to the person in whose name the insurance stood and ask him to prove that he had the goods to cover it, and then we raised the limit up to $1,000,000, and since then we have had no complaints.

LOSSES ENDANGER THE PROFITS.

While Mr. Peters gives us considerable information in his testimony, the main points suggested by my resolutions are not covered. The statements of the Assistant Secretary reveal the fact that in 907 instances the Government took risks on vessels going into territory where the possibility of involving us in war was very great. He indicates also that the policy of the bureau is to increase the risk on one ship and cargo to as much as $1,000,000. This is not conducting business on the 10 per cent of capital and surplus plan. The capital of the War Risk Bureau is $5,000,000; and if any one ship and cargo insured for $1,000,000 goes down, that would wipe out 20 per cent of the capitalization afforded by the people's money at "one fell swoop." So far as earnings are concerned, it has already been shown that they have been practically wiped out by the losses on the *Evelyn* and the *Carib*. If there are still outstanding 907 policies, or any large proportion thereof, on a total risk of $55,000,000, it might be that the time has come not to splurge, but to go slow. At any rate, it would not do any harm to have such information submitted to Congress as to the ownership of the vessels and the cargoes and the amounts of insurance granted, as contemplated by my resolution. There have already been a number of changes in the War Risk Bureau plans, showing that the system is not infallible.

CHANGES ALREADY MADE.

At first there was a great deal of confusion, and not a little suspicion as to the nature of the cargoes, when the Treasury Department directed that ships' manifests should not be published for 30 days after sailing. It is not improbable that the "ambitious" insurers who sought to secure large amounts of insurance and then peddle it out had in mind the thought that persons desiring to ship contraband, or munitions of war, would pay heavily for the privilege. Apparently it was not only cotton, copper, and grain that many of them wanted shipped, because recent reports indicate that the manufacturers of arms and ammunition in the United States have done a flourishing business during the last few months. The revocation of the manifest order was greatly to the relief of all shippers, notwithstanding that exports of copper and cotton have broken the records. The President's conference with Secretary McAdoo and others with the view of raising the rates of insurance and limiting the zones of travel is also significant. It is not improbable that the administration has awakened to the fact that the business we are doing is a dangerous business in more ways than one. As to these things, the information I have asked for would help to inform the people whose money and peace are at stake.

FEEDING EUROPE, NEGLECTING OURSELVES.

There is one other thought, Mr. Chairman, apart from the matter of risk in peace and money. There is no word of cheer in all this rush to get our cotton and other raw materials abroad, for the manufacturer or the workingman in the United States. It is true that we may be making certain commodities for the relief of the belligerant countries. But we are also confronted with a competition in manufactures almost as strong as it would be in normal times. The cotton which goes abroad is feeding the mills of Great Britain and Germany and is putting them in a position to compete with the American manufacturers who have no assurance of any protection under existing tariff conditions. Some gentlemen have said that the mills of these two great competitors of ours are prostrated. That statement is not founded upon actual conditions. The mills of Germany and Great Britain are almost as active as if there was no war. Textile workers in Great Britain have recently threatened to strike for higher pay. Approximately 100,000 men are now involved in a shipbuilders' strike on the Clyde. The woolen and cotton mills in the large manufacturing town in England are said to be running full tilt. The British workingmen are not worrying so much about the war as they are about getting higher pay, as appears from the following cable news, in the Washington Post:

A Central News dispatch from Clatham says that the Government dockyards laborers demand an increase of 5 shillings ($1.20) per week for each man during the period of the war on account of the increased cost of living.
The men describe the grant of an increase of 1 shilling per week as niggardly, and refuse to accept it.
A Central News dispatch from Colne, Lancashire, says the strike of the weavers in Colne Valley against the demands of their employers that the weavers work overtime to fill the heavy orders piling up because of the war will continue. Offers of the employers to pay extra for overtime work have been rejected by the strikers.

GERMAN AND FRENCH MILLS ARE BUSY.

We have the testimony of one of our own colleagues that the dyestuffs industry in Germany is not suffering for the want of employees. The New York Sun of February 24 gave us the following statement of exports from Germany:

GERMAN EXPORTS TO UNITED STATES GREAT AS EVER—$10,070,016 WORTH RECEIVED HERE IN JANUARY AGAINST $10,526,463 IN 1914.

Germany's success in maintaining her January exports to the port of New York at practically unchanged figures from those of the previous January was accomplished through the variety of products exported, in which aniline dyes figured largely, according to statistics made public at the customhouse yesterday. Total imports from Germany in January were $10,070,016, against $10,526,463.
Coal-tar colors were received at New York from Germany during the month amounting to $1,019,808, as compared with $385,207 in January of the year before, in addition to which alizarin worth $458,996 was received here, against $29,077 in January a year ago. Hops, kid gloves, and manufactures of flax were considerably increased in volume over January, 1914.

The Evening Ledger of Philadelphia gives us the following information concerning the revival of trade in France:

FRENCH TRADE MAKES BIG RECOVERY IN ALL BRANCHES—INVESTIGATIONS BY MINISTER OF LABOR SHOW FACTORIES WORK OVERTIME.

PARIS, *February 26.*

Investigations made by Minister of Labor Martin show that French industries and commerce have recovered to a large extent since the first month of the war. The number of employees now is only 20 per cent less than normal. Figures obtained from 31,000 establishments employing more than 1,000,000 persons show that about half of them were closed temporarily by the mobilization order and that they lost about two-thirds of their workmen at that time.
Since mobilization was completed the number of factories open has increased 43 per cent and the number of workers 83 per cent. Many establishments which were running only two or three days a week in August now are operating normally and some of them even on an overtime basis.

While all this is going on abroad with the assistance of our War Risk Bureau and by reason of the transfer of the American flag to foreign ships, it is interesting to observe that we are not doing so well upon this side of the water. Here is a report from the mill district of New England in the Boston Transcript:

[Special to the Transcript.]

MILL DIVIDENDS SHRINK—FALL RIVER COTTON CORPORATIONS' SHOWING—AVERAGE 0.903 PER CENT FOR FIRST QUARTER—TOTAL AMOUNT FOR 37 CONCERNS OF $258,775—NEXT TO LOWEST ON RECORD MADE IN 1912.

FALL RIVER, *February 6.*

G. M. Haffords & Co. issued to-day their report of dividends of the cotton cloth manufacturing corporations of Fall River for the first quarter of 1915. The total amount in dividends declared by the 37 corporations in the list is $258,775. This is a reduction of $24,517 from the total for the fourth quarter of 1914, and a reduction of $94,892 from the total for the first quarter of 1914. From corporations which declared dividends for the fourth quarter of 1914 passed dividends for this quarter and one corporation reduced its rate. There would have been a still larger shrinkage in total if the Richard Borden Manufacturing Co. had not added an extra dividend to its regular for the quarter. Its regular rate is 1½ per cent, and its directors have adopted the policy of adding an extra dividend to the regular for the first quarter of a new year, when its net earnings for the previous year have left a margin after providing for regular dividends and the maintaining of the surplus at a certain figure. So 3 per cent was declared for this quarter, instead of the regular 1½ per cent. For the first quarter of 1914 its rate was 4 per cent.

And another from the Baldwin Locomotive Works of Philadelphia, which has reduced its working force from 19,000 men in January, 1913, to a mere handful since the low-tariff law pointed out to us "a commercial future beyond the seas." This is from the Public Ledger:

BALDWIN PROFITS OFF 91 PER CENT IN 12 MONTHS—EARNINGS OF LOCOMOTIVE WORKS $350,229, AGAINST $4,017,800 IN 1913—I. C. C., THE TARIFF, AND WAR BLAMED.

From 1913, one of the most prosperous years in its history, the Baldwin Locomotive Works last year went through what was probably the very worst year it has ever experienced. The report for the year ended December 31, 1914, made public this morning, shows gross sales of only $13,616,163, compared with $37,630,969 in 1913, with $28,924,335 in 1912, with $29,342,585 in 1911, $29,285,883 in 1910, and an annual average of $26,285,883 for the 10-year period from 1901 to 1910.

The net profits, including income from the Standard Steel Works, a subsidiary, were $350,229, compared with $4,017,800 in 1913, with $3,698,571 in 1912, with $3,243,490 in 1911, $2,706,080 in 1910, and an annual average of $2,528,633 for the 10 years ended with 1910. The net profits last year were equal to 1.75 per cent on the $20,000,000 preferred stock, compared with the full 7 per cent on this issue and 13.09 per cent on the $20,000,000 common stock in 1913, with 11.49 per cent earned for the common stock, beyond the dividend on the preferred, in 1912 and 9.7 per cent in 1911.

Although earning but a bare fraction of the amount required for the dividend on its preferred stock, the company last year paid the full 7 per cent on this issue and also maintained the usual dividend of 2 per cent on its common stock, paying these amounts out of surplus.

Explaining the poor results for the year, President Alba B. Johnson in the report to stockholders says that during the latter part of 1913 and the first half of 1914, the "falling off in railroad revenues, due to the unfavorable attitude of the Interstate Commerce Commission, caused a general cessation of purchases of railroad equipment. This condition," he continues, "was made more acute by the reduction of railroad revenues resulting from the slowing down of business due largely to the adoption of lower tariff rates. During the last half of 1914 these unfavorable conditions were further affected by the paralysis of finances and of business which followed the breaking out of the war in Europe.

"The stress of competition forced the prices of orders secured close to the cost of production. It is obvious that under these conditions only extreme economies made it possible to carry the overhead expenses and pay interest upon bonded indebtedness."

As for the outlook in 1915, President Johnson says, "it is somewhat more favorable, but there is nothing to indicate more than moderate activity during the first half of the year."

From the Boston Journal of a few days ago we have the following:

PRESENT TARIFF CONDEMNED BY STATE SENATE—ONLY THREE DEMOCRATS VOTE TO INDORSE WILSON PROGRAM—PARTY COLLEAGUES DESERT SULLIVAN—WAR ONLY THING THAT HAS SAVED MILLS, SAYS BAZELEY.

The tariff was the subject of discussion in the Massachusetts Senate yesterday and in spite of earnest efforts on the part of Senator Sullivan, of Boson, in defense of the administration of President Wilson on that point, just one other senator, Leonard, of Boston, arose to vote with Sullivan in favor of resolutions indorsing the Wilson tariff program, while 29 voted against them.

Then the senate adopted resolutions condemning the present tariff as injurious to New England industries and Sullivan and Leonard were joined by only Senator Sheehan in opposition, while 27 were recorded in favor.

There are 7 Democratic members of the senate—enough to require the calling of the roll and the recording of each senator on any matter, but when Senator Sullivan sought to secure a roll call, he was deserted by all of his party colleagues, with the exception of the two mentioned above. During the entire discussion all of the other Democratic senators were absent from the chamber.

CHARGES ATTACK.

Senator Sullivan said the resolutions before the senate, reported by the committee on Federal relations, were nothing but an attack on the Wilson administration. The present situation, he said, could no more be controlled than a similar situation in 1910, when equal industrial depression prevailed.

If the interests which control $800,000,000 of cash would let loose that immense volume of money, he said, that would relieve the trouble that now exists as to the unemployed. He condemned the committee on ways and means of the senate for requiring that employees taken from the ranks of the unemployed upon the parks should be taken from the civil-service lists.

Senator Wells, of Haverhill, asked who drew the substitute resolves. Senator Sullivan replied that he was the author of the resolves, and that he offered them not as coming from the minority party; they were drawn by himself with the assistance of a friend, and he felt that he was within his right. "But I would ask," said Sullivan, "who drew the resolutions reported by the committee?"

Senator McLane, of Fall River, said that he, as chairman of the Federal relations committee, drew the resolutions. Senator Hobbs, of Worcester, ridiculed the Sullivan resolutions and read them through, substituting words of condemnation for the Wilson tariff program at every point where the language was eulogistic of the President.

SEES NO PROSPERITY.

Senator Wells asked where there is prosperity in Massachusetts when the State has to raise $150,000 for unemployment.

Senator Tufts, of Waltham, said that for the first time in 50 years the Waltham Watch Co. has been compelled to run on half time, and the president of the company said that it was solely due to the tariff. Senator Bazeley, of Uxbridge, said that in his district the mills had closed very soon after the tariff had gone into effect, and that it was only the European war that had saved them.

Senator Doyle said that for two years the textile mills of New Bedford have been idle because of the Democratic tariff. They deplored the tariff law that is keeping the textile workers, among the finest producers of cotton fabrics in the world, in idleness.

Senator Bean, of Cambridge, opposed the substitute resolutions.

Senator Sullivan said the deficit of $60,000,000 had been demonstrated by President Wilson to be directly due to the European war, and that if there has been industrial distress it is due to the fact that it came after practically 20 years of Republican rule.

COTTON EXPORTS UP, AMERICAN SPINDLES DOWN.

I have pointed out in a former talk that while our cotton exports increased 300,000 bales in January last over the preceding January, our active spindles in the United States fell off 500,000, but I did not then know what I have since learned from Bradstreet's report of February 26, that the business failures in the United States for the week ending on that date were 400 as against 260 during the same period of last year. Even in Canada the commercial failures were less in proportion, being 59 as against 49 a year ago.

Mr. Chairman, our Democratic friends admit that times are not good in the United States, but they lay the blame on the European war. Amongst their remedies for the financial distress which Republicans believe was brought on by low and insufficient tariffs, they have given us the War Risk Bureau, and they propose to give us the ship-purchase bill. In this they have failed to meet our common needs, as they have utterly disregarded the manufacturing industries of the country. The desideratum has been to relieve the cotton situation to get American raw cotton to the foreign mills. The speculator and the adventurer have come along with those who have earnestly and sincerely sought a market for their cotton. It has been a desperate play, involving the peaceable people of the United States in all the perils of international war. It has not reduced the cost of living to American workingmen nor has it increased their opportunities for employment. They have had less to do in all bread-winning occupations than ever before.

LEGISLATING FOR THE FOREIGNERS.

It has not encouraged new enterprises in the United States nor given assurance to any business man, except those who have undertaken to furnish war materials, that there would be a change for the better or that new undertakings may be attempted with the hope of permanency. On the contrary, while we have been legislating for our brethren across the water and have been sending them relief supplies as well as munitions of war, encouraging the "big interests" and the speculators, the nonemployment in the United States has increased and the actual and physical distress of the working people here has grown apace. I could append to this statement a series of letters showing the actual need of the people in the mill districts in my city, but I shall not do so. The facts are sad enough without embellishment. Thousands of our worthy people who had ample employment under a Republican system are now without employment and many of them are actually in need of bread. I shall content myself by inserting two letters from the morning mail. One of them has a direct relation to the operation of the tariff, war or no war, and the other bears upon the effect of too much catering to foreign trade and too little to our actual necessities at home:

PHILADELPHIA, *February 27, 1915.*

Hon. J. HAMPTON MOORE,
Washington, D. C.

DEAR SIR: We are sending you under separate cover a copy of the last issue of the Country Gentleman containing an article on "Canned Milk from the War Zone," which contains data of the highest interest to us as milk manufacturers and to the farming communities in which our condensaries are located in Pennsylvania and Maryland. This may not appear to so directly interest you as representative of a city, your constituents being largely consumers, but it is needless to say that the prosperity of one community is directly dependent on that of others.

The dairy industry of the United States is seriously menaced by the present prevailing conditions which would be highly intensi-

fied at the present moment but for the check to large importations due to the European war.

We commend to your earnest consideration the restoration of all or any part of the former existing tariff on dairy products. Without exact figures at hand, we believe that the restoration of part of the old duty would be sufficient to meet the needs of the dairy industry.

Yours, truly,

P. E. SHARPLESS COMPANY,
H. NUSBAUM, *Treasurer.*

BAKERY AND CONFECTIONERY WORKERS
INTERNATIONAL UNION OF AMERICA,
Philadelphia, February 26, 1895.

HON. J. HAMPTON MOORE,

DEAR SIR: In behalf of Local No. 6 of Philadelphia, an organization consisting of 300 members and affiliated with the Bakery and Confectionery Workers International Union of America, we herewith respectfully request you to use your good offices in supporting our effort to have Congress to place an immediate embargo upon wheat and other important foodstuffs.

We especially ask that no more wheat, rye, and other grain be exported and furnished to the warring nations of Europe. Owing to the past increased export of these grains, the prices of wheat, flour, and bread, not to mention other necessities of life, are rapidly rising, and, especially in the baking industry, this situation has created havoc. Many smaller baking establishments have been compelled to suspend business and many bakery workers have thus been thrown out of work and have swelled the already great army of unemployed.

In the name of humanity we ask you to kindly lend us your valuable support and to exercise your influence on behalf of this movement.

Very respectfully, yours,

BAKERY WORKERS INTERNATIONAL UNION No. 6,
FRANK UNGER, *President.*
EMIL LUCHS, *Secretary.*

NEWSPAPER THOUGHT ON WAR RISK.

Mr. Chairman, one further word as to the War Risk Bureau. Some of the metropolitan journals have taken our losses on the *Evelyn* and the *Carib* as being mere incidents of the insurance business, and have treated them as a matter of course. That would apply to private marine insurance companies which had done business in the usual way under normal conditions. The United States Government is not doing that kind of business. Nor do all of the great newspapers agree on this subject. The Albany Journal, quoting the Wall Street Journal, which ought to be authority on the subject of insurance, says:

THE WAR RISK BUREAU.

Reduced from affluence to poverty at a blow by the sinking of the steamships *Evelyn* and *Carib*, the Government War Risk Bureau retires temporarily from the insurance field to revise its actuarial tables (if it has any), hinting that when it resumes its activities rates will be doubled. Profits of $752,041, which were pointed to with pride as an illustration of what the Government can do when it has a mind to, were brought down to $92,938, and the presiding genius of the Treasury, usually unabashed by the prospect of a deficit, deems it the part of prudence to suspend operations until it is seen how many more ships are going to be blown up. If, as has been stated in Congress, there is still $55,000,000 insurance outstanding, officials of the bureau may well regard their scanty surplus with apprehension.

The incident throws light on what might have happened had the ship-purchase bill, happily defunct, secured enactment. Presumably, the War Risk Bureau could not have refused to insure a fleet of Government-owned ships; and whether so insured or not, the taxpayer would have stood to lose substantial sums through the destruction of the vessels.

It is noticeable that privately controlled marine insurance concerns raised no protest against the invasion of their field by the Government bureau. The reason now seems sufficiently obvious—private marine insurance companies did not care to accept the risks taken by the bureau, which consequently took the "leavings," with alarming results.

In countries actually at war, where it is vital that ocean transportation be kept up at any cost, the entrance of the Government into the underwriting field is often a necessity. In the United States, however, it seems to have been promoted by that same itch for remedying nonexistent evils which led to the ship-purchase fiasco. The sudden crumbling of this tower of strength, this bulwark of the American shipping naturalized under the recent ship-registry act, will provoke a smile among those who still believe that private enterprise is capable of taking care of the business of the Nation.

Mr. BARTLETT. Mr. Chairman, I want to oppose the amendment offered by the gentleman from Pennsylvania. I am glad that the amendment has given my friend from Pennsylvania another opportunity to again blow off the compressed air that he has been contending with for some time.

So far as I am concerned, I happen to belong to that school that does not believe that the Government ought to engage in this sort of business. I have never thought it proper for the Government to go into the insurance business, the railroad business, or the shipping business, or any other private business. On the 4th of March I shall retire from the House and be relieved of all responsibility and burdens by my own voluntary act. While I regret that I shall be compelled to sever my associations with gentlemen whom I know so well and with whom I have served so many years, yet I shall at the same time have the conscientious conviction that during all these years I have pursued the even tenor of my way and followed my convictions on this and other subjects. If the Government is now in the war-insurance business, engaged in the insurance of ships and cargoes, it is not by my vote.

I do not think, however, that the gentleman from Pennsylvania is justified in continually charging this bureau with maladministration. I do not know what the value of the old ships, as he calls them, were. I know that the War Insurance Bureau has received up to February 23, $1,475,675.62 in premiums, and that on that day there had been earned $640,848. I take it for granted, as I take it for granted under a Republican administration, that the people in charge of this bureau honestly administer it. I take it for granted that the insurance of the old ships, as they are denominated by the gentleman from Pennsylvania, were insured after an investigation, and an honest investigation.

As far as this particular item is concerned, it is simply this: We insured a vessel for a certain amount on the cargo and the ship, for which we received $7,178 on a cargo worth $359,900. The policy contained a proviso that the risk was not to cover contraband goods. After the policy had issued and run for a considerable time the cargo that the ship carried was declared to be contraband, and the officers of the Government immediately canceled, or gave notice that it would cancel, the policy, and this item is to return the unearned premium. It does not seem that the Insurance Bureau of the Government is undertaking to do any more or any less than insurance companies engaged in a business of like character would do.

But the item has given the gentleman from Pennsylvania a chance again to assault and criticize the bureau. I do not know who is in charge of it, but I know it is under the direction of a former Member of this House, who occupied by reason of his high character and high ability a prominent place in this House, and who is Assistant Secretary of the Treasury, Mr. Peters.

And I am sure that under the charge and control of that eminent gentleman from Massachusetts, who served so honorably in this House, there can be and is no wrong being done to the people or to the Government, even in the Insurance Bureau. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

INTERSTATE COMMERCE COMMISSION.

General expenses: For all other authorized expenditures necessary in the execution of laws to regulate commerce, including the same objects specified under this head in the sundry civil appropriation act for the fiscal year 1915, $100,000.

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last word. There has been considerable talk lately about a confidential letter that the Postmaster General sent to the various postmasters throughout the country. I have a copy of that letter in my hand, and I ask unanimous consent to insert it in the RECORD, together with another letter written to the postmasters under date of February 4, 1915.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to incorporate in the RECORD letters to which he has referred. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. Mr. Chairman, I just want to say further in explanation that this is a confidential letter sent out to the various postmasters throughout the country, directing them to reduce expenses wherever it was possible. I want to read a sentence or two:

The department should be advised in all cases of allowances now in force which may be canceled in whole or in part. If, on account of the reduction of the work of your office, it is possible to maintain the service with fewer clerks or carriers, the force should be reduced until such time as their services are again required. When a regular clerk is absent without pay avoid employing a substitute if possible, or employ him for only the number of hours he is actually needed.

Then, in another place it says:

Reductions in the force of regular employees following readjustments of schedules so as to take up the unused time should be made by reducing to the substitute rolls the employees last appointed. Vacancies occurring in the clerical and, as far as practicable, in the carrier force should not be filled until the number of employees is reduced to the lowest number with which the work of the office may be maintained.

Mr. Chairman, I especially call the attention of the committee to this paragraph in the letter:

The service is confronted with a real emergency, due to the fact that expenditures are greatly in excess of the receipts. This condition, which is critical, is not due to internal causes for which the service is responsible, but to external wars, and the promptness and effectiveness with which postmasters respond to this letter, and at the same time maintain the efficiency of the service, will be accepted by the department as reflecting their administrative capacity and ability.

The other is a personal letter, under date of February 4, and is from the Assistant Postmaster General to postmasters, directing that the letter collectors' salary be reduced, and that none of them be paid more than $1,000 per annum. I just thought it was a good time to call attention to this fact. I see my friend from Missouri [Mr. BORLAND] is present, and he has been telling us how prosperous the times are and how things are im-

proving and business looking up, and it seemed to me to be well to put these letters in the RECORD in order that the country might see them and see just how prosperous we are, and just how good business is, as indicated by the returns in the Post Office Department. In such good times we always reduce wages and lay off men.

The letters referred to are as follows:

CIRCULAR LETTER NO. 16—REDUCING EXPENDITURES.

[Confidential.]

POST OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER GENERAL,
Washington, January 30, 1915.

POSTMASTER: You are requested to give this letter your immediate personal attention.

The continued decrease in postal revenues, caused by unsettled business conditions created by the European war, makes it imperative that expenditures be reduced as far as possible consistent with satisfactory and adequate service. It is believed that with the hearty cooperation of all postmasters and careful and thorough supervision expenditures may be materially reduced.

No curtailment should be made which will affect the prompt movement and delivery of the mails, and an efficient service must be given.

Every feature of the Postal Service should be carefully considered, and in any case where your experience suggests the possibility of reducing its cost the plan by which such reduction may be effected and all that it involves should be clearly set forth in a communication addressed to the officer having jurisdiction over the branch of the service affected, and this bureau advised accordingly.

Until business conditions again become normal the employment of regular clerks and carriers overtime, or the employment of auxiliary clerks and carriers to assist the regular forces does not appear to be justified and should be discontinued unless absolutely necessary because of the volume and importance of the mails. The spare time of clerks assigned to any part of your office should be fully used elsewhere when needed, and the number of hours substitutes are employed under auxiliary allowances should vary with the daily volume of business, as less service is required on days when the mail is light.

The department should be advised in all cases of allowances now in force which may be canceled in whole or in part. If on account of the reduction of the work of your office, it is possible to maintain the service with fewer clerks or carriers, the force should be reduced until such time as their services are again required. When a regular clerk is absent without pay avoid employing a substitute if possible or employ him for only the number of hours he is actually needed.

No request should be made at this time for additional contract stations unless this is imperative for the proper accommodation of the patrons of your office.

The efficiency of the employees should be maintained at the highest possible standard, and this can not be done by retaining inefficient employees, so those who have had a fair trial and have demonstrated their inability to perform satisfactory service should not be retained.

Reductions in the force of regular employees following readjustments of schedules so as to take up the unused time should be made by reducing to the substitute rolls the employees last appointed. Vacancies occurring in the clerical, and as far as practicable in the carrier, force should not be filled until the number of employees is reduced to the lowest number with which the work of the office may be maintained.

In the larger cities immediate consideration should be given to concentrating the deposits of collections at centrally located stations so as to consolidate clerical forces at these centralized points, thereby reducing the cost of supervision and clerical service. In some cases it will be found practicable in this manner to discontinue small classified stations and substitute therefor, if necessary, contract stations for the sale of stamps and money orders, the registration of mail, and the deposit of parcels.

In the delivery service the following features should have special attention with a view to reducing expenditures to the minimum:

(a) The cost of equipment employed in the delivery of heavy and bulky parcels should be reduced to the lowest possible figure, all parcels not too heavy or bulky to be handled by footmen being delivered by regular carriers.

(b) Where mounted collection service is employed an effort should be made to reduce the equipment used in the delivery of heavy and bulky parcels by utilizing the collection equipment. Careful study should be made of the feasibility of consolidating these two features of the service with a view to effecting not only a temporary but permanent economy.

(c) The unused time of carriers should be taken up and utilized to the fullest extent. If in order to do this a readjustment of the routes is necessary, such action should be taken and regular carriers whose services are not needed by reason of the readjustment should be assigned to substitute or auxiliary duty if they can be profitably employed 8 hours daily within a period of 10 hours. If not, the carrier last appointed should be temporarily reduced to the substitute roll. It may be possible to take up unused time on routes on which car fare is allowed by having the carriers walk and reduce the allowance for car fare.

(d) Unimportant delivery trips or delivery trips rendered unimportant by the falling off in the volume of first-class mail should be eliminated and the time saved taken up in a readjustment of routes. The regular carriers available as the result of such readjustment should be employed or reduced as indicated above.

(e) Unimportant collection trips should be eliminated and collection routes consolidated, readjusted, and arranged so as to take up the time gained.

The service is confronted with a real emergency, due to the fact that expenditures are greatly in excess of the receipts. This condition, which is critical, is not due to internal causes, for which the service is responsible, but to external wars; and the promptness and effectiveness with which postmasters respond to this letter and at the same time maintain the efficiency of the service will be accepted by the department as reflecting their administrative capacity and ability.

On February 20, in separate letters, report to this office, Division of Salaries and Allowances, on clerk hire and stations, and to Division of City Delivery on carrier service, what reductions may be made in your regular force (forwarding recommendations on proper forms) and state what allowances can be canceled.

DANIEL C. ROPER, *First Assistant.*

JANUARY 30, 1915.

The suggestions in this letter are approved. I confidently believe that postmasters will make effective responses to this appeal to meet the service emergency which confronts us.

A. S. BURLESON,
Postmaster General.

[Personal.]

POST OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER GENERAL,
Washington, February 4, 1915.

POSTMASTER: The work of carriers collecting mail is less exacting and important than that performed by carriers in effecting deliveries of mail. It is therefore desired that in the future the maximum salary of letter carriers assigned to the collection of mail be fixed at $1,000 per annum. You will proceed, in accordance with this policy, to make the necessary assignments of the higher-salaried carriers to delivery work, and you will not in the future give to any letter carrier receiving a salary in excess of $1,000 an assignment as collector.

Carriers now acting as collectors and receiving salaries in excess of $1,000 per annum who are incompetent to perform delivery service should be reduced in salary. Proper notice should be given to them, in conformity with the Postal Laws and Regulations, unless, by explaining to them the manifest difference in importance and responsibility of the two assignments, they voluntarily submit written consent to salary reduction.

It is desired that you charge yourself with an immediate application to this matter and make the assignments as rapidly as possible from time to time so that by July 1, 1915, your collection and delivery service may be adjusted to the basis indicated. In applying this regulation, a carrier who is performing both collection and delivery service should be regarded as a collector or carrier in accordance with the preponderance of work done in either line.

DANIEL C. ROPER, *First Assistant.*

Mr. FITZGERALD. Mr. Chairman, there are three more legislative days in this session of Congress. There have been four hours of general debate on this bill, and I wish to give notice now that during the consideration of the bill hereafter I shall object to the discussion of any matters which are not pertinent to the paragraph under discussion, because it is necessary to pass this bill tonight. We can not waste time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Valuation of carriers: For valuation of property of carriers, including the same objects specified under this head in the sundry civil appropriation act for the fiscal year 1915, $400,000.

Mr. LEVY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 5, line 19, after the word "fifteen," strike out "$400,000" and insert "$200,000."

Mr. LEVY. Mr. Chairman, we have already appropriated for this department some $3,000,000, and I am very much pleased to hear that the Senate has already reduced it down to nineteen hundred thousand dollars. I can not see why they want an additional $400,000 for this department. It is entirely unnecessary, and therefore I urge a reduction by one-half.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was rejected.

The Clerk read as follows:

FEDERAL TRADE COMMISSION.

For five commissioners at the rate of $10,000 each per annum and secretary at the rate of $5,000 per annum from March 1 to June 30, inclusive, 1915, $18,333.37, or so much thereof as may be necessary.

Mr. J. R. KNOWLAND. Mr. Chairman, I move to strike out the last word.

Mr. FITZGERALD. Mr. Chairman, unless the gentleman wishes to discuss the paragraph I shall make the point of order.

Mr. J. R. KNOWLAND. Mr. Chairman, I am going to discuss the paragraph. I make the pro forma amendment for the purpose of directing attention to the fact that when the Federal Trade Commission bill was being framed, and I had the honor of being a member of the subcommittee of the Interstate and Foreign Commerce Committee that drafted the measure, there was considerable discussion as to the salaries to be paid to the members of this commission. After much deliberation we finally fixed upon a salary of $10,000, with the idea that men of large caliber could be induced to serve—men of wide business experience competent to handle the big problems with which this Trade Commission must deal. When the Trade Commission bill was reported to the House it was in charge of the chairman of the subcommittee, a former distinguished Member of this body, now a Federal judge, Mr. Covington, of Maryland. In making his opening address he said:

It is a piece of constructive legislation for the benefit of the whole country, and it was drafted by a subcommittee of Democrats and Republicans, who cooperated in the broadest spirit to produce a measure which will meet the public expectations and necessities.

I do not desire at this time to comment upon the fact that on that commission there is not a Republican, although the law provided that not more than three of the commission should be

members of one party. We could perhaps overlook the fact that the leading minority party is not represented if there had been selected for this commission men of such caliber as to have met the expectations of Congress and the committee that framed the legislation. Mr. Covington also said in the speech already quoted:

The highly efficient services of men of large capacity will be required, and the salaries of the members of the commission have been placed at a figure that will enable the President to secure that sort of men.

From the best information obtainable touching the qualifications of the men selected $2,500 would have been most generous compensation. I hope I am not doing the gentlemen an injustice.

In this connection I ask to have the Clerk read an editorial recently appearing in the Washington Post.

The CHAIRMAN. The Clerk will read the editorial in the gentleman's time.

The Clerk read as follows:

[From the Washington Post, February 24, 1915.]

PERSONNEL OF THE NEW TRADE COMMISSION.

The salary of each member of the new Federal Trade Commission is to be $10,000 a year, and the term of each, after the commission is fully established, will be seven years.

This is a longer term than is granted to any officials of the Government, with the exception of judges.

The salary is larger than that paid to Senators or Representatives or judges of the circuit and district courts. The judges who will pass upon the findings of this commission receive $3,000 each less than members of the commission.

The builder of the Panama Canal, Col. George W. Goethals, receives only $10,000 a year.

The only officers of the Government receiving larger salaries are the President, Vice President, Speaker, justices of the Supreme Court, and certain ambassadors.

Congress thus manifested its appreciation of the great importance of the Federal Trade Commission and the necessity of obtaining the services of the ablest men in the country as members of the commission.

It is no reflection upon the caliber of the men nominated as members of the new commission to remark that they are not in the same class with justices of the circuit courts of the United States or with Col. Goethals or with scores of members of the Senate and House. They have not had the training and experience of jurists or business men of large affairs. Only one of them may be included in the list of first-class business men. Two of them have been filling subordinate places in the Government service. The other two are unknown and untried, bearing good reputations and all that, but without other qualifications than are possessed by millions of average Americans.

And yet this commission so constituted is to be placed in control of American commerce! It is to wield powers greater than those conferred upon any persons in the United States, with the exception of the President and the Supreme Court.

Can it be possible that the President exhausted the list of really strong, able men in this country, and was forced to make this feeble and unsatisfactory choice?

We can not believe that an appeal was made to the patriotism of men who, by reason of their great abilities and wide experience, should have been selected. The Trade Commission, if successful, will evolve into one of the most potent agencies of the Government, and no man is so conspicuous or so able that he would not be honoring himself by sharing in the task of establishing the new tribunal. Surely the President could have found—surely he can find—the right kind of men to insure the successful operation of this commission.

The Senate should reject the nominations sent in, making it plain that such action is not in disparagement of the personal or business standing of the men who have unfortunately accepted the nomination. Since Congress set a high standard for the character and composition of the new commission, the Senate should insist that the members composing it shall be men of the first rank.

During the reading of the above,

The CHAIRMAN. The time of the gentleman has expired.

Mr. J. R. KNOWLAND. Mr. Speaker, I ask unanimous consent to extend my remarks to the extent of completing the article, and I withdraw the pro forma amendment.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

[Mr. PADGETT addressed the committee. See Appendix.]

The Clerk read as follows:

For instruction of indigent blind children of the District of Columbia, in Maryland or some other State, under a contract to be entered into by the commissioners, fiscal year 1914, $87.50.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I rise for information. In the discussion attendant upon the question of building a municipal hospital it was charged that the reason for the crowding in a municipal hospital in the city was due to the fact that the appropriations for the care in private hospitals were not sufficient. Here we have an item providing for a reimbursement for indigent blind children at a private institution. I wish to inquire whether when the appropriations are not adequate for the care of indigent persons in private institutions there is a deficiency appropriation carried to provide for that service.

Mr. FITZGERALD. There are a number of such appropriations here. The deficiency arises from this situation: An appropriation was made under the Board of Charities for the instruction of indigent blind children. There is no institution in the District where such instructions can be given, and they have made a contract with an institution in Maryland. The number of children sent to that institution for the number of days made a charge in excess of the amount that was appropriated. They accept these children with the knowledge that there is no legal obligation to pay for them, in the hope, however, and in the expectation that Congress will make the payment, and Congress already has made the payment. My judgment is there is ample room in the city hospitals of the city for the care of all persons who should be taken care of by the Government. The Board of Charities has no authority to contract with any institution in excess of appropriations made by Congress for that purpose.

Mr. STAFFORD. Has it been the policy of Congress to curtail the appropriations for the care of indigents in these private institutions, as was claimed on the floor of the House the other day?

Mr. FITZGERALD. No; Congress appropriates the amount the Board of Charities requests for that purpose almost invariably.

Mr. STAFFORD. And the claim was made that the reason for the crowded condition in our municipal institutions was because Congress failed to appropriate adequate funds to care for them in the private hospitals under the contract system.

Mr. PAGE of North Carolina. If the gentleman from New York will allow, these blind children are not in a hospital at all.

Mr. STAFFORD. I understand; it is outside of the question of the particular item under consideration, but I am seeking information.

Mr. FITZGERALD. There are some criminals sick in the Washington Asylum, and they send them there as long as there is room to be found. I do not think this institution is in the shape it should be. I think it should be put in a much better condition, and I hope it will be by Congress.

Mr. STAFFORD. I withdraw the pro forma amendment.

The Clerk read as follows:

Washington Market Co. rentals: For amount due the United States from the District of Columbia for collections made on account of the franchise rental of the Washington Market Co., fiscal years 1879 to 1914, inclusive, there shall be transferred from the revenues of the District of Columbia to the United States the sum of $158,437.50, such sum being in full settlement of the amount due the United States for said market rentals under the decision of the Comptroller of the Treasury, December 2, 1914, and to be covered into the Treasury as miscellaneous receipts.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move to strike out the last word. The two dates there are not correct. The first date should be 1880, and the last date should be 1912. I wish to say to the chairman of the committee, the gentleman from New York [Mr. FITZGERALD], that for the last two years the matter has been already adjusted, and if he brings this up to 1914 instead of 1912, he will have a clash between those two sentences.

Mr. FITZGERALD. Mr. Chairman, the gentleman from Kentucky suggested that these dates should be changed. I took the matter up with the Auditor for the District and from his statement I believe the date should not be changed. For the years 1913 and 1914 adjustments have already been made, but these dates cover the entire period of the controversy, and there is considerable question that if we change the dates instead of helping the Federal Treasury we will lose the sums adjusted for the two years. This will be considered as the determination of Congress upon the entire matter, and the adjustment heretofore made, the voluntary adjustment, will be upset. There is no intention to undo what already has been done, and this is to cover the entire period in controversy. I think it would be a mistake to change the dates, judging from the information in my possession.

Mr. JOHNSON of Kentucky. Mr. Speaker, I withdraw the pro forma amendment.

Mr. MONDELL. Mr. Chairman, there is ground for difference of opinion as to the propriety of this item and the other item which preceded it, charging the District of Columbia for payments made on her bonds and for collections made from rentals of the market company. It is contended by some people in the District that if we are to make these charges against the District there are certain offsets that should also be made and that it is not fair to make these charges without taking those offsets into consideration.

Now, I am one of those who believe that in the main, as a general proposition, the arrangement under which the District has been operating in its relations with the Federal Government in the past has been reasonable, fair, and equitable. I am not certain that it would be entirely fair and equitable to continue it indefinitely, and I hope that before long some way will be found to finally settle, to the satisfaction of all reasonable people, the question of how much the Government ought to pay toward the support of the District.

But I feel this way in regard to these items and in regard to the matter generally. The plan under which we have been operating is believed by many to be a most liberal one. Certainly it can not be claimed by anyone that it is not at least fair to the District. Under those circumstances I believe that the people of the District should not object to paying these items, inasmuch as those who are best acquainted with the situation believe that under the plan we have been operating under they are due. I believe the people of the District will get along better with Congress if, while insisting, as they do, that the half-and-half plan is an equitable one and should be maintained, they should be at the same time willing to bear their proper burdens under that plan. While I do not claim to be as well informed as some with regard to the absolute justice of the payment by the District of these items under the plan under which we have been operating, I am persuaded by those who are well acquainted with the matters and are desirous of being fair to the District that these sums ought to be paid. In that view of the case I think they ought to be paid cheerfully by the people of the District.

Mr. JOHNSON of Kentucky. Mr. Chairman, I wish to say for the benefit of those who may not have gone closely into the subject, that the Comptroller of the Treasury, who took these matters under advisement, has rendered a decision and made a finding strictly in accordance with the half-and-half plan. The amount that the United States Government has advanced to the District of Columbia on account of this interest was double the amount which the Comptroller of the Treasury now finds is due the United States from the District of Columbia. There was no sort of half-and-half arrangement, as the gentleman from Wyoming well knows, until the act of July 11, 1878. However, the act of June 20, 1874, is the act under which the 3.65 bonds were issued, and that act, as it relates to the District of Columbia and the United States, so broadly contemplated the participation of the United States in their payment that the Secretary of the Treasury held the act of July 11, 1878 to be retrospective as to the bonds and the interest, but to no other items of expense of the District of Columbia.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

To pay the claims adjusted and settled under section 4 of the river and harbor appropriation act approved June 25, 1910, and certified to Congress in House Document No. 1557, at the present session, $184.15.

Mr. HINDS. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman from Maine offers an amendment which the Clerk will report.

The Clerk read as follows:

Line 18, page 13, insert the following:
"That the Secretary of the Treasury is hereby directed to pay, out of any money in the Treasury not otherwise appropriated, to Frank Vumbaca, Portland, Me., the sum of $419, to reimburse him for damage to his house, No. 469 Washington Avenue, Portland, Me., by concussion from blasts."

Mr. FITZGERALD. Mr. Chairman, I make a point of order against the amendment.

Mr. HINDS. Mr. Chairman, I should like to be heard on the point of order.

Mr. BARTLETT. Does the gentleman want the point of order to be reserved?

Mr. HINDS. Yes; if you please.

Mr. FITZGERALD. I reserve it, Mr. Chairman.

Mr. HINDS. Mr. Chairman, I have a statement that I would like to have the Clerk read.

The CHAIRMAN (Mr. CRISP). The Clerk will read.

The Clerk read as follows:

This amendment ought not to be subject to a point of order. Previous to 1910 there had been much complaint of damages done by reason of river and harbor improvements, and citizens and corporations had been compelled to prosecute claim bills in the House and Senate, and such bills were oftentimes never passed, and the denial of justice as between the Government and citizens amounted to a grievance. So that Congress took the matter up and passed a general law, so that the annual appropriation bills might attend to this matter through an adjustment by the Secretary of War. In order that these small claims might be attended to promptly, the amount so authorized should not exceed $500. This law may be found in volume 36 of the Statutes at Large, page 676. Hitherto the damages have been, as would be natural in river and harbor work, such as injury to vessels, the wrecking of piers, etc. The legislators of that day undoubtedly intended to foresee all probable cases of this sort. But it so happened that last year, in the pursuance of the continuing contract that the Government is completing in Portland Harbor, at a place where the channel approaches the shore, an unusual blast was put in, and the result was that a small cement house on the shore was injured to the extent of $419. It was a very unusual accident, and the legislators who framed the law did not foresee it. Under the bare letter of the law it may be that the relief that is sought may be out of order under the rules of this House, but under the spirit of the law it is preeminently in order, and I hope that the Appropriation Committee will not invoke any technicalities in this case, because the sufferer is a worthy laborer, who has invested his little savings in this house.

He brought his case to the attention of the War Department authorities on May 25, 1914, through a friend, Mr. F. R. Redlon, of 80 Union Street, Portland, Me., who has helped him in his undeniable hardship caused by the negligence of the Government. Mr. Vumbaca himself is an Italian who has a limited acquaintance with English and the usages of this Government. The War Department investigated the circumstance, and I have a copy of the findings of the local engineer, which is as follows:

WAR DEPARTMENT,
UNITED STATES ENGINEER'S OFFICE,
537 Congress Street, Portland, Me., October 12, 1914.

F. R. REDLON,
80 Union Street, Portland, Me.

DEAR SIR: I am to-day recommending to the department that the sum of $419 be secured for Frank Vumbaca in payment of his claim for damages to the house at East Deering.

Very respectfully,

W. E. CRAIGHILL,
Lieutenant Colonel, Corps of Engineers.

In pursuance of the findings of the local engineer, the Board of Estimates for this year, for the service of the fiscal year ending June 30, 1916, has this item of estimate:

RELIEF OF FRANK VUMBACA.

That the Secretary of the Treasury is hereby directed to pay, out of any money in the Treasury not otherwise appropriated, to Frank Vumbaca, Portland, Me., the sum of $419, to reimburse him for damage to his house, No. 469 Washington Avenue, Portland, Me., by concussion from blasts (submitted), $419

The CHAIRMAN. Does the gentleman from New York [Mr. FITZGERALD] make his point of order against this amendment? Does the gentleman from Maine [Mr. HINDS] desire to be heard on the point of order?

Mr. HINDS. No; I have made my statement. I think it is conclusive.

Mr. FITZGERALD. Mr. Chairman, I have no discretion in the matter. It is a claim. We have no jurisdiction under the rules. It is subject to a point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HINDS. Mr. Chairman, may I ask permission to revise and extend my remarks and to print generally?

The CHAIRMAN. The gentleman from Maine [Mr. HINDS] asks unanimous consent to revise and extend his remarks, and also to print. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose, and Mr. BYRNS of Tennessee having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 20427. An act to authorize the sale of certain land in Alabama to Walter Dean; and

H. R. 20977. An act to provide for the establishment of a life-saving station in the vicinity of Duxbury Reef, Cal.

The message further announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 21328. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1916, and for other purposes.

GENERAL DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Capitol Building: For work at the Capitol and general repairs thereof, including the same objects specified under this head in the sundry civil appropriation act for the fiscal year 1915, $5,000.

Mr. GILLETT. Mr. Chairman, I ask unanimous consent to return to page 5, line 9, which we have passed. I wish to offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GILLETT] asks unanimous consent to return to page 5, line 9, for the purpose of offering an amendment. Is there objection?

There was no objection.

Mr. FITZGERALD. Is this a committee amendment for the building at Southbridge?

Mr. GILLETT. Yes; it is.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GILLETT: On page 5, after line 9, insert "Public building, Southbridge, Mass., post office: For site and commencement within the present limit of cost, $18,000."

Mr. GILLETT. Mr. Chairman, that was estimated for and would have gone in if it had not been overlooked.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

To pay the Alaskan Daily Empire, Juneau, Alaska, for printing and binding of the house journal of the first session of the Alaska Territorial Legislature, $771.05.

Mr. MOORE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] moves to strike out the last word.

Mr. MOORE. Is the Congress expected to make appropriations regularly for printing the proceedings or the journals of the Alaskan Legislature?

Mr. FITZGERALD. There was no limit of cost. There was an appropriation for printing the proceedings of the session of the legislature, and it was insufficient. The work has been done, and this amount of money is still due for the printing of the journals of the two houses.

Mr. MOORE. Will the American Congress be expected to pay for this sort of work right along, or is this exceptional?

Mr. FITZGERALD. Congress pays all the expenses up there. They have no revenues.

Mr. MOORE. It is a part of our business, then, to look after the Legislature of Alaska, and pay the expenses of its legislative sessions and the printing of its publications?

Mr. FITZGERALD. They have no revenues of any kind.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to return to page 21 for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from New York asks unanimous consent to return to page 21 for the purpose of offering an amendment. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. FITZGERALD: Page 21, after line 17, insert: "For painting interior and woodwork of rooms and corridors of the House Office Building, $25,983."

Mr. STAFFORD. Mr. Chairman, is it intended to repaint the walls on the fifth floor?

Mr. FITZGERALD. It is intended to paint the rooms of Members.

Mr. STAFFORD. I hope, so far as the room I occupy is concerned, it will not be repainted. I prefer the white on the wall of room No. 502.

Mr. MANN. The fifth floor is not covered by this?

Mr. FITZGERALD. No; this is to paint the rooms that have not been painted in the original building.

Mr. STAFFORD. Has any estimate been made for painting the window sills on the outside? I notice that the woodwork needs painting. Is that provided for in the regular work?

Mr. FITZGERALD. That comes out of the maintenance item. This work is proposed to be done during the long recess—to paint the interior of the building. It is convenient to do it while the Members are away. I find that it did include painting the fifth floor.

Mr. STAFFORD. I do not see any need of painting the fifth floor.

Mr. MANN. When Mr. Woods was before our commission he said that it did not include the fifth floor.

Mr. BARTLETT. The corridors.

Mr. MANN. That may be.

Mr. STAFFORD. I do not think the corridors need it, but I do not object to that; but I do not want the walls of my room retinted, because they are in perfect order.

Mr. FITZGERALD. Doubtless we can make an arrangement that no work shall be done in the gentleman's room.

Mr. SHERLEY. Mr. Chairman, some years ago we passed a resolution looking to a change in the construction of this Hall. It has never been carried out because of the absence of time on account of extra sessions. Does the gentleman know whether anything is contemplated to be done during the months that we are to be away?

Mr. FITZGERALD. I do not know anything more about it than does the gentleman from Kentucky [Mr. SHERLEY], who is a member of the commission in charge of that work.

Mr. SHERLEY. The reason for my inquiry was to call attention again seriously to that situation, because now is an opportunity to carry out the expressed will of the House, and it seems to me that we ought not to overlook it.

Mr. FITZGERALD. The matter has not been suggested to me since the last short session of Congress, when we discussed it just before adjournment. If anything is proposed to be done, I do not know.

Mr. GOULDEN. What is intended to be covered by this item of $29,000?

Mr. FITZGERALD. Originally the House Office Building walls were not painted. They were finished in plaster, and a peculiar sand was found down the Potomac River. The finish was a rough, scratch finish, but this sand gave it a peculiar tint.

Mr. GOULDEN. Then this is intended simply to paint the walls and the woodwork?

Mr. FITZGERALD. A great many of the rooms are now dirty, and it is necessary to paint them. The walls will be rubbed smooth and painted.

Mr. GOULDEN. It is simply intended to paint the walls and the woodwork, is it—all of it?

Mr. FITZGERALD. And the Halls and the Rotunda.

The CHAIRMAN. The question is on the amendment.

Mr. FITZGERALD. I want to add to the amendment the words:

To continue available during the year 1916.

Some of the work will go beyond the 30th of June.

The CHAIRMAN. If there be no objection, the amendment will be modified as suggested by the gentleman from New York.

There was no objection.

The amendment as modified was agreed to.

The Clerk read as follows:

1914, $250,000.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

After line 11, on page 27, insert:
"1915, $400,000."

Mr. MONDELL. Mr. Chairman, the department submitted an estimate of $400,000 as a deficiency on star routes for the fiscal year 1915. At the hearings the Fourth Assistant Postmaster General stated:

I do not think we will need that. We will wipe that out.

Mr. Wood then said he thought they might need a small amount, but did not like to ask for anything now; thought they might ask for some later.

I desire to read from a letter which I received from the Fourth Assistant Postmaster General on January 15, indicating the manner in which they are attempting to wipe out, as the Fourth Assistant Postmaster General puts it, these deficiencies in star-route service. This letter from the Fourth Assistant Postmaster General was in answer to a letter I had written him with regard to a route for a small community in my State. His letter was in part as follows:

Referring to your inquiry of the 12th instant as to the status of the proposed route from Jireh, Wyo., I beg to state that this case has been investigated and is held in the department awaiting a more favorable condition of the national finances.

The Fourth Assistant Postmaster General then goes on to say that it is apparently advisable to withhold for a time all applications for additional postal facilities that involve increased expenditures. He further says:

I think you will agree with me that much can be accomplished in this line by deferring the establishment of additional routes.

Then there is this further observation:

The residents of the community to be served by the route in question have a full understanding of the conditions confronting the Government, and will doubtless cooperate with the department in an effort to contribute a share toward meeting the situation now at hand.

And yet we were told by the gentleman from Missouri a day or two ago that the country was prosperous and everything was lovely. Gentlemen on the other side have assured us that, while the revenues are not as large as they might be, they were sufficient to care for the needs of the people.

But the Fourth Assistant Postmaster General takes the position that the people in the rural districts are sufficiently well acquainted with the unfortunate condition of our finances that they will be overjoyed to forego the privilege of receiving mail once a week, twice a week, three times a week, in order that by so doing they may help the administration along in these times of deficient revenue.

Mr. Chairman, it is true that the Treasury is now in a deplorable condition. It is true that all of the efforts put forth by the gentlemen on the other side to increase the revenue, including the burdening of the people with war taxes in time of peace, have failed to produce revenue sufficient to meet the current expenses of the Government. But is it a fact that we have reached a time when we can no longer furnish people in the rural districts mail facilities? Is the administration prepared to adhere to and defend that letter of the Fourth Assist-

ant Postmaster General? There are people in the State that I have the honor to represent that live 10, 20, 40 miles from the nearest post office having a regular mail supply and have no mail facilities whatever.

I do not desire to criticize the officials of the Post Office Department. I think they are doing their very best under the circumstances and conditions.

Mr. GORDON. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. GORDON. Does the gentleman understand that it is the function of the Government to follow men who are 30 and 40 miles away from civilization to deliver mail to them?

Mr. MONDELL. Even so, I do. That has been understood to be one of the functions of this Government from its foundation. It has always done so. Right now we are paying $10 per capita per annum to carry the mail to Americans who have had the hardihood and the courage to go into Alaska, in the frozen North. We have been carrying mail on star routes to remote settlements in the States and Territories since we became a nation.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Wyoming asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, I want to discuss this suggestion made by my good friend from Ohio [Mr. GORDON]: Is it the duty of the Government to furnish men on the frontier mail facilities? I am amazed that any Member of the American Congress should ask a question like that. Why, we are spending the money of the Government to furnish people in cities three, four, and five deliveries a day. We are appropriating money for the purpose of putting cold storage in certain city post offices in order that the people of the city may receive country products and have them kept in good condition.

Mr. GILLETT. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. GILLETT. That does not cost the Government anything, does it, as it much more than pays the expenses?

Mr. MONDELL. The gentleman from Massachusetts, with whom I agree in most things, falls into the error that so many men have fallen into of thinking that because the revenues of the post offices in the cities exceed the expenditures and in the country the contrary is true, that therefore we are making money in the cities and spending it in the country. If it was not for the mail sent from the city to the country, if it was not for the business that the cities receive from the country, if it was not for this constant interchange of mails between the city and the country, there would be no profit in the handling of the mail.

Mr. GILLETT. Does not the gentleman think there would be much more profit if we did not send anything to Alaska or receive anything from Alaska?

Mr. MONDELL. That might be possible so far as Alaska is concerned, but that is an extreme case, and I am sure that my friend from Massachusetts would not have an American citizen who has had the courage to go to Alaska to open up that country, to search out and develop its resources, deprived of the privilege of occasionally receiving his mail. All our people are asking in most of these cases is a mail once a week or twice a week or three times a week at the most. And certainly the Government can well afford to furnish it to them, and we have furnished it, I will say, to my friend under Republican administrations always. I have never had any very serious difficulty in securing the establishment of star routes under Republican administrations, and we fairly well made the department pay. I want to say again that I am not especially blaming the gentlemen of the department. They have been considerate and attentive to the matters that I have laid before them. They have no doubt done quite as much as they believed they were justified in doing, but some one higher than these men has given them to understand evidently that it is the purpose of the Government to save money in these disastrous Democratic times by depriving the American citizens of mail facilities.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. SLOAN. Does not the gentleman think that the citizens of Wyoming could be persuaded for a couple of years to be satisfied with a psychological distribution of mail and not an actual distribution at all?

Mr. MONDELL. That is all some of them are getting now.

The CHAIRMAN. The time of the gentleman from Wyoming has again expired.

Mr. CONNELLY of Kansas. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, the amendment of the gentleman from Wyoming [Mr. MONDELL] is to appropriate $400,000 to supply deficiencies in the appropriations for inland transportation by star routes for the current fiscal year. Such an estimate was transmitted by the Post Office Department, but when inquiry was made regarding the estimate the department informed the committee that it did not require the money; that probably some small appropriation would be needed to meet the obligations of the department, and the amount could not be determined at this time, and if any such sum is required a request will be made at a later date. For the fiscal year 1914 the appropriations for inland transportation by star routes were $7,105,000. Congress subsequently appropriated in a deficiency bill $800,000 and in the pending bill $250,000 additional, so that for the inland transportation of the mails by star-route service the total appropriations are $8,155,000. For the current fiscal year the appropriations are $8,675,000, $500,000 in excess of all of the moneys that will be required to meet the demands of the service for the fiscal year 1914, closed.

The Post Office bill as it passed the House for this service carried $9,000,000, the amount estimated by the department as required for the service for 1916. If the amendment of the gentleman from Wyoming were adopted, Congress would then appropriate for this service for the current fiscal year as much as the department estimates would be required for the next fiscal year and as much as the House proposes shall be appropriated for that purpose. Congress has responded to the requests of the department with appropriations to meet the requirements of the service. It has not appropriated and it should not appropriate $400,000 to meet obligations of a service which the department says it will not require, and if it does require anything it will be a very small amount.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MONDELL. The gentleman knows that the amount was estimated?

Mr. FITZGERALD. Certainly.

Mr. MONDELL. And the department is endeavoring to avoid the deficiency by refusing the service, as indicated in this letter?

Mr. FITZGERALD. Mr. Chairman, the amount was estimated, and after it was submitted what happened frequently happens. The department is able to get information that its fears as to whether a certain appropriation would be sufficient were somewhat exaggerated. Whatever sum is needed to meet the obligations of the service, when they can be ascertained, I have no doubt will be granted by Congress. It would be very unfortunate to initiate at this time, of all others, the policy of appropriating money for some particular service of the Government that those conducting the service do not believe is required for the service. My experience is that they ask not only sufficient, but more than enough, and it would be very unfortunate if this House were to adopt the habit of insisting upon the department expending in the service more than it believes is legitimately required for it. I hope the amendment will not be adopted. If the deficiency occurs in this appropriation, Congress will meet it in ample time and pay the obligations that may be incurred.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was rejected.

Mr. STEENERSON. Mr. Chairman, when on yesterday the gentleman from Missouri [Mr. LLOYD] read a letter from Third Assistant Postmaster General Dockery in answer to some remarks made by me in general debate touching Government finances, it seemed to me a rather strange proceeding. It struck me that for an officer of the executive branch of the Government to thus engage indirectly in debate of current political issues with Members on the floor of the House was of doubtful propriety and might tend to embarrass the necessary intercourse between Members and the executive departments, restrict the freedom of debate, and be in derogation of the privileges of the House. The doctrine that the three branches of Government, the legislative, executive, and judicial, should be kept separate from one another became one of the cardinal principles of political science contemporaneously with the foundation of our Government. This theory of the separation of powers is the basis of our Constitution.

The accumulation of all powers, legislative, executive, and judicial, in the same hands, whether of a few or many, and whether hereditary, self-appointed, or elective, may be justly pronounced the very definition of tyranny—

Says the Federalist.

Sir William Blackstone in his Commentaries on the Laws of England (1765) wrote:

In all tyrannical governments the supreme majesty or the right both of making and enforcing the laws, is vested in the same men or one and the same body of men; and when these two powers are united together there is no public liberty.

To safeguard this separation of powers, no doubt, it was provided in the Constitution that "No Senator or Representative shall, during the time for which he is elected, be appointed to any civil office under the authority of the United States which shall have been created or the emoluments of which shall have been increased during such time," and further that "No person holding any office under the United States shall be a Member of either House during his continuance in office." Pursuant to the Constitution the House has made rules defining as questions of the highest privilege those relating to its dignity and the integrity of its proceedings. Heads of departments are admitted to the floor of the House, and some assistants are entitled to admission, as are ex-Members. If the practice should grow up of such officials engaging in debate indirectly by having their arguments read on the floor by Members, it seems to me it would lead us into difficulties.

You can imagine how embarrassing it would be for Members of Congress to do business with the various departments if they had indirectly conducted a hot political debate with the incumbents of those executive offices. I might go to the department to get a postal savings bank established or a rural route established or something of that kind and meet a gentleman who had, through a Member of Congress, been in a hot debate with me upon a political question, and so therefore I say it comes pretty near invading the privileges of the House. We all know that the President, in a limited sense, is vested with a part of the legislative power, for acts must have his approval unless passed by a two-thirds vote, and he has the initiative by means of messages, but this does not justify the transformation of Congress into a mere registry office of the will of the President. That this comes mighty near being the case now can be seen from the following review of this Congress from the Washington Times:

At noon Thursday the Sixty-third Congress will pass into history. At the same time will end the first half of the Wilson administration.

* * * * * * *

Overwhelmingly Democratic in the House and Democratic by a narrow margin in the Senate, with a Democratic Chief Executive, the legislation of the Congress has been dominated by the Democrats. In fact, most of it has beeen dictated by the President. To a remarkable extent the Democratic Members at both ends of the Capitol have been under the thumb of the White House.

PRESIDENT NOT HESITANT.

The President has been consulted at every turn by the Democratic leaders, and he has not hesitated to tell them what he wanted and what he did not want.

And they have acquiesced. Sometimes there have been mutterings in the corridors and cloakrooms, but only a small group have actually revolted.

The President began his administration by undertaking the innovation of going to the Capitol in person and reading his messages. He undertook another innovation by going to the Capitol, visiting the President's room, and calling Senators in for conference.

Cabinet members have gone to the Capitol freely and have worked for or against legislation. In a general way the system of legislation has been this: Bills have been shaped by the administration, have been presented in Congress by administration supporters, have been sent to the Democratic caucus, the caucus has bound Members to their support, and they have been driven through, to the unavailing protests of the minority.

Not since the palmiest days of Aldrich and Cannon have the individual Members of Congress had so little to say about important bills. The White House, plus the party caucus, has shaped legislation.

In the nature of things there can not in practice be as complete a separation of powers between the executive and legislative as between them and the judicial. Executive departments, either by direction of the President or on their own motion, communicate with either House of Congress, suggest enactments or repeals, and upon request give recommendations on specific bills affecting matters within their jurisdiction; on the other hand, either House, or committee thereof, request information on matters within the knowledge of the different departments, and individual Members act as agents or deputies for constituents in administrative matters before them; but this does not change the general doctrine nor justify a radical departure from it. It is reported in the press that the President favors giving members of the Cabinet seats in the House of Representatives, as is done in England and other European countries, where the so-called Cabinet system is in vogue. The result, at least as far as the House of Commons is concerned, has been to transfer to it a large share of executive power. This union of executive and legislative power in the House of Commons has made it the dominant factor in the Government. But let us not suppose that the result of such action here would be the same as the adoption of the Cabinet system elsewhere. The Cabinet here is not elected but appointed, and the power of the Presidency is so great that if such a change were made the result could only be a transference of the legislative power from the men elected by the people to men who would be responsible to the appointing power alone. It would be, I fear, a substitution of autocracy for representative government. The fact that the autocrat would be elected for quadrennial periods would make no difference. Liberty would be gone and despotism substituted in its place.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEENERSON. Mr. Chairman, I ask unanimous consent I may be permitted to continue for 10 minutes.

Mr. FITZGERALD. I will have to object to that. I gave notice earlier in the day that I would object to any extraneous discussion.

Mr. STEENERSON. This is no extraneous discussion. I am discussing postal matters, the subject to which the paragraph under consideration relates.

Mr. MANN. Let the gentleman have the 10 minutes.

Mr. FITZGERALD. Does anybody want to reply to the gentleman? If the gentleman is going to conduct the entire debate by himself I will not object.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to proceed for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. STEENERSON. When I cast my lure upon the waters of political debate I was ambitious for big game. I was hoping that I would get a rise out of the gentleman from Alabama [Mr. UNDERWOOD], the leader on that side, because he was the one that first stated that the cause of a prospective deficit in the postal receipts was due to the falling off of the foreign mails. I pointed out that the total postage collected on foreign mail only amounted to $8,000,000 and the decrease was less than $1,000,000, so that this could not possibly account for a deficit of $14,000,000. But the challenge was taken up by my distinguished and able friend from Missouri [Mr. LLOYD], who is usually well informed on postal matters, and who is now reenforced by the Third Assistant Postmaster General. No doubt the administration has noticed that of late the spokesmen of the majority upon the floor have been conspicuously silent, and so they have come to the rescue. That is as it should be, for as the Chief Executive and his appointees are doing the work they ought also to defend it. It is especially my statement that "whenever the shadow of free trade has come upon the country under Democratic administration the postal receipts have fallen off," on which he takes issue. To refute this he publishes a statement of postal deficits and surpluses for the last 5 or 10 years.

Mr. LLOYD. Will the gentleman permit? I do not want to interrupt the gentleman at all.

Mr. STEENERSON. I will yield for a question.

Mr. LLOYD. You said five years; that there had been the surplus for five years.

Mr. STEENERSON. I will correct that. I should say two years. The answer I make to that is that a postal surplus is no indication of prosperity in the land. The prosperity that I refer to is indicated by total postal receipts, by the amount of postage stamps that the people use in the transaction of their business, not the surplus. The surplus indicates good administration, the saving of money; economy. A postal deficit indicates poor administration, or too low rates.

The gentleman submitted tables of postal deficits and surpluses for a series of years, and has a great deal to say on that subject. It seems to me that discussion is irrelevant to the precise point in dispute. However, I think the gentleman's presentation of that subject is quite misleading and requires some attention. His table shows a deficit for 1909 of $17,000,000; for 1910, $5,000,000; for 1911, a surplus of $219,000; and for 1912, a deficit of $1,785,000; and for 1913, a surplus of $4,510,000; and for 1914, a surplus of $4,376,000. Contrary to his own table, he claims that prior to 1913 the last annual surplus was in 1883. However, we are familiar with the contention made when this administration came into power, that the announced surplus of Postmaster General Hitchcock in 1911 of $219,000 was not real, because it was based upon the audited receipts and audited expenditures, and some of the expenditures were delayed in auditing until the fiscal year was passed, which it was claimed would have made a difference, so as to show a deficit of $700,000.

The presentation of this subject in the last two annual reports of the department is upon its face influenced by partisan motives and unfair to the former administration, but even conceding everything that is claimed—that is to say, that there was a deficit for the fiscal years 1910, 1911, and 1912, the fact re-

mains that there was a surplus in the fiscal year ending June 30, 1913, of $4,510,659. The present administration came into power on the 4th of March, 1913, so that for eight months and three days of that fiscal year it was under a Republican administration, and this time must be credited. Not only did we inaugurate the new service of parcel post, but we accumulated two-thirds, or more than $3,000,000 of the surplus so much boasted about for the fiscal year 1913. For the last fiscal year, 1914, the surplus diminished by about $200,000, and we are now told that the prospect is for a very large deficit. It seems to me, therefore, that the record of Postmaster General Hitchcock and the Taft administration, which came into power with a deficit of more than $17,000,000, and left it with a surplus of more than $3,000,000 is entitled to a good deal of credit, and it is a record which I doubt the present incumbent will be able to equal.

According to department statistics just published, the average postage collected on parcels is 5.01 cents and the average weight per parcel is a pound and an ounce. The cost of handling and transporting can hardly be less than for second-class matter, which the department claims to be from 8 to 9 cents per pound, and which the Hughes commission found to be 6 cents per pound, without counting certain overhead charges. On the one theory there would be a loss of about 3 cents a pound and on the other a loss of 1 cent a pound, and on either theory the loss would be sufficient to account for the whole anticipated deficit. So much for postal deficits and surpluses.

And now as to postal receipts, which I said was an index to the prosperity of the country. This, however, must be understood with this limitation, that the laws in regard to postage and mailable matter must remain the same for the periods compared. The gentleman's figures show that the percentage of increase in postal receipts for the last 10 years average about 7 per cent, running as high as 10 per cent in 1910, and as low as 3 per cent in 1912, but as these receipts throw a good deal of light on the questions here in dispute, I have prepared a table where the figures are taken from page 256 of the statistical abstract for 1913, covering the period from 1879 to 1914, both inclusive, in which I have also included the percentage of increase or decrease, as the case may be, and marked the quadrennial periods to shows whether they were Republican or Democratic, and this table I will insert here:

Revenue of the Post Office Department, 1879 to 1914.

	Year ended June 30.	Revenue of of the department.	Percentage of increase.	Percentage of decrease.
			Per cent.	*Per cent.*
Republican.	1879	$30,041,983		
	1880	33,315,479	18.96	
	1881	36,785,398	14.01	
Republican.	1882	41,876,410	14.11	
	1883	45,508,693	8.69	
	1884	43,325,959		4.77
	1885	42,560,844		1.76
Democratic.	1886	43,948,423	3.25	
	1887	48,837,609	11.35	
	1888	52,695,177	7.89	
	1889	56,175,611	6.55	
Republican.	1890	60,882,098	8.38	
	1891	65,931,786	8.29	
	1892	70,930,476	9.09	
	1893	75,896,933	7.00	
Democratic.	1894	75,080,479		.02
	1895	76,983,128	2.53	
	1896	82,499,208	7.16	
	1897	82,665,463	2.01	
Republican.	1898	89,012,619	7.68	
	1899	95,021,384	6.75	
	1900	102,354,579	7.72	
	1901	111,631,193	9.06	
Republican.	1902	121,848,047	9.15	
	1903	134,224,443	10.15	
	1904	143,582,624	6.90	
	1905	152,826,485	6.44	
Republican.	1906	167,932,782	9.88	
	1907	183,585,006	9.32	
	1908	191,478,663	4.30	
	1909	203,562,383	6.31	
Republican.	1910	224,128,637	10.10	
	1911	237,879,823	6.14	
	1912	246,744,015	3.72	
Democratic.	1913	266,619,525	8.05	
	1914	287,934,565	7.99	

It will be noticed that the increase for the first four years was very large, running from 18 per cent to 8 per cent, and then from 1883 to 1884 there was a decrease of 4 per cent, and from 1884 to 1885 a decrease of nearly 2 per cent, followed by an increase of 3 per cent. The first year of a decrease was under a Republican administration, and the second was in part under a Republican and in part under the first Cleveland administration, but it is well known that the first Cleveland administration did not control Congress, and that the tariff was not changed, and, therefore, we must seek for other causes, and the explanation is readily found, for on March 3, 1883, Congress reduced letter postage from 3 to 2 cents for half an ounce, and in 1885 reduced letter postage to 2 cents for 1 ounce. The first effect of this reduction of postage was a marked reduction in total receipts, but as soon as the public learned of the cheapened service they availed themselves of it to a greater extent, and as this class of mail brings in about the only profit there is in the service it greatly grew in volume and the receipts again began to increase. This continued from 1885 down to 1893, when the second Cleveland administration came into power, and the shadow of free trade in the shape of the Wilson bill was upon the country. Without any change in postage rates, of any kind, we find that the total receipts from 1893 to 1894, instead of increasing, decreased 2 per cent, and the following three years the increase was comparatively small. That administration was succeeded in 1897 by the McKinley administration, and the receipts at once increased, as the table shows, from 2 per cent to 7 per cent, and has continued to increase up to the present time, running some years as low as 3 per cent and others as high as 10 per cent, and in the fiscal year 1913 is was 8 per cent, and practically the same in 1914.

But it is now contended on the part of Gen. Dockery that an increase of 8 per cent in the postal receipts for the fiscal years 1913 and 1914 constitutes a refutation of my contention. This would, of course, be well founded if the postage rates and the class of matter admitted to the mails had remained the same. But obviously where new articles not formerly mailable are admitted to the mails it will swell the volume of mail as well as the receipts for postage. This will continue for a time, until the limit is reached in the volume of traffic that the new rate will move, when receipts will again become constant or only reflect the general business growth and prosperity. The effect of parcel-post changes, to cause an abnormal rate of increase, naturally reached a maximum about the end of the first half of 1914, and this would explain why receipts then ceased to grow or grew only in harmony with the general growth of business, or perhaps again declined. This is a more reasonable explanation of the alleged falling off in the rate of increase in receipts in recent months than the war theory. To overlook this fact and to claim that the increase in postage receipts for the last two years indicates a normal growth of postal business and, impliedly, business prosperity in the country, shows that partisanship can blind the reason and lead even a well-intentioned person to a wrong conclusion.

General parcel-post service was inaugurated on January 1, 1913, and the report for that year shows a phenomenal increase in this business of carrying packages, and a probable revenue exceeding $4,000,000, due entirely to that cause. During the fiscal year 1914 the limit of weight of parcel post was first enlarged from 11 to 20 pounds, which, of course, greatly increased the volume of mail as well as the receipts, and then the limit was raised to 50 pounds in the first and second zones, which necessarily was followed by additional business and additional receipts. The Postmaster General's report for the fiscal year 1914 says:

> There is every reason to believe that the Postal Service is now handling more than 800,000,000 parcels annually. Statistics covering the first 15 days of October, 1914, show a material increase over the number of parcels handled in April of this year, notwithstanding the depressing effect of the European war. It is believed by the original advocates of a parcel post, as well as by the department, that possibly 300,000,000 parcels would be handled during the first year. The growth of the service has exceeded all expectations and is highly gratifying.

In speaking of increased receipts, the report further says:

> A portion of the increase was due also to the normal growth of the service, though the major part no doubt is the result of increases of weight limits and reductions of rates which became effective August 15, 1913, and January 1, 1914.

It will thus be seen that the much-boasted increase in postal receipts of 8 per cent during the last two fiscal years must be accounted for by the new service, and that the alleged falling off during the current fiscal year must in chief part be ascribed to the natural effect of the Democratic administration, and the business and industrial depression resulting therefrom.

So, you see, the grandiloquent closing of the gentleman's letter which was read yesterday, that this awful catastrophe, this war, was the cause of this alleged postal deficit, will not hold good. The cause, I submit, is the general depression of business throughout the country, and even if they had no war there would be this falling off in postal receipts. It is a strange thing to me that in the same CONGRESSIONAL RECORD, the number for yesterday, is a speech of the gentleman from Tennessee [Mr. HULL], the author of the celebrated income-tax law, and a leading Democrat, in which in the closing paragraph

he points out that never in the history of the United States has there been such an opportunity for industry and enterprise as to-day. He says that the European countries are demanding war materials and manufactured goods of all kinds, and if we only bestir ourselves and respond to that demand prosperity will crown our efforts. He says:

The war not only greatly augments their opportunities, but offers to the American people engaged in every important line of finance, industry, and commerce the most unlimited possibilities offered any country in all history. Already many lines of business have commenced their onward march. The United States is the great storehouse from which both the warring and the peace countries must draw an immense portion of manufactures, foodstuffs, and raw materials. To meet these unlimited requirements will tax the ability, energy, and enterprise of the American people. I have the utmost faith that the great body of our business men will throw off any lethargy they have acquired under the reign of special privilege and do their part toward making this country the center of both the finance and the commerce of the world.

Does not that seem absurd alongside of the letter of the Third Assistant Postmaster General, which says this war has caused such an awful depression? It is getting to be quite the vogue now among Democratic orators to refer in graphic and eloquent terms to this awful calamity of war and our good fortune in escaping therefrom. This is all well and good in its proper place and for the proper purpose, but when it is employed to blind the reason in order to cover up political shortcomings or gain a partisan advantage this play upon the sacred and tender chords of human sympathy falls little short of sacrilege.

Now, that is about the kind of motive that is behind these lamentations. When the American people come to consider these things calmly, they will render a just judgment, and it will be against you and your policies. [Applause.]

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. STEENERSON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

To pay the sisters of Sereno E. Payne, late a Representative from the State of New York, $7,500.

Mr. GILLETT. Mr. Chairman, I move to amend by striking out that paragraph and inserting in lieu thereof the following: "That Congress disapproves and abandons the practice of granting gratuities to the families of deceased Members."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 28, by striking out lines 23 and 24 and inserting: "Congress disapproves and abandons the practice of appropriating gratuities for the families of deceased Members."

Mr. AUSTIN. Mr. Chairman, I make a point of order against that amendment.

The CHAIRMAN. Does the gentleman from Massachusetts desire to be heard?

Mr. GILLETT. Yes. The paragraph itself is subject to a point of order. Mr. Chairman, which I did not make.

Mr. FITZGERALD. This is not a germane amendment, Mr. Chairman. To a provision of a bill purporting to appropriate money for which there is no statutory authorization a provision announcing or declaring a policy of Congress is not germane. This is not even a legislative provision. It is just a declaration of Congress.

The CHAIRMAN. Does the gentleman from New York reserve a point of order or make one?

Mr. FITZGERALD. The gentleman from Tennessee [Mr. AUSTIN] made the point of order.

The CHAIRMAN. Will the gentleman from Tennessee state his point of order?

Mr. AUSTIN. It is that this amendment, offered by the gentleman from Massachusetts [Mr. GILLETT], is not germane to the item under consideration.

The CHAIRMAN. The Chair sustains the point of order. It seeks to substitute a general provision for a specific provision, and that is contrary to the rules.

Mr. GILLETT. Mr. Chairman, I move to amend by striking out the paragraph.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Massachusetts [Mr. GILLETT].

The Clerk read as follows:

Amend, page 28, by striking out lines 23 and 24.

Mr. GILLETT. Mr. Chairman, I did not make a point of order upon this paragraph, but I do this for the purpose of bringing the matter to the attention of the House and to state my opinions upon it.

It is, of course, extremely disagreeable to make such a motion or to try to deprive the family of any deceased Member of the appropriation that is generally made, but I think myself the practice is a vicious one and ought to be terminated, and it comes to me with peculiar force just now, because there is an appropriation in another bill, inserted in the Senate, in which we are asked to concur, to appropriate for the family of a deceased member of the Supreme Court. I have selected this case as a proper time to terminate the custom, because every Member in this House, and nobody more than myself, had the utmost respect and affectionate regard for Mr. PAYNE. If there is anyone whose memory I will be glad to honor and whose family I would be glad to contribute for, it is he, with whom I served for many years and never had a word of disagreement.

But I feel ashamed when a request comes to the House to appropriate money for the family of Mr. Justice Lurton, for example, now pending, or to appropriate for the family of a Cabinet officer, or any other deceased member of the civil service. I would feel ashamed to appropriate for ourselves, Members of the House, and then refuse to appropriate for anyone else. They all have exactly the same right and the same claim that we have. It is a pure gratuity in every case. There is no warrant of law for it at all, and I do not like to see us liberal and generous and free with the public money for ourselves and then adopt a different rule for everyone else, or to pick out favorites and grant a few and refuse the great majority, who need it quite as much.

Mr. MANN. Will the gentleman yield for a question?

Mr. GILLETT. Certainly.

Mr. MANN. I suppose the gentleman proposes to offer the same motion on the next paragraph?

Mr. GILLETT. Yes.

Mr. MANN. Has the gentleman any objection to considering the two together?

Mr. GILLETT. If this one does not carry, I will not offer it on the next one.

Mr. MANN. I ask unanimous consent that the next paragraph may be read, with the right of the gentleman to move to strike out both paragraphs.

Mr. FITZGERALD. That they both be considered together.

Mr. GILLETT. I am perfectly willing.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the next paragraph be read, and that the two paragraphs be considered together. Is there objection?

There was no objection.

The Clerk read as follows:

To pay the widow of Edwin A. Merritt, jr., late a Representative from the State of New York, $7,500.

Mr. GILLETT. Now I move to strike out that item, also.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 29, by striking out lines 1 and 2.

Mr. GILLETT. I see no reason why we should appropriate for the families of Members of the House which does not apply with equal force to every other public servant. I do not see why we should appropriate for ourselves and then decline to appropriate for the families of the justices of the Supreme Court. I do not see why we should appropriate for ourselves and refuse to appropriate for any $1,200 clerk, whose family needs the annual income more, probably, than the wife or family of a Member of this House, and who has exactly as much right to it under the law.

Mr. STEPHENS of Texas. The gentleman might ask unanimous consent to add to his amendment the words "*Provided*, That hereafter it shall be the policy of Congress not to make these appropriations to the families of deceased Members."

Mr. GILLETT. I am perfectly willing to leave these names in the bill and then declare our policy hereafter; but I made this suggestion here because nobody could attribute to me any personal or partisan motive. There was nobody for whom I felt more affection and respect than for Mr. Payne, and therefore I was glad to take the opportunity presented by this case, where nobody could suppose that any Member of the House did it from dislike or disrespect. I think we have drifted into a bad practice, which subjects us to the charge of selfishness and favoritism, and that we ought to take this opportunity to show that we will not follow the custom any longer.

Mr. MANN. Mr. Chairman, I hope the amendment of the gentleman from Massachusetts [Mr. GILLETT] will not be agreed to. The gentleman likens this to a case of appropriating for the widow of one of the Supreme Court Justices. The case is quite different. Justices of the Supreme Court are appointed for life. They draw their pay for life. Members of Congress do not. The gentleman from Massachusetts can have no personal feeling on this subject; but, on the other hand, the gen-

tleman from Massachusetts can have no personal appreciation of what this does, because he has no one dependent upon him.

I have served my district and the country in this House for a good many years, certainly not to my financial benefit; and during that time it has been a comfort to me to know that if I should pass away while a Member of this House, leaving no considerable competence and probably leaving any business affairs that I have not in very good shape—it has been a comfort to me to know that my widow would at least, under the practice of Congress, receive a year's salary. The gentleman from Massachusetts can not have that feeling, because he has not that relationship. I think it is fair for us to pay this insurance, and I hope that the practice will not cease. In many cases we do provide; in the Army and Navy, six months' salary for people who die in the service. The Navy and Army appropriation bills always carry items for that purpose. No one yet has moved to strike any of them out. I hope the practice will continue. I believe that it makes Members of the House better qualified to perform their legislative work while they are here, so that they will not be worrying about their widows if they die in the performance of their duty. [Applause.]

Mr. AUSTIN. Mr. Chairman, I want to call the attention of this House, and especially that of the gentleman from Massachusetts, to the case of one of my predecessors. I served as his private secretary. He was a Member of this House for 10 years. One day by mistake, in a drug store, he took a glass of poison and died the next day. He had a $20 bill in his pocket and a $2,500 mortgage on his home, and left a wife and six children.

Congress voted the widow his salary, $5,000, which enabled her to discharge the mortgage upon the home and provide for the little children. There is not a decent citizen in the Republic who will criticize any Member in this House for voting these appropriations. I would hate, Mr. Chairman, to represent a constituency that expected me to cast a vote against such a meritorious proposition as this. I venture the assertion that 99 per cent of the appropriations made in this way have gone to widows and children who were in actual need of the appropriation. A man who serves in this House, with an election every two years, and who conducts himself as he should in Washington City, and provides for his family, practically serves the Government of the United States for a living. When he closes his career here, if he has no outside business, he leaves his family practically nothing from his salary as a Member of Congress.

Last summer when my life was in the balance I had nothing except my salary, and I thought many times of what would come to my wife from my colleagues in this House if I should pass away. [Applause.]

Mr. SISSON. Mr. Chairman, I see no reason why the representatives of a Member of Congress, with or without a statute, should receive $7,500 when the Congressman dies. I know this is a most unpopular thing to say in this House. I know that in the presence of death certain sympathies are always aroused and sorrow and superstition surround it, and it is most unpopular not to be charitable toward those who are left after one of our colleagues passes away. I know the tender associations that surround the relationship of the membership of this House and the families of every one of us. But there is no more reason why a Member of Congress should convert this Government into a life insurance company for Members without a premium than there is that a man who works in the factory or on the farm should receive a pension of $7,500.

Now, it does appeal to a Member of Congress to feel that if he dies his family will receive $7,500, a very nice life insurance policy.

In the life of this Republic this practice is of recent origin. It has not been long that it has been going on, and it shows the wickedness of precedent. The first rule was that when a Member died his wife or family dependent upon him should receive the balance of his salary, providing it does not exceed the balance due for the fiscal year in which he died.

Mr. PARKER of New York. Will the gentleman yield?

Mr. SISSON. For a question.

Mr. PARKER of New York. Is it not the policy all over the country at the present time to have employers' liability insurance which costs the employee nothing?

Mr. SISSON. That has absolutely nothing to do with this question. I decline to yield any further because I have only five minutes. I can do what I please with my own, because it is mine, and if the corporation sees fit to give it away it is all right. But every dollar in the Treasury ought to be a sacred fund. The trouble is it is not sacred; we lay violent hands on it when it comes to these matters which may benefit us. Let me say to you now that when you go before the country and say that we are willing to pay to our own Members $7,500, every man, from the rural carrier up, every man in the Government employ should receive it; and if every man receives it, why in God's name do you not pay $7,500 to the family of every man who dies?

The difference is that we are tax consumers. I know I am talking to an unsympathetic audience, and I know I am talking to men who have wives and children at home. If I were to consult my selfish interest, I might yield to the serpent and say, yes, I would take away from the people $7,500, and say I would be in favor of changing the rule, and that rule was that you would pay the man's family—and that has not always been the rule—the balance of his year's salary.

One example of where they paid a man's family $7,500 caused this evil to grow up, and that is that when a man dies, irrespective of the condition of his family, irrespective of the condition of his finances, whether he is worth millions or is a pauper, his family gets $7,500. My action may be called what you please, and they may criticize me in the press, but I would rather take my pro rata share, or twice my pro rata share, out of my own pocket and pay it to these people than to lay hands on the Treasury of the United States and pay $7,500 to the families of deceased Members. Unfortunately this is not, as many Members have said, of very ancient origin. It did not begin many years ago. There are men serving now in Congress who recollect when this precedent was first set. The exact date of it I do not know, but it is a recent thing, and Congress ought not to pay this sum.

The CHAIRMAN. The question is on the amendment of the gentleman from Massachusetts.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For allowance to A. S. Kreider, contestee, for expenses incurred by him in the contested-election case, audited and recommended by the Committee on Elections No. 1, $2,000.

Mr. WATKINS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 29, insert between lines 6 and 7 the following:

"For reviser of the United States Statutes for the Committee on the Revision of the Laws, authorized by resolution of the House, agreed to July 3, 1914, from March 4, 1915, to June 30, 1916, both inclusive, at the rate of $4,000 per annum, $5,300.10."

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph, or I will make it.

The CHAIRMAN. Does the gentleman desire to be heard?

Mr. WATKINS. Yes. Will the gentleman from Illinois be kind enough to intimate on what proposition he makes the point of order?

Mr. MANN. I am ready to make the point of order and ready to discuss it.

Mr. WATKINS. I would be very glad if the gentleman would reserve it.

Mr. MANN. I will accommodate the gentleman either way.

Mr. WATKINS. Mr. Chairman, I would much prefer that the gentleman from Illinois reserve the point of order, but I wanted to save time in the argument of it, and thought I would like to know the grounds of it. If the gentleman does not see proper, however, to give us the reasons for his point, I will state that the amendment simply provides for the salary of the reviser of the statutes, which place was created by House resolution 555 last year. The reviser is now a regular employee, an agent of the House of Representatives, under this statutory law, which was enacted by the House last year. Being an employee of the House, made such under the law, there can be no doubt at all about the propriety of this House and the propriety of the Committee on Appropriations providing an appropriation for his salary. If you look at the very next items in the bill, just below the place where this amendment is offered, seriatim, one after another, all of the same kind, all positions, there is provision for the payment of salaries. There is hardly a bill of this kind that is presented but has provision made for the payment of salaries.

The CHAIRMAN. Does the gentleman from Louisiana have the resolution to which he refers?

Mr. WATKINS. Yes. I will hand it to the Chair. The first section of the resolution establishes a permanent position and the second section of the resolution provides for the payment of the amount out of the contingent fund until it is otherwise provided. We want to otherwise provide for the payment now, because the contingent fund of the House is not adequate for the purpose of carrying this amount.

Mr. MANN. Is the gentleman through?

Mr. WATKINS. No; I want to give some precedents here.

Mr. MANN. Mr. Chairman, the gentleman is arguing the point of order. Perhaps I had better make the point of order

and make my argument. I make the point of order. The gentleman is correct in stating that the House, on a report from the Committee on Accounts, did pass a resolution for the employment of this person, and that that is a sufficient authority under the practice of the House for including the item in an appropriation bill. That is correct. This item might properly have been offered, and I think it was offered, on the legislative, executive, and judicial appropriation bill providing for expenses for the next fiscal year. The bill under consideration is to supply deficiencies for this fiscal year, and an item inserting an appropriation for the next fiscal year is not in order. If the gentleman's contention is correct, the whole legislative bill, carrying appropriations for the next fiscal year, could be offered as an amendment to this bill. There may be items in this bill that are subject to the same point of order, and doubtless there are, but that has nothing to do with this question. But it is not in order on a bill supplying deficiencies in appropriations for the fiscal year 1915 and for prior years to offer an amendment for an appropriation for the next fiscal year which belongs in the legislative appropriation bill.

Mr. BARTLETT. Will the gentleman yield for a question?

The CHAIRMAN. The Chair is ready to rule.

Mr. MANN. I will.

Mr. BARTLETT. If the amendment were to continue the employment up to June 30, 1915, does the gentleman think it would be in order?

Mr. MANN. I think so.

Mr. BARTLETT. That is what I told the gentleman.

The CHAIRMAN. The gentleman from Louisiana offers an amendment to which the gentleman from Illinois makes a point of order. This being a general deficiency bill making appropriations for the current year only, an amendment seeking to appropriate for another fiscal year, to wit, a succeeding fiscal year, the Chair thinks the amendment is not in order on this bill, and therefore sustains the point of order.

Mr. WATKINS. Mr. Chairman, I desire, then, to have the verbiage changed so as to have it run up to June 30, 1915. With all deference to the ruling of the Chair, there are various items in this bill, all the way through, as I understand it, which go up to the end of the next fiscal year.

The CHAIRMAN. To the end of this fiscal year.

The committee rose informally to receive a message from the Senate.

Mr. ALEXANDER. Mr. Speaker, I desire to submit a conference report.

The SPEAKER. The gentleman can not do it under this situation.

Mr. FITZGERALD. The gentleman can not do that.

The SPEAKER. The Chair has just decided he can not. The committee will resume its sitting.

The committee resumed its sitting.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to modify his amendment. Will the gentleman send up his modified amendment?

Mr. WATKINS. Mr. Chairman, in making the suggestion that I did, I intended, with all due respect to the ruling of the Chair, to appeal from the ruling of the Chair; but after having conversed with reference to the matter, I have decided I will submit to the ruling of the Chair without any further argument.

The CHAIRMAN. The Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 7723. An act authorizing the Texarkana Board of Trade to construct a bridge across the Red River, between Fulton, Ark., and Index, Tex.; and

S. 7646. An act to authorize Parkersburg-Ohio Bridge Co., a corporation created and existing under the laws of the State of West Virginia, its successors and assigns, to construct a bridge across the Ohio River, from the city of Parkersburg, State of West Virginia, to the town of Belpre, State of Ohio.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the following title:

H. R. 17869. An act providing for the appointment of an additional district judge for the southern district of the State of Georgia.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5295) entitled "An act to amend existing legislation providing for the acquisition of a site and the construction of a building thereon for the accommodation of the post office, United States courts, customhouse, and other Government offices at Honolulu, Territory of Hawaii, and for other purposes."

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 20975) making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. TILLMAN, Mr. SWANSON, Mr. BRYAN, Mr. PERKINS, and Mr. PENROSE as the conferees on the part of the Senate.

GENERAL DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

To continue the employment of nine messengers, at $100 per month each, in the post office of the House of Representatives, from April 1 to November 30, inclusive, 1915, $7,200.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I would like to ask some one what these nine messengers to the House post office are to do during the summer?

Mr. FITZGERALD. Handle the mail.

Mr. MANN. What mail?

Mr. FITZGERALD. The mail of Members of Congress. They go to the city post office and get the mail, distribute it, carry it back, and mail it over again to wherever the Members are.

Mr. MANN. Do they go to the city post office and bring it over here, look at it, and then carry it back to the city post office? Is that their procedure?

Mr. FITZGERALD. They are a busy lot.

Mr. MANN. Well, I take it they are pretty badly overworked to do that. I notice that all the employees are pretty badly overworked in the House. I even noticed just now, when the Speaker took the chair, one of the employees was so badly overworked he did not take the trouble to put the mace in place. It was too heavy for him to lift up after a long and arduous day. While they expect us to remain and do a hard day's work, the employees find it so tiresome that they can not even lift the mace.

Mr. FITZGERALD. The gentleman does not expect the employees to work as hard as the Members.

Mr. MANN. I want to make an observation about the House post office. The other day the Republicans had a conference in the House, and on February 18 notice was issued for that conference. Those notices were put in envelopes addressed to the Republican Members of the House and deposited down here in the branch post office about 6.20 in the evening, the House being in session for a considerable period after that. They were not delivered on the first delivery the next morning; they were not delivered on the second delivery the next morning. They were delivered in the afternoon. What kind of service is that?

Mr. FITZGERALD. That is about as good as you can expect even when the Republicans were in power.

Mr. MANN. Well, it was not as good as you could expect, because we always gave a much better service.

Mr. FITZGERALD. Oh, no. When the Republicans were in power they would not have been delivered until the next day.

Mr. MANN. The gentleman is "talking through his hat." They were delivered at once. Under the old system, when the Republicans had the post office, although it is not a partisan matter, when these letters had been deposited in the post office they would have been put in the boxes at once.

What do they do now? They do not collect the mail probably until the next day, and then, instead of taking it to the House post office, take it to the city post office, and then wait for the city post office to send it back up here, or they go after it—I do not know which.

Mr. FITZGERALD. They go after it.

Mr. MANN. It is the most idiotic performance one could imagine; and that is not all. This branch post office where my mail is deposited is getting to be a positive nuisance. They do not attend to business at all. I am just going to give one illustration. These are facts. The other day a gentleman connected with this House took four letters to the branch post office down here to mail. The office was open, but nobody was there. The mail box stood outside the door in the hall. That was at 6.20 o'clock in the evening, the House being in session for some time after that. The letters were stamped; the messenger was expected to come soon. The gentleman deposited the letters on the top of the mail box, where a large number of others were deposited, including some of mine. Some time later in the

evening the gentleman went there again and found his letters still remaining and he asked the policeman at the basement door when the messenger would come to collect the mail. He also asked the chief janitor if the mail would be collected that night. He was told by both that it would not be collected until the next morning, although the schedule called for two collections that night. The gentleman took his mail away and mailed it, but mine remained there until the next morning. There is no excuse for that kind of service to the House of Representatives. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, my mail is deposited down in that box, and unless the House sits beyond the usual time I leave my office in the Committee on Appropriations, as a rule, at 19 minutes to 7 every night, and my mail is taken at that time and deposited in that box. Very frequently I have seen it taken out myself, and I have not known that there has been delay. If what the gentleman states about the inadequate service is accurate——

Mr. MANN. What I state is correct.

Mr. FITZGERALD (continuing). It should not exist. These employees are paid to transact the business of the House. We furnish ample mail service and a sufficient number of men, and they ought to attend to their job. If they do not they ought to be dismissed and men put in their places who will attend to them.

Mr. CRAMTON and Mr. BARTLETT rose.

The CHAIRMAN. The gentleman from Georgia [Mr. BARTLETT] is recognized.

Mr. BARTLETT. Mr. Chairman, the gentleman understands that the Postmaster of the House has not, as he should have, control over the men under him, as was the case in the Republican House; that the appointments in the post office under the Postmaster are not made in the manner in which they were made before, but are made in such a manner that the Postmaster, as I have said, has no authority over the appointees whatever, a policy which I think breeds bad service, if bad service has been given. Neither the Postmaster nor any other officer of this House, the Doorkeeper, the Clerk, or the Sergeant at Arms, has any control over them, but they are recommended by different Members of the House. That is the reason for it, and a change of the former system did not benefit the House, in my judgment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For folding speeches and pamphlets, at a rate not exceeding $1 per thousand, $2,000.

Mr. AUSTIN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 28, after line 21, insert the following:
"To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employees of the Senate and House borne on the annual and session rolls on the 1st day of February, 1915, including the Capitol Police, the Official Reporters of the Senate and House, clerks of Members and Delegates, and W. A. Smith, CONGRESSIONAL RECORD clerk, for traveling and other expenses incurred in going to and returning from their homes and for extraordinary services during the sessions of the Sixty-second and Sixty-third Congresses, a sum equal to one month's pay at the compensation then paid them by law, the same to be immediately available."

Mr. FITZGERALD. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman from New York makes a point of order against the amendment, and the Chair thinks the point of order is well taken. The Clerk will read.

The Clerk read as follows:

For printing and binding for the Civil Service Commission, $7,000.

Mr. BARTLETT. Mr. Chairman, I move to strike out the last word. Day before yesterday my friend from Massachusetts [Mr. GILLETT] in referring to the matter of the civil-service rules and regulations in the appointment by Executive order and the advancement of parties employed in the Government by Executive order, called attention to the number of orders passed by President Wilson by which certain parties were employed in the Department of Justice without consideration by the Civil Service Commission. He uses the language, that neither of these appointments, referring to Charles E. Stewart, of Alabama, and Mr. Satterfield, of Pennsylvania, were submitted to the commission.

I have ascertained that that is not true with reference to Mr. Satterfield's appointment. It is true with reference to Mr. Stewart's appointment. The order itself contains the statement that the commission did not agree to it.

I do not want to detain the House with reference to this matter, but I have obtained from the Civil Service Commission the number of orders and the reasons why they were passed during the administrations of President Roosevelt, President Taft, and President Wilson, and I simply desire to put these in the RECORD, in order that comparisons may be made, without calling attention particularly to them here. It will be found that President Roosevelt was much freer than anybody else in issuing Executive orders.

The CHAIRMAN. The gentleman from Georgia [Mr. BARTLETT] asks unanimous consent to extend his remarks in the RECORD by inserting the statement referred to. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Following is the statement referred to:

Executive orders of individual application waiving some requirement of the civil-service act or rules.

PRESIDENT TAFT.

[From Mar. 4, 1909, to Mar. 3, 1913, inclusive.]

Number in which the commission concurred	106
Number in which the commission did not concur	67
Number not referred to commission	9
Number not concurred in by commission or department	2
Total	184

PRESIDENT ROOSEVELT.

[From Mar. 4, 1905, to Mar. 3, 1909, inclusive.]

Number in which the commission concurred	125
Number in which the commission did not concur	117
Number not referred to commission	42
Number not recommended by commission or department and doubtful	3
Total	287

There are excluded from the figures above given Executive orders applying to large classes of employees; for instance, the Tariff Board clerks and the 115 experts, Department of Agriculture.

PRESIDENT WILSON.

[From Mar. 4, 1913, to June 30, 1913, inclusive.]

Number in which the commission concurred	5
Number in which the commission did not concur	5
Number not referred to the commission	1
Total	11

[From July 1, 1913, to Dec. 31, 1913, inclusive.]

Number in which the commission concurred	12
Number in which the commission did not concur	22
Number not referred to the commission	6
Total	40

[From Jan. 1, 1914, to June 30, 1914, inclusive.]

Number in which the commission concurred	8
Number in which the commission did not concur	16
Number not referred to the commission	1
Total	25

[From July 1, 1914, to Dec. 31, 1914, inclusive.]

Number in which the commission concurred	13
Number in which the commission did not concur	30
Number not referred to the commission	8
Total	51

[From Jan. 1, 1915, to Feb. 19, 1915, inclusive.]

Number in which the commission concurred	3
Number in which the commission did not concur	5
Number not referred to the commission	2
Total	10

RECAPITULATION.

[From Mar. 4, 1913, to Feb. 19, 1915, inclusive.]

Number in which the commission concurred	41
Number in which the commission did not concur	78
Number not referred to the commission	18
Total	137

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In all $1,283.46; together with such additional sum as may be necessary to pay interest on the respective judgments at the rate of 4 per cent per annum from the date thereof until the time this appropriation is made.

Mr. POWERS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Kentucky [Mr. POWERS] moves to strike out the last word.

Mr. POWERS. Mr. Chairman, late yesterday afternoon I asked unanimous consent to extend my remarks by printing an article by Mr. Borchardt, of the District bar here, on the need of a United States Government official gazette. The gentleman from New York [Mr. FITZGERALD] objected. I made a similar request a day or two ago, and the gentleman from Indiana [Mr. ADAIR] objected.

I just want to remind the gentleman from New York that on yesterday afternoon he made two requests for unanimous con-

sent. One was that when the House adjourned on yesterday it should adjourn to meet at 11 o'clock to-day. He made another request, and no objection was made on this side of the House to either one of those requests.

I want to say further that I have been here now nearly four years, and I think I can make the statement truthfully that during at least two-thirds of that time, while this House was in session, there was no quorum present. There is no quorum here to-night. Any gentleman on this side of the House could at any moment make the point of order that there is no quorum present and have one roll call after another and thereby consume the time of this House in that process. It has not been the purpose of the Republicans to try to hamper the Democrats in their program of legislation. Of course we have voted against them and will continue to do so, but they have been entrusted with power, and the responsibility of legislation is up to them, and not to us. I believe the Democratic Party should be given a fair chance at legislation. The more laws it enacts the worse it is off. I have never made a point of order since I have been here that there is no quorum present.

I am going to make another request in a short time and ask unanimous consent to publish this article. It does not amount to a rap of my finger to me whether the gentleman from New York objects or fails to object. The publication of this matter is nothing to me. I have got no axes to grind. The gentleman who prepared it has no axes to grind. He became interested in the subject and has investigated it. He has some ideas which he thought would possibly be useful to the country. England and France and Germany and Spain and Switzerland and Canada and almost every other country publishes a government official gazette. We have none in the United States. He points out a way whereby the Government can be saved a good deal of money by the publication of such a gazette, or at least he thinks he sees a way whereby the Government can be saved a good deal of money. The Government Printing Office, as it is now run, costs this Government about $6,000,000 annually.

I will refer just briefly to some of the things that Mr. Borchardt thinks ought to go into a gazette of the character I have mentioned: The various Executive orders and proclamations of the President of the United States; the lists of nominations of the President sent to the Senate for confirmation; the treaties, conventions, and protocols——

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. POWERS. I ask unanimous consent, Mr. Chairman, to extend my remarks in the RECORD.

Mr. FITZGERALD. Mr. Chairman, I have given repeated notice that I would object to outside discussions on this bill. If the gentleman asks leave to print, I shall not object.

Mr. MANN. I hope the gentleman will not object.

Mr. FITZGERALD. I have objected to this before.

Mr. MANN. I do hope the gentleman will not object. It is something that the Members are interested in.

Mr. FITZGERALD. I will object. Every time some citizen of the United States gets an idea in his head that something would be desirable to be done by the Government and prepares a paper about it some one proposes that it should be published in the RECORD and paid for out of the congressional allotment for printing.

Mr. MANN. I will say to the gentleman from New York that there has been quite a good deal of discussion on the subject in this House.

Mr. FITZGERALD. Oh, no.

Mr. MANN. Oh, yes; concerning something of that sort. Some of us would like to have access to that paper.

Mr. FITZGERALD. Let it be printed as a document. Nobody would read it if it were printed in the RECORD.

Mr. MANN. You can not print it as a House document through an order made in Committee of the Whole.

Mr. FITZGERALD. I shall object to it in the House.

Mr. MANN. Oh, do not be stubborn!

The CHAIRMAN. Is there objection?

Mr. FITZGERALD. I object.

The CHAIRMAN. The gentleman from New York objects.

Mr. POWERS. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Kentucky makes the point of order that there is no quorum present. The Chair will count.

Mr. POWERS. I will withhold that just a moment, Mr. Chairman.

Mr. FITZGERALD. The gentleman can not withhold it for a moment. He must either withdraw it or make it.

Mr. POWERS. I want to say to the gentleman from New York——

Mr. BARTLETT. Regular order!

Mr. MANN. Oh, gentlemen on that side of the House ought not to get mad.

Mr. FITZGERALD. We are not mad at all.

Mr. MANN. The gentleman can not run over this side of the House. He might as well understand that. The demand for the regular order will not hasten anything.

The CHAIRMAN. The committee will be in order. The Chair will count.

Mr. POWERS. I withdraw the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Kentucky withdraws the point of order. The Clerk will read.

The Clerk read as follows:

JUDGMENTS IN INDIAN DEPREDATION CLAIMS.

For payment of judgments rendered by the Court of Claims in Indian depredation cases, certified to Congress in House Document No. 1581 at its present session, $6,279; said judgments to be paid after the deductions required to be made under the provisions of section 6 of the act approved March 3, 1891, entitled "An act to provide for the adjustment and payment of claims arising from Indian depredations," shall have been ascertained and duly certified by the Secretary of the Interior to the Secretary of the Treasury, which certification shall be made as soon as practicable after the passage of this act, and such deductions shall be made according to the discretion of the Secretary of the Interior, having due regard to the educational and other necessary requirements of the tribe or tribes affected; and the amounts paid shall be reimbursed to the United States at such times and in such proportions as the Secretary of the Interior may decide to be for the interests of the Indian Service: *Provided*, That no one of said judgments provided in this paragraph shall be paid until the Attorney General shall have certified to the Secretary of the Treasury that there exists no grounds sufficient, in his opinion, to support a motion for a new trial or an appeal of said cause.

Mr. MANN. I move to strike out the last word. As to these Indian depredation claims the gentleman will notice that the proviso is:

Provided, That no one of said judgments provided in this paragraph shall be paid until the Attorney General shall have certified to the Secretary of the Treasury that there exists no grounds sufficient, in his opinion, to support a motion for a new trial or an appeal of said cause.

The next paragraph provides that—

None of the judgments contained in this act shall be paid until the right of appeal shall have expired.

The two are in direct conflict with each other. I do not know which one the Attorney General would say should govern. The first endeavors to let a judgment be paid when the Attorney General certifies that there is no sufficient ground for appeal; but, under the next paragraph, he could not pay the judgment then unless the right of appeal had expired. Which does the gentleman want?

Mr. FITZGERALD. I do not recall when this language was first carried in this paragraph. It was some time ago, and because of peculiar conditions we have carried it that way ever since. I am not familiar with the reasons which caused it to be put into the bill originally.

Mr. MANN. The reason was that in many cases where the United States might admit judgment, then if the Attorney General certified that there was no ground for appeal the judgment could be paid, and as it was drawing interest all the time it was desirable to pay it. But under the next paragraph it could not be paid until the right of appeal had expired, even though the Attorney General should certify that there was no ground for appeal.

Mr. FITZGERALD. It is a peculiar provision applying to these Indian depredation claims.

Mr. MANN. But the two are in conflict.

Mr. FITZGERALD. I understand that, but I am not advised as to the reason for the insertion of the two paragraphs in the bill.

The CHAIRMAN. The Clerk will read.

The Clerk completed the reading of the bill.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 44, line 5, after the word "establishment," insert the words "and all branches of the public service," and in line 7 strike out the words "of the same kind" and insert in lieu thereof the words "and for the same purpose."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise and report the bill to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to; accordingly the committee rose, and the Speaker having resumed the chair, Mr. FERRIS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under considera-

tion the bill H. R. 21546, making appropriations to supply deficiencies in appropriations for the fiscal year 1915 and for prior years, and for other purposes, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. FITZGERALD. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The motion was agreed to.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

There was no demand for a separate vote.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FITZGERALD, a motion to reconsider the vote whereby the bill was passed was laid on the table.

UNITED STATES GOVERNMENT OFFICIAL GAZETTE (H. DOC. NO. 1626).

Mr. POWERS. Mr. Speaker, I ask unanimous consent to print as a House document an article by Marcus Borchardt on the United States Government Official Gazette.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to print as a House document an article on the United States Government Official Gazette. Is there objection?

There was no objection.

ORDER OF BUSINESS.

Mr. NORTON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. NORTON. I rise to offer a privileged motion.

The SPEAKER. What is it?

Mr. NORTON. I have sent it to the desk.

The Clerk read as follows:

Mr. NORTON moves to suspend the rules——

The SPEAKER. The Chair will not recognize the gentleman to move to suspend the rules at this late hour of the night. It is not a privileged motion.

Mr. NORTON. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. NORTON. Is it not in order to move to suspend the rules?

The SPEAKER. It is if the Chair recognizes the gentleman for that purpose, but it is solely within the discretion of the Chair.

Mr. NORTON. I understand that.

RETURN OF FINES UNDER THE INCOME TAX.

Mr. UNDERWOOD. Mr. Speaker, some time ago when the income tax went upon the statute books there were some fines levied and afterwards the rate of the fines was reduced. The Ways and Means Committee has reported back a resolution refunding the amount of money to those who paid the higher fine, and I ask unanimous consent for the consideration of the resolution, which will take only a minute.

Mr. MANN. When was this reported back?

Mr. UNDERWOOD. Two or three days ago.

The SPEAKER. The gentleman from Alabama asks unanimous consent for the present consideration of a resolution which the Clerk will report.

The Clerk read as follows:

House joint resolution 398.

To refund under certain conditions, and for the year 1914, a portion of the offers in compromise for failure to make the return required under the act of October 3, 1913, said offers in compromise having been covered into the Treasury.

Whereas the income tax went into effect for the first time during the year 1913; and

Whereas, through misapprehension of law, many parties failed to make returns prior to March 1, 1914; and

Whereas in many instances an injustice is being done in that while offers in compromise for $50 in cases of corporations and $20 in cases of individuals have been made and accepted and the money paid into the Treasury of the United States, no refund could be had of any portion thereof, notwithstanding that in cases where said money had not been covered into the Treasury a refund of $40 and $15, respectively, has been made: Therefore be it

Resolved, etc., That the Treasurer of the United States be, and he is hereby, authorized to pay to the corporations entitled thereto the sum of $40 in each case where an offer of compromise of $50 has been made, accepted, and the money paid into the Treasury, and the sum of $15 to the parties entitled thereto in each case where an offer of compromise of $20 has been made, accepted, and the money paid into the Treasury.

The Clerk read the following committee amendment:

Strike out the preamble, and all after the enacting clause, and insert the following:

"That the Secretary of the Treasury, on application to the Commissioner of Internal Revenue, be, and is hereby, authorized to refund, out of any money in the Treasury not otherwise appropriated, unto corporations all amounts paid by them into the Treasury of the United States in compromise by such corporations on account of their failure to make report under the requirements of the income-tax law for the income-tax year 1913, so paid in excess of $10; and the Secretary of the Treasury is further authorized to likewise refund as to said tax year any and all amounts exacted and paid into the Treasury of the United States as penalties by corporations required by the law to make income-tax return, but which in their nature are not subject to income tax; and the Secretary is further authorized to likewise refund as to same tax year any and all amounts paid by individuals as penalties on account of their failure to make income-tax returns for said year 1913, as required by law, so paid in excess of $5."

Amend the title so as to read: "Joint resolution to refund under certain conditions a portion of the offers in compromise for failure to make the return required under the act of October 3, 1913, said offers in compromise having been covered into the Treasury, and for other purposes."

Mr. SISSON. Mr. Speaker, reserving the right to object, I would like to ask the gentleman a question. I know nothing about the resolution except as I hear it read from the Clerk's desk. This makes provision only for the return of money which was paid during the fiscal year 1913?

Mr. UNDERWOOD. Yes.

Mr. SISSON. And affects no other year?

Mr. UNDERWOOD. No.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This resolution is on the Union Calendar.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent to consider it in the House as in the Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to accord with the text.

HOUR OF MEETING ON MONDAY NEXT.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock on Monday next.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I really do not see any occasion for meeting here early on Monday. We may have to stay late on Monday night.

Mr. UNDERWOOD. Mr. Speaker, I will state to the gentleman that I understand that the gentleman from Missouri [Mr. ALEXANDER] desires to take up the conference report on the shipping bill and to pass it.

Mr. MANN. I can not see that that is any reason for coming here that early.

Mr. UNDERWOOD. That will probably take an hour at least, if not more, and by that time we will probably have conference reports to consider.

Mr. MANN. Mr. Speaker, the fact is that in the present situation it is not unlikely that we may be here late on Monday night. We are pretty sure to be late here on Tuesday night, if not all night, waiting on conference reports, and there is nothing in conference now that can come back early on Monday that I know of. I may be mistaken about that.

Mr. GARNER. Could we not suspend the rules and pass some bills then?

Mr. MANN. Oh, yes; but I do not think we ought to meet too early when we are going to stay late, unless there is an emergency. If there is an emergency, I am willing to stay for 24 hours of the day.

Mr. ADAMSON. Mr. Speaker, I will suggest that there are a few uncontested bridge bills that would take half an hour on Monday.

Mr. MANN. Yes; but the gentleman could not get in on them.

Mr. ADAMSON. I could if the gentleman would permit.

Mr. UNDERWOOD. Mr. Speaker, I also call the gentleman's attention to the fact that the Agricultural appropriation bill will be reported from the committee on Monday.

Mr. MANN. But not as early as that, I hope. They have not yet been called together.

Mr. UNDERWOOD. Yes; they have been called to meet at half past 9 on Monday. I think it would be safer to meet at 11 o'clock.

Mr. MANN. I think it would be safer to stay longer at night, rather than to come here early in the morning. I am going to try to get a good rest between now and Monday noon.

Mr. UNDERWOOD. Mr. Speaker, of course I do not want to send for a quorum at this time of the night, and I can not make the motion to adjourn until 11 o'clock without a quorum.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. MANN. I object.

OMNIBUS PENSION BILLS.

Mr. KEY of Ohio. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bills H. R. 20643, 21089, and 21218, granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and the widows of such soldiers and sailors, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. Is there objection?

Mr. CALLAWAY. Mr. Speaker, I object.

ENROLLED BILLS SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 2504. An act to amend section 2 of an act entitled "An act to incorporate the National Society of the Daughters of the American Revolution";

H. R. 20814. An act to place Candler, Jenkins, and Evans Counties, Ga., in the eastern division of the southern district of Georgia, and to place Bacon and Thomas Counties, Ga., in the southwestern division of the southern district of Georgia;

H. R. 21491. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; and

H. R. 19116. An act to grant certain lands to the city of Grand Junction, Colo., for the protection of its water supply.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 5734. An act to extend the provisions of an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, to the State of Kansas; and

S. 136. An act to promote the welfare of American seamen in the merchant marine of the United States, to abolish arrest and imprisonment as a penalty for desertion, and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 35 minutes p. m.) the House adjourned to meet Monday, March 1, 1915, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the chief clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions of law in the French spoliation claims relating to the brig *Atlantic* in the case of Robert Codman, administrator of the estate of Ebenezer Wheelright, deceased, et al., *v.* The United States (H. Doc. No. 1621); to the Committee on Claims and ordered to be printed.

2. A letter from the chief clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions of law in the French spoliation claims relating to the vessel *Orion* in the case of William Gray, administrator, etc., of William Gray et al., *v.* The United States (H. Doc. No. 1622); to the Committee on Claims and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Attorney General of February 27, 1915, submitting supplemental estimates of appropriations for inclusion in the pending general deficiency bill (H. Doc. No. 1623); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Secretary of the Interior of February 27, 1915, submitting an estimate of deficiency in the appropriation for printing and binding for the Interior Department for the fiscal year 1914 (H. Doc. No. 1624); to the Committee on Appropriations and ordered to be printed.

5. Letter from the Secretary of the Treasury, transmitting copy of a communication of the Postmaster General of the 26th instant, submitting an estimate of deficiency on account of the Postal Service for the fiscal year 1914 (H. Doc. No. 1625); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MARTIN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 21563) granting the consent of Congress to the Keokuk & Hamilton Bridge Co. to construct a bridge across the Mississippi River at Keokuk, Iowa, reported the same without amendment, accompanied by a report (No. 1458), which was ordered to be printed.

Mr. DECKER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 21121) to amend an act entitled "An act to authorize the construction of a bridge across the Missouri River near Kansas City," approved June 17, 1914, reported the same with amendment, accompanied by a report (No. 1459), which said bill and report were referred to the House Calendar.

Mr. LENROOT, from the Committee on the Public Lands, to which was referred the bill (S. 7515) to reserve lands to the Territory of Alaska for educational uses, and for other purposes, reported the same without amendment, accompanied by a report (No. 1460), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FRENCH, from the Committee on the Public Lands, to which was referred the bill (H. R. 21450) to authorize an exchange of lands with the State of North Dakota for promotion of experiments in dry-land agriculture, and for other purposes, reported the same without amendment, accompanied by a report (No. 1463), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill (H. R. 19097) granting a further extension of time to entrymen in which to make final proof under the desert-land laws, reported the same with amendment, accompanied by a report (No. 1464), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WEBB: A bill (H. R. 21571) to amend the juvenile court law of the District of Columbia; to the Committee on the District of Columbia.

By Mr. WINGO: A bill (H. R. 21578) authorizing the Texarkana Board of Trade to construct a bridge across the Red River between Fulton, Ark., and Index, Tex.; to the Committee on Interstate and Foreign Commerce.

By Mr. HUMPHREYS of Mississippi: Concurrent resolution (H. Con. Res. 61) authorizing and directing the Sergeant at Arms to refund to Members of the House of Representatives amounts of money deducted from their salaries; to the Committee on Accounts.

By Mr. CALDER: Joint resolution (H. J. Res. 432) providing for a special committee to prepare plans looking to the neutral government and control of the seas; to the Committee on Foreign Affairs.

By Mr. DEITRICK: Joint resolution (H. J. Res. 433) directing the President of the United States to require the Kingdom of Great Britain to give satisfactory assurance that American commerce shall not be further unlawfully interfered with; to the Committee on Foreign Affairs.

By Mr. ADAMSON: Joint resolution (H. J. Res. 434) providing for a joint committee to represent Congress at the formal and official opening of the Panama Canal; to the Committee on Rules.

By Mr. MOORE: Resolution (H. Res. 749) authorizing and directing the Sergeant at Arms to refund to Members of the House of Representatives amounts of money deducted from their salaries; to the Committee on Accounts.

By Mr. SLEMP: Resolution (H. Res. 750) authorizing investigation concerning the relative merits of various coals for use in United States Military and Naval Establishments; to the Committee on Rules.

By the SPEAKER (by request): Memorial of the Legislature of the State of Tennessee, urging Congress to provide for control of Mississippi River floods; to the Committee on Rivers and Harbors.

By Mr. THOMPSON of Oklahoma: Memorial of the Legislature of the State of Oklahoma, urging the passage of laws providing for Mississippi River flood prevention; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GALLIVAN: A bill (H. R. 21572) to authorize the Commissioner of Patents to extend to the widow of Hiram J. Brown the term of letters patent for "apparatus for receiving and delivering mail bags"; to the Committee on Patents.

By Mr. HARRISON: A bill (H. R. 21573) granting a pension to Joseph Gager; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 21574) granting an increase of pension to Sarah Dotson; to the Committee on Invalid Pensions.

By Mr. NEELY of West Virginia: A bill (H. R. 21575) granting an increase of pension to J. E. Israel; to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 21576) for the relief of Lena Garagnon; to the Committee on Military Affairs.

Also, a bill (H. R. 21577) for the relief of Ethel Fredrickson and daughter Ethel; to the Committee on Military Affairs.

By Mr. HAUGEN: A bill (H. R. 21579) for the relief of Albert T. Huso; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of executive committee of the Frankford Arsenal, Philadelphia, Pa., relative to Army appropriation bill; to the Committee on Military Affairs.

Also (by request), petition of sundry citizens of Jonesburg, Mo., protesting against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. ALLEN: Petitions of residents of Delta and Belleville, Ohio, protesting against passage of legislation abridging the freedom of the press; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Petition of Local Union No. 172, Bakery and Confectionery Workers, of Newark, Ohio, favoring an embargo on wheat, etc.; to the Committee on Foreign Affairs.

By Mr. BAILEY: Petitions of William Schock and Herman Richter, of Tyrone, Pa., favoring bills to prohibit export of war material; to the Committee on Foreign Affairs.

Also, petition of Baker Workers' Union, Johnstown, Pa., favoring embargo on wheat and other foodstuffs; to the Committee on Foreign Affairs.

By Mr. BRUCKNER: Petition of John M. Royall, president United Civic League, favoring appropriation for Howard University; to the Committee on Appropriations.

Also, petition of Louis Riemenschneider, New York City, against abridgment of freedom of the press; to the Committee on the Post Office and Post Roads.

Also, petition of Charles C. Shay, president International Alliance of Theatrical Stage Employees, against war tax on theaters; to the Committee on Ways and Means.

Also, petition of Mary Mildred Sullivan Chapter, United Daughters of the Confederacy, New York City, favoring Works-Estopinal bill, providing a home for infirm and needy ex-Confederate soldiers and their wives; to the Committee on Invalid Pensions.

By Mr. BURKE of Wisconsin: Petition of William Voigt and 23 other rural citizens of the vicinity of Kewaskum, Wis., asking for the passage of House joint resolution 377, to levy an embargo upon all contraband of war; to the Committee on Foreign Affairs.

Also, petition of Rev. K. Freytag and 20 members of the Independent Evangelical St. Johns Congregation, of the town of Wayne, Washington County, Wis., asking for the passage at this session of House joint resolutions 377 and 378, S. 6688, and H. R. 19548, to authorize the President to levy an embargo on all contraband of war; to the Committee on Foreign Affairs.

By Mr. COOPER: Petition of James H. Birchard and others of Kenosha, Wis., against H. R. 20644, excluding certain publications from the mails; to the Committee on the Post Office and Post Roads.

By Mr. FALCONER: Petition of Bay City Council, No. 3, Junior Order United American Mechanics; also A. S. Irwin, Bellingham, Wash., protesting against presidential order suspending citizenship laws affecting watch officers of vessels of United States registry; to the Committee on the Merchant Marine and Fisheries.

Also, petition of clergy of Tacoma District of the Columbia Conference, Augustana Synod, Seattle, Wash.; also citizens of Shohomish, Wash., favoring embargo on arms; to the Committee on Foreign Affairs.

By Mr. FESS: Petition of merchants of seventh Ohio district, favoring passage of House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. FINLEY: Petition of citizens of Pittsford, Osseo, Henderson, and Hillsdale, Mich., and Lawrence, Mass., against any abridgment of the freedom of the press; to the Committee on the Post Office and Post Roads.

By Mr. FOSTER: Petitions of citizens of Breese, Albers, and Carlyle, Ill., favoring bills to prohibit export of war material; to the Committee on Foreign Affairs.

Also, petition of St. Joseph Society, of Dieterich, Ill., favoring passage of bill to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. HELGESEN: Petition of citizens of Marion, Alta, and Anamoose, N. Dak., favoring passage of bills to prohibit export of war material; to the Committee on Foreign Affairs.

By Mr. HELVERING: Petitions from various business men from the towns of Greenleaf, Blue Rapids, Bigelow, Frankfort, Vliets, Washington, Barnes, Morrowville, Leonardville, Randolph, Cleburne, Haddam, Belleville, Wayne, Agenda, Cuba, Clyde, Ames, Morganville, Palmer, and Linn, all in the State of Kansas, favoring the passage of House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. HOWELL: Petition of Salt Lake Lodge, No. 106, International Association of Machinists, of Salt Lake City, Utah, relating to the employment of men in the construction of the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of Salt Lake Branch, No. 111, National Association of Letter Carriers, against Senate amendments to the Post Office appropriation bill relating to the pay and promotion of clerks, carriers, and railway mail clerks; to the Committee on the Post Office and Post Roads.

By Mr. KEISTER: Petition of German Beneficial Union, District No. 175, Monessen, Pa., favoring House joint resolution 377, forbidding export of arms; to the Committee on Foreign Affairs.

Also, petition of 80 citizens of Westmoreland County, Pa., protesting against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. KIESS of Pennsylvania: Petitions from citizens of Potter County, Pa., against House bill 20644, to exclude certain publications from the mails; to the Committee on the Post Office and Post Roads.

Also, evidence in support of House bill 14213, for the relief of Hiram Wilson; to the Committee on Military Affairs.

By Mr. LANGHAM: Petitions of citizens of Montgomery Township and of Indiana County, Pa., protesting against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. LOBECK: Petition of House of Representatives of Nebraska, favoring remedial laws for the live-stock industry of Nebraska; to the Committee on Agriculture.

Also, petition of First Trust Co. and Forgan Investment Co., of Omaha, Nebr., against adoption of rural-credit legislation; to the Committee on Banking and Currency.

By Mr. LONERGAN: Petition signed by J. Kavaseh and a number of other citizens of Hartford, Conn., in re Senate bill 6688, to prohibit export of arms; to the Committee on Foreign Affairs.

By Mr. NEELY of West Virginia: Papers filed in support of House bill for the relief of J. E. Israel; to the Committee on Invalid Pensions.

By Mr. THOMPSON of Oklahoma: Petition of Commercial Club of Tulsa, Okla., favoring House bill 20417, providing appropriation for erection of bridge across the South Canadian River; to the Committee on Appropriations.

By Mr. VOLLMER: Petitions of 275 American citizens, favoring bills to prohibit export of war material; to the Committee on Foreign Affairs.

By Mr. WEBB: Petitions of citizens of Bessemer City, Lincolnton, and Charlotte, N. C., relative to the Hollis-Bulkley rural-credits bill; to the Committee on Banking and Currency.

By Mr. YOUNG of North Dakota: Petition of North Dakota Retail Hardware Association, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, memorial of North Dakota Retail Hardware Association, favoring the passage of the Stevens bill, H. R. 13305; to the Committee on Interstate and Foreign Commerce.

SENATE.

SUNDAY, *February 28, 1915.*

(Legislative day of Friday, February 19, 1915.)

The Senate reassembled at 10 o'clock and 45 minutes a. m., on the expiration of the recess.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE WILDER.

The VICE PRESIDENT. The Chair lays before the Senate resolutions of the House of Representatives, which will be read.

The SECRETARY read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES.

FEBRUARY 8, 1914.

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. WILLIAM HENRY WILDER, late a Member of this House from the State of Massachusetts.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career the House at the conclusion of these exercises shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

Mr. LODGE. Mr. President, I offer the following resolutions.

The VICE PRESIDENT. The resolutions will be read.

The Secretary read the resolutions (S. Res. 535), as follows:

Resolved, That the Senate expresses its profound sorrow on account of the death of the Hon. WILLIAM H. WILDER, late a Member of the House of Representatives from the State of Massachusetts.

Resolved, That the business of the Senate be now suspended in order that fitting tributes may be paid his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Mr. LODGE. Mr. President, the death of WILLIAM H. WILDER, Representative from the third Massachusetts district, ended a career which was essentially and typically American. It is the history of a man who by his own efforts and without the aid of a classical or technical education gained for himself a prominent place in the business community of the State, and who also became active and well known in public affairs and was returned to Congress by the people of his district.

Although born in Maine, his parents moved to Massachusetts when Mr. WILDER was a boy of 11, and from that time he was forced to depend on his own exertions for support. He first found employment in farm work during the summer and in wood chopping during the winter, and it was only during the few weeks of autumn that he was able to attend the schools of the vicinity. Later he worked in the factories at Gardner, gaining that knowledge of machinery which was to be of such value to him, and taking advantage of the few opportunities for schooling which presented themselves. But these opportunities ceased altogether when he was 16, and at 17 he entered business for himself as a painter and dealer in paints. Even at this early age he showed the same qualities of determination and perseverance, the same ability to gain a full and complete knowledge of the subject which interested him, which contributed so largely to his success in later life. Leaving this business, he engaged in the manufacture of oil stoves, and in 1890, when only 35, he became treasurer of a large company with plants in various parts of the United States. This project met with disaster, and five years later he found himself compelled to start anew in business with a burden of debt of over $100,000 hanging over him. He refused to assent to insolvency proceedings and with undiminished courage started to build up again the wrecked enterprises. He was not content to be simply the manufacturer, the employer of labor, but set himself to perfect in every way the product of his factories. One improvement followed another, and when he died Mr. WILDER held more than 50 patents, the result of that intense application which was so characteristic of him.

It was his experiences in this line of work which led him to take up the study of patent law at the age of 45, and, having begun, it was but natural to a man of his character to go thoroughly into the subject of the law. He was admitted to the bar and did not rest until he had become proficient in patent, corporation, and bankruptcy law and was able to appear in court in regard to all matters in which he was interested. This in itself was an achievement for a man of his age, but during this time he was going steadily forward, building up the business in which his interest was centered, perfecting the output of his mills, and paying, with interest, every dollar of the obligations which rested upon him.

Although the cares of business and of the law absorbed much of his time his mind was not centered upon these problems to the exclusion of all else. His interest extended to national problems, especially currency and the tariff, and he studied them with the same thoroughness, the same intense application which he applied to everything which he undertook. Feeling that he could come to a better understanding of the currency problem by personal study of the systems of other countries, Mr. WILDER traveled widely abroad, meeting those who were connected with the great banking institutions, and forming his own conclusions as to the best method of meeting the pressing needs of our own financial system. He studied the tariff in the same way, minutely and thoroughly, striving to master as far as one man could this intricate and complex question.

When, therefore, the people of his district called him to represent them at Washington he came to his duties here with a mind trained to meet new problems and with a determination to devote all his energy and time to the service of his district and of his country. During his first term his health began to fail, and the disease which had fastened upon him gradually weakened his strength and made it harder and harder for him to attend to his duties, but weakness and pain could not change his character, and, until the last, he still endeavored to familiarize himself with every side of legislation which was pending before Congress and to understand and judge fairly the many matters which came before him in the course of his work as a Representative. With few advantages he had made himself prosperous and successful, with only the simplest education he had become a lawyer of standing, and the talents which he possessed he had, during his last years, turned conscientiously and fully to the service of his country. In whatever he undertook he did his best, and in his death his district and his State have lost a faithful, diligent, and hard-working public servant.

Mr. WEEKS. Mr. President, the reasons why men enter a political life vary greatly, but it is safe to say that some of those who make the most useful, and at the same time the least conspicuous, Representatives are the men who have had an active business career, have measurably succeeded in it and, having developed habits of industry and a public spirit without developing unsual powers of acquisitiveness, are led to assume office as a public duty and with a sincere desire to serve their Government which, in many cases, has been more or less intimately connected with some of the instrumentalities which they have employed in their business affairs.

Such a man was the late Representative WILLIAM HENRY WILDER, who represented for parts of two terms the third Massachusetts district in the House of Representatives. A son of Maine, with many of the strong qualities which are found in the native stock of that State and especially among those who have been associated with its seafaring life, he became a resident of Massachusetts in boyhood, received his education in the common schools, and long before reaching his majority was an employer of labor, a relation which he maintained during his active business life.

One of the governmental functions with the results of which there is almost universal satisfaction has been our patent system, enabling those of inventive genius to develop and protect their ideas so that there has been a very general incentive to produce labor-saving machinery and a very great number of articles which have added to the comfort of the human race. Mr. WILDER inherited a capacity for developing new ideas, and during a long business career was granted no less than 50 patents having to do very largely with the development of oil stoves and appurtenances connected with them. Some of his ideas in this business were revolutionary in their character, and it can almost be said with absolute correctness that he was the father of that branch of the business as conducted today, not only in the ideas governing the character of the articles used, but in developing the business as a manufacturer and distributor of his products. In this respect he differed greatly from a very large class of inventive geniuses who have little or no business capacity and as a result are unable to profit to any considerable extent through their inventions.

His career, however, as a business man was not one of uninterrupted success, and an incident connected with it shows better than could otherwise be demonstrated his high sense of personal integrity even when there were no legal claims. As I have said, he early became connected with the oil-stove industry, but for reasons over which he had no control the organization as originally formed became so involved that it was necessary to apply for a receivership. In the reorganization which took place Mr. WILDER took over a very considerable part of the business of the previous company, assuming a very large obligation in so doing, for which he was not directly or indirectly responsible, perfected the patent which controlled

the product being manufactured, perfected the business organization, and, as a result, paid every dollar of the indebtedness for which he had pledged himself with 6 per cent interest, and in the following years accumulated a considerable property.

Speaking of his inventive genius, a well-known firm of patent attorneys has recently written me relating to his patents and they closed their letter with this sentence:

We say without qualification that he was one of the most brilliant inventors that we have ever known in a long practice.

Having put on a sound foundation his own personal business, Mr. WILDER directed his activities in other directions, studying law and being admitted to the bar and to practice before all the courts when he was about 50 years of age. He became largely interested in financial matters and financial legislation, making a trip to Europe for the purpose of informing himself of the methods practiced by European banks, and he later became a candidate for Congress, where he was serving acceptably to his district at the time of his death. While that service was helpful in many directions, the best results were found in the work which he did in the Committee on Patents. It is not possible for the public to understand the benefits which are derived from personal experience in considering such intricate matters as our patent laws involve, and in this respect alone the service which Mr. WILDER performed in this one committee would have been sufficient to make his term in Congress distinctive.

Soon after entering Congress he was attacked by a malady which he knew quite well must be fatal in its results. However, he did not cease his activities but continued his work until the very end. I think his great regret in giving up work was that he had not had more time to give to the Government the efficient and faithful service which a man of his years and experience might have looked forward to with certainty. Massachusetts has not been lacking in citizens of the kind represented by Mr. WILDER, and he stands high among those who have added materially to the State's industrial development and who have set a high example of personal integrity.

The VICE PRESIDENT. The question is on agreeing to the resolutions submitted by the senior Senator from Massachusetts.

The resolutions were unanimously agreed to.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE GOODWIN.

The VICE PRESIDENT. The Chair lays before the Senate resolutions from the House of Representatives, which the Secretary will read.

The SECRETARY read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES.

FEBRUARY 21, 1915.

Resolved, That the business of the House be now suspended in order that opportunity may be given for tributes to the memory of Hon. FORREST GOODWIN, late a Member of this House from the State of Maine.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of these exercises, stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the widow of the deceased.

Mr. JOHNSON. Mr. President, I offer the resolutions which I send to the desk, and ask for their adoption.

The VICE PRESIDENT. The Senator from Maine submits resolutions which the Secretary will read.

The SECRETARY read the resolutions (S. Res. 556) as follows:

Resolved, That the Senate expresses its profound sorrow on account of the death of the Hon. FORREST GOODWIN, late a Member of the House of Representatives from the State of Maine.

Resolved, That the business of the Senate be now suspended in order that fitting tributes may be paid his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Mr. JOHNSON. Mr. President, the death of Representative FORREST GOODWIN brought to a most untimely end a life which promised much in useful service to the Nation and his State. After a strenuous campaign he had been elected to the Sixty-third Congress and began his service when that Congress was called in extraordinary session by President Wilson. He had reached his honorable position by his own efforts and his natural talents. He had struggled hard for success at the bar and in the political arena and had won it, and with it the confidence and esteem of the citizens of his State, of all political parties. After a service of a few short weeks in his high office, his name was stricken from the rolls of the living, and he passed on into the realms of darkness. We have met to pay our tribute to him as a man, and in doing so we forget all political rivalries and think only of the man.

I knew FORREST GOODWIN well. When I came to the bar and began practice in Waterville, Me., he was a student in the junior year at Colby College. He was a famous baseball player—the pitcher on his college team—and an excellent student. He had fought his way to success in his college, upon the ball field, and in the classroom. He was popular with the faculty, the student body, and the townspeople. He was in every inch of him a fighter in whatever he undertook, but always in fair, open contest.

After his graduation from college in 1887 he began the study of law and upon his admission to the bar began practice in his native town of Skowhegan, the shire town of the county of Somerset. His rise was rapid, and in a few years he became one of the leaders at the bar of his county. As I was engaged in practice in Waterville, only 20 miles from his town, I met him often in legal contests and had full opportunity to judge his abilities and his worth as a man. There is no calling in life where the chaff is more cleanly winnowed from the wheat and none in which associates more justly pronounce judgment upon each other with impartial justice. My knowledge of him came more from my association with him as a lawyer than in the field of politics. He was a good lawyer. His mind was logical, alert, and clear. He knew his cases and gave them exhaustive study. When he entered the courtroom he was prepared. He was a tireless worker and left nothing undone that was necessary to his case.

He was adroit and most persuasive in his appeals to a jury. In the first years of his practice he was a plaintiff's attorney in many personal injury suits, but he was so successful that he was retained later as a defendant's attorney and defended the Maine Central Railroad Co. in many suits of this kind. His success at the bar was merited. It did not come to him by any combination of fortuitous circumstances, but he won it by hard work and by his ability. He was devoted to the interests of his clients and they trusted him implicitly.

The people of his native town were proud of him. They had noted his rise from the humble walks of life to a high position in his profession through his splendid intellect, aided by his indomitable will. It was not strange that when he offered himself for their suffrage that he received their support. He was elected by them to the lower house of the Maine Legislature and by the people of his county to the higher house, where his abilities were recognized, and he was elected president of that body in 1905. I served in the lower house of the legislature of that year and know the high regard in which he was held by the members of both houses. He acquitted himself in a manner to largely increase his popularity.

He was a fine presiding officer, impartial and fair in his rulings, with a wide knowledge of parliamentary law, gained through his service as a clerk to Speaker Reed. He was not again a candidate for any office until he was nominated for Congress in a popular primary. He was a strong and forcible speaker, and in the campaign that followed his nomination he presented the political issues to the voters in every part of his district, and his election was in a large measure due to the earnestness and clearness with which he did this.

In all the relations of citizen, husband, neighbor, and friend, he displayed the highest type of true manhood. His personal charm and buoyant spirits made him a most pleasant companion, and I shall always remember with great pleasure the many occasions when I enjoyed them. I am glad to bring this simple tribute to his memory.

Mr. GALLINGER. Mr. President, no State in the Union can point with greater satisfaction to her list of Representatives in the two Houses of Congress than the State of Maine. On that list are found the names of Hamlin, Fessenden, Morrill, Blaine, Hale, Frye, Reed, Dingley, Boutelle, Milliken, and others. All these men were essentialy self-made, and early in life formed habits of energy, assimilation of knowledge, and the use of experience that had their culmination in remarkable successes at the National Capital.

The traditions of these great men were strongly exemplified in FORREST GOODWIN. His success was the direct result of unfaltering determination, ceaseless energy, and undaunted courage. As has been told, he was born in Skowhegan, Me., June 14, 1862. His early education was in the graded schools and the high school of his native town, which left him with an overwhelming desire to attain the benefits of a college training. His father, however, was so situated that he could not give his son the needed assistance, and the young man immediately sought means to accomplish the desired end unaided. It is said that he borrowed a small amount from a neighbor, bought out the ice business of a local dealer, and by working day and night

throughout the summer accumulated something over $1,000, which enabled him to enter Colby Academy, now Colby College. He was quickly recognized as a leader in everything pertaining to the college life. He graduated from college fourth in his class and was elected class orator and editor of the college magazine. After achieving this result he rapidly rose to great prominence in athletics, in which field he became quite famous, and especially as a baseball pitcher, as has just been suggested by the senior Senator from Maine [Mr. JOHNSON]. In that capacity he traveled over Maine and Massachusetts during one season. At the close of the season Mr. GOODWIN entered a law firm in Skowhegan to study law; and in 1889 he was admitted to the bar, and shortly afterwards his townspeople elected him to the State legislature. Upon the adjournment of the legislature he entered the Boston University Law School and again showed his qualities of concentration and capacity for work by completing the three years' course in one year, a remarkable achievement.

From 1889 to 1891 Mr. GOODWIN served as parliamentary clerk at the Speaker's table in the House of Representatives at Washington. Hon. ASHER HINDS had formed his acquaintance while at Colby College, realized his great ability, and recommended him to Speaker Reed as his assistant. At the close of the Fifty-first Congress he returned to his home and was appointed by President Harrison postmaster of Skowhegan, which position he filled for four years. Following this service he engaged in the active practice of law, and his aggressiveness and natural oratorical abilities soon placed him in the front rank of members of the Maine bar. His success as an advocate was so marked that his business rapidly grew, and he was looked upon as a fit successor in due time to the great men who had preceded him from his State in the national councils.

In 1903 Mr. GOODWIN was elected to the Maine State Senate. He was reelected in 1905, and was made president of that body. In 1912 he entered the race for Congress, as a Republican, against the then Democratic Representative, Hon. Samuel J. Gould, also a resident of Skowhegan. Notwithstanding Mr. Gould's popularity, Mr. GOODWIN won the fight handsomely. After serving less than two months in the National House of Representatives, he was called home by the disease which on May 28, 1913, terminated in his death. A congressional committee, of which I was a member, accompanied the remains of Mr. GOODWIN to his pleasant home, where he was laid away amid a sorrowing throng of neighbors and a host of friends, who gathered from far and near, the bar being represented by many of its leading members from various parts of the State. Mr. GOODWIN had highly honored his State, and the people of Maine, irrespective of sect or party, respected and honored him.

Mr. GOODWIN died at the zenith of his intellectual powers, and in his death not only his native State but the Nation at large sustained a great loss. Those of us in public life who knew him miss his geniality and kindness of manner, and the people of Maine will long remember him with affectionate and tender memories. In the great struggle of life, Mr. GOODWIN played well his part, overcoming great obstacles and achieving great results. His life was an illustration of what the poor boy may accomplish under our institutions, and may well serve as an inspiration and guide to the youth of the Nation.

Mr. CRAWFORD. Mr. President, it was not my privilege to enjoy the acquaintance of the late Representative GOODWIN, but through the courtesy of the senior Senator from Maine, I was named by our Presiding Officer as one of the Senators to attend the funeral at his home in Skowhegan.

I shall never forget the simple and beautiful service which I witnessed there. I went a stranger but returned with the feeling that, after all, I had known him. It was my first visit to the State which he had served so faithfully in the National House of Representatives; and yet for many years that State and its people have seemed near to me, because my wife comes from a family which for generations has lived there in one of the counties near by that in which Mr. GOODWIN lived. Long ago, from association with her kinsfolk, I became familiar with those sturdy qualities which are characteristic of the people of that State. Upon this sad journey I observed with much interest the farms and woodlands, the green hills, the beautiful rivers, the evidences, abounding everywhere of that industry, prudence, and fine character which distinguished the best types of native American citizenship found in New England. The beautiful village on the banks of the river; the modest, comfortable home in which this kind husband and father sheltered his household—so representative of that simple, pure, domestic life from which have come all the great figures of American history; the neighbors and friends who honored and trusted the deceased in life, and now came to look upon his face for the last time; the bereaved family; the sweetness and consolation which the beautiful and appropriate service left to soften and assuage their sorrow—all these I shall not forget.

I shall always remember that scene; the wife and children, the kind and character-stamped faces of the men of New England who silently filed by and gazed upon the face of their dead friend. They were the class of men whose strength of character and regard for truth and law and order inspire our confidence in the perpetuity of this great democracy.

Notwithstanding the attacks which are frequently made upon Congress, it is the most representative of all the departments of our Government. It exhibits in the greatest degree those shades and types of human nature which produce a fascinating mixture of both strength and weakness.

In a great democracy like ours men seek a public and political career because they have an aptitude for it or because they prize the distinction and love the publicity it brings to them.

We have no aristocracy which gives to the country a class specially trained for the public service. The term of an elective office as a rule is short. The average service of a Congressman does not exceed three terms. In the Senate men frequently serve for long periods of 12, 18, 24, and sometimes 30 years. Death, change in party administration, factional disputes, and conflicting ambitions all play their part in effecting changes and terminating service. This is more apt to be the case in the newer communities of the West than in the East or South, but it is more or less true in all sections of the country. The State of Maine has been a most notable exception and as a rule has retained its public men in long terms of service.

Not long ago I heard a Senator telling how proud he was when he taught a district school for $40 a month before he read law. Another in turn told how he taught a country district school for a term of five months for $150 without drawing one cent of pay until the end of the service, postponing the settlement of his board and washing bills until the day of final payment came, and how on Saturdays he did extra work to get his spending money, and how he read law at night. These fairly represent the early struggle of most Congressmen. Some managed to get through college; others graduated from a high school or academy; others from a country district school, supplemented by a course in a law school; others "picked up" their education, after the manner of Abraham Lincoln, and read law in the office of some country lawyer. All came from sturdy stock and from homes of respectability in which worldly resources may have been limited, but where surroundings were good and wholesome. All made their way from the ranks and learned life's best lessons in the school of hard knocks. Generally they have known something of poverty and what it means to practice self-denial. The struggles of life appeal to such men. As a rule, they are serious minded, studious, and industrious. As a rule, they are men of integrity. It is a rare thing to find one among them who is corrupt or dishonest. I assert that they are representative men, fit to serve in a representative government; that they are patriotic and intensely American. If they are sometimes too narrow and provincial and sometimes influenced by prejudice, it may be said that they are never more so than the constituencies they represent.

They come to Washington with the impressions formed at home in the environment in which they have lived and enter upon their duties like newly matriculated students in a great university. The larger field of service into which they enter, observation, alertness, contact with men of larger experience, and a quickness of perception which they possess as a rule soon broaden the view and widen the mental horizon. They grow rapidly under the spur of ambition to make a good record and secure the approval of their associates and of the people at home. They throw themselves into their new work with energy and enthusiasm. Each must win upon merit. Here as elsewhere the only royal road to success is found by the use of brains and the application of tireless industry. Those who have an aptitude for legislative work soon make their place, and it is remarkable how quickly they become thoroughgoing and useful Members. One may show talent for details and figures and become an expert in committee on matters relating to the tariff, or finance, or appropriations. Another may develop constructive ability of a high order and come forward with proposals for new legislation of the most useful kind. Another will develop in forensic power and become strong in debate; another a merciless critic, whose eye detects the weak points, the jokers, and the selfish schemes concealed in the plausible wording of a bill and by his unsparing attacks compel a necessary change by amendment or cause the defeat of the measure. Another will become a great parliamentarian. One will become a good all-round legislator, useful in every field; another may become

eminent for discussion and study of complicated legal difficulties and of questions of constitutional and international law, which are always arising to vex the legislative mind. All constitute an efficient representative body of men who serve their country faithfully and well.

Our departed friend was a worthy Member of this great legislative branch of our Government, and in his life, his character, and his faithful service acquitted himself with credit and vindicated the trust and confidence of those who sent him here to represent them. It is the regret of all that his career came to an end so soon, because he was yet a young man; but his family and friends and the State and country can rejoice in the record of faithful service and devotion he exemplified so well while he was permitted to live and perform his part in life's work.

Mr. BURLEIGH. Mr. President, I can conceive of no more appropriate introduction to my remarks than these opening sentences from the memorial address of the late leader of the Maine bar, the Hon. Orville Dewey Baker, of my home city, delivered in 1907 before our State supreme court, upon the death of Chief Justice Wiswell:

> At times we are strikingly reminded that close beside the borders of life, set with all its blooms, flows the river of death, into whose forbidding waters no man may step and then return, and no man who has once entered may send answer back from the further shore. When it comes to one who is frail with sickness or weary with the hardships of life, the fingers of death are soft and even welcome. But when it overtakes, as it did here, the strong man in harness, it must give us pause in order that we may cast a glance at the life, at the character, at the career of him who has left us.

It is but a glance, indeed, that we can cast at this time at the life and character of the Hon. FORREST GOODWIN—a strong man whom death overtook in the harness. I apprehend that others will place upon the record here the appropriate biographical details of Mr. GOODWIN's life. My glance shall be at that intangible, indefinable, and, in the case of FORREST GOODWIN, lovable, thing that men term personality.

While a mere youth in school and college, Mr. GOODWIN displayed striking qualities of leadership. Let us dwell on these qualities for a moment, for if you will but analyze the character of any leader of men you will solve the secret of his leadership.

FORREST GOODWIN was endowed with a splendid intellect, of the keenly alert and analytical type. But that alone would never have made him a leader of men. He had physical vigor and manly courage, a sanguine temperament and sunny disposition, a splendidly modulated and musical voice, and a natural gift of oratory. In addition, he possessed a keen sense of humor. While this perhaps is not an essential of leadership, it has been strikingly characteristic of many leaders. In a large sense, it is that quality which prevents a man from taking himself and his responsibilities too seriously; which clarifies his mental vision and perspective, and gives him a sane and wholesome view of men and of ideas in all their relations.

Yet all these things are common to many men who may be delightful companions, but in no sense leaders. In the case of Mr. GOODWIN all these splendid and agreeable qualities were supplemented by the more essential and fundamental qualities of leadership—ambition, and a genuine sympathetic interest in his fellow men. Without the former a man will not and without the latter he can not attain and retain leadership of his fellows.

In his younger days Mr. GOODWIN was a splendid athlete. He was captain and pitcher on his college ball team and played professionally for a short time after his graduation. He played the game of life later on very much as he had played the game of ball, with brilliancy, coolness, nerve, resourcefulness, but always with perfect fairness to his opponents.

In his professional and public life Mr. GOODWIN quickly made a name for himself. He was one of the finest jury lawyers Maine ever produced and was at the very zenith of his powers when he was taken away. His political honors were many, and he filled each and every one of them with distinguished ability.

But it takes more than mere fame, position, or distinguished intellectual attainments to give a man a permanent grip on the feelings and affections of his constituency. For these things Mr. GOODWIN will always be honored, even "in his own country." But it was the big heart, the human sympathy, the genuine interest in the lives and fortunes of his friends that took the "Mr." out of his name in the State of Maine and replaced it with "Forrest"—and that is one of the acid tests of real popularity.

To those unacquainted with Mr. GOODWIN my words may mean but little. But to those of us who knew and loved this brilliant lawyer, citizen, orator and statesman, this affectionate husband and brother, this loyal, courageous, and courage-inspiring friend, these few words may be the index to a priceless volume of tender and imperishable memories.

The VICE PRESIDENT. The question is on agreeing to the resolutions submitted by the senior Senator from Maine.

The resolutions were unanimously agreed to.

Mr. BURLEIGH. Mr. President, I submit the following resolution and ask for its adoption.

The resolution was read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That as a further mark of respect to the memory of Mr. WILDER and Mr. GOODWIN the Senate do now take a recess until 11 o'clock to-morrow morning.

The Senate thereupon, at 11 o'clock and 25 minutes a. m., took a recess until to-morrow, Monday, March 1, 1915, at 11 o'clock a. m.

SENATE.

MONDAY, *March 1, 1915.*

(Legislative day of Friday, February 19, 1915.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

Mr. JONES. I ask unanimous consent to introduce a joint resolution and to have it referred to the Committee on Commerce.

Mr. ASHURST. I have no objection if it does not lead to debate.

Mr. JONES. It is simply the introduction of a joint resolution.

[The joint resolution appears under the heading "Bills and joint resolution introduced."]

CREDENTIALS.

The VICE PRESIDENT presented the credentials of E. D. SMITH, chosen by the electors of the State of South Carolina a Senator from that State for the term beginning March 4, 1915, which were read and referred to the Committee on Privileges and Elections.

Mr. PAGE presented the credentials of WILLIAM P. DILLINGHAM, chosen by the electors of the State of Vermont a Senator from that State for the term beginning March 4, 1915, which were read and referred to the Committee on Privileges and Elections.

ELLEN B. MONAHAN.

Mr. WORKS. Mr. President, an adverse report was made by the Committee on Claims upon the bill (S. 489) for the relief of Ellen B. Monahan. It was made under a misapprehension of the facts. I ask unanimous consent that the vote by which the bill was indefinitely postponed may be reconsidered, and that it be recommitted to the Committee on Claims.

The VICE PRESIDENT. When was the bill indefinitely postponed?

Mr. WORKS. I do not remember the exact date, Mr. President? If objection is made, I understand, it can not be done under the rule.

The VICE PRESIDENT. Is there objection? The Chair hears none. The vote whereby the bill was indefinitely postponed will be reconsidered, and the bill will be recommitted to the Committee on Claims.

CALLING OF THE ROLL.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Norris	Smith, Ariz.
Bankhead	Goff	O'Gorman	Smith, Ga.
Bristow	Gronna	Overman	Smith, Md.
Bryan	Hitchcock	Owen	Smith, Mich.
Burleigh	James	Page	Smith, S. C.
Burton	Johnson	Penrose	Smoot
Catron	Jones	Perkins	Sterling
Chamberlain	Kenyon	Pittman	Stone
Chilton	Kern	Poindexter	Sutherland
Clapp	Lane	Ransdell	Swanson
Clark, Wyo.	Lea, Tenn.	Reed	Thomas
Culberson	Lodge	Robinson	Tillman
Cummins	McCumber	Saulsbury	Vardaman
Dillingham	Martine, N. J.	Shafroth	Weeks
Fall	Myers	Sheppard	White
Fletcher	Nelson	Sherman	Works

Mr. KERN. I desire to announce the unavoidable absence of the senior Senator from Mississippi [Mr. WILLIAMS] on account of illness. He is paired. I will let this announcement stand for the day.

While I am on my feet I wish also to announce the unavoidable absence of my colleague [Mr. SHIVELY]. This announcement may stand for the day.

Mr. RANSDELL. I wish to announce the unavoidable absence, on account of sickness, of my colleague [Mr. THORNTON]. I ask that this announcement may stand for the day.

Mr. SAULSBURY. I was requested to state that the junior Senator from Ohio [Mr. POMERENE] and the senior Senator from Wisconsin [Mr. LA FOLLETTE] are engaged in business of the Senate upon an important committee matter and can not be present this morning.

The VICE PRESIDENT. Sixty-four Senators have answered to the roll call. There is a quorum present.

JULIA H. PLATT.

Mr. ASHURST. I ask that the unfinished business, the Indian appropriation bill, be laid before the Senate.

The VICE PRESIDENT. It is before the Senate.

Mr. SHAFROTH. I ask the Senator from Arizona to yield to me to present some reports from the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. ASHURST. I will yield, with the understanding that they will lead to no discussion. If so, I shall be obliged to object.

Mr. SHAFROTH. If they do, I will let them go to the calendar.

Mr. PENROSE. I reserve the right to object until we can see what the reports will be.

Mr. SHAFROTH. Very well.

In behalf of the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 553, I am directed to report it favorably with an amendment, and I ask for its present consideration.

Mr. SMOOT. I wish to state that I am not going to object to these resolutions and other matters that perhaps may be offered this morning, but I give notice now that I shall object to any further consideration of bills brought into the Senate until some time is fixed for taking up the calendar and considering bills to which there is no objection.

If we allow bills to be presented here and passed by unanimous consent, the bills which are upon the calendar will not be considered. There should be a time fixed, and at an early date, when bills on the calendar to which there is no objection may be considered under Rule VIII. It seems to me that the only way to secure consideration for them is to object to the consideration of bills that are being presented from committees now.

Mr. SHAFROTH. I will state to the Senator that I have two other Senate resolutions. I do not think they are contested. They are unanimous reports. One involves hearings before the Judiciary Committee as to a bridge and the other provides for the codification of laws during the vacation.

Mr. SMOOT. I am not going to object, as I said, to the resolutions reported now, but I give notice that hereafter I shall object to bills until we take up the calendar under Rule VIII.

Mr. SHAFROTH. I ask unanimous consent for the consideration of the resolutions which I have reported.

The Senate, by unanimous consent, proceeded to consider Senate resolution 553, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Julia H. Platt, widow of Benjamin S. Platt, late enrolling clerk in the office of the Secretary of the United States Senate, a sum equal to one year's salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

The amendment of the committee was, in line 5, before the word "salary," to strike out "one year's" and insert "six months'."

The amendment was agreed to.

The resolution as amended was agreed to.

THE JUDICIAL CODE.

Mr. SHAFROTH. From the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 552, submitted by the Senator from Texas [Mr. CULBERSON] on the 19th instant, I report it favorably with an amendment, and I ask for its present consideration.

Mr. PENROSE. Let it be read first.

The VICE PRESIDENT. The resolution will be read.

The Secretary read the resolution, as follows:

Resolved, That the Committee on the Judiciary be authorized to appoint a subcommittee thereof to consider, in the interval between the Sixty-third Congress and the first session of the Sixty-fourth Congress, or during a session or recess of the Sixty-fourth Congress, the proposed codification, revision, and amendment of the laws relating to the judiciary contemplated in the bill (H. R. 15578) passed by the House of Representatives in the last preceding session, and that such subcommittee be authorized to employ and compensate such persons as may be found necessary to assist in any work arising in connection with such consideration, the expenses thereby incurred to be paid out of the contingent fund of the Senate upon vouchers to be approved by the chairman of the subcommittee.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. ROBINSON. Reserving the right to object, I wish to ask the Senator from Colorado a question. I desire to inquire whether the Committee on the Judiciary has been giving consideration to this work?

Mr. CULBERSON. Mr. President, I will state in answer to the inquiry of the Senator from Arkansas that a subcommittee of the Committee on the Judiciary has been considering this measure during the present session, but has not had time to conclude the hearings and the consideration of the bill. It is of such length and of such importance that, in the opinion of the committee, it was deemed necessary to do the work in vacation.

Mr. ROBINSON. I should like to ask the chairman of the Judiciary Committee whether consideration was given to the question as to whether this work had better be done by the Committee on the Revision of the Laws or by a subcommittee of the Committee on the Judiciary?

Mr. CULBERSON. There is no committee in existence for the general revision of the laws.

Mr. ROBINSON. But there is a resolution pending providing for the creation of such a committee. I will make no objection, Mr. President, to the resolution.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment of the committee was, to add at the end of the resolution the following: "and not to exceed in the total $500."

The amendment was agreed to.

The resolution as amended was agreed to.

MISSISSIPPI RIVER BRIDGE.

Mr. SHAFROTH. From the Committee to Audit and Control the Contingent Expenses of the Senate I report the resolution which I send to the desk, and I ask for its immediate consideration.

Mr. PENROSE. Let it be read first.

The Secretary read Senate resolution 554, submitted by Mr. REED on the 27th ultimo, as follows:

Resolved, That the Committee on the Judiciary, or a subcommittee thereof, be authorized during the interval between the Sixty-third Congress and the first session of the Sixty-fourth Congress, or during a session or recess of the Sixty-fourth Congress, to send for persons and papers, to administer oaths, to employ a stenographer at a cost of not to exceed $1 per printed page to report such hearings as may be had, in connection with the subject matter of S. J. Res. 111, Sixty-third Congress, now pending before a subcommittee of said committee, and to have such hearings printed for the use of the committee; that the expenses of such hearings be paid out of the contingent fund of the Senate; and that the said committee and such subcommittee thereof may sit during the sessions of the Senate and may conduct said hearings and investigations in the city of Washington or elsewhere, as it may deem proper.

Mr. PENROSE. I do not want to object to the consideration of bills and resolutions, but I think when unanimous consent is asked a brief statement is at least due to the Senate as to the character of the bill or resolution. This authorizes an investigation under a Senate resolution. I should like to inquire of the Senator from Colorado what that resolution provides?

Mr. SHAFROTH. It is intended to inquire as to a certain bridge across the Mississippi River at St. Louis.

Mr. REED. Mr. President——

Mr. PENROSE. A statement like that is entirely satisfactory, but simply to recite a resolution by number gives no information to the Senate. I do not think Senators can be criticized for objecting or, at least, asking for some explanation when unanimous consent is requested.

Mr. REED. Did I understand that the Senator from Pennsylvania wanted a further explanation?

Mr. PENROSE. I do not need any further explanation.

The resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19422) making appropriations for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1916, and for other purposes, recedes from its disagreement to the amendment of the Senate No. 1 to the said bill, and agrees to the same with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 21546. An act making appropriations to supply deficiencies in appropriations for the fiscal year 1915 and for prior years, and for other purposes; and

H. J. Res. 398. Joint resolution to refund under certain conditions a portion of the offers in compromise for failure to make the return required under the act of October 3, 1913, said offers in compromise having been covered into the Treasury, and for other purposes.

HOUSE BILL AND JOINT RESOLUTION REFERRED.

H. R. 21546. An act making appropriations to supply deficiencies in appropriations for the fiscal year 1915, and for prior years, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

H. J. Res. 398. Joint resolution to refund under certain conditions a portion of the offers in compromise for failure to make the return required under the act of October 3, 1913, said offers in compromise having been covered into the Treasury, and for other purposes, was read twice by its title and referred to the Committee on Finance.

HOURS OF LABOR.

Mr. ROBINSON. I ask unanimous consent to present a report from the Committee on Interstate Commerce and to ask for its present consideration. I will state that it is House bill 17893, to amend section 3 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907, which was brought up heretofore, and the Senator from Pennsylvania [Mr. OLIVER] indicated a purpose to object. Since that time, however, he has informed me that if the bill were amended so as to make the minimum penalty $50 instead $100 he would make no objection. If unanimous consent is given to the consideration of the bill, I will ask that it be amended so as to make the penalty $50.

Mr. PENROSE. This is a bill that my colleague [Mr. OLIVER] objected to the other day. If the Senator assures me that all objections of my colleague are removed, I shall not object to the consideration of the measure.

Mr. SMOOT. Mr. President——

Mr. ROBINSON. I ask unanimous consent to withdraw the request for the present.

CONSIDERATION OF THE CALENDAR.

Mr. ASHURST and Mr. FLETCHER addressed the Chair.

The VICE PRESIDENT. The Senator from Florida.

Mr. ASHURST. I ask that the unfinished business be now taken up.

Mr. FLETCHER. Mr. President, the Senator from Utah [Mr. SMOOT] has suggested that we ought to take up the calendar, and I am quite in agreement with that suggestion. I was going to ask if we could get unanimous consent to devote the time between 5 and 6 o'clock this afternoon to the consideration of the calendar and to reports of committees—one hour—laying aside the business that might be then pending.

Mr. SMOOT. I will say to the Senator from Florida that one hour would not be sufficient for that purpose.

Mr. ASHURST. I want to object to any further proceedings on this matter. I call for the regular order.

Mr. FLETCHER. I have the floor, I believe.

The VICE PRESIDENT. It is always in order to ask for a unanimous-consent agreement.

Mr. FLETCHER. I will ask one hour for the purpose I have indicated. Of course if we can get another hour a little later on, that will be all right; but for the present I think we ought to agree to consider the calendar between 5 and 6 o'clock. If then we shall have not finished the consideration of the calendar, we can get it up again a little later on.

Mr. SMOOT. I will say to the Senator that I should like very much to have unanimous consent to begin the consideration of the calendar at 6 o'clock to-night, to run until not later than 9 o'clock. By that time I think every bill to which there is no objection can be considered. The Senator from Florida knows that there are many bills on the calendar that have been objected to over and over again, and will be objected to when the calendar is again taken up. If we have three hours for the consideration of the calendar, we can take up all and get through with them, I have no doubt. Perhaps it will take a little less time.

Mr. FLETCHER. If we finish the calendar before 9 o'clock——

Mr. SMOOT. Then we can go on with the regular business.

Mr. FLETCHER. Then say "not beyond 9 o'clock."

Mr. SMOOT. "Not beyond 9 o'clock."

Mr. FLETCHER. I think that would be advisable.

Mr. STONE. I desire in this connection to state that there should be an executive session some time to-day, not a long one, but perhaps one of 15 minutes, and I should like to have a proposition for that considered at the same time that we are making the other unanimous-consent agreement.

Mr. PENROSE. Let the consideration of the calendar be preceded by an executive session.

Mr. SMOOT. Yes; let it be preceded by an executive session.

Mr. STONE. That is satisfactory to me, if it is satisfactory to the Senator from Arizona [Mr. ASHURST].

Mr. FLETCHER. Does the Senator from Arizona object to that?

Mr. ASHURST. I call for the regular order.

The VICE PRESIDENT. Is there objection to the proposed unanimous-consent agreement?

Mr. ASHURST. I object. I call for the regular order.

Mr. FLETCHER. I was going to ask the Senator from Arizona if he would not be willing to lay aside the pending business, whatever it may be, at, say, a quarter to 6 o'clock, to permit us to have an executive session, and then the consideration of the calendar, to extend not later than 9 o'clock, after which to resume the consideration of whatever business there may be.

Mr. ASHURST. I have no objection to laying aside the present unfinished business at 8 o'clock to-night in order to have an executive session, and then to take up the calendar.

Mr. PENROSE. That is all right.

Mr. NELSON. Mr. President, it is impossible on this side of the Chamber to hear what is going on. I should like to know what is the request.

Mr. FLETCHER. That from 8 o'clock until 11 o'clock——

Mr. PENROSE. Until we adjourn.

Mr. FLETCHER. At 8 o'clock——

Mr. OVERMAN. That we shall consider unobjected cases on the calendar.

The VICE PRESIDENT. The request for unanimous consent is that at not later than the hour of 8 o'clock to-night the Senate go into executive session; that after the executive session the Senate proceed to the consideration of the calendar——

Mr. PENROSE. To consider unobjected bills on the calendar.

Mr. SMOOT. Under Rule VIII.

The VICE PRESIDENT. To consider unobjected bills on the calendar, and that at their conclusion a recess or adjournment shall be taken.

Mr. FLETCHER. I do not agree to that.

Mr. RANSDELL. I do not agree to that. We might want to continue in session later.

Mr. PENROSE. There might be other bills which we might desire to consider.

Mr. FLETCHER. I ask that the consideration of the calendar extend not later than 11 o'clock. I might then want to move to take up the river and harbor bill; perhaps we can consider that.

The VICE PRESIDENT. The Chair has not stated the request for the unanimous-consent agreement correctly. It is that not later than 8 o'clock an executive session shall be had, after which the calendar shall be taken up for the consideration of unobjected bills under Rule VIII, and to continue not longer than 11 o'clock to-night in the consideration thereof.

Mr. ASHURST. I have no objection to that, if the understanding be thoroughly arrived at that we shall not thereby displace the unfinished business.

Mr. RANSDELL. That is right.

Mr. FLETCHER. That is understood—whatever the unfinished business may be. I hope, however, that the Senator from Arizona will have the Indian bill through before that time.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the unanimous-consent agreement is entered into.

DISTRICT APPROPRIATIONS—CONFERENCE REPORT.

Mr. SMITH of Maryland submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 19422) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1916, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 7, 8, 14, 16, 17, 25, 27, 28, 30, 32, 35, 37, 39, 43, 46, 48, 52, 58, 59, 64, 67, 68, 73, 75, 76, 77, 79, 85, 89, 99, 103, 110, 111, 112, 118, 119, 120, and 121.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 5, 6, 9, 10, 11, 12, 13, 15, 19, 20, 29, 31, 33, 34, 38, 40, 44, 45, 47, 49, 50, 53, 55, 57, 60, 61, 65, 66, 69, 70, 71, 72, 80, 82, 83, 84, 86, 87, 88, 90, 91, 92, 93, 94, 95, 96,

97, 98, 100, 102, 106, 107, 108, 109, 115, 116, 123, 124, 126, 127, and 128, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$47,576"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, and on page 17 of the bill, line 7, strike out the words "force and," and in line 8 strike out the words "fire department," and in line 7, after the word "police," insert the following: "crossing police, park police, and fire department"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21 and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For constructing market buildings on the site of the present municipal fish wharf and market, including refrigerating and cold-storage plant, which shall be equipped for the accommodation of such retail business as may obtain at that point and shall serve as the wholesale receiving and distributing point for marine and other products to be retailed elsewhere in the District, within a limit of cost of $185,000 which is hereby fixed, $125,000."

And the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$110,700"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,700"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$28,500"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$29,000"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$118,700"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$160,800"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,000"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert the following: "$5,000"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$49,015"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: On page 33 of the bill, line 6, strike out "$124,000" and insert in lieu thereof "$119,000"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$27,500"; and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment strike out the following: "to be immediately available,"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$48,600"; and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lines 4, 5, and 6 of the matter inserted by said amendment strike out the following: "; but no person so removed shall be reappointed to any position in said fire department"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$131,800"; and the Senate agree to the same.

Amendment numbered 101: That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$45,932"; and the Senate agree to the same.

Amendment numbered 104: That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25,600"; and the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$60,000"; and the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numberel 114, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "96,080"; and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$6,000"; and the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: "Omit the matter inserted by said amendment and on page 73 of the bill, in line 4, strike out the following: 'and of the United States'"; and the Senate agree to the same.

Amendment numbered 125: That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"ANACOSTIA RIVER FLATS.

"For continuing the reclamation and development of the Anacostia River and Flats from the Anacostia Bridge northeast to the District line, to be expended for the purposes and under the conditions specified in the item for this improvement contained in the 'District of Columbia appropriation act for the fiscal year 1915,' $100,000, and authority is hereby granted to the Chief of Engineers, United States Army, to enter into a contract or contracts for and on account of said work in an amount not exceeding $100,000, exclusive of the amount herein appropriated."

And the Senate agree to the same.

The committee of conference have been unable to agree on the amendment of the Senate numbered 1.

JOHN WALTER SMITH,
J. H. GALLINGER,
Managers on the part of the Senate.
ROBERT N. PAGE,
T. U. SISSON,
C. R. DAVIS,
Managers on the part of the House.

Mr. SMITH of Maryland. I move that the conference report be adopted.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. JAMES. Mr. President, just a moment. I understand that this is the report of the conferees on the District of Columbia appropriation bill?

Mr. SMITH of Maryland. One part of the report.

Mr. JAMES. It provides for the creation of a commission to investigate the half-and-half plan?

Mr. SMITH of Maryland. In the first place, there was a conference report in which there were three matters in disagreement. Prior to this conference report we agreed upon two of them. The other amendment in disagreement went back to the House, and they agreed to the Senate amendments with an amendment, which they have sent back, and in which I propose to move that the Senate concur.

Mr. JAMES. The House, as I understand, has already agreed to the conference report——

Mr. SMITH of Maryland. They have.

Mr. JAMES. Including the provision creating a commission for the purpose of investigating the half-and-half plan and reporting to Congress?

Mr. SMITH of Maryland. They have.

The VICE PRESIDENT. The question is on agreeing to the report of the committee of conference.

The report was agreed to.

Mr. SMITH of Maryland. I move that the Senate concur in the amendment of the House to the amendment of the Senate numbered 1.

The VICE PRESIDENT. The question is on the motion of the Senator from Maryland that the Senate concur in the amendment of the House to Senate amendment numbered 1.

The amendment was concurred in.

INDIAN APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20150) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1916.

Mr. ASHURST. Mr. President, I ask that the reading of the bill be resumed on page 20, line 22, beginning at which point a number of amendments were passed over until to-day at the request of several Senators.

The VICE PRESIDENT. Is there any objection? The Chair hears none. The Secretary will state the amendment beginning on page 20, line 22, which was passed over.

The SECRETARY. On page 20, after line 21, the committee proposed to insert:

For enlarging the irrigation system, for the irrigation of Indian lands, for protective works to prevent damage to irrigable lands by floods, and for development of domestic water supply on the Papago Indian Reservation in Arizona, in accordance with the plans and specifications submitted by the Chief Engineer in the Indian Service and approved by the Commissioner of Indian Affairs and the Secretary of the Interior, $20,000, to remain available until expended: *Provided*, That the total cost of this project shall not exceed $150,000: *Provided further*, That the cost of the said project shall be reimbursed to the United States in accordance with such rules and regulations as the Secretary of the Interior may prescribe.

Mr. ASHURST. Mr. President, I ask that the letter which I send to the desk from the Commissioner of Indian Affairs in justification of that item be read at the desk by the Secretary.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary proceeded to read the letter.

Mr. SMITH of Arizona. Mr. President, I should like to ask the indulgence of the Senate for a moment. I do not think there is any necessity for reading that long letter. It gives no information in the world.

Mr. ASHURST. Let it go into the RECORD, then, without reading.

Mr. SMOOT. I should like to have the letter read.

Mr. SMITH of Arizona. It will save considerable time to have it printed without reading.

Mr. SMOOT. I should like to have the letter read.

Mr. LODGE. Let the letter be read.

The VICE PRESIDENT. There is objection to the reading of the letter. The question is, Shall the letter be read? [Putting the question.] The "ayes" have it; and the Secretary will read.

The Secretary resumed and concluded the reading of the letter, which is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 16, 1915.

MY DEAR SENATOR ASHURST: Referring to the item of of $20,000 in the estimates for the Indian appropriation bill for the fiscal year 1916, for beginning construction of the works to protect the irrigable allotments of the Papago Indians from damage by floods and to irrigate the same, I have the honor to advise you that this is a most meritorious project, and one that may be considered in a manner urgent.

The work comes under two heads—protection of the irrigable lands from damage by floods and irrigation system for the irrigation of the land.

For a great many years the Indians farmed an extensive area on the Papago Reservation, which lies south of Tucson; and doubtless they would still be irrigating except for the great difficulty of maintaining the headings of their ditches in the barrancas, which are liable to destructive erosion by the action of flood water.

In the report of the engineers of the Indian Service (S. Doc. No. 973, 62d Cong.) the urgent necessity of protecting these lands from further encroachment of the barrancas was fully discussed. To leave these lands unprotected for a few years longer will doubtless result in such a condition that the Indians will be damaged both in the loss of their lands and the absence of facilities for using water for irrigation upon those allotments not destroyed by floods.

The question of a water supply is discussed in detail in the report mentioned, and there is no doubt of the existence of a supply which may be developed for use on the lands of this reservation without infringing in any degree upon the supply requisite for the city of Tucson. While accurate information is not available as to the acreage formerly cultivated by these Indians, it is believed that they cultivated an area considerably in excess of that contemplated by the project for which the appropriation was requested. Therefore the water which will probably be required for the project under discussion will not exceed the amount which might be decred to those Indians upon an adjudication, if due consideration were given their activity in the former use of water for irrigation. It is therefore recommended that the item receive favorable consideration by Congress.

Very truly, yours,

CATO SELLS, *Commissioner.*

Hon. HENRY F. ASHURST,
Chairman Committee on Indian Affairs,
United States Senate.

Mr. SMITH of Arizona. Mr. President, since we have been enlightened by that letter, I should like to repeat what I have said several times on the floor of the Senate—that the actual purpose finally of the department seems to me to be to take from the city of Tucson a great amount of its water supply. During a hundred and fifty years of the occupancy of this land by the Indians the Government never undertook its development; but in the meantime private enterprise has spent a million dollars or more in cutting a great trench across the valley of the Santa Cruz River and has developed water that will irrigate probaly ten or fifteen thousand acres of land. That project is now in successful operation. This trench is made several miles below the northern lines of the Indian reservation. The purpose at the bottom of this amendment is to tap the same underflow a few miles above and take away the water not only from the city but from the uses of which I have already spoken and now in successful operation.

Time and again the assertion has been made, as it is made in the letter which has just been read, without rhyme or reason, that it will not affect the flow of the water 6 miles below and in the same channel. The statement proves its own senselessness. If you tap the underflow above the trench to which I have referred, it is bound to affect the flow of water.

This water is found in a great sandy stretch lying deep in the impervious rocks. The ages have brought a slow flow of water through this sand. By cutting down through the sand to bedrock and establishing pumping plants at enormous expenditure they have developed a flow from which they are irrigating lands, and the same water supplies Tucson, a town of some 20,000 inhabitants.

I will not object to this amendment if the committee will agree that the proviso shall be struck out commencing on line 3, page 21. The $20,000 for this next year may probably be of some service to the Indians in preventing the flood waters from washing away the lands in their reservation or making different channels through it. As to that, I am perfectly willing, as everybody in that district is willing, for the Indians to have all the water they can get without absolutely taking away the water rights that have been developed by others, and which the Government, as I say—at least since 1863—has sat still and let go as it is going now. Then, when this development comes, they will say, "Well, we will go down lower, tap this water, take it away from the city, if need be, to irrigate these lands"; and at the same time they are inducing these very same Indians to leave that reservation to go down to establish two others in southern Arizona. It is the town I live in. I have been over the reservation a thousand times in 35 years, and I have seen no material change in it.

Mr. PAGE. Mr. President, may I interrupt the Senator?

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Vermont?

Mr. SMITH of Arizona. Certainly.

Mr. PAGE. I should like to have the Senator explain to us what is the right and wrong of this final proviso, which says that the cost of the project shall be reimbursed to the United States in accordance with certain rules and regulations, and so forth?

Mr. SMITH of Arizona. I want to strike that out, for the simple reason that they have not now, and never had since the world started, a cent with which to reimburse anybody. It is

a ridiculous fraud to put in there a proviso that it shall be reimbursed by Indians who have not a dollar with which to reimburse anybody.

Mr. PAGE. Mr. President, I objected to the consideration of this matter last Saturday, as the chairman of the committee will remember, because I had been assured that this proviso in regard to reimbursement was, as the Senator from Arizona [Mr. SMITH] has said, a dead fraud. It amounts to nothing, and ought not to be in this appropriation.

Mr. ASHURST. Mr. President, if my colleague will yield to me, I have not the slightest objection, so far as I am concerned, to the proviso going out—not the slightest objection.

Mr. SMITH of Arizona. Then let us take a vote on it.

Mr. CLAPP. Mr. President, just a moment. I should like to say that I do not think the proviso is subject to the characterization which it has received. The theory of this amendment is that in the beginning it is a gratuity; it is an advance to these Indians. If the project works out as it is hoped it will work out, and the lands are irrigated, it will then be proposed, very properly, that these Indians shall be assisted with seed, with teams, and with the facilities for working their little irrigated allotments. There are those who believe that one of the lessons which the Indian must learn is the value of the dollar, to be learned by returning that dollar, without oppression upon him, when the time comes that he can return it. If, with this irrigation and the subsequent assistance to the individual, the time should come when, under a system by which the cost of the irrigation might be distributed over a long term of years, the Indian might eventually, without any injustice to him, and in learning the lessons which the white man has had to learn, gradually reimburse to the Government the cost of this irrigation, the word "reimbursable" is put in here in order that at that time he may not be able to claim that he never anticipated this request being made, and that it is an afterthought.

Personally I have no objection to its going out, for I have no more concern with this than any other Senator, but I think it is a mistake to take it out. I think it should stand there, in order that the Indian, as he grows in the thought of business, of developing himself, of earning something, may recognize that there is a moral obligation, when the time comes that he can do it, to return to the people of the United States the money which was advanced to make him, possibly, a self-supporting man.

I believe in the wisdom of putting the word there. At the same time, as I say, personally I have no more concern in the matter than anyone else.

Mr. PAGE. Mr. President——

Mr. SMITH of Arizona. Let us have a vote on this matter and strike out the proviso.

Mr. PAGE. I want to say just one word in answer to the Senator from Minnesota.

This is a proposal to appropriate $150,000 where the House has made no appropriation. I am not insisting that that is not right, but I do insist that we ought not to hold out to the Congress of the United States the idea that we are making an appropriation out of the Indian fund when to all intents and purposes it is a gratuity appropriation. When this matter came up in committee I did not know as much about it as I think I do now. I have made some inquiry and investigation since, and what I have learned has fully corroborated every word said by the junior Senator from Arizona.

I do not want anything to go through here under a fraudulent representation, and it is almost fraudulent to talk about reimbursing from these Papago Indians, as nearly as I can get information from outside. While I agree with the Senator from Minnesota [Mr. CLAPP] that we perhaps ought to keep our hands upon the Indian as far as we can, that is not the point I am arguing. I want to have no misrepresentation that is going to change the vote of a single Senator here. If we want to give the Papago Tribe of Indians $150,000, let us do it, and do it as a gratuity appropriation; and if we do not want to do it, let us vote against it.

Mr. SMITH of Arizona. Mr. President, the $20,000 is all they need for this year, and I should like the proviso stricken out, for fear that it may start a thing that I want to look into and have the department look into.

I move to strike out both provisos.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to strike out the two provisos on page 21, reading as follows:

Provided, That the total cost of this project shall not exceed $150,000: *Provided further*, That the cost of the said project shall be reimbursed to the United States in accordance with such rules and regulations as the Secretary of the Interior may prescribe.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 21, after line 8, to insert:

For the examination and final location surveys of a dam site on the Colorado River, and the investigation and survey of an irrigation system to supply the land of the Colorado River Reservation from said dam, and for the design, preparation of maps, plans, and detailed specifications for said works, and estimate of cost thereof, for the utilization of the reserved rights to water from the Colorado River in the State of Arizona for the irrigation of approximately 150,000 acres of land on said reservation, $10,000, or so much thereof as may be necessary, to remain available until completion of said work and to be reimbursed to the United States as Congress may hereafter require.

Mr. PAGE. Mr. President——

The VICE PRESIDENT. The Senator from Vermont.

Mr. PAGE. So far as I can read this proviso, it does not appear that it is for the benefit of the Indians. It says:

For the examination and final location surveys of a dam site on the Colorado River and the investigation and survey of an irrigation system to supply the land of the Colorado River Reservation from said dam—

And so forth. I will ask the Senator from Arizona if he would not be willing to put in, on line 17, after the word "land," the words "for Indian allotments"?

Mr. ASHURST. Mr. President, this item was first estimated for by the Secretary of the Interior at $50,000. The Secretary, who is a large-minded man, was convinced that $50,000 was necessary, but finally, in order to be as economical as possible, he reduced the item to $10,000. The justification offered by the Interior Department in support of this item is contained in a statement which I will ask the Secretary to read.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The SECRETARY. The matter referred to is found in the hearings at page 124, at the bottom of the page:

The water-rights investigation for which the above funds are requested is necessary for the protection of those Indians having rights on the Colorado River Indian Reservation. These consist not only of the 500 or more Indians now residing at that point, but also 600 or 700 Mojaves at Fort Mojave and other Indians living along the Colorado River.

All these Indians can be provided with exceptionally good agricultural land on the Colorado River Reservation if water were available. A dam above the reservation will not only divert water to the Indian lands but also to a large body of land across the river, a total of approximately 150,000 acres.

Several bills have been introduced in Congress for the development of an irrigation system to irrigate approximately 150,000 acres of land on the Colorado River Reservation, but the question has been raised of the sufficiency of water rights for such a large area. The proposed work contemplates such an examination of the flow of the river and the conflicting claims to water rights as may be necessary to determine this question, and such examinations, surveys, plans, and estimates as may be necessary to determine the financial feasibility of the project. This amount is considered the least with which the work could be begun in order to secure satisfactory progress in the investigations necessary.

Mr. PAGE. May I ask the Senator, because he is acquainted with this location, if this project is chiefly for the benefit of the Indians, or is there a large quantity of land owned by white settlers that will be chiefly benefited by the appropriation?

Mr. ASHURST. Mr. President, there are at present no private rights whatever that have ever been initiated on this reservation. The town site of Parker, comprising a little less than 1,000 acres, is the only privately-owned land within this reservation. The Government has even gone so far as to attempt to exclude the locators of mining claims that were made many, many years ago; so there are no private lands at all within this reservation except the town site of Parker, which embraces about 900 or 1,000 acres.

Mr. PAGE. I accept the statement of the Senator and withdraw any objection I may have had.

Mr. LANE. Mr. President, if this is for the benefit of the Indians, and there are no private rights involved, why not say so in the item by striking out, on lines 16 and 17, the words "approximately 150,000 acres of land" and leaving it to read:

For the irrigation of lands allotted to Indians only.

That will save a world of trouble for Congress and in the future for the Indians. These projects when they are started are always in the interest of the Indian, but sooner or later he has to pay for them, and the white man gets the lands principally or the better part of them.

If this is for the Indians, let us make it read that way. I offer that as an amendment.

Mr. SMITH of Arizona. Mr. President, before the Senator offers that amendment will he listen to the voice of reason and consanguinity for just about a minute?

Mr. LANE. "Consanguinity"?

Mr. SMITH of Arizona. Yes; the Senator and I as white men now talking on this question.

Mr. LANE. All right.

Mr. SMITH of Arizona. In the name of conscience, how much would it cost the Government, how much would it cost each Indian allottee, to dam the Colorado River, which runs more water than the Ohio, and bring onto that reservation water to allot only to these small Indian lands? By this great enterprise there is a reimbursable amount of water taken out and paid for by other lands developed under the enterprise, thus giving the Indians a chance, for unless you should do that the Indians would not get a drop of water.

As to limiting it in the way proposed, the Senator's experience in the West will certainly show him that you can not throw a dam across the Colorado River and take out water for five or six or seven or eight hundred Indians and distribute it on that land for less than $1,500 or $2,000 or even $3,000 an acre, and that would be a gratuity from the Treasury. Under this ultimate program we are not only to develop and give to these Indians the water necessary for their full allotment, but the Government is to be paid back for the whole enterprise by the development of other outside lands under the same project.

So the Indian's only chance to get that water is through the damming of the Colorado River; and this matter of $10,000, as the Senator will see, is to make investigations, including the utilization of the reserved rights. There is no appropriation here for anything except an investigation. That is all there is in that item.

I trust the Senator will not offer any amendment to it, for it only harasses a queston that I have been working at for 10 years, trying to do something for the Indian reservation at Parker and something for the white men to whom the Government has sold the Parker town sites and has never delivered a drop of water under the contract it made with them.

Mr. LANE. Mr. President, I think that fully verifies the statement I made. It is not for the Indian. There are a few Indians there who will be benefited; but note further in the item that the Indian's land is held to reimburse the expenditure. All the chance is taken by the Indian in a proposition wherein the white man is to receive the greater portion of the benefits.

It is not playing the game fairly. It is not giving the Indian a show for his expenditure. If it were made reimbursable out of the United States Treasury, and came in here as an item for the white man from which incidentally the Indian might profit, it would be different; but it comes in here, as do many other items in this bill, under colors by which they can not be recognized—I will not say false colors—but there is not the requisite information before Congress as to what it is doing in making these appropriations. This appropriation is being made to investigate the feasibility of diverting the water from a stream over thousands and thousands of acres of land, most of which, I presume, now is upon an Indian reserve, for which every acre of the Indian lands will be tied and held responsible. In the ultimate windup it will turn out as it does in most other instances that the Indians will be up on a sagebrush hillside, and the good irrigable lands, the valuable lands, will be in the hands of his white neighbors, and then gentlemen will rise here and wonder why the Indian does not prosper.

I am going to object to that item; and if it is subject to a point of order as legislation, which I think it is, I shall make it. These things have got to stop sooner or later, and we had just as well try it here.

Mr. SMITH of Arizona. Of course, the Senator can injure the Indian; the Indian can not help himself. Does the Senator object to striking out the words "to remain available until the completion of said work and to be reimbursed to the United States as Congress may hereafter require"? If you would strike out that last clause, it would cover the Senator's objection and accomplish the Senator's purpose.

Mr. LANE. It is not for the Indian; it is for the white man.

Mr. SMITH of Arizona. I emphatically deny that statement.

Mr. LANE. I do not believe it is for the Indian.

Mr. SMITH of Arizona. That is all right.

Mr. LANE. If the Senator thinks it is, I do not think so.

Mr. SMITH of Arizona. Do you know the Parker Reservation?

Mr. LANE. No.

Mr. SMITH of Arizona. Do you know the conditions there?

Mr. LANE. No.

Mr. SMITH of Arizona. Do you know the places where they are irrigating lands?

Mr. LANE. I know the conditions have been serious. I know about these reimbursable funds. If they are treated better in Arizona than elsewhere, Arizona deserves a great deal of credit, and I am willing to give it. I have had handed to me a statement which says that this provides for a submerged dam and that it would form part of a system to be leased——

Mr. ASHURST. I did not understand the Senator. Will he name the party who handed the Senator that paper?

Mr. SMITH or Arizona. That is not the item we are talking about. This is the appropriation of $10,000.

Mr. LANE. That is on page 22. I had the wrong page. In regard to this item, on page 21, it provides for the investigation of the Colorado River Reservation. It contains no provision for the allotment of the Indian land, and that is a just and valid reason to object to it. I think at this time they are not allotted. His allotment should be cared for. Now, if we can do that in any way——

Mr. SMITH of Arizona. It is already cared for in the general law. There is nothing in this in the world except $10,000 to investigate that by the Interior Department. Where does the Senator get his information?

Mr. LANE. Just now I do not want to go over that.

Mr. SMITH of Arizona. I know the reservation well and know the condition of those Indians well.

Mr. LANE. But you know the Indians are not allotted.

Mr. SMITH of Arizona. I know they have been making allotments to the Indians, and now they are bringing them up from the southern part of the country and from the north to make new allotments on that same reservation. They are going to get them where they can ultimately make a living, and this $10,000 is appropriated to aid in that.

Mr. LANE. A short time ago I visited a reservation where about a million dollars of a reimbursable fund had been expended upon a reclamation project. There were not 10 Indians deriving a quarter of a cent benefit from it. The great part of the Indians, the larger number, I think, had already selected allotments on the hillsides, for the reason that they were not familiar with the conditions which would come after the irrigation, nor did they have one 10-cent piece with which to go upon allotted lands under the reclamation scheme. If they had taken allotments to raise crops on them—they had no money to buy a plow with—and they would have starved to death, and they will starve to death if they go there. I say I am a bit suspicious of these projects where the Indian's rights are tied up in that way.

Mr. CLARK of Wyoming. The Senator will notice by the way this reimbursement provides it shall be in such order as Congress shall hereafter direct. It is not the ordinary provision for reimbursement out of funds, but Congress shall fix the cost where it properly belongs. I suppose if an Indian allotment is not benefited by it the Indian will not be charged for it. The Indian can not be any worse off. It is simply such a requirement as Congress may hereafter make.

Mr. LANE. He can be left worse off than he is now, roaming over the desert and eating lizards and prairie dogs, as he has to do.

Mr. CLARK of Wyoming. If the Senator is putting it on the moral ground, I do not care to interfere with his argument.

Mr. LANE. He will be at the mercy of Congress; and when the other bill comes here Congress will have just as little knowledge as it has in regard to this one. You need not worry about what will happen to the Indian when he comes to select those lands. He will get the worst of it. He is not a good trader, to begin with.

Mr. CLARK of Wyoming. Mr. President, I can not let the statement of the Senator pass without recording my notion that the Indian does not always get the worst of it by the acts of Congress. I think Congress diligently, honestly, and earnestly tries to protect all the Indians. I do not know about this particular project, of course, but I am taking the assurance of Senators who live there and know about it; but I say Congress tries to act intelligently and honestly for the benefit of the Indians. I know of nothing that will benefit the Indian more, if we want to stop him from roaming around the country, than to put him on a farm and give him the necessary irrigation facilities to raise something to eat.

Mr. LANE. But the Senator must understand Congress is not, and never has presented to it, full information in regard to these items, nor do Members of the Senate have time to read them, although there are reports, I guess, that would fill this room which have been written on the subject; you would die of old age before you could read them.

Mr. CLARK of Wyoming. How are we to get any information in regard to this particular matter unless we have some way of gaining it? This provides for an experimental fund of $10,000 to see how we could benefit the Indian in this particular process.

Mr. SMITH of Arizona. That is absolutely all there is in it.

Mr. LANE. I will say for the information of the Senator that you will get the information by observing what has been done in the past through grants of right of authority given by Congress. You will find that under these reclamation projects, as a rule, the Indian has not benefited. They have not been his projects; they are never for him, except incidentally, as it may happen by chance; and but rarely does he derive any benefit, for the reason that if you give him an allotment of 100 acres, or any number you wish, the Government in the past has furnished him not even a plow, or a harrow, or a house, or a team, or anything by which he could use the allotment. Under the State laws, and also under some laws which have been passed by Congress, he forfeits his right to his land if he does not make use of it in a certain time. It is always an entering wedge to starve the Indian, and that is the reason why I object to it.

Mr. CLARK of Wyoming. Of course, the Senator by that statement goes back on our whole system of the allotment of land individually to Indians.

Mr. LANE. No; I beg pardon.

Mr. CLARK of Wyoming. If we allot lands to Indians, we certainly ought to make the allotments worth something.

Mr. LANE. If you allot lands to the Indian, you should give him a fair opportunity to make use of the land. You are undertaking to individualize the Indian. The Indian is a communist. They hold their property in common. It is really with many members of their tribe a part of their religion not to part with land to individuals. They think the curse of God rests on the head of a man who divides and parcels out the earth, the mother of mankind. They think it is sacrilegious to do so. You are trying to do it. Our attempt to individualize the Indian, with the traditions and the religion which they have held thousands of years, for aught we know, and to separate the Indian into entities does not succeed so far as we have done so. We give him no means to make use of his land. The results show for themselves. We have spent a million dollars for reclamation schemes and he does not get one cent of profit out of it; and some Indians are going hungry and, in some instances, naked when it is 40 degrees below zero. I want to stop that if I can, and the only way I know to stop it is to block it, and not go further until we know more about this matter.

Those are facts I stated of record with regard to the conditions which exist in some places. The Indians of Arizona and New Mexico live in an arid region and should have a general right to water; yet the only Indians in the United States to-day who have the smallest percentage of trachoma and tuberculosis and the most prosperous are the Navajo Indians, who are out from under the hands of the Government, off in the desert range in the mountains of Arizona and New Mexico with their herds and flocks of sheep. The water holes are 20 miles apart. If the Senator will devise means by which that condition can be improved I will allow it to stand; otherwise I am trying to put in a point of order, if it is in my power to do it. I raise that point of order.

Mr. SMITH of Arizona. I do not know what the Senator can do, but this $10,000 is for the benefit of the Indians, and that is all there is in it. If you know any better way and prefer to make a point of order, very well.

Mr. LANE. Strike out from line 18 on that page.

Mr. SMITH of Arizona. That will take out the words:

To remain available until completion of said work and to be reimbursed to the United States as Congress may hereafter require.

I do not want to have it stricken out to line 18.

Mr. LANE. On the assurance of the Senator, I will accept that.

The VICE PRESIDENT. The amendment to the amendment will be stated.

Mr. SMITH of Arizona. Commence at the word "to," in line 18, and strike out the remainder of the paragraph.

The VICE PRESIDENT. The clause proposed to be stricken out will be read.

The Secretary read as follows:

To remain available until completion of said work and to be reimbursed to the United States as Congress may hereafter require.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The SECRETARY. The next amendment passed over is on page 22, beginning in line 10.

Mr. THOMAS. I should like to inquire what has become of the amendment beginning in line 1.

Mr. ASHURST. That was agreed to on Saturday.

The VICE PRESIDENT. It was agreed to on Saturday.

Mr. THOMAS. Then I submit a motion to reconsider the vote by which that amendment was agreed to.

The motion to reconsider was agreed to.

Mr. THOMAS. That amendment is designed to enable the Secretary of the Interior to investigate the desirability and feasibility of purchasing certain railroad grants in the Navajo Reservation. I suppose those lands belong to the Atchison & Santa Fe Railroad Co. If I am incorrect the Senator in charge of the bill will correct me.

Mr. ASHURST. If the Senator has the slightest objection to the amendment, I will agree to let it go out.

Mr. THOMAS. I have some fundamental objections to it.

Mr. ASHURST. Very well.

The amendment was rejected.

Mr. PAGE. I asked that the second and third paragraphs on page 22 be passed over until to-day. I had some matters in connection therewith that I wished to investigate. I have no objection to the adoption of those two amendments.

Mr. LANE. I will raise a point of order on that item, the first one beginning on page 22, line 10 to line 20. That is the submerged dam site to which I called attention a while ago. It is new legislation and general legislation.

Mr. ASHURST. Did I understand the Senator from Oregon to make a point of order on the item beginning in line 10 and going to line 20, on page 22?

Mr. LANE. Yes.

Mr. ASHURST. I will state that is estimated for and it appears in the bill in the exact language of the estimate. It was copied from the Book of Estimates. Therefore it is not subject to a point of order. I send to the desk the estimate that it may be read. It will be observed it is the exact language of the estimate and not subject to a point of order.

Mr. SMITH of Arizona. A further point against the point of order is that this particular tribe of Indians is directly under the control of the Secretary of the Interior, and it is a part of the general business of caring for these Indians. The estimates having been made for their care and for their protection, I think relieves it from the point of order.

Mr. LANE. Mr. President, I do not know positively whether it is subject to a point of order or not. It was not in the bill as it came from the House.

Mr. ASHURST. The point of order is not debatable.

Mr. LANE. Others have been debating it.

Mr. SMITH of Arizona. It is debatable.

Mr. LANE. Now, Mr. President——

The VICE PRESIDENT. What is the point of order?

Mr. LANE. The point of order is that it is general legislation, and it is matter which has not been considered in the first estimates which were submitted to the House, where the bill originated, and I understand they rejected it.

Mr. ASHURST. The House committee approved it and it went out in the House on a point of order.

Mr. LANE. Then, if it went out in the House on a point of order, I should like to have it go out in the Senate on another one.

The VICE PRESIDENT. The Chair fails to see how it is general legislation.

Mr. LANE. It is the beginning of an entirely new project. It is the beginning of an enormous expenditure, for no benefit, as near as I can ascertain, to the Indian. The principal benefit is to the whites.

The VICE PRESIDENT. The Chair has nothing to do with the question as to whether it is a benefit.

Mr. LANE. The Chair then holds that it is not subject to a point of order?

The VICE PRESIDENT. The Chair does not think it is general legislation at all.

Mr. LANE. Then if it is not general—and I think, perhaps, the Chair is right about that——

Mr. ASHURST. I know the Chair is right about it. I do not guess about it. The Senator guesses on everything regarding this bill.

Mr. LANE. It is awfully good to have somebody who is perfectly well assured of their position and have great confidence in their judgment. I am not quarreling with the Senator about that. I am not familiar with the rules of the Senate.

Mr. ASHURST. That is true.

Mr. LANE. I feel quite sure that the decision was a proper one. I am not criticizing it or finding fault with it.

This item, I am informed, provides for the building of a submerged dam, which would be a part of the system to be leased to a private corporation. The objection is made by the friends of the Indians that they have not been consulted about the expenditure; that they have not held a council upon it; and, as a matter of fact, that they object to it. They object to being tied to an expenditure of $160,000, made reimbursable out of the sale of their property for the benefit of white people, not for the benefit of the Indians; that is, it benefits the Indians in a small way incidentally, if perchance he is able to take ad-

vantage of the situation when the time comes for him to benefit by it, but ordinarily they are not able to do it and will not be able to do it. If it could be used for his benefit to a full degree or in a proportionate share, I should not object to it, but I do not think that that can be done. I am going to ask for a vote on this amendment.

Mr. NORRIS. Will the Senator yield there?

Mr. LANE. I will.

Mr. NORRIS. I should like to get more in detail the objection the Senator has to this particular amendment. There is not anything on the fact of the amendment that really shows what it is proposed to do—what is claimed for it?

Mr. LANE. In favor of it?

Mr. NORRIS. Yes.

Mr. LANE. I do not know. I know what is claimed against it.

Mr. NORRIS. I should like to hear that.

Mr. LANE. The Indians have not been consulted; they have not agreed to it. It is a mortgaging of their lands for the expenditure of funds through people who are not their agents in any way.

Mr. SMITH of Arizona. The Indians have not got a dollar. Whoever gives that information does not know what he is talking about. I grant the Senator has it, but whoever is telling him that stuff absolutely knows nothing about it or else is misrepresenting it.

Mr. LANE. They may be.

Mr. SMITH of Arizona. There is no doubt of the advisability of that, so far as the Indians are concerned.

Mr. LANE. Have the Indians consented to it?

Mr. SMITH of Arizona. The Indians need not consent. They are there needing the water. I do not need the consent of anyone else to put water on my land.

Mr. LANE. He usually goes and asks you, if you are a white man.

Mr. SMITH of Arizona. The water does not cost the Indians a nickel. It is proposed to construct a dam across the Gila River to carry it to them. That is all there is in the provision.

Mr. LANE. One hundred and eighty thousand acres, at least, it is said, will be irrigated and will come under this project——

Mr. SMITH of Arizona. We hope so, eventually.

Mr. LANE. The principal part of which does not belong to the Indians. The Indians have not been consulted. Their highland, their dry land, their hill land, and their lowland will be tied up until the money is paid.

Mr. SMITH of Arizona. How does the Senator know that? The Indian has his title and you can not invade it.

Mr. LANE. The land has not been allotted yet, has it?

Mr. SMITH of Arizona. It matters not whether the land has been allotted or not, if you are helping him.

Mr. LANE. Until the land is allotted he has no title?

Mr. SMITH of Arizona. The Senator is a very good friend of mine, and he knows my personal feelings toward him; but I am surprised at the source of his information. I know something about these matters. I know that this Gila project is essential to the ultimate development of the land there. When you dam the Gila River and conserve all its waters it is important that that water shall not be wasted, but that the Indian shall be given his full and first claim. Every dollar of the appropriation will be taken out of the sale of lieu lands not belonging to the Indians. The men who take it will pay the Government for the enterprise. That is the only way you can possibly give water to the Indians in the desert countries. The Senator's fear that somebody is trying to take something away from the Indian, when Congress is now reaching its hand into the Treasury deeper, perhaps, than ever before to try to help him, is not well founded; but we have on the floor of this Chamber the greatest friends of the Indian, men of high standing, who, without proper information of the surroundings of the Indians, apparently would curtail the great interest that the Government shows, and would certainly minimize the result which the Government wishes to accomplish.

Mr. LANE. But here we are, as always, putting a mortgage upon the Indian's land without his having a word to say about it, and making it reimbursable. If this is a plan for irrigating lands in that country—and it is for the white people there—why is it in an Indian appropriation bill?

Mr. SMITH of Arizona. The white people and the Indians all get the use of it.

Mr. FALL. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from New Mexico?

Mr. LANE. I do.

Mr. FALL. I merely wish to make one suggestion in a word upon this item to the Senator from Oregon, which is that this is not one of the usual reimbursable items. There is no mortgage to be fixed upon any of this land at the present time whatsoever. This is an appropriation made out of the Treasury of the United States for this purpose, and any portion of it which hereafter may be made reimbursable will be so made by the direct action of Congress in the future, and not now. I repeat, none of this is made reimbursable at the present time, but when the total amount estimated for it, $60,000, may be expended then I presume that so much of it as the Secretary of the Interior thinks should be paid by the Indians will be estimated for by him to the committee of Congress, and then he will ask Congress for legislation to make this particular amount reimbursable.

The Senator from Oregon will notice that this is not worded as are the usual reimbursable items. The provision on page 21, beginning in line 19, reads "and to be reimbursed to the United States as Congress may hereafter require."

Mr. LANE. Yes.

Mr. FALL. It is not creating any mortgage or any incumbrance at the present time, but simply leaves it to Congress hereafter, upon the completion of the project, to say how any portion of it shall be reimbursed.

Mr. LANE. Yes, Mr. President; it allows Congress to later provide the method by which it shall be reimbursable.

Mr. FALL. Congress can do that in any event. The Senator knows that if we pass an act to-day making it reimbursable, the next Congress can repeal the act.

Mr. LANE. Now, Mr. President, the provision states that this sum of $50,000 is to remain available until expended, and to be reimbursable as Congress may hereafter provide, out of the lands of the Indians upon which it is expended.

Mr. CLAPP. Why not?

Mr. LANE. That is, the lands which are covered, for which the Indians have to pay their share of the reimbursement. Is not that right?

Mr. CLAPP. This creates no lien upon any lands at all. It is a declaration now, before a dollar of this money can be taken from the proceeds of the Indian lands, or even the cost of the allotment made to the Indians themselves, and it is going to require additional affirmative legislation on the part of Congress. The word "reimbursable" is put into these items so that hereafter, when projects are ready to open and the time comes when the details are to be worked out, it can not be claimed that we made a gratuity and then have afterwards changed our minds and proposed to have the land pay the cost of reclamation.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Colorado?

Mr. LANE. I yield.

Mr. THOMAS. With the permission of the Senator from Oregon, I should like to ask the Senator from Minnesota [Mr. CLAPP] if he can state whether any of these reimbursable appropriations have ever been actually followed by reimbursement? Is it not a fiction, as a matter of fact?

Mr. CLAPP. No; it is not a fiction. Time and again, and especially in this revolving fund that we have provided, the money has been paid back. In some instances where loans have been advanced for supplying machinery and horses almost every dollar has been returned the first year.

Now, as to these irrigation projects, we have not yet reached the point where the details have come in; and I want to call the attention of the Senate to it, and especially the attention of the Senator from Oregon to it. We have reached the point in some cases, notably as to three large projects in Montana, where they are ready to open up the projects. So, following the general terms of the bills of years past, using the word "reimbursable," we are now seeking to carry out those provisions in this bill giving the Department of the Interior authority to make the allotments to the Indians who are entitled to their share of the irrigable lands, then selling to others the surplus irrigable lands, and authorizing the terms of the contract by which to work out the details as to how these sums shall be reimbursable. No lien is created upon these lands by this amendment. It will require positive affirmative action by Congress hereafter before any liens can be placed upon them.

Mr. LANE. Mr. President, I do not so understand it, I will say to the Senator from Minnesota. The water will cover the Indian's land.

Mr. CLAPP. Certainly; the water will cover it.

Mr. LANE. The principal part of the lands which will be covered by this irrigation scheme are the Indian lands, are they not?

Mr. CLAPP. In some cases all of the land is Indian land.

Mr. LANE. But how is it in this particular case?

Mr. CLAPP. As to this one, I can not say; but I presume not; and in the item that was striken out a moment ago it was not; but not a dollar of this money can be charged to any Indian

fund or to any Indian property until Congress subsequently enacts legislation. As I have said before, the word "reimbursable" is inserted in these items so that when the time does come, when the projects have advanced to the point of allotment, it can *not be claimed* by anybody that they had a right to think they were getting this aid without ever having to repay it. That is the object of inserting the word "reimbursable."

Mr. LANE. Mr. President, until Congress, acting through the Indian Bureau or some other department of the Government, goes out upon the source of the water supply and accurately measures the water and assigns it definitely to the Indians, making them responsible for the cost of putting it upon the land, it will always turn out, as it has in many instances in the past, in my opinion, in the loss of the Indian's land to him. The better land, the most valuable land, will go into the hands of the white man. I did not want to see another of these schemes started until something definite was fixed in the Indian's behalf.

Mr. SMITH of Arizona. Can the Senator name one specific instance where the Indians did not get the best land on any one of these reservations?

Mr. LANE. In the Senator's part of the country?

Mr. SMITH of Arizona. In any part of the country.

Mr. LANE. Oh, yes; there are many such instances.

Mr. CLAPP. Mr. President, it is very easy to say that, but that is a reflection upon the Department of the Interior. When it gets time to open these irrigation projects and to make allotments, I believe the Department of the Interior, acting through the Indian Office, proposes to always give the Indians the first selection. Of course it is hard sometimes to get the Indian to take his selection. The process of changing the Indian from a tepee Indian, clothed in blankets, to a man who is operating a piece of land is a difficult one. Every step of the legislation has to be along untried paths, and there has been much of failure, much of mistake in it; and when these projects are ready to be opened it is true that it is difficult sometimes to get the Indian to go on his particular piece of land.

The suggestion has been made here that the land is of no value to the Indian because he has not any means with which to improve it. In this bill and in previous bills we have appropriated large sums of money for the very purpose of allowing the Indian Office to help them along with seed, with teams, and with machinery, and to place them upon a plane of equality, so far as the necessary capital is concerned, with the white man who goes upon an irrigated tract of land. The plan has sometimes met with failure, of course, but I believe that the Indian Office has tried its utmost in good faith to give the Indians the first opportunity to take these irrigable lands.

Mr. FALL. Mr. President, if the Senator will allow me, that is necessarily so. The Indians must have the first opportunity.

Mr. CLAPP. They must have; they have the first rights there.

Mr. FALL. There is no authority, no power, in the Secretary of the Interior or in anyone else to dispose of the surplus lands until after allotment to the Indians.

Mr. CLAPP. Of course not.

Mr. FALL. They have the first choice invariably.

Mr. CLAPP. Yes. But even aside from the matter of sentiment in the department itself, its standing before the public is involved in the exercise of good faith with these people, and, while it has made mistakes, while there have been failures, I believe that in the main the department has tried to do the best it possibly could. It has come to Congress and asked money, and we have given it money that it might help the Indians, supply them with seed, with machinery, and with horses, in order that the Indians might cultivate the smaller irrigated tracts.

The trouble is, as the Senator from Arizona pointed out a while ago, that if you limit the cost of an irrigation project to the small amount of land which the Indians in a particular tribe would be entitled to as their allotment of irrigated land, instead of spreading it over the larger tracts, you will impose a cost upon those Indians for that irrigation beyond all proportion to the value of the land itself; and, consequently, it is provided in connection with these projects that they shall include the larger areas, which may be the more economically irrigated and after the Indian has taken his allotment then the surplus land shall be sold to the white settlers.

Mr. GALLINGER. Mr. President, will the Senator from Oregon allow me to ask a question?

Mr. LANE. I yield to the Senator.

Mr. GALLINGER. Mr. President, the Indian appropriation bill has always been a puzzle to me. I think it carries more of what ought to be considered general legislation than any other appropriation bill, but usually the items are ruled in order. I want to ask the Senator from Minnesota, who is very familiar with matters affecting the Indians, whether this project, which will furnish the Indians with more or less water to irrigate their lands, will also supply water to white people who will not be required to reimburse the Government, as they are required to reimburse the Government under irrigation projects constructed under the general irrigation law?

Mr. CLAPP. They will be required to reimburse the Government unless the Interior Department in a most flagrant manner violates the law. The purpose of the law is—and in the administration of the law that purpose is sought to be effectuated—to give the water first to the Indian when his allotments have been made. Then the unallotted surplus irrigated land is sold to the white settlers, and in this very bill, where we are now working out the details of that reimbursable feature, we give the white man infinitely less time in which to pay for the improvements and the cost of irrigating the land which he acquires than we do to the Indian who takes his share of the irrigated land.

Mr. GALLINGER. That is the very point. When this land is sold to the white man he then comes under the provisions of the irrigation statutes, which require the money to be paid back at some time.

Mr. LANE. Twenty years is usually allowed him, I will say to the Senator.

Mr. GALLINGER. It probably will be a hundred years, but we will call it 20.

Mr. CLAPP. I do not think so, Mr. President.

Now, a word in regard to legislation being on this bill. In the first place, an appropriation for the irrigation of a portion of an Indian reservation, it seems to me, would naturally be on an Indian appropriation bill. The proposed cost is found in the estimates furnished by the Department of the Interior through the Bureau of Indian Affairs. The appropriation being in the Indian appropriation bill, it seems to me it is no violation of the spirit of the rules regulating appropriation bills that the legislation, when the proposition reaches the point where the details of reimbursability are to be worked out, providing such details should be found in the bill in which the project originated, thus carrying out the terms of existing law. The term used in the existing law is simply that the appropriation shall be "reimbursable." Then when it comes to working out the details I am rather inclined to think it should be done on the same bill in which the appropriation for the project originated.

Mr. GALLINGER. Mr. President, I will say to the Senator that I am not raising any issue as to that, but I wanted to be assured that when the water is furnished to the white settler later on he will come under the terms of the irrigation act, which requires reimbursement.

Mr. CLAPP. I want to say, Mr. President, with the consent of the Senator from Oregon [Mr. LANE], who has the floor, that as to the Senator from New Hampshire [Mr. GALLINGER], who has made the interruption, when I came to the Senate in 1901 the Indian appropriation bill simply bristled with private claims, and it was largely through the assistance of the Senator from New Hampshire that that element in that bill has been eliminated. Although coming from a State where there are no Indians, I want to pay this tribute to the Senator from New Hampshire, that there was no time when I was in charge of the Indian Committee that I could not go to him and, upon satisfying him of the merit of Indian legislation, secure his hearty cooperation.

Mr. LANE. Now, Mr. President, I wish to say, in answer to the Senator from Minnesota [Mr. CLAPP], that only within the last two years has the Government appropriated, so far as I know, anything as a special fund to furnish the Indians with seed, plows, and harrows. That system was inaugurated on the last bill or the one of the year before.

Mr. CLAPP. It began in a small way some years ago. I think the first appropriation was in 1910 or 1911, and it was made in behalf of the Cheyenne Tribe. It worked so admirably that Congress has enlarged it. I went to the Senator from New Hampshire [Mr. GALLINGER] in regard to that project and laid it before him, and he heartily cooperated along that line. I feel that this feeble tribute is due to the Senator from New Hampshire.

Mr. GALLINGER. I thank the Senator from Minnesota.

Mr. LANE. Mr. President, it is only within the last few years, then, that the scheme was started. Within the last two years small sums, $100,000 or $200,000, have been appropriated for that purpose, to be used as a revolving fund, at the discretion of the Secretary of the Interior and the Commissioner of Indian Affairs; but it reaches nowhere. There are 300,000 Indians in the United States. I do not know how many are

entitled to the use of it; I do not know anyone who does know; but, at any rate, it does help some, though it is totally inadequate. So these Indians, if the land were under water to-morrow, would be unable to farm one acre of it unless they were provided with means to buy a house, a barn, such stock as they needed, all the agricultural implements required, and unless they had enough food on hand to carry them over until their crops were gathered. That is what would happen to any person going upon the land.

But there is another point to which I wish to call attention, and it is an important one, and yet one that is usually overlooked. It is this: The Indian is allowed the first opportunity to take his allotment; but as a rule the Indian lives near the mountains, if he can do so, where the timber is, where the game goes; and that land as a rule is not irrigable. It is too rough country; it is at too great an elevation to derive benefit from these reclamation projects. So the Indian, going along as he always did and liking the country in which he has always lived, selects an allotment out near the head of the stream and not down upon the plain, for the reason that there is nothing but sagebrush and perhaps sand, or whatever the growth of the country is. It must be so, or else it would not need water. He can not and does not look into the future and see the day when he has a farm built up there and alfalfa growing upon the land, for he knows that under his present condition, without a dollar on hand and with no means of support, it is absolutely impossible for him to go there; but he can eke out a miserable existence, or live, at least, in the country over which he is then wandering back and forth. So, in a great many instances, it has been found that the Indian selects land which never can be irrigated; and if the Indian is let alone, he pretty nearly always will do that. Under the same circumstances he would be a foolish person if he did not; and a white man would do the same thing. So they do not secure their fair share of allotments under the ditches, nor are they able to utilize them after they do. There are reclamation schemes finished which have cost nearly a million dollars, which have been completed for two years, and yet the Indians have not been able to go on them at all.

Mr. CLAPP. Mr. President, will the Senator pardon an interruption?

Mr. LANE. Yes; I yield the floor.

Mr. CLAPP. I want to say this, in answer to the Senator's point: Of course we began with a small amount in this so-called revolving fund. We have enlarged that amount just about as fast as it seemed possible that Congress would stand for it. We had to proceed with some degree of care, because there would be a limit to what Congress would permit us to use, and the Senate has been generous and gracious in assisting in this matter of advancing funds for individual Indians. I think the time is going to come when we will have to go a step farther and authorize the Secretary of the Interior, where Indians will not take their irrigated allotments, to put alfalfa and grass on those allotments, so as to hold them for the Indians, so as to protect the water rights.

I want to say to the Senate that the day is coming when all the water in the country that can be irrigated is going to be appropriated and beyond the power of recall. Then, if that water has been appropriated and the rights of the Indians to the first claim to the water shall have been frittered away, there will be a grievous responsibility resting somewhere. It is to avoid that responsibility, it is to save those water rights to these Indians, that we are advancing faster than we otherwise would with these irrigation projects.

It is very easy to criticize. It is very easy to find fault. I believe that the Indian Department, considering the experimental condition and character of all this work, has done remarkably well, but we are confronted now with a situation where the Indians will lose forever the water in those districts unless appropriations are made and the waters secured for them.

Mr. SMITH of Arizona. Mr. President, if the Senator will permit me, the very next section in the bill, to which probably there will be as much objection raised as to this, has that very design, because that water will be appropriated if some effort is not made to get it for the Indians now; and the second clause, that comes right after that, follows the very reasoning of the Senator's argument, which strikes me as absolutely essential to the protection of the Indian in the future.

Mr. CLAPP. It seems to me there can be no answer to this. We may be experimenting to some extent as to the possible reimbursement of some of these funds, although I believe every irrigation project will work out its own salvation; but some day some one will have to take the responsibility for the loss of the water rights of these Indians, who primarily had the first right to this water, or Congress will have to take some chances as to reimbursable funds in the appropriation and securing of these water rights. I prefer, as standing midway between the Indian and the white man, to take some chances as to whether the funds shall be reimbursed, in order that there may come no time when I can be charged with a part of the responsibility for having allowed this water for irrigation to pass forever beyond the control of the Indian, who has the primary right to it.

Mr. FALL. Mr. President, I am so thoroughly in accord with the Senator upon this proposition that I, for one, will unhesitatingly vote to assist in the development of these Indian projects, whether there is ever one dollar reimbursed to the Government of the United States or not. Where they have property, and we are improving it, and through that property the expenditure can be reimbursed, it is undoubtedly just that the Indians should pay their part of the expenditure in those cases; but in view of the treatment which we have accorded the Indians I want to say unhesitatingly that out of the Treasury of the United States I am willing to vote an additional burden upon the taxpayers of this country to do justice to these Indians.

Mr. CLAPP. Mr. President, that is my attitude. I realize that Congress to-day stands facing great problems, some of them world-wide in their importance; but I believe we can take a little time here to take steps to secure to these people what some day will be the only feature of value to the land in those arid and semiarid districts. Therefore I, for one, propose to do my share of taking the responsibility for securing these appropriations of money and these appropriations of water.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. The Senator from Nebraska.

Mr. NORRIS. It seems to me we ought to have some more information than we have in regard to this item. Admitting all that the Senator from Minnesota has said, we have not yet been told definitely just what is proposed to be done in the case of this particular item.

Mr. SMITH of Arizona. Mr. President, I thought——

Mr. ASHURST. I think I can give the Senator the information in three minutes.

Mr. NORRIS. Let me ask the Senator a question or two, and if he will answer the questions, that will give the information. Is it understood that when this water is appropriated for irrigation the benefits of it will be partially for the white man?

Mr. ASHURST. Yes, sir. Now, just a moment. No; I am incorrect about that. It is for the exclusive use of the Indians on the Gila Reservation. There are no white owners of land on that reservation. I read from the Senate hearings, at page 279, from the testimony of the Assistant Commissioner of Indian Affairs, Mr. Meritt:

> Senator ROBINSON. Are you satisfied it is a good project?
> Mr. MERITT. It is very important, Senator, and it will increase the irrigable area of that reservation materially.
> Senator ROBINSON. It is reimbursable?
> Mr. MERITT. Yes, sir.
> The CHAIRMAN. As Congress may hereafter provide.

So the honorable Assistant Commissioner of Indian Affairs makes the direct statement that it is for the exclusive use of the Indians on the Gila Reservation. There are no white owners of land on that reservation.

Mr. LANE. I should like to ask the Senator whether there are any Indian allotments, either? Will not the surplus lands be sold and is not that what the proposition is for?

Mr. ASHURST. Mr. President, the country is waiting for the man who can read the future. Being unable to read the future, I can not answer that question.

Mr. NORRIS. Then does the Senator say it is for the exclusive use of the Indians?

Mr. ASHURST. Oh, the Senator did not say so. I did not say so.

Mr. NORRIS. That is one of the things I think the Senator ought to know.

Mr. ASHURST. There are many things the Senator ought to know. I think it is obvious that there are too many he does not know. This is in the category of things he does not know, because he is unable to determine the future. But if the Senator will bear with me——

Mr. NORRIS. I think the Senator must misunderstand my question. What I want to know is whether this water is to be used in irrigating land owned by white men as well as land owned by Indians.

Mr. GRONNA. Mr. President, if the chairman of the committee will allow me——

Mr. ASHURST. I shall be very glad to yield to the Senator from North Dakota.

Mr. GRONNA. There are no white men on this reservation. This is for the exclusive use of the Indians. There are no

white men living on the particular area to be irrigated by this project.

Mr. NORRIS. Will not this happen when these lands are allotted and this reservation is opened up that there will be certain surplus lands that will be disposed of in some way, and white men as well as Indians may be able to get some of the lands?

Mr. GRONNA. If there are lands beyond the amount required for allotment to the Indians, of course the surplus lands will be sold to white settlers; but on this particular project, according to the statement made in the hearings, there are only Indians. In the next paragraph of the bill the Senator will find an item under which both whites and Indians will be benefited; but there is a provision in that paragraph which takes care of the Indians. It provides that a contract shall be made with the whites before any of the money is used in the construction of the dam and in the diversion of the water.

While I am on my feet, I wish to call attention to the fact that not only is this recommended by the Indian Bureau but it is strongly recommended by the Board of Engineers of the United States Army. A full report will be found in paragraph 217 of the report made by the Secretary of War. I do not think we should oppose this legislation. It is for the benefit of the Indians, and so far as this particular item is concerned, it is entirely for the benefit of the Indians, and not for the white settlers, because the only white men who are now on that reservation are a few licensed traders; but no white men own land on that particular reservation, according to the statement made by the Bureau of Indian Affairs.

Mr. NORRIS. As I understand the Senator from North Dakota, he does not agree with the chairman of the committee.

Mr. ASHURST. There is so much confusion that I am unable to hear what is being said on that side of the Chamber.

Mr. ROBINSON. Mr. President, I make the point of order that the Senate is not in order. We are utterly unable to hear, on this side of the Chamber anything that is going on.

Mr. ASHURST. It is not the Senators who are making the confusion; it is those entitled to the floor who are not Senators.

The VICE PRESIDENT. The point of order is sustained, and would have been at almost any time during the last two days.

Mr. NORRIS. Mr. President, let me make a brief statement, and then the Senator will get the idea in my mind. I have listened to the debate on this paragraph. I do not want the Senator to get the idea that I am opposing it.

Mr. ASHURST. Oh, not at all.

Mr. NORRIS. I want information in regard to it.

Mr. ASHURST. Certainly.

Mr. NORRIS. It seems to me that it is due to the Senate that we should have some information that I have not yet heard.

We have a provision here that this fund shall be reimbursable as Congress may hereafter determine. Now, if this is going to irrigate Indian lands only, and there is not any opportunity for white men to come in and get the land, I am not so much concerned about the provision in regard to reimbursing the fund. I would not object to using some of the money to improve the Indian land; but if this land later on, when the allotment time comes, may be assigned or sold, and white men may get in and get the benefit of it, then it seems to me we ought to guard now and have no doubt about whether or not these men are going in there and getting lands for nothing that the Government, at the expense of the Treasury, has put water on and irrigated or prepared for irrigation.

Mr. SMITH of Arizona. If the Senator will pardon me, does he think that possible?

Mr. NORRIS. I am trying to find out. The Senator just laughs. He has been doing that with other items. He asks a question, and then he laughs about it.

Mr. ASHURST. Will the Senator permit me to answer his question?

Mr. NORRIS. I am trying to get an answer to it. The Senator said first that the white man would get some of the land. The Senator from North Dakota says he will not.

Mr. GRONNA. If the Senator will yield to me for just a moment, I do not wish to be misunderstood. I said in this particular project——

Mr. NORRIS. That is all I am talking about.

Mr. GRONNA. In this particular project it is contemplated to irrigate Indian lands only, and there are no white people living on that particular land. Only Indians are occupying those lands. That was my statement.

Mr. NORRIS. As I understand, this land is not allotted now.

Mr. GRONNA. No; it is not allotted.

Mr. NORRIS. I suppose eventually it will be allotted. Will there be more land then than will go in allotments to the Indians? Will there not be a portion of it settled up, as there usually is in the opening up of Indian reservations, by white men?

Mr. FALL. Mr. President——

Mr. GRONNA. There are approximately 3,000 Indians on this land, who own it, and I think there are about 50,000 acres to be irrigated. I am not so sure about that. The chairman will explain that more fully; but I do not want my statement misconstrued. I said that on this particular project it was contemplated to irrigate Indian lands only. In the paragraph following the project is for both white and Indian lands.

Mr. NORRIS. Oh, yes; I understand that; but I am not asking any questions about the next paragraph now. I am confining my questions entirely to this one. "Sufficient unto the day is the evil thereof." We will get to the next one after a while.

Mr. FALL. Mr. President, will the Senator yield to me?

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from New Mexico?

Mr. NORRIS. I yield to the Senator.

Mr. FALL. Possibly, by discussion at least, we may have some light upon this subject. At the present time this particular project is entirely for the benefit of the Indians. There are no white men or others than Indians at present that will derive any benefit from it. If the Senator from Nebraska will notice the appropriation made, the appropriation now provided is $50,000. Under the report of the Army Engineers it is estimated that the ultimate cost of this entire project will be not over $160,000. The appropriation at present asked and granted by this committee amendment is $50,000. That is for the benefit of the Indians. It will undoubtedly be true, I presume, that after the allotment to all the Indians in severalty of such lands as they can take care of, the surplus lands may be disposed of for the benefit of the Indians, reimbursing, possibly, the cost of the entire project, even if it amounts to the estimate of $160,000; but that can not be done without affirmative action. The Secretary of the Interior can not invite settlers to come within the confines of an Indian reserve and take up unallotted lands.

That must be done by some affirmative action. What authority now would any white man have for going at this time upon an Indian reservation and making a settlement? He would be ejected by the Indian police. That is not allowed at all. The Indians' reserved, unallotted land can only be thrown open by an act of Congress.

Mr. NORRIS. I understand.

Mr. FALL. Of course, I knew the Senator understood that. This has never been done. No such act of Congress has ever been passed with reference to lands wholly within an Indian reserve. It remains with us as to whether we will approve any scheme which the Secretary of the Interior will inaugurate for the disposal of the lands.

Mr. SMITH of Arizona. None of these lands would be disposed of, of course, without an act of Congress.

Mr. NORRIS. I think we all understand that. There is no dispute about it. I want to say the information as I gather it now, putting together what the Senator said, is that at the present time there is not any opportunity for a white man to get any of this land. I never had any doubt about that. I knew it would take an act of Congress to open it. But later on there may be an act of Congress. It may be found that there will be an excess of land when it comes to allotting it to the Indians, and the law that makes provision for it will provide some method by which the white man will go in and get some of this land eventually. The question will arise at that time with the white man who would go in and get this land. At the expense of the Treasury of the United States we put it under irrigation. Will they say, when we come to that legislation, you ought not to charge anything; because we are not going to charge the Indian land with the expense of putting it under irrigation, we ought not to be any better to the Indian than to the white man, and therefore there is attempt at least, or an excuse, in the legislation for a foundation to give to people land that had been irrigated at the expense of the Government, because they will say, "Here, this provides that it should be reimbursable, as Congress may hereafter provide."

I take it from the discussion here that when the land is irrigated Congress may say we will not require the Indian to pay for the expense of putting the land under irrigation, and I might be in favor of that. I want to be as liberal as I can with the Indians on this land, but if a part of the land taken by the Indians is taken by the white man, later on when we pass the act that opens up this reserve, then the argument

would be made that we should treat them both alike, which, of course, would be contrary to the policy we have always pursued in requiring in the Reclamation Service. Whenever we have redeemed any desert land we have always required the man who got the land to pay the expense.

Mr. ASHURST. Will the Senator yield to me?

Mr. NORRIS. In just a moment. I want to finish what I have to say. It is said by the Senator from North Dakota and referred to in the paragraph itself that this construction shall be begun in accordance with the report of the Board of Engineers as found in House Document No. 791, where it is claimed that a full explanation is made. I have that document in my hand, and I want to read paragraph 217 and see how much information that is.

217. The board recommends—

(a) That the San Carlos irrigation project, as described in this report, be adopted and carried out by the United States, provided it shall appear, either as the result of an adjudication or of competent legal opinion, as Congress may elect, that the legally available water supply is sufficiently close to that assumed in this report to make the cost of the project not more than $75 per acre.

Has any of that been done? Has there been any such legal opinion as Congress determined? Have we had an adjudication as outlined here or are we going ahead without what this particular document asks us to do to make it available?

Reading further, now, from paragraph 217:

(b) That suit for an adjudication of water rights along the Gila River be immediately brought in the United States district court (the United States being a party to the suit) and that every other step be taken which will hasten an early adjudication.

Has that been done? Has the suit been brought? I have heard nothing about it. Has it been adjudicated as recommended in paragraph 217, which seems to be the foundation of this item? I have not heard anything about it. Ought we not to be enlightened on it? I take it, as we have heard nothing of the kind, that nothing of that kind has been done.

Reading further from paragraph 217:

(c) That such executive and legal steps be taken as may be necessary to prevent the vesting of any water rights in addition to those, if any, now existing.

Has that been done? Has anybody claimed there have been any steps of that kind taken?

Mr. SMITH of Arizona. That is what this act would do if you let us pass it.

Mr. NORRIS. There is not anything in this paragraph that would do it.

Mr. SMITH of Arizona. That is the purpose of it.

Mr. NORRIS. Let me read further from paragraph 217:

(d) That in case the project is not undertaken until after an adjudication, a diversion dam on the reservation (par. 171) be constructed to improve irrigation conditions on the Pima Reservation.

I have read the entire paragraph 217, which seems to be the foundation for this Senate committee amendment. I am not saying that it is wrong; it may be all right, but it seems to me that it ought to be in one respect at least more definite. We ought to have a little more information. How much land is going to be irrigated? I believe the Senator from Oregon [Mr. LANE] asked a very pertinent question when he asked, Have the Indians been consulted? He claimed they had not been consulted. I suppose they have tribal relations there. It seems to me they ought to be consulted about this matter.

Mr. SMITH of Arizona. They have no such thing.

Mr. NORRIS. They must have something. If they have not any Indians there this is all bosh anyway; it is not necessary to follow what this was in letters or anything of that kind, but at least I think we ought to determine here definitely whether we are going to have this reimbursed or not. I do not know that I am opposed to it. If we knew something about the ultimate cost of it we would be able to say whether it was a practicable proposition or not. From all I have heard it may be entirely impracticable.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 22, after line 20, to insert:

For beginning the construction of a dam and necessary controlling works for diverting water from the Gila River at a site above Florence, Ariz., for the irrigation of Indian land and allotments on the Gila River Indian Reservation and private lands in Pinal County, Ariz., as estimated by the Board of Engineer Officers of the United States Army in paragraph 138 of its report to the Secretary of War, of February 14, 1914 (House Doc. No. 791), $75,000, to remain available until expended, reimbursable as Congress may hereafter provide, the total cost not to exceed $175,000: *Provided*, That before beginning construction the Secretary of the Interior shall prescribe such rules and regulations and take such other action as in his opinion may be proper and necessary for the purpose of securing for the Indians of the Gila River Reservation the benefits from such work to which they are legally and equitably entitled, and to enable the United States to control the diversion and distribution of water by said works and canals receiving water diverted thereby; and he may require of the owners of other lands to be benefited thereby agreements for the payment of the charges which he is hereby authorized to fix for diversion of water by said dam.

Mr. LANE. I raise a point of order that that amendment does not properly belong here.

The VICE PRESIDENT. That it is general legislation?

Mr. LANE. Yes.

The VICE PRESIDENT. The Chair sustains the point of order.

Mr. ASHURST. I ask that the letter of the Interior Department urging this amendment be inserted in the RECORD without reading.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 28, 1915.

MY DEAR SENATOR ASHURST: I have received your communication of January 19, 1915, requesting report upon a proposed amendment to the Indian bill making an appropriation of $75,000 for beginning the construction of a dam and necessary controlling works for diverting water from the Gila River at a site above Florence, Ariz., for the irrigation of Indian land and allotments on the Gila River Indian Reservation and private lands in Pinal County, as estimated by the Board of Engineer Officers of the United States Army in its report to the Secretary of War, page 46, paragraphs 136–138, House Document 791, Sixty-third Congress, second session.

This report describes the situation with regard to the diversion dam which it will be necessary to construct in order to utilize the waters of the Gila River when the San Carlos Dam is built. However, the usefulness of this diversion dam does not depend entirely upon the construction of the San Carlos Reservoir, because for many years past considerable areas of land have been irrigated by diversion through various headings of the flood flow of the Gila River above Florence. To irrigate the lands of the Pima Indian Reservation upon the south side of the Gila River at the upper or eastern end of the reservation will require the construction of such dam in order to conserve the flow of the river to as great an extent as possible.

The proposed site, about 12 miles above Florence, is at the mouth of a series of canyons through which the river flows uninterruptedly from San Carlos, but from this point on the river course is through a broad, flat valley, with an immense river bed consisting of broad deep deposits of silt and gravel. When the flow of the river is low, and when, of course, water is most valuable, the stream disappears entirely, soon after emerging from the mountains above Florence.

Aside from the use which the Indian reservation may eventually make of this diversion dam, practically all of the landowners off the reservations who have been irrigating in this vicinity may receive their supply of flood water from this point of diversion.

The Gila River has just experienced one of the most disastrous floods in its history, and all the headings of the various canals above Florence have been washed away, and the earth covering through which these canals ran has been entirely removed, so that these channels can not be again constructed. The superintendent of the reservation reports also that at least one canal heading for the Indian reservation, on the south side of the river, is washed out, and the large canal known as the Little Gila has been very badly damaged. The land which this canal supplies with water could be reached from channels heading at the diversion dam which it is proposed to build, and when so supplied would be past all danger of future damage or destruction.

The white owners who have suffered by the recent floods might possibly secure means of constructing a dam at the point mentioned, thus insuring to themselves immunity from a recurring flood, but it might be necessary for the Government to oppose such a step in order to protect the water right now claimed for the Indians.

While there is no doubt but that, as a matter of law, the Pima Indians have a prior right to the waters of the Gila River as against all other appropriators on that stream, yet they have not been receiving a sufficient quantity of water to irrigate their lands for lack of the physical means of obtaining the same. The construction of a diversion dam at this point will give the Indians an advantage of location that they have not heretofore enjoyed, because the Government of the United States will thus actually control the only feasible point where the waters of the Gila may be diverted. The Indians are entitled to control this strategic position in order to adequately preserve and perpetuate the Government's claim to water in their behalf, and for this reason alone, whether the San Carlos Reservoir is ever constructed or not, this appropriation is amply justified.

The cost of the diversion dam itself is estimated by the Board of Army Engineers as $150,000, and an additional item of $25,000 should be included in order to make the necessary excavation through the rock heading, so that connection may be made with the present canal systems of the Florence district. The site of the proposed diversion is an ideal one compared with others along the Gila River, as on both sides of the river are massive outcroppings of rock. The river bed is comparatively narrow and confined between hills to this one channel, and a railroad upon which to bring in supplies and material parallels the river at this point, so that the cost would be the minimum for such work. The railroad track is high enough above the river so that no interference with its operation will result even after the dam is built. The dam will not be high enough for storage purposes, but simply a low weir a few feet above the normal surface of the river, so that water may be properly diverted into the canal and that all of the flow at the low stages, when the water is most valuable and which occur for long periods, may be available.

It is recommended that the proposed amendment receive favorable consideration by Congress.

Cordially, yours,

FRANKLIN K. LANE.

Hon. H. F. ASHURST,
Chairman Committee on Indian Affairs, United States Senate.

Mr. SMITH of Arizona. Mr. President, if the Chair sustains the point of order—and I am not complaining of that—I want to say the only right in the world which will ever secure to the Indians the water rights suggested by the Senator from Minnesota [Mr. CLAPP] is dependent on this very section of the bill. It was the only thing that would save the Indian the water.

It was because between this proposed dam and this diversion dam there are vested rights to water. People have been using it for the last 35 years. This is to carry the water from above through these same canals to the lower diversion dam and to give the surplus caught by the upper dam to the Indians below. Now, are the great friends of the Indian acting with peculiar wisdom and foresight, as the Senator has painted the picture in Montana, making a point of order against this bill? That is the only object of it. The only purpose is to do something for the Indians. I do not know from what source this misinformation has come. Certainly it has come from no white man or no sensible Indian living in the State of Arizona. Certainly it has come from no one in the Interior Department; certainly from no sensible person engaged in the Indian Department.

I only rise now to make this protest here, so that the people in Arizona may know who are trying to help these Indians, and that, in spite of all reason and common sense, some gentlemen rise knowing more about it than we who are interested in it and make points of order on things necessary to the very bread and butter of these Indians. If the Senator had known what he was talking about, he would not have done it. He has gotten his information from a source absolutely unreliable. I asked for information from whence it came, and I have not gotten it. The Senator is mistaken. I only regret not what the Senator did, but I am regretting the poison that somebody by misinformation has placed in the Senator's mind, for he is killing the very people's interest that he intends with all his good heart to protect. He makes a point of order that cuts off the Indian from any possible use of the water of the Gila River, and while the point of order is in operation, for two more years, the very water we are trying to save by appropriation will be taken by private enterprise and the Indian will not get enough to fill this inkwell. That is the condition which will exist along the Gila River by the point of order the Senator makes. I wish he would withdraw it.

Mr. LANE. The Senator appeals to me so politely and in such an amiable and kindly manner it is all I can do to resist granting his request. His remarks, I guess, are all right, parliamentarily speaking; but now I will just say for his information and for the information of the other Members of the Senate present, that these reclamation schemes where the rights of whites and Indians are involved have not been managed to the benefit and interest of the Indian. I have seen some of them; I know about them personally, and I am not misinformed in a general way. In a general way these conditions ought to be put a stop to until a different system is adopted, and I am going to try to stop it as far as I can.

Mr. FALL. Mr. President, I understand this paragraph has been ruled out on a point of order, but I want to say, in addition to what has been said by the Senator from Arizona [Mr. SMITH] and the Senator from Oregon [Mr. LANE], that exactly the difficulty which has resulted in litigation and which must result prejudicial to the interests of the Indians is intended to be covered by the Department of the Interior by this legislation in the appropriation bill. As has been said, Mr. President, the right of the Indians, if they have any, to open this reservation is going to be absolutely lost. The country is settling up around the Indian reserve. The available water for irrigation purposes in the southwestern part of the country is worth its weight in gold. It is running away to-day, and every drop of it which goes without being utilized for agricultural purposes is so much lost, and forever lost, to the human race. The people who are going in there from California and from the eastern portion of the United States and settling up the great southwestern country, and particularly around the Indian reservations in Arizona and New Mexico, are acquiring under the laws of the State water for irrigation purposes which once granted to them will not be taken back by the United States intervening through its courts or otherwise. Any attempt to deprive those settlers of the rights which they are now acquiring to the water would be resisted and successfully.

Mr. SMITH of Arizona. Will the Senator allow me to make a suggestion?

Mr. FALL. Certainly.

Mr. SMITH of Arizona. Under the statutes of the different States, when we take out water before the Government takes it out for the Indians, neither the Federal nor State Government takes it away from the man who gets it.

Mr. FALL. There is not any such right in any tribunal, unless the decisions of the Supreme Court of the United States in an unbroken line of very many years are to be entirely overturned by some new decision to the contrary. There are several very disastrous consequences, Mr. President. The settlers around these Indian reservations operate under the law by the actual use of the water, the beneficial use, which of course is the measure of the title. The settlers operating their titles have been brought into the United States courts thereunder to have them adjudicated. When the Congress of the United States undertakes to enact legislation hereafter it may undertake to follow some of the decisions which have been rendered with reference to the rights of the Indians to that water upon an Indian reservation; and if they do not very carefully distinguish, as some of the officials of the Interior Department have not distinguished, between treaty rights with the Indians and other rights as to the preservation of the water right, litigation will ensue to determine not only the right of the individual citizen claiming the water but of the entire community generally.

Now, in justice to the Indians, the Indian lovers here—those who talk so much about protecting the Indian and wanting to do justice to him—had better commence to follow the advice of the Interior Department or the Indian will have nothing upon which he can subsist in the great reservations of the Southwest except the bare ground itself. They will never make the Indian a self-supporting agriculturist unless they commence now. In a few years there will not be a drop of water that flows through those Indian reserves which will not be appropriated away forever.

Mr. ASHURST. Will the Senator from New Mexico yield to me?

Mr. FALL. I yield to the chairman of the committee.

Mr. ASHURST. The Senator from New Mexico [Mr. FALL] just made an observation which I hope every Senator will remember. The Senator said that unless we pay attention to the recommendations of the Interior Department in the matter of securing Indian rights we will some day regret it. The Senator spoke well; he spoke truthfully. I regret to see Senators, who, I believe, are honestly trying to cope with the Indian problem and are trying to do the best they can for the Indians, sit here oppressed with misinformation and make point of order after point of order. With good motives in their hearts they think they are trying to secure water rights for the Indians; but the day will come when they will suffer remorse that they permitted their misinformation and ignorance on this question to prevent us legislating properly for the Indian. The committee is trying to conserve the Indians' rights.

Mr. FALL. Mr. President, I have stood before the Indian Committee and before Congress for some time past insisting that the rights of citizens of the United States should be protected when they have sought to be encroached upon by any official of the Government under claim of service to the Indians. I am standing here to-day, as I have stood here before and as I shall continue to stand, to urge that the rights of the Indian shall be protected and that justice shall be done him. We have allotted him land upon the reservation. In our southwestern country there is no man teaching the Indian, except in a desultory way through stock raising, how to make a living upon the reserve except by the Department of Agriculture. Agriculture can only be developed in our part of the country through the use of water for irrigation. On the great number of Indian reserves in New Mexico and Arizona the annual rainfall is less than 8 inches. It is impossible by dry-farming methods or otherwise to raise anything whatsoever upon which the Indian can subsist. They have been herded upon those reservations, heretofore supported by beef and rotten flour furnished by contractors under contract with the United States Government. Congress and the Interior Department are endeavoring to make the Indian self-supporting, and the Interior Department has outlined a general program of irrigation on this very reservation.

As I have said, the water rights are being acquired by appropriation. Under the decision of the Supreme Court of the United States, following the old civil law in our western country, where agriculture is pursued by irrigation, the Indian or American or Chinaman, the prior appropriator of water from a running stream for beneficial purposes, whoever he may be, becomes absolutely the owner of the right to the use of that water, and no power under heaven can deprive him of that right so long as he continues to use it for beneficial purposes. He becomes the absolute proprietor in every sense of the word, subject simply to abandonment in the event he does abandon it, or not continuing to use it for such beneficial agricultural purposes. This law of prior appropriation applies particularly against the purchaser, against the white man. The law of abandonment applies as well against the Indian as against the white man. You are now asked to enable these Indians to protect themselves against the gradual acquisition of water rights by the settlers

who are going in around those reserves. You are asked to adopt some comprehensive legislation, and I do not know how else you would get it except in the appropriation bill itself. This appropriation is asked for that particular purpose. Now, you will not grant it; you rule it out on a point of order, and the Indian loses his water rights, and then you will come in here asking the Congress of the United States to appropriate great sums, which it should appropriate, to reimburse the Indian in some way for the loss of his water rights, which you by your vote, following the suggestion of the Secretary of the Interior, could have prevented.

This provision is reimbursable out of the Indian fund. The water right is so valuable they now ask $175,000 for development, and when they come in and ask you to reimburse them you must do it by taking care of the poor, poverty-stricken wretch. I tell you he has no funds with which to support himself; he has no property out there by which he can ever reimburse it. If you now follow the suggestion of the Secretary of the Interior, you make his property valuable, and it will pay back every cent, and the United States Government loses nothing.

What is here suggested is a shortsighted, foolhardy policy. I think a Senator who claims to have any human sympathy in his heart in his desire to do what is right should certainly consider a long time before making a point of order on this matter.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 21328) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1916, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon and had appointed Mr. HAY, Mr. DENT, and Mr. KAHN managers at the conference on the part of the House.

MILITARY ACADEMY APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 21328) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1916, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CHAMBERLAIN. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. CHAMBERLAIN, Mr. FLETCHER, and Mr. DU PONT conferees on the part of the Senate.

MILITARY ACADEMY APPROPRIATIONS—CONFERENCE REPORT.

Mr. CHAMBERLAIN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21328) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1916, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 15, and 17.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 5, 6, 7, 8, 11, 12, 13, 14, 16, 18, and 20, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,750"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$3,000: *Provided*, That the accounting officers of the Treasury are hereby authorized and directed to allow and credit in the accounts of Lieut. Col. J. M. Carson, jr., Deputy Quartermaster General United States Army (now colonel, Quartermaster Corps), the sum of $1,975 disallowed on vouchers 7A and 8A of his money accounts for the month of May, 1909, and now standing against him on the books of the Treasury"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For repairs of the docks and wharves at West Point, N. Y., including all necessary labor and material therefor, $8,000"; and the Senate agree to the same.

GEO. E. CHAMBERLAIN,
DUNCAN U. FLETCHER,
HENRY A. DU PONT,
Managers on the part of the Senate.

JAMES HAY,
S. HUBERT DENT, Jr.,
JULIUS KAHN,
Managers on the part of the House.

Mr. GALLINGER. Mr. President, this transition scene was so sudden that I am at a loss to comprehend exactly what is happening. I have no disposition to delay the consideration of the conference report, but I will ask the Senator to give a brief explanation of just what has happened to this bill.

Mr. CHAMBERLAIN. I will say, Mr. President, that practically nothing has happened to it except to reduce some of the amounts which the Senate committee put in, and which items were passed by the Senate. We have reduced the items about one-third. The Senate committee and the Senate itself increased the original House bill by about $80,000, and the conference committee reduced it to about $45,000 or $50,000. That is practically what the amendments amount to.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

SUNDRY CIVIL APPROPRIATIONS.

Mr. MARTIN of Virginia. Mr. President, the Senator having charge of the Indian appropriation bill has consented to yield to me to present a report of the committee of conference on the sundry civil appropriation bill.

The VICE PRESIDENT. The report will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21318) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1916, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 10, 23, 24, 26, 27, 33, 36, 37, 39, 40, 41, 42, 43, 45, 46, 47, 53, 54, 56, 57, 58, 61, 62, 64, 69, 70, 71, 74, 75, 76, 77, 78, and 79.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 25, 29, 31, 35, 38, 44, 48, 49, 50, 51, 52, 53, 59, 60, 67, 73, 80, 81, 82, 83, 84, and 85, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: Transpose the matter proposed to be inserted by said amendment to page 11 of the bill, after line 7; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Connecting parkway between Rock Creek and Potomac Parks: To enable the commission created by section 22 of the public-buildings act approved March 4, 1913, to survey the exact boundaries of the lands now desired to be embraced in a connecting parkway between Potomac Park and Zoological Park and to submit a map showing in detail such survey and indicating the changes proposed thereby as compared with the map now on file in the office of the engineer commissioner of the District of Columbia dated May 17, 1911, $5,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: In lieu of the number inserted by said amendment insert the following: "eighty-two"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$1,483,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$1,698,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$631,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$825,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$13,530,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert "$25,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$65,000"; and the Senate agree to the same.

THOMAS S. MARTIN,
LEE S. OVERMAN,
FRANCIS E. WARREN,
Managers on the part of the Senate.
J. J. FITZGERALD,
SWAGAR SHERLEY,
F. H. GILLETT,
Managers on the part of the House.

Mr. TOWNSEND. It seems to me we ought to have other Members of the Senate here. I know nothing about the report myself. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	Martin, Va.	Smith, Md.
Bankhead	Hardwick	Martine, N. J.	Smith, Mich.
Bryan	Hitchcock	Myers	Smith, S. C.
Burleigh	James	Nelson	Sterling
Camden	Jones	Norris	Stone
Catron	Kenyon	Page	Sutherland
Chamberlain	Kern	Penrose	Swanson
Chilton	La Follette	Perkins	Thomas
Clapp	Lane	Poindexter	Thompson
Clark, Wyo.	Lea, Tenn.	Shafroth	Tillman
Dillingham	Lee, Md.	Sheppard	Townsend
Fall	Lippitt	Shields	Walsh
Fletcher	Lodge	Simmons	Warren
Gallinger	McCumber	Smith, Ariz.	Weeks
Gore	McLean	Smith, Ga.	White

The VICE PRESIDENT. Sixty Senators have answered to the roll call. There is a quorum present.

Mr. LODGE. Mr. President——

The VICE PRESIDENT. The Senator from Massachusetts.

Mr. LODGE. Mr. President, I have been told that a conference report on the sundry civil bill has been presented to the Senate and read.

Mr. MARTIN of Virginia. It has.

Mr. LODGE. I did not hear it, and so I should like to ask the Senator from Virginia about one Senate item in which I feel a great deal of interest. I wish to ascertain what has been done with it. I refer to the amendment relating to the extension of the parkway connecting the Potomac River Park with the Rock Creek Park. What has been done with that amendment?

Mr. MARTIN of Virginia. I will say to the Senator from Massachusetts that the amendment put on the bill by the Senate in reference to that matter was not agreed to, but a modified provision was made, which, I think, will answer the purpose. It simply authorizes the Park Commission—which has been heretofore organized, composed of the Secretary of the Treasury, the Secretary of War, and the Secretary of Agriculture—to have a survey made, showing exactly the changes that are desired, and an appropriation of $5,000 is provided to defray the expenses of such survey.

Mr. LODGE. Is that in the report?

Mr. MARTIN of Virginia. It is.

Mr. LODGE. I should like to look at it.

[A copy of the conference report was handed to Mr. LODGE and examined by him.]

Mr. MARTIN of Virginia. It will lead to a little delay, but it will enable Congress to act with knowledge of the changes which are desired.

Mr. LODGE. I do not wish to see anything done that will put a stop to that work, which, I think, is almost more important to the city of Washington than anything else that has been proposed.

Mr. MARTIN of Virginia. I regret that the conferees on the part of the House were not willing to trust the park commissioners and the Commission of Fine Arts—I was willing to trust them—to fix the limits of the proposed parkway. They said they would prefer to see the lines before they became final. The amendment is No. 22.

Mr. LODGE. I thought the Senate committee amendment was an excellent one.

Mr. MARTIN of Virginia. I regret the disagreement exceedingly. I agree with the Senator from Massachusetts that the adoption of the Senate amendment would have facilitated the matter. It threw around it every safeguard that, in my judgment, reason and prudence required, but the House conferees desired to see exactly what changes in the map were desired. The amendment agreed on provides that those changes shall be reported.

Mr. LODGE. In the opinion of the Senator from Virginia, this will not interfere with the intention of the amendment.

Mr. MARTIN of Virginia. It will not interfere with it, but will facilitate the final work. It is merely a matter of temporary delay.

Mr. LODGE. It will not stop the work?

Mr. MARTIN of Virginia. Not at all.

Mr. LODGE. Very well.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

PANAMA-PACIFIC INTERNATIONAL EXPOSITION.

The VICE PRESIDENT. The Chair has received a telegram from the president of the Panama-Pacific International Exposition extending an invitation to the Congress of the United States to visit that exposition. The telegram will be printed in the RECORD.

The telegram is as follows:

SAN FRANCISCO, CAL., *February 26, 1915.*

Hon. THOMAS R. MARSHALL,
Vice President of the United States, Washington, D. C.:

The Panama-Pacific International Exposition, authorized by the Congress of the United States as the official celebration by our Government of the opening of the Panama Canal, begs to extend to Congress a most cordial invitation to visit the exposition at an early date. We would feel honored in showing to Congress how the exposition has carried out the trust given to it by our Government. If it is not possible for the entire Congress to visit the exposition, I beg to express the sincere hope that a committee from Congress will make an official visit on behalf of Congress. I assure you of a most hearty welcome.

CHARLES C. MOORE,
President Panama-Pacific International Exposition.

INDIAN DEPREDATION CLAIMS (S. DOC. 959).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury transmitting a letter from the Attorney General, submitting a list of judgments rendered by the Court of Claims in favor of claimants in Indian depredation claims amounting to $8,361, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

LIST OF JUDGMENTS (S. DOC. NO. 958).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a list of judgments rendered by the Court of Claims amounting to $39,816.96, which have been presented to the department and require an appropriation for their payment, which, with accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

LIST OF CLAIMS (S. DOC. NO. 960).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, schedules of claims amounting to $199,027.83 allowed by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, etc., which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

THE SMELTING INDUSTRIES.

The VICE PRESIDENT laid before the Senate a communication from the Attorney General, acknowledging the receipt of the resolution of the Senate of February 19 requesting the Attorney General to report to the Senate his findings and conclusions in the investigation conducted by the Department of Justice in the matter of illegal combinations in restraint of trade in the smelting industries and expressing his regret at being compelled to reply that it would be incompatible with the

public interests for him to comply with the request, which was ordered to lie on the table.

DISTRICT JUVENILE COURT LAWS.

The VICE PRESIDENT laid before the Senate a communication from the Attorney General, transmitting a supplement to his annual report to Congress for the fiscal year 1914 embodying the first report of the committee appointed to study the need for legislation affecting children in the District of Columbia, including drafts of the new juvenile court laws, which, with the accompanying paper, was referred to the Committee on the District of Columbia.

TIME STUDY AND STOP-WATCH SYSTEM.

The VICE PRESIDENT presented a communication from the Secretary of War, transmitting a letter from the secretary of the Associated Employers of Missouri, inclosing a copy of a resolution adopted by that association remonstrating against the adoption of the proposed amendment to the Army appropriation bill prohibiting the use in Government establishments of time study and premium-payment features of scientific management, which, with the accompanying paper, was ordered to lie on the table.

FINDINGS OF THE COURT OF CLAIMS (S. DOC. NO. 961).

The VICE PRESIDENT laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of George M. Leahy, receiver of the New Orleans Mechanics' Society of New Orleans, in the State of Louisiana *v.* United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

FRENCH SPOLIATION CLAIMS.

The VICE PRESIDENT laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting findings of fact and conclusions of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the following causes:

The brig *Atlantic*, Jonathan Dalton, master (H. Doc. No. 1621); and

The vessel *Orion*, William P. White, master (H. Doc. No. 1622).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the amendment of the Senate to the bill (H. R. 21037) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17869) providing for the appointment of an additional district judge for the southern district of the State of Georgia.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 20643) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KEY of Ohio, Mr. MURRAY, and Mr. SELLS, managers at the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 21089) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KEY of Ohio, Mr. MURRAY, and Mr. SELLS, managers at the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 21218) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KEY of Ohio, Mr. MURRAY, and Mr. SELLS, managers at the conference on the part of the House.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a concurrent resolution of the legislature of Minnesota, which was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Concurrent resolution relating to the prevention of floods in the Mississippi River Valley.

Whereas the frequent floods of the Mississippi River, caused by waters from 31 States, embracing more than 41 per cent of the total area of the United States, result in great loss of human lives in portions of the States of Illinois, Tennessee, Kentucky, Mississippi, Missouri, Arkansas, and Louisiana, and large money losses, not only in such afflicted territory, but in other portions of the Nation; and

Whereas it has been declared by every member of the Engineer Corps of the United States Army who has dealt with such floods, by the Mississippi River Commission, and by other commissions appointed by Congress that such floods can be prevented at a reasonable cost; and

Whereas the work of such flood prevention has been going on for many years in the least economical way and over two-thirds of its cost has been borne by the damaged sections, who can no longer cope with this gigantic problem without effective aid from the National Government; and

Whereas all political parties have declared in their campaign platforms that flood control of the Mississippi River is a national duty: Therefore be it

Resolved by the senate of the State of Minnesota (the house of representatives concurring), That the Congress of the United States be, and is hereby, requested to fulfill this national duty at its next session and to enact such legislation as shall provide a separate and comprehensive plan for the prevention of such floods without delay. Be it further

Resolved, That copies of this resolution be sent to the Speaker of the House of Representatives and to the Senate of the Congress of the United States.

The VICE PRESIDENT presented a concurrent resolution of the Legislature of Oklahoma, which was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Engrossed senate concurrent resolution No. 15.

(By Barrett, Board, Russell, and Cordell.)

Whereas the frequent floods of the Mississippi River, caused by waters from 31 States, embracing more than 41 per cent of the total area of the United States, result in great loss of human lives in portions of the States of Illinois, Tennessee, Kentucky, Mississippi, Missouri, Arkansas, and Louisiana, and large money losses, not only in such afflicted territory, but in other portions of the Nation; and

Whereas it has been declared by every member of the Engineer Corps of the United States Army who has dealt with such floods, by the Mississippi River Commission, and by other commissions appointed by Congress that such floods can be prevented at a reasonable cost; and

Whereas the work of such flood prevention has been going on for many years in the least economical way and over two-thirds of its cost has been borne by the damaged sections, who can no longer cope with this giant problem without effective aid from the National Government; and

Whereas all political parties have declared in their campaign platforms that flood control of the Mississippi River is a national duty: Therefor be it

Resolved by the Senate of the State of Oklahoma (the House concurring), That the Congress of the United States be, and is hereby, requested to fulfill this national duty at its next session and to enact such legislation as shall provide a separate and comprehensive plan for the prevention of such floods without delay. Be it further

Resolved, That copies of this resolution be sent to the Speaker of the House of Representatives and the President of the Senate of the United States, and to each Member of the Senate and House of Representatives in Congress from this State.

Passed by the senate February 19, 1915.

M. E. TRAPP,
President of the Senate.

Attest:

JOS. S. MORRIS,
Secretary of the Senate.

Passed by the house of representatives February 19, 1915.

A. MCCORY,
Speaker of the House of Representatives.

Attest:

J. G. MARSH, *Chief Clerk.*

The VICE PRESIDENT presented a joint resolution of the Legislature of Tennessee, which was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

House joint resolution 8.

(By Mr. Neely, by request.)

Whereas the frequent floods of the Mississippi River, caused by waters from 31 States, embracing more than 41 per cent of the total area of the United States, result in great loss of human lives in portions of the States of Illinois, Tennessee, Kentucky, Mississippi, Missouri, Arkansas, and Louisiana and large money losses, not only in such afflicted territory but in other portions of the Nation; and

Whereas it has been declared by every member of the Engineer Corps of the United States Army who has dealt with such floods, by the Mississippi River Commission, and by other commissions appointed by Congress that such floods can be prevented at a reasonable cost; and

Whereas the work of such flood prevention has been going on for many years in the least economical way and over two-thirds of its cost has been borne by the damaged sections, who can no longer cope with this giant problem without effective aid from the National Government; and

Whereas all political parties have declared in their campaign platforms that flood control of the Mississippi River is a national duty: Therefore be it

Resolved by the House of Representatives of the State of Tennessee, (the Senate concurring), That the Congress of the United States be, and is hereby, requested to fulfill this national duty at its next session and to enact such legislation as shall provide a separate and comprehensive plan for the prevention of such floods without delay; be it further

Resolved, That copies of this resolution be sent to the Speaker of the House of Representatives and to the President of the Senate of the Congress of the United States.

Adopted, January 19, 1915.

The VICE PRESIDENT presented a petition of sundry employees of the Frankford Arsenal, Philadelphia, Pa., remonstrating against the adoption of the proposed amendment to the Army appropriation bill prohibiting the use in Government establishments of time study and premium payment features of scientific management, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Xenia, Cincinnati, and Kalida, in the State of Ohio; of Topeka and Spearville, in the State of Kansas; of Baxter, Rochester, Curwensville, New Castle, New Galilee, North Braddock, Wilmerding, Dubois, Pittsburgh, Mercer, Bellevue, Erie, Connelsville, Parnassus, McKees Rocks, California, Greenfield, Cochranton, Butler, Uniontown, Charleroi, West Middlesex, Greenville, Scottdale, Volant, Mars, Duquesne, Houston, Hickory, Hooker, Swissvale, Sharpsburg, Mahaffey, Darlington, Pitcairn, and Lafton in the State of Pennsylvania; of Wessington Springs and Vermilion, in the State of South Dakota; of Chicago, Ill.; of Stockton, Cal.; and of Parkersburg, W. Va., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. POINDEXTER. I present a memorial of the Legislature of the State of Washington, which I ask may be printed in the RECORD.

There being no objection, the memorial was ordered to be printed in the RECORD, as follows:

Senate joint memorial 2.

(By Senator Boner.)

To his Excellency Woodrow Wilson, President of the United States of America, the honorable Senate and House of Representatives of the United States, the honorable Secretary of War, and the Senators and Representatives in Congress from the State of Washington:

We, your memorialist, the Senate of the State of Washington and the House of Representatives, representing the people of the State of Washington in the fourteenth legislature of said State, in regular session assembled, most respectfully represent, petition, and pray as follows: That—

Whereas the States of Washington and Oregon have many wealthy seacoast cities, towns, railroad and steamship terminals on the Pacific coast, wholly dependent upon the national seacoast fortifications for protection from invasion from the high seas; and

Whereas by the fifth biennial report of the State board of tax commissioners of the State of Washington it appears that the assessed valuation of all the taxable property in the State of Washington, assessed at 50 per cent of its appraised value, is in the sum of $1,025,460,942; that by the second biennial report of the tax commissioners of the State of Oregon the assessed valuation of all the taxable property in the State of Oregon is approximately as great as that of the State of Washington; and

Whereas there are three transcontinental railway systems operating trains in and out of Grays Harbor; that a very large passenger and freight traffic is handled by said systems daily to and from Grays Harbor to the North, South, and East; and

Whereas a substantial system of public roads for automobile and other travel has been constructed by Chehalis County, within its borders; that substantial automobile roads have been constructed from the beaches on both the north and south sides of Grays Harbor connecting with the State highway running east to Puget Sound and the Columbia River; and

Wheeras the fortifications on Puget Sound and the Columbia River are so remote from any possible base that an invading enemy could select for its operations that they are wholly inadequate to protect the lives and property of the people of the States of Washington and Oregon from invasion from the Pacific Ocean through Grays and Willapa Harbors; and

Whereas the great strategic importance and possibilities of Grays and Willapa Harbors as a base for military operations in the Northwest are open, obvious, and apparent to the most casual observers; and

Whereas the strategic importance and possibilities of Grays and Willapa Harbors as a base of military operations in the Northwest and in southwestern Washington and northwestern Oregon have been recognized by such eminent authorities as Gens. Marion P. Maus and Homer Lea, of the United States Army; and

Whereas 58 per cent of the entire population of the State of Oregon and 61 per cent of the entire population of the State of Washington and seven-tenths of the wealth of both States is within six hours of the principal strategic sphere of the Northwest; that the strategic center midway between the centers of population in the States of Washingon and Oregon commands all lines of railways that traverse said States north and south; that Grays and Willapa Harbors are but two hours to the west, the fortifications on the Columbia River are seven and one-half hours to the south, and the fortifications on Puget Sound are five and one-half hours to the north of said strategic sphere; and

Whereas Grays and Willapa Harbors are wholly without fortifications or military defenses of any kind, character, or description whatever; that said harbors are open to invasion in case of a foreign war; and

Whereas the whole of the States of Washington and Oregon are open and accessible to invasion from the Pacific Ocean through Grays and Willapa Harbors; that the fortification of said harbors is necessary to protect the lives and property of the people of said States in case of a hostile invasion from the Pacific Ocean; and

Whereas, experience and recent observation has demonstrated that a coast, city, town, harbor, or roadstead can not be safely defended from invasion from the high seas by naval squadrons or fleets; and

Whereas it appears by a letter from Acting Secretary of War Robert Shaw Oliver to Senator W. L. JONES, bearing date of December 2, 1912, that Gen. Marion P. Maus, as commanding general of the department of the Columbia, recommended the fortification of said harbors in his report to the War Department subsequent to the Army maneuvers during the summer of 1912 in Chehalis Valley and on Grays Harbor; that said maneuvers demonstrated the necessity for the fortifications of the said harbors; and

Whereas it appears that petitions for the fortification of Grays and Willapa Harbors were filed with Senator W. L. JONES during the Sixty-second Congress of the United States, which said petitions signed by taxpayers of the States of Washington and Oregon, that the petitioners thereof represented $332,898,097 of taxable property as assessed by the taxing officers of the several counties of said States and equalized by the State board of tax commissioners of both States; that said petitions were duly certified by the legally constituted taxing officers of said States, and that as so certified said petitions showed the amount of taxable property represented by each of said petitioners thereon and as set opposite the name of each of said petitioners; and

Whereas the assets represented by the following petitioners were not included in the above amount so certified as aforesaid: Ladd & Tilton Bank, Portland, Oreg.; First National Bank, Portland, Oreg.; National Bank of Commerce, Tacoma, Wash.; Fidelity Trust Co., Tacoma, Wash.; Pacific National Bank, Tacoma, Wash.; Dexter Horton National Bank, Seattle, Wash.; National Bank of Commerce, Seattle, Wash.; Seattle National Bank, Seattle, Wash.; Scandinavian-American Bank, Seattle, Wash.; Coffman, Dobson & Co., bankers, Chehalis, Wash.; Chehalis National Bank, Chehalis, Wash.; Security State Bank, Chehalis, Wash.; that many wholesale merchants and manufacturing corporations in the Northwest signed said petitions whose assets could not be shown by certificates of the taxing officers of said States; and

Whereas the following commercial bodies of the Northwest have, by resolutions duly and regularly adopted, found that the fortification of said harbors was a public necessity for the adequate protection of the lives and property of the people of said States, to wit, Portland Chamber of Commerce, Portland, Oreg.; New Seattle Chamber of Commerce, Seattle, Wash.; Aberdeen Chamber of Commerce, Aberdeen, Wash.; Montesano Chamber of Commerce, Montesano, Wash.; Spokane Chamber of Commerce, Spokane, Wash.; Olympia Chamber of Commerce, Olympia, Wash.; Centralia Chamber of Commerce, Centralia, Wash.; and the Hoquiam Commercial Club, of Hoquiam, Wash.

Therefore, for good cause shown, we, your memorialists, the Senate of the State of Washington, the House concurring, representing the people of the State of Washington in the fourteenth Legislature of the State of Washington, in regular session assembled, most earnestly petition the President of the United States of America, the Senate and House of Representatives in Congress assembled, the Secretary of War, and the Senators and Representatives from the State of Washington, to make suitable provision for adequate fortifications to protect the entrances of said harbors against any invasion from the Pacific Ocean that may be attempted in time of hostilities by any foreign power.

Mr. ROOT presented petitions of sundry citizens of New York, praying for the enactment of legislation to prohibit the exportation of ammunition, which were referred to the Committee on Foreign Relations.

Mr. JONES presented petitions of sundry local unions of the American Federation of Labor of Bellingham, Everett, Seattle, Spokane, and Tacoma, all in the State of Washington, praying for the enactment of legislation to promote the welfare of American seamen, which were ordered to lie on the table.

He also presented memorials of labor organizations of Everett, Malden, Olympia, Seattle, South Cle Elum, Bellingham, Bremerton, and Tacoma, all in the State of Washington, remonstrating against any change in the present locomotive-boiler-inspection law, which were referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Everett, Wash., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. ROBINSON presented a petition of sundry citizens of Batesville, Ark., praying that an appropriation be made for the construction of seven locks and dams on the upper White River in that State, which was referred to the Committee on Commerce.

Mr. BURLEIGH presented memorials of sundry citizens of Rockland, Me., remonstrating against the abolishment of the office of shipping commissioner at that port, which were referred to the Committee on Commerce.

Mr. PERKINS presented petitions of sundry citizens of Los Angeles, Cal., praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

He also presented a petition of the Mothers' Club of the Hillside School, of Berkeley, Cal., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was referred to the Committee on Education and Labor.

Mr. WARREN presented a petition of the Fremont County Pomona and Milford Granges, Patrons of Husbandry, of Fremont County, Wyo., praying for the establishment of a system of rural credits, which was referred to the Committee on Agriculture and Forestry.

Mr. NORRIS presented petitions of the Woman's Home and Foreign Missionary Society of Eustis, and of the Woman's

Home and Foreign Missionary Society of Mascot, in the State of Nebraska, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented petitions of Schiller Lodge, No. 92, I. O. O. F., of Middletown; of Club Vorwarts, of Middletown; of Hermann Lodge, No. 13, O. D. H. S., of Middletown, of members of Eintracht Lodge, No. 1, O. D. H. S., of New Britain; of K. u. K. Oesterreich-Ung. Militaer Verein, of New Britain; of members of the German School Society, of New Britain; of Deutscher Radfahrer Club Eichenbaub, of New Britain; of Deutscher Krieger Verein, of New Britain; of Deutsch-Ungarischer Militaer Verein, of New Britain; of members of Gerstacoker Lodge, No. 96, I. O. O. F., of New Britain; of Schwaben Verein, of New Britain; of Kranken Unterst Verein St. Stephanus, of New Britain; of Unstrian Singing Society, of New Britain; of Court Beethover, No. 119, F. of A., of New Britain; of the congregation of St. Thomas German Lutheran Church, of New Britain; of Vater Jahn Lodge, No. 301, D. O. H., of New Britain; of Leimsieder Club, of New Britain; of Admiral Schley Lodge, No. 32, O. D. H. S., of New Britain; of Eintracht Rebekah Lodge, No. 19, I. O. O. F., of Meriden; of Anna Ottenderfer Lodge, No. 64, D. O. H., of Meriden; of Augusta Lodge, No. 2, O. D. H. S., of Meriden; of Harmonia Lodge, O. D. H. S., of Meriden; of German-American Alliance of Torrington; of Torrington Lodge, 462, D. O. H., of Torrington; of Beethover Lodge, No. 22, O. D. H. S., of Torrington; of the congregation of the Evangelical Lutheran St. Paul's Church, of Torrington; of Germania Singing Society, of Torrington; of members of the Ansonia Maennerchor, of Ansonia; of Turn Verein of Derby; and of sundry citizens of Norwich, Hartford, New Britain, Meriden, New Haven, Kensington, Tracy, Plantsville, Torrington, Shelton, Derby, Wallingford, and Ansonia, all in the State of Connecticut, praying for the enactment of legislation to prohibit the exportation of ammunition, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Woman's Civic League of Stamford, Conn., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was referred to the Committee on Education and Labor.

He also presented a memorial of the Manufacturers' Association of Bridgeport, Conn., remonstrating against the enactment of legislation to prohibit interstate commerce in the products of child labor, which was referred to the Committee on Education and Labor.

He also presented a petition of the Morris Woman's Christian Temperance Union, of East Haven, Conn., praying for national prohibition, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. ROBINSON, from the Committee on Interstate Commerce, to which was referred the bill (H. R. 12292) to prevent interstate commerce in the products of child labor, and for other purposes, reported it with amendments and submitted a report (No. 1050) thereon.

Mr. WALSH, from the Committee on Mines and Mining, to which was referred the bill (H. R. 15869) to provide for the establishment and maintenance of mining experiment and mine safety stations for making investigations and disseminating information among employees in mining, quarrying, metallurgical, and other mineral industries, and for other purposes, reported it with amendments and submitted a report (No. 1052) thereon.

He also, from the Committee on the Judiciary, to which was referred the bill (H. R. 18086) to amend section 71 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 4, 1911, reported it with an amendment and submitted a report (No. 1051) thereon.

MENTAL HYGIENE AND RURAL SANITATION.

Mr. RANSDELL. From the Committee on Public Health and National Quarantine I report back favorably without amendment the bill (H. R. 16637) to provide divisions of mental hygiene and rural sanitation in the United States Public Health Service, and I submit a report (No. 1049) thereon.

Mr. WORKS. Mr. President, I should like to ask the chairman of the committee if any meeting of the committee has been held to consider that bill?

Mr. RANSDELL. I endeavored to get a meeting of the committee, but failed. A majority of a quorum of the committee, however, has authorized me to report the bill.

Mr. WORKS. I asked the question because I have some objection to a part of the bill, and I do not want it to be pushed. I had no knowledge of the fact that any action had been taken on the bill by the committee.

Mr. RANSDELL. Yes, sir; I was authorized by a majority of the committee to make the report. I make the report, anyhow. I was going to ask unanimous consent for the consideration of the bill.

Mr. WORKS. I should object to that, Mr. President.

The PRESIDING OFFICER. Objection is made. The bill will go to the calendar.

ELLEN WILSON MEMORIAL HOMES.

Mr. JAMES. For the senior Senator from Wisconsin [Mr. LA FOLLETTE] I report back favorably, without amendment, from the Committee on Corporations Organized in the District of Columbia Senate bill 7743, to incorporate the Ellen Wilson Memorial Homes. It proposes to acquire, hold, improve, rent, mortgage, sell, and convey real estate within the District of Columbia for building, in memory of the late Mrs. Woodrow Wilson, one or more blocks of sanitary houses for the working classes, and renting the same at a rental sufficiently low to cause the abandonment of dilapidated and insanitary houses, as an object lesson in the housing of the working classes under good conditions and at reasonable rates.

These homes are to be erected in memory of the late Mrs. Woodrow Wilson for her charitable and good work in behalf of the poor of the District of Columbia. It was the last toil of her beautiful life, and I sincerely trust that there will be no objection to the present consideration and passage of the bill. It is a most worthy and charitable measure.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. PENROSE. Let the bill be read for the information of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That George Foster Peabody, Hugh C. Wallace, Arthur Jeffrey Parsons, Walter S. Ufford, Archibald Hopkins, Julia C. Lathrop, Grace V. Bicknell, and Charlotte Everett Hopkins, their associates and successors, be, and they are hereby, created a body corporate and politic in the District of Columbia, by the name, title, and style of the Ellen Wilson Memorial Homes, and by that name shall have perpetual succession, and it shall be lawful for the said corporation to have a common seal, sue and be sued, plead and be impleaded, and have and exercise all the rights, privileges, and immunities for the purposes of the corporation hereby created, which purposes are declared to be to acquire, hold, improve, rent, mortgage, sell, and convey real estate within the District of Columbia for building, in memory of the late Mrs. Woodrow Wilson, one or more blocks of sanitary houses for the working classes, and renting the same at a rental sufficiently low to cause the abandonment of dilapidated and insanitary houses, as an object lesson in the housing of the working classes under good conditions and at reasonable rates: *Provided*, That the value of any and all property so acquired shall not exceed the sum of $500,000: *Provided further*, That no land shall be acquired or house built thereon except of the character hereinbefore described.

SEC. 2. That the capital stock of said corporation shall be $25,000, divided into 250 shares of the par value of $100 each, and when said amount shall have been subscribed the said corporation shall be fully authorized and empowered to commence business: *Provided*, That said capital stock may be increased by the sale of additional stock from time to time, but the total issue thereof shall not exceed the sum of $500,000: *Provided further*, That it shall be unlawful for the officers or directors of said corporation to declare any greater dividend to the stockholders than 5 per cent per annum upon the capital stock outstanding at the time of such dividend.

SEC. 3. That the affairs of the corporation shall be managed by a board of directors consisting of 15 persons, who shall for the first year be elected by the incorporators, hereinbefore named, and thereafter said board shall be elected annually in such manner as may be provided by the by-laws of the corporation, and such board of directors shall have power to ordain, establish, and put into execution such rules, regulations, ordinances, and by-laws as they may deem essential for the good government of the corporation, not contrary to the laws and the Constitution of the United States or of this act, and generally to do and perform all acts, matters, and things which a corporation may or can lawfully do.

SEC. 4. That Congress reserves the right to repeal, alter, or amend this act.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADVERTISEMENTS BY PATENT ATTORNEYS.

Mr. POINDEXTER. By direction of the chairman of the Committee on Patents, I report back favorably without amendment the bill (S. 7427) prohibiting the use of the name of any Member of either House of Congress or of any officer of the Government by any person, firm, or corporation practicing before the Patent Office in advertising his business, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That it shall be unlawful for any person, firm, or corporation practicing before the Patent Office to use the name of any Member of either House of Congress or of any officer of the Government in advertising the said business.

SEC. 2. That this act shall take effect three months after its date.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. POINDEXTER. Mr. President, I wish to request that a letter from the Secretary of the Interior relative to the bill just passed be printed as a part of the report thereon from the committee, and that it also be printed in the RECORD.

The VICE PRESIDENT. In the absence of objection, it is so ordered.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
UNITED STATES PATENT OFFICE,
Washington, D. C., February 27, 1915.

Hon. OLLIE M. JAMES,
United States Senate.

DEAR SENATOR JAMES: Senate bill No. 7427, introduced on January 26, 1915, and making it unlawful for any person, firm, or corporation practicing before the Patent Office to use the name of any Member of Congress or other officer of the Government in advertising the said business, was drafted in this office.

It is the opinion of the office, after years of experience, that the use of the names of Members of Congress and other officers of the Government by attorneys practicing before it is injurious to the public service and the cause of much dissatisfaction.

Whether considered as a class or individually, the advertising attorneys do not merit the special prominence and advantage which these letters of recommendation give them.

Moreover, we find evidence indicating that the indorsements by Members of Congress and officers of the Government impress people, particularly those who are inexperienced in the patent business and likely to be attracted by advertisements, with the belief that the attorneys so recommended can have the assistance and influence of the public officers in prosecuting the cases to satisfactory issue. It is not intended to suggest that the attorneys cultivate this impression, but merely that it arises spontaneously in the minds of the readers of the advertisements.

Respectfully,

THOMAS EWING, *Commissioner.*

Approved.

FRANKLIN K. LANE.

DANIEL B. LUTEN.

Mr. JAMES. I submit a resolution with a favorable report from the Committee on Patents, and ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read Senate resolution 513, submitted by Mr. BRISTOW on January 8, 1915, as follows:

Resolved, That the Committee on Patents, or a subcommittee thereof, is hereby authorized and directed to inquire, investigate, ascertain, and report as to the issuing of patents to Daniel B. Luten from 1900 to the present time, and particularly to inquire, investigate, ascertain, and report as to the fraudulently obtaining of the patents and the illegality of their issuance.

Resolved further, That said committee or a subcommittee thereof is hereby empowered to summon witnesses, to send for persons and papers, to administer oaths, and to take and secure whatever testimony and evidence may be required to ascertain and report upon the matters aforesaid; and said committee or a subcommittee thereof is hereby authorized for the purposes aforesaid to sit wherever necessary and act as well when Congress is not in session as when in session.

Resolved further, That the said committee is hereby directed to report the result of its said investigation and inquiry to the Senate at as early a date as is practicable; and the expenses incurred by such investigation and inquiry shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

The VICE PRESIDENT. The Chair will inquire whether the resolution has been to the Committee to Audit and Control the Contingent Expenses of the Senate?

Mr. JAMES. It has not been referred to that committee. I ask that the reported resolution be received and that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE PRESIDENT. It will have to be referred to the Committee to Audit and Control the Contingent Expenses of the Senate. It provides for the payment of money.

Mr. JAMES. It does; and I ask that it take that course.

The VICE PRESIDENT. The resolution will be referred to the Committee on Contingent Expenses.

Mr. SHAFROTH subsequently said: From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably with an amendment Senate resolution 513, to investigate the issuing of patents to Daniel B. Luten from 1900 to the present time, submitted by Mr. BRISTOW on January 8, 1915, and I ask for its present consideration.

The amendment of the committee was, on page 1, line 10, after the word "and," where it occurs the second time, to insert "employ a stenographer at not to exceed $1 a printed page."

The amendment was agreed to.

The resolution as amended was agreed to.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES:

A bill (S. 7745) granting an increase of pension to Julia Jackson (with accompanying papers); to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 7746) granting an increase of pension to Terrence Dobson (with accompanying paper); to the committee on Pensions.

By Mr. JONES:

A joint resolution (S. J. Res. 243) to extend the time for the construction of a dam across the Pend O'Reille River, Wash., and for other purposes; to the Committee on Commerce.

FRANK VUMBACA.

Mr. BURLEIGH submitted an amendment proposing to appropriate $419 for the relief of Frank Vumbaca, intended to be proposed by him to the general deficiency appropriation bill (H. R. 21546), which, with the accompanying paper, was referred to the Committee on Appropriations.

PENSIONS AND INCREASE OF PENSIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 20643) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JOHNSON. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. SHIVELY, Mr. JOHNSON, and Mr. SMOOT conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 21089) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JOHNSON. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. SHIVELY, Mr. JOHNSON, and Mr. SMOOT conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 21218) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JOHNSON. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. SHIVELY, Mr. JOHNSON, and Mr. SMOOT conferees on the part of the Senate.

INDIAN APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20150) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1916.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, in section 3, under the head of "California," on page 23, line 21, after the word "employees," to strike out "$42,000" and insert "$47,000," so as to make the clause read:

For support and civilization of Indians in California, including pay of employees, $47,000.

The amendment was agreed to.

The next amendment was, on page 23, after line 21, to insert:

For the purchase of lands for the homeless Indians in California, including improvements thereon, for the use and occupancy of said Indians, $30,000, to be immediately available and to remain available until expended, said funds to be expended under such regulations and conditions as the Secretary of the Interior may prescribe.

Mr. THOMAS. Mr. President, I should like to inquire of the Senator having charge of the bill whether any estimate

was made for that appropriation? It seems to me that the Government of the United States owns land enough to take care of its homeless Indians without buying lands held in private control.

Mr. ASHURST. An estimate in the sum of $10,000 was made by the Interior Department. I hope that the distinguished Senator from Colorado, whom I honor so much for his desire to economize, will direct his attention to some other item rather than to this one. This is a most necessary item for the homeless Indians in California, who have in the evolution of time been deprived of their lands. It will require $30,000 to secure lands for them. Many men of humanitarian impulses—clergymen and publicists—came from California and appeared before the committee; indeed, I think the entire California delegation appeared before the committee also in this behalf. I hope the Senator from Colorado will not make a point of order as to the extra $20,000 herein provided.

Mr. TOWNSEND. Mr. President, I desire to ask a further question of the Senator from Arizona. I think it is a very pertinent question which the Senator from Colorado asked—why not settle these Indians on land already belonging to the public domain or to Indian tribes? The fact is, as disclosed here in this and in one or two other cases, where Indians are already located, they can not readily be taken from that location. Many of them for a great many years have occupied these lands or other lands close to where it is proposed to purchase their homes. They claim title to them by right of possession to a large extent; they are there; and they can not well be placed elsewhere. Many times they do not belong to tribes, and they have no tribal rights in the reservation which otherwise they would share. Therefore the committee thought that this was the best and most humanitarian way of treating these Indians, and the sum of $30,000 seemed to be a sufficient amount to meet the necessities of the case.

Mr. THOMAS. Mr. President, I have no doubt that the committee is actuated by the very best of motives in inserting this amendment in the bill; and from what has been said I shall not make the point of order against it, but it is amazing to me that, after the expenditure of millions of dollars in behalf of the Indians of the West, we are confronted by the fact that in the State of California, which has been a beneficiary of these expenditures very largely, there are now a lot of homeless Indians out there for whom the Government must provide homes, and that they can only be provided by purchasing land held in private hands. I do not know of a more eloquent commentary upon the unsuccess—I will not use a more harsh term—the lack of success that seems to have attended the administration of our Indian affairs.

I have no doubt that this action will be used, Mr. President, for the purpose of securing moneys to buy land for the homeless Indians in the other States throughout the Union. I have been tempted to make the point of order once or twice, but have refrained from doing so because of my respect for the committee and because I know the difficulties of the task that has confronted them; but, Mr. President, this bill, relatively speaking, carries an enormous appropriation. It exceeds the appropriations of the other House by over three and a half million dollars; it exceeds the estimates by over one and a half million dollars.

This is no time to indulge in unnecessary appropriations, in view of our falling revenues and of the certainty of a coming deficiency. There are a great many very desirable things that ought to be done for the Indians that are not exigent, and, as a consequence, I think this is a good time to postpone the making of so many different appropriations, in view of the drain that is necessarily going to be imposed upon the Treasury. If this were a measure supported solely upon this side of the Chamber, I should be tempted to oppose every appropriation not estimated for and against which a point of order could be made.

Mr. KENYON. Mr. President, I should like to inquire of the chairman of the committee in relation to this item, as to how many of these homeless Indians there are, and how long they have been homeless?

Mr. ASHURST. In reply to the question of the Senator, if my memory serves me accurately, I will say there are, I believe, so far as may be now ascertained, about a thousand of these homeless Indians in the State of California, although the authorities do not agree as to the number. One of the gentlemen who came before our committee said that he thought there were 2,000, another fixed the number at 1,200; but I believe about 1,000 or 1,200 would be the number.

Mr. KENYON. And is it proposed——

Mr. ASHURST. If the Senator will permit me, there are about 4,500 Indians who are yet unprovided for on reservation lands or by allotments on the public domain in any other manner.

Mr. KENYON. What is it proposed to do—to buy a little tract of land for each Indian, or to group them together in some way?

Mr. ASHURST. That would depend somewhat on the tribe, I think. In some instances land would be purchased, and they would hold the land jointly or in common; but where they have progressed to some degree of civilization they might have small allotments made to them if the land were cultivable or irrigable, but where the land was not rich enough for agricultural purposes, I presume it would be used for grazing purposes, and held in common by the Indians.

Mr. SMOOT. Mr. President, in that connection I wish to say that I notice in the Indian appropriation bill of last year that $10,000 was appropriated for the same purpose.

Mr. TOWNSEND. But it was never expended.

Mr. SMOOT. I want to ask the chairman of the committee how that $10,000 was expended?

Mr. THOMAS. I should like to ask if the appropriation is for the same Indians, and are they still homeless, notwithstanding that appropriation?

Mr. TOWNSEND. Oh, no.

Mr. SMOOT. The provision in the Indian appropriation bill of last year reads as follows:

> For the purchase of lands for the homeless Indians in California, including improvements thereon, for the use and occupancy of said Indians, $10,000, to be immediately available and to remain available until expended, said funds to be expended under such regulations and conditions as the Secretary of the Interior may prescribe.

I would like to know from the chairman of the committee for what purpose that $10,000 was spent?

Mr. ASHURST. I will try to answer that question. On page 521 of the hearings the question was discussed. The Senator from Michigan [Mr. TOWNSEND] asked this question:

> Senator TOWNSEND. We appropriated $10,000 last year?
> Mr. MERITT. Yes, sir.
> Senator TOWNSEND. What did you do with that?

Mr. Meritt, who is the Assistant Commissioner of Indian Affairs, replied:

> That is being expended for lands for the homeless Indians of California.
> Senator TOWNSEND. Has it not been expended as yet?
> Mr. MERITT. The Indian appropriation bill did not become effective until the 1st of August, but we have a special agent going over the matter, and we shall expend that money before the close of the fiscal year.

Then the assistant commissioner says, as I have already intimated, that—

> There will then remain probably 1,500 Indians in California without land.
> Senator GRONNA. I find a justification for that on page 143 of the House hearings. It states that you have "expended approximately $145,000 in purchasing 6,793.51 acres of land."

Then Judge RAKER, of the House, interposed:

> Mr. RAKER. That is, from the beginning up to date?
> Senator PAGE. How much are you compelled to pay per acre for those lands?
> Mr. MERITT. We will have to pay more for lands in California in the future than we have in the past. The lands are going up all the time. We will have to pay between $30 and $40 an acre in order to get suitable lands for the Indians.

Mr. SMOOT. Mr. President, this only demonstrates to me the unwisdom of appropriating money and providing that it shall be immediately available and remain available until expended.

Mr. ASHURST. There is no objection to striking out that language.

Mr. SMOOT. Mr. President, an appropriation should never carry those words, in my judgment.

Mr. ASHURST. Does the Senator move to strike out those words?

Mr. SMOOT. Yes; I think they ought to be stricken out of this amendment.

Mr. ASHURST. There is no objection to that.

Mr. SMOOT. I move to strike out the words "and to remain available until expended."

Mr. THOMAS. Mr. President, I should like to ask the Senator from Arizona if I understood him correctly as saying that the sum of about $140,000 has heretofore been expended in California for this purpose?

Mr. ASHURST. The extract from the hearings from which I read indicated that from the beginning of the statehood of California down to this time $145,000 have been expended for this purpose.

Mr. THOMAS. For securing lands for homeless Indians?

Mr. ASHURST. I will read again from the hearings:

> Senator GRONNA. I find a justification for that on page 143 of the House hearings. It states—

That is the justification—

that you have expended approximately $145,000 in purchasing 6,793.51 acres of land.

Mr. RAKER. That is, from the beginning up to date.

Mr. THOMAS. So it would seem that from the beginning up to date—and that expression is somewhat indefinite—the Government has expended nearly $150,000 in the purchase of lands for homeless Indians; and the Indians are still homeless, or at least a great many of them are, my recollection of the number being 1,500. Now, if it be true that the Government is committed to the policy in California of taking care of and providing lands for every Indian who is homeless, I am not surprised if the Indian who has a home to-day becomes homeless to-morrow, because he gets a fresh appropriation for more lands. There are a good many good white people in California, I imagine, who are homeless. There are some in my State, unfortunately, though very few; and I am not disposed, Mr. President, after this year, if I am here, to allow an appropriation of this kind to go unquestioned without some more information than has been given in this case.

Mr. ASHURST. Mr. President, in reply briefly to the Senator I will state that with this money lands have been provided for Indians numbering 19,000 in the State of California, located within 55 of the 60 counties of that State, and of this number approximately 15,000 are located in northern California.

Mr. THOMAS. And all those Indians, I presume, originally had their allotments?

Mr. ASHURST. No.

Mr. THOMAS. Well, what does the Senator understand by the term "homeless Indians"?

Mr. ASHURST. If I comprehend the English language, "homeless" means without a home.

Mr. CLARK of Wyoming. Mr. President——

Mr. THOMAS. I think there is no difference between the Senator's understanding of that word and my own, but it follows that wherever the Government finds an Indian without a home we must buy more land for him to give him a home; and then if he loses that the next year we will give him another one.

Mr. ASHURST. The Senator is entitled, however, to a better answer than the one I gave him.

Mr. THOMAS. I think not. I think the Senator gave a very good answer.

Mr. ASHURST. The term in this instance means that certain Indians in California have not had a reservation assigned to them.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDING OFFICER (Mr. WALSH in the chair). Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. THOMAS. I do.

Mr. CLARK of Wyoming. I was hoping that the Senator from Arizona would elaborate a little more the point as whether these Indians have any tribal relations. To what tribes do they belong, and do the tribes to which they belong have reservations elsewhere—I am asking for information—or are they merely individual Indians who do not belong to any tribe?

Mr. ASHURST. Mr. President, the status of some of the Indians in California is, I may say, sui generis. Under the Spanish system, California once being a Province of Mexico and formerly a Province of Spain, some of the Indians apparently did not have the tribal relations that we find existing among other Indians.

Mr. TOWNSEND. Mr. President, if I may answer the Senator from Wyoming further——

Mr. THOMAS. I will be glad to yield the floor with the reflection that I am very much afraid that as long as there is any money in the Treasury to be appropriated, there are going to be a lot of homeless Indians in California.

Mr. TOWNSEND. Mr. President, the only thing I wish to say in justification of the action of the committee—or at least of one member of the committee—is this: It was represented to us, and I think truthfully so, that there are many so-called homeless Indians in California, and this condition is not entirely confined, if I may dissent from the chairman of the committee, to California; but there are tribes or bands of Indians—hardly tribes, but bands of Indians—scattered over several of the States, quite as much entitled to the protection of this Government as are the Indians who have tribal relations and who have received large amounts of land in the form of reservations.

The department has pursued the policy for some years of trying to care for these dependent, homeless Indians. What I mean by a "homeless Indian" and what I understand the department means by a "homeless Indian" is an Indian who has no allotment, who has no tribal relations, who has no funds upon which he can draw for his support. He is absolutely destitute and dependent upon the Government itself.

California and one or two other States have these Indians within their borders, and the Government has undertaken to allot them tracts of land upon which they can make homes. This item is for the California Indians. My understanding is—I may be mistaken about that, but certainly I should have gone further into it if I had not understood it so, and I think I am correct—that when the Indian has been once granted a home, when this Government has purchased a home for the Indian, that forecloses his right to appeal to the Government for any further beneficence on the part of the Government. So that this plan is being adopted, and it was thought that $30,000 would very largely take care of those Indians who are now dependent and who are homeless and without means of support.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Utah [Mr. SMOOT] to strike out the words "and to remain available until expended" in the committee amendment. Is there objection?

Mr. KENYON. Mr. President, I should like to ask the Senator from Michigan a question. Have any of these Indians received any allotments in the past?

Mr. TOWNSEND. I stated a moment ago that it is my understanding that they have not.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Utah [Mr. SMOOT] striking out certain words in the amendment reported by the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. ASHURST. I ask permission to insert in the RECORD a letter addressed to the honorable Secretary of the Interior by F. G. and B. B. Collett, field secretaries, Indian Board of Cooperation, California, on this subject.

The PRESIDING OFFICER. Without objection, the letter will be placed in the RECORD.

The letter referred to is as follows:

JANUARY 26, 1915.

Hon. FRANKLIN K. LANE,
Secretary of the Interior, Washington, D. C.

DEAR SIR: We are taking this opportunity to ask your careful consideration of the fact that there are not only 1,568 homeless Indians in California—as shown on page 144 of the hearings of the House of Representatives for 1914 entitled "Land to be bought for California Indians"—but that there are others, and that there is no adequate provision being made to supply even that number with land for homes in the near future.

Besides those mentioned in the hearings referred to, there are approximately 118 Indians at Stewards Point, Sonoma County, without land; at Pleasanton there are 19 not provided for; at Colusa the allotment made was not adequate to provide even for a small acreage for every family, and some are compelled to live elsewhere. Others, from different localities, keep applying to our board to try and get land for them.

The $10,000 asked for this year is wholly inadequate and out of proportion with the immediate need.

To provide for the entire 2,550 acres, as estimated on the same page, as sufficient for the 1,568 Indians, it would take $54,825 at the average price previously paid per acre of $21.50, and the total estimated appropriation needed has only been $50,000. At the rate which the small appropriations of late years have made it possible to buy land, it will be many more years before these homeless, waiting Indians are provided for.

Your attention is called to page 143 of the House hearings to the analysis of expenditures for the year ending June 30, 1914. There was $1,297.90 expended in order to expend $1,125 for land. This economic breach was acknowledged in the same hearings to be on account of the smallness of the appropriation which made perplexity as to its wisest expenditure. In the year ending June 30, 1913, there was land purchased only "For the Guideville Band in Mendocino County, 43.12 acres, at a cost of $2,000; and for the Wappo Band in Sonoma County, 30 acres, at a cost of $2,500." A like small sum year by year, administered by one or another to whom the purchase of land is only a side issue, will carry this matter on almost indeterminably while the Indians with all their priority of claim suffer and die, homeless, and landless, without claim even to the 6 feet of soil in which they are buried.

Again, in this connection, it should be borne in mind that California land is increasing in value at an enormously rapid rate, and lands which could have been bought reasonably several years ago are almost fabulous now—as that of Colusa, which was bought for the Indians at $90 per acre about six years ago. The adjoining land now brings $250 per acre.

At this rate of increase it will take almost three times as much to buy the same amount of land six years from now.

Therefore, it is plainly a matter of economic import to the Government to make this year's appropriation for land sufficiently large to conclude the purchase of land as rapidly as possible; and it is also an action preeminently just to the California Indians, for it is to be remembered that under the Spanish and Mexican laws that controlled prior to the cession of the territory by Mexico to the United States the Indians' right of occupancy was recognized, and they could not be legally evicted.

Also, under this transfer, existing land titles were guaranteed by the United States Government. But there seems to be no record of more than two out of several hundred of these having been of any value, though these land grants contain thousands of acres of the most fertile land in California.

In the year 1851 a United States commission, duly authorized, secured the signatures of about 400 Indian chiefs to treaties. These chiefs represented approximately 150 bands or tribes, practically all of them located in California. There were 18 of these treaties, all similar in tenor. The terms of each treaty were substantially as follows:

The Indians agreed to:

(a) Cede their rights in the land to the United States Government.
(b) Keep the peace.

(c) Accept the sovereignty of the United States.
(d) Accept certain reservations, 18 in number, aggregating about 5,500,000 acres, described in said treaties by metes and bounds.
The Government agreed to:
(e) Pay the Indians certain sums in goods, amounting to about $2,500,000.
(f) Reserve in perpetuity, for the Indians' use and enjoyment, different reservations specified in said treaties.
(g) Provide as many schools and instructors as were needed by the Indians and keep them open as long as necessary.

The Senate of the United States failed to ratify these treaties, and the Government therefore quite properly considered them inoperative. But why did the Senate fail to ratify? Because certain influential gold miners, whose mining claims would be affected, used their influence against it.

However strange as it may seem, proceedings under them have been conducted by the Government exactly as if they were deemed in full force and effect, in so far as the Indians were to become obligated thereunder; but the Government has disposed of all the lands set apart as reservations under the proposed treaties, and denied the Indians their rights to interfere in any way.

But prior to the passage of the Indian allotment act in 1887, it was impossible for an Indian to acquire land in California from the public domain. The relief came too late to save the Indians' rights from the greed of the white settlers, backed by the provisions of the homestead laws. Eviction of Indians from lands they fully believed to be theirs under the treaties they had signed with the Government in 1851 became quite general until when relief came it was too late. Out of 210,000 of the earlier days but a miserable remnant of 20,000 are left, and the condition of these may be tersely summed up in the language of an old chief, who recently replied to a white friend who inquired after the welfare of his people, "52 years white man makes promise, no keep 'em; hope all gone."

By every court of the land these Indians are recognized as wards of the Federal Government, and as such should be amply provided for. However, it is a pitiful fact that they alone of all the Indians of the United States have not only never received anything for their lands but are still waiting year by year even for the little allotted space of ground for mere existence.

We therefore ask you, honorable Secretary, both as a Californian and as one interested in the cause of humanity, to urge an adequate appropriation this year for the purchase of land, and that the matter of purchase be carried forward with all possible speed.

Very sincerely,

F. G. & B. B. COLLETT,
Field Secretaries, The Indian Board of Cooperation, California.
(Temporary address, General Delivery, Washington, D. C.)

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 24, line 6, after the word "superintendent," to strike out "$108,125; for general repairs and improvements, $6,000; in all, $114,125" and insert "$118,125, of which sum not exceeding $10,000 may be used for general repairs and improvements to buildings," so as to make the clause read:

For support and education of 650 Indian pupils at the Sherman Institute, Riverside, Cal., including pay of superintendent, $118,125, of which sum not exceeding $10,000 may be used for general repairs and improvements to buildings.

The amendment was agreed to.

The next amendment was, on page 24, line 12, after the word "superintendent," to strike out "$20,500; for general repairs and improvements, $2,000; in all, $22,500" and insert "$24,100, of which sum not exceeding $2,000 may be used for repairs and improvements to buildings," so as to make the clause read:

For support and education of 125 Indian pupils at the Fort Bidwell Indian School, California, including pay of superintendent, $14,100, of which sum not exceeding $2,000 may be used for repairs and improvements to buildings.

The amendment was agreed to.

The next amendment was, on page 24, after line 19, to insert:

For reclamation and maintenance charge on Yuma allotments, $40,000, to be reimbursed from the sale of surplus lands or from other funds that may be available, in accordance with the provisions of the act of March 3, 1911.

Mr. THOMAS. Mr. President, I should like to inquire of the Senator having charge of the bill whether any estimate has been made for that appropriation?

Mr. ASHURST. In response to the question of the Senator from Colorado I will say there was an estimate made for that item, but through error the item was omitted from the House bill. I will read the record of it if the Senator desires.

Mr. THOMAS. The Senator need not do that.

Mr. ASHURST. It has been estimated for.

Mr. SMOOT. Mr. President, I notice that in the past a number of the appropriation bills have carried the same amount in exactly the same words. Does the Senator understand that this is to be a continuing appropriation every year of the same amount; and if so, why should we appropriate $40,000 for this particular purpose? I notice in the appropriation bill of last year an identical item carrying a similar amount, and I have not seen anything in the hearings to justify it. I should like to know whether this item is to be carried in the appropriation bill year in and year out and never cease.

I know, Mr. President, that whenever an item gets into an appropriation bill it is a very difficult thing to get it out, and I think that we do not look after such matters closely enough. Perhaps there is some good reason for this, and perhaps $40,000 should be expended every year upon this project, but I believe the chairman ought at least to let us know the reason for it.

Mr. ASHURST. Mr. President, the Senator is entirely right about that. I will read from the hearings in regard to that, as follows:

This fund is required to meet the construction expenses incurred by the United States Reclamation Service in the irrigation of this reservation, and is similar to items of like nature occurring in previous appropriation bills.

I will also read a very short extract from the statement of Mr. W. M. Reed, chief inspector of irrigation, on page 149 of the hearings:

Mr. REED. The reason that we put that proviso in there is that during the past two years we objected somewhat to the payment that we have been making for maintenance and operation and construction, and we found that the laterals of the system built by the Reclamation Service were not yet far enough along to serve all of the lands that require water, and we have that proviso in order to withhold the payments until such time as the Indians are to have the water furnished. In the past we have made payments for construction upon laterals that were not built, and we have also made maintenance and operation payments for services that were not rendered. Therefore we have asked that this proviso in this particular case be placed in the bill.

Mr. CARTER. That provides that charges shall not be made against allottees until the water is placed on the land.

Mr. REED. It provides that charges shall not become due and payable until the water is available for use on the land.

Mr. SMOOT. Mr. President, I believe that it is necessary for the Government to assist the Indian in putting water upon his land, and I do not see any indication from the statement read that this appropriation will be any less for a number of years; but as it is reimbursable under the act of March 3, 1911, and it is specifically so stated, I presume the item is all right.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, at the top of page 25, to insert, as a new section, the following:

FLORIDA.

SEC. 4. For support and civilization of Seminole Indians in Florida, including the purchase of such lands as the Secretary of the Interior may deem proper, $10,000, of which $3,000 shall be immediately available.

Mr. THOMAS. Mr. President, I should like to inquire of the Senator having charge of the bill whether that item has been estimated for?

Mr. ASHURST. It has been estimated for by the department. It will be found on page 19 of the report of the committee.

Mr. THOMAS. This is for the support and civilization of Seminole Indians in the State of Florida. I should like to inquire of the Senator from Florida if the Seminole Indians of his State are not civilized yet. The State of Florida was admitted about 70 years ago, and the Seminole War occurred shortly afterwards; and consequently the process of civilization should have been accomplished by this time, it seems to me.

Mr. FLETCHER. The Seminole Indians in Florida, comprising some 650 to 1,000, have lived heretofore very largely in the southern part of the State, in what are known as the Everglades, about 4,000,000 acres down there covered most of the time with water. The Everglades are now being reclaimed by the State and the water taken off, and the Seminoles are losing the privileges which they have always enjoyed of having an abundance of game and otter and other things that have contributed to their support. We are trying now to get them interested in agriculture. The water is being taken off of their reservation. They have two or three little scattered pieces of land here and there, and it is becoming quite important that they devote their attention a little to producing something, rather than living off the game, the fish, and the water animals that heretofore were abundant in that region.

They are civilized in a way. Life has been a very easy proposition for them heretofore, because they had nothing to do but to fish and hunt; but now the civilization of the white man has taken possession of that area, and we find that it is necessary to civilize the Indian along a little different line, and teach him agriculture; and that is partly what this appropriation is for.

I will say that the commissioner down there is a very energetic and capable man, devoted to the cause of these Indians, and he actually applies part of his own compensation to their benefit, as shown by his letter. I hope the Senator will not raise any question upon this item. It has been estimated for, and it is a very small amount, but it is important for the benefit of these Indians.

Mr. THOMAS. Mr. President, I have been greatly edified by the explanation of the Senator from Florida. I do not know much about the Seminole Indians. I have been down to Florida once or twice; I have had one or two of them pointed out to me,

and they acted to me as though they were civilized. They were smoking, chewing, and swearing just like civilized people, and seemed to have all of those earmarks of enlightenment and civilization of which the Anglo-Saxon so justly boasts, so I am surprised that they are still to learn some of our other peculiarities, and that it requires some $10,000 to begin the work, because that is what it means. Next year, I presume, we will have to apropriate $10,000 more to continue the work of civilization and support.

I do not understand that I can object to this item, but, as was said by the Senator from Utah [Mr. SMOOT] a few moments ago, whenever an appropriation of this sort is injected into an appropriation bill it becomes a precedent, and it either commands the amount with which it originates or else that amount is increased.

I should like to ask the Senator from Utah, who is very familiar with all these appropriations, or the Senator having the bill in charge, whether this is an original amendment or whether it duplicates an appropriation hitherto made?

Mr. SMOOT. Mr. President——

Mr. FLETCHER. Mr. President, if the Senator will allow me to answer the question——

Mr. THOMAS. Certainly; I am very glad to receive an answer.

Mr. FLETCHER. I have no objection to the Senator from Utah doing so.

Mr. SMOOT. I will say to the Senator that the appropriation of $10,000 has been carried in the appropriation bill in the past for this particular purpose.

Mr. THOMAS. This identical appropriation?

Mr. FLETCHER. Mr. President, the truth about it is—and it is all a matter of record, there is no use in guessing about it—*that the* act of 1911 carried an appropriation of $10,000 for the relief of distress among the Seminole Indians in Florida and for purposes of their civilization, and that is the first act.

Mr. THOMAS. The first one?

Mr. FLETCHER. Not a dollar of it was used. Last year the appropriation act extended that appropriation; that is all. It made it available. It was not used by anybody. It is not fair to talk about this $10,000 being carried annually in the appropriation bills for the benefit of these Indians. The first appropriation was made in 1911. It was never used; it has not been used to this day; and the only thing that is asked now is that this appropriation of $10,000 shall be granted in addition to whatever may be unexpended of the original appropriation of $10,000.

Mr. THOMAS. Mr. President, in asking the question I intended to be fair. I think I am fair. The fact that it was not used——

Mr. FLETCHER. I did not want the impression to be created by the statement that this item had been carried in every appropriation bill for years.

Mr. THOMAS. I made the inquiry to ascertain whether it was or not; and I venture the assertion that from now on it will be.

Mr. ASHURST. Well, it ought to be.

Mr. THOMAS. And it will be increased, whether these Indians are civilized or not. Whenever these items of appropriation are put in a bill they continue, they become fixed charges against the Government; and while they are small in themselves, in the aggregate they are enormous. It is the aggregate of these appropriations which makes this bill nearly a million and a quarter dollars in excess of all the estimates, in the face of the fact that the Treasury, instead of being replenished, is being depleted constantly.

Mr. SMOOT. Mr. President, I think the Senator from Florida must have misunderstood what I said in relation to this item. I have said in the past that items of this kind have been carried in the appropriation bill from year to year, and I have not taken the time to look back to see how far; but in the case of this item I stated that the last appropriation bill provided for $10,000, the same amount as is provided in this bill.

Mr. FLETCHER. If the Senator will only be fair enough to read that act, he will see that it says that the amount carried in the appropriation act of March 3, 1911, "is hereby reappropriated and made available."

Mr. SMOOT. That is true.

Mr. FLETCHER. It is not a new appropriation at all.

Mr. SMOOT. Of course it was a new appropriation, or else it would not have been in the appropriation bill. I want to say to the Senator, however, that the bill now under consideration appropriates $10,000, irrespective of what was appropriated in the last appropriation bill. There is not any question about that. I have not said anything in relation to the advisability of the appropriation, because I know nothing of it. I simply answered the question of the Senator from Colorado.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, under the head of "Idaho," on page 25, after line 21, to insert:

For maintenance of the sanatorium at Fort Lapwai, Idaho, for incidental and all other expenses for its proper conduct and management, including pay of employees, repairs, improvements, and for necessary expense of transporting Indians suffering with tuberculosis and trachoma to and from said sanatorium, $40,000.

Mr. SMOOT. Mr. President, may I ask the chairman of the committee when the sanitarium was established and whether it is completed to-day?

Mr. ASHURST. There was so much confusion that I could not hear the Senator.

Mr. SMOOT. I wanted to find out on what date the sanitarium was completed, if completed, and when the appropriation was made for it.

Mr. ASHURST. I will give the Senator the information I have at hand. The House hearings, on page 158, contain the following information, at the bottom of the page:

The Fort Lapwai Sanitarium has been established for several years—

The Senator will see that that does not state the number of years—

and now has a capacity for treatment of 100 patients. The statement given above shows expenditures for all purposes for the institution during the fiscal year 1914. These payments were made from the general appropriation "Relieving distress and prevention, etc., of disease among Indians, 1914," but this has become too heavy a drain upon the latter appropriation, and therefore specific provision is requested.

Some $15,000 was spent for salaries for employees, $2,000 for traveling expenses, $486 for transportation of supplies, $7,000 for subsistence, and so forth. I now have the information for which the Senator asks. It has been in use for two years, and it was changed from a school.

Mr. SMOOT. The reason I asked the question was that I wanted to know from what fund this has been paid in the past, because under the heading of "Idaho" in the last appropriation bill there was no appropriation for this particular item. I believe it is a splendid thing to establish this sanitarium, and I was simply wondering whether this was the first year of its maintenance.

Mr. ASHURST. No; it has been in operation two years, and it will treat about 100 patients.

Mr. SMOOT. But the expense is paid out of a lump-sum appropriation?

Mr. ASHURST. Yes; the expense heretofore was paid out of the sum appropriated for "relieving distress and prevention of diseases among Indians," and so forth.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 26, after line 3, to insert as a new section the following:

IOWA.

SEC. 6. For maintenance of the sanatorium at Sac and Fox Agency, Iowa, for incidental and all other expenses for its proper conduct and management, including pay of employees, repairs, improvements, and for necessary expenses of transporting Indians suffering with tuberculosis and trachoma to and from said sanatorium, $25,000.

The amendment was agreed to.

The next amendment was, on page 26, after line 20, to insert as a new section the following:

LOUISIANA.

SEC. 8. That $1,500, or as much thereof as may be necessary, is hereby appropriated, to be expended for the relief and for clearing the title to the lands owned or possessed by the Chettimanchi Band of Indians of Louisiana, and for the purchase of such lands as may be necessary to put them on a self-supporting basis: *Provided*, That the Secretary of the Interior may, in his discretion, require that the legal title to all property purchased, or the title to which is to be cleared, with the funds hereby appropriated shall be in the name of the United States, for the use and benefit of the Indians.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. The Senator from Colorado.

Mr. THOMAS. Will the Senator having charge of the bill please inform me whether that is a new appropriation or whether it is one which has been carried heretofore?

Mr. ASHURST. The Senate approved and favorably passed upon this appropriation last year, and it went out in conference. I will give a brief history of it.

Mr. THOMAS. Is there an estimate for it this year?

Mr. ASHURST. It was estimated for.

Mr. THOMAS. Was last year the first time the hopeless and helpless condition of this band of Indians was brought to the attention of Congress?

Mr. ASHURST. I shall have to give the Senator a brief history of it. The Indians were about to lose their land by reason of some encumbrance when a very worthy lady, moved by humanitarian impulses, came forward and paid off the lien,

paid the amount of money that was about to be raised by selling the Indians' lands, and this is to reimburse her. It has been estimated for, was passed and approved by the Senate last year, and it only went out in conference.

Mr. THOMAS. If that is the purpose of it—and I have no doubt of the Senator's statement—I think the provision ought to say so. It says that this amount of $1,500, or so much thereof as may be necessary, shall be used, among other things, to purchase such lands as may be necessary to put the Indians on a self-supporting basis. On the face of it, that would indicate that the amount of the appropriation is in excess of the sum due to this lady.

Mr. ASHURST. Sometimes an abundance of caution requires that we use appropriate language. The Senator will notice, in line 23, page 26, the words—

to be expended for the relief and for clearing the title to the lands owned or possessed by the Chettimanchi Band of Indians of Louisiana, and for the purchase of such lands as may be necessary to put them on a self-supporting basis:

Mr. THOMAS. To relieve them, to clear the title to their lands, and to buy other lands.

Mr. CLAPP. Was there not some question as to the equity expiring, in which event, instead of redemption being made, it would have to be purchased; and was not the word "purchase" put in for that reason?

Mr. ASHURST. That is true.

Mr. CLAPP. I am not certain, but it is in my mind that some such explanation was made of the word "purchase."

Mr. THOMAS. Mr. President, inasmuch as the State of Louisiana has shown such becoming modesty in asking for only $1,500 to begin with, I shall not make a point of order against it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, under the head of "Michigan," on page 27, line 10, after the word "superintendent," to strike out "$60,450; for general repairs and improvements, $4,000; in all, $64,450" and insert "$66,450, of which sum not exceeding $6,000 may be used for general repairs and improvements to buildings; for dairy barn, $5,000; in all, $71,450"; so as to make the section read:

SEC. 9. For support and education of 350 Indian pupils at the Indian school, Mount Pleasant, Mich., and for pay of superintendent, $66,450, of which sum not exceeding $6,000 may be used for general repairs and improvements to buildings; for dairy barn, $5,000; in all, $71,450.

The amendment was agreed to.

The next amendment was, under the head of "Minnesota," on page 27, line 18, after the word "superintendent," to strike out "$39,175; for general repairs and improvements, $5,000; for septic tank, $5,500; in all, $49,675" and insert "$46,175, of which sum not exceeding $8,000 may be used for general repairs and improvements to buildings; for septic tank, $5,500; in all, $51,675," so as to make the clause read:

For support and education of 225 Indian pupils at the Indian school, Pipestone, Minn., including pay of superintendent, $46,175, of which sum not exceeding $8,000 may be used for general repairs and improvements to buildings; for septic tank, $5,500; in all, $51,675.

The amendment was agreed to.

The next amendment was, on page 29, line 2, after the word "available," to insert "for payment of expenses incurred after June 30, 1914, in making required enrollment," so as to make the clause read:

That the unexpended balance of the appropriation for "Enrollment of Chippewa allottees, White Earth Reservation, Minn.," contained in the act approved June 30, 1913 (38 Stat. L., p. 89), making appropriations for current and contingent expenses of the Indian Service for the fiscal year 1914, is hereby reappropriated and made immediately available for payment of expenses incurred after June 30, 1914, in making required enrollment.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. CLAPP. Inadvertently, the word "salaries" was left out on line 3, and although we are dealing with Senate amendments here, if the chairman has no objection, I suggest inserting it after the word "of," so that it will read "of salaries and expenses."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 29, line 3, in the committee amendment, after the word "of," the first word in the line, it is proposed to insert the words "salaries and," so that, if amended, it will read:

For payment of salaries and expenses.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 29, after line 4, to insert:

That the seventh paragraph of section 9 of the act approved June 30, 1913 (38 Stat. L., p. 88), be, and the same is hereby, amended to read as follows:

"That the roll herein provided for shall be made in triplicate and shall show the allotment number or numbers, together with the description of the property allotted, and the name, age, sex, and whether the allottee is of full Indian blood or a mixed blood. The roll shall also state whether the person named is living or dead, and if dead, the approximate date of death shall be stated, when it can be ascertained, together with the age of such person at death as near as practicable. No allotment nor the allottee thereof shall be enrolled where there is a suit now pending, or hereafter commence prior to the completion of such roll, to cancel any conveyance of such allotment until such suit has been finally determined."

Mr. SMOOT. Mr. President, may I ask the Senator from Minnesota to state briefly what changes are made in the present law by this amendment?

Mr. CLAPP. Yes; I will do so.

When the act was passed for this enrollment there was a question as to what constituted a mixed blood, one of the courts having held, I think, that there had to be at least one-eighth white blood. The Supreme Court of the United States held that any degree was mixed; that a mixed blood was a mixed blood, and the department suggested this amendment. It occurred to me that it might have been made more briefly, but the department suggested that it was better just to reenact the provision with this change, where it says, on line 12:

and whether the allottee is of full Indian blood or a mixed blood.

That will save a great deal of cost and labor in simply determining and reciting the fact of mixed blood rather than to go on and ascertain the particular degree, which is no longer necessary under the decision of the Supreme Court. I think it might have been done more briefly, but the department suggested this means of accomplishing the purpose, and I have no objection to it.

Mr. SMOOT. That is the only change?

Mr. CLAPP. That is the only change.

The PRESIDING OFFICER. The Chair would like to inquire of the Senator from Minnesota if the last word in line 18 should not be "commenced" instead of "commence"?

Mr. CLAPP. Yes; that is undoubtedly a typographical error.

The PRESIDING OFFICER. The Secretary will make the correction. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 29, after line 20, to insert:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of $25,000, or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section 7 of the act of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," and to use the same for the purpose of constructing, equipping, and maintaining a hospital, to be located on the Leech Lake Reservation, the site to be selected by the Secretary of the Interior, for the use and benefit of the Chippewa Indians in Minnesota. Section 8 of the act approved August 1, 1914, is hereby amended in so far as to permit of the purchase of a site in the city of Cloquet, Minn., and the construction thereon of a hospital instead of on the Fond du Lac Reservation.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. CLAPP. First, as to the first item of that amendment, last year I think we appropriated for two hospitals, and this year we are appropriating for a third one. The Indians are so located in that State that there ought to be at least three. Now, section 8 is amended in this respect: Under the bill of last year it provided for one of the hospitals to be located on the Fond du Lac Reservation. This adjoins the city of Cloquet. It was found that by building it inside of the city limits—it is a small city of perhaps six or seven thousand people—the water facilities and sewerage of the city could be utilized, at a great saving of expense; and to put it beyond any question as to the authority, the department suggested this change, so that they can place it inside the city without any question.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 30, after line 12, to insert:

That the sum of $4,000, or so much thereof as may be necessary, of the tribal funds of the Chippewa Indians of the State of Minnesota, is hereby appropriated to pay the expenses of the general council of said tribe to be held at Bemidji, Minn., beginning July 13, 1915, pursuant to the constitution of the general council of said Chippewa Indians of Minnesota, organized in May, 1913, and to pay the actual and necessary expenses of the members of the executive committee of said council when attending to the business of the tribe, and to pay the expenses to Washington, in January and February, 1915, of the delegation of Chippewa Indians of the State of Minnesota appointed by the president of said general council pursuant to the resolution of said general council of date August 14, 1914, to present the affairs of said Chippewa Indians of the State of Minnesota to the officials of the United States, said $4,000 to be immediately available, and the expenses of said delegation to be paid by the Secretary of the Interior upon

itemized accounts approved by the Commissioner of Indian Affairs, and the expenses of said general council to be paid by the Secretary of the Interior upon itemized accounts approved by the president of the executive committee of said council and certified to by its secretary. The Secretary of the Interior may authorize an inspector or special agent to attend future sessions of said general council and conventions to which delegates therefor are elected.

The amendment was agreed to.

The next amendment was, on page 32, after line 2, to insert:

Hereafter on ceded lands in the State of Minnesota embraced within the provisions of the law entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, the minerals in and mineral rights pertaining to any of the lands the cession of which was provided for in said act and for which the United States has not conveyed title shall be and remain in and are reserved for the use and benefit of the Chippewa Indians in the State of Minnesota.

The amendment was agreed to.

The next amendment was, on page 32, after line 12, to insert:

That the following-described lands within the Red Lake Indian Reservation, Minn., be, and the same hereby are, created into a forest reserve, to be known as the Red Lake Indian Forest: Townships 150 and 151 north, ranges 32, 33, 34, 35, and 36 west, and townships 152 and 153 north, ranges 32, 33, and 34 west of the fifth principal meridian, except the lands in township 151 north, range 36 west, which lie north of the north line of sections 26 to 30, inclusive, and except all lands within sections 4, 5, 6, 7, 8, 9, and 18, in township 153 north, range 34 west. The provisions of this section shall not apply to any lands which have heretofore been reserved for school, agency, church, or town-site purposes, or granted to private parties or corporations, within the area described: *Provided*, That when any of said lands are no longer needed for the purpose for which they were reserved the Secretary of the Interior may declare such lands to be a part of the Red Lake Indian Forest.

Mr. FALL. Mr. President, as to that portion of this committee amendment from line 13 on page 32 down to and including line 7 on page 33, I should like to ask why this portion of this Indian reserve is proposed to be included in a forest reserve. I simply want information upon the subject, because I know that in some instances where a forest reserve has been extended over an Indian reserve there has been quite serious conflict and some very serious questions arising, owing to the difference in jurisdiction, the conflict of jurisdiction between the Interior Department upon the one hand, which has jurisdiction of the Indians and the Indian reserves, and the Agricultural Department upon the other hand, which has jurisdiction over the forest reserves. The effect of this amendment is to extend a forest reserve over an Indian reserve.

Mr. CLAPP. I shall be very glad to explain it.

Mr. FALL. I should like to have the Senator explain the purpose of it.

Mr. CLAPP. I will take the suggestions in the inverse order. In the first place, this bill does not create a forest reserve in charge of the Department of Agriculture, but keeps this entirely within the charge of the Secretary of the Interior, as will be seen from the further language of the bill. That is to avoid any conflict.

Now, I think the Senate should be advised. Of course there is on this Red Lake Reservation a large amount of agricultural land, and there is also one of the finest stands of white pine, probably, east of the Rocky Mountains. This pine is in a position where one of four things has to happen to it—either there will be an annual loss in the dead and down timber and in the timber that has reached maturity, or the Government will have to provide for the sale of this timber in some form, or the Government will have to take over the timber and account subsequently to the Indians for it, or we will have to make provision whereby the dead and down timber can be removed, the ripe timber removed, and at the same time the growing timber retained.

Mr. FALL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from New Mexico?

Mr. CLAPP. Certainly.

Mr. FALL. Is this one of the reservations of timber which the Secretary now by law has no jurisdiction over? Upon some reservations the timber has been excluded by special act from the jurisdiction of the Secretary of the Interior. In the case of the greater number of the reservations which I have any knowledge of to-day in the United States the Secretary of the Interior has the power now to dispose of the mature timber and the dead or down timber. Is this one of the reservations over which he has no jurisdiction?

Mr. CLAPP. He would have no jurisdiction to carry out the plan of an annual or an occasional crop of timber. In some of the acts relating to the power of the Secretary with reference to pine timber the words have occurred, "the Red Lake Reservation in Minnesota being excepted herefrom."

Mr. FALL. That is only as to a contract of sale?

Mr. CLAPP. Yes.

Mr. FALL. He has no right to contract for the sale of timber, but he still has jurisdiction.

Mr. CLAPP. I doubt whether he could contract for the sale. But, Mr. President, we are going further in this amendment, and that is what I want the Senator from Oregon to listen to. He will see the provision——

The PRESIDING OFFICER. The Senator from Minnesota will suspend for a moment. The Chair will suggest that the amendment has been read only in part.

Mr. CLAPP. I know.

Mr. FALL. I found that I had made a mistake.

The PRESIDING OFFICER. If the Senator will pardon the Chair, the Chair will suggest that the amendment be read in whole and probably the entire information will be given by the reading.

Mr. FALL. I think that is proper.

Mr. CLAPP. I realized that when I took the floor, but I thought it made little difference when a general explanation was made. If the Senator from Arizona is agreeable I will withhold the explanation until the entire reading of the amendment has been completed.

The PRESIDING OFFICER. The Secretary will proceed with the reading of the amendment.

The Secretary read from page 33, line 8, to line 24, on page 35, as follows:

That the forest shall be administered by the Secretary of the Interior in accordance with the principles of scientific forestry with a view to the production of successive timber crops thereon. The said Secretary is hereby authorized to sell dead, down, and matured timber and other marketable products, under such rules and regulations as he may prescribe, and to establish such sawmills and accessories as may be necessary to manufacture the dead, down, and matured timber into various products, and he may purchase such equipment and employ such persons as shall be necessary to carry out the purpose of this act. Before any expenditures are made or contracts entered into hereunder the Secretary of the Interior shall submit an estimate, and annually thereafter, of such proposed expenditures, to be approved by Congress. The Indians, without charge, shall be allowed for fuel, under rules and regulations prescribed by the Secretary of the Interior, dead timber, standing or fallen, which is not of a merchantable grade or suited for timber.

That it shall be the duty of the Secretary of the Interior to maintain at all times a forest cover on all parts of the forest which are not better adapted to agricultural uses than to the production of forest crops, and he may establish nurseries or purchase seedlings or transplants when needed for reforestation purposes.

That the Secretary of the Interior is hereby authorized to issue a permit to any head of a family or adult unmarried member of the Red Lake Band of Indians entitling him or her to the exclusive use for a term of 10 years of any tract of land, not exceeding 20 acres in area, fronting on either Upper Red Lake or Lower Red Lake, having a shore line of not more than 50 rods. Similar permits may be issued by the said Secretary for legal subdivisions which do not border upon either of the said lakes with the same restrictions as to area. In the granting of these permits preference shall be given to Red Lake Indians who have occupied such land for a period of not less than three years prior to the passage of this act and each permit shall be renewed so long as the person or any member of his or her immediate family shall continue to reside thereon, unless in the opinion of the Secretary the best interests of the Red Lake Band of Indians demand that such permit be not renewed; and when a renewal is refused the Secretary shall cause an appraisal to be made of any permanent improvements placed upon such land by the permittee, or his immediate family, and shall pay to him, from the proceeds of the Red Lake Indian Forest, the amount of such appraisement. If any Indian permittee or his immediate family shall fail to reside upon the shore line or interior tract covered by his permit for a period of at least three months in any year, the permit shall be subject to cancellation by the Secretary of the Interior, and when a permit is thus canceled the Secretary may pay the permittee the value of his permanent improvements from the proceeds of the Indian Forest if, in his judgment, the improvements are of any value to the Red Lake Indians. If lands covered by a lapsed or a canceled permit are assigned to another applicant, such new permittee shall be required to pay into the Red Lake Indian Forest fund the value which the improvements thereon have at the time of the issuance of such permit.

That every permit or lease issued under authority of this act to Indians or to other persons or corporations shall reserve to the Secretary of the Interior the right to cross the land covered thereby with logging roads or railroads, to use the shore line, or to erect thereon and use such structures as shall be necessary to the proper and economical management of the Indian forest created by this act.

That all acts and parts of acts inconsistent with the terms of this act are hereby repealed.

Mr. CLAPP. Mr. President, the last words read, lines 24 and 25, page 35, should be stricken out. This was taken from a bill which my colleague [Mr. NELSON] had introduced. The words, of course, have no place here as they would have had on that bill.

The PRESIDING OFFICER. Without objection the amendment will be amended on page 35, lines 24 and 25, by striking out the words:

That all acts and parts of acts inconsistent with the terms of this act are hereby repealed.

Mr. FALL. I ask for information if it would not be proper to place a period after the word "act," on line 18, page 33, and a capital "B" in the following word?

Mr. CLAPP. There can be no objection to that of course.

The PRESIDING OFFICER. Without objection, that will be done.

Mr. LANE. I wish to say——

Mr. CLAPP. Just a moment, if the Senator will pardon me. The word "pine," after the word "matured" on line 12, should

be inserted. When this was before the committee the first proposition contained the authorization to sell posts and rails and such things, and without the word "pine" to limit it to dead, down, and matured timber, the Secretary might not have the authority to sell the small stuff such as the posts and rails.

Mr. STERLING. To what page does the Senator refer?

Mr. CLAPP. Page 33, line 12, after the word "matured."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 33, line 12, after the word "matured" and before the word "timber," insert the word "pine," so as to read "matured pine timber."

The amendment to the amendment was agreed to.

Mr. LANE. In regard to this item I will say that the Indians, such as have had communication with the committee, have protested against its adoption. They say they have not been consulted; that they already own the land; that it is their land; and they have the right to camp upon the shore of the lake, whereas they will not hereafter be permitted to do so unless with the approval and good will of the supervising officer that they do so; that if they are removed from these highlands, the farm lands they will be compelled to occupy are swamp lands, which they can not till until after they have been irrigated. They have been concerned about it, and have so many times asked that they be permitted to pass upon it before we extend a right which will forever alienate them from the fishing. They wish to be consulted, and they are against this disposition of rights which they have enjoyed for ages.

Mr. CLAPP. I hope the Senator will withhold his point of order until I make one correction. In the first place, it does not take away the title from the Red Lake Indians. It does not affect the title to their lands at all. It simply provides that the timberland shall not be allotted at present, but that the agricultural lands may be allotted.

Mr. LANE. The Indians say that the so-called agricultural land is a swamp; that the timberland they now have access to, and I think in many instances they would have to get a permit to have access to it. I wish to make a point of order.

Mr. CLAPP. I hope the Senator will listen for a moment.

Mr. LANE. Yes.

Mr. CLAPP. The Senator is not listening; he is going off.

Mr. LANE. I am going to walk around a little. I do not have to sit down.

Mr. CLAPP. The Senator thinks that he can listen, perhaps.

The PRESIDING OFFICER. The Senator declines now to yield.

Mr. CLAPP. I wish to make this statement once and for all. Here is a large body of pine land. Some of it is being destroyed. It is dead and down. There is danger of fire going through there. The dead and down timber ought to be disposed of, the mature timber ought to be disposed of, and the growing timber ought to be preserved, and there is not authority anywhere to do this without legislation.

In the Cass Lake region we tried an experiment. There we set aside a large forest reserve. The Government owned or held all the pine but 5 per cent for reforestation. Afterwards we amended that to 10 per cent. Go into any forest and a tree naturally grows as high as it can for sunlight and will go no deeper for moisture than is necessary. Thin out a forest 5 to 10 per cent and the first strong wind that comes blows down what you have left. The only reasonable way in which to develop a forest reserve is nature's way. As trees grow old they die out and the strong trees absorb the sunlight, shade the ground, and in the course of time nature has produced a park that can be supplemented by human activity, if it is along the line that nature has prescribed for that particular work.

Now, it is proposed in this bill to give the Secretary of the Interior the authority to sell the small stuff suitable only for posts and poles and rails that are a menace to that reservation lying there upon the ground. It is proposed to give him authority to sell the dead and down timber that is a menace to that reservation. It is proposed to give him authority to sell the mature timber that instead of increasing in value has ceased to grow valuable, and at the same time to retain and protect and save the younger and growing pine timber that there may be a succession of forest upon that land.

In order that the Secretary shall not plunge this project into extravagance that shall absorb the income, we have put a provision in here that not a dollar shall be invested and not one dollar of debt can be incurred except upon the estimates first submitted to Congress and to be approved by Congress.

It is a fact that some of the Indians came there and that they opposed this measure. I talked it over with them. Of course, it would be more agreeable to the Indians and I believe more and more and in this very bill in making provision for a continuing council, that when the estimates come here from the Secretary of the Interior from year to year to recognize a legal representation from these Indians to appear here to review those estimates and to pass upon them in connection with the two committees of Congress.

Mr. President, it is possible to carry these things too far. That timber is there. The dead and down, as I said, is a menace to the standing timber. One of two things confronts us, either to sell the timber and denude that forest and take the last great stand of pine timber east of the Rocky Mountains or adopt a system of conservation that can not run riot, because not one dollar can be invested, not one dollar of contract can be incurred, until the Secretary shall first come here and submit his estimate, and those estimates be approved, and representatives of the Indians here sitting around the committee table review and consider these estimates.

I hope the Senator from Oregon will not press his point of order. This land has stood there, and for years we have been unable to accomplish anything with it. The Senator from Oregon can not realize the greed of those men who would like to see this measure defeated, that this timber may sooner or later go upon the market. He little realizes the efforts that are being made behind my distinguished colleague [Mr. NELSON], who is the author, let me say, of this bill, and myself to defeat this measure. It will be the old, old story of the pine disappearing and in its place little better than a barren waste.

Mr. President, these Indians are possessed of this magnificent domain. This does not dispossess them of their title. It does not change their title one iota. That there may be no differences between them, that there may not be two Indians claiming the same camp site upon the lake shore or within the body of the timber, we provide for the orderly exercise of that camping right through permits issued by the Secretary of the Interior.

Back of this pine domain lies one of the finest agricultural districts in the State of Minnesota, but it needs draining. Congress has either to appropriate money for draining that land or it has to lie there useless to the Indians, or by the wise use of this system the proceeds of the pine sold in an orderly way to preserve this great forest so that it can be used to drain this outside agricultural lands, and thus the Indians in time will have his outside agricultural home drained by the proceeds of the very pine that to-day is going to waste and is a menace to the standing pine upon that reservation.

I want to say to the Senator from Oregon and those Senators here that men who live in the States where these problems arise have to deal with them. My colleague and myself have to face these Indians. We have to face the people of our State in the conduct of our legislation with respect to these Indians. I submit, Mr. President, to the Senate that, occupying that position, clothed with that responsibility, our voice and our opinion and our judgment upon this matter ought to be as sufficient as the judgment or the protest of one who comes here and who manifestly does not understand the terms of the bill, because one of the objections made by the Senator from Oregon is that here we are taking the title away from these Indians, when any layman reading the bill will see that we ought not to dispossess these Indians in any manner whatever of their title.

It is true that we do provide for selling their dead-and-down and mature timber and reserving their green and standing timber, that that forest may be preserved and that there may be a source of income hereafter for these Indians.

Now, Mr. President, I have done my duty, I have discharged my responsibility, and if I am unable to appeal to the Senator from Oregon let this pine go, let this dead-and-down timber rot away until it amounts to nothing, let it be a menace to that forest, and let forest fires sweep through there and take from these Indians hundreds and hundreds and thousands, aye, millions, of dollars that this bill wisely and justly attempts to conserve for their use.

Mr. NELSON. Mr. President, I am interested in this legislation for two reasons—first, the welfare of the Indians, and next, a little bit of State pride.

When I came to Minnesota, in 1871, Minnesota was one of the great white-pine States of the Union. Since that time, however, pine has been absorbed by the lumbermen. They have gotten hold of all the pine land in the State except this. They have logged it off. The way the lumbermen treat the land when they get a piece of land is to strip it. They do not leave any trees there to seed it; they leave the offal there, the limbs and brush, and brush fires go through, and the land thus denuded of that timber grows up to scrub oak, poplar brush, willow brush, hazel brush, and all other kinds of brush except pine.

Now, in northwestern Minnesota there is one of the sources of the Red River of the North, two beautiful lakes connected with a narrow channel, so that practically so far as boating is concerned it is one lake. There are some 22 townships on this Red Lake Reservation connecting the lakes, perhaps 24, if I include the lakes. The Indians are located around this lake in the eastern end of the reservation, on a peninsula, a neck between the two lakes, and on the south shore of one of these is this body of pine. It is the only virgin pine we have left in Minnesota. There is perhaps an area equal to one township of real pine. There is some oak besides. It is the purpose of this legislation to conserve this pine for the benefit of the Indians and to have one little pine forest left in the State of Minnesota.

There are between 1,100 and 1,200 of these Red Lake Indians. There is no doubt there are about twenty-odd townships of prairie and meadow land, good agricultural land, for their allotment. They are entitled to an allotment of 160 acres of agricultural land on this reservation. If you establish this forest reserve there is more than enough agricultural land left to give them 160-acre allotments. There will be enough to cover the allotments and probably will be more than a township left.

The purpose of this legislation is to leave this timber for the benefit of the Indians, to have it remain as a permanent forest, to take only the dead-and-down timber and the matured timber—that is, the timber that has ceased growing—to be sold for the benefit of the Indians, and the Indians are left that strip [indicating on a map]. If I could show this map, which I can not, to my colleagues here in the Senate, I could point out to them that the design of this bill is to leave a strip along the shore of the lake for these Indians to occupy. In addition to that, they can continue to occupy this forest and use it, and they are entitled to the dead-and-down timber for their own use, and the other timber—the mature timber and the dead-and-down timber not used by them—is to be sold for their benefit. They will get all that is in this pine, and it will remain there permanently, and every Indian on the reservation will have an allotment of 160 acres.

I have a map here in my hand. I can point it out. Here are the two lakes. Red Lake, the source of the Red River. This yellow part here [indicating] is the agricultural meadowland, and the land that it is designed to reserve for timber is this blue line around the shore of the lake.

As I said, this legislation is for the welfare of the Indians, and it is for the purpose of preserving and continuing the only pine forest we have left in the State of Minnesota.

I will state another reason why this legislation is urgent. I have been appealed to by some of the lumbermen of Minnesota within the last two years to get legislation permitting them to buy this timber and cut it, and if they have their way they will get hold of this land. What the lumbermen in Minnesota want is to have this pine timber allotted to the Indians, and then they will go and buy the allotments from the Indians and strip the land of timber, and the Indians will have nothing left.

I have been up in that country, Mr. President. I am familiar with the situation. There are, as I said, between 1,100 and 1,200 Indians there. They are entitled to allotments. They ought to have taken their allotments long ago, but some of the unscrupulous white men have advised them not to take allotments, but live there on the shore of the lake, and they have been living around the shore of the lake fishing, hunting, and trapping and carrying on no agriculture.

As a friend of the Indians, Mr. President, I am anxious that these agricultural lands should be allotted to the Indians and that we should try and have them become farmers and self-sustaining; and then in addition to that we want them to have the privilege of living around the shore of this lake. Only a few of their allotments would come up to the lake. Most of them would be at a distance from the lake. But this measure proposes to give them a strip of land of 50 feet frontage on the lake for each Indian, a strip of land lying on the lake shore, so that wherever they get their allotments on the reservation they can come to the lake shore and camp there and fish and have a good time.

My information is that all the Indians up there, with the exception of a few men, that we call the tools of the lumbermen, are in favor of this measure. One of them came down here; he is squatting on the lake. He got hold of an Indian lawyer from Wisconsin, a lawyer who has a squaw wife, as they call it. They laid their heads together and came before the committee and represented that there was a great opposition to this measure.

Mr. President, I am familiar with the Indian situation up in that country. I have been up in that country; I know what the opinions of the Indians are, and as a friend of the Indians I want them first of all to secure these agricultural allotments there that they may become farmers. In the next place, I want this forest reserve to remain there in perpetuity as long as God Almighty will let it grow. I do not want our lumbermen to strip that piece of pine as they have stripped every other piece of pine in the State of Minnesota.

I wish Senators could go to the State of Minnesota and see the large areas of pine land that the lumbermen have taken and stripped of pine and have not left any for reforestation, but allow the refuse, the limbs and the brush, to remain on the land, and have oftentimes set fire to it and stripped it. So those lands that were once the finest pine forests in Minnesota are to-day covered with scrub oak, poplar brush, and hazel brush, and covered with all kinds of rubbish except pine.

Now we have an illustration of what can be done by reforestation. Less than 100 miles, not over 50 miles, away a forest reservation was established on some of these Indian lands. Under that plan of a forest reserve they were allowed to sell the good timber for the benefit of the Indians, but they were required to preserve 10 per cent of the mature trees for seed purposes, and they did preserve it. They were required to keep the fire out of that reservation. This map shows it. It is the Green Reservation. They have demonstrated what now can be done in the shape of reforestation without planting any trees.

If you reserve a percentage of from 5 to 10 per cent of the mature trees and leave them, they will furnish the necessary seed; and if you keep the fire out, the young pine sprouts will come up, and they will grow as rapidly as the climate and the weather of that country will permit.

We have, as I have said, an illustration of that kind. In reference to the Red Lake Reservation, there the timber is still uncut; nothing has been cut except what little the Indians may have used for their camp fires in winter. The forest is there. It is one of the best and finest, and the only one remaining in the State of Minnesota. We want to preserve that reservation, first, to show to future generations that Minnesota has once been a pine State; we want to show one little remnant of that body of white pine.

In the next place, Mr. President, we want this forest reserved for the use of the Indians. We want them to take agricultural lands and to become good farmers; we want to let them have the use of this timber for their fuel. The dead-and-down and mature timber—that is, the timber that has ceased to grow and is likely to perish—we want sold and disposed of for their benefit. However, a part of this agricultural land near the outlet of Red Lake River is low and needs drainage before it can be utilized to advantage.

Mr. STERLING. Mr. President, will the Senator from Minnesota permit me to ask him a question?

Mr. NELSON. Yes, sir.

Mr. STERLING. How long have these lands, which the Senator from Minnesota describes as agricultural lands, been surveyed, if they have been surveyed?

Mr. NELSON. Oh, yes; they were surveyed a long time ago.

Mr. STERLING. Remembering the rapidity with which lands have been allotted in the western part of our State, the wonder to me is that the lands in this reservation had not been allotted years ago. Why have they not been allotted? Why has not the department made such allotment?

Mr. NELSON. I do not know, except from what is common report in that section of country. A few of the squaw men and a few of the lumbermen have been among the Indians urging them not to take allotments; and the Indians have lived in common. I think that now most of these Indians are inclined to take their allotments. It is important that they should, because there is a great pressure to have these agricultural lands thrown open to settlement.

Shortly before I came here to attend this session of Congress a delegation of settlers, farmers living up in the Red River Valley, came to my home to see me about securing legislation throwing the Red Lake Indian Reservation open to homestead settlement, with some qualifications; that is, homestead settlement with a payment of a given price per acre for the benefit of the Indians. I went over the matter with those gentlemen, and I said: "We have agreed to give these Indians allotments of 160 acres apiece. There are between eleven and twelve hundred of them, and some claim there are even as many as fifteen hundred of them. If those Indians are to get their allotments of 160 acres each—and they certainly ought to have them—there will not be exceeding a township of surplus land left. That land will be of the poorest; so you can not expect any legislation to open this land."

Less than a month ago a representative of the lumbermen in Minnesota came to Washington and asked me if I could not have this legislation put over this session. He was urgent to

have it put over. Last year a prominent lumberman came here and wanted to know when legislation could be secured opening these pine lands for sale, so that the lumbermen could get possession of it. The lumbermen in the State are hungry for this pine, and they are anxious to secure it as soon as possible, to dispose of it, and to make what money they can out of it.

I am concerned only in the welfare of the Indians and in the welfare of our State. To me it seems it would be a great mistake if this timber were to be treated as the other timber has been treated. Down here [exhibiting on map] we have a representation of the White Earth Reservation. Some years ago large allotments of pine lands were made to Indians there, and what became of them? The lumbermen bought the pine from the Indians; the land has been stripped of the pine; and there are no settlers on it. Some of the Indians got a fair value for their land, and some did not. Unless we have legislation of this kind, Mr. President, the same thing would transpire as to this reservation that took place in the other Indian reservations of Minnesota.

I know that the Senator from Oregon [Mr. LANE] is actuated by good motives, but if he were as familiar with the situation as are my colleague and I—if he knew the situation as we know it, if he knew what was for the good of the Indians and for the good of our State—I am sure he would make no objection to this proposition.

Mr. LANE and Mr. STERLING addressed the Chair.

Mr. NELSON. I yield to the Senator from South Dakota.

Mr. STERLING. Just one question. I want to ask the Senator from Minnesota whether we have allotments made absolutely to the Indians, or whether they are made under restrictions as to alienation, and so on?

Mr. NELSON. When I speak of allotments I mean the usual allotments as they have existed under the law; that is, allotments in severalty with a limitation of 25 years, under what used to be called the Dawes allotment scheme—allotments to Indians on the theory that the Government is to hold the allotments in trust for 25 years, preventing the Indians during that time from selling, mortgaging, or making the land liable for any debt or other liability; in other words, that the Indians could hold the land for 25 years, occupy it, and use it before they got final title to it. That is the kind of allotment to which I refer.

Does the Senator from Oregon desire to ask me a question?

Mr. LANE. I was going to make a further statement, if the Senator is through.

Mr. NELSON. I have not yet concluded.

Mr. President, I might say a great deal more about this matter, but I am unwilling to take up the time of the Senate unnecessarily. It has been my ambition to reserve this pine so long as possible for the benefit of these Indians, remembering what little pine forests there are in the State of Minnesota. All the proceeds of the sale of whatever there is left of pine will go to the Indians; no white man can get any of it. The proceeds from the sale of the pine, aside from what is used for fuel, will inure entirely to the benefit of the Indians. As my colleague [Mr. CLAPP] has well said, the proceeds of it can well be utilized to drain some of the low and wet lands that are near the outlet of Red Lake River, where that river flows out of the lake.

Mr. LANE. Mr. President, I wish to say that I did not make myself plain if I said that titles to lands were being alienated. There is a provision in the bill for the appraisement of any permanent improvements. The Indian who was here stated that a number of Indians had improved their property; that they would lose their homes; that they would then have to go upon lands which in a large part were swampy, with no provision in the bill for draining those swamps.

In addition to that, I wish to say that there is a provision in the bill, if it has not been stricken out, for the sale not only of the dead, down, and mature timber, but for the sale of other marketable products, which takes in everything upon the land. It seems to me that no timberman can go there and cut down the timber without the consent and permission of the Secretary of the Interior. The Secretary of the Interior must withstand their blandishments. If the department gives the right sort of guardianship to those Indians, no one will be allowed to cut off the timber.

There is no provision, as I say, for drainage. The Indian made this statement, and he showed me a telegram from other Indians stating that the Indians had not been consulted; that if a council could be called and they could be shown that they might have access to this timber after it was reserved and taken care of and have access to the lake, which they could not get under this provision in the bill without a permit of some sort, and if the land were drained so that they could go and make a living upon it and they would have the right of fishing and hunting, as they do now, and not be forced to enter upon an entirely new kind of work in order to maintain their existence, he did not think there would be any trouble; but he said he did not think it was right for this disposition to be made of their homes, where they had lived for generations, without their being consulted in the matter; and I think that he was right. For that reason I make the point of order; and next year, 12 months from now—you do not have to sell it to the timberman—in the meantime come in here with a provision that protects the Indian, I will help you preserve that timber to the best of my ability; but the Indian should be consulted this year and should be heard before his patrimony is taken away from him.

Mr. CLAPP. I want to say to the Senator that his remarks show how easy it is for a man to get impressions. The Indian representative was here. He and I went all over the subject, and he agreed with me that it was better at this time not to make this provision for drainage.

Mr. LANE. I would like to ask the Senator how the Indian is going to farm the land if it is not drained—if it is a swamp?

Mr. CLAPP. They are not farming it.

Mr. LANE. I know they are not, and they never can until it is drained.

Mr. CLAPP. They have not as yet taken any allotments on the outside land.

Mr. LANE. That is true; that is what the Indian said.

Mr. CLAPP. And it was after an agreement and understanding with him that, instead of putting a provision into this bill, which was somewhat long anyway, for the drainage, he and I both agreed that it would be better to let the drainage go until a later time.

There are two things the Senator fails to comprehend: First, the menace from fire, and, secondly, the fact that there is a waste every year in the loss of the dead, down, and mature timber. Mr. President, before the point of order is disposed of——

Mr. LANE. I wish to say right there, if the Senator will allow me, that after this item went into the bill the Indian came to me.

Mr. CLAPP. Of course he went to the Senator. Indians are like white men; they do not like to have things done without being the prime wheel in the mechanism that does it. The Senator would have done the same thing, and everybody else would have done likewise; but the Indian did agree with me that it was better at this time not to make any provision for drainage.

I want to state to the Chair that on the 15th of February, 1915, I reported this item in the form of a bill, having been authorized so to do by the Committee on Indian Affairs, a standing committee of the Senate. There have been, I am free to say, some slight changes in the verbiage; but the main provisions of the amendment are in a bill that is on the calendar, reported by me on the 15th of February by order of the committee.

Mr. ASHURST. Question!

The VICE PRESIDENT. Has a point of order been raised?

Mr. LANE. Yes.

The VICE PRESIDENT. What is it?

Mr. LANE. That the item is general legislation on an appropriation bill.

The VICE PRESIDENT. Wherein does the general legislation consist?

Mr. LANE. And also that the item has not been estimated for.

The VICE PRESIDENT. That is not general legislation.

Mr. LANE. Well, there is no estimate for it, and it is legislation separating these people from their rights for all time without their having been consulted concerning it.

Mr. FALL. Mr. President——

The VICE PRESIDENT. The Chair is trying to ascertain just what is the point of order.

Mr. LANE. The provision does not properly belong on this bill.

The VICE PRESIDENT. Whether it properly belongs on the bill is not the question at all. The question is wherein consists the general legislation? Is there any legislation upon this subject now?

Mr. LANE. No. There have been no allotments made. The amendment provides for the sale of the timber lands of the Indians and of all marketable products. It makes provision for that.

The VICE PRESIDENT. Is it not an Indian reservation, in which the Indians hold jointly?

Mr. LANE. Yes; I understand they hold in common.

The VICE PRESIDENT. Do they not hold it in tribal relations?

Mr. LANE. As I understand, that is so.

The VICE PRESIDENT. Where is the general legislation?

Mr. NELSON. Mr. President, it does not provide for the sale of any of the land.

Mr. CLAPP. Or for any allotment.

Mr. NELSON. Or for any allotment.

Mr. LANE. But of their homes. It is not germane to the bill, as I understand.

Mr. FALL. Mr. President, if the Chair desires argument on the matter, I should like to be heard.

The VICE PRESIDENT. The Chair is trying to find wherein consists the general legislation.

Mr. FALL. I so understand; and if the Chair desires to hear me afterwards upon that subject I want to be heard.

The VICE PRESIDENT. The Chair has the egotism to think that the Chair knows what general legislation is. The Chair has read these provisions now twice and is unable to see wherein there is any general legislation in the proposed amendment.

Mr. LANE. It is legislation, is it not?

The VICE PRESIDENT. How is that?

Mr. LANE. It is legislation which is not germane to the bill.

The VICE PRESIDENT. The question of germaneness is another question. The Chair thinks the difficulty in the mind of the Senator from Oregon consists in the fact that he confuses general legislation with germane legislation. If the Senator from Oregon chooses to raise the question of the germaneness of the legislation, then that is a matter with which the Chair has nothing to do.

Mr. LANE. I do; I raise any and all points against it.

The VICE PRESIDENT. That is a question for the Senate; but the amendment does not seem to the Chair to be general legislation. It seems to be simply special legislation looking after, or looking after getting—the Chair does not know which—the property of the Indians which is held in tribal relations. So that, so far as its being general legislation is concerned, the Chair is compelled to overrule the point of order. If, however, the Senator raises the point of order that it is not germane to the subject matter of the bill, that is a question for the Senate to settle.

Mr. LANE. Mr. President, I will say that I have no interest in the matter whatever; it does not matter a snap of a finger to me what becomes of this property; but when a representative of the Indians themselves comes here and says that they have not been consulted—that through this proposed legislation they will lose their homes and will be forced, if it is construed strictly, to live upon swamp land, which they can not cultivate, and asks that we do what we can to give them an opportunity to be heard upon it—I wish in their behalf to offer every point against the amendment that I possibly can; and I raise the question that it is not germane.

The VICE PRESIDENT. The Senator from Oregon raises the question as to whether these provisions are germane to the bill. That is a question which the rules of the Senate provide shall be settled by the Senate. The Chair, therefore, puts to the Senate the question, Are these provisions germane to the pending appropriation bill?

As many as believe the amendment to be germane will say "aye." [A pause.] Opposed, "no." [A pause.] The ayes have it, and the amendment is declared to be germane. The question now recurs on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was:

That whenever the board of county commissioners of any county in the State of Minnesota establish a State rural highway in accordance with the laws of said State, which highway directly benefits allotments of Indians not subject to taxation or special assessments, but which allotments would be assessed for such benefits under the laws of the said State were they not exempt by treaty, act of Congress, or other law, the said board of county commissioners may make a schedule of assessments against such benefited allottees, the amount of said assessments in each case being that prescribed by the laws of the said State for lands situated and benefited similar to the allotments of such allottees, and when so made file the same with the Secretary of the Interior. If in the judgment of the Secretary of the Interior the projected State rural highway is one that will be for the best interests of the Indian allotments affected, then he shall ascertain whether the assessments proposed against the said allottees are fair and just as compared with assessments against other lands similarly situated and benefited. If he shall find that said assessments are fair and just in the manner and to the extent aforesaid, he shall make an order that the said assessments are and shall be charged against the several allottees benefited. But the amount of any assessment or levy made or charged during the time said allotments are held in trust by the United States shall not be nor at any time become a lien on said allotments. The Secretary of the Interior is hereby authorized and empowered to pay to the county treasurer of such county said assessments and parts thereof as they become due out of any funds belonging to the Indians owning said benefited allotments, and which funds are under the control of the United States or Secretary of the Interior, or out of any tribal funds under the control of the United States or Secretary of the Interior which are subject to be prorated among the members of the tribe to which the Indians owning such benefited allotments belong. Such sums as may be paid from tribal funds shall be charged against the Indians whose respective assessments have been paid: *Provided*, That every Indian who has been assessed in the manner aforesaid shall have the right to appeal within 30 days after being notified of such assessment to the Secretary of the Interior for a reexamination and readjudication of whether or not he has been assessed greater than his proportionate share, and the Secretary of the Interior is hereby authorized to reduce the amount of such assessment if in his judgment justice requires it.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. The Senator from Colorado.

Mr. THOMAS. Mr. President, I had not intended to question any of the amendments relating to the State of Minnesota, but upon a careful reading of pages 36 and 37 I feel that that is a most extraordinary amendment; and unless some good reason can be given for it by the Senator from Minnesota I shall feel constrained to make a point of order against it.

Mr. CLAPP. Mr. President, under the State law of Minnesota roads are laid out and assessments are made for benefits. It so happens that a proposed road leading from Duluth west through the State and through this Indian country can not be constructed under the State law unless provision is made whereby the Indian lands can come within the scope of the law. Primarily I think it is an excellent thing, because there must be roads through the Indian country, and a great deal of the country, in northern Minnesota especially, requires roads.

In order to prevent any injustice being done, the plans have to be approved by the Secretary of the Interior, and he has to ascertain whether the proposed assessments are fair. If he finds that they are fair, he can make an order that the assessments are to be charged against the allottees benefited.

Then, the amendment provides later that if the Indian feels that the assessment is not a fair one he still has a right of appealing in 30 days to the Secretary of the Interior, who shall make a reexamination and is authorized to reduce the amount of such assessment, if in his judgment justice so requires.

It will be practically impossible, I think, to construct the road without this provision. We had to have a similar provision, I will say to the Senator, last year with reference to drainage in northern Minnesota. The law requires that the drainage districts shall be prescribed by the court and the assessments authorized and confirmed by the court. Under the law the land within a drainage district must be brought within the purview of the cost, the amount as to each piece being, of course, determined by the court, but all the land embraced in a district must be included. That could not be done as to the Indian lands without action by Congress, and I obtained the passage of a bill which authorized the Secretary, just as is done in the case of this amendment, to approve of the assessments.

As I am advised, the same condition obtains with reference to the highway law. The highways are built with State aid, and under the laws of the State all the land must theoretically be made subject to the burden of building the roads; that is, part of the cost is met by the State, part by the counties, and part is assessed against the land; so that the provision could not be a legal one so long as there were lands that were not subject to assessment. Therefore, we have provided here that even the land held in trust by the Government may come within the purview of that law, all the time leaving the power in the Secretary of the Interior to determine what amount shall be paid.

I do not know that the amendment could be more carefully safeguarded. It is absolutely essential to the carrying forward of the highway plan, and I think that what little may be assessed against the allotments will be more than compensated by the benefit the allottees will receive by reason of that road being built through their country.

Mr. THOMAS. Well, if the purpose of the amendment is to enable the State of Minnesota to construct a particular line of road from Duluth west, should not the amendment be limited to that road?

Mr. CLAPP. No; because it is limited by operation of law. The Indian lands are all there along the line of this road. I do not know that I could say accurately that the State constructs the road; and yet, perhaps, that would be a proper statement. The people get certain aid from the State when they comply with certain requirements—some from the State, some from the county, and, as I have said before, by assessment against the land.

Mr. THOMAS. I assume that the language of the amendment——

Mr. CLAPP. This provision was drawn in this way, so that if there should arise another case affecting Indian land it would not be necessary to secure further action by Congress. Of course, the road system in the northern part of the State, unsettled as it is, must grow and expand, and there will be other road projects up there under the State law, and so that it would not be necessary every time such a matter arose to get congressional action, I thought it wise to give the Secretary this authority, and I believe that we can easily and safely intrust it to him.

Mr. THOMAS. Mr. President, let me ask the Senator whether the Indian Bureau has not the power now to construct roads through Indian reservations as a continuation of, or to connect with, lines that have been constructed by county commissioners as rural highways?

Mr. CLAPP. I do not think they have; in fact, I am quite certain they have not. They can not use Indian money without appraisement. Every little while we are called upon to authorize the use of Indian funds for the construction of roads through Indian reservations.

Mr. THOMAS. I will make no further objection.

Mr. CLAPP. I want the Senator to thoroughly understand the matter. This is in one sense a reservation of the tribe, and in another sense it is not a reservation; in other words, most of it is a ceded reservation. The Government is simply holding the title in trust for the Indians and most of it, of course, is under allotment.

Mr. THOMAS. My principal apprehension was that it might be used as a precedent for the other States; but in view of the explanation of the Senator I will make no point against it.

Mr. STERLING. Mr. President, will the Senator from Minnesota yield for a question?

Mr. CLAPP. Certainly.

Mr. STERLING. This amendment does not in terms provide that the Indian allottees shall have notice of the assessment. It is true that it does provide, beginning with line 13, on page 37—

That every Indian who has been assessed in the manner aforesaid shall have the right to appeal within 30 days after being notified of such assessment to the Secretary of the Interior—

And so forth. I wondered if it would not be well for the amendment to provide in terms that he should be notified of the assessment; or does the Senator from Minnesota think that the State law itself regulating the assessment will provide for such a notice, so that the Indian will be protected?

Mr. CLAPP. Yes; and whoever is carrying forward this project will see to it that notice is given, because the project is never beyond the right of appeal until 30 days have elapsed after notice has been given.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 37, after line 20, to insert:

For the payment of high-school teachers at the White Earth Indian School, Minnesota, for instruction of children of the Chippewa Indians in the State of Minnesota, $4,000, or so much thereof as may be necessary, to be used under rules to be prescribed by the Secretary of the Interior: *Provided*, That not to exceed $1,000 of this sum may be used to continue the education of boys appointed under the provisions of the act of Congress entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914," approved June 30, 1913: *And provided further*, That the unexpended balance of $555.43 remaining from the appropriation of $4,000 for the higher education of Chippewa boys appointed under the provisions of the said act is hereby reappropriated, made immediately available and will remain available until unexpended, under the same provisions as those contained in the original act.

The VICE PRESIDENT. The Chair will call the attention of the Senator from Arizona to the fact that on page 38, line 13, there seems to be a typographical error.

Mr. ASHURST. Yes; that is a misprint. The letters "un" should be stricken out.

The SECRETARY. It is proposed to strike out "unexpended" and insert "expended."

Mr. ASHURST. I thank the Chair.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the head of "Montana," in section 11, on page 38, line 20, after the word "employees," to strike out "$12,000" and insert "$20,000, of which amount not exceeding $4,500 may be expended for salaries, the remainder to be immediately available for subsistence," so as to make the clause read:

For support and civilization of Indians at Flathead Agency, Mont., including pay of employees, $20,000, of which amount not exceeding $4,500 may be expended for salaries, the remainder to be immediately available for subsistence.

Mr. SMOOT. Mr. President, I notice that the amount appropriated for the support and civilization of Indians at the Flathead Agency, Mont., last year was $12,000. In this bill it has been increased to $20,000. I should like to ask the chairman of the committee why that increase was made.

Mr. ASHURST. The Senate hearings show conclusively on page 189, et seq., that the sum of $12,000 was not sufficient for the support and maintenance of those Indians, and I believe the committee unanimously came to the resolution that this sum was necessary. It was disclosed that many of the Indians were starving, and that the rations were not sufficient to maintain a person; that the ration for one day was not even sufficient for one meal. I am profoundly convinced that this is a necessary and a proper increase. I have no doubt in the world about it.

Mr. LANE. Mr. President, I wish to say to the Senator that this is an emergent case of immediate necessity; that this appropriation is made for people who are destitute and in need.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 39, line 2, after the word "employees," to strike out "$15,000" and insert "$25,000, of which amount not exceeding $8,000 may be expended for salaries and the remainder to be immediately available for subsistence," so as to make the clause read:

For support and civilization of Indians at Blackfeet Agency, Mont., including pay of employees, $25,000, of which amount not exceeding $8,000 may be expended for salaries and the remainder to be immediately available for subsistence.

Mr. SMOOT. Mr. President, this is an increase of $10,000 from last year's appropriation.

Mr. ASHURST. The same statement which I just made with reference to the other item applies here, except that the exigency was so apparent that the committee used language in lines 3, 4, and 5 providing that $8,000 of this must not be expended for salaries, but must be used immediately for subsistence. There is an emergency there; and the committee also came to the unanimous resolution that this was a necessary and just increase. It was the subject of some considerable discussion and investigation.

Mr. SMOOT. The amendment provides, however, that of the $25,000 not exceeding $8,000 may be expended for salaries.

Mr. ASHURST. That is all that is necessary for salaries.

Mr. GALLINGER. It is a pretty good proportion.

Mr. ASHURST. That is about the sum requisite for salaries to employees in and about the agency.

Mr. SMOOT. That is about a third of the whole sum. Does it take a third of all that is appropriated for these Indians to pay for salaries for handling them?

Mr. ASHURST. Of course the Senator knows that there are, in addition to the superintendent, farmers, blacksmiths, and various other employees. I have not the number at hand just now, but that is not an excessive sum.

Mr. MYERS. I wish to say that this $25,000 is not merely for the Indians but it is for paying the expenses of the agency and the stationary employees who are there the year round.

Mr. SMOOT. No; there is an appropriation made in another part of this bill for the payment of agents and all the other help. This is simply for the support and civilization of the Indians at the Blackfeet Agency, Mont. It says, "including pay of employees." Of course that does not include the agent in charge of the agency. If the Senator says, though, that it is the usual amount, well and good; but I thought it took a considerable amount of the appropriation to pay the employees if it took one-third of the whole amount.

Mr. ASHURST. It took, for salaries and wages there, $8,153, last year.

Mr. LANE. Mr. President, I wish to say that this is the item that I referred to when I was speaking of the other matter.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 39, line 16, after "$6,000," to insert, "*Provided*, That hereafter no tribal grazing lease or permit on the Crow Reservation shall be approved by the Secretary of the Interior without first procuring the consent of a majority of the members of a council regularly called by said Indians: *Provided further*, That the Secretary of the Interior

be, and he is hereby, authorized and directed, upon the application of any Indian allottee on said Crow Reservation, to build a fence in full compliance with the laws of Montana, sufficient to hold or turn all stock, inclosing the allotment of any Indian allottee, the same to be reimbursed out of any distributive tribal funds to which said Indian may be entitled; and such Indian allottee shall be permitted to lease his allotted lands when so fenced as aforesaid for a term not exceeding five years to any person or persons desiring to lease the same without interference on the part of any Government official: *And be it further provided*, That any lessee of allotted Indian lands on said Indian reservation shall be required to maintain said fence in good repair on the allotted lands so leased; and the Secretary of the Interior shall have the power, in case of any unfair treatment of the lessor by the lessee, to cancel or revise said lease. Natural guardians having the care and custody of minors or incompetent persons may make application, execute the lease above provided for, collect the rents, and do and perform all acts on behalf of such minors or incompetent persons which are herein provided to be done or performed by said Indian allottee, and there is hereby appropriated sufficient money, out of any tribal funds which are now or may hereafter be available, to carry out the provisions herein, said tribal funds to be reimbursed under such rules and regulations as the Secretary of the Interior may prescribe," so as to make the paragraph read:

For fulfilling treaties with Crows, Montana: For pay of physician, $1,200; and for pay of carpenter, miller, engineer, farmer, and blacksmith (art. 10, treaty of May 7, 1868), $3,600; for pay of second blacksmith (art. 8, same treaty), $1,200; in all, $6,000: *Provided*, That hereafter no tribal grazing lease or permit on the Crow Reservation shall be approved by the Secretary of the Interior without first procuring the consent of a majority of the members of a council regularly called by said Indians: *Provided further*, That the Secretary of the Interior be, and he is hereby, authorized and directed, upon the application of any Indian allottee on said Crow Reservation, to build a fence in full compliance with the laws of Montana, sufficient to hold or turn all stock, inclosing the allotment of any Indian allottee, the same to be reimbursed out of any distributive tribal funds to which said Indian may be entitled; and such Indian allottee shall be permitted to lease his allotted lands when so fenced as aforesaid for a term not exceeding five years to any person or persons desiring to lease the same without interference on the part of any Government official: *And be it further provided*, That any lessee of allotted Indian lands on said Indian reservation shall be required to maintain said fence in good repair on the allotted lands so leased; and the Secretary of the Interior shall have the power, in case of any unfair treatment of the lessor by the lessee, to cancel or revise said lease. Natural guardians having the care and custody of minors or incompetent persons may make application, execute the lease above provided for, collect the rents, and do and perform all acts on behalf of such minors or incompetent persons which are herein provided to be done or performed by said Indian allottee, and there is hereby appropriated sufficient money, out of any tribal funds which are now or may hereafter be available, to carry out the provisions herein, said tribal funds to be reimbursed under such rules and regulations as the Secretary of the Interior may prescribe.

Mr. TOWNSEND Mr. President——

The VICE PRESIDENT. The Senator from Michigan.

Mr. TOWNSEND. Mr. President, there has been some controversy for some years over the leasing question on the Crow Reservation. I think there has been a good deal of just criticism as to the method of leasing this property, and especially as to the terms of the leases themselves. The department has leased lands to cattlemen and other stockmen who desired the use of the tribal lands, stipulating the amount per head that could be used upon the range, and limiting the range itself. Now, the fact is that on all of these leased lands there are certain allotments which have been made to the Indians. These allotments have not been fenced with any particular care. Those Indians who desired to use their lands on the reservation have in some cases produced a certain amount of hay and stacked it, only to have it destroyed by the herds of the lessees of the range.

This amendment proposes to furnish material for fencing such allotments as the allottees may desire fenced. It makes no provision, however, as I thought it did make when it passed the committee, for giving to the allotment holder such share of the total money received from the lease as his area is of the whole amount of land used. Of course, it is undoubtedly true that these acres in allotment are not counted in the description of land leased by the lessee, but they are nevertheless used by him. It has seemed to me that this was unfair; that the Indian had a just complaint in the matter. I think there ought to be a provision in the amendment whereby the owner of an allotment that is pastured by a stockman should receive such a pro rata share of the amount of lease money paid as his allotment is of the total area of the land allotted.

Mr. CLARK of Wyoming. Mr. President, will the Senator yield for a question?

Mr. TOWNSEND. I yield.

Mr. CLARK of Wyoming. In regard to this Crow Reservation I will ask the Senator whether these are indiscriminate stock leases or whether they are leases confined to certain classes of stock? Are they cattle leases or sheep leases or both?

Mr. TOWNSEND. Both.

Mr. CLARK of Wyoming. I did not know how that might be. I can see how under the law as interpreted by the court the lessee would receive pay under the cattle leases, but not under the sheep leases. That is the reason for my inquiry.

Mr. TOWNSEND. They are for all purposes that the stockmen would require.

As I said, there has been a good deal of complaint about this, and it does seem to me, in order to keep good faith with the Indians, that it could be easily cured. It could be so arranged that an Indian who had an allotment, even though it was not fenced, but was used by the stockmen for pasturing purposes, should receive his pro rata share of the amount of lease money in the proportion that his allotment bears to the whole area pastured.

This may seem a little matter, but it is one that could be adjusted, and in my judgment it would save a great deal of trouble. It would be equitable, at least, and it would be treating the Indian just exactly as the white man would demand that he should be treated. It seems to me that we can do no less than that.

I have not prepared an amendment, because until it was read I supposed that this amendment covered the point I am trying to make here. I am sure that it was so understood among the members of the committee, at least by myself.

Mr. President, I do not know whether this item will be objected to or not. It has been rumored that a point of order might be made against this amendment. I hope it will not be made. Montana is receiving a very large amount of appropriation under this bill, many of the items of which, in my judgment, are subject to points of order. If there is one item in it that would make for a better understanding between this Government and the Indians, this is the one. That an injustice has been practiced under it there can be, in my judgment, no question.

I am not now blaming anybody in particular, because it has seemed that the easiest way to avoid taking into consideration the rights of the individual Indian was to ignore his rights as an allottee on the Indian reservation. This fencing provision will cure the case of those Indians who have a personal use for their particular allotment. There is nothing in here, however, that protects those Indians who do not farm or cultivate their individual allotments, and yet such allotments are worth something to the cattlemen or stockmen who graze upon them. Therefore I repeat that this ought to be remedied, and if I could get the permission of the Senator to pass over this amendment for a few minutes until I could prepare in a few words a proposition to the effect that the Indians whose allotments are used, but not fenced, shall receive their pro rata share of the lease money I should be content to have that course followed.

Mr. CLARK of Wyoming. Mr. President, I should like to ask the Senator, since he has expressed his approbation of the fencing provision here, whether the language does not make it rather a dangerous proposition? It commits the Government to the fencing of each one of these Indian allotments. I have not any doubt but that that would be taken advantage of by all the allottees who have not themselves fenced, for the reason that the very language here gives them then the authority to lease an allotment after it has been fenced to anybody the Indian chooses without any supervision by the Department of the Interior, and it is expressly stated in the amendment that the lands, "when so fenced as aforesaid," for a term not exceeding five years, may be leased "to any person or persons desiring to lease the same without interference on the part of any Government official."

It occurs to me—and I address myself now to the Senator from Montana—that that might be rather a dangerous provision, and it would suit me very much better if the latter part of that paragraph were stricken out.

Mr. WALSH. Mr. President, I will say to the Senator from Wyoming that the amendment must have been very, very ill considered. I rose, however, to say to the Senator from Michigan that the position he takes is unquestionably sound; that the allottees ought to receive such part of the entire amount paid for grazing as their individual allotments bear to the entire area of grazing land, or on some other similarly equitable basis. I am very sure that upon a moment's reflection the Senator from Michigan will not give his approval to the amendment as it now reads. If he desires to prepare an amend-

ment along the line he suggests, I shall join him in requesting that the matter be postponed until he has an opportunity to prepare the amendment.

Mr. TOWNSEND. Mr. President, as I said, I understood the amendment to be rather different. As I recall, it was proposed that somebody should draw an amendment along the lines we had discussed in the committee, and I do not recall ever having seen it again after it came in, so it was rather a stranger to me when it came up to-day.

Mr. WALSH. It would be a very simple matter to demonstrate mathematically to the Senator from Michigan that he could not possibly give his adherence to this amendment.

Mr. TOWNSEND. I will ask the chairman to allow this amendment to be passed over temporarily and proceed with the other items, until we can see what we can do with it.

Mr. ASHURST. There is no objection to its being passed over.

The VICE PRESIDENT. It will be passed over, then, until the completion of the bill, or until called up.

The next amendment was, on page 41, line 10, after "$10,000," to insert "to be immediately available," so as to make the clause read:

For the support and civilization of Rocky Boy's Band of Chippewas and other indigent and homeless Indians in the State of Montana, including pay of employees, $10,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 41, line 14, after the words "the sum of," to strike out "$75,000" and insert "$150,000"; and in line 18, after the word "Indians," to insert "seeds, and necessary farming equipment," so as to make the clause read:

That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States not to exceed the sum of $150,000, or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Indians on the Blackfeet Reservation in Montana, for the purpose of purchasing and caring for cattle for the use of said Indians, seeds, and necessary farming equipment, to enable them to become self-supporting, under such rules, regulations, and conditions as said Secretary of the Interior may prescribe.

Mr. SMOOT. Will the chairman explain why the sum was increased from $75,000 to $150,000?

Mr. ASHURST. The amount of $150,000 was requested to be set aside from the principal sum on deposit to the credit of the Indians of the Blackfeet Reservation, Mont., for the purpose of purchasing live stock to assist the Indians in embarking in the live-stock industry. There are at the present time about 2,500 Indians living on that reservation, a number of whom are already successful stockmen and have good herds, but there is quite a large number who have no cattle at all. The land on the Blackfeet Reservation is especially adapted to the raising of live stock, and owing to the shortness of the summer season is not especially suitable for agricultural purposes. The allotments made to these Indians comprise 280 acres of grazing land and 40 acres of irrigable land each. Owing to the fact that it is impracticable to make a success of agriculture a large portion of these Indians seek employment elsewhere at day labor, and their homes and allotments are therefore particularly neglected.

I read from pages 196 and 197 of the House hearings. I will say to the distinguished Senator from Utah that this is in accordance with the estimate—$150,000.

The amendment was agreed to.

The next amendment was, on page 42, line 12, after the word "practicable," to insert "and any moneys heretofore or hereafter repaid by the Indians shall be available for reexpenditure under such conditions as the Secretary of the Interior may prescribe for its repayment to the United States in the purchase of seeds, live stock, vehicles, harness, machinery, tools, implements, and other agricultural equipment, and for such other purposes as may be deemed proper in promoting the civilization and support of said Indians until June 30, 1925," so as to make the clause read:

That any moneys which may be due from the Indians of the Fort Belknap Reservation, State of Montana, and unpaid on June 1, 1915, for property purchased under the provisions of the sections of the Indian appropriation acts approved April 30, 1908 (35 Stats. at L., pp. 70–83), appropriating the sum of $25,000 for the purchase of implements and other equipment for said Indians, under such conditions as the Secretary of the Interior might prescribe for the repayment by the Indians to the United States of the sum so expended, and March 3, 1909 (35 Stats. at L., pp. 781–795), authorizing the use of the repayments made by the Indians until June 1, 1915, shall be collected as soon thereafter as is practicable, and any moneys heretofore or hereafter repaid by the Indians shall be available for reexpenditure under such conditions as the Secretary of the Interior may prescribe for its repayment to the United States in the purchase of seeds, live stock, vehicles, harness, machinery, tools, implements, and other agricultural equipment, and for such other purposes as may be deemed proper in promoting the civilization and support of said Indians until June 30, 1925.

Mr. SMOOT. The appropriation provides that it shall be reimbursable, and this amendment now provides that—

Any moneys heretofore or hereafter repaid by the Indians shall be available for reexpenditure under such conditions as the Secretary of the Interior may prescribe for its repayment to the United States in the purchase of seeds, live stock, vehicles, harness, machinery, tools—

And so forth.

Does the Senator believe that that is a safe provision of law? It does seem to me, Mr. President, that that is going far, far afield from the position first taken by Congress.

Mr. ASHURST. The Senator propounded to me a question very difficult for me to answer. In fact, I do not think I will attempt any answer at all, because I might have to explain my explanation. However, the Senator will recall that a very protracted discussion was had on this subject when this bill was up last year.

This is a part of the revolving appropriation. When the money is reimbursed to the Treasury of the United States it is made available for a like purpose, as it is in the language of the estimate. It was approved by the House and by the Senate committee. I trust that this bill will not establish a principle of general legislation, but in view of the fact that it was thoroughly discussed last year and the purpose for which it may be used is set out as a revolving fund I see no particular objection to it at this time.

Mr. SMOOT. I will say to the Senator that Congress has not at any time I know of objected to making appropriations for this purpose wherever they have been reimbursable from the Indian fund, but this is going away beyond that. I do not believe there ought to be money, whether from a reimbursable fund or not, that comes into the Treasury of the United States unless it can be accounted for, and I do not believe it ought to be appropriated for any future purpose unless Congress says it shall be used for that particular purpose, and this is unwise legislation.

Mr. ASHURST. That is, the method, the Senator thinks, is unwise?

Mr. SMOOT. Yes; the method.

Mr. ASHURST. Will the Senator permit me to read him from page 129 of the hearings before the Committee on Indian Affairs of the Senate?

Mr. SMOOT. I will, gladly.

Mr. ASHURST (reading)—

Senator PAGE. What is the necessity for this clause?

Mr. MERITT. This is a reimbursable appropriation. The time allowed by Congress was so short that the Indians have not been able to reimburse the entire amount. They have returned to the Treasury something like $10,000, but we would like to have the item for a reimbursable appropriation, and giving the Indians on this reservation a longer time, about the same time that we are allowing other Indians under general reimbursable items, and in order to bring that about we would like to have inserted, after the word "practicable," the following language, which was omitted by the House.

Then follows the language to which the Senator objects.

Mr. SMOOT. The Senator will observe that the House had not put in that language, and I think the least thing we can do is to strike it out. I therefore ask the Senate to disagree to the amendment of the committee.

Mr. MYERS. Mr. President, I had no part or parcel in having this amendment inserted. I do not think I was present in the committee when it was done; in fact, I am sure I was not; but I know it is in accordance with the general plan of revolving fund that the Indian Bureau has been insisting upon for years and has made loud and strong claims for. The Indian Bureau was represented before the committee by Mr. Meritt. He discussed the matter with the committee and gave his reasons for it, and the reasons appear to have been satisfactory to the committee. As long as the committee has seen fit to adopt the idea that the bureau has promulgated on that subject, I believe the amendment ought to stay in.

Mr. CLARK of Wyoming. Mr. President, it seems to me, with all due deference to the Senator from Montana, this is establishing a precedent of appropriating money that we ought not to establish. It allows the Secretary of the Treasury to expend money in the Treasury of the United States without any authority of Congress given therefor. While I do not——

Mr. MYERS. Let me say to the Senator, if he will permit me, here is the authority right here.

Mr. CLARK of Wyoming. I say this establishes the practice of the Secretary of the Interior, and the same would be applicable to any other department, expending from the Treasury of the United States moneys without any authority of Congress for any definite purpose. While a revolving fund is probably well enough, while it is well enough to keep on using this fund from year to year for the definite purpose stated, I think from year to year it ought to be appropriated in definite sums. It

seems to me we are setting a precedent, if this amendment passes, that will return to plague us in other matters.

We had an illustration of that, I will say, in Montana a number of years ago, and we put an end to the practice. There was a revolving fund in connection with the Forestry Service where the entire expense of the Forestry Service as authorized out of the Treasury, so far as I know, received from rentals, and so forth, was subject to the disposition of a single officer. It worked very badly, and the consequence was that Congress thereafter changed the method of that appropriation. I think we ought not to enter into it in the Indian Service, because the Indian Service has enough to bear by reason of the complexity of its duties without having possibly also to bear not the scandal, perhaps, but the possible repetition of a scandal arising in connection with this fund. I hope the amendment will be disagreed to.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The next amendment was, on page 42, after line 21, to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to announce, at such time as in his opinion seems proper, the charge for construction of irrigation systems on the Blackfeet, Flathead, and Fort Peck Indian Reservations in Montana, which shall be made against each acre of land irrigable by the systems on each of said reservations. Such charges shall be assessed against the land irrigable by the systems on each said reservation in the proportion of the total construction cost which each acre of such land bears to the whole area of irrigable land thereunder.

Mr. PAGE. Mr. President, I think it is right to say before we enter upon the legislation presented by this amendment and by the several amendments——

The VICE PRESIDENT. The amendment has not yet been read.

Mr. PAGE. I wish to state the position of the committee.

The VICE PRESIDENT. The amendment will first be read.

The Secretary read as follows:

On the 1st day of December after the announcement by the Secretary of the Interior of the construction charge, the allottee, entryman, purchaser, or owner of such irrigable land which might have been furnished water for irrigation during the whole of the preceding irrigation season, from ditches actually constructed, shall pay to the superintendent of the reservation where the land is located, for deposit to the credit of the United States as a reimbursement of the appropriations made or to be made for construction of said irrigation systems, 5 per cent of the construction charge fixed for his land, as an initial installment, and shall pay the balance of the charge in 15 annual installments, the first five of which shall each be 5 per cent of the construction charge and the remainder shall each be 7 per cent of the construction charge. The first of the annual installments shall become due and payable on December 1 of the fifth calendar year after the initial installment: *Provided*, That any allottee, entryman, purchaser, or owner may, if he so elects, pay the whole or any part of the construction charges within any shorter period: *Provided further*, That the Secretary of the Interior may, in his discretion, grant such extension of the time for payments herein required from Indian allottees or their heirs as he may determine proper and necessary, so long as such land remains in Indian title.

That the tribal funds heretofore covered into the Treasury of the United States in partial reimbursement of appropriations made for constructing irrigation systems on said reservations shall be placed to the credit of the tribe and be available for such expenditure for the benefit of the tribe as may be made under existing law.

And there is hereby appropriated out of any money in the Treasury of the United States not otherwise appropriated, the sum of $525,187.93 for this purpose, $4,544.40 thereof to be credited to the Indians of the Blackfeet Reservation, $440,217.78 thereof to be credited to the Indians of the Flathead Reservation, and the balance, $80,425.75, to be credited to the Indians of the Fort Peck Reservation, the same being the amounts heretofore covered into the Treasury on this account. The cost of constructing irrigation systems to irrigate the allotted lands of the Indians on these reservations shall be reimbursed to the United States as hereinbefore provided, and no further reimbursements from the tribal funds shall be made on account of said irrigation works, except that all charges against Indian allottees or their heirs herein authorized, unless otherwise paid, may be paid from the individual shares in the tribal funds, when the same is available for distribution, in the discretion of the Secretary of the Interior.

Mr. PAGE. Mr. President, we have in the amendment just read entered upon a new system of conducting irrigation projects in the Indian lands of Montana and, so far as I know, of Indian lands anywhere. For years we have been making appropriations for these reservations—the Blackfeet, Flathead, and Fort Peck—in Montana, under the proviso or law that the Indian lands, the Indian property, on those reservations should be holden to make good any advances made from the Federal Treasury.

It will be remembered that last year there was a somewhat extended discussion as to whether, under this arrangement, the Indian rights to the water on this reservation covered by these irrigation projects was fairly and properly safeguarded.

Mr. ROBINSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Vermont yield to the Senator from Arkansas?

Mr. PAGE. Certainly.

Mr. ROBINSON. I wish to call the attention of the Chair and of the Senator from Vermont to the fact that the reading of the amendment had not yet been completed. If I am not misinformed the amendment continues down to page 51.

Mr. FALL. Will the Senator yield to me a moment?

Mr. PAGE. With pleasure.

Mr. FALL. The committee amendment embraces several different and distinct subjects. The portion of the amendment as to which the Senator from Vermont is now raising the question commences on line 22, on page 42, and ends with line 5, on page 44. Following that are entirely different subjects treated of; but this is upon the subject of the method of collecting for charges, and so forth, of which the Senator from Vermont is now speaking. The balance is an appropriation which could stand alone, even if this first portion were stricken out.

Mr. ROBINSON. I do not know that it is material, but I think it is all one amendment.

Mr. MYERS. Mr. President——

Mr. ROBINSON. I yield to the Senator.

Mr. PAGE. I should like to be heard before yielding to the Senator from Montana. My remarks will be addressed not only to what has been read but to the items on pages 45, 46, and 47. So far as I am concerned, I rather think, for the benefit of the discussion, it might be well, as the Senator from Arkansas suggests, to have the Secretary read the bill down to line 13, on page 48. I should certainly be pleased to have that done, if no objection is made.

Mr. MYERS. Mr. President——

The VICE PRESIDENT. Does the Senator from Vermont yield to the Senator from Montana?

Mr. PAGE. I yield for a question.

Mr. MYERS. The Senator from Arkansas [Mr. ROBINSON] is correct. The matter embraced down to line 16, on page 51, is all one amendment, and was offered as one amendment by myself in the Senate Committee on Indian Affairs, and was acted upon by the committee as one amendment.

Mr. CLARK of Wyoming. It embraces three different projects.

Mr. PAGE. I should be glad, if I may be allowed, to have it read in full, down to the bottom of line 15, on page 51, as suggested by the Senator from Montana.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

That the sum of $50,000 be, and the same is hereby, appropriated, out of any money not otherwise appropriated, for continuing construction of the irrigation systems on the Blackfeet Indian Reservation in Montana, which shall be immediately available and remain available until expended: *Provided*, That the entryman upon the surplus unallotted lands to be irrigated by such systems shall, in addition to compliance with the homestead laws, before receiving patent for the lands covered by his entry, pay the charges apportioned against such tract as herein authorized, and a failure to make any two payments when due shall render the entry subject to cancellation, with the forfeiture to the United States of all rights acquired under the provisions of this act, as well as of any moneys paid on account thereof. The purchaser of any Indian allotment to be irrigated by such systems, purchased upon approval of the Secretary of the Interior, before the charges against said allotment herein authorized shall have been paid, shall pay all charges remaining unpaid at the time of such purchase, and in all patents or deeds for such purchased allotments, and also in all patents in fee to allottees or their heirs issued before payment of all such charges herein authorized to be made against their allotments, there shall be expressed that there is reserved upon the lands therein described a lien for such charges, and such lien may be enforced, or, upon payment of the delinquent charges, may be released by the Secretary of the Interior. (Acts Mar. 1, 1907, vol. 34, p. 1035; Apr. 4, 1910, vol. 36, p. 277; Mar. 3, 1911, vol. 36, p. 1066; Aug. 24, 1912, vol. 37, p. 526; June 30, 1913, vol. 38, p. 90; Aug. 1, 1914, vol. 38, p. 593.)

That the sum of $686,996.81 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for continuing construction of the irrigation systems on the Flathead Indian Reservation in Montana, which shall be immediately available and remain available until expended: *Provided*, That the payments for the proportionate cost of the construction of said systems required of settlers on the surplus unallotted land by section 9, chapter 1495, Statutes of the United States of America, entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation in the State of Montana, and the sale and disposal of all surplus lands after allotment," as amended by section 15 of the act of May 29, 1908 (35 Stat. L., 448), shall be made as herein provided: *Provided further*, That nothing contained in the act of May 29, 1908 (35 Stat. L., 444), shall be construed to exempt the purchaser of any Indian allotment purchased prior to the expiration of the trust period thereon from any charge for construction of the irrigation system incurred up to the time of such purchase except such charges as shall have accrued and become due in accordance with the public notices herein provided for, or to relieve the owners of all land allotted to Indians in severalty from payment of the charges herein required to be made against said land on account of construction of the irrigation systems; and in carrying out the provisions of said section the exemption therein authorized from charges incurred against allotments purchased prior to the expiration of the trust period thereon shall be the amount of the charges or installments thereof due under public notice herein provided for up to the time of such purchase. (Acts Apr. 23, 1904, vol. 33, p. 305; Apr. 30, 1908, vol. 35, p. 83; May 29, 1908, vol. 35, p. 450; Mar. 3, 1909, vol. 35, p. 795; Apr. 4, 1910, vol. 36, p. 277; Mar. 3, 1911, vol. 36,

p. 1066; Aug. 24, 1912, vol. 37, p. 526; June 30, 1913, vol. 38, p. 90; Aug. 1, 1914, vol. 38, p. 593.)

That the sum of $100,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for continuing construction of the irrigation systems on the Fort Peck Indian Reservation in Montana, which shall be immediately available and remain available until expended: *Provided*, That the proportionate cost of the construction of said systems required of settlers and entrymen on the surplus unallotted irrigable land by section 2 of the act of May 30, 1908 (35 Stat. L., 558), shall be paid as herein provided: *Provided further*, That nothing contained in said act of May 30, 1908, shall be construed to exempt the purchaser of any Indian allotment purchased prior to the expiration of the trust period thereon from any charge for construction of the irrigation system incurred up to the time of such purchase except such charges as shall have accrued and become due in accordance with the public notices herein provided for, and the purchaser of any Indian allotment to be irrigated by said systems purchased upon approval of the Secretary of the Interior before the charges against said allotment herein authorized shall have been paid shall pay all charges remaining unpaid at the time of such purchase, and in all patents or deeds for such purchased allotments, and also in all patents in fee to allottees or their heirs issued before payment shall have been made of all such charges herein authorized to be made against their allotments, there shall be expressed that there is reserved upon the lands therein described a lien for such charges, and such lien may be enforced, or, upon payment of the delinquent charges, may be released by the Secretary of the Interior. (Acts May 30, 1908, vol. 35, p. 558; Aug. 24, 1912, vol. 37, p. 526; June 30, 1913, vol. 38, p. 90; Aug. 1, 1914, vol. 38, p. 593.)

That in addition to the construction charges every allottee, entryman, purchaser, or owner shall pay to the superintendent of the reservation a maintenance and operation charge based upon the total cost of maintenance and operation of the systems on the several reservations, and the Secretary of the Interior is hereby authorized to fix such maintenance and operation charge upon such basis as shall be equitable to the owners of the irrigable land. Such charges when collected shall be available for expenditure in the maintenance and operation of the systems on the reservation where collected: *Provided*, That delivery of water to any tract of land may be refused on account of nonpayment of any charges herein authorized, and the same may, in the discretion of the Secretary of the Interior, be collected by a suit for money owed: *Provided further*, That the rights of the United States to water for Indian lands shall be continued in full force and effect until the Indian title to such land is extinguished.

That the Secretary of the Interior be, and he is hereby, authorized to prescribe such rules and regulations and issue such notices as may be necessary to carry into effect the provisions of this act, and he is hereby authorized and directed to determine the area of land on each reservation which may be irrigated from constructed ditches and to determine what allowance, if any, shall be made for ditches constructed by individuals for the diversion and distribution of a partial or total water supply for allotted or surplus unallotted land: *Provided*, That if water be available prior to the announcement of the charge herein authorized, the Secretary of the Interior may furnish water to land under the systems on the said reservations, making a reasonable charge therefor, and such charges when collected may be used for constrution or maintenance of the systems through which such water shall have been furnished.

The work to be done with the amounts herein appropriated for the completion of these projects may be done by the Reclamation Service, on plans and estimates furnished by that service and approved by the Commissioner of Indian Affairs.

All laws and parts of laws in conflict herewith are hereby repealed.

Mr. STERLING. Mr. President, I should like to ask the Senator in charge of the bill in regard to the amendment, beginning on line 16, on page 46. The sum of $686,996.81 seems to be a very large one for the purposes of irrigation on the Flathead Indian Reservation. I should like to know what the appropriation last year was for the purpose of irrigation, and as to whether or not that has been expended; and, further, as to whether this is based on an estimate; and if so, as to the details of that estimate.

Mr. ASHURST. Mr. President, in reply to the question of the distinguished Senator from South Dakota, I will say that the sum of $500,000 was estimated for by the Secretary of the Treasury, as required by law, and that last year for this project $500,000 was estimated; but there was a balance of $186,996 unused, which sum, although appropriated last year, being unused, the department notwithstanding wishes now to use, and it has been added to this appropriation as estimated for by the Treasury Department. The estimate was made in view of and in the light of the fact that $500,000 would be used. Since, however, the $500,000 was not used, it was necessary, in order that they should be able to complete the work with some reference to regularity, and all that, that the $186,996.81, an unused balance from the last fiscal year, be added to this appropriation.

Mr. STERLING. With inability to use $500,000 last year, there being $186,996.81 left of that appropriation, why the necessity for so large an appropriation this year? Is it not probable that it can not be used, in view of the failure to use last year's appropriation?

Mr. ASHURST. Of course the department has no desire merely precipitately and hurriedly to use money. It uses the money in pursuance of a well-defined policy of construction, with due regard to security of foundation and propriety in building ditches. The department ought not to be penalized because it did not precipitately expend the money. It argues for care and diligence in the public service that they have not used the money precipitately. It was estimated for, and I have here the estimate. That is all I have to say about the matter.

Mr. MYERS. Mr. President——

The VICE PRESIDENT. The Senator from Montana.

Mr. MYERS. My attention was diverted at the time the Senator from South Dakota made his inquiry, and I did not hear the question he addressed to the chairman of the committee. Will he state it again, so that I may understand what he wants to know?

Mr. STERLING. The inquiry is, Why should we appropriate this year $686,996.81 for irrigation purposes on the Flathead Indian Reservation of Montana when all of the appropriation of $500,000 made last year was not used, and $186,996.81 was left over from that appropriation? Would not $500,000 be a sufficient appropriation this year, if $186,996 was left over from the $500,000 appropriation of last year?

Mr. MYERS. Mr. President, I will gladly answer that question, and explain it according to the facts. The Senator from South Dakota is not exactly right in his understanding of the facts; he is under some misapprehension. There was not $500,000 appropriated for this project last year.

Mr. STERLING. I so understood from the Senator from Arizona.

Mr. ASHURST. The Senator from Arizona was in error. He should have said that was for a preceding year.

Mr. MYERS. There was not $500,000 appropriated for the project last year, nor has there ever been in any one year $500,000 appropriated. There has never been as much as $500,000 appropriated in any one year for the Flathead reclamation project. The Indian appropriation bill for last year, the year beginning July 1, 1914, and ending July 1, 1915, appropriated only $200,000 for work on the Flathead reclamation project. That was all that was obtained out of conference. The Senate voted $250,000, but, as I have said, only $200,000 was obtained out of conference.

For the year before that—that is, for the fiscal year beginning July 1, 1913, and ending July 1, 1914—the appropriation, which was made in the spring of 1913, was $325,000. The Senate voted $375,000, but I could only get $325,000 out of conference. That money was supposed to be expended during the year beginning July 1, 1913, and ending July 1, 1914; but it has not been the practice of the Reclamation Service, which is in charge of this project, to take just the exact sum of money which has been appropriated for a fiscal year and begin spending it on the 1st day of July of any year, and just exactly use up all of that money by the 1st day of July of the next succeeding year. That is impossible and impracticable for this reason: The fiscal year of the Government begins on the 1st day of July of each year and ends with the 30th day of June of the following year. The plans for this reclamation work are made up in the winter, and the work is begun upon them as soon as practicable in the early spring of the calendar year, and most, if not all, of it is let by contract. It is impossible for the Reclamation Service to figure that they can spend just exactly what was left over from last summer and utilize it up to the 1st day of July, and then depend upon getting a new appropriation beginning on the 1st of July to carry them on into December. They do not know that they are going to get any new appropriation; and, if they do, they do not know how much it will be, and the plans are made and the contracts often let before the appropriations are passed.

Mr. STERLING. Mr. President, will the Senator say now that plans already made call for the appropriation of $686,996 to be expended in the next fiscal year?

Mr. MYERS. I think so, but can not say positively. The Reclamation Service could tell, however, and I could learn by going to the phone and calling them up.

But, continuing the thread of my explanation, the Reclamation Service has been prosecuting the work on parts of this project where the work is very badly needed. Part of it is on the Pablo Canal, which they began in the spring of 1914 and on which they continued the work up to late last fall. In order to have money with which to continue to prosecute the work this spring and up to the 1st of July of this year and complete it by that time, in order to be sure of money for that purpose and not be dependent upon a new appropriation for this year, the sum of $187,000 was reserved or held in abeyance from the appropriation for the year from July 1, 1913, to July 1, 1914, with the expectation that that money would be used to complete certain work by June of this year so that the irrigation ditches might be available to the settlers for this year's growing crop. They felt safe in doing that, because it had always been the custom of the Comptroller of the Treasury,

who has to approve these expenditures, to permit the expenditure of money, after it was once appropriated for such a project, after the expiration of the fiscal year. That is, heretofore in all the life and history of this project, if money which was appropriated for the fiscal year ending June 30 of a certain year was not used up the Comptroller of the Treasury Department permitted the Reclamation Service to draw the money and expend it, even after the 1st day of July; but when they started to draw upon this $187,000, or to make arrangements to get it, the Comptroller of the Treasury reversed his entire practice of years before and told them that, because the money had not been expended prior to July 1, 1914, it was forfeited, and that the Reclamation Service could not have the use of it, and that it was lost forever to the project.

Mr. STERLING. Unless reappropriated.

Mr. MYERS. Yes; unless reappropriated.

Mr. STERLING. Exactly. Now, I should like to ask the Senator what was the appropriation last year from which this amount of nearly $187,000 was left over?

Mr. MYERS. It was the appropriation of year before last, made in the spring of 1913. It was $325,000, adopted in conference, and it was all appropriated to be expended by the 1st day of July, 1914; but there was $187,000 that was not expended by that date, and it was held back for the express purpose of completing certain work this spring, so that there was $187,000 lost, unless reappropriated, out of a $325,000 appropriation, leaving only $138,000, of which the project received the benefit out of an appropriation of $325,000 intended for it. The project is in no condition to lose that money and it would not be right for it to lose it.

Mr. STERLING. Mr. President, I think the statement made by the Senator from Montana makes the case all the stronger against so large an appropriation now. If that amount has been left over out of the appropriation of 1913 or any subsequent appropriation, that of 1914, still less reason is there for now appropriating $500,000 in addition to the amount left over from that appropriation.

Mr. MYERS. I can not help that. I am only stating the facts, but I can not agree with the Senator's conclusion. It was left over because the reclamation officials had been in the habit, year in and year out theretofore, from the beginning of this project, of leaving a part of the money over to be expended the next spring, because the calendar year, the working year, does not fit in with the fiscal year, which begins the 1st of July.

Mr. STERLING. Oh, I understand, Mr. President. The question is not as to whether it is left over to be drawn upon or as to whether it is to be reappropriated. It is the question of the amount, and of the necessity for so large an amount.

Mr. PAGE. Mr. President——

Mr. STERLING. I yield to the Senator.

Mr. MYERS. I will yield to the Senator from Vermont, but I claim the floor.

Mr. STERLING. The Senator from Montana is correct.

Mr. PAGE. I beg pardon; I will wait until the Senator has concluded.

Mr. MYERS. The appropriation for last year was $200,000, and it has all been expended. Now, then, they calculated to use this $187,000 this spring; and if they can get it by virtue of a reappropriation it will all be used up by the 30th day of June of this year, and there will not be a cent left of it, and they will then have not a cent to begin work on for the new year, beginning next July, unless more money is appropriated.

Mr. STERLING. Mr. President, I should like to know as to what amount the Senator has referred to of which there will not be a cent left. Is it the $187,000 or is it this entire appropriation?

Mr. MYERS. If this year's appropriation is made immediately available, as asked, there will not be a cent left of the $187,000 by the 30th day of June. It will all have been used on uncompleted work that was left over, uncompleted from last summer; and for the year beginning July 1, 1915, the appropriation will be just whatever this Congress appropriates outside of the $187,000. That is, if it appropriates $500,000 more, it will have $500,000 to begin work with on the 1st of next July.

Mr. STERLING. Can the Senator inform me as to the details of the work to be done that will call for the use of $187,000 up until the 30th day of June, or the beginning of the next fiscal year?

Mr. MYERS. I can. I have the documentary evidence. It is contained in letters here from the Reclamation Service, which I will read.

I will first read a letter from Mr. A. P. Davis, Chief of the Reclamation Service.

DEPARTMENT OF THE INTERIOR,
UNITED STATES RECLAMATION SERVICE,
OFFICE OF THE DIRECTOR,
Washington, D. C., February 4, 1915.

Hon. H. L. MYERS,
United States Senate.

MY DEAR SENATOR: Copy of your letter of January 20 to Mr. E. F. Tabor has been sent to me, with his reply of January 26, and comments by Mr. H. N. Savage of January 28, both inclosed herewith.

The condition as noted in these letters is critical, and I wish to emphasize the necessity of immediate consideration of the situation.

It appears that in passing upon the Indian appropriation act for the year ending June 30, 1914 (38 Stat., 582), there was a change in the ruling, one which was not fully appreciated until decision was made by the Comptroller of the Treasury. The effect of this change was to cause to revert back to the Treasury certain portions of appropriations which under the rulings of previous years had been available until expended.

You fully appreciate the peculiar conditions existing where construction of irrigation works can be carried on most advantageously during certain seasons of the year. The fiscal year is such that it terminates at the beginning or near the time when greatest activity should be displayed in construction. It has been found advantageous therefore, as well as economical, to lay out the work and if necessary execute a portion of it after the end of the fiscal year, notably in the instances where the appropriations for the fiscal year have not been available until too late to accomplish the best results during the season in which they have been made.

The unexpected change, unless corrected, must lead to considerable hardship among the families located on the dry lands, who have been confidently expecting that the irrigation works would be built and have made preparations accordingly.

Yours, very truly,

A. P. DAVIS,
Director and Chief Engineer.

(Two inclosures.)

The next letter I have is from Mr. E. F. Tabor, the project manager on the ground:

DEPARTMENT OF THE INTERIOR,
UNITED STATES RECLAMATION SERVICE,
St. Ignatius, Mont., January 26, 1915.

Subject: Flathead project—E-5.

Hon. H. L. MYERS,
United States Senate, Washington, D. C.

DEAR SIR: Receipt is acknowledged of your inquiry of January 20 concerning status of work on Flathead project.

Under date of January 2 this office was advised that owing to the wording of the appropriation act passed June 30, 1913, apportioning funds for use on Flathead project, no portion of that appropriation was available after July 1, 1914. The act did not provide that the money appropriated would be "available until expended," and consequently, as an item of the Indian bill for fiscal year 1914, no portion could be expended after the close of said fiscal year. This decision has reduced the balance available for construction very materially. The exact figures are not at present available to this office.

So far as this office is informed, contracts have not been awarded for any of the additional canals or structures which it was hoped to have completed by June 15, 1915, and the only hope of early construction of said works now seems to lie in the early passage of an appropriation bill which shall make money for construction immediately available.

This office is in receipt of frequent inquiries from entrymen as to whether there is positive assurance that water can be furnished for the season of 1915, but at the present time is unable to answer these questions.

Respectfully, E. F. TABOR, *Project Manager.*

The next letter that I have is from Mr. H. N. Savage, late supervising engineer:

DEPARTMENT OF THE INTERIOR,
UNITED STATES RECLAMATION SERVICE,
SUPERVISING ENGINEER'S OFFICE,
Great Falls, Mont., January 28, 1915.

Subject: Flathead project funds.

Hon. H. L. MYERS,
United States Senate, Washington, D. C.

MY DEAR MR. MYERS: This office has received a copy of your letter of January 20, 1915, to the project manager, concerning the status of work on the Flathead project, Montana, and of his reply thereto. It is deemed desirable to supplement the project manager's letter with some additional information and explanations.

Owing to the wording of the appropriation act, passed June 30, 1913, in which was included an item appropriating funds for construction of irrigation works, Flathead project, the Comptroller of the Treasury had held that no portion of such appropriation was available for expending after July 1, 1914, since it was not explicitly provided, as has been usually done, that the appropriation was "available until expended." This is said to have reduced the balance available for construction by about $187,000.

As you are aware, payment for all liabilities incurred is first made out of the reclamation fund and claims are subsequently prepared against the Indian Service. Materials and supplies purchased out of the reclamation fund are not charged to the Indian appropriation until after such materials and supplies have been used in the work. Equipment used in construction is held as the property of the Reclamation Service, and claims are made monthly against the appropriation in the Indian bill for the use of such equipment and depreciation thereof. It has been the requirement, however, to reserve from the appropriation made in the Indian bill a sufficient amount to cover the cost of such equipment, materials, and supplies on hand. Due to the above facts, a considerable portion of the appropriation for the fiscal year 1914 had not been covered by claims against the Indian Service for work done prior to July 1, 1914, although a considerable amount had been reserved to cover the equipment being used and a considerable portion of the appropriation would have been eventually expended for materials and supplies already purchased and already paid for out of the reclamation fund, but for which claims had not yet been made against the Indian appropriation.

On December 22, 1914, proposals were received for the construction of structures, Pablo laterals "A" and "31-A" and sublaterals, these

structures being necessary for the completion of works for the irrigation of lands included in what is known as the Valley View tract, lying about 6 miles southwest of Polson, Mont. The specifications required the completion of the work on or before May 31, 1915. The lowest bid on this work was very satisfactory, but, owing to the decision of the Comptroller of the Treasury referred to above, there will be no funds for performing the work. The estimated cost of this work, including all materials, supplies, and overhead charges, is about $67,000.

On December 15, 1914, proposals were received for the excavation of canals, Pablo lateral A and sublaterals, for the irrigation of lands lying in the vicinity of Horte, about 12 miles west of Ronan. These canals were to have been completed before June 30, 1915. A very satisfactory bid was received for performing the work. There are, however, no funds for the construction of these canals, the estimated cost of which, including all materials, supplies, and overhead charges, will be about $25,000; nor are there any funds for the construction of the structures on these canals, the estimated cost of which, including all materials, supplies, and overhead charges, is about $42,000.

The present financial status of the project, according to the understanding of this office, is such that it will be impossible to construct any of the works described above unless funds are provided by the present Congress, and it will not be possible to construct them in time for use in 1915 unless funds appropriated are made available for immediate use. The work mentioned above is such as would have been constructed and paid for out of the appropriation for the fiscal year 1914, except for the reversion of funds as hereinbefore explained, and of course forms but a small part of the work which it is very desirable to perform in connection with the irrigation of lands on the Flathead project.

Very truly, yours,

H. N. SAVAGE, *Supervising Engineer.*

CC—PROJECT MANAGER,
St. Ignatius, Mont.

Now, I wish to supplement that with a few remarks, which I will make as brief as possible, explaining why the sum of $500,000 was first put in this bill by the Indian Committee, and why it was then increased by $187,000, to make in all $687,000, lacking a few dollars and cents. I speak in round numbers.

It had not been the practice in former years—last year it was done, but prior to that it had not been the practice—to put in the bill appropriating these funds to this project or other projects the words "to remain available until expended." It was not known to be necessary. It had never been done. It had not been found to be necessary. That language was not put in the departmental estimates. The Comptroller of the Treasury had held right along in prior years that it was not necessary to use those words and that it was not necessary to use up or check out all of these funds prior to the 1st day of July of a certain year, when the fiscal year ended, but had uniformly held that if obligations were incurred and contracts let and the work planned and outlined, the money could be drawn out afterwards and used until expended; and the Reclamation Service had been going on that theory. They have already made plans and planned work and let contracts and executed part of the work, without paying for it as yet, of course, to consume all of this $187,000; but when they came to draw on the money they found that the Comptroller of the Treasury had suddenly, and without any notice to anybody of his intention, reversed all of his prior rulings, and that he said: "You can not draw any more of this money, because it was not checked out before the 1st day of July, 1914."

That money, as is shown in these letters, had been planned to be spent this spring to complete certain work, and much of it is already contracted for, and, in fact, as the letters say, much of it has already been spent. That is, the Government is obligated for it. Now, before these letters brought this subject to my attention the Senate Committee on Indian Affairs had met and had revised its system and plan and method of procedure of conducting work on this reclamation project, had done it at the request and demand of the Senator from Vermont [Mr. PAGE] and certain other Senators on the Indian Committee of the Senate, who thought that the old system was not fair to the Indians, and did it in compliance with the idea and wishes of the Indian Bureau. The Indian Bureau coincided with these Senators on the committee who thought that the old plan was not entirely fair to the Indians, and the Indian Bureau prepared this entire amendment which has been read here, including the sums of money contained in it, and submitted it through Mr. Meritt, the Assistant Commissioner of Indian Affairs, to the Indian Committee.

My colleague [Mr. WALSH] and I and the Representatives from Montana in the House of Representatives examined this amendment and decided that it was acceptable to us, and Mr. Meritt, the Assistant Commissioner, who was attending all the sittings of the committee, explained the plan in detail, and it seemed satisfactory to everyone. There was not a dissenting note uttered in the committee, as far as I know, and I was there all the time the discussion was on in regard to it. The Indian Bureau recommended that the sum of $500,000 be appropriated for this work for the year beginning July 1, 1915, and ending June 30, 1916. It will take about $5,000,000 to complete this project. Appropriating $200,000 a year, as was appropriated last year, would take 25 years to complete the work, and the Indians for whom it is intended to be a benefit would nearly all be dead, and the white settlers would nearly all be dead. But we were not able to get an appropriation of more than $200,000 last year, owing to the intense opposition in the Indian Affairs Committees of the House and the Senate and the Indian Bureau to the method of procedure on which the work was being conducted and the money expended, and on account of those objections we could get only $200,000 last year.

This year the plan is changed in toto to conform to the idea of the Indian Bureau and the ideas of those Senators on the Senate Indian Committee who have not been satisfied with the old plan. I think the old plan was fair, but others did not. In fact, the Indian Bureau drew up this amendment. It is a bureau amendment, and under the amendment and under that plan of procedure the Indian Bureau estimated and recommended that the sum of $500,000 be appropriated for the coming year. That was in the estimate sent in by the Treasury Department, made up by the Indian Bureau, and approved by the Secretary of the Interior, and it went the regular round and was approved by all the officials and came in from the Treasury Department as a regular estimate of $500,000 for this project for the coming year, beginning July 1, 1915.

Mr. Meritt, the assistant commissioner, was present and stated to the committee that the Indian Bureau thought this amount necessary and thought that it ought to be appropriated, and that it was in the interest of the settlers and the Indians, as well.

Now, on the new plan, the project, in the Indian Bureau's opinion, was on a better basis to appropriate a larger sum than heretofore and to push it on to completion as rapidly as possible. That $500,000 that was estimated for and that the Indian Bureau recommended and urged is for work to begin the 1st day of July, 1915, and ending June 30, 1916. It is a larger sum than has ever been appropriated for any one year heretofore because we have never been able to get what the Reclamation Service demanded for this work. The Reclamation Service, year after year, for years back, has demanded the sum of at least $600,000 a year for the work, but owing to objections to the plan on which it was being prosecuted we could never get out of Congress more than $200,000, as in the case of the year before last, to $400,000, the most that was appropriated for any one year.

The work is lagging, lagging in a most lamentable manner, but the Indian Bureau, the Indians, and the white settlers alike understand that all objections have been remedied and overcome by this proposed legislation, and understand that a fair amount, reasonably necessary to push the work along with all reasonable speed, was expected and promised for this year, and accordingly $500,000 was recommended and the committee voted $500,000 and put it into the bill; $500,000 for the year beginning July 1, 1915, and ending June 30, 1916. Everybody was agreeable and willing to an appropriation of $500,000, and it was put in the bill.

Then there came to light through this correspondence and to my knowledge for the first time the fact that, owing to an unexpected reversal of the rulings of the Comptroller of the Treasury, the sum of $187,000 out of $325,000—which was appropriated for the year ending July 1, 1914, although plans for its expenditure had been made, and although the Government had obligated itself for much of it—had not been paid out, as it was intended to be used to meet these obligations that had not been covered and put a finish to certain very important work this spring that was left over from last fall.

Mr. CLARK of Wyoming. Will the Senator permit an interruption?

Mr. MYERS. Certainly; with great pleasure.

Mr. CLARK of Wyoming. I have listened to the Senator with a great deal of interest. He has stated two or three times that the ruling of the Comptroller of the Treasury was a new and unexpected ruling. I confess I had not so understood. I have always understood that an appropriation for a specific year, if it were not used in that year, could only be used subsequently by being reappropriated by Congress, unless the appropriation first carried a specific provision that it should be used until exhausted. I am somewhat surprised at the information; the Senator is giving us the impression that that practice has not prevailed. I can hardly think that is true. I presume it may have been the case in regard to some one appropriation; but I think the practice has been that if an appropriation is not made throughout the year for which it is appropriated it must then be reappropriated by Congress, and that has always been the rule, I think. Other Senators here probably know better than I do.

Mr. MYERS. I am speaking of this one item, and my authority is the letters I hold in my hand from the head official and other officials of the Reclamation Service. I think they may be relied upon; they certainly know the facts and, I think, are stating them correctly. I rely on this information, direct from the officials of the Reclamation Service——

Mr. WALSH. Will my colleague pardon me?

Mr. MYERS. Very gladly.

Mr. WALSH. I feel like saying that whatever may be the fact, it is perfectly obvious that the Reclamation Office, in whose charge was the work, proceeded on the assumption that that amount would be available, and did not make the effort to utilize it there, because they thought it could be more economically used at a later time.

Mr. CLARK of Wyoming. I do not want the Senator to think that I am antagonizing this proposition, but the Senator from Montana having stated several times the understanding of the Reclamation Service I wanted to put on record that that was not my understanding.

Mr. WALSH. I simply meant to indicate that whether it should have been done that way or otherwise the reclamation officers evidently proceeded on the assumption that it would be available, and then they find themselves in a state of surprise and learn it is not available.

Mr. FALL. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from New Mexico?

Mr. MYERS. With pleasure.

Mr. FALL. I think there is no question but that the statements of both Senators are absolutely correct. The Senator stated the law as it is. The Reclamation Service, however, which are handling this particular project, are not governed by the general law as to turning into the Treasury of the United States funds unsued at the expiration of a fiscal year. Their funds are not subject to such reversion to the General Treasury. They continue to operate for the particular project until the project is completed so long as there is any money unused that they can get hold of. So they were doubtless very much surprised to find that this being not within the provisions of the general reclamation fund but being a specific appropriation was subject to take the regular course.

Mr. MYERS. I thank the Senator for the additional light upon the subject. I speak only of this particular reclamation project and these letters are my authority; these letters from high officials of the Reclamation Service state that prior to the time to which they refer they had been allowed invariably by the Comptroller of the Treasury to use the funds, to check them out, after the 1st of July, the end of the fiscal year, and when in pursuance of such custom they came to draw out $187,000 they found they were prevented by a new and to them very surprising ruling of the comptroller. So I get now to this point, that under this new method of prosecuting work on the Flathead project, which is entirely satisfactory to the Indian Bureau and which appeared entirely satisfactory to the Senate Committee on Indian Affairs, because not a member of the committee objected to it, and they accepted it by unanimous consent, it was agreed by the Indian Bureau and by the officials of the Government who make estimates and by the Senate Committee on Indian Affairs, that $500,000 was needed for this project and could be profitably used to good advantage for the year beginning the 1st day of July, 1915, and ending the 30th day of June, 1916.

After that had been done, after that appropriation had been recommended by the committee, these letters came to hand and the department for the first time through an unexpected and unprecedented ruling of the Comptroller of the Treasury, to the great surprise of the Reclamation Service, learned that the project had lost the sum of $187,000 which had been once appropriated to it by Congress; money that had been voted to it and allotted and set aside for that project. It had been lost through the unexpected action of the Comptroller of the Treasury; and we found also that Representative STEPHENS of Texas, the chairman of the House Committee on Indian Affairs, was evidently so impressed with the injustice of the project losing $187,000, which Congress had once said it ought to have and which in fact and in right belonged to the project, that Representative STEPHENS of Texas, on the 15th day of last month, February, introduced in the House a joint resolution to reappropriate that $187,000 to the Flathead project, and also $33,000 for the Fort Peck project, and $64,000 for the Blackfeet project in Montana, all in the same boat, all lost to those projects on account of this misunderstanding between reclamation officials and the Comptroller of the Treasury. The resolution of Mr. STEPHENS of Texas, introduced in the House, is as follows:

Resolved, etc., That the unexpended balances, amounting to $186,996.81, $33,561.95, and $64,295.23, in the appropriations made in the acts approved June 30, 1913 (37 Stat. L., p. 77), making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914, for continuing the construction of irrigation systems on the Flathead, Blackfeet, and Fort Peck Indian Reservations, in the State of Montana, be, and the same are hereby, reappropriated and made available for use in such work during the fiscal year 1915, the same to be reimbursed to the United States.

When I found that Representative STEPHENS had introduced that joint resolution I felt it was hopeless to get the joint resolution through both branches of Congress in the few remaining days of this session, and therefore I did not introduce a counterpart resolution in the Senate and by that method endeavor to recapture this money, which had been actually lost to these projects through misunderstandings between the reclamation officials and the Comptroller of the Treasury. I did not believe there was a particle of a chance to get a joint resolution of that kind through Congress at this late day, owing to the crowded condition of the Senate Calendar and such a tremendous pressure here for the attention of the Senate to other work.

Therefore, the Senate Indian Affairs Committee being still in session, I went to that committee, of which I have the honor to be a member, and submitted the resolution of Representative STEPHENS to the committee and addressed it upon the justice of recovering this money for these projects and reappropriating it. I endeavored to impress upon the committee the just claims that these projects have for this money which had been lost and forfeited and had lapsed through no fault of the settlers nor of the Indians, the people to be benefited by it, but through a misunderstanding of the reclamation officials and the Comptroller of the Treasury, and I asked that these sums be added to the appropriations for these projects in the regular Indian appropriation bill.

I succeeded in getting the $187,000 that was due the Flathead project, and which had been lost in this manner to the Flathead project, reappropriated and added to the $500,000 which had been appropriated for that project. I was not successful in getting the $33,000 for the Fort Peck project nor the $64,000 for the Blackfeet project reappropriated. They stand upon the same principle. They stand on the same basis of right and justice, and one is as much due to the respective projects as the other. But, of course, the Flathead project was the principal item, and I asked for that first and the committee granted me that, but it refused the other two projects.

Mr. STERLING. Mr. President, in this connection I should like to ask the Senator from Montana what relation, if any, there is between this appropriation of $686,996.81 and the appropriation found on page 44, beginning with line 12, as follows:

And there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $525,187.93 for this purpose, $4,544.40 thereof to be credited to the Indians of the Blackfeet Reservation, $440,217.78 thereof to be credited to the Indians of the Flathead Reservation, and the balance—

The appropriation seems to be, according to the paragraph above, for irrigation purposes.

Mr. MYERS. I will answer that.

Mr. STERLING. I ask the Senator what is the relation between the appropriation he is discussing and these previous appropriations?

Mr. MYERS. The appropriation figures at page 44, which the Senator from South Dakota has just read, simply represent bookkeeping. They do not pay out a dollar of money. It was simply a part of the general reorganization scheme of reforming the method of procedure for the prosecution of this project that those figures were put there in that way. They do not represent paying out a dollar. It is simply a matter of bookkeeping to correct what, in the committee's opinion, needed correcting in the past method of prosecuting this work; and the chairman, and I believe every member of the committee, will coincide with me in that; and I will be glad to call on my colleague, who is very conversant with it, to verify what I say.

Mr. WALSH. Possibly I might clear up whatever obscurity there may be concerning the item about which the Senator from South Dakota asks information.

Mr. STERLING. Mr. President——

Mr. WALSH. Mr. President, I shall be very glad to endeavor to clear up whatever obscurity there may be in the mind of the Senator concerning the consequence of the item concerning which he has asked a question.

Mr. MYERS. I yield to my colleague for a further statement on that point.

Mr. STERLING. I shall be very glad to hear from the Senator.

Mr. WALSH. For the information of the Senator from South Dakota, I will state that that represents a certain amount of money which has been taken out of the tribal fund of these Indians for the reimbursement of the Treasury on account of appropriations heretofore made. Appropriations have been

made in the aggregate of about $1,400,000 for this project. Under the law as it has heretofore existed that amount was to be reimbursed from the tribal fund of the Blackfeet Indians.

Some of the Blackfeet Indians took their allotments under the reclamation project; many others took their allotments above the irrigation project, and they secured practically no benefit whatever on account of it; yet under the law as it existed the Senator will see that from time to time certain lump sums were taken out of the tribal fund to reimburse the General Government, and the proportion of that which belonged to the Indians whose allotment was above the ditch was likewise taken in order to reimburse the Treasury.

A year ago it was urged on behalf of the Indian appropriation bill that that was entirely unjust to Indians who had taken their allotments above the ditch; that the irrigation project should be built by the lands under the ditch; that the lands of the white settlers as well as the lands of the Indians, who had selected their allotments under the ditch, were the lands that should be burdened, and the other lands should be freed from the charge. They propose at this time to correct that erroneous system. They, therefore, propose that hereafter these appropriations shall be a charge only upon the land under the ditch, the lands taken by the white settlers, the unallotted lands, as well as the allotments. They further provide that the amount of money which has heretofore been taken out of the tribal fund and put into the General Treasury, in the amount to which the Senator has now directed our attention, shall be taken out of the General Treasury and put into the tribal fund; and hereafter that only so much be taken out of the tribal fund as is properly assignable to those Indians whose allotments are under the ditch. So that the appropriation to which the Senator invites our attention is no provision for any further expenditure of money, but simply is a transfer of funds, which were originally taken out of the tribal fund and put into the Treasury, back from the Treasury into the tribal fund.

Now, that I have the floor I feel like saying that I hope very sincerely that the Senator from South Dakota will not feel moved to make any objection to this appropriation, aggregating $686,996.81, on this matter. My colleague [Mr. MYERS] has referred to the appropriations made in preceding years—only $200,000 last year, and $325,000 the year before. The work has been going on since the year 1908; that is, five years, and the aggregate is about $1,250,000 or $1,300,000 altogether.

I will now read to the Senator a paragraph from the report of the commission that was sent out last fall to investigate this matter. This item was the subject of very earnest debate a year ago, as will be recalled. Considerable question was raised concerning the feasibility of this and other Indian projects in the State of Montana, and Congress passed an act providing that a commission should go out to investigate these matters, and come back and give information and facts upon which the Senate could wisely proceed in the future with reference to them. I am only going to detain you now to read a paragraph from that report touching the Flathead Reservation. I read from the letter transmitting the report of that commission, published as House Document No. 1215, at page 35:

> As has been previously stated, there are under this project 97,000 acres of allotted lands and 55,000 acres of land other than Indian, namely, homestead land, State land, and vacant land. It is the opinion of this board that in working out the plan of properly distributing the waters having their sources in the tribal timberlands, the building of a comprehensive system sufficient in size to convey water to the homestead, as well as the Indian land, the most economic plan was followed to control the water supply; also to properly protect the Indians' water rights. The building of a system to have conveyed water to the Indians' lands only would eventually have been fraught with many complications, and the Indians would beyond doubt, sooner or later, have lost valuable water rights by homesteaders, not under the system, filing on and making a beneficial use of the water. The understanding of the homesteader that water would eventually be delivered to his land (however, no definite promise was made on the part of the United States as to date of delivery) enabled the United States, as agent for the Flathead Tribe, to dispose of practically all their surplus lands at the appraised value.
>
> The Indians and whites under the various divisions on this reservation are demanding continually that irrigation water be furnished for the allotments and homesteads taken as irrigable land at the earliest possible date, as well as to be informed of the estimated costs. Under the present method of financing this project it is absolutely impossible to accurately estimate the cost, as it depends to a large extent on the rate of progress of the work, which progress is entirely governed by the annual appropriation. For example, if the annual appropriation be limited to $100,000 for this project, it will take about 50 years to complete it, and in the meantime many of the Indians and homesteaders will be left in a destitute condition, while, on the other hand, if $500,000 are made available each year for construction purposes, the work can be completed within a period of 10 years. It can readily be seen that the work extended over a period of 50 years will probably cost 50 per cent more than if completed within a period of 10 years.

The Senator will understand that the lands under the project were appraised, and appraised upon the assumption that they would be subject to irrigation, and that the irrigation project that was outlined would be prosecuted with reasonable dispatch to completion. When this reservation was thrown open there was a large map prepared for the information of those who desired to enter lands within it, upon which map were depicted those lands which were under the project and which would be irrigated by it, and likewise the lands that were above the ditch and would not be open to irrigation. They were appraised accordingly. The Senator from South Dakota knows enough about these matters to understand that the land that was in such a situation as to be susceptible of irrigation from the ditch would be appraised relatively high, while the other land beyond would be appraised at a correspondingly low figure. The intending settler had his choice to go and take the land under the ditch or to take the land above. Many of them selected lands under the ditch; and, bear in mind, paid their money upon that assumption, and upon the assumption that this work was going to be prosecuted with reasonable diligence, and that in due course of time they would have water for the irrigation of their land. They made their settlement—and the Senator will bear in mind that this thing was opened in 1910, five years ago—and many of these settlers have lived upon their land for the entire period of five years and have proved up, so far as they can prove up, they have acquired the title to this land, and they have been crying for water every year since, and have not yet got it.

Mr. President, among these meager appropriations—I speak relatively, of course, for absolutely they are large; but speaking with reference to the extent of the project, a project that contemplates the expenditure of $5,000,000, this meager appropriation could not have completed the project in less than about 15 years—the Reclamation Service set aside this amount of $186,000 for the purpose of paying for contracts which they expect to complete within the current fiscal year.

Mr. STERLING. Mr. President, if the Senator from Montana will permit me, I wish to say I am not opposing an appropriation of $186,000 here; indeed, I wish that it should be available for these irrigation projects. I think it is to be regretted that the Comptroller of the Currency held that, the end of the fiscal year having come, it could not be used, and, if used at all, that it must be through a reappropriation.

But the point with me is this: I believe in appropriating money for the reasonable needs of the service, but if $186,000 was left over from a previous appropriation on the 1st day of July, 1914, I hardly think that $500,000 additional will be required to meet the reasonable needs of the project between this time and the time when we can make another appropriation.

I am not at all unfriendly to irrigation projects; I am in entire sympathy with them, and I would rather err on the side of liberality for them than to stint them or to stint the Reclamation Service in promoting and developing these projects; but it seems to me that, in view of what we did last year, less than $687,000 all told should be appropriated at the present time.

Mr. WALSH. Mr. President, I do not pretend to base a judgment upon such meager facts as these. The Reclamation Service has come forward and has informed the Senate that it could make use very conveniently of an appropriation of $1,081,000 for next year, as my understanding about the matter is. The Indian Bureau felt, however, that, in view of all the conditions to which reference has repeatedly here been made, the conditions in which the country finds itself situated to-day, they would not ask for an appropriation of more than $500,000 for the work next year. That estimate was made; it was conveyed to the Senate upon the assumption that the $186,000 would be available between now and the 1st day of July, but it has been discovered that it is not available.

Mr. STERLING. Mr. President, will the Senator permit me just one observation there? From my understanding of the contents of the letter read by the senior Senator from Montana [Mr. MYERS] $187,000 would more than pay for all the work done under contracts which have been let and for all materials contracted for. It seems inconceivable to me that now, in addition to the appropriation of $187,000 to pay for the work contracted for or for the materials contracted for, there can be used $500,000 between now and the 1st day of July, 1916.

Furthermore, Mr. President, the Senator from Montana speaks about the claim of the Reclamation Service, that more than a million dollars—a million and a half dollars, as I remember—could be expended within the next year. There are many other reclamation projects calling for expenditures, and I do not see how it is possible that more than a million dollars can be expended on that one reclamation project, in view of the other demands upon the Reclamation Service for the extension and development of various reclamation projects.

Mr. WALSH. Mr. President, I am trying to answer the argument of the Senator from South Dakota, who advances the idea that because $186,000 had been left over from the fiscal year

ending June 30, 1914, it is improbable that the Reclamation Service will be able to expend profitably as much as $500,000 during the ensuing year. I say to the Senator that the Reclamation Service has reported that it can expend very profitably and economically upon the project during the next year something over a million dollars—$1,081,000, as my recollection is—so that we have here the statement of the reclamation officers that they can utilize it to good advantage, not that they ought to get it.

Mr. STERLING. Mr. President, I should like to ask the Senator from Montana if the Reclamation Service has furnished any detailed plans of improvement for the development of this irrigation project which would call for that expenditure? Is it not just a rough general statement that that much can be used?

Mr. WALSH. Mr. President, I will say to the Senator from South Dakota that I insisted a year ago that the Reclamation Service should provide the Indian Bureau with a detailed statement of just exactly what they were going to do with the appropriation of $250,000 that was asked for at that time. That was furnished, and I am very sure the same thing was done in this connection. I myself insisted upon just exactly what the Senator wants, and I am very sure that the information is available.

Mr. MYERS. Mr. President, I want to finish my argument in a few words. I hope I have made it plain to the Senator from South Dakota that the sum of $500,000 which the committee first ordered appropriated for this project is intended for use in the year beginning July 1, 1915, and ending July 1, 1916. Is that amount necessary? Yes. Why? Because it is estimated for, and the Indian Bureau asks for it and says it is necessary, and that it ought to be appropriated.

Now, we base our contention for the appropriation of $500,000 for the next fiscal year upon the urging of the Indian Bureau and upon the estimates of the Treasury Department that it is necessary now to appropriate that amount, and we think that is good authority.

As to the $187,000 that was previously appropriated and has now become unavailable through a ruling of the Comptroller of the Treasury, I hope I have made it plain that it is to be used to complete the work between now and the 1st of next July, which has already been planned and mapped out and contracted for and obligations in regard to which have been incurred.

As to where that $187,000 is to go, in the letters which I have read the reclamation officials cite one piece of work they want to complete this spring which will take $67,000; they cite another piece of work they want to complete this spring which will require $42,000; and they cite another piece of work they want to complete this spring which they say will take $25,000. Those sums amount to $134,000. In addition, they referred to many expenditures that have already been authorized and to property and material bought and obligations incurred and as to which all that is lacking is to issue checks in payment therefor, but the Comptroller of the Treasury will not let them do so. The difference between $186,000 and $134,000 is $52,000, and certainly I apprehend, under the statements of the reclamation officials here produced, that the said sum of $52,000 must be required to provide for past obligations which they have incurred. So that the Senate Indian Committee raised this appropriation from $500,000 to $687,000 in order to reappropriate what legitimately and properly belonged to the project, but which had been lost to it through a surprising misunderstanding of officials.

At the time the Indian Bureau recommended $500,000, and at the time the Senate committee authorized it it was done under the impression of the bureau and the committee that all of the money previously appropriated was available and that none of it had been drawn back with a string beyond their reach and lost to the project. I will quote Mr. Meritt on that point, the Assistant Commissioner of Indian Affairs, who was before the committee when this sum was raised to $687,000. He told the committee that the Indian Bureau recommended $500,000, with the belief and under the impression that all of the money theretofore appropriated was available and could be used and that the $500,000 was intended to be in addition to all prior appropriations. I will read his testimony on that point:

Senator WHITE. In making the estimate for this year of $500,000 that is carried in this bill did the department consider that the other fund that you are asking was not so available?
Senator MYERS. That is for Mr. Meritt to say.
Senator WHITE. In other words, did you figure that you could not use this $187,000, I will say, in round numbers, in addition to the $500,000 which you are claiming in this bill?
Mr. MERITT. Yes; we were figuring on using all the money heretofore appropriated.
Senator WHITE. As well as what is in this?
Mr. MERITT. Yes; but the comptroller has held that those funds were not available because of a provision in one of the general appropriation bills.
Senator WHITE. I did not know but what the estimate had been made excluding that, but I understand now that under the estimate of $500,000 for the present year you anticipated using this $187,000 that Senator MYERS is speaking of?
Mr. MERITT. Yes, sir.
Senator PAGE. I may be confused about it. I had supposed that this was not to help out on our last year's appropriation bill. I thought they had gone back to the year before last and that the money must have been already turned back into the Treasury. Am I right about that?
Mr. MERITT. Heretofore the money appropriated for the irrigation projects has been available until expended, but there was a provision incorporated in one of the general appropriation acts that made it necessary to expend the money within the year for which it was appropriated, and this money not being expended within that year reverted to the Treasury contrary to the practice that had theretofore prevailed in the financing of these projects.

In other words, since they submitted their estimate of $500,000 the loss of the $187,000 was discovered.

Senator LANE. When did you make the estimate?
Mr. MERITT. We made this estimate in December.

In other words, Mr. Meritt says that they recommended $500,000 on the theory that all of the money appropriated theretofore was available and could be used and would be used. Now, the $187,000 is to complete certain necessary work this spring, and the entire sum is made immediately available so that they can begin work at once this spring, and it is to remain available until expended, so that this setback will not occur again. The Reclamation Service and the Indian Bureau unite in saying that this $687,000 can be profitably used to good advantage, and is necessary for the coming year and for the completion of certain very necessary unfinished work this spring. We simply stand on their estimates; we stand on their testimony; and we ask you if you will stand by it likewise.

God knows the poor settlers on the ground need the money badly enough. Their plight is pitiful. They are desperate. They are starving for lack of water to put on their land, which ought to have been put on by the Government years ago, and would have been put on but for the meager appropriations that have been doled out for this project year by year; and it is to the benefit of the Indians, too, because the white people can not pay for their lands until they get water on them. The land is worthless without water. The settlers can not raise any crops and make any money until they get water on their land, and the sooner they get water on their land the sooner they will be able to pay for the land and the sooner the Indian fund will get the money that the land brings. It is to the interest of all alike, the white and the Indians both.

I appeal to the Senators to stand by the estimates and the recommendations of the Interior Department, the Reclamation Service, and the Indian Bureau, and allow us this entire sum of $687,000, which they say they can use profitably, and which is needed in order to prosecute this work in a businesslike manner.

Mr. FALL. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from New Mexico?

Mr. MYERS. With pleasure.

Mr. FALL. The Senator, of course, has confined his remarks very largely to the appropriation, and the necessity for the particular amount of the appropriation. I am not prepared to disagree with him upon the necessity for the appropriation, nor qualified to speak as to the necessity for the amount. However, this amendment is being treated as a whole.

On page 50, lines 14 to 16, inclusive, there is a proviso as follows:

Provided further, That the rights of the United States to water for Indian lands shall be continued in full force and effect until the Indian title to such lands is extinguished.

Mr. President, I can see very grave objections to that proviso injected into the middle of this amendment, which relates solely to the Flathead and Fort Peck and other Indian lands which are treated of in the amendment. This is a general amendment. It would be applicable to every Indian reserve in the United States. It would repeal the act of Congress of 1866, under which we acquired water rights, and have since that time been acquiring water rights, for irrigation purposes. It would repeal the desert-land act of the United States. It would undoubtedly repeal many provisions of the reclamation act, or at least render them nugatory; and it would prevent the settling of public lands around the Indian reserves, on which the citizens are not now precluded from settling. It certainly can not be the purpose of the Senators from Montana to work any such hardship or any such change in the law. I do not understand it to be their purpose.

The Senator has frankly stated that this entire amendment has been promulgated by the Indian Bureau, the Department of the Interior, and not by himself. Now, I will say frankly that so long as that proviso remains in this amendment the

amendment will never be adopted with my vote, and I shall protest against it for the time that I think is necessary. I will say further that with this amendment in this bill I should never find it possible to vote for the bill at all.

I will ask the Senator from Montana if he will not agree to this proviso being stricken from the bill?

Mr. MYERS. Mr. President, this entire amendment was gotten up by the Indian Bureau as its plan for the reform method of procedure for prosecuting this work, and I have no authority to agree that that be stricken out. The committee reported it. It is in the hands of the Senate now. I have no individual authority in the matter.

Mr. FALL. Then, Mr. President, I shall make a point of order as to this proviso in the amendment, that it is general legislation of the most obnoxious character conceivable.

The VICE PRESIDENT. The Chair is unable to rule upon that point of order for the reason that the Chair understands that the entire body of the amendment, as it has been read, was prepared as one amendment to the bill; and if the Senator makes the point of order that the amendment is general legislation——

Mr. FALL. Mr. President, I have no desire to do that. I do not want to make the point of order against the whole amendment, and for that reason I asked the Senator from Montana [Mr. MYERS], who is so much interested in this amendment, if he would not agree that this proviso might be stricken out.

Mr. MYERS. Mr. President, I have no authority to agree to that. I can not agree to that.

Mr. FALL. I think the committee would agree to it.

Mr. GRONNA. Mr. President, as one of the members of the committee I shall not agree to that. I am opposed to eliminating that provision.

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. The Senator from Wyoming.

Mr. CLARK of Wyoming. At the time the Senator from Montana was insisting that this was all one amendment, a vigorous protest was made to that statement; and while it was read without objection, as the Senator from Vermont said he wished to have the whole matter read so that he could discuss it, I think the Senate is entitled to have this matter printed in italics, separated into its distinctive parts.

The VICE PRESIDENT. Under the rules of the Senate, the Senator from Wyoming has a clear right, where there are several propositions embodied in an amendment, to have the question divided.

Mr. CLARK of Wyoming. I ask that that may be done.

The VICE PRESIDENT. There is no doubt about that. Now, this amendment is as full of general legislation as it possibly can be, if it is taken as a whole; and if there is a point of order raised as to the entire amendment the Chair will sustain it.

Mr. CLARK of Wyoming. I ask that it may be divided, Mr. President.

Mr. FALL. I had felt that, and I had no desire to interfere with this general scheme. I had made a protest myself against considering this amendment all together, and had suggested to the Senator before he began his argument that as a matter of fact the amendment from line 22, of page 42, down to line 5, on page 44, for instance, treated of one subject matter and could be separated; and that if it were ruled out, the balance of this appropriation and all that he wanted would remain in the bill; but that it had nothing to do with and was not germane to the balance of the amendment. He insisted, however, upon treating it all as a whole. Now, I do not want to put the Senator in the position of having me make a point of order against the entire amendment, and yet I will state to the Senate now that so long as this proviso remains in this bill the bill will not pass if I can prevent it.

Mr. MYERS. Mr. President, I have no objection to the amendment being divided, with the permission of the Senate, into as many sections as may be compatible with the sense of the legislation.

The VICE PRESIDENT. Let us take it up, then, section by section, and see whether it will be agreed to.

Mr. FALL. I shall want to know what is going to be done with this proviso, in order to see how I shall want to vote on the other sections.

Mr. ASHURST. Why does not the Senator move to strike it out.

Mr. FALL. Very well; I will adopt the suggestion of the chairman of the committee, and move——

Mr. WALSH. Mr. President, if the Senator will permit me to make a suggestion, suppose we dispose of these matters as they arise, and then the Senator can move to reconsider.

Mr. FALL. I will vote against every line of this amendment unless this proviso goes out of it. Therefore, I do not know how to vote. The Senator can easily see the position I am in. I will vote against the entire bill if this proviso stays in.

The VICE PRESIDENT. This is clearly a divisible proposition.

Mr. FALL. Very well, Mr. President.

The VICE PRESIDENT. The proviso is clearly divisible. The Senator from New Mexico raises the point of order that it is general legislation. May the Chair inquire whether this changes present statutory law on the subject?

Mr. FALL. It does.

The VICE PRESIDENT. Then the point of order is sustained, and the proviso is out of the bill.

Mr. FALL. Very well.

The SECRETARY. On page 50, line 14, after the word "owed," the following words are stricken out:

Provided further, That the rights of the United States to water for Indian lands shall be continued in full force and effect until the Indian title to such land is extinguished.

Mr. PAGE. Mr. President——

The VICE PRESIDENT. The Senator from Vermont.

Mr. ASHURST. If the Senator will yield to me for a moment, I should like to suggest that lines 14 and 15, on page 51, ought to go out of the bill.

The SECRETARY. It is proposed to strike out lines 14 and 15, on page 51, which read as follows:

All laws and parts of laws in conflict herewith are hereby repealed.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PAGE obtained the floor.

Mr. WALSH. Mr. President——

The VICE PRESIDENT. Does the Senator from Vermont yield to the Senator from Montana?

Mr. WALSH. If the Senator will pardon me, I rise to secure some information from the desk. Will the Senator pardon me until I get it?

Mr. PAGE. Certainly.

Mr. WALSH. I should like to inquire of the Chair what action has thus far been taken with reference to this amendment, commencing on page 42?

The PRESIDING OFFICER (Mr. WHITE in the chair). The Chair is informed that the proposition was divided, but no Senator has suggested how it shall be divided.

Mr. WALSH. And no proceedings have thus far been taken?

The PRESIDING OFFICER. No.

Mr. PAGE. Mr. President, I have listened with a great deal of interest to the discussions which we have been having here for the last hour or two in regard to the increase of this appropriation, on page 46, line 16, from $500,000 to $686,996.81, as it now stands in the bill. As recommended by the department it was $500,000. I want to read from the hearings what was said about this matter while it was under consideration in the committee, because I think it will throw a good deal of light on this question.

Mr. CLARK of Wyoming. From what page is the Senator reading?

Mr. PAGE. Page 130 of the hearings of the Senate committee on this bill, Volume I.

Senator MYERS. Now, Mr. Chairman, I offered certain proposed amendments to this bill, which I offered too late to get printed in the bill, and they are printed here as separate amendments and have been laid before the committee.

I will take up first your calendar No. 226. I wish to be heard upon that.

It is for this committee to decide the fate of the Flathead reclamation irrigation project for the benefit of the Indians and whites on the Flathead Reservation. There has been about a million and a half dollars expended on that. As I understand the expenditures heretofore have been largely made in such manner as to cover the lands of the Indians, and the future expenditures to be made in the immediate future, I understand will necessarily be required to be made largely on the lands of the white settlers who went on there, etc.

I read this because I want the Senate to understand that we have been considering, in all the previous years, a project based upon reimbursement for these moneys devoted to irrigation projects out of the Indian land.

I omit some of the unimportant matter and read on the same page:

Now, I will state my understanding of the attitude of the Indian Bureau; and, of course, if I am incorrect in any way, I would like Mr. Meritt to correct me, because he knows about it better than I. I will just state this as a connected part of my brief statement.

My understanding is that at the beginning of this session the Indian Bureau wanted certain changes made in the method of using this appropriation and the method of procedure, and that the plan of the Indian Bureau was to introduce that as a separate bill, making the change and coupling with it the amount to be appropriated for this coming year. I think the inclination of the bureau was, as evinced in

talks between bureau officials and myself, to recommend $500,000, but their plan, as I understand it, was to put it in a separate bill covering this appropriation of, say, perhaps, $500,000.

Now, I want to have the Senate understand that this took place about the middle of January. I might give the exact date in a moment, but it is not necessary. The correspondence with the Reclamation Service, to which the Senator has referred and which he has read, was in the hands of the department last August.

Mr. MYERS. Mr. President, I wish to correct that.

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Montana?

Mr. PAGE. Certainly.

Mr. MYERS. I wish to correct that statement. One letter is dated January 28, 1915; another letter is dated January 15, 1915; another letter is dated January 26, 1915; all mailed in Montana.

Mr. PAGE. As I understood the Senator, and I made a note of it at the time, the date was August 1, 1914. If I misunderstood the Senator, I withdraw the statement with pleasure. I understood that this correspondence was in part in the hands of the department last August.

Mr. MYERS. I never made any such statement, and I am willing to comply with the rule of a legal trial and submit the letters themselves, to show what dates they bear.

Mr. PAGE. I withdraw it, because I have no doubt the Senator states the fact exactly.

Mr. WALSH. As I am sure the Senator desires to be correct, I wish to correct him in another statement. The Senator stated for the information of the Senate that the appropriations have heretofore been made upon the theory that the project was to be paid for out of the tribal funds.

Mr. PAGE. Yes; reimbursable out of the tribal funds, as I understand it.

Mr. WALSH. The Senator omitted to state that only that portion of the charge assignable against the Indian lands was to be paid out of the tribal funds. The settlers upon the lands were required to pay their proportion. I read from the act of 1908:

Provided, however, That the entryman or owner of any land irrigable by any system hereunder constructed under the provisions of section 14 of this act shall in addition to the payment required by section 9 of said act be required to pay for a water right the proportionate cost of the construction of said system in not more than 15 annual installments, as fixed by the Secretary of the Interior, the same to be paid at the local land office, and the register and receiver shall be allowed the usual commissions on all moneys paid.

I should like to have the Senator from Vermont get the idea out of his head that it ever was proposed that the white settlers should avail themselves of the tribal funds of the Indians for the purpose of paying their proportion.

Mr. PAGE. I perhaps have been in error, although I do not now see that I am. I have been laboring under the impression, because I have heard the statement made many times for years. I remember distinctly when the senior Senator from Montana had been before us in years past, and has asked for large appropriations, he has said, "Now, remember, members of the committee, that this appropriation is reimbursable." The understanding I had was that it was first chargeable to the Indian fund. Of course if any money was paid in later by white settlers it went to the credit of the Indians. I do not think we materially disagree. The point I first want to get at, although I may come later to what the Senator referred to, is the discussion in regard to this matter had before the committee at the time $500,000 was agreed to. I will read a little further:

Senator MYERS continued:
I do not know that that was ever definitely settled—

That is, $500,000—

but it was my understanding and was agreeable to them; and also coupling with it a change in the law as to the methods of procedure.

Mr. PAGE. That refers to the change which was made in the original plan, where the money was reimbursable out of the Indian fund; but the plan which has been adopted in this bill makes the irrigation project not a charge upon the Indian lands as heretofore but rather on the Federal Treasury as a gratuity appropriation, and provides the funds for carrying out this project, with the expectation that the irrigable or irrigated land will eventually make good the expenditure by the Government.

It is a fact well known to gentlemen who have been upon the Indian Committee for many years that there are projects that pay out and projects that prove almost worthless. The Senator from New Mexico [Mr. FALL] on Saturday, in speaking of an irrigation project in his State—and, by the way, you remember he spoke parenthetically—said, "I want to say now that this project proved to be an absolute failure."

I think we shall be very fortunate if we do not find that in this measure we are undertaking a great and important project which perhaps ought to have been provided for in a separate bill. But I am making no point of order, although I think a point of order would lie. I want to say to the Senator from Montana that if I could see an appropriation for this measure of only $500,000 I should cheerfully agree to it, provided the proviso just stricken out on the suggestion of the Senator from New Mexico [Mr. FALL] was left in. I shall later address myself to that particular feature. With that proviso out I am opposed to the entire appropriation, because I believe that the Indian has not been properly protected.

I now again take up the hearing before our Committee on Indian Affairs:

Mr. MYERS. Now, the Indian Bureau, having had in contemplation the plan of a separate bill, made no recommendation last fall or early in the winter for any estimate or item for the Flathead project to go into this bill, not that they intended to leave it out or kill it, but, as I say, in pursuance of the idea that it would be done by a separate bill.

So there was no estimate or recommendation for any appropriation in the Indian appropriation bill, nor for any in the sundry civil bill, nor any in the reclamation bill, the idea being all the time an independent bill. Therefore there was no item that went into the Indian appropriation bill on the part of the House committee, and it passed the House without anything for the Flathead reclamation project. The sundry civil bill contains none for it and the reclamation bill contains none for it.

Senator PAGE. May I interrupt you? You say the Flathead. The same is true as to all of these projects, is it not? They have made no recommendation as to any of them?

Senator MYERS. As to the Flathead, Fort Peck—I am coming to them. I am taking them up in order. Yes; all of them. Our delegation consulted together a short time ago and felt it was very dangerous to undertake to do this in an independent bill; it was liable to get lost in the shuffle, and that really the proper place for this change in the law was in the Indian bill. So our entire delegation, the four of us—Senator WALSH, Representative EVANS, Representative STOUT, and myself—after talking over the matter amongst ourselves, made an engagement with Secretary Lane, at which Mr. Sells and Mr. Meritt were to be present. About a week or 10 days ago our entire delegation, pursuant to that end, called at the office of Secretary Lane. Mr. Sells was there and Mr. Meritt was there.

I only pause to say in this connection that the Department of the Interior is a great department. The Indian Commissioner, Mr. Sells, is a very excellent gentleman. I raise no question as to his integrity, but, like other good men, he is susceptible to influences—proper influences, of course—and when a body of men as strong as the whole delegation from Montana appear before him and they hold a conference and agree upon the sum of $500,000, I can not believe that $500,000 did not fairly cover the necessities of this case.

Mr. MYERS. May I interrupt the Senator just there?

Mr. PAGE. In just a moment. The $500,000 estimate was two or three hundred thousand dollars—I have not the exact figures—more than it was two years ago. It is $175,000 or $200,000 more than it was last year. I think Congress appropriated for 1914 and for 1915 the sums of $200,000 and $325,000, respectively; and I say it is fair to assume that when we give that project $500,000 for 1916 we are treating Montana liberally.

Now, lest I be mistaken about my understanding of this matter, I want to read what was said before the Committee on Indian Affairs.

Mr. MYERS. Will the Senator give me a moment to reply?

Mr. PAGE. I yield to the Senator.

Mr. MYERS. Mr. Meritt said before the Indian Affairs Committee that $500,000 was recommended. When that recommendation was made the Indian Bureau had no knowledge of the $187,000 being beyond their reach, but supposed it was available.

Mr. PAGE. Far be it from me to stand here and question the Assistant Commissioner of Indian Affairs. I simply say that the language was put into his mouth, as it seemed to me, by those pressing for this larger appropriation. I will take up this matter later, and before I get through I think I will show the Senator that there was a fair understanding that $500,000 would be accepted by Montana as a liberal appropriation for this project.

I continue my reading from the report:

Mr. MERITT. We are proposing to appropriate $500,000 for the Flathead project, $50,000 for the Blackfeet, and $100,000 for the Fort Peck project. That is all reimbursable and is made a lien on the land irrigated.

Senator PAGE. Yes; I understand that. Now, here are $440,000, $80,000, and $4,000 appropriated—$524,000 in all. Is that reimbursable, and if not reimbursable, can we state unqualifiedly that it is provided for so that eventually it is repaid to the Federal Government?

Mr. MYERS. What page is the Senator reading from?

Mr. PAGE. Page 150.

Mr. MERITT. No, sir; that is not reimbursable in the regular reimbursable sense, because it is returning to the Indians money that has been paid out of their tribal funds to reimburse the Government for moneys advanced for the construction of this project.

I now wish to call attention to the proviso which has been stricken out on the motion of the Senator from New Mexico

[Mr. FALL], the clause which protects the Indian's rights in case he does not make immediate use of the water supplied by this irrigation project.

I will state my understanding here; and the Senators from Montana will correct me if I am wrong.

I said to the Senators at the meeting of the committee at which this matter was considered: "Gentlemen, you remember that last year the department, through its assistant commissioner, put in the proviso that the failure of the Indian to make beneficial appropriation of water within a given time should not divest him of any of his water rights." The contest here in the Senate last year, which lasted, I think, for two or three days, was upon the question, Could the Indians' money be properly taken to put into a project where the State claimed that, despite the decision in the Winters case, the first party to make beneficial use of the water was entitled to it?

It is conceded that on the north of this reservation there is a lake the waters of which run down into the reservation and are then used for irrigation purposes. Near the outlet of the lake there is an opportunity to tap the outlet and take the water away from the reservation. It is a matter of pretty general knowledge here that while the decision in the Winters case was read and carefully considered in the Senate, the senior Senator from Wyoming [Mr. CLARK], the Senator from Utah [Mr. SUTHERLAND], the junior Senator from Arizona [Mr. SMITH], all took the position that the decision in that case must be taken in connection with other and later decisions, and that despite that decision, which seemed to be very clear, the Indians' right was not protected; that if the white man should make beneficial use of this water before the Indian did, that under the laws, and I think they said under the State constitution of Montana, the white man was entitled to that water.

Mr. FALL. Mr. President, will the Senator from Vermont yield to me?

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from New Mexico?

Mr. PAGE. With pleasure.

Mr. FALL. As a matter of fact, the Winters case was only applicable, under the state of facts, to a treaty Indian reserve—that was the theory upon which the Supreme Court decided that case—that there was a treaty or an agreement with the Indians by which the Indians, at least by implication, reserved to themselves the water. Therefore the Winters case would not in any event be applicable as to a water dispute upon a nontreaty reserve—that is, an Executive reserve—for instance, created simply by order of the President.

Mr. PAGE. I am under the impression that the Blackfeet Reservation came within the provisions of the treaty. I understand that the treaty with the Blackfeet Indians was made before the admission of Montana to the Union and that, at the time the treaty was made, there was an implied reservation, at least, of enough water to supply their reservation, and to that extent could not be taken away from them. I will read what the court said about the matter. This is in Winters *v.* The United States, United States Reports No. 207:

> In view of all the circumstances of the transaction this court holds that there was an implied reservation in the agreement of May 1, 1885 (25 Stats., 124), with the Gros Ventre and other Indians establishing the Fort Belknap Reservation, of a sufficient amount of water from the Milk River for irrigation purposes, which was not affected by the subsequent act of February 22, 1889 (25 Stats., 676), admitting Montana into the Union.

Mr. FALL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from New Mexico?

Mr. PAGE. I do.

Mr. FALL. Mr. President, that was the point that I was calling to the Senator's attention, that the Supreme Court in deciding upon this proposition rest their decision upon at least an implied agreement; in other words, that there was a treaty here by the terms of which, if not directly, yet at least by implication, the Indians had reserved to themselves the title to that water, and it never became a subject of appropriation by other parties. I was simply calling the attention of the Senator to the fact that that decision would not, in any event, whether it is good law or not, apply to a nontreaty reservation or an Executive order reservation.

Mr. PAGE. If I may be allowed, I should like to have the Senator tell us if the Blackfeet Indian Reservation is not a treaty reservation?

Mr. FALL. I think it is; so I was not making that point against this particular reservation.

Mr. PAGE. Then that is not material as to this particular case, because it is covered by the Winters case, as it seems to me. The court continues:

> And that the water of that river—
>
> Speaking of the river which supplies this reservation—
>
> can not be diverted, so as to prejudice this right of the Indians, by settlers on the public lands or those claiming riparian rights on that river.

There, Mr. President, was the whole bone of contention last year. If the Indians were to be subject to the constitution of Montana, which provides that the first man to make beneficial use of the water—I may not quote it exactly—has the right to the water, then we do not want to put four or five million dollars of the Indians' money into this project. It would be wrong to do so; the Indian should be protected. We were agreed that perhaps it might be best that the appropriation should be made to continue that work, but we reached that conclusion because of the safeguarding proviso which has now been stricken out on motion of the Senator from New Mexico [Mr. FALL].

I have great respect for the legal ability of the junior Senator from Utah [Mr. SUTHERLAND], and when he tells me that this decision in the Winters case, plain as it seems to be to a layman like me, does not protect the Indians' water rights on this reservation because of the constitution of Montana or some law of that State, I am thrown into great doubt as to the wisdom of this appropriation.

Mr. FALL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from New Mexico?

Mr. PAGE. With great pleasure.

Mr. FALL. Mr. President, I think that, as I have once or twice said, the Supreme Court—while I am frank to say that I do not think they have agreed with themselves in other cases in their expression of the Winters case—the Supreme Court in the Winters case was dealing with a state of facts, as they say, and that state of facts was this: The Indians had formerly held a much larger reserve than they held at the time this case was presented to the court; that a portion of that reserve or of the Indian lands had been thrown open, and that it could not be said that because the Indians agreed with the Government in 1888 that they should occupy a more restricted area—it could not be said that as to that portion of the lands which they had formerly held they had yielded their water rights in proportion; in other words, that they had really retained enough water, whatever it was, a sufficient amount of water, to irrigate the lands remaining within their restricted area, and that they had a prior right. The Supreme Court recognized the right of prior appropriation; but they claimed that the right to appropriate the water, so far as it might interfere with the necessities of the Indians remaining within the restricted area, was reserved between the Indians and the United States Government.

The Senator from Vermont will understand that we claim the right to appropriate water and obtain title to it by the act of Congress of 1866 and the subsequent acts granting permission to construct irrigating ditches upon public waters running upon the public domain. Of course in disposing of the public domain the Congress of the United States can provide such rules and regulations as it sees fit. It has provided rules and regulations generally by which I may acquire, for instance, under the local laws and customs of the State, an appropriation of sufficient water from whatever source I can obtain it, from the public domain, to irrigate my piece of land.

They were simply holding in this case that here was a large area of Indian land; that a portion of it had been by agreement thrown open to public entry; that as the Indians owned this water and the land originally, they could not be considered to have yielded the water necessary to irrigate the remaining lands.

Mr. PAGE. I thank the Senator for his elucidation. I should be glad now to have him point out to me that section which has been thrown out. I refer to the proviso.

Mr. FALL. The proviso is on page 50.

Mr. PAGE. I will read it, as follows:

> *Provided further*, That the rights of the United States to water for Indian lands shall be continued in full force and effect until the Indian title to such land is extinguished.

Mr. FALL. Now, Mr. President, the Senator has called attention to this proviso. I have explained my objection to the proviso; but I want to say, in addition to what I have said in reference to the manner of acquiring water rights upon the public lands, that on a nontreaty reservation or an Executive-order reservation upon which waters rise and flow off on the public domain, under this proviso, if it had remained in this bill, never could a settler upon the public domain have acquired under the act of 1866, or under any other act, the right to the use of water. For instance, suppose that within half a mile of the edge of the boundaries of an Indian reservation a large

spring rises and flows down through a canyon where it is not possible to irrigate a foot of land upon an Indian reservation, and flows off onto the public domain. Under the law as it stands, under the different acts of Congress, under the decisions of the Supreme Court of the United States, under the local rules and customs of the State in which that reserve happens to be situated, I can make an appropriation for beneficial purposes and acquire title to that water. Under this provision never could I have done so, and there would remain the question of the Government's power to sell that water to some municipality, to sell it to some railroad, or to sell it to somebody else and deprive the actual homesteader, the citizen hunting a home upon the public domain, of the right ever to acquire a drop of that water.

As I said in making the point of order, it would have been a repeal, in so far as that particular case was concerned, of the act of Congress of 1866 and the subsequent acts of Congress under which the great domain in the West has been settled and under which millions of acres have been put in cultivation and constitute now the richest soil in the world, by the efforts of citizens of the United States, who have gone out there and dug homes out of the desert with the aid of this water.

Mr. PAGE. The Senator will remember that last year for nearly two days we discussed this proposition, and a safeguarding provision suggested by the Department of the Interior was thrown out on a point of order, as it was suggested perhaps this proviso might be. Last year we managed to defeat this measure, I think, because the rights of the Indians were not safeguarded. This year when this matter came up, when the Senator from Montana asked for this appropriation, I asked, "How will it be safeguarded? Do you remember that we had trouble last year?" He said, "I certainly do"—I do not know the exact language he used, but I referred to the fact that some proviso was needed to justify me in voting for the appropriation, and to satisfy the Senator from North Dakota and some other Senators on our Indian committee who did not want to vote to appropriate large sums of money unless there was some safeguard of the Indian's rights—I think I will read what was said before our Committee on Indians Affairs about this matter:

Senator MYERS. Mr. Chairman and Senators, I should like very much to have action now, if it meets your approval, on the Meritt amendment that was pending last evening, for the reason that it was discussed thoroughly yesterday and we have had overnight to look into it, and I have to appear this morning at 10.30 before the Committee on Claims on two bills that I have there. They will only be sitting for a few minutes, and if I do not get there right away I am afraid I will not have any opportunity to appear before the committee. These bills have been pending a long time. I feel that I have neglected them; and can we not act on this amendment without further delay? What do you think about it, Senator PAGE? Have you looked it over?

Senator PAGE. I have, just enough to see that I want to look it over more. You remember that last year we went through and passed on all these bills. They went through easily because there was a clause attached that protected the Indian against the lapse of his water rights—

And I think I referred there to a point of order, but that does not appear here—

Senator MYERS. Yes; that is true.

Senator PAGE. Now, the very thing that prompted me to vote you a good, liberal sum last year was the fact that there was a protection to the Indians. Now, this year I see we have aimed to protect the Indian in this sentence:

"*Provided further*, That the rights of the United States to water for Indian lands shall be continued in full force and effect until the Indian title to such land is extinguished."

That is the very provision that has been stricken out this afternoon, with the consent of the chairman of the committee and with the consent of the two Senators from Montana, as I understand.

Mr. MYERS. Mr. President, I want to correct that statement. I absolutely refused to give my consent. I said I had no consent to give. The proviso went out on a point of order, which the Vice President of the United States sustained, but I did not consent to it and had nothing to do with it.

Mr. PAGE. I think that is correct. I will take back the statement I made on that point. I thought the Senator assented to it.

Mr. MYERS. I thank the Senator for acknowledging that I am right once.

Mr. PAGE. To continue the reading:

What assurance can I have from you and Brother WALSH—

It appears that the junior Senator from Montana [Mr. WALSH] was also there—

What assurance can I have from you and Brother WALSH that you—or not you, but some of your friends there who are so tenacious in regard to the rights of the State—will not insist that that go out on a point of order?

Bear in mind, Mr. President, that that suggestion seems to have been almost prophetic at that time. Just exactly what I thought would occur has occurred here within the last hour. Let me continue to read from the record:

Senator MYERS. Senator WALSH and I have both stated here in the most solemn manner that we agreed to this amendment and have no objection to it.

Senator PAGE. If they should throw that out on the floor of the Senate, do you know it would change my whole attitude toward this bill?

Senator LANE. Is it subject to a point of order?

Senator MYERS. I do not think it is subject to a point of order.

Senator PAGE. What do you say, Mr. Meritt?

Mr. MERITT. I think it is very important that we get all of this legislation contained in our amendment.

Bear in mind that Mr. Meritt, the Assistant Commissioner of Indian Affairs, was insistent, as he was last year, that there should be some proviso in this appropriation bill to take care of the Indian's rights; and so this proviso, which has been stricken out in the last hour, was put in there. Let me read further:

Senator MYERS. Senator PAGE, if Senator WALSH and I get up on the floor of the Senate and assert in the most solemn manner that we are for this amendment just as it is, I do not see how you could anticipate that anybody else would get up and fight it.

You see my Yankee caution came in there and told me what would occur here. I can see my good friend the Senator from Wyoming [Mr. CLARK] looking at me and smiling. I knew what he would say about this matter.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Wyoming?

Mr. PAGE. With great pleasure.

Mr. CLARK of Wyoming. Of course the Yankee caution of the Senator from Vermont would preclude his sitting silent while a general provision of law was inserted as an amendment applying specifically only to Montana, but which would apply to and undermine the rights of the citizens of his own State in regard to the use of waters in that State.

I regret very greatly that I can not coincide with the Senator from Vermont; but the Senator from Vermont will understand that, aside from Indian reservations, the waters in the States are appropriated to beneficial use under the laws of the respective States, which provide certain acts to be done by the man who wants to use the water or to put it upon his land. They provide that he shall commence work at a certain time; that he shall prosecute his work diligently; that he shall prosecute his work under the course laid down by the State engineer and the land board.

There are in the State of Wyoming Indian reservations upon which there is found water which does not rise upon the Indian reservations. The Government of the United States, under the State laws, has made appropriations of water for use upon Indian lands under the laws of that State. Now, under this provision the Government of the United States would not have to comply with the laws of the State after making beneficial use of that water, but they could hold up until the crack of doom any other person who wanted to make beneficial use of that water until the Indian rights in the reservation were all extinguished.

Mr. PAGE. Does the Senator say to me that, in his judgment as a lawyer, the provisions of the Winters decision do not apply in this case?

Mr. CLARK of Wyoming. I am not speaking of this case; I am speaking of this broad general amendment, which applies not only to this case but to all cases of water upon all Indian lands, whether or not the water rises upon the land and whether they are treaty reservations or whether they are reservations by Executive proclamation.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Montana?

Mr. PAGE. With pleasure.

Mr. WALSH. I should like to make a suggestion for the benefit of the Senator from Vermont, which, I trust, may possibly compose this matter. The Senator from Vermont is simply desirous of doing what he can to protect the rights of the Indians on these reservations?

Mr. PAGE. That is all I want, Mr. President. If the Senator from Montana will show me how that can be done, he will find me a warm supporter of this measure up to $500,000.

Mr. WALSH. That was what I desired to do. The Senator from Wyoming and the Senator from New Mexico are fearful that this legislation, general in its character, will extend over and affect lands within their States. I am not at all concerned about it so far as Montana is concerned. I stated to the Senator before the committee that I do not think the amendment signifies anything. It does not mean anything, in my judg-

ment; and so, if I were representing another State, I would not be objecting to it. I said to the Senator that I did not believe anybody would object to it, but seeing that objection is made, I suggest, to compose the whole matter, that, after the word "lands," on line 16, page 50, we insert "within said reservation," so that it will read:

That the rights of the United States to water for Indian lands within said reservations shall be continued in full force—

And so forth.

Mr. CLARK of Wyoming. I think that would have to go in in a different way, because this matter has already gone out on a ruling on a point of order.

Mr. PAGE. We all agree to that.

Mr. WALSH. If we could only quit the discussion of this matter, I should like to ask the Senator to withdraw his point of order, and we will consent to this amendment.

Mr. PAGE. I have made no point of order, Mr. President.

Mr. WALSH. I understand.

Mr. CLARK of Wyoming. The point of order can not very well be withdrawn after it has been ruled upon by the Chair and sustained.

Mr. WALSH. If that is the case, then——

Mr. CLARK of Wyoming. I presume an amendment might be offered.

Mr. WALSH. I suggest to the Senator from Vermont that he move an amendment of this character, and I shall be glad to support him in the amendment.

Mr. PAGE. I would prefer to have the Senator from Montana or the chairman of the committee move the amendment, and if it covers the matter, as the Senator says, while I should want to think of it a little while, I do not see why I would not assent to it; but I assent to it with the understanding that the appropriation shall be $500,000. Upon that point I must address myself to the Senate unless the Senator agrees to it, and I shall try to show that, in view of what was said before our committee, we ought not to increase that amount.

Mr. WALSH. I was endeavoring, Mr. President, to dispose of one thing at a time, if I could.

Mr. PAGE. Very well.

Mr. WALSH. If that matter is disposed of—and I trust that will be agreeable to the Senator—we can go on.

Mr. PAGE. Mr. President, I hope I may be regarded as sincere in this matter. I do not want to oppose a reasonable appropriation here; and the general change that has been made, although it is a change in the law, is one that appeals to my heart and my conscience.

I do not want to go back to the old system which takes the Indian's money and appropriates it to a use where he may or he may not get it back. We are the guardians of the Indian. We have no right to take his money and misappropriate it. If we want to take the money from the United States Treasury, I have nothing special to say; I will join with the rest. I guess the project is a good one. Just say to me that we will not go beyond reason. We are doing so if after having appropriated $200,000 two years ago and $300,000 last year, and if after having made an agreement as fair and square as it could be that we would only appropriate $500,000 we then come forward with the suggestion that somebody had forgotten about an old law and therefore we must add another $186,000 to this project.

Mr. President, we are raising war taxes now by taking money out of our pockets, 1 cent at a time, to pay for stamps to put on our telegrams, and the idea of adding this $186,000 in times like these is wrong. The $500,000 is all Montana ought to ask on this project this year. I want to suggest in all kindness to the Senators from Montana that the appropriations for that State as they come to us from the House aggregate $199,500, while the appropriations for Montana in this bill aggregate $1,579,000. Why, there is nothing so monstrous as this anywhere in the whole bill, if we are going to figure monstrosity by size. It is awful.

Mr. MYERS. Mr. President, may I make a suggestion to my friend?

Mr. PAGE. Certainly.

Mr. MYERS. I hope the Senator and the Senate will bear in mind that there was nothing put in this bill in the House about the Flathead project or the Fort Peck project or the Blackfeet project, because the departmental estimate had not been gotten out at the time the House passed on the project.

Mr. PAGE. That is absolutely true.

Mr. MYERS. They made a supplemental estimate, and it had to come to the Senate originally, because it was too late to send it to the House then.

Mr. PAGE. Yes. I want to go further and say to the Senator that we have another appropriation here which is largely a matter of bookkeeping and which should be credited to Montana in considering this matter. I am simply taking the figures as they appear in the report. It is true that we have been paying out the money of the Indians for several years and have made his whole property, personal and real, responsible for it. I remember distinctly that in the committee the Senator from Alabama [Mr. WHITE] asked some one: "Does not this place a mortgage upon the Indian's property, personal and real?" I think it was the senior Senator from Montana who replied: "It does." This language may not be exact. I give it as I remember it, and if I am wrong I should be glad to be corrected.

Mr. GALLINGER. Mr. President, will the Senator from Vermont yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from New Hampshire?

Mr. PAGE. With pleasure.

Mr. GALLINGER. Can the Senator state offhand the aggregate amount that has been added to this bill?

Mr. PAGE. I can. I have it right before me:

Total increase, Senate amendments, $3,558,211.40.

With a decrease of $52,500.

In other words, the increase over the House bill is almost 50 per cent. That is, half of $7,720,000 would be $3,860,000, and we have increased it $3,558,000.

Mr. GALLINGER. Almost 50 per cent over the House bill?

Mr. PAGE. Almost 50 per cent over the House bill.

Mr. GALLINGER. If the Senator will permit me, I am a member of the Committee on Appropriations, and we are constantly being appealed to by members of that committee representing the majority to save even dollars. They say that every dollar counts in the present condition of the Treasury, where we have a large deficit and a much larger deficit to follow. It seems to me that that is a most extraordinary increase in one bill.

Mr. PAGE. Why, Mr. President, we have within my little State Lake Champlain. There is a 12-foot canal running from Buffalo down to Albany, and from Albany up to Whitehall, the lower end of Lake Champlain. There is an outlet for a vessel drawing 11 feet of water from the lower end of Lake Champlain to New York and Buffalo and on to the west, and the very small sum we ask for, $300,000—it will take a little more than that, but not a large sum, to complete it—will open Lake Champlain down to the north end of the lake. The Canadians have said:

If you will open up this waterway down to the north end of Lake Champlain, the forty-fifth parallel, we will open up the Richelieu Canal down to the St. Lawrence River and give you a fine waterway from Montreal and from the Gulf of St. Lawrence down through Lake Champlain to New York.

Think what an important matter it is. It takes about $700,000, but all that we should ask this year would be $300,000; and here we are taking for the Flathead project alone not $500,000, the amount that we agreed upon, but $700,000, or, to be exact, $686,000.

I do not believe the Senate wants to do anything of that kind. The Senators from Montana want it. I suppose if we should take a million and three-quarters, as they ask for, and dump it into Montana, it would make business good there for the next year. They would be happy, and I do not blame them for wanting it; but when they come to us and say that we ought to do that and leave undeveloped large projects, such as the one I have spoken of, that are so important and yet require so little money, I say it is wrong.

Mr. GALLINGER. Mr. President, may I ask the Senator another question?

Mr. PAGE. With pleasure.

Mr. GALLINGER. Has the Senator submitted his request to any committee of the Senate for the appropriation of money for that waterway?

Mr. PAGE. Yes, sir.

Mr. GALLINGER. I have some knowledge of its importance. Has the Senator submitted a request, and has it been denied? Is that the situation?

Mr. PAGE. No, Mr. President; it has not been denied, but we submitted our request last summer, and it went down with the whole river and harbor bill, and I have taken it for granted that it would be a waste of breath to attempt to put it on the river and harbor bill now, because I suppose you will pass a general measure dealing with no new projects, and so will not include Lake Champlain. Bear in mind, too, that you may look through appropriation bill after appropriation bill and you will not find one cent for Vermont.

Mr. GALLINGER. Or New Hampshire, either.

Mr. PAGE. Or New Hampshire; but if you will look into this bill, and turn over to the third page of the report, you will find, under the head of "Montana," $1,579,683; and then I have got to go still further and say that in addition to the above amount appropriated there has been authorized $150,000

more for the Blackfeets. Why, gentlemen, we have in this Indian appropriation bill a proviso that we shall pay $200 apiece to the members of one tribe of Indians in Oklahoma and $100 apiece to the members of another, and that means that we will take from the Federal Treasury $5,000,000. Where are we going to land if we keep on in this way?

Mr. GALLINGER. Does the Senator mean to say that there is $5,000,000 appropriated in this bill to the State of Oklahoma?

Mr. PAGE. I so understand; at least, we propose to take from the Treasury and pay to Oklahoma tribes, in round numbers, $5,000,000.

Mr. GALLINGER. I have heard it suggested that there is $2,000,000 in the bill for Montana.

Mr. PAGE. Well, that is not quite accurate. It is not quite $2,000,000, though it is very near that. It is $1,579,000, plus $150,000.

Mr. GALLINGER. And about $5,000,000 for Oklahoma?

Mr. PAGE. And about $5,000,000 is divided to the Choctaws and Chickasaws of Oklahoma. Now bear in mind that when we increase this appropriation bill from $5,000,000 to $11,000,000 we do not take into account the $5,000,000 of the Indian funds which we distribute to Oklahoma for those two tribes. That is not considered here at all, as the money so distributed is probably Indian money. Let me read what is said about that here. Here is what the report says, on page 6:

In addition thereto—

That is, in addition to these sums, the $11,000,000 appropriated—

In addition thereto is the per capita payment to the Choctaws and Chickasaws.

Let me say that I am not here condemning the appropriation for the Choctaws and the Chickasaws. I have not gotten to that yet, and I do not know whether I will condemn it or not. When the matter came before our committee I said that I was badly mixed on this Choctaw and Chickasaw provision, and if I voted for it it would be with a great, big piece of mental reservation.

Mr. GALLINGER. Will the Senator permit another inquiry?

Mr. PAGE. With pleasure.

Mr. GALLINGER. I will ask the Senator if that provision for the Choctaws and Chickasaws includes the Mississippi Choctaws?

Mr. PAGE. No, sir.

Mr. GALLINGER. It does not?

Mr. PAGE. No, sir. If it should include those, it would be——

Mr. WARREN. Is the item for the Mississippi Choctaws in the bill?

Mr. PAGE. No; that is excluded. I have somewhere the exact figures in regard to this matter.

Mr. GALLINGER. I will ask the Senator, if he is at liberty to state, whether the claim of the Mississippi Choctaws was considered by the committee?

Mr. PAGE. Mr. President, I think it has been considered somewhat by the committee, but the committee did not give it very much attention. I think the Senator from North Dakota [Mr. GRONNA] gave that matter considerable thought, and made some motion before the committee, and I will yield to him to state about that.

Mr. GRONNA. Mr. President, I do not want to take the time of the Senate now to explain that matter fully, but I shall make some observations on it when we get to it. I only wish to say that there is no provision for the Mississippi Choctaws in the bill. In fact, they have no money. They are not on the rolls. They have no fund whatever. My idea is that they should be taken care of; but while I am on my feet I want to say to my friend from Vermont that the $5,000,000 which it is proposed in this bill to distribute to the Choctaws and the Chickasaws, $200 per capita to the Choctaw Indians and $100 per capita to the Chickasaw Indians, of course comes out of funds that belong to these nations. It is not taken out of the Treasury of the United States.

Mr. PAGE. Will the Senator correct me if I am wrong about this? Is it not money that must be taken from the Federal Treasury, and will it not by that amount reduce the cash in the Treasury if it is paid over to them?

Mr. GRONNA. As I understand, they have that money to their credit.

Mr. PAGE. Oh, it is to their credit.

Mr. GRONNA. Yes.

Mr. PAGE. But after all, our Treasury is nearly empty. Now, if we take $5,000,000 to pay over to them, while it may be an absolutely just debt—I am not questioning that at all—is it not true that it makes us $5,000,000 below what we otherwise would be in our cash?

Mr. GRONNA. That is as I understand it.

Mr. PAGE. Now, I want to revert for a moment to the statement of the Senator from Montana, which is absolutely true, and I should like his attention for a moment. When he asked to have the committee vote this $500,000 it was with the express understanding that there were several members of the committee who would not vote for that appropriation unless we could be assured that the rights of the Indians, which were conserved by the very proviso which has been stricken out this afternoon, were protected.

I know that was my impression. I may be wrong about the matter, but my impression is that this $500,000 appropriation might not have been approved by the Indian Committee but for the fact that we had the assurance—and I acted upon it and I am sure the Senator from North Dakota [Mr. GRONNA] did—that there was a safeguarding provision here, and unless that safeguarding provision is restored I for one can not vote for this appropriation. I do not say that the Senator from New Mexico is right or wrong in striking it out. That is not the point I raise here. I say that when he strikes it out, the safeguarding provision is not there, and I can not indorse the appropriation unless something else takes its place.

The senior Senator from Montana [Mr. WALSH] said that that could be arranged, and I hope it can be. I hope still further, in the interests of economy, in the interests of good faith, in the interest of the condition of the Treasury, the Senators from Montana will consent to have this bill left at $500,000 and let it go through and save any further discussion.

Mr. ASHURST. Question!

Mr. PAGE. I do not want to yield on the suggestion of a question, because I am not through.

The PRESIDING OFFICER. The Senator from Vermont has the floor.

Mr. ASHURST. I beg the Senator's pardon. I really thought he had concluded. He has been discussing the item for 2 hours and 10 minutes, and I thought he had concluded.

Mr. PAGE. No; I have a good deal else to say on this bill unless I am to be assured that the Senators from Montana will yield to my views about the size of this appropriation.

Now, Mr. President, I come to the question which was brought up a year ago; that is, as to whether——

Mr. WALSH. Before the Senator proceeds will he yield to me?

Mr. PAGE. Certainly; with pleasure.

Mr. WALSH. I called the attention of the Senator a while ago to the condition of things. I called his attention to the fact that the board sent out by the Senate for the purpose of investigating this thing reported to the Senate that it would not be good faith for the people who had bought these lands. It would not be good faith and honest feeling to the Indians of the Flathead Reservation to ask this along with the appropriation, practically of $300,000, because at the very lowest estimate it would take 16 years for the completion of the project.

Mr. President, this matter was gone into when it was before the committee, and Mr. Meritt before the committee told us as follows:

Mr. MERITT. The engineers on this project claim that they could expend economically a much larger amount than is here requested. The engineers want a million dollars for the Flathead irrigation project.

Senator ROBINSON. Right away?

Mr. MERITT. Yes, sir; for the next year's work.

I read from page 153. It was realized a request of that kind would be entirely impracticable, and the estimate was cut to $500,000.

Mr. PAGE. I was just going to read that.

Mr. WALSH. Wait a moment. Mr. Meritt, afterwards going on, told the committee, when he made that statement, he did not have in mind that this $187,000 was not available and would not be available, and asked that that be put on. If the Senator from Vermont knows more about this project than the reclamation engineers, than the board which was sent out by the Senate of the United States, than the Indian Office, than the Senators from Montana, and can make it clear to the Senate that the appropriation ought to be practically $300,000 instead of $500,000, he may appeal with some justice to the Senators from Montana. If the matter were subject to discussion, if there were any controversy about it, if the thing were debatable in any way, we might be appealed to to yield our own views and some other views.

Why should the Senator appeal to us under these circumstances to have the appropriation cut down to $300,000?

Mr. PAGE. If I may be allowed, because we are cutting down appropriations everywhere. In my own State I have referred to the fact that $300,000 would put in a link of only about a dozen miles and make a great waterway from the Gulf of the St. Lawrence to New York and Buffalo and the West, and we are compelled to go without it because of the condition of the Federal Treasury.

Mr. WALSH. I want to say to the Senator that the situation is not the same. The United States have incurred no obligation in that matter at all. It is just the same as any other river and harbor improvement. It is a matter of wisdom as to whether it should be done or not, but here you have placed yourselves under an obligation. You have the money of these people in the Treasury of the United States; you have it upon the practical representation to them that every dispatch would be exercised in the completion of this project, and we are simply asking you to make good your promise, that is all.

Mr. PAGE. I will ask the Senator in all good faith if he does not think when he came before our committee and said, "We have discussed it by and large, through and through, and finally concluded to ask for $500,000," and we granted that with great pleasure, is it not now going rather far to come here and ask for this additional appropriation under the pretense that there is a balance left over? There is not a balance from last year. You have to go back to the year before last to get that unexpended balance.

Mr. WALSH. I certainly do not recognize any want of good faith on the part of the Senators from Montana in the Senate. Certainly there is none on my part. We all proceeded upon that assumption. The assistant commissioner proceeded upon that assumption. He made the recommendation upon that assumption, and he went back and then told the committee he made the recommendation upon that assumption and he found he was wrong, and now he thinks it ought to be made $686,000.

Mr. PAGE. I think I will not criticize Assistant Commissioner Meritt. He is a good man; but he made that statement, I think, very reluctantly, according to my hearing. In this little rehearsal of what took place I call the attention of the Senate to the following:

But considering the general disposition to economize—

Bear in mind, this is Senator WALSH speaking—

and that kind of thing, we felt that we ought to accede to the suggestion of the department and make that an even $500,000, and that is what has been recommended and what we are asking for.

That is what we voted for when we were considering this whole proposition, and this addition of $186,000 was an afterthought. Had we then known that $686,000 would be asked for, I doubt if we would have favored the appropriation. Perhaps we would, but it is a matter of doubt.

Please listen to this:

And my understanding is that the Reclamation Service has mapped out a plan for the Indian Office by which, by the expenditure of this appropriation fund now recommended, $500,000, the ditches will be extended so that the hopes and expectations of a good many of the Indians, as well as the white settlers, will be met.

I do not see how language could be stronger; that the department had marked out, is ready for, and wanted $500,000. They never thought of the added $186,000 until it was afterwards brought forward by the senior Senator from Montana.

Mr. WALSH. There is no controversy about this matter at all. The Senator recognizes, as a matter of course, that it was contemplated to be expended between June 30, 1915, and June 30, 1916, and that not a dollar of it was contemplated to be expended between this time and down to the work mapped out by the work to be done during the fiscal year commencing July 1, 1915. There is no opportunity for controversy or cavil about that, is there?

Mr. PAGE. I want to read a little more; then I will listen to the Senator:

Mr. MERITT. We realize that it would be impracticable to ask this committee to appropriate more than a million and a quarter for the project for this year.

That, of course, means the Montana project.

Mr. MERITT. We also wanted to keep the total amount of the Indian appropriation bill down to a reasonable limit. One objection to placing this appropriation in the Indian bill is this: It will so increase the total of the Indian bill that we are afraid the committees will begin to cut down on other items in the bill where we absolutely need the money for the support and civilization of the Indians on various other reservations.

It seemed to him so enormous that he thought the committee would cut down the other appropriation and that Congress would do it.

Mr. ASHURST. Mr. President, will the Senator yield to me?

Mr. PAGE. With pleasure.

Mr. ASHURST. I merely wish to ask what is the motion of the Senator from Vermont?

Mr. PAGE. The motion of the Senator from New Mexico was to strike out the clause.

Mr. ASHURST. That went out on a point of order.

Mr. PAGE. It went out on a point of order.

Mr. ASHURST. It has gone out.

Mr. PAGE. I now wish to address myself to another feature of this bill.

Mr. ASHURST. Then there is no motion pending.

Mr. PAGE (reading)—

Senator MYERS. You consent, however—

I call the attention of the Senate to this—

Senator MYERS. You consent, however, for the bureau, that these amounts do go in?

Mr. MERITT. Yes, sir.

Senator MYERS. Then I will accept your offer, so far as I am concerned.

Mr. MYERS. May I ask the Senator a question?

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Does the Senator from Vermont yield to the Senator from Montana?

Mr. PAGE. Certainly.

Mr. MYERS. If somebody would issue the Senator from Vermont a certified check for $187,000 in payment of a valid obligation, and he lost that check, and the party that issued it found it——

Mr. PAGE. That is not a supposable case.

Mr. MYERS. And you call on him, you would think he ought to make it good and give another check. That is exactly analogous. The project had the money and through a misunderstanding of the officials, which fault was neither of the Indians nor the settlers, the sum was wholly lost to the project. We simply ask that another check shall be issued and that the money be appropriated.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from North Dakota?

Mr. PAGE. With pleasure.

Mr. GRONNA. I think it is only fair to the Senator from Montana that I should say in this connection that I was at least partly responsible for putting this in the shape that it is. The Senator from Montana, who is a member of the committee, asked that the amount not used be reappropriated. I made a suggestion that instead of doing that we increase the amount of the appropriation from $500,000 to $687,000. I realize that there is a good deal of force—and there is always, of course, a good deal of force—in what the Senator from Vermont says. I shall feel like casting my vote for the amount now in the bill, because it was, I think, fairly well understood by those who were present at the time, and we all agreed to increase the appropriation from $500,000 to the amount stated in the bill. I do not know that the Senator from Vermont was present at the time.

Mr. PAGE. The Senator from Vermont was present and distinctly voted "no."

Mr. MYERS. And the Senator from Vermont was the only member of the committee who voted "no." Otherwise the vote was unanimous.

Mr. PAGE. I am proud of the distinction.

Mr. GRONNA. I do not find any fault with the Senator from Vermont for voting "no"; but I thought it was my duty to say what I have said, because I was responsible for making such an additional increase in the appropriation that was estimated by the department instead of reappropriating the money that was unexpended.

Mr. PAGE. I have not the slightest doubt that the Senator from North Dakota was doing exactly what he thought right, and he must forgive me for doing what I think is right about this matter, and I know he will.

Mr. GRONNA. Certainly. I want to say that no one knows how much money is necessary for the next year. If the committee or the department or the bureau knew really what it needed, there would be no need of making a continuing appropriation; there would be no need of making the money available until expended. I do not say that the bureau will require $687,000 in round numbers for the ensuing year, nor do I believe anyone else knows how much will be required; but, according to the language as it is now in the bill, there would be that much money to be used, whether used during the next year or in the future.

Mr. PAGE. I simply want to proceed in this same line, because I am going to try to show to the Senate that the Senator from Montana did not expect that any such sum as $500,000 would be appropriated, and I am going to quote his own language:

Senator MYERS. Then I will accept your offer, so far as I am concerned.

That is, the $500,000—

Senator LANE. I would like to ask about that Blackfeet Agency. Are the Indians using any water from any of these projects?

Mr. MERITT. We are only asking for an appropriation of $50,000 for the Blackfeet project. I personally do not believe that the Blackfeet project will be the success that the Flathead project will be ultimately. We are asking for $500,000 for the Flathead and only $50,000 for the

Blackfeet. We are going to use that money simply to finish the construction work on a project that is now being completed.

Senator MYERS. I think this is to be borne in mind, Mr. Meritt, looking at it from the bureau's standpoint, and what you regard as adequate and fair and just, that if $500,000 only is appropriated, put in here as an amendment, in conference it is inevitable it will be cut down some, if you get it through at all.

Mr. MYERS. I want to call the Senator's attention to that right now. The House will undoubtedly cut it down.

Mr. PAGE (reading)—

The conferees will probably cut it down to $250,000. You can always look forward to that.

Mr. MYERS. I say the same thing right now.

Mr. PAGE. Now, if we are to make our appropriations here at this end of the Capitol at double what we think they ought to be for fear, perchance, that over at the other end they will cut our appropriation down, we have come to a pretty pass in legislation. I can not agree to that kind of legislation. I want to vote for an appropriation that I think is right. In this case I am ready to vote for what I think is right and liberal; that is to say, if we can safeguard the appropriation, but not otherwise. I should feel very sad indeed to see this appropriation go through without some satisfactory provision, and I hope the Senator from Montana [Mr. WALSH] will show me some provision that will relieve this matter of the difficulties which I apprehend.

Mr. WALSH. Mr. President, I am very desirous of helping the Senator from Vermont on that matter, but, as I have told him often and he has been told by other Senators, there is not anything you can put in this bill that will change the situation either one way or the other, in my estimation. I may not know the law of natural right, but I must confess that I have never been able to understand what the risk is, what the menace is, what the peril is, that the Senator from Vermont is so anxious to obviate and escape. Let us, if we can, reduce the thing to a concrete case. Will the Senator give us some kind of an idea, because if I am going to render him any help at all I must know something about the end to be attained—can the Senator give us any idea as to just exactly what he thinks he wants to do?

The Flathead irrigation project is based upon appropriations not made by any Indians at all; not made upon any rights held by any individual Indian. It is made pursuant to an appropriation made by the Government of the United States when it started this great project. Under the provisions of our law the Government of the United States went in just the same as I would go in, just the same as any private individual would go in, and it filed its appropriation and appropriated—for the benefit of everybody under this ditch, for Indians as well as whites—as much water as it could carry in its canals; in other words, the Indians' rights to the water have their foundation in that appropriation thus made by the Government of the United States.

Mr. CLARK of Wyoming. Under the State law?

Mr. WALSH. Under the State law.

Let me say, for the further information of the Senator from Vermont, that our State has been exceedingly liberal to the Indians in that regard—very much more liberal than it has to its own citizens of white blood—for the law provides that after the United States thus makes an appropriation of water for a reclamation project, either upon an Indian reservation or beyond that Indian reservation, that appropriation holds good and it does not need to turn a wheel; it does not need to stick a spade in the ground; it holds good for three years, while if a private individual does that it holds good for but 60 days; that is all. So, Mr. President, the State of Montana can not be accused, as the Senator seems to accuse it, of any desire whatever to deprive these Indians of any rights they may have in these waters.

I say to the Senator frankly here on the floor of the Senate, as I said to him in committee, that I do not think the provision to which he has attached so much importance is of any service whatever to the Indians on the Flathead Indian Reservation. As a lawyer, I do not know when and under what circumstances it would be appealed to to defend them against any claim that might be made against them. Perhaps the Senator can enlighten me; perhaps he can tell me some conditions under which that clause would be of service; or if he will tell me what the peril is that these Indians are in with respect to their water rights I shall be glad to give him the benefit of my experience in the matter and my study of the law of water rights to help him preserve those rights. That is the situation.

Mr. FALL. Mr. President, I will frankly say to the Senator from Vermont, as well as has the Senator from Montana, that I will join the Senator from Montana in the sincere effort to protect the Indians in any way possible to meet the wishes of the Senator from Vermont.

Mr. WALSH. Let me say, Mr. President, with respect to this matter, that so long as this work is continued, the rights of the Indians, as I indicated to the Senator, depend upon the appropriation that the Government of the United States made at the time it instituted this project, and under the law all that is necessary is to proceed with reasonable diligence to complete the project. If you do not do that, that is the only peril you run; that is the only risk you encounter. If you should fail to make an appropriation that was reasonably adequate under all the circumstances, you might imperil the rights of these Indians eventually; otherwise you could not do it. That is the only chance there is, I say to the Senator.

Mr. CLARK of Wyoming. That is right.

Mr. PAGE. Mr. President, if I should sell a man a carload of calfskins and there was something about those calfskins which we did not discuss, I should say that there was a fair reason for compromise, because our minds did not meet; but if I should say that the skins shall weigh 8 pounds and that they shall be No. 1 in quality, and then they should prove to weigh but 7 pounds and be No. 2 in quality, I know the other party would find some fault with me. I want to say that when this matter was under consideration my mind was very solicitous about it, because I went through this fight last year. This was not a matter which did not occur to us. Let me quote from the record.

Mr. ASHURST. Mr. President——

Mr. PAGE. In a moment. I went through this fight last year and came pretty near getting worsted. I did not, as it happened, but came so near it that I did not want to take another chance.

I read from the record:

Senator MYERS. Senator WALSH and I have both stated here in the most solemn manner that we agreed to this amendment and have no objection to it.

Senator PAGE. If they should throw that out on the floor of the Senate, do you know it would change my whole attitude toward this bill?

Senator LANE. Is it subject to a point of order?

Senator MYERS. I do not think it is subject to a point of order.

Senator PAGE. What do you say, Mr. Meritt?

Bear in mind that Mr. Meritt is talking. You will see that his answers are not absolutely responsive to the questions.

Mr. MYERS and Mr. ASHURST addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Vermont yield; and if so, to whom?

Mr. PAGE. I will yield in a moment.

Mr. MERITT. I think it is very important that we get all of this legislation contained in our amendment.

Senator MYERS. Senator PAGE, if Senator WALSH and I get up on the floor of the Senate and assert in the most solemn manner that we are for this amendment just as it is, I do not see how you could anticipate that anybody else would get up and fight it.

Has either the senior or the junior Senator from Montana gotten up on the floor of the Senate and made their assertion about this matter as suggested?

Mr. ASHURST and Mr. WALSH addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Vermont yield; and if so, to whom?

Mr. PAGE. I yield to the Senator from Arizona.

Mr. ASHURST. Mr. President, I wish merely to ask the Senator from Vermont a question. He stated a moment ago that in purchasing calf hides he would expect the entire lot to be delivered. The Senator is an experienced business man. Suppose he should purchase for delivery 325,000 calf hides, and upon an investigation find that, through some unfortunate lapse, through some misadventure of the contractor, the hides when delivered to him were 186,999 hides short, what would he think of the morality, what would he think of the intellectual honesty of a business house that would try to screen itself behind a technicality to avoid delivering the 186,999 hides that were short?

Mr. PAGE. The Senator is getting too close to my hide for me to answer that question. [Laughter.]

Mr. ASHURST. That is it.

Mr. WALSH and Mr. MYERS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Vermont yield further; and if so, to whom?

Mr. PAGE. I yield to the junior Senator from Montana [Mr. WALSH], and then I will yield to his colleague [Mr. MYERS].

Mr. WALSH. Mr. President, my colleague was fully authorized to make the statement that he did on my behalf, and the Senator from Vermont has not heard either of us urge one word against this amendment. Now that the asseveration has not been made, I will undertake to make it on behalf of my colleague, as I do on my own behalf. I say that the entire amendment proposed is entirely satisfactory to both of us.

Mr. PAGE. The Senator does not think, does he, that if at the time he and his colleague made that statement the members of the committee believed that there would have been a point

of order raised on the amendment, which we considered so important, that we would have approved that measure?

Mr. WALSH. Mr. President, the testimony discloses the whole thing. The testimony discloses that the Senator from Vermont was not satisfied about the matter, and he asked me if I could assure him that the Senator from Utah [Mr. SUTHERLAND] and the Senator from Arizona [Mr. SMITH] would not make the point of order, and I told him, as a matter of course, that I could not.

Mr. PAGE. I think that is true.

Mr. MYERS. I desire to ask a question, Mr. President.

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Montana?

Mr. PAGE. Certainly.

Mr. MYERS. Has the Senator from Vermont heard me here or in any other place or at any other time object to any part of this amendment that was prepared in the Indian Committee?

Mr. PAGE. Not at all.

Mr. MYERS. Have I said anything against it?

Mr. PAGE. Not at all.

Mr. MYERS. Then, what is the Senator attacking me about when he taxes me with professing that I was favorable to the amendment? Have I contradicted myself in any way or backtracked myself in any way?

Mr. PAGE. Mr. President, I was simply reading what was said before the committee to induce me to vote for this appropriation.

Mr. MYERS. I am for the whole amendment, and I can not help it if the Senator from New Mexico makes a point of order against a part of it.

Mr. FALL. Mr. President, I think I am entirely responsible for the situation, the point of order which I made having been sustained.

I think the Senator from Montana [Mr. WALSH] has been absolutely consistent, because I will say that he stated to the Senator from Vermont before the committee at that time—

> Of course, I have not been able ever to make my views about the matter very clear to you, Senator PAGE, but there is nothing in the proviso that I attach any importance to at all.

So I think the Senator from Montana has been consistent in his position in reference to the matter.

As I have said, I am responsible for it, Mr. President, and not the Senators from Montana. I had spoken to the Senators from Montana about it before I made the point of order, but neither one would agree even to any modification of the amendment. I want to do the justice to the Senators to say that although I had suggested to them that this proviso might be amended possibly to meet my views—not in principle but in this particular instance—neither of the Senators would agree to it. They would agree to no modification, and I was compelled to make the point of order to get the proviso out. I would not support the measure nor the bill with the proviso in it.

Mr. PAGE. Mr. President, I am exceedingly sorry if I have made any statement that reflected in the slightest degree upon the integrity of either of the Senators from Montana. If I have made such a statement I will withdraw it with pleasure. I do not know that I have made such a statement, and I do not think the RECORD will show that I have; but I am very sorry if I have, for I entertain the highest respect for both of them. I simply say that when they told me that if they both supported the measure I need not have any fear—that is not the exact language; it was spoken negatively—that I need not have any fear that anybody would oppose it, I took it for granted and acted upon it. It appears now that they have conferred with the Senator from New Mexico, and here I am.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Wyoming?

Mr. PAGE. With pleasure.

Mr. CLARK of Wyoming. The Senator from Montana asked the Senator from Vermont to give some concrete instance of what might happen with this amendment out. Of course, the Senator from Montana is aware of the rights and the source of those rights which the United States or the Indians have to this water. I take it that he knows that whatever rights the Government has as trustee for the Indians or otherwise it acquired from the State of Montana under the laws of that State.

Mr. PAGE. No; I do not so understand.

Mr. CLARK of Wyoming. I think that must be true.

Mr. WALSH. That is correct.

Mr. PAGE. That whatever rights——

Mr. CLARK of Wyoming. That whatever rights the Indians have on this particular piece of land or that the Government of the United States for the Indians holds has been acquired by appropriation from the State of Montana under the laws of that State.

Mr. PAGE. When the Senator is through I want to answer that.

Mr. CLARK of Wyoming. I wanted to know if the Senator understood that to be the fact?

Mr. PAGE. I am not going to dispute the Senator's statement. He is a good lawyer, and I have respect for him as a lawyer.

Mr. CLARK of Wyoming. I am not speaking of any law about it; I am speaking of the fact and asking whether the Senator understands that to be the fact.

Mr. PAGE. No; I do not.

Mr. CLARK of Wyoming. Then I will ask one or both of the Senators from Montana as to whether or not that is a fact?

Mr. WALSH. It is a fact that the Government of the United States, under and by virtue of the provisions of the laws of the State of Montana, made an appropriation of water before it began this work of reclamation, and that appropriation is the foundation of the rights of both the Indians and the whites under the project.

Mr. CLARK of Wyoming. I so understood; I took that to be the fact. Now, what possibly can be gained or what rights that the Indians or the Government has can be prejudiced either with or without the insertion or the omission of this particular paragraph that has gone out on a point of order?

Mr. PAGE. Because of the insistence of the Senators from every Indian State that you are correct in the law about that——

Mr. CLARK of Wyoming. I desire to say that it is not a question of law; it is a question of fact. The Government itself in this particular case went to the authorities of the State of Montana and under the law of Montana made the appropriation of the water for these lands. Whatever they did they did under the laws of the State of Montana, acknowledging the ownership of the State of Montana to water thus appropriated.

That being the case, it would not lie in the mouth of the Government of the United States to question the title which it obtained in that way; and so I can not see the necessity of any provision of this sort. If the Government of the United States were claiming ab initio that this was water belonging to the Indians, it would have presented a different question; but the Government, in the beginning, undertook to comply with the laws of Montana, recognizing its power over the water and its authority to dispose of it, and the Government made the appropriation the same as individuals make an appropriation, standing in exactly the same light, except that I understand from the Senator from Montana that the State of Montana gave to the Government a right superior to what it would give to a private citizen, because it gave the Government a longer time to begin the construction of the work.

I think that is a statement of the facts in the case. The question of law as to the ownership of the water, so far as this particular case is concerned, is a settled matter. The Government of the United States is not seeking to open that question any more than a tenant seeks to dispute the title of his landlord.

Mr. PAGE. Mr. President, I am very glad to accept whatever the Senator from Wyoming gives to me as gospel. I simply want to give him the reasons why I answered that I did not understand the matter as he did.

The case of Winters *v.* United States was decided January 6, 1908, and here is what I get from that case:

> That there was an implied reservation for the benefit of the Indians of a sufficient quantity of water from the Milk River for irrigating purposes which was not affected by the subsequent act of February 22, 1889 (25 Stat., 676), admitting Montana into the Union, and that the water of the Milk River can not be diverted so as to preclude the rights of the Indians by settlers on the public land and those claiming riparian rights on that river.

That reads as plain as the English language can read.

Mr. FALL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from New Mexico?

Mr. PAGE. With pleasure.

Mr. FALL. I again call the attention of the Senator to the fact that the Supreme Court rests its decision upon the agreement made between the United States of America and the particular Indians prior to the acquiring of any water rights in that neighborhood from that stream by any individual; and the lands being public lands any individual acquiring lands in seeking to divert water was bound by the agreement. That is the decision of the Supreme Court. It does not apply generally at all. It is only in that one case.

Mr. PAGE. But why do we need to talk about any other case when that identical case is before the Senate now?

Mr. FALL. Because under the general reclamation laws of the United States which Congress enacted it is provided that before the Reclamation Service can commence work upon any project they must comply with the local law. This project is in the hands of the Reclamation Service. The money which we are voting is being handled by the Reclamation Service, the Reclamation Service has complied with the local law, and the title of the Indians and parties using the water under this provision comes from the State of Montana.

Mr. PAGE. Well, I still want to say that I have read the decision and have reached a false conclusion evidently, because I seem to disagree with the Senator, and I think he is a good lawyer.

Mr. FALL. I thank the Senator.

Mr. PAGE. Let me read a little more:

The rule that all parties must join in an appeal or writ of error unless properly detached from the right to do so applies only to joint judgments and decrees—

I need not have read that—

In a suit against several defendants as trespassers, in which some of them defaulted and others answered—

I need not read that——

Mr. MYERS. Mr. President, I wish at this juncture to offer an amendment, which I think will be entirely satisfactory to the Senator from Vermont.

Mr. PAGE. I will be very glad to hear it read.

Mr. MYERS. I offer this amendment to the bill.

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Montana?

Mr. PAGE. I do.

Mr. MYERS. It is to take the place of the proviso which went out on the point of order made by the Senator from New Mexico [Mr. FALL]. I move to insert after the word "owed" and the semicolon, in line 14, page 50, these words:

Provided further, That the rights of the United States, heretofore acquired, to water for Indian lands referred to in this amendment, viz, the Blackfeet, Fort Peck, and Flathead Reservation lands shall be continued in full force and effect until the Indian title to such land is extinguished.

I send that amendment to the desk and offer it. The substance of it is that it confines this provision to the three reservations in the State of Montana, and does not affect any other State than Montana in any way whatsoever. It applies to the rights that have heretofore been acquired for the Indians by the United States Government in the manner stated by my colleague. Would not the Senator be satisfied with that amendment? I ask that the amendment be adopted. I think it ought to settle the fears of the Senator from Vermont.

Mr. PAGE. When the Senator gets through talking I will commence.

Mr. MYERS. I am satisfied of that. The Senator need not assure me of that. [Laughter.]

Mr. PAGE. Mr. President——

The PRESIDING OFFICER. The Senator from Vermont.

Mr. PAGE. I am not a lawyer and I can not tell the Senator now whether that is entirely satisfactory to me or not. I can not see why it is not. If the Senator from Arizona [Mr. ASHURST], the chairman of the committee, accepts the amendment I shall be very glad to have it done, and I will pass judgment upon it a little later.

Mr. ASHURST. Mr. President, so far as I have any authority, I cheerfully accept that amendment. I have no authority, but I shall be glad to do so.

Mr. MYERS. Is not the Senator in favor of it?

Mr. ASHURST. To be sure I am in favor of it.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. The Senator from Vermont has the floor.

Mr. PAGE. I yield to the Senator from North Dakota.

Mr. GRONNA. I do not know that I have any objection to the amendment, but I believe it is understood we are adopting committee amendments only. For one, I should like to have the amendment——

Mr. MYERS. This is an amendment to a committee amendment, and I have a right to offer that at any time—an amendment to a committee amendment.

Mr. GRONNA. No; Mr. President, that amendment went out on a point of order. That particular provision went out on a point of order.

Mr. MYERS. But this is an amendment to the amendment which has been laid before the Senate.

Mr. GRONNA. I think this is an entirely different matter. It is not appropriating money to this irrigation project. It is a change of existing law. I do not think I have any objection, but I do not want to pass upon it now.

Mr. MYERS. If the Senator from North Dakota or anyone else wants to make a point of order against it, why, all right. That is anyone's privilege, and it is for the Chair to decide.

Mr. GRONNA. No, Mr. President; I do not want to make the point of order. I simply ask that the amendment may go over and that we may adopt the committee amendment. That is what we agreed to do when this bill was taken up.

Mr. GALLINGER. If the amendment has been offered by the Senator, I should like to have it stated. I do not know whether he has offered it yet or not.

The PRESIDING OFFICER. Let the amendment be stated.

The SECRETARY. On page 50, line 14, after the word "owed," it is proposed to insert the following:

Provided further, That the rights of the United States, heretofore acquired, to water for Indian lands, referred to in this amendment, viz, the Blackfeet, Fort Peck, and Flathead Reservation lands, shall be continued in full force and effect until the Indian title to such land is extinguished.

Mr. MYERS. What is the ruling of the Chair? Is my amendment before the Senate now?

The PRESIDING OFFICER. The Senator's amendment is before the Senate. There has been no point raised against it.

Mr. GRONNA. Mr. President, I want to repeat what I said a moment ago, that that language went out on a point of order.

Mr. ROBINSON. Mr. President——

The PRESIDING OFFICER. The Senator from North Dakota has the floor.

Mr. ROBINSON. I realize that; but I wanted to interrupt the Senator from North Dakota. If I am not mistaken, this language restores the language that went out of the bill, but limits its application to these particular reservations upon which the appropriation is to be applied. I trust that both the Senator from North Dakota and the Senator from Vermont will accept the amendment and let us proceed with the further consideration of the bill.

The PRESIDING OFFICER. Does the Senator from North Dakota ask that this entire matter be passed over for the present?

Mr. GRONNA. No; as the Senator from Arkansas has explained it, I am absolutely satisfied. In view of what the Senator from Arkansas has said, I am satisfied.

Mr. PAGE. Mr. President, I remember that——

Mr. MYERS. I ask for a vote on my amendment to the amendment of the committee.

The PRESIDING OFFICER. The Senator from Vermont has the floor.

Mr. MYERS. Very well; whenever he gets through I shall ask for a vote.

Mr. PAGE. I remember that I had no more faithful coadjutor last year than the Senator from Arkansas. I do not state that correctly; he had no more faithful coadjutor than I in this fight, and I am inclined to accept what he assures me is for the best; and yet, in the interest of all concerned, it seems to me we ought not to accept an amendment of the importance of this amendment when it can just as well go over, unless we conclude to go on and finish the bill to-night. If we do, I will try to give it consideration.

Mr. ROBINSON. Mr. President, I feel that the statement just made by the Senator from Vermont needs correction. This matter was not before the Senate last year. In the form in which the amendment was reported to the Senate I favored it, because I think it is a material improvement over existing law, and I think it does in many particulars safeguard the rights of the Indians. As to the legal effect of the proviso which has been inserted by this amendment, that is another question. I think it will avail something.

Mr. PAGE. I am inclined to accept the Senator's suggestion, because I know he is friendly to every effort that we made last year and this year to safeguard the Indians' rights. I do not care to have this considered for the present, if it is not necessary to forward the progress of this bill; but I want to say one word more before I am through with this particular feature. That is that I assented only to an appropriation of $500,000, and I want the two Senators from Montana to give this consideration and see if they do not think that in the interest of harmony they had better say that they will take the $500,000, and that, so far as I am concerned, will settle the matter entirely.

Mr. MYERS. Mr. President, I am not here to trade nor to traffic off any rights which the Fathead project may have in this matter. I am willing to leave it to the Senate. If the Senate thinks that under the statements made and the estimates made it ought to have $686,000, I want the Senate so to declare. If the Senate does not think it ought to have that much, I want the Senate to declare what it thinks it ought to have. I have offered my amendment here in the interest of the

promotion of peace and a fair solution of the matter. It is commended by the Senator from Arkansas [Mr. ROBINSON] and the Senator from North Dakota [Mr. GRONNA]; and the Senator from Vermont [Mr. PAGE] has said that he relies very greatly on what the Senator from Arkansas says, and gives great weight to his opinion. I therefore ask that my amendment may be kept before the Senate, and I ask for a vote on it.

Mr. PAGE. Mr. President, I do not know but that I have yielded the floor a dozen times, and probably 20 times, this afternoon; but I did not intend to yield the floor to make any motion that would take me off the floor.

Mr. ASHURST. Will the Senator yield to me to make a suggestion?

Mr. PAGE. With pleasure.

Mr. ASHURST. The Senator has been very courteous in yielding, but it is going to be 8 o'clock now in 14 or 15 minutes, and of course I want to dispose of this item before 8 o'clock. I do not want to have the bill laid aside with this item undisposed of. I shall not interrupt the Senator further, and I hope other Senators will not, in order that we may conclude before 8 o'clock, and that the item may be disposed of.

Mr. PAGE. I did hope that after further consideration the two Senators from Montana, in recognition of the financial condition of our Treasury to-day, would say what I believe is true, and that is that $500,000 is all we ought to now appropriate. If we disagree about that, I want to be heard for just a few minutes.

Mr. ASHURST. I am very certain that neither the Senators from Montana nor any other person can convince the Senator from Vermont on this question; and I am equally certain that the Senator from Vermont can not convince the Senators from Montana. The matter must be left finally to the supreme arbitrament, the Senate. Senators can not convince each other, because they are in such utter contradistinction in their points of view. The Senator from Vermont stated that he is not a lawyer, but he glibly rushes in and attempts to discuss legal questions. Of course he will not convince lawyers, because a man who is not a lawyer and does not understand how to discuss legal propositions will not convince lawyers. This is all meant in courtesy.

Mr. PAGE. Oh, I accept it so. The Senator could not say anything that was not courteous to me.

Now, Mr. President, let us come to the $500,000 proposition, because I want to say a few words about that.

If anyone wants to see the trend of the Committee on Indian Affairs under the guidance and control and suggestion of one of the best men that I know, and that is Mr. Meritt, he wants to take up this report. There is not a Senator connected with that committee that does not respect Mr. Meritt. He is a gentleman who always gives his opinion; and yet, if you will take up your report, you will find that for some reason or other, to me unknown, he very easily comes up to the higher mark every time.

I tell you, Mr. President, this bill has not been passed through that committee with the energy to conserve the money in the Treasury in its present bad condition that it ought to have had. Now, let me take up the report in the estimates:

Indian schools: As passed by the House, $1,440,000; as recommended by the Senate committee, $1,550,000.

If there is any appropriation in the whole bill that I fully approve, it is that. I never have yet knowingly disturbed any appropriation for the education of a boy, be he red, white, or black, and I will not now if I think that money is to be faithfully expended in the interests of education; so I approve that.

Industrial work and care of timber, gratuity: The House said $400,000, the Senate committee said $450,000.

Now, Mr. President, this is all easy. The assistant commissioner said: "We can use $450,000, and I rather guess you had better allow it"; and without a word of protest, hardly ever, as these reports will show, the increase is made. I should be glad to have anyone take up the Indian appropriation bill hearings and read it from first to last. He will not find there what seems to me to be a proper effort toward reducing appropriations in view of the present condition of the Treasury. I say not any effort, but, if there were any, those efforts were not numerous. I do not say that the Commissioner of Indian Affairs can not use the money he asks for. He can, but all of us who are connected with appropriation committees know how easy it is for the head of a department to come before us and say: "I would like an addition to that appropriation."

Industrial work and care of timber, $50,000 additional.

Pay of Indian police—we talked about that last night. The House recommended $100,000. We passed $200,000, and I will say that one of the oldest members of either body on the Committee on Indian Affairs sent word to me that that appropriation of $100,000 was ample, that the increase to $200,000 was wrong, and on that ground I opposed it.

General expenses, Indian Service, we raised from $100,000 to $125,000. Does anyone know why? I confess I do not. The Assistant Commissioner, Mr. Meritt, very pleasantly says, "I think we can use $25,000 more advantageously," and the $25,000 additional goes in.

Senators, I might go through the whole list, but I have not time. Turn over to page 6 and let me read a word in closing. The bill as reported to the Senate carried $11,255,865.55. As passed by the House it carried $7,720,124.25. Bear in mind that there is an increase in that one bill of 50 per cent.

Mr. ASHURST. Mr. President, I resent that statement. The record will show that the Senator from Vermont sat in his seat and made motion after motion to agree to the estimates as submitted by the Commissioner of Indian Affairs. After moving in the committee to agree to them, he comes before the Senate and spreads abroad his phylacteries, claiming to be an economist. I submit that that is not proper. Why did he move to agree to them if he now objects to them? Did he not know what he was doing then, or does he know now?

Mr. PAGE. Mr. President, I am very glad to be put upon the stand and tell my story. I confess that I voted for many measures that were brought before us, and I am not objecting now to all these measures. I simply say that the general trend is upward on nearly everything, making in the aggregate a net increase of nearly 50 per cent. I am responsible for almost anything that was asked for in the line of education. I think very likely it is true that I voted for measures there that I do not support now, and I am willing to tell my good friend the Senator from Arizona why. After I got through with this measure I began to investigate it as I thought it was my duty to investigate, and I found that time after time we had been asked by Mr. Meritt to do things that upon investigation I thought we ought not to do, and I am acting now according to my judgment. I am not inconsistent, according to my idea of things. Perhaps I am, but I think not. It seems to me that as a member of that committee it became my duty to make the best possible investigation I could, and when I have merely an ex parte showing before the committee I have a right to go outside, to go to Indians, to their attorneys, and to men who have traveled through the Indian country and know the conditions there, and say: "What about this and what about that item in this Indian appropriation bill?" I have informed myself as best I could, and I am making no apologies to anybody now for taking the position I do in regard to economy, especially when it applies to this addition of $200,000 for the Flathead project.

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). The question is on the amendment of the Senator from Montana.

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on the amendment as amended.

Mr. SMOOT. Mr. President, may the Secretary state the amendment as amended?

The PRESIDING OFFICER. It has been stated once. It will be stated again.

The SECRETARY (reading)—

That in addition to the construction charges every allottee, entryman, purchaser, or owner shall pay to the superintendent of the reservation a maintenance and operation charge based upon the total cost of maintenance and operation of the systems on the several reservations, and the Secretary of the Interior is hereby authorized to fix such maintenance and operation charge upon such basis as shall be equitable to the owners of the irrigable land.

Mr. SAULSBURY. Mr. President, I move that the Senate proceed to the consideration of executive business.

Mr. PAGE. Mr. President, we had a unanimous-consent agreement that we would not do that until 8 o'clock.

The PRESIDING OFFICER. The motion is not in order. The Chair is going by the clock over the main door.

Mr. SMOOT. Mr. President, what page is the Secretary reading on?

The PRESIDING OFFICER. Page 50.

SEVERAL SENATORS. Regular order!

The SECRETARY (reading)—

Such charges when collected shall be available for expenditure in the maintenance and operation of the systems on the reservation where collected: *Provided*, That delivery of water to any tract of land may be refused on account of nonpayment of any charges herein authorized, and the same may, in the discretion of the Secretary of the Interior, be collected by a suit for money owed.

At this point the Senator from Montana has proposed the following amendment:

Provided further, That the rights of the United States, heretofore acquired, to water for Indian lands referred to in this amendment, viz, the Blackfeet, Fort Peck, and Flathead Reservation lands, shall be continued in full force and effect until the Indian title to such land is extinguished.

Mr. SMOOT. Mr. President——
The PRESIDING OFFICER. The Senator from Utah.
Mr. SMOOT. This proviso, as I understood, beginning on line 14, page 50, and going down to and including line 17, went out on a point of order.
The PRESIDING OFFICER. It did.
Mr. SMOOT. Is this an amendment to the amendment or a substitute for that which went out?
The PRESIDING OFFICER. It is an amendment to the committee amendment. The Senator from Montana has offered an amendment to the committee amendment.
Mr. SMOOT. I do not understand the amendment and I should like to look at it for a minute.
Mr. GRONNA. I wish to call the attention of the Senate to the fact that the amendment was divided. The Chair held that it was divisible. I wish to know what we are to vote upon, whether it is to perfect the provision which was stricken out on a point of order or if it is an amendment to the amendment of the committee?

EXECUTIVE SESSION.

The PRESIDING OFFICER. The Senator from North Dakota will excuse the Chair. The hour of 8 o'clock having arrived, the Senate will now proceed to the consideration of executive business.
The Senate thereupon proceeded to the consideration of executive business. After one hour and a half spent in executive session the doors were reopened.

THE CALENDAR.

Mr. MARTINE of New Jersey. Mr. President——
The PRESIDING OFFICER (Mr. BRYAN in the chair). The calendar under Rule VIII is in order.
Mr. NEWLANDS. Mr. President——
Mr. FLETCHER. I desire to present an amendment to the river and harbor bill, and ask to have it printed.
The PRESIDING OFFICER. Under the unanimous-consent agreement, the Chair is of the opinion that nothing is in order except the calendar under Rule VIII——
Mr. PENROSE. Nothing is in order but the calendar.
The PRESIDING OFFICER. Until the hour of 11 o'clock, when that order terminates.
Mr. NEWLANDS. I ask unanimous consent to report a bill.
Mr. PENROSE. I object. We are acting under a unanimous-consent agreement.
The PRESIDING OFFICER. The Senate is acting under a unanimous-consent agreement, and nothing but the calendar is in order.
Mr. SMOOT. The Senator can not make the report now under the unanimous-consent agreement.
Mr. PENROSE. Nothing is in order except the calendar.
The PRESIDING OFFICER. The Secretary will state the first business on the calendar.

BILLS AND RESOLUTIONS PASSED OVER.

The bill (S. 1240) to establish the legislative reference bureau of the Library of Congress, was announced as first in order.
Mr. SMOOT. Let that go over.
The PRESIDING OFFICER. The bill will go over.
Mr. MARTINE of New Jersey. I ask unanimous consent for the consideration of a House resolution.
The PRESIDING OFFICER. The Senator from New Jersey is not in order. The Senate is acting under a unanimous-consent agreement to consider unobjected bills on the calendar.
Mr. MARTINE of New Jersey. This is a matter on the calendar.
Mr. WARREN. The Senator can wait until it is reached.
The PRESIDING OFFICER. The Senator from New Jersey can wait until it is reached on the calendar in regular order.
The joint resolution (S. J. Res. 41) authorizing the Secretary of the Interior to sell or lease certain public lands to the Republic Coal Co., a corporation, was announced as next in order.
Mr. SMOOT. On behalf of the junior Senator from Iowa [Mr. KENYON], I ask that that go over.
The PRESIDING OFFICER. The joint resolution will be passed over.
The bill (S. 2242) making it unlawful for any Member of Congress to serve on or solicit funds for any political committee, club, or organization was announced as next in order.
Mr. GALLINGER. Let that go over.
The PRESIDING OFFICER. This bill will be passed over.
The resolution (S. Res. 156) limiting expenditures for telegrams sent or received by Senators was announced as next in order.
Mr. WARREN. Let that go over.
The PRESIDING OFFICER. The resolution will be passed over.
The resolution (S. Res. 84) providing that any Senator upon his own request may be recorded and counted as present in order to constitute a quorum was announced as next in order.
Mr. GALLINGER. Let that go over.
The PRESIDING OFFICER. The resolution will be passed over.
The resolution (S. Res. 218) proposing an amendment to the standing rules of the Senate was announced as next in order.
Mr. SMOOT. Let that go over.
The PRESIDING OFFICER. The resolution will be passed over.
Mr. CLARK of Wyoming. Mr. President, I rise to a point of order.
The PRESIDING OFFICER. The Senator will state it.
Mr. CLARK of Wyoming. Mr. President, I think the remarks by Senators should be in the proper form under the rules. When a bill is objected to it should be objected to in regular order and form.
The PRESIDING OFFICER. The Chair thinks the point of order is well taken, although that has not been the practice of the Senate.
The joint resolution (S. J. Res. 26) proposing an amendment to the Constitution of the United States was announced as next in order.
Mr. GALLINGER. Mr. President, I object to the consideration of that joint resolution.
The PRESIDING OFFICER. The joint resolution will be passed over.
The joint resolution (S. J. Res. 94) to authorize the Secretary of Commerce to investigate the condition of trade in China, for the purpose of determining the desirability of establishing there a permanent exposition of the products of the United States of America, was announced as next in order.
Mr. SMOOT. I object to the consideration of that joint resolution.
The PRESIDING OFFICER. The joint resolution will be passed over.
The bill (S. 2425) to authorize the Roanoke River Development Co. to construct and maintain a dam across the Roanoke River in Mecklenburg County, in the State of Virginia, approximately 20 miles below the town of Clarksville, in said State, was announced as next in order.
Mr. SMOOT. The senior Senator from Ohio [Mr. BURTON] has objected to that bill, and would object were he in the Chamber, and therefore I object to it.
The PRESIDING OFFICER. The bill will be passed over.
Mr. CLAPP. Mr. President, would it not be a good thing to file a caveat against all these bills and expedite the consideration of other business?
The bill (S. 3971) to provide for a permanent exhibit of the resources of the States of the Union in or near Washington, D. C., was announced as next in order.
Mr. PENROSE. I object to that bill, Mr. President.
The PRESIDING OFFICER. The bill will be passed over.
The joint resolution (S. J. Res. 10) proposing an amendment to the Constitution of the United States, fixing the time for the convening of Congress and commencement of the terms of the President, Vice President, Senators, and Representatives, was announced as next in order.
Mr. PENROSE. I object to that.
The PRESIDING OFFICER. The joint resolution will be passed over.
The joint resolution (S. Res. 254) to create a special committee of five Senators to assist the Interstate Commerce Commission in investigating certain facts regarding the methods and practices of the Louisville & Nashville R. R., and for other purposes, was announced as next in order.
Mr. GALLINGER. Mr. President, I object to that.
The PRESIDING OFFICER. The resolution will be passed over.
The bill (S. 392) to create in the War Department and Navy Department, respectively, a roll designated as "the Civil War volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes, was announced as next in order.
Mr. SMITH of Georgia. Let that go over.
Mr. VARDAMAN. I object to that bill.
The PRESIDING OFFICER. The bill will be passed over.
Mr. TOWNSEND. Did some Senator object to that bill?
Mr. VARDAMAN. I objected.

The PRESIDING OFFICER. The Senator from Wyoming has raised the point of order that Senators must rise to object.

Mr. VARDAMAN. I was only following the course pursued by other Senators.

The PRESIDING OFFICER. The point of order having been raised, the Chair will feel compelled to enforce the rule.

Mr. VARDAMAN. I think the Chair is correct in enforcing the rule, but I was only doing what other Senators were doing.

The bill (S. 121) to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade, was announced as next in order.

Mr. BRISTOW. I ask that that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 6827) to amend an act entitled "An act to change the name of the Public Health and Marine-Hospital Service to the Public Health Service, to increase the pay of officers of said service, and for other purposes," approved August 14, 1912, was announced as next in order.

Mr. SMOOT. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4161) to prohibit the importation and entry of goods, wares, and merchandise made in whole or in part by convict, pauper, or detained labor, or made in whole or in part from materials which have been made in whole or in part or in any manner manipulated by convict or prison labor, was announced as next in order.

Mr. SMITH of Georgia. I object.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 531) to set apart certain lands in the State of Oregon as a public park, to be known as the Saddle Mountain National Park, was announced as next in order.

Mr. SMOOT. Mr. President, that bill can not be passed to-night, and I ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4405) to provide for and encourage the prospecting, mining, and treatment of radium-bearing ores in lands belonging to the United States, for the purpose of securing an adequate supply of radium for Government and other hospitals in the United States, and for other purposes, was announced as next in order.

Mr. PENROSE. I object to that bill, because I have not had an opportunity to examine it, and it relates to a very important subject.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 8846) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, and under the provisions of section 151 of the act approved March 3, 1911, commonly known as the Judicial Code, was announced as next in order.

Mr. CRAWFORD. Mr. President, it will be impossible to consider that bill to-night.

Mr. WARREN. It might go over temporarily, to be taken up at the end of the other bills on the calendar.

Mr. MARTIN of Virginia. I hope the Senator will not object to that bill. We might get through with it without much difficulty.

Mr. CRAWFORD. I do not object to the bill, except that it is a long bill with a great many items; and, if we take up that bill, we will not get along with other measures on the calendar.

Mr. PENROSE. Let it go over temporarily.

Mr. CRAWFORD. If it can be passed over temporarily, to be considered later, I will have no objection.

Mr. WARREN. We might take it up later in the evening, in the meantime allowing it to be passed over.

Mr. CRAWFORD. I will say to the Senator from Virginia that I made the suggestion in order to facilitate the consideration of the calendar, but I have no objection to having the bill go over without prejudice and taking it up later.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

The joint resolution (S. J. Res. 120) creating a joint committee of Congress, and authorizing said committee to acquire, by purchase or condemnation the property known as Monticello, and embracing the former home of Thomas Jefferson and the family graveyard in which his remains were interred, with such lands and grounds appurtenant thereto as the committee shall find necessary in order to carry out the various public objects and purposes in said resolution set forth, all of said property being located in Albemarle County, Va., was announced as next in order.

Mr. BRISTOW. I ask that that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

Mr. PENROSE. I also object to that measure on the ground that if Thomas Jefferson were alive now he would not recognize the Democratic Party. [Laughter.]

The bill (S. 3545) to provide for the highway-improvement work by the United States Department of Agriculture, in cooperation with the highway departments of the several States, was announced as next in order.

Mr. BRISTOW. I ask that that go over.

Mr. PENROSE. I also ask that that go over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 93) authorizing and directing the Department of Labor to make an inquiry into the cost of living in the District of Columbia and to report thereon to Congress as early as practicable was announced as next in order, and the Secretary read the joint resolution.

Mr. GRONNA. I ask that that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 4601) to authorize the Director of the Census to enumerate the population of the city of Tulsa, State of Oklahoma, was announced as next in order.

Mr. GALLINGER. I object to that bill, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

BILLS AND DEBATES IN CONGRESS ON TRUSTS.

The resolution (S. Con. Res. 21) authorizing the printing of additional copies of Senate Document No. 147 (57th Cong., 2d sess.), "Bills and Debates in Congress on Trusts," was announced as next in order, and the Secretary read the concurrent resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 500 additional copies of Senate Document No. 147, Fifty-seventh Congress, second session, entitled "Bills and Debates in Congress on Trusts," for the use of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

POWER OF THE FEDERAL JUDICIARY (S. DOC. NO. 964).

The resolution (S. Res. 305) to print a pamphlet entitled "The Power of the Federal Judiciary to Declare Legislation Invalid which Conflicts with the Federal Constitution," by David K. Watson, as a Senate document was announced as next in order.

Mr. KERN. I ask that the resolution go over.

The PRESIDING OFFICER. The resolution will be passed over.

Mr. BURTON. Mr. President, I hope the objection will be withdrawn. It is a pamphlet on the other side of the question, and ought to be printed. The resolution merely provides for the printing of the pamphlet; but, of course, if the objection is insisted upon, I will not ask that the resolution be passed.

Mr. BRANDEGEE. Which Senator objected? The objection, I think, was not made in the regular way, and therefore the resolution is properly before the Senate.

Mr. KERN. I will withdraw the objection.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to, as follows:

Resolved, That a pamphlet entitled "The Power of the Federal Judiciary to Declare Legislation Invalid which Conflicts with the Federal Constitution," by David K. Watson, be printed as a Senate document.

BILL PASSED OVER.

The bill (S. 4843) to amend section 4 of the act entitled "An act to provide for a permanent Census Office," approved March 6, 1902, was announced as next in order.

Mr. PENROSE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

ADDRESS OF LEWIS JEROME JOHNSON.

The resolution (S. 320) to print the address by Lewis Jerome Johnson before the First National Conference on Popular Government upon "The preferential ballot as a possible substitute for the direct primary," was announced as next in order.

Mr. GALLINGER. Mr. President, as this is a document that suggests a possible substitute for the direct primary, I ask that it go over. If it suggested a substitute, I might agree to it.

The PRESIDING OFFICER. The resolution will be passed over.

Mr. FLETCHER. Mr. President, a substitute for Senate resolution 320 has been reported by the committee submitting another document in lieu of the one proposed to be printed, and

I ask that the substitute take the place on the calendar of the original resolution.

Mr. GALLINGER. Mr. President, I have not seen the substitute resolution, and know nothing about it.

Mr. FLETCHER. It is the same document only it simply contains some changes.

The PRESIDING OFFICER. The Secretary will read the proposed substitute.

Mr. PENROSE. Mr. President, I think the publication of these documents leads to mental confusion on the part of the public, and I object to the consideration of the resolution.

Mr. KERN. Mr. President, I think there was a misunderstanding as to Calendar No. 329, being Senate resolution 305, offered by the Senator from Ohio [Mr. BURTON]. I made the objection, but subsequently withdrew it.

The PRESIDING OFFICER. The objection was withdrawn, and the resolution was passed.

Mr. OWEN. Mr. President, if the Senator from Indiana withdraws his objection, I wish to renew the objection.

The PRESIDING OFFICER. The Senator is too late. The resolution has been agreed to.

Mr. OWEN. Then, I ask that that action be reconsidered.

The PRESIDING OFFICER. The Senator can move to reconsider the resolution.

Mr. OWEN. I move to reconsider the vote whereby the resolution was agreed to, and I shall call for a vote.

Mr. BRANDEGEE. Mr. President, I make the point of order that that motion is not in order. Under the unanimous-consent agreement unobjected bills are to be considered, and if there is objection that settles it; but I do not think a motion to reconsider can be made.

The PRESIDING OFFICER. The Chair does not think the unanimous-consent agreement precludes a motion to reconsider.

Mr. BURTON. One moment, Mr. President.

Mr. GALLINGER. The question is debatable, then.

Mr. BURTON. Mr. President, I hope the Senator from Oklahoma will not insist on the motion to reconsider. This is a resolution to print a brief document. The resolution has been on the calendar for a very long time. The document takes a position in opposition to that which has been set forth in other documents which have been printed, and I submit it is but fair that both sides of the question should be presented in public documents printed by the Senate. It has been pending here a long while. It seems to me we should get it out of the way. Ordinarily those documents would be printed simply on the request of a Senator rising in his place. I can hardly see the motive of making a motion to reconsider this very innocent resolution which was passed just a few moments ago.

Mr. OWEN. I had assumed that these documents which were desired to be printed would be printed without objection; but if an objection is made to Order of Business 333, I do not intend that any of these shall be printed on the other side.

Mr. GALLINGER. Mr. President, I desire to submit an observation in the nature of a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. GALLINGER. By unanimous consent it was ordered that we should consider the calendar under Rule VIII. Under that rule we are entitled to speak once and for five minutes only. A motion to reconsider is a debatable question, and we may talk an hour on that motion, or 10 hours; but, I think, under the unanimous-consent agreement it ought not to be entertained.

The PRESIDING OFFICER. The Chair is of opinion that the Senate can not be precluded from a motion to reconsider.

Mr. OWEN. I serve notice on the Senators on the other side that if the document provided for in Senate resolution 320, Order of Business 333, is not printed there will not be many of these bills agreed to.

Mr. PENROSE. We can stand it.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oklahoma.

The motion to reconsider was rejected.

BILL AND JOINT RESOLUTION PASSED OVER.

The joint resolution (S. J. Res. 130) proposing an amendment to the Constitution of the United States was announced as next in order.

Mr. OVERMAN. I ask that that joint resolution go over.

Mr. SMITH of Georgia. I object to the consideration of that resolution.

Mr. BRISTOW. I trust the Senator from Georgia will withdraw his objection. The joint resolution can be passed in a very few minutes.

Mr. PENROSE. Owing to the apparent rivalry between various gentlemen on the woman-suffrage question, because we are coming to another resolution in a moment, being Order of Business 399—Senate joint resolution 128—and in order that the Senate may act impartially and without conflict, and without extending any undue favor to any gentleman in earning his spurs on this question, I shall object to both.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 5340) to revise and codify the laws relating to the public printing and binding and the distribution of Government publications was announced as next in order.

Mr. FLETCHER. I should be very glad to have that bill taken up, but I presume its consideration would take longer than the Senate would wish to devote to it.

Mr. SMOOT. It will not take very long, and I will say to the Senator that it will save the Government of the United States $800,000 the first year after it has been passed.

Mr. FLETCHER. I think so. I should be very glad to have it taken up.

Mr. VARDAMAN. Mr. President, that is the first suggestion along the line of economy that I have heard in a good while. Let us proceed to the consideration of the bill.

Mr. OWEN. I object.

The PRESIDING OFFICER. The bill will be passed over.

JOHN H. ARMSTRONG.

The bill (S. 1988) to remove the charge of desertion from the military record of John H. Armstrong was considered as in Committee of the Whole. It provides that in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers John H. Armstrong, late of Battery A, Third Regiment Rhode Island Volunteer Artillery, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that company and regiment, and that other than as above set forth no pay, bounty, pension, or other emolument shall accrue by reason of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of John H. Armstrong."

BILL AND JOINT RESOLUTION PASSED OVER.

The bill (S. 3804) for relief of Templin Morris Potts, captain on the retired list of the United States Navy, was announced as next in order.

Mr. SMITH of Georgia. There is an adverse report in that case. I object.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 128) proposing an amendment of the Constitution of the United States, was announced as next in order.

Mr. PENROSE. I object, Mr. President.

The PRESIDING OFFICER. The joint resolution will be passed over.

THOMAS SMART.

The bill (S. 717) to correct the military record of Thomas Smart, was considered as in Committee of the Whole. It provided that in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers Thomas Smart, late of Company B, Eighth Regiment Connecticut Volunteer Infantry, shall hereafter be held and considered to have been present with his company and regiment from the 27th day of February, 1864, to May 27, 1864, and that other than as above set forth no pay, bounty, or other emolument shall accrue by reason of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Thomas Smart."

ECONOMIC VALUE OF MAN (S. DOC. NO. 965).

The resolution (S. Res. 351) to print the manuscript entitled "A treatise on the economic value of man," by Dr. Chauncey Rea Burr, of Portland, Me., as a Senate document was announced as next in order.

Mr. OWEN. Mr. President, I object to that resolution.

Mr. BRISTOW. Let me say to the Senator from Oklahoma that that is a document which was submitted by the junior Senator from Utah [Mr. SUTHERLAND].

Mr. SMOOT. No; this is not the document.

Mr. BRISTOW. I know what I am talking about, because the Senator from Utah [Mr. SUTHERLAND] spoke to me about it. It relates to workmen's compensation, and it is a very good document on that subject. Under the circumstances I do not

think the Senator from Oklahoma ought to insist upon his objection.

Mr. OWEN. I withdraw my objection.

The resolution was agreed to, as follows:

Resolved, That the manuscript submitted by Mr. SUTHERLAND on April 15, 1914, entitled "A treatise on the economic value of man, together with rules for determining his economic loss in every case of injury or disease," by Dr. Chauncey Rea Burr, of Portland, Me., late assistant surgeon, United States Navy, be printed as a Senate document.

BILLS AND RESOLUTION PASSED OVER.

The bill (S. 1887) to annul the proclamation creating the Chugach National Forest and to restore certain lands to the public domain was announced as next in order.

Mr. SMOOT. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1269) for the adjudication and determination of the claims arising under joint resolution of July 14, 1870, authorizing the Postmaster General to continue in use in the postal service Marcus P. Norton's combined postmarking and stamp-canceling hand stamp patents; or otherwise, was announced as next in order.

Mr. BRISTOW. I ask that that bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 367) for the printing of certain documents relating to claims against the Government of Colombia as a Senate document was announced as next in order.

Mr. SMOOT. I ask that that resolution go over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (H. R. 13044) to pension widows and minor and helpless children of officers and enlisted men who served during the War with Spain or the Philippine insurrection or in China, between April 21, 1898, and July 4, 1902, was announced as next in order.

Mr. SMITH of Georgia. I object.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 14330) to prohibit the importation and entry of goods, wares, and merchandise made in whole or in part by convict, pauper, or detained labor, or made in whole or in part from materials which have been made in whole or part or in any manner manipulated by convict or prison labor was announced as next in order.

Mr. SMITH of Georgia. I object.

The PRESIDING OFFICER. The bill will be passed over.

TOWN SITES IN MONTANA.

The bill (S. 4180) to validate title to certain town sites in the State of Montana was announced as next in order.

Mr. SMOOT. Mr. President, I am not going to object. I will ask the Senator from Montana if he has the amendment to offer to this bill that has been agreed to?

Mr. MYERS. I have not it here.

Mr. SMOOT. I have not any objection to the consideration of the bill, but I will say to the Senator that there is an amendment to the bill that has been agreed to by all parties interested. If the Senator will get it, I should like to ask that the bill go over in the meantime without prejudice, to be returned to as soon as that amendment is obtained by the Senator.

Mr. MYERS. I do not know that I can put my hand on that amendment to-night. I think I can offer one which will be satisfactory to the Senator from Utah and to all concerned and will be substantially what the other is.

Mr. SMOOT. Wait just a minute and I will see if I have it here. I may have the amendment here.

Mr. MYERS. I hope the Senator has the amendment. I can suggest one that I think will answer the purpose.

Mr. SMOOT. I ask that the bill may go over for the time being without prejudice.

Mr. MYERS. Before that is done I should like to suggest this amendment to the Senator from Utah and see what his judgment is on it. I offer the following amendment:

Provided, That nothing herein shall prejudice or affect any vested rights of any occupant of or claimant to any of the lands herein described, or affect any contest now pending in the Interior Department or any subdivision thereof.

Mr. SMOOT. I have the exact wording in an amendment, Mr. President, and if the Senator will allow the bill to go over for just a few moments I will try to find it.

Mr. MYERS. Very well.

Mr. GRONNA. Mr. President, I want to suggest to the Senator from Montana that——

Mr. MYERS. Here is the amendment. What is the suggestion of the Senator from North Dakota, however?

Mr. GRONNA. I wanted to suggest to the Senator from Montana that the entryman should be protected.

Mr. MYERS. That was my idea in suggesting the amendment.

The PRESIDING OFFICER. Has the Senator from Montana an amendment he desires to offer?

Mr. MYERS. I have the amendment, and I will send it up to the desk.

The PRESIDING OFFICER. The Senator from Montana offers an amendment, which will be stated by the Secretary.

The SECRETARY. On page 2, beginning on line 1, after the word "meridian," it is proposed to strike out all down to and including the words "Montana meridian," at the end of line 7.

Mr. MYERS. I am assured that that covers all the land about which there is any contest of any nature whatever.

Mr. GRONNA. Mr. President, I ask for the reading of the amendment.

The SECRETARY. It is proposed to strike out the following words:

And soldier's additional homestead entry heretofore made and designated as Glasgow, Mont., land office, serial No. 021481, for the following-described land: Southwest quarter of the northwest quarter of section 5, in township 35 north, of range 52 east, Montana meridian.

Mr. SMOOT. I will say that that amendment is the one I was looking for. I have just found it and it agrees exactly with the amendment that was offered by the Senator from Montana.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PANAMA CANAL TOLLS.

The resolution (S. Res. 376) requesting the President to open diplomatic negotiations for the settlement of the Panama Canal tolls question by international arbitration was announced as next in order.

Mr. JAMES. Let that resolution go over.

The PRESIDING OFFICER. The resolution will be passed over.

NELSON T. SAUNDERS.

The bill (S. 5210) to correct the military record of Nelson P. Saunders was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs, with an amendment, to strike out all after the enacting clause and insert:

That in the administration of the laws conferring rights, privileges, and benefits upon honorably discharged officers, Nelson T. Saunders, late commissary sergeant of the Sixty-fourth Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been mustered into service as a second lieutenant of Company F, Sixty-fourth Regiment New York Volunteer Infantry, September 30, 1864, vice Charles W. Schutt, promoted, and to have been honorably discharged as of that grade and organization October 13, 1864: *Provided*, That no back pay, bounty, or pension shall become due or payable by reason of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Nelson T. Saunders."

BILLS AND RESOLUTIONS PASSED OVER.

The joint resolution (S. J. Res. 117) to determine the rights of the State of Colorado and of its citizens in the beneficial uses of waters of the Rio Grande and its tributaries within the boundaries of Colorado, was announced as next in order.

Mr. SHEPPARD. I object.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 4541) to consolidate the veterinary service, United States Army, and to increase its efficiency, was announced as next in order.

Mr. OVERMAN. I object, Mr. President.

Mr. HITCHCOCK. I object.

The PRESIDING OFFICER. Objection is made. The bill will be passed over.

The bill (S. 4282) to establish in the War Department and in the Navy Department, respectively, a roll designated as "The Army and Navy medal of honor honor roll," and for other purposes, was announced as next in order.

Mr. OVERMAN. I object.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 293) to amend Rule XXV of the standing rules of the Senate was announced as next in order.

Mr. SMOOT. I ask that that resolution may go over. It has been reported adversely.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 6059) to provide for the erection, furnishing, and equipping of a building in the city of Washington, D. C., for the Department of Justice was announced as next in order.

Mr. WEEKS. Mr. President, in behalf of the senior Senator from New York [Mr. ROOT] I ask that that bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 98) authorizing a survey and examination of the Rio Grande border of the United States to determine the advisability of constructing a highway either along the entire border or certain sections thereof was announced as next in order.

Mr. SMOOT. I ask that that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

WILLIAM H. SHANNON.

The bill (H. R. 962) for the relief of William H. Shannon was announced as next in order.

Mr. GALLINGER. I ask that it go over.

Mr. WORKS. I hope the Senator from New Hampshire will not insist upon that objection. The bill simply proposes to correct the military record of this gentleman, and I think it is a very deserving case.

Mr. GALLINGER. Mr. President, of course I will yield to any wish of the Senator from California, but I want to say this, that no Senate bill of this kind is ever acted upon by the other House.

Mr. WORKS. I hope the party interested will not be penalized on that account.

Mr. GALLINGER. No. That has been going on for two or three years, however.

Mr. WORKS. Yes; I know it has.

Mr. GALLINGER. And we are being penalized; but I withdraw my objection.

Mr. WORKS. I thank the Senator from New Hampshire.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that in the administration of the pension laws William H. Shannon, late of the Seventeenth Battery Indiana Light Artillery, shall hereafter be held and considered to have been honorably discharged as of the date of May 18, 1865, and that no back pay, bounty, or allowance shall be allowed by reason of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 6120) for the allowance of certain claims reported by the Court of Claims was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1267) to transfer Capt. Armistead Rust from the retired to the active list of the United States Navy was announced as next in order.

Mr. BRYAN and Mr. OVERMAN. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1151) to remedy in the line of the Army the inequalities in rank due to the past system of regimental promotion was announced as next in order.

Mr. VARDAMAN. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

CAPT. DANIEL H. POWERS.

The bill (S. 1985) to remove the charge of desertion from the military record of Capt. Daniel H. Powers was considered as in Committee of the Whole. It provides that in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers Capt. Daniel H. Powers, late of the Sixth Regiment Michigan Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said company and regiment; and that other than as above set forth no pay, bounty, pension, or other emolument shall accrue by reason of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Capt. Daniel H. Powers."

BILLS PASSED OVER.

The bill (S. 4492) to authorize James F. Barbour and his successors in title to permanently maintain and use siding from the tracks of the Philadelphia, Baltimore & Washington Railroad in the city of Washington was announced as next in order.

Mr. OWEN. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 16586) to amend section 20 of an act to regulate commerce, to prevent overissues of securities by carriers, and for other purposes, was announced as next in order.

Mr. OVERMAN. I object.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 10735) to create a bureau of labor safety in the Department of Labor was announced as next in order.

Mr. GALLINGER. I object to that bill, Mr. President.

Mr. MARTINE of New Jersey. Mr. President, I ask that the bill may be considered. I beg to say that this bill was the formulation of the late Bob Bremner, of the House, jointly with Congressman MANN. The bill passed the House of Representatives unanimously. It has been approved by almost every manufacturer. I have received no protests regarding it, and it means so much to humanity that I trust the Senator will permit the consideration of it at this time.

Mr. SMITH of Georgia. Mr. President, I wish to say just one word in addition to what the Senator from New Jersey has said. The object of this bill is simply to gather together in the Department of Labor safety devices and to aid manufacturers in using devices that will help protect their employees from injury, and it was unanimously reported by the committee.

Mr. MARTINE of New Jersey. It was unanimously reported and it was unanimously passed by the House.

Mr. GALLINGER. Can either of the Senators who have spoken tell me how much of a bureau this is likely to become?

Mr. MARTINE of New Jersey. I can not state just as to that. I do not know how much of a bureau it is calculated to maintain. I will say that in almost every country abroad a similar bureau is maintained.

Mr. OVERMAN. Mr. President, regular order.

Mr. MARTINE of New Jersey. I understand the bill proposes to appropriate $15,000, but it seems a very great deal——

Mr. GALLINGER. I will have to object to the bill. I think we have bureaus enough for this year.

The PRESIDING OFFICER. The bill will go over.

Mr. GALLINGER subsequently said: I ask unanimous consent to return to House bill 10735, to create a bureau of labor safety in the Department of Labor. I objected, and I desire to withdraw my objection.

Mr. OVERMAN. I understand that it carries an appropriation of $15,000, and I renew the objection.

Mr. GALLINGER. That settles it.

The PRESIDING OFFICER. Objection is made.

JAMES W. M'GREEVEY.

The bill (H. R. 12909) to correct the military record of James W. McGreevey was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, James W. McGreevey, who was a musician in Company A, Second Regiment United States Veteran Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a musician of said company and regiment on the 2d day of July, 1865.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The title was amended so as to read, "A bill for the relief of James W. McGreevey."

BILLS PASSED OVER.

The bill (S. 1851) for the relief of the legal representatives of the estate of Henry H. Sibley, deceased, was announced as next in order.

Mr. JOHNSON. Let the bill go over.

The PRESIDING OFFICER. It will go over.

The bill (H. R. 11686) to provide that the United States shall in certain cases aid the States and the civil subdivisions thereof in the construction and maintenance of rural post roads was announced as next in order.

Mr. BURTON. Let that go over.

The PRESIDING OFFICER. The bill goes over on objection.

ENLARGED HOMESTEAD.

The bill (H. R. 12919) to amend an act entitled "An act to provide for an enlarged homestead" was announced as next in order.

Mr. SMOOT. Mr. President, just a moment. I want to see if this is the bill——

Mr. CHAMBERLAIN. I will state to the Senator that the purpose of the bill is to give those who have not made final proof of their homesteads the same right as those who have to take up an additional entry. It is to correct an inequality

of the law, and it is approved by the department. Not only that, but the bill has passed the House and has been reported unanimously by the Public Lands Committees of both bodies.

Mr. SMOOT. It is not the bill I thought it was. There is one amendment to the bill.

Mr. CHAMBERLAIN. I was going to suggest, in reference to the amendment, that another bill has taken care of the States of Nevada and South Dakota, and the Senators from those States are willing that the Senate shall disagree to the committee amendments.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDING OFFICER. The bill has been read.

Mr. WALSH. I was not able to catch the full purport of the bill. If it is not too lengthy, I should like very much to have it read.

The PRESIDING OFFICER. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That sections 3 and 4 of the act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, and of an act entitled "An act to provide for an enlarged homestead," approved June 17, 1910, as amended by an act approved February 11, 1913, be, and the same are hereby, amended to read as follows:

"SEC. 3. That any person who has made, or shall make, homestead entry of lands of the character herein described, and who has not submitted final proof thereon, or who having submitted final proof still owns and occupies the land thus entered, shall have the right to enter public lands, subject to the provisions of this act, contiguous to his first entry, which shall not, together with the original entry, exceed 320 acres: *Provided*, That the land originally entered and that covered by the additional entry shall have first been designated as subject to this act, as provided by section 1 thereof.

"SEC. 4. That at the time of making final proof, as provided in section 2291 of the Revised Statutes, the entryman under this act shall, in addition to the proofs and affidavits required under said section, prove by himself and two credible witnesses that at least one-sixteenth of the area embraced in such entry was continuously cultivated for agricultural crops other than native grasses, beginning with the second year of the entry, and that at least one-eighth of the area embraced in the entry was so continuously cultivated beginning with the third year of the entry: *Provided*, That any qualified person who has heretofore made, or who hereafter makes, additional entry under the provisions of section 3 of this act to an entry upon which final proof has not been made, may be allowed to perfect title to his original entry by showing compliance with the provisions of section 2291 of the Revised Statutes, respecting such original entry, and thereafter in making proof upon his additional entry shall be credited with residence maintained upon his original entry from date of such original entry, but the cultivation required upon entries made under this act must be shown respecting such additional entry, which cultivation, while it may be made upon either the original or additional entry or upon both entries, must be cultivation in addition to that relied upon and used in making proof upon the original entry; or, if he elects, his original and additional entries may be considered as one, with full credit for residence upon and improvement made upon his original entry, in which event the amount of cultivation herein required shall apply to the total area of the combined entry, and proof may be made upon such combined entry whenever it can be shown that the cultivation required by this section has been performed; and to this end the time within which proof must be made upon such a combined entry is hereby extended to seven years from the date of the original entry: *Provided further*, That where an entry is made as additional to an entry upon which final proof has heretofore been submitted by an entryman who still owns and occupies the land thus entered, the entryman in making proof upon his additional entry shall be credited with residence maintained upon his original entry from date thereof, but the cultivation required upon entries made under this act must be shown respecting such additional entry and must be performed upon the land included therein to the extent and for the period required in connection with original entries under this act, proof of which must be submitted within five years from and after the date of the additional entry: *Provided further*, That nothing herein contained shall be so construed as to require residence upon the combined entry in excess of the period of residence as required by section 2291 of the Revised Statutes."

The PRESIDING OFFICER. The amendment of the committee will be stated.

The SECRETARY. The Committee on Public Lands propose to add a new section to be known as section 5, and to read as follows:

SEC. 5. That the provisions of the said act of February 19, 1909, and all acts amendatory thereof, and also the provisions of this act shall extend to and include the States of South Dakota and Nevada.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The committee reported to amend the title so as to read: "An act to amend an act entitled 'An act to provide for an enlarged homestead, and for other purposes.'"

The amendment to the title was rejected.

FLATHEAD INDIAN RESERVATION LANDS.

The bill (S. 647) to amend an act entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," approved April 23, 1904 (33 Stat. L., 302), as amended by the act of March 3, 1909 (35 Stat. L., 796), was considered in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment, on page 3, line 1, after the word "entries," to insert "or before final proof thereon, at the discretion of the Secretary of the Interior," so as to make the bill read:

Be it enacted, etc., That section 11 of the act of April 23, 1904 (33 Stat. L., p. 302), entitled "An Act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," amended by the act of March 3, 1909 (35 Stat. L., p. 796), be, and the same is hereby, amended so as to read as follows:

"SEC. 11. That all merchantable timber on said lands, returned and classified by said commission as timber lands, shall be sold and disposed of by the Secretary of the Interior, for cash, under sealed bids or at public auction, as the Secretary of the Interior may determine, and under such regulations as he may prescribe: *Provided*, That after the sale and removal of the timber such of said lands as are valuable for agricultural purposes shall be sold and disposed of by the Secretary of the Interior in such manner and under such regulations as he may prescribe: *Provided further*, That lands valuable for agricultural or horticultural purposes, heretofore classified as timber lands, may, in the discretion of the Secretary of the Interior, be appraised under regulations prescribed by him and be opened to homestead entry under the general provisions of section 9, upon condition that homestead entrymen shall at time of making their original homestead entries or before final proof thereon, at the discretion of the Secretary of the Interior, pay the full value of the timber on the land entered as fixed by the appraisement commission, such payment to be in addition to the appraised price of the lands apart from the timber, as herein authorized."

Mr. CLARK of Wyoming. I ask the Senator from Montana if this provision is not carried also in the Indian appropriation bill, on which our attention is now directed?

Mr. MYERS. Not all, but a part of it. It is recommended unanimously by the Committee on Indian Affairs, and I am afraid in the Indian appropriation bill it will be subject to a point of order.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MEDAWAKANTON AND WAHPAKOOTA SIOUX.

The bill (H. R. 11246) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians declared forfeited by the act of February 16, 1863, was considered as in Committee of the Whole.

Mr. SMITH of Georgia. I should like to inquire of the Senator from Minnesota [Mr. CLAPP] what the effect of the bill would be, so far as making a charge upon the Treasury is concerned?

Mr. CLAPP. The Senator from South Dakota [Mr. CRAWFORD] is quite familiar with the measure.

Mr. CRAWFORD. It does not appropriate a dollar, except I think it provides for something like $2,500 to pay for proceedings in the Court of Claims. It simply provides for an adjudication in the Court of Claims of the claim of these Indians to annuities. It is identically similar with a bill that was passed in relation to another family of these Indians. It is on all fours with that measure, and it goes into the Court of Claims for adjudication.

Mr. SMITH of Georgia. Does it constitute a claim against the United States, then? Does it give them, in case the Court of Claims sustains them, a claim against the United States that is now barred by the act?

Mr. CRAWFORD. These Santee Indians drew annuities. They were under the accusation of having forfeited them by being in the Sioux conspiracy in the sixties. A part of them perhaps may have been guilty, but a part of them were innocent of it. It is simply to determine the rights to certain annuities in the Court of Claims.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

H. S. HATHAWAY.

The bill (H. R. 7205) to correct the military record of H. S. Hathaway was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 9, to strike out "at the close of the war" and insert "August 25, 1865," so as to make the bill read:

Be it enacted, etc., That in the administration of the pension laws and the laws governing admission to soldiers' homes, H. S. Hathaway shall be held and considered to have been mustered into the United

States service in December, 1864, as a private in Company F, Fourth Regiment Tennessee Mounted Volunteer Infantry, and to have been honorably discharged August 25, 1865: *Provided*, That no pension shall accrue or become payable prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read, "A bill for the relief of H. S. Hathaway."

MINE SAFETY STATIONS.

The bill (S. 5588) to provide for the establishment and maintenance of mining experiment and mine safety stations for making investigations and disseminating information among employees in the mining, quarrying, metallurgical, and other mineral industries, and for other purposes, was announced as next in order.

Mr. WALSH. I to-day reported from the Committee on Mines and Mining favorably House bill 15869, which was intended to cover the same subject as that covered by Senate bill 5558, and in substantially the same language, except the House bill carries no appropriation, as the Senate bill does. I ask unanimous consent that the Senate proceed to the consideration of the House bill instead of the Senate bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15869) to provide for the establishment and maintenance of mining experiment and mine safety stations for making investigations and disseminating information among employees in mining, quarrying, metallurgical, and other mineral industries, and for other purposes, which had been reported from the Committee on Mines and Mining with amendments.

Mr. SHAFROTH. I should like to suggest to the Senator from Montana that inasmuch as he is chairman of the Committee on Mines and Mining, which authorized us to make the two small amendments which were offered, it would insure the passage of the bill if we would disagree to the amendment and adopt the bill as it is, whereas, if it is sent over to the House and a conference required, perhaps the bill might be lost at this late stage of the session.

Mr. WALSH. In response to the suggestion made by the Senator from Colorado, I am obliged to say that the bill as drawn is exceedingly obscure, and I feel it might cause considerable doubt as to its proper construction.

The PRESIDING OFFICER. The amendments will be stated.

The SECRETARY. In line 9, before the words "mine safety stations," strike out "15" and insert "7," and on page 2, line 1, strike out "including' and insert "in addition to," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to establish and maintain in the several important mining regions of the United States and the Territory of Alaska, as Congress may appropriate for the necessary employees and other expenses, under the Bureau of Mines and in accordance with the provisions of the act establishing said bureau, 10 mining experiment stations and 7 mine safety stations, movable or stationary, in addition to those already established, the province and duty of which shall be to make investigations and disseminate information with a view to improving conditions in the mining, quarrying, metallurgical, and other mineral industries, safeguarding life among employees, preventing unnecessary waste of resources, and otherwise contributing to the advancement of these industries: *Provided*, That not more than three mining experiment stations and mine safety stations hereinabove authorized shall be established in any one fiscal year under the appropriations made therefor.

SEC. 2. That the Secretary of the Interior is hereby authorized to accept lands, buildings, or other contributions from the several States offering to cooperate in carrying out the purposes of this act.

The amendments were agreed to.

Mr. OVERMAN. May I ask the Senator from Montana how much money this contemplates? It contemplates an appropriation, I know.

Mr. WALSH. It makes no appropriation.

Mr. OVERMAN. I understand; but has the Senator any estimate as to the cost to the Government?

Mr. WALSH. It contemplates the establishment of seven mine safety stations. Mine safety stations are simply the cars for the purpose of carrying out rescue work. They are not expensive. They would not cost exceeding $10,000 apiece, and probably not more than $7,500.

Mr. OVERMAN. How many stations are there in all?

Mr. WALSH. There is contemplated the establishment eventually of 10 mining experiment stations to conduct the same kind of educational work in mining that is now conducted by the experiment stations for the business of agriculture. It contemplates the expenditure eventually of a sum for the maintenance of mining experiment stations.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. WALSH. I move that Senate bill 5588, of like title, be indefinitely postponed.

The motion was agreed to.

SURPLUS UNALLOTTED LANDS IN BLACKFEET INDIAN RESERVATION.

The bill (S. 5484) modifying and amending the act providing for the disposal of the surplus unallotted lands within the Blackfeet Indian Reservation, Mont., was announced as next in order.

Mr. LANE. I ask that that bill go over.

The PRESIDING OFFICER. The bill goes over.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Objection has been made.

Mr. WALSH. I trust the Senator from Oregon will not insist on that objection. I will say in explanation that perhaps the Senator himself does not entirely recall the act of 1907. The act of 1907, passed now eight years ago, provided for the opening of the entire Blackfeet Indian Reservation. It has never been opened. This bill proposes to provide for the opening of only a very small portion of the eastern end of that reservation. With some amendments that are desired by the Interior Department, the passage of the bill is recommended by the Indian Bureau; it is also recommended by the Secretary of the Interior.

A board was created by act of Congress not a year ago to go out there and study conditions upon the reservation. They have returned a report here, in which they recommend, in the interest of the Indians, the passage of this bill. I read from page 20 of their report, as follows:

We earnestly urge the passage of Senate bill 5484 as introduced by Senator T. J. WALSH, of Montana, or a similar bill which will amend the act of March 1, 1907, which originally provided for the opening of the surplus lands of the Blackfeet Reservation to settlement.

And, Mr. President, in their conclusions and recommendations they say, on page 38 of this report, going back to the question:

4. As we believe Senate bill 5484, regarding the opening of a portion of the Blackfeet Indian Reservation, as introduced by Senator WALSH, of Montana, to be for the best interest of both entrymen and Indians, we recommend passage of same.

Mr. President, in view of this condition of affairs, in view of the desire on the part of both the white people and the Indians, as their views are expressed here by the representatives of the State of Montana, I trust the Senator from Oregon will not stand in the way of the enactment of this very necessary legislation in the interest of the Blackfeet Indians, and that he will not set up his individual judgment, after a visit of four days to the Blackfeet Indian Reservation, against the judgment of the Indian Department, against the judgment of the board that was sent out for the purpose of investigating this very matter, and against the judgment of the Senators from the State of Montana.

I know how earnestly the Senator desires to protect the best interests of the Indians; but I submit to him that it is hardly fair for him to come to our State and, in addition to taking care of the large and important affairs of the great State of Oregon, which he represents, to come into our State and endeavor to regulate our affairs and to object here upon the floor of this Senate to legislation which is thus recommended by every department of the Government, recommended by the Senators from Montana, and desired by its people. I do not think the Senator from Oregon ought to desire to put himself in that attitude, and I appeal to him to let us alone.

Mr. LANE. Mr. President, I am very sorry that my objection to this bill does not meet with the full and entire approval of the distinguished Senator from Montana; but, as it happened, I was upon the Blackfeet Reservation making an investigation as a member of the joint commission looking into their general welfare. The Indians held a council—Indians, many of whom were hungry and cold and destitute—and they voted against this proposition. They asked that this bill be not allowed to pass. With the exception of 8 votes out of about 300 present, about that number of Indians were against the bill, contending that their interests are not properly conserved; and I shall insist on my objection to the bill for that reason and in their behalf.

Mr. WALSH. Mr. President——

Mr. VARDAMAN. Mr. President, I make the point of order that nothing can be considered under the existing order except by unanimous consent.

The PRESIDING OFFICER. The point of order is sustained.

BILLS PASSED OVER.

The bill (H. R. 8428) to codify, revise, and amend the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Representative and Senator in the Congress of the United States, limiting the amount of campaign expenses, and for other purposes, was announced as next in order.

Mr. GALLINGER. Mr. President, I desire to offer an amendment to that bill, if it is to be considered to-night; but I have not the amendment at hand, and I will ask that the bill go over.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 2321) to limit the effect of the regulation of interstate commerce between the States in goods, wares, and merchandise wholly or in part manufactured, mined, or produced by convict labor or in any prison or reformatory, was announced as next in order.

Mr. NELSON. I object to that bill.

The PRESIDING OFFICER. The bill goes over.

The joint resolution (S. J. Res. 180) to determine the rights of the State of Nebraska and its citizens to the beneficial use of waters stored in the North Platte River by the Pathfinder Dam was announced as next in order.

Mr. WARREN. I object to that bill.

The PRESIDING OFFICER. The bill goes over.

DRENZY A. JONES AND JOHN G. HOPPER.

The bill (H. R. 2703) for the relief of Drenzy A. Jones and John G. Hopper, joint contractors, for surveying Yosemite Park boundary, was considered as in Committee of the Whole. It provides that there be paid to Drenzy A. Jones and John G. Hopper, joint contractors, $2,649.48, for the survey and resurveys of the Yosemite Park boundary under contract 184, California, the boundaries of the park having been changed, rendering the survey unnecessary, which sum shall be accepted as full settlement of all claims against the United States growing out of the contract or surveys or on account of the arrest of the said persons or either of them by any officials of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MEDAWAKANTON AND WAHPAKOOTA (SANTEE) SIOUX INDIANS.

Mr. CLAPP. Mr. President, I move that the Senate insist on its amendments to House bill 11246, ask for a conference with the House on the disagreeing votes thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. ASHURST, Mr. MYERS, and Mr. CLAPP as the conferees on the part of the Senate.

BILLS PASSED OVER.

The bill (S. 3000) for the relief of Ten Eyck De Witt Veeder, commodore on the retired list of the United States Navy, was announced as next in order.

The PRESIDING OFFICER (Mr. BRYAN in the chair). That bill will go over.

The bill (S. 6072) for the relief of John Henry Gibbons, captain on the retired list of the United States Navy, was announced as next in order.

The PRESIDING OFFICER. That bill will go over.

MINE-SAFETY STATIONS.

Mr. WALSH. Recurring to House bill 15869, for the establishment and maintenance of mining experiment and mine safety stations, and so forth, I move that the Senate insist upon its amendments to the bill, and request a conference with the other House and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. WALSH, Mr. PITTMAN, and Mr. FALL as the conferees on the part of the Senate.

CAPT. FRANK KINSEY HILL.

The bill (S. 6138) for the relief of Frank Kinsey Hill, captain on the retired list of the United States Navy, was announced as next in order.

Mr. SMOOT. Mr. President, the Senator from Louisiana [Mr. THORNTON] has asked that the vote by which that bill passed the Senate be reconsidered, and I am rather of the opinion that he objects to the passage of the bill. Does the Senator's colleague know about that? The bill passed the Senate, and the Senator's colleague asked that the vote whereby it passed be reconsidered, and it was reconsidered and placed upon the calendar.

Mr. GALLINGER. The Senator from Louisiana entered a motion to reconsider.

Mr. RANSDELL. What was the question which the Senator from Utah asked me?

Mr. SMOOT. I desired to know whether the Senator's colleague was opposed to the passage of the bill last called on the calendar?

Mr. OVERMAN. I know the Senator is.

Mr. RANSDELL. I am not at all familiar with it.

Mr. OVERMAN. I understand the Senator from Louisiana is opposed to the bill. It was passed when he was out of the Chamber, and he came back and entered a motion to reconsider.

Mr. RANSDELL. Let the bill go over.

Mr. WARREN. There are several in the same position, and all the others have gone over.

REGISTERS AND RECEIVERS OF LAND OFFICES IN KANSAS.

The bill (S. 6392) for the relief of registers and receivers of United States land offices in the State of Kansas was considered as in Committee of the Whole. The bill had been reported from the Committee on Public Lands with amendments, on page 1, line 9, after the name "Kansas," strike out "and that any and all registers and receivers of the United States land offices who performed services in the location of military bounty-land warrants"; on page 2, line 6, after the word "therewith," to strike out "or for locating military bounty-land warrants"; and in line 9, after the word "merits," to strike out "and shall allow the complainants interest at 6 per cent per annum from date of service upon any amount found due them, or either of them, by the court," so as to read:

That any one or more of the registers and receivers of the United States land offices in the State of Kansas upon whom was imposed the responsibility of making sale and disposition of the Delaware Indian trust lands, the Iowa Indian trust lands, and the Indian trust lands of the United Tribe of the Wea, etc., Indians, all in the then Territory of Kansas and thereafter State of Kansas, their administrators, executors, or representatives, may bring suit in the Court of Claims or any United States Federal court against the United States, or the said tribes of Indians, or both, to determine the claim of the plaintiff or plaintiffs for commission, compensation, or fees for the sale of said lands, or any service or duty connected therewith. And the said court shall have jurisdiction to hear and determine said cause and to render judgment thereon on the merits, and the Attorney General shall appear on behalf of the United States and said tribes, and either party feeling aggrieved at the decisions of the court may appeal to the Supreme Court of the United States.

Mr. SMOOT. Does that allow 6 per cent interest on a claim against the Government?

The PRESIDING OFFICER. That provision is stricken from the bill by the committee.

Mr. SMOOT. Very well.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 6484) to provide for the nonmineral entry of lands withdrawn, classified, or reported as containing coal, phosphate, nitrate, potash, oil, gas, or asphaltic minerals in Alaska, was announced as next in order.

Mr. SMOOT. Mr. President, let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

JOHN M. GRAY.

The bill (H. R. 9270) for the relief of John M. Gray was considered as in Committee of the Whole. It provides that in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, John M. Gray, private of Company K, Eighty-sixth Regiment Ohio Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that company and regiment on the 9th of December, 1863.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH P. LEITER.

The bill (H. R. 10719) for the relief of Joseph P. Leiter was announced as next in order.

Mr. FLETCHER. That bill has been reported adversely, and I move that it be indefinitely postponed.

The PRESIDING OFFICER. The question is on the motion of the Senator from Florida that the bill be indefinitely postponed.

The motion was agreed to.

BILL PASSED OVER.

The bill (S. 646) providing for the labeling and tagging of all fabrics and articles of clothing intended for sale which enter into interstate commerce, and providing penalties for misbranding, was announced as next in order.

Mr. GALLINGER. I object to the consideration of that bill.

The PRESIDING OFFICER. The bill will be passed over.

NEW ORLEANS, BATON ROUGE & VICKSBURG RAILROAD GRANT.

The bill (H. R. 5890) for the relief of settlers within the limits of the grant to the New Orleans, Baton Rouge & Vicksburg Railroad Co. was announced as next in order.

Mr. WEEKS. Mr. President, on behalf of the senior Senator from New York [Mr. ROOT] I ask that that bill go over.

Mr. RANSDELL. Mr. President, I hope the Senator will withdraw his objection for just a moment, so that a very brief statement may be made. May I ask the Senator to withdraw his objection for a moment?

Mr. SMOOT. Mr. President, I wish to say to the Senator that the junior Senator from Iowa [Mr. KENYON] also objects to that bill. I see that Senator is now in the Chamber.

Mr. KENYON. I will say, Mr. President, that I also have objection to the bill.

Mr. RANSDELL. I ask that the objection may be withdrawn for just a moment so that a very brief statement may be made in regard to the bill.

Mr. ROBINSON. Mr. President, this bill, with the insertion of a single word, meets the approval of both parties to a long-drawn-out litigation in the State of Louisiana. All parties appeared before the Senate committee, full hearings were had before a subcommittee, and, as I have said, the parties have agreed. I ask to insert in the RECORD a telegram from Col. R. P. Hunter and F. G. Hudson, jr., representing both parties to the litigation in Louisiana, and those who appeared for and against the bill in the Senate committee. I sincerely hope that the Senator from Massachusetts may be induced to withdraw his opposition in view of the fact that the parties have agreed, and that the enactment of this measure will settle a very prolonged controversy in the State of Louisiana. If it is not now passed in this form, it will cause a continuance of a controversy that all of us desire to get rid of.

The PRESIDING OFFICER. Without objection, the telegram referred to by the Senator from Arkansas will be printed in the RECORD.

The telegram referred to is as follows:

ALEXANDRIA, LA., *January 25, 1915.*

Hon. JOE T. ROBINSON,
United States Senate, Washington, D. C.:

Have had conference to-day, and we agree that the word continuously inserted in the New Orleans-Pacific settlers' bill will do substantial justice to all worthy settlers, and with this amendment the parties we represent will withdraw all opposition to present bill and urge its passage by unanimous consent present session of Congress.

R. P. HUNTER,
F. G. HUDSON, Jr.

Mr. RANSDELL. Mr. President, I heartily concur in what has been said by the Senator from Arkansas [Mr. ROBINSON], chairman of the subcommittee which had charge of this measure. It is a matter of great interest to the people of my State. A controversy has been pending for years, and this is certainly a fair adjustment and settlement of it. I hope that this bill may be allowed to pass.

Mr. WEEKS. Mr. President——

Mr. RANSDELL. The Senator from South Dakota [Mr. STERLING] was a member of the subcommittee and knows how fair the measure is.

Mr. STERLING. Mr. President, just a word with reference to this bill. As a member of the subcommittee I hope that the bill will be permitted to pass. I want to say to the Senator from Massachusetts particularly, and to other Senators who may have objection, that it was first supposed the bill affected nine or ten thousand claims, but the committee found that the bill as amended would not affect over 400 claims. The matter has been very much simplified by the amendment of the committee. The bill now simply protects the rights of those settlers who were in occupancy of the land at the time of the filing of the railroad map of location and their heirs and assigns.

The telegram referred to by the Senator from Arkansas, I think, refers to an amendment covering a point about which there had been some question. The amendment to be proposed provides that the possession of any claimant, his heirs or assigns, shall have been continuous up to the date of the passage of the act. I hope that for the purpose of ending long-drawn-out litigation and trouble this bill will be allowed to pass.

Mr. WEEKS. Mr. President, I do not know whether or not the change suggested in the bill will be objected by the Senator from New York. I have no information which would guide me in that matter, but I can not withdraw my objection.

Mr. ROBINSON. Will the Senator yield to me for an inquiry?

Mr. WEEKS. Yes.

Mr. ROBINSON. Will the Senator not consent to the present consideration of the bill, with the understanding that if the bill passes and he desires so to do, he may enter a motion to reconsider, and if the measure is objectionable to the Senator from New York to-morrow morning, I shall not object to a reconsideration if the Senator from New York insists upon it after he has become familiar with the real status of the matter.

I ask, Mr. President, leave to insert in the RECORD, in addition to the telegram to which I have referred, the report on the bill.

The PRESIDING OFFICER. Without objection, permission is granted.

The report is as follows:

Mr. STERLING, from the Committee on Public Lands, submitted the following report:

The Committee on Public Lands, to which was referred the bill (H. R. 5890) for the relief of settlers within the limits of the grant to the New Orleans, Baton Rouge & Vicksburg Railroad Co., having had the same under consideration, beg leave to report it back to the Senate with the following amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and hereby is, authorized and directed to immediately take up and resume the adjustment and adjudication of all rights, privileges, and relinquishments granted, conveyed, and confirmed to the New Orleans Pacific Railroad Co., as the assignee of the New Orleans, Baton Rouge & Vicksburg Railroad Co., by the act of Congress approved February 8, 1887, and entitled 'An act to declare a forfeiture of lands granted to the New Orleans, Baton Rouge & Vicksburg Railroad Co., to confirm title to certain lands, and for other purposes,' and subject to all the provisions and conditions therein contained, for the protection of actual settlers on said lands at the date of the definite location of said road, their heirs or assigns, and remaining in the possession of said settlers, their heirs or assigns, at the date of this act: *Provided*, That the claims of such settlers, their heirs or assigns, shall be asserted within a period of one year from the passage of this act, and if not asserted within that time shall be forever barred."

H. R. 5890, which is the basis of the legislation reported by this committee, was considered in the Committee on the Public Lands of the House of Representatives on January 26 and 27. Representatives of the railroad company, its grantees, and of the settlers appeared before the committee and made detailed statements of facts and arguments concerning the subject. A favorable report on the bill was made by that committee. However, representatives of the General Land Office submitted for the consideration of the committee two drafts of a substitute bill, the committee reporting substantially draft No. 1, as follows:

DRAFT NO. 1.

"Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to immediately take up and resume the adjustment and adjudication of all rights and privileges relinquished, granted, conveyed, and confirmed to the New Orleans Pacific Railway Co., as the assignee of the New Orleans, Baton Rouge & Vicksburg Railroad Co., by the act of Congress approved February 8, 1887, and entitled 'An act to declare a forfeiture of lands granted to the New Orleans, Baton Rouge & Vicksburg Railroad Co., to confirm title to certain lands, and for other purposes,' subject to all the provisions and conditions therein contained for the protection of actual settlers, their heirs and assigns.

"2. On the application of persons to make entry in accordance with the provisions of the act aforesaid, the rights only of those who were actual settlers at the date of definite location, their heirs, or other persons to whom they may have assigned their possessory rights, prior to December 1, 1913, will be given consideration as against the outstanding patent or patents to the New Orleans Pacific Railway Co.

"3. In determining rights asserted by and on behalf of actual settlers, or their assigns, proof showing actual settlement at the date of definite location, and the existence of such settlement and occupancy at the present time, shall be deemed prima facie evidence of the continuity of the settlement claim.

"4. All claims adverse to the New Orleans Pacific Railway Co., or its successors in interest, which shall not be asserted within the period of two years from the passage of this act shall be deemed and considered forever barred."

The Senate Committee on Public Lands appointed a subcommittee composed of Senators Robinson, Ransdell, and Sterling to consider the bill. The subcommittee had prolonged hearings on June 12 and 13. Some parties in interest asked a continuance of the hearings in order that additional proof might be submitted and this was granted. Subsequently the hearings were resumed and concluded, practically four additional days being consumed in the hearing of statements and in the consideration of documents and arguments by the various parties interested in the legislation.

The subcommittee of this committee recommended as a substitute for the bill passed by the House substantially draft No. 2, prepared by the Land Office, with certain amendments designed to make it more specific and with an amendment limiting the period within which claims may be asserted to within one year of the date of the passage of the act.

ACT OF CONGRESS OF MARCH 3, 1871.

The act of Congress of March 3, 1871, granted to the Texas Pacific Railroad Co. and its successors certain lands situated in the State of Texas. Section 9 of that act contained the following provision, that—

"For the purpose of aiding in the construction of its railroad and telegraph line, every alternate section of public land, not mineral, designated by odd numbers, to the amount of 20 alternate sections per mile, on each side of said railroad line, as such line may be adopted by said company through the Territories of the United States, * * * where the same shall not have been sold, reserved, or otherwise disposed of by the United States, and to which a preemption or homestead claim may not have attached at the time the line of said road is definitely fixed." * * *

The department has decided that dates of definite location are specifically determined by the act of February 8, 1887, to wit, October 22, 1881, for that portion of the road from a point in township 2 north, range 1 east, to a point in township 4 north, range 2 west, and from Shreveport to a point in township 10 north, range 12 west, and October 17, 1882, for the balance of the road.

Much confusion and many controversies having arisen as to the rights of actual settlers within the exterior limits of this grant, the act of February 8, 1887, was passed. Section 2 of said act, after providing that the title granted by the act of March 3, 1871, to the Texas Pacific Railroad Co. (not declared forfeited), is relinquished and confirmed to the New Orleans Pacific Railroad Co. as the assignee of the New Orleans, Baton Rouge & Vicksburg Railroad Co. under certain conditions, containing the following proviso:

"*Provided*, That all such lands occupied by actual settlers at the date of the definite location of said road and still remaining in their possession or in possession of their heirs or assigns shall be held and deemed excepted from said grant and shall be subject to entry under the public-land laws of the United States."

As to lands which had already been patented under the act of 1871 the confirmatory act of February 8, 1887, contained the following provision:

"That the patents for the lands conveyed herein that have already been issued to said company be, and the same are hereby, confirmed; but the Secretary of the Interior is hereby fully authorized and instructed to apply the provision of the second, third, fourth, and fifth sections of this act to any of said lands that have been so patented and to protect any and all settlers on said lands in all their rights under the said sections of this act."

ACT OF MARCH 3, 1887.

March 3, 1887, Congress passed an act providing for the adjustment of land grants to railroads. Section 2 of that act provided that whenever it shall appear upon the completion of such adjustment, or sooner, that lands had been erroneously certified or patented by the United States to any railroad company, that the Secretary of the Interior shall demand from said company a relinquishment or reconveyance to the United States, and if such company shall fail to so reconvey within 90 days after the demand it shall be the duty of the Attorney General to commence and prosecute in the proper courts the necessary proceedings to cancel all patents and certifications erroneously issued or made.

Provision was also made whereby good-faith purchasers of land erroneously patented to the railroad company should obtain title from the United States and the railroad company should reimburse the Government.

ACT OF MARCH 2, 1896.

The act of March 2, 1896, relied on largely by the opponents of this legislation, is a general act, contains no repealing clause, and in the opinion of your committee does not apply to settlers whose rights are saved by the special acts hereinabove referred to.

The proposed legislation is not without serious complications and presents difficulties which have been the subject of prolonged consideration by your subcommittee hereinbefore referred to. From a consideration of the whole case, however, we are of the opinion that Congress from the beginning has expressed and manifested its purpose to save and reserve the rights of all persons actually on any of these lands at the time of the definite location of the road. Even patents issued under these acts have referred to the claims and rights of actual settlers in such a way, in our opinion, as to put purchasers on notice and to impose upon them some obligation to make inquiry. Moreover, the deeds executed by the claimants under the grant are all quitclaim or special warranty deeds wherein the grantor simply warrants the title as against himself or those claiming through or under him. Taking the language of these deeds in conjunction with the language of the grants hereinabove referred to, we are of the opinion that these constituted notice to the purchasers of the prior rights of actual settlers, their heirs and assigns, occupying the lands in good faith.

The Land Office, while regarding the matter as doubtful, applied the act of 1896 so as to shut out a considerable number of cases, which under the adjustment act of 1887 appears to your committee to be meritorious. The Land Department has changed its views, however, regarding this act, and thinks a mistake was made in giving it the application. An erroneous idea prevails in some quarters as to the effect of this legislation and the number of cases which will arise under it. When agitation of the matter began in Louisiana it was thought that all of these railroad lands would be thrown open to settlement, and a large number of filings were made and claims asserted which did not have any foundation. The misapprehension which for a time existed concerning the matter has disappeared. The actual number of cases which will be presented to the Land Office can not be definitely determined by your committee, but we are of the opinion that the same will not exceed 400. In all probability the cases found meritorious by the department will be far less than that number.

The committee is of the opinion that relief should be granted in these meritorious cases and that it should take the form suggested and most heartily approved by the department.

We therefore recommend the adoption of draft No. 2, with the amendments indicated. It is quite desirable from every standpoint that this legislation should be speedily disposed of. The subject matter has formed the basis of prolonged complications, protracted litigation, and serious agitation extending over a period of many years. It is not thought that injustice can result to anyone by the passage of this legislation in view of the whole history of the case and the course which the matter has heretofore taken, both in Congress and in the courts.

Mr. PENROSE. What the Senator from Arkansas suggests can be done by unanimous consent, and it seems to me to be a reasonable request.

Mr. WEEKS. Mr. President, it may be a reasonable request, but I can not tell what the legislative situation may be to-morrow. I regret exceedingly that I have not the authority to consent to the suggestion, and my objection must remain.

The VICE PRESIDENT. The bill will be passed over.

CREW OF THE NORWEGIAN SHIP "INGRID."

The joint resolution (S. J. Res. 198) providing an appropriation to indemnify Trygve Andersen, Sigurd Nilsen, and Arthur Rasmussen, of the crew of the Norwegian ship *Ingrid*, for losses caused by their arrest and detention in Hudson County, N. J., and for other purposes, was considered as in Committee of the Whole.

The Secretary read the joint resolution, as follows:

Whereas on the 1st day of February, 1911, an explosion of dynamite took place in a railway car in Jersey City, N. J., causing damage to the Norwegian ship *Ingrid*, which was lying in the harbor near which the explosion occurred, and out of which occurrence arose an investigation and proceeding under the criminal laws of the State of New Jersey; and

Whereas Trygve Andersen, Sigurd Nilsen, and Arthur Rasmussen, of the crew of said ship, were arrested, confined, and detained in the jail of Hudson County, N. J., on the ground that it was deemed probable that they might be able to give material testimony in such proceeding; and

Whereas said parties, after several weeks, were released from said jail by the judgment of a United States court in a habeas corpus proceeding instituted for that purpose; and

Whereas by reason of said confinement and detention in jail and their effort to secure release therefrom, said parties, without fault of their own, suffered certain damages and incurred certain expenses; and

Whereas, without admitting legal liability, either under treaty or otherwise, for losses growing out of said occurrences, the United States recognizes the peculiar circumstances of hardship to said parties in said matter: Therefore be it

Resolved, etc., That the sum of $2,200 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, which sum is hereby directed to be paid to the Government of Norway for the use of Trygve Andersen, Sigurd Nilsen, and Arthur Rasmussen, their heirs or legal representatives, because of losses sustained by reason of their removal from the Norwegian ship *Ingrid*, in the month of February, 1911, and their subsequent arrest, confinement, and detention in the jail of Hudson County, State of New Jersey, as witnesses in certain proceedings in the courts of said State.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

JAMES KENNEDY.

The bill (S. 3367) for the relief of James Kennedy was announced as next in order.

Mr. LEA of Tennessee. I move that action on Senate bill 3367 and on the bill (S. 155) for the relief of Joseph B. Riley, alias Thomas Kiesy, be indefinitely postponed.

Mr. BRISTOW. Mr. President, I object to having Senate bill 155 go over. I can not consent to that without controversy.

The PRESIDING OFFICER. Calendar No. 722, being Senate bill 3367, is before the Senate at this time.

Mr. LEA of Tennessee. I move that action on Calendar No. 722, Senate bill 3367, be indefinitely postponed.

The PRESIDING OFFICER. Does the Senator from Kansas object to that action being taken on Senate bill 3367?

Mr. BRISTOW. I object to Calendar No. 723, Senate bill 155, being acted on adversely; that is all.

The PRESIDING OFFICER. Does the Senator from Kansas object to the action proposed by the Senator from Tennessee on Senate bill 3367?

Mr. BRISTOW. I do not care anything about that bill.

The PRESIDING OFFICER. The question, then, is on the motion of the Senator from Tennessee to indefinitely postpone Senate bill 3367.

The motion was agreed to.

BILL PASSED OVER.

The bill (S. 155) for the relief of Joseph B. Riley, alias Thomas Kiesy, was announced as next in order.

Mr. LEA of Tennessee. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

FRANCIS TOMLINSON.

The bill (H. R. 3586) for the relief of Francis Tomlinson was considered as in Committee of the Whole. It proposes that in the administration of the pension laws Francis Tomlinson, late of Troop L, First Regiment United States Cavalry, shall hereafter be held and considered to have been in the military service of the United States from the 12th day of October, 1861, until the 29th day of December, 1865, and honorably discharged from such service on December 29, 1865, and that he shall not receive any back pay, pension, or allowances by reason of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD WHITESIDE.

The bill (H. R. 10271) for the relief of Edward Whiteside was considered as in Committee of the Whole. It proposes that in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Edward Whiteside, who was a musician in Company C, Fifth New York Infantry Volunteers, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a musician of said company and regiment on or about the 14th day of May, 1863, and that no back pay,

bounty, pension, or allowance shall be allowed by reason of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MILES A. HUGHES.

The bill (H. R. 14711) for the relief of Miles A. Hughes was considered as in Committee of the Whole. It proposes that in the administration of the pension laws Miles A. Hughes shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company A, Sixteenth Regiment Kentucky Volunteer Infantry, on the 27th day of June, 1864, and that no back pension, back pay, or back allowances shall accrue by reason of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES ANDERSON.

The bill (S. 5053) to correct the military record of James Anderson was considered as in Committee of the Whole. It proposes that in the administration of the pension laws James Anderson, who was a private in Company A, Cass County Regiment, Missouri Home Guards; Company A, Second Battalion, Missouri State Militia Cavalry; and Company F, Fourteenth Regiment, Kansas Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of the last-mentioned company and regiment on the 19th day of December, 1864, and that no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of James Anderson."

ALLEGED USE OF MEXICAN FUNDS.

The resolution (S. Res. 487) to investigate the newspaper report that $75,000 was paid to two United States Senators by Carranza for influence in the withdrawal of the United States troops from Vera Cruz was announced as next in order.

Mr. PENROSE and Mr. SMOOT. Let that resolution go over.

The PRESIDING OFFICER. The resolution will be passed over.

BARK "SIMLA."

The bill (S. 6028) to authorize the Commissioner of Navigation to cause the rebuilt bark *Simla* to be registered as a vessel of the United States was considered as in Committee of the Whole. It authorizes the Commissioner of Navigation to cause the bark *Simla*, rebuilt at San Francisco, Cal., from the wreck of the sailing vessel *Simla*, burned in the harbor at Acapulco, Mexico, and abandoned by her owners as a total wreck, to be registered as a vessel of the United States whenever it shall be shown to the Commissioner of Navigation that the cost of rebuilding the vessel in the United States amounted to three times the actual cost of the wreck and that the vessel is wholly owned by citizens of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL REVENUE CUTTERS.

The bill (S. 6829) to provide for the construction of two revenue cutters was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to construct one steam revenue cutter for service in the waters of California, at a cost not to exceed $350,000, and one steam revenue cutter for service as anchorage patrol boat in New York Harbor, at a cost not to exceed $110,000, the vessel to be specially constructed for ice breaking.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIGHTHOUSE RESERVATION, TAWAS, MICH.

The bill (S. 6780) to authorize the Secretary of Commerce to transfer a portion of the lighthouse reservation, Tawas, Mich., to the Secretary of the Treasury, was considered as in Committee of the Whole. It authorizes the Secretary of Commerce to transfer to the Secretary of the Treasury, for the use of the Life-Saving Service, lot No. 1, section 34, township 22 north, range 8 east, Iosco County, Mich., which is a portion of the lighthouse reservation at Tawas, Mich., and which is no longer needed in connection with the work of the Lighthouse Service.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STEAMBOAT-INSPECTION SERVICE.

The bill (H. R. 20282) to provide for the appointment of 11 supervising inspectors, Steamboat-Inspection Service, in lieu of 10, was announced as next in order.

Mr. SMOOT. Mr. President, I should like to ask the Senator from Florida whether this matter was not taken care of in the sundry civil appropriation bill which passed the Senate a few days ago?

Mr. FLETCHER. No; it was not.

Mr. SMOOT. Is this the measure in which the senior Senator from Louisiana [Mr. THORNTON] was interested?

Mr. FLETCHER. No; this is not the measure.

Mr. OVERMAN. Does not this bill provide for additional inspectors at New York?

Mr. FLETCHER. This is a House bill. It takes the place on the calendar of a Senate bill.

Mr. OVERMAN. I understand that, but we have provided for seven inspectors at New York and inspectors at other places.

Mr. SMOOT. In the sundry civil appropriation bill we provided for some 10 or 11 inspectors. If I remember correctly, there was 1 for Florida, 1 for Louisiana, 7 for New York, 1 for Michigan, and some at other places, and they were provided for in the sundry civil appropriation bill. This adds 1 to the 10, in lieu of the 10 already provided for. I can not, of course, say whether this was included in that or not, but I know that the Committee on Appropriations provided for all the steamboat inspectors that were asked for by the department.

Mr. FLETCHER. What bill was it in?

Mr. OVERMAN. The sundry civil appropriation bill.

Mr. FLETCHER. I am not advised of the fact that it covers these.

Mr. OVERMAN. Oh, yes; I think it does.

The PRESIDING OFFICER. Is there objection?

Mr. OVERMAN. I object.

Mr. FLETCHER. It provides, if the Senator will allow me, for 11 supervising inspectors instead of 10.

Mr. OVERMAN. We have taken care of it in the sundry civil appropriation bill, I think, as recommended by the Secretary.

Mr. FLETCHER. The bill may be passed over for the present, then. I will look up the matter, but I was not advised that it had been covered.

Mr. SMOOT. I ask that the bill may go over temporarily, so that the Senator can look it up.

Mr. FLETCHER. Yes; I will look up the matter.

Mr. SMOOT. Also the next bill, for the assistant inspectors. Let that bill go over, and the Senator can look up that matter at the same time.

Mr. FLETCHER. I know that both of these bills have been insisted upon by the department.

Mr. SMOOT. I am only saying to the Senator that I do know they were asked for by the department, and I know that we provided for a number of steamboat inspectors on the sundry civil appropriation bill.

Mr. FLETCHER. I will look up the matter.

The bill (H. R. 20281) to provide for the appointment of certain assistant inspectors, Steamboat-Inspection Service, at ports where they are actually performing duty, but to which they are at present detailed, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. Objection being made, the bill goes over.

LICENSED OFFICERS IN UNITED STATES MERCHANT MARINE.

The bill (H. R. 16392) to better regulate the serving of licensed officers in the merchant marine of the United States, and to promote safety at sea was considered as in Committee of the Whole. It proposes to amend sections 4448 and 4449 of the Revised Statutes of the United States so as to read as follows:

SEC. 4448. That all officers licensed under the provisions of this title shall assist the inspectors in their examination of any vessels to which such licensed officers belong and shall point out all defects and imperfections known to them in the hull, equipments, boilers, or machinery of such vessel, and shall also make known to the inspectors at the earliest opportunity all accidents or occurrences producing serious injury to the vessel, her equipments, boilers, or machinery, and in default thereof the license of any such officer so neglecting or refusing shall be suspended or revoked.

No inspector or supervising inspector receiving information from a licensed officer who is employed on any vessel as to defects in such vessel, or her equipments, boilers, or machinery, or that any provision of this title is being violated, shall impart the name of such licensed officer, or the source of his information, to any person other than his superiors in the Steamboat-Inspection Service. Any inspector or supervising inspector violating this provision shall be subject to dismissal from the service.

SEC. 4449. That if any licensed officer shall, to the hindrance of commerce, wrongfully or unreasonably refuse to perform his official duties after having signed articles or while employed on any vessel as au-

thorized by the terms of his certificate of license, or if any pilot or engineer shall refuse to admit into the pilot house or engine room any person whom the master or owner of the vessel may desire to place there for the purpose of learning the profession, his license shall be revoked or suspended upon the same proceedings as are provided in other cases of revocation or suspension of such license.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 6856) to authorize the United States, acting through a shipping board, to subscribe to the capital stock of a corporation to be organized under the laws of the United States or of a State thereof or of the District of Columbia to purchase, construct, equip, maintain, and operate merchant vessels in the foreign trade of the United States, and for other purposes, was announced as next in order.

Mr. GALLINGER. Mr. President, that title has so familiar a sound that I ask that the bill may be passed over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 16053) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, was announced as next in order.

Mr. NORRIS. Let that bill go over.

Mr. SHIELDS. I ask that the bill may go over without prejudice.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

THE LIGHTHOUSE SERVICE.

The bill (S. 6919) to authorize aids to navigation and other works in the Lighthouse Service, and for other purposes, was considered as in Committee of the Whole.

Mr. FLETCHER. Mr. President, I ask to substitute for that bill House bill 19746, which has come from the House and which covers the same subject. I ask to consider that instead of the Senate bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 19746) to authorize aids to navigation and other works in the Lighthouse Service, and for other purposes, which had been reported from the Committee on Commerce with an amendment.

The SECRETARY. The committee amendment proposes to strike out all after the enacting clause——

Mr. FLETCHER. Mr. President, I ask leave to withdraw the committee amendment entirely, and have the bill passed.

Mr. SMOOT. Mr. President, I will ask the Senator whether the committee has authorized that?

Mr. FLETCHER. Yes; the committee authorized it, and the department recommends it. I have a letter here from the department on the subject, asking that and urging it, and the committee desires to do it. I will ask to have the letter printed in the RECORD. The committee withdraws the amendment.

The PRESIDING OFFICER. In the absence of objection, the letter will be printed in the RECORD.

The letter referred to is as follows:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, February 26, 1915.

MY DEAR SENATOR: You will probably recall that on February 3, 1915, I wrote you stating that on January 27 H. R. 19746, "To authorize aids to navigation and other works in the Lighthouse Service, and for other purposes," was passed by the House of Representatives, and such passage reported to the Senate; that the bill as it passed the House met in every respect with the approval of the department, and that it was my earnest desire that it be passed by the Senate in such form and without any amendment or change. The bill was subsequently reported to the Senate with the following amendments:

"Sixteenth lighthouse district: Alaska lighthouse depot, purchase of site, construction, and equipment, $40,000.

"Seventeenth lighthouse district: Establishment and improvement of aids to navigation, Washington and Oregon, $35,000.

"Eighteenth lighthouse district: Goat Island lighthouse depot, California, repairs and improvements, $43,000.

Anacapa Island: Establishment of light and fog signal station, $103,000."

While the work provided for in these amendments is considered by the Lighthouse Service as advisable, it is not considered anything like as necessary at the present time as the items included in the bill as it passed the House. As a matter of fact, in going over the work that might be considered necessary or advisable at this time, the same was divided into three groups, arranged in the order of necessity, the most important being in group 1, that which might be done but was not considered quite as important in group 2, and that which was advisable but not absolutely necessary at the present time in group 3. I find upon examination of this summary that the amendments made by the Senate are all items included in group 3. The work provided for in the items in the bill as passed by the House is absolutely necessary, and the department feels that the passage of the bill providing for such work should not be jeopardized by the addition of amendments which at this time are not so absolutely necessary. Should the bill pass the Senate as it passed the House the legislation would be assured. On the contrary, should it pass the Senate with the amendments added, it would mean that the bill would have to go to conference, which might ultimately result in the defeat of the entire measure.

I have talked this matter over with Secretary Redfield and am authorized by him to say that it is his earnest desire that the bill be passed by the Senate in the same form that it was passed by the House, and that if you can assist in bringing this result about it will be greatly appreciated by him. If there is any further information in regard to the matter that you care to have I will be glad to furnish it to you without delay.

Respectfully,

A. L. THURMAN, *Acting Secretary.*

Hon. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The bill was reported to the Senate without amendment.

Mr. WEEKS. Mr. President, I offer the amendment which I send to the desk.

Mr. FLETCHER. I hope the Senator will not do that, because it will simply complicate it.

Mr. WEEKS. It is the additional section about which I spoke to the Senator from Florida.

Mr. FLETCHER. I know; but it will have to go back to the House, and if that is done I am afraid we will never get the bill through. I have withdrawn all of the amendments that have been offered to the bill and reported by the committee in order to expedite its passage on the recommendation and advice of the department. It is very important to have it enacted into law.

Mr. WEEKS. Mr. President, if the Senator will say that he thinks it impossible to get a conference report on this bill argeed to at this session of Congress, I will withdraw the amendment, but I think the amendment is so unobjectionable that a conference on it would not take three minutes.

Mr. FLETCHER. I am advised, furthermore, by the department, if the Senator from Massachusetts will allow me, that what his amendment provides for can be covered under the existing law; it can be taken care of. The proposition which is mentioned in the Senator's amendment can be taken care of without any further legislation.

Mr. WEEKS. Then I withdraw the amendment.

The bill was ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 6919 on the same subject will be indefinitely postponed.

LAWS RELATING TO THE JUDICIARY.

The bill (H. R. 4545) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with an amendment, on page 2, line 11, after the word "amendment," to insert a comma and the words "if preserved," so as to make the bill read:

Be it enacted, etc., That the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended by inserting after section 274 thereof three new sections, to be numbered, respectively, 274a, 274b, and 274c, reading as follows:

"SEC. 274a. That in case any of said courts shall find that a suit at law should have been brought in equity or a suit in equity should have been brought at law, the court shall order any amendments to the pleadings which may be necessary to conform them to the proper practice. Any party to the suit shall have the right, at any stage of the cause, to amend his pleadings so as to obviate the objection that his suit was not brought on the right side of the court. The cause shall proceed and be determined upon such amended pleadings. All testimony taken before such amendment, if preserved, shall stand as testimony in the cause with like effect as if the pleadings had been originally in the amended form.

"SEC. 274b. That in all actions at law equitable defenses may be interposed by answer, plea, or replication without the necessity of filing a bill on the equity side of the court. The defendant shall have the same rights in such case as if he had filed a bill embodying the defense of seeking the relief prayed for in such answer or plea. Equitable relief respecting the subject matter of the suit may thus be obtained by answer or plea. In case affirmative relief is prayed in such answer or plea, the plaintiff shall file a replication. Review of the judgment or decree entered in such case shall be regulated by rule of court. Whether such review be sought by writ of error or by appeal the appellate court shall have full power to render such judgment upon the records as law and justice shall require.

"SEC. 274c. That where, in any suit brought in or removed from any State court to any district of the United States, the jurisdiction of the district court is based upon the diverse citizenship of the parties, and such diverse citizenship in fact existed at the time the suit was brought or removed, though defectively alleged, either party may amend at any stage of the proceedings and in the appellate court upon such terms as the court may impose, so as to show on the record such diverse citizenship and jurisdiction, and thereupon such suit shall be proceeded with the same as though the diverse citizenship had been fully and correctly pleaded at the inception of the suit, or, if it be a removed case, in the petition for removal."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS PASSED OVER, ETC.

The bill (H. R. 12750) relating to procedure in United States courts was announced as next in order.

Mr. CRAWFORD. Mr. President, it seems to me that these bills changing the procedure of the courts are too important to snap off in this way, and I object.

Mr. O'GORMAN. It is quite impossible to hear what the Senator from South Dakota says.

The PRESIDING OFFICER. The Senator from South Dakota objects to the consideration of Order of Business No. 745.

Mr. CRAWFORD. I will say to the Senator that it seems to me that these bills regulating the judicial procedure of the courts and amending the judicial code are all so important that we ought not to pass them here at lightning speed.

Mr. O'GORMAN. If the Senator will bear with me a moment, I think he may not deem it necessary to interpose that objection.

Mr. CRAWFORD. There is only five minutes left.

Mr. KERN. Mr. President, I insist on order in the Chamber.

Mr. O'GORMAN. This measure had the careful consideration of the Judiciary Committee for several months, and the conclusion embodied in this bill was the unanimous judgment, according to my recollection, of every member of the Judiciary Committee.

Mr. OVERMAN. I object to the consideration of the bill.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 93) to regulate the judicial procedure of the courts of the United States was announced as next in order.

Mr. OVERMAN. I object.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 95) to amend chapter 11 of the Judicial Code was announced as next in order.

The PRESIDING OFFICER. Without objection, the bill will be indefinitely postponed.

The bill (S. 1762) relating to procedure in United States courts was announced as next in order.

The PRESIDING OFFICER. Without objection, the bill will be indefinitely postponed.

AMENDMENT OF FEDERAL RESERVE ACT.

The bill (H. R. 15038) proposing an amendment to the Federal reserve act relative to acceptances, and for other purposes, was considered as in Committee of the Whole.

Mr. SMOOT. In hastily reading this bill, I really can not tell just what changes are proposed.

Mr. OWEN. Mr. President, it is impossible to hear on this side of the Chamber what the Senator from Utah is saying.

Mr. SMOOT. It is impossible to hear in the Chamber because there is so much confusion.

Mr. OWEN. Yes; that is true. I ask for order.

Mr. FLETCHER. Mr. President, a moment ago the Senator from Utah made reference to Orders of Business 734 and 735. I am just advised by Gen. Uhler that the inspectors taken care of by the appropriation bill are not those covered by the first of these bills, and also that the matter covered by Order of Business 735 was not taken care of. I should like to have those bills passed.

Mr. CRAWFORD. Mr. President, I demand the regular order.

The PRESIDING OFFICER. The regular order is the consideration of Order of Business 749.

Mr. FLETCHER. This is the regular order.

The PRESIDING OFFICER. No; Order of Business 749 is the regular order for the present. As soon as we finish that the other matter can be taken up.

Mr. SMOOT. Mr. President, this is a most important bill, and I was saying to the Senator when I was interrupted that from hastily reading the bill I can not tell what change it proposes to make in the law. I notice that the report gives no information whatever, and I think it is of enough importance that it should go over for to-night.

Mr. OWEN. Mr. President, the matter is very simple. The words "except by authority of the Federal Reserve Board, under such general regulations as such board may prescribe," in lines 2 to 4 of page 2, are inserted in the Federal reserve act. Otherwise the language is the same, and the same language recurs in lines 18 to 20, inserting the words "except by authority of the Federal Reserve Board, under such general regulations as said board may prescribe," and a committee amendment following, "but such regulations shall apply to all banks alike, regardless of the amount of capital stock." Otherwise the Federal reserve act is left without change.

Mr. SHAFROTH. Mr. President, I will state——

Mr. OWEN. The Senator from Massachusetts is quite familiar with this matter.

Mr. SHAFROTH. I will state to the Senator from Utah that the only addition is giving, under certain circumstances, the Federal Reserve Board the authority to extend the rules to some extent.

Mr. SMOOT. To what extent?

Mr. SHAFROTH. If the Senator will turn to the bill at line 17, page 2, he will find this language:

"Except by authority of the Federal Reserve Board, under such general regulations as said board may prescribe," but such regulations shall apply to all banks alike regardless of the amount of capital stock.

That is repeated above in relation to the amount that notes can be discounted. The board is very anxious that this should be gotten through. They claim to be hampered somewhat in the consideration of the Federal Reserve Board unless it is passed.

Mr. SMOOT. There is no limitation in the words "except by authority of the Federal Reserve Board, under such regulations as said board may prescribe." That may apply to a change of the Federal reserve act.

Mr. SHAFROTH. If the Senator will allow me——

Mr. WEEKS. Mr. President, I hope the Senator from Utah will not object to the passage of this bill. It simply gives authority to the Federal Reserve Board to increase the acceptance of bills on imports and exports. We are doing a very large foreign business just now and for the first time have developed a direct business with South America. There is a great deal of direct banking business with the Argentine at this time. Some banks are pretty nearly to their limit——

The PRESIDING OFFICER. The hour of 11 o'clock having arrived, the Chair lays before the Senate the unfinished business.

Mr. SMOOT. I should like to ask the Senator from Arizona [Mr. ASHURST] if he will not temporarily lay that bill aside and allow us to proceed with the calendar until we conclude it to-night. I wish to say to the Senator, in justification of this request, that the first 10 pages of the calendar are bills that have been taken up every time a unanimous-consent agreement has been arrived at, and they have been objected to and objected to, and instead of being put over under Rule IX they still remain under Rule VIII. So it took an hour and a half of the time to pass over those bills to which objections have been made so often in the past. Now, we have reached a point of the calendar where the bills are bills that have not been reached on the calendar since they have been reported to the Senate, and many of them are bills to which there is no objection. It seems to me we ought to spend the balance of the evening in considering the calendar. So I ask the Senator from Arizona if he will not allow the appropriation bill to be laid aside until we conclude the consideration of the calendar.

Mr. ASHURST. May I not make this suggestion for the consideration of Senators, that the calendar may proceed under Rule VIII until 12 o'clock, at which time we shall proceed to the consideration of the Indian appropriation bill for two hours.

Mr. GALLINGER. I object to that, Mr. President.

Mr. CLAPP. I suggest that without fixing any terms beyond 12 o'clock we simply have an understanding now that we will go on with the calendar until 12 o'clock.

Mr. KERN. We can not make progress with the Indian appropriation bill in that way. There is no telling how long it will take. We have given now three hours to the calendar, and I would rather agree to another session for the consideration of bills on the calendar under Rule VIII and then give an hour and a half to that purpose. I should like to see the Indian appropriation bill out of the way. We do not want an extra session.

Mr. SMOOT. No; nobody wants an extra session. I will say to the Senator there are two items in the appropriation bill that can not be considered to-night. It has been agreed that they shall go over until to-morrow. They are the two items which will cause what discussion there is in the bill, at least more than all the balance. It seems to me if we could go through with the calendar, now that we are on it and while we are all interested in it to-night, that would be the best course to pursue.

Mr. KERN. The Indian appropriation bill has taken twice as long as we anticipated. There seems to be no disposition to economize time. I see no way except to go on and finish it, and then there will be time to take up the calendar.

Mr. SMOOT. I do not think there is any question but that the Indian appropriation bill will be put through.

Mr. CRAWFORD. If the Senator will let me make a suggestion, let us go on with the calendar for an hour and dispose of a good many of the small bills upon it.

Mr. KERN. I am willing to agree to go on with the calendar for an hour provided there is a further agreement that we give two hours to the Indian appropriation bill.

Mr. CRAWFORD. I do not think we will have any trouble about going on with the appropriation bill when we get to it. We can dispose of a great many of these little bills in an hour's time.

Mr. KERN. It will be agreeable to the chairman of the committee, I know, to proceed with the appropriation bill, and there will be a great deal better feeling after we get it out of the way. We could proceed with the calendar for an hour with the agreement that we will then take up the Indian appropriation bill and proceed with it for two hours.

Mr. WARREN. As a matter of fact, we have had less than an hour and a half on the calendar, because it was a little after half past nine before we took it up.

Mr. KERN. I am willing to make that agreement, and I think it is a very liberal proposition; and if we have time later in the session, I am willing to go to the calendar. I am interested in the calendar.

Mr. SMOOT. Of course, I am not particularly interested, but——

The PRESIDING OFFICER. Does the Senator from Indiana make that request?

Mr. KERN. I ask unanimous consent that we proceed with the calendar until 12 o'clock, and that then we proceed with the consideration of the Indian appropriation bill until 2 o'clock, at which time we shall take a recess until 11 o'clock to-morrow.

Mr. SMOOT. Will the Senator make it 1 o'clock?

Mr. KERN. No.

Mr. SMOOT. Then we may as well go on with the Indian appropriation bill.

Mr. SIMMONS. Regular order, Mr. President.

Mr. PENROSE. Regular order.

Mr. ASHURST. I ask that the Indian appropriation bill be proceeded with.

RIVER AND HARBOR APPROPRIATIONS.

Mr. FLETCHER. I desire to present a report from the Committee on Commerce. I ask consent to report from the Committee on Commerce an amendment to the river and harbor appropriation bill.

The PRESIDING OFFICER. The Senator from Florida asks unanimous consent to present a report from the Committee on Commerce. Is there objection?

Mr. PENROSE. What is the request?

The PRESIDING OFFICER. It will be stated.

The SECRETARY. From the Committee on Commerce, an amendment in the nature of a substitute for the bill (H. R. 20189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. GALLINGER. I object to that.

The PRESIDING OFFICER. Does the Senator from New Hampshire object to receiving the report?

Mr. GALLINGER. I object to it.

The PRESIDING OFFICER. The Senator from New Hampshire objects.

Mr. FLETCHER. Does the Senator object to receiving the report?

The PRESIDING OFFICER. The Senator from New Hampshire objects to receiving the report.

Mr. FLETCHER. It is a proposed amendment to the river and harbor bill. Does the Senator understand that?

Mr. GALLINGER. When the river and harbor bill comes up the amendment can be offered.

Mr. FLETCHER. I simply want to have it printed.

Mr. GALLINGER. I will not object to printing it. I did not fully understand the request.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the amendment will be received and printed.

ORDER OF BUSINESS.

Mr. ASHURST. I ask that the unfinished business may be laid aside long enough to finish the matter on which the Senate was proceeding when the hour of 11 o'clock arrived.

Mr. SMOOT and Mr. PENROSE. I object.

The PRESIDING OFFICER. Objection is made.

Mr. WEEKS. I ask unanimous consent that we may continue the calendar until 12 o'clock and then take up the Indian appropriation bill and continue its consideration until 1 o'clock, and at that time we take a recess until 11 o'clock to-morrow.

Mr. KERN (to Mr. WEEKS). Say 1.30 o'clock.

Mr. WEEKS. Well, I will say 1.30 o'clock.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent that the Senate now proceed to the consideration of unobjected bills upon the calendar until midnight and that the Senate then proceed with the Indian appropriation bill until 1.30 o'clock. Is there objection?

Mr. SMOOT. I wish to ask that that be made 1 o'clock.

Mr. RANSDELL. The Senator from Indiana will not consent to 1 o'clock.

The PRESIDING OFFICER. Is there objection?

Mr. PENROSE. I wish to make an inquiry before the request is put.

Mr. JAMES. We can not hear the private conversation, Mr. President.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. PENROSE. I should like to make an inquiry. If this agreement is made and is ratified, when is it expected that the Senate will meet to-morrow morning?

Mr. KERN. At 11 o'clock.

Mr. PENROSE. Then, if it is a part of the unanimous-consent agreement that no other business shall be considered after 12 o'clock except the Indian appropriation bill, I shall not object; but I want to have that a distinct part of the unanimous-consent agreement, in justice to Senators who have to leave the Chamber.

The PRESIDING OFFICER. The Chair understands that that is the request.

Mr. PENROSE. No other report of a committee is to be made and no other supplemental business is to be considered.

Mr. SMOOT. And I want the Senator from Arizona to understand now that two amendments that he promised to allow to go over until to-morrow shall not be considered to-night.

Mr. ASHURST. The Senator has reference to the Mississippi Choctaw amendment and the amendment referred to by the Senator from Massachusetts [Mr. LODGE].

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts?

Mr. PENROSE. I wish to make another inquiry. I take it the unanimous-consent agreement also covers the proposition that there shall be no executive session to-night.

Mr. KERN. It does.

The PRESIDING OFFICER. The Chair so understands.

Mr. KERN. Nothing is to be considered after 12 o'clock but the Indian appropriation bill. That is the understanding.

Mr. FLETCHER. We want to pass the shipping bill to-night. [Laughter.]

Mr. SMOOT. I assure the Senator that that will not be done.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts? The Chair hears none. The Senate will continue the consideration of House bill 15038, proposing an amendment to the Federal reserve act.

AMENDMENT TO FEDERAL RESERVE ACT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15038) proposing an amendment to the Federal reserve act relative to acceptances, and for other purposes.

Mr. BRISTOW. I wish to make an inquiry of the Senator from Massachusetts.

Mr. CRAWFORD. Mr. President, let us have order.

The PRESIDING OFFICER. It is impossible to transact business in the Senate, and Senators will please be in order.

Mr. BRISTOW. I wish to inquire if this amendment to the Federal reserve act does not permit banks not only to very greatly increase the amount of money they can use in acceptances, foreign and also domestic, but is it not a part of a plan which some of these theoretical financiers have of establishing in this country a system of acceptances instead of the normal business manner in which our business is now conducted?

Mr. WEEKS. Mr. President, the main feature in this part of the Federal reserve act is the adjustment of acceptances based on importations and for exportations of goods. Just now——

The PRESIDING OFFICER. The Senator will suspend until there is order.

Mr. CATRON. Mr. President, I object to the further consideration of the bill.

The PRESIDING OFFICER. Objection is made.

Mr. OWEN. Mr. President, I wish we could have order, so that I could explain this matter to the Senator from Kansas and to other Senators. It is impossible to be heard in the Chamber.

Mr. CATRON. I have made an objection, and I do not see any use of an explanation.

The PRESIDING OFFICER. Objection is made.

Mr. OWEN. I will ask the Senator from New Mexico to withhold his objection until I can explain what this measure is,

Mr. CATRON. There is no need to spend the time in discussing it. It is just as well to let it go over now.

The PRESIDING OFFICER. Senators will kindly take their seats or retire into the cloakroom. No business will be transacted until Senators come to order.

Mr. OWEN. Mr. President——

Mr. POINDEXTER. Regular order!

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. OWEN. Mr. President, this act is merely repeating the language of the Federal reserve act, except the words giving authority to the Federal Reserve Board to enlarge the amount of acceptances which banks may permit.

Mr. BRISTOW. Now, Mr. President, let me inquire what limitation have you put on the Federal Reserve Board?

Mr. OWEN. There is no fixed limitation upon the Federal Reserve Board.

Mr. BRISTOW. That is the very reason why I object to the amendment. The Federal Reserve Board, in my opinion, has entirely too much power now, and to give them the unlimited authority to permit banks to invest in these acceptances, in my opinion, is not safe. It was controverted at the time as to whether or not they should be given this authority.

Mr. CATRON. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator from New Mexico will state his point of order.

Mr. CATRON. I made an objection to the bill and under the rule we can not consider the measure any longer and no argument can be had.

The PRESIDING OFFICER. The point of order raised by the Senator from New Mexico is sustained. The Senator from Florida [Mr. FLETCHER] asks to return to calendar Nos. 734 and 735.

Mr. SMOOT. I shall object to the consideration to-night, for this reason——

The PRESIDING OFFICER. Objection is made.

Mr. LEA of Tennessee, Mr. JAMES, and others. Regular order!

The PRESIDING OFFICER. The next bill on the calendar will be announced.

ESTATE OF JAMES S. CLARK, DECEASED.

The bill (H. R. 13240) for the relief of the legal representatives of James S. Clark, deceased, was announced as the next bill on the calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to the legal representatives of James S. Clark, of Fayette County, Ky., the sum of $250, in full compensation for personal property taken and used and use and occupation of real estate, all belonging to said James S. Clark, by the Army of the United States during the War with Spain in the months of August, September, October, November, and December, 1898, in and about the establishment and maintenance of a military camp at Camp Hamilton, in said county and State.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VICTORIA COFFMAN.

The bill (H. R. 9734) for the relief of Victoria Coffman was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 7, after the word "of," to strike out "$1,200" and insert "$660," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Victoria Coffman, wife of Henry Clay Coffman, deceased, out of any funds in the Treasury of the United States not otherwise appropriated, the sum of $660, to compensate her for the death of her husband, Henry Clay Coffman, as the result of injuries received while acting in the course of his duties as janitor of the Government building at Parkersburg, W. Va.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

HEIRS OF THEODORE DEHON.

The bill (H. R. 10201) for the relief of the heirs of Theodore Dehon was considered as in Committee of the Whole. It proposes to pay to the heirs of Theodore Dehon the sum of $500 for the seizure of 100 bushels of rice, under misinformation, by Capt. Armstrong, and used to feed freedmen in Colleton district, South Carolina, in November, 1865.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH B. HATCH.

The bill (H. R. 8811) to execute the findings of the Court of Claims in the case of Sarah B. Hatch, widow of Davis W. Hatch, was considered as in Committee of the Whole. It proposes to pay to Sarah B. Hatch, widow of Davis W. Hatch, of Bexar County, Tex., the sum of $3,000, being the amount found due for timber taken and used by United States troops in the winter of 1865 and 1866 and the spring of 1866, as set forth in the findings of fact filed by the Court of Claims on March 28, 1910, and printed as House Document No. 857, Sixty-first Congress, first session.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLYDE ODUM.

The bill (H. R. 5966) for the relief of Clyde Odum was considered as in Committee of the Whole. It proposes to pay to Clyde Odum, of Punta Gorda, Fla., the sum of $400, the said sum to be in full payment of all claims and demands growing out of or that may result from injuries received by the said Clyde Odum while in the employ of the United States on the dredge *Ajax* in December, 1907: *Provided*, That no sum of money due or to become due to the said Clyde Odum under this act shall be liable to attachment, levy, or seizure by or under any legal or equitable processes whatever, but shall inure to the benefit of the said Clyde Odum.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHICAGO, MILWAUKEE & ST. PAUL RAILWAY CO.

The bill (H. R. 13) for payment to the Chicago, Milwaukee & St. Paul Railway Co. the $4,583.67 improperly collected under the act of August 5, 1909, was considered as in Committee of the Whole. It proposes to pay to the Chicago, Milwaukee & St. Paul Railway Co., a corporation, the amount of the corporation tax, if any, which has been excessively or improperly collected for the year ending December 31, 1909, by the United States under the corporation tax act of August 5, 1909; and the Commissioner of Internal Revenue, under the direction of the Secretary of the Treasury, is vested with full authority and power to determine the amount, if any, so excessively or improperly collected, notwithstanding the limitation contained in section 3228 of the Revised Statutes of the United States; and for the purpose of carrying into effect this act there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $4,583.67, or so much thereof as may be necessary, to pay the amount due such corporation for the excessive tax so collected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EPPS DANLEY.

The bill (H. R. 17110) to reimburse Epps Danley for property lost by him while light keeper at East Pascagoula River (Miss.) Light Station was considered as in Committee of the Whole. It proposes to pay to Epps Danley, of the city of Pascagoula, Jackson County, Miss., the sum of $331.70 for property losses sustained by him during a storm on September 27, 1906, while light keeper of the East Pascagoula River (Miss.) Lighthouse Station.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW J. LAWRENCE.

The bill (H. R. 2662) for the relief of Andrew J. Lawrence was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, in line 6, after the words "sum of," to strike out "$2,000" and to insert "$900," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Andrew J. Lawrence, of San Jose, Cal., out of moneys in the Treasury not otherwise appropriated, the sum of $900, for injuries sustained by him while employed as a lineman for construction of military telegraph line for the Signal Corps of the United States Army, between Valdez and Gulkana, Alaska, in the line of duty, on or about the 1st day of September, 1908.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

WILLIAM A. HOWARD.

The bill (H. R. 13830) for the relief of William A. Howard was considered as in Committee of the Whole. It proposes to pay to William A. Howard $800 for personal injuries received while

working in the quartermaster's department of the Army transport service as yeoman on the United States Army Transport *Crook.*

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HANNAH WALDO.

The bill (H. R. 10167) for the relief of Hannah Waldo was considered as in Committee of the Whole. It proposes to pay $1,500 to Hannah Waldo, widow of Charles Waldo, inspector in the Immigration Service of the United States, who lost his life in North River, September 9, 1913, by drowning, having fallen in the river because of the giving way of a defective fan rail, without negligence or fault on his part.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMMETT W. ENTRIKEN.

The bill (S. 6109) for the relief of Emmett W. Entriken was considered as in Committee of the Whole. It proposes to pay to Emmett W. Entriken $250, in full compensation for injuries received by him on September 26, 1913, while employed as a painter at the Salem Indian school, Chemawa, Oreg.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRED A. EMERSON.

The bill (H. R. 4630) for the relief of Fred A. Emerson was considered as in Committee of the Whole. It proposes to pay to Fred A. Emerson $1,500, as compensation for the loss of his left foot through no negligence on his part while employed in the Watertown Arsenal, at Watertown, Mass., in December, 1900.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF PATENT LAWS.

The bill (H. R. 15220) to amend sections 4888 and 4889 of the Revised Statutes, relating to patents, was announced as next in order.

Mr. REED. I object to the consideration of that bill.

Mr. GORE. I ask the Senator from Missouri to withhold his objection a moment until I can state the exact purpose of the bill.

Mr. REED. I will do that. My objection is based solely on the ground that we are passing important legislation here without knowing anything about it.

Mr. GORE. I will suggest that this is a House bill and is intended to facilitate the dispatch of business in the Patent Office. Under existing law an applicant for a patent is required to make oath to his application and also to file specifications describing the invention, signed by two witnesses. In many cases the applicants fail to secure the signature of two witnesses, which results in needless delay and in needless correspondence. It is the opinion of the Commissioner of Patents that dispensing with two signatures eliminates an unnecessary safeguard. It will obviate a great deal of delay and a great deal of useless correspondence. It is in the interests of wise and speedy administration and it is his request. I hope that the bill will pass.

Mr. SMOOT. I desire to say to the Senator from Missouri that all that has been stated by the Senator from Oklahoma is correct. This bill, when it was reported the last time, as I remember, failed of passage in the last hour of the session. There is not any question but that the Government is protected. The only change in the present law is that the bill eliminates the requirement that the patentee shall have two witnesses sign his application.

Mr. REED. My sole reason for objecting to the consideration of the bill was the one which I gave. It seems to me to be unwise to pass a bill which changes existing law under this rule. The Senators who have spoken have examined the bill, and I shall not stand on the objection. I wish to remark, however, that it seems to me we are sacrificing accuracy to expedition.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which reads as follows:

Be it enacted, etc., That section 4888 of the Revised Statutes of the United States be, and the same is hereby, amended by striking out from the last clause thereof the words "and attested by two witnesses," so that the section so amended will read as follows:

"SEC. 4888. Before any inventor or discoverer shall receive a patent for his invention or discovery, he shall make application therefor, in writing, to the Commissioner of Patents, and shall file in the Patent Office a written description of the same, and of the manner and process of making, constructing, compounding, and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which it appertains, or with which it is most nearly connected, to make, construct, compound, and use the same; and in case of a machine, he shall explain the principle thereof, and the best mode in which he has contemplated applying that principle, so as to distinguish it from other inventions; and he shall particularly point out and distinctly claim the part, improvement, or combination which he claims as his invention or discovery. The specification and claim shall be signed by the inventor."

SEC. 2. That section 4889 of the Revised Statutes of the United States be, and the same is hereby, amended by striking out the words "and attested by two witnesses," so that the section so amended will read as follows:

"SEC. 4889. When the nature of the case admits of drawings, the applicant shall furnish one copy signed by the inventor or his attorney in fact, which shall be filed in the Patent Office; and a copy of the drawing to be furnished by the Patent Office shall be attached to the patent as a part of the specification."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF FEDERAL RESERVE ACT.

Mr. OWEN. I now ask to recur to the bill (H. R. 15038) proposing an amendment to the Federal reserve act relative to acceptances, and for other purposes. Objection to its consideration will not now be urged if an amendment be added providing that the limitation shall be to the capital stock and surplus of such banks.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oklahoma?

Mr. SMOOT. Just a moment, Mr. President. Does the Senator state that the Senator from New Mexico [Mr. CATRON] and the Senator from Kansas [Mr. BRISTOW] have withdrawn their objections?

Mr. OWEN. They do not object now to the consideration of the bill, with an amendment after line 4, on page 2, inserting the words "but not to exceed the capital stock and surplus of such bank," and the same amendment in line 20, after the word "prescribed."

Mr. SMOOT. What would the effect of that be?

Mr. OWEN. It would limit such acceptances to the capital stock and surplus of the banks.

Mr. SMOOT. Acceptances to the extent of not over 50 per cent of the capital stock and surplus of any bank could not be discounted unless by sanction of the Federal board.

Mr. OWEN. The present limitation is 50 per cent, and under this proposed legislation, with the consent of the board, the limit might be raised to 100 per cent.

Mr. CLARK of Wyoming. Do I understand from the Senator from Oklahoma that the Senator from Kansas [Mr. BRISTOW] has withdrawn his objection to the bill?

Mr. OWEN. Yes, sir; with the amendment which I have suggested.

Mr. SMOOT. The Senator says that under the amendment the acceptances could be discounted to the amount of 100 per cent of the capital and surplus of the bank.

Mr. OWEN. I am proposing an amendment that will prevent the board going beyond 100 per cent.

Mr. SMOOT. Then I do not understand the amendment which is suggested by the Senator.

Mr. OWEN. The amendment has no limitation. It might be 150 per cent or 200 per cent or 500 per cent.

Mr. SMOOT. Or 1,000 per cent.

Mr. OWEN. Or any per cent. The amendment which I propose is a limitation to the capital stock and surplus of the bank.

Mr. SMOOT. Will the Senator from Oklahoma again repeat his amendment?

Mr. OWEN. On page 2, after line 4, I propose to insert the words "but not to exceed the capital stock and surplus of such bank."

Mr. SMOOT. But supposing a bank has $100,000 capital and $600,000 surplus, under that amendment it could discount $700,000?

Mr. OWEN. Yes; certainly.

Mr. SMOOT. Or seven times the amount of its capital.

Mr. OWEN. Well, the capital and surplus, of course, constitute the capital.

Mr. SMOOT. I was only suggesting that that was what the amendment means.

Mr. OWEN. That is what it means.

Mr. SMOOT. I am making that suggestion in order that there may not be any doubt about it.

Mr. OWEN. There is no question about it.

Mr. PENROSE. Will the Senator from Oklahoma permit me to make an inquiry of him?

Mr. OWEN. Certainly.

Mr. PENROSE. The Senator from Kansas [Mr. BRISTOW] has left the Chamber. Do I understand the Senator from Oklahoma to assure the Senate that the Senator from Kansas has withdrawn his objection to the bill and is willing that it shall pass?

Mr. OWEN. Yes.

Mr. PENROSE. And that he has agreed to let the bill pass the Senate?

Mr. OWEN. I saw him, and he agreed to allow it to pass with the amendment which I have suggested.

Mr. PENROSE. If the Senator from Kansas is protected, I have no objection.

Mr. OWEN. Certainly he is protected; otherwise I would not ask for the consideration of the bill.

Mr. PENROSE. I do not doubt the Senator from Oklahoma.

Mr. CATRON. I made objection to the consideration of the bill, and I shall not withdraw my objection unless we proceed with it at once. If we are going to discuss it any longer, I shall insist on my objection; otherwise I withdraw the objection.

Mr. PENROSE. The Senator from Kansas is now present and can speak for himself.

Mr. BRISTOW. I withdraw my objection, provided a limitation is made to capital stock and surplus.

The PRESIDING OFFICER. Is there objection to proceeding to the consideration of the bill named by the Senator from Oklahoma?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill, which had been reported from the Committee on Banking and Currency with amendments.

The PRESIDING OFFICER. The bill has been read. The amendments will be stated.

The first amendment was, on page 1, line 7, before the word "Federal," to strike out "That any" and insert "Any," so as to read:

Any Federal reserve bank may discount acceptances, etc.

The amendment was agreed to.

The PRESIDING OFFICER. The amendment proposed by the Senator from Oklahoma will be stated.

The SECRETARY. On page 2, line 4, after the word "prescribe," it is proposed to insert the words "but not to exceed the capital and surplus of such bank," so as to read:

The amount of acceptances so discounted shall at no time exceed one-half the paid up and unimpaired capital stock and surplus of the bank for which the rediscounts are made, except by authority of the Federal Reserve Board, under such general regulations as said board may prescribe, but not to exceed the capital and surplus of such bank.

The amendment was agreed to.

The next amendment of the Committee on Banking and Currency was, on page 2, line 6, before the word "indorsement," to strike out "of" and to insert "or"; and in line 9, after the word "draft," to strike out the comma and to insert a semicolon, so as to read:

The aggregate of such notes and bills bearing the signature or indorsement of any one person, company, firm, or corporation rediscounted for any one bank shall at no time exceed 10 per cent of the unimpaired capital and surplus of said bank; but this restriction shall not apply to the discount of bills of exchange drawn in good faith against actually existing values.

The amendment was agreed to.

The next amendment was, on page 2, line 20, after the word "prescribe," to insert "but such regulations shall apply to all banks alike, regardless of the amount of capital stock."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. OWEN. After the word "prescribe," in line 20, I move to insert the words "but not to exceed the capital stock and surplus of such bank."

Mr. SMOOT. That will not be consistent with the amendments which have been agreed to.

Mr. OWEN. Yes, it will. There is no inconsistency.

Mr. SMOOT. Oh, no; the amendment reported by the committee reads: "but such regulations shall apply to all banks alike regardless of the amount of capital stock."

Mr. OWEN. The amount of capital stock simply determines the size of the bank—whether it is a big bank or a little bank; that is all. That is the meaning of that; but I have no objection to the words "and surplus" being inserted.

Mr. SMOOT. I think it would be much better to have it read "the amount of capital stock and surplus."

Mr. OWEN. I have no objection to that.

Mr. SMOOT. I offer that amendment to the amendment.

The PRESIDING OFFICER. In the absence of objection, the vote whereby the committee amendment in line 20, page 2, was agreed to will be reconsidered. The Secretary will state the amendment to the amendment.

The SECRETARY. In line 20, in the committee amendment, after the word "stock," it is proposed to insert the words "and surplus."

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and to be read a third time.

The bill was read the third time and passed.

JOSEPH A. POWERS.

The bill (H. R. 11394) for the relief of Joseph A. Powers was considered as in Committee of the Whole. It proposes to appropriate $256.17 as compensation to Joseph A. Powers, a letter carrier in the city of New York, N. Y., for loss of salary resulting from injuries received by him on February 23, 1912, from the breaking of a stool which he was using in his employment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARTHUR BROSE.

The bill (H. R. 14931) for the relief of Arthur Brose was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Arthur Brose, of Bemidji, Minn., $866.58 on account of injuries received while in the discharge of his duties as mail carrier in the post office at Bemidji, Minn., on the 9th day of July, 1912.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SANDY CRAWFORD.

The bill (H. R. 4008) for the relief of Sandy Crawford was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Sandy Crawford, of Chicago, Ill., $2,500 as damages for personal injuries sustained by him while employed upon the rivers and harbors improvements at Riverton, Ala.; but no sum of money due or to become due under this act shall be liable to attachment, levy, or seizure under any legal or equitable process whatever, but shall inure wholly to his benefit.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

L. V. THOMAS.

The bill (H. R. 10172) for the relief of L. V. Thomas was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to L. V. Thomas $1,680, for personal injuries received while working on the Panama Canal in the employ of the Panama Canal Commission as a carpenter.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VESSELS FOR COAST AND GEODETIC SURVEY.

The bill (S. 7108) to authorize the purchase or construction of six new vessels, with all necessary equipment, for the Coast and Geodetic Survey, and providing for additional surveys by the Coast and Geodetic Survey, was announced as next in order.

Mr. CATRON. I object to that bill.

Mr. FLETCHER. I inquire who made the objection.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. FLETCHER. I think perhaps the Senator does not understand that this is a very important measure, that it is recommended by the department, and has been unanimously reported by the committee. The service will be very much crippled unless it is allowed the new vessels provided for, because the old equipment is worn out.

Mr. CATRON. I withdraw the objection.

The PRESIDING OFFICER. The objection is withdrawn.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

The first amendment was, on page 1, line 6, after the word "equipment," to strike out "and also to provide for additional surveys"; in line 7, before the word "limits," to strike out "respective"; and in line 8, after the word "hereinafter," to strike out "respectively," so as to read:

That the Secretary of Commerce is hereby authorized to acquire for the Coast and Geodetic Survey, by purchase or by contract for construction, six new vessels, including all necessary equipment, in accordance with the limits of cost hereinafter set forth, which shall in no case be exceeded.

The amendment was agreed to.

The next amendment was, on page 2, after line 6, to strike out:

ADDITIONAL WIRE-DRAG SURVEYS.

For additional wire-drag surveys on the coasts of the Pacific Ocean under the jurisdiction of the United States, $60,000.

For additional wire-drag surveys on the Atlantic and Gulf coasts of the United States, including the coasts of outlying islands under the jurisdiction of the United States $34,000.

OYSTER SURVEYS IN THE STATE OF FLORIDA.

For additional mensurational surveys as may be required by the Bureau of Fisheries in connection with the oyster surveys in the State of Florida now authorized to be made by the Bureau of Fisheries by the act of Congress approved August 1, 1914, $5,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the purchase or construction of six new vessels, with all necessary equipment, for the Coast and Geodetic Survey."

PORT ANGELES CITY DOCK CO.

The bill (H. R. 7049) to reimburse the Port Angeles City Dock Co. for damage done to the dock of that company by the United States revenue cutter *Snohomish* was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay $100 to the Port Angeles City Dock Co. for damage done to the dock of that company in the city of Port Angeles, State of Washington, by the United States revenue cutter *Snohomish*.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID MOWEN.

The bill (H. R. 15414) for the relief of David Mowen, was considered as in Committee of the Whole. It provides that in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers David Mowen, who was a private in Company C, One hundred and second Regiment Pennsylvania Volunteer Infantry, shall hereafter be held and considered to have been mustered into the military service of the United States as a private of that company and regiment on the 18th day of March, 1865.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SECOND LIEUT. J. A. ROGERS, UNITED STATES ARMY.

The bill (S. 5404) for the payment of certain sums due by reason of an injury sustained by Second Lieut. Rogers, United States Army, while attempting to provide suitable mounts for United States Army, was announced as next in order.

The PRESIDING OFFICER. The bill has been reported adversely, and, without objection, it will be indefinitely postponed.

ISADOR MILLER.

The bill (S. 1763) for the relief of Isador Miller was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, in line 6, after the words "sum of," to strike out "$5,000" and insert "$1,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Isador Miller, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $1,000, to compensate him for injuries received while in the employ of the Government at the Picatinny Arsenal, Dover, N. J.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PETER SCOTT.

The bill (H. R. 3885) for the relief of Peter Scott, was considered as in Committee of the Whole. It provides that in the administration of laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Peter Scott, who was a private of Company K, Fifty-sixth Regiment Ohio Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that company and regiment on the 10th day of July, 1864; but no pension, emoluments, or allowances of any description shall accrue by reason of this act prior to the date of approval thereof.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALONZO D. CADWALLADER.

The bill (H. R. 1090) for the relief of Alonzo D. Cadwallader, was considered as in Committee of the Whole. The bill had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That in the administration of the pension laws Alonzo D. Cadwallader shall hereafter be held and considered to have performed 90 days actual military service as a private of Company K, Seventeenth Regiment Michigan Volunteer Infantry: *Provided*, That no pension shall accrue prior to the approval of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

LE GRAND C. CRAMER.

The bill (H. R. 3613) to reimburse Le Grand C. Cramer for amount of damages to his motor launch *Winninish* by the United States launch *Gunedmertrix* at Morris Heights, N. Y., on March 31, 1911, was considered as in Committee of the Whole. It proposes to appropriate $4,911.64, to be paid to Le Grand Cramer as damages for the loss sustained by his motor boat *Winninish* on March 31, 1911, by reason of the collision of the *Gunedmertrix*, a United States Government launch operated by the War Department, with the *Winninish* while the latter was lying at a dock at Morris Heights, N. Y.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAJ. GEORGE H. PENROSE.

The bill (H. R. 3305) directing the accounting officers of the Treasury to credit and settle an account of Maj. George H. Penrose was considered as in Committee of the Whole. It directs the accounting officers of the Treasury Department to credit and settle the suspended account of Maj. George H. Penrose, Quartermaster Corps, United States Army, in the sum of $267.87, being the amount disbursed by him in August, September, October, and November, 1908, at Fort Benjamin Harrison, Ind., to Albert W. Carlson and Bruno Buschek, employees of the United States, which account was disallowed by the Auditor for the War Department.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PARKER S. ROUSE.

The bill (H. R. 2667) for the relief of the legal representatives of Parker S. Rouse, deceased, was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to pay to the legal representatives of Parker S. Rouse, deceased, $600, being the amount of salary for one year.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. MAX S. RETTER.

The bill (H. R. 3435) for the relief of Mrs. Max S. Retter, was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to pay $1,000 to Mrs. Max S. Retter, widow of Max S. Retter, late a commissary sergeant in the United States Army and superintendent of the national cemetery at Fort Leavenworth, Kans., on account of the death of Max S. Retter, due to infection of the blood brought about while as superintendent he received and reinterred, in line of duty, in July, 1907, several human bodies in a state of putrefaction contained in unsealed wooden boxes.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RETIREMENT OF OFFICERS OF CIVIL WAR.

The bill (S. 6857) authorizing the retirement from active service, with increased rank, of officers now on the active list of the Army who served in the Civil War was considered as in Committee of the Whole. It provides that any officer now on the active list of the Army who served not less than 100 days in the Regular or Volunteer forces of the United States during the Civil War and prior to April 9, 1865, who was honorably discharged therefrom, and who shall since have served not less than 40 years as a commissioned officer of the Regular Army, shall, at his own request, be placed on the retired list of the Army, with the rank of major general.

Mr. BRISTOW. Mr. President, what does that mean?

Mr. O'GORMAN. I should like to ask whether the War Department has approved of this bill?

Mr. BRISTOW. I ask that the bill may go over.

Mr. CHAMBERLAIN. Mr. President, I will state to the Senator that it refers to only one man in the United States Army, and that is Col. Clem. He is the only man now on the active list who served in the Civil War.

Mr. NORRIS. What punishment does it inflict on him?

Mr. CHAMBERLAIN. I will say to the Senator that Col. Clem has been passed over in promotions—I do not know how many administrations past—and this bill applies only to him. He is the only man in the active service of the Army now who served during the Civil War.

Mr. O'GORMAN. Can the Senator state whether or not the War Department has expressed any disapproval of this measure?

Mr. CHAMBERLAIN. I do not recall now. As a rule the War Department does not approve of these bills. Whether they disapprove of this one or not I do not know, and so far as I am concerned it does not make any difference to me whether they do or not. This body has just as much power as the Secretary of War. I think as a general rule they do not approve of these kind of bills.

The PRESIDING OFFICER. Objection is made.

Mr. CHAMBERLAIN. I did not know that objection was made.

Mr. BRISTOW. I withdraw the objection.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DISPOSAL OF CLOTHING OR UNIFORMS.

The bill (S. 7051) to authorize the disposal of clothing or uniforms which have become unserviceable or unsuitable was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 2, line 1, after the word "issued," to insert "or by a disinterested officer of the Regular Army to be appointed by the Secretary of War," so as to make the bill read:

Be it enacted, etc., That whenever any clothing or uniforms, which have heretofore, or may hereafter be furnished by the War Department to any State, or Territory, or the District of Columbia, have become unserviceable, or unsuitable from use in the service, or from any other cause, they shall be examined by a disinterested surveying officer of the Organized Militia, to be appointed by the governor of the State, or Territory, or the commanding general of the National Guard of the District of Columbia, to which the clothing or uniforms have been issued, or by a disinterested officer of the Regular Army, to be appointed by the Secretary of War, and his report shall be forwarded by said governor or commanding general direct to the Secretary of War, and if it shall appear to the Secretary of War from the record of survey that said clothing or uniforms are unserviceable or unsuitable for the purposes for which intended, then the buttons or braid thereon, if any, shall be removed therefrom, and the said clothing or uniforms shall be turned over to the governor of the State or Territory, or to the commanding general of the National Guard of the District of Columbia, to which said clothing or uniforms were furnished, to be by him distributed among the destitute of his State, Territory, or District of Columbia, in such manner as to him may seem proper and just.

SEC. 2. That all acts or parts of acts inconsistent with these provisions are hereby repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DEVELOPMENT OF WATER POWER.

The bill (H. R. 16673) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes, was announced in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

PUBLIC BUILDING AT ROSEBURG, OREG.

The bill (H. R. 13180) to amend the act of March 4, 1913 (37 U. S. Stats., p. 872), so as to provide that in the construction of the public building at Roseburg, Oreg., provision shall be made for the accommodation therein of the United States post office and other governmental offices, was considered as in Committee of the Whole. It provides that in the construction of the public building at Roseburg, Oreg., authorized by the act approved March 4, 1913 (37 U. S. Stats., p. 872), accommodations shall be provided therein for the United States post office and other governmental offices.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOINT RESOLUTIONS PASSED OVER.

The joint resolution (S. J. Res. 223) to provide for the expenses of the formal and official opening of the Panama Canal was announced as next in order.

Mr. SMOOT. Mr. President, I think this matter has been provided for in the appropriation bill. Therefore I ask that it go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The joint resolution (S. J. Res. 106) to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes," approved June 23, 1913, was announced as next in order.

Mr. MARTINE of New Jersey. I ask that that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

PUBLIC BUILDING AT VINELAND, N. J.

The bill (H. R. 16642) authorizing the Secretary of the Treasury to disregard section 33 of the public buildings act of March 4, 1913, as to site at Vineland, N. J., was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to disregard that portion of section 33 of the public buildings act, approved March 4, 1913, which requires that the Federal building site selected at Vineland, N. J., shall be bounded on at least two sides by streets.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LANDS IN SIERRA COUNTY, N. MEX.

The bill (H. R. 12050) reserving from entry, location, or sale lots 1 and 2, in section 33, township 13 south, range 4 west, New Mexico prime meridian, in Sierra County, N. Mex., and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Public Lands with amendments. The first amendment was on page 1, lines 6 and 7, to strike out the words "hereby set apart from the public domain and reserved from entry, location, or sale," and insert "and the same are hereby granted to the State of New Mexico," so as to read:

That lots 1 and 2, in section 33, township 13 south, range 4 west, New Mexico prime meridian, situated in the county of Sierra, State of New Mexico, be, and the same are hereby, granted to the State of New Mexico for the purpose of preserving for the use of the public the valuable mineral springs located upon said lots.

The amendment was agreed to.

The next amendment was, at the top of page 2, to strike out section 2, as follows:

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized to control the use of said lots and the waters thereon, and to make regulations for the government of the reservation, and to make such contracts, agreements, and leases as will best preserve them for the use of the public, and all moneys received from such contracts, agreements, and leases by way of remuneration, or from any other source in connection with this reservation, shall be covered into the Treasury of the United States and credited as miscellaneous receipts: *Provided*, That nothing in this act contained shall be construed as establishing a general policy by the United States of leasing reservations containing medicinal waters.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill granting to the State of New Mexico lots 1 and 2 in section 33, township 13 south, range 4 west, New Mexico prime meridian, in Sierra County, N. Mex."

DANIEL J. RYAN.

The bill (H. R. 4001) for the relief of Daniel J. Ryan was considered as in Committee of the Whole. It provides that Daniel J. Ryan be relieved from any penalty, forfeiture, or claim for liquidated damages under his certain contract with the United States of America, dated on or about the 13th day of July, 1908, for the erection and completion of ordnance barracks at the Sandy Hook Proving Grounds, New Jersey, and that the Secretary of the Treasury be authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Daniel J. Ryan the sum of $770, in full for the amount due him under the contract for liquidated damages or otherwise.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC PRINTING AND BINDING.

The bill (H. R. 15902) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications was announced as next in order.

Mr. OWEN. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

M. C. BURKE.

The bill (H. R. 57) making an appropriation to M. C. Burke for tax liens held by him on property acquired by the United States, was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to M. C. Burke, the sum of $732.51, for taxes due and unpaid, for which he holds tax liens on lots Nos. 1, 2, 3, 4, 5, and 6, in block No.

143, West Superior, fourth division, in the city of Superior, Douglas County, Wis., which property is now owned by the United States, and upon which the tax liens were outstanding when it acquired the same.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMILY J. BYRD.

The bill (H. R. 14167) for the relief of Emily J. Byrd, was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Emily J. Byrd, of Campton, Wolfe County, Ky., widow of William A. Byrd, the sum of $1,000 on account of the murder of her husband while in the discharge of his duty as deputy United States marshal for the eastern district of Kentucky.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. O. MODISETTE.

The bill (H. R. 12780) to provide for the payment of the claim of J. O. Modisette for services performed for the Chickasaw Indians of Oklahoma was considered as in Committee of the Whole. It authorizes the Commissioner of Indian Affairs to investigate the claim of J. O. Modisette, of Jennings, La., amounting to $270, alleged to be due as tuition for instructing certain Chickasaw pupils, and, in his discretion, to pay such claim wholly or in part from funds on deposit in the Treasury of the United States to the credit of the Chickasaw Nation.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

F. W. THEODORE SCHROETER.

The bill (H. R. 9701) for the relief of F. W. Theodore Schroeter was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment to insert at the end of the bill "*Provided*, That in case of the death of the claimant payment of such claim shall be made to his legal representatives," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to F. W. Theodore Schroeter, out of any funds in the Treasury not otherwise appropriated, the sum of $1,397.66, to compensate him for injuries received while in the employ of the Government of the United States on the Panama Canal September 28, 1907: *Provided*, That in case of the death of the claimant, payment of such claim shall be made to the legal representatives.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

VANCE PARK, CHARLOTTE, N. C.

The bill (S. 6403) donating the old iron fence around Vance Park, Charlotte, N. C., to the Mecklenburg Declaration of Independence Chapter, to be placed around Craighead Cemetery, near Sugar Creek Church, in Mecklenburg County, was considered as in Committee of the Whole. It provides that the old iron fence around Vance Park, in the city of Charlotte, N. C., now being removed in the construction of a United States post-office and courthouse building, is hereby donated to the Mecklenburg Declaration of Independence Chapter, Daughters of the American Revolution, Charlotte, N. C., for the purpose of being placed around the historic revolutionary Craighead Cemetery, near Sugar Creek Church, in Mecklenburg County.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT HANOVER, PA.

The bill (H. R. 12464) providing for the expenditure of part of the unexpended balance of the appropriation of $10,000 made by the urgent deficiency bill of October 22, 1913, for the completion of the post-office building at Hanover, Pa., was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to expend so much of the unexpended balance of the appropriation of $10,000 made by the urgent deficiency act of October 22, 1913, for the completion of the post-office building at Hanover, Pa., as he may deem proper for enlarging the site of the building, for incidental grading in connection with such enlarged site, and for miscellaneous items necessary in connection with the completion of the building.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT HUNTINGDON, TENN.

The bill (H. R. 15000) authorizing the Secretary of the Treasury to disregard section 33 of the public buildings act of March 4, 1913, as to site at Huntingdon, Tenn., was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to disregard that portion of section 33 of the public buildings act approved March 4, 1913, which requires that the Federal building site selected at Huntingdon, Tenn., shall be bounded on at least two sides by streets.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOTTIE RAPP.

The bill (H. R. 3430) for the relief of Lottie Rapp was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $720 to Lottie Rapp, because of the death of her husband, August R. Rapp, on the 1st day of October, A. D. 1910, caused by injuries received by him on September 30, 1910, while employed by the United States Government at Battle Mountain Sanitarium, S. Dak., while operating an electric bread mixer, in which he was caught and crushed: *Provided*, That no agent, attorney, firm of attorneys, or any persons engaged heretofore or hereafter in preparing, presenting, or prosecuting this claim shall directly or indirectly receive or retain for such service in preparing, presenting, or prosecuting such claim, or for any act whatsoever in connection with this claim, any fee or compensation whatsoever.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossd, and the bill to be read a third time.

The bill was read the third time, and passed.

WILLIAM A. WALLACE.

The bill (H. R. 12229) for the relief of William A. Wallace was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 1, line 9, after the date "1861," to insert "*Provided*, That no back pay, bounty, pension, or other emolument shall accrue prior to the approval of this act"; so as to make the bill read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, William A. Wallace, who was a private in Company E, Thirteenth Regiment New York Volunteer Militia, shall hereafter be held and considered to have been mustered into service of the United States as a private of said company and regiment on the 23d day of April, 1861: *Provided*, That no back pay, bounty, pension, or other emolument shall accrue prior to the approval of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

CREEK INDIANS.

The bill (S. 4602) to pay the balance due the loyal Creek Indians on the award made by the Senate on the 16th day of February, 1903, was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, the sum of $600,000, to be paid and disbursed as herein provided; the amount being the balance and final payment due the loyal Creek Indians on the award made by the Senate on the 16th day of February, 1903, said award being made in pursuance of the provisions of section 26 of an act to ratify and confirm an agreement with the Muskogee or Creek Tribe of Indians, and for other purposes, approved March 1, 1901; the payment to be made in accordance with the terms and provisions of the award as the same appears on page 2252 of the CONGRESSIONAL RECORD, volume 36, part 3, Fifty-seventh Congress, second session. The Secretary of the Treasury being hereby authorized and directed to pay, under the direction of the Secretary of the Interior, to the loyal Creek Indians and freedmen named in articles 3 and 4 of the treaty with the Creek Nation of Indians of June 14, 1866, the sum of $600,000 to be paid to the Indians and freedmen only whose names appear on the list of awards made in their behalf by W. B. Hazen and F. A. Field, as commissioners on behalf of the United States to ascertain the losses of said Indians and freedmen as provided in said articles 3 and 4; and such payments shall be made in proportion of the awards as set out in said list; and that the sum shall be accepted by the Indians in full payment and satisfaction of all claims and demands growing out of the loyal Creek claims, and the payment thereof shall be a full release of the Government from any such claim or claims; and that if any of the loyal Creek Indians or freedmen whose names are on the list of awards shall have died, then the amount or amounts due such person or persons, respectively,

shall be paid to their heirs or legal representatives; and that the Secretary of the Treasury is authorized and directed to first withhold from the amount herein appropriated and pay to S. W. Peel, at Fayetteville, Ark., the attorney of the loyal Creeks and freedmen, a sum equal to 10 per cent of the amount herein appropriated, as provided for by written contract between S. W. Peel and the claimants herein, the same to be payment in full for all legal and other services rendered by him, as provided for by the contract, or those employed by him, and for all disbursements and other expenditures had by him in behalf of said claimants, in pursuance of said contract; and that said Secretary of the Treasury is authorized and directed to pay to David M. Hodge, a Creek Indian, of Tulsa, in the Creek Nation, a sum equal to 5 per cent of the amount herein appropriated, which payment shall be in full for all claims of every kind made by said David M. Hodge, or by those claiming under him, by reason of any engagement, agreement, or understanding had between him and the said loyal Creek Indians.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TUSCARORA INDIANS.

The bill (H. R. 14196) authorizing the Tuscarora Nation of New York Indians to lease or sell the limestone deposits upon their reservation was announced as next in order.

Mr. ROBINSON. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

INDIAN RESERVATIONS IN NEBRASKA.

The bill (H. R. 9899) to authorize the laying out and opening of public roads on the Winnebago, Omaha, Ponca, and Santee Sioux Indian Reservations in Nebraska was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment to add a new section, to be known as section 2, so as to make the bill read:

Be it enacted, etc., That the legal road authorities, charged with the duty of laying out and opening public roads and highways under the laws of the State of Nebraska, having jurisdiction over any territory embraced within the Winnebago Indian Reservation, the Omaha Indian Reservation, the Ponca Indian Reservation, and the Santee Sioux Indian Reservation in the State of Nebraska, are hereby authorized and empowered to lay out and open public roads within any of the said Indian reservations in conformity to and in accordance with the laws of the State of Nebraska relating to the laying out and opening of public roads, and that any public road when so laid out and opened shall be deemed a legal road: *Provided,* That such road authorities shall, in addition to notifying the landowners as provided in the State laws, likewise serve notice upon the superintendent in charge of the restricted Indian lands upon which it is proposed to lay out a public road, and shall also furnish him with a map drawn on tracing linen showing the definite location and width of such proposed road, and no such road shall be laid out until after it has received the approval of such superintendent.

SEC. 2. That the legal authorities charged with the duty of laying out and opening public roads and highways under the laws of the State of Montana, having jurisdiction over any territory embraced within any Indian reservation in Montana, are hereby authorized and empowered to lay out and open public roads within any of the said Indian reservations in conformity to and in accordance with the laws of the State of Montana relating to the laying out and opening of public roads, and that any public road when so laid out and opened shall be deemed a legal road: *Provided,* That such road authorities shall, in addition to notifying the landowners as provided in the State laws, likewise serve notice upon the superintendent in charge of the restricted Indian lands upon which it is proposed to lay out a public road, and shall also furnish him with a map drawn on tracing linen showing the definite location and width of such proposed road, and no such road shall be laid out until after it has received the approval of such superintendent.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

Mr. NORRIS. Mr. President, I move that the Senate insist on its amendments, request a conference with the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. ASHURST, Mr. MYERS, and Mr. CLAPP conferees on the part of the Senate.

AMENDMENT OF FEDERAL RESERVE ACT.

Mr. OWEN. Mr. President, referring to Order of Business No. 749, House bill 15038, I move that the Senate insist upon its amendments, request a conference with the House, and that the Chair appoint the conferees.

The motion was agreed to; and the Presiding Officer appointed Mr. OWEN, Mr. HITCHCOCK, and Mr. NELSON conferees on the part of the Senate.

BILLS PASSED OVER.

The bill (S. 7261) to amend sections 4421, 4422, 4423, 4424, and 4498 of the Revised Statutes of the United States, and section 12 of the act of May 28, 1908, relating to certificates of inspection of steam vessels was announced as next in order.

Mr. STONE. Let that bill go over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 6217) to increase the efficiency of the Organized Militia, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 7046) providing for the purchase of lands for an aviation school was announced as next in order.

Mr. CHAMBERLAIN. That matter has been arranged for in the Army appropriation bill. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 6966) to authorize the maintenance of organizations of the mobile army at their maximum strength and to provide an increase of 1,000 officers was considered as in Committee of the Whole.

Mr. BRISTOW. I ask that that bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

CHARLES H. RAYFIELD, ALIAS CHARLES H. CZARNOWSKY.

The bill (H. R. 13123) for the relief of Charles H. Rayfield, alias Charles H. Czarnowsky, was considered as in Committee of the Whole. It provides that in the administration of the pension laws Charles H. Rayfield, alias Charles H. Czarnowsky, shall hereafter be held and considered to have been in the military service of the United States as drummer of Company B, Fifth Regiment New York Volunteer Heavy Artillery, from the 12th day of August, 1863, to the 20th day of April, 1864, and to have been discharged honorably as such on the latter date, and that this act shall not confer upon him any right to pay annuities, pensions, or other emoluments which might otherwise accrue to him from such service.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OREGON AGRICULTURAL COLLEGE CADET CORPS.

The bill (S. 5104) to authorize the Secretary of War to furnish certain transportation to the Oregon Agricultural College Cadet Corps by a United States Army transport was considered as in Committee of the Whole. It authorizes the Secretary of War to furnish transportation to the Oregon Agricultural College by a United States Army transport, to be used for transporting the Oregon Agricultural College Cadet Corps from Portland, Oreg., or Astoria, Oreg., to San Francisco, Cal., and return for the purpose of visiting, as a military body organized and instructed under present law and regulations, the Panama-Pacific International Exposition during the first two weeks in May, 1915, and that all expenses incident to the use of said transport after embarkation of said cadet corps and while on board shall be borne by the Oregon Agricultural College, and that the said college will indemnify the War Department for any damage done to any part or parts of such transport not necessarily incident to such use, and that no person or persons will be permitted to take part in such trip who are not members of the Oregon Agricultural College Cadet Corps doing full duty or who are not authorized by the professor of military science and tactics of the college or by the Secretary of War to accompany the cadet corps as part of the instructional force of the military department of the college.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THANKS OF CONGRESS—ISTHMIAN CANAL COMMISSION.

The bill (H. R. 16510) to provide for recognizing the services of certain officers of the Army and Navy, late members of the Isthmian Canal Commission, to extend to them the thanks of Congress, to authorize their promotion, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That the thanks of Congress are hereby extended to the following officers of the Army and Navy of the United States who, as members of the late Isthmian Canal Commission, have rendered distinguished service in constructing the Panama Canal, to wit: Col. George W. Goethals, chairman and chief engineer; Brig. Gen. William C. Gorgas, sanitary expert; Col. H. F. Hodges; Lieut. Col. William L. Sibert; and Commander H. H. Rousseau.

SEC. 2. That the President is hereby authorized, by and with the advice and consent of the Senate, to advance in rank Col. George W. Goethals to the grade of major general of the line, United States Army; Brig. Gen. William C. Gorgas to the rank of major general in the Medical Department, United States Army; Col. H. F. Hodges and Lieut. Col. William L. Sibert to the grade of brigadier general of the line, United States Army; and Commander H. H. Rousseau to the grade of captain, United States Navy.

SEC. 3. That such officers of the Army and Navy as were detailed for duty with the Isthmian Canal Commission on the Isthmus of Panama for more than three years, and who shall not have been

advanced in rank by any other provision of this bill, shall be advanced one grade in rank upon retirement: *Provided*, That any officer of the Army or Navy now on the retired list with similar service shall be immediately advanced one grade in rank on the retired list of the Army or Navy.

SEC. 4. That the President is further authorized, by and with the advice and consent of the Senate, to appoint such officers of the Public Health Service as were detailed for duty with the Isthmian Canal Commission on the Isthmus of Panama for more than three years to the grade next above that at present held by such officers.

SEC. 5. That the numbers in such grades provided for in sections 2 and 4 of this act, except where vacancies occurring in any grade by the provisions of this act can be filled by such officers in a lower grade as are entitled to the benefits of this act, shall be temporarily increased during the time such offices may be held: *Provided*, That the officer who may be advanced and appointed major general in the Medical Department, United States Army, shall thereupon become the head of such department, and the operation of so much of section 26 of the act of February 2, 1901, as limits the term of office of the head of the Medical Department, United States Army, shall be suspended during the incumbency of the head of the department who may be appointed under this act: *Provided*, That whenever the head of the Medical Department appointed under the provisions of this act shall become separated from the active list of the Army, by retirement or otherwise, the extra office or grade to which he shall have been so advanced or appointed shall cease and determine, and thereafter the rank of the head of the Medical Department, United States Army, shall be that of a brigadier general: *Provided further*, That nothing in this act shall operate to interfere with or retard the promotion to which any officer would be entitled under existing law: *And provided further*, That the officers advanced to higher grades under this act shall be junior to the officers who now rank them under existing law when these officers have reached the same grade.

SEC. 6. That at any time after the passage of this act any officer of the Army or Navy to be benefited by the provisions of this act may, on his own application, be retired by the President at 75 per cent of the pay of the rank upon which he is retired.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill to provide for recognizing the services of certain officers of the Army, Navy, and Public Health Service for their services in connection with the construction of the Panama Canal, to extend to certain of such officers the thanks of Congress, and for other purposes."

Mr. CHAMBERLAIN. I move that the Senate insist on its amendments, ask for a conference with the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. CHAMBERLAIN, Mr. HITCHCOCK, and Mr. DU PONT conferees on the part of the Senate.

CHARLES G. GRIFFA.

The bill (S. 3892) for the relief of Charles G. Griffa was considered as in Committee of the Whole. It provides that in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Charles G. Griffa, now a resident of Oregon, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company B, Ninety-third Regiment Ohio Volunteer Infantry. But no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INDIAN APPROPRIATIONS.

The PRESIDING OFFICER. The hour of 12 o'clock having arrived, the Chair lays before the Senate the unfinished business, the Indian appropriation bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20150) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1916.

The PRESIDING OFFICER. The pending question is on the long amendment beginning on page 42, line 22, and ending at line 13, page 51.

Mr. SMOOT. Mr. President, I think the pending question is an amendment offered to the amendment by the Senator from Montana [Mr. MYERS], at line 14, page 50, following the word "owed."

The PRESIDING OFFICER. The Chair will state that that amendment was agreed to.

Mr. SMOOT. I beg to disagree with the Chair.

Mr. MYERS. It was agreed to by a viva voce vote.

The PRESIDING OFFICER. The Chair so held.

Mr. SMOOT. I was speaking upon the question the time the bill was laid aside. I do not see how it could have been agreed to when I was speaking upon the question. The Chair stated that the hour of 8 o'clock had arrived, when the unanimous-consent agreement relative to an executive session became operative. I move to reconsider the vote by which the amendment offered by the Senator from Montana to the amendment was agreed to.

Mr. MYERS. I should like to ask the Senator from Utah his object in that. Does he want to amend it further, or what is his object?

Mr. SMOOT. It is not to amend it further. I think it is legislation upon an appropriation bill. I think it is unnecessary in this appropriation. The Senate struck out lines 14, 15, and 16 of the bill, and the amendment offered by the Senator from Montana was to the same purpose but in words a little different.

Mr. PENROSE. May I be permitted a parliamentary inquiry, if the Senator from Utah will yield for a moment?

Mr. SMOOT. Certainly.

Mr. PENROSE. We have a new Presiding Officer in the Chair, and I should like to have a distinct understanding before any Senators leave the Chamber as to what consent agreement we are working under. Am I correct in the statement that nothing can now be considered except the Indian appropriation bill until 1.30 o'clock, when the Senate will take a recess until 11 o'clock to-morrow?

Mr. SMOOT. Not later than 1.30 o'clock.

The PRESIDING OFFICER (Mr. ROBINSON in the chair). The Senator is correct in his statement. Only the Indian appropriation bill is in order until 1.30 o'clock under the unanimous-consent agreement, and then the Senate will take a recess until 11 o'clock.

Mr. PENROSE. No other business in the nature of reports can come up.

The PRESIDING OFFICER. The Chair has so stated.

Mr. MYERS. I wish to make a remark on the motion to reconsider. The amendment is essentially different from the part that went out on the point of order raised by the Senator from New Mexico [Mr. FALL]. My amendment confines the provision entirely to three Indian reservations in the State of Montana—the Flathead, Fort Peck, and Blackfeet Reservations—and makes it strictly local and can not apply to anything else. It can not apply in any other State than Montana, and therefore it is essentially different in substance. It was submitted to a number of Senators here on the floor on both sides, and they all said that it was agreeable to them. It was discussed at length, and I hope that it will not be reconsidered.

Mr. SMOOT. I had the amendment in my hands when 8 o'clock arrived.

Mr. CLARK of Wyoming. The amendment applies only to water rights heretofore acquired upon these three reservations.

Mr. MYERS. That is it exactly. It was discussed at considerable length, and I hope it will not be reconsidered.

Mr. SMOOT. That is what I was stating when the hour of 8 o'clock arrived. I had the proposed amendment in my hands for the purpose of reading it to determine exactly what the amendment was.

If the Chair will indulge me just a moment, I will read the amendment hurriedly, and then I may have no further objection to it. [After a pause.] I have no objection to the amendment, Mr. President. It changes the other amendment entirely.

The PRESIDING OFFICER. Without objection, the amendment to the amendment of the committee is agreed to, and the question is on the amendment of the committee as amended.

Mr. STERLING. May I ask what is the amendment?

The PRESIDING OFFICER. It is the long committee amendment from the bottom of page 42, line 22, and extending down to line 13, on page 51.

Mr. STERLING. I move an amendment to the amendment. In line 16, page 46, I move to strike out "$686,996.81" and to insert in lieu thereof "$500,000."

The PRESIDING OFFICER. The Senator from North Dakota moves an amendment to the amendment, which the Secretary will read.

The SECRETARY. On page 46 of the committee amendment, line 16, strike out "$686,996.81" and in lieu thereof insert "$500,000."

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

Mr. MYERS. Mr. President, I hope that amendment will not prevail. This was discussed for several hours this afternoon and documents were read showing that the Reclamation Service and the Indian Bureau approve of this sum, $686,996.81. It was discussed in extenso. I think it was conclusively proven that this amount of money is actually needed for this project. White settlers have been living there five years and have been simply up against starvation for the lack of water for their lands. They are good citizens and good people, who have taken their all. Some of them have invested as much as $5,000 in

their claims and made substantial improvement. Some of them have labored and toiled there for five years, and unless they can get their water on the land this year I am informed by many letters and telegrams that a great many settlers will have to move off, losing their all, losing their toil for five years and their homes, and simply strike the road and go out into the world and start life over. It is equally beneficial to the Indians, because the sooner the water is put on the land the sooner the whites will pay for it and the sooner the Indian will get his money back.

This is the first time in years that this project has had a chance to get a fair and adequate appropriation. They have been struggling along on $200,000 and $300,000 a year, when the Reclamation Service has year after year insisted that they ought to have at least $600,000. This year a claim was made that they could well use $1,880,000 on the project. Therefore I hope the amendment to the amendment will not prevail.

Mr. STERLING. Mr. President, the discussion this afternoon, I think, developed the fact that in 1913 there was $250,000 appropriated for this project; in 1914, $200,000; and out of the appropriations heretofore made there was left $186,996.81. On the 1st of July, 1914, the beginning of this fiscal year, the item referred to, which I seek to amend, reappropriates the $186,996.81 and appropriates $500,000 additional.

Mr. President, in view of what has been used heretofore and in view of the other appropriations in this bill for Indian irrigation projects, I think $500,000, all told, is a reasonable appropriation and will meet a reasonable need and will be probably as much as will be used within the next year.

Mr. WALSH. I move to lay the amendment to the amendment on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the amendment of the committee as amended.

Mr. PAGE. Mr. President, to my mind we are at this late hour of the night and with only a very few Senators present, not a quorum, seeking to pass some of the most important legislation that can come before the Senate on this appropriation bill. It seems to me that the Senator makes a mistake in trying to force this legislation through at this hour with only a few Senators present here, after the Vice President has said in so many words that this whole matter is one network of legislation upon an appropriation bill. I do not know that that is his language, but it is substantially what he said. No one can doubt as to its being legislation. Take, for instance——

Mr. WALSH. Mr. President, an inquiry.

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Montana?

Mr. PAGE. I do, with pleasure.

Mr. WALSH. I should like to have the Senator state frankly whether what he now denounces as general legislation is not there because he wanted it there.

Mr. PAGE. Mr. President, I can say frankly to the Senator that I was willing to have this change made to a certain extent. In other words, if the Indians were fully protected and safeguarded, I was willing to have a change made from an appropriation reimbursable to one which was paid for out of the Treasury.

Mr. WALSH. Another question, Mr. President.

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Montana?

Mr. PAGE. I do.

Mr. WALSH. What other provision does the Senator from Vermont want in it to protect them?

Mr. PAGE. I say that I have not had time to investigate the amendment to the amendment which has gone in to-night and which is sought to take the place of the one which went out on a point of order.

Mr. ASHURST. The Senator said in the early part of the evening, having great confidence in the ability and skill of the Senator from Arkansas, he was inclined to accept it and believed it a good one. Has he changed his mind again since that time?

Mr. PAGE. I would be very glad, indeed, to have the RECORD read to show what I said. I have probably that right, but I do not like to pass on the question at this moment. I am quite sure as to my attitude. Is there any question in the mind of the Senator if I raise the point of order that it would be accepted? For instance, here on page 47, line 7:

Provided further, That nothing contained in the act of May 29, 1908 (35 Stat. L., p. 444), shall be construed to exempt the purchaser of any Indian allotment purchased prior to the expiration of the trust period thereon from any charge for construction of the irrigation system—

And so forth.

Are we not changing the law? Is there any question about that? Is there any doubt that we are doing it on an appropriation bill?

Mr. MYERS. May I make a suggestion? I want to say in all candor to the Senator from Vermont that all we are legislating for in this amendment is in regard to the Indians in the State of Montana, and I want to assure him that the language which I have put into the bill, in my judgment, is just the same in substance as the language that went out on the point of order by the Senator from New Mexico, only it confines its operation to Indians in the State of Montana. Now, what more can the Senator want? We are only legislating about that, and if it protects their rights is not the Senator getting what he started out to get, and all he wants?

Mr. PAGE. Since this matter has been under discussion I have heard conversation between others to the effect that this amendment covered certain past transactions. I do not know how far it reaches.

Mr. MYERS. I want to assure the Senator that the United States Government has appropriated sufficient water for this entire reclamation project, and it applies to all those appropriations. So what more can be asked?

Mr. PAGE. I think I have been pretty fair with the Senator from Montana. I have said that I would not interpose any point of order on this matter if I could find the bill satisfactory.

Mr. ASHURST. It is not subject to a point of order.

Mr. PAGE. I understood the matter was brought up this afternoon before the Vice President, and he said it was one mass of legislation on an appropriation bill. There can be no question about it. But now I ask the Senator in all candor if he gets $500,000, the amount he asked for, the amount he said would be right, why not say he will take that, and we will drop this matter in a minute?

Mr. MYERS. Because I have no right to barter away the rights of my constituents in that way. I am not here for that purpose. I am not here to legislate in that way.

Mr. PAGE. I hope the Senator will not press his view.

Mr. MYERS. I gave all my reasons for favoring this entire appropriation this afternoon. I talked for about an hour.

Mr. PAGE. The Senator knows that I do not want to raise a point of order on this measure. I think the measure calls for too much money.

Mr. MYERS. Surely the Senator would not raise a point of order on the amendment.

Mr. FALL. May I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from New Mexico?

Mr. PAGE. With pleasure.

Mr. FALL. Does the Senator think there should be any money at all appropriated for this enterprise?

Mr. PAGE. I wish I was certain that the money appropriated here could not be so used as to result in loss to anybody. I am not absolutely certain about it. I hope it is all right; but I wish I could feel that we should appropriate a half million dollars this year and then another half million the next year if it pans out as I hope it will.

Mr. FALL. But, as I understand, the Senator would vote to appropriate $500,000 instead of $686,000?

Mr. PAGE. I would, sir.

Mr. FALL. Then, if the Senator can make up his mind that he will vote to appropriate any amount of money whatsoever, I can not conceive why the Senator will not vote to appropriate every dollar that he thinks is necessary to complete this enterprise. I can not understand upon what information the Senator bases his idea that the $187,000 additional will not be necessary to complete the enterprise. If it is necessary, and if the Senator is willing to vote $1, if it is not a matter of principle with him to vote against every dollar of this appropriation, unless he can show me that this entire amount asked is not necessary, I shall vote the entire amount, because I do not favor piecemeal appropriations. If it is necessary to vote for, and if the plans call for, an expenditure of $686,000, or any such sum, I am willing to vote for it. If I think it is not necessary, that that money is not going to be well expended, I shall not vote for any of it. I will either vote what I think is properly applicable to this enterprise or I will not vote anything.

Mr. PAGE. Will the Senator allow me the same privilege?

Mr. FALL. Certainly.

Mr. PAGE. Very well.

Mr. FALL. But I was asking the Senator from Vermont really for information. I want to know on what point the Senator bases his idea that an appropriation of $500,000 is all

right and that an appropriation of $680,000 is not? If the amount has been estimated for, and if the engineers have agreed that it is correct, I go by the engineers; I take their statement for what it is worth or I do not take it at all. I form my own judgment. Now, on what does the Senator form his judgment that an appropriation of $500,000 is justifiable and that an appropriation of $686,000 is not?

Mr. PAGE. I found it upon the hearings before the committee, in which the Senators from Montana came before the committee and interrogated the assistant commissioner, Mr. Meritt. He said, "I think $500,000 is what we ought to have," and they said, "All right, we will agree to $500,000"; and nothing was said, nor was there a suggestion of anything more than $500,000 until days and days afterwards.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Wyoming?

Mr. PAGE. I do.

Mr. CLARK of Wyoming. I think I appreciate somewhat the feeling of the Senator from Vermont. I want to say to him, however, that the amendment proposed by the Senator from Montana has removed what objection I had to that paragraph; and I think, perhaps, if the Senator from Vermont had a little time to look into it and think it over he might be brought to the same conclusion to which I am brought. I ask the Senator from Montana if it would not be agreeable to him and to the Senator from Vermont to let this matter go over with the other two items until to-morrow and see if an agreement can not be reached on it upon further consideration? I think perhaps we might save time upon the bill in that way.

Mr. PAGE. That would be very satisfactory to me, Mr. President. I stated to-night that I think it is wrong to consider this very important matter—at least it seems to me important—when we have here only a very few Senators. All any Senator need to do would be to suggest the absence of a quorum, and that would end the matter

The PRESIDING OFFICER. The Senator from Wyoming asks unanimous consent that the vote on the committee amendment as amended be postponed until to-morrow. Is there objection?

Mr. WALSH. I should have no objection to doing that if we could agree upon an hour at which to vote. I shall not object to it if we can get an agreement to vote upon the entire matter not later than 12 o'clock.

Mr. PAGE. At what time does the Senate meet to-morrow?

Mr. WALSH. At 11 o'clock.

Mr. CLARK of Wyoming. Of course, Mr. President, my suggestion is made only with the hope of expediting the consideration of the bill. Inasmuch as the Senator from Vermont does not seem to have had his objections removed, I think they can be removed quicker in private conversation than they can on the floor of the Senate.

Mr. PAGE. I can say to the Senator from Wyoming now that, so far as I am concerned, I withdraw all objection if we can have to-morrow until 12 o'clock to vote and think it over. I can not, of course, pledge anybody else; but so far as I am concerned, I at once say "Amen" to what is proposed.

Mr. WALSH. I do not undertake to bind any Senator who is not here.

Mr. CLARK of Wyoming. Of course, Mr. President, while to suggest a unanimous-consent agreement to vote on a bill or joint resolution at a certain time would require a roll call to establish the presence of a quorum, I presume we could enter into a unanimous-consent agreement to vote on an amendment without taking that action.

The PRESIDING OFFICER. Is there objection to the request?

Mr. WALSH. Will the Chair now state the agreement?

The PRESIDING OFFICER. As the Chair understands the request for unanimous consent, it is that the vote on the committee amendment as amended be postponed until to-morrow, and that the vote be then taken thereon not later than 12 o'clock.

Mr. WALSH. I hardly think that would do. There might be other amendments to be proposed.

Mr. CLARK of Wyoming. There might be other amendments still to be proposed to the committee amendment.

Mr. MYERS. Then I suggest that the Senate, not later than 12 o'clock to-morrow, without further debate, take a vote on this committee amendment as amended and on all amendments offered to it and pending at that hour.

Mr. CLARK of Wyoming. Mr. President, my suggestion only referred to the difference between $500,000 and $686,000—to that particular part of the amendment.

Mr. MYERS. I want to make it broad and comprehensive. The Senator from Wyoming himself suggested that there might be further amendments then pending.

Mr. CLARK of Wyoming. I say there might be other amendments that might require discussion. My request was that the whole amendment be passed over until that time.

Mr. MYERS. I think the unanimous-consent agreement was that we take a recess until 10 o'clock to-morrow morning.

Mr. CLARK of Wyoming. Until 11 o'clock.

Mr. MYERS. Then, that would give one hour for further discussion of this and any other amendments that there might be.

Mr. WALSH. Would the Senator from Wyoming think that adequate time?

Mr. CLARK of Wyoming. So far as I am concerned it would be, but there are perhaps other Senators who might want to propose further amendments to this provision.

Mr. MYERS. There would be one hour in which to do it.

Mr. PAGE. I shall not be surprised if there is considerable discussion desired on this bill to-morrow; but I will say that, so far as I am concerned, I would be glad to withdraw my opposition if we can have an hour's debate in the morning.

Mr. MYERS. Well, I ask unanimous consent for the request that I have made, as I have stated it, that not later than 12 o'clock to-morrow, without further debate after that hour, we proceed to vote on this amendment and pending amendments to it.

Mr. GRONNA. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. GRONNA. Would it not require a call of the roll to establish the presence of a quorum to enter into any unanimous-consent agreement?

The PRESIDING OFFICER. The Chair thinks not.

Mr. MYERS. It does not require the calling of the roll to enter into a unanimous-consent agreement as to an amendment to a bill, as I understand.

The PRESIDING OFFICER. The Chair thinks not.

Mr. LA FOLLETTE. Mr. President, I think a number of Senators have left the Chamber for the night who are interested in many of the features of this portion of the bill. I think they left under the impression that no unanimous-consent agreement for closing the debate would be adopted. I think in a way it would be rather an infringement upon their rights, and I do not believe we ought to formulate and adopt any unanimous-consent agreement regarding any of the features of the bill to-night.

The attendance here is very small.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Washington?

Mr. LA FOLLETTE. I do.

Mr. JONES. I will suggest to the Senator that I think most of the Senators who have gone away probably expected that this amendment would be disposed of. It was the amendment we were considering when many of them left, and they naturally did not expect us to stay on that amendment until 1.30 o'clock a. m. without acting upon it. So that I do not think they would be foreclosed.

Mr. LA FOLLETTE. I do not agree with the Senator from Washington.

Mr. JONES. That is my idea about it.

Mr. LA FOLLETTE. I have heard some views expressed quite to the contrary.

Mr. WALSH. Mr. President, I should like to say that I am aware that the Senator from Michigan [Mr. TOWNSEND] desired to submit an amendment to another provision of the bill.

Mr. MYERS. Mr. President, if my colleague will yield to me for a moment, I desire to say that my request only applies to this long amendment that is now before the Senate, and nothing else—the Montana item.

Mr. SMOOT. May I ask the Senator from Montana if he will not confine his request to the amendment offered——

Mr. LA FOLLETTE. Why not pass over the amendment?

Mr. SMOOT. Just a moment. Why not confine it to the amendment just offered by the Senator from South Dakota [Mr. STERLING]?

Mr. MYERS. That has been laid on the table.

Mr. SMOOT. The Senator says that has been laid on the table.

Mr. MYERS. Yes, sir.

Mr. SMOOT. Then the question is on——

Mr. MYERS. On the committee amendment.

The PRESIDING OFFICER. The question now is on the committee amendment as amended. There are no amendments pending at present but the committee amendment.

Mr. SMOOT. Then, I do not see why that should not go over at the request of Senators. I know of no other amendment that will be offered.

Mr. GRONNA. I want to say to the Senator from Utah that the Senator from Michigan [Mr. TOWNSEND] has an amendment to offer.

Mr. MYERS. That will be offered to another item. My request only applies to the pending amendment. The statement of the Senator from Michigan was that he wanted to offer an amendment to another item of the bill relating to the Crow Indians and not to this amendment at all. It is a different amendment. I am confining my request to this one committee item.

The PRESIDING OFFICER. Is there objection?

Mr. GRONNA. If the Senator will kindly let me finish my statement.

Mr. MYERS. I am pleased to.

Mr. GRONNA. I understood from what the junior Senator from Montana [Mr. WALSH] has said—perhaps I misunderstood him—that the Senator from Michigan [Mr. TOWNSEND] has an amendment which he proposes to offer to the pending amendment.

Mr. WALSH. No, Mr. President; I never was permitted to finish the sentence which I attempted to express. I desire to say to the Senator from the State of Wisconsin that the Senator from Michigan [Mr. TOWNSEND] did desire to offer an amendment in lieu of an amendment found on pages 39 and 40 of the bill, a provision entirely distinct and entirely separate from the amendment now under consideration. It is proposed that we endeavor to get an agreement that a vote be taken upon the adoption of the amendment now under consideration and the amendments thereto.

Mr. GRONNA. I will suggest to both Senators from Montana that we pass this amendment over for to-night. I believe we can save time by so doing. The Senators know that I have had no objection to this amendment. I said that I would vote for the full amount, and I shall do so.

Mr. WALSH. I appreciate the good will of the Senator from North Dakota and his desire to expedite this matter, but the Senator from the State of Vermont occupied a great deal of time this afternoon in the discussion of this particular amendment. I think we have heard about all the Senator can offer upon that subject, and yet I should hate to see to-morrow's session consumed in the discussion of this particular amendment. We have still an hour to-night that we can spend in filibustering on it just as well as not, and if there is not going to be a vote to-morrow, I shall insist upon remaining here until half past 1 to talk about this matter. I trust that we will not do anything so foolish as that.

Mr. FALL. If the Senator will yield to me, I will object to the request for unanimous consent, so that we can go ahead in the discussion of this matter now.

The PRESIDING OFFICER. The question is on the committee amendment as amended.

Mr. PAGE. I understand that——

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Montana?

Mr. PAGE. I do.

Mr. WALSH. I rise to a point of order. The Senator from Vermont has already spoken twice upon this amendment, and I inquire of the Chair whether he is entitled to further recognition upon the amendment?

Mr. PAGE. I have not spoken at all on the motion now before the Senate, I believe.

Mr. WALSH. This is the motion that has been here all the time.

Mr. PAGE. I beg the Senator's pardon; I did not understand him.

Mr. WALSH. This is the motion that has been here all the time—on the adoption of the committee amendment.

Mr. PAGE. The question now is on the adoption of the committee amendment after it has been amended. This is the first time we have had an opportunity to talk about that. But, Mr. President, I do not want to filibuster here, if the Senator thinks that is what I am doing; but I do hope that, in view of the limited number of Senators present to-night, he will be willing to trust this matter to the decision of the Senate to-morrow.

Mr. WALSH. I am willing to trust it. I am perfectly willing that there shall be reasonable debate upon it to-morrow. I have proposed that the debate proceed on the matter for an hour more to-morrow instead of an hour to-night. I am endeavoring to get an agreement that there shall be a vote on this amendment at 12 o'clock to-morrow.

Mr. PAGE. I have said that, so far as I am personally concerned, I would interpose no objection, but I can not speak for those who are not here.

Mr. FALL. I withdraw any objection that I have, Mr. President.

The PRESIDING OFFICER. Is there objection to the request for unanimous consent made by the Senator from Montana that at not later than 12 o'clock to-morrow the Senate proceed to a vote on this amendment and on all amendments thereto?

Mr. JONES. Mr. President, I merely want to know if the Chair understood when we meet to-morrow we shall begin the consideration of this amendment.

Mr. ASHURST. Senators say "to-morrow" when they mean to-day. I do not want any technicality to be interposed, as the Senator from Vermont might be able to do. I want it understood that this is to-day.

Mr. MYERS. I want it understood that this is Tuesday, the 2d day of March, 1915.

The PRESIDING OFFICER. The Chair so understood when he put the request. Is there objection to the request for unanimous consent? The Chair hears none, and the agreement is entered into.

Mr. GRONNA. I understand that we have now finished the Montana items. I wish to offer a committee amendment, which I think the chairman will accept. On page 38, before the word "Montana," I offer the amendment which I send to the desk.

Mr. MYERS. Mr. President, we have not finished the Montana items.

The PRESIDING OFFICER. The Secretary will state the amendment offered by the Senator from North Dakota.

Mr. GRONNA. I offer it anyway, Mr. President.

The PRESIDING OFFICER. The Chair will state that committee amendments only are in order now.

Mr. GRONNA. This is a committee amendment.

The PRESIDING OFFICER. The Chair had no means of knowing as to that except as he was informed by the Secretary. The Secretary will state the amendment.

The SECRETARY. On behalf of the committee Mr. GRONNA proposes the following amendment.

On page 38, after line 14, it is proposed to insert the following:

Mississippi Indians: To enable the Secretary of the Interior to investigate the condition of the Indians living in Mississippi and report to Congress on the first Monday of next December as to their need for additional land and school facilities, $1,000, to be immediately available.

Mr. ASHURST. I hope the committee amendment will be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from North Dakota on behalf of the committee.

Mr. SMOOT. That does not in any way affect the Choctaw Indians in Mississippi, does it?

Mr. ASHURST. Oh, no; not at all, Mr. President.

Mr. GRONNA. Not at all.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment offered by the Senator from North Dakota. Without objection the amendment is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 51, after line 15, to insert:

That section 11 of the act of April 23, 1904 (33 Stat. L., 302), entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," amended by the act of March 3, 1909 (35 Stat. L., 796), be, and the same is hereby, amended so as to read as follows:

"SEC. 11. That merchantable timber on said lands, returned and classified by said commission as timberlands, may be sold by the Secretary of the Interior, under such regulations as he may prescribe; and after the sale and removal of the timber such of said lands as are valuable for agricultural or horticultural purposes shall be sold or opened to homestead entry by the Secretary of the Interior in such manner and under such regulations as he may prescribe: *Provided*, That lands valuable for agricultural or horticultural purposes, heretofore classified as timberlands, may, in the discretion of the Secretary of the Interior, be appraised and opened to homestead entry under regulations prescribed by him, upon condition that homestead entrymen shall at the time of making their original homestead entries pay the full value of the timber found on the land at the time that the appraisement of the land itself is made, except as hereinafter provided such payment to be in addition to the appraised price of the lands apart from the timber, as herein authorized: *Provided further*, That the Secretary of the Interior may in his discretion accept payments in installments for said timber under such terms, conditions, rules, and regulations as he may prescribe."

Mr. CLARK of Wyoming. Mr. President, I hope that that amendment will not be agreed to. I do not want to make a point of order against it, if it can possibly be avoided, although I think it is subject to a point of order. It puts the Government

in the business of stripping the land of timber, if there should happen to be a little timber on the land of the homesteader, and I do not believe it is good legislation. I believe it is putting the Government in the attitude of taking off from a homestead entry or other entry necessary material for the proper equipment of a homestead, and I do not think we ought to change the law in that respect. If it is timberland it ought to be sold as timberland; if it is not properly classified as timberland, it ought to be subject to homestead entry with what little timber there is upon it. I hope the Senator from Arizona will not insist upon the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

Mr. MYERS. Mr. President, I shall say only a word or two about this matter.

There is a great demand by the settlers on the Flathead Reservation for this legislation. I have received a great many letters in favor of it; so has the Departmentof the Interior. It is a departmental provision. It was gotten up by the Department of the Interior, and was thrashed out and deliberated over very carefully in the Indian Committee. I think we spent two or three hours on it, and got it in such shape as to meet the views of the committee.

The Flathead Reservation is a beautiful country, a productive country, a grand country. It is peopled by as good a set of people as any part of the United States—worthy, industrious, law-abiding people. But they must have water on their lands in order to develop them and make a living on them. To them it is home, sweet home. The Government has promised them water on their lands. They are to pay for the water. They pay the cost. It is only a loan. The Government lends the money. It is reimbursable. The settlers repay it.

Let us deal justly with these people. They clamor for justice. Will you deny it? Tardy justice is better than none. Let us legislate for humanity. Vote the full amount, $687,000, and I promise you that you will make sad hearts glad and make a great section of country blossom as a rose and make good citizens and happy homes.

Mr. CLARK of Wyoming. Mr. President, there are scores of millions of acres of timberland in the Rocky Mountain region from which the Government can sell timber. If the Senator from Montana has had my experience, he has found out that right next to anyone of these reserves a man can buy timber from the Government at just exactly the price he would pay for the best Oregon or Washington timber delivered on the ground, and no less. The settler gets his timber for no less, and while some of them might think they would, it is a mistaken hope. I do not want to see the Government, while it is reserving the timber in some sections of the country, stripping the land of timber where some homesteader might want it for use upon the land which he enters as a homestead.

Mr. WALSH. Mr. President, if the Senator from Wyoming will permit me one minute——

Mr. CLARK of Wyoming. Yes.

Mr. WALSH. I happen to have personal knowledge, from observation, of the conditions with which this amendment is intended to deal.

On the Flathead Indian Reservation there are many places, particularly about Flathead Lake, and especially upon the west side of the lake, covered to a very inconsiderable extent with timber. Exactly the same condition exists in the Flathead Valley. I have seen great fields there, growing magnificent crops of grain, with scattered timber still standing in the fields.

The forest opens out into parks. This is beautiful timber, magnificent pine trees, but they are scattered about so that the fields can be cultivated with the trees still standing. Now, that timber is valuable. There may be 160 acres of it, and the timber scattered around may not cover more than 20, 30, or 40 acres, but it is scattered around so that it is found at intervals throughout the entire tract of 160 acres. Much of that land has been classified as timberland, and so it is not open to appropriation at all under the provisions of the homestead law, because the act opening the Flathead Indian Reservation provides for classification into five classes. One of these classes is timberlands, and these timberlands are to be disposed of under the provisions of section 11. Now, many homesteaders would be very glad to go in and take those lands that have been heretofore classed as timberlands, but which it was not desired should be opened to homestead settlers, because there was no provision in the homestead law by which they could pay for the timber and then take advantage of the homestead law. Thus these lands that would grow beautiful annual crops of grain—indeed, sir, that would make the very highest class of fruit lands, because the Flathead Valley and all that country is a wonderful fruit country—these exceedingly valuable lands lie there entirely unproductive now. It is within the power of the Secretary of the Interior to reclassify these lands, and he can classify them, if he desires to do so, as agricultural lands, and thereupon they would be opened to homestead entry, but the Indians would then lose the value which they distinctly have in the timber which is upon them.

This amendment proposes to subject lands of that character to homestead entry, the homestead entryman at the time he makes entry making an agreement to pay for the timber upon the land entirely in cash or in installments; and it seems to me a very beneficent provision.

Mr. CLARK of Wyoming. The statement of the Senator but confirms me in my opinion. Evidently an error has been made in the classification of the lands of which the Senator speaks.

Mr. FALL. If the Senator will allow me for one moment, I wish to call his attention to the fact that the Senator from Montana is stating this amendment as he recalls it, possibly, but there is a provision in the amendment for the sale of these lands. It is not confined to homestead entries. That is, after the timber is cut off they can be either sold or entered as homestead entries. They can be sold. Now, does the Senator understand that being classified as timberlands they are not subject to sale or entry at all, but must be retained as timberlands?

Mr. WALSH. I have the act here before me.

Mr. CLARK of Wyoming. I have the act here, too, but I think the Senator is a little mistaken.

Mr. FALL. I may be.

Mr. CLARK of Wyoming. There are two classes of lands mentioned in this amendment. There is one class of lands that are absolutely timberland. Now, they may or may not be valuable for agriculture. The Secretary is authorized to sell the timber on that class of lands, and thereafter he may either sell them at public sale or allow homestead entry upon the lands. The other class of lands comprises those that have just been referred to by the Senator from Montana, lands that upon their face are valuable for agriculture. Now, those lands are also classified as timberlands. I believe, as evidently the Senator from Montana believes, that there was an erroneous classification; that they ought not to have been classified as timberlands.

Mr. FALL. But this provision is "that lands valuable for agricultural or horticultural purposes, heretofore classified as timberlands, may, in the discretion of the Secretary of the Interior, be appraised and opened to homestead entry under regulations prescribed by him."

Mr. CLARK of Wyoming. Yes; but first the Government is to remove the timber.

Mr. WALSH. No.

Mr. CLARK of Wyoming. I think so; or to sell the timber; compel the homesteader to pay for the little timber there is on his land.

Mr. WALSH. Exactly.

Mr. CLARK of Wyoming. There may be a hundred dollars' worth of timber upon his land; there may be $200 worth; there may be 10 acres. When I was a boy, while I never was a farmer—I guess I am the only man in the Senate who was not—I remember that one of the valuable assets of a farm in the country that I came from was a little timber lot where the farmer could go and get his winter's supply of wood. Now, why on earth we should go into the commercial business of selling timber simply because a man has a hundred or two hundred dollars' worth of timber upon his homestead entry I can not imagine; and, besides, the Indians may not be defrauded of any of the value of that land, because all of this land, as I understand, is appraised before it is subject to be taken up. Am I not right in that?

Mr. WALSH. It has been appraised, and, of course, it is subject to reappraisement.

Mr. CLARK of Wyoming. It is subject to reappraisement and reclassification. Simply from the fact that a mistake has been made in the classification I do not think we ought to attempt to remedy that mistake by putting the Government into the business of a lumber agent.

I do not know that I have anything further to say.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. GRONNA. I want to ask the Senator from Montana if he would have any objection to inserting the word "chiefly" after the word "lands" in line 9, so as to read:

Provided, That lands chiefly valuable for agricultural or horticultural purposes—

And so forth.

Mr. WALSH. I desire to say to the Senator that that would really destroy the effect of it, because presumably lands that are chiefly valuable for agricultural or horticultural purposes have already been classified as such.

Mr. GRONNA. I see.

Mr. WALSH. It is those lands that are chiefly valuable for the timber that is on them, but that still have a great value for agricultural purposes, that we desire to reach by this bill. However——

Mr. GRONNA. Then let me inquire of the Senator if he would have any objection to striking out the word "merchantable," in line 1, and inserting in lieu thereof the words "matured, dead, and down," so as to read:

That matured, dead, and down timber—

And so forth. I am simply asking for information.

Mr. WALSH. That is in the first part of the section?

Mr. GRONNA. Yes.

Mr. WALSH. Perhaps we would understand this better if I read section 11 as it is in the original act.

Mr. GRONNA. Very well.

Mr. WALSH. It is as follows:

That all of said lands returned and classified by said commission as timberlands shall be sold and disposed of by the Secretary of the Interior under sealed bids to the highest bidder for cash, or at public auction, as the Secretary of the Interior may determine, under such rules and regulations as he may prescribe.

Mr. GRONNA. Does that mean the land or the timber?

Mr. WALSH. That is the land.

That all of said lands returned and classified by said commission as timberlands.

I should have no objection——

Mr. GRONNA. The first part of this amendment, beginning with line 1 and ending with line 8, has reference only to the sale of timber, as I understand it, and not the land.

Mr. WALSH. No, sir. I should have no objection to the change suggested by the Senator from North Dakota.

Mr. GRONNA. I suppose the amendment is in order, to perfect the amendment of the committee.

Mr. CLARK of Wyoming. I think that would destroy the purpose of the amendment, as I have it.

Mr. WALSH. No; I think not, because there will not be any sold except in cases where the timber is matured.

Mr. CLARK of Wyoming. But undoubtedly there are quantities of timber there that is not matured, and it would still be timberland, and you could only sell the matured timber.

Mr. WALSH. Really, I do not see why the Senator from North Dakota should want to make that change.

Mr. GRONNA. Since the Senator has asked the question, I will say to him that I want to protect the timber that is not matured. The Senator from Montana stated before the committee that there were lands which were valuable as timberlands, there were lands up on the high hills—I think that is the way he described them—and those lands are chiefly or practically valuable only as timberlands.

Mr. WALSH. They have no value except for that.

Mr. GRONNA. I take it that it would be in the interest not only of these Indians but also of the people of Montana to protect the young timber. All timber is merchantable, and I think it would be better, and I think it would be a wise provision, to permit the Secretary of the Interior to sell only the matured, dead-and-down timber. That would protect the forests.

Mr. CLARK of Wyoming. Of course, if the purpose of the amendment is that this land shall not be disposed of, the proposed amendment would answer that purpose very admirably.

Mr. GRONNA. We are not disposing of the land in this amendment; only the timber.

Mr. CLARK of Wyoming. Oh, no; you are disposing of both. It provides that the timber shall be first disposed of, and then the land may be entered or sold under the homestead act. If the Senator will notice, it runs down to the middle of line 8:

And after the sale and removal of the timber such of said lands as are valuable for agricultural or horticultural purposes shall be sold or opened to homestead entry by the Secretary of the Interior in such manner and under such regulations as he may prescribe.

Mr. GRONNA. That is true; but I still think it would be wise to permit only the sale of the matured timber, for evidently these lands are valueless for agricultural purposes. It was only my desire to protect the forests.

I offer the following amendment: Strike out the word "merchantable" and insert in lieu thereof the words "matured, dead, and down."

Mr. FALL. Mr. President, if that amendment is adopted, that would leave this land then in the position that matured, dead, and down timber should be sold off of it, and that the remaining timber would then become the property of the homesteader. That is the object of the Senator, is it? That would be the result of it, because it would be subject to homestead entry, and the homestead entryman would acquire the lands with the timber on them.

Mr. GRONNA. Exactly.

Mr. FALL. That is the object?

Mr. GRONNA. That is the object.

Mr. FALL. It strikes me that if the desire is to have these lands entered as homestead lands the end can be very much more readily reached by simply amending the old act, under which it is provided that these lands shall be thrown open, by striking out the exception with reference to timberlands and striking out section 11 of the old act, which provides for the sale of timberlands aside from those in homesteads. That would leave timberlands and all to be classified as homesteads, but the price to be put upon them in the discretion of the Secretary of the Interior and the President, so that homestead entry should be allowed there upon the timberlands, but at a price to be fixed. The homestead entryman here under this old law is to pay for his homestead entry. He does not get it free, as he would on the public domain, by residing upon it, but he gets it by paying the appraised price—one-fifth, I believe it is—at the time he makes his entry, and the balance in equal payments, or in other deferred payments.

I call the attention of the Senator, who is doubtless even more familiar with this than I am, to the fact that section 11 is the section which provides for the sale of these timberlands. Now, if that were stricken out and the old law left as it was, with the additional amendment in section 8, after the words "United States," in the third line from the bottom, striking out the words "except such of said lands as shall have been classified as timberlands," and then striking out section 11, which provides simply for the sale of timberlands and not for their entry as homesteads, it would leave all these lands then subject to entry as homesteads and the timberland would simply be appraised at a higher value than the land without timber; and that would allow homestead entrymen to enter the timberland itself and acquire the timber upon it, but upon the appraised price as fixed in the President's proclamation.

I am opposed to establishing a precedent. So far as I am personally concerned, I am always willing to defer to Senators from a State as knowing more about the particular circumstances within their State than I do. I am usually very willing to defer to them, but I do not want to establish a precedent of this kind. I want to say frankly that I have been very much opposed to the stripping of a certain reserve in New Mexico of timber, which had been ordered done where it was surrounded by forest reserves for the purpose of holding the timber. The Indian Department proposed to strip the Indian reserve within the center of this forest reserve of the timber itself; not to sell the mature, dead, or down timber, but to strip it of merchantable timber. Merchantable timber means telegraph poles; it means any kind of timber which will do for crossties; it means anything which measures over 8 inches for crossties or 6 inches for telegraph poles.

I think the Senator is perfectly correct. If he wants to save any timber at all, the words "merchantable timber" cover all timber for mining. Ordinary stulls and all timber over 6 inches, lagging, and timber of that kind used in mining is usually not over 4 inches, and it is usually split. It is all merchantable timber, because it is evidently in a mining country.

Mr. GRONNA. My opinion is that these lands are valuable only for timberlands. My object in striking out the word "merchantable" and inserting the words "matured, dead and down," is to take all timber that is ripe or timber that is dead and still protect the forests. I really believe it is in the interest of the Indians and of the people of Montana. Still, I shall not insist on it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Dakota [Mr. GRONNA] to the amendment.

Mr. PAGE. Mr. President, I should like to detain the Senate just one moment. I will not take a minute of time. Is there not an Indian reserve now, that strip on the east end that we have talked about in our committee a great deal?

Mr. WALSH. I did not understand the Senator.

Mr. PAGE. On the east end of the reservation that we are discussing here there are three or four tiers of lots running down the entire east end that you thought had best be sold. You remember there was some debate about it and some question whether it ought to be sold or retained for the Indians. Does this particular section 11 refer to that land that is on the east end and are there any other lots that could be sold or would be sold except those on the reserve?

Mr. WALSH. I must confess I do not recall at all the incident to which the Senator refers. The Mission Range consti-

tutes the eastern boundary of the Indian reservation, and the land slopes from that to the westward. The eastern side is the high mountain range and the foothills, and that is covered with timber.

Mr. PAGE. The Senator will remember there was talk that all the other lands except on the east end there was land not desirable for agricultural purposes, but the east end of the reserve was really desirable for agriculture.

Mr. WALSH. The east side of the valley is better than the western portion.

Mr. PAGE. Is there any land that will be probably sold under the conditions named in section 11 which we are now discussing except that?

Mr. WALSH. Except that?

Mr. PAGE. The east side.

Mr. WALSH. The lands I have in mind particularly are around Flathead Lake and on the west side of Flathead Lake as well as along the foothills on the east side of the reservation.

Mr. PAGE. I remember that we discussed many times in our committee the lands which the Senator thought ought to be sold. I think his colleague knows that we have debated that very much. It was urged that those Indians are so destitute that they would starve if we did not sell this land. I think that is the argument in favor of selling the land now, but some, I know, thought we ought to keep those lands for another 20 years for the Indians.

Mr. WALSH. I will say to the Senator from Vermont that so far as I am concerned I am in no hurry about selling any timberlands; but if there are any lands on this reserve that homesteaders will take up and cultivate, paying to the Indians the appraised value of them, I am satisfied that every consideration of regard for the welfare of the Indians requires that they be sold.

Mr. FALL. Mr. President, I am afraid that the danger which I see is already embraced in the law which this law seeks to amend. What I object to is the right to sell off this timber and strip the country of timber, and that as a matter of fact is provided in the law. This amendment simply provides that after lands have been stripped under the old law they may be entered as homesteads.

Mr. WALSH. That is what I was going to say, that I think the evil the Senator from New Mexico points out is more pronounced in the old law. In fact I think the old law is an exceedingly objectionable one.

Mr. FALL. I am in accord with the idea embraced in this amendment, Mr. President, and if I have an opportunity I shall offer another amendment which I think possibly may do away with some provisions of the old law which at present I do not approve of at all.

The PRESIDING OFFICER. The question is on the amendment of the Senator from North Dakota [Mr. GRONNA] to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. FALL. I suggest to the Senator from Montana that this amendment go over until to-morrow and see if we can not work out of it something that is satisfactory.

The PRESIDING OFFICER. Without objection the amendment will be passed over for further consideration. The next amendment will be stated.

The SECRETARY. On page 52——

Mr. PAGE. I should like to ask the Senator from Montana if he would not be willing also that the last section now about to be read go over until to-morrow. We have so much here from Montana that I think perhaps it ought all to come together to-morrow and not split it into pieces.

Mr. WALSH. That will be quite satisfactory to me, and I trust to my colleague.

Mr. MYERS. I hardly see the object of putting off Montana from day to day and always until to-morrow. The time has got to come some day. I will not make any objection to its going over until to-morrow.

Mr. ASHURST. I object to its going over until to-morrow.

The PRESIDING OFFICER. The Chair thinks the Senator meant to-day—until the next session of the Senate.

Mr. PAGE. I did.

The PRESIDING OFFICER. Without objection, the amendment will be passed over until after the recess.

Mr. PAGE. I want to interpose right here my objection to anybody insinuating that I mean to adopt any sharp practice. When I say to-morrow I understand and I mean to-day. It was simply a slip of the tongue. I have no desire to be sharp in this matter.

The next amendment was, under the head of "Nebraska," in section 12, page 53, line 17, before the word "Indian," to strike out "375" and insert "400"; in line 18, after the word "superintendent," to strike out "$64,500" and insert "$68,800"; and in line 20, after the words "in all," to strike out "$69,500" and insert "$73,800," so as to make the clause read:

SEC. 12. For support and education of 400 Indian pupils at the Indian School at Genoa, Nebr., including pay of superintendent, $68,800; for general repairs and improvements, $5,000; in all, $73,800.

Mr. WALSH. Before we pass this, I desire to say for the information of the Senator from Vermont that we passed an act in terms exactly the same as this amendment, and it has gone over until the next session. So the Senate has already given its assent.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 53, after line 21, to insert:

That the legal road authorities, charged with the duty of laying out and opening public roads and highways under the laws of the State of Nebraska, having jurisdiction over any territory embraced within the Winnebago Indian Reservation, the Omaha Indian Reservation, the Ponca Indian Reservation, and the Santee Sioux Indian Reservation in the State of Nebraska, are hereby authorized and empowered to lay out and open public roads within any of the said Indian reservations in conformity to and in accordance with the laws of the State of Nebraska relating to the laying out and opening of public roads, and that any public road when so laid out and opened shall be deemed a legal road: *Provided*, That such road authorities shall, in addition to notifying the landowners as provided in the State laws, likewise serve notice upon the superintendent in charge of the restricted Indian lands upon which it is proposed to lay out a public road, and shall also furnish him with a map drawn on tracing linen showing the definite location and width of such proposed road, and no such road shall be laid out until after it has received the approval of such superintendent.

The amendment was agreed to.

Mr. FALL. This amendment having been agreed to, it strikes me as absolutely useless to continue over until to-morrow the last amendment, the Montana item, which is word for word the same.

Mr. WALSH. I was going to ask the Senator from Vermont, who seems quite willing this loss should apply to the State of Nebraska but not to the State of Montana——

Mr. PAGE. I went down to see the Senator from Wyoming, and asked him if he did not want it to go over. He said, "It does not sound quite right to me, but I shall not oppose the amendment." I did not press the matter, because he went off. I guess perhaps I have done my share in the matter.

Mr. MYERS. I observe that it is nearly all word for word the Montana amendment. The Senator from Vermont was very much determined that it should go over until to-morrow. When it comes to the same thing for Nebraska——

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Montana to the fact that there is nothing before the Senate.

Mr. FALL. If the Chair pleases, I rose for the purpose of calling the attention of the Senator to it with the idea that possibly he might withdraw his request that the other item go over until to-morrow. That was my purpose in interrupting.

The PRESIDING OFFICER. The Chair understands the whole purpose of the Senator, but it is not in order. No request being submitted the Secretary will proceed with the reading.

Mr. MYERS. I was speaking to the bill. I merely wanted to say that I observe the Senator from Vermont had no objection whatever to legislation for Nebraska, but he insists that the same identically for Montana must go over until some other day.

Mr. PAGE. I beg leave to say that the Senator has no right to speak in that manner. I did feel that this was objectionable and that it ought to go over, but I have been interposing so many objections that I went down to see the Senator from Wyoming and see if he did not think it ought to go over. He gave me a negative answer and I said amen.

The PRESIDING OFFICER. The amendment has been agreed to. There is nothing pending before the Senate.

Mr. FALL. A Senator can discuss this bill on the different propositions involved in it.

The PRESIDING OFFICER. The amendment has been agreed to. Discussion on the amendment is not in order. The Secretary will read.

The Secretary continued the reading of the bill.

The next amendment was, under the head of "Nevada," in section 13, on page 54, line 21, after the word "superintendent," to strike out "$41,700" and insert "$43,750"; in line 22, after the word "improvements," to strike out "$5,000" and insert "$5,950"; and in the same line, after the words "in all," to strike out "$46,700" and insert "$49,700," so as to make the clause read:

For support and education of 250 Indian pupils at the Indian school at Carson City, Nev., including pay of superintendent, $43,750; for general repairs and improvements, $5,950; in all, $49,700.

The amendment was agreed to.

The next amendment was, on page 54, after line 23, to insert:

For the purchase of land and water rights for the Washoe Tribe of Indians, the title to which is to be held in the United States for the benefit of said Indians, $10,000; for the support and civilization of said Indians, $5,000; in all, $15,000, to be immediately available and to remain available until expended.

Mr. CLARK of Wyoming. I should like to have the chairman explain that amendment. If the title to this land and water is held by the United States for the benefit of the Indians, why should we appropriate $10,000 to pay for it? It says:

For the purchase of land and water rights for the Washoe Tribe of Indians, the title to which is to be held in the United States for the benefit of said Indians.

Let me ask the Senator has he any explanation of that from the Indian Bureau?

Mr. ASHURST. The Washoe Indians are a tribe which have always been at peace and amity with the United States. When other tribes were at war with our Government and with the State authorities this tribe was always at peace.. But, singularly enough, it seems to be the irony of fate, no appropriation has ever been made for the care, maintenance, and education of this tribe. Quoting from page 228 of the Senate committee hearings, Senator ROBINSON propounded the following interrogatory:

Are they peacefully disposed—

Referring to these Indians—

Are they peacefully disposed or are they warlike?

Senator PITTMAN. No; they are very peaceful. From the very beginning of the settlement of that State they have been peaceable Indians.

Senator LA FOLLETTE. How many of them are there?

Senator PITTMAN. There are from 300 to 400.

Senator PAGE. How many heads of families would there be?

Senator PITTMAN. I should judge in a case of that kind there would be one-fourth of them heads of families.

Senator PITTMAN proceeded to say in response to an interrogatory propounded by Senator ROBINSON:

There are springs all around that State called Indian Springs. There a band of 100 would settle, and they would raise a little grain around that spring—probably put in 20 or 30 acres. They would work it kind of as a community. They would hunt and fish around there. They would do that at the mouth of the little mountain streams. But the homesteader comes around and buys their possessory right and gives them $100, or something like that, to move off.

Mr. CLARK of Wyoming. Let me ask the Senator——

Mr. ASHURST. They have no land.

Mr. CLARK of Wyoming. They have no land, no reservation; nothing of that sort?

Mr. ASHURST. None whatever; they have no land.

Mr. SMOOT. I move to amend the committee amendment by striking out the words "and to remain available until expended."

The PRESIDING OFFICER. The Senator from Utah offers an amendment to the amendment, which will be stated.

The SECRETARY. In the committee amendment, on page 55, lines 3 and 4, after the word "available," strike out the words "and to remain available until expended."

Mr. ASHURST. There is no objection to that. The words "to be immediately available" are not to be stricken out?

Mr. SMOOT. No; I give them all this year and all the next year until June 30 to spend the money.

Mr. ASHURST. There is no objection.

Mr. SMOOT. I think that is long enough time.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the head of "New Mexico," on page 55, after line 5, to strike out:

SEC. 11. For support and education of 400 Indian pupils at the Indian school at Albuquerque, N. Mex., and for pay of superintendent, $68,600; for general repairs and improvements, $5,000; in all, $73,600: *Provided*, That not to exceed $200 may be expended in the purchase of a fractional acre south of the school farm and adjoining the public road.

And to insert:

SEC. 14. For support and education of 435 Indian pupils at the Indian school at Albuquerque, N. Mex., and for pay of superintendent, $72,550; for general repairs and improvements, $8,000; for the purchase of additional acreage adjoining the school farm, $12,000; in all, $92,550.

The amendment was agreed to.

The next amendment was, on page 55, after line 18, to strike out:

For support and education of 350 Indian pupils at the Indian school at Santa Fe, N. Mex., and for pay of superintendent, $59,550; for general repairs and improvements, $5,000; for water supply, $1,600; in all, $66.150.

And to insert:

For support and education of 400 Indian pupils at the Indian school at Santa Fe, N. Mex., and for pay of superintendent, $68,600; for general repairs and improvements, $8,000; for water supply, $1,600; in all, $78,200.

Mr. FALL. Mr. President, I offer an amendment to the committee amendment.

The PRESIDING OFFICER. The amendment to the amendment will be read.

The SECRETARY. On line 2, page 56, after the figures "$1,600" and the semicolon, strike out "in all, $78,200" and insert the words:

For aiding the public schools of New Mexico in which children of Indian blood are in attendance, to be expended by the Secretary of the Interior through the State superintendent of public instruction, $100,000; in all, $178,200.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Mexico to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 56, after line 8, to insert:

That the proviso of section 1 of the act entitled "An act to quiet title to lands on Jicarilla Reservation, and to authorize the Secretary of the Interior to cause allotments to be made, and to dispose of the merchantable timber, and for other purposes," approved March 4, 1907, reading: "*Provided*, That in making such allotments values shall be considered so as to make the allotments uniform in value as near as practicable; that the Secretary of the Interior may dispose of all merchantable timber on allotments herein authorized during the term these are held in trust and on the surplus lands for 25 years, the proceeds thereof to be expended under his direction for purposes beneficial to the individual allottees hereunder and their heirs, or for families as he may deem best, and no part of such proceeds shall be expended for community or common benefits other than irrigation, but shall be equitably apportioned as near as may be among the Indians entitled," be, and the same is hereby, amended to read: "*Provided*, That in making such allotment values shall be considered so as to make the allotments uniform in value as near as practicable; that the Secretary of the Interior may dispose of all merchantable timber on allotments herein authorized during the term these are held in trust and on the surplus lands for 25 years, the proceeds thereof to be expended under his direction for the purchase of live stock, seeds, agricultural equipment, and for other purposes beneficial to the Indians belonging to and having rights as members of said tribe of Indians with the consent of the individual allottees, or their heirs, natural guardians to consent for minors and the superintendent of the reservation for orphan minors and incompetents.

Mr. GRONNA. Mr. President, I wish to inquire of the Senator from New Mexico if this language is satisfactory to him? I suppose it is. He knows more about it than I do, of course. But I was going to suggest to him that we insert the same language in this amendment that we inserted in the item relating to Montana.

Mr. FALL. In what portion of the amendment does the Senator desire it inserted?

Mr. LA FOLLETTE. In line 12.

Mr. GRONNA. First, in line 12; but the word "merchantable" is used in several other places.

Mr. FALL. That would be perfectly satisfactory to me, and I think the language suggested by the Senator should be inserted.

Mr. GRONNA. Wherever the word "merchantable" is used in the amendment I move to strike it out and to insert the words "matured, dead, and down."

The PRESIDING OFFICER (Mr. OWEN in the chair). The amendment to the amendment proposed by the Senator from North Dakota will be stated.

The SECRETARY. On page 56, line 12, before the word "timber," it is proposed to strike out the word "merchantable," and to insert the words "matured, dead, and down."

The amendment to the amendment was agreed to.

Mr. GRONNA. In line 17, the same amendment should be made.

Mr. FALL. I have no objection at all to that.

The PRESIDING OFFICER. The amendment to the amendment proposed by the Senator from North Dakota will be stated.

The SECRETARY. In line 17, it is proposed to strike out the word "merchantable" before the word "timber," and to insert the words "matured, dead, and down."

The PRESIDING OFFICER. The amendment as amended will be agreed to, without objection.

Mr. CLARK of Wyoming. I do not think the Senator from North Dakota really means to submit that amendment. The word "merchantable," in line 12, is included in the title of the act.

Mr. FALL. The amendment is not applicable to line 12.

Mr. CLARK of Wyoming. It should not be made to line 12; it may apply to line 17.

Mr. GRONNA. I think that is right. It should be omitted in line 12 and inserted in line 17.

Mr. FALL. That is correct.

The PRESIDING OFFICER. In the absence of objection, the vote whereby the amendment to the amendment, in line 12, on page 56, was agreed to will be reconsidered.

Mr. STERLING. In lines 4 and 5, on page 57, the word "merchantable" appears, and the amendment should be made there.

The PRESIDING OFFICER. The amendment proposed by the Senator from South Dakota will be stated.

The SECRETARY. On page 57, in lines 4 and 5, it is moved to strike out the word "merchantable," before the word "timber," and to insert "matured, dead, and down."

The amendment to the amendment was agreed to.

Mr. WALSH. I want to suggest that that amendment should not be made in line 17, on page 56, because that is simply a quotation of the old act.

Mr. CLARK of Wyoming. No.

Mr. FALL. If the Senator from Montana will notice in line 12, it is a quotation of the old act.

Mr. WALSH. Line 12 is a part of the title of the old act, but line 17 is the very body of the old act.

Mr. CLARK of Wyoming. That is right.

Mr. FALL. I think the Senator is right about that.

Mr. WALSH. I do not know why that word should be changed.

Mr. FALL. The amendment does not properly commence until the top of page 57. That is correct.

Mr. GRONNA. I ask that that change be made, Mr. President.

The PRESIDING OFFICER. In the absence of objection, the vote whereby the amendment to the amendment on page 56, line 17, was agree to will be reconsidered.

Mr. WALSH. I think that all that language from the word "seven," in line 14, page 56, down to the word "be," the last word in line 25, should be stricken out.

Mr. FALL. It is surplusage.

Mr. WALSH. And I move that it be stricken out.

The PRESIDING OFFICER. The amendment to the amendment proposed by the Senator from Montana will be stated.

The SECRETARY. On page 56, beginning with the word "reading," in line 14, it is proposed to strike out that word and all down to and including the word "entitled," in line 25, and the quotation marks, so that it will read: "Approved March 4, 1907, be, and the same is hereby, amended to read."

Mr. CLARK of Wyoming. Mr. President, it seems to me that this thing is becoming so confused that——

Mr. FALL. I object to the Senator from Wyoming looking at the Senator from New Mexico. It is not the amendment of the Senator from New Mexico. The Senator from New Mexico has absolutely nothing to do with it. It is a purely departmental matter, but so long as it is limited to dead and down timber I have no objection.

Mr. CLARK of Wyoming. I want to ask this question: Suppose an Indian takes an allotment of timber lands, the allotment is to be valued so as to be of the average value of all of the allotments. He takes an allotment upon Indian lands and that is his individual piece of land thereafter. The Government reserves the right to sell the timber on it. For what purpose? To provide seed corn and other grain and cattle for the homestead which the Indian has not got. He has got nothing but timber land to cultivate. That is what the amendment means as it now stands. The land must not be cleared in order to be made land that is cultivable, but the timber is to remain there. Only the matured and down timber is to be sold, and the proceeds are passed over to the Indian in order that he may obtain seed corn and agricultural implements and cattle to place upon lands upon which he can not possibly use them. I have no objection to this, however, if the Senator from New Mexico wants it.

Mr. FALL. The Senator from New Mexico has disavowed all responsibility for this amendment or for any part of it.

Mr. President, as a matter of fact under the old law—I know this much about it, although I have not been consulted at all about the amendment—but under the old law allotments have been made to Indians, and they have been forced to suffer considerable hardships; they have not been treated by the department as they think they should and as those who live around the reserve think they should. That has been, as the department claims, that it has not been able to handle their lands as they should have been handled. I ask that this amendment may go over until to-morrow, and unless it can be satisfactorily explained to me I shall myself make a motion to strike it out.

Mr. SMOOT. I wish to say to the Senator, inasmuch as there seems to be so much misunderstanding about it, that I was ready to make the point of order against it——

Mr. FALL. I should not take up any time in arguing against the point of order.

Mr. SMOOT. But I prefer that the matter should go over, and let the Senator from New Mexico look at the amendment in detail, for I certainly would not want to do anything that would hurt the Indians there.

Mr. FALL. I want to help the Indians on the reserve.

Mr. CLARK of Wyoming. The purpose of these allotments in the original law was that each Indian should get property of about the same value. If the Indian takes timberland, he takes very much less. That includes all the timber. If that is true, he ought to be able to sell all of the timber off and clear it and take the proceeds and devote the land to agricultural purposes.

Mr. FALL. I will say to the Senator that this happens to be one reserve in New Mexico in the extreme northwestern part of the State, off the railroad, and on the line of Colorado, which I know little or nothing about. I was only once through it in my life and do not really personally know the conditions.

The PRESIDING OFFICER. Without objection, the amendment will go over until to-morrow.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South its Chief Clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21318) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1916, and for other purposes.

The message also announced that the House had passed the bill (S. 6981) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, with amendments; in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 7212) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, with amendments; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 7509) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 7586) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 7597) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 7598) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills:

S. 5295. An act to amend existing legislation providing for the acquisition of a site and the construction of a building thereon for the accommodation of the post office, United States courts, customhouse, and other governmental offices at Honolulu, Territory of Hawaii, and for other purposes;

H. R. 17869. An act providing for the appointment of an additional district judge for the southern district of the State of Georgia;

H. R. 19422. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1916, and for other purposes;

H. R. 20427. An act to authorize the sale of certain land in Alabama to Walter Dean;

H. R. 20977. An act to provide for the establishment of a life-saving station in the vicinity of Duxbury Reef, Cal.;

H. R. 21037. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 21318. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1916, and for other purposes.

RECESS.

The PRESIDING OFFICER. The hour of 1 o'clock and 30 minutes a. m. having arrived, the Senate will stand in recess, under the agreement heretofore made, until 11 o'clock a. m.

The Senate thereupon (at 1 o'clock and 30 minutes a. m., Tuesday, March 2, 1915) took a recess until 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate March 1 (legislative day of February 19), 1915.

CONSULS GENERAL.

CLASS 2.

George H. Murphy, of North Carolina, now consul general at Cape Town, to be consul general of class 2.

Gabriel Bie Ravndal, of South Dakota, now consul general at Constantinople, to be consul general of class 2.

George H. Scidmore, of Wisconsin, now consul general at Yokohama, to be consul general of class 2.

James A. Smith, of Vermont, now consul general at Calcutta, to be consul general of class 2.

CLASS 4.

William W. Handley, of New York, to be consul general of class 4.

CONSULS.

CLASS 2.

Edwin N. Gunsaulus, of Ohio, now consul at Johannesburg, to be consul of class 2.

CLASS 3.

Maddin Summers, of Tennessee, now consul at Santos, to be consul of class 3.

CLASS 4.

Arthur Garrels, of Missouri, now consul at Alexandria, to be consul of class 4.

Augustus E. Ingram, of California, now consul at Bradford, to be consul of class 4.

CLASS 5.

John E. Kehl, of Ohio, now consul at Saloniki, to be consul of class 5.

Charles L. Latham, of North Carolina, now consul at Punta Arenas, to be consul of class 5.

William C. Magelssen, of Minnesota, now consul at Melbourne, to be consul of class 5.

Thomas W. Voetter, of New Mexico, now consul at La Guaira, to be consul of class 5.

CLASS 6.

Henry S. Culver, of Ohio, now consul at St. John, New Brunswick, to be consul of class 6.

William Dawson, jr., of Minnesota, now consul at Rosario, to be consul of class 6.

Frederick T. F. Dumont, of Pennsylvania, now consul at Florence, to be consul of class 6.

Otis A. Glazebrook, of New Jersey, now consul at Jerusalem, to be consul of class 6.

Lewis W. Haskell, of South Carolina, now consul at Belgrade, to be consul of class 6.

Douglas Jenkins, of South Carolina, now consul at Riga, to be consul of class 6.

Milo A. Jewett, of Massachusetts, now consul at Kehl, to be consul of class 6.

Samuel T. Lee, of Michigan, now consul at San Jose, to be consul of class 6.

Albert H. Michelson, of Massachusetts, now consul at Hanover, to be consul of class 6.

Myrl S. Myers, of Pennsylvania, now consul at Swatow, to be consul of class 6.

Roger Culver Tredwell, of Indiana, now consul at Leghorn, to be consul of class 6.

CLASS 7.

Homer Brett, of Mississippi, now consul at Teneriffe, to be consul of class 7.

Charles F. Brissel, of New Jersey, now consul at Bagdad, to be consul of class 7.

Homer M. Byington, of Connecticut, now consul at Leeds, to be consul of class 7.

Arthur B. Cooke, of South Carolina, now consul at Patras, to be consul of class 7.

Claude I. Dawson, of South Carolina, now consul at Valencia, to be consul of class 7.

Chester Donaldson, of New York, now consul at Port Limon, to be consul of class 7.

W. Roderick Dorsey, of Maryland, now consul at Tripoli, Libya, to be consul of class 7.

Clement S. Edwards, of Minnesota, now consul at Acapulco, to be consul of class 7.

Wesley Frost, of Kentucky, now consul at Cork, to be consul of class 7.

Ross Hazeltine, of Indiana, now consul at Cartagena, to be consul of class 7.

Lorin A. Lathrop, of California, now consul at Cardiff, to be consul of class 7.

Dean B. Mason, of Ohio, now consul at Algiers, to be consul of class 7.

Edward I. Nathan, of Pennsylvania, now consul at Mersina, to be consul of class 7.

Emil Sauer, of Texas, now consul at Goteborg, to be consul of class 7.

CLASS 8.

B. Harvey Carroll, jr., of Texas, now consul at Venice, to be consul of class 8.

Arthur C. Frost, of Arlington, Mass., to be consul of class 8.

Clarence E. Gauss, of Connecticut, now vice consul at Shanghai, to be consul of class 8.

George C. Hanson, of Connecticut, now vice consul and interpreter at Newchwang, to be consul of class 8.

Carl R. Loop, of Indiana, now vice consul at London, to be consul of class 8.

Charles B. Perry, of Nebraska, now consul at Turin, to be consul of class 8.

John R. Putnam, of Mount Hood, Oreg., to be consul of class 8.

Gaston Schmutz, of Louisiana, now consul at Aguascalientes, to be consul of class 8.

George K. Stiles, of Baltimore, Md., to be consul of class 8.

Samuel H. Wiley, of North Carolina, now consul at Asuncion, to be consul of class 8.

James B. Young, of Pennsylvania, now a consular assistant, to be consul of class 8.

CLASS 9.

Francis J. Dyer, of San Francisco, Cal., to be consul of class 9.

O. Gaylord Marsh, of Wenatchee, Wash., to be consul of class 9.

Elliott Verne Richardson, of New York, now vice consul at Sydney, Australia, to be consul of class 9.

Henry M. Wolcott, of New York, to be consul of class 9.

G. Carlton Woodward, of Pennsylvania, now vice consul at Vancouver, to be consul of class 9.

PROMOTIONS IN THE ARMY.

CORPS OF ENGINEERS.

Lieut. Col. Harry Taylor, Corps of Engineers, to be colonel from February 28, 1915, to fill an original vacancy.

Maj. Spencer Cosby, Corps of Engineers, to be lieutenant colonel from February 28, 1915, to fill an original vacancy.

Maj. James F. McIndoe, Corps of Engineers, to be lieutenant colonel from February 28, 1915, vice Lieut. Col. Harry Taylor, promoted.

Capt. William P. Stokey, Corps of Engineers, to be major from February 28, 1915, to fill an original vacancy.

Capt. Henry C. Jewett, Corps of Engineers, to be major from February 28, 1915, to fill an original vacancy.

First Lieut. Charles L. Hall, Corps of Engineers, to be captain from February 28, 1915, to fill an original vacancy.

First Lieut. Virgil L. Peterson, Corps of Engineers, to be captain from February 28, 1915, to fill an original vacancy.

First Lieut. George R. Goethals, Corps of Engineers, to be captain from February 28, 1915, to fill an original vacancy.

First Lieut. John W. N. Schulz, Corps of Engineers, to be captain from February 28, 1915, vice Capt. William P. Stokey, promoted.

First Lieut. Clarence L. Sturdevant, Corps of Engineers, to be captain from February 28, 1915, vice Capt. Henry C. Jewett, promoted.

Second Lieut. James A. Dorst, Corps of Engineers, to be first lieutenant from February 28, 1915, to fill an original vacancy.

Second Lieut. Rufus W. Putnam, Corps of Engineers, to be first lieutenant from February 28, 1915, to fill an original vacancy.

Second Lieut. Lunsford E. Oliver, Corps of Engineers, to be first lieutenant from February 28, 1915, to fill an original vacancy.

Second Lieut. William H. Holcombe, Corps of Engineers, to be first lieutenant from February 28, 1915, vice First Lieut. Charles L. Hall, promoted.

Second Lieut. James B. Cress, Corps of Engineers, to be first lieutenant from February 28, 1915, vice First Lieut. Virgil L. Peterson, promoted.

Second Lieut. Charles P. Gross, Corps of Engineers, to be first lieutenant from February 28, 1915, vice First Lieut. George R. Goethals, promoted.

Second Lieut. Bernard A. Miller, Corps of Engineers, to be first lieutenant from February 28, 1915, vice First Lieut. John W. N. Schulz, promoted.

Second Lieut. Peter C. Bullard, Corps of Engineers, to be first lieutenant from February 28, 1915, vice First Lieut. Clarence L. Sturdevant, promoted.

PROMOTIONS IN THE NAVY.

Chief Carpenter Luther L. Martin, ranking with, but after, ensign, on the retired list, to be a chief carpenter, ranking with, but after, lieutenant (junior grade), on the retired list, from the 13th day of January, 1910, the date upon which he was transferred to the retired list, in accordance with the provisions of the act of Congress approved June 29, 1906.

Lieut. (Junior Grade) Raymond F. Frellsen to be a lieutenant in the Navy from the 13th day of November, 1914.

First Lieut. Joseph A. Rossell to be a captain in the Marine Corps from the 10th day of November, 1914.

Second Lieut. Alexander A. Vandegrift to be a first lieutenant in the Marine Corps from the 10th day of November, 1914.

POSTMASTERS.

ALABAMA.

W. L. Milner to be postmaster at Pell City, Ala., in place of Florence H. Spears. Incumbent's commission expired February 23, 1915.

ARKANSAS.

Fred Smith to be postmaster at Stephens, Ark. Office became presidential January 1, 1915.

Louie Reitzammer to be postmaster at Arkansas City, Ark., in place of John William Davis, resigned.

CALIFORNIA.

A. J. Jones to be postmaster at Sonora, Cal., in place of Crispin C. Ortega. Incumbent's commission expired February 1, 1915.

Edward B. Warmoth to be postmaster at Red Bluff, Cal., in place of M. J. Cheatham. Incumbent's commission expires March 3, 1915.

COLORADO.

Frank W. Childs to be postmaster at Cedaredge, Colo., in place of Harry A. Cobbett. Incumbent's commission expired February 17, 1915.

W. G. Hubbell to be postmaster at Fort Lupton, Colo., in place of Daniel C. Moore, resigned.

Madge L. Weller to be postmaster at New Castle, Colo. Office became presidential January 1, 1915.

CONNECTICUT.

Edward J. Stuart to be postmaster at Lakeville, Conn., in place of Edward J. Stuart. Incumbent's commission expired February 23, 1915.

Frederick H. Wall to be postmaster at Manchester, Conn., in place of Jessie S. Rose. Incumbent's commission expired February 17, 1915.

GEORGIA.

L. W. English to be postmaster at Pelham, Ga., in place of Newton T. Jones, resigned.

Nellie Roach to be postmaster at Soperton, Ga., in place of Willie Mishoe. Incumbent's commission expired February 17, 1915.

ILLINOIS.

Charles E. Baum to be postmaster at Ridge Farm, Ill., in place of C. F. Cook, resigned.

W. Q. Crane to be postmaster at Lomax, Ill. Office became presidential July 1, 1914.

John T. Kelahan to be postmaster at Algonquin, Ill., in place of Anton E. Yukel. Incumbent's commission expired December 13, 1914.

E. J. Kingdon to be postmaster at Cullom, Ill., in place of James E. Brady, resigned.

John C. Rolander to be postmaster at New Boston, Ill., in place of Frank Brusor. Incumbent's commission expired January 16, 1915.

Frank S. Stults to be postmaster at Oquawaka, Ill., in place of Eugene A. Hall. Incumbent's commission expired January 16, 1915.

William J. Ward to be postmaster at Great Lakes, Ill. Office became presidential October 1, 1914.

INDIANA.

Irvin A. Cox to be postmaster at Columbus, Ind., in place of John M. Davis. Incumbent's commission expired February 16, 1915.

IOWA.

Inez L. Hanson to be postmaster at Ellsworth, Iowa. Office became presidential January 1, 1915.

J. F. Kerberg to be postmaster at Sioux City, Iowa, in place of Edwin C. Tompkins. Incumbent's commission expired December 13, 1914.

C. A. Huffman to be postmaster at Des Moines, Iowa, in place of Louis C. Kurtz. Incumbent's commission expires May 1, 1915.

KANSAS.

Louis W. Johnson to be postmaster at Pittsburg, Kans., in place of William J. Watson. Incumbent's commission expired February 4, 1914.

MAINE.

Elmer E. Crockett to be postmaster at Stonington, Me., in place of Florian S. Small. Incumbent's commission expires March 2, 1915.

Austin W. Keating to be postmaster at Belfast, Me., in place of Amos F. Carleton. Incumbent's commission expired January 9, 1915.

James W. Sewall to be postmaster at Oldtown, Me., in place of Frank L. Averill. Incumbent's commission expired January 19, 1915.

Ferdinand H. Parady to be postmaster at Orono, Me., in place of Charles H. White. Incumbent's commission expired February 1, 1915.

MASSACHUSETTS.

Bernard F. Callahan to be postmaster at Franklin, Mass., in place of Edward B. Sherman. Incumbent's commission expired December 13, 1914.

Alonzo W. Jones to be postmaster at Orleans, Mass., in place of George F. Snow, deceased.

John T. King to be postmaster at Ashland, Mass., in place of William H. Twiss. Incumbent's commission expired February 23, 1915.

Michael H. Lyons to be postmaster at Indian Orchard, Mass., in place of James F. Shea. Incumbent's commission expired February 16, 1915.

MICHIGAN.

Claud E. Firestone to be postmaster at Allegan, Mich., in place of William H. Goodman. Incumbent's commission expires March 2, 1915.

Leo L. Johnson to be postmaster at Union City, Mich., in place of Frank H. Whiting. Incumbent's commission expires March 2, 1915.

Vernon E. Johnstone to be postmaster at Chesaning, Mich., in place of Edward F. Evarts, resigned.

MISSISSIPPI.

Thomas W. Cooper to be postmaster at Purvis, Miss., in place of Minnie L. Rees, resigned.

Daniel R. Johnson to be postmaster at University, Miss. Office became presidential January 1, 1915.

Cecil W. Tinnin to be postmaster at Isola, Miss. Office became presidential January 1, 1915.

MISSOURI.

Gideon B. Hart to be postmaster at Breckenridge, Mo., in place of James E. Nichols, resigned.

Floyd E. Watson to be postmaster at Green City, Mo., in place of Thomas H. Irwin, removed.

Robert G. Wilson, jr., to be postmaster at Lees Summit, Mo., in place of Troy L. Crane. Incumbent's commission expired February 23, 1915.

NEBRASKA.

H. C. Bible to be postmaster at Holbrook, Nebr., in place of Herbert G. Miller. Incumbent's commission expired February 23, 1915.

D. A. Geil to be postmaster at Grand Island, Nebr., in place of A. F. Buechler, resigned.

Daniel A. Page to be postmaster at Hardy, Nebr., in place of Isaac A. Royer. Incumbent's commission expired January 20, 1915.

August Schultz to be postmaster at Arapahoe, Nebr., in place of D. S. Hasty. Incumbent's commission expired June 14, 1914.

Jacob W. White to be postmaster at Meadow Grove, Nebr., in place of William H. Hopkins. Incumbent's commission expired February 16, 1915.

William Zalman to be postmaster at Lawrence, Nebr. Office became presidential January 1, 1915.

NEVADA.

George P. Annand to be postmaster at Ely, Nev., in place of Quincy W. Hull, deceased.

NEW YORK.

Charles Lefevre to be postmaster at Hinckley, N. Y. Office became presidential July 1, 1914.

George A. Manwarren to be postmaster at Windsor, N. Y., in place of Jarius S. Chase, deceased.

Jerry M. McCarthy to be postmaster at Winthrop, N. Y. Office became presidential July 1, 1914.

OHIO.

John F. Bauer to be postmaster at Crestline, Ohio, in place of William A. White, deceased.

Henry B. Popps to be postmaster at West Liberty, Ohio, in place of John C. Rock. Incumbent's commission expired February 23, 1915.

OKLAHOMA.

John H. Meler to be postmaster at Sentinel, Okla., in place of Henry T. Vanderford, resigned.

OREGON.

J. R. Gregg to be postmaster at Ontario, Oreg., in place of Andreas L. Sproul. Incumbent's commission expired February 14, 1915.

PENNSYLVANIA.

A. D. Colegrove to be postmaster at Corry, Pa., in place of John F. Austin. Incumbent's commission expires March 2, 1915.

P. F. Connor to be postmaster at Carbondale, Pa., in place of John H. Thomas. Incumbent's commission expired February 6, 1915.

Frank M. Davis to be postmaster at Westfield, Pa., in place of Winfred W. Marsh. Incumbent's commission expired February 3, 1915.

Forrest B. Dunkle to be postmaster at Jersey Shore, Pa., in place of Byron E. Staples. Incumbent's commission expired February 23, 1915.

W. A. Furlong to be postmaster at Roscoe, Pa. Office became presidential October 1, 1914.

Horace Lehr to be postmaster at Easton, Pa., in place of J. W. Pascoe. Incumbent's commission expired February 16, 1915.

SOUTH CAROLINA.

T. D. McLaurin to be postmaster at Clio, S. C., in place of Dudley P. McLaurin, deceased.

SOUTH DAKOTA.

Leslie I. Bingham to be postmaster at Bison, S. Dak., in place of George H. Carr. Incumbent's commission expired February 1, 1915.

TEXAS.

A. L. Banks to be postmaster at Denton, Tex., in place of John B. Schmitz. Incumbent's commission expired February 16, 1915.

Charles F. Goodman to be postmaster at Collinsville, Tex., in place of Frank P. Varley. Incumbent's commission expired February 6, 1915.

B. H. Pittman to be postmaster at Coleman, Tex., in place of Benjamin F. Robey. Incumbent's commission expires April 24, 1915.

Charles A. Taylor to be postmaster at Bertram, Tex. Office became presidential October 1, 1914.

J. A. Thomas to be postmaster at Mineola, Tex., in place of Lucy Breen. Incumbent's commission expired February 23, 1915.

John H. Young to be postmaster at Itasca, Tex., in place of Jay S. Richard. Incumbent's commission expired February 6, 1915.

UTAH.

F. J. McLaughlin to be postmaster at Park City, Utah, in place of James Don. Incumbent's commission expired February 23, 1915.

VIRGINIA.

E. S. Kendrick to be postmaster at Bristol, Va. Office became presidential April 1, 1914.

John S. Snavely to be postmaster at Chilhowie, Va. Office became presidential January 1, 1915.

WASHINGTON.

Paul E. Mehner to be postmaster at Bremerton, Wash., in place of Edgar L. Gale. Incumbent's commission expired February 1, 1915.

W. E. Palmer to be postmaster at Naches, Wash. Office became presidential January 1, 1915.

William R. Whitlock to be postmaster at Black Diamond, Wash., in place of Charles McKinnon. Incumbent's commission expired February 14, 1915.

R. E. Williams to be postmaster at Concrete, Wash., in place of Charles L. Olsen, resigned.

WEST VIRGINIA.

C. Forrest Hull to be postmaster at Durbin, W. Va., in place of Napoleon B. Arbogast. Incumbent's commission expired January 11, 1915.

WISCONSIN.

Andrew Crahen to be postmaster at Brooklyn, Wis. Office became presidential January 1, 1915.

George Crawford to be postmaster at Mineral Point, Wis., in place of Benjamin T. Prideaux, resigned.

H. J. Barry to be postmaster at Sun Prairie, Wis., in place of Calvin A. Lewis. Incumbent's commission expired January 20, 1915.

William A. Devine to be postmaster at Madison, Wis., in place of William A. Devine. Incumbent's commission expired December 19, 1914.

Anna D. Hagan, to be postmaster at New Richmond, Wis., in place of Charles Donohue, deceased.

WYOMING.

Sherman D. Canfield to be postmaster a Sheridan, Wyo., in place of Cameron W. Garbutt. Incumbent's commission expires March 2, 1915.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 1 (legislative day of February 19), 1915.

INDUSTRIAL RELATIONS COMMISSIONER.

Richard H. Aishton to be a member of the Commission on Industrial Relations.

COLLECTORS OF CUSTOMS.

George W. Acklin to be collector of customs for customs collection district No. 12.

Richard I. Lawson to be collector of customs for customs collection district No. 38.

COLLECTOR OF INTERNAL REVENUE.

John F. Haley to be collector of internal revenue for the district of Hawaii.

DISTRICT ATTORNEY.

Chauncey P. Holcomb to be district attorney of the United States Court for China.

UNITED STATES ATTORNEY.

Vernon A. Bullard to be United States attorney for the district of Vermont.

UNITED STATES MARSHALS.

Herman O'Connor to be United States marshal for the western district of Michigan.

Michael Devanney to be United States marshal for the southern district of Ohio.

POSTMASTERS.

ALABAMA.

Clifford R. Rankin, Brewton.

CALIFORNIA.

Anna Dryden, Manteca.

COLORADO.

Jerry A. Ferris, Golden.

IDAHO.

John E. Wood, Harrison.

ILLINOIS.

Horace C. Aleshire, Plymouth.
Fred Beehn, sr., West Salem.
Z. R. Genung, Rantoul.
Albert E. Gent, Brighton.
James F. Harkins, Carlinville.
Joseph P. McMahon, Silvis.
W. H. Stader, Equality.
Isaac W. Terry, Tamaroa.

INDIANA.

Walter M. Engle, Francesville.
Charlie E. Heiney, Andrews.

IOWA.

J. A. Cowger, Mediapolis.
William Dealy, Hawarden.
Walter H. Dewey, Chariton.
Henry Durst, Battle Creek.
D. J. Harris, Inwood.
William A. Julian, Merrill.
John E. McNamara, Castana.
Samuel Manuel, Fayette.
James D. Minnes, Moravia.
James H. Noon, Sumner.

KANSAS.

Aldamar P. Elder, Ottawa.
Anna C. Huffman, Eureka.
Peter J. Murphy, Gardner.
Fred H. Ricketts, Spring Hill.
T. Dwight Seeley, Tonganoxie.
Charles A. Taschetta, Leavenworth.

MASSACHUSETTS.

Anthony J. Crean, Turners Falls.
Edward E. Hoxie, Lee.
J. Francis Megley, Holbrook.
Charles D. Streeter, Mount Hermon.

MICHIGAN.

Willard R. Noyes, Albion.

MINNESOTA.

Alma E. Bauer, Arlington.
W. J. Goodfellow, Kenyon.
Patrick H. Grogan, St. James.
George Neumann, Osseo.
Charles E. Seeley, Coleraine.
John Wicker, Hayfield.
Thomas Zelen, North Branch.

NEBRASKA.

O. K. Campbell, Gibbon.
Horace M. Davis, Ord.
Robert Graham, Alliance.
Jesse B. Lane, Scottsbluff.
Russell Mooberry, Dorchester.
Nathaniel W. Smails, Fremont.

NEW JERSEY.

George W. Baldwin, Summit.
George Breisacher, Bergenfield.
William J. Downs, Wharton.
Michael F. Quinn, Linden.
E. W. Townsend, Montclair.

NEW YORK.

Eugene E. Mann, Jordan.

NORTH DAKOTA.

Waldo Leonhardy, Williston.
F. W. Peterson, Sentinel Butte.

OHIO.

Dennis W. Seward, Elyria.
Percy A. Walling, Circleville.
Roscoe Vance White, Middlefield.

PENNSYLVANIA.

J. W. Keating, Towanda.
Joseph G. Lesher, Huntingdon.
Robert Lesher, Northumberland.
M. M. Naginey, Milroy.
Granville F. Rehrig, Lehighton.
Theodore E. Warner, New Oxford.

TENNESSEE.

William E. Snodgrass, Spring City.

UTAH.

Daniel McMillan, Heber.
Henry W. Wadley, Pleasant Grove.

VIRGINIA.

E. E. Miles, Onancock.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 1, 1915.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We thank Thee, our Father in heaven, that the wisdom and experience of all the past are ours; that life with its possibilities is before us; that though conditions change the eternals remain the same. Help us to apply them to the conditions of our age, that we may be wise in our generation and march on with firm and steadfast faith in the light of advancing civilization and leave the world a little better that we have lived and wrought. And we will ascribe all praise to Thee, in Christ Jesus, our Lord. Amen.

The SPEAKER. The Clerk will read the Journal.

Mr. MANN. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. The gentleman from Illinois [Mr. MANN] makes the point of order there is no quorum, and evidently there is not.

Mr. UNDERWOOD. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Alabama moves a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

[Roll No. 94.]

Ainey	Elder	Hoxworth	Padgett
Barchfeld	Estopinal	Hughes, W. Va.	Peterson
Barnhart	Faison	Jones	Plumley
Bartholdt	FitzHenry	Kindel	Price
Bowdle	Flood, Va.	Kreider	Reilly, Wis.
Butler	Francis	Lee, Ga.	Riordan
Cantor	French	L'Engle	Roberts, Mass.
Carew	George	Lesher	Roberts, Nev.
Carr	Gerry	Lever	Saunders
Cary	Gill	Lewis, Pa.	Shreve
Chandler, N. Y.	Gittins	Lindquist	Slemp
Coady	Good	Loft	Smith, Md.
Connolly, Iowa	Graham, Pa.	Logue	Sparkman
Conry	Griffin	McClellan	Stanley
Copley	Gudger	McGuire, Okla.	Steenerson
Crosser	Hamill	McLaughlin	Stevens, Minn.
Dale	Hardy	Maher	Talbott, Md.
Dies	Haugen	Morgan, La.	Taylor, N. Y.
Dixon	Hawley	Morin	Watkins
Donovan	Heflin	Moss, Ind.	White
Dooling	Helvering	O'Brien	Wilson, N. Y.
Doolittle	Hensley	Oglesby	Winslow
Driscoll	Hobson	O'Hair	Woodruff
Dunn	Howell	O'Shaunessy	Young, Tex.

The SPEAKER. On this call 326 Members have answered to their names—a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move to dispense with further proceedings under the call.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 165, noes 101.

Mr. MANN. Mr. Speaker, I ask for tellers.

Tellers were ordered.

The House again divided; and the tellers (Mr. MANN and Mr. UNDERWOOD) reported—ayes 155, noes 85.

Mr. MANN. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Those in favor of dispensing with further proceedings under this call will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 238, nays 105, answered "present" 3, not voting 77, as follows:

[Roll No. 95.]

YEAS—238.

Abercrombie	Connolly, Iowa	Gordon	Lieb
Adair	Conry	Gorman	Linthicum
Adamson	Cox	Goulden	Lloyd
Aiken	Crisp	Graham, Ill.	Lobeck
Alexander	Cullop	Gray	Lonergan
Allen	Davenport	Gregg	McAndrews
Ashbrook	Decker	Griffin	McClellan
Aswell	Deitrick	Hamill	McGillicuddy
Bailey	Dent	Hamlin	McKellar
Baker	Dershem	Harris	MacDonald
Baltz	Dickinson	Harrison	Maguire, Nebr.
Barkley	Difenderfer	Hart	Mahan
Bartlett	Dixon	Hay	Metz
Beakes	Donohoe	Hayden	Mitchell
Beall, Tex.	Doolittle	Heflin	Montague
Bell, Ga.	Doremus	Helm	Morrison
Blackmon	Doughton	Helvering	Moss, Ind.
Booher	Dupré	Henry	Mulkey
Borchers	Eagan	Hill	Murdock
Borland	Eagle	Holland	Murray
Brockson	Edwards	Howard	Neeley, Kans.
Brodbeck	Estopinal	Hughes, Ga.	Nolan, J. I.
Broussard	Evans	Hulings	Oldfield
Brown, N. Y.	Fergusson	Hull	Padgett
Brown, W. Va.	Ferris	Humphreys, Miss.	Page, N. C.
Bruckner	Fields	Igoe	Palmer
Brumbaugh	Finley	Jacoway	Park
Bryan	Fitzgerald	Johnson, Ky.	Patten, N. Y.
Buchanan, Ill.	FitzHenry	Johnson, S. C.	Phelan
Buchanan, Tex.	Flood, Va.	Jones	Post
Bulkley	Floyd, Ark.	Keating	Pou
Burgess	Foster	Kelly, Pa.	Quin
Burke, Wis.	Fowler	Kennedy, Conn.	Ragsdale
Burnett	Francis	Kent	Rainey
Byrns, Tenn.	Gallagher	Kettner	Raker
Callaway	Gallivan	Key, Ohio	Rauch
Candler, Miss.	Gard	Kirkpatrick	Rayburn
Cantrill	Garner	Kitchin	Reed
Caraway	Garrett, Tenn.	Konop	Reilly, Conn.
Carlin	Garrett, Tex.	Korbly	Reilly, Wis.
Casey	Gilmore	Lafferty	Rothermel
Clancy	Gittins	Lazaro	Rouse
Clark, Fla.	Glass	Lee, Ga.	Rubey
Cline	Godwin, N. C.	Lee, Pa.	Rucker
Coady	Goeke	Lever	Rupley
Collier	Goldfogle	Levy	Russell
Connelly, Kans.	Goodwin, Ark.	Lewis, Md.	Sabath

Saunders	Stephens, Miss.	Ten Eyck	Walsh
Scully	Stephens, Nebr.	Thacher	Walters
Seldomridge	Stephens, Tex.	Thomas	Weaver
Shackleford	Stevens, N. H.	Thompson, Okla.	Webb
Sherley	Stone	Townsend	Whaley
Sherwood	Stout	Tribble	Whitacre
Sims	Stringer	Tuttle	White
Sisson	Sumners	Underhill	Williams
Small	Taggart	Underwood	Wilson, Fla.
Smith, N. Y.	Talcott, N. Y.	Vaughan	Wingo
Smith, Tex.	Tavenner	Vinson	Young, Tex.
Sparkman	Taylor, Ala.	Vollmer	
Stedman	Taylor, Ark.	Walker	

NAYS—105.

Anthony	Fordney	La Follette	Scott
Austin	Frear	Langham	Sells
Avis	French	Langley	Sinnott
Barchfeld	Gardner	Lenroot	Slemp
Bartholdt	Gillett	McKenzie	Sloan
Barton	Green, Iowa	Madden	Smith, Idaho
Bell, Cal.	Greene, Mass.	Manahan	Smith, J. M. C.
Britten	Greene, Vt.	Mann	Smith, Minn.
Browne, Wis.	Guernsey	Mapes	Smith, Saml. W.
Browning	Hamilton, Mich.	Martin	Stafford
Burke, Pa.	Hamilton, N. Y.	Miller	Steenerson
Burke, S. Dak.	Hawley	Mondell	Stephens, Cal.
Butler	Hayes	Moore	Stevens, Minn.
Calder	Hinds	Morgan, Okla.	Sutherland
Campbell	Hinebaugh	Mott	Switzer
Cooper	Howell	Nelson	Temple
Cramton	Humphrey, Wash.	Norton	Thomson, Ill.
Curry	Johnson, Utah	Paige, Mass.	Towner
Danforth	Johnson, Wash.	Parker, N. J.	Treadway
Davis	Kahn	Parker, N. Y.	Vare
Dillon	Keister	Patton, Pa.	Volstead
Drukker	Kelley, Mich.	Platt	Wallin
Edmonds	Kennedy, Iowa	Plumley	Woods
Esch	Kennedy, R. I.	Powers	Young, N. Dak.
Fairchild	Kiess, Pa.	Prouty	
Farr	Kinkaid	Roberts, Mass.	
Fess	Knowland, J. R.	Rogers	

ANSWERED "PRESENT"—3.

Moss, W. Va.	Slayden	Watson

NOT VOTING—77.

Ainey	Driscoll	Kindel	Peters
Anderson	Dunn	Kreider	Peterson
Barnhart	Elder	L'Engle	Porter
Bathrick	Faison	Lesher	Price
Bowdle	Falconer	Lewis, Pa.	Riordan
Byrnes, S. C.	George	Lindbergh	Roberts, Nev.
Cantor	Gerry	Lindquist	Shreve
Carew	Gill	Loft	Smith, Md.
Carr	Good	Logue	Stanley
Carter	Graham, Pa.	McGuire, Okla.	Talbott, Md.
Cary	Griest	McLaughlin	Taylor, Colo.
Chandler, N. Y.	Gudger	Maher	Taylor, N. Y.
Church	Hardy	Moon	Watkins
Claypool	Haugen	Morgan, La.	Wilson, N. Y.
Copley	Helgesen	Morin	Winslow
Crosser	Hensley	Neely, W. Va.	Witherspoon
Dale	Hobson	O'Brien	Woodruff
Dies	Houston	Oglesby	
Donovan	Hoxworth	O'Hair	
Dooling	Hughes, W. Va.	O'Shaunessy	

So the motion to dispense with further proceedings under the call was agreed to.

The Clerk announced the following pairs:

For the day:

Mr. WATSON with Mr. LEWIS of Pennsylvania.

Until further notice:

Mr. TALBOTT of Maryland with Mr. GOOD.

Mr. HENSLEY with Mr. BARTHOLDT.

Mr. BARNHART with Mr. LINDQUIST.

Mr. DALE with Mr. ROBERTS of Nevada.

Mr. SLAYDEN with Mr. AINEY.

Mr. HARDY with Mr. DUNN.

Mr. CROSSER with Mr. GRAHAM of Pennsylvania.

Mr. BYRNES of South Carolina with Mr. ANDERSON.

Mr. CARTER with Mr. GRIEST.

Mr. CHURCH with Mr. KREIDER.

Mr. DIES with Mr. HAUGEN.

Mr. DOOLING with Mr. COPLEY.

Mr. DRISCOLL with Mr. WOODRUFF.

Mr. HOUSTON with Mr. FALCONER.

Mr. LESHER with Mr. CHANDLER of New York.

Mr. MAHER with Mr. HELGESEN.

Mr. MOON with Mr. MCLAUGHLIN.

Mr. MORGAN of Louisiana with Mr. PETERS.

Mr. NEELY of West Virginia with Mr. HUGHES of West Virginia.

Mr. O'SHAUNESSY with Mr. MCGUIRE of Oklahoma.

Mr. PRICE with Mr. MORIN.

Mr. RIORDAN with Mr. PORTER.

Mr. TAYLOR of Colorado with Mr. WINSLOW.

Mr. WATKINS with Mr. SHREVE.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present, and the Doorkeeper will open the doors. The Clerk will read the Journal.

The Journal of the proceedings of Saturday, February 27, 1915, was read and approved.

Mr. RUSSELL and Mr. HOWARD rose.

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. RUSSELL. I desire to call up House bill No. 21037 and ask unanimous consent to concur in the Senate amendment.

The SPEAKER. The Chair will attend to that in a moment. For what purpose does the gentleman from Georgia rise?

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 7648. An act to authorize an exchange of lands with the State of North Dakota for promotion of experiments in dry-land agriculture, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19422) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1916, and for other purposes, had agreed to the amendment of the House of Representatives to Senate amendment No. 1.

The message also announced that the Senate had passed the following resolutions:

Senate resolution 555.

Resolved, That the Senate expresses its profound sorrow on account of the death of the Hon. WILLIAM H. WILDER, late a Member of the House of Representatives from the State of Massachusetts.

Resolved, That the business of the Senate be now suspended in order that fitting tributes may be paid his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Senate resolution 556.

Resolved, That the Senate expresses its profound sorrow on account of the death of the Hon. FORREST GOODWIN, late a Member of the House of Representatives from the State of Maine.

Resolved, That the business of the Senate be now suspended in order that fitting tributes may be paid his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Resolved, That as a further mark of respect to the memory of Mr. WILDER and Mr. GOODWIN the Senate do now take a recess until 11 o'clock to-morrow morning.

QUESTION OF PERSONAL PRIVILEGE.

Mr. HOWARD. I rise to a question of personal privilege.

The SPEAKER. The gentleman from Georgia rises to a question of personal privilege. How long will it take?

Mr. HOWARD. I think it will take 5 or 10 minutes. I may not be able to speak longer than that.

The SPEAKER. The gentleman will state the question.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent, inasmuch as the gentleman states he has a question of personal privilege, that he have 10 minutes in which to state it.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that the gentleman from Georgia [Mr. HOWARD] have 10 minutes. Is there objection?

There was no objection.

Mr. HOWARD. Mr. Speaker, I regret exceedingly that at the busy time of the House I find it necessary to take up even 10 minutes of the time of the House in replying to some statements that were made touching my Representative capacity on last Thursday by the gentleman from Massachusetts [Mr. GREENE].

The gentleman from Massachusetts introduced into this House some time last September a resolution which sought a Federal investigation of one cotton mill in the city of Atlanta by a special committee of Congress, for the purpose of investigating working conditions and to look into conditions surrounding a strike that was on in the Fulton Bag & Cotton Mill.

At the time that the gentleman introduced this resolution I thought, and I still think, that it was grossly discourteous to me, as the Representative of that district, for him to introduce, on the eve of a national election, for his own political aggrandizement, a resolution involving the conduct of a cotton mill in my district without ever mentioning to me the fact that he intended to do so. When the gentleman did that, the resolution lay in the Committee on Rules for some time, and my first intimation of the fact that it had been introduced was a resolution passed by the Atlanta Federation of Trades, in which they thanked him for his conduct and sought to condemn me for my inactivity in failing to help Mr. GREENE push this resolution through.

When I received that resolution I wrote them a letter and in that letter I used some language that I will quote. I of course

recollected the activity of Mr. GREENE when the Lawrence strike was up. I knew when women were being shot down in the streets of Lawrence, and when a little boy had been bayoneted to death on the street, that this great man who holds his mills up in the attitude of "holier than thou" did not open his mouth, did not say a word, but, on the other hand, I have been informed by some gentlemen on the Committee on Rules that he was in a sense "pussy footing" around, trying to keep any resolution from being reported out by the Committee on Rules.

Mr. GREENE of Massachusetts. Mr. Speaker——

Mr. HOWARD. Wait a minute. You spoke in my absence, and I refuse to yield. Now let us see, a step further. I will yield to you directly, when I state my case. A little further on the gentleman came to me, or, in fact, I went to him, and I said, "I know that you can not pass this resolution, and every other Member of Congress on both sides would vote against such a resolution. Surely," said I to the gentleman from Massachusetts, "if Congress refused to give an investigation to such an outrageous condition as was portrayed in the Lawrence situation, they would not go to Atlanta to investigate a strike in one mill."

Yet he led Mr. Golden, of the textile workers, to believe that he was going to get this resolution passed. I said this in this letter, and I want to repeat it, that I did not think Mr. GREENE of Massachusetts was dealing fairly with these people in holding out to them a hope that such a resolution could pass through this House. Therefore, knowing his attitude on the child-labor bill in the District of Columbia, as shown by his vote on May 9, 1908, knowing his attitude on the immigration bill, knowing his attitude on tariff matters, knowing his attitude toward the manufacturing industries of this country, I did write this letter, and I used these words:

Mr. Webster defines a demagogue as "one who plays an insincere rôle in public life for the sake of gaining political influence or office; a poser in politics; one who panders to popular prejudice or seeks to inflame reasonless passions in the advancement of his personal interests." If he had had an intimate acquaintance with Congressman GREENE of Massachusetts, he could not have described the man, as he is known to all men, in better terms. When the Atlanta Federation of Trades passed a resolution thanking Mr. GREENE for his activities in behalf of labor, I am sure no one was more surprised to receive such a resolution than was Mr. GREENE, and probably in all his life this was the first letter of this character he had ever received.

Now, the gentleman from Massachusetts [Mr. ROGERS] had to get into this dispute the other day. I understand he is a great cotton mill manufacturer or woolen manufacturer. He jumped in here to say something about the cotton workers in the southern mills. I want to say one thing to you gentlemen who represent these great industrial States: The cotton-mill operatives of Georgia may be poor, they may work under conditions that are not the best, but I do want to impress upon you that as pure Anglo-Saxon blood as flows in the veins of any citizenry of America flows in the veins of the Georgia textile workers. [Applause.] They are from the mountains of north Georgia, North Carolina, and Tennessee. I do not defend any mistreatment of those employees, but I do say and I want to emphasize that no condition has ever arisen in the South under which the people who work in these mills have ever been treated in the way in which you are treating them to-day in the State of Massachusetts and in certain other States where a great body of industrial toilers are trying to eke out an existence. May I read just one paragraph from the report of the Commissioner of Labor on this Massachusetts situation? I hope it will soak through some of the tough hides of some of you great friends of the industrial toiler, when you come to talking about southern mills as compared to yours.

Mr. ROGERS had to insert in the RECORD a contract made by Georgia employers with their operatives. I condemn that contract. I would not defend such a contract. I do not defend any contract that is oppressive of labor; but the gentleman had to insert it, when, as a matter of fact, he knows that one of the very things that incited the Lawrence strikers to their action was the fact that one week's pay had been withheld by the employers in that State. Mr. Neill said in this report:

The actual economic condition of the families of the workers in the textile mills in Lawrence can not be easily pictured by a mere statement of individual earnings. It is obvious from the figures of earnings that the full-time earnings of a large number of adult employees are entirely inadequate to maintain a family. Thus the full-time earnings of 7,275 employees, or about one-third of the total covered in this investigation, are less than $7 a week.

The SPEAKER. The time of the gentleman has expired.

Mr. HOWARD. Mr. Speaker, I ask unanimous consent for just five minutes more.

Mr. UNDERWOOD. Mr. Speaker, I would like to yield to my friend from Georgia, but it is impossible at this time.

Mr. HOWARD. Mr. Speaker, the gentleman from Massachusetts had 20 minutes, and I thought——

Mr. BARTLETT. You were sick in bed.

Mr. HOWARD. There is one portion of this thing that I will touch upon and then stop, if the gentleman from Alabama will yield the time to me.

Mr. UNDERWOOD. I will say to the gentleman from Georgia that this question is not strictly a question of personal privilege. It brings up an issue in the House, and I dislike——

Mr. BARTLETT. My colleague was absent when the gentleman from Massachusetts made his statement.

Mr. HOWARD. The question of privilege is the question of fact that Mr. Golden, of the textile workers, has written a letter to Mr. GREENE, in which he stated that I am trying to throttle an honest investigation by this House.

Mr. UNDERWOOD. I am sure the gentleman from Georgia understands——

Mr. HOWARD. I do not think the gentleman from Alabama wants to embarrass me by refusing me this brief time.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Georgia is recognized for five minutes.

Mr. HOWARD. The gentleman stated, and stated positively and unequivocally, that the Georgia laws regarding child labor were most unbearable, and said there was no penalty attached to them. I have here in my hand the act of 1914, and it has been the law all the time in Georgia——

Mr. BARTLETT. The penalty part of it?

Mr. HOWARD. The penalty part of it has always existed in every child-labor law in Georgia, and as prosecuting attorney of a district in the State of Georgia I prosecuted a cotton-mill superintendent for working a child under 12 years of age in his mill in violation of the law and speedily got a conviction for it, and he was fined in court. [Applause.] The Georgia law has always had this penalty attached to it. Now point out to me a single solitary cotton mill in Georgia or in the South that charges little children, 14 and 15 years old, 10 cents a week for the water that they drink while they are at work in the cotton mills. You do it in Lawrence. You do it in Massachusetts. You assess the children for the water that they drink out of these old cesspools of canals, and you charge them 10 cents a week. My God, if you can not make enough money out of your industry, with the outrageous tariff you have had on it, and the millions that you have laid aside as a surplus and for cutting watermelons, and can not give a poor, little, thirsty child that is working for you for about 80 cents a day some cool water to drink, God in Heaven knows that you have got but a mighty little bit of grace left in you when you get up here and criticize the working conditions in a cotton mill in Georgia.

Now, Mr. Speaker, the next time any of these "holier than thou" textile representatives get up here, I am going to say a few things about the American wage earners and a few more things when this House is not as busy as it now is. I am getting tired of these people coming around and attacking the industries of the South when you have conditions more unbearable and horrible in your own State which you make no effort to correct. Mr. Speaker, I now ask unanimous consent to insert some extracts and matters I have referred to in the RECORD relating to my attitude which Mr. Golden has seen fit to criticize, but nothing of a personal nature.

There was no objection.

Mr. HOWARD. Mr. Golden, who saw proper to write Mr. GREENE of Massachuetts that I made light of his resolution, is mistaken. I did not "make light" of the resolution of the gentleman from Massachusetts. I simply looked upon the introduction of this resolution as pure political buncombe, and nobody knew this better than Mr. GREENE.

So I will incorporate in the RECORD the correspondence I had with those who were interested, not for the purpose of satisfying Mr. Golden of my efforts in this matter to bring about peace between the employers and the employees in this unfortunate strike, but that those who know me may not be misled by the statements contained in the remarks of the gentleman from Massachusetts made on the floor of this House the other day. This correspondence shows that I did everything in my power—and I still stand ready to do everything in my power—to bring about an amicable adjustment of these differences.

Mr. Golden, although interested in this matter, and knowing my disposition to help in any way I possibly could to settle the matter, has never called on me, written me, or communicated with me in any way, and all that I have done has been done at the solicitation of constituents in the city of Atlanta.

[Telegram.]

JULY 1, 1914.

Hon. OSCAR ELSAS,
President Fulton Bag & Cotton Mills,
Atlanta, Ga.:

The Secretary of Labor has just had conference with me relative to strike of textile workers in your mill. He offers the good offices of the department in sending mediator to Atlanta for the purpose of attempting to amicably adjust differences. This mediator has only authority given him under section 8 of act creating Department of Labor. Will thank you to let me hear from you at earliest possigle moment.

WILLIAM SCHLEY HOWARD.

—

[Letter.]

ATLANTA, GA., *July 1, 1914.*

Hon. WILLIAM SCHLEY HOWARD,
House of Representatives, Washington, D. C.

DEAR SIR: We acknowledge receipt of your telegram, reading as follows:

"JULY 1, 1914.

"Hon. OSCAR ELSAS,
"*President Fulton Bag & Cotton Mills,*
"*Atlanta, Ga.:*

"The Secretary of Labor has just had conference with me relative to strike of textile workers in your mill. He offers the good offices of the department in sending mediator to Atlanta for the purpose of attempting to amicably adjust differences. This mediator has only authority given him under section 8 of act creating Department of Labor. Will thank you to let me hear from you at earliest possible moment.

"WILLIAM SCHLEY HOWARD."

The suggested mediation is really unnecessary. Out of a total of about 1,300 hands, not over 85 have quit; in other words, if we had this number of hands, i. e., 85, the plant would be running to its full capacity. Our present help, numbering about 1,200, are thoroughly contented with their wages and conditions, and all they want is the privilege of being unmolested while at their work and while in their homes. The reports you have received are undoubtedly grossly exaggerated.

Yours, very truly,

FULTON BAG & COTTON MILLS,
O. E., *President.*

—

[Telegram.]

JULY 1, 1914.

Hon. S. B. MARKS,
President Georgia Federation of Labor,
Atlanta, Ga.:

Have just conferred with Secretary of Labor Wilson relative to Atlanta textile strike, and he offers good offices of mediator under section 8 of the act creating Department of Labor. If the strikers will accept the good offices of this department, I believe that an amicable adjustment of differences can be made. Would like to hear from you after your consultation with parties interested.

WILLIAM SCHLEY HOWARD.

—

[Telegram.]

ATLANTA, GA., *July 1, 1914.*

Hon. WILLIAM SCHLEY HOWARD,
Capitol Building, Washington, D. C.:

Yours to S. B. Marks was referred to me to-day in behalf of strikers. I thank you for interest manifested in the direction of industrial peace. We are willing to accept offer and welcome investigation by any impartial board.

CHAS. A. MILES.

—

[Telegram.]

ATLANTA, GA., *July 1, 1914.*

Hon. WILLIAM SCHLEY HOWARD,
Member Congress, Washington, D. C.:

The proposal contained in your telegram acceptable. Your efforts in the matter greatly appreciated, and trust that substantial results will accrue therefrom. Jerome joins in these sentiments.

S. B. MARKS.
JEROME JONES.

—

[Telegram.]

JULY 8, 1914.

Mr. CHARLES A. MILES,
(*Care J. B. Hewitt, President*),
Atlanta Federation of Trades, Atlanta, Ga.:

Just had conference with Secretary Wilson. Hope to have mediators leave Washington for Atlanta either to-day or to-morrow. Will advise you later as to time their arrival.

WILLIAM SCHLEY HOWARD.

—

[Telegram.]

JULY 28, 1914.

S. B. MARKS,
Federation of Trades, Atlanta, Ga.:

Your telegram received. Will afford me much pleasure to do all in my power with officials here about the matter in controversy.

WILLIAM SCHLEY HOWARD.

—

[Telegram.]

ATLANTA, GA., *August 24, 1914.*

Hon. WM. SCHLEY HOWARD,
House of Representatives, Washington, D. C.:

Strikers in Atlanta will be evicted and homeless for want of funds. No settlement possible. Kindly endeavor to obtain loan of Army tents discarded by service. I understand that Fort McPherson has 200 condemned tents. If we can have use of them, it will obviate much suffering. Wire reply.

LOUIE P. MARQUARDT,
Member Executive Board.

Immediately upon receiving the above telegram I got in communication with Maj. Gen. James B. Aleshire, Quartermaster General, United States Army, and Gen. Aleshire informed me that it would be impossible to lend tents, under the law as it now stands to these strikers, and that it would be necessary for a resolution to be passed through Congress authorizing the same, and that the department had uniformly reported against the loan of tents except in cases of flood or disaster.

[Letter.]

ATLANTA, GA., *December 5, 1914.*

Hon. WM. SCHLEY HOWARD,
United States Congress, Washington, D. C.

DEAR SIR: The textile workers of this city are trying to get an investigation by Congress of the Fulton Bag & Cotton Mills. As you know, about 1,000 operatives employed at this mill have been on strike for six or eight months and are now living in tents in the outskirts of the city, after having been ejected from their homes by the mill owners, this sometimes having been done by negroes in the employ of the mill.

Seeking to inaugurate this investigation, Mr. Golden, president of the International Union of Textile Workers, will be in Washington next week. He is familiar with all the details of the situation, having worked in conjunction with the Federation of Trades in the matter from its inception and has the utmost confidence of the federation.

The federation is sending him to you in regard to this matter and requests that you give him any assistance you can.

Assuring you anything you can do to aid Mr. Golden will be greatly appreciated, and thanking you in advance, I am,

Respectfully,

J. F. BRADFIELD,
Secretary Atlanta Federation of Trades.

—

[Letter.]

WASHINGTON, D. C., *December 9, 1914.*

Mr. J. F. BRADFIELD,
Secretary Atlanta Federation of Trades, Atlanta, Ga.

MY DEAR MR. BRADFIELD: I am in receipt of your letter of the 5th instant, and I will take very great pleasure in seeing Mr. Golden upon his arrival in Washington and discussing with him the situation from the standpoint of the operatives discharged, employed by the Fulton Bag & Cotton Mills.

I would be anything but frank with you if I did not tell you that the proposition of a congressional investigation of a mere strike in one cotton mill is not likely to meet with any favor either from Republican or Democratic Members of Congress, for the reason that unless interstate commerce has been interferred with, or unless it reflects a discreditable manner of executing a Federal law by the officers charged with this responsibility, or unless such an investigation would be necessary for Congress to procure information upon which to predicate future legislation, it will be an unconstitutional function of Congress.

May I call your attention to the fact that Congress absolutely refused to investigate the Lawrence strike, in Massachusetts, which was the most horrible industrial upheaval in the textile industry that we have had in this country in years. As you know, the so-called officers of the law, which were no other than "pimps" of the mill, shot down innocent women and children on the streets.

I am willing to do my best in this matter, but I can not hold out much hope.

Sincerely, yours, WM. SCHLEY HOWARD.

Now, Mr. Speaker, that there may be an indelible record of some of the horrors and mistreatment of mill operatives in the State of Massachusetts from which the gentleman [Mr. GREENE] hails, I shall quote a few extracts from the testimony of witnesses before the Committee on Rules, and a few statements incorporated in the report of Hon. Charles P. Neill, Commissioner of Labor, on the Lawrence, Mass., situation in 1912:

STATEMENT OF SAMUEL GOLDBERG.

The CHAIRMAN. If you are late 5 or 10 minutes, is anything taken off of your pay?

Master GOLDBERG. Yes, sir; they take an hour's pay.

The CHAIRMAN. What happens if you are three times late?

Master GOLDBERG. You get fired.

Mr. WILSON. What is this 5 cents for water? I do not understand that.

Master GOLDBERG. They take 5 cents off for drinking water.

Mr. WILSON. They do not furnish you with drinking water?

Master GOLDBERG. No; they say it is spring water, but it is not.

STATEMENT OF AUGUSTE WANTE.

Mr. POU. Do you have to pay anything for water?

Master WANTE. Yes, sir; 10 cents a week.

Mr. POU. Is it good water?

Master WANTE. Canal water; that is what we get.

Mr. POU. Canal water? What mill is that in?

Master WANTE. The Wood mill.

STATEMENT OF JOHN BOLDELAR.

Mr. WILSON. What furniture have you in the house?

Master BOLDELAR. Oh, a couple of beds; that is all.

Mr. WILSON. Have you carpets on the floor?

Master BOLDELAR. I guess not; I guess some horses live better than we do.

STATEMENT OF WILLIAM MURPHY.

The CHAIRMAN. What is the smallest pay you get for one and a half days' work or two days' work?

Master MURPHY. Seventy-eight cents.

The CHAIRMAN. Seventy-eight cents? Do you pay anything for water?

Master MURPHY. Five cents a week.

The CHAIRMAN. Do they hold back a week's pay from you?

Master MURPHY. Yes, sir.

The CHAIRMAN. If you are late, how about closing the doors and deducting pay?

Master MURPHY. If you are late two minutes, they close the door; or for seven minutes, they take off an hour's pay.

STATEMENT OF CAMELLA TEOLI.

The CHAIRMAN. Do you have to pay anything for water?

Miss TEOLI. Yes.

The CHAIRMAN. How much?
Miss TEOLI. Ten cents every two weeks.
The CHAIRMAN. Do they hold back any of your pay?
Miss TEOLI. No.
The CHAIRMAN. Have they ever held back any?
Miss TEOLI. One week's pay.
The CHAIRMAN. They have held back one week's pay?
Miss TEOLI. Yes.

Now, let us see what Commissioner Neill says about living conditions:

Practically all the textile mill employees in Lawrence live in wooden tenement houses. The most usual types of these are either three or four story buildings, and, in the more thickly settled portions of the city, tenements occupy both the front and rear of the lots. These rear tenement houses can usually be reached from an alley, but the principal entrance, and in some cases the only entrance, is through a narrow passageway between the front buildings.

In other words, they are compelled to live just a little above the ordinary dog, and each worker when his day's labors are over seeks his "stall."

It might not be amiss to state in this connection that the report of Mr. Neill shows that 86 per cent of the employees in textile industries in Lawrence are foreign born or are the sons and daughters of foreign-born parents.

But why go further into this horrible situation. It portrays a condition that we southerners can not contemplate as actually existing anywhere in the civilized world.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the amendments of the Senate to the bill (H. R. 21318) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1916, and for other purposes.

THE MILITARY ACADEMY BILL.

Mr. HAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 21328, the Military Academy appropriation bill, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Virginia asks unanimous consent to take from the Speaker's table the bill H. R. 21328, the Military Academy appropriation bill, disagree to all the Senate amendments, and ask for a conference. Is there objection? [After a pause.] The Chair hears none.

The Speaker appointed as conferees on the part of the House Mr. HAY, Mr. DENT, and Mr. KAHN.

ADDITIONAL DISTRICT JUDGE FOR SOUTHERN DISTRICT OF GEORGIA.

Mr. FLOYD of Arkansas. Mr. Speaker, I desire to call up the conference report on the bill (H. R. 17869) providing for the appointment of an additional district judge for the southern district of the State of Georgia, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 17869) providing for the appointment of an additional district judge for the southern district of the State of Georgia.

The SPEAKER. The gentleman from Arkansas asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The conference report is as follows:

CONFERENCE REPORT (NO. 1457).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17869) providing for the appointment of an additional district judge for the southern district of the State of Georgia, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 2.

That the House recede from its disagreement to the amendment of the Senate numbered 3; and agree to the same.

On the amendment of the Senate numbered 1, the committee of conference have been unable to agree.

J. C. FLOYD,
JOSEPH TAGGART,
A. J. VOLSTEAD,
Managers on the part of the House.

C. A. CULBERSON,
HOKE SMITH,
C. D. CLARK,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the report of the House of the conference committee on H. R. 17869 report that the managers on the part of the Senate have receded from amendment No. 2, striking out section 2 of the original House bill, and same has been restored as it passed the House; that the managers on the part of the House have receded from their disagreement to Senate amendment No. 3, and have agreed to same.

The substance of the provisions in section 3 are now included in the provisions of the general law applicable to all districts in which there are two or more judges, and hence it is not deemed necessary to carry such provision in this bill.

In keeping with the instructions from the House, the managers on the part of the House have declined to recede from its disagreement to amendment No. 1.

J. C. FLOYD,
JOSEPH TAGGART,
A. J. VOLSTEAD,
Managers on the part of the House.

Mr. FLOYD of Arkansas. Mr. Speaker, I desire to say that when the conference report was made there was no agreement as to amendment No. 1, but since then the Senate has receded from the amendment No. 1, so that there is now nothing before the House except the conference report, and I move that the conference report be agreed to.

The conference report was agreed to.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 21037) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The SPEAKER. Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none.

The Senate amendments were read.

Mr. RUSSELL. I move to agree to the Senate amendments.

The motion was agreed to.

Mr. KEY of Ohio. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the following House bills, disagree to all the Senate amendments, and ask for a conference:

H. R. 20643. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and the widows of such soldiers and sailors;

H. R. 21089. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and the widows of such soldiers and sailors; and

H. R. 21218. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and the widows of such soldiers and sailors.

The SPEAKER. The gentleman from Ohio asks unanimous consent to take from the Speaker's table bills H. R. 20643, H. R. 21089, H. R. 21218, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. KEY of Ohio, Mr. MURRAY, and Mr. SELLS.

Mr. RUSSELL. Mr. Speaker, I call up the bill S. 7506, an act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The Clerk read the title to the bill.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill.

The following committee amendments were read:

Strike out the following:
Page 3, lines 22 to 25, inclusive.
Page 4, lines 10 to 12, inclusive.
Page 4, lines 17 to 19, inclusive.
Page 5, lines 1 to 3, inclusive.
Page 9, line 5, strike out "$50" and insert "$40."
Page 10, strike out lines 11 to 15, inclusive.
Page 12, strike out lines 9 to 12, inclusive.
Page 12, line 23, strike out "$40" and insert "$30."

Page 15, strike out lines 18 to 20, inclusive.
Page 15, strike out lines 21 to 24, inclusive.
Page 17, strike out lines 15 to 18, inclusive.

The committee amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. RUSSELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

The foregoing bill is a substitute for the following Senate bills referred to the Committee on Invalid Pensions:

S. 370. Mary A. Attmore.
S. 989. Josiah L. Burton.
S. 1120. Charles L. Greene.
S. 1650. Ida A. Mitchell.
S. 1806. Mary J. Forbes.
S. 1819. Sarah E. C. Emerson.
S. 2006. John H. Churchill.
S. 2135. Richard Woods.
S. 2185. Mollie C. Warren.
S. 2187. Lucinda Traub.
S. 2195. Samuel W. Harden.
S. 2281. John Banks.
S. 2298. Albert N. Raymond.
S. 2394. Charles R. Gentner.
S. 3177. Rodney Jones.
S. 3425. David H. Hall.
S. 3460. Moses H. Laughlin.
S. 3759. Robert I. Morrison.
S. 3815. Lou E. Hecox.
S. 3998. Peter L. Miles.
S. 5399. Thomas Hickman.
S. 5750. Eliza J. Arthur.
S. 5832. Bettie Dodge.
S. 6132. Maria Love.
S. 6262. Robert Degray.
S. 6263. Luther Curtis.
S. 6372. Orlando L. Daugherty.
S. 6456. Martha E. Messenger.
S. 6470. Minna Schue.
S. 6471. Gordon P. Ostrander.
S. 6476. William W. Chew.
S. 6487. Minerva M. Walsh.
S. 6521. Ellen Garlick.
S. 6523. Sarah E. H. Bartlett.
S. 6553. George Schmidt.
S. 6566. George Fulford.
S. 6628. George W. Weitzel.
S. 6654. William M. Allen.
S. 6668. Catherine C. Abbott.
S. 6678. Samuel Lilly.
S. 6813. Edwin Forbes.
S. 6814. James W. Toler.
S. 6816. George Wort.
S. 6817. George W. Markland.
S. 6818. William A. Rusie.
S. 6844. Reuben F. Longley.
S. 6873. Anna Mott.
S. 6875. Thomas Shapley.
S. 6903. Cleora A. Carver.
S. 6908. Mary A. Lowry.
S. 6909. Wiley Whicher.
S. 6921. Amos Poe.
S. 6935. Martin Perkins, alias Charles Shepherd.
S. 7088. Florence Ada Tinney.
S. 7093. Susan J. Alexander.
S. 7094. John H. Van Meter.
S. 7100. Lewis C. Lame.
S. 7119. Imogene M. Burk.
S. 7133. H. B. Crouch.
S. 7135. Mathew Crawford.
S. 7139. Joseph Raphile.
S. 7142. Jonathan Sargent.
S. 7144. John P. Simpson.
S. 7146. Albert Baur.
S. 7157. Thomas T. Jones.
S. 7161. David Cox.
S. 7171. Richard Dobson.
S. 7175. Joseph H. Dearborn.
S. 7176. Sarah L. Hammerton.
S. 7177. Theresa L. Breese.
S. 7181. Thomas E. Dunbar.
S. 7195. Ephraim D. Edwards.
S. 7202. Nelson B. Tool.
S. 7204. Josiah Hasbrook.
S. 7218. Irena Ward.
S. 7228. John W. Fletcher.
S. 7244. James Menaugh.
S. 7246. Michael Kirk.
S. 7248. George W. Windell.
S. 7249. Benjamin F. Shepherd.
S. 7254. William R. Minert.
S. 7260. Allen C. Goodwin.
S. 7265. Daniel H. Pettengill.
S. 7276. Olive Lunn.
S. 7290. Harriet S. Crooks.
S. 7295. William H. McKinley.
S. 7301. James F. Hobbs.
S. 7311. Evander V. Turner.
S. 7312. Mary E. Clark.
S. 7315. Elizabeth M. Norton.
S. 7327. Alicen W. Poe.
S. 7330. Mary E. Searle.
S. 7331. Thomas M. Wall.
S. 7332. Hugh M. Cory.
S. 7342. Madison T. Trent.
S. 7344. Rose Barnes.
S. 7349. Lewis A. Huffaker.
S. 7351. David Parker.
S. 7408. Edward Dudevoire.
S. 7469. William Hawkins.

Mr. RUSSELL. Mr. Speaker, I call up the bill (S. 7598) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, and I ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Missouri calls up an omnibus pension bill and asks unanimous consent that it be considered in the House as in the Committee of the Whole. Is there objection.

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill.

The following committee amendments were severally read and severally agreed to:

On page 2, line 3, strike out "$50" and insert in lieu thereof "$40" (E. W. Anderson).
On page 2, line 11, strike out "$20" and insert "$12."
On page 2, strike out lines 16 to 19, inclusive (Porter E. Nash).
On page 3, strike out lines 19 to 22, inclusive.
On page 4, strike out lines 7 to 10, inclusive (S. 5019).
On page 4, strike out lines 18 and 22, inclusive (S. 5421).
On page 4, strike out lines 23 and 24, and on page 5, strike out lines 1 and 2 (S. 5516).
On page 5, strike out lines 16 to 19, inclusive (S. 5786).
On page 6, strike out lines 7 to 10, inclusive (S. 6080).
On page 6, strike out lines 11 to 15, inclusive (S. 6099).
On page 11, line 6, strike out "$20" and insert in lieu thereof "$12" (S. 7322).
On page 16, line 25, strike out "$20" and insert in lieu thereof "$12."
On page 18, strike out lines 16 to 19, inclusive (S. 7574).

Mr. SHERWOOD. Mr. Speaker, on behalf of the committee, I offer the following amendments which I send to the desk and ask to have read.

The Clerk read as follows:

Add, at the end of the bill, the following:
"The name of Issac Premer, late of Company E, Eighty-ninth Regiment, and Company I, Twenty-sixth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.
"The name of Henry C. Linn, late assistant surgeon, Twelfth Missouri Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.
"The name of Thomas Duggan, late corporal in Company C, Fifth Regiment New York Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving."

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. RUSSELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

The foregoing bill is a substitute for the following Senate bills referred to the Committee on Invalid Pensions:

S. 935. Nancy M. Vinton.
S. 995. Edward W. Anderson.
S. 1201. Josephus Steller.
S. 1532. James J. Boothe.
S. 1668. Effie M. Bing.
S. 2371. Porter E. Nash.
S. 2605. Laura Garriett.
S. 3516. Irvin M. Hill.
S. 3606. Laura M. Goodwine.
S. 3829. Mary J. White.
S. 4018. John L. Russell.
S. 4344. Sarah A. Ferguson.
S. 4431. Isabelle E. Jones.
S. 4585. Mary A. Conway.
S. 4684. Georgianna Thomas.
S. 5019. William C. Pope.
S. 5230. Sarah J. Deloe.
S. 5391. Jesse Franklin Cochran.
S. 5421. Mary A. Flynn.
S. 5516. Leona B. Haucke.
S. 5692. Mary B. Jenks.
S. 5771. Mary A. Harrington.
S. 5779. Amelia M. Payson.
S. 5786. Ida Ingraham.
S. 5803. Amos T. Phares.
S. 6019. Louis M. Lea.
S. 6062. Johnson G. Trask.
S. 6080. William H. Langdon.
S. 6099. Catherine Curry.
S. 6133. David Delehanty.
S. 6232. James H. Clark.
S. 6234. John F. Thomas.
S. 6236. Joseph C. Townsend.
S. 6277. Rhoda C. Freeman.
S. 6423. Archie C. Fisk.
S. 6511. George W. Killin.
S. 6530. Mack Carr.
S. 6578. Henry Reed.
S. 6656. Mary A. Richards.
S. 6810. William D. Bonar.
S. 6843. Rosalie A. Partridge.
S. 6876. Andrew C. McCorkle.
S. 7000. Eli Samson.
S. 7143. Thomas J. Gwin.
S. 7152. Sarah McDowell.
S. 7156. Sadie Hatch.
S. 7173. Miles Matthews.
S. 7183. Thomas Clark.
S. 7192. Margaret J. Howell.
S. 7208. John Jones.
S. 7231. Semantha M. Hudson.
S. 7283. George T. Moulton.
S. 7294. Joseph Lieber.
S. 7313. James Gorman.
S. 7314. William A. N. Clare.
S. 7321. Clara McGaughey.
S. 7322. Edward H. Baldwin.
S. 7340. John J. White.
S. 7343. John R. Lindaberry.
S. 7356. Samuel J. Bingham.
S. 7357. Peter S. McIntosh.
S. 7358. James H. Gallup.
S. 7363. Arthur Mahar.
S. 7420. Ziba Fry.
S. 7421. Charles C. Moulton.
S. 7422. Parson B. Mix.
S. 7429. Mabel Turton.
S. 7437. William Dougherty.
S. 7438. Alonzo Cole.
S. 7441. George W. Vogel.
S. 7442. Joseph A. Fisher.
S. 7446. Edwin W. Moody.
S. 7458. Mary L. Lowe.
S. 7467. Lydia A. Brockway.
S. 7475. Elisha Thomas.
S. 7476. James B. Kitts.
S. 7482. James M. Palmer.
S. 7484. Jackson Smith.
S. 7485. Job Ingram.
S. 7486. Alice C. Cox.
S. 7490. John Jenkins.
S. 7494. Charles Woodward.
S. 7501. Hattie E. Lawton
S. 7502. John L. Epperson.
S. 7503. William D. Eudy.
S. 7505. Annia Clark.
S. 7506. Mary L. Taylor.
S. 7516. John Lampke.
S. 7517. Herbert A. Oliver.
S. 7539. Henry C. Jordan.
S. 7541. Elias Lloyd.
S. 7549. John E. Graham.
S. 7561. John McEathron.
S. 7568. Gilbert W. Potter.
S. 7569. Charles H. Nelson.
S. 7570. Sumner P. Boles.
S. 7571. Joann P. Libby.
S. 7573. Anna Trickey.
S. 7574. Mary E. Walker.
S. 7591. Henrietta C. Stanton.
S. 7657. Roderick O'Connor.
S. 7670. James H. Loughman.

Mr. KEY of Ohio. Mr. Speaker, I call up the bill (S. 7509) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, and ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Ohio calls up a pension bill and asks unanimous consent that it be considered in the House as in the Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill.

The following committee amendments were severally read and severally agreed to:

Page 1, strike out lines 6, 7, 8, and 9 (Charles F. Schantz).
Page 1, strike out lines 10 and 11, and on page 2, lines 1 and 2 (Arthur W. Martin).
Page 2, strike out lines 3 to 8, inclusive (Blanche Wood).
Page 2, strike out lines 12, 13, and 14 (Andrew F. Venable).
Page 3, strike out lines 1, 2, and 3 (Benjamin F. Klippert).
Page 3, strike out lines 4, 5, 6, and 7 (Reinhard Anscheutz).
Page 3, strike out lines 8, 9, 10, and 11 (Odelon Valcour).
Page 3, strike out lines 20, 21, and 23 (William C. Campbell).
Page 3, strike out lines 23, 24, 25, and 26 (Edward Louden).
Page 4, strike out lines 1, 2, 3, and 4 (Joseph H. Dawson).
Page 4, strike out lines 9, 10, 11, and 12 (Wilhelmina Myer).
Page 5, strike out lines 25 and 26, and page 6, strike out lines 1, 2, 3, and 4 (Sarah A. Boll).
Page 6, strike out lines 5, 6, 7, and 8 (William A. Taylor).
Page 6, line 12, strike out "$16" and insert "$12" (Edward M. Booe).

The SPEAKER. The question is on the third reading of the Senate bill as amended.

The bill was ordered to be read a third time, was read the third time, and passed.

The foregoing bill is a substitute for the following Senate bills referred to the Committee on Pensions:

S. 1095. Charles F. Schantz.
S. 2282. Arthur W. Martin.
S. 3358. Blanche Wood.
S. 3643. Jane M. Brown.
S. 3977. Andrew F. Venable.
S. 5018. Anna L. Power.
S. 5270. Charles M. Gregory.
S. 5558. Patrick J. Hyde.
S. 6129. Benjamin F. Klippert.
S. 6158. Reinhard Anschuetz, alias Charles Reinhard.
S. 6168. Odelon Valcour.
S. 6186. James N. Yates.
S. 6256. Henry P. Logsdon.
S. 6279. William C. Campbell.
S. 6314. Edward Louden.
S. 6401. Joseph H. Dawson.
S. 6477. Jennings J. Pierce.
S. 6554. Wilhelmina Myer.
S. 6659. Raymond S. Sheldon.
S. 6764. Willard D. Cook.
S. 6791. George P. L. McCarty and Mildred G. McCarty.
S. 6824. Edward F. Collins.
S. 6845. Winfield S. Taylor.
S. 6848. William G. Taliaferro.
S. 6864. Minnie Lord Henderson.
S. 6899. Allan E. Pugh.
S. 6901. Eugene Helm.
S. 6917. David Roach.
S. 6939. Sarah A. Boll.
S. 6996. William A. Taylor.
S. 7012. Edward M. Booe.
S. 7031. Alice Pollock.
S. 7032. Mary R. Kendall.
S. 7063. Caro G. Moore.
S. 7125. Robert H. Trollinger.
S. 7193. John Johnson, 2d.
S. 7355. Louisa M. Fletcher.
S. 7453. Alice S. C. McNaught.

Mr. BRYAN. Will the gentleman allow me to ask him a question—just half a minute?

Mr. KEY of Ohio. I will.

Mr. BRYAN. It is in reference to the case of Harry Yates, Washington Volunteer Infantry. I want to ask the gentleman what is the chance of getting that application considered?

Mr. KEY of Ohio. I do not know anything about that case.

Mr. BRYAN. I desire to inform the gentleman it is one of the most meritorious cases that has ever arisen from our State, and I am very sorry it has not been considered.

Mr. KEY of Ohio. So am I.

Mr. BRYAN. Mr. Speaker, under permission granted, I here present the salient facts of this case of Harry Yates. I very much regret that the session is about to draw to a close without action on this claim. While the claim was not in my hands primarily, yet I feel, along with the gentleman from Washington [Mr. HUMPHREY], a very deep interest in the matter.

The following letter from Mr. C. H. Winders, a prominent Seattle attorney and Spanish-American War veteran, sets forth some of the features:

SEATTLE, WASH., *April 25, 1913.*

Hon. J. W. BRYAN,
Member of Congress, Washington, D. C.

MY DEAR MR. BRYAN: This is the first letter of this kind that I have ever written to any Member of Congress, but I can not believe that there is anything that I can honestly do or ask that would not be proper in connection with the subject matter of this letter.

I am attaching hereto a copy of a letter covering the same subject, which I have addressed to Hon. WILLIAM E. HUMPHREY.

You will probably remember, if you were around our Bolo Club headquarters, Mr. Yates, the boy on crutches, with but one leg. What I have said in my letter to Mr. HUMPHREY is absolutely true. Yates is a man of character and integrity, and I do not believe that there is a man within King County belonging to the Spanish War organization who is better and more favorably known than Mr. Yates.

It is a very easy matter for the Pension Department to say that, after the lapse of 10 years, the condition of Yates's leg was not the result of any injuries received while in the service. I have asked Dr. Bourns, whose affidavit you will find attached hereto, to look into this matter carefully. Dr. Bourns states to me that it is his professional opinion that the condition he found at the time he amputated Mr. Yates's leg arose by reason of the facts set forth in the other affidavits. Dr. Bourns is a man who has had a very wide experience. He was connected with the health department in the city of Seattle for a number of years. He is at this time one of the surgeons of the Northern Pacific Railway Co., and has in addition thereto a large and lucrative practice. I do not know whether you are acquainted with him or not, but he stands high in his profession in this county.

I know that you have always expressed a friendship for the men who were in the Spanish War. I also know that there are a great many fraudulent pension claims granted in the regular routine, and also that the man who had a poor hospital record does not stand upon the same footing as the man who was always answering the hospital call. I also appreciate that the matter of getting a special bill through Congress requires considerable work, and that there are many fraudulent claims continuously being put before the committee.

The boys have put this matter in my hands, and I hesitated a considerable time about whether to send the original affidavits to you or to Mr. HUMPHREY. Inasmuch as Mr. Yates had talked to Mr. HUMPHREY about the matter, and HUMPHREY had agreed to do something for him, I finally thought it best to send them to him, and I know that in doing so you are too broad-minded a man to feel that the originals should have been sent to you. I believe further that you will recognize merit, and I firmly believe that it is going to be your endeavor to represent upon broad-minded grounds the district in which you reside, and it is upon such assumption that I am writing you this letter, because I believe that it has reached that stage in politics where merit will prevail and the man who endeavors to hand out a square deal will be recognized; and I want, in closing, to assure you that any consideration you can give to this claim will be appreciated by our organization within King County.

It is needless for me to say that I am acting in this matter not as an attorney, but I am willing to do anything that I can for Mr. Yates, because I know that he is deserving, and if you can make any suggestions in connection with the subject matter of this letter, the same will be gladly received by myself and by the organization.

Very respectfully,

C. H. WINDERS.

These statements by Mr. Winders are verified by several affidavits, two of which follow:

IN THE MATTER OF THE APPLICATION OF HENRY YATES, ALSO KNOWN AS HARRY YATES, CORPORAL, TROOP B, ELEVENTH CAVALRY, UNITED STATES VOLUNTEERS, FOR PENSION.

STATE OF WYOMING,
County of ———, ss:

Walter Cross, being first duly sworn, on oath deposes and says that he was a private in Troop B, Eleventh Cavalry, United States Volunteers, from September 18, 1899, to the muster out of said troop in March, 1901, and during all of that period served in said troop and associated with and was well acquainted with Corpl. Yates, being Henry Yates and sometimes known as Harry Yates, being his bunk mate during a considerable period of that time, the said Yates being the only Yates in said troop; and affiant further states that he served with said Yates during the entire campaign in the Philippines, and that he has a distinct recollection of Yates being injured on the left knee or leg on at least two occasions, under the following circumstances:

He was kicked by his horse at Inus, P. I., and also by MacMahon's horse at Naig, P. I., MacMahon's horse kicking Ferrell, the blacksmith, at the same time it kicked Yates. The first accident happened some time between January 6 and January 27, 1900, at the time when his troop was escort to Gen. Bates, Yates being kicked at Inus either on the second or third day out on this trip. At that time he was kicked on the left knee, and also received a slight kick on the left cheek. He limped around for several days, and apparently suffered considerable pain. I do not believe, however, that he went to the doctors, because he was a man who would not call upon a doctor unless he was unable to move.

At Naig he was helper to the blacksmith, and as I have stated, both the blacksmith and himself were kicked by MacMahon's horse. This horse was a mean horse, but Capt. Davidson had directed that none of the horses be thrown when shod.

I was Yates's tent mate at the time, and I know that as a result of being kicked his left knee bothered him for some considerable time, and while he continued with his work he was required to use a stick or cane, and used a cane for some time thereafter.

It is my recollection that at the time that Yates and Ferrell were kicked that Capt. Davidson was present. This accident happened some time between February 22 and April 21, 1900.

I was very close to Harry Yates, being his tent mate, and I know that he continued to suffer from time to time from this leg. He would particularly complain after mounted drill that his leg pained him as a result of being rubbed by his carbine, and I know from my personal association with him that it gave him considerable trouble, although he was a man who would keep his troubles from being generally known and was not a man who could complain to his superior officers, as I am satisfied every officer and member of the troop will testify. I know that at times up to the time of our muster out Harry would complain of his leg; sometimes he thought that it might be rheumatism, but by reason of his grit he would not yield to the belief that he had any serious injury.

WALTER CROSS.

Subscribed and sworn to before me this 11th day of October, 1912.
[SEAL.]
A. G. MORRIS,
Notary Public in and for the State of Wyoming,
Residing at Green River.

—

VANCOUVER, B. C., *December, 1912.*

On or about the last part of March or the first part of April, 1900, Harry Yates, of Troop B, Eleventh United States Volunteer Cavalry, was in my squad while in the service. I remember quite well of Harry being kicked on the knee by a vicious sorrel horse which Capt. Davidson had given orders not to be thrown while being shod. I also remember Harry Yates complaining about his knee bothering him for some time afterwards, especially after mounted drill. How I remember this so well—from being in my squad, I felt it well to be as lenient with him as possible.

MARCUS GROWIN.

GRAND UNION HOTEL, *Vancouver, B. C.*

Subscribed and sworn to before me this 10th day of December, 1912, at Vancouver, B. C.
[SEAL.]
DAVID F. WILBUR,
Consul General of the United States of America at Vancouver, B. C.

No fee prescribed for oaths in connection with applications for pensions.

Then follow affidavits by A. V. Davidson, Tim Ericson, Fred Duhig, John W. McMahon, D. M. Leckron, all comrades of Yates, verifying and strengthening the statements in the letter and affidavits above cited. Then follows the affidavit of Dr. F. S. Bourns, one of the most reliable physicians and surgeons of the Northwest:

STATE OF WASHINGTON,
County of King, ss:

F. S. Bourns, a physician and surgeon duly licensed in the State of Washington, declares as follows:

That he has been the medical attendant of Harry Yates since March, 1912; that at the time said Harry Yates was suffering from an injured knee which, after careful study into the history and actual condition of the patient, was determined by the affiant to be a cancer of the bone of the knee joint (inner condyle of the femur, left leg); that on the 9th of April, 1912, the leg was amputated above the knee for said cancer, and that the subsequent pathological examination proved it to be cancer of the bone (osteo sarcoma); that the affiant has since that time made careful study in regard to the origin of the growths of this character, and that in view of the fact that many cancers of this character give a clearly defined history of irritation or injury, in some cases extending many years back, the affiant is of the opinion that the injury sustained by said Harry Yates while in the service of the United States, being kicked twice by a horse on this same bone where the cancer subsequently developed and at the same spot where it subsequently developed, and there being an accompanying irritation following said injuries due to the constant irritation of horseback riding, may be considered as the cause of the cancer which subsequently formed.

The principle involved on which this opinion is based is well known to the medical profession, and specific instances can be cited should such be required.

F. S. BOURNS.

Subscribed and sworn to before me this 24th day of April, 1913, by F. S. Bourns, personally known to me to be the person who executed the foregoing instrument, and a reputable practicing physician of the State of Washington.

[SEAL.] MARTHA H. WALKER, *Notary Public.*

Here we have a Spanish-American War veteran of splendid moral character hobbling about on one leg as a result of an injury received in the service under the conditions set forth, and yet he must go without a pension, although so many claims which, it seems to me, are much less meritorious are amply taken care of.

The bill I introduced covering this claim was as follows:

A bill (H. R. 7221) granting a pension to Harry Yates.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harry Yates, late of Eleventh Regiment United States Volunteer Cavalry, War with Spain, and pay him a pension at the rate of $30 per month.

My colleague [Mr. HUMPHREY of Washington], to whom Mr. C. H. Winders sent the original affidavits, also introduced a similar bill. This claim ought to be allowed and the pension granted by this Congress. Never was a more meritorious case presented.

Mr. KEY of Ohio. Mr. Speaker, I ask to call up the bill S. 7212.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

An act (S. 7212) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. KEY of Ohio. Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Ohio asks unanimous consent that this bill be considered in the House as in Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none.

The bill was read.

The following committee amendments were severally considered and severally agreed to:

Page 1, line 8, strike out "$16" and insert "$12."
Page 2, strike out lines 4 to 7, inclusive (Letta D. Webster).
Page 2, line 14, strike out "$30" and insert "$24."
Page 2, line 17, strike out "$20" and insert "$24."
Page 2, strike out lines 23 and 24, and, page 3, strike out lines 1 and 2 (Edward Lenfesty).
Page 3, strike out lines 3 to 6, inclusive (John Howard).
Page 3, line 9, strike out "$20" and insert "$17."
Page 3, line 17, strike out "$16" and insert "$12."
Page 3, line 20, strike out "$20" and insert "$15."
Page 4, line 3, strike out "$20" and insert "$17."
Page 4, strike out lines 8 to 10, inclusive (Frank D. Brown).
Page 4, strike out lines 11 to 16, inclusive (Marie A. Berry).
Page 4, strike out lines 17 to 20, inclusive (Charles W. Coolidge).
Page 4, strike out lines 21 to 24, inclusive (Edward J. Gainan).
Page 5, strike out lines 3 to 5, inclusive (George J. Newman).
Page 5, line 12, strike out "$16" and insert "$12."
Page 5, line 21, strike out "$30" and insert "$24."
Page 6, line 6, strike out "$15" and insert "$12."

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. KEY of Ohio, a motion to reconsider the vote by which the bill was passed was laid on the table.

The foregoing bill is a substitute for the following Senate bills referred to the Committee on Pensions:

S. 1153. David R. Todd.
S. 2716. Samuel Rook.
S. 3124. Mary B. Howland.
S. 3318. Letta D. Webster.
S. 3972. Horace M. Patton.
S. 4406. John A. Shannon.
S. 4905. Noah E. Curtis.
S. 4912. Edward Lenfesty.
S. 4949. John Howard.
S. 5381. Daniel W. Setzer.
S. 5617. William Quinlivan.
S. 5636. Jacob Smith.
S. 5905. Charles Gustoson.
S. 5952. Oscar Ernst.
S. 5993. Vernon D. Blalock.
S. 6098. Ray M. Sherman.
S. 6130. Frank D. Brown.
S. 6238. Marie A. Berry.
S. 6272. Charles W. Coolidge.
S. 6347. Edward J. Gainan.
S. 6415. David W. Cutting.
S. 6427. George J. Newman.
S. 6515. Richard M. Longfellow.
S. 6681. Frank F. Judson.
S. 6733. Robert S. Smylie.
S. 6821. Matthew H. Jackson.
S. 6835. Mary E. Wash.
S. 6904. Samuel L. Hess.

Mr. KEY of Ohio. Mr. Speaker, I ask unanimous consent to call up the bill S. 6981.

The SPEAKER. The gentleman from Ohio asks unanimous consent to call up the bill, the title of which the Clerk will report.

The Clerk read as follows:

An act (S. 6981) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. KEY of Ohio. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was read.

The Clerk read the following committee amendment:

Page 5, strike out lines 18 to 21, inclusive (Minnie Wadsworth Wood).

Mr. CALDER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. CALDER. I rise to oppose the amendment just read.

The SPEAKER. The gentleman can proceed for five minutes.

Mr. CALDER. Mr. Speaker, Minnie Wadsworth Wood is the widow of Gen. Oliver E. Wood, who served in the Civil War as a private soldier for about a year and a half and obtained an honorable discharge. After this service he entered West Point Military Academy, graduated in 1867, and was then appointed second lieutenant. He served continuously from 1867 to 1902. He had some service in the Indian wars and all through the Spanish War, retiring as a brigadier general. On his death in 1910 he left a widow with little or no income, and this provision in the bill seeks to give the widow a pension of $40 a month, which is the amount usually granted to widows of general officers. The report of the Senate committee indicates that he was sick during the last years of his life, and while it has been impossible to directly trace the cause of his death to illness incurred in the service, the doctors who examined him rather indicate that unquestionably this was the case. I repeat, he served nearly 40 years in the Regular Army, he had a year and a half service in the Civil War, and, in view of the many precedents established, it seems to me that in so meritorious a case the Congress would be doing simple justice in granting this pension. [Applause.] I hope, Mr. Speaker, that the House will vote down the committee amendment.

Mr. KEY of Ohio. Mr. Speaker, I do not believe this House is going to attempt to amend these omnibus bills on the floor of the House. I will state to the gentleman from New York that this item will receive proper consideration in conference. I think it is a bad precedent to amend these bills on the floor of the House. On page 47 of the report, report No. 1448, the gentleman will note the reasons set out in the report why the committee declined to make a favorable report on this item, and I trust the gentleman will not press his amendment.

Mr. CALDER. I am going to ask for a vote.

The SPEAKER. The question is on agreeing to the committee amendment.

The question was taken, and the Speaker announced the ayes appeared to have it.

Mr. CALDER. Division, Mr. Speaker.

The House divided; and there were—ayes 40, noes 25.

So the committee amendment was agreed to.

The following committee amendments were severally considered and severally agreed to:

Page 2, line 5, strike out "$30" and insert "$17."
Page 2, strike out lines 10 to 12, inclusive (Fritz Hedlund).
Page 2, strike out lines 24 to 26, inclusive (F. Isabelle Lawrance).
Page 3, strike out lines 4 to 7, inclusive (Michael Grace).
Page 3, strike out lines 8 to 13, inclusive (Lillian J. Hartley).
Page 3, strike out lines 14 to 17, inclusive (William L. Rouner).
Page 3, strike out lines 21 to 24, inclusive (Nathan Long).
Page 4, strike out lines 16 to 19, inclusive (Margaretha Matthes).
Page 4, strike out lines 20 to 22, inclusive (Samuel C. Cochran).
Page 5, strike out lines 6 to 9, inclusive (Martin L. Williams).
Page 7, line 3, strike out "$20" and insert "$17."

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. KEY of Ohio, a motion to reconsider the vote by which the bill was passed was laid on the table.

The foregoing bill is a substitute for the following Senate bills referred to the Committee on Pensions:

S. 1021. Mary F. Gaddie.
S. 1208. Edwin R. Gibson.
S. 1540. Richard L. Miller.
S. 1863. Patrick P. Finnerin.
S. 2436. Fritz Hedlund.
S. 2995. Charles S. Allen.
S. 4207. Maggie Norment.
S. 4329. William R. Faulkner.
S. 4389. F. Isabelle Lawrance.
S. 4519. William M. Swart.
S. 5030. Michael Grace.
S. 5503. Lilliam J. Hartley.
S. 5527. William L. Rouner.
S. 5535. Harry Jackson.
S. 5537. Nathan Long.
S. 5682. Catherine E. Prine.
S. 5788. Alice I. Henderson.
S. 5877. Frank Knitter.
S. 5984. Margaretha Matthes.
S. 5999. Samuel C. Cochran.
S. 6037. Osco L. Robinson.
S. 6216. John H. Burke.
S. 6317. Martin L. Williams.
S. 6472. James L. Redding.
S. 6475. William A. Downs.
S. 6512. Minnie Wadsworth Wood.
S. 6513. Joseph G. Winkler.
S. 6532. Frank Varney.
S. 6544. Frank Sutterfield.
S. 6602. Oscar Gray.
S. 6618. Oscar O. Lee.
S. 6647. Margaret A. Bennett.
S. 6677. David O. Scott.
S. 6805. John F. Davis.

Mr. KEY of Ohio. Mr. Speaker, I ask unanimous consent to take up the bill S. 7597.

SUNDRY CIVIL BILL.

Mr. FITZGERALD. Mr. Speaker, I call up the conference report on the bill H. R. 21318, "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1916, and for other purposes," and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from New York calls up the conference report on the sundry civil bill and asks unanimous consent that the statement may be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none. The Clerk will read.

Following are conference report and statement:

CONFERENCE REPORT (NO. 1471).

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 21318) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1916, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 10, 23, 24, 26, 27, 33, 36, 37, 39, 40, 41, 42, 43, 45, 46, 47, 53, 54, 56, 57, 58, 61, 62, 64, 69, 70, 71, 74, 75, 76, 77, 78, and 79.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 25, 29, 31, 35, 38, 44, 48, 49, 50, 51, 52, 55, 59, 60, 67, 73, 80, 81, 82, 83, 84, and 85, and agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: Transpose the matter proposed to be inserted by said amendment to page 11 of the bill, after line 7; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Connecting parkway between Rock Creek and Potomac Parks: To enable the commission, created by section 22 of the public-buildings act approved March 4, 1913, to survey the exact boundaries of the lands now desired to be embraced in a connecting parkway between Potomac Park and Zoological Park and to submit a map showing in detail such survey and indicating the changes proposed thereby as compared with the map now on file in the office of the engineer commissioner of the District of Columbia dated May 17, 1911, $5,000."

And the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the number inserted by said amendment insert the following: "82"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,483,000"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,698,000"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$631,500"; and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$825,000"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,530,000"; and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$25,000"; and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$65,000"; and the Senate agree to the same.

JNO. J. FITZGERALD,
SWAGAR SHERLEY,
FRED H. GILLETT,
Managers on the part of the House.

THOMAS S. MARTIN,
LEE S. OVERMAN,
F. E. WARREN,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate, except No. 68, to the bill (H. R. 21318) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1916, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of the said amendments, namely:

Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21, relating to sites, construction, rent, etc., of public buildings: Insert items, proposed by the Senate, as follows:

Arkadelphia, Ark., completion, $55,000.
Boise, Idaho, rent of quarters, $10,000.
Charlotte, N. C., rent of quarters, $4,000.
Cleveland, Ohio, mail chutes, $800.
Concord, N. H., rent of quarters, $5,000.
Danville, Va., tower and tower clock, $2,500.
Harrisburg, Pa., rent of quarters, $4,200.
Lincoln, Nebr., rent of quarters, $5,000.
Madison, Wis., rent of quarters, $15,000.
Newport, R. I., rent of quarters, $12,000.
Oakland, Cal., site, $51,750.
Portland, Ind., completion, $18,000.
Portland, Oreg., continuation, $55,000; and authorizes the Secretary of the Treasury to eliminate the installation of vacuum cleaning and air-washing machinery, intercommunicating telephones and clock systems, etc., as proposed by the Senate.
Poughkeepsie, N. Y., rent of quarters, $10,000.
Reading, Pa., rent of quarters, $5,000.
Sandusky, Ohio, rent of quarters, $12,000.
Toledo, Ohio, rent of quarters, $5,000.
Waynesville, N. C., $21,000.
Willow, Cal., commencement, $20,000.
Wilmington, N. C., customhouse, $200,000.

New Haven, Conn.: Appropriates $400,000, as proposed by the House, for completion, instead of $550,000, as proposed by the Senate, for continuation.

No. 22: Authorizes the commission in charge of the proposed connecting parkway between Rock Creek Park and Potomac Park to prepare a map showing the changes proposed in the boundaries of lands to be embraced therein and makes an appropriation of $5,000 to defray the expenses incident thereto.

No. 23: Strikes out the authority, inserted by the Senate, authorizing the Secretary of the Treasury to dispose of the wharf and warehouse at Sitka, Alaska.

No. 24: Strikes out the increase of $18,000, proposed by the Senate, in the appropriation for architectural competitions for public buildings.

Nos. 25, 26, and 27, relating to the coast guard: Inserts authority for the purchase of water for vessels; strikes out the provision making 10 per cent of the various amounts available interchangeably; and strikes out the appropriation of $9,000 for a harbor boat to replace the *Hartley* at San Francisco.

Nos. 28, 29, 30, 31, 32, 33, and 34, relating to engraving and printing: Provides for 82,000,000 sheets of United States currency, instead of 74,000,000 sheets as proposed by the House and 90,000,000 sheets as proposed by the Senate; increases the number of sheets of customs stamps from 200,000 to 239,000; appropriates $1,483,000 for salaries of employees other than plate printers and their assistants, instead of $1,300,000 as proposed by the House and $1,521,600 as proposed by the Senate; strikes out the authority, proposed by the House, for custody of dies, rolls, and plates; appropriates $1,698,000 for wages of plate printers and their assistants, instead of $1,561,421 as proposed by the House and $1,801,059 as proposed by the Senate; appropriates $631,500 for engravers' and printers' materials, instead of $615,526 as proposed by the House and $657,526 as proposed by the Senate; and restores the authority, proposed by the House, for passenger-carrying vehicles.

No. 35: Appropriates $25,000, as proposed by the Senate, for expenses of conversion of United States 2 per cent bonds into 1-year 3 per cent Treasury notes or 30-year 3 per cent bonds, provided by section 18 of the Federal reserve act.

Nos. 36 and 37: Provides for 73,500,000 sheets of distinctive paper for United States currency, as proposed by the House, instead of 90,500,000 sheets, as proposed by the Senate; and appropriates $415,000, as proposed by the House, instead of $488,950, as proposed by the Senate.

No. 38: Appropriates $8,400 for custody of dies, rolls, and plates, as proposed by the Senate.

Nos. 39, 40, 41, 42, and 43, relating to the Public Health Service: Strikes out the appropriation of $25,000, proposed by the Senate, for 12 additional assistant surgeons; strikes out the authority, proposed by the Senate, for the use of the unexpended balances of appropriations for the Hygienic Laboratory; strikes out the increase of $5,000, proposed by the Senate, in the appropriation for the quarantine service; and strikes out the increase of $25,000, proposed by the Senate, in the appropriation for field investigations.

No. 44: Extends the limit of time for beginning the erection of the George Washington Memorial Building to March 4, 1917, as proposed by the Senate.

No. 45: Strikes out the appropriation of $3,000, proposed by the Senate, for the Navajo National Monument, Ariz.

No. 46: Appropriates $3,000,000, as proposed by the House, instead of $1,900,000, as proposed by the Senate, for the valuation of the property of carriers.

No. 47: Strikes out the appropriation of $25,000, inserted by the Senate, for the collection of the military records of the Revolution.

Nos. 48, 49, and 50, relating to the Frankford Arsenal: Appropriates $72,000 for a tin shop and $22,500 for the extension of the lumber shed, as proposed by the Senate.

No. 51: Reappropriates the balance of the appropriation of $3,600 made for semaphore signals for the draw span of the bridge at the Rock Island Arsenal for the fiscal year 1915 for expenditure during the fiscal year 1916, as proposed by the Senate.

Nos. 52 and 53: Inserts the authority for exchange of motor-propelled and horse-drawn passenger vehicles for the office of Public Buildings and Grounds in Washington and strikes out authority for maintenance, repair, and operation of one delivery wagon.

No. 54: Strikes out the appropriation of $50,000, inserted by the Senate, to begin the construction of two public bathhouses on the tidal basin in Potomac Park.

No. 55: Increases the appropriation for the Commission of Fine Arts from $5,000 to $6,000, as proposed by the Senate.

Nos. 56, 57, and 58: Strikes out the appropriation of $31,834, inserted by the Senate, for sea wall and back filling Johns Creek at the Southern Branch of the National Home for Disabled Volunteer Soldiers.

No. 59: Changes the designation of the "Old Post Office Department Building" to the "General Land Office Building," as proposed by the Senate.

Nos. 60, 61, and 62, relating to the Bureau of Mines: Inserts the authority, proposed by the Senate, requiring the bureau to recommend to the various departments such changes in selection and use of fuel as may result in greater economy, and strikes out the increase of $15,000, proposed by the Senate, in the sum for inquiries and investigations of petroleum and natural gas.

Nos. 63, 64, and 65, relating to the Reclamation Service: Appropriates $825,000, instead of $725,000, as proposed by the House, and $934,000, as proposed by the Senate, for the Yuma project, and strikes out the appropriation of $450,000, proposed by the Senate, for the north canal unit of the Deschutes project, Oregon.

No. 66: Appropriates $25,000 instead of $75,000, as proposed by the Senate, for medical relief of the natives of Alaska.

No. 67: Appropriates $75,000, as proposed by the Senate, instead of $40,000, as proposed by the House, for Glacier National Park, Mont.; and inserts the authority, proposed by the Senate, for the repair of roads from the park to the Blackfeet Indian Reservation.

Nos. 69, 70, 71, and 72, relating to the Department of Justice: Appropriates $17,000 for defending suits in claims against the United States and $13,000 for defense in Indian depredation claims, as proposed by the House, instead of $32,000, proposed by the Senate, for defending suits in claims against the United States; and appropriates $65,000 instead of $50,000, as proposed by the House, and $75,000, as proposed by the Senate, for suits affecting Pacific railroads.

No. 73: Appropriates $14,500 to pay the widow of Horace H. Lurton, late a justice of the Supreme Court of the United States, as proposed by the Senate.

Nos. 74 and 75, relating to the Coast and Geodetic Survey: Strikes out the increase of $25,000 proposed by the Senate in the appropriation for surveys on the Pacific coast.

Nos. 76, 77, 78, 79, and 80, relating to the Bureau of Fisheries: Strikes out the civil engineer at $2,000, the clerk to the deputy commissioner at $1,200, and the increase of $15,000 in the sum for maintenance of vessels; and inserts the increase of $10,000, proposed by the Senate, in the appropriation for the Alaska general service.

Nos. 81, 82, and 83, relating to the Senate: Appropriates $55,000 for the maintenance of the Senate Office Building, $5,000 for furniture for the Senate Office Building, and $17,500 for the Senate kitchens and restaurants.

Nos. 84 and 85, relating to the Panama Canal: Strikes out the limitation of $1,000, proposed by the House, on the purchase of textbooks and books of reference; and makes a verbal correction in the text of the bill.

JOHN J. FITZGERALD,
SWAGAR SHERLEY,
FREDK. H. GILLETT,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. MANN. Will the gentleman yield? I did not hear all of the statement. Is this a complete report?

Mr. FITZGERALD. It is a complete report.

Mr. MANN. So that agreeing to this report agrees to the sundry civil bill?

Mr. FITZGERALD. It winds the sundry civil bill up.

The bill as it passed the House carried $125,790,047.79. The Senate added $2,390,372 and struck out $1,100,000 of the amount provided by the House for the physical valuation of railroads. The total amount added by the Senate was $1,290,372. The bill as it passed the Senate carried $127,080,419.79. The Senate receded from $1,262,669, and the conference restored $1,100,000 for the physical valuation of railroads.

The bill as agreed upon carries $126,922,750.79, or $1,127,703 more than it carried when it passed the House. The appropriations for the current year in the sundry civil bill were $130,728,037.39. This bill is $3,805,286.60 less than the appropriations for the current year. The estimates submitted for consideration in the preparation of this bill were $137,616,472.89, and the bill carries $10,693,722.10 less than the estimates submitted.

Mr. MANN. Mr. Speaker, what was done with the Senate amendment reducing the appropriation for the valuation of railroads?

Mr. FITZGERALD. The amount recommended by the House was restored—$3,000,000.

There is only one other matter to which perhaps I should call the attention of the House. That is the amendment of the Senate relative to the connecting parkway between Rock Creek Park and Potomac Park. The Senate amendment authorized the changing of the map by the commission and the acquisition of such additional land as they deemed desirable or the exclusion of land, providing that no more is acquired than originally authorized. It was impossible to ascertain just what was desired to be done in the way of acquiring or eliminating land. The conferees agreed to a provision authorizing the commission to have a survey made so as to show the proposed changes, and appropriated $5,000 to enable that to be done.

If no one wishes further information, Mr. Speaker, I ask for a vote.

Mr. FOSTER. Will the gentleman yield to me two or three minutes?

Mr. FITZGERALD. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER. Mr. Speaker, I should like to ask the gentleman what became of the $15,000, which was an increased amount for the investigation of gas and petroleum?

Mr. FITZGERALD. My recollection is that the Senate receded, and the appropriation of $35,000, recommended by the House, is made.

That was Senate amendment No. 61. The House recommended $35,000, and the Senate increased the sum to $50,000, and the Senate receded. The amount appropriated is $35,000.

Mr. FOSTER. Mr. Speaker, I realized that, of course, the conferees were endeavorng to keep this bill down to the lowest amount possible, and I want to congratulate the chairman and those who were with him in their efforts to reduce this appropriation below what it was last year and so much below the estimates as made to Congress. This appropriation is:

For inquiries and investigations concerning the mining, preparation, treatment, and utilization of petroleum and natural gas, with a view to economic development and conserving resources through the prevention of waste; to inquire into the economic conditions affecting the industry, $35,000.

It was raised by the Senate to $50,000 and not agreed to, and it remains at $35,000. It is the second appropriation Congress has made for this purpose, and we are gratified to know that this investigation has resulted in such a great conservation of this natural resource of our country. It has been demonstrated in Oklahoma that it is possible to conserve and save the natural gas so that it may be utilized at some future time and not permitted to be wasted as usually is done in the oil fields throughout the country.

This morning the newspapers carried the news, which is correct, that a discovery has been made by those connected with the Bureau of Mines whereby they are able to realize by a new process, which, of course, will be given to the people, and may secure in the extraction of gasoline more than twice as much as now is secured in the refining process. It is known that the Standard Oil Co., of course, has a patented process whereby they are able to extract more than independent companies, but under this new process every independent company in the country will be able to avail itself of the discovery by this bureau. I am sure that the appropriations that have been made in the past, which amount to $60,000, have worked great good to the people generally throughout the country. I am pleased to know that such progress is being made along these lines as we have had.

I ask unanimous consent, Mr. Speaker, that I may extend my remarks in the RECORD upon this subject.

The SPEAKER. Is there objection?

Mr. DIES. Mr. Speaker, a parliamentary inquiry. I wish to inquire of the status of the debate.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] has an hour if he wants it, and has the right to move the previous question at any time he gets ready.

Mr. DIES. I would like 10 minutes.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] asks unanimous consent to extend his remarks. Is there objection?

Mr. BORLAND. Mr. Speaker, I want to reserve the right to object. I would like to ask the gentleman from Illinois if it was his purpose to insert the Secretary of the Interior's explanation?

Mr. FOSTER. I may insert a part or all of it.

Mr. BORLAND. I think that ought to be done.

Mr. FOSTER. I wanted to do that.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSTER. Under leave to extend my remarks, I desire to print the information conveyed in the interview of Secretary Lane:

WASHINGTON, *February 27.*

Secretary of the Interior Lane to-day announced the discovery by the United States Bureau of Mines of two chemical processes, one of which, it is claimed, will be of tremendous importance to the oil industry, greatly increasing the supply of gasoline, while the other may make the United States absolutely independent of the rest of the world in regard to important materials necessary for the dye industry and the manufacture of high explosives used in warfare and in engineering operations.

The first of these processes promises to enable the independent refiners in this country to increase their output of gasoline from petroleum 200 per cent or more. With an estimated production on the part of the independent refiners of 12,000,000 barrels of gasoline in a year, this will mean an output from the independents alone of 36,000,000 barrels, greater than the total production to-day from all sources.

The second process includes the manufacture from crude petroleum of what is known chemically as toluol and benzol, both of which have heretofore been obtained from coal tar. As Germany has specialized far beyond other countries in by-products from coal, the United States and the rest of the world have been dominated by that country as regards those products of toluol and benzol, which are the important bases for the production of dyestuffs and high explosives, and especially smokeless powder.

The discoverer of these two valuable processes, after many years of research, is Dr. Walter F. Rittman, chemical engineer of the Bureau of Mines, the work having been done at Columbia University, New York, the facilities of the laboratory there having been turned over to the Federal Government by President Nicholas Murray Butler.

Application has been made by Dr. Rittman, on behalf of the Federal Government, to patent these processes in order to prevent any monopoly in their use, the patents to be dedicated to the whole American people.

"These processes," said Secretary Lane to-day, "are fraught with the utmost importance to the people of this country. For some time the Standard Oil Co., through the great amount of money at its command, through its employment of expert chemists, and through its extensive organization, has had a big advantage over the independents in the production of gasoline, this company having a patented process that obtains for it as much as three times the amount of gasoline from a given quantity of petroleum as the independents now obtain. There are two or three other large corporations that have an efficient process for the manufacture of gasoline, but the independents, as a whole, have never been able even to approach the results obtained by the Standard Oil Co. Now the Federal Government, through the efforts of Dr. Rittman, proposes to make free for the use of all of the people of this country who wish it a process that is confidently expected to increase their yields of gasoline from crude petroleum fully 200 per cent, and perhaps more, such results having repeatedly been obtained in the laboratory.

It is claimed by Dr. Rittman that his process is safer, simpler, and is more economical in time than processes now in use, and these are economic factors of great importance. With a steadily increasing demand for gasoline for automobiles, motor boats, and engines this fortunate discovery comes at the proper time. It is but two years ago that the automobile industry, fearful that the supply of gasoline might not be adequate for its rapidly expanding business, offered through the International Association of Recognized Automobile Clubs a prize of $100,000 for a substitute for gasoline that would cost less than gasoline. Happily the urgency of this situation has passed, and at the present time there is a plentiful supply of motor fuel to meet immediate demands. This new process adds to the hope that in spite of the wonderful growth in the use of gasoline there may not be any shortage in the future. It indicates an increased production of gasoline from the present production of petroleum—an output of 50,000,000 barrels instead of 25,000,000 as under the present methods. It will render free for use to all the results of that efficient and intelligent research which has heretofore been only at the command of the wealthy. I am led to believe that it will not only be of inestimable value to the refiners commanding but limited capital as well as those of wealth, but also to the hundreds of thousands of users of gasoline. When it is realized that the gasoline industry each year in this country yields products amounting in value to between $100,000,000 and $150,000,000 the importance of this discovery is seen.

The second process discovered by Dr. Rittman may prove of much more value to the country than the first, in that it suggests the establishment of an industry in which Germany has heretofore been preeminent—the dye industry; and also promises indirectly a measure of national safety of incalculable import. Among necessary ingredients of high explosives used in modern warfare toluol and benzol are in the first rank. Heretofore these products have mainly been obtained in Germany and England from coal tar, and the explosive manufacturers have had to depend largely on the supply from these sources in the making of explosives. I understand that some toluol and benzol have been obtained from American coal and water gas tars, but this supply does not begin to satisfy the present demands. The Federal Government now proposes to obtain the toluol and benzol from crude petroleum also. I am further informed that these products can be produced from practically any American petroleum, and that the supply can be made sufficient not only for the entire American trade, but also for other purposes. This process has gone far enough to indicate that the two products can be produced at a reasonable cost. The real comforting thing, however, is that we have the knowledge that this new source of supply is at the command of our people, and that in time of great national stress, if the Nation is ever called upon to defend itself, we will be able to manufacture the most efficient and most powerful explosives known in warfare. Were it not for this discovery it is possible that in such an emergency we might be compelled to rely largely on the greatly inferior explosives that were used in the time of our Civil War, and this would spell national disaster.

Dr. Rittman concludes from his experiments that this process may become more economical than the German method of obtaining these products from coal tar, as this process not only makes toluol and benzol but also gasoline in considerable quantities. He intimated to me the possibility of the value of the gasoline being an important factor in paying the costs of the process. If this should prove to be true, it may result in eventually giving the United States a supremacy in the dyestuffs industry that has for some time belonged to Germany, since toluol and benzol are the source of many of these important dyestuffs that are used in the silk, cotton, and woolen industries. It would also tend to prevent disturbance of the great industries engaged in the manufacture of silks, cottons, and woolens in such extraordinary times as we are now experiencing, for we would be able to supply them with the necessary dyes.

Mr. FITZGERALD. I yield five minutes to the gentleman from Texas [Mr. DIES].

[Mr. DIES addressed the House. See Appendix.]

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

On motion of Mr. FITZGERALD, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

ACCOUNT BETWEEN THE UNITED STATES AND THE DISTRICT OF COLUMBIA (H. DOCS. NOS. 1627 AND 1628).

Mr. JOHNSON of Kentucky. Mr. Speaker, the subcommittee of the Committee on the District of Columbia has directed me to make report of the work of the accountant upon the District of Columbia Committee relative to the Government Hospital for the Insane and also relative to the general account between the District of Columbia and the United States, for the purpose of printing.

The SPEAKER. The Clerk will report it by title.

Mr. JOHNSON of Kentucky. There is no title to it.

Mr. MANN. Is this a privileged matter?

Mr. JOHNSON of Kentucky. I will say to the gentleman that instead of making the report through the basket I am making it direct to the House, in order that it may be printed.

The SPEAKER. It is in response to a resolution of the House. It is ordered printed.

PENSIONS.

Mr. KEY of Ohio rose.

The SPEAKER. For what purpose does the gentleman from Ohio rise?

Mr. KEY of Ohio. I rise, Mr. Speaker, to ask unanimous consent to consider Senate bill 7597, granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

Mr. MANN. I suggest to the gentleman that he ask unanimous consent to consider the bill in the House as in Committee of the Whole.

Mr. KEY of Ohio. Yes. I ask unanimous consent, Mr. Speaker, to consider the bill in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill, as follows:

A bill (S. 7597) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The foregoing bill is a substitute for the following Senate bills referred to the House Committee on Pensions:

S. 1003. William E. McGee.
S. 2378. Charles F. White.
S. 3423. Warren W. Norton.
S. 5742. Daniel Howery.
S. 5840. William H. Hart.
S. 6029. William M. Miller.
S. 6131. Alpheus W. Clark.
S. 6141. Charles R. Conger.
S. 6242. Fred F. Harris.
S. 6632. Benjamin Matlock.
S. 6673. John B. Turner.
S. 6697. Annie R. Chaffee.
S. 6891. Jeremiah C. Foley.
S. 7007. Joseph L. Addison.
S. 7068. Bernard Christianson.
S. 7169. Lee Jenkins.
S. 7180. Etta Adair Anderson.
S. 7251. Katharine H. McDonald.
S. 7324. John H. Hopewell.
S. 7489. William Bowen.
S. 7497. Todd L. Wagoner.
S. 7629. Thomas H. Jones.

The SPEAKER. The Clerk will read the bill for amendment.

The Clerk read the bill, with the following committee amendments, which were severally read, considered, and agreed to:

Amend, page 2, line 17, by striking out "$20" and inserting in lieu thereof "$12."

Amend, page 2, by striking out lines 19, 20, and 21.

Amend, page 2, line 24, by striking out "$17" and inserting in lieu thereof "$12."

Amend, page 3, line 13, by striking out "$12" and inserting in lieu thereof "$17."

Amend, page 3, line 17, by striking out "$20" and inserting in lieu thereof "$17."

Mr. DIES rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. DIES. I would like to strike out the last word, Mr. Speaker.

The SPEAKER. The gentleman from Texas [Mr. DIES] moves to strike out the last word.

Mr. DIES. Mr. Speaker, this proposes to substitute "$17" for "$12."

The SPEAKER. It strikes out "$20" and inserts "$17." It saves the Government $3 a month.

Mr. DIES. Then, Mr. Speaker, I withdraw my pro forma amendment. [Laughter.]

The SPEAKER. The pro forma amendment is withdrawn.

Mr. BRYAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD concerning the pension I mentioned a while ago.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

The following committee amendment was read:

Page 3, strike out lines 20 and 21.

The amendment was agreed to.

The following committee amendment was read:

Page 4, strike out lines 7 to 14, inclusive.

The amendment was agreed to.

The Clerk read as follows:

The name of Thomas H. Jones, late of Company D, Third Regiment Tennessee Volunteer Infantry, War with Spain, and pay him a pension at the rate of $20 per month.

With the following committee amendment:

Page 4, line 21, strike out "$20" and insert "$17."

[Mr. DIES addressed the House. See Appendix.]

The amendment was agreed to.

The Clerk read as follows:

The name of Annie R. Chaffee, widow of Adna R. Chaffee, late lieutenant general, United States Army, and pay her a pension at the rate of $2,000 per annum.

With the following committee amendment:

Page 5, line 3, strike out "$2,000 per annum" and insert in lieu thereof "$50 per month."

Mr. STEPHENS of California. Mr. Speaker, Adna R. Chaffee was born near Warren, Ohio, April, 1842. In July, 1861, he enlisted as a private in the Sixth United States Regular Cavalry. He fought throughout the Civil War. For gallant and meritorious services he was brevetted time and again during the four years of that great struggle. By bravery, executive ability, good judgment, and strict attention to duty he earned promotion after promotion from private to first lieutenant before the close of the Civil War, and from lieutenant of a company to lieutenant general of all our armies during his 40 years of active service after the war.

He led his troops in our Indian wars and in Cuba during the Spanish-American War. He was selected to command the American forces in the march of the allies on Peking, China, in 1900, and to command our Army in the Philippines afterwards. Following that he served at Chief of Staff at Washington until he was relieved for age in the spring of 1906.

Mr. Speaker, the following is the faithful, efficient, wonderful Army service record of Adna R. Chaffee: Private soldier in 1861; lieutenant general in 1904. It was thus recently given to the Senate of the United States by the Assistant Secretary of War:

Adna R. Chaffee enlisted in the Regular Army July 22, 1861, at Warren, Ohio, to serve three years, and was assigned as a private to Troop K, Sixth United States Cavalry; was appointed sergeant and first sergeant October 1, 1861, and September 26, 1862, respectively, and was discharged May 12, 1863, as first sergeant of that troop and regiment on account of promotion to second lieutenant. His service as a commissioned officer was as follows:

Second lieutenant, Sixth United States Cavalry, May 12, 1863; first lieutenant February 22, 1865; regimental adjutant from November 11, 1864, to December 12, 1866; regimental quartermaster from December 12, 1866, to October 12, 1867, when promoted to captain; major, Ninth United States Cavalry, July 7, 1888; lieutenant colonel, Third United States Cavalry, June 1, 1897; brigadier general, United States Volunteers, May 4, 1898; major general, United States Volunteers, from July 8, 1898, to April 13, 1899; brigadier general, United States Volunteers, April 13, 1899; colonel, Eighth United States Cavalry, May 8, 1899; major general, United States Volunteers, July 19, 1900; major general, United States Army, February 4, 1901; lieutenant general, United States Army, January 9, 1904, and was retired as such February 1, 1906. He died November 1, 1914, at Los Angeles, Cal.

He was brevetted as follows: First lieutenant, July 3, 1863, for gallant and meritorious services in the Battle of Gettysburg, Pa.; captain, March 31, 1865, for gallant and meritorious services in the Battle of Dinwiddie Court House, Va.; major, March 7, 1868, for gallant and efficient services in engagement with Comanche Indians at Point Creek, Tex.; and lieutenant colonel, February 27, 1890, for gallant service in leading a cavalry charge over rough and precipitous bluffs held by Indians on the Red River of Texas August 30, 1874, and gallant service in action against Indians at Big Dry Wash, Ariz., July 17, 1882.

Following is a detailed statement of this officer's service: Served with his regiment in the Army of the Potomac until wounded in the Gettysburg campaign at Fairfield, Pa., July 3, 1863; absent on account of wound to September, 1863; commanding troop to October 11, 1863, when wounded at the battle of Brandy Station, Va.; absent, sick, to November, 1863; with regiment in Army of the Potomac to August, 1864; in the Senandoah Valley, Va., to February, 1865, and in the campaign against Richmond, Va., to May, 1865, during which period he participated in all the battles, engagements, etc., in which his regiment was engaged (about 50), from the siege of Yorktown, Va., April, 1862, to Appomattox Court House, Va., April, 1865; with regiment at Frederick, Md., June to October, 1865; en route to and at Austin, Tex. (also depot quartermaster at same place December, 1866, to February, 1868), to February, 1868; commanding troop at Fort Griffin, Tex., to September, 1868, being frequently in field on scout and engaged in action with hostile Indians at Point Creek, Tex., March 6, 1868; commanding troop at Sulphur Springs, Tex., September, 1868, to March, 1869; at Canton, Tex., to July 17, 1869; at Tyler, Tex., to January, 1870; at Corsicana, Tex., to May, 1870; at Fort Griffin, Tex., to September, 1870; at Fort Richardson, Tex., to March 20, 1871, being frequently in field on scout against Indians and engaged in action with them November 14, 1870; commanding troop on the march to and at Fort Riley, Kans., to January 28, 1872; at Oxford, Miss., also commanding post, to December 6, 1872; at Fort Harker, Kans., to April 2, 1873; at Fort Supply, Ind. T., to August 19, 1874; in the field on expedition in Indian Territory and Texas to March 23, 1875, being engaged in action against hostile Indians at Mulberry Creek, Tex., August 30, and near Washita River, Ind. T., October 17, 1874; commanding troop at Fort Supply, Ind. T., March 23 to April 29, 1875; at Fort Dodge, Kans., to August 2, 1875; on the march to and at Fort Verde, Ariz., to May 30, 1876; at Fort Grant, Ariz., to June 21, 1876, and at Fort McDowell, Ariz., to September 13, 1876; on recruiting service October 23, 1876, to October 1, 1878; rejoined his regiment November 12, 1878, and commanded his troop at Fort McDowell, Ariz., to July 1, 1879; in charge of the San Carlos Agency, Ariz., to May 31, 1880; commanding troop and post of Fort McDowell, Ariz., being frequently in field in active operations against hostile Indians, to September 11, 1882, being engaged in action with them at Big Dry Wash, Ariz., July 17, 1882, and was highly commended for services in the field in General Orders, No. 37, Department of Arizona, July 31, 1882; on leave September 11, 1882, to January 5, 1883; commanding troop at Fort McDowell, Ariz., to October 17, 1883, being absent in the field with Gen Crook in Arizona and New Mexico, operating against hostile Apache Indians March 24 to July 9, 1883; commanding troop and post of Fort Huachuca, Ariz., to June 5, 1884; at Fort Craig, N. Mex., to September 12, 1884; on leave to November 10, 1884; commanding troop at Fort Wingate, N. Mex. (in field and at Fort Cummings, N. Mex., May 22, 1885, to October 19, 1886), to August 8, 1888; joined his regiment (Ninth United States Cavalry) August 28, 1888, and commanded post at Fort Duchesne, Utah, on September 27, 1890; acting inspector general, Department of Arizona, October 6, 1890, to July 6, 1893, and of the Department of Colorado to October 4, 1894; on duty with regiment at Fort Robinson, Nebr. (in the field commmanding expedition against Indians in Idaho and Wyoming July 28 to October 29, 1895), to November 7, 1896; on duty as instructor of cavalry at the Infantry and Cavalry School, Fort Leavenworth, Kans., November 27, 1896, to April 19, 1898, when he accompanied his regiment to Chickamauga, Ga., where he commanded a brigade to May 20, 1898, a division in the Fifth Army Corps at Tampa, Fla., to June 16, 1898, and in the campaign against Santiago and in Cuba to August 21, 1898.

He was highly commended by Gen. Lawton for especial distinction in successfully planning and attacking the stone fort at El Caney, Cuba, July 1, 1898. From August 21 to September 27, 1898, he commanded his division en route to and at Montauk Point, N. Y.; commanding First Division, Fourth Army Corps, November 1 to December 5, 1898, and

Fourth Army Corps to December 14, 1898; chief of staff to Maj. Gens. Brooke and Wood, of the headquarters division of Cuba, Habana, Cuba, December 29, 1898, to May 16, 1900.

He was highly commended by Gens. Brooke and Wood for services rendered in the latter position, the former stating that "the Army has no better example of efficiency" and the latter that "he has filled the position with ability and assiduity rarely seen among public men." He left Cuba May 25, 1900, en route to Washington, and thence to San Francisco, sailing from the latter place July 3 and arriving at Taku, China, July 29, 1900, when he assumed command of the China relief expedition, which he commanded to May 26, 1901, when he proceeded to the Philippines.

He was highly commended by the President and Secretary of War "for the brilliant achievement in which the courage, fortitude, and skill of the American forces under his command in China played so honorable a part."

He arrived at Manila, P. I., June 5, 1901, and after making a tour of inspection of the islands, on July 4, 1901, assumed command of the Division of the Philippines and duties of military governor, and was relieved October 2, 1902; in command of the Department of the East, Governors Island, N. Y., November 21, 1902, to October 26, 1903; member of the General Staff from October 26, 1903, to January 9, 1904, when he became Chief of Staff. He was relieved as Chief of Staff January 15, 1906.

In the case of this officer the medical records show as follows: Wounded, right hip, ball, severe, at Battle of Fairfield, Pa., July 3, 1863; treated, June 10 to 15, 1870, intermittent fever, tertian; August 8 to 12, 1870, intermittent fever; November 1 to 14, 1871, abscess; April 15 to 20, 1873, sprain; December 2 to 4, 1884, quotidian intermittent fever, in line of duty, cured; November 28 to 30, 1893, influenza, in line of duty; December 4 to 13, 1893, epidemic influenza, in line of duty; January 10 to 31, 1894, hemorrhoids; operation, January 10, 1894, removed by clamp and cautery, in line of duty; June 12 to July 3, 1895, sprain, right knee, thrown from horse while on review June 11, in line of duty; hot applications, first; plaster of Paris bandage put on June 13 and removed June 25; at night knee swells slightly after exercising during day, but no pain; returned to duty, cure not complete.

Mr. Speaker, for the last few years of his life Lieut. Gen. Adna R. Chaffee was a resident of the district I represent. Soon after retiring from the service he moved to Los Angeles, Cal., where I had the honor of his acquaintance and the pleasure of serving with him in many public places. For several years, and until a very short time before he died, Gen. Chaffee was chairman of the board of public works of the city of Los Angeles. This board had direct charge of the building of the great Los Angeles aqueduct, costing $25,000,000, that is now bringing pure water sufficient to supply a city of 3,000,000 people from the snow-clad mountains 220 miles away.

We were glad to have Gen. Chaffee and his family come to us. We honored him, and ever shall, for his hand, his brain, and his time were always at the command of every good movement for the upbuilding of the city of Los Angeles.

Mr. Speaker, a pension is now sought for his widow. The Senate has expressed the opinion that $2,000 per annum should be paid. The House Pension Committee, in accord with its rule, which I understand it has never violated, has reported in favor of $50 per month. Mr. Speaker, I must oppose this reduction; $600 per annum is not enough. This country has been most liberal in its pensions. Many of the widows of our war generals are paid from $1,200 to $2,000 per annum. Mrs. Annie R. Chaffee, Gen. Chaffee's widow is reported by the Senate committee to be without income. A part of a personally written and personally signed letter to me from Mrs. Chaffee reads as follows:

LOS ANGELES, CAL., *December, 1914.*

Hon. W. D. STEPHENS,
House of Representatives, Washington, D. C.

MY DEAR MR. STEPHENS:

* * * * * * *

I forgot to tell you that I have no present income; but I am not unhappy, for I have had the honor of being the wife of Gen. Chaffee, and I am a happy, grateful woman. I am,

Sincerely, yours, ANNIE R. CHAFFEE.

Mr. Speaker, in conclusion I have to say that the military record of Adna R. Chaffee, who entered the Regular Army as a private in 1861, served through all his country's wars and after, and who, because he was at all times a good soldier, rose step by step to supreme command, is a record that will prove a wonderful incentive to every man in the ranks. As a soldier his service to his country was extraordinary, his bravery and ability unquestioned. As a citizen all Los Angeles pays him tribute. His life among us was devoted to the public good.

Gen. Adna R. Chaffee gave 45 years of his life to his country. The least we should do, now that he is gone, is to make his widow comfortable for the remaining years of her life. I am sure the Senate and House will provide well before this matter is closed.

Mr. Speaker, with permission, I submit the following:

STANTON POST, No. 55,
GRAND ARMY OF THE REPUBLIC,
Los Angeles, Cal., January 29, 1915.

The Hon. WILLIAM D. STEPHENS,
Washington, D. C.

DEAR SIR: Stanton Post, No. 55, Department of California and Nevada, Grand Army of the Republic, passed a resolution begging the Senate and lower House to grant to the widow of the late Lieut. Gen. Adna R. Chaffee a suitable pension.

The original resolution has this day been forwarded to the Hon. J. D. WORKS, of the Senate, and we beg that you confer with him on the subject.

Very truly, yours,

C. F. DERBY,
Adjutant of Stanton Post, No. 55, Grand Army of the Republic.

Resolution.

LOS ANGELES CHAMBER OF COMMERCE,
Los Angeles, January 8, 1915.

Whereas Adna R. Chaffee, late lieutenant general of the Army of the United States and a resident of Los Angeles since his retirement from active duty in 1906, died in this city November 1, 1914, thus bringing to a close an honorable and distinguished career, devoted from early manhood to the service of his country as a soldier; and

Whereas Gen. Chaffee, by reason of the exactions of the military profession and of his whole-hearted devotion to duty, was unable to provide a competency for himself and family, and, consequently, left practically no estate for the support of his widow, who, from the time of her marriage to him as a young lieutenant, shared his life in loyal and affectionate helpfulness and joined with him in giving their children to the Army: Therefore be it

Resolved, That the Chamber of Commerce of the city of Los Angeles does most urgently request and recommend that the Congress of the United States make prompt, adequate, and suitable provision, by grant of pension, for the maintenance of the widow of Gen. Chaffee in comfort during her life, and that the Senators and Representatives in Congress from this State be urged to exercise their best efforts to bring about the passage of an act for that purpose; that a copy of this resolution be forthwith transmitted to each of such Senators and Representatives.

I hereby certify that the above is a true and correct copy of the resolution adopted by the board of directors of the Los Angeles Chamber of Commerce at the regular meeting held Wednesday, January 6, 1915.

LOUIS M. COLE, *President.*

The amendment was agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. KEY of Ohio, a motion to reconsider the last vote was laid on the table.

AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, I present the Agricultural appropriation bill (H. R. 20415) with Senate amendments.

The Clerk began the reading of the report (H. Rept. 1470).

Mr. MANN. Mr. Speaker, the reading of the report of the committee is not in order.

The SPEAKER. Of course not. Has the gentleman any motion to make?

Mr. LEVER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Senate amendments to H. R. 20415, and pending that I ask unanimous consent that the House disagree to all Senate amendments except amendment 89, commonly known as the McCumber amendment.

Mr. HENRY. Mr. Speaker, reserving the right to object, I would like to ask the gentleman how much time for general debate he thinks we ought to have on amendment 89?

Mr. LEVER. May I inquire of the gentleman from Texas how much time he desires?

Mr. HENRY. It seems to me we ought to have at least three hours for general debate.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question? In the consideration of Senate amendment 89 in the Committee of the Whole House on the state of the Union, of course it is thrown open to amendment. There may be any number of amendments offered to the Senate amendment, or there may be different substitutes offered in different ways.

Mr. HENRY. Yes.

Mr. MANN. Any part of it is subject to amendment?

Mr. HENRY. Yes.

Mr. MANN. Now, does the gentleman prefer to have a long general debate or more debate on the amendments which are offered in the committee?

Mr. HENRY. I really think it would shorten the time to have three hours of general debate, because the bills would all be better understood, and the debate under the five-minute rule would not be so long.

Mr. MANN. It does not make any difference to me. Of course I know what will happen if we have three hours' general debate on the bill. Everybody will leave the Chamber, and then when we come back we have got to discuss it over again under the five-minute rule, because it is a matter that is very difficult to vote upon without some understanding.

Mr. LEVER. Let me say to gentlemen who are interested in this proposition that after we have gotten into Committee of the Whole I shall be extremely liberal in permitting debate on this proposition.

Mr. MANN. If you are not, the committee will be.

Mr. LEVER. There will be no disposition on my part to shut off the debate. All I desire is to get to the Committee of the Whole.

Mr. HENRY. Let us try to agree on two hours' general debate. Can not we agree to two hours for general debate?

Mr. UNDERWOOD. Mr. Speaker, in the closing hours of Congress, with five or six general appropriation bills in conference which must be agreed to and the bills enrolled, it seems to me that if we want to consider the real merits of this question we do not want any general debate. The minute you announce general debate all but a few of the Members of the House will clear out.

Mr. HENRY. I think it would shorten the proceedings under the five-minute rule.

Mr. MANN. I think, Mr. Speaker, that two hours is not excessive.

Mr. UNDERWOOD. If gentlemen want to speak on the merits of the question, they want an audience; and they will not get it under general debate.

Mr. MANN. We can have a sort of an understanding, if debate runs along, that we will rise to dispose of conference reports.

Mr. UNDERWOOD. I think that is true; but I think it would be better to have a liberal debate under the five-minute rule.

Mr. MANN. I agree with the gentleman from Alabama; but if we have conference reports on appropriation bills we ought to dispose of them so that if appropriation bills are agreed upon they can be enrolled; they can not all be enrolled in the last 15 minutes.

Mr. UNDERWOOD. This bill will have to go to conference.

Mr. MANN. Yes; but if every other bill is out of the way we can sit all night, or any night, on this bill.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that general debate on this proposition be limited to 1 hour and 30 minutes; 30 minutes to be controlled by myself and 1 hour by the gentleman from Texas [Mr. HENRY].

Mr. HULINGS. Mr. Speaker, reserving the right to object, I desire to say that I wish the opportunity to present a substitute for the Senate amendment.

The SPEAKER. The Chair will state to the gentleman that that is a matter for the Committee of the Whole.

Mr. LEVER. The gentleman will have his right in the Committee of the Whole.

Mr. HULINGS. But what I wish to say is I desire to have some allotment of time out of this hour and a half.

Mr. MANN. Let me say to the gentleman that we will have to have some time on this side of the House.

Mr. GARNER. Mr. Speaker, may I make a suggestion to the gentleman from South Carolina, that he ask unanimous consent to limit the debate to one hour and a half, the time to be controlled by the chairman of the Committee of the Whole, and nobody be recognized for more than 10 minutes.

Mr. BATHRICK. I will not agree to that.

Mr. HENRY. Mr. Speaker, I suggest that general debate be limited to 2 hours; 1 hour to be controlled by myself, 30 minutes by the gentleman from South Carolina [Mr. LEVER], and 30 minutes by some one on the other side.

Mr. HOWARD. I object to that.

Mr. MANN. Mr. Speaker, I think that this side of the House will be willing to take one-third of the 2 hours—40 minutes to the gentleman from Texas, 40 minutes to the gentleman from South Carolina, and 40 minutes to the gentleman from Iowa [Mr. HAUGEN].

Mr. KEATING. Mr. Speaker, I ask for the regular order.

The SPEAKER. The regular order is that the gentleman from South Carolina has made three requests and one motion. In the first place he asks unanimous consent that all the Senate amendments except Senate amendment 89 be disagreed to. Is there objection?

Mr. STAFFORD. Reserving the right to object, I want to direct the attention of the gentleman from South Carolina to Senate amendment 35, appropriating $3,000,000 for forest reserves. I want to ask if we can not have a separate vote on that.

Mr. MANN. Mr. Speaker, I shall object to all unanimous requests.

Mr. UNDERWOOD. Mr. Speaker, I would like to ask the House, outside of this other question, to remember that there are some 90 amendments to this bill, and we want to pass the Agricultural appropriation bill. I realize the importance of the McCumber amendment, but the other amendments are amendments that can be disagreed to. Do not let us get into a filibuster in regard to it. I ask unanimous consent that all amendments except amendment 89 be disagreed to before we go into Committee of the Whole.

Mr. HENRY. I do not think there is any objection to that.

Mr. MANN. Mr. Speaker, I told the gentleman from Alabama that I would not object, but for another reason I shall have to at this time, although I think we can dispose of them quickly in the committee.

Mr. BORLAND. Mr. Speaker, I ask unanimous consent——

Mr. MANN. I object.

Mr. BORLAND. Will the gentleman wait? He has not heard what the request is.

Mr. MANN. It makes no difference; I object.

Mr. BORLAND. I was going to ask to have the debate limited to the bill.

The SPEAKER. The question is on the motion of the gentleman from South Carolina to go into Committee of the Whole House on the state of the Union to consider Senate amendment 89.

Mr. GARNER. To go into Committee of the Whole to consider all the amendments. The gentleman from South Carolina made a motion to go into Committee of the Whole to consider Senate amendments, and then asked unanimous consent to disagree to all the amendments except Senate amendment 89, and that was objected to, and now the motion is to go into Committee of the Whole House on the state of the Union to consider all the Senate amendments, or you can not consider the bill.

Mr. MANN. That is correct.

The SPEAKER. That is true; all the Senate amendments are referred to the Committee of the Whole.

The question was taken, and the motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. HAY in the chair.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all the Senate amendments, except Senate amendment No. 89, be reported back to the House with the recommendation that they be disagreed to.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all of the Senate amendments, except Senate amendment No. 89, be disagreed to and that the committee report them back to the House as disagreed to. Is there objection?

Mr. STAFFORD. Mr. Chairman, reserving the right to object, I would like to inquire of the chairman of the committee as to his attitude, without embarrassing him, in respect to Senate amendment No. 35, which provides for an appropriation of $3,000,000 for the Appalachian Forest Reserve. If we can obtain a separate vote on that before final agreement is reached, in case the Senate does not recede from its amendment, I have no objection to the request of the gentleman.

Mr. MANN. Mr. Chairman, that can not be done in that way. The only way to do is to have a separate vote now. We can not make agreement at this stage of the proceedings in the Committee of the Whole for separate votes. It can be excepted from the request and we can have a separate vote now.

Mr. LEVER. Mr. Chairman, I was about to suggest to the gentleman from Wisconsin, without committing myself in advance as a conferee, that I realize very fully the condition of the Federal Treasury, and I will state that the agricultural appropriation bill as reported from the committee in the House was constructed upon the theory that we would not provide for any appropriations that would put new burdens upon the Treasury. The whole theory of myself and the committee was in the direction of holding down the appropriations in this bill; and that being true as to our attitude in the House, I take it the gentleman will draw a proper inference if he would say that it would be so with reference to our attitude in conference.

Mr. STAFFORD. Mr. Chairman, I assume the same may be said as to amendment 89, which provides for a half million dollar appropriation for building artificial lakes out in the deserts of Kansas.

Mr. LEVER. I have a strong notion that that will be true of that.

Mr. FALCONER. Mr. Chairman, I would like to ask the gentleman if he will not eliminate from his request Senate amendment 88, on denatured alcohol?

Mr. LEVER. Mr. Chairman, I will say to the gentleman from Washington that, as far as I am able to do it, under the stress of other circumstances, I am studying that proposition. I would much prefer to permit it to go to conference at this time, until we can get some further information respecting it. I promise the gentleman a very serious and earnest consideration of it in conference, as far as I am concerned.

Mr. STAFFORD. Mr. Chairman, reserving the right to object, has the gentleman any objection to having a rising vote in the committee on amendment 35, the $3,000,000 Appalachian project, and amendment 87, with only a very limited debate, in

order to show the attitude of the House, to strengthen, perhaps, the position of its conferees?

Mr. LEVER. Mr. Chairman, if my friend from Wisconsin would permit, I would very much prefer to go to conference untrammeled.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina? [After a pause.] The Chair hears none, and it is so ordered.

Mr. LEVER. Mr. Chairman, I ask the Clerk to report Senate amendment 89.

The Clerk proceeded to read Senate amendment No. 89.

Mr. MANN. Mr. Chairman, I suggest to the gentleman that there probably will be no objection if he asks unanimous consent to dispense with the first reading of the amendment.

Mr. LEVER. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the amendment.

The CHAIRMAN. Is there objection?

Mr. FERRIS. Mr. Chairman, reserving the right to object, which I do not intend to do, I ask unanimous consent that both the McCumber amendment and the so-called Hollis amendment be printed in the RECORD at this stage, one following the other.

Mr. MANN. Of course this amendment will be printed, but the other amendment will not be printed until it is offered.

Mr. FERRIS. Why not let the two be printed at this time?

The CHAIRMAN. The Chair will state to the gentleman from Oklahoma that two requests for unanimous consent can not be pending at the same time.

Mr. HENRY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HENRY. If we dispense with the first reading of the amendment——

Mr. BUCHANAN of Illinois. Mr. Chairman, I demand the regular order.

Mr. NORTON. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Illinois objects and the gentleman from North Dakota objects.

The Clerk will report the Senate amendment numbered 89.

The Clerk read as follows:

Page 83, after line 23, insert the following:

"That there is hereby created in the Treasury Department a bureau to be known as the Bureau of Farm Credits. Said bureau shall be presided over by an officer who shall be designated Commissioner of Farm Credits. The Secretary of the Treasury shall provide for sufficient clerical force to perform the duties of said bureau.

"That there is hereby appropriated and set aside for the use of said bureau, in the manner hereinafter provided, the sum of $10,000,000, or so much thereof as may be necessary.

"That the said sum so provided shall be used for the purpose of purchasing notes secured by first mortgages on agricultural lands, as hereinafter provided, for stationery and clerical expenses, and such other expenses as may be incident to the business of said bureau.

"That every national bank and every State bank desiring to avail itself of the privileges herein provided are hereby created and declared to be agencies of the Treasury Department for the purpose of receiving from mortgagor notes and mortgages securing same, advancing the moneys to the said mortgagors and transmitting said notes and mortgages to the Bureau of Farm Credits, and receiving in return therefor the amount advanced to the mortgagor by the said bureau.

"That it shall be the duty of the Secretary of the Treasury to apportion the sum hereby appropriated among the several States according to the agricultural population, importance of the agricultural productions of each State, and percentage of agricultural lands incumbered by mortgages or trust deeds, and to pay for such notes and mortgages as may be presented to the extent of the amount apportioned to any State.

"That any owner of agricultural lands within the United States, who is living upon and farming such lands, desiring a loan under the provisions of this act, shall execute a promissory note due in 10 years, bearing interest at the rate of 5 per cent per annum, interest payable annually, which interest shall be evidenced by 10 coupon notes attached to said principal note, and which coupons shall also bear interest at the rate of 5 per cent per annum from the date of maturity until paid, payable annually. Said note shall also provide that the principal may be paid on any interest-paying day after the expiration of five years. Said note shall be secured by a first mortgage upon the lands so farmed by the owner, and executed and recorded in the manner provided by the laws of the State in which the land is situated, for the execution and recording of mortgages on real estate. Such mortgage shall be accompanied by an application for loan, which application shall recite the purpose for which the loan is desired, the market value of the land, the value at which it was last assessed for taxation, the value and kind of buildings thereon, the number of acres under cultivation, the character and quality of the soil, the number of acres capable of being cultivated, and such other information as may be required by the rules of the said said bureau. Said application shall have attached thereto or made as a part thereof an affidavit signed by the owner and at least two neighbors who are thoroughly acquainted with land values in the vicinity, stating the market value of such lands and the market value of the particular lands to be mortgaged. Said note, mortgage, and application shall also be accompanied by an abstract of title duly certified by an abstract company, the register of deeds, or other officer authorized by the laws of the State to make and certify abstracts of lands, which abstract shall show no other mortgages, judgments, delinquent taxes, or other liens of any character against the said lands, unless the purpose of the loan is to secure money to cancel such liens. Said owner shall then present to any national bank or State oank accepting the provisions of this act the said loan papers. The said abstract and papers shall be carefully examined by the president, cashier, or other officer of the bank for the purpose of ascertaining whether the title is perfect in the mortgagor, whether the land is affected by any liens, who shall certify the result of his examination of the abstract, and who shall further certify what in his opinion and judgment is the actual cash selling price of the land. And no mortgage shall be accepted for a greater amount than one-half of the value of such lands, including improvements; nor in any event to an amount exceeding one-half of the actual market value thereof. The said bank may charge the borrower for its services in examining papers and abstract and in forwarding the papers to the Bureau of Farm Credits a sum not exceeding 1 per cent of the amount of the mortgage. No mortgage shall be less than $300 nor more than $10,000 to one person or company, and shall be in multiples of $100. The said notes and mortgages shall not be dated at the time they are executed and presented to the bank. The said bank shall forward all the said papers to the said Bureau of Farm Credits, which bureau shall examine the abstract, note, mortgage, and application, and if said abstract shows the land to be clear or to have no liens of greater amount than the amount desired to be loaned, and all papers properly executed, it shall remit to the bank forwarding the papers the amount of the loan, and shall date the notes and mortgage the date on which the remittance is made, from which date interest shall begin to accrue; and all coupons shall be dated to correspond with the date affixed to the principal instrument; and said bureau shall return, with the remittance, the abstract of title. Upon receipt of the said abstract of title by the bank, said bank shall require the abstract to be continued up to date of payment by said bank to the borrower, and if said abstract after being continued shows the land clear, the bank shall indorse over to the borrower the remittance made by the Bureau of Farm Credits. If there are any liens upon the land, the bank, out of the remittance, shall first pay and have canceled such liens and pay the balance to the borrower. The bank shall be held responsible for any negligence in the performance of its duties as agent of said bureau. The principal and all interest coupons shall be payable at the bank where and through which the loan is negotiated and remitted by said bank to said bureau.

"That whenever the Bureau of Farm Credits shall have received such mortgages to the extent of $1,000,000, it shall issue bonds in the name of the United States, payable in 20 years and bearing 4½ per cent interest, payable annually, with the privilege and option of the said bureau to pay the principal at the expiration of 10 years. Said bonds shall be issued in denominations from $100 to $500 each, and the said Commissioner of Farm Credits shall sell the said bonds for the face value thereof to any persons applying therefor, preference being given to those desiring small investments. Said bonds shall not be subject to taxation by the United States, a State, or municipality. All moneys received by the said commissioner in the sale of bonds and the principal and all interest paid on said mortgages shall be covered into the said fund of $10,000,000 and used in the payment of mortgages as they may be presented, the expenses of the bureau, the interest on bonds, and payment thereof at maturity.

"That all mortgages shall run to the Commissioner of Farm Credits, and said commissioner shall have all the rights and authority of a mortgagee under the laws of the State wherein such mortgage is executed.

"That all taxes of every kind levied by a State or municipality which may become a lien prior to said mortgage shall be paid by the mortgagor at least 30 days prior to the time such lands could be sold for delinquent taxes. Upon his failure to do so, or to pay any other lien that may attach to said lands and become superior to said mortgage, the commissioner may pay the same and the mortgage shall stand as security for such sums so paid and interest thereon at 8 per cent per annum. And said mortgage shall further provide that in default of the payment of any interest or the payment of taxes, or other superior liens, as aforesaid, the commissioner may foreclose the premises pursuant to the laws of the State in which the land is situated. All papers necessary for the foreclosure proceedings shall be prepared and premises foreclosed by the proper law officer of the bureau. In lieu of foreclosure the commissioner may sell the mortgage to any person desiring to purchase the same, without recourse, and the money so received shall be covered into the said fund. Upon foreclosure, the said commissioner may transfer and assign the certificate of sale to any purchaser, and after the period of redemption has expired, may sell the lands. And any sum received therefor shall in like manner be covered into said fund.

"That it is the purpose of this act not only to secure and facilitate borrowing upon agricultural lands at a reasonable rate of interest, but also to afford a means for those who desire a safe investment, and so long as the said bureau shall be able to dispose of bonds at par it shall accept mortgages presented to any extent above the $10,000,000 hereby appropriated.

"That said bonds shall be negotiable in form, and transferable by indorsement, and may be bought and sold by Federal reserve banks under the provisions of sections 13 and 14 of the Federal reserve act, approved December 23, 1913, and may also be received as collateral for the issue of Federal reserve notes under the provisions of section 16 of said act.

"That the word 'mortgage' shall be construed to include deeds of trust or any other instruments of security on agricultural lands.

"That the Secretary of the Treasury shall make all needful rules and regulations to carry out the provisions of this act.

"That this act shall take effect from and after its passage and approval."

Mr. LEVY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LEVY. Is it proper now to offer a substitute for that amendment?

The CHAIRMAN. It is not.

Mr. LEVER. Mr. Chairman, the Committee on Agriculture has been in session to-day from 9.30 o'clock until 1 o'clock considering the various rural-credit bills that have been offered in this Congress, the numbers of which and the authors of which I desire to print in the RECORD at this time, and I ask unanimous consent to extend my remarks in the RECORD to that extent.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to extend his remarks in the RECORD in the manner stated. Is there objection?

There was no objection.

The list referred to is as follows:

RURAL-CREDIT BILLS.

Messrs. SMITH of Maryland, BATHRICK, AIKEN, TAYLOR of Colorado, HAMMOND, HULINGS, THOMPSON of Oklahoma, DOOLITTLE, MOSS of Indiana, HOWARD, BULKLEY (also for commission), KEATING, HENRY, KELLY of Pennsylvania, MCKELLAR, CARAWAY, TRIBBLE, BARTON, MORGAN of Oklahoma, and HELGESEN (also for commission).

Mr. LEVER. Mr. Chairman, when we have gotten into the discussion of this bill under the five-minute rule, I desire to say to Members that I shall offer, as directed by the Committee on Agriculture, what is known as the Hollis bill, as a substitute for the amendment numbered 89, the Hollis bill having been reported unanimously by the Committee on Banking and Currency of the Senate on Saturday.

Mr. BULKLEY. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. BULKLEY. Is it exactly the same as was reported by the Senate Committee?

Mr. LEVER. It is exactly the same, to the dotting of an "i" or the crossing of a "t." Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. GARRETT of Tennessee having assumed the chair as Speaker pro tempore, Mr. HAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 20415, the Agricultural appropriation bill, with Senate amendments thereto, and had come to no resolution thereon.

Mr. LEVER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20415, with Senate amendments thereto; and pending that, Mr. Speaker, I ask unanimous consent that general debate on Senate amendment numbered 89 be limited to two hours.

Mr. EDWARDS. That includes all amendments?

Mr. LEVER. All other amendments have been disposed of; and that one-third of that time be controlled by the gentleman from Texas [Mr. HENRY], one-third by the gentleman from Iowa [Mr. HAUGEN], and one-third by myself.

Mr. HOWARD. Mr. Speaker, I object.

Mr. LEVER. Mr. Speaker, I move that general debate on Senate amendment numbered 89 be limited to 1 hour and 30 minutes.

The SPEAKER pro tempore. The gentleman from South Carolina moves that general debate on Senate amendment No. 89 to the Agricultural appropriation bill be limited to 1 hour and 30 minutes.

Mr. BORLAND. Will the gentleman yield?

Mr. GARDNER. Mr. Speaker, I have an amendment. I was demanding recognition to offer an amendment in regard to debate.

The SPEAKER pro tempore. The gentleman from Massachusetts.

Mr. GARDNER. I offer an amendment that debate be closed in three hours.

The SPEAKER pro tempore. The gentleman from Massachusetts offers an amendment.

Mr. HOWARD. Mr. Speaker, I understand this question is debatable. The previous question has not been ordered——

Mr. LEVER. Mr. Speaker, I was recognized——

Mr. HOWARD. The Chair has recognized me.

Mr. LEVER. Mr. Speaker, I move the previous question.

Mr. HOWARD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOWARD. After the Chair recognized me, I asked whether this question was debatable or not, to be certain of my rights, and the Chair recognized me. Can the gentleman from South Carolina now under any guise of procedure take me off my feet?

The SPEAKER pro tempore. The Chair recognized the gentleman for a parliamentary inquiry, as he understood.

Mr. HOWARD. Well, sir, I addressed the Chair for the purpose of securing an extension of time for debate. The previous question has not been ordered. The Chair recognized me, and I think I am within my rights when I desired to increase the length of time on this important question.

The SPEAKER pro tempore. The Chair thinks the gentleman from South Carolina is entitled to recognition to move the previous question.

Mr. HOWARD. But, Mr. Speaker, I respectfully submit that the gentleman from South Carolina had not been recognized. I was recognized by the Chair and the Chair could not take the gentleman from South Carolina off his feet and recognize me when I was not within the scope of my rights under the parliamentary procedure of this House.

Mr. UNDERWOOD. Will the gentleman yield to me for a moment?

Mr. HOWARD. I will yield to the gentleman from Alabama for the purpose of asking me a question, but I do not yield the floor.

Mr. UNDERWOOD. I think we have taken up the time of the House and I want to ask unanimous consent that all debate close in two hours; that is what the gentleman wants.

Mr. HOWARD. Mr. Speaker, the reason I am taking this course—and I want to be perfectly frank about it—I do not propose, unless I can secure some time to present the views that I have about this question, a question involving the most important piece of legislation that has been presented to this House for 50 years, to be run away with by a crowd of people who have only their personal ambition at heart. [Applause.]

Mr. LEVER. Mr. Speaker, I move the previous question on my motion.

The SPEAKER pro tempore. The gentleman from Massachusets had offered an amendment.

Mr. HOWARD. Mr. Speaker——

Mr. LEVER. Mr. Speaker, I think the Speaker recognized me to move the previous question on my own motion and all amendments thereto.

Mr. HOWARD. Mr. Speaker, I desire to offer an amendment. I have not yielded the floor. I want to offer an amendment to the amendment of the gentleman from Massachusetts.

Mr. LEVER. The gentleman from Georgia does not have the floor in my time.

Mr. HOWARD. Mr. Speaker, I do not understand that we are in the House as in the Committee of the Whole House on the state of the Union——

The SPEAKER pro tempore. The Chair has recognized the gentleman from South Carolina——

Mr. HOWARD. I had it all the time.

The SPEAKER pro tempore. The Chair recognized the gentleman from South Carolina to move the previous question.

Mr. HOWARD. I want to offer an amendment.

Mr. GARDNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GARDNER. Is not this the situation? The gentleman from South Carolina moved to close debate in an hour and a half. I offered an amendment to make that a longer time. If there is to be recognition for debate I am entitled to recognition for debate. The gentleman from South Carolina at any time has the right to interpose a motion for the previous question. On the other hand, the gentleman from Georgia has a right to interpose an amendment to my amendment, but the motion for the previous question under the rules has preference over a motion to amend. After my motion has been entertained by the Chair it can not be cut out and another motion offered. Therefore I submit that the regular order is the motion of the gentleman from South Carolina to close debate on his motion with my motion pending as an amendment.

The SPEAKER pro tempore. That is true, as has been so clearly expressed by the gentleman from Massachusetts.

Mr. LEVER. Mr. Speaker, I think the troubled waters have been smoothed on this side, and I ask unanimous consent to withdraw my previous motion by asking unanimous consent that general debate on this proposition be limited to two hours, one-third of that time to be controlled by the gentleman from Texas [Mr. HENRY], one-third by the gentleman from Iowa [Mr. HAUGEN], and one-third by myself, out of which I will yield 10 minutes to the gentleman from Georgia.

Mr. HOWARD. Mr. Speaker, reserving the right to object, I want 15 minutes.

Mr. HENRY. I will give you 5 of mine.

Mr. HOWARD. All right. I withdraw my amendment.

The SPEAKER. The gentleman from South Carolina [Mr. LEVER], withdrawing his motion to limit debate, asks unanimous consent——

Mr. GARDNER. Mr. Speaker, I withdraw my motion.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that the general debate on amendment No. 89 to the Agricultural appropriation bill shall be limited to 2 hours, one-third of the time to be controlled by the gentleman from South Carolina [Mr. LEVER], one-third by the gentleman from Texas [Mr. HENRY], and one-third by the gentleman from Iowa [Mr. HAUGEN], the gentleman from South Carolina to yield 10 minutes out of his time to the gentleman from Georgia. Is there objection?

Mr. WINGO. I object, and demand the regular order.

Mr. RAGSDALE. Mr. Speaker, reserving the right to object——

The SPEAKER pro tempore. The gentleman from Arkansas objects and demands the regular order. The gentleman from South Carolina [Mr. LEVER] is recognized.

Mr. LEVER. Mr. Speaker, I move that general debate on Senate amendment No. 89 be limited to two hours, and on that I move the previous question.

The SPEAKER. The gentleman from South Carolina moves that the general debate on Senate amendment No. 89 be limited to two hours, and on that he moves the previous question. The question is on ordering the previous question.

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it..

Mr. WINGO. Division, Mr. Speaker.

The House divided, and there were—ayes 140, noes 5.

Mr. WINGO. Mr. Speaker, I make the point of no quorum.

The SPEAKER pro tempore. The gentleman from Arkansas makes a point of no quorum. The Chair will count. [After counting.] Two hundred and sixteen Members are present—a quorum.

Upon this vote the ayes are 140 and the noes are 5, and the previous question is ordered.

The question is on limiting the debate to two hours.

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. WINGO. Division, Mr. Speaker.

The house again divided, and there were—ayes 145, noes 17.

Mr. WINGO. Mr. Speaker, I make the point of no quorum.

Mr. HAY. Mr. Speaker, I make the point of order that that motion is dilatory. The Chair has just counted a quorum.

The SPEAKER pro tempore. There has been a vote since that time.

The WINGO. There are only 181 Members actually in the Hall.

The SPEAKER pro tempore. The Chair will count. [After counting.] Two hundred and eighteen gentlemen are present—a quorum. The ayes have it.

The question is on the House resolving itself into the Committee of the Whole House on the state of the Union for the further consideration of the measure.

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. WINGO. Division, Mr. Speaker.

The House divided; and there were—ayes 176, noes 4.

Mr. WINGO. Mr. Speaker, I make the point of no quorum.

Mr. HAY. Mr. Speaker, I make the point that that is dilatory.

Mr. RUBEY. Mr. Speaker, I make the point that it is dilatory.

Mr. WINGO. A great many Members have left the Hall. There is not a quorum in the Hall and there has not been today. There are some strange faces here that I have never seen before, but there is no quorum of Members present.

The SPEAKER pro tempore. The gentleman from Arkansas makes the point of no quorum. The Chair will count. [After counting.] Two hundred and fourteen gentlemen are present—a quorum.

So the motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of Senate amendment No. 89 to the Agricultural appropriation bill, with Mr. HAY in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the consideration of Senate amendment No. 89 to the Agricultural appropriation bill. The gentleman from South Carolina [Mr. LEVER] is recognized for one hour.

Mr. LEVER. I yield one-half minute to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Chairman, I simply desire to occupy this time to say to the House that we expect to pass this bill and send it to conference before we adjourn to-night. It is necessary to have a quorum to do so, and I hope the Members will make arrangements to remain here, no matter how late it may be, to attend to this business. [Applause.]

Mr. LEVER. Mr. Speaker, I yield 30 minutes to the gentleman from Texas [Mr. HENRY] and reserve the balance of my time.

The CHAIRMAN. The gentleman from Texas [Mr. HENRY] is recognized for 30 minutes.

Mr. HENRY. Will the gentleman from Iowa [Mr. HAUGEN] yield to me 15 minutes?

Mr. HAUGEN. I have not been recognized by the Chair as yet.

Mr. HENRY. Mr. Chairman, I yield five minutes to the gentleman from Arkansas [Mr. CARAWAY].

Mr. CARAWAY. Mr. Chairman, in the time that has been allotted to me I wish to have offered as a substitute the bill that I introduced in this House on the 12th day of January and have it pending during the discussion, and to be voted upon at the proper time. I wish to offer it now.

The CHAIRMAN. The gentleman from Arkansas offers an amendment for the information of the House, and the Clerk will read it in the gentleman's time.

Mr. CARAWAY. If I have it read, Mr. Chairman, will it be in my time?

The CHAIRMAN. Yes, sir.

Mr. CARAWAY. Then I will just have it pending and not have it read, because I have not the time.

In the few minutes that I have I shall call attention to the parliamentary situation now confronting Members of this House. The Senate adopted an amendment to the Agricultural appropriation bill known as Senate amendment No. 89, or the McCumber amendment. This embodies a principle for which I stand—that is, Government aid for rural credits. I do not believe anyone seriously contends that the amendment is workable in its present form. The Committee on Agriculture has brought out a bill as a substitute therefor, which is the bill S. 5542, as amended and reintroduced in the Senate on the 27th day of this month as reported out of the Committee on Banking and Currency.

I do not know how many of you have read this bill. If you strike two provisions out of it, there is nothing remaining in it, Strike out of that bill the provisions for collecting money from the farmers and the provisions whereby the company which collects the money can be put into bankruptcy when it has spent the money, you have nothing else left. It provides for getting the farmers money. It provides for putting the company into bankruptcy when the money has been absorbed by some process, and that is the only thing it does. That is all the farmer will get out of it. It does say that if the farmers can get any money they may loan it back to themselves at a rate of interest not higher than the legal rate in the State wherein they may reside. In other words, it says you have all the rights you ever had to loan yourself money if you can get it, provided you do not violate the usury laws of the State in which you live. But, bless your heart, it does not even provide a penalty if you loan it at a rate higher than the legal rate in your State. It just says that you ought not to do it.

Mr. THOMPSON of Oklahoma. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Arkansas yield to the gentleman from Oklahoma?

Mr. CARAWAY. Yes.

Mr. THOMPSON of Oklahoma. Does it not thereby repeal all the usury laws of the several States under this system?

Mr. CARAWAY. It can not repeal the usury laws of the States, as I understand it, but it makes inoperative the usury laws of the States as applied to a loan under this bill. This bill means this, gentlemen—it does not mean anything else; do not let us disguise the issue—it simply means that if farmers residing in a community have money to loan to each other they may do so, providing they pay the overhead charges incident to the loaning and collecting of the money from themselves and paying for the abstracts of title.

There is no use in pretending that we do not understand this. It means, gentlemen, that you say to us who have worked and hoped for relief, "Adopt this measure or you get nothing," and to adopt it means less than nothing.

I hope a bill introduced by me on this subject, and which I shall offer here as an amendment, may prevail. If it does not, I shall vote for the Senate amendment 89, known as the McCumber amendment. If we concur in that amendment, the conferees can not lay their hands on it, and we get a beginning. We have pledged this Government to aid a farm credit system. Another Congress can perfect it. It would not dare repeal it. Therefore I shall, if my amendment does not succeed, support the McCumber amendment. I shall do this because I want to serve my people more than I desire to be partisan. All who want to aid the farmer must forget the origin of the amendment and support the system. I am willing to do so.

It is asserted here that if any bill passes committing the Government to aid the farmers, it will not meet the President's approval and that we will be convened in extraordinary session to pass this appropriation bill. This may be true. It will not swerve me in my course in this vote I shall cast to-day. I shall serve my people first and let the results to follow be faced hereafter.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. CARAWAY. I ask unanimous consent, Mr. Chairman, to revise and extend my remarks.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. I ask unanimous consent, Mr. Chairman, to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. BURKE].

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BURKE] is recognized.

Mr. BURKE of Pennsylvania. Mr. Chairman, at the close of 10 years of public service as a lawmaker, the most consoling thought that lights my way to-day is that in private life and the future pursuit of my profession as a lawyer I shall always derive inspiration from the many experiences by which my mind and heart have been enriched in the American Congress.

No man with a proper conception of the purposes of laws, the functions of government, and the duties of public officers can serve here without increasing his respect for the views of others and fortifying his faith in our institutions.

Whether the study of books or the constant association with the master minds in the public life of a nation yield the greatest intellectual pleasure and profit may be a question, but the combination of both should render any man happy, and to acknowledge that happiness I have taken the floor to-day.

I have witnessed scenes and heard appeals here as thrilling, eloquent, and impressive as ever marked the proceedings of a legislative body.

Probably the most dramatic scene during that period was the challenge of Speaker Cannon, then in his thirty-fourth year of service in the House and seventy-fifth year of life, to depose him as Speaker, and quite as dramatically the House voted to continue him in office.

The only speech in ten years completely to sway the House from one side of a proposition to the other was delivered shortly after midnight by William G. Brantley, of Georgia, on the purposes of law, the dignity of courts, and the privileges of the House. [Applause.] The most powerful peroration was that of Speaker CLARK, when he closed the debate on the Panama Canal tolls repeal and flung defiance in the face of the President. [Applause.] The readiest all-around debater was JOHN SHARP WILLIAMS; the keenest humorist, Adam Bede; and the hardest worker, JAMES R. MANN. [Applause.] The prince of presiding officers for speeding legislation was James S. Sherman. [Applause.] The most pungent debater was Charles E. Littlefield, of Maine; the most ornate was Bourke Cockran; and the most classic in his sarcasm was Judge De Armond, of Missouri. [Applause.] The most placid was OSCAR UNDERWOOD, and the most courtly was Gen. Harry Bingham, father of the House.

The greatest mistake made in my time was enlarging the House membership. This did much to impair its efficiency and destroy its decorum.

The greatest evil that confronts the Congress to-day is the increasing centralization of power in the executive and the tendency of the legislative branch to yield to presidential dictation. [Applause.]

At home and abroad our position is interesting in the extreme.

Every great agency of American development has been put in harness. The railroads are in the hands of the Interstate Commerce Commission. The banks are in the hands of the Federal Reserve Board. Business is in the hands of the Federal Trade Commission. What is to be the result of it all?

Certainly the country need halt no longer for want of safeguards. Let us henceforth stifle the spirit of criticism and cheer the Nation and its struggling millions on their way to prosperity.

While I retire voluntarily from public life, my regret at parting with the many pleasant associations here is as profound and sincere as ever accompanied any man from this Chamber.

For the manifold courtesies accorded me by members of all parties and for the chain of friendships which link me with every section of this Republic, I now acknowledge my debt of gratitude. To me it is all a priceless heritage.

Unless one intends to devote his entire life to the public service, ten years is an ideal period to serve in the lawmaking branch of the National Government. Four years are essential for apprenticeship, leaving the remaining years for temperate and judicious service in the solution of important public questions. Such service makes one a better man, a better citizen, a better lawyer, and a more sincere and thoughtful patriot than any other experience in life.

In the enactment and interpretation of laws the last decade has been the most important since the adoption of the Constitution. Storms have raged, passions have run high, and occasional errors have marked the way, but out of it all we emerge a stronger, fairer, and better people. The follies of doctrinaires and the shallow pretenses of demagogues ultimately will be discarded by the people, while the laws and the institutions which are born in the minds of temperate and thoughtful men will remain. [Applause.]

OUR PLACE AMONG THE NATIONS.

A few years ago I represented this Nation in the peace conference in the city of Brussels. I stood upon the mound at Waterloo where Wellington and his allied forces lowered the colors of France. Belgium was then the most beautiful and most blessed country in Europe. A few days later I looked down upon that wonderful sarcophagus of Egyptian marble in which rested the ashes of Napoleon on the banks of the Seine, and I saw France around me in all her glory.

To-day Belgium presents the most pathetic picture in history. To-day France is a stricken nation. And as the hand of time marks the close of a century the people who as foes filled the trenches of Waterloo with their dead are fighting side by side as friends in the trenches of Europe to-day. On the other hand, those who were allies at Waterloo are to-day the objects of each other's fire and sword.

Strange, indeed, are the mutations of time and fleeting the friendships of nations!

In the presence of it all how seemingly like an inspiration is the counsel of Washington that we remain aloof from foreign alliances. May we never depart from that policy.

OUR FUTURE.

America is about to face the greatest opportunity ever presented to any nation in the world's history to strengthen and expand her commercial position at home and abroad, and to aid in bringing peace where guns now shatter cities, devastate fields, and mangle millions of God's children.

Anger and hatred feed the flames of war that were lighted by the follies of men. And, as I witness the awful consequences, my foremost thought and prayer is that our Executive and you whom I leave on guard will steer us clear of the shoals, and that the day will soon dawn

When the war drums throb no longer
And the battle flags are furled
In the parliament of man,
The federation of the world.

[Applause.]

With the permission of the House I shall add a brief correspondence with a committee of our leading citizens in which my gratitude to the people of my district was expressed:

APPEAL OF CITIZENS' COMMITTEE AND ANSWER OF MR. BURKE.

PITTSBURGH, *March 28, 1914.*

Hon. JAMES FRANCIS BURKE,
House of Representatives, Washington, D. C.

DEAR MR. BURKE: As the time is approaching for the primaries for the election of a Member of Congress from the thirty-first district, it has been rumored that you have decided not to come before the people as a candidate.

We sincerely hope that the rumor is unfounded and that you will continue to serve the people of this district as its Representative in the American Congress as you have done so faithfully and efficiently for the past 10 years. Your services at Washington in this capacity have reflected credit upon yourself, honored the community and the American Congress, and been of great benefit to our whole country.

We realize, however, that you may decide not to be a candidate. If such action should be contemplated, of course, we would naturally be interested in the selection of a worthy successor to take up this important work. Before any suggestions may be made for a candidate we would appreciate it if you will advise us as early as possible whether you have determined not to be a candidate.

Yours, very truly,

F. R. Babcock, John H. Jones, William M. Furey, William J. Diehl, R. B. Mellon, Pennock Hart, H. G. Dravo, William J. Black, William H. Stevenson, W. S. Brown, E. J. Taylor, James F. Keenan, F. F. Nicola, S. F. Heckert, S. E. Gill, George W. Theiss, F. M. Wilmot, R. B. Caldwell, John C. Bole, James L. Foster, C. Phillips Hill, Charles J. Graham.

MR. BURKE'S REPLY.

To the CITIZENS' COMMITTEE.

GENTLEMEN: The generous expressions contained in your recent letter, and others of a similar nature recently received from many other sources, ordinarily might tempt me to reverse my decision to retire from Congress and devote my energies entirely to my profession. My decision, however, is irrevocable.

No city in America has a more vital interest in our National Government and the manner in which its laws are made and administered than the city of Pittsburgh.

My public service has necessarily involved unceasing labor and much personal sacrifice. The last 10 years of governmental history in this country have been years of storm and strife. The longest sessions of Congress in the Nation's annals have been held. The study and the solution of public problems have imposed unprecedented burdens upon every Representative who sought intelligently and diligently to serve his constituency and his country.

Through it all I have endeavored to reflect credit upon my State and to perform my duty in a manner that will stand the test and command the sanction of history.

With a heart full of gratitude for the honors so repeatedly bestowed upon me by the people of Pittsburgh, and with a memory crowded with recollections of countless courtesies from my colleagues in Congress and from all with whom my public duties have brought me into pleasant contact for so many years, I reluctantly conclude this chapter of my public service.

If my future years in the practice of the law are half as pleasant as those I have spent in making laws, I shall continue to be a very happy man, with many friends to bless and no enemies to bury.

Very sincerely, yours,

JAMES FRANCIS BURKE.

PITTSBURGH, *March 30, 1914.*

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Mr. Chairman, the Sixty-third Congress is just coming to a close. I ask unanimous consent to extend my remarks in the RECORD. [Applause.]

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. WALTERS].

Mr. WALTERS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from Nebraska [Mr. KINKAID].

Mr. KINKAID. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from Kentucky [Mr. POWERS].

Mr. POWERS. Mr. Chairman, I ask the same privilege.

The CHAIRMAN. The gentleman from Kentucky [Mr. POWERS] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HAUGEN. I yield to the gentleman from Pennsylvania [Mr. GRIEST].

Mr. GRIEST. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. HAUGEN. Now, Mr. Chairman, I yield 15 minutes to the gentleman from Texas [Mr. HENRY] and reserve the balance of my time.

Mr. HENRY. Mr. Chairman, that leaves me 25 minutes and 15 minutes, or 40 minutes in all. I yield 5 minutes to the gentleman from Ohio [Mr. BATHRICK].

The CHAIRMAN. The gentleman from Ohio [Mr. BATHRICK] is recognized for five minutes.

Mr. BATHRICK. Mr. Chairman and gentlemen of the House, I have worked for several years up to this point, and it is a little discouraging to me to present my opinions upon this subject in the brief time of five minutes.

We have here a very remarkable parliamentary situation. In the closing moments of this Congress we have the most important bill that we shall have considered when the Congress closes catapulted into the House of Representatives. There is nothing in all the scope of legislation that has been presented since I have been here, and that is four years, that is of so much importance to the people living in the country and living in the city as this legislation; and yet I am sorry to say that I believe probably 50 per cent of the Members of this House will cast their vote upon one proposition or another with very little knowledge of the subject.

I do not say this with any reference to what I know about it myself. I will say that I have specialized on this subject for three years, but we can not all specialize on every subject. But I had hoped that the time would come when the Members of this House would believe enough in my honesty and patriotism and desire to serve the people, so that, at a juncture like this, when many of us do not know and are not familiar with the facts, what I would say would be heeded.

Now, before my five minutes will have expired I want to explain this: We have had a bill which is called the Bulkley-Hollis bill. The Bulkley-Hollis bill was the result of the deliberations of a joint committee of the House and Senate which met and considered farm credits, and heard witnesses from all over the country, including the best students of the subject, for nearly three months.

This joint subcommittee proposed a certain bill. It was introduced in the House, but the full committee of the House did not support this bill, and it was never reported from the full Committee on Banking and Currency in the House; and up to the last few moments, when this parliamentary situation arose, the Banking and Currency Committee of the Senate of the United States had given this subject little or no important consideration. But they were pushed to the issue, to get something that pleased a certain coterie of men who had certain preconceived notions about farm credits, which, in my opinion, were entirely foreign to the interests of the farmers of this country, to bring out this bill, known as the Hollis bill, because the parliamentary situation demanded it. Now, the McCumber amendment to the Agricultural bill as it came from the Senate will give every farmer in this country 5 per cent money, and it is more nearly workable and more nearly perfect than any other bill that has been presented to you. I know it is not perfect, and I know some things in it should be changed; and if I have the opportunity I shall offer as an amendment to the substitute of the gentleman from South Carolina a revised McCumber bill. Now, I have no pride of opinion in that, but I believe if that is voted up and we can not vote up the McCumber amendment, it should be voted in this afternoon, and I will see that most of you get a copy of that revised McCumber bill.

Now, gentlemen, the bill reported by the Agricultural Committee has been under consideration by that committee from 9.30 o'clock until 1, and it never considered farm credits before to-day. The subject has never been before that committee before to-day. Yet there are people in this House, no doubt, who will say that because it comes from that committee, and because they may be in the dark respecting some provisions of this great legislation, they will follow the committee, and let it go at that. Oh, it is so easy to follow somebody in legislation. It is the easiest way.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HENRY. I yield to the gentleman from Kansas [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Chairman, as a member of the Agricultural Committee, as a coframer of the original Agricultural appropriation bill before it went to the Senate, where amendment 89, the so-called McCumber amendment, was added to it, and as one who has within the last few minutes come from the committee room, where the said amendment has been under consideration, I am indeed embarrassed to feel, as I do, that I can not join with the majority of my colleagues on that committee in their report to the House to substitute the Hollis-Moss-Fletcher rural-credits bill in preference to the Senate amendment 89. Since before the time I became a Member of Congress I have advocated, as a means of lowering interest rates, direct loans from the Government on approved security to farmers or prospective farmers, and my own particular views have been pressed on this House on many occasions in support of my own farm-loan bill, H. R. 11755. I am quite certain the so-called Hollis-Moss-Fletcher amendment which the committee has reported is much better than no bill at all, but, in my opinion, it lacks the fundamental principle of sufficient Government aid to make it an instrument that will lower materially interest rates to borrowers, and it is complicated. It is primarily to be financed by private funds, and that means profit to the man who has the private funds to invest rather than a reduction in the interest the borrower must pay. Private capital invests where the rate of return and the security is the most advantageous; public or Government funds take the larger view and invest, when properly directed, where most needed, properly safeguarded, of course, and where the welfare of the borrower is not ignored. The McCumber amendment is not perfect by any means. As examples of its imperfections as I see them, let me name a few: The interest rate provided is too high by at least 2 per cent—3 per cent on a farm mortgage ought to be enough. It does not provide for amortization; the methods of valuing the land offered as security are crude; it is not limited suffi-

ciently as to the purposes for which the loan may be had. No loan should be had from the Government that is not for purchase price, permanent improvements, repaying encumbrances contracted at some prior time for purchase price or permanent improvements, and possibly for stocking up the farm in a needful and necessary manner. Borrowing for speculation should be definitely barred. There are other imperfections in the McCumber amendment, but it involves the right principle—that of Government aid. It is a long step in the right direction and has the parliamentary advantage of having passed the Senate, although it was scantily considered there, as has been truly said. At another time we can perfect the bill. Let us not lose the present opportunity to take the best we can get. I shall vote for the direct Government-aid plan rather than for the substitute, believing that no real relief can come to the already heavily oppressed borrower except through this course. [Applause.]

Mr. HENRY. I yield five minutes to the gentleman from Georgia [Mr. HOWARD].

Mr. HOWARD. Mr. Chairman, I had a tentative agreement with the gentleman from South Carolina [Mr. LEVER] to yield to me 10 minutes, and I should like to use all my time at once.

Mr. LEVER. I will say to the gentleman from Georgia that I was agreeing to that at the time we were trying to get a unanimous-consent agreement of the House; but inasmuch as I was forced to close this debate by a motion, with a filibuster incipient, I feel that I certainly ought to be entitled to 30 minutes myself, and I have yielded 30 minutes to the gentleman from Texas, who controls the other end of the time.

Mr. HOWARD. I yield back my time to the gentleman from Texas, with thanks.

Mr. LEVER. I will yield to the gentleman five minutes.

Mr. HOWARD. I was no party to the filibuster.

Mr. LEVER. I acquit the gentleman of that and yield to him five minutes.

The CHAIRMAN. The gentleman is recognized for 10 minutes.

Mr. HOWARD. Mr. Chairman, I very much regret that this great question has to be dealt with in such a hasty manner. The truth about the business is I believe that a great many of us who are dealing with this question right now and are professing to help the farmer could not give even an intelligible definition of the word "amortization" used in these rural-credit bills.

I weigh my words well when I say that the legislation with which we are now dealing is the most important that this Congress has had to deal with in 30 years. Now we have here the Hollis bill. I do not believe these good gentlemen intend to hand the farmers a stone when they ask for bread, but after eight hours' study of this bill—that is all the time I have had to put onto it—I do not believe that the bill is going to help the farmer. I do not believe it is going to do anything else on this earth except to allow a lot of people who have got money to organize these banks in the different localities in this country and to issue bonds or debentures and try to sell them, and drag the farmers' securities around through the country, and I do not believe that the rate of interest is going to redound to the benefit of the farmer. I am going to be very frank about this matter.

The Lord in heaven knows that if there is ever a time for the crowd of men who represent the great American producers to be frank and sincere and honest with one another, that time is now. This is a very critical time in the history of the farmers of this country. We ought to be honest enough to say what we want to do for them; and I want to say that the farmers in my section of the country have never asked for anything from the date of the Ocala convention down to the present day—the most wild-eyed paternalists never asked for anything—except to be put on the same basis in financing their business that the great industrial corporations and railroads were placed upon, to wit, to have the privilege of bringing together their collective credits under proper supervisory methods, and after bringing those credits together, having their securities of unquestionable validity placed on the market in such a way that honest investing capital would seek a perfectly sane, safe, businesslike security. If I have interpreted the Hollis bill to mean anything, it means that when the farmer goes to sell his security he is brought into competition with other farmers seeking to do the same thing, and when they are in the market bidding for money they are necessarily increasing the interest charges that they will have to pay.

Now, there are two or three different sorts of securities that are offered under the Hollis bill. I am frank to tell you that I do not know what sort of securities they are, nor does anyone else.

In the limited time I have allotted to me I can make only the following criticisms and say that at the proper time I shall offer a substitute for the Hollis bill.

The Hollis rural banking bill, as amended on February 27, 1915, seems to be a general mixture of the provisions of various other bills which have heretofore been presented, and obviously is a compromise measure. The compromises suggested serve only to weaken the bill as originally presented.

The amended bill provides for the organization of a Federal farm loan board to supervise the operations of all the banks or associations contemplated under it. It then provides for local loan associations, limited to a county or contiguous counties, which can buy and sell farm mortgages. These associations can also indorse said mortgages and dispose of them to either one of two different kinds of institutions provided by the bill:

First. They can dispose of them to what is called the "Federal farm loan bank." This Federal farm loan bank seems to be a land-mortgage bank operating in a district substantially similar to a Federal reserve district, and having power to accept indorsed mortgages from the local associations and to issue debentures against the same. These Federal farm loan banks, which I shall refer to as district banks, are to have their capital subscribed for by the local banks or associations, by individuals, and by the State and National Government. The local banks must take at least $1,000 of stock in the district bank, or 10 per cent of their capital, before using the district bank. The United States Government must take all stock not taken by other parties. There must be at least 12 of these district banks, each with a minimum capital of $500,000, and the Government must take all stock not otherwise taken. The inducement to individuals to take stock is removed, because the individual can not vote the stock purchased.

The local associations and the district banks above described would seem to constitute a complete system in itself, but their operations are subject to a most remarkable limitation. The local banks can buy mortgages and sell them. In practice this means that they can only sell them locally. In addition they can indorse the mortgages and send them to the district bank, which can issue debentures against these mortgages. But the curious limitation is that the district bank can only issue these debentures to the amount of the certificates of deposit issued by the local bank for deposits made with it, such certificates being turned over by the local banks to the district bank to be exchanged for debentures. In other words, the district bank can only issue debentures to the extent of the local deposits in the local banks. The result is that the system up to this point only provides for the sale of mortgages to the extent of a local market and furnishes no opportunity for reaching a wider market.

Second. The local bank can sell its mortgages to an entirely different kind of bank, called a "Federal land bank," to be capitalized privately, to be limited in its operations to a State, and authorized specifically to do two things. First, it can itself purchase first mortgages anywhere in the State; second, it can buy first mortgages indorsed by local banks and issue debentures against them.

From the prominence given these Federal land banks, which I shall refer to as State land banks, because they have a State-wide right of mortgage purchase, it appears that the advocates of the bill depend principally on these State banks to find a general market for the debentures to be issued. There is no way by which the district banks can reach the general market, because their debentures are limited to the amount of certificates of deposit held by the local banks, as above stated.

The result of this would be that there would be 12 district banks—practically owned by the Government, and perhaps eventually owned by the local banks—selling one kind of debenture, but limited to a local market. There would probably be at least 48 State banks, privately owned, selling another kind of debenture wherever they could find a purchaser. Each of these 48 State banks would be liable for all the debentures issued by each of the other State banks.

The result is that competition between all these State banks to sell their debentures would necessarily create higher interest rates to the farmer, because of the competition for investment money. And any prospective purchaser of debentures would have to decide whether he would deposit his money in a local bank and buy the debentures of the district bank controlled by the Government or whether he would buy the debentures of the State bank on the open market. The bill specifically provides that the debentures issued by the State and district banks shall be so engraved as to be readily distinguished in form and color.

The bill also takes the whole rural banking plan into the Federal Reserve System by making the Federal reserve agent the trustee to hold mortgages against which debentures are issued, and by practically requiring all financial operations of rural banks to be carried on through the Federal reserve banks. The result is an unfortunate and unwise combination of rural and commercial banking, when the two should be absolutely separated.

The State banks must have at least $250,000 of capital, while the district banks have $500,000 of capital; but there is no connection or relation between the State and district banks. All debentures of each State bank are guaranteed by all other State banks. The debentures of each district bank stand separate and alone.

The rate of interest to be charged the farmers is based on the rate current in the State, and the system tends to a diversity of interest rates rather than to uniformity, and tends to higher interest rates because of the competition for investment money incident to the operation of so many competing banks.

The bill provides in general terms for local banks, for Government-controlled district banks, for privately controlled State-wide banks, and for the tying up of all of them to the existing Federal reserve banks.

The attempt is made with the State-wide banks to give their debentures the benefit of the collective credit of all the State-wide banks, but no such collective credit is used with the Government-controlled district banks.

Another most serious objection to the whole plan is that, while it provides that the guaranteed mortgages may be twenty times the amount of the capital and surplus of the local bank, these mortgages must all be long-term mortgages containing the amortization feature. They must run from 5 to 35 years.

The Howard-Smith bill provides that the local banks may guarantee long-term mortgages to the extent of fifteen times their capital and surplus, and short-term mortgages—running less than five years—to the extent of five times their capital and surplus. The Hollis bill does not make any provision for short-term mortgages, and no land-mortgage bank system can conceivably be complete which does not provide for short-term mortgages.

Practically all banks in the Hollis system are required to invest 5 per cent of their capital in United States bonds. The reason for this is not apparent, and it seems foolish to take a fund intended to help the farmers and invest a material portion of it in Government bonds.

In case of the State banks, the returns to the investors in the stock are limited to 6 per cent.

Many criticisms in detail might be made, but the above general criticisms would seem to be sufficient.

The Howard-Smith bill starts with a local institution operating in a county and proceeds through the State institution to the central institution, which alone can issue debentures. All the debentures are the obligations of the central bank, secured as to the different series by mortgages from different States. All are issued on mortgages guaranteed by local and State institutions. The smallest borrower in the most remote district gets all the benefits of the collective credit of the whole system. There is no competition for investment money, because one institution alone issues debentures, and every debenture is backed up by the same general class of land mortgages, with practically a similar amount of guaranty behind it. This will tend to produce uniformity in interest rates and lower interest rates.

Mr. HENRY. Mr. Chairman, it is my purpose to detain the committee for only a short while. We now have an opportunity to add an amendment to the Agricultural appropriation bill which will bring substantial relief to the farmers in the way of rural-credits legislation.

At the outset, permit me to call your attention to an authorized interview by the President published in the metropolitan newspapers in 1913, when the Democratic caucus of Members of the House of Representatives was considering the Federal reserve act. The President's statement was issued and printed on August 13, 1913, and was carried in the Washington Post and the Washington Evening Star. The President said:

Special machinery and a distinct system of banking must be provided for if rural credits are to be successfully and adequately supplied. A Government commission is now in Europe studying the interesting and highly successful methods which have been employed in several countries of the Old World, and its report will be made to Congress at its regular session next winter. It is confidently to be expected that Congress will at that session act upon the recommendation of that report and establish a complete and adequate system of rural credits.

* * * * * * *

There has been too little Federal legislation framed to serve the farmer directly and with a deliberate adjustment to his real needs. We long ago fell into the habit of assuming that the farmers of America enjoyed such an immense natural advantage over the farmers of the rest of the world, were so intelligent and so at ease upon the incomparable soils of our great continent, that they could feed the world and prosper no matter what handicap they carried, whether of the law or natural circumstances they labored under. We have not exaggerated their capacity or their opportunities, but we have neglected to analyze the burdensome disadvantages from which they were suffering and have too often failed to remove them when we did see what they were.

* * * * * * *

*Our farmers must have similar means afforded them of handling their financial needs easily and inexpensively. They should be furnished these facilities before their enterprises languish, and not afterwards. And they will be. This is our next great task and duty. * * * The Congress and the Executive, working together, will certainly afford the needed machinery of relief and prosperity to the people of the countryside, and that very soon.*

The President was right at that time, and I was glad to agree with him. Subsequently, in December, he emphatically reiterated the same views touching rural credits in his annual message.

Mr. Chairman, we have before us to-day three concrete propositions: First, the McCumber amendment, which has come from the Senate, providing for direct loans to the farmers. Second, the Hollis bill, which was reported to the Senate on last Saturday. In my judgment, this last bill is a makeshift, an empty thing, a vacuous and spineless piece of legislation, and will wilt and crumble like a frogstool if Government aid is not placed behind it. [Applause.] Second, this Hollis bill set up an alleged rural credits system separate and apart from any source of governmental aid. Governmental aid is the one essential thing to make rural credits legislation a success in this country, as it has proved to be successful in every other civilized country of the world where the Government has fostered and aided the plan. Third, the Bulkley bill is before us, and with section 30 providing for governmental aid, the system is destined to be a success and will carry genuine relief to the American farmers. Section 30 is absolutely necessary and vital to give force and effect to the plan. Section 30 is as follows:

PURCHASE OF BONDS BY GOVERNMENT.

SEC. 30. That the Secretary of the Treasury shall, upon application of one or more of the Federal land banks herein established, and upon the recommendation of the Federal Reserve Board, purchase from Federal land banks farm-loan bonds not previously issued or sold, in *an amount not to exceed $50,000,000 during any one year, and shall pay for the same out of any money in the Treasury not otherwise appropriated: Provided*, That any land bank which may sell its bonds to the Secretary of the Treasury, as provided by this section, shall, by appropriate action of its board of directors, as consideration for the accommodation afforded by the Secretary of the Treasury, enter into an agreement that at any time on 30 days' notice from the Secretary of the Treasury said land bank will cease to make any investments whatever, and will devote all receipts from every source, except so much as may be necessary for the payment of maturing liabilities, to the redemption of its bonds so purchased and held by the Secretary of the Treasury. The enforcement of said agreement shall be at the discretion of the Secretary of the Treasury.

Whenever the Secretary of the Treasury shall have purchased any farm-loan bonds under the provisions of this section, he may hold the same until maturity, or may sell such bonds at his discretion.

For this purpose the Secretary of the Treasury, upon request of the Federal farm loan board and the approval of the President, *may issue and sell or use for the purposes of this act any of the bonds of the United States now available in the Treasury of the United States under the act of August 5, 1909, the act of February 4, 1910, and the act of March 2, 1911, relating to the issue of bonds for the construction of the Panama Canal: Provided*, That any Panama Canal bonds issued and sold or used under the provisions of this section or other existing authority may be made payable at such time after issue as the Secretary of the Treasury, in his discretion, may deem advisable and fix, instead of 50 years after date of issue, as in said act of August 5, 1909: *Provided further*, That, in the discretion of the Secretary of the Treasury, such bonds may bear a rate of interest not exceeding 3½ per cent per annum.

And at this point permit me to call your attention to several salient and strong provisions of the Bulkley bill, which we have rewritten, that make it incomparably better than the Hollis makeshift just reported to this House by the Commitee on Agriculure. First, it provides for a Federal farm loan board, divorcing the system entirely from the Federal reserve act. It sets up a separate and distinct rural-credits system not subordinate in any respect to the Glass-Owen currency law recently enacted. *Second, in it we provide that the interest rate shall in no event exceed 6 per cent per annum wherever loans are made to the farmers.* And, third, in section 30, we specifically commit the Government of the United States to the aid of this system and provide for expending not exceeding $50,000,000 annually out of the Treasury of the United States to guarantee the success of the plan. And in pursuance with this principle we expressly write into this law as a new amendment provision for the sale of Panama Canal bonds, the proceeds of which are to be devoted to setting up our rural-credits system. Hence, we make it certain that the strong arm of the Government shall be placed under and around the rural-credits system for the farmers, just as we have placed it under the Federal reserve act in behalf of the commercial and banking interests. [Applause.]

Mr. Chairman, it would be fatal and criminal to tender the American farmers a plan that would not sustain itself and prove a success. With this opportunity here presented, let us not fail to put our great Government back of legislation which we are now writing in behalf of the entire agricultural population of the United States. [Applause.]

The Federal reserve act was proposed, *the credit of the United States was bundled up, a blue ribbon was neatly tied around it, and the resources of a hundred millions of people, in the form of their credit, were mortgaged to the bankers and commercialists.* And I am not willing to tender the farmers of this country legislation of any less strength. In the Federal reserve act we placed the Government in partnership with the banks as to capital stock and profits, and I now assert that we should place it in partnership with the farmers in a new rural credits system. The principle is identical. They are entitled to the same treatment in accordance with all logic and by the parity of all reasoning. The farmer is here to-day to demand that he enjoy the same privileges at the Government Mint as the bankers who are feasting on Federal reserve notes issued by that mint and under this new partnership arrangement with the banks. Nothing can deter me from insisting that any rural credits legislation that we pass shall also be backed and reinforced by the credit of the United States Government upon the same principle written in the Federal reserve act. It would be a mockery and sham and a glaring fraud to do less for the agriculturists! We have come to the point where our people in these modern generations must necessarily be divided into three classes, to wit, the commercial, the industrial, and the agricultural. Currency legislation suited to the needs of commercial interests will not be sufficient for the agricultural and industrial classes. We must have a plan that authorizes long-time loans for the farmer; the commercial banking system will not avail. And I here predict that with the Federal reserve act in effect the time is not far distant when we will open the Mint of the United States to the American farmer, so that he may place his securities, mortgages, and liens as collateral with the Government and receive Government issues of money from the mint, just as the bankers do under the Federal reserve act. And States, counties, municipalities, and localities will sooner or later be enabled to take their bonds and securities, based upon the wealth, property, and resources of the people, to the Government Mint and deposit them as security and receive United States money issued for them upon the identical principle by which the Secretary of the Treasury is now preparing to issue *$500,000,000 of Federal reserve notes, coined as the people's money, to the banks of this country in exchange for their assets and commercial paper wares sent up through the Federal reserve banks to the Mint of the United States.* There is not one particle of difference in principle in these arguments which we here advance.

The papers have just contained a statement that the Secretary of the Treasury is preparing an issue of $500,000,000 of Federal reserve notes, to be exchanged for the assets, notes, and paper securities of the banks which they are hypothecating with the Federal reserve banks. These notes are issued from the people's mint, and the banking and commercial interests have no God-given right to monopolize this money and the credit of the Government, and exclude the farmer and wage earner from the same privileges at the people's Treasury. If the merchants' and bankers' paper are good security for these Government obligations, the farmer's mortgage, at a fair valuation, on his rich farm lands is a better guaranty. And if the merchants' paper, merchandise, and notes and the bankers' bills, drafts, and notes are good security, State, county, and municipal bonds, based upon the taxable wealth and resources of 100,000,000 people, are still better, even if the time for their redemption is somewhat longer. Hence, it is mandatory that we must forever divorce and separate our agricultural banking system from the commercial banking plan. We have an opportunity to-day, and therefore I shall vote for all good amendments looking in that direction.

In the first place, I shall support the McCumber amendment without the crossing of a "t" or the dotting of an "i" in order that we may provide for direct loans to the American farmers and send this amendment back to the Senate, so that there may not be the slightest difference between the Senate and the House calling for a conference. When we have done that and sent it to the President of the United States, we have provided for direct loans out of the Government mint to the farmers of the United States as we have previously arranged for such loans out of the same mint to the commercialists and the bankers in the shape of *Federal reserve notes and the credit of the United States which we have placed in their custody.* If this McCumber amendment is not written with entire accuracy at this time, we can adopt it and write it into law as the basis for future action. When Congress reconvenes in December we can build to it, round it out, and shape it up as a foundation for a splendid rural-credits system. Hence, on this historic day, my first choice is the McCumber amendment.

In the course of the proceedings I shall undertake by my vote to perfect the Hollis bill and establish a plan worth something to the farmers. *If we can not do that, then, when the final vote comes between the two amendments on the motion to recommit, I shall vote for the McCumber amendment without any change, in order that my name shall go down in the permanent* RECORD *as one who stood for legislation bringing real relief to the farmers.*

Ah, but we hear it whispered in these Halls that the President will veto the McCumber amendment, *that he will veto the Bulkley amendment with section 30 in it, providing for Government aid,* and that he will not veto the Hollis bill. As far as I am concerned, my resolution is fixed to do my duty here for the farmers to-day, and support legislation that means something—let others pursue whatever course they may. It makes not the slightest difference with me. [Applause.] And yet I do not believe the President will veto a genuine rural credits bill, when we attach it to this Agricultural appropriation bill.

Gentlemen object to adding such a bill to the Agricultural appropriation measure. They say that legislation by the insertion of a rider on appropriation bills is not good. Permit me to say that some of the greatest reforms in legislative bodies for the benefit of the people have been brought about by attaching them to appropriation bills. And it seems to me that the hand of Providence can almost be observed in this proceeding, because it has given us the only opportunity available for establishing a rural-credits system before this session of Congress has ended. [Applause.]

Mr. VAUGHAN. Mr. Chairman, will the gentleman yield?

Mr. HENRY. For a question.

Mr. VAUGHAN. Is it not a sure way to get this legislation—if the friends of rural credits want any legislation on the question—to agree to the McCumber bill without dotting an "i" or crossing a "t"?

Mr. HENRY. That is a sure way. But before reaching that parliamentary point of procedure, we can afford to deliberate. The Bulkley bill has been considered for nine months by a subcommittee of the Banking and Currency Committee, Democrats and Republicans, in a nonpartisan way, and they have agreed to it. Members of that committee who speak to-day will tell you that they have given the Bulkley bill nine months of deliberate study and can see no further way of improving it if they should work upon it many months longer. They are prepared to report it to the House. They are ready for action, and these Democrats and Republicans have placed their seal of approval upon it. Hence, I say, let us support and adopt it, and present both the amended Bulkley bill and the McCumber amendment to the House of Representatives in order that Members may exercise their choice of action.

Mr. DIES. Mr. Chairman, will my colleague yield?

Mr. HENRY. Yes.

Mr. DIES. Will my colleague indicate what his objections are to the McCumber amendment?

Mr. HENRY. I have none, if we can not have the Bulkley bill amended to suit ourselves.

Mr. DIES. If the gentleman has no objection to it, then why adopt the Bulkley bill?

Mr. HENRY. We might adopt the McCumber bill. The gentleman would not vote for either one, so it makes no difference to him.

Mr. PLATT. Does the gentleman mean to imply that all of the members of the farm-credits subcommittee of the Banking and Currency Committee have agreed to the Bulkley bill?

Mr. HENRY. I did not say it was unanimous. The sub-

The subcommittee of the Committee on Banking and Currency of the Senate and House worked on the bill and agreed—perhaps not unanimously—that this is the very best bill they can bring before Congress for action either now or hereafter. We can not improve upon its fundamental principles. It puts the Government back of it, the one essential thing for which we are fighting to-day.

Mr. Chairman, the McCumber bill embodies practically all of the essential features included in a rural-credits bill recently introduced by me. Therefore, if this McCumber amendment can be adopted by Congress and approved by the President, it will embrace the vital principles of the measure presented to the House by me. I will indeed be happy if we can take these steps before this session ends. Pride of authorship will not count with me if we can write the principles for which I have been contending in our legislation. *The great and overshadowing*

principle of Government aid is contained in the Bulkley bill, the one great thing around which my bill has been written. And so if these propositions set out in my measure can be inserted here in the McCumber amendment or the Bulkley bill, I shall gladly support them and waive all pride of authorship.

Mr. Chairman, allow me to say, in conclusion, that my resolution is fixed, and that during the remainder of my congressional career I shall fight for a rural-credits law builded and founded upon plans entirely apart from the Federal reserve act or any commercial banking system. The farmer must have a system that will afford him long-time loans. The necessities of his vocation imperatively demand it, and I shall continue to struggle for writing the same principles in all rural-credits legislation for extending direct Government aid to the tillers of the soil just as we have placed it in the hands of the banker and commercialist. There is no invidious distinction or criticism intended by me in making these arguments. Long since I have concluded that the three classes of our people—the commercial, industrial, and agricultural—must have their needs supplied through distinct banking and financial systems. The issue is raised here to-day and will not down. The fight will go on, and my prediction is that before many years have gone by this long-deferred relief for the American farmer and the industrial class will be accorded to them as Congress promptly afforded facilities to the commercial class of our people. It is a lamentable fact that in this House and elsewhere, whenever a legislator raises his voice in behalf of the farmer, the wage earner, and the worker, he is charged with being a demagogue. But a Representative is weak and cowardly who has not the heart and spirit and resolution in the face of these affronts to fight on in behalf of those who till the soil, earn their bread by the sweat of their brow, and make this Republic prosperous and great. [Applause.]

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. McLAUGHLIN].

Mr. McLAUGHLIN. Mr. Chairman, these matters were referred to the Committee on Agriculture, of which I am a member, and we were asked in four hours to do what other committees of the House and the Senate have not been able to do in three years, and these matters come from the Committee on Agriculture in a very unsatisfactory shape. My time is limited and I shall not even presume to discuss the bills at length, but I do desire to address myself for a moment to the subject of Federal aid to farm-loan banks. A cry is raised against Federal aid, and some gentlemen—a great many, I believe—stand aghast at the idea that any Federal money shall be used for the purpose of assisting in the organization of these banks or be used by them in making loans upon farm property. I wish to say to my associates on this side of the House that if they are opposed to the idea of Federal aid they would better change or modify their national platform, because the platform has declared in favor of the organization and the supervision of banks and organizations by which the farmer of the country may obtain cheap money. But in my judgment, formed after a great deal of attention to the manner in which organizations of this kind are effected and operated in the first instance, they can not be organized and started successfully on their work without Federal aid.

We are told by the commission that visited Europe and made investigation of European methods that governmental aid has been withdrawn, and that private interests are allowed to contribute to those organizations and to conduct them, and that private capital alone is involved in them. They do not go further and say what is the plain truth, that almost every one of those systems was organized in the first instance by governmental aid, by direct appropriations of money, and that they never could have been organized without governmental aid.

But after it was organized and became strong and could operate alone without Federal aid or governmental aid, that aid was withdrawn. So that the experience of Europe is not that Federal aid is not in any case advisable or that it is not necessary, but that experience teaches that it is necessary, that it is advisable, that it is given and continued until the system has grown and the operation has attained such strength that they are able to get along by themselves and without Government assistance. Now, why should we stand aghast, as I say, at the idea of Federal aid? We have already a Postal Savings Bank System by which the people of the country are encouraged to deposit their money and draw on it 2 per cent interest.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McLAUGHLIN. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. OLDFIELD having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the conference asked by the House on bills H. R. 20643, H. R. 21089, and H. R. 21218.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from Nebraska [Mr. BARTON].

Mr. BARTON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. PLATT].

Mr. PLATT. Mr. Chairman, it seems to me incredible that the House of Representatives should attempt to legislate on this important matter by snap, last-minute action in the manner we are going at it now. This is an exceedingly complicated proposition all the way through, and nobody can possibly understand the Hollis bill who has not had a considerable time to study it. It is the Bulkley bill with one important section—section 30—taken out and another set of banks put in, so as to make three different sets of farm-loan banks, one of them, the smaller ones, called farm-loan associations. They loan money to the farmer and take the mortgages and indorse them to banks located in the Federal reserve districts known as Federal farm-loan banks or land banks, and then there is another set of banks, limited in their action, which are called Federal farm-bond banks. The bill jumps from one kind of banks to another in such a way that you have to read part of it over four or five times to tell which is one kind of a bank and which is another. Certainly no farmers' organization has asked for any such bill as the Hollis bill.

The bills that the farmers' organizations have indorsed are bills like the Bathrick bill containing Government aid from the sale of Government bonds. Some have indorsed the Bulkley bill and a few the Moss bill. The Hollis bill does not give them what they are asking. It will not do what the farmers want, and if we should pass this hybrid Hollis bill they will all be dissatisfied with it. It is a mere makeshift compromise, patched up at the last moment. I do not see why any man should vote for it, whether he believes in Government aid or does not believe in Government aid. If he believes in Government aid, he ought to vote for the McCumber amendment just as it comes over from the Senate. The McCumber proposition is at least simple and easily understood—money from the United States Treasury. The Hollis bill is complicated. It provides for three or four kinds of institutions and two different sets of bonds, but will satisfy nobody. Certainly it will not satisfy the farmers' unions or the grange. There is only one thing that can be done in a hurry in reference to rural credits, and that is to pass the Moss bill, which will satisfy a good many intelligent farmers. It will not satisfy those of the South and West who look for Government aid, but it will give a sound system of rural credits a chance to start naturally.

Mr. RUBEY. Will the gentleman yield?

Mr. PLATT. I will yield.

Mr. RUBEY. Does the gentleman understand that the Moss bill is incorporated in the present bill before the House now?

Mr. PLATT. Not at all.

Mr. RUBEY. It is a part of the bill; the entire Moss bill.

Mr. PLATT. This is the Hollis bill.

Mr. RUBEY. And the Moss bill, also.

Mr. PLATT. Oh, well, the Moss bill separately has not been offered by the gentleman from South Carolina as an amendment.

Mr. RUBEY. The Moss bill is part of the report of the Committee on Agriculture which we are now discussing.

Mr. PLATT. Well, if the Moss bill, as it was last introduced by Mr. Moss, is part of the report, I am heartily in favor of having that adopted by itself as an amendment in place of the McCumber proposition, the Hollis bill, or any other proposition.

Mr. RUBEY. It reports the Hollis proposition and also the Moss proposition.

Mr. PLATT. I did not understand it so; but I suppose the gentleman means that the farm-bond banks of the Hollis bill before us were taken from the Moss bill by way of compromise; but that is not the entire Moss bill by any means.

Mr. ADAIR. Will the gentleman yield?

Mr. PLATT. I will.

Mr. ADAIR. The gentleman has not said anything about

the Bulkley bill. I take it from what he has said that he is opposed to any bill carrying Government aid?

Mr. PLATT. I certainly should at this time be opposed to the Bulkley bill or any similar bill.

Mr. ADAIR. You are not in favor of the McCumber bill?

Mr. PLATT. No; but if I were going to play the demagogue on this matter, I would want something that the farmers of the country would be more pleased with than anything else, and I would vote for the McCumber bill.

Mr. ADAIR. Regardless of the interests of the Government?

Mr. PLATT. Regardless of the interests of the Government or of the country.

Mr. ADAIR. The gentleman is also absolutely opposed to governmental aid in this proposition?

Mr. PLATT. I will say that in the farm-credit subcommittee I opposed that section of that Bulkley bill——

Mr. ADAIR. Or any other form of governmental aid?

Mr. PLATT. Other forms were not before us; but I should oppose any direct Government loans or any bill providing for issuing greenbacks.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN (Mr. SAUNDERS). The gentleman from New York [Mr. PLATT] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HENRY. Mr. Chairman, I yield five minutes to the gentleman from South Carolina [Mr. RAGSDALE].

Mr. RAGSDALE. Mr. Chairman, about two years ago, when I became a Member of this body, I thought there was no committee assignment that could be given me where I could have been of greater service to my people than by becoming a member of the Banking and Currency Committee; and one of the reasons was that there was a plank in the Democratic platform that specifically provided for rural-credit legislation. Now, we come to the last days of this session, when we had despaired of any opportunity in this body to have rural-credit legislation. A Republican will have written into the law of the United States, if we can get it through here, some legislation which will give us relief. I want to say, Mr. Chairman, that I do not care where a bill comes from—I do not care if it comes from a Progressive, I do not care if it comes from a Republican, I do not care if it comes from a Democrat—if it will reduce the interest burden that the farmers and producers of wealth in this country, upon whom we are dependent, pay, then I am for that bill, no matter what its effect on any party. [Applause.] I believe that at this time the Bulkley-Hollis bill is the best bill to adopt, because I do not believe that the Hollis bill is worth the paper on which it is written. I do not believe that it gives the best thoughts of the distinguished Senator whose name it bears, and I do not think that he believes in it. I do not believe that he felt in his own mind that it is in the real interest of the farmers of this country. Every Democrat on our rural-credit committee believed, and strove day after day, after careful thought, to write a bill that would give relief to the farmers of this country. We prepared the bill and introduced it in the House, which sent it to the Banking and Currency Committee, where it is now buried. Why, Mr. Chairman? Not because the rural-credit committee was not united, but because outside interference came in and denied to the farmers of this country the right to be heard on the floor by their representatives, which prevented us from carrying out platform pledges and Democratic caucus instructions and denied the right of the lawmakers of this land to consider a bill that would give us real relief.

Ah, Mr. Speaker, the time has come, and now, when these Representatives can no longer dodge this issue. This legislation sleeps no longer in the Banking and Currency Committee room, where it has been throttled in the House of its friends, who promised us relief in their platform if they should come to power. It was promised by our candidate for the Presidency upon the stump, it was promised by our President as President, it has been promised by our party, and our Democratic caucus last year instructed our committee to bring in a bill; and the time has come, and now, when the people of this country can put us in the scales and find whether we are willing to be charged with being demagogic, whether we are willing to be charged with being unsound in our legislative ideas, and whether or not we are willing to stand up here and be criticized and laughed at by the big interests, usurers, bankers, and hostile press of the country, as they did before when we were trying to reduce the burden of interest that the producers in this country are carrying. We remember the fight made to prevent six months' rediscount privilege and to prevent the use of farm products in storage and farm lands as a basis for credit, yet we wrote these amendments in legislation then pending, and to-day its enemies of that time boast of these amendments as a part of "our work." We hear criticism of any kind of legislation intended to give real relief to the farmers of this country. It comes back to us finally, Mr. Chairman, that it is not a question of new ideas, it is not a question of any new promises, but it is a question of good faith on the part of this House, on the part of these Representatives of the people, to give them what they have been promised time and again, and which we all know they need. Government aid for an Alaskan railroad, Government aid to purchase ships, to dig canals, to open rivers and harbors is permissible, nay, wise; bills appropriating Government funds for pensions, for the Army, for the Navy, for a pleasure trip to the west coast, for expositions, for entertainments of all kinds are wise, and statesmen unite in keeping taxes on the people to provide them. But legislation which provides funds for bettering farming conditions, which lessens the burdens of farm life and makes possible the increase of the necessities of life produced there, which increases the value of taxable property and encourages families to leave crowded cities, cease being tenants and become landowners, home owners—that legislation is demagogic and should be frowned upon in this Hall, the House of Representatives, whose Members come from the people. I, Mr. Chairman, will try and keep my preelection pledges. I shall try to redeem the platform pledges of my party, and caring not whom I please, trying only to serve the people whose brief I hold, I shall vote for rural-credits legislation providing governmental aid, and leave to others the question of their duty, their vote, and the possibilities of a veto.

Mr. HENRY. Mr. Chairman, I yield half a minute to the gentleman from Nebraska [Mr. LOBECK].

The CHAIRMAN. The gentleman from Nebraska [Mr. LOBECK] is recognized for half a minute.

Mr. LOBECK. Mr. Chairman, I desire the privilege of extending my remarks in the RECORD.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. HULINGS].

The CHAIRMAN. The gentleman from Pennsylvania [Mr. HULINGS] is recognized for five minutes.

Mr. HULINGS. Mr. Chairman, I have tried to give intelligent consideration and study to this subject for a number of years. Nearly two years ago I introduced into this body a bill which I think is a better bill than any other bill that has been under consideration here.

There are two lines of thought that are distinctly marked out upon this subject, and one is whether the Government shall give its aid to this great industry, or whether the farmer who is needing money, who is in debt, will contribute the funds with which to organize banks. The bill that is immediately under discussion now—the Hollis bill—in my opinion, simply provides a great piece of machinery, starting out with a $12,000 salary for a commissioner, providing for the employment of an army of employees, for plate glass, burglar-proof safes, and banking establishments, and the farmer is to foot the bill. It has no other purpose than to drive the great volume of farm loans into the control of the banking interest, and even then insists that the farmer, now so heavily in debt, shall furnish the money to start the bank. It simply suggests to the farmer that by pulling on his boot straps he can lift himself out of debt.

He goes into the money market of the world to borrow his money under the plan proposed, from the money-lending class, and he will be the last man in the world to be served, because nobody is going to lend him money at 4 or 6 per cent for five or four or three or two years or one year when there is somebody who is ready to take the money on a 60-day loan or on a short-time loan.

The bill which I have presented, and which has never received any consideration by any committee of this House, is a bill that is plain and simple, providing that the farmers within a given area may organize their associations and take their mortgages and securities to the association, when the association will make its note to the Government, payable in amortized payments within 24 years; and if the security is approved by the Secretary of the Treasury, they can get the face of the notes from the Federal Treasury. The scheme is based upon Government aid extended not to the individual farmer but to a legal organization of farmers, and the organization distributes the funds amongst the farmers putting up the security. And the consideration that is thus to be given to them is not one particle more than has been given to the money-lending class of this country through the national-bank organizations in the last 45 years. The national bank, by putting up good security, gets the face

value of the security in Government currency; they to-day can go to the Federal Treasury and by putting up the notes of Tom, Dick, or Harry, that may be good next week or may not, can get Federal aid.

Now, if a legal organization of farmers will put up adequate security, can you give me any good reason why the same consideration should not be granted to it?

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. HULINGS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD and set out the bill which I presented to this House heretofore.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection?

There was no objection.

Following is the bill referred to:

A bill (H. R. 9988) to provide for farm loans secured by a pledge of approved first mortgages on agricultural lands, for the making, management, and repayment thereof, and for other purposes.

Be it enacted, etc., That the short title of this act shall be the "Farmers' loan-association act."

SEC. 2. That associations for carrying on business under this act may be formed by any number of natural persons engaged in practical farming, not less in any case than 25.

They shall enter into articles of association which shall specify in general terms the object for which the association is formed and may contain any other provisions not inconsistent with law which the association may see fit to adopt for the regulation of its business and the conducting of its affairs.

SEC. 3. That the persons uniting to form such an association shall, under their hands, make an organization certificate which shall specifically state—

First. The name assumed by such association, which name shall be subject to the approval of the Comptroller of the Currency.

Second. The place where its business is to be carried on, designating the State, Territory, or District, and the particular county, town, or village.

Third. The amount of capital stock and the number of shares into which the same is to be divided.

Fourth. The names and places of residence of the shareholders and the number of shares held by each of them, and that the shareholders are practically engaged in farming in the district wherein the association proposes to carry on its business, and the names and places of residences of the president, vice president, and cashier, who shall constitute the board of directors and who shall have been chosen by the shareholders to manage the business of the association for the first year or until their successors shall be elected and qualified.

Fifth. The undertaking of the said president, vice president, and cashier that they will become trustees for the United States to take, hold, or convey deeds, mortgages, or other conveyances of real estate and to collect rents, issues or profits, installments of interest or principal; to pay taxes when necessary to protect said mortgages, prevent waste, and to do any other undertaking or thing requisite or proper for said trustees to do in order to preserve the interest and rights of the United States in respect to the lands and the mortgages thereon conveyed to said trustees; and a copy of the bond which said trustees propose to give as security for the faithful performance of their duties.

Sixth. That each shareholder has paid to the cashier of the association 10 per cent of the par value of the shares subscribed for by him in cash and has executed and conveyed to certain trustees for the use of the United States his certain promissory note for the sum of the par value of the shares subscribed for by him with interest at per cent, payable annually, to be secured by a mortgage upon improved unencumbered farm lands owned by the mortgagor in fee simple, that for three years last past have been assessed for taxation purposes at a valuation double the amount of said mortgage and within 30 miles of the place wherein the association is to carry on its business, which said mortgage shall have a term not less than 3 nor more than 25 years, and shall be a collateral security for the payment of said note. And said mortgage may provide for the payment of said principal sum with interest or it may provide for the payment of annual installments of a fixed percentage of the face of said mortgage to the said trustees for a specified number of years, and shall also provide that in case the said mortgagor shall make default in the payment of any installment of payment of interest or principal or amortized sum at the time it may become due and payable the whole unpaid principal sum with interest shall immediately become due and payable, and said mortgage shall contain a scire facias clause with warrant of attorney to confess judgment for the principal sum remaining unpaid, with interest and proper costs, upon said mortgage in favor of said trustees, or such other provision permitted or required by the laws of the State wherein such mortgage is made for the immediate collection of said unpaid principal and interest with costs of the proceedings and without exemption or stay of execution.

Seventh. The fact that the certificate is made to enable such persons to avail themselves of the advantages of this title.

SEC. 4. That the organization certificate shall be acknowledged before a judge of some court of record or notary public, and shall be, together with the acknowledgment thereof, authenticated by the seal of such court or notary, and a copy of the articles of association duly signed by the associators, transmitted to the Comptroller of the Currency, who shall record and carefully preserve them in his office.

SEC. 5. That upon duly making and filing articles of association and an organization certificate the association shall become, as from the date of the execution of its organization certificate, a body corporate, and as such, and in the name designated in the organization certificate, it shall have the power—

First. To adopt and use a corporate seal.

Second. To have succession for the period of 20 years from its organization, unless it is sooner dissolved according to the provisions of its articles of association or by the act of the association, or unless its franchise becomes forfeited by some provision of the law, or by the act of two-thirds of its shareholders.

Third. To make contracts.

Fourth. To sue and to be sued, complain and defend, in any court of law and equity as fully as natural persons may.

Fifth. To elect or appoint directors and the president, vice president, cashier, and other officers, define their duties, require bond of them and fix the penalty thereof, dismiss such officers or any of them at pleasure and appoint others to fill their places.

Sixth. To prescribe by its board of directors, subject to the provisions of this act, by-laws, not inconsistent with law, regulating the manner in which its stock shall be transferred, its directors elected or appointed, its officers appointed, its property transferred, its general business conducted, and the privileges granted to it by law exercised and enjoyed.

Seventh. To exercise by its board of directors or duly authorized officers or agents, subject to law, all such incidental powers as shall be necessary to carry on its business by discounting and negotiating promissory notes, drafts, bills of exchange, and other evidences of debt of its shareholders; by loaning money and borrowing money according to the provisions of this act. But no shareholder shall be permitted to become indebted to the association for a sum greater than the par value of the share held by him. The association shall not lend its funds or credit to any person not a stockholder, except that in case the association may have loanable funds not desired by any of its shareholders it may loan to other persons for terms not exceeding one year. Whenever, at any time, funds of the association can not be safely loaned at the rates fixed by the association, said trustees will immediately pay such funds into the Treasury of the United States, and extinguish by so much the liability of the association to the United States.

But no association shall transact any business, except such as is incidental and necessarily preliminary to its organization, until it has been authorized by the Comptroller of the Currency to commence its business.

SEC. 6. That whenever the articles of association and organization certificate are transmitted to the Comptroller of the Currency, as provided in this title, and the association transmitting the same notifies the comptroller that such association has complied with the provisions of this title required to be complied with before an association shall be authorized to commence its business, the comptroller shall examine into the condition of such association, ascertain especially the amount of money paid in on account of its capital, the name and place of residence of each of its directors, and the amount of the capital stock of which each shareholder is the owner in good faith, and generally whether such association has complied with all the provisions of this title required to entitle it to engage in business; and especially the character and standing and the undertaking of the persons named as trustees and the form of the official bond which they propose to give; together with the form of the promissory notes payable to the said trustees for the use of the United States with the form of the mortgages proposed to be given to secure said notes; and shall cause to be made and attested by the oaths of the directors of the association a statement of all the facts necessary to enable the comptroller to determine whether the association is lawfully entitled to commence its business, and if upon a careful examination of the facts so reported and of any other facts which may come to the knowledge of the comptroller, whether by means of a special commission appointed by him for the purpose of inquiring into the condition of such association or otherwise, it appears that such association is lawfully entitled to commence its business, the comptroller shall give to such association a certificate, under his hand and official seal, that such association is authorized to commence such business. But the comptroller may withhold from an association his certificate authorizing the commencement of business whenever he has reason to suppose that the shareholders have formed the same for any other than the legitimate objects contemplated by this title.

SEC. 7. That upon the deposit with the Treasurer of the United States by any farmers' loan association of the promissory note of the said association attested by the signature of the president or vice president and cashier of said association for a sum equal to the capital stock of said association with interest at 3 per cent per annum, payable in annual installments as follows: Three per cent per annum for 2 years, 5 per cent per annum for 3 years, 6 per cent per annum for 10 years, 7 per cent per annum for 10 years, until said note and interest are fully paid, beginning 12 months after the date of the note, and shall deposit with said note the promissory notes of the shareholders payable to said trustees for the use of the United States in amount equal to the capital stock of said association with mortgages as aforesaid to secure the payment of said notes and interest thereon, accompanied by policies of insurance of the validity of such mortgages, and the same are approved by said Comptroller of the Currency to be in proper substance and form according to the purposes and intent of this act; and it appearing that said notes and mortgages are valid securities taken by the association in payment of shares of its stock and deposited as collateral security with the Secretary of the Treasury to secure the payment of the note of the association as aforesaid, and to secure the immediate payment of any installment of said association note with proper costs in case default shall be made in the payment of any such installment at the time it becomes due, and thereafter or as often as any installment becomes due in which there is any default in payment, and the said trustees having deposited with the said Secretary their undertaking of the office of trustees of said securities for the use of the United States, together with their official oaths and bonds for the faithful discharge of their duties, the Secretary of the Treasury shall then place the notes made by the shareholders and the mortgages securing the payment thereof in the possession of such trustees, and such association shall be entitled to receive from the Comptroller of the Currency circulating notes of the United States to an amount equal to the par value of the stock of said association; and it shall be the duty of said trustees to safely keep said mortgages and the shareholders' notes secured by the same, and to collect the said notes and the interest as the same becomes due, and out of such collections to pay to the Treasury of the United States the stipulated annual installments as they fall due on the note of the association, and such payments shall be credited on the note of the association, and in case there is any default on the part of any maker of any of said notes according to the terms thereof, or if taxes are allowed to become a lien upon the land mortgaged to secure any of said notes, to proceed at once to collect the whole of said mortgage thus in default with interest and the costs thereof; any moneys collected by the trustees over and above the amount required for the annual payment for any year due to the United States shall be paid into the treasury of such association.

In case of the death of a trustee or trustees the survivor or survivors shall act.

SEC. 8. That the association shall then cause the certificate issued under the preceding section to be published in some newspaper printed

in the district where the association is located for at least 30 days next after the issuing thereof, or, if no newspaper is published in such district, then in the newspaper published nearest thereto.

SEC. 9. That any such association may change its name or place where its business is to be carried on to any other place within the same State not more than 30 miles distant with the approval of the Comptroller of the Currency, by the vote of two-thirds of the shareholders of such association. A duly authenticated notice of the vote and of the new name or location selected shall be sent to the office of the Comptroller of the Currency, but no change of name or location shall be valid until the comptroller shall have issued his certificate of approval of the same.

All debts, liabilities, rights, provisions, and powers of the association under its old name shall devolve upon and inure to the association under its new name.

Nothing in this act contained shall be so construed as in any manner to release any such created association under its old name or at its old location from any liability, or affect any action or proceeding in law in which said association may be or become a party or interested.

SEC. 10. That a farmers' loan association may purchase, hold, and convey real estate for the following purposes, and for no others:

First. Such as shall be necessary for its immediate accommodation in the transaction of its business.

Second. Such as shall be mortgaged to it in good faith by way of security for debts contracted.

Third. Such as it shall purchase at sales under judgments, decrees, or mortgages held by the association, or shall purchase to secure debts due to it.

SEC. 11. That the capital stock of each association shall be not less than $25,000, or may be any multiple thereof, and shall be divided into shares of the par value of $100 each, and be deemed personal property and transferable on the books of the association in such manner as may be prescribed in the by-laws or articles of association. Every person becoming a shareholder by such transfer shall, in proportion to his shares, succeed to all the rights and liabilities of the prior holder of such shares; and no change shall be made in the articles of association by which the rights, remedies, or security of the existing creditors of the association shall be impaired.

SEC. 12. That in all elections of directors, and in deciding all questions at meetings of shareholders, each shareholder shall be entitled to one vote without respect to the number of shares held by him. Shareholders may vote by proxies duly authorized by writing; but no officer, clerk, teller, or bookkeeper of such association shall act as proxy; and no shareholder whose liability is past due and unpaid shall be allowed to vote.

SEC. 13. That the affairs of each association shall be managed by three directors, one of whom shall be president, one vice president, and one cashier, who shall be elected by the shareholders at a meeting to be held at any time before the association is authorized by the Comptroller of the Currency to commence business and afterwards at meetings to be held on such day of each year as is specified therefor in the articles of association. The directors shall hold office for one year and until their successors are elected and have qualified.

SEC. 14. That every director must, during his whole term of service, be a citizen of the United States, and must have resided in the district in which the association is located for at least one year immediately preceding his election and must be resident therein during his continuance in office. No director shall own more than one share of the capital stock of the association of which he is a director, nor shall he be a borrower from or be in any way pecuniarily interested in loans made by such association. Any director who as a trustee is unsatisfactory to the Comptroller of the Currency may be immediately removed as such trustee by the said comptroller, and such removal renders such person ineligible as director and his place shall become vacant.

SEC. 15. That each director, when appointed or elected, shall take an oath that he will, so far as the duty devolves upon him, diligently and honestly administer the affairs of such association, and will not knowingly violate, or willingly permit to be violated, any of the provisions of this title, and that he is the owner in good faith and in his own right of the number of shares of stock subscribed by him or standing in his name on the books of the association, and that the same is not hypothecated or in any way pledged as security for any loan or debt other than to the association itself. Such oath, subscribed by the director making it, and certified by the officer before whom it is taken, shall be immediately transmitted to the Comptroller of the Currency and shall be filed and preserved in his office.

SEC. 16. That any vacancy in the board shall be filled by appointment by the remaining directors, and any director so appointed shall hold his place until the next election.

SEC. 17. That if, from any cause, an election of directors is not made at the time appointed, the association shall not for that cause be dissolved, but an election may be held on any subsequent day, 30 days' notice thereof in all cases having been given in a newspaper published in the city, town, or county in which the association is located; and if no newspaper is published in such city, town, or county, such notice shall be published in a newspaper published nearest thereto. If the articles of association do not fix the day on which the election shall be held, or if no election is held on the day fixed, the day for the election shall be designated by the board of directors in their by-laws, or otherwise; or if the directors fail to fix the day, shareholders representing two-thirds of the shares may do so.

SEC. 18. That the shareholders of every farmers' loan association shall be held individually liable, equally and ratably, and not one for another, for all contracts, debts, and engagements of such association, to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares.

SEC. 19. That the Treasurer of the United States is also authorized to permit the trustees to substitute for one or more of said notes and mortgages one or more other notes and mortgages of similar terms and of equal approved value whenever said association may find it necessary to substitute for a nonborrowing shareholder another shareholder desiring to borrow, who furnishes equally good security, and such substitution having been authorized, the trustees shall transfer the shares held by the retiring shareholder to the new shareholder or shareholders.

SEC. 20. That the power of visitation and inspection of each association shall be similar to that now exercised by the United States over national banks, but the fee for any inspection shall not exceed $15, and inspections shall not be made more than three times in any one year.

SEC. 21. That the general provisions of law relating to suits by or against national banks shall apply to farmers' loan associations.

SEC. 22. That the real property of any such association shall be subject to State, county, or municipal taxes to the same extent according to value as other real property is taxed, but the mortgages made to any trustees for the use of the United States shall not be subject to State taxation, nor shall the loans of the United States to any such association be subject to taxation for any purpose.

Mr. LEVER. Mr. Chairman, may I inquire how the time stands?

The CHAIRMAN. The gentleman from South Carolina [Mr. LEVER] has 25 minutes, the gentleman from Texas [Mr. HENRY] has 15, and the gentleman from Iowa [Mr. HAUGEN] has 7.

Mr. LEVER. Mr. Chairman, I ask that the gentleman from Iowa use some of his time.

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. HAYES].

The CHAIRMAN. The gentleman from California [Mr. HAYES] is recognized for five minutes.

Mr. HAYES. Mr. Chairman, during the last year or two I have given much study to this question, and I very much regret that we are obliged to pass upon it here after only two hours' debate. I regard it as one of the most complicated and most important questions that have been before this Congress.

In the first place, let me speak of the so-called McCumber amendment. The McCumber amendment, if I understand anything about the Constitution, would be, as my friend from Georgia has said respecting the Hollis bill, not worth the paper it is written on. I would like to know under what grant of power of the Federal Constitution Members of this House can find authority for putting the Government of the United States into the loaning business—under what grant of power we are going to give the farmers, a single class in this country, an axe and tell them to go ahead and knock down the doors of the Treasury and help themselves, for that is about what this McCumber amendment means.

There is no provision whatever in this bill for any appraisement of the property on which loans are expected to be made. There is no machinery provided for putting this into operation. Any Secretary of the Treasury would have great nerve to undertake to organize a loaning bureau in the Treasury of the United States and start it into action under the provisions proposed by the amendment to this bill.

Mr. HENRY. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Texas?

Mr. HAYES. Yes; I yield.

Mr. HENRY. Did we not loan the Government money to the banks in New York City in the panic of 1907?

Mr. HAYES. No; strictly speaking, no loan was made. Money was deposited in the banks by the Secretary, and there may be doubt whether there is any warrant for it in the Constitution. That was done, you might say, by unanimous consent. It has only been done in times of financial distress.

Mr. HENRY. Do we not loan money to the banks now on security?

Mr. HAYES. No; but the Government does loan its credit, and when the Federal reserve act was before the House I expressed the doubt, which I express now, whether there is any authority in the Constitution for doing it, and I said then to the gentleman and to this House that if we did that the next step would be that the farmers and other classes would be before us, asking that the Government lend its credit to them for their especial personal benefit. And I will say to the gentleman now that if the Congress of the United States passes this amendment it will not be a year before the laboring people of this country will be before the Congress of the United States asking that the privilege be extended to them. Next will probably come the miners, who want to develop their mines, asking for the same thing, and they will be followed by other classes of our citizens.

Mr. HENRY. Just one other question now: Have we not insured the ships of the shipowners?

Mr. HAYES. The gentleman knows I do not approve of any of that sort of legislation. I am opposed to extending the field of operations of the Federal Government, except where absolutely necessary to carry out some great national purpose which can not be accomplished through the local governments, and I am strongly opposed to putting the Federal Government into private business enterprises of any kind.

Mr. KORBLY. Will the gentleman yield?

Mr. HAYES. I yield to the gentleman from Indiana.

Mr. KORBLY. The gentleman from California does not want to be understood as saying that the Federal reserve notes would not be effective if they did not have the governmental quality?

Mr. HAYES. I do not. I think they would be just as effective if they did not have it.

Mr. GORDON. Is it not a fact that all this legislation that the gentleman from Texas speaks about concerning the banks is

justified by the courts upon the theory that they are fiscal agents of the Government?

Mr. HAYES. The courts have not passed upon this legislation, but they may justify it on that ground.

Mr. GORDON. Solely?

Mr. HAYES. Yes; it must be justified on that ground, if justified at all.

Mr. GORDON. Is there any such function as that performed here?

Mr. HAYES. Not at all.

Mr. BATHRICK. Now, on that point——

Mr. HAYES. One moment. In the so-called Hollis amendment proposed by the committee there is a provision on page 72, at the bottom of the page, which is intended to make that amendment constitutional, providing that 5 per cent of the stock of these banks shall be invested in Government bonds; but, in my judgment, that does not overcome the constitutional objection at all, and does not make it constitutional. The purpose of the amendment is plainly not governmental in character and is not intended to carry into effect any grant of power to the Federal Government conferred by the Constitution.

Mr. MOORE. Will the gentleman yield?

Mr. HAYES. I yield to the gentleman from Pennsylvania.

Mr. MOORE. Did we not make provision for loans to the farmer in the Federal reserve bank act?

Mr. HAYES. We did—commercial loans and real estate loans, and not to exceed a certain per cent of the capital stock of the bank.

Mr. MOORE. Can he not get such money as he needs under that, if he has property or credit?

Mr. HAYES. He can get commercial loans and real estate loans to the extent of a certain percentage of the capital stock of the bank, as I have stated.

Mr. BATHRICK. Does not the McCumber amendment make the Government a fiscal agent for the purpose of making loans?

Mr. HAYES. Yes, it does; but it does not make the banks fiscal agents of the Government, which is necessary to give it any pretense of constitutionality.

Mr. BATHRICK. It does.

Mr. HAYES. I beg the gentleman's pardon. There is no pretense of that sort at all.

Mr. SUMNERS. Will the gentleman yield?

Mr. HAYES. I can not yield, as I have only two minutes left. I want to say a word in reply to the gentleman from Michigan [Mr. McLAUGHLIN], who said that no rural-credit institution in the world had ever been organized without Government aid. The landschaften of Germany, the greatest farm loaning institution in the world, has been in operation for nearly 150 years, and has never had any financial aid whatever from the Government.

Mr. BATHRICK. Now, will the gentleman yield on that?

Mr. HAYES. I will yield for a question.

Mr. BATHRICK. Does not the gentleman know that the landschaften has no money and needs no Government money?

Mr. HAYES. I can not yield to the gentleman to make a speech. I know that the landschaften never had any Government financial aid at any time in its history. It was started under Frederick the Great and was fostered and assisted in its operations, but the Government of Germany never gave it any financial assistance of any kind.

Mr. BARTLETT. And, besides that, Germany is not governed as we are, under a written constitution.

Mr. HAYES. That is true, and very important to bear in mind while considering any legislation of this kind.

Mr. TOWNSEND. Is not the same thing true of the Credite Française?

Mr. HAYES. They had $2,000,000 in the beginning, but have never had any further direct governmental aid.

I am one of those who believe in providing the farmer with as cheap money as he can possibly get. I am willing to go as far as I can see my way clear to give him the loans that he desires at as cheap a rate of interest as can be gotten for him; but when the farmers of the United States are asking bread, I am not willing to give them a stone. I am not willing to do something that I know will be worthless, because void under the Constitution under which we are supposed to operate, and that will not give him the relief which he is seeking. All of these amendments should be voted down; and in the next session of Congress, when we have plenty of time, we can take up this subject and formulate and pass into law an adequate rural-credit proposition. [Applause.]

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from Iowa [Mr. CONNOLLY].

Mr. CONNOLLY of Iowa. Mr. Chairman. I ask unanimous consent to extend by remarks in the RECORD.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from Nebraska [Mr. SLOAN].

Mr. SLOAN. Mr. Chairman, much has been said about the pledges of the various political parties. I shall put the planks of the various parties in the RECORD. I want to say that in no one of them is there a pledge for loaning any public funds to an organized system of rural credits in the country.

The Republican Party declared:

It is of great importance to the social and economic welfare of this country that its farmers have facilities for borrowing easily and cheaply the money they need to increase the productivity of their land. It is as important that financial machinery be provided to supply the demand of farmers for credit as it is that the banking and currency systems be reformed in the interest of general business. Therefore we recommend and urge an authoritative investigation of agricultural credit societies and corporations in other countries and the passage of State and Federal laws for the establishment and capable supervision of organizations having for another purpose the loaning of funds to farmers.

The Democratic Party in its Baltimore platform said:

Of equal importance with the question of currency reform is the question of rural credits or agricultural finance. Therefore we recommend that an investigation of agricultural credit societies in foreign countries be made, so that it may be ascertained whether a system of rural credits may be devised suitable to conditions in the United States; and we also favor legislation permitting national banks to loan a reasonable proportion of their funds on real estate security.

The Progressive Party declared:

We pledge our party to foster the development of agricultural credits and cooperation.

Investigations have been instituted and carried on under the direction of Republican Presidents so that the matter of rural credits had been much mooted throughout the country and had received favorable consideration.

Congress has been in session almost constantly for the last two years. The pledged rural credits legislation, which was placed on a parity with currency and bank reform by the party in power, has been studiously delayed and obstructed by those who are responsible for legislation. A commission was sent to Europe to study rural credits systems there. Not a single fact was or could have been discovered by that commission which could not have been readily obtained in the usual means of obtaining information here at Washington. But, then, that would not have enabled the long delay which has taken place in the consideration of this legislation. Members of the majority interested in rural credits legislation and who were insisting on its enactment in connection with or at the same time as the so-called Glass-Owen currency measure was passed were placated by that force which has been directing legislation in Washington for the last two years by the promise that as soon as the Glass-Owen banking and currency bills were passed the rural credits bill should be taken up. This was at a time when the Banking and Currency Committee was meeting informally, but allowing only the majority members to be present, excluding the minority members. If the minority members had been permitted to meet, as the proper procedure for committee action demanded, rural credits legislation would have been immediately connected with or run parallel to the banking and currency bill. But the few majority members of that committee who really favored rural credits legislation were thrust aside with a barren promise.

How effectually rural credits legislation has been disposed of has been well told on the floor of this House by Representatives WINGO, of Arkansas, NEELY, of Kansas, and RAGSDALE, of South Carolina. They place the blame where it belongs.

The legislation was delayed, obstructed, and finally set aside in the long session of the Sixty-third Congress. In the short session of the Sixty-third Congress the friends of rural credits legislation became active. It was expected that the distinguished Representative and Senator who constituted the present commission to visit Europe and study rural credits would become exceedingly active in presenting this legislation, but it seemed to have suddenly dawned upon the administration that ships on the ocean were more important than credit on the land. So we find the distinguished Senator member of that commission leading about a 40-days' fight in the Senate for a hopeless, useless, unwise ship-purchase measure to the entire neglect of the rural credit legislation.

It seems that after the ship-purchase bill's passage became entirely hopeless a rural credit bill was attached to the Agricultural appropriation bill in the Senate and it comes back to the House for our consideration. The rural credit system involved in this bill is not regarded as satisfactory, and we are told upon the floor of the House by the leaders of the majority favoring rural credits that unless the McCumber provision goes

through, that on account of the lateness of the session there will be no rural credit legislation. I am convinced that this is true, and the development of the last few days demonstrates it to be true, for since the debate was opened on the subject the McCumber bill has been by the majority taken out of the Agricultural appropriation bill and the so-called Hollis-Bulkley bill substituted. The Agricultural appropriation bill has gone to the Senate, and from thence thrown into conference, and the conference committee has decided that there shall be no rural credit legislation this term. It gave instead the subterfuge of a commission in an attempt to placate the insistent demands of a large number of the people of the United States, who had some faith in the deliberate promise and pledge of the party in power, to legislate along this line.

It is much to be regretted that this House did not rise to its opportunity and pass some rural credit legislation if for no other reason than to establish and announce its dignity and independence. It should have done this despite the threat of veto, the blandishment of power, and the activity of Cabinet members with patronage at their disposal. The action would have been worth while.

A great deal has been said about the landschaft and other rural credit systems in Europe. We could safely investigate and consider them, but should not be guided or controlled by them. America's situation is different from that of any European country. Our ways are not their ways, nor are their conditions ours. We can safely trust our Representatives to take account of our conditions and legislate in the interest of our people for the purpose of rectifying and changing those conditions, if they should be changed. Our legislation should be based upon our own history and present state of development and future conditions desirable to be brought about. Past and foreign precedents and practices may be shackles for our limbs instead of walls for our protection. The oxgoad will not control the spirited horse, nor the equine reins direct an automobile.

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from Minnesota [Mr. VOLSTEAD].

Mr. VOLSTEAD. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HENRY. Mr. Chairman, I yield to the gentleman from Texas [Mr. EAGLE] two minutes.

Mr. EAGLE. Mr. Chairman, with reference to rural credits, there are two thoughts running through the country, and there are the same two thoughts running through the minds of the Members in this Chamber. One is the thought that the farmers ought to continue to pay for the use of money the enormous and prohibitive rates of interest at present charged against them on their mortgages, with abstract charges, with commission charges, and with renewal charges, which together constitute prohibitive rates, so as to keep the producing masses perpetually in bondage to the financial oligarchy of this country.

Another is the thought that the farmer ought to have, when he has perfect security, the facility of obtaining a loan for his use and benefit by the aid of the Federal Government, so that he himself may retain his annual increase of wealth and not be longer compelled to sacrifice it by excessive interest charge for the money he is required to borrow. I earnestly share the latter view.

Now, over in the Senate the other day, when the venerable fathers were nearly all out of the Chamber engaged in other business, only six being in the Chamber, a gentleman tendered to the Agricultural appropriation bill an amendment called the McCumber amendment, which was adopted, and it comes over here as the McCumber amendment, and we must to-day vote for it or against it.

May I say, because one can necessarily express himself only crudely in two minutes, that there is tendered, after that political exigency was created in the Senate, by the Banking and Currency Committee of the Senate a unanimous report called the Hollis bill—a bill with the life taken out of it absolutely, and unless amended not worth the paper that it is written on, so far as the American farmers are concerned. [Applause.]

Without impugning the good faith of any man, permit me to say that it is my deliberative judgment, after years of study of the important subject of farm credits, as well as 20 years' experience as a lawyer, that this Hollis bill without necessary amendments is what in slang parlance is called "a lemon" tendered to the American farmer.

I am not in favor of it, and unless it be amended I should not vote for it, because it requires the farmers to "lift themselves by their own boot straps."

But there will be tendered to the Hollis bill an amendment called the Bulkley bill. The Bulkley amendment is section 30 in the Hollis-Bulkley bill, which the joint subcommittees of the House and the Senate after nine months of hearings prepared. Section 30, which will be tendered by Mr. BULKLEY as an amendment to the Hollis bill, puts the financial aid of the Nation, with its wealth of $140,000,000,000 and its population of 100,000,000 souls, back of the farmers' rural-credit bill, and will thus give it backing and strength and guarantee its success. Hence I think that every Member who is in favor of the farmer having cheap money to purchase and to keep and to improve his land, who does not believe that the American financiers ought to be allowed to continue to monopolize the annual increment of wealth produced by the farmers of this Nation, ought to vote to add the Bulkley amendment to the Hollis bill and then to vote for the Hollis bill as thus amended in preference to the McCumber amendment. But if the Bulkley amendment can not be adopted, I think those of us who would give the farmers substantial relief should vote for the McCumber amendment instead of the Hollis bill, which promises much but performs nothing. [Applause.]

Upon the shoulders of the American farmers rests the whole fabric of our wealth, our prosperity, our security, and our happiness. Laws that make for his security and prosperity make for the perpetuity and glory of our institutions. Sprung from him, my whole heart is set upon his welfare. The dearest wish of my public service is to aid him in his burdens, to lighten the loads laid upon him, to contribute toward his welfare and happiness. While we have the opportunity let us give him real and permanent relief and blessing by putting the Federal Government back of a farm-credit system which alone can guarantee its success and his blessing. [Great applause.]

Mr. HENRY. Mr. Chairman, I yield to the gentleman from Kansas [Mr. HELVERING].

Mr. HELVERING. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. HENRY. Mr. Chairman, I yield to the gentleman from Wisconsin [Mr. REILLY].

Mr. REILLY of Wisconsin. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. HAUGEN. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 19 minutes.

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from Oklahoma [Mr. MORGAN].

Mr. MORGAN of Oklahoma. Mr. Chairman, there is no subject in which my people are more deeply interested than the subject of better credits for the farmer. I believe in Federal aid to our rural-credit system. I believe that aid ought to go as far as necessary to secure proper credit for our agricultural interests. Some persons seem to think that this is only a question of doing a special favor for the farmer. Some people appear to believe that the only problem involved is getting for our farmers a lower rate of interest, as a special concession, a gift, or a donation to them. I am in favor of this legislation, of course, first, in the interest of my constituents, and, second, in the interest of the farmers generally of the United States. But higher and above and greater and more important than the interest of the farmer or any other class of our citizens is the interest of this great Government of ours. My friends, just as sure as we are here to-day, the future of this Nation, its life, its strength, its power, its perpetuity, rests upon the expansion and development of its agricultural interests. You men who represent constituencies in cities—the nonfarming population—are as deeply interested in this question as are the men on the farm, because in the course of 40 or 50 years, when we will have 250,000,000 population, should stress and peril and war come, it will be the millions in our great cities that will first raise the cry for bread. I am in favor, as I said, of such aid as is necessary. I do not believe it is

necessary for the National Government to issue its own bonds to secure our farmers credit. That is going further than any nation has ever gone, and while I may vote for the McCumber proposition, I do not believe it is necessary to go that far in order to provide our farmers with an abundance of interest at the lowest rate of interest. The Hollis bill as embodied in the committee report is not fair to our farmers. Our farmers have asked for bread, but if the National Congress passes this bill it will be giving them a stone. Two things are necessary for any adequate rural-credit system: First, you must provide ample credit; second, you must provide a low rate of interest. Unless we are to get greater credit than we have now, it is useless to have additional legislation.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. MORGAN of Oklahoma. I can not yield. And unless we can lower the rate of interest it is useless to have additional legislation. I maintain that this bill will neither provide adequate credit nor a low rate of interest. Under this bill the capital stock of these banks may be only $6,000,000, and loans are limited to 20 times the capital stock of the banks. This would provide for only $120,000,000 in loans, and what would that be compared to the two or three billion dollars in existing farm mortgages that must be taken up under the new system? You will not provide adequate credit under the system proposed in this bill. The Hollis bill provides for an expensive system. The farmers have the security if we will only throw around that security inexpensive machinery that will present the farmers' security in proper shape. This bill provides 1 per cent annually on every loan to provide for the expense of administering the system.

Mr. J. M. C. SMITH. Mr. Chairman, will the gentleman yield?

Mr. MORGAN of Oklahoma. Yes.

Mr. J. M. C. SMITH. Does the gentleman know that the farmers have $2,500,000,000 on deposit in banks of the United States at the present time?

Mr. MORGAN of Oklahoma. They may have more than that.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. BAILEY].

Mr. BAILEY. Mr. Chairman, no one has a deeper interest in the welfare of the farmer than myself. I come from a farm stock. All my people were tillers of the soil. My maternal grandfather was among the earliest settlers in central Indiana. He wrestled with an unbroken wilderness and reduced it to cultivation, rearing a large family and laying deep the foundations of a community which has always prospered and which to-day ranks high in farming and stock raising. I was born and grew up on a farm. I learned my letters in a country school. My earliest and happiest recollections are of country things and country ways. The very first money ever earned by me was a small silver coin which an uncle paid me for dropping corn. All the duties which the farm life imposes are familiar to me. My experiences embrace almost everything connected with farming as it was carried on when I was a boy. I have milked the cows and operated the old dash churn. I have sat day after day on a Brown corn planter. Many a long hot day have I spent "snaking" haycocks from the meadow to the stack yard. Many a down row have I kept up when corn husking was in progress. In a small way it was my privilege to participate in the sheep shearing, in the hog killing, in the feeding of stock, in every activity that falls to those in agricultural pursuits. So I can not be charged with any lack of native sympathy with the farmer. If I do not share precisely in certain demands which are being made here in behalf of the farmer, it is not because I am of alien blood or indifferent disposition. My sympathies run as true to the old life of which I was a part in the long ago as those of any man on this floor or elsewhere. My desire to promote the interests of the farm is as keen as it is sincere. And my readiness to serve the farmer in any proper way is equal to that of anyone in public life or out of it.

But, Mr. Chairman, there is a question in my mind whether the legislation here proposed is desirable from any standpoint. It certainly can not be desirable from the standpoint of the tenant farmer or from that of the farm laborer. It can not possibly help either. On the contrary, it must infallibly make the lot of both a little harder, for if this legislation shall accomplish anything it will stimulate speculation in farm land, and speculation in farm land will mean higher prices for it, higher rents demanded for its use, a longer and more difficult struggle on the part of the landless to obtain a solid footing on the soil.

What we are proposing to do is to confer a special privilege on certain owners of farm land—the privilege of borrowing money at less than the current rate of interest. This does not differ in principle from employing the powers of government for the benefit of manufacturers in the matter of protective tariffs. But it is said that we have conferred on big business the privilege which is sought for the farmer. True. But we have been complaining a good deal about the favoritism which has been shown toward big business. There has been ground for complaint. It is no part of the business of government to foster any particular interest or industry. It can do so only at the expense of other interests and industries. Where a privilege is bestowed some right is invaded or denied. You can not rob Peter to pay Paul without leaving Peter the worse for what you have done.

It is urged that farm loans at less than current rates of interest will stimulate the growth of wheat and corn, of cotton and tobacco, of cattle and hogs. Possibly. Yet what we are certain to stimulate is the selling price of farm lands. The advantage of the lower interest rate will infallibly be capitalized in higher land values. Such an advantage is just like any other—like the building of a railroad, the digging of a drainage ditch, the increase of population. It is immediately reflected, as the other advantages named are reflected, in the value of the land. Farmers as such are not helped by high-priced lands. It is only as land speculators that they stand to gain from this source. If they are primarily interested in the production of grain and cotton and tobacco and other forms of agricultural wealth, they can produce no more when the land worked goes up to $100 an acre—other things being equal—than they were able to produce when it was worth only $10. But I recognize how hard it is for the farmer to separate his interests as a mere landlord from those which concern him as a tiller of the soil. The enormous growth of speculative farm-land values during the last 40 or 50 years has somewhat turned his head. In some cases he has grown quite rich as a result, not because he has worked harder, not because his production has increased, not because of keener thrift, but simply and solely because population has multiplied, advantages have increased, and in response to these forces the value of his land has doubled or quadrupled. In some sections of the country farm-land values on the average have increased during the last 10 or 20 years by 300, 400, and even 500 per cent.

What this means to the tenant farmer and the farm laborer should be fairly obvious. To the one it means that he must pay a much higher rent than before. To the other it necessarily means a longer, a harder, a more hopeless struggle to gain a position of independence. It means to the tenant farmer that he must remain in that condition. It means to the farm laborer that he must continue in this capacity or drift to the city. And I think if those who are so much concerned over the relative depopulation of the farming communities would take this tremendous fact into account they would find in it a sufficient explanation of the phenomenon which causes them so much anxiety as to the future.

Back to the farm! Yes; back to the farm. But when the man from mill or mine, from factory or countinghouse, from workshop or store turns his face in that direction what runs forth to meet him? Farm-land values which compel him to stand and deliver all that he may have saved during a long period of working and self-denial. Before he can gain access to the soil upon which he hopes to live and labor he must pay a tribute which leaves him practically without resource. In nine cases out of ten this tribute not merely absorbs all his savings; it also plunges him into debt, the purchase price thus hanging like a millstone about his neck.

It is a serious question with me, Mr. Chairman, whether we are going to mend things much if we adopt this legislation or any legislation along this line. I would like wonderfully well to do something to help the farmer, but I do not want to help him at the expense of some one else. I do not want to help the farm owner at the expense of the tenant farmer or the farm laborer. Nor am I more willing to employ governmental powers for his enrichment than I have been that these powers should be employed in enriching the Steel Trust, the Coal Trust, the Lumber Trust, the Railroad Trust, or the Money Trust. All my life I have been conscientiously opposed to privilege, and all privileges have looked alike to me. Had it been possible effectively to protect the farmer by tariffs, as steel has been protected and lumber and woolens, I would have opposed the protective tariff in that case as relentlessly as it has been opposed by me in its real workings as the enemy of the farmer and the workingman. I would be unworthy of the honor which is now mine if I should reverse the record of a lifetime spent in war upon

privileges for the manufacturers and the bankers to appear on this floor as the champion of another sort of privilege designed to benefit a particular class.

Mr. Chairman, if I were to undertake to do something for the farmer it would be along a quite different line. Instead of making him the beneficiary of a governmental favor I would undertake to free him from the exactions of those possessing governmental favors, who are preying upon him in a dozen ways. Instead of conferring a privilege upon him, I would take away the privileges which others employ in laying him under tribute. If the farmer is falling behind in the race—and apparently this is so—it is because he is carrying some unnatural and unnecessary handicap. It is because he is the victim of discrimination. It is because there are those who are in position to place obstacles in his path and to fetter his limbs. Where one sows and from the sowing reaps a hundredfold there must be some other than a natural reason for failure.

But if farmers are to be accorded the privilege of borrowing money at a low rate of interest—a rate below the current one prevailing at a given time and place—why not "the butcher, the baker, and the candlestick maker"? Is our Uncle Samuel partial? Has he particular nephews toward whom he feels peculiarly gracious? It is perhaps true that the farmer is in hard lines because of high interest rates exacted by those with money to loan. But are not men in other walks in hard lines for the very same reason? We hear that the farmer is retarded in the development of his land by the interest burden he is carrying, and that when this is lightened he will leap and run and get forward. Let us not doubt that this will be the case. But there are men in town and city who are retarded in their activities by the very same sort of burden who would leap and run and get forward were their burden relieved in like manner and measure. Is nothing to be done for these?

Mr. Chairman, I am inclined to think of the forgotten man. He figures very little in our calculations. He is wholly lost sight of, it would seem, in this particular exercise of governmental beneficence. Yet he is somewhat numerous. He embraces the millions who are dispossessed—the mill workers, the miners, the artisans of many kinds, the train men, the farm hands, the small storekeepers, the struggling professional men, the small manufacturers, the tenant farmers, the hundred and one component parts of the vast industrial army which is cut off from its base of supplies by the monopoly of natural resources and whose case will be aggravated rather than improved by what is proposed here. For nothing can be clearer than this, that land values will be boomed by this process so that access to the soil will become more difficult rather than less, self-employment more remote rather than less. I therefore speak for the forgotten man—for the man whom Uncle Sam is again passing by; for the man with nothing but his labor; for him with the little home and the little business who is staggering under a load which grows heavier as he struggles forward; for the clerk behind the counter; for the tenant farmer who works one day for himself and the second day for the owner of the acres he tills; for the farm laborer who can not possibly share in the beneficence which Uncle Sam is bestowing on his employer; for all the voiceless multitude which has no lobby at this capital, which has no printing press in motion to spread its tale of woe, which suffers and is dumb, which must be the more cruelly oppressed by this new grant of privilege and which can only be relieved by setting it free amid free opportunities where it can work out its own salvation unvexed by the tribute taker and undismayed by what the morrow may bring forth.

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from Washington [Mr. FALCONER].

[Mr. FALCONER addressed the committee. See Appendix.]

Mr. HENRY. Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. THOMPSON].

Mr. THOMPSON of Oklahoma. Mr. Chairman, we have arrived at a point in the legislative career of this Congress where there is presented a proposition for rural-credit legislation, a thing that I have been striving for ever since I have been a Member of this Congress. The Senate on last Thursday attached to the Agricultural appropriation bill what is known as the McCumber amendment. It is not all that I would wish it to be, but it is a long step in the right direction, and will result, in my judgment, in reducing the interest rates that our agricultural classes are compelled to pay. It is simple. There is no complex law or machinery to be put in operation, no set of red-tape rules and regulations whereby the farmer would be enmeshed and disabled from procuring a loan. It extends direct Government aid to the agricultural and producing classes of the country the same as the Government has extended its aid to the commercial interests of the country in the Federal reserve act, and as it has since the foundation of the Government extended direct aid to practically every other business except that of the farmer. If I had the power, I would amend the provision by inserting an amortization principle, extend the loans to a period of 50 years instead of 10, make its provisions broad enough to include personal credits as well as real estate credits, and reduce the interest rates to that interest for which the Government bonds will sell at par—3 or 3½ per cent—and I would provide that the farmer in no event should pay more than 5 per cent for his money.

The Committee on Agriculture has brought in a provision which it is intended to offer as a substitute for the McCumber amendment adopted by the Senate, and it consists of 55 pages, provides for the organization of farm loan banks in the various communities of the United States and a land-mortgage bank in each of the Federal reserve districts. The farm loan organizations in the different communities are to be organized by citizens of the community who take stock therein. It provides numberless rules and regulations and a complex and cumbersome organization which, in my judgment, foredooms it to failure. In the first place, in a community where there is sufficient money to organize one of these farm loan organizations such organization is absolutely useless, because the people have money and do not need such an organization. In other words, this bill merely provides that the people can form an organization to loan their own money back to themselves, paying the expenses of such an organization. The bill does not attempt to reduce the interest rates. It provides that the interest rates shall be the interest rates in the different States of the Union where the banks are operated. It provides no usury; and, being organized under a Federal law without any usury penalty, it would necessarily repeal the usury laws in force in the various States where these farm loan institutions are organized and operated. It does not provide any governmental aid whatever. It is not practical or workable. The institutions never will be organized and, in my judgment, the plan will prove a complete failure. It is an attempt to hand the farmers a "lemon." I shall vote against the Hollis substitute and I shall vote for the McCumber amendment, notwithstanding it is not what I want and not what the farmers and producers of this country are entitled to.

Within the past two days, and since the McCumber amendment was attached to the Agricultural appropriation bill in the Senate, I have received numerous telegrams from farm-loan companies operating throughout the United States, protesting against hasty action in the preparation of a rural-credit bill. These farm-loan companies, you know, are terribly interested in the welfare of the farmers and in reducing the rates of interest the farmer has to pay. For instance, here is one telegram that I received:

OSWEGO, KANS., *February 26, 1915.*

Hon. JOE B. THOMPSON, M. C.,
Washington, D. C.:

Newspapers report rural-credit act attached as rider to Agricultural appropriation bill passed by Senate. The act as drawn is considered not well conceived or properly balanced. Its importance is such that hasty action would be ill advised. Proper delay for preparation or more complete comprehensive act is most important.

ROBERT O. DEMING.

And I received others containing practically the same language. The language is so strikingly similar that it produces the suspicion that the farm-loan companies at least understand one another in their opposition to the provisions of the McCumber amendment. I have answered the various parties telegraphing me as follows:

I have your night letter of the 26th, protesting against rural-credit legislation attached as a rider to the Agricultural appropriation bill. The McCumber amendment, which has been made a part of the Agricultural appropriation bill of the Senate, is not all I would want, but it is a step in the right direction. The farmers of the country, and especially the farmers of Oklahoma, are required to pay such high rates of interest that I am gratified to support any provision, though it may not be what I would want, that promises relief, and especially a bill containing a provision carrying direct governmental assistance, which insures the lowering of the rate of interest to this most deserving class of our people. I shall therefore be glad to support this amendment, perfected if possible, but if that is found impossible, to support it just as it is.

To show you what the farmers of the country think of the McCumber amendment, I desire to quote a telegram from George J. Christensen, secretary-treasurer of the Farmers' Cooperative Union of Oklahoma, addressed to me to-day. It reads:

DAVIS, OKLA., *March 1, 1915.*

Hon. J. B. THOMPSON,
Washington, D. C.

Support Senate amendment. Oppose buncoed bankers' proposition, without Government backing, and stand for rural farm credit. See other Oklahoma Senators and Congressmen and get them to do likewise.

GEO. J. CHRISTENSEN,
Secretary-Treasurer.

We have an opportunity at this time to give the farmers real genuine rural credit legislation, not in all its details, but in principle, Government aid, what we have extended to all other classes of business. I know it is said that the President will veto the Agriculture bill and call an extra session of Congress if it carries the McCumber amendment or any other proposition extending direct aid to the farmers. The Washington Post of this morning carried the following:

ULTIMATUM FROM WILSON—WILL VETO AGRICULTURAL BILL IF M'CUMBER AMENDMENT IS IN IT.

Representative ASBURY LEVER, of South Carolina, chairman of the House Committee on Agriculture, was notified by President Wilson last night that the President would veto the Agriculture appropriation bill if it contains the McCumber amendment, which proposes to loan Government money directly on farm land.

Representative LEVER also was informed that the President will veto the bill if it comes to him containing the so-called Bulkley amendment, which would obligate the Government to purchase $50,000,000 of land-mortgage bonds, another form of Government direct aid.

Mr. Chairman, the responsibility of passing this bill rests on Congress, and I have a duty to perform to the people of Oklahoma who elected me as a Member of this body. Our people were compelled during the cotton-harvesting season just passed to sustain a loss of thirty to forty millions of dollars by reason of the paralyzed condition of the cotton market. The Government refused to extend aid and assist them in holding their crop until the war was over and the markets restored. The Government can help every class of business and every character of business except the agricultural industry. We can build a railroad in Alaska, purchase ships to carry the commerce on the high seas, pass a Federal reserve act that puts the Government behind the currency of the commercial interests of the country and extends relief to the banks, but we must not extend relief to the agriculturists.

The President has a perfect right to veto this bill if he so desires if it passes with a provision carrying Government aid. That is his privilege, but that shall not deter me from voting for what I believe to be right, and if the bill passes carrying this provision and is vetoed, the responsibility will be with the President and not with me.

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. MOORE].

[Mr. MOORE addressed the committee. See Appendix.]

Mr. HAUGEN. Mr. Chairman, I yield four minutes to the gentleman from Iowa [Mr. PROUTY].

Mr. PROUTY. Mr. Chairman, no one can carefully and candidly examine our present banking system without coming clearly to the conclusion that at present it favors commercial transactions at the expense of the producing or agricultural interests of the country. A man steps into a bank now to borrow money and if he wants it for commercial purposes the bank is glad to get the loan, because it can at once rediscount it and get its money back; but if he steps in and asks to borrow money for the purpose of buying land, of improving land, to carry on the process of production, the banks says, "We can not use that very well, because we can not rediscount it," and the result is that in a practical way the farming interests of this country are put at a disadvantage in the borrowing of money, and every man who is in practical touch with the present situation knows that it is harder now to secure money for a loan upon real estate than it has ever been, so far as I have known, in the history of this country.

Now, I can not get myself to believe that the Hollis bill amounts to anything. It seems to me that these fellows loan themselves their own money. If it is in a community where they have no money, they can not start these banks, because they can not find the money to start them or run them. On the other hand, if it is in a community where they have plenty of money, they do not need this system at all. I think that if we ever do anything that is of real substantial benefit to the farming interests of the country we must do for them what we have done for the great commercial interests of this country—put the strength and credit of the Government behind it. [Applause.] If you do not do that, you accomplish nothing. I would favor the McCumber bill with a slight amendment. I do not believe that we ought to be forced to sell our bonds at 4½ per cent when we can sell them at 3 per cent. [Applause.] Therefore I am going at the proper time to offer as an amendment the words "not to exceed 4½ per cent." On the other hand, if these bonds will sell for more than their face value, I see no reason why the Government should not be able to command the market price for them. If they are drawing 4½ per cent and selling at 110, why should not the Government receive 110 for them. At the proper time I will offer a little amendment covering that defect. With this amendment I shall vote for the McCumber provision.

Mr. SUMNERS. Will the gentleman yield?

Mr. PROUTY. I will.

Mr. SUMNERS. Does the gentleman believe the bill also ought to carry the amortization plan?

Mr. PROUTY. Oh, I think that is a good thing, but I do not think it is absolutely essential. I think great relief can come from this bill if it be passed substantially in the form that has been proposed by Mr. MCCUMBER, with the amendment which I suggest.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAUGEN. I yield two minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Chairman, the Federal reserve act places the Government behind the commercial interests of the country, issues and proposes to issue money into the hundreds of millions, and lends it to the banks for commercial purposes. No one should be shocked therefore when it is proposed by the McCumber amendment to place the Government behind a plan that proposes to finance or take up the securities of the farmers of this country and enable them to secure money that is placed at the disposal of agencies selected by the Government for the convenience and benefit of the farmers. I opposed the Federal reserve act, but that having been forced upon the country and having made more difficult the borrowing of money upon farm securities than ever before, I shall vote for this amendment. I am opposed, as a general proposition, to the Government issuing money, but if we can issue it for commercial purposes we ought to issue it for the purpose of enabling our people to purchase and pay for farms. I shall vote for the amendment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAUGEN. I yield to the gentleman from Wyoming.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HAUGEN. Mr. Chairman, I yield the balance of my time to the gentleman from North Dakota [Mr. NORTON].

The CHAIRMAN. The gentleman is recognized for eight minutes.

Mr. NORTON. Mr. Chairman, during the past few years no question has been discussed by the people of this country more than the question of rural credits. It is generally conceded by everyone having any acquaintance with the subject that in this country to-day the farmers are paying an interest rate of just about twice what they should pay. The farm property of this country is estimated to be worth $40,000,000,000, in round numbers. Twenty-eight billion dollars of that amount represents the value of farm lands. The annual income from all farm property is something more than $8,000,000,000. The total amount of credits that the farmers of this country carry to-day is about $6,000,000,000. In a recent work by Mr. Herrick on rural credits he makes the statement that the average interest rate on this $6,000,000,000 of farm credits is 8½ per cent. The interest that the farmers of this country are paying each year amounts to over $500,000,000.

It does not take much of an argument to convince any man if we can adopt some system that will cut that rate in two, reduce it one-half, take off the backs of the American farmers over $250,000,000, it is our business to do that.

Mr. GORDON and Mr. BATHRICK rose.

The CHAIRMAN. To whom does the gentleman yield?

Mr. NORTON. I yield to the gentleman from Ohio [Mr. GORDON].

Mr. GORDON. While you are taking it off the backs of the farmers and lending it to them at 4 per cent, why do you not pass it around and loan it to everybody at 4 per cent? Men in business have to pay 6 per cent.

Mr. NORTON. Yes; and many of these men are, in carrying on their business, standing on the backs of the farmers of the country. Farmers who produce the food for the Nation occupy a very much more important position in the life of the Nation than the business men you speak of.

Mr. GORDON. You have to get money to do business with.

Mr. BATHRICK. I asked the gentleman to yield that I may have opportunity to pay just tribute to a banker of the United States who owns one of these 10 or 12 per cent banks and yet, unselfishly, is standing here and advocating a lower interest to the farmers of this country. I commend his conduct to some who will not sacrifice personal interest to the people's welfare.

Mr. NORTON. I want to say to gentlemen of the committee if I know anything about anything I know something about farm loans and the exorbitant rates farmers are paying on their credits in this country. We have before us here to-night a very simple proposition. I believe, and I am sure that is the belief

of anyone who has knowledge of this subject and knowledge of the parliamentary situation here, that unless we concur in the McCumber amendment practically without amendment, we are going to go home from this Congress without any Federal rural credit legislation. [Applause.] I want to say to you, gentlemen, that with the situation that is before us I am first for the McCumber amendment. The Bulkley bill has some merit. But the Hollis bill proposed as a substitute is, in my judgment, an impractical proposition. The Hollis bill will bring no relief whatever in this generation to the farmers of this country. [Applause.] I know that the McCumber bill is a practical and workable bill. It is not in some important particulars as I would like to have it. Still it is a simple proposition. It involves the same business principles that are employed by every great insurance company in this country to-day making farm loans. What do these companies do? They do just as the McCumber bill provides for the Federal Government to do. They send out applications through the banks of the country to receive from the farmers applications for loans. They act upon those applications and they grant the loans if the security is sufficient. In brief, that is what the McCumber amendment is. It provides that the Government shall loan money direct to farmers; that applications shall be sent to the State and national banks of the country; that these applications shall be returned here to a farm credit bureau in the Treasury. It is true that the provisions of this bill loans the credit of the United States to the farmers of the country, but not any more than the credit of the country to-day is being loaned to the national-banking institutions of the country.

The credit of the United States is being loaned without question to the banks in this country to-day. Should the United States under provisions of this bill issue bonds and loan $2,000,000,000 or $5,000,000,000 to the farmers of this country, it would be secured by farm lands worth more than twice the amount of the loans. The United States now lends its credit to the Federal reserve banks, which accept as security commercial papers frequently having back of them no producing power. It is often a question as to whether the private individual or business concern making these papers will be able to meet them. However, when you loan a farmer under a proper rural-credit system $1,000 he is possessed of property which will produce an income sufficient to pay the annual interest on that $1,000 and to retire the principal within a reasonable time.

There are some provisions in the McCumber bill which should be amended. The provision in the bill now is that the bonds to be issued by the Government shall be sold at their face value and shall bear interest at the rate of 4½ per cent, payable annually. I believe that this provision should be amended to provide that the bonds shall bear interest at the rate of 3½ per cent and may be sold at not less than their face value. I believe, further, that the rate of 5 per cent provided to be charged to farmers on their loans might well be reduced to 4 per cent. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. NORTON. Just a word. I want to say, in conclusion, to the gentlemen of the committee if you vote for the McCumber amendment to-night, you will have to-morrow Federal rural-credit legislation and a good, fair, workable system in this country. If you adopt some substitute for amendment 89 and send the legislation to conference, you will be simply playing into the hands of those opposed to Federal rural-credit legislation, and such action will mean the death of practical rural-credit legislation by this Congress. This legislation is now half way through Congress. I hope the real friends of rural-credit legislation will not vote to lose the advantage which it almost seems Providence has given us. The eyes of the toiling farmers of this country are turned toward you, beseeching your assistance. Do not fail them at this hour of opportunity. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. WILSON of Florida having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21328) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1916, and for other purposes, had insisted upon its amendments disagreed to by the House, and had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CHAMBERLAIN, Mr. FLETCHER, and Mr. DU PONT as the conferees on the part of the Senate.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

Mr. LEVER. Mr. Chairman, I yield to the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. LEVER. Mr. Chairman, I yield to the gentleman from South Carolina [Mr. AIKEN].

Mr. AIKEN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LEVER. Mr. Chairman, in another legislative body, consisting of 96 Members, with only 6 of that membership present, I am informed, a great proposition, involving an entirely new departure in the legislation in this country, was inserted upon an appropriation bill as a rider. That bill came to this body. An attempt in a regular and orderly way was made to send that bill to conference, where the differences between the two Houses might be worked out in an orderly and proper manner. That request was denied. The bill was sent to a committee of this House which had no jurisdiction over it in the first instance, and whose members, as far as I know, with the exception of one, had never given any special consideration to the subject of rural credits, although most of its members were in favor of rural-credit legislation. That committee was asked in the course of 24 hours to present a workable, reasonable, and wise proposal to this House and to the country.

The committee met this morning at 9.30, and continued in serious and earnest deliberation until after 1 o'clock, when the pressure of time made it necessary that some report to the House should be made. We did what I think all sensible men under the circumstances would have done. We reported back to the House a bill which has been unanimously reported by the Committee on Banking and Currency of the Senate, after long deliberation, covering more than nine months; a bill which contains the essential features recommended by the Federal Rural Credit Commission, and a bill which has been worked out by the Banking and Currency Committee of the Senate; a bill which almost in its entirety has the strong indorsement of the gentleman from Indiana [Mr. Moss], who in my judgment—and I do not speak this in disparagement of other Members who have studied this question—knows more about rural-credit legislation than any other man in this body, if not in this country [applause], as a substitute for the unconsidered proposition which was put upon the agricultural appropriation bill as a rider in another body—a proposition that has never been considered by any committee in the other body, and a proposition which had behind it nothing of the expert opinion of the country on this subject.

It was a matter of good fortune for the membership of the Committee on Agriculture that this great student of that question [Mr. Moss] should have been a member of the Committee on Agriculture.

Now, gentlemen, what is the situation? We are within three days of the time when this Congress must die by limitation of law. Intimations in the newspapers, whether true or not, have it that there is danger of a presidential veto of the agricultural appropriation bill——

Mr. BATHRICK. Mr. Chairman, will the gentleman yield?

Mr. LEVER. I do not yield—if certain propositions are permitted to remain in it.

Mr. NORTON. Mr. Chairman, will the gentleman yield?

Mr. LEVER. I do not yield. I decline to yield, in all courtesy to the gentleman.

The CHAIRMAN. The gentleman declines to yield.

Mr. LEVER. If the agricultural appropriation bill should be vetoed—and I do not know whether it will be or not and have no authority to speak for the White House—if it should be, I say to you, that great bill, carrying $2,500,000 for the suppression of the foot-and-mouth disease, which is rapidly spreading, would not be available. I say to you, southern men, that the money for the enforcement of the cotton-futures act would not be available. I say to you that numbers and numbers of new and important propositions, as well as old ones, that are carried in the agricultural appropriation bill must fail, including the hog-cholera item.

Mr. CALLAWAY. Mr. Chairman——

Mr. LEVER. I decline to yield; I can not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. LEVER. I say to the Members of this House, I say to my Democratic colleagues, that we are facing as critical a situation as has faced this administration since it began, and it behooves us—it behooves all of us—to deal with this matter in a calm and dispassionate manner. Let this bill get to conference. Let us see if we can not work out a reasonable compromise and come to some conclusion and prevent one of the great supply bills of this country being defeated, necessitating, without a doubt, an extra session of Congress.

Mr. Chairman, I reserve the balance of my time. [Applause.]

Mr. HENRY. Mr. Chairman, I suggest that the gentleman from Iowa [Mr. HAUGEN] use some of his time.

The CHAIRMAN. He has used all his time.

Mr. HENRY. Then I yield to the gentleman from Ohio [Mr. BULKLEY] the remainder of my time. [Applause.]

The CHAIRMAN. The gentleman from Ohio [Mr. BULKLEY] is recognized.

Mr. BULKLEY. Mr. Chairman, in the brief time at my disposal it is obviously impossible to discuss adequately the great subject we are called upon to consider. In this time, however, I think I can make clear what the difference is between the Hollis bill, as reported by the Committee on Agriculture today as a substitute for the McCumber bill, and the original Hollis-Bulkley bill, which has been pending for nearly 10 months. Most of the words in the bill now reported by the Committee on Agriculture are the same as the words in the bill H. R. 16478, which I introduced last May. There are, however, three important amendments proposed to this bill. There are many small amendments, transpositions of words, and grammatical corrections which amount to nothing and which I am willing to accept. But, as I say, there are three important amendments.

First, the control of the system is taken away from the Federal Reserve Board, as was proposed in the original bill, and it is placed in the hands of a Federal farm-loan board, created by the new bill. The second important amendment proposes the incorporation of private institutions, confined in their operations each to a single State, with a minimum capitalization of $250,000.

These would be private banks, incorporated for profit, but permitted to do business of the same character as the original bill proposed to have done exclusively by farmers' cooperative associations. These banks would be under Federal control, but would be incorporated for private profit.

The third important amendment is that section 30 of the original Hollis-Bulkley bill, the section which provided for the purchase by the Federal Government of the bonds issued by the land banks—Federal aid to the system—is proposed to be stricken out.

As the gentleman from South Carolina [Mr. LEVER], the chairman of the committee has said, the bill which is now reported is one which has been carefully considered. The joint subcommittee of the Senate and House Committees on Banking and Currency worked for months on this proposition and had the benefit of hearing many expert witnesses. It had the benefit of studying the work prepared by the United States commission which went abroad. It had the benefit of cross-examining the gentleman from Indiana [Mr. Moss], who served so ably as a member of that commission. It had the assistance of other Members of this House, notably the gentleman from Ohio [Mr. BATHRICK], the gentleman from North Dakota [Mr. NORTON], and others who had made a specialty of this subject, who came before our committee and presented their views. We had the services of the best expert that we could find in the drafting of the bill, Dr. H. Parker Willis, of New York, who was the expert employed by the House Committee on Banking and Currency in the preparation of the Federal reserve law, and who is now secretary of the Federal Reserve Board. He assisted us with his technical knowledge in the preparation of this bill. You need have no fear of any technical defects in the bill. The only propositions on which I differ from the Hollis bill as now presented are broad questions of policy, which every Member of this House can understand in short order.

The first important amendment, taking the control of the system away from the Federal Reserve Board and lodging it with the Federal farm-loan board, is, I believe, a good amendment. I am for it.

The second amendment, proposing that private banks may be incorporated to compete with the cooperative associations which we propose to incorporate, is an amendment to which I am opposed. I shall discuss it more fully under the five-minute rule, as time is short now.

But the fundamental proposition that is wrong about this Hollis bill as it comes to us from the Committee on Agriculture is that it lacks section 30. It lacks that substantial Government aid which will be absolutely necessary to make a success of any rural credit system in this country, as has proved to be the case in every country of the world. [Applause.]

Mr. CALLAWAY. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Texas?

Mr. BULKLEY. Briefly. I have very little time.

Mr. CALLAWAY. Does the gentleman believe that a proposition which does not carry Government aid will be worth comparatively anything at all to the farmers?

Mr. BULKLEY. I do not.

Mr. CALLAWAY. Then is not this Hollis bill pure buncombe?

Mr. BULKLEY. I do not believe it will be of any use at all unless you add section 30 to it. [Applause.]

Now, I want to say that all the farmers of the country have demanded at least as much aid as was contained in the original Hollis-Bulkley bill, and many of them have asked for more. Let me read to you briefly the resolutions adopted at the last annual meeting of the National Grange:

Whereas at the last national meeting of the grange it indorsed the principle of Government aid in establishing a system of farm credit suitable to the needs of agriculture; and

Whereas after a year of official investigation it has been proven that in the long-founded practice of all the great nations of the earth government aid of farm credit is a necessary factor in aid to government, to efficiency of food production, and deliverance from high cost of farm loans, which is now operating to discourage investment in agriculture; and

Whereas a farm-credit bill emanating from a joint committee of the House and Senate, known as the Bulkley-Hollis bill, contains but a modicum of Government aid, hardly in compliance with the request of the large body of Americans: Now, therefore, be it

Resolved, That the legislative committee and officers of the grange throughout the country are instructed to insist on behalf of this body that more substantial Government aid to steady interest rates and uphold the market for farm-mortgage bonds shall be included in the bill finally passed by Congress; and

Be it further resolved, That no farm-credit bill which places in the hands of private capital the power to make interest rates on mortgage bonds without limitations by Federal law will meet either the needs of agriculture or the just demand of the National Grange.

Let me call attention to the fact that it says that the legislative committee is instructed to insist upon even more substantial Government aid than is provided for in the Hollis-Bulkley bill. The Committee on Agriculture now asks you to strike out all of the substantial Government aid that was provided in the Hollis-Bulkley bill. Does anyone suppose that the farmers will be satisfied with that sort of legislation?

The Farmers' Union at the last national convention adopted these resolutions:

First. That any system for farm finance should aim, first of all, for service and not for dividend, although it will be necessary to pay reasonable dividends on capital stock.

Second. That the postal-savings deposits be deposited in the farmers' association in lieu of bonds, to supply cash.

Third. That the regional reserve banks be used to discount farmers' notes, the same as any other commercial paper.

Fourth. That the by-laws allow the borrower to elect the time and the manner of all long-term loans in accordance with strict rules of amortization and that short-term loans be made according to the regulation of ordinary commercial loans.

Fifth. That the board of directors or advisers decide on all applications for loans and the quality of the security.

So far as these resolutions relate to land-mortgage credit, the original Hollis-Bulkley bill substantially meets every one of them.

Now, gentlemen, I propose to offer to the Hollis amendment now pending a few simple amendments. Some of them are of minor importance, and it is a matter of comparative indifference whether they are agreed to or not. Three of them are merely incidental to the two important amendments which I believe to be essential to the perfection of a proper rural credit system. These important amendments are: First, to strike out section 17 of the new Hollis bill providing for the creation of private banks, whose advantage would be to increase the interest rates and compete with the farmers' loan associations. Second amendment, to reinsert section 30 of the old bill providing for a substantial aid from the United States Government in the support of farm credits.

I take it that the gentleman who will conclude this debate in behalf of the committee will offer some further explanation of the structure of the bill which I have not had time to do in the brief time at my disposal. I take it, too, that he will discuss the McCumber amendment and show what are the fatal defects of that amendment. [Applause.]

Mr. LEVER. Mr. Chairman, I yield to the gentleman from Minnesota [Mr. LINDBERGH].

Mr. LINDBERGH. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. LEVER. Mr. Chairman, I yield the balance of my time to the gentleman from Indiana [Mr. MOSS].

The CHAIRMAN. The gentleman from Indiana is recognized for 17 minutes.

Mr. MOSS of Indiana. Mr. Chairman, in common with every member of the Agricultural Committee of the House, I regret the method by which this bill has been catapulted into the legislative arena. Even were it possible to secure for it careful consideration, its enactment at this time and by this method will subject the law to suspicion and distrust. The public mind has not been prepared for this rapid-fire work, this nickel-in-the-slot method of enacting legislation; and it would have been vastly better had the committees having legislative jurisdiction over this subject framed this bill in the ordinary manner and presented it to the House and Senate through the usual legislative channels. I say this in friendship to rural credits legislation and not in criticism of the Agricultural Committee. It was a "condition, not a theory," which that committee had to face this morning in the committee room, and I feel that its action in bringing back this bill to the House with promptness deserves commendation rather than criticism.

The gentleman from Ohio [Mr. BULKLEY] has just spoken in criticism of the substitute offered to the House by our committee. I wish to use the time allotted to me principally in explaining the provisions of this bill. Some weeks ago I gave to the House my views on State aid, and I shall not on this occasion repeat them. But in passing I desire to say that at no time have I held a very high opinion of the administrative features of the Hollis-Bulkley bill, but I have never held nor expressed as mean an opinion of it as has been freely expressed on the floor of the House to-day by its avowed friends. It has been asserted time and again in this debate that without section 30—that is, without the aid of the Federal Treasury to float its bonds—the proposed bank is powerless to aid the farmers of the United States, and that unless the system is protected from all competition the bank itself can not survive. Thus its friends frankly admit that they are seeking to bestow not only Government aid but also to grant Government monopoly.

The gentleman from Ohio—one of the joint authors of the Bulkley-Hollis bill—complains of the competition of independent banks which are proposed to be chartered by the committee substitute. Now, how can any independent bank compete successfully with the Hollis-Bulkley system? Such competition is only possible if the institution is prepared to give better service at lower rates. Whoever heard of competition on any other terms? The purpose of this legislation is to give to farmers the very best possible rates and terms on farm loans. Competition means the survival of the fittest, and in the end will award business to the strongest instrumentality. It will give command of the field to that institution which can do the business on the best terms to the borrower.

The usual and ordinary objection to extending Government aid to any institution is that such action drives private capital from that particular field of endeavor, and hence stifles private initiative and of necessity promotes the growth of State socialism; but in this debate we have a reversal of this argument. The friends and authors of the Bulkley-Hollis bill, even after the House has amended the committee substitute by inserting the State-aid provision as originally written, are claiming that it is necessary to protect these Government-aided banks from the competition of independent banks, and are insisting on striking section 17 from the bill. This amendment, if adopted, will add monopoly to Government aid and will make that provision doubly offensive to those who believe in a fair field and no favor.

However, in the end a decision on this question of State aid must be made by Congress, and a year's debate or consideration can not obviate that necessity.

I am not one who considers that the rate of interest is the sole consideration to decide the question as to what constitutes the best system of rural credits. In the United States in all our banking legislation of the past we have endeavored to protect the interests of the depositor. This question has been deemed of so great importance that it has been made a political issue and has been incorporated in political platforms. Perhaps, in the conduct of commercial banking, this view is the correct one; but true rural credit banking looks to the protection of the borrower.

I wish to emphasize this idea of protection to the borrower and of this new banking viewpoint. For this reason the system of administration, rather than the rate of interest, comes first in point of importance. I do not wish to disparage the question of rates, but rather to insist upon consideration of administration. Through this proposed system of rural credits we seek to encourage the farmer to go in debt for certain purposes; not only to go in debt, but to go heavily in debt—to mortgage his farm up to the limit of his commercial credit, to be repaid during a long period of time; and, in turn, we seek to protect his interests so that he may with safety and with every assurance of success accept that hazard. It is my opinion that it is only by increasing the volume of their indebtedness that the present generation of farmers may hope to improve our agriculture in a satisfactory degree. There seems to be a relation between improvement in agriculture and the volume of farm indebtedness.

Iowa is the best agricultural State in the Union, and it bears the heaviest mortgage indebtedness. Speaking in general terms, agriculture in the South is not as well organized as in the North; but the South is much freer of mortgage indebtedness than is the North. There has been rapid improvement in southern agriculture during the past 10 years, and likewise there has been a corresponding increase in the volume of mortgage indebtedness. Perhaps the agricultural lands in Prussia are the most heavily mortgaged of any equal area of the earth's surface; but nowhere has agriculture been more highly organized. Therefore I repeat that a successful rural credits system must be one which will enable farmers to go more heavily in debt and which will permit this indebtedness to be contracted under safe terms and conditions.

We have had many rural credits bills presented to Congress. In the main, these various bills represent the individual views of their respective authors. There are two bills which form the basis of this substitute which is offered by the Agricultural Committee. In their early stages these two bills were sharply antagonistic, but as they passed through successive revisions they came more nearly in agreement, until, finally, it was found possible to merge them into this substitute without material abridgment of either.

The United States Commission, after having made a careful study of the subject of mortgage credit, presented the pioneer bill to Congress. Upon that structure the subcommittee of the Banking and Currency Committees of the House and Senate constructed a bill. Senator HOLLIS, in reporting that bill to the Senate, stated that it was in all its principal features similar to the United States Commission bill, except they felt that they had made some improvements upon it.

The two bills differed in four important particulars: First, the United States Commission in their bill gave the banks under their charters a right to accept a limited line of deposits, fixing the limit at a volume not exceeding one-half the paid-up capital and surplus of the bank. It followed, of course, that the bank was permitted to engage in certain lines of commercial banking so as to provide profitable investment for these deposited funds. The banking and currency bill did not permit the acceptance of deposits nor did not extend the privilege of commercial banking. They decided upon a pure mortgage bank. Personally I am still of the opinion that a mortgage bank should be given the right to accept limited deposits in order to provide funds to purchase their bonds as a temporary investment and to sustain their market value. The bank will find itself under the necessity of fixing a minimum market price on its bonds if these securities are to enjoy the advantage of a stable price limit and a ready cash market. Until these banks have accumulated a considerable surplus it will be difficult for them to protect their securities, should they be offered upon the market by investors. However, in the revision of our bill, the commission decided to eliminate this provision and to reduce the banks to the rank of those proposed by the Banking and Currency Committee. This action eliminated one of the differences between the two bills and left them diverging sharply in but three important provisions.

One of these was in the authority which should be given governmental control over the proposed banks. The commission was of the opinion that this system of banking should be kept separate and wholly apart from the Federal Reserve Board, and we proposed a separate bureau to be created in the Treasury Department. The chief executive officer was to be known as the commissioner of farm land banks..

As stated by the gentleman from Ohio [Mr. BULKLEY], the Banking and Currency Committee lodged their control in the Federal Reserve Board, but in a revision by Senator HOLLIS and his associates this control was taken from the Federal Reserve Bank and placed in a special bureau in the Treasury Department. This change eliminated one of the other differences between the two bills. In all of their essential principles the two bills now had but two differences. One of these was that of Government aid. Section 30 in the original Bulkley-Hollis

bill places the power of the Government's Treasury behind the system by permitting the Secretary of the Treasury to purchase $50,000,000 of land bonds annually. This provision was intended to have the effect to place on the Government Treasury the burden of keeping these bonds at par. The banks were to be founded in part with Government capital, thus making the Government a stockholder and in part a responsible manager of the bank's business. The Treasury would become a constant purchaser of the securities, and in time the Government would come to hold a vast volume of these bonds. These securities would thus be regarded as quasi public bonds, and their selling value would, in part at least, be a measure of our national credit.

I am not one of those that believe that the United States Treasury and the power of taxing the United States people ought to be put at the control and for the exclusive benefit of any class of our citizens. [Applause.] The United States commission in their report states that while such aid has proven beneficial to European agriculture, it was neither essential nor desirable under present conditions in the United States. After long consideration Senator HOLLIS abandoned the principle and struck section 30 from their bill. This elimination in the committee bill left but one important difference between the two measures. It is these successive changes to which the gentleman from Ohio referred in his remarks as constituting important amendments in the Bulkley-Hollis bill. I call particular attention of the House to the very important fact that these changes were from the position originally assumed by the Banking and Currency Committee toward that occupied by the United States commission, thereby bringing the two bodies nearly in harmony as regards their recommendations on this important subject. The one remaining point of difference was with reference to the administrative form or structure of the proposed banks. The bill presented by the commission was fashioned after the national banking law, which, as you know, created a system of independent banks. We gave preference to a decentralized banking system. The Banking and Currency Committee selected the scheme embodied in the Federal reserve act, which is that of a federated banking system consisting of a central bank and associated local banks or societies.

There is no compromise posible between these two antagonistic ideas. Senator HOLLIS believes as earnestly that a central institution, with large capital and the prestige which goes with such an institution, is the better type of instrumentality, as I do that an independent institution should be preferred. In reporting out this substitute neither the Banking and Currency Committee of the Senate nor the Agriculture Committee of the House attempted to determine that controversy.

The difference was eliminated by simply broadening the provisions of the bill so as to permit banks to be organized under either scheme. If the substitute be adopted by the Congress, it will leave the question of superiority to the arbitrament of actual service. The better system will win in the open competition for the business which the new system is organized to transact. I regret that the gentleman from Ohio [Mr. BULKLEY] is not willing to accept this compromise. If his ideas are the better, he should be willing to await the triumph which will surely come with the actual demonstration of that superiority in actual practice. It is possible that each system will possess advantages in meeting the varying local conditions which are to be met in the wide area of our Republic. If so, then each section or State can organize under that type which best suits its requirements. This action disposed of all differences between the United States commission bill and the bill presented by the Banking and Currency Committee, and that is why I am standing here in favor of the substitute. I consider it one of the greatest honors that can come to any man that he shall be sent abroad by his Government to make a study of foreign conditions and to frame a bill on a subject of interest to millions of people, absolutely creating a new banking system, and that he shall live to stand on the floor of this House when a committee of the United States Senate shall report a bill favorably—yes, unanimously—containing absolutely every essential feature of his original bill. [Applause.]

Frankly, I would appreciate the honor if this bill bore the names of its real authors, but I am content with the personal satisfaction which comes from the growth and adoption of our ideas by those who are charged with the particular duties of framing legislation for this great legislative body. If this substitute shall be adopted, it will create two different systems of mortgage banks, each having the same powers and limitations, discharging the same functions, and each receiving practically the same encouragement from the Government. It is true that the capital stock of the central banks, under the Hollis scheme, is to be subscribed by the Government; but the limitation is written in the bill, so this stock ownership is purely temporary, as this Government stock is transferred to the local associations as they may be formed under the growth of the system. No direct Government aid is extended to either of the proposed systems, but it is confidently believed that the bill will comprise the most favorable conditions with all the advantages and prestige which organization, supervision, and friendly administration of the United States Government can give. This legislation will permit the farmers of the country in every State in the Union to organize themselves into corporations and put their securities on the markets of the United States on as favorable terms as any other corporation in the Nation.

The Pennsylvania Railroad is to-day selling $40,000,000 of bonds at 4½ per cent interest. These bonds are taxable as personal property. This well illustrates the advantages which the corporate plan give to those who may wish to borrow large sums of money. This corporation is retiring an issue of 3½ per cent bonds which were issued some years ago on a more favorable money market. By this substitute we are proposing to permit the farmers in any county or State in the Union to organize their own corporation. Under such conditions they can sell their bonds at a lower rate than the railroads, because these securities are exempt from taxation under the provisions of this bill.

Mr. BATHRICK. Mr. Chairman, will the gentleman yield?

Mr. MOSS of Indiana. No; not at the present moment. I am proud to stand here as a sponsor for this bill, and I do not want any man in this Congress to understand that I am either a banker or that I have any interest in a bank. I am one of those who have borrowed at a bank, and that is the reason I am so intensely interested in this legislation. I am proud to stand on this floor behind a bill that will enable those who now work on farms and those who will work on the farms in the next generation to organize corporations that they may sell their credits on the markets of this country under as favorable conditions as any securities can be sold in the United States. [Applause.]

Upon that statement I am willing to go before the people of my district; I am willing to stand upon it before the people of my State, and I am willing here to say to this Congress that this legislation will give to agriculture the greatest advantage that legislation can possibly bestow. I deny the fact, and if I had time I could prove it, that Government aid has ever been able to reduce the interest rate of any country in the world below that which is afforded by private initiative. It is easily possible to show that banks, privately managed and endowed with private capital, without other vestige of Government aid than that which comes from governmental supervision and control, have been able to give the farmers of a nation as low an interest rate as any Government-aided institution in that nation was able to give them. I challenge any man to point out any concrete illustration of any nation on the face of the earth where govermeutal aid has been able to reduce the interest rate below that maintained by private initiative. This substitute is not a bill that has not been carefully considered.

I am glad my friend from Ohio admits that it had been carefully considered. Of course it has been carefully considered, and if section 30 were in the bill I have no doubt he would be willing to accept it. The gentleman says he proposes to offer an amendment to strike out section 17. This is the compromise section which harmonizes the ideas of the commission with those of the committee. The gentleman is very willing to accept the fundamental principles enunciated by us, but eagerly desires to take away all of the administrative features that have been adopted by the United States commission. He would deny the power to any individual or of any association of persons to organize an independent bank in any State of the Union. In this method and by this amendment he would stifle all competition among institutions which are organized to serve the interests of the farmers. Under the Hollis bill it is proposed to grant absolute territory, and when a bank is organized in a county it is made to assume the whole duty of loaning in that territory. Now, my friends, when you come——

Mr. BULKLEY. Will the gentleman yield? I desire to say to the gentleman that is inaccurate; there is no such proposition in the Hollis-Bulkley bill.

Mr. MOSS of Indiana. I recognize what my friend means to say. The gentleman means to say they could grant permission to two banks in the same county if they wanted to do so.

Mr. BULKLEY. Certainly.

Mr. MOSS of Indiana. But it is not intended to do it.

Mr. BULKLEY. Yes; if needed.

Mr. MOSS of Indiana. I do not accept that interpretation of the language of the bill, but out of the very great deference I feel for the gentleman from Ohio I withdraw that statement,

and I will say instead that under the Hollis bill the local association that takes the mortgage can not dispose of it by any other method except to sell it to another local association organized under this bill or send it to the central bank for rediscount; and if there was a man standing at the doors of one of these banks with gold in his pockets he could not buy a mortgage under this system. You take away absolutely all power from private initiative or private capital to engage in the business in any way except through the regular channel of the bill. There are other good reasons for their viewpoint why competition should be eliminated.

Read the Hollis bill, and you will find that under its provisions the bank must charge the farmers 1 per cent for administration. That rate is fixed in the bill, and can not be altered, and yet under the section he moved to strike out "These private banks are permitted to charge not more than 1 per cent." The Hollis bank is not permitted to charge less than 1 per cent, while the private bank may not charge more. In Europe the ordinary administrative charge is thirty-five one-hundredths of 1 per cent. Under the Hollis bill the administration is fixed at 1 per cent, and it can not be lowered.

Mr. BULKLEY. Of course the gentleman knows that that all goes back to the borrower as an owner of the bank?

Mr. MOSS of Indiana. I know that the borrower has a remote chance to recover some part of only one-half of it. Then there is another remarkable provision in the Bulkley bill. Before any farmer can negotiate a loan, he must either put up 5 per cent of his loan in cash or else increase the mortgage on his farm to that extent. Any farmer who wants to borrow $2,000 under that bill must either make a cash stock subscription of $100 or he must give a mortgage for $2,100. Is it surprising that those who favor such a bill are opposing a proposal to permit private capital to loan a man $2,000 and take a mortgage for $2,000?

Mr. BATHRICK. Mr. Chairman, will the gentleman yield?

Mr. MOSS of Indiana. Not at the present time; and because of the fact that we propose to permit a bank to fix its own charges—fixing a maximum rather than a minimum—thereby not compelling the farmer to pay a maximum rate of 1 per cent, because we propose to permit a bank to make a loan to a farmer without compelling him to add 5 per cent to the face of the loan and pay interest upon it, it is seriously contended here that such action is inimical to this wonderful State-aided institution which it is proposed to charter. It is an open confession that it can not stand competition and can not give the best possible service to our farmers. These provisions of the original Bulkley-Hollis bill have been under consideration for nine long months and by a unanimous vote of the Banking and Currency Committee of the Senate were stricken from the bill. The proposed amendment is to restore to the bill those sections which could not stand the test of criticism and which were eliminated in the process of perfecting the bill.

Now, my friends, in conclusion—how much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has seven minutes remaining.

Mr. MOSS of Indiana. Let us take up the technique of this proposition. Under the Hollis administrative features—and I want you to remember that there are two separate and distinct administrative systems included in this substitute—there would be 12 central banks organized, one in each Federal reserve district, with a capital of $500,000; and unless that capital is subscribed by private initiative within 90 days it must be subscribed by the Secretary of the Treasury, on behalf of our Government. This Treasury stock is transferred to newly formed local associations, so that the ownership of the United States Government in capital stock is only temporary. The functions of the central bank are chiefly that of rediscounting farm mortgages taken by the local associations, and the negotiation of land bonds based on these rediscounted farm mortgages. Local associations may be organized with a minimum capital of $10,000, to make loans in such territory as may be assigned to them under their charters. A single county or contiguous counties may be named in their charters The only disposition which any local association can make of a mortgage is either to sell it to another local, or send it to the central bank for rediscount.

Thus, the central bank is given the power to issue bonds, while the local association is limited to appraising the land and arranging terms with the borrower.

Section 17 of this bill gives the authority to grant charters to independent banks. The words "private banks" have been used in this debate as though there were two classes of ownership. The stock ownership of all banks organized under this bill is purely private, and in no proper use of the term are any of the banks cooperative. It is proposed to permit an independent bank to organize with a capital of $250,000. These banks will make their loans direct to the farmers anywhere in the State where they may be organized under the supervision of the United States Government. The borrower is not compelled to purchase any capital stock or to assume any degree of liability beyond the face of his note. The bank also has the same right to issue bonds, dollar for dollar, on the security of their loans that the Federal reserve banks, under the other system, have. Thus the two systems are on a plane of absolute equality before the law. Does any Member desire to prevent private initiative, or deny to private capital and private initiative of this country all opportunity to assist in the great work of financing the agriculture of our Nation? Does anyone care to say that a man can not back his own capital with his own judgment? Do you want to say that you will, by provision of Federal law, make it impossible for any man or associations of men to organize a bank and take advantage of the exemptions from all taxation and other exemptions under this bill?

Mr. PLATT. Does the gentleman think these farm-bond banks, as taken from the Moss bill, would be organized alongside of the Federal land banks, which are allowed to have Government money?

Mr. MOSS of Indiana. The Federal land banks do not have Government money. It is not only my judgment that such banks will be organized, but it is my judgment that they will absolutely monopolize the field in this country, and that, in my opinion, is the reason the gentleman from Ohio wants to strike them from the bill. If it were not his opinion that the proposed independent banks will have decided economic advantages over the other, what would impel him to offer his proposed amendments? Is it solely his pride of authorship that not a single change shall be made in his individual offering?

Mr. J. M. C. SMITH. Are you in favor of equal interest in every part of the country? What effect will the rate of interest, being the same, have in different parts of the country?

Mr. MOSS of Indiana. Neither bill guarantees that there shall be equal interest; the statement is that there shall be nearly as equal rates as may be possible. My opinion is that this legislation will tend to lower rates of interest; to stabilize them, and in the end, to equalize them.

Now, just a word about the McCumber proposition. In addition to the defects which have been so ably pointed out by the gentleman from Iowa [Mr. PROUTY], the measure is, in no proper sense of the term, a rural credit bill. It contains no proposition whatever for amortization. All that is possible under its terms is to negotiate loans for a term of 10 years. You can not borrow money under it for 9 years or for 15 years. Its system of administration is that of any broker in farm mortgages, who loans on coupon notes, with a provision for compound interest at the close of any interest period.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman can not offer an amendment until the McCumber amendment is read.

Mr. HOWARD. Will this bill be read section by section for the purpose of offering amendments to the section?

The CHAIRMAN. The McCumber amendment will be offered as a whole, and after it is read it will be read for amendment.

Mr. LEVER. I am speaking of the committee amendment, known as the Hollis bill.

Mr. MANN. The committee amendment, Mr. Chairman, presents itself before the House without being offered, under the practice.

The CHAIRMAN. Of course, you have first to read the Senate amendment and then the committee amendment.

Mr. LEVER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LEVER. Will it be in order to ask unanimous consent to dispense with the reading of the McCumber amendment? We read that this morning.

The CHAIRMAN. It will be in order.

Mr. LEVER. Mr. Chairman, I ask unanimous consent to dispense with the reading of the McCumber amendment.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to dispense with the reading of the McCumber amendment. Is there objection?

Mr. WINGO. I object, Mr. Chairman.

The CHAIRMAN. The Clerk will report the McCumber amendment.

The Clerk read as follows:

Amendment No. 89: Page 73, after line 10, insert:

"That there is hereby created in the Treasury Department a bureau to be known as the bureau of farm credits. Said bureau shall be presided over by an officer who shall be designated commissioner of farm

credits. The Secretary of the Treasury shall provide for sufficient clerical force to perform the duties of said bureau.

"That there is hereby appropriated and set aside for the use of said bureau, in the manner hereinafter provided, the sum of $10,000,000, or so much thereof as may be necessary.

"That the said sum so provided shall be used for the purpose of purchasing notes secured by first mortgages on agricultural lands, as hereinafter provided, for stationery and clerical expenses, and such other expenses as may be incident to the business of said bureau.

"That every national bank and every State bank desiring to avail itself of the privileges herein provided are hereby created and declared to be agencies of the Treasury Department for the purpose of receiving from mortgagor notes and mortgages securing same, advancing the moneys to the said mortgagors and transmitting said notes and mortgages to the bureau of farm credits, and receiving in return therefor the amount advanced to the mortgagor by the said bureau.

"That it shall be the duty of the Secretary of the Treasury to apportion the sum hereby appropriated among the several States according to the agricultural population, importance of the agricultural productions of each State, and percentage of agricultural lands incumbered by mortgages or trust deeds, and to pay for such notes and mortgages as may be presented to the extent of the amount apportioned to any State.

"That any owner of agricultural lands within the United States, who is living upon and farming such lands, desiring a loan under the provisions of this act, shall execute a promissory note due in 10 years, bearing interest at the rate of 5 per cent per annum, interest payable annually, which interest shall be evidenced by 10 coupon notes attached to said principal note, and which coupons shall also bear interest at the rate of 5 per cent per annum from the date of maturity until paid, payable annually. Said note shall also provide that the principal may be paid on any interest-paying day after the expiration of five years. Said note shall be secured by a first mortgage upon the lands so farmed by the owner, and executed and recorded in the manner provided by the laws of the State in which the land is situated, for the execution and recording of mortgages on real estate. Such mortgage shall be accompanied by an application for loan, which application shall recite the purpose for which the loan is desired, the market value of the land, the value at which it was last assessed for taxation, the value and kind of buildings thereon, the number of acres under cultivation, the character and quality of the soil, the number of acres capable of being cultivated, and such other information as may be required by the rules of the said bureau. Said application shall have attached thereto or made as a part thereof an affidavit signed by the owner and at least two neighbors who are thoroughly acquainted with land values in the vicinity, stating the market value of such lands and the market value of the particular lands to be mortgaged. Said note, mortgage, and application shall also be accompanied by an abstract of title duly certified by an abstract company, the register of deeds, or other officer authorized by the laws of the State to make and certify abstracts of lands, which abstract shall show no other mortgages, judgments, delinquent taxes, or other liens of any character against the said lands, unless the purpose of the loan is to secure money to cancel such liens. Said owner shall then present to any national bank or State bank accepting the provisions of this act the said loan papers. The said abstract and papers shall be carefully examined by the president, cashier, or other officer of the bank for the purpose of ascertaining whether the title is perfect in the mortgagor, whether the land is affected by any liens, who shall certify the result of his examination of the abstract, and who shall further certify what in his opinion and judgment is the actual cash selling price of the land. And no mortgage shall be accepted for a greater amount than one-half of the value of such lands, including improvements; nor in any event to an amount exceeding one-half of the actual market value thereof. The said bank may charge the borrower for its services in examining papers and abstract, and in forwarding the papers to the bureau of farm credits a sum not exceeding 1 per cent of the amount of the mortgage. No mortgage shall be less than $300 nor more than $10,000 to one person or company, and shall be in multiples of $100. The said notes and mortgages shall not be dated at the time they are executed and presented to the bank. The said bank shall forward all the said papers to the said bureau of farm credits, which bureau shall examine the abstract, note, mortgage, and application, and if said abstract shows the land to be clear or to have no liens of greater amount than the amount desired to be loaned, and all papers properly executed, it shall remit to the bank forwarding the papers the amount of the loan, and shall date the notes and mortgage the date on which the remittance is made, from which date interest shall begin to accrue; and all coupons shall be dated to correspond with the date affixed to the principal instrument; and said bureau shall return with the remittance, the abstract of title. Upon receipt of the said abstract of title by the bank, said bank shall require the abstract to be continued up to date of payment by said bank to the borrower, and if said abstract after being continued shows the land clear, the bank shall indorse over to the borrower the remittance made by the bureau of farm credits. If there are any liens upon the land, the bank, out of the remittance, shall first pay and have canceled such liens and pay the balance to the borrower. The bank shall be held responsible for any negligence in the performance of its duties as agent of said bureau. The principal and all interest coupons shall be payable at the bank where and through which the loan is negotiated and remitted by said bank to said bureau.

"That whenever the bureau of farm credits shall have received such mortgages to the extent of $1,000,000 it shall issue bonds in the name of the United States, payable in 20 years, and bearing 4½ per cent interest, payable annually, with the privilege and option of the said bureau to pay the principal at the expiration of 10 years. Said bonds shall be issued in denominations from $100 to $500 each, and the said commissioner of farm credits shall sell the said bonds for the face value thereof to any persons applying therefor, preference being given to those desiring small investments. Said bonds shall not be subject to taxation by the United States, a State, or municipality. All moneys received by the said commissioner in the sale of bonds and the principal and all interest paid on said mortgages shall be covered into the said fund of $10,000,000 and used in the payment of mortgages as they may be presented, the expenses of the bureau, the interest on bonds, and payment thereof at maturity.

"That all mortgages shall run to the commissioner of farm credits, and said commissioner shall have all the rights and authority of a mortgagee under the laws of the State wherein such mortgage is executed.

"That all taxes of every kind levied by a State or municipality which may become a lien prior to said mortgage shall be paid by the mortgagor at least 30 days prior to the time such lands could be sold for delinquent taxes. Upon his failure to do so, or to pay any other lien that may attach to said lands and become superior to said mortgage, the commissioner may pay the same, and the mortgage shall stand as security for such sums so paid and interest thereon at 8 per cent per annum. And said mortgage shall further provide that in default of the payment of any interest or the payment of taxes, or other superior liens, as aforesaid, the commissioner may foreclose the premises pursuant to the laws of the State in which the land is situated. All papers necessary for the foreclosure proceedings shall be prepared and premises foreclosed by the proper law officer of the bureau. In lieu of foreclosure the commissioner may sell the mortgage to any person desiring to purchase the same, without recourse, and the money so received shall be covered into the said fund. Upon foreclosure the said commissioner may transfer and assign the certificate of sale to any purchaser, and after the period of redemption has expired may sell the lands. And any sum received therefor shall in like manner be covered into said fund.

"That it is the purpose of this act not only to secure and facilitate borrowing upon agricultural lands at a reasonable rate of interest, but also to afford a means for those who desire a safe investment, and so long as the said bureau shall be able to dispose of bonds at par it shall accept mortgages presented to any extent above the $10,000,000 hereby appropriated.

"That said bonds shall be negotiable in form and transferable by indorsement, and may be bought and sold by Federal reserve banks under the provisions of sections 13 and 14 of the Federal reserve act approved December 23, 1913, and may also be received as collateral for the issue of Federal reserve notes under the provisions of section 16 of said act.

"That the word 'mortgage' shall be construed to include deeds of trust or any other instruments of security on agricultural lands.

"That the Secretary of the Treasury shall make all needful rules and regulations to carry out the provisions of this act.

"That this act shall take effect from and after its passage and approval."

Mr. UNDERWOOD. Mr. Chairman, is it not now in order to report the committee amendment first?

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] asks if it is not in order to report the committee amendment first.

Mr. LEVER. Mr. Chairman, I ask that the committee amendment be reported.

Mr. WINGO. Mr. Chairman, I make the point that there is no quorum present.

The CHAIRMAN. The gentleman from Arkansas [Mr. WINGO] makes the point that there is no quorum present. The Chair will count. [After counting.] One hundred and fifty-one Members are present—a quorum. The Clerk will read the committee amendment.

The Clerk read as follows:

Committee amendment: In lieu of the matter presented by the Senate amendment, insert the following. "That the short title of this act shall be 'The Federal loan act'"—

Mr. BATHRICK. Mr. Chairman, I ask unanimous consent that the reading in full of the amendment be dispensed with. I ask that it be read by title.

The CHAIRMAN. The gentleman from Ohio [Mr. BATHRICK] asks unanimous consent to dispense with the reading of the amendment, and asks that it be read by title.

Mr. WINGO. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from Arkansas objects.

Mr. WINGO. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WINGO. While the Senate amendment is considered as one proposition, the amendment of the committee is such that we are entitled to consider it section by section and paragraph by paragraph.

The CHAIRMAN. The gentleman is not correct in that view.

Mr. WINGO. Do I understand we are obliged to vote a committee amendment up or down, or else offer "pot" amendments to it?

The CHAIRMAN. The gentleman can offer amendments to the committee amendment or to the Senate amendment.

Mr. BATHRICK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BATHRICK. Has the reading of the committee amendment been suspended?

The CHAIRMAN. No. The gentleman from Arkansas [Mr. WINGO] objected. The Clerk will read.

Mr. BATHRICK. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. BATHRICK. I desire to offer a substitute. Can that be offered before the amendment is read?

The CHAIRMAN. The gentleman can not offer a substitute until the committee amendment is read. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: In lieu of the matter submitted by the Senate amendment insert the following:

"That the short title of this act shall be 'the Federal farm loan act,' and its administration shall be under the control and direction of the Federal Farm Loan Board created under the terms of this act.

"DEFINITIONS.

"SEC. 2. That wherever the term 'first mortgage' is used in this act it shall be held to include such classes of first liens on real estate as

shall be approved by the Federal Farm Loan Board, and the credit instruments secured thereby. The term 'farm loan bonds' shall be held to include bonds issued by Federal land banks or Federal farm bond banks, which are secured by first mortgages deposited as collateral security with a Federal reserve agent.

"FEDERAL FARM LOAN BOARD.

"SEC. 3. That a Federal farm loan board is hereby created which shall consist of three members, including the Secretary of the Treasury and the Secretary of Agriculture, who shall be members ex officio, and a farm loan commissioner appointed by the President of the United States, by and with the advice and consent of the Senate. Said farm loan commissioner shall be a citizen of the United States, and shall devote his entire time to the business of said Federal Farm Loan Board. He shall receive an annual salary of $12,000, payable monthly, together with actual necessary traveling expenses. He shall not be a stockholder or officer in any bank, trust company, or financial institution of any sort.

"Said farm loan commissioner shall act as chairman and active executive officer of said board. He shall be assigned offices for himself and his assistants and employees in the Department of the Treasury by the Secretary of the Treasury. Within 15 days after notice of his appointment he shall make and subscribe to the oath of office. The President shall have power to fill any vacancy occurring in the office of farm loan commissioner during the recess of the Senate by granting a commission which shall expire 30 days after the next session of the Senate convenes.

"Said Federal Farm Loan Board shall be authorized and empowered to employ such attorneys, experts, assistants, clerks, or other employees as it may deem necessary to conduct the business of said board. All salaries and fees shall be fixed in advance by said board and shall be paid in the same manner as the salary of the farm loan commissioner. All such attorneys, experts, assistants, clerks, and other employees shall be appointed without regard to the provisions of the act of January 16, 1883 (vol. 22, United States Statutes at Large, p. 403), and amendments thereto, or any rule or regulation made in pursuance thereof: *Provided*, That nothing herein shall prevent the President from placing said employees in the classified service.

"The said farm loan commissioner shall from time to time, as determined by the Federal Farm Loan Board, require examinations and reports of conditions of all national farm loan associations and Federal land banks established under the provisions of this act, and consolidated statements of the results thereof shall be published. He shall cause to be made appraisals of farm lands as provided by this act, shall prepare and publish amortization tables for use by national farm loan associations, and examine and give his opinions upon the laws of the several States relating to mortgage loans. He shall perform such other duties as said board may assign.

"The said commissioner shall prescribe a form for statement of condition of farm loan associations and Federal land banks, which shall be filled out quarterly by each such association or bank and transmitted to him, and such statements shall be public records.

"NATIONAL FARM LOAN ASSOCIATIONS.

"SEC. 4. That associations to be known as national farm loan associations for carrying on the business of lending on farm-mortgage security under this act may be formed by any number of natural persons, not less in any case than five. They shall enter into articles of association, which shall specify in general terms the object for which the association is formed and the county or counties within which its operations are to be carried on, and may contain any other provisions, not inconsistent with law, which the association may see fit to adopt for the regulation of its business and the conduct of its affairs. These articles shall be signed by the persons uniting to form the association, and a copy of them shall be forwarded to the farm loan commissioner, to be filed and preserved in his office.

"Upon receiving an application to charter a national farm loan association the farm loan commissioner shall make an examination of the need for such association and of the land values and density of population of the county or counties named as the operating territory of the national farm loan association applying for charter. He may send an inspector to investigate and report thereon, and, if he shall deem best, may grant the said application. In such event he shall designate a county or group of contiguous counties as a farm loan district for such association under the provisions of this section.

"The persons uniting to form a national farm loan association under this act shall, under their hands, make an organization certificate, which shall specifically state:

"First. The name assumed by such association, which name shall be subject to the approval of the farm loan commissioner.

"Second. The State and county, or group of contiguous counties, within which its operations are to be carried on, and the particular city, town, or village at which its principal office is to be located.

"Third. The amount of capital stock and the number of shares into which the same is to be divided.

"Fourth. The names and places of residence of the stockholders and the number of shares held by each of them.

"Fifth. The fact that the certificate is made to enable such persons to avail themselves of the advantages of this act.

"The organization certificate shall be acknowledged before a judge of some court of record or notary public, and shall be, together with the acknowledgment thereof, authenticated by the seal of such court or notary, transmitted to the farm loan commissioner, who shall record and carefully preserve the same in his office, where it shall be at all times open to public inspection.

"Upon duly making and filing articles of association and an organization certificate the association shall become, as from date of the execution of its organization certificate, a body corporate, and as such, and in the name designated in the organization certificate, it shall have power—

"First. To adopt and use a corporate seal.

"Second. To have succession for the period of 50 years from its organization, unless it is sooner dissolved according to the provisions of its articles of association or by the act of its shareholders owning two-thirds of its stock or by act of Congress, or unless its franchise becomes forfeited by some violation of law.

"Third. To make contracts.

"Fourth. To sue and be sued, complain and defend, in any court of law or equity, as fully as natural persons.

"Fifth. To elect or appoint directors, and by its board of directors to elect a president and a vice president, appoint a secretary-treasurer and other officers and employees; define their duties; require bonds of them and fix the penalty thereof; by action of its board of directors dismiss such officers and employees or any of them at pleasure and appoint others to fill their places.

"Sixth. To prescribe, by its board of directors, subject to the oversight and regulation of the farm loan commissioner, by-laws not inconsistent with law, regulating the manner in which its stock shall be transferred, its directors elected, its officers elected or appointed, its property transferred, its general business conducted, and the privileges granted to it by law exercised and enjoyed.

"Seventh. To exercise, by its board of directors or duly authorized officers or agents, subject to law, all such incidental powers as shall be necessary to carry on the business herein described.

"But no farm-loan association shall engage in any transactions except such as are incidental and necessarily preliminary to its organization until it has been authorized by the farm loan commissioner to commence business.

"CAPITAL STOCK.

"SEC. 5. That the capital stock of each national farm-loan association shall be not less than $10,000 and shall be divided into shares of $25 each.

"Every stockholder shall be entitled to 1 vote on each share of stock held by him at all elections of directors and in deciding all questions at meetings of stockholders: *Provided*, That the maximum number of votes which may be cast by any one stockholder shall be 10.

"Whenever the board of directors of any farm-loan association shall so authorize, said association shall permit individuals to subscribe for shares therein on a partial payment, or building and loan association, plan, by making a cash payment of 10 per cent of the face value of such shares, and entering into a written agreement to make further payments for such shares at stated periods until such shares are fully paid for.

"Said written agreement shall provide in appropriate terms:

"First. That additional partial payments of a stated amount shall be made monthly, quarterly, semiannually, or annually, on definite days, to an amount not less in any one year than 10 per cent of the face value of the shares subscribed for.

"Second. That any subscriber who neglects to make payments as prescribed in said agreements shall be subject to a fine of 2 cents per month upon each dollar of arrears.

"Third. That if any member is in arrears for any payment for a period of six months, the board of directors may, upon 30-days' notice, in writing, declare his stock forfeited, and the value of his interest in said association shall be determined by reckoning the total amount of payments made, adding thereto any accrued dividends, deducting therefrom any fines imposed and unpaid, his equitable share of any losses, and a further sum equal to 10 per cent of his gross payments as a withdrawal fee. If the amount so determined is less than $25, it shall be forfeited to the association, unless said subscriber shall add thereto in cash a sum sufficient to make up $25, and in such event said subscriber shall receive a certificate for one share of stock. If the amount so determined is $25 or more, said subscriber shall receive a certificate for as many shares as said amount entitles him to, forfeiting any fractional part of a share, or at his option subscribing additional cash to make up the amount required for an additional full share, which he shall then receive.

"Fourth. That if any subscriber shall wish to avail himself of withdrawal privileges before his shares are fully paid in, he shall be entitled to do so by giving to the board of directors one month's notice in writing; upon the expiration of said month he shall be entitled to receive certificates of stock to which he is entitled upon the same basis herein provided for forfeiture of stock. The assignment of such shares may be permitted in the discretion of the directors.

"Except as herein specifically provided, no certificates of stock shall be issued to any subscriber unless fully paid in. Whenever payments and dividends on shares subscribed on the partial-payment plan amount to $25 each, the subscriber shall receive a certificate for the face value of such shares, together with an amount in cash equal to any excess that may be credited to said subscriber on account of said shares. Every such subscriber shall be entitled to dividends upon a number of shares whose value shall equal the total sum paid in by such subscriber prior to any dividend period, but no dividend shall be allowed on fractional parts of a share. The farm loan commissioner shall prescribe rules and regulations for partial-payment shares in each Federal land bank district, not inconsistent with this act, and containing equitable provision for—

"First. The adjustment of losses and of dividend credits;

"Second. The imposition of fines for default in payments;

"Third. The forfeiture and withdrawal of shares or of payments therefor upon default or failure to pay duly imposed fines;

"Fourth. Any additional provisions necessary to carry out the purposes of this section.

"At least 50 per cent of the capital stock of every farm loan association shall be paid in cash before any such association shall be authorized to begin business; and the remainder of the capital stock of such association may, at the discretion of its incorporators, be paid in first mortgages upon lands of the subscribers of the character described in section 8 of this act, without the restrictions provided in the sixth paragraph thereof.

"At least 5 per cent of said capital at the time of organization shall be invested in United States bonds.

"No person shall be permitted to borrow funds from a farm loan association unless he shall first become a member of such association, owning stock therein of a paid-in value amounting to one full share, at least, and not less than 5 per cent of the sum borrowed. If such person is not at the time of his application for a loan a member of said association, or if, being a member, his stock has not sufficient paid-in value to meet the requirements of this section, he shall make application for enough stock to fulfill said requirements. If such application for a loan and for stock is granted, the stock thus applied for shall be issued to the applicant simultaneously with the proceeds of the loan, and the face of the mortgage may, if desired, cover both the amount of the loan granted and the par value of the stock applied for. The par value of the stock applied for shall be in addition to the amount of the permitted maximum loan specified in section 8 of this act.

"Whether the applicant for a loan shall be at the time of the application the owner of sufficient paid-in capital stock to entitle him to a loan, or whether he shall apply for stock in order to meet the requirements of this section, his stock, to the amount of at least one share, and not less than 5 per cent of the amount of the loan, shall be pledged to the association as a part of the security for said loan, but any dividends thereon shall be paid to the mortgagor. When said loan is paid in full the mortgage shall be discharged and the certificate of stock shall be delivered to the mortgagor.

"Every farm loan association formed under this act shall by its articles of association provide for an increase of its capital stock from time to time for the purpose of acquiring additional cash funds or of providing for the issue of shares to borrowers and others in accordance

with the provisions of this act. Such increase shall be included in the quarterly reports to the farm loan commissioner.

"Any farm loan association formed under this act may, by the vote of stockholders owning two-thirds of its capital stock, reduce its capital to any sum not below the amount required by this act to authorize the formation of such associations; but no reduction shall be allowable which will reduce the capital stock of the association below one-twentieth of the amount unpaid on outstanding mortgages indorsed by it, nor shall any such reduction be made until the amount of the proposed reduction has been reported to the farm loan commissioner and his approval thereof obtained.

"OFFICERS AND DIRECTORS OF FARM LOAN ASSOCIATIONS.

"SEC. 6. That every farm loan association shall elect, in the manner prescribed for the election of directors of national banking associations, not less than five directors, who shall hold office for the same period and under the same conditions as directors of national banking associations: *Provided, however*, That the ownership of five shares of stock, fully paid in, shall qualify for director. It shall be the duty of said board of directors to choose in such manner as they may prefer a secretary-treasurer, who shall receive such compensation as the said board of directors shall determine. The board of directors aforesaid shall elect a president and a vice president of the association, who shall serve without compensation unless the payment of salaries to them shall be approved by the farm loan commissioner. All officers and directors shall, during their term of office, be bona fide residents of the territory within which the association is authorized to do business.

"Every president, director, secretary, clerk, or agent of any farm loan association or Federal land bank who embezzles, abstracts, or willfully misapplies any moneys, funds, or credits, or who without authority from the directors draws any order, assigns any note, bond, draft, mortgage, judgment, or decree, or who makes any false entry in any book, report, or statement of such association or land bank with intent in either case to defraud such institution or any other company, body politic or corporate, or any individual person, or to deceive any officer of a farm loan association or land bank or any agent appointed to examine into the affairs of any such association or bank, and every person who with like intent aids or abets any officer, clerk, or agent in any violation of this section, shall be deemed guilty of a misdemeanor and shall be fined not exceeding $5,000 or imprisoned not exceeding five years, or both.

"It shall be the duty of the board of directors of every farm loan association, within 30 days of its election, to appoint two of its members to serve as members of an 'appraisal committee.' The said committee shall consist of the two members aforesaid, and one to be appointed by the directors of the Federal land bank of the district, who shall be a resident of the farm loan district for which he is acting, but who shall not be a stockholder in any farm loan association or Federal land bank. The names of the said committee shall be transmitted to the farm loan commissioner and shall be kept on file in his office. Every farm loan association shall pay to the nonstockholding member of the appraisal committee a compensation which shall be determined by the farm loan commissioner. The farm loan commissioner, subject to appeal to the Federal farm loan board, shall have power at any time to remove any member of the appraisal committee of any farm loan association and to order the appointment of a successor. Such successor need not necessarily be a member of the board of directors.

"It shall be the duty of the secretary-treasurer of every farm loan association to act as custodian of its funds and to deposit the same in such bank as the board of directors may designate, to disburse all payments which shall have been authorized in making loans to borrowers upon first mortgages on farm land situated as in this act prescribed, and to meet all other obligations of the association, subject to the orders of the board of directors, and in accordance with the by-laws of the association. The said secretary-treasurer shall likewise collect, receipt for, and in proper cases transmit to the Federal land bank all payments of interest, amortization installments, or principal arising out of the loans made by the association. He shall be the custodian of the securities, records, papers, certificates of stock, and all documents relating to or bearing upon the conduct of the affairs of the said association."

Mr. WINGO. Mr. Chairman, I make the point that there is no quorum present.

The CHAIRMAN. The gentleman from Arkansas makes the point that there is no quorum present. The Chair will count. [After counting.] One hundred and fifty-five Members are present, a quorum. The Clerk will proceed.

The Clerk proceeded with the reading of the committee amendments, as follows:

He shall furnish a suitable bond to be prescribed and approved by the farm-loan commissioner for the proper performance of the duties imposed upon him under this act. He shall make a quarterly report to the farm-loan commissioner upon forms to be provided for that purpose. Upon request from the said commissioner the said secretary-treasurer shall furnish information regarding the condition of the farm-loan association for which he is acting and shall carry out the duly authorized orders of said commissioner. He shall assure himself from time to time that the loans made by the farm-loan association, of which he is an officer, have been applied to the purposes set forth in the application of the borrower as approved.

POWERS OF LOAN ASSOCIATIONS.

SEC. 7. That every farm-loan association shall have power:

First. To make loans of current funds secured by first mortgages on farm lands situated within the farm-loan district in which such association shall be situated, subject to the provisions of this act.

Second. To buy from any other farm-loan association indorsed first mortgages of which such association may have become possessed under this act, or to sell to such association its own indorsed mortgages.

Third. To buy and sell farm-loan bonds in this act authorized.

Fourth. To buy and sell United States bonds.

Fifth. To acquire and dispose of—

(a) A suitable banking house for the transaction of its own business.

(b) Parcels of land acquired in satisfaction of debts or purchased at sales under judgments, decrees, or mortgages held by it. But no such association shall hold title and possession of any real estate purchased or acquired to secure any debts due to it for a longer period than five years, except with the special approval of the farm-loan commissioner in writing.

Sixth. Against deposits of current funds, to issue certificates in any amount, bearing interest not to exceed 4 per cent per annum, after six days from date, convertible into farm-loan bonds when presented at the land bank of the district in any multiple of $100; such deposits when received shall be transmitted to the Federal land bank of the district, and be invested by it in the purchase of farm-loan bonds or first mortgages, as defined by this act; the mortgages thus purchased may be hypothecated with the Federal reserve agent against an issuance of farm-loan bonds, as provided for in section 18 of this act, but such bonds when received, either by purchase or for issuance, shall not be delivered or issued except in exchange for and upon the presentation for redemption and cancellation of an equal amount of convertible certificates issued by a farm-loan association, any difference under $100 in such exchange being adjusted in cash. When thus redeemed and canceled such certificates shall be returned to the loan association which issued them.

RESTRICTIONS.

SEC. 8. That no farm-loan association shall make loans except upon the following terms and conditions:

First. The said loans shall be secured by first mortgage on farm land within the farm-loan district in which the association shall be situated.

Second. Every such mortgage shall contain an agreement for the payment of interest and for the reduction of the face of the loan so secured through annual or semiannual amortization payments.

Third. Every such mortgage shall run for a period of at least 5 years and for a period not exceeding 35 years.

Fourth. Every mortgage loan made under this act, for whatever period, shall provide for its extinguishment, at the option of the borrower, in whole or in part, at any date set for the payment of interest after five years from the date upon which the said loan was made, by the payment of cash or by the tender of farm-loan bonds hereinafter provided for at their face value, all unmatured coupons being attached.

Fifth. The rate of interest charged for such loans shall not exceed the legal rate current in the State in which the farm land securing such loan is situated.

Sixth. Such loans may be made for the following purposes and for no other:

(a) To provide for the improvement of farm lands; the term "improvement" to be defined by the Federal farm-loan board.

(b) To provide for the purchase of equipment and live stock necessary for the proper and reasonable operation of the farm; the term "equipment" to be defined by the Federal farm-loan board.

(c) To provide for the purchase of a farm home.

(d) To liquidate indebtedness of the owner of the land mortgaged, existing at the time of the organization of the first farm-loan association established in or for the county in which the land mortgaged is situated, or indebtedness subsequently incurred for one of the purposes above mentioned.

Seventh. No such loan shall exceed 50 per cent of the value of the land mortgaged, and 25 per cent of the value of the buildings thereon, the said value to be ascertained by an appraisal of the appraisal committee provided in section 6 of this act. In making said appraisal the actual earning power of said land shall be a principal factor.

Eighth. No such loan shall be made to any person who is not at the time, or shortly to become, a bona fide resident on the farm mortgaged, primarily engaged in the cultivation thereof. In case of sale of the mortgaged land the farm-loan association may, in its discretion, declare the mortgage thereon due and payable, or permit said mortgage to be assumed by a purchaser qualified to borrow in his own right under the provisions of this act.

Ninth. No such loan shall in any case exceed a maximum of $10,000 to any one borrower, nor 20 per cent of the capital and surplus of the association making such loan, nor shall the aggregate of outstanding loans indorsed by it be in excess of 20 times the capital and surplus of such association.

Tenth. Every applicant to a farm-loan association for a loan under the terms of this act shall make application on a form to be prescribed for that purpose by the farm-loan commissioner, and such applicant shall state, under oath, the objects to which the proceeds of said loan are to be applied, and shall afford such other information as may be required.

Eleventh. Every borrower shall undertake to pay when due all taxes which may be lawfully assessed against the land mortgaged, and to keep insured to the satisfaction of the farm-loan commissioner all buildings the value of which was a factor in determining the amount of the loan. Insurance shall be made payable to the mortgagee as its interest may appear at time of loss, and, at the option of the mortgagor and subject to general regulations of the farm-loan commissioner, sums so received shall be used to pay for reconstruction of the buildings destroyed.

Twelfth. Every borrower who shall be granted a loan under the provisions of this act shall enter into an agreement in form and under conditions to be prescribed by the farm-loan commissioner that if the whole or any portion of his loan shall be expended for purposes other than those specified in his original application, or if the borrower shall be in default in respect to any condition of the mortgage, the said loan shall become due and payable forthwith.

No farm loan association shall buy or sell mortgages, or acquire title to real estate except as expressly authorized by section 7 of this act.

FEDERAL LAND BANK DISTRICTS.

SEC. 9. That for the purposes of this act the Federal farm loan board shall establish and announce districts in accordance with the principles laid down in the act of December 23, 1913, entitled "the Federal reserve act." Such districts shall be designated as Federal land bank districts, and the Federal reserve agent of each such district shall perform the duties herein assigned to him in carrying into effect the purposes of this act. The said districts shall be equal in number to the Federal reserve districts established under said act of December 23, 1913, but shall not necessarily be coterminous with the said Federal reserve districts. No land bank district shall contain a fractional portion of any State. The Federal land bank of each district shall have its home office in any city of such district which may be designated by the Federal farm-loan board.

POWERS OF FEDERAL FARM LOAN BOARD.

SEC. 10. That the Federal Farm Loan Board shall have power—

(a) To organize and charter Federal land banks and Federal farm bond banks, subject to the provisions of this act.

(b) To review and alter at its discretion the rate of interest to be charged by farm loan associations for loans made by them under the provisions of this act, said rates to be uniform so far as practicable.

(c) To grant or refuse to Federal land banks authority to make any specific issue of farm loan bonds, and to fix the rate of interest thereon.

(d) To require reports and statements of condition and to make examinations of Federal land banks and farm loan associations.

(e) To appraise farm lands through the farm loan commissioner as set forth in section 21 of this act.

(f) To exercise such incidental powers as shall be necessary or requisite to fulfill the duties and carry out the purposes of this act.

ADMISSION OF STATE INSTITUTIONS.

SEC. 11. That whenever the farm loan commissioner shall report to the Federal Farm Loan Board that associations have been organized under the laws of any State of the United States with authority to make loans upon unencumbered farm land situated in such State, and shall certify that the laws under which said associations are organized permit such associations to afford to holders of first mortgages on such lands protection and assurance of safety equal to that provided under this act and that such mortgages do afford such protection and assurance, the said board may issue an order permitting Federal land banks operating in land bank districts including such State to purchase such first mortgages from any such association with its indorsement, and to utilize the same as collateral security when applying through the Federal reserve agent for authority to issue farm loan bonds.

The Federal Farm Loan Board shall establish rules and regulations to which such associations organized under State law shall conform in making loans secured by first mortgages on farm land, if they desire to offer such mortgages to the Federal land bank of the district for purchase by said bank at its discretion, and shall require such associations or institutions to enter into agreements which shall obligate them to conform to the requirements by this act imposed upon national farm loan associations, so far as the said board shall deem necessary.

ORGANIZATION OF FEDERAL LAND BANKS.

SEC. 12. That the farm loan commissioner shall select five farm loan associations of each Federal land bank district to act by an officer thereof designated for the purpose by the board of directors, who shall unite to form an association to exercise the powers conferred by this act and to be known as the Federal land bank of said district. The said Federal land banks shall be organized subject to the requirements and under the conditions set forth in section 4 of this act, so far as the same may be applicable: *Provided*, That the board of directors of every Federal land bank shall consist of nine members, three of whom shall be appointed by the Federal Farm Loan Board for terms of three years each, and six of whom shall be chosen as herein provided for the election of directors of farm loan associations. Every director of a Federal land bank shall have been for two years preceding his selection a bona fide resident of said land bank district.

Every such farm loan association and every farm loan association making subsequent application shall subscribe for not less than $1,000 of capital stock of the said land bank.

Every farm loan association before transferring first mortgages to the Federal land bank of its district, under the provisions of sections 15 and 23 of this act, shall subscribe and pay for in cash or in approved first mortgages an amount of the capital stock of the said land bank equal to at least 10 per cent of its own capitalization.

CAPITAL OF FEDERAL LAND BANKS.

SEC. 13. That every Federal land bank shall have, before beginning business, a subscribed capital of not less than $500,000. The Federal farm loan board is hereby authorized to prescribe the times and conditions of the payment of subscriptions to stock and to require subscribers to furnish adequate security for the payment thereof. At least 50 per cent of the said capital shall be paid in cash when required by the Federal farm loan board, the balance to be either cash or first mortgages under the restrictions provided under section 8 and section 11 of this act. Five per cent of the capital stock of every land bank shall be invested in bonds of the United States.

The capital stock of each Federal land bank shall be divided into shares of $100 each, and may be subscribed for and held by any individual, firm, or corporation, or by the Government of any State or of the United States.

Stock held by farm loan associations shall not be transferred or hypothecated.

Mr. WINGO. Mr. Chairman, I make the point of order that there is no quorum present. I see about 15 or 20 Democrats here.

The CHAIRMAN (Mr. PATTEN of New York). The Chair will count. [After counting.] One hundred and eight gentlemen are present—a quorum. The Clerk will read.

The Clerk resumed and concluded the reading of the committee amendment, as follows:

Stockholders shall share in all dividend distributions without preference. Each farm loan association and the Government of the United States shall be entitled to one vote for each share of stock held by it at all elections of directors and in deciding all questions at meetings of shareholders, and no other shareholder shall be permitted to vote. Stock owned by the United States shall be voted by the farm loan commissioner.

It shall be the duty of the Federal farm loan board, as soon as possible after the passage of this act, to open books of subscriptions for the capital stock of a Federal land bank in each Federal land bank district. If within 90 days after the opening of said books any part of the minimum capitalization herein prescribed for Federal land banks shall remain unsubscribed, it shall be the duty of the Secretary of the Treasury to subscribe the said unsubscribed balance of $500,000, said subscription to be subject to call in whole or in part by the board of directors of the said land bank upon 30 days' notice, subject to the approval of the Federal farm loan board; and the Secretary of the Treasury is hereby authorized to take out shares corresponding to the said unsubscribed balance as called, and to pay for the same out of any money in the Treasury not otherwise appropriated. Said shares may be sold at not less than par.

Whenever subscriptions to stock by farm loan associations under the provisions of section 12 would increase the total capital stock of the Federal land bank beyond $500,000 if issued, and any stock of said bank is then held by the United States Treasury, an amount of such Treasury stock equal to such excess shall be paid for and canceled, and in lieu thereof a similar amount of stock shall be issued to the subscriber.

CANCELLATION OF SHARES.

SEC. 14. That if any farm loan association shall be declared insolvent and a receiver shall be appointed therefor by the farm loan commissioner, the stock held by it in the Federal land bank of its district shall be canceled without impairment of its liability; and all paid-in subscriptions on such stock, with accrued dividends, if any, since the date of the last dividend shall be first applied to all debts of the insolvent farm loan association to the Federal land bank and the balance, if any, shall be paid to the receiver of said farm loan association: *Provided*, That in estimating the said debts contingent liabilities incurred by farm loan associations under the provisions of this act on account of default of principal or interest of mortgages sold or transferred, shall be estimated and included as a debt, and said contingent liabilities shall be determined by agreement between the receiver and the Federal land bank of the district, subject to the approval of the farm loan commissioner, and if said receiver and land bank can not agree, then by the farm loan commissioner, and the amount thus ascertained shall be deducted in accordance with the provisions of this section from the amount otherwise due the said farm loan association for said canceled stock. Whenever the capital stock of a Federal land bank shall be reduced the board of directors shall cause to be executed a certificate to the farm loan commissioner, showing such reduction of capital stock, and if said reduction shall be due to the insolvency of a farm loan association, the amount repaid to such association.

POWERS OF LAND BANKS.

SEC. 15. That every Federal land bank shall have power, subject to the limitations and requirements of this act—

First. To issue, subject to the approval of the Federal farm loan board, and to sell farm loan bonds of the kinds authorized in this act, to buy the same for its own account, and to retire the same at maturity.

Second. To invest such funds as may be in its possession in the purchase of first mortgages on farm lands situated within the Federal land bank district within which it is organized or for which it is acting, preference being given to mortgages taken by farm loan associations within the district.

Third. To receive by assignment from farm loan associations and to deposit in trust with the Federal reserve agent of its district, to be by him held as special security for farm loan bonds, first mortgages upon farm land situated within the Federal land bank district that are legally receivable by farm loan associations, and to empower farm loan associations or member banks of the Federal Reserve System as agents of the land bank to collect and immediately pay over to said land bank the dues, interest, amortization installments, and other sums payable under the terms, conditions, and covenants of the mortgages and of the bonds secured thereby.

Fourth. To acquire and dispose of—

(a) A suitable banking house for the transaction of its own business, which, however, may be in part leased to others for revenue purposes.

(b) Parcels of land mortgaged to it as security through a farm loan association.

(c) Parcels of land acquired in satisfaction of debts or purchased at sales under judgments, decrees, or mortgages held by it. But no such bank shall hold title and possession of any real estate purchased or acquired to secure any debts due to it for a longer period than five years.

Fifth. To deposit its securities, and its current funds subject to check, with any Federal reserve bank, or for purposes of temporary convenience with any member bank of the Federal Reserve System, and to receive interest on the same as may be agreed.

Sixth. To accept deposits of securities or of current funds from farm loan associations holding its shares, but to pay no interest on such deposits.

Seventh. To buy and sell United States bonds.

Eighth. To hold in trust farm loan bonds to an amount equal to the outstanding convertible certificates issued by the loan associations of the district and for the redemption thereof, as provided in the sixth paragraph of section 7 of this act.

RESTRICTIONS ON LAND BANKS.

SEC. 16. That no Federal land bank shall have power—

First. To accept deposits of current funds except from its own stockholders or to transact any banking or other business not expressly authorized by the provisions of this act.

Second. To purchase or accept from farm loan associations first mortgages unless such mortgages were created subject to all limitations imposed by section 8 or section 11 of this act.

Third. To issue or obligate itself for outstanding farm loan bonds in excess of twenty times the amount of its capital and surplus or to purchase from any association additional mortgages when the amounts remaining unpaid upon mortgages already purchased from such association shall amount to twenty times the unimpaired capital and surplus of such association.

FEDERAL FARM BOND BANKS.

SEC. 17. That associations to be known as Federal farm bond banks for carrying on the business of lending on farm-mortgage security and issuing farm-loan bonds may be formed by any number of natural persons not less than five. They shall be organized subject to the requirements and under the conditions set forth in section 4 of this act, so far as the same may be applicable: *Provided*, That the board of directors of every Federal farm bond bank shall consist of nine members, three of whom shall be appointed by the Federal farm loan board for terms of three years each, and six of whom shall be chosen as herein provided for the election of directors of farm-loan associations. Every director of a Federal farm bond bank shall have been for two years preceding his selection a bona fide resident of the farm-loan district in which such bank is situate.

Any director of a Federal farm bond bank may be removed at any time by the Federal farm loan board at its discretion.

In the business of lending on farm-mortgage security, said Federal farm bond banks shall be limited to a single State, and shall be subject to all the restrictions and conditions imposed on national farm-loan associations by this act, so far as such restrictions and conditions are applicable: *Provided, however*, That borrowers from such banks shall not be required to become shareholders in said banks.

In the business of issuing farm-loan bonds, said Federal farm bond banks shall be subject to all the restrictions and conditions imposed on Federal land banks by this act, so far as such restrictions and conditions are applicable: *Provided, however*, That the Government of the United States shall not be authorized or required to purchase or subscribe for any of the capital stock of any such bank; and each shareholder of any such bank shall have the same voting privileges as holders of shares in national banking associations.

No Federal farm bond bank shall be authorized to do business until capital stock to the amount of at least $250,000 has been subscribed and paid in cash.

Farm-loan bonds issued by such banks shall be so engraved as to be readily distinguished in form and color from farm-loan bonds issued under this act by Federal land banks.

Federal farm bond banks shall be subject to the provisions of section 10 and section 25 of this act as to interest rates, but any such bank may, by majority vote of its directors, make loans at less than the normal rate.

APPLICATIONS FOR FARM-LOAN BONDS.

SEC. 18. That any Federal land bank which shall have voted to issue farm-loan bonds under this act shall make application to the Federal farm-loan board, through the Federal reserve agent of the district, for approval of such issue. Such application shall be accompanied with a tender to the said Federal reserve agent of first mortgages on farm lands as collateral security, of the kinds specified under section 8 and section 11 of this act, not less in amount than the sum of the bonds proposed to be issued. The said agent shall thereupon transmit said application with or without his approval to the Federal farm-loan board, which may grant in whole or in part or reject entirely such application. The said farm-loan commissioner may at any time call upon a Federal land bank for additional security to protect the bonds issued by it. Every first mortgage shall, when tendered to a Federal reserve agent as collateral security to protect an issue of farm-loan bonds, be transferred to the said agent, by assignment, in trust, said assignment providing for the right of redemption at any time by payment, and reserving the right of substitution of other first mortgages qualified under section 8 or section 11 of this act.

Every Federal land bank issuing farm loan bonds shall be primarily liable therefor, and by appropriate action of its board of directors, shall also obligate itself to become liable for interest payments due upon any farm-loan bonds issued by other Federal land banks with the approval of the Federal farm loan board, and remaining unpaid in consequence of the default of such other land banks, and every such bank shall likewise obligate itself to become liable for such portion of the principal of farm-loan bonds so issued as shall not be paid after the assets of any such other land banks shall have been liquidated and distributed: *Provided*, That such losses, if any, either of interest or of principal, shall be assessed against solvent guaranteeing land banks in proportion to the amount of farm-loan bonds which each may have outstanding at the time of such assessment.

QUALIFICATIONS OF LOANS.

SEC. 19. That no mortgage shall be accepted by a Federal reserve agent as part of an offering to secure an issue of farm-loan bonds except first mortgages made subject to the conditions prescribed in section 8 or in section 11 of this act.

STATE LEGISLATION.

SEC. 20. That it shall be the duty of the farm-loan commissioner to make examination of the laws of every State of the United States and to inform the Federal farm loan board as rapidly as may be whether in his judgment the laws of each State relating to the conveying and recording of land titles, and the foreclosure of mortgages or other instruments securing loans, as well as providing homestead and other exemptions and granting the power to waive such exemption as respects first mortgages, are such as to assure the holder thereof adequate safeguards against loss in the event of default on loans secured by any such mortgages.

Pending the making of such examination in the case of any State, the Federal farm loan board may declare first mortgages on farm lands situated within such State ineligible as the basis for an issue of farm-loan bonds; and if said examination shall show that the laws of any such State afford insufficient protection to the holder of first mortgages of the kinds provided in this act, the said Federal farm loan board may declare the said first mortgages on land situated in such State ineligible during the continuance of the laws in question. In making his examination of the laws of the several States and forming his conclusions thereon, said commissioner may call upon the office of the Attorney General of the United States and upon the counsel of the Federal Reserve Board for any needed legal advice or assistance, or may employ special counsel in any State where he considers such action necessary.

APPRAISAL.

SEC. 21. That the farm-loan commissioner shall appoint appraisers, one or more of whom shall at stated periods visit every national land-bank district and shall make a general report regarding the values of the lands in each State. The said commissioner shall apply to every Federal land bank a schedule stating maximum acre valuations for each farm-loan district in such detail as he may deem necessary, and the said schedule shall not be exceeded in making loans. Said schedule shall be revised every five years.

SERIES OF FARM-LOAN BONDS.

SEC. 22. That farm-loan bonds shall be issued in denominations of $100, $500, and $1,000, shall run for specified maximum periods, with interest coupons attached payable annually or semiannually, and shall be issued in series of not less than $100,000, whose amount and term shall be fixed for each Federal land bank by the Federal farm loan board and shall bear a rate of interest to be established by the said board, not to exceed 5 per cent per annum.

In order to furnish suitably engraved bonds for delivery to Federal land banks, the Comptroller of the Currency shall, under the direction of the Secretary of the Treasury, cause plates and dies to be engraved in the best manner to guard against counterfeits and fraudulent alterations, and shall have printed therefrom and numbered such quantities of such bonds of the denominations of $100, $500, and $1,000 as may be required to supply the Federal land banks. Such bonds shall be in form and tenor as directed by the Secretary of the Treasury under the provisions of this act and shall bear the distinctive numbers of the several Federal land banks by which they are issued. They may be exchanged into registered bonds of any amount, and reexchanged into coupon bonds, at the option of the holder, under rules and regulations to be prescribed by said Secretary.

When such bonds have been prepared, they shall be deposited in the Treasury, or in the subtreasury or mint of the United States nearest the place of business of each Federal land bank, and shall be held for the use of such bank subject to the joint order of the farm loan commissioner and the Federal reserve agent for the district for their delivery, as provided by this act.

The plates and dies to be procured by the farm loan commissioner for the printing of such bonds shall remain under his control and direction, and the expenses necessarily incurred in executing the laws relating to the procuring of such bonds and all other expenses incidental to their issue and retirement shall be paid by the Federal land banks. The Federal farm loan board shall levy semiannually against the respective Federal land banks in proportion to the issue of bonds by each a sufficient amount to cover such expenses.

The examination of plates, dies, bed pieces, and so forth, and regulations relating to such examination of plates, dies, and so forth, of national-bank notes provided for in section 5174, Revised Statutes, is hereby extended to include bonds herein provided for.

Any appropriation heretofore made out of the general fund of the Treasury for engraving plates and dies, the purchase of distinctive paper, or to cover any other expense in connection with the printing of national-bank notes or notes provided for by the act of May 30, 1908, and any distinctive paper that may be on hand at the time of the passage of this act may be used in the discretion of the Secretary for the purposes of this act, and should the appropriations heretofore made be insufficient to meet the requirements of this act, the Secretary is hereby authorized to use so much of any funds in the Treasury not otherwise appropriated as may be required for the purpose of furnishing the bonds aforesaid.

ISSUE AND REDEMPTION OF FARM LOAN BONDS.

SEC. 23. That whenever any Federal land bank shall present first mortgages to the Federal reserve agent of the district as collateral security for an issue of a series of farm loan bonds, it shall furnish therewith to said Federal reserve agent a schedule containing a description of said mortgages as prescribed by the farm loan commissioner. Said mortgages shall be deposited in the Federal reserve bank for the district subject to the control of said Federal reserve agent and in his name as trustee for said Federal land bank and the prospective holders of said series of farm loan bonds. Said Federal reserve agent shall thereupon satisfy himself that said first mortgages are at least equal in amount to the series of farm loan bonds authorized by the Federal farm loan board, and shall forthwith notify the farm loan commissioner thereof in writing. Said farm loan commissioner and said Federal reserve agent shall thereupon be empowered to direct by their joint order the delivery of said farm loan bonds to said Federal land bank. It shall be the duty of the Federal reserve agent in each district to see that the farm loan bonds delivered by him and outstanding do not exceed the amount of first mortgages pledged as collateral security therefor, but he may, in his discretion, temporarily accept in place of mortgages withdrawn securities other than qualified first mortgages, preference being given to farm loan bonds.

Whenever any Federal land bank shall receive any interest, amortization, or other payment upon any first mortgage pledged as collateral security for the issue of farm loan bonds, it shall forthwith deposit the same with the Federal reserve bank of the district to its own account, and shall notify the Federal reserve agent of the items so received. The Federal reserve agent shall thereupon cause such payment to be duly credited upon the respective mortgages entitled to such credit. Whenever any of said mortgages are paid in full, said Federal reserve agent shall cause the same to be canceled and delivered to said Federal land bank for transmission to the original maker thereof, or his heirs, administrators, or assigns.

Upon written application by any Federal land bank to the Federal reserve agent, it may be permitted, in the discretion of said Federal reserve agent, to withdraw from the Federal reserve bank any mortgage or mortgages pledged as collateral security under this act, and to substitute therefor other mortgages not less in amount than the mortgage or mortgages desired to be withdrawn, such substituted mortgages being qualified under section 8 or section 11 of this act.

Whenever any farm loan bonds, or coupons or interest payments of such bonds, are due under their terms, they shall be payable, at the Federal land bank by which they were issued, in gold or lawful money, and upon payment shall be duly canceled by said bank. At the discretion of the farm loan commissioner, payment of any farm loan bond or coupon or interest payment may, however, be directed to be made at any Federal land bank or any Federal reserve bank, under rules and regulations to be prescribed by said farm loan commissioner, subject to the approval of the Federal Farm Loan Board. Upon the surrender of any farm loan bonds of any series, canceled or uncanceled, by any Federal land bank to the Federal reserve agent of the district, said Federal land bank shall be entitled to withdraw from the Federal reserve bank first mortgages pledged as collateral security for any of said series of farm loan bonds to an amount equal to the farm loan bonds so surrendered, and it shall be the duty of said Federal reserve agent to permit and direct the delivery of such mortgages to such Federal land bank.

Interest payments shall be at the disposal of the Federal land bank which shall deposit the same, and shall be available for the payment of coupons and the interest of farm loan bonds as they become due. Amortization or other payments on the principal of first mortgages held as collateral security for the issue of farm loan bonds shall constitute a trust fund in the hands of the Federal land bank receiving the same, and shall be applied or employed as follows:

(a) To purchase at not more than par farm loan bonds issued by itself or by some other Federal land bank, said bonds to be deposited forthwith with the Federal reserve agent as substituted collateral security for the payments indorsed on mortgages deposited with him; or

(b) If such farm loan bonds are not available at par or under, to deposit said trust fund with the Federal reserve bank of the district, or any member bank of the Federal Reserve System which shall be approved by the farm loan commissioner, or to make such investment thereof as may be approved in writing by said farm loan commissioner, subject to rules and regulations prescribed by the Federal Farm Loan Board; or

(c) To pay off such farm loan bonds as may become due. Federal land banks, in the order of their applications, shall have a preference over other subscribers in purchasing the whole or any part of an issue of farm loan bonds.

Said Federal land banks shall notify the Federal reserve agent of the district of the disposition of all payments made on the principal of mortgages held as collateral security for the issue of farm loan bonds, and said Federal reserve agent is authorized, at his discretion, to order any of such payments, or the proceeds thereof, wherever deposited or however invested, to be transferred to the Federal reserve bank of the district to his account as trustee aforesaid.

RELATIONS BETWEEN LOAN ASSOCIATIONS AND LAND BANKS.

SEC. 24. That any farm loan association may offer for sale to the Federal land bank of its district first mortgages of which it has become possessed under the terms of this act, and said Federal land bank may, at its discretion, purchase the same when duly indorsed by said association.

Payment may be made in cash, current funds, or farm loan bonds, as may be agreed.

Every Federal land bank shall, from time to time, under regulations prescribed by the Federal farm loan board, pay to each farm loan

association, assignor of first mortgages eligible for use as a basis for the issue of farm loan bonds and purchased by the said bank, a sum equal to one-half of 1 per cent per annum upon the total unpaid amount of the first mortgages purchased from said assignor, computing said one-half of 1 per cent from the date when the mortgages were purchased by said land bank to the date of the nearest annual or semiannual dividend period of the said land bank.

SPECIAL RESERVE.

SEC. 25. That, so far as practicable, the rate of interest on loans secured by first mortgages under this act shall be uniform, as provided in section 10, and the farm loan commissioner shall, from time to time, establish a specific rate of interest to be charged on all first mortgage loans in each land bank district. The normal rate of interest, not including therein any amortization payment, on first mortgage loans shall be established by adding 1 per cent to the rate of interest specified in the latest issue of farm loan bonds in said district. Whenever, because of local or other conditions, it shall be deemed wise by said farm loan commissioner, in order to provide a special reserve against losses, to establish a specific rate of interest in excess of said normal rate, the amount of interest thereafter paid by any borrower in excess of the amount which he would have been required to pay if his loan had been made at the normal rate of interest current when said loan was made shall be carried to a special reserve fund, which shall be specifically set apart by the association or the land bank then holding said loan for the purpose of meeting any losses incurred in the State where the land mortgaged to secure such loan is located. Every land bank shall establish a separate reserve fund for mortgages originating in each and every State of the United States included within the Federal land bank district within which such land bank may be authorized to operate, and each such reserve fund shall be first applied to the cancellation of losses due to nonpayment of principal or interest of mortgages on farm land situated in such State Whenever, after three years from the date of this act, in the opinion of the board of directors of the said Federal land bank, any one of such reserve funds shall be more than sufficient to provide for losses under the mortgages to which it is specifically applicable, such land bank may apply annually to the farm loan commissioner for permission to distribute such portion of said reserve fund as may be deemed wise, and in the event such permission shall be granted, said bank shall cause to be computed the percentage of annual payments which shall be returned by it to each borrower within said State, based upon the proportion paid into said reserve fund by every borrower, whether said payments have been made on account of said land bank or of farm loan associations; and said bank shall pay to each farm loan association for distribution among its borrowing members such portion of said special reserve fund as belongs to such members, and each farm loan association shall distribute such portion to the members who are entitled thereto, and each association shall also pay to its members whose obligations are held by it a like percentage on the payments made during the same period: *Provided*, That no payments shall be made under the provisions of this section to members who are in default for any reason at the time of such distribution.

The farm loan commissioner may, with the consent in writing of the Federal land bank of any district, together with the consent in writing of a majority in number of the farm loan associations of said district, fix the normal rate of interest at a point below that established in this section; and thereafter the sum to be paid over to farm loan associations by said Federal land bank under the provisions of section 24 shall be diminished in proportion to the decrease in said normal interest rate, said land bank always retaining one-half of the sum accruing from the payment of interest on indorsed mortgages after paying the interest on farm loan bonds secured by such mortgages.

GENERAL RESERVE AND DIVIDENDS OF LAND BANKS.

SEC. 26. That every Federal land bank shall, out of its net earnings, as ascertained after the deduction of all expenses of operation, semiannually carry to an account known as "reserve account" one-fourth of such net earnings until the said reserve account shall show in the aggregate a balance equal to 20 per cent of the outstanding capital stock of the said Federal land bank. The said reserve account shall be debited with all losses due to default upon the first mortgages held by such Federal land bank, in so far as the same shall be proven irrecoverable from the mortgagor or assignor. For the period of two years from the date when such default occurs in the payment of the interest, amortization installments, or principal on any of the said first mortgages, the amount so defaulted shall be carried to a suspense account, and at the end of the 2-year period specified shall be transferred to reserve account as a charge against the one-fourth of net earnings credited thereto.

Whenever the net earnings of any Federal land bank, after deducting the one-fourth hereinbefore directed to be deducted as a contribution to reserve account, shall amount to 2 per cent upon the face value of the capital stock of such land bank then outstanding, the said land bank may, at its discretion, declare a dividend to stockholders of 2 per cent. The said dividend may be increased whenever the residue of net earnings shall permit until it shall amount to 6 per cent, which shall be cumulative. Surplus earnings beyond the reserves herein required and the said cumulative 6 per cent dividend shall be paid to the Government of the United States, but this provision shall not apply to Federal farm bond banks. Every such land bank shall semiannually submit to the Federal farm land board a schedule showing the salaries or rates of compensation paid to its officers and employees, and the said board shall have power to disapprove such schedule, or any item in it, and to alter any or all salaries thereon shown.

DEFAULTED LOANS.

SEC. 27. That if there shall be default under the terms of any first mortgage transferred to a Federal land bank under the provisions of this act, and by it used as collateral security for farm loan bonds issued and sold in accordance therewith, and if the special reserve fund set apart by the said Federal land bank for the protection of loans secured by mortgages originating in the State wherein is situated the property upon which default has occurred is exhausted or unavailable, the farm loan association from which the said mortgages were originally purchased by the Federal land bank shall be notified of the said default. Said farm loan association shall thereupon be required, within 30 days after such notice, to repurchase such mortgage by payment of the amount due thereon in cash, or by delivery of an equal amount of farm loan bonds with all unmatured coupons attached, or of first mortgages qualified under section 8 or section 11 of this act.

GENERAL RESERVE AND DIVIDENDS OF NATIONAL FARM LOAN ASSOCIATIONS.

SEC. 28. That every farm loan association shall, out of its net earnings, as ascertained after the deduction of all expenses of operation, semiannually carry to an account, known as reserve account, a sum not less than 2 per cent of its capital or than one-fourth of such net earnings until the said reserve account shall show a credit balance equal to 20 per cent of the outstanding capital stock of the said farm loan association. The said reserve account shall be debited with all losses due to the return or repurchase of mortgages which have been retransferred to the said farm loan association by the Federal land bank of its district and upon which default has occurred under the provisions of section 27 of this act, or upon which such default shall have occurred while the said mortgages are still in the possession of the said farm loan association. For the period of two years from the date when default occurs upon loans secured by any such first mortgages as are still in the possession of the farm loan association, either with respect to interest, amortization installments, or principal of any of the loans protected by said first mortgages, the amount of such securities or installment payments due thereon shall be carried to a suspense account, and at the end of the two-year period specified, if not meanwhile collected, shall be transferred to reserve account as a charge against the one-fourth of net earnings credited thereto.

Whenever the net earnings of any farm loan association after deducting the one-fourth hereinbefore directed to be credited to reserve account shall amount to 2 per cent upon the face value of the capital stock of such farm loan association then outstanding, the said farm loan association may, at its discretion, declare a dividend to stockholders of 2 per cent. The said dividend may be increased whenever the residue of net earnings shall permit until it shall amount to 6 per cent per annum, which shall be cumulative. Any subsequent surplus earnings above the reserve herein required and the cumulative 6 per cent dividend aforesaid shall be at the disposition of the board of directors. Whenever any farm loan association shall be voluntarily liquidated a sum equal to its reserve account as herein required shall be paid to and become the property of the Federal land bank in which such loan association may be a stockholder; but this provision shall not apply to Federal farm bond banks.

EXEMPTION FROM TAXATION AND INVESTMENT.

SEC. 29. That every Federal land bank and every farm loan association, including the capital stock and reserve or surplus therein, and the income derived therefrom, shall be exempt from Federal, State, and local taxation, except taxes upon real estate held, purchased, or taken by the said bank under the provisions of sections 7 and 15 of this act. First mortgages executed to farm loan associations or to Federal land banks under the provisions of this act, and eligible as security for the issue of farm loan bonds shall be deemed and held to be instrumentalities of the Government of the United States, and as such they and the income derived therefrom shall be exempt from Federal, State, and local taxation.

Farm-loan bonds issued under the provisions of this act and the income derived therefrom shall be exempt from Federal, State, and local taxation, and such bonds shall be a lawful investment for all fiduciary and trust funds.

Any bank of the Federal Reserve System may buy or sell farm-loan bonds; any member bank of said system may accept time drafts against a deposit of such bonds as security; acceptances of a member bank thus made, or the direct obligation of such bank maturing within 60 days when accompanied by farm-loan bonds as collateral security not less in face value than the amount of such direct obligation, shall be eligible for discount by any Federal reserve bank.

POSTAL SAVINGS.

SEC. 30. That section 9 of the act of June 25, 1910, entitled "An act to establish postal savings depositaries for deposting savings at interest with the security of the Government for repayment thereof, and for other purposes," shall be, and the same is hereby, amended by adding a new paragraph at the close of the said section, such paragraph to read as follows:

"Federal farm-loan bonds authorized by the Federal farm-loan board and issued by any Federal land bank may be purchased by the trustees in lieu of United States bonds or other securities for the purpose of investing postal savings deposits under the provisions of this section. The trustees shall be, and they are hereby, directed, whenever funds shall be withdrawn from postal savings depositaries for such investment, to employ such funds in the purchase of Federal farm-loan bonds in the open market if at the time of such withdrawal the said farm-loan bonds can be obtained at par or less. At their discretion the said trustees may invest such sums as shall be withdrawn from postal savings depositaries by the purchase of new Federal farm-loan bonds direct from any Federal land bank authorized to issue the same."

EXAMINATIONS.

SEC. 31. That there shall be appointed by the farm-loan commissioner farm-loan association examiners, subject to the approval of the Federal farm-loan board. The said examiners shall be subject to the same requirements, responsibilities, and penalties as are applicable to national-bank examiners under the national-bank act, the Federal reserve act, and other provisions of law. The said examiners shall be required to examine the condition of every farm-loan association *and report the* same to the farm-loan commissioner at least once each year, and to examine and report the condition of every Federal land bank at least twice each year.

The said examiners shall receive salaries to be fixed by the Federal farm-loan board, which shall be paid by the Secretary of the Treasury out of any money in the Treasury not otherwise appropriated.

Any applicant for a loan from a farm-loan association who shall knowingly make any false statement in his application for such loan, and any member of an appraisal committee or other appraiser who shall willfully overvalue any land offered as security for loans under this act, shall be deemed guilty of a misdemeanor and shall be imprisoned not exceeding one year or fined not more than $5,000, or both. Any examiner accepting a loan or gratuity from any bank or association examined by him, or from an officer, director, or employee thereof, shall be deemed guilty of a misdemeanor and shall be imprisoned not exceeding one year or fined not more than $5,000, or both, and may be fined a further sum equal to the money so loaned or gratuity given, and shall forever thereafter be disqualified from holding office as an examiner under the provisions of this section. No examiner shall perform any other service for compensation while holding such office for any bank, or officer, director, or employee thereof.

Other than the usual salary or director's fee paid to any officer, director, or employee of a farm-loan association or land bank, and

other than a reasonable fee paid by said association or bank to such officer, director, or employee for services rendered, no officer, director, employee, or attorney of an association or bank shall be a beneficiary of or receive, directly or indirectly, any fee, commission, gift, or other consideration for or in connection with any transaction or business of such association or bank. No examiner, public or private, shall disclose the names of borrowers to other than the proper officers of a farm-loan association or land bank without first having obtained express permission in writing from the farm-loan commissioner or from the board of directors of such association or bank, except when ordered to do so by a court of competent jurisdiction or by direction of the Congress of the United States, or of either House thereof, or any committee of Congress or of either House duly authorized. Any person violating any provision of this section shall be punished by a fine of not exceeding $5,000 or by imprisonment not exceeding one year, or both.

Upon becoming satisfied that any farm-loan association has refused to repurchase mortgages or to substitute bonds or mortgages, as required by section 27 of this act, or upon receiving satisfactory evidence that any such loan association has failed to meet its outstanding obligations of any description whatever when due, and is in default, the farm-loan commissioner may forthwith appoint a receiver and require of him such bond and security as he deems proper. Such receiver, under the direction of said commissioner, shall take possession of the books, records, and assets of every description of such association, collect all debts, dues, and claims belonging to it, and, with the approval of said commissioner, or upon the order of a court of record of competent jurisdiction, may sell or compound all bad or doubtful debts, and, on a like approval or order, may sell all the real and personal property of such association on such terms as said commissioner or said court shall direct. Such receiver shall pay over all money so collected to the Treasurer of the United States, subject to the order of the said commissioner, and also make report to the commissioner of all his acts and proceedings. Upon default of any obligation Federal land banks may be declared insolvent and placed in the hands of a receiver, to be appointed by the farm-loan commissioner under the direction of the Federal Farm Loan Board, and proceedings had in accordance with the provisions of this section regarding loan associations.

SEC. 32. That the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Federal Farm Loan Board, for the purpose of carrying into effect the provisions of this act and of furnishing the compensation of the farm-loan commissioner and his assistants, appraisers, examiners, and of other officers and employees herein provided for during a period of one year from the passage of this act.

SEC. 33. That all acts or parts of acts inconsistent with this act are hereby repealed, and this act shall take effect upon its passage.

Mr. BATHRICK and Mr. ANDERSON rose.

The CHAIRMAN. The gentleman from Ohio [Mr. BATHRICK] is recognized.

Mr. BATHRICK. Mr. Chairman, I offer the following as a substitute for the committee amendment.

The CHAIRMAN. The gentleman from Ohio [Mr. BATHRICK] offers a substitute for the committee amendment.

Mr. ANDERSON. Mr. Chairman, the amendment of the gentleman from Ohio [Mr. BATHRICK], as I understand it, is in the nature of a substitute. Would it not be in order and would not such an amendment take precedence——

The CHAIRMAN. The Clerk will report the amendment, and then the Chair will hear what the gentleman from Minnesota has to submit.

The Clerk read as follows:

Amendment to the Hollis bill, or to the committee substitute——

Mr. UNDERWOOD. Mr. Chairman, I reserve a point of order to that.

Mr. BATHRICK. I offer that as an amendment to the committee substitute. The Hollis amendment is the committee substitute.

The CHAIRMAN. The gentleman from Ohio offers an amendment to the amendment of the committee.

Mr. MANN. That is no amendment. That is just some language. That is not an amendment.

Mr. BATHRICK. That is a substitute for the committee amendment.

The CHAIRMAN. Does the gentleman offer that as a substitute for the committee amendment?

Mr. MANN. The gentleman can not offer a substitute for a substitute. I have no desire to make a point of order; I do not care how the gentleman offers it.

Mr. LEVER. Mr. Chairman, if the Chair will permit me, the committee amendment is no doubt in the nature of a substitute for the Senate amendment.

The CHAIRMAN. The gentleman from Ohio [Mr. BATHRICK] offers his amendment as a substitute.

Mr. MANN. That would mean to strike out all after the word "that."

Mr. BATHRICK. That is what I propose to do.

The CHAIRMAN. Very well. Let the gentleman take his amendment and put it in proper form.

Mr. BATHRICK. All you have to do is to strike out all after the word "that" and insert the following.

The CHAIRMAN. The gentleman from Ohio moves to strike out all after the word "that" in the amendment, and offers the following as a substitute.

The Clerk read as follows:

Strike out all after the word "that" in the committee amendment, and insert the following:

"There is hereby created in the Department of Agriculture a bureau to be known as the Farm Credit Bureau, hereinafter referred to as the bureau, which shall be in charge of a commissioner, who shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and who shall receive a salary of $7,500 per annum and shall hold office at the will of the President. The Secretary of Agriculture shall provide sufficient clerical force to perform the duties of the bureau.

"SEC. 2. That there is hereby appropriated and set aside for the use of said bureau, in the manner hereinafter provided, the sum of $5,000,000, or so much thereof as may be necessary.

"SEC. 3. That the said sum so provided shall be used for the purpose of purchasing notes secured by first mortgages on agricultural lands, as hereinafter provided, for stationery and clerical expenses, and such other expenses as may be incident to the business of said bureau. Wherever the term "first mortgage" is used in this act it shall be held to include any first lien on real estate approved by the bureau, and the instruments secured thereby.

"SEC. 4. That every national and State bank or building and loan association desiring to avail itself of the privileges herein provided are hereby declared to be agencies of the bureau, if so designated by the said commissioner, for the purpose of receiving from mortgagors notes and mortgages securing same, advancing the moneys to the said mortgagors and transmitting said notes and mortgages to the bureau, and receiving in return therefor the amount advanced to the mortgagor by the said bureau.

"SEC. 5. That it shall be the duty of the said commissioner to apportion the sum hereby appropriated among the several States according to the agricultural population, importance of the agricultural productions of each State, and percentage of agricultural lands encumbered by mortgages or trust deeds, and to pay for such notes and mortgages as may be presented to the extent of the amount apportioned to any State.

"SEC. 6. That there is hereby created a board to be known as the Farm Credit Board, hereinafter referred to as the board, which shall be composed of the Secretary of Agriculture, Secretary of the Treasury, and the Postmaster General of the United States, who shall act without additional compensation, and two citizens of the United States who are farmers and who shall be fairly representative of the agricultural interests of different sections of the country. The said farmers shall be appointed by the President, to serve for a term of two years from date of their appointment. In the event of a vacancy upon the board of either of the farmer members, the President shall fill such vacancy within thirty days thereafter. Said farmer members shall receive a per diem payment of $20 for each day in which their services are required by said board, together with their expenses of traveling between their homes and the place where the board shall convene.

"The board is hereby authorized and directed to prescribe rules, procedure, regulations, and forms, not otherwise herein prescribed for the best means of carrying out this act.

"After consultation with the heads of the various Government departments the board may designate employees of any of these to assist in the administration of the purposes of the bureau, in any capacity, which shall not conflict with their regular duties.

"Within 30 days after the provisions of this act in sections 1 and 5, relating to the appointment of a commissioner and chief clerk of the bureau, shall have been complied with, the said board shall meet in the city of Washington, D. C., at a place designated by the Secretary of Agriculture, and perform the duties herein provided, and shall hold further meetings upon the call of its president. The Secretary of Agriculture shall be president of the board, and he shall appoint a chief clerk of the bureau, who shall also be secretary of the board, and shall receive a salary of $2,500 per year. The secretary of the board shall keep a record of all of its proceedings and of all rules and regulations, which shall be preserved in the archives of the Department of Agriculture and copies thereof shall be transmitted to the commissioner of the bureau. All decisions on matters coming before the board shall be by a record vote of the majority, each member having one vote, and three members present shall constitute a quorum for the transaction of business.

"SEC. 7. That any owner of agricultural lands within the United States, who is living upon and farming such lands, desiring a loan under the provisions of this act, shall execute a promissory note due in 10 years, bearing interest at the rate of 5 per cent per annum, interest payable annually, which interest shall be evidenced by 10 coupon notes attached to said principal note, and which coupons shall also bear interest at the rate of 5 per cent per annum from the date of maturity until paid, payable annually. Said note shall also provide that the principal may be paid on any interest-paying day after the expiration of five years. Said note shall be secured by a first mortgage upon the lands so farmed by the owner, and executed and recorded in the manner provided by the laws of the State in which the land is situated, for the execution and recording of mortgages on real estate. Such mortgage shall be accompanied by an application for loan, which application shall recite the purpose for which the loan is desired, the market value of the land, the value at which it was last assessed for taxation, the value and kind of buildings thereon, the number of acres under cultivation, the character and quality of the soil, the number of acres capable of being cultivated, and such other information as may be required by the rules of the said bureau. Said note, mortgage, and application shall also be accompanied by an abstract of title duly certified by an abstract company, the register of deeds, or other officer authorized by the laws of the State to make and certify abstracts of lands, which abstract shall show no other mortgages, judgments, delinquent taxes, or other liens of any character against the said lands, unless the purpose of the loan is to secure money to cancel such liens. Said owner shall then present to any national bank or State bank or building and loan association accepting the provisions of this act the said loan papers. The said abstract and papers shall be carefully examined by the president, cashier, or other officer of the bank for the purpose of ascertaining whether the title is perfect in the mortgagor, or whether the land is affected by any liens, who shall certify the result of his examination of the abstract, and who shall further certify what, in his opinion and judgment, is the actual market value of the land. And no mortgage shall be accepted for a greater amount than one-half of the value of such lands, including improvements; nor in any event to an amount exceeding one-half of the actual market value thereof. The said bank

may charge the borrower for its services in examining papers and abstract, and in forwarding the papers to the bureau of farm credits a sum prescribed by the board. No mortgage shall be less than $300 nor more than $10,000 to one person, and shall be in multiples of $100. The said notes and mortgages shall not be dated at the time they are executed and presented to the bank. The said bank or building and loan association shall forward all the said papers to the said bureau, which shall examine the abstract, note, mortgage, and application, and if said abstract shows the land to be clear or to have no liens of greater amount than the amount desired to be loaned, and all papers properly executed, it shall remit to the bank forwarding the papers the amount of the loan, and shall date the notes and mortgage the date on which the remittance is made, from which date interest shall begin to accrue; and all coupons shall be dated to correspond with the date affixed to the principal instrument; and said bureau shall return, with the remittance, the abstract of title. Upon receipt of the said abstract of title by the bank, said bank shall require the abstract to be continued up to date of payment by said bank to the borrower, and if said abstract after being continued shows the land clear, the bank shall indorse over to the borrower the remittance made by the bureau. If there are any liens upon the land, the bank, out of the remittance, shall first pay and have canceled such liens and pay the balance to the borrower.

"SEC. 8. That the board shall provide amortization tables which, by direction of the commissioner, shall constitute the terms of payment of mortgage notes, but no terms shall be made whereby the total cancellation of a mortgage shall not be effected within a period of 35 years, and it shall also prescribe regulations governing the responsibility of its agents.

"SEC. 9. That whenever the bureau shall have received such mortgages to the extent of $500,000 it shall issue bonds, based upon said mortgages, bearing the guaranty of principal and interest by the United States. The said bonds shall be issued in denominations of from $100 to $1,000 each, as the board may prescribe, and shall bear interest not to exceed 3½ per cent, payable annually. The bonds shall not be sold for less than par, and the said bonds and the mortgages held by the bureau shall not be subject to taxation or duties of the United States or in any form taxed by or under State, municipal, or local authority.

"All moneys received by the said commissioner in the sale of bonds and the principal and all interest paid on said mortgages shall be covered into the said fund of $5,000,000 and used in the payment of mortgages as they may be presented, the expenses of the bureau, the interest on bonds, and payment thereof at maturity. The board shall prescribe all procedure of issuing these bonds, printing, and selling them. Under these regulations the Secretary of the Treasury is hereby authorized and directed to issue said bonds.

"SEC. 10. That all mortgages shall run to the commissioner of farm credits, and said commissioner, on behalf of the United States, shall have all the rights and authority of a mortgagee under the laws of the State wherein such mortgage is executed.

"That all taxes of every kind levied by a State or municipality which may become a lien prior to said mortgage shall be paid by the mortgagor at least 30 days prior to the time such lands could be sold for delinquent taxes. Upon his failure to do so, or to pay any other lien that may attach to said lands and become superior to said mortgage, the commissioner may pay the same and the mortgage shall stand as security for such sums so paid and interest thereon at 8 per cent per annum. And said mortgage shall further provide that in default of the payment of any interest or the payment of taxes, or other superior liens, as aforesaid, the commissioner may foreclose the premises pursuant to the laws of the State in which the land is situated. All papers necessary for the foreclosure proceedings shall be prepared and premises foreclosed by the proper officer of the bureau. In lieu of foreclosure the commissioner may sell the mortgage to any person desiring to purchase the same, without recourse, and the money so received shall be covered into the said fund. Upon foreclosure the said commissioner may transfer and assign the certificate of sale to any purchaser, and after the period of redemption has expired may sell the lands. And any sum received therefor shall in like manner be covered into said fund.

"SEC. 11. That it is the purpose of this act not only to secure and facilitate borrowing upon agricultural lands at a reasonable rate of interest, but also to afford a means for those who desire a safe investment, and so long as the said bureau shall be able to dispose of bonds at par it shall accept mortgages presented to any extent above the $5,000,000 hereby appropriated.

"That said bonds shall be negotiable in form and transferable by indorsement, and may be bought and sold by Federal reserve banks under the provisions of sections 13 and 14 of the Federal reserve act approved December 23, 1913.

"SEC. 12. The board shall provide a reserve fund for the purpose of providing against losses and for the eventual liquidation of its obligations. In order that it may invest this fund in easily convertible securities, it may purchase municipal bonds bearing interest equal to or in excess of the interest paid on the said mortgage bonds. The money with which to purchase said municipal bonds shall be taken from the reserve fund.

"SEC. 13. That all applicants for loans under the provisions of this act, together with all appraisers who shall be appointed by the said commissioner to view and appraise the value of property upon which loans are requested, shall state under oath the true market value of the property offered as security and reply to all questions asked in the application blanks, and if it shall appear after the said loan is made that the said applicant or appraisers have made any misstatement of fact respecting the value of the said property intending to make it appear greater than it really is, or if the mortgagor shall by any act depreciate the value of the property given as security, at the option of said commissioner, notwithstanding any contract previously entered into, the principal and interest of the said loan shall immediately become due and payable, in whole or in part, and subject to all legal processes for collection.

"SEC. 14. That any person or persons who shall willfully make a misstatement respecting the value or title of any property upon which a loan is secured, or commit any act with the intent thereby to defraud the Government, or to prejudice the interests of the Government by procuring a loan of a greater sum than 50 per cent of the value of said property, or who shall in any way by such act or misstatement cause a loss to the Government, shall be fined not more than $5,000, which fine shall be paid into the loan fund, or shall be sentenced to not more than five years' imprisonment at hard labor, or both, at the discretion of the court.

"SEC. 15. That this act shall take effect from and after its passage and approval, and all acts and parts of acts in conflict therewith are hereby repealed."

Mr. BATHRICK. Mr. Chairman——

The CHAIRMAN. The gentleman from Ohio is recognized for five minutes.

Mr. BUCHANAN of Illinois. I desire to offer an amendment to the substitute.

The CHAIRMAN. The gentleman can not do that now.

Mr. LEVER. I ask unanimous consent that debate on this particular amendment close in 10 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on the Bathrick substitute close in 10 minutes. Is there objection?

Mr. BATHRICK. I want at least 15 minutes on this McCumber revision.

Mr. LEVER. Then I will make it 15 minutes.

Mr. BATHRICK. There are three or four more who want to speak on this.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that debate on the Bathrick amendment close in 15 minutes. Is there objection?

Mr. WINGO. I object.

The CHAIRMAN. The gentleman from Arkansas objects. The gentleman from Ohio [Mr. BATHRICK] is recognized for five minutes.

Mr. BATHRICK. Mr. Chairman, I have taken the McCumber amendment and given it careful revision, and I have taken out of it every objectionable feature that I have heard of on the floor of this House, in the lobbies, or elsewhere where Members have discussed it. I have provided—which the McCumber amendment does not distinctly provide—for the appointment of the commissioner. I have arranged that the board shall work out the details of operation, instead of that being done by the Secretary of the Treasury. The McCumber amendment gave the Secretary of the Treasury the power to work out all of these details, but I have provided a board consisting of the Secretary of the Treasury, the Secretary of Agriculture, and the Postmaster General, and I have included the latter because we need to use the employees of the Post Office Department to work out any of these plans properly where the Government is connected with the work. Then I have put on the board two more members consisting of farmers, who will fairly represent the different agricultural sections of the country. I believe when we make up the details of the operation of a bill of this kind the farmers of this country, who know the practice of agriculture, should have something to say about it.

In conjunction with that I have further provided an amortization feature which the McCumber amendment does not distinctly do, as to that part of the McCumber amendment to which there seemed to be the most strenuous objection. The part that I refer to is that the Government bonds which the McCumber bill proposes shall bear 4½ per cent and sell at par. It was contended that this might depreciate the value of some 3, 3½, and 4 per cent Government bonds that are now outstanding. So I have provided that the interest rate shall not exceed 3½ per cent and that the bonds shall not be sold for less than par.

Mr. ANDERSON. Will the gentleman yield right there?

Mr. BATHRICK. Yes; for just a question. I have a long way to go in the time allotted.

Mr. ANDERSON. Although the gentleman's amendment provides for selling the bonds at 3½ per cent, it still provides for charging the farmer 5 per cent.

Mr. BATHRICK. That is very true. I have made a flat rate of 5 per cent. No other bill offered here provides any idea of the rate of interest that the farmers shall pay in this country. I am going to touch upon that in connection with the Hollis bill in a moment.

I have added this: The McCumber bill says we shall use the present instrumentalities, which I think is very necessary. They are the State and National banks. There is little use in building up a great, cumbersome machine as does the Hollis bill. We should use the State banks and the National banks as agents, the same as the insurance companies do. At this time we should not lose the very simplicity and cheapness of operation of this plan. Whatever opposition some may have to any bank plan, we can well use banks as agencies to carry out this plan. I have added to that the proposition that we shall use also the building and loan associations, if they are designated by the commissioner, just the same as the manager of an insurance company would do if he were to select the agents. This provides that if the State banks and the national banks will not act as agents the farmers of the locality where these

banks refuse to act may organize building and loan associations and themselves become the agents of the Government in the matter.

I have arranged for the appraisers especially to be more carefully selected. I have reduced the appropriation from $10,000,000 to $5,000,000. When the Government secures $1,000,000 worth of mortgages it issues bonds and gets the money back.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BATHRICK. Mr. Chairman, I thought I was to have 15 minutes.

Mr. LEVER. I requested that debate be closed in 15 minutes, but the gentleman from Arkansas [Mr. WINGO] objected.

Mr. BATHRICK. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

Mr. UNDERWOOD. Mr. Chairman, I think that is all right for the gentleman to have 10 minutes on his own amendment, but I think that unless some other gentleman wants to speak on it the debate ought to be closed on that amendment at that time, and I ask the gentleman, if the 10 minutes additional is enough, that at the end of that time debate on his amendment shall be closed?

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on this amendment be closed in 10 minutes.

Mr. WINGO. I object.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. LEVER. Mr. Chairman, I move that all debate on this particular amendment be closed in 10 minutes.

The CHAIRMAN. The gentleman from South Carolina moves that all debate on this particular amendment close in 10 minutes.

Mr. WINGO. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. WINGO. There is a unanimous request pending.

The CHAIRMAN. That does not prevent the gentleman from South Carolina moving to close debate.

The question was taken; and on a division (demanded by Mr. WINGO) there were 99 ayes and 13 noes.

So the motion prevailed.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to use this time. Is there objection?

There was no objection.

Mr. BATHRICK. Mr. Chairman, in addition to these changes that I have referred to in the McCumber bill, I have fixed out the Texas boys, and I have done it in the same language used in the Bulkley bill that takes care of that proposition; that is, I provide for loans on vendor's liens, which covers the Texas situation. I have given the board, who is to arrange the details, power also to fix the responsibility of its agents. Now, this completed amendment makes a simple proposition. I consider it a "second-chance" opportunity for this House to give the farmers of this country a real Government-aid bill and to give them something which will work effectively at the least possible cost.

Compare the cost where you have an agent of the Government board to take care of the loans; compare that with 12 land banks and a myriad of land associations; and then put on top of that a bond bank, and you get some idea of what it will cost the farmers under the Hollis bill.

I am going to say something about the interest rate. My amendment gives the farmers a low rate of interest. It is specific at 5 per cent. What do you get out of the Bulkley-Hollis bill? You get, on page 66, at the top, this: "The rate shall not exceed the legal current rate in the State." That is indefinite and terrifying to those poor fellows who have dared to hope that we were intending to give them relief. The legal rate in the State may be 8 per cent—and it is in some States—and the current rate might be the contract rate, and that may be more, but it is the legal rate. No farmer under that bill will know what interest rate he is going to get. Further, they say, in the Hollis bill, "as far as practicable, the rates shall be uniform." Who is to decide whether it is uniform or not? The whole Hollis bill and the Bulkley bill provide that it shall be run by private investors who are in the business to make money. While I am in favor of section 30, to be proposed by Mr. BULKLEY, it will not decide the interest rate, and the farmers will not know what rate they are going to get.

These bills say further, on page 90, that the "normal" rate shall be 1 per cent over the latest bond price. Who shall say what the bond price will be?

On page 93 it says that the commissioners will decrease the interest rate if asked for in writing. Asked for by whom? By the men who put their money in it to make money.

And in order for the commissioners to decrease the rates, these new-style bankers who are in the business, out for making a profit, have got to ask them, in writing, to lower the rate before the commissioners will do it, and you know the profit seekers will not ask this. If these absurd things were not in the bill, there still remains this expensive, cumbersome proposition. The gentleman from Indiana [Mr. MOSS] admitted it was a bank bill, that it was a new system of banks, and I tell you the people of this country will not stand for a new system of banks, and the first conception of that kind was cursed by every farm organization in this country. I stood for the Bulkley-Hollis bill, but it was with the reservation that it should contain real Government aid. I asked others to be for it when it appeared the best we could get. But I never dreamed it would reach this position. I admit I have been led too much by my sympathies for the mortgaged farmers.

Mr. NORTON. There are three systems of banks in the Hollis bill.

Mr. BATHRICK. Yes.

Mr. KENT. Mr. Chairman, will the gentleman yield?

Mr. BATHRICK. Yes.

Mr. KENT. I should like to know what the immediate liability of the Government is in the gentleman's amendment?

Mr. BATHRICK. The liability of the Government is this. The Government acts as a guarantor and trustee as between the borrower and the lender. The Government does not furnish a cent of money, nor does the taxpayer, and the liability of the Government lies in the loss on the mortgages, and other countries have been lending money at 75 per cent of the value of the security for years, and have never lost a cent.

Mr. KENT. I want to know about the ultimate Government liability. As I understand the bill the primary liability is $5,000,000?

Mr. BATHRICK. Yes; we just appropriate $5,000,000 to start it. It is continuous, and if we get $1,000,000 of mortgages in we issue bonds against them. We ask land buyers to furnish the money to lend to the borrowers. The Government does not furnish the money. The Government has its guaranty on the bonds, and that is its liability.

Mr. KENT. Up to the extent of $5,000,000 to begin with?

Mr. BATHRICK. No; just to the extent of the amount of the mortgages that come in. The Government is not liable beyond the amount of the mortgages they receive. For every dollar for which the Government is liable they have two dollars in a good farm. That five millions would never be used. It is a continuous proposition.

Mr. KENT. I am in favor of the gentleman's proposition, but I want to know where it goes?

Mr. BATHRICK. Mr. Chairman, my time will soon be up, and I offer this as a last chance—the only chance, I believe, for a Government-aid bill. You must vote this up, if you want Government aid, and instruct the conferees to stand by it. If you can not do that, you must stand by the McCumber amendment just as it is, and there is nothing in it to fear. It can not possibly go into operation before the next Congress. Can you not fix it then? Here we have a farm-credit bill halfway through Congress. I believe it may be another five years before you get as good as this that far again. I say that the only thing to do is to stand by the McCumber amendment, if you do not vote my amendment up.

The forces against a real farm-credit bill are getting strong. The interests affected by a lower interest rate are being lined up. The differences of honest opinion are becoming accentuated.

Let us take this splendid chance and pass the McCumber amendment. It is crude. Nothing in it but its simplicity is a credit to its author. It is a great pity he had not given it more care. Had he done this, our present parliamentary situation might be turned to a remarkable good for the people. I hope we will not let its shortcomings be turned to evil. If you can not vote strong for my amendment, vote all else down and vote for the McCumber amendment.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Ohio.

Mr. ANDERSON. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. ANDERSON. Mr. Chairman, I desire to offer an amendment to the amendment of the gentleman from Ohio.

The CHAIRMAN. The gentleman from Minnesota offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Page 5, line 7, after the word "rate," insert the following:
"To be fixed by the board, not exceeding."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

Mr. ANDERSON. Mr. Chairman, I would like to be recognized on that amendment.

Mr. HENRY. Mr. Chairman, debate is closed on this.

The CHAIRMAN. Debate was closed on the substitute offered by the gentleman from Ohio.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments to this particular proposition be closed in five minutes.

Mr. MANN. What particular proposition?

Mr. LEVER. The Bathrick proposition.

Mr. NORTON. Will the gentleman yield?

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this amendment offered by the gentleman from Minnesota and all other amendments to the substitute of the gentleman from Ohio be closed in five minutes.

Mr. MANN. Mr. Chairman, reserving the right to object, I think it is quite proper to close debate on amendments as offered very quickly; but, after all, most of these amendments will be offered in one shape or another, and we might as well make up our minds we will be here fairly late, and I hope everybody will stay until we are through.

Mr. LEVER. I understand the gentleman from Oklahoma wants two minutes, Mr. Chairman, and the gentleman from North Dakota wants five minutes.

Mr. NORTON. I would like to have five minutes on the Bathrick amendment.

Mr. LEVER. I ask unanimous consent that debate on this proposition close in 15 minutes.

Mr. MANN. And the gentleman from North Dakota to have 5?

Mr. LEVER. The gentleman from Minnesota to have 5, the gentleman from North Dakota to have 5, and the gentleman from Oklahoma to have 2, and I reserve 3 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this pending amendment be closed in 15 minues. Is there objection.

Mr. BULKLEY. Mr. Chairman, reserving the right to object, does that refer only to the Bathrick amendment?

The CHAIRMAN. No; debate on the Bathrick amendment is already closed. Is there objection?

Mr. BULKLEY. Does that cut out other amendments to the committee amendment?

The CHAIRMAN. It does nothing to the committee amendment.

Mr. BULKLEY. Then I do not object.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. ANDERSON. Mr. Chairman, the proposition of the gentleman from Ohio is in many respects preferable to the so-called McCumber amendment. The worst feature about that amendment is the provision which fixes the rate of interest upon the bonds issued by the Government to be fixed at 4½ per cent arbitrarily. That difficulty is corrected by the Bathrick bill. One other great trouble with the McCumber proposition is the requirement that the bonds should be sold at par. The Bathrick amendment corrects that difficulty by providing that they shall be sold at not less than par. Another difficulty with the McCumber proposition was that it made no provision whatever for the appointment of the so-called loan commissioner. The Bathrick proposition provides for the appointment by the President, by and with the advice and consent of the Senate.

Mr. CALLAWAY. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. ANDERSON. I will not yield now—yes; I will yield to the gentleman.

Mr. CALLAWAY. Is not it a fact that the McCumber amendment provides that the Secretary of the Treasury shall make rules and regulations which would cover that?

Mr. ANDERSON. Yes; but that would not authorize the Secretary of the Treasury to appoint a commissioner. Now, Mr. Chairman, the amendment which I have offered simply does this: It provides that the rate of interest to be paid by the farmers shall be fixed by the board provided by the Bathrick amendment, but shall not exceed 5 per cent. Its purpose is this: The Bathrick amendment having reduced the interest rate on the Government bonds to be issued from 4½ per cent, as provided in the McCumber bill, to 3½ per cent, as provided in his amendment, it seems to me unfair to require the farmer to pay at the rate of 5 per cent, and my amendment would simply permit the board authorized to be appointed by the Bathrick amendment to fix the rate charged to the farmer at a lower percentage than 5 per cent whenever that may be possible.

Mr. NORTON. Mr. Chairman, the Bathrick substitute corrects some of the main defects in Senate amendment 89, and if this substitute could be adopted by this House with any certain assurance that it would be accepted by the conference committee I would cheerfully favor it, but, as I stated in substance a few minutes ago, I fear that if this rural credits legislation as presented to this House by Senate amendment numbered 89 is put in such a parliamentary position that it will be open to general amendment by the conference committee of the House and Senate the result will be that there will be no rural credits legislation enacted by this Congress. Now, Senate amendment 89, or the so-called McCumber amendment——

Mr. MURDOCK. Does the gentleman mean by that there must be a flat-footed concurrence in order to get legislation, in the opinion of the gentleman?

Mr. NORTON. Yes; practically that. I will say to the gentleman that I firmly believe that if we are to have any Federal rural credits legislation by this Congress we will secure it only by a concurrence now in amendment 89 without amendments or with a few restricted amendments. I believe that if this Senate amendment is opened up by amendments here in the House, so that the conferees may have the right to substitute the Hollis bill or the Bulkley bill or the Hollis-Bulkley bill, the final result will be that there will be no rural credits legislation by this Congress. The whole subject will in such case be dropped out in conference by the Senate conferees receding from the Senate amendment or by the conferees putting this important subject in cold storage by some other subtle parliamentary procedure.

In listening to the statement just made by the gentleman from South Carolina [Mr. LEVER], the chairman of the Committee on Agriculture, I could not be impressed otherwise than that he, for one, would not make any great, strenuous objection to dropping out rural credit legislation in the conference committee. Now, this Senate amendment 89 simply proposes a system of rural credits which provides direct aid by the Government. The rate of the bonds to be issued of 4½ per cent, I believe, is too high. If we should vote down every other proposed amendment or substitute, and then amend this Senate amendment by changing the rate of interest on the bonds to 3½ per cent, and provide that the bonds may be sold for not less than their face value, we will get, I believe, a fair rural credit bill.

We should also amend the rate to be charged to the farmer of 5 per cent to 4 per cent. These amendments, I suggest, are not such as will open up the Senate amendment to general amendments by the conference committee. I am thoroughly convinced that if we want rural credit legislation now there is only one thing to do—to vote down every amendment that has been proposed until we reach the McCumber amendment. Then it may be well to perfect it, as I have suggested.

There is no longer room for argument but that there is great and immediate need for the establishment of a Federal rural credit system in this country.

In discussing this subject President Taft, in his letter to the governors of the several States, dated at Beverly, Mass., October 11, 1912, said:

> The need for the establishment of an adequate financial system as an aid to the farmers of this country is not quite generally recognized. The governmental initiative taken by the Department of State under instructions issued by my direction to the diplomatic officers in Europe on March 18 last has been effectively supplemented by the American Bankers' Association, the Southern Commercial Congress, and by many other bodies by whom this question has been agitated, and valuable work has been done in studying and disseminating knowledge of those great instrumentalities which have been created in foreign lands to extend to their agriculturists credit facilities equal in benefits to those enjoyed by their industrial and commercial organizations. The handicap placed upon the American farmer through the lack of such a system and the loss sustained by the whole citizenship of the Nation because of this failure to assist the farmers to the utmost development of our agricultural resources is readily apparent.

By the pronouncements of the Democratic, the Republican, and the Progressive Party platforms of 1912 the farmers of the Nation were led to believe that this Congress would give them substantial relief from the exorbitant interest rates they are paying by the enactment of legislation providing for the organization and establishment of a practical system of rural credits similar to some of the successful systems that have been long in operation in other countries.

The Democratic Party declared thus on this subject:

> Of equal importance with the question of currency reform is the question of rural credits or agricultural finance. Therefore we recommend that an investigation of agricultural credit societies in foreign countries be made so that it may be ascertained whether a system of rural credits may be devised suitable to conditions in the United States; and we also favor legislation permitting national banks to loan a reasonable proportion of their funds on real estate security.

In the Republican platform it was said:

> It is of the greatest importance to the social and economical welfare of this country that its farmers have facilities for borrowing easily and cheaply the money they need to increase the productivity of their lands. It is as important that financial machinery be provided to supply the demand of farm credits as it is that the banking and currency systems be reformed in the interest of general business.

The Progressive Party, through its party platform, placed itself on record "to foster the development of agricultural credit."

President Wilson, through interviews and addresses since the beginning of this Congress, has attempted to lead the farmers of the country to believe that his real, earnest, honest, and active support would be given during this Congress to securing the enactment of practical Federal rural-credit legislation at the earliest possible time after the passage of the tariff bill and the Federal reserve act.

On August 13, 1913, the President gave a statement to the press of the country in which he said, among other things, speaking of rural credits:

> There is no subject more important to the welfare or the industrial development of the United States. There has been too little Federal legislation framed to serve the farmers directly and with a deliberate adjustment to his real needs. * * * This is our next great task. Not only is a Government commission about to report which is charged with apprising the Congress with the best methods yet employed in this matter, but the Department of Agriculture also has undertaken a serious and systematic study of the whole problem of rural credits. The Congress and the Executive working together will certainly afford the needed machinery for relief and prosperity to the people of the countryside, and that very soon.

The Government commission referred to in this statement of the President has long since made its report to Congress. A year ago extensive and exhaustive hearings on this subject were held by subcommittees of the Senate and the House Committees on Banking and Currency. Copies of these hearings have been available to all Members of Congress for many months. The press of the country, particularly the agricultural newspapers and magazines, have given wide discussion to this subject since many months before the beginning of this Congress.

President Wilson in his message to the present Congress at the beginning of our second session on December 2, 1913, again professed in pleasing terms his allegiance to the establishment of a rural-credit system for this country. The President then said:

> We must add the means by which the farmer may make his credit easily available and may command when he will the capital by which to support and expand his business. We lag behind the many other great countries of the modern world in attempting to do this. Systems of rural credits have been studied and developed on the other side of the water while we left our farmers to shift for themselves in the ordinary money market. You have but to look about you in any rural district to see the results, the handicap, and embarrassment which have been put upon those who produce our food.

As is well known to many Members in the House to-night, the President during the consideration preceding the passage of the Federal reserve act gave different Members of the Congress to definitely understand if they withdrew their opposition to certain features of the Federal reserve act he would use his influence to have the subject of rural credits taken up by Congress as next on the administration's legislative program, after the passage of the Federal reserve act. In the light of all this, the opposition in the House during this session and during the second session of this Congress, by recognized leaders of the administration, to the enactment of any rural-credit legislation is strange indeed, to say the least. How much longer are the American farmers to be buncombed by the fulsome promises and pleasant sounding phrases of this administration? Do party platforms mean nothing? Do the President's declarations to the country on this subject mean nothing? Are the recognized and admitted urgent needs of the farmers of the country to be given no real relief by this administration and by the majority in this Congress? It would seem not. Has anyone in this Chamber discovered the slightest influence of the President being exerted during the past 10 months to bring about the enactment of rural credit legislation by this Congress? I think not. Rather such influence as has come from the Executive and his Cabinet during the past year has strongly tended to prevent this Congress from the enactment of rural-credit legislation and the establishment of a system of rural credits for this country.

Secretary of Agriculture Houston in his annual report for 1914, speaking of this problem of rural credits, says:

> The chief difference of opinion arises over whether there should be special aid furnished by the Government. There seems to be no emergency which requires or justifies Government assistance to the farmers directly through the use of the Government cash or the Government's credit. The American farmer is sturdy, independent, and self-reliant. He is not in the condition of serfdom or semiserfdom in which were some of the European peoples for whom government aid was extended in some form or other during the last century. He is not in the condition of many of the Irish farmers, for whom encouragement and aid have been furnished through the land-purchase act. As a matter of fact, the American farmers are more prosperous than any other farming class in the world. As a class, they are certainly as prosperous as the merchants, the teachers, the clerks, or the mechanics. It is necessary only that the Government, so far as geographic and physical conditions permit, provide machinery for the benefit of the agricultural classes as satisfactory as that provided for any other class, and this the Government has attempted and is attempting to do.

More pleasing phrases for the American farmer, who begins his daily toil long before the sunrise and who ceases not his labor until long after the sun has gone to its rest. The compliment Secretary Houston pays the American farmer in saying that he is sturdy, independent, and self-reliant is all well deserved. But it means nothing in particular. The same compliment might be paid to the bushman of Australia. Secretary Houston should have added that the American farmer is intelligent; that he is to-day thinking of the fact that in North Carolina he is paying interest on land loans at the rate of from 6 to 20 per cent; that in North Dakota he is paying interest on his land loans at the rate of from 7 to 12 per cent; that throughout these United States he is paying an average interest cost of about 8½ per cent per annum on his over $6,000,000,000 of indebtedness; and that in other countries where Government aid has been given to rural credits farmers are paying but from 3 to 4 per cent on land-mortgage loans and slightly higher rates on short-time credits. Yes; I would say to Secretary Houston the American farmer is sturdy, independent, self-reliant, and, in addition, it should not be forgotten that he is intelligent. His intelligence is such that he realizes that pretty compliments as to his sturdiness, independence, and self-reliance will not in any way assist in lessening the burden of exorbitant interest rates that he has been long obliged to bear. It has been heralded in the newspapers during the past few days, and we have been told even on the floor of this House to-day, that the President would veto any rural credit legislation that this Congress might pass containing a provision for direct Government aid to rural credits. Does anyone believe that reports and statements of this kind and character are permitted by the President and the administration leaders to be circulated and to go unchallenged for the purpose of assisting in the enactment of rural credit legislation by this Congress? Quite the contrary. If no rural credit legislation is enacted by this Congress, and it now appears to-night as if there would be none, it will be clearly because the President and the money lenders of the country are opposed to any Federal rural credit system providing for Government aid to the system.

But let me ask why should the President or the leaders of the administration be so fearful of extending Government aid and support to a financial system framed to serve the agricultural interests of this country? It must be conceded that our present banking and currency system is framed to serve commerce and the industries other than agricultural. That our banking and currency system has long discriminated against agriculture is well known. That there is need for a distinct system of finance to meet the requirements of the farmer is certain. It can be readily recalled that there was no opposition on the part of the President to lending the aid of the Government to the establishment of the present Federal reserve banking and currency system. Under this system the Federal reserve notes that are issued by the Federal Reserve Board, and turned over to the Federal reserve banks for their use and without any interest charge whatever, are made the direct obligations of the United States. No objection, so far as I have been able to learn, has been made by the President to thus lending the credit of the Government to the banking and commercial interests of the country.

When last year, under the provisions of the Vreeland-Aldrich Act, millions of dollars of currency, the payment of which was made the direct obligation of the Government, was loaned bankers, and at 2 and 3 per cent per annum, no protest against this Government aid to bankers and gamblers in bonds and stocks came from the President, his Cabinet members, or his spokesmen in or out of the Congress.

The President a few months ago was most active in having a War Risk Insurance Bureau established for the insurance by the Federal Government of ships engaged in foreign commerce, and millions were appropriated out of the Federal Treasury for the purpose of carrying on this business, which will chiefly benefit shipowners and commercial interests. More recently the President, members of his Cabinet, and recognized leaders of the administration program in Congress have been unprecedentedly active in endeavoring to have $30,000,000 or $40,000,000 appropriated out of the Federal Treasury to buy ships from the Shipping Trust and others. While it was claimed that putting the money of the Government into the purchase and construction of ships, as proposed in the so-called ship-purchasing bill, would indirectly benefit the whole country, it unquestionably would have been a direct and immediate benefit to the people living in towns and cities on the seaboard, to those merchants engaged in foreign commerce, and to the sailors and seamen employed on the ships.

Commercial interests, bankers, railroads, and the Shipping Trust have influence enough to have Federal legislation, involv-

ing Government aid, rushed through this Congress for their relief; but when the farmers of this Nation seek from the Congress the character of legislation that has been granted to the farmers of almost every other civilized nation of the world, they are told in effect to be patient and to watchfully wait for the future.

Government aid is not a new or untried experiment. The reports and evidence now before the Congress clearly show that in all the history of the success or failure of rural credit systems in other countries, there is not one single instance of the success of a land-mortgage system on the long-time amortization plan organized to encourage agricultural industry and the ownership of farm homes which has not had Government financial aid.

Direct Government loans are being made to farmers by Australian Provinces, Denmark, Great Britain, New Zealand, Russia, and Sweden. Bonds or debentures issued by land-mortgage institutions are guaranteed by the central or by provincial Governments in the following countries: Germany, Austria, Australia, Norway, Switzerland, Egypt, Mexico, Argentina, and Uruguay. These nations have given aid to their rural-credit systems by contributing endowments to the capital stock of land-mortgage institutions: France, Germany, Italy, Hungary, Roumania, and Sweden.

Subscriptions to the capital stock of land-mortgage banks have been made by Denmark, Switzerland, Hungary, Roumania, Norway, Chile, and the Philippine Islands. In France, Italy, Japan, Serbia, and Chile funds of the Government are loaned to land-mortgage institutions. At another time I have discussed more in detail the operation of some of the Government-aided rural credit systems in Europe, Australia, and New Zealand. I want now to call your attention more particularly to rural credit systems as found in South America.

The largest public-land credit institution in the Argentine Republic is the Banco Hipotecario Nacional, which was founded in 1886. Loans may be granted by this bank on any lands for sums not exceeding $1,930 and for a term not exceeding five years, repayable in lump or by installments. Loans may be made to farmers up to 80 per cent of the value of the mortgaged property as determined by the assessment for the land tax, the maximum loan not to exceed $2,895. The Government guarantees the interest and principal of the notes and debentures which the Banco Hipotecario Nacional is authorized to issue in financing its operations.

Ambassador Herrick in his recent book on Rural Credits makes this very interesting statement concerning the land-mortgage credit system in Chile:

> Land credit was organized in Chile while the Indian and buffalo in western United States could roam from the Gulf of Mexico to the Canadian border without crossing a railroad track or seeing the face of a white settler. Loans of 33 years, repayable by annuities, were being granted in Chile when the farmers of Kansas were losing their homesteads by the foreclosure of three and five year mortgages. Chilean mortgage bonds or debentures are officially listed on the Paris Bourse and have been made legal investments by the French ministry of finance for all purposes for which even Government bonds may be used. They are bought also by English bankers and find a ready market in other parts of the European Continent where offers of American mortgage bonds would be refused.
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> The Chilean land-credit law was enacted in 1855, three years after that of France, and it has proved so satisfactory that very few amendments have been made. The law is a general one, allowing any persons who comply with its terms to form a company. A number of companies have been formed thereunder and are doing a good business. Nevertheless they operate at a disadvantage, because of the fact that the Chilean, like the French, Government organized a State bank under the general law, and although it has not given this institution a monopoly it has invested it with such privileges that no others can compete with it successfully. It holds two-thirds of the mortgages taken by bond-issuing land banks in Chile, and it is able to hold so many more than its competitors that it absolutely dictates the rate of interest.
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> This institution is called the Caja de Credito Hipotecario or Chilean State Land Mortgage Bank. It has no capital stock or shareholders. It is owned and managed by the Government, and the net profits are used for the benefit of borrowers or for creating or supporting savings banks. * * * The Caja de Credito Hipotecario lends on the security of unencumbered real estate situated in the Republic up to a maximum of one-half its value for ordinary borrowers and three-fourths its value for the purchase or construction of cheap dwellings.
>
> * * * The bonds of the bank have been made legal investments for all persons and purposes and have been purchased in large amounts by the Chilean Government, not only because of their intrinsic soundness but in order to give them a popular currency. The bonds are guaranteed by the State, which has for its own protection the mortgages taken from borrowers and the reserve.

While we have given to the South American Republics many valuable lessons in science, invention, commerce, and trade, we may in turn well take to ourselves a lesson from the rural-credit systems long in operation in some of these countries.

The tendency to abandon agriculture and to seek the larger centers of population has in this country, as in Europe, become a serious problem for solution. This tendency not only increases the cost of living to all our people, but is a real menace to the stability and existence of the Nation. During the decade from 1900 to 1910 the percentage of increase of the urban population of the United States was more than three times as great as the percentage of increase of our rural population. In 1880 our urban population was 29.5 per cent of our total population, and our rural population was 70.5 per cent of the total population. In 1910 the urban population had increased to 46.3 per cent of the total population, and the rural population had decreased to 53.7 per cent. The nations of continental Europe have had to meet this problem, and each nation has proceeded to solve the same after its own manner, and in the way best adapted to its peculiar condition and customs. Modern and scientific methods of production, cooperative marketing, social farm organizations, personal-credit associations, and long-time land-mortgage institutions, have each contributed an important part in its successful solution. The importance that rural credit systems have taken in the solution of this economic problem is evidenced by the general acknowledgment that the teeming millions of many of these nations would not to-day find endurable existence were it not for the special means that have been taken for financing the farmer and the landowner so that credits necessary to carry on the industry of agriculture are obtained at comparatively low interest rates.

In 1910 our farm property in this country was valued at $40,991,449,090. The number of our people engaged in farming was 12,285,579.

The value of the farm products produced that year was $8,417,000,000. From the proceeds received from the sale of their farm products our American farmers, it is estimated, pay each year in interest $510,000,000, being interest at the rate of 8½ per cent on their indebtedness of $6,000,000,000. This heavy interest charge that our farmers are required to pay and which is one of the main causes tending to decrease our farm population amounts in the aggregate to nearly as much as the total value of the annual wheat crop of our Nation, the value of which, on the farm in 1910, was $561,051,000. This enormous interest charge was 60 per cent of all the farm products of every kind, both vegetable and animal, exported from this country in 1910. As the rural credit system, which the bill, or Senate amendment, before us proposes to create will, directly or indirectly, affect every man, woman, and child in this country, individually and collectively, since the benefits it will provide will result in largely increasing the food supply of the country, we should not be swerved from our plain and patriotic duty to support this legislation by the cry from the money lenders that it should be defeated because it extends Government aid to the farmers of the country. There is no class of our citizens that is so vital to the life of the Nation as our farmers; no class that is more worthy and more entitled to the encouragement and protection of this Government. Shall they longer be denied the governmental protection and encouragement that has long been granted to the farmers of other civilized nations? I trust not. The enactment of this land-mortgage rural credit legislation will be a long step in the direction of making American farm life more attractive, more happy, and more profitable. It should be soon followed and supplemented by legislation providing for a system of personal or short-time rural credits and by legislation providing for a nation-wide cooperative marketing system.

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Oklahoma [Mr. FERRIS] is recognized.

[Mr. FERRIS addressed the committee. See Appendix.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. ANDERSON] to the substitute of the gentleman from Ohio [Mr. BATHRICK].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question is now on the substitute offered by the gentleman from Ohio [Mr. BATHRICK].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. BATHRICK. Division, Mr. Chairman.

The committee divided, and there were—ayes 36, noes 91.

So the substitute was rejected.

Mr. CARAWAY. Mr. Chairman, I have an amendment which I wish to offer.

The CHAIRMAN. Is the gentleman offering an amendment or a substitute?

Mr. CARAWAY. It is an amendment in the nature of a substitute.

The CHAIRMAN. The gentleman from Arkansas offers a substitute for the committee amendment which the Clerk will report.

Mr. MORGAN of Oklahoma. Mr. Chairman, a parliamentary inquiry.

Mr. MANN. Mr. Chairman, I submit there can not be a substitute for the substitute. There can be an amendment to the substitute.

The CHAIRMAN. The gentleman from Arkansas [Mr. CARAWAY] offers an amendment.

Mr. MANN. There is a difference in the status. That is the reason.

The CHAIRMAN. The gentleman from Arkansas moves to strike out all after the word "that."

Mr. MORGAN of Oklahoma. Mr. Chairman, I have an amendment to the McCumber amendment.

The CHAIRMAN. The Chair will recognize the gentleman from Oklahoma after a while. The Clerk will report the amendment of the gentleman from Arkansas.

The Clerk read as follows:

Amendment to the substitute:

Strike out all after the word "that" and insert the following:

"SEC. 1. That there is hereby created in the Department of the Treasury at Washington, District of Columbia, a commission to be known as a rural credits commission, said commission to be composed of five members, appointed by the President, by and with the advice and consent of the Senate. These commissioners shall be selected from the various sections of the United States, and three of whom shall be actual bona fide farmers, who have no other occupations. Two shall be men of business affairs and recognized financial ability. The said rural credits commission shall herein be referred to as the 'commission.' They shall elect one of their members chairman.

"SEC. 2. That at first said commissioners shall be appointed for one, two, three, four, and five years, respectively, and after that their terms of office shall be for five years each, unless removed by the President for cause. The salary shall be $7,500 each, payable quarterly.

"SEC. 3. That the Secretary of the Treasury shall assign them rooms for the conduct of their business, and they shall have power to appoint clerks and employ assistants that may be necessary for the transaction of the business of the department.

"SEC. 4. That said commission shall have power to prescribe all rules and regulations necessary for carrying into effect the provisions of this act and for the conduct of the business of the department.

"SEC. 5. That all postmasters throughout the United States and Territories thereof and the District of Columbia, for the purpose of carrying this act into effect and for the proper conduct of its business, shall be the agents of the commission and perform whatever services may be required of them without pay.

"SEC. 6. That the purpose of this act shall be to enable farmers to procure long-time loans at low rate of interest, to purchase farms, or to develop and extend their agricultural productiveness. The word 'farmer,' as herein used, shall mean one who actually resides upon his farm and is engaged in the business of farming, and the benefits of this bill shall be applicable to farmers residing in any State or Territory of the United States of America or the District of Columbia. The loans herein contemplated shall run in series of 5, 10, 15, 20, 25, and 30 years, at the option of the borrower, interest to be payable annually. The terms of such loan shall provide that at any interest-paying date beyond five years the borrower shall have the option to pay the principal, or to make payment of $100, or any multiple thereof, and upon such payment being made the interest on the amount so paid shall cease. Payment may be made at any post office or national bank. No person shall be entitled to a loan unless he actually resides upon his farm, or shall use the loan in payment of lands upon which he shall immediately fix his home. The amount of the loan shall be determined by the commission herein created, except anyone applying who is entitled to the loan shall, if he desires, receive as a loan as much as 50 per cent of the actual value of his lands and 25 per cent of the actual value of the improvements thereon, and as much more as may, in the judgment of the commission, be safe and prudent to extend him.

"SEC. 7. That all securities or deeds of trust executed by anyone to secure a loan hereunder shall be made payable to the chairman of the commission as the trustee for the United States of America. Said instrument shall recite the amount of the loan and date of maturity, but shall not name the rate of interest to be paid thereon. Said instrument must be executed by the borrower according to forms of the State or Territory in which the lands are situated and in conformity with the rules and regulations prescribed by the commission. In addition to executing the said instrument herein referred to the borrower shall execute notes with coupons attached for interest periods named in said deed of trust and in the form that may be prescribed by the commission. These coupons are redeemable or payable at any national bank or any post office of the first, second, or third class. These notes, securities, coupons, and obligations and funds shall not be subject to taxation—municipal, State, or national. The title to said lands shall be shown by a suitable abstract, which shall be forwarded with the application for the loan, except in those States where the Torrens system may prevail, and in those States the certificate of the State shall be sufficient evidence of title. There shall be proper officers appointed for the examination of titles, for which services no fee shall be charged.

"SEC. 8. That a farmer desiring to avail himself of the provisions of this act shall file with the local postmaster a written application under oath setting forth the security he has to offer, the amount of the loan he desires, and the purposes for which he desires it, and such other facts as may be required by the commission. Whereupon the postmaster shall appoint two committees, consisting of three members each; the first named of each shall act as chairman of his committee. The first committee shall consist of three farmers residing in the immediate vicinity of the farm upon which the loan is desired, and who shall be familiar with its value, and they shall make an appraisement of the value of the lands and the improvements thereon separately. Said appraisements shall be under oath and secret and shall be filed with the postmaster appointing said committee. The second committee shall consist of three men of affairs who are familiar with the land and improvements upon which the loan is sought and with the general conditions in that vicinity, as to whether values of real estate are advancing or declining and whether the applicant is a progressive farmer or otherwise. They shall likewise appraise the farm and improvements and give whatever other information may be necessary to determine the hazard of the loan. These appraisements shall likewise be secret and made under oath and filed with the postmaster appointing said committees. When these appraisements are received by the postmaster the postmaster and the chairmen of the two committees shall proceed to open the appraisements and to make therefrom a just and accurate appraisement of the property, both lands and improvements, and transmit the same to the chairman of the said commission at Washington, together with whatever other information may be necessary with reference to the applicant in the loan sought, to enable the commission to determine the amount to be loaned, if any. When the application is received and approved by the said commission it shall cause to be forwarded to the postmaster from whom it was received the necessary notes and instruments to be executed by the borrower, who shall execute them in the manner prescribed by the commission and return to said commission. Thereupon said notes and instruments for the loan shall be sold in the open market for par at the lowest rate of interest procurable. The proceeds of said sale shall be transmitted to the borrower. The borrower shall not only pay the rate of interest agreed upon in said sale, but shall pay whatever per cent may be necessary for the amortization of said loan at maturity thereof. The per cent for amortization shall be fixed by the commission.

"SEC. 9. That the moneys paid in order amortization herein provided for shall be a trust fund available for the payment of any interest or principal that may be due and unpaid on any loan made under the provisions of this act, and shall be deposited in the Treasury of the United States or put out at interest, as may be determined by said commission.

"SEC. 10. That if any borrower shall make default in the payment of principal or interest under the provisions of his loan, then, under such rules and regulations as the commission may prescribe, his lands shall be seized and sold subject to the terms of the loan, and for the purpose of said seizure and sale suit may be brought in the name of the commission, and all district attorneys are hereby authorized and commanded to prosecute said suits without fee. Said suits shall be in the United States district court for the district in which the lands are situated. From the proceeds of said sale all costs shall be first paid, and accrued interest and principal, if due, and the residue, if any, shall be paid to the borrower. Real estate sold under the provisions of this act may be redeemed from said sale by anyone holding the equity therein within one year from the date of sale.

"SEC. 11. That the United States of America shall guarantee the payment of all interest and principal of loans procured under the provisions of this act.

"SEC. 12. That no loan shall be in excess of $5,000. If the premises mortgaged under the provisions of this act shall pass into the ownership of anyone who is not a bona fide farmer the indebtedness shall at once become due and payable. If anyone shall acquire lands upon which there is a loan under the provisions of this act in excess of $5,000, the excess of $5,000 shall at once become due and payable.

"SEC. 13. That this act shall be in force from and after its passage."

Mr. CARAWAY. Mr. Chairman, I want to be heard just a few moments.

Mr. LEVER. Mr. Chairman, before the gentleman proceeds, I would like to ask unanimous consent that the debate on this amendment and all amendments thereto be closed in 15 minutes.

Mr. CARAWAY. I would like to have 10 minutes.

Mr. CALLAWAY. And I would like to have 5 minutes.

Mr. HUGHES of Georgia. I would like to have 5 minutes.

Mr. LEVY. And I desire 5 minutes.

Mr. MORGAN of Oklahoma. What is the request of the gentleman?

Mr. LEVER. I request that the debate on the amendment offered by the gentleman from Arkansas [Mr. CARAWAY] and all amendments thereto be closed in 20 minutes.

Mr. MADDEN. I suggest to the gentleman 30 minutes.

The CHAIRMAN. The gentleman from South Carolina [Mr. LEVER] asks unanimous consent that the debate on this amendment and all amendments thereto close in 20 minutes, 5 minutes to be used by the gentleman from Arkansas [Mr. CARAWAY], 5 by the gentleman from New York [Mr. LEVY], and 5 by the gentleman from Georgia [Mr. HUGHES], and 5 by the gentleman from Texas [Mr. CALLAWAY]. Is there objection?

Mr. LEVY. I want 5 minutes.

Mr. CARAWAY. I had 10 minutes on that, Mr. Chairman, by the agreement.

Mr. LEVER. I can not hear what the gentleman says.

Mr. CARAWAY. I say I was to have 10 minutes of that time.

Mr. LEVER. Well, I will modify the request, Mr. Chairman, by making it 25 minutes, so that the gentleman from Arkansas [Mr. CARAWAY] may have 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Arkansas [Mr. CARAWAY] is recognized for 10 minutes.

Mr. CARAWAY. Mr. Chairman and gentlemen, if you will hear me patiently for a few minutes on this amendment, I should like to explain what I think are the essentials of a rural credits system. I think this Government will have performed its full duty to the farmers of this country when it has brought the farmer who wishes to borrow money into contact with the man who has money to loan at a rate of interest agriculture can afford to pay.

This bill undertakes to accomplish that and nothing more. It undertakes to create in the Department of the Treasury a commission to be known as the rural-credits commission, to be composed of five men, three of whom shall be farmers and two shall be men of affairs, business men. These men have plenary powers to prescribe all the rules and regulations for the putting into operation of the act and for the conduct of the busi-

ness designed to be accomplished by this bill. This commission has the power to employ all agents and employees for the conduct of the business to be transacted.

It defines a farmer as one engaged exclusively in the production of agricultural products. No one shall enjoy the benefits of this act except farmers. This class of people shall be entitled to borrow money under the bill at the rate of interest that may be procured under its provisions. The farmer applying for a loan shall have a committee to examine his property and determine its value. When that has been ascertained the appraisement shall be forwarded to the commission in Washington, and that commission shall determine what amount, if any, the farmer is entitled to borrow. However, it is provided that if he is entitled to borrow at all, he is entitled to borrow 50 per cent of the value of the land and 25 per cent of the value of the improvements.

Mr. SAMUEL W. SMITH. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Arkansas yield to the gentleman from Michigan?

Mr. CARAWAY. Yes.

Mr. SAMUEL W. SMITH. What rate of interest is proposed in your amendment?

Mr. CARAWAY. I will explain that in a moment. The idea I had in making a loan value upon the improvements is this: I realize that a piece of land without any buildings will produce as much corn or cotton as if it were highly improved with a brick mansion and a fine barn, but we know that a man can not raise his family under conditions like that; and I want, therefore, to incorporate a provision in the bill to the effect that the farmer may borrow money on his improvements. It suggests to him that improvements have value, and it provides him with the means of making them.

When the application is made and accepted the farmer executes his note and deed of trust or mortgage and returns it to the commission. The note names the amount that he wishes to borrow and the number of years it shall run, but leaves blank the rate of interest. This obligation is offered upon the open market to be sold at par, and the rate of interest is determined at the time of its sale, because, I undertake to say, the farmer has no right to have the Government say his rate of interest shall be 3 per cent or 6 per cent, but has the right to say that he shall be brought into contact with the men who have money to loan, and then he shall contract with them at whatever rate of interest they are willing to let him have the money, and nothing more.

Mr. COOPER. Suppose they would want to charge him 15 per cent?

Mr. CARAWAY. I do not think he would pay it.

Mr. COOPER. Does not the gentleman believe in a usury law or a law fixing the maximum rate of interest that can be legally charged?

Mr. CARAWAY. Yes. If the gentleman will pardon me a moment, I think I will show him the advantage of my plan. As I said, the rate of interest is left blank. The Government guarantees that the provisions of this contract made with the farmer shall be carried out; that is, that the interest shall be paid when due, and that the amount of the loan shall be paid at its maturity. There is an amortization feature with the loan. The farmer shall pay whatever per cent the commission shall fix, and shall pay it into a common fund out of which this commission may pay the interest when due and the mortgage at its maturity. Therefore the Government loses nothing by its guaranty, because every man who participates in the loan will be primarily liable. The interest of the man who loans the money will be paid promptly, because it is paid out of a common fund. He can take his voucher to a national bank and have it cashed. The guaranty of the Government is largely psychological.

Mr. NORTON. If it is psychological, it ought to meet with the President's approval. [Laughter.]

Mr. CARAWAY. You have this condition: You have a bond issued by a farmer that is guaranteed by a common fund paid in by all who participate in the system, and back of that you have the Government guaranty. Therefore you have a bond that anyone will be willing to invest in who is willing to invest in a Government bond, and at the same rate of interest. It will make the rate of interest of a man living in Arkansas the same as it would be in Massachusetts.

Mr. J. M. C. SMITH. The only Government aid is the guaranty?

Mr. CARAWAY. It is the Government guaranty back of this common amortization fund. The Government can not possibly be compelled to pay a cent, yet it gives to the lender that sense of security that he realizes that back of all of it is the guaranty of the Government that every provision of his contract will be complied with.

Mr. SAMUEL W. SMITH. Do you not think the farmer ought to get his money at as low a rate of interest from the Government as anybody else?

Mr. CARAWAY. Yes; and I think under the provisions of this bill 3½ per cent would be the maximum rate he would have to pay. Now, if he does that, it has this advantage: It does not bring him into contact with commercial banks; it does not take from the commercial banks the money that heretofore has been invested in commercial or manufacturing enterprises. It does not disturb the local interest rate. It simply permits this great fund that is now accumulating in savings banks and in postal savings to be utilized for farm loans. That is all. It gives the farmer as low a rate of interest as this Government can command, and it does not cost the Government a cent. In addition to that, the farmer, under the provisions of this bill, is restricted to $5,000. If he borrows that, he can borrow no more, and if he purchases land upon which an amount in excess of $5,000 has already been loaned, under the provisions of this bill the excess must be due and payable; or if the premises upon which the loan is made has passed out of the hands of the farmer and into the hands of some man who is a speculator, the loan becomes due and payable. The reason that provision ought to be in the bill is that, as I understand it, rural credit is intended to render it possible for poor men to acquire homes, not to facilitate speculation in land. No system which does not carry this restriction ought to be enacted into law, because we want to make this a Nation of home owners, not of land speculators.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUGHES of Georgia. Mr. Chairman, I think this House ought to pass a rural-credit bill, and conditions are such that it can now do so.

The farmers of this country pay a higher rate of interest than any other class of business men in this land. Only a few days ago, in the city of Washington, I was talking with a gentleman high in financial circles, and he presented to me a list of farmers who were borrowing money from banks. The lowest rate of interest exhibited to me was 25 per cent, and the highest rate was over 100 per cent. How on earth the farmers of this country have been able to sustain themselves, how they have been able to live, is a mystery, only explainable by the fact that they have used the most rigid economy.

Mr. MADDEN. Will the gentleman yield?

Mr. HUGHES of Georgia. I regret to say that I can not yield; I have only a few minutes.

Mr. MADDEN. The gentleman has made a statement that ought not to go unchallenged.

Mr. HUGHES of Georgia. I can sustain my statement.

I wish to say this, Mr. Chairman, that I favor the Caraway bill. I shall vote for it as a substitute. It is a bill that is short and comprehensive, and it covers the entire ground. It is so plain that you are not forced to employ an array of counsel to have it explained.

Mr. Chairman, I am opposed to the amendment of the bill as presented by the Agricultural Committee. When the bill is perfected, as it is said, I am in favor of placing dynamite under the bill with all the amendments and blowing it to atoms, and then agree to the Senate amendment, the McCumber bill. [Laughter and applause.]

Mr. LEVY. Mr. Chairman, in my opinion the McCumber amendment was proposed solely as a political move to discredit the Democratic Party. It is not sound from an economic standpoint, and if adopted would be, and should be, vetoed by the President. [Applause.]

The idea of allowing two or three individuals to get together and upon their own valuation of their property demand a loan thereon from the Government is absurd on its face. [Applause.] The bill goes further than this, and even requires the Government to borrow the money in order to make the loan [laughter], and then there is no limit to the amount which such borrowers can demand that the Government must borrow for their benefit.

It is a more absurd dream than the wildest "greenbacker" ever dared to indulge in, and if it should become a law would make the Democratic Party the laughingstock of the country and deservedly drive it from power. [Applause.]

The Hollis bill, on the contrary, is based on sound economic principles. No one can read it without being impressed with the care with which it has been drawn and the knowledge of the subject on the part of its authors. The principle involved is to provide the machinery by which permanent capital of the country may be made available to its agricultural interests, that the security which the farmer can offer, which is the best in the world, may be put in negotiable form whereby it may be

utilized by investors, and the farmer thereby be benefited through a broad and national market. [Applause.]

This machinery under the Hollis bill provides the necessary safeguards to induce the holders of capital to invest in farm-loan bonds and does not seek through eleemosynary efforts to obtain the capital of the country by governmental intervention.

I heartily indorse the Hollis bill and consider it a fine piece of constructive work, as a companionable piece of legislation to the Federal reserve act, though I do not think this is the proper time to pass it. [Applause.]

Mr. CALLAWAY. Mr. Chairman, this is the proposition we are up against: Some Members of this House believe in Government aid to rural credits. [Applause.] Some Members of the House do not believe in that character of legislation. Those who believe in Government aid to rural credits will not get any Government aid to rural credits unless we get the McCumber amendment. [Applause.] Those who do not believe in Government aid to rural credits can go off after the other side that want to lead us into the bogs and brier patches and lose us on the Bulkley-Hollis amendment. That is exactly the attempt of the forces in trying to defeat rural-credit legislation of this Congress. Their policy is, divide and conquer.

They know that we do not all know about this question. We have not studied it; we have been engaged in other matters, and they take advantage of the ignorance of the House on this question and bring in this Hollis provision which will divide us, throw the matter into conference, and they hope by that to get away from any rural-credit legislation at all at this session.

Mr. GORDON. Will the gentleman yield?

Mr. CALLAWAY. Yes.

Mr. GORDON. Does the gentleman understand that the only kind of rural credit which should be provided for is to lend the credit of the Government to the farmers?

Mr. CALLAWAY. That is the only kind that will do him any good. [Laughter and applause.]

I have been in the farm-loan business, a practicing lawyer and a farmer, too, since 1900, and we have got the same kind of a scheme in every considerable city in our country—that is, go out and supervise the farmer, show him how to organize himself into a company, and finance a loan concern where he can borrow his own money—and they are working it all over the country. They have gone into this kind of a scheme as much as they are going to, and the president of the Farmers' National Union, and the president of the Grange, at the Powhatan Hotel two weeks ago, told Members of this House that went to see them and talk about rural-credit legislation, that in their national meeting at Fort Worth they went over the Hollis bill and decided that they could not use it, and did not want it at all.

This scheme reminds me of a nice bridge that Walter Lowdermilk built across a slough in Rush Creek bottom. There was an awfully bad lane running through the bottom and across it a slough. Walter Lowdermilk was ordered to build a bridge across the slough. He got up his plans and specifications, procured the material, and built the prettiest bridge you ever saw, but he forgot to make any provision to get on it; you could not get on it at all. [Laughter.]

The CHAIRMAN. The time of the gentleman from Texas has expired. The question is on the amendment offered by the gentleman from Arkansas [Mr. CARAWAY].

The question was taken; and on a division (demanded by Mr. CARAWAY) there were 31 ayes and 82 noes.

So the amendment was rejected.

Mr. MORGAN of Oklahoma. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

Mr. LEVER. Mr. Chairman, evidently the amendment that is offered by the gentleman from Oklahoma is a long amendment, and I ask unanimous consent, with his consent, that it be printed in the RECORD and that he be allowed to proceed for 10 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the amendment may be printed in the RECORD and that the gentleman from Oklahoma may proceed for 10 minutes. Is there objection?

Mr. MANN. Oh, if we have to vote on this amendment, it ought to be read.

The CHAIRMAN. The gentleman from Illinois objects.

Mr. MORGAN of Oklahoma. Mr. Chairman, I think I can explain it in a few minutes.

Mr. MANN. I know the gentleman can not, for I have listened to him for an hour or two, though I think that is not the gentleman's fault. If the gentleman is offering the amendment not to be adopted, it ought not to be offered. It is too late in the day to offer anything as bunk, and I am quite sure that the gentleman from Oklahoma is not doing that.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the gentleman from Oklahoma may have the amendment printed in the RECORD and may proceed for 10 minutes. Is there objection?

Mr. MANN. Mr. Speaker, I object.

Mr. MADDEN. Mr. Speaker, I object.

Mr. MANN. If the amendment is to be voted on it ought to be read.

The CHAIRMAN. The Clerk will read.

The Clerk read the amendment, as follows:

The national land bank is hereby created, and under such name is hereby declared to be a corporate body of the District of Columbia, and by such name shall be known and have perpetual succession, with the powers, limitations, and restrictions herein contained, unless otherwise provided by Congress.

OBJECT OF CORPORATION.

SEC. 2. That the object of the national land bank shall be to provide for the general welfare of the people of the United States through the development and expansion of agriculture and to establish better credit facilities and cheaper interest for the farmers of the United States.

MANAGEMENT.

SEC. 3. That the national land bank shall be controlled and managed by a board of directors, consisting of five persons. The board of directors shall be appointed by the President, by and with the advice and consent of the Senate. The terms of office of the directors shall be for four years, except that the persons first appointed on said board shall hold their offices for one, two, three, four, and five years, respectively.

ORGANIZATION.

SEC. 4. That within 30 days after their confirmation the directors, under the call of the Secretary of the Treasury, shall convene, take the oath of office, and proceed to organize and enter upon their duties. The Secretary of the Treasury shall provide the said national land bank with suitable rooms in which to conduct the business of the bank until otherwise provided by law.

The national land bank shall be under the supervision of the Secretary of the Treasury, who shall have the same authority over said bank as he has by law over national banking associations so far as such laws are applicable and do not conflict with specific provisions herein, and the Secretary of the Treasury shall have and exercise such additional authority as shall be herein given him.

BANK OFFICERS.

SEC. 5. That the President shall designate one of the directors as the president of said bank and one as the secretary-treasurer thereof. All of the directors shall devote their time exclusively to the duties of their offices and in conducting the business of said bank. The president shall receive a salary of $6,000 per annum, the secretary-treasurer shall receive an annual salary of $5,000 per annum, and the other directors shall each receive a salary of $3,000 per annum.

The directors of said bank are authorized, under the approval of the Secretary of the Treasury, to employ such clerks, assistants, inspectors, and other employees as shall from time to time be necessary to conduct its business.

That for the first 10 years after the organization of such bank the salaries of the officers, directors, and all other employees of said bank shall be paid by the United States, and thereafter the same shall be paid by the bank, unless otherwise provided by Congress.

ADVISORY BOARD.

SEC. 6. That the governors of the several States shall appoint one person from each State, who shall constitute the advisory board of the national land bank. Should the governor of any State fail to make such appointment, the Secretary of the Treasury is hereby authorized to make the appointment. No person shall be a member of such advisory board who is not a bona fide farmer. But no person shall be eligible as a member of said advisory board who is an applicant for a loan from said bank, or has received a loan from said bank, and no loan shall be granted to a member of the advisory board. The members of the advisory board shall receive no salaries, but they shall be paid their actual expenses when attending meetings of said board, and shall be allowed $10 per day for time actually employed in attending meetings of said board. The advisory board shall meet annually at Washington, D. C., unless otherwise directed by the Secretary of the Treasury. It shall be the duty of members of the advisory board to aid the directors of the national land bank by furnishing information relating to their respective States pertaining to the loan business, to present matters in behalf of applicants for loans in their respective States, and at the meetings of the board they shall discuss propositions for the betterment of the service rendered by the land credit system hereby established, and by resolutions may make such recommendations as in their judgment will contribute to the success of the business of the national land bank. The president of the bank shall be ex officio chairman of the advisory board, and a member of the advisory board shall be elected as the vice chairman of said board.

POWERS OF THE NATIONAL LAND BANK.

SEC. 7. That the national land bank shall have power—

First. To adopt and use a corporate seal, to be approved by the Secretary of the Treasury, a description of which seal, together with an impression thereof and a certificate of approval thereof by the Secretary of the Treasury, shall be filed in the office of the Secretary of State.

Second. To make contracts.

Third. To sue and be sued, complain and defend in any court of law or equity as fully as natural persons.

Fourth. To exercise, by its board of directors or duly authorized officers or agents, subject to law, all the general and specific powers herein granted and such incidental powers as shall be necessary to carry on the business herein described.

BANKS AUTHORIZED AGENCIES.

SEC. 8. That all national banks are hereby required and all State banks, including trust companies and savings banks, are hereby author-

lzed to act as agencies of the national land bank to receive and transmit applications for loans, to furnish information as to the value of lands covered by applications for loans, or as to other matters pertaining to said loans, to receive from the national land bank the proceeds of any loan and pay the same to mortgagors, to sell national farm-loan bonds, and to do such other acts as shall be authorized by the national land bank, under the approval of the Secretary of the Treasury.

For services rendered by any bank in connection with any loan under the foregoing section the national land bank is authorized to pay to such bank any sum not to exceed one-fifth of 1 per cent on the face value thereof and a like amount for negotiating and securing the sale of national farm-loan bonds.

It shall be unlawful for any bank, or officer or employee thereof, to make any charge or to receive or accept any pay whatsoever from the mortgagor for any service rendered in securing a loan from the national land bank.

It shall be unlawful for any director, clerk, officer or employee of the national land bank, either directly or indirectly, to secure loans under the provisions of this act, or to be interested financially therein, or to purchase or own or have any interest whatever in any bond or other security issued under the provisions of this act, or to be in any way directly interested in any of the business transactions of the national land bank.

DEPOSITORIES.

SEC. 9. That prior to accepting any deposits as hereinafter provided the national land bank shall select one or more banks or trust companies, to be approved by the Secretary of the Treasury, a depository or depositories in which the said national land bank shall deposit all its funds of every kind or character, and no part or portion of such funds shall be withdrawn from such depository or depositories except on check or order signed by the secretary-treasurer, countersigned by the president of such bank. Under the approval of the Secretary of the Treasury additional depositories may be designated. Every bank acting as a depository for the funds of the national land bank shall pay to such bank upon such deposits 3 per cent annual interest, based upon the average monthly balances. Every bank acting as such depository shall secure the deposits of the national land bank by delivering to the Secretary of the Treasury, in trust for the use and benefit of the national land bank, national farm-loan bonds in such amount or amounts as shall be required by the Secretary of the Treasury: *Provided*, That for the first year after the organization of the national land bank other securities, approved by the Secretary of the Treasury, may be accepted in lieu of national farm-land bonds.

NATIONAL FARM-LOAN FUND.

SEC. 10. That to secure a working fund on which the national land bank shall conduct its business, the Secretary of the Treasury is hereby authorized and directed to receive deposits amounting in the aggregate to not less than $10,000,000, upon which he shall pay 3 per cent annual interest: *Provided*, That in the discretion of the Secretary of the Treasury the maximum limit of said deposits may be increased from time to time to $20,000,000. Said deposits shall be set apart as a separate fund, and is hereby designated as the "national farm-loan fund."

Certificates of deposits, under form to be approved by the Secretary of the Treasury, shall be given to depositors, and said certificates shall be transferable in such manner as shall be prescribed by the Secretary of the Treasury, and in the discretion of the Secretary may be made payable to bearer. Said deposits shall be payable at the end of 10 years or earlier, at the option of the Secretary of the Treasury, and shall be exempt from all Federal, State, and local taxation. Such certificates of deposits shall be available for all purposes for which national land bank bonds may be used as hereafter provided. Sixty days' notice shall be given of the time when such deposits will be first received and the terms upon which they shall be made.

During the first 60 days after the time fixed for receiving deposits no deposits shall be accepted except from farmers or persons actively engaged in agriculture or horticulture, and deposits shall be accepted in the order of time in which they are received. In granting loans the national land bank shall allow depositors the preference in point of time over all other applicants, provided that no depositor shall be granted a loan unless he meets all the conditions required generally of other applicants. Should any depositor secure a loan from said bank and shall thereafter pay the same in full, he shall be entitled, at his option, to have his deposit paid to him. If at the end of the 60 days after the time advertised upon which deposits would be received $10,000,000 have not been deposited with the Secretary of the Treasury, he shall accept deposits from the public generally, and if at the end of 60 days after notice is given that deposits will be accepted from the public generally the full amount of $10,000,000 shall not have been deposited, the Secretary of the Treasury is hereby authorized and directed to deposit in said fund the balance of said $10,000,000, and the amount necessary for such purpose is hereby appropriated out of any funds in the Treasury not otherwise appropriated, and said deposit shall be upon the same terms as deposits made by individuals.

Thereupon the Secretary of the Treasury shall deposit the said $10,000,000 in one or more of the depositories of the national land bank to the credit of said national land bank, which shall proceed to loan the same as herein provided.

The national land bank shall reimburse the United States for the amount of money expended in interest payments on the national farm-land fund, and the Secretary of the Treasury is authorized to fix the date and conditions upon which such payments shall be made, and require a fund to be set aside for such purpose.

SINKING FUND.

SEC. 11. That all amortization payments shall be set apart into a separate fund, to be known as the sinking fund, and shall be used for no purpose except for the payment, redemption, and retirement of the bonds issued by said bank. The sinking fund shall be deposited in one of the depositories of the national land bank, and said depository shall pay 3 per cent annual interest thereon, which interest shall be credited to said fund, and the depository shall deposit with the Secretary of the Treasury, in trust, for the use and benefit of the national land bank, national land bank bonds equal in face value to the amount of the sinking fund to secure the payment of said fund.

The Secretary of the Treasury shall prescribe rules and regulations which shall control the method and manner of selecting bonds issued by the national land bank for the payment or retirement thereof.

RESERVE FUND.

SEC. 12. That for the purpose of creating a fund to guarantee the prompt payment of bonds and interest thereon issued under this act a special fund is created, as follows: One-fifth of 1 per cent of all interest paid on notes and mortgages until the same amounts to $10,000,000 shall be set apart as a separate fund and shall be known as the reserve fund: *Provided*, That by order of the Secretary of the Treasury said reserve fund shall be increased from time to time, in the above manner, to such amount as may be necessary to provide ample security for the payment of said bonds and interest and to fully meet any and all losses by reason of the nonpayment of mortgages and notes secured thereby.

The reserve fund shall be placed in one or more of the depositories of the national land bank and held as a trust fund to be used in the payment of any bond or interest thereon when due in case at any time the regular payment on notes and mortgages shall be insufficient therefor.

The depository or depositories holding the reserve fund shall pay on such deposit 3 per cent annual interest, based upon the average monthly balances in said fund, and the interest derived therefrom shall be credited to and placed in the reserve fund and shall become a part thereof.

The banks receiving any portion of the reserve fund as deposits shall secure the same by depositing with the Secretary of the Treasury national farm-loan bonds of face value equal to such deposits.

Should any portion of the reserve fund be used to pay the interest or any part of the principal on any note secured by mortgage upon which there has been a default in the payment of any part of the principal or interest, any payment made on such note or mortgage thereafter or collection thereon shall be applied first to reimburse the reserve fund in the amount of money used to make good the default aforesaid, and the balance of such payments or collections shall be placed in the national farm-loan fund.

LOANS AND INTEREST.

SEC. 13. That when the national farm-loan fund shall amount to $10,000,000 the national farm land bank shall proceed to loan said fund to bona fide farmers of the United States or to citizens of the United States desirous of becoming actual farmers. All such loans shall be made under the restrictions and limitations hereinafter set forth, and upon such other restrictions and limitations and under such rules and regulations as shall be prescribed by the Secretary of the Treasury under the authority herein given. Loans shall be classified as follows: Class A shall include all loans exceeding 10 years and less than 35 years; class B shall include all loans for not less than 3 years and for not more than 10 years; and Class C shall include all loans exceeding 35 years and less than 65 years. Class C loans shall be designed to aid tenants, farm laborers, and persons residing in towns and cities desirous of becoming farm owners, to purchase and pay for farms, and the national land bank, under the direction of the Secretary of the Treasury, is hereby directed to arrange the terms and conditions of such loans, not in conflict with any provision herein, on such plan as will increase the number of farmers in the United States, develop more intensive methods of farming, reduce the number of tenants, check the movement of our population from the farms to our cities, increase the number of farm-home owners, and maintain and increase in the production of food products corresponding to the increase of population. Loans in class C may be equal to two-thirds of the value of the land mortgaged, but loans in class C shall be made only upon lands of a highly productive character.

The national land bank shall give due notice of the time and terms upon which loans will be made. In making loans the same shall be equitably apportioned among the States, and the funds fairly distributed as between the two classes of loans. Loans in class A shall be made at not to exceed 3½ per cent per annum interest and an annual amortization fee paid on the principal sufficient to pay the same at the expiration of the loan. Loans in class B shall be made at not to exceed 4 per cent annual interest, without any amortization fee, but the borrower shall have the privilege of paying any portion of the principal at the time of any interest payment.

NATIONAL FARM-LAND BONDS.

SEC. 14. That whenever the national land bank shall have made loans in any class to the amount of $500,000 or more it shall deposit the mortgages and notes secured thereby with the Secretary of the Treasury, who shall issue a certificate to the national farm-land bank, certifying to the fact that such notes and mortgages have been delivered to him as security for the bonds to be issued thereon, and authorizing the national land bank to issue to the amount of the face value of said mortgages and notes secured thereby bonds in series corresponding to the classes of loans, and said bonds shall be issued in the name of the national land bank and shall be known as "national farm-loan bonds." Class A and class C bonds shall bear 3 per cent interest payable annually, and class B bonds shall bear 3½ per cent interest, payable annually. The national land bank, under the approval of the Secretary of the Treasury, shall prescribe the form of such bonds, and the same shall be printed by the Bureau of Engraving and Printing, under the direction of the Secretary of the Treasury. Said bonds shall be issued in denominations of from $25 to $1,000 each, and the said national land bank shall sell said bonds for the face value thereof to any persons applying therefor, preference being given to those desiring small investments. He may sell the same direct to the purchaser or utilize banks or other agencies therefor, but in no case shall he allow more than one-fifth of 1 per cent upon the par value thereof as commission for selling said bonds. The proceeds from the sale of said bonds and the principal and interest paid on notes and mortgages shall be covered into the national farm-loan fund and used in making additional loans and in the payment of interest on bonds, or in the payment of such bonds at maturity, or for such other purposes as may be provided for herein.

BONDS.

SEC. 15. That all national farm-loan bonds issued under this act shall be payable at a date specified, and shall be subject to call at par at any interest period after the date of issue or after a specified time by such proper notice and advertisement as may be provided by the Secretary of the Treasury.

All national farm-loan bonds issued under this act shall be protected by deposits with the Secretary of the Treasury, as security therefor, of at least an equal amount on the face value of first mortgage or first deed of trust farm loans and notes secured thereby.

That as the amortization payments are credited upon the first mortgage or first deed of trust farm loans deposited as security, the national farm-loan bonds issued by the national land bank and secured thereby shall be called and paid, or purchased in the open market and retired to the extent of the credits made upon such first mortgage or first deed of trust farm loans held as security for the same.

When any mortgage and notes secured thereby upon which bonds have been issued shall be paid before due, the national land bank shall, under the supervision of the Secretary of the Treasury, withdraw the same and deliver the same to the mortgagor and release said mortgage

on the record: *Provided*, That before withdrawing said notes and mortgages he shall deliver to the Secretary in lieu thereof notes and mortgages of at least equal face value falling due not earlier than the notes and mortgages so withdrawn.

PRIVILEGES GRANTED TO NATIONAL FARM-LOAN BONDS.

SEC. 16. That national farm-loan bonds issued under this act shall be available for the following purposes:

First. As security for the deposit of postal-savings funds in all banks authorized to receive such deposits.

Second. As a legal investment for time deposits of national banking associations, as provided in the Federal reserve act, and for the funds accumulated in saving banks organized and doing business in the District of Columbia.

Third. As a legal investment for trust funds and estates under the charge of or administered by any of the courts of the United States.

Fourth. As security for loans from national banking associations to individuals or corporations for not exceeding five years, to an amount aggregating not over 25 per cent of the capital and surplus, or to one-third of the time deposits of the national banking associations making such loan. Such loans to be made and held by the national banking association making the same as being within the provisions of section 24 of the Federal reserve act, so as to permit national banking associations to lend to individuals or corporations on their obligations secured by their national farm-loan mortgage bonds in place of making the loan directly on farm lands, as provided for in said section.

Fifth. As collateral security for short-time loans made by any national banking association to individuals or corporations to the same extent as bonds issued by public utility, transportation, industrial, or commercial corporations.

Sixth. As a legal investment for the funds of savings banks operating in any State, and of trust funds and estates held by or under the control of the courts of that State, as a legal investment for the reserves of insurance companies incorporated under or operating under the laws of that State, and as collateral security for short-time loans by any State bank when not in conflict with the laws of such State: *Provided*, That the national land bank shall make loans only in such States wherein in the judgment of the Secretary of the Treasury the laws of such State relative to the recording of titles and the enforcement of mortgage liens are such as to afford all reasonable and proper protection to mortgagors.

NOTES AND BONDS EXEMPT FROM TAXATION.

SEC. 17. That all the funds, deposits, moneys, notes, mortgages, and bonds belonging to the national land bank, issued under this act, and the income therefrom, shall be exempt from all Federal, State, and local taxation, and such notes, mortgages, and bonds are hereby declared to be instrumentalities of the Government of the United States, authorized and issued to provide for the general welfare of the country.

LOANS.

SEC. 18. That every loan made under the provisions of this act shall be secured by a first mortgage or first deed of trust on farm land.

Loans may be made to complete the purchase of agricultural lands mortgaged, to improve and equip such lands for agricultural purposes, and to pay either personal or mortgage indebtedness of applicants.

No loan, except in class C, shall be made in excess of 50 per cent of the value of the land mortgaged to secure the same, if said land be improved and not in excess of 40 per cent of the value of the land in other cases; the value of said land to be determined by appraisal under the provisions of this act.

In every loan made the notes and mortgage secured thereby shall contain a provision for the amortization of such loan, or a provision that the principal sum due shall be reduced by annual or semiannual payments.

Any loan may be paid off in whole or in part by the borrower at any interest period, and the same may be paid in cash or by the delivery of national farm-loan bonds to the amount due on said loan.

EXAMINATION.

SEC. 19. That the Secretary of the Treasury shall annually, and at such other times as he may deem it necessary, have an examination made of the national land bank. Such examination shall be made by a national bank examiner, and the purpose of such examination shall be to ascertain the conditions of the business of said bank, the value of its notes and mortgages held as security for bonds issued thereon, the safety of its business methods, and to obtain such other information as in the judgment of the Secretary may be necessary to insure a wise and safe administration of said bank, protect the interests of both mortgagors and bondholders, give confidence in securities issued by the bank, and promote the success of the system of farm credits established by this act. The Secretary in his annual report to Congress shall make such recommendations for additional legislation pertaining to said bureau as he may think wise.

RULES AND REGULATIONS.

SEC. 20. That the Secretary of the Treasury is hereby authorized and directed to make rules and regulations and adopt plans for the carrying out of all the provisions of this act, and the same when not in conflict with the provisions of this act shall have the force and effect of law; and the Secretary of the Treasury shall make such rules and regulations as will safeguard the business transactions of the national land bank, protect the interests of bondholders, guard against financial losses, and promote efficiency and economy in the business conducted by said bank.

ANNUAL REPORTS OF COMMISSIONER.

SEC. 21. That the national land bank shall make an annual report to Congress, covering fully the business of the preceding fiscal year, showing the amount of loans made, their distribution in the various States, the amount of bonds issued, the conditions of the national farm-loan fund, the sinking fund, and the reserve fund, and such other information as may be prescribed by the Secretary of the Treasury, called for by Congress, or which may be deemed proper by the bank.

DISPOSAL OF REAL ESTATE.

SEC. 22. That when any mortgagor shall make default in the payment of the principal, interest, amortization fee, or any other obligation due on his notes and mortgages, the national land bank is authorized and directed to enforce collection thereof, by suit or otherwise, and is authorized to make and hold title to any land taken through foreclosure proceedings or otherwise, and shall dispose of said land at public or private sale within reasonable time, and shall in no case hold title to any tract of land to exceed five years, and in the enforcement of collection of notes and mortgages is authorized to accept less than the face value thereof in full payment when in the judgment of directors of such bank such would be best.

INSURANCE OF BUILDINGS.

SEC. 23. That all mortgagors shall be required to keep the buildings upon the land mortgaged insured in some reliable company, the loss, if any, to be paid thereon to inure to the benefit of the mortgagee.

INSPECTORS AND APRAISEMENT.

SEC. 24. That every applicant for loan shall state under oath the fair cash value of the land proposed to be mortgaged, and shall file therewith a certificate from the proper officer showing the assessed valuation of said land at the assessment last prior thereto. He shall also file a statement by two of his neighbors, duly verified under oath, giving their judgment of the value of said land. The bank transmitting said application shall state whether or not the appraisement made by the applicant and his neighbors represents the fair cash value of said land.

The national land bank shall appoint from time to time such inspectors as are necessary to make inspection and appraisement of all lands before loans shall be closed thereon. Said inspectors shall be paid such salaries as shall be prescribed by the Secretary of the Treasury, not exceeding $1,500 per annum, and a reasonable allowance for traveling expenses.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. MORGAN].

Mr. LEVER. Mr. Chairman, before the gentleman from Oklahoma proceeds, I ask unanimous consent that debate on this amendment and all amendments thereto close in seven minutes.

Mr. MORGAN of Oklahoma. Oh, I want more time than that. I think we ought to have at least 25 minutes.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto close in 30 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that debate on this amendment and all amendments thereto close in 30 minutes. Is there objection?

Mr. LEVER. And that the gentleman from Oklahoma control 10 minutes of that time.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. MORGAN of Oklahoma. Mr. Chairman, I would like to have the attention of the Members of the House for a few minutes in order that I may explain this amendment to them. The amendment I offer is H. R. 21474, introduced in the House February 16, 1915. It creates a single bank, located at Washington, D. C., called the national land bank. It is a bank without capital stock, a bank that pays no dividends, a bank that distributes no profits. You say that is strange, and yet the best system of land credit in the world is the landschaft of Germany, which has absolutely no capital stock and distributes no profit, a system that furnishes the best credit and the cheapest interest of any system in the world. Why is it necessary that the United States, in establishing a system, should establish a large number of banks to draw interest, to create dividends, to distribute profits, to be controlled by private interests, and run for profit? The Landschaft, the best system of land credit in the world, is not run for private gain, but it is run for the public good, and if we create a system of land credits that is worthy of this great Nation we will create a system that is not run for profit. My amendment creates a system of land credit directed, managed, and controlled not for the gain of private capital, not for the profit of shareholders, but for the public good. I use the same provision for machinery that is used in the McCumber bill. That is, I utilize State and National banks as agencies to take the loans, and use them as agencies to sell the bonds, so that the central bank created by my bill already has 27,000 agents to take the applications for the loans and transmit them and close up the loan and sell the bonds. These bonds are issued not in the name of the Government but in the name of the national bank. How do I get an operating fund? Instead of appropriating money out of the Treasury I provide that the Secretary of the Treasury shall for 60 days accept deposits from the public generally up to an amount of $10,000,000 and issue certificates of this deposit, which will be transferable. Three per cent interest will be paid on these deposits.

If at the end of 120 days the $10,000,000 is not deposited, then I authorize the Secretary of the Treasury to make this balance of the deposit. This $10,000,000 is then transferred to the national land bank, and it proceeds to business. Now, that is the only Government aid in it, and that is no more than was provided in our national reserve system, our new banking system, namely, that in case national banks do not subscribe to the capital stock the Government should subscribe it. So we have $10,000,000 as an operating fund. The bank loans the $10,000,000 and issues bonds, turning it over and over, without limit. Now, then, under the Hollis system the amount of loans that the bank can issue is limited to 20 times its capital stock. The landschaft issues its bonds over and over again, and has no capital stock; so I take the $10,000,000 and turn it over and over again, issuing bonds, selling the bonds, and making addi-

tional loans. The idea that the security of the farmer depends upon the capital stock of the bank is not sound. It is the farmer that furnishes the security, and the little bank stock is comparatively insignificant. So I provide for an unlimited issue of bonds, based upon mortgages equal to only half the value of the land. Under the provisions of my bill any amount of loans may be made.

Now, I provide a reserve fund. A certain percentage of the interest is set apart every year to accumulate as a reserve fund up to many million dollars, so that that reserve fund would stand amply good to meet any losses that occurred from defective loans. I create a reserve fund that is as good as Government credit. A proper reserve fund makes these bonds as good as Government security. While I will vote for any Government aid that may be necessary, however, if we have a proper system, if we throw around it the proper safeguards, we can have a system of land credit that will provide ample credit, with interest just as low as we would get through any Government guaranty. That is what I believe. Now, there are other considerations. Mr. Herrick, in his book on land credits, says the key to every land-credit system of any importance is the land bond or debenture.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. MORGAN of Oklahoma. I yield.

Mr. MOORE. I know the gentleman from Oklahoma has given this matter very considerable thought. I do not desire to embarrass him, but I would like to know whether in any of these bills there is any provision by which a man who wanted to start a business, not a farming business, but, say, the oil-well business or wanted to start a mercantile establishment, could go and get any help at all from the Government?

Mr. MORGAN of Oklahoma. Of course the gentleman knows that this is a system entirely to provide a land credit. Now, then, I am in favor of a system of personal credits that would help the farmer or help the poor people in any way that is possible, but the personal-credit system we have not begun on. That has to be worked out. I know the gentleman is not serious, however [applause], in his proposition. Now, I propose a system of land credit, say, that contains every necessary element without Government guaranty, and without the issue of Government bonds. Now, one of my objections to the Hollis bill is that it is not economical. It can not be economically administered. There are too many banks to be supported. More than this, securities issued by one bank will sell better on the market than the securities issued by a dozen banks. Now, think about that.

The United States has better credit than the small republics of the south. The Steel Corporation has better credit than its insignificant competitors. The great department stores can borrow money cheaper than the small groceries around the corner, and so one central bank, issuing bonds of a standard character, with supervision over loans by authority of the United States, will soon acquire a standing, reputation, and prestige among investors that you never will have with these 10, 20, 40, or 50, or 100 banks issuing these debentures and bonds. If you pass this bill you have many banks issuing bonds; one bond may be red and another white and still another blue. These debentures go out to the investing public. Investors will not know who to trust. They will not know which bond is best; but if these bonds are issued from one great bank, a central institution, they will have a prestige that the bonds issued by these other various banks will not have.

Gentlemen, France started out to establish many banks, but after a trial she changed her system, and that one great land bank of France, the Crédit Foncier, with $45,000,000 capital, is the only bank in France that is making loans upon farm mortgages of any consequence. You will discredit the farmer's security by sending it out by numerous obscure banks. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CONNOLLY of Iowa. Mr. Chairman, the parliamentary situation upon the matter of rural-credits legislation is a rather peculiar one at this juncture on account of the eleventh-hour amendment that Senator MCCUMBER succeeded in placing on the Agricultural bill. Personally, I have always believed and advocated sane rural-credits legislation, and on account of the great importance of the subject I would prefer to see this matter come into the House direct from the Banking and Currency Committee and to be treated and considered by the House with plenty of time for debate and deliberation, so that the best possible measure could be evolved in the interests of the public. Now, I wish to make some observations in answer to some of the criticisms of those who are not familiar with farm-mortgage securities by stating that the general experience in Iowa, and in many other States where this class of security is standard, has been highly satisfactory to the investor. And there are many banking institutions and loan agencies that have never lost a dollar in principal or interest in loans upon Iowa land. I think that this class of investments, properly safeguarded, offers more substantial safety than some of the securities that meet with particular favor in eastern banking centers, and the record of safety of farm mortgages when properly safeguarded will compare very favorably with any class of investments.

It is possible that in the State of Iowa there are a great many farmers who are no longer in the borrowing class, but, on the other hand, there are the young men on the farms who have the ambition to acquire their own farms and homes and who have the energy and character, if they are provided with an opportunity, to successfully carry though such a proposition. And there are many farmers who are now tenants, who have accumulated a sufficient sum to make a substantial payment on a farm, who would be greatly encouraged under facilities that could be offered in a proper rural-credits bill that would insure them a low rate of interest and, under the amortization plan, a long number of years in which to pay off the obligation.

Legislation of this character will stimulate the farming industry and give an impetus to a more intensive system of farming. Again, while a great many farmers have benefited from substantial appreciation in the value of their acreage, yet many of these have been seriously set back through the visitation of hog cholera and the foot-and-mouth disease. Many of them have lost their entire herds, and, in some cases, the ravages of these diseases present an economic tragedy. Therefore, a rural-credits legislation of the proper character will prove a boon to many of these so situated.

During my term of Congress I have been very much interested in problems and legislation that affect the farmer. And, although I am personally interested in farming, I do not look at this question from a selfish viewpoint, but rather from the broad plane that the betterment of agricultural conditions builds up the Nation as a whole. Moreover, provision for and the feeding of our American people are fast becoming serious problems, and an encouragement of the farming interests will tend to a wider production that will eventually be felt by the laboring class of the cities as well as the country in bringing about conditions that will tend to relieve the question of the high cost of living.

Generally speaking, legislation should be regarded by every Representative in the broad sense, and a Member of the Congress should address himself to legislative problems not in a narrow, partisan, or sectional sense, but bearing in mind those principles that sustain and make for the greatest good to the greatest number. In this present session of Congress we have been confronted with impressive and perplexing problems and situations. We have felt the reflection of influences and conditions that are world-wide. It is a time that calls for the broadest and highest standards of patriotism, and I am frank to say that if I were serving as a Democrat under a Republican administration, my sense of partisanship would disappear in my desire to accord to the administration of my country in such a crisis a support and loyalty that would represent the highest ideals of patriotism to which I could aspire, for, after all, what signifies the prestige of a party as compared to the perpetuity of the Republic?

With so many of the powerful nations of the earth engaged in a death grapple and situations of the most delicate nature arising that might possibly involve us in difficulties, we should all repair to the old-fashioned and splendid principles of our fathers and rally to the support of our Chief Executive, the President of the United States, in these moments of trial. But few of the Presidents have had such serious conditions to analyze and to handle as has Woodrow Wilson. And, added to the weight and burdens of the high office, there came that shadow into the White House, and which fell upon the entire Nation, when the wife of the President passed sweetly and courageously into the setting sun of life. The heart of the country has gone out to him in this sad visitation. And now, with the European war and the Mexican problem, there is a call for fealty from every element of the citizenship of this country.

It is not a time for narrowness or small and petty influences. The big, broad Americans who can "see and think continentally" must give their best efforts and labors to bear down on disintegrating forces, of whatever character, that this Nation may come safely through her crisis and attain to the ideals and purposes for which the Republic was founded. As a native of Iowa, and trained by parents who loved this land of ours with a broad devotion, and as one who received his first impressions

and conception of patriotism at the knees of a mother who herself was born, you might say, within the shadow of Bunker Hill, I feel an intense and abiding affection for my country, and I yield to none in reverence for her free institutions. And I trust the day is not far distant when, under the leadership and unselfish influences of great and loyal Americans, there shall develop a splendid unity and harmony in the varied and cosmopolitan element of our citizenship, so that if the exigency should arise or a crisis develop that this country would present a solid front and exhibit to the world a standard of Americanism of which we could all feel proud. What a blessing it is that in these days of international conflict we find our own Nation at peace. And mingled with this sense of gratitude of our own condition I can not help but feel a peculiar sense of depression and sadness at the situation that now exists in Europe, because not many years ago I happened to be a student at the University of Oxford and later lived as a student in the old German university at Heidelberg. I had already been graduated from two of our foremost American universities, but, having in mind to pursue a special line of work, decided on postgraduate work in England and Germany. And so I have a great many very dear and intimate student friends fighting under the colors of the allies and equally dear and close associates who are offering their young lives under the flag of the Kaiser.

Many of these friends have already given the last full measure of devotion to their country. Others have been wounded, and others overcome by the sickness of camp and battle field. And knowing the intense patriotism that these universities have developed, I feel that these men are respectively presenting their services in ungrudging measure. And even as many of them lie now upon the field of battle, when the eyes grow dim and the heart beats wane, a sight of their colors induces the thrill of patriotism. But sometimes I feel that if beside the flag of their own country they could see in the bright sunlight the Stars and Stripes they would appreciate that after all they represent the one great Nation of the world that is at peace with the rest of the world, and that the stars of this flag are sending out the same old message that came from the star of Bethlehem, a "Peace on earth and a good will toward men"; and that that flag to-day represents the custodian of the different belligerent nations in their diplomatic and consular affairs. Let us pray that the influence of this flag may in the near future bring the spirit and glory of peace to these nations now at war. Let us pray also that this flag will continue to grow in power, because, after all, the power and influence and character of the flag is only what we ourselves make it. And it will stand for greatness and prestige and liberality and tolerance only as we, the units of citizenship, in our own characters represent these attributes.

During my membership in this House some of the leaders of my party in Iowa presented to me, as a matter of party service, that I should make the race for the United States Senate. It was against my own judgment and inclination. Good fortune attended my contest for the nomination, and in a State-wide primary my party selected me as its standard bearer, although opposed by one of the most distinguished citizens of Iowa.

In the November elections, while I was the recipient of a splendid and impressive vote, the State of Iowa, as has been her custom, returned a Republican, the present senior Senator, and one of the possible nominees of his party for the Presidency of the United States.

I bear no ill will toward him or any other political opponent. May God guide all toward a lofty standard of service to the country. It has been a privilege to serve in the Congress, and I leave it with a higher appreciation of the duties of American citizenship and the character of American representation, and a solemn renewal of the sacred vows of my American allegiance.

May the spirit of "charity toward all and malice toward none" pervade our lives and sentiments. Let us address ourselves to our neighbors and to the various elements of our citizenship in the spirit of high-minded and broad Christianity, that we may the better understand and labor for each other, so that our patriotism will spell a unity and harmony that will sustain the Government in any crisis and the attainment of its highest ideals; for the flag belongs to all of us—not to any particular section nor to any particular class.

I trust that the East may learn to know and to love the West in increasing sincerity, and the North and the South continue to cement the bonds of our national brotherhood; that "all may be for one and one may be for all." Then will the power and glory and prestige of our flag be wafted to the remotest corners of the globe as the emblem of the most beneficent and successful form of government that has ever been conceived by the mind of man.

The CHAIRMAN. The gentleman from Colorado [Mr. KEATING] is recognized.

Mr. KEATING. Mr. Chairman, I am in favor of the McCumber amendment. [Applause.] It must be perfectly clear to every Member of this House that if we hope for rural-credit legislation we must adopt either the Hollis amendment or the McCumber amendment. Now, the Hollis amendment means nothing to me and means nothing to my people. The latter understand rural-credit legislation to involve Government aid, and that is the kind of legislation we have talked from every stump in the South and the West. I am not disposed to vote for the so-called Bulkley amendment to the Hollis amendment. If we put the Bulkley amendment on the Hollis amendment it will never get through the United States Senate. You might just as well make up your minds now as later that you must take either the Hollis amendment or the McCumber amendment; and, faced by that kind of a situation, I am for the McCumber amendment.

Now, Mr. Chairman, I want to submit a proposition to this House. We have had a sort of baby show here to-night, and Members who introduced rural-credit bills have been exhibiting their offspring to the Members of this House without any hope whatever that those bills will be seriously considered or adopted. Now, I introduced a rural-credits bill. It was a perfectly good system, and I should like to have it read from the Clerk's desk to-night, but I have some sympathy for my friend, Maj. Williams, the Reading Clerk. I want him to remain with us yet a while; and, if we compel him to read all these bills, he will be in the hospital to-morrow. So I suggest that each of these fond "papas" be permitted to address the House for five minutes in explanation of his particular "pet." And then, if he wishes, he may print the "pet" in the RECORD. That will satisfy me and should satisfy my colleagues. I ask unanimous consent that that may be done.

Mr. HOWARD. Mr. Chairman, will the gentleman yield to me for a question before he takes his seat?

The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from Georgia?

Mr. KEATING. Yes.

Mr. HOWARD. Would the gentleman make that statement in view of the fact that the McCumber amendment was the result of a conspiracy between certain Democrats and Mr. McCUMBER to get that amendment attached as a rider upon the Agriculture appropriation bill?

Mr. KEATING. Well, if the gentleman knows of a conspiracy between certain Democrats and——

Mr. HOWARD. Does not the gentleman know that when a point of order was attempted to be made by a Democratic Senator, Senator McCUMBER told him that if he would withdraw his motion——

Mr. KEATING. Mr. Chairman, I ask to be protected from the gentleman from Georgia. [Laughter.] The version I heard of that incident was that the gentlemen at the other end of the Capitol were asleep, and I am inclined to believe that was true, because that seems to be their normal condition. [Laughter.] But I do not care whether there was a conspiracy or not. I know, as a reasonable man, that I must make my choice to-night. I must take either the McCumber amendment or the Hollis amendment, and I shall take the McCumber amendment.

I refuse to play fast and loose with my platform obligations. I believe the people of this country want a rural-credits system which will force a radical reduction in their interest rates.

More than a year ago I introduced such a bill. It provided that we should take the limit off the amount which an individual might deposit in the Government's postal savings banks, and that the money thus turned over to the Government should be loaned to the farmers of this country at 4 per cent.

In operation, the system I suggested would be marvelously simple and marvelously effective as well.

The man who wanted to safeguard his savings would place them in a Government savings bank and would receive a moderate rate of interest, say 2 per cent. These deposits would amount to tens of millions of dollars, and the Government would be authorized to invest the money thus secured in first-class farm loans at 4 per cent. The difference between the 2 per cent paid the depositors by the Government and the 4 per cent received from the farmers would constitute a fund which would pay all the expenses of the system and leave a substantial balance for a surplus fund to guarantee against the possibility of loss.

The parliamentary situation to-night renders it difficult for me to offer my bill as an amendment. Under the circumstances, I intend to vote for the proposition which offers the farmers of this country the greatest measure of relief. I will vote for

the McCumber amendment as it passed the Senate, and I will vote to strike the Hollis amendment from this bill.

It is not a rural-credits system, as the people of this country understand the term. In my judgment, it would be a great thing for the bankers of this country but a poor thing for the farmers of this country. I think we have legislated sufficiently for the bankers, and it is about time we did something for the farmers.

In this connection I wish to submit a telegram which I have just received:

DENVER, COLO., *March 1, 1915.*

Hon. EDWARD KEATING, M. C.,
Washington, D. C.:

We want you to support Senate rural-credits amendment. This is what we want. Oppose bankers' substitute.

COLORADO FARMERS' STATE UNION,
W. R. CALLICOTTE, *Chairman.*
LOUIS ROETHER, *Secretary.*

Now, Mr. Chairman, I desire to submit a unanimous-consent request, that Members who have introduced rural credits bills be permitted to address the House for five minutes and extend their remarks in connection with their bills.

Mr. MANN. That would mean everybody in the House.

Mr. LEVER. Regular order, Mr. Chairman.

The CHAIRMAN. The regular order is demanded.

Mr. McLAUGHLIN. Mr. Chairman, I wish to say to those who have any idea of voting for a bill involving the principle of an organization, of a bank which is assisted by the Government, which may make loans directly to the farmers, that they should support the bill presented by way of amendment by the gentleman from Oklahoma [Mr. MORGAN]. I had the pleasure of reading that bill, as incorporated in his remarks, last Friday, and I have read it carefully since. It is a well-considered, carefully prepared bill, and not such a makeshift as was presented by the Senator from North Dakota and incorporated in the Agriculture appropriation bill.

Now, it has been asked here, if this law is passed, and banks such as this act provides for are organized, whether one wishing to borrow money for the development of an oil well can borrow money from such a bank. No; but I will say that for the last 50 years there have been banks in this country, fostered by the Federal Government, into which the Federal Government has poured its money without stint, by which oil wells have been developed [applause], and by which every other kind of business in the country has been assisted and fostered except the farming industry of the country. [Applause.]

Mr. MOORE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Michigan yield to the gentleman from Pennsylvania?

Mr. McLAUGHLIN. No; I can not. In five minutes I can not yield. The gentleman from Pennsylvania will pardon me.

And now, when it is suggested that the Government provide for the organization of another kind of bank, a regular business organization, to take charge of the business of making loans to the agricultural interests of this country, these gentlemen stand here and raise their voices in holy horror against Federal aid, against putting any money into those banks from the Federal Treasury, or against the Government lending its credit in order to assist in the establishment and operation of those banks. But the Federal Government takes the money from the Postal Savinks Banks and loans it to the national banks, and charges only 2½ per cent interest, when that money is to be used for every purpose—oil-well business and every other line of industry, except farming. It puts $75,000,000 in cold money into the national banks of this country, charging them only 2 per cent interest, leaving it there permanently—because the President told us from that desk yonder that that money could not be withdrawn—for use in every line of business except for the development of agriculture.

Until a year ago, until the passage of the Federal reserve act, it was impossible for the national banks or any financial institutions recognized by national law and receiving aid from the National Government, to loan money upon real estate. Here is a proposition to organize regular Government institutions, Government-inspected, Government-controlled banks, in which a limited amount, in the first instance not to exceed $10,000,000. of Federal money shall be placed, and thereafter those who interest themselves in and obtain the advantage of them shall furnish the sinews of war and carry on the work of those organizations.

Some of you would prefer to support the amendment that has been offered by the Committee on Agriculture, for which I, as one of the committee, do not vouch just as it is presented, and organize a dividend-paying organization for personal advantage and personal profit, for speculation by private interests, starting out with paying the commissioner $12,000 a year, 66 per cent above the amount Members of this House receive for their services.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. FOWLER was recognized.

Mr. MOORE. Mr. Chairman, has all the time been allotted by agreement for the discussion of this amendment?

The CHAIRMAN (Mr. FLOOD). Yes. There will be five minutes more.

Mr. MOORE. Will there be any opportunity for any one opposed to the amendment to speak?

The CHAIRMAN. There will be five minutes more debate on the amendment.

Mr. MOORE. But no one has been heard in oposition to the amendment. I call the attention of the Chair to that fact.

The CHAIRMAN. The Chair did not know how gentlemen stood with reference to the amendment.

Mr. MOORE. But the time has been allotted by agreement, so that the Chair has no discretion in the matter?

The CHAIRMAN. None at all.

Mr. MOORE. So there will be no opportunity for debating the amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] is recognized.

Mr. FOWLER. Mr. Chairman, for four years agitation has been going on in this Congress for the enactment of a system of rural credits, and we have had various bills proposed in the House, but none have been reported favorably. Now, on the eve of adjournment, when we have a bill which comes from the Senate, as an amendment to the Agricultural appropriation bill, apparently giving relief to the farmers, we find the House divided on the question as to whether we shall have Government aid or a system of land money-loaning organizations throughout the country. Mr. Chairman, a rural-credit system without the aid of the Government and Government control of the stock is nothing but Greek to the farmers of this country. We already have loaning organizations throughout the country, and the farmers have been imposed upon by all of them to a greater or less extent. What the farmer needs is a system with a low rate interest. Any system which does not begin with the farmer, stay with the farmer, and end with the farmer is not worth the paper it is written on. Any "pussy footing" around in this House for the purpose of devouring national aid to a rural-credit plan will not be tolerated by the farmers and their friends.

Mr. GORDON. Will the gentleman yield?

Mr. FOWLER. Yes; in a minute. We passed a Federal reserve act for the purpose of giving aid to the banks of this country in time of distress, so that panics may be avoided. In that we provided a section for long-time loans to the farmers of this country. But the banker, like every other business man, will invest his money where he can get the greatest returns from it, and so the farmers are not getting and will not get very much benefit from that section of the Federal reserve act. Mr. Chairman, it is no time for us to quibble here on the question as to whether the Senate or the House initiated this legislation, or whether the Republicans or the Democrats initiated it. The only question that should be considered is the question of immediate and permanent relief. The home builders and the homeseekers have been wading through the bogs of high rates of interest long enough, and the time has come now when they should have permanent relief.

Mr. MURDOCK. Will the gentleman yield?

Mr. FOWLER. Yes; I yield to the gentleman from Kansas.

Mr. MURDOCK. I take it that the gentleman's position is simply this on rural credits, that at this time it is the McCumber bill or nothing.

Mr. FOWLER. Mr. Chairman, before I leave Congress I want to vote for a measure which will become a law, and, in my opinion, the only measure which has a shadow of a chance of becoming law is the McCumber amendment. [Applause.] I promised to yield to the gentleman from Ohio [Mr. GORDON].

Mr. GORDON. Where is your authority for the statement that the farmers are the only ones who want to borrow money at a low rate of interest?

Mr. FOWLER. I did not so state, but the farmers, homeseekers, and home builders are entitled to relief. They demand it and will not accept no for an answer.

The CHAIRMAN. The gentleman's time has expired.

The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken, and upon a division (demanded by Mr. MORGAN of Oklahoma) there were 27 ayes and 93 noes.

So the amendment was rejected.

Mr. WINGO. Mr. Chairman, I offer the following amendment, which the Clerk will read.

The Clerk read as follows:

Strike out all after the word "that," and insert the following:

"The President of the United States is authorized, empowered, and directed to establish and put in operation a system of farm land credits for the purpose of promoting farm home ownership and increasing the productiveness of agriculture, by enabling citizens, both male and female, engaged in tilling the soil and raising farm products, or who may wish to procure farm homes for the purpose of engaging in such occupation, to procure capital funds on long terms at a low rate of interest, to be repaid on the amortization plan.

"For such purposes the President is authorized and directed to establish in the Department of Agriculture a separate division, to be known as the Farm Land Credit Bureau, hereinafter called the bureau, to be controlled and operated by a Farm Land Credit Board, hereinafter called the board, to be appointed by the President, a majority of whom shall be practical farm citizens, and who for more than five years immediately preceding their appointment shall have been actually engaged in farming. The salaries and terms of the members of said board and all agents and employees thereof shall be fixed by the President on a basis of terms and salaries of similar officials and employees in other departments of the Government.

"The Farm Land Credit Board shall be authorized and empowered:

"(a) To establish, prescribe, and fix, subject to the limitations of this act, such rules, regulations, requirements, limitations, and forms and use such agencies and exercise such further powers as may be necessary to carry out the purposes of this act: *Provided*, No speculative or profit-making agency shall be used, nor shall a system of banks and their attendant expense be established, nor shall any rule or regulation be made requiring any farmer to subscribe to any stock in any corporation or association, or incur any collective liability in order to procure a loan.

"(b) To fix such limitations and make such requirements as will prevent the use of the system for land speculation and limit its benefits to the national economic need of fostering farm home owning and development by actual bona fide farmers.

"(c) To make amortization loans to citizens of the class hereinbefore described, to run in series of from 5 to 35 years, at the option of the borrower, such loans to be secured by first mortgages on farm lands owned by the applicants and used by them in raising farm products, or lands to be bought for such purpose, and partly paid for by such loans. The borrower shall have the privilege of paying the entire principal at any annual interest-paying date after five years, or make payments thereon of $50 or any multiple thereof. Such loans shall bear a rate of interest not to exceed 5 per cent. The date on which the borrower receives the money from his loan shall be the date from which the interest runs. The board shall determine the amount of each loan, but any person who is entitled to a loan shall, if such person desires, receive as a loan as much as 50 per cent of the actual value of the land and 25 per cent of the value of the improvements thereon and as much additional as the board may deem safe and prudent. In addition to the annual interest payment and annual amortization payment there shall be collected annually on each loan a sum not to exceed one-fifth of 1 per cent, which shall constitute an indemnity fund to meet any loss that may be occasioned by default in payment of any loan, or for the purpose of carrying the annual payments of any borrower who by reason of drought, flood, famine, or other unavoidable disaster may be in temporary default.

"(d) To issue and sell bonds, using the proceeds thereof in making the loans provided for by this act, buying said bonds at par when deemed best, and retiring said bonds at maturity. Such bonds shall be of the tenor and form and for a term prescribed by the board and approved by the Secretary of the Treasury, whose duty it shall be to cause plates and dies to be engraved in the best manner to guard against fraud and counterfeiting. The plates and dies and bonds prepared but not sold shall be under the control and direction of the Secretary of the Treasury, who shall not permit an issue of such bonds at any time in any amount in excess of the amount of notes and first mortgages deposited with him in trust by the board to secure the bonds outstanding; nor shall he permit the issuance of any bonds against any of such mortgages unless the amortization payments to be made on the notes secured by such mortgages are sufficient to retire said loans at maturity. Such bonds shall state on their face that they are based upon farm mortgages and that the principal and interest thereof are guaranteed by the United States. Such bonds shall be sold at not less than par at the lowest possible rate, not to exceed 4 per cent, due notice of the proposed sale being given. Such bonds shall be in denominations of not less than $100 nor more than $1,000, a sufficient number of small denominations to be sold to meet the demands of the small investors, preference being given to that class of bidders in the sales thereof. Such bonds shall be registered and issued by series. Such bonds shall be exempt from all taxes and dues—Federal, State, and local—and shall constitute a legal investment for all fiduciary or trust funds, for postal savings funds, and for all national banks, including the Federal reserve banks.

(e) To employ such examiners, assistants, clerks, or other employees or agencies as may be deemed necessary to conduct the business of the bureau and to carry out the purposes of this act: *Provided, however*, That in the selection of appraisers local persons, including farmers, well acquainted with the particular tract of land upon which a loan is sought shall be designated: *Provided further*, That the board may employ general appraisers and inspectors, familiar with lands in the territory in which they work, for the purpose of gathering general information as to the land values and conditions, and for the further purpose of inspecting each loan annually, or oftener if necessary, to ascertain fraud, changed conditions, waste, overvaluation, or other facts necessary, upon which the board may take such action as will protect the system against loss or fraud. All funds received by the board shall be trust funds to carry out the purposes of this act, and shall be deposited, held, and paid out as may be directed by rules and regulations established by the President.

Any person entitled to a loan under this act may make application through any postmaster on blanks to be provided by the bureau through the postmaster, such application to be sworn to before the postmaster, who shall mail the same to the bureau or to such examiner or agent as the board may direct. All local appraisers shall be selected by the postmaster upon direction of the board and pursuant to rules and regulations of the board, such appraisers to be without interest in the proposed loan, and make their sworn appraisal on forms to be furnished by the board. If in the judgment of the board the applicant is entitled to a loan, that the purpose for which the loan is procured is within the purposes of this act, and that the title to the land is clear and constitutes a safe security for the amount sought, the applicant shall execute a mortgage in the form provided by the board. Such mortgage shall contain proper provision for foreclosure in case of default or for fraud or misrepresentation in procuring the loan: *Provided*, That in case of foreclosure by default the borrower shall have one year in which to redeem from sale. State courts shall have the same jurisdiction of all proceedings based on the loans made under this act that they would have were the loan one made to the borrower from a source other than the bureau.

That no fee or charge of any kind whatsoever by way of commission shall be exacted or demanded or paid for granting or obtaining loans from said bureau, and any official or other person, except abstracters and registers of mortgages, who shall charge any commission or fee, or any other person who shall, directly or indirectly, exact, demand, or receive any fee for service in obtaining a loan, or any applicant for a loan who shall knowingly make any false statement in his application, and any appraiser who shall willfully overvalue any land, or any person who shall knowingly make any false statement in any application, appraisal, or report made under the operations of this act, shall be deemed guilty of a misdemeanor, and shall be fined in any sum not to exceed $1,000, and may be imprisoned not exceeding one year, or both.

That the sum of $100,000, or such part thereof as may be required, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of carrying out the provisions of this act.

Mr. WINGO. Mr. Chairman——

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in five minutes.

Mr. NEELEY of Kansas. Reserving the right to object, Mr. Chairman, I want a little time.

Mr. LEVER. I will make it 10 minutes, then.

Mr. MOORE. Reserving the right to object, are all of these speeches to be on one side of the question?

Mr. LEVER. I can not tell the gentleman.

Mr. MOORE. Will not the gentleman make an allowance of five minutes for some one in opposition? Some of us on this side have heard all these speeches on one side only.

Mr. LEVER. The time is controlled by the Chair, and the Chair usually recognizes gentlemen on alternate sides.

Mr. MOORE. May I control five minutes in opposition to the amendment?

Mr. LEVER. Does the gentleman desire five minutes himself?

Mr. MOORE. Yes; I would like to control five minutes, because I think that after four or five hours' debate something should be said on the side of the great industrial and commercial interests of the country.

Mr. LEVER. Then, Mr. Chairman, I ask unanimous consent that all debate on this amendment and amendments thereto close in 20 minutes, 5 minutes to be controlled by the gentleman from Pennsylvania [Mr. MOORE], 10 minutes by the gentleman from Arkansas [Mr. WINGO], and 5 minutes by the gentleman from Kansas [Mr. NEELEY].

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this amendment and amendments thereto close in 20 minutes, 10 minutes to be controlled by the gentleman from Arkansas [Mr. WINGO], 5 minutes by the gentleman from Kansas [Mr. NEELEY], and 5 minutes by the gentleman from Pennsylvania [Mr. MOORE]. Is there objection?

There was no objection.

Mr. WINGO. Mr. Chairman, there is embodied in the amendment I have just offered a modification of the rural credits plan which I have been advocating. The amendment as presented does not represent my views in detail, as I have taken out some of the things from my original plan which I did not like to take out and I have put in some provisions that I did not like to put in, but I have taken out those things and put in others in an effort to try to harmonize the differences of those of us who believe in rural credits. I recognize, Mr. Chairman, that at this late hour and in the peculiar parliamentary situation in which we find ourselves there is no hope to have my plan considered to the extent necessary to have you adopt it as a substitute for the pending proposition. I recognize that owing to the peculiar parliamentary situation Members are necessarily compelled to choose between what is known as the McCumber amendment, which was put on this bill in the Senate, and what is known as the Hollis amendment, which has been reported to the House from the House committee, to which the Senate amendment was referred. I regret that the situation is such that the friends of rural credits are compelled to choose between these two propositions, because, to my mind, neither one is a practical rural credits measure. One of them, the McCumber amendment, recognizes the principle of Government aid, while the Hollis proposition is nothing more than a competitive, profit-making land-mortgage bank scheme, too cumbersome to use, too limited and complicated in its terms to be of any practical benefit to the American farmers, who are in need of proper rural credits facilities.

Being compelled to choose between these two measures, and recognizing that neither of them stands any chance of being put to a practical test by being put into operation, I shall vote to

concur in the McCumber amendment in order to express my conviction that Government aid is necessary for the establishment of a rural credits system in this country. Then, again, I am led to vote to concur in the Senate amendment, because I believe it more nearly meets the needs of the American farmer and is in keeping with his demands. The Hollis bill, if enacted into a law, would be of no benefit to the farmers of Arkansas except in a few isolated instances. Under the Hollis plan, if a farmer wishes a loan upon his land he must get four of his neighbors to join with him in organizing a $10,000 bank, to be known as a farm-loan association, and each of them must take $2,000 worth of stock. Of the $10,000 capital thus put up they must first take $2,000 and invest this amount in United States Government bonds, and take the remaining $8,000 and deposit the same in a national bank. This local bank thus formed will be authorized to make loans to the farmers in its community, but before any farmer can get a loan he must purchase capital stock of this bank to an amount equal to 5 per cent of the amount he wishes to borrow. In other words, the Hollis bill simply authorizes the farmer to loan his own money to himself, provided he will organize a corporation and buy $2,000 worth of Government bonds.

This gives the farmer no additional right, because he has a right to use his own money now. In other words, the Hollis bill in effect tells the farmer that he needs "lifting," and that the Federal Government very graciously extends to him the privilege of lifting himself by his own boot straps. I wish to say to those who propose the Hollis land-bank scheme that the American farmer has been fleeced too often in being induced to subscribe to stock in some corporation, which he is told is organized for his benefit, but which to his sorrow he has found is organized for the sole purpose of taking his money away from him. He does not intend to subscribe to any more stock schemes nor will he be satisfied with a profit-making, speculative land-banking system, by being told that it is a rural-credit system. He knows that such a scheme is not a rural-credit system and will have nothing to do with it. I know that some farmers have been led into indorsing the Hollis-Bulkley bill by explanations of it which have appeared in some of the farm papers. I have one of these indorsements to-day, which inclosed a newspaper clipping describing the Hollis-Bulkley bill. This clipping states that under the Hollis-Bulkley bill the rate of interest shall not exceed 5 per cent. This statement is false, for the limit that the Hollis-Bulkley bill places on the interest rate is the limit of interest fixed by the law, which in my State would be 10 per cent.

Mr. Chairman, those who propose an expensive, cumbersome, speculative, profit-making land-bank scheme to meet the demand for rural-credit legislation have not grasped the theory of rural credits. The only justification that the Government has for legislation of this character is that justification, which is based upon meeting a great economic national necessity, which in this case is represented by the national need to promote farm-home ownership in this country, and increasing the productiveness of American farms, so as to check the dangerous tendency which the census reports show is on the increase in the number of tenants in the country, and the passing of the farm lands into the hands of the large holders. A proper rural credit plan will be one that will enable the poor farmer who is struggling to get a home and develop a farm to procure his capital funds at a reasonable rate of interest and upon such terms as not to be burdensome. What chance is there under an expensive land banking scheme like the Hollis plan for a young farmer who is starting out in life and wishes to purchase a piece of land upon which to make his home and clear up and develop a farm? Where can the tenant farmer get a home under the Hollis system? Take the farmer who has only 80 acres, and has five sons all growing up, and he wishes for these five sons to purchase and develop and make farm homes for themselves. I ask you what assistance can these boys get under the Hollis plan? Absolutely none.

But, Mr. Chairman, why discuss the relative merits of these two plans? The only interest in discussing them is for the purpose of determining which of the two plans you will vote for to-night, for the sole purpose of expressing your sentiments, because, I take it, that no man here is so foolish as to believe that any rural-credit legislation by this Congress will come out of this situation to-night. None of you regard this performance other than a legislative game of hide and seek being played between the Senate and the House for the purpose of placing the blame each upon the other for failure to carry out the pledges we have made to the American farmer. Each one of you know that the only possible chance to get rural-credit legislation at this session is to vote for the McCumber amendment, because if you vote for that and the House adopts it, it goes into the law, because the Senate has already passed it, and it would then be beyond the control of both Houses and of the conferees, as they could not eliminate it from this bill when they go into conference; but, on the other hand, if you vote down the McCumber amendment and you vote for the Hollis amendment, that action will send this bill to conference and give the conferees an opportunity to eliminate rural credits from this bill and kill all hope of legislation at this session.

It is the same old game of hide and seek that has been played between the two Houses many times in the past, and the American farmer will know it. You can not deceive him by telling him that the Senate would not concur to the House amendment, and then have the Senate tell him that the House would not concur in the Senate amendment, and each try to place the blame upon the other. [Laughter and applause.] He has heard that excuse too often and knows that it is nothing more than excuse given to justify a neglect to legislate.

How did this situation arise, Mr. Chairman? Was it because that a majority of either House wished to consider rural-credit legislation at this session? No, Mr. Chairman; it is not by premeditation and design that we are now considering rural credits, but it is because somebody went to sleep in the Senate, when those who oppose rural-credit legislation thought they had it killed for this session of Congress. How did it happen, Mr. Chairman, that the Senate passed the McCumber amendment by unanimous consent? I will describe the scene for you. There were six tired and sleepy Senators sitting in their seats the other night, and one of their distinguished number, Senator MCCUMBER, was delivering a speech on rural credits, which, I believe, all of his colleagues thought was being made for home consumption.

But he wound up his speech by offering this amendment. Three of the six Senators were asleep, one of the others was the distinguished and able blind Senator from Oklahoma, and these four, with Senator MCCUMBER and Senator HOLLIS, constituted the Senate upon that occasion. Senator HOLLIS at first objected to the amendment, which objection would have killed it, but after a few words whispered in his ear by the Senator from Oklahoma he withdrew his objection. I know not what the Oklahoma Senator said to the New Hampshire Senator, but, no doubt, the Senator from New Hampshire withdrew his objections because he saw an opportunity to have his bill—that is, the Hollis bill—adopted in conference. So the McCumber amendment was adopted as a rider to the Agricultural appropriation bill, and to the surprise of everybody, and especially to it, the United States Senate passed a bill of great import by unanimous consent and without debate. [Laughter and applause.]

Mr. Chairman, for over a hundred years this Government has been fostering the manufacturing and industrial interests of this country. In the beginning of our history we were an agricultural people and had no manufacturing enterprises, and were therefore at the mercy of the manufacturers of Europe, and our forefathers very properly determined by wise legislation to foster manufacturing enterprises in this country, and we have pursued this policy of fostering the manufacturing interests down to the present time.

All of our energies and most of our legislation have had for their central aim the building up of great industrial enterprises and the fostering of our commercial interests to the neglect of agriculture. That is the history of this country, but you know that the time has arrived when agriculture, which has been so long neglected, must be taken into consideration, and equal attention be given it in the framing of our laws and in the development of our governmental policies. The one thing needed to do this is to pass a practical, simple, bona fide rural-credit bill, and sooner or later you will be compelled to do it. You can dodge this issue if you want to. You can play with it to-night, as you are playing with it. You can vote down the McCumber amendment, as those who are opposed to this legislation intend to do, and adopt the Hollis land-bank scheme, thinking that by sugar-coating it with the Bulkley so-called Government-aid provision you can deceive the American farmer, but you are mistaken. Why not face this question like statesmen, and not like politicians? Why not meet this great economic problem and solve it as men who think of the future, and not like politicians who think alone of their present political interests. The only chance you have for rural-credit legislation at this Congress is to vote for the McCumber amendment. It is not what we would like to have, but it is a step in the right direction. If you vote down the McCumber amendment and substitute for it the Hollis land-bank scheme and throw this bill into conference, you lose your only chance to get legislation at this session. The issue is clear-cut, so let no man be deceived. Those who oppose rural-credit legislation,

as well as those who oppose Government aid, will vote solidly against the McCumber amendment and for the Hollis land-bank scheme; so let no man who favors rural-credit legislation be misled into following in their footsteps. [Applause.]

Mr. NEELEY of Kansas. Mr. Chairman and gentlemen, I want to indorse the most of what my good friend from Arkansas [Mr. WINGO] has said, but I also desire to both congratulate and apologize, to congratulate the Republican Party that one of its Senators found six Senators so sleepy that he was able to startle the Senate and attract the attention of this House and the country to an unfulfilled Democratic promise and to felicitate that party upon the fact that it has thrown into this House six or eight undigested farm-loan bills and has forced an issue of rural credits upon the country. [Applause.] A year ago last August we held a prolonged Democratic caucus in this very room, and I then offered a motion to open the doors of that caucus so that every man or woman who wanted to hear the proceedings could do so and might know exactly what took place. [Applause.] That motion was voted down. I said then that I thought it was bad politics, that the bill should be framed in the white light of public criticism, and the situation confronting us to-night is additional proof of the fact. We made a fight in that caucus to secure the adoption of certain amendments which, if adopted, would have laid a deep foundation for rural-credit legislation, and which we believed should be incorporated in the currency bill, and finally, after we had been here three weeks, lacking one day, a compromise was effected and certain gentlemen came upon the floor of that caucus and stated that they were authorized to state that if this rural-credits proposition that was then ready to be offered was withheld that the subject would be taken up in due time and in regular order, so that it might be given the consideration which the importance of legislation of this character demanded that it should receive before being enacted into law. The advocates of rural-credit legislation believed that pledge was offered in good faith, and they accepted the offer in that spirit and kept their part of the pact. The President of the United States came out in a newspaper interview in which he stated that rural credits was the next great project to be taken up, and he stated that at the proper time he would call the attention of Congress to this most important matter and urge its enactment. The President did exactly as he stated he would do, and when Congress convened in December he appeared before the two Houses and urged rural-credit legislation. This matter has never been considered by the Banking and Currency Committee as a committee. Certain members of this committee have been insisting for over a solid year that this question of rural credits that we are now being charged with having neglected be presented to this committee and that they be given an opportunity to take it up and consider it. During the time we were considering the currency bill in the caucus a year ago last August a motion was made by the gentleman from Oklahoma [Mr. MURRAY]——

Mr. CALLAWAY. Will the gentleman yield?

Mr. NEELEY of Kansas. I can not yield now; I am sorry, for I have only five minutes.

Mr. CALLAWAY. I wanted to ask who kept you——

Mr. NEELEY of Kansas. I am coming to that. A motion was made by the gentleman from Oklahoma [Mr. MURRAY] that a committee be appointed to take up this matter and to report before the end of this Congress. I offered an amendment to that motion that this committee be instructed to report before the beginning of the last session of the present Congress, and the motion as amended was adopted. A subcommittee of the Banking and Currency Committee was appointed. It began its deliberations in the fall of 1913, and finally, in May, 1914, a bill, supposed to embody the result of the deliberations of that subcommittee, was introduced in the House. There has never been any action on the part of that committee from that day to this looking to the enactment of rural-credit legislation, and six weeks ago the gentleman from Arkansas [Mr. WINGO], in an open session of the Banking and Currency Committee, made a motion that the committee immediately proceed to take up and consider the question of rural credits, with a view of reporting a bill to this House for passage, but that motion was voted down. Every Republican member of that committee, if my recollection serves me aright, voted against the motion, and reenforced by three Democrats, who joined hands with them, they then and there ended all opportunity for deliberation on the subject of rural-credit legislation during this Congress.

Mr. RAGSDALE. Mr. Chairman, will the gentleman permit an interruption there?

The CHAIRMAN. Does the gentleman from Kansas yield to the gentleman from South Carolina?

Mr. NEELEY of Kansas. I do.

Mr. RAGSDALE. And that was done in the face of a Democratic caucus here, directing us to bring out rural-credit legislation?

Mr. NEELEY of Kansas. Yes; an explicit instruction and direction. I am glad that Senator MCCUMBER has put this amendment on this bill. [Applause.] I know that it is not perfect. It looks to me as though its author had simply called in a stenographer and dictated it in an hour or so without giving the matter very serious consideration. But with all of its faults, with all of its failures, and with all of its shortcomings I am ready to vote for it and really start the ball of rural credits to rolling. [Applause.] And if you Democrats do not like that kind of hit-and-miss legislation, why, in the name of heaven, do you not help us to get a committee organized for business and get a bill that is decent? [Applause.]

We could not get that committee together.

Only six weeks ago they came to our committee with a resolution to create another committee, this time to investigate the subject of personal credits, and I made the statement then in the committee room, and I believe it now, that all this personal-credit agitation was designed and intended to kill rural-credit legislation. I believe it was conceived in sin and born in iniquity, and I propose to do my part as I see it by endeavoring to at least make a start here and now. [Applause.]

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. MOORE. Mr. Chairman, the farmer is certainly "in the hands of his friends" to-night. [Laughter on the Republican side.] But there is no one here to speak for the great industrial interests. [Laughter on the Democratic side.] We must swallow this bill. Nobody dares to speak against it for fear he will be accused of representing the trusts, the oil companies, the great monopolies, such as recently induced our Democratic President to urge the passage of a ship-purchase bill in order that we might employ foreign labor to build ships at American expense.

But even so, the farmer may yet ask to be "saved from his friends," because they are not unitedly representing his case. Some of them are proving too much. They are proving the farmer to be too downtrodden, too tax ridden. While there is nonemployment in the great cities, due to the fact that we are suffering from low tariffs and are paying more for farm products than we ever paid before, "the poor, downtrodden farmer" is apparently paying less for everything that comes out of the mill districts than he ever did before. While we are voting relief to the farmer, we are imposing increased taxation upon the man who dares to start our enterprises in the great cities.

We are making his burdens heavier and heavier. Some one has indicated that the Republican Party has done nothing for the farmer, but has specialized in the interest of the industrialist. The fact is the Republican Party started the Bureau of Agriculture which has developed into the present Department of Agriculture. It was established under the immortal Abraham Lincoln. [Applause on the Republican side.] The Republican Party also gave the farmer free rural delivery, and we are paying for it out of the common Treasury, and the industrialist pays his share, at a loss of probably $40,000,000 a year. That service was established under President Benjamin Harrison.

I do not know what the Democratic Party has done except to come here and wail over the condition of the American farmer; and yet to-day, when the people in my city who have employment, are fabricating goods for the farmer, and getting less for them than they ever got before, the farmer is getting more for what he sells to us—and we must have three meals a day—than ever before. The farmer is riding in automobiles to-day while we are beating the asphalt streets on foot. [Laughter and applause.] What are you giving to the industrialists? I find very little in any of the appropriation bills. You talk about "the special interests," and charge them up to the great cities. I challenge you to show what you are doing for the manufacturing interests of this country. You say we have the tariff. We do not have much, but such as we have is also enjoyed by the farmer. On the tariff proposition we stand to rise or fall together. Do not forget that.

Talk of appropriations to the great industrial interests. Where are they? I fail to find them. But take up the Agricultural bill. The cities contribute to that. We appropriated $26,000,000 only a few days ago for the purpose of taking care of the farmer from the time he goes out to brush the bugs off the berries in the garden to the time he gets into his automobile to run along the macadam road we are providing for him in order that he may get the prevailing high prices for his goods in the city. [Applause.] Why, in the sundry civil bill we have just voted $8,500,000 for forestry.

The city man has no special interest in that. In this same sundry civil bill we gave $14,500,000 for irrigation. That is at the rate of about $7,500 per farm irrigated. Come into Pennsylvania or New Jersey and I will sell you all the farms you want, with fine buildings on them, under cultivation, near a market, for less than you are spending on your irrigated farms in arid or semiarid country. Talk about what you have done for us. Look at your river and harbor bill. There is $31,000,000 in it this year, and one-half of it goes down the Mississippi Valley to protect farm lands against inundation. You are doing very little for us in the great cities except to make us pay. Bear that in mind. My friend from Michigan [Mr. MCLAUGHLIN] reminds me that the bankers get money from the Government. Yes; they get from the Government about $75,000,000—that is a mere bagatelle—and they buy Government bonds and pay interest on them in order to get even this small sum to lend to the farmers of the country. I presume they would still survive even if the Government withdrew the money. You passed a Federal reserve bill here recently, and said you were going to provide a credit system for the farmer. You did take care of the farmer in that bill and permitted him to come in like other men and get loans on such credit as he had. But what can one say on a great topic like this in five minutes? I should like to tell you a few more things about what has been done for the farmer. In the campaign to please the farmer you have depopulated the mills and deprived the farmer of many of his best customers. You have thrown the mill workers out on the streets, but out in the country we are building roads, taking care of the forests, providing for the farmers' colleges, administering medicine to his cattle, destroying his bugs, and much else. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE. Then, I shall extend my remarks in the RECORD.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Arkansas [Mr. WINGO].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. WINGO. Division, Mr. Chairman.

The committee divided; and there were—ayes 42, noes 103.

So the amendment was rejected.

The CHAIRMAN. The gentleman from Georgia [Mr. HOWARD] is recognized.

Mr. HOWARD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend the substitute by striking out all after the word "that" and inserting the following:

"The short title of this act shall be 'National farm-land bank act.'

"DIVISION OF FARM-LAND BANKING.

"SEC. 2. That there is hereby created in the Department of Agriculture of the United States a separate division, to be known as the 'division of farm-land banking,' to be under the general direction and charge of a farm-land banking board, which is hereby created, consisting of the Secretary of Agriculture (who shall be chairman), the Secretary of the Interior, and the Attorney General. The work of the division of farm-land banking shall be directed and its rules enforced by a director of farm-land banking, who shall be appointed by the President, by and with the advice and consent of the Senate, to serve for a term of five years or until his successor is appointed and qualified, and he shall be eligible for reappointment. Such director of farm-land banking shall receive a salary of $7,500 per year, payable in equal monthly installments. There shall also be an assistant director of farm-land banking, similarly appointed, serving for a similar term, and receiving a salary of $6,000 per year, payable in equal monthly installments; and such assistant shall have all the powers of the director in case of his absence or disability. The director of farm-land banking shall employ from time to time the necessary clerks and assistants, to be appointed and classified by the Secretary of Agriculture, to discharge such duties as the director shall designate. Both the director and assistant director of farm-land banking shall furnish and execute a bond for the faithful performance of their duties in such amount as may be required by the farm-land banking board. Neither the director nor assistant director shall own any stock in, or receive any salary or emolument from, any national farm-land bank organized under this act. The director of farm-land banking shall annually make a report to Congress, giving a list of the national farm-land banks organized under this act, with the list of the officers and directors of each, and a detailed statement of their resources and liabilities, together with such other information as the farm-land banking board may require or as Congress may request. All salaries and operating expenses of the farm-land banking board, and of the director of farm-land banking, his assistants and employees, shall be provided for by special appropriation of Congress, to be included in and counted as part of the appropriation for the Department of Agriculture.

"RULES AND REGULATIONS FOR FARM-LAND BANKS.

"SEC. 3. That within 90 days after the approval of this act, or as soon thereafter as may be, the farm-land banking board shall formulate and adopt the rules and regulations governing the operations of farm-land banks organized hereunder, in accordance with this act, which rules and regulations shall be enforced by the said director of farm-land banking and by his assistant, who shall likewise be appointed by the President, by and with the advice and consent of the Senate, within said 90 days, or as soon thereafter as may be.

"POWERS OF DIVISION OF FARM-LAND BANKING.

"SEC. 4. That the Division of Farm-Land Banking is authorized and empowered, upon proper application, and upon the recommendation of the director of farm-land banking, to issue charters or certificates of incorporation for the establishment of local national farm-land banks and State national farm-land banks, as herein provided for; and to exercise supervision and control over, and to make examinations of, all of the national farm-land banks established under this act, under such general rules and regulations as may be by it provided; and to withdraw or forfeit the charters of such local and State national farm-land banks, or liquidate such banks whenever necessary, in accordance with rules to be by it provided; subject in all respects to the requirements and provisions herein contained.

"SEC. 5. That the said Division of Farm-Land Banking is hereby authorized by general rules and regulations, applicable alike to all the local and State national farm-land banks organized hereunder, to specify the conditions under which the privileges, or certain of them, herein authorized to be granted to said local and State national farm-land banks, shall be extended to such banks; and particularly to provide for the extension of such privileges, or certain of them, only to local and State national farm-land banks operating in those States, which, by the passage of suitable laws, have met the requirements of the said Division of Farm-Land Banking.

"First. As to the simplification of land title registration and conveyancing;

"Second. As to the simplification and economy of methods of securing farm-land loans and of foreclosing the same;

"Third. As to the removal of any species of taxation, direct or indirect, which may exist upon farm-land mortgages or deeds of trust and the obligations secured thereunder, or upon collateral trust bonds (or national land-bank bonds against the same) issued by the United States farm-land bank; and

"Fourth. As to withdrawing or canceling the right under State laws to claim exemption or providing for the waiver of such exemption, whether homestead or otherwise, against the mortgages or deeds of trust and bonds or obligations secured thereunder, representing the loans made on farm lands by the local national farm-land bank, and as to the insertion of such waiver of exemptions in such mortgages, deeds of trust, and bonds or obligations secured thereunder wherever the laws of the State permit such waiver, all as more fully provided elsewhere in this act.

"The said division of farm-land banking shall have the power to specify the time when such rules and regulations will go into effect and the time within which such conditions must be complied with, and to extend and enlarge such time, and to withhold such privileges from the local and State national farm-land banks operating in any State failing to comply with such provisions and regulations until the same are fully complied with.

"SEC. 6. That the Secretary of Agriculture, acting through the director of farm-land banking, shall furnish a seal for the farm-land banking board, shall furnish vaults and storage room for the preservation of its records and papers, shall supply offices for its operations and for the use of its officers and employees, and shall furnish current supplies.

"SYSTEM OF NATIONAL FARM-LAND BANKS AUTHORIZED.

"SEC. 7. That there is hereby authorized the creation of a system of national farm-land banks, as hereinafter more fully set out, embracing:

"First. Local national farm-land banks, such as 'Doeville national farm-land bank.'

"Second. State national farm-land banks, such as 'Virginia national farm-land bank.'

"Third. The United States national farm-land bank.

"All as hereinafter set forth.

"GENERAL POWERS OF ALL NATIONAL FARM-LAND BANKS.

"SEC. 8. That every local and State national farm-land bank, and the United States farm-land bank, upon being properly organized as herein provided, and from the date of such organization, shall, in addition to the specific powers hereinafter conferred on the several national farm-land banks, have the following general powers:

"First. To be a body corporate.

"Second. To adopt and use a corporate seal.

"Third. To have succession for a period of 50 years from its organization, unless it is sooner dissolved according to the provisions of its articles of association (or in the case of local and State national farm-land banks by the act of its shareholders owning two-thirds of the capital stock), or unless its franchise becomes forfeited by some violation of law: *Provided*, That the charters of all local and State national farm-land banks shall be at all times subject to change, amendment, or repeal under laws enacted by Congress, and that the charter of the United States farm-land bank shall be at all times subject to change, amendment, or repeal by act of Congress: *Provided further*, That no such change, amendment, or repeal shall in any way affect the rights of the creditors of such national farm-land banks.

"Fourth. To make contracts.

"Fifth. To sue and be sued, complain and defend, in any court of law and equity, as fully as natural persons.

"Sixth. To elect or appoint directors, and by its board of directors to appoint officers, to define their duties, require bonds of them and fix the penalty thereof, dismiss such officers or any of them at pleasure, and appoint others to fill their places, subject, however, to the conditions and restrictions contained in this act.

"Seventh. To prescribe by its board of directors by-laws, not inconsistent with law, regulating the manner in which its stock shall be transferred, its directors elected or appointed, its property transferred, its general business conducted, and the privileges granted to it by law exercised and enjoyed, subject to the requirements and provisions set out in this act.

"Eighth. To exercise by its board of directors or duly authorized officers or agents, subject to law, all such incidental powers as shall be necessary to carry on the business of farm-land banking.

"*Provided*, That the foregoing general powers are subject to the modifications, restrictions, limitations, and conditions elsewhere provided in this act for the specific institutions created hereunder, and are exercised under the direction, supervision, and control of the division of farm-land banking in accordance with general rules and regulations adopted and promulgated by it in conformity with the provisions of this act.

"GENERAL PROVISIONS REGARDING ALL NATIONAL FARM-LAND BANKS.

"SEC. 9. That the following provisions shall apply to all national farm-land banks incorporated under this act, including the United States farm-land bank, except as otherwise provided herein:

"First. The capital stock of all local and State national farm-land banks, and of the United States farm-land bank, and the income

derived therefrom, and the mortgages and deeds of trust and notes and bonds secured thereunder held by said banks, and the collateral trust bonds or national land-bank bonds issued by the United States farm-land bank shall be forever exempt from all Federal, State, local, or other taxation.

"Second. No national farm-land bank shall at any time loan any money upon the faith or credit or upon the assignment of its own stock or of the stock of any other national farm-land bank; nor shall any national farm-land bank loan to or on the credit of any one individual or institution, either on the security of land or on any other security, an amount in excess of 20 per cent of the sum of its then paid-in capital and surplus: *Provided*, That this latter provision shall not apply to the guaranty by local and State national farm-land banks of long-term real estate loans, as hereinafter provided.

"Third. Each director of each national farm-land bank, when appointed or elected, shall take an oath that he will, so far as the duty devolves on him, diligently and honestly administer the affairs of such bank, and will not knowingly violate or willing permit to be violated any of the provisions in this act. Such oath, subscribed by the director making it and certified by the officer before whom it is taken, shall be immediately transmitted to the director of farm-land banking and shall be filed and preserved in his office.

"Fourth. At least once in each three months, the directors of each national farm-land bank shall make a careful examination and verification of the affairs of the bank, entering the result in their minutes and forward a copy of the same, signed by a majority of the directors who made the examination, to the division of farm-land banking.

"Fifth. The director of farm-land banking, with the approval of the Secretary of Agriculture, shall, as often as shall be deemed necessary or proper, appoint a suitable person or persons to make an examination without notice of the affairs of every national farm-land bank, who shall have power to make a thorough examination into all the affairs of the bank, and, in doing so, to examine any of the officers and agents thereof on oath, and who shall make full and detailed report of the condition of the bank to the director of farm-land banking. The person assigned to the making of such examination of the affairs of any national farm-land bank shall have the power to call together a quorum of the directors of such bank, who shall, under oath, state to such examiner the character and circumstances of such of its business as he may designate. All national farm-land bank examiners shall receive fixed salaries, the amount whereof shall be determined by the farm-land banking board, and annually reported to Congress; but the expense of the examinations herein provided for shall be assessed by the farm-land banking board upon the banks examined, in proportion to assets or resources held by such banks, upon a date during the year on which such examinations are held, to be established by the farm-land banking board. The director of farm-land banking shall so arrange the duties of these examiners that no two successive examinations of any bank shall be made by the same examiner. The provisions of section 22 of the Federal reserve act, prohibiting the making of any loan, or the granting of any gratuity to the examiner of a national bank, shall apply with equal force to examiners of national farm-land banks, and the penalties and punishments therein provided shall be equally applicable to such examiners of national farm-land banks.

"Sixth. The director of the farm-land banking shall, at the time of organization of each national farm-land bank, designate some individual who is not an officer or director of the bank and who is not objectionable to the directors of the bank, as a Federal fiduciary agent for that bank, and such agent shall be the representative of the division of farm-land banking. As such Federal fiduciary agent he shall have the following powers and duties:

"A. IN THE CASE OF LOCAL NATIONAL FARM-LAND BANKS.

"1. He shall certify on each mortgage or deed of trust that such mortgage or deed of trust has been properly recorded or registered in the proper land registry office and that the same is a first mortgage or first deed of trust upon the land thereby conveyed. Upon each note or bond secured under such mortgage or deed of trust he shall certify that such note or bond is so secured by such mortgage or deed of trust. No mortgage or deed of trust or note or bond secured thereunder shall be guaranteed by a local or State national farm-land bank, or shall be used as security for collateral trust bonds or national land-bank bonds issued by the United States farm-land bank, as hereinafter set out, unless and until the certificates above provided have been entered on the same by such Federal fiduciary agent for the local national farm-land bank making the loan.

"2. He shall have joint possession and control with the local national farm-land bank of all amortization payments or other payments made by the borrower upon the principal amount due on first mortgages or first deeds of trust, and upon the notes or bonds secured thereunder, held by the said bank as evidencing long-term loans, so long as such amortization or principal payments remain in the possession of the said bank. And he shall see that all proper credits are made upon the mortgages or deeds of trust, and the notes or bonds secured thereunder, when such payments are made; and that proper entries of such payments are made in the mortgage ledger as hereinafter provided; but no disposition shall be made of the funds derived from such amortization or principal payments except by and with his consent in writing.

"3. He shall have the supervisory control of all entries in the mortgage ledger kept by the bank, in which ledger shall be kept a detailed statement of all mortgages or deeds of trust, and notes or bonds secured thereunder, taken and held by the bank as an evidence of long-term loans, as well as such other information as may be required by the division of farm-land banking.

"And no entries shall be made in said mortgage ledger indicating the acceptance of mortgages, the withdrawal or substitution of mortgages, or credits on mortgages so held by the bank, except by and with his approval in writing, which approval may be signified by signing his name on the margin of the page in the mortgage ledger where such entries are made.

"B. IN THE CASE OF STATE NATIONAL FARM-LAND BANKS.

"1. He shall have joint possession and control with the State national farm-land bank of the mortgages or deeds of trust, and of the notes or bonds secured thereunder, which are sent to the said State national farm-land bank by any local national farm-land bank, after being guaranteed by it, so long as such mortgages or deeds of trust and the notes and bonds secured thereunder are in the possession of said State national farm-land bank. And no mortgage or deed of trust, or note or bond secured thereunder, so coming into the joint possession of himself and the said State national farm-land bank, shall be disposed of in any way except by and with his consent in writing.

"2. He shall have joint possession and control with the bank of all amortization payments, or other payments made by the borrower upon the principal amount of first mortgages or first deeds of trust, and upon the notes and bonds secured thereunder, which shall come into the possession of the said State national farm-land bank through any local national farm-land bank; and no disposition shall be made of such amortization or principal payment funds except by and with his consent in writing.

"3. He shall have the supervisory control of all entries in the mortgage ledger kept by the said State national farm-land bank, in which ledger shall be kept a detailed statement of each mortgage or deed of trust, and of the notes and bonds secured thereunder, forwarded to said State national farm-land bank by any local national farm-land bank, together with a statement of the date of its receipt, a description of the same, and the statement as to wheher such morgage or deed of trust or the notes or bonds secured thereunder was indorsed or guaranteed by said State national farm-land bank, and what disposition was made of the same; together with such other information as may be required by the division of farm-land banking. And no entry shall be made in the said mortgage ledger indicating either the receipt of mortgages or deeds of trust or notes or bonds secured thereunder, or the withdrawal or substitution of the same, or credits on the same, when so held by the State national farm-land bank, except by and with his consent in writing, which approval may be signified by signing his name on the margin of the page in the mortgage ledger where such entries are made.

"C. IN THE CASE OF THE UNITED STATES FARM-LAND BANK.

"1. He shall certify to each collateral trust bond (to be known as national land-bank bonds) issued by the said bank, and no collateral trust bond issued without his signature shall be binding upon the said bank.

"2. He shall have joint possession and control with the bank of the mortgages or deeds of trust, and of the notes or bonds secured thereunder, together with any and all guaranties thereupon executed by State or local national farm-land banks, which are deposited as security for national land-bank bonds issued by the United States farm-land bank; and no mortgage or deed of trust or note or bond secured thereunder, so placed in the joint possession of himself and the said bank, shall be withdrawn or changed or have any credit made thereon, except by and with his consent in writing.

"3. He shall have joint control with the United States farm-land bank of all amortization payments, or other payments made by the borrower, upon the principal amount of first mortgages or first deeds of trust, and upon the bonds or notes secured thereunder, which are held as security for the national land-bank bonds issued by the United States farm-land bank, whether such payments are received directly from the borrower or through the State and local national farm-land banks. And no disposition shall be made of the funds derived from such amortization or principal payments except by and with his consent in writing.

"4. He shall have the supervisory control of all entries on the mortgage ledger kept by the United States farm-land bank, in which ledger shall be kept a detailed statement of each issue of national land-bank bonds or debentures made by the bank showing the date of issue, the rate of interest, the date of maturity, and the provisions for calling in and paying the same, together with a record of all mortgages or deeds of trust, and the notes or bonds secured thereunder, held by the said United States farm-land bank and himself, jointly, to secure the national land-bank bonds of the United States farm-land bank. The mortgage ledger shall also give a description of such mortgages or deeds of trust, giving the date of making, date of recording, a short description of the property conveyed, a description of the notes or bonds secured thereunder, with their date of issue and maturity, and a statement and description of the guarantee of the local and State national farm-land bank through which such mortgages or deeds of trust, and the notes or bonds secured thereunder came into the possession of the United States farm-land bank. And said mortgage ledger shall also show such other information as may be required by the division of farm-land banking. No entries shall be made in the said mortgage ledger indicating either the deposit of mortgages or deeds of trust, or notes or bonds secured thereunder, the withdrawal or substitution of the same, or any of them, or any credits on any of such mortgages or deeds of trust, or notes or bonds secured thereunder, so held by the United States farm-land bank, except by and with his approval in writing, which approval may be signified by signing his name on the margin of the page in the mortgage ledger where such entries are made.

"D. IN THE CASE OF ALL NATIONAL FARM-LAND BANKS.

"He shall perform such other duties as the director of farm-land banking shall prescribe and shall execute such bond, with such security as may be required by the director of farm-land banking. The salaries and expenses of such Federal fiduciary agent shall be fixed by the joint agreement of the bank for which he is acting and of the director of farm-land banking, and shall be paid by the farm-land bank with which such agent is acting.

"Seventh. Every local and State national farm-land bank and the United States farm-land bank may each purchase, hold, and convey real estate for the following purposes, and for no other:

"(a) Such as shall be necessary for its immediate accommodation in the transaction of its business.

"(b) Such as shall be mortgaged to it by way of security for loans made by it.

"(c) Such as shall be conveyed to it in satisfaction of debts contracted in the course of business dealings.

"(d) Such as it shall purchase at sale under judgments, decrees, or mortgages or deeds of trust, held by the bank, or shall purchase to secure debts due to it. But no such bank shall hold the title and possession of any real estate conveyed to or purchased by it to secure any debts due to it for a longer period than five years.

"CAPITAL STOCK.

"Eighth. The shares of stock of each national farm-land bank shall be of the par value of $100 each, and each stockholder in a local national farm-land bank shall be entitled to one vote for each share of stock standing in his name. Shareholders in local national farm-land banks may vote by proxies duly authorized in writing; but no officer, clerk, or employee of such bank shall act as proxy, and no shareholder whose liability is past due or unpaid shall be allowed to vote; nor shall any one person vote in person or by proxy more than 10 per cent of the outstanding stock at any meeting of stockholders.

"At least 50 per cent of the capital stock of every local national farm-land bank shall be paid in before it is authorized to do business, and the remainder of the capital stock of said bank shall be paid in, in installments of at least 10 per cent each on the whole amount of the capital, as frequently as one installment before the end of each suc-

ceeding month from the time it shall be authorized by the director of farm-land banking to commence business, and the payment of each installment shall be certified to the director of farm-land banking, under oath, by the president or other officer of the bank.

"Whenever any shareholder or his assign fails to pay any installment on the stock of a local national farm-land bank when the same is required by the preceding paragraph to be paid, the directors of such bank may sell the stock of such delinquent shareholder at public auction, having given three weeks' previous notice thereof in a newspaper of general circulation published in the county where the bank is located (or if no newspaper is published in said county, then in a newspaper published nearest thereto) to any person who will pay the highest price therefor, to be not less than the amount due thereon with the expenses of advertisement and sale; and the excess, if any, shall be paid to the delinquent shareholder. If no bidder can be found who will pay for such stock, the amount due thereon to the local national farm-land bank and the cost of advertisement and sale, the amount previously paid shall be forfeited to the said bank, and such stock shall be sold, as the directors may order, within six months from the time of such forfeiture, and if not sold it shall be canceled and deducted from the capital stock of the said bank. If any such cancellation and reduction shall reduce the capital of the local national farm-land bank below the minimum of the capital required by law, the capital stock shall, within 30 days from the date of such cancellation, be increased to the required amount, in default of which a receiver may be appointed, according to the provisions of section 5234 of the Revised Statutes, so far as it may be applied hereto, to close up the business of such bank.

"Ninth. Any bank formed under this act may, by its articles of association, provide for an increase of its capital from time to time as may be deemed expedient, subject to the limitations of this act. But the maximum of such increase to be provided in the articles of association shall be approved by the director of farm-land banking; and no increase of capital shall be valid until the total amount of such increase is paid in, and until notice thereof has been transmitted to the director of farm-land banking; who shall thereupon issue to such bank his certificate, specifying the amount of such increase of capital stock, with his approval thereof, and after it has been duly paid in it shall be treated as part of the capital stock of such association.

"Tenth. Any local or State national farm-land bank under this act, may, by the vote of shareholders owning two-thirds of its capital stock, reduce its capital to any sum not below the amount required by this act to authorize the formation of such bank; but no such reduction shall be allowed which would reduce the capital and surplus of such bank below the proportion which such capital and surplus is required hereunder to bear to the mortgages or deeds of trust, or notes, or bonds secured thereunder, guaranteed by such bank, in accordance with the provisions herein contained. Nor shall any such reduction be made until the amount of the proposed reduction has been reported to and approved by the director of farm-land banking.

"Eleventh. The affairs of each local and State national farm-land bank shall be managed by not less than five nor more than nine directors. All directors shall be elected by the shareholders at a meeeting to be held at any time before the association is authorized by the director of farm-land banking to commence business and afterwards at meetings to be held on any such date in January of each year as is specified therefor in the articles of association. The directors shall hold office for one year and until their successors are elected and qualified.

"Every director of every national farm-land bank must, during his whole term of service, be a citizen of the United States. All the directors of every State national farm-land bank must reside in the State or Territory in which the bank is located for at least one year immediately preceding their election and must be a resident therein during their continuance in office. Every director of a local national farm-land bank must reside in the county or other political subdivision in which the bank is authorized to do business for at least one year immediately preceding their election and must be a resident therein during their continuance in office. Every director of a local national farm-land bank must own, in his own right, at least two shares of the capital stock of the local national farm-land bank of which he is a director. Any director of a local national farm-land bank who ceases to be the owner of two shares of stock, and any director of any farm-land bank who becomes in any other manner disqualified, shall thereby vacate his place.

"Any vacancy in the board shall be filled by appointment by the remaining directors, and any director so appointed shall hold his place until the next election.

"If, from any cause, an election of directors is not made at the time appointed, the bank shall not for that cause be dissolved, but an election may be held on any subsequent day, 30 days' notice thereof in all cases having been given in a newspaper published in the city, town, or county in which the bank is located; and if no newspaper is published in such city, town, or county, such notice shall be published in a newspaper published nearest thereto. If the articles of association do not fix the day on which the election shall be held, or if no election is held on the day fixed, the day for the election shall be designated by the board of directors in their by-laws, or otherwise; or if the directors fail to fix the day, shareholders, representing two-thirds of the shares may do so.

"Twelfth. One of the directors shall be the president of the board. One or more vice presidents shall likewise be chosen.

"Thirteenth. The shareholders of every local national farm-land bank shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such bank, to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares.

"Fourteenth. Persons holding stock as executors, administrators, guardians, or trustees, shall not be personally subject to any liabilities as stockholders; but the estates and funds in their hands shall be liable in like manner and to the same extent as the testator, intestate, ward, or person interested in such trust funds would be, if living and competent to act and hold the stock in his own name.

"INCORPORATION OF LOCAL NATIONAL FARM-LAND BANKS.

"SEC. 10. That the local associations for carrying on the business of farm-land banking under this act may be formed by any number of natural persons, not less in any case than 10. They shall enter into articles of association, which shall specify in general terms the object for which the association was formed, and may contain any other provisions not inconsistent with law which the association may see fit to adopt for the regulation of its business and the conduct of its affairs. These articles shall be signed by the persons uniting to form the association, and a copy of them shall be forwarded to the director of farm-land banking, to be filed and preserved in his office.

"SEC. 11. That the persons uniting to form such a local national farm-land bank shall, under their hands, make an organization certificate, which shall specifically state—

"First. The name assumed by such association. The words 'National farm-land bank' shall be a part of the title of every local and State national farm-land bank, and these words shall not be used by any institution other than those incorporated under this act. In the case of local institutions these words shall be prefixed by such descriptive title or name as the applicants may indicate, and shall be followed by the name of the county and State in which the said local bank is to operate. Each said local national farm-land bank shall be designated by an official number, provided by the director of farm-land banking.

"Second. That State or county (or other political subdivision) in which the operations of such local national farm-land bank are to be carried on, and the place in said county or other political subdivision where its principal office is to be located, which place may be changed from time to time upon the request of such local national farm-land bank with the approval of the director of farm-land banking.

"Third. The amount of capital stock and the number of shares into which the same is to be divided: *Provided*, That such capital stock shall in no case be less than $10,000; *Provided further*, That such capital stock may be increased or decreased from time to time, as elsewhere herein provided, subject to the approval of the director of farm-land banking; but at no time to be less than the minimum herein set forth.

"Fourth. The names and places of residence of the shareholders and the number of shares held by each.

"Fifth. The fact that the certificate is made to enable such persons to avail themselves of the advantages of this act.

"SEC. 12. That the organization certificate shall be acknowledged before a judge of some court of record or before a notary public, and shall be, together with the acknowledgment thereto, authenticated by the seal of such court or notary public, transmitted to the director of farm-land banking, who shall record and carefully preserve the same in his office.

"SEC. 13. That upon duly making and filing the articles of association as above described and an organization certificate the local association or local national farm-land bank shall become as from the date of the execution of its organization certificate a body corporate, and as such and in the name designated in the organization certificate shall have power—

"First. To accept and pay interest on postal savings deposits and other time deposits from the National Government; and the provisions of section 15 of the Federal reserve act, so far as they are in conflict with this provision, are hereby repealed; to accept and pay interest on any State time deposits or time deposits of public funds; to accept and pay interest on time deposits from individuals or corporations.

"Second. To guarantee the payment, both as to principal and interest, of loans made upon farm land located within the county or other political subdivision in which such local national farm-land bank is operated: *Provided*—

"(a) That such loans are made for not less than five years.

"(b) That such loans are secured by a first mortgage or first deed of trust on farm lands located within such county or are used to retire existing mortgages or deeds of trust, so as to make them a first lien on such farm lands. But this shall not prohibit the local national farm-land bank from accepting a mortgage or deed of trust on lands lying outside of the county or political subdivision where it is operated as additional security for any such long-term loan made by it, nor shall it prevent such local national farm-land bank from guaranteeing loans secured by first mortgages or first deeds of trust on land lying partly in the county in which it is operated and partly in another county.

"(c) That such loans do not exceed 50 per cent in amount in the case of productive farm lands, and do not exceed 40 per cent in amount in other cases, of the value of the said lands, to be determined by an appraisement, as provided in this act.

"(d) That every such long-term farm loan contain a mandatory provision for the amortization of such loan or reduction of the same by annual or semiannual payments on amount of principal.

"(e) That every such loan may be paid off in whole or in part by the borrower, upon reasonable notice, in accordance with rules to be prescribed by the division of farm-land banking, at any interest period after such loan has continued for five years, by the payment of the balance due on such loan as of the date of such payment, after crediting the amortization payments on the same as and when they were made.

"Third. To sell and dispose of, and to buy back and trade in mortgages or deeds of trust, or notes or bonds secured thereunder, so guaranteed by it.

"Fourth. To invest its deposits in loans upon farm lands maturing within five years: *Provided*, That such loans comply with all the requirements outlined in subdivisions (b) and (c) under '2' next above. To guarantee such short-term loans running for less than five years, both as to principal and interest; and to sell, buy, and trade in the same.

"Fifth. To use its capital stock, surplus, and deposits as a revolving fund for the temporary purchase or holding of long-term first mortgage or first deed of trust farm loans, running for five years or more, under '2' above; or for the temporary purchase or holding of short-term first deed of trust farm loans under '3' above; or to use the same for the purpose of buying in and holding temporarily national land-bank bonds of the United States farm-land bank issued against first mortgage or first deed of trust long-term farm loans, guaranteed, first, by local national farm-land bank and then by a State national farm-land bank, as elsewhere herein specified: *Provided*, That such capital and surplus shall not be permanently invested in such first mortgage or first deed of trust long-term farm loans running for five years or more; or in such first mortgage or first deed of trust farm loans running for less than five years; or in such national land-bank bonds of the United States farm-land bank; but can only be permanently invested in United States Government bonds, in bonds of the State in which such bank is operated, or in such other securities as may be provided by the division of farm-land banking.

"Sixth. To buy and sell gold and silver coin and bullion; to collect notes, drafts, and bills of exchange; to keep reciprocal accounts with other banks; to keep its reserves, either in cash or as a deposit, with its State national farm-land bank or with the United States farm-land bank; to borrow money on its notes or obligations, or to rediscount short-term farm loans held by it with other banks; and to keep on

deposit for the accommodation of its borrowers the money derived from the sale of long-term or short-term farm loans, until the said money is used. Such sums may be held by the local national farm-land bank on a check account for the benefit of the borrower until the same is fully drawn out; but in such case the balance due to the borrower shall be kept by the local national farm-land bank in cash or in the shape of a deposit or balance in the State national farm-land bank or with the United States farm-land bank.

" SPECIFIC LIMITATION.

" SEC. 14. That every local national farm-land bank shall be subject to the following specific limitations:

" First. The amount in long-term mortgages or deeds of trust, or notes or bonds secured thereunder, running for five years or more under terms of section 13, No. 2, above, that can be guaranteed as to principal and interest at any one time by such local national farm-land bank shall not exceed 15 times its capital and accumulated surplus, nor shall the amount of short-term loans guaranteed by it under section 13, No. 4, exceed 5 times its capital and accumulated surplus.

" Second. The capital stock and surplus of each local national farm-land bank shall be primarily liable to secure and make good its indorsement or guaranty upon the long-term farm loans, evidenced by mortgage or deed of trust, or notes or bonds secured thereunder, running for five years or more, guaranteed by it under this act, and shall be then liable to secure and make good its guaranty upon short-term loans under this act, and thereafter shall be held liable for its deposits on other obligations.

" Third. The charges of administration imposed by a local national farm-land bank upon the borrower for handling long-term real estate loans, running for five years or more, as above described, shall not exceed an annual charge of 1 per cent upon the amount unpaid on the loan, as evidenced by the first mortgage or first deed of trust, and the notes or bonds secured thereby, executed by the borrower. All of such administrative charge may be retained by the local bank if such guaranteed loan is then sold. But if forwarded to a State bank to be guaranteed, then of such 1 per cent one-half shall be retained by the local national farm-land bank as its administrative charge and as payment for its guaranty of such loan. One-fourth shall go to the State national farm-land bank as payment for its administrative charge and its guaranty and one-fourth shall go to the United States farm-land bank for its administrative charge and its guaranty or services in selling national land-bank bonds against such loan.

" Fourth. The payments provided to be made annually or semiannually by the borrowers upon long-term farm-land loans, secured by first mortgage or first deed of trust and guaranteed by local national farm-land bank, shall in all cases be sufficient to pay the interest charge upon the loan, the administrative charge, and an amortization payment, to be paid annually or semiannually, sufficient in amount to retire and pay off the amount of the principal borrowed (as evidenced by the face of said first mortgage or first deed of trust and the notes or bonds secured thereunder) at its maturity.

" Fifth. The dividends to be paid to the stockholders of any local national farm-land bank shall in no case exceed 6 per cent per annum on the amount originally invested, although such dividends may be, at the option of the bank, paid in equal semiannual, quarterly, or monthly installments, and shall be cumulative. Surplus earnings of such bank, after the payment of dividends, shall be used to create an earned surplus until such earned surplus shall equal double the amount of paid-in capital. When such earned surplus has equaled this amount, then the capital stock of the local national farm-land bank shall be bought in at par from the holders thereof, and thereupon such stock shall be canceled and retired, and the said local national farm-land bank shall thereupon become a mutual bank, its earnings to be distributed among its depositors and borrowers in proportion to the amount of business transacted with such bank; all under such rules and regulations as the division of farm-land banking may provide: *Provided*, That no such use of the surplus of said local national farm-land bank to buy in and retire its capital stock shall be made which will reduce the capital and surplus to less than one-fifteenth of the amount of outstanding long-term farm loans and one-fifth of the amount of outstanding short-term farm loans guaranteed by the said bank: *And provided*, That no dividends shall be paid which will impair the capital stock of said institution, or which will reduce the capital and surplus of the bank to less than one-fifteenth of the outstanding long-term mortgages or deeds of trust, or notes or bonds secured thereunder, and one-fifth of the amount of outstanding short-term farm loans guaranteed by the said bank.

"APPRAISEMENT COMMITTEE OF LOCAL NATIONAL FARM-LAND BANK.

" SEC. 15. That the board of directors of each local national farm-land bank shall immediately, upon its organization and before making any loans upon farm lands, appoint an appraisement committee, which shall be composed of not less than three members of the board of directors. The names of said appraisement committee shall be at once filed with the director of farm-land banking, and any change in the said committee shall be at once communicated to him. The duty of said committee shall be to appraise, or cause to be appraised, and report on the value of real estate offered as security for loans. All the reports of the appraisement committee shall be made in writing, signed by a majority of the committee, and shall give a description of the property, the value at which it is appraised by them, the value at which it is assessed for taxation, and such other information as may be required by the directors of the bank or by the director of farm-land banking. Such report shall be filed and preserved with other papers relating to such loans; and no loan shall be made on any farm land unless and until such report in writing has been filed with the said bank.

" DESTRUCTIBLE PROPERTY TO BE INSURED.

" SEC. 16. That wherever the value of the building or destructible property attached to the land is a part of the security for any loan, such buildings or destructible property shall be properly insured against loss by fire, and policies representing such insurance shall be deposited along with the mortgages under the joint control of the said bank and the Federal fiduciary agent. In such case, provisions shall be made in the mortgages or deeds of trust for the payment by the borrower of an amount sufficient to pay the premiums on such insurance policies, in addition to the interest, amortization, and administration charges to be paid by him as herein set out. In appraising property for long-term loans, the buildings and destructible property shall not be valued at more than 20 per cent of the total appraisement.

" SEC. 17. That no local national farm-land bank shall be authorized to operate any branches.

" CONVERSION OF EXISTING LAND-MORTGAGE COMPANIES AND OTHER STATE INSTITUTIONS INTO LOCAL NATIONAL FARM-LAND BANKS.

" SEC. 18. That any land-mortgage association or corporation, or any similar institution or bank now incorporated under the general or special laws of any State, may become a local national farm-land bank under this act, under a suitable name, upon complying with the provisions of this act, and in such case the articles of association and the organization certificate may be executed by a majority of the stockholders of the existing institution, and the certificate shall declare that the owners of two-thirds of the capital stock of the old institution have authorized the directors to make such certificate and to change and convert the institution into a local national farm-land bank. The majority of the directors, after executing the articles of association and organization certificate, shall have power to execute all other papers and to do whatever may be required to make its organization perfect and complete as a local national farm-land bank. The directors of the old company may continue to be the directors of the local national farm-land bank until others are elected or appointed in accordance with the provisions of this chapter. When the director of farm-land banking has given to such association a certificate under his hand and official seal (after the provisions of this act have been complied with), and after it is authorized to commence the business of farm-land banking, the bank shall have the same powers and privileges and shall be subject to the same duties, responsibilities, and rules in all respects as are prescribed for other banks originally organized as local national farm-land banks and shall be held and regarded as such a local national farm-land bank; but no such bank shall have a less capital than the amount prescribed for local national farm-land banks organized under this act, and no such corporation shall be authorized to do business as a local national farm-land bank until the amount of mortgages or deeds of trust, or notes or bonds secured thereunder, guaranteed by it is so adjusted that it does not exceed 20 times the capital and surplus of the said bank and until it complies in all other respects with the provisions of this act.

" POSTAL SAVINGS DEPOSITS IN LOCAL NATIONAL FARM-LAND BANKS.

" SEC. 19. That every local national farm-land bank is authorized to receive postal-savings deposits under the postal-savings act as it now exists or as it may hereafter be changed, and to deposit as security for the same the collateral trust bonds or national land-bank bonds of the United States farm-land bank issued against long-term mortgages or deeds of trust on lands in its State: *Provided*, That such long-term mortgages or deeds of trust and the notes or bonds secured thereunder, so held by the United States farm-land bank as security for such national land-bank bonds, are guaranteed, both as to principal and interest by both the local national farm-land bank and the State national farm-land bank. In such case the said local national farm-land bank is authorized, out of any funds available, to buy such national land-bank bonds of the United States farm-land bank at the market price, for the purpose of depositing them with the Government as security for such postal-savings deposits. And such national land-bank bonds of the United States farm-land bank will be thereupon received as security for such postal savings deposits with the local national farm-land bank on the terms and conditions elsewhere herein provided. The provisions of section 15 of the Federal reserve act and of section 9 of the postal savings act, so far as in conflict herewith, are hereby repealed.

" RESERVES OF LOCAL NATIONAL FARM-LAND BANKS.

" SEC. 20. That on all time deposits the local national farm-land bank shall maintain a reserve of at least 5 per cent. On check deposits or balances subject to check, left with it by borrowers, pending the use of the money borrowed, the local national farm-land bank shall maintain a reserve of 100 per cent. On other demand deposits it shall maintain a reserve of 15 per cent. Such reserves may be held, either in cash in its own vaults, or in the shape of balances with its State national farm-land bank or with the United States farm-land bank: *Provided*, That at all times at least 2 per cent of its time deposits and 10 per cent of its check deposits are held in cash in its own vault. No deposit or balance held by one local national farm-land bank on another local national farm-land bank shall be counted as a part of its reserve.

" PURCHASE BY LOCAL BANKS OF STOCK IN THE STATE NATIONAL FARM-LAND BANK AND IN THE UNITED STATES FARM-LAND BANK.

" SEC. 21. That immediately upon its organization each local national farm-land bank shall purchase and pay for capital stock in the United States farm-land bank to the extent of 10 per cent of the capital and surplus of such local national farm-land bank, and upon the incorporation of a State national farm-land bank under the terms of this act each local national farm-land bank in such State shall purchase and pay for an amount of the capital stock of such State national farm-land bank to the extent of 20 per cent of the capital and surplus of such local national farm-land bank. The division of farm-land banking, by suitable rules and regulations, shall provide for the increase or decrease of the holdings of each local national farm-land bank in stock of the United States farm-land bank and in stock of the State national farm-land bank, so that at all times each local national farm-land bank shall have invested 10 per cent of its capital and surplus in stock of the United States farm-land bank and 20 per cent of its capital and surplus in stock of its State national farm-land bank. The stocks of both the State national farm-land bank and of the United States farm-land bank shall at all times be carried on the books of such local national farm-land bank at their then book value, as shown by the report made by the State national farm-land bank and the United States farm-land bank under this act. Any such stock so held by the local national farm-land bank shall not be sold, traded in, collaterated, or disposed of, but shall be held by it as a permanent investment.

" STATE NATIONAL FARM-LAND BANKS, WHEN AND HOW ORGANIZED.

" SEC. 22. That as soon as 30 or more local national farm-land banks have been organized in any State of the Union the director of farm-land banking shall issue to each local national farm-land bank operating in said State notice of a meeting to be held at some convenient point in said State for the organization of a State national farm-land bank. Thereupon each of the said local national farm-land banks shall, by vote of its directors and under its seal, appoint one of its directors to attend such meeting with full authority to represent it in organizing such State national farm-land bank. Such organization meeting shall be held under the direction of the director of farm-land banking and shall be attended by him or by his representative. As soon thereafter as may be the State national farm-land bank shall be organized and put in operation under the supervision and according to the direction of the division of farm-land banking.

"INCORPORATION OF STATE NATIONAL FARM-LAND BANKS.

"SEC. 23. That a State association for carrying on the business of farm-land banking under this act may be formed by any number of local national farm-land banks organized under this act as above provided, not less than 30, through their representatives authorized as above set out; and such local national farm-land banks shall enter into articles of association which shall specify in general terms the object for which the association was formed and may contain any other provisions not inconsistent with law which the association may see fit to adopt for the regulation of its business and the conduct of its affairs. These articles shall be signed by the representatives of at least 10 local national farm-land banks, and a copy of them shall be forwarded to the director of farm-land banking, to be filed and preserved in his office.

"The representatives of the local national farm-land banks so uniting to form such a State national farm-land bank shall, under their hands, make an organization certificate, which shall specifically state—

"First. The name assumed by such association. The words 'national farm-loan bank' shall be a part of the title of every such State institution, and these words shall not be used by any institution other than those incorporated under this act. These words shall be prefixed by the name of the State in which such bank is operated.

"Second. The State in which the operations of such State national farm-land banks are to be carried on, and the place in the State where its principal office is to be located, which place may be changed from time to time upon the request of such State national farm-land bank, with the approval of the director of farm-land banking.

"Third. The amount of capital stock to be issued at the time of its organization and the number of shares into which the same is to be divided: *Provided*, That such capital stock shall in no case be less than $60,000 at the time of organization: *Provided further*, That such capital stock may be increased or decreased from time to time as new local national farm-land banks are formed in such State and become stockholders of said State national farm-land banks; or as the capital stock or surplus of the local national farm-land banks in such States increase or decrease; or as such local national farm-land banks retire from business or are wound up. But every increase or decrease of such stock of the State national farm-land bank shall be subject to the approval of the director of farm-land banking, and at no time shall the capital be less than a minimum of $60,000, nor shall the capital and surplus be less than one one-hundredth of the aggregate value of the mortgages or deeds of trust, or notes or bonds secured thereunder, guaranteed by the State national farm-land bank, as herein set forth.

"Fourth. The names and principal offices of the share-holding local national farm-land banks and the number of shares held by each of them.

"Fifth. The fact that the certificate is made to enable such local national farm-land banks to avail themselves of the advantages of this act.

"HOW ACKNOWLEDGED AND PRESERVED.

"SEC. 24. That the organization certificate shall be acknowledged before a judge of some court of record or before a notary public, and shall be, together with the acknowledgment thereto, authenticated by the seal of such court or notary public, transmitted to the director of farm-land banking, who shall record and carefully preserve the same in his office.

"SPECIFIC POWERS OF STATE NATIONAL FARM-LAND BANKS.

"SEC. 25. That every State national farm-land bank shall have the following specific powers:

"First. To act as clearing house for the local national farm-land banks in such State; to accept deposits from such local national farm-land banks in said State, and to act as reserve agent for them; to pay interest upon such deposits made by local national farm-land banks or upon such reserves held with it: *Provided*, That the rate of interest paid on deposits or reserves shall be the same to all local national farm-land banks in such State.

"Second. To guarantee the payment, both as to principal and interest, of long-term farm-land mortgages or deeds of trust, and notes or bonds secured thereunder, running for not less than five years: *Provided*, That such loans are made in conformity with the provisions of section 13, paragraph 2, above, and are first guaranteed as to principal and interest by the local national farm-land bank which originally took such loan: *Provided further*, That the amortization or principal payments on such loans, so guaranteed by the said State national farm-land bank, are turned over to it by the local national farm-land bank as the same are collected, to be by it in turn delivered to the United States farm-land bank, which shall use such amortization payments to buy in and retire its national land-bank bonds issued against such farm loans so guaranteed by the local and State national farm-land banks, so as to prevent the amount of outstanding national land-bank bonds being in excess of the mortgages or deeds of trust, or notes or bonds secured thereunder, held by the said United States farm-land bank as security for such national land-bank bonds.

"Third. To rediscount short-term farm loans, secured by first mortgage or first deed of trust on farms, in accordance with the provisions of this act, and running for less than five years, which may be forwarded to it by the local national farm-land banks for such rediscounting: *Provided*, That such short-term farm-mortgage loans are guaranteed by the local national farm-land bank applying for such rediscount, and do not have more than two years to run before their maturity: *Provided further*, That such short-term farm-mortgage loans in other respects comply with the requirements and conditions elsewhere set out in this act. But the rate of rediscount shall be the same to all the local national farm-land banks in the said State at any given time. And the said State national farm-land bank, upon rediscounting of such short-term farm-mortgage loans, shall have the right to hold the same as an investment or to sell the same, either with or without its indorsement, and may thereafter buy back or trade in and afterwards resell any such short-term farm-mortgage loans which are guaranteed by it and which have been so sold.

"Fourth. To use its capital stock, surplus, and deposits as a revolving fund for the temporary purchase or holding of long-term farm-mortgage loans which have been first guaranteed by a local national farm-land bank as hereinbefore provided; or for the temporary purchase of short-term farm-mortgage loans running for less than five years, and issued and guaranteed in accordance with the provisions of this act, so as to maintain the price of the same; or in buying in the national land-bank bonds of the United States Farm-Land Bank issued against the first mortgage or first deeds of trust, and the notes or bonds secured thereunder, which have been guaranteed by a local national farm-land bank and by a State national farm-land bank in order to maintain the price of the same. Such capital and surplus shall not be permanently invested in anything except in United States bonds or in bonds of the State in which such State national farm-land bank is operating, or in such other bonds or securities as may be approved by the division of farm-land banking.

"Fifth. To buy and sell gold coin, silver coin, and bullion; to collect notes, drafts, and bills of exchange; to keep reciprocal accounts with other banks; to rediscount or sell the short-term paper held by it for other banks, either with or without its indorsement; to buy back and trade in any paper containing its indorsement; to act as broker, and to charge a commission therefor, in selling short-term farm loans guaranteed by a local national farm-land bank as above set out.

"SPECIFIC LIMITATIONS ON STATE NATIONAL FARM-LAND BANKS.

"SEC. 26. That every State national farm-land bank shall be subject to the following specific limitations:

"First. The amount of long-term loans evidenced by first mortgage or first deed of trust on farm lands, or notes or bonds secured thereunder, which may be guaranteed as to principal and interest by such State national farm-land bank after having been guaranteed by the local national farm-land bank, as herein elsewhere provided, shall not at any one time exceed 100 times the capital and accumulated surplus of such State national farm-land bank, and no such long-term loan shall be guaranteed by such State national farm-land bank unless and until it complies in all respects with the provisions of this act and unless and until it has first been guaranteed as to principal and interest by the local national farm-land bank making such loan.

"Second. The administration charge of such State national farm-land bank for so guaranteeing the payment as to both principal and interest of such long-term farm loans, which have been first guaranteed by the local national farm-land bank, shall in no case exceed an annual charge of one-fourth of 1 per cent of the amount unpaid on the loan so guaranteed, as evidenced by the first mortgage or first deed of trust, or the notes or bonds secured thereunder, executed by the borrower.

"Third. The commissions and charges of the State national farm-land banks for acting as broker in the sale of short-term farm loans, and the rates of rediscount charged by it to the local national farm-land banks for rediscounting such short-term farm loans, shall be in all respects subject to the supervision and control of the division of farm-land banking.

"Fourth. The amount of short-term first mortgage loans which may be at any one time guaranteed by a State national farm-land bank, after being first guaranteed by a local national farm-land bank as to both principal and interest, shall not exceed five times the capital and surplus of such State national farm-land bank.

"PURCHASE OF STOCK IN UNITED STATES FARM-LAND BANK BY EACH STATE NATIONAL FARM-LAND BANK.

"SEC. 27. That immediately upon its organization each State national farm-land bank shall purchase and pay for stock of the United States farm-land bank in an amount equal to 10 per cent of the capital and surplus of such State national farm-land bank, and shall at all times maintain its holdings of stock in such United States farm-land bank at 10 per cent of the capital and surplus of such State national farm-land bank, under suitable regulations provided by the division of farm-land banking, as elsewhere set out herein.

"ELECTION OF DIRECTORS IN STATE NATIONAL FARM-LAND BANK.

"SEC. 28. That the directors of the State national farm-land bank shall be elected by the representatives of the local national farm-land banks owning the stock in such State national farm-land bank at least once in each year. In all meetings of stockholders of the State national farm-land banks, whether for the election of directors or for other purposes, each stockholding local national farm-land bank shall have one vote irrespective of the amount of stock held by it in such State national farm-land bank. The stockholding banks shall also elect a president and two vice presidents for the State national farm-land bank, who shall be members of the board of directors. No officer or director of a State national farm-land bank shall, during his term of office as such, be an officer, director, or stockholders in any local national farm-land bank in that State, nor shall he receive any salary or emolument of any kind from any local national farm-land bank in that State. The officers of the State national farm-land banks shall be required to give such bond and meet such other requirements as the directors of such bank or as the division of farm-land banking may prescribe.

"RESERVES OF STATE NATIONAL FARM-LAND BANKS.

"SEC. 29. That each State national farm-land bank shall at all times maintain a reserve in lawful money of at least 20 per cent of its check deposits or balances due local national farm-land banks, plus at least 6 per cent of its time deposits. Of such reserve, 6 per cent of its check deposits, plus 3 per cent of its time deposits, shall be maintained in cash in its own vaults. The balance of such reserves may be represented by balances deposited with the United States farm-land bank, or with Federal reserve banks, or with such other National or State banks as the division of farm-land banking may approve.

"BRANCH BANKS OF STATE NATIONAL FARM-LAND BANKS.

"SEC. 30. That subject to the approval of the division of farm-land banking, a State national farm-land bank shall have the power to establish branches in the State, for the proper conduct of its business. It shall also have the power to maintain such reciprocal accounts, and enter into such arrangements with the State national farm-land banks in other States, or with other National or State banks as may be necessary for the proper conduct of its business, and as may be approved by the division of farm-land banking.

"ORGANIZATION OF UNITED STATES FARM-LAND BANK.

"SEC. 31. That there is hereby incorporated the United States farm-land bank, with an authorized capital of not less than $1,000,000 and with the right of indefinite increase. The principal place of business of said bank shall be at Washington, D. C. Its charter rights and privileges shall continue for a term of 50 years, with the right of renewal by Congress, subject to amendment or repeal by Congress during that time: *Provided*, That the rights of creditors of such institution shall not be changed or affected by any such amendment, repeal, or change.

"SPECIFIC POWERS OF UNITED STATES FARM-LAND BANK.

"SEC. 32. That the United States Farm-Land Bank shall have the following specific powers:

"First. To act as a clearing house and reserve agent for State national farm-land banks and for local national farm-land banks; to receive deposits from the same; to receive postal savings and governmental deposits; to rediscount for the same; to pay interest on balances left with it by such State or local national farm-land banks: *Provided*, That the same rate of interest shall be paid on all such balances irrespective of the amount.

"Second. To buy and sell gold and silver coin and bullion; to collect notes, drafts, and bills of exchange; to discount short-term farm loans for local national farm-land banks: *Provided,* That the same have first been indorsed or guaranteed by State national farm-land banks: *Provided further,* That the same are maturing within two years. To keep reciprocal accounts with other banks; to rediscount its paper with such other banks. To buy and sell and otherwise trade in short-term mortgage loans or paper guaranteed or indorsed by it. To buy and sell Government bonds and State bonds; and to act as broker in the sale of Government, State, county, municipal, and other similar securities, and to charge a commission therefor.

"Third. To issue, sell, and trade in its own collateral trust bonds or national land-bank bonds: *Provided,* (a) That no national land-bank bonds shall be issued by the United States Farm-Land Bank against any mortgages or deeds of trust, or notes or bonds secured thereunder, unless and until such mortgages or deeds of trust, or notes or bonds secured thereunder, have been guaranteed as to both principal and interest by the local national farm-land bank where the land against which the same were issued is located, and by the State national farm-land bank of the State in which such land is located.

"(b) That the mortgages or deeds of trust and bonds or notes secured thereunder so used as the basis for the issue of national land-bank bonds by the United States Farm-Land Bank shall in all respects comply with the conditions and provisions of this act.

"(c) That all national land-bank bonds or debentures issued by said bank shall be subject to call at par, at any interest period after the date of issue or after a specified time not longer than five years from date of issue (as may be provided in the same) by such proper notice and advertisement as may be provided for by the Division of Farm-Land Banking.

"(d) That such national land-bank bonds so issued by the United States farm-land bank shall be always protected by the deposit as security therefor of at least an equal amount in face value of first mortgage or first deed of trust farm loans and notes or bonds secured thereby, maturing not less than five years after that date.

"(e) That the amortization and other principal payments upon the mortgages or deeds of trust or notes or bonds secured thereunder so deposited as security for the national land-bank bonds or debentures issued by the United States farm-land bank shall be forwarded to the said United States farm-land bank as the same are made, held in the joint possession of it and of the Federal fiduciary agent and used in paying for its own national land-bank bonds issued and sold by it against the said mortgages or deeds of trust or notes or bonds secured thereunder, so that the amount of national land-bank bonds issued by it and outstanding shall not exceed at any one time the amount of mortgages or deeds of trust or notes or bonds secured thereunder held as security for such national land-bank bonds.

"(f) That as the amortization payments are credited upon the first mortgages or first deeds of trust farm loans so deposited as security, the national land-bank bonds issued by the United States farm-land bank and secured thereby shall be called and paid, or purchased in the open market and retired, to the extent of the credits made upon such first mortgage or first deed of trust farm loans held as security for the same, under rules and regulations made by the division of farm-land banking.

"(g) That the first mortgage or first deed of trust farm loans, and notes and bonds secured thereby, held as security for such national land-bank bonds or of the United States farm-land bank, shall at all times, while said national land-bank bonds are outstanding, be in the joint possession and under the joint control of the said United States farm-land bank and of the Federal fiduciary agent for said bank hereinbefore provided for.

"(h) That the national land-bank bonds issued by the United States farm-land bank shall be issued in series, in such amounts and at such rate of interest, and on such terms and conditions as the said bank may decide to be advisable, subject to the terms and provisions of this act. In no case shall a series of national land-bank bonds be issued by the United States farm-land bank which are secured by mortgages or deeds of trust, or notes or bonds secured thereunder, in more than one State.

"(i) That no national land-bank bond shall be issued against any mortgage or deed of trust, or notes or bonds secured thereunder, which falls due earlier than five years after its date.

"Fourth. To use its capital stock, surplus, and deposits as a revolving fund for the temporary purchase or holding of first mortgages or first deeds of trust farm loans, and the notes or bonds secured thereunder, guaranteed by local and State national farm-land bank, until its national land-bank bonds can be issued and sold against the same, or to use its said capital stock and surplus for the purpose of buying in, or trading in its national land-bank bonds, and holding them temporarily, so as to maintain the price of the same; or to use its capital and surplus and its deposits for rediscounting short-term farm mortgage loans, maturing at no longer than two years, as hereinbefore set out, and guaranteed by local and State national farm-land bank: *Provided,* That such capital and surplus shall not be permanently invested in its own national land-bank bonds or in first mortgage or first deed of trust farm-land loans guaranteed by State and local national farm-land bank, whether the same be short-term loans or long-term loans. But such capital and surplus may only be permanently invested in United States Government securities.

"Fifth. To act as depository for the National Government for any funds that may hereafter be deposited with it, and particularly of any funds that may be deposited with it by the postal savings trustees under the postal savings act as the same now exists or as it may hereafter be changed; and all parts of section 15 of the Federal reserve act and of section 9 of the postal savings act in conflict herewith are hereby repealed, to pay interest on such deposits and to invest the same, or such portions of the same as it may by law be authorized to invest, in Government, State, county, and municipal bonds, or in long-term first-mortgage farm bonds.

"Sixth. To rediscount for national banking associations farm loans held by them under the provisions of the Federal reserve act, and to rediscount with such national banking association short-term real estate loans held by it, maturing at not more than five years, and otherwise complying with the provisions of section 24 of said Federal reserve act. Such rediscount by any national banking association shall be considered and treated as a farm loan as authorized under section 24 of said Federal reserve act.

RESERVES OF UNITED STATES FARM-LAND BANK.

"SEC. 33. That the United States farm-land bank shall, at all times, keep a reserve of not less than 20 per cent of the check or demand deposits; of not less than 10 per cent of its time deposits. Such reserves must be kept, at least one-half in its own vaults, and the balance may be represented by deposits in the Federal reserve banks or in such national or State banks as the division of farm-land banking may approve.

"MANAGEMENT AND CONTROL OF UNITED STATES FARM-LAND BANK.

"SEC. 34. That the management and control of the United States farm-land bank shall be vested in a board of governors consisting of nine members. Of these, four shall be appointed by the President, by and with the advice and consent of the Senate, to serve for life or during good behavior, and any vacancy occurring among these four shall be filled by the President in like manner. The remaining five shall be selected by vote of the stock-holding banks to serve—one for four years, two for six years, and two for eight years. Thereafter these vacancies shall be filled by the vote of the stock-holding banks as they occur, and the party elected shall serve for eight years. In voting for these directors each State national farm-land bank shall, through its duly accredited representatives, be entitled to cast as many votes as there are local national farm-land banks in that State, and each local national farm-land bank shall have the right to instruct the State national farm-land bank how its vote shall be cast. The methods of conducting such elections, subject to the foregoing requirements, shall be as provided by the division of farm-land banking.

"From the nine directors so appointed the stock-holding banks shall select two out of the five selected by them, and one of the four named by the President. Of these three so elected, the President shall name one as president and two as vice presidents of the United States farm-land bank of the United States of America, and a new election for president and two vice presidents shall be held every eight years. In case of a vacancy by death or resignation the unexpired term shall be filled by the board of governors itself from among their number.

"Each member of the board of governors shall receive a salary of $10,000 per year, except that each vice president shall receive $12,000 per year and the president $15,000 per year, all payable in equal monthly installments. The members of the board of governors shall devote their entire time and attention to the affairs of the bank, and shall not be interested financially in the stock of any local national farm-land bank during their term of office. Each of said members shall be required to give a bond for the faithful discharge of his duties in the sum of $100,000, to be approved by the division of farm-land banking.

"TEMPORARY ORGANIZATION.

"SEC. 35. That the permanent organization of the United States farm-land bank, as above outlined, shall not be perfected until at least 12 State national farm-land banks have been organized under this act. Pending the organization of such 12 State national farm-land banks there shall be a temporary organization of such United States farm-land bank with nine directors, and with a president and two vice presidents selected by the national farm-land banking board, at such salaries as it may approve. Such temporary organization shall continue until at least 12 State national farm-land banks have been organized, when the permanent organization shall be carried into effect.

"BRANCHES OF UNITED STATES FARM-LAND BANK.

"SEC. 36. That the United States farm-land bank shall have power to create and operate such branches throughout the United States as it may deem wise and as may be approved by the division of farm-land banking, and to operate such additional branches outside of the United States as its business may require and as the board of governors may specify, subject to the approval of the division of farm-land banking. But wherever any branch is operated outside of the United States, such portion of the capital and surplus of said United States farm-land bank as may be designated by the division of farm-land banking shall be specifically set aside for such branch bank, and separate examination and reports of the condition of each of said branches shall be made under the direction of the division of farm-land banking.

"PRIVILEGES GRANTED TO NATIONAL LAND-BANK BONDS OF UNITED STATES FARM-LAND BANK.

"SEC. 37. That the national land-bank bonds or debentures of the United States farm-land bank shall be available for the following purposes:

"First. As security for the deposit of postal savings funds in any national farm-land bank. The provisions of section 9 of the postal savings act so far as in conflict herewith are hereby repealed.

"Second. As a legal investment for trust funds and estates under the charge of or administered by any of the courts of the United States.

"Third. As a security for loans from national banking associations to national farm-land banks for not exceeding five years to an amount aggregating not over 25 per cent of the capital stock and surplus, or to one-third of the time deposits of the national banking association making such loan. Such loans to be made and held by the national banking association making the same as being within the provisions of section 24 of the Federal reserve act, so as to permit national banking associations to lend to national farm-land banks on their obligations secured by national land-bank bonds of the United States farm-land bank, in place of making the loan directly on farm lands, as provided for in said section.

"No such national land-bank bonds of the United States farm land bank shall be available for the foregoing purposes except those issued against mortgages or deeds of trust complying with the following conditions:

"(a) That the mortgages or deeds of trust, and the bonds or obligations secured thereunder, deposited as security for the national land-bank bonds of the United States farm land bank are exempt from all State taxation or assessment, direct or indirect, which may exist in the State in which the local and State national farm land bank guaranteeing the same are operating, as elsewhere herein provided.

"(b) That laws decided to be sufficient by the division of farm land banking have been passed by the State in which the local or State national farm land bank guaranteeing such mortgage and deeds of trust are operating, withdrawing or canceling the right to claim exemption, or providing for the waiver of such exemption, whether homestead or otherwise, against the mortgages or deeds of trust, or bonds or obligations secured thereunder, held as security for the national land-bank bonds of such United States farm land bank: *Provided,* That if the right to waive such exemption is given, then that all the mortgages or deeds of trust, and bonds or notes secured thereunder, deposited as security for such national land-bank bonds contain such waiver.

"(c) That in the opinion of the division of farm-land banking, the State laws providing for registration of land titles, conveyances, and foreclosures in any given State are such as to give reasonable protection to the holders of first mortgages and first deeds of trust on lands located within that State.

"(d) That the national land-bank bonds of the United States farm land bank, which are accepted under this law as security in the various matters above set out, shall be likewise accepted under the State laws of the State in which the local and State national farm land bank guaranteeing such mortgage and deed of trust are operated as a legal investment for the funds of savings banks operating in that State, and of trust funds and estates held by or under the control of the courts of that State, and as a legal investment for the reserves of insurance companies incorporated under or operating under the laws of that State.

"RIGHT OF BORROWER TO PAY OFF MORTGAGE.

"SEC. 38. That any borrower shall be entitled to pay off the amount of his mortgage or any portion thereof on any interest period after the first five years in cash or by presenting to the bank the national land-bank bonds of the United States farm land bank of the same series as those issued against his mortgage. To the extent of such national land-bank bonds presented and canceled at such time the borrower shall be relieved of his mortgage indebtedness, and proper credits shall be made upon his mortgage. The Federal fiduciary agent shall evidence such credit. The United States farm land bank issuing such national land-bank bonds shall also have the right at any time to buy in the open market its national land-bank bonds and to cancel the same, and thereupon to release a proportionate amount of the mortgage securing such national land-bank bonds. But in case any such national land-bank bonds of the bank are called for payment by the bank, as hereinbefore provided, then the same must be paid off by the bank at par.

"EXEMPTION OF NATIONAL LAND-BANK BONDS FROM TAXATION.

"SEC. 39. That the national land-bank bonds issued by the United States farm-land bank shall be forever exempt from the imposition of taxes, assessments, or charge. Such exemption from taxation shall be prominently stated upon the bond, so that it may be readily ascertained.

"SEC. 40. That all matters relating to the organization and operation of said national farm-land banks created under this act shall be under the direction and control of the division of farm-land banking, except as herein specified.

"APPROPRIATION FOR TEMPORARILY SUBSCRIBING STOCK OF UNITED STATES FARM-LAND BANK.

"SEC. 41. That the sum of $1,000,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be invested by the division of farm-land banking in the capital stock of the United States farm-land bank. This money shall be repaid to the Treasurer of the United States, with interest at the rate of 2 per cent per annum, as and when stock in the United States farm-land bank is taken by the local national farm-land banks or the State national farm-land banks, repayment being made in amounts of not less than $50,000 at a time.

"APPROPRIATION FOR ORGANIZATION EXPENSES.

"SEC. 42. That the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be used under the direction of the farm-land banking board in organizing the United States farm-land bank, and in such expense as they may deem necessary or advisable in the organization of local and State national farm-land banks.

"PENALTIES FOR VIOLATION OF LAW.

"SEC. 43. That any officer, clerk, or agent of any national farm-land bank, or any Federal fiduciary agent herein described, who commits any offense or malfeasance such as described in sections 5208 and 5209 of the Revised Statutes of the United States and section 13 of the act approved July 12, 1882, being the law relating to national banks, shall be punished upon conviction as prescribed in the said laws relating to national banks.

"SEC. 44. That all acts and parts of acts inconsistent herewith are hereby repealed."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

Mr. HOWARD. Mr. Chairman, I would like to present just a word or two on that. I would like to have 10 minutes.

Mr. LEVER. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from South Carolina rise?

Mr. LEVER. I would like to ask unanimous consent that debate on this amendment and all amendments thereto close in 15 minutes, 5 minutes to be controlled by the gentleman from Georgia [Mr. HOWARD], 2 minutes by the gentleman from Texas [Mr. EAGLE], 5 minutes by the gentleman from Texas [Mr. VAUGHAN], and the balance of it by the gentleman from South Carolina, my colleague [Mr. RAGSDALE].

Mr. HOWARD. Mr. Chairman, reserving the right to object, I think the committee understand that I did not consume much time in reading my amendment. This is a question to which I have devoted a good deal of study, and is a different proposition than any of the propositions that have been submitted; and I would like to have 10 minutes in which to explain the proposition to the House. I think this would settle the whole question. We can all come together and agree on it. That is the reason I want 10 minutes, and I hope the gentleman will agree to give me that amount of time. I will make it 10 short minutes.

Mr. LEVER. The gentleman from Texas [Mr. VAUGHAN] will come in on another amendment, and the gentleman from Georgia will control 10 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that debate on this amendment be closed in 15 minutes, to be apportioned as indicated by him. Is there objection? [After a pause.] The Chair hears none.

Mr. GOODWIN of Arkansas. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none. The gentleman from Georgia [Mr. HOWARD] is recognized.

Mr. HOWARD. Mr. Chairman and gentlemen of the committee, ordinarily I would not, of course, consume any time in discussion of this proposition at this late hour, but, gentlemen, let me call your attention to one thing. I think a great many of us have forgotten that we run away entirely from what the object of the establishment of a system of rural credits was intended for. I do not believe that we are dealing with this question as we intended to deal with it when we started out. There is not any reason for establishing a system of rural credits at all if the beneficent effects of that system do not reach the waste places in this country so that the farmer who has a small amount of land can have the benefits of the system.

Now, the system that I advocate does not call for the expenditure of one single penny on the part of the Government of the United States. It is a system that puts the farmers' system on the same plane with the Federal reserve system and with the banking and commercial interests of this country. I wish to say that any system that does not start with the farmer and end with the farmer and is controlled by the farmer is not going to do the farmer any good. Now, the farmers in my section of the country have been praying for 50 years to be delivered from the skinflint banking and money lending institutions that seek to rob them. What does the Hollis bill do? It allows these banks to charge the current rates of interest in the various States.

Now we propose to give the farmer a cheap rate of interest, to wit, not in excess of 6 per cent, including the 1½ per cent amortization for 30 years. Here you propose to give to the farmers a bill that can exact from them the current rate of interest within the State where the land is located.

Under that proposition, in the first place, you have 48 different institutions issuing bonds in competition with one another, the bonds being placed on the market to be sold. Now, under these conditions you can not possibly put the farmers of this country and their securities on an equal basis. You have too many banks of issue. The gentleman from Oklahoma has the right idea about this banking proposition. All that the farmers want is a system by which they can go in and bring the collective credits of all the farmers together in one great institution, and have their debentures issued to the investing public, and those debentures be as sound and good as State, municipal, county, or railroad bonds, and be sold at as low a rate of interest. The trouble about this method of procedure is that you can not explain any system. You have no time to deliberate about this. Men are voting here to-night for measures that have not amortization in them.

If mandatory amortization is not contained in the measure that passes here, with the further requirement that the money borrowed shall be expended upon the plantation or farm of the borrower for the improvement and enhancement of its value, the system is not worth the snap of your finger, and it will not help but will, on the contrary, hinder the farmer. You propose here to create a system under which the farmer who has a farm can go and mortgage it, and you do not restrict him in his expenditures. He may spend his money somewhere else. Instead of building up the farming interests of this country, the first thing you know you will have a whole lot of foreclosed mortgages, and we will be back in the old age of landlordism. We are in that deeply enough now, and the Lord knows it! Why do you want the Government of the United States to start the machinery over at the Bureau of Engraving and Printing grinding out securities, when the farmer has got the best security on earth? Why do you want to put the Government into the direct loaning of money? The gentleman from Ohio [Mr. BULKLEY] proposes to appropriate $50,000,000 a year to buy the debentures of the farmers.

Mr. BULKLEY. The gentleman is just as inaccurate about that as he has been about the other things.

Mr. HOWARD. That is my understanding of section 30.

Mr. BULKLEY. I know what the gentleman understands, and I know he has studied the bill for eight hours. If he would spend a little more time on it, he would understand it better.

Mr. HOWARD. As I understand, it carries an appropriation for an amount that the Government is permitted to expend out of the unexpended balance in the Treasury, to buy $50,000,000 worth of bonds. If it does not mean that, it does not mean anything and the gentleman does not know anything about the English language. [Laughter.] That is what it means. It does not mean anything else. I can understand the English language as well as the gentleman from Ohio can. Now, when

you appropriate that $50,000,000 you have got a great rush of the farmers to get the $50,000,000. What is going to become of it and who is going to get it? Is Ohio going to get it, is Oklahoma going to get it, or is Georgia going to get it? Then, when you exhaust the public funds the debentures either go below par or the interest rates mount, and everybody who knows anything about the subject knows that is true.

This is a serious proposition; it is one that I think you all ought to stop and think about a little. Take the ill-considered manner in which the Hollis bill has been brought before us. When Senator McCUMBER slipped up on the blind side of a lot of sleepy people at the other end of the Capitol the Banking and Currency Committee of the Senate got together and said, "O Lord, help us; we have got to do something." What did they do? Between the time that the McCumber amendment was put on the bill and this morning they got together and brought out the Hollis bill. And now you ask us to swallow it, hook, sinker, line, cork, and two-thirds of the pole. [Laughter and applause.]

For one I represent a farming constituency; four of the best agricultural counties in Georgia are in my district, and I am not going to be cowardly enough to stand up here on the floor of this House and swallow any such a conglomeration, and I can justify myself before any fair-thinking farmer in this country. It is time for the people of this country to understand that they run the Government and that the Government does not run them. The quicker you instill that thought into the minds of the people of this country the better off the country will be.

Mr. PLATT. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. PLATT. This bill is practically the American commission bill, is it not?

Mr. HOWARD. It is. I divide with Mr. Moss. He leaves me with the State institution, and I take him up one step and bring in the collective credit, in but one institution, and that one issues the debentures. In other words, it stabilizes the interests of the country and puts them all on an equal footing. The man that buys the debenture does not know who is the owner—whether it is in Florida, Oklahoma, or Oregon. He buys because the Government of the United States, through its supervisory officer, looks it over and says it is a good, honest security for the investment of your money. That is as far as the farmer in my district wants me to go, as far as the farmer in your district wants you to go, and as far as we ought to go in justice to the people of the country, and in view of the burdens now being laid on the people by the ill-considered things that have been done here under the guise of wise legislation. [Applause.]

Mr. EAGLE. Mr. Chairman, I think it is enormously to the credit of the representatives of the people that in this time of stress and strain men of the Democratic Party, men of the Progressive Party, men of the Republican Party have uniformly, with one exception, put partisan politics out of the entire day's debate.

When I was a young man 17 years old I left the backwoods of Kentucky, where I was reared, and went to the frontier of Texas, where I taught school, on the banks of the Red River. Across the Red River lived three tribes of Indians—the Kiowas, the Comanches, and the Apaches. They had a functionary among them called "Anumpa-secopa," whose business it was to be a common scold.

She was selected because she had the least brains, the homeliest face, the sharpest tongue, and the greatest self-assurance of all of the squaws in the tribe. I thought when I left that land of barbarians upon the frontier, then in the Indian Territory, I would never again see Anumpa-secopa, but I have found one here to-night. [Laughter.] The Democratic Party, at a time when we are trying, in conjunction with the brains and heart of the Republican and the Progressive Parties, to construct a great rural credits measure, is held up to partisan scorn and ridicule by that Anumpa-secopa purely because the Democratic Party is trying to extricate the farmers of the country from a condition of servitude to the creditor class of the Nation.

I will not willingly hurt any gentleman's feelings or call any names; and in that respect I am in the attitude of a gentleman who was playing a little game of poker, which in former days gentlemen in Texas might with respectability occasionally play. It so happened there was a one-eyed man in the game; and it came about that somebody in the game was cheating. Finally the gentleman to whom I refer said, "Now, gentlemen, I don't want to hurt anybody's feelings nor call any names, but one thing is certain, if there is any more cheating I am going to shoot that other eye out." [Laughter and applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The question was taken, and the amendment was rejected.

Mr. HULINGS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, by striking out all after the word "that" in the committee amendment and insert in lieu thereof the following:

"Associations for carrying on business under this act may be formed by any number of natural persons engaged in practical farming, not less in any case than 25.

"They shall enter into articles of association which shall specify in general terms the object for which the association is formed and may contain any other provisions not inconsistent with law which the association may see fit to adopt for the regulation of its business and the conducting of its affairs.

"SEC. 3. That the persons uniting to form such an association shall, under their hands, make an organization certificate which shall specifically state—

"First. The name assumed by such association, which name shall be subject to the approval of the Comptroller of the Currency.

"Second. The place where its business is to be carried on, designating the State, Territory, or District, and the particular county, town, or village.

"Third. The amount of capital stock and the manner of shares into which the same is to be divided.

"Fourth. The names and places of residence of the shareholders and the number of shares held by each of them, and that the shareholders are practically engaged in farming in the district wherein the association proposes to carry on its business, and the names and place of residences of the president, vice president, and cashier, who shall constitute the board of directors and who shall have been chosen by the shareholders to manage the business of the association for the first year or until their successors shall be elected and qualified.

"Fifth. The undertaking of the said president, vice president, and cashier that they will become trustees for the United States to take, hold, or convey deeds, mortgages, or other conveyances of real estate, and to collect rents, issues or profits, installments of interest or principal; to pay taxes when necessary to protect said mortgages, prevent waste, and to do any other undertaking or thing requisite or proper for said trustees to do in order to preserve the interest and rights of the United States in respect to the lands and the mortgages thereon conveyed to said trustees; and a copy of the bond which said trustees propose to give as security for the faithful performance of their duties.

"Sixth. That each shareholder has paid to the cashier of the association 10 per cent of the par value of the shares subscribed for by him in cash and has executed and conveyed to certain trustees for the use of the United States his certain promissory note for the sum of the par value of the shares subscribed for by him with interest at — per cent, payable annually, to be secured by a mortgage upon improved unencumbered farm lands owned by the mortgagor in fee simple, that for three years last past have been assessed for taxation purposes at a valuation double the amount of said mortgage and within 30 miles of the place wherein the association is to carry on its business, which said mortgage shall have a term not less than 3 nor more than 25 years, and shall be a collateral security for the payment of said note. And said mortgage may provide for the payment of said principal sum with interest or it may provide for the payment of annual installments of a fixed percentage of the face of said mortgage to the said trustees for a specified number of years, and shall also provide that in case the said mortgagor shall make default in the payment of any installment of payment of interest or principal or amortized sum at the time it may become due and payable the whole unpaid principal sum with interest shall immediately become due and payable, and said mortgage shall contain a scire facias clause with warrant of attorney to confess judgment for the principl sum remaining unpaid, with interest and proper costs, upon said mortgage in favor of said trustees, or such other provision permitted or required by the laws of the State wherein such mortgage is made for the immediate collection of said unpaid principal and interest with costs of the proceedings and without exemption or stay of execution.

"Seventh. The fact that the certificate is made to enable such persons to avail themselves of the advantages of this title.

"SEC. 4. That the organization certificate shall be acknowledged before a judge of some court of record or notary public, and shall be, together with the acknowledgment thereof, authenticated by the seal of such court or notary, and a copy of the articles of association duly signed by the associators, transmitted to the Comptroller of the Currency, who shall record and carefully preserve them in his office.

"SEC. 5. That upon duly making and filing articles of association and an organization certificate the association shall become, as from the date of the execution of its organization certificate, a body corporate, and as such, and in the name designated in the organization certificate, it shall have the power—

"First. To adopt and use a corporate seal.

"Second. To have succession for the period of 20 years from its organization, unless it is sooner dissolved according to the provisions of its articles of association or by the act of the association, or unless its franchise becomes forfeited by some provision of the law or by the act of two-thirds of its shareholders.

"Third. To make contracts.

"Fourth. To sue and to be sued, complain and defend, in any court of law and equity as fully as natural persons may.

"Fifth. To elect or appoint directors and the president, vice president, cashier, and other officers, define their duties, require bond of them and fix the penalty thereof, dismiss such officers, or any of them, at pleasure and appoint others to fill their places.

"Sixth. To prescribe by its board of directors, subject to the provisions of this act, by laws, not inconsistent with law, regulating the manner in which its stock shall be transferred, its directors elected or appointed, its officers appointed, its property transferred, its general business conducted, and the privileges granted to it by law exercised and enjoyed.

"Seventh. To exercise by its board of directors or duly authorized officers or agents, subject to law, all such incidental powers as shall be necessary to carry on its business by discounting and negotiating promissory notes, drafts, bills of exchange, and other evidences of debt of its shareholders; by loaning money and borrowing money according to the provisions of this act. But no shareholder shall be permitted to become indebted to the association for a sum greater than the par

value of the share held by him. The association shall not lend its funds or credit to any person not a stockholder, except that in case the association may have loanable funds not desired by any of its shareholders it may loan to other persons for terms not exceeding one year. Whenever, at any time, funds of the association can not be safely loaned at the rates fixed by the association said trustees will immediately pay such funds into the Treasury of the United States, and extinguish by so much the liability of the association to the United States.

"But no association shall transact any business, except such as is incidental and necessarily preliminary to its organization, until it has been authorized by the Comptroller of the Currency to commence its business.

"SEC. 6. That whenever the articles of association and organization certificate are transmitted to the Comptroller of the Currency, as provided by its title, and the association transmitting the same notifies the comptroller that such association has complied with the provisions of this title required to be complied with before an association shall be authorized to commence its business, the comptroller shall examine into the condition of such association, ascertain especially the amount of money paid in on account of its capital, the name and place of residence of each of its directors, and the amount of the capital stock of which each shareholder is the owner in good faith, and generally whether such association has complied with all the provisions of this title required to entitle it to engage in business; and especially the character and standing and the undertaking of the persons named as trustees and the form of the official bond which they propose to give; together with the form of the promissory notes payable to the said trustees for the use of the United States with the form of the mortgages proposed to be given to secure said notes; and shall cause to be made and attested by the oaths of the directors of the association a statement of all the facts necessary to enable the comptroller to determine whether the association is lawfully entitled to commence its business, and if upon a careful examination of the facts so reported and of any other facts which may come to the knowledge of the comptroller, whether by means of a special commission appointed by him for the purpose of inquiring into the condition of such association, or otherwise, it appears that such association is lawfully entitled to commence its business, the comptroller shall give to such association a certificate, under his hand and official seal, that such association is authorized to commence such business. But the comptroller may withhold from an association his certificate authorizing the commencement of business whenever he has reason to suppose that the shareholders have formed the same for any other than the legitimate objects contemplated by this title.

"SEC. 7. That upon the deposit with the Treasury of the United States by any farmers' loan association of the promissory note of the said association attested by the signature of the president or vice president and cashier of said association for a sum equal to the capital stock of said association with interest at 3 per cent per annum, payable in annual installments as follows: Three per cent per annum for 2 years, 5 per cent per annum for 3 years, 6 per cent per annum for 10 years, 7 per cent per annum for 10 years, until said note and interest are fully paid, beginning 12 months after the date of the note, and shall deposit with said note the promissory notes of the shareholders payable to said trustees for the use of the United States in amount equal to the capital stock of said association with mortgages as aforesaid to secure the payment of said notes and interest thereon, accompanied by policies of insurance of the validity of such mortgages, and the same are approved by said Comptroller of the Currency to be in proper substance and form according to the purposes and intent of this act; and it appearing that said notes and mortgages are valid securities taken by the association in payment of shares of its stock and deposited as collateral security with the Secretary of the Treasury to secure the payment of the note of the association as aforesaid, and to secure the immediate payment of any installment of said association note with proper costs in case default shall be made in the payment of any such installment at the time it becomes due, and thereafter or as often as any installment becomes due in which there is any default in payment and the said trustees having deposited with the said Secretary their undertaking of the office of trustees of said securities for the use of the United States, together with their official oaths and bonds for the faithful discharge of their duties, the Secretary of the Treasury shall then place the notes made by the shareholders and the mortgages securing the payment thereof in the possession of such trustees, and such association shall be entitled to receive from the Comptroller of the Currency circulating notes of the United States to an amount equal to the par value of the stock of said association; and it shall be the duty of said trustees to safely keep said mortgages and the shareholders' notes secured by the same and to collect the said notes and the interest as the same becomes due, and out of such collections to pay to the Treasury of the United States the stipulated annual installments as they fall due on the note of the association, and such payments shall be credited on the note of the association, and in case there is any default on the part of any maker of any of said notes according to the terms thereof, or if taxes are allowed to become a lien upon the land mortgaged to secure any of said notes, to proceed at once to collect the whole of said mortgage thus in default with interest and the costs thereof; any moneys collected by the trustees over and above the amount required for the annual payment for any year due to the United States shall be paid into the treasury of such association.

"In case of the death of a trustee or trustees the survivor or survivors shall act.

"SEC. 8. That the association shall then cause the certificate issued under the preceding section to be published in some newspaper printed in the district where the association is located for at least 30 days next after the issuing thereof, or, if no newspaper is published in such district, then in the newspaper published nearest thereto.

"SEC. 9. That any such association may change its name or place where its business is to be carried on to any other place within the same State not more than 30 miles distant with the approval of the Comptroller of the Currency, by the vote of two-thirds of the shareholders of such association. A duly authenticated notice of the vote and of the new name or location selected shall be sent to the office of the Comptroller of the Currency, but no change of name or location shall be valid until the comptroller shall have issued his certificate of approval of the same.

"All debts, liabilities, rights, provisions, and powers of the association under its old name shall devolve upon and inure to the association under its new name.

"Nothing in this act contained shall be so construed as in any manner to release any such created association under its old name or at its old location from any liability, or affect any action or proceeding in law in which said association may be or become a party or interested.

"SEC. 10. That a farmers' loan association may purchase, hold, and convey real estate for the following purposes, and for no others:

"First. Such as shall be necessary for its immediate accommodation in the transaction of its business.

"Second. Such as shall be mortgaged to it in good faith by way of security for debts contracted.

"Third. Such as it shall purchase at sales under judgments, decrees, or mortgages held by the association, or shall purchase to secure debts due to it.

"SEC. 11. That the capital stock of each association shall be not less than $25,000, or may be any multiple thereof, and shall be divided into shares of the par value of $100 each, and be deemed personal property and transferable on the books of the association in such manner as may be prescribed in the by-laws or articles of association. Every person becoming a shareholder by such transfer shall, in proportion to his shares, succeed to all the rights and liabilities of the prior holder of such shares, and no change shall be made in the articles of association by which the rights, remedies, or security of the existing creditors of the association shall be impaired.

"SEC. 12. That in all elections of directors, and in deciding all questions at meetings of shareholders, each shareholder shall be entitled to one vote without respect to the number of shares held by him. Shareholders may vote by proxies duly authorized by writing; but no officer, clerk, teller, or bookkeeper of such association shall act as proxy, and no shareholder whose liability is past due and unpaid shall be allowed to vote.

"SEC. 13. That the affairs of each association shall be managed by three directors, one of whom shall be president, one vice president, and one cashier, who shall be elected by the shareholders at a meeting to be held at any time before the association is authorized by the Comptroller of the Currency to commence business and afterwards at meetings to be held on such day of each year as is specified therefor in the articles of association. The directors shall hold office for one year and until their successors are elected and have qualified.

"SEC. 14. That every director must, during his whole term of service, be a citizen of the United States, and must have resided in the district in which the association is located for at least one year immediately preceding their election and must be resident therein during their continuance in office. No director shall own more than one share of the capital stock of the association of which he is a director, nor shall he be a borrower from or be in any way pecuniarily interested in loans made by such association. Any director who as a trustee is unsatisfactory to the Comptroller of the Currency may be immediately removed as such trustee by the said comptroller, and such removal renders such person ineligible as director and his place shall become vacant.

"SEC. 15. That each director, when appointed or elected, shall take an oath that he will, so far as the duty devolves upon him, diligently and honestly administer the affairs of such association, will not knowingly violate, or willingly permit to be violated, any of the provisions of this title, and that he is the owner in good faith and in his own right of the number of shares of stock subscribed by him or standing in his name on the books of the association, and that the same is not hypothecated or in any way pledged as security for any loan or debt other than to the association itself. Such oath, subscribed by the director making it, and certified by the officer before whom it is taken, shall be immediately transmitted to the Comptroller of the Currency and shall be filed and preserved in his office.

"SEC. 16. That any vacancy in the board shall be filled by appointment by the remaining directors, and any director so appointed shall hold his place until the next election.

"SEC. 17. That if, from any cause, an election of directors is not made at the time appointed, the association shall not for that cause be dissolved, but an election may be held on any subsequent day, 30 days' notice thereof in all cases having been given in a newspaper published in the city, town, or county in which the association is located; and if no newspaper is published in such city, town or county, such notice shall be published in a newspaper published nearest thereto. If the articles of association do not fix the day on which the election shall be held, or if no election is held on the day fixed, the day for the election shall be designated by the board of directors in their by-laws, or otherwise; or if the directors fail to fix the day, shareholders representing two-thirds of the shares may do so.

"SEC. 18. That the shareholders of every farmers' loan association shall be held individually liable, equally, and ratably, and not one for another, for all contracts, debts, and engagements of such association, to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares.

"SEC. 19. That the Treasurer of the United States is also authorized to permit the trustees to substitute for one or more of said notes and mortgages one or more other notes and mortgages of similar terms and of equal approved value whenever said association may find it necessary to substitute for a nonborrowing shareholder another shareholder desiring to borrow, who furnishes equally good security, and such substitution having been authorized, the trustees shall transfer the shares held by the retiring shareholder to the new shareholder or shareholders.

"SEC. 20. That the power of visitation and inspection of each association shall be similar to that now exercised by the United States over national banks, but the fee for any inspection shall not exceed $15, and inspections shall not be made more than three times in any one year.

"SEC. 21. That the general provisions of law relating to suits by or against national banks shall apply to farmers' loan associations.

"SEC. 22. That the real property of any such association shall be subject to State, county, or municipal taxes to the same extent according to value as other real property is taxed, but the mortgages made to any trustees for the use of the United States shall not be subject to State taxation, nor shall the loans of the United States to any such association be subject to taxation for any purpose."

Mr. LEVER. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto close in 11 minutes, 6 minutes to be controlled by the gentleman from Pennsylvania [Mr. HULINGS] and 5 minutes by the gentleman from Illinois [Mr BUCHANAN].

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HULINGS. Mr. Chairman, if there are any Members of this House who are opposed to the policy of Government aid, I can not, of course, expect them to vote for this proposition

of mine; but if it will be admitted that it is ever justifiable that industries should receive Government aid, on the ground that such aid promotes the public welfare, then I should like to have them consider my amendment. There are about five thousand million dollars of farm indebtedness in this country. The farmers are paying about 7.8 per cent interest on the average. The burden that they are paying could scarcely be sustained by any other business. The average increase in population of the whole country in the last 10 years has been 21 per cent. In cities of over 2,500 inhabitants the increase has been over 35 per cent, while it has been but 11 per cent increase in our rural population. Why is that so? It is simply for the reason that the farmer boy finds more compensation and a better living in the city than he does on the farm. It is so because the conditions of life on the farm are harder than they are in the city, and he goes to the city. The proposition to afford Government aid would not be justifiable unless it can be shown that it promotes the general welfare. This Government since its foundation has been expending enormous sums in its bounty to various enterprises, to various industries, and for various purposes, and not one of them is justified unless it can be shown that those expenditures promote the general welfare. I shall not argue the question of whether we should or should not adopt a policy of Government aid. I will only say this, that if you do adopt the policy of Government aid, this proposition that I have presented is the simplest, the cheapest, the most efficacious of all.

There is not one dollar of money from the time it leaves the Government Treasury until it gets into the hands of the farmer who puts up the security that will stick anywhere on the road. Every one of these other propositions proposes a great machinery of expenses, an army of employees, great salaries, splendid institutions, and the farmer has got to foot the bill at the last. This proposition would bring the money to the farmer who could put up the approved security, and any person who can understand the method of the building and loan associations that have been so beneficial and so successful in this country can understand this proposition of mine. It will be inexpensive, and there need not be greater expense in running one of these farm associations than in running a building and loan association.

My amendment provides that any number of farmers, not less than 25, in a prescribed district may organize an association in the same manner as national banks are organized, except that they give their notes drawing 6 per cent interest, secured by mortgage on unencumbered farm property that for three years previously has been assessed at double the amount of the notes; that the organization shall then make its note to the Government for an amount equal to the sum of the mortgages at 3 per cent interest and payable in amortized payments over a period of 25 years.

This association note, with the personal notes of the stockholders, with the mortgages as collateral security, are presented to the Secretary of the Treasury, together with policies of insurance of an approved title insurance company that the titles are valid; and if the Secretary approves the same he is authorized to pay to the association United States currency to the amount of the association note. He also appoints a trustee, to whom he delivers the personal notes and mortgages, whose duty it is to see that no waste is committed on the lands and to collect the installments of interest as they fall due, and paying so much thereof to the Government to pay the amortized payments as they fall due and paying the balance to the association.

Assuming that the operating expenses will be about the same as in building and loan associations, it is found by careful computation that the semiannual payments of 3 per cent interest will pay back to the Government the principal sum borrowed with 3 per cent interest.

There are provisions for foreclosure in case of default; for the termination of the loan where individuals desire to sell or to anticipate payments, and other safeguards for the Government.

With property with double the amount of the loan, with the loan going into the improvement and operation of the property, the chance of loss to the Government is practically negligible.

The association naturally becomes the nucleus of cooperative buying of farm supplies, of marketing farm products, but whether such operations are successful or failures the results can in no wise affect the security of the Government loan.

Now, Mr. Chairman, I understand, of course, there is no possibility even of having this proposition of mine considered, but I want it to go in the RECORD. I have no idea that there will be anything put through now that will be of any use. I want the bill to go in the RECORD, not because it is a pet of mine. It owes its paternity to me and it has a very respectable paternity. I do not know how it is with the gentleman from Colorado [Mr. KEATING]. He has not shown up his pet. I do not know whether he is ashamed of it or not, but at any rate I want this proposition to go in the RECORD, so in future days it may be referred to and may be of use when a real rural credit bill is enacted. I yield back the balance of my time, if I have any.

Mr. BUCHANAN of Illinois. Mr. Chairman, I have also introduced a bill which is a real genuine Government banking bill, you might call it. I do not desire to take up the time of the committee to have this read as an amendment, but I ask unanimous consent to print it in the RECORD. The bill I have introduced provides for a revision of postal savings banks. I will first say, however, I have some doubt in my mind whether we will do anything this evening that will be of real benefit to the farmer, because it was public opinion that forced the passage of this postal savings bank in 1910, and it was born, hamstrung, and so surrounded by restrictions and limitations until anyone knows who has studied it that it is only a subterfuge for a postal savings bank. This bill of mine provides for taking these restrictions off and loaning the money to workingmen, home builders, and farmers.

Now, this may sound something new and probably something dangerous to some who have not studied this question and what has been done in this direction in European countries. Leading European countries have been giving aid to workingmen home owners. They have loaned their most sacred funds for this purpose, such as insurance funds, and so forth, and the gentleman who says that Germany and other like foreign countries are not assisting, that the German Government is not assisting in farm loans and workingmen home-ownership loans does not know what he is talking about, because they have loaned in small amounts as well as assisting their larger institutions, and those loans have been for the benefit of the citizens of the country. Now, the reason this sort of legislation does not come to the front like some others is because it would interfere with the money changers in the country in collecting tribute from the great masses of the country. When the time comes—which I hope will be in my day—that this great mass of the people will become as wide awake to their interests as the money changers now are to theirs you are not going to hesitate in passing real legislation for the benefit of those people, and you will not hesitate to give Government aid to the farmers and working people, the producers of the wealth of the country, as you have in the past, and are now giving aid to the big business interests of the country so that they may be able to extract large profits from the great masses of the people, the farmers and the other producers, by charging an exorbitant rate of interest. I put into the RECORD on January 20 some very good information in regard to facts as to what had been done in foreign countries, and even in this country, in regard to the State aid in farm loans.

We have eight States at the present time that are now loaning, I believe, money through their school funds to farmers on farm mortgages. There is no better security, and I do not hear of any of these people losing money on farm mortgages. It is the best security there is, much preferable to railroad bonds and other watered-stock institutions which the bankers often are loaning on to-day, and it is about the safest proposition in the way of an investment for security that you can have—a farm mortgage or home mortgage at about 50 per cent of its value. Now, if the Congress and the Government will be of real benefit to the working people and the farmers of the country, they ought not to do this through the agency of bankers, because if there is ever a time there was a demonstration of the need of a real Government bank, it has been in the recent past. The private banks' extortionate interest rates has obstructed business prosperity very much in the recent past.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUCHANAN of Illinois. I ask unanimous consent to extend my remarks very briefly on the bill. I asked in the very beginning of my remarks to insert a print of this bill. I do not know whether the Chair put the question or not.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks and to print the bill as a part of his remarks. Is there objection? [After a pause.] The Chair hears none.

The bill referred to is as follows:

Be it enacted, etc., That an act entitled "An act to establish postal savings depositories for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes" (act approved June 25, 1910, chapter 386, United States Statutes), be, and the same is hereby, amended to read as follows:

"SECTION 1. That there be, and is hereby, created a board of trustees for the control, supervision, and administration of the postal savings banks, designated and established under the provisions of this act, and

of the funds received as deposits at such postal savings banks by virtue thereof. Said board shall consist of the Postmaster General, the Secretary of the Treasury, and the Attorney General, severally, acting ex officio, and shall have the power to make all necessary and proper regulations for the receipt, transmittal, custody, deposit, investment, and repayment of the funds deposited at postal savings banks.

"The board of trustees shall submit a report to Congress at the beginning of each regular session showing by States and Territories (for the preceding fiscal year) the number and names of post offices, the aggregate amount of deposits made therein, the aggregate amount of withdrawals therefrom, the number of depositors in each, the total amount standing to the credit of all depositors at the conclusion of the year, the number and amount of unclaimed deposits, the amount invested in agricultural lands and improvements and on homes, itemizing or giving a full list of the agricultural lands and homes and the amount loaned on each, and the amount of circulating notes, as hereinafter provided, issued, and canceled. Also the amount of extra expense to the Post Office Department and the Postal Service incident to the operation of the postal banking system by the Post Office Department and Postal Service in the transportion of free mail, with other facts which it may deem pertinent and proper to present.

"SEC. 2. That the Postmaster General is hereby directed to prepare and issue special stamps of the necessary denomination for use, in lieu of penalty or frank envelopes, in the transmittal of free mail resulting from the administration of this act.

"SEC. 3. That each and every post office is hereby declared to be a postal savings bank within the meaning of this act, and to be authorized and required to receive deposits of funds from the public, and to account for and dispose of same according to the provisions of this act and the regulations made in pursuance thereof. That each postal savings bank shall be kept open for the transaction of business during such hours as the Postmaster General, with the approval of the board of trustees, shall direct.

"SEC. 4. That accounts may be opened and deposits made in any postal savings bank established under this Act by any person of the age of 10 years or over, in his or her own name, and by a married woman in her own name and free from any control or interference by her husband, and by firms, corporations, and public bodies in their business, corporate, or public name; but no depositor shall at the same time have more than one account in his, her, or its own right.

"SEC. 5. That each postmaster shall, upon the making of an application to open an account under this act and the submission of an initial deposit, deliver to the depositor a pass book, free of cost, upon which shall be written the name and signature or mark of the depositor and such other memoranda as may be necessary for the purpose of identification, in which pass book entries of all deposits and withdrawals shall be made in both figures and writing: *Provided*, That the Postmaster General may, with the approval of the board of trustees, adopt some other device or devices in lieu of a pass book as a means of making and preserving evidence of deposits and withdrawals.

"SEC. 6. That at least $1 or a larger amount must be deposited before an account is opened with the person depositing same: *Provided*, That in order that smaller amounts may be accumulated for deposit any person may purchase for 10 cents from any postal savings bank a postal savings card, to which may be attached specially prepared adhesive stamps, to be known as 'postal savings stamps,' and when the stamps so attached amount to $1 or a larger sum, including the 10-cent postal savings card, the same may be presented as a deposit for opening an account, and additions may be made to any account by means of such card and stamps in amounts of $1 or more and when a card and stamps thereon attached are accepted as a deposit the postmaster shall immediately cancel same. It is hereby made the duty of the Postmaster General to prepare such postal savings cards and postal savings stamps of denominations of 10 cents, and to keep them on sale at every postal savings bank, and to prescribe all necessary rules and regulations for the issue, sale, and cancellation thereof.

"SEC. 7. That the postmaster shall also upon the making of an application by a depositor, signed by his, her, or its name, deliver to the depositor free of cost a check book containing printed blank orders on the Postal Savings Bank for payment of money: *Provided*, That the Postmaster General may, with the board of trustees, adopt some other device or devices in lieu of a check book as a means of making and preserving evidence of orders, payments, and transmittals. That the postmaster shall, whenever so requested and whenever funds to the amount of the order are in the bank to the credit of the issuer of the order, certify the order by his signature free of charge. Such certified check shall then be legal tender for the payee or his order. That the postmaster shall accept for collection without charge noncertified postal checks and checks other than postal, but he shall not allow them to be drawn against until the money is received.

"SEC. 8. That any depositor may withdraw the whole or any part of the funds deposited to his, her, or its credit upon demand and under such regulations as the board of trustees may prescribe. Withdrawals shall be paid from the deposits in the State or Territory, so far as the postal funds on deposit in such State or Territory may be sufficient for the purpose, and so far as practicable from the deposits in the community in which the deposit was made. For the purposes of this act the word 'Territory' as used herein shall be held to include the District of Columbia, District of Alaska, Philippine Islands, Hawaii, and Porto Rico.

"SEC. 9. That 5 per cent of such postal savings bank funds shall be withdrawn by the board of trustees and kept with the Treasurer of the United States, who shall be the treasurer of the board of trustees, in lawful money as reserve.

"SEC. 10. That whenever the board of trustees have in their possession postal savings bank funds available for investment they may loan same as hereinafter specified, through the loan bureau hereinafter provided.

"SEC. 11. That there is hereby created a loan bureau under the supervision of the board of trustees for the purpose of making loans on agricultural lands and improvements, homes, and for other purposes.

"SEC. 12. That a chief and deputy chief of such bureau shall be appointed by the President of the United States, by and with the consent of the Senate; the salary of the chief of such bureau shall be $6,000 per annum and of the deputy chief $5,000 per annum.

"SEC. 13. That it shall be the duty of the chief of such bureau, under the direction and with the approval of the board of trustees—

"First. To superintend the affairs of the bureau; to receive and approve or reject applications for loans.

"Second. To keep a record of all such applications and action thereon.

"Third. To keep an account with every person to whom a loan is made.

"Fourth. To keep an account with the board of trustees, showing all moneys received and disbursed by him and the purpose for which such receipts and disbursements were made; to collect and pay into the Treasury of the United States all loans when due and payable.

"Fifth. To make all proper rules necessary to carry this act into effect.

"Sixth. To appoint such subordinate officers of the bureau as may be necessary to carry out the provisions of this act, and to define their duties and fix their salaries, which salaries shall in no case exceed the salaries now paid for similar clerical services in the Treasury Department.

"Seventh. To prescribe the form and manner of keeping accounts with the Treasury Department and with the various persons to whom the loans shall have been made, and of the expenses and disbursements in connection therewith.

"Eighth. To perform such duties as are prescribed by law.

"SEC. 14. That the board of trustees may, at their discretion, loan at 3 per cent interest, payable annually, to the United States Government and the different States or Territories of the United States, and also upon requests through any local postmaster and on his recommendation to counties, cities, villages, townships, school districts, or any other public taxing body, for the construction of public works within the limits of each: *Provided*, That such loans shall be repaid in not more than 20 equal annual installments, according to the judgment of the board of trustees, and that such public work in its entirety shall remain the property of the United States until such loan is repaid.

"SEC. 15. That every person who is a citizen of the United States or who has declared his intention to become such, and who is the owner in fee of unencumbered agricultural lands, with or without improvements, or who wishes to buy a home—that is, a house and lot—may file with the bureau an application for a loan to be secured upon the land and such improvements, or upon the home. Such application must be in the form prescribed by the chief of the bureau. Applications for loans upon lands, with or without improvements, must describe the land and state its actual cash value for agricultural purposes, and also the value of the improvements, if any, and also the assessed valuation of both the land and improvements for taxation purposes for the year previous to application, the amount for which the loan is sought, which must not exceed one-half the assessed value of the land and improvements. Application for loans to buy a home must describe the house and lot which the applicant contemplates buying, its actual cash value, and also the assessed value of the house and lot for the year previous to application, the amount for which the loan is sought, which must not exceed one-half the assessed value of the property. All applications must also state the time for which the loan is to run, not exceeding 20 years, together with such other facts as the chief of the bureau may by regulation prescribe. No loans shall be made upon property of less than $500 in value nor in sums of less than $250.

"SEC. 16. That if improvements have been placed upon agricultural lands subsequent to the last assessment made on the property; or if, in case of application for loan to buy a home, the house was built subsequent to the time the last regular assessment was made, it shall be the duty of the assessor in the Territory in which this land and improvements or home lie to make a special assessment, which assessment shall be used as the assessed value of the property in the application for a loan.

"SEC. 17. That a copy of the application for such loans must, at or before the time of its receipt by the chief of the bureau, be filed in the office of the recorder of deeds or the officer exercising the functions of recorder in the county of the State or Territory in which the land and improvements or home is situated, or, if the land and improvements or home lie in two or more counties, in such office in each of the counties; and from the time of filing of such application in such office such filing shall constitute a lien upon the property described for the amount of any loan granted by the United States under such application, and shall be notice to all subsequent purchasers and encumbrances, and shall be a paramount lien over all others with which said property may be further encumbered, and shall, if the application is granted, continue until the money thereby secured, with the interests, costs, and legal charges of collection, has been fully repaid and satisfied.

"SEC. 18. That upon filing of such application with the loan bureau the applicant must deposit a sum, the amount of which shall be prescribed by the chief of bureau, sufficient to pay the costs of examination of title to the property and inspection and appraisement thereof, which examination, inspection, and appraisement shall be made by persons within the respective counties, to be appointed for that purpose by the chief of the bureau, and their compensation must be paid out of the amount so deposited, the balance, if any, to be returned to the applicant.

"SEC. 19. That if the chief of the bureau, upon such application and upon the report of the commissioners of title and appraisers, is satisfied that the title is perfect and that the amount sought does not exceed one-half the actual cash value of the property and is not greater than one-half of the assessed value thereof for the year previous to the application, then it shall be his duty to notify the applicant that the loan is granted, and to direct an entry to be made upon the books of his office, crediting the full amount of the loan to the applicant, and to transmit to the proper officer of the Treasury of the United States an order directing him to pay the amount thereof, out of the postal savings bank funds or notes hereinafter provided for, to the disbursing officer of the loan bureau, where the same shall remain subject to the order of the applicant, who may at once, or from time to time, as he may desire, draw same upon his check or draft.

"SEC. 20. That the chief of bureau, after having received the report of the commissioners of title and appraisers and being satisfied that the title to the said property is in the applicant, but that the loan sought is too large, may so notify the applicant and advise him that a smaller sum (naming it) would be lent. In case the applicant accepts such smaller loan, proceedings shall then be had as provided in section 17 hereof, and the chief of the bureau shall issue to such applicant a certificate to be filed in the recorder's office, where the original application is filed, certifying that said loan has been made for an amount less than is set forth in the application (stating it), which certificate shall, as to the amount, have the effect of reducing the lien of the United States to the sum therein stated.

"SEC. 21. That when application is made for loan upon agricultural lands with or without improvements, there is upon the land described an existing lien or incumbrance to secure the payment of money presently due and payable, and in an amount less than the loan sought and granted, then the land shall be deemed unincumbered, but instead of paying the amount loaned to the applicant it shall be the duty of the disbursing office, out of the sum loaned, to pay off the amount due and to cause to be discharged the lien or incumbrance, charging the amount

of such payment to the applicant in like manner as if it had been paid on his check or draft.

"SEC. 22. That it shall be the duty of the chief of bureau to cause an account to be opened on the books of the department with each person to whom a loan is made, crediting him with the amount of the loan and charging him with the amount drawn thereon with interest on the amount so drawn at the rate of 3 per cent per annum, and also to credit to such account all payments made, so that such account shall at all times show the true state of account between such person and the United States.

"SEC. 23. That any person who is indebted to the United States on any of the accounts aforesaid may at any time pay into the bureau the whole or any part thereof, and may, at the time of making such payment, with the consent of the chief of bureau, elect in writing to make the security already given a continuing one until the expiration of the 20 years, and may, at any time during the life of the original loan, by check or draft, draw from the bureau a sum or sums up to the full amount of the loan originally granted. It shall be the duty of the Secretary of the Treasury to cancel and retire from time to time amounts equal to the payments made on loans under the provisions of this act, and in case payments of such loans are made in other currency of the United States, to cancel an equal amount of the notes hereinafter provided.

"SEC. 24. That the Secretary of the Treasury, whenever the trustees have requests for loans without funds available for the purpose, or whenever withdrawals reduce the reserve below 5 per cent of the deposits, shall be authorized and directed to cause to be printed, signed, and issued for such purpose circulating notes of the United States of the denominations of $1, $5, $10, $20, $50, $100, $500, $1,000 in such amounts as from time to time shall be necessary to meet the requirements of this act to be transferred to the trustees as they may need them and by them refunded when no longer needed.

"SEC. 25. That said notes when issued shall be a legal tender at their face value for all debts, public and private.

"SEC. 26. That whenever an application for a loan is refused, or when a loan once made has been fully paid without an election to continue same, the chief of the bureau shall make a certificate stating the fact, which certificate, filed in the office of the recorder of the county in which the original application was filed, shall release the lien of the United States upon the land described in the application.

"SEC. 27. That all loans made under the provisions of this act shall bear interest at the rate of 3 per cent, payable annually, and in default of the payment of any such interest, or on any default in payment of principal, the chief of bureau may order a foreclosure of the lien by a suit in the name of the United States, as plaintiff, in any court of the State in which such mortgaged property, or any part thereof, may be, or in any circuit or district court of the United States for the district in which such mortgaged property may lie, or if such mortgaged lands lie in a Territory or in the District of Columbia, then in such Territorial or District courts. All proceedings in foreclosure cases shall, as nearly as may be, conform to proceedings provided for by law in the States in which the property may be situated for foreclosure of mortgages, and in addition to the amount of the principal and interest recovered there shall in such proceedings be added to the principal and interest due, the cost thereof and attorney counsel fees at the rate of 5 per cent on the amount of the principal sum: *Provided*, That in no case shall such attorney and counsel fees exceed $500.

"SEC. 28. That postal savings bank funds shall be kept separate from other funds by the postmasters and other officers and employees of the Postal Service, who shall be held to the same accountability under their bonds for such funds as for public moneys; and no person connected with the Post Office Department shall disclose to any person other than the depositor the amount of any deposits unless directed so to do by the Postmaster General. That statutes relating to the safe-keeping of and proper accounting for postal receipts are made applicable to postal savings bank funds, and the Postmaster General may require postmasters, assistant postmasters, and clerks at postal savings banks to give any additional bond he may deem necessary.

"SEC. 29. That additional compensation shall be allowed postmasters for the transaction of postal bank business, and shall be paid from the postal bank revenues.

"SEC. 30. That the sum of $100,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, or so much thereof as may be necessary, to enable the Postmaster General and the board of trustees to establish postal savings banks in accordance with the provisions of this act; and the Postmaster General is authorized to require postmasters and other postal officers and employees to transact in connection with their other duties such postal savings bank business as may be necessary; and he is also authoried to make and with the approval of the board of trustees to promulgate, and from time to time, to modify or revoke, subject to the approval of the board, such rules and regulations not in conflict with law as he may deem necessary to carry the provisions of this act into effect.

"SEC. 31. That all safeguards provided by law for the protection of public moneys, and all statutes relating to embezzlement, conversion, improper handling, retention, use, or disposal of postal and money-order funds and the punishments provided for such offenses are hereby extended and made applicable to postal savings bank funds, and all statutes relating to false returns of postal and money-order business, the forgery, counterfeiting, alteration, improper use or handling of postal and money-order blanks, forms, vouchers, accounts, and records, and the dies, plates, and engravings therefor, with the penalties provided in such statutes, are hereby extended and made applicable to the postal savings bank business, and the forgery, counterfeiting, alteration, improper use or handling of postal savings bank blanks, checks, forms, vouchers, accounts, and records, and the dies, plates, and engravings therefor.

"SEC. 32. That the faith of the United States is solemly pledged to the payment of the deposits made in postal savings banks.

"SEC. 33. That the final judgment, order, or decree of any court of competent jurisdiction adjudicating any right or interest in the credit of any sums deposited by any person with the postal savings bank, if the same shall not have been appealed from and the time for appeal expired, shall, upon submission to the Postmaster General of a copy of the same, duly authenticated in the manner provided by the laws of the United States for the authentication of the records and judicial proceedings of the court of any State or Territory or of any possession subject to the jurisdiction of the United States, when the same are proved or admitted within any other court within the United States, be accepted and pursued by the board of trustees as conclusive of the title, right, interest, or possession so adjudicated, and any payment of said sum in accordance with such order, judgment, or decree shall operate as a full and complete discharge of the United States from the claim or demand of any person or persons to the same."

Mr. KEATING. Mr. Chairman, I make the same request, to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. BRITTEN. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from Illinois [Mr. BRITTEN] makes the same request. Is there objection? [After a pause.] The Chair hears none.

Mr. HULINGS. Mr. Chairman, I ask unanimous consent to extend my remarks also.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks. Is there objection? There was no objection.

Mr. NORTON. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from North Dakota makes the same request. Is there objection? [After a pause.] The Chair hears none.

Mr. HULINGS. Mr. Chairman, I ask for a vote on my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the chairman announced that the noes seemed to have it.

Mr. HULINGS. Mr. Chairman, I shall not ask for a division.

The amendment was rejected.

Mr. MAPES. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment to the amendment, offered by Mr. MAPES:

"Page 50, line 3, after the word 'appointed,' strike out the words 'without regard' and insert the word 'according.'"

Mr. LEVER. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this amendment and all amendments thereto close in five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MAPES. Mr. Chairman, the National Association of Civil Service Employees has been holding an annual meeting in this city to-day. I read in the afternoon papers that some of the distinguished Members of this House have been addressing that association.

This Congress has probably created more new offices, more new positions, than any other Congress in many years. It is a significant fact that notwithstanding the platform declaration of the majority party, those positions and those offices have almost invariably been taken out of the civil-service law and the civil-service regulations and have been put under the spoils system. I need only call your attention to the tariff act and the Federal reserve act, but there are many others.

Mr. MOORE. Will my colleague yield?

Mr. MAPES. I yield.

Mr. MOORE. Do I understand from thte statement made by the gentleman from Michigan that this bill proposes to violate the civil-service act?

Mr. MAPES. That is the very idea I wish to convey. This bill proposes to put the great rural-credit system at its inception under partisan political control. It expressly provides in section 3 of the bill, page 50, tha. "all such attorneys, experts, assistants, clerks, and other employees"—I am giving the language of the bill—"shall be appointed without regard to" the civil-service law or the regulations of the Civil Service Commission. A Federal rural-credit system, above every other, ought to be kept out of politics. One serious objection to the amendment as reported by the committee is that it creates another board, it creates another banking system without any corresponding benefits. It puts all of the employees of that system under the spoils system. It takes them out of the civil service by express enactment.

Mr. Chairman, my amendment proposes instead of taking them out of the civil service to place them under the civil service, and that the appointments be made after an examination according to the civil-service law and the regulations of the Civil Service Commission. This Congress has taken many backward steps with reference to the civil service. It ought not to take any more. I trust that my amendment will prevail. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. MAPES].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. MAPES. Division, Mr. Chairman.

The committee divided and there were—ayes 74, noes 136.

Mr. MAPES. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The committee again divided, and the tellers [Mr. MAPES and Mr. LEVER] reported—ayes 91, noes 113.

So the amendment was rejected.

Mr. BULKLEY and Mr. MORGAN of Oklahoma rose.

The CHAIRMAN. The gentleman from Ohio [Mr. BULKLEY] is recognized.

Mr. BULKLEY. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 99, after line 10, insert the following:

"PURCHASE OF BONDS BY GOVERNMENT.

"SEC. 30. That the Secretary of the Treasury shall, upon application of one or more of the Federal land banks herein established, and upon the recommendation of the Federal farm loan board, purchase from the Federal-land banks farm-loan bonds not previously issued or sold, in an amount not to exceed $50,000,000 during any one year, and shall pay for the same out of any money in the Treasury not otherwise appropriated: *Provided*, That any land bank which may sell its bonds to the Secretary of the Treasury, as provided by this section, shall, by appropriate action of its board of directors, as consideration for the accommodation afforded by the Secretary of the Treasury, enter into an agreement that at any time on 30 days' notice from the Secretary of the Treasury said land bank will cease to make any investments whatever, and will devote all receipts from every source, except so much as may be necessary for the payment of maturing liabilities to the redemption of its bonds so purchased and held by the Secretary of the Treasury. The enforcement of said agreement shall be at the discretion of the Secretary of the Treasury.

"Whenever the Secretary of the Treasury shall have purchased any farm-loan bonds under the provisions of this section, he may hold the same until maturity, or may sell such bonds at his discretion.

"The Secretary of the Treasury, upon request of the Federal farm loan board and the approval of the President, may issue and sell or use for the purposes of this act any of the bonds of the United States now available in the Treasury of the United States under the act of August 5, 1909, the act of February 4, 1910, and the act of March 2, 1911, relating to the issue of bonds for the construction of the Panama Canal: *Provided*, That any Panama Canal bonds issued and sold or used under the provisions of this section or other existing authority may be made payable at such time after issue as the Secretary of the Treasury, in his discretion, may deem advisable and fix, instead of 50 years after date of issue, as in said act of August 5, 1909: *Provided further*, That in the discretion of the Secretary of the Treasury such bonds may bear a rate of interest not exceeding 3½ per cent per annum."

Mr. BULKLEY. Mr. Chairman, the amendment which I now offer represents the very life of the whole proposition.

Of all the rural-credits bills that have been considered in Congress, that one which represents the greatest labor, the greatest attention, the most careful consideration, the greatest amount of expert advice, is the Hollis-Bulkley bill.

It is a bill that could not have been written by one man or by two. It is the joint work of many minds. Section 30, providing for the purchase of bonds by the Government, which I now offer as an amendment, was a part of the original Hollis-Bulkley bill, and was a part of that bill as it was pending before Congress for 10 months. The Senate Banking and Currency Committee last Saturday, hastily called together to meet a parliamentary situation, reported out a new Hollis bill with section 30 stricken out of the original bill. The House Committee on Agriculture this morning, meeting hurriedly to meet an unexpected parliamentary situation, found itself obliged to indorse the work of the Senate Committee on Banking and Currency for lack of greater knowledge of the subject on the part of the Members of the House Committee on Agriculture.

The amendment which I now offer brings the bill back to its original, well-considered form. It puts the life into the bill. The bonds which we propose will be, I think, as salable as any bonds that could be devised without Government aid. But I do not believe that any new series of bonds, unseasoned, could catch the popular approval and meet the public confidence promptly enough to insure the success of a system that did not have Government aid, and all the experience of the world justifies that conclusion.

This Government aid is as carefully guarded as any Government aid can be. If any man is for Government aid at all, he can vote for this proposition; and I appeal also to those who prefer that we concur in the McCumber amendment. This is not offered as an amendment to the McCumber proposition. It is offered to put life into the Hollis bill.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from California?

Mr. BULKLEY. Yes.

Mr. RAKER. Do I understand the Bulkley-Hollis bill is the one that the two committees of the House and the Senate in joint session have been considering?

Mr. BULKLEY. That is the one, and it included section 30, providing for the purchase of bonds by the Government.

Mr. RAKER. One other question.

Mr. BULKLEY. All right.

Mr. RAKER. Is the Hollis bill now before the House practically the Hollis-Bulkley bill with section 30 eliminated, which you are seeking to have inserted?

Mr. BULKLEY. It is practically the same.

Mr. RAKER. Then if we vote for the Bulkley amendment, it will be the bill in the shape that the Senate and House committees recommended it should be in?

Mr. BULKLEY. Yes. I refer to the subcommittees on rural credits of the House and Senate Committees on Banking and Currency.

Mr. RAKER. This section will have to go on in order that the bill may be effective?

Mr. BULKLEY. It will have to, in my opinion. If this section is not needed, it is not required to operate. There is nothing mandatory about it. It gives only that Government aid which is necessary to make the system a success. Without it we will linger long before the farmer gets any benefit, and he may never get any benefit at all. The experience of every nation in the world has been that it has been necessary for the Government to support farm credits in some financial way, either directly or indirectly. The instances pointed out by the gentleman from Indiana [Mr. Moss], where private institutions have successsfully competed with Government-aided institutions and produced a low interest rate, were instances where the low-interest rate did not come about except by competition with State-aided institutions.

In Germany there are a few institutions that do not receive State aid which are giving satisfactory service to the borrower, but they are operating alongside of State-aided institutions and under competition that effectively brings their interest rate down.

I can not discuss this matter as fully as it ought to be discussed here. I have discussed it heretofore for an hour and a half in an extended speech in this House, and I simply close now by appealing to every friend of Government aid in any form, whether he is for the McCumber amendment or the Hollis amendment, to at least help us perfect this Hollis amendment; to help us put Government aid in a well-considered bill in a well-considered manner. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. RUBEY rose.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this amendment and amendments thereto close in five minutes, two minutes to be controlled by the gentleman from Missouri [Mr. RUBEY], two minutes by the gentleman from Oklahoma [Mr. FERRIS], and one minute by myself.

Mr. MOSS of Indiana. Does this simply insert section 30?

Mr. BULKLEY. Yes; it is simply to insert section 30.

Mr. MOSS of Indiana. And not to strike out anything?

Mr. LEVER. No.

The CHAIRMAN. The Chair will ask the gentleman if he intended to offer his amendment as section 30, or as section 31?

Mr. BULKLEY. That is immaterial. I do not care about the numbering of the section.

The CHAIRMAN. It will naturally come in as section 31.

Mr. BULKLEY. The section has been generally known and discussed as section 30. It will of course be a new section.

Mr. RUBEY. Mr. Chairman and gentlemen, I desire to take just about a minute or two for the purpose of stating my position upon the rural-credit proposition.

I feel the same regret which has been almost unanimously expressed here this evening, that we have had to take so short a time for the discussion of such an important measure. This bill was referred to the Committee on Agriculture, and we gave to it as much time as we possibly could under the circumstances surrounding the case.

There are two ideas represented here this evening. Some of you gentlemen are conscientiously opposed to Government aid to rural credits. There are those who believe that a rural credit bill without Government aid will not amount to anything. I am in favor and have always been in favor of Government aid in a rural credit bill, and I shall heartily support the amendment offered by the gentleman from Ohio. [Applause.]

[Mr. FERRIS addressed the committee. See Appendix.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. BULKLEY].

The question was taken, and the Chairman announced that the ayes appeared to have it.

On a division (demanded by Mr. MOORE) there were—ayes 157, noes 44.

Accordingly the amendment was agreed to.

Mr. BULKLEY. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 69, after line 22, insert the following:

"To recommend to the Secretary of the Treasury the purchase of farm-loan bonds subject to the provisions of this act."

Mr. BULKLEY. Mr. Chairman, this amendment is the corollary of the amendment just adopted. Each should go with the other. It was stricken out of the Bulkley-Hollis bill by the Committee on Banking and Currency at the time it struck out section 30. This should go back when section 30 goes back.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The amendment was agreed to.

Mr. BULKLEY. Mr. Chairman, I offer the further amendment.

The Clerk read as follows:

Pages 78, 79, and 80, strike out section 17.

Mr. LEVER. Mr. Chairman, before the gentleman from Ohio proceeds, I think that this amendment will provoke some debate. I ask unanimous consent that debate on this amendment close in 10 minutes, 5 minutes to be controlled by the gentleman from Ohio [Mr. BULKLEY] and 5 minutes by the gentleman from Indiana.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina? [After a pause.] The Chair hears none.

Mr. MOORE. Mr. Chairman, reserving the right to object, I would like to know if the two gentlemen are both in favor of the amendment?

Mr. LEVER. No; one is against it and one for it. Mr. Chairman. I see that my friend from New York [Mr. PLATT], on the Banking and Currency Committee, wishes for a minute, and one other gentleman wishes a minute. I will modify my request by making it 12 minutes.

The CHAIRMAN. Is there objection to the modification mentioned by the gentleman from South Carolina?

There was no objection.

Mr. BULKLEY. Mr. Chairman, this amendment proposes to strike out a section which is not a part of the original bill. Section 17 provides for the incorporation of private institutions, each with a capital of not less than $250,000, to do business in competition with the local farm-loan associations which are created by the bill.

The farm-loan associations would be cooperative associations, owned and controlled by the farmers who are borrowers from the system. These banks which are proposed by section 17 would be money-making institutions.

There are two principal objections to having such institutions brought in competition with local farm-loan associations. The first is that if they did any business at all they would be taking it away from the local institutions; they would then be dividing the field, and therefore relatively increasing the overhead expenses of the local institutions which are owned and controlled by the farmers themselves.

But a more fundamental objection than that may be urged against these $250,000 private banks. It is this: The original Hollis-Bulkley bill contemplated a complete system without anybody interested in raising interest rates. Everybody connected with the system would be interested in reducing the rates of interest to the farmers, who are the borrowers. But if this section 17 is written into the bill, you at once have great and powerful institutions, with heavy financial backing, who are interested in a direction opposite to the interests of the farmers. They are interested in keeping the interest rates high as against the interest of the farmers.

The new Hollis bill proposes too many of these institutions competing with each other in the bond market. In the original bill the bonds would have a national market and all farm-loan bonds would be the same throughout the United States. All would sell at the lowest possible interest rate. Under this amendment as proposed in the new Hollis bill 48 institutions would be competing with each other for the market. There would be 48 different classes of bonds, and the investor would be confused, and there would be room for commissions and rake-offs for brokers.

Mr. BORLAND. Will the gentleman yield?

Mr. BULKLEY. Certainly.

Mr. BORLAND. Would not such competition bring down the rates to the farmers?

Mr. BULKLEY. It might under peculiar circumstances, but we believe that the creation of farm-loan associations under the control of farmers themselves, with the possibility of competition between such farmers' institutions, would be sufficient. We do not provide a monopoly for one farm-loan association. If the territory is big enough to afford a large enough field, there may be two local associations or more operating in the same county. We believe that interest rates will be brought down by those who are interested in bringing them down more than by competition on the part of those who have a selfish interest in keeping the rates up.

Mr. Chairman, I want to emphasize again the importance of having bonds of one issue, so that the investor will know what he is getting when he buys a farm-loan bond. Do not have 48 different institutions competing against each other in the bond market.

The gentleman from Indiana says that the farmers will get up these institutions. Does anybody suppose that a farmer will get up an institution with a capital stock of $250,000?

The truth of it is that the $250,000 minimum capital stock is too large for a farmers' institution, and yet it is too small to command public confidence in its bond issue. It will not be comparable to the Pennsylvania Railroad, a comparison which the gentleman from Indiana [Mr. Moss] makes. The Pennsylvania Railroad Co. has a basis for its bond issues much larger than the $250,000 contemplated for these banks.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. PLATT. Mr. Chairman, this afternoon when I spoke for a few moments on this bill the gentleman from Missouri [Mr. RUBEY], a member of the Committee on Agriculture, interrupted me and asked me if I did not know that the whole Moss bill was included in this report from the Committee on Agriculture. I said I did not. The provision on pages 78 and 79 is all there is from the Moss bill. They now propose to strike that out. That shows how much sincerity there is in the proposition. The only thing to do is to vote down this whole committee report. Anybody who believes in Government aid ought to vote for the MCCUMBER proposition, pure and simple. Those who do not believe in it with this section out have practically nothing left to vote for. I am strongly against this amendment.

Mr. BATHRICK. Mr. Chairman, I ask unanimous consent to speak on this amendment for just two minutes. [Cries of "Vote!"]

The CHAIRMAN. The gentleman asks unanimous consent to speak for two minutes on this amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. BATHRICK. Mr. Chairman, I will tell the committee what this means. This means that the very people who will organize with big capital are those who have been putting the burden of high interest rates upon the farmers of this country. And more than that. They can loan 20 times the $250,000 under this bill. Each one of these concerns can loan $5,000,000. What more do they get? They can get their stock or surplus or profits released from taxation in every form under this bill, and this is the very thing they have been trying to get in this bill from start to finish; something to let these big capitalists and monopolists get control of farm credit. That is what they have been trying to do. This amendment ought to be voted up. These quarter-million banks ought not to have these rights in this bill, if you are going to have a farmers' bill. The exemption privileges were never intended for private capital in farm credit to this extent.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken and the Chairman announced the noes seemed to have it.

On a division (demanded by Mr. BULKLEY and Mr. RAGSDALE) there were—ayes 130, noes 81.

So the amendment was adopted.

Mr. BULKLEY. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Page 48, line 16, after the word "thereby" strike out the rest of the paragraph.

Mr. BULKLEY. Mr. Chairman, this amendment is a corollary to the last one adopted and strikes out the reference to these farm bond banks.

The question was taken, and the amendment was agreed to.

Mr. BULKLEY. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Page 97, line 9, after the word "stockholder" strike out the rest of the line and all of line 10.

Mr. BULKLEY. Mr. Chairman, this is the same sort of amendment that strikes out another reference to farm bond banks, and that completes it.

The question was taken, and the amendment was agreed to.

Mr. BULKLEY. Mr. Chairman, I offer a further amendment.

The Clerk read as follows:

Page 74, strike outlines 4 to 11, inclusive.

Mr. BULKLEY. Mr. Chairman, I ask unanimous consent that the Clerk read the matter proposed to be stricken out.

The CHAIRMAN. Without objection, the Clerk will report the matter to be stricken out.

The Clerk read as follows:

Page 74, line 4: "Whenever subscriptions to stock by farm loan associations under the provisions of section 12 would increase the total capital stock of the Federal land bank beyond $500,000 if issued, and any stock of said bank is then held by the United States Treasury, an amount of such Treasury stock equal to such excess shall be paid for and canceled, and in lieu thereof a similar amount of stock shall be issued to the subscriber."

Mr. BULKLEY. Mr. Chairman, I will try to explain briefly the effect of this. It is required by the Hollis bill that every local land loan association shall be a stockholder in the Federal land bank of its district. It is further required that, if the local associations and the public do not subscribe a sufficient amount of stock in any Federal land bank to make the minimum of $500,000, the United States Treasury shall subscribe for the unsubscribed balance.

The language which I now propose to strike out provides that if after the minimum amount has been subscribed and then additional subscriptions come in from the local associations of the district, making the capital stock in amount larger than the minimum, the Treasury must cancel its stock and it must be paid off so that the stock shall be kept down to $500,000. Now, this is not an amendment of very great importance, but it seems to me that if additional subscriptions come in from the local loan associations, it simply means that the Federal land bank is doing a good business and is filling a need in the community. Under those circumstances it seems to me that the Government may well allow its investment to stand. We must remember that the total amount that the Government could possibly be called upon to subscribe for all the land banks together is somewhat less than $6,000,000, so that it can not be a matter of great consequence to the Treasury.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. BULKLEY].

The question was taken, and the amendment was agreed to.

Mr. MORGAN of Oklahoma. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by inserting after the word "expenses," before the period in line 7, page 49, the following "And shall hold his office for a period of four years."

Mr. MORGAN of Oklahoma. Mr. Chairman, I would like to have the attention of the chairman of the committee. I have carefully examined section 3 and the entire bill, and nowhere is there any provision to limit the term of office of the commissioner of the land credit commission. Now, I do not suppose you want him to hold office for life, and I think it is an oversight.

Mr. LEVER. I will say to the gentleman that we have no objection to his amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. MORGAN].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question is on agreeing to the substitute.

Mr. ANDERSON. Mr. Chairman——

The CHAIRMAN. The gentleman from Minnesota [Mr. ANDERSON] is recognized.

Mr. ANDERSON. I desire to offer an amendment to the original text of the McCumber amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk proceeded to read as follows:

Page 88 of the printed bill with the Senate amendment, line 13——

Mr. RAGSDALE. Mr. Chairman, a point of order. Are we now considering the McCumber bill? How can we be offering this amendment if we are not?

The CHAIRMAN. The question is on the substitute to the McCumber bill now.

Mr. MANN. Mr. Chairman, the amendment to the McCumber amendment is in order at this time when a gentleman is recognized for that purpose. Both propositions are open to amendment, the Senate amendment and the committee amendment, whenever any gentleman is recognized to offer an amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. ANDERSON].

Mr. ANDERSON. The amendment has not been reported as yet.

The CHAIRMAN. The Clerk will report the amendment.

Mr. RAGSDALE. A point of order, Mr. Chairman. I should like my point to be ruled upon.

The CHAIRMAN. The gentleman will state his point of order.

Mr. RAGSDALE. As I understand, we are not considering the McCumber amendment at this time, but considering the amendment reported out by the Committee on Agriculture. How can we consider an amendment to the McCumber amendment, which is not under consideration?

Mr. BATHRICK. Mr. Chairman, I want to say a word about that.

Mr. MURRAY. Mr. Chairman, I want to talk on the point of order. The committee offers a substitute to the Senate amendment. That substitute, of course, must be perfected. When perfected it should be voted upon as a substitute to the Senate amendment. If voted down, then other amendments may be offered to the Senate amendment.

Mr. LENROOT. Mr. Chairman——

Mr. PARKER of New Jersey. Mr. Chairman——

Mr. RAGSDALE. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from South Carolina has raised the point of order, and that is being considered.

Mr. RAGSDALE. As I understood it, we went into the Committee of the Whole House for the purpose of considering the resolution that was reported back from the Committee on Agriculture. Now, then, while we are in that committee can we consider an amendment that has not been reported from that committee?

Mr. BATHRICK. A parliamentary inquiry, Mr. Chairman.

Mr. PARKER of New Jersey. Mr. Chairman——

The CHAIRMAN. The gentleman from New Jersey is recognized.

Mr. PARKER of New Jersey. I desire to say, Mr. Chairman, that the orderly proceeding, it seems to me, would have been to perfect the original matter to which the substitute was offered before perfecting the substitute. We have taken the unusual course, out of order, of perfecting the substitute first; but that does not make it out of order to perfect the original matter for which the substitute is offered.

The CHAIRMAN. That is exactly what the Chair ruled. This is the first amendment that has been offered to the Senate amendment. The gentleman from Minnesota [Mr. ANDERSON] offers an amendment to that for the purpose of perfecting it, and that amendment the Chair declares in order.

Mr. MANN. An amendment to either one is in order when a person is recognized for that purpose.

Mr. BATHRICK. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BATHRICK. I have an important amendment to be offered to the House substitute.

Mr. MANN. That will still be in order.

The CHAIRMAN. The Chair will recognize the gentleman.

Mr. BATHRICK. I offer the following amendment, then.

The CHAIRMAN. The Chair does not recognize the gentleman to offer the amendment now.

Mr. BATHRICK. I thought the Chair said I had been recognized.

Mr. MANN. He will be recognized.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Minnesota [Mr ANDERSON].

The Clerk read as follows:

Page 88, line 13, after the word "bearing," insert the following: "Interest at such rate as may be fixed by the commissioners of farm credits, not exceeding"; and strike out the word "interest," in line 14, so that the lines as amended will read: "That whenever the bureau of farm credits shall have received such mortgages to the extent of $1,000,000, it shall issue bonds in the name of the United States, payable in 20 years and bearing interest at such rate as may be fixed by the commissioners of farm credits, not exceeding 4½ per cent interest, payable annually," etc.

Mr. ANDERSON rose.

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. ANDERSON. Mr. Chairman, I do not know what action the House will take as to the Hollis-Bulkley-Moss proposition and the McCumber proposition. But it is perfectly obvious that, whatever action the House does take as between the two, they both ought to be perfected before the House takes any action.

There are some obvious defects in the McCumber proposition which ought to be corrected, and the one which I seek to correct by this amendment is one of them. The McCumber amendment provides that whenever the bureau of farm credits shall receive such farm mortgages to the extent of $1,000,000 it shall issue bonds in the name of the United States payable in 20 years and bearing 4½ per cent interest.

Now, it is perfectly obvious that there can be no sound reason for fixing the rate of interest upon these Government bonds at 4½ per cent. It is perfectly obvious that doing so would depreciate the price of all the bonds that the Federal Government has already issued. The only purpose which my amendment has is to permit the commissioner of farm credits to fix a lower rate than 4½ per cent if the bonds can be sold at that lower rate. The result will simply be that, by an amendment which I intend to offer later, if the bonds can be sold, as they can, at a rate lower than 4½ per cent, the farmer in asking for a loan will get the benefit of a lower rate also.

It is my purpose also to offer an amendment later, if this amendment shall be adopted, providing that the bonds may be sold for an amount in excess of the face value. In other words, this proposition now provides that the bonds provided for by the McCumber substitute must be sold at their par value. Of course, if the Government can get more than par from the sale of its bonds, it ought to do it. That is a perfectly apparent proposition, as is the other proposition that if it can sell the bonds at a lower rate of interest than 4½ per cent it should do that.

Mr. Chairman, there are other things that might be stated, but the House is tired, and I am willing to submit the proposition on that statement.

Mr. LEVER. Mr. Chairman, I will say that the committee—at least those on this side of the House—are quite ready to accept the gentleman's amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota [Mr. ANDERSON].

The amendment was agreed to.

Mr. ANDERSON. Now, Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The gentleman from Minnesota offers another amendment, which the Clerk will report.

The Clerk read as follows:

Page 88, line 18, after the word "for," insert the words "not less than."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

Mr. LEVER. Mr. Chairman, to save the time of the committee, unless the gentleman from Minnesota [Mr. ANDERSON] desires to talk, I will say that we on this side have no objection to that amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MURRAY. Mr. Chairman, what are you amending there?

The CHAIRMAN. The McCumber amendment.

Mr. MURRAY. Have you got two questions before the House?

Mr. MANN. Yes; the two questions are before the House at the same time.

Mr. MURRAY. You can not have two questions before the House at one and the same time. You must dispose of one or the other.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota [Mr. ANDERSON].

The amendment was agreed to.

Mr. BATHRICK. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Ohio [Mr. BATHRICK] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BATHRICK to the Hollis amendment: In line 3, page 66, after the word "situated," insert "but in no case shall the interest be over 6 per cent."

Mr. BATHRICK. Mr. Chairman, the crux of the whole farm-credit question is this: What is the interest rate going to be? There is nothing in the Hollis bill that indicates to anybody what the rate will be, and if you are going to pass this bill through this House you should have some limitation upon this rate. I think it is extremely liberal to the proponents of the Hollis measure to say that this interest rate shall not exceed 6 per cent. If I dared, I would make it 5 per cent. I want to get all I can. If you do not put this amendment into the bill, no borrower will know what the rate will be, and in many cases it will be far above that which I have proposed. If you wish to perfect the bill, this is the main thing to do. No bill of any kind is worth anything without a definite interest rate. I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. BATHRICK].

The question was taken; and on a division (demanded by Mr. BATHRICK) there were—ayes 114, noes 23.

Accordingly the amendment was agreed to.

Mr. ANDERSON. Mr. Chairman, I offer the following amendment to the McCumber bill.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON:

On page 85 of the McCumber amendment, line 7, strike out the words "at the rate of 5 per cent per annum" and insert "at such rate, not exceeding 5 per cent per annum, as the commissioner of farm credits may fix."

Mr. LEVER. We will accept that amendment.

The CHAIRMAN. The question is on the amendment.

The affirmative vote was taken.

[Mr. WINGO addressed the committee. See Appendix.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken; and on a division (demanded by Mr. WINGO and Mr. CARAWAY) there were—153 ayes, 42 noes.

So the amendment was agreed to.

Mr. McLAUGHLIN. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Amendment by Mr. McLAUGHLIN to the Hollis amendment:
Page 49, line 6, strike out "$12,000" and insert "$7,500."

Mr. McLAUGHLIN. Mr. Chairman, this amendment is offered for the purpose of providing a reasonable salary for the farm-loan commissioner.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The question was taken, and the amendment was agreed to.

Mr. ANDERSON. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Amendment to the McCumber amendment:

Page 85, line 10, strike out the words "rate of 5 per cent per annum," and insert in lieu thereof "the same rate as the principal note:"

Mr. ANDERSON. Mr. Chairman, this amendment simply provides, in accordance with the interest on the coupon note in case the interest of the principal note should be less than 5 per cent, that they shall be the same as the interest on the principal note. It makes the interest of the coupon note the same as the interest on the principal note.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was agreed to.

Mr. ANDERSON. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Page 90, line 10, after the word "appropriate," insert "*Provided*, That not more than $30,000,000 of such bonds shall be issued in any one year."

Mr. ANDERSON. Mr. Chairman, in the bill in the form in which my genial friend from Arkansas [Mr. WINGO] desires to have it, and as it is now, would permit the farm-credit bill provided by the McCumber amendment to issue bonds in an absolutely unlimited amount. Of course that may be a good thing from the standpoint of the gentleman from Arkansas, but it does not seem to me to be a good thing from the standpoint of the United States. The amendment I propose limits the amount of bonds which can be issued in any one year to $30,000,000.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken; and on a division (demanded by Mr. ANDERSON) there were—ayes 41, noes 100.

So the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the committee as amended.

Mr. HEFLIN. Mr. Chairman, I want to say a word just here to gentlemen who really want farm-credit legislation, that this bill, as amended by the Bulkley provision of Government aid, is the best thing in sight for the farmers of America. It furnishes aid as the Government now gives aid to the national banking system. I am heartily in favor of a rural credit system, and I made a speech in this House not long ago in favor of such legislation. [Applause.]

I think it best at this late hour in the session that we take the bill that has been unanimously reported by the Senate

Banking and Currency Committee. The McCumber proposition that came to this House was not considered by the Senate. There were only a half dozen Senators present, I understand, when it passed the Senate, and when it did come to us, the Senate, Democrats and Republicans, who really desired to have a rural credits bill that had something in it, met, and the Committee on Banking and Currency over there unanimously, I am told, reported the bill that came to us; and the Committee on Agriculture, of which I am a member, unanimously reported that bill to this House; and since we have had it under consideration here I have voted for amendments to perfect it, and stated in the committee that I would vote them. Mr. Chairman, we have put upon it the Bulkley amendment which I supported. [Applause.] It has got the Government-aid proposition in it, and I want to say to gentlemen here if you vote for the McCumber substitute, you vote for something that is doomed, for the President has already said that he would veto it, and you know that it is useless to follow that crude and unfinished measure further, because the newspapers this morning said that the President would veto the McCumber bill in its present shape. I do not know. I have not seen or talked with the President about this matter, but I do not believe that he would veto the Bulkley-Hollis bill as here amended.

Mr. MURRAY. Mr. Chairman, will the gentleman yield?

Mr. HEFLIN. I can not yield.

Mr. McLAUGHLIN. Mr. Chairman, will the gentleman yield to me?

Mr. HEFLIN. No; I have only five minutes.

Mr. NORTON. Mr. Chairman, will the gentleman yield to me?

Mr. HEFLIN. I can not yield. I trust that you gentlemen will not be misled into voting for a measure at this time that you yourselves believe will be vetoed, when, by voting for this measure, we have a chance to get the legislation desired.

Mr. CALLAWAY. Did not the President get the Bulkley amendment out of this Hollis bill? [Laughter.]

Mr. HEFLIN. I know nothing about that, and I have heard nothing of it.

Mr. CALLAWAY. Well, I have.

Mr. HEFLIN. The gentleman's information may not be correct, but I will state this, Mr. Chairman: I do not believe he would veto this substitute that we have here as amended by the Bulkley amendment. I believe when you get this bill in the committee of conference, unanimously reported by the Banking and Currency Committee in the Senate and unanimously reported by a House committee and acted on by this House, amended with the Bulkley provision, you will find there will be an effort on the part of Members in both branches of Congress to secure farm-credit legislation; and do not you gentlemen hug to your breast the delusion that you can go down fighting for the McCumber amendment and go out and say that you fought for a rural-credit system, when you are tied to something that you know now is going to be defeated. If you want a farm-credit system, vote for this bill as amended. It has got meat in it. Send it to the conference committee, and let us try to work out something that is good for the farmers of this country. Now, here is a bill indorsed by farmers' union men and others interested in the establishment of a genuine farm-credit system. It has in it aid and encouragement by the Federal Government and an amendment saying that you shall not charge the farmer more than 6 per cent interest. I shall count it a great victory for the friends of farm-credit legislation if this House shall go on record to-night as having passed the bill that contains these two propositions. I am in favor of giving the same encouragement and aid to the farm-credit system that the Government now gives to the commercial banking system. The farmers of America are entitled to this much, and they ask no more, and I appeal to all gentlemen who really want this legislation at this time to vote for this bill. [Applause.]

Mr. MANN. Mr. Chairman, the gentleman from Alabama [Mr. HEFLIN] made one of the most remarkable statements that I have ever heard made in this House. He said that the President has said that he would veto a bill if it passed in a certain manner.

Mr. HEFLIN. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. HEFLIN. I said the statement was in the newspaper. I heard he had said it.

Mr. MANN. The gentleman said exactly what I say he said.

Mr. HEFLIN. But I said later that I had not talked to him, and stated that the newspaper said that he said it.

Mr. MANN. Mr. Chairman, the gentleman said that the President had said that he would veto the bill, and when we challenged by our attitude such a statement the gentleman crawfished.

Mr. HEFLIN. The gentleman did not crawfish and never crawfishes. [Laughter.]

Mr. MANN. Mr. Chairman, the gentleman then endeavored to explain that the newspaper said so. I want to know whether it is true. Has the President said, for the purpose of improperly influencing the action of this Congress, that he will veto a measure before it has been presented to him? I do not believe that the President would so belittle his position. He has the right to determine, when a bill is passed and presented to him, whether he will veto it; but he has no right to say in advance, by a threat to Congress, that if Congress passes a certain measure in a certain manner he will veto it. [Applause.] I challenge the statement of the gentleman from Alabama that the President has made any such statement. [Applause.]

Mr. HEFLIN. Mr. Chairman, I stated in the outset that I had understood the President had said he would veto it, and the Washington Post contained a statement to that effect this morning; and I said later, qualifying my statement, that I had not talked with the President, but that it was rumored around here that he had said it, or that he had said that he would veto the bill. I think gentlemen here believe that he would veto it; and I was simply appealing to them to vote for a bill that had a chance, because the Banking and Currency Committee in the Senate is back of it and our committee unanimously reported it, and it has been perfected by amendments, with the Bulkley provision in it; and gentlemen have an opportunity to vote for a bill that has got something in it, in spite of all this falderal that the gentleman from Illinois [Mr. MANN] has undertaken to inject into the debate. [Applause.]

Mr. NEELEY of Kansas. Will the gentleman yield for a question? [Cries of "Vote!"]

Mr. LEVER. Mr. Chairman——

The CHAIRMAN. The Chair had recognized the gentleman from Kansas.

Mr. NEELEY of Kansas. Mr. Chairman, I wanted to ask my good friend [Mr. HEFLIN] a question or two, but he sat down before I got the chance. I desire to make a statement now. When we were considering the currency bill here the same newspapers that stated a few days ago that the President would veto rural-credit legislation then stated that he would veto the currency bill. The proof of the pudding is in the chewing in the bag. He did no such thing, and I do not believe that the newspapers have any more authority to make the statement that he would veto the result of the deliberations of this Congress on this subject than they then had to make the statement that he would veto the currency bill then; but even if we assume that statement to be true we are in exactly the same fix with the Bulkley amendment as we are with the McCumber amendment. I saw the statement the gentleman referred to, and the same paragraph of the same newspaper that stated that he would veto the McCumber bill stated in substance and in effect that he would veto any kind of legislation that had behind it the proposition of Government aid, and that is all there is in this Bulkley amendment. I do not believe the President will do any such thing; but if the President does it is a matter for him and his splendid good conscience to decide. It is the duty of this House to do its duty as it sees that duty, and to enact legislation that ought to be enacted, and it is likewise the duty of the President to approve or reject legislation as duty marks the way, and I am sure that he desires this to be done. [Applause.] That is the demand the people of my district and my State make. That was the demand of the Democratic caucus participated in by my splendid friend from Alabama, and it was an unanimous demand, voted for by every man who sat in that caucus; voted for by the splendid chairman of this committee, who made two of the best speeches in behalf of rural-credit legislation that were made in that three weeks caucus.

Now, if gentlemen say that simply because the Democrats have been caught asleep, because that is the situation [laughter on the Republican side], they were asleep on the proposition of rural-credits legislation, and McCUMBER put his amendment in and "slipped it over" on them, by which means it comes as an amendment in this bill, then I say let us put the McCumber amendment in this bill and start the work along at this time, trusting its future to the usual orderly consideration.

Mr. HEFLIN. Will the gentleman yield?

Mr. NEELEY of Kansas. I do.

Mr. HEFLIN. I just want to ask my friend if he does not think it would be wise to adopt this Hollis-Bulkley-Moss-Fletcher proposition of Government aid furnished by section 30 that BULKLEY put into the bill? Does not the gentleman think that the bill which was worked on for nearly two years is a better proposition than the unfinished, crude McCumber proposition?

Mr. NEELEY of Kansas. Well, I think that the Hollis-Bulkley bill has 50 or 60 pages containing a lot of machinery designed to get some kind of rural-credit legislation. It has not been digested by the House and very few understand its provisions; and I think that while the McCumber proposition is crude, and while it may be couched in language that perhaps in some instances ought not to obtain, it gets the meat out of the coconut, and that is what the people of my State want; they want relief, and they want it at once. They do not want a lot of high-sounding phrases that simply provide a lot of machinery and get no results. We want business. I hope the Bulkley-Hollis amendment will do this, but I am not as well satisfied with that as I am with the McCumber amendment, and believe this will help, and then the next Congress can take more time to fix it and make such amendments as may be necessary. I believe this is as easy as to swallow all of this amendment, which few Members understand. I am for action now and making repairs afterwards.

Mr. LEVER. Mr. Chairman, I move to close all debate on Senate amendment 89 and all amendments thereto, including the substitute.

The CHAIRMAN. Does the gentleman move or ask unanimous consent?

Mr. LEVER. I move.

The CHAIRMAN. The gentleman from South Carolina moves that all debate on Senate amendment No. 89 and all amendments and substitutes thereto be closed.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The question is upon the substitute offered by the committee.

Mr. CALLAWAY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CALLAWAY. In voting on this substitute if we vote it down, the vote then recurs on the McCumber amendment.

Mr. GORDON. As amended.

The CHAIRMAN. On the McCumber amendment as amended. The question now is on the committee substitute as amended.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. CALLAWAY. Division, Mr. Chairman.

The committee divided; and there were—ayes 124, noes 109.

Mr. NORTON and Mr. BRYAN demanded tellers.

Tellers were ordered.

The committee again divided; and the tellers (Mr. LEVER and Mr. NEELEY of Kansas) reported—ayes 160, noes 99.

So the substitute as amended was agreed to.

Mr. LEVER. Mr. Chairman, I move that the committee do now rise and report the bill back——

Mr. MANN. Mr. Chairman, the Senate amendment has not yet been agreed to as amended by the substitute.

The CHAIRMAN. The question is on the Senate amendment as amended.

The Senate amendment as amended was agreed to.

Mr. LEVER. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that all of the Senate amendments be disagreed to except Senate amendment No. 89, which shall be agreed to with the amendment adopted by the committee.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FLOOD of Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration Senate amendments to H. R. 20415, making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1916, and had directed him to report the same back to the House with the recommendation that all of said amendments except Senate amendment No. 89 be disagreed to, and that this amendment be concurred in with an amendment.

Mr. LEVER. Mr. Speaker, upon that I move the previous question on the bill and all amendments thereto.

The SPEAKER. The gentleman from South Carolina moves the previous question on all amendments to their final disposition.

Mr. LEVY. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. LEVY. Can you strike out of amendment No. 89 the Bulkley amendment?

The SPEAKER. Not when the motion for the previous question is pending. The question now is on ordering the previous question.

The previous question was ordered.

Mr. WINGO. Mr. Speaker, I offer a motion to recommit.

Mr. MURDOCK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MURDOCK. At this point does not the Speaker ask if there is a separate vote desired on the different amendments?

Mr. MANN. A motion to recommit has been offered.

The SPEAKER. You have to dispose of the motion to recommit first. The Chair has studied a good deal on this subject.

Mr. GARDNER. Mr. Speaker——

The SPEAKER. The gentleman from Massachusetts is recognized.

Mr. GARDNER. At the proper time I wish to raise a point of order against any motion to recommit.

The SPEAKER. Right now is the time.

Mr. GARDNER. Before the motion is read?

The SPEAKER. Well, the Clerk will report the motion.

The Clerk read as follows:

Mr. WINGO moves to recommit the bill to the Committee on Agriculture, with instructions to report forthwith Senate amendment No. 89, known as the McCumber amendment, without amendment, as a substitute for the amendment reported to the House.

Mr. LEVER. Mr. Speaker, upon that I move the previous question.

Mr. GARDNER. Mr. Speaker——

The SPEAKER. The Chair will regard the motion as made and will put it at the proper time.

LEAVE OF ABSENCE.

Mr. TAYLOR of Alabama, by unanimous consent, was granted leave of absence, indefinitely, on account of sickness.

AGRICULTURE APPROPRIATION BILL.

The SPEAKER. The gentleman from Massachusetts [Mr. GARDNER] is recognized.

Mr. GARDNER. Mr. Speaker, the general practice of a motion to recommit under general parliamentary law is that it shall not be in order after the previous question. But the practice grew up because it was found that we considered bills in such a narrow way that there was only one amendable stage.

The House was given an extra stage for a record vote, for a last glance, by a motion to recommit after the previous question was ordered. That was done because it was found that the House was in the habit of ordering the previous question without much thought. Therefore this new stage in the consideration of a bill when it first went through the House, the equivalent of an extra reading, as it were, was allowed. That is allowed by two rules; first by section 4 of Rule XVI, which reads:

After the previous question shall have been ordered on the passage of a bill or joint resolution—

This is not a bill or joint resolution, with the question of passage pending, but a question of agreeing to a certain amendment—

one motion to recommit shall be in order, and the Speaker shall give preference—

And so forth.

That is Rule XVI, section 4. Now, there is another rule of the House under which a motion to recommit is permissible after the previous question is ordered. It is Rule XVII, paragraph 1. The last sentence of that paragraph reads:

It shall be in order, pending the motion for, or after the previous question shall have been ordered on its passage—

This is not the question of the passage; this is a question of agreeing to a Senate amendment—

for the Speaker to entertain and submit a motion to recommit, with or without instructions, to a standing or select committee.

In other words, Mr. Speaker, this is not a case for one of these extra stages. They are not separate readings, first, second, and third, motions to engross, and so forth, but a plain question of agreeing to a Senate amendment. It is not a question needing a successive stage.

Now, Mr. Speaker, there is only one decision, so far as I know, bearing on the question at all. That is No. 5573 in Hinds' Precedents. No. 5575, since my attention has been called to it, seems to be in point—5575, which entirely escaped my observation, which is in point, but entirely contrary to the view I entertained.

The SPEAKER. By analogy there must be some place, somewhere, to make the motion to recommit. The question now is on the motion for the previous question on the motion to recommit.

The question was taken, and the previous question was ordered on the motion to recommit.

Mr. WINGO. Now, Mr. Speaker, I demand the yeas and nays on the motion to recommit.

The SPEAKER. The gentleman from Arkansas [Mr. WINGO] demands the yeas any nays on the motion to recommit. Those in favor of ordering the yeas and nays will rise and stand until they are counted. [After counting.] Seventy gentlemen have

risen in favor of the yeas and nays—a sufficient number, and the Clerk will call the roll.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the motion to recommit may again be reported.

The SPEAKER. Without objection, the motion to recommit will again be read.

The motion to recommit was again read.

The SPEAKER. The Clerk will call the roll. Those in favor of the motion to recommit will vote "yea"; those opposed will vote "nay."

The question was taken; and there were—yeas 89, nays 239, answered "present" 1, not voting 94, as follows:

[Roll No. 96.]

YEAS—89.

Abercrombie	Eagle	Kelly, Pa.	Rupley
Anthony	Edmonds	Kiess, Pa.	Sells
Aswell	Edwards	Kinkaid	Sisson
Austin	Esch	Knowland, J. R.	Sloan
Barton	Falconer	Kreider	Stephens, Miss.
Bathrick	Farr	Lafferty	Stephens, Tex.
Bell, Cal.	Floyd, Ark.	La Follette	Sumners
Browne, Wis.	Fowler	Langley	Sutherland
Bryan	French	Lindbergh	Switzer
Buchanan, Ill.	Garner	McKellar	Tavenner
Burnett	Garrett, Tex.	MacDonald	Taylor, Ark.
Callaway	Goodwin, Ark.	Manahan	Taylor, Colo.
Campbell	Goulden	Morgan, Okla.	Thomas
Caraway	Hart	Murdock	Thompson, Okla.
Carter	Helvering	Murray	Tribble
Connelly, Kans.	Henry	Neeley, Kans.	Vaughan
Cramton	Hughes, Ga.	Nolan, J. I.	Wingo
Crisp	Hulings	Norton	Witherspoon
Curry	Jacoway	Oldfield	Woods
Davenport	Johnson, Ky.	Porter	Young, N. Dak.
Dillon	Johnson, Utah.	Powers	
Donohoe	Johnson, Wash.	Prouty	
Doolittle	Keating	Quin	

NAYS—239.

Adair	Doughton	Kent	Rayburn
Adamson	Drukker	Kettner	Reilly, Wis.
Aiken	Dupré	Key, Ohio	Rogers
Alexander	Eagan	Kitchin	Rothermel
Allen	Ferris	Konop	Rouse
Anderson	Fess	Korbly	Rubey
Ashbrook	Fields	Langham	Rucker
Baker	Finley	Lazaro	Russell
Baltz	Fitzgerald	Lee, Ga.	Sabath
Barchfeld	Fitzhenry	Lee, Pa.	Saunders
Barkley	Flood, Va.	Lenroot	Scott
Bartlett	Fordney	Lever	Scully
Beakes	Foster	Levy	Seldomridge
Beall, Tex.	Frear	Lewis, Md.	Sherley
Bell, Ga.	Gallagher	Lieb	Sherwood
Blackmon	Gallivan	Linthicum	Sims
Booher	Gard	Lloyd	Sinnott
Borchers	Gardner	Lobeck	Small
Borland	Garrett, Tenn.	Logue	Smith, Idaho
Brockson	Gill	Lonergan	Smith, J. M. C.
Brodbeck	Gilmore	McAndrews	Smith, Minn.
Broussard	Gittins	McGillicuddy	Smith, N. Y.
Brown, N. Y.	Glass	McKenzie	Smith, Sami. W.
Brown, W. Va.	Godwin, N. C.	McLaughlin	Smith, Tex.
Browning	Goeke	Madden	Sparkman
Brumbaugh	Goldfogle	Maguire, Nebr.	Stafford
Buchanan, Tex.	Gordon	Mahan	Stedman
Bulkley	Graham, Ill.	Mann	Stephens, Cal.
Burgess	Graham, Pa.	Mapes	Stevens, Minn.
Burke, S. Dak.	Gray	Martin	Stevens, N. H.
Burke, Wis.	Green, Iowa	Metz	Stone
Butler	Greene, Mass.	Miller	Stout
Byrnes, S. C.	Greene, Vt.	Mitchell	Stringer
Byrns, Tenn.	Gregg	Mondell	Taggart
Calder	Griest	Montague	Talcott, N. Y.
Candler, Miss.	Griffin	Moore	Temple
Cantor	Hamilton, Mich.	Morgan, La.	Thacher
Cantrill	Hamilton, N. Y.	Morrison	Towner
Carlin	Hamlin	Moss, Ind.	Townsend
Casey	Harrison	Mott	Treadway
Church	Haugen	Neely, W. Va.	Tuttle
Clancy	Hawley	Oglesby	Underhill
Cline	Hayden	Padgett	Underwood
Coady	Hayes	Page, N. C.	Vare
Collier	Heflin	Paige, Mass.	Vinson
Connolly, Iowa	Helgesen	Palmer	Vollmer
Conry	Helm	Park	Volstead
Cooper	Hinds	Parker, N. J.	Walker
Copley	Holland	Parker, N. Y.	Wallin
Cox	Houston	Patten, N. Y.	Walsh
Cullop	Howard	Patton, Pa.	Watkins
Danforth	Howell	Peters	Watson
Davis	Hull	Phelan	Whaley
Decker	Humphrey, Wash.	Platt	Whitacre
Deitrick	Humphreys, Miss.	Pou	White
Dent	Igoe	Price	Williams
Dickinson	Johnson, S. C.	Ragsdale	Wilson, Fla.
Difenderfer	Kelley, Mich.	Rainey	Winslow
Dixon	Kennedy, Conn.	Raker	Young, Tex.
Doremus	Kennedy, Iowa	Rauch	

ANSWERED "PRESENT"—1.

Britten

NOT VOTING—94.

Ainey	Bruckner	Clark, Fla.	Donovan
Avis	Burke, Pa	Claypool	Dooling
Bailey	Carew	Crosser	Driscoll
Barnhart	Carr	Dale	Dunn
Bartholdt	Cary	Dershem	Elder
Bowdle	Chandler, N. Y.	Dies	Estopinal
Evans	Hinebaugh	Moon	Slayden
Fairchild	Hobson	Morin	Slemp
Faison	Hoxworth	Moss, W. Va.	Smith, Md.
Fergusson	Hughes, W. Va.	Mulkey	Stanley
Francis	Jones	Nelson	Steenerson
George	Kahn	O'Brien	Stephens, Nebr.
Gerry	Keister	O'Hair	Talbott, Md.
Gillett	Kennedy, R. I.	O'Shaunessy	Taylor, Ala.
Good	Kindel	Peterson	Taylor, N. Y.
Gorman	Kirkpatrick	Plumley	Ten Eyck
Gudger	L'Engle	Post	Thomson, Ill.
Guernsey	Lesher	Reed	Walters
Hamill	Lewis, Pa.	Reilly, Conn.	Weaver
Hardy	Lindquist	Riordan	Webb
Harris	Loft	Roberts, Mass.	Wilson, N. Y.
Hay	McClellan	Roberts, Nev.	Woodruff
Hensley	McGuire, Okla.	Shackleford	
Hill	Maher	Shreve	

So the motion to recommit was rejected.

The Clerk announced the following additional pairs:

Mr. BAILEY with Mr. SLEMP.

Mr. HAY with Mr. ROBERTS of Massachusetts.

Mr. WEBB with Mr. KAHN.

Mr. CARR with Mr. AVIS.

Mr. CLARK of Florida with Mr. BURKE of Pennsylvania.

Mr. DIES with Mr. FAIRCHILD.

Mr. ESTOPINAL with Mr. GILLETT.

Mr. FERGUSSON with Mr. CARY.

Mr. HAMILL with Mr. GUERNSEY.

Mr. MOON with Mr. KEISTER.

Mr. REILLY of Connecticut with Mr. HINEBAUGH.

Mr. SHACKLEFORD with Mr. KENNEDY of Rhode Island.

Mr. STEPHENS of Nebraska with Mr. LEWIS of Pennsylvania.

Mr. TAYLOR of Alabama with Mr. MORIN.

Mr. CROSSER with Mr. Moss of West Virginia.

Mr. DOOLING with Mr. NELSON.

Mr. FAISON with Mr. PLUMLEY.

Mr. BRUCKNER with Mr. SHREVE.

Mr. CAREW with Mr. STEENERSON.

Mr. HILL with Mr. HUGHES of West Virginia.

The result of the vote was announced as above recorded.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. HENRY. Mr. Speaker, I demand a separate vote on amendment numbered 89.

The SPEAKER. That is the separate recommendation of the committee. Is a separate vote demanded on any other amendment?

Mr. MANN. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. These amendments having been referred by the House to the Committee of the Whole House on the state of the Union and reported back as amendments, if they are disagreed to en bloc will they appear in the RECORD and in the Journal as amendments which are disagreed to?

The SPEAKER. The Chair thinks so; yes.

Mr. HENRY. All except amendment 89.

The SPEAKER. It seems to the Chair that the first thing to do is to put the part of the recommendation of the Committee of the Whole House on the state of the Union that all the amendments except 89 be disagreed to.

Mr. MANN. I will not ask for a separate vote upon those amendments, if they are to be inserted in the RECORD and Journal as disagreed to.

The SPEAKER. The Chair will direct the Official Reporters and the Journal Clerk to set them all out. All those in favor of that part of the recommendation of the Committee of the Whole that all the amendments except 89 be disagreed to will say "aye"; those opposed "no."

The question was taken, and the motion that all the amendments except 89 be disagreed to was carried.

The amendments disagreed to are as follows:

(1) Page 3, line 12, strike out "two watchmen, at $840 each; forty-two" and insert "forty-four."

(2) Page 3, line 16, strike out "one carriage driver, $600."

(3) Page 3, line 20, strike out "$352,280" and insert "$351,440."

(4) Page 3, line 23, after "clerk," insert "or photographer."

(5) Page 3, line 24, after "clerks," where it occurs the second time, insert "or map tracers."

(6) Page 4, line 4, after "photographer," insert "or clerk."

(7) Page 4, line 21, strike out "$623,360" and insert "$622,520."

(8) Page 4, line 25, strike out "and executive assistant, $3,000" and insert "$2,500."

(9) Page 6, line 2, strike out "$333,400" and insert "$332,900."

(10) Page 6, line 20, strike out ", care, and purchase" and insert "and care."

(11) Page 8, line 11, strike out ", $1,185,150" and insert "$1,201,150: *Provided*, That not to exceed $3,000 may be expended for the purchase or construction of an extension of the Tatoosh Island-Port Crescent telegraph line from Port Crescent to Port Angeles, Wash., about 20 miles."

(12) Page 8, line 15, strike out "$1,333,150" and insert "$1,349,150."

(13) Page 8, line 16, strike out "$1,666,550" and insert "$1,682,050."

(14) Page 9, lines 7 and 8, strike out "two messengers and custodians" and insert "one messenger and custodian."
(15) Page 9, line 8, strike out "each" and insert "one messenger and custodian, $1,000."
(16) Page 12, line 4, strike out all after "ticks," down to and including "purposes," line 8, and insert "$448,800."
(17) Page 13, line 16, strike out "$85,940" and insert "$98,580."
(18) Page 13, line 21, strike out "$235,000" and insert "$375,000."
(19) Page 14, line 15, strike out "$1,816,706" and insert "$2,019,346."
(20) Page 14, line 24, strike out "$2,545,336" and insert "$2,747,976."
(21) Page 15, line 15, strike out "forty-eight" and insert "forty-seven."
(22) Page 15, line 23, strike out "one clerk or artist, $1,200" and insert "two clerks or artists, at $1,200 each."
(23) Page 17, line 16, strike out "$56,115" and insert "$58,225."
(24) Page 17, line 21, after "Control" insert "and by putting into application methods of control already discovered."
(25) Page 17, line 21, strike out "$57,175" and insert "$67,950."
(26) Page 18, line 22, strike out "$19,770" and insert "$22,270."
(27) Page 19, line 13, after "diseases" insert "and the testing and breeding of flax."
(28) Page 19, line 15, strike out "$139,505" and insert "$142,005."
(29) Page 19, line 23, strike out all after "$10,840" down to and including "demonstrations," line 2, page 20.
(30) Page 21, line 23, strike out "$75,400" and insert "$70,400."
(31) Page 22, line 5, strike out "$39,000" and insert "$100,000."
(32) Page 22, line 15, strike out "$1,455,135" and insert "$1,477,845."
(33) Page 25, line 5, strike out "$2,131,825" and insert "$2,154,535."
(34) Page 39, line 9, after "$400,000" insert ", of which sum not to exceed $3,000 may be expended in the erection of a headquarters building at the Grand Canyon National Monument."
(35) Page 40, after line 9, insert:
"For the examination, survey, and acquisition of lands under the provisions of the act of March 1, 1911 (36 Stat. L., p. 961), as amended March 4, 1913 (37 Stat. L., p. 828), and June 30, 1914 (38 Stat. L., p. 441), $3,000,000, which appropriation shall be available until expended."
(36) Page 40, after line 9, insert "That hereafter the Secretary of Agriculture, under regulations to be prescribed by him, is hereby authorized to permit the Navy Department to take from the national forests such earth, stone, and timber for the use of the Navy as may be compatible with the administration of the national forests for the purposes for which they are established, and also in the same manner to permit the taking of earth, stone, and timber from the national forests for the construction of Government railways and other Government works in Alaska: *Provided*, That the Secretary of Agriculture shall submit with his annual estimates a report of the quantity and value of earth, stone, and timber furnished as herein provided."
(37) Page 40, line 10, strike out "$5,553,256" and insert "$8,553,256."
(38) Page 40, after line 10, insert "That hereafter the Secretary of Agriculture may, upon such terms as he may deem proper, for periods not exceeding 30 years, permit responsible persons or associations to use and occupy suitable spaces or portions of ground in the national forests for the construction of summer homes, hotels, stores, or other structures needed for recreation or public convenience, not exceeding 10 acres to any one person or association, but this shall not be construed to interfere with the right to enter homesteads upon agricultural lands in national forests as now provided by law."
(39) Page 40, line 20, strike out "one food and drug inspector, $2,250," and insert "two food and drug inspectors, at $2,250 each."
(40) Page 40, line 24, strike out "four" where it occurs the first time and insert "two."
(41) Page 41, line 15, strike out "$291,540" and insert "$290,990."
(42) Page 42, line 12, strike out "$34,000" and insert "$42,400."
(43) Page 43, line 12, strike out "$40,000" and insert "$49,400."
(44) Page 44, line 3, strike out "$139,680" and insert "$149,080."
(45) Page 44, line 21, strike out "$1,066,381" and insert "$1,075,231."
(46) Page 47, line 8, strike out "two" and insert "three."
(47) Page 47, line 10, strike out "$69,050" and insert "$69,530."
(48) Page 49, line 13, strike out "$829,420" and insert "$829,900."
(49) Page 50, line 20, after "lands" insert a comma.
(50) Page 51, after line 6, insert "For the improvement of the game preserve in Sullys Hill National Park, in the State of North Dakota, including the construction of all fences, sheds, buildings, corrals, roads, and other structures which may be necessary, in addition to the amount heretofore appropriated, $10,000, the same to be available until expended."
(51) Page 51, line 10, after "wolves," insert "coyotes."
(52) Page 51, line 13, strike out "$110,000" and insert "$300,000."
(53) Page 51, line 18, after "Utah," insert "*: And provided also*, That of this sum not less than $175,000 shall be used on the national forests and the public domain in destroying wolves, coyotes, and other animals injurious to agriculture and animal husbandry."
(54) Page 52, line 10, strike out "$236,820" and insert "$436,820."
(55) Page 52, line 11, strike out "$271,290" and insert "$471,290."
(56) Page 53, line 18, after "each," insert "one chief folder, $1,200."
(57) Page 54, line 1, strike out "two laborers, at $600 each."
(58) Page 56, line 17, strike out "$17,500" and insert "$16,300."
(59) Page 56, line 21, strike out "$47,220" and insert "$46,020."
(60) Page 57, line 13, after "$115,000," insert "of which sum $5,000 shall be immediately available."
(61) Page 57, after line 22, insert "Until otherwise ordered the Maltby Building and all the buildings on the west side of New Jersey Avenue, between B and C Streets NW., in the city of Washington, D. C., belonging to the Government may be used for governmental purposes by the Agricultural Department."
(62) Page 62, after line 17, insert: "That hereafter there be prepared by the Department of Agriculture an annual report on the work and expenditures of the agricultural experiment stations established under the act of Congress of March 2, 1887 (24 Stat. L., p. 440), on the work and expenditures of the Department of Agriculture in connection therewith, and on the cooperative agricultural extension work and expenditures of the Department of Agriculture and of agricultural colleges under the act of May 8, 1914, entitled 'An act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, and the United States Department of Agriculture'; and that there be printed annually 8,000 copies of said report, of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 5,000 copies for the use of the Department of Agriculture."
(63) Page 65, after line 9, insert: "To enable the Secretary of Agriculture in conjunction with the Geological Survey to investigate the existence of artesian water and other underground water supplies suitable for irrigation in the arid and semiarid regions by boring wells, $100,000."
(64) Page 66, line 10, strike out "$497,700" and insert "$610,505."
(65) Page 66, line 12, strike out "$573,660" and insert "$686,465."
(66) Page 67, after line 13, insert "Experiments in dairying and live-stock production in semiarid and irrigated districts of the western United States: To enable the Secretary of Agriculture to conduct investigations and experiments in problems connected with the establishment of dairying and meat-production enterprises on the semiarid and irrigated lands of the western United States, including the purchase of live stock, the erection of barns and other necessary buildings, and the employment of necessary persons and means in the city of Washington and elsewhere, $87,500."
(67) Page 68, line 11, strike out "$352,650" and insert "$440,150."
(68) Page 69, line 2, strike out "$484,050" and insert "$571,550."
(69) Page 69, line 13, strike out "$19,702,712" and insert "$23,351,157."
(70) Page 70, after line 19, insert: "That hereafter when any State shall provide for terminal inspection of plants and plant products, and shall establish and maintain, at the sole expense of the State, such inspection at one or more places therein, the proper officials of said State may submit to the Secretary of Agriculture a list of plants and plant products and the plant pests transmitted thereby, that in the opinion of said officials should be subject to terminal inspection in order to prevent the introduction or dissemination in said State of pests injurious to agriculture. Upon his approval of said list, in whole or in part, the Secretary of Agriculture shall transmit the same to the Postmaster General, and thereafter all packages containing any plants or plant products named in said approved lists shall, upon payment of postage therefor, be forwarded by the postmaster at the destination of said package to the proper State official at the nearest place where inspection is maintained. If the plant or plant products are found upon inspection to be free from injurious pests, or if infected shall be disinfected by said official, they shall upon payment of postage therefor be returned to the postmaster at the place of inspection to be forwarded to the person to whom they are addressed; but if found to be infected with injurious pests and incapable of satisfactory disinfection the State inspector shall so notify the postmaster at the place of inspection, who shall promptly notify the sender of said plants or plant products that they will be returned to him upon his request and at his expense, or in default of such request that they will be turned over to the State authorities for destruction."

"On and after the passage and approval of this act it shall be unlawful for any person, firm, or corporation to deposit in the United States mails any package containing any plant or plant product addressed to any place within a State maintaining inspection thereof, as herein defined, without plainly marking the package so that its contents may be readily ascertained by an inspection of the outside thereof. Whoever shall fail to so mark said packages shall be punished by a fine of not more than $100.

"The Postmaster General is hereby authorized and directed to make all needful rules and regulations for carrying out the purposes hereof."
(71) Page 70, after line 19, insert:
"To enable the Secretary of Agriculture to carry out an agreement heretofore made by and between him and the State of Washington through its proper officers, looking to the exchange of lands and indemnity rights with said State, $50,000, or so much thereof as may be necessary, to be available until expended when the said State shall have made available a like amount to be used for carrying out the aforesaid agreement: *Provided*, That such exchanges shall be made on the basis of approximately equal area and value."
(72) Page 71, line 5, strike out "$50,000" and insert "$125,000, $25,000 of said sum to be immediately available."
(73) Page 71, after line 12, insert:
"International Dry Farming Congress, Denver, Colo.: To enable the Secretary of Agriculture to cooperate with and make an exhibit at the next annual meeting of the International Dry Farming Congress, to be held at Denver, Colo., during the fiscal year ending June 30, 1916, illustrative of the investigations, products, and processes relating to farming in the subhumid, arid, and semiarid regions of the United States, including labor and all expenses in the city of Washington and elsewhere, $20,000."
(74) Page 71, after line 12, insert:
"That the President is hereby authorized to extend invitations to other nations to appoint delegates or representatives to the International Dry Farming Congress, to be held at Denver, Colo., September 27 to October 8, inclusive, 1915: *Provided*, That no appropriation shall be granted or used for the expenses of delegates."
(75) Page 71, after line 23, insert:
"Experiments and demonstrations in live-stock production in the cane-sugar and cotton districts of the United States: To enable the Secretary of Agriculture, in cooperation with the authorities of the States concerned, or with individuals, to make such investigations and demonstrations as may be necessary in connection with the development of live-stock production in the cane-sugar and cotton districts of the United States, including the erection of barns and other necessary buildings, and the employment of persons and means in the city of Washington and elsewhere, $60,000; and of the funds heretofore appropriated for the development of live-stock production in the cane-sugar and cotton districts of the United States during the fiscal year 1915, not to exceed $7,500, is hereby made available for the erection of barns and other necessary buildings."
(76) Page 71, after line 23, insert:
"Experiments and demonstrations in live-stock production in the New England States: To enable the Secretary of Agriculture, in cooperation with the authorities of the States concerned, or with individuals, to make such investigations and demonstrations as may be necessary in connection with the development of live-stock production in the New England States, including the erection of barns and other necessary buildings, and the employment of persons and means in the city of Washington and elsewhere, $60,000; and of the funds hereby appropriated for the development of live-stock production in the New Eng-

land States, not to exceed $7,500, is hereby made available for the erection of barns and other necessary buildings."

(77) Page 72, strike out lines 6 to 10, inclusive.

(78) Page 72, line 11, strike out "$55,000" and insert "$40,000."

(79) Page 72, line 12, strike out "now available or."

(80) Page 72, line 16, after "the" where it occurs the second time insert "field."

(81) Page 72, line 16, after "Agriculture" insert "outside the District of Columbia."

(82) Page 72, line 20, after "service" insert "outside the District of Columbia."

(83) Page 73, strike out lines 1 to 10, inclusive.

(84) Page 73, after line 10, insert:

"In case of an emergency arising out of the existence of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious disease of animals which in the opinion of the Secretary of Agriculture threatens the live-stock industry of the country he may expend in the city of Washington and elsewhere, out of any money in the Treasury not otherwise appropriated, the sum of $2,500,000, which sum is hereby appropriated, or so much thereof as he determines to be necessary, in the arrest and eradication of any such disease, wherever found and irrespective of ownership under like or substantially similar circumstances, including quarantine, treatment, or other expenses incurred in the payment of claims growing out of past and future purchases and destruction, in cooperation with the States, of animals affected by or exposed to, or of materials contaminated by or exposed to, any such disease, and said sum shall be immediately available for the purposes specified: '*Provided*, That no payment for any such diseased or exposed animal, or contaminated or exposed materials, shall be made if any of the quarantine regulations of the Department of Agriculture shall have been so violated at the yards or pen where such animal is seized or materials found as to cause the disease against which the quarantine is established.'"

(85) Page 73, after line 10, insert:

"The unexpended balance on June 30, 1914, remaining to the credit of the appropriation authorized in the Agricultural appropriation act approved March 4, 1913, for the expenses of a commission to investigate and report to Congress on European cooperative land-mortgage banks and rural-credit unions, is hereby appropriated and made available for the fiscal years 1915 and 1916, including expenses incurred since the end of the fiscal year 1914, for the purposes set forth in said act, to be paid out on the audit and order of the chairman of said commission; and such audit and order shall be conclusive and binding upon all departments as to the correctness of the accounts of such commission under this appropriation and under the appropriation made for the fiscal year 1914."

(86) Page 73, after line 10, insert:

"The north half of the south half of section 19, township 2 north, range 11 west, Indian meridian, Oklahoma, formerly a part of the Kiowa, Comanche, and Apache Indian Reservation, is hereby set aside for use of the Department of Agriculture for a dry farming or subhumid station; and the sum of $200 is hereby appropriated to pay the Indians therefor, which sum shall be placed on deposit in the Treasury of the United States to the credit of the fund 'Interest on Apache, Kiowa, and Comanche 4 per cent fund (benefits).'

(87) Page 73, after line 10, insert:

"For constructing lakes and reservoirs on the plains between the ninety-eighth meridian and the foothills of the Rocky Mountains, $500,000."

(88) Page 73, after line 10, insert:

"To enable the Secretary of Agriculture to provide for the demonstration at farmers' institutes, or other farmers' societies and meetings, practicable farm uses of denatured alcohol, the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated."

(90) Page 73, line 12, strike out "$22,627,712" and insert "$36,981,817."

The SPEAKER. Now, what is the gentleman from Texas proposing?

Mr. HENRY. I demand a separate vote on amendment 89.

The SPEAKER. Amendment 89 is the very identical thing that the whole controversy turns on. The Committee of the Whole recommended certain amendments to amendment 89.

Mr. HENRY. What action is necessary, Mr. Speaker?

The SPEAKER. The action necessary is to agree to the amendments to amendment 89.

Mr. UNDERWOOD. There is only one amendment to 89.

Mr. GARNER. There is only one amendment.

The SPEAKER. There is only one amendment to amendment 89.

Mr. MANN. The recommendation of the committee was that the House concur in Senate amendment 89 with an amendment.

The SPEAKER. That is it.

Mr. MANN. The amendment that was reported back.

Mr. HENRY. The question is on agreeing to the amendment?

The SPEAKER. The vote is to be taken on the recommendation of the committee to concur in Senate amendment 89, with an amendment.

The question was taken, and the Speaker announced that the ayes had it.

Mr. HENRY. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Texas demands the yeas and nays. All those in favor of the yeas and nays will rise and stand until they are counted. [After counting.] Fifty-three Members have arisen; not a sufficient number.

Mr. HENRY. I ask for the other side.

The SPEAKER. The gentleman from Texas asks for the other side. All those opposed will rise. [After counting.] Two hundred and thirteen have arisen; not a sufficient number; the yeas and nays are refused. The House votes to concur in the Senate amendment with an amendment.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that the House ask for a conference on the disagreeing votes of the two Houses.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that the House ask for a conference on the disagreeing votes of the two Houses. Is there objection?

There was no objection.

Mr. HENRY. Mr. Speaker, I offer the following motion to instruct the conferees:

The Clerk read as follows:

Mr. HENRY moves to instruct the House conferees to insist on Senate amendment 89 as amended.

The SPEAKER. The question is on agreeing to the motion.

The question was taken; and on a division (demanded by Mr. HENRY) there were—ayes 62, noes 188.

Mr. BRYAN. I demand the yeas and nays.

The SPEAKER. The gentleman from Washington demands the yeas and nays. All those in favor of taking the question by yeas and nays will rise and stand until they are counted. [After counting.] Nine gentlemen have arisen; not a sufficient number.

So the motion was rejected.

The SPEAKER announced as conferees Mr. LEVER, Mr. LEE of Georgia, and Mr. HAUGEN.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 7427. An act prohibiting the use of the name of any Member of either House of Congress or of any officer of the Government by any person, firm, or corporation practicing before the Patent Office in advertising his business; and

S. 7743. An act to incorporate the Ellen Wilson Memorial Homes.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 7648. An act to authorize an exchange of lands with the State of North Dakota for promotion of experiments in dry-land agriculture, and for other purposes; to the Committee on the Public Lands.

ENROLLED BILLS SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, which the Speaker signed:

H. R. 21037. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 19422. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1916, and for other purposes;

H. R. 17869. An act providing for the appointment of an additional district judge for the southern district of the State of Georgia;

H. R. 21318. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1916, and for other purposes;

H. R. 20427. An act to authorize the sale of certain land in Alabama to Walter Dean; and

H. R. 20977. An act to provide for the establishment of a life-saving station in the vicinity of Duxbury Reef, Cal.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 5205. An act to amend existing legislation providing for the acquisition of a site and the construction of a building thereon for the accommodation of the post office, United States courts, customhouse, and other governmental offices at Honolulu, Territory of Hawaii, and for other purposes.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 20814. An act to place Candler, Jenkins, and Evans Counties, Ga., in the eastern division of the southern district of Georgia, and to place Bacon and Thomas Counties, Ga., in the southwestern division of the southern district of Georgia;

H. R. 19116. An act to grant certain lands to the city of Grand Junction, Colo., for the protection of its water supply;

H. R. 2504. An act to amend section 2 of an act entitled "An act to incorporate the National Society of the Daughters of the American Revolution";

H. R. 21491. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;

H. R. 20688. An act to place Barrow County, Ga., in the eastern division of the northern district of Georgia; and

H. R. 12303. An act to amend section 3246 of the Revised Statutes of the United States, as amended by section 5 of the act of March 1, 1879.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had passed, without amendment, bills of the following titles:

H. R. 962. An act for the relief of William H. Shannon;

H. R. 57. An act making an appropriation to M. C. Burke for tax liens held by him on property acquired by the United States;

H. R. 13. An act for payment to the Chicago, Milwaukee & St. Paul Railway Co., the $4,583.67 improperly collected under the act of August 5, 1909;

H. R. 2667. An act for the relief of the legal representatives of Parker S. Rouse, deceased;

H. R. 3305. An act directing the accounting officers of the Treasury to credit and settle an account of Maj. George H. Penrose;

H. R. 3435. An act for the relief of Mrs. Max S. Retter;

H. R. 3613. An act to reimburse Lee Grand C. Cramer for amount of damages to his motor launch *Winninish*, by the United States launch *Gunedmertrix*, at Morris Heights, N. Y., on March 31, 1911;

H. R. 3885. An act for the relief of Peter Scott;

H. R. 4008. An act for the relief of Sandy Crawford;

H. R. 4630. An act for the relief of Fred A. Emerson;

H. R. 5966. An act for the relief of Clyde Odum;

H. R. 7049. An act to reimburse the Port Angeles City Dock Co. for damage done to the dock of that company by the United States revenue cutter *Snohomish;*

H. R. 8811. An act to execute the findings of the Court of Claims in the case of Sarah B. Hatch, widow of Davis W. Hatch;

H. R. 9270. An act for the relief of John M. Gray;

H. R. 2703. An act for the relief of Drenzy A. Jones and John G. Hopper, joint contractors for surveying Yosemite Park boundary;

H. R. 3586. An act for the relief of Francis Tomlinson;

H. R. 10167. An act for the relief of Hannah Waldo;

H. R. 10201. An act for the relief of the heirs of Theodore Dehon;

H. R. 10271. An act for the relief of Edward Whiteside;

H. R. 12919. An act to amend an act entitled "An act to provide for an enlarged homestead;

H. R. 13180. An act to amend the act of March 4, 1913 (37 U. S. Stats., p. 872), so as to provide that in the construction of the public building at Roseburg, Oreg., provision shall be made for the accommodation therein of the United States post office and other governmental offices;

H. R. 13240. An act for the relief of the legal representatives of James S. Clark, deceased;

H. R. 13830. An act for the relief of William A. Howard;

H. R. 14711. An act for the relief of Miles A. Hughes;

H. R. 16392. An act to better regulate the serving of licensed officers in the merchant marine of the United States and to promote safety at sea;

H. R. 17110. An act to reimburse Epps Danley for property lost by him while light keeper at East Pascagoula River (Miss.) Light Station; and

H. R. 19746. An act to authorize aids to navigation and other works in the Lighthouse Service, and for other purposes.

EXTENSION OF REMARKS.

Mr. NEELEY of Kansas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the shipping bill.

The SPEAKER. The gentleman from Kansas asks unanimous consent to extend his remarks in the RECORD on the shipping bill. Is there objection?

There was no objection.

Mr. ANDERSON, Mr. CANDLER of Mississippi, Mr. HEFLIN, Mr. Moss of Indiana, and Mr. LONERGAN made the same request.

Mr. MANN. Mr. Speaker, I object to any more remarks tonight being extended in the RECORD. Let gentlemen make their requests to-morrow.

Mr. GARRETT of Tennessee. Mr. Speaker, the gentleman from Kansas asked unanimous consent to extend his remarks on the shipping bill and that was granted, and then the other gentlemen said they made the same request. I presume there were a number of gentlemen who did not desire to extend on the shipping bill, but on this bill.

Mr. MANN. Unanimous consent was granted, after the shipping bill was passed by the House without much debate, to several gentleman, a day or two after, to extend remarks on the shipping bill. Thereupon they proceeded to insert remarks in the RECORD as of the date the shipping bill was passed, contrary to the order of the House. If the request is to extend remarks on the shipping bill as of that date, I object; but if it is a request to extend remarks of this date, I do not care.

Mr. GARRETT of Tennessee. The reason I made the observation was that the gentleman from Kansas asked unanimous consent to extend his remarks in the RECORD on the shipping bill and that was granted. And then a number of gentlemen said, "I make the same request."

The SPEAKER. The Chair construes all the requests after that of the gentleman from Kansas as being on this rural-credit proposition. Is there objection to the extension of these remarks on the rural credits? [After a pause.] The Chair hears none.

DISPOSITION OF USELESS PAPERS.

Mr. TALBOTT of Maryland, from the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, submitted a report that the files and papers described in the letter of the Acting Secretary of Labor in House Document No. 1530, Sixty-third Congress, third session, dated January 28, 1915, were not needed in the transaction of current business of the department and have no permanent value or historical interest, which report (No. 1469) was ordered to be printed.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 35 minutes a. m.) the House adjourned until Tuesday, March 2, 1915, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. LONERGAN, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 15436) authorizing the acquisition of a site and the construction of a public building thereon at Putnam, Conn., and amending the public building act of June 25, 1910, reported the same with amendment, accompanied by a report (No. 1472), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RAYBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 21562) to authorize the construction of a bridge across Pearl River at or near the city of Bogalusa, La., reported the same with amendment, accompanied by a report (No. 1473), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. FIELDS, from the Committee on Military Affairs, to which was referred the bill (S. 2789) to award the medal of honor to Maj. John O. Skinner, surgeon, United States Army, retired, reported the same without amendment, accompanied by a report (No. 1466), which said bill and report were referred to the Private Calendar.

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (S. 5042) legalizing certain conveyances heretofore made by the Central Pacific Railroad Co. and others within the State of Nevada, reported the same with amendment, accompanied by a report (No. 1467), which said bill and report were referred to the Private Calendar.

Mr. McKELLAR, from the Committee on Military Affairs, to which was referred the bill (H. R. 20126) for the relief of Kate Chateau, reported the same with amendment, accompanied by a report (No. 1468), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BRITTEN: A bill (H. R. 21580) to amend the Federal reserve act by adding a new section to permit member

banks to subscribe a limited amount of their capital toward the formation of a foreign banking institution; to the Committee on Banking and Currency.

By Mr. PORTER: A bill (H. R. 21581) to authorize the President of the United States to lay, regulate, and revoke embargoes; to the Committee on Foreign Affairs.

By Mr. McKELLAR: A bill (H. R. 21582) to regulate interstate commerce in pistols, revolvers, and other firearms of like form, size, and description; to the Committee on Interstate and Foreign Commerce.

By Mr. KETTNER: A bill (H. R. 21583) for the purchase of a collection of California quartz gems for the National Museum; to the Committee on the Library.

By Mr. LA FOLLETTE: Joint resolution (H. J. Res. 435) to extend the time for the construction of a dam across the Pend O'Reille River, Wash., and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PORTER: Joint resolution (H. J. Res. 436) recommending legislation to the States and Territories preventing detention of citizens of other States; to the Committee on the Judiciary.

By Mr. HUMPHREYS of Mississippi: Joint resolution (H. J. Res. 437) authorizing and directing the Sergeant at Arms to refund to Members of the House of Representatives amounts of money deducted from their salaries; to the Committee on Accounts.

By Mr. JOHNSON of Kentucky: Resolution (H. Res. 751) authorizing a continuation of the investigation directed by House resolution 203 of the Sixty-third Congress; to the Committee on Accounts.

By Mr. BRYAN: Memorial of the Legislature of the State of Washington, urging Congress to make suitable provision for fortifications to protect Grays and Willapa Harbors against any invasion from the Pacific Ocean that may be attempted in time of hostilities by any foreign power; to the Committee on Appropriations.

By Mr. GOODWIN of Arkansas: Memorial of the Legislature of the State of Arkansas, urging improvement of the White River, Ark.; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AUSTIN: A bill (H. R. 21584) for the relief of the heirs or legal representatives of Carrick W. Park, deceased; to the Committee on Claims.

By Mr. BAILEY: A bill (H. R. 21585) granting an increase of pension to Lizzie S. Hight; to the Committee on Pensions.

By Mr. ASHBROOK: A bill (H. R. 21586) for the relief of the Home Building Association, of Newark, Ohio; to the Committee on Claims.

Also, a bill (H. R. 21587) for the relief of the People's Building & Loan Co., of Delaware, Ohio; to the Committee on Claims.

By Mr. HAYDEN: A bill (H. R. 21588) granting pensions to certain Indian soldiers who served in the First Arizona Infantry during the Civil War; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of citizens of Rocklin, Cal., against House bill 20644, to exclude certain publications from the mails; to the Committee on the Post Office and Post Roads.

By Mr. ALLEN: Petition of citizens of Cincinnati, Ohio, against shipment abroad of arms; to the Committee on Foreign Affairs.

Also, protests of sundry residents of Boulder, Colo., against laws abridging freedom of the press; to the Committee on the Post Office and Post Roads.

Also, protests of sundry residents of Glendale, Cal., against abridging the freedom of the press; to the Committee on the Post Office and Post Roads.

By Mr. BELL of California: Petition of Robert Boerner and 54 other citizens, of Los Angeles, Pasadena, Glendale, Lordsburg, San Gabriel, and Alhambra, all in the ninth congressional district of California, favoring bill to prohibit export of war material; to the Committee on Foreign Affairs.

Also, petition of J. F. Cumberland and 29 other citizens, of Pomona; J. Eugene McFadden and 19 other citizens, of San Dimas; C. H. Bagley and 46 other citizens, of Los Angeles, all in the State of California, against any abridgment of the freedom of the press; to the Committee on the Post Office and Post Roads.

Also, petitions of Ministerial Union of Los Angeles, Cal., protesting against export of war material; to the Committee on Foreign Affairs.

By Mr. BROWNE of Wisconsin: Petition of S. D. Smith, William Wilson, and others, of Waushara County, Wis., favoring freedom of speech and press; to the Committee on the Post Office and Post Roads.

By Mr. BURKE of Wisconsin: Petitions from 38 business men and citizens of the city of Sheboygan, Wis., asking that an embargo be levied against all exportations of wheat, rye, and flour from this country in order that the interests of American consumers may be protected; to the Committee on Foreign Affairs.

Also, petitions of 28 merchants and citizens of the city of Sheboygan and village of Cedar Grove, Wis., asking for action by Congress that will limit exports of wheat, rye, and flour in order that the interests of American consumers may be protected; to the Committee on Foreign Affairs.

By Mr. DALE: Petition of the National Security League, relative to preparedness for war; to the Committee on Military Affairs.

Also, petition of the American Saddle Horse Breeders' Association, relative to breeding of horses for cavalry service; to the Committee on Agriculture.

By Mr. DICKINSON: Petition of 32 citizens of Henry County, Mo., petitioning Congress to invite all nations to join in a world federation that shall leave to each land its entire independence and that shall confine itself to the adjudication of international disputes; to the Committee on Foreign Affairs.

By Mr. FESS: Petitions of various business men of the seventh congressional district of Ohio, favoring House bill 5308 taxing mail-order houses; to the Committee on Ways and Means.

By Mr. FINLEY: Petition of citizens of Cleveland, Toledo, Woodville, and Lima, Ohio, against House bill 20644, excluding certain publications from the mails; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Spokane, Wash., against any abridgment of freedom of the press; to the Committee on the Post Office and Post Roads.

By Mr. GALLIVAN: Petition of Massachusetts Automobile Operators' Association, favoring Adamson bill to eliminate automobile registrations when touring; to the Committee on Interstate and Foreign Commerce.

Also, memorial of American citizens of Paterson, N. J., protesting against export of war material; to the Committee on Foreign Affairs.

By Mr. LEWIS of Maryland: Petition of Irwin H. Linton and other citizens of Washington, D. C., against House bill 20644 excluding certain publications from the mails; to the Committee on the Post Office and Post Roads.

By Mr. LIEB: Petition of G. E. Flanigan, of Oakland City, Ind., urging action to limit the exports of wheat, rye, and flour; to the Committee on Foreign Affairs.

Also, petition of Henry Schlundt, of Evansville, Ind., in favor of House joint resolution 377, forbidding export of arms; to the Committee on Foreign Affairs.

By Mr. McCLELLAN: Petition of Frank Moon and 18 citizens of Monticello, N. Y., protesting against the circulation through the mails of the Menace; to the Committee on the Post Office and Post Roads.

By Mr. MAHAN: Petition of Socialist Party of Connecticut, opposing increase of the Army and Navy; to the Committee on Military Affairs.

By Mr. METZ: Petition of citizens of Brooklyn, N. Y., against export of arms; to the Committee on Foreign Affairs.

By Mr. MOORE: Petition of 145 citizens of Philadelphia, Pa., protesting against the bills (H. R. 20644, 20780, 21183, to amend the postal laws of the United States; to the Committee on the Post Office and Post Roads.

By Mr. MURRAY: Petition of Sacred Heart Congregation, Sacred Heart, Okla., also St. Benedict's Church, McLoud, Okla., favoring protection of the clergy in Mexico; to the Committee on Foreign Affairs.

By Mr. SELDOMRIDGE: Petition of citizens of Sterling, Colo., protesting against passage of bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of Mead Local, No. 134, of the Farmers' Educational and Cooperative Union of Colorado, protesting against all legislation interfering with the grain market; to the Committee on Agriculture.

Also, memorial of city council, Boulder, Colo., favoring the Hamill retirement bill, House bill 5139; to the Committee on Reform in the Civil Service.

By Mr. J. M. C. SMITH: Petition of E. J. Pennels and 33 citizens, of Kalamazoo, Mich., favoring reform in civil service; to the Committee on Reform in the Civil Service.

Also, protest of D. O. Hackett and 154 citizens, of vicinity of Pittsford, Mich., against House bills 20644 and 20780, excluding certain publications from the mails; to the Committee on the Post Office and Post Roads.

By Mr. VOLLMER: Petition of Greater Davenport (Iowa) committee, urging immediate legislation by Congress for flood protection and reclamation of that section of the country; to the Committee on Rivers and Harbors.

Also, petition of 117 American citizens, favoring bills to prohibit export of war material; to the Committee on Foreign Affairs.

Also, petition of five American citizens, urging legislation limiting exports of wheat, etc.; to the Committee on Agriculture.

By Mr. WINGO: Petition of sundry citizens of Crawford County, Ark., favoring free speech and free press; to the Committee on the Post Office and Post Roads.

SENATE.

TUESDAY, *March 2, 1915.*

(Legislative day of Friday, February 19, 1915.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

ENROLLED BILLS SIGNED.

The VICE PRESIDENT announced his signature to the following enrolled bills, which had heretofore been signed by the Speaker of the House:

S. 5295. An act to amend existing legislation providing for the acquisition of a site and the construction of a building thereon for the accommodation of the post office, United States courts, customhouse, and other governmental offices at Honolulu, Territory of Hawaii, and for other purposes;

H. R. 17869. An act providing for the appointment of an additional district judge for the southern district of the State of Georgia;

H. R. 19422. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1916, and for other purposes;

H. R. 20427. An act to authorize the sale of certain land in Alabama to Walter Dean;

H. R. 20977. An act to provide for the establishment of a life-saving station in the vicinity of Duxbury Reef, Cal.;

H. R. 21037. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 21318. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1916, and for other purposes.

CORRESPONDENCE OF CARRIERS AS EVIDENCE.

Mr. NEWLANDS. Mr. President, from the Committee on Interstate Commerce, I report back the bill (S. 7738) to amend section 20 of an act to regulate commerce, approved February 4, 1887, as amended June 29, 1906, February 25, 1909, and June 18, 1910, and for other purposes.

Mr. SMOOT. Mr. President, I object at this time.

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. There is objection.

Mr. NEWLANDS. I should like to make a statement regarding this matter.

The VICE PRESIDENT. There seems to be an objection to the reception of the report.

Mr. NEWLANDS. I wish to make a statement regarding this matter which, I trust, will appeal to the Senator from Utah.

In the Louisville & Nashville case it has been recently determined that the interstate-commerce law does not in its inquisitorial powers apply to the correspondence of corporations, the decision of the court being that the word "correspondence" is not in the law and that the words "accounts, records, and memoranda" do not cover correspondence. It has been the almost uniform custom of the railroads of the country for many years to submit to these inquisitorial powers relating to their correspondence, and it has been the uniform practice of the commission to exercise those powers. It would impair the commission's efficiency if those powers are not continued in their exercise.

The Interstate Commerce Commission has sent to the Interstate Commerce Committee a recommendation that section 20 be amended by inserting the word "correspondence" in addition to the words "accounts, records, and memoranda," and so forth. This bill was introduced by me and is now favorably reported by the Interstate Commerce Committee, and that committee has gone further and has authorized me to offer it as an amendment to any appropriation bill. It is a bill of the highest importance, and I trust that the Senator from Utah will withdraw his objection in order that I may submit this report to the Senate. It is simply a favorable report recommending the passage of the bill and the bill will come later for consideration.

Mr. ROOT. Mr. President, it is quite useless for the Senator from Utah to withdraw his objection, for I shall object to it. I think it is vicious legislation, and I shall strenuously object to any attempt to put through a provision of that kind in the closing hours of the session.

Mr. SMOOT. Mr. President——

Mr. NEWLANDS. Mr. President, I must protest against the very violent language that the Senator uses with reference to this bill. These powers have now been exercised by the Interstate Commerce Commission beneficially to the country for many years, and there is a universal recognition of this fact.

The exercise of that power has not been the exercise of a vicious power, but it has been in the interest of substantial justice. The Interstate Commerce Committee is not justly chargeable with recommending to this body a vicious bill.

Mr. ROOT. Mr. President, I think we have gone far enough in the creation of inquisitorial powers. There is but very little left of the constitutional protection against searches and seizures, and Congress ought not without the most careful and thorough deliberation extend that power. I shall insist upon my objection.

Mr. SMOOT. I want to say to the Senator——

The VICE PRESIDENT. There is objection. Of course, the report can not be received without unanimous consent.

Mr. SMOOT. I want to say to the Senator from Nevada that the Committee on Appropriations has put upon the general deficiency appropriation bill this very provision, as the Senator knows, having come from that committee not 15 minutes ago.

Mr. NEWLANDS. I understand that, but I am entitled to have the report from the committee presented to this body, and I shall press it.

Mr. ASHURST. Mr. President, I call for the regular order.

Mr. NORRIS. Will the Senator from Arizona yield to me? I have a resolution which I want to offer, a Senate resolution, and if it takes any time I will withdraw it. It is simply a resolution calling for information.

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Nebraska?

Mr. ASHURST. If it leads to no debate I yield.

BATHHOUSES AT TIDAL BASIN.

Mr. NORRIS submitted the following resolution (S. Res. 557), which was read, considered by unanimous consent, and agreed to as follows:

Whereas in the consideration of the sundry civil appropriation bill the Senate added an amendment thereto providing for the beginning of the construction of bathing beaches on the Tidal Basin in Potomac Park, Washington, D. C., in accordance with the plans and specifications outlined by the Secretary of War in Senate Document No. 593, Sixty-third Congress, second session; and

Whereas representatives of the Public Health Service, one of the bureaus in the Treasury Department, appeared before the conferees on said bill and represented that the waters in said Tidal Basin are polluted to such a degree that bathing therein would be dangerous to health; and

Whereas there is now located upon the banks of the said Tidal Basin a boat and bathhouse operated by private persons for gain, and through said private parties persons are permitted, upon paying fees therefor, to bathe in said Tidal Basin: Therefore be it

Resolved by the Senate, That the Secretary of War be instructed to inform the Senate—

First. By what authority of law or regulation are private parties permitted to maintain a boat and bathhouse on said Tidal Basin.

Second. What rental or fee, if any, is paid by the proprietors of said boat and bathhouse for the privilege of maintaining the same on the shores of said Tidal Basin.

Third. What is the cause of the contamination and the pollution of the waters of said Tidal Basin; and

Fourth. By what means, if any, can the waters of said Tidal Basin be freed from such pollution and contamination.

PENSIONS AND INCREASE OF PENSIONS.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 6981) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

Mr. JOHNSON. I move that the Senate disagree to the amendments of the House, ask a conference with the House on

the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. SHIVELY, Mr. JOHNSON, and Mr. SMOOT conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 7212) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

Mr. JOHNSON. I move that the Senate disagree to the amendments of the House, ask a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. SHIVELY, Mr. JOHNSON, and Mr. SMOOT conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 7507) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

Mr. JOHNSON. I move that the Senate disagree to the amendments of the House, ask a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. SHIVELY, Mr. JOHNSON, and Mr. SMOOT conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 7597) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

Mr. JOHNSON. I move that the Senate disagree to the amendments of the House, ask a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. SHIVELY, Mr. JOHNSON, and Mr. SMOOT conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 7566) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. JOHNSON. I move that the Senate disagree to the amendments of the House, ask a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. SHIVELY, Mr. JOHNSON, and Mr. STERLING conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 7598) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. JOHNSON. I move that the Senate disagree to the amendments of the House, ask a conference with the House on the disagreeing votes of the two houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. SHIVELY, Mr. JOHNSON, and Mr. STERLING conferees on the part of the Senate.

ENLARGED HOMESTEAD.

Mr. MYERS submitted the following report:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1698) to amend an act entitled "An act to provide for an enlarged homestead," and acts amendatory thereof and supplemental thereto, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the said bill with an amendment as follows: In lieu of the language proposed by the Senate insert the following:

"SEC. 2. That the provisions of this act and of the first five sections of said act of February 19, 1909, and acts amendatory thereof, excepting the act of June 17, 1910, entitled 'An act to provide for an enlarged homestead' in the State of Idaho, shall extend to and include the State of South Dakota."

And the Senate agree to the same.

H. L. MYERS,
KEY PITTMAN,
REED SMOOT,
Managers on the part of the Senate.

SCOTT FERRIS,
EDWARD T. TAYLOR,
BURTON L. FRENCH,
Managers on the part of the House.

The report was agreed to.

FRENCH SPOLIATION CLAIMS (S. DOC. NO. 962).

The VICE PRESIDENT laid before the Senate a communication from the chief clerk of the Court of Claims transmitting findings of fact and conclusions of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the brig *Hannah*, George C. Horton, master, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS (S. DOC. NO. 963).

The VICE PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims transmitting a certified copy of the findings of fact and conclusion filed by the court in the cause of James H. Sifers, son and one of the heirs of James H. Sifers, deceased, *v.* United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 20415) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1916, agrees to the amendment of the Senate No. 89 to said bill with an amendment, in which it requests the concurrence of the Senate, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LEVER, Mr. LEE of Georgia, and Mr. HAUGEN managers at the conference on the part of the House.

AGRICULTURAL APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 20415) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1916, and agreeing to the amendment of the Senate No. 89 to the bill with an amendment, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GORE. I move that the Senate insist upon its amendments, disagree to the amendment of the House to the amendment of the Senate numbered 89, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

Mr. LODGE. Mr. President, it is very hard in the confusion to follow this matter. I understand that the House has agreed, with an amendment, to the rural-credits amendment, which was put into the bill by the Senate, and that that amendment is an entirely new provision; that that is what it amounts to. I think I am not mistaken, am I?

Mr. GORE. The Senator from Massachusetts states the fact correctly.

Mr. LODGE. So that amendment, of course, goes to conference with the other amendment.

Mr. GORE. Yes, sir; that is the amendment to which I have moved that the Senate disagree.

Mr. LODGE. Does the Senator from Oklahoma move that the Senate agree to the House amendment?

Mr. GORE. No; that the Senate disagree to it.

The VICE PRESIDENT. The Senator from Oklahoma moves that the Senate insist upon its amendment, disagree to the amendment of the House to the amendment of the Senate, agree to the conference asked for by the House, and that the Chair appoint the conferees on the part of the Senate. Is there objection?

Mr. LODGE. I only wanted to make sure, Mr. President, that the Senate did not agree to the House amendment to the McCumber amendment, because the House amendment is an entirely new provision.

Mr. GORE. It is an entirely new provision.

The VICE PRESIDENT. The Chair hears no objection to the motion of the Senator from Oklahoma [Mr. GORE].

Mr. GRONNA. Mr. President, I ask that we may have the bill printed. Of course it will go to conference, and I presume it could be printed for the use of Senators.

The VICE PRESIDENT. It has already been printed, the Chair understands, and will be printed in the RECORD.

The Chair hears no objection to the motion of the Senator from Oklahoma [Mr. GORE], and it is agreed to.

Mr. TOWNSEND. Mr. President, I understood that the Senator from North Dakota [Mr. GRONNA] asked that at least this new amendment should be put in some form, so that we might read it when the conference report comes back.

The VICE PRESIDENT. The amendment of the House to the amendment of the Senate will be printed in the RECORD. The Chair appoints, as the conferees on the part of the Senate, the Senator from Oklahoma [Mr. GORE], the Senator from Georgia [Mr. SMITH], and the Senator from Wyoming [Mr. WARREN].

The amendment of the House to the amendment of the Senate is as follows:

That the short title of this act shall be "The Federal farm loan act," and its administration shall be under the control and direction of the Federal farm loan board created under the terms of this act.

DEFINITIONS.

SEC. 2. That wherever the term "first mortgage" is used in this act it shall be held to include such classes of first liens on real estate as shall be approved by the Federal farm loan board, and the credit instruments secured thereby.

FEDERAL FARM LOAN BOARD.

SEC. 3. That a Federal farm loan board is hereby created which shall consist of three members, including the Secretary of the Treasury and the Secretary of Agriculture, who shall be members ex officio, and a farm loan commissioner appointed by the President of the United States, by and with the advice and consent of the Senate. Said farm loan commissioner shall be a citizen of the United States, and shall devote his entire time to the business of said Federal farm loan board. He shall receive an annual salary of $7,500, payable monthly, together with actual necessary traveling expenses, and shall hold his office for a period of four years. He shall not be a stockholder or officer in any bank, trust company, or financial institution of any sort.

Said farm loan commissioner shall act as chairman and active executive officer of said board. He shall be assigned offices for himself and his assistants and employees in the Department of the Treasury by the Secretary of the Treasury. Within 15 days after notice of his appointment he shall make and subscribe to the oath of office. The President shall have power to fill any vacancy occurring in the office of farm loan commissioner during the recess of the Senate by granting a commission which shall expire 30 days after the next session of the Senate convenes.

Said Federal farm loan board shall be authorized and empowered to employ such attorneys, experts, assistants, clerks, or other employees as it may deem necessary to conduct the business of said board. All salaries and fees shall be fixed in advance by said board and shall be paid in the same manner as the salary of the farm loan commissioner. All such attorneys, experts, assistants, clerks, and other employees shall be appointed without regard to the provisions of the act of January 16, 1883 (vol. 22, U. S. Stat. L., p. 403), and amendments thereto, or any rule or regulation made in pursuance thereof: *Provided*, That nothing herein shall prevent the President from placing said employees in the classified service.

The said farm loan commissioner shall from time to time, as determined by the Federal farm loan board, require examinations and reports of condition of all national farm loan associations and Federal land banks established under the provisions of this act, and consolidated statements of the results thereof shall be published. He shall cause to be made appraisals of farm lands as provided by this act, shall prepare and publish amortization tables for use by national farm loan associations, and examine and give his opinion upon the laws of the several States relating to mortgage loans. He shall perform such other duties as said board may assign.

The said commissioner shall prescribe a form for statement of condition of farm loan associations and Federal land banks, which shall be filled out quarterly by each such association or bank and transmitted to him, and such statements shall be public records.

NATIONAL FARM LOAN ASSOCIATIONS.

SEC. 4. That associations to be known as national farm loan associations for carrying on the business of lending on farm-mortgage security under this act may be formed by any number of natural persons, not less in any case than five. They shall enter into articles of association, which shall specify in general terms the object for which the association is formed and the county or counties within which its operations are to be carried on, and may contain any other provisions, not inconsistent with law, which the association may see fit to adopt for the regulation of its business and the conduct of its affairs. These articles shall be signed by the persons uniting to form the association, and a copy of them shall be forwarded to the farm loan commissioner, to be filed and preserved in his office.

Upon receiving an application to charter a national farm loan association the farm loan commissioner shall make an examination of the need for such association and of the land values and density of population of the county or counties named as the operating territory of the national farm loan association applying for charter. He may send an inspector to investigate and report thereon, and, if he shall deem best, may grant the said application. In such event he shall designate a county or group of contiguous counties as a farm loan district for such association under the provisions of this section.

The persons uniting to form a national farm loan association under this act shall, under their hands, make an organization certificate, which shall specifically state:

First. The name assumed by such association, which name shall be subject to the approval of the farm loan commissioner.

Second. The State and county, or group of contiguous counties, within which its operations are to be carried on, and the particular city, town, or village at which its principal office is to be located.

Third. The amount of capital stock and the number of shares into which the same is to be divided.

Fourth. The names and places of residence of the stockholders and the number of shares held by each of them.

Fifth. The fact that the certificate is made to enable such persons to avail themselves of the advantages of this act.

The organization certificate shall be acknowledged before a judge of some court of record or notary public, and shall be, together with the acknowledgment thereof, authenticated by the seal of such court or notary, transmitted to the farm loan commissioner, who shall record and carefully preserve the same in his office, where it shall be at all times open to public inspection.

Upon duly making and filing articles of association and an organization certificate the association shall become, as from date of the execution of its organization certificate, a body corporate, and as such, and in the name designated in the organization certificate, it shall have power—

First. To adopt and use a corporate seal.

Second. To have succession for the period of 50 years from its organization, unless it is sooner dissolved according to the provisions of its articles of association or by the act of its shareholders owning two-thirds of its stock or by act of Congress, or unless its franchise becomes forfeited by some violation of law.

Third. To make contracts.

Fourth. To sue and be sued, complain and defend, in any court of law or equity, as fully as natural persons.

Fifth. To elect or appoint directors, and by its board of directors to elect a president and a vice president, appoint a secretary-treasurer and other officers and employees; define their duties; require bonds of them and fix the penalty thereof; by action of its board of directors dismiss such officers and employees or any of them at pleasure and appoint others to fill their places.

Sixth. To prescribe, by its board of directors, subject to the oversight and regulation of the farm loan commissioner, by-laws not inconsistent with law, regulating the manner in which its stock shall be transferred, its directors elected, its officers elected or appointed, its property transferred, its general business conducted, and the privileges granted to it by law exercised and enjoyed.

Seventh. To exercise, by its board of directors or duly authorized officers or agents, subject to law, all such incidental powers as shall be necessary to carry on the business herein described.

But no farm loan association shall engage in any transactions except such as are incidental and necessarily preliminary to its organization until it has been authorized by the farm loan commissioner to commence business.

CAPITAL STOCK.

SEC. 5. That the capital stock of each national farm loan association shall be not less than $10,000 and shall be divided into shares of $25 each.

Every stockholder shall be entitled to one vote on each share of stock held by him at all elections of directors and in deciding all questions at meetings of stockholders: *Provided*, That the maximum number of votes which may be cast by any one stockholder shall be 10.

Whenever the board of directors of any farm loan association shall so authorize, said association shall permit individuals to subscribe for shares therein on a partial payment, or building and loan association, plan, by making a cash payment of 10 per cent of the face value of such shares, and entering into a written agreement to make further payments for such shares at stated periods until such shares are fully paid for.

Said written agreement shall provide in appropriate terms:

First. That additional partial payments of a stated amount shall be made monthly, quarterly, semiannually, or annually, on definite days, to an amount not less in any one year than 10 per cent of the face value of the shares subscribed for.

Second. That any subscriber who neglects to make payments as prescribed in said agreements shall be subject to a fine of 2 cents per month upon each dollar of arrears.

Third. That if any member is in arrears for any payment for a period of six months, the board of directors may, upon 30 days' notice in writing, declare his stock forfeited, and the value of his interest in said association shall be determined by reckoning the total amount of payments made, adding thereto any accrued dividends, deducting therefrom any fines imposed and unpaid, his equitable share of any losses, and a further sum equal to 10 per cent of his gross payments as a withdrawal fee. If the amount so determined is less than $25, it shall be forfeited to the association, unless said subscriber shall add thereto in cash a sum sufficient to make up $25, and in such event said subscriber shall receive a certificate for one share of stock. If the amount so determined is $25 or more, said subscriber shall receive a certificate for as many shares as said amount entitles him to, forfeiting any fractional part of a share, or at his option subscribing additional cash to make up the amount required for an additional full share, which he shall then receive.

Fourth. That if any subscriber shall wish to avail himself of withdrawal privileges before his shares are fully paid in, he shall be entitled to do so by giving to the board of directors one month's notice in writing; upon the expiration of said month he shall be entitled to receive certificates of stock to which he is entitled upon the same basis herein provided for forfeiture of stock. The assignment of such shares may be permitted in the discretion of the directors.

Except as herein specifically provided, no certificates of stock shall be issued to any subscriber unless fully paid in. Whenever payments and dividends on shares subscribed on the partial-payment plan amount to $25 each, the subscriber shall receive a certificate for the face value of such shares, together with an amount in cash equal to any excess that may be credited to said subscriber on account of said shares. Every such subscriber shall be entitled to dividends upon a number of shares whose value shall equal the total sum paid in by such subscriber prior to any dividend period, but no dividend shall be allowed on fractional parts of a share. The farm loan commissioner shall prescribe rules and regulations for partial-payment shares in each Federal land bank district, not inconsistent with this act, and containing equitable provision for—

First. The adjustment of losses and of dividend credits;

Second. The imposition of fines for default in payments;

Third. The forfeiture and withdrawal of shares or of payments therefor upon default or failure to pay duly imposed fines;

Fourth. Any additional provisions necessary to carry out the purposes of this section.

At least 50 per cent of the capital stock of every farm loan association shall be paid in cash before any such association shall be authorized to begin business; and the remainder of the capital stock of such association may, at the discretion of its incorporators, be paid in first mortgages upon lands of the subscribers of the character

described in section 8 of this act, without the restrictions provided in the sixth paragraph thereof.

At least 5 per cent of said capital at the time of organization shall be invested in United States bonds.

No person shall be permitted to borrow funds from a farm loan association unless he shall first become a member of such association, owning stock therein of a paid-in value amounting to one full share, at least, and not less than 5 per cent of the sum borrowed. If such person is not at the time of his application for a loan a member of said association, or if, being a member, his stock has not sufficient paid-in value to meet the requirements of this section, he shall make application for enough stock to fulfill said requirements. If such application for a loan and for stock is granted, the stock thus applied for shall be issued to the applicant simultaneously with the proceeds of the loan, and the face of the mortgage may, if desired, cover both the amount of the loan granted and the par value of the stock applied for. The par value of the stock applied for shall be in addition to the amount of the permitted maximum loan specified in section 8 of this act.

Whether the applicant for a loan shall be at the time of the application the owner of sufficient paid-in capital stock to entitle him to a loan, or whether he shall apply for stock in order to meet the requirements of this section, his stock, to the amount of at least one share, and not less than 5 per cent of the amount of the loan, shall be pledged to the association as a part of the security for said loan, but any dividends thereon shall be paid to the mortgagor. When said loan is paid in full the mortgage shall be discharged and the certificate of stock shall be delivered to the mortgagor.

Every farm loan association formed under this act shall by its articles of association provide for an increase of its capital stock from time to time for the purpose of acquiring additional cash funds or of providing for the issue of shares to borrowers and others in accordance with the provisions of this act. Such increase shall be included in the quarterly reports to the farm loan commissioner.

Any farm loan association formed under this act may, by the vote of stockholders owning two-thirds of its capital stock, reduce its capital to any sum not below the amount required by this act to authorize the formation of such associations; but no reduction shall be allowable which will reduce the capital stock of the association below one-twentieth of the amount unpaid on outstanding mortgages indorsed by it, nor shall any such reduction be made until the amount of the proposed reduction has been reported to the farm loan commissioner and his approval thereof obtained.

OFFICERS AND DIRECTORS OF FARM LOAN ASSOCIATIONS.

SEC. 6. That every farm loan association shall elect, in the manner prescribed for the election of directors of national banking associations, not less than five directors, who shall hold office for the same period and under the same conditions as directors of national banking associations: *Provided, however,* That the ownership of five shares of stock, fully paid in, shall qualify for director. It shall be the duty of said board of directors to choose in such manner as they may prefer a secretary-treasurer, who shall receive such compensation as the said board of directors shall determine. The board of directors aforesaid shall elect a president and a vice president of the association, who shall serve without compensation unless the payment of salaries to them shall be approved by the farm loan commissioner. All officers and directors shall, during their term of office, be bona fide residents of the territory within which the association is authorized to do business.

Every president, director, secretary, clerk, or agent of any farm loan association or Federal land bank who embezzles, abstracts, or willfully misapplies any moneys, funds, or credits or who without authority from the directors draws any order, assigns any note, bond, draft, mortgage, judgment, or decree, or who makes any false entry in any book, report, or statement of such association or land bank with intent in either case to defraud such institution or any other company, body politic or corporate, or any individual person, or to deceive any officer of a farm loan association or land bank or any agent appointed to examine into the affairs of any such association or bank, and every person who with like intent aids or abets any officer, clerk, or agent in any violation of this section, shall be deemed guilty of a misdemeanor and shall be fined not exceeding $5,000 or imprisoned not exceeding five years, or both.

It shall be the duty of the board of directors of every farm loan association, within 30 days of its election, to appoint two of its members to serve as members of an "appraisal committee." The said committee shall consist of the two members aforesaid, and one to be appointed by the directors of the Federal land bank of the district, who shall be a resident of the farm loan district for which he is acting, but who shall not be a stockholder in any farm loan association or Federal land bank. The names of the said committee shall be transmitted to the farm loan commissioner and shall be kept on file in his office. Every farm loan association shall pay to the nonstockholding member of the appraisal committee a compensation which shall be determined by the farm loan commissioner. The farm loan commissioner, subject to appeal to the Federal farm loan board, shall have power at any time to remove any member of the appraisal committee of any farm loan association and to order the appointment of a successor. Such successor need not necessarily be a member of the board of directors.

It shall be the duty of the secretary-treasurer of every farm loan association to act as custodian of its funds and to deposit the same in such bank as the board of directors may designate, to disburse all payments which shall have been authorized in making loans to borrowers upon first mortgages on farm land situated as in this act prescribed, and to meet all other obligations of the association, subject to the orders of the board of directors, and in accordance with the by-laws of the association. The said secretary-treasurer shall likewise collect, receipt for and in proper cases transmit to the Federal land bank, all payments of interest, amortization installments, or principal arising out of the loans made by the association. He shall be the custodian of the securities, records, papers, certificates of stock, and all documents relating to or bearing upon the conduct of the affairs of the said association. He shall furnish a suitable bond to be prescribed and approved by the farm loan commissioner for the proper performance of the duties imposed upon him under this act. He shall make a quarterly report to the farm loan commissioner upon forms to be provided for that purpose. Upon request from the said commissioner the said secretary-treasurer shall furnish information regarding the condition of the farm loan association for which he is acting and shall carry out the duly authorized orders of said commissioner. He shall assure himself from time to time that the loans made by the farm loan association of which he is an officer have been applied to the purposes set forth in the application of the borrower as approved.

POWERS OF LOAN ASSOCIATIONS.

SEC. 7. That every farm loan association shall have power—

First. To make loans of current funds secured by first mortgages on farm lands situated within the farm loan district in which such association shall be situated, subject to the provisions of this act.

Second. To buy from any other farm loan association indorsed first mortgages of which such association may have become possessed under this act, or to sell to such association its own indorsed mortgages.

Third. To buy and sell farm loan bonds in this act authorized.

Fourth. To buy and sell United States bonds.

Fifth. To acquire and dispose of—

(a) A suitable banking house for the transaction of its own business.

(b) Parcels of land acquired in satisfaction of debts or purchased at sales under judgments, decrees, or mortgages held by it. But no such association shall hold title and possession of any real estate purchased or acquired to secure any debts due to it for a longer period than five years, except with the special approval of the farm loan commissioner in writing.

Sixth. Against deposits of current funds, to issue certificates in any amount, bearing interest not to exceed 4 per cent per annum, after six days from date, convertible into farm loan bonds when presented at the land bank of the district in any multiple of $100; such deposits when received shall be transmitted to the Federal land bank of the district, and be invested by it in the purchase of farm loan bonds or first mortgages as defined by this act; the mortgages thus purchased may be hypothecated with the Federal reserve agent against an issuance of farm loan bonds as provided for in section 18 of this act, but such bonds when received either by purchase or for issuance shall not be delivered or issued except in exchange for and upon the presentation for redemption and cancellation of an equal amount of convertible certificates issued by a farm loan association, any difference under $100 in such exchange being adjusted in cash. When thus redeemed and canceled, such certificates shall be returned to the loan association which issued them.

RESTRICTIONS.

SEC. 8. That no farm loan association shall make loans except upon the following terms and conditions:

First. The said loans shall be secured by first mortgage on farm land within the farm loan district in which the association shall be situated.

Second. Every such mortgage shall contain an agreement for the payment of interest and for the reduction of the face of the loan so secured through annual or semiannual amortization payments.

Third. Every such mortgage shall run for a period of at least 5 years and for a period not exceeding 35 years.

Fourth. Every mortgage loan made under this act, for whatever period, shall provide for its extinguishment, at the option of the borrower, in whole or in part, at any date set for the payment of interest after five years from the date upon which the said loan was made, by the payment of cash or by the tender of farm loan bonds hereinafter provided for at their face value, all unmatured coupons being attached.

Fifth. The rate of interest charged for such loans shall not exceed the legal rate current in the State in which the farm land securing such loan is situated, but in no case shall the interest be over 6 per cent.

Sixth. Such loans may be made for the following purposes and for no other:

(a) To provide for the improvement of farm lands; the term "improvement" to be defined by the Federal farm loan board.

(b) To provide for the purchase of equipment and live stock necessary for the proper and reasonable operation of the farm; the term "equipment" to be defined by the Federal farm loan board.

(c) To provide for the purchase of a farm home.

(d) To liquidate indebtedness of the owner of the land mortgaged, existing at the time of the organization of the first farm loan association established in or for the county in which the land mortgaged is situated, or indebtedness subsequently incurred for one of the purposes above mentioned.

Seventh. No such loan shall exceed 50 per cent of the value of the land mortgaged, and 25 per cent of the value of the buildings thereon, the said value to be ascertained by an appraisal of the appraisal committee provided in section 6 of this act. In making said appraisal the actual earning power of said land shall be a principal factor.

Eighth. No such loan shall be made to any person who is not at the time, or shortly to become, a bona fide resident on the farm mortgaged, primarily engaged in the cultivation thereof. In case of sale of the mortgaged land the farm loan association may, in its discretion, declare the mortgage thereon due and payable, or permit said mortgage to be assumed by a purchaser qualified to borrow in his own right under the provisions of this act.

Ninth. No such loan shall in any case exceed a maximum of $10,000 to any one borrower, nor 20 per cent of the capital and surplus of the association making such loan, nor shall the aggregate of outstanding loans indorsed by it be in excess of 20 times the capital and surplus of such association.

Tenth. Every applicant to a farm-loan association for a loan under the terms of this act shall make application on a form to be prescribed for that purpose by the farm loan commissioner, and such applicant shall state under oath the objects to which the proceeds of said loan are to be applied, and shall afford such other information as may be required.

Eleventh. Every borrower shall undertake to pay when due all taxes which may be lawfully assessed against the land mortgaged, and to keep insured to the satisfaction of the farm loan commissioner all buildings the value of which was a factor in determining the amount of the loan. Insurance shall be made payable to the mortgagee as its interest may appear at time of loss, and, at the option of the mortgagor and subject to general regulations of the farm loan commissioner, sums so received shall be used to pay for reconstruction of the buildings destroyed.

Twelfth. Every borrower who shall be granted a loan under the provisions of this act shall enter into an agreement in form and under conditions to be prescribed by the farm loan commissioner that if the whole or any portion of his loan shall be expended for purposes other than those specified in his original application, or if the borrower shall be in default in respect to any condition of the mortgage, the said loan shall become due and payable forthwith.

No farm loan association shall buy or sell mortgages, or acquire title to real estate, except as expressly authorized by section 7 of this act.

FEDERAL LAND-BANK DISTRICTS.

SEC. 9. That for the purposes of this act the Federal farm land board shall establish and announce districts in accordance with the principles laid down in the act of December 23, 1913, entitled "the Federal reserve act." Such districts shall be designated as Federal land bank districts, and the Federal reserve agent of each such district shall perform the duties herein assigned to him in carrying into effect the purposes of this act. The said districts shall be equal in number to the Federal reserve districts established under said act of December 23, 1913, but shall not necessarily be coterminous with the said Federal reserve districts. No land bank district shall contain a fractional portion of any State. The Federal land bank of each district shall have its home office in any city of such district which may be designated by the Federal farm loan board.

POWERS OF FEDERAL FARM LOAN BOARD.

SEC. 10. That the Federal farm loan board shall have power—

(a) To organize and charter Federal land banks and Federal farm bond banks, subject to the provisions of this act.

(b) To review and alter at its discretion the rate of interest to be charged by farm loan associations for loans made by them under the provisions of this act, said rates to be uniform so far as practicable.

(c) To grant or refuse to Federal land banks authority to make any specific issue of farm loan bonds, and to fix the rate of interest thereon.

(d) To recommend to the Secretary of the Treasury the purchase of farm loan bonds subject to the provisions of this act.

(e) Te require reports and statements of condition and to make examinations of Federal land banks and farm loan associations.

(f) To appraise farm lands through the farm loan commissioner as set forth in section 21 of this act.

(g) To exercise such incidental powers as shall be necessary or requisite to fulfill the duties and carry out the purposes of this act.

ADMISSION OF STATE INSTITUTIONS.

SEC. 11. That whenever the farm loan commissioner shall report to the Federal farm loan board that associations have been organized under the laws of any State of the United States with authority to make loans upon unencumbered farm land situated in such State, and shall certify that the laws under which said associations are organized permit such associations to afford to holders of first mortgages on such lands protection and assurance of safety equal to that provided under this act and that such mortgages do afford such protection and assurance, the said board may issue an order permitting Federal land banks operating in land bank districts including such State to purchase such first mortgages from any such association with its indorsement, and to utilize the same as collateral security when applying through the Federal reserve agent for authority to issue farm loan bonds.

The Federal farm land board shall establish rules and regulations to which such associations organized under State law shall conform in making loans secured by first mortgages on farm land, if they desire to offer such mortgages to the Federal land bank of the district for purchase by said bank at its discretion, and shall require such associations or institutions to enter into agreements which shall obligate them to conform to the requirements by this act imposed upon national farm loan associations, so far as the said board shall deem necessary.

ORGANIZATION OF FEDERAL LAND BANKS.

SEC. 12. That the farm loan commissioner shall select five farm loan associations of each Federal land bank district to act by an officer thereof designated for the purpose by the board of directors, who shall unite to form an association to exercise the powers conferred by this act and to be known as the Federal land bank of said district. The said Federal land banks shall be organized subject to the requirements and under the conditions set forth in section 4 of this act, so far as the same may be applicable: *Provided*, That the board of directors of every Federal land bank shall consist of nine members, three of whom shall be appointed by the Federal farm loan board for terms of three years each, and six of whom shall be chosen as herein provided for the election of directors of farm loan associations. Every director of a Federal land bank shall have been for two years preceding his selection a bona fide resident of said land bank district.

Every such farm loan association and every farm loan association making subsequent application shall subscribe for not less than $1,000 of capital stock of the said land bank.

Every farm loan association before transferring first mortgages to the Federal land bank of its district, under the provisions of sections 15 and 23 of this act, shall subscribe and pay for in cash or in approved first mortgages an amount of the capital stock of the said land bank equal to at least 10 per cent of its own capitalization.

CAPITAL OF FEDERAL LAND BANKS.

SEC. 13. That every Federal land bank shall have, before beginning business, a subscribed capital of not less than $500,000. The Federal farm loan board is hereby authorized to prescribe the times and conditions of the payment of subscriptions to stock and to require subscribers to furnish adequate security for the payment thereof. At least 50 per cent of the said capital shall be paid in cash when required by the Federal farm loan board, the balance to be either cash or first mortgages, under the restrictions provided under section 8 and section 11 of this act. Five per cent of the capital stock of every land bank shall be invested in bonds of the United States.

The capital stock of each Federal land bank shall be divided into shares of $100 each, and may be subscribed for and held by any individual, firm, or corporation, or by the Government of any State or of the United States.

Stock held by farm loan associations shall not be transferred or hypothecated.

Stockholders shall share in all dividend distributions without preference. Each farm loan association and the Government of the United States shall be entitled to one vote for each share of stock held by it at all elections of directors and in deciding all questions at meetings of shareholders, and no other shareholder shall be permitted to vote. Stock owned by the United States shall be voted by the farm loan commissioner.

It shall be the duty of the Federal farm loan board, as soon as possible after the passage of this act, to open books of subscriptions for the capital stock of a Federal land bank in each Federal land bank district. If within 90 days after the opening of said books any part of the minimum capitalization herein prescribed for Federal land banks shall remain unsubscribed, it shall be the duty of the Secretary of the Treasury to subscribe the said unsubscribed balance of $500,000, said subscription to be subject to call in whole or in part by the board of directors of the said land bank upon 30 days' notice, subject to the approval of the Federal farm loan board; and the Secretary of the Treasury is hereby authorized to take out shares corresponding to the said unsubscribed balance as called, and to pay for the same out of any money in the Treasury not otherwise appropriated. Said shares may be sold at not less than par.

CANCELLATION OF SHARES.

SEC. 14. That if any farm loan association shall be declared insolvent and a receiver shall be appointed therefor by the farm loan commissioner, the stock held by it in the Federal land bank of its district shall be canceled without impairment of its liability; and all paid-in subscriptions on such stock, with accrued dividends, if any, since the date of the last dividend shall be first applied to all debts of the insolvent farm loan association to the Federal land bank and the balance, if any, shall be paid to the receiver of said farm loan association: *Provided*, That in estimating the said debts contingent liabilities incurred by farm loan associations under the provisions of this act on account of default of principal or interest of mortgages sold or transferred, shall be estimated and included as a debt, and said contingent liabilities shall be determined by agreement between the receiver and the Federal land bank of the district, subject to the approval of the farm loan commissioner, and if said receiver and land bank can not agree, then by the farm loan commissioner, and the amount thus ascertained shall be deducted in accordance with the provisions of this section from the amount otherwise due the said farm loan association for said canceled stock. Whenever the capital stock of a Federal land bank shall be reduced the board of directors shall cause to be executed a certificate to the farm loan commissioner, showing such reduction of capital stock, and if said reduction shall be due to the insolvency of a farm loan association, the amount repaid to such association.

POWERS OF LAND BANKS.

SEC. 15. That every Federal land bank shall have power, subject to the limitations and requirements of this act—

First. To issue, subject to the approval of the Federal farm loan board, and to sell farm loan bonds of the kinds authorized in this act, to buy the same for its own account, and to retire the same at maturity.

Second. To invest such funds as may be in its possession in the purchase of first mortgages on farm lands situated within the Federal land bank district within which it is organized or for which it is acting, preference being given to mortgages taken by farm loan associations within the district.

Third. To receive, by assignment from farm loan associations and to deposit in trust with the Federal reserve agent of its district, to be by him held as special security for farm loan bonds, first mortgages upon farm land situated within the Federal land bank district that are legally receivable by farm loan associations, and to empower farm loan associations or member banks of the Federal reserve system as agents of the land bank to collect and immediately pay over to said land bank the dues, interest, amortization installments, and other sums payable under the terms, conditions, and covenants of the mortgages and of the bonds secured thereby.

Fourth. To acquire and dispose of—

(a) A suitable banking house for the transaction of it own business, which, however, may be in part leased to others for revenue purposes.

(b) Parcels of land mortgaged to it as security through a farm loan association.

(c) Parcels of land acquired in satisfaction of debts or purchased at sales under judgments, decrees, or mortgages held by it. But no such bank shall hold title and possession of any real estate purchased or acquired to secure any debts due to it for a longer period than five years.

Fifth. To deposit its securities, and its current funds subject to check, with any Federal reserve bank, or for purposes of temporary convenience with any member bank of the Federal reserve system, and to receive interest on the same as may be agreed.

Sixth. To accept deposits of securities or of current funds from farm loan associations holding its shares, but to pay no interest on such deposits.

Seventh. To buy and sell United States bonds.

Eighth. To hold in trust farm loan bonds to an amount equal to the outstanding convertible certificates issued by the loan associations of the district and for the redemption thereof, as provided in the sixth paragraph of section 7 of this act.

RESTRICTIONS ON LAND BANKS.

SEC. 16. That no Federal land bank shall have power—

First. To accept deposits of current funds except from its own stockholders or to transact any banking or other business not expressly authorized by the provisions of this act.

Second. To purchase or accept from farm loan associations first mortgages unless such mortgages were created subject to all limitations imposed by section 8 or section 11 of this act.

Third. To issue or obligate itself for outstanding farm loan bonds in excess of twenty times the amount of its capital and surplus or to purchase from any association additional mortgages when the amounts remaining unpaid upon mortgages already purchased from such association shall amount to twenty times the unimpaired capital and surplus of such association.

APPLICATIONS FOR FARM LOAN BONDS.

SEC. 17. That any Federal land bank which shall have voted to issue farm loan bonds under this act shall make application to the Federal farm loan board, through the Federal reserve agent of the district, for approval of such issue. Such application shall be accompanied with a tender to the said Federal reserve agent of first mortgages on farm lands as collateral security, of the kinds specified under section 8 and section 11 of this act, not less in amount than the sum of the bonds proposed to be issued. The said agent shall thereupon transmit said application with or without his approval to the Federal farm loan board, which may grant in whole or in part or reject entirely such application. The said farm loan commissioner may at any time call upon a Federal land bank for additional security to protect the bonds issued by it. Every first mortgage shall, when tendered to a Federal reserve agent as collateral security to protect an issue of farm loan bonds, be transferred to the said agent, by assignment, in trust, said assignment providing for the right of redemption at any time by payment, and reserving the right of substitution of other first mortgages qualified under section 8 or section 11 of this act.

Every Federal land bank issuing farm loan bonds shall be primarily liable therefor and by appropriate action of its board of directors shall also obligate itself to become liable for interest payments due upon any farm loan bonds issued by other Federal land banks with the approval

of the Federal farm loan board and remaining unpaid in consequence of the default of such other land banks, and every such bank shall likewise obligate itself to become liable for such portion of the principal of farm loan bonds so issued as shall not be paid after the assets of any such other land banks shall have been liquidated and distributed: *Provided*, That such losses, if any, either of interest or of principal, shall be assessed against solvent guaranteeing land banks in proportion to the amount of farm loan bonds which each may have outstanding at the time of such assessment.

QUALIFICATIONS OF LOANS.

SEC. 18. That no mortgage shall be accepted by a Federal reserve agent as part of an offering to secure an issue of farm loan bonds except first mortgages made subject to the conditions prescribed in section 8 or in section 11 of this act.

STATE LEGISLATION.

SEC. 19. That it shall be the duty of the farm loan commissioner to make examination of the laws of every State of the United States and to inform the Federal farm loan board as rapidly as may be whether in his judgment the laws of each State relating to the conveying and recording of land titles and the foreclosure of mortgages or other instruments securing loans, as well as providing homestead and other exemptions and granting the power to waive such exemption as respects first mortgages, are such as to assure the holder thereof adequate safeguards against loss in the event of default on loans secured by any such mortgages.

Pending the making of such examination in the case of any State, the Federal farm loan board may declare first mortgages on farm lands situated within such State ineligible as the basis for an issue of farm loan bonds; and if said examination shall show that the laws of any such State afford insufficient protection to the holder of first mortgages of the kinds provided in this act, the said Federal farm loan board may declare the said first mortgages on land situated in such State ineligible during the continuance of the laws in question. In making his examination of the laws of the several States and forming his conclusions thereon, said commissioner may call upon the office of the Attorney General of the United States and upon the counsel of the Federal Reserve Board for any needed legal advice or assistance, or may employ special counsel in any State where he considers such action necessary.

APPRAISAL.

SEC. 20. That the farm-loan commissioner shall appoint appraisers, one or more of whom shall at stated periods visit every national land bank district and shall make a general report regarding the values of the lands in each State. The said commissioner shall apply to every Federal land bank a schedule stating maximum acre valuations for each farm loan district in such detail as he may deem necessary, and the said schedule shall not be exceeded in making loans. Said schedule shall be revised every five years.

SERIES OF FARM LOAN BONDS.

SEC. 21. That farm loan bonds shall be issued in denominations of $100, $500, and $1,000, shall run for specified maximum periods, with interest coupons attached payable annually or semiannually, and shall be issued in series of not less than $100,000, whose amount and term shall be fixed for each Federal land bank by the Federal farm loan board and shall bear a rate of interest to be established by the said board, not to exceed 5 per cent per annum.

In order to furnish suitably engraved bonds for delivery to Federal land banks, the Comptroller of the Currency shall, under the direction of the Secretary of the Treasury, cause plates and dies to be engraved in the best manner to guard against counterfeits and fraudulent alterations, and shall have printed therefrom and numbered such quantities of such bonds of the denominations of $100, $500, and $1,000 as may be required to supply the Federal land banks. Such bonds shall be in form and tenor as directed by the Secretary of the Treasury under the provisions of this act and shall bear the distinctive numbers of the several Federal land banks by which they are issued. They may be exchanged into registered bonds of any amount, and reexchanged into coupon bonds, at the option of the holder, under rules and regulations to be prescribed by said Secretary.

When such bonds have been prepared they shall be deposited in the Treasury, or in the subtreasury or mint of the United States nearest the place of business of each Federal land bank, and shall be held for the use of such bank subject to the joint order of the farm loan commissioner and the Federal reserve agent for the district for their delivery, as provided by this act.

The plates and dies to be procured by the farm loan commissioner for the printing of such bonds shall remain under his control and direction, and the expenses necessarily incurred in executing the laws relating to the procuring of such bonds and all other expenses incidental to their issue and retirement shall be paid by the Federal land banks. The Federal farm loan board shall levy semiannually against the respective Federal land banks in proportion to the issue of bonds by each a sufficient amount to cover such expenses.

The examination of plates, dies, bed pieces, etc., and regulations relating to such examination of plates, dies, etc., of national-bank notes provided for in section 5174, Revised Statutes, is hereby extended to include bonds herein provided for.

Any appropriation heretofore made out of the general fund of the Treasury for engraving plates and dies, the purchase of distinctive paper, or to cover any other expense in connection with the printing of national-bank notes or notes provided for by the act of May 30, 1908, and any distinctive paper that may be on hand at the time of the passage of this act may be used in the discretion of the Secretary for the purposes of this act, and should the appropriations heretofore made be insufficient to meet the requirements of this act, the Secretary is hereby authorized to use so much of any funds in the Treasury not otherwise appropriated as may be required for the purpose of furnishing the bonds aforesaid.

ISSUE AND REDEMPTION OF FARM LOAN BONDS.

SEC. 22. That whenever any Federal land bank shall present first mortgages to the Federal reserve agent of the district as collateral security for an issue of a series of farm loan bonds, it shall furnish therewith to said Federal reserve agent a schedule containing a description of said mortgages as prescribed by the farm loan commissioner. Said mortgages shall be deposited in the Federal reserve bank for the district subject to the control of said Federal reserve agent and in his name as trustee for said Federal land bank and the prospective holders of said series of farm loan bonds. Said Federal reserve agent shall thereupon satisfy himself that said first mortgages are at least equal in amount to the series of farm loan bonds authorized by the Federal farm loan board, and shall forthwith notify the farm loan commissioner thereof in writing. Said farm loan commissioner and said Federal reserve agent shall thereupon be empowered to direct by their joint order the delivery of said farm loan bonds to said Federal land bank. It shall be the duty of the Federal reserve agent in each district to see that the farm loan bonds delivered by him and outstanding do not exceed the amount of first mortgages pledged as collateral security therefor, but he may, in his discretion, temporarily accept in place of mortgages withdrawn, securities other than qualified first mortgages, preference being given to farm loan bonds.

Whenever any Federal land bank shall receive any interest, amortization, or other payment upon any first mortgage pledged as collateral security for the issue of farm loan bonds, it shall forthwith deposit the same with the Federal reserve bank of the district to its own account, and shall notify the Federal reserve agent of the items so received. The Federal reserve agent shall thereupon cause such payment to be duly credited upon the respective mortgages entitled to such credit. Whenever any of said mortgages are paid in full, said Federal reserve agent shall cause the same to be canceled and delivered to said Federal land bank for transmission to the original maker thereof, or his heirs, administrators, or assigns.

Upon written application by any Federal land bank to the Federal reserve agent, it may be permitted, in the discretion of said Federal reserve agent, to withdraw from the Federal reserve bank any mortgage or mortgages pledged as collateral security under this act, and to substitute therefor other mortgages not less in amount than the mortgage or mortgages desired to be withdrawn, such substituted mortgages being qualified under section 8 or section 11 of this act.

Whenever any farm loan bonds, or coupons or interest payments of such bonds, are due under their terms, they shall be payable, at the Federal land bank by which they were issued, in gold or lawful money, and upon payment shall be duly canceled by said bank. At the discretion of the farm loan commissioner, payment of any farm loan bond or coupon or interest payment may, however, be directed to be made at any Federal land bank or any Federal reserve bank, under rules and regulations to be prescribed by said farm loan commissioner, subject to the approval of the Federal farm loan board. Upon the surrender of any farm loan bonds of any series, canceled or uncanceled, by any Federal land bank to the Federal reserve agent of the district, said Federal land bank shall be entitled to withdraw from the Federal reserve bank first mortgages pledged as collateral security for any of said series of farm loan bonds to an amount equal to the farm loan bonds so surrendered, and it shall be the duty of said Federal reserve agent to permit and direct the delivery of such mortgages to such Federal land bank.

Interest payments shall be at the disposal of the Federal land bank which shall deposit the same, and shall be available for the payment of coupons and the interest of farm loan bonds as they become due. Amortization or other payments on the principal of first mortgages held as collateral security for the issue of farm loan bonds shall constitute a trust fund in the hands of the Federal land bank receiving the same, and shall be applied or employed as follows:

(a) To purchase at not more than par farm loan bonds issued by itself or by some other Federal land bank, said bonds to be deposited forthwith with the Federal reserve agent as substituted collateral security for the payments indorsed on mortgages deposited with him; or

(b) If such farm loan bonds are not available at par or under, to deposit said trust fund with the Federal reserve bank of the district, or any member bank of the Federal Reserve System which shall be approved by the farm loan commissioner, or to make such investment thereof as may be approved in writing by said farm loan commissioner, subject to rules and regulations prescribed by the Federal farm loan board; or

(c) To pay off such loan bonds as may become due. Federal land banks, in the order of their applications, shall have a preference over other subscribers in purchasing the whole or any part of an issue of farm loan bonds.

Said Federal land bank shall notify the Federal reserve agent of the district of the disposition of all payments made on the principal of mortgages held as collateral security for the issue of farm loan bonds, and said Federal reserve agent is authorized, at his discretion, to order any of such payments, or the proceeds thereof, wherever deposited, or however invested, to be transferred to the Federal reserve bank of the district to his account as trustee aforesaid.

RELATIONS BETWEEN LOAN ASSOCIATIONS AND LAND BANKS.

SEC. 23. That any farm loan association may offer for sale to the Federal land bank of its district first mortgages of which it has become possessed under the terms of this act, and said Federal land bank may, at its discretion, purchase the same when duly indorsed by said association.

Payment may be made in cash, current funds, or farm loan bonds, as may be agreed.

Every Federal land bank shall from time to time, under regulations prescribed by the Federal farm loan board, pay to each farm loan association, assignor of first mortgages eligible for use as a basis for the issue of farm loan bonds and purchased by the said bank, a sum equal to one-half of 1 per cent per annum upon the total unpaid amount of the first mortgages purchased from said assignor, computing said one-half of 1 per cent from the date when the mortgages were purchased by said land bank to the date of the nearest annual or semiannual dividend period of the said land bank.

SPECIAL RESERVE.

SEC. 24. That so far as practicable the rate of interest on loans secured by first mortgages under this act shall be uniform, as provided in section 10, and the farm loan commissioner shall from time to time establish a specific rate of interest to be charged on all first mortgage loans in each land bank district. The normal rate of interest, not including therein any amortization payment, on first mortgage loans shall be established by adding 1 per cent to the rate of interest specified in the latest issue of farm loan bonds in said district. Whenever, because of local or other conditions, it shall be deemed wise by said farm loan commissioner, in order to provide a special reserve against losses, to establish a specific rate of interest in excess of said normal rate, the amount of interest thereafter paid by any borrower in excess of the amount which he would have been required to pay if his loan had been made at the normal rate of interest current when said loan was made shall be carried to a special reserve fund, which shall be specifically set apart by the association or the land bank then holding said loan for the purpose of meeting any losses incurred in the State where the land mortgaged to secure such loan is located. Every land bank shall establish a separate reserve fund for mortgages originating in each and every State of the

United States included within the Federal land bank district within which such land bank may be authorized to operate, and each such reserve fund shall be first applied to the cancellation of losses due to nonpayment of principal or interest of mortgages on farm land situated in such State. Whenever, after three years from the date of this act, in the opinion of the board of directors of the said Federal land bank, any one of such reserve funds shall be more than sufficient to provide for losses under the mortgages to which it is specifically applicable, such land bank may apply annually to the farm loan commissioner for permission to distribute such portion of said reserve fund as may be deemed wise, and in the event such permission shall be granted, said bank shall cause to be computed the percentage of annual payments which shall be returned by it to each borrower within said State, based upon the proportion paid into said reserve fund by every borrower, whether said payments have been made on account of said land bank or of farm loan associations; and said bank shall pay to each farm loan association for distribution among its borrowing members such portion of said special reserve fund as belongs to such members, and each farm loan association shall distribute such portion to the members who are entitled thereto, and each association shall also pay to its members whose obligations are held by it a like percentage on the payments made during the same period: *Provided*, That no payments shall be made under the provisions of this section to members who are in default for any reason at the time of such distribution.

The farm loan commissioner may, with the consent in writing of the Federal land bank of any district, together with the consent in writing of a majority in number of the farm loan associations of said district, fix the normal rate of interest at a point below that established in this section; and thereafter the sum to be paid over to farm loan associations by said Federal land bank under the provisions of section 24 shall be diminished in proportion to the decrease in said normal interest rate, said land bank always retaining one-half of the sum accruing from the payment of interest on indorsed mortgages, after paying the interest on farm loan bonds secured by such mortgages.

GENERAL RESERVE AND DIVIDENDS OF LAND BANKS.

SEC. 25. That every Federal land bank shall, out of its net earnings, as ascertained after the deduction of all expenses of operation, semiannually carry to an account known as "reserve account" one-fourth of such net earnings until the said reserve account shall show in the aggregate a balance equal to 20 per cent of the outstanding capital stock of the said Federal land bank. The said reserve account shall be debited with all losses due to default upon the first mortgages held by such Federal land bank in so far as the same shall be proven irrecoverable from the mortgagor or assignor. For the period of two years from the date when such default occurs in the payment of the interest, amortization installments, or principal on any of the said first mortgages the amount so defaulted shall be carried to a suspense account, and at the end of the two-year period specified shall be transferred to reserve account as a charge against the one-fourth of net earnings credited thereto.

Whenever the net earnings of any Federal land bank, after deducting the one-fourth hereinbefore directed to be deducted as a contribution to reserve account, shall amount to 2 per cent upon the face value of the capital stock of such land bank then outstanding, the said land bank may, at its discretion, declare a dividend to stockholders of 2 per cent. The said dividend may be increased whenever the residue of net earnings shall permit, until it shall amount to 6 per cent, which shall be cumulative. Surplus earnings beyond the reserves herein required and the said cumulative 6 per cent dividend shall be paid to the Government of the United States, but this provision shall not apply to Federal farm bond banks. Every such land bank shall semiannually submit to the Federal farm loan board a schedule showing the salaries or rates of compensation paid to its officers and employees, and the said board shall have power to disapprove such schedule or any item in it and to alter any or all salaries thereon shown.

DEFAULTED LOANS.

SEC. 26. That if there shall be default under the terms of any first mortgage transferred to a Federal land bank under the provisions of this act, and by it used as collateral security for farm loan bonds issued and sold in accordance therewith, and if the special reserve fund set apart by the said Federal land bank for the protection of loans secured by mortgages originating in the State wherein is situated the property upon which default has occurred is exhausted or unavailable, the farm loan association from which the said mortgages were originally purchased by the Federal land bank shall be notified of the said default. Said farm loan association shall thereupon be required, within 30 days after such notice, to repurchase such mortgage by payment of the amount due thereon in cash, or by delivery of an equal amount of farm loan bonds with all unmatured coupons attached, or of first mortgages qualified under section 8 or section 11 of this act.

GENERAL RESERVE AND DIVIDENDS OF NATIONAL FARM LOAN ASSOCIATIONS.

SEC. 27. That every farm loan association shall, out of its net earnings, as ascertained after the deduction of all expenses of operation, semiannually carry to an account, known as reserve account, a sum not less than 2 per cent of its capital or than one-fourth of such net earnings until the said reserve account shall show a credit balance equal to 20 per cent of the outstanding capital stock of the said farm loan association. The said reserve account shall be debited with all losses due to the return or repurchase of mortgages which have been retransferred to the said farm loan association by the Federal land bank of its district and upon which default has occurred under the provisions of section 27 of this act, or upon which such default shall have occurred while the said mortgages are still in the possession of the said farm loan association. For the period of two years from the date when default occurs upon loans secured by any such first mortgages as are still in the possession of the farm loan association, either with respect to interest, amortization installments, or principal of any of the loans protected by said first mortgages, the amount of such securities or installment payments due thereon shall be carried to a suspense account, and at the end of the two-year period specified, if not meanwhile collected, shall be transferred to reserve account as a charge against the one-fourth of net earnings credited thereto.

Whenever the net earnings of any farm loan association after deducting the one-fourth hereinbefore directed to be credited to reserve account shall amount to 2 per cent upon the face value of the capital stock of such farm loan association then outstanding, the said farm loan association may, at its discretion, declare a dividend to stockholders of 2 per cent. The said dividend may be increased whenever the residue of net earnings shall permit, until it shall amount to 6 per cent per annum, which shall be cumulative. Any subsequent surplus earnings above the reserve herein required and the cumulative 6 per cent dividend aforesaid shall be at the disposition of the board of directors. Whenever any farm loan association shall be voluntarily liquidated a sum equal to its reserve account as herein required shall be paid to and become the property of the Federal land bank in which such loan association may be a stockholder.

EXEMPTION FROM TAXATION AND INVESTMENT.

SEC. 28. That every Federal land bank and every farm-loan association, including the capital stock and reserve or surplus therein, and the income derived therefrom, shall be exempt from Federal, State, and local taxation, except taxes upon real estate held, purchased, or taken by the said bank under the provisions of sections 7 and 15 of this act. First mortgages executed to farm loan associations or to Federal land banks under the provisions of this act, and eligible as security for the issue of farm loan bonds shall be deemed and held to be instrumentalities of the Government of the United States, and as such they and the income derived therefrom shall be exempt from Federal, State, and local taxation.

Farm loan bonds issued under the provisions of this act and the income derived therefrom shall be exempt from Federal, State, and local taxation, and such bonds shall be a lawful investment for all fiduciary and trust funds.

Any bank of the Federal reserve system may buy or sell farm loan bonds; any member bank of said system may accept time drafts against a deposit of such bonds as security; acceptances of a member bank thus made, or the direct obligation of such bank maturing within 60 days when accompanied by farm loan bonds as collateral security not less in face value than the amount of such direct obligation, shall be eligible for discount by any Federal reserve bank.

POSTAL SAVINGS.

SEC. 29. That section 9 of the act of June 25, 1910, entitled "An act to establish postal savings depositaries for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes," shall be, and the same is hereby, amended by adding a new paragraph at the close of the said section, such paragraph to read as follows:

"Federal farm loan bonds authorized by the Federal farm loan board and issued by any Federal land bank may be purchased by the trustees in lieu of United States bonds or other securities for the purpose of investing postal savings deposits under the provisions of this section. The trustees shall be, and they are hereby, directed, whenever funds shall be withdrawn from postal savings depositaries for such investment, to employ such funds in the purchase of Federal farm loan bonds in the open market if at the time of such withdrawal the said farm loan bonds can be obtained at par or less. At their discretion the said trustees may invest such sums as shall be withdrawn from postal savings depositaries by the purchase of new Federal farm loan bonds direct from any Federal land bank authorized to issue the same."

PURCHASE OF BONDS BY GOVERNMENT.

SEC. 30. That the Secretary of the Treasury shall, upon application of one or more of the Federal land banks herein established, and upon the recommendation of the Federal farm loan board, purchase from Federal land banks farm loan bonds not previously issued or sold, in an amount not to exceed $50,000,000 during any one year, and shall pay for the same out of any money in the Treasury not otherwise appropriated: *Provided*, That any land bank which may sell its bonds to the Secretary of the Treasury, as provided by this section, shall, by appropriate action of its board of directors, as consideration for the accommodation afforded by the Secretary of the Treasury, enter into an agreement that at any time on 30 days' notice from the Secretary of the Treasury said land bank will cease to make any investments whatever, and will devote all receipts from every source, except so much as may be necessary for the payment of maturing liabilities, to the redemption of its bonds so purchased and held by the Secretary of the Treasury. The enforcement of said agreement shall be at the discretion of the Secretary of the Treasury.

Whenever the Secretary of the Treasury shall have purchased any farm loan bonds under the provisions of this section, he may hold the same until maturity, or may sell such bonds at his discretion.

The Secretary of the Treasury, upon request of the Federal farm loan board and the approval of the President, may issue and sell or use for the purpose of this act any of the bonds of the United States now available in the Treasury of the United States under the act of August 5, 1909, the act of February 4, 1910, and the act of March 2, 1911, relating to the issue of bonds for the construction of the Panama Canal: *Provided*, That any Panama Canal bonds issued and sold or used under the provisions of this section or other existing authority may be made payable at such time after issue as the Secretary of the Treasury, in his discretion, may deem advisable and fix, instead of 50 years after date of issue, as in said act of August 5, 1909: *Provided further*, That, in the discretion of the Secretary of the Treasury, such bonds may bear a rate of interest not exceeding 3½ per cent per annum.

EXAMINATIONS.

SEC. 31. That there shall be appointed by the farm loan commissioner farm loan association examiners subject to the approval of the Federal farm loan board. The said examiners shall be subject to the same requirements, responsibilities, and penalties as are applicable to national-bank examiners under the national-bank act, the Federal reserve act, and other provisions of law. The said examiners shall be required to examine the condition of every farm loan association and report the same to the farm loan commissioner at least once each year, and to examine and report the condition of every Federal land bank at least twice each year.

The said examiners shall receive salaries to be fixed by the Federal farm loan board, which shall be paid by the Secretary of the Treasury out of any money in the Treasury not otherwise appropriated.

Any applicant for a loan from a farm loan association who shall knowingly make any false statement in his application for such loan, and any member of an appraisal committee or other appraiser who shall willfully overvalue any land offered as security for loans under this act shall be deemed guilty of a misdemeanor and shall be imprisoned not exceeding one year or fined not more than $5,000, or both. Any examiner excepting a loan or gratuity from any bank or association examined by him, or from an officer, director, or employee thereof, shall be deemed guilty of a misdemeanor and shall be imprisoned not exceeding one year or fined not more than $5,000, or both, and may be fined a further sum equal to the money so loaned or gratuity given, and shall forever thereafter be disqualified from holding office as an examiner under the provisions of this section. No examiner shall perform any other service for compensation while holding such office for any bank or officer, director, or employee thereof.

Other than the usual salary or director's fee paid to any officer, director, or employee of a farm loan association or land bank, and

other than a reasonable fee paid by said association or bank to such officer, director, or employee for services rendered, no officer, director, employee, or attorney of an association or bank shall be a beneficiary of or receive, directly or indirectly, any fee, commission, gift, or other consideration for or in connection with any transaction or business of such association or bank. No examiner, public or private, shall disclose the names of borrowers to other than the proper officers of a farm loan association or land bank without first having obtained express permission in writing from the farm loan commissioner or from the board of directors of such association or bank, except when ordered to do so by a court of competent jurisdiction or by direction of the Congress of the United States, or of either House thereof, or any committee of Congress or of either House duly authorized. Any person violating any provision of this section shall be punished by a fine of not exceeding $5,000 or by imprisonment not exceeding one year, or both.

Upon becoming satisfied that any farm loan association has refused to repurchase mortgages, or to substitute bonds or mortgages, as required by section 27 of this act, or upon receiving satisfactory evidence that any such loan association has failed to meet its outstanding obligations of any description whatever when due, and is in default, the farm loan commissioner may forthwith appoint a receiver, and require of him such bond and security as he deems proper. Such receiver, under the direction of said commissioner, shall take possession of the books, records, and assets of every description of such association, collect all debts, dues, and claims belonging to it, and, with the approval of said commissioner, or upon the order of a court of record of competent jurisdiction, may sell or compound all bad or doubtful debts, and, on a like approval or order, may sell all the real and personal property of such association, on such terms as said commissioner or said court shall direct. Such receiver shall pay over all money so collected to the Treasurer of the United States, subject to the order of the said commissioner, and also make report to the commissioner of all his acts and proceedings. Upon default of any obligation, Federal land banks may be declared insolvent and placed in the hands of a receiver, to be appointed by the farm loan commissioner under the direction of the Federal farm loan board, and proceedings had in accordance with the provisions of this section regarding loan associations.

SEC. 32. That the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Federal farm loan board, for the purpose of carrying into effect the provisions of this act, and of furnishing the compensation of the farm loan commissioner and his assistants, appraisers, examiners, and of other officers and employees herein provided for, during a period of one year from the passage of this act.

SEC. 33. That all acts or parts of acts inconsistent with this act are hereby repealed, and this act shall take effect upon its passage.

PETITIONS AND MEMORIALS.

Mr. PERKINS presented a petition of the board of supervisors of the city and county of San Francisco, Cal., praying that an appropriation be made for the construction of three torpedo-boat destroyers and six submarines on the Pacific coast, which was ordered to lie on the table.

Mr. NORRIS presented memorials of sundry citizens of Hastings and Fremont, in the State of Nebraska, remonstrating against the exclusion of certain matter from the mail, which were referred to the Committee on Post Offices and Post Roads.

Mr. DU PONT presented petitions of sundry citizens of Wilmington, Elsmere, Centerville, Newport, Richardson Park, Mount Cuba, Hockessin, and New Castle, all in the State of Delaware, praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

Mr. ROOT presented a petition of sundry citizens of New York City, N. Y., praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Monticello, N. Y., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was referred to the Committee on Interstate Commerce.

Mr. O'GORMAN presented petitions of sundry citizens of New York City and Buffalo, in the State of New York, praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

Mr. POINDEXTER presented petitions of Lorenz Neher, of Bellingham; of Rev. Amos E. Minneman, of Aberdeen; of Dr. H. J. Fleischer, of Riverton; of Rev. H. Rieke, of Marcellus; and of sundry other citizens of Blaine, Bellingham, Aberdeen, Riverton, Packard, and Marcellus, all in the State of Washington, praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

Mr. LODGE. I present resolutions of the General Court of Massachusetts relative to the revision of the tariff law, which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

THE COMMONWEALTH OF MASSACHUSETTS, 1915.

Resolutions relative to the tariff.

Whereas the existing tariff law has had an injurious effect upon the industries of New England, and particularly of the Commonwealth of Massachusetts: Therefore be it

Resolved, That the General Court of Massachusetts favors the revision of the tariff by Congress in such manner as will protect adequately the industries of the United States.

Resolved, That copies of these resolutions properly attested be sent by the secretary of the Commonwealth to each of the Senators and Representatives in Congress from Massachusetts.

In senate, adopted, February 9, 1915.

In house of representatives, adopted, in concurrence, February 18, 1915.

A true copy. Attest:

ALBERT P. LANGTRY,
Secretary of the Commonwealth.

Mr. LODGE. I also present resolutions of the General Court of Massachusetts on the subject of the formation of the world state which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

THE COMMONWEALTH OF MASSACHUSETTS, 1915.

Resolutions requesting Congress to invite all the nations to unite in the formation of the world state.

Whereas the incalculable cost and calamity of the European war have caused a strong public sentiment for the end of all war: Therefore be it

Resolved, That the General Court of Massachusetts hereby respectfully requests the Congress of the United States to make a declaration in substance as follows:

The United States of America affirms the political unity of all mankind.

It affirms the supremacy of world sovereignty over national sovereignty.

It promises loyal obedience to that sovereignty.

It believes that the time has come for the organization of the world government, with legislative, judicial, and executive departments.

It invites all nations to join with it in the formal establishment of that government.

Resolved, That this resolution be transmitted by the secretary of the Commonwealth to the senior Senator and the senior Representative in Congress from Massachusetts for presentation in their respective branches.

In senate adopted February 23, 1915.

In house of representatives adopted in concurrence February 26, 1915.

A true copy.

Attest:

ALBERT P. LANGTRY,
Secretary of the Commonwealth.

REPORTS OF COMMITTEES.

Mr. MARTIN of Virginia, from the Committee on Appropriations, to which was referred the bill (H. R. 21546) making appropriations to supply deficiencies in appropriations for the fiscal year 1915 and for prior years, and for other purposes, reported it with amendments and submitted a report (No. 1053) thereon.

Mr. THOMAS, from the Committee on Public Lands, to which was referred the bill (S. 6486) to reserve certain lands and to incorporate the same and make them a part of the Pike National Forest, reported it with amendment and submitted a report (No. 1057) thereon.

He also, from the Committee on Finance, to which was referred the bill (S. 5881) providing for the refund of duties collected on flax-preparatory machines, parts, and accessories, such as described in the act of Congress approved February 7, 1913, imported subsequently to August 5, 1909, and prior to January 1, 1911, reported it without amendment and submitted a report (No. 1056) thereon.

He also, from the Committee on Finance, to which was referred the joint resolution (H. J. Res. 398) to refund under certain conditions a portion of the offers in compromise for failure to make the return required under the act of October 3, 1913, said offers in compromise having been covered into the Treasury, and for other purposes, reported it without amendment and submitted a report (No. 1055) thereon.

Mr. SHIELDS, from the Committee on the Judiciary, to which was referred the bill (S. 7730) to provide for the appointment of a district judge, district attorney, and marshal for the western district of South Carolina, and for other purposes, reported it without amendment and submitted a report thereon.

Mr. HUGHES, from the Committee on Finance, to which was referred the bill (H. R. 10122) to credit Samuel M. Fitch, collector of internal revenue, first district of Illinois, on the books of the Treasury Department with the sum of $1,500 for cigar stamps lost or stolen in transit, reported it without amendment.

Mr. BRYAN, from the Committee on Claims, to which was referred the bill (H. R. 16777) for the relief of Amato Castellano, Libero Baranello, and Michele Baranello, reported it without amendment.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 13591. An act for the relief of John P. Ehrmann (S. Rept. 1058);

H. R. 17343. An act for the relief of Charles L. Pritchard (S. Rept. 1059); and

H. R. 21077. An act for the relief of W. F. Crawford (S. Rept. 1060).

ALFRED A. THRESHER.

Mr. LEE of Maryland, from the Committee on Claims, reported the following resolution (S. Res. 560), which was read, considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 5103) entitled "A bill to compensate Alfred A. Thresher for the infringement of his letters patent by the United States, now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims in pursuance of the provisions of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

BILL INTRODUCED.

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHAFROTH:

A bill (S. 7747) for the relief of certain desert-land entrymen; to the Committee on Public Lands.

RIVER AND HARBOR APPROPRIATIONS.

Mr. SAULSBURY submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 20189), which was ordered to lie on the table and be printed.

STANDING COMMITTEES OF THE SENATE.

Mr. KERN. I have a formal resolution that it is necessary to have passed. I ask unanimous consent for its present consideration.

The resolution (S. Res. 559) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the standing committees of the Senate as constituted at the end of this session be, and they are hereby, continued until the next session of Congress or until their successors are duly elected.

CREDENTIALS.

Mr. KERN. Mr. President, a number of the credentials of Senators elect have been referred to the Committee on Privileges and Elections. The credentials of other Senators have been placed on the files. The resolution which I submit provides that the Committee on Privileges and Elections shall be discharged from the further consideration of the credentials which have been referred to it, and that they shall be placed on the files of the Senate.

The VICE PRESIDENT. The Secretary will read the resolution.

The resolution (S. Res. 558) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Privileges and Elections be discharged from the further consideration of the credentials of J. C. W. BECKHAM as a Senator from the State of Kentucky, JAMES H. BRADY as a Senator from the State of Idaho, FRANK B. BRANDEGEE as a Senator from the State of Connecticut, GEORGE E. CHAMBERLAIN as a Senator from the State of Oregon, JAMES P. CLARKE as a Senator from the State of Arkansas, ALBERT B. CUMMINS as a Senator from the State of Iowa, CHARLES CURTIS as a Senator from the State of Kansas, WILLIAM P. DILLINGHAM as a Senator from the State of Vermont, DUNCAN U. FLETCHER as a Senator from the State of Florida, JACOB H. GALLINGER as a Senator from the State of New Hampshire, THOMAS P. GORE as a Senator from the State of Oklahoma, ASLE J. GRONNA as a Senator from the State of North Dakota, WARREN G. HARDING, as a Senator from the State of Ohio, PAUL O. HUSTING as a Senator from the State of Wisconsin, ED S. JOHNSON as a Senator from the State of South Dakota, LEE S. OVERMAN as a Senator from the State of North Carolina, BOIES PENROSE as a Senator from the State of Pennsylvania, JAMES D. PHELAN as a Senator from the State of California, LAWRENCE Y. SHERMAN as a Senator from the State of Illinois, BENJAMIN F. SHIVELY as a Senator from the State of Indiana, ELLISON D. SMITH as a Senator from the State of South Carolina, HOKE SMITH as a Senator from the State of Georgia, JOHN WALTER SMITH as a Senator from the State of Maryland, MARCUS A. SMITH as a Senator from the State of Arizona, REED SMOOT as a Senator from the State of Utah, WILLIAM J. STONE as a Senator from the State of Missouri, CHARLES S. THOMAS as a Senator from the State of Colorado, OSCAR W. UNDERWOOD as a Senator from the State of Alabama, and JAMES W. WADSWORTH, Jr., as a Senator from the State of New York, and that they be placed in the files of the Senate.

DAVID B. LUTEN.

Mr. FLETCHER. On January 8, 1915, certain manuscript relating to the issuing of patents to David B. Luten were referred to the Committee on Printing. On March 1, 1915, the Senate authorized the Committee on Patents to make an investigation in regard to the Luten patents. I therefore ask that the Committee on Printing be discharged from the further consideration of the manuscripts and that they be referred to the Committee on Patents without printing.

The VICE PRESIDENT. Without objection, that action will be taken.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills:

S. 7555. An act to authorize the construction of a bridge across the Suwanee River in the State of Florida;

S. 7646. An act to authorize Parkersburg-Ohio Bridge Co., a corporation created and existing under the laws of the State of West Virginia, its successors and assigns, to construct a bridge across the Ohio River from the city of Parkersburg, State of West Virginia, to the town of Belpre, State of Ohio; and

S. 7723. An act authorizing the Texarkana Board of Trade to construct a bridge across the Red River between Fulton, Ark., and Index, Tex.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 15038) proposing an amendment to the Federal reserve act relative to acceptances, and for other purposes.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 15869) to provide for the establishment and maintenance of mining experiment and mine safety stations for making investigations and disseminating information among employees in mining, quarrying, metallurgical, and other mineral industries, and for other purposes.

The message also announced that the House had passed the bill (H. R. 21009) to make Van Buren, Me., a port through which merchandise may be imported for transportation without appraisement, in which it requested the concurrence of the Senate.

The message further announced that the House insists upon its amendments to the bill (S. 7566) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL, Mr. ADAIR, and Mr. KINKAID managers at the conference on the part of the House.

The message also announced that the House insists upon its amendments to the bill (S. 7598) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL, Mr. ADAIR, and Mr. KINKAID managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 13. An act for payment to the Chicago, Milwaukee & St. Paul Railway Co. the $4,583.67 improperly collected under the act of August 5, 1909;

H. R. 57. An act making appropriation to M. C. Burke for tax liens held by him on property acquired by the United States;

H. R. 962. An act for the relief of William H. Shannon;

H. R. 2703. An act for the relief of Drenzy A. Jones and John G. Hopper, joint contractors, for surveying Yosemite Park boundary;

H. R. 2667. An act for the relief of the legal representatives of Parker S. Rouse, deceased;

H. R. 3305. An act directing the accounting officers of the Treasury to credit and settle an account of Maj. George H. Penrose;

H. R. 3435. An act for the relief of Mrs. Max S. Retter;

H. R. 3586. An act for the relief of Francis Tomlinson;

H. R. 3613. An act to reimburse Le Grande C. Cramer for amount of damages to his motor launch *Winninish* by the U. S. launch *Gunedmertrix* at Morris Heights, N. Y., on March 31, 1911;

H. R. 3885. An act for the relief of Peter Scott;

H. R. 4008. An act for the relief of Sandy Crawford;

H. R. 4630. An act for the relief of Fred A. Emerson;

H. R. 5966. An act for the relief of Clyde Odum;

H. R. 7049. An act to reimburse the Port Angeles City Dock Co. for damage done to the dock of that company by the U. S. revenue cutter *Snohomish;*

H. R. 9270. An act for the relief of John M. Gray;

H. R. 10167. An act for the relief of Hannah Waldo;

H. R. 10201. An act for the relief of the heirs of Theodore Dehon;

H. R. 10271. An act for the relief of Edward Whiteside;

H. R. 12919. An act to amend an act entitled "An act to provide for an enlarged homestead";

H. R. 13180. An act to amend the act of March 4, 1913 (37 U. S. Stat., p. 872), so as to provide that in the construction of the public building at Roseburg, Oreg., provision shall be made

for the accommodation therein of the United States post office and other governmental offices;

H. R. 13240. An act for the relief of the legal representatives of James S. Clark, deceased;

H. R. 13830. An act for the relief of William A. Howard;

H. R. 14711. An act for the relief of Miles A. Hughes;

H. R. 16392. An act to better regulate the serving of licensed officers in the merchant marine of the United States and to promote safety at sea;

H. R. 17110. An act to reimburse Epps Danley for property lost by him while light keeper at East Pascagoula River (Miss.) Light Station; and

H. R. 19746. An act to authorize aids to navigation and other works in the Lighthouse Service, and for other purposes.

HOUSE BILL REFERRED.

H. R. 21009. An act to make Van Buren, Me., a port through which merchandise may be imported for transportation without appraisement, was read twice by its title and referred to the Committee on Commerce.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20150) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1916.

The VICE PRESIDENT. The pending question is on agreeing to the amendment of the committee as amended, on page 56, after line 8, to insert the matter down to line 14, on page 57.

The amendment was agreed to.

The next amendment was, under the head of "New York," on page 57, after line 23, to insert:

That the Tuscarora Nation of New York Indians, by their chiefs in council assembled, are hereby authorized and empowered to lease, for a period not exceeding 20 years, for the benefit of the nation all or a part of the limestone deposits upon their reservation in one or more suitable tracts for the purpose of quarrying the limestone thereon: *Provided*, That before such lease shall be made notice of intention to lease, giving a general description of the lands upon which said limestone deposits are located, shall be published in two papers, one issued in the county of Niagara, State of New York, and one issued in the city of Buffalo, county of Erie, State of New York, once a week for three consecutive weeks; said notice shall state the time and place when sealed bids shall be received for the mentioned tracts, and such lease shall be to the highest responsible bidder: *Provided further*, That before any lease shall be made the terms of the proposed contract shall be fully explained to the entire nation and shall be approved by a majority of the votes of the whole people of voting age, but before any lease shall become effective it shall be submitted to the Secretary of the Interior for his approval as to the sufficiency of the amount of the consideration and terms of payment, and if approved by him the chiefs are hereby authorized and empowered to enter into such lease. All moneys paid upon any lease made as herein provided shall be paid to the Secretary of the Interior, who shall distribute the same among the adult persons, and thereafter to the minor persons as they attain their majority, entitled to participate in the distribution of the consideration, without any fee, expense, or charge against the nation or any of its people: *Provided further*, That the money so deposited in the Treasury to the credit of the minors of said nation shall draw 3 per cent interest per annum, and the Secretary of the Interior may, in his discretion, upon satisfactory proof that it is for the best interests of the minor to do so, withdraw from the Treasury any part of the sum so deposited to the credit of any minor for the purpose of education or actual maintenance of said minor.

Mr. WALSH. Mr. President——

Mr. ROBINSON. I desire to make a point of order against this amendment.

The VICE PRESIDENT. What is the point of order?

Mr. ROBINSON. The point of order is that it is general legislation.

The VICE PRESIDENT. The Chair does not believe that it is general legislation. The Chair believes it is simply special legislation for the benefit—for the alleged benefit, the Chair will say—of a tribe of Indians.

Mr. ROBINSON. I shall ask, then, that the amendment be not agreed to.

Mr. WALSH. Mr. President——

Mr. ROBINSON. I yield to the Senator from Montana.

Mr. WALSH. I desire to remark that it is, as I think, within the spirit of the unanimous-consent agreement entered into last night that we proceed to the immediate consideration of the amendment commencing on page 42, and I ask unanimous consent that we now recur to that amendment and proceed with its cosideration.

Mr. ROBINSON. I have no objection. I think this amendment probably can be disposed of very quickly, but if the Senator insists I shall not object.

The VICE PRESIDENT. We go back to page 42.

The SECRETARY. On page 42, after line 21, the committee report to insert——

The VICE PRESIDENT. How far is the first amendment to go—to page 42, line 6? The Chair will state that yesterday there was a request on the part of the Senator from Wyoming to separate this amendment, and on the suggestion of the Senator from Wyoming a point of order was sustained as to one of the clauses contained in the entire amendment. The Chair now inquires how far the present portion of this amendment is to be divided, or does the Senator from Wyoming choose to have it considered further?

Mr. CLARK of Wyoming. I have no interest in the division, except as to the part that was ruled upon.

The VICE PRESIDENT. Then it will be considered, if there be no objection, in its entirety.

Mr. MYERS. I desire to read a letter from Mr. A. P. Davis, Director and Chief Engineer of the Reclamation Service, showing what will be done.

Mr. PAGE. Will the Senator yield to me for a moment?

Mr. MYERS. Certainly.

Mr. PAGE. I wish to say that after a consideration of the matter I withdraw any objection I made in any way to this measure. I have discussed it fully, and I have done my duty. I do not care to be heard further upon it.

Mr. MYERS. I am very glad, and I congratulate the Senator from Vermont on feeling that he has done his duty. He has more than done it, and I am very much gratified. I will read this letter:

DEPARTMENT OF THE INTERIOR,
UNITED STATES RECLAMATION SERVICE,
OFFICE OF THE CHIEF ENGINEER,
Washington, D. C., February 24, 1915.

Hon. H. L. MYERS,
United States Senate.

MY DEAR SENATOR: Your letter of February 23 is just received. I note the desire of settlers to have laterals A and branch A of the Pablo Canal completed as soon as possible, and I am now writing to the supervising engineer to make plans to do this, so that work can begin as soon as the appropriation becomes available.

I have also called for report as to the whole situation, including the feasibility of completing this work at an early day.

Very truly, yours,

A. P. DAVIS,
Director and Chief Engineer.

That shows what will be done with the $187,000 over which there has been so much contention.

Mr. President, I have done a great deal of work this winter on the Flathead project. I have devoted much time to it and discovered many complications, tangles, and obstacles. The most amazing thing I have discovered is the loss to the project, through a misunderstanding of officials, of the sum of $187,000. I have read what the reappropriation of it will do. It will make sad hearts glad, give hope to drooping spirits, and make happy homes. Let us vote it and do the right thing by people with whom the Government has too long dallied, and whom the Government has these long years disappointed. The Government appropriates millions of dollars for public buildings in small towns and for expenditure on inconsequential rivers and shallow harbors. The settlers on the Flathead Reservation are a long-suffering people—good, hard-working, law-abiding people. They love their homes and their country. They are good citizens. The good faith of the Government is pledged to the irrigation of their lands. They have relied on it. Their all is staked on it. Let us deal honestly with them. Vote them this whole appropriation, $687,000, and make the lovely Flathead Valley blossom as a rose—an American Beauty rose. It will be repaid to the Government and good faith will be restored and justice will prevail.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. Now we will return to the amendment on page 56, from line 9, to page 57, line 14. The question is on agreeing to the amendment as amended.

Mr. MYERS. I desire to make the observation that as a part of our understanding last night the balance of the Montana items, beginning with line 16, on page 51, down to the Nebraska items, were passed over until to-day. I ask that they be taken up now, so that the Montana work may be consecutively finished.

The VICE PRESIDENT. Very well.

Mr. MYERS. I ask that we begin at line 16, page 51.

The VICE PRESIDENT. The amendment of the committee will be stated.

The SECRETARY. On page 51, after line 15, insert:

That section 11 of the act of April 23, 1904 (33 Stat. L., 302), entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," amended by the act of March 3, 1909 (35 Stat. L., 796), be, and the same is hereby, amended so as to read as follows:

"SEC. 11. That merchantable timber on said lands, returned and classified by said commission as timberlands, may be sold by the Secretary of the Interior, under such regulations as he may prescribe; and after the sale and removal of the timber such of said

lands as are valuable for agricultural or horticultural purposes shall be sold or opened to homestead entry by the Secretary of the Interior in such manner and under such regulations as he may prescribe: *Provided*, That lands valuable for agricultural or horticultural purposes, heretofore classified as timberlands, may, in the discretion of the Secretary of the Interior, be appraised and opened to homestead entry under regulations prescribed by him, upon condition that homestead entrymen shall at the time of making their original homestead entries pay the full value of the timber found on the land at the time that the appraisement of the land itself is made, except as hereinafter provided, such payment to be in addition to the appraised price of the lands apart from the timber, as herein authorized: *Provided further*, That the Secretary of the Interior may in his discretion accept payments in installments for said timber under such terms, conditions, rules, and regulations as he may prescribe."

The VICE PRESIDENT. How does the amendment stand? Is there any point of order against it?

Mr. MYERS. None whatever.

The VICE PRESIDENT. The question is on the amendment.

Mr. TOWNSEND. Mr. President, I have not been able to understand the pending question, there is so much confusion in the Chamber. What is before the Senate just now?

The VICE PRESIDENT. The amendment on page 51, beginning at line 16.

Mr. CLARK of Wyoming. Mr. President, this proposed amendment was up for consideration a short time last evening and was passed over. I then raised my objection to the amendment and the theory and purpose of it, while withholding any point of order on the amendment. I desire to state again while there are more Senators present my objection to the amendment. It does two things. It changes the existing law under which these lands were thrown open to allotment and settlement. It changes the method of disposing of the surplus lands, and it drives the Government still further into a commercial business.

Mr. President, I do not know that we can, but it seems to me that if we can we ought to call a halt, in some degree at least, upon the commercial activities of the Government.

It will be observed, by reading the amendment, that lands heretofore classified as timberlands shall not be sold as timberlands as under the original law, but that the timber itself shall be sold by the Interior Department in such way as the Secretary of the Interior may direct. I have no hesitation in saying that the sale of timber on the public reserves of the West has not been a successful business operation. It has not been successful for the Government in that it has not paid the cost of the operation; it has not been successful, so far as the settlers are concerned, because the settlers had received their timber at no less cost than if it had not been received from the forest reservations. I state now, as I stated last night, that in the immediate vicinity of these reserves, some of them at least that have come under my notice, the timber sold by the Government brings exactly the same price for the poor timber secured in the higher mountain regions as the timber from Oregon and Washington, coming a thousand miles by rail. So the Government seems to be in this and other business simply for the purpose of being in business; simply for the purpose of doing something that can be as well or better done by private enterprise. I do not care to argue this matter.

I will say further, it appears in the amendment that where there shall be a little timber on an allotment——

Mr. TOWNSEND. The amendment is subject to a point of order.

Mr. CLARK of Wyoming. Yes; it is subject to a point of order, but I do not care to make a point of order against it.

Where there appears to be a little timber upon an allotment, if the Indian has an allotment or a settler has a homestead upon that land, before he can have his homestead in it, the Government goes in and strips the land of timber. We who have lived in a farming country know that one of the valuable assets of a farm is a timber lot, if it can be had; it becomes a valuable adjunct to a farm; it becomes a great help to the farm. It is no less so in that country. When these allotments are made, of comparatively small value, why should the Government come in and strip off a few trees that may be there on the agricultural lands for the purpose of selling them and denuding the homesteader of that much timber.

Mr. President, I do not think this amendment ought to be adopted.

Mr. STERLING. Mr. President, it simply occurs to me that this is not quite consistent with the policy of conservation.

Mr. CLARK of Wyoming. It is not consistent with the policy of conservation. The Senator from New Mexico [Mr. FALL] last night gave instances where Indian lands were within the very borders of a timber reserve, or a forest reserve, where anybody was prohibited from cutting timber around it; where upon the Indian land the Government had gone in and stripped the land within that reserve and sold the timber.

Mr. President, it seems to me that we ought to have a halt in this; it seems to me as though at least conservation ought to be carried on with some degree of consistency and some degree of business sense.

Mr. FALL. Will the Senator from Wyoming yield to me for a moment?

Mr. CLARK of Wyoming. Yes.

Mr. FALL. I should like to ask the Senator whether he does not think that to his substitute for this amendment an amendment might be adopted, striking out, in section 8 of the law, applicable to this reserve which it is now sought to change—that is, the Thirty-third Statutes at Large, page 302—striking out of section 8 all of that act after the words "United States," and including the word "lands," in section 8, and then striking out section 11 of that act? The result would be, as I read it, that then these timberlands would be classified as timber homestead lands—they would be subject to homestead entry; the timber could not be cut off by the Government and disposed of separately, and then the lands be used as homestead lands.

Mr. President, this amendment to the act of April 23, 1904, as proposed here, changes the law with reference to the Indian lands on the Flathead Indian Reservation in this way: Under the old law it was provided that the lands which were being thrown open should be classified into five different classes. One of those classes was the timberland. There was no provision in the old law by which the timberlands could be entered; but there was not only a provision for the sale of the timber by the Secretary of the Interior from those timberlands, but practically a direction to him that he should sell it; in other words, that he should strip the timberlands of their timber or sell the timberlands outright—sell the timber or the land. All the lands were to be classified as subject to homestead entry, not under the general homestead law, but to homestead entry to be taken by homesteaders and paid for at figures to be fixed in the President's proclamation.

The lands on the Flathead Reservation, as I have said, were to be classified, and one class—that is, the timberlands—were to be dealt with solely by selling the lands without reference to any homestead entry. The provision that all lands were to be classified and subject to entry, except certain lands, is contained in section 6.

Now, in lieu of the amendment proposed by the committee I am suggesting that a substitute be adopted striking out the excepting words—that is, the words following the words "United States," down to and including the word "lands," in section 8 of the old law—and then to strike out entirely section 11, which provides for the sale of these timberlands. That would leave all these lands to be classified and subject to homestead entry, the price which the homestead entryman shall pay for them to be still fixed in the proclamation of the President.

Mr. STERLING. Mr. President, may we not hear the sections read to which the Senator alludes, and then we will better understand the proposition?

Mr. FALL. Just one moment and I will conclude. I am speaking now in the time of the Senator from Wyoming.

Mr. President, the old law itself, from my standpoint, is vicious, and it is that law that I am seeking to amend, but not in the way in which the committee is seeking to amend it. I call the Senator's attention to it to see if it will not meet his objection and possibly that of other Senators.

Mr. CLARK of Wyoming. Mr. President, this is an amendment that was evidently put in at the suggestion of the Indian Bureau. I am not speaking of it as a fact, but merely as a supposition. I will ask the Senator from Montana [Mr. MYERS] if that is not true?

Mr. MYERS. At the request of the Interior Department?

Mr. CLARK of Wyoming. At the request of the Interior Department, of course. The purpose of that is quite evident.

Mr. WALSH. Mr. President, let me say further in regard to that matter that the latter part of the amendment—that is, that part following the word "*Provided*"—whoever was its drafter, originated with the members of the delegation. That is what we want. We want the concluding portion of it. Just who is responsible for the language in the first part of the section, I am not able to say.

Mr. CLARK of Wyoming. Mr. President, I think I understand the position of the Senator. The last part of the amendment provides that lands classified as timberlands, but which are really agricultural lands with timber growing on them, may be disposed of under homestead entry, provided the homestead entryman pays the Government for the timber upon the land. I do not know that that is so objectionable as the other part of the amendment; but the whole amendment is an effort to get out from under the mistake that was made when the original law was passed and the mistakes that were made in the field in classifying this land. It seems to me there is a way of ad-

justing the bad classification of the lands and the difficulties into which the old law has led by a reclassification of the lands, and that it should not become necessary, in order to remedy that difficulty, to embark the Government in a commercial and mercantile undertaking.

I have not had time to examine the law in reference to the amendment proposed by the Senator from New Mexico, but I have confidence in his statement as to the effect of the amendment, and I think the effect of the amendment proposed by the Senator from New Mexico would be exactly in line with the desires of the Senators from Montana.

Mr. FALL. Mr. President, I am inclined to think so, although I do not want the Senator to understand that I have given very thorough study to this subject. It is in line with the suggestion of the Senator from Montana himself, and if all down to line 8, on page 52, were stricken out it would practically amount, I think, to almost the same thing; in other words, section 11, then, which I have suggested be stricken out of the old law, would be changed to read, from the proviso down, so that instead of the lands being disposed of otherwise they would be subject to homestead entry. Page 52 is a substitute for section 11.

Mr. MYERS. Mr. President, I desire to offer an amendment. I move to amend by striking out all on page 51, between lines 16 and line 25, inclusive, and by striking out all on page 52 down to and including the word "*Provided*" in line 8.

Mr. CLARK of Wyoming. I think that would be a great deal better.

Mr. MYERS. I move to further amend by inserting in line 9, on page 52, between the word "lands" and the word "valuable," the words "on the Flathead Indian Reservation in Montana." I submit that amendment, and ask for a vote on it.

Mr. CLARK of Wyoming. That is all right; I think that covers it.

Mr. TOWNSEND. Let us have the amendment stated.

The VICE PRESIDENT. The Secretary will state the amendment proposed by the Senator from Montana.

The SECRETARY. In the committee amendment on page 51, it is proposed to strike out lines 16 to 25, both inclusive; on page 52 to strike out lines 1 to 8, inclusive, including the word "*Provided*"; and after the word "lands," in line 9, and before the word "valuable," to insert "on the Flathead Indian Reservation, Mont."

The VICE PRESIDENT. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SMOOT. Mr. President, the amendment following the one just agreed to, beginning in line 22, page 52, went over yesterday, and as that same amendment was adopted under the Nebraska items, I see no reason why the amendment beginning in line 22, applying to Montana, should not be adopted this morning.

The VICE PRESIDENT. Without objection, the amendment commencing with line 22, page 52, and ending with line 14, page 56, is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 57, after line 23, to insert:

That the Tuscarora Nation of New York Indians, by their chiefs in council assembled, are hereby authorized and empowered to lease, for a period not exceeding 20 years, for the benefit of the nation, all or a part of the limestone deposits upon their reservation in one or more suitable tracts for the purpose of quarrying the limestone thereon: *Provided*, That before such lease shall be made notice of intention to lease, giving a general description of the lands upon which said limestone deposits are located, shall be published in two papers, one issued in the county of Niagara, State of New York, and one issued in the city of Buffalo, county of Erie, State of New York, once a week for three consecutive weeks; said notice shall state the time and place when sealed bids shall be received for the mentioned tracts, and such lease shall be to the highest responsible bidder: *Provided further*, That before any lease shall be made the terms of the proposed contract shall be fully explained to the entire nation and shall be approved by a majority of the votes of the whole people of voting age, but before any lease shall become effective it shall be submitted to the Secretary of the Interior for his approval as to the sufficiency of the amount of the consideration and terms of payment, and if approved by him the chiefs are hereby authorized and empowered to enter into such lease. All moneys paid upon any lease made as herein provided shall be paid to the Secretary of the Interior, who shall distribute the same among the adult persons, and thereafter to the minor persons as they attain their majority, entitled to participate in the distribution of the consideration, without any fee, expense, or charge against the nation or any of its people: *Provided further*, That the money so deposited in the Treasury to the credit of the minors of said nation shall draw 3 per cent interest per annum, and the Secretary of the Interior may, in his discretion, upon satisfactory proof that it is for the best interests of the minor to do so, withdraw from the Treasury any part of the sum so deposited to the credit of any minor for the purpose of education or actual maintenance of said minor.

Mr. ROBINSON. Mr. President, a moment ago, when this amendment was under consideration, I said that I thought it ought not to be agreed to. The title to this property is in dispute. The Ogden Land Co. claims it under a preemption right that was granted it by the State of New York prior to the transfer of title and control over the Indians to the United States. Under this preemption right the Ogden Land Co. may have the privilege of buying this land whenever sold, or acquiring title by any means whenever the Indians part with the title. This, in substance, seems to give the Ogden Land Co. the exclusive right to acquire any title that the Indians might have and transfer. The proposed lease is in violation of that provision of the grant. The binding force of the grant has been in question for many years, and the Indians have been asking, I am informed, that it be referred to the Court of Claims for final determination. This action, however, has not been taken by Congress.

If this lease were authorized and made, it might make the United States liable to the Ogden Land Co., in all probability, in case the claim of that company should ever be presented.

The VICE PRESIDENT. Just a moment. Does the Senator from Arkansas state that there is some law in existence with reference to this particular land, now in force and effect?

Mr. ROBINSON. No.

The VICE PRESIDENT. That is the way the Chair caught it—that there was.

Mr. ROBINSON. I stated that the title to the lands which this provision authorizes to be leased is in dispute; that the so-called Ogden Land Co., or its successors in interest, consisting of a large number of persons in the State of New York, claim the title to the land by a preemption right; and the legal effect of this preemption right is discussed on page 585 of the Senate hearings, part 7. In addition, some of these Indians assert that this provision is not well safeguarded, particularly with reference to a minimum charge, which should be fixed in the lease; the segregation of the interests of minors; and denial of the right to vote to women, which right they enjoy under their tribal customs.

The VICE PRESIDENT. The Chair believes that any legislation upon the part of the Congress of the United States attached to an appropriation bill which might affect pending litigation is general legislation. The Chair reverses the former ruling, and sustains the point of order that it is general legislation, if the facts stated are correct. It goes out.

The reading of the bill was resumed.

The next amendment was, under the head of "North Carolina," in section 16, page 59, line 16, after the words "in all," to strike out "$34,000" and insert "$36,000, of which sum not exceeding $4,340 may be used for general repairs and improvements to buildings," so as to make the clause read:

SEC. 16. For support and education of 180 Indian pupils at the Indian school at Cherokee, N. C., including pay of superintendent, $30,000; for general repairs and improvements, $4,000; in all, $36,000, of which sum not exceeding $4,340 may be used for general repairs and improvements to buildings.

Mr. ASHURST rose.

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. The Senator from Wyoming.

Mr. CLARK of Wyoming. I was going to call attention to what appears to be a discrepancy in the figures in this amendment.

Mr. ASHURST. Yes; I was just going to ask that the discrepancy be corrected, as follows: That on line 15 the figures "$30,000" be stricken out and the figures "$31,660" inserted, and on line 16 that the figures "$4,000" be stricken out and the figures "$4,340" inserted, not changing the total. I thank the Senator from Wyoming.

Mr. CLARK of Wyoming. I think that would hardly do what is desired, would it?

Mr. ASHURST. That is the way in which it was adopted in the committee, and that would make the total $36,000.

Mr. CLARK of Wyoming. What is the first figure the Senator gave?

Mr. ASHURST. Thirty-one thousand six hundred and sixty dollars.

Mr. CLARK of Wyoming. Yes; and the next?

Mr. ASHURST. Four thousand three hundred and forty dollars; and strike out the italics appearing on lines 17 and 18, all after the figures "$36,000."

The VICE PRESIDENT. The amendment changing the sum of "$30,000" to "$31,660" is agreed to without objection. The amendment changing the "$4,000" to "$4,340" is agreed to without objection. The "$34,000" is stricken out and the "$36,000" agreed to. The balance of the amendment is rejected.

The next amendment was, under the head of "North Dakota," in section 17, page 59, after line 22, to insert:

For support and civilization of Indians at Fort Berthold Agency, in North Dakota, including pay of employees, $15,000.

The amendment was agreed to.

The next amendment was, on page 60, line 7, after "$2,000," to strike out "in all, $20,200" and insert "for new dormitory, $20,000; in all, $40,200," so as to make the clause read:

For support and education of 100 Indian pupils at the Indian school, Bismarck, N. Dak., including pay of superintendent, $18,200; for general repairs and improvements, $2,000; for new dormitory, $20,000; in all, $40,200.

The amendment was agreed to.

The next amendment was, on page 60, after line 13, to strike out:

For support and education of 200 Indian pupils at the Indian school, Wahpeton, N. Dak., and pay of superintendent, $35,200; for general repairs and improvements, $3,000; in all, $38,200.

The amendment was agreed to.

The next amendment was, on page 60, after line 17, to insert:

For support and education of 200 Indian pupils at the Indian school, Wahpeton, N. Dak., and pay of superintendent, $38,200, of which sum not exceeding $3,200 may be used for general repairs and improvements to buildings; for school building, $15,000; for band instruments, $600; in all, $53,800.

The amendment was agreed to.

The next amendment was, on page 60, after line 23, to insert:

To enable the Secretary of the Interior to redeem a mortgage on the allotment selection of Starr McGillis, a Turtle Mountain Chippewa Indian, described as the northwest quarter of section 34, township 164 north, range 70 west of the fifth principal meridian, North Dakota, $1,500, or so much thereof as may be necessary, the said sum to be reimbursed from the rentals of said allotment not to exceed 50 per cent of the amount of rentals received annually: *Provided*, That in the event a patent in fee shall be issued for this land before the United States shall be wholly reimbursed as herein provided, the amount remaining unpaid shall become a first lien on such allotment, and the fact of such lien shall be recited on the face of the patent in fee and the amount of the lien set forth thereon, and the receipt of the Secretary of the Interior, or of the officer, agent, or employee duly authorized by him for that purpose, for the payment of the amount of the mortgage, when duly recorded by the recorder of deeds in the county wherein the land is located, shall operate as a satisfaction of such lien.

The amendment was agreed to.

The next amendment was, on page 61, after line 17, to insert:

For the erection of a headstone to mark the grave of Scarlet Crow, a Sioux Indian chief of the Wahpeton Tribe, who was buried March 13, 1867, in the Congressional Cemetery, Washington, D. C., in a grave marked "76–R. A. 22," $100.

The amendment was agreed to.

The next amendment was, on page 61, after line 23, to insert:

That all claims of whatsoever nature which the Sisseton and Wahpeton Bands of Sioux Indians may have or claim to have against the United States shall be submitted to the Court of Claims, with the right to appeal to the Supreme Court of the United States by either party, for the amount due or claimed to be due said bands from the United States under any treaties or laws of Congress; and jurisdiction is hereby conferred upon the Court of Claims to hear and determine all claims of said bands against the United States, and to enter judgment thereon. If any such question is submitted to said court it shall settle the rights, both legal and equitable, of said bands of Indians and the United States, notwithstanding lapse of time or statute of limitations. Such action in the Court of Claims shall be presented by a single petition, to be filed within one year after the passage of this act, making the United States a party defendant which shall set forth all the facts on which the said bands of Indians base their claims for recovery; and the said petition may be verified by the agent or authorized attorney or attorneys of said bands, to be selected by said bands and employed under contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior, in accordance with the provisions of existing law, upon information or belief as to the existence of such facts, and no other statements or verifications shall be necessary. Official letters, papers, reports, and public records, or certified copies thereof, and oral testimony, deposition, and sworn statements by members of said bands of Indians may be used as evidence. Whatever moneys may be found due the Sisseton and Wahpeton Bands of Indians under the provisions of this act, less attorney's fees, shall be placed to their credit in the Treasury of the United States: *Provided*, That the compensation to be paid the attorney or attorneys for the claimant Indians shall be determined by the Secretary of the Interior, but in any event shall not be greater than the amount named in the approved contract: *Provided further*, That such compensation shall in no event exceed $15,000.

The amendment was agreed to.

The next amendment was, under the head of "Oklahoma," on page 63, after line 11, to insert:

SEC. 18. For support and civilization of the Wichitas and affiliated bands who have been collected on the reservations set apart for their use and occupation in Oklahoma, including pay of employees, $5,000.

The amendment was agreed to.

The next amendment was, on page 64, after line 10, to insert:

For support and civilization of the Cheyennes and Arapahoes who have been collected on the reservations set apart for their use and occupation in Oklahoma, including pay of employees, $35,000.

The amendment was agreed to.

The next amendment was, on page 64, after line 14, to insert:

For support and civilization of the Kansas Indians, Okla., including pay of employees, $1,500.

The amendment was agreed to.

The next amendment was, on page 64, after line 16, to insert:

For support and civilization of the Ponca Indians in Oklahoma and Nebraska, including pay of employees, $8,000.

The amendment was agreed to.

The next amendment was, on page 65, after line 16, to insert:

So much as may be required of the funds authorized by section 17 of the act of June 30, 1913 (38 Stat. L., 77–92), for maintenance of a hospital for the Kiowa, Comanche, Apache, and Wichita Tribes, Oklahoma, may be used for the purchase of equipment and in making necessary repairs and improvements to said hospital, in the discretion of the Secretary of the Interior.

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. The Senator from Wyoming.

Mr. CLARK of Wyoming. I should like to ask the Senator from Arizona, if he has the information conveniently at hand, what is the provision of the act of June 30, 1913, as to the appropriation then made? Ordinarily the appropriation not being used would have been turned into the general fund of the Treasury, and if that were so the amendment would be faulty in that respect.

Mr. ASHURST (reading)—

The appropriation act of the following year—the act of June 30, 1913 (38 Stat. L., 77–92)—provided for the sale of certain lands in order to provide a fund, drawing interest at 4 per cent, "to be known as the Kiowa Agency Hospital fund, to be used only for maintenance of said hospital."

I have read from page 707 of the hearings.

Mr. CLARK of Wyoming. I only desired that the Senator himself should be satisfied that that amount would be available for the purpose for which this bill seeks to appropriate it. If the Senator himself is satisfied, that is all sufficient for me.

Mr. ASHURST. I am satisfied, Mr. President.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, at the top of page 66, to insert:

To pay the Women's Board of Domestic Missions, Reformed Church in America, $10,000, to reimburse said board for buildings on the Fort Sill Military Reserve in the State of Oklahoma constructed by said board with the consent of the Government and utilized for the education and civilization of the Fort Sill Apache prisoners of war until the removal of said Indians from said Fort Sill Military Reserve.

The amendment was agreed to.

The next amendment was, on page 66, after line 8, to insert:

That the Secretary of the Interior is hereby authorized and directed to vacate the north half of section 3, township 4 south, range 14 west, in Oklahoma, reserved for a town site in accordance with the provisions of an act of Congress approved March 20, 1906, entitled "An act for the establishment of town sites and for the sale of town lots within the common lands of the Kiowa, Comanche, and Apache Indians in Oklahoma."

That the Secretary of the Interior shall reimburse the 29 purchasers of lots within said described lands, out of any money in the Treasury belonging to the Kiowa, Comanche, and Apache Tribes of Indians, upon the conveyance of such lots by said purchasers to the United States Government. And the Secretary of the Interior is hereby further authorized to allot lands of said town site in equal amounts to San-a-was and Pessa, two enrolled Comanche Indian women who have not heretofore received allotments.

Mr. CLARK of Wyoming. It appears from this amendment that under the provisions of the law a town site was laid out upon certain Indian lands, and that the town was not very successful.

Mr. ASHURST. That is true.

Mr. CLARK of Wyoming. It further appears that 29 of the people who went in there and bought lands under the town-site act, not having succeeded in making a town, it is now proposed to give them their money back. That is a very fair sort of a speculation—"Heads I win; tails you lose." If the town site improves and makes a fine, growing town the people retain their lands, but if it fails the Government pays them back, or the Indians do. I should like a little explanation of the item.

Mr. OWEN. Mr. President, there was a piece of land set aside for a town site in Comanche County. A few lots were sold out of it, and it failed utterly to become a town site. It was suggested that the land might be allotted to San-a-was and Pessa, two enrolled Comanche women who have not heretofore received allotments. It seems that this matter was reported favorably on March 10, 1910. The Senator from Minnesota [Mr. CLAPP] presented the report. It is Senate Report No. 383. It passed the Senate and went to the House. The House did not act upon it. It passed the Senate on March 15, 1910. Perhaps the Senator from Minnesota may remember something about it.

Mr. CLAPP. Mr. President, as I understand and recall it, some one claimed that they were short of land for allotment, and that taking this site would fill the two allotments. I think that is the way it was. It was some time ago. While it did present the somewhat unusual phase of giving back payment for the two lots which had been taken, it was thought at the time, in view of the fact that it would enable these allotments to be made, that we could well afford to do it.

Mr. OWEN. There is a special report from the Department of the Interior under date of March 21, 1914, recommending this action.

Mr. CLARK of Wyoming. I do not want to object to it, but it certainly has a very curious appearance.

Mr. OWEN. It was simply a town site that failed to materialize. The railroad did not stop there.

Mr. CLARK of Wyoming. Exactly so. Men went out there and purchased lands in this town site, and the lands did not become as valuable as they thought they would be, and therefore the Government proposes to give them back their money and take back the land and give it to the Indians.

Mr. OWEN. Well, they are entitled to it.

Mr. CLARK of Wyoming. As we said this morning, the Government has been in various sorts of business, but it seems to me that it is a new departure where a man makes a real estate investment or speculation, and it does not turn out well, that the Government is going to give him back his money.

Mr. OWEN. You can not take it away from him without refunding the money. There were just a few of these lots sold.

Mr. CLARK of Wyoming. Why, of course; but let him hold it as other men would hold it elsewhere.

Mr. OWEN. Yes; but if you do that it is not available for agriculture. A man can not cultivate land under such circumstances.

Mr. FALL. Mr. President, there is no fund. These Indians think that they can quiet title to these lots so as to secure the balance of their allotment if they desire without going to the Treasury of the United States to reimburse town-site speculators.

Mr. OWEN. This is only a fund which these people paid in. It is simply paying them back. You have a canceling transaction where these women will have land for agriculture. That is all there is in it.

Mr. FALL. It would be the same principle if upon lands anywhere within any State in the Union a town site is sought to be established and speculators go in paying their money to the United States for securing title to their lots and then it proves that the town-site speculation was a failure. Every man, woman, or child in the United States who has acquired a lot upon a town site would have an equal right to ask that his money be refunded to him because the speculation was a failure.

Mr. OWEN. I agree with the Senator that there might be cases where it would be egregious to do that. Here is a case where the department recommends these two allotments—simply a small piece of agricultural land. It is not a town at all.

Mr. FALL. Where is this town with reference to the Old Fort Sill Reservation?

Mr. OWEN. To tell the truth, I do not know. The letter of the Assistant Secretary of the Interior is as follows.

Mr. CLARK of Wyoming. On what page?

Mr. OWEN. On page 32 of the report of the committee [reading]:

DEPARTMENT OF THE INTERIOR,
Washington, March 21, 1914.

Hon. HENRY F. ASHURST,
Chairman Committee on Indian Affairs, United States Senate.

MY DEAR SENATOR: Receipt is acknowledged of the letter dated February 26, 1914, transmitting a copy of Senate bill 4619, Sixty-third Congress, second session, authorizing and directing the Secretary of the Interior to vacate certain lands in Oklahoma reserved for a town site, and for other purposes.

The department wishes to invite your attention to lines 3 to 7, page 2, of the above bill, providing for the allotment of the said town site in equal amounts to San-a-was and Moe-tak-dah, two enrolled Comanche Indian women who have not heretofore received allotments. The Office of Indian Affairs informs me that Mo-tak-dah died March 26, 1912, leaving as her relatives and heirs one Pessa, granddaughter, and Mattie Quah-ne-nah, great-granddaughter.

The latter has been provided for on the Comanche allotment roll, based on the act of June 5, 1906 (34 Stat. L., 213), which provided for the allotment of children of the tribe born subsequent to and entitled to allotment under the act of June 6, 1900 (31 Stat. L., 676). However, Pessa has not been allotted by reason of the fact that she was born prior to that date.

It is therefore suggested that section 2 of the bill (S. 4619) be amended by striking out, in line 5, page 2, the name "Moe-tak-dah" and inserting the name "Pessa."

If the bill be amended as suggested, I see no objection to its passage.

Cordially, yours,

A. A. JONES,
First Assistant Secretary.

Mr. FALL. Mr. President, I should like to ask the Senator from Oklahoma if in all the appropriations which were made by Congress two years ago for the removal of the Fort Sill Indians and for purchase of allotments for the Fort Sill Indians there was any for the purchase of allotments in the State of Oklahoma?

Mr. OWEN. I do not know.

Mr. FALL. The reason why I am inquiring as to this item is that the Fort Sill Apache Indians—the Geronimo Indians—lived on the Fort Sill Reservation, which had been added to by the surrender voluntarily by the Kiowas and Comanches of a large portion of the lands belonging to them. They had voluntarily given to the Fort Sills, the Geronimo Apaches, practically as an enlargement of the Fort Sill Military Reservation, a very large amount of land; it is my recollection something like twelve or fifteen thousand acres. Over my protest the Congress of the United States saw fit to appropriate money. I want to say right here that it was not the fault of the Congress that this money was used as it was used, for the removal of the Fort Sill Indians and the purchase of allotments. The greater part of those Indians have been removed to the Mescalero Apache Reservation, in New Mexico, and settled upon lands belonging to the Mescalero Apaches. Two hundred thousand dollars was appropriated for the purpose of removing these Indians and also for acquiring the allotments for those who chose to remain in the State of Oklahoma. I do not know enough about this particular provision to know whether this town site was a failure because possibly they had removed these Fort Sills or not. I know these town sites are upon the Kiowa and Comanche lands.

The item appearing at the top of that page, $10,000, to return to these women the money invested by them in buildings, and so forth, grows entirely out of the action of Congress in removing the Fort Sill Indians; and $200,000 has been appropriated by Congress in addition to the fact that these people have deprived the Mescaleros of their land, dividing up with the Mescaleros one-third of their income, of their reservation, and all their property. Then the United States is asked to reimburse people for expenditures which, it is said, are due to the presence of the Fort Sills, or Geronimo Apache, Indians at the Fort Sill Reservation. The State of Oklahoma was insistent upon getting rid of these Fort Sill Apaches, and I want to say now if they had remained there the Senator knows that the $275,000 appropriated for the public schools of Oklahoma would have to be divided with the Fort Sill Indians. They have gotten rid of all that expense and sent them down into New Mexico and put them among the Mescalero Apaches and deprived the Mescaleros of one-third of their property, absolutely giving it to the Fort Sills.

It seems to me that for Oklahoma to come in here and ask the Senate of the United States and the Congress of the United States to appropriate money to pay for buildings even that were abandoned because of the removal of these Fort Sill Indians to New Mexico, and then to reimburse the town-site speculators for the purchase price of lots which they purchased upon a town site, and then to give these lands to the Indians, we should not do it unless we have some very clear explanation. The Senator from Oklahoma himself has not been in the habit, I think, of asking things of this kind of Congress. I do not think he can justify it.

Mr. OWEN. Mr. President, five years ago, on the 18th of February, 1910, before the occurrence the Senator is referring to took place at all, Secretary Ballinger recommended this matter because it amounted to nothing except that this land that could be used for agriculture should have its title cleared of the 19 or 20 lots which, I understand, were sold out of the 160 acres. That is all there is in it. It is just a question of converting it into agricultural lands and clearing the title so that these people can use it. That is what I understand. Secretary Ballinger recommended it five years ago, and here comes a recommendation from the present Secretary of the Interior. I do not care anything about it, if the Senator feels very strongly in regard to the matter.

Mr. FALL. I do not feel strongly about it; I want the people of Oklahoma to have whatever is justly their due; but I do not like to set a precedent of that kind, because there have been numerous losses of town sites all over the entire country. There are a great many of them in the Indian country.

Mr. OWEN. I would not agree to let a lot of speculators come in here and be reimbursed the loss of their investments on a bad speculation. If I understood it to be that, I should be opposed to it. I understand this agricultural land is so far clouded by the sale of a few town lots there that the title is not in a condition where it can be allotted to these people.

Mr. CLARK of Wyoming. Twenty-nine lots on a town site, it seems to me, if the Senator will reflect, would not be a very great slicing from the allotment, which I suppose is 160 acres.

Mr. OWEN. It involves the streets and alleys. The sale of one town lot with the dedication of streets and alleys to the public will enable a man to bar the use of that land for agriculture.

Mr. FALL. I would have no earthly objection to vacating the town site which has been allotted, but I do not think it is a good precedent. I do not think the Senator from Oklahoma ought to ask the Congress of the United States to vote money

to reimburse the parties who bought lands on that town site and failed in their speculation.

Mr. OWEN. The Senator from Oklahoma is not asking anything except simply an opportunity to carry out what the department five years ago recommended and what the department recommends now, and recommends as a means of giving the allotments to these two poor women.

Mr. FALL. Then will the Senator consent to strike out that portion of the amendment from line 17, page 66, down to and including line 2, on page 67?

Mr. OWEN. That would refer, I suppose, to reimbursing the people the value of the lots.

Mr. FALL. Exactly.

Mr. OWEN. I ask the Senator, if that is stricken out, how you can disregard their vested right?

Mr. FALL. Certainly you can not; but those who want these very valuable allotments on agricultural land can certainly pay for 29 lots when it is to become agricultural lands and no longer lots in a town site.

Mr. OWEN. The suggestion of the Senator would be that the department enter into negotiations with these individuals and take them at what might be the result of a barter?

Mr. FALL. Certainly the Comanche and Kiowa Indians to whom it is proposed to make this allotment in severalty have valuable tribal property. The Secretary of the Interior is their guardian. If he proposes to allot these town sites to those two allottees, they can pay for these lots if they want to. If they can not, they can let them alone. The parties who own them, I should think, would be inclined to sell them very cheaply when the Secretary of the Interior has vacated the town site.

Mr. OWEN. I do not think the Secretary of the Interior could vacate the town sites without considering their equities.

Mr. FALL. The Secretary of the Interior by a separate amendment here is authorized and directed to vacate a town site.

Mr. OWEN. But he can not vacate a town site by paying the people who have the lots unless he does it by barter and agreement.

Mr. FALL. That is up to the Secretary of the Interior and is not, in my judgment, the proper function of the Congress of the United States. So I would object to that reimbursement provision. I think the Secretary of the Interior can vacate a town site if there has not been sufficient of it disposed of to comply with the law.

Mr. OWEN. I really do not know anything about it.

Mr. FALL. I do not object to it at all in itself, but I do object to this precedent.

Mr. TOWNSEND. Mr. President, it seems to me quite a simple matter. This town site can not be on over a quarter section of land.

Mr. OWEN. It is, I understand, on a quarter section, and 29 lots, with streets and alleys, are devoted to the public. He can either barter with those people or pay the amount they paid.

Mr. TOWNSEND. They will be quite willing to dispense with this property, it seems to me.

Mr. OWEN. I should think so.

Mr. TOWNSEND. The Government ought not to be asked, as the Senator from New Mexico states, to go into a proposition that has at least a possibility of injustice by taking back land that was bought for speculative purposes, and, inasmuch as there is only a quarter section of land on that whole reservation to be clouded by it, it seems to me we ought not to be called to do this thing in this way.

Mr. OWEN. Does the Senator suggest eliminating the words "that the Secretary shall reimburse," and so forth, so that it shall read "the Secretary of the Interior shall negotiate" with the 29 purchasers for a transfer?

Mr. FALL. No; I do not agree to anything of the kind. The utmost limit to which I could conscientiously go would be to agree to strike out all of line 17 to that portion of line 22 containing the words "United States Government."

Mr. OWEN. I shall not raise any further objection to the matter if the Senator insists on it.

Mr. FALL. Then I move to strike out that portion of the committee amendment from line 17 down to line 22, inclusive, ending with the words "United States Government" on the latter line, page 66.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 66, line 17, strike out all down to and including the words "United States Government" in line 22.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 67, after line 2, to insert:

That the Atchison, Topeka & Santa Fe Railway Co. be, and is hereby, authorized to reconstruct its line of railroad through the Chilocco Indian Reservation in the State of Oklahoma, to eliminate, where necessary, existing heavy grades and curves, and for such purpose to acquire the necessary right of way, not exceeding 200 feet in width, subject to the approval of the Secretary of the Interior and to the payment for the land so taken and occupied by such new right of way of such an amount as may be determined by the Secretary of the Interior to be fair and adequate compensation therefor, including all damage which may be caused by the reconstruction of said line of railroad to adjoining lands, crops, and other improvements, said amount to be paid to the Secretary of the Interior for the use and benefit of the Chilocco Indian School.

The amendment was agreed to.

The next amendment was, on page 67, after line 17, to insert:

That payments of interest, royalties, or other trust funds becoming due from time to time to any incompetent individual member of the Osage Tribe of Indians under any law may be withheld, in the discretion of the Secretary of the Interior, and the funds may be used for the benefit of such Indian, or his heirs, under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That no part of said funds shall be paid out on account of any usurious obligation or contract.

The amendment was agreed to.

The next amendment was, under the subhead "Five Civilized Tribes," in section 19, on page 68, line 6, after the word "employees," to strike out "$150,000" and insert "$175,000," so as to make the clause read:

SEC. 19. For expenses of administration of the affairs of the Five Civilized Tribes, Oklahoma, and the compensation of employees, $175,000.

Mr. ASHURST. As an amendment to the committee amendment I move, after the figures "$175,000," in line 6, that there shall be inserted "of which sum $25,000 shall be immediately available."

The amendment to the amendment was agreed to.

Mr. ASHURST. I should like to insert in the RECORD, in connection with the amendment to the amendment, the following letters taken from the hearings before the committee:

The letters referred to are as follows:

DEPARTMENT OF THE INTERIOR,
Washington, September 2, 1913.

MY DEAR MR. STEPHENS: In further reference to my letter to you of August 16, 1913, I have the honor to submit herewith a report on H. R. 7025, entitled "A bill to authorize the Atchison, Topeka & Santa Fe Railway Co. to change its line of railroad through the Chilocco Indian Reservation, State of Oklahoma."

The superintendent of the Chilocco Indian School has reported that he has been informed that the company intends within the next three years to double-track its road from Arkansas City, Kans., to Newkirk, Okla., north and south of the reservation, respectively; that as the roadbed of the amended location, as shown on a blue-print map submitted by the company, is considerably above the natural surface of the land, it will be necessary to have a good deal of ground for borrow pits, and that it does not appear that the company can conveniently reconstruct its line of railroad as proposed without a 250-foot right of way, unless it should transport earth for filling purposes from some other source at greater expense.

In view of the superintendent's report, I see no objection to the provision with respect to the width of the right of way, but desire to call attention to that part of the bill which provides that payment for the right of way shall be made in accordance with provisions of section 15 of the act of Congress approved February 28, 1902 (32 Stat., 43). Said section provides that full compensation for right of way and all land taken, and all damage done or to be done by the construction of the railroad, or the taking of any lands for railroad purposes, shall be made to the individual owner, occupant, or allottee of such lands and to the tribe or nation through or in which the same is situated, and that in case of the failure of any railway company to make amicable settlement with any individual owner, occupant, or allottee, tribe, or nation for any right of way, or lands or improvements sought to be appropriated or condemned thereunder, all compensation and damages to be paid to the dissenting individual owner, occupant, allottee, tribe, or nation shall be determined by the appraisement of three disinterested referees to be appointed by the judge of the United States court or other court of jurisdiction in the district where such lands are situated on application of the corporation or other person or party in interest.

The land within the Chilocco school reserve belongs to the Government, and is used for Indian-school purposes, and I am of the opinion that the amount of such compensation should be determined by the Secretary of the Interior. I suggest, therefore, that H. R. 7025 be amended by striking out all that part following the words "right of way," in line 11, page 1, inserting in lieu thereof the following: "of such an amount as may be determined by the Secretary of the Interior to be fair and adequate compensation therefor, including all damages which may be caused by the construction of said line of railroad to adjoining lands, crops, and other improvements, said amount to be paid to the Secretary of the Interior for the use and benefit of the Chilocco Indian School."

If H. R. 7025 is amended in accordance with the above suggestion, I have no objection to its enactment into law. A redraft of H. R. 7025 embodying the suggested amendment is inclosed herewith for your convenience.

Cordially, yours,

A. A. JONES, *Acting Secretary.*

HON. JOHN H. STEPHENS,
Chairman Committee on Indian Affairs,
House of Representatives.

Senator LA FOLLETTE. I wish to inquire why it is necessary to allow them to purchase a right of way 250 feet in width?

Senator OWEN. It does not do that. It says it shall not exceed that. Where they have much of a cut it sometimes may happen that it may be necessary. I think it rarely would be necessary.

Senator LA FOLLETTE. The general statute, as I recollect it, for obtaining rights of way across Government land for railroad companies permits them to acquire a right of way 100 feet in width, excepting at railway stations, where I think it is permitted to be 200 feet in width by 3,000 feet long, for station and yard privileges.

Senator OWEN. I have no objection to cutting this down to whatever may be thought reasonable. They might want a station on this reservation. I do not know whether they would or not, but they have asked only for the right of way. If it is put not exceeding 150 feet, I should think that would be satisfactory.

Senator LA FOLLETTE. One hundred feet is the usual railroad right of way.

Senator OWEN. Does that cover the cases where they have much of a cut, or do you know?

Senator LA FOLLETTE. I think so.

Mr. MERITT. In places where cuts and fills are required under the law we can grant them a right of way 200 feet in width.

Senator OWEN. This is a maximum of 200 feet only.

Senator CLAPP. Make it the maximum, then.

Senator OWEN. Yes.

Mr. MERITT. This legislation is necessary, because we have no authority under the general act to grant rights of way across school reserves. We have the right under the general law to grant rights of way across reservations only.

Senator ROBINSON. Is there objection? There being no objection, it is agreed to.

Have you another matter, Senator OWEN?

FEBRUARY 26, 1915.

MY DEAR SENATOR: The provisions of the Indian appropriation act approved August 1, 1914, pertaining to the various per capita and equalization payments to the Five Civilized Tribes in Oklahoma, made necessary the employment of additional clerical help to make these payments. As a result of this special work more than one-half of the administrative appropriation of $175,000 was used during the first six months of the fiscal year, and unless provision is made in the pending Indian bill it will be necessary to reduce the force for the remainder of the year to such an extent as to materially interfere with the proper administration of the affairs of these Indians.

In order that a sufficient force might be retained to carry on the work during the remainder of the year, Supt. Parker recently recommended that the salaries of part of the force be paid from certain tribal funds which he believed were available for the purpose under the law. The office was in doubt as to the applicability of these funds for the purpose recommended and placed the matter before the Comptroller of the Treasury. The comptroller, in a decision dated February 23, held that the funds in question were not applicable for the payment of the salaries of employees in the administrative office at Muskogee. In view of this decision I recommend that an amendment be inserted in the Indian bill now pending before the Senate making immediately available $25,000 of the amount which may be appropriated for the next fiscal year for the administration of the affairs of the Five Civilized Tribes. Unless such a provision goes in the bill it will probably be necessary to reduce the administrative force by one-half during the remainder of the current fiscal year, and as this would seriously cripple the work I trust that you can take care of the matter in the pending bill.

Very truly, yours,

CATO SELLS,
Commissioner.

Hon. H. F. ASHURST,
Chairman Committee on Indian Affairs, United States Senate.

Mr. TOWNSEND. Mr. President, a parliamentary inquiry. I was not here last evening, and I do not know exactly what unanimous-consent agreement is controlling now. Is it true that only committee amendments are being considered?

The VICE PRESIDENT. That was the original order and it stands. Until the committee amendments are completed no other amendments will be received to the bill.

Mr. FALL. There is no further unanimous-consent agreement.

The VICE PRESIDENT. There is no unanimous-consent agreement about it.

The next amendment was, on page 68, after line 18, to insert:

The sum of $275,000, to be expended in the discretion of the Secretary of the Interior under rules and regulations to be prescribed by him, in aid of the common schools in the Cherokee, Creek, Choctaw, Chickasaw, Seminole, and Osage Nations and the Quapaw Agency in Oklahoma, during the fiscal year ending June 30, 1916: *Provided*, That this appropriation shall not be subject to the limitation in section 1 of this act limiting the expenditure of money to educate children of less than one-fourth Indian blood.

Mr. TOWNSEND. Mr. President, I do not know whether that item is subject to a point of order or not. I do not want to make it until I have had some explanation in reference to it. That item was put in, and several others, while I was unfortunately absent from the committee. As I understand it now, two-thirds of the people who are enrolled there as Indians with the tribal rights of the Five Civilized Tribes are about one-fourth or less Indian blood. Many of these are white people, and under the existing law the allotments of these Indians are exempt from taxation. The provision of the bill, as I understand it, is intended to afford their children school facilities without any cost to the white people or practically white people, as many of them are.

Many full-blood Indians, as I understand, are not on the enrollment. They have received no share in the lands which the United States set apart for the Indian tribes, and particularly for the full bloods. The unenrolled and unallotted full bloods' children, as I understand, receive no benefit from this appropriation for schools. If any of them own land, however, they are taxed for the support of the schools, and yet they receive no benefit from this $275,000.

My point is that this appropriation is largely for the benefit of the white people who are enrolled and given property belonging in many instances, as I believe, to some of the full bloods. I may be mistaken about this; if I am, I should like to have some explanation of it.

Mr. OWEN. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Oklahoma?

Mr. TOWNSEND. I shall be very glad to hear the Senator.

Mr. OWEN. The statement that the Senator from Michigan made is based, I take it, upon the statement of Mr. Webster Ballinger, attorney for some of the claimants who say that they were not enrolled. Mr. Ballinger is opposing the appropriation of money for conducting schools in that country. This has been going on now for 12 years; and he made a memorandum to the effect, which I shall read, with which he circularized the Senate of the United States, to wit:

More than two-thirds of the persons enrolled as "Indians" on the tribal rolls of the Five Civilized Tribes are of one-fourth or less Indian blood. Many of them are white people. Under existing law their allotments are exempt from taxation. The provision in the bill is intended to afford their children school facilities without any cost to these white people, or practically white people. Many full-blooded Indians were improperly denied enrollment, and they have received no share in the lands which the United States set apart for the Indian tribes, and particularly for the full bloods. The unenrolled and unallotted full bloods will receive no benefits from this appropriation. If any of them own land, they are compelled to pay taxes on the same, while the enrolled white man pays no taxes. The appropriation is largely for the benefit of the white people who are enrolled and given the property belonging to the full bloods.

Mr. President, there are a number of statements in this declaration that are untrue.

Mr. TOWNSEND. I wish to say to the Senator from Oklahoma that he is reading the statement that I made; a statement that had been brought to my attention; and that is what I wanted an answer to.

Mr. OWEN. I am going to answer it, but I first want to place the authority where it belongs, and I want to put in the RECORD that the attorney representing some of these claimants is trying to interfere with legislation affecting the schools in Oklahoma in order to make effective his protest, and in that way to induce the members of the Oklahoma delegation to yield to his unlawful, illicit, and unsound demands.

Before I go to that I want to show a number of untrue statements which have been put into the hands of Senators by the circular from the attorney of these citizenship claimants. He states:

Many full-blooded Indians were improperly denied enrollment, and they have received no share in the lands which the United States set apart for the Indian tribes, and particularly for the full bloods.

The United States sent the Dawes Commission to Oklahoma in 1893, 22 years ago. In 1896 the Dawes Commission was instructed by an act of Congress to make up the rolls of the Five Civilized Tribes. The Dawes Commission discharged that duty with diligence. They took evidence with regard to the various persons applying for enrollment. They took the rolls of the five tribes, they critically examined into the right of people to be enrolled, and they enrolled the citizens who were entitled to enrollment year after year, enrolling most of them within the first two or three years, because, as to most of them, there was no dispute whatever; but altogether, because of disputed cases, the Dawes Commission was engaged for 11 years in concluding these controverted points.

Mr. TOWNSEND. Mr. President, I wish to say, though I am paying close attention to what the Senator from Oklahoma is saying just now, I am entirely familiar with that proposition. That is not the thing I am trying to get at——

Mr. OWEN. Just a moment. I call the Senator's attention——

Mr. TOWNSEND. Because this will come up later.

Mr. OWEN. I know that; but I want to point out the lack of veracity of the gentleman circularizing the Senate. It is an important point to establish.

The Dawes Commission gave 11 years to the work, and finally, after they had had this controversy in their hands for 10 years, the Congress of the United States gave one year's notice, on April 26, 1906, and instructed these rolls to be closed as of March 4, 1907. There were some people who were full bloods in that country, who were known as Snake Indians, who refused to offer their names for allotment. They were people who regarded the individualization of lands as a breach of their ancient treaty rights. They were people who regarded the individual holding of land as contrary to the laws of God. They believed that God made the earth for the living generations of men, and that no individual had a right to take that earth and to prevent other men from living upon it in peace. They may have been unwise; they may have been unlearned; I am not

so sure about that; but, at all events, it was a religious sentiment on their part.

The United States Government, in the discharge of its duty to enroll every citizen who was entitled to enrollment, sent out scouting parties. They took wagons, they camped in the hills, and they hunted these people with diligence. They used detectives for the purpose of ascertaining those who were entitled to enrollment and to find out what a man's family was who belonged to this great tribe. They took infinite pains to ascertain every man who was entitled to enrollment. Finally, after 11 years of effort, they completed the roll 8 years ago. The statement made by the citizenship attorney "that many full-blood Indians were improperly denied enrollment" is not really true.

But I pause to remark that because a man is a full-blood Indian he is not entitled, because of that fact, to enrollment unless he complies with the division of membership in the tribe, unless he complies with the duty of performing his citizenship in the tribe; and, although a full-blood Indian, if he moves out of the tribe and separates himself from the tribe he may lose his citizenship.

Now, he says further:

The unenrolled and unallotted full bloods will receive no benefits from this appropriation.

That is not true. They will receive direct benefits from this appropriation. He says further:

If any of them own land they are compelled to pay taxes on the same.

That is not true, and the fact that it is not true is the cause why Congress for 12 years has made this annual appropriation. It comes to this: That counties like Pushmataha, Choctaw, and some of the eastern counties have all their land approximately allotted to full-blood Indians, and therefore the land is not taxable. Consequently, the county governments have no available property on which to levy sufficient taxes to raise funds to educate those people. By the act of the Government of the United States in declaring that these lands will not be taxable as long as they are held by the Indian allottees, these counties will be denied the right of school privileges, and for that reason Congress has for 12 years now, since 1902 I believe, annually made these appropriations.

Now, I have answered the Senator quite fully upon that point, and I have answered the statement made by his correspondent, and I think and hope I have answered it to the satisfaction of the Senator.

Mr. TOWNSEND. I desire to say, Mr. President, that, of course, while many of the statements made by the Senator are in dispute, and I have no doubt will be discussed later, I do not care so much about going into that——

Mr. OWEN. I was not going into the general citizenship question.

Mr. TOWNSEND. There was one statement of alleged fact in the letter which the Senator has denied, which appealed to me as worthy of consideration, and that is the statement that—

The unenrolled and unallotted full bloods will receive no benefits from this appropriation. If any of them own any land they are compelled to pay taxes on the same.

Mr. OWEN. That is not true, of course.

Mr. TOWNSEND. The Senator says that is not true.

Mr. OWEN. If they own lands, they do not pay taxes.

Mr. TOWNSEND. Assuming that what the Senator says is true—and I am bound to do that——

Mr. OWEN. That is a statute.

Mr. TOWNSEND. Then, I can see no point in my objection; but if there are Indians out there, a few or many of them, who were not receiving any benefits from this appropriation by the Federal Government, it is entirely wrong and should not be passed, because all of the Indians should receive the benefit.

Mr. OWEN. I think the Senator is right as to that.

Mr. TOWNSEND. They should all receive benefits. The query with me is: Are there any Indians who are not receiving the benefits of this appropriation?

Mr. OWEN. I do not believe there is one.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 69, line 16, after the word "thereon," to insert "which is hereby expressly authorized," so as to read:

That the Secretary of the Interior be, and he is hereby, authorized to use not exceeding $40,000 of the proceeds of sales of unallotted lands and other tribal property belonging to any of the Five Civilized Tribes for payment of salaries of employees and other expenses of advertising and sale in connection with the further sales of such tribal lands and property, including the advertising and sale of the land within the segregated coal and asphalt area of the Choctaw and Chickasaw Nations, or of the surface thereof as provided for in the act of Congress approved February 19, 1912 (37 Stat. L., 67), and of the improvements thereon, which is hereby expressly authorized, and for other work necessary to a final settlement of the affairs of the Five Civilized Tribes.

The amendment was agreed to.

The next amendment was, on page 70, line 9, after the word "year," to insert "*Provided further*, That the Secretary of the Interior is hereby authorized to continue and maintain schools during the ensuing fiscal year among the Choctaw, Chickasaw, Creek, and Seminole Tribes, payable from the tribal funds of these nations, pursuant to the act of April 26, 1906 (34 Stat. L., 137, 140)," so as to read:

Provided further, That during the fiscal year ending June 30, 1916, no moneys shall be expended from tribal funds belonging to the Five Civilized Tribes without specific appropriation by Congress, except as follows: Equalization of allotments, per capita and other payments authorized by law to individual members of the respective tribes, tribal and other Indian schools for the current fiscal year under existing law, salaries and contingent expenses of governors, chiefs, assistant chiefs, secretaries, interpreters, and mining trustees of the tribes for the current fiscal year at salaries not exceeding those for the last fiscal year, and attorneys for said tribes employed under contract approved by the President, under existing law, for the current fiscal year: *Provided further*, That the Secretary of the Interior is hereby authorized to continue and maintain schools during the ensuing fiscal year among the Choctaw, Chickasaw, Creek, and Seminole Tribes, payable from the tribal funds of these nations, pursuant to the act of April 26, 1906 (34 Stat. L., 137, 140).

Mr. TOWNSEND. Mr. President, I will ask the Senator from Oklahoma if he knows why this item and the one on page 68 were not included in the House bill?

Mr. OWEN. No; I do not know why they were not included in the House bill. There are a number of tribal schools which have not yet been closed up—I suppose a dozen of them—and they have been extending these schools along year by year by authority. I do not know why they left the items out.

Mr. TOWNSEND. I have noticed the statement of the Senator, and I think he is correct about it, as to the item on page 68. That item has been in the bill for some years, and yet it appears that the House left it out; and, not being present at the time it was passed in the committee, I was curious to know why an item of such importance as the Senator from Oklahoma suggested that to be should have been left out.

Mr. OWEN. I think sometimes the House leaves out items expecting that the Senate will put them in.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 71, after line 12, to insert:

For maintenance of the sanatorium for the Choctaw and Chickasaw Indians, for incidental and all other expenses for its proper conduct and management, including pay of employees, repairs, improvements, and for necessary expense of transporting Indians suffering with tuberculosis and trachoma to and from said sanatorium, $20,000.

The amendment was agreed to.

The next amendment was, on page 71, after line 18, to insert:

To enable the Superintendent for the Five Civilized Tribes to enforce the prohibitory law within the jurisdiction of Union Agency, Oklahoma, $5,000.

The amendment was agreed to.

The next amendment was, on page 71, after line 21, to insert:

The act of Congress approved June 28, 1906 (34 Stat. L., p. 539), and the act of Congress approved April 18, 1912 (37 Stat. L., p. 88), authorizing expenditures from Osage tribal funds of not exceeding $50,000 for schools and $40,000 for agency and emergency purposes, or an aggregate of $90,000, is hereby amended to provide that not exceeding such aggregate amount may be used for such purposes when authorized by the Secretary of the Interior, in such manner as he deems for the best interests of the Osages, not exceeding, however, in the aggregate the amount so authorized.

The amendment was agreed to.

The Secretary resumed the reading of the bill, and read as follows:

That the Secretary of the Interior be, and he is hereby, authorized to pay to the enrolled members of the Choctaw and Chickasaw Tribes of Indians of Oklahoma entitled under existing law to share in the funds of said tribes, or to their lawful heirs, out of any moneys belonging to said tribes in the United States Treasury or deposited in any bank or held by any official under the jurisdiction of the Secretary of the Interior, not to exceed $200 per capita in the case of the Choctaws, and $100 per capita in the case of the Chickasaws, said payment to be made under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That in cases where such enrolled members, or their heirs, are Indians who by reason of their degree of Indian blood belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians: *Provided further*, That the money paid to the enrolled members as provided herein shall be exempt from any lien for attorneys' fees or other debt contracted prior to the passage of this act——

Mr. ASHURST. Mr. President, that is the per capita payment of the Choctaw and Chickasaw Indians. May not that go over for the present?

Mr. OWEN. I ask that that go over for the present.

Mr. TOWNSEND. I understand that all of the items go over that are not amendments. They are subject to be brought up at any time, except the amendments.

The next amendment was, on page 73, line 3, after the word "act," to insert "except where contracts have been heretofore approved by the Secretary of the Interior, in accordance with existing law: *And provided further*, That such contract shall first be approved by the existing Department of the Interior," so as to make the paragraph read:

That the Secretary of the Interior be, and he is hereby, authorized to pay to the enrolled members of the Choctaw and Chickasaw Tribes of Indians of Oklahoma entitled under existing law to share in the funds of said tribes, or to their lawful heirs, out of any moneys belonging to said tribes in the United States Treasury or deposited in any bank or held by any official under the jurisdiction of the Secretary of the Interior, not to exceed $200 per capita in the case of the Choctaws, and $100 per capita in the case of the Chickasaws, said payment to be made under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That in cases where such enrolled members, or their heirs, are Indians who by reason of their degree of Indian blood belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians: *Provided further*, That the money paid to the enrolled members as provided herein shall be exempt from any lien for attorneys' fees or other debt contracted prior to the passage of this act, except where contracts have been heretofore approved by the Secretary of the Interior, in accordance with existing law: *And provided further*, That such contract shall first be approved by the existing Department of the Interior.

Mr. TOWNSEND. I ask that that amendment may go over with the paragraph.

The next amendment was, on page 73, after line 15, to insert:

That the unallotted land or public domain of the Creek Nation or Tribe of Indians, including any land the title to which has been, or may be, recovered for the Creek Nation, in any pending or other suit, or otherwise, be, and the same is hereby, withheld from allotment to members of said nation or tribe, and that the Secretary of the Interior be, and he is hereby, authorized in his discretion to cause such land to be leased, for the benefit of the Creek Nation or Tribe of Indians, under such rules and regulations as he may prescribe, the proceeds of such lease to be paid into the Treasury of the United States to the credit of said Creek Nation: *Provided*, That the Secretary of the Interior is hereby authorized to pay each and every citizen of the Creek Nation who has not been allotted lands in said nation, and who were duly, legally, and properly enrolled prior to the enrollment of the list included in Senate Document No. 478, Sixty-third Congress, second session, the sum of $2,080, in lieu of an allotment of land in said nation. Said sum of $2,080 to be paid to each and every such person out of any funds in the Treasury of the United States to the credit of the Muskogee (Creek) Nation.

Mr. TOWNSEND. I ask that that may go over, too, with the other.

The next amendment was, on page 74, after line 18, to insert:

That the Secretary of the Interior is hereby authorized to pay, out of any money in the Treasury of the United States belonging to the Creek Nation, to M. L. Mott the sum of $472.22 for services rendered the Creek Nation from January 15 to February 18, 1914, inclusive, and $210.20 as reimbursement for actual expenses incurred in connection therewith.

The amendment was agreed to.

The next amendment was, at the top of page 75, to insert:

The Court of Claims is hereby authorized and directed to hear, consider, and adjudicate de novo all claims of J. K. F. McMurray, as the assignee of the firm of Mansfield, McMurray & Cornish, against the Choctaw and Chickasaw Nations of Indians, or either of them, for all professional services rendered, expenses incurred, and disbursements made on behalf of said nations prior to March 4, 1907, with interest from date of such services, or payments on all amounts found due at rates prevailing at the time and place of the transactions involved, and to render judgment in such amount as may be equitable and just, which judgment, if any, against said nations shall be paid by the Treasurer of the United States out of any of the funds of said nations as their interest may appear: *Provided*, That as to any claim so sued upon the Choctaw and Chickasaw Nations, or either of them, shall be permitted to interpose all proper defense; and the filing of such suit by J. F. McMurray shall be held to be a waiver of the statutes of limitations as to any claims of said nations, or either of them, against him or said firm of Mansfield, McMurray & Cornish, and the answers thereto on behalf of said nations shall be held to be a waiver of the statutes of limitations as the same may apply against them: *And provided further*, That any amount found to be owing by the said J. F. McMurray or the said firm of Mansfield, McMurray & Cornish to said Choctaw and Chickasaw Nations may be offset against such claims and deducted from any amount found to be due him thereon and judgment rendered for the prevailing party for the difference; and notice of the filing of such suit shall be served upon the principal chief of the Choctaw Nation and the governor of the Chickasaw Nation, and said nations shall be represented therein by the attorneys for said nations, respectively, and by the Attorney General of the United States.

Mr. GORE. Mr. President——

The VICE PRESIDENT. The Senator from Oklahoma.

Mr. THOMPSON. Mr. President, will the Senator from Oklahoma yield to me?

Mr. GORE. I yield to the Senator from Kansas.

Mr. THOMPSON. Mr. President, I presume I am as much responsible as anyone else for this amendment being in the bill, by reason of the fact that I was chairman of a subcommittee which had the proposition treated here under consideration. The subcommittee did not meet until about five minutes before the bill was reported from the committee and did not give the subject matter that careful consideration which I believe its importance demands. I have never felt favorable to this legislation, and only yielded to give it consideration because a majority of the committee seemed to desire such disposition of the matter. However, I am not satisfied with the amendment, and I do not think all of the subcommittee are satisfied with it, or the whole committee that reported it. I should therefore like to withdraw the amendment if the parliamentary situation will permit, and if not to have it stricken from the bill.

The VICE PRESIDENT. Does the committee withdraw it?

Mr. THOMPSON. Will the chairman answer for the committee?

Mr. ASHURST. I do not feel authorized to withdraw it. It is an amendment that has been the subject of considerable controversy.

The VICE PRESIDENT. It can be disagreed to, then.

The question is on agreeing to the amendment.

The amendment was rejected.

The next amendment was, under the head of "Oregon," on page 76, after line 10, to insert:

SEC. 20. For support and civilization of Indians of the Klamath Agency, Oreg., including pay of employees, $6,000.

The amendment was agreed to.

The next amendment was, on page 76, line 22, after the word "improvements," to strike out "$10,000" and insert "$15,000, to be immediately available," and in line 24, after the words "in all," to strike out "$115,000" and insert "$120,000," so as to make the clause read:

For support and education of 600 Indian pupils, including native pupils brought from Alaska, at the Indian school, Salem, Oreg., including pay of superintendent, $102,000; for general repairs and improvements, $15,000, to be immediately available; for remodeling sewer system, $3,000; in all, $120,000.

The amendment was agreed to.

The next amendment was, at the top of page 77, to insert:

For support and civilization of Indians at Grande Ronde and Siletz Agencies, Oreg., including pay of employees, $4,000.

The amendment was agreed to.

The next amendment was, under the head of "South Dakota," in section 22, on page 77, lines 17, after the word "superintendent," to strike out "$61,500" and insert "$62,750," and in line 18, after the words "in all," to strike out "$66,500" and insert "$67,750," so as to read:

SEC. 22. For support and education of 365 Indian pupils at the Indian school at Flandreau, S. Dak., and for pay of superintendent, $62,750; for general repairs and improvements, $5,000; in all, $67,750.

The amendment was agreed to.

The next amendment was, on page 78, line 7, after the word "superintendent," to strike out "$43,750" and insert "$46,000," and in line 9, after the words "in all," to strike out "$51,750" and insert "$54,000," so as to make the clause read:

For support and education of 250 Indian pupils at the Indian school at Pierre, S. Dak., including pay of superintendent, $46,000; for general repairs and improvements, $5,000; for steel water tank, $2,000; for addition to shop building, $1,000; in all, $54,000.

The amendment was agreed to.

The next amendment was, on page 78, line 13, after the word "superintendent," to strike out "$48,500" and insert "$46,000," and in line 14, after the words "in all," to strike out "$53,500" and insert "$51,000," so as to make the clause read:

For support and education of 250 Indian pupils at the Indian school, Rapid City, S. Dak., including pay of superintendent, $46,000; for general repairs and improvements, $5,000; in all, $51,000.

The amendment was agreed to.

The next amendment was, on page 79, line 7, after "$200,000," to insert "to be expended under the agreement with said Indians in section 17 of the act of March 2, 1889, which agreement is hereby extended to and including June 30, 1916," so as to make the clause read:

For support and maintenance of day and industrial schools among the Sioux Indians, including the erection and repairs of school buildings, $200,000, to be expended under the agreement with said Indians in section 17 of the act of March 2, 1889, which agreement is hereby extended to and including June 30, 1916.

Mr. LODGE. Mr. President, I desire to make the point of order on that amendment, and to make it now, without any discussion of the merits, which would lead to a very protracted debate if we entered upon it. The Assistant Commissioner of Indian Affairs stated in the hearings, at page 685:

As the bill passed the House this particular item carried an appropriation of $200,000 for school purposes, but omitted the proviso which made it a treaty fund. As passed by the House it is now a gratuity, and under existing law, and under the decision of the Supreme Court in the Quick Bear case, the money appropriated and passed by the House can not be used in any way for sectarian purposes. As the amendment is now proposed—

That is the amendment here, against which I make the point of order—

it will be available for sectarian purposes. That is the legal situation.

The law of 1897—I quote from the Laws and Treaties of Indian Affairs, volume 1, page 87. The law of 1897 provided:

That it is hereby declared to be the settled policy of the Government to hereafter make no appropriation whatever for education in any sectarian school.

That is the general law. To modify, repeal, or change a general law requires general legislation. I make the point of order that this is general legislation in that it repeals in part the statute of 1897.

The VICE PRESIDENT. In other words——

Mr. WALSH. Mr. President, before the Chair rules on that point of order, I desire to be heard.

The VICE PRESIDENT. Let the Chair get an understanding of the situation. Does the Senator from Massachusetts state that there is a general law which provides that no money shall be appropriated for any denominational purpose?

Mr. LODGE (reading)—

It is hereby declared to be the settled policy of the Government to hereafter make no appropriation whatever for education in any sectarian school.

The VICE PRESIDENT. Does the Senator state that the effect of this amendment will be to pay money for such a purpose?

Mr. LODGE. I quote the Assistant Indian Commissioner, who states:

As the amendment is now proposed—

That is, the Senate amendment—

it will be available for sectarian purposes. That is the legal situation.

There is no doubt about it, as a matter of fact, Mr. President.

Mr. GRONNA. I will state that that is the purpose of the amendment.

Mr. LODGE. The Senator from North Dakota states that that is the purpose of the amendment.

Mr. WALSH. Mr. President, with the statement just made by the distinguished Senator from Massachusetts the Supreme Court of the United States does not agree. This is not a new controversy. It is a very old one. The argument just made against this provision by the distinguished Senator from Massachusetts was made with great force and vigor before the Supreme Court of the United States in what is known as the Quick Bear case. It was there urged that a similar provision in an appropriation act was in contravention of the very statute to which the Senator has adverted. The Supreme Court of the United States, however, pointed out that it is not inconsistent with that statute and had no effect whatever upon it; that the statute referred to applied only to prohibit gratuitous grants of money to sectarian institutions, and that this particular provision was not in the nature of a gratuity to these Indians at all; that the Government of the United States had entered into a contract with the Indians by which it obligated itself to do certain things, among other things to provide educational facilities for their children, and when it made these appropriations for the purpose of carrying out those treaty stipulations it was giving no gratuity whatever, but it was simply turning over to the Indians the money which belonged to them, and therefore it was not the disposition of public funds at all, but it was simply directing the distribution of tribal funds.

As the question is of some importance, I shall ask the indulgence of the Chair until I read the opinion, which will make the point very clear.

Mr. LODGE. Mr. President, I will wait until the decision has been read. It sustains my point.

Mr. WALSH. The opinion by Chief Justice Fuller, in which all the judges of the Supreme Court concurred, is as follows:

We concur in the decree of the Court of Appeals of the District and the reasoning by which its conclusion is supported, as set forth in the opinion of Wright, J., speaking for the court. (Washington Law Rep., v. 35, p. 766.)

The validity of the contract for $27,000 is attacked on the ground that all contracts for sectarian education among the Indians are forbidden by certain provisos contained in the Indian appropriation acts of 1895, 1896, 1897, 1898, and 1899. But if these provisos relate only to the appropriations made by the Government out of the public moneys of the United States raised by taxation from persons of all creeds and faiths, or none at all, and appropriated gratuitously for the purpose of education among the Indians and not to "tribal funds," which belong to the Indians themselves, then the contract must be sustained. The difference between one class of appropriations and the other has long been recognized in the annual appropriation acts. The gratuitous appropriation of public moneys for the purpose of Indian education has always been made under the heading "Support of schools," while the appropriation of the "treaty fund" has always been under the heading "Fulfilling treaty stipulations and support of Indian tribes," and that from the "trust fund" is not in the Indian appropriation acts at all. One class of appropriations relates to public moneys belonging to the Government, the other to moneys which belong to the Indians and which is administered for them by the Government.

From the history of appropriations of public moneys for education of Indians, set forth in the brief of counsel for appellees and again at length in the answer, it appears that before 1895 the Government for a number of years had made contracts for sectarian schools for the education of the Indians, and the money due on these contracts was paid, in the discretion of the Commissioner of Indian Affairs, from the "tribal funds" and from the gratuitous public appropriations. But in 1894 opposition developed against appropriating public moneys for sectarian education. Accordingly, in the Indian appropriation act of 1894, under the heading of "Support of schools," the Secretary of the Interior was directed to investigate the propriety of discontinuing contract schools and to make such recommendations as he might deem proper. The Secretary suggested a gradual reduction in the public appropriations on account of the money which had been invested in these schools, with the approbation of the Government. He said: "It would be scarcely just to abolish them entirely—to abandon instantly a policy so long recognized," and suggested that they should be decreased at the rate of not less than 20 per cent a year. Thus in a few years they would cease to exist, and during this time the bureau would be gradually prepared to do without them, while they might gather strength to continue without Government aid.

Accordingly Congress introduced in the appropriation act of 1895 a limitation on the use of public moneys in sectarian schools. This act appropriated under the heading "Support of schools" "for the support of Indian and industrial schools, and for other purposes, * * * $1,164,350. * * * *Provided*, That the Secretary of the Interior shall make contracts, but only with the present contract schools, for the education of Indian pupils during the fiscal year ending June 30, 1896, to an extent not exceeding 80 per cent of the amount so used in the fiscal year 1895, and the Government shall, as early as practicable, make provision for the education of the Indians in Government schools."

This limitation——

The VICE PRESIDENT. Right there let the Chair ask where is there anything in the amendment which provides that this money is to come from the tribal fund of the Indians?

Mr. WALSH. That is just the amendment.

The VICE PRESIDENT. No; it is not the amendment.

Mr. LODGE. I should like to be heard a moment.

The VICE PRESIDENT. The Senator from Montana will excuse the Chair for interrupting him, but the Chair wants to get his view as to whether there is anything in the amendment providing that these are tribal funds.

Mr. WALSH. The point is that under the appropriation as it is the moneys will be taken out of the public funds and thus be subject to this statute. The amendment makes it payable out of what are properly spoken of as tribal funds.

The VICE PRESIDENT. But the Chair is asking, Where is it in the amendment provided that this money comes out of tribal funds?

Mr. WALSH. I was not following the Chair. Will he give me the page?

The VICE PRESIDENT. Page 79.

Mr. WALSH. The matter was gone into quite carefully before the committee.

Mr. LODGE. It comes out of the United States Treasury.

Mr. WALSH. If the language remain as it is, Mr. President—

For support and maintenance of day and industrial schools among the Sioux Indians, including the erection and repairs of school buildings, $200,000—

It would be in the nature of a gratuity out of the public funds; but the amendment provides that it is to be expended under the agreement with said Indians.

The VICE PRESIDENT. Exactly.

Mr. WALSH. That makes the appropriation payable out of tribal funds. The Supreme Court of the United States so held in this case. That is the point I am endeavoring to make.

Mr. LODGE. Mr. President——

The VICE PRESIDENT. The Senator from Montana has not finished the reading.

Mr. WALSH. I was endeavoring to show, under the ruling here, that a provision of this character in the appropriation act makes the fund tribal money; that is to say, if I make myself clear——

The VICE PRESIDENT. You make yourself clear on your statement, but you do not make yourself clear on your argument. That is the difficulty exactly.

Mr. WALSH. I trust before I get through it will be plain. At the time the treaty was made the Government might have paid money for the lands which were ceded. It might then invest those moneys, which would confessedly be tribal funds. There can be no question or doubt about that. It preferred not to do that, however. It preferred to obligate itself instead of paying the money. Instead of paying the money and utilizing the income of that money, or the principal of that fund, to defray the expenses of educating the Indians from year to year, it preferred to obligate itself to provide money from year to year for the education of the Indian. In other words, it would discharge its obligations by turning over to the Indians from year to year the money for the education of the children which it might have set apart at the very outset for the education of the Indian.

So, Mr. President, whatever money has been utilized for the purpose of making good its treaty obligations was tribal funds belonging to the Indians, just the same as if the money——

The VICE PRESIDENT. In other words, the Senator's contention is that, without any agreement with these Indians as

to how much would be appropriated from time to time, whenever there is an appropriation it becomes tribal funds.

Mr. WALSH. If the statute prescribes that it shall be paid pursuant to that treaty, the Government thereby recognizes that its obligation under the treaty has not yet been discharged, and it is continuing to discharge its obligation under that treaty. That is the condition of affairs which the Committee on Indian Affairs found to exist.

The VICE PRESIDENT. No; that does not answer the question. My question is, If the Government agreed to educate the Indians in accordance with the treaty, how did any money that was subsequently appropriated for that purpose, without any specification in the treaty as to the amount, thereby become tribal funds?

Mr. WALSH. No, Mr. President; because you can very readily conceive that the Government has completely discharged its obligation.

The VICE PRESIDENT. The Senator does not contend, then, that this is tribal money?

Mr. WALSH. I do; certainly.

The VICE PRESIDENT. The Chair asked the Senator if he contended that any money appropriated would become tribal money, and he said "no." I ask him if this is tribal money, and he says "yes."

Mr. WALSH. I say, because the recital of the amendment declares that the money is thus set aside to meet the obligation of the treaty, thereby it becomes tribal funds. But, Mr. President, you can very readily conceive that the obligation was satisfied long ago, and then if an appropriation is made and it is not declared to be in fulfillment of the treaty it could not, perhaps, be asserted that the money constituted tribal funds. Indeed, I take it that it would not be.

Let me proceed, and I think perhaps the matter will be further elucidated by the opinions.

Mr. LODGE. Mr. President, I should like to ask the Senator from Montana a question. He keeps referring to the treaty. Does the Senator deny that the treaty expired in 1889, and was renewed for 20 years, and has expired again?

Mr. WALSH. The treaty was renewed for 20 years. That matter has likewise been the subject of contention. It is a disputed matter as to whether the limitation of 20 years applied in any sense whatever to that part of the obligation resting upon the Government to provide educational facilities for the Indians.

Mr. LODGE. If the treaty has any force, this amendment is needless.

Mr. WALSH. I am obliged to differ with the Senator upon that.

Mr. LODGE. Then, I should like to ask the Senator, does this $200,000 come out of a special or general fund?

Mr. WALSH. Of course I would rather defer until I get through with the presentation. I would be glad to answer the Senator, and answer frankly, but I should like to proceed now.

Mr. LODGE. I ask only that one question. If the Senator does not care to answer whether it comes out of a special fund or a general fund——

Mr. WALSH. It would come out of a special fund, as a matter of course, if that fund is set aside as in fulfillment of the treaty.

Mr. LODGE. There is no such fund.

Mr. WALSH. We are trying to create one by this act.

Mr. LODGE. Exactly; we are trying to create one by this act.

Mr. WALSH. We are trying to give the annual appropriation in lieu of a lump sum which might have been appropriated in the first place. The opinion continues:

> This limitation of 80 per cent was to be expended for contract schools, which were those that up to that time had educated Indians through the use of public moneys, and had not relation and did not refer to "tribal funds."
>
> In the appropriation act of 1896, under the same heading, "Support of schools," the appropriation of public money of $1,235,000 was limited by a proviso that contracts should only be made at places where nonsectarian schools can not be provided for Indian children to an amount not exceeding 50 per cent of the amount so used in the fiscal year 1895, and immediately following the appropriation of public money appears the expression, "and it is hereby declared to be the settled policy of the Government to hereafter make no appropriation whatever for education in any sectarian school." This limitation, if it can be given effect as such, manifestly applies to the use of public moneys gratuitously appropriated for such purpose, and not to moneys belonging to the Indians themselves. In the appropriation act of 1897 the same declaration of policy occurs as a limitation on the appropriation of public moneys for the support of schools, and the amount applicable to contract schools was limited to 40 per cent of the amount used in 1895. In the act of 1898 the amount applicable to contract schools was limited to 30 per cent, and in the act of 1899 the amount so applicable was limited to 15 per cent, these words being added: "This being the final appropriation for sectarian schools." The declaration of the settled policy of the Government is found only in the acts of 1896 and 1897, and was entirely carried out by the reductions provided for.

Now:

> Since 1899 public moneys are appropriated under the heading, "Support of schools," "for the support of Indian and industrial schools and for other educational purposes," without saying anything about sectarian schools. This was not needed, as the effect of the legislation was to make subsequent appropriations for education mean that sectarian schools were excluded in sharing in them, unless otherwise provided.
>
> As has been shown, in 1868 the United States made a treaty with the Sioux Indians, under which the Indians made a large cession of land and other rights. In consideration of this the United States agreed that for every 30 children a house should be provided and a teacher competent to teach the elementary branches of our English education should be furnished for 20 years. In 1877, in consideration of further land cessions, the United States agreed to furnish all necessary aid to assist the Indians in the work of civilization and furnish them schools and instruction in mechanical and agricultural arts, as provided by the treaty of 1868. In 1889 Congress extended the obligation of the treaty for 20 years, subject to such modifications as Congress should deem most effective, to secure the Indians equivalent benefits of such education. Thereafter, in every annual Indian appropriation act, there was an appropriation to carry out the terms of this treaty, under the heading, "Fulfilling treaty stipulations with and support of Indian tribes."

You will bear in mind that the original contract and agreement was for 20 years. Then Congress extended the period for 20 years more. That brought it down to 1909.

> These appropriations rested on different grounds from the gratuitous appropriations of public moneys under the heading "Support of schools." The two subjects were separately treated in each act, and naturally, as they are essentially different in character. One is the gratuitous appropriation of public moneys for the purpose of Indian education, but the "treaty fund" is not public money in this sense.

We are declaring here simply, Mr. President, that this is treaty money; it is for Indian education, pursuant to the treaty, and is not public money in any just sense.

> It is the Indian's money, or at least is dealt with by the Government as if it belonged to them, as morally it does. It differs from the "trust fund" in this: The "trust fund" has been set aside for the Indians and the income expended for their benefit, which expenditure required no annual appropriation. The whole amount due the Indians for certain land cessions was appropriated in one lump sum by the act of 1889 (25 Stat., 888, chap. 405). This "trust fund" is held for the Indians and not distributed per capita, being held as property in common. The money is distributed in accordance with the discretion of the Secretary of the Interior, but really belongs to the Indians.
>
> The President declared it to be the moral right of the Indians to have this "trust fund" applied to the education of the Indians in the schools of their choice, and the same view was entertained by the Supreme Court of the District of Columbia and the Court of Appeals of the District. But the "treaty fund" has exactly the same characteristics. They are moneys belonging really to the Indians. They are the price of land ceded by the Indians to the Government. The only difference is that in the "treaty fund" the debt to the Indians created and secured by the treaty is paid by annual appropriations. They are not gratuitous appropriations of public moneys, but the payment, as we repeat, of a treaty debt in installments. We perceive no justification for applying the proviso or declaration of policy to the payment of treaty obligations, the two things being distinct and different in nature and having no relation to each other, except that both are technically appropriations.
>
> Some reference is made to the Constitution in respect to this contract with the Bureau of Catholic Indian Missions. It is not contended that it is unconstitutional, and it could not be. (Roberts *v.* Bradfield, 12 App. D. C., 475; Bradfield *v.* Roberts, 175 U. S., 291.) But it is contended that the spirit of the Constitution requires that the declaration of policy that the Government "shall make no appropriation whatever for education in any sectarian schools" should be treated as applicable on the ground that the actions of the United States were to always be undenominational, and that therefore the Government can never act in a sectarian capacity, either in the use of its own funds or in that of the funds of others, in respect of which it is a trustee; hence, that even the Sioux trust fund can not be applied for education in Catholic schools even though the owners of the fund so desire it. But we can not concede the proposition that Indians can not be allowed to use their own money to educate their children in the schools of their own choice because the Government is necessarily undenominational, as it can not make any law respecting an establishment of religion or prohibiting the free exercise thereof. The Court of Appeals well said:
>
> "The 'treaty' and 'trust' moneys are the only moneys that the Indians can lay claim to as a matter of right, the only sums on which they are entitled to rely as theirs for education, and while these moneys are not delivered to them in hand, yet the money must not only be provided but be expended for their benefit and in part for their education; it seems inconceivable—

It seems inconceivable—

The Supreme Court says—

> that Congress should have intended to prohibit them from receiving religious education at their own cost if they so desire it; such an intent would be one "to prohibit the free exercise of religion" amongst the Indians, and such would be the effect of the construction for which the complainants contend.
>
> The cestuis que trust can not be deprived of their rights by the trustee in the exercise of the power implied.

Now, Mr. President——

The VICE PRESIDENT. Will the Senator have one of the pages bring that opinion to the Chair?

Mr. WALSH. Certainly. The only question that remains is as to whether the obligations of the treaty have been fully fulfilled and discharged or whether we are still endeavoring to do our utmost to meet the obligations of the treaty that we entered into with these Indians? I shall trespass a little further upon the patience of the Chair—and I have been indulged kindly in this matter—to refer to the hearing before the Committee on

Indian Affairs to show that those obligations have not been discharged.

The VICE PRESIDENT. Does anyone know as to how the $27,000 Quick Bear case arose, what the nature of the provision was?

Mr. LODGE. I did not hear the remark of the Chair.

The VICE PRESIDENT. Does anyone know where the appropriation in the Quick Bear case was and what it was?

Mr. LODGE. It was a tribal fund.

The VICE PRESIDENT. It was a tribal fund?

Mr. WALSH. A tribal fund in exactly the same sense that this one was.

Mr. LODGE. No; it was not a tribal fund in the sense this was, at all.

Mr. WALSH. It was for the fulfillment of a treaty stipulation.

Mr. LODGE. Yes; and this is not. This is a payment from the Treasury.

Mr. WALSH. The other was taken from the Treasury.

Mr. LODGE. This is taken from the Treasury, and this amendment is to be put on in order to breathe life into a dead treaty.

Mr. ASHURST. Mr. President, will the Senator yield to me?

Mr. WALSH. With pleasure.

Mr. ASHURST. I think I can give some information on this matter. It will be remembered that the treaty of 1866 with the Sioux Indians was extended in 1899. That treaty provided that education for the Sioux children should be had for not less than 20 years. The treaty did not provide for education for 20 years.

Mr. LODGE. The Senator is mistaken. The treaty expired at the end of 20 years.

Mr. ASHURST. If the distinguished Senator from Massachusetts will pardon me for a moment, I will read from article 7 of the treaty, the last line. I am reading from the treaty:

The provisions of this article to continue for not less than 20 years.

Mr. LODGE. The limit, of course, is not less than 20 years, and that ends it, of course, unless it is extended further.

Mr. ASHURST. That is true. In March, 1869, the treaty was extended for 20 years, and in addition thereto a fund of $3,000,000 was set aside permanently, the interest on which at 5 per cent was to be available for education for the Sioux.

Mr. LODGE. Yes; and that interest was $31,000, and this is $200,000.

Mr. ASHURST. The Senator is correct about that. I ask to have the following letter from the Assistant Indian Commissioner read at the desk, if the Senator from Montana will pardon me.

Mr. WALSH. Oh, certainly.

The VICE PRESIDENT. Is that giving information on the point of order?

Mr. ASHURST. I think it affords some illumination on the point of order. That is the only reason for which I offer it.

The VICE PRESIDENT. It will be read.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 28, 1915.

Mr. S. M. BROSIUS,
Agent Indian Rights Association, Washington, D. C.

DEAR MR. BROSIUS: In response to your letter of January 26, 1915, regarding the funds set aside for the Holy Rosary School, Pine Ridge Reservation, S. Dak., for the current fiscal year, you are informed that the share individually of the Pine Ridge Sioux in the interest on the $3,000,000 Sioux fund created by the act approved March 2, 1899 (25 Stat. L., 895), available for education during the current year, in addition to the balance remaining from former years, is approximately $5.55. The interest on the share of the Pine Ridge Sioux fund July 1, 1914, and January 1, 1915, available for education, amounted to $17,884.64; which amount, based on the number of Indians entitled to share in the principal fund July 1, 1914, would give to each Indian $3.17 per capita. The accumulation of interest in Sioux fund, Pine Ridge education, July 1, 1914, in addition to the above, also available for education, amounted to $13,430.85, or $2.38 per capita. It will, therefore, be seen that based on 1,008 petitioners the total amount of interest available for the contract aggregated $5,594.40. In arriving at the value of each share, in ascertaining the total amount that would be available for the above school during the current year, all the Pine Ridge Sioux funds available for education were taken into consideration, as follows:

Interest on Sioux fund, Pine Ridge (education) Sec. 17, act Mar. 2, 1889 (25 Stat. L., 895).	$31,315.49
Support of Sioux of different tribes, subsistence and civilization Art. 5, act Feb. 28, 1877 (19 Stat. L., 254), and Indian act Aug. 1, 1914 (Public, No. 160).	200,000.00
Education Sioux Nation Sec. 17, act Mar. 2, 1899 (25 Stat. L., 894), and Indian act Aug. 1, 1914 (Public, No. 160).	200,000.00

It was determined that the value of each share in all these funds amounted to $33.53, and there being 1,008 petitioners the value of the shares of the petitioners aggregated $33,798.24. However, the whole amount of the contract, namely, $24,300 was, for convenience in bookkeeping, set aside from "Interest on Sioux fund, Pine Ridge education," it being immaterial whether the full amount was charged to this fund or whether a portion of the amount was charged to each of the funds involved, all of which have been regarded as available, as will be seen by reference to a letter dated March 19, 1913, from the Assistant Secretary of the Interior to the president of the Indian Rights Association.

Hoping the foregoing information will serve your purpose,

Very truly, yours,

E. B. MERITT,
Assistant Commissioner.

Mr. ASHURST. If the Senator will yield to me for another moment, this may not afford much illumination on the mooted question and the point of order, but I may not have the opportunity later, and I feel that some reason should be given as to why the committee adopted this amendment.

The treaty, 20 years from March 2, 1889, expired in 1910. This very same provision was in the Indian appropriation bills of 1911, 1912, 1913, 1914, and 1915. One of the compelling reasons, if I am at liberty to speak for the committee, why the committee adopted this amendment was this: The treaty with the Sioux made in 1868 did not specifically, at least in spirit, agree to educate the Indian, and went on to say——

The VICE PRESIDENT. Is that treaty in force now?

Mr. WALSH. I want to say a word about that.

The VICE PRESIDENT. That is what the Chair would like to know.

Mr. WALSH. The treaty is in force.

The VICE PRESIDENT. It is still in force?

Mr. WALSH. It is in force.

Mr. LODGE. I absolutely deny that.

Mr. WALSH. It is in force this way, Mr. President: The Government at the expiration of the time confessed that it had not met its obligations. It extended it for 20 years. Those 20 years expired, and it confessed then that it had not yet met its obligation. Meanwhile, a statute was passed to the effect that there should be no more treaties with any Indians, and accordingly, the only way the Government of the United States could acknowledge the obligations that it had incurred in the case of treaties that have expired was by statute, and it proceeded to make these appropriations in accordance with the statute in order to meet those obligations. That is also covered——

Mr. ASHURST. Will the Senator yield? I want to finish my statement.

The VICE PRESIDENT. In other words, it is the contention of the Senator from Montana that if this law is passed then the treaty will be in force.

Mr. WALSH. No, Mr. President; the contention of the Senator from Montana is that this is simply a question as to whether the Senate shall declare that these moneys shall be paid out of the general funds in the Treasury to which the Indians have no claim whatever or whether we shall set aside a certain sum to meet what we concede to be our obligations to these Indians; in other words, to pay them what we owe them.

The VICE PRESIDENT. If there were a treaty the Senator from Montana would not insist that the Senate of the United States had anything to do with it?

Mr. WALSH. Congress would be obliged to make appropriations to meet it. We are doing that every year.

The VICE PRESIDENT. Exactly, while they are in accordance with treaties that are in force and there is not any way for the Congress of the United States to avoid it.

Mr. WALSH. And let me add——

The VICE PRESIDENT. Then, it would seem to agree with the argument of the Senator from Montana that this treaty will be in force and effect just as long as Congress recognizes it to be in force and no longer.

Mr. WALSH. The treaty will expire we will say at the end of 20 years, but if the Government of the United States had not performed its obligation under that treaty I apprehend no one would hold that we would be absolved from further performance of that obligation. Now, just when the treaty obligation will or will not be satisfied as a matter of course is for Congress to say. That is the situation of affairs.

I wish to say, Mr. President, that I am not to be understood here as occupying any position whatever antagonistic to the doctrine of the statute to which the Senator from Massachusetts appealed. It has no more earnest advocate and supporter on the floor of the Senate than am I. But, Mr. President, at the same time we do not desire to have this matter which is really the satisfaction of a treaty obligation treated as though it reached the case that was intended to be covered by the statute, one of appropriations from the Treasury.

I want to read just a word or two that was said at the hearings, showing the way in which this impressed members

of the committee. I read from page 622 what was said by Senator OWEN:

Senator OWEN. The real distinction between these contending forces, I think, is this: Mr. Brosius is insisting that this is a gratuity because the treaty terminated after the end of 20 years, and, being a gratuity, that it is not applicable. The other parties contend that in reality the treaty itself has been liberalized by acts of Congress, and is really an extension of the treaty, and is a part, therefore, of the treaty fund and should be dealt with as such, and that is a point of view that is so nicely balanced that one might almost take either side with perfect propriety. My sympathy is with those who have gone upon the frontier and have established these schools, and under all the circumstances that would induce me to support this provision, because I think it is economy in instructing these Indians. I think that the services of the church in that connection are really a gratuity out of the treasury of the church itself. In so far as they do contribute in establishing these frontier schools, there is no material value in it to them, and I do not feel inclined to draw a harsh or a sharp line against them in applying the sectarian rules. I am very strongly opposed to using the general funds of either the State or of the Nation for sectarian purposes, for that would evidently lead to abuses, but in this case, where there has been a school established in charity, and obviously for charity, I do not think that we ought to put a harsh construction upon this matter. I do not think we ought to deal with it purely as a gratuity, but as an extension of the treaty, and if we do that, then it will be possible for these Indians to have their portion of this matter used for the maintenance of these schools, and I wish to be recorded in that way, if the committee please. I am obliged to go down in the Chamber for a few minutes. I will be back in a little while, but I did not like to leave without expressing my opinion in regard to it, since it might look as though I were evading the issue.

The Senator from Arkansas [Mr. ROBINSON] took a similar position.

Mr. President, I have presented this matter. It seems to me simply a question as to whether an appropriation having been made payable out of one fund, we can put on an amendment making it payable out of another fund, and whether an amendment of that kind would be general legislation. I submit the question, Mr. President.

The VICE PRESIDENT. Does the Senator from Montana maintain that this amendment provides for the payment out of another fund?

Mr. WALSH. I do; that is the effect of the amendment, instead of paying it out of the general funds of the Treasury, to which the Indians have no claim whatever.

The VICE PRESIDENT. There is no fund now in the Treasury.

Mr. WALSH. No; but this would create a fund; that is to say, it would be to create a fund to pay the indebtedness due under the treaty.

Mr. LODGE. Mr. President, I have no desire to protract this discussion, unless the Chair desires to hear me upon it.

The VICE PRESIDENT. This has seemed to the Chair—the Chair knows nothing about it——

Mr. LODGE. Before the Chair begins, may I call his attention to one thing which may not be before him?

The appropriation of last year contains the words "to be expended under the agreement with said Indians in section 17 of the act of March 2, 1889, which agreement is hereby extended to and including June 30, 1915." That was not put in by the House.

The VICE PRESIDENT. It did not go on the bill last year.

Mr. LODGE. It is in the law of last year, extending it to June 30, 1915. The treaty, of course, is dead without a further extension. It has been extended from year to year.

I also call the attention of the Chair to the fact that the attorney and secretary of the Catholic Indian missions says, on page 693 of the hearings:

If that clause were left out it is a gratuity appropriation, of course.

I might go on repeating that it is a gratuitous appropriation. That this amendment therefore comes under the Quick Bear estimate case, I think, is undoubted. I do not desire, however, to take up the time of the Chair.

The VICE PRESIDENT. The Chair does not think that the Quick Bear case is in point at all. The Quick Bear case disclosed, first, that there was such a fund, and secondly, that there were $3,000,000 in the Treasury, which had been deposited as a permanent fund for the education of the Sioux. Without any showing whatever as to which fund it should be paid from, the Commissioner of Indian Affairs entered into a contract. There is no way to tell from the record whether the Quick Bear money was paid out of the $3,000,000 tribal funds or paid out of the appropriation.

It seems, secondly, to the Chair, that this treaty did expire in the year 1909, and that its provisions could only have been extended by an act of Congress; but no point of order was ever raised in the Senate of the United States upon the question as to whether that was general legislation, interfering with the general law with reference to appropriations not being made for sectarian schools. Nobody has disputed that the Congress of the United States has a perfect right to change the law, as it wants to do; nobody would have any question of doubt as to the right of Congress to make just this sort of an appropriation, if it chose to do so; at least, that is the way it seems to the Chair; but such appropriations have been made not as against a point of order but without the point of order having been raised. The Chair believes the point of order is well taken, and accordingly sustains it.

Mr. ASHURST. Mr. President, before this matter is disposed of I should like to incorporate in the RECORD a short letter from the honorable Commissioner of Indian Affairs, relating to a matter as to which he said that, unless the amendment were adopted, it would necessarily diminish the available educational facilities there. The committee had that letter before them, and they acted in the light of it when they passed on the subject.

Mr. WALSH. I ask that the letter be read.

Mr. ASHURST. Let the letter be read.

The VICE PRESIDENT. There being no objection, the letter will be read.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE COMMISSIONER OF INDIAN AFFAIRS,
Washington, February 8, 1915.

MY DEAR SENATOR: In answer to your formal request with reference to what effect the discontinuance of contracts with mission schools for the education of Indian children would have upon the educational facilities for Indian children generally, the following statement is submitted:

The report of the Commissioner of Indian Affairs for the fiscal year 1914 shows that there are approximately 15,000 Indian children, out of a total of 77,000 eligibles, not in school, and as long as such a condition exists the problem of enrolling Indian children in school is of the greatest importance.

Although most of the unenrolled Indian children are not entitled to enrollment in these mission schools, yet if the contracts should be discontinued it would necessarily diminish the available educational facilities. The increased requirements if thus imposed would have to be met by increasing the Government schools and by becoming more dependent upon the public schools, which are not always available or conveniently located for Indian pupils.

Very truly, yours,

CATO SELLS, *Commissioner.*

Hon. HENRY F. ASHURST,
Chairman Committee on Indian Affairs.

Mr. ASHURST. Mr. President, I ask that some other letters from the honorable Commissioner of Indian Affairs and from Mr. Lusk be inserted in the RECORD without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The letters referred to are as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 8, 1915.

MY DEAR SENATOR: In response to the request of your committee for a letter setting out whether Indians whose tribal funds are used for educating their children in sectarian schools will come in for a share in the distribution of these funds, you are advised as follows:

Under the long-established practice of handling trust and treaty funds the right or interest of any Indian whose children are educated in a mission school, as a result of his having evidenced a desire that this should be done, to any annuity or pro rata distribution of these funds is not lessened by his having availed himself of the privilege of enrolling his children in such school.

Very truly, yours,

CATO SELLS, *Commissioner.*

Hon. HENRY F. ASHURST,
Chairman Committee on Indian Affairs,
United States Senate.

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DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 8, 1915.

MY DEAR SENATOR: I have your informal request for information showing whether the Government has invited denominations to invest money in building denominational schools by the promise or hope or intimation of appropriations for their support, and showing also wherein there has been any change in policy with respect to these schools and the withdrawal of support for appropriations to maintain the schools.

The history of Federal aid to other than Government schools goes back to the beginning of the last century. The first appropriation for Indian education was by the act of March 3, 1819 (3 Stat. L., 516). This act provided the annual sum of $10,000 for the purpose, and read, in part:

"That for the purpose of providing against the further decline and final extinction of the Indian tribes adjoining the frontier settlements of the United States, and for introducing among them the habits and arts of civilization, the President of the United States shall be, and he is hereby, authorized, in every case where he shall judge improvement in the habits and conditions of such Indians practicable, and that the means of instruction can be introduced with their own consent, to employ capable persons of good moral character to instruct them in the mode of agriculture suited to their situation; and for teaching their children in reading, writing, and arithmetic; and performing such other duties as may be enjoined, according to such instructions and rules as the President may give and prescribe for the regulation of their conduct in the discharge of their duties."

In 1820, 21 schools conducted by the different religious societies were given $11,838, and from that date until the appropriation of $100,000 in 1870 (16 Stat., 335–359) the principal educational work in relation to the Indians was under the auspices of these bodies, aided more or less by the Government.

Similar appropriations continued until 1876, and contracts were made annually with the mission schools of the different denominations, payable from these appropriations.

The act of August 15, 1876 (19 Stat. L., 176, 197), appropriated $20,000 for the support of industrial schools and other educational purposes for the Indian tribes. From these public funds—and also from tribal funds available for educational purposes under treaty stipulations—were paid the amounts due under contracts made by the Commissioner of Indian Affairs, approved by the Secretary of the Interior, with the various denominational schools for the education of Indian children.

In 1889 there were set aside for contract schools $529,905; in 1890, $562,640; in 1891, $570,218; in 1892, $611,570; in 1893, $533,241; and $537,600 in 1894.

The appropriation act for the fiscal year 1896 (act of Mar. 2, 1895, 28 Stat. L., 876, 903, 904) provided:

"That the Secretary of the Interior shall make contracts, but only with present contract schools, for the education of Indian pupils during the fiscal year ending June 30, 1896, to an extent not exceeding 80 per cent of the amount so used for the fiscal year 1895, and the Government shall, as early as practicable, make provision for the education of Indian children in Government schools: *Provided*, That the foregoing shall not apply to public schools of any State, Territory, county, or city, or to schools herein or hereafter specifically provided for."

The act of June 10, 1896 (29 Stat. L., 321, 345), provided:

"That the Secretary of the Interior may make contracts with contract schools apportioning as near as may be the amount so contracted for among schools of various denominations for the education of Indian pupils during fiscal year 1897, but shall only make such contracts at places where nonsectarian schools can not be provided for such Indian children and to an amount not exceeding 50 per cent of the amount so used for the fiscal year 1895: *Provided further*, That the foregoing shall not apply to public schools of any State, Territory, county, or city, or to schools herein or hereafter specifically provided for."

The act of June 7, 1897 (30 Stat. L., 62, 79), provided:

"And it is hereby declared to be the settled policy of the Government to hereafter make no appropriation whatever for education in any sectarian school: *Provided*, That the Secretary of the Interior may make contracts with contract schools apportioning as near as may be the amount so contracted for among schools of various denominations for the education of Indian pupils during the fiscal year 1898, but shall only make such contracts at places where nonsectarian schools can not be provided for such Indian children and to an amount not exceeding 40 per cent of the amount so used for the fiscal year 1895."

The act of March 1, 1899 (30 Stat. L., 924, 942), provided:

"That the Secretary of the Interior may make contracts with contract schools, apportioning as near as may be the amount so contracted for among schools of various denominations, for the education of Indian pupils during the fiscal year 1900, but shall only make such contracts at places where nonsectarian schools can not be provided for such Indian children, and to an amount not exceeding 15 per cent of the amount so used for the fiscal year 1895, the same to be divided proportionately among the said several contract schools, this being the final appropriation for sectarian schools."

Very truly, yours, CATO SELLS, *Commissioner.*

Hon. HENRY F. ASHURST,
Chairman Committee on Indian Affairs, United States Senate.

STATEMENT OF MR. CHARLES S. LUSK, SECRETARY TO THE BUREAU OF CATHOLIC INDIAN MISSIONS.

Mr. LUSK. I want to say before I read this brief that so far as the three funds of the Sioux are concerned—that is, the Sioux civilization and support, the Sioux education, and the interest on the $13,000,000 trust fund that is available for educational purposes—that the Supreme Court of the United States has decided that they are tribal moneys, and that being such, notwithstanding the declaration of the settled policy in the appropriation act of 1896, they are available for the education of Sioux Indian children in mission schools when the Indians themselves by petition so ask.

* * * * * * *

I beg to submit on behalf of the Bureau of Catholic Indian Missions the following brief:

"In the treaty of April 29, 1868, the Government of the United States, as a part of the consideration for the cession and surrender of a large portion of their lands, agreed to confer upon the Sioux Indians the benefits of education. This duty was not limited as to time, but was to continue 'not less than 20 years.' Section 7 of the treaty provides 'in order to insure the civilization of the Indians entering into this treaty the necessity of education is admitted. * * * the provisions of this treaty to continue for not less than 20 years.'

"At the end of 20 years, in section 17 of the act of March 2, 1889, Congress again admitted and recognized its obligation 'of securing the benefits of education' in accordance with 'the seventh article of the said treaty of 1868;' and provided for continuing those benefits for 20 years longer. This act did not limit the time to only 20 years. On the contrary, by failing to make such limitation, and by specifically referring to article 7 of the treaty of 1868 it, by implication, recognized the continuing duty of the Government to 'secure the benefits of education' to the Sioux Indians so long as the need for 'the benefits of education' should exist.

"In harmony with this view, at the end of the 20-year period provided in the act of March 2, 1889, Congress, for five consecutive years, beginning with 1910, has continued and extended this treaty.

"The question now presented is exactly the same question that confronted Congress in 1889, in 1910, and each succeeding year down to the present time, namely, whether the educational needs of these Indians are still such as morally and equitably to hold the Government to its solemn obligation in section 7 of the treaty of 1868 to 'secure the benefits of education' to them. It has been settled that Congress has the power to abrogate a treaty with the Indians. The power to abrogate, of course, includes the power to extend a treaty once terminated, and Congress has five times extended the treaty of 1889. In considering this question it must be kept in mind that the obligation of the Government to provide schools for these Indians, so long as the need for them exists, is a treaty obligation, and no matter what phrasing of words is used in the appropriations made by Congress to provide schools for these Indians, those appropriations are, in fact, incident to the performance of that treaty obligation. To refuse now to extend section 7 of the treaty of 1868, while at the same time admitting the need of schools for these Indians, is in effect to disregard the solemn treaty obligation without consulting the Indians, an obligation which will not be fulfilled by the Government until there is no longer need to provide support for their schools. Congress has no moral right to discontinue this treaty appropriation, in any event, without first consulting the Indians.

"In providing schools out of the appropriations made by Congress in pursuance of this treaty, the Government could have established Government schools, or, if public or private schools had been available, could have arranged for instruction in them. What it has done, in fact, for the last 10 years has been to permit the Indians having children of school age the privilege of having applied their pro rata share of these annual appropriations and their other tribal funds to pay for the support and education of their children in religious schools. Support and education in these religious schools have cost $108 per capita per annum, as compared with a cost of more than $200 per capita per annum in the Government schools among the Sioux, making a saving of nearly $100 per capita per annum. In using this treaty appropriation and the other tribal funds available for the education and support of the Sioux, the Government has recognized the natural right of Indian parents to select the school for their children, and has thereby saved a sum which can conservatively be estimated at $50,000 a year. The right of the Government so to use this treaty appropriation was fully established by the decision in the case of Rueben Quick Bear *v.* Francis E. Leupp (210 U. S., 50) in the Supreme Court of the United States.

"The effect of the objection to Congress further extending article 7 of the treaty of 1868, made in the statement of S. M. Brosius, agent of the Indian Rights Association, is:

"First. To ask Congress to disregard a solemn treaty obligation.

"Second. To deprive the individual Indians of the Sioux Nation of the right to continue to have their children taught in schools of their own choice, a right enjoyed by them for 10 years.

"Third. To throw temporarily out of school at least 200 pupils for whom there are no present facilities.

"Fourth. To increase the cost of education for these 200 children about $100 per capita, entailing a wholly useless additional expense of at least $20,000 a year.

"The purpose of Mr. Brosius, on behalf of the Indian Rights Association, in filing objection to the continuation of this treaty provision, is clearly to prevent the education of Indian children in the three Catholic schools which have been conducted for 25 years among the Sioux Indians; if he succeeds in his purpose, the doors of these schools must be closed against at least 200 Indian pupils. There are not sufficient Government school facilities in South Dakota, even when these three Catholic schools are used at full capacity, for the Indian population of school age in that State. If these 200 children are turned away from the Catholic schools, where will they go? There is not an available Government Indian school on the reservation, nor in the State of South Dakota nor in the United States to take them. Even if there were such schools available, the cost to the Government would be at least $20,000 annually more than it has heretofore paid to educate them in schools where their parents wish them to be, and where they are now contented and doing good work. There being no present school facilities for them, the inevitable result would be, for at least one year, to keep these children out of school, and to oblige the Government in the near future to construct and equip school buildings to accommodate them, which would involve an expenditure of not less than $100,000.

"Mr. Brosius says: 'The primary consideration is the education of Indian youth in Government schools according to the policy of our Government expressed by Congress, whereby the Indians of different tribes in different parts of the country have the benefit of a uniform system of education under the direction and inspection of agents of the Government.'

"In fact, the Government of the United States has caused the Government Indian schools in the various States to follow as nearly as possible the courses of study in the said several States, modified by certain requirements for industrial education not found in State public schools. This system leads to as great variety in the policy of education in the Indian schools as there are different plans in the different States where Indians reside.

"In truth, the Government, from the time of the 'Peace policy' in 1869 to the present day, without variation, has encouraged mission schools among Indians. Congress has authorized the granting of patents to churches which have occupied land for the purpose of educating and Christianizing Indians; and it is the practice of the Indian Bureau to grant the use of land to churches for mission and school purposes on Indian reservations. The Indian Office always takes into account any mission school where it has under consideration the providing of additional school facilities for the Indians on any particular reservation. Where Government and mission school facilities combined are ample for the children of school age, the Indian Office does not erect additional school buildings.

"Mr. Brosius says further: 'The diversion of the pro rata shares of the petitioning Indians reduces to that extent the treaty funds available for all the members of the tribe and produces inequality and inequity.' This statement is untrue. Not one dollar of the trust and treaty funds that have been used for the education of the children of the petitioning Indians has been taken from the pro rata shares of those Indians not signing the petitions. This was conclusively shown by Mr. E. W. Gans, special United States attorney in the Quick Bear case, in his argument before the Supreme Court. He said:

"'There are 4,986 Indians on the rolls of the Rosebud Reservation, and the amount of tribal income applicable to education, in the discretion of the commissioner, is $250,047.90, or a per capita of $50.15.

"'The 212 petitioners represent 669 shares, or $33,550.35, and of this they ask that $27,000 be used for the education of their children in St. Francis Mission School. The following table will represent the pro rata shares in these tribal funds and the per capita share:

"'4,986 Indians, $250,047.90 tribal funds, $50.15 per capita.

"'669 shares, $33,550.35 tribal funds, $50.15 per capita.

"'4,317 petitions (nonpetitions).

"'4,986 Indians, $250,047.90 tribal funds, $50.15 per capita.

"'The cost of the Government school for the fiscal year was about $76,830. Since the shares of the petitioning Indians amount to $33,550.35 and the sum asked for the school is only $27,000 out of this share, and the petitions were genuinely signed, the terms of the Executive order of President Roosevelt of February 3, 1905, e. g., "to see that any petition by the Indians is genuine, and that the money appropriated for any given school represents only the pro rata proportion to which the Indians making the petition are entitled" have been strictly carried out.'

"The rule followed by the Indian Office is the one laid down by the President in his letter of December 23, 1905, to the Commissioner of Indian Affairs, to wit:

"'Each Indian in a tribe is to be credited with his pro rata shares of the funds, which you will apply for him to the Government school where that is the school used, or to the church school where that is the school used, instead of segregating any portion of the funds for the support of the Government school and pro rating the balance.'

"Mr. Brosius says, likewise: 'Moreover, the practice of diverting a portion of treaty funds from governmental to private schools excites partisan feelings among the Indians.' It is true that a comparatively few of the Sioux Indians who did not join in the petitions have protested against the use of the treaty funds in this way, but their action has been undoubtedly due to influence brought to bear upon them by the Indian Rights Association and those in sympathy with its hostility to the Catholic schools. Even if some of the Indians, owing to these influences, wish to deprive their fellows of the right to have their children educated in schools of their choice, as charged by Mr. Brosius, this fact would not justify Congress in denying to others of the tribe the right to have their own money used for the education of their own children in the excellent schools they wish used for the purpose.

"Mr. Brosius further states that the governmental schools offer facilities for all children of the Sioux Indians. This statement is also untrue, as is shown by the following extract from the last annual report of the Commissioner of Indian Affairs:

Crow Creek Reservation:		
School population		236
Government school accommodations	107	
Children attending nonreservation schools	49	
		156
Deficiency in Government's school facilities		80
Pine Ridge Reservation:		
School population		1,629
Government school accommodations	1,011	
Children attending nonreservation schools	240	
		1,251
Deficiency in Government's school facilities		378
Rosebud Reservation:		
School population		1,306
Government school accommodations	750	
Children attending nonreservation schools	183	
		934
Deficiency in Government's school facilities		372
Total deficiency in Government's school facilities on three reservations		830

"Mr. Brosius very disingenuously quotes only a few words from the opinion in the Quick Bear case. The court did say: 'The effect of this legislation was to make subsequent appropriations for education mean that sectarian schools were excluded from sharing in them unless otherwise provided'; and Mr. Brosius evidently wishes the committee to believe the court held no funds, whether public or tribal, could be used for the education of Indians in religious schools unless otherwise provided. A reading of the entire paragraph will show that this is simply not true. This paragraph is as follows:

"'Since 1899 public moneys are appropriated under the heading, "Support of schools, for the support of Indian and industrial schools and for other educational purposes," without saying anything about sectarian schools. The effect of this legislation was to make subsequent appropriations for education mean that sectarian schools were excluded from sharing in them unless otherwise provided.'

"It is perfectly clear that the Supreme Court referred only to 'public moneys,' and not to tribal funds. This is stated totidem verbis in the following further quotation from the same decision:

"'This limitation' (that is, the declaration of the 'settled policy' of the Government), 'if it can be given effect as such, manifestly applies to the use of public moneys gratuitously appropriated for such purposes and not to moneys belonging to the Indians themselves.'

"In other words, Mr. Brosius quoted one-half of a paragraph in the court's opinion, so as to ascribe to it a meaning plainly inconsistent with the sense of the whole paragraph and flatly contradicted by the further language of the court.

"In view of the Government's plain and solemn treaty obligations to educate these Indians; (2) of the manifest economy resulting from their education in mission schools; (3) of the fact that there are not now, and will not be for some time, sufficient Government school accommodations for at least 200 of the children attending such schools, it is respectfully, but very earnestly, urged that it will be not only proper and wise but simple justice to restore to the Indian bill the clause providing for the expenditure of the $200,000 appropriation for the support and maintenance of the industrial and day schools among the Sioux Indians under the agreement of 1889 and for the extension of said agreement until June 30, 1916.

"In conclusion, it may be appropriately pointed out that the provision in question has received the sanction of Congress since 1910, has been recommended by the Secretary of the Interior and the Commissioner of Indian Affairs, and was incorporated in the pending Indian bill by the Committee on Indian Affairs of the House of Representatives."

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 79, after line 11, to insert:

For subsistence and civilization of the Yankton Sioux, South Dakota, including pay of employees, $14,000.

The amendment was agreed to.

The next amendment was, on page 79, after line 19, to insert:

For a proportionate share of the amount required to construct a wagon road or highway through the Standing Rock Indian Reservation in Corson County, S. Dak., from a point on the Missouri River north of Pontis, S. Dak., thence in a northwesterly direction to the town of Tatanka, the sum of $5,000, in accordance with the report of the Secretary of the Interior of December 7, 1914, made in pursuance of the provisions of section 20 of the act entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915," approved August 1, 1914: *Provided*, That such sum shall be expended under the direction of the Secretary of the Interior in such manner and at such times as he may deem proper, in the employment of Indian labor for the construction of said road or highway, and that the same shall be reimbursable from the Standing Rock Reservation 3 per cent fund under the act of February 14, 1913 (37 Stat. L., p. 675).

The amendment was agreed to.

The next amendment was, under the head of "Utah," on page 81, after line 4, to insert:

For the support and civilization of detached Indians in Utah, including pay of employees, $10,000.

The amendment was agreed to.

The next amendment was, under the head of "Utah," on page 81, line 9, after the words "sum of," to strike out "$150,000" and insert "$450,000"; in line 11, after the words "sum of," to strike out "$50,000" and insert "$150,000"; in line 13, after the word "exceed," to strike out "$25,000" and insert "$50,000"; in line 15, after the words "sum of," to strike out "$100,000" and insert "$200,000"; and in line 17, after the words "sum of," to strike out "$50,000" and insert "$100,000," so as to read:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, within his discretion, the sum of $450,000 of the principal funds to the credit of the Confederated Bands of Ute Indians and to expend the sum of $150,000 of said amount for the benefit of the Navajo Springs Band of said Indians in Colorado, not to exceed $50,000 of which amount may be used in providing school and hospital facilities among said Indians, and the sum of $200,000 of said amount for the Uintah, White River, and Uncompahgre Bands of Ute Indians in Utah, and the sum of $100,000 of said amount for the Southern Ute Indians in Colorado.

The amendment was agreed to.

The reading of the bill was continued to line 23, on page 82.

Mr. SMOOT. Mr. President, I should like to ask the chairman of the committee if the word "paramount," in line 23, on page 82, is necessary? One can not really know what is the object of the provision without referring to the Statutes at Large, but it seems to me that it ought to read:

To secure to the Indians their rights to so much of the waters of the streams in said reservation as may be needed by them for agricultural and domestic purposes—

And so forth. I do not know why they should have "paramount" rights.

Mr. ASHURST. Mr. President, the junior Senator from Utah [Mr. SUTHERLAND] asked that that provision be passed over. I think he wishes to offer an amendment striking out all on page 82, commencing with the word "*Provided*," down to and including the word "one," on page 83, line 8.

Mr. SMOOT. Is the Senator satisfied with the amendment? If so, I will offer it now.

Mr. ASHURST. I am satisfied to have that language stricken out if the Senator from Utah is. The item relates to his State.

Mr. SMOOT. On behalf of the junior Senator from Utah I move to strike out all after the word——

Mr. ASHURST. Will the Senator not wait until the junior Senator from Utah returns?

Mr. SMOOT. Certainly; I shall be glad to wait until he returns, but I thought that it would hasten matters if I should now offer the amendment.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 83, after line 8, to insert:

That the Secretary of the Interior and the Commissioner of Indian Affairs be, and are hereby, authorized and directed to negotiate an agreement with the Confederated Bands of Ute Indians for a final settlement of all of the rights, claims, and demands of said Indians against the United States arising under the agreement between said Indians and the United States, ratified by the act of June 15, 1880 (21 Stats., 199), with a view to relieving the unsold lands, the subject of said agreement, from all claims or demands of said Indians and to make the proceeds of said lands now available as a trust fund for their present use to advance their civilization, and under any law or agreement with the United States, which have not heretofore been adjudicated; and the Secretary of the Interior and the Commissioner of Indian Affairs shall report the result of such negotiations to Congress at the earliest possible date; and there be and is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,000, or so much thereof as may be necessary for said purpose, to be expended under the direction of the Secretary of the Interior: *Provided*, That the Indians may be represented in the said negotiations by counsel to be selected by themselves, but no contract for compensation shall be valid until approved by the Secretary of the Interior, and said Secretary of the Interior shall approve the form of said contracts: *Provided further*, That if an agreement can not be entered into with said Confederated Bands of Ute Indians as hereinbefore provided, said Confederated Bands of Ute Indians may bring an action in the Court of Claims, which is given jurisdiction for the purpose, to hear and determine all matters and differences between said Confederated Bands of Ute Indians and the United States.

Mr. THOMAS. Mr. President, if it is now in order, I desire to offer an amendment to the proviso last read by striking out the words "to be" in line 6, on page 84.

The PRESIDING OFFICER (Mr. CHILTON in the chair). The amendment to the amendment will be stated.

The SECRETARY. In the committee amendment, on page 84, line 6, after the word "counsel" and before the word "selected" it is proposed to strike out the words "to be," so that it will read:

That the Indians may be represented in the said negotiations by counsel selected by themselves.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. CLAPP. Mr. President, I wish to call the attention of the chairman of the committee to the fact that in this amendment relative to an agreement with the Utes, at the suggestion of the Senator from Oregon [Mr. LANE] a brief provision was inserted for sending the matter to the Court of Claims in case the Indians and the Government failed to agree. I find upon examination that the language is not sufficiently full, and I move to strike out all on page 84, line 14, after the word "determine," and insert the amendment which I send to the desk, so as to make the jurisdiction complete.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. In the committee amendment, on page 84, it is proposed to strike out, after the word "determine," in line 14, the words "all matters and differences between said Confederated Bands of Ute Indians and the United States," and in lieu thereof to insert:

And render judgment, with right of appeal as in other cases, for the value of the lands undisposed of which were ceded by said Indians to the United States in 1880, not to exceed the present value thereof under the public-land laws as administered at the time of said cession, and all claims and counterclaims or set-off of either party, the petition to be verified by claimants' attorneys now by them employed, and the Attorney General is hereby directed to appear for the United States.

The PRESIDING OFFICER (Mr. LEA of Tennessee in the chair). The question is on agreeing to the amendment proposed by the Senator from Minnesota to the amendment reported by the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 84, after line 16, to insert:

For a proportionate share of the amount required to construct an interstate wagon road or highway through the Kaibab Indian Reservation, Utah, the sum of $1,000: *Provided*, That such sum shall be expended under the direction of the Secretary of the Interior in such manner and at such times as he may deem proper in the employment of Indian labor for the construction of said road or highway.

Mr. ASHURST. Mr. President, as an amendment to the committee amendment, I move to strike out "$1,000" and insert "$9,000." That is what it should be.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In the committee amendment on page 84, in line 19, after the words "sum of," it is proposed to strike out "$1,000" and insert "$9,000."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, under the head of "Washington," on page 85, after line 2, to insert:

For support and civilization of the Makahs, including pay of employees, $2,000.

The amendment was agreed to.

The next amendment was, on page 85, after line 8, to strike out.

For expenses incident to carrying out the provisions of the laws of the United States applicable to the Indians at Colville, Puyallup, and Spokane Agencies, including pay of employees necessary to such work, $15,000.

And insert:

For support and civilization of Indians at Colville, Taholah, Puyallup, and Spokane Agencies, including pay of employees, and for purchase of agricultural implements, and support and civilization of Joseph's Band of Nez Perce Indians in Washington, $18,000.

The amendment was agreed to.

The next amendment was, on page 86, line 4, after the date "1907," to insert: "*Provided*, That money received under agreements for temporary water supply may be expended under the direction of the Secretary of the Interior for maintenance and improvement of the irrigation system on said lands," so as to make the clause read:

For operation and maintenance of the irrigation system on lands allotted to Yakima Indians in Washington, $15,000, reimbursable in accordance with the provisions of the act of March 1, 1907: *Provided*, That money received under agreements for temporary water supply may be expended under the direction of the Secretary of the Interior for maintenance and improvement of the irrigation system on said lands.

Mr. GRONNA. Mr. President, I should like to ask the Senator from Washington to explain that amendment.

Mr. JONES. Mr. President, that amendment was put on by the committee, and I had nothing to do with it. I suppose it is made to cover this situation: The lands of some of the Indians are being furnished with water temporarily until the regular irrigation system is put in, and they pay a certain amount of rent per annum.

Mr. GRONNA. Does the Senator believe that the provision will be satisfactory to the Indians?

Mr. JONES. I think so. The money will come very largely, I believe, from the white people who have leased Indian lands.

Mr. GRONNA. Yes; the money will be paid, of course, by the white men; but the money should go to the Indians.

Mr. JONES. No; the system there has to be maintained, and that is about the only way to maintain it. I should think the amendment would be satisfactory.

Mr. GRONNA. Very well.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 86, after line 14, to insert:

For the second installment of $635,000 to pay for water supply for irrigation of 40 acres of each Indian allotment on the Yakima Indian Reservation irrigation system, in the State of Washington, provided by the act of August 1, 1914 (Public, No. 160), $100,000, to be covered into the reclamation fund (act of Aug. 1, 1914, vol. 38, p. 605, sec. 1).

For construction of a dam across the Yakima River for the diversion and utilization of water provided for 40 acres of each Indian allotment on the Yakima Reservation, Wash., and such other water supply as may be available or acquired for the irrigation of a total of 120,000 acres of allotted Indian land on said reservation, and for beginning the enlargement and extension of the distribution and drainage system on said reservation, $100,000, to be immediately available and to remain available until expended: *Provided*, That the cost of the entire diversion works and distribution and drainage system shall be reimbursable by the owners of the lands irrigable thereunder in not to exceed 20 annual payments, and the Secretary of the Interior may fix operation and maintenance charges which shall be paid as he may direct.

In the apportionment of charges against Indians, due allowance shall be made for such amounts as may have been repaid the United States on account of reimbursable appropriations heretofore made for this project, and for the construction of the irrigation system prior to the passage of the act of December 21, 1904 (33 Stat. L., p. 595), as therein provided. All charges against Indian allottees herein authorized, unless otherwise paid, may be paid from individual shares in the tribal fund when the same is available for distribution; and if any allottee shall receive patent in fee to his allotment before the amount so charged against him has been paid to the United States, then such amount remaining unpaid shall be and become a lien upon his allotment, and the fact of such lien shall be recited in such patent and may be enforced by the Secretary of the Interior by foreclosure as a mortgage, and should any Indian sell any part of his allotment with the approval of the Secretary of the Interior, the amount of any unpaid charges against the land sold shall be and become a first lien thereon and may be enforced by the Secretary of the Interior by foreclosure as a mortgage, and delivery of water to such land may be refused within the discretion of the Secretary of the Interior until any dues are paid: *Provided further*, That no right to water or to the use of any irrigation ditch or other structure on said reservation shall vest or be allowed until the owner of the land to be irrigated as herein provided shall comply with such rules and regulations as the Secretary of the Interior may prescribe, and he is hereby authorized to prescribe such rules and regulations as he may determine proper for making effective the foregoing provisions, and to require of owners of lands in fee such security for the reimbursement herein required as he may determine necessary and to refuse delivery of water to any tract of land until the owners thereof shall have complied therewith.

The amendment was agreed to.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. The Senator from Colorado.

Mr. THOMAS. I ask leave to offer a motion which I send to the desk. If there is any debate upon it, I will withdraw it.

The PRESIDING OFFICER. The Secretary will state the motion.

The SECRETARY. The Senator from Colorado asks unanimous consent that all general debate on the pending bill shall cease at 4 o'clock to-day, and that thereafter debate shall be limited to five minutes for each Senator on each separate amendment, no Senator being permitted to speak on any one amendment more than once.

Mr. GRONNA. I object, Mr. President.

The PRESIDING OFFICER. Objection is made.

Mr. THOMAS. I withdraw the request.

The next amendment was, on page 88, after line 22, to insert:

That the patents heretofore issued in the name of Kami Sam, July 22, 1902, for the south half of the northeast quarter, and lots 1 and 2, section 6, township 23 north, range 19 east of the Willamette meridian; and a similar patent in the name of Peter Benoy, February 25, 1905, for the southwest quarter section 3, township 23 north, range 19 east of the Willamette meridian; and a similar patent in the name of Anastus Yaksum, widow of Yaksum, February 3, 1908, for the west half of the northwest quarter and the west half of the southwest quarter, section 9, township 23 north, range 19 east of the Willamette meridian; and a similar patent in the name of Ellen Winnier, widow of Tom Winnier, August 1, 1904, for the northwest quarter of section 16, township 23 north, range 19 east of the Willamette meridian; and a similar patent in the name of Mary Batvia, October 1, 1903, for the west half of the southeast quarter and the south half of the northeast quarter, section 5, township 23 north, range 19 east of the Willamette meridian; and a similar patent in the name of John Harmelt, April 14, 1909, for the southwest quarter of the northeast quarter, and the southeast quarter of the northwest quarter, and the

northeast quarter of the southwest quarter, section 27, township 24 north, range 19 east of the Willamette meridian; and a similar patent in the name of Madeline, April 9, 1901, for the east half of the southwest quarter and the southeast quarter of the northwest quarter, section 14, township 24 north, range 18 east of the Willamette meridian; and a similar patent in the name of Dan Nason, August 1, 1904, for the southeast quarter of the southeast quarter, and lot 10, section 22, township 24 north, range 18 east of the Willamette meridian; and a similar patent in the name of William Nason, August 1, 1904, for the northwest quarter, section 26, township 24 north, range 18 east of the Willamette meridian; and a similar patent in the name of Tenas George, December 17, 1901, for lots 7 and 8, section 7, and lots 2, 3, 4, and 7, section 18, township 24 north, range 21 east of the Willamette meridian; and a similar patent in the name of Mary Ann, August 1, 1904, for the northeast quarter of the southwest quarter, and lots 2 and 4, section 26, township 24 north, range 18 east of the Willamette meridian; and a similar patent in the name of Mary Nason, August 1, 1904, for the south half of the northeast quarter and the north half of the southeast quarter, section 22, township 24 north, range 18 east of the Willamette meridian, all situated in the State of Washington, be, and the same are hereby, ratified and confirmed as fee simple patents without restrictions against alienation as of their dates of issuance.

Mr. JONES. Mr. President, that amendment can be rejected, because it has already passed as a separate measure and has gone to the President, and probably has been signed.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

The next amendment was, on page 91, after line 5, to insert:

That the Secretary of the Interior be, and he is hereby, authorized to patent to the Washington State Historical Society, for memorial and park purposes, the following described lands in the diminished Colville Indian Reservation, in the State of Washington, to wit: A tract of land not exceeding 4 acres in area located in the northwest corner of lot 2 of section 17, the precise description of said tract to be determined by said Washington Historical Society and the Secretary of the Interior prior to the issuance of the patent therefor, and lot 7, containing 20.90 acres of section 21, all in township 30 north, range 25 east of the Willamette meridian, in Washington: *Provided*, That the lands hereby granted shall be paid for by the said society at their appraised value, to be ascertained in such manner as the Secretary of the Interior may prescribe, and the proceeds thereof placed in the Treasury of the United States to the credit of the Indians belonging on the reservation of which the lands herein described are a part and thereafter paid to the said Indians or used for their benefit in such manner as the Secretary of the Interior may deem for their best interests: *Provided further*, That the lands hereby granted shall be subject for a period of 25 years to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country.

The amendment was agreed to.

The next amendment was, on page 92, after line 5, to insert:

That there be, and hereby is, granted to school district No. 56, Klickitat County, Wash., the northwest quarter of the northwest quarter of the northeast quarter of the northeast quarter of section 11, township 6 north, range 14 east of the Willamette meridian, containing 2½ acres, now used as a public-school site by said district, and being a part of the Yakima Indian Reservation, and the Secretary of the Interior is authorized to issue patent to said district for said lands, the same to be used for school purposes.

The amendment was agreed to.

The next amendment was, on page 92, after line 15, to insert:

That the Secretary of the Interior be, and he is hereby, authorized to make an allotment of not more than 8 acres of land within the diminished Colville Indian Reservation, in the State of Washington, to Se-cum-ka-nullax in lieu of a portion of the Moses agreement allotment No. 36 embraced within the homestead entry of Charles M. Hickerson.

The amendment was agreed to.

The next amendment was, on page 92, after line 22, to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to accept the homestead proof submitted by Charles M. Hickerson for that part of his homestead embraced within allotment No. 36 to Se-cum-ka-nullax of Chief Moses's Band of Indians if the same is shown to be in compliance with the homestead laws, and the title of said Indian to that part of said allotment embraced within said entry is hereby extinguished.

The amendment was agreed to.

The next amendment was, under the head of "Wisconsin," on page 93, after line 10, to strike out:

For support and education of 250 Indian pupils at the Indian school, Tomah, Wis., including pay of superintendent, $43,450; for general repairs and improvements, $5,000; in all, $48,450.

The amendment was agreed to.

The next amendment was, on page 93, after line 14, to insert:

For support and education of 275 Indian pupils at the Indian school, Tomah, Wis., including pay of superintendent, $57,925, of which sum not exceeding $10,000 may be used for general repairs and improvements to buildings.

The amendment was agreed to.

The next amendment was, at the top of page 94, to insert:

For the support and civilization of that portion of the Wisconsin Band of Pottawatomie Indians residing in the States of Wisconsin and Michigan, and to aid said Indians in establishing homes on the lands purchased for them under the provisions of the act of Congress approved June 30, 1913, $100,000, or so much thereof as may be necessary, to be immediately available and to remain available until expended, said sum to be reimbursed to the United States out of the appropriation when made of the principal due as the proportionate share of said Indians in annuities and moneys of the Pottawatomie Tribe in which they have not shared, as set forth in House Document No. 830, Sixtieth Congress, first session; and the Secretary of the Interior is hereby authorized to expend the said sum of $100,000 in the purchase of houses, building material, seed, animals, machinery, tools, implements, and other equipment necessary to enable said Indians to become self-supporting.

Mr. OWEN. Mr. President, I wish to ask the chairman of the committee what is the money of the Pottawatomie Tribe in which they have not shared? What does that refer to—House Document No. 830?

Mr. ASHURST. An analysis of the matter, or a justification for the item to which the Senator from Oklahoma refers, is found on page 313 of the House hearings, where the following statement appears:

The number of Pottawatomie Indians in Wisconsin approximates about 590, being scattered in various groups and bands through the northern part of the State. These are now under the general jurisdiction of one superintendency located at Carter. Before this superintendency was created there was great suffering among these Indians, owing to the fact that no one was charged with the responsibility of attending to them. The system is to issue rations in cases of absolute necessity, and whenever possible to obtain employment for all able-bodied Indians. There is some difficulty about this, as Indian labor is not popular, but the superintendent has established business relations with various lumbermen throughout the State and has succeeded in obtaining employment for his charges to such an extent that the amount necessarily expended for rations has been materially reduced.

I do not believe, however, that that furnishes the information for which the distinguished Senator has asked. That is an amendment introduced by the Senator from Wisconsin [Mr. LA FOLLETTE]. The Senate hearings show such discussion of it as was had on pages 246 and 247.

Mr. OWEN. I see an explanation of it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ASHURST. Mr. President, in the House text on page 94, line 19, there is a typographical error. The word "thereof" should be the words "three of."

The PRESIDING OFFICER. The correction will be made.

The next amendment was, on page 95, line 8, after the word "Reservation," to strike out "$500" and insert "$1,000," so as to make the paragraph read:

For the repair and construction of sidewalks in the village of Odanah, within the Bad River Reservation, $1,000, said sum to be reimbursed to the United States from any moneys which are now or which may hereafter be placed to the credit of the Bad River Band of Wisconsin Chippewa Indians.

The amendment was agreed to.

The next amendment was, on page 95, after line 12, to insert:

That there is hereby appropriated the sum of $90,000 for the payment of the members of the Stockbridge and Munsee Tribes of Indians who were enrolled under the act of Congress of March 3, 1893, equal amounts to the amounts paid to the other members of said tribe prior to the enrollment under said act, and such payments be made upon the certificate and order of the Commissioner of Indian Affairs upon claims being filed with him, showing to his satisfaction that such claimants, or the ancestors of such claimants, were enrolled under the act of March 3, 1893, entitled "An act for the relief of the Stockbridge and Munsee Tribes of Indians of the State of Wisconsin."

Mr. OWEN. I ask that that amendment may be passed over for the present.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The next amendment was, at the top of page 96, to insert:

That without bias or prejudice to the rights or interest of any party to the litigation hereinafter mentioned, the Secretary of the Interior be, and he hereby is, authorized to sell the timber on the so-called "school lands" and "swamp lands," within the boundaries of the Bad River and Lac du Flambeau Indian Reservations in Wisconsin, and to which the State of Wisconsin has asserted a claim; to keep a separate account of the proceeds of such sale, with each legal subdivision of such land, and to deposit the said proceeds at interest in a national bank, bonded for the safe-keeping of individual Indian moneys, to be paid over, together with the interest thereon, to the party who shall finally be adjudged to be the owner of such land: *Provided*, That the consent of the State or parties claiming title therefrom be obtained before any such sale shall be made.

The amendment was agreed to.

The next amendment was, under the head of "Wyoming," on page 97, after line 15, to insert:

For repairs at the old abandoned military post of Fort Washakie, on the Wind River Reservation, Wyo., $881.66 from the amount heretofore collected as rentals of buildings at said post.

The amendment was agreed to.

The next amendment was, on page 97, after line 19, to insert:

For extension, enlargement, and construction of the Le Clair and Riverton ditches for the irrigation of Indian allotments and land in private ownership on the north side of the Big Wind River, Wind River Reservation, Wyo., reimbursable as provided by section 1 of the act of August 1, 1914, $45,000, to be immediately available and to remain available until expended.

The amendment was agreed to.

The next amendment was, on page 98, after line 2, to strike out:

SEC. 24. Section 26 of the Indian appropriation act of June 30, 1913 (38 Stat. L., p. 103), is hereby repealed.

The amendment was agreed to.

The next amendment was, on page 98, after line 6, to insert:

SEC. 27. Section 26 of the Indian appropriation act approved June 30, 1913 (38 Stat. L., p. 103), is hereby amended so as to read as follows:

On or before the 1st day of July, 1916, the Secretary of the Interior shall cause a system of bookkeeping to be installed in the Bureau of Indian Affairs, which will afford a ready analysis of expenditures by appropriations and by units of the service, showing for each activity or class of work the expenditures for salaries and wages of employees, buildings and other permanent improvements, administration, equipment, maintenance, operation, and other purposes. Such additional changes and improvements in the system of bookkeeping shall be made as may be advisable in the judgment of the said Secretary.

On the first Monday in December, 1917, and annually thereafter, a detailed statement of expenditures as heretofore described, for the preceding fiscal year, shall be transmitted to Congress by the Secretary of the Interior.

The sum of $12,000 is hereby appropriated for expenses of installing the new system of bookkeeping required by this section, including the pay of expert accountants at a rate of not exceeding $15 per day, and their assistants, to be employed by the Secretary of the Interior, and the purchase of such books, stationery, and other supplies as may be necessary.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. SUTHERLAND. Mr. President, I understand that the committee amendments have now been disposed of.

Mr. CLAPP. Oh, no; Mr. President, they are not completed. We have passed over a great many of them.

The PRESIDING OFFICER. The question is on agreeing to the amendments which have been passed over, which will be stated by the Secretary.

The SECRETARY. The first amendment passed over is on page 13, passed over at the request of the senior Senator from Utah [Mr. SMOOT].

Mr. GRONNA. Mr. President, I wish to offer an amendment on page 4. I think the committee will agree to it.

The PRESIDING OFFICER. The Chair will ask the Senator from North Dakota whether that is one of the amendments passed over?

Mr. GRONNA. No; it is not.

The PRESIDING OFFICER. Then under the agreement the committee amendments will have to be disposed of first.

Mr. GRONNA. I am authorized to offer it as a committee amendment.

The PRESIDING OFFICER. But we have not yet disposed of the amendments which have been passed over, the first one of which is on page 13. The question is on agreeing to the committee amendment in lines 14 to 18, which has already been read.

Mr. ASHURST. Mr. President, these amendments commencing with line 14, page 13, and going down to and including line 13, page 18, were passed over at the request of the senior Senator from Utah [Mr. SMOOT]. He is very rarely out of the Chamber, but this happens to be a moment when he is out. I have asked a page to go for him, because these amendments were passed over at his request.

The PRESIDING OFFICER. Without objection, the amendments will be again passed over. The Secretary will read the next amendment passed over.

The SECRETARY. The next amendment passed over is on page 39, at the end of line 15, passed over at the request of the junior Senator from Michigan [Mr. TOWNSEND].

Mr. ASHURST. Let that be passed over further.

The PRESIDING OFFICER. Without objection, it will be passed over further.

The SECRETARY. The same condition exists on page 73.

On page 95 the amendment after line 12 was passed over at the request of the senior Senator from Oklahoma [Mr. OWEN].

Mr. ASHURST. Mr. President, we have now reached a situation in the Senate where certain Senators who are interested in these amendments are obliged, by reason of other very important business, to be absent temporarily. I expect them to return within a couple of hours, and I think we might now——

Mr. SMITH of Arizona. Then, Mr. President, at this particular point I should like to call attention to the provision on page 21, in the matter of the Colorado River, and the Gila River on the next page, page 23. My friend the Senator from Oregon [Mr. LANE] raised a point of order on that matter when it was up, but on further consideration he thinks the item ought to be left in the bill. The Senator is here, and that was the only objection raised to it. He is willing to withdraw the point of order, and I should like to have it adopted.

Mr. LANE. Mr. President, I will say that for fear I may be doing an injustice to the Senator—and he assures me that I am—I withdraw my point of order at this time.

The PRESIDING OFFICER. The present occupant of the chair does not think that action can be taken in Committee of the Whole. The Senator can offer it in the Senate when that stage is reached.

Mr. ASHURST. I propose the amendment, Mr. President. I will send it to the desk and ask to have it read.

The PRESIDING OFFICER. Where does the Senator from Arizona wish to insert the amendment?

Mr. ASHURST. On page 22, after "$160,000," on line 20.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 22, after "$160,000," on line 20, it is proposed to insert:

For beginning the construction of a dam and necessary controlling works for diverting water from the Gila River at a site above Florence, Ariz., for the irrigation of Indian land and allotments on the Gila River Indian Reservation and private lands in Pinal County, Ariz., as estimated by the Board of Engineer Officers of the United States Army in paragraph 138 of its report to the Secretary of War, of February 14, 1914 (H. Doc. No. 791), $75,000, to remain available until expended, reimbursable as Congress may hereafter provide, the total cost not to exceed $175,000: *Provided*, That before beginning construction the Secretary of the Interior shall prescribe such rules and regulations and take such other action as in his opinion may be proper and necessary for the purpose of securing for the Indians of the Gila River Reservation the benefits from such work to which they are legally and equitably entitled, and to enable the United States to control the diversion and distribution of water by said works and canals receiving water diverted thereby; and he may require of the owners of other lands to be benefited thereby agreements for the payment of the charges which he is hereby authorized to fix for diversion of water by said dam.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Arizona.

The amendment was agreed to.

Mr. ASHURST. Now, I ask that we recur to the amendments that were passed over at the request of the senior Senator from Utah [Mr. SMOOT], commencing on line 14, page 13.

Mr. SMOOT. Mr. President, the first one that I asked to have passed over was on page 10, line 16, striking out the word "property" and inserting the word "allotment," to conform to the law as it reads to-day.

Mr. ASHURST. I have no objection to that amendment.

The SECRETARY. On page 10, line 16, after the word "restricted," it is proposed to strike out the word "property" and insert the word "allotment."

The amendment was agreed to.

Mr. SMOOT. I asked that the amendments on page 13, beginning at line 14 and going down to and including the word "Oklahoma" on page 18, line 3, should be passed over. I want to say to the Senator from Arizona that there is not any question but that this is general legislation. I think it is an unwise character of legislation, but I am informed by the Senator that it is the desire of the Indian Department that this provision shall be placed in the bill. It is limited in its effect, and it does not become a general law over all the Indians. Therefore I have concluded not to make a point of order against the items, and allow the Senate to judge for itself about them. All I shall ask is a vote upon the amendments. If the Senate wants to put this kind of legislation on an appropriation bill, I shall content myself by allowing that vote.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments were agreed to.

Mr. ASHURST. At the request of the Senator from Utah the provision on page 18, lines 11 to 13, was passed over. I ask that that may be agreed to.

The SECRETARY. The next amendment passed over is, on page 18, in lines 11, 12, and 13, at the request of the senior Senator from Utah.

Mr. SMOOT. I never requested that that go over, Mr. President. I asked that lines 1, 2, and 3 on page 18 go over, and then some one—I forget who it was—asked that lines 4, 5, 6, and 7 go over; but I never requested it.

The PRESIDING OFFICER. Without objection, then, the amendment on page 18, lines 11 to 13, inclusive, is agreed to.

Mr. ASHURST. Have the provisions of the House bill—to wit, lines 4, 5, 6, 7, 8, 9, and 10—been agreed to?

The PRESIDING OFFICER. They have not been disagreed to. They are in the bill.

Mr. ASHURST. Very well.

The SECRETARY. The next amendment passed over is on page 39.

Mr. SMOOT. Mr. President, on page 21, beginning with line 9 and going down to and including line 20 on that page, the amendment was passed over at somebody's request "for the examination and final location surveys," and so forth.

The PRESIDING OFFICER. The Secretary advises the Chair that that amendment was agreed to. Three lines, 18, 19, and 20, were disagreed to.

Mr. SMOOT. Oh. Then, as I understand, the amendment concludes with "$10,000."

The SECRETARY. The words stricken out in lines 18, 19, and 20 are:

to remain available until completion of said work and to be reimbursed to the United States as Congress may hereafter require.

Mr. SMOOT. And that has been agreed to?

The PRESIDING OFFICER. That has been rejected, and the remainder of the amendment has been agreed to.

The SECRETARY. The next amendment passed over is on page 39, line 16, after the numerals "$6,000," passed over at the request of the junior Senator from Michigan.

Mr. ASHURST. Mr. President, I wish to repeat the statement I made a moment ago—that we have now reached a situation where there are some contested committee amendments. The Senators who wish to debate the amendments are obliged to be absent from the Chamber for at least an hour, perhaps an hour and a half. May we not, therefore, temporarily lay aside the consideration of the committee amendments and let the bill be open now for amendments proposed by individual Senators on their own behalf, with the understanding that at the appropriate time we will return to the bill and discuss the committee amendments that have been passed over?

The PRESIDING OFFICER. Without objection, that will be done.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. GRONNA. On page 4, line 18, I wish to strike out the numerals "$125,000" and insert in lieu thereof "$135,000," and to add the following words:

$25,000 to be immediately available.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 4, line 18, it is proposed to strike out "$125,000" and insert:

$135,000, $25,000 to be immediately available.

The amendment was agreed to.

Mr. POINDEXTER. I submit the following amendment.

The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. On page 92, at the end of line 15, insert the following:

The Secretary of the Interior is authorized and directed to lease for mining purposes unallotted land on the diminished Spokane and Colville Reservations in the State of Washington for periods not exceeding 25 years on such terms and conditions as he may determine to citizens of the United States applying therefor: *Provided*, That no charge shall be made for prospecting. Rentals shall be based on mining production, and proceeds of rentals shall be paid into the proper tribal fund.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Washington.

Mr. FALL. Mr. President, I am in favor of general legislation along this line allowing the mineral lands to be leased for the benefit of Indians, but I do not favor special legislation unless I know something about the conditions existing in the particular reserve. I am not opposing this particular amendment, I will say to the Senator from Washington, but I should like to know the object of it exactly.

Mr. POINDEXTER. It is a matter which has been recommended by the Interior Department and the Indian Bureau. These two reservations have been opened for settlement, the agricultural lands have been allotted to the Indians, and the surplus opened to homestead. There are still reserved, however, a quantity of Indian land that was not allotted and that was not open to homestead, some of it forest land. There has been a great desire on the part of people living in the vicinity to prospect that land, it being supposed that minerals are there. Of course if there is mineral there, it ought to be developed for the interest of the State and for the interest of the Indians.

This amendment provides that there shall be rentals collected by the Secretary of the Interior to be paid into the tribal funds; that rentals shall be based upon mining production; and that there shall be no charge for prospecting.

Mr. FALL. Does the amendment provide for prospecting prior to location upon the reserve? Does it allow persons to go on the reserve for the purpose of prospecting?

Mr. POINDEXTER. It does.

Mr. FALL. Would the Senator accept an amendment, inserting the words "and the Mescalero Apache Reservation, in New Mexico"?

Mr. POINDEXTER. If it does not in any way lead to such opposition as to defeat the amendment, I should be glad to accept it.

Mr. FALL. I do not see why it should cause more opposition than the original amendment. I should like very much to have that amendment to the amendment inserted.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. In the amendment proposed by the Senator from Washington insert "and the Mescalero Apache Reservation in New Mexico."

Mr. GRONNA. I desire to have the amendment read. My attention was diverted.

The PRESIDING OFFICER. The Secretary will read the amendment as proposed to be amended.

The Secretary read as follows:

The Secretary of the Interior is authorized and directed to lease for mineral purposes unallotted land on the diminished Spokane and Colville Reservations in the State of Washington and the Mescalero Apache Reservation in New Mexico for periods not exceeding 25 years, on such terms and conditions as he may determine, to citizens of the United States applying therefor, provided no charge shall be made for prospecting. Rentals shall be based on mining production and proceeds of rentals shall be paid into the proper tribal fund.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SUTHERLAND. I offer the following amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 82, strike out the proviso beginning at line 21 and ending with line 8, page 83.

Mr. SUTHERLAND. Mr. President, that proviso is attached to an appropriation of $10,000 for continuing the construction of the irrigation system in the Uinta Indian Reservation, and it reads as follows:

Provided, That this appropriation shall be used to hold, maintain, and operate said systems so as to secure to the Indians their paramount rights to so much of the waters of the streams in said reservation as may be needed by them for agricultural and domestic purposes, and to regulate the use, enlargement, and extension of said systems by any person, association, or corporation under the provisions of the act of June 21, 1906 (34 Stat. L., p. 325), only upon the acquisition of a right thereto as provided in the act of March 1, 1899 (30 Stat. L., p. 941).

It is a little difficult to understand exactly what is meant by the proviso. It can only result in confusion. I presume the object of the proviso is in some way to enlarge the Indian rights to the waters upon this reservation. It is in line with the attempts which were made in the Indian appropriation bill of last year to interfere with the laws of the various States, which constitute the controlling rule with reference to the appropriation of water.

This first appropriation for the construction of this irrigation system was made in 1906. It is very carefully worded and it ought not to be in any manner interfered with by a proviso of this character. It was fully considered at that time. The Commissioner of Indian Affairs appeared before the Committee on Indian Affairs and was heard at great length with reference to it. He insisted that some provision should be put in the law at that time which would recognize some right in these Indians superior to that which was given to them under the laws of the State of Utah, and after a full hearing and full consideration by the Committee on Indian Affairs—the Senator from Minnesota [Mr. CLAPP] will very well remember the circumstances—several days were spent discussing it, and the committee put into the bill the provision which I am going to read, and it was adopted by the Senate after consideration.

Mr. CLAPP. I understand the chairman of the committee accepts the amendment.

Mr. SUTHERLAND. I did not hear the chairman say so.

Mr. CLAPP. The Senator from Utah was out at the time, but his colleague brought up the matter and called the attention of the chairman of the committee to it.

Mr. ASHURST. I beg the Senator's pardon.

Mr. CLAPP. I understood in the absence of the junior Senator from Utah, when his colleague brought up this matter, the chairman of the committee was ready to accept the amendment, striking out the proviso.

Mr. ASHURST. So far as I am given any authority as chairman of the committee I have no objection to the amendment at all.

Mr. SUTHERLAND. Then I will ask, without reading, to insert in the RECORD, so that the conferees may have the matter before them, the language contained on page 355 of the session laws of 1906, volume 34, under the head "Irrigation," and ending with the words "Uintah Reservation," on page 376.

The PRESIDING OFFICER. Without objection, the matter will be inserted in the RECORD.

The matter referred to is as follows:

IRRIGATION.

For constructing irrigation systems to irrigate the allotted lands of the Uncompahgre, Uintah, and White River Utes in Utah, the limit of cost of which is hereby fixed at $600,000, $125,000 of which shall be immediately available, the cost of said entire work to be reimbursed from the proceeds of the sale of the lands within the former Uintah Reservation: *Provided*, That such irrigation systems shall be constructed and completed and held and operated and water therefor appropriated

under the laws of the State of Utah, and the title thereto until otherwise provided by law shall be in the Secretary of the Interior in trust for the Indians, and he may sue and be sued in matters relating thereto: *And provided further*, That the ditches and canals of such irrigation systems may be used, extended, or enlarged for the purpose of conveying water by any person, association, or corporation under and upon compliance with the provisions of the laws of the State of Utah: *And provided further*, That when said irrigation systems are in successful operation the cost of operating same shall be equitably apportioned upon the lands irrigated, and, when the Indians have become self-supporting, to the annual charge shall be added an amount sufficient to pay back into the Treasury the cost of the work done, in their behalf, within 30 years, suitable deduction being made for the amounts received from disposal of the lands within the former Uintah Reservation.

Mr. SUTHERLAND. I ask that my amendment may be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the junior Senator from Utah [Mr. SUTHERLAND].

The amendment was agreed to.

Mr. CLAPP. On page 31, after the word "accident," in line 20, I move to insert the words "and such other Indians as the Secretary of the Interior may deem proper."

The amendment was agreed to.

Mr. CLAPP. On page 36, line 23, after the word "benefited," following out a suggestion made by the junior Senator from South Dakota [Mr. STERLING], I move to strike out the period and insert a comma and then insert:

And provide for notice thereof being served upon any allottee affected thereby.

The amendment was agreed to.

Mr. CLAPP. On page 38, between lines 14 and 15, I move to insert the amendment which I send to the desk. It covers a certain tract of land that has heretofore been used for a day school which has been discontinued, and it provides for conveyance to the independent school district No. 10, with a provision that such conveyance shall not operate to interfere with any existing rights of allotment in said land.

The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. On page 38, after line 14, following the amendment heretofore agreed to, insert:

That the Secretary of the Interior be, and he is hereby, authorized to convey to Independent School District No. 10, of Mahnomen, Mahnomen County, Minn., for the purpose of a demonstration farm in connection with the agricultural department of the public schools of said place, that certain tract of land which has been heretofore reserved for an Indian day school, but which day school has been discontinued and abandoned, which tract of land is described as follows, to wit: West half of the southwest quarter of section 11, township 144, range 42 west of the fifth principal meridian, in Minnesota: *Provided*, That such conveyance shall not operate to interfere with any existing right of allotment of said lands, and after such conveyance shall be made, if the grantee shall for more than three years cease to use the said lands and premises for the purposes herein specified, the same shall revert to the United States for the use of the White Earth Indians.

The amendment was agreed to.

NEW YORK HARBOR IMPROVEMENT.

Mr. O'GORMAN. I ask the unanimous consent of the Senate for the consideration of an emergency piece of legislation which passed this body about 10 months since, but instead of its being acted upon in the House a precisely similar measure passed the House and it is now reported back to the Senate. It provides for the removal of Coenties Rock, a reef in New York Harbor, which is now a menace to navigation, and it authorizes the Secretary of War to make use of certain allotments under his control for the purpose of the excavation. The senior Senator from Ohio [Mr. BURTON] is very familiar with it and the entire Commerce Committee has given its approval.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York for unanimous consent for the consideration of a joint resolution?

Mr. GRONNA. Let it be read.

The PRESIDING OFFICER. In the absence of objection, the joint resolution will be read.

The Secretary read the joint resolution (H. J. Res. 366) authorizing the Secretary of War to use any allotment made under the provisions of an act approved October 2, 1914, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," for the improvement of East River and Hell Gate, N. Y., as follows:

Resolved, etc., That the Secretary of War is authorized and empowered to use any of the allotment made under the provisions of the act approved October 2, 1914, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," for the improvement of East River and Hell Gate, N. Y., together with any funds heretofore appropriated for the said improvement and now available, for the removal of Coenties Reef in accordance with the report submitted in House document No. 188, Sixty-third Congress, first session, for the improvement of East River and Hell Gate, N. Y., to the extent of removing said Coenties Reef: *Provided*, That the work hereby contemplated shall not be commenced until assurance satisfactory to the Secretary of War shall have been received that the city of New York, or other local interests, have made provision for the removal of said rock beyond the depth specified in said project to the depth of 40 feet: *And provided further*, That nothing herein contained shall be construed as adopting the said project beyond the removal of said Coenties Reef to the extent and in the manner specified.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INDIAN APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20150) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1916.

Mr. LANE. I wish to submit an amendment, on page 77, after line 3. Here is a report from the department in regard to it. It is merely transferring funds.

The PRESIDING OFFICER. It will be read.

The SECRETARY. On page 77, line 3, after the amount "$4,000," add the following proviso:

Provided, That section 3 of an act entitled "An act to authorize the sale of certain lands belonging to the Indians of the Siletz Indian Reservation, in the State of Oregon," approved May 13, 1910, be, and, the same is hereby, amended by striking out all of said section and inserting in lieu thereof the following:

SEC. 3. That when such lands are surveyed and platted, they shall be appraised and sold, except land reserved for water-power sites as provided in section 2 of this act, under the provisions of the Revised Statutes covering the sale of town sites located on the public domain. That the proceeds derived from the sale of any lands hereunder, after reimbursing the United States for the expense incurred in carrying out the provisions of this act, shall be paid, share and share alike, to the enrolled members of the tribe.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Oregon.

Mr. GRONNA. I should like to have an explanation there as to why that change is desired?

Mr. LANE. In the original act which this repeals, the money was to be expended in building public schools, but the State has provided school facilities. There is no necessity for the use of money in that manner and they are asking now that it be distributed among the Indians in the proportion to which they are entitled to it.

There is a letter from the Assistant Secretary of the Interior requesting that the law be amended in this manner. It is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, April 30, 1914.

MY DEAR MR. STEPHENS: I am in receipt, by your reference, with request for report thereon, of a copy of H. R. 15803, entitled "A bill to amend an act entitled 'An act to authorize the sale of certain lands belonging to the Indians on the Siletz Indian Reservation, in the State of Oregon,' approved May 13, 1910" (36 Stat. L., 367).

The act of May 13, 1910, supra, authorized the Secretary of the Interior to dispose of lands reserved under the provisions of article 4 of the agreement with the Indians of the Siletz Reservation on October 31, 1892, and ratified by the act of Congress approved August 15, 1894 (28 Stat. L., 325), and also to sell for town lots or other purposes lands reserved for administrative, educational, and missionary purposes. It was further provided that water-power sites should be reserved from sale, and that 40 acres of what was then known as the Government farm should be laid out as a town site and divided into 5-acre tracts. Section 3 of this act provided that the proceeds derived from the sale of any lands sold as therein provided should first be devoted to reimbursing the United States for expenses incurred in carrying out the provisions of the act, and those derived from the sale of lands reserved for administrative, educational, and missionary purposes, after making necessary deductions, should be used for the purpose of purchasing sites for day schools, erecting the necessary buildings, and equipping, supporting, and maintaining the same.

It is the policy of the Government to encourage the attendance of Indian children in public schools, and I am advised that the Indians on the Siletz Reservation have indicated a preference for them. There are already 14 public schools within the Siletz Reservation, and the public-school authorities of the State of Oregon are taking charge of the education of the Indian children on that reservation. Hence there is not at this time an apparent need for funds for purchasing sites for day schools, etc., for which purpose the act of May 13, 1910, limits the use of the proceeds derived from the sale of land. I believe, however, that any legislation which may be enacted should be sufficiently broad to enable this department to use the funds in question for school purposes, if later found necessary or desirable, or for the industrial advancement of the tribe. Much of the Indian land is good for agricultural purposes, and there is a considerable amount of grazing land in the hills. Dairying and fruit growing are the principal industries. These Indians, according to the latest statistical reports received in the Indian Office, own only 3 bulls, 138 cows and heifers, 120 hogs and pigs, 110 horses, 700 sheep, and 841 chickens. The superintendent in charge has heretofore suggested to the Indian Office the advisability of purchasing breeding stock and material for the improvement and advancement of the fruit industry. It is very probable some of the funds in question might be very profitably utilized for industrial improvements, and it is therefore suggested that the proposed bill be amended by striking out line 12, after the comma, following the word "act," and line 13 and inserting in lieu thereof "in the discretion of the Secretary of the Interior, may be paid to or expended

for the benefit of the Indians entitled thereto in such manner and for such purposes as he may prescribe."

I recommend that the bill be amended as suggested, and that it be given favorable consideration by your committee and the Congress.

Very truly, yours,

A. A. JONES,
First Assistant Secretary.

Hon. JOHN H. STEPHENS,
Chairman Committee on Indian Affairs,
House of Representatives.

Mr. WALSH. Mr. President, a parliamentary inquiry. Is not the amendment general legislation?

Mr. LANE. I think perhaps it is, Senator. I do not think there is a doubt about it. It does not, however, call for any appropriation. It is merely to facilitate the work of the department by letting them use the funds in another manner.

Mr. WALSH. The Senator feels, however, that as the representative of his State he would like very much to have this done.

Mr. LANE. The Senator does feel like it. If the Senator from Montana wants to stop it, he can go right at it and he is welcome. He can take his choice about it.

The PRESIDING OFFICER. The Chair will answer the parliamentary inquiry that it is general legislation.

Mr. LANE. It is for the benefit of Indians at the request of the department. The question is whether you shall spend the money for schoolhouses or turn it over to the Indians. The department says the Indians need it expended in another manner, as the State provides school facilities.

Mr. WALSH. I made the same kind of an appeal to the distinguished Senator last night in relation to legislation affecting my State that was urgently requested by the Interior Department.

Mr. LANE. That was protested against by the Indians on the reservation and this is put in at their request. If there are any Indians in Oregon who are not asking for this I have not heard of it.

Mr. WALSH. Of course I do not intend——

Mr. LANE. The Senator can do as he likes about it.

Mr. WALSH. Does the Indian Bureau request this?

Mr. LANE. The Indian Bureau requests it. There is a letter here from the Assistant Secretary stating that this is a proper disposal of the money.

Mr. GRONNA. Is it satisfactory to the Indians there?

Mr. LANE. Yes; naturally, for they would be getting the money.

Mr. ASHURST. I wish to make a suggestion. With due respect to the department, I do not care so much for what the department says as what the Senator from Oregon in this case or the Senator who represents the State says. If the Senator from Oregon who represents that State, and represents it well, is in favor of this legislation I am very glad to vote for it.

Mr. LANE. I thank the Senator from Arizona very much.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Oregon.

The amendment was agreed to.

Mr. MYERS. I offer the following amendment.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. On page 53, after line 14, insert:

There is hereby reappropriated the unexpended balance, amounting to $64,295.23, in the appropriations made in the acts approved June 30, 1913 (37 Stat. L., p. 77), making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, and for other purposes, for the fiscal year ending June 30, 1914, for continuing the construction of irrigation systems on the Fort Peck Indian Reservation in Montana, and made available for the fiscal year beginning July 1, 1915, in and for such work.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Montana [Mr. MYERS].

Mr. MYERS. Mr. President, that is an amendment to reappropriate the unexpended balance for the Fort Peck Reservation irrigation project. It lapsed through a misunderstanding between officials during the year ending July 1, 1914. The unexpended balance for the Flathead Reservation was inserted, and this stands on the same principle. If one is fair, the other is fair. We ought to make the projects consistent and not have any discrimination.

Mr. GRONNA. I do not think the Senator from Montana is justified in asking for a further increase in the appropriations.

Mr. KENYON. I ask the Senator to speak louder so that we can hear him above the roar of conversation.

The PRESIDING OFFICER. The Senate will be in order.

Mr. GRONNA. I do not believe the Senator from Montana should ask for this appropriation. The matter was gone over very carefully in the committee, as he knows, and I believe he was treated very liberally.

It is true that there was a small unexpended balance from this appropriation last year, but I think it is also true the Senator from Montana—and I believe the hearings will show it—said he would be satisfied with the $187,000 added to the $500,000. We appropriated yesterday $687,000 for one of these reservation projects. We have appropriated for the State of Montana more than $1,000,000.

Mr. PAGE. More than $1,500,000.

Mr. GRONNA. I have not opposed those appropriations, but I shall be compelled to oppose the amendment now proposed by the Senator from Montana.

Mr. TOWNSEND. Mr. President, I hardly think it is fair to the committee or to the Senate at this time to ask to increase this amount. As was stated by the Senator from North Dakota [Mr. GRONNA] we made certain provisions in the committee, and very liberal provisions as we thought, with the understanding at that time, at least, that these other appropriations were not going to be urged. That matter having been determined, I do not think we should take it up now.

Mr. ASHURST. I must make a point of order on the amendment.

The PRESIDING OFFICER. The point of order is sustained.

Mr. MYERS. I offer another amendment.

The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. After line 14, on page 53, insert:

There is hereby reappropriated the unexpended balance, amounting to $33,561.95, in the appropriations made in the acts approved June 30, 1913 (37 Stat. L., p. 77), making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, and for other purposes for the fiscal year ending June 30, 1914, for continuing the construction of irrigation systems on the Blackfeet Indian Reservation in Montana and made available for the fiscal year beginning July 1, 1915, in and for such work.

Mr. ASHURST. Mr. President, I respectfully make a point of order against that amendment.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. MYERS. Mr. President, I wish to say merely a word. Some mention was made of my conduct being unfair. As I understand, that implies a breach of faith. I do not understand that there was anything unfair or any breach of faith in offering in the Senate an amendment that the committee had voted down. I feel now that I have discharged my duty to my constituents and my obligations.

Mr. TOWNSEND. Mr. President, I admit the impeachment. I did not mean it quite in that sense. I did not deny the right of the Senator to move the amendment. I think he was acting in good faith as far as that was concerned, but it was not the understanding of the committee.

Mr. MYERS. I simply submitted it; I did not press it. I simply offered it in the Senate as well as in the committee, and I feel now that I have done my full duty.

Mr. ASHURST. Inasmuch as I made the point of order, it is due to the distinguished Senator from Montana to say that nothing done in the committee or here in any way would preclude the offering of this amendment or any other amendment he saw fit.

Mr. WALSH. Mr. President, this is a rather unpleasant matter to me, but the Senator from Oregon [Mr. LANE], referring to the Blackfeet provision, against the consideration of which he offered an objection last night, defeating its consideration, has repeatedly declared on the floor of the Senate that the Indians upon the Blackfeet Reservation had protested against the passage of that act, thereby putting the Senators from the State of Montana in the attitude of urging this legislation against the desire and against the protests of the Indians on the Blackfeet Reservation. I take this opportunity to say that the legislation was introduced at the request of the Indians on the Blackfeet Reservation. Touching the matter to which the Senator referred, I have a letter from the secretary of the Blackfeet Council which gives the facts concerning the expression of opinion secured by the Senator from Oregon upon that matter. I ask that the letter be read.

The PRESIDING OFFICER. The Secretary will read the letter.

The Secretary proceeded to read the letter.

Mr. FALL. Mr. President, I hope that the Senator from Montana will withdraw the letter and not have it read.

Mr. WALSH. I ask that it be printed in the RECORD without reading.

Mr. FALL. I do not think it ought to go into the RECORD, Mr. President. I do not think any such letter should be introduced. I know the Senator from Montana possibly feels a little bit of aggravation, but I do not think a letter should be introduced speaking of the manner of a Senator who was visiting a reserve as a member of a commission appointed by this body. I ask the Senator to withdraw the letter.

Mr. WALSH. I desire to say to the Senator from New Mexico, and to anyone else who is interested in the matter, that I have no quarrel at all with the Senator from Oregon upon this question; but the statement has been made here by the Senator from Oregon that this legislation is urged against the protest of these people. It is true that the Senator went there; that he secured a meeting of some of the Indians on the reservation; and that he secured an expression of opinion from them. The Senator from New Mexico will understand perfectly well, although many people will not, that it is a very easy thing to gather together a lot of Indians and get anything from them in the nature of an expression of opinion.

Mr. FALL. The Senator from New Mexico does understand that, Mr. President, and does think that Senators should be very careful rather to take the evidence offered before committees and the statements by the department than the private personal statements of certain parties on the outside of the committee room or who have no connection with the matter; but nevertheless, Mr. President, I again ask the Senator to withdraw this letter, and not to ask that it be printed in the RECORD. I think the expression just read is a reflection on one of the Senators which should not be allowed in this way; or, at least, I think it would be better that it should not go into the RECORD.

Mr. WALSH. I read the letter over carefully, and I did not feel that it was any reflection whatever upon the Senator from Oregon. It undertook to state in detail to what extent he had informed himself concerning conditions on the Flathead Indian Reservation.

Mr. FALL. Mr. President——

Mr. WALSH. However, if, in the opinion of the Senator from New Mexico, the letter is improper under the rules of the Senate, I do not even want to seem to be transgressing those rules; and I will content myself by saying that the secretary of the general council represents to me in the letter that the meeting was not regularly called, was not held in the usual place of the holding of meetings, and that general information about it was not disseminated over the reservation.

Mr. FALL. I think, of course, that is a perfectly proper statement.

Mr. WALSH. I withdraw the letter.

The PRESIDING OFFICER. The letter is withdrawn.

Mr. PAGE. Mr. President, I merely wish to say one word about this matter before we go any further. A year ago when we were having the discussion on the Indian appropriation bill, when we had reached a point where a majority of the Senate were strongly against the senior Senator from Montana [Mr. MYERS], he availed himself of the privilege of raising a point of order on a measure in which I was very deeply interested. He was then perfectly willing to kill a measure in which I was interested rather than let it go to the Senate on its merits. Fortunately the Chair overruled his point of order.

I want to say that his measure to-day is unquestionably open to a point of order. We are proposing now to pay Montana, in one case, $687,000, where we ought to pay but $500,000. I do not want to be an Indian and remember what was done to me last year by the senior Senator from Montana and raise a point of order on his pet measure.

But I want to say to Senators now, that there is no more faithful Senator on the Committee on Indian Affairs than the Senator from Oregon [Mr. LANE], and I can not stand silent here and see him in any way maligned. I think that letter is positively insulting to him, and I am glad it has been withdrawn.

I want to say to the Senator from Montana that it would take but little more of this kind of procedure to have me feel perfectly justified in raising a point of order on his proposed appropriation of $687,000.

Mr. WALSH. Mr. President, I think the Senator from Vermont [Mr. PAGE] is discussing a matter that is quite irrelevant to the matter before us. I do not think the Senator would say what he has said if he had read the letter.

I have no disposition to find fault with the Senator from Oregon [Mr. LANE]. I do not think that he ought to have held up to the Senate here that the Senators from Montana are unable to take care of the affairs of their State or that they are inimical to the interests of those Indians, who are in a way intrusted to their charge. I thought the least I could do to correct the impression that must be left on the Senate by the statement of the Senator from Oregon would be to put in evidence the official communication that I had from the secretary of the Indian council concerning the matter.

So far as maligning is concerned, I should certainly not endeavor to malign anybody.

Mr. PAGE. But, Mr. President, we have got through with this matter; it is now closed. I have yielded any objection I had to the Montana appropriation. I declined to make the point of order against it, although I regarded it as excessive. I do not think we ought now, after this matter has been closed, to bring in any aftermath and introduce a letter that reflects upon any Senator on our Indian Committee, especially one who has been so faithful as I know the Senator from Oregon has been in the consideration of this Indian bill.

Mr. LANE. Mr. President, what became of the letter? Was it withdrawn?

The VICE PRESIDENT. It was.

Mr. LANE. Then I demand that the letter be read. The Senator from Montana has put it in, and he put it in in good faith and for just such effect as he thought it would have. I know the Senator when I see him, and the letter must be read. If it is not to be read at the desk, then pass it to me, and I will read it.

Mr. FALL. Mr. President——

Mr. LANE. I prefer that the letter be read. It is a matter of personal privilege I am rising to.

Mr. PAGE. I rise to a point of order.

Mr. LANE. There has been a letter put in, which started out with a reflection on me, and I think it was intended for that purpose, and I want the letter read.

The VICE PRESIDENT. That is a question for the Senate to determine. Those in favor of the reading of the letter will say "aye," those opposed "no." [Putting the question.] The ayes seem to have it. The ayes have it, and the Secretary will read the letter.

The Secretary read the letter.

Mr. LANE. Now, Mr. President——

The VICE PRESIDENT. Just one moment for an observation which the Chair has felt constrained to make a number of times in the last five or six weeks. There is a rule of the Senate providing that—

> No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

If that rule has not been violated a dozen times in the last six weeks, the Chair is unable to understand the English language. The Chair does not know how this present controversy arose in the Senate of the United States; but that letter imputes conduct unbecoming a Senator of the United States; and it seems to the Chair it leads to a discussion of matters that can not very well be settled inside of the Senate Chamber.

Mr. LANE. I beg pardon——

Mr. WALSH. Mr. President, I desire to say, if the Senator from Oregon will pardon me, that it is some time since I read that letter, and if I had read it over I would not have offered it.

The VICE PRESIDENT. The Chair thought not. The Senator will pardon the Chair, but ought not that letter to be withdrawn?

Mr. WALSH. I did withdraw it.

The VICE PRESIDENT. It was withdrawn?

Mr. WALSH. I withdrew it; but afterwards a motion was made that it be read.

Mr. LANE. I did not so understand.

Now, Mr. President, I think it a matter of privilege and right that I should be allowed to be heard.

The VICE PRESIDENT. If the Senator from Montana withdrew the letter and the Senator from Oregon had it read for his own information——

Mr. LANE. I wish to state that I think the Senator from Montana offered that letter in good faith and knowing well what he did when he offered it.

Mr. SUTHERLAND. Mr. President——

Mr. LANE. Now, if he withdraws it——

The VICE PRESIDENT. That is an imputation again. This controversy must stop, and stop right here. The letter is out of the RECORD. The Chair will not hear anything more about it unless the Senator insists on it.

Mr. LANE. It would entertain the Chair if I did.

Mr. President, I do not want to create discord in this body or impute an unkindly motive to any man or to any Senator or even to the author of that letter; yet, in justice to myself, I should be allowed to make a statement of what the facts are.

The VICE PRESIDENT. The letter is out of the RECORD.

Mr. LANE. Very well.

The VICE PRESIDENT. The Secretary will state the next amendment passed over.

The SECRETARY. The next amendment passed over is on page 39——

Mr. ASHURST. Is that the Choctaw item?

The VICE PRESIDENT. It relates to grazing lands in the Crow Reservation.

Mr. ASHURST. Mr. President, as I have said several times, we are now in a position where we can proceed no further at this particular time, on account of the absence of Senators who wish to be here when the passed-over items are considered. I therefore ask unanimous consent, if no other Senator has an amendment to propose——

Mr. LANE. I have.

Mr. ASHURST. I beg the Senator's pardon.

Mr. LANE. Mr. President, I wish to call attention to the item on page 11. Beginning in line 14, on page 10, the bill reads:

For the purpose of determining the heirs of deceased Indian allottees having any right, title, or interest in any trust or restricted property, under regulations prescribed by the Secretary of the Interior—

And so forth.

Then, on line 7, page 11, there is a provision for a charge of $15, which is allowed to be made against the estate of the heir or heirs for the expenses incurred in making the investigation.

I wish to call the attention of the chairman of the committee to the fact that in some cases these moneys are now already collected out of the tribal funds, and I inquire why should there not be an exception made in cases where they are so paid?

Mr. ASHURST. There is no objection to that amendment, Mr. President.

Mr. LANE. Then, I move to insert at the end of line 11, the words:

Provided further, That this shall not apply to property where tribal funds are being used to defray such expenses.

Mr. ASHURST. There is no objection to that amendment.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 11, at the end of line 11, after the words "as herein provided," it is proposed to insert "*Provided further*, That this shall not apply to property where tribal funds are being used to defray such expenses."

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. LANE. Now, Mr. President, on page 14, section 2, of the bill there is a provision reading:

SEC. 2. That the pro rata share of any Indian who is mentally, physically, or otherwise incapable of managing his or her own affairs may be withdrawn from the Treasury in the discretion of the Secretary of the Interior and expended for the benefit of such Indian—

And so forth.

I wish to call the attention of the chairman of the committee to the fact that, in my opinion, that provision is too broad. It should read: "That the pro rata share of any Indian who is mentally or physically incapable"; while the provision as it now stands reads "mentally, physically, or otherwise." That would include a bald-headed person.

Mr. ASHURST. Does the Senator move to strike out the words "or otherwise"?

Mr. LANE. I move to strike out the words "or otherwise."

Mr. ASHURST. There is no objection to that amendment.

The VICE PRESIDENT. That amendment is to an amendment which has already been agreed to. Without objection, the vote whereby the amendment on page 14 was agreed to will be reconsidered. The amendment proposed by the Senator from Oregon to the amendment reported by the committee will be stated.

The SECRETARY. In the committee amendment, on page 14, line 8, after the word "physically," it is proposed to strike out "or otherwise"; and in the same line, after the word "mentally," to insert the word "or," so as to read:

That the pro rata share of any Indian who is mentally or physically incapable of managing—

And so forth.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. LANE. Mr. President, on the same page—page 14—in section 5, it is declared:

SEC. 5. That it shall be unlawful for any person to induce any Indian to execute any contract, deed, mortgage, lease, or other instrument touching land held under a trust or other patent containing restrictions on alienation—

And so forth.

I think that is too broad. I am of the opinion that would work a hardship on the Indians, and on the very best and on the most intelligent Indians who are declared competent, as well as those who are not. If we make the provision read "That it shall be unlawful for any person to induce any Indian to execute any deed or mortgage" to his land, I think he would be amply protected.

Mr. ASHURST. Does the Senator move to strike out the word "lease"?

Mr. LANE. Yes; I move to strike out the word "lease," for the reason that that would tie the hand of the Indian so that he could not part with his year's crop; the Indian could not make a lease; and it would be unlawful for any white citizen to go upon any reserve in any part of the United States and try to lease the land of an Indian for the most legitimate purposes. I think the provision as it now stands is too broad.

Mr. WALSH. Mr. President, the amendment now offered is related to the amendment which was reserved, and which the Senator from Arizona tells us is not ready for consideration, appearing at page 50.

The amendment on page 39 relates to the execution of leases by the Crow Tribe——

Mr. LANE. On what page?

Mr. WALSH. On page 39—and likewise leases by individual Indians of the Crow Tribe. The Senator from Wisconsin, as I understand, desires to be heard on that, and perhaps another Senator who is not here.

Mr. ASHURST. Let it go over.

Mr. LANE. I will let it go over, then, to be considered in connection with that matter.

GENERAL DEFICIENCY APPROPRIATIONS.

Mr. MARTIN of Virginia. Mr. President, I move that the Senate proceed to the consideration of H. R. 21546, the general deficiency appropriation bill.

Mr. ASHURST. If the Senator will withhold that motion for a moment, I am going to ask now, if no other Senator has an amendment, that the Indian appropriation bill shall be laid aside until 5 o'clock, at which time we will again resume its consideration.

Mr. TOWNSEND. Mr. President, do I understand that it is laid aside for the purpose of considering, later on, certain amendments, or any amendments that may come up?

Mr. ASHURST. It is being laid aside because of the absence of several Senators who are unable to be here now, and who wish to be present when the amendments are discussed; but when we resume its consideration at 5 o'clock any amendment that is parliamentarily in order will be in order, as a matter of course.

The VICE PRESIDENT. The Senator from Virginia moves that the Senate proceed to the consideration of a bill the title of which will be stated by the Secretary.

Mr. FLETCHER. Mr. President, before that motion is put I desire to say that I anticipated that when the Indian bill was laid aside the river and harbor bill would be taken up. That had been my understanding of what was going to happen. I think the river and harbor bill ought to be proceeded with. I do not want to stand in the way of the Senator's desires in reference to the deficiency bill, but it is very important that the river and harbor bill should be disposed of.

The VICE PRESIDENT. First, is there a unanimous-consent agreement that the Indian appropriation bill shall be laid aside until 5 o'clock?

Mr. FALL. Mr. President, I shall not object to that unanimous-consent agreement, provided it is distinctly understood that this bill will be taken up again at 5 o'clock and will then be proceeded with.

The VICE PRESIDENT. Under the unanimous-consent agreement, of course, it must be taken up at 5 o'clock.

Mr. FALL. That being the case I have no objection.

Mr. NORRIS. I should like to suggest to the Senator from Arizona that he may be able to take it up before 5 o'clock. Why not submit a request that it be taken up at the conclusion of the deficiency bill, and not later than 5 o'clock?

Mr. ASHURST. I am willing to make the request that the bill be taken up not later than 5 o'clock.

Mr. NORRIS. Very well.

The VICE PRESIDENT. Is there any objection to that unanimous-consent agreement? The Chair hears none. The Senator from Virginia moves that the Senate proceed to the consideration of H. R. 21546.

Mr. FLETCHER. Mr. President, I hope that will be opposed. I would rather see the other bill taken up first.

Mr. MARTIN of Virginia. Mr. President, the usual course and the necessary and logical course in matters of this sort is that the supply bills which are necessary for carrying on the business of the Government shall be first disposed of. I do not think the Senator from Florida need be at all uneasy about the consideration and passage of his bill, but I think it ought to wait until this appropriation bill is disposed of. I think we can do it in the hour and a half that has been allotted for that purpose.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. The Senator from North Carolina.

Mr. SIMMONS. I want to suggest to the Senator from Virginia that I presume there will be no difficulty in conference about the deficiency bill. The Senator knows that the House has passed an entirely different bill providing for river and harbor work than that which is now proposed by the Senate committee, and there may be considerable time consumed in conference over that bill. In view of that situation, does not the Senator think it would be better for us to take up now and dispose of the river and harbor bill? There is almost certain to be no trouble about the deficiency bill in conference.

Mr. MARTIN of Virginia. I do not know by what authority the Senator says that. Quite to the contrary, there is always trouble in the conferences on these appropriation bills. I think the time that is consumed in this discussion would enable me to get the bill through the Senate, if Senators will just let the matter go along according to the usual course of procedure. I hope the Senate will vote to proceed to the consideration of the deficiency bill.

Mr. SIMMONS. Mr. President, inasmuch as the Senator addresses me, I will say that I was simply making a suggestion to the Senator, not in a spirit of hostility at all, but I thought probably that he would see that some advantage would be gained by passing the river and harbor bill first.

Mr. MARTIN of Virginia. I do not see any advantage in it. I believe it will be a saving of time and facilitate both matters if we proceed in the regular way to get rid of this appropriation bill.

Mr. FLETCHER. Mr. President, I only have this to say: If the Senate desires to proceed to the consideration of that bill, which, I think, ought not to be proceeded with because of the difficulties we have to contend with in the river and harbor bill, and the very great trouble in adjusting the bill to suit the opposing interests of those concerned in opposition to many features of it, and the difficulty of having these agreed on eventually in the House, I know there will be delay. I wish very much we could proceed with the river and harbor bill. If the Senate takes up this bill, I want to give notice now that immediately following the disposition of this bill and the Indian bill I shall move to take up the river and harbor bill; or, if they are not disposed of very soon, I shall ask the Senate to lay them both aside and proceed to the consideration of the river and harbor bill.

Mr. NORRIS. I should like to suggest to the Senator that, even though we should decide to take up the river and harbor bill now, it would be impossible to dispose of it by 5 o'clock, when the unanimous-consent agreement would require us to resume the consideration of the Indian bill.

Mr. FLETCHER. I doubt if it would.

Mr. NORRIS. I understand there would be more than that time, somewhere in the neighborhood of two hours' debate on it.

Mr. GALLINGER. I venture to suggest, as a member of the committee, that I feel quite confident that the deficiency bill will not occupy a great deal of time. I know of no reason why it should.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Virginia.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 21546) making appropriations to supply deficiencies in appropriations for the fiscal year 1915 and for prior years, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. MARTIN of Virginia. Mr. President, I ask that the formal reading of the bill be dispensed with and that the bill be read for committee amendments, the committee amendments to be first considered and disposed of.

The motion was agreed to.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, on page 1, after line 6, to insert:

DEPARTMENT OF STATE.

Emergencies arising in the Diplomatic and Consular Service: To enable the President to meet unforeseen emergencies arising in the Diplomatic and Consular Service, and to extend the commercial and other interests of the United States, and to meet the necessary expenses attendant upon the execution of the neutrality act, to be expended pursuant to the requirement of section 291 of the Revised Statutes, $50,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 4, to insert:

Representation of interest of foreign Governments growing out of hostilities in Europe, etc.: the unexpended balance of the appropriation of $1,000,000 (Public resolution, No. 48, Sept. 11, 1914) to enable the United States to fulfill the obligations devolving upon it in connection with or growing out of its representation of the interests of foreign Governments and their nationals, and to extend temporary assistance to other Governments and their nationals, made necessary by hostilities in Europe and elsewhere by transferring or advancing funds for diplomatic and consular expenses and for the care or benefit of citizens or subjects of foreign nations, is hereby reappropriated and made available for the same purposes during the fiscal year ending June 30, 1916.

The amendment was agreed to.

The next amendment was, under the head of "Treasury Department," subhead "Miscellaneous," on page 5, after line 10, to insert:

Expenses of Tariff Board: To pay amounts due on account of expenses incurred by the Tariff Board, for which bills were not rendered until after the appropriation was exhausted, fiscal years 1911 and 1912, $84.50.

The amendment was agreed to.

The next amendment was, on page 6, after line 5, to insert:

The Secretary of the Treasury is authorized, in making payment of losses accruing under the provisions of an act entitled "An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September 2, 1914, to pay said losses out of premiums received for the insurance of American vessels, their freight and passage moneys and cargoes, against war risks (until exhausted) before having recourse to the amount of $5,000,000 appropriated for said purpose, and the amount of premiums heretofore and hereafter received are hereby appropriated for such purpose in addition to the amount specifically appropriated therefor by section 7 of said act.

Mr. TOWNSEND. Mr. President, may I ask the chairman of the committee if he can tell me about how much premium money has been paid in?

Mr. MARTIN of Virginia. There is a letter here on the subject. I think it is about a million and a half dollars. There has been a good deal more collected than has been paid out. This simply provides that in paying losses they shall first use the receipts from premiums; otherwise, as the Senator knows, the principal fund would soon be exhausted. If they should always pay out from the $5,000,000 for losses and not replenish it at all, the fund would soon be exhausted. This amendment simply provides that the receipts shall first be used to pay the losses, and then the appropriation of $5,000,000, or such part of it as may be needed.

Mr. TOWNSEND. Do I understand the Senator to state that the premiums will equal the losses?

Mr. MARTIN of Virginia. The premiums so far have exceeded the losses. There is a balance to the credit of the fund in the way of profit from the insurance business which has been done.

Mr. TOWNSEND. So that the losses thus far have been met, and more than met, by the premiums?

Mr. MARTIN of Virginia. They would have been had they been authorized to use them, but the Treasury Department did not have a right to use those funds in that way. This gives them the right to use them in that way.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 6, after line 21, to insert:

QUARANTINE STATIONS.

Savannah, Ga., quarantine station: For dredging, repairs, and other improvements at the quarantine station near the city of Savannah, Ga., at a total cost not to exceed the sum hereby appropriated, $28,500.

The amendment was agreed to.

The next amendment was, on page 7, after line 2, to insert:

Honolulu, Hawaii, quarantine station: For the removal of the wharf of the quarantine station at Honolulu, Hawaii, and its reerection, including all necessary new materials, at a new location within the new harbor lines established by the War Department, $22,000.

The amendment was agreed to.

The next amendment was, on page 7, after line 7, to insert:

The foregoing construction under quarantine stations shall be under the supervision and direction of the Supervising Architect of the Treasury.

The amendment was agreed to.

The next amendment was, under the head of "Interstate Commerce Commission," on page 7, after line 16, to insert:

Section 20 of an act to regulate commerce, approved February 4, 1887 (34 Stat. L., p. 584, at p. 594), as amended June 29, 1906, February 25, 1909, and June 18, 1910, be further amended by inserting after the word "memoranda," as used in the sixth and twelfth lines, respectively, of the fifth paragraph of said section 20, the words "including all documents, papers, and correspondence now or hereafter existing, and kept or required to be," and by inserting after the word "Act," in the seventh line of said fifth paragraph, the words "and the provisions of this section respecting the preservation and destruction of books, papers, and documents shall apply thereto," and by inserting at the end of said fifth paragraph the words "Nothing in this section shall be construed as affecting any rule of evidence now in force in courts of the United States," so that the said fifth paragraph of the said section 20 of the said act as amended shall read as follows:

"The commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by carriers subject to the provisions of this act, including the accounts, records, and memoranda of the movement of traffic as well as the receipts and expenditures of moneys. The commission shall at all times have access to all accounts, records, and memoranda, including all documents, papers, and correspondence now or hereafter existing, and kept or required to be kept by carriers subject to this act, and the provisions of

this section respecting the preservation and destruction of books, papers, and documents shall apply thereto, and it shall be unlawful for such carriers to keep any other accounts, records, or memoranda than those prescribed or approved by the commission, and it may employ special agents or examiners, who shall have authority under the order of the commission to inspect and examine any and all accounts, records, and memoranda, including all documents, papers, and correspondence now or hereafter existing, and kept or required to be kept by such carriers. This provision shall apply to receivers of carriers and operating trustees. Nothing in this act shall be construed as affecting any rule of evidence now in force in courts of the United States."

Mr. OLIVER. Mr. President——

The VICE PRESIDENT. The Senator from Pennsylvania.

Mr. OLIVER. I make a point of order against the whole of this amendment, beginning on line 17, page 7, and going down to and including line 10 on page 9, on the ground that it is general legislation on an appropriation bill.

Mr. MARTIN of Virginia. There is no doubt whatever about its being subject to the point of order. I believe it is meritorious legislation, and I had hoped no point would be made against it; but if the point is made, it undoubtedly is well taken.

The VICE PRESIDENT. The Chair sustains the point of order. It is clearly general legislation.

The next amendment was, on page 9, after line 14, to insert:

A complete statement showing the employments under this and all other appropriations heretofore made for the Interstate Commerce Commission, as well as for valuation of carriers, shall be made to Congress at its next regular session, and under similar appropriations for subsequent fiscal years at each succeeding regular session thereof. Said statements shall show, under each division or title of organization, the names of all persons employed under the Interstate Commerce Commission, alphabetically arranged, the State from which each is appointed, rate of compensation paid to each, together with a full itemized statement showing how the moneys appropriated for the fiscal years 1914 and 1915 have been expended under said commission.

The amendment was agreed to.

The next amendment was, under the head of "Federal Trade Commission," on page 10, after line 15, to insert:

The sum of $300,000 appropriated in the sundry civil act for the fiscal year 1916 is made immediately available for the employment of special agents, special examiners, and legal counsel, at such rates of compensation as may be determined by the Federal Trade Commission: *Provided*, That no salary authorized herein shall in any case exceed $7,500 per annum.

The amendment was agreed to.

The next amendment was, on page 10, after line 22, to insert:

For the rental of such building or quarters as may be necessary for the housing of the Federal Trade Commisson and its employees, in addition to what may be provided in the Department of Commerce Building under the provisions of the sundry civil act for the fiscal year 1916, $10,000.

The amendment was agreed to.

The next amendment was, under the head of "District of Columbia," on page 11, after line 19, to insert:

East Washington Heights Traction Railroad Co.: That from and after January 1, 1915, the East Washington Heights Traction Railroad Co. shall pay annually to the collector of taxes of the District of Columbia for its use of the Pennsylvania Avenue Bridge across the Eastern Branch the sum of $400 per annum, and in addition thereto shall also at its own expense keep its rails and tracks on said bridge in good repair to the satisfaction of the Commissioners of the District of Columbia; and all amounts due under the provisions of existing law by said railroad company up to and including December 31, 1914, on account of repairs to said bridge, be, and the same are hereby, remitted.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. The Senator from Utah.

Mr. SMOOT. I should like to ask the chairman of the committee if there is any good reason why the amount of the tax should be remitted, and if he knows exactly the amount that is due from the company to the District?

Mr. MARTIN of Virginia. I think it is about $6,500, and the commissioners report that it is not collectible. It seems that the company is in bad condition, and is not able to pay these arrearages. The District Commissioners recommend that they be remitted, and that $400 a year be accepted in settlement of all present and future demands.

Mr. SMOOT. Is there any likelihood, then, that the $400 will be paid hereafter?

Mr. MARTIN of Virginia. We hope it will be, and I suppose there is good ground for the expectation. The company is not a strong one, and it is a very heavy assessment, I think, on this feeble company.

Mr. SMOOT. I am willing that it should go into conference; but I think it is a very poor business proposition to remit $6,000 of taxes to a concern and then agree to collect $400 hereafter, and, in order to collect $400, remit $6,000.

Mr. MARTIN of Virginia. I will say to the Senator that the matter will have careful consideration in conference.

Mr. GALLINGER. It is a very short road, only three-quarters of a mile long, and it will go into receivership hands if something is not done.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 12, after line 6, to insert:

Grand Army of the Republic Encampment: The Commissioners of the District of Columbia are authorized and directed to make such special regulations for the occasion of the encampment of the Grand Army of the Republic, which will take place in the District of Columbia from September 27 to October 2, 1915, as they shall deem advisable for the preservation of public order and the protection of life and property, to be in force one week prior to said encampment, during said encampment, and one week subsequent thereto. Such special regulations shall be published in one or more of the daily newspapers of the District of Columbia, and no penalty prescribed for the violation of such regulations shall be enforced until five days after such publication; and said commissioners are authorized and directed to establish a special schedule of fares, applicable to public conveyances in said District, during the period aforesaid. Any person violating any of the aforesaid regulations or the aforesaid schedule of fares shall, upon conviction thereof in the police court of the said District, be liable for such offense to a fine not to exceed $100, and in default of payment of such fine to imprisonment in the workhouse (or jail) of said District for not longer than 60 days. The provisions herein contained shall take effect immediately, and the sum of $11,000, or as much thereof as may be necessary, payable from any money in the Treasury not otherwise appropriated and from the revenues of the District of Columbia, in equal parts, is appropriated to enable the Commissioners of the District of Columbia to carry out the provisions herein contained, $1,000 of which shall be available for the construction, maintenance, and operation of public-comfort stations and information booths, under the direction of said commissioners. The Commissioners of the District of Columbia are authorized to permit the committee on illumination of the citizens' executve committee for the entertainment of the forty-ninth national encampment of the Grand Army of the Republic to strecth suitable conductors, with sufficient supports wherever necessary, for the purpose of effecting the said illumination within the District of Columbia: *Provided*, That the said conductors shall not be used for the conveying of electrical currents after October 2, 1915, and shall, with their supports, be fully and entirely removed from the streets and avenues of the said city of Washington on or before October 20, 1915: *Provided further*, That the stretching and removing of the said wires shall be under the supervision of the Commissioners of the District of Columbia, who shall see that the provisions herein contained are enforced; that all needful precautions are taken for the protection of the public; and that the pavement of any street, avenue, or alley disturbed is replaced in as good condition as before entering upon the work herein authorized: *Provided further*, That no expense or damage on account of or due to the stretching, operation, or removing of the said temporary overhead conductors shall be incurred by the United States or the District of Columbia: *And provided further*, That if it shall be necessary to erect wires for illumination purposes over any park or reservation in the District of Columbia that the work of erection and removal of said wires shall be under the supervision of the official in charge of said park or reservation. The Secretary of War and the Secretary of the Navy are authorized to loan to the chairman of the subcommittee in charge of street decorations, or his successor in said office, for the purpose of decorating the streets of the city of Washington, D. C., on the occasion of the encampment of the Grand Army of the Republic, 1915, such of the United States ensigns, flags (except battle flags), signal numbers, etc., belonging to the Government of the United States, as in their judgment may be spared and are not in use by the Government at the time of the encampment. The loan of the said ensigns, flags, signal numbers, etc., to said chairman shall not take place prior to the 15th day of September and shall be returned by him by the 15th day of October, 1915. For the protection and return of said ensigns, flags, signal numbers, etc., the said chairman, or his successor in office, shall execute and deliver to the President of the United States, or to such officer as he may designate, a satisfactory bond in the penalty of $50,000, to secure just payment for any loss or damage to said ensigns, flags, and signal numbers not necessarily incident to the use specified. The Secretary of War is authorized to grant permits to the citizens' executive committee for the entertainment of the Grand Army of the Republic for the use of any reservation or other public spaces in the city of Washington on the occasion of the forty-ninth national encampment, in the months of September and October, 1915, which, in his opinion, will inflict no serious or permanent injuries upon such reservations or public spaces, or statuary therein; and the Commissioners of the District of Columbia may designate for such and other purposes on the occasion aforesaid such streets, avenues, and sidewalks in said city of Washington as they may deem proper and necessary: *Provided, however*, That all stands and platforms that may be erected on the public spaces aforesaid shall be under the supervision of the said citizens' executive committee and in accordance with plans and designs to be approved by the Architect of the Capitol, the Commissioner of Public Buildings and Grounds, and the building inspector of the District of Columbia. The Secretary of War is authorized to loan to the chairman of the medical department of the forty-ninth national encampment of the Grand Army of the Republic, or his successor in said office, for the purpose of caring for the sick, injured, and infirm on the occasion of the encampment of the Grand Army of the Republic in the months of September and October, 1915, such hospital tents and camp appliances and other necessaries, hospital furniture, and utensils of all descriptions, ambulances, horses, drivers, stretchers, and Red Cross flags and poles belonging to the Government of the United States as in his judgment may be spared and are not in use by the Government at the time of the encampment: *Provided*, That the said chairman, or his successor in said office, shall indemnify the War Department for any loss to such hospital tents and appliances as aforesaid not necessarily incident to such use.

The amendment was agreed to.

The next amendment was under the head of "War Department," on page 23, after line 6, to insert:

INTERNAL-REVENUE TAXES, PHILIPPINE ISLANDS.

The internal-revenue taxes imposed by the Philippine Legislature under the law enacted by that body on December 23, 1914, as amended by the law enacted by it on January 16, 1915, are hereby legalized and ratified, and the collection of all such taxes heretofore or hereafter is hereby legalized, ratified, and confirmed as fully to all intents and purposes as if the same had by prior act of Congress been specifically au-

thorized and directed: *And provided further*, That the Philippine Legislature is hereby authorized an empowered when in its judgment conditions require it, to enact further legislation to repeal, modify, or continue the taxes provided for in the acts above mentioned.

Mr. SUTHERLAND. Mr. President, may I inquire of the chairman of the committee what is the necessity of that legislation?

Mr. MARTIN of Virginia. Mr. President, the European war has disturbed the financial situation in all the countries of the world, including the Philippine Islands. They find themselves unable to conduct the government on the revenues they now have, and they have amended the revenue laws in a way which gives them about two and a half million dollars more revenue. That revenue bill has been passed by the Philippine Legislature, and the Governor General of the Philippine Islands has sent an earnest request here that the ratification of Congress be given in order to make that legislative act effective.

Mr. SUTHERLAND. I inquire because I am ignorant as to the situation. Does it require an act of Congress to ratify that legislation before it becomes operative?

Mr. MARTIN of Virginia. It does. It is not operative except with the approval of the Congress of the United States.

Mr. SUTHERLAND. If that be true, then does the Senator think it is wise to provide as he does in the proviso?—

That the Philippine Legislature is hereby authorized and empowered, when in its judgment conditions require it, to enact further legislation to repeal, modify, or continue the taxes provided for in the acts above mentioned.

By that Congress evidently gives its consent in advance to the Philippine Legislature passing any legislation it pleases upon the subject.

Mr. SHAFROTH. Mr. President——

Mr. MARTIN of Virginia. I will say very frankly that that objection occurred to my mind when the clause was put in the bill, and I have no objection to a limitation being placed upon it.

Mr. SHAFROTH. Mr. President——

Mr. MARTIN of Virginia. If the Senator will excuse me until I get through with what I am saying, the object was to give at least one year after this. I would be perfectly willing to provide that it should not continue longer than two years.

Mr. SUTHERLAND. If we are to retain our control over legislation of this character, passed by the local legislature of the Philippines, then we ought not to surrender it, as we apparently do by that proviso.

Mr. MARTIN of Virginia. I will ask the Senator from Utah if it would satisfy him to add, at the end of the clause, these words:

Provided, That the authority for further legislation by the Philippine Legislature shall not extend longer than two years.

Mr. SUTHERLAND. I prefer that the proviso should go out altogether; and I make the point of order against the proviso.

Mr. SHAFROTH. Mr. President, I should like to make a brief explanation to the Senator, since I am a member of the Committee on the Philippines.

Mr. SUTHERLAND. Very well; I will withhold the point of order.

Mr. SHAFROTH. I will state that the bill which has passed the House of Representatives providing for self-government in the Philippine Islands provides that both branches of the legislature shall be elected by the Filipino people. That legislation has been transmitted to this Chamber, and the Senate Committee on the Philippines has approved, as far as it could, that feature of the bill. The only dispute existing between the members of the Committee on the Philippines is in relation to the preamble. We are almost solidly in favor of this experiment in regard to self-government by the legislative bodies elected by the Filipino people; and because of the fact that it is likely that that bill can not be considered in this session of Congress, there has been a communication sent here to give that same power, upon which the House of Representatives has passed its judgment, and I believe the united members of the Philippine Committee have passed their judgment in favor of that kind of legislation. Inasmuch as we likely can not get the Philippine bill before the Senate, it seems to me we ought to give them this power.

Mr. MARTIN of Virginia. If the Senator will excuse me, I think I can adjust this matter in a second. I am perfectly willing to have all of the language, from the word "directed," in line 16, to the end of the section, stricken out. That simply ratifies what has been done and gives no authority for the future. I am perfectly content to have that done. I think there is much force in the objection made by the Senator.

Mr. SUTHERLAND. That is entirely acceptable to me. I think that should be done.

Mr. SHAFROTH. I hope the Senator will not do that.

Mr. LODGE. The point of order lies against it.

Mr. MARTIN of Virginia. Of course; and it will all go out if the Senator from Colorado should insist on it.

Mr. SHAFROTH. I was just trying to beg; that is all.

The VICE PRESIDENT. The Chair will cut the Gordian knot by sustaining the point of order to the clause.

Mr. MARTIN of Virginia. I do not think the point of order is made. The Senator withdrew his point of order.

Mr. SUTHERLAND. I simply withhold it. I should have made it.

Mr. MARTIN of Virginia. I ask that the part of the amendment from the word "directed" on line 16 down to and including the word "mentioned" in line 20 be disagreed to, and that the balance of the amendment be agreed to.

The VICE PRESIDENT. The question is on agreeing to the first portion of the amendment, going down to and including the word "directed" in line 16, page 23.

The first part of the amendment was agreed to.

The VICE PRESIDENT. The question now is on agreeing to the remaining portion of the amendment, from the word "directed" on line 16 down to and including the word "mentioned" in line 20.

The second part of the amendment was rejected.

The amendment as amended was agreed to.

The next amendment was, on page 23, after line 20, to insert:

NATIONAL MILITARY PARKS.

Shiloh National Military Park: For rebuilding the hotel upon the Shiloh National Military Park, destroyed by fire on December 23, 1913, and for furnishing the same at a cost not to exceed $1,000: *Provided*, That the Secretary of War is authorized to lease the hotel upon such terms as he may prescribe, the proceeds to be applied by the Secretary of War, through the proper disbursing officer, to the maintenance and care of the park, $7,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 17, to insert:

LINCOLN MEMORIAL.

The sundry civil appropriation act approved June 23, 1913, is hereby amended by adding the Lincoln Memorial in Potomac Park, D. C., to the list of buildings to be supplied with heat, light, and power from the central heating, lighting, and power plant authorized by that act to be constructed by the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, under the head of "Navy Department," on page 28, after line 11, to insert:

To enable the Secretary of the Treasury to carry out the provisions of "An act for the relief of Samuel Butter & Co.," approved March 3, 1913, $11,709.69.

The amendment was agreed to.

The next amendment was, under the subhead "Buildings," on page 32, line 19, after the words "House Office Building," to insert "including labor and material," so as to make the clause read:

For painting interior and woodwork of rooms and corridors of the House Office Building, including labor and material, $25,983, to continue available during the fiscal year 1916.

The amendment was agreed to.

The next amendment was, on page 32, line 24, after the word "building," to insert "including labor and material," so as to make the clause read:

Court of Claims Building: For repairing electric wiring, heating apparatus, roof, and other parts of the Court of Claims building, including labor and material, to be expended under the direction of the Superintendent of the Capitol Building and Grounds, and to continue available during the fiscal year 1916, $5,950.

The amendment was agreed to.

The next amendment was, on page 33, after line 2, to insert:

Columbia Hospital for Women and Lying-in Asylum: For obstetrical instruments and apparatus to complete the equipment of Columbia Hospital for Women and Lying-in Asylum, Washington, D. C., and for deficiencies due to and in connection with the construction of the new Columbia Hospital, etc., provided for in the act approved June 23, 1913, including labor and material, special and professional services, $7,500, to be paid one-half out of the revenues of the District of Columbia and one-half out of the Treasury of the United States: *Provided*, That hereafter all repairs or improvements made to said hospital buildings and grounds shall be made under the direction and supervision of the Superintendent United States Capitol Building and Grounds under estimates submitted to Congress through the Secretary of the Interior.

The amendment was agreed to.

The next amendment was under the subhead "Territory of Alaska," on page 34, after line 3, to insert:

Alaska Engineering Commission: In the execution of the work called for under the act of March 12, 1914, entitled "An act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes," authority is hereby granted to purchase from the appropriations made therefor articles and supplies for sale to employees, the appropriation to be reimbursed by the proceeds of such sales.

The amendment was agreed to.

The next amendment was, under the head of "Department of Justice," on page 36, after line 15, to insert:

Copper River & Northwestern Railway Co.: The District Court of the United States for the District of Alaska, third division, is authorized

to direct its clerk to refund to Copper River & Northwestern Railway Co., out of any moneys now in the hands of said clerk, or which may hereafter be collected and turned over to him on account of licenses, the amount paid by said company for the fiscal year beginning July 1, 1914, under section 460 of the act of March 3, 1899 (30 Stat. L., 1253, 1336, 1337), as a license tax of $100 per mile on each mile of road operated in Alaska; the law requiring such payment having been repealed by the act of July 18, 1914, entitled "An act to levy and collect an income tax on railroads in Alaska, and for other purposes" (38 Stat. L., 517): *Provided*, That said railway company shall be required out of said sum to pay in full the income tax prescribed by said repealing act of July 18, 1914.

The amendment was agreed to.

The next amendment was, on page 37, after line 12, to insert:

JUDICIAL.

Commissioner of Glacier National Park: For the commissioner of Glacier National Park for the period from September 17, 1914, to June 30, 1915, $1,183.33. The provisions of section 21 of the legislative executive, and judicial appropriation act approved May 28, 1896, shall not be construed as impairing the right of said commissioner to receive said salary as herein provided

The amendment was agreed to.

The next amendment was, under the subhead "United States Courts," on page 38, line 8, after the word "jurors," to strike out "$6,000" and insert "$50,000," so as to make the clause read:

For fees of jurors, $50,000.

The amendment was agreed to.

The next amendment was, on page 38, line 11, after the words "United States," to strike out "$50,000" and insert "$100,000," so as to make the clause read:

Fees of witnesses: For fees of witnesses and for payment of the actual expenses of witnesses, as provided by section 850, Revised Statutes of the United States, $100,000.

The amendment was agreed to.

The next amendment was, on page 39, after line 2, to insert:

To enable the Attorney General to represent and protect the interests of the United States in matters and suits affecting withdrawn oil lands and for expenses in connection therewith, including salaries of necessary employees in Washington, District of Columbia, $50,000.

The amendment was agreed to.

The next amendment was, on page 39, after line 12, to insert:

To pay to Tom K. Richie, of Tucson, Ariz., the sum inadvertently covered into the Treasury on a forfeited cash recognizance in a case pending in the United States district court and the court having remitted the same, on appearance of the defendant for trial, in the case entitled "United States against Frank Lee," $1,000.

The amendment was agreed to.

The next amendment was, under the head of "Postal Service" subhead "Out of the Postal Revenues," on page 40, after line 7, to insert:

For amount to reimburse the postal revenues of the fiscal year 1914, being the amount retained by postmasters in excess of the appropriation, $129.36.

The amendment was agreed to.

The next amendment was, on page 41, after line 3, to insert:

For the payment of limited indemnity for the loss of domestic registered, insured, and collect on delivery mail, $60,000.

The amendment was agreed to.

The next amendment was, on page 41, line 7, after the word "devices," to strike out "$25,000" and insert "$50,000," so as to make the clause read:

For wrapping twine and tying devices, $50,000.

The amendment was agreed to.

The reading of the bill was continued to line 19, page 42.

Mr. MARTIN of Virginia. I send to the desk an amendment to come in on page 42, after line 19.

The SECRETARY. On page 42, after line 19, it is proposed to insert:

BUREAU OF FISHERIES.

The sum of $10,000 of the appropriation of $60,000 for maintenance of vessels and launches, including purchase and repair of ships, boats, apparatus, machinery, and other facilities required for use with the same, hire of vessels, and other necessary expenses in connection therewith, made in the sundry civil act for the fiscal year 1916, is hereby made immediately available.

The amendment was agreed to.

The next amendment was, at the top of page 43, to insert:

IMMIGRATION SERVICE.

Section 4 of the act of August 5, 1882 (22 Stat., p. 225), shall not be construed to prevent the Secretary of Labor from hereafter detailing one officer and one clerk employed for the special duty of enforcing the alien contract labor provisions of the immigration act approved February 20, 1907 (34 Stat., p. 898), in pursuance of section 24 of said immigration act, for duty at the Department of Labor at Washington.

The amendment was agreed to.

The next amendment was, under the head of "Legislative," on page 43, after line 12, to insert:

SENATE.

To pay Hon. William P. Jackson for expenses incurred by him in the proceedings involving the validity of his credentials and his right to a seat in the United States Senate, $1,000.

The amendment was agreed to.

The next amendment was, on page 43, after line 17, to insert:

For compensation of officers, clerks, messengers, and others:

For assistance to Senators who are not chairmen of committees, as follows:

Three clerks, at $2,000 each per annum, from March 4 to June 30, 1915; three assistant clerks, at $1,200 per annum, from March 4 to June 30, 1915; three messengers, at $1,200 per annum, from March 4 to June 30, 1915, to be paid from the appropriation for assistance to Senators provided for in fiscal year 1915.

The amendment was agreed to.

The next amendment was, on page 44, after line 4, to insert:

For compensation of officers, clerks, messengers, and others:

For assistance to Senators who are not chairmen of committees, as follows:

Three clerks, at $2,000 each per annum, from July 1, 1915, to December 31, 1915, $3,000; three assistant clerks, at $1,200 each per annum, from July 1, 1915, to December 31, 1915, $1,800; three messengers, at $1,200 each per annum, from July 1, 1915, to December 31, 1915, $1,800.

The amendment was agreed to.

The next amendment was, on page 44, after line 16, to insert:

To enable the Secretary of the Senate to pay from the appropriation for 1915 for compensation of officers, clerks, messengers, and others to Myrtle White for services as clerk to THOMAS W. HARDWICK, Senator from the State of Georgia, from November 4, 1914, to December 7, 1914, at the rate of $2,000 per annum.

The amendment was agreed to.

The next amendment was, on page 44, after line 23, to insert:

To reimburse the Official Reporters of the proceedings and debates of the Senate for expenses incurred from June 30, 1914, to March 4, 1915, for clerk hire and other extra clerical services, $4,200.

The amendment was agreed to.

The next amendment was, on page 45, after line 3, to insert:

To pay Dennis M. Kerr for extra and expert services rendered to the Committee on Pensions during the third session of the Sixty-third Congress as assistant clerk to said committee, by detail from the Bureau of Pensions, $1,200.

The amendment was agreed to.

The next amendment was, on page 45, after line 7, to insert:

To pay Atwell J. Clopton, as additional compensation for extra services rendered the Subcommittee of the Committee on the Judiciary engaged in the investigation of the maintenance of a lobby, pursuant to Senate resolution No. 92, during the first and second sessions of the Sixty-third Congress, $500.

The amendment was agreed to.

The next amendment was, on page 45, after line 13, to insert:

To pay Byford E. Long for extra services as clerk to the Committee on Pensions for the first, second, and third sessions of the Sixty-third Congress, $800.

The amendment was agreed to.

The next amendment was, on page 45, after line 16, to insert:

To pay Fay N. Seaton for extra services rendered to the Committee to Investigate the General Parcel Post, $225.

The amendment was agreed to.

The next amendment was, on page 45, after line 18, to insert:

To pay L. W. Jones for services rendered as assistant clerk to the Committee on Naval Affairs, $72.

The amendment was agreed to.

The next amendment was, on page 45, after line 20, to insert:

To enable the Secretary of the Senate to pay Howard M. Kay, messenger to Senator T. P. GORE, salary from July 16 to August 20, 1914, at $100 per month, $116.67.

The amendment was agreed to.

The next amendment was, at the top of page 46, to insert:

To pay the Merchants Transfer & Storage Co. (or to enable the Superintendent United States Capitol Building and Grounds to pay the Merchants Transfer & Storage Co.) for the removal of Patent Office models stored in the Senate and House Office Buildings, $943.

The amendment was agreed to.

The next amendment was, on page 46, after line 5, to insert:

Senate Office Building: For maintenance, miscellaneous items and supplies, and for all necessary personal and other services for the care and operation of the Senate Office Building, under the direction and supervision of the Senate Committee on Rules, $13,300.

The amendment was agreed to.

The next amendment was, under the subhead "House of Representatives," on page 47, after line 16, to insert:

BOTANIC GARDEN.

For procuring manure, soil, tools, fuel, purchasing trees, shrubs, plants, and seeds; and for services, materials, and miscellaneous supplies, and contingent expenses in connection with repairs and improvements to Botanic Gardens, under direction of the Joint Library Committee of Congress, $2,522.63.

The amendment was agreed to.

The next amendment was, on page 47, after line 23, to insert:

For general repairs to buildings, heating apparatus, painting, glazing, repairs to footwalks and roadways, general repairs to packing sheds, storerooms, and stables, including purchase of power lawn mower, under the direction of the Joint Committee on the Library, $1,315.35.

The amendment was agreed to.

The next amendment was, under the head of "Government Printing Office," on page 48, line 7, after the words "Govern-

ment Printing Office," to strike out "$18,656.30" and insert "$66,656.30," so as to make the clause read:

Leaves of absence: To enable the Public Printer to comply with the provisions of the law granting 30 days' annual leave to the employees of the Government Printing Office, $66,656.30, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 48, after line 14, to insert:

PUBLIC PRINTING AND BINDING.

For the public printing, for the public binding, and for paper for the public printing and binding, including the same objects specified under this head in the sundry civil appropriation act for the fiscal year 1915, $123,000.

The amendment was agreed to.

The next amendment was, on page 49, after line 5, to insert:

For printing and binding for the Department of the Interior, $2,500.

The amendment was agreed to.

The next amendment was, on page 49, line 16, after the word "office," to strike out "$25,000" and insert "$78,665.59," so as to make the clause read:

For printing and binding for the Post Office Department, exclusive of the money-order office, $78,665.59.

The amendment was agreed to.

The next amendment was, under the head of "Judgments, Court of Claims," on page 50, line 15, after the word "seventy-seven" to insert "and Senate Document No. 958," so as to read:

For the payment of the judgments rendered by the Court of Claims, reported to Congress at its present session in House Document No. 1577 and Senate Document No. 958, namely:

The amendment was agreed to.

The next amendment was, on page 50, line 18, after the words "Treasury Department," to strike out "$3,389.27" and insert "$4,306.77," so as to make the clause read:

Under the Treasury Department, $4,306.77.

The amendment was agreed to.

The next amendment was, on page 50, line 19, after the words "War Department," to strike out "$23,070.58" and insert "$53,858.49," so as to make the clause read:

Under the War Department, $53,858.49.

The amendment was agreed to.

The next amendment was, on page 50, line 20, after the words "Navy Department," to strike out "$2,029.23" and insert "$9,978.68," so as to make the clause read:

Under the Navy Department, $9,978.68.

The amendment was agreed to.

The next amendment was, on page 50, after line 20, to insert:

Under the Post Office Department, $86.24.

The amendment was agreed to.

The next amendment was, on page 50, after line 21, to insert:

Under the Department of Justice, $75.86.

The amendment was agreed to.

The next amendment was, on page 50, line 24, after the words "In all," to strike out "$29,189.08" and insert "$69,006.04."

The amendment was agreed to.

The next amendment was, under the head of "Judgments in Indian depredation claims," on page 51, line 5, after the word "eighty-one," to insert "and Senate Document No. 959," and in line 6, after the word "session," to strike out "$6,279" and insert "$14,640," so as to read:

For payment of judgments rendered by the Court of Claims in Indian depredation cases, certified to Congress in House Document No. 1581 and Senate Document No. 959 at its present session, $14,640.

The amendment was agreed to.

The next amendment was, under the head of "Audited claims," subhead "Claims allowed by the Auditor for the War Department," on page 53, line 18, after the word "July," to strike out "first" and insert "sixth," so as to make the clause read:

For pay, etc., of the Army, including settlements made under the act of July 6, 1914, public No. 125, Sixty-third Congress, second session, $402,481.03.

The amendment was agreed to.

The next amendment was, on page 62, after line 6, to insert as a new section the following:

AUDITED CLAIMS.

SEC. 3. That for the payment of the following claims, certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1912 and other years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Document No. 960, reported to Congress at its present session, there is appropriated as follows:

CLAIMS ALLOWED BY THE AUDITOR FOR THE TREASURY DEPARTMENT.

For refunding taxes illegally collected, $3,207.91.
For payment of judgments against internal-revenue officers, $30,742.90.
For expenses of Revenue-Cutter Service, 94 cents.
For furniture and repairs of same for public buildings, $154.97.
For repairs and preservation of public buildings, $5.
For mechanical equipment for public buildings, $50.38.
For heating apparatus for public buildings, $10.
For general expenses of public buildings, $2.74.

CLAIMS ALLOWED BY THE AUDITOR FOR THE WAR DEPARTMENT.

For pay, etc., of the Army, including settlements made under the act of July 6, 1914 (Public, No. 125, 63d Cong., 2d sess.), $90,831.83.
For Signal Service of the Army, 70 cents.
For regular supplies, Quartermaster Department, $24.
For incidental expenses, Quartermaster Department, $96.
For transportation of the Army and its supplies, $745.06.
For headstones for graves of soldiers, $20.01.
For improving San Pablo Bay, Cal., $22,422.40.

CLAIMS ALLOWED BY THE AUDITOR FOR THE NAVY DEPARTMENT.

For pay of the Navy, $1,041.72.
For pay Marine Corps, $10,200.82.
For pay, miscellaneous, $132.16.
For contingent, Marine Corps, $683.19.
For transportation, Bureau of Navigation, $181.90.
For naval training station, Cal., Bureau of Navigation, $93.48.
For ordnance and ordnance stores, Bureau of Ordnance, $10.40.
For maintenance, Bureau of Yards and Docks, $43.36.
For provisions, Navy, Bureau of Supplies and Accounts, $116.20.
For freight, Bureau of Supplies and Accounts, $1,723.22.
For construction and repair, Bureau of Construction and Repair, $147.84.
For enlistment bounties to seamen, $21.

CLAIMS ALLOWED BY THE AUDITOR FOR THE INTERIOR DEPARTMENT.

For surveying the public lands, $2,037.30.
For investigating mine accidents, $4.23.
For Indian school and agency buildings, $116.38.
For purchase and transportation of Indian supplies, 1914, $21,351.05.
For purchase and transportation of Indian supplies, 1913, $280.30.
For purchase and transportation of Indian supplies, 70 cents.
For telegraphing and telephoning, Indian Service, 1914, 88 cents.
For telegraphing and telephoning, Indian Service, 20 cents.
For telegraphing, transportation, etc., Indian supplies, 96 cents.
For expenses of Indian commissioners, 1914, $32.06.
For maintenance, irrigation system, Pima Indian lands, Arizona, 1914, $214.92.
For indemnity to certain Chickasaw Indians for losses, treaty of June 22, 1855, $2,470.
For Army pensions, $117.
For Navy pensions, $36.

CLAIMS ALLOWED BY THE AUDITOR FOR THE STATE AND OTHER DEPARTMENTS.

For administration of the customs laws, $36.45.
For contingent expenses, foreign missions, 1914, $4,078.17.
For relief and protection of American seamen, 1914, $3,551.20.
For purchase and distribution of valuable seeds, $2.97.
For general expenses, Forest Service, $3.75.
For expenses of the Thirteenth Census, 37 cents.
For general expenses, Lighthouse Service, 23 cents.
For miscellaneous expenses, Bureau of Fisheries, $47.39.
For contingent expenses, Department of Commerce and Labor, $11.48.
For expenses of regulating immigration, $2.51.
For naturalization of aliens, 8 cents.
For miscellaneous expenses, Division of Naturalization, $17.05.
For fees of commissioners, United States courts, 1914, $281.20.
For fees of commissioners, United States courts, 1913, $93.95.
For fees of commissioners, United States courts, $17.80.
For fees of jurors, United States courts, $16.40.

CLAIMS ALLOWED BY THE AUDITOR FOR THE POST OFFICE DEPARTMENT.

For Rural Delivery Service, carriers, $82.01.
For indemnities, international registered mail, $38.78.
For assistant postmasters and clerks in post offices; assistant postmasters and clerks in first and second class offices, $386.11.
For rent, light, and fuel, $75.
For shipment of supplies, $1.10.
For freight on mail bags, postal cards, etc., $841.44.
For Railway Mail Service, salaries, $70.28.

The amendment was agreed to.

Mr. MARTIN of Virginia. I offer the following amendment to insert on page 6, after line 21.

The SECRETARY. It is proposed to insert, on page 6, after line 21, the following:

Washington, D. C., building Bureau of Engraving and Printing, new: To enable the Secretary of the Treasury, in his discretion, to pay the P. F. Gormley Co. for extra excavation work performed at the new Bureau of Engraving and Printing, $2,311.50.

The amendment was agreed to.

Mr. MARTIN of Virginia. I have one other amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. On page 37, line 22, insert:

For salary of the judge of United States District Court for the Southern District of Georgia from April 1 to June 30, 1916, $7,500, or so much thereof as may be necessary.

The amendment was agreed to.

Mr. MARTIN of Virginia. That completes the amendments of the committee.

Mr. LEA of Tennessee. I desire to offer as an amendment to the bill the war claims. I find that such action has been taken in a previous Congress, first on March 3, 1887, Forty-ninth Congress, second session, the French spoliation claims were offered as an amendment to the general deficiency bill;

On March 2, 1891, the general deficiency bill was reported to the Senate by Senator Hale, chairman of the Committee on

Appropriations, with certain committee amendments, one being to include the French spoliation claims;

On April 27, 1896, Senator WARREN, from the Committee on Claims, reported an amendment to the general deficiency bill for the payment of French spoliation claims; and

On May 25, 1896, the war claims were offered by Senator Harris, of Tennessee, as an amendment to the general deficiency bill.

I therefore offer the war claims known as the omnibus claims bill as an amendment.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. Add at the end of the bill the following.

The Secretary proceeded to read the amendment.

Mr. TOWNSEND. Mr. President, is that a printed bill which has been reported and is now on the calendar?

Mr. LEA of Tennessee. It is.

The Secretary resumed the reading of the amendment.

Mr. LODGE. Mr. President, it will take a long time to read that amendment. I think I might as well make the point of order on it now, which is that the amendment is obnoxious to clause 4 of Rule XVI, which provides that—

No amendment the object of which is to provide for a private claim shall be received to any general appropriation bill unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

Mr. LEA of Tennessee. Mr. President, I make the suggestion that that exact point of order was decided in 1896 by the Senate by a decisive vote, and the point of order was overruled.

Mr. SWANSON. Is there not a law——

The VICE PRESIDENT. The present occupant of the chair is going to sustain the point of order, and if there is an appeal from the decision let the Senate decide it.

Mr. CLARKE of Arkansas. I offer the amendment which I send to the desk.

Mr. MARTIN of Virginia. Did the Chair sustain the point of order against the amendment?

Mr. CLARKE of Arkansas. Yes; the Chair sustained the point of order.

The VICE PRESIDENT. The amendment proposed by the Senator from Arkansas will be stated.

The SECRETARY. On page 6, between lines 21 and 22, it is proposed to insert the following:

That the Secretary of the Treasury of the United States be, and he is hereby, authorized and directed to cause to be erected on the site heretofore authorized in the city of Forrest City, Ark., a public building such as he may determine to be necessary for post office and such other public offices as may be located there, in said city of Forrest City, Ark., at a cost not to exceed $50,000, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

Mr. SWANSON obtained the floor.

Mr. SMITH of Georgia. To come in immediately after the amendment just agreed to, I offer the amendment which I send to the desk.

Mr. SWANSON. Mr. President——

The VICE PRESIDENT. The Senator from Virginia has been recognized by the Chair.

Mr. SWANSON. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Virginia will be stated.

Mr. SWANSON. On page 45, after line 24, I propose to insert the following:

For compiling the Navy Year Book for the calendar year 1915, under the direction of the chairman of the Committee on Naval Affairs, $500.

The amendment was agreed to.

Mr. NEWLANDS. Mr. President, I desire to make a few general comments upon the pending bill.

Mr. GALLINGER. Will the Senator from Nevada first allow us to offer our amendments to the bill?

Mr. NEWLANDS. I prefer to make my comments now, Mr. President.

I wish to call attention particularly to that provision of the bill which relates to the Interstate Commerce Commission, and to emphasize the fact that the efficiency of that commission is likely to be very seriously impaired as a result of a recent decision of the Supreme Court in the Louisville & Nashville case.

For many years the Interstate Commerce Commission has construed the section which relates to its inquisitorial powers in such a way as to include in the phrase "accounts, records, and memoranda" the correspondence of railroad corporations. That interpretation of the Interstate Commerce Commission has been acquiesced in almost uniformly by the railroads of the country, and but little protest has been made against the exercise of that power. Recently, in the Louisville & Nashville case, it was determined by the Supreme Court that these words did not include the correspondence of the corporations under investigation. Thus, one of the most important powers hitherto exercised by the Interstate Commerce Commission is arrested in its operation, a power that is essential in inquiries into transactions relating to rebates and to discriminations, and even the rates themselves, for frequently the transactions, in whole or part, relating to rebates, discriminations, and rates are involved in the correspondence of the company.

The case as it went to the Supreme Court involved a constitutional question, and it was expected that the Supreme Court would pass upon the question as to whether communications between the railroad counsel and the corporation were privileged under the constitutional provision regarding search and seizure; but the whole decision went upon a different point, namely, that the interstate-commerce act passed by Congress did not authorize inquisitions as to correspondence of a corporation, and was entirely confined to accounts, records, and memoranda.

Mr. President, in this exigency, at the close of the session the Interstate Commerce Commission addressed the chairman of the Interstate Commerce Committee of the Senate upon this subject, showing the urgency of legislation upon it and the importance of including among its inquisitorial powers the power to examine the correspondence of a corporation, leaving, of course, the great constitutional question as to unreasonable searches and seizures to be determined by the Supreme Court.

That bill received the favorable action of the Interstate Commerce Committee by a very large majority, and I was instructed to report it to the Senate. I have made four attempts to report that bill to the Senate, but I have been blocked in every instance by the opponents of the measure. Points of order have been raised against its report whilst appropriation bills were pending, although such reports are frequently allowed as a matter of courtesy and by unanimous consent to be presented to this body. There is a determination that this question shall not be decided after debate upon its merits in this body, but that all the dilatory powers of the Senate are to be exercised to prevent even its consideration.

I have here, Mr. President, two letters from the Interstate Commerce Commission and one letter from the Attorney General, setting out the importance of this legislation, and I ask that the letters be inserted in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The letters referred to are as follows:

INTERSTATE COMMERCE COMMISSION,
Washington, February 24, 1915.

Hon. FRANCIS G. NEWLANDS,
Chairman Committee on Interstate Commerce,
United States Senate, Washington, D. C.

DEAR SENATOR NEWLANDS: I am directed by the commission to bring to your attention the effect of the decision announced yesterday by the Supreme Court of the United States in No. 499, The United States of America *v.* Louisville & Nashville Railroad Co., in which, among other things, it is held that the words "accounts, records, and memoranda," as appearing in section 20 of the act to regulate commerce, as amended, do not include correspondence.

As a matter of practical interpretation, those words have long been recognized as giving the commission access, through its examiners, to the correspondence files of carriers subject to the act, although the legal departments of some of the railroads have questioned that interpretation. It has now been tested by the Louisville & Nashville, with the result above mentioned, and it is altogether probable that carriers generally who have heretofore afforded access to correspondence files will hereafter decline to do so, even if the commission felt warranted in instructing its examiners to ask for such access.

The commission feels under obligation to invite attention to the impairment of its efficiency which will result if such access is no longer to be had. The decision is rendered in a case growing out of an investigation requested by the Senate, and access to correspondence in that investigation was sought in furtherance of what the Senate desired. The report of the commission recently adopted and shortly to be presented to the Senate sufficiently illustrates the gaps left unexplored where access can not be had to correspondence and other miscellaneous papers; and if the commission is to continue to fully meet the desires of the Congress in conducting such investigations, it must, under this ruling, be armed with additional legislative authority therefor.

A letter addressed by the third vice president of the Louisville & Nashville Railroad Co. to the secretary of that company, attached to a contract or "memorandum of understanding with respect to the solicitation and routing of freight traffic, etc.," referred to in our report to the Senate responsive to Senate resolution No. 153, and reprinted as Appendix E to that report, contains the following language:

"While arrangements of this general character would ordinarily be kept in correspondence files, these are, notwithstanding, of such importance that I would prefer they be placed where they can always be preserved and readily gotten at."

In other words, according to the practice or custom of the carrier in question, contracts of the general character referred to are ordinarily preserved in the correspondence files. An examination of this contract shows the far-reaching character of its various terms and the general public significance of the document. Without this contract the commission would have been unable to answer fully, if at all, one of the most important questions addressed to it by the Senate. Without amendment, the existing law, as settled by the Supreme Court, would afford the commission no access to similar documents if forming part of the correspondence file, as was usual with this carrier.

But it is not alone in such investigations that the access to correspondence is needed. The experience of the commission, through its division of inquiry, in investigating charges of unlawful practices

and in bringing instances of violation of the act to the Department of Justice for prosecution, has demonstrated that, if the individuals responsible for such practices are to be discovered and brought to trial, resort must be had in many instances to the correspondence files. If guilt is personal, as we believe it to be, the guilty person must be found by following the trail which runs through the correspondence.

Success in the prosecution of many such cases in past years has turned upon information obtained from correspondence files. The Government recently secured the imposition of a fine of $10,000 against a railroad company for granting concessions on shipments of fuel coal. The reasons given for the illegal practice were found in the correspondence files of that company. A few years ago the Government secured the imposition of a fine of $124,000 against certain of the trunk-line carriers receiving ore at the Lake Erie ports on a charge of conspiracy to violate the act to regulate commerce through the device of leasing their wharves to certain large shippers of ore. This case turned solely upon information obtained from the correspondence files. During the same period fines amounting to more than $50,000 were imposed upon certain of the Central Freight Association lines and the so-called theatrical trust, based upon conspiracy indictments charging concession from passenger rates. The detection of the conspiracy would have been impossible but for the access had to files of correspondence. A number of indictments now pending against the anthracite carriers are the outcome of examination of such files.

The foregoing are merely illustrative. A large number, perhaps half, of the prosecutions brought at the request of the commission have turned upon information obtained from correspondence, which often furnishes the connecting link between seemingly disconnected facts, and serves to disclose the motive or the essence of what was done.

Aside from criminal prosecutions, the commission would find itself greatly hampered in its other activities if deprived of access to such files. It has been the practice of some carriers in issuing vouchers not based on published tariffs to make reference by notation to the authority found in the correspondence file. The general auditor of one of the great railway systems some years ago directed cessation of this practice, as such reference might, even under the construction successfully contended for by the Louisville & Nashville in the case just decided, render the correspondence files a part of the voucher and thus accessible to the examiner. The discontinuance of this practice of notation has not changed the underlying fact that the authority for many disbursements made by carriers, and properly subject to investigation, is only to be found in some letter.

The same is true in adjustments between carriers where divisions or allowances are made which do not appear in the regular division sheets.

Again, in our valuation work the commission will encounter serious obstacles in its endeavor to fulfill the mandate of paragraph 4 of the valuation act of March 1, 1913, which requires the commission to "ascertain and report, in such detail as may be determined by the commission, upon the expenditure of all moneys and the purposes for which the same are expended." If the commission, through its accountants, can not examine the correspondence of carriers, it can not adequately comply with this requirement.

In the case of applications by railroad carriers to continue interest in or operation of carriers by water under the so-called Panama Canal amendment to the act, the correspondence files have been found to afford the most reliable data as to existing or possible competition.

It is manifest that if carriers know that their correspondence files can not be examined, they will confine to correspondence all understandings, instructions, or records tending to show violations of the laws which the commission is charged to enforce.

And, finally, it may be suggested that if legislation on this subject be deferred until after the mandate of the Supreme Court shall have issued under its recent decision a great mass of correspondence and other papers, containing matters material to such inquiries or investigations as the commission is now conducting or may have to conduct in the future, may be destroyed by the carriers before this commission is placed on a parity in that respect with the Federal Trade Commission. The act creating that commission, after defining documentary evidence as meaning "all documents, papers, and correspondence in existence at and after the passage of this act," proceeds in section 9 to give that commission, or its agents, access at all reasonable times to any documentary evidence of any corporation being investigated or proceeded against, for the purpose of examination, with the right to copy.

It is submitted that the Interstate Commerce Commission should be clothed with no less power, and the emergency presented is our warrant for submitting to you herewith a proposed amendment to the act. A communication of the same tenor is being addressed to the chairman of the House committee. Further or more detailed exposition will be furnished if desired.

Very truly, yours,

JUDSON C. CLEMENTS,
Acting Chairman.

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DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., February 25, 1915.

Hon. FRANCIS G. NEWLANDS,
Chairman Committee on Interstate Commerce,
United States Senate.

DEAR SENATOR NEWLANDS: In a decision announced on the 23d instant the Supreme Court of the United States held that the description "accounts, records, and memoranda," in section 20 of the act to regulate commerce, does not include correspondence files, and that, therefore, the commission can not demand access to the correspondence files of railroads as a means of obtaining information necessary to the proper enforcement of the act.

I have been shown a copy of the letter addressed to you by the acting chairman of the commission urging that section 20 be amended forthwith so as exprssly to confer this power, which heretofore has been claimed by the commission and generally acquiesced in by the carriers.

The right of the commission to have access not only to the accounts, records, and memoranda of common carriers, but also to their other documents, especially their corresponding files, is of the greatest possible value in obtaining evidence for use by this department in enforcing the provisions of the act prohibiting rebates, discriminations, etc. Therefore I wish to unite with the commission in urging that section 20 be amended as indicated. For the reasons stated in the commission's letter it is of especial importance that the amendment be enacted at the present sesssion of Congress.

I have the honor to remain,
Sincerely, yours,

T. W. GREGORY,
Attorney General.

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INTERSTATE COMMERCE COMMISSION,
Washington, February 27, 1915.

Hon. FRANCIS G. NEWLANDS,
Chairman Committee on Interstate Commerce,
United States Senate.

MY DEAR SENATOR: You ask an expression from the commission whether it would meet its views if there were added to Senate bill 7738, amending section 20 of the act to regulate commerce, the following proviso from H. R. 16586, as reported by you to the Senate July 23, 1914:

"*Provided,* That all communications between attorney and client giving or seeking professional advice shall be deemed privileged."

It is the view of the five members of the commission who are available for conference this afternoon that the proposed proviso should not be added to the bill for the following reasons, among others:

1. The language proposed in the proviso might be construed to exclude access to all communications signed by or addressed to any one of the staff of attorneys employed by a railroad, as well as to prohibit the use of such communications as evidence in proceedings.

2. If the language should be so construed, it would be an easy matter for the carriers to adopt the practice of having correspondence in respect to all matters as to which they might desire to exclude the Government from access to and inspection of the same, conducted with and in the name of such attorneys. Resort might be had also for the same purposes to outside attorneys selected for this purpose. It is not an uncommon practice now for railroad companies to have in their employment attorneys who are designated as staff officials, such as vice presidents, etc.

3. It will be obviously easy for contracts, understandings, instructions, arrangements, and even vouchers in payment of money to be transmitted as inclosures with letters to and from such attorneys, so that the same will be inclosed with the communications filed in the attorneys' correspondence files, and therefore made inaccessible under this proviso. Matters not covered by correspondence could be so filed and thus made inaccessible.

4. Since the carriers subject to the act to regulate commerce are engaged in a public service in which the interests and rights of the public are vitally involved it is not believed by us to be an unreasonable requirement that the Government should be able to keep itself thoroughly informed in respect to what they have done and what they do, to the end that it may be practicable to enforce the provisions of the act to regulate commerce against unjust discriminations and other violations of the act. This appears to have been well understood when the act to regulate commerce was enacted, as indicated by the requirements of section 12, to the effect that it is made the duty of the commission to keep itself informed as to the manner and method in which the business of the carriers is conducted, and this provision is in connection with the positive requirement of the statute that the commission shall enforce the provisions of the act. There is no more important respect in which these provisions should be enforced for the promotion of the ends of justice than as to unjust discriminations whether in the form of rebates or in the guise of many other devices which have been resorted to and which have not, as is shown by the records of the commission and the courts, been uprooted or eliminated. The reasons for the protection of confidential communications between attorney and client and against unreasonable search as to papers etc., do not, as we view it, apply with respect to this public service performed by common carriers the same as it does to individuals and others acting in private capacity, in respect to which the public has no interest except to see justice done as between individuals in regard to their private rights.

Yours, very truly,

JUDSON C. CLEMENTS,
Acting Chairman.

Mr. NEWLANDS. Now, Mr. President, I appeal to the good sense, to the good judgment, and to the patriotism of this body to devise some method, either by unanimous consent or otherwise, for the enactment of this needed legislation, legislation which simply perpetuates the exercise of a power that, with the acquiescence of the railroads and under the uniform custom of the Interstate Commerce Commission, has been exercised for many years, and without which the other powers of the Interstate Commerce Commission would be seriously impaired.

Is there any Senator here who is willing to put himself upon record as refusing consideration to a bill which may prevent the destruction of correspondence absolutely essential to prove some of the fraudulent practices that are alleged to have been engaged in by railroad manipulators, such as are alleged to have occurred with reference to the New York, New Haven & Hartford Railway system, the Rock Island system, and the Frisco system? Are Senators in this body to be partners in a conspiracy to destroy evidence? And yet we are told that these serious consequences may be the result of our nonaction now.

The urgency of this matter was so great that I was authorized by the Interstate Commerce Committee to present not only this bill but to urge the insertion of the bill as an amendment to the general deficiency bill. The Committee on Appropriations placed the bill as an amendment on the general deficiency bill, but, in my absence this afternoon, not knowing that the general deficiency bill was coming up, a point of order, I am told, was made against the amendment, and it was ruled out of order. I propose now to offer that amendment again, with variations which will make it properly a subject of consideration. Now, I offer the amendment.

Mr. MARTIN of Virginia. Mr. President, I am going to appeal to the Senator not to press the matter. I can assure him—in fact, I am sure he understands—that the amendment can not be made in order; there is no way to make in order a provision of that kind. I am in favor of it, but the Senator from Nevada must realize that it can not be added to this bill.

Mr. NEWLANDS. It can go on this bill if there is no point of order made against it.

Mr. MARTIN of Virginia. But there are a number of Senators who have given notice that they would make the point of order, and they are on the floor ready to make the point.

Mr. NEWLANDS. I wish to present the amendment; and if they desire to make a point of order and to aid in the disastrous consequences that may follow the failure to pass this legislation, let them go upon record. I offer the amendment, Mr. President.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. NEWLANDS. Certainly.

The VICE PRESIDENT. The Senator from Nevada has yielded. He has offered an amendment, which the Secretary will read.

The SECRETARY. On page 7, after line 16, it is proposed to insert the following:

That section 20 of an act to regulate commerce, approved February 4, 1887 (34 Stat, L., 584, 594), as amended June 29, 1906, February 25, 1909, and June 18, 1910, be further amended by inserting after the word "memoranda," as used in the sixth and twelfth lines, respectively, of the fifth paragraph of said section 20, the words "including all documents, papers, and correspondence now or hereafter existing, and kept or required to be," and by inserting after the word "act" in the seventh line of said fifth paragraph the words "and the provisions of this section respecting the preservation and destruction of books, papers, and documents shall apply thereto," and by inserting at the end of said fifth paragraph the words, "Nothing in this section shall be construed as affecting any rule of evidence now in force in courts of the United States," so that the said fifth paragraph of the said section 20 of the said act as amended shall read as follows:

"The commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by carriers subject to the provisions of this act, including the accounts, records, and memoranda of the movement of traffic as well as the receipts and expenditures of moneys. The commission shall at all times have access to all accounts, records, and memoranda, including all documents, papers, and correspondence now or hereafter existing, and kept or required to be kept by carriers subject to this act, and the provisions of this section respecting the preservation and destruction of books, papers, and documents shall apply thereto, and it shall be unlawful for such carriers to keep any other accounts, records, or memoranda than those prescribed or approved by the commission, and it may employ special agents or examiners, who shall have authority under the order of the commission to inspect and examine any and all accounts, records, and memoranda, including all documents, papers, and correspondence now or hereafter existing, and kept or required to be kept by such carriers. This provision shall apply to receivers of carriers and operating trustees.

Mr. NORRIS. Mr. President, may I ask the Senator from Nevada when was this action of the committee taken? Was it on yesterday or the day before?

Mr. NEWLANDS. It was taken last Saturday, I think. I was authorized to report the bill, and I have attempted to do so on several occasions since, but a point of order has been made against it.

Mr. NORRIS. I regret very much that a point of order has been or will be made against it; but I want to suggest to the Senator that, under the rules of the Senate, as I understand them, he might have given notice yesterday or Saturday of his motion, and the rules could have been suspended and the amendment made in order. If the Indian appropriation bill is not finished to-day, the Senator could give notice to-day and the rules could be suspended and the amendment made in order on the Indian appropriation bill to-morrow.

Mr. NEWLANDS. Mr. President, I am very glad the Senator has made the suggestion, but I hope that no objection will be made to the consideration of this amendment now, and that we can put it upon the general deficiency bill.

The VICE PRESIDENT. The question is upon the amendment proposed by the Senator from Nevada.

Mr. OLIVER. Mr. President, I am constrained to make the point of order against the amendment; and in regard to this proposed legislation, I wish to say that, as a member of the Interstate Commerce Committee, I notified the chairman that I was opposed to the proposed legislation at this time, and as a member of the Committee on Appropriations—and the chairman of the committee will bear me out in this, I think—I stated in committee that I would make a point of order against the amendment as a part of the appropriation bill. My position upon this legislation has been perfectly open and plain.

Mr. MARTIN of Virginia. If the Senator from Pennsylvania will excuse me, we have very few minutes, and I should be glad if he would allow us to proceed with the bill; but I will say that the Senator and others did give notice that the point of order would be made against the amendment, and everybody knows it is out of order.

Mr. OLIVER. Mr. President, I will take but a few moments. I wish to state that remedial legislation of this kind may be perfectly proper when Congress has had ample time to consider it; but I do not think it is proper to come here at this late hour of the session, when consideration can not possibly be given to it, and try to remedy a decision of the Supreme Court of the United States upon which the ink is hardly dry. Therefore, Mr. President, I make the same point of order against the amendment that was previously made against the amendment as reported by the Committee on Appropriations.

Mr. NEWLANDS. Mr. President, if the Senator will permit me, I will state——

The VICE PRESIDENT. The point of order is sustained.

Mr. SMITH of Georgia. Mr. President——

The VICE PRESIDENT. The Senator from Georgia.

Mr. SMITH of Georgia. I have sent to the desk an amendment which I offer. I desire it to follow the amendment of the Senator from Arkansas.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 6, under the heading of "Public buildings," and after the amendment already agreed to after line 21, it is proposed to insert:

That the Secretary of the Treasury of the United States be, and he is hereby, authorized, empowered, and directed to cause to be erected and constructed, upon the lot now owned by the United States in the city of Forsyth, Ga., a public building such as he may determine is necessary and proper for the post office and such other public officials as may be located there, in said city of Forsyth, Ga., at a cost not to exceed the sum of $50,000, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. The Senator from Utah.

Mr. SUTHERLAND. Does that amendment embody a bill that has been before the Committee on Public Buildings and Grounds?

Mr. SMITH of Georgia. Yes.

Mr. SUTHERLAND. Has it been reported to the Senate?

Mr. SMITH of Georgia. Yes.

Mr. SUTHERLAND. Why has not the bill itself been taken up and considered?

Mr. SMITH of Georgia. A member of the House Appropriations Committee overlooked it when the matter was in the House and requested me to offer it for him here. I think it is eminently proper.

Mr. SUTHERLAND. There are a great many bills of that character on the calendar. I do not know how many; scores of them.

The VICE PRESIDENT. Is there any objection?

Mr. SUTHERLAND. I do not know whether or not it is subject to a point of order. If it is, I shall make it.

The VICE PRESIDENT. No; it is not subject to a point of order.

Mr. SMITH of Georgia. I will state that Judge BARTLETT, who retires from the House on March 4, and who consequently is now rendering his last service there, is a member of the Appropriation Committee. This building is in his district, and he omitted to put it on the bill. It was a matter that he had expected to present and he requested me to present it for him.

Mr. SUTHERLAND. I make the point of order that it has not been estimated for.

The VICE PRESIDENT. Has it been estimated for?

Mr. MARTIN of Virginia. I am not prepared to make a positive statement on the subject, but I do not think it has. I have not seen an estimate for it. Perhaps the Senator from Georgia can answer the question.

Mr. SMITH of Georgia. I have not an estimate for it. I understood it had been estimated for, however.

Mr. MARTIN of Virginia. I have not seen any estimate for it.

The VICE PRESIDENT. On the statement of the Senator from Virginia, the point of order is sustained.

Mr. SMITH of Georgia subsequently said: I understand that the Senator from Utah will withdraw his objection to the amendment I offered a few moments ago, and I ask to call it again to the attention of the Senate.

The VICE PRESIDENT. Is the point of order withdrawn?

Mr. SUTHERLAND. My attention has been called to some circumstances connected with the matter, and I will withdraw the point of order.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. KERN. I offer an amendment, which I send to the desk, and of which notice was given several days ago.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. After line 24, on page 50, it is proposed to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to consider and adjudicate, under the act of Congress approved July 27, 1912 (Public, 244), entitled "An act extending the time for the repayment of certain war-revenue taxes erroneously collected," the claims of trust companies or other claimants for refund of taxes illegally collected on capital, surplus, or undivided profits, in accordance with the decisions of the circuit court of appeals in the case of Treat, collector, v. The Farmers' Loan & Trust Co. and the Central Trust Co. of New York (185 Fed. Rep., 760–765).

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. The Senator from North Carolina.

Mr. SIMMONS. At the bottom of page 45 I offer an amendment, which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. At the foot of page 45 it is proposed to insert:

To pay Joseph S. McCoy, on account of additional services to the Committee on Finance, $350.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CULBERSON. Mr. President——

The VICE PRESIDENT. The Senator from Texas.

Mr. CULBERSON. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 6 it is proposed to add to the amendment already agreed to at that point the following:

The limit of cost of a public building heretofore authorized at Uvalde, Tex., be and hereby is increased from $50,000 to $60,000, and $10,000 is hereby appropriated to complete the building.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. The Senator from New Hampshire.

Mr. GALLINGER. I offer an amendment to follow the amendment submitted by the Senator from Indiana [Mr. KERN].

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. Following the amendment submitted by the Senator from Indiana [Mr. KERN] it is proposed to insert the following:

To enable the Secretary of the Treasury to audit and refund the sums paid for documentary stamps used on foreign bills of exchange drawn between July 1, 1898, and June 30, 1901, against the value of products or merchandise actually exported to foreign countries, and covering claims not filed prior to January 1, 1913, $8,000, or so much thereof as may be necessary.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. THOMPSON. Mr. President——

The VICE PRESIDENT. The Senator from Kansas.

Mr. THOMPSON. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 33, after line 2, it is proposed to insert:

For additional fireproof construction and other betterments: Post-office building, Garden City, Kans., $6,050.

The amendment was agreed to.

Mr. FALL. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 25, line 12, it is proposed to strike out "$2,953,203.97" and insert:

$3,124,203.97, including $71,000 for the payment of indemnities recommended by the commissioners appointed pursuant to joint resolution of Congress approved August 9, 1912, directing the Secretary of War to investigate the claims of American citizens for damages suffered within American territory, etc., and $100,000, or so much thereof as may be necessary, for similar investigation to be made and payment of similar damages incurred since May 11, 1911.

Mr. FALL. Mr. President, the amount which was appropriated by the provision which is sought to be amended is for the deficiency incurred in guarding the border of the United States and Mexico, and also the exigency arising from the removal of the troops from Vera Cruz. I do not care to discuss this matter at any length. I simply want to state, with reference to the amendment I have proposed, that the last Congress authorized an investigation to be made by the Secretary of War as to damages resulting from the wounding and death of American citizens on this side of the line through the action of Mexicans upon the other side. That investigation was held. The amount, as found by the officers of the War Department under the direction of the Secretary of War, was $71,000. The Senate did its duty in attempting to provide for the payment of those claims so found to be due. So far we have not been successful in getting the appropriation made. The purpose of this amendment is, if there is a deficiency to be appropriated for, a matter of sending the Army of the United States to the Mexican border and using it there for the purpose of preventing American citizens from defending themselves, then there should at least be, where there is $3,000,000 appropriated, a small appropriation for the payment of damages to the families of the American citizens who have been killed and wounded while the American Army has been used in this way.

There have been more deaths and woundings and damages incurred recently, to the extent of 57 persons wounded or killed at Naco, Ariz. They are American citizens; and when this Government is making appropriations and accepting amendments to a bill of this kind for an addition to a post office in any State of this Union, and where it is making a deficiency appropriation of $3,000,000 for the use of the troops of the United States as they have been used, it can certainly appropriate $175,000 more for the payment of damages to its own citizens, killed by its own fault on this side of the line.

Mr. MARTIN of Virginia. Mr. President, we only have seven minutes left before this bill will be displaced. I hope we will have a vote on the amendment.

Mr. SMITH of Arizona. Mr. President——

Mr. MARTIN of Virginia. Let us vote.

Mr. SMITH of Arizona. I will. I am not endeavoring to detain the Senate one minute longer than I can help.

The statement made by the Senator from New Mexico is correct by the record, except that there was a misprint in the amount. It should be seventy-three thousand instead of seventy-one thousand, because the findings were different from the print, for that matter; but that can be brought before the conference and considered there, provided the amendment is agreed to.

Mr. FALL. That can be corrected; yes. I am ready to have a vote on it.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. RANSDELL. I send to the desk an amendment to be inserted on page 67, at the bottom of the page.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. At the bottom of page 67 it is proposed to insert:

That there shall be established one additional division each of mental hygiene and rural sanitation in the United States Public Health Service, and said divisions shall be in charge of commissioned medical officers of the United States Public Health Service, detailed by the Surgeon General, which officers, while thus serving, shall be assistant surgeons general within the meaning of section 3 of the act approved July 1, 1902, entitled "An act to increase the efficiency and change the name of the United States Marine Hospital Service."

The duties of the division of mental hygiene shall be to study and investigate mental disorders and their causes, care, and prevention. The duty of the division of rural sanitation shall be to investigate improved methods of rural sanitation and the prevention and suppression of communicable diseases.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JONES. Mr. President——

The VICE PRESIDENT. The Senator from Washington.

Mr. JONES. I wish to offer an amendment which is subject to a point of order, but I hope no one will make it. It is a bill to pay Simon M. Preston $5,838.36. It is a claim bill, but this gentleman is now 94 years old. The bill has passed the Senate and has been favorably reported by the House.

Mr. MARTIN of Virginia. As the Senator knows, it is out of order; but I will not make any point of order against it. I will keep it in if I can, but I do not expect to be able to keep in an item like this. I ask for a vote on it.

Mr. JONES. I hope the Senator will leave his last remark out of the RECORD.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 46, after line 15, it is proposed to insert:

To pay Simon M. Preston, of Seattle, Wash., the sum of $5,838.36, being the amount of the defalcation of D. C. Kearns, a deputy collector of internal revenue under the said Simon M. Preston, and repaid to the United States Government by the said Preston, and its collection by him from the said D. C. Kearns having been prevented by the pardon of the said Kearns by the President of the United States and the remission of the fine equivalent to said sum of $5,838.36.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JONES. Mr. President, I have one other amendment, an estimate for which was sent down by the department, and which I will send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 28, after line 15, it is proposed to insert:

Depots for coal, 1913—Bureau of Equipment: The Secretary of the Navy is authorized to reimburse from the unexpended balance of the appropriation for "Depots for coal," fiscal year 1913, each of the following persons in the sums set after their respective names, namely: Merl La Voy, $80; D. R. Reese, $75.95; William R. Reese, $144; David Harries, $48.35; C. E. Anderson, $70.23; William N. Dean, $78.50; Earl Kelso, $59.75; R. L. Belton, $56.60; Alphonso Guibert, $64.70; F. B. Sample, $132.45; Edward Evans, $96.30; William Matson, $92.50; James Saers, $98.30; Lee R. Wilson, $25.26; W. A. Selvig, $153.14; and R. V. Ageton, $42.40; in all, $1,318.43; the said sums being the appraised value of the personal belongings of each of the persons stated, which were lost while being lightered ashore at Katalla, Alaska, from the steamship by which transported from Seattle, Wash., the said persons then being under contract with the Navy Department to go into Alaska to assist in the work of investigating the availability and adaptability of Alaskan coal for the use of ships of the United States Navy or any vessels of the United States under the authority contained in the naval act of August 22, 1912 (37 Stats., p. 338; act Aug. 22, 1912, vol. 37, sec. 1, p. 388).

Mr. JONES. I wish to say, about this amendment, that the personal belongings of these men were on board a lighter that was blown across Katalla Bay, and it sank, and all their belongings were lost. The Navy Department has appraised this property, and the amount set out in this amendment is what the department found to be the value of the articles belonging to each of these men. They are poor men, and ought not to be required to await the slow processes of getting a claim through Congress. Furthermore, they were in the employ of the department at the time. The department has submitted the claims here as estimates, and Congress ought to make the appropriation without any delay.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SHAFROTH. Mr. President, I desire to offer an amendment, which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add a new section, as follows:

That the Secretary of the Interior may, in his discretion, extend the time within which final proof is required to be submitted upon any lawful pending desert-land entry made prior to July 1, 1914, such extension not to exceed three years from the date of allowance thereof: *Provided*, That the entryman or his duly qualified assignee has, in good faith, complied with the requirements of law as to yearly expenditures and proof thereof, and shall show, under rules and regulations to be prescribed by the Secretary of the Interior, that there is a reasonable prospect that, if the extension is granted, he will be able to make the final proof of reclamation, irrigation, and cultivation required by law: *Provided further*, That the foregoing shall apply only to cases wherein an extension or further extension of time may not properly be allowed under existing law.

That where it shall be made to appear to the satisfaction of the Secretary of the Interior, under rules and regulations to be prescribed by him, with reference to any lawful pending desert-land entry made prior to July 1, 1914, under which the entryman or his duly qualified assignee under an assignment made prior to the date of this act, has, in good faith, expended the sum of $3 per acre in the attempt to effect reclamation of the land, that there is no reasonable prospect that, if the extension allowed by this act or any existing law were granted, he would be able to secure water sufficient to effect reclamation of the irrigable land in his entry or any legal subdivision thereof, the Secretary of the Interior may, in his discretion, allow such entryman or assignee five years from notice within which to perfect the entry in the manner required of a homestead entryman.

That any desert-land entryman or his assignee entitled to the benefit of the last preceding paragraph may, if he shall so elect within 60 days from the notice therein provided, pay to the receiver of the local land office the sum of 50 cents per acre for each acre embraced in the entry, and thereafter perfect such entry upon proof that he has upon the tract permanent improvements conducive to the agricultural development thereof of the value of not less than $1.25 per acre, and that he has, in good faith, used the land for agricultural purposes for three years, and the payment to the receiver, at the time of final proof, of the sum of 75 cents per acre: *Provided*, That in such case final proof may be submitted at any time within five years from the date of the entryman's election to proceed as provided in this section, and in the event of failure to perfect the entry as herein provided, all moneys theretofore paid shall be forfeited and the entry canceled.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. SHAFROTH. I want to say that this is approved by the Secretary.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MARTIN of Virginia. I move that the Senate request a conference with the House of Representatives upon the bill and amendments and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. MARTIN of Virgina, Mr. BRYAN, and Mr. WARREN conferees on the part of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the amendment of the Senate to the bill (H. R. 9899) to authorize the laying out and opening of public roads on the Winnebago, Omaha, Ponca, and Santee Sioux Indian Reservations in Nebraska, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20347) making appropriations for the support of the Army for the fiscal year ending June 30, 1916, and further insists upon its disagreement to the amendment of the Senate No. 107 to the bill.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 1698) to amend an act entitled "An act to provide for an enlarged homestead," and acts amendatory thereof and supplemental thereto.

The message also announced that the House agrees to the amendments of the Senate to the following bills:

H. R. 1090. An act for the relief of Alonzo D. Cadwallader;

H. R. 2662. An act for the relief of Andrew J. Lawrence;

H. R. 3430. An act for the relief of Lottie Rapp;

H. R. 7205. An act to correct the military record of H. S. Hathaway;

H. R. 9701. An act for the relief of E. W. Theodore Schroeter;

H. R. 9734. An act for the relief of Victoria Coffman;

H. R. 12229. An act for the relief of William A. Wallace; and

H. R. 12909. An act to correct the military record of James W. McGreevey.

The message further announced that the House had passed the following bills and joint resolution:

S. 3878. An act to validate certain homestead entries;

S. 7743. An act to incorporate the Ellen Wilson Memorial Homes; and

S. J. Res. 238. Joint resolution giving authority to the Commissioners of the District of Columbia to make special regulations for the occasion of the forty-ninth national encampment of the Grand Army of the Republic, to be held in the District of Columbia in the months of September and October, 1915, and for other purposes incident to said encampment.

The message also announced that the House had agreed to a concurrent resolution to print 1,500 copies of the Journal of the Forty-ninth National Encampment of the Grand Army of the Republic, etc., in which it requested the concurrence of the Senate.

The message further anounced that the House had agreed to the concurrent resolution of the Senate to print and bind in one volume the proceedings in Congress upon the acceptance of the statue of George Washington Glick.

ARMY APPROPRIATIONS—CONFERENCE REPORT.

Mr. CHAMBERLAIN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20347) making appropriations for the support of the Army for the fiscal year ending June 30, 1916, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 58, 70, 112, 114, 115, and 116.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The Secretary of War is hereby authorized and directed to appoint a commission of not more than three Army officers, whose duty it shall be to report upon the advisability of the acquirement by the United States Government of land near the Bay of San Diego, San Diego County, Cal., and elsewhere on the Pacific, Gulf, and Atlantic coasts, for an aviation school and training grounds of the Signal Corps of the United States Army, and said commission shall ascertain and report what

would be the probable cost of acquiring such land; and the sum of $1,000, or so much thereof as may be necessary, is hereby appropriated to defray any expenses incurred by the said commission in the performance of the duties herein imposed upon it."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 2. That chapter 6, Title XIV, of the Revised Statutes of the United States be, and the same is hereby, amended to read as follows:

"'1. The United States Military Prison, Fort Leavenworth, Kans., shall hereafter be known as the United States Disciplinary Barracks.

"'2. Persons sentenced to confinement upon conviction by courts-martial or other military tribunals of crimes or offenses which, under some statute of the United States or under some law of the State, Territory, District, or other jurisdiction in which the crime or offense may be committed, are punishable by confinement in a penitentiary, including persons sentenced to confinement upon conviction by courts-martial or other military tribunals of two or more acts or omissions, any one of which, under the statute or other law hereinbefore mentioned, constitutes or includes a crime or offense punishable by confinement in a penitentiary, may be confined at hard labor, during the entire period of confinement so adjudged, in any United States, State, Territorial, or District penitentiary, or in any other penitentiary directly or indirectly under the jurisdiction of the United States; and all persons sentenced to confinement upon conviction by courts-martial or other military tribunals who are not confined in a penitentiary may be confined and detained in the United States Disciplinary Barracks.

"'3. The government and control of the United States Disciplinary Barracks and of all offenders sent thereto for confinement and detention therein shall be vested in The Adjutant General of the Army under the direction of the Secretary of War, who shall from time to time make such regulations respecting the same as may be deemed necessary, and who shall submit annually to Congress a full statement of the financial and other affairs of said institution for the preceding fiscal year.

"'4. The officers of the United States Disciplinary Barracks shall consist of a commandant and such subordinate officers as may be necessary, who shall be detailed by the Secretary of War from the commissioned officers of the Army at large. In addition to detailing for duty at said disciplinary barracks such number of enlisted men of the staff corps and departments as he may deem necessary, the Secretary of War shall assign a sufficient number of enlisted men of the line of the Army for duty as guards at said disciplinary barracks and as noncommissioned officers of the disciplinary organizations hereinafter authorized. Said guards, and also the enlisted men assigned for duty as noncommissioned officers of disciplinary organizations, shall be detached from the line of the Army, or enlisted for the purpose; and said guards shall be organized as Infantry, with noncommissioned officers, musicians, artificers, and cooks of the number and grades allowed by law for Infantry organizations of like strength: *Provided*, That at least one of said guards shall have the rank, pay, and allowances of a battalion sergeant major.

"'5. The commandant of the United States Disciplinary Barracks shall have command thereof and charge and custody of all offenders sent thereto for confinement and detention therein; shall govern such offenders and cause them to be employed at such labor and in such trades and to perform such duties as may be deemed best for their health and reformation and with a view to their honorable restoration to duty or their reenlistment as hereinafter authorized; shall cause note to be taken and a record to be made of the conduct of such offenders; and may shorten the daily time of hard labor of those who by their obedience, honesty, industry, and general good conduct earn such favors—all under such regulations as the Secretary of War may from time to time prescribe.

"'6. The Secretary of War shall provide for placing under military training those offenders sent to the United States Disciplinary Barracks for confinement and detention therein whose record and conduct are such as to warrant the belief that upon the completion of a course of military training they may be worthy of an honorable restoration to duty or of being permitted to reenlist; may provide for the organization of offenders so placed under military training into disciplinary companies and higher units, organized as Infantry, with noncommissioned officers, except color sergeants, selected or appointed from the enlisted men assigned to duty for that purpose pursuant to the provisions of paragraph 4 hereof; and may provide for uniforming, arming, and equipping such organizations.

"'7. Whenever he shall deem such action merited the Secretary of War may remit the unexecuted portions of the sentences of offenders sent to the United States Disciplinary Barracks for confinement and detention therein, and in addition to such remission may grant those who have not been discharged from the Army an honorable restoration to duty, and may authorize the reenlistment of those who have been discharged or upon their written application to that end order their restoration to the Army to complete their respective terms of enlistment, and such application and order of restoration shall be effective to revive the enlistment contract for a period equal to the one not served under said contract.

"'8. The Secretary of War may, from time to time, designate any building or structure or any part thereof under the control of the Secretary of War and pertaining to the Military Establishment as a branch disciplinary barracks for the confinement and detention of offenders whom it is impracticable to send to the United States Disciplinary Barracks at Fort Leavenworth, Kans.; and all branch disciplinary barracks and all offenders sent thereto for confinement and detention therein shall be subject to the laws respecting the United States Disciplinary Barracks at Fort Leavenworth, Kans., and the offenders sent thereto for confinement and detention therein.'"

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 3. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed."

And the Senate agree to the same.

On the amendment of the Senate numbered 107 the committee of conference have been unable to agree.

GEORGE E. CHAMBERLAIN,
DUNCAN U. FLETCHER,
HENRY A. DU PONT,
Managers on the part of the Senate.

JAMES HAY,
S. HUBERT DENT, Jr.,
JULIUS KAHN,
Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. ROOT. Mr. President, it was impossible to determine from the reading of the report just what the conferees have proposed. May I ask the chairman of the committee whether the conferees have agreed in regard to the amendment striking out the provision in the bill which appears on page 70?

The VICE PRESIDENT. The Chair will be compelled to lay before the Senate in accordance with the unanimous-consent agreement the Indian appropriation bill, the hour of 5 o'clock having arrived.

Mr. CHAMBERLAIN. May I ask the Senator from Arizona to yield to me just a moment to finish the conference report?

Mr. ASHURST. If it leads to no discussion I will yield.

Mr. CHAMBERLAIN. The Senator from New York asked a question about it. I will say that the conferees have agreed to everything except one item and that is the one known as the Taylor system. If the report is adopted I shall move that the Senate insist upon the amendment in this agreement and ask for a further conference.

Mr. JAMES. I should like to inquire of the Senator from Oregon as to what the conferees did on the Taylor system amendment.

Mr. CHAMBERLAIN. They simply carried out the vote of the Senate. The House provision was stricken out of the bill on the floor of the Senate and your conferees have so far sustained the action of the Senate.

Mr. JAMES. So there has been no concurrence between the two Houses upon that amendment?

Mr. CHAMBERLAIN. We have been unable to agree as to that single amendment.

The VICE PRESIDENT. The question is on agreeing to the report.

The report was agreed to.

Mr. CHAMBERLAIN. I move that the Senate further insist upon its amendment No. 107, ask a further conference with the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. CHAMBERLAIN, Mr. FLETCHER, and Mr. DU PONT conferees on the part of the Senate.

REVISION OF THE LAWS.

Mr. O'GORMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from New York?

Mr. ASHURST. If the matter leads to no discussion whatever, I will yield.

Mr. O'GORMAN. I present out of order a unanimous report from the Judiciary Committee on House bill H. R. 5849, to amend section 100 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and I submit a report (No. 1054) thereon. I call the attention of the Senator from Ohio [Mr. POMERENE] to the report.

Mr. POMERENE. I ask unanimous consent for the present consideration of the report.

Mr. SUTHERLAND. Let the bill be stated.

The SECRETARY. The Senator from New York [Mr. O'GORMAN] reports favorably from the Committee on the Judiciary the bill (H. R. 5849) to amend section 100 of an act entitled "An act to codify and amend the laws relating to the judiciary," approved March 3, 1911.

Mr. SMOOT. I ask that the bill go to the calendar.

Mr. O'GORMAN. I hope the Senator will not interpose that objection. This comes with the approval of the entire Judiciary Committee. In the State of Ohio there are at the present time but five places for the holding of Federal courts. In the State of West Virginia, across the Ohio River, there are 11 places. The purpose of the bill is to allow Ohio one additional place to hold courts.

Mr. SMOOT. I have not any objection at all to the bill.

Mr. O'GORMAN. It is an emergency bill.

Mr. SMOOT. But I want to say to the Senator that it is not fair to Senators who have allowed their bills to go to the calendar for reports to be made to the Senate, and the bill to be considered when reported without ever having a chance to get to the calendar. If these bills are sent to the calendar the Senators who are interested in them will be interested in taking up the calendar. I think we ought to take up the calendar and consider it, and when that time comes this bill will pass the Senate.

Mr. O'GORMAN. This bill would have been passed by this time.

The VICE PRESIDENT. But there has been objection.

Mr. SMOOT. There are other bills on the calendar.

Mr. POMERENE. Mr. President——

Mr. ASHURST. I call for the regular order.

The VICE PRESIDENT. The Senator from Arizona insists on the regular order. The bill will be placed on the calendar.

NOTE FROM THE BRITISH GOVERNMENT.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Relations.

The Senate:

In response to the resolution adopted by the Senate on February 18, 1915, requesting the President, "if not incompatible with the public interest, to send to the Senate the note received from the British Government dated February 10, 1915," I transmit herewith a copy of the paper requested.

WOODROW WILSON.

THE WHITE HOUSE, *March 2, 1915.*

REPORT OF A COMMITTEE.

Mr. WHITE. Mr. President——

The VICE PRESIDENT. The Senator from Alabama.

Mr. WHITE. I desire, out of order, to ask unanimous consent to make a report from the Committee on Revolutionary Claims, and I ask for its immediate consideration.

The VICE PRESIDENT. Is there objection to the request of the Senator from Alabama?

Mr. SMOOT. Mr. President, I object to the immediate consideration of the bill. The report can be submitted.

Mr. WHITE. Then I will ask leave to withdraw the report.

The VICE PRESIDENT. The report will be withdrawn.

INDIAN RESERVATIONS IN NEBRASKA.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives agreeing to the amendment of the Senate to the bill (H. R. 9899) to authorize the laying out and opening of public roads on the Winnebago, Omaha, Ponca, and Santee Sioux Indian Reservations, in Nebraska, with an amendment to amend the title so as to read:

A bill to authorize the laying out and opening of public roads on the Winnebago, Omaha, Ponca, and Santee Sioux Indian Reservations, in Nebraska, and on Indian reservations in Montana.

Mr. WALSH. I move that the Senate concur in the House amendment.

Mr. SMOOT. I should like to have the Senator state just exactly what the amendment is.

Mr. WALSH. It just modifies the amendment so as to include the State of Montana with Nebraska.

The VICE PRESIDENT. It amends the title. The question is on agreeing to the motion of the Senator from Montana.

The amendment was concurred in.

SURVEY OF OYSTER BEDS.

Mr. SHEPPARD. Mr. President——

The VICE PRESIDENT. The Senator from Texas.

Mr. SHEPPARD. I ask unanimous consent for the present consideration of a concurrent resolution, which I send to the desk.

Mr. SMOOT. I object, Mr. President.

Mr. SHEPPARD. I will state to the Senator that it is merely a concurrent resolution requesting the return of a bill that has been sent to the President. It is a small bill which I introduced and which has in it a clerical error.

Mr. SMOOT. Let it go to the calendar; there is not any doubt in the world but that it will be passed when the calendar is taken up.

Mr. SHEPPARD. I want the return of the bill now, so that I will have some chance to get it through by the 4th of March. This is simply a concurrent resolution to request the return of a bill that has gone to the President, an unimportant bill.

Mr. SMOOT. Does the Senator mean that it has gone to the President?

Mr. SHEPPARD. Yes.

Mr. SMOOT. Then I have no objection to the resolution.

Mr. SHEPPARD. I thought the Senator would have no objection.

The VICE PRESIDENT. The Senator from Texas submits a concurrent resolution, which the Secretary will read.

The concurrent resolution (S. Con. Res. 37) was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill S. 3362, an act to authorize the Secretary of Commerce, through the Coast and Geodetic Survey and the Bureau of Fisheries, to make a survey of natural oyster beds, bars and rocks, and barren bottoms contiguous thereto in waters along the coast of and within the State of Texas.

Mr. SHEPPARD. When the bill is returned I wish to enter a motion to reconsider the vote whereby it was passed.

Mr. SMOOT. That can be done just as soon as it has been returned to the Senate.

Mr. SHEPPARD. Yes. I desire to give notice of the motion at this time.

EMPLOYMENT OF MESSENGER BOY.

Mr. GALLINGER submitted the following resolution (S. Res. 561), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That a messenger boy be appointed, for service between the Capitol and the Senate Office Building, at the rate of $600 per annum, to be selected by the Sergeant at Arms and paid from the contingent fund of the Senate until otherwise provided by law.

REVENUES OF RAIL CARRIERS.

Mr. FLETCHER. Mr. President——

The VICE PRESIDENT. The Senator from Florida.

Mr. FLETCHER. I ask unanimous consent for the adoption of the following order:

Resolved, That the Public Printer be authorized and directed to print as a part of Senate Document No. 466, Sixty-third Congress, the illustrations accompanying the testimony and exhibits relating to the 5 per cent case as submitted to the Senate by the Interstate Commerce Commission in response to Senate resolution 310, Sixty-third Congress, and the order of April 14, 1914.

The document was ordered printed, but not the illustrations.

Mr. SMOOT. I will ask the Senator what was the expense of printing that document?

Mr. FLETCHER. I really do not recall the expense.

Mr. SMOOT. It is not the large document, is it?

Mr. FLETCHER. It is the document that the Senator from Wisconsin [Mr. LA FOLLETTE] obtained an order to have printed. It is the testimony and hearings in the rate case. The order was to print the document but not the illustrations. This covers the illustrations. They ought to go with the document.

Mr. SMOOT. I have no objection to that.

The resolution was agreed to.

PREVENTION OF MALARIA.

Mr. TILLMAN. Mr. President, some time since Dr. Robert Wilson, chairman of the State Board of Health of South Carolina, asked me to get from the Public Health Service the best material available on the subject of malaria and its prevention and cure. I send to the desk a manuscript prepared by Dr. Rupert Blue, the Surgeon General, which I ask to have printed as a public document. It contains several illustrations, but as the cuts are already available no extra expense will be necessary on that account, and I ask that they be printed also.

As there is likely to be a great demand for this document, owing to the widespread prevalence of malaria, I suggest that it be referred to the Committee on Printing, and I hope it will order 50,000 copies printed for public distribution.

The VICE PRESIDENT. The matter will be referred to the Committee on Printing for action.

GRAND ARMY OF THE REPUBLIC.

The VICE PRESIDENT laid before the Senate the following concurrent resolution (No. 56) of the House of Representatives, which was read and referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there shall be printed as a House document 1,500 copies of the journal of the forty-ninth national encampment of the Grand Army of the Republic for the year 1915, not to exceed $1,700 in cost, with illustrations, 1,000 copies of which shall be for the use of the House and 500 for the use of the Senate.

INDIAN APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20150) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1916.

The VICE PRESIDENT. The pending amendment will be stated.

The SECRETARY. The amendment, on page 39, relative to the tribal grazing lease of the Crow Reservation.

Mr. WALSH. Mr. President, I do not desire to make a point of order against this amendment. Whether it is open to such or not I am not prepared to say. I have given no attention to that question. It would seem upon a hasty consideration of the amendment that it would be easily obnoxious to an objection of that character. I feel, however, that it is so germane to the portion of the bill of which it forms a part that it may very properly be considered upon its merits, and I desire to address myself for a short while to that feature of the bill.

It does seem to me that it must have been very hastily considered by whoever was its author, if indeed it received any consideration at all in the light of the past legislation of the Nation upon the subject with which it deals. Indeed, Mr. President, it revolutionizes a policy that has been adhered to without variance ever since the organization of our Government. It puts in effect a policy which is entirely inconsistent with the entire basis of the bill that is before us for consideration. We make appropriations to take care of the Indians. The Nation exercises guardianship over them, and it has long been held that the National Government occupies the relationship of trustee for these Indians because they are incompetent to take care of their own affairs.

Likewise, Mr. President, it has long been the policy of the Government that individuals should not be permitted to negotiate with Indian tribes looking to securing from them any kind of interest in lands set apart for their use. So, Mr. President, over a hundred years ago, as early as 1794, the Congress of the United States passed a statute forbidding any individual to enter into any negotiations with any Indian tribe looking to the securing of the right of occupancy or the title to any lands which had been set apart for their use. So likewise, Mr. President, repeatedly statutes have been passed denouncing as utterly void any contract which should be entered into by any person with any individual Indians by the operation of which the individual should secure any interest in lands set apart for the Indian under allotment law or otherwise.

This amendment, Mr. President, reverses the policy of the Government in both these respects. I shall address myself to that a little later on. But, Mr. President, regardless of that, I want to call attention to the language of the amendment and to the practical operation of it.

In the first part it provides:

That hereafter no tribal grazing lease or permit on the Crow Reservation shall be approved by the Secretary of the Interior without first procuring the consent of a majority of the members of a council regularly called by said Indians.

Then it continues:

Provided further, That the Secretary of the Interior be, and he is hereby, authorized and directed, upon the aplication of any Indian allottee on said Crow Reservation, to build a fence in full compliance with the laws of Montana, sufficient to hold or turn all stock, inclosing the allotment of any Indian allottee, the same to be reimbursed out of any distributive tribal funds to which said Indian may be entitled; and such Indian allottee shall be permitted to lease his allotted lands when so fenced as aforesaid for a term not exceeding five years to any person or persons desiring to lease the same without interference on the part of any Government official.

So in the first place it lays down the proposition that negotiations may be begun with the entire tribe looking to the acquisition of lands for grazing privileges over the entire tract of land. In the second place that in the case of allotments negotiations may be instituted and carried on with the individual looking to the acquisition of the right to occupy his allotted lands.

Mr. President, the general principle to which I adverted finds very appropriate expression in the provisions of this bill found at pages 14 and 15. There you will find a statute very wise in its provisions and in entire conformity to the policy which has heretofore been pursued in our dealings with the American Indians. That statute amends a statute passed in the year 1910 which reads as follows:

SEC. 5. That it shall be unlawful for any person to induce any Indian to execute any contract, deed, mortgage, or other instrument purporting to convey any land or any interest therein held by the United States in trust for such Indian, or to offer any such contract, deed, mortgage, or other instrument for record in the office of any recorder of deeds. Any person violating this provision shall be deemed guilty of a misdemeanor.

That policy, as I said, Mr. President, is expressed again in this proposed amendment, which reads as follows:

SEC. 5. That it shall be unlawful for any person to induce any Indian to execute any contract, deed, mortgage, lease, or other instrument touching land held under a trust or other patent containing restrictions on alienation, or to procure the execution by any Indian of any such instrument, or to be a party with any Indian to any such contract, deed, mortgage, lease, or other instrument, or to offer any such contract, deed, mortgage, lease, or other instrument as aforesaid for record.

Senators will recognize in this the very language of the act of 1910. Then the penalty is provided, and it continues:

Provided, That this section shall not apply to any contract, deed, mortgage, lease, or other instrument authorized by law to be made. Any Indian or his heirs in the possession of any live stock, their increase, or any other personal property issued by the United States or purchased with trust funds and held in trust by the United States, may lawfully sell, transfer, mortgage, or otherwise dispose of such property only with the consent in writing of the United States Indian agent or superintendent having jurisdiction over such property and not otherwise. Any person who shall induce any Indian to sell, transfer, mortgage, or otherwise dispose of, or shall procure the sale, transfer, mortgage, or other disposal by any Indian, or shall be a party with any Indian to the sale—

And so on, shall be guilty of a misdemeanor.

Mr. President, under the provisions of the amendment found at page 39 the Crow Indians, so far as the execution of leases upon either their tribal lands or their allotted lands, are to be taken out from under the operation of that statute.

I wish to advert first to the existing statute, which forbids the conduct of negotiations which the first part of the proposed amendment now undertakes to authorize. It is section 2116 of the Revised Statutes, and reads as follows:

SEC. 2116. No purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto, from any Indian nation or tribe of Indians, shall be of any validity in law or equity, unless the same be made by treaty or convention entered into pursuant to the Constitution. Every person who, not being employed under the authority of the United States, attempts to negotiate such treaty or convention, directly or indirectly, or to treat with any such nation or tribe of Indians for the title or purchase of any lands by them held or claimed, is liable to a penalty of $1,000.

It is now proposed to reverse that policy, and to allow anyone to go upon an Indian reservation and to enter into negotiations with the tribe for the purpose of securing a lease of tribal lands, which, however, must be approved by the Commissioner of Indian Affairs before it becomes effective.

I want to refer, for the information of the Senate, to the history of that legislation for two purposes: First, to establish how fixed it is in the policy of our Government, how ancient it is; and, in the second place, to disclose, for the information of the Senate, what the reasons were which impelled the Government so long to adhere to the policy which it expresses. I read the statute from the third volume of the Federal Statutes Annotated, at page 373. There it will be disclosed that this act is the act of June 30, 1834, chapter 161, fourth Statutes at Large, at page 730.

It was contended at one time, Mr. President, that that statute did not reach to the case of one who went upon an Indian reservation with a view to secure from the tribe a contract which would permit the party thus securing it to utilize the

reservation lands for grazing purposes. The validity of contracts thus entered into was submitted to the Attorney General, Augustus H. Garland, in the year 1885. His opinion briefly reviews the legislation upon the subject, and, with the indulgence of the Senate, I shall read from the opinion, on page 236, as follows:

Our Government has ever claimed the right and from a very early period its settled policy has been to regulate and control the alienation or other disposition by Indians, and especially by Indian nations or tribes, of their lands. This policy was originally adopted in view of their peculiar character and habits, which rendered them incapable of sustaining any other relation with the whites than that of dependence and pupilage. There was no other way of dealing with them than that of keeping them separate, subordinate, and dependent, with a guardian care thrown around them for their protection. (3 Kent Com., 381; Beecher *v.* Wetherby, 95 U. S., 517, where most of the cases on this subject are cited and discussed.)

Thus in 1783 the Congress of the Confederation by a proclamation prohibited "all persons from making settlements on lands inhabited or claimed by Indians without the limits or jurisdiction of any particular State and from purchasing or receiving any gift or cession of such lands or claims without the express authority and directions of the United States in Congress assembled," and declared "that every such purchase or settlement, gift, or cession not having the authority aforesaid is null and void, and that no right or title will accrue in consequence of any such purchase, gift, cession, or settlement." By section 4 of the act of July 22, 1790, chapter 33, the Congress of the United States enacted "that no sale of lands made by any Indians, or any nation or tribe of Indians within the United States, shall be valid to any person or persons, or to any State, whether having the right of preemption to such lands or not, unless the same shall be made and duly executed at some public treaty held under the authority of the United States." A similar provision was again enacted in section 8 of the act of March 1, 1793, chapter 19, which by its terms included "any purchase or grant of lands, or of any title or claim thereto, from any Indians or nation or tribe of Indians within the bounds of the United States." The provision was further extended by section 12 of the act of May 19, 1796, chapter 30, so as to embrace any "purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto."

So, Mr. President, the word "lease" was included in this statute as early as the year 1796, and from that time to this it was deemed contrary to the wise policy of this Government to permit anyone to go upon an Indian reservation with a view to securing a lease of the Indian lands from the tribe.

As thus extended it was reenacted by the act of March 3, 1799, chapter 46, section 12, and also by the act of March 30, 1802, chapter 30, section 12.

In the above legislation the provision in terms applied to purchases, grants, leases, etc., from individual Indians as well as from Indian tribes or nations; but by the twelfth section of the act of June 30, 1834, chapter 161, it was limited to such as emanate "from any Indian nation or tribe of Indians." And the provision of the act of 1834 just referred to has been reproduced in section 2116, Revised Statutes, which is now in force.

That is the statute which I have read. The Attorney General continues:

This statutory provision is very general and comprehensive. Its operation does not depend upon the nature or extent of the title to the land which the tribe or nation may hold. Whether such title be a fee simple or a right of occupancy merely is not material. In either case the statute applies. It is not therefore deemed necessary or important in connection with the subject under consideration to inquire into the particular right or title to the above-mentioned reservations held by the Indian tribes or nations, respectively, which claim them. Whatever the right or title may be, each of these tribes or nations is precluded, by the force and effect of the statute, from either alienating or leasing any part of its reservation or imparting any interest or claim in or to the same without the consent of the Government of the United States. A lease of the land for grazing purposes is as clearly within the statute as a lease for any other or for general purposes, and the duration of the term is immaterial. One who enters with cattle or other live stock upon an Indian reservation under a lease of that description made in violation of the statute is an intruder, and may be removed therefrom as such, notwithstanding his entry is with consent of the tribe. Such consent may exempt him from the penalty imposed by section 2117, Revised Statutes, for taking his stock there, but it can not validate the lease or confer upon him any legal right whatsoever to remain upon the land; and to this extent and no further was the decision of Judge Brewer in United States *v.* Hunter (21 Fed. Rep., 615).

That opinion was rendered, Mr. President, because of the fact that it was contended that these leases might be negotiated, and stockmen, men commanding immense herds of cattle, acting under the advice, emanating from some source or other, to the effect that leases of this character could be effected, went upon the reservation, carried on a campaign upon the reservation, gathered the Indians upon the reservation into tribal councils or other aggregations of that character, and procured them by campaign methods and other similar activities, the nature of which will very readily occur to all of us who have had more or less to do with politics, securing resolutions from the tribal councils authorizing the execution of leases. Under those leases they went on and occupied the reservation, and the question arose as to the validity of those leases.

Mr. President, we are not so much concerned with the question as to whether those leases were or were not valid, as we are with the reasons, if there are any, for the policy of the law which declared them to be void.

A certain cattle company, known as the Flournoy Livestock & Real Estate Co., secured from the Indians grazing leases covering extensive reservations in the State of Nebraska. The validity of those leases came under consideration by the Circuit Court of Appeals for the Eighth Circuit in the case of Beck *v.* Flournoy, found in 65 Federal Reporter, at page 30, and I want to read from the body of the opinion in that case the following passage:

It is manifest, we think, from an inspection of the various acts to which reference has been made above, that Congress did not intend to authorize, and has not in fact authorized, the members of the Winnebago Tribe of Indians to whom allotments of land have been made in severalty under the act of February 21, 1863, and the act of February 8, 1887, to lease or otherwise dispose of their right to use and occupy the lands so allotted to them. The act of February 21, 1863, declared that the lands allotted under that act should be vested "in the Indian and his heirs without the right of alienation." The fifth section of the same act further provided that the members of said tribe should be deemed "incapable of making any valid contract with any person other than a native member of their tribe without the consent of the President of the United States." The subsequent act of February 8, 1887, is equally, if not more, specific. It declares that "if any conveyance shall be made of the lands set apart and allotted as herein provided, or any contract made touching the same, before the expiration of the time above mentioned (to wit, the term of 25 years), such conveyance or contract shall be absolutely null and void." These limitations upon the power of the Indians to sell or make contracts respecting land that might be set apart to them for their individual use and benefit were imposed to protect them—

Those limitations were imposed to protect them—

from the greed and superior intelligence of the white man. Congress well knew that if these wards of the Nation were placed in possession of real estate, and were given capacity to sell or lease the same, or to make contracts with white men with reference thereto, they would soon be deprived of their several holdings; and that, instead of adopting the customs and habits of civilized life and becoming self-supporting, they would speedily waste their substance, and very likely become paupers. The motive that actuated the lawmaker in depriving the Indians of the power of alienation is so obvious, and the language of the statute in that behalf is so plain, as to leave no room for doubt that Congress intended to put it beyond the power of white men to secure any interest whatsoever in lands situated within Indian reservations that might be allotted to Indians. This conclusion is fortified by an amendment to the act of February 8, 1887, which was adopted on February 28, 1891 (26 Stat., 794, ch. 383), whereby power was conferred upon the Secretary of the Interior to prescribe regulations and conditions for the leasing of lands allotted to Indians under the previous act of February 8, 1887, whenever, by reason of "age or other disability," the allottee was not able to occupy or improve the land assigned to him with benefit to himself. It is manifest that the amendment in question, authorizing allotted land to be leased in certain cases, under the direction of the Secretary of the Interior, was unnecessary if power to execute leases of allotted lands had already been conferred by previous enactments or treaty stipulations. The last-mentioned act, therefore, is a legislative declaration that Congress did not intend by any previous statute to authorize the leasing of any lands that might be assigned to Indians to be held by them in severalty.

But, Mr. President, that did not seem to reach the case, and it became necessary for the Government of the United States to take further action; indeed, the President of the United States issued a proclamation directed especially at this particular cattle company and others occupying similar positions who had gone upon the Indian reservations and had secured leases. The proclamation commanded them to leave the reservation, and declared that he would resort to the military arm to put them off; but that did not seem to be sufficient to the authorities of the United States, and they went into the United States court and secured an injunction against the parties, forbidding them under the color and pretext of these leases from going upon or occupying the reservation. I will read briefly from the opinion in that case, which was brought by the Government of the United States, but will first read the facts from the syllabus, as follows:

Leases made by members of the Omaha and Winnebago Tribes of Indians, of lands allotted to them in severalty under the acts of Congress of February 21, 1863, August 7, 1882, and February 8, 1887, without the authority of the Secretary of the Interior, are wholly void.

I will now read from the body of the opinion, but I will abbreviate what I would otherwise say about this matter, because I rather despair of getting the attention of many Senators to this rather important matter; but it recites the existence of the facts substantially as I have recited them. I now read from page 893 of the opinion:

If the executive branch of the Government deems it necessary, for the proper performance of this treaty stipulation with the Indians, to forbid the occupancy of these lands by white men, it has the right so to do, especially in view of the fact that in all the legislation touching the same Congress has uniformly prohibited the alienation of the lands and has expressly declared that all contracts between the Indians and persons not native members of the tribe shall be wholly null and void. Even if it should be the fact that the Indians living upon the allotted lands are no longer to be deemed tribal Indians, but have in fact reached the full measure of citizenship, and if it should be held that the allotted lands no longer form part of the Indian country, it would be no less true that the United States had agreed that these lands should be set apart for the occupancy and benefit of the Indians, and that the Congress of the United States, when it authorized the allotment of lands in severalty, had forbidden the alienation of the lands for the period of 25 years, with the modification that in case of the disability of an allottee, by age or otherwise, to cultivate the land allotted, the same might be leased under rules and regulations prescribed by the Secretary of the Interior; and it is clearly the duty of the United States to prevent the alienation of the lands during the

period named and to preserve them for the use and occupancy of the Indians, and to that end it may rightfully forbid the occupancy of the lands by persons not members of the tribes.

And the following:

It thus appears that the leases under which the defendants claim the right to the possession of the lands allotted in severalty are wholly void, having been taken in direct violation of the provisions of the acts of Congress under which the allotments in severalty were made; that the occupancy of the lands and the cultivation thereof by the defendants is wholly inconsistent with the purpose for which the lands were originally set apart as a reservation for the Indians and with the object of the Government in providing for allotments in severalty; that such occupancy is held contrary to the rules and regulations of the Department of the Interior and is held not for the benefit, protection, and advancement of the Indians, but for the benefit of the original lessees and their subtenants.

So they go on and announce the reasons why this policy was pursued.

Then, Mr. President, the allotments upon this Crow Indian Reservation are made pursuant to the provisions of what is known as the Dawes Act, passed in the year 1887, under which any contract made by an Indian touching his land or the occupancy of the same was declared to be utterly nugatory and void. The act will be found at page 494, third volume of Federal Statutes, annotated, and I read the concluding portion of the statute referring to the allotments, which are inalienable for a period of 25 years, according to its terms.

Then the statute concludes:

And if any conveyance shall be made of the lands set apart and allotted, as herein provided, or any contract made touching the same, before the expiration of the time above mentioned, such conveyance or contract shall be absolutely void.

And it is held that the lease is within the terms of that statute.

Mr. President, we have repeated that policy in the provisions of this bill found on pages 14 and 15; but under the provision of the amendment proposed on page 39 it is intended to reverse this policy, and allow the Indians upon the Crow Indian Reservation to make leases of their lands, for a period not exceeding five years, to any person or persons desiring to lease the same, without interference on the part of any Government official. I think it will be difficult for anyone, in the face of the history of legislation in relation to the Indians, to justify in any way whatever that provision of the proposed statute.

So, Mr. President, with reference to the first part of the amendment. Why, Mr. President, this is an invitation. I know well how profoundly sympathetic with the Indians upon the Crow Indian Reservation are the gentlemen from whom this amendment emanated and with whom it originated; but I say, as I said in opening this discussion, that it could not have received their serious consideration and reflection. Why, it would be an invitation to every scalawag in the West to go to the Crow Indian Reservation and secure leases from these poor, ignorant, incompetent Indians, who are not able to speak the English language and are unable to take care of themselves, that being the justification for our legislating upon the subject at all. If the Indian upon the Crow Indian Reservation is in a situation where we may trust him to make a lease of his allotment for a period of five years without any interference on the part of any Government official at all, we should throw open the whole Crow Indian Reservation; we should withdraw our guardianship over these Indians. We should not be legislating upon this subject at all.

So with reference to the leases to be negotiated concerning the tribal lands and with the tribe as a whole. If the tribe as a whole is able to take care of its tribal lands, why should it not do so? This will be an invitation to carry out a regular political campaign upon the Crow Indian Reservation on the part of rival aspirants for the lease of the lands.

I ask you to picture for yourselves the awful situation upon the Crow Indian Reservation that would result from the inauguration of any system of this character. Let me go a little further, and let me show you how impossible it is that this could be put into effect.

The Indian allotments of the Crow Indian Reservation amount to 320 acres. The Indian has an opportunity to select 40 acres of irrigable lands and 280 acres of grazing lands, or he may select the entire 320 acres in a body. A fence of sufficient length to inclose a tract of 320 acres is exactly 3 miles long. Now, it costs practically $100 a mile to build a fence in the State of Montana sufficient to turn stock; so it will take just $300, on that estimate, to build a fence around any 320-acre tract upon the Crow Indian Reservation—$300!

Now, what do the leases upon the Crow Reserve at the present time produce? They produce practically 8 cents an acre. If that is taken as a proper basis of calculation, 320 acres will produce annually $25.60. But let us double that and say that it will produce $50 annually. Your fence costs you $300. It will take 6 years, at double the fee that is now obtained, to get back even the cost of inclosing 320 acres within a fence. So the proposition is that when one of these Indians, no matter how incompetent he may be, no matter how uninformed he may be, no matter how ignorant he may be, demands that $300 of his money shall be utilized for the purpose of building a fence around his 320 acres of land, that money must be taken out and put to that purpose. And to what end? Why, everybody recognizes that after a period of 6 or 8 years the fence would be valueless. In other words, by the time he got back the money that the fence cost its period of life would be practically over, and it would be necessary to rebuild it. So that it is impossible to have any return on this matter at all.

But, furthermore, what could a man do? The only course from which any revenue can be derived from these lands by the use of them is to allow them to be grazed over. But what will a man do with 320 acres of land inclosed in a fence? You could not lease for grazing purposes a tract of that character. Moreover, the man who had the water hole upon his tract within his fence would be able to lease that tract at a very handsome price to the man who had a big herd of stock in the neighborhood, because he could get them in there for the purpose of watering them, and no one else could get in at all, and the other tracts could not be leased at any figure.

Mr. President, if any Indian is cultivating any portion of his 320-acre tract; if he is cultivating it to grain crops; if he has a garden upon it; if he even has hay growing upon it, which he desires to cut, that ought to be fenced so that it shall be protected; but you do not want to fence any of this land if it is to be leased for grazing purposes.

I have no interest in this matter. It is a matter that is absolutely of no consequence to me personally, whether this amendment is carried or not; but I feel sure that the amendment was not drafted in consequence of any very well-thought-out plan of utilizing these lands.

The Senator from Michigan suggested on yesterday that inasmuch as some of these lands are tribal lands held in common and others of the lands are allotments held in private ownership, and the herds graze over both classes of lands, the allottee ought to have such proportion of the entire amount paid as his allotted land bears to the entire area over which the cattle graze. I fully agree with him about that. I think that would be quite just, and I should be very glad to join the Senator from Michigan in supporting an amendment of that character. But this amendment, from first to last, is in contravention of a policy the wisdom of which has never before been questioned.

I apprehend I know something about how this came up. Some controversy has arisen regarding the leases on the Crow Reserve. It is contended before the joint committee of the Senate and House that the Commissioner of Indian Affairs, either corruptly or with a very remarkable want of good judgment, gave out the leasing privilege at much less than its true value. I do not feel as if I care to go into that inquiry at this time. I desire simply to say that the commissioner advertised in the usual way through the newspapers, that certain bids were submitted, and those bids were rejected; the commissioner, wisely or unwisely, believing that he could get a higher price for the leases. A second advertisement was called for. The bids submitted in response to that were equally unsatisfactory—indeed, more unsatisfactory—to the commissioner, and he again rejected those bids, and the advertisement was put in the papers for the third time; and upon the third advertisement the leases were let to some gentlemen who reside in the city of Omaha, Nebr. I do not know whether my colleague has any acquaintance with them or not. I imagine he has not. I have not. I do not know who they are.

Mr. MYERS. Who is that?

Mr. WALSH. The Omaha people who got the Crow leases.

Mr. MYERS. No; I have not.

Mr. WALSH. I might say in this connection that some of our own people were bidders for the leases, but the commissioner declined to award the leases to them, and so they went beyond the bounds of our State. Now, I do not undertake to say whether it was wise or unwise, but I do undertake to say that until we have some further information about the matter that will justify, in some measure at least, this revolution in our relations and our negotiations with the Indians on the Indian reservations, I should think the amendment ought to be rejected.

Furthermore, I desire to inquire what reason there is why this system should be pursued upon the Crow Indian Reservation and upon no other Indian reservation? The conditions are just exactly the same on every other Indian reservation in my State. They are exactly the same upon the Blackfeet Indian Reservation. They are exactly the same on the Fort Belknap Indian

Reservation. They are exactly the same on the Fort Peck Indian Reservation. The conditions there are exactly the same as the conditions in other States, so far as I am informed. What is there about the Crow Indian Reserve that calls for special legislation, and for the abandonment with reference to that particular reservation of this policy which has stood the test of many, many years?

Mr. TOWNSEND. Mr. President——

The VICE PRESIDENT. The Senator from Michigan.

Mr. TOWNSEND. I hope I shall not be considered presumptuous if I discuss the Indian question in a State other than Michigan. I have very little sympathy with the idea that a member of the Indian Committee or a Member of the Senate should be foreclosed from criticizing any item which happens to be approved by the Senators from the State wherein the reservation or the Indian tribe is located. I have great faith always in, and I am glad to listen to, the Senators from any State where there are Indians; but I assume that I was placed upon the Indian Committee, as other members of the committee were placed upon it, for the purpose of investigating the affairs relating to the Indians not only in the State of the Senator but every other State in the Union. So I say I hope that I shall not be considered as an intruder if I shall make any suggestions which do not happen to coincide with the views of the Senators from the State where the tribe under discussion happens to be located.

I am not familiar with the amendment to the extent of having studied it before it was put upon the bill. I am, however, in hearty sympathy with the idea suggested in the amendment. The Senator from Montana has occupied a good deal of time in proving, through decisions of the courts, that the law is to the effect that white people can not contract with the Indians. I assume that that is conceded. I did not suppose that there was any great question about that; but this provision proposes to change that in some particulars.

I do not believe our Indian laws have worked so perfectly during all our experience with them that the laws pertaining thereto should be held entirely sacred. I do not think we have made a very great success of the Indian problem. Indeed, it is difficult for me many times to understand how we could have handled it worse than it has been handled. It is a deplorable fact, but it is true that the Indian has not made great progress in many States of the Union and on many of our reservations. I think we have failed to recognize the fact that before we can get an Indian civilized, before we can make him a citizen of the United States, entitled to the privileges and the rights of citizenship, we must at least bestow some degree of responsibility upon him. He may make mistakes, and he probably will lose some of his property, but I would rather he would lose it than that we should lose it for him. I would rather he would experiment with some of the property belonging to him than to have the United States waste it upon old, moss-covered theories that have been disproven because of their inefficiency throughout the years.

This proposition is that the Crow Indians—and this applies to any other tribe; I will admit to the Senator from Montana that it would apply to other tribes equally well—shall be consulted through their tribal authorities, authorities which are recognized for many other purposes, and that they shall determine whether this property of theirs shall be leased for grazing purposes or whether it shall not be leased. I think myself it is a good step. I realize, as I said to the Senator from Montana yesterday, that it may lead to some difficulty, but it will not be a greater one than the ones already existing. It will not result more disastrously, in my judgment, than the conditions now in vogue. Therefore I think it would be a good thing to allow them to assume the responsibility to determine whether they want their property leased or not.

That is the first part of this proposition, the one about which the Senator speaks. I can see that there is some trouble in that, and I think I should be glad to change that a little; but even the provision as prepared and introduced by the Senator from Wisconsin would not leave the situation any worse than it is at present. That is the proposition—that if the Indian wants his allotment fenced, and he has the money with which to fence it, that disposition shall be made of his money.

The Senator from Montana says it will cost a large amount of money, and that it will be a useless waste of his patrimony to put it into a fence when he can not lease it; and the Senator bases his ideas of the lease largely upon what is paid for the range; but if we double it, he said or intimated yesterday that he would not get enough out of it to pay for the investment in the fence.

I assume, Mr. President, that the Indian is not going to have his allotment fenced unless he knows what he can do with it. This does not apply simply to leasing for grazing purposes, but the Indian may use it for agricultural purposes or he may lease it for agricultural purposes. With other Indians combined they can fence their property and may get the avails out of their allotment. As it is now they are getting absolutely nothing according to the reports that are made to us, and I think it is admitted by the department. This makes dissatisfaction with the Indian. He feels that he has property; under the courts it is a vested right the Indian has when his allotment is made to him, and to see that allotment used by these rangers, these stockmen, without paying 1 cent to the owner of the allotment, creates dissatisfaction. It is entirely unsatisfactory.

They feel that if it were fenced they could use that land and get something out of it for themselves. Cases have been brought to our attention many times on the Crow Reservation and I think it is not disputed that some of the Indians have protected their allotments even though they did not have sufficient fences and they have finally grown some hay, and they have stacked it on their allotments only to have it destroyed when the range was depleted by the stock of the lessees who have come up to their weak and insufficient inclosures and torn them down and the stock has eaten up their hay.

Mr. President, believing as I do that the Indian should be given responsibility, that he should be taught to do something for himself, I have favored this proposition. I think I would be quite as well satisfied at this time, inasmuch as we are starting upon the proposition, to allow the Secretary of the Interior or the Commissioner of Indian Affairs to ratify the lease so that he should not be overreached. I know the amendment provides that if any advantage is taken of the Indian it shall be declared void.

Mr. LA FOLLETTE. Mr. President——

Mr. TOWNSEND. I yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. I will say to the Senator from Michigan it is my purpose to offer three or four amendments for perfecting the leases and one for perfecting it in that respect, and I will read it.

Mr. TOWNSEND. I will be glad if the Senator would.

Mr. LA FOLLETTE. I should like to have his criticism of the language.

Mr. ROBINSON. Mr. President, we are unable to hear the Senator from Wisconsin on this side of the Chamber.

Mr. LA FOLLETTE. I said it was my purpose to offer some three or four amendments to the proposed amendment before a vote is taken upon it.

Mr. ROBINSON. I was just about to suggest to the Senator from Wisconsin that I thought some amendments should be made to the provision.

Mr. LA FOLLETTE. On the point which is being discussed at this particular moment by the Senator from Michigan, it is my intention to propose this amendment: In line 10, on page 40, after the word "of," the fourth word in that line, to insert "inadequate compensation provided in said lease or of unfair terms or conditions contained therein or of," and after the word "lessee," in line 11, the words "as a tenant," so that that portion of the proposed amendment when amended would read as follows:

And the Secretary of the Interior shall have the power, in case of inadequate compensation provided in said lease or of unfair terms or conditions contained therein, or of any unfair treatment of the lessor by the lessee as his tenant, to cancel or revise said lease.

Then follow it by the following:

Such lease shall be made upon forms furnished by the Interior Department and approved by the Secretary.

Mr. TOWNSEND. That would be entirely satisfactory to me, Mr. President. I think that would prevent the abuse of the Indian by those conscienceless lessees who might otherwise take advantage of him.

Mr. WALSH. Will the Senator pardon me?

Mr. TOWNSEND. I yield to the Senator from Montana.

Mr. WALSH. Of course, Mr. President, the amendment now proposed would make the proposed amendment much less objectionable; but if the Senator will permit me, I want to suggest to him that the opportunity to overreach the Indian would be very little reduced even by that amendment, because the leases would be prima facie valid. The lessee would go into possession of the leased property, and on an Indian reservation, perhaps more than anywhere else in the world, possession is nine points in a lawsuit. It would be necessary for the Indian to complain to the Secretary of the Interior that he had been overreached in the matter. As a matter of course, he does not know whether he has been overreached or not; he is not a business man, so he is unable to say about that, and he would be obliged to come down here to Washington or have some lawyer come down to Washington and enter a suit before the Secretary of the Interior to annul and cancel the leases.

Mr. TOWNSEND. Mr. President, as I said a moment ago, I do not think that the danger of being overreached is as great as the present system of overreaching which exists so far as the property of the Indian is concerned. He is practically getting nothing out of it now. Where, as I said, he has had the advantage of raising a crop of hay he has lost it. He gets nothing. This will get him something, and it will be a step in the direction of securing to him more perfect and complete rights.

Therefore, I say, I think it is time for Congress to begin some real positive constructive work which will mean the liberation of the Indian himself and secure to him the rights which the Government is supposed to give him when it allots him land.

I am glad the Senator is not going to make a point of order on this amendment. I hope, if it goes in, that it will remain in the bill after conference. I think it is the least thing we can do to show our real interest in the Indian himself.

The Senator has brought up certain imaginary evils, or possible evils—it may be probable evils—but we have got to meet this question sometime. It is time we began, and I am very glad indeed that the Senator from Wisconsin [Mr. LA FOLLETTE] has offered this amendment, because, it seems to me, it is a step in the right direction.

Mr. LANE. Mr. President, I will not detain the Senate long.

The Senator from Montana [Mr. WALSH] seemed to be under the impression, from what he said, that the joint commission appointed to investigate Indian affairs were under the impression that the department was acting corruptly in making these leases or including in the leases for grazing lands on the Crow Reservation the allotted lands of the Indians. I do not think any member of the commission thought anything of the sort. I never heard anyone say anything of the sort.

Mr. WALSH. The Senator could not have understood me.

Mr. LANE. I may have misunderstood the Senator.

Mr. WALSH. I said it had been suggested before the commission here that corruption had existed.

Mr. LANE. It is true it had been. Many such complaints as that were made, and the matter was called to the attention of the commission; and the statement was also made that, included within the grazing terms permits as they now are called, formerly called leases, there were thousands upon thousands of acres of lands which had been allotted to individual Indians. For the use of this land the Government did not receive any pay, nor did the Indian whose allotment it was. I think that statement was fully borne out by testimony of the officials of the department itself and the records of the department.

If such a condition did exist, the suggestion which was made to the minds of the commission, or at least the impression which was made upon me, was that there was an injustice being done to the Indian individually, and, secondly, that later along he would have a just claim against the Government upon which he might recover the money which was justly due him.

There was about $160,000 a year collected from these leases, and included in these leases were large numbers of individual allotments. There was a similar case, I am informed, where the firm of MacMurray and some other gentlemen—I have forgotten their names—brought suit against the Government for the refund of such moneys for some Indians in Oklahoma and had recovered judgment. If that condition does exist on Crow Reservation and others, there is going to be trouble sooner or later. The Indian is dissatisfied, the Government will be punished by having to pay the claim, and nobody will be benefited except the lessees, one of whom has made probably a million dollars from these unjust grazing grants, much of the gain coming from the free use of the allotted Indian lands.

We had some hearings and upon page 2043 of the hearing held before the joint commission of the Congress of the United States, Part 15, dated January 26 and including July 14, 1914, there is a statement from a man by the name of William D. Weekley, who is a clerk in the Indian Office. His duties at that time consisted in handling the leases of the tribal lands, and the question was put to him as to whether there was any allotted lands included in the permits, and he said he understood that there was, and he went on to say that the lease contained the provision that the permit was void as to allotted land. The Government could not collect rent from it. It was void.

He further stated that—

> It is customary, however, to allow them to use all the unfenced lands in the district, and the Indians were allowed to carry whatever stock they had on the unfenced lands.

I then asked him if—

> the Indians' unallotted land was allowed to go into the general range?

Then he said further, on page 2044:

> As I recall, there was nothing in the lease about that—that is about the Indians being allowed to fence.

I asked him were the Indians allowed to fence after the lease was made.

> As I recall, there was nothing in the lease about that; but so far as I know they were always to fence any lands they wished to use themselves.

That is, they could fence their allotments any time, but they did not do so in any instance which was brought to our attention within the limits of these large leases.

Further along in the hearings this condition was brought to the attention of the assistant commissioner, Mr. Meritt, and at that time Mr. BURKE, a Representative in Congress and a member of the commission, called his attention to the fact that it did exist, with the statement that these permits had been given, and that the permittee was allowed to use the allotted lands. The question was asked of Mr. Meritt by Senator TOWNSEND:

> You were asked a question a little while ago as to whether you thought it was legal—

To lease these allotments within the permit granted to the lessee.

> Mr. BURKE, I think, asked you the question whether you thought it was legal to lease the allotments or to include these allotments in these leases. Was that question ever submitted?
>
> Mr. Meritt replied: "No, sir; Mr. BURKE brought the question up the other day for the first time, and I have considered the question somewhat hurriedly since then. It is my opinion that we are depriving the Indian of a treaty right when we go ahead and lease the reservation and permit the lessees to allow their cattle to roam over the allotment of the Indian."

Now, that is the case and that is all the case. The Indians had applied for permission to the Indian Bureau to be allowed to lease their lands to people who offered them a fair rental for the use of them. The permission was refused, and then came the question as to whether or not this Government was not being made liable for a claim for damages by the Indians; and if so, was it not our duty to put a stop to that manner of doing business?

Mr. Commissioner Sells himself stated in regard to this question:

> While I suspect that there is a question as to whether or not there is a legal point involved there, I think it would perhaps be best to consider that. It is very helpful to have these things suggested, and I gladly welcome them. I think that it would be entirely proper, Senator and gentlemen, that regulations should be promulgated covering that particular thing and going further than that very much. I see no reason why an Indian on such a lease holding—I speak now of a large one—should not at his pleasure inclose it. I insist that we have a right if he asks for it. It is his right that he should be protected in, and that if he wishes to lease it to anyone it is his privilege that no one has the right to deny him.

These matters were carefully considered. Such charges had been made time and again and there was a question as to whether or not the Government would not get itself into trouble if it continued to do that which was illegal in handling these lands. This provision which has been drawn by the Senator from Wisconsin was merely aimed to cover that defect and remedy the method which is now being pursued.

A while ago the Senator from Montana implied that the effort on the part of the Senators from other States to correct this was intended as a personal affront to him. With me it has been merely a matter of securing justice for a class of people whose affairs were, in a measure, intrusted to me to take care of for them.

In regard to the reference which was made earlier in the afternoon as to the conditions on the Blackfeet Agency, I would say that I stopped off on the Blackfeet Agency as a member of the joint commission appointed to consider their affairs, as well as those of other Indians. Without prejudice I made a report relating to conditions as they came under my personal observation. I did not enter into the bickerings and differences of opinion which exist on that reservation between the two contending parties as to the manner in which they wish to have their affairs handled. The next morning after I arrived there I asked the superintendent of the reservation to show me what they were doing with the reclamation project, and he and I and two mixed-blood Indians got into an automobile and started for the Seville unit, which is about 25 miles east of Browning. On our way a tire became punctured and we were held up. Finally there came along a man in a Ford. He was one of the reclamation engineers. On his invitation, the superintendent and I got in and rode with him, and we left the mixed-blood Indians behind.

We went to the experimental farm on the Seville unit and examined it. We saw what crops were being raised by the farmer there—the alfalfa and flax, and the stubble from which

they had cut grain hay, and the vegetables which had been grown. We looked at what he had stored away in his root house and his flax and hay; we had dinner at the house, and after we were through and ready to go away the mixed-blood Indians arrived.

It was said a while ago in reference to my visit there that I had nothing to say about what I saw; I did not say anything, and it was not wise to talk then or there. The writer of the letter to Senator WALSH came with a number of others and demanded to know what my report was going to be; quite naturally I refused to answer the question. The police of the reservation were "set upon" witnesses and frightened them from coming to me. Full bloods and others were badgered and threatened if they did so. The proof was—and I certified to it in my report to the commission—that the land there, with water upon it, seemed to be capable of raising good crops of hardy vegetables and hay.

Later along, within four days after I was there, I think, or within a few days after—I will read what I had to say on the subject—two Government inspectors followed me upon that reservation without my knowledge, without my knowing that either one of them was going there. One of them was the chief inspector of the Indian Bureau and the other one was an inspector from the Department of Justice. I want you to see their report and compare it with mine. We wrote independent reports. I will read what I had to say in regard to that reclamation unit, and afterwards I will read you what they reported:

Why any one should have inaugurated or authorized the large expenditure which has been incurred in constructing the reclamation project which I visited and others which I saw without having also and at the same time provided means for the Indians to profit by their use is a puzzle to me.

There was not another farm in sight. There are not to exceed a dozen Indians, so far as I know, who are receiving any benefit from the reclamation project for which their lands are held reimbursable to the tune of about a million dollars.

The lands of the Seville unit are no doubt the most valuable of any on the reservation and could be made the basis for the self-support of many of the Blackfeet Indians for a long time to come if properly and wisely managed with that sole object in view. As it now is, however, the Indians can not use them and they do them no good, and because they do not use them their nonuse is used as an argument to secure the consent of Congress to sell them to white people.

On page 664 of this report, which is one of the hearings before the joint committee, February 11, 1915, part 6-A, is the report of these two gentlemen who represented the Government, one of them the chief inspector of the department, which was inspecting and reporting upon its own work; not a man ordinarily who would give his department any the worst of it; surely not prejudiced against his own department. He says, near the bottom of page 664, in reference to this reclamation project on the Blackfeet Reservation:

As a matter of fact, an Indian or white man would need to expend some two or three thousand dollars on each irrigable allotment in the fencing of same, the building of a house, barn, a well, and breaking the land before he could expect any returns.

The Indians have not the means to do this, and with the climatic conditions as herein outlined it is exceedingly doubtful whether any great amount of this land which can be irrigated will ever be successfully farmed, and it will be difficult to persuade the Indians to live on the irrigable portion of their allotments.

* * * * * * *

There has been expended up to October 31, 1914, the sum of $942,413.58 on the Blackfeet Reservation irrigation project out of the tribal funds, and it has been estimated by the Reclamation Service that $2,000,000 additional will be required to complete this irrigation project.

The benefits derived by the Indians from this large expenditure of money have been practically nil. There are not to exceed 30 or 40 Indians attempting to farm under this whole project, and some of these have only small garden patches.

This is from the report of the chief inspector of the Indian Bureau himself in regard to the manner in which the affairs there were handled under the reclamation project.

The man who wrote here the letter which was expunged from the RECORD was one of 8 persons, out of an assembly of perhaps 300, who voted in favor of selling these lands at this time under the existing law, and also under the terms of the bill to which I objected last night. Charges have been preferred against this man by another Indian that he preys upon the grazing lands of the tribe and grazes sheep upon them in partnership with outside white men on shares.

I wish now to call attention to some other statements which were made by me, and compare them to those which were made by the Government inspectors. I read from page 654, where I stated that—

So far as I could see or ascertain, with one exception, no Indians or anyone else was engaged in farming or had entered upon their allotments upon this unit.

That confirms what the inspectors said. They did not see to exceed 20 people and they were all over the reservation, while my visit was a brief one, and did not extend over so much territory. On page 655 of my report I stated:

Near the foot of Heart Butte I found a subagent or farmer in charge of the station. At the time I was there he was engaged in building a barn to shelter the stallions which had been issued to improve the stock of horses owned by the Indians in that neighborhood.

The blooded stallions, if you please, Senators, with which the bureau is going to improve the stock of these, our wards.

The wind was biting cold and the barn had not been entirely inclosed from lack of lumber, which had to be hauled 40 miles to complete the work. The stallions had run down badly from lack of shelter and insufficient food.

The report of the inspectors says in relation to the same animals—and that report is signed by both of them—

There were four stallions stationed at this point, and just prior to our arrival a rough board roof had been placed on the log building constructed for them. Prior to this time these horses had stood out through heavy storms with the snow 3½ feet deep.

They were going downhill as fast as they could, and would be useless perhaps before spring.

The inspectors went through that reservation more fully and carefully than I did; they saw the witness who came in and complained to the commission and to the committee; they also met up with the mixed blood who has done me the honor to write to the Senator from Montana concerning my visit there. So they had both sides. They had nothing to do with the commission; they were detailed by the Government itself, and after my report was read before the joint commission Mr. Linnen, the chief inspector of the Indian Bureau, asked to make a statement, and in that statement he said, as is shown on page 660:

I simply want to say this: I have heard Senator LANE'S report read with much pleasure, and can confirm it, as can also Mr. Cook here [indicating Mr. Cook], who was with me when I made a subsequent investigation of the Blackfeet Reservation. I can confirm everything he has stated as being absolutely true.

With relation to two or three matters which he mentioned, I want to say this: He speaks of one white man over in the irrigation district who he said was nearly financially ruined because he could not get water. I personally saw the letters from the chief engineer of the irrigation service out there to the superintendent of the Blackfeet Reservation, as early as March 22 of last year, calling attention to the fact that the water was ready for delivery in any quantity that he desired to ask for, and that he wanted him to request when he wanted the water, stating for how many acres, so that he could turn it on. He stated to us that the reason why the water wasn't furnished more promptly was because of the neglect of the superintendent; that the water was there to turn on.

Then he says later along in the report that the superintendent has been suspended. Since then I am told he has been dismissed.

Now, Senators, many of these Indians were living in a condition of absolute destitution. I have several photographs here of some of the houses in which they live. Here [exhibiting] is a photograph of a house where a family of eight Indians lived. In that house there was no food. I examined the box in which they kept their food, and it was empty. One 4-year old child had no clothing on except a man's sack coat. It possessed not a stitch of other clothing; it was barefooted and bareheaded, and aside from its coat, which was unbuttoned, the child was bare from the top of its head to the toes of his little feet. The mother had given birth to a child the day before and was up and around, taking care of her family, sleeping on the ground in a pile of old rags. That was the condition which had fallen upon those unfortunate people whose lands had been tied up in a reclamation project which had involved an expenditure of about $1,000,000 and which would require $2,000,000 more to complete.

Six hundred out of the 900 children were without school facilities. One man, his wife, and two children were eating flour mixed with potatoes, and they had lived on such food for six months in spite of the fact that the Indians had $200,000 in the Treasury to their credit and that this individual Indian was owed $50 for services performed for the Government.

They asked me if I would protest against the passage of this bill. They said that if their lands had to be sold to keep them from starving, rather than starve to death they would sell them, but they would prefer not to sell them if they could hold out. They were starving, and were eating prairie dogs and were killing them off the plains of the country; they were eating skunks, if you please. Did you ever eat a skunk? It will keep you alive, but it is not good to eat.

I said I would object to the bill for them, and that I would do so without prejudice to the Senator from Montana. I would be a dog if I did not voice the objections of these poor, helpless folk.

The Senator from Montana had been upon the reservation but a short time before I was there, but he did not go into the Indians' homes, look into their grub boxes, and kick over their

beds to see how they lived. I did, and that is the difference between the point from which we view the subject.

It was not to hurt his feelings that I reported the conditions; it was not to offend him in the least that I objected to his bill; it was due to the fact that I deemed it my duty and supposed that he did not know or appreciate what the awful conditions were. These Indians are human beings, and I know he would have objected, as I did, if he really understood the conditions there, and would continue to do so until these people are given time to get upon their feet and are lifted along and helped as a human being ought to be helped until he can help himself.

The Government has had charge of that reservation since 1855, 60 years ago, and on that reservation lived the full-blooded Blackfeet Indians. I remember the Blackfeet as long back as 50 years ago, when I was a boy, and my people had to work their way across country in Montana at a time when a portion of Montana was part of the Territory of Oregon, of which my grandfather was the first Territorial governor, and where I was born before it became a State. They had to fight their way through that country, and the Blackfeet and the Crows fought to a finish. In those days they were men; they were and still are communists and kind to their friends and kindred.

On this same reservation I found that there were some Indians who had small herds of cattle and others now in the bread line who had had large herds a few years ago, which, however, had disappeared, for the reason that when one Blackfeet Indian owning cattle finds another Blackfeet Indian starving he goes out and kills his calf or his steer or his cow and gives of it to his neighbor to eat. The white man might take a lesson in kindliness of heart from the Blackfeet Indians. He is not a bad man who divides with you his last bite of food and does it with no hope of reward. That is what has become of the cattle of the Blackfeet Indians. They are eating one another's cattle, and many are poor because they have been feeding their starving friends.

Helen Clark, the well-known Blackfoot woman, who handled the adjustment of many of the allotments in Oklahoma, high bred, well educated, one of the finest women anywhere, told me that she had but about 40 head of cattle left, and in two years more or three years she would have none, because she was feeding them to her fellow tribesmen who were starving. She could not bear to see them go that way while she had a hoof left. It takes a good woman to do that. What an example they set for us!

So, I have protested against extravagant reclamation schemes upon the Blackfeet and other reservations, pledging millions of dollars' worth of the property to pay for them, with the Indian forced and driven down to live on the flat lands, where nothing but the grasshopper lives since the buffalo has gone, without a house or a plow or a hoe, and where the cold winter winds whistle and pierce, where an Indian never did live and never will live, without a dollar to raise a crop, without a 10-cent piece to build a house, put down there to lose his water rights and lands and to starve, when with his lands, which are valuable under an intelligent method of handling, he could be made self-supporting. The methods on which they are proceeding will make him a pauper, and the State of Montana will have to support those Indians just so sure as we pursue our present methods. That is my sincere belief.

In connection with the Crow leases, I think we are piling up a just claim which this Government will have to pay and which it ought to be made to pay.

Mr. WALSH. Mr. President——

Mr. LANE. Just a moment. The Indian is not allowed to collect rentals for the use of his land, and is being kept out of the use of it.

Without prejudice to anyone, I have resisted these things; I have fought against them, and because I fought them I have brought down upon myself the insulting letter from the mixed-blood parasite on the full bloods which was put in here today by the Senator from Montana; but I say unto you now that so long as I stay in the Senate I am going to keep on protesting every time there is an opportunity, without fear of God, man, or devil, for I will not stand for that kind of a game.

Mr. WALSH. Mr. President, I merely desire to say, lest there should be a misunderstanding, and for the information of the Senator from Oregon [Mr. LANE], that practically the first duty with which I charged myself when I came to Washington two years ago was to go and visit Secretary Lane and lay before him some of the conditions on the Blackfeet Indian Reservation, which have aroused the interest of the Senator from Oregon, upon information coming to me from Miss Clark, whom the Senator has so justly extolled, and other people thoroughly informed about conditions on the Blackfeet Indian Reservation. I should not like it to be understood that the Senators from Montana have been either unacquainted with or regardless of conditions on the Blackfeet Indian Reservation.

Mr. LANE. Mr. President, I ask permission to print in the RECORD my report to the joint commission and also the report of the inspectors as a part of my remarks. I hope there will be no objection.

The VICE PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

UNITED STATES SENATE,
Washington, D. C., January 23, 1915.

The honorable the JOINT COMMISSION
TO INVESTIGATE INDIAN AFFAIRS,
Washington, D. C.

GENTLEMEN: I herewith respectfully submit for your consideration the following statement concerning some of the conditions which I found to exist on the Blackfeet Reservation in Montana. This report is necessarily incomplete, for the reason that the limited time did not permit a full investigation of the affairs of that agency.

I arrived on the eastbound train at Browning late in the evening of November 26, 1914, and learning that a dance was being held in a public hall, I visited it and found many young Indians of both sexes there. In their personal appearance and conduct they were a fine body of young people.

The following four days were spent in traveling about the reserve and in consultation with any and all persons who desired to present their views concerning general conditions upon the reservation about which there has been much complaint, with their ideas regarding the changes necessary to improve the same.

Some eight or nine hundred thousand dollars have been expended upon the lands of these Indians to install reclamation projects, and being desirous of seeing what had been accomplished in this direction, I requested the superintendent (Maj. McFatridge) to accompany and show the same to me. Accompanied by him and some of the mixed-blood Blackfeet Indians, I was taken to the experimental farm, which is located 25 miles east of Browning, on the Seville unit, near which point many allotments have been made to the Indians. This is the land a portion of which it is desired by some to sell and throw open to white settlers, and concerning which a bill is now on the Senate Calendar granting the authority to so dispose of it. Many of the Indians are opposed to having such disposition made of those lands, and contend that their best interests will be sacrificed if such action is taken. In order to test the sentiment of the Indians respecting the same and to ascertain as nearly as I could what proportion of them desired a sale of the lands to be made at this time, I called for an expression of opinion from a body of them, consisting of about 300, who had gathered in council to consider the subject, and there were but 8 votes in favor of selling the land, and among these eight there were some who are said by other Indians to be either profiting from the use of Indian lands not their own or to be acting in harmony with the wishes of the whites who desire to secure such lands.

On my arrival at the experimental farm I found that the farmer, who is said to be an industrious man who would be capable of placing a large acreage of this land under cultivation for the Indians if given the help and means to do so, had himself cultivated a number of acres of ground and had successfully raised good potatoes, some turnips, as well as a crop of oats for hay, some flax, and in addition had a good start on a small tract with alfalfa, which seems to prove the contention that the land is fertile and will raise crops of certain hardy vegetables and grains when irrigated.

So far as I could see or ascertain, with one exception, no Indians or anyone else was engaged in farming or had entered upon their allotments upon this unit. The one exception to which my attention was called was where a white man, the husband of an Indian woman, had put in a crop of oats upon his wife's allotment and had miserably failed for the reason that he could not secure water until July, at which time it was too late to save his crop, which he lost, along with his labor and the seed used in planting it. I afterwards met this man and he told me that he was thoroughly discouraged and stated that the failure to secure the water necessary for his crop had left him financially broke. If his statement that the superintendent either willfully or carelessly neglected to turn water into the ditch is true, he had just cause for complaint and his experience will serve to effectually discourage Indians from attempting to farm the lands under this and other reclamation projects on this reserve.

This project at this point, as a means by which Indians can earn a livelihood by farming the adjacent lands lying under it, will assuredly be a failure unless they are provided with means to not only put it into cultivation, with an assured supply of water, but in addition are provided with houses, agricultural implements, seeds, and a sufficient supply of provisions to last until they can secure return from their crops. My reason for making this statement is that the country is entirely bare of everything but grass, is swept by cold winds in the winter, and there is neither game nor fish upon which they could subsist. If the Indians possessed or were given cattle, sheep, or horses to graze upon the surrounding grass lands and used their allotments to raise grain, hay, or alfalfa hay for their stock, and vegetables for themselves and families, they probably could and would make a success if they industriously attended to their affairs. It would, however, be setting them to an impossible task and it would be too much to expect them to make a success of it if such was not done.

Why anyone should have inaugurated or authorized the large expenditure which has been incurred in constructing the reclamation project which I visited and others which I saw without having also and at the same time provided means for the Indians to profit by their use is a puzzle to me. The lands of the Seville unit are no doubt the most valuable of any on the reservation and could be made the basis for the self-support of many of the Blackfeet Indians for a long time to come if properly and wisely managed with that sole object in view. As it now is, however, the Indians can not use them and they do them no good, and because they do not use them their nonuse is used as an argument to secure the consent of Congress to sell them to white people.

The canal at Seville and in many other places is scraped out of loose and porous soil and much water will be wasted, enough perhaps for a few years and until the banks become settled "in place" to cause those located on the lower stretches of them to suffer from a shortage of water at the time they most need it. Upon the other hand the lands of others higher up on the projects will be inundated and their

crops will be drowned out. There are many wooden gates and bulkheads along the lines which I saw and much money will have to be expended to replace them later along.

The experimental farm as an object lesson to the Indians has thus far proved to be of but little value to them for the reason that but a few of them live near it, and it is entirely away from the routes which they use in traveling back and forth to and from the agency, yet it has proven that the land is fertile.

I visited the Indians in the Heart Butte country. There are said to be about 400 Indians living in that section, which lies some 40 miles south of the agency at the foot of and near the Rocky Mountain Range. I found the Indians living in wretched single-room shacks located upon allotments along or near the banks of various streams which flow down from the near-by mountain range. The lands are mostly said to be unfit for diversified farming, and that while in some places some of the hardier vegetables could be raised, I was informed by those who are familiar with that district that frost late in the spring and early in the fall prevail to such an extent that even the raising of oats was uncertain, and I saw some fields where they had failed to mature from that cause.

The condition of the full-blood Indians in this district, many of whose homes I visited, was pitiable. I found families consisting of as many as six or eight persons living in single-room shacks, and in some instances the beds were made down on the floor, with insufficient bedding; such bedding as they did have frequently consisted of old rags and sacks or scraps of coverlets. In all cases they were dependent upon the aid of stoves in order to keep from freezing, and in consequence the cabins were superheated and insanitary. The Indians are not to blame for this latter condition, for the reason that the wind which sweeps down off the mountains in winter is piercing and cold, and in order to exist at all with an insufficient supply of clothing and a meager food supply it is necessary that they herd together and exclude the penetrating cold air as best they can. This condition is bad for them, and will result eventually in their entire destruction, no doubt, for the reason that if one member of the family becomes infected with tuberculosis or trachoma, both of which are quite common among them, or any other contagious disease, every condition is favorable for the disease to spread to all the members of the family and to other visiting Indians, the Indians being fond of visiting one another.

I attach herewith a photograph of the shack where eight Indians are living in this district at this time. It is illustrative of the type of house in which many of the full-blood Blackfeet Indians in this bleak region live. At this place I found that the mother of a family of six children had given birth to a baby the day before, and was up and around, but she fled to her bed of old rags on the floor on our arrival. There was no food in this house, and how the family sustained itself I do not know. Two of the smaller children, from 4 to 6 years of age, were almost entirely without clothing. One little boy had on nothing but a man's sack coat, unbuttoned from his neck to his bare feet. He had apparently been put into the coat in order that he might receive his guests with proper respect, and in the hurry some one had forgotten to button it, and he was but half covered, being in a state of nature on a front presentation from his chin to his toes, his little body being protected from the weather by nothing aside from a coating of accumulated dirt.

Near the foot of Heart Butte I found a subagent or farmer in charge of the station. At the time I was there he was engaged in building a barn to shelter the stallions which had been issued to improve the stock of horses owned by the Indians in that neighborhood. The wind was biting cold, and the barn had not been entirely inclosed, from lack of lumber, which had to be hauled 40 miles to complete the work. The stallions had run down badly from lack of shelter and insufficient food. It is but fair to state that 1,500 pounds of oats, the first supply they had received, had arrived a few days before I was there, and it is to be hoped that the condition of the unfortunate animals will improve. The attention of the agent and the Commissioner of Indian Affairs has been called to this condition, and I assume that hereafter an effort will be made to relieve the miserable situation, if it has not already been done.

The Indians living adjacent to this subagency in the small shacks heretofore described are poorly clad, have no means of livelihood, and are almost entirely dependent upon the Government for the rations on which they subsist. There is no game in this country, or at least not enough to afford them subsistence, and I was informed that to keep from starving they had killed and eaten all the prairie dogs which formerly had their habitat thereabout, and also had resorted to eating skunks. It is alleged by some Indians that they are intentionally being starved in order to compel them from necessity to consent to the sale of their irrigable lands.

I visited at the old agency, which is located some 10 or 12 miles from Heart Butte, between it and the agency, and found that rations were being issued to a number of full-blood Indians. I was informed by the subagent in charge that rations were issued in varying kinds and quantities, some receiving the so-called full ration and others only a portion of it. The day I was there he had run out of beef before completing the issue.

The ration being issued at that time consisted of 10 pounds of flour per month; 2¼ pounds of meat per week for each person, the ration of meat being weighed as it is cut from the dressed carcass, the bone (about 30 per cent of the whole) being weighed in as a portion of the ration; three-fourths of a pound of beans per month (four-tenths of an ounce per day), with no bacon or salt pork to cook them with, and without which they are not palatable; 2½ pounds of sugar.

I submit for your inspection a full day's ration each of cooked beef and beans, in order that you may have food—for thought. The rations which were being issued were not enough to support life, and many Indians have no other means of support.

At one house I found a family of one man and five children with no food in the house except some meat composed of short ribs cut from the beef, with a soup bone, about 5 pounds net of beef for one week for this family.

I am relating these facts as I saw them for your information, without prejudice, that you may know the condition of these unfortunate wards of the Government. At the old agency I found that a school for the children was being conducted by an Indian teacher, a member of another tribe, who is said to be a good and competent man. He informed me that he did not have room for all of the children of school age in that vicinity. In this connection I would also say that I was informed by Supt. McFatridge that there were about 400 children of school age on the reservation that could not and did not attend school for the reason that there were not sufficient facilities in the way of schoolhouses or teachers to care for them.

The 400 Indians who live there and have selected their allotments in that country, it seems, have done so for the reason that it wa stheir old home, the only one they knew, and it was watered by streams which flow down from the mountains from which they could secure water for themselves and their horses and cattle. It was near the timber, and the agency for many years had also been located there. When the railroad was built the agency was removed to a point near its line on the unwatered, wind-swept plains, and these Indians, mostly full bloods, from lack of means to build homes or to move to the new location, were left behind and in a way became marooned and tied down, by circumstances over which they had no control, to their wretched present condition. The majority of the Indians I met could neither speak nor understand English, and hundreds of their children are being allowed to grow up without an education of any sort. Owing to this lack of knowledge the affairs of large numbers, if not nearly all, of the full bloods and their children are left at the mercy of the more shrewd half bloods or the whites, or both acting in conjunction, with results that are deplorable. They are unable, owing to their inability to speak English and from lack of education, to protect themselves from acts of injustice done them and are thus deprived of any remedy for their relief and have been left to rot through the incompetence or willful neglect of those in charge of them and their affairs. Many complaints of this condition have been made in their behalf by others to no effect. Indeed, it has heretofore and is now said to be unsafe for anyone who can be "reached" to present their claims or complaints to Congress. It is "cords to the wrists and gyves to the heels" for anyone who undertakes the thankless task, and such persons are pursued and harassed, and the sole effort which is afterwards made seems to be to cover up the evidence and put upon trial the complaining witness in place of trying to remedy the evil or punish those guilty of the wrongdoing.

While upon the reservation I had experience with these tactics. Having heard that a member of this commission was there to ascertain the conditions of their affairs, many Indians came to the agency and called upon me and gave expression to their views concerning the same. It was not long, however, until I was informed by some of them that the police of the agency had warned them against their doing so and had threatened to arrest some of them for attending illegal meetings. It was only after I warned some of the policemen that they were interfering with the work of the Congress and would be held responsible for the same that they desisted. Right foxy and well able to care for themselves are the gentry who are responsible for the gross mismanagement of the Blackfeet and other Indians.

This agency was established early in 1855, presumably and ostensibly for the purpose of supporting and civilizing these people, and thousands upon thousands of dollars have been appropriated by Congress and expended by the Indian Bureau for that purpose. At this time, after 60 years have elapsed, it has at last been ascertained and has been officially reported to the Indian Bureau that out of 950 children of school age 631 such children (two-thirds of the entire juvenile population) do not attend school, due to the lack of schools and teachers. Two out of every three children are being allowed to grow up in ignorance, while at the same time the tribe has about $200,000 to its credit in the Treasury and over $900,000 has been expended in installing reclamation projects which do not benefit them. Comment on such a state of affairs would be but idle waste of time. It is but fair to state that the Indian Bureau is scurrying about at this time in a hurried attempt to relieve some of the most patent of these evils.

No implements or seeds or teams, it is said, have been issued to these Indians with which to farm during all these years and their physical condition is worse than it was before the Government took charge of them.

A few of the full-blood Indians have small herds of cattle, but these are diminishing rapidly, for the reason that they are killing them off to feed their starving neighbors, it being the custom with them to divide their food to the last mouthful with their hungry neighbors. The result of this generous and kindly conduct on their part, I was informed, has been that full-blood Indians, some of whom a few years ago had fine herds of cattle, are now without any and are in their turn in the bread line and living upon the charity of their neighbors, eked out by the scanty rations issued to them by the Government. Others who still possess a few head of cattle are parting with them for the same purpose and in a few years will also be without any.

The effects of a starvation diet upon these and other Indians, and the fact that they have been starved in the past and are still being starved, has been called to the attention of this commission and to the Indian Bureau many times in the past. It is well authenticated and can be established beyond a question of doubt to any fair-minded person that starvation is the primary though indirect cause of many deaths among them. This not only should not be, but is due to either gross carelessness and a lack of official fidelity to a sacred trust or something worse, and proceedings before the Department of Justice should be invoked if it is not remedied.

In a general way it may be stated that that portion of the Blackfoot Agency lying contiguous to the mountains near Heart Butte is better adapted for grazing than any other purpose. This also applies to the entire reservation. The lands in the eastern portion of the reservation under the reclamation project, however, if irrigated, would no doubt raise hardy vegetables, such as sugar beets, or some other farm product of that kind. I believe that crops of the hardier vegetables and perhaps of the hardier grains can be raised upon it; this conclusion is based upon what I saw at the experimental farm.

The last day of my stay the Indians held a council, at which there were some 200 or 300 Indians present, and upon a vote being taken all but 8 persons decided not to sell any of their lands which lie under the reclamation projects at the present time, for the reason that they did not consider that they would receive a price equivalent to its value, and for the further reason that if these lands passed out of their hands that there were not sufficient other lands which could be used to raise feed for the cattle. I am of the same opinion myself and consider the lands under the reclamation scheme, with the exception of small isolated and scattered tracts, to be the most valuable lands the Indians possess, and the only lands of much value for anything but grazing purposes. The lands on the reservation are mostly grasslands and are well suited for raising horses and cattle and sheep, all of which have been and are now being raised there successfully. In order to make a success of stock raising, however, as a means of permanent support to the Indians, it is incumbent upon the Government, and in my opinion it is its sacred duty, to ascertain whether or not alfalfa can be raised successfully under the reclamation schemes and, if so, to plant it and raise sufficient feed of that or some other sort to winter stock which should be issued to the Indians. If it is proved that the lands will raise such crops it is idle to say that the Government can not do so. The farmers who have charge of the experimental and other farms, if given the help necessary, which can be readily obtained from among the Indians themselves, with proper agricultural implements could easily

seed a large body of land to alfalfa or oats sufficient to insure the feeding of large herds of such stock.

The condition of the full-blood Indians is deplorable, and if the present system is not improved it seems to be hopeless. The mixed-blood Indians in some instances are said to be doing fairly well. There is, however, no evidence of general prosperity among the Indians. Complaint is made that many Cree Indians have come upon the reserve from Canada and are being issued rations the same as full-blood Blackfeet Indians, thus depleting their supply, and are also allowed to use the stallions which have been purchased for the benefit of the Blackfeet Indians and are accorded many other privileges which are denied to the full-blooded Blackfeet Indians.

If the condition of the Blackfeet Indians at this time is to be taken as an index of the character of trusteeship which the Government imposes upon other Indians, the work has been a failure. The spectacle is a depressing one and calls not only for immediate relief but for an entire and permanent change in the manner of handling their affairs.

Many complaints were made to me of specific instances of injustice, but in all such cases I advised that they be written out and sworn to and submitted to this commission. Instances were cited to me where thrifty part-blood Indians were defrauding the full-blood Indians in many ways, such as underpaying them for use of their allotments, infringing on the community lands, etc. I found one Indian, with his wife and two small children, who for months had been living upon potatoes and flour while at the same time the Indian Department owed him $60, the claim for which was not disputed, for work done for that department. This is but a sample of the grievances of which they justly complain.

One of the Government employees, a white man, informed me that their condition was so pitiful and they were so helpless that he spent half his wages in buying provisions for them.

Upon inquiry I was informed by some of the Indians that the superintendent had never visited their homes to investigate their conditions of living, and not more often than once a year had he even ridden through the country in which they lived.

I visited the Cut Bank boarding school for Indian children of both sexes. The food supply the day I was there seemed to be sufficient and of good quality. Beds and bedding were mostly clean and seemed ample. Many little children, however, wearing old and worn-out shoes, and their bare feet were to be seen through the holes in them. Some shoes had only a part of a sole upon them. This condition was inexcusable.

The lavatory in the boys' department, owing to neglected repairs to waste pipes, gave out an intolerable odor. With a good herd of about a dozen cows, less than 2 gallons of milk a day was being obtained. This is due to bad management, but is indicative of the methods which generally prevail on this reservation.

I submit for your perusal, but not for the record, as I have received no authority to place it there, a letter from a former employee on that reserve, which calls attention to some of the conditions on the reservation which bear out the assertions made by others. This employee was dismissed from the service, presumably for "kicking against the pricks."

In regard to this method of retaliation upon those who complain, I would say that it is difficult to ascertain facts in regard to many abuses for the reason that the Indians fear that they will be subjected to cruel treatment if they dare to make such complaints. They claim that they are afterwards blacklisted and discriminated against by the officials over them if they do so.

Respectfully submitted.

HARRY LANE.

REPORT OF INVESTIGATION OF AFFAIRS OF THE BLACKFEET INDIAN RESERVATION, MONT.

[E. B. Linnen, chief inspector; F. S. Cook, special agent, Jan. 9, 1915.]

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 9, 1915.

Hon. CATO SELLS,
Commissioner of Indian Affairs, Washington, D. C.

MY DEAR MR. COMMISSIONER: We have the honor to report that in conformity with your verbal instructions we have made an investigation of affairs on the Blackfeet Reservation in Montana, and now have the honor to report as follows:

Said reservation contains an area of 1,525,000 acres of land, which is composed mostly of rocky, rolling prairie land. There are 2,641 Blackfeet Indians and 620 heads of families. Allotments have been made to all Indians on said reservation up to June 5, 1912, but no allotment schedule has yet been approved and no trust patents issued to any of these Indians. Three hundred and twenty acres have been allotted to each Indian.

The northern boundary of said reservation is about 58 miles in length, the east boundary 60 miles, the west boundary about 60 miles, and the south boundary from 30 to 35 miles. Of the 2,638 allotments on said reservation, approximately 750 of same are fenced in whole or in part.

The full-blood population of said reservation comprises 541 males and 648 females, a total of 1,189; the half bloods or more number 592 males and 527 females, or a total of 1,117; of less than one-half blood there are 182 males and 153 females, a total of 335, or a total of 2,641 Indians on this reservation.

The number of acres allotted is 844,160. The number acres of timberland is 27,674. The agency, school, and mission reservation comprises 2,262 acres. The number of acres allotted to Rocky Boy's Band of Chippewas is 8,080, and the number of acres unallotted is 642,824, making a total acreage of 1,525,000 acres.

About 4,000 acres of the irrigable lands are on the proposed Cut Bank unit, upon which no work of construction has been begun, and consequently the Indians will be unable to use their allotments for some time on account of not having water for their lands.

GENERAL CONDITIONS.

The general conditions as at present obtaining upon this reservation are very far from being satisfactory. There is but very little farming being done on said reservation, and but few gardens of any consequence have been planted. Consequently, the Indians have no potatoes or other vegetables to provide for their needs and the needs of their families during the winter months.

As a matter of fact, this is not what can be properly classed as an agricultural country, as there are killing frosts almost every month in the year, and but few crops are maturing in this rigorous climate.

The growing season is very short and irregular. There was a snowfall of 11 inches on the 22d day of August during the year 1911, and frosts generally occur during the month of June.

This is a grazing country, and stock does exceptionally well upon the nutritious grasses. The winter season is long and severe, and a ton and a half to two tons of hay per animal is needed to carry them through the winter.

The live stock has been steadily decreasing on said reservation, as shown by statistics taken from the live-stock records of the Blackfeet Reservation. There has been a decrease of about 4,000 head of cattle since the year 1911, and at the present time there are but about 11,200 head of cattle belonging to the Indians on said reservation. The number of horses belonging to the Indians is about 9,282.

This decrease in cattle is largely due to the generous issuing of permits to sell their cattle and to sell their she stock, the calves and yearlings, which is unwise and against the best interests of the Indians.

Our investigation showed that the benefits derived by the Indians from the farmers stationed on said reservation were practically worthless. No effort has been made to teach the Indians to farm, and no seeds or farming implements have been furnished for the Indians.

The farmers stationed at the various districts farmed little patches and did not raise enough vegetables or crop to supply the needs of themselves or families and the Government teams furnished them.

The garden crops and vegetables which they raised they have used for their own benefit, and the oat and grain crop raised was cut to provide hay for their teams.

These farmers state that they have had no instructions from the superintendent to go among the Indians and encourage them to plow their lands and raise crops and grain; that they have not been furnished with the necessary farming implements; and that they have not been furnished with cereal or garden seeds for distribution to the Indians.

Each of the farmers admitted that this is not a farming country, and that practically all of the white men and half-breeds who have attempted to farm have made a failure of same, and that by reason of the climatic conditions it is almost useless to attempt to farm.

They also stated that during the past year there was only approximately 1,000 acres in cultivation on said reservation. This includes irrigable land as well as the nonirrigable.

There has been expended up to October 31, 1914, the sum of $942,413.58 on the Blackfeet Reservation irrigation project out of the tribal funds, and it has been estimated by the Reclamation Service that $2,000,000 additional will be required to complete this irrigation project.

The benefits derived by the Indians from this large expenditure of money have been practically nil. There are not to exceed 30 or 40 Indians attempting to farm under this whole project, and some of these have only small garden patches.

The majority of those who are attempting to farm under this irrigation system are squaw men or half bloods, and several whom we interviewed advised us that they do not believe that farming on said reservation is practicable.

As a matter of fact, an Indian or white man would need to expend some two or three thousand dollars on each irrigable allotment in the fencing of same, the building of a house, barn, a well and breaking the land before he could expect any returns.

The Indians have not the means to do this, and with the climatic conditions as herein outlined it is exceedingly doubtful whether any great amount of this land which can be irrigated will ever be successfully farmed, and it will be difficult to persuade the Indians to live on the irrigable portion of their allotments.

The majority of the full bloods live in the Heart Butte district, on the southern part of the reservation, about 35 miles distant from the agency proper at Browning, Mont.

These Indians live in little, poor, one-room log houses, and the majority of them are very poor and in destitute circumstances, and a large majority of them will have to receive rations during the present winter to prevent hunger and suffering.

No ration station has been provided in this district, which was so badly needed, and no provision has been made to alleviate the suffering. The farmers and other Government employees had not made a house-to-house canvass as heretofore directed, and the neglect to supply rations and distribute them to the needy has caused some suffering.

This we promptly remedied; a proper canvass made to ascertain what Indians were in want, and rations hauled to each district with instructions to the farmer in charge to distribute them promptly to the needy ones and relieve their hunger and distress.

Our visit to the boarding school, which is located about 6 miles northeast of the agency on Cut Bank Creek, disclosed a deplorable condition of affairs at said school. The whole plant had been allowed to run down, and there was no system, method, or discipline. There was no head to said school, the principal having been removed some time ago, and the whole plant showed neglect and the need of a strong guiding hand.

During our visit the school was closed down because the flues in the boiler had been burned out by reason of neglect. The lavatories in the boys' dormitory could not be used and were in a very insanitary condition, and the whole dormitory presented a very bad appearance. While the girls' dormitory was in a better condition, there was necessity for many improvements.

The pupils complained that they did not have enough bedding; that they were not properly supplied with heavy underwear, stockings, shoes, overshoes, gloves or mittens, caps, warm skirts, night dresses, and that there were not enough towels.

Some of the tableware was old, chipped, cracked, unsightly, and insanitary porcelain ware which should have been condemned long ago.

A fine dairy herd of Holstein cows had been practically ruined by neglect, and they were housed in an old dirty stable which was not even provided with windows, and there was no supervision in the care or milking of same by the Indian boy pupils. The herd of 20 fine Holsteins was practically dried up and the 7 being milked were giving only about 1½ gallons of milk per day.

This herd was dirty and filthy and we had to condemn one cow. The only feed for these animals was swamp hay.

The engine or pump house is provided with a gasoline engine, which is used to pump the water from the well to the reservoir on the hill above the school. The engine room was exceedingly dirty and filthy, the floor covered with refuse, coal, and water.

This pump house is also provided with a coal stove to heat same through the winter months, and within 8 or 10 feet of which was a 52-gallon tank of gasoline. We immediately instructed the engineer to remove this gasoline, which he stated he would do at once.

Suffice to say he did not obey these instructions, and several days later we learned that there was an explosion of this gasoline in said pump house, and one of the schoolboys was quite badly injured by reason of same.

The pupils complained that they did not have enough to eat at times, and that they did not have potatoes to eat more than once or twice

each week. We found that there were some 600 bushels of potatoes in a root cellar about 300 yards distant, and all that was necessary was for some of these potatoes to be carted over to the kitchen. Suffice to say this whole plant showed absolute neglect and the want of a head.

In the school commissary we found but very few articles, and were informed that practically all of the school supplies were at the agency warehouse.

Upon our return to the agency we found a large amount of woolen underwear, stockings, shoes, overshoes, mittens, gloves, caps, hoods, woolen skirts, shawls, blankets, canton flannel, dress goods, handkerchiefs, dishes, oil for the floors, and practically all of the numerous articles which were needed so badly at the said school.

We immediately had these articles loaded on several wagons and taken to said school, with instructions to properly dispense them to these pupils. This neglect we deem quite inexcusable.

The baker at said school did not even have any firewood with which to heat her ovens. In the sewing room they did not have any needles, buttons, or thread, although in the warehouse at the agency we found a great abundance of these and other articles.

The sanitary condition of the pupils, chiefly the boys, was very poor as regards personal cleanliness. They were untidy as to their clothes and insufficiently bathed. Ninety-one storm windows were not put on the buildings, and the grounds around the buildings were littered with refuse, and piles of coal and ashes were dumped at convenient points. About 47 per cent of the scholars have eye irritation.

We received numerous complaints from the Indians to the effect that they had not been paid for wood and hay which they had sold to the agency and delivered at the various farming stations, some of these items dating back two or three years.

Many of the Indians also complained that they had not been paid for stock which had been killed by the Great Northern Railroad, and that they had been reporting the loss of this stock to the superintendent for several years past, but could get no satisfaction.

We found that permits were being issued promiscuously to the Indians for the sale of their live stock, cattle, and horses, and that they had been permitted to sell large numbers of their she stock, calves, and yearlings, aganst the best interests of the Indians.

Upon checking over the agency live-stock records we found that between June 24, 1912, and December 22, 1914, permits had been issued to sell 2,079 cows and 111 calves, so that it is no wonder that the live stock has been decreasing.

In the agency office we found no system, method, or discipline, and the office work in arrears. Some of the letters and data which we inquired for could not be located, and there was no proper system for filing and handling the mail.

We found that the superintendent had been absent from the reservation about one-third of the time, engaged in various other duties; that the office force had not been sufficient and competent, and that the superintendent rarely ever visited the various stations on the reservation; that he had visited but few of the Indian homes, and that he did not know the actual condition of his Indians.

Until just recently there had been no doctor visit the full-blood Indians in the Heart Butte district for about a year, and there is no proper communication with this district, which is badly needed.

One day school which we visited at old agency is being conducted in an old dilapidated log building, and there is much need for a new day school building at this point. There is also necessity for a new day school in the Heart Butte district, where there are some 66 pupils of school age within a radius of 5 miles from the subagency. These are practically all full-blood children.

From the foregoing it may be observed that the conditions on said reservation, as we found them, are deplorable.

STOCK RAISING.

This is a good reservation for the raising of live stock, which we believe to be the best and main industry and the one best suited to the Indians of this reservation.

Said reservation has a carrying capacity for many more cattle and horses than occupy same at the present time.

As heretofore stated, there are but about 11,200 head of cattle belonging to Indians on said reservation, and this number has been steadily decreasing by reason of permits having been issued promiscuously to the Indians to sell their she stock and young stock.

During the fiscal year 1911, 6,598 head of Indian cattle were sold; during the fiscal year 1912, 8,286 head of Indian cattle were sold under permit, of which number 3,440 were cows and 390 were calves. During the fiscal year 1913, 3,638 head of Indian cattle were sold, of which number 1,017 were cows; during the fiscal year 1914, 2,427 head were sold, of which 976 were cows. In addition to this number of cattle sold, some four or five hundred head were slaughtered each year under permits.

There are 10 permittees grazing stock on said reservation, said permittees running 4,462 head of cattle and 339 head of horses, at the rate of $2 per head per annum.

Of the 44 stallions purchased on said reservation, only 5 had been assigned to full bloods, 3 are stationed with the agency farmer at Heart Butte, 3 with the agency farmer at old agency, and 3 at the agency barn at Browning.

Of the 100 bulls placed on said reservation for distribution to Indians only 27 have been assigned to full bloods.

The number of heads of families owning cattle is 222; the number of individual Indians owning cattle is 888. The number of heads of families owning horses is 343, and the number of individual Indians owning horses is 1,372.

Of the total number of Indians owning cattle on said reservation 23 per cent are full bloods and 77 per cent mixed bloods, while of the total number of Indians owning horses 52 per cent are full bloods and 48 per cent mixed bloods.

There are a number of intelligent mixed-blood Indians who are engaged in stock business and who are making a success of same. Some of these men have heretofore tried farming and stated to us that they got about one crop out of seven. This same ratio was confirmed by white men who have attempted farming on this reservation, and the consensus of opinion of all persons familiar with conditions on said reservation is that this is primarily a stock country.

It has been a great mistake to permit the Indians to dispose of their she stock and their young stock and to depreciate their cattle herds on said reservation. In many instances an Indian who has but a few head of cattle has received permission to dispose of same and has sold them to the Indian traders or half bloods, who make a business of buying their stock and who afterwards disposed of them at a profit.

We are firmly of the opinion that the stock industry should be paramount on this reservation and that this stock industry has not heretofore been properly managed.

We believe that if a herd of cattle were placed on this reservation, the same as on the Crow, and properly handled and safeguarded, that in time these Indians would become self-sustaining.

In our various trips over the reservation we discovered large herds of horses but very few cattle on the range, and if this condition were reversed we believe it would be in the best interest of the Indians.

AGRICULTURE.

As heretofore stated, we believe that this reservation is best adapted for stock raising, and it is doubtful if farming will ever be made a success on this reservation. There are not to exceed 40 Indians who are now engaged in farming on this reservation or in the raising of garden patches of vegetables.

The Indians have not been properly encouraged to farm or in planting their crops, and they have not been furnished with seeds or given farming machinery with which to put in crops, and the farmers have not gone among the Indians to encourage them in farming.

Arthur J. Crim, the farmer located in the Heart Butte district, where the full bloods are located, has been stationed there for a little over a year.

He states that when he was sent there by the superintendent his instructions were: "I will send you over some lumber to build you a little warehouse on the end of your cabin to store supplies in, so you will have something to issue to the old people or the Indians."

He states that the superintendent gave him absolutely no instructions with relation to farming in his district or in assisting the Indians, except: "He told me I was expected to look after the whisky business there."

He states that during the spring of last year he started to build a dwelling house, a commissary, a large horse barn, a small horse barn, and a wagon shed; that he and various Indian employees got out the logs and put them up; that no lumber or shingles, doors or windows, or hardware were ever furnished him with which to complete these buildings. He states that he never had any rations to distribute among the Indians and was never furnished with any seed wheat, oats, barley, or vegetable seeds for this purpose.

He further stated that he was never furnished with farming implements and that he did not go out among the Indians to assist them in farming or in the planting of their crops. He did encourage some of the Indians to plow their ground, but that some of the ground was not planted because they did not have garden seeds.

There are 90 families in this district, practically all full bloods, comprising 465 Indians, and they are the poorest Indians on the reservation.

He states that the superintendent did not furnish him with a plow, harrow, or any other farming implements for the little farming which he did at his station, and that he had to borrow a plow and a harrow to do what little work he did. He states that the physician has visited his station once during the past six months.

We found this farmer and his wife living in a little log house belonging to an Indian by the name of Margaret Marceau, and he has occupied the house and barn of this Indian for a year and has paid no rent.

The only means of livelihood the Indians have in this district is that during the summer months some of them have worked on the irrigation ditches for the Reclamation Service.

This farmer stated that upon one occasion when he complained of the destitute circumstances of the Indians, Supt. McFatridge stated: "Let them go to the devil if they can't save their money."

There were four stallions stationed at this point, and just prior to our arrival a rough board roof had been placed on the log building constructed for them. Prior to this time these horses had stood out through heavy storms with the snow 3½ feet deep.

We found that there were no rations at said station and no warehouse within which to store rations. We at once ordered lumber, windows, doors, nails, and other hardware and building materials sent out from the agency, and also rations for the needy Indians. Also rations were sent to this station for the Indians to work for.

There are 66 children of school age in this district, and a day school should be promptly supplied at this point.

There is no means of prompt communication with this point, as there has been no telephone line constructed, although poles and wire have been purchased and on hand for some time. This makes it very inconvenient, as there is no doctor or field matron at this point.

Your attention is invited to the fact that this farmer, Crim, and his wife, have purchased some live stock from Indians. They purchased two head of horses or ponies, five head of cattle, some of which were calves, and without a permit, and afterwards disposed of four of these cattle at a profit.

This dealing in Indian live stock by employees is prohibited, and we have the honor to recommend that you take such action in the premises as you deem warranted.

We took the affidavit of Mr. Crim, which we inclose herewith and marked "Exhibit A," and to which your attention is respectfully invited.

Mr. W. H. Soedt is the farmer stationed at Seville in the irrigation district, about 35 miles east of the agency. He has been at said station nearly three years.

He is provided with a four-room house, barn, team, harness, wagon, plow, harrow, rake and a mower. No seeds of any kind have ever been furnished him for distribution among the Indians.

During last season he farmed 26 acres under the ditch and raised some oats, barley, flax, alfalfa, timothy, potatoes, and parsnips. He raised 4 tons of alfalfa on 7 acres, and 55 sacks of potatoes.

There are no full-blood Indians in this district, and this farm might be properly called a demonstration farm to show the Indians that crops would grow.

Supt. McFatridge visited his station twice during the summer of 1913 and twice during the present season. This farmer stated that the superintendent instructed him to see that the Indians farmed, but there are no Indians in his district and his nearest neighbor is 5 miles distant.

About 400 acres were planted in said irrigated district during the present season.

He says that the season is very irregular, but he believes that small grain would grow in that section. The soil is very gravelly, red clay, and very sticky when wet. Plows must be sharpened each day, as the land is very rocky.

This farmer frankly admits that he has not made a success of farming in that district, although he has worked hard. He realizes that he has not accomplished anything beneficial to the Indians, and is surprised that he has been allowed to continue to farm.

Albert Acord is the farmer in the old agency district, in which there are about 300 families and about 800 Indians.

He says that a few of the Indians are farming small patches, mostly gardens; that a few have in from 25 to 40 acres, and that the superintendent has visited his district twice since last March, for about half a day.

He has no list of the Indians in his district, nor of the needy Indians, and no farming implements have been furnished for distribution among the Indians, except in one or two instances. He believes that alfalfa could be successfully raised in the irrigated portion of his district.

Do doctor has been stationed there, and there is no house for one to live in. No field matron's quarters or any field matron has ever been supplied.

The old school building at this point is in very poor condition. One hundred and forty-five Indians in this district have been drawing rations, and we understand that if the winter is severe probably 20 more should be put on the ration list.

No flour has been furnished for rations since last spring and there has been a shortage in rations since last June. No beef is furnished these Indians for rations and very few of them in this district have raised any vegetables or have anything for the winter.

This farmer raised a fairly good garden last year, but is receiving the benefits for himself and family.

In other words, he is using the vegetables from the Government farm for his own family use.

Supt. McFatridge says that he has but few requests from the Indians for the irrigable lands and that the Indians do not want these lands Only about 12 families are making their homes on the irrigable lands, and only about two or three of these families are full bloods. That is in what is known as the Two Medicine irrigation project.

There are 25 or 30 Indian families living on or adjacent to the irrigable lands on Badger Creek, practically all of whom are full bloods, and some 12 or 15 families, two-thirds of whom are full bloods, are living on Two Medicine Creek.

Supt. McFatridge also states that his son has not purchased any hides from Indians since the winter of 1911, at which time quite a few of the cattle died. As heretofore stated, some $942,413.68 of the tribal funds have been expended on the Indian irrigation project on said reservation to date, and it is estimated that an additional $2,000,000 will be required to complete these various projects. It is shown that but very little benefit has so far accrued to the Indians from this large expenditure of money.

These Indians are not an agricultural people but are a stock raising people, and it is extremely doubtful that any great number of these Indians could ever be induced to engage in farming.

By reason of the high altitude and the killing frosts which occur almost every month in the year, farming has not been a success for those who have engaged in same. About one crop out of every seven has been the result of those who have attempted farming on this reservation.

Many of these Indians have 40-acre tracts of land in the irrigable district, but they can not be induced to live on same; and, indeed, very few of them have the means necessary to do so.

We estimate that at the least calculation it would require from two to three thousand dollars to establish a residence on one of these irrigable allotments; to fence and break the same, to build a house and barn, a well, etc., and to purchase a team and farming implements necessary to carry one through a farming season. Sufficient means would also be necessary to sustain themselves, their families, and their stock until a crop could be raised.

At the agency we found a steam plow which cost about $3,393, and which has been of very little use thus far. The maintenance cost has been very large and during the past two or three years it has been used to plow possibly 1,000 acres. The cost of upkeep of this engine, the cost of fuel and labor, has been excessive, and the superintendent himself admits that same has not been a success.

From the foregoing it will be observed that successful farming has never been carried on on said reservation and it is doubtful if same will prove successful even in the irrigable section where so large an outlay has been made.

We can not but believe that it would be unwise to expend any further great amount of these tribal funds upon this irrigation project, because of the fact that the Indians are not receiving the benefit, and we do not believe that the Indians will ever reap any great benefit from this large outlay of money.

We called upon the project manager, Mr. C. J. Moody, at Browning, Mont., to furnish us with data and information relative to the cost of this irrigation project on the Blackfeet Reservation, which he kindly did, and which we herewith inclose for your information, together with blue print showing the various projects, which we mark "Exhibit B."

This data also gives the number of Indians employed on this irrigation work in various capacities, and shows the amount of money which has been paid to Indians for hauling supplies, etc. This is the only real benefit derived by these Indians from this project.

SCHOOLS.

The boarding school is located on Cut Bank Creek, about 6 miles northeast of the agency. This plant accommodates about 150 pupils, and during our visit there were 78 girls and 68 boys in attendance.

The plant consists of two two-story brick dormitory buildings, one one-story brick school building, one two-story employees' quarters, a pump house, and a laundry building.

We found this plant to be in a very run-down and dilapidated condition. There was no principal at said school, quite a few temporary employees; no one in charge or seeming to care what happened. There was no system, method, or discipline, and every employee seemed to be doing about as they saw fit.

During our visit the school was closed because of lack of heat, the flues in the boiler having been burned out because of neglect. The boys' dormitory building was dirty and insanitary, the toilets out of use awaiting repairs, and the pupils were personally unclean, especially the boys.

The pupils were untidy as regards to the care of their hair, teeth, hands, and clothing, lax in discipline, and with a growing spirit of insubordination.

The buildings were unclean and there was irregularity at to the heating. Ninety-one storm doors and windows had not been put on the buildings, and many of them were unserviceable for want of glass. Some of the bed linen was very unclean.

The children complained that they did not have enough to eat; that they did not have sufficient blankets and slept cold, and there was a deficiency in such supplies as towels, stockings, underwear, shoes, overshoes, night dresses, handkerchiefs, gloves, skirts, aprons, etc.

The engine room was dirty and unkempt; the machinery in need of repair; a coal heating stove in the engine room and a tank of gasoline within 8 or 10 feet of same. This later exploded, although we had ordered same removed. The engineer was incompetent. The fire hydrants were frozen up so that there was no fire protection. The floors in the various buildings were badly in need of oiling, although there was plenty of oil in the warehouse at the agency.

There was one root cellar without any storm door and the vegetables therein were frozen. There are no wards provided for sick pupils, and no towels were issued to the pupils for two days. The only bath towels in use were those cut from old bedspreads. The toilets which are not in use have been in a very filthy condition.

The temporary disciplinarian is an Indian boy, who has no control over the boy pupils. There was no flag at either the school or the agency during the whole of our stay.

The laundry is a one-story brick building, without any drier, and the laundress runs the laundry to suit her fancy or as often as she sees fit.

Each building is heated by a separate heating plant and lighted by acetylene gas. The grounds are strewn over with ashes, tin cans, and other refuse dumped in the most convenient places.

Many of the pupils complained that they were not getting enough to eat, and that they did not have enough bread. Instead of serving the bread upon plates on the table, two small pieces of bread were placed at each pupil's plate.

Some of the tableware, especially the pitchers, was unsightly and insanitary, old, chipped, and cracked porcelain ware, although there were plenty of dishes in the commissary at the agency.

The baker did not have wood with which to heat the ovens, and the seamstress did not have thread, buttons, or needles, although the agency warehouse was well supplied with same.

The nice dairy herd of Holsteins has been neglected, and the Indian boys permitted to milk and care for same without any supervision; consequently these cows are about dried up and ruined. From the 7 cows being milked, from 4 to 8 quarts was the daily supply, and about half of this milk was sent to Supt. McFatridge almost daily. The only feed provided for this dairy herd is swamp hay. It is underfed, carelessly managed, and improperly housed, being in an old, leaky barn without windows, and the stock shivering during the inclement weather. The sanitary condition of the building is very bad.

There were but 3 hogs at said school, although the refuse from the table would care for from 15 to 20 very readily, and we consider that no better investment could be made around a plant of this kind than raising sufficient hogs to consume the refuse from the table.

The milk was not sufficient to supply the wants of the children in any degree.

The kitchen and the bakery were being kept clean and neat.

The one-story brick commissary was untidy and unclean, and nothing in order in same. Meat choppings were all over the floor, and although the commissary is a good one and sufficient to accommodate the supplies for the school, there were practically no school supplies there, although in the commissary at the agency there were plenty of shoes, overshoes, underwear, gloves, mittens, caps, hoods, muslin toweling, dress goods, handkerchiefs, and almost all of the articles which were so badly needed at this school. We had all supplies which were available sent to the school at once.

There can be no excuse for this neglect.

The small girls' playroom, in the dormitory, needs some chairs and benches furnished, and the parlor for the larger girls should be provided with seats and other accommodations. There were no books, magazines, games, or needlework of any kind to interest and keep these girl pupils happy and contented during the winter months.

A large coffee urn and large cooking utensils are badly needed at this school, as well as a large bread box in which to keep the loaves of bread.

There was a frame building for the 6 horses at this school, but no oats had been furnished since last July until about a week prior to our visit.

The employees at the school complained that they were obliged to pay $50 for a cook stove for their mess house.

During our visit 19 of the larger girl pupils asked permission to state their grievances to us, and their complaint was that they did not get enough to eat; that the coffee was very poor; that they did not have milk for same or for the oatmeal; that they had only butter about once a month; that they had no sugar for their coffee; that the food was improperly cooked, and that they often left the table hungry.

They stated that the dormitory was not warm enough, and that they slept cold because they did not have enough blankets; that their night dresses were changed only once a month, and that they did not have winter underwear, handkerchiefs, stockings, shoes, overshoes, and that some of their feet were on the ground.

They also stated that they had no jackets, toothbrushes, and not enough towels, and that the matron did not treat them kindly nor considerately; that she made fun of their appearances and called the girls "mules" and "devils," and struck some of the small girls in the face. They stated that in bathing once a week it was very cold.

They said that they had no books or magazines to read; that there was not half enough chairs in the sitting room, and complained bitterly of their treatment by the matron, Miss Emma A. Walters.

We subsequently learned that this matron had disciplined some of these girls, because they had talked with us, although we advised her that it was their privilege and that she must not do so.

We saw enough to convince us that this matron is unkind and unsympathetic toward these girls, with no motherly instinct, and by reason of her continuous faultfinding with the other employees at said school and creating strife and dissension, and because of her treatment of the girl pupils, we believe it is in the best interest of the service that she be promptly transferred or dismissed. She is in bad health, cranky, and disagreeable, and can not accomplish good work.

A physician by the name of Eugene W. Hill has recently been assigned to said school, whom we found to be a cultured, pleasant gentleman, and whom we believe, with proper encouragement, will perform good work there. Upon our suggestion he made a report on the conditions as he found them to exist at said school, and this report we inclose herewith for your information, and mark same as "Exhibit C."

There are but two day schools on this reservation and we visited one of them at old agency.

This Badger Creek day school was being conducted in an old dilapidated log house, which was a part of the original agency building, and is some 35 or 40 years old.

The teacher and housekeeper were doing the best they could with the means provided, and there were 23 Indian pupils in attendance. The children at this school are provided with a noonday meal.

A new day-school building is badly needed at this point, and also there should be a day school provided in the Heart Butte district.

There are 955 children of school age, between the ages of 5 and 18 years, on said reservation, of which number 75 boys and 81 girls are attending the boarding and day schools.

Eight boys and 13 girls have been transferred to other Government schools; 25 boys and 29 girls are in the mission school; 42 boys and 43 girls attend the public schools; 2 boys and 6 girls attend private schools; and there are 631 children of school age on said reservation who do not attend any school. Of this number, 357 are boys and 274 are girls, all between the ages of 5 and 18 years.

Two teachers are provided for this school—one, a principal, at $90 per month, and a primary teacher at $75 per month. The janitor is paid a salary of $40 per month, and the fuel amounts to $15 per month, making a total of $220 per month to maintain this school.

The taxes are insufficient to provide this sum for a school term of nine months, and the Government has heretofore supplied one of the teachers. Some difficulty arose, however, and it became unsatisfactory to the school directors.

No Government teacher has been provided this year, although we understand that authority has been granted for such purpose. The fact is that the school directors and the superintendent of the Blackfeet Indian Reservation can not get along harmoniously.

Inasmuch as the large majority of the children attending this school are Indian children, it would seem but just and right that the Government pay its proportionate cost of the upkeep of said school.

We learned that in one of the day schools on said reservation, which we did not visit, only five or six pupils were in attendance, and therefore it would seem to us that said school should be abolished.

The Holy Family Mission School, which is conducted by the Catholic Church on said reservation, is about 14 miles southeast of the agency.

We visited this mission school and found that there were 54 Indian girl pupils and 52 Indian boy pupils in attendance at said school, ranging in age from 7 to 17 years. This school is presided over by four sisters of charity, two teachers, and two priests. No payments are made by the Government for the care of these children, except that rations are furnished monthly.

We found this school to be clean and sanitary, and the children appeared to be well fed, well clothed, and all conditions looked favorable.

Of the pupils attending said mission school, 21 boys and 25 girls are Chippewa-Piegans, members of Rocky Boy's Band of Chippewas.

Complaint has been made by some of the Blackfeet Indians to the effect that these Chippewas are being allowed to attend this school and furnished with rations which were paid for them from their tribal funds, and that the Blackfeet children could not attend this school on account of the accommodations.

Public-school district No. 9 is located on the Blackfeet Indian Reservation in the town of Browning, Mont.

The funds with which to conduct said school are raised by taxes which are paid largely by the Indian traders on the reservation, and this school is maintained for the benefit of the white and Indian children in the vicinity of the town of Browning. During our visit there were 69 Indian children and 7 white children attending said public school.

In this connection we file a letter from Mr. P. A. Peterson, clerk of the school board, dated Browning, December 15, 1914, which letter we mark "Exhibit D."

AGENCY.

The agency proper on this reservation is located near the town site of Browning, Mont., 2 miles from the railroad station.

The main office building is a large two-story frame building which was at one time used as a hospital. The offices used by the superintendent occupied about one-quarter of the floor space of this building.

The interior of the building is very unclean and presents a very bad appearance. The rooms used for offices are very poorly arranged and inconvenient, in our opinion, in every way.

The files and other records present a very disorderly appearance and there appears to be no system of handling the mails or the other records in the office.

The mail which is received is not dated upon receipt and there is no one directly responsible, as we could ascertain, in the care of the files or the answering of the mail.

It is impossible to ascertain from the files in said office whether any certain letters have ever been received or not. The whole interior of the office needs renovating and cleaning up and a proper filing system inaugurated, to expedite the handling of the correspondence and to protect the records and preserve the files.

In our opinion the superintendent is very negligent in the manner in which he handles his office and the employees under him. He trusts a great deal to his memory for answering correspondence and adjusting complaints.

By his method of handling the correspondence and adjusting the many complaints which are presented to him from time to time he has become disliked by a great number of the full-blood Indians, for upon him the majority of this class of the Indians rely to adjust their troubles.

It might be justice to the superintendent to say that he no doubt, in a great many cases, intends to give their complaints consideration and adjust same, but in his method of handling them he forgets them, and a great many of the Indians have come to think that he is dishonest and makes these promiscuous promises to them merely to get rid of them, and from the many complaints which we have heard, and from his manner of handling them after they were brought to his attention, it would raise some doubt in our mind as to whether or not he was sincere in taking care of these complaints.

He justifies the condition of his office and the office records in a small manner by saying that he has been called away from the reservation a great deal of the time in the past year, and that during his absence he was short of proper clerks and his office work has become in arrears because of this.

We have no reason to doubt but that much of the delinquency in the handling of his office and his correspondence can be attributed to his incompetent help, but he states that at the present time he believes that his office force is sufficient and competent.

During our many visits to his office it did not impress us that he has proper or sufficient help at this time to handle his work, although inasmuch as he has no individual Indian deposits or land to care for, no trust patents having issued to these Indians, the work in this office is much lighter than at most agencies, and it would appear that with the number of clerks he now has in the office, if they were competent, the work should be handled with dispatch and correctness and the files kept in first-class order.

It is certainly no credit to the service to find an office in the condition that this one is in, and it leads us to believe that the superintendent is not adapted to office work.

This being true, and the fact that the superintendent has not made a personal investigation of the many districts of his reservation to ascertain the true condition of the poorer class of the Indians, his efficiency must be confined then to the work which he has performed at various times off of the reservation.

There is no vault provided at said office for the protection of the records, and should a fire occur there they would undoubtedly be a total loss.

There are two 2-story frame warehouses at the agency in fairly good condition both inside and out.

While at the boarding school we found a great shortage in proper clothing, both for the boys and girls, and in our inspection of the agency warehouse we found practically all of the articles needed at the schools and which should have been in the warehouse at the boarding school where they were assigned, and which under our direction were taken to the school.

The supplies in this warehouse were fairly well arranged and cared for.

Rations are issued the first Friday in each month to the indigent Blackfeet Indians at one of these warehouses, and the first Saturday in each month to the Rocky Boy Band of Chippewas. All of the supplies at the agency are stored in one of these warehouses.

We found the reimbursable machinery at the agency out in the weather, in the snow and exposed to all sorts of weather, although sheds were provided for its housing, and which we ordered done immediately.

There is a blacksmith and carpenter shop at said agency, both of which are being fairly well conducted.

The agency jail is a two-story frame building, the lower part of which is used for cell rooms and the upper part for sleeping quarters for the policemen. The building is not modern, and inconvenient to keep clean and sanitary as it should be.

Upon our arrival we found the jail very dirty and insanitary. We ordered the same cleaned up, and this was done upon different occasions during our stay upon the reservation.

At this agency there are eight policemen, including the chief of police, whose duties are to look after the jail and perform police duty such as found upon an Indian reservation.

It might be well to state here that the town of Browning, Mont., is on the reservation proper, adjoining the agency; as no trust patent has ever been issued for the land, the town is under the jurisdiction of the superintendent.

The only police protection afforded the people of Browning, a town of some 500 inhabitants, is the Indian police force at the agency.

The sanitary conditions of the town are not good, for the reason that there are no modern buildings, no sewage or water systems, and a great deal of the refuse is thrown out of the back doors, and the whole town presents a very untidy and insanitary appearance.

We learned that a great deal of gambling was being carried on in the town of Browning, and no determined effort was being made to stop the practice.

We advised the superintendent of some of the places where the gambling was being carried on, and upon our suggestion the places were raided and 21 men were arrested and brought before the Indian court, 16 of whom were fined $25 each, 3 were fined $10 each, and 2 were fined $50 each.

It is common knowledge in the town of Browning that gambling has been practiced there openly for some time past, and the morals of the town are very bad, a great many young Indian girls roaming the streets, and no restraint seems to have been placed upon them or the young Indian boys they take up with.

It is worthy of note that the chief of police was living in open adultery with an Indian woman, not his wife, and that he has been so living for the past four years. Upon our suggestion he was removed, as other Indians can not be expected to obey the law when the chief of police sets them such an example.

We found many similar cases on the reservation and in the town of Browning, where Indians were living in open adultery with Indian women and girls. We brought a number of such cases to the attention of the superintendent, who had these parties brought in to the agency in an effort to put a stop to such practices.

We found several worthless old horses eating their heads off at the agency stable, which we condemned and two of which were killed.

The large amount of manure from the agency stable is hauled out and dumped by the wayside instead of enriching the agency garden, which appears to have been wholly neglected.

Three new doctors have recently been sent to said reservation, one of whom is stationed at the boarding school at Cut Bank, one at the agency, and the other will be stationed at Old Agency when quarters can be made available there.

These physicians are such newcomers on said reservation that they do not know the actual health conditions as they now obtain, but we do know that a large per cent of the Indians are afflicted with trachoma and quite a number with pulmonary trouble.

The water supply of the town of Browning is taken from the creek flowing through the village, and from which all the cattle and horses drink, and can not be but insanitary.

There are four good two-story frame houses at the agency, in which the superintendent and the employees reside. There are also numerous other small cottages in which the Indian police, the laborers, and the other employees reside. None of the buildings are modern.

ROCKY BOY'S BAND OF CHIPPEWAS.

There are about 173 Chippewa Indians on this reservation, 101 of whom have been allotted 80-acre tracts of land in the northwestern part of the reservation near St. Marys Lake. The altitude on this part of the reservation is about 6,000 feet, and the lands are adapted only to grazing. These allotments have not been approved, and but very few of these Indians live on their allotments.

These Indians have no homes and no means of building any; they have no cattle to graze on their allotments, and as a rule are in destitute circumstances.

They hang around the town of Browning and work at odd jobs, and work on the irrigation project during the summer months.

The superintendent sends rations to about 300 Chippewas at Box Elder, Mont., on the Fort Assiniboine Military Reservation, sending a man from the agency to make this issue once each month. The Chippewas on the reservation are rationed once each month at the agency.

FINANCIAL.

We checked up the books of accounts of the superintendent and found that on December 22, 1914, there was a balance due the United States chargeable to Supt. McFatridge in the sum of $15,135.78, as follows:

Individual Indian money (not bank accounts)	$75.00
Miscellaneous receipts, Class II	87.20
Miscellaneous receipts, Class III	275.00
Miscellaneous receipts, Class IV (school)	50.15
Miscellaneous receipts, Class IV (agency)	358.00
Indian moneys, proceeds of labor (Indians)	2,315.71
Indian schools, support, 1914	36.25

Indian school and agency buildings, 1914	$115.00
Industrial work and care of timber, 1915	230.00
Pay of Indian police, 1915	185.00
Pay of judges, Indian courts, 1915	14.00
Support of Indians of Blackfeet Agency, Mont	3,643.52
Blackfeet Reservation 4 per cent fund	3,874.72
Indian schools, support, 1915	2,234.31
Interest on Blackfeet Reservation 4 per cent fund	253.35
Support of Chief Rocky Boy's Band of Chippewas, and other Montana Indians	607.97
Indian school and agency buildings, 1915	780.60
Cash balance which should have been on hand as shown by the books of accounts	770.35
Making a sum total of	15,135.78

We found that there was $281 in currency, $38.20 in silver, $5 in gold, and $121.08 in checks on hand, making a cash shortage of $325.07.

Supt. McFatridge had stated to us prior to this time that he had advanced money to the Indians out of his own personal funds in payments for wood or hay or other articles purchased from the Indians prior to the receipt of funds by him with which to pay the same, and his private account book showed that he had advanced to various Indians the sum of $328.17, which is $3.10 in excess of this shortage of $325.07. Thus it would appear that he was advancing Government funds to Indians prior to the receipt of Government funds for such purpose.

Supt. McFatridge stated that he had no individual Indian moneys, and his last monthly statement so showed. However, we found that he had received the sum of $740.39 for a minor by the name of George C. Kipp, who was attending school at Chemawa, from the sale of cattle of Joseph Kipp.

We found on hand a check dated November 14, 1914, drawn on the Old National Bank of Spokane, Wash., to the order of A. E. McFatridge, in the sum of $375; a sight draft, dated Browning, Mont., November 14, 1914, drawn on the Carstens Packing Co., of Seattle, Wash., to the order of A. E. McFatridge, in the sum of $315.39; and also a check of the same date drawn on the Old National Bank of Spokane, Wash., to the order of A. E. McFatridge, in the sum of $50, which he says he indorsed and sent to the superintendent at Chemawa for this George C. Kipp.

These checks and drafts were signed by Levi J. Bird, of Browning, Mont., so that on December 22, 1914, Supt. McFatridge had on hand the sum of $690.39 individual Indian moneys, which should have been deposited to the credit of George C. Kipp and shown on his books of accounts.

There was also due this minor the sum of $66.67, being one-third of two months' rent due on the hotel, at $100 per month (he being one of the three heirs to the estate of Joseph Kipp).

This estate had been permitted to be divided by Supt. McFatridge without the same having been probated or any guardian appointed for the minor children.

AUBREY ESTATE.

During the year 1909 one Charles Aubrey died on said reservation, leaving a widow and 10 children, of the poorer Blackfeet Indians, two of which children were minors, viz. Jeannette and Carrol. The mother, Louise Aubrey, is a full-blood Indian woman, 56 years of age, who can neither read or write the English language.

At the time of his death the said Charles Aubrey owned about 1,000 head of cattle.

In the fall of 1911 permits were issued by Supt. McFatridge to sell these cattle and divide the proceeds among the heirs. The estate had not been probated, no administrator had been appointed, and no guardian had been appointed for the minor children.

In this permit one authority was issued to sell 71 head of calves for beef, in another 26 calves, in another 4 calves, in another 2 calves, and in another 35 calves.

From the sale of this stock something over $32,000 was paid to Supt. McFatridge, who deposited same to his credit with Willets & Scriver, Indian traders at Browning, Mont., known as the Browning Mercantile Co.

After various debts were paid the money was divided and paid to the various members of the family by Supt. McFatridge by check.

Two of these children were minors and two were absent from the reservation when this division took place; Dora Aubrey was at Lethebridge, Canada, and Rosa Snook (nee Aubrey) was residing in Arizona.

Prior to the sale of these cattle there was residing at Browning, Mont., one Charles E. Giddings, who was promoting a scheme to defraud these people out of this money when the sale of these cattle should be made.

His scheme was a Brazilian Stock Co., which corporation he alleged he had organized under the laws of Arizona as the Giddings-Aubrey Co.

Various members of the Aubrey family whom we interviewed stated that said Giddings gave them glowing accounts of large tracts of land which he owned in Brazil, and he was to engineer various enterprises, such as the lumber industry, the plantation industry, etc.

He persuaded these innocent, simple-minded people to part with their money and invest the major portion of the funds derived from the sale of this stock in his scheme, for which he issued them stock which is likely not worth the paper upon which it is written.

Some of minor children's money was turned over to other members of the family, who invested same in this worthless Brazilian stock, and likewise some of the money belonging to the children who were absent from the reservation was also invested by other members of the family.

This whole matter was done with the knowledge, consent, and approval of Supt. McFatridge. The widow, as well as the children, relied wholly upon his advice, as they had explicit confidence in him.

He was fully advised of their intentions, as the matter was talked over in his presence, and he so far acquiesced as to advise that he would himself invest had he not already invested his money in California lands.

The superintendent advised us that he had thought of sending his son to Brazil with this man Giddings, and that he had faith in what Giddings had told him.

The fact that this woman and her children did have confidence in Supt. McFatridge is evidenced from the fact that the money derived from the sale of this stock, amounting to approximately $32,000, was placed in his hands and by him personally disbursed and divided among the heirs. After the money was divided a large portion of it was given to this man Giddings.

Certificates of stock, showing the amount of shares due the various heirs, were distributed among them. Several of such certificates were left with Supt. McFatridge, who placed them in the safe, where they were found when we visited the agency.

The rights of these people were not protected by Supt. McFatridge, in whom they relied, and that he was derelict in his duty is a fact, as this deal was pending for several months and this man Giddings was on the reservation all of this time consulting with Supt. McFatridge and the various heirs relative to the purchase of this stock.

No effort was made on the part of the superintendent to investigate the merits of the company or whether or not this stock had any commercial value.

It is unnecessary to state that we believe that these cattle should not have been sold, particularly the she stock and the calves. Had these cattle been retained and properly handled, they would have made these Indian children quite independent.

In connection with this whole matter we herewith inclose for your information an affidavit of Mrs. Louise Aubrey, Mrs. Alice Martin, one of her daughters and one of the heirs, checks numbered 1 to 28, inclusive, drawn and signed by A. E. McFatridge, showing how he handled these moneys. We also transmit herewith eight checks received from Willets & Scriver, showing how some of this money was handled and showing that certain checks of Mrs. Louise Aubrey were cashed without any indorsements.

One check, in the sum of $6,867.80, drawn in favor of Phil Aubrey, we believe to have gone to this man Giddings.

We also inclose six certificates of stock in the Giddings-Aubrey Co. and the American-Brazilian Co. for your information; also a statement showing moneys deposited with Willets & Scriver and checks drawn by Supt. A. E. McFatridge.

We also inclose copies of permits issued by Supt. McFatridge for the sale of these and other cattle; also a letter addressed to Tom Aubrey by said Charles E. Giddings.

All of this data we attach together and mark as "Exhibit E," to which your attention is invited, with the request that when the checks and stock certificates shall have served their purpose you return same to the superintendent of the Blackfeet Agency for distribution to the parties entitled thereto.

We can not justify any excuse for permitting Indian wards of the Government and minors to be defrauded in this manner.

POWELL ESTATE.

About five years ago one H. A. Powell, a mixed-blood Indian of the Blackfeet Tribe, died on said reservation.

He owned quite an amount of property, among which were 10 shares of stock in the Broadwater-Pepin Trading Co., of Browning, Mont.

Subsequently permits were issued by the superintendent, and a number of cattle belonging to the Powell estate were sold.

The widow, Mrs. Mary Powell, complained to us that she could not get the stock in the Broadwater-Pepin Trading Co. nor an accounting; that most of the moneys received from the sale of the stock had been turned over to Mr. McCabe of the said company, and repeated requests for a settlement had been made to Supt. McFatridge without result.

We called upon the Broadwater-Pepin Trading Co. for an accounting and for this stock and they turned over 10 shares of stock made in the name of Henry A. Powell, the par value of which was $100 each, and an accounting of their standing, receipts, and liabilities.

This statement showed that the capital stock in said company was $15,000, of which Henry A. Powell owned $1,000, and that the undivided profits to date amounted to approximately $67,000.

The Powell estate owed said company the sum of $1,061.82, and this itemized statement and the stock we turned over to Supt. McFatridge for Mrs. Powell. This statement showed that the stock, aside from its par value of $1,000, was also worth one-fifteenth of the $67,000 undivided profits and one-fifteenth of the stock and building belonging to said company.

It is worthy of mention that, although this estate were stockholders in said company, they received no benefits in the matter of discounts, while the other stockholders and the employees of the company did receive same.

This matter is related to show that no proper protection has been afforded some of these Indians by the superintendent.

SPOPEE.

Upon inquiry we found that a selection of land had been made for Spopee, which is No. 2645 on the schedule, and the same is described as follows:

Lots 3 and 4, S/2, NW/4 N/2 SW/4, and W/2 E/2 SW/4, sec. 4, T. 33, R. 13, and E/2 E/2 SE/4, sec. 5, T. 33, R. 13.

This tract of land contains 319.07 acres.

Supt. McFatridge stated that this is good land, lying in one continuous body; that it is good grazing and hay land, and that none of the same is irrigated.

We suggested that prior to sending in said selection for approval that he take out 40 acres of the poorest land in said tract and substitute for same 40 acres of the best land that could be found in the irrigable district. This he said he would do.

We found Spopee living at Browning, where he seemed to be well fed, well clothed, and happy, but somewhat discontented, and wants to return to Washington. As a matter of fact, Spopee is somewhat simple minded, but he is being well treated and is quite a favorite with everyone in the section.

WILLIAM MURPHY.

We were requested to investigate and report upon the case of William Murphy, a half-blood Indian of the Blackfeet Tribe who was formerly employed as laborer at the Cut Bank Boarding School on said reservation, and who was seriously complained of by Miss Lucile Fitzgerald.

We found Mr. Murphy at the present time employed as laborer at the Blackfeet Agency, at Browning, Mont. He is 31 years of age and reads and writes the English language fluently.

He stated in substance that he kept company with Miss Fitzgerald a good deal while at the boarding school, and that she permitted him to embrace her and hug and kiss her, and that she never complained of such attentions upon his part. We took the affidavit of Mr. Murphy, in which he makes a very frank statement with relation to this whole matter, and states that he had a talk with the principal, Mr. E. J. Peacore, regarding this young lady. He tells of the trip down in the timber near the barn and of what happened.

We believe that this young lady was indiscreet and that Mr. Murphy evidently tried to take advantage of her. We do not believe that she had any bad intentions, and that when this was discovered by Mr. Murphy he ceased to press his attentions upon her. This affidavit of Mr. Murphy we inclose for your information, marked "Exhibit F."

MYLES RUNNING WOLF.

Among the complaints given us for investigaton is an affidavit signed by Myles Running Wolf, dated Browning, Mont., September 23,

1914, in which he complains that he purchased a reimbursable team through the superintendent of the Blackfeet Agency; that this team was purchased from another Indian by the name of Jesse Brown, a brother of Joe Brown, the superintendent of live stock on the Blackfeet Reservation.

At the time he purchased this team for the sum of $350 he was advised that these animals were 8 and 10 years old, respectively. He states that since he purchased same he found out that one of the animals had a fistula, and if worked hard for any length of time a soreness developed in its shoulders and that he was unable to use same.

We secured another statement in the form of an affidavit from Myles Running Wolf relative to his complaint, said affidavit being given in the presence of Joe Brown, superintendent of live stock, and Supt. McFatridge, both of whom were allowed to cross-question Myles Running Wolf when the statement was taken. He made practically the same statement in their presence that he made under date of September 23, 1914.

From our investigation we found that a team had been purchased for Myles Running Wolf as of June 30, 1913; at the time he purchased same he was told that unless he took the team that day he could not get another; but this statement is qualified by records in the superintendent's office and by Joe Brown himself, inasmuch as he did tell Myles Running Wolf that unless he took the team at that time he could get no other, meaning that this was the last day of the fiscal year, and that he would have to wait until another appropriation was made with which to purchase reimbursable teams. The team was purchased, as stated, from Jesse Brown, for the sum of $350.

The team was kept by Myles Running Wolf for some time, and after various complaints to the superintendent that one of the horses was unfit for use and had been since the purchase, the superintendent took the team back and absolved Myles Running Wolf from any debt in connection with this team.

We viewed the team in question, which were being taken care of in the stable at the agency. They are two old gray horses; so old that it is impossible to tell their age, and from what we could learn they must have been from 12 to 16 years old. They were poor at the time we saw them, although they had been in better condition a short time before that.

One of these horses had a bad fistula, which appeared to have been of long standing, so that the complaint of Myles Running Wolf that these horses were unsound at the time of purchase appears to us to be true. From various inquiries and a personal inspection of the team in question we are of the opinion that these horses are not worth to exceed $100 for both.

Supt. McFatridge admits that he had never seen this team before they were purchased, and that the matter was left entirely to Joe Brown, superintendent of live stock. This is also admitted by Brown.

This is a peculiar case, and it would appear to us that the superintendent was very derelict in his duties in allowing Joe Brown, superintendent of live stock, to inspect a team to be purchased for an Indian from his own brother.

We think that Myles Running Wolf was imposed upon at the time he purchased this team, and that this imposition was practiced by Joe Brown, the superintendent of live stock, and that Supt. McFatridge should have ascertained the true value of the team and as to their actual condition before he allowed this full-blood Indian to purchase same at an exorbitant price.

Numerous complaints were made to us by Indians, principally full bloods, against this superintendent of live stock, Joe Brown; and from our opinion of him, and the manner in which the live-stock business has heretofore been handled at this agency, and the numerous permits which he has issued for the disposition of live stock, we believe that some of the complaints were well founded. We believe that he does show partiality, and that if an Indian is disliked by him that it is very hard for this Indian to obtain justice at his hands.

At the same time we are reliably informed, and have nothing to the contrary, that Joe Brown is a very capable man and well versed in the value of live stock.

The affidavit of Miles Running Wolf relative to the purchase of this team we inclose herewith, marked "Exhibit G."

This Joe Brown, superintendent of live stock, has issued permits promiscuously to the Indians, permitting them to dispose of their cattle and horses, including their cows and heifers, to an alarming extent, and, as heretofore shown, this has decreased the Indian herd very materially.

Of course he will claim that these permits were issued with the consent and approval of the superintendent; but it was one of his duties to help safeguard the Indians' interests, and in view of this matter and the favoritism that he has shown in certain cases we believe it in the best interests of the Blackfeet Reservation and the Government service that he be separated from the position of superintendent of live stock at this place, and have the honor to so recommend.

One Sampson Bird complained that J. A. Perrin ran about 6,000 sheep on said reservation for which he paid no taxes; that they ran in two bands about 2 or 3 miles apart, covering a territory of about 5 by 15 miles, spoiling the cattle range; and that the superintendent does not enforce the regulations in this regard.

Your attention is invited to the fact that out of Authority No. 48125, dated May 3, 1913, granting permission to purchase 100,000 pounds of seed oats and 40,000 pounds of potatoes for the Indians of the Blackfeet Reservation, the superintendent used only 12,000 pounds of oats and a very small amount of potatoes.

One George W. Cook claims that his property was taken by the Reclamation Service at Two Medicine Lake, and will eventually be flooded; he states that this property was appraised by Messrs. McFatridge and Ralston, and he is very anxious to get his money, as he has been waiting for this settlement for about two years.

We invite your attention to his communication addressed to us, which we inclose herewith marked "Exhibit T."

Mrs. Louise Aubrey calls attention to a small irrigation ditch which has been neglected and which it appears should receive attention. We mark her letter "Exhibit U."

RECOMMENDATIONS.

In consideration of the foregoing we have the honor to recommend:

1. That Supt. McFatridge be removed as superintendent of the Blackfeet Indian Reservation. We feel absolutely justified in stating that he has made a complete failure as a superintendent. If he is fitted for any position in the Indian Service it is that of deputy special liquor officer. A good, strong, honest, and competent superintendent should be promptly placed at Blackfeet in his stead.

2. That a competent superintendent of live stock be appointed in lieu of Joe W. Brown, who occupies this position at present.

3. That a competent principal be supplied for the Cut Bank Boarding School at the earliest possible date.

4. That a competent engineer be supplied for said school in lieu of William A. Montgomery. This man may be capable of filling some other position, but he is not competent as an engineer.

5. That the head matron, Emma A. Walters, be promptly transferred or dismissed.

6. That such action be taken in the case of Farmer Arthur J. Crim, who, it is shown, has been dealing in Indian cattle, as the evidence warrants.

7. That a competent disciplinarian be supplied at the Cut Bank Boarding School in lieu of William Sherman.

8. That a competent laundress be supplied in lieu of Mary Hunsberger.

9. There are four line riders on said reservation, and it is doubtful whether the service of any of these men is needed, in view of the fact that the reservation boundary fences are all down, and there seems to be no duties for them to perform other than that of police duty, which can be taken care of by the Indian police. We believe, therefore, that these positions can very well be dispensed with.

10. The positions at the Cut Bank Boarding School, which at the present time are filled by temporary employees, should be promptly filled with permanent employees.

11. We believe that the police force should be reorganized.

12. There is great need for a strong guiding hand to take charge of matters on said reservation, and an honest, capable, fearless man is badly needed here—one who will deal justly, firmly, and honestly, rectify the many mistakes, and bring order out of chaos, as is herein shown to exist upon said reservation.

We return herewith office files furnished us in connection with this investigation, and have the honor to remain,

Very respectfully,

E. B. LINNEN, *Chief Inspector.*
FRED S. COOK, *Special Agent.*

Mr. ASHURST. Mr. President, there has been prepared and handed to me a document by Mr. Charles H. Davis, the supervisor of farming in the Indian Service. It seems to contain much information concerning the Crow Reservation and certain leases. I feel that I ought to apologize to the Senate for imposing on it a long document at this hour when we are all so rushed, but I do ask that it be read at the desk.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The Secretary proceeded to read the document referred to.

During the reading,

Mr. OWEN. I will ask that the document be incorporated in the RECORD without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The document referred to is, in full, as follows:

MEMORANDUM FOR COMMISSIONER.

WASHINGTON, D. C., *February 13, 1915.*

I have examined the testimony submitted to the joint commission of Congress, part 15 and part 15–A, relative to the allegations being made by Mrs. Helen Pierce Grey. I have examined in connection therewith Crow Agency file No. 321–69901–1912, and Standing Rock file 321–95884–1914, parts 1 and 2.

During the winter of 1913 and 1914, while the matters recited hereinafter were under consideration I was in the Indian Office and handled this matter very largely, working in direct connection with the Commissioner of Indian Affairs I was frequently charged to see that the permits being granted and the modifications and adjustments being made should be carefully watched to the end that no hardship or injustice should come to the Crow Indians, and to that extent was held responsible by the Commissioner of Indian Affairs to see that the rights of the Indians were protected. I was thoroughly conversant with each and every permit, and the various proposals on which they were based and submitted recommendations to the commissioner as to their important features before they were acted upon by him. I recall with great distinctness how, at one time, it appeared that notwithstanding we had advertised the letting of district No. 3, through the public press in the various parts of the country, that we would fail to get a tenant at anything like a reasonable rate. I was greatly surprised and equally relieved when this district was finally let for a period of one year and nine months at a total sum of $45,000.

I submit herein a brief of the transactions, based, in part, on my memory of such and largely on the files found in the office and as noted in margin hereof.

CROW DISTRICT NO. 3.

When I came into the office in the autumn of 1913, bids had been received for the grazing privilege on this pasture for a two-year period beginning on February 1, 1914, as will be seen by the specifications published broadly through the public press, under departmental approval of September 12, 1913. This advertisement set forth the period and estimated the acreage at about 400,000 acres, and the proposals were opened by Superintendent Scott of the Crow Agency, on October 20, 1913.

This resulted in three bids—one from William Rea, jr., of $20,000 per annum for not to exceed 50,000 sheep or 10,000 cattle, for which he made deposit of $2,000; one from C. R. Massey for $21,500, the kind and numbers of stock not being named, with which he made a deposit of $2,150; and one from Lee Simonson offering 45 cents per head for sheep and $2.55 per head for cattle, but not naming the amount of either or the amount per annum which he proposed to pay, and with his bid he deposits check for $2,000. The specifications in the advertisement called for a deposit with the bid of not less than 10 per cent of one year's rental. The several bids named above and the abstract prepared by Superintendent Scott will be found in Crow file, cited above.

Mr. Rea's bid was on the basis of not to exceed an average of 50,000 sheep. Mr. Massey's did not specify, and Mr. Simonson failed to name either the number of animals to be grazed or the amount to be paid annually, but the size of his check accompanying the bid would indicate that his bid was not to exceed $20,000 a year.

Almost immediately after the opening of the bids at the Crow Agency Mr. Rea, through his attorney, Z. Lewis Zalby, raised his bid

from $20,000 per annum to $22,000, making it, as he presumed, $500 higher than the highest bid; but in the meantime Mr. Simonson had come in with a letter amplifying his former bid to the amount of 50,000 head of sheep, making his bid $22,500.

The successive raises in the bids, made in such manner as not to be known to the other bidders, placed the commissioner in an embarrassing position should he attempt to approve either of them, as they clearly indicated that each of the two who had made raises would make other raises in case they were advised of what the other had done. It also indicated that neither of them had offered what they felt the privilege was worth. I therefore recommended that all bids be rejected and the pasture readvertised, which was done under advertisement approved by the department November 7, 1913, which was likewise broadly advertised through the public press. These specifications were modified somewhat as compared with the others, stating that the estimated maximum capacity of the district was 50,000 sheep or 10,000 steers, and stipulated that the maximum should not be exceeded. It also defined more definitely when the lambs should be charged for.

While the record here does not show definitely the acreage of this pasture or the amount it will carry, it was well known locally that its maximum carrying capacity, which could be grazed without injury to the range, was about 50,000 sheep or 10,000 cattle. While I have not been over this range in person, it was similarly described to me by various stockmen, practically all of whom claim that nearly one-third of it was so poorly watered that it was almost worthless for grazing purposes. The grass was also rated as of lower value than the grass on other Crow ranges, but, on the other hand, it was claimed by all that there were only a few families living within it and that they had only a few hundred head of live stock, but there were quite a number of unbranded wild horses ranging there a portion of the year.

The bids all show that the several bidders were estimating it on a basis of about 50,000 sheep or 10,000 cattle.

About the time that the second proposal was put out it is claimed that both Mr. Rea and Mr. Massey had met with financial embarrassment, all of which was well known to Mr. Simonson. This being the case, neither Mr. Rea nor Mr. Massey submitted bids under the second proposal, and Mr. Massey, knowing the character of the range, bid $12,000 per annum on about two-thirds of the district. Clearly this put the office in an embarrassing position, for, unless the range could be successfully leased for not less than the highest previous offer, it would mean that the decision of the office to submit the matter to a second letting was a mistake.

During the time the matter stood with the one bid of $12,000 only, the proposal was made to stock the range with sheep on behalf of the Crow Tribe, to be purchased from tribal funds. I submitted a memorandum thereon under date of December 20, 1913, but found that the enterprise would be greatly handicapped by reason of the $15,000 maximum that can be used at any one agency for the payment of white employees, as it would forestall the employment of reliable white stockmen to care for this herd.

Just at this juncture Mr. Dalby, on behalf of his client, Mr. Rea, makes various proposals, ending in him offering to take this district for a period of one year and nine months at a total of $45,000, as will be shown by his letters of December 20, 1913, January 29, and February 11, 1914. This offer was tentatively accepted by the office, and a permit was written up to comply therewith, covering the period from February 1, 1914, to November 1, 1915, for an average of 50,000 sheep, with a maximum at any one time of not to exceed 70,000, all for the sum of $45,000. The maximum of 70,000 appears here in the record first at this time, and by reason of the fact that it was found necessary to permit the lessee to maintain a yearly average of 50,000 sheep. Obviously it would be quite impossible for a lessee to maintain an even average of sheep on a given territory the entire year round, particularly when he would want to ship to market once each year and replenish and particularly the fact that the lambs dropped in the spring would begin to count in the autumn.

This contract was sent out to Crow Agency to be executed, but Mr. Rea was never able to make financial arrangement whereby he could give bond and stock the range. The offer of Mr. Rea, therefore, failed, and the office was compelled to look elsewhere for a lessee.

D. Z. Zimmerman held a lease on a portion of the Standing Rock Reservation, North and South Dakota, which expired January 31, 1914, and which he asked to be renewed. It was found, however, that the presence of the Zimmerman cattle on this reservation, much of which had been opened to homestead settlement, was a great menace to the Indian allottees. After considerable correspondence and various reports thereon, the office declined to renew Mr. Zimmerman's permit, as will be seen by office letter of February 3, 1914, to his attorneys, Clark, Prentiss & Clark, of this city. It was necessary, of course, to make some adjustment whereby the permittee would be allowed to carry his cattle over, as it would be impossible for him to remove them at that period of the year. In attempting to make a satisfactory adjustment as to what would be done with his cattle it was proposed that a lease be taken out on District No. 3, of the Crow Reservation, which was finally accepted, they agreeing to take the pasture at the offer made by Mr. Rea, and which he had been unable to carry out, namely, for a period of one year and nine months, beginning February 1, 1914, the date of the expiration of the old lease, and extending to November 1, 1915. It was then felt that the proposal of Mr. Zimmerman and Mr. McGee to take this district at this price was very fortunate, as it would insure a proper use of the range and a better income therefrom than the Indians had ever before received. Careful inquiry was made as to whether Mr. McGee was a suitable man to be given such a privilege on the reservation and whether he was financially able to carry out such an agreement, and the answers to such inquiries were all quite favorable.

It is explained that I find nowhere in recent record estimates giving this range a carrying capacity of more than 50,000 sheep or 10,000 cattle, and I am sure that there was no offer made during all this time that meant putting on more than this number as an average. The insertion of the 70,000 maximum was intended to prevent the permittee from putting on a double amount during the summer and removing them therefrom in the autumn, thus taking technical advantage of a loosely written permit.

In letting this grazing privilege three things are to be kept carefully in mind, namely, that the range may not be overstocked; that the remuneration shall be a fair market value for the privilege granted; and that the lessee is a person of suitable character and sufficient financial backing to make a satisfactory and successful permittee. It is further explained that in about all cases of this kind where large numbers of cattle are put on the open range that the person owning or controlling the range stocks such range largely with borrowed capital. It is a rare exception that the owner of the stock has more than a minor portion of the capital necessary to carry the enterprise. The mere fact that a man acquires a good range under a reasonably fixed tenure, together with the further fact that he bears a good reputation for integrity and experience in the stock industry, is about all that is necessary for him to command the necessary capital to stock the range. Banks loaning on such security, or commission houses handling cattle in large numbers, will usually finance his enterprise without further question. It has never been regarded as any material matter with the Government who may finance the enterprise, so long as the man acquiring the privilege is a proper person to be given such privilege and so long as he can show that he is able to carry out his financial obligations.

The question of when this lease should begin and terminate has been one of much discussion for many years past. The trouble is that no one period of the year can be found when cattle can be taken off and others put on without a period of intermission between. It would be absolutely impossible to stock one of the northern ranges in the autumn without inviting virtually a sure loss of the greater part thus put on, unless it could be stocked by merely transferring cattle from another nearby range, without shipping or jading by overland travel. It would be equally impossible to clear a range in May or June, both from the fact that the stock would not be in shape for the market and the further fact that no other range could be found.

Some advocates adhere to an early summer date as being the best, while others adhere to an autumn date, and others an intermediate date as a compromise. During the administration of Commissioner Valentine it was decided to make February 1 the dividing date.

Personally I should say that the important matter is to hold the letting of these grazing privileges in the early autumn, so that the result thereof may be known to the present lessee in time for him to move his stock before winter, and so that the successful bidder may make his financial arrangements and contract for his stuff during the winter with a view of putting them on the range early the next spring. Just what period the permit should begin and expire is much less important than that the parties interested may know the result in the autumn. In every case where the permits expired in the early summer, as was formerly the practice, it was found that the permittee necessarily had to be given an extension of time until he could market his stock in the autumn, which would give him a summer's grazing additional, and usually very much to his gain.

It should be noted that the tribal interests have lost nothing through the delay in completing this lease to McGee and Zimmerman, inasmuch as the lease dates from February 1, 1914, and payment in full is made to cover all time from that date. The prior lease expired January 31, 1914.

It is also pointed out that the lease, as it is written and is still pending approval, is quite in excess of the highest bids previously received, as it calls for $45,000 for one year and nine months, or about $25,000 per annum, whereas the highest previous bid was $22,500, and the highest prior lease was at $17,000 per annum.

It may rightly be claimed that the letting of this district to Mr. McGee has really been a most fortunate transaction and quite worthy of commendation. Great delay has occurred one way and another, but the fact that Mr. McGee made an advance payment of $11,000 at the time of submitting his proposal has operated to insure him going ahead and completing his contract, which he might not have done had not this advance payment been made.

It is further pointed out that Mr. Zimmerman has been required to pay the highest rates for the extension of time granted him on Standing Rock that the Government has ever received for a grazing privilege. The adjustment of this matter, made about one year ago, required him to pay 25 cents per month per head on cattle continued on the range after January 31, 1914, the date of the expiration of his permit, until October 1, 1914, after which he was to pay 50 cents per head.

The recent outbreak of the foot-and-mouth disease among cattle in the United States operated to prevent Mr. Zimmerman from marketing the remnant of his stock on the Standing Rock Reservation during the autumn of 1914, and the office was virtually compelled to give him another extension. This extension is covered by the informal agreement dated November 13, 1914, whereby Mr. Zimmerman pays 50 cents per head per month from November 1, 1914, to June 1, 1915, on cattle and horses left over on that date, whether such cattle and horses are moved prior to June 1, 1915, or not. He was also required to make full settlement to all parties for specific damage committed by his stock trespassing on individual allotments. These damages aggregated over $13,000. They have been collected and are now in process of distribution to the various individual allottees to whom they belong.

In assessing these grazing charges, which would ordinarily be regarded as exorbitant, the purpose was to do justice by the Indian allottees and to insure that Mr. Zimmerman would remove his live stock from the Standing Rock Reservation at the first possible opportunity he could take advantage of without too great a loss. The fact that he may or may not have had connection with any branch of the so-called Beef Trust had no influence whatever on the action taken in his case or the proposal that he consider taking out the permit on Crow district No. 3.

CROW LEASE NO. 5.

The record in connection with the Crow Range No. 5, frequently called the "I. D." Range, is so very voluminous that it will not be practicable to cite all the references, but the more salient ones will be pointed out.

This lease covers a great part of the hearing before the joint commission, part 15, pages 1815 to 2166, and it comprises all the hearings in part 15–A, pages 2167 to 2206.

Mrs. Grey would seem to charge dishonesty and collusion in the leasing of this territory, and particularly in the lease dated May 4, 1914, for the reduced portion of Range No. 5, which is still pending approval. She claims that the carrying capacity of this reduced range is much larger than the rated carrying capacity, and that the price received is inadequate.

The entire No. 5, or "I. D." Range, was covered by permit to F. M. Heinrich, dated November 8, 1912, and approved by the department January 14, 1913. It covered a "V"-shaped territory lying between the Big Horn River and the Little Big Horn River and extending south to the Wyoming line, except as it adjoins Range No. 6 in the southeast corner, which range is also held by Mr. Heinrich under another lease. This lease was estimated to contain 400,000 acres, and the permit was written for three years, beginning February 1, 1913, for the sum of $44,850 per annum. This territory comprises quite a large portion of the Crow population, and reserves the right of free grazing for 100 head of cattle or horses to each family living therewithin. The permit provides for the number to be grazed as follows: "A maximum average number of 23,000 head of cattle." The permit does not define the term "maximum average" or state at what

season of the year these cattle shall be grazed. In the absence of such a definition, common custom and the intent of the agreement, as it may be fixed by prior practice, would seem to govern.

This permit was issued in conformity with a bid or proposal of Mr. Heinrich, made in response to an advertisement of this and other leases, Mr. Heinrich's being the only bid received. It is said to be quite in excess of any former bid or lease up to that time for this range, and, figured on a basis of 23,000 cattle and $44,850 per annum, makes a rate of $1.95 per head per annum.

The decision on the part of the office to cancel Mr. Heinrich's permit as to the northern portion of this range and to stock the portion thus vacated with cattle on behalf of the Crow Tribe is too familiar to require repeating, and the record too voluminous for me to attempt to make reference thereto. Suffice it to say that Mr. Heinrich was required to vacate the northern portion of the range and to take his cattle therefrom to the southern portion during the summer of 1914. It is also a matter of record that a fence was constructed between these two portions of the old "I. D." Range, which fence would divide the territory reserved for tribal use from the diminished territory which Mr. Heinrich was entitled to use under his former permit or for which a new permit would need to be written.

As to the actual carrying capacity of the "I. D." Range, or No. 5 Range, as a whole, it had been determined by actual use to be somewhere about 23,000 head. Under date of April 24, 1913, John W. Goodall, superintendent of live stock for the Indian Service, reports "there are on this range at this time approximately, of the Frank M. Heinrich cattle, 24,000 head." He also reports that there are between 1,000 and 3,000 head of Indian live stock on this range. He also says "the district should not be stocked heavier than it is now." While he estimated the number on the range at that time as 24,000 head belonging to Mr. Heinrich, the record shows that there were not to exceed 23,000 at that date. Mr. Goodall was a range stockman of a lifetime experience and was particularly qualified to estimate carrying capacities of ranges.

Dr. R. H. Tracey, of the Bureau of Animal Industry, Agricultural Department, in report of July 9, 1913, commenting on the portion of this range reserved for the tribal herd, or the portion south of the new fence, says: "The Indian range, as proposed, will easily carry 15,000 cattle and all their horses." He estimates their horses at 2,000 head, but makes no mention of the number of Indian cattle that will be left on the range.

When this entire range was used and occupied as one unit it would mean that the southern portion, which is mountainous and rough, would be used mostly during the summer period when there was no snow. The lower portion in the north end was used very largely for wintering grounds, being much less liable to heavy snows and much more convenient to supplies of hay. That part of the range bordering on the Little Big Horn River is good winter territory, however, as far up as Range No. 6.

While it would be no difficult matter to estimate the carrying capacity of the lower or north end, reserved for the Crow tribal herd, inasmuch as it is mostly open territory and good grass for both summer and winter, it would be a much more difficult task to determine the carrying capacity of the upper portion, which Mr. Heinrich was permitted to retain. This is due to the fact that the upper, or southern, portion is partly covered by mountain range, rendering it useless for winter pasture, and particularly by the fact that the extreme southwest corner, known as Garvin Basin, is so completely segregated by the mountains and abrupt canyon that it can be reached only by a roundabout route through Wyoming. It was therefore necessary to estimate the carrying capacity of the diminished Heinrich range on the most accurate basis possible until it could be tested by actual use.

Mrs. Grey contends, in one place, that this end is the best portion of the entire old "I. D." range, but offers no estimate from anyone to sustain the claim.

Quoting from the report of John W. Goodall of April 24, 1913, he says: "I have gone over district No. 5 very thoroughly, except the mountain portion, which is still covered with snow." If the mountain region contained too much snow at that late date in spring to permit its cruise, it would necessarily mean that stock could not be safely put thereon until about the 1st of June, and would doubtless have to be removed in the autumn not later than November 1, leaving only a short summer's grazing, during which the grass would be soft for the most part, and would not mature out the cattle into good solid beef form. It would doubtless make a splendid sheep range for a summer period, but unsuitable for cattle.

During the discussion as to the terms on which Mr. Heinrich would be permitted to continue his use of this diminished range he proposed to accept as a settlement of the various questions a new lease covering the diminished portion only, on the basis of an annual average of 7,500 cattle at $2 per head. It will be noted that this is 5 cents per head more than he is obligated to pay under his former proposal, and my understanding was that the small increase was inadvertently made by Mr. Heinrich, who failed to recall the exact rate he was then paying. As he made no protest, the proposal was allowed to stand, and the new lease for the portion now pending therefore calls for a rate 5 cents in excess of what the old one carried.

At the time this proposal was made the carrying capacity was carefully considered and discussed with various persons, including Superintendent Scott, and such stockmen as were familiar with the region.

It was concluded that the range could not be relied upon to carry more than 5,000 as a winter range, but that it would probably carry double that number as a summer range. This would result in an average of 7,500 head. As previously remarked, no one could determine exactly without the range being thus tried out as a separate unit.

It should be borne in mind that at that time Mr. Heinrich was really much worried as to what he would do with the cattle which he was being required to remove from the lower portion of this range to make room for the tribal herd and was putting forth every endeavor to find other range to which he could remove his surplus. He stood in much danger of loss by being compelled to put more cattle on his reduced territory than it could properly carry, a fact fully recognized by the office and in which it endeavored to cooperate to prevent such loss. It is no more than a reasonable conclusion that if Mr. Heinrich had felt that the range would carry more than the estimate given above he would have insisted on the permit for the diminished area being written for a larger number. He would have nothing materially to gain by securing an estimate below the actual carrying capacity, inasmuch as he is required to pay the $2 per head for all the excess. But should the permit be written for a larger number than it would carry he would be required to pay for that larger number, whether or not he was able to graze them.

Mrs. Grey quotes the following paragraph, taken from a permit prepared at the Crow Agency and signed by Supt. Scott and Mr. Heinrich, under date of March 7, 1914 (March 11, 1914, in committee report):

"The permittee shall have the privilege of subleasing, with the approval of the superintendent of Crow Reservation, and for not in excess of the amount paid by him, that part of the above-described lands south of the mountains, known as the Garvin Basin, and estimated to contain 30,000 acres and to support 1,500 head of stock. All stock grazed in this basin to be counted with permittee's stock in making above average."

This feature of this permit was disapproved by the office and another permit was written instead with this clause eliminated, which was signed by Supt. Scott and Mr. Heinrich, under date of May 4, 1914. It will therefore be seen that this subleasing privilege was rejected as soon as presented to the office.

It is explained that this Garvin Basin is the extreme southwest corner of the original "I. D." range, and by reason of its isolated character it can virtually be used only in connection with other lands in Wyoming. The basin region has held a very unenviable reputation for a number of years, and it must be regarded as about as much of a menace to the cattle interests on the Crow Reservation as it would be of benefit to a person holding this diminished range. The fact that Mr. Heinrich's diminished range fills in the gap between this basin and the range reserved for the tribal herd is recognized as adding very largely to the security of the tribal herd.

The question of subleasing by the permittees has received considerable attention, and it would appear that an attempt has been made to bring the permit system into disrepute by the mere fact that persons not known to the permits have been allowed to put cattle thereon. It is pertinent to inquire under what conditions these cattle were thus put on the territory covered by the permit system.

It is frequently very difficult for a permittee to furnish himself with approximately the number of stock called for in his permit and for which he is required to pay. The custom has, therefore, very largely prevailed that such permittee would engage to run a fixed number of cattle for some other owner for a stated sum per head. This arrangement might be for all or a portion of the year, and was usually for a rate in excess of the permit rate. There is nothing objectionable to this practice so long as the third party (who may thus put cattle on the range) does not handle them himself. If the permittee merely takes the cattle to graze and care for in conjunction with his own, serving as his own manager, the cattle all being handled by the one crew, it would seem that neither the letter nor the spirit of the permit contract has been violated. If the permittee furnished the labor and incidental expenses for handling these cattle, he would necessarily have to charge much more than he pays for the permit privilege, and a double charge should not be regarded as excessive.

If, on the other hand, the permittee allows the third party to bring on cattle and run them himself, thus establishing an independent control over a portion of the territory included in the permit, he has then violated both the letter and the spirit of the permit.

Questions of this kind are about all covered by well-established custom of the range country, and in the absence of stipulations incorporated in the permit contract, such well-established customs would be presumed to control.

The permit prepared at Crow Agency and signed by Supt. Scott and Mr. Heinrich, March 7, 1914, carried the provision whereby Indian residents of the district would be allowed to carry 100 head of stock per family without charge, but further provided that a charge of $2 per head for any excess over 100 head would be made and the proceeds thereof credited against the amount Mr. Heinrich was required to pay. This was a loosely written paragraph and would operate to the unjust advantage of the permittee in case he was then running the full amount of cattle called for in his permit.

The revised permit executed by them under date of May 4, 1914, and which permit is now pending approval was amended to provide that this excess should be placed to the credit of the tribal fund, unless the permittee was prevented from grazing his full contract number by reason of the presence of the Indian-owned stock.

It is alleged by Mrs. Gray that Mr. Heinrich submitted estimates of the stock he had on the range in pencil memorandum signed by him as "manager." The permit contract requires Mr. Heinrich to submit twice a year a sworn statement of the live stock he is carrying under this permit to be made at the close of June and at the close of December. The pencil memorandum referred to by Mrs. Gray is one of the sworn reports thus called for, and properly signed by him as manager of his own range.

Relative to the allegation that the combination alleged to control the grazing privileges on the Crow Reservation and to fix the price the Indians receive for the cattle, it is only necessary to point out that these cattle are usually shipped to the regular markets under the supervision of the superintendent and his employees and the Indians receive the market prices prevailing on the date their stock is sold, just the same as any other stock growers.

I deem it advisable to point out the difference between the large stock owner and the small stock owner as it may affect the welfare of the Indians under these permits. The large stock owners must necessarily bring their cattle from foreign parts, and such stock are about universally brought to the reservations by railroad shipments. Naturally the large stock owner is very anxious to prevent his brands from going into local private ownership, consequently he sells nothing on the reservation or in the vicinity thereof, but ships his cattle to foreign markets.

On the other hand, the small stock owner who seeks to secure a grazing privilege, say of 100 or 200 head, usually expects to bring his stock from near-by ranges, and in that way his brands will be found both on the reservation and on one or more near-by ranges. Every experienced stockman recognizes the serious complications that may arise from such conditions.

While in no way intending to impute the integrity of the small stock owner, experience teaches that one of the favorite schemes of the cattle rustler is to get a few head of stock bearing his brands on a reservation where some other owner may be ranging hundreds or thousands of head. These few head will give him a claim to a round-up right on the range, and the round-up right attaching to 100 head on such range may frequently be made worth several hundred head, if the person thus holding the privilege proves to be that kind of a man. In view of this condition, every man holding a permit covering large numbers of cattle will strenuously resist the effort of any small owner to a round-up right on his range. If the Indians have cattle running on such range they are usually thus menaced in greater

degree than the large permittee, from the fact that it is usually easier to run off the Indian cattle than those of the permittee.

In letting these grazing privileges and supervising them, many problems will arise that would be wholly unseen and comprehended by inexperienced stockmen. To properly safeguard the Indians in their live-stock enterprises great care must be exercised, and frequently stipulations have to be made that, to the inexperienced person, would not only be incomprehensible, but would probably cause suspicion, whereas they are really intended for the protection of the Indians and operate to their protection.

In all my close connection with this matter within the past two years I have endeavored to keep the Commissioner of Indian Affairs advised as to all these matters, and in every case where it has been pointed out to him that the Indians' welfare would be menaced by any contract or loosely written portion of a contract he has insisted that such changes be made as would remove the menace.

This memorandum has been prepared by me at the request of the Commissioner of Indian Affairs, and sets forth truthfully my memory of the several transactions enumerated. I had full knowledge of each and every transaction then being made, and do not hesitate to assume my full share of responsibility for them and for the recommendations I made, as the records will disclose. At no period in any of these transactions was there the least opportunity or occasion to suspect any motive except to protect and advance the interests of the Indians and to avoid doing injustice to the permittees and others dealing with the Indians and with this office.

CHARLES L. DAVIS,
Supervisor of Farming.

I, Charles L. Davis, supervisor of farming for the Indian Service at large, being duly sworn, on oath depose and state that the recital of facts set forth in the foregoing memorandum is true and correct according to the best of my knowledge as based on the records cited and on my memory of the incidents then transpiring.

CHARLES L. DAVIS,
Supervisor of Farming.

Subscribed and sworn to before me at Washington, D. C., February 13, 1915.

E. B. LINNEN, *Chief Supervisor.*

Mr. MYERS. Mr. President——

The VICE PRESIDENT. The Senator from Montana.

Mr. MYERS. I feel that I should say a very few words on this matter.

I am a member of the Senate Committee on Indian Affairs, and ordinarily I am present whenever any Montana matters are being considered. I try to be present at all times when Montana matters are being considered; but for some weeks past the work of the Senate and its various committees has been such that I have not been able to attend to all my different duties at all times without finding that one sometimes conflicted with the other.

This amendment was put on the Indian appropriation bill by the Senate Committee on Indian Affairs on the last day of the sittings of the committee, a week ago yesterday. I tried to be present at the sitting of the committee all that I could on that day, but I had many other demands on my time. I was engaged, among other things, in looking after some important Montana matters on the floor of the Senate in bills which were being considered by the Senate on that day, and I was not able to be present on all of that day. This amendment was adopted by the committee on the last day and about the last minute before taking action on the bill, I believe. I had been called out and called away from the committee at the time, and knew nothing of it. I knew nothing of this amendment, never heard of it, and never saw it until I saw it in the bill after it was printed.

I want to say that as to this amendment I heartily concur in the views of my colleague [Mr. WALSH], which have been so well stated on the floor of the Senate. I agree with what he says about it. I believe it is unnecessary and unwise. I have always believed that the views of Senators from a State, as to local matters within their State, ought to have a fair degree of weight and credence. If they are men of ordinary intelligence, they ought to be a little better informed about the affairs of their own State than outsiders; and, if they are honest, I think their views ought to have equal weight.

As to Indian matters, I have never believed that Senators from a State where there are Indians ought to be regarded as parties from whom the Indians of their State had to be protected by the intervention of outsiders or others. I believe that the Senators from a State where there are Indians ought to be credited with at least equal integrity and sincerity and honesty of purpose with outsiders, and a little better knowledge of the affairs of their own State. I do not say that they are always right or that the views of others should not be considered as well, but I believe that the views of those who are on the ground ought to be considered in connection with all the other circumstances connected with matters that arise in their own State.

In this matter I am in hearty accord with the views of my colleague, as expressed by him. I agree with all that he has said about the amendment and think it ought to be rejected. I think it is a bad provision and should not be adopted by the Senate.

Mr. WHITE. Mr. President, as a member of the Committee on Indian Affairs, it probably will not be amiss for me to make some observations sustaining the action of the committee.

The action of committees should be respected by legislative bodies from which they are appointed. They usually investigate carefully matters coming before them. They have more information on which the legislative bodies appointing them on any subject have. I do not know a great deal about this Indian question myself, but I do know that this amendment is proposed by the committee. It is proposed by men who have large experience in dealing with Indian affairs. I assume that they investigated the question and gave it the attention that it deserved. Nor do I believe that the Senators from a State where Indians are located should be ignored. I think their views are entitled to great weight in this body, but I do not think their views ought to be adopted as against the conclusions and the views of a committee expressed in its report. Ordinarily, of course, the Senators from a State know more about conditions in that State and better represent that State than Senators from any other State; but the Indian question is a national question. It is not confined to any State. It never has been. It is not now. It involves many States. The Government is dealing with the Indian as a national question, and dealing in that way the Government should act, at least to some extent, from the standpoint of the Government and not absolutely and entirely from the standpoint of the State in which the Indians reside.

I do defer largely to the Senators from the State of Montana. I agreed with them in asking a large increase in the matter of appropriations for an irrigating project in that State. I did it because I thought they knew, and because I thought they better understood that question than other men. But we are told that this is a question of policy; that this amendment reverses the policy of the Nation; that it reverses the policy that has been in force since 1834. That may be true. But I assume that we know more about the Indian question now than was known in 1834. I am sure conditions are very different now from what they were then. At that time the Indians were not so completely under the control of the Government as they are to-day. They occupied vast stretches of country. They were, in many instances, entirely beyond the reach and the influence of the Government. When those conditions existed it was important that designing men should not be permitted to go into the reservations and by selfishness, by greed, induce them to act in a way that might be antagonistic to the policy of the Government. But now the Indian is well in hand. He is completely within the grasp of national authority. He is no longer a menace to the Nation from the standpoint of his ability to obstruct its policies. But he is still a ward of the Nation, Mr. President, and he is more the ward of the Nation to-day than he ever has been before, because in his natural state he better understood how to protect and provide himself than he does to-day. By crowding him onto the reservations and off of the public lands he occupied we have deprived him of the means of supplying himself with the necessaries of life. We have deprived him largely of a vocation. When that is done, then we must find employment for him. We must furnish him with a vocation. Are we going to do this by depriving him of any and all control of his affairs as well as his property? That has been the policy of the Government heretofore, and that is the policy of the Government that this amendment proposes to modify, at least to a limited extent.

There are two views of this question—one is the land view and the other is the Indian view. We have largely dealt with the Indian from the standpoint of dealing with the lands that he occupied. We as a Nation have been more eager to get control of his lands and bring them under the subjection of the white man than we have been to take care of the Indian. We have evinced that disposition of our English ancestors, and that was that no one except the white man had any right to control lands and that only a limited number of them should be allowed that inestimable privilege. It is not surprising, Mr. President, that we have taken that view or that we hold it now. That is the view which we inherited from our English origin.

Mr. President, it looks to me as if in this matter we were rather taking care of the land of the Indians and putting it to our uses than taking care of the Indian and making a man of him. What are we going to do with the Indian? Is he to be lifted from a semisavage state to civilization? Are we to extend to him the hand of a brother and lift him up from his lower position? If we are, then we must begin to treat him like a man and as a man. When we place him on a reservation and tell him that that is his, when we impress upon him that

he is the owner of that land and yet deprive him of any right to control it, of any right to share in its advantages except as we direct, are we by that policy, I ask, giving the Indian any initiative? Are we teaching him to be resourceful and self-reliant? I think not. On the contrary, Mr. President, we are depriving him of any opportunity to develop along these lines. We are impressing on him a sense of his own helplessness. We make him all too conscious of his inferiority. Mr. President, this course may make his lands more profitable, but it will result in retarding his development. It will prolong the period of his inefficiency. It will continue to impress him with the injustice with which he has been and is being treated by us.

On the contrary, this amendment proposes to extend to him at least some of the advantages derived from ownership and some of the responsibilities of citizenship. If we give him the right, as this amendment does, to have at least something to say about how his land, his property, shall be disposed of, we necessarily impress upon him the idea that he is receiving some of the benefits, some of the advantages arising from the ownership of property, and we are impressing him with the idea that we are attempting at least to do him justice. But when we have him sit idly by on the reservation, when we deprive him of all control, when we deny him any right to say what shall be done with his property, we treat him as a child, and in that way we prevent his development and his growth. We sink him still deeper into a condition of inactivity and ignorance.

Mr. President, the amendment under consideration deals with two conditions—one in which the land is held by the tribe as tenants in common and the other where it has been allotted and is held in severalty by its owners. The amendment requires that before the former shall be leased, the Indians, as a tribe, shall be consulted through a council regularly called for that purpose.

The tribe complains that the tribal lands are being leased for grazing purposes without its consent; in fact, against the wishes of its council. The committee thought that it was right that the Indians should have a voice in this matter. And why should they not? To give them this right would be to stimulate in them an interest in their tribal affairs, their public affairs, if you please. Create in them an interest in their property, make them feel the responsibility of its ownership as well as an interest in what disposition is being made of it. To arouse their activities along this line would be worth almost as much to the Indians as that which they would derive from the use of the rents. I think it is eminently proper that these owners of this land should be accorded this right. I think it is entirely wrong to deny it to them.

The other condition with which we are dealing is the relation of the individual Indians to the lands allotted to them in severalty. The amendment allows them to use a sufficient amount of money belonging to them to fence the individual tracts, and, when fenced, to lease them for a period not to exceed five years. The lands when fenced can be put in cultivation by these Indians—or portions of it can—and be the means of furnishing them employment and enabling them to earn a livelihood. The allotted lands aggregate several hundred thousand acres. These lands have been leased to cattlemen along with the tribal lands, without taking any note whatever of the individual ownership; in fact, these allotted lands have yielded no return either to the tribe or to the individual Indians. It seems they were thrown in to the lessee as a good measure; at least, the herds of the lessee were allowed to browse on these lands, together with the tribal lands, and no account was made of it to the individual owners. This, to me, was rank injustice, and the only excuse offered by the Indian Bureau was that it would be difficult to determine the proportion that the land of the individual Indians bore to the whole leased tract. This, in my judgment, is no excuse for the violation of the rights of these individual Indians. This property is theirs; their ownership is as complete as that of any other owner, the only difference being that the Government proposes to act as guardian for them in the handling of it. Is it a sufficient excuse for the guardian to say that, because of some inconvenience to him, that his ward's valuable property rights shall be disregarded and ignored? That is not the rule, but the guardians are made to account by the courts of the country for the conduct of the property of their wards.

The right to adopt this amendment to the extent provided by it throws these Indians on their own resources, puts upon them the responsibility of handling their properties, and will have the effect, above stated, of developing them, giving them self-initiative and reliance.

It is said by the Senator from Montana [Mr. WALSH] that great inequalities would be produced; that some of these allotments contain water, while others do not, and therefore they would be very much more valuable and very much more readily attract lessees. I submit that that furnishes no excuse; that if one of these allotments is more attractive or more valuable than the other, that that is the individual benefit naturally to be derived by its owner.

The amendment limits the term of the leases very materially; they can not be made to extend beyond five years; they may be made for a very much shorter period. The Indian is given no right to sell or convey his property or to make a longer lease than that mentioned.

In the past the Government has gone very much further than this in dealing with lands held in severalty by Indians. It has permitted them to sell and dispose of their lands entirely, usually exercising some control as to the manner of its disposition; but we are told, Mr. President, that if an improper lease of the land should be made that the Indians would have to come all the way to Washington to have the Secretary of the Interior set is aside. I do not think this would be the result. Why could not the resident Indian agent look after matters of this kind and report them to the Secretary of the Interior, make known to that officer whatever vices are contained in the lease, and have him cancel it?

Mr. President, I am thoroughly convinced that the action of the committee was wise and that the amendment offered by it should be adopted. I therefore hope that the amendment offered by the committee shall be adopted.

Mr. ASHURST. Mr. President, at the request of numerous Senators, I might say on both sides of the Chamber, I ask unanimous consent that the pending bill be laid aside until 9.30 o'clock this evening, and that promptly at the hour of 9.30 the Senate shall again resume the consideration of the Indian appropriation bill.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Is there objection?

Mr. GALLINGER. One moment. I will ask the Senator from Arizona what is the purpose of the request? I think we ought to know.

Mr. ASHURST. It is only fair to Senators very vitally interested in some items of the bill who are unable to be present during the next hour or hour and a half, but who nevertheless want to participate in the discussion of the amendments which have been postponed.

Mr. GALLINGER. I will venture further to ask the Senator from Arizona if the purpose of his request is in part to permit the river and harbor bill to be taken up?

Mr. ASHURST. That is my understanding.

Mr. GALLINGER. That is entirely agreeable to me. I simply wanted to know.

Mr. FLETCHER. It is contemplated that we shall proceed with the river and harbor bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arizona?

Mr. SIMMONS. I am not going to make a request for unanimous consent, but I should like to inquire whether there would be any objection, if such a request were made, to fixing an hour certain to-night when we can take a final vote upon the Indian appropriation bill.

Mr. LA FOLLETTE. Mr. President, I do not know just what the Senator from North Carolina proposes to predicate upon that query made when there is such a small attendance in the Senate. If it is designed to foreclose objection made later to a unanimous-consent request, I would suggest that it ought not to be made with the Senate attendance so thin as it is now.

Mr. VARDAMAN. I object to that, Mr. President.

Mr. SIMMONS. I was making the suggestion because I did not want to force the call of a quorum.

Mr. VARDAMAN. I shall object, Mr. President.

The PRESIDING OFFICER. There is objection made.

Mr. ASHURST. Not to the unanimous consent I asked.

The PRESIDING OFFICER. No objection is made to the proposition of the Senator from North Carolina [Mr. SIMMONS].

Mr. SIMMONS. I did not ask for any unanimous-consent agreement. I was making an inquiry, and I do not think I was out of order in making the inquiry.

The PRESIDING OFFICER. The Chair understood that the Senator rose to make a request for unanimous consent. There is a unanimous-consent proposition offered by the Senator from Arizona [Mr. ASHURST]. Without objection, the same prevails.

COURTS IN SOUTH CAROLINA.

A message from the House of Representatives by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 20894) to provide for the appointment of a district judge, district attorney, and marshal for the western district of South Carolina, and for other purposes, in which it requested the concurrence of the Senate.

The bill (H. R. 20894) to provide for the appointment of a district judge, district attorney, and marshal for the western district of South Carolina, and for other purposes, was read twice by its title.

Mr. TILLMAN. I ask that the bill just received from the House of Representatives be substituted for the Senate bill now on the calendar.

The PRESIDING OFFICER. The Senator from South Carolina asks unanimous consent that the House bill may be substituted for the Senate bill. Is there objection? The Chair hears none.

The Senate as in Committee of the Whole proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That there shall be a district judge for the eastern district of South Carolina and a district judge for the western district of South Carolina, who shall be appointed as district judges are appointed in other judicial districts of the United States: *Provided*, That the President, previous to appointing said judge, shall make public all indorsements of the applicants for said position. The present district judge, who is a resident of the eastern district of South Carolina, is hereby assigned to said eastern district as the district judge thereof.

SEC. 2. That all causes of a civil nature and motions therein submitted and all causes and proceedings of a civil nature, including proceedings in bankruptcy, now pending in the western district of South Carolina in which the evidence has been taken in whole or in part before the present district judge for the eastern and western districts of South Carolina, or taken in whole or in part and submitted to and passed upon by the said district judge, shall be retained by said judge and proceeded with and disposed of by said judge, who may for that purpose continue to exercise jurisdiction in the said western district.

SEC. 3. That there shall be a district attorney for the eastern district of South Carolina and a district attorney for the western district of South Carolina, who shall be appointed as district attorneys are appointed in other judicial districts of the United States. The district attorney for the eastern district of South Carolina and the district attorney for the western district of South Carolina shall each receive an annual salary of $4,500. The present district attorney, who is a resident of the eastern district of South Carolina, is hereby assigned to said eastern district as the district attorney thereof.

SEC. 4. That there shall be a marshal for the eastern district of South Carolina and a marshal for the western district of South Carolina, who shall be appointed as marshals are appointed in other judicial districts of the United States. The marshal for the eastern district of South Carolina and the marshal for the western district of South Carolina shall each receive an annual salary of $4,500. The present marshal, who is a resident of the eastern district of South Carolina, is hereby assigned to said eastern district as the marshal thereof.

SEC. 5. That terms of the district court for the eastern district shall be held at Charleston on the first Tuesdays in June and December; at Columbia on the third Tuesday in January, first Tuesday in November; at Florence, first Tuesday in March; and at Aiken on the first Tuesdays in April and October.

Terms of the district court of the western district shall be held at Greenville on the first Tuesday in April and the first Tuesday in October; at Rock Hill, the second Tuesdays in March and September; and at Greenwood the first Tuesdays in February and November.

The office of the clerk of the district court for the western district shall be at Greenville and the office of the clerk of the district court for the eastern district shall be at Charleston.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. TILLMAN. I move that the Senate bill (No. 7730) on the same subject be postponed indefinitely.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House further insists upon its disagreement to the amendment of the Senate No. 107 to the bill (H. R. 20347) making appropriations for the support of the Army for the fiscal year ending June 30, 1916, agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HAY, Mr. DENT, and Mr. KAHN managers at the further conference on the part of the House.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 7566) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The message further announced that the House had passed the bill (S. 2278) granting the El Paso & Rock Island Railway Co. a right of way for its pipe lines and reservoir upon the Lincoln National Forest for the carrying and storage of water for railroad purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 21184. An act to increase the limit of cost of the United States post-office building and site at Cohoes, N. Y.;

H. R. 21383. An act to change the name of the old post-office building at Minneapolis, Minn.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills:

H. R. 4001. An act for the relief of Daniel J. Ryan;

H. R. 10172. An act for the relief of L. V. Thomas;

H. R. 11394. An act for the relief of Joseph A. Powers;

H. R. 12464. An act providing for the expenditure of part of the unexpended balance of the appropriation of $10,000 made by the urgent deficiency bill of October 22, 1913, for the completion of the post-office building at Hanover, Pa.;

H. R. 12780. An act to provide for the payment of the claim of J. O. Modisette for services performed for the Chickasaw Indians of Oklahoma;

H. R. 13123. An act for the relief of Charles H. Rayfield, alias Charles H. Czarnowsky;

H. R. 14167. An act for the relief of Emily J. Byrd;

H. R. 14931. An act for the relief of Arthur Brose;

H. R. 15000. An act authorizing the Secretary of the Treasury to disregard section 33 of the public buildings act of March 4, 1913, as to site at Huntingdon, Tenn.;

H. R. 15220. An act to amend sections 4888 and 4889 of the Revised Statutes, relating to patents;

H. R. 15414. An act for the relief of David Mowen; and

H. R. 15869. An act to provide for the establishment and maintenance of mining experiment and mine safety stations for making investigations and disseminating information among employees in mining, quarrying, metallurgical, and other mineral industries, and for other purposes.

LINCOLN NATIONAL FOREST.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2278) granting the El Paso & Rock Island Railway Co. a right of way for its pipe lines and reservoir upon the Lincoln National Forest for the carrying and storage of water for railroad purposes, which were, on page 1, line 3, to strike out "permanent"; on page 2, line 10, after "purposes," to insert ": *Provided*, That the Secretary of Agriculture may, upon abandonment or nonuse of the same for the purpose for which it is granted for a period not less than one year, declare said right of way or any part thereof forfeited and annul the same"; on page 4, line 16, to strike out "and for" and insert "of or"; and, on page 4, line 16, after "concerning," to insert "water."

Mr. CATRON. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

RIVER AND HARBOR APPROPRIATIONS.

Mr. FLETCHER. Mr. President, I move that the Senate proceed to the consideration of what is known as the river and harbor bill—House bill 20189.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 20189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. LA FOLLETTE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Wisconsin suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hardwick	Lodge	Shields
Bankhead	Hollis	Martin, Va.	Simmons
Bryan	Hughes	Martine, N. J.	Smith, Md.
Burton	James	Myers	Smith, S. C.
Catron	Johnson	Nelson	Smoot
Chilton	Jones	Newlands	Thomas
Clark, Wyo.	Kenyon	O'Gorman	Thompson
du Pont	La Follette	Oliver	Tillman
Fall	Lane	Page	Vardaman
Fletcher	Lea, Tenn.	Pomerene	Walsh
Gallinger	Lee, Md.	Root	Warren
Gore	Lewis	Shafroth	Weeks
Gronna	Lippitt	Sheppard	White

The PRESIDING OFFICER. Fifty-two Senators have answered to their names. There is a quorum present.

Mr. FLETCHER. Mr. President, I offer as a substitute for the bill the amendment which I send to the desk, and ask to have it read.

The PRESIDING OFFICER. The Secretary will read the proposed amendment.

The Secretary proceeded to read the amendment in the nature of a substitute submitted by Mr. FLETCHER, and read to the end of line 7, on page 5.

Mr. O'GORMAN. I offer an amendment, after the word "harbor," in line 7, page 5, which I understand has the ap-

proval of the committee. It also has the approval of the Senator from Ohio.

Mr. FLETCHER. The reading of the substitute has not yet been finished, and I think it would be in order to complete the reading before offering amendments. I myself have some amendments to offer.

Mr. O'GORMAN. What is the objection to letting the amendment go in now? As I have said, the Senator from Ohio has approved it, and I think it likewise has the approval of the committee.

Mr. FLETCHER. I think we had better proceed in regular order; that is all.

Mr. BURTON. I think it would be better to wait until the amendment is read. Then I am going to submit some remarks upon it. There will be plenty of time.

Mr. O'GORMAN. Very good; then I will withdraw the amendment and offer it later.

The Secretary resumed and concluded the reading of the amendment in the nature of a substitute, which was to strike out all after the enacting clause and to insert:

That the sum of $25,000,000 be, and the same hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, to be immediately available and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, for the preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation, and most economical and advantageous in the execution of the work: *Provided*, That allotments from the amount hereby appropriated shall be made by the Secretary of War upon the recommendation of the Chief of Engineers: *Provided further*, That allotments for the Mississippi River from the Head of Passes to the mouth of the Ohio River shall be expended under the direction of the Secretary of War in accordance with the plans, specifications, and recommendations of the Mississippi River Commission as approved by the Chief of Engineers: *And provided further*, That at the beginning of the next session of Congress a special report shall be made to Congress by the Secretary of War showing the amount allotted under this appropriation to each work of improvement.

The Secretary of War may, upon the recommendation of the Chief of Engineers, transfer funds heretofore appropriated or authorized for any river or harbor improvement and which will probably not be required for that improvement prior to June 30, 1916, to any other river or harbor improvement for which funds may be needed prior to June 30, 1916: *Provided*, That the funds so transferred shall be subject to the same limitation as that imposed upon the original $25,000,000, namely, to be expended only for the preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation, and most economical and advantageous in the execution of the work: *And provided further*, That the funds so transferred shall as far as practicable be limited to projects in the same or adjacent districts, and shall be limited to an aggregate of $5,000,000.

SEC. 2. That the following modifications are authorized in projects heretofore adopted, to wit:

Malden River, Mass.: The funds now on hand and available for completing the plan of improvement authorized by the river and harbor act approved July 25, 1912, are hereby made available for any modified plan of improvement which may be recommended by the Chief of Engineers and approved by the Secretary of War: *Provided*, That any increase in cost involved in the execution of said modified plan shall be paid for by local interests and involve no further appropriation by the United States for the prosecution or completion of said improvement; that the riparian owners shall give proper permits to dump spoil on their lands and shall release the United States from all claims for damages by settling or caving of banks into the dredged channel; and that the State shall lower the obstructing sewer and pledge itself to maintain the new channel depth.

Harbor at Newport, R. I.: The unexpended balance of appropriations made and authorized by the river and harbor act approved March 2, 1907, for dredging to depths of 13 and 18 feet, is hereby made available for completing the work of dredging to a depth of 18 feet authorized by the river and harbor act approved June 25, 1910.

Providence River and Harbor, R. I.: That the second proviso in the paragraph of the river and harbor act approved March 4, 1913, providing for the improvement of Providence River and Harbor, R. I., be modified in accordance with recommendation in the report in Rivers and Harbors Committee document No. 9, Sixty-third Congress, second session, to read as follows: "*Provided further*, That no work in the harbor proper north of Fields Point shall be done until the Secretary of War is satisfied that the State and the city have completed their proposed expenditures in the combined Providence and Pawtucket Harbors up to at least $2,000,000 for public terminals or other permanent public harbor improvements, or shall have given to the Secretary of War assurance satisfactory to him that the expenditure of the $2,000,000 aforesaid will be completed within a time satisfactory to him and not later than three years from the passage of this amendment."

Hudson River Channel, New York Harbor, N. Y.: Of the amount heretofore appropriated or authorized the unused balance of the estimate for removing the shoal off Hamburg Avenue, Hoboken, to a depth of 40 feet may be applied so such further dredging to that depth as may be required for the safe maneuvering of the deep-draft vessels using that part of the harbor.

Harlem River, N. Y.: The Secretary of War is authorized and directed to cede to the State of New York all the lands heretofore acquired by the United States in the bed of that part of the Harlem River lying outside of the channel lines proposed for the Harlem River improvement in project No. 3, printed in House Document No. 557, Sixty-second Congres, second session, to a new bulkhead line to be established by the Secretary of War along the lines of said channel according to the project: *Provided*, That the cession hereby authorized and made shall take effect only upon the cession to the United States by the State of New York of the land and land under water with any improvements thereon lying between the channel lines proposed in said project: *Provided further*, That possession of the land hereby authorized to be ceded by the United States to the State of New York shall not be surrendered to said State until and only when the Chief of Engineers of the United States Army shall have certified that the new channel is open for navigation and that the land ceded is no longer necessary for the right of way of the Harlem River Ship Canal.

St. Jones River, Del.: The provisos attached to the items making appropriation for the improvement of St. Jones River, Del., in the river and harbor acts of June 25, 1910, and February 27, 1911, are hereby modified to read as follows: *Provided*, That no part of said amount shall be expended for the excavation of any cut-off until a satisfactory title to the land required for that cut-off shall have been transferred to the United States, free of cost, and the United States shall have been released from all claims for damages arising from the proposed diversion of the stream.

The Sabine-Neches Canal, Tex., from the Port Arthur Ship Canal to the mouth of Sabine River, the Neches River up to the town of Beaumont, and the Sabine River up to the town of Orange, as provided for in the river and harbor act of February 27, 1911:

That the channels which the Beaumont navigation district, or other local interests, and the Orange navigation district, or other local interests, are required, by the aforesaid act, to maintain for a term of three years free of cost to the United States are hereby defined as, respectively, the channel from the mouth of the Neches River up to Beaumont, Tex., and the channel from the mouth of the Neches River up to Orange, Tex.: *Provided*, That nothing herein shall be construed as relieving said Beaumont navigation district of its obligation to provide for the operation and maintenance of the guard lock without cost to the United States as required by said river and harbor act of February 27, 1911.

Cumberland River above Nashville, Tenn.: The balances remaining unexpended from the appropriations made for the construction of locks and dams heretofore authorized, and no longer needed for said purpose, are hereby made available for maintenance of improvement by open-channel work on that part of the river above Nashville.

Reservoirs at the headwaters of the Mississippi River: That the provisions in the river and harbor acts of June 25, 1910, and February 27, 1911, authorizing and making appropriations for the construction of a canal between Lake Winnibigoshish and Leech Lake, are hereby repealed.

Swinomish Slough, Wash.: That for the purpose of aiding in the improvement and maintenance of the channel across Padilla Bay, and securing the cooperation of local interests therein, the Secretary of War may authorize said local interests to construct a system of dikes and dredge along the said channel, and in connection therewith to close the adjacent streams known as Indian Slough and Telegraph Slough, all in accordance with such plans as may be approved by him on the recommendation of the Chief of Engineers: *Provided*, That no expense shall be incurred by the United States on account of said improvement.

SEC. 3. That where separate works or items are consolidated in this or subsequent river and harbor acts and an aggregate amount is appropriated therefor, any balances remaining to the credit of the separate works or items may be transferred to the credit of the corresponding aggregate amounts appropriated for the consolidated items, and the amounts appropriated or transferred shall, unless otherwise expressed, be expended in securing maintenance and improvement according to the respective projects adopted by Congress, after giving due regard to the respective needs of traffic. The allotments to the respective works consolidated shall be made by the Secretary of War upon recommendations by the Chief of Engineers. In case such works or items are consolidated and separate amounts are given with each project, the amounts so named shall be expended upon such separate projects unless, in the discretion of the Secretary of War, another allotment or division should be made of the same. Any balances remaining to the credit of the consolidated items shall be carried to the credit of the respective aggregate amounts appropriated for the consolidated items.

SEC. 4. That the Secretary of War is hereby authorized to receive from private parties such funds as may be contributed by them to be expended in connection with funds appropriated by the United States for any authorized work of public improvement of rivers and harbors whenever such work and expenditure may be considered by the Chief of Engineers as advantageous to the interests of navigation: *Provided*, That when contributions heretofore or hereafter made by local interests for river and harbor improvements, in accordance with specific requirements or under general authority of Congress, are in excess of the actual cost of the work contemplated and properly chargeable to such contributions, such excess contributions may, with the approval of the Secretary of War, be returned to the proper representatives of the contributing interests, unless the provision of law under which the contribution is made requires that the entire contribution be retained by the United States.

SEC. 5. That in the preparation of projects under this and subsequent river and harbor acts, unless otherwise expressed, the channel depths referred to shall be understood to signify the depth at mean low water in tidal waters tributary to the Atlantic and Gulf coasts and at mean lower low water in tidal waters tributary to the Pacific coast and the mean depth for a continuous period of 15 days of the lowest water in the navigation season of any year in rivers and nontidal channels, and the channel dimensions specified shall be understood to admit of such increase at the entrances, bends, sidings, and turning places as may be necessary to allow of the free movement of boats.

SEC. 6. That the act of Congress approved March 4, 1909, providing that all tugboats using the Potomac River, where the same is spanned by the new railway and new highway bridges, be equipped with devices for lowering their smokestacks, is hereby amended to include "power boats," meaning any boat, vessel, or craft propelled by machinery, whether the machinery be only principal or auxiliary power of propulsion; and the provisions and requirements of the said act are hereby made applicable to "power boats" as herein defined.

SEC. 7. That the Secretary of War is hereby authorized, empowered, and directed to define and establish anchorage grounds for vessels in all harbors, rivers, bays, and other navigable waters of the United States whenever it is manifest to the said Secretary that the maritime or commercial interests of the United States require such anchorage grounds for safe navigation and the establishment of such anchorage grounds shall have been recommended by the Chief of Engineers, and to adopt suitable rules and regulations in relation thereto; and such rules and regulations shall be enforced by the Revenue-Cutter Service under the direction of the Secretary of the Treasury: *Provided*, That at ports or places where there is no revenue cutter available such rules and regulations may be enforced by the Chief of Engineers under the direction of the Secretary of War. In the event of the violation of any such rules and regulations by the owner, master, or person in charge of any ves-

sel, such owner, master, or person in charge of such vessel shall be liable to a penalty of $100; and the said vessel may be holden for the payment of such penalty, and may be seized and proceeded against summarily by libel for the recovery of the same in any United States district court for the district within which such vessel may be and in the name of the officer designated by the Secretary of War.

SEC. 8. That section 5 of the river and harbor act approved July 25, 1912, as amended by the river and harbor act approved March 4, 1913, be, and the same is hereby, amended so as to read as follows:

"SEC. 5. That the Secretary of War is authorized and directed to have prepared and transmitted to Congress at the earliest practicable date a compilation of preliminary examinations, surveys, projects, and appropriations for works of river and harbor improvement similar in general form and subject matter to that which was prepared in accordance with section 13 of the river and harbor act approved June 13, 1902, and printed in House Document No. 421, Fifty-seventh Congress, second session: *Provided*, That the report to be prepared in accordance with this provision shall be a revised edition of the report printed in the document above mentioned, extended to the end of the Sixty-third Congress."

SEC. 9. That the limit of time fixed by the river and harbor act of June 13, 1902, for the removal of a temporary dam and the construction of a lock in Bayou Lafourche, La., by the Atchafalaya Basin and Lafourche Basin Levee Boards of the State of Louisiana, is hereby extended to July 1, 1917.

SEC. 10. That the provisions of section 5 of the legislative, executive, and judicial appropriation act approved July 16, 1914, shall not be construed as applying to the purchase, maintenance, and repair of motor boats, trucks, and other vehicles needed in carrying out the various projects adopted by Congress for the improvement, preservation, and protection of rivers and harbors.

SEC. 11. That the Mississippi River Commission shall ascertain and report as far as possible what amounts have been contributed or are now being contributed by districts or localities on the Mississippi River benefited by the construction of levees or other improvements, the amount of bonds issued by such localities, the amount of bonds outstanding, the taxable value of the lands and other property within the levee and other districts issuing bonds; also whether there are any such districts or localities upon said river or near to it in a situation to be benefited by the improvement of said river which are making no contributions toward the improvement thereof.

SEC. 12. That the provision in the river and harbor act of June 25, 1910, volume 2 of the laws relating to the improvement of rivers and harbors, page 1391, reading as follows:

"Improving the Youghiogheny River, Pa., up to West Newton, in accordance with the report of the Board of Engineers for Rivers and Harbors, dated December 21, 1908, and reported in Rivers and Harbors Committee Document No. 9, Sixty-first Congress, second session, $100,000," be, and the same is hereby, repealed, and the amount remaining unexpended thereon shall be covered back into the Treasury.

SEC. 13. That the provision in the river and harbor act of June 25, 1910, as given in volume 2 of the Compilation of Laws Relating to the Improvement of Rivers and Harbors, published in 1913, pages 1420, 1421, and beginning with the words "For the construction of the waterway from Rockport, Ill., by way of the Desplaines and Illinois Rivers, to the mouth of said Illinois River, $1,000,000," and ending with the words "reports herein called for, shall be submitted to the Chief of Engineers not later than November 1, 1910, reviewed by the Board of Engineers for Rivers and Harbors, and submitted to Congress not later than the first Monday in December, 1910," be, and the same is hereby, repealed, and the amount remaining unexpended thereon shall be covered back into the Treasury.

SEC. 14. That Swan Creek, a stream lying within the limits of the city of Toledo, State of Ohio, is hereby declared to be not a navigable waterway of the United States within the meaning of the laws enacted by Congress for the preservation and protection of such waterways, and the consent of Congress is hereby given for the filling in of said creek by the local authorities.

SEC. 15. That the following projects now under improvement shall be reexamined, in accordance with the law for the original examination of rivers and harbors, with a view to obtaining reports whether the adopted projects shall be modified or the improvement abandoned:

Inland waterway from Norfolk to Beaufort Inlet, N. C.
Coosa River, Ga. and Ala.
St. Lucie Inlet, Fla.
Brazos River, Tex., from Old Washington to Waco.
Red River, La., Ark., Tex., and Okla.
Ouachita River, Ark. and La.
Arkansas River, Ark. and Okla.
Tennessee River, Tenn., Ala., and Kentucky.
Fox River, Wis.
Missouri River, Mo., mouth to Kansas City.

And the Chief of Engineers is directed to make a report upon any other projects, river or harbor, the further improvement of which under present conditions is undesirable, or in which modifications of the plans or projects should be made.

SEC. 17. The Secretary of War is hereby authorized and directed to cause preliminary examinations and surveys to be made at the following-named localities, and a sufficient sum to pay the cost thereof may be allotted from the amount provided in this section: *Provided*, That allotments of such amounts as may be necessary may be made toward the completion of examinations and surveys heretofore authorized and for such other contingent expenses as are usually paid from the appropriation for "Examinations, surveys, and contingencies," to wit:

Jonesport Harbor, Me., including Moosabec Bar.
Monhegan Harbor, Me.
Mouth of Cape Neddick River, York, Me.
York Harbor, Me.
Machias River, Me.
South Bristol Harbor, Me.
Isle au Haut Harbor, Me.
Hendricks Harbor, Me.
Portland Harbor, Me., including the obstruction known as Witch Rock.
Gotts Island Channel, Me.
Belfast Harbor, Me.
Indian Creek, Vinal Haven, Me.
Portsmouth Harbor, N. H.
Merrimac River, from Lowell, Mass., to Manchester, N. H.
Lynn Harbor, Mass.
Mystic River, Mass., from the mouth of Island End River to Woburn, or as far as practicable.
Mystic River, Mass., below the Island End River, with a view to widening the channel.
Onset Bay, Mass., for the deepening and widening of the existing channel from Onset to the vicinity of Wickets Island, for the constructon of an anchorage basin in Onset Bay, and for the construction of a channel between Wickets Island and Onset Island to the Cape Cod Canal Channel above Monument Beach.
Manchester Harbor, Mass., with a view to straightening the channel by the removal of Bow Bell Ledge.
Dorchester Bay and Neponset River, Mass., up to the Neponset Highway Bridge.
Wickford Harbor, R. I.
Point Judith Pond, R. I., from Point Judith Harbor of Refuge to Wakefield.
Thames River, Conn., with a view of providing a 20-foot channel between New London Harbor and the city of Norwich.
Shetucket and Quinebaug Rivers, Conn., and French River, Conn. and Mass., with a view to securing slack-water navigation between Norwich, Conn., and Worcester, Mass.
Niantic Bay, Conn., with a view of making it a harbor of refuge.
Tuxis Island, Conn., with a view to the construction of a suitable harbor of refuge.
Quinnipiac River, New Haven Harbor, Conn.
Mill River, New Haven Harbor, Conn., up to Grand Avenue Bridge.
Morris Cove, New Haven Harbor, Conn., with a view to the construction of a harbor of refuge.
Mianus River, Conn.
Mystic River, Conn.
Sebethe River, Conn., from its mouth to a point at or near the city of Bristol, Conn., and canal from a suitable point on the Sebethe River to New Britain, Conn.
East Branch of the Yantic River, Conn., from its junction with the Thames River to some point about 2,500 feet northerly to provide a channel of 14 feet in depth, to include this part of the Yantic River in the Thames River project, and to provide for the closing of the West Branch of the Yantic River.
Housatonic River, Conn., to head of navigation with a view to securing a channel 20 feet deep.
Connecticut River, from Hartford, Conn., to Long Island Sound.
New Haven Harbor, Conn., with a view to cooperation with local interests for further development.
Farmington River, Conn., with a view to the removal of the bar at its mouth.
Branford Harbor, Conn.
Harbor of refuge at Duck Island, Conn.
North shore of Long Island, N. Y., between Huntington Harbor and Plum Gut, with a view to the construction of a harbor of refuge.
Hempstead Harbor, N. Y.
Mamaroneck Harbor, N. Y.
Ogdensburg Harbor, N. Y., with a view to removing the point in the bend of the channel at the inner end of the upper entrance channel, opposite the mouth of the Oswegatchie River, and widening the channel.
Hudson River, N. Y., from its mouth to Hudson, with a view to securing a depth of 30 feet, and a harbor at Hudson of the same depth.
Hudson River, N. Y., from Hudson to the dam at Troy, with a view to securing a depth of 27 feet, with suitable width.
Hudson River at Troy, N. Y., with a view to the removal of Adams Island.
New York Harbor, N. Y., between Staten Island and Hoffmans Island.
New York Harbor, N. Y., with a view to the removal of Craven Shoal.
New York Harbor, N. Y., with a view to removing the shoal in Gowanus Bay to a depth uniform with Bayridge Channel.
Pugsley Creek, N. Y.
Rouse Point Harbor, Lake Champlain, N. Y.
Buffalo Harbor, N. Y., with a view to securing a width of 400 feet in the inner harbor entrance channel, including consideration of any proposition for cooperation on the part of local interests.
Oswego Harbor, N. Y.
Harbor of New Rochelle and Echo Bay, N. Y.
New York and New Jersey Channels, with a view to securing a ship channel of increased width and depth necessary for the purposes of commerce from lower New York Bay, through Raritan Bay, Arthur Kill, Staten Island Sound, channel north of Shooters Island, and Kill Van Kull, to upper New York Bay.
Newark Bay, N. J.
Shrewsbury River, N. J., with a view to constructing works to prevent the sea from breaking through and destroying the navigable channel, including consideration of any proposition for cooperation on the part of local or State interests.
Delaware River, from mouth of Cooper River to Fishers Point Dike on the New Jersey shore, including consideration of any proposition for cooperation on the part of local interests.
West Creek, N. J.
Adams Creek, N. J.
Forked River, N. J.
Dividing Creek, N. J.
Pensauken Creek, N. J.
Delaware River, from Trenton, N. J., to Easton, Pa.
Crum River, Pa.
North Branch of the Susquehanna River, Pa. and N. Y., including consideration of any proposition for cooperation on the part of local or State interests.
Schuykill River, from the Delaware River to South Street Bridge, with a view to dredging to a depth of 35 feet, including consideration of any proposition for cooperation on the part of local or State interests.
Baltimore Harbor, Md., and approaches thereto.
Patapsco River, Md., from Spring Garden Channel southwesterly to Elkridge Landing.
Smith Creek, Md.
Nanjemoy Creek, Md.
Knapp Narrows, Md., with a view to securing a deeper channel between Tilghman Island and the mainland.
Piscataway Creek, Prince Georges County, Md., and entrance thereto.
Pagan River and Jones Creek, a tributary thereof, Virginia.
Little Wicomico River, Va.
From small-boat harbor at Newport News, Va., to York River, with a view to connecting by canals New Market Creek, Back River, and Poquoson River with York River, in order to provide a safe inland passage for small boats between Newport News and York River.

Mosquito Creek, Va.
Hoods Creek, N. C.
Cape Fear River, N. C., with a view to securing an increased depth from Wilmington to the sea.
Neuse River, N. C., between Goldsboro and Newbern.
White Oak River, N. C., from its mouth to the head of navigation at or near Maysville.
Upper Pasquotank River, N. C., from Turners Cut up to the head of navigation at Lebanon Road, or as far as may be practicable.
Shallotte River, N. C., with a view to an extension of the improvement to the town of Shallotte.
Ashley River, S. C.
South Fork of Edisto River, S. C., to a point opposite the city of Springfield.
Cut between Baileys Cut of the Satilla River and the head of Dover Creek, Ga.
Ogeechee River, Ga., with a view to its improvement and connection with the inland waterway from Savannah, Ga., and Fernandina, Fla.
Sapelo River, Ga., to public road near Eulonia.
Brier Creek, Ga., from its mouth to a point opposite Waynesboro, in Burke County.
White Chimney River, Ga., to a point called "The Neck."
Julington River, Ga., to a point at Lows Bluff.
North Sapelo River, Ga.
Savannah Harbor, Ga.
Savannah River at Augusta, Ga., with a view to determining what improvements are necessary in the interests of navigation between the upper line of the city limits of the city of Augusta and the mouth of Butlers Creek, by way of enlarging and extending the project authorized by the river and harbor acts approved June 25, 1910, and March 4, 1913.
Flint River, Ga., from its mouth to Albany.
Coosa River, Ga. and Ala., from Rome to the first lock below Gadsden.
Chattahoochee River, Ga. and Ala.
Miakka River, Fla.
Anclote River, Fla., from the county bridge to the head of navigation.
Fisheating Creek, Fla.
West Pass, Apalachicola, Fla.
St. Andrews Bay, Fla., with a view to removing shoals in the north arm.
Silver Springs to Ocala, Fla., with the view of constructing a canal.
Estero River, Fla.
The Secretary of War is authorized to appoint a board of three officers of the Engineer Corps of the United States Army to examine and appraise the value of the work and franchises of the East Coast Canal from the St. Johns River to Key West, Fla., with reference to the desirability of purchasing said canal by the United States and the construction over the route of the said canal of a free and open waterway, having a depth and capacity sufficient for inland navigation. Said board, to the extent that the same can be done from surveys heretofore made under the direction of the War Department and within the limits of the appropriation herein made, shall also examine and investigate the feasibility for the purpose of such a waterway, of any parallel route between said points. The said board shall make a report of its work, together with its conclusions upon the probable cost and commercial advantages and military and naval uses of said route or routes, to the Secretary of War, who shall transmit the same to Congress as soon as practicable.
Bayou La Batre, Ala., with a view to securing a channel connecting Bayou La Batre and Pass aux Herons of suitable depth and width.
Chickasahay River, Miss., from its mouth to Shubuta.
Channel to the Back Bay of Biloxi, Biloxi, Mass.
Jordan River, Miss., and its navigable tributaries.
Roebuck Lake, Miss., from its outlet to Itta Bena, including consideration of any proposition for cooperation on the part of local or State interests.
Barataria Bay, La., and connecting waters.
Shallow Bayou, La.
Bayou Plaquemine Brule, with a view to the extension of the improvement.
Bayou Foures, Cameron Parish, La.
Mermentau River, La.
Bayou Lafourche, La., for a lock at the head, with a view to ascertaining whether such lock, either in connection with a new dam or in connection with the dam built by the local levee boards in pursuance of authority contained in the river and harbor act approved June 13, 1902, is necessary for navigation on said bayou; and if so, what part of the cost, if any, should be borne by the United States.
Cane River, La., from Grand Ecore to Colfax.
Little River and tributaries, Castor and Dugdemonia, from the mouth of Little River to Winnfield, La., on the Dugdemonia, and to Olla, La., on the Castor.
Bayous Courtableau, Boeuf, and Cocodrie, La.
Mermentau River, La., with a view to the removal of obstructions to navigation in and near the mouth.
Sabine-Neches Canal, Tex., with a view to revetting the north bank of the canal between Port Arthur, Tex., and Sabine Lake, such revetment work to be confined to the section of the bank within the city limits of Port Arthur.
Port Arthur Ship Canal, Tex., with a view to making an entrance into Sabine Lake at or near the city of Port Arthur.
Caney and Live Oak Creeks, Tex., with a view to a connection with the inland waterway.
Harbor at Beaumont, Tex., with a view to the removal of island in the turning basin.
Austwell, Tex., to a connection with the inland waterway in San Antonio Bay.
Channel to Port Bolivar, Tex., with a view to the enlargement, extension, and protection of the turning basin.
Taylors Bayou, Tex., to Southern Pacific bridge.
Deep-water harbor at Port O'Connor, Tex.
Carankawa Bay and River, Tex., with a view to connection with the inland waterway.
Texas City Harbor, Tex., with a view to enlargement and protection.
Colorado River, Tex., from its mouth as far up as is practicable, with a view to removing the raft, including consideration of any proposition for cooperation on the part of local or other interests.
Harbor City, Tex., to a connection with the inland waterway.
Lake Charlotte, Tex.
Intracoastal waterway from the Arroyo Colorado to Point Isabel, Tex.
Galveston Harbor and Galveston Channel, Tex., with a view to obtaining a navigable depth of 35 feet.
Galveston and Sabine section of the Inland Waterway, Tex.:
(1) A channel 5 feet deep and 40 feet in bottom width from the Sabine River along the proposed route to East Bay Boyou; thence within the shoal line to northward of West Galveston Bay to Robinson Bayou, and thence via Robinsons Lake and Whites Lake to Upper Galveston Bay.
(2) The saving, if any, by the construction of a 5-foot channel along this route in the ultimate cost of a 9-foot channel, should such 9-foot channel be adopted.
(3) The best and most economical route, as well as the one best adapted for the service of all commercial interests for such 9-foot channel, and whether or not the construction of such a 9-foot channel is now advisable.
The L'Anguille River, with a view of ascertaining whether locks and dams should be built to afford slack-water navigation to Madison, on the St. Francis River.
The St. Francis River, from Madison, St. Francis County, to St. Francis, in Clay County, Ark.
White River at Batesville, Ark., with a view to determining what improvements, if any, are necessary in the interest of navigation to prevent the further caving of Ferrill Island, and the danger from such caving that might injure or impede navigation.
Arkansas River at Bradens Bend, about 7 miles above Fort Smith, Ark., with a view to determining what improvements, if any, are necessary in the interest of navigation to prevent the erosion of the south bank of said stream, and the danger from such erosion of changes in its bed that might injure or impede navigation.
Ouachita River, Ark. and La., with a view to excavating a channel from the slack-water pool above Dam No. 6 to the town of Felsenthal.
Hatchee River, Tenn.
Tennessee River, between Browns Island and the railroad bridge, below the city of Florence.
Pond River, Ky.
Mud Creek, Butler County, Ky.
South Fork of Kentucky River, Ky., with a view to constructing an additional lock and dam.
Ashtabula Harbor, Ohio.
Lorain Harbor, Ohio, with a view to preventing erosion of banks, if any, caused by the extension of the Government breakwaters on either side of the harbor.
Port Clinton Harbor, Ohio.
Cheat River in Pennsylvania and West Virginia; Tygarts River, West Fork River, Kanawha River and its tributaries, all in West Virginia; Muskingum River and its tributaries, Scioto River and its tributaries, Miami River and its tributaries, all in the State of Ohio; Maumee River and its tributaries, Ohio and Indiana; Kankakee River, and the Wabash River and its tributaries, Illinois and Indiana, with a view to devising plans for floor protection and determining the extent to which the United States should cooperate with the States and other communities and interests in carrying out such plans, its share being based upon the value of protection to navigation and interstate commerce.
St. Clair River, Mich., with a view to securing a channel of adequate width and depth along the water front of Port Huron.
Belle River, Mich.
Clinton River, Mich.
Point Lookout, Mich., with a view to building a suitable breakwater.
Caseville Harbor, Mich.
Frankfort Harbor, Mich.
Muskegon River, Mich., from the head of Muskegon Lake to Newaygo, or to the Grand Rapids-Muskegon Power Co. dam.
Saugatuck Harbor and Kalamazoo River, Mich., with a view to securing increased depth to the town of Douglas.
Duluth-Superior Harbor, Minn. and Wis., in the Bay of Superior from the Superior entry northwestward for the distance of 1 mile and betwen the harbor lines, with the view of providing anchorage and turning area inside of said entry.
Harbor at Duluth, Minn., with a view to the construction of a breakwater to protect the Duluth entrance thereto.
Rainy Lake, Minn., with a view to the construction of a breakwater at Ranier to form a shelter harbor at the western end of the lake.
Milwaukee Harbor, Wis.
Quincy Bay, Ill., upper and lower bay and connecting channel, and slough connecting bay with Mississippi River above Quincy.
Galena River, Ill.
South Milwaukee Harbor, Wis.
Current River, Mo., above Doniphan.
Missouri River, from Kansas City, Kans., to the northern limits of Florence, Nebr.
Flathead River, Mont.
San Diego Harbor, Cal., with a view to widening the main channel at the Government coaling station, and at other places in the harbor where widening may be needed; providing ample approaches to the municipal docks and wharves and a suitable turning basin.
Channel from the town of Bolinas, Cal., to the sea.
Novato Creek, Cal.
Dominguez Creek Channel, Los Angeles Harbor, Cal.
Arcata Channels, Humboldt Bay, Cal., with a view of dredging a channel leading up to the proposed municipal public wharf.
Channel in Suisun Bay, from Martinez to Antioch, Cal.
The south end of San Francisco Bay, with a view of providing a harbor for the Santa Clara Valley and contiguous territory.
Long Beach Harbor, Cal., with a view to the extension of the jetties at the harbor entrance to the 30-foot contour in San Pedro Bay and to providing and maintaining a channel 30 feet in depth and of suitable width, and with a further view of connecting the Long Beach Harbor with the Los Angeles Harbor by a channel 600 feet in width and 30 feet in depth, consideration being given to the question of cooperation on the part of local interests.
Petaluma Creek, Cal., from deep water in San Pablo Bay to the head of navigation, with a view to straightening the channel and making necessary cut-offs, including the consideration of any proposition for cooperation on the part of local interests.
Napa River, Cal., from the city of Napa to the head of navigation, with a view to straightening the channel, making necessary cut-offs, including the consideration of any proposition for cooperation on the part of local interests.
Sacramento River, Cal., from Chico Landing to Red Bluff.
Santa Cruz Harbor, Cal., including a breakwater.
Redwood City Harbor, Cal.
Ventura Harbor, Centura County, Cal.
Port Watsonville Harbor, Cal.
Umpqua River, Oreg., bar and entrance.

Coos Bay Harbor, Oreg., from the entrance to Smiths Mill.
Coquille Bar and Harbor, Oreg., to the city of Bandon.
Coquille River, Oreg., from Coquille City to the entrance.
Nehalem Bay and Nehalem River, Oreg., from the entrance of Nehalem Bay to the city of Nehalem, with the view of the improvement of the same in cooperation with local interests.
Port Orford Harbor, Oreg.
Yaquina Bar, Bay, and Harbor, Oreg.
Rogue River, Oreg., bar and entrance.
Clatskanie River, Oreg., from Clatskanie City to the Columbia River.
Columbia River at the town of Hood River, Oreg.
Columbia Slough, Oreg., with the view of the improvement of the same in cooperation with local interests.
Columbia River at Kennewick, Wash.
Olympia Harbor, Wash.
Stilaguamish River, Wash.
Liberty Bay, Wash.
Poulsbo Bay, Wash.
Lake Washington Ship Canal, Wash.
Fletcher Bay, Wash.
Edison Slough, Wash.
Sammamish River, Wash., from Lake Washington to Bothell, including consideration of any proposition for cooperation on the part of local interests.
Port Gamble Harbor, Wash., and entrance thereto.
Clarks Fork River between Albany Falls and Lake Pend Oreille, in Idaho.
Dry Straits, Alaska.
Mouth of Snake River and Nome Harbor, Alaska.

Mr. OLIVER. Mr. President——

Mr. FLETCHER. Mr. President, I desire to perfect the substitute before we take it up generally.

I offer first a number of corrections, and then some amendments.

On page 5, line 5, I move to change the word "so" to "to."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 5, line 5, after the word "applied," it is proposed to change the word "so" to "to."

The amendment to the amendment was agreed to.

Mr. FLETCHER. On page 6, line 7, I move to strike out the comma at the end of the line and insert a hyphen.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 6, line 7, between the word "twenty" and the word "seventh," it is proposed to strike out the comma and to insert a hyphen.

The amendment to the amendment was agreed to.

Mr. FLETCHER. On page 7, line 22, I move to strike out the "l" at the end of the line and insert a hyphen.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 7, line 22, it is proposed to strike out the "l" from the word "chanl" and insert a hyphen.

The amendment to the amendment was agreed to.

Mr. FLETCHER. On page 7, line 23, I move to insert an "l" at the end of the line.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 7, line 23, it is proposed to insert an "l" at the end of the word "local."

The amendment to the amendment was agreed to.

Mr. FLETCHER. On page 18, line 25, I move to insert a capital "M" before "amaroneck," making it read "Mamaroneck."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 18, line 25, it is proposed to insert a capital "M," so that it will read "Mamaroneck."

The amendment to the amendment was agreed to.

Mr. FLETCHER. I offer the amendment which I send to the desk. It is the amendment which the Senator from New York proposed to offer a few minutes ago, I believe.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 5, after line 7, it is proposed to insert:

Harbor at New York: So much as may be necessary of any appropriation or apportionment made for specific portions of New York Harbor and its immediate tributaries may be allotted by the Secretary of War for the maintenance of these waterways by the collection and removal of drift.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. FLETCHER. Now I offer the following amendment, on page 7, which I send to the desk.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 7, between lines 13 and 14, it is proposed to insert:

St. Marys River at the falls, Mich.: That so much as may be necessary of the unexpended balance of appropriations heretofore made for the construction of the new third lock may, in the discretion of the Secretary of War, be applied to the deepening and enlargement of the tailrace of the United States power plant, in order to increase the capacity of said plant.

The amendment to the amendment was agreed to.

Mr. FLETCHER. On page 6, between lines 14 and 15, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 6, between lines 14 and 15, it is proposed to insert:

Pascagoula Harbor, Miss: The paragraph in the river and harbor act approved March 4, 1913, providing for the improvement of harbor at Pascagoula, Miss., is hereby amended to read as follows: "Pascagoula Harbor, Miss.: For maintenance of improvement of channel at the mouths of Pascagoula and Dog Rivers, and improving channel through Horn Island Pass, Mississippi Sound, Pascagoula River, and Dog River, in accordance with the recommendation of the Chief of Engineers and the Board of Engineers for Rivers and Harbors in report dated February 10, 1914, and printed in Rivers and Harbors Committee Document No. 12, Sixty-third Congress, second session, $110,000: *Provided*, That local interest shall furnish space for public wharves, both at Moss Point and at Pascagoula, 800 feet in length and of such width as may be satisfactory to the Secretary of War."

The amendment to the amendment was agreed to.

Mr. FLETCHER. On page 15, line 18, I move to strike out the word "section" and insert the word "act."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 15, line 18, it is proposed to strike out the word "section" and insert the word "act," so that it will read:

Provided in this act.

Mr. BURTON. Mr. President, just one minute. What line is that?

Mr. FLETCHER. Page 15, line 18. I propose to strike out the word "section" and insert the word "act."

Mr. BURTON. That is so that these surveys may be paid for from this lump sum?

Mr. FLETCHER. Out of this act, instead of this section. There is no fund at all provided in the section.

The amendment to the amendment was agreed to.

Mr. FLETCHER. Then, on page 23, I wish to strike out lines 4 to 11.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 23 it is proposed to strike out lines 4 to 11, both inclusive, relative to the Savannah River at Augusta, Ga., and to insert in lieu thereof the following:

Savannah River at Augusta, Ga., between the upper lines of the city limits of the city of Augusta and the mouth of Butlers Creek, for the purpose of ascertaining the effect upon navigation of the river of the flood-protection work now being constructed and maintained by local authorities, and to further ascertain the probable cost and value of the extension of such work over such territory.

The amendment to the amendment was agreed to.

Mr. FLETCHER. On page 24, line 11, after the word "Department," I move to insert a comma and to strike out the remainder of line 11 in the following words "and within the limits of the appropriation herein made," and the comma, in line 12.

The amendment to the amendment was agreed to.

Mr. FLETCHER. On page 29, line 13, I move to strike out the words "and interstate commerce."

The amendment to the amendment was agreed to.

Mr. FLETCHER. I move the adoption of the substitute of the committee.

Mr. BURTON. Mr. President, on that I desire to be heard.

The PRESIDING OFFICER. The question is on the amendment of the committee as amended, and the Senator from Ohio will proceed.

Mr. BURTON. Mr. President, it is a matter of legislative history that the river and harbor act of 1914 was very materially changed before it was adopted. That measure as reported to the Senate carried appropriations for $54,000,000 approximately. It contained numerous provisions of an administrative nature and a large list of surveys to be made.

The bill was strenuously opposed because of opposition to old projects and new which were included in the bill. As a result a joint resolution was presented for an appropriation of $20,000,000, to be expended under the direction of the Chief of Engineers and the Secretary of War, and to be applied only "for the preservation and maintenance of existing river and harbor works and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation, and most economical and advantageous in the execution of the work."

The object of this limitation or reservation which I have just read was to confine the apportionment of $20,000,000 to projects which had already been adopted. There was a reduction of

$34,000,000 from the amount carried in the bill—from $54,000,000 to $20,000,000—but, more important than that, a number of new projects were omitted entirely, and of course no provision was made for them. The total saving to the Treasury of the United States by the elimination of those new projects exceeded $40,000,000, which would eventually have been expended in their completion.

This saving, Mr. President, justifies the very strenuous opposition to that bill. It is probable that some of the new items which were contained in the bill as originally introduced will never be adopted by Congress. A majority of them, I trust, never will be. Among the more important new projects which were cut out by reason of this joint resolution were appropriations for the upper Cumberland, for an improvement the ultimate cost of which would be $4,400,000; for the Sacramento and Feather, the ultimate cost of which would be $5,860,000; and a change was made in the plan for the improvement of the Tennessee River which would eliminate an expense which, at a very low estimate, would amount to $10,000.

In addition to that a project which has more to commend it than the three which have been mentioned—the Chesapeake & Delaware Canal—costing $8,000,000, was eliminated or, at least, postponed for the present. Also the Trinity River, the ultimate cost of which can not be determined, but the cost of improvement of which would probably amount to some $10,000,000, was omitted. I ask leave to file a list that was included in the bill of 1914 which has apparently been abandoned in the pending bill. I ask that it be printed without reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

Projects in rivers and harbors bill of 1914 (H. R. 13811) apparently abandoned in the pending bill, H. R. 20189.

NOTE.—The items below are a few of the more important projects. All told there are over 100 of these abandoned projects.

	Total estimated cost.
Narrows of Lake Champlain	$737,000
New London Harbor, Conn	330,000
Bridgeport Harbor, Conn	175,300
Raritan River, N. J	784,000
Shoal Harbor and Compton Creek, N. J	56,800
Chesapeake and Delaware Canal	8,000,000
Curtis Bay Channel, Md	123,700
Norfolk Harbor, Va	1,244,000
Inland Waterway, Norfolk to the Sounds of North Carolina	274,310
Cape Lookout Harbor	3,526,600
Waterway, Charles to Savannah	110,000
Kissimmee and Caloosahatchee Rivers	155,000
Inland Waterway, Pensacola to Mobile Bay	999,675
Vicksburg Harbor, Miss	125,000
Yazoo River	826,000
Mississippi River to Bayou Teche	10,000,000
Trinity River, Tex. (estimate)	10,000,000
Tennessee River (estimate)	4,400,000
Cumberland River	150,000
Gasconade River, Mo	1,338,000
Los Angeles Harbor	856,000
Richmond Harbor, Cal	5,858,504
Sacramento and Feather Rivers	675,000
Willamette River (H. D. 1060)	30,000
Skagit River	
Totaling over	40,000,000

Mr. BURTON. The fact that items were included in this list does not necessarily mean their condemnation, because some of them, no doubt, are worthy of appropriations from the Government.

In the bill which was presented here at this session no new projects were included. That inflexible rule was adopted. But I am compelled to state that a very large number of old projects, most of them adopted in the river and harbor act of 1910, some adopted before that time, and a larger number since, are very objectionable and should not be appropriated for from the National Treasury. Either they promise no results or they are of local benefit or the amount required for their completion is altogether out of proportion to the benefit which will be secured.

Two courses were before those who desire a reform in our river and harbor legislation. One was to accept this bill. That, Mr. President, was out of the question. It was so full of mistaken projects, according to the mind of many who had opposed the bill of 1914, that we were disposed to fight against it to the utmost limit of the rules of the Senate.

Another course was to defeat the bill in its entirety. Mr. President, we did not feel justified in taking that course. There are many very important river and harbor works which are now under way, the completion of which will confer a great benefit upon the transportation facilities of the country. Among these projects which should be prosecuted to completion are the Hudson River, the Delaware River, numerous harbors on the Atlantic, Gulf, and Pacific coasts, the harbors on the Great Lakes, and quite a number of smaller projects. To these must be added the lower portion of the Mississippi River—the part below Cairo. While this is not in any very important sense a navigation improvement, there have been great floods and great loss of life, and this provision should be retained; also the Ohio River, if it is to be completed, should receive the necessary appropriations, especially for the completion of work already under way.

It is not so much the amount we object to, or did object to in the last bill, as the manner in which appropriations are to be expended. Thus there has been here an agreement that $25,000,000 may be appropriated in a lump sum under the same conditions as in the bill of October, 1914. To this may be added $5,000,000 from a number of balances which have been in the Treasury for a long while and which very seriously need readjustment.

At the same time I insist, Mr. President, that we should go over this whole subject. We should recognize the changed conditions in regard to inland navigation. We should eliminate old projects which have proved unprofitable. We should stop work on others where the original plan was wrong.

It is impossible in the brief time given at this session to accomplish as much as could be desired, but certain steps have been taken in that direction by the insertion in this substitute of section 15, in which it is directed that the following projects now under improvement should be examined in accordance with the law for the original examination of rivers and harbors, with a view to obtaining reports whether the adopted projects should be modified or the improvement abandoned. Then follow an enumeration of 10 projects which are probably the worst in the list now under improvement and a general provision that the Chief of Engineers is directed to make a report upon any other projects, either river or harbor, a further improvement of which under present conditions is undesirable or in which a modification of the plans or projects should be made.

We have confidence that that section will be carefully complied with by the Corps of Engineers, that they will examine de novo each one of these 10 projects, and if further improvement is undesirable they will say so; if material modifications are necessary, they will say so; and that if there are other improvements of a minor nature not mentioned in this list which require reexamination, that reexamination is to be made.

I am frank to say I do not altogether feel satisfied with the apportionments which were made by the engineers under the act of October 2, 1914. The following are some illustrations of what was done:

Contentnia and Smiths Creeks and Neuse and Trent Rivers in North Carolina, for which appropriations were opposed, carried in the original bill a combined appropriation of $41,000. Of this amount, $27,000 was allotted. The Cape Fear River above Wilmington carried in the original bill $91,000 and was allotted $70,000.

The Flint River received $18,000 of the proposed $25,000. The Chattahoochee carried $120,000 and received $65,000. The Coosa received in the allotment $40,000. The item for the St. Johns River was $300,000; in the allotment it got $220,000. St. Andrews Bay was provided with $65,000 in the bill and got the full amount in the allotment. The bill gave Choctawhatchee $25,000; the allotment, $20,000. The Black Warrior was down for $750,000 and got the full amount. The item carried for the Yazoo River was $10,000, while the allotment gave it $30,000. The Big Sunflower River was originally provided with $90,000, and in the allotment received the full amount. The item for the Upper Brazos, one of the most strenuously opposed items, was $275,000, yet in the allotment it received $200,000. In the case of the Trinity, one of the worst items in the bill, but slight deference was paid to public opinion. Out of an original item of $255,000, the allotment was $203,000. The Missouri River, Kansas City to the mouth, an absolutely indefensible project, got in the allotment $850,000.

To illustrate the other phase of this policy of allotment, it may be mentioned that out of a proposed appropriation of $167,375 for Buffalo Harbor, it received nothing in the allotment. The item for Oswego Harbor was $100,000; allotment nothing. For Curtis Bay Channel, Baltimore Harbor item, nothing. For the Monongahela River item, $178,200; allotment nothing. For Curtis Bay Channel, Baltimore Harbor, item, $123,700; allotment nothing. Fairport Harbor item, $158,000; allotment nothing. Harbor Beach Harbor item, $362,280; allotment nothing. St. Marys River, $250,000; allotment nothing. Racine Harbor item, $182,400; allotment $3,000.

It will be noted from the above that projects for harbors and rivers serving an enormous tonnage and of highest commercial importance are totally disregarded, though no voice was raised

in criticism of the projects, while allotments were freely made for projects serving an insignificant commerce.

I pass by these hastily. It is possible there is some explanation of them which does not appear upon the record, but certainly the items which were omitted were of much greater consequence than those which were included.

I have dwelt frequently, Mr. President, upon the class of rivers which may be profitably improved in this country. We have abandoned the ox cart; we have almost forgotten it; but in some quarters the remembrance of the "old tub" on the rivers and that method of transportation seems to be as vivid as ever, although the one is about as obsolete as the other. The following are the classes of rivers which in this day may be profitably improved:

1. Rivers which afford access to cities or centers of consumption located at no great distance from the sea, upon which the haul by river can be combined with the movement by sea. Those in the second and third list, as given above, are of this class. The portion of such rivers which it is necessary to improve is comparatively short.

These are such as the Kennebec to Augusta, the Penobscot to Bangor, the Patapsco to Baltimore, the Delaware to Philadelphia, and other similar rivers.

2. Rivers of considerable size, upon which large cities or industrial centers are located and which can be made the means of transportation between producer and consumer in the shipment of heavy and coarse freights, such as coal, iron ore, or building material: In this class may be included the Ohio and the Hudson, with its canal connection with the Great Lakes.

On large rivers flowing through States or counties having large agricultural production there was formerly an important traffic, but the carrying of grain or package freight by river is rapidly diminishing. The decrease in traffic has been greatly accentuated by terminal facilities and the absence of cooperation between transportation lines on rivers and railways connecting with them. This fact tends to restrict traffic to the bank of the river and the territory immediately adjacent thereto.

The Panama Canal act of 1912 sought to remedy the lack of cooperation between railways and waterways by compelling prorating of charges for the carriage of freight when conveyed partly by river and partly by rail, and the physical connection between railway lines and docks of water carriers, when such connection is reasonably practicable and can be made with safety to the public and where the amount of business to be handled is sufficient to justify the outlay. It is doubtful, however, whether this will accomplish any very salutary result, because the expense of transfer from boat to rail or from rail to boat is now so considerable and the change causes such inconvenience that it is more profitable to carry freight in bulk without transfer to its destination.

3. Short rivers in busy industrial sections where the consumer and producer are located near to each other: The best illustration of a river of this class is the Monongahela, in Pennsylvania, on which the traffic for the year 1912 amounted to 11,575,329 tons. This tonnage consists almost entirely of coal carried from mines on or near to the river to mills or furnaces at or near to Pittsburgh, or in less quantity to points along the Ohio and the Mississippi.

It should be said in this connection that as the output of the mines near to the river decreases and it is necessary to go a distance from the river to obtain coal this class of traffic is likely to diminish.

4. Minor streams at or near great cities or thickly populated areas: There are a number of these streams tributary to the waters around New York City, to the Delaware River below Philadelphia, and to the Chesapeake Bay. In the case of these streams a market for the products of the locality tributary to the river in question is not far away, and freight can profitably be carried in boats of shallow draft. Oftentimes boats upon these streams and the larger bodies of water into which they empty are utilized for the carrying of building material to large cities, as is the case in the neighborhood of New York and Philadelphia. Prompt delivery of freight often gives to such boats an additional advantage.

5. Shallow streams of considerable length in the interior flowing through level areas, which can be made available or improved for navigation at comparatively small cost by snagging, removal of obstructions, and dredging of bars: There are rivers of this type in North Carolina, Florida, and Louisiana. The total expense of improving and maintaining them is comparatively slight.

Although it is contrary to a prevalent impression, rivers and creeks of the last two classes, the improvement of which has evoked very severe criticism, have been among the most profitable objects of expenditure by the Federal Government, yet there is constant danger that streams of trivial importance will receive appropriations from the improvement of which no benefits will accrue.

Outside of these classes, Mr. President, there are none which can be profitably improved, and I especially oppose the projects which involve tremendous cost, such as upon the Tennessee, the Cumberland, and rivers of that class, where locks and dams are necessary. Have we not had experience enough with the Big Sandy River, where we have spent millions, recommended and eulogized by the Engineer Corps, and yet to-day it is recommended that it be entirely abandoned? It is in this direction that the most serious waste exists, and there is a waste almost as bad in the improvement of rivers that flow through an alluvial country.

I desire also to set forth certain principles in regard to the improvement of rivers and harbors:

1. There is a considerable number of small streams which are not expensive to improve and on which money can still be profitably expended. This is also true of large rivers when they are near to large cities or afford a channel from the sea to a town of importance.

2. There are several uses for rivers, such as relief from congestion in time of unusual traffic, the prevention of excessive charges for moving freight, and the furnishing of facilities to localities not otherwise provided with means for transportation, which are worthy of careful consideration. None of these uses in itself or combined with the others justifies improvements on any expensive scale.

3. There has been a diminishing traffic in recent years—that is, on rivers—and there is every indication that this tendency will continue.

4. Even on rivers of very considerable size and length short hauls have become the rule rather than the exception. Through traffic does not exist in any considerable quantity save in the case of a few commodities, such as coal and floated logs. Even this traffic is decreasing.

5. There is no promise of traffic in such a volume as to justify large expenditures, except on rivers the channels of which can be made available for the convenient handling of boats and the freight thereon, and which connect distributing and consuming centers between which there is a large interchange of coarse materials, such as coal, iron ore, or building supplies. The quantity of such materials carried upon rivers and canals is decreasing and the length of the haul is diminishing.

6. The predominant function of many rivers and canals has been to provide transportation for sparsely settled or undeveloped areas. With increased population and more complete development the requirements of transportation are more and more provided in other ways and the use of rivers for general traffic diminishes or disappears. A principal use of streams during this period has been, and will continue to be, the bringing of timber to the market.

Mr. President, you yourself may know of a river in your State, the Wabash, in which there is an expensive lock and dam constructed at Grand Rapids. It is possibly within your memory that a very considerable amount of freight was carried down that river; but it has all disappeared now, or it has decreased to less than a thousand tons, so that the cost of maintenance of the lock there is very considerable in proportion to the value of the freight that is carried through. Until roads are built, until railroads are built, the rivers afford the best means of transportation, perhaps permanently the best way of floating logs; but in time, unless they are good-sized rivers with good channels, they are superseded by other means of transportation.

7. The statements above made do not apply to short canals connecting large bodies of water, such as the canal in St. Marys River between Lakes Superior and Huron, nor to waterways, such as the Great Lakes, which are exceptional in their nature.

8. Transportation facilities other than by water, present and prospective, are not limited to steam railways. Other means are, or will be, available, such as the use of electric railways, the cost of which is very much less than that of steam railways.

Possibly the last statement should be somewhat modified, because there are certain classes of electric railways that are probably as expensive as steam railways, but the ordinary electric railway is not so costly.

Notwithstanding the omission of new projects in this and the prior bill, there still remain a very considerable number of proposed improvements which are not fit objects for appropriations from the Federal Treasury.

I wish to call attention to section 15 of this bill. First, the inland waterway from Norfolk to Beaufort Inlet, N. C. It is here proposed that an improvement be made at a cost of $5,400,000, of which $1,400,000 has already been appropriated. A canal on this route—the Albemarle & Chesapeake Canal—has been purchased at a cost of $500,000.

Mr. President, the number of people in the counties tributary to this waterway, if we leave out Norfolk, at the terminus, does not total 100,000; but the paternalistic Government of the United States is proposing to spend in a river and harbor improvement over $54 per capita! This project, according to the bill, is to be reexamined. There is a proposition to make the depth 12 feet. There is already, if you go through Croatan Sound, where occasionally stormy weather prevails, a depth of 8½ feet. Why, the Mississippi River below Cairo has only 9 feet. The projected depth for the Ohio is only 9 feet. It is an exception that any of the rivers in Europe, where there is such an enormous traffic, have a depth of more than 9 or, at the outside, 10 feet; but in this sparsely settled region it is proposed to have a waterway 12 feet in depth, and one of the features of it is that already in the 18 miles from the Neuse River to Beaufort there are 10 feet, and it is now proposed to expend $397,000 more upon it to increase that depth to 12 feet.

I want to call attention here to the fact that there is another route in this neighborhood, called the inland route, to the sounds of North Carolina, which utilizes the Dismal Swamp Canal, on which tolls are paid. This route, which cost only $240,000—and there is a question whether that was not too much—has a larger traffic than the other elaborate inland water route, although the latter possesses a greater depth over most of the route and taps a larger territory. The traffic on this inland route to the sounds of North Carolina last year was 336,000 tons, while that on this expensive inland waterway route was 215,441 tons. Any private enterprise which would build a canal or a railway on this route at an expense of a million dollars—I think I may say $500,000—would go bankrupt within a year; and yet it is proposed here to pay $5,400,000 out of the National Treasury. The total area dependent upon it is computed at 2,625 square miles. This was opened as a free waterway after the acquisition of the Albemarle and Chesapeake Canal on April 30, 1913. The traffic in this locality through this waterway was largest in the year 1890, when it amounted to 490,000 tons. That illustrates what we all ought to recognize, that with the depletion of the forests and the

provision of other means of transportation the traffic on these rivers very materially diminishes.

I want to call attention to the class of traffic carried upon these rivers. It is found on page 1949 of volume 2 of the Engineers' Reports. There is a total traffic of 258,000 tons. Of that, about 195,000 tons is made up of logs and timber of some kind—logs, lumber, piling, wood for fuel. The remaining 50,000 or a little more is made up of a variety of items, beginning with beverages. I believe this is called a "dry" State; and the first item on the list is beverages, 364 barrels, 46 tons. Next comes brick, 21,450 in number, 46 tons, and so on; a variety of items, amounting to about 60 tons.

I concede that probably that traffic will somewhat increase; but it is absurd to think of spending $5,400,000 for this waterway, where the amount of traffic is sure to decrease when the logs are gone and there are no more to float. These logs, too, can certainly float without an expensive improvement 12 feet in depth. Why, if we were to adopt the standard of such a waterway as this from Norfolk through the easterly part of North Carolina throughout the United States, billions of dollars would be expended in improving waterways which would be of little use to the people.

The second item that is included in this list is the Coosa River. This is a project that has been before Congress, lo, these many years, and it had been hoped that we were rid of it. There has been expended on one section of it $1,787,000; on another section, $404,000; and for the maintenance of locks and dams the amount of $208,444.98; and the bald statement is made on page 674 of one of these sections:

> The river is not navigable and there is no commerce between Wetumka and the East Tennessee, Virginia & Georgia Railroad bridge.

But in order to obtain appropriations in the past it has not seemed necessary that there should be any traffic at all. What does traffic have to do with it? It is a question of appropriations; and on this stretch the sum of $404,000 has already been expended for improvements, as well as certain amounts for the maintenance of locks and dams. The traffic here is comparatively trivial; on the other portion it amounts to about 46,000 tons, the larger share of which is stone, which I presume is hauled to some Government lock or dam for the sake of an improvement of a public nature.

The next to which I wish to call attention is the Brazos River. I will admit myself the responsibility for the construction of one lock and dam on this river. It was represented that this lock and dam would make it possible to pass around certain falls and would connect the northerly and southerly portions of the river. In the first place, it should be borne in mind that the improvement here proposed is on the upper part of the river. There is a portion 245 miles long from a place called "Old Washington" to the mouth, where no locks and dams have been built. That stretch of the river is open for navigation, but practically no navigation or traffic exists. This scheme is to improve the upper 170 miles of the river, to provide by eight dams, at a cost of $2,915,000, 4 feet of water for four months of the year and 3½ feet for six months.

The feature of the legislation with regard to this river has been that almost every year the bill has contained a provision for the commencement of two new locks and dams, or something of that kind. Barely is a dam finished upon the river, and yet, with the work half done or a quarter done, with the work under way for six years or eight years, these bills contain provisions for commencing work at other points. For what purpose? To commit the Government of the United States to this whole expensive scheme. The original estimate on these dams was $190,000. That has been raised now to $300,000, and the dam which is most nearly completed cost over $400,000.

I want to read briefly from a statement by an engineer who has had charge of this as to whether these locks and dams will do any good. This is the opinion of Col. Riché, who was the engineer in charge some years ago. The upshot of his estimate is that these 8 dams will each have to have another constructed in connection with it, making 16 in the upper section of 170 miles, and that 14 additional will have to be constructed in the lower section of 245 miles, making in all 30 dams, the probable cost of which will be something like $350,000 apiece; and yet this project has contemplated but 8. I refer to page 30 of a hearing before the Committee on Commerce of the United States Senate held in 1913, on the 12th of February. Col. Riché says, on that page:

> My original estimate was $190,000 apiece.

He was asked the question:

> Does that estimate hold now?

He said:

> Maj. Judwin estimated $300,000 apiece. The only one that is near completion has cost considerably over $400,000.

When asked how many would be required in the section below Old Washington—that is, the 245 miles—he said:

> My recollection is 12, but I can verify that in a moment.

After referring to figures, he added:

> Twelve; I was correct. That makes 30. So the total number from the mouth of the river at Velasco up to Waco would be 30.

Mr. President, how is it possible that we have gone on so long without a reexamination of this river? It has been requested by a minority of the committee every year here for four or five years, but the examination has been refused, and that, too, in the face of a report to this effect, made by a board of engineers in September, 1905:

> The board believes—

This is the Brazos River—

> That the expenditure of $3,000,000 by the United States, with an annual outlay of $100,000 for maintenance, to provide a navigation of such small depth and limited duration, and with such doubtful assurance of accomplishing the results desired, is an investment of such questionable wisdom as to make it inadvisable for the General Government to commence work upon this project, at least until the improvements of similar character now in progress on other streams and on the lower part of the Brazos shall have been sufficiently advanced to demonstrate their inadvisability or their advisability.

Mr. KENYON. What year was that?

Mr. BURTON. 1905.

Why, Mr. President, what a commentary it is upon our river and harbor policy when, in the face of such a report as that, we have gone on appropriating these very considerable sums, amounting to $853,052.11. That is what has been spent on that project. It is time that it should be reexamined.

I come now to the next item in the bill, the Red River of Louisiana, Arkansas, Texas, and Oklahoma. Why, that is a joke. The House inserted nothing for it, but in the Senate bill as reported there was an appropriation of $100,000 below Fulton, and $40,000 above Fulton. The traffic on that river, aside from floating logs, does not amount to more than a couple of thousand tons each year. On the Red River below Fulton, covering a distance of 475.4 miles, there was in the year 1912 a total tonnage of 44,967 tons. Of this amount 42,640 tons were saw logs and 1,100 tons of lumber. The balance of the freight, including this lumber, 1,100 tons, was 2,327 tons. The total amount appropriated to date for this stream is $2,768,377. That was the amount when this report was filed. I presume it has increased somewhat since then. The cost per ton, if you compute interest on this investment, would be $4.68, or, if saw logs were excluded the cost per ton would be $90.56, and the cost per ton-mile would be $1.53. The average cost on the railroads of the country for the transportation of freight is about seventy-five one-hundredths of a cent, as against $1.53 in this case. In the past this river was an artery of commerce, but now it has become obsolete, and it is an absurdity to appropriate $100,000 or 100,000 cents for that stream. In fact, there was $68,000 on hand on July 1, 1914, if you include an allotment that was made last October.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER (Mr. BRYAN in the chair). Does the Senator from Ohio yield to his colleague?

Mr. BURTON. Yes.

Mr. POMERENE. For what length of time has the Government been making improvements upon it?

Mr. BURTON. For a very long time. This is one of the oldest improvements in the country; I think since some time in the thirties. I do not wish to say that it was a mistake to improve it down until, say, 1900, or to improve it since then; but the time has come now when——

Mr. POMERENE. What are the conditions which have made the changes, and what ought to be the policy of the Government?

Mr. BURTON. The policy of the Government ought to be to let the stream alone. There is a certain amount of commerce that can exist upon it without any improvement. I think perhaps a small amount for snagging or something of that kind every year, so that the Government would not entirely lose jurisdiction over it, would be desirable; but to spend $100,000 a year for a couple of thousand tons of traffic requiring the use of boats is an absurdity.

In this case, and it appears also in one or two other cases, the Government has obtained a very extensive plant and equipment in the way of snag boats, dredges, and so forth. That is true on both the Red and the Arkansas, and the recommendation is made every year that money be appropriated to keep those dredges and snag boats running. You might as well go out in the center of a pond and dredge where there is no navigation. It does no good.

Mr. POMERENE. What I was trying to ascertain was this: The Senator has indicated that the conditions are such there

should be a change of policy with respect to the improvement of the streams. Now, what was the amount of the trade which was transferred on this river prior to the date and since? Was it greater or less?

Mr. BURTON. It was at one time considerably greater than now. Those figures are given in the report. At all times, however, the traffic has been very largely made up of floating logs. I believe I stated once in the Senate that at the close of the Civil War there was gathered at Shreveport a fleet of passenger boats which had resorted there for safety—one of the finest fleet of passenger boats ever congregated anywhere. They were all shallow-draft boats—16, 24, and 28 inches—but there is practically nothing of that kind now. My colleague can find in our own State a parallel case. The canals of Ohio determined the routes of commerce, determined which should be the leading cities of the State; and to-day those canals are absolutely barren of traffic. By this same evolution streams of this kind are being ignored by commerce.

The next river to which I come is the Ouachita. I remember very well that years ago it was proposed to construct two locks and dams upon this stream, and it was thought that that would be sufficient to determine whether the improvement of the river would be worth while. On this there is a proposition to have eight locks and dams, some of which are well on toward completion.

On this project, Mr. President, there has been expended to the end of the fiscal year 1914 the sum of $3,145,385.66. It is a tributary of the Red. The estimate of the entire project is $4,876,000. It should be reexamined.

Let me turn to the traffic statistics on those portions that are completed. The magnificent quantity of 64,000 tons in a whole year, 17,000 of which was cypress timber, 21,000 miscellaneous timber, a total of some 39,000 tons, leaving about 25,000 tons of other varieties of trade.

Mr. President, in the harbors of the country, some of which we are improving at a smaller figure than that proposed for this river, this would be a poor average for one single day. Yet it is proposed to spend these millions to improve a river where the total annual commerce, except what could be floated in any stream, is less than that entering any one of many of our harbors in a single 24 hours.

Mr. President, my voice will not be heard many times, if at all, in the Senate after this evening, but I want to say to my fellow Senators that this whole system will be condemned by the people unless you reform it. The people of the United States will not tolerate such absurdities. They have gone along without understanding how the public money was being wasted, but they are now awakening to the situation, and that was the reason why, notwithstanding the imputation of a filibuster, our action last year was justified by the people. They justified the saving of $43,000,000. They justified a contest which aimed at a reform in our river and harbor policies.

Mr. STONE. How does the Senator know that?

Mr. BURTON. By the unanimous opinion as expressed by the press, by the manner in which the public platform references to the fact in regard to this matter have been received. I presume there are cases——

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. BURTON. Certainly, I yield.

Mr. KENYON. Was it not true, I will ask the Senator from Ohio, that some 50 or 60 candidates for Congress in the Middle West at least pledged themselves in the campaign to oppose the method of river and harbor appropriations, and in most instances they were elected?

Mr. BURTON. I think so. They were glad to pledge themselves against this extravagance and waste, against this effort to obtain for localities, for congressional districts, and for States appropriations on so large a scale.

I come next to the Arkansas, which is very similar to the Red. Unlike the Ouachita, it is not improved by locks and dams. The reference is made to the Arkansas on page 894. This is a very long river, and has been under improvement for many years. The total amount expended on it to June 30, 1914, has been $2,994,000. Nearly all of this commerce is timber—81 per cent it amounts to—and it is expressly stated here in the report that the favorite argument for these improvements is missing, namely, that it affects freight rates. In the last year the total amount of traffic on this was 55,228 tons, of which logs constituted 41,305 tons, stave bolts 3,050, about 44,000, leaving 11,000 tons, and this bill proposes to appropriate $237,500 for that river.

Have we lost our sense of humor? An appropriation out of the Federal Treasury of more than $20 for every ton that would be in any way aided by this improvement, an elaborate equipment of snag boats and dredges which probably will cost $100,000 a year more to maintain. Do not let us continue this policy. I think the course of the engineers in this regard has been such as to merit criticism, but in their action they doubtless thought they were following the wish of the Senate and the House of Representatives. I shall be greatly disappointed if in the apportionment they make under this bill they recognize these projects included in this list for any great amount of money. They are not to be wiped off the map exclusively, but the fact that there is an order here that those streams shall be resurveyed, with a view to their abandonment or modification, should cause them to go very slowly apportioning money for them.

If this is not well done, I am glad to say that when I am out of the Senate there will be others in the Senate and the House of Representatives who will take up this cause and criticize extravagance and waste more earnestly and, no doubt, more ably than I have been able to do.

The Tennessee River is another in the list. But I pass that. I dwelt on it at great length in my argument last September. There is a proposition to improve it which before you are through would cost thirty or forty million dollars, and for what? For a traffic that is diminishing every year and will diminish if you pave it on both sides and make it 10 feet deep.

There is one project that I have passed by, the St. Lucie Inlet in Florida, that is included in this list. This is an artificial channel originally cut in the reef off the village of St. Lucie. The cut originally was about 30 feet wide, but the ocean has widened it about half a mile. There is a circuitous channel about 6 feet deep.

About the only justification offered by the engineers for a harbor at this point is that it is about halfway between Key West and the mouth of the St. Johns. The project is to open a channel in coral rock 18 feet deep and 200 feet wide to the nearest point on the mainland, at an estimated cost of $900,000.

Mr. President, fancy a mariner in the darkness of the night and in a frightful storm, when the waves are rolling high, turning from the sea to get by Coral Reef and go into an inlet 200 feet wide. Think of the absurdity of the thing. Yet it is proposed to expend here $900,000. One hundred thousand dollars has already been appropriated and here is another $100,000.

But they may say there is a settlement there. Let us see how much population there is. St. Lucie County is the eighth county in area in Florida, but has a population of only 4,075. The town of St. Lucie—I do not know whether the town was named after the inlet or the inlet after the town; it is a very euphonious name—has a population according to the last census of 38 souls. But there is a large real estate speculation in connection with this, and the Senator from Minnesota [Mr. NELSON] and I myself have each of us been bombarded with letters asking us to be exceedingly friendly to this appropriation of $900,000.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. BURTON. Certainly.

Mr. KENYON. I should like to ask the Senator from Ohio if he knows how much of the $100,000 heretofore appropriated has been spent?

Mr. BURTON. I think only about $72. Only a very small amount. It is a good time to stop it.

Mr. CLAPP. Is it not commendable rather than otherwise?

Mr. BURTON. I think it is. They could not find any dredge to go through that coral reef.

Mr. KENYON. I knew that there had been only $72 spent, and I, too, think it is a good time to stop it.

Mr. BURTON. It is always unfortunate when we have two reasons for a river and harbor improvement, for both of them may be entirely insufficient. They may both be very bad. Those 38 souls in St. Lucie are not a strong argument for an improvement. A passage 200 feet wide for a boat to get through in a storm to get into a harbor of refuge is an exceedingly poor argument. It would be keeping the word of promise to the ear of the mariner and breaking it to his hope. At least he would find himself stranded on a coral reef.

I pass to the Missouri River, and I have no hesitancy in speaking of this as an economic crime. The beginning was made in the year 1910 against my protest here in the Senate and in the committee room. I had known something of that river. In the year 1902, after a long discussion, the commission that had charge of it and were going ahead with their dredges and all their material was abolished and the appropriations were stopped. But in some mysterious way it again got back on the diagram of appropriations, and it is proposed

to spend $20,000,000 there and $500,000 a year to maintain the improvement. That is what is proposed. Now, there is already a depth of 3 or 4 feet, and for three months and perhaps four months of the year a depth of 5 feet.

Let me call the attention of the Senate to the fact that this argument that a small depth brings no results but that a greater depth will do so is a delusion. I challenge any Member of the Senate to cite the case of a river in Europe or in America that has developed a big traffic where that traffic did not commence to show favorable results when the depth was slight.

Now, let us look at the list of a few of those in Europe at this time. The line from Strassburg to Mannheim, a distance of 84 miles, has a depth of only 4 feet, and yet there is a traffic of two or three million tons over that river. The Main, from Bischberg to Schweinfurt, has a depth of 2 feet and 6 inches; the Weser has a depth at different places of 3 feet, 3.3 feet, and 4.1 feet; the Elbe has a depth of 3.6 feet in one place, where there is a traffic of 973,000 tons; in another place it has a depth of 3 feet 6 inches, where there is a traffic of 2,008,000 tons. The Oder, with a very large traffic, has a depth on the upper portion of from 2.6 feet to 3 feet; in another portion 185 miles long of 3 feet, and in still another portion of 4½ feet. On the Oder there is not one of these stretches with less than a million tons of traffic, while on the lower stretch there is a traffc of 2,471,000 tons, and that on a less depth than was available on the Missouri before there was any commencement of the expenditure of $20,000,000.

That expenditure commenced in a very singular way. A report was made here to the effect that $3,500,000 would furnish 6 feet of water and that it could be maintained at $145,000 per annum. It invoked much discussion in the Senate, and I called the attention of Senators to the fact that that project was liable to cost $20,000,000. This is what Senator Warner, of Missouri, said in that connection. The question was asked him:

What do I understand the Senator from Missouri to advocate—this $20,000,000 improvement or the $3,000,000 improvement?

Three million dollars is used where three and a half million dollars should have been used.

Mr. WARNER. The Senator from Missouri advocates the three and one-half million dollar improvement, believing, with the engineers and practical river men, that that will give a permanent 6-foot channel the year round, and that that will be part of a permanent improvement, which can be given greater depth if necessary.

"That is the limit of the Senator's demands until it has been shown what can be done?" was asked.

Mr. WARNER. That is the limit.

In some way in the bill of 1912 there was a definite committal to this $20,000,000 project; and of this amount there was on hand on the 1st of January last the sum of $1,675,000; but this bill proposes to give them $1,200,000 more. It is proposed to spend on this river more than the German Government has expended on the Rhine; and if you exclude sand that is barged only a mile, the traffic on the Rhine is 1,000 times as great as that on the Missouri. How can you answer these figures? The cost of annual maintenance—this $500,000—is far and away more than was proposed then.

Look at the Mississippi River between the mouth of the Missouri and the mouth of the Ohio. I have repeatedly called attention to that, how the traffic has been steadily decreasing until it has dropped almost out of sight. Does anyone suppose that the Missouri River, turning at right angles from the Mississippi, will ever meet with any greater success as an artery of commerce than the Mississippi in the stretch upon which St. Louis is located? The traffic on the Rhine is 100 times as great as on the stretch of the Mississippi River between the mouth of the Missouri and the mouth of the Ohio, yet there has already been expended upon it a larger sum than the German Government has expended upon the Rhine.

How do you explain these figures? Are we to continue making these extravagant and absurd appropriations? The engineer was called in and asked what he thought might be done on the Missouri, and all he would say, when his attention was called to the large amount of money expended and the poor prospect, was this:

It is possible there might be a general revival of interest in water transportation, and that might stimulate traffic on the Missouri.

Upon such an argument as that we are asked to appropriate $20,000,000. There is no promise that anything tangible will result, but there is a bare possibility that at some time there will be a revival of interest. There is a boat line down there from Kansas City, and he states they have spent $180,000 for boats. I do not blame those gentlemen. There is a general impression in the country that shrewdness in obtaining appropriations is one of the highest types of cleverness, but it is like a street railroad which runs a single car in order to maintain its franchise. They have built up a certain amount of commerce, not very large, but, nevertheless, some traffic exists. They charge 20 per cent less for freight from St. Louis to Kansas City than is charged by rail.

In this connection I want to call attention to an interesting fact. The report states that the rate of freight by water from St. Louis to St. Paul and from St. Paul to St. Louis——

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Arizona?

Mr. BURTON. Yes.

Mr. ASHURST. I merely desire to interrupt the distinguished Senator from Ohio long enough to say that we have a unanimous-consent agreement, by the terms of which promptly at 9.30 we shall again resume the consideration of the Indian appropriation bill.

Mr. BURTON. I have very nearly finished.

The PRESIDING OFFICER. Under the unanimous-consent agreement, it is the duty of the Chair to lay before the Senate the unfinished business.

INDIAN APPROPRIATIONS.

The Senate, is in Committee of the Whole, resumed the consideration of the bill (H. R. 20150) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1916.

Mr. TOWNSEND. The Senator from Ohio can continue his remarks on the unfinished business.

Mr. BURTON. Do I understand that the Indian appropriation bill is now before the Senate, Mr. President?

The PRESIDING OFFICER. The Indian appropriation bill is now before the Senate.

Mr. ASHURST. The Indian appropriation bill is before the Senate, as I understand, Mr. President?

The PRESIDING OFFICER. It is.

Mr. ASHURST. I did not interrupt the Senator from Ohio out of any discourtesy, but I must press the consideration of the Indian appropriation bill.

Mr. BURTON. I appreciate the desire which actuates the Senator from Arizona to conclude the consideration of the bill and also his courtesy.

I wish to file, without reading, traffic statistics on the Missouri from the year 1897 to 1912. From these it will appear that the tonnage was very considerably greater in the years from 1897 to 1903 than in recent years. The maximum was reached in 1909. It will appear also that in earlier years there was a very considerable quantity of grain carried on this river. Now, it appears, and it was so stated by Col. Deakyne in the hearings, that the quantity of grain is not so large as formerly, and also grain is brought out of the Gasconade and Osage Rivers, tributaries of this stream, carried to the nearest railroad station, and then taken away by rail.

Traffic on the Missouri River (mouth to Sioux City).

Year.[1]	Grain and hay.	Live stock.	Lumber, wood, and ties.	Building material, sand, and coal.	General merchandise.	Total.
1913						347,235
1912						[2] 249,599
1911						[3] 359,721
1910						876,130
1909	7,294	2,188	11,186	318,498	1,644	340,810
1908	20,411	2,355	9,352	501,905	7,121	541,144
1907	12,773	1,293	18,189	807,780	3,828	843,863
1906	12,836	1,036	16,225	540,158	3,093	573,348
1905	11,841	242	5,705	319,548	6,099	343,435
1904	7,837	2,251	10,283	432,299	2,330	455,000
1903	40,380	2,655	4,228	695,017	8,011	750,291
1902	23,262	2,214	24,811	354,304	5,936	410,527
1901	19,355	4,602	41,035	497,127	7,350	569,666
1900	20,058	3,838	22,779	226,172	4,459	277,306
1899	17,704	2,621	17,235	220,370	5,184	263,114
1898	15,418	4,426	39,322	255,437	5,187	319,793
1897	18,201	5,084	32,166	330,605	4,971	391,029

[1] Calendar year.
[2] 185,110 tons, mouth to Kansas City; 64,489 tons, Kansas City to Sioux City.
[3] 307,807 tons, mouth to Kansas City; 51,914 tons, Kansas City to Sioux City.

Before this elaborate improvement was commenced the traffic was more than now; and, Senators, you may spend $20,000,000, yes, $30,000,000, on this project and, in spite of that enormous amount, the traffic will diminish, because you are facing a condition that no policy of river improvement can reverse—the decadence of that class of river traffic and the utilization of other agencies for the carrying of freight.

In a way I wish it were not so. Indeed, I have been so long associated with rivers and harbors and I have recommended in so many cases appropriations for rivers that I should like to see every one dotted by boats carrying the products of the States, one to another, from the farms to the great markets; but I am tired of "rainbow chasing"; and that is what this is. It is much worse than "rainbow chasing"; it is pure, bald, unmitigated waste.

There are one or two other provisions in the bill, Mr. President—a section providing for an examination of the Mississippi River and tributaries, the contributions made by localities, the amount of bonds they have issued, the taxable value of the property. It has been maintained in some instances that they have bonded themselves to the limit. I think, both in justice to themselves and to the Federal Government, accurate statistics should be prepared in that regard. There is also provision for the repeal of appropriations made for Youghiogheny River, the ultimate cost of which would be $1,050,000 and for which $100,000 has been appropriated. Also another for the repeal of the authorization of a proposed section of the Lakes to the Gulf deep waterway, the ultimate cost of which would be many million dollars.

As regards the surveys, they were not included in the last bill; they are included in this. Some of these may be subject to criticism, but I think it unobjectionable that a very considerable number, perhaps all of these surveys, be examined by the Board of Engineers.

Mr. President, I desire to place in the RECORD a statement giving the proposed appropriation in the river and harbor bill of 1914 in the first column, in the second column the apportionment of October 2, and in the third column the amount for the various projects which were proposed in the bill of 1915, which the pending substitute supersedes.

I desire also to have printed in the RECORD some other material pertaining to the traffic on the Missouri River. With the leave for that, I will no longer detain the Senate.

The PRESIDING OFFICER. Without objection, permission is granted.

The matter referred to is as follows:

Comparison of river and harbor bill, H. R. 13811, Sixty-third Congress, second session, allotments of the general appropriation of 1914, and river and harbor bill, H. R. 20189, Sixty-third Congress, third session.

NOTE.—The bill as reported by the Senate committee is used in each instance for the purpose of this comparison.

	H. R. 13811.	Allotments.	H. R. 20189.
Maine:			
Tenants Harbor	$12,500	.....	.....
Isle of Shoals Harbor	.....	$5,000	.....
Portland Harbor	105,000	105,000	$105,000
Wills Strait	16,500	.....	.....
St. Croix River	84,000	.....	50,000
Vermont:			
Burlington Harbor	2,000	.....	.....
New York and Vermont:			
Narrows of Lake Champlain	300,000	.....	3,000
Massachusetts:			
Beverly Harbor	123,000	.....	.....
Salem Harbor	7,500	7,500	.....
Newburyport	.....	.....	10,000
Boston Harbor	600,000	200,000	200,000
Malden River	80,000	.....	Balance.
Weymouth Fore River	Balance.	.....	.....
Pollock Rip Channel	125,000	.....	150,000
New Bedford and Fair Haven	67,000	.....	.....
Fall River Harbor	12,000	.....	12,000
Merrimac River	.....	.....	5,000
Rhode Island:			
Point Judith Harbor	.....	.....	75,000
Pawcatuck River	.....	.....	1,000
Connecticut:			
Stonington Harbor	6,000	6,000	.....
New London Harbor	170,000	.....	.....
Branford Harbor	.....	.....	4,000
New Haven Harbor	70,000	86,000	10,000
Milford Harbor	6,700	.....	.....
Greenwich Harbor	35,000	.....	.....
Thames River	10,000	5,000	14,500
Connecticut River	15,000	.....	30,000
Housatonic River	.....	1,000	6,000
Bridgeport Harbor	111,300	.....	.....
New York:			
Port Chester Harbor	15,000	10,000	10,000
Mamaroneck Harbor	.....	3,000	14,800
Port Jefferson, Mattituck, Huntington, and Hempstead Harbors	20,000	.....	10,000
Saugerties Harbor	2,500	.....	.....
Rondout Harbor	5,000	.....	3,000
Tarrytown Harbor	8,000	.....	3,000
Sheepshead Bay	3,000	.....	.....
New York Harbor (H. Doc. No. 518)	250,000	.....	.....
Greenport Harbor	22,500	.....	.....
Gowanus Bay	300,000	150,000	150,000
Hudson River Channel	125,000	125,000	Balance.
Buffalo Harbor	167,375	.....	187,375
Black Rock Harbor	Balance.	.....	Balance.
Charlotte Harbor	24,000	24,000	12,000

Comparison of river and harbor bill, H. R. 13811, Sixty-third Congress, second session, allotments of the general appropriation of 1914, and river and harbor bill, H. R. 20189, Sixty-third Congress, third session—Continued.

	H. R. 13811.	Allotments.	H. R. 20189.
New York—Continued.			
Oswego Harbor	$100,000	.....	$100,000
Plattsburg Harbor	2,000	.....	2,000
Bronx River	100,000	.....	125,000
East Chester Creek	20,000	$20,000	5,000
West Chester Creek	36,500	36,500	.....
East River and Hellgate	500,000	.....	.....
Harlem River	100,000	50,000	100,000
Newton Creek	30,000	.....	20,000
Hudson River	750,000	750,000	1,500,000
Browns Creek	.....	.....	5,000
Hudson River at Ossining	35,000	.....	.....
New York and New Jersey:			
Staten Island Sound	500,000	400,000	505,000
New Jersey:			
Raritan Bay	20,000	20,000	30,000
Newark Bay and Passaic River	150,000	150,000	150,000
Woodbridge Creek	6,000	6,000	.....
Tuckerton Creek	5,000	.....	.....
Woodbury Creek	8,000	.....	.....
Keyport, etc	8,000	8,000	.....
Absecon Inlet	Balance.	25,000	15,000
Raritan River	250,000	.....	.....
Shoal Harbor	56,800	.....	.....
Shrewsbury River	10,000	10,000	.....
Cooper, Maurice, and Salem Rivers, and Raccoon and Alloway Creeks	56,000	.....	28,800
Toms River	1,000	.....	1,000
Pennsylvania:			
Pittsburgh Harbor	5,000	2,500	7,500
Erie Harbor	.....	.....	30,000
Allegheny River	.....	.....	2,500
Monongahela River	178,200	.....	211,200
Chester Creek	3,600	.....	.....
Ice Harbor at Marcus Hook	.....	.....	1,000
Pennsylvania, New Jersey, and Delaware:			
Delaware River	1,000,000	1,000,000	1,500,000
Delaware:			
Wilmington Harbor	40,000	30,000	60,000
Chincoteague Bay to Delaware Bay	.....	1,000	.....
Delaware Bay, Iron Pier	.....	.....	5,000
Appoquinimink, Murderkill, and Mispillion Rivers	22,000	.....	21,000
Appoquinimink River (H. Doc. 149)	11,000	.....	.....
Murderkill River (H. Doc. 158)	12,000	.....	.....
Mispillion River (H. Doc. 175)	35,200	.....	.....
Chesapeake and Delaware Canal	2,250,000	.....	.....
Little River	1,000	.....	.....
Leipsic River	5,000	.....	.....
Rehoboth Bay and Delaware Bay	109,000	.....	77,300
St. Jones River	.....	.....	.....
Maryland:			
Curtis Bay Channel	123,700	.....	.....
Rockhall, Queenstown, Claiborne, and Cambridge Harbors, and Chester, Choptank, Warwick, Wicomico, Pocomoke, Latrape, Manikin, Elk, Little Elk, and Corsica Rivers, and Tyaskin Creek	37,800	.....	45,600
Breton Bay	3,000	.....	.....
Tuckahoe River	1,500	.....	.....
Chester River	12,000	.....	.....
Tred Avon River	19,600	.....	.....
Herring Bay	11,800	.....	.....
District of Columbia:			
Potomac River	20,000	10,000	20,000
Anacostia River	75,000	.....	75,000
Virginia:			
Norfolk Harbor	270,000	.....	.....
Mattaponi, Pamunkey, and Rappahannock Rivers	17,000	9,000	16,000
Nansemond River	7,500	.....	.....
James River	200,000	.....	100,000
Appomattox River	5,000	.....	.....
Blackwater River	2,000	.....	.....
Waterway on the coast	1,000	.....	.....
Tangier Channel	16,434	.....	.....
Hampton Creek	27,000	.....	.....
Oyster Channel	11,500	.....	.....
Locklies Creek	4,100	.....	.....
Occoquan Creek	43,000	.....	.....
Inland waterway, Norfolk to Beaufort	600,000	.....	800,000
North Carolina:			
The sounds to Norfolk	3,000	.....	.....
Cape Lookout Harbor	300,000	.....	.....
Continuing contract	1,826,600	.....	.....
Shallowbag Bay	.....	.....	3,600
Beaufort Inlet	10,000	10,000	5,000
Beaufort and Morehead City Harbors	7,000	5,000	25,800
Meherrin River	1,000	.....	.....
Roanoke River	2,000	.....	.....
Pembroke Creek	10,000	.....	.....
Scuppernong Bay, Pamlico and Tar Rivers, and Fishing Creek	54,300	20,500	45,600
Contentnia and Smith Creeks and Neuse and Trent Rivers	41,000	27,000	35,900
Swift Creek	500	500	.....
Waterway, Pamlico Sound to Beaufort Inlet	4,000	3,400	8,000
Core Sound to Beaufort Harbor	.....	.....	2,000
New River	28,500	16,000	37,300
Northeast, Black, and Cape Fear Rivers	38,375	10,500	13,000
Cape Fear River above Wilmington	91,000	70,000	271,000
Cape Fear River below Wilmington	115,000	115,000	205,000
Shallotte River	1,000	.....	1,800
Bennett River	6,000	.....	.....
Newbegun Creek	5,000	.....	.....

Comparison of river and harbor bill, H. R. 13811, Sixty-third Congress, second session, allotments of the general appropriation of 1914, and river and harbor bill, H. R. 20189, Sixty-third Congress, third session—Continued.

	H. R. 13811.	Allotments.	H. R. 20189.
North Carolina and South Carolina:			
Waccama River	.....	.....	$55,500
South Carolina:			
Charleston Harbor	$15,000	$15,000	.....
Little Pedee and Timber Rivers	2,000	.....	.....
Winyah Bay	6,000	15,000	100,000
Great Pedee River	10,000	10,000	.....
Santee, Wateree, and Congaree Rivers	40,000	30,000	20,000
South Carolina and Georgia:			
Waterway, Charleston to Savannah	50,000	.....	.....
Waterway, Charleston to Orangeburg	35,000	.....	.....
Georgia:			
Savannah Harbor	250,000	150,000	375,000
Savannah River	25,000	15,000	38,000
Brunswick Harbor	33,250	25,000	41,000
Altamaha River, Oconee and Ocmulgee	75,000	40,000	40,000
Flint River	25,000	18,000	50,000
Generals Cut	1,000	.....	.....
Bock River	5,000	.....	.....
Georgia and Florida:			
Waterway, Savannah to Fernandina	6,000	.....	77,000
St. Marys River	.....	.....	5,000
Georgia and Alabama:			
Chattahoochee River	120,000	65,000	120,000
Coosa River	81,000	40,000	131,000
Florida:			
Fernandina Harbor	25,000	.....	40,000
St. Lucie Inlet	50,000	.....	100,000
Tampa Bay	6,000	6,000	9,000
Miami Harbor	.....	.....	50,000
Hillsboro Bay	.....	.....	120,000
Carrabelle Bar and Harbor	.....	.....	15,000
Apalachicola Bay	25,000	15,000	25,000
St. Andrews Bay	60,000	36,000	45,000
The Narrows in Santa Rosa Sound	5,000	5,000	5,000
Pensacola Harbor	.....	.....	50,000
St. Johns River	300,000	210,000	597,000
Lake Crescent and Dunns Creek	1,000	.....	1,000
Deep Creek	9,000	.....	.....
Oklawaha River	.....	.....	10,000
Indian River	.....	10,000	10,000
Apalachicola River	15,000	15,000	35,000
Kissimmee River	47,000	.....	.....
Caloosihatchee, Crystal, Anclote, Withlacoochee, and St. Petersburg	36,500	13,500	61,500
Holmes River	3,000	25,000	5,000
Blackwater River	5,000	25,000	5,000
Apalachicola River to St. Andrews Bay	75,000	65,000	10,000
Clearwater Harbor to Tampa Bay	22,700	12,000	.....
Appraisal of East Coast Canal	10,000	.....	.....
Florida, Alabama, Mississippi, Louisiana, and Texas:			
Removing water hyacinths	25,000	17,000	25,000
Florida and Alabama:			
Choctawhatchee River	25,000	20,000	30,000
Escambia and Conecuh Rivers	15,000	5,000	7,000
Alabama:			
Pensacola to Mobile	50,000	.....	.....
Mobile Harbor and Bar	145,000	72,500	156,250
Alabama River	100,000	50,000	125,000
Black Warrior River	750,000	750,000	.....
Tombigbee River	30,500	18,000	64,500
Mobile Bay to Mississippi Sound	10,000	.....	20,000
Mobile Bay to Mississippi River	25,000	.....	.....
Mississippi:			
Pascagoula Harbor	110,000	.....	15,000
Horn Island Pass	5,000	.....	.....
Biloxi Harbor	.....	.....	3,000
Gulfport Harbor	85,000	30,000	106,250
Pascagoula and Leaf River	14,000	4,000	18,000
Wolf and Jordan Rivers	.....	.....	6,250
Pearl River	16,000	.....	24,000
Yazoo River	10,000	30,000	45,000
Vicksburg Harbor	125,000	.....	.....
Yazoo River and tributaries	40,000	.....	.....
Big Sunflower River	90,000	90,000	215,000
Louisiana:			
Southwest Pass	400,000	300,000	500,000
South Pass Channel	.....	.....	50,000
Bayou Plaquemine	.....	.....	30,000
Bayou Teche	130,000	30,000	10,000
Waterway, Mississippi River to Bayou Teche	100,000	.....	.....
Waterway, Bayou Teche to Mermentau River	Balance.	.....	.....
Waterway, Franklin to Mermentau River	.....	.....	8,000
Waterway, Mermentau River to Sabine River	.....	.....	8,000
Calcasieu River and Pass	.....	.....	3,000
Bogue Falaya, etc	.....	.....	5,000
Bayou Vermilion and Mermentau River	12,000	12,000	8,000
Vermilion River	37,500	.....	.....
Bayou Terrebonne	25,000	25,000	25,000
Atchafalya River	10,000	10,000	20,000
Lake Ponchartrain	32,000	.....	.....
Bayou Grossette	9,000	9,000	3,000
Johnsons Bayou	5,000	.....	.....
Bayous Bartholomew, etc	16,000	.....	10,000
Texas:			
Galveston Harbor	.....	25,000	200,000
Galveston Channel, sea wall	100,000	.....	200,000
Galveston Channel	100,000	.....	50,000
Channel Galveston to Texas City	.....	25,000	50,000
Channel to Port Bolivar	25,000	15,000	40,000
Port Aransas	800,000	470,000	400,000

Comparison of river and harbor bill, H. R. 13811, Sixty-third Congress, second session, allotments of the general appropriation of 1914, and river and harbor bill, H. R. 20189, Sixty-third Congress, third session—Continued.

	H. R. 13811.	Allotments.	H. R. 20189.
Texas—Continued.			
Sabine Pass	$550,000	$240,000	$500,000
Houston Ship Channel	200,000	110,000	250,000
Minor tributaries of Galveston Bay	25,000	25,000	25,000
Inland waterway, coast of Texas	235,000	75,000	105,000
Mouth of Brazos River	25,000	20,000	45,000
Brazos River	275,000	210,000	210,000
Pass Cavallo to Port Lavaca	5,000	.....	.....
Aransas Pass to Corpus Christi	15,000	10,000	10,000
Trinity River	235,000	203,000	100,000
Sabine River	30,000	.....	.....
Colorado River	23,000	.....	.....
Texas and Louisiana:			
Cypress Bayou	5,000	2,000	2,500
Arkansas, Texas, Oklahoma, and Louisiana:			
Red River	150,000	45,000	140,000
Arkansas and Louisiana:			
Ouachita River	691,500	320,000	398,000
Arkansas and Oklahoma:			
Arkansas River	164,700	46,000	237,500
Arkansas and Missouri:			
White, Black, etc., Rivers	73,950	28,850	36,000
Arkansas:			
Saline River	3,000	.....	.....
White River at Duvals Bluff	.....	.....	6,000
St. Francis River, etc	.....	1,000	.....
Tennessee:			
French Broad and Little Pidgeon	15,000	.....	.....
French Broad River	23,515	10,000	40,000
Clinch River	.....	.....	2,000
Cumberland River below Nashville	250,000	210,000	445,000
Cumberland River above Nashville	340,000	.....	Balance.
Tennessee and Alabama:			
Tennessee River between Island and Florence, Ala.	150,000	.....	.....
Tennessee River below Florence	.....	233,000	.....
Tennessee, Alabama, and Kentucky:			
Tennessee River	930,000	.....	672,000
West Virginia and Kentucky:			
Big Sandy River	25,000	.....	25,000
Ohio:			
Toledo, Sandusky, Huron, and Cleveland Harbors	307,500	297,000	143,000
Port Clinton	500	500	.....
Vermilion	7,000	3,000	.....
Fairport Harbor	158,000	.....	.....
Cuyahoga River	5,000	.....	.....
Conneaut Harbor	243,530	243,530	241,000
Ohio River:			
Open channel work	350,000	19,000	684,000
Locks and dams—			
Appropriation	2,000,000	1,750,000	3,800,000
Continuing contract	.....	.....	1,200,000
Michigan:			
Ontanagon Harbor	10,000	10,000	10,000
Marquette Harbor	2,000	.....	.....
Grand Marais Harbor	.....	.....	10,000
Menominee River and Harbor	10,900	.....	7,500
St. Joseph River and Harbor	.....	3,000	25,000
South Haven Harbor	17,000	4,500	10,000
Holland Harbor	.....	.....	5,000
Grand Haven	.....	.....	20,000
Muskegon Harbor	5,000	4,500	10,000
Ludington Harbor	21,000	6,000	150,000
Frankfort Harbor	3,000	4,000	5,000
Charlevoix	4,000	2,000	3,000
Alpina Harbor	5,000	.....	2,000
Harbor Beach	362,380	.....	362,380
Keweenah Point	75,000	75,000	100,000
Keweenah Point (H. Doc. 835)	138,000	.....	.....
Arcadia Harbor	25,000	.....	.....
Grand River	.....	.....	4,000
St. Marys River	250,000	.....	500,000
Black River at Port Huron	30,000	.....	25,000
Ship Channel	.....	.....	30,000
Clinton River	2,000	.....	1,000
Wisconsin:			
Sturgeon Bay and Lake and Michigan Canal	33,000	.....	.....
Ashland Harbor	10,000	10,000	20,000
Two Rivers Harbor	25,000	.....	12,000
Port Washington	2,500	.....	8,500
Milwaukee Harbor	.....	.....	15,000
Racine Harbor	182,400	3,000	177,800
Kenosha Harbor	7,500	.....	25,000
Fox River	25,000	10,000	20,000
Minnesota:			
Warroad Harbor	2,000	2,000	2,000
Zippel Bay	1,000	1,000	1,000
Agate Harbor	5,000	5,000	.....
Baudette Harbor	2,750	.....	.....
Minnesota and North Dakota:			
Red River of the North	7,500	.....	.....
Indiana:			
Indiana Harbor	25,000	.....	300,000
Michigan City Harbor	48,600	50,000	.....
Illinois:			
Waukegan Harbor	10,000	.....	20,000
Chicago Harbor	.....	.....	374,000
Transfer of fund	.....	.....	200,000
Calumet Harbor	38,700	.....	20,000
Chicago River	10,000	10,000	40,000
Illinois River	.....	.....	50,000
Illinois and Indiana:			
Calumet River	20,000	10,000	30,000

Comparison of river and harbor bill, H. R. 13811, Sixty-third Congress, second session, allotments of the general appropriation of 1914, and river and harbor bill, H. R. 20189, Sixty-third Congress, third session—Continued.

	H. R. 13811.	Allotments.	H. R. 20189.
Mississippi River:			
Passes to mouth of Ohio	$8,000,000	$3,750,000	$6,000,000
Mouth of Ohio to mouth of Missouri	1,000,000	258,000	500,000
Mouth of Missouri to Minneapolis	1,500,000	800,000	1,500,000
St. Paul to Minneapolis	170,000	150,000	235,000
Mississippi River in Minnesota	8,000	4,000	6,000
Winnibigoshish to Pokegama Res	30,000	.....	.....
Missouri:			
Osage River	15,000	.....	7,500
Gasconade River	21,500	15,000	7,500
Kansas:			
Kansas River	6,000	.....	.....
Missouri River:			
Kansas City to mouth	2,000,000	850,000	1,200,000
Kansas City to Fort Benton	350,000	100,000	150,000
California:			
Los Angeles Harbor	75,000	52,000	75,000
Los Angeles Harbor (H. Doc. 896)	200,000	.....	.....
San Francisco Harbor	9,000	.....	19,000
Oakland Harbor	98,000	98,000	150,000
Richmond Harbor	100,000	.....	.....
San Pablo Bay	40,000	.....	80,000
Humboldt Harbor and Bay	525,000	200,000	375,000
San Rafael Creek	27,300	.....	.....
Napa River and Petaluma Creek	27,500	.....	15,000
Sacramento and Feather Rivers (H. Doc. 76)	25,000	.....	90,000
Sacramento and Feather Rivers (R. H. Com. Doc. 5)	200,000	.....	.....
Sacramento and Feather Rivers, California Débris Commission	.....	60,000	140,000
Oregon:			
Coos Bay	50,000	70,000	80,000
Nehalan Bay	116,175	.....	116,175
Coquille River	90,000	26,000	76,000
Coos River	3,000	.....	3,000
Siuslaw River	5,000	5,000	5,000
Do	112,500	.....	112,500
Yaquina River	.....	.....	3,000
Columbia River at the Cascades	10,000	.....	10,000
Willamette and Yamhill Rivers	40,000	25,500	42,500
Willamette River (H. Doc. 1060)	80,000	.....	.....
Columbia and Lower Willamette	300,000	200,000	600,000
Klatskanie River	1,000	.....	1,000
Oregon and Washington:			
Mouth of Columbia River	1,000,000	1,000,000	2,000,000
Continuing contract	1,500,000	.....	.....
Columbia River above Celilo Falls	20,000	10,000	45,000
Columbia River, The Dalles to Celilo Falls	525,000	525,000	80,000
Washington and Idaho:			
Snake River	10,000	5,000	20,000
Washington:			
Greys Harbor	30,000	15,000	15,000
Puget Sound and Lake Washington	.....	.....	5,000
Cowlitz and Lewis Rivers	16,000	6,000	22,000
Greys Harbor and Bar	110,000	110,000	560,000
Greys River	500	.....	500
Eskamokawa Creek	1,800	.....	.....
Puget Sound	25,000	.....	25,000
Skagett River	10,000	.....	10,000
Skagett River (H. Doc. 935)	30,000	.....	.....
Columbia River, Kettle Falls	25,000	35,000	.....
Alaska:			
Apoon mouth of Yukon	45,000	.....	.....
Hawaii:			
Honolulu Harbor	125,000	90,000	.....
Hilo Harbor	100,000	.....	.....
Kahului Harbor	.....	10,000	10,000
Porto Rico:			
San Juan Harbor	400,000	.....	10,000
Examinations, surveys, etc	250,000	.....	400,000
International Navigation Congress	5,200	.....	5,200
Commission to investigate damage to land on the Mississippi River	60,000	.....	60,000
Reserved for contingencies	.....	875,220	.....

Mr. ASHURST, Mr. NEWLANDS, Mr. JOHNSON, and Mr. SHEPPARD addressed the Chair.

Mr. ASHURST. Mr. President, I shall decline to yield on any matter that leads to any discussion whatever.

Mr. SHEPPARD. I merely desire to submit a report.

Mr. ASHURST. I have no objection to a report being submitted.

Mr. NEWLANDS. I wish to submit a report.

Mr. ASHURST. I have no objection to a report being presented, but if it leads to discussion I shall object.

Mr. NEWLANDS. Mr. President, I report, from the Committee on Interstate Commerce, favorably the bill (S. 7738) to amend section 20 of an act to regulate commerce, approved February 4, 1887, as amended June 29, 1906, February 25, 1909, and June 18, 1910, and for other purposes.

Mr. SMOOT. I object, Mr. President.

The PRESIDING OFFICER. Objection is made.

Mr. NEWLANDS. Do I understand that it is not in order unless there is unanimous consent?

The PRESIDING OFFICER. It is not in order except by unanimous consent.

Mr. JOHNSON. Mr. President——

The PRESIDING OFFICER. The Senator from Maine.

Mr. JOHNSON. I ask unanimous consent to make a report from the Committee on Claims, and let it go to the calendar.

Mr. SMOOT. I object.

The PRESIDING OFFICER. Objection is made.

Mr. ASHURST. Mr. President, before we resume the consideration of the bill I want to make a brief statement. We have recently accused our friends on the other side of filibustering; that is, talking wildly and consuming time unnecessarily. I think we ought to look to our own "glass houses," for I fear that upon this side some of us might justly be subjected to the charge of filibustering against this very bill. I speak in all kindness; what I say is not harsh nor unfriendly; but may I not appeal to my Democratic brethren to restrain their laryngeal activity at this time. The mind of every Senator is made up; no Senator's mind will be changed by anything that will be said to-night. Another session of Congress will convene next December, at which time our oratorical temperaments may have free and full swing. In all candor, may I not therefore appeal to the Democrats to say nothing, but to sit and vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. ROBINSON. Mr. President——

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. ROBINSON. In the hope that we may speedily conclude the consideration of this item, I want to suggest to the Senator from Wisconsin a few amendments to the provision which has been inserted in the bill and which is now under consideration, and which I think he will be willing to accept. I also want to suggest to the Senators from Montana that if possible it would be wise for them to agree to these amendments.

Mr. LA FOLLETTE. I should like first to perfect the amendment which I offered, if the Senator will permit me to do so.

Mr. ROBINSON. Very well. I will take whichever course the Senator from Wisconsin desires.

Mr. LA FOLLETTE. In line 22, page 39, after the word "allottee," I wish to add the words "or allottees." I move that amendment.

Mr. ASHURST. There is no objection, Mr. President. I hope it will be agreed to.

The amendment to the amendment was agreed to.

Mr. LA FOLLETTE. In line 25, after the word "allotment," I move to add "or allotments."

Mr. ROBINSON. There is no objection to that.

The amendment to the amendment was agreed to.

Mr. LA FOLLETTE. After the next word, "of," I move to strike out the word "any," and insert the word "such."

Mr. ROBINSON. There is no objection to that.

The amendment to the amendment was agreed to.

Mr. LA FOLLETTE. After the word "allottee," in the same line, I move to add the words "or allottees."

Mr. ROBINSON. There is no objection to that.

The amendment to the amendment was agreed to.

Mr. LA FOLLETTE. On page 40, in line 3, after the word "lands," the third word in that line, I move to add the words "other than his homestead."

Mr. WALSH. What is that amendment?

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 40, line 3, after the word "lands," it is proposed to insert "other than his homestead."

Mr. ROBINSON. I think there is no objection to that. I think that will materially improve the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. LA FOLLETTE. In line 4, after the word "years," I move to add the words "beyond the date of the execution of the lease," and a comma.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 40, line 4, after the word "years," it is proposed to add the words "beyond the date of the execution of the lease" and a comma.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. LA FOLLETTE. On the same page, in line 10, after the word "of," the fourth word in that line, I move to add the following: "inadequate compensation provided in said lease, or of any unfair terms or conditions contained therein, or of."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 40, line 10, after the words "case of," it is proposed to insert:

Inadequate compensation provided in said lease, or of any unfair terms or conditions contained therein, or of.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. LA FOLLETTE. In line 11, after the word "lessee," I move to add the words "as a tenant."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 40, line 11, after the word "lessee" and before the comma, it is proposed to insert the words "as a tenant."

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. LA FOLLETTE. After the word "lease," in line 11, on page 40, I move to insert:

Such lease shall be made upon forms furnished by the Interior Department.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 40, line 11, after the word "lease" and before the period, it is proposed to insert:

Such lease shall be made upon forms furnished by the Interior Department.

The PRESIDING OFFICER. The question is upon agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. LA FOLLETTE. I thank the Senator from Arkansas.

Mr. ROBINSON. Mr. President, I think the Senator from Wisconsin has materially improved his amendment, but I think it can be still further improved, and I offer this suggestion to him:

After the word "lease" on line 2, page 40, insert the words: "on terms and conditions to be approved by the Secretary of the Interior."

Mr. LA FOLLETTE. Mr. President, I do not think that amendment ought to be adopted, in view of the attitude of the Indian Office particularly toward the whole proposition contained in this amendment. I will go into that more fully later, but that is my——

Mr. ROBINSON. I was trying to avoid, perhaps, the necessity for a prolonged discussion of this item; but it occurs to me that some such provision is necessary in order to protect these Indians against wholly improvident leases. Now, if they are permitted and encouraged to make leases of their allotments without any restriction whatever, the inevitable result will be that designing parties, if there are such, will induce them, if possible, to enter into improvident leases.

It is true that in this provision, as framed by the Senator from Wisconsin, the Secretary of the Interior is given authority to cancel unfair and unjust leases; but in all such cases questions of vested rights might arise, and the burden or the initiative would then be upon the department and upon the Indian himself. After a lease was once made the Indian or the department would have to take the initiative; and I submit that if you recognize it as necessary that the department shall exercise any supervision whatever over these leases, the supervision should come when the leases are executed, because then the burden of starting the proceeding is not upon the Indian and not upon the department.

It seems to me that that is a practical view to take of the matter. I submit it to the Senator from Wisconsin.

Mr. SMOOT. Mr. President——

Mr. ROBINSON. I yield to the Senator from Utah.

Mr. SMOOT. I desire to ask the Senator whether he intends to follow his proposed amendment——

Mr. ROBINSON. With other amendments.

Mr. SMOOT (continuing). With an amendment to strike out line 5 and the first word on line 6, as follows:

Without interference on the part of any Government official.

Mr. ROBINSON. Certainly. That would be necessary.

Mr. SMOOT. That would be absolutely necessary if the Senator's amendment should be adopted.

Mr. ROBINSON. Certainly; but I can only present one amendment at a time.

Mr. SMOOT. I simply asked to be informed as to what the Senator had in mind in offering this amendment.

Mr. ROBINSON. I had that in mind, among other things. I have several things in mind.

I offer that as an amendment.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. The Senator from Arkansas proposes to amend, on page 40, line 2, at the end of the line, after the words "permitted to lease," by inserting the words "on terms and conditions to be approved by the Secretary of the Interior."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arkansas to the amendment.

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. LA FOLLETTE. I trust that amendment will not be adopted. My reason for expressing that hope is this—and it might as well be stated to the Senate now as later:

The Indian Office is not friendly to the proposed amendment. I have every reason to believe that if it is invested with a discretion which will enable it to defeat the operation of that amendment there never will be a lease made in accordance with its provisions on the Crow Indian Reservation. I contend, Mr. President and Senators, that the whole conduct by the Indian Department of operations on this particular Indian reservation with regard to the leasing of the lands of these Indians warrants the inference which I have drawn.

On April 4, 1882, Congress ratified an agreement with the Crow Indians. This agreement fixed the boundaries of the reservation, which included the present reservation.

Article 3 of this agreement reads as follows:

Third. That if at any time hereafter we, as a tribe, shall consent to permit cattle to be driven across our reservation or grazed thereon, the Secretary of the Interior shall fix the amount to be paid by parties so desiring to drive or graze cattle; all moneys arising from this source to be paid to us under such rules and regulations as the Secretary of the Interior shall prescribe.

By the same agreement the Indians were to be allotted, the heads of families receiving 320 acres and all other members of the tribe 160 acres each. Under this agreement 2,300 allotments, according to the record, have been given to individual Indians; and it appears from the statements of the officers of the Interior Department recently made before the Senate committee that in the majority of cases these individual allotments are not occupied or controlled by the owner, but are included within the large pastures leased for grazing purposes.

On page 35 of volume 2 of the Senate hearings on this bill will be found the following, being part of the examination of Thomas L. Sloan, a graduate of Carlisle and an Indian attorney who visited the Crow Reservation:

Senator LA FOLLETTE. You stated, I think, Mr. Sloan, that a great many of their allotments are included in the grazing area.

Mr. SLOAN. Yes, sir.

Senator LA FOLLETTE. And that they were overrun with cattle and their crops destroyed?

Mr. SLOAN. There are very few lands that are cropped.

Senator LA FOLLETTE. They are hay lands?

Mr. SLOAN. Their hay lands are overrun and their hay destroyed in that way, but the larger part of their allotments, I should say more than half of their allotments, are included in grazing lands or in grazing permits that are granted to white men and for which no compensation is made whatsoever.

Senator OWEN. Do they not get pay for their grazing land that is used by the white men?

Mr. SLOAN. No, sir; there is no payment made either to the Indian or to the department for the use of the individual allotments that are grazed upon the Crow Reservation.

Senator LANE. That is right, Senator OWEN.

Senator OWEN. Do you know anything about that, Mr. Meritt, as to how that is?

Mr. MERITT. Yes, sir; those allotments are included within a grazing area and the entire grazing area is leased for a certain consideration. We get more than $150,000 a year for leasing grazing lands on the Crow Reservation.

Senator OWEN. Does each Indian get his pro rata share for the land used?

Mr. MERITT. No, sir; he gets his tribal share of the money that we derive from the leasing of the reservation.

Senator LANE. Is it paid to him personally?

Senator ROBINSON. What authority have you to lease the Indians' allotments?

Mr. MERITT. We have authority of law to lease the tribal lands. There is a serious question of law, but that has been the policy that has been followed for years.

I will say just a word, prompted by a suggestion made to me by the Senator from Utah [Mr. SMOOT] as he passed my desk—that the amendment as amended, I believe, meets the objection raised, in so far as any possibility of imposition upon or injury to these Indians is concerned. As now amended it is provided that the Secretary of the Interior shall have the power, in case of inadequate compensation provided in such a lease, or of unfair terms or conditions contained therein, or of any unfair treatment of the lessor by the lessee to cancel or revise said lease. I believe that will be such a check upon any white man who attempts to lease the allotments of any of these Indians that it will entirely restrain him from overreaching them in any way. He will understand that he can gain no permanent advantage; that the lease, as soon as it is drawn and signed, is subject to cancellation by the Secretary of the Interior. Furthermore, the words added, "that such lease shall be

made upon forms furnished by the Interior Department," supply another check.

Mr. President, I want to suggest that there is an undue emphasis placed upon the opportunity and the power to transact a little business by the Indian independently, sought to be conferred by this proposed amendment. What is it? This amendment does not contemplate that the Indian can part with the title to his property. It enables him to sell the grass that grows upon it, under the terms of a lease, for a period not to exceed five years at a time. Judged by the amount that the Indian Office receives per acre from the great cattle companies that are grazing these lands, it is not going to amount to a very considerable sum. The Senator from Oregon [Mr. LANE], who visited this reservation and has very much more definite and accurate information in detail regarding it than I have, will remember, perhaps, what the cost per acre is to the cattle companies that lease the Crow lands, and I will ask him to state it.

Mr. LANE. Mr. President, I will say that the cattle companies' outside price, as I understand, is 8 cents an acre; and in addition there are thousands upon thousands of allotted lands which are thrown in to them free of cost.

Mr. LA FOLLETTE. Mr. President, I want to present to the Senate in this connection the situation upon that reservation, as I understand it.

There is a great stretch of country there belonging to these Crow Indians, secured to them by treaty; it comprises something over 2,000,000 acres. Of that land there has been allotted to Indians some 500,000 acres. I have before me a report made by Mr. E. B. Linnen, chief supervisor of the Indian Office, and found in the testimony taken by the joint commission created by Congress. It appears from this report that there are 2,300 allotments of 320 acres each on this reservation. I read from his report:

MAY 2, 1914.

The act of Congress approved April 11, 1882, as contained on pages 42 and 43 of volume 22, United States Statutes at Large, specifies that allotted lands to members of the Crow Tribe of Indians shall not be subject to alienation, lease, or encumbrance, either by voluntary conveyance of the grantee or his heirs, or by the judgment, order, or decree of any court, nor subject to taxation of any character, etc., for a period of 25 years and until such time thereafter as the President may see fit to remove the restrictions, which shall be incorporated in each patent.

I am informed that the original allotment roll of allottees under this act has disappeared from the files, and it is contended by Mrs. Grey that allotments of lands other than the original lands allotted have been substituted, and patents issued under what is known as the Burke Act of 1906.

It is also contended that the original allotment papers under the acts of 1882 and 1891 were in the hands of Chief Supervisor Holcombe, having been turned over to him by the then Secretary of the Interior Ballinger. It also appears that office letters have been written to the various Indians who desired to make individual private leases to one John Booz or others, prohibiting such leasing or fencing of their allotments, and that the general lease of tribal lands has included these allotted lands of various Indians, for which no compensation has been received and no moneys paid to the Indians whose individual allotments are so used.

It is stated that the lease contracts of the cattlemen especially provide that "in case of the allotments of land in severalty, it is agreed and understood that this lease shall be void as to the lands so allotted." This exclusion of the allotments, a very large majority of which are unfenced, permits the lessees to graze their herds over these allotted lands free of cost, and according to the present superintendent there are about 2,300 of these allotments of 320 acres each.

Instances have occurred where the Indians could lease their allotments, but are prohibited from doing so, or from fencing same for such purpose, or leasing those which are fenced.

When it is taken into consideration that the leases are made at so much per each head of stock and that the number of head of stock permitted to be grazed is based on the estimated area of the tribal lands and does not embrace about 2,300 allotments of 320 acres each, it is readily seen that the allotted Indians are not receiving payment for a very large area of land, and neither is the tribe receiving such payment, and further, the bids do not provide for the actual acreage, and generally the only persons acquainted with these facts and this advantage to be thus gained are the lessees who have been taking advantage of same for years past.

Mr. President, some of these allotments are 320 acres, and some of them 160 acres. The heads of families receive 320 acres and all other members of the tribe 160 acres. So that the average allotments would probably cut down somewhat the figures which I gave to the Senate a moment ago as comprising the total amount of allotted lands upon that Indian reservation. But if half of them——

Mr. ROBINSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Arkansas?

Mr. LA FOLLETTE. I yield.

Mr. ROBINSON. Without objection, I will withdraw the amendment which I offered.

Mr. LA FOLLETTE. I do not object to that, but I will conclude what I want to say while I am on my feet. On this whole proposition I had intended to address myself to the Senate and in support of the amendment which I had the honor to offer in the Committee on Indian Affairs. I do not wish to worry the Senate, but I consider this matter of tremendous importance to these Indians.

It appears that the Indians have for years been protesting against the system by which they are deprived of the use of and any benefit from their allotments, and that although they have many opportunities to lease the allotments which belong to the members of their family and which have been taken in groups with the idea of fencing in one common body for grazing and farming purposes, that the Indian Office has uniformly refused to permit them to do so, and has adhered to the policy of leasing the tribal grazing lands in large bodies and permitting the lessee to graze the allotments included therein. On December 19, 1913, Acting Commissioner E. B. Meritt instructed the superintendent at the Crow Agency as follows:

[Land contracts, 143525–13 H. V. C. Unauthorized leasing by allottees.]

DECEMBER 19, 1913.

Mr. WINFIELD W. SCOTT,
Superintendent Crow School.

SIR: The office has received and considered your letter of December 4 last, with reference to informal grazing leases being made by some of the allottees holding land under your jurisdiction without advice or approval and contrary to the order contained in office letter of May 27, 1912 (49059–12), to which you refer. It is understood that in some cases these informal leases or agreements are made by Indians who have control of a group of allotments belonging to members of their families, and that in such cases the tract embraces favorable watering places, being first fenced and thereby excluded from the area included in the permits covering the several tribal pastures. You refer to several specific cases which have come to your attention, saying that the practice is rapidly spreading over the reservation, and you recommend that the previous authority of May 27, 1912, be approved.

As stated by you, previous to the date of the authority above referred to the matter was fully reported to the office, and after careful consideration action was taken as indicated. It was believed then that such action was for the best interests of the tribe in general without regard to any particular allottee, and that it was only fair to the parties holding permits on tribal lands, which, of course, include all lands not under fence. At the same time it was thought that the Indians should be encouraged to fence their grazing allotments for the use of their own stock, and you were instructed accordingly.

In view of the conditions now reported you are instructed to invoke the authority previously given you regarding this matter, and to prohibit the leasing by allottees of their allotments in groups for grazing purposes. You will take prompt action in all cases of this character that may come to your notice, and cause to be removed from the reservation any stock belonging to outsiders found grazing without proper authority, reporting the facts to the office.

Respectfully,

E. B. MERITT,
Assistant Commissioner.

(12–H. V. C.–17.)

The Crow Indians contend that at the time they took their allotments they were possessed of a considerable amount of stock; that they took their allotments in groups, with the idea of farming the irrigable land and running their own cattle upon the grazing area. They also contend that the policy of the department which has prohibited them from fencing their lands has resulted in their becoming impoverished. It is said that because their allotments have been included within the large pastures that they have been obliged to let their cattle run with the herd of the lessee. This has been very unsatisfactory, because the lessee frequently overstocked the range and when grass became short he turned the Indian cattle out into the waste places, where they died of starvation. It is now contended that very few Indians have more than 1 or 2 head of stock, and many of them none. They are in a state of want. The money derived from the tribal pastures has in recent years been used for the pay of employees and for perfecting and maintaining an irrigation system. The general agency expenses have more than exhausted this source of revenue, and the proceeds of the sale of ceded land has been drawn upon to supply the deficiency. The Indians receiving no distribution of any kind are without revenue other than that which they derive from their daily labor. There appears to be but little employment available, and the Indians have become discouraged, and appear to be degenerating rather than progressing. They contend that these allotments are theirs; that the Government of the United States has given to them trust patents in which the United States obligates itself to hold the said land for the sole use and benefit of the allottee and his heirs; that under this trust patent they are entitled to the benefit of these lands. Because they have not been permitted to fence their allotments, they have not been able to cultivate or graze, as was the evident intention of Congress when it provided that they should be allotted.

The condition of these unfenced allotments and the department's method of protecting the Indian is pretty well illustrated by the statement of Mr. Estep, the present agent, on page 39 of volume 2 of the Senate hearings on this bill.

Senator WHITE. Can you not take care of that situation by imposing penalties upon people whose stock get out?

Mr. ESTEP. We can; and I have notified one owner particularly in that regard.

Senator WHITE. Why not adopt that system?

Mr. ESTEP. That would increase the complaint that is made; it would take more men to do that.

Senator WHITE. It would do justice to those individuals whose rights ought to be protected.

Mr. ESTEP. Well, we think we are protecting the individual rights. Of course that is a matter of opinion. We are doing the best we can for them. The allotments of an Indian stand, in that western country particularly, on exactly the same status as a homesteader. A homesteader in the range country must protect his homestead, and if he does not do it with a proper and sufficient fence—which is defined by the law of Montana—he can collect no damages from a trespasser or from trespassing stock. The law defines it.

Senator WHITE. That is a one-sided affair. It looks as if the man whose stock gets out should be the man you should punish; he is the man you should restrict rather than punish the other man for allowing the cattle to graze there.

It is evident that this whole difficulty can be overcome by permitting the Indians to fence their allotments. It is evident from the testimony appearing on the latter part of page 39, above referred to, that the Indians will themselves fence their allotments, if furnished the wire, under the provisions of this bill. It is further apparent that the agent now has the wire.

Senator LA FOLLETTE. With regard to the matter of fencing these allotments, if you please, Mr. Estep, you have material for fencing which is issued to the Indians for fencing their allotments, I understand?

Mr. ESTEP. Yes; it is on the reimbursable plan.

Senator LA FOLLETTE. How large a force of employees have you on the reservation?

Mr. ESTEP. All told, including everything?

Senator LA FOLLETTE. Yes.

Mr. ESTEP. Regulars, about 80 or 85, which include the Indian police, and from that on up.

Senator LA FOLLETTE. Have you any employees there who aid these Indians in building their fences around their allotments?

Mr. ESTEP. Oh, yes; we have the district farmers, who have charge of that work all the way through.

Senator LA FOLLETTE. Do those Indians know how to make fences that will turn cattle?

Mr. ESTEP. Yes; I think so. They are pretty good workers.

Senator LA FOLLETTE. You furnish them with all the wire they need, do you?

Mr. ESTEP. Yes; wire and staples.

Senator LA FOLLETTE. And they have to procure the posts themselves?

Mr. ESTEP. They have to procure the posts themselves and do the work of setting up the posts.

It is contended that this provision is impracticable, that the Indian allotments are so located that if fenced it would take the water out of the leased pasture and make that worthless. This reservation is evidently well watered, and it appears from the testimony taken in the Senate committee upon this matter that the fencing of allotments will in no manner interfere with the supply of water required for the proper grazing of the leased pastures.

On page 37 of volume 2 of the recent hearings before the Senate committee, Mr. Estep, in reply to a question by Senator ROBINSON, makes it very plain that it would be impossible to cut off the water supply on that reservation.

It is evident from this same answer of Mr. Estep that the Indians receive no encouragement in the business of leasing or otherwise controlling their allotment.

Senator ROBINSON. Do you know that there are cases where the water holes or water streams are upon the lands allotted to individual Indians, and that therefore under the system that has heretofore prevailed of leasing these lands in large areas the lessees have the use of the water on those individual allotments, and that when the Indians have applied for permission to fence their allotments so as to use them severally they have been denied that privilege on the ground that it would cut off the water supply for the herds of the lessees?

Mr. ESTEP. I know of no such case, because it would be impossible to cut off the water supply on that reservation in any large quantities. It has never been done to my knowledge. I do not know what was done before, but never to my knowledge has any Indian been denied the right to fence his own allotment. In fact, we are doing everything we can to encourage them to do it. However, we are not encouraging them to do it for the purpose of letting the outsiders in with a few head of cattle with the intention of their cattle breaking out and running and ranging over the range. We are now furnishing wire for the express purposes of fencing their own allotments and making use of them. I have concluded in the department, since I have been down here, a further purchase of some $15,000 worth of reimbursable stuff, including wire for the purpose of fencing their allotments, and the allowance has gone to the warehouse.

Mr. ROBINSON. Mr. President, I only wish to call the Senator's attention to this fact. It is now a little over 24 hours until Congress will adjourn sine die, and this bill has on it perhaps more amendments than any other appropriation bill which has been considered. A conference will be necessary. I simply wanted to hasten the consideration of the measure. For my part I should like to see the amendments agreed to and the consideration of the bill proceed. I think that can be done.

Mr. LA FOLLETTE. I will endeavor to be very brief in what I have to say. I am a member of the Committee on Indian Affairs, and in all the time this appropriation bill has been before the Senate I have not occupied a moment of the time of the Senate in a discussion of its provisions. I will take just as little now as I possibly can. I do not want to prolong the consideration of the bill.

I wish to say that there are from 400,000 to 500,000 acres of allotted land on this Indian reservation included within the area leased to the great cattle companies by the Indian Office, but the terms upon which those cattle companies lease the land exclude from the acreage upon which they pay all the allotted lands embraced within the pastures which they lease.

In regard to this situation E. B. Linnen, Chief of Supervisors, Indian Office, in a recent report made to the department has the following to say:

The present leases in vogue likely extend for another two years. It now appears that leases could be made by or for a large number of individual allottees whereby they might secure a considerable revenue from such leases, and it further appears that certain persons would be willing to fence the allotments so leased for a term of years, and that the fences so constructed would at the termination of, say, five years go to the owners of the allotments.

The present lessees have no control over these allotments under the terms of their leases, and thus a considerable revenue from the leasing of these allotments and sale of hay which might be cut from same could be secured for the benefit of these Indians. Roughly estimated, there are approximately half a million acres of individual Indian allotments so affected, for which no payment is made by the present lessees who have had the use of same for many years back free of any expense.

It appears that the allotted area in any pasture is first deducted from the total acreage, and that after this deduction the amount which the lessee is to pay is computed. Under this arrangement no benefit from the grazing of the allotments come either to the tribe or to the individual. This is made very plain by the report of Mr. Linnen.

Mr. WALSH. I think the Senator wants to be correct. The leases are made on a head basis, not on the acreage at all, but at so much per head.

Mr. LA FOLLETTE. That may be true, but the fact is that it figures out, as stated in the testimony taken by the Committee on Indian Affairs, something like 8 cents an acre for the land included within the leased grazing area, but excluding the allotted lands of the Indians. In other words, there are 300,000 or 400,000 acres, at the least, of land belonging to these Indians just as much as the home of any Senator on this floor belongs to him. They have the title and the right to possession. They are entitled to the use of that land. The Indian Office, in leasing it without their consent, unlawfully deprives them of that to which they are entitled. The only reason which can be assigned for that course on the part of the Indian Office is that it is easier to handle these Indians as a herd, as a drove, than it is to take the pains to encourage individual allottees in the use of their property. It would be some trouble to develop a little business instinct and a little business responsibility in the individual in handling his property without any possibility of impairing his holdings or his title.

Mr. President, I will content myself with submitting this amendment, at least for the present, on that statement.

The PRESIDING OFFICER. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The PRESIDING OFFICER. The next amendment passed over will be stated.

Mr. STONE. I should like to ask the Senator in charge of the bill if he will be willing that the Senate should hold at this time an executive session?

Mr. ASHURST. Mr. President, I am an inexperienced man in managing a bill in the Senate. Any favor, any courtesy, anything that the distinguished Senator from Missouri would ask me I would grant; but I have learned that lex talionis is the law of the Senate in its closing hours. I have yielded to the right and to the left, but from now on I shall oppose to the limit of my strength anything else until the Indian appropriation bill is disposed of. I think we can get through the bill by 1 o'clock. May we not agree to vote at 1 o'clock or 2 o'clock?

Mr. STONE. If the Senator will permit me, I appreciate——

Mr. ASHURST. I hope the Senator will not press a motion for an executive session.

Mr. STONE. Just a moment. I was going to say I appreciate the kindly expression of the Senator, but it is not a personal question with me in any sense any more than it is with any other Senator. There are a large number of nominations sent in by the President that ought to be referred during this calendar day to the proper committees or else they might be subject to some objection to action thereon under the rules. Anyway, it is entirely with the Senate, and in the course of 30 minutes or thereabouts I shall move an executive session and let the Senate decide whether it prefers to go on with this bill and allow these nominations to fail.

Mr. ASHURST. I am not so stupid as to fail to observe the veiled threat, and I will say now that I will oppose the holding of an executive session and any other business being done until

the pending bill is passed. My courtesy is not going to be one-sided with me any more. I want this bill to proceed to a vote. I ask for the regular order.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by J. C. South, its Chief Clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21201) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1916, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20975) making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes.

The message further announced that the House had agreed to the concurrent resolution of the Senate requesting the President to return to the Senate the bill (S. 3362) to authorize the Secretary of Commerce, through the Coast and Geodetic Survey and the Bureau of Fisheries, to make a survey of natural oyster beds, bars, and rocks, and barren bottoms contiguous thereto in waters along the coast of and within the State of Texas.

The message also announced that the Speaker of the House had signed the following enrolled bills:

S. 7646. An act to authorize Parkersburg-Ohio Bridge Co., a corporation created and existing under the laws of the State of West Virginia, its successors and assigns, to construct a bridge across the Ohio River from the city of Parkersburg, State of West Virginia, to the town of Belpre, State of Ohio; and

S. 7723. An act authorizing the Texarkana Board of Trade to construct a bridge across the Red River between Fulton, Ark., and Index, Tex.;

NAVAL APPROPRIATIONS (S. DOC. NO. 966).

Mr. SWANSON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20975) making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 18, 29, 30, 37, 43, 46, 56, 58, 65, 66, 67, 71.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 20, 22, 23, 24, 25, 26, 27, 28, 31, 32, 33, 34, 35, 36, 41, 44, 45, 47, 48, 49, 50, 51, 52, 53, 54, 55, 57, 59, 61, 62, 63, 72, and agree to the same.

That amendment numbered 33 be transferred to page 26 of the bill and inserted as a separate paragraph after line 22; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Strike out all after the word "*Provided*," in line 1 of said amendment, down to and including the words "*Provided further*," in line 8 of said amendment; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with amendments as follows: In line 3 of said amendment strike out the word "ten" and in lieu thereof insert "twelve"; in line 9 of said amendment strike out the word "three" and in lieu thereof insert "five"; in lines 12, 13, 14, 15 strike out the following: ", one of whom may be a resident of the District of Columbia and the others shall be inhabitants of some State, but not more than one of them from the same State"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In said amendment strike out the words "Melville, Rhode Island"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In said amendment strike out the word "toward" and in lieu thereof insert "for"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with amendments as follows: In line 3 of said amendment strike out "docks"; also in line 3 of said amendment strike out the word "toward" and insert "for"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: Page 13 of Senate engrossed amendments, line 8, strike out the word "lieutenant"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with amendments as follows: Page 16 of Senate engrossed amendments, line 6, after the word "sixteen," insert "or," and after the word "twenty" strike out the comma and the words "or twenty-four"; same page, line 20, after the word "served," strike out the words "more than," and after the word "eight" insert "or more"; same page, line 22, after the word "served," strike out the words "more than," and after the word "twelve" insert "or more"; page 17 of Senate engrossed amendments, line 5, strike out the word "twelve"; same page, line 7, strike out the word "one-fourth"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Strike out all of said amendment and in lieu thereof insert the following:

"That hereafter the commander in chief of the United States Atlantic Fleet, the commander in chief of the United States Pacific Fleet, and the commander in chief of the Asiatic Fleet, respectively, shall each, after being designated as such commander in chief by the President, and from the date of assuming command of such fleet until his relinquishment of such command, have the rank and pay of an admiral; and in each of the above-named fleets the officer serving as second in command thereof shall each, after being designated as such second in command by the President, and from the date of assuming duty as such second in command until his relinquishment of such duty, have the rank and pay of a vice admiral; and the grades of admiral and vice admiral in the Navy are hereby reestablished and authorized for the purposes of this section. The annual pay of an admiral shall be $10,000, and of a vice admiral $9,000: *Provided*, That in time of peace officers to serve as commander in chief and as second in command of the three said fleets shall be designated from among the rear admirals on the active list of the Navy: *Provided further*, That nothing herein contained shall create any vacancy in any grade in the Navy nor increase the total number of officers allowed by existing law, and that when an officer is detached from duty as such commander in chief or as such second in command, as above provided, he shall return to his regular rank in the list of rear admirals and shall thereafter receive only the pay and allowances of such regular rank."

And the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lines 2 and 3 of said amendment strike out the words "transporting coal," and in lieu thereof insert the following: "transportation of fuel between the Atlantic and Pacific coasts of the United States"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agreed to the same with an amendment as follows: Strike out the word "five" in said amendment and in lieu thereof insert "two"; and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: Strike out "$6,820,000" and in lieu thereof insert "$4,090,000"; and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: Strike out "$19,275,998" and in lieu thereof insert "$18,957,998"; and strike out all after the word "*Provided*," in line 1 of said amendment, and in lieu thereof insert the following: "That the committee appointed by the act of June 30, 1914 (Public, No. 121), is hereby continued to the regular session of Congress convening in December, 1915, for the purpose of making such further investigation and report as may be deemed advisable"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: Strike out "$49,976,801" and in lieu thereof insert "$45,053,801"; and the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and

agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"The Secretary of the Navy is hereby directed to submit to the next regular session of Congress a report on building four warships of the type, power, and speed which, in his judgment based on the knowledge gained from the prevailing war in Europe, are best suited for war on the sea; also to report, in the light of that war, the value and uses in naval warfare of aeroplanes, dirigibles, balloons, and submarines."

And the Senate agree to the same.

B. R. TILLMAN,
CLAUDE SWANSON,
N. P. BRYAN,
GEO. C. PERKINS,
BOIES PENROSE,
Managers on the part of the Senate.

L. P. PADGETT,
J. FRED. C. TALBOTT,
ALBERT ESTOPINAL,
THOS. S. BUTLER,
ERNEST W. ROBERTS,
Managers on the part of the House.

Mr. SWANSON. I move that the Senate proceed to the consideration of the conference report.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. The question is not debatable.

Mr. SMOOT. The question of consideration?

The PRESIDING OFFICER. The question on proceeding to the consideration of a conference report is not debatable. The question is on agreeing to the motion of the Senator from Virginia.

Mr. OLIVER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. OLIVER. I wish to ask, not being very conversant with the rules of the Senate, whether a motion will be in order to recede from a part of the proposition upon which the Senate and House originally disagreed and to recommit with instructions to insist on another part?

The PRESIDING OFFICER. That will come up for consideration after the Senate determines whether it will proceed to the consideration of the report.

Mr. SMOOT. I was going to ask the Senator——

The PRESIDING OFFICER. Does the Senator from Virginia withhold his motion?

Mr. SMOOT (continuing). If he would not, in a very few words, state what changes have been made?

The PRESIDING OFFICER. That can not be done at this time.

Mr. SMOOT. Then I ask that the report may go over and be printed, so that we can look at it.

Mr. SWANSON. I will object to that course.

The PRESIDING OFFICER. The question is on the motion of the Senator from Virginia.

Mr. GALLINGER. What is the motion?

The PRESIDING OFFICER. The motion is that the Senate proceed to the consideration of the conference report. [Putting the question.] The noes appear to have it.

Mr. SWANSON. I call for a division.

Mr. SMOOT. Now, I ask that the report be printed, so that we can see what the amendments are. I do not want, I will state to the Senator——

The PRESIDING OFFICER. The Senator from Virginia has asked for a division.

Mr. LIPPITT. I ask for the yeas and nays on the motion.

The yeas and nays were ordered and taken.

Mr. HUGHES (after having voted in the affirmative). I have a general pair with the Senator from South Dakota [Mr. STERLING]. I transfer that pair to the junior Senator from Georgia [Mr. HARDWICK] and allow my vote to stand.

Mr. SAULSBURY. Has the junior Senator from Rhode Island [Mr. COLT] voted?

The PRESIDING OFFICER. He has not.

Mr. SAULSBURY. Then I withhold my vote.

Mr. SHERMAN (after having voted in the negative). I am paired with the senior Senator from Louisiana [Mr. THORNTON]. I transfer my pair to the junior Senator from Wisconsin [Mr. STEPHENSON] and allow my vote to stand.

Mr. OLIVER (after having voted in the negative). I will ask if the Senator from Oregon [Mr. CHAMBERLAIN] has voted?

The PRESIDING OFFICER. He has not.

Mr. OLIVER. I transfer my pair with that Senator to the Senator from Maine [Mr. BURLEIGH], and allow my vote to stand.

Mr. OVERMAN (after having voted in the affirmative). The Senator from California [Mr. PERKINS] is absent. I transfer my pair with that Senator to the Senator from Indiana [Mr. SHIVELY], and let my vote stand.

Mr. SMITH of Michigan. Has the junior Senator from Missouri [Mr. REED] voted?

The PRESIDING OFFICER. He has not voted, the Chair is informed.

Mr. SMITH of Michigan. I am paired with the junior Senator from Missouri. I transfer that pair to the Senator from California [Mr. WORKS], and will vote. I vote "yea."

The result was announced—yeas 27, nays 36, as follows:

YEAS—27.

Bryan	Kern	Newlands	Simmons
Chilton	La Follette	O'Gorman	Smith, Md.
Culberson	Lea, Tenn.	Overman	Smith, Mich.
Hollis	Lee, Md.	Penrose	Stone
Hughes	Lewis	Pomerene	Swanson
James	Martin, Va.	Ransdell	Vardaman
Johnson	Martine, N. J.	Shafroth	

NAYS—36.

Ashurst	du Pont	McCumber	Smith, S. C.
Brandegee	Fall	Myers	Smoot
Bristow	Fletcher	Nelson	Thomas
Burton	Gallinger	Oliver	Thompson
Catron	Gronna	Owen	Townsend
Clapp	Jones	Pittman	Walsh
Clark, Wyo.	Kenyon	Robinson	Warren
Crawford	Lane	Sheppard	Weeks
Dillingham	Lippitt	Sherman	White

NOT VOTING—33.

Bankhead	Goff	Poindexter	Sterling
Borah	Gore	Reed	Sutherland
Brady	Hardwick	Root	Thornton
Burleigh	Hitchcock	Saulsbury	Tillman
Camden	Lodge	Shields	Williams
Chamberlain	McLean	Shively	Works
Clarke, Ark.	Norris	Smith, Ariz.	
Colt	Page	Smith, Ga.	
Cummins	Perkins	Stephenson	

So Mr. SWANSON's motion was rejected.

DIPLOMATIC AND CONSULAR APPROPRIATIONS.

Mr. OVERMAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21201) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1916, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 15, 22, and 23.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 5, 6, 7, 8, 11, 14, 16, 17, 18, 20, 21, and 24, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$14,000"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Salaries, United States agency: One counsel and joint secretary, at $2,750 per annum; stenographer, at $1,200 per annum"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Expenses, United States agency: Necessary and contingent expenses, $200; rent of rooms, $600; in all, $4,750"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In line 12 of the matter inserted by said amendment, strike out "$60,000" and insert in lieu thereof "$55,000"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read

as follows: ": *Provided*, That no part of the appropriation shall be expended for subsistence of the commission, counsel, and secretary, except a sum not exceeding $10 per day each, when absent from Washington on official business"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same wtih an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SECOND PAN AMERICAN SCIENTIFIC CONGRESS.

"To enable the Government of the United States suitably to participate in the Second Pan American Scientific Congress, to be held at the city of Washington, and for the necessary expenses for clerks, printing (including the publication of the proceedings of the congress in English and Spanish), stationery and supplies, and other incidental expenses, including rent in the District of Columbia, and for the entertainment of the delegates, to be immediately available, $15,000, which sum is in addition to the $35,000 appropriated for the same purposes by the act entitled 'An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915,' approved June 30, 1914, to be expended under the direction of the Secretary of State; and the said appropriation of $35,000 is hereby made available for the same purposes of the fiscal year 1916."

And the Senate agree to the same.

LEE S. OVERMAN,
LUKE LEA,
W. L. JONES,
Managers on the part of the Senate.

H. D. FLOOD,
CYRUS CLINE,
HENRY ALLEN COOPER,
Managers on the part of the House.

Mr. OVERMAN. Mr. President, I ask the Senate to proceed to the consideration of the report.

The PRESIDING OFFICER. The Senator from North Carolina presents a conference report on the Diplomatic and Consular bill, and moves that the Senate proceed to the consideratiou thereof.

Mr. ASHURST. Let it be printed under the rule of the Senate.

Mr. OVERMAN. I will say to the Senator from Arizona that it will not take five minutes to dispose of it.

Mr. ASHURST. I prefer that it shall wait until the Indian appropriation bill is passed, Mr. President.

The PRESIDING OFFICER. There is no rule of the Senate requiring a conference report to wait.

Mr. BRANDEGEE. A parliamentary inquiry, Mr. President. What was the request of the Senator from North Carolina?

Mr. OVERMAN. To proceed to the consideration of the conference report on the Diplomatic and Consular appropriation bill, which has just come over from the House. There are only three amendments to it, and no one objects to it.

Mr. ASHURST. I object to anything whatsoever except the consideration of the pending appropriation bill.

The PRESIDING OFFICER. The Senator from Arizona can not object to the presentation of the conference report.

Mr. ASHURST. The Senator from Arizona does not object to the presentation of the report, but he emphatically objects to its present consideration.

The PRESIDING OFFICER. The Senator from North Carolina moves to concur in the conference report. [Putting the question.]

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry. While, of course, under the rules it is in order to present a conference report to the Senate at any time, action upon it in the nature of agreeing or disagreeing to it is not privileged.

The PRESIDING OFFICER. The Senator from Connecticut is correct about that.

Mr. BRANDEGEE. Then, how does the matter now come before the Senate?

The PRESIDING OFFICER. The Senator from North Carolina has moved to proceed to the consideration of the report.

Mr. BRANDEGEE. But was that motion put to the Senate?

The PRESIDING OFFICER. The motion was being put.

Mr. BRANDEGEE. No; I beg the Chair's pardon. I understood the Chair to put the question on concurring in the reoprt.

Mr. OVERMAN. I move that the Senate proceed to the consideration of the conference report.

The PRESIDING OFFICER. The Senator from North Carolina moves to proceed to the consideration of the conference report. Is there objection?

Mr. WEEKS. What is the report?

Mr. OVERMAN. The conference report on the Diplomatic appropriation bill.

Mr. BRANDEGEE. I object. I thought that the Senator had moved to concur and that the Chair was going to put it to a vote. If the Senator is asking unanimous consent, I object; but if he makes a motion, he will not know whether or not it is agreed to until the vote is announced.

Mr. OVERMAN. I have made the motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from North Carolina.

Mr. BRANDEGEE. I call for the yeas and nays, Mr. President.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. OLIVER (when his name was called). I transfer my pair with the Senator from Oregon [Mr. CHAMBERLAIN] to the Senator from Maine [Mr. BURLEIGH] and vote. I vote "nay." This announcement may stand for the day.

The roll call was concluded.

Mr. SMITH of Georgia. I wish to state that the Senator from Oklahoma [Mr. GORE] and the Senator from Wyoming [Mr. WARREN] are engaged in conference over the Agricultural appropriation bill. That is the reason they are not present.

Mr. GALLINGER. I desire to announce the following pairs of Senators who are necessarily absent:

The Senator from Idaho [Mr. BRADY] with the Senator from Mississippi [Mr. WILLIAMS];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN]; and

The Senator from Utah [Mr. SUTHERLAND] with the Senator from Arkansas [Mr. CLARKE].

Mr. HUGHES. I announce my pair with the Senator from South Dakota [Mr. STERLING] and its transfer to the Senator from Georgia [Mr. HARDWICK], and will let the announcement stand for the night. I vote "nay."

Mr. SMITH of Michigan. I make the same announcement as to my pair and its transfer as on the previous roll call and vote "nay."

The result was announced—yeas 24, nays 41, as follows:

YEAS—24.

Bankhead	Kern	Pomerene	Smith, Ga.
Bryan	Lea, Tenn.	Ransdell	Smith, Md.
Culberson	Lewis	Robinson	Stone
Fletcher	Martin, Va.	Saulsbury	Swanson
James	O'Gorman	Shields	Vardaman
Johnson	Overman	Simmons	White

NAYS—41.

Ashurst	Dillingham	Lee, Md.	Smith, Mich.
Brandegee	du Pont	Lippitt	Smith, S. C.
Bristow	Fall	McCumber	Smoot
Burton	Gallinger	Martine, N. J.	Thomas
Catron	Gronna	Myers	Thompson
Chamberlain	Hollis	Nelson	Townsend
Chilton	Hughes	Oliver	Walsh
Clapp	Jones	Owen	Weeks
Clark, Wyo.	Kenyon	Pittman	
Colt	La Follette	Shafroth	
Crawford	Lane	Sheppard	

NOT VOTING—31.

Borah	Hardwick	Perkins	Sterling
Brady	Hitchcock	Poindexter	Sutherland
Burleigh	Lodge	Reed	Thornton
Camden	McLean	Root	Tillman
Clarke, Ark.	Newlands	Sherman	Warren
Cummins	Norris	Shively	Williams
Goff	Page	Smith, Ariz.	Works
Gore	Penrose	Stephenson	

So Mr. OVERMAN's motion was rejected.

INDIAN APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20150) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1916.

The PRESIDING OFFICER. The next committee amendment passed over will be stated.

The next amendment passed over was, on page 73, line 3, after the word "act," to insert:

Except where contracts have been heretofore approved by the Secretary of the Interior, in accordance with existing law: *And provided further*, That such contract shall first be approved by the existing Department of the Interior.

The amendment was agreed to.

The next committee amendment passed over was, on page 73, after line 15, to insert:

That the unallotted land or public domain of the Creek Nation or Tribe of Indians, including any land the title to which has been, or may be, recovered for the Creek Nation, in any pending or other suit,

or otherwise, be, and the same is hereby, withheld from allotment to members of said nation or tribe, and that the Secretary of the Interior be, and he is hereby, authorized in his discretion to cause such land to be leased, for the benefit of the Creek Nation or Tribe of Indians, under such rules and regulations as he may prescribe, the proceeds of such lease to be paid into the Treasury of the United States to the credit of said Creek Nation: *Provided*, That the Secretary of the Interior is hereby authorized to pay each and every citizen of the Creek Nation who has not been allotted lands in said nation, and who were duly, legally, and properly enrolled prior to the enrollment of the list included in Senate Document No. 478, Sixty-third Congress, second session, the sum of $2,080, in lieu of an allotment of land in said nation. Said sum of $2,080 to be paid to each and every such person out of any funds in the Treasury of the United States to the credit of the Muskogee (Creek) Nation.

Mr. TOWNSEND. Mr. President, my attention has been called to this matter in a way which convinces me that possibly a wrong will be done if this amendment be adopted. I do not, however, wish to discuss it further than to make the point of order on the amendment. I believe it is subject to a point of order, and I therefore make it at this time. I believe this amendment is legislation on an appropriation bill, and it certainly changes existing law.

The PRESIDING OFFICER. To what amendment is the Senator from Michigan directing his remarks?

Mr. TOWNSEND. I am directing attention to the amendment before the Senate, on page 73, after line 15, which withholds from allotment lands which under the law are subject to allotment.

The PRESIDING OFFICER. The Senator refers to the amendment on page 73, beginning in line 16?

Mr. TOWNSEND. I refer to the whole of that amendment, beginning with line 16, on page 73.

The PRESIDING OFFICER. The Chair sustains the point of order. The Secretary will state the next amendment passed over.

The SECRETARY. At the request of Mr. OWEN an amendment was passed over, on page 95, after line 12, to insert the following:

That there is hereby appropriated the sum of $90,000 for the payment of the members of the Stockbridge and Munsee Tribes of Indians who were enrolled under the act of Congress of March 3, 1893, equal amounts to the amounts paid to the other members of said tribe prior to the enrollment under said act, and such payments be made upon the certificate and order of the Commissioner of Indian Affairs upon claims being filed with him, showing to his satisfaction that such claimants, or the ancestors of such claimants, were enrolled under the act of March 3, 1893, entitled "An act for the relief of the Stockbridge and Munsee Tribes of Indians of the State of Wisconsin."

That without bias or prejudice to the rights or interest of any party to the litigation hereinafter mentioned, the Secretary of the Interior be, and he hereby is, authorized to sell the timber on the so-called "school lands" and "swamp lands," within the boundaries of the Bad River and Lac du Flambeau Indian Reservations in Wisconsin, and to which the State of Wisconsin has asserted a claim; to keep a separate account of the proceeds of such sale with each legal subdivision of such land, and to deposit the said proceeds at interest in a national bank, bonded for the safe-keeping of individual Indian moneys, to be paid over together with the interest thereon to the party who shall finally be adjudged to be the owner of such land: *Provided*, That the consent of the State or parties claiming title therefrom be obtained before any such sale shall be made.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. OWEN. Mr. President, I objected to that amendment and asked that it go over for the reason that it proposes to charge the United States for the benefit of persons who had been left off the Stockbridge rolls for 20 years, from 1871 to 1891. It puts a charge upon the Treasury of the United States not only involving this amount but involving another amount.

I should have no objection to making a gratuity to these Indians, but I do object very strongly to laying down a principle that, after a roll was made of the Stockbridge Indians on their own request and no adequate objection was made during the 20 years that followed, they should be permitted to come in and compel the United States to pay them back annuities which during 20 years they have not presented to the Treasury in any proper form.

The matter turns, so far as its justification is concerned, upon the act of the Comptroller of the Treasury in one individual instance, in the case of one particular Indian, a man named David Daniels; and out of that single instance, in which the comptroller overruled the auditor, there is brought in here now a demand that 350 individuals similarly situated shall also be provided for; and the end is not yet.

The amendment lays down the principle that the United States Government will be responsible for any Indian omitted from a roll. As I have said, I do not object to making a gratuity to these Indians, but I do object to the form in which this provision is framed. If the Senate desires to grant a gratuity, I have no objection; but I object to the principle being laid down that the United States shall be responsible for an error on a roll made in 1871—if it were an error—and being required, after all this lapse of time, to pay back annuities for 20 years. It is a wrong principle, and it ought not to be established as a principle of law.

I repeat that I am perfectly willing to make a gratuity to them, but not in the form in which this amendment is framed. I have no objection to striking out the objectionable features of the amendment and appropriating $90,000 for the benefit of the Stockbridge and Munsee Indians; but I think it is a very great mistake to lay down the broad doctrine that where an error was made—if it was an error; it has not been proved to be an error, so far as I know and am informed——

Mr. SMOOT. Mr. President, may I ask the Senator a question?

Mr. OWEN. Certainly.

Mr. SMOOT. If we grant this $90,000 as a gratuity, in a few years will not the same proposition be brought back here that is now in this bill?

Mr. OWEN. It is stated in the report upon which this item is based that this is a part and that there is more necessarily to follow, amounting, I believe, to a gross sum of $130,000, there being 350 who have been reported, and there may be others reported.

Mr. SMOOT. My idea was that if we made a straight appropriation of $90,000 from the Treasury of the United States, the same parties interested in securing the $90,000, based upon the provisions of this amendment, perhaps two years or three years from now might come to the Senate and ask for another appropriation based upon the same provision as is contained in this amendment.

Mr. OWEN. Well, I think that the amount which would be asked would be based upon the finding of other persons who would claim that they were entitled to enrollment and who would demand a draft upon the Treasury to pay them annuities back to 1871. I do not think the Government ought to be put in that attitude, because it not only involves these Indians but it involves Oklahoma Indians; it involves the rolls of the Five Civilized Tribes in principle and in effect. For instance, the Cherokee rolls are closed. There are 35,000 people on the Cherokee rolls.

If those rolls can be reopened, as is demanded by the citizenship attorneys, inasmuch as the property of that tribe has been distributed, it simply means that the other applicants for enrollment will have a precedent set in this Stockbridge case to demand from the Treasury of the United States, upon the authority of the act of Congress fixing the precedent, that the Treasury shall pay whoever shall be able to have his name placed on the Cherokee roll hereafter. It would be a very serious national mistake to set that precedent.

I again say that I have no objection to making a flat appropriation to the Munsee and Stockbridge Indians, but I say that the facts in this case do not justify this appropriation, because the Stockbridge and Munsee Indians themselves made an agreement by which one roll was made of United States citizen Stockbridge Indians, who got their allotments and sold their allotments. Then they come back afterwards and say, "Well, after all, we are just Indians, and we want to be enrolled as Stockbridge Indians." Then they are enrolled over again under the patronage and safeguard of the United States. Then they come here and say, "Well, you have been paying annuities for 20 years to the other Stockbridge Indians and we want to be paid our back annuities." Then they bring a case before the Auditor of the Interior Department and he refuses to make the payment. Then an appeal is made to the Comptroller of the Treasury, and he says that he thinks the claim ought to be paid. Then come in 350 cases based upon that precedent.

If we lay down that doctrine, it means that, if the rolls of the Five Civilized Tribes are opened, the United States Government will be responsible out of its Treasury for an unknown sum of money. I do not think it is a wise thing to do, because the distributive shares of the Five Civilized Tribes are large. In the case of the Cherokee Nation each share is equal to about $700.

I think the amendment is subject to a point of order, but I do not want to make a point of order against it if the provision can be arranged so that it merely goes as a gratuity and does not lay down the doctrine to which I object.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. OWEN. I will make the point of order against it unless it is changed, Mr. President.

The PRESIDING OFFICER. The Senator will either have to make the point of order or not do so.

Mr. OWEN. I make the point of order against it, then.

The PRESIDING OFFICER. On what does the Senator base his point of order?

Mr. OWEN. On the ground that it changes existing law, which can not be done on an appropriation bill.

Mr. LA FOLLETTE. Mr. President, I rise to a parliamentary inquiry. Under the rule is that a question that is usually submitted to the Senate or is it a question that is generally decided by the Chair?

The PRESIDING OFFICER. It is a question to be decided by the Chair, but an appeal may be taken from the ruling of the Chair. The Chair, however, will be glad to hear the Senator upon the point of order.

Mr. LA FOLLETTE. Mr. President, I do not desire to be heard upon the point of order; but I will take occasion to present the case of the Stockbridge Indians at some length, whatever the ruling may be, in order that the record may be set right and the statements of the Senator from Oklahoma completely answered, as they may be completely answered. He has misstated the case of the Stockbridge Indians and their claim upon the Government. I do not propose to have that statement stand in the RECORD; and I shall go fully into the Stockbridge Indian case, but will not take the time now, except to have placed in the RECORD some official correspondence which fully covers the case.

It appears that under the act of Congress of February 6, 1871 (16 Stats., 404–407), that certain Stockbridge and Munsee Indians were excluded from enrollment, notwithstanding the fact that they and their ancestry had been recognized as members of the tribe for many years. In 1893 Congress, by the act of March 3 of that year, undertook to correct the wrong done under the act of 1871, and to restore to the Indians wrongfully excluded from the rolls the right which had been guaranteed to them under the earlier treaties of the tribes. Between 350 and 400 Indians were excluded from the rolls under the act of 1871. As a result, they received none of the fund distributed to members of the tribe from the year 1874 to the year 1894. Since 1894 these reenrolled persons shared in the tribal funds.

The object of this provision is to pay to them the amount found due them by the Treasury Department on account of their failure to receive their portion of the tribal funds during these years. The matter which I wish to have placed in the RECORD is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 23, 1913.

Hon. ROBERT M. LA FOLLETTE,
United States Senate.

SIR: In response to your letter of January 8, 1913, inclosing a communication from August G. Schmidt, of Shawano, Wis., concerning moneys alleged to be due certain Stockbridge and Munsee Indians, I have the honor to advise you as follows:

About 350 claims have been filed by Stockbridge Indians for shares in payments made to the tribe from the third quarter of the fiscal year 1874 to the second quarter of the fiscal year 1894. These payments were made to persons enrolled in 1874 as members of the tribe, under the provisions of the act of February 6, 1871 (16 Stat., 404–407), section 6 of which reads as follows:

"SEC. 6. *And be it further enacted*, That for the purpose of determining the persons who are members of said tribes and the future relation of each to the Government of the United States, there shall be prepared, under the direction of the Commissioner of Indian Affairs, or such person as may be selected by him to superintend the same, two rolls, one to be denominated the citizen roll, to embrace the names of all such persons of full age, and their families, as signify their desire to separate their relations with said tribe, and to become citizens of the United States; the other to be denominated the Indian roll, and to embrace the names of all such as desire to retain their tribal character and continue under the care and guardianship of the United States; which said rolls shall be signed by the sachem and councilors of said tribe, certified by the person superintending the same, and returned to the Commissioner of Indian Affairs, but no person of full age shall be entered upon said citizen roll without his or her full and free consent, personally given to the person superintending such enrollment; nor shall any person, or his or her descendants, be entered upon either of said rolls who may have heretofore separated from said tribe and receive allotment of lands under the act of Congress for the relief of the Stockbridge Tribe of Indians, of March 3, 1843, and amendment of August 6, 1846, or under the treaty of February 5, 1856, or who shall not be of Stockbridge or Munsee descent. After the said rolls shall be made and returned as herein provided, the same shall be held as a full surrender and relinquishment on the part of the citizen party, each and every one of them, of all claims to be thereafter known or considered as members of said tribe, or in any manner interested in any provision heretofore or hereafter to be made by any treaty or law of the United States for the benefit of said tribes, and they and their descendants shall thenceforth be admitted to all the rights and privileges of citizens of the United States."

After the enrollment many persons who desired to remain under the control of the Government complained that they had been forcibly prevented from presenting themselves for enrollment, and after several investigations and reports to Congress the following act was approved on March 3, 1893 (27 Stat., 744–745):

"CHAP. 219.—An act for the relief of the Stockbridge and Munsee Tribe of Indians, in the State of Wisconsin.

"Whereas a treaty was entered into on the 5th day of February, 1856, by and between the Government of the United States and the Stockbridge and Munsee Indians, in which the said Indians ceded certain lands to the United States, and accepted in consideration thereof certain lands as a reservation, to which said Indians removed, and upon which they have ever since resided; and

"Whereas by the interpretation placed by Government officials on the act of February 6, 1871, an act for the relief of said Indians, a large part of said Indians (and their descendants) who signed said treaty of 1856, and have continued with said tribe from the making of said treaty to the present time, are excluded from participating in tribal funds and the right to occupy said reservation: Therefore

"*Be it enacted, etc.*, That all persons who were actual members of said tribe of Indians at the time of the execution of the treaty of February 5, 1856, and their descendants, and all persons who became members of the tribe under the provisions of article 6 of said treaty, and their descendants, who did not in and by said treaty, and have not since its execution, separated from said tribe, are hereby declared members of said Stockbridge and Munsee Tribe of Indians and entitled to their pro rata share in tribal funds and in the occupancy of tribal lands; and all members who entered into possession of lands under the allotments of 1856 and of 1871, and who by themselves or by their lawful heirs have resided on said lands continuously since, are hereby declared to be owners of such lands in fee simple, in severalty, and the Government shall issue patents to them therefor.

"SEC. 2. That it shall be the duty of the Secretary of the Interior, without unnecessary delay after the passage of this act, to cause to be taken an enrollment of said tribe on the basis of the provisions of this act, which enrollment shall be filed, a copy in the Department of the Interior and a copy in the records of said tribe: *Provided*, That in all cases where allotments of 1871 shall conflict with allotments of 1856, the latter shall prevail.

"Approved March 3, 1893."

The persons who were held to have been erroneously excluded from the roll made in 1874, and children subsequently born to them, were enrolled in 1894, and have shared in tribal payments made since that time. So far, however, but one family has received shares in payments made prior to the 1894 enrollment. Daniel Davids, the head of the family mentioned, on July 8, 1909, made formal application for shares in payments made prior to his enrollment, and his claim was allowed by this office and the department. The case was taken by the Auditor for the Interior Department to the Comptroller of the Treasury, who finally decided in favor of the claimant. The following is an excerpt from the comptroller's decision, a copy of which is inclosed:

"The claimants appear to have been corruptly and forcibly excluded from enrollment under the act until their rights were restored by the act of 1893, supra, which appears both in the preamble and body of the act to have been passed to correct the wrong done under the act of 1871 and to restore and maintain the status established by the treaty of 1856.

"The disallowance of the claimant's interest in tribal funds from 1874 to 1894 would very materially defeat the purpose of the act of 1893 and be a travesty upon the justice intended by that act.

"The present allowance of their claims would appear but a tardy and incomplete correction of the wrong long endured by the claimants."

The above decision, which was broad enough to cover all persons wrongfully excluded from the earlier roll, was made known to the tribe through the superintendent of the Keshena School, and the submission of the 350 claims above mentioned was the result. The Stockbridge and Munsee Indians have to the credit of the tribe in the Treasury $71,522.30, known as the "Stockbridge consolidated fund," with accrued interest on the fund to January 2, 1913, amounting to $11,785.27, a total of $83,307.57. The principal is liable for the payment of approximately $40,000 in money in lieu of land, provided for by the act of June 21, 1906 (34 Stat., 382). The estimated value of the claims for back annuity already filed is approximately $130,000. About $7,500 of this amount is payable from the Stockbridge consolidated fund, and the balance of about $122,500 payable from interest only, unless otherwise authorized by Congress. There are some unpaid shares due various persons from tribal payments made since 1894 for which the accrued interest is liable. It is apparent, therefore, that before settlement can be made of all just claims and equal benefits conferred on various members of the tribe the Stockbridge fund will have to be augmented by an appropriation of probably between $87,000 and $90,000.

The payments made prior to 1874 amount to $567.33 per capita. About 122 persons entitled were living during the entire period; others were born after 1874, and others, living in 1874, died before the final enrollment. Until these claims have been thoroughly examined and proof furnished as to the actual dates of birth and death it would be impossible to give the exact amount of the claims, and it is probable that a few more claims will be filed.

Since the right to back annuity of those excluded from the 1874 roll was recognized in the case of Daniel Davids, action on other claims has been suspended because of lack of sufficient funds to pay all and the consequent dissatisfaction if any claimants were preferred. It has been the intention of the office to bring the matter to the attention of the department, with a view of recommending legislation as soon as a safe estimate of the amount necessary could be arrived at.

The office will soon be in a position to prepare an accurate estimate of the money needed to pay the claimants and the matter will then be taken up with Congress, with the view of procuring an appropriation to pay the claims of the Indians.

Respectfully,

C. F. HAUKE,
Second Assistant Commissioner.

Approved, January 25, 1913.

SAMUEL ADAMS,
First Assistant Secretary.

APPEAL NO. 19551.

TREASURY DEPARTMENT,
OFFICE OF THE COMPTROLLER OF THE TREASURY,
July 17, 1911.

Daniel Davids, a Stockbridge Indian of Wisconsin, appealed from the action of the Auditor for the Interior Department in settlement No. 18881, dated October 4, 1910, in which claim for per capita payments in arrears due to himself, his daughter Myrtle Davids, and son Ernest Davids, amounting to $1,059.50, was disallowed.

The claim, approved by the Commissioner of Indian Affairs, was based upon the alleged wrongful nonenrollment of claimants and their nonpayment of per capita allowance under the act of February 6, 1871 (16 Stat., 404–407), from 1874 to 1894, and their subsequent enrollment under the act of March 3, 1893 (27 Stat., 744–746), and payment from and after enrollment.

The auditor's alleged reasons for disallowance were that Darius Davids, father of the claimant Daniel Davids, received allotment of

certain lands and became a citizen of the United States under the provisions of the act of March 3, 1843 (5 Stat., 645); that thereby his relations of membership in the Stockbridge Tribe were severed; and that neither he nor his descendants were thereafter entitled to share in tribal funds or other communal benefits; that he was not a party to the treaty of 1856 (11 Stat., 663–678), and that therefore the claimants, his descendants, were not entitled to enrollment and payment under the act of 1871, supra; and, further, if said claimants were wrongfully excluded from enrollment under the last-named act, still, that they are not entitled to payment of annuities in arrears for the 20 years, or any part thereof, from 1874 to 1894.

The laws and treaties upon which the decision depends are as follows:

Act of March 3, 1843 (5 Stat., 645 et seq.);
Act of August 6, 1846 (9 Stat., 55 and 56);
Treaty of 1848 (9 Stat., 955 et seq.);
Treaty of 1856 (11 Stat., 663–678);
Act of February 6, 1871 (16 Stat., 404–407); and
Act of March 3, 1893 (27 Stat., 744–745).

The said act of 1843 provided for choice of commissioners to make allotments of the Indian lands to all the members of the tribe in severalty, to prepare maps showing result of their work, and requiring a copy of the maps with full report of final action to be filed, one copy with the Secretary of the Territory of Wisconsin, one copy in the office of the clerk of the county in which the lands are situated, and one copy to be transmitted to the President of the United States, who would thereupon direct the issue of patents to the allottees for lands to be held by them in fee simple, after which the said Indians should be deemed and declared to be citizens of the United States to all intents and purposes, with all the immunities, privileges, and liabilities pertaining to citizenship, and their tribal relations and usages should wholly cease and determine.

The said act of 1846 in the most sweeping terms repealed the act of 1843 and restored the Indians to their tribal status and ancient form of government, with all powers, rights, and privileges held and exercised by them under customs and usages as fully and completely as if said act of 1843 had never passed.

Such is the provision of the first section of the act of 1846. The second section provides that those Indians who wish to become and remain citizens may enroll themselves with the subagent at Green Bay Agency within three months; at the expiration of three months the agent should divide the township held by the Indians into two parts, one part to be known as the Indian district, the other to be known as citizen district. None enrolled under this provision, and the proposed division of the township proved impracticable, as appears from the preamble to the treaty of 1848, supra.

By article 1, treaty of 1848, the Stockbridge Indians renounced all participation in the benefits or privileges granted or conferred by the act of 1843 and relinquished all rights secured by said act and declared themselves to be under the protection and guardianship of the United States as other Indian tribes.

This article appears to be affirmation by treaty of the first section of the said act of 1846, which repealed in toto the act of 1843 and restored the Indian tribal status of all the Stockbridges.

Nevertheless, it appears from the evidence in the case that the apportionments or allotments of the lands in severalty to all the Stockbridge Indians under the act of 1843, or their interest in such lands, which had not been patented as proposed and promised, had been in large part transferred for valuable consideration and that the Indians were divided in sentiment, a minority preferring to continue their status as citizens under the act of 1843 and the majority preferring restoration of Indian status under the act of 1846. (See Report of Commissioner of Indian Affairs, 1847 to 1850, pp. 728 to 768, particularly p. 747 and p. 757, et seq.)

In consideration of the wishes of said minor party, that desired to continue their citizenship, article 4 appears to have been inserted in the treaty of 1848.

This article provided for resurvey of the lands into lots in conformity with the plan of the commissioners under the act of 1843 confirming the allotments to the old allottees, and again promising patents, which did not issue, at any time prior to 1860.

The seventh article of the treaty suggests contemplation of the removal of the Indians to a country west of the Mississippi River, set apart for them or to be secured by them; but how, when, where, or by whom set apart, or how to be secured is left to conjecture. Nothing provided for or contemplated in the treaty appears to have been effectually carried out except grant made in article 3, and the same condition of unrest and dissatisfaction which had prevailed for years appears to have continued until the treaty of 1856, supra, was made.

By preamble of nine paragraphs prefacing the treaty of 1856 are set forth the treaties, acts, and facts preceding and making necessary said treaty.

By article 1 all the Stockbridge and Munsee Indians who were included in the treaty of 1839 were parties to the new treaty concluded February 5, 1856, and in the list of signers appended to the original agreement appears the name of Darius Davids, signed by mark.

The Davids family record as it appears in the evidence shows that Darius Davids married Louisa Baldwin, daughter of Debby Baldwin; that two sons, Daniel (present claimant) and John, were born of this marriage, the former June 1, 1844, and the latter September 27, 1845; that Louisa died in 1846 and that the boys, Daniel and John, were in the care of and numbered with their maternal grandmother, Debby Baldwin, at the time of the treaty of 1856.

The names of both Darius Davids and Debby Baldwin appear as signers by mark to the treaty of February 5, 1856, and her name but not his appears signed among those who approved the treaty with its amendments in general council of the Stockbridge and Munsee Tribes, July 29, 1856. Her name also appears in the roll and census made under article 5 of the treaty, where she is enrolled with two children, Daniel and John Davids.

Some evidence filed in the case indicates that Darius Davids died April 14, 1855; but as his name appears signed by mark to the treaty as first concluded and not as later amended it seems probable that his death occurred between February 5 and July 29, 1856.

Whatever the status of Darius Davids in 1856, and whether he was then living or dead, his sons, Daniel and John, would inherit from their grandmother, and no allegation is made that either she or they ever severed their relations as members of the Stockbridge Tribe. It therefore appears that if any Stockbridge Indians were entitled to enrollment as members of the tribe under the act of 1871, supra, Daniel Davids was so entitled.

This act, like some of its predecessors, is entitled "An act for the relief of the Stockbridge and Munsee Tribes of Indians in the State of Wisconsin." From much of the evidence filed in the case it appears that the act in its inception, framing, and execution was designed and operated to relieve the Indians of what was most valuable in their possession. (See S. Misc. Doc. No. 226, 52d Cong., 1st sess., especially pp. 31 to 33.)

The claimants appear to have been corruptly and forcibly excluded from enrollment under the act until their rights were restored by the act of 1893, supra, which appears both in the preamble and body of the act to have been passed to correct the wrong done under the act of 1871 and to restore and maintain the status established by the treaty of 1856.

The disallowance of the claimant's interest in tribal funds from 1874 to 1894 would very materially defeat the purpose of the act of 1893 and be a travesty upon the justice intended by that act.

The present allowance of their claims would appear but a tardy and incomplete correction of the wrong long endured by the claimants.

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DEPARTMENT OF THE INTERIOR,
Washington, April 23, 1914.

MY DEAR MR. STEPHENS: I have received your letter of March 23, forwarding for report copy of a bill (H. R. 12297) proposed by Hon. THOMAS F. KONOP, intended to provide an appropriation to pay certain members of the Stockbridge and Munsee Tribes of Indians, enrolled under the act of March 3, 1893 (27 Stats. L., 744), the amount of payments made prior to their respective enrollments.

This bill apparently is designed to accomplish a purpose similar with that intended to be provided for by an item which Mr. KONOP heretofore proposed for insertion in the Indian appropriation bill and which was referred for report by your letter of December 6, 1913, addressed to the Commissioner of Indian Affairs, and reported upon by me on December 26, 1913.

Section 6 of the act of February 6, 1871 (16 Stats. L., 404–407), provided for the determination of the persons who were members of the Stockbridge and Munsee Tribes and the future relations of each to the Government, in pursuance of which two rolls were to be prepared—one to be known as the citizen roll, to embrace the names of all persons of full age and their families who desired to separate their relations with the tribe and become citizens; and the other to be known as the Indian roll, and to contain the names of all who desired to retain their tribal character and continue under the care and guardianship of the Government. It was provided that no person should be entered on the citizen roll without his or her full and free consent or on either of the rolls if separation from the tribe was effected and an allotment of land was received under the act of Congress for the relief of the Stockbridge Tribe of Indians approved March 3, 1843 (5 Stats. L., 645), and amendment of August 6, 1846 (9 Stats. L., 55–56), or treaty of February 5, 1856 (11 Stats., 663–678), or who was not of Stockbridge or Munsee descent. Subsequent to the enactment of this law, payments were made to persons enrolled in 1874 as members of the tribe, and thereafter many persons alleged that, although they desired to remain under the control of the Government they had been forcibly prevented from presenting themselves for enrollment.

Under date of March 3, 1893 (27 Stats. L., 744–745), Congress enacted a law under which all persons who were members of the Stockbridge and Munsee Tribes of Indians at the time of the execution of the treaty of February 5, 1856, supra, and their descendants, and all persons who became members of the tribe under article 6 of that treaty, and had not become separated from the tribe, were declared members thereof and entitled to their pro rata share in the tribal funds and in the occupancy of tribal lands.

The persons who were held to have been erroneously excluded from the roll in 1874, and children subsequently born to them, were enrolled in 1894, and have shared in tribal payments made since that time, but so far only one family has received shares in payments made prior to the 1894 enrollment. I am advised that about 343 claims have been filed in the Indian Office by Indians for shares, amounting to $567.33 each, in payments made to the tribe, under the provisions of the act of February 6, 1871, supra, from the third quarter of the fiscal year 1874, to the second quarter of the fiscal year 1894.

The amount of money required to pay the claims now pending aggregates approximately $121,676.24. On March 25, 1914, the Stockbridge and Munsee Indians had to their credit in the Treasury $71,522.30, with accrued interest thereon amounting to $15,334.59, a total of $86,856.89. From a report received from the superintendent it appears that the "interest" on the fund is liable for the settlement of unpaid shares in payments made through the agency amounting to $7,192.06, which would leave a balance of interest of $8,142.53, and the greater part of the amount needed to liquidate the 343 claims for back annuities now pending before the Indian Office is also payable from the "interest," which, as is obvious, is entirely inadequate. Under the provisions of the act of June 21, 1906 (34 Stats. L., 325–382), the members of this tribe are given the option of taking an allotment of land or having it commuted in cash at the rate of $2 per acre, and about $40,000 of the principal mentioned above are liable thereunder. In brief, the available liabilities and assets may be summarized as follows:

Liabilities:		
Claims for unpaid annuities from 1874 to 1894		$121,676.24
Unpaid shares in payments made since 1894		7,192.06
For money payments in lieu of allotments		40,000.00
		168,868.30
Assets:		
Stockbridge consolidated fund	$71,522.30	
Interest	15,334.59	
		86,856.89
Additional amount required		82,856.89

The amount of money intended to be appropriated in the proposed bill will not, alone, be sufficient to pay all the claims made by Indians, and it is believed the bill as now written will preclude the use of any other funds which might be available and which, in view of the large amount of the claims, must be also used. It is therefore recommended that the bill be amended by inserting, after the figures "$90,000.00," on line 3, page 1, the words "to be used in addition to tribal funds of the Stockbridge and Munsee Tribe of Indians," and on line 4, page 1, strike out the words "the Stockbridge and Munsee" and insert the word "that."

Claims other than those now pending may be presented, which would increase the amount which will be required if the claims are to be settled. In a decision dated July 17, 1911, the Comptroller of the Treasury decided that persons who were restored to the rolls by the act of March 3, 1893, are entitled to shares in tribal payments during the time they were excluded, but action on the pending claims has been suspended

because of lack of funds with which to effect a complete settlement, and it is not considered advisable to make a partial settlement for the reason that such a course would make preferred claims of some and result in dissatisfaction.

For these reasons I recommend that the proposed bill be amended as suggested and that it be given favorable consideration by your committee and the Congress.

Very truly, yours,

A. A. JONES,
First Assistant Secretary.

Hon. JOHN H. STEPHENS,
Chairman Committee on Indian Affairs,
House of Representatives.

From pages 441–442, Senate committee hearings on the Indian appropriation bill:

Senator PAGE. When you come to making a payment of that kind to the Indians I think there ought to be some very strong substantial safeguards against fraud, and I suppose they have such safeguards in the department, and that the department will look after the Treasury of the United States. This is a matter that I am not very conversant with, and I do not know whether you have left it so that in a few years more we shall have another application for payment or not. We supposed we had settled this matter a number of years ago, and here is a $90,000 claim. Do you say that you have examined this with a good deal of care, and feel certain that there will be no fraud on the Federal Treasury?

Mr. MERITT. There will be no fraud on the Federal Treasury, but there will be an injustice done to a number of Indians if this appropriation is not made, because some of the Indians have already gotten their share of the funds, and we have not the funds available now to pay the other Indians entitled to their share.

From page 257, Senate committee hearings on the Indian appropriation bill:

Senator ROBINSON. Has your bureau gone into this, Mr. Meritt?

Mr. MERITT. Yes, sir; that report was prepared in our bureau, and those Indians are entitled to relief, and we think that the appropriation should be made in order to settle the controversy and equalize matters.

Senator ROBINSON. I have just pointed out that it will not settle it. If it would settle it, I would be encouraged to do it.

Mr. MERITT. We believe that it will settle the controversy if the appropriation is made.

Senator LA FOLLETTE. Are these not all the Indians that have ever made any claim?

Mr. MERITT. That is my understanding.

The PRESIDING OFFICER. The Chair is of opinion that the amendment is not subject to a point of order, so the point of order is overruled. The question is upon agreeing to the amendment.

The amendment was agreed to.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. VARDAMAN. I send to the desk an amendment, which I ask to have read.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. The Senator from Mississippi proposes to strike out all after line 9, on page 72, down to and including line 7, on page 73, and to insert in lieu thereof:

That jurisdiction be, and the same is hereby, conferred upon the Court of Claims of the United States to hear and determine upon principles of equity the rights of the Mississippi Choctaws under the treaty of October 18, 1820 (7 Stat. L., 210), and the treaty of September 27, 1830 (7 Stat. L., 333), by and between the Choctaw Indians and the United States in and to the lands, funds, and other property now claimed and held by the Choctaw and Chickasaw Indians in Oklahoma, both tribal and individual, and to render judgment in such amount as to the court may appear just and equitable in favor of the Mississippi Choctaws; and the court is authorized and directed to ascertain the individual Mississippi Choctaws entitled to participate in the distribution of said judgment, if any, the amount necessary to pay any such judgment being hereby appropriated out of any funds standing to the credit of the Choctaw and Chickasaw Tribes in the Treasury of the United States or under the control of any officer of the United States; and in the determination of the rights of distributees the court shall adopt and follow the full-blood rule of evidence provided in section 41 of the supplemental agreement with the Choctaws and Chickasaws approved July 1, 1902 (32 Stat. L., 641). The Secretary of the Interior is authorized to employ two competent attorneys to bring and prosecute the action on behalf of the Mississippi Choctaws, and the sum of $25,000, or so much thereof as may be necessary to defray the necessary expenses of said litigation, is hereby appropriated out of any funds now in the Treasury of the United States not otherwise appropriated.

Suit shall be begun by a petition filed within three months after the passage of this act, in which the Mississippi Choctaws shall be named as plaintiff and the Choctaw and Chickasaw Nations or Tribes as defendants, the petition to be verified by one of the attorneys appointed by the Secretary of the Interior, and service thereof shall be made upon the Attorney General of the United States and upon the proper officials of the Choctaw and Chickasaw Tribes, who shall appear by attorneys and defend said action on behalf of said tribes. The case shall be advanced upon the docket of the said court and heard and determined as soon as practicable, with the right of appeal to the Supreme Court of the United States by either party aggrieved by the decision of said Court of Claims. The said court may, if it deems it necessary in the ascertainment of the distributees under any judgment obtained, appoint a competent master or commissioner to perform any duties that may be required of him by the court.

Mr. VARDAMAN. Mr. President, a spirit of impatience has been manifested here to-night which I regret, especially when I consider the importance of the proposed legislation which the Senate is now considering. It is very much more important that we should carefully and maturely consider the terms and provisions of this bill than it is that we should hurry through and economize time by passing this bill to-night.

I have no disposition to delay. I never have been so enraptured with the music of my own voice that I enjoyed speaking just for the sake of hearing myself. I am not going to take the time of the Senate unnecessarily; but I am going to insist that the record shall be made complete, and, in so far as it lies within my power, that every effort shall be made to protect the interests of that unfortunate fragment of a vanishing race, the Choctaw Indians who reside in the States of Mississippi, Alabama, and a portion of them in Louisiana. It is an old subject, and the repetition may be to some Senators—

A twice-told tale
Vexing the dull ear of a drowsy man.

In 1820 the Choctaw Indians owned about 15,000,000 acres of land situated largely in Mississippi and partly in Alabama. By the treaty of October 18, 1820, the Choctaws, by article 1, ceded to the United States about 4,000,000 acres of their lands in exchange for a cession of the lands then situated in Indian Territory—now Oklahoma. The object of this cession by the Choctaws of their lands in Mississippi and Alabama for the lands in Indian Territory is set out in the preamble of the treaty as follows:

Whereas it is an important object with the President of the United States to promote the civilization of the Choctaw Indians by the establishment of schools amongst them, and to perpetuate them as a nation by exchanging for a small part of their land here a country beyond the Mississippi River where all who live by hunting and will not work may be collected and settled together * * *.

All the Choctaws at the date of this treaty were living in Mississippi and Alabama and were all owners in common, as members of the tribe, in the land ceded and in the land acquired. While the land acquired was to be used for the benefit of those "who lived by hunting and will not work," it was the property of all the Choctaw Indians. Under this treaty the Choctaws acquired the title to every foot of land owned or held by the Choctaw Nation west of the Mississippi River, as will appear from the decision of the Supreme Court of the United States in Choctaw Nation *v.* United States (119 U. S., p. 1).

By the treaty of September 27, 1830, the United States induced the Choctaws to cede the remainder of their lands, amounting to about 11,000,000 acres in Mississippi and Alabama, to the United States in exchange for the identical lands the Government had ceded the Choctaws west of the Mississippi River by the treaty of 1820. This appears from the decision of the Supreme Court of the United States in Choctaw Nation *v.* United States (119 U. S., 1), wherein the court says, in speaking of the treaty of 1830:

It is notorious as an historical fact, as it abundantly appears from the record in this case, that great pressure had to be brought to bear upon the Indians to effect their removal, and the whole treaty was evidently and purposely executed, not so much to secure to the Indians the rights for which they had stipulated as to effectuate the policy of the United States in regard to their removal. The most noticeable thing, upon a careful consideration of the terms of this treaty, is that no money consideration is proposed or paid for a cession of lands, the beneficial ownership of which is assumed to reside in the Choctaw Nation, and computed to amount to more than 10,000,000 acres. It was not an exchange of lands east of the Mississippi River for lands west of that river. The latter tract had already been secured to them by its cession under the treaty of 1820.

At the time the treaty of 1830 was entered into the War Department, under whose control all Indians were, estimated that there were 12,000 Choctaw Indians. It has since been claimed that there were about 19,000. If the 11,000,000 acres ceded to the United States by the treaty of 1830 had been then allotted each member of the tribe would have received from approximately 600 to 1,000 acres per capita. A part of the Choctaws refused to remove, and provision was made for a division of the tribe. By article 14 it was provided:

ARTICLE 14. Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of 1 section of 640 acres of land, to be bounded by section lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over 10 years of age and a quarter section to such child as may be under 10 years of age, to adjoin the location of the parent. If they reside on said lands intending to become citizens of the States for five years after the ratification of this treaty, in such case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

Note the last sentence:

Persons who claim under this article shall not lose the privilege of a Choctaw citizen—

which was an absolute reservation of their rights in the property of the nation, which included the property in Indian Territory; then the sentence proceeds:

but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

The Choctaw annuity referred to was $20,000 per annum provided by the treaty of 1820.

The allotment work under article 14 of the treaty of 1830 was intrusted to a man by the name of Ward. The Supreme Court in the case of Choctaw Nation *v.* United States found that this man was a drunkard and wholly unfit for the position. He refused to make a record of the applications of the Indians and threatened those who applied for allotments with dire punishment if they did not remove. The Court of Claims, in referring to Ward's conduct, said:

Col. Ward, the agent, at a meeting in June, 1831, when application was made to him by Indians through an interpreter for reservations by the presentation of sticks representing the heads of families and the number and ages of children, threw the sticks away, said there was too many of them, and directed the interpreter to tell them they must move.

The Indians protested and declared they would not move. They were advised by white persons present to live on their lands, even though they could not be registered. The above was a common method of indicating numbers by the Indians. The agent was a dissipated man, and was intoxicated on that occasion.

The evidence taken by Martin in the investigation of the claims of persons claiming under the fourteenth article establishes that within the time limited for registration, on one occasion, a number of Indians living at Suchennatchie had their names registered, and that such names were not found on the agent's book in the possession of Martin. The book or paper in which the names were taken was either lost by the agent or destroyed by some person.

The agent in the employment of the Government in carrying out the treaty with the Choctaws discouraged applications for reservations under the fourteenth article; and Col. Ward advised the removing agents to threaten the Indians with punishment if they did not emigrate.

By the acts of March 3, 1837, and February 22, 1838, commissions were appointed to investigate the conduct of Ward and to ascertain the number of Indians who had applied for reservations under the fourteenth article of the treaty of 1830. The commission reported that only 143 heads of families had received allotments of land; that 1,150 heads of families had applied for allotments and had been denied by Ward, and that the 1,150 heads of families had 1,470 children over 10 and 1,219 under 10 years of age who were also entitled to allotments. At this time the land had all been sold, and by the act of March 3, 1842, Congress provided for the issuance of scrip to the Choctaws entitled to land under article 14 of the treaty of 1830, and then by an act passed in 1845 provided that a part of the scrip should only be delivered to the Indians upon removal. The result was that but few of the Indians ever received anything. Their land had been taken from them and they were left destitute.

The Choctaw tribal council in 1854 passed a resolution in part as follows:

Whereas the Choctaws were and ever have been dissatisfied with the manner in which the treaty of Dancing Rabbit Creek was made, owing to the many circumstances which were created to force them into it, and owing to the exceeding small and inadequate amount which was given as payment for their country; and whereas a large number of claims on the United States, arising under the fourteenth and nineteenth and other articles of the treaty of 1830, are still remaining unpaid; and whereas information has reached the council that the demands of a portion of certain claimants have become prejudiced by the unauthorized interference of white men at Washington, who, without the knowledge or consent of the claimants, pretend to be their attorneys; and whereas the claimants have repeatedly, from time to time, called on the council to assist them in procuring what is justly due them from the United States; and whereas, in the opinion of the council, a speedy and final settlement should be made with the United States of the foregoing specifications: Therefore,

Resolved, That P. P. Pitchlynn, Israel Folsom, Dixon W. Lewis, and Samuel Garland be, and are hereby, appointed delegates and fully empowered to represent and to institute, in behalf of the Choctaw people, a claim upon the United States for the pay and remuneration for the country which they ceded to the United States Government east of the Mississippi River and protect and defend all and every right and interest of the Choctaws arising under treaty stipulations or otherwise.

Be it further resolved, That the said delegates are hereby clothed with full power to settle and dispose of, by treaty or otherwise, all and every claim and interest of the Choctaw people against the Government of the United States and to adjust and bring to a final close all unsettled business of the Choctaw people with the said Government of the United States.

This delegation was appointed and came to Washington and presented a claim based largely upon the failure of the United States Government to redeem its promises to the Mississippi Choctaw claimants under article 14 of the treaty of 1830, as will more particularly appear from the petition filed by them with the Commissioner of Indian Affairs.

They claimed that their reservations under the fourteenth article were sold by the Government, that the Indians were dispossessed of them by lawless white men, and that threats and intimidation had been used to force the emigration of those who desired to remain and who were entitled to reservations under said article.

They alleged that the laws passed for the examination of their claims under said treaty and said article prescribed a course of adjudication of so rigid and technical a character as necessarily to exclude many just claims; that many were compelled to remove because of the failure of the Government to give them their rights under said article, and that the law unjustly cut off such persons from all benefits; that the scrip issued under the law was paid in such a manner as to make it of but little value to the Indian, and that the result was that those who received anything received but a mere pittance.

* * * * * * *

The nation proposed to pay all individual claims under the fourteenth and nineteenth articles, because such claims were not susceptible of proof against the Government, but could be adjusted by the authorities of the nation, provided the nation could effect such a settlement with the Government as the Choctaw people desired.

* * * * * * *

Consider the history of the execution of the fourteenth article of the treaty and the wrong and injustice thereby inflicted upon a large portion of that class who elected to take advantage of its provisions. Their reservations were sold from them by the Government as public land, or they were forcibly dispossessed of or by threats and intimidations driven from them by heartless and lawless white men. When these facts became known to the Government justice required that it should repossess them of their property, but no effort for that purpose was made. They were told that their reservations were gone and could not be restored.

For years they were petitioners in vain for some just remuneration for their lost rights, and when at last a law was passed for an examination of their claims it prescribed the course of adjudication of so rigid and technical a character as necessarily to exclude many just claims. Those that did not come within the exact measure of this strict and restrictive law were rejected, though in justice and equity they were, under the circumstances, fully as meritorious as those that were allowed. From lapse of time and death and dispersion of witnesses cases that did not come within the specific requirements of the law could not be established.

The investigation was such as could be successfully met only by intelligent persons familiar with judicial proceedings, and who had known from the first the importance of preserving and preparing for the establishment of every fact connected with the loss of their rights. Not one of the claimants could meet it without the assistance of able and astute attorneys, whom they were all compelled to employ, and to agree to pay one-half of what was recovered for them.

Many of the reservees, despairing of obtaining any remuneration from the Government for their lost rights, and being destitute of means and resources, were compelled to take a refuge with their brethren in the West before the law passed for the adjudication of the claims. All such the law cut off entirely, because they had removed; while, in the case of those who remained, and whose rights were established, the Government withheld the inadequate compensation it determined to allow them unless they did remove, though they were citizens of Mississippi, and by the treaty were entitled to remain and enjoy all their rights there. It is true that a portion of one-half of the scrip that was granted them in lieu of their lost reservations was paid east of the Mississippi, but it was paid in such a manner that it all went into the hands of attorneys and speculators, and was of no benefit whatever to its rightful owners. Most of that which was paid to them was issued in the Choctaw country west, where they could not locate it, and it was comparatively valueless. They had to dispose of it for what they could get from speculators, combined together to obtain it at the lowest rates. The price realized was seldom greater than about 31¼ cents per acre—only one-fourth of the lowest price they could have obtained for the lands they could have located with the scrip had it been given to them east. Their own lands, to which they were entitled under the treaty, but of which they were dispossessed, they could have sold, in many cases, for from $5 to $10 an acre.

The result is that those who have obtained anything have received the merest pittance—a compensation wholly inadequate—while there are hundreds whose claims are quite as just and meritorious as those that have been allowed that have never received anything.

Upon this complaint, based largely upon the claims of the fourteenth article, claimants under the treaty of 1830, Congress authorized suit to be brought in the Court of Claims to determine the controversy. The jurisdictional act was approved March 3, 1881 (21 Stat. L., 504), the first provision of which reads as follows:

Whereas the Choctaw Nation, for itself and in behalf of individual members thereof, makes claim against the United States on account of various treaty provisions which it is alleged have not been complied with.

In the suit filed under that act the Choctaw Nation recovered a judgment on account of the claims of the fourteenth article claimants in Mississippi amounting to $417,656.

Not one penny of this was paid to any Mississippi Choctaw living in Mississippi. The court also gave the Choctaw Nation a judgment against the United States for about $2,500,000 additional for the lands ceded by the treaty of 1830. The total judgment of $2,900,000 was appropriated by the act of June 29, 1888 (25 Stat. L., 217, sec. 9.), and was all paid to the Choctaws in Oklahoma, the provision in said act for the payment being as follows:

And said sum, together with the interest thereon, shall be paid from time to time and in such sums as requisition or requisitions therefor shall be made by the proper authorities of the Choctaw Nation to the national treasurer of said nation or to such person or persons as shall be named in said requisitions therefor.

Under the act of June 28, 1898, the Commission to the Five Civilized Tribes investigated the rights of 1,923 Mississippi Choctaws, and in a report submitted to the Secretary under date of March 10, 1899, stated that they were full-bloods and entitled to enrollment. The report was accompanied by a schedule con-

taining the names and post-office addresses of each. The department held this schedule until the night of March 4, 1907, the day on which the Secretary's jurisdiction ceased and terminated by operation of law, and then marked the list "denied." These people were practically all full-blood Indians, and only a part of them were enrolled. The others lost their rights by the arbitrary action of the department.

Under section 41 of the supplemental agreement approved July 1, 1902, it was provided that the full-bloods in Mississippi should have six months after identification by the commission in which to remove to Indian Territory, and make settlement on their lands. In many instances the entire six months' period had expired before the commission notified them of their identification. In other cases they had practically expired before the claimant was notified and when it was too late for the Indians to comply with the requirement of the law.

Mr. President, the story of the treatment of the Choctaw Indian in Mississippi by the Government is a disgrace to the civilization of this Republic. The fact is the Government has ceased to be the guardian of the Indian. That function has been performed by somebody else or some other power. He has been the victim of plunder. He has been the sport of the speculator. Every interest has been paramount to his interest. There is no question in the world about the moral right of the Mississippi Choctaw to share in the lands which his forefathers bought by the exchange of lands in Mississippi and Alabama for the lands west of the Mississippi River in what is now the State of Oklahoma.

Laws have been passed authorizing him to go there and share in that benefaction. I admit that he has failed to go. I admit that if this Senate was sitting as a court we might be justified in deciding that he has no right to participate in the land over there or the funds arising from the sale of the land in Oklahoma. But this Congress is not a court. We are not executing laws; we are making laws. Every moral right the Choctaw Indian ever had to share in the lands of Oklahoma the Choctaw Indian in Mississippi has that right to-night. For Congress to deny him the right to participate in the land and enjoy the privileges of citizenship is a crime against misfortune, an outrage upon justice, indefensible in morals, and violative of every idea and principle involved in a trust.

But they say he did not take advantage of his opportunity, and, failing to do that, he must suffer the loss of his rights. Why, Mr. President, if you could know those people as I know them, if you could understand them as I understand them, I do not think there would be objection raised to an amendment providing for them. They have no ambition; they are ignorant; they are illiterate—mere flotsam upon the sea of life. You might advertise in the papers of Mississippi to-day, giving them an invitation to go to Oklahoma and draw a section of land, but unless some white man or some person who is interested in their welfare should take the news to them and tell them about it 90 per cent of them would not find it out in six months. They do not vote; they do not associate with white people; they live unto themselves, in the woods, doing a little job here and a little job there, living on very scanty earnings. I repeat, they are without ambition, without knowledge, without any capacity for self-care and self-protection, and now for the Government of the United States to leave them in that destitute condition and deny them the right to share in the estate bought by their fathers is an infinite injustice which this Congress can not afford to perpetrate.

EXECUTIVE SESSION.

Mr. KERN. Mr. President, I move that the Senate proceed to the consideration of executive business. It will be a short session.

The PRESIDING OFFICER. The question is on the motion of the Senator from Indiana. [Putting the question.] By the sound the "noes" appear to have it.

Mr. SIMMONS. I ask for a division.

Mr. CLAPP and Mr. BRANDEGEE. Let us have the yeas and nays, Mr. President.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SAULSBURY (when his name was called). I inquire if the junior Senator from Rhode Island [Mr. COLT] has voted?

The PRESIDING OFFICER. The Chair is informed he has not.

Mr. SAULSBURY. I have a pair with that Senator and therefore withhold my vote.

Mr. STONE (when his name was called). I transfer my pair with the Senator from Wyoming [Mr. CLARK] to the Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

The roll call was concluded.

Mr. DU PONT (after having voted in the negative). I should like to inquire whether the senior Senator from Texas [Mr. CULBERSON] has voted?

The PRESIDING OFFICER. The Chair is informed he has not.

Mr. DU PONT. Then, I withdraw my vote, as I have a general pair with that Senator.

Mr. GALLINGER. I am requested to announce that the Senator from Minnesota [Mr. NELSON] is paired with the Senator from Kentucky [Mr. CAMDEN].

The result was announced—yeas 39, nays 20, as follows:

YEAS—39.

Ashurst	Lane	Owen	Smith, Md.
Bankhead	Lea, Tenn.	Pittman	Smith, S. C.
Bryan	Lee, Md.	Pomerene	Stone
Chamberlain	Lewis	Ransdell	Swanson
Chilton	Martin, Va.	Reed	Thomas
Fletcher	Martine, N. J.	Robinson	Thompson
James	Myers	Shafroth	Vardaman
Johnson	Newlands	Sheppard	Walsh
Kern	O'Gorman	Shields	White
La Follette	Overman	Simmons	

NAYS—20.

Brandegee	Crawford	Kenyon	Poindexter
Bristow	Dillingham	Lippitt	Smith, Mich.
Burton	Gallinger	McCumber	Smoot
Catron	Gronna	Oliver	Townsend
Clapp	Jones	Penrose	Weeks

NOT VOTING—37.

Borah	Fall	Norris	Sterling
Brady	Goff	Page	Sutherland
Burleigh	Gore	Perkins	Thornton
Camden	Hardwick	Root	Tillman
Clark, Wyo.	Hitchcock	Saulsbury	Warren
Clarke, Ark.	Hollis	Sherman	Williams
Colt	Hughes	Shively	Works
Culberson	Lodge	Smith, Ariz.	
Cummins	McLean	Smith, Ga.	
du Pont	Nelson	Stephenson	

So the motion was agreed to; and the Senate proceeded to the consideration of executive business. After 1 hour and 52 minutes spent in executive session the doors were reopened at 1 o'clock and 32 minutes a. m. Wednesday, March 3, 1915.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the amendment of the Senate to the bill (H. R. 16510) to provide for recognizing the services of certain officers of the Army and Navy, late members of the Isthmian Canal Commission, to extend to them the thanks of Congress and to authorize their promotion, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House agrees to the amendment of the Senate to the bill (H. R. 4545) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 21546) making appropriations to supply deficiencies in appropriations for the year 1915 and for prior years, and for other purposes, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FITZGERALD, Mr. BARTLETT, and Mr. GILLETT managers at the conference on the part of the House.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 18645. An act authorizing certain improvements on the Federal post office at Carlisle, Pa.;

H. R. 21562. An act to authorize the construction of a bridge across Pearl River at or near the city of Bogalusa, La.; and

H. J. Res. 393. Joint resolution to discontinue the printing of certain publications.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 6981) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 7212) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes

of the two Houses on the amendments of the House to the bill (S. 7509) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 7597) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors.

ISTHMIAN CANAL COMMISSION.

The PRESIDING OFFICER (Mr. BRYAN in the chair) laid before the Senate the action of the House of Representatives agreeing to the amendment of the Senate to the bill (H. R. 16510) to provide for recognizing the services of certain officers of the Army and Navy, late members of the Isthmian Canal Commission, to extend to them the thanks of Congress and to authorize their promotion, and for other purposes, with an amendment on page 2, line 5, of the amendment of the Senate to strike out the word "captain" and insert "rear admiral of the lower nine."

Mr. SMOOT. I desire to ask the Senator from Oregon what is the amendment and what will be its effect?

Mr. CHAMBERLAIN. The Senate passed a bill which was substituted for the House bill, and the House has amended that bill by simply adding to the grade one officer who served on the Panama Canal. He is a naval officer, and the bill raises him one grade, so as to equalize him with the officers of the Army.

I move that the Senate concur in the House amendment.

The motion was agreed to.

HOUSE BILLS AND JOINT RESOLUTION REFERRED.

H. R. 18645. An act authorizing certain improvements on the Federal post office at Carlisle, Pa., was read twice by its title and referred to the Committee on Public Buildings and Grounds.

H. R. 21184. An act to increase the limit of cost of the United States post-office building and site at Cohoes, N. Y., was read twice by its title and referred to the Committee on Public Buildings and Grounds.

H. R. 21383. An act to change the name of the old post-office building at Minneapolis, Minn., was read twice by its title and referred to the Committee on Public Buildings and Grounds.

H. R. 21562. An act to authorize the construction of a bridge across Pearl River at or near the city of Bogalusa, La., was read twice by its title and referred to the Committee on Commerce.

H. J. Res. 393. Joint resolution to discontinue the printing of certain publications was read twice by its title and referred to the Committee on Printing.

GOODS IN BOND.

Mr. SMITH of Georgia. I ask leave at this time to submit a report (No. 1061) from the Committee on Finance.

The PRESIDING OFFICER. The Senator from Georgia asks unanimous consent that he may be permitted to submit a report from the Committee on Finance. Is there objection?

Mr. PENROSE. What is the bill, Mr. President?

The PRESIDING OFFICER. The Secretary will state the bill by title.

The SECRETARY. A bill (S. 2999) to foster commerce between the United States and foreign countries by facilitating the reexportation in bond from ports of the United States of goods imported into the United States, duly entered for warehousing and stored in bonded warehouses.

Mr. SMITH of Georgia. Mr. President, this is a bill which the committee agreed unanimously to report, but I omitted to do so. The Senator from Louisiana merely desired that the bill be put on the calendar.

Mr. PENROSE. I recall the bill.

Mr. SMITH of Georgia. I thought I had reported it several days ago.

Mr. PENROSE. Does the Senator desire it to go on the calendar?

Mr. SMITH of Georgia. I understand it will go on the calendar.

Mr. PENROSE. Let the bill go on the calendar.

The PRESIDING OFFICER. The bill will be placed on the calendar.

Mr. MARTINE of New Jersey. Mr. President, I ask unanimous consent to submit a report.

The PRESIDING OFFICER. The Senator from New Jersey [Mr. MARTINE] asks unanimous consent to report from the Committee on Public Buildings and Grounds a bill the title of which will be stated.

The SECRETARY. A bill (H. R. 21383) to change the name of the old post-office building at Minneapolis, Minn.

The PRESIDING OFFICER. Is there objection?

Mr. SMOOT. Mr. President, if that bill will go to the calendar, there will be no objection to the report being submitted. I hope we are going to reach the calendar in a little while.

Mr. MARTINE of New Jersey. All right; I have no objection to that.

The PRESIDING OFFICER. The bill will go to the calendar.

Mr. JONES. Mr. President, is the Indian appropriation bill the regular order? If it is, I demand the regular order.

The PRESIDING OFFICER. The Indian appropriation bill is the regular order.

Mr. JONES. Then I demand the regular order.

Mr. JOHNSON. Mr. President, I ask unanimous consent to make the following report——

Mr. JONES. I call for the regular order.

Mr. JOHNSON. And to have it go to the calendar.

Mr. SMOOT. What is the report?

Mr. JOHNSON. It is a matter in which the Senator from Maryland [Mr. SMITH] is interested. I shall merely ask that it go to the calendar.

Mr. PENROSE. Let it go to the calendar.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine? The Chair hears none. The Senator from Maine reports a bill from the Committee on Claims the title of which will be stated.

The SECRETARY. A bill (H. R. 17174) to pay the claim of the American Towing & Lightering Co. for damages to its tug *Buccaneer*.

Mr. FLETCHER. Mr. President, would it be allowable for me to make several reports from the Committee on Printing and let them go to the calendar?

Mr. ASHURST. Without reading?

Mr. FLETCHER. I think, however, they might be considered now. They merely provide for the printing of some public documents.

Mr. SMOOT. I object to their consideration, Mr. President.

Mr. FLETCHER. Then, let them go to the calendar.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida that the reports be sent to the calendar? The Chair hears none.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 11694. An act providing for the purchase of a site for a public building at Binghamton, N. Y.; and

H. R. 21121. An act to extend the time for constructing a bridge across the Missouri River near Kansas City, Mo., authorized by an act approved June 17, 1914.

HOUSE BILL REFERRED.

H. R. 11694. An act providing for the purchase of a site for a public building at Binghamton, N. Y., was read twice by its title and referred to the Committee on Public Buildings and Grounds.

ENROLLED BILLS SIGNED.

The Vice President announced his signature to the following enrolled bills, which had heretofore been signed by the Speaker of the House:

S. 7646. An act to authorize Parkersburg-Ohio Bridge Co., a corporation created and existing under the laws of the State of West Virginia, its successors and assigns, to construct a bridge across the Ohio River from the city of Parkersburg, State of West Virginia, to the town of Belpre, State of Ohio;

S. 7723. An act authorizing the Texarkana Board of Trade to construct a bridge across the Red River between Fulton, Ark., and Index, Tex.;

H. R. 4001. An act for the relief of Daniel J. Ryan;

H. R. 10172. An act for the relief of L. V. Thomas;

H. R. 11394. An act for the relief of Joseph A. Powers;

H. R. 12464. An act providing for the expenditure of part of the unexpended balance of the appropriation of $10,000 made by the urgent deficiency bill of October 22, 1913, for the completion of the post-office building at Hanover, Pa.;

H. R. 12780. An act to provide for the payment of the claim of J. O. Modisette for services performed for the Chickasaw Indians of Oklahoma;

H. R. 13123. An act for the relief of Charles H. Rayfield, alias Charles H. Czarnowsky;

H. R. 14167. An act for the relief of Emily J. Byrd;

H. R. 14931. An act for the relief of Arthur Brose;

H. R. 15000. An act authorizing the Secretary of the Treasury to disregard section 33 of the public-buildings act of March 4, 1913, as to site at Huntingdon, Tenn.;

H. R. 15220. An act to amend sections 4888 and 4889 of the Revised Statutes relating to patents;

H. R. 15414. An act for the relief of David Mowen; and

H. R. 15869. An act to provide for the establishment and maintenance of mining-experiment and mine-safety stations for making investigations and disseminating information among employees in mining, quarrying, metallurgical, and other mineral industries, and for other purposes.

MEMORIAL.

Mr. LANE. I present a memorial of the Legislature of Oregon, which I ask may be printed in the RECORD.

There being no objection, the memorial was ordered to be printed in the RECORD, as follows:

STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, Ben W. Olcott, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 6 with the original thereof filed in the office of the secretary of state of the State of Oregon on the 23d day of February, 1915, and that the same is a full, true, and complete transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon. Done at the capitol at Salem, Oreg., this 24th day of February, A. D. 1915.

[SEAL.]

BEN W. OLCOTT,
Secretary of State.
By S. A. KOZER, *Deputy.*

STATE OF OREGON,
TWENTY-EIGHTH LEGISLATIVE ASSEMBLY,
SENATE CHAMBER.

Senate joint memorial No. 6.

Whereas there is now pending in the Congress of the United States legislation designed to encourage the development of the water-power resources of the West; and

Whereas it is contemplated by such legislation that the interest and control of each State in the water power which may be developed, under the provisions of such legislation, shall in some particulars be no more than one-half, the other one-half accruing to or resting in the Government of the United States; and

Whereas, in other particulars, said legislation would give to the Government of the United States a preferential reversionary interest in water powers developed thereunder: Be it therefore

Resolved by the senate (the house concurring), That it is now wise and opportune for the State of Oregon and the whole people thereof, through their legislative assembly, respectfully to assert for the guidance of their Senators and Representatives in Congress, and for the information of the Congress of the United States, the following principles as just and equitable in the premises:

That the title to the beds of all nonnavigable streams and the water powers within their banks now unappropriated and as yet not alienated by the State of Oregon, and the title to the beds of all navigable streams within the State of Oregon and the water power within their banks—subject only to the rights of commerce—is vested exclusively in the State of Oregon and the whole people thereof.

That the unappropriated or reserved or withdrawn Government lands on the banks of said streams wherein water power is available, while necessary to the development of said power, are in no case of value equal to the value of the water power within said banks and owned by the State of Oregon.

That the State of Oregon does not concede that the proportionate value of said water power to the value of said lands necessary to its development is less than the ratio of fifty to one.

That under such conditions it is to the benefit of public policy that the Government of the United States relinquish to the States its title to lands needed for water-power development under such terms as will safeguard the public from monopolistic or speculative control.

That of importance equal to the water-power development is the creation of hydroelectric markets now interfered with by burdensome restrictions on the settlement of public lands and on the utilization of mineral and timber products, extending in Oregon alone over tracts equal to nearly 60 per cent of the area of the State: And be it further

Resolved, That for the purpose of declaring in more specific detail the principles which the water-power and public-land States of the West deem a just and equitable basis for developing their resources, the Legislature of the State of Oregon does hereby invite each of the governors of the States of Washington, Idaho, Montana, Colorado, California, Wyoming, Utah, Nevada, South Dakota, and North Dakota, and five delegates to be appointed by the legislatures of the said States, to meet with five delegates to be elected by the Legislature of the State of Oregon in conference at Portland, Oreg., in the summer or fall of the year 1915: And be it further

Resolved, That the governor be selected as chairman of the Oregon delegation, and that the senate select two delegates and the house two delegates: *Provided*, That in those States where the legislature will not convene before the time of conference the governor be requested to appoint the delegates, and that the governor of the State of Oregon appoint the time for such conference in accordance with the desires of the several States herein mentioned: Be it further

Resolved, That copies of this resolution be transmitted to the Oregon Senators and Representatives in Congress, to the Speaker of the National House of Representatives, to the President of the United States Senate, to the Secretary of the Interior, and to the governor of each State invited to the water-power conference herein provided for transmission to the legislature of his State.

Adopted by the house February 20, 1915.

BEN SELLING, *Speaker of the House.*

Adopted by the senate February 20, 1915.

W. LAIR THOMPSON, *President of the Senate.*

(Indorsed:) Senate joint memorial No. 6. Introduced by committee on Federal relations.

JACOB BARGER.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (H. R. 11256) granting relief to Jacob Barger, reported it without amendment and submitted a report (No. 1065) thereon.

THE TELEPOST (S. DOC. NO. 983).

Mr. CHAMBERLAIN. From the special committee appointed to investigate the use of the Telepost by the Post Office Department I submit a report, which I ask may be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT OF THE COMMITTEE TO INVESTIGATE AND REPORT UPON THE USE OF THE TELEPOST BY THE POST OFFICE DEPARTMENT.

Mr. CHAMBERLAIN, from the committee authorized to investigate the use of the Telepost in connection with the Post Office Department, pursuant to Senate resolution No. 405, Sixty-third Congress, second session, submitted the following report:

The Telepost, through its president, Mr. H. Lee Sellers, submitted the only system of rapid telegraphic transmission for consideration by the committee. The resolution did not authorize the committee to incur any expense in investigating the general efficiency and economy of the system, and, therefore, it was confined to statements by representatives of the company, to a personal inspection of a demonstration exhibited in a room at the Capitol, to certain data gathered by letter from customers of the system now in operation between Chicago and St. Louis, certain reports by the Franklin Institute, of Philadelphia, and certificates of awards by a number of international and national expositions. Senator Chamberlain, a member of the committee, while conversing over the lines of the Telepost in Chicago with a friend in St. Louis, noted messages were being sent over the same wire by the Telepost at a rate of about 750 words per minute.

From all the data submitted, it is the opinion of the committee that the system is worthy of and should receive careful investigation by the Post Office Department, with a view to utilizing it in connection with an electrical mail service, and that the Postmaster General, in his discretion, arrange for such experiments, without cost to the Government, as will demonstrate its value to the Post Office Department, and report the same to Congress.

GEO. E. CHAMBERLAIN.
LUKE LEA.
J. H. BANKHEAD.
MILES POINDEXTER.

INTERNATIONAL ARBITRATION.

Mr. FLETCHER. From the Committee on Printing I report favorably the following resolution.

The Secretary read the resolution (S. Res. 562), as follows:

Resolved, That the manuscript submitted by Mr. Shafroth on February 24, 1915, entitled "International Arbitration," by Oscar T. Crosby, Esq., of Warrenton, Va., be printed as a Senate document.

The PRESIDING OFFICER. The resolution will be placed on the Calendar.

NATIONAL ACADEMY OF SCIENCES.

Mr. FLETCHER. From the Committee on Printing I report favorably the following resolution.

The Secretary read the resolution (S. Res. 563), as follows:

Resolved, That the report submitted by the National Academy of Sciences on February 22, 1915, for the year ended December 31, 1914, be printed as a Senate document.

The PRESIDING OFFICER. The resolution will be placed on the calendar.

CITY ORGANIZATION.

Mr. FLETCHER. From the Committee on Printing I report favorably the following resolution.

The Secretary read the resolution (S. Res. 564), as follows:

Resolved, That the manuscript submitted by Mr. FLETCHER on February 18, 1915, entitled "Know Your City," an outline for a preliminary municipal survey and a description for the organization of city government, by Le Roy Hodges, be printed as a Senate document.

The PRESIDING OFFICER. The resolution will be placed on the calendar.

THE OLD ROMAN SENATE.

Mr. FLETCHER. From the Committee on Printing I report favorably the following resolution.

The Secretary read the resolution (S. Res. 565), as follows:

Resolved, That the manuscript submitted by Mr. GORE on February 5, 1915, entitled "The Old Roman Senate," be printed as a Senate document.

The PRESIDING OFFICER. The resolution will be placed on the calendar.

VOTES ON FEDERAL RESERVE BILL.

Mr. FLETCHER. From the Committee on Printing I report favorably the following resolution.

The Secretary read the resolution (S. Res. 566), as follows:

Resolved, That the manuscript prepared in the office of the Secretary of the Senate entitled "Yea-and-nay votes in the Senate on the Federal reserve act, approved December 23, 1913," be printed as a Senate document.

The PRESIDING OFFICER. The resolution will be placed on the calendar.

AMERICAN INSTRUCTORS OF THE DEAF.

Mr. FLETCHER. From the Committee on Printing I report favorably the following resolution.

The Secretary read the resolution (S. Res. 567), as follows:

Resolved, That the proceedings of the twentieth meeting of the Convention of American Instructors of the Deaf, at Staunton, Va., June 25 to July 1, 1914, be printed as a Senate document, and that 500 additional copies be printed and bound for the use of the Convention of American Instructors of the Deaf.

The PRESIDING OFFICER. The resolution will be placed on the calendar.

INDIAN APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20150) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1916.

Mr. JONES. Mr. President, I wish to state that I propose to object to any requests for unanimous consent until the Indian bill is disposed of.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Mississippi [Mr. VARDAMAN].

Mr. OWEN. Mr. President, I should like to ask the attention of the Senate for from three to five minutes on this matter, which is very important to my State.

Mr. SMOOT. We can not hear what the Senator is saying.

The PRESIDING OFFICER. And nobody else can because of the confusion.

Mr. OWEN. I asked that I might have the attention of the Senate for from three to five minutes.

Mr. SMOOT. There was so much talk in the Chamber, although the Senator was facing this way, I could not hear what he said.

Mr. KENYON. I ask the Senator to speak louder, so that we may hear what he says.

Mr. KERN. I insist that we have order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. OWEN. Mr. President, it is impossible for me to be heard while conversation is going on, and I do not wish to proceed until I can be heard.

The PRESIDING OFFICER. The Senator from Oklahoma will suspend until the Senate decides to be in order. [A pause.]

Mr. OWEN. Mr. President, the Senator from Mississippi moved to strike out of the Indian appropriation bill a per capita payment of $200 to the Choctaws. The United States 22 years ago sent the Dawes Commission to wind up the affairs of the Five Civilized Tribes. Those tribes agreed that they would allot their lands and give up their governments on condition that their remaining property should be sold and distributed per capita. This is a fulfillment of a long-delayed promise of the Government—a per capita payment of $200.

The Choctaws agreed with the Dawes Commission in 1897 to allot their lands. That agreement was ratified in 1898. That has now been 17 years. The question of citizenship was determined by the Dawes Commission after 11 years of controversy.

I beg Senators to be quiet that I may be heard. I am going to take but a few minutes. This involves millions of dollars and vitally affects my State.

As I stated, the Senator from Mississippi has moved to strike out this per capita payment. The Dawes Commission, after 11 years, determined these questions of citizenship. The Congress of the United States closed the rolls by an act of Congress on April 26, 1906, to take effect a year later, on March 4, 1907. It has now been eight years since those rolls were closed.

The affairs of the Cherokees have been closed up and their property has been distributed; the affairs of the Creeks are practically closed up; the affairs of the Seminoles are practically closed up. The Choctaws and Chickasaws alone remain with a considerable amount of property undistributed.

The Senator from Mississippi moves to strike out the per capita and submits the draft of a long bill, sending the rights of the Mississippi Choctaws to the Court of Claims in a suit against the Choctaw Nation, instructing the court to adopt certain rules of evidence adopted by the Choctaws in the agreement of 1902. I am not going to take up the time of the Senate to go into these details at all, except to point out seven different times when the question of the rights of the Mississippi Choctaws were passed upon by an authorized tribunal.

In 1897 the Federal court in the Indian Territory, on appeal in the case of Jack Amos, declared that the Mississippi Choctaws were not entitled to come into the Choctaws unless they had removed and proved that they were entitled under the treaty.

Mr. GRONNA. Mr. President——

Mr. OWEN. I yield to the Senator.

Mr. GRONNA. I simply want to make this observation: I think the Senator from Oklahoma should take time to have the RECORD show what this matter really means. As he has well said, we are about to dispose of four or five million dollars, and I think that every Senator here ought to be anxious to know what is going on.

Mr. OWEN. I shall put it into the RECORD, but I shall not take the time of the Senate beyond giving the fundamental facts. The Senate is in no humor to hear a long statement, and I do not wish to impose upon the patience of the Senate when the Senate is itself exhausted.

In 1895 the Dawes Commission to the Five Civilized Tribes made a report that the Mississippi Choctaws were not entitled, unless they removed from Mississippi to the Choctaw country in Oklahoma and were identified by an authorized tribunal and showed themselves to be entitled under certain treaties.

In 1902 the Choctaws and Chickasaws, by an agreement with the United States, approved by the Congress of the United States, finally settled this matter in an agreement of July 1, 1902. Under that agreement it was stipulated that the Mississippi Choctaws would not be required to furnish the legal proof which the law imposed upon them to show that they were the lineal descendants of ancestors who had complied with the conditions of the fourteenth article of the treaty of 1830. The Mississippi Choctaws could not furnish this proof. They had no adequate record; they did not know what the truth was about themselves. They might or they might not be the fourteenth-article claimants; they might have been nineteenth-article claimants or seventeenth-article claimants; but the Choctaws and Chickasaws, in order to buy their peace, agreed to waive the rules of evidence, and as a matter of brotherly regard to admit, as a gratuity, those who were of the full blood if they would remove from Mississippi to the Choctaw country west. It only takes a small amount of money to move from Mississippi to Oklahoma. There were unnumbered men desirous of having these Choctaws remove to Oklahoma and secure lands and lease their lands. They were offered the cost of removal by any number of men seeking to remove them; the Government appropriated thousands of dollars for the purpose of removing them, and those who did not move are justly chargeable with their own laches. Under the terms of that treaty if they did not move they have neither a legal, moral, nor an equitable right.

Again, this matter was passed on in 1906 by the Congress of the United States in closing the rolls.

Again, in 1912 it was passed on by Hon. Samuel Adams in his report.

Again, in 1915 a subcommittee of the Committee on Indian Affairs of the House of Representatives heard this matter ad nauseam, and the hearings held by them are printed in a document of over 800 pages. They made a unanimous report, I believe—perhaps there was one exception, who intended to make an adverse report, but I do not think he ever did; but the committee from the House determined that they had no claim whatever on the Choctaws West.

Again, this matter was reported on by the Hon. Franklin K. Lane, Secretary of the Interior, in a recent report intended for the use of Congress.

I ask to submit for the RECORD a memorandum as to this matter, and also the record of April 24, 1914, in which Mr. A. Jones, First Assistant Secretary of the Interior, sent to Congress a list of all those who appeared to be equitably entitled to enrollment after a further search of these rolls from the time they were closed in 1907 to 1914, seven years.

The PRESIDING OFFICER. In the absence of objection, permission is granted the Senator from Oklahoma to print in the RECORD the matter referred to by him.

The matter referred to is as follows:

MISSISSIPPI CHOCTAWS.

On March 10, 1899, the Dawes Commission reported that there were extremely few, if any, Indians in Mississippi who could prove their right to enrollment as citizens of the Choctaw and Chickasaw Nations under the fourteenth article of the treaty of September 27, 1830. At that time there was much agitation for the enrollment of the so-called Mississippi Choctaws, and in the agreement between the Choctaws and Chickasaws and the United States, approved July 1, 1902 (30 Stat. L., 641), a compromise was reached on the Mississippi Choctaw claim.

The Choctaws and Chickasaws agreed to enroll, as a gratuity, all full-blood Choctaws who then resided in Mississippi, if they would remove to and establish a residence in the Choctaw or Chickasaw Nations.

Under this agreement 1,634 Mississippi Choctaws were enrolled and received allotments in the Choctaw and Chickasaw Nations. With a few exceptions, the entire 1,634 were enrolled under the full-blood rule

of evidence and were not required to prove a right to enrollment. The approximate value of the property received by these 1,634 persons is $15,000,000. This is the price paid by the Choctaw and Chickasaw Nations for a settlement of the Mississippi Choctaw claim in 1902.

In consideration for this concession on the part of the Choctaws and Chickasaws the Government agreed to close the rolls, to sell the residue of tribal property, and distribute the proceeds per capita among the enrolled members of the tribes. The United States Government has not performed its part of the agreement.

The agreement of 1902, above referred to, contained the following provision:

"No person whose name does not appear upon the rolls prepared, as herein provided, shall be entitled in any manner to participate in the distribution of the common property of the Choctaw and Chickasaw Tribes, and those whose names appear therein shall participate in the manner set forth in this agreement."

The act of April 26, 1906, declared the rolls of the Choctaw and Chickasaw Nations closed in the following language:

"*Provided*, That the rolls of the tribes (Choctaw and Chickasaw) affected by this act shall be fully completed on or before the 4th day of March, 1907, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after that date."

The rolls of the Choctaw and Chickasaw Nations are therefore closed, and have been closed since the 4th day of March, 1907.

The claim which is now being presented by the proponents of the legislation for the enrollment of Mississippi Choctaws has heretofore been fully considered and decided adversely to the so-called Mississippi Choctaws by the following tribunals and officials:

1. 1897: The Federal courts of Indian Territory. (Jack Amos *v.* Choctaw and Chickasaw Nations. Jurisdiction affirmed by Supreme Court; Stephens *v.* Cherokee Nation, 174 U. S., 445.)

2. 1898: The Dawes Commission to the Five Civilized Tribes. (See reports Jan. 28, 1898, and Mar. 10, 1899.)

3. 1902: The Choctaw and Chickasaw people and the United States Government in the preparation of the supplemental agreement of July 1, 1902. (32 Stat. L., 641.)

4. 1906: The Congress of the United States which by the act of April 26, 1906, finally directed the closing of the rolls March 4, 1907.

5. 1912: Hon. Samuel Adams, First Assistant Secretary of the Interior.

6. 1915: A subcommittee of the Committee on Indian Affairs of the House of Representatives.

7. 1915: Hon. Franklin K. Lane, Secretary of the Interior.

The United States Government is bound by solemn agreement to sell the residue of Choctaw and Chickasaw tribal property and distribute the proceeds among the enrolled members of the tribes. Fulfillment of this obligation has been, and is being, prevented by the representatives of the alleged Mississippi Choctaws and by the proponents of legislation intended to be of assistance to the alleged Mississippi Choctaws.

It has been repeatedly shown that the Mississippi Choctaws have no legal, equitable, or moral right to share in the property of the Choctaw Nation.

CLAIMANTS FOR CITIZENSHIP OTHER THAN MISSISSIPPI CHOCTAWS.

It has been contended by attorneys and agents representing claimants for enrollment as citizens of the Choctaw and Chickasaw Nations that there was a period immediately before the closing of the rolls on March 4, 1907, during which action on all pending cases was rushed, and that the applicants were not given the benefit of a cautious consideration of their cases.

This contention is very misleading, because it is a fact that the cases which were considered during the so-called "rush period" had been considered before—some of them had been considered and determined a number of times and were pending on motion to review or on appeal from the order denying a motion to review. Very few, if any of them, were pending on a direct appeal from the original decision of the Commission to the Five Civilized Tribes, and none of them were pending for a consideration on the merits of the cases—the merits having theretofore been passed upon by the Commission to the Five Civilized Tribes.

All of these matters have been under consideration almost continuously since the closing of the rolls, March 4, 1907. At one time, the agitation for the reopening of the rolls of the Five Civilized Tribes became so great that the matter was brought to the attention of the President of the United States, and after having fully considered the matter President Taft wrote the following letter to Richard C. Adams, an attorney at law of Washington, D. C.:

THE WHITE HOUSE,
Washington, April 20, 1910.

MY DEAR SIR: I am in receipt of your letter which you visited my office with Mr. Creager, of Oklahoma, to hand me. Your letter deals with the question of claims of Indians against the Government. Of course, I am in favor of facilitating the hearing of those claims as much as possible; and as to the second, I am opposed to the reopening of the Indian citizenship rolls. It seems to me it would be like opening a Pandora's box. Exceptional cases that present great equities might be considered by special legislation.

In conclusion I can only say that no one is more anxious than I am to close out these Indian disputes and put Indians on the basis of other citizens, in so far as it is possible to do so without exposing those who are uneducated and unable to look after their own interests to the fraudulent manipulation of unprincipled persons.

Sincerely, yours,

WM. H. TAFT.

Mr. RICHARD C. ADAMS,
Bond Building, Washington, D. C.

(See H. Rept. 2273, 61st Cong., 3d sess.)

It will be noted that the President was opposed to the reopening of the rolls, but said "exceptional cases that present great equities might be considered by special legislation."

On February 12, 1910, Hon. R. A. Ballinger, then Secretary of the Interior, addressed a letter to Hon. MOSES E. CLAPP, chairman of the Committee on Indian Affairs of the United States Senate, in which he made the following recommendation:

"In conclusion I am constrained to believe, and therefore recommend, that the rolls be not opened up, but that proper legal authority be given the Secretary of the Interior to place upon the rolls those Indians (about 52 in number) whose applications were approved by the Commissioner to the Five Civilized Tribes and were transmitted to Washington before the 4th of March, 1907, but did not reach the department until after the rolls were closed; and, furthermore, that proper authority be given the Secretary of the Interior to examine and place upon the rolls the minor orphan children, incompetents, and Indians in incarceration whose claims were not presented in due time for adjudication. I am informed that this class numbers about 200. No one seems to have taken the responsibility of presenting the claims of this class for consideration. They could not look after their own interests."

(See S. Doc. No. 1139, 62d Cong., 3d sess.)

The Secretary, in this letter, recommends against the reopening of the rolls, but favors special legislation for the relief of 52 persons whose names were omitted from the rolls through inadvertence, and recommends that authority be given for the examination of the cases of certain other persons not to exceed 200 in all.

Both President Taft and Secretary Ballinger, after having fully considered the question that is now under consideration, both decided against the reopening of the rolls. They considered, however, that there were a few exceptional cases wherein the applicants had strong equities and were in justice entitled to some relief.

Two investigations were made by the Interior Department to ascertain the names of all persons who were legally or equitably entitled to enrollment as citizens of the Five Civilized Tribes and whose names were not upon the finally approved rolls.

With the consent, and upon the advice of the attorneys for the tribes, Hon. ROBERT L. OWEN, a Member of the United States Senate from Oklahoma, addressed a letter to the Secretary of the Interior asking that he be furnished with the names of persons who, upon investigation, had been found apparently equitably entitled to enrollment.

On April 24, 1914, Senator OWEN received the following letter from Hon. A. A. Jones, First Assistant Secretary of the Interior:

DEPARTMENT OF THE INTERIOR,
Washington, April 24, 1914.

MY DEAR SENATOR: In response to your request of April 22, I am inclosing herewith a list of the names of persons who, upon the investigation heretofore made, have been found apparently equitably entitled to enrollment on the rolls of the various tribes composing the Five Civilized Tribes of Oklahoma. The data as to each of these names have heretofore been submitted to the Committee on Indian Affairs of the Senate and may be found in Senate Document No. 1139, Sixty-second Congress, third session.

This list contains the names of all those whom the department has found equitably entitled to enrollment, omitting, as suggested, the names of new-born Choctaw freedmen.

Very truly, yours,

A. A. JONES,
First Assistant Secretary.

Hon. ROBERT L. OWEN,
United States Senate.

The list transmitted to Senator OWEN with the above letter contained the names of 318 persons. The Indian appropriation bill, which became a law August 1, 1914, carried a provision authorizing the enrollment in the respective tribes of the persons whose names appear upon said list.

The letter of Secretary Jones and the list are set forth in full in Senate Document No. 478, Sixty-third Congress, third session. (I am attaching hereto a copy of said document.)

Inasmuch as it has been repeatedly shown that the so-called Mississippi Choctaws have no right to enrollment, and inasmuch as all those residing in the Choctaw and Chickasaw Nations who appear to have been equitably entitled to enrollment have been enrolled, the members of the Choctaw and Chickasaw Tribes can not understand why the Government of the United States does not comply with the terms of its agreement made with them in 1902.

There appears to be no just reason why the residue of tribal property should not be sold and the proceeds arising from such sale distributed per capita among the enrolled members of the Tribes in compliance with the terms of the treaty of 1902.

A considerable amount of tribal property has been sold and the money is now on deposit. There have been partial crop failures in Oklahoma for the past four years—in some sections the failure was almost complete. There are many Choctaws and Chickasaws who have been and are now in destitute circumstances and are in dire need of the money that belongs to them. The United States Government should at once pay them the money that is now on deposit to their credit.

For this reason we respectfully request that the provision now carried in the Indian appropriation bill authorizing a per capita payment of $200 to the Choctaws and $100 to the Chickasaws be enacted in its present form.

Respectfully submitted.

P. J. HURLEY,
National Attorney Choctaw Nation.
REFORD BOND,
By H.,
National Attorney Chickasaw Nation.

CITIZENSHIP OF FIVE CIVILIZED TRIBES.

[Communication from the Assistant Secretary of the Interior to Hon. ROBERT L. OWEN, submitting a list of names of persons apparently equitably entitled to enrollment on the rolls of the various tribes composing the Five Civilized Tribes of Oklahoma, being S. Doc. No. 472, 63d Cong., 2d sess., together with a list approved by attorneys of the Choctaw and Chickasaw Nations.]

DEPARTMENT OF THE INTERIOR,
Washington, April 24, 1914.

MY DEAR SENATOR: In response to your request of April 22, I am inclosing herewith a list of the names of persons who, upon the investigation heretofore made, have been found apparently equitably entitled to enrollment on the rolls of the various tribes composing the Five Civilized Tribes of Oklahoma. The data as to each of these names have heretofore been submitted to the Committee on Indian Affairs of the Senate and may be found in Senate Document No. 1139, Sixty-second Congress, third session.

This list contains the names of all those whom the department has found equitably entitled to enrollment, omitting, as suggested, the names of newborn Choctaw freedmen.

Very truly, yours,

A. A. JONES,
First Assistant Secretary.

Hon. ROBERT L. OWEN,
United States Senate.

LIST OF PERSONS FOUND TO BE APPARENTLY EQUITABLY ENTITLED TO ENROLLMENT IN THE FIVE CIVILIZED TRIBES OF OKLAHOMA (BUT WHOSE NAMES DO NOT APPEAR ON THE FINAL ROLLS OF SAID TRIBES), AS SET FORTH IN THE LIST ACCOMPANYING THE REPORT OF W. C. POLLOCK OF JANUARY 15, 1912, AND INCLUDING THOSE LISTED IN A REPORT OF NOVEMBER 15, 1907, OF THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES, BUT OMITTING FROM SAID LISTS THE NAMES OF THE NEWBORN CHOCTAW FREEDMEN CLAIMANTS AND DUPLICATIONS.

Seminoles by blood.

Albert, Johnson.
Davis, Lina.
Hulwa, Cora.
Jones, Joseph S.
Jones, Edward.
Paddy, Elsie.
Tiger, Willie.
Washington, Witness.

Creeks by blood.

Allen, Wootsy.
Archibald, or Narchubby, Cain.
Archibald, or Narchubby, Adda.
Barnett, Peggy.
Billy, Chotekey.
Brown, Hannah.
Chupco, Mollie.
Downing, Ambrose.
Fish, Willie.
Givins, Luther.
Green, Siah.
Jones, Martha.
Lasley, Tobe.
Lewis, Sampson.
Mully, Jennie (Chinhoker).
Archibald, or Narchubby, Smedlow.
Archibald, or Narchubby, Abel.
Asbury, Coo-wees-coo-wee.
Bear, Lucinda.
Birdcreek, Lewis.
Brown, Sam.
Cosar, Susie.
Fish, Eli.
Foster, Sallie.
Green, Jeanetta.
Johnson, Addie.
Lasley, Sulphur.
Lasley, Tustunnuga.
Long, Lucy.
Mully, Mitchell.
Mully, Barney.
Mully, Katie.
Perry, Susie.
Proctor, Freeman.
Raiford, Washington.
Ralston, Fred E.
Riley, Washie.
Sreechowl, Annie.
Simmon, Samuel.
Simmons, Mandy.
Simpson, Nettie.
Simpson, Mellissa.
Starr, Mollie.
Terry, Albert.
Wesley, Ada.
White, Edmund.
Mully, Simon.
Perry, James.
Polk, Siah.
Proctor, Maxie.
Ralston, Elva Leona.
Ralston, Jeanetta Louise.
Scott, Mary.
Screechowl, Concharty Micco.
Simmons, Della.
Simpson, George.
Simpson, Mallie.
Stanley, Wootsy.
Terry, Alpha Omega.
Wattie, Albert Willie.
West, Nellie.
Byrd, Mattie.

Creek freedmen.

Adams, Freddie.
Bullocks, Robert.
Brown, Mosetta.

Cherokees by blood.

Aleck, Buck.
Baldridge, John.
Beamer, Jennie.
Bean, Charles.
Bigfeather, Nancy.
Brassfield, Alta May.
Bread, Jennie.
Carey, Lesie.
Catron, Nancy.
Christian, Pearl.
Christie, Frank.
Christie, Maggie.
Chuculate, William.
Coming, Samuel.
Crapoe, Mary Mildred.
Crittenden, William.
Dirteater, Suagee.
Dreadfulwater, Maggie.
Elk, Willie.
Feather, Dolly.
Fisher, Ross Johnson.
Flute, Johnson.
Gritts, Charles.
Hair, Samuel.
Hawkins, Peggy.
Hicks, Lydia.
Hooper, John.
Johnson, Joe.
Johnson, Polly.
Keener, Hattie.
Keener, Sampson.
King, John.
Knight, Peggie.
Leaf, Sarah.
Liver, John L.
McCarter, Sampson.
McCoy, Jack.
Miller, Jennie.
Noisewater, French.
Palone, Nancy.
Phillips, Sinda.
Potter, Walter.
Pumpkin, Ada.
Anderson, Stanley Q.
Ballou, Dave.
Beamer, Ellis.
Bean, James.
Bitting, Edgar T.
Bread, Ben.
Cameron, Andrew.
Catcher, or Tehee, Charles, jr.
Catron, Peggy.
Christian, Willie.
Christie, James.
Chuculate, Gussie.
Cochran, Daisy.
Cookinghead, Lucy.
Crittenden, Osie.
Daugherty, Betsy.
Downing, Laura.
Drywater, Porter.
Feather, Grant.
Field, Pearle.
Flute, Thompson.
Girty, Stan Field.
Guess, Nannie.
Hawkins, George.
Henson, Enoch.
Hilderbrand, John E.
Houston, Jason.
Johnson, Wilda.
Keener, Coleman.
Keener, Lucy.
Ketcher, Andrew.
King, West.
Leaf, Nancy.
Lewis, Polly.
McCarter, Charlotte.
McCarter, Nancy.
Martin, Hattie.
Mitchell, May.
Oakball, Elias.
Pettit, Josie.
Phillips, Olie.
Porter, J. George.
Rhodes, John.
Sack, Welling.
Sanders, Kenneth.
Shade, Striker.
Snell, Emma.
Spade, Lacey.
Speaker, Sunday, or Peter.
Sullateskee, Lizzie Milo.
Swimmer, Lincoln.
Tadpole, Lizzie.
Thompson, Rebecca.
Toney, Lala.
Vann, Ice.
Vann, Maggie.
Waterfallen, John.
Welch, Bessie.
West, Sallie Ellen.
Wolfe, Dick.
Woodall, Tom.
Wright, William S.
Young Rufus.
Wolfe, Jim.
Sam, Katie.
Scraper, Narcy.
Sixkiller, Harvey.
Sourjohn, Charlie.
Spaniard, Myrtle May.
Suake, Swimmer.
Swimmer, Grace.
Tadpole, Betsy.
Tehee, Eliza.
Tinoowie, John.
Turtle, Wesley.
Vann, Lillie.
Vann, Thomas, jr.
Waters, Anderson.
Welch, Simon.
Wilkerson, Allen.
Wolfe, Dave.
Wright, Edgar Ervin
Yaholah, Charlotte.
Grazier, Viola.
Springwater, Eli.

Cherokee freedmen.

Hill, Alma.
Scott, Lucy.
Lane, Pearlie.

Chickasaws by blood.

Alexander, Ben.
Arpealer, Sidney.
Johnson, Jim.
Johnson, Corinne May.
Shields, Ecius.
Arpealer, Nicey.
Ensharkey, Annie.
Johnson, Eva Agnes.
Orphan, Buster.
Shields, Barney.

Chickasaw freedmen.

Thompson, Savanna.

Choctaws by blood.

Carn, David.
Fisher, Dicey.
Garland, Lizzie.
Hodges, Melissa.
Jackson, William.
Johnson, Alphrus.
McKinney, Benjamin Franklin.
Robinson, William F.
Robinson, Alpha.
Robinson, James William.
Robinson, Mary Ola.
King, Mary.
Charles, Abram.
Fobb, Mary.
Haiakonobi, Amos.
Jackson, Sallie.
James, Fannie Myrtle.
King, Solomon.
Polk, Willis.
Robinson, Alice.
Robinson, Ada B.
Robinson, Emeline.
Wright, Joseph James.

Mississippi Choctaws.

Davis, Mond Amos.
McDaniel, Houston.
Taylor, Joseph.
Nickey, Billy.
Nickey, Bettie Russell.
Farve, Clemogene.
Charlas, Sallie.
Charlas, Bettie.
Charlas, James.
Adams, Nora M.
John, Lillie Jackson.
McDaniel, Joe.
Nickey, Maggie (now John).
Nickey, Sam.
Nickey, Mollie Mass.
Farve, Elizabeth.
Charlas, Minnie.
Charlas, Louisa.
Adams, Mitchell C.
Adams, Lillie M.
Adams, Mitchell C., jr.

Intermarried Choctaw.

Bevill, Joe T.

Choctaw freedmen.

(Born prior to Sept. 25, 1902.)

Bird, Ida.
Boyles, Mary Malinda.
Brown, Oscar.
Burris, Hattie.
Butler, Fredonia.
Cole, Jeff.
Folsom, Erna.
Gaffney, Nellie.
Hall, Estoria.
Johnson, Johnnie.
Owens, Martha Ann.
Riley, Gertie.
Walker, Noel.
Washington, Pearlie.
Williams, Leroy.
Dunford, Lena.
Liggons, Sephus.
Newton, Archie.
Owens, Henry.
Boyd, Emma (now Austin).
Boyles, Martha.
Buffington, Alex.
Burris, Siras Jeffie.
Butler, Jennie.
Folsom, Frank.
Gaffney, Augusta.
Green, Amy Jane.
Jackson, Nora.
Johnson, Herman.
Owens, Henry.
Thompson, Wade.
Washington, Albert.
Washington, John Henry.
McKinney, Gilbert.
Chester, Della.
Liggins, Roberta.
Owens, Martha Ann.

SPECIAL LIST OF PERSONS AGREED ON APRIL 28, 1914, TO BE ENROLLED AS CHOCTAWS BY THE ATTORNEYS OF THE CHOCTAW AND CHICKASAW NATIONS.

The following list of persons, all of whom appear to have been on the original Choctaw rolls by blood, seem in equity to be entitled to enrollment as members of the Choctaw Nation by blood, and it is agreed by the attorneys representing the Choctaw and Chickasaw Nations that they should be enrolled, to wit:

James B. Nichols.
Nan V. Nichols.
Della May Nichols (now Scott).
Nema May Scott.
Lyda Lois Scott.
John W. B. Nichols.
Bessie Nichols.
Louis Herman Nichols.
Golda Ula Nichols.
Sylva Jewel Nichols.
Orin M. Nichols.
Amanda M. Nichols.
James W. Nichols.
Maggie M. Nichols (now Engle).
Nettie Myrtle Nichols.
Louis A. Nichols.
Osa Nichols.
Cora Lee Nichols.

Hon. ROBERT L. OWEN, *Chairman,*
United States Senate.

DEAR SIR: We, the undersigned, attorneys representing several of the Five Tribes, agree that for the purpose of obtaining an absolutely final settlement of the citizenship rolls and for the purpose of securing our peace, will agree to the enrollment of the persons enumerated in Senate Document 472, Sixty-third Congress, second session, and to the enrollment of the Nichols family, as enumerated in H. R. 13794, Sixty-third Congress, second session.

REFORD BOND,
Attorney for the Chickasaw Nation.

MAY 2, 1914.

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[Telegram.]

TULSA, OKLA., *April 30, 1914.*

Hon. ROBERT L. OWEN,
United States Senate, Washington, D. C.:

I acquiesce in your recommendation for enrollment, under letter of Secretary of the Interior, of persons whom he has found equitably entitled; also Nichols family, with understanding that this positively concludes enrollment. I suggest that you not agree to such enrollment until provision has been agreed to for vesting of tribal estate in individual members of the tribe and making final settlement. I do not consent to the enrollment of the Howell list.

P. J. HURLEY.

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[Telegram.]

MUSKOGEE, OKLA., *May 1, 1914.*

Hon. ROBERT L. OWEN,
Washington, D. C.:

The enrollment of the 52 and the enrollment of the Pollock roll and the enrollment of the Nichols family would, in my judgment, settle the rolls question, and such concession meets my approval.

R. C. ALLEN,
National Attorney for Creek Nation.

REPORT ON H. R. 12586.

JANUARY 2, 1915.

Hon. JOHN H. STEPHENS,
Chairman House Committee on Indian Affairs,
Washington, D. C.

SIR: Your subcommittee appointed to investigate and report on H. R. 12586 begs leave to submit the following observations:

A careful and painstaking investigation of all treaties, laws, and other records bearing on this claim, including hearings lasting from April 1, 1914, until August 27, 1914, was gone into by your committee.

H. R. 12586 directs:

1. That the Secretary of the Interior to enroll certain Mississippi Choctaws upon the rolls of the Choctaw Nation in Oklahoma with a full participation in their tribal estate.

2. To reopen the Choctaw rolls for the adjudication of 20,000 or more alleged claimants.

There are some Choctaws still remaining in Mississippi who have persistently refused and successfully resisted all efforts of the Federal Government and the Choctaw Nation to have them move west and affiliate with the tribe.

The testimony before the subcommittee discloses many thousands of persons of doubtful descent, African and other, living in Mississippi and surrounding States, who have attempted to assert claims as Choctaw Indians.

Such Indians of real Choctaw blood as still reside in Mississippi appear to take little interest in the claims asserted by their alleged attorneys. On the other hand, those claiming remote Indian blood and of doubtful descent have manifested much interest in being enrolled and sharing in a division of the Choctaw funds in Oklahoma.

The contention of these latter seems to have been inspired and augmented by certain attorneys who have sent agents among these people advising them that they were Indians and taking contracts for their enrollment for a contingent fee of from 30 to 40 per cent of recovery, and in many instances a small cash retainer in addition.

According to statements and admissions of these attorneys and their agents, two firms alone, those of Cantwell & Crews, of St. Louis, Mo., and Ballinger & Lee, of Washington, D. C., and Ardmore, Okla., hold contracts with 15,596 individuals, carrying provisions for fees aggregating $10,882,815.

The testimony further shows that a syndicate for the purpose of securing the enrollment of Mississippi Choctaws and a participation in the tribal estate of the western Choctaws have been formed under the name "The Texas-Oklahoma Investment Co.," capitalized at $100,000, $25,000 of which has been paid in and used. The directors of this corporation are S. L. Hurlbut, of El Campo, Tex.; H. Masterson and W. A. Smith, of Houston, Tex.; and T. B. Crews and H. J. Cantwell, of St. Louis, Mo.

This claim of the Mississippi Choctaw attorneys for enrollment of their clients and participation in the Choctaw Nation's estate is by no means a new contention. The claim was, under direction of law, fully adjudicated by the Commission to the Five Civilized Tribes (House Doc. 274, 55th Cong., 2d sess.) and afterwards by the Federal court, to which appeal was taken (Jack Amos et al. *v.* The Choctaw Nation, Decisions of United States courts in Indian Territory, 465), both decisions being adverse to the Mississippi Choctaw contention for enrollment.

In rejecting the claim of nonresident Mississippi Choctaws the Commission to the Five Civilized Tribes said in part:

"This historical review of the acquisition of this territory by the Choctaw Nation and its subsequent legal relations to it makes it clear in the opinion of this commission that the Mississippi Choctaws are not under their treaties entitled to all rights of Choctaw citizenship except an interest in the Choctaw annuities and still continue their residence and citizenship in Mississippi. (House Doc. 274, 55th Cong., 2d sess.)"

In affirmng the decision the United States District Court for the Central District of Indian Territory closed its decision with the following paragraph.

"To permit men with, perchance, but a strain of Choctaw blood in their veins, who, 65 years ago, broke away from their kindred and their nation, and during that time, or the most of it, have been exercising the rights of citizenship and doing homage to the sovereignty of another nation, and have become strangers to the people, to reach forth their hands from their distant and alien homes and lay hold on a part of the public domain, the common property of the people, and appropriate to their own use, would be unjust and inequitable. It is therefore the opinion of the court that the absent Mississippi Choctaws are not entitled to be enrolled as citizens of the Choctaw Nation. The action of the Dawes Commission is therefore affirmed and a decree will be entered for the Choctaw Nation. (Jack Amos et al. *v.* The Choctaw Nation, Decisions of United States courts in Indian Territory, 465.)"

An appeal was taken from these decisions by the attorneys for the Mississippi Choctaws to the Supreme Court of the United States and the Jack Amos case was dismissed upon motion of the attorneys for the Mississippi Choctaws. (190 U. S., 873.)

Several years subsequent to the date of these decisions excluding the Mississippi Choctaws from enrollment this matter was again taken up and readjusted by the legally constituted authorities of the Federal Government and the Choctaw and Chickasaw Nations in Oklahoma, by which agreement the Mississippi Choctaws were given additional time for identification and establishment of bona fide residence in the Choctaw Nation in Indian Territory. (Supplemental agreement, "An act to ratify and affirm the agreement with the Choctaw and Chickasaw Tribes of Indians," etc., approved July 1, 1902.)

The Choctaw Nation in Oklahoma has dealt justly and liberally with the Mississippi Choctaws, always granting them full citizenship in their nation with all emoluments thereto whenever they would agree to affiliate with the tribe, and the Choctaw Nation in Oklahoma is under no legal, equitable, or moral obligation to enroll the Mississippi Choctaws as citizens of the tribe in the West at this time.

By the agreements negotiated between the Federal Government and the Choctaw Nation all native western Choctaws were required to be on the reservation by June 28, 1898, or stand debarred from enrollment and participation in the tribal estate forever thereafter, and this rule has been strictly adhered to.

The time for establishment of residence on the reservation was extended to the Mississippi Choctaw claimants until July 1, 1903, giving the Mississippi Choctaws five years to move on the reservation after the time for establishment of such residence had been closed to the native Choctaws.

After 11 years were consumed by the Commission to the Five Civilized Tribes in making up the rolls of the Choctaw and Chickasaw Nations such rolls were affirmatively closed by action of Congress on March 4, 1907.

The rolls of the Choctaw Nation were held open to the Mississippi Choctaws from 1830 until March 4, 1907, giving the Mississippi Choctaws 77 years in which to complete enrollment with full benefits of citizenship.

The Federal Government as such is neither legally nor equitably obligated to enroll Mississippi Choctaws with the Choctaws west, and is under only such moral obligation to the Mississippi Choctaws as is due to dependent North American Indians who were originally occupants and owners of the soil and who have been deprived of their patrimony by white settlers.

The passage of H. R. 12586 would completely upset and undo 11 years of careful, painstaking work of the Interior Department in settling the affairs of the Five Civilized Tribes, turn the wheels of progress backwards for more than 20 years, and, as has been said by President Taft, "open up a Pandora's box of troubles, which the life of the present generation might not see closed."

The passage of H. R. 12586 would doubtless result in stupendous claims of millions of dollars against the Federal Government on the part of the Oklahoma Choctaws because of a division of their funds among persons whom the Federal commissions and Federal courts have decided were not entitled thereto.

Its passage would lend encouragement to grafting attorneys with contracts for enormous attorneys' fees, running into millions of dollars, and hold out inducement for procuring additional contracts from spurious claimants.

Your subcommittee therefore recommends that the Harrison bill (H. R. 12586) be not favorably reported by the House Committee on Indian Affairs.

Respectfully submitted.

C. D. CARTER, *Chairman.*
J. D. POST.
ROBT. P. HILL.
P. P. CAMPBELL.

REPORT OF THE SECRETARY OF THE INTERIOR ON THE HARRISON BILL (H. R. 12586).

THE SECRETARY OF THE INTERIOR,
Washington, January 8, 1915.

MY DEAR MR. STEPHENS: I have the honor to refer herein to a communication of August 12, 1914, from Hon. C. D. CARTER, then acting chairman of the Committee on Indian Affairs of the House of Representatives, with which was inclosed a copy of H. R. 12586, entitled "A bill to reopen the rolls of the Choctaw-Chickasaw Tribe and to provide for the awarding of the rights secured to certain persons by the fourteenth article of the treaty of Dancing Rabbit Creek, of date September 27, 1830." He also referred to H. R. 4536 and requested that I consider the two bills together and make a report thereon.

Upon examination of H. R. 4536, I find that said bill is identical with H. R. 19213, introduced by Mr. HARRISON, of Mississippi, in the Sixty-second Congress, second session, upon which last-mentioned bill the department submitted to your committee a report dated July 2, 1912. H. R. 12856, introduced in the present Congress by Mr. HARRISON, is a similar bill to the above-mentioned bills, except that in said H. R. 12586 an additional paragraph is included in section 2 to provide for the enrollment of all persons who were identified as Mississippi Choctaws by the Dawes Commission in its report of March 10, 1899, commonly known as the McKennon roll, and of all persons identified as Mississippi Choctaws by the Dawes Commission from March 10, 1899, to March 4, 1907, whose identification was approved by the Secretary of the Interior, but whose names did not appear on the final citizenship rolls of the Choctaw and Chickasaw Nations.

The claims of Mississippi Choctaw Indians to recognition as citizens of the Choctaw Nation of Oklahoma and to share in the property of said nation are based upon article 14 of the treaty of September 27, 1830. (7 Stat. L., 335.) Pursuant to the terms of the treaty, a large number of Choctaws were transferred from Mississippi to the country west, later known as Indian Territory. These Choctaws who so removed and their descendants now constitute the main body of what is known as the Choctaw Nation. There were, however, a considerable number of Choctaws who remained behind in Mississippi, some of them under the provisions of article 14 above mentioned.

Said article 14 provided that the persons who claimed thereunder should not lose the privilege of a Choctaw citizen, but if they ever removed were not to be entitled to any part of the Choctaw annuity. The Indians who remained behind, under the provisions of said article 14, received either land in Mississippi or scrip, which gave the applicants the right to enter public lands in certain Southern States. A part of said scrip, however, was later commuted by a money payment. Some of the fourteenth-article claimants later made their way west and joined the main body of the tribe in the Indian Territory. The Choctaw Council by various acts recognized the right of said absentee Mississippi Choctaws to remove to the nation, and actually invited them to do so.

Under the provisions of the Atoka agreement with the Choctaw and Chickasaw Tribes contained in the act of Congress of June 28, 1898 (30 Stat. L., 495), the supplemental agreement contained in the act of July 1, 1902 (32 Stat. L., 641), and later acts of Congress for the purpose of carrying out the provisions of said agreements, the claims of individual Mississippi Choctaw Indians to be identified and to be enrolled as entitled to share in the property of the Choctaw Nation were fully considered by the Commission to the Five Civilized Tribes and by the department after full hearing, at which the claimants had ample opportunity to present all the evidence which they could procure in support of their claims. Very few claimants were able to prove descent from an ancestor who received or applied for benefits under the provisions of article 14 of the treaty of 1830.

The history of the Dawes Commission enrollment work relative to Mississippi Choctaw claimants is very fully set out in a communication of April 14, 1914, from William O. Beall, at one time secretary of the Commission to the Five Civilized Tribes. A copy thereof is inclosed for your information.

For your further information as to the history of the Mississippi Choctaw claims and of the department action in the preparation of the final rolls there is inclosed a copy of department letter of July 2, 1912, to the chairman of the Committee on Indian Affairs of the House of Representatives.

Judge William H. H. Clayton, in his decision in the case of Jack Amos *v.* The Choctaw Nation, a copy of which may be found in the appendix of the annual report of the Commission to the Five Civilized Tribes for the fiscal year ended June 30, 1901, said that no treaty or acts of the Choctaw Council or of any officer of the Choctaw Council since the treaty of 1830 could be cited, or at least he had not found them, whereby any right or privilege had been conferred, granted, or recognized in or to a Mississippi Choctaw so long as he remained away from his people, and that no right was recognized or conferred upon such

absent Indian except upon the condition that he should remove to the nation, and the right was not to be consummated or enjoyed until actual removal.

Mississippi Choctaw Indians who, while the opportunity was theirs under the privileges accorded them, refused to emigrate with the tribe to the new country west, and who never shared in the burdens and hardships of the pioneer life incident to the establishment of the new tribal government west of the Mississippi, have at this late date (now that the tribal property of the Choctaw Nation made valuable by the emigrants is being divided per capita among the enrolled recognized citizens of the nation) no equitable right to share in said property.

With respect to persons who were identified by the Dawes Commission as Mississippi Choctaws under the provisions of the act of Congress of June 28, 1898 (30 Stat. L., 495), but who failed to remove and make settlement in the Choctaw-Chickasaw country, as required by the act of Congress of July 1, 1902 (32 Stat. L., 641, secs. 41, 42, 43, and 44), it may be said that, irrespective of their unfortunate condition of poverty and ignorance, there is no ground, legal or equitable, for holding the Choctaw and Chickasaw Nations responsible for the failure of said identified persons to comply with the law as to removal and settlement. No obligation rested upon the United States to provide means for the removal of such Indians.

Referring to the class of claimants whose names were contained in an identification roll submitted by the Commission to the Five Civilized Tribes on March 10, 1899, but never approved by the Secretary of the Interior, your attention is invited to the fact that the commission soon recognized the inaccuracy and incompleteness of that roll and requested the department to disregard it and to return the same to the commission. In order that there might be no doubt as to the standing of said roll, it was disapproved by the department on March 1, 1907. The larger part of the persons whose names were contained on that disapproved roll were afterwards placed on the approved identification rolls, and those who complied with the law as to removal and settlement were enrolled on the final rolls of the Mississippi Choctaw Indians.

In the investigation and examination of Mississippi Choctaw claims made in 1900 and the years following by the Commission to the Five Civilized Tribes every effort that was possible to be made was made by said commission to reach all persons who had any equitable claim to recognition as Mississippi Choctaws, and especially to find those who were full-blooded Choctaw Indians.

H. R. 4536 and H. R. 12586 in effect provide, so far as the Mississippi Choctaw claimants are concerned, a general reopening of the rolls of the Choctaw Nation, necessitating a review of all the cases which had been adversely decided by the United States courts, the Department of the Interior, and the Choctaw and Chickasaw citizenship court, as well as the consideration of claims not heretofore presented or considered, and empower the Secretary of the Interior to determine the rights of the claimants upon such evidence as may be produced by the applicants, without regard to any adverse judgment or decision heretofore rendered by any court or commission to the Five Civilized Tribes, or the Department of the Interior, and without regard to any condition or disability heretofore imposed by any act of Congress.

The records of the department show that Mississippi Choctaw claimants have been to an unusual extent the victims of numerous extortionate contracts, and the correspondence in many cases indicates that contracts were obtained through misrepresentations as to the facts, and in some cases that such contracts were obtained from claimants who believed that the persons obtaining the contracts were Government agents. Your attention is invited to the report of Inspector McLaughlin of this department, which report appears in print in the CONGRESSIONAL RECORD of July 10, 1914, commencing on page 13022.

Referring to section 9 of said bills, I am of the opinion that, in view of the large amount of tribal property yet to be disposed of and of other matters affecting the tribes, it would be inadvisable to abolish the tribal organization of the Choctaw and Chickasaw Nations at the present time.

In view of the facts as presented to me, I am of the opinion that no legislation should be enacted for the reopening of the rolls of the Choctaw Nation for the benefit of the Mississippi Choctaw claimants.

Very truly, yours,

FRANKLIN K. LANE.

Hon. JOHN H. STEPHENS,
Chairman Committee on Indian Affairs,
House of Representatives.

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JANUARY 16, 1915.

J. F. MCMURRAY, Esq.,
Washington, D. C.

DEAR SIR: The per capita payment to the Choctaws is again before the Committee on Indian Affairs, and Mr. HARRISON of Mississippi has requested to be heard by the committee, evidently in opposition to making the per capita payment until some action is taken on the Mississippi Choctaw case.

I am informed that when the Choctaw and Chickasaw agreement was pending the friends of the Mississippi Choctaws introduced in the Senate a proposed amendment, by Senator Harris, as follows: That sections 41, 42, 43, and 44 be struck out and provision made as follows:

"41. All persons heretofore identified by the Commission of the Five Civilized Tribes as Mississippi Choctaws, and whose names appear upon the schedule dated March 10, 1899, prepared by said commission under the provisions of the act of Congress approved June 28, 1898 (30 Stat. L., 495), and such full-blooded Mississippi Choctaw Indians as may be identified by said commission, and the wives, children, and grandchildren of all such full-blood Choctaws, shall alone constitute the 'Mississippi Choctaws' entitled to benefits under this agreement.

"42. All 'Mississippi Choctaws,' as herein defined, who shall remove or may have removed to the lands of the Choctaw and Chickasaw Tribes within 12 months after official notification of their identification, shall be enrolled by said commission upon a separate roll designated 'Mississippi Choctaws'; and lands equal in value to lands allotted to citizens of the Choctaw and Chickasaw Tribes shall in like manner be selected and set apart for each of them. All such persons who reside upon the lands of the Choctaw and Chickasaw Tribes for a period of one year after enrollment as above provided shall, upon proof of such bona fide residence, receive patents as provided in the Atoka agreement, and they shall hold the lands thus allotted to them as provided in the Atoka agreement for citizens of the Choctaw and Chickasaw Tribes, and be treated in all respects as other Choctaws."

I am further informed that when this question came up on the floor of the House of Representatives, anticipating that a fight would be made to amend the Choctaw agreement so as to recognize the schedule of March 10, 1899, and to establish the full-blood rule of evidence and provide for the mixed-blood children of full-blood parents, and to obviate the restriction proposed by sections 41, 42, 43, and 44, you proposed as a compromise measure an amendment submitted by Mr. Curtis, in charge of the bill; that you drew this amendment in conjunction with the Assistant Attorney General of the Interior Department, and that it was accepted by the friends of the Mississippi Choctaws as a compromise of this controversy and as a final settlement of the claims of the Mississippi Choctaws.

I understand further that for this reason you would regard the reopening of the rolls of the Mississippi Choctaws as a violation of the compromise agreement and unfair to the Choctaws and Chickasaws West who agreed to this adjustment for the purpose of getting a settlement that was intended to be permanent, the Harris amendment not having been pressed after the compromise was entered into.

Please advise me if the above statement is substantially correct as representing the truth as you remember it.

Your immediate reply will be appreciated.

Respectfully,

HENRY F. ASHURST.

—

WASHINGTON, D. C., *January 21, 1915.*

Hon. HENRY F. ASHURST,
Chairman Senate Committee on Indian Affairs,
United States Senate.

DEAR SIR: In answer to your favor of the 15th instant, asking information relative to the amendment of Mr. Charles Curtis, of Kansas, offered in June, 1902, to the Choctaw-Chickasaw agreement then pending before Congress, to the effect that the Mississippi Choctaws of full blood might be enrolled as "Mississippi Choctaws" without making proof that their ancestors had complied with section 14 of the treaty of 1866, beg to say:

The fight at that time to enroll Mississippi Choctaws was at a white heat; the United States authorities in charge of the enrollment work had held that no Choctaw or Chickasaw (except Mississippi Choctaws), who had not previously established a residence in the Choctaw-Chickasaw country, could under the law be enrolled. The effect of this holding was immediate and made all claimants to Choctaw-Chickasaw citizenship claim as "Mississippi Choctaws."

These authorities had previously rejected the application of more than 50,000 persons claiming to be Mississippi Choctaws, and the Dawes Commission had estimated the value of a Choctaw or Chickasaw enrollment, together with the property following same, to be about $8,000, so that any lawyer who could originate and put through a successful enrollment plan for these people could see millions in it.

It was the talk of the hour and could be heard about the hotel lobbies more than any other subject. Such a tempting bait naturally brought a swarm of advocates. Some of the ablest and most reputable lawyers of the country were giving their talents and influence to this subject, to say nothing of the army of unscrupulous persons who were swarming about the flesh pots.

The first hard work for the representatives of the claimants to do was to prepare such an amendment to the bill as would do the work and then to see that it became a part of the law.

Both the Senate and House Committees on Indian Affairs had been struggling with the question for a long time. Almost daily some new plan of settlement was suggested by some one representing the claimants. The following offered by Senator Harris is one of the many plans suggested:

"41. All persons heretofore identified by the Commission of the Five Civilized Tribes as Mississippi Choctaws, and whose names appear upon the schedule dated March 10, 1899, prepared by said commission under the provisions of the act of Congress approved June 28, 1898 (30 Stat. L., 495), and such full-blooded Mississippi Choctaw Indians as may be identified by said commission, and the wives, children, and grandchildren of all such full-blooded Choctaws, shall alone constitute the 'Mississippi Choctaws' entitled to benefits under this agreement.

"42. All 'Mississippi Choctaws,' as herein defined, who shall remove or may have removed to the lands of the Choctaw and Chickasaw Tribes within 12 months after official notification of their identification, shall be enrolled by said commission upon a separate roll, designated 'Mississippi Choctaws'; and lands equal in value to lands allotted to citizens of the Choctaw and Chickasaw Tribes shall in like manner be selected and set apart for each of them. All such persons who reside upon the lands of the Choctaw and Chickasaw Tribes for a period of one year after enrollment as above provided shall, upon proof of such bona fide residence, receive patents as provided in the Atoka agreement, and they shall hold the lands thus allotted to them as provided in the Atoka agreement for citizens of the Choctaw and Chickasaw Tribes, and be treated in all respects as other Choctaws."

The Senators and Congressmen from Mississippi and Alabama were deeply aroused over the matter. The argument you could hear made by all shades of persons, from the dignified Senators of the States directly affected to the coffee coolers about the claimants' camps, was that there were full-blood Choctaws in Mississippi who could not even speak the English language, who had no opportunity to join their tribe, and that the Choctaw-Chickasaw Indians in the Indian Territory were rolling in wealth and had more land than they could possibly use.

All parties agreed that a concession on the part of the Choctaw and Chickasaw Nations at that time, if accepted, would be final and permit the Government to complete without delay the division of the Choctaw-Chickasaw estate; that otherwise the delay might be indefinite. This was the argument that caused the two nations to make the concessions that cost them about $15,000,000.

The supplemental agreement had been before the Choctaw and Chickasaw authorities in one form or another since 1900.

The original purpose of these people in making the agreement was to change none of the laws of their tribes affecting citizenship to these tribes. They had all along believed that their wishes would control as to these matters, but now it had become apparent that the Government would not be entirely guided by their suggestions, and they had advised me if a provision could be drawn settling the matter for all time, and affecting only the full-blood Mississippi Choctaws, and not endangering the rolls as to the mixed blood, to put it in.

I had become convinced that a compromise was necessary to a final settlement, when Mr. James S. Sherman, chairman of the Indian Committee of the House, sent for me and suggested that I had best prepare an item giving the full bloods in Mississippi another chance to go West and take lands in the Choctaw country. We together went across to the Senate end of the Capitol to confer about this matter with Senator Platt, of Connecticut. It was there agreed that such a provision should be prepared by me and submitted to the committees; that in preparing the item I should confer with the Commissioner of Indian Affairs and the Attorney General of the Interior Department. This amendment was drawn by me with the assistance of Mr. W. A. Jones,

Commissioner of Indian Affairs, and the able Assistant Attorney General for the Interior Department.

In considering the matter I conferred with many Senators and Congressmen; among others of the Senate were Senator Jones, of Arkansas, Platt, of Connecticut, Quarles, Morgan, McCumber, Quay, Stewart, Harris, Du Bois, Clarke of Montana, and with Messrs. Sherman, Stevens, Curtis, Little, and Lacy, of the House, and many others.

The prevailing sentiment seemed to be that if a plan were offered giving the full-blood Mississippi Choctaws an opportunity to move to the Choctaw Nation and take lands it would forever settle the question.

In drafting the amendment three thoughts were uppermost in my mind:

First and paramount, to settle the Mississippi Choctaw question for all time.

Second, to give the full bloods of Mississippi an opportunity for a limited time and under proper restrictions to move to the Choctaw Nation and acquire lands and become permanent citizens.

Third, to eliminate the full-blood argument from the general enrollment proposition of these tribes, and thus avoid the danger of legislation taking a wider range.

I should, under all the circumstances, regard it as an act of very bad faith upon the part of the United States Government with the Choctaw and Chickasaw Nations to open the doors to further admissions to their rolls or longer delay a division of their estate after these concessions by which they bought and paid for their peace.

Very respectfully,

J. F. McMURRAY.

—

WASHINGTON, D. C., *January 22, 1915.*

Hon. HENRY F. ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.

DEAR SIR: Section 41 of the act of July 1, 1902, commonly known as the supplementary agreement, confirmed and ratified on September 25, 1902, by a vote of the Choctaw and Chickasaw Tribes of Indians, provided that the application of no person for identification as a Mississippi Choctaw should be received after six months subsequent to the date of the final ratification of said agreement and further provided that proof under the fourteenth article of the treaty of 1830 that their descendants had received a patent thereunder or were entitled thereto was expressly waived as to full bloods and could not be invoked against such.

When this treaty was made I was governor of the Chickasaw Tribe of Indians, and I seriously and earnestly opposed the enactment of such a provision, but finally agreed to a waiver of proof as to full bloods and an extension of time within which to apply for citizenship and within which to remove west only as a compromise settlement, and to settle forever and finally the citizenship question.

Yours, very truly,

D. H. JOHNSTON,
Governor of the Chickasaw Nation.

—

STATEMENT OF THE HON. WILLIAM H. MURRAY, MEMBER OF CONGRESS FROM OKLAHOMA.

I am a citizen of the Chickasaw Nation, admitted under the tribal laws for naturalization for white men, and have been since 1899.

At the time of the making of the supplementary agreement of September 25, 1902, I was the secretary of the National Party, the dominant political party of the tribal government, and by reason of said position was one of the managers of the party. The National Party, through its leader, Gov. Douglas H. Johnston, as governor of the nation, was responsible for the making of the said supplementary treaty. The opposing party called a meeting in my home town, Tishomingo, with a view of opposing the ratification of this treaty; and Holmes Willis, a very prominent citizen by blood of the Chickasaw Nation, and I attended this meeting in an effort to defeat the movement in opposition to its ratification. We also made public addresses to citizens of the tribe throughout the nation, urging its ratification. Both in the Tishomingo meeting and everywhere upon the "stump" we were met with the charge that we had permitted the reopening of the rolls in violation of former treaties, court decisions, and decisions of the Dawes Commission for the admission of the so-called Mississippi Choctaws. To this reply we urged that it became necessary to do so in order to secure from the Government a final and speedy settlement of tribal affairs and the immediate allotment in severalty, and the distribution of tribal funds to individual members, and that such agreement was made as a necessary compromise in order to secure such settlement.

The real and only issue involved in the entire campaign was this question of citizenship and the reopening of the rolls. Acting upon the advice of the makers of this treaty, it was ratified with the universal belief of all parties that it meant a speedy settlement, and that no further effort would ever be made to reopen the rolls or to permit the admission of any other claimants to enrollment.

There is no shadow of claim in this case, and I move to lay the amendment on the table.

Mr. LANE. Mr. President——

The PRESIDING OFFICER. The question is on the motion of the Senator from Oklahoma.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. The motion is not debatable.

Mr. VARDAMAN. I suggest the absence of a quorum.

Mr. CLAPP. Mr. President, does the Senator from Oregon desire to speak on this matter?

Mr. LANE. I want to make a brief statement.

Mr. OWEN. I will withdraw my motion if the Senator desires me to do so.

The PRESIDING OFFICER. Does the Senator from Oklahoma withdraw his motion?

Mr. OWEN. I withdraw the motion.

Mr. LANE. Mr. President, I listened very patiently to the hearings before the Indian Committee which were held in the last few weeks. I listened to nearly everything, I think, that was said upon this subject. The matter of the Mississippi Choctaws and their rights to property were not so fully entered into as were the rights of other Choctaws living in Oklahoma, who represented that they had been left off of the rolls; that they had a legal right with the other Choctaws that are enrolled to share in the moneys belonging to the Choctaw Nation.

It was stated then, and I do not think it was disputed, at least it was not disproven, that the governors of the Choctaw and Chickasaw Nations entered into a contract with a firm of attorneys to keep off of the roll all persons whom they thought were not entitled to go upon the roll. Just how much further that contract went I do not know, but in the contract it seems that the attorneys were to be paid 9 per cent of the amount which they would save to the nation by keeping persons off the roll who otherwise would have property accrue to them.

Mr. OWEN. Mr. President, would the Senator object to my calling his attention to a fact in regard to that contract?

Mr. LANE. No.

Mr. OWEN. The contract related only to the court citizens—the citizens who had been sent to the court and whose cases had been decided by Judge Clayton's court, from which an appeal was taken to the citizenship court. It did not relate to the Mississippi Choctaws in Mississippi at all.

Mr. LANE. No; I am not talking about the Mississippi Choctaws. I was not referring to them.

Mr. OWEN. This item is on the Mississippi Choctaws only.

Mr. LANE. Yes; and, incidentally, this appropriation carries the rights of these other Choctaws.

Mr. OWEN. I thought the Senator was referring to an amendment which related only to the Mississippi Choctaws.

Mr. LANE. No; I am referring only to the question that is involved as another issue of this subject. I was talking of the complaint which was made by Choctaws who still live in Oklahoma and who claim to have the same rights that the Oklahoma Choctaws do. They made the statement, and, as I say, it was not successfully disputed—I do not know that it was disputed at all—that there was a commission of 9 per cent offered to shrewd and able attorneys to keep as many as possible off the rolls. Afterwards that contract was modified by the order, I think, of the Secretary of the Interior, and the attorneys received only 4 per cent; but at a 4 per cent commission they realized a fee of $750,000. Now, after this contract was entered into it was also stated—and it seemed to me without any successful denial of the fact—that the tribal rolls in possession of the governors of the Choctaw and Chickasaw Tribes were placed in the hands of these attorneys and by them locked up for safe-keeping, so that no access was had to them by the Dawes Commission or whoever else might be investigating the facts at the time, and they were denied the information which would have settled the claims of many persons who were justly entitled to go upon the rolls. It was also stated that it had been proven that there were a number of Choctaws who knew that their names were on that tribal roll, or the names of their parents, and that they were justly entitled to go upon the rolls, and when they made application to the governors of these nations they were told in some instances that they could only go upon the rolls by paying $100 in cash to get their names enrolled.

Mr. VARDAMAN. They had, as I understand, attorneys employed for the purpose of keeping them off the rolls.

Mr. LANE. For the purpose of keeping them off the rolls.

Mr. VARDAMAN. They were not only concealing the information from them, but they had attorneys employed to prevent them from getting on the rolls.

Mr. LANE. To see that they did not get on the rolls. Now, it went a step further than that. This firm of attorneys were also furnished all their expenses in chasing down the records and hunting up evidence against persons who were trying to get upon the rolls. There were many thousands of people, no doubt, who did not rightfully belong upon the rolls who were trying to get upon them. It seems to be a fact that the final result was that a large number of persons were kept off the rolls who really were entitled to go upon them, and just as much entitled as anybody who did get on; and, at the same time, I have no doubt that others who did not belong upon the rolls did get upon them.

In summing up this matter in my own mind, I came to this conclusion, that given a firm of three sharp, able, and capable attorneys, working on a percentage basis, dependent upon the number of names and the amount of property they could keep off of the rolls, they would not be doing their duty by their clients or themselves if they did not keep off as many as they could, to render the tribal rolls as small as possible, so that there would be more to divide up among those who remained on the rolls, and also a larger fee for the attorneys who kept them off. I could understand how, if they were philanthropic gentlemen, good-hearted, easy-going folk, they might let people get on that roll and by doing so lose their fee and fail to

render proper and faithful service to the people who had employed them. I think the people who got on the pay roll, who got past those lawyers, had to get up pretty early in the morning to do so. They kept many people off, and, under the circumstances, it was their duty to keep them off.

Later along, it seems, there was a commission created by Congress which investigated these claims of the Choctaws and Chickasaws, and at a later date there was a time set at which the rolls were to be closed; and there were thrown before the Secretary of the Interior about 2,000 unsettled cases, just at the time, or about the time, set for the rolls to close. He was unable to look into them. It was a work which would take months and months, and, perhaps, even years; and he rubber-stamped them "rejected"—rejected them by hundreds. He himself, in a report which he made to Congress, makes the statement that there were a large number of these names, or a certain number of them, that in his opinion rightfully belonged upon these rolls.

This is a portion of the report to the Sixty-second Congress, third session, page 131, Senate Document 1139. It is found on page 779 of the hearings before the Committee on Indian Affairs, United States Senate, Sixty-third Congress, third session. In this report this is what the Secretary of the Interior said:

> The department concurs in the views of the Indian Office. Unless the time is extended many persons entitled to enrollment will not be enrolled. The Commission to the Five Civilized Tribes and the commissioner have been for years taking testimony and rendering decisions in cases involving complicated questions of citizenship in these tribes, and some of the cases have not yet reached the department.
>
> While the department has disposed of most of the citizenship cases which have come before it, it apparently can not give due consideration to all the cases still pending and to be submitted by the Commissioner of the Five Civilized Tribes and the Indian Office by the time prescribed by the section of the act of April 26, 1906 (34 Stats., 137).

Now, if it is true that there are Chickasaws and Choctaws who are justly entitled to be upon the roll of citizenship and have been left off through no fault of their own, it seems to me that it would be unfair upon our part, and later along would be subjecting this Government to a suit for the recovery of the moneys if it paid them out to some one else and did not recognize and equitably settle those claims. For that reason I voted against the provision in the committee, and wished and hoped that these claims, which are now of record in the department—the unsettled claims which they have not had the time to investigate—might be handed to the Secretary of the Interior, that he might be authorized to get enough clerical help to sift the matter properly and come to Congress and say just who was entitled to go on the rolls, and then settle the matter and close it on that basis.

That is aside from any claim which the Mississippi Choctaws have, for with that question I do not pretend to be familiar. I am giving you a résumé of the testimony as I heard it and the conclusions to which I came without prejudice to either side. It seems to me that if you pay out this $5,000,000, or whatever amount it is—and it is no mere bagatelle in the way of money, these hard times—to the Choctaws and Chickasaws who are on the rolls, leaving out these others, you are subjecting this Government to a just claim; and this Congress and this Senate, or its successor, will be engaged later along in making an appropriation out of the National Treasury to pay to those who have been unjustly deprived of their shares of the money.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Mississippi.

EXPLORATION FOR AND DISPOSITION OF OIL AND GAS LANDS.

Mr. VARDAMAN obtained the floor.

Mr. CLARK of Wyoming. Mr. President, will the Senator yield to me for a moment before the vote is taken?

Mr. VARDAMAN. I yield.

Mr. CLARK of Wyoming. I want to ask the indulgence of the chairman of the committee for a matter of very pressing and acute emergency legislation in regard to my own State.

Mr. ASHURST. I have no objection.

Mr. CLARK of Wyoming. It refers, Mr. President, to a condition that has arisen by reason of a decision of the Supreme Court within the last three or four days, which puts a stop to the largest and greatest industry in that State. If I may have five minutes, it is what is known as the Mid-West oil decision. It was a decision involving the validity of the first withdrawals of public lands. After the first withdrawals of public lands the oil situation developed in that western country and upon some of the withdrawn lands. It went on from year to year, until it has become the largest and best industry in my State. Those withdrawals having been sustained by the Supreme Court by a divided opinion, of course it leaves that industry in the air. They can do nothing, and the Secretary of the Interior has no power whatever to relieve the situation by leasing any of these lands to the parties now operating them.

There is upon the calendar of the Senate a House bill, a general leasing bill, which there is no prospect of having passed at this session. It is my purpose to call up that bill from the calendar and move to strike out all except the enacting clause, and to submit an amendment which covers that situation. I will say that the amendment is also included in the general leasing bill. The Secretary of the Interior has been consulted, the Committee on Public Lands of this body has been consulted, the Committee on the Public Lands of the House of Representatives has been consulted, and all agree that this is the only way by which this very acute and critical emergency may be met.

I ask leave to call up from the calendar Order of Business 837, House bill 16136.

The PRESIDING OFFICER. The Senator from Wyoming asks unanimous consent to proceed to the consideration of a bill the title of which will be stated by the Secretary.

The SECRETARY. A bill (H. R. 16136) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wyoming? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Public Lands with amendments.

Mr. CLARK of Wyoming. I move that the formal reading of the bill be dispensed with—it is a somewhat lengthy bill—and that the amendment which I send to the desk may be acted upon. It proposes to strike out all after the enacting clause.

The PRESIDING OFFICER. The Senator from Wyoming offers an amendment, which will be stated.

Mr. CLARK of Wyoming. This allows the Secretary of the Interior to make leases in these particular cases.

The SECRETARY. The Senator from Wyoming moves to strike out all of House bill 16136 after the enacting clause and to insert in lieu thereof the following:

> That upon relinquishment or surrender to the United States, within six months from the date of this act, by any locator or his successors in interest of his or their claim to any unpatented oil or gas lands included in an order of withdrawal, upon which oil or gas had been discovered, was being produced or upon which drilling operations were in actual progress January 1, 1914, and the claim to which land was initiated prior to July 3, 1910, or within 60 days after the final determination of the right to a patent for such lands, provided the said locator or his successor in interest shall apply for a patent for such lands within 60 days from the passage of this act and shall diligently prosecute the same to a conclusion, the Secretary of the Interior, upon a written application therefor may, within his discretion, lease, on such reasonable terms and conditions as he may prescribe, to such locator or his successors in interest the said lands so relinquished, or for which patent has been denied, not exceeding, however, the maximum area of 2,560 acres in any area 50 miles square to any one person, association, or corporation, said leases to be conditioned upon the payment by the lessee of a royalty of not more than one-eighth of the oil or gas extracted or produced from the leased premises or the proceeds thereof, each lease to be for a period of 20 years, with the preferential right in the lessee to renew the same for succeeding periods of 10 years, at a royalty not exceeding the maximum provided herein and upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior.
>
> SEC. 2. That where public lands containing deposits of oil or gas were, prior to withdrawal thereof from mineral entry or location, occupied or claimed by bona fide claimant or claimants in good faith under the placer mining laws of the United States, and the claimant or claimants, or his or their assigns or successors in interest, has continued as the bona fide occupant or claimant of such lands, and since July 3, 1910, has diligently prosecuted such work as was necessary and designed to effect the discovery of oil or gas upon such lands, and has discovered oil or gas thereon prior to the passage of this act by the drilling of a well, such claim may be perfected under the provisions of said mining laws and a patent for the lands embraced therein issued.

Mr. POINDEXTER. Mr. President, I should like to make an inquiry of the Senator from Wyoming. Did these operators go on these lands and begin their operations after the orders of withdrawal?

Mr. CLARK of Wyoming. After the first order of withdrawal, some of them.

Mr. POINDEXTER. They went upon the lands relying upon the illegality of the withdrawals, I suppose?

Mr. CLARK of Wyoming. Well, they went upon the lands. There was a question, of course, as to the legality of the withdrawals.

Mr. POINDEXTER. I suppose they had legal advice that the withdrawal was illegal?

Mr. CLARK of Wyoming. Oh, yes; there is a division of legal opinion everywhere. There was a divided court in deciding the question, I will say to the Senator.

Mr. POINDEXTER. What court was that?

Mr. CLARK of Wyoming. The Supreme Court of the United States.

Mr. POINDEXTER. The Senator means in this recent decision?

Mr. CLARK of Wyoming. Yes.

Mr. POINDEXTER. I thought the Senator had reference to some previous decision.

Mr. CLARK of Wyoming. Oh, no; this recent decision.

Mr. POINDEXTER. I was aware that the court was divided there. I believe Mr. Justice Day rendered the dissenting opinion.

Mr. CLARK of Wyoming. Yes. Of course the decision in the court below was reversed.

Mr. POINDEXTER. Yes.

Mr. CLARK of Wyoming. And they have been continuing operations up to this time. I will say to the Senator that it was an agreed case that went to the Supreme Court.

Mr. POINDEXTER. I understand that the entire terms and conditions of the proposed lease, if this bill should pass, are left to the Secretary of the Interior?

Mr. CLARK of Wyoming. It depends entirely upon the Secretary of the Interior.

Mr. POINDEXTER. Is the substitute which the Senator has offered limited to Wyoming?

Mr. CLARK of Wyoming. No; it is limited to lands in exactly the same position, some of them in California, some of them in Wyoming.

Mr. POINDEXTER. How are they described? How is that class of lands described in the bill?

Mr. CLARK of Wyoming. The class of lands is not described in the bill, but the class of entries is described.

Mr. POINDEXTER. In what way? The Senator will pardon me for asking so many questions.

Mr. CLARK of Wyoming. Yes; I am trying to get my answer in as concise form as possible. It is those who entered upon the lands under claim of title prior to the time when we authorized the withdrawals in 1910, and some of them prior to the first withdrawal, but all of them prior to 1910, and who have continued in actual operation and in actual production.

Mr. POINDEXTER. All those conditions are specified there?

Mr. CLARK of Wyoming. All those conditions are specified.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wyoming [Mr. CLARK].

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

On motion of Mr. CLARK of Wyoming, the title was amended so as to read: "A bill to authorize the exploration for and disposition of oil and gas."

INDIAN APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20150) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1916.

Mr. VARDAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Mississippi suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hughes	Oliver	Smith, Md.
Bankhead	James	Owen	Smith, S. C.
Bryan	Johnson	Pittman	Smoot
Burton	Jones	Poindexter	Stone
Chamberlain	Kenyon	Ransdell	Thompson
Chilton	Kern	Reed	Vardaman
Clapp	La Follette	Robinson	Walsh
Clark, Wyo.	Lane	Saulsbury	Warren
Crawford	Lea, Tenn.	Shafroth	Weeks
Fall	Lee, Md.	Sheppard	White
Fletcher	Lippitt	Shields	
Gore	Martine, N. J.	Simmons	
Hollis	Myers	Smith, Ga.	

The PRESIDING OFFICER. Forty-nine Senators have responded to the roll call. There is a quorum present. The question is on agreeing to the amendment of the Senator from Mississippi [Mr. VARDAMAN].

Mr. VARDAMAN. I ask for the yeas and nays.

The yeas and nays were not ordered.

The amendment was rejected.

Mr. VARDAMAN. Mr. President, I move to strike out, beginning at line 10, page 72, down to and including line 7, page 73.

The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. On page 72 strike out, beginning in line 10 on that page, down to and including line 7 on page 73, the following words.

That the Secretary of the Interior be, and he is hereby, authorized to pay to the enrolled members of the Choctaw and Chickasaw Tribes of Indians of Oklahoma entitled under existing law to share in the funds of said tribes, or to their lawful heirs, out of any moneys belonging to said tribes in the United States Treasury or deposited in any bank or held by any official under the jurisdiction of the Secretary of the Interior, not to exceed $200 per capita, in the case of the Choctaws, and $100 per capita in the case of the Chickasaws, said payment to be made under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That in cases where such enrolled members or their heirs are Indians who by reason of their degree of Indian blood belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians: *Provided further*, That the money paid to the enrolled members as provided herein shall be exempt from any lien for attorneys' fees or other debt contracted prior to the passage of this act, except where contracts have been heretofore approved by the Secretary of the Interior, in accordance with existing law: *And provided further*, That such contract shall first be approved by the existing Department of the Interior.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Mississippi.

Mr. VARDAMAN. Mr. President, I hope the Senate may not consent to the payment of these funds until the rights of the Mississippi Choctaws shall be adjudicated and determined. I do not know that I can add anything to what I have already said in support of their just, moral right to participate in this estate. It is a matter known to Senators who have given any thought to the subject that every device, every scheme, that avarice could suggest or duplicity employ have been employed to defeat these people of their rights. Unscrupulous, shrewd, sagacious lawyers have been retained to keep these unfortunate, unlettered people to whose mind the ample page of knowledge has not been unfolded from finding out their rights and making it difficult when they are informed as to their rights for them to acquire them. Every obstacle was put in their way to deceive and mislead them. Groping in the darkness of ignorance they have fallen an easy prey to every snare that the hired lawyer and scheming politicians could lead them to.

The Federal Government owes it to these people to provide means, to employ counsel if need be, to set in motion the machinery which may be necessary to protect them. The Mississippi Choctaw has no money, he has no friends who will bestir themselves in his behalf. As I stated a moment ago, if you were to publish to-morrow in the newspapers of the State of Mississippi that there was a home awaiting him over in Oklahoma if he would pack up and go to it, unless somebody should carry the news to him 90 per cent of them would not find it out in six months.

There is no question at all, I take it, about the fact that these people are descendants of the Choctaws who exchanged their land in Mississippi and Alabama for the land in the Indian Territory under the treaty of 1820. There is no doubt about that at all. Is this Congress, this Government, the guardian of these unfortunate people, going to permit the Choctaws in Oklahoma, many of whom are more white than Indian, to take advantage of a technicality and rob the Mississippi Choctaws of their birthright? The suggestion is shocking to the moral sense of every right-thinking man. It is to my mind a gross abandonment by the guardian of the sacred interests of his ward.

Now, let the Government of the United States put the machinery into operation. Let honest, incorruptible, intelligent men be employed by the Government to go and take these wards of the Government in hand. Do justice by them, without the aid of the unscrupulous lawyers, whose only interest in the Indian is to fleece and plunder him.

I am not interested in the legal question involved. We are not sitting here as a court to interpret and enforce law. We are sitting here as a legislative body, whose function is to make laws and do justice. It is the duty of the Congress to see that its most helpless citizens—these silent, long-suffering stoics of the woods—shall be protected against the shrewdness, the chicanery, the avarice, and the greed of a few men who have grown rich by exploiting their property. The ward has become the victim and the guardian the plunderer.

Mr. President, I am not going to take up any further time of the Senate. I want the Senate to vote upon this matter. I should, however, like to have a full Senate here to vote upon it, and, of course, if the Senate determines to adopt this measure, the result of such acquiescence, denying to the Choctaw of Mississippi his right to the enjoyment of his interest in the estate of his fathers, the responsibility is with you. I leave the matter to your prudence and sense of duty.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hughes	Newlands	Smith, Ga.
Bankhead	James	Oliver	Smith, Md.
Bryan	Johnson	Owen	Smith, S. C.
Burton	Jones	Pittman	Smoot
Chamberlain	Kenyon	Poindexter	Stone
Chilton	Kern	Ransdell	Thompson
Clapp	La Follette	Reed	Vardaman
Clark, Wyo.	Lane	Robinson	Walsh
Fall	Lea, Tenn.	Saulsbury	Warren
Fletcher	Lee, Md.	Shafroth	Weeks
Gore	Lippitt	Sheppard	White
Gronna	Martine, N. J.	Shields	
Hollis	Myers	Simmons	

The PRESIDING OFFICER. Fifty Senators have responded to their names. A quorum is present. The question is on the amendment offered by the Senator from Mississippi.

Mr. GORE. Mr. President, it is not my purpose to answer the arguments of the Senator from Mississippi [Mr. VARDAMAN]. I discussed this subject at great length last summer. I do not need to canvass that ground again. I do not mean to thrash that straw again, because nothing can be added. Moreover, I have too much respect for the weariness and exhaustion of the Senate at this hour.

Mr. President, the Mississippi Choctaws have been paid thrice over. Since that time they have been afforded seven opportunities to remove to Oklahoma and to establish their rights. All who have removed to Oklahoma have been generously treated, and those who could establish their blood are allowed to share the tribal estate in Oklahoma. This has cost the Oklahoma Indians some $1,800,000.

The proposition to once again pay the Mississippi Choctaws has only one argument and only one advantage in its favor, and that is the advantage of habit. It has been done so often that it seems to have crystallized into a habit on the part of our Mississippi Choctaw friends. To refuse this payment now would be a gross injustice to the Oklahoma Indians. It is not the Mississippi Choctaws alone who are Indians and who are in need. We are withholding from the Oklahoma Indians that money which they actually need, not merely for the comforts of life, but for the stern necessities of life.

I trust the Senate will not undertake to be generous to the Mississippi Choctaws at the expense of the Oklahoma Choctaws. If anybody is under any obligation to the Mississippi Choctaws it is the Government of the United States, and I shall join those who feel that they have such a claim in affording them an opportunity to have it tried out and adjudicated; but I appeal to the Senate to be just to the Choctaws of Oklahoma before they undertake to be generous to the Choctaws of Mississippi, especially at the expense of the Oklahoma Choctaws after their Mississippi friends have thrice been paid.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Mississippi [Mr. VARDAMAN].

Mr. VARDAMAN. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. CRAWFORD. May we not have the amendment stated, Mr. President?

The PRESIDING OFFICER. The Secretary will state the amendment proposed by the Senator from Mississippi.

The SECRETARY. It is proposed to strike out from line 10 on page 72 to line 7 on page 73.

The Secretary proceeded to call the roll.

Mr. SAULSBURY (when his name was called). My pair is not transferable, but I desire to be counted for a quorum.

Mr. SMITH of Georgia (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. LODGE]. Not knowing how he would vote on this subject, I do not suppose I am at liberty to vote.

Mr. SMITH of Maryland (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. In his absence I withhold my vote.

The roll call was concluded.

Mr. SMITH of Georgia. I transfer my pair with the Senator from Massachusetts [Mr. LODGE] to the junior Senator from Virginia [Mr. SWANSON] and vote. I vote "nay."

Mr. JOHNSON (after having voted in the negative). Has the junior Senator from North Dakota [Mr. GRONNA] voted, Mr. President?

The PRESIDING OFFICER. He has not.

Mr. JOHNSON. I have a general pair with that Senator, and therefore withdraw my vote.

Mr. KENYON. I have a general pair with the Senator from Colorado [Mr. THOMAS]. I think he has not voted, and I therefore withhold my vote.

The PRESIDING OFFICER (Mr. BRYAN). The present occupant of the chair transfers his pair with the Senator from Michigan [Mr. TOWNSEND] to the Senator from Virginia [Mr. MARTIN] and votes "nay."

Mr. JOHNSON. I transfer my pair with the Senator from North Dakota [Mr. GRONNA] to the junior Senator from Georgia [Mr. HARDWICK], and will allow my vote to stand.

The result was announced—yeas 15, nays 33, as follows:

YEAS—15.

Bankhead	Lane	Reed	Smoot
Burton	Lippitt	Sheppard	Vardaman
Chamberlain	Oliver	Shields	Weeks
La Follette	Ransdell	Smith, S. C.	

NAYS—33.

Ashurst	Hollis	Myers	Smith, Ga.
Bryan	Hughes	Newlands	Stone
Chilton	James	Owen	Thompson
Clapp	Johnson	Pittman	Walsh
Clark, Wyo.	Jones	Poindexter	Warren
Crawford	Kern	Pomerene	White
Fall	Lea, Tenn.	Robinson	
Fletcher	Lee, Md.	Shafroth	
Gore	Martine, N. J.	Simmons	

NOT VOTING—48.

Borah	du Pont	Nelson	Smith, Md.
Brady	Gallinger	Norris	Smith, Mich.
Brandegee	Goff	O'Gorman	Stephenson
Bristow	Gronna	Overman	Sterling
Burleigh	Hardwick	Page	Sutherland
Camden	Hitchcock	Penrose	Swanson
Catron	Kenyon	Perkins	Thomas
Clarke, Ark	Lewis	Root	Thornton
Colt	Lodge	Saulsbury	Tillman
Culberson	McCumber	Sherman	Townsend
Cummins	McLean	Shively	Williams
Dillingham	Martin, Va.	Smith, Ariz.	Works

The PRESIDING OFFICER. On the amendment submitted by the Senator from Mississippi the yeas are 15 and the nays are 33. The Senator from Delaware [Mr. SAULSBURY], the Senator from Maryland [Mr. SMITH], and the Senator from Iowa [Mr. KENYON] having announced their pairs, and being present in the Chamber, a quorum has voted. The amendment submitted by the Senator from Mississippi is rejected. The bill is before the Senate as in Committee of the Whole, and still open to amendment. If there be no further amendment, the bill will be reported to the Senate.

Mr. LA FOLLETTE. Mr. President, I wish to offer the amendment which I send to the desk to be added to the paragraph which has been under consideration.

The PRESIDING OFFICER. The Senator from Wisconsin offers an amendment, which will be stated.

The SECRETARY. On page 73, after line 7, it is proposed to insert:

Provided, That the Secretary of the Interior be, and he is hereby, authorized and directed to readjudicate those applications for enrollment upon the rolls of the Five Civilized Tribes which were pending unadjudicated in the department on December 1, 1906, and also those which came to said department between said date and the final closing of the rolls on March 4, 1907, and to add to the appropriate rolls the names of those persons shown to be entitled equitably to such enrollment: *Provided*, That such readjudication shall be made upon the record as it stood on March 4, 1907: *And provided further*, That upon such enrollment the said Secretary shall pay to each of said enrolled persons, in lieu of an allotment of land, the sum of money directed to be paid to each person enrolled upon said rolls by the act of August 1, 1914.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Wisconsin.

Mr. LA FOLLETTE. Mr. President, I realize the difficulty of getting the attention of Senators to any serious consideration of this important matter at this hour. We have been driving along here from early morning until now, worn by more than 15 continuous hours of work in committees and on this floor and we are now waked out of sleep and called into the Chamber to vote upon amendments to this appropriation bill, I think, without really understanding the effect of our votes.

The amendment which I have offered, Mr. President, is not to reopen the Choctaw rolls. I believe if this amendment is adopted it will save—I think I know that it will save—the Government two or three or four million dollars. Congress never will be able to escape the payment out of the Federal Treasury of the claims that will be presented by those who are entitled but who have been denied their right to a distributive share in this property unless some provision is made for a rehearing in those cases which admittedly were disposed of without the careful consideration to which they were entitled.

These Indians are the wards of the Government, and the Government is charged with the distribution of their property. Congress in 1906 passed an act fixing an arbitrary time limit within which all claims for enrollment must be presented and finally determined. That time limit expired on the 4th of March, 1907. So many claims and such a mass of testimony

were presented to the Secretary of the Interior, who was finally adjudicating these cases, that it became utterly impossible for him to give them any consideration. As early as the 12th of January just prior to the 4th of March, 1907, the Secretary of the Interior appealed to Congress for more time within which to consider these cases. Congress ignored that communication. Again, on the 1st of March the Secretary of the Interior called the attention of Congress to the fact that it was utterly impossible to consider and pass upon those claims within the fixed time limit. Again, on the 2d of March and again on the 4th of March the Secretary reported to the President of the Senate fully stating the large number of unadjudicated cases pending and frankly setting forth the absolute impossibility of disposing of them in a just and orderly manner.

Mr. President, I have here, if the Senate has the patience to listen to it, the record evidence to back up and support my statement.

Mr. CLAPP. Mr. President, will the Senator pardon an interruption?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Minnesota?

Mr. LA FOLLETTE. Certainly.

Mr. CLAPP. To my mind there is no question whatever that this amendment should be adopted. I have tried time and again to get an amendment limited to this situation without opening the entire question; and I should think that the Senator from Oklahoma would accept this amendment—though, of course, I can not speak for him—but if he can, it will save discussion, and I know the Senator from Wisconsin does not care to discuss the matter beyond the necessity of argument.

Mr. LA FOLLETTE. I do not.

Mr. OWEN. Mr. President, we can not possibly consider such an amendment, and the most complete answer is available.

Mr. LA FOLLETTE. I do not yield now in the middle of my remarks for any statement of that sort.

Mr. CLAPP. The Senator will pardon me, but I supposed that the amendment might be agreed to.

Mr. LA FOLLETTE. As many Senators as desire to do so can quit the Chamber, but now I am going to put into the RECORD the evidence upon which Senators must have some fixed responsibility for the votes they cast. In an effort to condense as much as possible what I have to say, I have dictated it.

The governments of each of the Five Civilized Tribes during all of their history until 1896 had full control of their tribal membership.

They settled the question as to who had a right to belong to the tribe. They maintained tribal authorities, whose duty it was to pass upon the qualifications for membership and to admit or reject to such membership. In 1896 by an act of Congress the United States took control of this enrollment matter. It provided that thereafter the commission known as the Dawes Commission should make the rolls of these tribes. It became the plain duty of the Government to see that all persons entitled were enrolled.

The object of this enrollment was to make a basis for the distribution of tribal property. The Dawes Commission was to determine the number of beneficiaries, in order that the property might be distributed by the United States. In regard to the obligation resting upon the United States under this act, Joseph W. Howell, an attorney in the Interior Department, who had been intimately connected with the enrollment matters of these tribes for many years, in a report to the Secretary on March 3, 1909, at page 104 of Senate Document 1139, Sixty-second Congress, third session, has the following to say.

Mr. Howell, speaking of the Government having undertaken the work of enrollment, says:

> Having once undertaken it, it was incumbent upon the Government to discharge the duty in an orderly manner and only after full consideration of the matter, otherwise there could not fail to result a train of errors which would necessarily cry out for correction for many years to come.

During the 10 years which followed 1896 various agreements were entered into with these five tribes, and various acts of Congress were passed which changed the methods of procedure of the commission and provided for appeals from its decisions. In 1906 Congress provided that after March 4, 1907, the Secretary of the Interior should have no jurisdiction to add to the rolls of any of said tribes. The magnitude of the work had been such that this arbitrary time limit rendered it impossible for the Interior Department to complete the consideration of the cases pending before it.

In regard to this provision of law contained in the act of April 26, 1906, Mr. Howell, in the same report, from which quotation has heretofore been made, on page 127, had the following to say:

> Time has shown that it was an absolute physical impossibility to complete the work within the time prescribed in this statute. The fact is that the work was not and could not be completed by March 4, 1907, and the department is required each day to confront difficulties and to struggle with complicated questions which seem utterly beyond solution under its present jurisdiction. It might perhaps have been possible for the department to complete the enrollment work within the time given it by Congress for that purpose, to wit, approximately one year, had there been no extra duties placed upon the Secretary by said act. I have learned from the office of the Commissioner to the Five Civilized Tribes that the new work arising under that act, by reason of the provisions therein relating to the enrollment of children living March 4, 1906, was of itself sufficient to provide work enough to last for one year. The result was that two years' work was thrown upon the department by the act, and only one year was given in which to accomplish it.

On page 130 of the same report Mr. Howell makes further comment in the following words:

> With the extra work imposed by the act itself in connection with the enrollment of the new-born children, it became absolutely impossible for the department to complete the work within the time prescribed, and to-day it may be said with perfect truthfulness that the word "complete" falls far short of describing the condition of the enrollment work and the citizenship rolls, as of March 4, 1907.

On January 12 the department, realizing that it was an impossibility to complete this work of enrollment prior to the following March 4, forwarded to the Senate a report from the Indian Office, in which it was recommended that an extension of at least one year be granted. This letter of transmittal by the Secretary read, in part, as follows (p. 131, S. Doc. 1139):

> "The department concurs in the views of the Indian Office. Unless the time is extended, many persons entitled to enrollment will not be enrolled. The Commission to the Five Civilized Tribes and the commissioner have been for years taking testimony and rendering decisions in cases involving complicated questions of citizenship in these tribes, and some of the cases have not yet reached the department.
>
> "While the department has disposed of most of the citizenship cases which have come before it, it apparently can not give due consideration to all the cases still pending and to be submitted by the Commissioner to the Five Civilized Tribes and the Indian Office within the time prescribed by the second section of the act of April 26, 1906 (34 Stat., 137)."

In a letter of March 1, 1907, further report was made to the President of the Senate showing the number of cases which were pending in the office of the Secretary of the Interior on February 25, 1907, together with the number of persons included in said cases. Report was also made in said letter showing the number of cases received in the Secretary's office from the Indian Office between February 25 and March 1, 1907, together with the number of persons affected thereby.

March 2, 1907, the President of the Senate was further advised concerning the number of cases pending before the Department of the Interior.

Final report on this subject was made March 4, 1907, to the President of the Senate. Therein it was shown that there were 2,023 cases before the Secretary of the Interior which required examination and decision after February 25, 1907, and on or before March 4, 1907.

Congress failed to respond to these recommendations for an extension of time within which the Interior Department might adjudicate in an orderly manner cases then pending before it. In regard to the condition which resulted from this failure to extend the time, Mr. Howell, on page 137, says:

> If the plain truth be stated, it must be said that the condition of the enrollment work on March 4, 1907, was far from finished; because of this fact the department was compelled to cope with a situation most confusing. It was plunged into litigation, the end of which has not been reached.

I read from page 138:

> Throughout the work many novel questions arose for which no precedents could be found. It was inevitable that mistakes should be made in construction and that work could not be completed upon the first attempt. Moreover, no one could anticipate the amount of work which was likely to arise, and new men could not be trained to be of value in less than a year. Coupled with all the other difficulties was the unceasing pressure which was brought upon the department not only from Congress, but from other sources, to hurry the work along.
>
> I have mentioned these difficulties in order that it may be realized fully that the arbitrary closing of the rolls on March 4, 1907, was unreasonable, in view of all the circumstances, and necessarily worked great injustice to many persons.

The department during these years of enrollment work evidently were confronted by very adverse conditions. It appears that the tribal authorities contended that the United States should not have taken from them jurisdiction over their own rolls. They therefore refused to deliver to the commission rolls and other records necessary under the law for a determination of the questions of blood and affiliation which were presented.

The nation employed attorneys for the purpose of contesting further enrollment, and it is evident from all the hearings and records that these attorneys by their action further complicated the situation. In regard to the failure of the tribal authorities to deliver rolls and records, and in regard to the action of the tribal attorneys, Mr. Howell, on pages 142, 144, and 146, reports as follows:

> This roll was made up of books by counties. It was probably the best preserved and most complete roll of the Choctaw Nation in possession of the commission. According to the report of the com-

mission of January 24, 1903, it was discovered and delivered to the commission during the latter part of the year 1902. It was indexed some time between January and April, 1903. Looking back for a moment it will be remembered that the act of June 10, 1896, requiring the Commission to the Five Civilized Tribes, in adjudicating cases thereunder, to give due force and effect to the rolls of the said tribes. It is, therefore, very much in point to note that, notwithstanding the requirements of the law, the commission never saw or used this roll for more than six years after said act of June 10, 1896. These facts bring to mind the said act of May 31, 1900, and in connection therewith it should also be noted that, notwithstanding the limitations therein restricting the jurisdiction of the commission to enrolled or admitted citizens, this roll of 1885, constituting a part of the very foundation of the commission's work, was not received until more than two years after its date.

That is, until 1903, more than two years after the date of the act of May 31, 1900.

Now, Mr. President, it developed that some of these rolls disappeared. There were some attorneys employed by these tribes to keep people off the rolls. The distributive share of each Indian was in excess of $4,000. It was agreed between these attorneys and the tribes that the attorneys should have a commission or a contingent fee of 9 per cent for each Indian they kept off the rolls. They came to the Interior Department with this contract, and sought to get a confirmation of and approval of it under the law. The Secretary of the Interior refused to approve it unless these attorneys would accept a fixed limitation of $225,000 for their work as the maximum which they should be entitled to under the contract. However, I will not digress, but will adhere to a discussion of this evidence.

Mr. President, the line of procedure adopted by Mr. HOWELL in making this investigation is described by him on pages 158 and 159, Senate Document No. 1139, Sixty-second Congress:

I arranged an itinerary and requested the district agents to send out word through their interpreters, Indian policemen, etc., of my proposed coming and to make arrangements to enable me to come into contact with as many persons as possible. I thought it well, however, to instruct them not to give notice of my itinerary to the press, for I knew that I would be unable, in the one or two days at my disposal at each office, to meet and examine all of the persons who might be thus induced to try to see me. The most that I could hope for was to get a general idea of the situation.

At the various appointments I met and examined all persons who desired to see me concerning matters of enrollment, taking due care to inform them beforehand that my visit was not the result of any change in the law, and that they were not to understand that they were making application to me for enrollment. I explained to them instead that I came as the representative of the Secretary of the Interior in order that he might obtain information directly concerning them. I encouraged the people to be frank in their statements, but informed them that whatever they said would be made a matter of record and could be compared at any time with former statements made by such of them as had theretofore been heard by the commission. A stenographer accompanied me and made a report of all statements; subsequently he furnished me with a typewritten transcript of his notes, copy of which is inclosed as Exhibit F. In order that we might not be compelled to rely alone upon the statements of the applicants, I also carried with me a camera, furnished by the Geological Survey, and secured pictures, inclosed as Exhibit G, of many of the persons who appeared before me. This was not possible, however, in all places, for the examinations were conducted upon several occasions until late in the evening. Through the investigation in this way my information concerning a considerable number of applicants came from the people themselves. I was careful to have it understood beforehand that no attorney nor agent would be allowed to be present. I did this in order that the claimants would be left free to answer entirely according to their own ideas and the promptings of their own minds. I did not, however, wish to avoid meeting attorneys and agents, and whenever possible met and conversed with them, as with other individuals, noting in fact that they were able to throw a great deal of light upon the situation. The district Indian agents proved another source of much value. They have now been in the field sufficiently long to be acquainted with many Indians, through whom they have heard of deserving and equitable cases of persons omitted from the rolls. These men, with the aid of the assistant agents, the Indian policemen, and the Indian interpreters, brought to my attention a considerable number of cases of people who, for various reasons, were unable to meet me, and whose enrollment would perhaps never be accomplished under any circumstances if they were left to take the initiative unaided by the Government. Another source of information which proved particularly valuable was the tribal officials and public men who are members of the Indian nations. These men have a widespread acquaintance, and when interviewed did not hesitate to give me freely the information at their disposal. I also conferred with a number of men in public life, such as superintendents of Indian schools, heads of public institutions, and the like. From all of these I gathered information relating to a large number of persons. It will, of course, be impossible for me to give a detailed statement concerning each case; but, instead, I will confine myself to a statement of my impressions of the situation taken as a whole and describe by classes the persons whose cases deserve special consideration.

I was strongly impressed with the fact that as a general rule persons having the most meritorious cases were the least able to take the necessary steps to secure their enrollment. I found that such persons were frequently unable to undergo the expense of traveling by rail, even a few miles, in order to have their cases investigated. Distance, though short, was an impassable barrier between them and their rights, and when it came to leaving their homes and incurring hotel expenses, even for a short time, the impossibility of their doing anything for themselves was still more certain. This condition of affairs can not be readily appreciated from Washington, or even from Muskogee, but when one is in the field going from place to place he can feel keenly that persons laboring under extreme poverty, ignorance, ill health, or other disabilities must be assisted by the Government of the United States through affirmative action on its part if their cases are to be thoroughly investigated. To many such persons a few dollars in the hand means more than the vague and shadowy prospect of an allotment worth thousands of dollars to be received some time in the indefinite future.

It is very evident, Mr. President, that Mr. Howell's examination was a thorough one, and at the same time it was so guarded as to prevent his accepting fictitious cases. Remember, Mr. Howell was investigating the cases, records of which had been before him during the rush period immediately preceding March 4, 1907, cases which the department had been forced, on account of the lack of time, to simply mark "denied." He was investigating the very cases which are now being urged for reconsideration.

In regard to what should be done in order to correct the errors which have resulted from the hasty disposition of the many cases which passed through the department between December 1, 1906, and March 4, 1907, Mr. Howell says, pages 175 and 176:

ACTION WHICH SHOULD BE TAKEN TO COMPLETE UNFINISHED WORK, TO CORRECT OBVIOUS ERRORS, AND TO ADJUST INEQUALITIES.

Time has demonstrated that the work of enrollment was in an unfinished condition on March 4, 1907; that cases were inadvertently overlooked in the course of adjudication; that a considerable number of people failed to secure their citizenship rights through administrative causes; that mistakes in names and classification were made; that there was inequality of opportunity, and that various other unintentional wrongs were committed, with the result that persons similarly situated have not been accorded equal rights under the law.

The laws mentioned hereinbefore, governing the work of enrollment, were of a general nature well calculated to secure quick results in the disposition of ordinary cases which did not involve complicated or unusual questions, but those laws were not of such a nature as to render it possible to make proper disposition of special cases involving unforeseen circumstances, unexpected questions, and great hardship.

It is now apparent that these general laws should have been followed by laws of broader scope and of a less technical nature, increasing the supervisory authority of the Secretary of the Interior to such a degree as to enable him to dispense justice untrammeled by jurisdictional limitations.

Substantial justice may be done without further opening of the rolls. As originally and properly used, this expression related to the admission of new classes of people—for example, persons who died prior to or were born after a given date—but it is obvious that it has no proper reference to the completion of unfinished business or to the correction of mistakes. It was to be presumed as a matter of course that a given class having been granted the privilege of making application, submitting testimony, and making up records, would be entitled to have the work relating to their class completed rather than abandoned when in an unfinished condition. Nor is it to be presumed that the United States ever intended this condition of affairs to come to pass. Otherwise, the Government would be guilty of exercising bad faith in the treatment of its wards.

Even the time allowed might have proved sufficient for the disposition of the work then on hand, but the very act which provided for the termination of the enrollment work at a given date also imposed another year's work upon the department in the enrollment of minor children. This fact, taken in connection with the many other duties devolving upon the Secretary of the Interior, had much to do in bringing about the present situation.

The Secretary of the Interior should now be vested with a jurisdiction which will enable him to apply equitable remedies to the situation. A court of equity, in the performance of its regular functions, would not hesitate to correct a deed by changing the name of a party or modifying a description of land, or otherwise to reform an instrument in order to make it conform to the intention of the parties. In like manner the jurisdiction which should now be conferred upon the Department of the Interior would enable it to correct mistakes due to obvious error, thereby securing an early settlement of mooted questions and reducing the probability of prolonged litigation.

Mr. Howell's specific recommendation is found on page 180, and is as follows:

To rectify wrongs unintentionally done subsequent to January 1, 1907, I firmly believe that the department should be vested with jurisdiction to review all cases which were denied enrollment by the Secretary, or otherwise passed upon adversely by him or his office, subsequent to that date, with power in the Secretary of the Interior to correct obvious errors wherever found. If this be done, provision will be made to cover a large percentage of the meritorious cases.

It should be remembered that the cases investigated by Mr. Howell have not been investigated by any other officer of the department. It has been contended that the investigation made by Mr. Pollock, to which reference is frequently made, covered all of the cases which the department has investigated.

It is contended that these persons enrolled upon the rolls of the Five Civilized Tribes by the act of August 1, 1914—public, No. 160, Sixty-third Congress, page 21—are all the persons who have been erroneously omitted from these rolls.

This act of August 1, 1914, enrolled 315 persons. Two hundred and ninety-seven of these people are persons found in what is known as the Pollock list, set out in Senate Document No. 1139, Sixty-second Congress, at pages 44 to 92, inclusive. It will be noticed that this list is headed:

List of persons apparently entitled to enrollment, but whose names were omitted because no application was made or by reason of mistake or oversight.

It will further be seen that Mr. Pollock's list contains the names of 515 persons entitled to enrollment. Of these only 297 have been enrolled. What is to be done with the remainder?

It should be remembered that when Mr. Pollock made this investigation his instructions were to investigate cases of persons who had made no applications.

On page 40 of the Senate document above referred to will be found an extract from his instructions which he quotes in his report and which reads as follows:

> You will give special attention to the matter of adding names to the rolls of citizens of the Five Civilized Tribes making such investigation and taking such testimony as you and the Commissioner to the Five Civilized Tribes, with whom you will cooperate in this matter, may determine to be necessary. The cases to be investigated are those of minor orphan children, incompetents, and Indians in incarceration, whose claims were not presented for adjudication, and such other cases as have unusual merit.

At the bottom of page 41 of the above-mentioned report Mr. Pollock says:

> A large majority of the cases brought forward in these nations (Choctaw and Chickasaw) were those which theretofore had been presented, considered, and decided by some duly constituted tribunal. The records had been made up and there was no occasion for a further investigation in the field. They were not of the class contemplated by the instructions under which the investigation was being made. Testimony was heard in a few of these cases upon the urgent insistence of the parties, with the distinct understanding in each instance that the case was not then under consideration, and that the additional testimony would simply be filed with the record already made up. The attorneys for the nation objected to the examination of any witnesses in such cases, claiming with force that those cases had been finally adjudicated and that there remained no jurisdiction to reopen or take any action in connection therewith.

This portion of Mr. Pollock's report referred to requests made to him for investigation of some of the many cases arbitrarily disposed of by the Interior Department within the last few days immediately preceding the 4th of March, 1907.

From the Howell report it appears that in six days preceding March 4, 1907, the department disposed of 2,023 records, and that in all of these the applicants were rejected.

It will be contended that if provision is now made for further consideration by the Interior Department, in a few years other applicants will appear and the matter will never end.

This is not a good reason for not directing the Interior Department to complete the work which it admittedly was unable to do immediately prior to March 4, 1907. No court would deny a motion for rehearing, and Congress should not.

[At this point Mr. VARDAMAN conferred with Mr. LA FOLLETTE.]

Mr. LA FOLLETTE. Oh, I will give way for anything that will promote a better attendance. I think if you can get the river and harbor bill or the omnibus claims bill up you will have a pretty full House here in a little while.

Mr. ASHURST. Mr. President, will the Senator yield to me for a moment?

Mr. LA FOLLETTE. Certainly.

Mr. ASHURST. The Senator knows that I have given him attention, and I am in no sense hostile to this amendment. I am not in any sense hostile to it. I do not like the dogmatic way in which Senators wave aside amendments. I have a mighty good notion now, so far as I can, to accept this amendment.

Mr. LA FOLLETTE. Well, you will get rid of a pretty long speech if you do.

Mr. ASHURST. I do not want to get rid of a long speech.

Mr. LA FOLLETTE. Well, I would be glad to save the time for other business. I know there is pressing business before the Senate; but if I can save three or four million dollars to the Public Treasury, which will be taken from it to pay the legitimate claims of these Indians, if the tribal property is distributed without recognizing their rights, I am willing to go on all night.

Mr. BRYAN. Mr. President——

Mr. ASHURST. I hope nobody will suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield, and to whom?

Mr. LA FOLLETTE. I yield to anybody who wants to interrupt me, just so that I do not yield the floor.

Mr. BRYAN. Will the Senator yield to me to prefer a unanimous-consent request?

Mr. ASHURST. Just a moment. I give notice now that if we adjourn to-night, it is "farewell, river and harbor bill." If the Senate adjourns without passing the Indian bill you can make up your minds that there will be no river and harbor bill and no claims bill. Now, we might as well be frank about this. The Indian bill must be passed to-night or there will be no river and harbor bill. I am a pretty good man physically, and I think I can stand on my feet about 20 hours. A fair warning is all you are entitled to. Pass the Indian bill now, or your river and harbor bill will be as dead as a mackerel on the shining sands.

Mr. BRYAN. Mr. President, I think the Senator makes that statement without full reflection. The Senator has devoted four or five days to the Indian appropriation bill.

Mr. ASHURST. Mr. President, so far as I am authorized to do so I accept the amendment of the Senator from Wisconsin.

Mr. BRYAN. If that can be done, I have nothing further to say.

Mr. ASHURST. If the Oklahoma Senators do not like it, and object to it, all right. I can not help it. I want this bill passed.

Mr. SIMMONS. Let us vote on it.

Mr. OWEN. Let us have a vote.

Mr. ASHURST. When I say I accept it——

Mr. LA FOLLETTE. I do not want to make a speech, but I——

Mr. SIMMONS. I want to vote for the Senator's amendment.

Mr. LA FOLLETTE. I do not want this amendment voted down.

Mr. SIMMONS. I want to vote for the amendment. If it is voted down, the Senator can offer it again in the Senate.

Mr. LA FOLLETTE. Let me say just one word in conclusion and I will submit it to a vote. The great objection which has always been interposed to admitting any other Indians to these rolls has been that fraud was committed and fraud attempted in the cases that were disposed of before this rush period just prior to March 4, 1907.

Mr. OWEN (in his seat). I have a speech several hours long.

Mr. LA FOLLETTE. I want it understood that this——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield and to whom?

Mr. LA FOLLETTE. I am not yielding to anyone.

The PRESIDING OFFICER. There was so much audible conversation upon the floor that the Chair concluded the Senator was yielding.

Mr. LA FOLLETTE. If the Senator from Oklahoma is going to argue the matter, I want to continue my presentation. If he expresses his willingness——

Mr. OWEN. I do not want to take any time about it. I can answer the Senator's argument in five minutes and that is all I want. But I do not think the Senator ought, under the intimidating influence of a long speech, force us into something we do not want. I do not think that is quite fair.

Mr. LA FOLLETTE. Oh, no; I do not want to force the Senate into accepting anything here that does not meet the judgment of Senators who vote upon it. Of course I do not think it is quite fair to have my amendment voted on by Senators who stay off the floor when it is presented and when the argument upon it is made and then come in and vote it down without in many cases knowing the merits of the proposition.

Mr. FALL. Will the Senator yield to me a moment to ask a question?

Mr. LA FOLLETTE. I will.

Mr. FALL. I am, of course, impressed with the sincerity of the Senator, but he has stated his purpose to save cost to the United States. Is it not a fact that if five years from now it were really found that these Choctaws whom the Senator is speaking for are entitled to be enrolled there is still enough Choctaw property to pay them ten times over without its costing the Government of the United States anything?

Mr. LA FOLLETTE. Well, I do not know about that, Mr. President. If this distribution goes on as it has been proceeding, a little each year—that is, $200,000 one year, a million or two the next—I do not know just how long these funds will last. I do not know just what property these tribes have remaining undistributed.

Mr. OWEN. If the Senator will permit me, the Secretary of the Interior——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Oklahoma?

Mr. LA FOLLETTE. I will.

Mr. OWEN. The Secretary reports that there are $23,000,000 of undistributed Choctaw property, so that $4,000,000 would really make no difference on that ground.

Mr. FALL. That was the point I was going to submit.

Mr. OWEN. It might at some future time if this distribution should be made on a larger scale.

Mr. LA FOLLETTE. Mr. President, I believe in the validity of the claims of these Indians. I believe that every time this claim is presented, every time this subject comes up in Congress, and without getting a fair hearing is rejected, it confirms the action theretofore taken and makes it harder each time to get a patient hearing by Congress. I think the matter ought to be thoroughly thrashed out.

Mr. FALL. Will the Senator yield just one moment more?

Mr. LA FOLLETTE. Yes.

Mr. FALL. I simply want to state in justice to some of the Senators, at least to myself, that I have been on the floor the greater portion of time during the Senator's speech; that I think I have made about as thorough a study of this question as any one Senator, and I vote, I think, knowingly on the subject.

Mr. LA FOLLETTE. I was going to say that the proposition I have submitted here, the amendment which I have offered, does not propose to open these cases to the presentation of testimony. It merely proposes to take the cases that were before the Interior Department in those few months known as the rush period—from December 1, 1906, to March 4, 1907, a period of about three months—and on the records of the Interior Department as they existed on that date that the Secretary of the Interior be authorized and directed to try out the equitable rights of those people to be placed upon the rolls. If they are found equitably entitled to be upon the rolls, the Secretary is directed to enroll them. Now, that does not open the rolls to opportunity for fraud. It takes the records of the Interior Department as made at that time, the cases which were not considered upon their merits, about which the Secretary of the Interior warned Congress three or four times in five or six weeks that he did not have time to consider.

Mr. President, I trust the Senate will not shut the door on these people now, as has heretofore been done, on a very imperfect hearing. I believe that if Senators understand the merits of this case it can not possibly fail of receiving favorable action here and now.

Mr. President, it is in evidence in this case that these attorneys who had this contract with the Choctaw Tribe, which contract the Secretary of the Interior would not approve—a contract for 9 per cent of $4,000 for every Indian they kept off—came to Congress 11 days after the Secretary refused approval and secured an amendment put on some bill—an appropriation bill, probably—authorizing what was known as the citizenship court—a specially created court, a legislative court down in Oklahoma—authorizing it to pass upon the amount of attorneys' fees they should receive. The department placed a maximum of $225,000 as the value of their services. Under the approval of the citizenship court the attorneys took a fee of $750,000. And there went out of this appropriation bill to-day a proposition under which these same attorneys would have been authorized to have gone into the courts with their old contract for 9 per cent and then present their claim de novo. These attorneys had a pretty strong reason for not allowing the Secretary of the Interior or the Dawes Commission or anybody else to get the evidence which would deprive them of 4 per cent of $4,000 for every Indian they kept off. That was the percentage this legislative court fixed and permitted them to have.

It is in evidence over and over again that they got wagonloads of the records out of the archives of these Indian tribes, records which determined the right of people to be on this roll; and that they locked them up; that they never submitted these records to the Dawes Commission; and that, as a result, people were not able to make good their right who should have, in justice, been placed upon these rolls. In these records was found, after the rolls were closed, the proof of right to enrollment.

Mr. President, a statute was passed by Congress making it a penal offense for anybody to retain the rolls and records of these Indian tribes, and it was only when the Secretary of the Interior, under its provisions, put the screws to these gentlemen that those rolls and that evidence were surrendered. The statute making the retention of these records a penal offense was enacted one year after Congress had refused to listen to the appeals of the Secretary of the Interior for an extension of time within which to adjudicate these cases in an orderly manner.

Mr. President, I want to say to Senators who have come in here and listened 10 or 15 minutes to this discussion that I had a connected argument which I intended following. I have abandoned that. I am going to stop now and reserve the right to speak again on this amendment if I find it advisable after the Senator from Oklahoma or anyone else speaks on the other side.

Mr. OWEN. Mr. President, I shall take only two or three minutes to answer the argument of the Senator from Wisconsin.

The Dawes Commission, authorized by the act of 1896 to make these rolls, had control of and access to the rolls of the Five Civilized Tribes, and had little or no difficulty with regard to the enrollment of those who were confessedly members of that community. There were, however, a very large number of people desiring to be enrolled, because the citizenship of the Choctaw Nation was worth approximately $8,000 apiece. For a family of five it amounted to a value of $40,000. The consequence was that every person who could claim to be remotely of Indian blood, and there were many who were shown to be Mexicans and negroes claiming to be Choctaw Indians, came in and demanded to be enrolled. Cases involving large numbers of claimants were proven to be based on perjured testimony, proved to be perjured testimony in case after case. Those people who were avowedly known to be members of that community had no difficulty in being enrolled, but it was with the greatest difficulty and greatest expense that the Government of the United States met perjury.

It has been shown in the hearings before the Senate committee that there was a single witness upon whose testimony 250 people were wrongfully admitted. He was brought before the citizenship court, and was before the court cross-examined, and he falsely and absurdly testified that the chief justice of that court was himself a full-blood Indian. His testimony was proven to be perfectly fraudulent and utterly worthless. The chief justice sat there hearing this Choctaw citizenship witness give this testimony, describing the chief justice himself as being a full-blood Indian, when he notoriously had no Indian blood whatever.

The Dawes Commission heard these citizenship cases for 10 years. Appeal after appeal was made from the Dawes Commission to the Commissioner of Indian Affairs, appeals from the Commissioner of Indian Affairs to the Secretary of the Interior, then upon some technicality sent back to the Dawes Commission for a rehearing, and appeal again to the commissioner and to the Secretary, such cases sent back sometimes two or three times. Finally after 10 long years Congress passed an act requiring these rolls to be closed as of the 4th of March, 1907.

There remained after these 10 tedious years a number of cases that had dragged along which finally were sent in to the Secretary of the Interior during the last two or three months preceding March 4, 1907. These were cases nearly all of which had been repeatedly before the department prior to that time. I doubt if there was a single case that had not previously been passed upon by the department itself, but the Dawes Commission was the tribunal authorized to make these rolls, and they had these rolls before them for 11 years. Is there never to be an end of controversy? Is that country never going to have its peace? These Indians gave up their tribal governments, they gave up their right to be independent tribes, they agreed to allot their lands, to become citizens of the United States, to become citizens of a new State, and in exchange for these great concessions the Government agreed to distribute their property to them per capita, and now, after all this time has elapsed, from 1898 to 1915, 17 years since the promise was made of the distribution, the pitiful per capita of $200 apiece is vehemently denounced and Congress is urged not to allow it, and attorneys representing these claimants are here trying to prevent even school privileges being provided for these people.

Mr. FALL. I wish to ask the Senator one question.

Mr. OWEN. I yield.

Mr. FALL. Is the Senator familiar with any of the attorneys' contracts—the contracts for fees?

Mr. OWEN. No; I am not familiar with them. There was a record made in regard to it, but I am not really familiar with it.

Mr. FALL. Does the Senator know what percentage the outstanding contracts now are bearing; that is, the Indians agreeing to pay the attorneys representing these claims?

Mr. OWEN. I do not really remember just what it was. It was quite large, I believe. The Senator refers to the Ballinger contract?

Mr. FALL. Yes; the Ballinger and various other contracts, running from 25 to 50 per cent of recovery. Has the Senator any recollection about it?

Mr. OWEN. I recall seeing the record of these contracts. I have finished all I wish to say. I only should like to say that this matter has been brought up time and time again since the rolls were closed, and four different Secretaries of the Interior since 1907 have reported adversely on reopening these rolls. The last adverse report was that of Franklin K. Lane, which I put in the RECORD to-night. In referring particularly to the Mississippi Choctaws he says, in substance:

In view of the facts presented to me I am of the opinion that no legislation should be enacted for the reopening of the rolls for the benefit of the Mississippi Choctaw claims.

Here is a letter from the Secretary of the Interior, April 24, 1914. They searched these records from 1907 to 1914 to find whether anybody had been left off erroneously, and they made this report. It was written to me after I inquired of him if any persons were entitled to be enrolled.

APRIL 24, 1914.

In response to your request of April 22 I am inclosing herewith a list of the names of persons who, upon the investigation heretofore made, have been found apparently equitably entitled to enrollment on the rolls of the various tribes composing the Five Civilized Tribes of Oklahoma—

This was written April 24, 1914, seven years after the rolls had been closed—

The data as to each of these names have heretofore been submitted to the Committee on Indian Affairs of the Senate and may be found in Senate Document No. 1139, Sixty-second Congress, third session.

This list contains the names of all those whom the department has found equitably entitled to enrollment, omitting, as suggested, the names of newborn Choctaw freedmen.

Very truly, yours,

A. A. JONES,
First Assistant Secretary.

I do not want to take any more time of the Senate, because I know the Senate is exhausted. Those names were put in the bill and they are now enrolled.

Mr. LA FOLLETTE. Mr. President, first with respect to attorney's contracts. Upon the Indian bill two years ago Congress placed a provision making it illegal for an attorney to enter into a contract with an Indian for the recovery of property or money from the United States without first obtaining the approval of the Secretary of the Interior. Last year Congress placed on the Indian appropriation bill a provision making it illegal for any attorney to enter into a contract with applicants for enrollment on the rolls of the Five Civilized Tribes, and voiding all such contracts made prior to that time.

Mr. President and Senators, I am not arguing for this provision to secure a fee for some lawyer. I am standing here to save, as far as I am able, this Government from being assessed—the people of the whole country ultimately from being assessed—to pay to the wards of the Nation for the distribution of their property to others, denying them the right to which the examination of the record would show they were entitled.

The report of the Secretary of the Interior which the Senator from Oklahoma referred to just now relates to inquiries addressed to the Secretary of the Interior as to those entitled to be on the rolls, as shown by an investigation made by a Mr. Pollock. That investigation was made after this Howell investigation, and was made pursuant to a carefully managed plan that limited his investigation to newborn and incompetent Indians.

It made no pretense of having investigated the claims of the Indians who were shown by the records to be as much entitled to be on this roll as was the chief of the tribe. These cases, the Senator from Oklahoma says, were heard time and again by the Dawes Commission, and that such commission was the body authorized by Congress to make this investigation. The law provided an appeal from the Dawes Commission to the Secretary of the Interior, and these Indians were entitled to have these appeals fully heard. Almost the first duty that I performed when I came to the Senate as a member of the Committee on Indian Affairs was to listen to a review of the work of the Dawes Commission in passing upon these cases. I then got the impression upon my mind in a way which I can never forget, that there were many—I do not know how many—but that there were many, many Indians entitled to be upon these rolls who never had a chance to be heard upon the merits of their cases either before the commission or upon appeal before the Secretary.

In the last hours of the life of the Dawes Commission, as in the last days of the time when the Secretary of the Interior was pleading with Congress for an opportunity to better examine these records, it is in proof in this case that the Dawes Commission disposed of hundreds and hundreds of cases. It appears that in the last hours before the time expired only two minutes in time, as shown by their records, could have been given to the consideration of each of these cases, adjudicating the rights of Indians and of their children to share in this property—Indians who had been born to the allegiance of the tribe, who had lived with the tribe, and had always been recognized by the tribe as being members thereof.

It is in evidence—well, Mr. President, I must not yield to my desire to discuss this evidence. I will not at this time, and with the congested condition of business on the calendar, take another moment, but am content that the amendment be submitted to a vote.

Mr. CLAPP. Mr. President, I desire to say simply a word in regard to this subject. So far as voting to open the rolls down there is concerned, generally speaking, I could not think of doing so. While perhaps there is here and there an individual whose name ought to have gone on the roll that has not gone on it, I realize that to open the rolls generally would lead to a condition that would be infinitely worse in its evil results than the loss here and there to an individual; but there were these rolls in the department at that time; the time had been fixed to close the work of the department; and since then I have tried several times to get parties to come to an understanding involved in the amendment now offered by the Senator from Wisconsin [Mr. LA FOLLETTE], but every time we have drawn or sought to draw up or prepare such an amendment, an effort would be made to put language in it to enlarge it and open up the rolls generally. So I never have stood for any of it.

Now, I realize how the Senator from Oklahoma [Mr. OWEN] desires that this matter shall be closed; but the trouble is, I say to him in all frankness and candor, that I do not believe the matter will ever be settled until the department is authorized not to open the rolls, not by a law that opens the court to those who claim they are entitled to enrollment, but by legislation, like this amendment, limit the department itself and the investigation to the act of the department in readjudicating those cases that were before it on the 1st day of December, 1906 and those who came before the department between that time and the 4th day of March, 1907. I believe that until that time does come every Indian appropriation bill that comes before Congress will be the subject of a controversy in regard to this subject, and that as to every Indian appropriation bill that comes before Congress, especially in the closing hours of a session, its passage will be jeopardized by an attempt to open those rolls and the effort to prevent the consummation of that attempt. I believe this limits it. It is not the opening of the rolls; it need not create any general, widespread thought in Oklahoma that conditions are unsettled. It simply goes to the extent of authorizing the Secretary of the Interior to reexamine and readjudicate these cases upon the record that was before him on the 4th of March, 1907.

Much as I regret to vote against the views of the Senator from Oklahoma with reference to a matter in his own State, I believe the only solution, the only way to put an end to this controversy that looms up upon every occasion of the passage of an Indian appropriation bill is to adopt an amendment like this. Therefore I shall feel constrained to vote for the amendment.

Mr. FALL. Mr. President, I had not intended to say a word, but I myself have some little knowledge of the propositions involved in these amendments. I knew these people 32 years ago in the Choctaw Nation, and I have known them ever since. I know something of the history of the Choctaw Tribe and the enrollments.

The Senator from Minnesota [Mr. CLAPP] seems to think that if this amendment is adopted it will close the whole proposition. There are over 8,000 claimants who are persisting in forcing their claims at every session of Congress. As to the limitation of this particular amendment, if it would have the effect of closing these rolls and settling this matter definitely once for all, if that was the object, why was not the amendment offered sooner and before any effort was made to close the rolls once for all? Why was it not offered last year or at some previous time, so as to have the whole question closed?

Mr. OWEN. We thought we were closing them last year.

Mr. FALL. The Senator from Minnesota [Mr. CLAPP] knows perfectly well that the adoption of this amendment will not settle the question of the Choctaw rolls and that Congress could not settle it if it were to provide in so many words by legislation.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Minnesota?

Mr. FALL. Yes.

Mr. CLAPP. This amendment, it seems to me, draws a line so plainly between those cases that do strongly appeal to Senators and Representatives—and sooner or later they will make a successful appeal, I believe—and the other cases that I had no compunction in voting against the amendments that have been offered to open these rolls, but I would have compunctions in voting against this amendment.

Mr. FALL. That is quite satisfactory to the Senator himself, but it settles nothing at all. In 5 minutes more or in 15 minutes more or in one month more, if this amendment is adopted, another amendment might be offered placing some other Choctaws on the rolls or some other Chickasaws on the rolls. The Senator says that the question will never be ended until this amendment is adopted. I say to you that this question never will be ended until the Indian Committee ceases to sit day after day listening to attorneys who are paid to try to get Choctaws on these rolls, where they do not belong.

It never will be settled until this body ceases to listen to it, as they have been listening to it year after year. It never will be settled unless when Congress establishes a commission it will abide by the decision of that commission. If Congress will sit here and listen year after year at every session to this matter being opened up, it will never be settled. Never so long as there is a greedy attorney who seeks to gain a 50 per cent fee or a

25 per cent fee, despite the action of Congress in undertaking to limit his fee or to provide that he should not get any fee; never so long as the attorneys are allowed, as they have been in every session of the committee, to haunt the committee room and persist in bothering the committee to death arguing this question; and never so long as Senators persist in opening it here will it be settled.

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Wisconsin?

Mr. FALL. I yield.

Mr. LA FOLLETTE. I have been a member of the Committee on Indian Affairs of the Senate for nine years, and I will say that the cause of the Indians to whom I refer was never presented to the Indian Committee before in that period of time. The first hearing held at this session took three days and was heard by not more than six or seven members of that committee.

Mr. FALL. Of course, the Senator's memory may be better than mine, but I have a very strong impression that the same arguments that were made, and to which I listened this time with reference to certain Choctaws, were heard before. If I did not hear them before the committee, then I have discovered the same arguments in my reading of the case.

I will say another thing to the Senator, which is that if these rolls were opened, in my judgment, from what I know of the rolls and what I know of Choctaw affairs, there are possibly about 30 Choctaws who should have been enrolled, and I will venture to say that for every Choctaw who was cut off this roll illegally there are illegal Choctaws on the roll.

If there are any of these Choctaws who the Secretary of the Interior believes are entitled to enrollment, all he has to do is to say so to the committee and let the committee bring in a bill here and enroll them. We can certainly leave it to the Secretary of the Interior.

Mr. LA FOLLETTE. That is just what this amendment proposes to do.

Mr. FALL. He has already the authority. You do not need to give it to him.

Mr. LA FOLLETTE. If the Senator will pardon me, the law cut him off in 1907 by its terms. It prevented him from adjudicating cases after that time, and the law never has been changed, excepting as to the 318 individuals.

Mr. FALL. I agree with the Senator. Certainly the Secretary——

Mr. LA FOLLETTE. I thought the Senator said the Secretary had power to do this himself.

Mr. FALL. The Secretary has no power to put them on the rolls of the Choctaw Nation, but he has the power and authority to submit to the Indian Committee of Congress the names of those parties whom he thinks are entitled to enrollment, with the suggestion that Congress put them on the rolls. I will vote to do whatever he says is proper in the matter. Whenever the Secretary says that a man is entitled to go on these rolls, I will vote to put him on the rolls.

Mr. LANE. Mr. President, I thought the——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Oregon?

Mr. FALL. For a question.

Mr. LANE. I thought that the Secretary of the Interior had no funds to expend upon expensive investigations. That is what I supposed.

Mr. FALL. But the Senator from Wisconsin has suggested that these names are in the Secretary's office; that he knows them and can ascertain them, and does not have to undertake an expensive investigation.

Mr. OWEN. Mr. President——

Mr. FALL. I am through.

Mr. OWEN. Mr. President, I do not want to say anything further about it, except that we believe that to reopen this matter simply is opening a Pandora's box to our country.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Wisconsin.

Mr. LA FOLLETTE. I ask for the yeas and nays upon that amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. KENYON (when his name was called). I announce my pair with the Senator from Colorado [Mr. THOMAS]. Were I at liberty to vote, I should vote "yea."

Mr. SAULSBURY (when his name was called). I have been unable to transfer my pair, but desire to be counted as present.

Mr. SMITH of Georgia (when his name was called). I have a pair with the senior Senator from Massachusetts [Mr. LODGE]. I desire to be counted for a quorum.

The roll call was concluded.

Mr. KENYON. I transfer my pair with the Senator from Colorado [Mr. THOMAS] to my colleague [Mr. CUMMINS] and will vote. I vote "yea."

Mr. JAMES. I transfer the pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the Senator from Illinois [Mr. LEWIS] and will vote. I vote "yea."

Mr. SMOOT. I desire to announce the following pairs:

The Senator from Idaho [Mr. BRADY] with the Senator from Mississippi [Mr. WILLIAMS];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from Delaware [Mr. DU PONT] with the Senator from Texas [Mr. CULBERSON];

The Senator from New Hampshire [Mr. GALLINGER] with the Senator from New York [Mr. O'GORMAN];

The Senator from Minnesota [Mr. NELSON] with the Senator from Kentucky [Mr. CAMDEN];

The Senator from California [Mr. PERKINS] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Illinois [Mr. SHERMAN] with the Senator from Louisiana [Mr. THORNTON]; and

The Senator from Utah [Mr. SUTHERLAND] with the Senator from Arkansas [Mr. CLARKE].

Mr. CRAWFORD. I inquire if the senior Senator from Tennessee [Mr. LEA] has voted?

The PRESIDING OFFICER. The Chair is informed that he has.

Mr. CRAWFORD. "Present."

The result was announced—yeas 33, nays 13, as follows:

YEAS—33.

Ashurst	Hollis	Lee, Md.	Smith, S. C.
Bankhead	Hughes	Martine, N. J.	Smoot
Bryan	James	Newlands	Thompson
Burton	Johnson	Pittman	Vardaman
Chamberlain	Kenyon	Ransdell	Walsh
Chilton	Kern	Reed	White
Clapp	La Follette	Robinson	
Fletcher	Lane	Sheppard	
Gronna	Lea, Tenn.	Simmons	

NAYS—13.

Clark, Wyo.	Lippitt	Poindexter	Stone
Fall	Myers	Pomerene	
Gore	Oliver	Shafroth	
Jones	Owen	Shields	

NOT VOTING—50.

Borah	du Pont	Overman	Sterling
Brady	Gallinger	Page	Sutherland
Brandegee	Goff	Penrose	Swanson
Bristow	Hardwick	Perkins	Thomas
Burleigh	Hitchcock	Root	Thornton
Camden	Lewis	Saulsbury	Tillman
Catron	Lodge	Sherman	Townsend
Clarke, Ark.	McCumber	Shively	Warren
Colt	McLean	Smith, Ariz.	Weeks
Crawford	Martin, Va.	Smith, Ga.	Williams
Culberson	Nelson	Smith, Md.	Works
Cummins	Norris	Smith, Mich.	
Dillingham	O'Gorman	Stephenson	

The PRESIDING OFFICER. On the question of agreeing to the amendment of the Senator from Wisconsin the years are 33, the nays 13. Senators in the Chamber and paired but not voting are the Senator from Delaware [Mr. SAULSBURY], the Senator from Georgia [Mr. SMITH], and the Senator from South Dakota [Mr. CRAWFORD]. The amendment is agreed to.

Mr. OWEN. Mr. President, on page 4, after line 18, I move to insert the words:

And section 8 of the act of March 1, 1895, is hereby reenacted as to that part of Oklahoma known as Indian Territory immediately prior to statehood, and section 2140 of the United States Revised Statutes is made applicable to that part of Oklahoma.

That relates to the suppression of the liquor traffic, and the attorney of Oklahoma has requested that that be done in order to enable him to supress that traffic.

The PRESIDING OFFICER. Will the Senator send up his amendment to the desk?

Mr. OWEN. I send it to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 4, line 18, after the amendment already agreed to at that place, it is proposed to insert the words:

And section 8 of the act of March 1, 1895, is hereby reenacted as to that part of Oklahoma known as Indian Territory immediately prior to statehood, and section 2140 of the United States Revised Statutes is made applicable to that part of Oklahoma.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CRAWFORD. Mr. President, House bill 11246, providing for an adjudication in the Court of Claims of the annuities of the Santee Indians, has passed the House and has been reported favorably by the Committee on Indian Affairs of the Senate

with amendment. Last night it passed the Senate, but on account of the amendment it is improbable that it is going to get through the shuffle; and I offer it as an amendment. I intended to do so, anyway, except that on a call of the calendar that bill was acted upon. I offer it as an amendment after line 15 on page 79 of this bill. The Senate acted upon it favorably last night, but, as I say, on account of the amendment it is doubtful whether it will become a law.

The PRESIDING OFFICER. The amendment has already been read. The question is on agreeing to it.

The amendment was agreed to, as follows:

That jurisdiction be, and hereby is, conferred upon the Court of Claims to hear, determine, and render final judgment for any balance that may be found due the Medawakanton and Wahpakoota Bands of Sioux Indians, otherwise known as Santee Sioux Indians, with right of appeal as in other cases for any annuities that may be ascertained to be due to the said bands of Indians under and by virtue of the treaties between said bands and the United States, dated September 29, 1837 (7th Stat. L., 538), and August 5, 1851 (10th Stat. L., 954), as if the act of forfeiture of the annuities of said bands approved February 16, 1863, had not been passed: *Provided*, That the court, in rendering judgment, shall ascertain and include therein the amount of accrued annuities under the treaty of September 29, 1837, up to the date of rendition of judgment, and shall determine and include the present value of the same, not including interest, and the capital sum of said annuity, which shall be in lieu of said perpetual annuity granted in said treaty, and to ascertain and set off against any amount found due under said treaties all moneys paid to said Indians or expended on their account by the Government of the United States since the treaties were abrogated by the act of 1863: *Provided*, That the treaty of 1868 shall not be a bar to recovery, but all equities and benefits received thereunder by the Santee Sioux Indians shall be taken into consideration in the determination of the amount of recovery. Upon the rendition of such judgment and in conformity therewith the Secretary of the Interior is hereby directed to ascertain and determine which of said Indians now living took part in said outbreak, and to prepare a roll of the persons entitled to share in said judgment by placing thereon the names of all living members of said bands residing in the United States at the time of the passage of this act, excluding therefrom only the names of those found to have personally participated in the outbreak; and he is directed to distribute the proceeds of such judgment, except as hereinafter provided, per capita, to the persons borne on the said roll.

Proceedings shall be commenced by petition verified by one of the attorneys who have been heretofore employed by said bands of Indians to prosecute their claims under this act under a contract which has been approved by the Commissioner of Indian Affairs and the Secretary of the Interior as provided by law, upon information and belief as to the existence of the facts stated in said petition, and no other verification shall be necessary. Upon final determination of the cause the Court of Claims shall decree such fees as the court shall find to be reasonable upon a quantum meruit for services performed or to be performed, to be paid to the attorney or attorneys so employed by the said bands of Indians and their associates, and the same shall be paid out of the balance found to be due said bands of Indians when an appropriation therefor shall have been made by Congress: *Provided*, That in no case shall the fees decreed by the court amount in the aggregate to more than 5 per cent of the amount of the judgment recovered, and in no event shall the aggregate amount exceed $25,000: *Provided further*, That the court shall by its decree distribute such fees equitably between the attorneys who have been employed by said bands of Indians in said cause.

Mr. ASHURST. Will not the Senator from South Dakota ask to have the committee report printed in the RECORD?

Mr. CRAWFORD. Yes; I ask that that may be done.

The PRESIDING OFFICER. In the absence of objection, that order will be made.

The report referred to is as follows:

Mr. CLAPP, from the Committee on Indian Affairs, submitted the following report:

The Committee on Indian Affairs, to whom the above-entitled action was referred, having examined the same, report favorably upon said bill and recommend its passage without amendment. In support of said bill the committee begs leave to submit with the foregoing recommendation the report of the House Committee on Indian Affairs accompanying said bill.

[House Report No. 344, Sixty-third Congress, second session.]

"The Committee on Indian Affairs, to whom was referred the bill (H. R. 11246) providing for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863, having duly considered the same, recommends that the bill do pass.

"During the second session of the Sixty-second Congress your committee favorably reported a bill of this character, and a copy of such report is hereto attached and made a part hereof. Also, a letter from the Assistant Secretary of the Interior is hereto attached and made a part of this report, showing the attitude of the Department of the Interior toward such legislation."

[House Report No. 444, Sixty-second Congress, second session.]

"The Committee on Indian Affairs, to whom was referred the bill (H. R. 21887) conferring jurisdiction on the Court of Claims to determine the amount of unpaid annuities that would be due the Medawakanton and Wahpakoota Bands of Sioux Indians as if the act of forfeiture of 1863 had not been passed, after deducting therefrom all payments to said bands, or to any of the members thereof that are properly chargeable against their annuities, beg to report that after giving careful consideration of the whole matter they report back an amendment to strike out all after the enacting clause and substitute the following:

"'That jurisdiction be, and hereby is, conferred upon the Court of Claims to hear, determine, and render final judgment for any balance that may be found due the Medawakanton and Wahpakoota Bands of Sioux Indians, otherwise known as Santee Sioux Indians, with right of appeal as in other cases for any annuities that may be ascertained to be due to the said bands of Indians under and by virtue of the treaties between said bands and the United States, dated September 29, 1837 (7 Stat. L., p. 538), and August 5, 1851 (10 Stat. L., p. 954), as if the act of forfeiture of the annuities of said bands approved February 16, 1863, had not been passed: *Provided*, That the court in rendering judgment shall ascertain and include therein the amount of accrued annuities under the treaty of September 29, 1837, up to the date of rendition of judgment, and shall determine and include the present value of the same, not including interest and the capital sum of said annuity, which shall be in lieu of said perpetual annuity granted in said treaty; and to ascertain and set off against any amount found due under said treaties all moneys paid to said Indians or expended for their benefit by the Government of the United States since the treaties were abrogated by the act of 1863: *Provided*, That the treaty of 1868 shall not be a bar to recovery, but all equities and benefits recevied thereunder by the Santee Sioux Indians may, in the discretion of the court, be taken into consideration in the determination of the amount of recovery. Upon the rendition of such judgment and in conformity therewith the Secretary of the Interior is hereby directed to ascertain and determine which of said Indians now living took part in said outbreak and to prepare a roll of the persons entitled to share in said judgment by placing thereon the names of all living members of said bands residing in the United States at the time of the passage of this act, excluding therefrom only the names of those found to have personally participated in the outbreak; and he is directed to distribute the proceeds of such judgment, except as hereinafter provided, per capita, to the persons borne on the said roll.

"'Proceedings shall be commenced by petition verified by one of the attorneys who have been heretofore employed by said bands of Indians to prosecute their claims under this act under a contract which has been approved by the Commissioner of Indian Affairs and the Secretary of the Interior as provided by law upon information and belief as to the existence of the facts stated in said petition, and no other verification shall be necessary. Upon final determination of the cause the Court of Claims shall decree such fees as the court shall find to be reasonable upon a quantum meruit for services performed or to be performed, to be paid to the attorney or attorneys so employed by the said band of Indians and their associates, and the same shall be paid out of the balance found to be due said bands of Indians when an appropriation therefor shall have been made by Congress: *Provided*, That in no case shall the fees decreed by the court amount in the aggregate to more than 5 per cent of the amount of the judgment recovered, and in no event shall the aggregate amount exceed $25,000: *Provided further*, That the court shall by its decree distribute such fees equitably between the attorneys who have been employed by said bands of Indians in said cause.'

"The situation as to the claim of these Indians is briefly as follows:

"Prior to 1863 the Sisseton and Wahpeton Bands, known as the Upper Sioux, and the Medawakanton and Wahpakoota Bands, known as the Lower Sioux, lived on adjoining reservations in the State of Minnesota. Formerly the Upper Sioux and the Lower Sioux, in similar but separate treaties, had ceded all of their lands to the United States, save the small reservations on which they were then living, and in consideration for the cession the Government agreed to pay them certain annuities.

"By act of Congress approved February 16, 1863, the annuities of both the Upper and Lower Bands were forfeited in consequence of the Sioux outbreak of 1862.

"By act of Congress approved June 21, 1906, Congress restored the forfeited annuities of the Sisseton and Wahpeton Bands (Upper Sioux) and conferred jurisdiction upon the Court of Claims to hear and determine the amount of unpaid annuities that would be due them as if the act of forfeiture had not been passed, and also to ascertain and set off against said amount all sums which had been paid to or for said bands, or to or for any members thereof, since said act of forfeiture was passed, which the court should find were properly chargeable against said annuities, and to render judgment for the balance, if any.

"The reports of the committees of Congress in support of the legislation for the relief of the Sisseton and Wahpeton Bands will be found in Senate Report No. 2561, Fifty-ninth Congress, first session, page 80, and House Report No. 2751, Fifty-ninth Congress, first session.

"The substitute bill now reported and recommended (H. R. 21887) follows the legislation for the relief of the Sisseton and Wahpeton Bands and should be passed for the same reasons.

"The annuities of the Medawakanton and Wahpakoota Bands (Lower Sioux) arose as follows:

"By the first article of a treaty dated September 29, 1837 (Stat. L., 538), the Medawakantons ceded to the United States all of their lands east of the Mississippi River and all of their islands in said river, the consideration for said cession being $15,000 per annum 'forever.' Of this annuity 27 installments had been paid at the time of the outbreak.

"It is the policy of the Government to discontinue perpetual annuities by capitalizing the same at their present value, which is provided for in this bill.

"By the second article of a treaty made at Mendota in the then Territory of Minnesota, on the 5th day of August, 1851 (10 Stat. L., Treaties, p. 56), the Medawakanton and Wahpakoota Bands of Sioux Indians ceded to the United States 'all their lands and all their right, title, and claim to any lands whatever in the Territory of Minnesota or in the State of Iowa.'

"The consideration for the land ceded by this treaty, adjusted according to terms of the treaty and amendments thereto, was, in annuities, $61,450 for a period of 50 years. Of these annuities, 12 installments had been paid at the time of the outbreak, leaving 38 unpaid.

"The devastation of property and the loss of life resulting from this outbreak is familiar history; but the evidence shows that nearly every guilty Indian is dead.

"It is established that many individual Indians of these two bands bore arms to suppress the outbreak, while others gave aid and comfort to settlers and prisoners, saving captive women and children, thus incurring the risk incident to arraying themselves against the hostile Indians.

"The question arises: Were these Indians who participated in the outbreak guilty of treason or an act of disloyalty to the United States Government, or were they guilty of committing a crime against society as individuals? If they are to be considered as committing an act of treason or disloyalty, then it would seem the Government should deal with them as it dealt with the disloyal members of the Five Civilized Tribes.

"Congress, by act approved July 5, 1862, provided for forfeiting the annuities of any Indians, including the Cherokees and other Indians composing the Five Civilized Tribes, who joined the Southern Confederacy and took up arms against the Union. After the war the Government made new treaties with all the Indians of the Five Civilized Tribes, restoring every dollar of the annuities to loyal and disloyal alike; and later Congress, in one or more cases, went even further and paid to

these Indians an additional consideration for their lands ceded, being the difference between 31 cents an acre, the amount provided to be paid them by the treaty, and $1.25 an acre, the statutory price. So if these Indians who participated in the outbreak were guilty of an act of disloyalty, then why should not their annuities be restored, as in the case of the Five Civilized Tribes? Besides, these Indians are to-day citizens, so it would seem that the spirit of the Constitution, if not the letter thereof (Art. III, sec. 2), should protect them against the act of forfeiture beyond the lives of persons 'attainted.' That forfeitures are not favored is fundamental. This Government was carrying out this basic governmental policy when it paid the heirs of Gen. Robert E. Lee for the Arlington estate.

"*If these* Indians who participated in the outbreak were not guilty of disloyalty or treason, then they were guilty as individuals of murder. For this crime the guilty individuals who were not killed by Gen. Sibley's troops in quelling the outbreak were arrested and tried for their crime and convicted, and part of them hanged and the remainder imprisoned. The guilty Indians have nearly all paid the penalty of their crimes. If there are any still living, the Government has established or can establish their guilt. At any rate, the burden should be on the Government to show who are guilty and still living, if there be any.

"The bill provides that the Department of the Interior shall make up a roll of those who are now living and residing in the United States who are entitled to share in these annuities, leaving off the names of any Indians who took part in the outbreak.

"The sweeping act of forfeiture passed by Congress soon after the outbreak has deprived not only the friendly Indians who survived the difficulties of that period of the moneys due for their land during the remainder of their lives, but has visited the sins of the few hostile Indians upon helpless women and upon unborn children. If the Government should adhere to this act of confiscation, it would be the only instance of the kind in our history. Therefore, it seems to your committee that the ends of justice would be accomplished by the passage of the proposed bill.

"The bill provides that payment of the amount found to be due by the court shall be made per capita to those Indians now living, except those whose guilt can be shown.

"The Department of the Interior has, however, always contended that these Indians have forfeited their rights to the restoration of these annuities by becoming parties to the treaty of April 29, 1868, and further contends that if they did not surrender and forfeit their claims or rights by the terms of such agreement, that then they should be charged up with all payments in money or clothing, provisions, etc., made under that treaty.

"Your committee, after a careful investigation of this treaty and the conditions under which and the purpose for which it was made, can not concur in the view taken by the department. The department cites article 10 of said treaty, which reads as follows:

"'In lieu of all sums of money or other annuities provided to be paid to the Indians herein named, under any treaty or treaties heretofore made, the United States agrees to deliver, etc.; naming the clothing, money, supplies, and provisions which the Government agreed to furnish the Indians.

"The department also points to article 17, which reads as follows:

"'It is hereby expressly understood and agreed by and between the respective parties to this treaty that the execution of this treaty and its ratification by the United States Senate shall have the effect and shall be construed as abrogating and annulling all treaties and agreements heretofore entered into between the respective parties hereto so far as such treaties and agreements obligate the United States to furnish and provide money, clothing, or other articles of property to such Indians and bands of Indians as become parties to this treaty, but no further.'

"Your committee can not understand how the provisions of these two articles can be held to be an abrogation of the rights of the Indians to annuities which were at that time forfeited, and therefore can not have been in the minds of the parties. Besides, a reading of the whole treaty shows that the Government sought the Indians to make this treaty for a governmental purpose. The things that the Indians were to do are expressly stated, and stated to be done in consideration for payments to be annually made.

"The facts about that treaty are briefly as follows:

"The Indians occupying the territory north of the proposed line of the Union Pacific Railway and on the western frontier had been rounded up by the Army and at Fort Laramie; these bands being the Brule, Ogallala, Minicongou, Yanktonai, Unkpapa, Blackfeet, Cuthead, Two Kettles' Band, Sioux, and the Arapahos, were gathered in to meet Lieut. Gen. William T. Sherman, Gen. William S. Harney, Gen. Alfred H. Terry, Gen. C. C. Augur, of the United States Army, and four civilian commissioners appointed by the President. The council was dominated by the Army.

"Nearly all of these various bands, parties to the treaty, except the Santee Sioux of Nebraska, were more or less hostile. The seven Santees who signed the treaty were a part of the small band of Santee Sioux Indians which had been gathered up and moved by the Government to Niobrara, Nebr., after the release of the remnant of the Indians that had been confined at Davenport, Iowa.

"These Indians were wholly indigent, broken spirited, and without hope in the world. They were completely subjugated and were wholly under the care and the influence of the United States at Niobrara. If they had signed this treaty in the understanding that they were surrendering their rights to the restoration to their children of the forfeited annuities, they would have so signed without the shadow of authority. They did not represent the great mass of Santee Sioux Indians who still remained in Minnesota and Dakota. They were in that deplorable condition in which individuals, and sometimes weak nations, execute any agreement that is presented to them by the power holding them under subjugation. They were perfectly willing, unquestionably, to accede to the terms of peace proposed by the United States, and doubtless they extended whatever influence they possessed, as heartily as was in their power, to bring to a peaceful disposition the more hostile part of the Sioux Indians, such as Two Kettles' Band, the Unkpapas, and others of a hostile disposition who had been depredating upon the line of the proposed Union Pacific Railway and upon the line of travel over the 'California trail' up the La Platte River.

"Affidavits have been made by two of those who claim that they signed the treaty to the effect that no council of their band was held to authorize them or anyone else to enter into a treaty with the United States.

"In the first paragraph of the indicated treaty of 1868 the parties agreed that war should forever cease, and recites as follows: 'The Government of the United States desires peace, and its honor is hereby pledged to keep it'; 'the Indians desire peace, and they now pledge their honor to maintain it'; so that peace was the object of the signatory parties.

"Article 11 of that treaty sets out seven specific services which the Indians were required to render the Government continuously. Briefly stated, they were that the Indians should withdraw 'all opposition to the construction of the railroads now being built on the plains'; that they not only would not attack any white persons or wagon trains or coaches, or capture any cattle or mules belonging to the United States or to white people, but that they should protect the white people and their property and the property of the United States in every way within their power; they also agreed to withdraw all opposition to the military posts or roads established and to be established by the Government in the Northwest, and further specifically agreed to help the Government to capture and punish any Indians who attacked white people or Government agents or committed depredations on their property, and to police the frontier.

"In short, the Government sought these Indians on the frontier to enter into a treaty for a specific governmental purpose; that is, peace and the protection of the frontier. The Indians agreed to perform this service and the Government agreed to pay them annually certain sums of money, food, clothing, etc., in consideration for their services. Any time that the Indians stopped performing these services payments to them would stop. Therefore the payment made to these 10 bands of Indians was the annual recognition of the fact that the Indians had carried out their part of the agreement in good faith.

"It is evident, therefore, that the agreement of 1868 was sought by the Government in the interest of civilization and for purposes of the Government, and that the Indians performed the services required, and that the payments made to them were the consideration for such services as stated in the treaty.

"This shows clearly that the provisions of articles 10 and 17 of that treaty, which provided that the payments to be made under it should be in lieu of all payments heretofore granted to these Indians under treaty stipulation, can not and should not be a bar to the recovery by these Indians of their annuities which were forfeited in 1863. It is clear that the contracting parties, if the treaty as between the Government and this band of Sioux Indians can be called a contract, did not have in mind at the time the forfeited annuities of the Sioux, the same having been abrogated by act of Congress in 1863.

"In this connection it should be noted that the Government, in making certain payments to the small band of Santee Sioux at Niobrara, Nebr., under the terms of the agreement of 1868, did not make any payments to the larger part of these Santee Sioux who were in Minnesota, the Dakotas, and Montana, and were not upon the reservation at Niobrara.

"The Senate Committee on Indian Affairs has given this matter thorough consideration and has always taken the same position that we take.

"Attention is invited to Senate Report No. 5689 (59th Cong., 2d sess., pp. 76–79), setting forth the reasons of the Senate committee why no payment made under the treaty of 1868 should be charged against the forfeited annuities which it is now proposed to restore.

"Attention is also called to Senate Report No. 2561 (59th Cong., 1st sess., p. 80), in which the Senate committee states why the unpaid annuities of all of the Sioux Indians should be restored.

"A similar bill to the one we now recommend has passed the other branch of Congress four or five times."

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FEBRUARY 2, 1912.

Hon. JOHN H. STEPHENS,
Chairman Committee on Indian Affairs,
House of Representatives.

SIR: I have the honor to acknowledge the receipt of your letter of January 15, 1912, inclosing, with request for report thereon, a copy of House bill 17600 (practically the same as H. R. 21887), for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863.

The purpose of this bill is to confer jurisdiction upon the Court of Claims to hear, determine, and render final judgment in the matter of the claim of the Medawakanton and Wahpakoota Sioux Indians for annuities due them under treaty stipulations, which were forfeited by act of Congress approved February 16, 1863 (12 Stat. L., 652), and the bill is, in substance, similar to House bill 17859, Sixty-first Congress, second session, on which the department made report to the Congress under date of February 28, 1910.

In its said report the department suggested certain amendments to House bill 17859, and as the bill now under consideration appears to have been prepared in accordance with said suggestions, the department sees no objection to its passage.

For the information of your committee there is inclosed herewith a copy of departmental report of February 23, 1910, above mentioned. The bill (H. R. 17600) is returned herewith.

Respectfully,

SAMUEL ADAMS,
First Assistant Secretary.

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DEPARTMENT OF THE INTERIOR,
Washington, January 29, 1914.

MY DEAR MR. STEPHENS: I have the honor to acknowledge the receipt of your letter of January 3, 1914, transmitting for a report thereon House bill 11246, for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863.

The bill in effect is to confer jurisdiction upon the Court of Claims to hear, determine, and render final judgment in the matter of the claims of the Medawakanton and Wahpakoota Indians for annuities due them under the treaty stipulations which were forfeited by the act of Congress of February 16, 1863 (12 Stat. L., 652), and the bill is in substance similar to House bill 17600, Sixty-second Congress, second session, on which a favorable report was made to you February 2, 1912.

The bill provides, on page 3 thereof:

"Proceedings shall be commenced by petition verified by one of the attorneys who have been heretofore employed by said bands of Indians to prosecute their claims under this act under a contract which has been approved by the Commissioner of Indian Affairs and the Secretary of the Interior as provided by law * * *."

The records of the department show that contracts approved by the department were entered into by certain attorneys with these Indians—all of which have expired. It therefore seems that new contracts should be obtained by such attorneys as are to prosecute these claims, such contracts to be in accordance with existing law, which requires the approval of the Commissioner of Indian Affairs and the Secretary of the Interior. It is accordingly recommended that the bill be amended as follows:

Page 3, line 11, strike out the words "one of the attorneys who have been heretofore" and insert in lieu thereof the words "the attorney or attorneys."

In line 13 strike out "which has been" and insert in lieu thereof the words "to be."

Line 17, strike out after the word "necessary" all to the end of bill and insert in lieu thereof the following: "*Provided*, That the fees to be paid the attorney or attorneys so employed by the said band of Indians shall be paid out of the balance found to be due said bands of Indians when an appropriation therefor shall have been made by Congress: *Provided further*, That in no event shall the aggregate amount of the fees exceed $25,000."

Should the proposed amendments be made to the present bill, I believe that it would be only justice to these Indian claimants to be allowed to take their case to the Court of Claims, as proposed therein. I therefore see no objection to the bill, if amended as indicated, being enacted into law.

Very truly, yours,

A. A. JONES,
First Assistant Secretary.

Hon. JOHN H. STEPHENS,
Chairman Committee on Indian Affairs,
House of Representatives.

Mr. CLAPP. Mr. President, at the request of the junior Senator from South Dakota [Mr. STERLING], who has been called away, I desire to offer an amendment to follow the items under the Five Civilized Tribes.

Some years ago we passed a law allowing the sale, on the approval of the Secretary of the Interior, of Quapaw lands, reserving in each case 40 acres. This amendment extends that to the Modoc lands, and I will say that it removes the restriction of the 40 acres. It is upon the approval of the Department of the Interior. The Senator from South Dakota was unable to remain here, and at his request I offer this amendment for him.

The PRESIDING OFFICER. The Senator from Minnesota, in behalf of the junior Senator from South Dakota, offers an amendment, which the Secretary will state.

The SECRETARY. At the bottom of page 74 it is proposed to insert:

That section 1 of an act approved March 3, 1909, entitled "An act for the removal of restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other lands on any of the reservations within the jurisdiction of such agency, and for other purposes," be amended to read as follows:

"SECTION 1. That the Secretary of the Interior may, in his discretion, and he is hereby authorized to, remove the restrictions as to sale, encumbrance, or taxation from all of the allotted lands of any adult allottee of any of the tribes of Indians, including the Modocs, belonging to the Quapaw Indian Agency, in the State of Oklahoma, whenever he shall be satisfied that any Indian allottee is competent to manage his or her affairs, but said lands from which the restrictions have been removed shall not be liable for the satisfaction of any debt contracted prior to the removal of said restrictions by the Secretary."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GORE. Mr. President—

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. GORE. I do not know that it is necessary under the rules, but I desire to give notice that I shall make the point of order in the Senate respecting the amendment just adopted, offered by the Senator from Wisconsin.

The PRESIDING OFFICER. It is not necessary.

Mr. OWEN. Mr. President, I wish to offer an amendment on page 74, after line 11, to insert the following words:

No future allotments shall be made in the Creek Nation except as may be hereafter authorized by Congress.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

Mr. LA FOLLETTE. Mr. President, I should like to inquire of the Senator from Oklahoma at what place in the Oklahoma provisions there is an amendment proposed—it may have come over in the House provisions—making an appropriation of quite a large sum of money to pay for Federal attorneys in connection with probate work in that State?

Mr. OWEN. That was a House provision. It was on page 68, I suppose, lines 7 to 11.

Mr. LA FOLLETTE. I want to ask the Senator if it is not a fact that the Supreme Court has recently rendered a decision which forecloses Federal attorneys from appearing in the probate court cases for which this makes provision?

Mr. OWEN. I do not know that it has done so. Does the Senator know of a case of that kind?

Mr. LA FOLLETTE. I have not had time to make the investigation myself, but the Senator from Michigan [Mr. TOWNSEND], before he left the Chamber, brought to me some data upon the subject, and said it was a matter that he intended to present to the Senate, striking out this provision, because the supreme court of the State had recently handed down, within the last three or four days, a decision which would make it impossible for the attorneys for whom this considerable appropriation is made to appear.

Mr. OWEN. I can not conceive how such a thing is possible, because these attorneys go in representing private litigants and private persons in the courts. They have a right to do it—a constitutional right.

Mr. LA FOLLETTE. I did not know but that the Senator was acquainted with that fact.

Mr. OWEN. I do not believe that could possibly be true, because these judges met together in convention with the Commissioner of Indian Affairs, and they agreed upon methods by means of which this work could be done with a view to protecting the minors of that State.

Mr. LA FOLLETTE. I regret that I am not sufficiently familiar with the matter to present it.

Mr. OWEN. I can not conceive how such a thing could come before the supreme court, much less how it could be decided by the supreme court, that an individual did not have a right to have his attorney appear in court for him.

Mr. CLAPP. Mr. President, on page 14 I move, on line 7——

The PRESIDING OFFICER. Just a moment. Let us act upon the amendments agreed to in Committee of the Whole.

Mr. CLAPP. I was going to offer this as an amendment in Committee of the Whole.

The PRESIDING OFFICER. But the first thing to do is to concur in the amendments agreed to in Committee of the Whole, and then the Senator can offer his amendment.

Mr. CLAPP. Has the bill passed into the Senate?

The PRESIDING OFFICER. It has.

Mr. CLAPP. I beg the Chair's pardon.

Mr. GORE. Mr. President, I desire to make the point of order of which I gave notice a few moments ago.

The PRESIDING OFFICER. Does the Senator from Oklahoma mean that he desires to have a separate vote upon or separate consideration of the amendment offered by the Senator from Wisconsin?

Mr. GORE. I desire to make a point of order against that particular amendment on the ground that it is legislation.

The PRESIDING OFFICER. The Senator had better reserve the amendment, then.

Mr. GORE. Yes, sir.

The PRESIDING OFFICER. With that exception, without objection, the other amendments agreed to in Committee of the Whole will be concurred in by the Senate.

Now, the Senator from Oklahoma desires to make a point of order, which he will state.

Mr. GORE. I make the point of order against the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE] on the ground that it is general legislation. These rolls were closed by an act of Congress some seven or eight years ago, and the effect of this amendment would be to reopen the rolls and repeal that act.

Mr. CLAPP. Mr. President, if I may be heard a moment——

Mr. ASHURST. Mr. President, a point of order is not debatable. I beg the Senator's pardon.

Mr. CLAPP. A point of order is debatable if the Chair cares to hear from Senators.

The PRESIDING OFFICER. The Chair will be glad to hear from the Senator from Minnesota.

Mr. CLAPP. If the Chair cares to hear, either from Senators or from books, that can be done. This is to carry out the provisions of treaties that have heretofore been made. It is not general legislation.

The PRESIDING OFFICER. The Chair is satisfied that the amendment is not subject to the point of order, and therefore overrules the point of order.

Mr. CLAPP. Now, Mr. President, while it may not be of the utmost importance, it appears that on page 14 language was put in that was taken from a separate bill. Therefore I move that the numerals "SEC. 2," in line 7, and "SEC. 5," in line 20, be stricken out.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 14, line 7, it is proposed to strike out the words "SEC. 2" and in line 20 to strike out the words "SEC. 5."

The amendment was agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

Mr. ASHURST. Mr. President, I move that the Senate insist upon its amendments and ask for a conference with the House, the Chair to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. ASHURST, Mr. MYERS, and Mr. CLAPP as the managers at the conference on the part of the Senate.

RIVER AND HARBOR APPROPRIATIONS.

Mr. FLETCHER. Mr. President, I move that the Senate proceed to the consideration of House bill 20189.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Florida as amended in Committee of the Whole.

Mr. OLIVER. Mr. President, I have an amendment to offer to that amendment.

The PRESIDING OFFICER. It is in order at this time.

Mr. OLIVER. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Senator from Pennsylvania offers an amendment to the amendment, which the Secretary will state.

The SECRETARY. On page 8, following line 6, it is proposed to insert:

Ohio River: Upon the recommendation of the Chief of Engineers and the approval of the Secretary of War, the project of improving the Ohio River may be so modified as to permit of the construction of one lock and fixed dam to replace Locks and Dams Nos. 1 and 2 should such modification be deemed desirable and advantageous.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

Mr. FLETCHER. Mr. President, I object to that amendment. In the first place, it proposes a new project, and we have excluded all new projects from the bill. In the next place, it opens wide the possible expenditure of a million or more dollars. We can not tell where we will wind up on it, and I ask the Senator not to insist upon that amendment. I hope we can agree upon this measure here so that it can be accepted in the House without having to go to conference; but I know that this proposition will meet with serious objection there, and it is out of harmony with this whole measure as it is now presented.

Mr. OLIVER. Mr. President, the amendment that I offer was offered in the river and harbor bill as reported by the Senate Committee on Commerce. It is a matter of vital interest to the people of my section. Lock No. 1 on the Ohio River was the initial lock and dam built upon that river. It was largely experimental. It was built more than 35 years ago. It is the only protection there is for the harbor of Pittsburgh. It is in such a condition that it is represented to me if the dam is let down at the time of the next flood it is a grave question whether it can ever be raised again.

Mr. RANSDELL. Mr. President, I ask for order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. OLIVER. Mr. President, I intend to have order and I intend to have Senators present understand this amendment before they vote it down. The dam at Lock No. 1 on the Ohio River, as I said, is in such a condition that it is liable to break down at any time.

Mr. President, I want to call attention to the fact that this amendment is merely permissive. It does not direct that anything shall be done. The condition of affairs at this point is this: If this dam broke down, as it is liable to do at any time, the whole Pittsburgh manufacturing district will be deprived of a harbor.

Mr. President, I want to appeal to the Senator in charge of the bill—the Senator who is nominally in charge of the bill—and to the other Senator on the floor who is the real custodian in behalf of this great manufacturing section to allow this amendment to go in. It simply provides that the Board of Engineers may, with the approval of the Secretary of War, instead of rebuilding Dam No. 1, which must be rebuilt or something substituted for it, construct, 20 miles farther down the river, another dam to take the place of Dam No. 1 and Dam No. 2. The engineers have reported that the cost of this will be no greater than will be necessary in rebuilding Lock and Dam No. 1.

Mr. RANSDELL. Will the Senator from Pennsylvania yield for a question?

Mr. OLIVER. I will.

Mr. RANSDELL. Can you tell us where this proposed new dam is to be constructed?

Mr. OLIVER. It is to be constructed about midway between the present No. 1 and No. 2.

Mr. RANSDELL. Can you tell us where you got that information?

Mr. OLIVER. I get it from the engineers.

Mr. RANSDELL. In a written report?

Mr. OLIVER. I have not the written report, but the Senator from Louisiana well knows that the representative of the Board of Engineers appeared before the Committee on Commerce and recommended this proposition, and that it was at the suggestion of the Board of Engineers that the amendment was inserted in the rivers and harbors bill, which the Senator from Louisiana has abandoned at the behest of the Senator from Ohio. Now, has the Senator any further question to ask me?

Mr. RANSDELL. I wish to ask another question. Do you know what that project will cost?

Mr. OLIVER. I have not the figures, but I have the assurance that the project will not cost more than the rebuilding of the present dam.

Mr. RANSDELL. Do you know of any projects we ever appropriated for, may I ask the Senator, unless they have been surveyed and estimated for? Do we know whether this will cost $1,000,000 or $10,000,000?

Mr. OLIVER. Mr. President, this I know. I know it will not cost $1,000,000. I further know that this is simply something that can not be undertaken under the provisions of this amendment except by the Board of Engineers, with the approval of the Secretary of War, and I feel certain they would not recommend it or approve it unless it were the best and most economical move that could be made.

Mr. RANSDELL. May I ask the Senator if we are in the habit of giving discretion to the Engineer Department to make improvements of this kind until after they have first examined and reported upon them, so that Congress itself will have the right to act upon them?

Mr. OLIVER. I will answer that. As an instance I will give this very point, where the Senator from Louisiana, sitting upon the Committee on Commerce, recommended this in the bill which is before the Senate now, which it is proposed to wipe out by this compromise measure.

Mr. RANSDELL. That has not become a law, may I say to the Senator.

Mr. OLIVER. But I call the Senator's attention to the fact that he recommended it as a member of the Committee on Commerce.

Mr. RANSDELL. It was recommended, but it has not become a law. I will say to the Senator that I was in favor of it before understanding it, but as soon as I understood it, as soon as it was called to my attention by the chairman of the Rivers and Harbors Committee of the House, and not by the Senator from Ohio, as the Senator from Pennsylvania has intimated, I came to the conclusion that I was absolutely wrong and that it would be violating every rule we have ever worked under here if we attempted to do this. Here is an item which will cost over a million dollars, when we have not had a scintilla of evidence upon it and know nothing more about it than the man in the moon.

Mr. OLIVER. Perhaps if the Senator from Louisiana had voiced his opposition to it in the same vigorous way when I talked to him yesterday I might not have pressed this proposition, but at least I absorbed the impression from my conversation at that time that he rather favored it.

Mr. RANSDELL. I state in reply that it had not been called to my attention by the chairman of the Committee on Rivers and Harbors of the House. When it was called to my attention I saw he was absolutely right and that my prior construction of it was wrong. We can not appropriate for any project until we first have it surveyed and until we know what we are doing. The proposition here is to construct a permanent lock and dam instead of movable locks and dams that have been in existence heretofore, and we can not appropriate for one until we know something about it.

Mr. OLIVER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BRYAN in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Myers	Shields
Bankhead	Hughes	Newlands	Simmons
Bryan	James	Oliver	Smith, Ga.
Burton	Johnson	Owen	Smith, Md.
Chamberlain	Jones	Pittman	Smith, S. C.
Chilton	Kenyon	Pomerene	Smoot
Clapp	Kern	Ransdell	Stone
Clark, Wyo.	La Follette	Reed	Thompson
Fall	Lane	Robinson	Vardaman
Fletcher	Lea, Tenn.	Saulsbury	Walsh
Gore	Lee, Md.	Shafroth	White
Gronna	Martine, N. J.	Sheppard	

The PRESIDING OFFICER. Forty-seven Senators have answered to their names. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators.

The PRESIDING OFFICER. What is the pleasure of the Senate?

Mr. FLETCHER. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on the motion of the Senator from Florida.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will carry out the order of the Senate.

Mr. SIMMONS. Mr. President, is it in order to make a motion to direct the Sergeant at Arms to compel the attendance of absent Senators?

The PRESIDING OFFICER. That motion is in order.

Mr. SIMMONS. I move that the Sergeant at Arms be directed to compel the attendance of absent Senators.

The PRESIDING OFFICER. The question is on the motion of the Senator from North Carolina that the Sergeant at Arms be directed to compel the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

At 5 o'clock and 4 minutes a. m., Wednesday, March 3, 1915, Mr. NELSON entered the Chamber and answered to his name.

At 5 o'clock and 10 minutes a. m. Mr. PAGE entered the Chamber and answered to his name.

The PRESIDING OFFICER. There is a quorum of the Senate present.

Mr. DILLINGHAM entered the Chamber and answered to his name.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Pennsylvania [Mr. OLIVER].

Mr. OLIVER. Mr. President, I realize that this amendment of mine will, in all probability, be voted down, owing to the fact that the Senator in charge of the bill will not accept it for reasons best known to himself; and I will not detain the Senate longer, but will allow a vote to be taken on it.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Pennsylvania [Mr. OLIVER].

The amendment was rejected.

Mr. OLIVER. I move to amend the bill by striking out, on page 13, from line 12 to line 19, inclusive, and inserting in the proper place "for a resurvey of the Youghiogheny River, Pa., up to West Newton." I have not the exact place in the bill now.

Mr. BURTON. It would be page 14, after line 23.

Mr. OLIVER. Page 14, after line 23.

The PRESIDING OFFICER. The Secretary will state the amendment proposed by the Senator from Pennsylvania.

Mr. FLETCHER. The Senator proposes to strike out line 12 to line 19, inclusive, on page 13, and insert the same between lines 23 and 24, on page 14?

Mr. OLIVER. Yes; the intention being, Mr. President, instead of absolutely repealing the appropriation made some years ago for the improvement of the Youghiogheny River, to order a resurvey of the Youghiogheny River provision and abide by the result of a resurvey. I will not debate it.

Mr. BURTON. Mr. President, if it were not for the lateness of the hour and the earnest desire, I think, of everyone to dispose of this bill, I should most strenuously oppose that amendment. The survey that was made in 1907 on this river made it appear ridiculous. The coal operators in the neighborhood did not ask for it. There was no probability of any considerable traffic. But an estimate was made that 950 acres of land would be made available for factory sites. Afterwards there was an estimate that the number of acres would be 1,105, and the Board of Engineers, without exception, recommended against it. But afterwards, in some way that I can not understand, as a result of a new set of arguments, the Board of Engineers voted in favor of a part of it, for three locks and dams, each to cost $350,000. Then the very ridiculous thing was done of appropriating $100,000, not enough to construct a lock or a dam. That money has virtually remained in the Treasury ever since.

There is no merit in the project. If there were time I would insist on a thorough discussion, but, in view of the circumstances, I know everyone is weary, and we want to finish the bill, I am willing to consent to a vote.

Mr. FLETCHER. I think the Senator's motion is to strike out——

The PRESIDING OFFICER. The Secretary will report the amendment.

The SECRETARY. On page 13, beginning with section 12, strike out lines 7 to 19, both inclusive.

Mr. FLETCHER. That means section 12.

Mr. BURTON. To strike out the whole of section 12.

Mr. OLIVER. That is right; I would strike out the whole of the section.

The SECRETARY. It is proposed to strike out lines 7 to 19, both inclusive.

Mr. FLETCHER. That is correct.

The SECRETARY. And insert on page 15, after line 23, the words—

Youghiogheny River up to West Newton.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. OLIVER. I have another amendment.

Mr. BURTON. I want to make a suggestion that the sections will have to be renumbered.

The PRESIDING OFFICER. The clerks will do that.

Mr. OLIVER. I have another short amendment, which I think will not meet with any objection. On page 21, line 3, after the word "included," I move to insert the words "flood prevention and."

I will state that the work, which is being done by the State of Pennsylvania in cooperation with the War Department, includes surveys for flood prevention, and that the work may be coordinated it is necessary to insert the words "flood prevention" here. It is recommended by the Secretary of War in his last report. I hope the Senator in charge of the bill will accept the amendment.

Mr. FLETCHER. I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. REED. On page 15 I move to strike out all of line 9.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Strike out on page 15, line 9, the following words:

Missouri River, Mo., mouth to Kansas City.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Missouri.

Mr. BURTON. Mr. President, the opponents of this bill have made all the concession they can make, and if that line is to go out we propose to obstruct the bill indefinitely. That might just as well be understood now.

In the bill of 1914 there were objectionable new projects and objectionable old ones. In this bill there are objectionable old projects, and in order to be sure that in the improvements which are being made the appropriations from the Public Treasury shall be for commendable projects, it is insisted that these items shall be included.

What is the objection to another survey. Are you afraid that on a reexamination it will be found to be unworthy? There are here in this list 10 of the most objectionable projects. Why should the Missouri River be stricken out from the list?

Mr. STONE. Why not put in the Ohio River?

Mr. REED. Does the Senator ask me that question?

Mr. BURTON. Yes.

Mr. REED. Does my colleague desire to answer?

Mr. STONE. No.

Mr. REED. Well, Mr. President, I will in answer to the question that has just been asked by the Senator from Ohio, and at the same time briefly discuss the motion I have made.

For many years the question of the improvement of the Missouri River was under debate. During all of that time the river was under examination. There have been, at least, three separate examinations of that river and three separate reports. After all of those examinations, and after all of those reports, after the improvement had been approved by the War Department and confirmed by Congress, the work of the permanent improvement of the river was begun. Money has twice been appropriated in pursuance of that fixed plan. My motion is limited to the Missouri River because I am familiar with it.

It may be that the other projects named in the same section of the bill have not been examined but once, and there may be peculiar circumstances applying to each case. Therefore, I have not undertaken to include them in this motion, but the Missouri River has been examined three times.

Will the Senator from Ohio ever be satisfied with the examinations? How many does he want? Why does he not include his Ohio River in the list that is to be reexamined?

I have noticed that the reforms and the economies of the Senator from Ohio never quite reach the Ohio River; they never quite touch any of the streams of his State. They are never broad enough to embrace the harbors of his State. Whatever there is in the nature of benefaction or assistance or improvement for Ohio is wrapped about with a garb of sanctity so dense it can not be penetrated by the economic eye of the Senator from Ohio. His economic patriotism begins to operate just

outside the borders of that State; his desire to save public money is limited to territory he does not specially represent; his inclination to filibuster is only aroused when a territory represented by somebody besides himself is getting a public improvement.

The Senator in the remarkable statement he has just made in effect tells the Senate that if it dares to amend this bill in any manner not in accordance with his wishes, if it thus offends against the dignity and majesty of his opinion, he will enter upon a filibuster and defeat the passage of the entire bill. He thus, in effect, asserts that he is willing to tie up all of the public improvements now in progress in the rivers and harbors of the country; that he is willing to paralyze all this great public work if his will is not obeyed. He is perhaps able to carry out this threat, because we are now within 36 hours of the time fixed by law for the adjournment of Congress and because, under the rules of the Senate, there is no limit to debate. We have already abundant evidence that there is no limit upon the talking capacity of the Senator from Ohio.

I do not think that a very patriotic position; I do not think it a very fair position. I might as well say to the Senator that unless the Ohio River is included as one of the streams that are to be resurveyed I will proceed to talk here until the rapidly approaching closing hour of this session of Congress. How would the Senator from Ohio enjoy that kind of performance? Does not his attitude amount merely to the exercise of an arbitrary power without regard to the public interest? Can any man justly arrogate to himself the right to do all the thinking for the Senate of the United States? Can he afford to say that unless he has his way the public business shall stop? Can any man afford to stand in the Senate and say, "Unless I have my individual way for the next 36 hours I will halt all these great projects of internal improvement? I will permit them to remain in their present uncompleted state, so that the first flood waters that sweep along those streams will destroy public works of the value of scores of millions of dollars"?

It seems to me that a man possesses a very bad case—and I had almost said a very bad disposition, but I do not want to ascribe that to the Senator from Ohio—who tells a legislative body, selected from the country at large, that unless it does as he says, unless it follows his plan, unless it accepts his dictum it shall be penalized and the country shall be penalized by the destruction of the great pubic works already half completed, and that these immense projects, in which the Government has spent millions of dollars, shall go to waste. Yet such is the threat of the Senator.

He is about to close an illustrious career—temporarily, at least, and of his own volition—in the Congress of the United States. I do not think he ought to end it in that way. I do not think that it is in accordance with his usual high course of public duty. I think no man has the right to deny the Senate the opportunity of a vote. If that vote is had and it is against this motion, I shall not filibuster against the bill; I shall not then try to keep the bill from passing because I do not have my sweet will. The Senator from Ohio can no more afford to assume the position he is taking than I could to engage in a filibuster if my amendment is rejected. Adopt the policy of the Senator from Ohio and two able-bodied orators arrayed on opposite sides could arrest all public business.

Mr. President, we have been sitting here all night. Let the Senator from Ohio state his objections—as he has a right to state them—and let some Senator on the other side present whatever views he may have, as he has a right to do, and let the Senate vote on this bill. I have nothing more to say.

Mr. BURTON. Mr. President, I sincerely trust and believe that the Senator from Missouri does not have the same standards for his own conduct that he ascribes to others. I think a few statements of fact will show him the mistake he makes. He must admit that he is grossly in error in stating that my interest is such that I give preference to the State of Ohio and its projects. If there is any one thing that I did when chairman of the Committee on Rivers and Harbors of the House or that I have done here in the Senate—and my colleagues will bear me out in the statement—it is that I have leaned over backward whenever any Ohio proposition was under consideration.

Some years ago the president of the Chamber of Commerce of the city of Cleveland, accompanied by a very influential delegation, including a man who was afterwards a Cabinet officer, came here and called on the other 16 members of the committee of which I was chairman, and then came to me with a statement that all of the 16 were willing to add $2,000,000 to the appropriation for Cleveland, if I would acquiesce. I immediately turned them down. I told them that it would be unfair, that it would be taking advantage of my position. Indeed, the motion was made in the House of Representatives to add that $2,000,000, but I rose in my place and requested that it be voted down. It would have passed except for that action.

In the face of such a record as that, I am not willing to allow such a statement as has just been made to go without contradiction. There is no member of the Committee on Commerce who has made so few propositions for additions or concessions in his own locality as I have made. I am willing to go out on the 4th of March confident that the record of my acts will show that in the matter of river and harbor improvements I have stood for the country and for the whole country, and that I have never given an undue preference to the rivers and harbors of my own State.

As regards this bill, you may talk as you will about the injury by floods. There are some $30,000,000 in the Treasury now available for these projects; and I say here that it would be better for this bill to fail—to fail utterly—than to go on in the course that we have been pursuing.

Mr. NELSON. Mr. President, will the Senator allow me to interrupt him?

Mr. BURTON. It was better for the bill to fail last autumn, or to be remodeled, than for it to go through as it originally was.

Mr. NELSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Minnesota?

Mr. BURTON. Yes.

Mr. NELSON. Is there not a survey provided for in the bill for the Ohio River and its tributaries in respect to floods?

Mr. BURTON. Certainly.

Mr. NELSON. Was there not a board appointed to investigate floods in that river and its tributaries some years ago, and did they not make a report and state that nothing in the shape of reservoirs could well be built on the Ohio River and its tributaries for lack of holding ground? And yet the Senator wants a resurvey.

Mr. BURTON. The provision for the survey is verbatim et literatim, with the exception of the last three words, the recommendation sent down by the Secretary of War, after a loss of, I think I may say, hundreds of millions of dollars in property in the Ohio Valley and the loss of hundreds of lives. I think we in the Ohio Valley, which does not pertain alone to the State of Ohio, but pertains as well to the States of Pennsylvania, Kentucky, Indiana, and West Virginia, are about as much entitled to a survey as any other State where the damage from floods has been infinitely less than it has in Ohio. I can not consistently be here as a representative of that State without paying some degree of attention to its rights and its interests, and, as the Secretary of War sent in the recommendation that this survey be made, I was justified in asking that it be done.

Now, as regards the Missouri. In comparison with the Ohio, the traffic statistics year by year show the traffic of the Ohio to be forty times greater than that of the Missouri and its prospects forty times as great. Practically all the traffic in the lower Mississippi, and the larger share of that in the Mississippi between the mouth of the Ohio and the mouth of the Missouri, comes out of the Ohio River, which has a traffic of $10,000,000 as against $250,000 on the Missouri. It is the most promising stream in the United States as regards improvements.

Again, I have repeatedly said here that I do not claim any credit for these appropriations for the Ohio. I looked with a good deal of opposition on the earlier projects; indeed, it was made a political issue against me, and in the southern part of the State has been, in a measure, to this day.

If the Senate wishes to vote here that there shall be a resurvey of the Ohio River, let them vote to that effect; but to vote to put it on the same plane with the Missouri River is utterly ridiculous. They are not in the same class. There is no comparison between the two in point of present or prospective traffic. As I explained this evening—and if the Senator from Missouri had been here he would have heard me—the first project on the Missouri, as advocated and recommended by a former Senator from Missouri living in Kansas City—I refer to Senator Warner—was only for $3,500,000.

Now, I cherish no ill will against the Senator from Missouri; but I think his attack upon me was entirely unjustified. I have not stood for Ohio; I have not stood for the Ohio River, except as it had merit. I have often subordinated the claims of Ohio and of the Ohio River to the claims of other States. I endeavored, as chairman of the Committee on Rivers and Harbors of the House and have endeavored as a member of the Committee on Commerce, to do my duty, and I feel that I should be doing my duty in opposing this bill unless there were

some provisions in it which look at least to reexamination and reform, to doing away with the waste, with the injudicious improvements, and with the absurdity that is apparent in many of the projects in this and other bills.

Mr. REED. Mr. President, I did not mean to reflect in any way on the Senator from Ohio or his integrity or his honor, but I am inclined to think the Senator from Ohio is just a little like the rest of us, and that, being a mortal, he sees the interests of his own State and his own community naturally through eyes that are somewhat prejudiced in favor of his own State.

Mr. President, the Senator speaks of this improvement of the Missouri River and of other projects—he included them all together—as being fantastic and ridiculous. That is not his exact language, but that, I think, is a fair paraphrase of his utterance. The remedy proposed in the bill for which he so stoutly contends is another survey.

I do not know how many surveys there have been of the other streams included in the resurvey provision, but there have been at least three critical, exhaustive examinations of the Missouri River. How many does the Senator want? If a board of Government engineers have three times surveyed a stream, and three times arrived at a conclusion sufficiently definite to warrant the action of Congress thereon, what will be gained by a fourth examination? If we have failed three times, and propose to have another examination by the same boards that made the previous examination, we will gain nothing. All that we could do would be to spend some more Government money; and if we got a report adverse to the river, balanced against that would be the three favorable reports. So we might have another examination, and still another, and decide the question ultimately by what? By some one survey.

The Senator states that there is over 40 times the traffic on the Ohio River there is on the Missouri. I think I am within the facts when I say that I think there has been over 40 times the money spent on it by the Government.

Mr. BURTON. Oh, no.

Mr. REED. How many millions of dollars have been spent on the Ohio River? The Senator undoubtedly knows.

Mr. BURTON. About $30,000,000. I do not know the exact figures.

Mr. REED. How much has been spent on the Missouri?

Mr. BURTON. About $10,000,000.

Mr. REED. Oh, no; not $10,000,000.

Mr. BURTON. Oh, yes; between $7,000,000 and $8,000,000 before this project of 1910 was adopted, and about $3,000,000 since then.

Mr. REED. Even if that be correct—and of course the Senator believes it to be correct, and he is generally pretty accurate about these things—it does not follow that the Ohio River is the superior stream. You can not run boats upon a river that is obstructed by sand bars; and if you had expended $7,000,000 and had removed all the bars except one or two, still the through traffic would be nevertheless as completely obstructed as it would be if you had never removed a bar. You do not get the benefit of work upon rivers until you have completed a channel. That never has been permitted to be done upon the Missouri River; it has been done for many years upon the Ohio River.

Mr. BURTON. If the Senator from Missouri will yield to me, that is hardly correct. There has been a channel 3 to 4 feet in depth on the Missouri River for very many years. Indeed, there is a channel of 5 feet for at least two months of the year, and the channels on the Ohio have not been reliably 6 feet for any full year, or even for half a year. Indeed, when you consider the steep descent from Pittsburgh, or just below Pittsburgh, and the shallows in many places, until this recent improvement was commenced the depth in the Ohio was not more than a foot more than in the Missouri, and the Missouri had a channel which was less impeded by rapids than the Ohio.

Mr. REED. Why, Mr. President, we have been making these appropriations for the Ohio for a great many years. It has been one of the fixed projects of the country for a great many years, and it had sufficient water to carry a great deal of freight for many years. On the other hand, the Missouri River, which in the old steamboat days afforded a means of travel and a highway of commerce almost to the Rocky Mountains, was abandoned during the period when railroad competition was fierce. Then the effort was made to restore competition; whereupon it was found that the stream was obstructed by numerous bars, so that boats large enough to engage in the business could not pass over those bars. So we have been asking for a total of $20,000,000, which engineers have said will give us a 6-foot channel from Kansas City to the mouth of the river. With that 6-foot channel, business can be carried on, and carried on profitably. That is the estimate not only of the Government engineers, but of eminent engineers who are not in the Government service. But, of course, until we arrive at approximately a completed condition, there must be a great many obstacles in the way of successful commerce.

The Ohio River has had a channel all these years. I do not care to argue about its particular depth, but shippers have been able to move great quantities of freight over it, and the improvement money has come generously to that river.

Now, Mr. President, it is no argument at all to say that there is more traffic on the Ohio now than there is on the Missouri, 40 times greater or 100 times greater, because you can not move the freight until there is a completed channel. To illustrate: If there were a single bar in the river that would not let a boat over at all, there could be no through traffic. In such a case the Senator could truthfully say that the river carried no traffic. Nevertheless, the mere digging through that one bar might permit an enormous traffic.

The whole question as to the value of the Missouri River has been examined, and then reexamined, and then examined over again. To ask for another examination at this time is unreasonable.

I do not care to ask to have a reexamination of the Ohio. I should put myself in what I should consider an indefensible attitude if I did so. Why? Because it has been examined, it has been improved, and the traffic is there; and it will be on the Missouri River, when the opportunity is given, through proper improvement. The Missouri River carries an immense flow of water.

Mr. KENYON. Mr. President, may I ask the Senator a question?

Mr. REED. Yes.

Mr. KENYON. Is the Senator familiar with the Ohio canalization project under which the Government is expected to expend $63,000,000? Does the Senator believe in that project? I think it is one of the worst projects the Government has undertaken.

Mr. REED. I am not familiar with that. I am speaking of the conditions as they are now, and I can not speak with accuracy regarding the Ohio River's future proposed improvement.

I want to say that with such improvement as we have already had on the Missouri River the shippers have been able to put upon that river a line of boats; they are constantly increasing the number of boats. The tonnage that is carried is likewise increasing. The present limited use of the river has had the effect of regulating, at least to some extent, railroad charges. When the river improvement is completed, according to the estimates of all the experts, an enormous tonnage can be carried. Now, I am as much of an economist as any other man in this body when it comes to the question of taking Government money and using it to attempt to improve streams that are incapable of improvement; but there is no policy so short-sighted and indefensible as that of refusing to improve streams that are capable of being made navigable.

In the first place, in times of unusual activity the railroads are incapable of promptly handling all of the freight. Time and again it has been impossible to promptly secure cars to transport our wheat and our corn and our cattle and other products. That has been often true in all that vast territory which is tributary to the Missouri River. It affects the State of Iowa, and if this improvement is carried on to Kansas City it will be pushed, I have not the slightest doubt, until it reaches the great States that lie west of the Missouri along the line of that stream.

Mr. President, there is a waste of money, of course, that all men want to avoid; but the mere expenditure of money does not mean a loss of money. It may be a magnificent investment which will return a hundredfold. If there is anything that our land needs it is cheap transportation.

I want to give an illustration. A cargo was loaded at San Francisco, and it was carried to Panama, unloaded, placed upon the cars at Panama, and carried to the Atlantic side. It was then placed in a ship and was carried to the mouth of the Mississippi River. It was then loaded upon steamboats and carried to St. Louis, Mo.; and it was carried at a price so much less than the freight rates on the railroads that it startled all the business men of that community.

We have expended $400,000,000 in constructing the Panama Canal. That great project ought to be utilized in every possible way. I say to the Senator from Ohio that I believe his conservatism is most unfortunate and most mistaken at this time. Instead of undertaking to pinch and choke these great arteries that God Almighty has placed in the body of our country, we ought to pursue an exactly opposite policy. We should utilize

them in every possible way. We should restore them to commerce. We should make them the great arteries that lead down into the Gulf, and we should employ them as aids to the Panama Canal project, so that out of the entire system we would have the full blessings of that great work.

I make the prediction now to the Senator from Ohio that when the war in Europe is over, when the country has reached its normal condition, a vast system of internal improvements will be projected in this country that will convince the people of the country that the Government of the United States is a great, beneficent power that is carrying on mighty projects for the benefit of the general public. I venture the prediction that the products of the Pacific coast will be carried through the canal up into the Gulf, and that there in vast quantities they will be loaded upon steamboats that will throng the Mississippi River, the Ohio River, the Missouri River, and many of the lesser streams that lead off into the rich Southland. When that time comes the world will look with astonishment upon the conduct of those who now seek to hinder the progress of improvement or to arrest the development of the great interior portions of our land.

I have no quarrel with the Senator from Ohio because of his opinion. He has a perfect right to it; but I say that he should not filibuster away the last 36 hours of this session. He should not by such means prevent the Senate from expressing its opinion by a vote. He ought not to hold over the Senate the threat: "If you do not obey my dictation, follow my will, walk at my command, do as I say, you shall do nothing." That is not the position of a patriot, and I know that the Senator from Ohio is a patriot.

I ask if we can not have a vote upon this matter and not a filibuster.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 9, strike out line 9, which reads:

Missouri River, Mo., mouth to Kansas City.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. JONES. On behalf of the delegation from Idaho as well as our own, I wish to offer an amendment, on page 33, after line 20. I think this provision for a survey of Snake River was in the last river and harbor bill that failed.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 33, after line 20, insert the following:

Snake River, Wash. and Idaho, from the mouth to Asotin.

Mr. RANSDELL. I ask the Senator when the last survey was made, if he knows?

Mr. JONES. I can not state, but my recollection is that it has been at least five, six, or seven years.

Mr. FLETCHER. As far as I can see, I think there is no objection to the amendment. I shall not oppose it.

Mr. JONES. I want to say that we have the Columbia River open about its mouth. This year the Celilo Canal will be completed.

Mr. BURTON. The amendment, I think, may be required.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BURTON. On page 15, line 17, after the word "thereof," I think there should be inserted the words "as well as those included in section 15." Otherwise, in section 15 there might not be any money provided for the work. I move that amendment.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 15, line 17, after the word "thereof," insert the words "as well as those included in section 15."

Mr. RANSDELL. I see no objection to that amendment.

Mr. BURTON. It seems to me there is something wrong in the numbering of these sections. Section 17 follows section 15.

The SECRETARY. Section 17 will be section 15, section 15 will be section 14, and section 14 will be section 13.

Mr. BURTON. Then the language of the amendment should be "as well as those included in section 14."

The VICE PRESIDENT. The amendment will be stated as modified.

The SECRETARY. On page 15, line 17, after the word "thereof," insert "as well as those included in section 14."

The amendment was agreed to.

Mr. RANSDELL. I now present an amendment which I have prepared.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 6, after line 14, insert:

Inland waterway between Rehoboth Bay and Delaware Bay, Del.: The Secretary of War is hereby authorized to secure the condemnation of a right of way through the tracks of the Delaware, Maryland & Virginia Railroad Co. for said inland waterway where the line of said waterway intersects said railroad tracks, and any funds appropriated or allotted for improving said waterway are hereby made available for paying the award that may be made in said proceedings.

Mr. RANSDELL. I beg to state merely that this amendment is agreeable to the chairman of the committee and we believe it ought to be passed.

Mr. BURTON. I do not think there can be any serious objection to it. Has there not been a dispute, however, whether that right of way ought not to be acquired by the locality and whether the appropriation of the prior bill in 1912 or 1913 did not make that a condition of the improvement?

Mr. RANSDELL. I did not so understand.

Mr. BURTON. The Senator from Delaware perhaps can state.

Mr. RANSDELL. The Senator from Delaware is perhaps better posted than I am, but my understanding is that the two ends of the canal have been completed up to the railroad and this right of way simply has to be condemned. Am I not right?

Mr. SAULSBURY. The Senator from Louisiana is quite correct, Mr. President. The State of Delaware furnished all the right of way for this waterway wherever it was needed. They have been working at it for some 10 or 12 years and they are stopped by only 200 feet, where the railroad crosses the right of way. The right of way to build the canal is owned by the Government, ceded by the State, and paid for by the State. The simple question is getting through the railroad tracks. If this way is built through the railroad tracks there will be several hundred miles of water transportation. We have a long system of bays and rivers flowing in there, and the object is merely to get a way between the tracks. The condemnation money is practically the cost of the bridge.

Mr. RANSDELL. I will state, furthermore, this item was included in the bill last year and again in the bill as originally reported this year.

Mr. BURTON. The only question I have in regard to that is raised by a paragraph on page 370 of the reports.

The wording of the act—

That is, the act for this improvement—

raises the question as to whether it was the intention of Congress to include the railroad right of way in the land or easement therein to be furnished free of cost or to make it the subject of condemnation on payment of an award from the appropriations made for the improvement.

Mr. SAULSBURY. The only answer I can make to the Senator from Ohio regarding that is that the War Department construes that the State of Delaware in furnishing the right of way has done everything that it agreed to do. As I understand it, the only thing that is necessary is that the easement for a railroad track at that point has to be secured to the railway before their tracks can be broken, and they have enjoined the contractors. I myself was counsel in one of the cases. That was before 1900. The work has been delayed tremendously on that account. It has been delayed two years quite recently when the inland waterway had been dug right up to the opposite sides of the railroad.

Mr. BURTON. Even though there is some ambiguity about it, I think there is no impropriety in our solving the doubt in favor of the acquisition by the Government of that right of way permanently.

Mr. FLETCHER. I think the amendment a very proper one.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SMITH of South Carolina. Mr. President, I want to call the attention of the committee to a matter which, on account of circumstances over which I had no control, made it impossible for me to appear before the committee to present. I should like to have Senators present give attention to the condition that exists. The engineers and the War Department have made surveys from time to time between the naval stations and dry docks and the Charleston Harbor, where the Government has spent some $7,000,000 in the construction of jetties for the removal of the bar. They are about 6 miles apart—the naval station on Cooper River, which is an extension of Charleston Harbor, the jetties, or this jetty, the navy yard—and the expenditure of the Government in appurtenances around that has cost something over $4,000,000.

In this stretch of the river, in which there is ample water, and in which there is also a sand bar, which makes it impossible for the full utilization of the naval station and dry dock and the channel, which now accommodates large vessels.

Therefore the engineers recommended this project, the cleaning out of the sand bar and the straightening of a bend; and, according to the estimates supplied in three or four different reports, $175,000 would put it into full use. There has already been expended an amount of approximately $9,000,000 on the part of the Government. We have ample water now up across the bar. We have a magnificent harbor; we have a splendid dry dock and as fine a naval station as there is on the South Atlantic. Because of this hiatus—on account of the sand bar that exists between the harbor proper and the naval station—$175,000, according to them, would be required to put it into perfect use for the Navy of this country and for the large vessels which would come in and dry-dock at the naval station. They are now prohibited from doing so by virtue of this slight obstruction.

I had intended to go before the committee and plead that this was hardly a new project, in that it was putting into use those things for the utilization of which the Government had already expended $9,000,000. I was solicited, and I was in hopes that the Senator from Ohio, whose splendid efforts along the line of the practical use of the moneys expended—I should like to have his attention just at this point——

Mr. BURTON. Mr. President, this is a matter the decision of which does not rest with me.

Mr. SMITH of South Carolina. But the point I wanted to make is that the Senator from Ohio has practically forced the present status of this bill. No new project has been allowed. It has been restricted to those which are already under construction and which by abandonment would absolutely lose the money already expended. This station at Charleston is precisely along the line of the spirit of this bill. I had hoped that those who insisted that there should be no further waste of money and had put this bill in this shape would grant this amendment, which I should like to offer, but I see there has been a spirit here that these amendments if offered might open up a floodgate. I certainly hope that in a case such as is presented here in the report from the engineers and from the department, the need of which anyone at all familiar with it knows—and I am sure the Senator from Ohio should be familiar with it—with $4,000,000 spent at the naval station, from $4,000,000 to $5,000,000 spent at the jetties, is not complete, is not equipped, for the lack of $175,000 to remove that sand bar at the bend of the river, which has made them practically of no use except——

Mr. BURTON. May I ask the Senator from South Carolina is this in the Ashley or the Cooper?

Mr. SMITH of South Carolina. The Cooper. I submitted it to you to-day, but you did not have the opportunity or the time to examine the report of the engineers.

Mr. RANSDELL. Mr. President——

Mr. BURTON. If the Senator from Louisiana——

Mr. RANSDELL. I want to say just one word, if the Senator from Ohio will permit me. I think the Senator from South Carolina is laboring under a misapprehension, as far as the Senator from Ohio is concerned. As I understand this project, it was not placed in the bill when the bill was under consideration because the committee considered it a new project, and the policy adopted both by the House Committee on Rivers and Harbors and the Senate Committee on Commerce was not to take on any new projects. I think the merit of the project was fully recognized, and probably this, beyond question, would have been placed on the bill if new projects had been taken on. But we decided not to take on any new projects. I do not think the Senator from Ohio is any more responsible for it than the other members of the committee.

Mr. SMITH of South Carolina. I am sure the Senator from Ohio was not responsible, and I am also equally persuaded to believe that the Senator from Ohio, as well as other members of the committee, had I not had the misfortune to be forced away, would have taken the view that this could not in the real sense of the word be called a new project. It was not at the time supposed, as the report here shows, that the commerce was amply provided for by the present condition. Since that time there has been the construction of the naval station, and above the naval station, according to the report submitted, $4,000,000 worth of commerce has been added since 1910, which has to be floated down in barges beyond this slight obstruction and then loaded on board the vessels, whereas the expenditure of $175,000 would afford access to the dry dock; the steamers that may come in could go right up to the docks and load without that expense.

So there was a dual inducement for this appropriation of $175,000; that is, the facilities for commerce and the use of the $4,000,000 dockyard, and every day it is waiting is a loss. It seems to me the committee might if they saw fit put in this appropriation recommended in House Document 479, recommended in 1910, 1911, 1912, and 1913, and I believe in 1915 that $175,000 be appropriated for the purpose of removing that obstruction and bringing together these two projects which in the aggregate cost about $9,000,000.

Mr. FLETCHER. Let me say to the Senator from South Carolina that we can not possibly consent to an amendment of this kind going upon the bill as it now stands. The project which he mentions is entirely meritorious; I have not any doubt but that the improvement ought to be made and the Government ought to take care of the conditions there. In the next river and harbor bill, the one that we hope to have some of these days, I shall most cordially favor making the improvement in accordance with the recommendation of the engineers.

There are numerous projects recommended by the engineers; there are many projects that ought to go in this bill. The bill as it came from the House and the bill as it was reported from the Commerce Committee, in my judgment, was a good bill and ought to have been passed as it stood; but the conditions have been such that it is impossible to do that. We have made a lump-sum appropriation instead of taking up items and we can not now afford to enter upon this field, admitting items in the bill.

I hope the Senator from South Carolina will not press the amendment, but in the future when the time comes to provide a proper and decent river and harbor bill and when we will take care of these great public works I shall be very glad to cooperate with him in taking care of this item.

Mr. SMITH of South Carolina. In view of what the Senator from Florida says, I do not care to prejudice the future prospect of this appropriation by putting it to a vote, but I wish to state as to the first paragraph of the bill providing $25,000,000, if any construction can be placed on that by the engineers by which this work can be done between now and the reconvening of the next Congress I shall endeavor to do that, and when the next bill is passed I propose to hold the Senator from Florida and the members of the committee to the promise made and have this project carried through.

Mr. KENYON. I should like to ask the Senator from Florida if there is not a mistake in section 17:

> The Secretary of War is hereby authorized and directed to cause preliminary examinations and surveys to be made at the following-named localities, and a sufficient sum to pay the cost thereof may be allotted from the amount provided in this section.

That is as it stands in the print I have; and there is no sum provided in the section.

Mr. FLETCHER. I will state to the Senator that when I brought up the bill on a former occasion I asked to have the word "section" changed to "act."

Mr. KENYON. All right; I was not familiar with that.

Mr. FLETCHER. So that is now changed.

Mr. KENYON. My prints did not show it.

Mr. FLETCHER. It was printed "section," but it has been amended by striking out "section" and inserting the word "act."

Mr. BURTON. There is one comparatively trivial emendation that should be made on page 21, line 21. In the name, after Newport News, the letter "i" should be inserted between "V" and "r" to make the correct spelling of the name Virginia.

The VICE PRESIDENT. That is a typographical error and will be corrected.

Mr. FLETCHER. And I think, also, if it has not already been done, that section 17 ought to be changed to section 15.

The VICE PRESIDENT. That has been done.

Mr. FLETCHER. And the next section preceding should be numbered 14 and the next preceding 13. That completes the numbering of the sections.

The VICE PRESIDENT. That is always done by the Secretary.

The bill is in the Senate and open to further amendment. If there be no further amendments, the question is on concurring in the amendment as amended in the Senate.

The amendment as amended was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. FLETCHER. I move that the Senate insist upon its amendment, ask for a conference with the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. FLETCHER, Mr. RANSDELL, and Mr. NELSON conferees on the part of the Senate.

AUGUSTUS DUDLEY HUBBELL.

Mr. HITCHCOCK, from the Committee on Military Affairs, to which was referred the bill (H. R. 13756) for the relief of Augustus Dudley Hubbell, reported it without amendment and submitted a report (No. 1067) thereon.

MISSOURI RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably the bill (H. R. 21121) to extend the time for the construction of a bridge across the Missouri River near Kansas City, Mo., and I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STEAMER "MINNESOTA."

Mr. SHEPPARD. There is another bill I desire to report from the Committee on Commerce, being Senate bill 7632 (S. Rept. 1064), and I ask unanimous consent for its present consideration.

Mr. SMOOT. Mr. President, I dislike to object to the consideration of bills, but, as I understand the Senator, the bill to which he refers is on the calendar.

Mr. SHEPPARD. No; it is a bill reported from the Committee on Commerce. The Senator from Maryland [Mr. SMITH] is very much interested in getting it through.

Mr. SMOOT. There is not any question that the bill will pass; but I think, perhaps, if the Senator will wait, we shall be able to get up the calendar, and then there will be no objection to the consideration of the bill.

Mr. SHEPPARD. I understand the bill to which I refer is a Senate bill. However, let it go to the calendar.

The VICE PRESIDENT. The bill will be placed on the calendar.

MIXED FLOUR.

Mr. STONE. Mr. President, on behalf of the Committee on Finance, I report Senate bill 7682 (S. Rept. 1062), and by direction of the committee I ask unanimous consent for its present consideration.

Mr. SMOOT. Will the Senator let the bill go to the calendar?

Mr. STONE. It never will be reached if it goes to the calendar.

Mr. SMOOT. Oh, yes; it will.

Mr. STONE. It is a Senate bill.

Mr. SMOOT. Then I have no objection to its consideration now.

The VICE PRESIDENT. The Secretary will state the title of the bill reported from the Committee on Finance by the Senator from Missouri, for which he asks present consideration.

The SECRETARY. A bill (S. 7682) to repeal sections 35 to 49, inclusive, of the act of June 13, 1898, concerning mixed flour as amended by the act of April 12, 1902.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to repeal sections 35 to 49, inclusive, of the act of June 13, 1898, entitled "An act to provide ways and means to meet war expenditures, and for other purposes," as amended by act of April 12, 1902.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT CALDWELL CULBERTSON.

Mr. RANSDELL. From the Committee on Public Health and National Quarantine I report back favorably the bill (H. R. 20702) authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Robert Caldwell Culbertson from Woodlawn Cemetery, District of Columbia, to Rocky Spring Cemetery, Chambersburg, Pa. (S. Rept. 1066). I ask unanimous consent for the present consideration of the bill.

Mr. SMOOT. I object.

The VICE PRESIDENT. Being objected to, the bill goes to the calendar.

POST OFFICE APPROPRIATIONS.

Mr. BANKHEAD. Mr. President——

The VICE PRESIDENT. The Senator from Alabama.

Mr. BANKHEAD. I desire to make a short statement with reference to the Post Office appropriation bill (H. R. 19906). I shall occupy but a moment.

Mr. President, when the Post Office bill came over from the House to the Senate it included a great number of items of new legislation, some of them being very important. The Post Office Committee carefully considered the question and decided, under the circumstances and the press of time, that they would strike from the bill all items of new legislation and report to the Senate purely an appropriation bill.

The Senate passed the bill as reported by the committee after quite a good deal of delay and discussion. I said to Senators, both on this and the other side of the Chamber, that if they would permit the bill to be promptly passed as an appropriation bill and let it go to conference, the conferees would not report an agreement upon certain items in the bill without bringing it back to the Senate for an expression of their opinion upon them.

The conferees have had three or four meetings. We have made an earnest effort to get an agreement; and we have agreed upon all the items of the bill except one. The new legislation that we consented to on the part of the Senate is not very important. The item regulating railroad mail pay is a very important one, and it was as to that item particularly that I promised Senators on both sides that the conferees on the part of the Senate would not agree without giving them an opportunity to consider it.

The conferees on the part of the House have absolutely refused to permit a report of a partial agreement, or an agreement, in other words, to all the items in the bill except the one to which I have referred. They tell us that we must consent to a complete report; that we can not be permitted to bring that question back to the Senate for consideration, but we must take the bill as they have offered it to us, or we can have no bill at all.

That is the situation in which the Post Office bill is. We are to have another conference this morning. I do not know what the result will be, but I feel that I am in honor bound, in view of the promises I have made to Senators on both sides of the Chamber, to bring that item back and let them pass upon it. I promised to do it, and if I live long enough, I will do it.

Mr. VARDAMAN. Mr. President, as I understand, the only question at issue is as to the railway mail pay?

Mr. BANKHEAD. That is all.

Mr. VARDAMAN. I think that question is understood by the Senate, and we might have an expression upon it at this time.

Mr. BANKHEAD. I will say that the conferees on the part of the Senate have almost humiliated themselves by saying to the conferees of the other House, "write the bill, except as to the items which we are in honor bound to carry back to the Senate." We can get no agreement to do anything; but we are told, "Take this bill as we bring it to you, or you will get nothing." It would be unfortunate to let the bill fail. It ought to pass. It is an important bill.

Mr. VARDAMAN. I should like to ask the chairman of the committee what special difference would it make if the House amendment were agreed to? I think in conversation with the Senator he told me that acceptance of the House provision as to railway mail pay would not make any material difference for the next year. Is not that correct?

Mr. BANKHEAD. The conferees on the part of the House say that their proposition will cost the Government $500,000 more than the present law. Then, I say, "If that is true, why insist upon it, if you want to economize?"

Mr. SMOOT. Mr. President, I want to ask the Senator whether he really believes that the House would approve of any such position as that taken by the conferees on the part of the House?

Mr. BANKHEAD. Mr. President, I can not answer that question.

Mr. SMOOT. I will ask the question in this way: Have the conferees of the House reported the disagreement to the House, and has the House acted upon it?

Mr. BANKHEAD. They have not reported, and absolutely refuse to report. They say, "We will not report anything until we get a full agreement on this bill," although it was the understanding that we were to have a full and free conference.

Mr. SMITH of South Carolina. Mr. President, I should like to ask the Senator from Alabama a question. As I understand, he made a promise to the Senate that before any action was taken on the railway-mail pay item he would bring it back to the Senate for discussion?

Mr. BANKHEAD. Yes.

Mr. SMITH of South Carolina. Would it not relieve the situation, so far as the Senate conferees are concerned, if the Senator were to get an expression now of those Senators present as to what is the attitude of the Senate in regard to the item, so as to instruct the Senate conferees and enable them to act without bringing the matter back for further discussion?

Mr. BANKHEAD. That would be an unusual proceeding.

Mr. SMOOT. The only way we could do that would be to have the conference report before us. We could not do that without having the conference report.

Mr. ROBINSON. Will the Senator yield for an inquiry?

Mr. BANKHEAD. Yes.

Mr. ROBINSON. What is the suggestion which the Senator from Alabama makes?

Mr. BANKHEAD. I do not make any. I want the Senate simply to understand the situation and to know the difficulties we are having in reference to this conference.

I want to say, Mr. President, that in my experience in Congress I have never known conferees to refuse to report a disagreement where a disagreement was reached on any item, and then let it go back to the respective Houses for instruction or for a vote, or some disposition of it; but we are simply tied up.

Mr. VARDAMAN. Mr. President, the chairman of the committee has given very careful and serious thought to this question, and I think the Senate will be very glad to hear his views as to what it would be best to do.

Mr. BANKHEAD. I think the best thing to be done and the thing that is usually done would be for the conferees to report, so far as they have agreed, and let the Senate adopt that partial report, and then let the two Houses of Congress pass upon the item in disagreement. It has got to go to the other House first. They hold the papers. But they will not agree to make a report.

Mr. VARDAMAN. I understand that they will not agree to that; but we have gotten into the habit of meeting emergencies. And what is the Senator's view as to what should be done in this particular emergency?

Mr. BANKHEAD. As I have just said, my view is that the committe ought to report a disagreement and let the Senate settle it.

Mr. SMOOT. Mr. President, there are 29 or 30 more hours before the close of the Congress, and I think the first thing that the conferees ought to do is to meet again and allow the conferees on the part of the House, after a night's rest, to reconsider the attitude which they have taken.

Mr. BANKHEAD. We will have that meeting, necessarily, Mr. President.

I want to say further than the conferees on the part of the Senate have not insisted at all upon any proposition of their own. We have not asked the House conferees to adopt any suggestion of ours with reference to the amendment, but we have simply said, "We can not agree to report this measure back as the report of the conferees without first submitting it to the Senate, as we have promised to do."

I make this statement because I want the Senate to understand what our difficulties are, and that whatever happens it is not the fault of the Senate conferees.

Mr. STONE. Mr. President, in a discussion of this kind there is always danger of something being said or done that would give offense to the other branch of Congress.

Mr. BANKHEAD. Yes; and that is always to be avoided.

Mr. STONE. That, of course, would increase the difficulty. Because of that situation we have a rule about referring to Members of the other House or to the other House itself. We are very careful about that. Now, it seems to me that the best thing we can do is to do nothing more, and leave the matter in the hands of the conferees.

Mr. BANKHEAD. I think the Senator is quite right. I want to say further, Mr. President, that it has been a most delightful conference; there has been no friction between the conferees at all. We have just been unable to agree, that is all.

Mr. FLETCHER. Mr. President, I presume that if it comes to that, if the Senate conferees so recommended the Senate would have the power to recede from its amendment to the bill and relieve the conferees.

Mr. SMOOT. We can not do that without the conference report being presented.

Mr. SIMMONS. The Senate can not do anything until they get the papers back.

Mr. BANKHEAD. I do not see how the Senate now can relieve the conferees. I did not want any dispute about the matter, but I merely wanted the Senate to understand the situation, that is all.

Mr. FLETCHER. I think the House has the power to discharge the conferees and to recede from its disagreement, and I do not see why the Senate can not do likewise.

RECESS.

Mr. KERN. I move that the Senate take a recess until 11 o'clock this forenoon.

The motion was agreed to; and (at 6 o'clock and 27 minutes a. m., Wednesday, March 3, 1915) the Senate took a recess until 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate March 2 (legislative day of February 19), 1915.

SOLICITOR OF THE TREASURY.

Lawrence Becker, of Hammond, Ind., to be Solicitor of the Treasury, vice William T. Thompson, resigned.

DIRECTOR OF THE MINT.

Robert W. Woolley, of Fairfax, Va., to be Director of the Mint, to fill an existing vacancy.

UNITED STATES ASSAYER.

John W. Pack, of Berkeley, Cal., to be assayer of the mint of the United States at San Francisco, Cal., in place of Merrill A. Martin, superseded.

COLLECTOR OF CUSTOMS.

Henry Holland, of Ogdensburg, N. Y., to be collector of customs for customs collection district No. 7, in place of William H. Daniels, resigned.

COLLECTORS OF INTERNAL REVENUE.

Neal Brewster, of Syracuse, N. Y., to be collector of internal revenue for the twenty-first district of New York, in place of Charles C. Cole, superseded.

John Z. Lowe, jr., of New York, N. Y., to be collector of internal revenue for the second district of New York, in place of Charles W. Anderson, resigned.

Mark Eisner, of New York City, to be collector of internal revenue for the third district of New York, in place of Frederick L. Marshall, resigned.

UNITED STATES DISTRICT JUDGE.

Oscar A. Trippet, of Los Angeles, Cal., to be United States district judge for the southern district of California, vice Olin Wellborn, resigned.

UNITED STATES MARSHALS.

James M. Power, of Brooklyn, N. Y., to be United States marshal for the eastern district of New York, vice Charles J. Haubert, whose term has expired.

Thomas D. McCarthy, of New York City, to be United States marshal for the southern district of New York, vice William Henkel, whose term has expired.

POSTMASTERS.

NEBRASKA.

C. E. Dedrick to be postmaster at Superior, Nebr., in place of Clarence E. Stine. Incumbent's commission expired February 14, 1915.

NEW JERSEY.

Joseph L. Hammell to be postmaster at Burlington, N. J., in place of John W. Davis. Incumbent's commission expires March 2, 1915.

A. C. Hulsizer to be postmaster at Flemington, N. J., in place of Judiah Higgins. Incumbent's commission expired January 27, 1915.

James D. Magee to be postmaster at Bordentown, N. J., in place of Joseph S. Swain. Incumbent's commission expires March 2, 1915.

Francis H. Reed to be postmaster at Mount Holly, N. J., in place of C. C. Cowperthwait. Incumbent's commission expires March 2, 1915.

NEW YORK.

Wellman L. Bates to be postmaster at Sherman, N. Y., in place of Charles E. Sheldon. Incumbent's commission expired December 13, 1914.

Hugh Duffey to be postmaster at Cortland, N. Y., in place of William H. Clark. Incumbent's commission expired February 23, 1915.

William H. Fox to be postmaster at Brocton, N. Y., in place of George M. Mathews. Incumbent's commission expired April 19, 1914.

S. Jackson Fuller to be postmaster at Cattaraugus, N. Y., in place of Charles H. Rich. Incumbent's commission expired June 6, 1914.

John T. Gallagher to be postmaster at Witherbee, N. Y., in place of Frank B. Spaulding. Incumbent's commission expired December 13, 1914.

W. B. Hollister to be postmaster at St. Regis Falls, N. Y., in place of Robert R. McLane. Incumbent's commission expired December 21, 1913.

J. M. Kennedy to be postmaster at Lestershire, N. Y., in place of Charles J. Quick. Incumbent's commission expired June 23, 1913.

John S. Moran to be postmaster at Painted Post, N. Y., in place of John L. Chatfield. Incumbent's commission expired February 23, 1915.

Effie L. Patten to be postmaster at Whitesboro, N. Y., in place of Phil S. Spaulding. Incumbent's commission expired February 9, 1913.

Willard Vosburgh to be postmaster at Port Byron, N. Y., in place of L. H. King. Incumbent's commission expired February 1, 1915.

Charles E. Whitman to be postmaster at Weedsport, N. Y., in place of Horace L. Burrill. Incumbent's commission expired February 1, 1915.

NORTH DAKOTA.

F. Shubeck to be postmaster at Ashley, N. Dak., in place of Robert C. Miles. Incumbent's commission expired February 23, 1915.

OKLAHOMA.

James P. Officer to be postmaster at Randlett, Okla., in place of Will W. Fowler. Incumbent's commission expired April 5, 1914.

Otis B. Weaver to be postmaster at Shawnee, Okla., in place of C. M. Cade, jr. Incumbent's commission expired February 23, 1915.

PENNSYLVANIA.

J. E. Coatsworth to be postmaster at California, Pa., in place of William W. Latta. Incumbent's commission expired February 16, 1915.

W. A. McAdoo to be postmaster at Kittanning, Pa., in place of Samuel F. Booher. Incumbent's commission expires March 2, 1915.

Joseph W. Martin to be postmaster at Washington, Pa., in place of Joseph T. Hemphill. Incumbent's commission expired January 10, 1915.

Edward D. Noble to be postmaster at Claysville, Pa., in place of J. W. Grimes. Incumbent's commission expired February 16, 1915.

Albert J. Vernon to be postmaster at Donora, Pa., in place of Roman E. Koehler. Incumbent's commission expired January 11, 1915.

J. Blaine Wise to be postmaster at Marianna, Pa., in place of Joseph W. Shidler. Incumbent's commission expired January 31, 1915.

SOUTH CAROLINA.

John A. Chase to be postmaster at Florence, S. C., in place of John A. Chase. Incumbent's commission expires March 3, 1915.

SOUTH DAKOTA.

Theodore B. Werner to be postmaster at Rapid City, S. Dak., in place of James W. Post. Incumbent's commission expired December 14, 1914.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 2 (legislative day of February 19), 1915.

SECRETARIES OF EMBASSY OR LEGATION.

CLASS 1.

Marshall Langhorne to be secretary of embassy or legation of class 1.

CLASS 2.

Arthur Hugh Frazier to be secretary of embassy or legation of class 2.

G. Cornell Tarler to be secretary of embassy or legation of class 2.

Craig W. Wadsworth to be secretary of embassy or legation of class 2.

Leland Harrison to be secretary of embassy or legation of class 2.

Jordan Herbert Stabler to be secretary of embassy or legation of class 2.

CLASS 3.

Charles E. Stangeland to be secretary of embassy or legation of class 3.

William Whiting Andrews to be secretary of embassy or legation of class 3.

Alexander Benson to be secretary of embassy or legation of class 3.

Frank D. Arnold to be secretary of embassy or legation of class 3.

Albert B. Ruddock to be secretary of embassy or legation of class 3.

CLASS 4.

Ralph W. Hills to be secretary of embassy or legation of class 4.

Stewart Johnson to be secretary of embassy or legation of class 4.

Alexander C. Kirk to be secretary of embassy or legation of class 4.

Elbridge Gerry Greene to be secretary of embassy or legation of class 4.

Hallett Johnson to be secretary of embassy or legation of class 4.

CLASS 5.

Henry R. Carey to be secretary of embassy or legation of class 5.

Frederic R. Dolbeare to be secretary of embassy or legation of class 5.

Eugene C. Shoecraft to be secretary of embassy or legation of class 5.

John Latta Ryan to be secretary of embassy or legation of class 5.

CONSULS GENERAL.

CLASS 2.

James A. Smith to be consul general of class 2.
George H. Scidmore to be consul general of class 2.
Gabriel Ble Ravndal to be consul general of class 2.
George H. Murphy to be consul general of class 2.
William W. Handley to be consul general of class 4.

CONSULS.

CLASS 2.

Edwin N. Gunsaulus to be consul of class 2.

CLASS 3.

Maddin Summers to be consul of class 3.

CLASS 4.

Augustus E. Ingram to be consul of class 4.
Arthur Garrels to be consul of class 4.

CLASS 5.

Thomas W. Voetter to be consul of class 5.
William C. Magelssen to be consul of class 5.
Charles L. Latham to be consul of class 5.
John E. Kehl to be consul of class 5.

CLASS 6.

Roger Culver Tredwell to be consul of class 6.
Myrl S. Myers to be consul of class 6.
Albert H. Michelson to be consul of class 6.
Samuel T. Lee to be consul of class 6.
Milo A. Jewett to be consul of class 6.
Douglas Jenkins to be consul of class 6.
Lewis W. Haskell to be consul of class 6.
Otis A. Glazebrook to be consul of class 6.
Frederick T. F. Dumont to be consul of class 6.
William Dawson, jr., to be consul of class 6.
Henry S. Culver to be consul of class 6.

CLASS 7.

Emil Sauer to be consul of class 7.
Edward I. Nathan to be consul of class 7.
Dean B. Mason to be consul of class 7.
Lorin A. Lathrop to be consul of class 7.
Ross Hazeltine to be consul of class 7.
Wesley Frost to be consul of class 7.
Clement S. Edwards to be consul of class 7.
W. Roderick Dorsey to be consul of class 7.
Chester Donaldson to be consul of class 7.
Claude I. Dawson to be consul of class 7.
Arthur B. Cooke to be consul of class 7.
Homer M. Byington to be consul of class 7.
Charles F. Brissel to be consul of class 7.
Homer Brett to be consul of class 7.

CLASS 8.

James B. Young to be consul of class 8.
Samuel H. Wiley to be consul of class 8.
George K. Stiles to be consul of class 8.
Gaston Schmutz to be consul of class 8.
John R. Putnam to be consul of class 8.
Charles B. Perry to be consul of class 8.
Carl R. Loop to be consul of class 8.
George C. Hanson to be consul of class 8.
Clarence E. Gauss to be consul of class 8.
Arthur C. Frost to be consul of class 8.
B. Harvey Carroll, jr., to be consul of class 8.

CLASS 9.

G. Carlton Woodward to be consul of class 9.
Henry M. Wolcott to be consul of class 9.
Elliott Verue Richardson to be consul of class 9.
O. Gaylord Marsh to be consul of class 9.
Francis J. Dyer to be consul of class 9.

FEDERAL TRADE COMMISSION.

Joseph E. Davies.
Edward N. Hurley.
William J. Harris.
Will H. Parry.

UNITED STATES DEPUTY ASSISTANT TREASURER.

Frank J. F. Thiel to be Deputy Assistant Treasurer of the United States.

COLLECTOR OF CUSTOMS.

Henry Holland collector of customs for customs collection district No. 7.

COLLECTOR OF INTERNAL REVENUE.

Neal Brewster collector of internal revenue for the twenty-first district of New York.

ASSAYER OF THE MINT.

John W. Pack to be assayer of the mint at San Francisco. Cal.

UNITED STATES ATTORNEY.

Melville J. France to be United States attorney for the eastern district of New York.

UNITED STATES MARSHALS.

Samuel J. Burris to be United States marshal for the district of Colorado.

William R. Bennett to be United States marshal for the district of Porto Rico.

REAPPOINTMENT IN THE ARMY.

Brig. Gen. Erasmus M. Weaver to be Chief of Coast Artillery, with the rank of brigadier general.

PLACED ON THE RETIRED LIST OF THE ARMY WITH INCREASED RANK.

Col. John L. Clem, Quartermaster Corps, with the rank of brigadier general.

APPOINTMENT, BY TRANSFER, IN THE ARMY.

Second Lieut. John Kennard, Twelfth Infantry, to be second lieutenant of Cavalry.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Second Lieut. Philip Gordon, Second Cavalry, to be first lieutenant.

INFANTRY ARM.

Lieut. Col. Edwin A. Root to be colonel.
Maj. Frank L. Winn to be lieutenant colonel.
Maj. Charles C. Ballou to be lieutenant colonel.
Lieut. Col. William H. Sage to be colonel.
Capt. John E. Woodward to be major.
Capt. James T. Moore to be major.
First Lieut. Charles Abel to be captain.
First Lieut. Walter E. Gunster to be captain.
Second Lieut. Harry B. Crea to be first lieutenant.
Second Lieut. Robert C. Cotton to be first lieutenant.

CORPS OF ENGINEERS.

Lieut. Col. Harry Taylor to be colonel.
Maj. Spencer Cosby to be lieutenant colonel.
Maj. James F. McIndoe to be lieutenant colonel.
Capt. William P. Stokey to be major.
Capt. Henry C. Jewett to be major.
First Lieut. Charles L. Hall to be captain.
First Lieut. Virgil L. Peterson to be captain.
First Lieut. George R. Goethals to be captain.
First Lieut. John W. N. Schulz to be captain.
First Lieut. Clarence L. Sturdevant to be captain.
Second Lieut. James A. Dorst to be first lieutenant.
Second Lieut. Rufus W. Putnam to be first lieutenant.
Second Lieut. Lunsford E. Oliver to be first lieutenant.
Second Lieut. William H. Holcombe to be first lieutenant.
Second Lieut. James B. Cress to be first lieutenant.
Second Lieut. Charles P. Gross to be first lieutenant.
Second Lieut. Bernard A. Miller to be first lieutenant.
Second Lieut. Peter G. Bullard to be first lieutenant.

APPOINTMENTS IN THE ARMY.

MEDICAL CORPS.

Charles Ruby Castlen to be first lieutenant in the Medical Corps.

MEDICAL RESERVE CORPS.

To be first lieutenant with rank from February 5, 1915.

Thomas Gustin Aller.
Edward Augustus Coates.
Otto Henry Deichmann.
George Clark Dunham.
Arthur Gordon Hodgins.
Thomas Francis Lancer.
Charles Clagett Marbury.
John Andrew Murphy.
Joseph Herbert Page.
Loyd Thompson.

To be first lieutenant with rank from February 24, 1915.

Arden Freer.
John Stuart Gaul.
Charles George Hutter.
Harvard Clayton Moore.
William Frederick Rice.

PROMOTIONS IN THE NAVY.

Lieut. Edward J. Marquart to be a lieutenant commander.
Lieut. (Junior Grade) John H. Hoover to be a lieutenant.
Ensign Archibald McGlasson to be a lieutenant (junior grade).
Lieut. William L. Pryor to be a lieutenant commander.
Lieut. (Junior Grade) Louis H. Maxfield to be a lieutenant.
Ensign Joseph M. Deem to be a lieutenant (junior grade).
Lieut. (Junior Grade) Raymond F. Frellson to be a lieutenant.
First Lieut. Joseph A. Rossell to be a captain, Marine Corps.
Second Lieut. Alexander A. Vandegrift to be a first lieutenant, Marine Corps.
Chief Carpenter Luther L. Martin to be a chief carpenter, ranking with, but after, lieutenant (junior grade) on the retired list.

POSTMASTERS.

ARIZONA.

Grace Moorman, Ray.

CALIFORNIA.

Katherine S. Bell, Clovis.
Hugh Countryman, Westwood.
Ira J. Cree, Claremont.
J. J. Coutts, Sunnyvale.
Beatrice F. Donaldson, Hughson.
R. L. Evans, Riverbank.
James Fullerton, Orange.
Daniel M. Gibson, Van Nuys.
Virginia H. Gould, Cottonwood.
James A. Kelly, Beaumont.
Daniel F. Stafford, Covina.

FLORIDA.

John W. Jackson, Palmetto.

GEORGIA.

John C. Evans, Warrenton.

IDAHO.

Alva A. White, Mountain Home.
William F. Winkler, Council.

ILLINOIS.

Harry Bryant, Norris City.
J. A. Mathews, Greenview.
C. E. Schmidt, Farina.

INDIANA.

Irvin A. Cox, Columbus.

IOWA.

Merton I. J. Ackley, Marble Rock.
W. B. Chapman, Correctionville.
Joseph M. Drees, Carroll.
W. B. Durham, Milo.
Chris Haffner, Donellson.
George F. Hughes, Council Bluffs.
Joseph E. McKillip, Bellevue.
William Molloy, Galva.
A. Stader, Ankeny.

KANSAS.

Ernest Bray, Neodesha.
Merida Castleberry, McCune.
Oscar Lundy Clarke, Washington.
James H. Cosgrove, Olathe.
Wilford B. Flaugher, Cimarron.
R. G. Hepworth, Burlingame.
Arthur C. Inlow, Hill City.
Louis W. Johnson, Pittsburg.
T. P. Mannion, Eldorado.
C. K. Simon, Goff.
Catharine E. Simmons, Wellsville.
Mary A. Travers, Osborne.

KENTUCKY.

Joseph E. Moseley, Hopkinsville.

LOUISIANA.

George S. Eisely, Tallulah.

MAINE.

Linza A. Burns, Clinton.
William F. Curran, Bangor.
Louis P. Gagnon, Van Buren.
William S. Hagar, Island Falls.
Rufus L. Mudgett, Stockton Springs.
A. P. Stinchfield, Danforth.
Ira G. White, Winterport.

MARYLAND.

J. McC. Foreman, Emmitsburg.

MASSACHUSETTS.

Richard A. Cronan, Chicopee.
Daniel J. Driscoll, Chicopee Falls.
Frank A. Foster, Manchester.
Charles D. Smith, Gloucester.
John R. Smith, Fitchburg.

MICHIGAN.

M. D. McPhee, Wolverine.
Sidney E. Younglove, Monroe.

MISSOURI.

John R. Blackwood, Hannibal.
Orville M. Headlee, Morehouse.
John H. Jackson, Bland.
John Tappmeyer, Owensville.
Hickman J. Wigginton, Linneus.

MONTANA.

Andrew Fleming, Melstone.
C. M. Hanson, Wolf Point.
Tena M. Sanderson, Grassrange.
F. A. Tintinger, Cascade.

NEBRASKA.

William C. Brodhun, Dodge.
John A. Cocklin, Milford.
A. E. Ovenden, Pawnee City.
Sebastian E. Marty, Columbus.
John Menary, Arnold.
William R. Pease, Niobrara.
T. A. Willmore, Hebron.

NEW MEXICO.

Harriet C. Butler, Farmington.

NEW YORK.

John E. Barlow, Horseheads.
Frank A. Bartley, Sidney.
Walter J. Burke, Mineville.
Jerome Ceperley, Otego.
Almond Cramer, Cherry Valley.
James J. Cunningham, Corinth.
William D. Delaney, Clayton.
Frank N. Dowd, Faust.
Hugh Duffey, Cortland.
John P. Dugan, Fishkill.
David Dunham, Ilion.
Maurice Fanning, Roxbury.
Wickham R. Gildersleeve, Mattituck.
Albert E. Helmer, Evans Mills.
T. M. Larsen, Dundee.
Peter Lynch, jr., Roslyn.
Effie L. Patten, Whitesboro.
John H. Quinlan, Pavilion.
Jean L. Reed, Little Valley.
Daniel J. Roach, West New Brighton.
Frank K. Roberts, Holland Patent.
Fred L. Seager, Randolph.
Louis P. Snyder, Williamsville.
J. W. Telford, Margaretville.
Ray B. Worthing, East Rochester.

NORTH CAROLINA.

Joseph B. Cullipher, Saluda.
R. B. Ritchie, Whitney.
L. E. Stevens, Benson.

NORTH DAKOTA.

James A. Foley, Grafton.
Nette A. Isham, Manning.
P. F. Meharry, Starkweather.
A. R. Thompson, Rolla.

OHIO.

Charles B. Chilcote, Mount Gilead.

OKLAHOMA.

E. S. Gray, Weleetka.
Henry W. Kinnard, Rush Springs.
R. A. Lackey, Roosevelt.
L. A. Owens, Fort Cobb.
W. B. Pickett, Hinton.
J. B. Pope, Heavener.
John D. Pugh, Anadarko.

OREGON.

Hugh P. McLain, Marshfield.
S. Bruce Shangle, Milton.

PENNSYLVANIA.

John Cashman, St. Marys.
John W. Clouse, Moscow.
Jesse B. Conner, Overbrook.
W. F. Harrer, Montoursville.
William T. Johnston, Bristol.
J. M. Keesey, Foxburg.
Nora L. Pickering, Peckville.
Edmund J. Rafferty, Conshohocken.
Frederick A. Shaw, Tidioute.
Charles N. Stevens, Knoxville.

SOUTH CAROLINA.

John A. Chase, Florence.

SOUTH DAKOTA.

Emma Kathryn Biehn, Gregory.

TEXAS.

W. E. Bellah, St. Jo.
Charles H. Cmajdalka, Fayetteville.

UTAH.

Linda Bardsley, Gunnison.

VIRGINIA.

Walter Fauntleroy, Alta Vista.
E. S. Kendrick, Bristol.
John S. Snavely, Chilhowie.

WASHINGTON.

E. J. Byrne, Garfield.
Paul E. Mehner, Bremerton.
L. N. Sill, Coupeville.

WEST VIRGINIA.

Daniel J. Moran, Thomas.

WISCONSIN.

William Denomie, Odanah.
Oscar Hanisch, Waupun.
Carrie M. Hogan, Turtle Lake.
Herman A. Ohm, South Milwaukee.
F. M. Porter, Elkhorn.
Benjamin S. Shove, Onalaska.
W. B. Telyea, Cambridge.

WITHDRAWAL.

Executive nomination withdrawn from the Senate.

POSTMASTER.

TENNESSEE.

W. T. Blackard to be postmaster at Jackson, in the State of Tennessee.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March 2, 1915.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We praise and magnify Thy holy name, our Father in Heaven, for the wonderful progress made in the material realm, but we pray for a greater spiritual awakening in the hearts of men which will bring them into closer relationship with Thee, that faith may be vitalized, hope intensified, love deepened and made stronger; that all the world may worship Thee in the beauty of holiness and make sacred the bonds of brotherhood; that evil may die and good live; that wars may cease and peace reign and make the old world vocal with anthems of praise in which the angels of heaven may join. In the name and spirit of the Lord Christ. Amen.

APPROVAL OF THE JOURNAL.

The SPEAKER. The Clerk will read the Journal of yesterday.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. Evidently there is not.

Mr. UNDERWOOD. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 97.]

Ainey	Crosser	Hulings	Palmer
Anthony	Dale	Jones	Peterson
Aswell	Deitrick	Kindel	Plumley
Avis	Donovan	Kinkaid	Post
Barchfeld	Dooling	Korbly	Pou
Barnhart	Dunn	Kreider	Price
Bartholdt	Elder	La Follette	Ragsdale
Bowdle	Fairchild	Langley	Reilly, Conn.
Brockson	Faison	L'Engle	Roberts, Nev.
Broussard	Falconer	Lesher	Sells
Burke, Pa.	Finley	Lindquist	Sherwood
Calder	Gallivan	Loft	Shreve
Cantrill	Gerry	McClellan	Smith, Md.
Carew	Gittins	Maher	Stanley
Cary	Goldfogle	Metz	Stout
Chandler, N. Y.	Good	Moon	Talbott, Md.
Church	Gudger	Moss, Ind.	Taylor, N. Y.
Clark, Fla.	Helvering	Moss, W. Va.	Townsend
Connolly, Iowa	Hensley	Mott	Watkins
Conry	Howell	O'Brien	Williams
Copley	Hoxworth	Oglesby	Wilson, N. Y.
Cramton	Hughes, W. Va.	O'Shaunessy	Woods

The SPEAKER. Three hundred and thirty-four Members have answered to their names—a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent to dispense with the reading of the Journal.

The SPEAKER. The gentleman from Alabama asks unanimous consent to dispense with the reading of the Journal. Is there objection?

There was no objection.

Mr. MANN. I take it that that means that it will be approved without reading?

Mr. UNDERWOOD. Yes.

EXTENSION OF REMARKS.

Mr. MURRAY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of jury trials.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD on the subject of jury trials. Is there objection?

There was no objection.

Mr. MOORE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a statement respecting John Fitch made before the Committee on the Library by Mrs. Ben Johnson, of Kentucky, on behalf of the John Fitch Chapter of the Daughters of the American Revolution.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD by printing an article, by Mrs. Ben Johnson, on John Fitch. Is there objection?

There was no objection.

Mr. GOEKE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the shipment of goods in interstate commerce.

The SPEAKER. Is there objection to the request of the gentleman from Ohio—that he be permitted to extend his remarks in the RECORD on the subject of shipment of goods in interstate commerce?

There was no objection.

Mr. WEBB. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the shipping bill.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to extend his remarks on the shipping bill. Is there objection?

There was no objection.

Mr. MURDOCK. Mr. Speaker, I ask unanimous consent to print as a House document my views as a member of a commission appointed by Congress to investigate the pneumatic-tube system. (H. Doc. No. 1629.)

The SPEAKER. The gentleman from Kansas asks unanimous consent to have printed as a House document his views on the pneumatic-tube service. Is there objection?

Mr. MANN. Mr. Speaker, does the gentleman want to print it as a House document or as a part of the report?

Mr. MURDOCK. Mr. Speaker, I desire to print it as a House document and as a part of the report.

Mr. MANN. If it is printed as a House document, it will be a House document; but it will not be printed as a part of the report.

Mr. MURDOCK. I want it printed as a part of the report.

The SPEAKER. The gentleman from Kansas asks unanimous consent to have it printed both as part of the report and as a House document. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 11394. An act for the relief of Joseph A. Powers;

H. R. 14931. An act for the relief of Arthur Brose;

H. R. 10172. An act for the relief of L. V. Thomas;

H. R. 15414. An act for the relief of David Mowen;

H. R. 15220. An act to amend sections 4888 and 4889 of the Revised Statutes relating to patents;

H. R. 16642. An act authorizing the Secretary of the Treasury to disregard section 33 of the public buildings act of March 4, 1913, as to site at Vineland, N. J.;

H. R. 4001. An act for the relief of Daniel J. Ryan;

H. R. 14167. An act for the relief of Emily J. Byrd;

H. R. 12780. An act to provide for the payment of the claim of J. O. Modisette for services performed for the Chickasaw Indians of Oklahoma;

H. R. 12464. An act providing for the expenditure of part of the unexpended balance of the appropriation of $10,000 made by the urgent deficiency bill of October 22, 1913, for the completion of the post-office building at Hanover, Pa.;

H. R. 15000. An act authorizing the Secretary of the Treasury to disregard section 33 of the public-buildings act of March 4, 1913, as to site at Huntingdon, Tenn.; and

H. R. 13123. An act for the relief of Charles H. Rayfield, alias Charles H. Czarnowsky.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 12229. An act for the relief of William A. Wallace;

H. R. 3430. An act for the relief of Lottie Rapp;

H. R. 9701. An act for the relief of F. W. Theodore Schroeter;

H. R. 12050. An act reserving from entry, location, or sale lots 1 and 2 in section 33, township 13 south, range 4 west, New Mexico prime meridian, in Sierra County, N. Mex., and for other purposes; and

H. R. 1090. An act for the relief of Alonzo D. Cadwallader.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 20415) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1916, disagreed to by the House, and disagreed to the amendment of the House to Senate amendment No. 89 to the said bill, and had agreed to the conference asked by the House of Representatives thereon, and had appointed Mr. GORE, Mr. SMITH of Georgia, and Mr. WARREN as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 1698) to amend an act entitled "An act to provide for an enlarged homestead" and acts amendatory thereof and supplemental thereto.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bills of the following titles, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHIVELY, Mr. JOHNSON, and Mr. SMOOT as the conferees on the part of the Senate:

S. 7598. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 7566. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 7212. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 7509. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; and

S. 7597. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 15869) to provide for the establishment and maintenance of mining experiment and mine-safety stations for making investigations and disseminating information among employees in mining, quarrying, metallurgical, and other mineral industries, and for other purposes.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 9899) to authorize the laying out and opening of public roads on the Winnebago, Omaha, Ponca, and Santee Sioux Indian Reservations in Nebraska, asked a conference with the House of Representatives on the bill and amendments, and had appointed Mr. ASHURST, Mr. MYERS, and Mr. CLAPP as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 16510) to provide for recognizing the services of certain officers of the Army and Navy, late members of the Isthmian Canal Commission, to extend to them the thanks of Congress, to authorize their promotion, and for other purposes, asked a conference with the House of Representatives on the said bill and amendments, and had appointed Mr. CHAMBERLAIN, Mr. HITCHCOCK, and Mr. DU PONT as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 15038) proposing an amendment to the Federal reserve act relative to acceptances, and for other purposes, asked a conference with the House of Representatives on the bill and amendments, and had appointed Mr. OWEN, Mr. HITCHCOCK, and Mr. NELSON as the conferees on the part of the Senate.

The message also announced that the Senate had passed joint resolution and bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. J. Res. 198. Joint resolution providing an appropriation to indemnify Trygve Andersen, Sigurd Nilsen, and Arthur Rasmussen, of the crew of Norwegian ship *Ingrid*, for losses caused by their arrest and detention in Hudson County, N. J., and for other purposes;

S. 3892. An act for the relief of Charles G. Griffa;

S. 647. An act to amend an act entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," approved April 23, 1904 (33 Stat. L., p. 302), as amended by the act of March 3, 1909 (35 Stat. L., p. 796);

S. 717. An act for the relief of Thomas Smart;

S. 1763. An act for the relief of Isador Miller;

S. 1985. An act for the relief of Capt. Daniel H. Powers;

S. 1988. An act for the relief of John H. Armstrong;

S. 4602. An act to pay the balance due the loyal Creek Indians on the award made by the Senate on the 16th day of February, 1903;

S. 5053. An act for the relief of James Anderson;

S. 5104. An act to authorize the Secretary of War to furnish certain transportation to the Oregon Agricultural College Cadet Corps by a United States Army transport;

S. 5210. An act for the relief of Nelson T. Saunders;

S. 6109. An act for the relief of Emmett W. Entriken;

S. 6028. An act to authorize the Commissioner of Navigation to cause the rebuilt bark *Simla* to be registered as a vessel of the United States;

S. 6392. An act for the relief of registers and receivers of the United States land offices in the State of Kansas;

S. 6403. An act donating the old iron fence around Vance Park, Charlotte, N. C., to the Mecklenburg Declaration of Independence Chapter, to be placed around Craighead Cemetery, near Sugar Creek Church, in Mecklenburg County;

S. 6780. An act to authorize the Secretary of Commerce to transfer a portion of the lighthouse reservation, Tawas, Mich., to the Secretary of the Treasury;

S. 6857. An act authorizing the retirement from active service with increased rank of officers now on the active list of the Army who served in the Civil War;

S. 7051. An act to authorize the disposal of clothing or uniforms which have become unserviceable or unsuitable;

S. 7108. An act to authorize the purchase or construction of six new vessels with all necessary equipment for the Coast and Geodetic Survey;

S. 4180. An act to validate title to certain town sites in the State of Montana; and

S. 6829. An act to provide for the construction of two revenue cutters.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 7205. An act to correct the military record of H. S. Hathaway;

H. R. 11246. An act for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863;

H. R. 12909. An act to correct the military record of James W. McGreevey;

H. R. 12229. An act for the relief of William A. Wallace;

H. R. 9734. An act for the relief of Victoria Coffman;

H. R. 2662. An act for the relief of Andrew J. Lawrence; and

H. R. 4545. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

ENROLLED BILLS SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 12919. An act to amend an act entitled "An act to provide for an enlarged homestead";

H. R. 14711. An act for the relief of Miles A. Hughes;

H. R. 17110. An act to reimburse Epps Danley for property lost by him while light keeper at East Pascagoula River (Miss.) Light Station;

H. R. 13240. An act for the relief of the legal representatives of James S. Clark, deceased;

H. R. 13830. An act for the relief of William A. Howard;

H. R. 13180. An act to amend the act of March 4, 1913 (37 U. S. Stats., p. 872), so as to provide that in the construction of the public building at Roseburg, Oreg., provision shall be made for the accommodation therein of the United States post office and other governmental offices;

H. R. 10201. An act for the relief of the heirs of Theodore Dehon;

H. R. 10271. An act for the relief of Edward Whiteside;

H. R. 7049. An act to reimburse the Port Angeles City Dock Co. for damage done to the dock of that company by the U. S. revenue cutter *Snohomish*;

H. R. 9270. An act for the relief of John M. Gray;

H. R. 10167. An act for the relief of Hannah Waldo.

H. R. 3885. An act for the relief of Peter Scott;

H. R. 4008. An act for the relief of Sandy Crawford;

H. R. 4630. An act for the relief of Fred A. Emerson;

H. R. 5966. An act for the relief of Clyde Odum;

H. R. 2667. An act for the relief of the legal representatives of Parker S. Rouse, deceased;

H. R. 2703. An act for the relief of Drenzy A. Jones and John G. Hopper, joint contractors, for surveying Yosemite Park boundary;

H. R. 3305. An act directing the accounting officers of the Treasury to credit and settle an account of Maj. George H. Penrose;

H. R. 3435. An act for the relief of Mrs. Max S. Retter;

H. R. 3586. An act for the relief of Francis Tomlinson;

H. R. 3613. An act to reimburse Le Grand C. Cramer for amount of damages to his motor launch *Winninish* by the U. S. launch *Gunedmertrix* at Morris Heights, N. Y., on March 31, 1911;

H. R. 16392. An act to better regulate the serving of licensed officers in the merchant marine of the United States and to promote safety at sea;

H. R. 19746. An act to authorize aids to navigation and other works in the Lighthouse Service, and for other purposes;

H. R. 57. An act making an appropriation to M. C. Burke for tax liens held by him on property acquired by the United States;

H. R. 13. An act for payment to the Chicago, Milwaukee & St. Paul Railway Co. the $4,583.67 improperly collected under the act of August 5, 1909; and

H. R. 962. An act for the relief of William H. Shannon.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 17869. An act providing for the appointment of an additional district judge for the southern district of the State of Georgia;

H. R. 20977. An act to provide for the establishment of a life-saving station in the vicinity of Duxbury Reef, Cal.;

H. R. 19422. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1916, and for other purposes;

H. R. 20427. An act to authorize the sale of certain lands in Alabama to Walter Dean;

H. R. 21037. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 21318. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1916, and for other purposes.

EXTENSION OF REMARKS.

Mr. J. M. C. SMITH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on rural credits.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BROWNE of Wisconsin. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. FREAR. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. WICKERSHAM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on Alaskan fisheries.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the Tioga Road.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. HENRY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of rural credits.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD on the subject of rural credits. Is there objection? [After a pause.] The Chair hears none.

Mr. GILL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on tariffs and panics in this country.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks on the subject of tariffs and panics. Is there objection? [After a pause.] The Chair hears none.

Mr. SABATH rose.

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. SABATH. I ask unanimous consent to extend my remarks in the RECORD upon the examination and investigation of naturalization matters.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks on the subject of naturalization. Is there objection? [After a pause.] The Chair hears none.

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on personal rural credits.

The SPEAKER. The gentleman from Kansas asks unanimous consent to extend his remarks in the RECORD on personal rural credits. Is there objection? [After a pause.] The Chair hears none.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I call up the conference report on the Military Academy appropriation bill and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Virginia calls up the conference report on the Military Academy bill and asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 21328) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1916, and for other purposes.

The statement was read.

The conference report is as follows:

CONFERENCE REPORT (NO. 1475).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21328) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1916, and for other purposes, having met after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 15, and 17.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 5, 6, 7, 8, 11, 12, 13, 14, 16, 18, and 20, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,750"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,000: *Provided*, That the accounting officers of the Treasury are hereby authorized and directed to allow and credit in the accounts of Lieut. Col. J. M. Carson, jr., Deputy Quartermaster General United States Army (now colonel, Quartermaster Corps), the sum of $1,975 disallowed on vouchers 7A and 8A of his money accounts for the month of May, 1909, and now standing against him on the books of the Treasury; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For repairs of the docks and wharves at West Point, N. Y., including all necessary labor and material therefor, $8,000"; and the Senate agree to the same.

JAMES HAY,
S. HUBERT DENT, Jr.,
JULIUS KAHN,
Managers on the part of the House.
GEO. E. CHAMBERLAIN,
DUNCAN U. FLETCHER,
HENRY A. DU PONT,
Managers on the part of the Senate.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

On motion of Mr. HAY, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

ENLARGED HOMESTEADS.

Mr. FERRIS. Mr. Speaker, I call up the conference report on the bill H. R. 1698, and ask that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Oklahoma calls up a conference report and asks that the statement be read in lieu of the report.

Mr. MANN. The papers ought to be at the desk.

The SPEAKER. Yes; that is the practice, and the correct method, too. The Clerk informs the Chair that the papers have not come back from the Printing Office.

Mr. FERRIS. Mr. Speaker, I withdraw the request.

MEDAWAKANTON AND WAHPAKOOTA (SANTEE) SIOUX INDIANS.

Mr. CARTER. Mr. Speaker, I ask unanimous consent to take the bill H. R. 11246 from the Speaker's table, and ask for a conference on the same.

The SPEAKER. While the clerks are hunting for that the Chair recognizes the gentleman from Minnesota [Mr. SMITH] to suspend the rules and pass a small bill he has.

OLD POST-OFFICE BUILDING, MINNEAPOLIS, MINN.

Mr. SMITH of Minnesota. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 21383, with an amendment.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the building heretofore known as the post office, situated at the corner of Third Street and Marquette Avenue, in the city of Minneapolis, Hennepin County, Minn., be known and hereafter officially designated as the Federal office building and customhouse.

The SPEAKER. The gentleman from Minnesota moves to suspend the rules and pass H. R. 21383, changing the name of a post office, with a committee amendment. Is a second demanded? If not, the question is on suspending the rules and passing the bill.

The question was taken; and, in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

MEDAWAKANTON AND WAHPAKOOTA (SANTEE) SIOUX INDIANS.

The SPEAKER. The Clerk will report the title of the bill called up by the gentleman from Oklahoma [Mr. CARTER].

The Clerk read as follows:

An act (H. R. 11246) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863.

The SPEAKER. The gentleman from Oklahoma asks to take this bill from the Speaker's table, disagree to the Senate amendments, and agree to a conference. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects.

ENLARGED HOMESTEADS.

Mr. FERRIS. Mr. Speaker, I call up the conference report on the bill H. R. 1698, and ask that the statement be read in lieu of the report.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 1698) to amend an act entitled "An act to provide for an enlarged homestead," and acts amendatory thereof and supplemental thereto.

The statement was read.

The conference report and statement are as follows:

CONFERENCE REPORT (NO. 1474).

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 1698) having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the said bill, with an amendment as follows: In lieu of the language proposed by the Senate insert the following:

"SEC. 2. That the provisions of this act and of the first five sections of said act of February 19, 1909, and acts amendatory thereof, excepting the act of June 17, 1910, entitled 'An act to provide for an enlarged homestead' in the State of Idaho, shall extend to and include the State of South Dakota."

And the Senate agree to the same.

SCOTT FERRIS,
EDWARD T. TAYLOR,
BURTON L. FRENCH,
Managers on the part of the House.

H. L. MYERS,
KEY PITTMAN,
REED SMOOT,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 1698) amending an act entitled "An act to provide for an enlarged homestead," and acts amendatory thereof and supplemental thereto, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee.

The Senate amended the bill by adding thereto an additional section—section 2—which provided: First, the extension of the enlarged homestead law and amendments thereto to the State of South Dakota; second, the extension of section 6 of the enlarged homestead law, referred to as the act of February 19, 1909, to all the States named in the first section of said act.

The conference committee were willing to extend the provisions of the enlarged homestead law, and amendments thereto, to the State of South Dakota, with the exception of such provisions as granted to homesteaders the right to acquire homesteads without residence thereon. Also, the conference committee were unwilling to extend the provisions of section 6 of said act, which provided for nonresidence homesteads to all of the States named in the first section of the act, as was contemplated by the Senate amendment. To meet the foregoing the Senate and House conferees have agreed upon a new section to be known as section 2, which will take the place of the Senate amendment section 2, and which will extend the provisions of the enlarged homestead law and amendments thereto to the State of South Dakota, save and excepting the provisions of the law and amendments which provide for nonresidence homesteads.

There was at no time a difference of opinion as to the advisability of extending the enlarged homestead law, with the exceptions indicated, to the State of South Dakota, and the House conferees were quite willing to agree to this section upon the agreement of the Senate conferees to recede from the original section and to accept the proposed section in lieu thereof.

SCOTT FERRIS,
EDWARD T. TAYLOR,
BURTON L. FRENCH,
Managers on the part of the House.

Mr. MANN. Mr. Speaker, it was not possible from what hearing I could get, which was not very much, of the reading of the conference report to know just what this does. I wish the gentleman would explain the bill and the changes which have been made in it by these amendments.

Mr. FERRIS. I think I can in a word. The original bill was the bill of the gentleman from Idaho [Mr. SMITH], and it extended the 320-acre homestead law, the enlarged-homestead law, so called, to the State of Idaho. The bill passed the House last August and went over to the Senate. The Senate added an amendment making it applicable to the State of South Dakota, and they did considerably more. They also added an amendment providing that not only Idaho and South Dakota but all the other States that had this enlarged-homestead law should have section 6 of that law, which provides that they may acquire title to land without any residence thereon. I have always been opposed to that proposition. I opposed it when it was made applicable to Utah, and I have opposed it ever since then, my thought being that if we were to have a homestead at all certainly the part that the homesteader should play would be to get on the land and live there and help by taking his part in the community. I opposed it in conference, and it has been in conference five or six months. Finally the Senate receded from that section 6 proposition and agreed to the conference, so that section 6 was eliminated both for South Dakota and all the rest of the States. All we do now is to make the enlarged-homestead law of 320 acres each applicable to Idaho and South Dakota.

Mr. MANN. And the homesteaders have to go on the land?

Mr. FERRIS. Absolutely. We have cut the nonresident features out, and I think there can be no objection.

Mr. MONDELL. Will the gentleman allow me?

Mr. FERRIS. I yield to the gentleman.

Mr. MONDELL. As I understand it, the amendment agreed to by the conferees simply extends the enlarged homestead to the State of South Dakota without extending section 6——

Mr. FERRIS. That is right.

Mr. MONDELL (continuing). To South Dakota or any other State.

Mr. FERRIS. That is right; and I understand that both the Senators and Members of the House desire that.

Mr. NORTON. Will the gentleman yield?

Mr. FERRIS. I will.

Mr. NORTON. Do I understand the gentleman to state that the bill as amended by the conference committee extends the provisions of the enlarged-homestead act to South Dakota but without extending the provisions of section 6 of the enlarged-homestead act?

Mr. FERRIS. That is correct.

Mr. NORTON. As I read the amendment agreed to, it extends the privilege of section 6 to something over 300,000 acres in South Dakota.

Mr. FERRIS. I think the gentleman is in error about that. None of the conferees so understood it.

Mr. NORTON. Has the gentleman a copy of the report there?

Mr. FERRIS. I have the report in the RECORD; yes, sir.

Mr. TAYLOR of Colorado. If the gentleman will permit, I will say that the Member from Idaho and others tried to prohibit that section from applying. If we did not do so, we do not know how to find language strong enough, because that was their intention.

Mr. NORTON. That was the provision extending the privilege of section 6 to 300,000 acres in South Dakota. That was in the Senate bill. Was that not agreed to?

Mr. TAYLOR of Colorado. That was the part we had trouble about over a year ago.

Mr. FERRIS. It was in conference almost a year, and that was receded from and the bill was passed. I ask for a vote.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

IMMEDIATE TRANSPORTATION PORT AT VAN BUREN, ME.

Mr. GUERNSEY. Mr. Speaker, I ask unanimous consent for the consideration of the bill (H. R. 21009) making an immediate transportation port of Van Buren, Me.

Mr. FERRIS. Mr. Speaker, reserving the right to object, let us have the bill reported.

Mr. MANN. We have not heard the bill yet.

Mr. UNDERWOOD. Mr. Speaker, I will state it is a bill reported from the Ways and Means Committee extending immediate shipment to this port in Maine. There is no charge on the Treasury.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the privileges of the first and seventh sections of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to the port of Van Buren, in the district of Portland, State of Maine.

Mr. UNDERWOOD. Mr. Speaker, if the gentleman will yield to me, I will state to the House that this is a unanimous report from the Ways and Means Committee. The bill was re-

ferred to the Treasury Department, and they advise there will be no charge on the Treasury by reason of the passage of it. It is a mere matter of convenience to those people. Is the bill on the Union Calendar?

Mr. GUERNSEY. It is on the Unanimous Consent Calendar.

Mr. UNDERWOOD. I do not think it is on the Union Calendar.

The SPEAKER. It is not on any calendar. The Chair thinks that is the truth about the thing.

Mr. GUERNSEY. It is on the Unanimous Consent Calendar.

Mr. MANN. The bill is House Calendar 258.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I ask to take from the Speaker's table the bill S. 7566, and insist upon the House amendment, and agree to a conference.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

S. 7566. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. RUSSELL. And I make the same request as to Senate bill 7598.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

S. 7598. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. What is the gentleman's request?

Mr. RUSSELL. I insist upon the House amendments and ask for a conference.

The SPEAKER. The gentleman asks unanimous consent to insist on the House amendments on the two bills referred to—and to agree to a conference?

Mr. RUSSELL. Agree to a conference. The Senate has already appointed conferees.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER announced the following conferees:

Mr. ADAIR, Mr. RUSSELL, and Mr. KINKAID.

CONSIDERATION OF BRIDGE BILLS.

Mr. ADAMSON. Mr. Speaker, various gentlemen have bridge bills that are reported and uncontested, and if we could have unanimous consent I think we could get all of them considered.

The SPEAKER. How much time does the gentleman want?

Mr. ADAMSON. I do not think any of them are contested. I think all could be passed in 15 minutes.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent to consume as much as 15 minutes, if necessary, in passing certain bridge bills that are not contested. Is there objection?

Mr. MOORE. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Georgia, who is chairman of the Committee on Interstate and Foreign Commerce, whether there is any prospect of having reported two resolutions, one to obtain information from the Treasury Department in regard to the sinking of the steamship *Evelyn*, and the other seeking to obtain general information on the subject of the War Risk Bureau.

The SPEAKER. Is there objection?

Mr. MOORE. I reserve the right to object.

Mr. STAFFORD. Mr. Speaker, do I understand that the request is merely to have these bills considered, subject to objection when presented?

The SPEAKER. No. If you are going to object, now is the time.

Mr. STAFFORD. I have no objection to their being reported.

Mr. ADAMSON. I have no objection to their being read.

The SPEAKER. The Chair desires to get the time straightened out, because the Chair has before him a lot of applications for one thing and another. Is there objection to consuming as much as 15 minutes on these bridge bills, with the privilege of objecting to them when called?

There was no objection.

Mr. ADAMSON. Now, Mr. Speaker, if I am to answer the question of my friend from Philadelphia [Mr. MOORE], I hope it will not be taken out of this time. It is not relevant to the question of these bridges.

Mr. MOORE. It will take only a minute or two.

BRIDGE ACROSS THE SUWANEE RIVER, FLA.

Mr. ADAMSON. I ask, Mr. Speaker, that bridge bill S. 7555 be reported. It is to authorize the construction of a bridge across the Suwanee River in the State of Florida.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby given to the construction of a bridge across the Suwanee River, at a point suitable to the interests of navigation, at or near Fowlers Bluff, in the county of Levy, State of Florida, by the W. W. Cummer Sons Co., a corporation organized and existing under the laws of that State, the said bridge to be built and maintained in accordance with the provisions of the act of Congress entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Mr. ADAMSON. Mr. Speaker, that bill is not exactly in due form, and if objection is to be made to the form of it I will move that it be amended. But it will take time and involve the risk of not being passed in the Senate if it is amended. The gentleman from Illinois [Mr. MANN], I notice, is not present at this moment; but after announcing the fact I am willing to let it go as it is.

Mr. MOORE. The gentleman from Illinois [Mr. MANN] is present and quite active just now.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

BRIDGE ACROSS RED RIVER, ARK. AND TEX.

Mr. ADAMSON. Mr. Speaker, the next bill is Senate bill 7723, authorizing the Texarkana Board of Trade to construct a bridge across the Red River between Fulton, Ark., and Index, Tex.

The SPEAKER. The Clerk will report it.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Texarkana Board of Trade, of Texarkana, Ark.-Tex., be, and it is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto over the Red River between Fulton, Ark., and Index, Tex., for railroad and other traffic at a point suitable to the interests of navigation, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and also the act of December 17, 1872, as amended by the act of February 14, 1883.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. ADAMSON. Mr. Speaker, there are also some irregularities in the form of that bill; but for fear it will not be concurred in by the Senate, I refrain from recommending a change.

The SPEAKER. Where is the engrossed copy of the bill?

Mr. WINGO. The engrossed copy, Mr. Speaker, I think is upon the Speaker's desk.

Mr. ADAMSON. That is my understanding. It was held on the Speaker's desk.

Mr. WINGO. It is here. It was held on the Speaker's desk.

The SPEAKER. While the clerks are finding the papers the Chair suggests to the gentleman from Georgia to take up the next one.

Mr. ADAMSON. Very well.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT OR NEAR BURLINGTON, IOWA.

Mr. ADAMSON. Mr. Speaker, I call up House bill 21359.

The SPEAKER. The Clerk will report it.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Citizens' Bridge Co. and its successors and assigns to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River at a point suitable to the interests of navigation at or near Burlington, Iowa, in the county of Des Moines, in the State of Iowa, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I recall when this bill passed through the House there was some criticism as to granting a franchise to a corporation that did not contemplate building this bridge for five years. I want to ask the gentleman what amendment has been made to this bill since it passed the House?

Mr. BARTLETT. This is a House bill.

Mr. ADAMSON. I think this is a new proposition, is it not?

Mr. BARTLETT. Yes. This is a House bill.

Mr. ADAMSON. This is the bill of Mr. KENNEDY of Iowa. He says those people are all right and are ready to go ahead with the work.

Mr. STAFFORD. I was under the impression that we passed a similar bill the other day.

Mr. ADAMSON. No. That was at Muscatine and Keokuk.

Mr. MANN. I thought we passed the Kennedy bill the other day.

Mr. ADAMSON. That was the Keokuk bill. This is Burlington.

Mr. STAFFORD. When is this to be begun?

Mr. ADAMSON. The general act regulates that. It provides for one year in which to begin and three years in which to build.

Mr. STAFFORD. Will the gentleman inform the House whether there is any real company at the present time back of this venture?

Mr. ADAMSON. I have consulted with the gentleman from Iowa [Mr. KENNEDY], and he has some correspondence in regard to it. He says they are ready.

Mr. STAFFORD. I withdraw the objection, Mr. Speaker.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

BRIDGE ACROSS THE RED RIVER, ARK. AND TEX.

Mr. ADAMSON. Mr. Speaker, I now have the engrossed copy of Senate bill 7723.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

BRIDGE ACROSS THE OHIO RIVER, W. VA. AND OHIO.

Mr. ADAMSON. Mr. Speaker, I call up the bill H. R. 7949.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That Parkersburg-Ohio Bridge Co., a corporation created and existing under the laws of the State of West Virginia, its successors and assigns, be, and it and they are, authorized to construct, maintain, and operate a bridge and approaches thereto over the Ohio River between the city of Parkersburg, in the State of West Virginia, and the town of Belpre, in the State of Ohio, at a point suitable to the interests of navigation, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and also the act of December 17, 1872, as amended by the act of February 14, 1883.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. ADAMSON. Mr. Speaker, I think there is a Senate bill identical with that on the Speaker's table. I prefer to pass the Senate bill. The House bill has been read, but the two bills are identical.

The SPEAKER. Does the gentleman from Georgia know what is the number of that Senate bill?

Mr. ADAMSON. It is on the Speaker's table.

The SPEAKER. So many bills have come over in the last 24 hours that it is hard to keep track of them. Does the gentleman know the number of that Senate bill?

Mr. ADAMSON. I will give it to the Chair in a moment. I do not see the author of the bill here. Please let me withdraw that for a moment, and we will take up another one.

The SPEAKER. Without objection, that will be done.

There was no objection.

BRIDGE ACROSS THE MISSOURI RIVER NEAR KANSAS CITY, MO.

Mr. ADAMSON. Mr. Speaker, I send up the bill H. R. 21121, and ask that it be read as reported by the committee.

The SPEAKER. The Clerk will report the bill as reported by the committee.

The Clerk read as follows

Be it enacted, etc., That the time for commencing and completing the construction of a bridge authorized by the act of Congress approved June 17, 1914, to be built across the Missouri River near Kansas City, is hereby extended to one year and three years, respectively, from the 17th day of June, 1915.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, this is an extension of the original bill granting the franchise, and it is in accordance with the general bridge bill?

Mr. ADAMSON. Yes.

Mr. STAFFORD. I have no objection.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

Mr. ADAMSON. Mr. Speaker, I move to reconsider all of these bridge bills that have passed, and that the motion lie on the table.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ADAMSON. Mr. Speaker, there are two other bills which I will call up later.

PENSION BILLS.

Mr. KEY of Ohio. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bills S. 6981, S. 7212, S. 7509, S. 7597, pension bills, insist on the House amendments, and agree to the conference asked for.

The SPEAKER. The gentleman from Ohio asks unanimous consent to take from the Speaker's table the pension bills S. 6981, S. 7212, S. 7509, S. 7597, insist on the House amendments, and agree to a conference. Is there objection?

There was no objection.

The Speaker appointed as conferees on the part of the House Mr. KEY of Ohio, Mr. MURRAY, and Mr. SELLS.

EXPERIMENT AND MINE SAFETY STATIONS, ETC.

Mr. FOSTER. Mr. Speaker, I call up House bill 15869, with Senate amendments, and ask that the same be laid before the House.

The SPEAKER. The Clerk will read the title.

The Clerk read as follows:

H. R. 15869. An act to provide for the establishment and maintenance of mining experiment and mine safety stations for making investigations and disseminating information among employees in mining, quarrying, metallurgical, and other mineral industries, and for other purposes.

The Senate amendments were read.

Mr. FOSTER. Mr. Speaker, I move to concur in the Senate amendments.

Mr. STAFFORD. Will the gentleman explain the amendment—why it was reduced from 15 to 7?

Mr. FOSTER. The language was not quite clear. There was an impression that they might establish more than this number, and what we wanted to do was to bring the number up to 15. This clears up the language.

The SPEAKER. The gentleman from Illinois moves to concur in the Senate amendments.

The motion was agreed to.

AMENDMENT TO FEDERAL RESERVE ACT.

Mr. GLASS. Mr. Speaker, I ask the Chair to lay before the House the bill (H. R. 15038) amending the Federal reserve act with Senate amendments.

The SPEAKER. The Clerk will report the title to the bill.

The Clerk read as follows:

H. R. 15038. An act proposing an amendment to the Federal reserve act relative to acceptances, and for other purposes.

The Senate amendments were read.

Mr. MANN. Will the gentleman yield?

Mr. GLASS. Certainly.

Mr. MANN. What is the effect of the Senate amendment providing that it shall not exceed the capital stock and surplus of such banks?

Mr. GLASS. The original bill put a limitation of one-half of the capital stock of the bank, and the House put on an amendment making the limitation within the discretion of the Federal Reserve Board. The Senate modified it so as to limit it to the entire capital stock and surplus of the bank.

Mr. MANN. The gentleman says the original bill provided for one-half of the capital stock; that is not the way it was presented to the House.

Mr. GLASS. No; but the House modified the bill.

Mr. MANN. The gentleman means the original law or the bill that we passed?

Mr. GLASS. The original law—the statute itself—put a limitation on the amount of acceptances that the bank might make should not exceed one-half of the capital stock of the bank.

Mr. MANN. The amendment is better than the original law, but I understand when the bill was brought before the House it was to permit certain banks that might engage in international acceptances to do that business which they probably would not be able to do if the acceptances were limited to one-half of the capital stock and surplus, and I suppose would still be unable to do it if the limit was raised to the entire amount of the capital stock and surplus.

Mr. GLASS. I think that is entirely true. I concur with the views of the gentleman from Illinois, and if I could hope to get a conference and get the bill back and pass it I would move to nonconcur.

Mr. MANN. I agree with the gentleman that he is making the proper motion. I simply wished to know what the effect was.

Mr. GLASS. I think it has a bad effect, but I think it is the best we can do under the circumstances, and I move to concur in the Senate amendments.

The SPEAKER. The gentleman from Virginia moves to concur in the Senate amendments.

The motion was agreed to.

THE REMOVAL OF SUITS FROM STATE TO FEDERAL COURTS.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent to discharge the Committee on the Judiciary from further consideration of the bill H. R. 6200, and consider it at this time.

Mr. CARLIN. What does it relate to?

Mr. GARRETT of Tennessee. It relates to the removal of cases from the State to the Federal courts on the ground of diversified citizenship.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 28 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended so as to read as follows:

"SEC. 28. That any suit of a civil nature, at law or in equity, arising under the Constitution or laws of the United States or treaties made or which shall be made under their authority, of which the district courts of the United States are given original jurisdiction by this title, which may now be pending or which may hereafter be brought in any State court, may be removed by the defendant or defendants therein to the district court of the United States for the proper district. Any other suit of a civil nature, at law or in equity, of which the district courts of the United States are given jurisdiction by this title, and which are now pending or which may hereafter be brought in any State court, may be removed into the district court of the United States for the proper district by the defendant or defendants therein being nonresidents of that State. And when, in any suit mentioned in this section, there shall be a controversy which is wholly between citizens of different States and which can be fully determined as between them, then either one or more of the defendants actually interested in such controversy may remove said suit into the district court of the United States for the proper district. And where a suit is now pending or may hereafter be brought in any State court in which there is a controversy between a citizen of the State in which the suit is brought and a citizen of another State, any defendant being such citizen of another State may remove such suit into the district court of the United States for the proper district at any time before the trial thereof when it shall be made to appear to said district court that from prejudice or local influence he will not be able to obtain justice in such State court, or in any other State court to which the said defendant may, under the laws of the State, have the right, on account of such prejudice or local influence, to remove said cause: *Provided*, That if it further appear that said suit can be fully and justly determined as to the other defendants in the State court without being affected by such prejudice or local influence, and that no party to the suit will be prejudiced by a separation of the parties, said district court may direct the suit to be remanded, so far as relates to such other defendants, to the State court to be proceeded with therein. At any time before the trial of any suit which is now pending in any district court, or may hereafter be entered therein, and which has been removed to said court from a State court on the affidavit of any party plaintiff that he had reason to believe and did believe that from prejudice or local influence he was unable to obtain justice in said State court, the district court shall, on application of the other party, examine into the truth of said affidavit and the grounds thereof and, unless it shall appear to the satisfaction of said court that said party will not be able to obtain justice in said State court, it shall cause the same to be remanded thereto. Whenever any cause shall be removed from any State court into any district court of the United States and the district court shall decide that the cause was improperly removed and order the same to be remanded to the State court from whence it came, such remand shall be immediately carried into execution, and no appeal or writ of error from the decision of the district court so remanding such case shall be allowed: *Provided further*, That no case arising under an act entitled 'An act relating to the liability of common carriers by railroad to their employees in certain cases,' approved April 22, 1908, or any amendment thereto, and brought in any State court of competent jurisdiction shall be removed to any court of the United States: *Provided further*, That no suit against a corporation or joint-stock company brought in a State court of the State in which the cause of action arose shall be removed to any court of the United States on the ground that the parties are citizens of different States if the suit is brought in the county where the cause of action arose or within the county where the defendant is served with process and the plaintiff resides."

The SPEAKER. Is there objection?

Mr. FLOYD of Arkansas. I object.

Mr. GARRETT of Tennessee. Will the gentleman withhold his objection, in order that a statement may be made as to what the bill is?

Mr. FLOYD of Arkansas. I will.

Mr. GARRETT of Tennessee. Mr. Speaker, the only change in existing law that this bill makes is in the proviso. This is a bill that has passed the House of Representatives in the last two Congresses.

My recollection is that in the Sixty-first Congress it was placed as an amendment upon the revision of the judiciary title. In the last Congress it was reported from the Committee on the Judiciary unanimously and passed the House unanimously. What it accomplishes is this: It prevents the removal of causes brought in State courts against State corporations simply on the ground of diversity of citizenship. A corporation organized within a State, say, for instance, in the State of Wisconsin, but which does business in the State of Michigan, can be sued in the courts of the State of Michigan and can not remove the suit simply on the ground of the diversity of citizenship, if this bill prevails. It has twice passed the House of Representatives. I very much hope that the gentleman from Arkansas can see his way clear to withdraw his objection. I am sure that upon having his attention called to it the gentleman will recall the bill perfectly.

Mr. FLOYD of Arkansas. Will the gentleman yield to me?

Mr. GARRETT of Tennessee. Certainly. The gentleman has the floor.

Mr. FLOYD of Arkansas. I desire to state that when the bill was first called up, a moment ago, I ascertained that it was a bill which had been referred to my subcommittee, which had never been brought to my attention by the author of the bill or anyone else interested in its passage during the present session. There are several hundred bills in that condition, and if the Judiciary Committee should permit them to be brought up here now and passed by unanimous consent, some bill might be passed that ought not to be passed; but in view of the statement made by the gentleman from Tennessee that this bill has been formally considered, reported, and passed at a former session of Congress, which fact I now recall, and in view of the further fact that, while it is quite a long bill, the only change of existing law proposed in the bill is contained in the proviso, I withdraw my objection.

The SPEAKER. Is there objection?

Mr. MOORE. I object.

Mr. GARRETT of Tennessee. Mr. Speaker, I move to suspend the rules and pass the bill.

The SPEAKER. The Chair will recognize the gentleman for that purpose after a while.

BRIDGE ACROSS OHIO RIVER, PARKERSBURG, W. VA.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 7646) to authorize Parkersburg-Ohio Bridge Co., a corporation created and existing under the laws of the State of West Virginia, its successors and assigns, to construct a bridge across the Ohio River from the city of Parkersburg, State of West Virginia, to the town of Belpre, State of Ohio.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That Parkersburg-Ohio Bridge Co., a corporation created and existing under the laws of the State of West Virginia, its successors and assigns, be, and it and they are, authorized to construct, maintain, and operate a bridge and approaches thereto over the Ohio River between the city of Parkersburg, in the State of West Virginia, and the town of Belpre, in the State of Ohio, at a point suitable to the interests of navigation, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and also the act of December 17, 1872, as amended by the act of February 14, 1883.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

BRIDGE ACROSS PEARL RIVER, BOGALUSA, LA.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 21562) to authorize the construction of a bridge across Pearl River at or near the city of Bogalusa, La.

The SPEAKER. The Clerk will report the bill.

The bill was read as follows:

Be it enacted, etc., That the parish of St. Tammany, in the State of Louisiana, and the county of Pearl River, State of Mississippi, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across Pearl River, near the city of Bogalusa, La., at a point suitable to the interests of navigation, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

With the following committee amendments:

Page 1, line 3, strike out "Saint Tammany" and insert "Washington."

Page 2, after line 2, insert a new section, as follows:

"SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. ADAMSON, a motion to reconsider the votes by which the several bills were passed was laid on the table.

Mr. ADAMSON. Those are all the bills which I desire to present, and I thank the Speaker and the House.

POST OFFICE, COHOES, N. Y.

Mr. TEN EYCK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 21184) to increase the limit of cost of the United States post-office building and site at Cohoes, N. Y.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill was read.

The SPEAKER. Is there objection?

Mr. MANN. What is the request?

The SPEAKER. For present consideration of the bill.

Mr. MANN. Is this bill on the Unanimous Consent Calendar?

Mr. TEN EYCK. It is.

The SPEAKER. Is there objection?

Mr. MANN. For the present, I will object.

Mr. TEN EYCK. Will the gentleman withhold his objection to this for a moment, until I explain——

Mr. MANN. The gentleman can get in a little later, probably.

NORMAN E. IVES.

Mr. LLOYD. Mr. Speaker, I offer the following privileged resolution from the Commiteee on Accounts.

The SPEAKER. The gentleman from Missouri offers a privileged resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 723 (H. Rept. 1476).

Resolved, That there be paid, out of the contingent fund of the House, $1,200 to Norman E. Ives, for extra and expert services to the Committee on Invalid Pensions during the third session of the Sixty-third Congress, as assistant clerk to said committee, by detail from the Bureau of Pensions, pursuant to law.

With the following committee amendment:

Page 1, line 2, strike out "$1,200" and insert "$800."

Mr. LLOYD. Mr. Speaker, this is the usual amount that is paid to this expert.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. LLOYD. Yes.

Mr. STAFFORD. I recall that during the last session the committee brought in a similar resolution providing for an allowance to this same employee. Can the gentleman inform the committee what was the amount of that?

Mr. LLOYD. Twelve hundred dollars.

Mr. STAFFORD. That was for the very long session preceding, and this is merely for the session beginning December 7 and ending March 4?

Mr. LLOYD. No; that was intended to be for part of the Congress, and this completes it. We have been paying twelve hundred dollars a year for two Congresses. This resolution adds enough to make the payment during this Congress $2,000 instead of twenty-four hundred dollars.

Mr. STAFFORD. When the gentleman says twenty-four hundred dollars for two Congresses, I assume he means two sessions of Congress?

Mr. LLOYD. No; twenty-four hundred dollars for each of two Congresses—twelve hundred dollars a year.

Mr. STAFFORD. So you have reduced that so as to make it $2,000?

Mr. LLOYD. Yes.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution as amended.

The resolution was agreed to.

WILLIAM M'KINLEY COBB.

Mr. LLOYD. Mr. Speaker, I present the following privileged resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 692 (H. Rept. 1480).

Resolved, That there shall be paid out of the contingent fund of the House $1,200 to William McKinley Cobb for extra and expert services rendered to the Committee on Pensions during the third session of the Sixty-third Congress as assistant clerk to said committee by detail from the Bureau of Pensions, pursuant to law.

With the following committee amendment:

Line 2, strike out "$1,200" and insert "$800."

Mr. LLOYD. Mr. Speaker, this provides the same payment for the person detailed to the Committee on Pensions.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The resolution as amended was agreed to.

G. D. ELLIS.

Mr. LLOYD. Mr. Speaker, I present the following privileged resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 560 (H. Rept. No. 1479).

Resolved, That there shall be paid, out of the contingent fund of the House, $1,200 to G. D. Ellis, for extra and expert services rendered in the office of the Clerk of the House of Representatives during the first and second sessions of the Sixty-third Congress, as employee detailed from the Government Printing Office.

With the following committee amendment:

Lines 4 and 5, strike out the words "first and second sessions of the."

Mr. LLOYD. Mr. Speaker, this is the amount that was paid in the last Congress.

Mr. STAFFORD. How long has the practice been continued of paying extra salaries for these services?

Mr. LLOYD. I think that has been in vogue for four years.

Mr. STAFFORD. It is a new allowance, beginning with the Sixty-second Congress?

Mr. LLOYD. Yes.

Mr. STAFFORD. What work does he perform?

Mr. LLOYD. He is the expert printing man in the office of the Clerk of the House.

Mr. STAFFORD. What work has the office to perform that it should require the detail of a special man from the Printing Office?

Mr. LLOYD. He has to do with the work of the Clerk in connection with the bills of the House.

Mr. STAFFORD. As they are engrossed and printed?

Mr. LLOYD. Yes.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The resolution as amended was agreed to.

ACCOUNTS BETWEEN UNITED STATES AND DISTRICT OF COLUMBIA.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent for the present consideration of House resolution 751, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 751 (H. Rept. 1482).

Resolved, That after March 4, 1915, those members of the Committee on the District of Columbia, or a subcommittee thereof to be appointed by the present chairman, who are Members elect of the Sixty-fourth Congress, or a majority of them, be, and are hereby, authorized to continue the investigation directed by House resolution 203 of the Sixty-third Congress, and to expend for the purposes and as provided in said resolution, out of the contingent fund of the House, a sum not exceeding the balance unexpended under said resolution.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would like to have some explanation made of this.

Mr. LLOYD. Mr. Speaker, I yield to the gentleman from Kentucky [Mr. JOHNSON].

Mr. JOHNSON of Kentucky. Mr. Speaker, the explanation of this is that there remains some incomplete work to be done, and about $4,500 of the money remains unexpended. This is to continue the work.

Mr. STAFFORD. What work are these men engaged in?

Mr. JOHNSON of Kentucky. In looking into the accounts between the District of Columbia and the United States.

Mr. STAFFORD. Is this the work performed by the gentleman named Mayes?

Mr. JOHNSON of Kentucky. Yes.

Mr. STAFFORD. When is it expected that the work will be completed?

Mr. JOHNSON of Kentucky. I really do not know, because I do not know anything about accounting work, and I do not know what obstacles are in the way of it.

Mr. STAFFORD. And there is only $4,500 remaining available?

Mr. JOHNSON of Kentucky. About $4,500.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ASSISTANT CLERKS, COMMITTEE ON ENROLLED BILLS.

Mr. LLOYD. Mr. Speaker, I present the following privileged resolution, which I send to the desk and ask to have read:

The Clerk read as follows:

House resolution 745 (H. Rept. 1481).

Resolved, That the chairman of the Committee on Enrolled Bills be, and he is hereby, authorized to employ such additional assistant clerks as may be necessary during the remainder of the Sixty-third Congress, the payment for services not to exceed the sum of $250, to be paid out of the contingent fund of the House.

Mr. STAFFORD. This is the customary resolution for additional work at the end of the session?

Mr. LLOYD. Yes.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

MESSENGER SERVICE.

Mr. LLOYD. Mr. Speaker, I present the following privileged resolution, which I send to the desk and ask to have read:

The Clerk read as follows:

House resolution 746 (H. Rept. 1477).

Resolved, That the Clerk of the House be, and he is hereby, authorized to expend, out of the contingent fund of the House, a sum not to exceed $100 for additional clerical assistance and messenger service in the enrolling room of the House.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

NELLIE M. MURDOCK.

Mr. LLOYD. Mr. Speaker, I present the following resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 726 (H. Rept. 1478).

Resolved, That the Clerk of the House be, and he is hereby, directed to pay out of the contingent fund of the House to Nellie M. Murdock, widow of Samuel A. Murdock, late a messenger on the soldiers' roll of the House, a sum equal to six months of his compensation as such messenger, and an additional amount, not exceeding $250, to defray the funeral expenses of said Samuel A. Murdock.

Mr. LLOYD. Mr. Speaker, this is the usual resolution.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ELECTRICAL VOTING DEVICE.

Mr. LLOYD. Mr. Speaker, I also have a privileged resolution (H. Res. 513) in respect to the electrical voting device.

Mr. MANN. Mr. Speaker, is the gentleman recognized for that?

The SPEAKER. The Chair doubts whether that is privileged, but will ask the gentleman now to withhold it.

Mr. LLOYD. Very well.

ELLEN WILSON MEMORIAL HOMES.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 7743) to incorporate the Ellen Wilson Memorial Homes and consider the same at this time.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That George Foster Peabody, Hugh C. Wallace, Arthur Jeffrey Parsons, Walter S. Ufford, Archibald Hopkins, Julia C. Lathrop, Grace V. Bicknell, and Charlotte Everett Hopkins, their associates and successors, be, and they are hereby, created a body corporate and politic in the District of Columbia by the name, title, and style of the Ellen Wilson Memorial Homes, and by that name shall have perpetual succession; and it shall be lawful for the said corporation to have a common seal, sue and be sued, plead and be impleaded, and have and exercise all the rights, privileges, and immunities for the purposes of the corporation hereby created, which purposes are declared to be to acquire, hold, improve, rent, mortgage, sell, and convey real estate within the District of Columbia for building, in memory of the late Mrs. Woodrow Wilson, one or more blocks of sanitary houses for the working classes, and renting the same at a rental sufficiently low to cause the abandonment of dilapidated and insanitary houses, as an object lesson in the housing of the working classes under good conditions and at reasonable rates: *Provided*, That the value of any and all property so acquired shall not exceed the sum of $500,000: *Provided further*, That no land shall be acquired or house built thereon except of the character hereinbefore described.

SEC. 2. That the capital stock of said corporation shall be $25,000, divided into 250 shares of the par value of $100 each; and when said amount shall have been subscribed the said corporation shall be fully authorized and empowered to commence business: *Provided*, That said capital stock may be increased by the sale of additional stock from time to time, but the total issue thereof shall not exceed the sum of $500,000: *Provided further*, That it shall be unlawful for the officers or directors of said corporation to declare any greater dividend to the stockholders than 5 per cent per annum upon the capital stock outstanding at the time of such dividend.

SEC. 3. That the affairs of the corporation shall be managed by a board of directors consisting of 15 persons, who shall for the first year be elected by the incorporators, hereinbefore named, and thereafter said board shall be elected annually in such manner as may be provided by the by-laws of the corporation; and such board of directors shall have power to ordain, establish, and put into execution such rules, regulations, ordinances, and by-laws as they may deem essential for the good government of the corporation, not contrary to the laws and the Constitution of the United States or of this act, and generally to do and perform all acts, matters, and things which a corporation may or can lawfully do.

SEC. 4. That Congress reserves the right to repeal, alter, or amend this act.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, in the reading of the bill I did not grasp that part of the first section which refers to some dilapidated quarters or rookeries. I do not know whether there is any provision made for an appropriation for certain alleys——

Mr. JOHNSON of Kentucky. There is no appropriation whatever in it. It is just to incorporate this society for the District of Columbia.

The bill was ordered to be read a third time, was read the third time, and passed.

ENCAMPMENT GRAND ARMY OF THE REPUBLIC.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent to discharge the District of Columbia Committee from and take up for present consideration Senate joint resolution 238, relating to the Grand Army of the Republic.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to discharge the District of Columbia Committee from the further consideration of and to take up and consider the Senate joint resolution. The Clerk will report the joint resolution.

The Clerk read as follows:

Joint resolution (S. J. Res. 238) giving authority to the Commissioners of the District of Columbia to make special regulations for the occasion of the forty-ninth national encampment of the Grand Army of the Republic, to be held in the District of Columbia in the months of September and October, 1915, and for other purposes incident to said encampment.

Resolved, etc., That the Commissioners of the District of Columbia are hereby authorized and directed to make such special regulations for the occasion of the encampment of the Grand Army of the Republic, which will take place in the District of Columbia from September 27 to October 2, 1915, as they shall deem advisable for the preservation of public order and the protection of life and property, to be in force one week prior to said encampment, during said encampment, and one week subsequent thereto. Such special regulations shall be published in one or more of the daily newspapers of the District of Columbia, and no penalty prescribed for the violation of such regulations shall be enforced until five days after such publication; and said commissioners are authorized and directed to establish a special schedule of fares, applicable to public conveyances in said District, during the period aforesaid. Any person violating any of the aforesaid regulations or the aforesaid schedule of fares shall, upon conviction thereof in the police court of the said District, be liable for such offense to a fine not to exceed $100, and in default of payment of such fine to imprisonment in the workhouse (or jail) of said District for not longer than 60 days. This resolution shall take effect immediately upon its approval, and the sum of $11,000, or as much thereof as may be necessary, payable from any money in the Treasury not otherwise appropriated and from the revenues of the District of Columbia, in equal parts, is hereby appropriated to enable the Commissioners of the District of Columbia to carry out the provisions of section 1 of this joint resolution, $1,000 of which shall be available for the construction, maintenance, and operation of public-comfort stations and information booths, under the direction of said commissioners.

SEC. 2. That the Commissioners of the District of Columbia are hereby authorized to permit the committee on illumination of the citizens' executive committee for the entertainment of the forty-ninth national encampment of the Grand Army of the Republic to stretch suitable conductors, with sufficient supports wherever necessary, for the purpose of effecting the said illumination within the District of Columbia: *Provided*, That the said conductors shall not be used for the conveying of electrical currents after October 2, 1915, and shall, with their supports, be fully and entirely removed from the streets and avenues of the said city of Washington on or before October 20, 1915: *Provided further*, That the stretching and removing of the said wires shall be under the supervision of the Commissioners of the District of Columbia, who shall see that the provisions of this resolution are enforced; that all needful precautions are taken for the protection of the public; and that the pavement of any street, avenue, or alley disturbed is replaced in as good condition as before entering upon the work herein authorized: *Provided further*, That no expense or damage on account of or due to the stretching, operation, or removing of the said temporary overhead conductors shall be incurred by the United States or the District of Columbia: *And provided further*, That if it shall be necessary to erect wires for illumination purposes over any park or reservation in the District of Columbia that the work of erection and removal of said wires shall be under the supervision of the official in charge of said park or reservation.

SEC. 3. That the Secretary of War and the Secretary of the Navy be, and they are hereby, authorized to loan to the chairman of the subcommittee in charge of street decorations, or his successor in said office, for the purpose of decorating the streets of the city of Washington, D. C., on the occasion of the encampment of the Grand Army of the Republic, 1915, such of the United States ensigns, flags (except battle flags), signal numbers, etc., belonging to the Government of the United States, as in their judgment may be spared and are not in use by the Government at the time of the encampment. The loan of the said ensigns, flags, signal numbers, etc., to said chairman shall not take place prior to the 15th day of September and shall be returned by him by the 15th day of October, 1915.

SEC. 4. That for the protection and return of said ensigns, flags, signal numbers, etc., the said chairman, or his successor in office, shall execute and deliver to the President of the United States, or to such officer as he may designate, a satisfactory bond in the penalty of $50,000, to secure just payment for any loss or damage to said ensigns, flags, and signal numbers not necessarily incident to the use specified.

SEC. 5. That the Secretary of War is hereby authorized to grant permits to the citizens' executive committee for the entertainment of the Grand Army of the Republic for the use of any reservation or other public spaces in the city of Washington on the occasion of the forty-ninth national encampment, in the months of September and October, 1915, which, in his opinion, will inflict no serious or permanent injuries upon such reservations or public spaces, or statuary therein; and he Commissioners of the District of Columbia may designate for such and other purposes on the occasion aforesaid such streets, avenues, and sidewalks in said city of Washington as they may deem proper and necessary: *Provided, however*, That all stands and platforms that may be erected on the public spaces aforesaid shall be under the supervision of the said citizens' executive committee and in accordance with plans and designs to be approved by the Architect of the Capitol, the Commissioner of Public Buildings and Grounds, and the building inspector of the District of Columbia.

SEC. 6. That he Secretary of War is hereby authorized to loan to the chairman of the medical department of the forty-ninth national encampment of the Grand Army of the Republic, or his successor in said office, for the purpose of caring for the sick, injured, and infirm on the occasion of the encampment of the Grand Army of the Republic in the months of September and October, 1915, such hospital tents and camp appliances and other necessaries, hospital furniture, and utensils of all

descriptions, ambulances, horses, drivers, stretchers, and Red Cross flags and poles belonging to the Government of the United States as in his judgment may be spared and are not in use by the Government at the time of the encampment: *Provided*, That the said chairman, or his successor in said office, shall indemnify the War Department for any loss to such hospital tents and appliances as aforesaid not necessarily incident to such use.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

CHANGE OF REFERENCE.

The SPEAKER. Senate 5042, an act legalizing certain conveyances heretofore made by the Central Pacific Railroad Co. and others in the State of Nevada, was referred to the Private Calendar. It seems to the Chair that it ought to go on the Union Calendar, and consequently it is rereferred to that calendar.

MAJ. JOHN O. SKINNER.

Mr. CARLIN. Mr. Speaker, I ask for the immediate consideration of the bill S. 2789, which is on the Private Calendar. The Clerk has it.

The SPEAKER. The Clerk says the bill is not here. The gentleman from Virginia asks unanimous consent to take up and consider the bill which the Clerk will report.

The Clerk read as follows:

An act (S. 2789) to award the medal of honor to Maj. John O. Skinner, surgeon, United States Army, retired.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, what is this, a Private Calendar bill?

Mr. CARLIN. Yes; it is a Private Calendar bill.

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects. The Chair is not going to recognize anybody else for unanimous consent.

Mr. MANN. We have a Unanimous Consent Calendar.

The SPEAKER. That is what we are going to have called, except those Members who have bills on the Speaker's table, which can be taken up.

Mr. CARLIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CARLIN. When will a Member be recognized to move to suspend the rules?

The SPEAKER. As soon as we get through with the Unanimous Consent Calendar we will begin on suspensions, unless conference reports come in or something of that character.

Mr. CARLIN. Just one moment. Will the gentleman waive his objection to this bill?

Mr. MANN. We have a regular order. We have a Unanimous Consent Calendar with a lot of public bills upon it, and I am not willing to take up bills on the Private Calendar until that is disposed of.

The SPEAKER. The Chair thinks there will be plenty of time to take up these bills.

Mr. HAY. How as to House bills with Senate amendments?

The SPEAKER. Yes; the Chair will recognize those to get them out of the way.

Mr. HAY. I have one.

Mr. POU. I have four here.

ALONZO D. CADWALLADER.

The SPEAKER. The Chair has recognized the gentleman from Virginia.

Mr. HAY. Mr. Speaker, I move to concur in the Senate amendments to the bill H. R. 1090. This is a House bill of Mr. HAMILTON of Michigan.

The SPEAKER. The Clerk will report it by title.

The Clerk read as follows:

A bill (H. R. 1090) for the relief of Alonzo D. Cadwallader.

The Senate amendments were read.

Mr. HAY. Mr. Speaker, I move to concur in the Senate amendments.

The question was taken, and the Senate amendments were agreed to.

VICTORIA COFFMAN.

Mr. POU. Mr. Speaker, I ask to take from the Speaker's table the bill H. R. 9734, and to concur in the Senate amendment, which reduces the amount from $1,200 to $660.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 9734) for the relief of Victoria Coffman.

The Senate amendment was read.

Mr. POU. Mr. Speaker, I move to concur in the Senate amendment.

The motion was agreed to.

ANDREW J. LAWRENCE.

Mr. POU. Mr. Speaker, I ask to take from the Speaker's table the bill H. R. 2662, an act for the relief of Andrew J. Lawrence, and agree to the Senate amendment.

The SPEAKER. The Clerk will report the Senate amendment.

The Senate amendment was read.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

F. W. THEODORE SCHROETER.

Mr. POU. Mr. Speaker, I ask to take from the Speaker's table the bill H. R. 9701, an act for the relief of F. W. Theodore Schroeter, and agree to the Senate amendment.

The Senate amendment was read.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

LOTTIE RAPP.

Mr. POU. Mr. Speaker, I also ask to take from the Speaker's table the bill H. R. 3430, an act for the relief of Lottie Rapp, and agree to the Senate amendment.

The Senate amendment was read.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

JAMES W. M'GREEVEY.

Mr. HAY. Mr. Speaker, I ask to take from the Speaker's table the bill H. R. 12909, an act to correct the military record of James W. McGreevey, and agree to the Senate amendment.

The Senate amendment was read.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

The title was amended to read as follows: "An act for the relief of James W. McGreevey."

WILLIAM A. WALLACE.

Mr. HAY. Mr. Speaker, I also ask to take from the Speaker's table the bill H. R. 12229, a bill for the relief of William A. Wallace, and agree to the Senate amendment.

The Senate amendment was read.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

H. S. HATHAWAY.

Mr. HAY. Mr. Speaker, I also desire to call up the bill H. R. 7205, an act to correct the military record of H. S. Hathaway, and agree to the Senate amendment.

The Senate amendment was read.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

The title was amended to read as follows: "An act for the relief of H. S. Hathaway."

The SPEAKER. Has the gentleman from Virginia any more bills?

Mr. HAY. That is all, sir.

The SPEAKER. The Clerk will report the first bill on the Unanimous Consent Calendar.

EL PASO & ROCK ISLAND RAILWAY CO.

The first business on the Calendar for Unanimous Consent was the bill S. 2278, an act granting the El Paso & Rock Island Railway Co. a right of way for its pipe lines and reservoir upon the Lincoln National Forest for the carrying and storage of water for railroad purposes.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. LENROOT. Mr. Speaker, reserving the right to object, I would like to get some information, if anyone present is in charge of the bill.

Mr. FERRIS. The gentleman from Texas [Mr. YOUNG] is very anxious to get that bill up. Will the gentleman withhold his request for the present?

Mr. LENROOT. Mr. Speaker, I ask that the bill be temporarily passed, with the right to return to it.

The SPEAKER. Is there objection?

There was no objection.

THE LATE GEORGE WASHINGTON GLICK.

Mr. TAVENNER. Mr. Speaker, I desire to present for immediate consideration the following privileged report from the Committee on Printing, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House Report No. 1485.

The Committee on Printing having had under consideration the Senate concurrent resolution (S. Con. Res. 30) providing for the printing of 16,500 copies of the proceedings in the Congress upon the acceptance of the statue of the late George Washington Glick, accompanied by an engraving of said statue, reports the same back to the House with the recommendation that the resolution be agreed to.

The estimated cost will be $4,622.09.

The unincumbered balance of the allotment for printing and binding for Congress for the fiscal year ending June 30, 1915, is $653,910.

Mr. MANN. We did not catch what this was for.

Mr. TAVENNER. The printing of the proceedings on the Glick statue unveiling in Statuary Hall.

The SPEAKER. The Clerk will report the concurrent resolution.

The Clerk read as follows:

Senate concurrent resolution 30.

Resolved, etc., That there be printed and bound in one volume the proceedings in Congress upon the acceptance of the statue of the late George Washington Glick 16,500 copies, of which 5,000 shall be for the use of the Senate, 10,000 for the use of the House of Representatives, and the remaining 1,500 shall be for use and distribution by the Senators and Representatives in Congress from the State of Kansas. The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer, who shall procure a suitable plate of said statue to accompany the proceedings.

The concurrent resolution was agreed to.

JOURNAL FORTY-NINTH NATIONAL ENCAMPMENT, GRAND ARMY OF THE REPUBLIC.

Mr. TAVENNER. Mr. Speaker, I desire to present another privileged resolution.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House Report No. 1483.

Mr. TAVENNER, from the Committee on Printing, makes the following report:

The Committee on Printing having had under consideration the House concurrent resolution (H. Con. Res. 56) providing for the printing as a House document 1,500 copies of the journal of the forty-ninth encampment of the Grand Army of the Republic for the year 1915 reports the same back to the House with the recommendation that the resolution be agreed to.

The estimated cost will be $1,700.

The unincumbered balance of the allotment for printing and binding for Congress for the fiscal year ending June 30, 1915, is $674,910.

The resolution is as follows:

"House concurrent resolution 56.

"Resolved, etc., That there shall be printed as a House document 1,500 copies of the journal of the forty-ninth national encampment of the Grand Army of the Republic for the year 1915, not to exceed $1,700 in cost, with illustrations, 1,000 copies of which shall be for the use of the House and 500 for the use of the Senate."

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the House concurrent resolution.

The House concurrent resolution was agreed to.

DISCONTINUANCE OF CERTAIN PUBLICATIONS.

Mr. TAVENNER. I desire to present another resolution, Mr. Speaker.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House Report No. 1484.

Mr. TAVENNER, from the Committee on Printing, makes the following report:

The Committee on Printing having had under consideration the House joint resolution (H. J. Res. 393) providing for discontinuing the printing of certain publications for congressional distribution reports the same back to the House with the recommendation that the resolution be agreed to.

The unincumbered balance of the allotment for printing and binding for Congress for the fiscal year ending June 30, 1915, is $653,910.

The said resolution is as follows:

"Joint resolution (H. J. Res. 393) to discontinue the printing of certain publications.

"Resolved, etc., That the printing of the publications known as Ethnology Bulletins, Geological Bulletins, Geological Professional Papers, and Geological Water-Supply Papers printed and issued for congressional distribution be discontinued."

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the joint resolution.

The joint resolution was passed.

The SPEAKER. The Clerk will call the next one.

ENROLLED BILLS SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 15414. An act for the relief of David Mowen;

H. R. 15000. An act authorizing the Secretary of the Treasury to disregard section 33 of the public buildings act of March 4, 1913, as to site at Huntingdon, Tenn.;

H. R. 14931. An act for the relief of Arthur Brose;

H. R. 13123. An act for the relief of Charles H. Rayfield, alias Charles H. Czarnowsky;

H. R. 11394. An act for the relief of Joseph A. Powers;

H. R. 10172. An act for the relief of L. V. Thomas;

H. R. 4001. An act for the relief of Daniel J. Ryan;

H. R. 12464. An act providing for the expenditure of part of the unexpended balance of the appropriation of $10,000 made by the urgent deficiency bill of October 22, 1913, for the completion of the post-office building at Hanover, Pa.;

H. R. 12780. An act to provide for the payment of the claim of J. O. Modisette for services performed for the Chickasaw Indians of Oklahoma;

H. R. 14167. An act for the relief of Emily J. Byrd; and

H. R. 15220. An act to amend sections 4888 and 4889 of the Revised Statutes, relating to patents.

EL PASO & ROCK ISLAND RAILWAY CO.

Mr. YOUNG of Texas. Mr. Speaker, I call up the bill S. 2278, which was passed over a moment ago temporarily. It is on the Unanimous Consent Calendar.

The SPEAKER. What does the gentleman desire to do with it?

Mr. YOUNG of Texas. I ask unanimous consent that this bill be taken up and now considered.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

A bill (S. 2278) granting the El Paso & Rock Island Railway Co. a right of way for its pipe lines and reservoir upon the Lincoln National Forest for the carrying and storage of water for railroad purposes.

Be it enacted, etc., That a permanent right of way is hereby granted to the El Paso & Rock Island Railway Co., a corporation organized under the laws of New Mexico, its successors and assigns, over, through, across, and upon the Lincoln National Forest, in the State of New Mexico, subject to the conditions herein contained, for the construction, maintenance, and operation of its present pipe lines now located thereupon, and such additions and extensions as it may make thereto, for the purpose of enabling it to carry water owned or in the future acquired by it to and along its railroad right of way situated outside of such national forest for use in its locomotive engines, cars, trains, railroad shops, and tanks, and other railroad purposes, together with a right of way over and right to improve, construct, maintain, use, and occupy the present reservoir site now used and occupied by such railroad company for the storage of water for such purposes.

SEC. 2. That the right of way hereby granted for such pipe lines shall be so much as may be necessary only for such purposes, not to exceed, however, 25 feet on each side of the present center thereof where the same is already constructed, and an equal width for all extensions thereof, or additions thereto; and maps of the location of any such extensions or additions to such pipe lines shall be prepared by the company and submitted to the Secretary of Agriculture, in accordance with his directions with reference thereto, for his approval, and the right of way as to the same shall take effect from his approval thereof only.

SEC. 3. That the company shall conform to all and singular the regulations adopted or prescribed by the Secretary of Agriculture governing such national forest, or the use or users thereof, and shall not take, cut, or destroy any timber within the same except such as it may be actually necessary to remove to construct its said pipe lines and the structures pertaining thereto, and it shall pay to the proper officer of the Forest Service the full value of all timber and wood cut, used, or destroyed by it within the said national forest.

SEC. 4. That no private right, title, or interest owned by any person, persons, or corporation in such national forest shall be interfered with or abridged except with the consent of the owner or owners or by due process of law and just compensation to said owner or owners; nor shall the privileges herein granted be construed to interfere with the control of water for any purpose under the laws of the United States or of the State of New Mexico.

SEC. 5. That the enjoyment of the rights hereby granted shall be subject at all times to all laws relating to the national forests and to all rules and regulations authorized and established thereunder. For infraction of such laws, rules, or regulations the owner or user of such right of way shall be subject to all fines and penalties imposed thereby, and shall also be liable in a civil action for all damages that may accrue from such breach, and if such infractions are continuous and willful, or if there is continued failure on the part of such company to pay any amount due the Forest Service from said company, for a period of 60 days after notice of the continuance of such infraction or of the amount so due, the rights herein granted shall be and become forfeitable in accordance with law.

SEC. 6. That the company shall continue to maintain the present watering troughs and supply water as at present for the use of animals lawfully grazing upon such national forest or at such other place along such pipe line, in lieu thereof, as the officer in charge of such national forest shall from time to time direct.

SEC. 7. That all right of way hereunder for such pipe line not constructed and in use within three years from the date hereof shall cease and determine at the expiration of such period.

SEC. 8. That this act shall not be construed as a recognition of any claim of the El Paso & Rock Island Railway Co. and for concerning rights in the Hondo River or its tributaries, or of any claim of right to divert water from the watersheds of said streams, or as a waiver of any stipulation heretofore agreed to by the said company for use in the litigation concerning water rights pending in the United States district court for the district of New Mexico in which the United States and the said company are parties.

The SPEAKER. Is there objection?

Mr. LENROOT. Reserving the right to object, Mr. Speaker, I would like some information from the gentleman from Texas [Mr. YOUNG] regarding the bill. I would like to ask him, first, why the report does not contain any report from the department, if there has been such?

Mr. YOUNG of Texas. We had information both from the Department of Agriculture and Dr. Galloway, before he went out, reviewing this legislation. The matter was submitted to him, and he raised no objection to the bill. There was also a communication from the Department of Justice, which went to the Senate committee that had this bill under consideration. They suggested one amendment to be placed in the original bill, and you will find that amendment incorporated in the bill. I think it is the last thing printed in the bill.

Mr. LENROOT. Have there been written reports from the Department of Agriculture and the Department of Justice?

Mr. YOUNG of Texas. Simply a communication was sent to those departments when this bill was submitted to them, asking their views as to whether or not the bill should be enacted.

Mr. LENROOT. Were the reports made?

Mr. YOUNG of Texas. Yes; written letters.

Mr. LENROOT. Why has not the gentleman included them for the information of the House?

Mr. YOUNG of Texas. They were printed in the Senate hearings. We omitted to print them here. I think I furnished the gentleman from Wisconsin [Mr. STAFFORD] with a copy of those letters.

Mr. STAFFORD. The gentleman presented me with a typewritten copy of the statement of the Department of Agriculture. I understood the Department of Justice had strong objection to this bill because there was litigation in the courts involving this very question.

Mr. YOUNG of Texas. That was met by the amendment that was put in; and after it was put in no further objection was made. I can furnish the gentleman with a copy of that letter.

Mr. LENROOT. With reference to the same matter, has the gentleman any knowledge of this particular locality? Are there any other waters in this vicinity that might be affected rather than the waters in the Hondo River?

Mr. YOUNG of Texas. I think not. That is my understanding of it. I will say to the gentleman that I took this matter up personally with the Representative of New Mexico, who has personal knowledge of the whole matter there, and he reviewed it and found no objection to the bill as framed.

Mr. LENROOT. Now, I want to ask the gentleman another question. What are the circumstances in this case that make it exceptional? And why should it be taken out of the general rule and general law with reference to revocable permits? I understand this company now has a permit, and that its pipe line is already constructed and in operation.

Mr. YOUNG of Texas. There was a confusion between the departments—the Department of Agriculture and the Department of Justice. The Department of Agriculture had permitted this pipe line to be established there, and it seemed like some controversy was raised by another department, and the railroad had some trouble in disposing of their bonds when they needed to dispose of them, because this is the only good water they can get in that community, and it was a matter simply between those departments. Confusion arose there, and they desired this legislation in order that such confusion might not arise again. I will say that later, however, when this bill came out, the objection from the Department of Justice had been met by this amendment that has been written into the bill, and now that trouble between the two departments is ended.

Mr. LENROOT. Is the purpose of this bill, then, to strengthen the title of this company other than making a permanent tenure?

Mr. YOUNG of Texas. It is not. You will find in the bill that it is not a permanent proposition at all; that if they should cease to use this pipe line for a period of 12 months it will revert back.

Mr. LENROOT. That is true of any pipe line. That is as true as can be.

Mr. YOUNG of Texas. I think that is true as a matter of law, but we, nevertheless, wrote it in this bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, one of the reasons that prompted me to object when the bill was under consideration the last time was the character of the grant in the first section, authorizing this railroad to extend their lines wherever they may see fit. You will notice on the top of page 2 that this company is authorized to extend their pipe lines and make such additions as it may desire for the purpose of enabling it to carry water owned or in the future acquired by it to and along its railroad right of way, situated outside of such national forest, for use in its locomotive engines, cars, trains, railroad shops, tanks, and so forth. Does not the gentleman think it is rather questionable to grant this right to a railroad company without any limitation whatsoever as to where it may extend its lines, 100 feet in width, over this national forest?

Mr. YOUNG of Texas. I do not think so. It is just simply a matter of getting this clear water down from the top of the mountains to this right of way of the railway company. It is only for the purpose of getting the water down. I do not see where the Government can be injured in any way in the world.

Mr. STAFFORD. I would have no objection to granting a right of way as to their existing lines, but here we grant unlimited privileges as to extensions.

Mr. YOUNG of Texas. So far as I know there is no idea on the part of the railroad company to change their line at all. This is the only water that they can get, and they have it now stored there, and they have got a pipe line down to their track.

Mr. STAFFORD. It is not a question of changing their railroad. It is a question of making further extensions over the national forests, so as to tap more and more of the water supply as they may see fit.

Mr. YOUNG of Texas. I do not think there will be anything like that.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. YOUNG of Texas. I ask unanimous consent to consider the bill in the House as in Committee of the Whole.

The SPEAKER. The gentleman asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. YOUNG of Texas. There are certain amendments in the bill.

The SPEAKER. The Clerk will report the bill for amendment.

The bill was read for amendment.

The following committee amendments were read, considered, and agreed to:

On page 1, line 3, strike out the word "permanent."

On page 2, line 10, at the end of the line, strike out the period and insert a colon and add the following: "*Provided*, That the Secretary of Agriculture may upon abandonment or nonuse of the same for the purpose for which it is granted for a period not less than one year declare said right of way or any part thereof forfeited and annul the same."

On page 4, line 20, strike out the words "and for" and in lieu thereof insert the words "of or."

On page 4, line 20, between the word "concerning" and the word "rights" insert the word "water."

Mr. MONDELL. Mr. Speaker, I move to strike out the last word. I think, perhaps, this legislation ought to be passed, yet, in my opinion, it is unfortunate that it did not go to the proper committee. The Committee on Agriculture has no jurisdiction over a permanent easement in the forest reserves or over anything that permanently attaches as a matter of right of way to lands within the forest reserves. The Committee on Agriculture is evidently unfamiliar with this class of legislation. The Public Lands Committee members are familiar with it, and I think the bill would have come out in better shape if it had gone to the Committee on the Public Lands. It is probably entirely proper that the proviso be adopted; but, if adopted, it will, I fear, have little force or effect. It is just that much more language added to the bill. In my opinion we can not in that way give the Secretary of Agriculture the right to forfeit and annul a right of way unless the intent of it is to give the Secretary of Agriculture the same right that he now has in granting permits, in which event the law is of no benefit. I just call attention to these things as indicating the unwisdom of having legislation presented to committees that are not familiar with the subject matter, because not within their jurisdiction. I think, in the main, there is no special objection to the legislation. In my opinion it might have been in better form. I think it may confer much wider privileges than it seems to on first reading.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. MANN and Mr. YOUNG of Texas, a motion to reconsider the last vote was laid on the table.

TEMPORARY COMMITTEE ON ACCOUNTS.

The SPEAKER. Under the statute the Speaker is required to appoint a temporary Committee on Accounts to serve during the recess of Congress, and the Chair appoints Messrs. LLOYD, ABERCROMBIE, and GRIEST.

WINNEBAGO, OMAHA, ETC., INDIAN RESERVATIONS, NEBR.

Mr. CARTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9899) to authorize the laying out and opening of public roads on the Winnebago, Omaha, Ponca, and Santee Sioux Indian Reservations in Nebraska, with a Senate amendment, and to concur in the Senate amendment.

The SPEAKER. The Clerk will report the bill.

The bill was read by title.

The Senate amendment was read.

The SPEAKER pro tempore (Mr. GARRETT of Tennessee). The gentleman from Oklahoma [Mr. CARTER] asks unanimous consent to concur in the Senate amendment. Is there objection?

There was no objection.

Mr. BURKE of South Dakota. I should like to know if there is an amendment to the title of the bill?

Mr. CARTER. No; there has been no amendment to the title.

Mr. BURKE of South Dakota. Does not the gentleman think the title should be amended?

Mr. CARTER. Yes; the title should be amended by including the words "and Indian reservations in Montana."

The SPEAKER pro tempore. If there be no objection, the title will be amended.

There was no objection.

VALIDATING CERTAIN HOMESTEAD ENTRIES.

The next business on the Calendar for Unanimous Consent was the bill (S. 3878) to validate certain homestead entries.

The Clerk read the title to the bill, as follows:

S. 3878. To validate certain homestead entries.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, this gives an additional homestead right to anyone who has heretofore exercised that right, provided it was less than 160 acres of land.

Mr. STOUT. Yes.

Mr. STAFFORD. How can you justify granting an additional homestead right to a man when he has exercised it once if it happened to be 159 acres?

Mr. STOUT. The gentleman from Wyoming [Mr. MONDELL] was on the committee when the matter came up, and he is more familiar with this than I am.

Mr. MONDELL. Mr. Speaker, I think the gentleman's statement is correct; but the fact is that in most of these cases the entryman had taken only 40 or 80 or 120 acres of land. I had a letter this morning from an entryman in Montana who had taken an 80-acre tract; although he made final proof on a 320-acre homestead he is denied a patent. However, it is true that the department went so far as to hold in some few cases—cases that will be perfected under this law—that if the entryman had formerly taken less than 160 acres, although it might be 155 acres, he could make the 320-acre entry.

I will say to the gentleman from Wisconsin that these people went on in perfect good faith, made filings, took lands, and held them, and if we now deny them it means that some one else will come along and make an entry on the lands that these people have improved.

Mr. STAFFORD. How can the gentleman claim that they entered upon the lands in good faith when they had formerly exhausted the homestead right and were exercising a second homestead entry to which they had no right?

Mr. MONDELL. Oh, the gentleman misunderstands. The department held beyond question that under the enlarged homestead law these men had a right to make these entries. Many entries were made where men had former entries of less than 160 acres—thousands of them. Finally the department changed the ruling, and these are the people who were caught by the change of ruling. All the cases I know of had made the entries before the department held that they were not qualified.

Mr. STAFFORD. Permit me to ask this question: If a person had previously entered upon a regular-sized homestead of 160 acres, he could not file again on his enlarged homestead?

Mr. MONDELL. If the gentleman will allow me a moment I can explain this whole situation. The enlarged homestead law provides that any qualified homestead entryman may make an enlarged homestead entry. For 40 years the department had held that a man who had not completely exhausted his homestead right by securing his entire acreage was still a qualified entryman.

Mr. STAFFORD. To what extent?

Mr. MONDELL. Under the old law he would be a qualified entryman to the extent of sufficient acreage to fill out 160 acres, but under the enlarged homestead it says "all qualified entrymen may take 320 acres."

Mr. STAFFORD. Three hundred and twenty additional to the former allotment.

Mr. MONDELL. Yes; that was so held. If a man was a qualified entrymen he could take 320 acres; that is, in fact, the language of the law. In the majority of cases the old homestead was filed on years ago.

Mr. STAFFORD. Mr. Speaker, I think I shall be compelled to object.

Mr. MONDELL. I hope the gentleman will not object; these men complied with the law and they entered under the rules of the department.

Mr. STOUT. I am going to suggest that the committee amendment making it 1915 shall be stricken out, and make it 1914, and that would simply take care of all the people who got in in perfect good faith and under the direction or instructions of the department took these additional filings.

Mr. STAFFORD. Let me see if I clearly understand the situation. If a person had made a formal entry on a homestead of less than 160 acres, would he, under the provisions of this bill, be entitled to an additional 320 acres?

Mr. STOUT. No; he would be entitled to sufficient to make 320 acres.

Mr. MONDELL. Mr. Speaker, I do not want the gentleman from Wisconsin to have a misunderstanding about this matter. We want the bill passed, but we want it passed with a full understanding on the part of the House of what it is. The enlarged homestead law intended, and its language clearly indicated, that a man—a qualified homestead entryman—might take 320 acres, but it did not say that if I had made an entry of less than 160 acres I could take up enough to make 320. This was our reason, and it was discussed in the House and understood. We said that these lands which we were going to give were lands upon which a man can not make a living under 320 acres, and therefore we would be doing a man no kindness unless we gave him 320 acres. We therefore provided that if he is entitled to anything at all, he is entitled to 320 acres. Instead of saying that a man who had once used his homestead right for less than 160 acres could take enough to make up 320 acres, we said that any qualified entryman could take an enlarged homestead. For 40 years the department had held that a man was a qualified entryman until he had exhausted a 160-acre right. Now, gentlemen will understand that these original entries were made by these men years ago. Most of them probably got little out of them, and they went out there again on the frontier and made these entries. Finally the department changed the ruling, and held that a man was not a qualified entryman under law if he had used his homestead right at all. These men were caught by that change of ruling.

Mr. YOUNG of North Dakota. Did not the land officials recognize and accept these filings as regular?

Mr. MONDELL. They did. They entered in good faith under the law, and under the ruling at the time they made their entry, and we are simply perfecting their claims.

Mr. STAFFORD. Mr. Speaker, reserving further the right to object, I would like to inquire how many cases are involved if we limit the time to January 1, 1914?

Mr. STOUT. The best information I have been able to get is about 100 cases in our State.

Mr. STAFFORD. Of course there are other States where this law will apply?

Mr. MONDELL. Mr. Speaker, I will say to the gentleman from Wisconsin that I know definitely of but one case in Wyoming. No doubt there are more. This practice seems to have been more in vogue in one or two of the Montana districts than elsewhere.

Mr. STOUT. These are all in the Montana districts.

Mr. MONDELL. There were many cases just like these that were not caught by the decision, but I have no personal knowledge in my State where the change of ruling affected many cases.

Mr. MANN. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. STOUT. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That all pending homestead entries made in good faith prior to January 1, 1914, under the provisions of the enlarged homestead laws, by persons who before making such enlarged homestead entry had acquired title to land under the homestead laws and therefore were not qualified to make an enlarged homestead entry, be, and the same are hereby, validated, if in all other respects regular, in all cases where the original homestead entry was for less than 160 acres of land.

With the following committee amendment:

Page 1, line 4, strike out "1914" and insert "1915."

Mr. STOUT. Mr. Speaker, under agreement with the committee, I will ask that the committee amendment be disagreed to.

The SPEAKER pro tempore. The question is on the committee amendment.

The committee amendment was rejected.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. STOUT, a motion to reconsider the vote by which the bill was passed was laid on the table.

RURAL CREDIT—EXTENSION OF REMARKS.

Mr. HENRY. Mr. Speaker, I ask unanimous consent that all Members be allowed five calendar days in which to extend their remarks in the RECORD on rural-credit legislation.

The SPEAKER pro tempore. Is there objection?

There was no objection, and it was so ordered.

RURAL CREDIT COMMISSION.

The next business on the Calendar for Unanimous Consent was House joint resolution 410, to create the national rural credit commission.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, in view of the action taken last night, I shall object.

Mr. BULKLEY. Mr. Speaker, will the gentleman reserve his objection for a moment?

Mr. MANN. I think not. I think we ought to get through this calendar.

Mr. BULKLEY. The gentleman is under a misapprehension.

Mr. MANN. I think I know what I am doing.

Mr. BULKLEY. The action last night has nothing to do with this commission.

Mr. MANN. In my opinion it has.

Mr. BULKLEY. The action last night had relation only to land-mortgage credits, and this resolution relates only to personal short-term credit. I hope the gentleman will not object.

Mr. MANN. I have to object at this time.

The SPEAKER pro tempore. The gentleman from Illinois objects, and the resolution is stricken from the calendar.

POST-OFFICE BUILDING AT COHOES, N. Y.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21184) to increase the limit of cost of the United States post-office building and site at Cohoes, N. Y.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. TEN EYCK. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the limit of cost heretofore authorized by Congress for the purchase of a site and the erection of a post-office building at Cohoes, N. Y., be, and the same is hereby, increased from $100,000 to $150,000.

With the following committee amendment:

Line 6, strike out "$150,000" and insert "$140,000."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. TEN EYCK, a motion to reconsider the vote by which the bill was passed was laid on the table.

DISTRICT JUDGE, ETC., WESTERN DISTRICT OF SOUTH CAROLINA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20894) to provide for the appointment of a district judge, district attorney, and marshal for the western district of South Carolina, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. AIKEN. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there shall be a district judge for the eastern district of South Carolina and a district judge for the western district of South Carolina, who shall be appointed as district judges are appointed in other judicial districts of the United States. The present district judge, who is a resident of the eastern district of South Carolina, is hereby assigned to said eastern district as the district judge thereof.

SEC. 2. That all causes of a civil nature and motions therein submitted and all causes and proceedings of a civil nature, including proceedings in bankruptcy, now pending in the western district of South Carolina in which the evidence has been taken in whole or in part before the present district judge for the eastern and western districts of South Carolina, or taken in whole or in part and submitted to and passed upon by the said district judge, shall be retained by said judge and proceeded with and disposed of by said judge, who may for that purpose continue to exercise jurisdiction in the said western district.

SEC. 3. That there shall be a district attorney for the eastern district of South Carolina and a district attorney for the western district of South Carolina, who shall be appointed as district attorneys are appointed in other judicial districts of the United States. The district attorney for the eastern district of South Carolina and the district attorney for the western district of South Carolina shall each receive an annual salary of $4,500. The present district attorney, who is a resident of the eastern district of South Carolina, is hereby assigned to said eastern district as the district attorney thereof.

SEC. 4. That there shall be a marshal for the eastern district of South Carolina and a marshal for the western district of South Carolina, who shall be appointed as marshals are appointed in other judicial districts of the United States. The marshal for the eastern district of South Carolina and the marshal for the western district of South Carolina shall each receive an annual salary of $4,500. The present marshal, who is a resident of the eastern district of South Carolina, is hereby assigned to said eastern district as the marshal thereof.

SEC. 5. That terms of the district court for the eastern district shall be held at Charleston on the first Tuesdays in June and December; at Columbia on the third Tuesday in January, first Tuesday in November; at Florence, first Tuesday in March; and at Aiken on the first Tuesdays in April and October.

Terms of the district court of the western district shall be held at Greenville on the first Tuesday in April and the first Tuesday in October; at Rock Hill, the second Tuesdays in March and September; and at Greenwood, the first Tuesdays in February and November.

The office of the clerk of the district court for the western district shall be at Greenville and the office of the clerk of the district court for the eastern district shall be at Charleston.

Mr. CULLOP. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. CULLOP:

After the word "States," page 1, line 6, insert the following: "*Provided*, That the President, previous to appointing said judge, shall make public all indorsements of the applicants for said position."

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Indiana.

Mr. PARKER of New Jersey. Mr. Speaker, I desire to say a word or two about this amendment. It seems to me that no better way can be adopted to hamper the selection of good men than to adopt this amendment—whether it comes out of a party platform or not. If the President desires to obtain confidential information with reference to a candidate for a judgeship and asks anyone for that information, there is not one of you here who would want to give that information unless he felt assured that it would be regarded as confidential. I think I could almost appeal to the author of the amendment upon that ground. He would not desire to say publicly all he knew or heard or all that might be said against a candidate. The result of the adoption of such an amendment, as was shown the other day in one of these cases, is to make it impossible for the Executive, who can not know about every man, to obtain the very information that ought to be freely given. If one man writes a letter about a candidate for a judgeship, and tells frankly what he knows either for or against the man, because of his knowledge of the conditions in the community—and it may be a matter of mere reputation—that man should have the privilege of being assured in his own mind that what he says will be regarded as confidential, because, in the nature of things, it may be information upon which inquiry may afterwards be made. I can not understand how any such principle as is now proposed was ever adopted by anyone. I have heard it suggested that it is a good thing to let people who propose any such thing be responsible for it, but as a lawyer I can not consent, with my love for getting the best men for judges in the courts, that any such practice should be adopted. Such inquiry as the President may desire to make with reference to a candidate for a judgeship must be carefully made, and the answer in respect to it should be frank and free; and I ask this House to vote down this amendment, as being improper upon such a bill as this.

Mr. BARTLETT. Mr. Speaker, I ask unanimous consent that the amendment be again reported.

The SPEAKER pro tempore. Without objection, the amendment will be again reported.

There was no objection, and the Clerk again reported the Cullop amendment.

Mr. BARTLETT. Mr. Speaker, we are frequently told on this side that we must vote for this proposition because it is contained in the Democratic platform adopted at Baltimore in 1912. That platform, in the part of it devoted to interstate commerce and the regulation of interstate commerce and the regulation of issuance of stocks and bonds by corporations doing interstate-commerce business, had put between those two subjects, matters which were corollary and kindred, this provision:

We commend a Democratic House for extending the doctrine of publicity to the making public of indorsements of appointments as judges, both orally and written.

What action did they commend to the House? Now, I am, and have been, and am yet, an organization platform Democrat. I live in a country the safety of whose government and whose social system were protected and perpetuated by the organized Democracy and by those Democrats who never faltered in going to the polls and standing by the organization and standing by the platform, and if to-day the South has been rejuvenated, has risen from its ashes to command the attention and admiration of the world in so doing, it is due to the fact that the Caucasians of that locality were platform organization Democrats. We were platform organization Democrats because the Democracy, at least in that section, founded their devotion to Democracy on its reverence for and observance of the doctrines and the principles of the Constitution of our Government. But no man in that part of the country believed or contended that any party which put into its platform a doctrine that struck a deathblow at the provisions of the Constitution he was bound to follow it. We were organization platform Democrats because we believed the doctrine of the Democratic Party was from the inception and its birth founded and builded upon the observance of the Constitution. We fought out a great war between the States because we went to war, as we believed and fought it out, that we were endeavoring to have the Constitution observed and enforced. However, I need not refer any further to that. One of the great principles of this Government is that the departments of the Government shall be separate and distinct, and the one shall not——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BARTLETT. I ask for five minutes more, and I shall not consume longer time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia? [After a pause.] The Chair hears none.

Mr. BARTLETT. That the President, the Executive, shall not encroach upon the privileges of the legislative or the legislative upon those of the Executive.

Mr. FALCONER. Will the gentleman yield?

Mr. BARTLETT. I will.

Mr. FALCONER. The President of course appoints a judge; does he not?

Mr. BARTLETT. Yes.

Mr. FALCONER. Then, why is he breaking into the other branches of the Government in having to do that? Publicity is making known to the world the men who recommend a judge, for instance.

Mr. BARTLETT. No; that is not the proposition. The proposition is that you require the President to do something which the Constitution does not require of him, and which the House and the Senate has no right to inquire into, except perhaps the indorsements filed with the Department of Justice. The Senate and not the House under the Constitution is the advisor and confirming body. I happen to have investigated on one occasion this question, which came up during Mr. Cleveland's first administration, when the Senate called for all this information that he had in reference to the appointment of district attorney in Alabama. The President replied, even to the Senate, that was the advisor and confirming body of all appointments made by the President and entitled to the official papers filed in the Department of Justice for the nomination, that the advice given to the President upon those appointments that those were matters over which the Senate had no control and no authority to inquire into; and such great lawyers as Edmunds and Hoar and Vest and George in the Senate agreed to that view.

Mr. FALCONER. Mr. Speaker, would it not have been more or less illuminating had the public had all the correspondence and letters passed at the time Mr. Archbald was appointed judge, for instance?

Mr. BARTLETT. Oh, one bad case does not make a good law or a bad law.

Mr. FALCONER. And Judge Noyes, of Alaska, for instance.

Mr. BARTLETT. I do not know anything about these cases, except one was impeached, and probably it was right that he should have been impeached.

Mr. HUMPHREY of Washington. The recommendations were probably good.

Mr. BARTLETT. And the recommendations were probably good; and if my friend from Washington were an applicant for a judge—and I should be very glad to indorse him if he were, because I do not doubt he would make a good, honest, and faithful one—but if I were a public character, the president of a corporation, of a railroad corporation, and wanted to destroy the gentleman from Washington, I would have my corporation indorse him, with the idea that that was the way to get rid of a good man and a good judge.

Mr. FALCONER. If the gentleman will permit me, I will say you can not do any damage by turning the light on public officials.

Mr. BARTLETT. That is not the point.

Mr. MONTAGUE. Will the gentleman permit me to ask him a question?

Mr. BARTLETT. Yes.

Mr. MONTAGUE. I would ask, as a practical method of working these recommendations, would it not be a way to kill a very good judge by getting certain people to indorse him?

Mr. BARTLETT. I have just said that. See how the amendment reads. It says, "Shall make public." Are you going to nail it on the Department of Justice, on the White House, or on the Senate, like a notice of a bailiff's sale in a justice's court? How shall it be made public? Would it be published in the newspapers? The whole thing is ridiculous. That is the truth about it. We ought not to further engage in this folly and foolishness.

Mr. HULINGS. I did not object to the consideration of this bill, but I should like to know what necessity there is for providing an additional district judge, an attorney, and a marshal in the western district of South Carolina. And, pending that, I should like to ask the gentleman from Indiana [Mr. CULLOP] if it would not serve all the purposes that he seeks in his amendment if it would require that the names of the recommenders be made public? It would not be necessary that the recommendations should be published, but the public should very properly know who were behind these appointments. I think that would avoid the objections of the gentleman from New Jersey [Mr. PARKER], which he so very cogently stated. But if the public could know who are behind and seeking to have these appointments, I think it would be securing everything in the way of publicity that would be desirable.

Mr. FINLEY. Mr. Speaker, I ask for a vote.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Indiana [Mr. CULLOP].

The question was taken; and the Speaker pro tempore announced that the noes seemed to have it.

Mr. CULLOP. Division, Mr. Speaker.

The House proceeded to divide; and the Speaker pro tempore announced that the ayes were 45.

Mr. MANN. Not a single gentleman from South Carolina votes against the amendment, knowing the amendment will kill the bill, and after begging me, too.

The SPEAKER pro tempore. The noes will rise. [After counting.] Thirty-four gentlemen have voted in the negative. Upon this vote the ayes are 45 and the noes are 34.

So the amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

Mr. HULINGS. Mr. Speaker, I would like to ask the gentleman who proposes the bill a question. What is the necessity for this additional judge?

Mr. FINLEY. It is the amount of public business.

Mr. HULINGS. I know it is very well to say that in a general way.

Mr. FINLEY. There are two districts there, and there is only one set of court officials for the entire State. In the State of South Carolina there are between 1,800,000 and 1,900,000 people to-day, and the growth and wealth of the upcountry has been such as to make legislation of this sort necessary. Now, I will state to the gentleman I know of a case where I was interested as plaintiff's attorney. I do not know how much the real estate was worth, but it was considerable, and the lawyers for the defense, on appeal, complained that they did not have sufficient time in which to present their side. One judge for the entire State can not well attend to the business.

Mr. HULINGS. How much business is there in the State of South Carolina, and how much is it behind?

Mr. FINLEY. As to how much it is behind I do not know at this time, but the public business has not been dispatched—and can not be by one man—in a satisfactory way. And this is about the fourth time this bill has passed this House, in the event it passes to-day. It passed twice in the Fifty-seventh Congress.

Mr. HULINGS. And it appears to the gentleman to be absolutely needed?

Mr. FINLEY. Absolutely.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. PARKER of New Jersey. Mr. Speaker, I think the title ought to be amended. I suppose it can be done.

The SPEAKER. Without objection, the title of the bill will be amended to conform to the text.

There was no objection.

On motion of Mr. AIKEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

FEDERAL POST OFFICE, CARLISLE, PA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 18645) for the acquisition of additional site and improvements on Federal post office at Carlisle, Pa.

The SPEAKER. Is there objection to the consideration of the bill just reported? [After a pause.] The Chair hears none.

Mr. MANN. What is the request?

The SPEAKER. The question is whether there is objection to considering the bill. The Chair hears no objection. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the United States Treasury not otherwise appropriated, the sum of $20,000 for the acquisition of additional land for a site and for the improvement and alteration of the Federal post office at Carlisle, Pa.

Amend the title so as to read: "A bill authorizing certain improvements on the Federal post office at Carlisle, Pa."

Also the following committee amendment was read:

Lines 6 and 7, strike out "$20,000 for the acquisition of additional land for a site and" and insert "$3,500."

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. LOGUE. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. RUPLEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

DELIVERY OF CONDEMNED CANNON, ETC.

The next business on the Calendar for Unanimous Consent was the bill (S. 5495) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. HAY. Mr. Speaker, I ask unanimous consent that it may be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the bill.

The Clerk read the bill, as follows:

A bill (S. 5495) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized, in his discretion, to deliver—

To Topeka Post, No. 71, Grand Army of the Republic, for use in its plat in the Mount Auburn Cemetery in Topeka, Kans., four condemned bronze or brass cannon or fieldpieces;

To the O. M. Mitchell Post, No. 69, Grand Army of the Republic, Osborne, Kans., two condemned bronze or brass cannon or fieldpieces;

To the city of Concordia, Kans., to be mounted in the courthouse square in the said city of Concordia, two condemned bronze or brass cannon or fieldpieces;

To the Masonic homes property at Elizabethtown, Pa., four condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the city of Stafford, Kans., one condemned bronze or brass cannon;

To Wadsworth Post, No. 7, Grand Army of the Republic, Council Grove, Kans., two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To Custer Post, No. 25, Grand Army of the Republic, Cherokee, Iowa, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To Post No. 305, Grand Army of the Republic, Towanda, Kans., one condemned bronze or brass cannon or fieldpiece;

To the village of Ellsworth, Wis., two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the town of Eagle River, Wis., two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the Grand Army of the Republic post, Chariton, Iowa, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the town of New Preston, Conn., to be placed in the village cemetery of that town, one condemned bronze or brass cannon or fieldpiece;

To the H. G. Libby Post, No. 118, Grand Army of the Republic, Newport, Me., one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls;

To the incorporated town of Alden, Iowa, to be mounted and used in the public park of said town, one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls;

To General Hazen Post, No. 258, Grand Army of the Republic, Lincoln, Kans., one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls;

To the town of Nottingham, N. H., to be used in the public square in said town, four condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the city of Pittsburg, Okla., one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls;

To the town of West Warwick, R. I., to be used in the soldiers' park in said town, four condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To Maxwell-McKean Post, No. 1, Grand Army of the Republic, Salt Lake City, Utah, one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls;

To the village of Paynesville, Minn., to be placed on the tract of land lately given to the said village by the local camp of the Sons of Veterans, one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls;

To the town of Newark, Del., three condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the town of Derry, in the State of New Hampshire, two condemned bronze or brass cannon or fieldpieces and carriages, together with a suitable outfit of cannon balls, to be used in connection with the soldiers' monument in said town;

To the city of Tallahassee, Fla., two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the city of Yazoo, in the State of Mississippi, to be placed in Lintonia Public Park, one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls;

To the proper authorities of Columbia County, in the State of Washington, two condemned bronze or brass cannon and a suitable outfit of cannon balls, to be placed in the public square in the city of Dayton;

To the order of the Dan McCook Post, No. 105, of the Grand Army of the Republic, in the State of Washington, one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls;

To deliver to the Fort Totten Indian School, at Fort Totten, in the State of North Dakota, one condemned bronze or brass cannon or fieldpiece, with its carriage and a suitable outfit of cannon balls;

To the city of Hamilton, Mont., two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the city of Nevada, Mo., two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the city of Carthage, Mo., two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the city of Chillicothe, Mo., two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the city of Vermilion, S. Dak., two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the city of Redfield, S. Dak., two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the city of Boulder, in the State of Colorado, for use of Nathaniel Lyon Relief Corps, No. 27, Department of Colorado and Wyoming, auxiliary to Post No. 5, Grand Army of the Republic, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the city of Chattanooga, Tenn., two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the city of Nashville, Tenn., two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the city of Alma, Kans., to be mounted in the courthouse square in said city of Alma, two condemned bronze or brass cannon or fieldpieces;

To James Shields Post, No. 57, Grand Army of the Republic, Wellington, Kans., two condemned bronze or brass cannon or fieldpieces;

To the Caribou Board of Trade, in the town of Caribou, State of Maine, one bronze or brass cannon or fieldpiece, with its carriage and cannon balls;

To the city of Hope, N. Dak., one condemned bronze or brass cannon or fieldpiece, with its carriage and a suitable outfit of cannon balls;

To the city of Muskogee, Okla., two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To Oklahoma City, Okla., two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls:

Provided, That no expense shall be incurred by the United States through the delivery of any of the foregoing condemned military equipment: *And provided further*, That each and every article of condemned military equipment covered by this act shall be subject at all times to the order of the Secretary of War.

With committee amendments, as follows:

To the town of Buckingham, Va., two cannon or fieldpieces, with their carriages, not needed for present service, to be mounted on either side of the Confederate monument in the said town of Buckingham, in the State of Virginia;

To the town of Fincastle, Va., two cannon or fieldpieces, with their carriages, not needed for present service, to be mounted on either side of the Confederate monument in the said town of Fincastle, in the State of Virginia;

To Bartleson Post, No. 6, Grand Army of the Republic, Department of Illinois, at Joliet, Ill., one condemned fieldpiece or cannon, with a suitable outfit of cannon balls, the same to be used for the purpose of appropriately marking the burial places of deceased soldiers in the cemetery lots owned by said post;

To the city of Payette, in the State of Idaho, for the use of William T. Sherman Post, No. 31, Grand Army of the Republic, one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls for two pyramids;

To the city of Grand Junction, Colo., two cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls, not needed for present service, to be mounted on some appropriate site in said city;

To the town of Ripley, in the county of Jackson, State of West Virginia, for the use of Carl Shatto Post, No. 28, Department of West Virginia, Grand Army of the Republic, two condemned bronze or brass cannon or fieldpieces;

To the city of Fredericktown, in the State of Missouri, for the use of Major Gavitt Post, No. 174, Grand Army of the Republic, one condemned bronze or brass cannon or fieldpiece, with carriage, with a suitable outfit of cannon balls;

To the city of Farmington, in the State of Missouri, for the use of Picket Post, No. 215, Grand Army of the Republic, four condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls;

To Custard Post, No. 39, Grand Army of the Republic, Department of Kansas, located at Onaga, Kans., one condemned bronze or brass cannon or fieldpiece, and a suitable outfit of cannon balls;

To Wilson Colwell Post, No. 38, Grand Army of the Republic, Department of Wisconsin, at La Crosse, Wis., two condemned fieldpieces or cannon, with suitable outfits of cannon balls;

To the city of Sikeston, Mo., two cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls, not needed for present service, to be mounted in the public park in said city;

To the General Heintzelman Post, No. 300, Grand Army of the Republic, of Manheim, Pa., two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls;

To the city of St. Maries, Idaho, for the use of the city in its public park, three stacks of Civil War muskets, each stack to consist of three muskets, one condemned bronze or brass cannon or fieldpiece, and a suitable outfit of cannon balls for two pyramids;

To the town of Wise, Va., two cannons, with proper carriages and with suitable outfit of cannon balls, which may not be needed in the service, the same to be placed on the public square in said village;

To the city of Brodhead, Wis., two cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls, not needed for present service, to be mounted in the public park of said city;

To the town of Santa Rosa, Cal., two cannon or fieldpieces, with their carriages, not needed for present service, to be mounted in the monument lot in the said town of Santa Rosa, in the State of California;

To the village of Blanchardville, Wis., two cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls, not needed for present service, to be mounted in the public park of said village;

To Custer Post, No. 81, of the Grand Army of the Republic, and Major John Slocum Camp, No. 181, Sons of Veterans, at Bath, in the State of New York, three bronze or brass fieldpieces or cannon, with their carriages and outfit of cannon balls, etc., not needed for service, the same to be used on the site of the soldiers' monument in the town of Bath;

To the city of Princeton, in the State of Missouri, two condemned bronze or brass cannon or fieldpieces, with their carriages and with suitable outfit of cannon balls, not needed for present service, the same to be mounted and used in the courthouse square in said city;

To the town of Sherman, Me., for the use of Grand Army Post No. 51, of Sherman Mills, Me., two condemned bronze or brass cannon or fieldpieces, with their carriages and suitable outfit of cannon balls, the same to be mounted and placed by direction of the Grand Army post;

To the order of McIlwain Post, No. 273, Grand Army of the Republic, Vandalia, Ill., two condemned bronze cannon, mounted on carriages, for the purpose of placing them in the courthouse yard in the city or in their cemetery lot in South Hill Cemetery;

To donate two bronze or brass guns, with carriages, to the village of Toronto, Ohio, now at Chickamauga Park, Ga., which were issued to the commissioners of the Chickamauga and Chattanooga National Military Park under the provisions of the act of Congress approved August 5, 1892 (27 Stat. L., p. 376), and are not now needed by the commission;

To Long Beach Post, No. 181, Grand Army of the Republic, Department of California and Nevada, a cannon or fieldpiece, with its carriage and suitable outfit of cannon balls, not needed for present service;

To the order of post, Grand Army of the Republic, Hunt, Ill., one condemned bronze cannon, mounted on carriage;

To the city of Chillicothe, in the county of Peoria and State of Illinois, two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls;

To the borough of Terre Hill, Pa., for the soldiers' plot, two condemned bronze or brass cannon or fieldpieces, with their carriages, and a suitable outfit of cannon balls;

To donate one bronze or brass gun to the board of commissioners, Lake County, Ind., to be located and kept on property owned by said board and known as the Lake County Fairgrounds and Memorial Park, now at Chickamauga Park, Ga., which were issued to the commissioners of the Chickamauga and Chattanooga National Military Park, under the provisions of the Act of Congress approved August 5, 1892 (vol. 27, Stat. L., p. 376), and are not now needed by the commission;

To Sol Meredith Post, No. 55, Department of Indiana, Grand Army of the Republic, of Richmond, in the State of Indiana, four condemned bronze or brass cannon or fieldpieces, with their carriages and with suitable outfit of cannon balls, not needed for present service, the same to be mounted and placed by direction of the Sol Meredith Post, No. 55;

To the village of Blanchester, in the State of Ohio, one condemned bronze or brass cannon or fieldpiece and carriage, together with a suitable outfit of cannon balls for two pyramids, to be placed in the cemetery in said village as a memorial to the soldiers there interred;

To the city of Xenia, in the State of Ohio, three condemned bronze or brass cannon, without the carriages, together with a suitable outfit of cannon balls for six pyramids, to be placed in the triangular lot adjacent to Woodland Cemetery, in said city, set aside and made available for the uses of the Lewis Post, No. 347, Grand Army of the Republic, as a memorial to the soldiers there interred;

To the village of Springboro, in the county of Warren and State of Ohio, one condemned bronze or brass cannon or fieldpiece and carriage, together with a suitable outfit of cannon balls for two pyramids, to be placed in the cemetery of said village as a memorial to the soldiers of the Billy Baner Post, No. 537, Grand Army of the Republic, there interred;

To William Timmons, of Greenwich, in the State of Connecticut, one condemned bronze or brass cannon or fieldpiece, with its carriage and a suitable outfit of cannon balls;

To the town of Fremont, in the county of Mahaska, State of Iowa, for the use of the Phil Kearny Post, No. 40, Department of Iowa, Grand Army of the Republic, two condemned iron or steel fieldpieces, to be subject at all times to the order of the Secretary of War;

To the San Diego Army and Navy Academy, at Pacific Beach, in the State of California, one condemned bronze or brass cannon or fieldpiece and carriage, together with a suitable outfit, to be used for saluting purposes;

To the city of Morrow, in the State of Ohio, one condemned bronze or brass cannon or fieldpiece and carriage, together with a suitable outfit of cannon balls for two pyramids, to be placed in the cemetery in said city as a memorial to the soldiers there interred;

To the town of Berryville, in the county of Carroll and State of Arkansas, four condemned cannon or fieldpieces, with their carriages and suitable outfit of cannon balls, to be subject at all times to the order of the Secretary of War;

To Alva Post, No. 28, Grand Army of the Republic, Department of Oklahoma, Alva, Okla., two cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls, not needed for present service, to be mounted in the courthouse square in said city;

To Grant Post, No. 1, Grand Army of the Republic, Department of Oklahoma, Oklahoma City, Okla., two cannon or fieldpieces and a suitable outfit of cannon balls, not needed for present service, to be placed on the post's burial ground as a monument in said city;

To the Wamego Commercial Club, Wamego, Kans., two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls for display purposes in public park;

To the city of New Rochelle, N. Y., one condemned bronze gun and three pyramids of shell, to be used for ornamental purposes in the public square;

To the village of New Richmond, in the State of Wisconsin, two condemned bronze or brass cannon or fieldpieces, with their carriages, and suitable outfit of cannon balls;

To the city of Pottsville, in the State of Pennsylvania, two brass or bronze cannon, with a suitable outfit of cannon balls, not needed for present service, the same to be placed in plot in front of armory in said city;

To the order of post, Grand Army of the Republic, Vandalia, Ill., two condemned bronze cannon, mounted on carriages, for the purpose of placing them in the courthouse yard in the city;

To the village of Ellsworth, in the State of Wisconsin, two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls;

To Enid Post, Grand Army of the Republic, Department of Oklahoma, Enid, Okla., two cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls, not needed for present service, to be mounted on the Government acre in said city;

To the town of Beacon Falls, Conn., two condemned bronze or brass cannon or fieldpieces, with carriages and a suitable outfit of cannon balls, the same to be subject at all times to the order of the Secretary of War;

To the city of Van Buren, Ark., two cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls, not needed for present service;

To donate two condemned bronze or brass cannon or fieldpieces for the soldiers' monument at Summit Hill, Pa.;

To the town of Prairie Grove, in the county of Washington and State of Arkansas, four condemned cannon or fieldpieces, with their carriages and suitable outfit of cannon balls, for park located on Prairie Grove battle field, under the auspices of the Daughters of the Confederacy;

To the city of Seymour, Iowa, one condemned cannon or fieldpiece and a suitable outfit of canon balls for the use of Grand Army of the Republic Post No. 186;

To the town of Seymour, Conn., two condemned bronze or brass cannon or fieldpieces, with carriages and a suitable outfit of cannon balls, the same to be subject at all times to the order of the Secretary of War;

To the town of Rhine, in the county of Sheboygan and State of Wisconsin, two bronze or brass cannon or fieldpieces, with their carriages, not needed for present service, the same to be placed on the lot of the Union soldiers' monument in said town;

To the village of Grace City, in the State of North Dakota, one condemned iron cannon or fieldpiece, with its carriage and a suitable outfit of cannon balls, the same to be subject at all times to the order of the Secretary of War;

To the city of Pittsburg, in the State of Oklahoma, one condemned bronze or brass cannon or fieldpiece, with its carriage and a suitable outfit of cannon balls;

To the town of McPherson, in the county of McPherson and State of Kansas, two bronze or brass cannon or fieldpieces, with their carriages, not needed for present service, the same to be placed in a public park in said town;

To the Danville-Buckeye City public schools, in the county of Knox, in the State of Ohio, 100 Army rifles not needed for present service, the same to be the property of said schools and to be used in drill practice;

To Denison University, in the county of Licking, in the State of Ohio, one condemned bronze or brass cannon or fieldpiece, with its carriage and a suitable outfit of cannon balls, the same to be placed in the campus of said university;

To the Sons of Veterans' Camp, of Coshocton, Ohio, 200 Army rifles, not needed for present service, the same to be the property of said camp and to be used in drill practice;

To the Masonic homes property at Elizabethtown, Pa., four brass or bronze cannon or fieldpieces, with their carriages, and a suitable outfit of cannon balls, not needed for present service;

To the city of Horton, in the State of Kansas, for the use of the Horton Grand Army of the Republic post as a monument, one cannon or fieldpieces, with its carriage and cannon balls, not needed for present service, and without expense to the Government;

To the city of Lawton, in the State of Oklahoma, two condemned bronze or brass cannon or fieldpieces and carriages, together with a suitable outfit of cannon balls for four pyramids, to be placed in the cemetery in said city as a memorial to the soldiers there interred;

To the city of Statesboro, in the State of Georgia, two bronze or brass cannon with a suitable outfit of cannon balls, which may not be needed in the service, the same to be placed in a public park or square in said city;

To the city of Bad Axe, in the State of Michigan, four condemned bronze or brass cannon or fieldpieces, with their carriages and suitable outfit of cannon balls;

To the town of Zanesville, Ohio, one cannon or fieldpiece with carriage, not needed for present service, to be placed in Pioneer Park or other appropriate place in the parks of said city;

To the city of Blackwell, in the State of Oklahoma, for the use of Private Soldier Post, Grand Army of the Republic, two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls, to be subject at all times to the order of the Secretary of War;

To the town of Eagle River, in the State of Wisconsin, two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls;

To the Union Veteran Legion, No. 12, of Cincinnati, Ohio, one mortar or cannon, with carriage, not needed for present service, to be placed in Spring Grove Cemetery, or in any other appropriate public place in Cincinnati, Ohio;

To the city of Waltham, Mass., two bronze or brass cannon or fieldpieces, with their carriages, not needed for present service, the same to be placed in the public park of said city of Waltham;

To the town of Dover, Mass., two bronze or brass cannon or fieldpieces, with their carriages, not needed for present service, the same to be placed in the public park of said town of Dover;

To the Silver's Post, No. 435, Grand Army of the Republic, New Lebanon, Ind., two condemned bronze or brass cannon, together with a suitable outfit of cannon balls for six pyramids, to be placed in their plat in the Mount Zion Cemetery as a memorial to the soldiers of the Civil War;

To the village of Kasbeer, in the county of Bureau and State of Illinois, one condemned bronze or brass cannon or fieldpiece, with carriage and a suitable outfit of cannon balls, to be subject at all times to the order of the Secretary of War;

To the officers of Kilpatrick Post, Grand Army of the Republic, No. 41, of La Junta, Colo., for the use of said post, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the city of Lebanon, in the State of Pennsylvania, four condemned iron cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls, the same to be subject at all times to the order of the Secretary of War;

To the city of Gainesville, in the State of Florida, two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls;

To U. S. Grant Post, No. 72, Grand Army of the Republic, Washington, Ind., two condemned bronze or brass cannon, without carriages, together with a suitable outfit of cannon balls for six pyramids, to be placed on the soldiers' monument erected at Washington, Ind., set aside by the city of Washington, Ind., for said purposes, as a memorial to the soldiers of the Civil War;

To the trustees of Rhine Center Cemetery, in the town of Sheboygan, in the county of Sheboygan and State of Wisconsin, two bronze or brass cannon or fieldpieces, with their carriages, not needed for present service, the same to be placed on the lot of the Union soldiers' monument in said cemetery;

To the Andrew Jackson Chapter of the Daughters of the American Revolution, Talladega, Ala., two cannon or fieldpieces not needed for present service, to be mounted in the courthouse square of Talladega, in the State of Alabama;

To the town of Frazeysburg, Ohio, one cannon or fieldpiece, with carriage, not needed for present service, to be placed in Memorial Park, near Frazeysburg, Ohio;

To the city of Wheeling, W. Va., for the use of the T. M. Haskins Battery A, Company No. 33, Uniform Rank, Knights of Pythias, two brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the Northwestern Military and Naval Academy, situated on Lake Geneva, Wis., two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls;

To the city of Glasgow, in the State of Missouri, one condemned bronze or brass cannon or fieldpiece, together with a suitable outfit of cannon balls for two pyramids;

To the town of New Cumberland, W. Va., for the use of the W. A. Atkinson Post, No. 18, Grand Army of the Republic, two brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the city of Niagara Falls, N. Y., two brass cannon or fieldpieces, with their carriages, not needed for present service, to be mounted on the public grounds of the said city of Niagara Falls, in the State of New York;

To the city of Blue Rapids, Kans., two cannon or fieldpieces, with their carriages, not needed for present service, to be mounted in the public square, in the said city of Blue Rapids, in the State of Kansas;

To the city of Elizabethton, in the State of Tennessee, two condemned bronze or brass cannon or fieldpieces and carriages, together with a suitable outfit of cannon balls for two pyramids, to be placed in the grounds occupied by the monument erected as a memorial to the soldiers of East Tennessee;

To the city of Elsberry, in the county of Lincoln and State of Missouri, two bronze or brass cannon or fieldpieces, with their carriages, not needed for present service, the same to be placed in the public park of said city of Elsberry;

To the city of Norwood, in the county of Hamilton and State of Ohio, two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls;

To the village of Hustisford, in the county of Dodge and State of Wisconsin, two bronze or brass cannon or fieldpieces, with their carriages, not needed for present service, the same to be placed in the public park of said village of Hustisford;

To E. B. Young Post, No. 87, and Yeager Post, No. 13, Grand Army of the Republic, Department of Pennsylvania, Allentown, Pa., two cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls, not needed for present service, to be placed on the "veterans' burial plot" in West End Cemetery, or other appropriate public place in said city of Allentown to be designated by the aforesaid Grand Army posts.

To the city of Bridgeton, N. J., to be mounted in the United States post-office grounds in the said city of Bridgeton, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls.

To the village of Wyoming, Ohio, one cannon or fieldpiece, with carriage, not needed for present service, to be placed in front of the armory or in any other appropriate public place in said village.

To the city of Richmond, in the Commonwealth of Virginia, one cannon or fieldpiece.

To Miles H. Tibbits Post, No. 260, Grand Army of the Republic, Department of Indiana, Plymouth, Ind., two cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls, not needed for present service, to be mounted on the courthouse grounds in said city.

To the town of Black Run, Ohio, one cannon or fieldpiece, with carriage, not needed for present service, to be placed near the base of the McKinley and Lincoln statues on the farm owned by D. B. Baughman, at Black Run, Ohio, which is now being used as a meeting place for reunions and camp fires by the Civil War veterans.

To the town of McConnelsville, Ohio, one cannon or fieldpiece, with carriage, not needed for present service, to be placed on the armory lawn at McConnelsville, Ohio.

To the Andrew Johnson National Cemetery, Greeneville, Tenn., two condemned bronze or brass cannon or fieldpieces and carriages, together with a suitable outfit of cannon balls for two pyramids, to be placed in the grounds of the Andrew Johnson National Cemetery.

To the town of Green Forest, in the county of Carroll and State of Arkansas, four condemned cannon or fieldpieces, with their carriages and suitable outfit of cannon balls.

To donate two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls to the city of Morganton, Burke County, N. C., to be placed in the public square of that city.

To the White Plains Chapter of the Daughters of the American Revolution, of White Plains, N. Y., one condemned cannon and three pyramids of shell, to be used in marking a spot on Chatterton Hill, White Plains, N. Y., where Washington and the Colonial Army made its stand against the British in the Battle of White Plains.

To the city of Appleton, in the county of Outagamie and State of Wisconsin, two bronze or brass cannon or fieldpieces, with their carriages, not needed for present service, the same to be placed in the public square opposite Union soldiers' monument in said city.

To the city of Williamsport, Pa., one captured Spanish cannon, or bronze or brass cannon, with carriages and a suitable outfit of cannon balls.

To the city of Wathena, in the State of Kansas, for the use of Wathena Grand Army of the Republic post as a monument, one cannon or fieldpiece, with its carriage and cannon balls.

To the city of Mena, Ark., two cannon or fieldpieces and a suitable outfit of cannon balls not needed for present service.

To donate two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls to the town of Homestead, Pa., to be placed in the public park of that town.

To T. J. Hungerford Post, No. 39, Grand Army of the Republic, Department of Wisconsin, at Spring Green, Wis., one condemned fieldpiece or cannon, with a suitable outfit of cannon balls, the same to be used in connection with a monument erected to Civil War veterans.

To the city of Oshkosh, in the county of Winnebago and State of Wisconsin, four condemned bronze or brass cannon or fieldpieces, with their carriages and suitable outfit of cannon balls, the same to be placed in a park set apart to commemorate the old camp grounds of the Twenty-first and Twenty-third Wisconsin Regiments.

To the city of Port Huron, in the State of Michigan, four condemned bronze or brass cannon or fieldpieces, with their carriages and suitable outfit of cannon balls, to be subject at all times to the order of the Secretary of War.

To Noah Ring Post, No. 518, Grand Army of the Republic, Hymera, Ind., two condemned cannon, together with a suitable outfit of cannon balls for six pyramids, to be placed in the grove at Hymera, Ind., where said Grand Army of the Republic post holds its annual reunion.

To the city of Hamilton, in the State of Missouri, two condemned bronze or brass cannon or fieldpieces, with carriages and with a suitable outfit of cannon balls, not needed for present service, the same to be mounted and used in the city park of said city.

To the Indian Hill Club, of the town of Winnetka, in the county of Cook, in the State of Illinois, one condemned cannon or fieldpiece, with its carriage and suitable outfit of cannon balls, to be subject at all times to the order of the Secretary of War.

To the Fort Oswego Chapter, Daughters of the American Revolution, of Oswego, N. Y., two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls;

To Pollock Post, No. 42, Grand Army of the Republic, department of Kansas, located at Marion, Kans., one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls;

To the city of Concordia, Kans., two cannon or fieldpieces, with their carriages, not needed for present service, to be mounted in the courthouse square, in the said city of Concordia, in the State of Kansas;

To the city of Sanford, in the State of Florida, two bronze or brass cannon, with a suitable outfit of cannon balls, which may not be needed in the service, the same to be placed in a public park, building, or square in said city;

To donate to the town of Cumberland, Va., two cannon or fieldpieces, with their carriages, not needed for present service, to be mounted on either side of the Confederate monument in the said town of Cumberland, in the State of Virginia;

To the trustees of the Gordon Institute, located at Barnesville, Ga., 10 condemned cannon, the same being ten 12-pound Napoleon guns now located at the United States Arsenal in Augusta, Ga., and being condemned and not fitted for use by the military forces of the United States; also a suitable outfit of cannon balls; and the Secretary of War is hereby authorized and directed to deliver said 10 Napoleon guns and cannon balls to the trustees of the said Gordon Institute;

To the town of Clinton, Me., for the use of the Grand Army post of that town, one condemned bronze or brass cannon or fieldpiece, with carriage and suitable outfit of cannon balls, the same to be mounted and placed by direction of the Grand Army post;

To the city of Glenwood Springs, in the State of Colorado, one condemned bronze or brass cannon or fieldpiece and carriage, together with a suitable outfit of cannon balls for two pyramids;

To the city of Miller, S. Dak., one condemned bronze or brass cannon or fieldpiece, with carriage and a suitable outfit of cannon balls;

To the town of Middletown, in the State of Pennsylvania, two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls;

To the village of Williamsburg, in the State of Ohio, one condemned bronze or brass cannon or fieldpiece and carriage, together with a suitable outfit of cannon balls for two pyramids, to be placed in the cemetery in said village as a memorial to the soldiers there interred;

To the town of Siloam Springs, in the county of Benton and State of Arkansas, four condemned cannon or fieldpieces, with their carriages and suitable outfit of cannon balls;

To the city of Terre Haute, in the county of Vigo, State of Indiana, for the use of Memorial, Riverside, and Voorhees Parks, in said city, three condemned bronze or brass fieldpieces, with their carriages and suitable outfit of cannon balls for three pyramids;

To the trustees of Rhine Center Cemetery, in the town of Rhine, in the county of Sheboygan and State of Wisconsin, two bronze or brass cannon or fieldpieces, with their carriages, not needed for present service, the same to be placed on the lot of the Union soldiers' monument in said cemetery;

To the city of Princeton, in the State of Missouri, two condemned bronze or brass cannon or fieldpieces, with their carriages and with suitable outfit of cannon balls, not needed for present service, the same to be mounted and used in the courthouse square in said city;

To the village of Newtown, in the county of Hamilton and State of Ohio, one condemned bronze or brass cannon or fieldpiece, with its carriage and a suitable outfit of cannon balls;

To the city of Elkhart, Ind., two condemned bronze or brass cannon or fieldpieces and carriages, together with a suitable outfit of cannon balls for two pyramids, to be placed in the grounds of the Elkhart City Building, Elkhart, Ind.; and

To the city of McAlester, in the State of Oklahoma, four condemned bronze or brass cannon or fieldpieces, with their carriages and suitable outfit of cannon balls.

Mr. THOMAS rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. THOMAS. I rise to offer an amendment.

The SPEAKER. The gentleman will send it to the desk.

Mr. THOMAS. I move, Mr. Speaker, to amend by inserting:

Two cannon and carriages and cannon balls, for Russellville, Ky., the Confederate monument at that place, and two cannon and carriages and suitable balls for the Federal monument at Morgantown, Ky.

Mr. MANN. Mr. Speaker, I ask that the gentleman reduce his amendment to writing.

Mr. HAY. Mr. Speaker, I will suggest to the gentleman that I have some amendments to offer, and while I am offering them he can prepare his amendment.

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. HAY. Mr. Speaker, I offer the following amendment, to come in on page 31 as a new paragraph.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

On page 31, insert after line 5, the following: "To the town of Maryville, Tenn., two bronze or brass cannon or fieldpieces, with their carriages, not needed for public purposes, the same to be placed in the public park of the said town of Maryville."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HAY. I offer another amendment, Mr. Speaker, to come in after that one.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Virginia.

The Clerk read as follows:

At the close of the amendment just adopted insert: "To the city of Bardstown, Ky., to be placed on grounds of the public building in said city, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HAY. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

At the close of the amendment just adopted insert: "To the village of Johnstown, in the county of Licking, State of Ohio, two condemned bronze or brass cannon or fieldpieces, with a carriage and suitable outfit of cannon balls, to be subject at all times to the order of the Secretary of War."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HAY. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Insert after the amendment just adopted: "To Custer Post, Grand Army of the Republic, located at St. Joseph, Mo., two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HAY. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Insert, after the amendment just adopted:
"To the Grand Army of the Republic Post, Neosho, Mo., two bronze cannon."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HAY. I offer the following amendment, Mr. Speaker.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Insert, after the last amendment:
"To the city of Covington, Ky., two condemned brass or bronze cannon, with carriages, with a suitable outfit of cannon balls, to be mounted in the public park of said city."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HAY. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

After the amendment just adopted insert:
"To donate to the town of Houston, Halifax County, Va., one condemned bronze or brass cannon, to be used in the public square of said town."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HAY. I offer the following amendment, Mr. Speaker.

The Clerk will report it.

The Clerk read as follows:

After the last amendment add:
"Two bronze or brass cannon for the use of the Colonel Ezra Griffin Post, Grand Army of the Republic, Scranton, Pa."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HAY. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

At the end of the last amendment insert:
"Two condemned bronze or brass cannon, with their carriages, with pyramids of balls, for the courthouse yard at Stanford, Ky., to be subject at all times to the order of the Secretary of War.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HAY. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

After the amendment just adopted insert:
"To the city of Delafield, in the county of Waukesha, in the State of Wisconsin, two condemned bronze or brass cannon, with their carriages and a suitable outfit of cannon balls for two pyramids not needed for the service."

Mr. STAFFORD. Mr. Speaker, may we have that amendment reported again?

The SPEAKER. The Clerk will report the last amendment again, if there be no objection.

The amendment was again read.

Mr. COOPER. Mr. Speaker, this is my amendment. I move to strike out the word "city" and insert the word "village."

Mr. STAFFORD. Mr. Speaker, I move to strike out the last word. I suggest to my colleague that he insert the words "Waukesha County Historical Society" in place of the word "village," and also that he increase the number of cannon to four instead of two. The purpose is to decorate the Cushing Memorial Monument, which has been erected through an appropriation by the State of Wisconsin and donations of public-spirited citizens. I suggest a change in the name of the donee, as there is no municipality, and the society has had general supervision of the erection of the monument.

Mr. FOSTER. Oh, we can not give you four cannon.

Mr. UNDERWOOD. I think the gentleman ought to have six. [Laughter.]

Mr. STAFFORD. There will be plenty more for the other gentlemen who are going to apply.

Mr. MANN. The gentleman can send down an amendment to apply for the other two.

Mr. HAY. Mr. Speaker, a great many gentlemen have brought me amendments to offer, which are already included in the bill under consideration. Every bill which was introduced by any Member before the date of the report of this bill was added as a House amendment to the Senate bill, and if gentlemen will look at the bill and find out whether their cannon are included in it or not, they will save a lot of time.

Mr. FITZGERALD. Mr. Speaker, I hope that if the gentleman from Virginia offers amendments at the suggestion of Members of the House, he will keep a record of those at whose request he offers the amendments. If this bill becomes a law, the time will come when some of the gentlemen who have been so anxious to have these amendments placed in the bill will wish they had never been born. I recall the experience of a former Member of this House on one of these matters. There was a public park in a town in his district, and he secured the passage of a bill——

Mr. DIES. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Texas rise?

Mr. DIES. For a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DIES. Under what rule is the gentleman from New York speaking?

Mr. FITZGERALD. I am opposing this amendment.

Mr. DIES. Is the gentleman speaking under the five-minute rule or the one-hour rule?

The SPEAKER. Under the five-minute rule.

Mr. FITZGERALD. This gentleman to whom I refer secured the passage of a bill providing for several condemned cannon and sufficient cannon balls to form a pyramid in a park as an

ornament. After the bill became a law he was notified by the Secretary of War that the cannon had been assigned, that the cannon balls had been selected, and that the War Department was ready to ship the cannon and cannon balls as soon as arrangements were made to pay the freight. He had secured the passage of this bill at the request of some patriotic citizens in his community. He made some inquiries, and the result was that he directed the Secretary of War to ship the cannon, assuring him that he would be personally responsible for the expense. By the time the cannon and cannon balls reached the park and were properly mounted his expenses amounted to $1,400. I hope that the chairman of the Committee on Military Affairs will keep a careful record of the gentlemen who are offering amendments to have condemned bronze and brass cannon and cannon balls which are now obsolete donated to various parks and places in their districts, so that when the War Department comes to the point where it is prepared to have the cannon and cannon balls shipped to the respective places it will know the gentlemen with whom to communicate in order to arrange for the payment of the expenses incident to the donation. And I hope those gentlemen who are offering the amendments will keep in mind the fact that their constituents will expect the cannon and cannon balls to be put in place without expense to the locality.

Mr. MURDOCK. I want to get the exact amount. Was it $1,400?

Mr. FITZGERALD. It was about $1,400. It may have been a little more or a little less, but my recollection is that it was in the neighborhood of $1,400.

Mr. MONTAGUE. How many Chautauqua lectures would it take to pay for that? [Laughter.]

Mr. HOWARD. Does the gentleman from New York mean to intimate that it is going to cost each of us $1,400 if we get these amendments passed?

Mr. FITZGERALD. If this bill becomes a law, when the War Department is ready to ship these guns and cannon it will call upon some one to provide a guaranty that the cost of shipping and erecting will be provided.

Mr. HOWARD. Then I will withdraw my amendment. [Laughter.]

Mr. FITZGERALD. I am calling attention to the fact that a former Member of this House from the State of Ohio found himself in a predicament where it cost him in the neighborhood of $1,400. That is why I am asking the gentleman from Virginia [Mr. HAY] to keep a careful record of the gentlemen who are now pressing him to offer amendments, so that the department will have the proper persons in mind to whom to apply for the necessary expenses.

Mr. HAY. I will say to the gentleman from New York that just now I would like to present the conference report on the Army appropriation bill, so as to get that out of the way, and then we will come back to this.

Mr. FITZGERALD. In the meantime these gentlemen can reconsider the propositions.

Mr. CARLIN. Does the gentleman mean to say that the Members who introduce these amendments are expected to pay the freight? [Laughter.]

ARMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I present a conference report on the bill H. R. 20347, the Army appropriation bill, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Virginia calls up a conference report on the Army bill and asks unanimous consent that the statement be read in lieu of the report.

Mr. KEATING rose.

The SPEAKER. For what purpose does the gentleman from Colorado rise?

Mr. KEATING. I reserve the right to object, and I desire to ask the chairman of the committee if he will object to making a motion that the House instruct the conferees to adhere to the amendment in regard to the Taylor system.

Mr. HAY. The gentleman does not want to make a motion to adhere. I had intended to make a motion that the House further insist on its disagreement to the amendment of the Senate on the Taylor system.

Mr. KEATING. I want to show the Senate that the House is back of the conferees.

Mr. HAY. I think the Senate knows that already.

Mr. KEATING. If the House adopts the motion that I have in mind, there will be no question about it.

The SPEAKER. The motion the gentleman has in mind is the motion to insist.

Mr. KEATING. No; to adhere.

Mr. HAY. Well, Mr. Speaker, I shall be compelled to object to a motion of that kind. If we adopted a motion of that kind, there will be no further conference on the bill.

The SPEAKER. Is there objection to the request that the statement be read in lieu of the report?

There was no objection.

The conference report is as follows:

CONFERENCE REPORT (NOS. 1488 AND 1499).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20347) making appropriations for the support of the Army for the fiscal year ending June 30, 1916, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 58, 70, 112, 114, 115, and 116.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "The Secretary of War is hereby authorized and directed to appoint a commission of not more than three Army officers, whose duty it shall be to report upon the advisability of the acquirement by the United States Government of land near the Bay of San Diego, San Diego County, Cal., and elsewhere on the Pacific, Gulf, and Atlantic coasts, for an aviation school and training grounds of the Signal Corps of the United States Army, and said commission shall ascertain and report what would be the probable cost of acquiring such land; and the sum of $1,000, or so much thereof as may be necessary, is hereby appropriated to defray any expenses incurred by the said commission in the performance of the duties herein imposed upon it"; and the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 2. That chapter 6, Title XIV, of the Revised Statutes of the United States be, and the same is hereby, amended to read as follows:

"'1. The United States Military Prison, Fort Leavenworth, Kans., shall hereafter be known as the United States Disciplinary Barracks.

"'2. Persons sentenced to confinement upon conviction by courts-martial or other military tribunals of crimes or offenses which, under some statute of the United States or under some law of the State, Territory, District, or other jurisdiction in which the crime or offense may be committed, are punishable by confinement in a penitentiary, including persons sentenced to confinement upon conviction by courts-martial or other military tribunals of two or more acts or omissions, any one of which, under the statute or other law hereinbefore mentioned, constitutes or includes a crime or offense punishable by confinement in a penitentiary, may be confined at hard labor, during the entire period of confinement so adjudged, in any United States, State, Territorial, or District penitentiary, or in any other penitentiary directly or indirectly under the jurisdiction of the United States; and all persons sentenced to confinement upon conviction by courts-martial or other military tribunals who are not confined in a penitentiary may be confined and detained in the United States Disciplinary Barracks.

"'3. The government and control of the United States Disciplinary Barracks and of all offenders sent thereto for confinement and detention therein shall be vested in The Adjutant General of the Army under the direction of the Secretary of War, who shall from time to time make such regulations respecting the same as may be deemed necessary, and who shall submit annually to Congress a full statement of the financial and other affairs of said institution for the preceding fiscal year.

"'4. The officers of the United States Disciplinary Barracks shall consist of a commandant and such subordinate officers as may be necessary, who shall be detailed by the Secretary of War from the commissioned officers of the Army at large. In addition to detailing for duty at said disciplinary barracks such number of enlisted men of the staff corps and departments as he may deem necessary, the Secretary of War shall assign a sufficient number of enlisted men of the line of the Army for duty as guards at said disciplinary barracks and as noncommissioned officers of the disciplinary organizations hereinafter authorized. Said guards, and also the enlisted men assigned for duty as noncommissioned officers of disciplinary organizations, shall be detached from the line of the Army, or enlisted for the purpose; and said guards shall be organized as infantry,

with noncommissioned officers, musicians, artificers, and cooks of the number and grade allowed by law for Infantry organizations of like strength: *Provided*, That at least one of said guards shall have the rank, pay, and allowances of a battalion sergeant major.

"'5. The commandant of the United States Disciplinary Barracks shall have command thereof and charge and custody of all offenders sent thereto for confinement and detention therein; shall govern such offenders and cause them to be employed at such labor and in such trades and to perform such duties as may be deemed best for their health and reformation and with a view to their honorable restoration to duty or their reenlistment as hereinafter authorized; shall cause note to be taken and a record to be made of the conduct of such offenders; and may shorten the daily time of hard labor of those who by their obedience, honesty, industry, and general good conduct earn such favors—all under such regulations as the Secretary of War may from time to time prescribe.

"'6. The Secretary of War shall provide for placing under military training those offenders sent to the United States Disciplinary Barracks for confinement and detention therein whose record and conduct are such as to warrant the belief that upon the completion of a course of military training they may be worthy of an honorable restoration to duty or of being permitted to reenlist; may provide for the organization of offenders so placed under military training into disciplinary companies and higher units, organized as Infantry, with noncommissioned officers, except color sergeants, selected or appointed from the enlisted men assigned to duty for that purpose pursuant to the provisions of paragraph 4 hereof; and may provide for uniforming, arming, and equipping such organizations.

"'7. Whenever he shall deem such action merited the Secretary of War may remit the unexecuted portions of the sentences of offenders sent to the United States Disciplinary Barracks for confinement and detention therein, and in addition to such remission may grant those who have not been discharged from the Army an honorable restoration to duty, and may authorize the reenlistment of those who have been discharged or upon their written application to that end order their restoration to the Army to complete their respective terms of enlistment, and such application and order of restoration shall be effective to revive the enlistment contract for a period equal to the one not served under said contract.

"'8. The Secretary of War may, from time to time, designate any building or structure or any part thereof under the control of the Secretary of War and pertaining to the Military Establishment as a branch disciplinary barracks for the confinement and detention of offenders who it is impracticable to send to the United States Disciplinary Barracks at Fort Leavenworth, Kans.; and all branch disciplinary barracks and all offenders sent thereto for confinement and detention therein shall be subject to the laws respecting the United States Disciplinary Barracks at Fort Leavenworth, Kans., and the offenders sent thereto for confinement and detention therein.'"

And the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 3. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed."

And the Senate agree to the same.

On the amendment of the Senate numbered 107 the committee of conference have been unable to agree.

JAMES HAY,
S. H. DENT, Jr.,
Managers on the part of the House.

GEO. E. CHAMBERLAIN,
DUNCAN U. FLETCHER,
H. A. DU PONT,
Managers on the part of the Senate.

The Clerk read as follows:

STATEMENT.

Statement of the managers on the part of the House as to disagreeing votes of the two Houses on amendments of the bill (H. R. 20347) making appropriations for the support of the Army for the fiscal year ending June 30, 1916:

Amendment 19 provided for the appropriation of $400,000 for the purchase of an aviation school and training grounds, and the erection of buildings thereon, on or near the Bay of San Diego, Cal. The House receded with an amendment providing for a commission to ascertain the feasibility of purchase and the probable value of land at San Diego and at other places on the Atlantic, Pacific, and Gulf coasts, and appropriated $1,000 to pay expenses of said commission.

Amendment 58 was an amendment respecting the government and control of the United States military prison; and the Senate receded.

Amendment 70 was an amendment providing for the purchase of a tract of land containing 280 acres adjoining the United States Army post at Missoula; and the Senate receded.

Amendment 112 was an amendment placing upon this bill the articles of war; and the Senate receded.

Amendment 113 was an amendment relating to the control and discipline and change of name of the United States military prison; and the House receded with an amendment.

Amendment 114 was an amendment providing for the detail of officers to the Judge Advocate General's Department; and the Senate receded.

Amendment 115 was an amendment repealing certain laws in conflict with the Articles of War, as set forth in the Senate amendment; and the Senate receded.

Amendment 116 referred to the offenses and penalties set out in amendment 112 of the Senate; and the Senate receded.

Amendment 117 was an amendment referring to the taking effect of the Articles of War and the government of the military prison; and the House receded with an amendment.

Senate amendment 107, respecting the Taylor system, is in disagreement.

JAMES HAY,
S. H. DENT, Jr.,
Managers on the part of the House.

Mr. HAY. Mr. Speaker, I move that the House agree to the conference report.

The conference report was agreed to.

Mr. HAY. Mr. Speaker, I move to reconsider the vote whereby the conference report was agreed to, and that motion lie on the table.

The motion was agreed to.

Mr. HAY. Mr. Speaker, I move that the House further insist on its disagreement to the amendment of the Senate 107, and on that motion I ask for a division.

The House divided; and there were—ayes 102, noes 21.

So the House voted to further insist on its disagreement to Senate amendment 107.

DELIVERY OF CONDEMNED CANNON.

Mr. HAY. Now, Mr. Speaker, in reference to the bill for the delivery of condemned cannon, I ask unanimous consent to offer these amendments that I hold in my hand en bloc.

The SPEAKER. The gentleman asks unanimous consent to offer certain amendments en bloc.

Mr. MANN. The gentleman has the right to offer them as one amendment.

Mr. HAY. I offer them as one amendment, Mr. Speaker.

Mr. TOWNSEND. Mr. Speaker, I should like to hear the names read.

The SPEAKER. The gentleman will hear the names read.

Mr. TOWNSEND. Will they be read and go in the RECORD?

The SPEAKER. Of course they will.

Mr. TOWNSEND. The gentleman from Virginia asked unanimous consent to offer these en bloc, and I object to that.

The SPEAKER. The gentleman from Virginia modified that and actually offered them as one amendment.

Mr. HAY. Mr. Speaker, I do not want to offer anybody's amendment unless he wishes. If the gentleman from New Jersey wants to offer his own amendment, let him offer it.

Mr. TOWNSEND. I have not any amendment to offer.

The SPEAKER. It is not a matter that the gentleman from New Jersey can object to.

Mr. FERRIS. Mr. Speaker, does not the gentleman from Virginia think that we could adopt an amendment which would allow each Member of Congress to get these cannon without offering these amendments?

Mr. SHERLEY. Mr. Speaker, I desire some information. I would like to know what the character of the cannon is, whether they have any value or not. Not long ago we began to pass these bills and dispose of cannon of considerable value that might be made over and were made over when the matter was stopped. I want to inquire what we are doing.

Mr. HAY. We are providing for bronze and brass cannon that are of no further use.

Mr. SHERLEY. Bronze and brass are very valuable, and they can be made over, and the House ought to understand what is it doing.

Mr. HAY. Some years ago the Committee on Military Affairs reported a bill providing for the gift of cannon, and put in the

bill a provision that thereafter the cannon must be bought as junk and paid for according to the value of the brass and bronze which was in them. Since that time gentlemen have introduced these bills asking for these cannon. A large number of them passed the Senate; and when this omnibus Senate bill came over the House committee thought it was nothing but fair to add to the bill the cannon bills introduced by the Members of the House. Now, whether or not Congress wants to give away these cannon is another question; that is a matter of policy.

Mr. SHERLEY. I think it is a matter of importance, also.

Mr. HAY. It is my opinion that hardly a third of these cannon will ever be called for, because the bill provides that the party who gets the cannon shall pay the expenses of transporting them from the arsenal where they are to the point of destination.

Mr. SHERLEY. Does the bill provide for paying the value of the brass and the bronze that are in the cannon?

Mr. HAY. No; it provides that the town or association or individual to whom these cannon are donated shall pay all the expenses and that the United States shall be at no expense whatever.

Mr. SHERLEY. But the gentleman stated that some time ago his committee secured the passage of a law requiring the payment of the value of the brass or bronze in the cannon.

Mr. HAY. Yes.

Mr. SHERLEY. Does the gentleman propose to change that policy?

Mr. HAY. That is the law now. They now come forward and ask us to give them these cannon. It is a matter of policy.

Mr. SHERLEY. I submit the House ought to know the value of these cannon before it gives them away.

Mr. HAY. I do not know what the value is.

Mr. SHERLEY. I know that they are worth a good deal, and I know that protest was made to me by the Ordnance Department the last time a wholesale giving away of these cannon was undertaken.

Mr. HAY. I have no doubt of that; but if the gentleman from Kentucky thinks this bill ought not to pass and that these cannon ought not to be donated in this way, I have no objection to the gentleman taking that attitude.

Mr. SHERLEY. I understand that; but the reason that I am interrogating the gentleman is in order that the House may appreciate what it is doing, that we shall not in our generosity to each other give away the property of the United States that is of value.

Mr. HAY. It is of considerable value.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. MURDOCK. How much is one of these brass or bronze cannon worth after it has reached the point of disuse?

Mr. SHERWOOD. I will answer that. It is worth about $80.

Mr. SHERLEY. I could not answer that question, but I should say in many instances it is worth more than $80.

Mr. FIELDS. I would say from eighty to one hundred and fifty dollars each.

Mr. SHERLEY. It is simply a question of whether the House wants to give these cannon away. I am not blaming the gentleman, only I want the House to know what it is doing.

Mr. MOORE. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. MOORE. I want to ask the gentleman from Virginia a question with respect to the bill. Can the gentleman tell us how many cannon are provided for in the bill with the Senate amendment?

Mr. HAY. As nearly as I could tell, two or three hundred cannon.

Mr. MOORE. There are 30 pages in the House bill with the Senate amendment, and they average about 15 to 20 cannon a page, I should say, and I was wondering whether we had enough cannon to go around.

Mr. HAY. I do not know how many they have.

Mr. FIELDS. Mr. Speaker, will the gentleman yield?

Mr. MOORE. Yes.

Mr. FIELDS. There are somewhere near 20 in the Senate bill and 152 in the House bill.

Mr. MANN. Mr. Speaker, this bill does not require the Secretary of War to dispose of any cannon. It only authorizes him in his discretion to deliver certain condemned cannon as provided in the bill. I know that the metal in the cannon is worth something to remelt and reuse. I doubt whether there are enough condemned cannon to supply all of the provisions in this bill; but I also doubt very much whether they will all be called for. I really believe that the best use that can be made of these old condemned cannon is to put them up somewhere in a cemetery or around some memorial, or in connection with some public work in a city or a village where their presence will tend to make people patriotic. [Applause.] I believe they should be placed where they will make the Government endeared to the people, and where they will talk of defending the flag and of the national honor. There is nothing, in my judgment, that does more good in the use of cannon than using them this way. God knows it is better to do it in this way than to put them to the use for which they were made. [Applause.]

[Mr. DIES addressed the House. See Appendix.]

Mr. ADAMSON. Mr. Speaker, I would be glad to offer an amendment so as to secure for my town a couple of these guns.

The SPEAKER. The gentleman can not get in right now, because there is an amendment pending. All these pro forma amendments are withdrawn, and the Clerk will report the amendment, and the Chair will ask gentlemen to listen carefully to see that their requests are all in the bill. The Members will understand this is offered as one amendment.

The Clerk read as follows:

Amendment by Mr. BAKER: Page 31, line 5, after the word "balls" insert:

"That the Secretary of War be, and he is hereby, authorized in his discretion, to deliver to the city of Wildwood, Cape May County, N. J., two bronze or brass cannon with carriages and suitable balls."

Amendment by Mr. ANDERSON:

"To Wabasha, Minn., two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls."

Amendment by Mr. WALSH:

"In the township of Bernards, County of Somerset, Bernardsville, N. J., two condemned brass or bronze cannon or fieldpieces with their carriages with suitable outfit of cannon balls for two pyramids."

Amendment by Mr. EAGAN:

"For the public square in front of the township hall, North Bergen, in the County of Hudson and State of New Jersey, two condemned bronze or brass cannon or fieldpieces with their carriages with suitable outfit of cannon balls for two pyramids.

"To the Georgia Military Academy, at College Park, Ga., two brass or bronze cannon or fieldpieces with a suitable number of cannon balls for pyramid."

Amendment by Mr. BELL of California:

"To the city of Pasadena, Cal., for the use of the Spanish War Veterans of said city of Pasadena, one condemned bronze or brass cannon or fieldpiece and carriage together with a suitable outfit of cannon balls.

"Two condemned bronze or brass cannon and two pyramids of cannon balls for the soldiers' monument at the city of Vincennes, Ind."

Amendment by Mr. HEFLIN:

"Two bronze or brass cannon for the battle ground of Horse Shoe Bend, in the State of Alabama."

Amendment by Mr. RUPLEY:

"To the Grand Army of the Republic of the city of Lebanon, Pa., two bronze or brass cannon or fieldpieces, with a carriage and a suitable outfit of cannon balls.

"To the city of Americus, in the County of Sumter and State of Georgia, two condemned or brass cannon, with carriage and a suitable outfit of cannon balls for use in the public park, to be subject at all times to the order of the Secretary of War.

"One condemned bronze or brass cannon with cannon balls to the College of St. Thomas, St. Paul, Minn., to be placed in the public park of such college.

"To Grand Army of the Republic Post, El Paso, Ill., two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls, to be placed in the public parks."

Amendment by Mr. LOGUE:

"Two bronze or brass cannon, with sufficient cannon balls, to the Hattie A. Jones Post, Grand Army of the Republic, for monument in Lexington County, Roxborough, Philadelphia."

Amendment by Mr. RUPLEY:

"To the Grand Army of the Republic of the city of Carlisle, Pa., two bronze or brass cannon or fieldpieces, with a carriage and a suitable outfit of cannon balls."

Amendment by Mr. LEVY:

"Two bronze cannon to be placed alongside of Gen. Franz Seigel statue on the Riverside Drive, New York City."

Amendment by Mr. FALCONER: Page 15, line 5, add as a new paragraph:

"Two condemned brass cannon or fieldpieces and a suitable outfit of cannon balls for display purposes in public works of the city of Everett, Wash."

Amendment by Mr. RUPLEY:

"To the Grand Army of the Republic of the city of Harrisburg, Pa., two bronze or brass cannon or fieldpieces, with a carriage and suitable outfit of cannon balls.

"Two bronze or brass cannon for Grand Army of the Republic Post, El Paso, Ill."

Amendment by Mr. SLOAN:

"To the city of Crete, State of Nebraska, one condemned bronze or brass cannon or fieldpiece with carriage and a suitable outfit of cannon balls for use of park."

During the reading of the amendment,

Mr. ADAMSON. Mr. Chairman, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ADAMSON. Is it in order for me now to offer to amend by an amendment?

The SPEAKER. Of course it is when the Clerk has finished reporting all the amendments as one amendment.

Mr. DIES. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. DIES. To strike out the last two cannon balls, or the last two words.

Mr. MANN. The amendment has not been reported yet.

The SPEAKER. The Chair will recognize the gentleman from Texas when the Clerk has completed reporting the amendment.

The Clerk resumed and concluded the reporting of the amendment.

Mr. ADAMSON. Mr. Speaker, I move to amend my amendment by adding at the end thereof:

To the city of Carrollton, Ga., two brass or bronze cannon, with carriages and three pyramids of shells, to be used for ornamental purposes on the public square.

The SPEAKER. Has the gentleman the amendment written out?

Mr. ADAMSON. Yes, sir; if the Clerk can read it.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

To the city of Carrollton, Ga., two condemned bronze guns or brass cannon, with carriages and three pyramids of shells, to be used for ornamental purposes on the public square.

Mr. JOHNSON of Washington. Mr. Speaker, I desire to offer an amendment, which I have placed in the Clerk's hands.

The SPEAKER. How does the gentleman propose to offer it?

Mr. JOHNSON of Washington. As an amendment to the amendment.

The SPEAKER. Now, the gentleman from Texas [Mr. DIES] moves to strike out the last word.

Mr. DIES. I do, Mr. Speaker.

Mr. FIELDS. I want to offer an amendment, Mr. Speaker.

The SPEAKER. You can do it after the gentleman from Texas has used his five minutes.

Mr. DIES. Mr. Speaker, I partially agree with the disposition of these gentlemen to locate these cannon over the country. They ought to be located. Now is the most opportune time in the history of our world to locate the cannon of the country in Georgia, and Pennsylvania, and Maryland, and Maine, and they ought to have the balls, the leaden, molten images of death, located about in Georgia, at the schools and playgrounds of our country. This ought to be an opportune time to locate them, when half of the world is engaged in a fratricidal warfare and half of the world, Mr. Speaker, is engaged in the death grapple. Now is a good time. Moreover, in this Republic we have an admirable example of the fruition and greatness of war. Already we have spent four or five millions of dollars paying the pensions of soldiers.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER. The Clerk will report the rest of the amendments.

The Clerk read as follows:

To the city of Delafield, in the county of Waukesha, in the State of Wisconsin, two condemned bronze or brass cannon or fieldpieces, with their carriages and with suitable outfit of cannon balls for two pyramids, not needed for present service.

The SPEAKER. The Chair will inquire of the gentleman from Wisconsin whether he wants that to stay as "city of Delafield" or "village of Delafield"?

Mr. COOPER. Village of Delafield.

The SPEAKER. Without objection, the Clerk will strike out the word "city" and insert the word "village" in lieu thereof.

There was no objection.

The SPEAKER. The Clerk will report the other amendments.

The Clerk read as follows:

Amendment by Mr. SLOAN:

"To the city of Stromsberg, State of Nebraska, one condemned bronze or brass cannon or fieldpiece, with carriage and suitable outfit of cannon balls, for use of public park.

"To the town of Russellville, Ky., for the Confederate monument, two cannon with their carriages and suitable outfit of cannon balls.

"To the Grand Army of the Republic Post of Morgantown, Ky., for the Federal monument, two cannon and their carriages and a suitable outfit of cannon balls.

"To the city of Clinton, Mo., two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls."

Amendment by Mr. JOHNSON of Washington:

"To the city of Aberdeen, Wash., for use in public park, two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls."

Amendment by Mr. WATSON: Page 31, as a new paragraph:

"To donate to the town of Boydton, Va., two cannon or fieldpiece carriages, not needed for the present service, to mount cannon on either side of the Confederate monument on the courthouse square in said town, in the State of Virginia.

"To the town of Manassas, Va., two bronze or brass cannon, with a suitable outfit of cannon balls."

Amendment by Mr. GREEN of Iowa:

"To the town of Guthrie Center, Iowa, two condemned brass or bronze cannon, with a suitable outfit of cannon balls.

"Two bronze or brass cannon and two pyramids of cannon balls, for soldiers' monument, to the city of Vincennes, Ind.

"Two condemned bronze or brass cannon with their carriages and with pyramid of balls, for the courthouse yard at Stanford, Ky., subject at all times to the orders of the Secretary of War.

"To the city of Sylvester, Ga., two condemned bronze or brass cannon or fieldpieces with their carriages and suitable outfit of cannon balls as ornaments to the public square around courthouse.

"To the town of Salisbury, in the State of Maryland, two condemned bronze or brass cannon or fieldpieces with their carriages and suitable outfit of cannon balls for use in the courthouse square.

"To the city of Mount Vernon, N. Y., one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls."

Amendment by Mr. TAYLOR of Colorado:

"To the city of Durango, Colo., two condemned bronze or brass cannon fieldpiece and a suitable outfit of cannon balls."

Amendment by Mr. FERRIS:

"To the town of Anadarko, Okla., two bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls for three pyramids.

"To the village of Johnstown, in the county of Licking and State of Ohio, two condemned bronze or brass cannon or fieldpieces with carriage and a suitable outfit of cannon balls, to be subject at all times to the order of the Secretary of War.

"To the city of Bardstown, Ky., to be placed on grounds of the public building in said city, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls.

"To Custer Post, Grand Army of the Republic, located at St. Joseph, Mo., two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls."

Page 31, as a new paragraph, after line 5:

"Two bronze or brass cannon for the use of Col. Ezra Griffin Post, Grand Army of the Republic, Scranton, Pa.

"To the town of Maryville, Tenn., two bronze or brass cannon or fieldpieces with their carriages not needed for present service, the same to be placed in the public park of said town of Maryville."

Page 31, as a new paragraph:

"To donate to the town of Houston, Halifax County, Va., one bronze or brass cannon for use on the public square of said town.

"To the city of Covington, Ky., two condemned bronze or brass cannon with carriages and a suitable outfit of cannon balls, to be mounted in the public park of said city.

"To the Grand Army of the Republic Post, Neosha, Kans., two bronze cannon.

"To the towns of Dardanelle and Danville, State of Arkansas, two condemned bronze or brass cannon of field size or fieldpieces with carriages and suitable outfit of cannon balls for use of parks.

"Two condemned brass or bronze cannon with carriage, with cannon balls for two pyramids, for the public square at Elizabethtown, Ill."

Amendment by Mr. HILL:

"To the city of Marion, County of Williamson, State of Illinois, two condemned bronze or brass cannon of full size or fieldpieces with carriages and suitable outfit of cannon balls for use in the public square.

"City of Twin Falls, Idaho, two brass or bronze cannon with suitable carriages and outfit of cannon balls.

"To the city of Cape Girardeau, Mo., two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls.

"To the city of Claremore, Okla., two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls, for use in a preparatory school."

Amendment by Mr. SINNOTT:

"To the city of Dalles City, in the State of Oregon, two condemned bronze or brass cannon or fieldpieces, with their carriages, and with suitable outfit of cannon balls, not needed for present service, for the post-office lot."

The SPEAKER. The Chair is informed that some of the amendments that have been offered involve the donation of Army rifles. The Chair will state for the benefit of all concerned that amendments of that kind are not germane to this bill.

Mr. STAFFORD. Mr. Speaker——

Mr. MOORE. Mr. Speaker, may I have the ear of the Speaker for a moment?

The SPEAKER. Yes.

Mr. MOORE. I offered that amendment, and I did so because on page 18 of the bill is this provision:

To the Sons of Veterans' Camp, of Coshocton, Ohio, 200 Army rifles, not needed for present service, the same to be the property of said camp and to be used in drill practice.

I followed this language exactly in the amendment offered by me. I think there are other amendments of the same kind. There is one just a few lines before that one.

The SPEAKER. The Chair will ask the gentleman if it is part of the bill printed in italics?

Mr. MOORE. Yes. That is part of the House amendment. On page 18 there are two.

The SPEAKER. That amendment, the Chair understands, has never been agreed to. The gentleman had better withdraw his rifle proposition until we come to that amendment.

Mr. ASHBROOK. Mr. Speaker, that is in the bill that has already been read.

The SPEAKER. Whereabouts in the bill?

Mr. ASHBROOK. On page 18.

Mr. MANN. The House amendment has not been agreed to.

Mr. ASHBROOK. I am under the impression that the gentleman from Illinois is mistaken. The House amendment has been agreed to.

Mr. HAY. Mr. Speaker, I want to state that if there is any provision in this bill providing for the loan or gift of any Army service rifles, or any rifles, it is here by mistake, and ought not to be in here. There is a provision of law by which these schools and colleges are furnished with these service rifles. They have no business in this bill, and they were put in by mistake. The House amendments in the bill have been agreed to. I ask unanimous consent that all items in the bill referring to service rifles be stricken from the bill.

The SPEAKER. The gentleman from Virginia [Mr. HAY] asks unanimous consent to strike from the bill any amendment pertaining to Army rifles.

Mr. MOORE. Reserving the right to object, Mr. Speaker, I have no objection to that request, and I believe perhaps it would be a good thing if it were agreed to. But I wish to explain in this connection that I would not have offered the amendment I did had it not appeared that two items of this character had slipped into the bill.

The SPEAKER. The title of the bill is about cannon and cannon balls and cannon carriages. The gentleman from Virginia [Mr. HAY] asks unanimous consent to strike from this bill all items about Army rifles. Is there objection?

Mr. ASHBROOK. Reserving the right to object, Mr. Speaker, I wish to say that this item appropriating rifles for the use of the Sons of Veterans, of Coshocton, Ohio, is in my district. I feel now very much like the dog who swallowed a chunk of meat with a string attached to it. [Laughter.] I do not want to object or make objection to the request of the gentleman from Virginia [Mr. HAY], but inasmuch as the item is in the bill, and this item has been passed, I would appreciate it very much if it were allowed to remain in the bill.

The SPEAKER. The gentleman from Virginia [Mr. HAY] has just explained that the statute covers that. Is there objection?

Mr. ASHBROOK. I would like to inquire of the gentleman from Virginia if it is true that there is a statute relating to the loaning of these old rifles?

Mr. HAY. There is a statute by which these rifles can be furnished to schools and to people for the purpose of practicing shooting, and so forth.

Mr. ASHBROOK. And no such authorization as this has ever been made by the gentleman's committee?

Mr. HAY. No such authorization as this has ever been made by the House before.

Mr. ASHBROOK. I have no objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Virginia that all items in this bill referring to Army rifles be stricken from the bill? [After a pause.] The Chair hears none, and it is so ordered.

The SPEAKER. The Clerk will read the remainder of these cannon amendments.

The Clerk read as follows:

To the city of Billings, Mont., two bronze or brass cannon or fieldpieces with their carriages and a suitable outfit of cannon balls.

To the Grayson Amusement Co., Grayson, Ky., two condemned bronze or brass cannon and suitable outfit of cannon balls.

Amendment by Mr. EVANS:

"To the city of Great Falls, Mont., two condemned bronze or brass cannon or fieldpieces with their carriages and a suitable outfit of cannon balls."

Amendment by Mr. DALE:

"To the city of Brooklyn, N. Y., two condemned bronze or brass cannon or fieldpieces with their carriages and suitable outfits of cannon balls for McCarren Park, Brooklyn, N. Y.

"To the Rugless Camp Grounds, Burtonville, Ky., two condemned bronze or brass cannon and suitable outfit of balls."

Amendment by Mr. TAGGART:

"To the city of Kansas City, Kans., two fieldpieces with carriages and a suitable outfit of cannon balls to be mounted on Huron Place in said city."

Amendment by Mr. DAVIS:

"To Faribault, Minn., two condemned bronze or brass cannon or fieldpieces with carriages and a suitable outfit of cannon balls.

"To the city of Carrollton, Ga., two condemned bronze or brass guns with carriages and three pyramids of shell to be used for ornamental purposes in the public square."

By Mr. SUTHERLAND:

"To the city of Keyser, W. Va., for use of the State preparatory school, two condemned brass or bronze cannon and carriages and suitable outfit of cannon balls.

"Two condemned or brass cannon and suitable complement of cannon balls, for use of Warren farmers of Martin Dies."

By Mr. RAINEY:

"To the city of Petersburg, Ill., two condemned brass or bronze cannon or fieldpieces and a suitable complement of cannon balls."

By Mr. WALTERS:

"For the borough of Ebensburg, Pa., two condemned brass or bronze cannon and carriages, with suitable supply of cannon balls for use at soldiers' monument."

The SPEAKER. The question is on these amendments which have been read.

The amendments were agreed to.

Mr. TOWNER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. TOWNER. I desire to offer an amendment to the bill.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

By Mr. TOWNER:

Page 17, line 3, after the word "Iowa," strike out "one condemned cannon or fieldpiece," and insert in lieu thereof the following:

"Two condemned bronze or brass cannon or fieldpieces."

The Clerk read the following amendments:

By Mr. YOUNG of North Dakota:

"To Grace City, N. Dak., two condemned bronze or brass cannon or fieldpieces, and a suitable outfit of cannon balls.

"To the town of Rugby, N. Dak., to be placed in the county courthouse grounds, two condemned bronze or brass cannon or fieldpieces, and a suitable outfit of cannon balls."

By Mr. GILL:

"For St. Louis, Mo., two condemned bronze fieldpieces or cannon and shell and mountings, for the Army and Navy Club at St. Louis."

By Mr. SELDOMRIDGE:

"To the town of Manitou, State of Colorado, two bronze or brass cannon, with a suitable outfit of cannon balls, for display in a public park or square in said city."

By Mr. LOBECK:

"For the city of Omaha, Nebr., to be placed on the courthouse grounds in Omaha, two bronze or brass cannon, with suitable appurtenances, with the necessary cannon balls for pyramids, to commemorate the deeds of veterans of the Civil and Spanish-American Wars.

"To the city of Hutchinson, Kans., two condemned bronze or brass cannon and suitable collection of balls.

"To the city of York, Pa., two condemned bronze or brass cannon and necesary balls.

"To the town of Marion, Va., two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls."

The SPEAKER. The question is on these amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. SHERLEY. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 111, noes 19.

Accordingly the bill was passed.

On motion of Mr. HAY, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20347) making appropriations for the support of the Army for the fiscal year ending June 30, 1916, had further insisted upon its amendment 107 to the bill, disagreed to by the House of Representatives, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CHAMBERLAIN, Mr. FLETCHER, and Mr. DU PONT as the conferees on the part of the Senate.

ENROLLED BILL SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 15869. An act to provide for the establishment and maintenance of mining experiment and mine safety stations for making investigations and disseminating information among employees in mining, quarrying, metallurgical, and other mineral industries, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 7646. An act to authorize Parkersburg-Ohio Bridge Co., a corporation created and existing under the laws of the State of West Virginia, its successors and assigns, to construct a bridge across the Ohio River from the city of Parkersburg, State of West Virginia, to the town of Belpre, State of Ohio; and

S. 7723. An act authorizing the Texarkana Board of Trade to construct a bridge across the Red River between Fulton, Ark., and Index, Tex.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS SIGNATURE.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 13240. An act for the relief of the legal representatives of James S. Clark, deceased;

H. R. 13180. An act to amend the act of March 4, 1913 (27 U. S. Stat., p. 872), so as to provide that in the construction of the public building at Roseburg, Oreg., provision shall be made for the accommodation therein of the United States post office and other governmental offices;

H. R. 10201. An act for the relief of the heirs of Theodore Dehon;

H. R. 10271. An act for the relief of Edward Whiteside;

H. R. 10167. An act for the relief of Hannah Waldo;

H. R. 7049. An act to reimburse the Port Angeles City Dock Co. for damage done to the dock of that company by the U. S. revenue cutter *Snohomish;*

H. R. 9270. An act for the relief of John M. Gray;

H. R. 19746. An act to authorize aids to navigation and other works in the Lighthouse Service, and for other purposes;

H. R. 16392. An act to better regulate the serving of licensed officers in the merchant marine of the United States and to promote safety at sea;

H. R. 2667. An act for the relief of the legal representatives of Parker S. Rouse, deceased;

H. R. 2703. An act for the relief of Drenzy A. Jones and John G. Hopper, joint contractors, for surveying Yosemite Park boundary;

H. R. 3435. An act for the relief of Mrs. Max S. Retter;

H. R. 3586. An act for the relief of Francis Tomlinson;

H. R. 4008. An act for the relief of Sandy Crawford;

H. R. 3885. An act for the relief of Peter Scott;

H. R. 4630. An act for the relief of Fred A. Emerson;

H. R. 5966. An act for the relief of Clyde Odum;

H. R. 57. An act making an appropriation to M. C. Burke for tax liens held by him on property acquired by the United States;

H. R. 17110. An act to reimburse Epps Danley for property lost by him while light keeper at East Pascagoula River (Mississippi) Light Station;

H. R. 14711. An act for the relief of Miles A. Hughes;

H. R. 13830. An act for the relief of William A. Howard;

H. R. 12919. An act to amend an act entitled "An act to provide for an enlarged homestead";

H. R. 3613. An act to reimburse Le Grand C. Cramer for amount of damages to his motor launch *Winninish* by the U. S. launch *Gunedmertrix* at Morris Heights, N. Y., on March 31, 1911;

H. R. 3305. An act directing the accounting officers of the Treasury to credit and settle an account of Maj. George H. Penrose;

H. R. 13. An act for payment to the Chicago, Milwaukee, & St. Paul Railway Co. the $4,583.67 improperly collected under the act of August 5, 1909; and

H. R. 962. An act for the relief of William H. Shannon.

PURCHASE OF SHIPS.

Mr. ALEXANDER. Mr. Speaker, I desire to call up the conference report on the shipping bill.

The SPEAKER. The Clerk will report it.

The Clerk read the conference report and statement on the bill (S. 5259) as follows:

CONFERENCE REPORT (NOS. 1465 AND 1491).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5259) to establish one or more United States Navy mail lines between the United States and South America and between the United States and the countries of Europe, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1.

That the House recede from its amendment numbered 2, and agree to the same.

And that the Senate agree to the amendment of the House to the title of the bill.

Amendment numbered 3: That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same with amendments as follows:

Page 9, line 3, of said amendment, add to section 9, after the word "*Provided*" and the period, the following: "The captain and watch officers on vessels registered, enrolled, or operated under the provisions of this act shall be American citizens."

Pages 11 and 12 of said amendment, strike out all of section 16.

Page 12 of said amendment, strike out the word "two" and insert the word "three" in line 2 of section 17.

And the House agree to the same.

JOSHUA W. ALEXANDER,
L. P. PADGETT,
RUFUS HARDY,
J. FRED. C. TALBOTT,
Managers on the part of the House.

DUNCAN U. FLETCHER,
JOS. E. RANSDELL,
THOMAS S. MARTIN,
F. M. SIMMONS,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill S. 5259, "An act to establish one or more United States Navy mail lines between the United States and South America and between the United States and the countries of Europe," submit the following written statement in explanation of the effect of the action agreed upon and submitted by the accompanying report on the amendments of the Senate, namely:

Amendment No. 1 inserts the words "with the approval of the President," making it necessary that the President's approval be obtained before any Navy mail lines shall be established, and the Senate recedes.

Amendment No. 2 strikes out the word "shall," and the House recedes. This provides that the Secretary of the Navy shall detail such officers and enlisted men of the Navy and officers and men of the auxiliary service and retired officers of the Navy as he may deem necessary for the operation of the Navy mail lines.

The Senate agrees to the amendment of the House to the title of the bill.

Amendment No. 3 remains the same as it passed the House, except in the following particulars: A proviso is added at the end of section 9 whereby it is required that the captain and watch officers on vessels registered, enrolled, or operated under the provisions of the act shall be American citizens. Also section 16, which provides that after the conclusion of the present European war the Navy Department shall have the right, with the approval of the President, to lease or charter any of such vessels not needed for naval or military purposes to any firm or corporation for use as a merchant vessel, etc., has been stricken out. Also in section 17 a period of three years after the conclusion of the present European war is allowed before the operation of sections 1, 2, 3, and 4 of the act, instead of two years, as provided in the House amendment. The Senate recedes from its disagreement to the amendment of the House No. 3 and agrees to the same with the above amendments.

The effect of the action of the conferees is to extend the period of the House amendment indefinitely after the close of the European war instead of two years, and the Navy Department requires the approval of the President before any of the provisions of sections 1, 2, 3, and 4 can be put into operation, after the expiration of three years after the close of the European war.

JOSHUA W. ALEXANDER,
L. P. PADGETT,
RUFUS HARDY,
J. FRED. C. TALBOTT,
Managers on the part of the House.

Mr. MANN. Mr. Speaker, I make a point of order against the conference report, on the ground that the conferees exceeded their jurisdiction. In the first place, they have inserted in section 9, which was a part of the House amendment, at the end of the section, the following language:

> The captain and watch officers on vessels registered, enrolled, or operated under the provisions of this act shall be American citizens.

There is no provision relating to that matter in the amendment or in the original bill which was sent to conference.

Another point of order: The original bill consists of four sections, and under the law, if enacted, it would go into effect at once upon its approval by the President, which we term the passage of the bill.

The House amendment contains section 17, providing that sections 1, 2, 3, and 4 of this act, which sections constitute the whole of the original bill, shall not take effect until two years from and after the conclusion of the present European war, that fact to be determined by the President; so that the Senate had passed the bill which provided that the first four sections should take effect at once upon the passage of the bill.

The SPEAKER. That is the Weeks bill.

Mr. MANN. That is the Weeks bill. Then the House passed an amendment, providing that those four sections should take effect two years after the President determined that the European war had ceased, and there was then in controversy between the two Houses the question of time, extending from the passage of the bill to two years after the conclusion of the European war. The conferees, of course, could not make the bill take effect before its passage, and they had no jurisdiction to go beyond the time fixed by the House at the other end.

If the House passes a bill carrying an appropriation of $100 and the Senate inserts an amendment making it $1,000 and that goes to conference, the conferees are confined in their work between $100 and $1,000.

The SPEAKER. What did the conferees do about the time?

Mr. MANN. They extended it to three years; they extended it beyond the limit either way. If the House passes a bill providing that a certain thing shall be done by January 1 and the Senate amends it and provides that it shall be done by July 1, the only controversy between the two Houses is between

January and July, and the conferees have no jurisdiction to go outside of those dates.

These principles are well established. The matters of difference are the matters the conferees have jurisdiction over, and the matters of difference are those which arise between the proposition submitted by the one body and the proposition submitted by the other body.

I do not desire to detain the Speaker longer. The suggestion in reference to this point of order which I have made was made by the distinguished gentleman from New Jersey [Mr. PARKER]. I think he has another point of order, which I hope he and the gentleman from Massachusetts may have an opportunity to discuss.

The SPEAKER. The Chair desires to ask the gentleman a question. The conference report says:

Add to section 9, after the word "*Provided*" and the period, the following: "The captain and watch officers on vessels registered, enrolled, or operated under the provisions of this act shall be American citizens."

The Chair wishes to ask the gentleman from Illinois if that subject is touched upon either in the Weeks or the House bill?

Mr. MANN. If it is, it is unknown to me; it is concealed by language that I do not understand, if it is.

Mr. UNDERWOOD. Mr. Speaker, the gentleman from Illinois [Mr. MANN] makes the point of order against this conference report on the ground that the conferees have exceeded their authority; and, of course, if they have exceeded their authority, under the rules of the House the point of order should be sustained. But I do not think the gentleman from Illinois is correct in assuming in his statement that the conferees have exceeded their authority in their action in this matter.

The Senate passed a bill that was known as the Weeks bill. It came to the House, and the House passed the first four sections of the bill, which was the entire bill, and added thereto an amendment consisting of 13 other sections. When the bill was returned to the Senate with the House amendments—three of them—the Senate disagreed to the House amendments and asked for a conference. Therefore, on the 13 paragraphs of this bill that constitute the three House amendments there was a total disagreement.

There has been no amendment by the conferees to the language of the Weeks bill; that was agreed to by the two Houses. The entire changes that have been made in this bill are changes in the text of the bill that was added as amendments on the part of the House, to which the Senate disagreed in entirety.

Of course, when the House amendment was in entire disagreement with the Senate any amendment that was germane to the House amendment would be in order, because the whole amendment was in disagreement.

Mr. GARDNER. Will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. GARDNER. Suppose the Senate made an appropriation of $100 and the House amendment appropriated nothing, would the gentleman think it was in order for the conferees to make it $1,000?

Mr. UNDERWOOD. The other House had not expressed itself on the subject; it was a question of a total disagreement with no limitations. Of course I recognize the principle that if the House makes an appropriation of $100 and the Senate makes an appropriation of $200, the conferees are limited within those two amounts. But here is a question of total disagreement. It being a total disagreement, it authorizes the conferees to agree to anything that is germane to the subject matter that they had in conference. The question of the date when it would take effect was clearly germane, because that was a part of the House amendment.

Now, as to the other proposition, the language that was inserted on page 9, line 3, where it provides "the captain and watch officers on vessels registered, enrolled, or operated under the provisions of this act shall be American citizens," the purpose of the House amendment was to establish an American merchant marine providing for enrollment of these vessels, for the operation of these vessels, for the conduct of a merchant marine, and also for the manning and officering of these vessels. The whole House provision in reference to this matter is in disagreement. The conferees put a limitation on how these ships shall be manned and officered by providing that they shall only be officered by American citizens. It seems to me that it is clearly germane to the purpose of the House amendment, and if it is germane, the whole amendment being in controversy, the conferees had a right to add the amendment.

Mr. BRYAN. Mr. Speaker, if the gentleman will yield for just a moment, I will show wherein this proposition, the nationality of watch officers, was involved in the House bill. Section 8, in the second paragraph, page 11, provides:

All rules and regulations relating to or which affect shipping, navigation, or water-borne commerce of the United States, heretofore made or published, by authority of law, shall only be and remain in force until midnight on the 31st day of December, 1915, and by proclamation of the President shall cease to have any force or validity at any prior date when new shipping rules and regulations shall as provided hereby take the place of those now in existence.

This added provision is a limitation on that section, because this matter of watch officers being American citizens is a part of the present rules referred to in section 8, second paragraph, and it seems to me that plainly was one of the points in issue. It is only by a regulation of the President suspending a law which Congress puts within his option to suspend that foreign officers may be on vessels of American register. This added provision makes this regulation of the President inapplicable to any ship owned by the corporation created by this act.

Mr. UNDERWOOD. Mr. Speaker, the gentleman is correct in reference to those rules and regulations, because this Congress in a bill itself, in the October or November session, shortly after the beginning of the war in Europe, provided for certain discretion of the President in waiving the right to have American officers command American ships, and the bill itself, on page 2, provides as follows:

Such civilians, such officers of the naval auxiliary service, and such officers and enlisted men of the Navy, including officers on the retired list, as the Secretary of the Navy may deem necessary to be employed in the business of the said mail line or lines, and retired officers of the Navy so employed at sea or on shore shall, in all respects, be held and considered to be in an active-duty status, and shall receive the pay and allowances of officers of the active list of the same rank and length of service.

That refers to the officers that shall be employed, and the conferees extended that by providing that these officers referred to in the bill shall be American citizens. It seems to me it is clearly germane to the scope of the bill.

The SPEAKER. What does the gentleman say to the statement made in respect to the time limit?

Mr. UNDERWOOD. Mr. Speaker, as I stated, the Senate bill had no provision in reference to time. The House bill made a limitation of two years. There was no provision in the Senate bill. It was without limit, running on to eternity, if the ships could last that long. If there is any limitation within which these conferees must be bound, it is between the two years the House provided and the eternity that was provided in the Senate bill.

Mr. GARDNER. But it is a question of the act taking effect.

Mr. UNDERWOOD. It was not the time that the act should take effect, but the time that this House amendment should exist.

Mr. PARKER of New Jersey. Mr. Speaker, I desire to take exception to this conference report as being beyond the jurisdiction of the conferees, both as to the amendment to section 17 and the amendment that strikes out section 16, and I will state the point. I have to begin by saying that the original Weeks bill is the first four sections of this bill. It provided that ships of the Navy could be used during this exigency as commercial ships in foreign trade, and those sections are to enact it almost word for word, the words "with the approval of the President" being inserted and one other word being changed. Otherwise it is an enactment of the original Weeks bill as it came to the House. There is no total disagreement, as suggested by the gentleman from Alabama [Mr. UNDERWOOD]. There is no disagreement at all as to the first four sections of the bill, the Weeks bill as it came from the Senate. There is only a postponement of the time when the provisions of the original Weeks bill shall take effect from taking effect immediately until two years after the European war shall cease. That was the only difference as to those four sections between the House and the Senate, the sole difference being as to time, and the matter in difference between the Senate and the House was whether the Weeks bill should take effect immediately or in two years after the war should cease. The conferees had a right within the limits of those times to fix a time to which it might be postponed. They had no right to enlarge the postponement made by the House to three years after the war should cease. I think I have said enough as to that point, for it seems to me to be conclusive.

My point as to section 16 is different. The House, as I say, enacted but postponed the Weeks bill. The House made an addition of an entirely new scheme by which temporarily the United States should have stock in a shipping corporation, which should run vessels so purchased or leased or chartered, under the control and advice of a shipping board. That scheme is contained in sections 5 to 16 of the bill, and is entirely an addition to the Senate scheme, not a disagreement to the original matter.

That addition by section 16 was to be temporary, because by section 16 two years after the war should cease the shipping board should be dissolved and the ships should be transferred

to the Navy of the United States or otherwise disposed of. Taking these new sections together, I make the further point that when the House provides for a shipping board, a shipping corporation, and all that machinery, which is to last for a certain limited space of time, and the only question of difference between the House and the Senate is whether such limited corporation shall be established, the conferees have no right to turn that limit of time into eternity by striking out the section which makes the limitation.

The SPEAKER. Does the gentleman from New Jersey seriously contend that the conferees can not strike out any part of it?

Mr. PARKER of New Jersey. Not as a matter of technical ruling, but when it is a matter that goes to the essence of the proposition usually you govern it by the rule that is established. For instance, with reference to the limitation upon hospitals, where there was a general law limiting the cost of a hospital to $20,000 the conferees came in with an appropriation for $40,000.

The SPEAKER. The Chair knows; but that is not what the Chair asked the gentleman. The Chair inquired if the gentleman contended that the conferees did not have ample power to strike out any part of the whole thing.

Mr. PARKER of New Jersey. Ample power unless the striking out enlarges the whole scheme that there was; but as a technical matter I will say that usually, as a matter of technical words, the conferees were entirely within their rights, but, as a matter of right, to strike out the limitation of the act so as to make it perpetual, I do not think the whole subject was within the hands of the conferees. But I submit, as was handsomely submitted by the gentleman who opened this matter, that so far as the two years are concerned it is beyond all question that when the House postponed the Senate bill—the Weeks bill—for two years when the Senate had ordered it to take effect immediately, the conferees can not postpone it for three years and enlarge the postponement, which is the matter of difference between the two Houses.

Mr. ALEXANDER. Mr. Speaker, sections 1, 2, 3, and 4 are the provisions of the Weeks bill which passed the Senate, and the following sections, designated as amendment 3, were incorporated by the House. There is no limitation in the Weeks bill as to the time when the law shall go into effect. The Senate never had the question of time under consideration. In the absence of a time considered and named by the Senate when the act would go into effect, the law says the act shall go into effect from and after its passage and approval by the Executive. The House amendment provides that the House amendment shall continue in operation for two years. The House amendment further provides that after two years the vessels owned by the Government and controlled by the shipping board shall be transferred to and operated by the Navy Department under the provisions of the Weeks bill. And the House amendment postpones the operation of the Weeks bill for two years, and so forth. In reference to the first question raised, whether or not the amendment to section 9 agreed to in conference provided that the masters and watch officers on the vessels owned and operated under the House amendment shall be citizens of the United States, there is no question in my mind but that the amendment is relevant to the subject matter of the bill. Under existing law masters and watch officers on vessels of the United States shall be American citizens. The President of the United States has authority, under the act of August 18, 1914, the ship registry act, to suspend that provision of the law as to foreign-built vessels admitted to American registry for the foreign trade. The House amendment to the Weeks bill provides:

> The shipping board herein provided for shall propose such rules and regulations applicable to the shipping and water-borne commerce of the United States, in lieu of those now in force and covering matters of like character as they may determine suited to the present needs of such shipping and commerce, which, when approved by the President and published shall apply and become of full force and effect in lieu of such rules and regulations as are now applicable thereto. In the rules and regulations hereby authorized to be adopted and put into force, different classes of shipping, navigation, and water-borne commerce may be appropriately and differently treated and provided for. Such rules and regulations when promulgated may be modified, changed, or amended by the shipping board.

The SPEAKER. Now, the Chair wants to ask the gentleman a question. What part of this bill, considering the whole thing as one bill, which it is, which was submitted to the conferees—on what part of that bill did the conferees hang this provision the gentleman is now talking about and upon which the gentleman from Illinois based his first point of order?

Mr. ALEXANDER. On the House amendment, including the particular paragraph to which I have just called attention.

The SPEAKER. Well, what is the language of it?

Mr. ALEXANDER. I have just read it. There are 12 or 13 sections in the House amendment.

The SPEAKER. The Chair knows, but what is the language on which the conferees hang that amendment?

Mr. ALEXANDER. I have just read the clause in the amendment which gives the shipping board jurisdiction to change existing rules and regulations with reference to our shipping.

Now, the conferees simply place a limitation on that authority by expressly providing that the masters and watch officers on vessels of the United States shall be American citizens. That certainly is germane to the subject matter and is a limitation on that authority. The whole amendment was in disagreement between the House and Senate, and the amendment providing that the master and watch officers should be American citizens was accepted by the House conferees and is a limitation on the authority of the shipping board who otherwise might prescribe that these officers might be foreigners.

Mr. FITZGERALD. Could the shipping board under the law that was passed in any way determine whether the watch officers should be citizens or not? Was not the question of whether these watch officers should be citizens or noncitizens a matter that is absolutely regulated by statute and over which no regulation could be made?

Mr. ALEXANDER. No; except as provided by the act of August, 1914, which gave the President authority to suspend the provisions of our navigation laws in that regard.

Mr. FITZGERALD. Gave authority to suspend a statute for a certain period or for certain ships, but there is no law which gives the shipping commissioners any authority to regulate or determine whether the watch officers shall or shall not be American citizens.

Mr. ALEXANDER. We place that beyond question by this amendment, which is germane to the subject matter of the bill.

Now, with reference to section 16, that is the part of the House amendment, and provides that two years——

The SPEAKER. There is no use in wasting time on that section 16, because the Chair has his mind made up.

Mr. ALEXANDER. The only remaining question is on the amendment to section 17.

Mr. GARDNER. Of course the Chair will hear me?

The SPEAKER. Of course the Chair will hear the gentleman.

Mr. ALEXANDER. I do not like to be taken off the floor by the gentleman.

The SPEAKER. The gentleman from Missouri will proceed.

Mr. ALEXANDER. Section 17 of the House amendment provides that sections 1, 2, 3, and 4 of the act shall not take effect until three years from and after the conclusion of the present European war, that fact to be determined by the President. Now, as I have stated, there is no limitation of time in the Weeks bill as it passed the Senate as to when the act shall go into effect. The Senate never considered the question of time. In the House amendment we provide that the provisions of the House amendment, sections 5 to 16, inclusive, of the bill, shall be limited to two years, and at the end of two years the vessels controlled by the shipping board and the corporation provided for in the amendment shall be transferred to the Navy Department and thereafter operated by the Navy Department.

The SPEAKER. Now, what does the gentleman say to the proposition suggested by the gentleman from Illinois [Mr. MANN] that the conferees can not go lower in this case than the lower or higher than the higher figure, and it is a difference between zero and two, or a difference between going into effect at once, which all the statutes do unless there is some particular division about it——

Mr. ALEXANDER. There was disagreement between the House and the Senate as to any time at all, whether zero or two years—the Senate had never considered the question of time. Zero may well represent the mental attitude of the Senate. The question of time was considered for the first time by the House and the time fixed at two years, and that question was in conference to be determined by the conferees.

The SPEAKER. What does the gentleman say to the proposition that you can not go higher than the higher figure or lower than the lower figure?

Mr. ALEXANDER. I have tried to make it clear that there was no lower figure and there was no higher figure until it was agreed to by the conferees.

The SPEAKER. If they had agreed to it, they would not have gotten into conference on it.

Mr. ALEXANDER. Unless there was a higher figure and a lower figure, then there is no question about which the Senate and House could disagree. The question has been asked by some of the gentlemen, and they seem to be impressed with the illustration: If the House had inserted the sum of $100 in an appropriation bill for a certain purpose and the Senate had increased it to $1,000, could the conferees agree upon a

sum in excess of $1,000 or less than $100? Maybe not. But if the House had fixed the sum at $100 and the Senate had disagreed to it, might not the conferees agree upon a different sum, whether more or less than $100? That is this case.

The SPEAKER. Does not the gentleman think that if there is one statute passed without any limitation as to time when it goes into effect, which means it goes into effect immediately, and another proposition that goes into effect two years hence or two years after a certain event, it makes the two limitations higher and lower?

Mr. ALEXANDER. I do, but not by any affirmative action of the Senate and House resulting in a disagreement. Zero can hardly represent any affirmative action of the Senate fixing the time when the act should go into effect. I say that between the two Houses there was no agreement at all as to time, and when we went into conference there a disagreement between us as to the time fixed by the House, and the conferees were free to agree upon the time fixed by the House or fix a different time when the provisions of sections 1, 2, 3, and 4 should go into effect. If there was a total disagreement between us, the conferees were free to agree upon the time.

Mr. MANN. Will the gentleman yield to a question?

The SPEAKER. Will the gentleman from Missouri yield to the gentleman from Illinois?

Mr. ALEXANDER. Yes.

Mr. MANN. Suppose the Senate bill as it came to the House contained what a bill sometimes contains, that "this act shall take effect upon its passage," and the House had amended that and said, "This act shall take effect two years after its passage," would the gentleman contend then that the conferees could change it to take effect 20 years after its passage?

Mr. ALEXANDER. I have tried to show that they could under the circumstances of this case we are now discussing.

Mr. MANN. What is the difference?

Mr. ROBERTS of Massachusetts. Mr. Speaker——

The SPEAKER. The gentleman from Massachusetts is recognized.

Mr. ROBERTS of Massachusetts. If I may be permitted, Mr. Speaker, I would like to call to the attention of the Chair what seems to me to be a fallacy in the argument of the gentleman from Alabama with regard to the amendment to section 9 of the bill put in by the conferees. That is, the added words, "the captain and watch officers of vessels, registered and enrolled," and so on. As I understood the gentleman, when interrogated by the Chair, he predicated the right of the conferees to insert that language at the foot of section 9 on the words found on page 2 of the bill, which specify, in a general way, the kind of officers who can be employed by the Secretary of the Navy.

Now, it should be borne in mind, Mr. Speaker, that this bill is a double-barreled proposition. Except for the limitation in the last section, as soon as the bill was signed, the Secretary of the Navy could begin a line of commercial steamers, and the shipping board could begin another line of commercial steamers, and those two lines could have been run concurrently. But by section 16, limiting the beginning of the operation of sections 1, 2, 3, and 4, the Navy commercial line can not come into existence until two or three years after the act is signed.

Now, sections 1, 2, 3, and 4 relate wholly and exclusively to the means and the methods and the manner of operating the Navy commercial line, and the sections 5 to 17, inclusive, relate solely to the operation of the shipping board's commercial line, and if the limitation had remained in and the vessels of the shipping board at the end of the two years had been turned over to the Navy Department the rules and regulations under which they would have been run by the shipping board would not obtain when they are run by the Secretary of the Navy, so that there is no possible peg in sections 1, 2, 3, and 4 on which to hang a proposition regulating the citizenship of the officers of the vessels that are to be operated under the shipping board. And it seems to me, Mr. Speaker, that the reading of the language of section 9 shows conclusively that a proposition involving the citizenship of officers is not at all germane to the language of that section.

The SPEAKER. What does the gentleman say of the suggestion of the gentleman from the State of Washington [Mr. BRYAN] that that language can be hung on page 11—the second section, on page 11?

Mr. ROBERTS of Massachusetts. That is a matter that is already fixed by law, Mr. Speaker. It is the statute law as it exists to-day.

Mr. MOORE. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS of Massachusetts. And there is no possibility——

The SPEAKER. You can change the statute law as it exists to-day by passing a new statute.

Mr. ROBERTS of Massachusetts. I concede that, Mr. Speaker; but can you do that——

The SPEAKER. The only question involved in that is whether that language about foreign officers is germane to any part of this bill.

Mr. ROBERTS of Massachusetts. That is the contention that I make, Mr. Speaker, that it is not germane to any part of the bill.

The SPEAKER. How about that provision of page 11?

Mr. ROBERTS of Massachusetts. That is the provision of the law, to the effect that regulations under the law can be made by certain officials that will fix citizenship, and this is fixing citizenship by direct law, and there is nothing here in the bill that in any way touches on the question of citizenship of officers.

The SPEAKER. Now, if the statement of the gentleman is true, is not this provision that the conferees report back a limitation on the power of the shipping board?

Mr. ROBERTS of Massachusetts. I do not see that it is any limitation whatever on their power.

The SPEAKER. The gentleman will proceed.

Mr. ROBERTS of Massachusetts. That is all I wish to say, to point out to the Speaker that here are two sets of rules or laws in this bill regulating two separate and independent lines of commercial steamers, and you can not pick out the regulations of the Navy line and say that thereon you can hang an amendment which affects the shipping board's line, and there is nothing in the shipping board's line that gives warrant for this amendment.

Mr. UNDERWOOD. Mr. Speaker, if the gentleman will allow me just one word, the statement of the gentleman from Massachusetts [Mr. ROBERTS] in reference to the two lines of ships provided in this bill is correct, up to a certain point. But after a fixed period the officers that will man the ships under the Gore bill, under the terms of this bill all go under the provisions of the Weeks bill, which provides for officers, and this limitation in the House amendment affects the officers provided for in the original Senate bill, and does affect it, and was in conference, because the control of this shipping company under the House amendment goes out of effect at the end of three years, and this entire shipping interest goes into the control, under the Weeks bill, where the officers are provided for.

So that the two systems are locked together.

Mr. CRISP and Mr. GARDNER rose.

The SPEAKER. The Chair recognizes the gentleman from Massachusetts. The Chair will recognize the gentleman from Georgia later.

Mr. GARDNER. Mr. Speaker, the only thing which prevents the legislation of this Congress being drafted by conference committees is that limitation which provides that conferees shall not bring out any proposition which was not contemplated by one House or the other. They must reconcile existing differences between the two Houses, not invent differences which do not exist.

Now what does this shipping bill conference report do? The Weeks bill provided for naval auxiliaries. The House amendment to the Weeks bill provided for a temporary merchant marine under Government control; but this conference report provides for a permanent Government marine, a matter which was not in dispute between the Senate and the House, since it was contemplated neither in the original Weeks bill nor in the House amendment to the Weeks bill. It is true that the conferees have accomplished their purpose and have placed this new proposition before us not by adding anything to the text of the bill, not by substituting anything, but by striking out a limitation. I am coming to that aspect of the case in a moment. First, however, I beg that the Chair will picture the situation as if it applied to the Army appropriation bill, which is now in conference between the House and Senate.

The House adopted an amendment to the Army bill to the effect that, so far as next year's appropriation is concerned, none of it is to be spent in arsenals where the Taylor system is in operation. The bill went over to the Senate, and the Senate struck out that amendment. In effect the Senate said, "We are not going to touch the Taylor system at all." What is it that the conference is required and empowered to determine? It is clothed with the duty of determining whether we are to leave the Taylor system alone, in accordance with the views of the Senate, or whether, in accordance with the views of the House, we are going to refuse money for the next year to all arsenals where the Taylor system is in operation. The only alternative open to the conferees is to compromise and agree on some provision somewhere between those two limits.

Now, does the Chair think that by any dexterous striking out of words it would be within the scope of the power of that conference committee to report a clause enacting a permanent law against the Taylor system? Yet that action would be precisely similar to the step which the conferees on the shipping bill are attempting to take by striking out section 16. I am familiar with the decision to be found on page 467 of the Manual. I am aware of the fact that the present Speaker once decided that on a certain occasion the conferees were acting within their powers when they struck certain words out of a certain Senate amendment, although by so doing the scope of the amendment was broadened. But broadening the scope is entirely different from changing the whole nature of the proposition. If the Chair will apply the reasoning which I have indicated and the analogy which I have drawn in the case of the Army appropriation bill, I think he will see that I am right; that the mere fact that the proposition for a permanent Government merchant marine was arrived at by striking out certain words instead of by adding certain words does not alter the fact that the conferees have reported something which was not contemplated by either House of Congress, and is therefore outside their jurisdiction.

Now, I invite the memory of the Chair to a certain privileged resolution which I myself introduced a number of years ago, in which I made inquiry of the State Department as to certain matters connected with the rules of the British House of Commons. When I got the resolution before the House I proposed to strike out all the part about the British House of Commons, without adding anything at all, but with the result that I entirely changed the proposition. From a resolution of inquiry addressed to the State Department the resolution would suddenly have become a proposal to revise the Rules of the House of Representatives, if the amendment were adopted. In other words, I proposed to present to the House a measure entirely different from what the House took up as a privileged resolution. Although I did not propose to add a single word to the resolution, but merely to take away words, nevertheless the Chair held my amendment out of order. The Chair ruled me out of order. I appealed from his decision, and the House sustained the Chair. Now, Mr. Speaker, I call your attention——

The SPEAKER. The Chair will interject one remark, that that was one of the most skillful parliamentary maneuvers that ever happened since I have been here, some 22 years.

Mr. GARDNER. I thank the Chair for his compliment, but nevertheless the Speaker overruled me. I now refer the Chair to pages 720 and 721 of the fifth volume of Hinds.

The SPEAKER. The gentleman will proceed.

Mr. GARDNER. A certain bill went through the House granting privileges to a suburban street railway here in Washington. When it got over to the Senate the Senate granted those same privileges to a lot of other street railways. It went to the conferees to decide whether the one street railway should have the privilege or whether all the street railways should have the privilege, or something in between. What did the conferees do? They took the privilege away from all the street railways. In other words, the conferees did not give the privilege even to the one street railway to which the House had originally given it. The point of order was made that the conferees had exceeded their powers. On the other hand, it was argued that inasmuch as the conference amendment was germane that made it in order and within the power of the conferees. But the Speaker, Thomas B. Reed, of Maine, sustained the point of order, saying:

> If we were to adopt the idea that when once the subject matter was introduced that was to control, and not the differences between the two bodies, we should be likely to enlarge the powers of the committee of conference rather beyond what was intended by the House. To the Chair it seems the point of order is well taken, and therefore the Chair sustains it.

Now, if the Chair will turn over to the next page he will find a decision by Speaker Blaine. Mr. Blaine says:

> It is not necessary that the matter reported by the committee of conference should be considered in either branch if it be germane and in the nature of an amendment which may reconcile the differences between the two branches.

Is this permanent Government merchant-marine provision an amendment reconciling the differences between the two branches, or is it going outside the difference between the two branches and injecting a new proposition beyond the scope of the text adopted by either House?

Mr. CRISP. Mr. Speaker, you have ruled, and it is the unbroken practice of the House, that where an amendment is offered striking out all after the enacting clause of the bill and a new text is inserted that the whole matter is open before the conferees; that they can write an entirely new bill. The proposition before the Chair to-day to decide is that, commencing with section 5, this House has inserted an entirely new and substantive legislative proposition, to wit, providing for a merchant marine operated by a shipping company. There was nothing in the bill as to when it should become operative.

The SPEAKER. Which bill?

Mr. CRISP. The substantive legislation or the other. They were both to take effect from the passage, because it was not specially stated when they were to take effect.

In this substantive legislation which the House added—and it is a complete piece of legislation, as much so as if all the bill had been stricken out after the enacting clause and a new proposition inserted—there was a provision that sections 1, 2, 3, and 4 were not to take effect until two years after the cessation of the European war, when these boats should be leased or transferred. The House agreed to those sections with that proviso.

In answer to the proposition where certain times are specified the conferees are bound between them, that has no application in this case because time is not the essence of this legislation and the whole legislative scheme, the whole proposition, is open before the conferees. Why? Because the Senate rejected the entire legislative proposition put up to them by the House, and they rejected section 16, providing for two years, the same as they rejected every other proposition in the bill, and everything in that substantive legislation was before the conferees for adjustment and settlement.

That being true, the conferees had plenary power to reconcile that difference by adopting any amendments that were germane to that legislative proposition.

That legislative proposition provided for the operation of ships, and authorized the employment of officers and sailors necessary to the operation of them, and the amendment provides how those ships should be operated.

As to the two or three years' proposition, when the bill passed the House it provided that it should become operative after two years. The Senate rejected the entire proposition and the whole matter was before the conferees, and the conferees reached a settlement by making the time three years. The amendment, in my opinion, was germane; and as the whole legislation was before the conferees, they were only limited to put in germane amendments, and as both amendments were germane, both were in the power of the conferees to adopt; and I do not believe the point of order is well taken.

Mr. FITZGERALD. Mr. Speaker, I believe that the conference report is clearly subject to a point of order. The so-called Weeks bill passed by the Senate provided for a naval mail line to take effect on its approval by the President or his failure to return the bill within the time fixed by the Constitution. The House did not strike out all after the enacting clause of the Senate bill, but it passed the Senate bill with an amendment. A part of that amendment provided that the first four sections of the bill should not take effect until two years after a certain event. If it had not been for that amendment, those provisions of the bill would have been effective from the time the bill became a law. The Senate disagreed to the amendment of the House, so that the question in controversy between the House and the Senate was whether certain sections of the proposed law should become effective two years after a certain event or should become effective upon the approval of the bill. That is the only question in controversy between the House and the Senate. Should sections 1, 2, 3, and 4 become effective upon the approval of the bill, or should they become effective two years from and after the conclusion of the present European war, as determined by the President? The managers upon the part of the two Houses did not reconcile that difference between the two Houses, but they went beyond any question which had ever been considered by the two Houses, and they reported an agreement that sections 1, 2, 3, and 4 of this bill should not be effective until three years after the determination of the European war, as decided by the President of the United States.

Suppose, Mr. Speaker, instead of this particular amendment the House had placed here an amendment providing that $100,000 should be available for a certain purpose in connection with the bill, and that the Senate disagreed to the amendment. The only question in difference between the two Houses to be determined would be whether any sum up to $100,000 could be appropriated for the purpose. If the conferees proposed to appropriate in excess of $100,000, the amendment would be subject to a point of order.

Mr. SHERLEY. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. SHERLEY. Has the gentleman any authority for the statement that where a question of amount is at issue between the two Houses the limitation is the maximum or minimum that may have been placed there by either House? Is not the rule this, that the only question at issue is a question of money, and that they could not bring in any other question?

Mr. FITZGERALD. That is not my recollection of the rule.

Mr. SHERLEY. Can the gentleman cite a case?

Mr. FITZGERALD. I could if I had taken the trouble to look it up, but I have not taken the trouble to look the matter up, because in experience the practice has been so firmly fixed that I have not undertaken to look up the authorities. I regard it is a universally accepted proposition.

Mr. UNDERWOOD. Mr. Speaker, if the gentleman will yield, I think there is authority for the statement that where two sums are named, then the question at issue is between those two sums, but when there is only one sum named, and that is in disagreement, the conferees may go above or below the sum named.

Mr. FITZGERALD. Mr. Speaker, that has not been the practice of the House. I have been a conferee on appropriation bills for nearly 10 years, and no such rule as that has even been in force or permitted. The conferees have never undertaken to report an appropriation in excess of the sum proposed by either House. I think, Mr. Speaker, that the conference report is subject to the point of order for one of the other reasons assigned, and that is that the amendment providing that the captain and watch officers on vessels registered, enrolled, or operated under the provisions of this act shall be American citizens.

The gentleman from Missouri [Mr. ALEXANDER] has attempted to justify this provision because of the wording of the bill as found on page 11. On page 11 of the bill authority is given to the shipping board to make all rules and regulations relating to or which affect shipping, navigation, or water-borne commerce of the United States. Mr. Speaker, the citizenship of the captain and the watch officers of vessels in the American merchant marine, however, is not affected, not controlled, not regulated by rules or regulations issued by any board or by any authority. The question of citizenship is determined by statute. The act passed last August permitting the admission of certain vessels to American registry authorized the President of the United States to suspend under certain conditions certain statutory provisions relating to the citizenship of the captain and watch officers of vessels in the American merchant marine, but no authority exists in our statutes which gives to the Commissioner of Navigation, to any official of the Government, or to any commission of the Government authority to determine whether these watch officers shall or shall not be citizens of the United States. That is a matter regulated and controlled now by the statutes of the United States, and the most comprehensive power that can be conferred upon any public official to make rules and regulations about a matter does not and can not confer power to make rules and regulations which are in conflict with the statutes of the United States.

For the two reasons which I have mentioned I insist that the managers on the part of the House have exceeded their authority in attempting to report to the House matters not included in the difference between the two Houses, and that the report, therefore, is subject to the point of order.

Mr. BRYAN. Mr. Speaker, I brought up this proposition in reference to the nationality of officers as involved in the rules and regulations referred to in this act. That proposition has been discussed by several gentlemen who have preceded me. The attempt has been made to create the impression that this is solely a matter of statute. That suggestion is erroneous. The only earthly ground on which the officers on vessels of American register involved can be foreigners is by virtue of a regulation, a regulation of the President. All of these rules and regulations as to navigation are made by the President acting through his Cabinet officers under authority of a statute. It is true the statute authorizes the President to suspend the law, but he has got to do it by a plain, ordinary regulation, and so this section provides that the shipping board can amend the regulations by making new regulations and repealing all pending rules and regulations, but when the conference report comes in it puts a limitation on that, so that while in other cases vessels brought from under foreign flags and put under our flag may have foreign officers, under this plan those vessels owned by this Government corporation can not have foreign officers, not by rule or regulation of the President or the shipping board. That certainly was a matter put at issue by the provisions of this bill, so that the conferees had authority to make the adjustment they did make. Now, just a moment more, if the Speaker will permit me. There is a little bit too much ability in parliamentary law displayed here and not enough of reversion to the facts involved in the bill. The gentleman from Massachusetts says that there was no intent of a permanent plan at all, and this amendment establishes a permanent Government-owned merchant marine, and in that respect the conferees have gone beyond their powers. In the original bill, section 4, the Weeks bill, it provided for $100,000 and three years' proceeds of the business created by the act for the expenditure, in the discretion of the Secretary of the Navy, for the purpose of "organizing, creating, and carrying on the traffic provided for in this act."

The original bill gives the Secretary of the Navy the right to appoint officers, to appoint a shipping board if he wanted to, to make any arrangement necessary in his discretion to organize, to inaugurate, and carry on the traffic provided for, which was domestic and foreign traffic. It was suggested in the Senate—and the debates will show that it was suggested—that the House would have to perfect it. Senator WEEKS himself said, on August 3, as the RECORD will show, it would be up to the House to perfect it. So, when this body took up the measure the war had developed. It is true the bill was passed after the war started; but the war developed and a new situation arose, and it seemed very plain that the sending of naval vessels to Europe carrying freight, with United States officers in uniform, with guns on the prow, could not be done immediately, at any rate; so that we would have for the present to put an addenda on the bill and substantially amend the plan. So we put this addenda on and provided for the present, in inaugurating, organizing, and carrying on the traffic provided for by the fourth section of the Weeks bill; we would have a shipping board created only in a certain way; that we would have merchant officers; that we would not have United States naval officers, not for the present at least; that we would not have guns on the ships as the Navy transports carry, because we could not carry on business that way while war conditions prevailed, at any rate; but we would go into an ordinary merchant-marine plan of organizing a corporation, and that just as soon as the war was over the thing would dovetail back again into the plan provided here, which seemed to please the Senate. It seemed necessary, for parliamentary purposes, to take the Senate plan and make it workable. This whole thing ought to be taken together; it ought to be considered as a whole.

Mr. DIES. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present.

Mr. MANN. Do not do that. We are trying to fix it so that we can have a recess for dinner.

Mr. DIES. Mr. Speaker, to save time I withdraw the point. [Laughter.]

Mr. BRYAN. In organizing this system we have a right to start it in the amended form, and if the Speaker will consider the whole system as one, he will find the two propositions work together as one system and that the whole thing is unity throughout. The bill takes effect immediately. We could have stricken out these four sections of the Weeks bill, so they would never have gone into effect if we had elected so to do. But we chose to amend and establish one system and let it evolve into the Senate plan.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, at the risk perhaps of wearying you, I would like to add a few words to the discussion that has taken place upon this most interesting point of order.

There are three things involved, as I understand it: One is the elimination of section 16; another is the addition at the end of paragraph 9 of these words:

> The captain and watch officers on vessels registered, enrolled, or operated under the provisions of this act shall be American citizens.

And the other is in the last section of the bill, where the word "two" is stricken out and the word "three" inserted.

I have listened with great interest to the argument of the gentleman from Massachusetts with respect to section 16, and there is great force in the contention which he makes, and yet it does seem to me that perhaps one would be justified in saying that, under the conditions, the language of section 16 is involved in the controversy which the conferees were to settle. What is the controversy? The first four sections of the bill are the Senate bill. Section 5, to the end of the chapter, is the amendment presented by the House. To that, as I understand it, the Senate disagreed. Hence the conference. The House agreed to the first four sections, however. The Senate agreed to the first four sections. The amendments which the House attached are those which were really in controversy. Now, then, we find condensely stated in the Manual the rule which governs upon this subject:

> The conferees may not include subjects not within the disagreement, and can not make new amendments, even though germane to the question in issue. Managers may not change the text to which both Houses have agreed.

And then the exception:

> That where an alteration has been made by striking out all of the bill after the enacting clause, there is a wider latitude given.

Now, then, it is under this last exception that the argument of the gentleman from Alabama [Mr. UNDERWOOD] and the argument of the gentleman from Georgia [Mr. CRISP] are based. Is this a case of striking out all after the enacting clause? It certainly is not. But the effort is made to show that because they begin with section 5 to exclude all the rest of the bill, then this free hand at alteration is permitted under this exception. But is that a forceful and sound argument? Apply it to the question of the change of years. As you very tersely put it in your interrogation, Mr. Speaker, it is the difference between zero and two. Now, what amendment is that? It is the amendment that relates to that part of the bill which is called the Weeks bill. The Weeks part of the bill is not in controversy. It is the amendments of the House that are in dispute.

Mr. SHERLEY. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. SHERLEY. According to the rule that you have decided as fundamental in regard to Congress, the conferees are limited to the subject matter. Now, what was the subject matter as it is affected by the amendment to the Weeks bill, as to when it shall go into operation? The subject matter was one of time, and they brought in no other question.

Mr. GRAHAM of Pennsylvania. You might just as well say that the subject matter in an appropriation bill is one of money, and yet if one enactment is $100 and the other is $1,000 you are limited by those two extremes, and it is within that difference that the conferees must take their action. The dispute here is the difference between zero and two, and what does the conference report? It reports three years, which is entirely in excess and beyond that which was submitted to them for their arbitrament and report back to us. I wish to call attention to this fact also, that the argument based upon striking out all after the enacting clause can not apply to the first four sections of this bill. They were not stricken out, and this amendment which is contained in the seventeenth section relates solely to those four sections of the bill, for it says:

That sections 1, 2, 3, and 4 of this act shall not take effect until two years from and after the conclusion of the present European war, that fact to be determined by the President.

Now, that confines the language to sections 1, 2, 3, and 4 of the bill, and therefore when the gentleman from Georgia [Mr. CRISP] and the gentleman from Alabama [Mr. UNDERWOOD] appealed to the wider range and liberty given, when everything is stricken out except the enacting clause, that argument can not avail.

One word with reference to the suggestion that has been made here as to the phrases that have been taken from the section on page 11, beginning with the sixth line and ending with the fourteenth line. What argument can be put because of this language in favor of the amendment that every one of these officers named shall be an American citizen? This paragraph refers to the making of rules and regulations by a subordinate body. The language to which the gentleman from Illinois took exception is the enactment of a law. It ceased to be a question of regulation. It is the establishment of a law. All vessels henceforth shall be officered in this manner that come under the provisions of this bill.

The enactment of a law is not within the scope of the changing of a regulation of a department. The gentleman from New York [Mr. FITZGERALD] very clearly and concisely pointed out precisely the same line of argument as that which I am making, and it is sound. This point of order ought to be sustained, for this House is opposed to legislation by conference, and every innovation of that kind should be frowned upon and checked. [Applause on the Republican side.]

Mr. SHERLEY. Mr. Speaker, the other side practically concedes, with the exception of the gentleman from Massachusetts [Mr. GARDNER]—at least the gentleman who has just taken his seat [Mr. GRAHAM of Pennsylvania] did—that the conferees were well within their rights when they struck out section 16, and that is perfectly apparent, because that was an entirely new proposition which the House proposed and which the Senate had disagreed to, and it was in order to eliminate it.

Now, as to section 9, the gentleman from Pennsylvania undertakes to claim that the conferees exceeded their power, because of a distinction that he seeks to draw, as the gentleman from New York [Mr. FITZGERALD] did, between a law and a regulation. But we are not dependent upon the language which relates to regulations found on page 11 of the bill, in order to sustain the amendment which the conferees put to section 9 upon page 12 of the bill. Section 9 is law, so far as a bill yet to be finally enacted can make it law, and it dealt with the vessels that the shipping board might purchase or construct, and it gave to those vessels rights which they would not have under existing law. It gave to the vessels which it should purchase rights in regard to American registry and trade which they could not have except for that provision.

Now, the whole paragraph was in issue. The conferees simply qualified the rights that such vessels purchased by the shipping board should have, by adding a requirement as to the officers—the nationality of the officers—that should be employed on them, and there is no question of regulation or law involved in the thing at all. It is simply the question of germaneness, and it is germane to the powers and duties that the shipping board would have touching vessels purchased or constructed.

Now, as to the last proposition, I am willing to concede for myself a part of the statement made by the gentleman from Pennsylvania [Mr. GRAHAM]. It is true that section 17 dealt with the first four sections of the original Weeks bill, and that the situation is not one where you had stricken out all after the enacting clause. But what is the situation? Both the House and the Senate agreed to the Weeks bill, as to the four sections; but the House said, "We agree to it with one qualification," and it introduced a new subject, and that subject was the one of time. It said, "We agree to it, to take effect after two years."

Now, they had at issue a question of time. The conferees have not undertaken to bring in an extraneous subject matter. They have not violated the rule that the gentleman from Pennsylvania read in the opening of his remarks. They have not sought to say that this ship bill shall not take effect, not only as regulated by time, but by some other event. If they had undertaken to say that sections 1, 2, 3, and 4 shall not be operative in the event of the happening of any particular thing that they chose to stipulate, they would have brought in an element which was not at issue between the two Houses. But they did not. So the real question is this: The House has said, "Here is a bill which we agree to take effect two years after the enactment." Now, they raised the question of when it should go into effect. The Senate took issue on that, and the conferees finally got together and said, "All right; we will agree to sections 1, 2, 3, and 4, with the time at three years in place of two," and the attempt of gentlemen now to put a limitation on and say "the conferees were dealing with immediately on the one hand and two years on the other, and therefore were confined within them" is, to my mind, not warranted.

The SPEAKER. The Chair would like to ask the gentleman a question.

Mr. SHERLEY. Certainly.

The SPEAKER. If the Weeks bill were passed without any provision as to when it would go into effect, it would go into effect immediately?

Mr. SHERLEY. Yes.

The SPEAKER. Now they come along, as the conferees do, and say, "It will go into effect in three years."

Mr. SHERLEY. Ah, but there is a distinction between a case where you have stated a time and where the other body states another time, so that both Houses have considered the question of degrees of time. But that is not here. The Senate did not undertake expressly to provide that the matter should be operative at once. They simply passed an act which under the general rules would have become operative immediately. But they did not express that view in the sense of making a concrete issue with the House between immediately and two years. The House brought in the question of time, which had not been considered at all by the Senate. The Senate did not say in any way that it wanted to limit it to immediate operation, except inferentially, by not providing anything at all as to time; and I have not yet found any authority, and I have not heard any authority quoted by gentlemen here, even to show that if there was a question at issue between immediately and two years, the conferees could not necessarily go beyond the two years. To my mind it is totally illogical thus to restrict it.

The idea is to restrict conferees from bringing in extraneous mattter, but it is not to prevent them from dealing fully with the matter which is actually at issue.

Mr. PARKER of New Jersey. Mr. Speaker, will the gentleman permit a question?

Mr. SHERLEY. Certainly.

Mr. PARKER of New Jersey. After the House passed section 17, were not both the House and the Senate in agreement that the four sections of the act should be in effect after two years, and was not the only disagreement as to the difference between the present time and up to the two years?

Mr. SHERLEY. Oh, no. The first four sections were agreed to between the two Houses, and the House introduced a new proposition—that of time. There had never been any proposition of time involved until the House brought it in by limitation. Now, gentlemen want to say that that binds it on one side but not on the other.

The SPEAKER. The Chair is ready to rule. He overrules the point of order made by the gentleman from New Jersey [Mr. PARKER] and advocated by the gentleman from Massachusetts [Mr. GARDNER], as to striking out section 16.

He overrules the second proposition about American citizenship in section 9. He thinks that is a limitation. He sustains the third point of order, as to time.

If there is anything settled about conferences between the two Houses it is this: Where two amounts are named, and the question is referred to the conferees, they may oscillate as much as they please between the two extremes, but they can not go below the lower amount and they can not go above the higher amount. That applies to sums of money in appropriation bills. This has been ruled so often that it is as familiar as the multiplication table. In tariff bills, where the House suggests one rate on any given article and the other House suggests another rate, the conferees can not go below the lower, and they can not go above the higher rate.

Unless the memory of the Chair is badly out of condition, this thing happened when the Payne bill was passed: There were certain amendments in controversy. The House fixed the rate on shoes, and so forth, at 15 per cent, and the Senate fixed it at 20 per cent. I have heard—I do not know that it is true, but from what happened afterwards I believe it to be true—that President Taft notified the conferees that if they did not cut that rate on boots and shoes to 10 per cent he would not sign the bill. I know that the House passed a resolution in order to enable the conferees to cut the rate down to 10.

As far as the suggestion made by the gentleman from Georgia [Mr. CRISP] is concerned, that where everything after the enacting clause is struck out, then the conferees have carte blanche to bring in a bill; but that is not this case here. The House never did strike out everything after the enacting clause in the Weeks bill. It practically agreed to the Weeks bill, which has really been in conference only technically. But the limit of time was fixed at two years, and the conferees extended it to three years. If they could extend it beyond two years, they could extend it until the end of time. Their limit was from zero to two. In the nature of things they could not go below zero; under the practice of the two Houses they could not go higher.

The Chair sustains that point of order.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that the House ask for a further conference on the bill.

Mr. MANN. That the House further insist on its amendments and ask for a conference.

Mr. ALEXANDER. That the House further insist on its amendments and ask for a conference.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the House further insist on its amendments and ask for a conference. If there be no objection, it will be so ordered.

There was no objection.

The SPEAKER. The same conferees will be appointed as before. The Democratic conferees were Messrs. ALEXANDER, PADGETT, HARDY, and TALBOTT of Maryland. Who were the Republicans?

Mr. MANN. Messrs. GREENE of Massachusetts, ROBERTS of Massachusetts, and HINDS.

The SPEAKER. Those conferees will be reappointed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the following resolution:

Senate concurrent resolution 37.

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 3362) to authorize the Secretary of Commerce, through the Coast and Geodetic Survey and the Bureau of Fisheries, to make a survey of natural oyster beds, bars, and rocks, and barren bottoms contiguous thereto in waters along the coast of and within the State of Texas.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the amendment of the Senate to the bill (H. R. 9899) to authorize the laying out and opening of public roads on the Winnebago, Omaha, Ponca, and Santee Sioux Indian Reservations in Nebraska.

The message also announced that the Senate had passed without amendment bill and joint resolution of the following titles:

H. R. 20894. An act to provide for the appointment of a district judge, district attorney, and marshal for the western district of South Carolina, and for other purposes; and

H. J. Res. 366. Joint resolution authorizing the Secretary of War to use any allotment made under the provisions of an act approved October 2, 1914, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," for the improvement of East River and Hell Gate, N. Y.

ARMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I call up the Army appropriation bill (H. R. 20347), and ask unanimous consent to agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from Virginia calls up the bill H. R. 20347, the Army appropriation bill, and asks unanimous consent that the House agree to the conference asked for by the Senate. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. HAY, Mr. DENT, and Mr. KAHN.

WITHDRAWAL OF PAPERS.

Mr. HOWELL, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, papers in the case of George B. Haight, alias William Riley, Sixty-second Congress, no adverse report having been made thereon.

RECESS.

Mr. UNDERWOOD. Mr. Speaker, I move that the House take a recess until half past 8 o'clock to-night. Pending that, I desire to say that there are several conference reports in here now, and I hope that by taking a recess long enough to let every Member go home, Members will be back here prepared to stay and take care of these conference reports.

Mr. MANN. I would like to remind Members of the House that as fast as conference reports on appropriation bills are agreed to, the bills must be enrolled, and it is not physically possible for the enrolling clerks to enroll all the appropriation bills within the last 24 hours; that there are a number of conference reports likely to come in and we will probably be here very late to-night.

Mr. FITZGERALD. And I want to say that more appropriation bills have been crowded into these last few days than ever before.

Mr. MANN. Yes; we may have to take a recess at different times during the night.

The SPEAKER. The Chair will state that there have been an extraordinary number of bills passed to-day, which have burdened the enrolling clerks very much.

The request of Mr. UNDERWOOD was then agreed to; accordingly the House (at 6 o'clock and 10 minutes p. m.) stood in recess until 8.30 p. m. to-night.

EVENING SESSION.

The recess having expired, the House was called to order by the Speaker at 8.30 o'clock p. m.

PENSIONS.

Mr. ADAIR. Mr. Speaker, I present a conference report on the bill (S. 7566) granting pensions and increase of pension to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, and move its adoption.

The SPEAKER. The Clerk will read the conference report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT (NO. 1498).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 7566) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 5, 10, and 11, and agree to the same.

That the House recede from its amendments numbered 1, 2, 3, 6, 7, and 9.

Amendment numbered 4: That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, and in lieu of the sum proposed therein insert the sum "$12"; and the House agree to the same.

Amendment numbered 8: That the Senate recede from its disagreement to the amendment of the House numbered 8, and

agree to the same with an amendment as follows: In lieu of the sum proposed therein insert the sum "$36"; and the House agree to the same.

J. A. M. ADAIR,
JOS. J. RUSSELL,
M. P. KINKAID,
Managers on the part of the House.
BENJ. F. SHIVELY,
CHARLES F. JOHNSON,
THOMAS STERLING,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the House to the bill (S. 7566) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, viz:

Amendment No. 1: House recedes. Proposed increase is fully warranted by the evidence.

Amendment No. 2: House recedes. Proposed increase is in accordance with the rules of both committees.

Amendment No. 3: House recedes. The facts in this case justify allowance of pension to soldier.

Amendment No. 4: Senate concurs in the House amendment with an amendment allowing $12. The rules of both committees justify this rate.

Amendment No. 5: Senate concurs. A higher rate is not warranted by the circumstances of the case.

Amendment No. 6: House recedes. Proposed pension is fully justified by the evidence.

Amendment No. 7: House recedes. The evidence in the case and the extreme helplessness of soldier justify the proposed rate.

Amendment No. 8: Senate concurs in the House amendment with an amendment allowing $36. The rules of the committee justify proposed increase.

Amendment No. 9: House recedes. Proposed pension is warranted by the evidence on file.

Amendment No. 10: Senate concurs. The evidence in this case does not justify proposed increase.

Amendment No. 11: Senate concurs. Proposed increase is not justified by the evidence on file.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. ADAIR. Mr. Speaker, I also present a conference report on the bill (S. 7598) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent relatives of such soldiers and sailors, and move its adoption.

The SPEAKER. The Clerk will read the conference report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT (NO. 1497).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 7598) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 2, 5, 6, 7, 9, 12, 14, 15, and 16, and agree to the same.

That the House recede from its amendments numbered 1, 3, 4, 10, and 11.

Amendment numbered 8: That the Senate recede from its disagreement to the amendment of the House numbered 8, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, and in lieu of the sum proposed therein insert the sum "$20"; and the House agree to the same.

Amendment numbered 13: That the Senate recede from its disagreement to the amendment of the House numbered 13, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, and in lieu of the sum proposed therein insert the sum "$24"; and the House agree to the same.

J. A. M. ADAIR,
JOS. J. RUSSELL,
M. P. KINKAID,
Managers on the part of the House.
BENJ. F. SHIVELY,
CHARLES F. JOHNSON,
THOMAS STERLING,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the House to the bill (S. 7598) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, viz:

Amendment No. 1: House recedes. Proposed increase is fully justified by evidence on file.

Amendment No. 2: Senate concurs. The rate proposed by the House amendment is deemed sufficient.

Amendment No. 3: House recedes. Proposed increase is in accordance with the rules of both committees.

Amendment No. 4: House recedes. Proposed pension is fully warranted by the evidence on file.

Amendment No. 5: Senate concurs. Proposed increase is not justified by the evidence.

Amendment No. 6: Senate concurs. Proposed increase is not justified.

Amendment No. 7: Senate concurs. Proposed increase is not warranted by the facts in the case.

Amendment No. 8: Senate concurs in the House amendment with an amendment allowing $20. This is the rate provided in such cases by the rules of both committees.

Amendment No. 9: Senate concurs. Proposed increase is not justified by the rules of the committees.

Amendment No. 10: House recedes. Proposed pension is warranted by the proofs on file.

Amendment No. 11: House recedes. Proposed pension is fully justified by the evidence.

Amendment No. 12: Senate concurs. The circumstances of this case do not justify a higher rate than $12.

Amendment No. 13: Senate concurs in the House amendment with an amendment allowing $24. This is the rate allowed in similar cases for the widow of a captain.

Amendment No. 14: Senate concurs. The proofs on file justify allowance of proposed increase.

Amendment No. 15: Senate concurs. The evidence on file warrants proposed increase.

Amendment No. 16: Senate concurs. Proposed increase is fully justified by the evidence on file.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I submit a conference report, accompanied by a statement, on the bill (H. R. 20975) making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Tennessee presents a conference report upon the naval appropriation bill and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the statement of the conferees.

The Clerk read the statement of the conferees.

The conference report (No. 1500) and statement are as follows:

CONFERENCE REPORT (S. DOC. NO. 966).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20975) making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes, having met,

after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 18, 29, 30, 37, 43, 46, 56, 58, 65, 66, 67, 71.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 20, 22, 23, 24, 25, 26, 27, 28, 31, 32, 33, 34, 35, 36, 41, 44, 45, 47, 48, 49, 50, 51, 52, 53, 54, 55, 57, 59, 61, 62, 63, 72, and agree to the same.

That amendment numbered 33 be transferred to page 26 of the bill and inserted as a separate paragraph after line 22; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Strike out all after the word "*Provided*," in line 1 of said amendment, down to and including the words "*Provided further*," in line 8 of said amendment; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with amendments as follows: In line 3 of said amendment strike out the word "ten" and in lieu thereof insert "twelve"; in line 9 of said amendment, strike out the word "three" and in lieu thereof insert "five"; in lines 12, 13, 14, 15 strike out the following: ", one of whom may be resident of the District of Columbia and the others shall be inhabitants of some State, but not more than one of them from the same State"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In said amendment strike out the words "Melville, Rhode Island"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In said amendment strike out the word "toward" and in lieu thereof insert "for"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with amendments as follows: In line 3 of said amendment strike out "docks"; also in line 3 of said amendment strike out the word "toward" and insert "for"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: Page 13 of Senate engrossed amendments, line 8, strike out the word "lieutenant"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with amendments as follows: Page 16 of Senate engrossed amendments, line 6, after the word "sixteen," insert "or," and after the word "twenty" strike out the comma and the words "or twenty-four"; same page, line 20, after the word "served," strike out the words "more than," and after the word "eight" insert "or more"; same page, line 22, after the word "served," strike out the words "more than," and after the word "twelve" insert "or more"; page 17 of Senate engrossed amendments, line 5, strike out the word "twelve"; same page, line 7, strike out the word "one-fourth"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Strike out all of said amendment and in lieu thereof insert the following:

"That hereafter the commander in chief of the United States Atlantic Fleet, the commander in chief of the United States Pacific Fleet, and the commander in chief of the Asiatic Fleet, respectively, shall each, after being designated as such commander in chief by the President, and from the date of assuming command of such fleet until his relinquishment of such command, have the rank and pay of an admiral; and in each of the above-named fleets the officer serving as second in command thereof shall each, after being designated as such second in command by the President, and from the date of assuming duty as such second in command until his relinquishment of such duty, have the rank and pay of a vice admiral; and the grades of admiral and vice admiral in the Navy are hereby reestablished and authorized for the purposes of this section. The annual pay of an admiral shall be $10,000, and of a vice admiral $9,000: *Provided*, That in time of peace officers to serve as commander in chief and as second in command of the three said fleets shall be designated from among the rear admirals on the active list of the Navy: *Provided further*, That nothing herein contained shall create any vacancy in any grade in the Navy nor increase the total number of officers allowed by existing law, and that when an officer is detached from duty as such commander in chief or as such second in command, as above provided, he shall return to his regular rank in the list of rear admirals and shall thereafter receive only the pay and allowances of such regular rank."

And the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lines 2 and 3 of said amendment strike out the words "transporting coal," and in lieu thereof insert the following: "transportation of fuel between the Atlantic and Pacific coasts of the United States"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: Strike out the word "five" in said amendment and in lieu thereof insert "two"; and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: Strike out "$6,820,000" and in lieu thereof insert "$4,090,000"; and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: Strike out "$19,275,998" and in lieu thereof insert "$18,957,998"; and strike out all after the word "*Provided*," in line 1 of said amendment, and in lieu thereof insert the following: "That the committee appointed by the act of June thirtieth, nineteen hundred and fourteen (Public, No. 121), is hereby continued to the regular session of Congress convening in December, nineteen hundred and fifteen, for the purpose of making such further investigation and report as may be deemed advisable"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: Strike out "$49,976,801" and in lieu thereof insert "$45,053,801"; and the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"The Secretary of the Navy is hereby directed to submit to the next regular session of Congress a report on building four warships of the type, power, and speed which, in his judgment based on the knowledge gained from the prevailing war in Europe, are best suited for war on the sea; also to report, in the light of that war, the value and uses in naval warfare of aeroplanes, dirigibles, balloons, and submarines."

And the Senate agree to the same.

L. P. PADGETT,
J. FRED. C. TALBOTT,
ALBERT ESTOPINAL,
THOS. S. BUTLER,
ERNEST W. ROBERTS,
Managers on the part of the House.

B. R. TILLMAN,
CLAUDE SWANSON,
N. P. BRYAN,
GEO. C. PERKINS,
BOIES PENROSE,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 20975) making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and submitted in the accompanying conference report on the amendments of the Senate, namely:

Amendment No. 1 permits subscription to newspapers and periodicals for the naval service to be paid for in advance; and the House recedes.

Amendment No. 2 provides for the creation of a new office in the Navy Department to be known as the Chief of Naval Operations. This office is to be filled by a line officer not below the grade of captain, who is to be appointed for a period of four years by the President, by and with the advice and consent of the Senate. He will be charged, under the direction of the Secretary of the Navy, with the operations of the fleet and with

the preparation and readiness of plans for its use in time of war. The principle of civilian control of the Navy Department is not violated, and the House recedes.

Amendment No. 3 provides that the accounting officers of the Treasury are authorized to allow in the settlement of accounts of disbursing officers certain payments during the fiscal year 1916, and also provides for the disposal of useless papers in the files of the navy yards and naval stations, which, in the judgment of the Secretary of the Navy, are not needed or useful in the transaction of current business and have no permanent value or historical interest, where such papers are 2 years old or more, from date of last indorsement thereon. It provides that a detailed report be made to Congress in every case of papers destroyed. The House recedes with an amendment striking out the authority granted to accounting officers of the Treasury and agrees to the remainder of the paragraph.

Amendment No. 4 provides that the accounting officers of the Treasury are authorized to allow in the accounts of the disbursing officers of the Navy all payments heretofore made for telephones in Government quarters that have been disallowed or are subject to disallowance under section 7 of the act making appropriations for the legislative, executive, or judicial expenses of the Government, approved August 23, 1912; and the Senate recedes.

Amendment No. 5 makes permanent law of a provision carried in the naval appropriation bill last year, as well as in the present bill, whereby officers who now perform engineering duty on shore only and officers of the construction corps are made eligible for any shore duty compatible with their rank and grade to which the Secretary of the Navy may assign them.

Amendments Nos. 6, 7, 8, and 9 increase the reappropriation of $500,000 to $1,000,000 from the unobligated balances of the appropriations "Construction and repair of vessels" and "Steam machinery"; and the House recedes.

Amendment No. 10 provides for a national advisory committee for aeronautics to supervise and direct a scientific study of the problems of flying with a view to their practical solution. The Senate committee provided for 12 members, 3 of whom are skilled in aeronautical sciences in civil life; and the House recedes with an amendment making the committee consist of 12 members, 5 of whom are from civil life. Two members will be from the War Department, two from the Navy Department, one from the Smithsonian Institution, one from the United States Weather Bureau, and one from the United States Bureau of Standards, making the majority of the committee from governmental sources. An appropriation of $5,000 a year is provided for and an annual report to Congress is required, including an itemized statement of expenditures.

Amendments Nos. 11 and 12 make officers of the Coast Guard eligible with officers of the Navy and Marine Corps to receive medals of honor for distinguished service; and the House recedes.

Amendment No. 13 provides for an appropriation of $10,000, to be immediately available, for the relief of inhabitants of American Samoa from suffering as a result of a hurricane in the islands; and the House recedes.

Amendments Nos. 14 and 15 provide for printing of nautical books, charts, and sailing directions in the Hydrographic Office and increases the appropriation for that office from $80,000 to $105,000; and the House recedes.

Amendment No. 16 strikes out the limitation on the appropriation "Ordnance and ordnance stores" whereby none of that appropriation shall be expended for the purchase of armor-piercing shells of 12-inch caliber or larger unless such shells are found by tests to be able to penetrate 10-inch kruppized plate without breaking up when fired with a standard service powder charge and an actual range of 12,000 yards; and the House recedes.

Amendment No. 17 provides for a building for storage of torpedoes to cost $20,000 at Melville, R. I., and the House recedes with an amendment striking out Melville, R. I., and provides that the building shall be constructed at the torpedo station, Newport, R. I.

Amendment No. 18 provides for the construction of a projectile plant by the Government in the event that the Secretary of the Navy is unable to purchase projectiles at what he considers to be a reasonable price, and appropriates the sum of $500,000 for that purpose; and the Senate recedes.

Amendments Nos. 19 and 20 provide for the construction of building slip and equipment at Norfolk Navy Yard, to cost $50,000; and the House recedes.

Amendments Nos. 21 and 22 provide for borings to determine the water-front conditions at Charleston Navy Yard, and appropriates $15,000, and $50,000 for the construction of building ways at the same yard; and the House recedes.

Amendment No. 23 provides for a reappropriation of $15,000 to be used for remodeling a building at the naval station, Pensacola, Fla., to be fitted as a sick quarters and dispensary for the Naval Aeronautical Station; and the House recedes.

Amendment No. 24 provides for the reappropriation of $400,000 heretofore appropriated for a marine barracks at Panama to be used for marine barracks at Mare Island, Cal., and Norfolk, Va., to cost $200,000 at each place; and the House recedes.

Amendment No. 25 is a change of total; and the House recedes.

Amendment No. 26 provides for transportation of remains of officers and men who died abroad while on duty at any time since April 21, 1898, and also that no deduction shall be made from the six months' gratuity allowed by law on account of expenses for preparation and transportation of remains; and the House recedes.

Amendments Nos. 27 and 28 are a transposition of language which, in its effect, makes the 48,000 enlisted men of the Navy exclusive of men detailed for duty with the Naval Militia and is in accordance with existing law; and the House recedes.

Amendment No. 29 provides for the appointment of George W. Littlehales as a professor in the corps of professors for mathematics in the Navy with the rank of captain; and the Senate recedes.

Amendment No. 30 strikes out the House provision for the repeal of section 9 of the personnel act of 1899, known as the plucking board, and inserts a provision intended as a substitute for the plucking board. The Senate recedes, which restores to the bill the repeal of the plucking board.

Amendment No. 31 is a grammatical change by the use of "any officers" instead of "all officers"; and the House recedes.

Amendment No. 32 strikes from the House provision the restoration to the active list of the Navy or Marine Corps any officer who has been retired by the action of any board; and the House recedes.

Amendment No. 33 provides for the restoration to the active list of Lieut. Col. C. M. Perkins, United States Marine Corps; and the House recedes.

Amendment No. 34 strikes out the provision which restores to the active list any officer of the Marine Corps on the retired list whose case has been examined by the Committees on Naval Affairs of the Senate and House of Representatives of the Sixty-third Congress; and the House recedes.

Amendment No. 35 strikes out the provision, which is a practical repetition of a previous paragraph, relating to the restoration of officers who were plucked. The remainder of the paragraph has a proviso which is transposed and made a part of a previous paragraph relating to the officers who have been plucked under section 9 of the personnel act. The House recedes.

Amendment No. 36 changes the word "medical" to "physical"; and the House recedes.

Amendment No. 37 authorizes the President to transfer to the active list any officer of the Navy retired by voluntary application under the personnel act of 1899, as amended by the act approved August 22, 1912, who is now performing duty, and also provides that no money appropriated for the pay of the Navy shall be used for the pay of any dental surgeon unless he shall have been appointed a dental officer, by and with the advice and consent of the Senate; and the Senate recedes.

Amendment No. 38 is a provision relating to aviators in the Navy and Marine Corps. Officer student aviators are granted 35 per cent increase of pay and allowances; officers qualified as naval aviators while performing duty involving actual flying in air craft receive 50 per cent increase of pay and allowances; enlisted men receive an increase of 50 per cent of their pay, including allowances, and permanent additions incident to their rating and service. The number of aviators is restricted to 48 officers and 96 enlisted men of the Navy and 12 officers and 24 enlisted men of the Marine Corps. In the event of the death of an enlisted man in the Navy or Marine Corps as the result of an aviation accident not the result of his own misconduct he receives an amount equal to one year's pay at the rate received by such officer or enlisted man at the time of the accident resulting in his death. The amendment provides that no officer senior in rank to lieutenant commander shall receive any increased pay in this duty; and the House recedes with an amendment placing the limit at that of commander in the Navy.

Amendment No. 39 provides for the establishment of a United States naval reserve, which shall consist of citizens of the United States who have been or may be entitled to an honorable discharge from the Navy after not less than four years' term of enlistment or after a time of enlistment during mi-

norority. The provision provides that all men honorably discharged within eight years shall be eligible for enlistment in the reserve, and if enlisted will receive pay at the rate of $12 per annum. All men honorably discharged within four months will be eligible for enlistment in the reserve, and if enlisted will receive pay at the rate of $30 per annum if they had less than eight years' service in the Navy and $60 per annum if they had more than eight years' service in the Navy and $100 per annum if they have served 12 or more years in the Navy.

After 2 years from the date of approval of the act those men who complete 16 or 20 or more years may be eligible for transfer to the reserve upon their own application, and when so transferred will receive pro rata pay based upon length of honorable service in the Navy of one-third and one-half, respectively, of their base pay.

Provision is made for the calling of enlisted men on the retired list into the active service in time of war. The provision requires that in time of peace members of the naval reserve may be required to perform not less than one month's active service on board a vessel of the Navy during each year of the service in the naval reserve, and such active service shall not exceed two months in any one year. An appropriation of $130,000 is made to carry this provision of the act into effect.

Amendment No. 40 provides for a commander in chief of the Atlantic Fleet to have the rank of an admiral, and the second in command of the Atlantic and the commander in chief of the Pacific and Asiatic Fleet to have the rank of vice admiral, not providing any increase in pay. The House recedes with an amendment whereby the commanders in chief of the Atlantic Fleet, the Pacific Fleet, and the Asiatic Fleet shall have the rank of an admiral, and the second in command the rank of a vice admiral, to hold this rank only while acting as first and second in command of the fleets. The pay of the admiral is fixed at $10,000 a year, and the vice admiral at $9,000 per year. There is no increase in the number of officers, and upon detachment from duty from the fleet or retirement from the active list such officers retire with the rank and pay of rear admiral only.

Amendment No. 41 provides for the paymasters' clerks in the Navy. The provision changes the title to "pay clerks" and provides that acting pay clerks shall be appointed from enlisted men of the Navy holding the rating of acting or permanent chief petty officers who have served three years as enlisted men, two years of which must have been on board a cruising vessel of the Navy. Pay clerks who are now in the service whose service is less than one year may be given an appointment as acting pay clerk without previous service as enlisted men; also paymasters' clerks whose appointments have been revoked within six months next preceding the passage of this act, who have had not less than one year's active service as such, may be warranted as clerks without previous service as enlisted men or acting pay clerks.

After six years' service as pay clerks they are promoted to commissioned chief pay clerks, and shall have the same rank, pay, and allowances as other chief warrant officers. The total number of chief pay clerks, pay clerks, and acting pay clerks allowed shall not exceed 1 for each 250 enlisted men in the Navy. No person is eligible to be appointed a pay clerk unless his accumulated previous service in the Army, Navy, or Marine Corps, together with his possible future service prior to attaining the age of 62 years, will amount to at least 30 years; and the House recedes.

Amendment No. 42 provides that when the lowest obtainable cost of transporting coal by merchant carriers is considered excessive the appropriation "Fuel and transportation" may be charged with the expense of paying transportation, shipping, and subsistence of civilian officers and crews of naval auxiliaries engaged in transportation of fuel: *Provided*, That the appropriation "Maintenance of naval auxiliaries" is insufficient therefor; and the House recedes, with an amendment restricting the transportation of fuel between the Atlantic and Pacific coasts of the United States.

Amendment No. 43 provides for part of a lump-sum appropriation to be expended for air craft; and the Senate recedes.

Amendment No. 44 provides for the care of the wind tunnel at the Washington Navy Yard in the appropriation "Construction and repair of vessels"; and the House recedes.

Amendment No. 45 provides for an increase in the Construction Corps of 24 officers by transfer from the line of the Navy to the Construction Corps, without any increase in the total number of officers in the Navy; and the House recedes.

Amendment No. 46 provides for a lump-sum appropriation to be expended for air craft; and the Senate recedes.

Amendments Nos. 47 and 48 provide for the purchase of land for sites for radio shore stations, the purchase price not to exceed $10,000; and the House recedes.

Amendment No. 49 increases the appropriation "Engineering" by $15,000 for tools and appliances in certain shops in navy yards; and the House recedes.

Amendment No. 50 provides for the increased limit of cost from $1,000,000 to $1,500,000 for high-power radio stations located in the Canal Zone, California coast, Hawaiian Islands, American Samoa, Guam, and the Philippine Islands. An appropriation of $400,000 is made; and the House recedes.

Amendment No. 51 provides for the 10 per cent increase for Marine Corps officers on sea duty and 20 per cent increase for the enlisted men of the Marine Corps while serving at sea; and the House recedes.

Amendments Nos. 52 and 53 provide for the increase of 20 gunnery sergeants, 20 sergeants, and 70 corporals of the Marine Corps; the number of privates is reduced by 110 and the appropriation increased $16,080; and the House recedes.

Amendments Nos. 54 and 55 are changes of totals; and the House recedes.

Amendment No. 56 provides for six "or more" torpedo-boat destroyers and the words "or more" are stricken out; and the Senate recedes.

Amendment No. 57 changes the speed of the torpedo-boat destroyers from "the highest practicable speed" to "a speed not less than 30 knots per hour"; and the House recedes.

Amendment No. 58 fixes the aggregate limit of cost of the torpedo-boat destroyers; and the Senate recedes.

Amendment No. 59 changes the words "torpedo boats" to "torpedo-boat destroyers"; and the House recedes.

Amendment No. 60 provides for five seagoing submarines instead of one as provided by the House; and the House recedes with an amendment striking out 5 submarines and inserting 2 in lieu thereof.

Amendment No. 61 fixes the surface speed of the seagoing submarine at 25 knots or more, if possible; and the House recedes.

Amendment No. 62 increases the limit of cost of the seagoing submarine from $1,400,000 to $1,500,000; and the House recedes.

Amendment No. 63 increases the number of coast-defense submarines from 11 to 16; and the House recedes.

Amendment No. 64 is a change of total.

Amendment No. 65 provides for a gunboat; and the Senate recedes.

Amendment No. 66 provides for one hospital ship; and the Senate recedes.

Amendment No. 67 is a change of total; and the Senate recedes.

Amendment No. 68 is a change of total, and also provides for an armor-plate factory to cost not to exceed $8,000,000, appropriating $1,000,000 therefor, if the Secretary of the Navy is unable to purchase armor at what he considers to be a reasonable price, and also extends the time for the submission of the report of the armor committee to the regular session of Congress convening in December, 1915; and the House recedes with an amendment striking out the provision for the armor-plate factory, and inserts a provision continuing the armor factory committee for the purpose of making such further investigation and report as may be deemed advisable.

Amendment No. 69 is a change of total.

Amendment No. 70 provides for a report to be submitted by the Secretary of the Navy at the next regular session of Congress on building 4 battleships of the type, power, and speed which, in his judgment, based on the knowledge gained from the prevailing war in Europe, are best suited for war on the sea; also to report, in the light of that war, the value and uses in naval warfare of aeroplanes, Zeppelins, dirigibles, balloons, and submarines; and the House recedes, with certain minor changes in verbiage.

Amendment No. 71 strikes out the provision fixing a limitation on appropriations in the act preventing the use of stop watches or other time-measuring devices in the service of the United States Government; and the Senate recedes, leaving the provision as it passed the House.

Amendment No. 72 provides that no sum appropriated in the act shall be expended for the purchase of steel, ship plates, armor, armament, or machinery from any persons, firms, or corporations who have combined or conspired to monopolize the interstate or foreign commerce or trade of the United States; and the House recedes.

The bill as passed by the House carried	$144,648,901.88
The bill as passed by the Senate carried	152,961,981.88
An increase by the Senate	8,313,080.00
As agreed to in conference, the bill carries	147,538,981.88
Reduced in conference	5,423,000.00
Net Senate increase	2,890,080.00

The following are reappropriations, and are not charged to the bill:

Aeronautics	$1,000,000
Marine barracks, Norfolk and Mare Island	400,000
Hospital and dispensary, Pensacola, Fla	15,000
Toward submarines	800,000
Total	2,215,000

Authorizations in the bill as it passed the Senate have been reduced by the following amounts:

Projectile factory	$500,000
Armor-plate factory	8,000,000
Three fleet submarines	4,500,000
One gunboat	750,000
One hospital ship	2,250,000
Total	16,000,000

Authorization for an increased cost of radio stations from $1,000,000 to $1,500,000 was agreed to in conference, making a net reduction in authorizations in the bill in conference of $15,500,000.

L. P. PADGETT,
J. FRED. C. TALBOTT,
ALBERT ESTOPINAL,
THOMAS S. BUTLER,
ERNEST W. ROBERTS,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. PADGETT rose.

Mr. STAFFORD. Mr. Speaker, will the gentleman from Tennessee yield to me?

Mr. PADGETT. Yes.

Mr. STAFFORD. Mr. Speaker, will the gentleman explain what action the conferees took so far as the plucking board is concerned?

Mr. PADGETT. So far as the plucking board is concerned, it is repealed, and substantially the House provision remains in the bill. There is no change except that there was a change in language, because the House had a duplication of language.

Mr. STAFFORD. But the protection that the House inserted in providing that these men who had been plucked should take an examination so that they would be shown fit for service has been retained?

Mr. PADGETT. It has.

Mr. STAFFORD. And the matter is left with the President to reappoint them?

Mr. PADGETT. Yes; subject to confirmation by the Senate.

Mr. STAFFORD. Mr. Speaker, I would like to inquire what action the conferees took so far as the increase in the naval program is concerned?

Mr. PADGETT. Mr. Speaker, the House conferees consented to the increase of one of the large seagoing submarines and to the increase of five of the coast-defense submarines, and struck out of the bill the hospital ship and the gunboat and three of the large submarines.

Mr. STAFFORD. So there has been no change so far as the battleship program is concerned?

Mr. PADGETT. None whatever.

Mr. STAFFORD. The only increase being as to submarines, which was the recommendation of the naval board?

Mr. PADGETT. It is less than the naval board. The naval board recommended three, and we have agreed to two.

Mr. STAFFORD. I do not refer to the ocean-going submarines, but to the coast-defense submarines.

Mr. PADGETT. Yes; the coast-defense submarines remain the same as the recommendation of the General Board.

Mr. STAFFORD. Mr. Speaker, in following the reading of the report I took it that most of the legislation that was reported in the bill and which was stricken out in the House on points of order has been reinserted by the Senate and retained by the conferees.

Mr. PADGETT. Most of it; yes.

Mr. STAFFORD. Was there any exception where it has not been retained?

Mr. PADGETT. There was some of it that the Senate did not reinsert, and then there was one provision placing a civilian upon the commissioned list, which was stricken out in conference.

Mr. BUTLER. And the Marine Corps provision.

Mr. STAFFORD. Will the gentleman state what is the total amount, including those sums which are made available out of prior appropriations, which is carried in this bill as it is now agreed on?

Mr. PADGETT. The exact amount is stated in the bill. I do not remember what it is, but it is about $150,000,000 and a little over. I do not remember the exact figures. They are given to the cent in the statement.

Mr. STAFFORD. I recall that the Senate receded from their disagreement so far as the Taylor system of time efficiency is concerned.

Mr. PADGETT. That is just as the House passed it.

Mr. FOSTER. Will the gentleman yield?

Mr. PADGETT. Yes, sir.

Mr. FOSTER. Will the gentleman be kind enough to tell us in reference to amendment 39, the naval reserve, just what was done with it?

Mr. PADGETT. The naval reserve is retained in the bill with some verbal changes. It is substantially the one that was reported by the House committee.

Mr. FOSTER. And practically as it is here?

Mr. PADGETT. Almost.

Mr. FOSTER. As it went out on the point of order in the House?

Mr. PADGETT. Yes, sir; word for word except where it said 12 years they put in 12 years or more, and where it said 8 years it says 8 years or more. This would leave dead points if you said 8 years and less than 12, or 12 years and less than 16, so that on those even periods there would be no status of the enlisted man.

Mr. FOSTER. How much will that provide for in the bill now; how much will it cost?

Mr. PADGETT. Well, sir, I have printed a statement and the estimate for the next 10 years; it is estimated by the department the savings will about equal the cost.

Mr. FOSTER. What does the gentleman mean by "savings"?

Mr. PADGETT. It will induce men to stay in the service longer and that will reduce the cost of recruiting. It will save the cost of $60 for the outfit on first enlistment and various items incident to the cost of transportation, and the cost of education of the recruits for six months at these recruiting stations and training schools.

Mr. FOSTER. Can the gentleman inform us about amendment 24 in reference to the amount appropriated for barracks?

Mr. PADGETT. That is the amount we appropriated; that is retained.

Mr. FOSTER. Retained as it is in the conference report?

Mr. PADGETT. Yes, sir.

Mr. FOSTER. So this bill as it is agreed to in conference carries about $150,000,000? Is that the gentleman's statement?

Mr. PADGETT. As the bill is agreed to in conference it carried $147,538,981.88, and then it carries——

Mr. BUTLER. Less than the Naval Affairs Committee reported to the House.

Mr. PADGETT. It carried in addition to that the reappropriations that are made available, which were in last year's bill. They are diverted from the purposes for which they were appropriated in last year's bill and made available for these purposes in this bill.

Mr. STAFFORD. Will the gentleman state how much that aggregates?

Mr. PADGETT. Two million two hundred and fifteen thousand dollars.

Mr. STAFFORD. Substantially the amount carried is within $100,000 or $200,000 of $150,000,000?

Mr. FOSTER. That is, the reappropriations.

Mr. PADGETT. Yes.

Mr. FOSTER. Amendment No. 70, what was done with that? That is in reference to the Secretary of the Navy's direction to submit to the next Congress plans and specifications as to conclusions from the European war.

Mr. PADGETT. That is retained with a verbal change of language, but the substance of it is retained.

Mr. BUTLER. He is only required to report.

Mr. PADGETT. As it was passed by the Senate it provided that he should submit plans and specifications. Well, plans and specifications for a ship are very expensive and would cost many thousands of dollars. This directs him to report as to the character of design and type and style of ship.

Mr. FOSTER. I will ask the gentleman one more question. He makes that report next year——

Mr. PADGETT. Yes; to the next regular session.

Mr. FOSTER. As to what they think has been the result of the European war?

Mr. PADGETT. Yes; and aeroplanes and submarines and the whole question.

Mr. FOSTER. Now, amendments 14 and 15. Can the gentleman inform us in reference to the printing of nautical books, and so forth?

Mr. PADGETT. That is retained.

Mr. FOSTER. As it is here?

Mr. PADGETT. Yes, sir.

Mr. FOSTER. So that is increased $25,000 over the House provision?

Mr. PADGETT. Yes, sir.

Mr. FOSTER. How much was the estimate on that?

Mr. PADGETT. The original estimates that were sent down were $80,000. Then, in the hearings, they stated that that was an error; that subsequent matters had developed; and that they ought to have this increase on account of this war condition, and the British Admiralty has shut off the purchase of the sailing directions, the books, and so forth, and has given notice——

Mr. FOSTER. Does the gentleman think we shall need very many of those directions for sailing the seas at this particular time?

Mr. PADGETT. I think it is very necessary.

Mr. BUTLER. It depends on the direction we sail.

Mr. PADGETT. I think they should be provided with them.

Mr. FOSTER. I think that is all I wish to know about the bill.

Mr. PADGETT. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. VARE] 5 minutes.

Mr. VARE. Mr. Speaker, I would like to ask the chairman of the Navy Committee what disposition the conferees made as to Senate amendment No. 68?

Mr. PADGETT. Is that with reference to the armor-plate factory?

Mr. VARE. Yes.

Mr. PADGETT. That goes out.

Mr. BUTLER. And continuing the committee.

Mr. PADGETT. And continues the committee until the next regular session.

Mr. VARE. Mr. Speaker, I regret that the parliamentary situation of the bill at this time prevents an opportunity to introduce a motion for a separate vote on amendment No. 68, which provided that if the "Secretary of the Navy is unable to purchase armor at what he considers to be a reasonable price he is authorized to begin the construction of an armor-plate factory upon land already owned by the Government, the total cost not to exceed $8,000,000, toward the construction of which $1,000,000 is hereby appropriated."

I am strongly in favor of the Senate amendment providing for the establishment of an armor-plate plant, because I believe it is a wise measure of military preparedness. In November, 1913, I introduced a bill for the appointment of a commission to make a survey of available sites and to look into the matter of costs, and such a commission was later created by Congress.

There were three members of this joint committee—Mr. PADGETT, the chairman of the House Naval Affairs Committee; Senator TILLMAN, chairman of the Senate Naval Affairs Committee; and Admiral Strauss. After an exhaustive investigation, including personal inspection of the existing armor-plate plants in Pennsylvania, the committee reported to Congress as follows:

> Estimates were first prepared for the 20,000-ton plant, and the 10,000-ton plant estimate has been patterned therefrom. The price of the land necessary for the plant and certain other items are so indefinite as to be only the roughest approximation. The location and local conditions will bear largely on the cost of the various buildings and the installation of the machinery therein. The committee calls attention to the fact that the Government now owns, at the Philadelphia Navy Yard, ample land for the erection of an armor factory, and therefore no land would have to be bought. Philadelphia is an ideal place for the erection of such a plant, as it is accessible both by deep-water transportation and railroad facilities, is near coal and iron, and has a fine labor market. However, the Navy Department itself will select the location and construct the plant if Congress orders one, and the committee only mentions that no expense for land will be necessary. Besides the navy yard has facilities for assisting in the construction of this plant, which will largely reduce the expense of erecting it.

The committee has done its work fairly and impartially. It has not expressed any views of its own, but has merely set down the facts. Allowing 10 per cent for incidentals, engineering expenses, and unforeseen contingencies, the committee has estimated a 10,000-ton-capacity plant at $6,635,107 and a 20,000-ton plant at $10,331,906.

If the 20,000-ton plant were established at Philadelphia, where it could be run most economically, it would mean a pay roll amounting to $1,368,492.34 annually. If the smaller sized plant—the one with a capacity of 10,000 tons—were established, it would mean an annual pay roll of $812,206.83.

But there would be an annual saving to the Government amounting, probably, to more than a million dollars a year. When it is realized that the present naval bill provides an appropriation of $19,275,998 just for the armor and armament for vessels heretofore or now authorized, there can be no doubt that the opportunity for economy is great.

It is significant that the Secretary of the Navy has repeatedly asserted that he is unable to obtain competitive bids from the existing armor-plate companies. The bids have been so uniform, he says, that he has become convinced that competitive bidding is impossible unless the Government itself provides the competition.

Mr. Speaker, for three years in this House I have heard economy talked on all sides. Now a splendid opportunity arises when those who have been denouncing the so-called Armor-plate Trust year after year have a chance to show good faith, but I fail to see favorable action. Notwithstanding the fact that the Senate had provided this amendment, we find the conferees on the part of the House opposing it, and the result is that this opportunity to economize, this opportunity to back up the Secretary of the Navy in securing moderate prices, is lost sight of and not taken advantage of by this Democratic Congress.

Far more important than the economy involved—and I want to say that I do not believe any existing company will be driven out of business, but that better competition will be the result—is the question of military preparedness. The time must come when a Government armor plant will be established. It is a detail in our plan for strengthening the national defenses that should not and can not be overlooked. Like the Government-owned shipbuilding plants, an armor-plate plant will prove a regulator and not a destroyer of private enterprise.

Mr. BRITTEN. Will the gentleman yield?

Mr. VARE. I am sorry, but I have not the time.

The Department of the Interior recently hailed the discovery of one of its experts who has been experimenting with coal-tar dyes from the mining industry as a great national achievement. The expert has found a reduction process by which one of the materials used in the manufacture of gunpowder could be obtained. It was stated that this might ultimately make us independent of private interests in the matter of explosives.

I think it well that the Government should be as independent as possible in the manufacture of war materials. There is nothing so necessary to a good naval equipment as an armor-plate factory. It is a necessary part of the naval establishment. It is not merely a matter of economy or of bringing about competition; it is a matter of efficiency.

It was undoubtedly for the purpose of protecting the Government against any agreement among the existing plants that the Senate bill inserted amendment No. 68, which, after appropriating $19,275,998, provided:

> That if the Secretary of the Navy is unable to purchase armor at what he considers to be a reasonable price he is authorized to begin the construction of an armor-plate factory upon land already owned by the Government, the total cost not to exceed $8,000,000, toward the construction of which $1,000,000 is hereby appropriated.

I think the amendment is a good one and that it is a matter of economy and efficiency to establish such a plant where it can be constructed most economically and conducted most efficiently—at the Philadelphia Navy Yard. [Applause.]

Mr. PADGETT. Mr. Speaker, I yield 10 minutes to the gentleman from Ohio [Mr. BATHRICK].

Mr. BATHRICK. Mr. Speaker, I have not the faintest idea that what I am about to say to the Members of this House will have any effect whatever upon this legislation. But I believe it is important that I should pursue a little further the question of armor-piercing shells. You will remember the other day when this bill was in the House we passed in the Committee of the Whole an amendment to the bill which required that the department should no longer buy armor-piercing shells of 12-inch size or over unless they could show that those 12-inch shells or larger could pierce 10-inch armor at 12,000 yards. That amendment was passed by the Committee of the Whole. On a separate vote in the House it was voted in by a large majority, and it became an amendment to this bill for the conferees to take care of.

Now, since that time I have been struggling with myself to determine whether I should tell some more facts respecting this important part of our common defense; but I have determined to say something here to-night which may not be just according to the ethics of legislation as laid down in this House. I am going to do it, hoping it will sink into the minds of some of you and be of some good to the people of this country.

I read the other day part of the hearings of Gen. Crozier before the Appropriations Committee, and found his reply—to a question which was asked him respecting the power of armor-piercing shells to pierce 10-inch armor at 12,000 yards—was essentially a confirmation of my contention in the matter.

Gen. Crozier conceded the point that we made when that amendment was passed in the House. He said that a 12-inch shell had a limit of about 12,000 yards, in which it would pierce

armor of 10-inch thickness. I will read the colloquy. Mr. White was interrogating the general regarding my statements made on this floor recently.

Mr. WHITE. He makes a most remarkable statement. He makes the statement that our 12-inch guns will not pierce 10-inch armor at a greater range than 12,000 yards. Do you accept that? He is speaking of 10-inch K. C. armor.

Gen. CROZIER. Krupp cemented; the cementing being the process of the Krupp establishment. Cemented means face hardened. The 12-inch rifle firing a 1,070-pound projectile at a velocity of 2,250 feet a second, which are standard conditions, will penetrate 10 inches of this class of armor at a range of about 12,000 yards. That is, with incidence approximately normal, 10°, possibly 15° inclination, but beyond that range it will not penetrate armor of that thickness.

Mr. WHITE. He makes this statement:

"We have been experimenting at Indianhead with different charges of powder, firing armor-piercing shells, for years. By these experiments at short distances they got a theoretical trajectory, and because they pierced through armor plate under experimental conditions they have considered for years that they could pierce armor plate at 6 miles distance, or 12,000 yards; but when they experimented by actually shooting these shells at 12,000 yards they could not pierce the armor."

Gen. CROZIER. Twelve thousand yards would be just about the limit at which our projectiles can be fired through that armor. Our projectile is a little different from the Navy's, being 1,070 pounds as against 870 pounds, and for that reason there is a little less retardation as it goes through the air than with the Navy's projectile. Notwithstanding the fact that it has a lower initial velocity, I think by the time that it gets out to 12,000 yards it has greater remaining energy, so that it probably would have a more penetrative effect than a naval projectile at that range.

Note that the general says that the 12-inch Army shell has "greater remaining energy," than the Navy shell, but beyond 12,000 yards the Army shell will not pierce 10-inch armor plate. Note, also, the words "with incidence approximately normal."

In battle formation the incidence is seldom "normal," but presents greater difficulties to the shell than at target practice.

Aside from the actual experience at target practice, this is expert evidence to prove my point.

What I particularly want to say to you is this: It is supposed, when you are on the ordnance subcommittee of the Committee on Naval Affairs, that what you learn is not to be told—that there are some secrets. But it will not hurt us, if an armor-piercing shell will really pierce, to let the world know that we have more of them than we need; it will not hurt us to let the world know that we have this great stock of armor-piercing shells loaded up, and are ready for any enemies that may come. It will do no harm to let them know we have more than enough. And that is the situation to-day, and the revelation of that secret would not hurt anybody. [Applause.]

We have appropriated in this bill over $2,000,000 to buy armor-piercing shells that may not pierce, and for every gun afloat we have more shells than will be required to wear it out. The best testimony we have had before our committee is that from 75 to 80 shots will wear out these guns, and they must be relined after that many shots have been fired. Every man knows that if we were in war we could not stop to reline our guns—not while in the thick of battle.

Now, if we have 124 shells for every gun afloat, which is about 40 more than is required to wear out the guns, why, in God's name, do we insist on buying 5,000 more which we are not sure will pierce armor? What is the answer? That is the fight I have been making. Somebody please tell me where is the business proposition in this. Some one has told me that the reason why we want to keep on buying armor-piercing shells is because some people who are advocating a high-explosive shell, which seems by all the evidence to have been used lately in the European war, have hurt some one's feelings. That can not be it, for that would not be business. I have also been informed that our highly educated expert men who have charge of these matters are honest men. I believe that. For the time during which I have been on the Naval Committee I have never seen an incident or a sign—and that has been for four years—that would indicate that these men are not honest. I believe in their honesty and patriotism. I believe they are expert, but I believe my own eyes when I see things. But I want to say this much—and it is not a severe criticism to make—that these men seem to be opinionated and too slow to accept inventions that will come along after awhile and add to the value of our Navy and its efficiency.

Now, if we can use a high-explosive shell—and experiments indicate that we can—I want to repeat what I stated the other day, that of those battleships that we have laid aside—and there are 28 of them according to my own calculation—we could return 12 of them and make them efficient by the use of the high-power modern guns that we have in our Navy, and while they can not penetrate armor as well as our more modern guns, yet these guns could throw an explosive shell and hit a ship at very long range and do it great damage.

Mr. BRUMBAUGH. Mr. Speaker, will the gentleman yield for a question?

Mr. BATHRICK. I regret that my time is nearly gone.

Mr. BRUMBAUGH. It is your opinion the reason why we do not purchase high-explosive shells is because if we did there would not be so much armor to be pierced or so much that would be necessary?

Mr. BATHRICK. I have heard a good many observations and intimations of that kind, but I am not prepared to believe them. That would be a reflection on these men in the department, of whom I say I have never seen one dishonest action on their part in connection with their work.

But here is a provision which our conferees have yielded, given up, and it evidences what we are likely to do when we are approaching the last days of a session; how legislation of importance and the people's money goes slashing through this House like stray dogs through a sausage mill, and nobody knows what we are doing. We are largely going to waste this money that we invest in armor-piercing shells. We have already got more of them than we can use if we were at war to-day. We have got more than enough for every gun, if they are all right; and, in the second place, if they are not effective, we need none of them. The Navy Department has the power now to buy these doubtful shells. It is up to them to see the business proposition. I am going out of Congress, but I am not going out of the country nor lose my interest in it.

Mr. Chairman, before I close I wish to pay my tribute to the gentlemen who have largely shaped this bill. It is a good bill, and, in the main, the large sum appropriated will be well spent. It is a bill which mainly must be made by the Navy experts, and I think they have conscientiously striven to do all for the best. My differences with them are few and not drastic, and my service on this committee has convinced me that our men of the common defense are worthy of the confidence of the people. If they err, I believe them big enough to correct error, to admit it, and turn around.

Mr. PADGETT. I yield five minutes to the gentleman from Illinois [Mr. FOWLER].

Mr. FOWLER. Mr. Chairman, I desire to ask the chairman of the Committee on Naval Affairs what was done with Senate amendment 57, providing that the speed of torpedo boats should be not less than 30 knots, which reads as follows:

Six or more torpedo-boat destroyers, to have a speed of not less than 30 knots per hour and to cost, exclusive of armor and armament, not to exceed $925,000 each.

Mr. PADGETT. We kept it in the bill.

Mr. FOWLER. Good! What was done with amendment 72, which is as follows:

That no part of any sum herein appropriated shall be expended for the purchase of structural steel, ship plates, armor, armament, or machinery from any persons, firms, or corporations who have combined or conspired to monopolize the interstate or foreign commerce or trade of the United States, or the commerce or trade between the States and any Territory or the District of Columbia, in any of the articles aforesaid, and no purchase of structural steel, ship plates, or machinery shall be made at a price in excess of a reasonable profit above the actual cost of manufacture. But this limitation shall in no case apply to any existing contract.

Mr. PADGETT. We kept it in.

Mr. FOWLER. Good! I believe you say amendment 68 was eliminated? It reads as follows:

Toward the armor and armament for vessels heretofore and herein authorized, to be available until expended, $19,275,998: *Provided*, That if the Secretary of the Navy is unable to purchase armor at what he considers to be a reasonable price, he is authorized to begin the construction of an armor-plate factory, upon land already owned by the Government, the total cost not to exceed $8,000,000, toward the construction of which $1,000,000 is hereby appropriated: *Provided further*, That the time for the submission of the report of the committee appointed by the act of June 30, 1914 (Public, No. 121), is hereby extended to the regular session of Congress convening in December, 1915.

Mr. PADGETT. That is the provision for going into the manufacture of armor plate at this time?

Mr. FOWLER. Yes.

Mr. PADGETT. That went out.

Mr. FOWLER. I am very sorry of that, for the Secretary of the Navy stands in sore need of relief. He has fought manfully for it, and I am sorry his request has not been granted.

Mr. Speaker, I desire to ask the gentleman what was done with the Senate amendment authorizing the Navy Department to submit plans and specifications for building four warships with the highest speed and power possible, which reads as follows:

The Secretary of the Navy is hereby directed to prepare and submit to the next Congress plans and specifications for building four warships of the type, power, and speed which, in his judgment, based on the knowledge gained from the prevailing war in Europe, are best suited for war on the sea; also to report, in the light of that war, the value and uses in naval warfare of aeroplanes, Zeppelins, and submarines.

Mr. PADGETT. We retained that, directing him to report to the next Congress on that subject.

Mr. FOWLER. Good! Mr. Speaker, I want to congratulate the gentleman, the distinguished chairman of the Committee on Naval Affairs, for the progress which he has made in this conference report, and I take my hat off to him; and if I have ever said anything against him in the past, or his work for the great Navy Department, I take it all back now, because of the magnificent work which he has done for America. [Applause.]

Mr. Speaker, it is evident that the high-speed vessels which are competing in deadly conflict in the East have proven to be the winners. It has also been demonstrated in that death struggle that the high-explosive shells, combined with the high rate of speed and big long-range siege guns, are winners on the water. [Applause.] I congratulate the gentleman and his committee on bringing back to this House a conference report which fairly bristles with these new and modern improvements. [Applause.]

Mr. Speaker, that type of dreadnaught known as the *Queen Elizabeth* type of Great Britain is proving the efficiency of the Navy of Great Britain and her wisdom in the construction of her navy. The *Queen Elizabeth*, a 25-knot dreadnaught, is now in the Dardanelles with her 15-inch guns, and it is due to that great monster of the sea that the allies will be able to register the victory which will be the crowning one among the victories of this war. The greatest naval victory, in my opinion, which will be won will be the capture of the Dardanelles, adding one more piece of evidence to the wisdom of the men who are advocating high-speed war vessels, high-explosive shells, and big long-range siege guns. Equip the American Navy with these superior advantages, and we will have a Navy equal to that of any other country in the world. [Applause.]

Mr. PADGETT. Mr. Speaker, I move the previous question on the motion.

Mr. MANN. Will the gentleman yield me five minutes?

Mr. PADGETT. Yes.

Mr. MANN. Mr. Speaker, it is always desirable to have orderly procedure in the House; and in saying "orderly procedure" I do not refer particularly to order in the House. Especially is it desirable to have orderly procedure in Congress when the jam comes toward the close of the session.

The other day we agreed to the conference report on the District of Columbia appropriation bill, although it should have been presented to the Senate first. We now have the naval conference report before us, although it should have been presented to the Senate first.

Mr. PADGETT. I do not understand why. We agreed to the conference asked by the Senate.

Mr. MANN. That just shows! We did nothing of the sort. I am going to explain the circumstances. It shows how necessary it is for the gentlemen in charge of conferences to know what they are doing, so that there may be orderly procedure. I will explain.

Mr. PADGETT. If the gentleman will permit me——

Mr. MANN. Certainly.

Mr. PADGETT. The papers were in possession of the House and were turned over to us by the House, and we received them from the House as the agents and representatives of the House. The Senate asked for a conference.

Mr. MANN. The gentleman is still in error.

Mr. PADGETT. No.

Mr. MANN. Let me explain what the facts are.

Mr. PADGETT. Yes.

Mr. MANN. I have got the papers to back me up, and the gentleman has not. The CONGRESSIONAL RECORD showed that the other day when the naval bill was before the Senate the Senator in charge of the bill moved that the Senate insist upon its amendment and ask for a conference, and the conferees were named; but they did not send any such message to the House.

When the naval bill with Senate amendments came to the House the gentleman from Tennessee moved that the House agree to the conference. That is true, according to the CONGRESSIONAL RECORD. But, as the Senate had not asked for a conference, the clerks of the House, who attempt sometimes with great effort to keep the House in orderly procedure, sent a message to the Senate asking for a conference, because we had no request before us asking for a conference; and if we had sent a message to the Senate agreeing to a conference which was not asked for we would have been very foolish.

The Senate agreed to the conference which we asked for, and sent a message to us agreeing to a conference. Now, these papers were in the hands of the conferees, all of them. I am not disposed to criticize the conferees for not knowing what was in the papers, but yet it is desirable, especially in the jam toward the end of the session, for gentlemen in charge of the papers in conference to examine the papers and know what the situation is.

As a matter of fact, nobody is authorized to act upon a bill after it has passed one body, without having actual, physical possession of the papers, because without that no one knows how things will become mixed up. When we asked for a conference, as we did the other day, we sent a message to the Senate so stating and the papers accompanied the message. When they agreed to the conference they sent us a message agreeing to it, and the papers accompanied the message. Then the papers were turned over to the House conferees, and the gentleman from Tennessee and the other conferees went into conference with the papers in their possession. That is the fact, is it not?

Mr. PADGETT. Yes.

Mr. MANN. Now, the rule is that when you agree upon a conference the conferees who have possession of the papers turn them over to the other conferees. I will read from Jefferson's Manual, page 236:

* * * And in all cases of conference asked after a vote of disagreement, etc., the conferees of the House asking it are to leave the papers with the conferees of the other; and in one case where they refused to receive them they were left on the table in the conference chamber.

Without following the orderly procedure, if we get into this sort of a jam, no one knows what will be in the enrolled bill after it is enrolled. The enrolling clerks have only one way; they know that they must follow orderly procedure. The clerks of the House do their best to keep us in order, but they can not make us follow orderly procedure unless we help them out. I hope that there will be no more conference reports come to this body when they ought first to go to the other body.

Mr. BUTLER. The Senators would not take the papers; we tried our best to give them to them.

Mr. MANN. They would if you had told them what the parliamentary law is; perhaps they did not know it. I have read you what Jefferson says about it.

Mr. BUTLER. We had the papers, and they would not take them.

Mr. MANN. They would take them. The same conferees have taken them many years before. There never has been a case before when the naval bill came to the wrong body first with the conference report since I have been a Member of the House. The first thing we know the enrolling clerks will not know anything about what either body is doing. [Applause.]

Mr. PADGETT. Mr. Speaker, I simply want to state that these matters mentioned by the gentleman from Illinois were fully discussed in conference and the matters gone over, and it was considered there, and it was the unanimous opinion of the Senate conferees that the House, having the manual, actual possession of the papers, and delivering them to us as their representative, that we could not part with the papers without the authority of the House, and they declined to take them, and insisted that we bring them to the House.

Mr. BUTLER. We had to do something with them.

The SPEAKER. Well, they are here, anyway.

Mr. PADGETT. Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from Tennessee moves the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

On motion of Mr. PADGETT, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

COLORADO MINE STRIKE (H. DOC. NO. 1630).

Mr. FOSTER. Mr. Speaker, I submit herewith a report on the investigation of the Colorado strike made by the subcommittee of the Committee on Mines and Mining.

The SPEAKER. The gentleman from Illinois submits a report of a subcommittee on the investigation of the strike in Colorado, which is ordered to be printed.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. FLOOD of Virginia. Mr. Speaker, I call up the conference report on the Diplomatic and Consular appropriation bill, and ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from Virginia calls up the conference report on the bill H. R. 21201, the Diplomatic and Consular appropriation bill, and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement of the conferees.

The conference report and statement are as follows:

CONFERENCE REPORT (NO. 1496).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R.

21201) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1916, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 15, 22, and 23.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 5, 6, 7, 8, 11, 14, 16, 17, 18, 20, 21, and 24, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$14,000"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Salaries, United States agency: One counsel and joint secretary, at $2,750 per annum; stenographer, at $1,200 per annum"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Expenses, United States agency: Necessary and contingent expenses, $200; rent of rooms, $600; in all, $4,750"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In line 12 of the matter inserted by said amendment, strike out "$60,000" and insert in lieu thereof "$55,000"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: ": *Provided*, That no part of the appropriation shall be expended for subsistence of the commission, counsel, and secretary, except a sum not exceeding $10 per day each, when absent from Washington on official business"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SECOND PAN AMERICAN SCIENTIFIC CONGRESS.

"To enable the Government of the United States suitably to participate in the Second Pan American Scientific Congress, to be held at the city of Washington, and for the necessary expenses for clerks, printing (including the publication of the proceedings of the congress in English and Spanish), stationery and supplies, and other incidental expenses, including rent in the District of Columbia, and for the entertainment of the delegates, to be immediately available, $15,000, which sum is in addition to the $35,000 appropriated for the same purposes by the act entitled 'An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915,' approved June 30, 1914, to be expended under the direction of the Secretary of State; and the said appropriation of $35,000 is hereby made available for the same purposes for the fiscal year 1916."

And the Senate agree to the same.

H. D. FLOOD,
CYRUS CLINE,
HENRY ALLEN COOPER,
Managers on the part of the House.

LEE S. OVERMAN,
LUKE LEA,
W. L. JONES,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two House on the amendments of the Senate to the bill (H. R. 21201) making appropriations for the Diplomatic and Consular Service for the fiscal year 1916, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee, and submitted in the accompanying conference report as to each of the said amendments, namely:

Nos. 1, 2, and 3, relating to the International Boundary Commission, United States and Mexico: Appropriates $14,000, instead of $7,500 as proposed by the House and $25,000 as proposed by the Senate; makes $8,000 of the amount immediately available to resume and continue the work relating to the distribution of water as authorized by the protocol of May 6, 1896; and provides that the "water commissioner" may study the questions connected with the equitable distribution of the waters of the Rio Grande River.

No. 4: Provides that advances of money may be made to the commissioner, and through him to chiefs of field parties engaged in the work of marking the boundary line between Alaska and Canada and the United States and Canada.

No. 5: Provides for the exercise of judicial authority and jurisdiction in civil and criminal cases in a vice consul at Shanghai, China, as proposed by the Senate.

Nos. 6, 7, 8, 9, and 10, relating to the arbitration of outstanding pecuniary claims between the United States and Great Britain: Appropriates for a counsel and joint secretary at $2,750, instead of a joint secretary at $3,000 as proposed by the Senate, and two counsel at $2,520 each as proposed by the House; provides for a stenographer at $1,200; strikes out the messenger at $720, proposed by the House; appropriates $200 for contingent expenses as proposed by the Senate, instead of $500 as proposed by the House; and appropriates $600 for rent of rooms, instead of $1,380 as proposed by the House, and $1,000 as proposed by the Senate.

No. 11: Appropriates $1,500, as proposed by the Senate, instead of $2,000, as proposed by the House, for the Fisheries Convention, United States and Great Britain.

Nos. 12 and 13, relating to the International Joint Commission: Inserts authority for the employment of counsel not to exceed $5,000; appropriates $55,000 instead of $60,000, as proposed by the Senate; and provides that the commission, counsel, and secretary may be allowed not to exceed $10 per diem for subsistence when absent from Washington on official business.

Nos. 14 and 15, relating to the Consular Service: Provides for payment of salaries of officers in accordance with the "act for the improvement of foreign service" from the date of its approval to the end of the fiscal year 1915.

Nos. 16, 17, and 18: Strikes out the reappropriations, proposed by the House, for the completion of Chinese treaties, the International Conference on Maritime Law, and the Nineteenth Conference of the Interparliamentary Union.

No. 19: Appropriates $15,000, as proposed by the Senate, for the Second Pan American Scientific Congress.

No. 20: Appropriates $10,000, as proposed by the Senate, for the entertainment of foreign delegates in connection with the Pan American Medical Congress, to be held at San Francisco in June, 1915.

No. 21: Inserts the paragraph, proposed by the Senate, authorizing the President to extend invitations to other nations to send delegates or representatives to the International Engineering Congress, to be held at San Francisco in September, 1915.

Nos. 22 and 23, relating to the exposition in the city of Panama: Appropriates $25,000, as proposed by the House, instead of $100,000, as proposed by the Senate, for participation by the United States; and strikes out the authority, inserted by the Senate, for the expenditure of $75,000 of that sum for the erection of a building.

No. 24: Appropriates $50,000, as proposed by the Senate, for the conference of American financiers.

H. D. FLOOD,
CYRUS CLINE,
HENRY ALLEN COOPER,
Managers on the part of the House.

Mr. MANN. Mr. Speaker, will the gentleman from Virginia yield?

Mr. FLOOD of Virginia. Certainly.

Mr. MANN. What is the conference report on the Mexican boundary line?

Mr. FLOOD of Virginia. There is a total sum of $14,000, $6,000 of which is to be applied to the Boundary Line Commission proper.

Mr. MANN. The House appropriated $7,000?

Mr. FLOOD of Virginia. The House appropriation was $7,500, and the Senate amendment was $25,000.

Mr. GARNER. Mr. Speaker, will the gentleman from Illinois yield in order that I may ask a question in that connection?

Mr. MANN. Certainly.

Mr. GARNER. Mr. Speaker, I will ask the gentleman from Virginia what was the purpose of increasing the appropriation? Was it to survey the tributaries to the Rio Grande?

Mr. FLOOD of Virginia. A good deal of evidence was presented to the conference committee in the shape of printed testimony of engineers to the effect that if the flood waters of the Pecos and the Devil Rivers were controlled and impounded they could prevent the bed of the Rio Grande from changing and thereby fix a stable boundary line between this country and Mexico.

Mr. GARNER. Without any additional control of the Rio Grande?

Mr. FLOOD of Virginia. Yes. That would constitute the control of it, and the conferees on the part of the House thought that was worth investigating, as we had expended $800,000 in trying to fix a boundary line and had been unable to do so.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

RECALL OF A BILL.

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate concurrent resolution 37, that the same may be laid before the House for present consideration.

The SPEAKER. The gentleman from Texas asks unanimous consent to take from the Speaker's table Senate concurrent resolution 37 and to pass the same at this time. It is a request of the President to send back a bill, about which there is some mistake. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate concurrent resolution.

The Clerk read as follows:

Senate concurrent resolution 37.

THE SENATE OF THE UNITED STATES,
February 19, 1915.

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill, S. 3362, an act to authorize the Secretary of Commerce, through the Coast and Geodetic Survey and the Bureau of Fisheries, to make a survey of natural oyster beds, bars and rocks, and bottoms contiguous thereto, in waters along the coast of and within the State of Texas.

The SPEAKER. The question is on agreeing to the Senate concurrent resolution.

The concurrent resolution was agreed to.

STANDARD APPLE BOX.

Mr. RAKER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 4517) to establish a standard box for apples, and for other purposes, as amended, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the standard box for apples hereinafter provided for shall be of the following dimensions when measured without distention of its parts:

Depth of end, 10½ inches; width of end, 11½ inches; length of box, 18 inches; all inside measurements, and representing, as nearly as possible, 2,173½ cubic inches.

SEC. 2. That any box in which apples shall be packed and offered for sale in interstate or foreign commerce which does contain less than the required number of cubical inches, as prescribed in section 1 of this act, shall be plainly marked on one side and one end with the words "Short box," or with words or figures showing the fractional relation which the actual capacity of the box bears to the capacity of the box prescribed in section 1 of this act. The marking required by this paragraph shall be in black letters of the size not less than 72-point block Gothic.

SEC. 3. That standard boxes marked "Standard" as hereinafter provided when packed, shipped, or delivered for shipment in interstate or foreign commerce, or which shall be sold or offered for sale within the District of Columbia or the Territories of the United States of America, shall bear upon one or both ends in plain letters the name of the person, firm, company, or organization which first packed or caused the same to be packed; the name of the locality where said apples were grown; and the name of the variety of the apples contained in the box, unless the variety is not known to the packer, in which event the box shall be marked "Unknown."

SEC. 4. That the apples contained within the said standard box when so packed and offered for sale, shipment, or delivery in interstate or foreign commerce shall be well-grown specimens, of one variety, reasonably uniform in size, properly matured, practically free from dirt, insect pests, diseases, bruises, and other defects, except such as are necessarily caused in the operation of packing.

SEC. 5. That standard boxes packed in accordance with the provisions of this act may be marked "Standard."

SEC. 6. That boxes containing apples marked "Standard" shall be deemed to be misbranded within the meaning of this act—

When the size of the box does not conform to the requirements of section 1 of this act, and when the markings on the box and the contents thereof do not conform to the requirements of sections 3 and 4 of this act: *Provided, however*, That all shipments in boxes to foreign countries in which a standard box may have been established may be marked "For export, quality of contents equal to American standard."

SEC. 7. That any person, firm, company, or organization who shall mark or cause to be marked boxes packed with apples intended for interstate or foreign commerce, or sell, or offer for sale, shipment, or delivery, in interstate or foreign commerce, apples in boxes contrary to the provisions of this act or in violation hereof, or shall sell or offer for sale or delivery in interstate or foreign commerce in a standard box apples other than those originally packed therein without first completely obliterating the original markings and labels on such box and mark the box to conform to the provisions of this act shall be liable to a penalty of $1 for each box so marked, sold, or offered for sale or delivery, and costs, to be recovered at the suit of the United States in any court having jurisdiction: *Provided*, That the penalty to be recovered on any one shipment shall not exceed the sum of $100, exclusive of costs.

SEC. 8. That this act shall be in force and effect from and after the 1st day of October, 1915.

The SPEAKER. Is a second demanded?

Mr. DILLON. Mr. Speaker, I demand a second.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from California is entitled to 20 minutes and the gentleman from South Dakota to 20 minutes.

Mr. RAKER. Mr. Speaker, I just want to say a word in regard to this bill, so that the House may get the facts before it. This is Senate bill 4517, and as the motion is made to suspend the rules we have stricken out of the Senate bill as it passed the Senate that provision which exempts Colorado from the bill.

And also on lines 14 and 15 we have struck out the words:

In plain figures the number of apples contained in the box; also.

And on lines 15 and 16:

The style of pack used.

And then on lines 21, 22, and 23 we have struck out that sentence which provides:

A variation of three apples from the number designated as being in the box shall be allowed.

And we have changed the month in which the act shall have force and effect from the 1st day of July to the 1st day of October, 1915.

A counterpart of this bill is H. R. 11178, reported by the Committee on Coinage, Weights, and Measures of the House, and is the same as the Senate bill which passed the Senate, with the addition of the statements made by me.

There were some who objected to the bill as to counting of the apples and the style of the pack. The western apple growers, all the associations of packers, wanted it, but in deference to a few of the eastern people, those in Colorado and a few other places, we felt that, while we would like to have that in, we had better take it out and avoid any possible question.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. RAKER. I yield.

Mr. STAFFORD. Do I understand the motion before the House is to suspend the rules and pass the bill S. 4517 with certain amendments?

Mr. RAKER. It is.

Mr. STAFFORD. That is not the way it was reported.

Mr. RAKER. It was.

Mr. STAFFORD. I did not so understand it.

Mr. RAKER. The motion strikes out of the Senate bill the proviso:

Provided, That nothing herein contained shall prevent the packing, shipment, or offering for sale of apples grown in the State of Colorado in boxes or containers whose dimensions do not comply with those herein above prescribed.

Mr. STAFFORD. Will the gentleman tell from what page he is reading?

Mr. RAKER. It is not in the printed bill.

Mr. STAFFORD. Is it in the Senate bill?

Mr. RAKER. It is in the Senate bill. The Clerk read from the original Senate bill with this proviso eliminated.

Mr. STAFFORD. That is, the first proviso is eliminated?

Mr. RAKER. It is eliminated.

Mr. STAFFORD. What else is eliminated?

Mr. RAKER. Those parts which I stated, in lines 14, 15, and 16, the following words:

In plain figures the number of apples contained in the box; also—

And then follows:

The style of the pack used.

And then, on lines 21, 22, and 23, commencing with the word "A" and ending with the word "allowed," on line 23.

I just want to say this further word, that many of the States, through their organizations, have recommended the passage of this legislation.

Mr. WINGO. Will the gentleman yield for a question?

Mr. RAKER. They appeared before the committee and urged the passage of this bill.

Mr. WINGO. Will the gentleman yield for a question?

Mr. RAKER. I yield.

Mr. WINGO. I notice that on the first page of the Senate bill, in the last paragraph, the Colorado apples are exempted from the provisions of this bill. Why is that?

Mr. RAKER. The motion to suspend the rules and pass the bill eliminates that proviso. I have seen the Senators, and they all agree to that elimination.

Mr. WINGO. I want to ask another question.

Mr. RAKER. Go ahead.

Mr. WINGO. Why do you make this apply to anything else than interstate commerce? Why do you make it apply to the offering for sale? Why do you not limit it to the shipments in interstate commerce?

Mr. RAKER. That is what the purpose of it is—interstate and foreign commerce. That is all it applies to.

Mr. WINGO. Section 2 says:

Which apples shall be packed and offered for sale——

Mr. RAKER. In interstate commerce.

Mr. WINGO. That is all?

Mr. RAKER. There is nothing in the bill except that which applies to interstate commerce; that is all.

Mr. WINGO. There is nothing in the bill except what applies to interstate commerce?

Mr. RAKER. Not at all. That is the purpose of the bill and the intent of it.

Mr. FALCONER. Are the provisions of this bill mandatory or elective?

Mr. RAKER. They are elective. Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from California reserves the balance of his time, and the gentleman from South Dakota [Mr. DILLON] is recognized for 20 minutes.

Mr. DILLON. Mr. Speaker, I yield to myself five minutes.

This bill is without merit and ought to be defeated. It pretends to establish an arbitrary standard box for apples. It fixes the length, the depth, and the width of the box, and excludes every other box, so far as a standard is concerned. It is a standard of form and not of contents. It does not hitch to any known measure. It does not accord with avoirdupois or Troy weights. It does not accord with the bushel, or barrel, or any other known measure in this or any other country. It does not accord with the mandatory apple-box bill of Maine. It is optional, so far as the standard box is concerned.

As to section 2 it is mandatory. I ask every Member of this body before they vote upon this bill to read carefully that section of it. It is mandatory as to the short box. It quarantines every grower of fruit who uses a smaller box than the standard box, and as to him it is mandatory. He must mark his box "short."

Mr. ALEXANDER. Will the gentleman yield?

Mr. DILLON. Yes.

Mr. ALEXANDER. Does the gentleman mean to say that by the provisions of this bill you can only use a certain definite-sized box—neither larger nor smaller?

Mr. DILLON. Neither larger nor smaller, and mark it "standard." You must mark it "standard," and if it is less it must be marked in fractional part or it must be marked "short."

Section 2 is not only mandatory but it is intrastate as well as interstate; it is applicable to interstate trade as well as to intrastate trade. The standard box is applicable to the interstate trade alone. That is not all. This apple-box bill is not in accord with the pure-food laws of the Nation. Under the pure-food provisions of our legislation, which are now mandatory, everybody must mark in weight, in measure, or in numerical count, and that law is now mandatory upon our statute books. At one time it was permissive, but it proved to be a failure as a permissive law, so that Congress made it mandatory.

Now we have upon our statute books a mandatory law, a pure-food law, according to which you must stamp upon the container the weight, the measure, or the numerical count. Now I ask the gentleman from California [Mr. RAKER] to tell me how he is going to make this short box comply with the pure-food laws of this country? You must mark it. He has eliminated by his amendment the numerical count. He eliminates every other feature of the pure-food laws of our Nation.

Mr. RAKER. Mr. Speaker, will the gentleman yield there?

The SPEAKER. Does the gentleman from South Dakota yield to the gentleman from California?

Mr. DILLON. Not just now. Let the gentleman wait until I get through. He will mark it as a short box. Then you must comply with the pure-food law, which is unrepealed, which is not mentioned in this vicious measure, and then under that you must mark the numerical count or the weight or the measure.

The SPEAKER. The gentleman has used five minutes of his time.

Mr. DILLON. I will take one more minute, Mr. Speaker. I will then yield to others. No; I will first yield to myself three minutes more.

The SPEAKER. Very well.

Mr. DILLON. So that the party, when he marks his box "short," which is mandatory, must comply with the pure-food law.

Suppose he has a half bushel in that box. He must mark it under the pure-food law "one-half bushel," if he takes that standard, and he must mark it "short"; and I challenge the gentleman from California [Mr. RAKER] to answer this argument before he presses this vicious bill before this House. If he wants to adopt the other provision and go by weight, he marks it "50 pounds" and marks it "short," and sends it out into the market quarantined; and, of course, nobody would want to buy a box of that kind with "a half bushel" marked upon it to comply with the pure-food law and marked "short" under it to comply with this vicious measure.

Suppose he marked the numerical count, say 50 apples, to comply with the pure-food law and under that mark it "short." And that is not all. You take the penalty that is imposed. It provides that the party would be liable to $1 penalty or fine for each box. Imagine the great Government of the United States going around and collecting $1 and suing for it in your community! It would turn the Federal courts into police courts.

Mr. Speaker, I trust this vicious measure will be defeated. It has not a good provision in it. We must have mandatory provisions in our law if we shall ever have a standard measure. We have tried it. Massachusetts tried it in her option laws, but Massachusetts had to resort to mandatory laws. Wisconsin has tried it, and New Jersey has tried it, and Maine has tried it; and Maine has on her statute books to-day a mandatory provision in reference to an apple box, and that apple box is one-third of that new barrel. That apple box is one-third of the New York barrel, the barrel that we recently made a mandatory standard in the bill which we passed. If the Congress of the United States will establish measures, let it do so by laws that are not optional or mere makeshifts as this law is. Let the law be mandatory in form, in order that it may establish something when we have promulgated a standard.

Let me call your attention to the fact that in Indiana onions weigh 47 pounds to the bushel and in Illinois 58. Broom-corn seed in Minnesota weighs 57 pounds to the bushel and in the two Dakotas 30 pounds to the bushel. It is because of such laws as this, made by the States, that Congress, if it will have standards, must fix standards that are absolute, and not fix them in optional forms that are vicious in terms and which anyone may or may not use.

I reserve the remainder of my time.

Mr. RAKER. I yield three minutes to the gentleman from Oregon [Mr. HAWLEY].

Mr. HAWLEY. Mr. Speaker, the purpose of this bill is largely to put into law the custom of the trade in the selling of apples by boxes. In the Pacific Northwest, where we ship very long distances at high rates of transportation, we have for many years used the apple box described in this bill, and the size of the box described in the bill is the result of the experience of the packers in packing hundreds of thousands of boxes and in selling them all over the country and in Europe. The cubical contents of the box are a little over 20 cubic inches more than the Winchester bushel.

When the hearings were on before the Committee on Agriculture some years ago, and also before the Committee on Coinage, Weights, and Measures later, on the subject of apple-box legislation, it was testified by every dealer who appeared before these two committees that the manner of selling apples in boxes, in the way in which they were sold, marked with the numerical count, the name of the packer, and the variety of the apple, was practically without abuse. I think only one instance was cited where a few boxes were sold of which there was complaint. There was no such complaint made of the apple box trade as there was made of the barrel trade.

Mr. McLAUGHLIN. In the hearings of which the gentleman speaks were any representatives of the apple growers of Michigan heard?

Mr. HAWLEY. There were representative apple growers from New York, Virginia, Pennsylvania, and other States, but I am not sure whether there were any from Michigan.

Mr. McLAUGHLIN. Does the gentleman know whether there was any expression of opinion from any dealers or interested people from Michigan?

Mr. HAWLEY. I can not tell you that.

Mr. McLAUGHLIN. These are the dimensions of the boxes that have been in vogue on the Pacific coast for many years, are they not?

Mr. HAWLEY. They are; the exact measure. I asked one of the larger dealers in apples if he would take a trainload of apples packed in boxes under the conditions described in this bill, and send them out to his customers without examining them, upon the statement of the grower and packer. He said he would and did. I asked him if he would do the same thing with a trainload of apples in barrels. He said he could not afford to do it. The apples in the boxes are of guaranteed number, quality, variety, and character, and have been sold in that way for years. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. DILLON. I yield four minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, it is with extreme regret that I can not agree with my friend from California [Mr. RAKER] that this bill ought to pass. It is a very serious matter to fix a standard of measure, and I do not believe that at the close of the session, and under such circumstances as these, it can be done with that degree of caution and of study that should be given to so important a matter. Standards of measure concern our trade and regulate intercourse of a commercial character between men, and they ought to be fixed with due regard to the demands of trade and to the requirements of the country generally. I do not think that this bill does that. I believe that when we say what a pound is it ought not to be complicated with such definitions and conditions as have been imposed in this bill. I believe that every standard of measure ought to be what it purports to be on its face and nothing more; that it ought to contain so many cubic inches of content, or ought to contain so many ounces, or such a quantity of liquid. I do not believe that it ought to be conceived in the interest of any particular trade or any particular section of the country instead of the interest of all of the people.

This bill imposes conditions which are objectionable in section 2, in section 3, and, in fact, in every section, except possibly lines 6 to 10, inclusive. If we are going to fix the size of a box for the sale of apples, it is not necessary to go beyond the declaration to be found in section 1, on the first page of the bill, where the depth, the width, and the length of the box are described, and the contents of the inside measurement clearly set forth.

I believe if the bill should pass at all, it ought to be with every other feature stricken out of it. There is a considerable demand for time, Mr. Speaker. Other gentlemen want to speak on the measure, and I yield back the balance of the three minutes that the gentleman so kindly gave me.

Mr. DILLON. Mr. Speaker, I yield three minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Speaker, I do not know that I can add very much to what has been said by the gentleman from Texas [Mr. SLAYDEN]. This bill is not altogether on all fours with the barrel bill which passed a few days ago. It does not go so far as that bill attempted to go. Nevertheless, in my opinion, this bill goes too far. I think that the function of the Congress has been conformed to when it has exhausted the power under the Constitution and fixed a standard of weight or measure. I think it lies within the power of Congress to fix a standard of measure, but when the bill undertakes to go further, when it undertakes to prescribe the brand that shall be put on the box, it seems to me that it is exceeding the power which Congress ought to exercise. I think that this bill has been designed as a sectional bill. I believe it goes to an extent to which Congress should not go in undertaking to fix brands on boxes, and for that reason, as much as I like my friend from California, I feel constrained to cast my vote against the bill, and I very much hope that it will not pass.

Mr. RAKER. Mr. Speaker, I yield three minutes to the gentleman from Idaho [Mr. SMITH].

Mr. SMITH of Idaho. Mr. Speaker, I have received more letters, petitions, and resolutions in favor of this bill than any other bill affecting the Western States. It is simply a bill to compel honesty in the shipment of fruit. In the western country apples are shipped in boxes rather than in barrels, as are the apples in the Central and Eastern States, and this bill provides a standard box in which these apples shall be shipped. The measurements of the box provided in the bill contain 2,173 cubic inches, 23 cubic inches more than are in the standard bushel. So, under the proposed law when a person desires to buy a box of apples he knows that if it is marked "Standard" that he is getting a full bushel of apples.

I can not understand why anyone who believes in honesty and fair dealing should oppose the bill. We have a pure-food law which compels a statement on boxes of merchandise sold by weight as to its weight, or if the contents are sold by numerical count the exact count. This bill simply provides a standard box, so that when a person buys a box of apples marked "Standard" he knows that he is not getting short measure. [Applause.] This is a very meritorious bill, and I hope it will be speedily enacted.

Mr. RAKER. Mr. Speaker, I yield three minutes to the gentleman from California [Mr. KENT].

Mr. KENT. Mr. Speaker, I can not see why anyone should resent the standardization of a market measure which will make the public know what is being purchased. Those who resent this standardization of the apple box will find that their communities will not be able to pack and market their goods as well as those districts who do comply, although voluntarily, with a standard that is generally understood.

The question as to what the Constitution may provide as to labeling boxes is amusing. We have coins and we label and brand them, and nobody claims that it is an invasion of the Constitution to thus disfigure a piece of metal. This bill has other things in it that greatly add to its value. It provides against diseased fruit and dirty fruit. Those who are most successful in fruit marketing are the ones who are careful about the goods that they ship, who see to it that their product is good, and is so packed and labeled as to carry a guaranty of its amount and its quality on the outside of the package. Wherever brains and care are used producers are getting away from indefinite standards, whether of barrels and boxes or other packages. It is much cheaper to have a standard box that can be ordered at the sawmill and that carries with it a guaranty of contents. The producer knows what he must furnish; the consumer knows what he is getting. This is not a sectional bill, but a bill to expedite and simplify the business of distribution. Never will any fruit business be well and profitably conducted if we do not get down to a standard and know the quantities and qualities in which we are dealing.

Mr. DILLON. Mr. Speaker, I yield three minutes to the gentleman from Michigan [Mr. McLAUGHLIN].

Mr. McLAUGHLIN. Mr. Speaker, the statement has been made that the hearings on this bill were had before the Committee on Agriculture. I remember no hearings on a bill of this kind except those that were held about eight years ago. I am a member of the Committee on Agriculture.

I wish to say further that the bill then considered provided for a box of different size and different dimensions from the one described in this bill. It was strenuously opposed then only, as I remember, by the gentlemen representing the States of the Pacific coast, because they had the standard box in vogue in that part of the country, and they did not wish a different standard adopted. This bill now provides for a standard box according to their measurement. They are pleased with it, and they would force it on all of the rest of the country.

I further object to the passage of this bill on account of the way in which it is brought up, in the last days of the session in the nighttime without any reasonable opportunity for proper consideration of the bill, with no notice given that it was to be considered. The committee having the bill in charge has been called from time to time on Calendar Wednesdays, and has had other opportunities for presenting the measure. It has availed itself of none of these opportunities, but brings it up here under suspension of the rules, when there is not sufficient time for proper consideration of it. It is an altogether too important measure to be considered in this way, and I trust at this time that the House will not act favorably upon it. [Applause.]

Mr. RAKER. Mr. Speaker, I yield three minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, we passed the apple-barrel bill, which has been very successful in its operation. The apple-box bill, in my judgment, if passed, would be equally successful. I do not think that I could say anything which would be more to the point than to read a short extract from one of the numerous letters which I have received from fruit-growing and fruit-handling people concerning this bill. The purpose of the bill is to round out legislation already passed by the Federal Government as applied to apples packed in barrels what is known to the trade as the Sulzer bill. I read from a letter from the president of the Western Fruit Jobbers' Association of America:

> The above has the indorsement of at least practically every growers' association, every horticultural society, and every trade organization in the country. It has been indorsed by retailers' and consumers' organizations.

Mr. Speaker, as the president of this association writes, it has the indorsement of practically all of the associations of men engaged in growing apples, in handling apples, and so far as consumers' associations are concerned, in consuming apples. What objection can there be to fixing a standard apple box so

that the purchaser knows whether he is getting a certain quantity of apples or not? We all know that we are constantly buying short weights, even where the weight is put upon the article, as is now required by the amendment to the pure-food law. People are not required to use the standard apple barrel, and they will not be required to use the standard apple box; but if they do not, they must say so in common honesty. We passed the apple-barrel bill mainly for the benefit of the eastern producers of apples, where the apples are packed in barrels, as they are in the main in my part of the country; but in the far West the apples do not bear transportation well in barrels, and hence they are packed in boxes; and what we did for the eastern producer and dealer we ought to do for the western producer and dealer and consumer. [Applause.]

Mr. DILLON. Mr. Speaker, will the gentleman yield?

Mr. MANN. I have not any time.

Mr. DILLON. Mr. Speaker, I yield two minutes to the gentleman from Colorado [Mr. TAYLOR].

[Mr. TAYLOR of Colorado addressed the House. See Appendix.]

Mr. RAKER. Does the gentleman yield the balance of his time?

Mr. DILLON. Will the gentleman conclude in one speech?

Mr. RAKER. I yield one minute now to the gentleman from Oregon [Mr. SINNOTT].

Mr. SINNOTT. Mr. Speaker, I represent one of the great apple-growing sections of the country, the Oregon apple district. The apple growers of my district and my State, and on the coast, are unanimous in favor of this bill, particularly those of the Hood River section of my State. The people in that district last year shipped, I think, some 1,500 carloads of apples, using over 1,000,000 boxes.

All of the apple associations in the Hood River Valley are in favor of this bill. The same thing prevails over in the State of Washington and in the State of Idaho, and throughout the entire Pacific coast apple-growing section we find the growers and the shippers unanimously in favor of this legislation, and I trust that it will receive the approval of the House. [Applause.]

Mr. RAKER. Mr. Speaker, I will close in one speech.

Mr. DILLON. Mr. Speaker, I should like to have the gentleman answer the question as to how he would mark this short box to comply with the pure-food law and comply with this law? I have heard no answer to it. Consequently I want to call your attention to the fact that I never heard—and I have attended all the meetings of the Committee on Coinage, Weights, and Measures—any demand for this bill, so far as I was able to determine. I think there is a demand on the Pacific coast, and that it is a manufactured demand. They have written communications to the other dealers asking them to assist.

Now, I want to call attention to the further fact that this bill will put a quarantine upon every small-box man. The small-box man can not sell unless he makes it short, unless the apple is matured. He can not sell unless it is free from dirt, unless it is free from insect pest, unless it is free from bruises and other defects.

Now, the way the grower of apples in the east and central part of the State shakes the apples down bruises them, and he wants to sell them in the box, and he can not do it if he complies with this statute, if it is made a statute, because it cuts him out of business. It quarantines him and destroys his ability to sell in a box. And why must you deprive him of doing so? If he wants to sell green apples or bruised apples, let him sell them. [Applause.] Why deprive him of the right to sell? But that is what this bill does.

The gentleman from California [Mr. RAKER] had an opportunity to bring this bill in on Calendar Wednesday, but he sidetracked it and did not bring it in because it would not stand debate. This bill ought to have time and ought to be well considered before it passes this body, on account of its great importance. [Applause.]

Mr. RAKER. Mr. Speaker, Mr. S. L. Lupton, a member of the organization, appeared before the committee urging this legislation; Mr. R. H. Pennington, of Indiana, one of the largest fruit growers of the West, appeared before the committee urging this bill; Mr. R. F. French, of New York, representing an organization of over a thousand, appeared before the committee urging this bill, and every State organization of the West——

Mr. DILLON. Mr. Speaker, I want to challenge that statement.

Mr. RAKER. I can not yield. Their testimony is in the hearings and is lying on my desk, and there has not been one dissenting vote. I want to read to this House a statement in regard to Colorado by the Western Fruit Jobbers' Association of America. Mr. Tidwell was here in Washington and took the matter up with the fruit growers of Colorado, and in a letter to me writes as follows:

I have communications from the principal growers' organizations in Colorado indorsing the apple-box bill, and I am just in receipt of a letter from the Grand Junction Fruit Growers' Association stating that they will mark their apples according to the bill, whether it passes or not, as they feel that this is the solution to the subject.

Full hearings were given to this bill. There has been no objection before the committee, even by the gentleman from South Dakota [Mr. DILLON], except that he asked, If you put crab apples in a box, how are you going to count them? We struck that out in deference to him, and now he comes in and makes the pretension that it is a question of pure food in the counting of these apples. And this is the only opportunity we have had, because the gentleman himself objected to the bill being considered by the committee when it was on the Unanimous Consent Calendar. I ask the House to vote for this bill because of the passage of the Sulzer bill. The hearings show conclusively, by testimony from all these organizations, that that bill worked admirably. The one under consideration is drawn along the same lines, and I do not see why the Members of the House can not give the apple growers of the West, when they are joined by the East, this legislation which they say will be beneficial to their interests. [Applause.]

The SPEAKER. The time of the gentleman from California has expired. All time has expired.

PENSIONS.

Mr. KEY of Ohio. Mr. Speaker, I desire to present some conference reports on pension bills.

The SPEAKER. The Chair suggests to the gentleman to wait until we get through with this apple-box bill.

Mr. MANN. Nobody knows how long that would take. It will take only a few minutes to dispose of these conference reports on pension bills.

The SPEAKER. The Chair understands that they are privileged, but can not the gentleman wait until we get through with this other bill?

Mr. MANN. There are long bills to be enrolled yet.

Mr. KEY of Ohio. I think we ought to get these pension bills enrolled.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 21546) making appropriations to supply deficiencies in appropriations for the fiscal year 1915 and for prior years, and for other purposes, asked a conference with the House of Representatives upon the said bill and amendments, and had appointed Mr. MARTIN of Virginia, Mr. BRYAN, and Mr. WARREN as the conferees on the part of the Senate.

PENSIONS.

Mr. KEY of Ohio. Mr. Speaker, I submit conference reports on the following Senate bills: S. 7597, S. 6981, S. 7212, and S. 7509, respectively, granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; and I ask that the respective accompanying statements be read in lieu of the report.

The SPEAKER. The gentleman from Ohio [Mr. KEY] calls up certain conference reports and asks that the statements accompanying them be read in lieu of the reports. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the first one.

The accompanying statement and report on the bill S. 7597 were read as follows:

CONFERENCE REPORT (NO. 1495).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 7597) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 2, 4, 5, 7, and 10, and agree to the same.

That the House recede from its amendments numbered 3 and 8.

Amendment numbered 1: That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: In lieu of

the sum proposed by said amendment insert the sum "$17"; and the House agree to the same.

Amendment numbered 6: That the Senate recede from its disagreement to the amendment of the House numbered 6, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment and in lieu of the sum proposed therein insert the sum "$12"; and the House agree to the same.

Amendment numbered 9: That the Senate recede from its disagreement to the amendment of the House numbered 9, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment and in lieu of the sum proposed therein insert the sum "$12"; and the House agree to the same.

Amendment numbered 11: That the Senate recede from its disagreement to the amendment of the House numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the sum "$100"; and the House agree to the same.

JOHN A. KEY,
WILLIAM H. MURRAY,
SAM R. SELLS,
Managers on the part of the House.
BENJ. F. SHIVELY,
CHARLES F. JOHNSON,
REED SMOOT,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the House to the bill (S. 7597) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, viz:

Amendment No. 1: Senate concurs in the House amendment with an amendment allowing $17. This amount is fully justified by the proofs on file.

Amendment No. 2: Senate concurs. Proposed pension is not justified by the evidence.

Amendment No. 3: House recedes. Proposed pension is fully warranted by the proofs on file.

Amendment No. 4: Senate concurs. Proposed pension is justified by the proof on file.

Amendment No. 5: Senate concurs. A higher rate than that proposed is not justified by the evidence.

Amendment No. 6: Senate concurs in the House amendment with an amendment allowing $12. This amount is fully justified by the proofs on file.

Amendment No. 7: Senate concurs. A higher rate is not warranted under the rules of the committees.

Amendment No. 8: House recedes. Proposed pension is fully justified by the proofs filed.

Amendment No. 9: Senate concurs in the House amendment with an amendment allowing $12. The facts in this case fully justify proposed pension.

Amendment No. 10: Senate concurs. A higher rate is not warranted by the proofs.

Amendment No. 11: Senate concurs in the House amendment with an amendment allowing $100. The proposed pension is fully justified by the soldier's long and honorable record, the present necessitous circumstances of his widow, and the many precedents established by Congress.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the next one.

GENERAL DEFICIENCY BILL.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the general deficiency bill, disagree to all of the Senate amendments, and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to take from the Speaker's table the general deficiency bill, disagree to all the Senate amendments, and agree to the conference asked for by the Senate. The Clerk will report it.

The Clerk read the title of the bill, as follows:

H. R. 21546. An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1915, and for prior years, and for other purposes.

The SPEAKER. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House Mr. FITZGERALD, Mr. BARTLETT, and Mr. GILLETT.

PENSIONS.

The SPEAKER. The Clerk will read the next statement accompanying a conference report on a pension bill.

The statement accompanying the conference report on the bill S. 6981 was read.

The conference report and statement are as follows:

CONFERENCE REPORT (NO. 1494).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6981) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 4, 9, and 13, and agree to the same.

That the House recede from its amendments numbered 1, 2, 3, 5, 7, 8, 11, and 12.

Amendment numbered 6: That the Senate recede from its disagreement to the amendment of the House numbered 6, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment and in lieu of the sum proposed therein insert the sum "$17"; and the House agree to the same.

Amendment numbered 10: That the Senate recede from its disagreement to the amendment of the House numbered 10, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment and in lieu of the sum proposed therein insert the sum "$17"; and the House agree to the same.

JOHN A. KEY,
WILLIAM H. MURRAY,
SAM R. SELLS,
Managers on the part of the House.
BENJ. F. SHIVELY,
CHARLES F. JOHNSON,
REED SMOOT,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the House to the bill (S. 6981) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, viz:

Amendment No. 1: House recedes. Proposed increase is fully justified by the evidence.

Amendment No. 2: House recedes. This pension is fully justified by the evidence.

Amendment No. 3: House recedes. The amount proposed is fully justified in accordance with the rules of the Senate committee.

Amendment No. 4: Senate concurs. The evidence on file does not warrant proposed pension.

Amendment No. 5: House recedes. Additional proofs filed justify this pension.

Amendment No. 6: Senate concurs in House amendment with an amendment allowing $17. This amount is fully justified by the proof.

Amendment No. 7: House recedes. Proposed pension is fully justified by the evidence on file.

Amendment No. 8: House recedes. Proposed pension is fully justified by the evidence on file.

Amendment No. 9: Senate concurs. The facts in this case are not deemed sufficient to warrant the allowance of proposed pension.

Amendment No. 10: Senate concurs in the House amendment with an amendment allowing $17. This is to comply with the rules of the House committee in similar cases.

Amendment No. 11: House recedes. Soldier's long and honorable service and his high rank fully justify the allowance of the proposed pension.

Amendment No. 12: House recedes. Soldier's helpless condition, which by additional evidence is shown to be of service origin, fully justifies the allowance of proposed increase.

Amendment No. 13: Senate concurs. A higher rate than that proposed by the amendment is not justified by the proofs.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the next one.

The statement accompanying the conference report on the bill S. 7212 was read.

The conference report and statement are as follows:

CONFERENCE REPORT (NO. 1493).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 7212) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 3, 4, 5, 7, 8, 9, 10, 14, 15, 16, and 18, and agree to the same.

That the House recede from its amendments numbered 12, 13, and 17.

Amendment numbered 6: That the Senate recede from its disagreement to the amendment of the House numbered 6, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, and in lieu of the sum proposed therein insert the sum "$24"; and the House agree to the same.

Amendment numbered 11: That the Senate recede from its disagreement to the amendment of the House numbered 11, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, and in lieu of the sum proposed therein insert the sum "$12"; and the House agree to the same.

JOHN A. KEY,
WILLIAM H. MURRAY,
SAM R. SELLS,
Managers on the part of the House.

BENJ. F. SHIVELY,
CHARLES F. JOHNSON,
REED SMOOT,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the House to the bill (S. 7212) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, viz:

Amendment No. 1: Senate concurs. A higher rate than that proposed by the amendment is not warranted by the facts.

Amendment No. 2: Senate concurs. Proposed pension is not justified by the proof on file.

Amendment No. 3: Senate concurs. A higher rate than that proposed by the amendment is not justified by the evidence.

Amendment No. 4: Senate concurs. The evidence fully justifies proposed increase.

Amendment No. 5: Senate concurs. The evidence does not justify proposed pension.

Amendment No. 6: Senate concurs in the House amendment with an amendment allowing $24. This is to conform with the rules of the House committee in similar cases.

Amendment No. 7: Senate concurs. A higher rate is not justified by the facts in the case.

Amendment No. 8: Senate concurs. This is to conform with the rules of the House committee in similar cases.

Amendment No. 9: Senate concurs. A higher rate than that proposed by the amendment is not justified.

Amendment No. 10: Senate concurs. This is to conform with the rules of the House committee.

Amendment No. 11: Senate concurs in the House amendment with an amendment allowing $12. The evidence filed fully justifies this amount.

Amendment No. 12: House recedes. The evidence on file fully justifies proposed pension.

Amendment No. 13: House recedes. Proposed pension is warranted by the proofs in this case.

Amendment No. 14: Senate concurs. Proposed pension is not justified by the proofs on file.

Amendment No. 15: Senate concurs. The evidence on file does not justify this pension.

Amendment No. 16: Senate concurs. A higher rate than that proposed by the amendment is not warranted by the proofs.

Amendment No. 17: House recedes. Additional evidence filed fully justifies proposed pension.

Amendment No. 18: Senate concurs. A higher rate is not justified by the proofs.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the next one.

The statement accompanying the conference report on the bill S. 7509 was read.

The conference report and statement are as follows:

CONFERENCE REPORT (NO. 1492).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 7509) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 5, 6, 7, 8, 9, 10, 13, 16, and 17, and agree to the same.

That the House recede from its amendments numbered 2, 4, 14, and 18.

Amendment numbered 3: That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment and in lieu of the sum proposed therein for said widow insert the sum "$20"; and the House agree to the same.

Amendment numbered 11: That the Senate recede from its disagreement to the amendment of the House numbered 11, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment and in lieu of the sum proposed therein insert the sum "$17"; and the House agree to the same.

Amendment numbered 12: That the Senate recede from its disagreement to the amendment of the House numbered 12, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment and in lieu of the sum proposed therein insert the sum "$20"; and the House agree to the same.

Amendment numbered 15: That the Senate recede from its disagreement to the amendment of the House numbered 15, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment and in lieu of the sum proposed therein insert the sum "$12"; and the House agree to the same.

JOHN A. KEY,
WILLIAM H. MURRAY,
SAM R. SELLS,
Managers on the part of the House.

BENJ. F. SHIVELY,
CHARLES F. JOHNSON,
REED SMOOT,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the House to the bill (S. 7509) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army

and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, viz:

Amendment No. 1: Senate concurs. The evidence does not justify proposed pension.

Amendment No. 2: House recedes. Proposed pension is fully warranted by the proofs.

Amendment No. 3: The Senate concurs in the House amendment, with an amendment allowing $20. The evidence fully justifies the allowance of this amount.

Amendment No. 4: House recedes. Proposed pension is fully justified by the evidence.

Amendment No. 5: Senate concurs. The evidence on file does not justify the allowance of the proposed pension.

Amendment No. 6: Senate concurs. Proposed pension is not justified by the proofs.

Amendment No. 7: Senate concurs. Proposed pension is not justified by the proofs.

Amendment No. 8: Senate concurs. A higher amount is not permissible under the rules of the House committee.

Amendment No. 9: Senate concurs. Proposed pension is not warranted by the proofs.

Amendment No. 10: Senate concurs. The evidence on file does not justify proposed pension.

Amendment No. 11: Senate concurs in the House amendment with an amendment allowing $17. This amount is fully justified by the evidence filed in support of this bill.

Amendment No. 12: Senate concurs in the House amendment with an amendment allowing $20. A higher rate is not justified by the circumstances of the case.

Amendment No. 13: Senate concurs. A higher rate than $12 is not justified by the evidence on file.

Amendment No. 14: House recedes. Additional evidence filed fully justifies proposed pension.

Amendment No. 15: Senate concurs in the House amendment with an amendment allowing $12. This amount is fully justified by the proofs in the case.

Amendment No. 16: Senate concurs. A higher rate than $12 is not warranted by the proofs on file.

Amendment No. 17: Senate concurs. A higher rate is not justified by the circumstances surrounding this case.

Amendment No. 18: House recedes. Proposed increase is fully justified by the evidence on file.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

STANDARD APPLE BOX.

The SPEAKER. The question to be voted on is the motion of the gentleman from California [Mr. RAKER] to suspend the rules and pass the standard apple-box bill (S. 4517). Those in favor thereof will say "aye"; those opposed will say "no."

The question was taken.

The SPEAKER. In the judgment of the Chair, two-thirds having voted in the affirmative, the rules are suspended——

Mr. SHACKLEFORD and Mr. DILLON demanded a division.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes, 118; noes, 59.

The SPEAKER. Two-thirds having voted in the affirmative——

Mr. DILLON. Mr. Speaker, I suggest the want of a quorum.

Mr. SLAYDEN. I suggest to the gentleman from South Dakota that he call for tellers.

The SPEAKER. Does the gentleman from South Dakota insist upon his point of no quorum?

Mr. DILLON. Yes.

The SPEAKER. The Chair will count.

Mr. DILLON. Mr. Speaker, I withdraw the point of no quorum, and ask for tellers.

Tellers were ordered; and the Speaker appointed Mr. RAKER and Mr. DILLON to act as tellers.

The House again divided; and the tellers reported—ayes 129, noes 77.

Mr. RAKER. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and forty-three Members present—a quorum. Two-thirds having failed to vote in the affirmative, the House refuses to suspend the rules and pass the bill.

SERVICES OF CERTAIN OFFICERS.

Mr. DENT. Mr. Speaker, I move to take from the Speaker's table the bill (H. R. 16510) to provide for recognizing the services of certain officers of the Army and Navy, late members of the Isthmian Canal Commission, to extend to them the thanks of Congress, to authorize their promotion, and for other purposes, and I move to concur in the Senate amendment, with the following amendment, which I send to the Clerk's desk.

Mr. MANN. The bill has to be laid before the House first.

The SPEAKER. The Chair lays the bill before the House. The Clerk will report it.

The Clerk read the title of the bill.

The SPEAKER. The Clerk will report the Senate amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

That the thanks of Congress are hereby extended to the following officers of the Army and Navy of the United States who, as members of the late Isthmian Canal Commission, have rendered distinguished service in constructing the Panama Canal, to wit, Col. George W. Goethals, chairman and chief engineer; Brig. Gen. William C. Gorgas, sanitary expert; Col. H. F. Hodges, Lieut. Col. William L. Sibert, and Commander H. H. Rousseau.

SEC. 2. That the President is hereby authorized, by and with the advice and consent of the Senate, to advance in rank Col. George W. Goethals to the grade of major general of the line, United States Army; Brig. Gen. William C. Gorgas to the rank of major general in the Medical Department, United States Army; Col. H. F. Hodges and Lieut. Col. William L. Sibert to the grade of brigadier general of the line, United States Army; and Commander H. H. Rousseau to the grade of captain, United States Navy.

SEC. 3. That such officers of the Army and Navy as were detailed for duty with the Isthmian Canal Commission on the Isthmus of Panama for more than three years, and who shall not have been advanced in rank by any other provision of this bill, shall be advanced one grade in rank upon retirement: *Provided*, That any officer of the Army or Navy now on the retired list with similar service shall be immediately advanced one grade in rank on the retired list of the Army or Navy.

SEC. 4. That the President is further authorized, by and with the advice and consent of the Senate, to appoint such officers of the Public Health Service as were detailed for duty with the Isthmian Canal Commission on the Isthmus of Panama for more than three years to the grade next above that at present held by such officers.

SEC. 5. That the numbers in such grades provided for in sections 2 and 4 of this act, except where vacancies occurring in any grade by the provisions of this act can be filled by such officers in a lower grade as are entitled to the benefits of this act, shall be temporarily increased during the time such offices may be held: *Provided*, That the officer who may be advanced and appointed major general in the Medical Department, United States Army, shall thereupon become the head of such department, and the operation of so much of section 26 of the act of February 2, 1901, as limits the term of office of the head of the Medical Department, United States Army, shall be suspended during the incumbency of the head of the department who may be appointed under this act: *Provided*, That whenever the head of the Medical Department appointed under the provisions of this act shall become separated from the active list of the Army, by retirement or otherwise, the extra office or grade to which he shall have been so advanced or appointed shall cease and determine, and thereafter the rank of the head of the Medical Department, United States Army, shall be that of a brigadier general: *Provided further*, That nothing in this act shall operate to interfere with or retard the promotion to which any officer would be entitled under existing law: *And provided further*, That the officers advanced to higher grades under this act shall be junior to the officers who now rank them under existing law when these officers have reached the same grade.

SEC. 6. That at any time after the passage of this act any officer of the Army or Navy to be benefited by the provisions of this act may, on his own application, be retired by the President at 75 per cent of the pay of the rank upon which he is retired.

Mr. DENT. Mr. Speaker, I move to concur in the Senate amendment with an amendment, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Alabama moves to concur in the Senate amendment with an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 4, line 5, by striking out the word "captain" and inserting in lieu thereof the words "rear admiral of the lower nine."

Mr. MANN. I should like to ask the gentleman where that comes in? There is no page 4, line 5, of the Senate amendment.

Mr. DENT. It is on page 4, line 5, of the print that I have.

Mr. STAFFORD. I would suggest that it is in the next to the last line of section 2 of the Senate amendment.

The SPEAKER. The amendment ought to come in on page 2, line 5, of the print of the Senate amendment.

Mr. DENT. Mr. Speaker, I offer it at that point.

The SPEAKER. The question is on concurring in the Senate amendment with the amendment of the gentleman from Alabama.

The motion was agreed to.

On motion of Mr. DENT, a motion to reconsider the last vote was laid on the table.

ADMINISTRATOR OF WILLIAM J. LANDRAM, DECEASED.

Mr. HELM. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 18038) to carry out the

findings of the Court of Claims in the case of Louis Landram, administrator of William J. Landram, deceased.

The SPEAKER. The gentleman from Kentucky asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill was read.

The SPEAKER. Is there objection?

Mr. MANN. I object.

PUBLIC BUILDING, BINGHAMTON, N. Y.

Mr. FAIRCHILD. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 11694) providing for the purchase of a site for a public building at Binghamton, N. Y.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a suitable site for a public building in the city of Binghamton, N. Y., for the use and accommodation of the post office, courts, and other governmental offices at a limit of cost for the said site not to exceed $100,000.

And the Secretary of the Treasury is further authorized and directed to sell, at such time and upon such terms as he may deem for the best interests of the United States, the present Federal building and the site thereof at Binghamton, N. Y., and convey the last-mentioned property to the purchaser thereof by the usual quitclaim deed, and to deposit the proceeds derived from such sale in the Treasury of the United States as a miscellaneous receipt, such sale to be made after the completion and occupancy of said new building.

Mr. GARRETT of Tennessee. Mr. Speaker, I demand a second.

Mr. FAIRCHILD. I ask unanimous consent that a second be considered as ordered.

Mr. THOMPSON of Oklahoma. I object.

The SPEAKER. The gentleman from Oklahoma objects. The Chair will appoint the gentleman from Tennessee [Mr. GARRETT] and the gentleman from New York [Mr. FAIRCHILD] as tellers.

Mr. GARRETT of Tennessee. I hope the gentleman from Oklahoma will withdraw his objection. I demanded a second in order that we might have an explanation as to the emergency that requires the passage of this particular bill.

Mr. THOMPSON of Oklahoma. I will withdraw the objection.

The SPEAKER. The gentleman from Oklahoma withdraws his objection. The gentleman from New York [Mr. FAIRCHILD] has 20 minutes and the gentleman from Tennessee [Mr. GARRETT] 20 minutes.

Mr. FAIRCHILD. Mr. Speaker, the bill under consideration was reported from the Committee on Public Buildings and Grounds about a week ago. I will state for the information of the House that one year ago there was a fire in the Federal building at Binghamton, N. Y., which partially destroyed it. Since that time the business of the post office has been largely conducted in a garage across the street, poorly lighted, poorly ventilated, and poorly heated. The old post office in Binghamton was constructed about 30 years ago, and the Treasury Department and the Post Office Department have made careful investigation and have decided that it is absolutely useless to repair the old building. The United States court, which was formerly held in Binghamton, which was in the southern part of the State, is required to be held in Watertown, in the northern part.

Mr. GARRETT of Tennessee. Was this a unanimous report from the Committee on Public Buildings and Grounds?

Mr. FAIRCHILD. It was.

Mr. GARRETT of Tennessee. It was deemed by the committee to be an emergency matter?

Mr. AUSTIN. Yes, that is true; and it was recommended by the Treasury Department and the Post Office Department.

Mr. ASHBROOK. Will the gentleman yield?

Mr. FAIRCHILD. Yes.

Mr. ASHBROOK. Is it not a fact that the matter was reported out by the Committee on Public Buildings and Grounds with the understanding that the passage of the bill should not be pressed at this session of Congress?

Mr. FAIRCHILD. I do not know of any such understanding. I know the chairman of the Committee on Public Buildings and Grounds came and asked me to present the bill at this time, and I did so.

Mr. ASHBROOK. I am not certain that I was at the committee meeting when this action was taken, but my understanding was that the bill was reported out with the understanding that the passage should not be pressed at this session.

Mr. FAIRCHILD. I do not see the chairman of the Committee on Public Buildings and Grounds here, but Mr. BURNETT, the ranking member, is present, and I yield five minutes to him.

Mr. BURNETT. Mr. Speaker, the statement of the gentleman from New York is as understood by the committee. The destruction of that property by fire a year ago absolutely gutted the building and made it, I believe, totally untenantable, and, as he says, the post office is now occupying a garage.

The committee believed that some immediate action should be taken, and they were inspired by a report from the Treasury Department that some steps should be taken for the procurement of a site in order that work might be commenced as speedily as possible. If we had waited until next winter, when possibly an omnibus public buildings bill could be brought in, they would have to wait another year, even for the procurement of a site. The conditions were such that the committee thought it was an emergency case, probably as much so as any bill reported during the session.

Mr. UNDERWOOD. Mr. Speaker, I would like to ask the gentleman to bring his bill to a vote, because I think we can pass it. There is another little matter to attend to, and then I think we can take a recess and go home.

Mr. GARRETT of Tennessee. Mr. Speaker, I want to make this statement. My motive in asking for a second was in order that there might be some explanation of the bill and of the emergency character of it. I knew personally nothing about it, and I desired some information before passing the bill. The gentleman from New York and all other gentlemen recognize what trouble it would bring to Members of the House to permit a public-building bill to go through under such circumstances as this without some explanation. I am entirely satisfied, so far as I am concerned, with the explanation given by the gentleman from New York and the gentleman from Alabama, and I do not care to use any more of my time.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

THE JUDICIARY.

Mr. WEBB. Mr. Speaker, I ask that the bill H. R. 4545, with a Senate amendment, be laid before the House.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

The bill H. R. 4545, an act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The Senate amendment was read.

Mr. WEBB. Mr. Speaker, I move to concur in the Senate amendment.

The motion was agreed to.

ENROLLED BILL SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 16642. An act authorizing the Secretary of the Treasury to disregard section 33 of the public-buildings act of March 4, 1913, as to site at Vineland, N. J.

RECLAMATION SERVICE.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent for the present consideration of the following House joint resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House joint resolution 438.

Resolved, etc., That until the meeting of the Sixty-fourth Congress those members of the Committee on Appropriations of the House of Representatives, not less than five in number, who are Members elect to the Sixty-fourth Congress, are authorized to conduct hearings at Washington, D. C., and elsewhere concerning the work of the Reclamation Service and estimates for the various projects of that service.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the House joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

DISPOSITION OF USELESS PAPERS.

Mr. TALBOTT of Maryland, from the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, submitted a report that the files and papers described in the report of the Secretary of the Treasury in House Document No. 1528, Sixty-third Congress, third session, dated January 22, 1915, and in the report of the Secretary of the Navy in House Document No. 1612, Sixty-third Congress, third session, dated February 16, 1915, and in the report of the Postmaster General in House Document No. 1615, Sixty-third Congress, third session, dated February 18, 1915, were not needed in the transaction of

the current business of such departments and have no permanent value or historical interest, which report (No. 1486) was ordered to be printed.

RECESS.

Mr. UNDERWOOD. Mr. Speaker, I move that the House stand in recess until to-morrow morning at 10.30 o'clock.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the House stand in recess until 10.30 o'clock to-morrow morning. Is there objection?

Mr. CARLIN. Mr. Speaker, will the gentleman withhold that for a moment?

Mr. UNDERWOOD. I can not to-night. Mr. Speaker, I made the motion.

The SPEAKER. Is there objection?

Mr. CARLIN. I object.

Mr. UNDERWOOD. Mr. Speaker, I move that the House stand in recess until 10.30 o'clock to-morrow morning.

The motion was agreed to; and accordingly (at 11 o'clock and 29 minutes p. m.) the House stood in recess until to-morrow, Wednesday, March 3, 1915, at 10.30 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ABERCROMBIE, from the Committee on Education, to which was referred the bill (H. R. 15470) to require the Commissioner of Education to devise methods and promote plans for the elimination of adult illiteracy in the United States, reported the same with amendment, accompanied by a report (No. 1487), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BARTLETT (by request): A bill (H. R. 21589) to erect a summer home for the President of the United States at Mount Dome, Randle Highlands, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. BATHRICK: A bill (H. R. 21590) to encourage agriculture and ownership of farm homes, to reduce the rate of interest, and extend the term of farm mortgages; to the Committee on Banking and Currency.

By Mr. BULKLEY: A bill (H. R. 21603) to provide capital for agricultural development; to create a standard form of investment based upon farm mortgages; to equalize rates of interest on farm loans; to furnish a market for United States bonds; to provide a method of applying postal-savings deposits to the promotion of the public welfare, and for other purposes; to the Committee on Banking and Currency.

By the SPEAKER (by request): Memorial of the Legislature of the State of Oregon, setting out policy in regard to water-power rights, etc., and urging action to protect rights involved; to the Committee on the Public Lands.

By Mr. HAWLEY: Memorial of the Legislature of the State of Oregon, setting out policy in regard to water-power rights, etc., and urging action to protect rights involved; to the Committee on the Public Lands.

By Mr. HUMPHREY of Washington: Memorial of the Legislature of the State of Washington, protesting against interference with immigration at certain ports in the country, and asking for relief; to the Committee on Immigration and Naturalization.

By Mr. GILLETT: Memorial in the form of resolutions adopted by the Senate and House of Representatives of the Commonwealth of Massachusetts for Congress to invite all the nations to unite in the formation of a world state; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred, as follows:

By Mr. BARTHOLDT: A bill (H. R. 21591) for the relief of the estate of Jaques Clamorgan; to the Committee on Claims.

By Mr. JOHNSON of Washington: A bill (H. R. 21592) for the relief of the Pacific Building & Loan Association; to the Committee on Claims.

By Mr. SIMS: A bill (H. R. 21593) for the relief of the legal representatives of William Nunnelley, deceased; to the Committee on War Claims.

By Mr. STONE: A bill (H. R. 21594) granting an increase of pension to Howard Young; to the Committee on Invalid Pensions.

By Mr. VOLLMER: A bill (H. R. 21595) granting an increase of pension to Mary A. Kile; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21596) for the relief of Katherine Abel; to the Committee on Claims.

By Mr. NEELY of West Virginia: A bill (H. R. 21597) for the relief of Daniel M. Main; to the Committee on Military Affairs.

Also, a bill (H. R. 21598) for the relief of H. E. Street; to the Committee on Military Affairs.

Also, a bill (H. R. 21599) granting a pension to Wayne Lee Rogers; to the Committee on Pensions.

Also, a bill (H. R. 21600) granting an increase of pension to Jacob Brock; to the Committee on Invalid Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 21601) granting an increase of pension to Charles Knecht; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21602) granting an increase of pension to John H. Whitebread; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN: Protests of sundry residents of Ohio and West Virginia, against the passage of laws abridging the freedom of the press; to the Committee on the Post Office and Post Roads.

By Mr. BAILEY: Petition of sundry citizens of Pennsylvania, favoring limit to exports of wheat; to the Committee on Ways and Means.

Also, petition of John P. Shaughnery, of Spangler, Pa., favoring suppression of the Menace; to the Committee on the Post Office and Post Roads.

By Mr. BRITTEN: Memorial of the Anti-Cruelty Society, protesting against the sale of American horses and mules to European belligerents; to the Committee on Foreign Affairs.

By Mr. BRUCKNER: Memorial of Zion Reformed Church, of New York, relative to violation of the spirit of neutrality; to the Committee on Foreign Affairs.

Also, petition of the United Managers' Protective Association, relative to distribution of war tax; to the Committee on Ways and Means.

By Mr. BURNETT: Petition of sundry citizens of Alabama, protesting against export of wheat, etc.; to the Committee on Foreign Affairs.

By Mr. COOPER: Memorial of the Western Guernsey Breeders' Association, favoring passage of House bill 21443, relative to expenses because of quarantine of their cattle at Chicago by the Government; to the Committee on Agriculture.

By Mr. DRUKKER: Petition of sundry citizens of Paterson, N. J., protesting against export of wheat, etc.; to the Committee on Foreign Affairs.

Also, petition of sundry citizens of New Jersey, protesting against export of war material; to the Committee on Foreign Affairs.

By Mr. EAGAN: Petition of sundry citizens of New Jersey, favoring passage of bills to prohibit export of war materials; to the Committee on Foreign Affairs.

By Mr. ESCH: Petitions of president of Concordia Society, and John Darms and others, of Bangor, Wis., favoring passage of bills to prohibit export of war material; to the Committee on Foreign Affairs.

By Mr. FALCONER: Memorial of Legislature of Washington, relative to fortifying Pacific coast cities; to the Committee on Military Affairs.

By Mr. FLOYD of Arkansas: Petition of citizens of Arkansas, relative to completion of system of 10 locks and dams on the upper White River in Arkansas; to the Committee on Rivers and Harbors.

By Mr. GILMORE: Petition of Socialist Club, Campobello, Mass., relative to unemployment in the United States; to the Committee on Labor.

By Mr. GRIEST: Petitions of sundry citizens of Blossburg, Covington, Erie, Philadelphia, Carter Camp, Germania, and Galeton, Pa., against legislation abridging freedom of the press; to the Committee on the Post Office and Post Roads.

By Mr. LEWIS of Maryland: Petition of members of Germantown Council, Junior Order United American Mechanics, No. 161, and citizens of Germantown, Md., protesting against

Fitzgerald amendment to Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

By Mr. McANDREWS: Memorial of Chicago Grocers and Butchers' Association, protesting against methods adopted by the Chicago post office in changing salaries and status of its employees; to the Committee on the Post Office and Post Roads.

By Mr. MAGUIRE of Nebraska: Petition of sundry citizens of Kearney, Nebr., protesting against bill to enlarge powers of the Postmaster General; to the Committee on the Post Office and Post Roads.

Also, memorial of Jewish community of Lincoln, Nebr., urging the President to veto the immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Nebraska, favoring bills to prohibit export of war materials; to the Committee on Foreign Affairs.

By Mr. MANN: Petition of citizens of Pennsylvania, protesting against House bills 20644, 20780, and 21183, to amend the postal laws of the United States; to the Committee on the Post Office and Post Roads.

Also, petition of United Grocers and Butchers of Chicago, Ill., also the Chicago Grocers and Butchers' Association, of Chicago, Ill., against the reduction of letter carriers, etc., in the Chicago post office; to the Committee on the Post Office and Post Roads.

By Mr. NEELY of West Virginia: Papers to accompany a bill for relief of Henry Borman; to the Committee on Military Affairs.

Also, papers to accompany a bill for relief of Wayne Lee Rogers; to the Committee on Pensions.

Also, papers to accompany bill for relief of Jacob Brock; to the Committee on Invalid Pensions.

Also, petition of citizens of Wheeling, W. Va., favoring House joint resolution 377, forbidding export of arms; to the Committee on Foreign Affairs.

Also, papers to accompany a bill for relief of Theodore H. Robinson; to the Committee on Pensions.

By Mr. PLATT: Petition of citizens of New York City favoring embargo on arms; to the Committee on Foreign Affairs.

By Mr. RAKER: Petition of W. F. Howard, vice president of the Western Pipe & Steel Co. of California, Los Angeles, Cal., against S. 5826 and H. R. 17800, relative to use of time-measuring device for Government employees; to the Committee on Labor.

Also, petition of A. J. Dyke and 64 other citizens of Cedarville, Cal., protesting against Fitzgerald amendment to the Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

Also, petition of 13 citizens of Adin, Cal., favoring passage of House joint resolution 344, relative to national marketing commission; to the Committee on Agriculture.

By Mr. REILLY of Connecticut: Petition of citizens of Meriden, Conn., favoring embargo on foodstuffs; to the Committee on Foreign Affairs.

By Mr. STEPHENS of California: Petitions signed by 135 citizens of Los Angeles, Cal., favoring House joint resolution 377 prohibiting the export of arms and munitions of war; to the Committee on Foreign Affairs.

Also, communication from Mrs. Sarah M. Benedict, calling attention to the services rendered by the United States at various times by England, France, and Russia; to the Committee on Foreign Affairs.

Also, resolution of Bay Cities School Board Association, of California, approving national aid for vocational training; to the Committee on Education.

Also, petition signed by Harry Alderson and 35 citizens of Los Angeles, Cal., protesting against the treatment of Harry K. Thaw; to the Committee on the Judiciary.

Also, communication from St. Anthony's Benevolent Society, of Los Angeles, Cal., favoring certain discretionary power being given the Postmaster General; to the Committee on the Post Office and Post Roads.

Also, petition signed by 57 citizens of Los Angeles, Cal., and 11 members of the Soldiers' Home of California, favoring freedom of speech and press; to the Committee on the Post Office and Post Roads.

Also, letters from Western Wholesale Drug Co, R. C. Mitchell Co., and Whiting-Mead Commercial Co., Los Angeles, Cal., and the Model Grocery Co., Pasadena, Cal., favoring the printing of stamped envelopes by the Government; to the Committee on the Post Office and Post Roads.

Also, letters from Founders and Employers' Association, Axelson Machine Co., Kelman Electric & Manufacturing Co., Will P. Stevens, and Warman Steel Casting Co., all of Los Angeles, Cal., protesting against House bill 17800 and Senate bill 5826, relative to use of time-measuring device for Government employees; to the Committee on Labor.

By Mr. TAYLOR of New York: Petition of citizens of Port Chester, N. Y., favoring Senate bill 3672, to improve the Harlem River; to the Committee on Rivers and Harbors.

By Mr. VARE: Petition of citizens of Philadelphia, Pa., favoring House joint resolution 377, forbidding export of arms; to the Committee on Foreign Affairs.

By Mr. WALLIN: Memorial of Common Council of Schenectady, N. Y., favoring an increase in manufacture of arms at the Watervleit (N. Y.) Arsenal; to the Committee on Military Affairs.

SENATE.

WEDNESDAY, *March 3, 1915.*

(Legislative day of Friday, February 19, 1915.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills and joint resolution:

S. 4180. An act to validate title to certain town sites in the State of Montana;

S. 7188. An act to increase the limit of cost of the United States post-office building at Garden City, Kans.; and

S. J. Res. 191. Joint resolution to convey appreciation of Congress to their excellencies Señor Domicio da Gama, Señor Rómulo S. Naón, and Señor Eduardo Suárez for their generous and distinguished services as mediators in the controversy between the Government of the United States and the leaders of the warring parties in Mexico.

The message also announced that the House had passed the bill (S. 5495) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House insists upon its amendments to the bill (S. 5259) to establish one or more United States Navy mail lines between the United States and South America and between the United States and the countries of Europe, disagreed to by the Senate, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALEXANDER, Mr. PADGETT, Mr. HARDY, Mr. TALBOTT of Maryland, Mr. GREENE of Massachusetts, Mr. ROBERTS of Massachusetts, and Mr. HINDS managers at the conference on the part of the House.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19909) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1916, and for other purposes.

The message further announced that the House had passed a joint resolution (H. J. Res. 438) concerning estimates and expenditures for the Reclamation Service, in which it requested the concurrence of the Senate.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21328) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1916, and for other purposes.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bill, and it was thereupon signed by the Vice President:

H. R. 16642. An act authorizing the Secretary of the Treasury to disregard section 33 of the public buildings act of March 4, 1913, as to site at Vineland, N. J.

PENSIONS AND INCREASE OF PENSIONS.

Mr. SMOOT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6981) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors having met,

after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 4, 9, and 13, and agree to the same.

That the House recede from its amendments numbered 1, 2, 3, 5, 7, 8, 11, and 12.

That the Senate recede from its disagreement to the amendment of the House numbered 6, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, and in lieu of the sum proposed therein insert the sum "$17"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 10, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, and in lieu of the sum proposed therein insert the sum "$17"; and the House agree to the same.

BENJ. F. SHIVELY,
CHARLES F. JOHNSON,
REED SMOOT,
Managers on the part of the Senate.

JOHN A. KEY,
WILLIAM H. MURRAY,
SAM R. SELLS,
Managers on the part of the House.

The report was agreed to.

Mr. SMOOT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 7212) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 3, 4, 5, 7, 8, 9, 10, 14, 15, 16, and 18, and agree to the same.

That the House recede from its amendments numbered 12, 13, and 17.

That the Senate recede from its disagreement to the amendment of the House numbered 6, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, and in lieu of the sum proposed therein insert the sum "$24"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 11, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, and in lieu of the sum proposed therein insert the sum "$12"; and the House agree to the same.

BENJ. F. SHIVELY,
CHARLES F. JOHNSON,
REED SMOOT,
Managers on the part of the Senate.

JOHN A. KEY,
WILLIAM H. MURRAY,
SAM R. SELLS,
Managers on the part of the House.

The report was agreed to.

Mr. SMOOT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 7566) granting pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 5, 10, and 11, and agree to the same.

That the House recede from its amendments numbered 1, 2, 3, 6, 7, and 9.

That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment and in lieu of the sum proposed therein insert the sum "$12"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed therein insert the sum "$36"; and the House agree to the same.

BENJ. F. SHIVELY,
CHARLES F. JOHNSON,
THOMAS STERLING,
Managers on the part of the Senate.

J. A. M. ADAIR,
JOE J. RUSSELL,
M. P. KINKAID,
Managers on the part of the House.

The report was agreed to.

Mr. SMOOT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 7597) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 2, 4, 5, 7, and 10, and agree to the same.

That the House recede from its amendments numbered 3 and 8.

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the sum "$17"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 6, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment and in lieu of the sum proposed therein insert the sum "$12"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 9, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment and in lieu of the sum proposed therein insert the sum "$12"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the sum "$100"; and the House agree to the same.

BENJ. F. SHIVELY,
CHARLES F. JOHNSON,
REED SMOOT,
Managers on the part of the Senate.

JOHN A. KEY,
WILLIAM H. MURRAY,
SAM R. SELLS,
Managers on the part of the House.

The report was agreed to.

Mr. SMOOT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 7598) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 2, 5, 6, 7, 9, 12, 14, 15, and 16, and agree to the same.

That the House recede from its amendments numbered 1, 3, 4, 10, and 11.

That the Senate recede from its disagreement to the amendment of the House numbered 8, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment and in lieu of the sum proposed therein insert the sum of "$20"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 13, and agree to the same with an amendment as follows: Restore the matter stricken out by said

amendment, and in lieu of the sum proposed therein insert the sum "$24"; and the House agree to the same.

BENJ. F. SHIVELY,
CHARLES F. JOHNSON,
THOMAS STERLING,
Managers on the part of the Senate.
J. A. M. ADAIR,
JOE J. RUSSELL,
M. P. KINKAID,
Managers on the part of the House.

The report was agreed to.

Mr. SMOOT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 7509) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 5, 6, 7, 8, 9, 10, 13, 16, and 17, and agree to the same.

That the House recede from its amendments numbered 2, 4, 14, and 18.

That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment and in lieu of the sum proposed therein for said widow insert the sum of "$20"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 11, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment and in lieu of the sum proposed therein insert the sum "$17"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 12, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment and in lieu of the sum proposed therein insert the sum "$20"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 15, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment and in lieu of the sum proposed therein insert the sum "$12"; and the House agree to the same.

BENJ. F. SHIVELY,
CHARLES F. JOHNSON,
REED SMOOT,
Managers on the part of the Senate.
JOHN A. KEY,
WILLIAM H. MURRAY,
SAM R. SELLS,
Managers on the part of the House.

The report was agreed to.

Mr. SMOOT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20643) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 8, 10, 13, 21, 24, 28, 30, 33, and 34.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, 9, 11, 12, 14, 15. 16, 17, 18, 19, 20, 22, 23, 25, 26, 27, 29, 31, and 32, and agree to the same.

BENJ. F. SHIVELY,
CHARLES F. JOHNSON,
REED SMOOT,
Managers on the part of the Senate.
JNO. A. KEY,
WILLIAM H. MURRAY,
SAM R. SELLS,
Managers on the part of the House.

The report was agreed to.

Mr. SMOOT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21089) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 10, 11, and 14.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 4, 5, 6, 8, 9, 12, 13, 15, 16, and 17, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment with an amendment as follows: In lieu of "$17" insert "$12"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment with an amendment as follows: In lieu of "$17" insert "$12"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment with an amendment as follows: In lieu of "$17" insert "$12"; and the Senate agree to the same.

BENJ. F. SHIVELY,
CHARLES F. JOHNSON,
REED SMOOT,
Managers on the part of the Senate.
JNO. A. KEY,
WILLIAM H. MURRAY,
SAM R. SELLS,
Managers on the part of the House.

The report was agreed to.

Mr. SMOOT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21218) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 3, and 6.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 4, 5, and 7, and agree to the same.

BENJ. F. SHIVELY,
CHARLES F. JOHNSON,
REED SMOOT,
Managers on the part of the Senate.
JNO. A. KEY,
WILLIAM H. MURRAY,
SAM R. SELLS,
Managers on the part of the House.

The report was agreed to.

DYESTUFFS INDUSTRY.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Commerce, transmitting, in further response to Senate resolution of January 26, 1915, a report on the dyestuffs required by American textile and other industrial manufacturers, which, with the accompanying paper, was ordered to lie on the table.

DAUGHTERS OF THE AMERICAN REVOLUTION.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Smithsonian Institution, transmitting, pursuant to law, the annual report of the National Society of the Daughters of the American Revolution, which, with the accompanying papers, was referred to the Committee on Printing.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting

certified copies of the findings of fact and conclusions filed by the court in the following causes:

In the cause of Edward Cahalan et al. *v.* United States (S. Doc. No. 969);

In the cause of Trustees of the Methodist Episcopal Church South, *of Lebanon*, Ky., *v.* United States (S. Doc. No. 970);

In the cause of Deacons of the Baptist Church of Nicholasville, Ky., *v.* United States (S. Doc. No. 971);

In the cause of William W. Austell, administrator of the estate of Epenetus Heath, deceased, *v.* United States (S. Doc. No. 972);

In the cause of J. H. Hatton, administrator of Robert J. Allen, deceased, *v.* United States (S. Doc. No. 973);

In the cause of William W. Hearne *v.* United States (S. Doc. No. 974);

In the cause of Kate M. Thorne, administratrix of John D. Thorne, deceased, *v.* United States (S. Doc. No. 975);

In the cause of J. R. Earle, administrator of W. F. Parker, deceased, *v.* United States (S. Doc. No. 976);

In the cause of Mrs. Connor Wright and Mrs. C. H. Schuessler, sole heirs of Augustus and Christine Rich, deceased, *v.* United States (S. Doc. No. 977); and

In the cause of Jushuaine Cronmiller, widow of T. L. P. Cronmiller, deceased, *v.* United States (S. Doc. No. 978),

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of the Legislature of Oregon, which was ordered to lie on the table and to be printed in the RECORD, as follows:

STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, Ben W. Olcott, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 6 with the original thereof filed in the office of the secretary of state of the State of Oregon on the 23d day of February, 1915, and that the same is a full, true, and complete transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the Capitol at Salem, Oreg., this 24th day of Feoruary, A. D. 1915.

[SEAL.]

BEN W. OLCOTT,
Secretary of State.
By S. A. KOZER, *Deputy.*

STATE OF OREGON,
TWENTY-EIGHTH LEGISLATIVE ASSEMBLY,
SENATE CHAMBER.

Senate joint memorial No. 6.

Whereas there is now pending in the Congress of the United States legislation designed to encourage the development of the water-power resources of the West; and

Whereas it is contemplated by such legislation that the interest and control of each State in the water power which may be developed, under the provisions of such legislation, shall in some particulars be no more than one-half, the other one-half accruing to or resting in the Government of the United States; and

Whereas in other particulars said legislation would give to the Government of the United States a preferential reversionary interest in water powers developed thereunder: Therefore be it

Resolved by the senate (the house concurring), That it is now wise and opportune for the State of Oregon and the whole people thereof, through their legislative assembly, respectfully to assert for the guidance of their Senators and Representatives in Congress and for the information of the Congress of the United States, the following principles as just and equitable in the premises:

That the title to the beds of all nonnavigable streams and the water powers within their banks now unappropriated and as yet not alienated by the State of Oregon and the title to the beds of all navigable streams within the State of Oregon and the water power within their banks (subject only to the rights of commerce) is vested exclusively in the State of Oregon and the whole people thereof.

That the unappropriated or reserved or withdrawn Government lands on the banks of said streams wherein water power is available, while necessary to the development of said power, are in no case of value equal to the value of the water power within said banks and owned by the State of Oregon.

That the State of Oregon does not concede that the proportionate value of said water power to the value of said lands necessary to its development is less than the ratio of fifty to one.

That under such conditions it is to the benefit of public policy that the Government of the United States relinquish to the States its title to lands needed for water-power development, under such terms as will safeguard the public from monopolistic or speculative control.

That of importance equal to the water-power development is the creation of hydroelectric markets now interfered with by burdensome restrictions on the settlement of public lands and on the utilization of mineral and timber products, extending in Oregon alone over tracts equal to nearly 60 per cent of the area of the State; and be it further

Resolved, That for the purpose of declaring in more specific detail the principles which the water-power and public-land States of the West deem a just and equitable basis for developing their resources, the Legislature of the State of Oregon does hereby invite each of the governors of the States of Washington, Idaho, Montana, Colorado, California, Wyoming, Utah, Nevada, South Dakota, and North Dakota and five delegates, to be appointed by the legislatures of the said States, to meet with five delegates, to be elected by the Legislature of the State of Oregon, in conference at Portland, Oreg., in summer or fall of the year 1915; and be it further

Resolved, That the governor be selected as chairman of the Oregon delegation, and that the senate select two delegates and the house two delegates, provided that in those States where the legislature will not convene before the time of conference, the governor be requested to appoint the delegates, and that the governor of the State of Oregon appoint the time for such conference in accordance with the desires of the several States herein mentioned; be it further

Resolved, That copies of this resolution be transmitted to the Oregon Senators and Representatives in Congress, to the Speaker of the National House of Representatives, to the President of the United States Senate, to the Secretary of the Interior, and to the governor of each State invited to the water-power conference herein provided for transmission to the legislature of his State.

Adopted by the house February 20, 1915.

BEN SELLING,
Speaker of the House.

Adopted by the senate February 20, 1915.

W. LAIR THOMPSON,
President of the Senate.

(Indorsed:) Senate joint memorial No. 6. Introduced by committee on federal relations.

The VICE PRESIDENT presented resolutions adopted by the Legislature of the State of Arizona, which were ordered to lie on the table and to be printed in the RECORD, as follows:

To the Senate and House of Representatives of the United States of America in Congress assembled;

Your memorialist, the Second Legislature of the State of Arizona, respectfully represents: That the several Indian reservations in the State of Arizona now embrace large areas of mineral land, which under present regulations are not open to location as mineral claims, and are valueless as tillable or agricultural land; and

Whereas the opening of these mineral lands in these aforesaid reservations to entry as mineral claims by prospectors, miners, and legitimate mining companies will hasten the development of the State and, at the same time, give employment to the Indians on big reservations in road building and other departments of work, and make them more self-supporting; and

Whereas the opening of these claims to mining will develop water in many heretofore arid portions of the State and improve the value of said lands for grazing, to which they are now allotted: Therefore be it

Resolved by the Senate and House of Representatives of the State of Arizona, That the Congress of the United States is hereby petitioned and urged to enact such legislation as may be necessary to open to entry and location the mineral lands embraced within the confines of these aforesaid Indian reservations by bona fide prospectors and miners, subject to the same regulations governing mineral lands on other public domain: *Provided, however*, That this petition shall not be so construed as to permit any person, company, or corporation to enter in or upon large tracts of land in these reservations for any purpose other than mining as hereinbefore stated: *And provided further*, That no land other than mineral lands, as defined in the mineral laws of the United States pertaining thereto, shall be included within the provisions of this petition; and be it further

Resolved, That a copy of this memorial and these resolutions be forwarded to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, the honorable Secretary of the Interior, and the Representatives of Arizona in Congress; and that our Representatives in Congress be, and they are hereby, requested to do all in their power to accomplish the enactment of such legislation.

Passed the house February 19, 1905, by a vote of 30 ayes, 1 no, — absent, 4 excused.

WM. E. BROOKS,
Speaker of the House.

Passed the senate February 25, 1915, by a vote of 19 ayes, — noes, — absent, — excused.

W. P. SIMS,
President.
OSCAR COLE,
Secretary.
By C. P. CRONIN,
Assistant Secretary.

Mr. SHIVELY presented petitions of the Miami County Woman's Christian Temperance Union, of Amboy, and of Plummer's Chapel, Wesleyan Methodist Church, of Huntington, in the State of Indiana, praying for Federal censorship of motion-picture films, which were referred to the Committee on Education and Labor.

Mr. OLIVER presented petitions of sundry citizens of Pennsylvania, praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of New Mayville, Pa., praying for the exclusion of certain matter from the mails, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Woman's Missionary Society of the United Presbyterian Church, of Pittsburgh, Pa., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Pennsylvania, praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which were referred to the Committee on Interstate Commerce.

Mr. WORKS presented a petition of sundry citizens of Stockton, Cal., praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which was referred to the Committee on Foreign Relations.

Mr. PERKINS presented a petition of the City Commission of Sacramento, Cal., praying for the enactment of legislation to grant pensions to civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. McLEAN presented a petition of the King's Daughters of St. James Church, of New London, Conn., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Morris Woman's Christian Temperance Union, of East Haven, Conn., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. BRADY presented petitions of sundry citizens of Idaho, praying for the enactment of legislation to prohibit the employment of children under age, which were referred to the Committee on Education and Labor.

He also presented a petition of the Socialist Local of Rupert, Idaho, praying for the enactment of legislation to provide work for the unemployed, which was referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of Idaho, praying for the establishment of "The federation of the world," which were referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of Idaho, remonstrating against the exclusion of certain matter from the mail, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Idaho, praying for the enactment of legislation providing for the establishment of food-supply depots, which were ordered to lie on the table.

Mr. ROOT presented a petition of sundry citizens of New York City, N. Y., praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which was referred to the Committee on Foreign Relations.

Mr. POINDEXTER presented petitions of Carl Schoeneberg and sundry citizens of Olympia, of John Joyce and sundry citizens of Hoquiam, of L. C. Krug and sundry citizens of White Bluffs, of Katie Oster and sundry citizens of Washougal, all in the State of Washington, praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

He also presented a petition of West Coast Lumber Manufacturers' Association, of Tacoma, Wash., praying for the enactment of legislation for the protection of timberlands on the coast, which was referred to the Committee on Appropriations.

He also presented a petition of the Commercial Club of Seattle, Wash., praying that an appropriation be made for the construction of a building in Ketchikan, Alaska, suitable for the transaction of governmental business, which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the West Coast Lumber Manufacturers' Association, of Tacoma, Wash., favoring the promotion and building up of our export trade, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Business Women's Club of Tacoma, Wash., praying for the enactment of legislation to regulate the employment of child labor, which was referred to the Committee on Education and Labor.

He also presented petitions of the West Coast Lumber Manufacturers' Association, of Tacoma; of Alert Grange, No. 240, Patrons of Husbandry, of Olympia; and of Okanogan County Pomona Grange, No. 22, Patrons of Husbandry, R. Clifton Dodge, secretary, of Omak, all in the State of Washington, praying for the establishment of a system of rural credits, which were referred to the Committee on Banking and Currency.

Mr. WARREN presented a petition of Chevington Grange, No. 23, Patrons of Husbandry, of Burns, Wyo., praying for the establishment of a system of rural credits, which was referred to the Committee on Banking and Currency.

Mr. CRAWFORD. I present a joint resolution of the Legislature of South Dakota concerning agricultural extension work, which I ask may be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

STATE OF SOUTH DAKOTA,
SECRETARY'S OFFICE.

I, Frank M. Rood, secretary of state, do hereby certify that the within resolution, to wit, house joint resolution No. 5, was duly passed by the 1915 session of the Legislature of the State of South Dakota, and that the same is now in full force and effect.

In witness whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota, at the city of Pierre, this 18th day of February, 1915.

[SEAL.]

FRANK M. ROOD, *Secretary of State.*

A joint resolution to accept the provisions and benefits of the Smith-Lever Act of Congress, approved by the President May 8, 1914.

Be it resolved by the Senate and House of Representatives of the State of South Dakota: SECTION 1—

Whereas the Congress of the United States has passed an act approved by the President May 8, 1914, entitled "An act to provide for cooperative extension work between the agricultural colleges in the several States receiving the benefits of the act of Congress approved July 2, 1862, and of acts supplementary thereto, and the United States Department of Agriculture"; and

Whereas it is provided in section 3 of the act aforesaid that the grants of money authorized by said act shall be paid "to each State which shall by action of its legislature assent to the provisions of this act": Therefore be it

Resolved, That the assent of the Legislature of the State of South Dakota be and is hereby, given to the provisions and requirements of said act, and that the State treasurer of the State of South Dakota be, and is hereby, authorized and empowered to receive the grants of money appropriated under said act, which agricultural extension work shall be carried on in connection with the State College of Agriculture and Mechanic Arts in accordance with the terms and conditions expressed in the act of Congress aforesaid.

Mr. CRAWFORD. I present a joint resolution of the Legislature of South Dakota, relating to a bridge across the Missouri River at Chamberlain, S. Dak., which I ask may be printed in the RECORD.

There being no objection the joint resolution was ordered to be printed in the RECORD, as follows:

STATE OF SOUTH DAKOTA,
SECRETARY'S OFFICE.

I, Frank M. Rood, secretary of state, do hereby certify that the within resolution, to wit, house joint resolution No. 6, was duly passed by the 1915 session of the Legislature of the State of South Dakota, and that the same is now in full force and effect.

In witness whereof, I have hereunto set my hand and affixed the great seal of the State of South Dakota, at the city of Pierre, this 15th day of February, 1915.

[SEAL.]

FRANK M. ROOD, *Secretary of State.*

A joint resolution memorializing Congress and our Senators and Representatives in Congress to use all honorable means to compel the Chicago, Milwaukee & St. Paul Railway Co. to construct a permanent railway bridge across the Missouri River at the city of Chamberlain.

Whereas about the year 1905 the Chicago, Milwaukee & St. Paul Railway Co., as the parent corporation of the White River Valley Railway Co., entered upon the construction of a line of railway commencing at the east bank of the Missouri River, at the city of Chamberlain, and extending westward through Lyman, Stanley, and Pennington Counties to the city of Rapid City, and as a part of said line of railway constructed a pontoon bridge across the Missouri River at Chamberlain; and

Whereas the said Chicago, Milwaukee & St. Paul Railway Co. has taken over the property of the White River Valley Railway Co., including the pontoon or pile bridge at Chamberlain, but has never constructed a permanent railroad bridge; and

Whereas the said pontoon or pile bridge goes out at least from one to four times each year, when there is any unusual condition of the Missouri River at Chamberlain; and

Whereas said pontoon or pile bridge is unsafe and dangerous to the traveling public, and by reason of the maintenance of said bridge in its unsafe condition a railway train, either passenger or freight, is liable at any time to be precipitated in the Missouri River, especially during the early spring of the year, when the ice is going out and during the June rise, and in the fall of the year and when the ice is formed or floating in said river it is impossible to operate the draw in said bridge; and the maintenance of said bridge by the said railway company is inimical and dangerous to the public health and safety of the traveling public generally, as well as to shippers; and

Whereas by reason of the fact that all traffic to points west of the Missouri River when said bridge is out or the draw open must be sent via the lines of the Chicago Northwestern Railway Co. via Wolsey and Rapid City to consignees between Chamberlain and Rapid City and passengers, mail, express, and freight are thereby greatly delayed and the development of said country deterred and the business interests of the people located between Chamberlain and Rapid City jeopardized: Therefore, be it

Resolved by the Legislature of the State of South Dakota, That the Congress of the United States and our Senators and Representatives in Congress be, and hereby are, urged to use all honorable and lawful means at their command to compel the Chicago, Milwaukee & St. Paul Railway Co. to erect at the earliest possible date a good, safe, permanent railway bridge across the Missouri River at Chamberlain; and be it further

Resolved, That a copy of this resolution be sent to the Congress of the United States and to our Senators and Representatives in Congress and to the Secretary of War.

REPORTS OF COMMITTEES.

Mr. NELSON, from the Committee on Commerce, to which was referred the bill (H. R. 21009) to make Van Buren, Me., a port through which merchandise may be imported for transportation without appraisement, reported it without amendment and submitted a report (No. 1063) thereon.

Mr. LEA of Tennessee, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment:

H. R. 13470. An act for the relief of James Grady (S. Rept. 1071); and

H. R. 17464. An act for the relief of Fred Graff (S. Rept. 1070).

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES:

A bill (S. 7748) granting an increase of pension to William H. Lewis (with accompanying papers); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 7749) granting a pension to Joseph Wessler (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 7750) granting an increase of pension to Annie Humphreys (with accompanying papers); and

A bill (S. 7751) granting a pension to Mary J. McLaughlin (with accompanying papers); to the Committee on Pensions.

ENFORCEMENT OF NEUTRALITY LAWS.

Mr. KERN. I have a joint resolution here touching a matter of importance about which there is some urgency. I should like to introduce it by unanimous consent and have it referred to the Committee on Foreign Relations, and also to have it printed and that it be inserted in the RECORD.

Mr. SMOOT. May I ask the Senator what the joint resolution relates to.

Mr. KERN. It gives the President certain powers in regard to the enforcement of the neutrality laws. I submitted it to the Senator from New York [Mr. ROOT], and he thinks it would be well to have it enacted into law. I ask that the joint resolution be referred to the Committee on Foreign Relations.

The joint resolution (S. J. Res. 244) was read twice by its title and referred to the Committee on Foreign Relations, as follows:

Joint resolution (S. J. Res. 244) to empower the President to better enforce and maintain the neutrality of the United States.

Resolved, etc., That from and after the passage of this resolution and during the existence of a war to which the United States is not a party, and in order to prevent the neutrality of the United States from being violated by the use of its territory, its ports, or its territorial waters as the base of operations for the armed forces of a belligerent, contrary to the obligations imposed by the law of nations, the treaties to which the United States is a party, or contrary to the statutes of the United States, the President be, and he is hereby, authorized and empowered to direct the collectors of customs under the jurisdiction of the United States to withhold clearance from any vessel of American register, or license, which he has reasonable cause to believe to be about to carry fuel, arms, ammunition, men, or supplies to any warship, or tender, or supply ship of a belligerent nation, or to commit any other similar act in aid of the prosecution of hostilities in violation of the obligations of the United States as a neutral nation.

That, further, the President be, and he is hereby, authorized and empowered to direct the collector to give clearance to any such vessel of American register or license: *Provided*, That before clearing out the same the owners or master or other person or persons having charge or command thereof give bond to the United States, with sufficient sureties, in double the amount of the value of the vessel and cargo on board, conditioned that the vessel shall not be employed in the commission of such act or acts; and in case of a breach of the condition thereof the bond shall be forfeited to the United States, and the owner or master or other person or persons having charge or command of any such vessel shall, in addition, be severally liable to a fine of not less than $1,000 nor more than $5,000, or to imprisonment not to exceed one year, or both; and in case any such vessel of American register or license shall depart or attempt to depart from the jurisdiction of the United States without clearance in pursuance of such act or acts above set forth, the owner or master or person or persons having charge or command of such vessel shall severally be liable to a fine of not less than $2,000 nor more than $10,000, or to imprisonment not to exceed two years, or both, and, in addition, such vessel shall be forfeited to the United States.

That the President be, and he is hereby, authorized and empowered to direct the collectors of customs or other appropriate authorities to accord the treatment of a vessel of a belligerent, including internment, to any vessel of foreign register in, or hereafter arriving in, a port or any territorial waters of the United States, when such vessel is acting, or preparing to act, or attempting to act, or intending upon departure from the jurisdiction of the United States to act as a tender to the armed forces of a belligerent, or otherwise to act in aid of the prosecution of hostilities.

That the President of the United States be, and he is hereby, authorized and empowered to employ such part of the land or naval forces of the United States as shall be necessary to carry out the purposes of this resolution.

That the provisions of this resolution shall be deemed to extend to all lands and water, continental or insular, and to all air spaces that fall within the jurisdiction of the United States.

NAVAL APPROPRIATIONS (S. DOC. NO. 166).

Mr. SWANSON. I move that the Senate proceed to the consideration of the conference report on the disagreeing votes of the two Houses upon House bill 20975, the naval appropriation bill.

The VICE PRESIDENT. The Chair lays the report before the Senate.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20975) making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 19, 29, 30, 37, 43, 46, 56, 58, 65, 66, 67, 71.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 20, 22, 23, 24, 25, 26, 27, 28, 31, 32, 33, 34, 35, 36, 41, 44, 45, 47, 48, 49, 50, 51, 52, 53, 54, 55, 57, 59, 61, 62, 63, 72, and agree to the same.

Amendment numbered 33 is transferred to page 26 of the bill and inserted as a separate paragraph after line 22; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Strike out all after the word "*Provided*," in line 1 of said amendment, down to and including the words "*Provided further*," in line 8 of said amendment; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with amendments as follows: In line 3 of said amendment strike out the word "ten" and in lieu thereof insert "twelve"; in line 9 of said amendment strike out the word "three" and in lieu thereof insert "five"; in lines 12, 13, 14, 15, strike out the following: ", one of whom may be resident of the District of Columbia and the others shall be inhabitants of some State, but not more than one of them from the same State"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In said amendment strike out the words "Melville, R. I."; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In said amendment strike out the word "toward" and in lieu thereof insert "for"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with amendments as follows: In line 3 of said amendment strike out "docks," also in line 3 of said amendment strike out the word "toward" and insert "for"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: Page 13 of Senate engrossed amendments, line 8, strike out the word "lieutenant"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with amendments as follows: Page 16 of Senate engrossed amendments, line 6, after the word "sixteen," insert "or," and after the word "twenty" strike out the comma and the words "or twenty-four"; same page, line 20, after the word "served," strike out the words "more than," and after the word "eight" insert "or more"; same page, line 22, after the word "served," strike out the words "more than," and after the word "twelve" insert "or more"; page 17 of Senate engrossed amendments, line 5, strike out the word "twelve"; same page, line 7, strike out the word "one-fourth"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Strike out all of said amendment and in lieu thereof insert the following:

"That hereafter the commander in chief of the United States Atlantic Fleet, the commander in chief of the United States Pacific Fleet, and the commander in chief of the Asiatic Fleet, respectively, shall each, after being designated as such commander in chief by the President, and from the date of assuming command of such fleet until his relinquishment of such command, have the rank and pay of an admiral; and in each of the above-named fleets the officer serving as second in command thereof shall each, after being designated as such second in command by the President, and from the date of assuming duty as such second in command until his relinquishment of such duty, have the rank and pay of a vice admiral; and the grades of admiral and vice admiral in the Navy are hereby reestablished and authorized for the purposes of this section. The annual pay of an admiral shall be $10,000, and of a vice admiral $9,000: *Provided*, That in time of peace officers to serve as commander in chief and as second in command of the three said fleets shall be designated from among the rear admirals on the

active list of the Navy: *Provided further*, That nothing herein contained shall create any vacancy in any grade in the Navy nor increase the total number of officers allowed by existing law, and that when an officer is detached from duty as such commander in chief or as such second in command, as above provided, he shall return to his regular rank in the list of rear admirals and shall thereafter receive only the pay and allowances of such regular rank."

And the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lines 2 and 3 of said amendment strike out the words "transporting coal" and in lieu thereof insert the following: "Transportation of fuel between the Atlantic and Pacific coasts of the United States;" and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: Strike out the word "five" in said amendment and in lieu thereof insert "two"; and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: Strike out "$6,820,000" and in lieu thereof insert "$4,090,000"; and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: Strike out "$19,275,998" and in lieu thereof insert "$18,957,998." Strike out all after the word "Provided," in line 1 of said amendment, and in lieu thereof insert the following:

"That the committee appointed by the act of June 30, 1914 (Public, No. 121), is hereby continued to the regular session of Congress convening in December, 1915, for the purpose of making such further investigation and report as may be deemed advisable."

And the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: Strike out "$49,976,801" and in lieu thereof insert "$45,053,801"; and the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"The Secretary of the Navy is hereby directed to submit to the next regular session of Congress a report on building four warships of the type, power, and speed which, in his judgment based on the knowledge gained from the prevailing war in Europe, are best suited for war on the sea; also to report, in the light of that war, the value and uses in naval warfare of aeroplanes, dirigibles, balloons, and submarines."

And the Senate agree to the same.

B. R. TILLMAN,
CLAUDE A. SWANSON,
N. P. BRYAN,
GEO. C. PERKINS,
BOIES PENROSE,
Managers on the part of the Senate.

L. P. PADGETT,
J. FRED. C. TALBOTT,
ALBERT ESTOPINAL,
THOMAS S. BUTLER,
ERNEST W. ROBERTS,
Managers on the part of the House.

The VICE PRESIDENT. The Senator from Virginia moves that the Senate proceed to the consideration of the conference report.

The motion was agreed to.

The VICE PRESIDENT. The question is on agreeing to the report.

Mr. LODGE. Mr. President, I merely wish to ask the Senator about certain amendments of the Senate.

Mr. SWANSON. I shall be very glad to give the Senator the information.

Mr. LODGE. What became of the amendment on page 3 in regard to Chief of Naval Operations? It is almost impossible to follow the amendments as numbered.

Mr. SWANSON. It remains as agreed to in the Senate.

Mr. LODGE. Precisely as we put it?

Mr. SWANSON. There was no change made in that item.

Mr. LODGE. I understand that the Senate amendment, making the sum appropriated for aeronautics $1,000,000 instead of $500,000, was agreed to by the House.

Mr. SWANSON. That is continued at $1,000,000, as agreed upon in the Senate.

Mr. LODGE. The advisory committee?

Mr. SWANSON. That is continued. No; that is continued, but it was increased two civilians.

Mr. LODGE. Increased from the Senate provision?

Mr. SWANSON. We provided for 10. The number was increased to 12.

Mr. LODGE. Otherwise it remains the same?

Mr. SWANSON. It remains the same.

Mr. LODGE. On page 18, the amendment striking out the limitation on the appropriation for projectiles?

Mr. SWANSON. The House recedes on that and that is continued as it was agreed to in the Senate.

Mr. LODGE. It goes out?

Mr. SWANSON. It goes out.

Mr. LODGE. What became of the amendment on page 20—a plant for the manufacture of projectiles?

Mr. SWANSON. That was eliminated. The Senate conferees receded.

Mr. LODGE. Was the reappropriation the Senate put in on page 25 for the barracks at Norfolk and at Mare Island retained?

Mr. SWANSON. The House receded.

Mr. LODGE. I understand that what is known as the plucking-board provision remains as it came from the House.

Mr. SWANSON. It remains precisely as it came from the House. The Senate had abolished it and the House abolished it.

Mr. LODGE. They abolished the plucking board and put nothing in its place.

Mr. SWANSON. Nothing in its place. I will state that we endeavored to substitute something, but the Members of the House contemplate passing a personnel bill early in the next session, and it was thought on all sides it would be wise to let it go over than to try to settle it now.

Mr. LODGE. Did the House accept the amendment which we substituted on, as I recall it, page 31, striking out the provision about the Marine Corps?

Mr. SWANSON. What number?

Mr. LODGE. I do not know the number of the amendment. It is on page 31, striking out the provision that was there about the Marine Corps covering a single case, and we put in that case by name.

Mr. SWANSON. The House agreed to the Senate amendment.

Mr. LODGE. The dental amendment went out altogether?

Mr. SWANSON. That was eliminated entirely. The House insisted on that going out.

Mr. LODGE. What became of the Naval Reserve amendment?

Mr. SWANSON. The Naval Reserve is continued as the House had it, with a slight modification.

Mr. LODGE. The House had nothing about the Naval Reserve. We put it in.

Mr. SWANSON. I mean that it is continued as it was in the Senate amendment, except that the terms were made 16 and 20.

Mr. LODGE. It has gone in substantially as it came from the department?

Mr. SWANSON. That was the only change made in the amendment.

Mr. LODGE. The amendment at the bottom of page 47, in regard to naval constructors, in the bill as it passed the Senate?

Mr. SWANSON. The House accepted that amendment.

Mr. LODGE. On page 49, the radio station?

Mr. SWANSON. The House accepted that amendment.

Mr. LODGE. On page 55, about gunnery sergeants in the Marine Corps?

Mr. SWANSON. That is amendment No. 51.

Mr. LODGE. On page 55, increasing the number of gunnery sergeants in the Marine Corps?

Mr. SWANSON. The House accepted our amendment.

Mr. LODGE. Now, as to the organization for the Navy, I understand we have six torpedo-boat destroyers and two seagoing submarines instead of five that the Senate put in.

Mr. SWANSON. The House had one, the Senate five, and the conference committee reports two seagoing.

Mr. LODGE. They accepted our increase from 11 to 16?

Mr. SWANSON. From 11 to 16 for the coast submarines.

Mr. LODGE. And the gunboat provision?

Mr. SWANSON. The gunboat provision goes out. The Senate conferees receded on that.

Mr. LODGE. And the hospital ship?

Mr. SWANSON. The Senate conferees receded.

Mr. LODGE. What became of the armor-plate factory, at page 65?

Mr. SWANSON. The Senate conferees receded from that, and it was eliminated from the bill.

Mr. LODGE. I desire to know just what has been done, and I am bound to say that I think the conferees have done extremely well with the Senate amendments. I think we have on the whole a very good bill.

Mr. SWANSON. I am glad the Senator is satisfied with it.

Mr. ROOT. Mr. President, there are some matters in this report about which I wish to say a word.

Mr. LODGE. There is one other amendment I meant to ask about and that I forgot. What was done in regard to what is known as the Taylor system?

Mr. SWANSON. The Senate conferees receded on that.

Mr. LODGE. And left it as the House provided?

Mr. SWANSON. As the House passed it. I will say, in this connection, that the conference committee agreed that they would be controlled by a vote of the House, and it was taken and the House insisted on it. They took a vote on that provision in the Army bill, and the House insisted by a vote of 120-odd, I think it was, to 20. The Senate conferees then felt that they should recede on that in order to enable the bill to be passed. It has to be enrolled and signed some time to-day.

Mr. ROOT. Mr. President, the last question of the Senator from Massachusetts was addressed to one of the matters about which I wish to make an observation.

The two things in this bill as it stands under the conference report to which I refer are the abolition of the so-called "plucking board" and the surrender to the new legislation in regard to the efficiency system—the so-called Taylor system.

As to the "plucking board" I shall not make any effort to change the action of the Senate upon that subject, because I know that it would be futile; but I wish to call the attention of the Senate, and particularly of the members of the Committee on Naval Affairs, to the real nature of the action which they have now approved. I feel the more justified in taking a little of the time of the Senate upon that because of the observation of the Senator from Virginia [Mr. SWANSON] as to future legislation following the abolition of the plucking board.

It is true, Mr. President, that the step which the conference report now proposes to take leaves the condition of the law in regard to the tenure of office in the Navy in a very unfortunate position. It is not the way in which we ought to legislate; it is not the way in which we would legislate if we had the full opportunity that we ought to have, unconstrained by the insensate attempt to force the ship-purchase bill through the Senate.

There are three, and only three, possible courses to follow in regard to the officers of the Navy. Either the body of officers of the Navy must hold their positions under a system of promotion by seniority alone, or they must hold their positions under a system of either entire or partial promotion by selection; that is to say, a system under which the President in making appointments, either with or without the advice and consent of the Senate, selects in accordance with merit; or, thirdly, they must hold their positions under a system by which the least meritorious or the less meritorious are from year to year dropped out of the higher positions, allowing a flow of promotions to fill the vacancies thus made.

You must have either one of the three or you may have combinations of them. Every one has its inconveniences, and the chairman of the Committee on Military Affairs [Mr. CHAMBERLAIN], who I am glad to see here, will recognize the fact that what I say applies equally to the Army. Either one of these methods has its inconveniences and its shortcomings.

The system of promotion by selection results in bitterness, in hard feeling, in a sense of injustice. When an officer of lower rank is selected for promotion and jumped over a long list of his associates they all feel that injustice has been done to them. It is not in human nature that they should not feel so. Their friends feel so. There is accordingly a diminution of the right kind of spirit which should characterize the service. We have the system of promotion by selection in the Army above the rank of colonel, and the many years of observation of the application of that system has shown me that there never is a case of the selection of a junior officer, however meritorious, to be promoted over the men who rank him, without the existence of that sense of injustice.

The application of this system of creating a flow of promotions by elimination, which we call the plucking system, equally results in the sense of injustice wherever an officer has been dropped out.

The third method is the method of promotion by seniority only. It is impossible that under the method of promotion by seniority only we should avoid having a large number of our ships under the command of officers who no longer have the youth, the strength, the initiative, the capacity to render efficient service in command. It is true in the Army that promotion by seniority alone inevitably brings to the top a large proportion of men who are no longer competent to render the service for which we are maintaining these great establishments and expending these millions upon them. The action which is now proposed to be taken in abolishing a system creating a flow of promotion under which younger men may come up by means of eliminating the less valuable officers—the action we are now taking in destroying that system without substituting any other system for it, leads us to the dead level of promotion solely by seniority; and under that system which is now being created and to which our Navy is being led in the legislation which is before us at this moment we might as well throw into the sea the millions of dollars that we are expending upon the Navy, for we are as certain as the sunrise to-morrow, under this system of promotion by seniority alone, to have some of our great battleships, for which we are providing, under the command of men who are no longer competent to command them and use them.

If there ever was an example of a failure on the part of a legislative body to do its full duty to the country it represents, you find it here in what is being done in this naval bill by cutting out the system of promotion by elimination and substituting nothing for it.

It is too late to do here what we ought to do; it is too late to do our duty; we have been kept here day and night discussing and wearing out the strength of everybody over an ill-conceived, half-baked, foolish attempt to put the Government into the shipping business, and we are neglecting our plain duty as legislators.

We are appropriating money by the hundreds of millions of dollars to build ships and maintain a Navy, and we are acting like a lot of incompetent schoolboys when we come to deal with the personnel that alone can make that Navy worth anything. I hope that at the very first opportunity the Congress will take up the subject of the personnel of the Navy and put something practicable and sensible in the place of what is left through the adoption of the present provision.

Mr. President, on the other subject, that is the recession of the Senate from the conclusion that it reached to strike out the new legislation prohibiting the employment of the so-called Taylor system in the manufactories of the Navy and the natural result of the same conclusion regarding the manufactories in the Army, I do not know anything, sir, that can better illustrate the first and most obvious reason why the Government of the United States should not go into the business of public ownership and operation of ships of foreign commerce and of internal commerce than this piece of legislation.

We are spending hundreds of millions of dollars upon the Army and Navy; we are building up great manufactories; we have great arsenals for the Army at Rock Island, at Watervliet, at Watertown, at Frankford, and at many other places, and great arsenals and manufactories for the Navy. We put officers, the most skillful men we can find, in charge of those manufactories. We charge them with the duty of expending the scores of millions of the public money which is placed in their hands to manufacture material for the Army and the Navy in the most effective manner possible; and as soon as we find that they have established a method by which they can increase the efficiency of the forces of men whom they employ, as soon as we find that they have a system which stimulates industry and action and effort and rewards ambition and energy and promotes a desire on the part of their workmen to get on, a system with which the workmen equally with the officers are satisfied, on the demand of an outside labor organization we deliberately interfere with our officers in the expenditure of the public moneys and in the discharge of the trust which we equally with them rest under. On the demand of an outside labor organization, because we are afraid of them because they have votes, we prohibit our officers from conducting the business which we put into their hands on the principles that every well-conducted private enterprise in the country applies.

Now, sir, for my own part I repudiate any such method of controlling the expenditure of the public funds and the conduct of public business. I am against it, and I am going to vote against it, but I shall not detain the Senate any further.

Mr. OLIVER. Mr. President, the receding by the conference committee from the position taken by the Senate on this efficiency provision is a great disappointment to me. It was abso-

lutely unnecessary to put any provision of this kind in the bill, because, as I have been informed since the bill passed the Senate, the Taylor system is not in operation in any of the departments of the Navy. It is a mere expression against the system when it is neither in operation in the navy yards or naval establishments; and, so far as I have been able to learn, neither is there any present intention of putting it into operation. The reason why I am disappointed is that I understand an understanding has been arrived at between the Naval and Military Committees that whatever is done with regard to this provision in this bill will be done in the Army bill; and the result of the adoption of the provision in the Army bill will simply be that between 400 and 500 employees of one of the arsenals will have their wages reduced very materially, while in the only arsenal in which the stop watch is now used it will not stop its use.

The only Government arsenal which now uses what is known as the stop-watch system is the Watertown Arsenal, and the Watertown Arsenal does not use any of the money appropriated in the Army appropriation bill. The money used at Watertown comes from the fortifications bill, which contains no such prohibition as the Army bill, and which is already in the hands of the President for signature. So that in legislating against the stop watch they do not stop the stop watch, but they do cut off the system of bonuses which is in successful operation in the Frankford Arsenal, and with which the employees of the arsenal are more than satisfied.

Mr. President, after speaking with a Member of the House last night I believe that the House would be satisfied with a prohibition in this bill and in the Army bill against the use of the stop watch, still allowing the bonus and premium system to be continued; and I hope the Senator in charge of the bill will ask the Senate to adhere to its action, with a view to making such a compromise in a new conference.

I do not like to leave this contest and to think of the condition in which it will leave the employees of the only arsenal within the borders of my own State. I know that they are satisfied with it, and I know that they want it continued; and I hope the Senator will allow this matter to go to a new conference, with a view to prohibiting only the use of the stop watch and allowing the last half of the provision to stand.

Mr. LIPPITT. Mr. President, I am going to move that this report be recommitted to the conferees with instructions to insist upon Senate amendment No. 71. The subject matter of that amendment was taken under consideration when this appropriation bill was in the Senate, and was quite exhaustively discussed. The discussion which occurred upon it occupied something over 20 pages in the CONGRESSIONAL RECORD of February 21 and 23. Several votes were had upon different sections of the principle involved in this amendment, and on every vote the position which the Senate has now receded from was maintained by the vote of this body.

It seems to me particularly noticeable and unwise, in view of that situation, that the conferees of this body have agreed to abandon the whole of the principles that are embraced in the matter to which that amendment refers. It is particularly so because the matter with which those amendments are connected is one of very great importance to this body and to all the industries of the United States.

What is at the base of the attempt to eradicate the Taylor system from the factories of the Government is the desire to do away with any opportunity on the part of the labor that is employed in those factories to obtain any reward for superior efficiency. The reason the attempt is made to take it out of these factories is because it is hoped that the Government having established that principle for itself, the same principle will be gradually extended to all the private industries of the country.

A very suggestive remark was made in the course of that debate by the Senator from New Jersey [Mr. HUGHES], when at one point of it he was asked whether he was opposed to the piecework system, and he said that he was not, but a very few minutes later on he said: "I am opposed to the piecework system of payment."

What is involved in the bonus system and what is involved in the piecework system is practically the same thing; that is, a method by which efficiency on the part of labor is enabled to get a reward over the labor that is inefficient. Sometimes it is paid by a bonus given over a fixed standard of wage that applies to all, a bonus that is given for superior work, for sobriety, for intelligence, for diligence. Sometimes it is paid in the form of what is known as the piecework system, where the compensation which the laborer receives is absolutely graded in accordance with the quality and quantity of the work which he produces.

I do not at this time want to discuss this matter exhaustively; but a few minutes ago, when I listened to the senior Senator from New York in almost the last address that he will make to this body, just at the moment when he is about to withdraw from us the inspiration which we have received from listening to his words on so many occasions, it seemed to me extremely appropriate that almost the last subject he should discuss in this body should be the subject of efficiency, for he is himself the greatest example of efficiency with which I have ever come in contact. I venture to say that if the same principle had been applied to the activities in which Mr. ROOT has been engaged as it is proposed to apply to the labor of this country, if there had been applied to those occupations a system by which skill and intelligence was not allowed to rise above the dead level, we never would have known what it was to have had him among us in this body, and we would not have realized the benefit that we have realized from his association with us. I think there is no more wisdom in saying to the laborer that he must not receive additional pay for superior efficiency than there would be in saying the same thing to the lawyer or the doctor or the merchant.

I move that the conference report be recommitted to the conferees, with instructions to insist upon amendment No. 71.

Mr. WEEKS. Mr. President, I hope the motion made by the Senator from Rhode Island will prevail. I am well aware of the difficulties encountered in coming to an agreement in conference over a great bill like the Navy bill—one which will satisfy both the Members of the Senate and the Members of the House. It is next to impossible to do it, and I want to congratulate the conferees in this case in having eliminated much that was bad in the bill, in my judgment, and having retained important features and improved the bill in many details. There are, however, two actions which have been taken for which, in my judgment, there was no justification whatever; one will affect the Navy personnel injuriously, and the other will do an injustice not only to efficiency generally but to efficiency in the manufacturing connected with naval equipment and to labor employed in connection with that manufacturing.

These questions have been referred to with great clearness by the senior Senator from New York [Mr. ROOT], but I want to add a word along the same general lines.

We can build equipment for the Navy in accordance with the general judgment of Congress, following the advice of our Navy experts, because there is no personal equation which enters into that general proposition. It is not difficult for us to agree on building a certain number of battleships, a certain number of ships of minor importance, or auxiliaries for the service; but when we come to deal with the condition of the personnel of the Navy we are dealing with something that is going to make that equipment effective and valuable, or we are going to make it absolutely ineffective and valueless. The conferees have agreed to do, in my judgment, something which will affect the Navy personnel more than any minor change which has been made since I have been a Member of Congress.

I remember very well when the "plucking board" was authorized. It was not established—and I wish Senators would give this point careful consideration—primarily for the purpose of selecting doubtful men out of the service, but because our officers arrived at command and flag rank at a greater age than those which obtain in other services, at an age which ordinarily prevented the best efficiency in the results which they could give the country. Incidentally, of course, in selecting these men out, those who have been supposed to be less efficient, either on account of the state of their health or on account of their professional accomplishments or because of some accident—all such reasons have been taken into consideration. The plucking boards themselves, almost without exception, have been composed of rear admirals in the active service who have distinguished themselves in their vocation, who have been and are in immediate touch with the personnel of the Navy, and they have taken their oaths to select out those men whose selection would bring about the best results in the service from every standpoint. Generally speaking, I may say that forty-nine times out of fifty there is general agreement that they have performed their work wisely and well.

As I said the other night, I am sorry for the men who are selected out. I could wish other things for them personally; but we can not properly allow our sentiment and our personal feelings to govern us in a matter which is of vital importance to the Nation. If we are going to discontinue the plucking board, it is the duty of Congress to substitute for it something which will be better. I am not enamored of that particular plan, but I am in favor of any law which will carry out

the general purposes which were intended in that act, and I insist that we will be acting unwisely unless we substitute for the plucking board something which will give better results before we discontinue the provisions of that act.

Mr. SMITH of Michigan. Mr. President, I should like to ask the Senator if he does not think this can be done at the next session of Congress more appropriately than it can be done now. I ask that for this reason: In one of the amendments proposed by the committee, and placed in the bill in the Senate, one of the members of the last plucking board found himself outside of any hope of preferment if that provision had been given effect. It seems to me that we who desire to do so have registered our disapproval of the plucking board as the best system that could be devised, and that at the coming session of Congress we can take up the matter with a view to putting in its place something that will be practical and fair and just, and insure the highest degree of efficiency in the Navy. Is not that the opinion of the Senator from Massachusetts?

Mr. WEEKS. Mr. President, I am quite in agreement with the Senator from Michigan in believing that new legislation to replace the plucking board can be prepared with better results during the next session of Congress. We have been kept here in session for the past month wasting our time on a bill which substantially nobody wanted, wasting the time of Congress which should have been devoted to a careful scrutiny of the billion dollars which we are appropriating for the maintenance of the Government, so now it is unwise to put general legislation into appropriation bills under such conditions. But until we are prepared to substitute something better than the plucking board we should retain that on the statute books and prepare the something better when we have time for deliberation.

That is all I want to say on that subject. Now, as to the other question. I do not care personally anything about the Taylor system. I do not care about any particular system; but I am a believer in efficiency in the Navy manufacturing as well as in the everyday affairs of life. Members of this administration are traveling about the country criticizing manufacturers and other business men because they have not adopted efficient methods in their business. We all know our commercial rivals, in many respects, have excelled us in the efficiency with which they have been able to produce results, and yet the one efficiency item in connection with manufacturing for the military or naval service is the one that is attacked in this bill; it is to be discontinued, I understand, in both the Army and Navy bills, and I want to register my protest against that action.

I do not wish men to work more hours or work harder than an average man should. I do not wish them driven to the limit of their capacity, which would be beyond the capacity of some men, but I want a standard of efficiency established, and that is all there is in the stop-watch method that has been so much criticized. It is not a question of timing a man to see how much work he can do as much as it is a question of timing a man to see how many motions he makes in carrying on that work which can be eliminated in the operation. For instance, if a man had a lathe in front of him and picked up his material from his right hand and pushed it into the lathe with one motion, he would accomplish very much more than he would if he turned and picked up the raw material and then had to turn back and put it in the lathe. It is to eliminate waste motion that the stop watch has been used, not to find out how much the best man can do and then require other men to do the same thing.

Mr. President, if the men in the Watertown Arsenal, in Massachusetts, six hundred and sixty-odd, could go into a booth and cast an Australian ballot in favor of or against the Taylor efficiency system which has been established there, I believe that three-fourths of them at least would be in favor of it. Thousands and thousands of dollars are paid for added results obtained under its operations. The other day the Chief of Ordnance, unwisely I think, suspended the system while the House was considering what action should be taken by that body. The day he suspended the system a man had been given an order to make 132 screw-driver blades. He worked 5 hours that day on the order and made 80 blades in the 5 hours, or 16 blades an hour. The next day when he undertook the completion of the order, and the following day he made the other 52 blades in 13 hours, or an average of 4 an hour.

This may be an extreme case; I do not know what the conditions were surrounding it; but while I say that men should not be driven to their utmost limit in any employment, it seems fair to suggest that the suspension of the system should not bring a result like the one I have instanced. Labor may well be standardized to perform a fair day's work; under such a system results are not only advantageous to the Government itself but to the employees as well. If the men were left to themselves in this matter and were not dictated to by those outside of their own employment, as I have said, 75 per cent of them, in my judgment, would be in favor of retaining the system.

Now, if we are going to eliminate the only efficiency system which has been established in connection with this kind of Government employment, we ought to take the responsibility for it. I do not believe that any man who desires good results and understands the facts can afford to sustain the conference committee in the action which it has taken, and I hope that the whole report, for those reasons, will be sent back to conference.

Mr. SWANSON. Mr. President, I desire to make a point of order against the motion submitted by the Senator from Rhode Island. On page 350 of the Precedents——

The VICE PRESIDENT. There is not any doubt about that. The only question is whether the Senate shall agree to or disagree to the conference report. That is the question which must be disposed of.

Mr. LIPPITT. What was the statement of the Chair?

The VICE PRESIDENT. There is no doubt that the only question is to agree or disagree to the conference report. No other motions are in order. If the conference report is disagreed to, it goes back automatically.

Mr. LIPPITT. Of course, I do not want to appeal from the decision of the Chair, but I can only say that some of the best parliamentarians on the floor looked the matter up yesterday afternoon and gave me their positive opinion that it was in order and that there were ample precedents for it. I hope the conference report will be returned to the conferees.

Mr. GALLINGER. Mr. President, I desire simply to say that the Vice President surely has not looked carefully into the Book of Precedents that to some extent governs us, because there are innumerable instances where that motion has been entertained.

Mr. SWANSON. If the Senator will permit me, on page 350 it is definitely decided that when one House has acted on a conference report and has agreed to it, as in this case, it has been discharged and there is no conference report to refer it back to. On page 350, section 106, the question has been distinctly decided that when a report has been submitted to one House and it has agreed to it and the conferees of the House have been discharged there is no committee to refer it back to, and the Chair properly has ruled that such a motion is out of order.

Mr. President, I will not detain the Senate very long on the points of difference. Here is a bill appropriating——

Mr. FLETCHER. May I interrupt the Senator just to call his attention to Jefferson's Manual, where it is laid down that it is not in order to amend a conference report, that it must be accepted or rejected as an entirety.

Mr. SWANSON. There have been cases where it has been recommitted, but it never can be recommitted to a conference committee when the conference committee ceases to exist. There is nothing to recommit it to.

The VICE PRESIDENT. That is the point. The record shows that it has been agreed to in the other House.

Mr. GALLINGER. There may be something in that point. The suggestion of the Senator from Florida does not apply, because that refers to an attempt to amend a conference report. This is not such a case.

Mr. SWANSON. Conference reports have been at times recommitted, but it has been decided in the other House, and I think decided uniformly, that when one House acts and agrees to a report and the conferees have been discharged there is no committee of conference. I think the Chair ruled correctly.

The VICE PRESIDENT. There is no doubt about this question.

Mr. SWANSON. Here is a bill which appropriates, as agreed to by the conferees, $145,000,000. There were tremendous differences between the House and the Senate. There is more good legislation, as the Senator from Massachusetts and others have said, on this bill for the benefit of the Navy than has been passed for many years. After these differences have been adjusted there are only two items left for criticism in this body. The question of the abolition of the plucking board was not in conference. The House had agreed to repeal section 9 of the personnel act. The Senate had agreed to repeal section 9 of the personnel act. So the abolition of the plucking board was not in conference. Both Houses by a vote had decided to abolish what is popularly called the plucking board. The only question in conference was the additional legislation that should be inserted in place of it. We had a proposition,

and we insisted on it. The House was opposed to it. I do not think the junior Senator from Massachusetts favored it. We tried repeatedly, the department and others, to get legislation now that could be substituted in its place. All interested in such a measure finally decided that the best thing to do was to let that legislation go over to the regular session in December. A personnel bill has been introduced in the House of Representatives. It is favored by the Navy Department. It has a substitute for the plucking board or a repeal of section 9, and it was universally agreed that the best course to pursue was to let this matter go over until the regular session of Congress. We could not eliminate the clause abolishing the plucking board because it was not in conference. Therefore that objection is eliminated so far as the adoption of this conference report is concerned.

The next question is that the Senate conferees recede and agree to the House provision prohibiting the introduction into the Navy of what is popularly known as the Taylor system. That provision is limited to this appropriation. The Senator from Pennsylvania has said it would not hurt the Navy. It does not exist in the Navy. It will not affect the Navy or anybody in the Navy.

The Senate conferees and the House conferees agreed that when a vote was taken on the Army bill if the House insisted upon this provision the Senate would recede. A vote was taken in the House of Representatives, and by a vote of one hundred and twenty odd to 20 the House insisted on retaining that provision, and it came very nearly adhering. I understand that it was only by persuasion that a motion was made to insist instead of adhering.

It seems to me that we are bound to adjust our differences. It is impossible to let this report go back. If it is rejected, every measure that has been agreed upon, where the House has receded on nearly all the Senate amendments, it goes back into conference, and every question will be opened entirely for the conference again. It would be clearly impossible to pass this bill if it goes back into conference and would come here to-night to have it engrossed.

I, for one, favor the Government being the model employer of labor. I am not one of those who think the Government should be less generous, that it should be more exacting, than other employers of labor. The Government of the United States is the greatest employer of labor in America. I believe the Government should be a model for all employers of labor—in treatment, in generous consideration of its employees. It is useless for us to criticize other employers of labor if we have not by our own efforts shown ourselves to be model employers of labor.

It seems to me for the Senate to reject this conference report for a matter that the Senator from Pennsylvania says can not affect the Navy would be to jeopardize this bill and jeopardize this splendid provision.

Mr. NORRIS. Before the Senator takes his seat I ask him if he will yield to me for a question?

Mr. SWANSON. I will.

Mr. NORRIS. I want to ask the Senator about Senate amendment No. 18 and Senate amendment No. 68. The first is found on page 20 of the bill and the other on page 70.

Mr. SWANSON. What is the number?

Mr. NORRIS. Amendment No. 18 is the first one on page 20 of the Senate print of the bill at the bottom of the page. Did the Senate conferees recede in that case?

Mr. SWANSON. The Senate conferees receded.

Mr. NORRIS. The same principle involved in that amendment is involved in amendment No. 68 on page 70. Did the Senate conferees recede on that also?

Mr. SWANSON. The Senate conferees receded in that case also.

Mr. NORRIS. I wish to ask the Senator whether the House of Representatives had a vote on those two amendments?

Mr. SWANSON. The House of Representatives had none.

Mr. NORRIS. How did it happen that the House had a vote on the other amendment and not on these two?

Mr. SWANSON. Which other amendment?

Mr. NORRIS. The Senator has just stated that the so-called Taylor system was voted upon in the House.

Mr. SWANSON. If the Senator will permit me, the Taylor system was involved in the Army appropriation bill in the same language, and the conferees of the Senate agreed that if the House of Representatives insisted on retaining the similar provision in the Army bill by a large majority we would recede on it, and the House of Representatives did take a vote on that provision in the Army bill.

Mr. NORRIS. Were the House conferees insistent in regard to amendments 18 and 68?

Mr. SWANSON. They were very insistent. We were very anxious to have that amendment retained. It is very fine legislation and very beneficial to the Government.

Mr. NORRIS. I want to ask the Senator if it is not true that, in substance, this amendment was in prior appropriation bills, and the Secretaries of the Navy have found that even the presence of the amendment in the proposed law has been instrumental in enabling the Government to get armor and armor plate and projectiles at a very much reduced price?

Mr. SWANSON. These provisions, I understand, have not been in any naval appropriation bill. This is the first time.

Mr. NORRIS. I think amendment No. 68 has been.

Mr. SWANSON. No. 68 is for the erection of an armor factory.

Mr. NORRIS. It has been in the naval bill heretofore.

Mr. SWANSON. I think the Senate possibly and the House at different times passed some provision looking in that direction, but if I am not mistaken, and I think I am not, this is the first time a direct appropriation for these two purposes has ever been included in a bill that passed either House.

Mr. NORRIS. I am not going myself to make an argument with a view of asking the Senate to reject the conference report on account of these two amendments, yet it seems to me that attention ought to be called to them. Amendment numbered 18, put in by the Senate and which the conference report provides it shall recede from, is as follows:

That if the Secretary of the Navy is unable to purchase projectiles at what he considers to be a reasonable price, he is authorized to construct and equip a plant for the manufacture of projectiles, the total cost not to exceed $500,000, which sum is hereby appropriated for the purpose, said plant to be located on such site now owned by the Government as may be determined by the President. The amount hereby appropriated to be available until expended.

Amendment numbered 68 is on page 70 of the Senate print of the bill, and it reads as follows:

Provided, That if the Secretary of the Navy is unable to purchase armor at what he considers to be a reasonable price he is authorized to begin the construction of an armor plate factory, upon land already owned by the Government, the total cost not to exceed $8,000,000, toward the construction of which $1,000,000 is hereby appropriated: *Provided further*, That the time for the submission of the report of the committee appointed by the act of June 30, 1914 (Public, No. 121), is hereby extended to the regular session of Congress convening in December, 1915.

Mr. President, I believe the Government ought to provide definitely and directly for the building of an armor-plate factory. While this amendment does not do that in so many words, it does confer upon the Secretary of the Navy the authority to proceed to the building of an armor-plate factory, providing he is not able to get armor plate from private parties at what he believes to be a reasonable price. I think there are several reasons why we ought to have such legislation on our statute books. I believe it is considered by those who have given it the closest study that we have been compelled to pay in the past exorbitant prices for armor plate. I think all Senators have a great deal of information on that subject. I am not going into it in detail at this time. But every time such a provision is put on an appropriation bill in one House or the other it goes out on a point of order. Here is a provision which gave to the Secretary of the Navy, under certain conditions, authority to begin the construction of an armor-plate factory, that passed the Senate, and the House conferees have objected to it, and that the Senate conferees have agreed it shall be eliminated from the bill. I am thoroughly of the opinion that if this amendment could be submitted to the House of Representatives it would be approved and adopted by an overwhelming majority.

There is another reason, Mr. President, why it seems to me we ought to build a Government armor-plate factory and a projectile factory as provided in the other amendment, and that is that it would eliminate the greatest one power that is behind the building up of a public sentiment in favor of an enormous Navy and a great Army, which is the private gain that can be made by individuals and corporations in the manufacture of materials for the Army and the Navy. I think, if the Government made its own armor plate, to a great extent the clamor for the extension of the Army and the building of an enormous number of battleships would be eliminated, because private gain, to a great extent, would be eliminated. It is the profit that is in the business that keeps up the propaganda over the country in favor of it.

If the Governments of the world made their own armor plate and eliminated private gain we would see the navies to a great extent disappear from the waters of the earth. As a purely financial proposition, however, this amendment placed in the law would give the Secretary of the Navy a leverage upon those who are supplying us with armor plate, because he could say: "Unless you supply this armor plate at what I believe to be a reasonable price I will not buy it, but I will go into the

business on behalf of the Government and build an armor-plate factory."

I regret very much that our conferees have not insisted upon this amendment, at least to the extent of having it go to the House of Representatives, where a direct vote could be had upon the proposition.

Mr. GALLINGER. Mr. President——

Mr. SWANSON. I should like to say to the Senator from Nebraska, if he will permit me——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. NORRIS. I will first yield to the Senator from New Hampshire.

Mr. GALLINGER. I simply want to suggest to the Senator from Nebraska that, while this may be in a general way a wise provision, yet if we should chance to have a Secretary of the Navy who believes in Government ownership we would surely have a factory for the manufacture of armor plate.

Mr. NORRIS. I hope we will have such a Secretary of the Navy; and yet, while I am in favor of having a Government factory, regardless of this bill or any other, if I were the Secretary of the Navy I would not feel that this provision gave me authority directly to build a factory, and I have no reason to think that the Secretary of the Navy would so feel. It only authorizes him to do it in case he is not fairly treated by those who are making armor plate. I suppose men might disagree to some extent on that, but the Secretary of the Navy would exercise a sound and fair discretion along that line.

Mr. GALLINGER. If the Senator from Nebraska will permit me, I will say that I should hope that he would do so; yet it absolutely puts in his hands the power to reject all bids and to proceed to build a factory.

Mr. NORRIS. Oh, yes; but I would not say that the language is absolute. It says that if the Secretary of the Navy is unable to purchase armor plate at what he considers to be a reasonable price. Of course, he is the judge as to whether or not it is a reasonable price, and I think it proper to make him the judge of that. He ought to know more than most people whether or not he is getting it at a reasonable price. He has the facilities in his hands to ascertain whether or not he is getting it at a reasonable price; and if he could not get it at a reasonable price he ought, of course, under the amendment, if it shall become law, unhesitatingly to proceed to build an armor factory.

Mr. SWANSON. Mr. President, will the Senator from Nebraska permit me to interrupt him?

Mr. NORRIS. I yield to the Senator from Virginia.

Mr. SWANSON. It was considered absolutely necessary by the House conferees and by the conferees on the part of the Senate, in order to get this bill through, that we should have a complete agreement. We could only reach an agreement yesterday morning at 11 o'clock. Consequently it was necessary to agree on all the items. If we had carried all the items we differed about back to our respective bodies, the 4th of March would have arrived before any agreement could have been reached.

Mr. NORRIS. I realize the difficulty of the conferees, to which the Senator from Virginia has referred.

Mr. SWANSON. The conferees on the part of the House insisted on that. The Senator will recall that the Naval Committee of the Senate reported these two provisions, and we fought for them in the Senate. They were sustained on a point of order. We did all we could to get the House to agree to these amendments, but the conferees realized that it would be utterly impossible in the short time given to discussion in the other House to reach a conclusion on this and other points of difference. Consequently we realized that in order to have this bill pass it was necessary to reach a complete agreement.

Mr. NORRIS. Mr. President, I am not criticizing the conferees; I know they had a very difficult task before them, and that the time was short; but I think I know something about the temper of the House of Representatives, and I believe that the House of Representatives would unhesitatingly on a vote approve of these two amendments. I do not believe there would be any doubt about that. Personally I do not believe our conferees would have run any risk if they had declined to agree as to these two amendments, important as they are—perhaps the most important amendments in the bill—and sent the matter back to the House and to the Senate for votes to be had directly upon it.

Mr. PENROSE. Mr. President, I do not intend to get into a discussion upon the long history of the armor-plate industry in the United States, and yet I can claim some familiarity with it. During my 18 years of service in the Senate I have participated in numerous discussions in this body when the naval appropriation bill came up, and I have personally visited and am quite familiar, of course, with the armor-plate plants in Philadelphia, in Bethlehem, and in Pittsburgh, but when the Senator from Nebraska [Mr. NORRIS] states deliberately to the Senate that the United States is paying exorbitant prices for armor I feel it my duty, as a Member of this body and as a member of the Naval Committee, possessing a great familiarity with this subject, to say that he has not only not a scintilla of evidence for that statement but that his statement is absolutely destitute of any foundation of fact. The United States is getting armor cheaper than is any other nation in the world, and I intend to submit in a moment to the Senate a list of prices for armor plate during a series of years from the beginning of the production of the article in the United States in 1887.

Whether it shall ultimately be the policy of the Government to go into the armor-plate industry is a separate and distinct question, but the Senate is certainly entitled to the truth and the facts, and not to a reckless statement, such as we have just listened to, that the United States has been paying exorbitant prices for armor plate when we are getting armor plate cheaper than any other nation in the world, and considerably cheaper, as I shall show in a moment.

As to the present price being reasonable, I will state that over a period of 10 years the price of armor remained consistently at $420 a ton. This was the price set by our own Government as a fair price, after thoroughly investigating the armor industry. Records will show that during a period of 12 years prior to 1914 each of the plants in Pennsylvania—and there are no others producing this article—averaged in orders booked about 3,500 tons per year, or a total selling value, at $420 a ton, of its yearly production of $1,470,000.

Mr. President, was every penny of this profit? Conceding, for the sake of the argument, that every dollar of that $1,470,000 was profit on this investment, it would represent less than 20 per cent on the money invested on the invitation and solicitation of the American Government to private enterprise to go into this industry, because the investment in the armor-plate industry is from seven to eight million dollars.

Take another phase of the subject. A two-battleship program of the present dreadnaught type requires 16,000 tons of armor plate. The private manufactories of to-day have an annual capacity of 30,000 tons. Therefore, with a two-battleship program, the present manufactories, with their $8,000,000 of investment, can not run more than one-half their capacity, and their only customer, of course, is the Government. The remainder of the investment lies idle; and should Congress fail at any session to pass an appropriation for the usual number of battleships, the investment would lie completely idle for a period of years.

I referred to the investment being $8,000,000. That is the investment in one particular concern. I should say that all the plants represent approximately an investment of $20,000,000, and they were all, Mr. President, practically created on the invitation of the American Government. The last plant to enter into the field—the Midvale concern in Philadelphia—distinctly got into the field of operation at the request of the Navy Department, which solicited greater competition and asked for others to go in and submit bids for armor plate in competition with the other two concerns which had theretofore been making it. On one occasion the administration then in power deliberately requested these plants to double their capacity so that we might go on with a program of a greater Navy; and it has been the history of the American Republic—always the policy of the American Government to encourage wherever possible the individual manufacturer and to cultivate close cooperation with him.

This is, to a certain extent, a hazardous and speculative industry. I remember seeing in a shed at Bethlehem some years ago an enormous hammer costing perhaps a million dollars—I have forgotten how much—and I was informed that it was completely out of use in a very short period, because some other mechanism or apparatus had been invented in this rapidly developing industry to take its place. As it was, the expenditure for that hammer was written off as a loss.

The last contract price of armor plate—and I am not going to detain the Senate long in discussing this much-mooted question, but when the statements in this regard are made deliberately and without foundation I feel impelled to deny them and make a brief statement myself—the last contract price of armor, which was $425, was 19 years after the first price on the introduction of the industry, the first price being $510; in other words, Mr. President, during the 19 years of the industry in America the price has steadily gone down from the original amount of $510 a ton to $425 a ton, clearly showing that there has not been any tendency toward exorbitant charges or an upward movement of prices for this article. On the contrary, it shows a decrease, notwithstanding the ever-increasing severity

of the specifications on the part of the Government, the increased cost of labor, and, over and above all else, legislation restricting the conditions of labor. Among the foremost of the acts of Congress affecting the conditions of labor was the one providing for the eight-hour system applied to all contractors doing work for the Government. Notwithstanding these enormous requirements added in the last few years, the price of the article to the Government has been steadily going down.

It can not be claimed, Mr. President, that the production of this article can be put absolutely on a competitive basis, as in the case of the manufacture of hats, shoes, or clothing. The manufacturer of these latter articles has numerous customers scattered all over the country, while, as I have said, there has been but one customer for armor plate.

The pioneers of this industry, as I have explained, went into it at the invitation of the Government. The Government was only too glad to have them experiment and run the chance of losing millions perhaps to produce, in the face of the steadily increasing severe specifications, this essential article to our naval development.

There has been the contention—and it is a logical one—that the Government is entitled to be charged a reasonable price for this article. That reasonable price can be roughly arrived at by a consideration of the investment, the cost of the production of the article, and a comparison of the prices paid by foreign Governments.

I have already briefly referred to the amount and character of the investment and the amount of the return under the most favorable normal conditions. I shall not go any further into details as affecting that part of the proposition.

For the product of this investment of $20,000,000, as I have said, there is but one customer, the Government of the United States; and the equipment is not like the equipment of other industrial establishments, which can be turned to some other purpose, but armor-plate plants are fitted for and useful only in the production of armor plate; and when the Government ceases to purchase armor plate, that $20,000,000 must lie idle and unproductive, the plant must disintegrate by nonuse, ultimately becoming only fit for the scrap pile—a loss to those who not only from industrial enterprise, but, Mr. President, from some spirit of American patriotism had been induced to invest their money in this form of industrial activity.

It would seem that the present method of purchasing from a private manufacturer, and placing upon the private manufacturer, as they do, the severest kind of inspection, would secure the highest class of product, while were the United States manufacturing and inspecting their own product there would be at least the incentive for accepting material which was considered good enough. The inspector for the Navy Department, who is set over the smallest detail of this process from its beginning to the end, constitutes an assurance to the Government of getting a perfect, first-class article, such as never could be attained did the Government attempt to manufacture this article itself.

I claim that to have this industry at least to some extent in the hands of private enterprise is a distinct national asset, so that in case of war we would be assured, did we have to resort to extraordinary exertions to develop our Navy—which is not now adequate for purposes, I may say, even of defense—we would have these great private enterprises ready at the call of the Government to proceed night and day to put us in a position for defense at least. Did the Government attempt to make all this armor plate, or a considerable portion of it, it would introduce such uncertainties into a business which already is filled with peril that the probabilities are that these private enterprises would slowly and gradually and inevitably wither and disappear.

There is no suspicion or charge or allegation that the Government is getting an inferior article. It is well known and a recognized fact that the United States Government is not only getting the best quality of armor made in the world—and I make the statement without fear of contradiction by any Senator in this body—but it is getting it at a price lower than any other power is buying or making armor for, the statement of the Senator from Nebraska to the contrary notwithstanding. As an example, England, the biggest consumer in the world of armor plate, as will be easily understood, is paying in the neighborhood of $475 to $500 per ton, as against the American price of $425 a ton. The biggest consumer, and the consumer getting it the cheapest of any nation in Europe, is paying, therefore, from $475 to $500 a ton, as against the $425 paid by the United States.

Mr. President, we certainly can learn something by looking abroad. We are a peaceful Nation. It is extremely difficult to get our people to wake up to the first principles of national defense. It has been so long since we had a real struggle—we can hardly call the War with Spain a first-class struggle—that war seems impossible to the American people. While we may maintain an Army and a Navy for policing the islands of the sea and our possessions, and in past years for policing the frontier, so called, in the western country, our people are no more aroused to the importance not of aggressive warfare but of national defense than they could be aroused to a proposition to create an army and go over and conquer China.

So perhaps it might not be altogether amiss if we would study what other nations do. In this connection, the nations who have for hundreds of years been engaged in a life-and-death struggle—the survival, perhaps, of the fittest—culminating in this dreadful and tremendous war which we read about every day going on in Europe, must necessarily have worked out the military and naval problems in a way with which we are not familiar, because we never have been compelled to take these matters so closely to our hearts and our necessities as they have. What do we find?

If a Government-operated plant is a good thing, as has been stated on the floor of the Senate to-day, why have not countries like England, Germany, France, Russia, and Italy, all naval nations of strength, undertaken such a project?

There is only one country, Mr. President—Japan—which seriously manufactures armor on its own account, and then only because Japan has not been able to influence private capital and private manufacturers to go into the Kingdom of Japan and start plants there, as they would be only too glad to do did individual enterprise find the opportunity or the willingness to take advantage of their invitation. Every one of these countries, as will be conceded without contradiction by every Senator in this Chamber, has cheaper labor than that which prevails in the United States, and they have never seen any advantage in establishing a Government armor plant.

In Japan in the Government plant, with the extraordinarily cheap labor which we all know prevails in Japan, armor is produced, I am informed, at a cost of $390 a ton. Think of it, Mr. President! Japan, with its labor 90 per cent cheaper than it exists in America, with a Government-owned plant, produces armor for $390, as against the American price of $420 or $425 a ton. Why, when we stop to reflect on the different conditions of labor, the different relative costs of labor, the cost to Japan and the cost to the United States is to an extraordinary degree similar.

It has always been, on the contrary, the policy of such great nations as England, Germany, and France—two of whom, at least, surpass the United States in sea power, and the last nation comes very nearly approximating to our own strength—to meet and conduct negotiations with private manufacturers for their supply of armor over a period of years. This gives the Government, as well as the manufacturers, an insured basis on which their business will be conducted, without a yearly contention arising as to prices in every recurrent appropriation, such as now occurs with the Government of the United States.

I have here some figures regarding the cost of an armor plant and the cost of armor production. I hope that what I have said already in a brief way, touching only on the high points of the discussion, has made some impression on the Senate. At the risk of being a little tedious, I desire to call the attention of the Senate to a few figures regarding the cost of a plant. Based on the amount invested by private manufacturers in their private plants, a fair basis for the cost of the plant is about $1,000,000 for each 1,000 tons of yearly output up to a 10,000-ton capacity plant. For example, a 10,000-ton capacity plant would cost about $10,000,000. The minimum amount of depreciation of such a plant would be 6.5 per cent per year, or a cost of $65 per ton on a production of 10,000 tons per year. This percentage remaining constant, with a plant running at only one-half capacity this item would be doubled in the cost of production, or $130 per ton. In the case of a plant running on a one-battleship plan, the work to be divided equally between a Government plant and the three armor-plate plants now existing, each plant would receive 2,500 tons per year, which in the item of depreciation alone would mean $260 per ton.

Experience has demonstrated that no investment should be made for a manufacturing plant which does not show a return of 20 per cent; but against the plant of 10,000 tons per annum, suppose we figure 15 per cent for interest on the investment. With the plant running full at 10,000 tons per annum, this item would represent a cost of production of $150 per ton; running at half capacity, $300 per ton; at one-quarter capacity, $600 per ton. In the case of a plant running a quarter of its capacity, the two items, depreciation and interest on investment, would amount to $860 per ton.

Mr. President, I do not expect from this hasty reading of these figures that the Senate can absorb them and realize their true significance; but those Senators who are sufficiently interested in this question, and who will take the trouble to examine these figures as they will appear in the RECORD, will, I know, be impressed with this extraordinary situation, which shows a hazardous business, requiring the highest degree of skill, extraordinary progress from year to year in introducing new processes and in making a more complete article, and in an effort to comply with ever increasingly severe Government specifications, and a condition clearly indicating that there is no such extraordinary profit as has been represented in the business, but, on the contrary, that the business is filled with hazard and possible loss and actual loss.

Up to the point which I just reached in giving these figures it will be noted that I have not included anything but the bare cost of manufacture. In previous investigations into this subject, particularly the last one, known as the Niles Board, in 1906, they reported the cost of manufacturing armor in a plant with a capacity of 6,000 tons per year as $244 per ton. Suppose for a 20,000-ton plant we should say that this item would be $220 per ton? This same board reported that a plant running at one-half capacity would increase its operating cost 20 per cent and at one-third capacity the operating cost would increase 30 per cent. Therefore, for a plant of the character which the Government proposes we have a manufacturing cost when running full of, say, $220 per ton; running half-full, $264 per ton; running one-quarter full, assuming a 40 per cent increase in the cost for one-quarter capacity, $308 per ton.

These figures are not realized by gentlemen ignorant of the business, who hardly know an armor factory from a haystack, who hardly know their location or the history of the industry, who hardly realize that this business has its black side, and that it is not altogether as bright as their imaginations picture.

Mr. GALLINGER. Mr. President, will the Senator yield for a question?

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from New Hampshire?

Mr. PENROSE. Yes.

Mr. GALLINGER. Did I correctly understand the Senator that there are four armor-plate factories at present in the United States?

Mr. PENROSE. Three.

Mr. GALLINGER. Do they do any other work except the manufacturing of armor?

Mr. PENROSE. They are large establishments, which do other work; but the investment and the plant devoted to armor is used for no other purpose, and stands idle when the Government orders stop—$20,000,000 of investment.

Mr. GALLINGER. Can the Senator state approximately the proportion of time that they are engaged in the manufacture of armor and the proportion of time that they are idle so far as that industry is concerned?

Mr. PENROSE. I should say, roughly speaking, that they operate 50 per cent of their capacity for a given period. I have no definite figures on that point. I think that conveys some idea of the situation.

Mr. GALLINGER. So that this investment of $20,000,000 is idle one-half of the time?

Mr. PENROSE. Yes, sir.

Mr. GALLINGER. That is a pretty serious matter.

Mr. PENROSE. In the progress of the industry much of it is thrown out of commission and rendered useless, and new investments have to be made to replace it owing to the progress of the industry; but that, of course, applies to all the iron and steel industry. The profits of the iron and steel industry have often been made a matter of criticism. People have failed to realize the extraordinary scientific development in the processes of handling the iron and steel industry by which an enormous investment is rendered useless from year to year by reason of scientific invention and scientific progress. There is no industry among all the industries that has been capable of such extraordinary progress and development, owing to the ingenuity of man and the fertility of invention, as this industry; and when large profits are made they must be compared with tremendous losses, due to the machinery and apparatus of a preceding period being fit for nothing but the junk heap.

So that an actuary or an accountant could fairly figure out what would seem to be a very large profit in the iron and steel industry, or in any particular establishment engaged in some line of activity of that kind, and claim that it was fair and reasonable if you balance up the losses caused by the progress of the industry.

To these figures to which I have already referred, to obtain full cost, must be added what is known as administrative expense; that is, expenses incident to operating other than those charged directly to manufacturing operations. In a plant of this character we estimate that the indirect or administrative expense would amount to at least $150,000 per year; or, on a basis of a plant producing 10,000 tons per year, running full, half capacity, and one-quarter capacity, this item would amount to $15, $30, and $60 per ton, making the full manufacturing cost, respectively, $235, $294, and $368 per ton.

Another and very important item of cost, which it became necessary to reflect in the 1913 bidding for armor plate intended for the battleship *Pennsylvania*, was the requirement that the same should be manufactured under the terms of the eight-hour law. It was estimated that this additional obligation would increase the costs $34.65 per ton on the plant running full. Increasing this item 20 per cent and 40 per cent, respectively, for a plant running half and quarter full would be $41.58 and $48.51 per ton.

A summary of the above important items follows.

I ask to have inserted, if there is no objection, a table which has been compiled, which I have in my hand, showing the depreciation, interest on investment, manufacturing cost, administrative expense, increase of cost due to the eight-hour law, and full cost, all of which items have been briefly referred to by me.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The table referred to is as follows:

	Running full.	Running half capacity.	Running one-quarter capacity.
Depreciation	$65.00	$130.00	$260.00
Interest on investment	150.00	300.00	600.00
Manufacturing cost	220.00	264.00	308.00
Administrative expense	15.00	30.00	60.00
Increase cost due to eight-hour law	34.65	41.58	48.51
Full cost	484.65	765.58	1,276.51

Mr. PENROSE. Another argument which ought to be seriously considered regarding the Government ownership of a purely industrial proposition would be the question of the management of a plant of this nature. It is a well-known fact the Government has never been a producer, but always an assembler, and in entering the field of production it would of necessity require supervision of a character which certainly could not be obtained from the regular Government service. The Government has in arsenals and in other places been able to assemble materials already produced, but has seldom, if ever, to any large extent gone into the original basic manufacture of the original article.

I am not going into all the ramifications of this proposition. It opens up a field which I guess I could not get through with if I stood here on my feet until the gavel falls at 12 o'clock to-morrow, which I do not intend to do.

The question of the fluctuation of labor would be a serious one as to a Government plant.

Mr. STONE. Will the Senator permit a question?

Mr. PENROSE. Certainly.

Mr. STONE. The Senator is not going to occupy the time until 12 o'clock to-morrow, he said.

Mr. PENROSE. I expressly disavowed any such intention.

Mr. STONE. I have a confident assurance that the Senator is occupying quite a good deal of time in making a fine speech, no doubt. I wish to ask the Senator if the item to which he is objecting came from the conference in the way he desired, he being a member of the conference.

Mr. PENROSE. I had no particular desire in the matter one way or the other, Mr. President. I do not think I said a word during the discussion of this paragraph in the conference.

Mr. STONE. Just what I am getting at is to find out——

Mr. PENROSE. But certain statements were made regarding an industry which I felt it my duty to enlighten the Senate on. I am sorry that my speech does not interest the Senator from Missouri.

Mr. STONE. It is very interesting.

Mr. PENROSE. I have sat here in patience and meekness and listened to him for 12 and 15 hours, all through the night, only leaving when nature imperatively called me to get a meal or a little sustenance, and I have seen the gray daylight come into this Chamber with the Senator from Missouri still on his feet and still holding forth in an interesting and statesmanlike discourse. There ought to be reciprocity for me. I have been standing only for half an hour.

Mr. STONE. The Senator has a fine imagination.

Mr. PENROSE. I am stating the fact.

Mr. STONE. Hardly so. The Senator can not be serious as to that.

Mr. PENROSE. I will not say that I remember all the Senator has said, Mr. President; my recollection is not clear as to those details, but it is vividly impressed with the length of his remarks.

Mr. STONE. I still am curious to know whether the Senator is in favor of the conference report, particularly as to the matter which he is discussing, or whether he is against it.

Mr. PENROSE. I am kind of neutral. I do not care one way or the other. If the American Government wants to try an experiment which, in my opinion, is against the interests of government, it can go ahead and do it. But when the Senator from Nebraska [Mr. NORRIS] gets up and deliberately makes a statement that exorbitant prices have been paid for armor, I thought it perhaps would interest some Senators, including the Senator from Missouri, to show that that is not a fact; that we are getting armor cheaper than any other nation in the world.

Mr. STONE. But the Senator was thoroughly prepared to respond.

Mr. PENROSE. Of course I was prepared on matters which I have to act on in a conference.

Mr. STONE. The Senator was thoroughly prepared to respond to the remarks of the Senator from Nebraska long before they were made.

Mr. PENROSE. I had no idea of the intention of the Senator from Nebraska.

Mr. STONE. The Senator intended to make a speech. Is not that so?

Mr. PENROSE. The Senator is in closer touch with the Senator from Nebraska than, perhaps, I am.

Mr. STONE. The Senator from Pennsylvania intended to make a speech, whether the Senator from Nebraska spoke or not, I assume.

Mr. PENROSE. No; I did not intend to make any speech.

Mr. STONE. Then the Senator from Nebraska furnished the Senator a delightful opportunity.

Mr. PENROSE. He furnished the match which caused the explosion, Mr. President. [Laughter.] Let the Senator from Missouri realize that if he was not listening to me he might be listening to some one else until 12 o'clock to-morrow.

Mr. STONE. Very likely.

Mr. PENROSE. Hoping that the effect of my remarks has not suffered a serious break by reason of the interruption of the Senator, I desire to say a few words on the projectile plant. Mr. President, if there ever was an ill-considered proposition it is the proposition for a projectile plant. The armor-plate proposition has the approval of some gentlemen, and I admit they are very intelligent gentlemen, and I know they are patriotic. I think their chief defect is the ignorance of the situation in an industry, but there may be some basis for it, because it has been investigated, committees have been appointed, it has been a matter which has been discussed for 15 years. But no one has up to this time ever suggested a projectile plant; there has never been an investigation by the Navy Department or any committee of Congress, and there never has been any estimate of what a projectile plant would cost. We simply have the ladle dipped into the bucket, and the money of the taxpayer poured out like water in a lavish and improvident way.

The same argument that I have already briefly referred to regarding an armor-plate plant would apply, of course, to the projectile proposition, except with this one difference, that the projectile industry is still in its infancy. It is in a more experimental stage than was the armor industry when it was first started in America. Specifications are being continually changed, as well as the development of the larger sizes of projectiles, the present service projectile—14-inch—only having been adapted during the last two or three years. As a concrete example as to what is meant by the undeveloped product, last year's contract for 14-inch projectiles was taken under new and very radically changed specifications. Not one of the manufacturers has been able to date to meet the required test. Under these conditions no price could be adequate. Five hundred thousand dollars was suggested for building the plant. A plant for an output of five thousand 12 or 14 inch projectiles per year would cost $2,000,000. Could there be a clearer evidence of improvident legislation based on no knowledge of the subject and with an admitted absence of any investigation by any department or official of the Government?

Mr. President, I desire to insert here a statement of prices paid by the United States Navy for armor plate and tonnage bought from the Bethlehem Steel Co., from 1887 to 1914, showing a steady decrease in price, showing that the last price of 1914—$425—as I have already explained, furnished the American Government with armor at a lower figure, by a very considerable amount, than any other nation in the world.

The VICE PRESIDENT. Without objection it is so ordered.

The matter referred to is as follows:

Statement of prices paid by United States Navy for armor plate and tonnage bought from the Bethlehem Steel Co.

Date.	Base price, class A.	Tonnage of contract.
1887	$510.00	6,702.6
1893	520.00	3,562.24
1896	515.40	2,653
1898	400.00	3,964.47
1899	400.00	1,142.19
1900	420.00	18,588
1903	420.00	3,362
1903	420.00	5,986
1905	420.00	4,959
1906	346.00	[1] 1,824
1907	420.00	3,579
1909	420.00	3,137
1909	420.00	4,594
1911	420.00	2,257
1911	420.00	2,212
1912	420.00	5,022
1913	454.00	[2] 2,669
1913	440.00	2,602.4
1914	425.00	16,256

[1] Midvale entered armor business. Finds $346 too low price and immediately raises to Government established price of $420.

[2] 8-hour law into effect.

Bethlehem's annual capacity 10,000 to 12,000 tons.

Mr. PENROSE. Mr. President, I had not intended to say anything on this subject. It has been discussed so many years in the Senate and I have participated so often in the discussions that I had made up my mind to refrain from saying anything, notwithstanding I happened to have a few figures on hand which I had prepared as one of the conferees on the naval appropriation bill.

Still a final and additional argument can be furnished this year why the Government should not go into the very serious responsibility of spending unestimated millions for a projectile and armor establishment, and that is that we are in the experimental stage of modern naval equipment. Owing to the war in Europe it is clearly the thought of the conferees of the House and the Senate, as is evidenced by the increased force of submarines, which came spontaneously from the minds of the conferees without solicitation or argument, that perhaps we are on the verge of a radical alteration in naval strategy and in naval requirements; that perhaps the dreadnaught, with half its cost due to armor, may not be so much required in the future as the agile submarine, which has recently cut such a conspicuous and effective figure in the war zone in the seas around England, France, and Germany.

Be that as it may, it must be evident to every man of common sense that extraordinary lessons are to be learned and are being learned from the greatest conflict in the history of civilization, which is now going on upon the Continent of Europe. The American Government, it seems to me, can well afford to wait another year before spending ten, twenty, or thirty million dollars in the hazardous experiment of an armor establishment and a projectile establishment when a large part of the investment may be thrown back on their hands as useless by reason of radical innovations in naval science.

Mr. MARTINE of New Jersey. Mr. President, I should like to inquire of the Senator from Pennsylvania just what compilations and documents he was reading from, who the authors were, who brought it so timely to his notice?

Mr. PENROSE. I compiled my figures here from reports of the Secretary of the Navy and in the cost of plants from the Niles Board, which I have already referred to. The total of the figures from 1887 to 1914 are a matter of public record. In fact, Mr. President, I have not made a statement in my brief remarks which is not accessible in the reports of the Secretary of the Navy to every Senator if he will take the trouble to read them.

Mr. MARTINE of New Jersey. Mr. President, it sounded very much like it might be a report that might have emanated from the Bethlehem Steel Works, or some one or another of those great concerns that have thrived in the Commonwealth of Pennsylvania on the fat and blood of the American people for years gone by. I recall, Mr. President, that some months ago a number of photographs of good magnitude, some 12 or 14 inches square, were presented in the Senate, wherein was demonstrated the fact that the armor plate used by the United States and bought from these great plants in Pennsylvania was tested down here at Indianhead and submitted to the high-

est explosive projectiles manufactured and invented by a Washingtonian, one Dr. Gathmann. These photographs demonstrated the fact that the so-called impregnable armor plate the Senator has just read to us about was punctured like pasteboard. I think the Senator from Nebraska, as well, spoke to me regarding it, and others. I remember seeing in the Washington papers afterwards, speaking of the bombardment of the forts at Liege, in Belgium, that these great fortifications had been demolished through these very high explosives and projectiles.

I am willing to recognize the splendid enterprise of Pennsylvania, but that splendid enterprise is stimulated always for a liberal amount of cash. It has no more earnest advocate than the Senator from Pennsylvania [Mr. PENROSE]. I think the Government plant would be of infinite good. I can not hold the idea with the Senator that it would be a great calamity and disaster to have the Government of the United States help to manufacture some of the necessities needed in the general industry and the welfare of the country, as well as in its defense and its protection. I believe it would be a most healthy thing to have the United States own its own and operate a Government plant under the heads of the Army and the Navy, or the Secretary of War alone, in order to hold prices down. I believe with a liberal and enterprising competitor on the part of the Government of the United States the prices of armor plate in Pennsylvania, instead of being $434 or $435 a ton, would be reduced very appreciably.

I want to say, Mr. President, that I trust this conference report will not be sent back. I am very much in opposition to the so-called Taylor system. I believe it is inhuman and un-American. I can not imagine how a representative in this body can stand up and defend the cursed system of measuring a man and making him a mere machine to satisfy the greed of an employer. It seems to me to be horrible, inequitable, and ungenerous, and uncharitable. If it must prevail, in Heaven's name let it prevail in private shops and do not let it prevail in the Government of the United States.

The Senator from Massachusetts [Mr. WEEKS] said that he believes 75 per cent of the employees of the Watertown Arsenal would vote in favor of the Taylor system. It is remarkable to me how his experience differs from that of my own. I have conversed freely with many men connected with these great plants and I have found but one man who has stood up in favor of this obnoxious system, this holding of a time watch over a laborer in satisfying the edict of his God to earn his bread by the sweat of his brow, holding a stop watch over him as you would hold it at a horse race or in a pugilistic encounter between two pugilistic citizens. I think it unfortunate, and I trust that it may never be incorporated in any one of our bills.

Mr. President, as to the so-called "plucking board," I was one of those who voted in favor and who will continue to vote in favor of plucking the "plucking board." I want to abolish it and get rid of it. I have talked with very many Navy men, and I have not yet found one man who held up his hand in favor of that board or who voiced an argument in favor of the plucking system. I think it takes the manhood out of the average young man who may be engaged in the Navy. I do not approve of the argument that has been made that this board was necessary and that we should pass this legislation instanter because the "plucking board" did its plucking in June.

I do not believe, Mr. President, that this great country or the Navy or the Army will go to the "demnition bowwows" if there should be no plucking this June. I believe we can get along even without promotions this June and let the plucking board go. It is ungenerous and unwise, to my mind, and I believe generally in operation it is unwise and unfair. Then at a more deliberate moment, when we have more time, when we can meet together calmly and dispassionately and consider this subject, let this question of promotions be worked out in a way that may be just to all interests and which will be satisfactory and beneficial for the best welfare of our country.

I trust, Mr. President, that the Senate may concur in the conference report, and that no thought of returning it to the other House may be entertained.

Mr. NORRIS. Mr. President, I am only going to take the time of the Senate for a few moments, for I realize the anxiety of Senators having charge of this bill, and in fact of all of us, to dispose of it and to get through; but it seems to me that I ought to say just a few words in reply to what the Senator from Pennsylvania [Mr. PENROSE] has said.

The Senator from Pennsylvania, although he did not intend it, I am sure, in much of what he said made an argument in favor of the establishment of a Government factory for the manufacture of armor plate. He gave us a very good account, from his standpoint, of the trials and tribulations through which the armor-plate men must go, and how they risk all their property and their time in the investment in the armor-plate business, which is so hazardous, and so forth, bringing out the idea that the armor-plate people have only one customer in this country, and that therefore they must charge exorbitant prices if they are to make good financially; and whoever heard of their not making good financially?

Mr. PENROSE. Mr. President, I object to the Senator from Nebraska putting into my mouth what I never uttered.

Mr. NORRIS. I am not putting anything into the Senator's mouth.

Mr. PENROSE. I think the Senator is.

Mr. NORRIS. I have not even pretended to put anything into the Senator's mouth.

Mr. PENROSE. Well, the Senator makes the conclusion from what I said that these men were compelled to charge exorbitant prices because they had only one customer, and the whole aim of my——

Mr. NORRIS. I say, as a matter of logic, that they must do so or else they will fail financially in business.

Mr. PENROSE. Let the Senator use his own logic without using my name.

Mr. NORRIS. I am using my own logic, and I am using my own argument.

Mr. PENROSE. Do not quote me.

Mr. NORRIS. I have not quoted the Senator. I want to quote something reliable when I quote.

Mr. PENROSE. And I want to hear good logic.

Mr. NORRIS. Well, the Senator would not be able to recognize good logic if he heard it.

The VICE PRESIDENT. Just one moment. We are starting in here again in violation of the plain rule of the Senate.

Mr. NORRIS. Mr. President, it follows just as the night must follow the day that if men engage in business where they have one customer only, and have no continuous contract with that customer, and they can not deal with anybody else, they must necessarily, being dependent upon one customer, charge a price higher than they would charge if they had general trade in the business in which they are engaged. So that the Senator from Pennsylvania, in laying down very well the business of manufacturing armor plate, unconsciously and unintentionally makes an argument in favor of the establishment of a Government factory.

We must expect men who go into the armor-plate business to make money; nobody can complain of that. I am not finding fault with men who go into the armor-plate business getting all they can for their product. They must necessarily charge a higher price if they can only keep their establishment going a part of the time. It is on account of this peculiar nature of the business that the Government ought to make its own armor plate, and thus avoid the payment of exorbitant prices that now naturally must be paid.

The men who go into business of that kind, as I understand, have been successful. We know who those men have been. They are not paupers now, as one might think after hearing the plaintive tones of the Senator from Pennsylvania in their behalf; they are pretty well fixed. We all know who they are. They have been making money, they are making money now, and they are in no danger of going to the poorhouse.

Mr. President, we have appointed a joint committee. The Senator from South Carolina [Mr. TILLMAN], who sits on the other side of the Chamber, is the chairman of that joint committee to investigate this very matter. He has now on his desk the report that that committee is ready to make, and he has told me since this discussion commenced that as soon as the report which is now before the Senate is finished he expects to make his report to the Senate; and, Mr. President, when that report is made and printed it will bear out not only all that I have said, but ten thousand times more.

Mr. President, there was in the testimony submitted to that committee plenty of evidence showing that there have been times during the years we have been buying armor plate of these factories when they have sold us inferior armor plate. An investigation by Congress has shown, through the report of the Secretary of the Navy, that fact. I want to read from the report of Secretary of the Navy Herbert, made in 1894. He said:

> I am informed upon authority which I believe to be good that about, or perhaps before, the time of the last contract of the Bethlehem company with Russia there was a meeting in Paris of the representatives of the principal, if not all, of the armor manufacturers of Europe and America.

After reciting some other facts, the Secretary says:

> These facts seem to lead to the conclusion that there is at least a friendly understanding or agreement among the principal manufacturers of the world that prices shall be maintained at about the same level.

Now, let us come on down to the present Secretary of the Navy—20 years in round numbers having elapsed—and see what he says about it. Speaking of the armor plate of the *Pennsylvania*, as to which there have been three bids by these companies all at the same figures, he says:

When we came to the armor we rejected all the bids and were then absolutely in a situation from which it appeared there was no relief.

That is the present Secretary of the Navy speaking. There was no relief. They were at the mercy of these three companies making armor plate, all of them located in Pennsylvania. Reading further from the Secretary's report, he said:

Though you can not establish it in black and white, there is no doubt of an Armor Plate Trust all over the world—

And so on.

In 1897 the Secretary of the Navy made an investigation of the cost of armor plate. He called to his assistance experts not only from the Navy Department, but from the armor-plate factories themselves. The board which he gathered together made an exhaustive investigation, and they reported the cost of a ton of armor plate, including labor, to be $167.30.

Lieut. Commander Rodgers, inspector at the Bethlehem Works, was requested to make an estimate, and he placed the cost of materials and labor at $178.59. Ensign C. B. McVay, inspector of ordnance at the Carnegie steel plant, was also requested to make an estimate, and he fixed the price of labor and materials at $161.54.

At that time Capt. W. T. Sampson, afterwards admiral in the Navy, made an investigation, and also Philip Hichborn, Chief of the Bureau of Construction and Repair, in this great work. He took the average of the three sets of figures and added thereto 10 per cent for loss by defects, and reported the cost of a ton of single-forged armor at $185.38 and a ton of reforged armor at $197.78.

These figures do not include all of the items, as I understand; there was no allowance made for overhead charges, but the estimate includes the cost of material and of labor.

Mr. President, in 1894, I understand, the Bethlehem Iron & Steel Co., one of the three companies that now supply the country with armor plate cheaper than they do anybody else in the world, as the Senator from Pennsylvania says, made the armor plate for Russia for two battleships at $249 a ton. Nobody supposes that they did not make a profit on that contract. What must be the profit when they charge us from $420 to $480 per ton?

Mr. President, I could go on and pile up the evidence here, it seems to me, beyond dispute that the prices are exorbitant; and I think we ought to expect to pay exorbitant prices. If we want to be economical, we will have to build our own armor-plate factory and make our own armor plate.

The Senator from Pennsylvania says if the Government does not buy armor from these three factories that they will be idle, and will run to decay and to rust. That is true; but they have made enough money on the Government contracts to make most of them millionaires. They have been paid for their plants many times over. They have gotten more than a reasonable price for their product. Otherwise they would be in the poor-house instead of being millionaires. The taxpayers of the country have been compelled to pay not only for these plants, but a price for armor plate that, in addition to paying for the plants, has enabled them to pay dividends so large that nearly all the parties are now millionaires. As long as we must be held up this way it would be economy to build the plants and make our own armor plate. This course would relieve the country also of the enormous effort, which is nation wide, to artificially create a sentiment for increased Army and Navy expenditures by those who would make a financial profit out of such increased expenditure.

Mr. President, I do not intend, as I said at the beginning, to go further into this discussion. I want to call the attention of the country to the report of the joint committee that will be filed, that will be accessible to-morrow to Members of the Senate, bearing out, I think, a great deal more than I have even intimated in anything that I have said.

DIPLOMATIC AND CONSULAR APPROPRIATIONS—CONFERENCE REPORT.

Mr. OVERMAN. I move that the Senate proceed to the consideration of the conference report on the diplomatic and consular appropriation bill (H. R. 21201).

The VICE PRESIDENT. The conference report has been read and printed in the RECORD. The question now is on agreeing to the conference report.

Mr. SMOOT. Mr. President, I should like to ask the Senator in charge of the bill what becomes of the item relative to the International Boundary Commission between the United States and Mexico?

Mr. OVERMAN. The House receded with an amendment which limited the traveling expenses of the commissioners to not exceeding $10 a day. With that exception it is about as the Senate adopted it.

Mr. SMOOT. But the same amount was appropriated?

Mr. OVERMAN. No; $5,000 less—$55,000 instead of $60,000. The Senator is asking me about the International Boundary Commission?

Mr. SMOOT. Yes.

Mr. OVERMAN. The Senator does not mean the Gaines matter?

Mr. SMOOT. No.

Mr. OVERMAN. I thought the Senator was asking about the item relative to the International Boundary Commission.

Mr. SMOOT. I was.

Mr. OVERMAN. The House reduced the amount $5,000 on account of an attorney. The Senator will find that upon page 17 of the bill, I think.

Mr. SMOOT. And then amendment numbered 16, the compilation of Chinese treaties—did the House yield on that?

Mr. OVERMAN. The House yielded.

Mr. SMOOT. And also on the international conference on maritime law?

Mr. OVERMAN. Yes. The House yielded on everything in dispute except two items—the International Boundary Commission, the Mexican commission, and the appointment of a joint agency under an agreement between England and the United States to settle certain claims.

Mr. SMOOT. That is the conference of American financiers?

Mr. OVERMAN. Yes.

Mr. SMITH of Michigan. How about the interparliamentary union appropriation.

Mr. OVERMAN. We accepted that item. That was agreed to.

Mr. SMOOT. Did I understand the Senator to say the conference of American financiers' provision went out?

Mr. OVERMAN. The project went in just as we passed it.

Mr. SMOOT. That is, the House yielded?

Mr. OVERMAN. The House yielded.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The conference report was agreed to.

LEGISLATIVE, ETC., APPROPRIATIONS—CONFERENCE REPORT.

Mr. MARTIN of Virginia. I present the report of the committee of conference on the legislative, executive, and judicial appropriation bill.

The Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 19909) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1916, and for other purposes.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 19909) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1916, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 35.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 18, and 64, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Legislative reference: To enable the Librarian of Congress to employ competent persons to gather, classify, and make available, in translations, indexes, digests, compilations, and bulletins, and otherwise, data for or bearing upon legislation, and to render such data serviceable to Congress and committees and Members thereof, $25,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$30,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: Restore the amount stricken out by said amendment and, on page 55 of the bill, after line 26, insert the following:

"For additional amount required for salaries and expenses of collectors of internal revenue, deputy collectors, surveyors,

clerks, messengers, and janitors in internal-revenue offices until December 31, 1915, $315,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: Strike out of lines 17, 18, 19, and 20, of the matter inserted by said amendment the following: "not to exceed $4 per diem in lieu of subsistence to employees while officially engaged away from their designated posts of duty, being for the fiscal year ending June 30, 1916," and insert in lieu thereof the following: "per diem in lieu of subsistence pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914"; and the Senate agree to the same.

THOMAS A. MARTIN,
LEE OVERMAN,
JACOB H. GALLINGER,
Managers on the part of the Senate.

JOSEPH T. JOHNSON,
JOSEPH W. BYRNS,
JAMES W. GOOD,
Managers on the part of the House.

Mr. MARTIN of Virginia. I move that the report be adopted.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. SMOOT. Did I understand the Senator in charge of the conference report to say that it is a complete agreement?

Mr. MARTIN of Virginia. It is a complete agreement.

Mr. SMOOT. What was done with the mileage question?

Mr. MARTIN of Virginia. That stands as it is now written in the law.

Mr. SMOOT. And the other two items as to which there was a disagreement—did the Senate yield, or did the House yield?

Mr. MARTIN of Virginia. I do not know which items the Senator is referring to.

Mr. SMOOT. There was an item about the purchase of lands in California.

Mr. MARTIN of Virginia. That was disposed of in a previous report.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The conference report was agreed to.

ORDER OF BUSINESS.

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. The Senator from Nevada.

Mr. NEWLANDS. I desire to make a report from the Committee on Interstate Commerce on Senate bill 7738, and ask that the report may be printed in the RECORD.

Mr. SMOOT. I object.

The VICE PRESIDENT. How can the Senator object?

Mr. SMOOT. I understood that it was a committee report.

The VICE PRESIDENT. Yes; but how can the Senator object?

Mr. SMOOT. Why, it is after 2 o'clock.

The VICE PRESIDENT. The Chair knows it is, but there is not anything before the Senate.

Mr. SMOOT. There is nothing before the Senate?

The VICE PRESIDENT. Absolutely nothing.

Mr. SMOOT. Mr. President, I know there is nothing before the Senate, but committee reports after 2 o'clock are certainly not in order.

The VICE PRESIDENT. They are not in order as against the unfinished business if there is any unfinished business; but——

Mr. ROBINSON. Mr. President——

The VICE PRESIDENT. What is the purpose of the Senator from Arkansas?

Mr. ROBINSON. I move that the Senate proceed to the consideration of——

The VICE PRESIDENT. Let us settle this other question first. The Chair can not see why a report, at least, can not be made.

Mr. SMOOT. Why, Mr. President, after the hour of 2 o'clock morning business is closed. No report of a committee can be made unless by unanimous consent. A motion can be made to take up a bill.

The VICE PRESIDENT. The Chair will sustain the point of order. Without unanimous consent, it can not be taken up.

Mr. NEWLANDS. Mr. President, I ask unanimous consent.

Mr. SMOOT. I objected before, Mr. President, and I object now.

Mr. NEWLANDS. Then I move that the report be received, and on that I ask for the yeas and nays.

Mr. OVERMAN. What is the report?

Mr. NEWLANDS. The report is from the Committee on Interstate Commerce, recommending the passage of a bill that will insert in section 20 of the interstate-commerce act the word "correspondence" in addition to the words "accounts and memoranda," so as to give the Interstate Commerce Commission jurisdiction and inquisitorial powers to inspect the correspondence of corporations as well as their accounts and memoranda.

Mr. LODGE. Mr. President——

The VICE PRESIDENT. The Senator from Massachusetts.

Mr. LODGE. The report is either in order, or it is not. This is after 2 o'clock. I suppose it is after 2 o'clock of the legislative day.

The VICE PRESIDENT. Oh, there is not any doubt about its being after 2 o'clock.

Mr. LODGE. The report is not in order except by unanimous consent.

The VICE PRESIDENT. And there is not any doubt that it is not in order; but what harm it can do to have a report made, when they are constantly being made, the Chair can not understand.

Mr. LODGE. Mr. President, there may be no harm in it. I do not know what the report is, or what the Senator proposes to do; but if he is allowed to make the report, it is clear that it goes over one day under objection.

The VICE PRESIDENT. The Chair understands that the Senator from Nevada has no desire to take it up and does not request that it be taken up, but that he simply desires to make the report.

Mr. NEWLANDS. I wish to make the report.

Mr. SMOOT. So that the Vice President may know my position, I want to state it. There have been two Senators objecting in the past to this. I have been requested in their absence to object to the report being received, and I carried out what I considered to be my duty, and I therefore object.

Mr. NEWLANDS. Mr. President, it is a most amazing thing, it seems to me, that when there is no business whatever before the Senate a report from a committee can not be received and put upon the calendar. Now, it was claimed that unanimous consent was required for that, and objection was made. I then obtained the floor and moved that it be received.

Mr. LODGE. The Senator can not do that.

Mr. NEWLANDS. Why not? There is no business whatever before the Senate.

The VICE PRESIDENT. It requires unanimous consent. The Chair has done everything the Chair can do for the Senator from Nevada. If the objection is withdrawn, the report can be made and the bill will go to the calendar.

Mr. SMOOT. Mr. President, I can not withdraw the objection.

The VICE PRESIDENT. Very well. Then the Chair can not do anything further.

NATURAL OYSTER BEDS IN TEXAS.

The VICE PRESIDENT. The Chair lays before the Senate a message from the President of the United States, which will be read.

The Secretary read as follows:

To the Senate:

In compliance with the resolution of the Senate (the House of Representatives concurring) of March 2, 1915, I return herewith Senate bill No. 3362, entitled "An act to authorize the Secretary of Commerce, through the Coast and Geodetic Survey and the Bureau of Fisheries, to make a survey of natural oyster beds, bars and rocks, and barren bottoms contiguous thereto in waters along the coast and within the State of Texas."

WOODROW WILSON.

THE WHITE HOUSE, *March 3, 1915.*

Mr. SHEPPARD. Mr. President——

The VICE PRESIDENT. The Senator from Texas.

Mr. SHEPPARD. There is a clerical error in the bill just returned by the President of the United States, and I want to have it corrected in order that it may be passed by to-morrow. I had the bill returned in order that the error might be corrected. It will take only a moment. I ask for the adoption of the concurrent resolution which I send to the desk.

The concurrent resolution (No. 38) was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the action of the Speaker of the House of Representatives and of the Vice President of the United States and President of the Senate in signing the enrolled bill (S. 3362) "to authorize the Secretary of Commerce, through the Coast and Geodetic Survey and the Bureau of

Fisheries, to make a survey of natural oyster beds, bars and rocks, and barren bottoms contiguous thereto in waters along the coast of and within the State of Texas" be, and is hereby, rescinded, and that in the reenrollment of the bill the words "and directed," in line 4 of the bill be stricken out and the words "in his discretion" substituted therefor.

LAWS OF PORTO RICO (H. DOC. NO. 1662).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed:

To the Senate and House of Representatives:

As required by section 32 of the act of Congress, approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith certified copies of franchises granted by the Executive Council of Porto Rico, which are described in the accompanying letter from the Secretary of War transmitting them to me.

WOODROW WILSON.

THE WHITE HOUSE, *March 3, 1915.*

PRESIDENTIAL APPROVALS.

A message from the President of the United States by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On March 1, 1915:

S. 7402. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

On March 2, 1915:

S. 6980. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 7213. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

On March 3, 1915:

S. 5295. An act to amend existing legislation providing for the acquisition of a site and the construction of a building thereon for the accommodation of the post office, United States courts, customhouse, and other governmental offices at Honolulu, Territory of Hawaii, and for other purposes; and

S. 6631. An act to regulate the practice of pharmacy and the sale of poison in the consular districts of the United States in China.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19906) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1916, and for other purposes, further insists upon its disagreement to the amendments of the Senate, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MOON, Mr. FINLEY, and Mr. MADDEN managers at the further conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice President:

S. 2278. An act granting the El Paso & Rock Island Railway Co. a right of way for its pipe lines and reservoir upon the Lincoln National Forest for the carrying and storage of water for railroad purposes;

S. 3878. An act to validate certain homestead entries;

S. 6981. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 7509. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 7555. An act to authorize the construction of a bridge across the Suwanee River in the State of Florida;

S. 7566. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 7597. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 7598. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 7743. An act to incorporate the Ellen Wilson Memorial Homes;

H. R. 1090. An act for the relief of Alonzo D. Cadwallader;

H. R. 1698. An act to amend an act entitled "An act to provide for an enlarged homestead," and acts amendatory thereof and supplemental thereto;

H. R. 2662. An act for the relief of Andrew J. Lawrence;

H. R. 3430. An act for the relief of Lottie Rapp;

H. R. 4545. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

H. R. 7205. An act for the relief of H. S. Hathaway;

H. R. 9701. An act for the relief of F. W. Theodore Schroeter;

H. R. 9734. An act for the relief of Victoria Coffman;

H. R. 12220. An act for the relief of William A. Wallace;

H. R. 12909. An act for the relief of James W. McGreevey;

H. R. 15038. An act proposing an amendment to the Federal reserve act relative to acceptances, and for other purposes;

H. R. 20894. An act to provide for the appointment of a district judge, district attorney, and marshal for the western district of South Carolina, and for other purposes;

S. J. Res. 238. Joint resolution giving authority to the Commissioners of the District of Columbia to make special regulations for the occasion of the forty-ninth national encampment of the Grand Army of the Republic, to be held in the District of Columbia in the months of September and October, 1915, and for other purposes incident to said encampment; and

H. J. Res. 366. Joint resolution authorizing the Secretary of War to use any allotment made under the provisions of an act approved October 2, 1914, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," for the improvement of East River and Hell Gate, N. Y.

OPERATION OF FEDERAL RESERVE ACT.

Mr. STONE. Mr. President——

The VICE PRESIDENT. The Senator from Missouri.

Mr. STONE. I rise merely to make a request. I have here on my desk some interesting and, I think, valuable documents furnished me at my request by the president of the Federal Reserve Board relating to the operation and utility of the banking and currency system, and also replying to some of the more current and usual criticisms of that system. I ask leave to have the data inserted in the RECORD without reading.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

ADVANTAGES OF NEW BANKING AND CURRENCY LAW.

1. The Federal reserve system has already resulted in a very great relief to the public, due to confidence that aid can be obtained when needed and to the recognition of the fact that banking has now been organized on a cooperative basis.

2. The rate of discount charged by city banks to their country correspondents has been materially lowered in the borrowing regions, inasmuch as the northern banks offering money in the market have found it necessary to meet the rates established by the Federal reserve banks and approved by the Federal Reserve Board, in order to avoid a transfer of business to the Federal reserve banks in the regions applying for loans.

3. The Federal reserve banks themselves have already extended accommodation to banks which were in need of such aid up to about $18,000,000, while they have stood ready to increase this amount of accommodation many times over if desired.

4. The Federal Reserve Board has taken important steps toward standardizing commercial paper, with the result that good paper throughout the country is in process of being rendered uniform and hence generally marketable, thereby insuring lower rates to actual borrowers.

5. The Federal Reserve Board has devised and will shortly establish a system of bank clearings which is expected to do much to remove the inequalities and excesses inherent in the present system of exchange.

6. The Federal reserve act has legalized loans by national banks on farm lands as security up to 25 per cent of capital, and has thereby assured to the farmers a resource of which they have already been making use, but which was not recognized by law.

7. By providing for the use of the acceptance principle the Federal reserve act has begun the work of establishing a discount market wherein bank credit will be estimated at its actual value over the risk, thereby aiding in the creation of a stable and uniform rate lower than could otherwise prevail and bringing our market into direct relationship with European markets.

8. The Federal reserve act has provided a currency absolutely elastic and available at the demand of the business community. The elasticity of the currency is already established by experience, and over $20,000,000 of it are in circulation.

9. The Federal reserve act has provided a means of supporting the credits of both the municipal and State governments and the National Government—the two former through the open-market provisions of the act, which have already enabled the reserve banks to take up the short-term securities of a number of municipalities and States; the latter through the provision which permits the Government of the United States to deposit with the new banks and permits the banks to deal in the securities of the National Government.

10. Above all the Federal reserve act has provided for genuine democratic control of the banking system, thereby enabling the small banks to exercise a decisive voice in the control of the underlying reserve resources of the Nation.

It has been suggested that the banks are subjected to hardship because of the necessity of depositing their reserves with the Federal reserve banks. This can be decided by considering the case of a country bank with $100,000 of deposits. Under the old system this bank would have had to keep 15 per cent reserve, or $15,000, of which 9 per cent, or $9,000, would probably have been deposited with a correspondent bank at 2 per cent interest, yielding a net return of $180. Under the new system this bank must keep 12 per cent reserve, which is ultimately to be held either in its own vault or in a Federal reserve bank. This leaves a margin of $3,000, which loaned out directly at 6 per cent would yield $180, or, if used as a reserve of 12 per cent, would sustain more than eight times its own amount in bank credits, or, in other words, would enable the bank to grant loans represented by deposit accounts to the amount of about $25,000, which at 6 per cent would yield $1,500 to the bank, assuming that the institution was able to find a demand for its credit in the form of loans to that extent.

The assertion frequently made that the reduction in reserve requirements does not help the banks, because they are obliged to keep funds with their city correspondents for exchange purposes, so that just as much is required as heretofore, is not true, since the banks can under the new clearing system keep their balances with the Federal reserve banks, as it was intended they should, thereby easily taking care of their collections, which will be made for them at cost.

CRITICISMS OF THE RESERVE SYSTEM.

There have been criticisms of the Federal reserve system, many of them emanating from banking sources, others instituted by persons with objects of their own to serve. I shall state them as frankly and as moderately as possible, and shall reply to each in due order.

There is complaint, first of all, because the Federal reserve banks are not paying their expenses and dividends.

No commercial bank during the first three months of its existence succeeds in covering its organization costs and its expenses. Several of the Federal reserve banks, however, are not only paying expenses but providing for their regular dividend charges. Others are amply covering their expenses but have not yet provided for dividends, simply because the period of seasonable activity has not arrived. There is no reason to doubt but that every bank in the system will, within a relatively short time, be not only paying expenses but covering its proportional share of dividends.

It is asserted that the banks of the system, and particularly the country banks, are subjected to hardships because of the necessity they are under of keeping a part of their reserves in the Federal reserve banks without interest.

The practice of paying interest on bank reserves, thereby diverting them from the natural channels and placing them at the services of speculation, has been one of the most injurious features of the banking system in the United States hitherto, and if it were true that the Federal reserve banks had eliminated this practice, even at the cost of some sacrifice to the member banks, the action would have been an amply worthy one. As a matter of fact, there has been absolutely no hardship to member banks as a result of the creation of the new institutions. So great a reduction was effected in reserves as much more than to offset the loss of interest occasioned by the requirement of a deposit with the Federal reserve banks. We may take the concrete case of the country bank with $100,000 of deposits. Under the old system this bank would have had to keep 15 per cent reserve, or $15,000, of which 9 per cent, or $9,000, would probably have been deposited with a correspondent bank at 2 per cent interest, yielding a net return of $180. Under the new system this bank must keep 12 per cent reserve, which is ultimately to be held either in its own vault or in a Federal reserve bank. This leaves a margin of $3,000, which, loaned out directly at 6 per cent, would yield $180; or, if used as a reserve of 12 per cent, would sustain ore than eight times its own amount in bank credits; or, in other words, would enable the bank to grant loans represented by deposit accounts to the amount of about $25,000, which, at 6 per cent, would yield $1,500 to the bank, assuming that the institution was able to extend its credit in the form of loans to that extent.

It is asserted that the Federal reserve system has helped to reduce the rates charged by member banks to customers since the Federal reserve banks have tended to make money easier and thereby to prevent member banks from getting as large a return as formerly. To this indictment the system must plead guilty. It was believed that one of its principal effects would be the reduction of rates of interest in those parts of the country where abnormal rates formerly prevailed, and that it would tend to place borrowers in a better position as customers at banks, thereby relieving them of the excessive rates of interest previously paid.

This change is beneficial rather than injurious to the banks of the community as a whole and affects only those institutions which have been in the habit of charging excessively high rates to the communities they furnished. The reduction in rates resulting from the establishment of the Federal reserve system has been highly beneficial thus far, and has been precisely what was aimed at by those who established it.

This leads me to a general observation concerning the working of the system. It is essentially a moderate and reasonable regulation of the banking institutions of the country. In the past they have been subject to practically no restriction whatever. It is now proposed to apply to them a little of the oversight that the community has deemed it wise to demand in the case of practically all other similarly situated businesses. The business of banking is of a quasi public nature, since the banks hold the resources of the community, and are thus properly subject to examination, inspection, and regulation. The Federal reserve act provides for these requisites in a moderate and conservative way. It contains nothing in the nature of of governmental supervision that can possibly be objected to by any reasonable student of conditions in the United States, and it will be the part of wisdom for banking institutions to accept the law and adapt themselves to its extremely reasonable requirements unless they are prepared to look forward to more severe action.

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ADDRESS OF H. P. WILLIS, SECRETARY FEDERAL RESERVE BOARD, BEFORE CREDIT MEN'S ASSOCIATION, CINCINNATI, JANUARY 16, 1915.

No subject has been assigned me for this evening, but I shall discuss the "Federal reserve system; what it has done and what it must do."

The field to be covered is a large one, but I shall not trespass upon your time longer than is absolutely necessary to survey some of its principal features. Only about five months have elapsed since the Federal reserve system was fairly inaugurated by the induction of the Federal Reserve Board into office, and only about two months have elapsed since the reserve banks were opened. It is a traditional fact that "Rome was not built in a day," but a people constitutionally restless and desirous of quick results in education, business, and science alike expect and desire that a great transformation in banking and business practice shall be effected in little longer than that time. This may not be. The Federal reserve act has already passed through several distinct periods—one of bitter and unwarranted criticism, one of extravagant laudation, one of disappointment that it could not be called into existence instantly, and one of equal disappointment and criticism because its results were not yielded immediately upon the opening of the institutions. Yet it has already had important results. What these are I shall try to set forth.

The condition of affairs immediately after the opening of the European war is familiar to all. The stock and cotton exchanges of the country had closed, trade and commerce with Great Britain had been practically suspended, and large volumes of emergency currency and clearing-house certificates had been issued. It was under these conditions that the new board took office.

One of the earliest and most trying phenomena connected with the European war was the development of a highly abnormal foreign-exchange situation. This situation was essentially due to the suspension of gold payments by American banks and by the fact that a large current balance was due to Europeans, who, under ordinary circumstances, would have been willing to await the shipment of agricultural products from the United States in the autumn, but who were now in doubt as to the future course of international trade with the United States. Added to this was the embarrassment arising out of the sale of foreign holdings of American securities in order to get immediate funds. The reserve banks, had they been in active operation, would have been able to meet this situation with comparatively little difficulty. Investigation made by the Federal Reserve Board immediately upon its organization seemed to show that the current indebtedness of the United States to foreign countries was not in excess of $500,000,000, a sum whose maturity, of course, was spread over a period of several months. In the absence of the new banks, and in view of the fact that some weeks would necessarily be required for their establishment, it was deemed desirable to furnish a makeshift substitute for the cooperative effort which would have been available for the relief of the situation had the banks been in existence. It was therefore determined to suggest to a number of representative bankers the establishment of a joint gold fund to be used in providing exchange on Great Britain, and to have this joint fund developed at the earliest possible moment.

A letter was consequently sent out to the presidents of clearing-house associations throughout the country, under date of September 21, in which request was made for subscriptions to a fund intended to aggregate about $100,000,000. This letter had previously been considered and approved at meetings of representative bankers summoned to meet in Washington on September 4 and 19, respectively, and was, therefore, issued with their moral support. The answer to this invitation was prompt and effective, a total of over $108,000,000 being subscribed and rendered available.

It was almost immediately evident that the operation of this fund was proving decidedly beneficial, notwithstanding that only a comparatively small percentage of the amount subscribed was asked for, and that a still smaller percentage was actually used to furnish a basis for gold shipments. It seemed, however, during the 10 days immediately following the completion of the subscriptions as if there might be need for still further relief to the situation. Some of those who were closely connected with the administration of the gold-exchange fund brought the subject to the attention of the Secretary of the Treasury, who extended an invitation to the British Government to send representatives to this country mainly for the purpose of considering the possibility of further adjustment, in the event that the United States did not succeed in liquidating its indebtedness to Great Britain by the natural movement of commodities within a reasonably early period.

The British Government designated Sir George Paish and Mr. B. P. Blackett, who proceeded to Washington and held conferences with the board. Subsequently another conference, attended by a number of representative New York bankers, was also held, and the situation was discussed in very great detail. Meantime, the establishment of a better understanding with reference to commodities to be considered as contraband and the more effective policing of the North Atlantic rendered possible the restoration of trade with European nations, and the development of the export trade proceeded with a speed which showed that current obligations of the United States to Great Britain and other countries would be liquidated at an early date without any necessity for further interference. By the time that the reserve banks were ready to open exchange sales on London had fallen to normal and there was, therefore, no danger that, when opened, the reserve banks might, as was for a time feared by some, find their gold rapidly drawn away from them in order to meet the requirements of the gold-export movement.

In another way it was deemed desirable that the board should help to facilitate the restoration of customary conditions in the financial market. Almost immediately after the outbreak of the war it was seen that, unless hostilities should terminate within a very much shorter period than anyone deemed likely, serious injury would be inflicted upon cotton-producing States. As is well known, the cotton crop is largely grown for export, about two-thirds of the total production of the United States being annually sold abroad. It happened that an unusually large crop had been planted and was approaching maturity at the moment of the outbreak of the war. This would, in any event, have depressed prices of cotton even under ordinary conditions.

The almost immediate closing of the cotton exchanges of the country was, however, precipitated by reason of the interruption to the movement of cotton, and the general understanding that, in view of the great area involved in the hostilities, it would not be reasonable to expect a normal demand for the staple to manifest itself. With the exchanges closed and with shipments of cotton interrupted, the price was unstable and abnormally low, many sales undoubtedly having occurred at 5 cents per pound. Inasmuch as the cotton crop is raised very largely upon credit, it was necessary to provide some means whereby the southern planter could be assisted to such extension of accommodation as he might require in meeting the obligations he would ordinarily have provided for by the sale of his crop in the open market. Various suggestions were brought to the attention of the board, one of them being that of Mr. Festus J. Wade, of St. Louis, who suggested both to the board and to the Secretary of the Treasury the establishment of a cotton loan fund somewhat similar in purpose and management to the gold-exchange fund. After very anxious consideration, the conclusion was reached that some measure of the sort would probably furnish relief to cotton growers, and would, at the same time, reduce

the strength of the demand which would otherwise be brought to bear upon the reserve banks at their opening from those who desired comparatively long-term loans to enable them to carry their cotton. Various conferences were held with banking interests for the purpose of securing their cooperation and advice in regard to the matter. Ultimately the bankers of New York pledged $50,000,000 in subscriptions to the fund, provided that $50,000,000 more should be raised from other banks in noncotton-producing States. It was understood that to the $100,000,000 thus raised should be added $35,000,000 contributed by the bankers of the cotton-producing States under a special plan devised for that purpose.

Recognizing that in view of the urgent character of the situation regarding the establishment of the banks it was not possible to formulate in advance of their opening a complete set of regulations with reference to their conduct in all matters, it was determined to pass at the outset only upon those matters which were deemed absolutely essential to placing the banks in operation upon a basis of moderate and reasonable efficiency. It was felt that the regulations relating to discount operations and commercial paper in general were fundamental and that they should be granted first place in any scheme of organization which might be undertaken. The result was the preparation of a document addressed to all Federal reserve agents, sent to them as circular No. 13, in which the board set forth its views with reference to the character of operations that should be undertaken by the banks, particularly at the outset. In this it was recommended that the reserve banks confine themselves strictly to short-term, self-liquidating paper growing out of commercial, industrial, and agricultural operations, in the narrow sense of the terms, and that particular care should be taken not to discount or purchase paper which had been issued for the primary purpose of increasing the capital investment of any business. This circular was well received, and has governed the discount operations of the reserve banks up to the present time, though it is thought well to relax in some measure the restrictions imposed at the outset under this document.

It was deemed essential that so far as possible the cash to be paid into the banks at the outset should be drawn from the vaults of the contributing member banks. Inasmuch as the act provided that capital should be paid in gold or gold certificates, it was to be assumed that the bulk of such payments would, in any event, be made from the vaults of the member banks. Reserves, however, might, of course, be made in any form of lawful money, and the act itself had expressly provided that one-half of the reserve installments might be paid in the form of rediscounted paper. It was therefore necessary to appeal to the good judgment and spirit of cooperation of the member banks in order to induce them to abstain from establishing reserves through some means other than that of a direct deposit of cash from their own vaults and to pay in, so far as possible, the sums that were due from them to the member banks on reserve account in the form of gold or gold certificates. With this in mind, the board transmitted to member banks on October 28 its circular No. 10, in which banks were urged to make their payments in the manner already indicated. As a special inducement, reserve banks were authorized to pay the express charges upon sums thus sent to them by member banks. There was at no time any provision of law directing the member banks to abstain from drawing upon their correspondent banks for the means wherewith to make these payments, but it was believed that they would be willing to do so, and the events fully justified this confidence.

On Monday, the 16th of November, the date already fixed by the Secretary of the Treasury, the new banks opened their doors for business, and the consolidated statement issued on the following Saturday showing the condition as of the previous evening indicates how fully the banks had complied with the suggestions thus made to them. The statement referred to shows that at the end of the first week's operations there had been paid into the reserve banks a total of $221,487,000, of which a very large percentage was either in gold or gold certificates. It should be added that, due to the cheerful cooperation of the member banks, this great transfer of funds was accomplished without the slightest danger to business and without any inconvenience whatever to the banking community.

With the system thus fortunately established, the question of a discount policy immediately became urgent. The board had been appealed to by the authorized representatives of the several banks for some 10 days prior to the official date set for the opening of the institutions to make suggestions to them with regard to their discount policy, for it was generally conceded that the adoption of a uniform, consistent policy to be pursued by all was practically necessary to the smooth working of the system. Under the provisions of paragraph (b), section 14, of the Federal reserve act, the Federal Reserve Board is authorized to review and determine the rates of discount to be charged by each Federal reserve bank, and this authority was interpreted to mean that suggestions might be made to each institution in advance with reference to the rate that would be acceptable to the board. The interpretation was seemingly assented to by all of the reserve banks, and in response to a telegraphic inquiry from the board each bank submitted its views with respect to the rate of discount properly to be applied in its region. Upon tabulation and comparison of these results, it was found that they varied comparatively little, the rates ranging from 5 per cent to 7 per cent. A study of the existing state of affairs convinced the board that at the start conservatism should be the guiding policy in establishing the first discount rates, and it was consequently voted to set the rates of discount at from 5½ per cent to 6½ per cent, with subsequent changes.

The important effect of the establishment of these rates of discount was to prevent accommodation from being asked by member banks except in those cases where there was a real need for it, since the rates were too high to encourage the borrowing of funds from the reserve institutions simply for the sake of undertaking new operations or of extending those already in existence. As was expected, therefore, the amount of accommodation applied for at most of the banks was small and increased but little subsequently, the maximum being under $9,000,000 for all of the banks of the system, while business later still declined from this figure, until on the 26th of December it stood at $8,552,000.

In order to understand the significance of these figures it is necessary to refer to another feature of the Federal reserve act and to study this feature in connection with the money market conditions prevailing at the time. Section 19 of the Federal reserve act provided for a readjustment of reserves upon a new and lower basis, cutting the percentage of required reserve in central reserve cities from 25 per cent to 18 per cent of outstanding demand deposits, with 5 per cent of outstanding time deposits; the required percentage in reserve cities from 25 per cent to 15 per cent of demand deposits and 5 per cent of time deposits; the percentage of reserve in country banks from 15 per cent to 12 per cent of demand deposits and 5 per cent of time deposits. This readjustment, by the terms of the law, took effect immediately upon the establishment of the new banks, i. e., on November 16. From the outbreak of hostilities in Europe there had been a difficult reserve situation in most of the financial centers, New York banks particularly being much of the time largely under their reserve requirements because of the heavy drafts made upon them by interior banks and by the public.

The change in reserve requirements, however, made a very material alteration in this condition of affairs, and released, not only in New York but throughout the country, a very considerable amount of funds which had previously had to be held by the banks in order to bring themselves within the requirements of law. Precisely what amount of reserves was thus released throughout the country has not been accurately estimated and probably can not be, owing to the fact that reserve accounts in the existing system of correspondent banks are so closely and complexly intertwined. It is, however, an undoubted fact that the release of actual cash was very large and that the release of lending power, as computed on the basis of reserves on the part of member banks, was correspondingly larger. Member banks were thereby enabled to extend loans to their customers very much more freely than they had previously been able to do, while at the same time they were able to grant lower rates of interest in due proportion. The prevailing rate of discount for prime commercial paper in New York at the opening in November was about 6 per cent, while other paper was considerably higher than that figure, and even more difficult conditions prevailed elsewhere. The opening of the reserve system enabled New York banks, in view of the very great relief given to them through the release of reserves, to reduce this rate largely, and within two weeks after the new banks had come into existence prevailing interest rates for the best paper went as low as 3½ and 4 per cent, while acceptances, which had been provided for by the Federal reserve act, were marketed at a still lower rate. In some parts of the South northern bankers were able to grant accommodation as low as 4 per cent and in considerable amounts. In view of the greater ease and material relief which was thus accorded, the Federal reserve banks were naturally not called upon to assist member banks with accommodation, such banks naturally refraining from asking aid when they were themselves fully able to meet the demands made upon them.

The opening of the reserve banks on November 16 not only released, as already seen, a large amount of bank funds and thereby rendered it possible to extend many loans, which otherwise could not have been carried by the banks, but it was also seen soon after November 16 that the existence of the cotton fund, as was the case with the gold fund, had done its work by stimulating confidence and leading to a more liberal extension of credit. With the cotton fund available for long-time loans, and with short-term credit much more freely extended by member banks in view of the reduction of national bank reserve requirements, it was possible for the reserve banks to open with full confidence that the work thus done in safeguarding the situation would relieve them from undue strain, while fully protecting the cotton producers who are willing to pay a moderate rate of interest in order to carry their cotton until such time as would enable them to realize full market value for it. In this case, as in that of the gold exchange fund, the help granted was largely that which comes from cooperative effort, and from the knowledge on the part of the community that there is a source of assistance that may confidently be looked to. In such situations the beneficial consequence of action taken can not be measured by the actual amounts that are loaned or the tangible results that are obtained, but are infinitely greater in their significance. The opening of the cotton exchanges, by reestablishing a definite market price for cotton, coupled with the upward tendency of that price in view of the increasingly strong foreign demands materially aided in facilitating the process of liquidation in the Southern States. Largely in consequence of these efforts, therefore, there has been little call for accommodation at the reserve banks intended to finance cotton directly.

One phase of the banking and currency situation deserves to be especially stressed for the light it throws upon the condition of the reserve banks, and the extent of the demands, present and prospective, to which they may be subject. As has been shown by the Secretary of the Treasury in his annual report, an early phenomenon of the war was the issue by clearing houses in many cities of clearing-house certificates. Simultaneously therewith large quantities of emergency currency were issued under the provisions of the act of 1908, which had been amended and extended by the Federal reserve act, and which were still further amended by Congress on August 4 so as to overcome the freer issue of notes in the manner indicated.

It is not possible to state how large an issue of clearing-house certificates was put into circulation. The total amount of the emergency currency taken had aggregated about $380,000,000, but it is probable that the clearing-house certificates were issued to a considerably greater sum. The channels of circulation were thus clogged long before the end of the summer, notwithstanding the fact that large quantities of gold and gold certificates were withdrawn and hoarded either by banks or individuals. This condition of affairs made it certain that the reserve banks upon their organization would not be instantly pressed for the issue of reserve notes. Two factors combined to produce this result—the circumstance that many banks had placed their best paper with the national currency associations in order to protect emergency currency, and the further circumstance that the tax on this currency at the lower rate established by Congress would not for some considerable time be likely to approximate the rate of discount which every bank would have to pay to Federal reserve banks in order to get the rediscounts that would enable them to obtain the notes they needed.

Combined with these factors was, of course, the natural inertia which in all such cases tends to prevent the withdrawal of one kind of currency and the issue of another. Upon the organization of the Federal reserve banks, moreover, the urgent pressure for note accommodation passed away as quickly as it had come. Gold reappeared in circulation at an early date, and the retirement both of the clearing-house certificates and of the emergency currency was undertaken. In those cities where rates of interest on clearing-house certificates were very high, the reserve banks aided in the retirement of the certificates remaining in circulation. This was notably the case in New York.

The emergency currency itself immediately began to be retired by natural process, thus leaving in circulation not to exceed 38,000,000 to-day, February 18, 1915. It may be expected that with the lower rates of discount prevailing at the reserve banks, and with the continually heightening rate of taxation which the emergency currency has to pay, there will be a gradual conversion of such currency into Federal reserve notes, at least for that portion of the supply which may be regarded as needed for some time to come. Thus far there has been little of this conversion for the reasons already stated. Had

the reserve banks been in operation at the beginning of August they would naturally have supplied the great volume of currency which was called for; but not having done so, a field of business which would naturally be theirs has been temporarily taken from them by reason of the fact that it was occupied by the clearing-house certificates and emergency notes in the way already indicated.

The Federal reserve act wisely provided in section 14 for the prosecution of business by Federal reserve banks in the open market, if the Federal reserve banks found it desirable to do so in order to keep their spare funds occupied. As has already been seen, the board did not believe that it was necessary at the outset to make immediate provision for the exercise of these functions, reserving them to a later date. As soon, however, as the first pressure connected with the establishment of the system had passed, the duty of investigating and preparing for such open-market operations was taken up, and the banks were, on December 18, given authority to purchase Government bonds within the limits of prudence as they might see fit. On December 23 copies of a tentative set of regulations relating to the purchase of warrants, revenue bonds, and the like by States, municipalities, and other political subdivisions were likewise transmitted. Drafts of regulations governing the purchase of acceptances in the open market have been prepared and will shortly be issued. Other open-market functions will be provided for as rapidly as possible. When this has been done, there will be ample occupation for all funds which the reserve banks can properly spare at times when their spare funds are not required in affording accommodation based strictly upon commercial or industrial demand.

But while the work which has thus far been done has been beneficial, I should not be meeting the requirements of this occasion were I to stop with a mere recital of facts which are now widely known, and, I believe, fully appreciated, at least by the thoughtful men of the country, and particularly by the banking public. As the President has said, our thoughts are now more of the future than of the past. We have left behind the controversial aspects of the Federal reserve system, we have passed through the critical period of organization, and we are face to face with the question, What shall we do with this system?

It is evident that there may be two ideas with regard to it. Indeed, both of these ideas are already expressed and have found urgent and able advocates. One of them is that the system is merely a form of insurance against panic, an emergency plan which may be called into existence whenever it is needed, and allowed to go out of use whenever the immediate call for it is over. It should be said that this is the conception of banking which has long governed, and that most of the reform plans of past years have been modeled upon the idea that what was wanted was simply a means of relief for hard-pressed banks which found themselves face to face with the necessity of getting aid or falling into disaster. I think it is no reflection upon the measure known as the Aldrich bill to say that it was upon this view that that plan was based; but as opposed to such an idea there are now many who believe that the banking system which has been established with so much difficulty and sacrifice is to be used constantly, and that its resources are to be employed for the purpose of making money cheap, affording a constant and unfailing supply of loans, and otherwise assisting to furnish ordinary resources for use in business. The advocates of this view are prone to speak of the plan as having been devised for the purpose of lowering rate of interest and of attacking what is known as the Money Trust. I confess that there has been a great deal of misunderstanding upon all these points, and that many expressions have been used by persons who should have been more careful in the use of language, which appear to afford some warrant for ideas of this kind. Every system and every cause suffers from the mistaken zeal of new converts, and the Federal reserve system is no exception to the rule.

The crimes which are traditionally committed in the name of liberty are often paralleled in business under the mistaken belief that they are to serve as benefits to the average man. If we examine the real nature of the Federal reserve system, I think we shall come to the conclusion that it is neither an emergency relief plan to be availed of only under extraordinary conditions, on the one hand, and that, on the other, it is not a system to be used for the purpose of affording loans on doubtful security or unsound paper. It is a segregation of the reserve funds of the country. Its resources are the great trust fund to be used for the purposes inherent in the trusteeship. Success in the administration of this trust will depend upon the degree in which its terms are understood and the conditions under which sincere and earnest effort is made in accordance with the terms of the law to administer it. I believe that the reserve system has been aptly compared by some one who was recently discussing the question to an extra dynamo which is kept in reserve in a power house for the purpose of carrying the peak of the load during the rush hours of the day. It is not a duplicate of existing machinery to be used when a breakdown has occurred, still less is it a machine to be called into use for constant service in conjunction with the other equipment of the plant. It is a mechanism which is regularly needed, but is needed under special and given conditions, which is treated differently from other mechanisms. The simile I have thus used implies, however, what I may call a Federal reserve dynamo, is subjected to actual working conditions and is in regular and constant working order. We can not throw it out of gear or allow it to lack lubrication, or keep it carefully housed but never in use if we expect the machinery to be of service when the time comes. Now, what does this imply?

In the first place, the Federal reserve system must get business. It must have a steady supply of business, and this for the very good reason that if its officers are not in the habit of doing business, they can not do business satisfactorily or readily when they are subjected to strain. Furthermore, if the Federal reserve bank is never actively in the market, it can not influence the market materially. It must be able to affect business by withdrawing from quite as readily as by enlarging its operations. The framers of the Federal reserve act fortunately foresaw this necessity and provided for it. While the act was so framed as to limit the direct discounting of notes to those presented by member banks, the act in its open-market section afforded an ample opening for all the business that the Federal reserve institutions might care to do. It allowed them to purchase in the open market bills of exchange and other items of commercial paper under the same circumstances and conditions as it would had they come to it from a member bank, except that these operations were operations of purchase and not those of discount with the proceeds left on deposit with the reserve institutions. The Federal Reserve Board has already recognized that the reserve institutions may employ a part of their funds to good advantage in such a way as to provide a revenue for themselves through this open-market power. It has issued regulations governing the purchase of warrants; it has indicated its disposition to open transactions in Government bonds, and it will shortly issue regulations relating to acceptances and to other forms of open-market transactions. Let me say here, with the utmost emphasis, that there will be ample employment for all the funds that Federal reserve banks can or ought to support, and that they will be able to employ these funds in such a manner as amply to provide for their legitimate expenses and for a reasonable rate of return upon the sums invested in them by the member banks.

To those who are disposed to suggest that the Federal reserve banks can not pay their expenses and dividends, I would simply say that the payment of these expenses and dividends is not a matter of power or ability, but is simply one of willingness or disposition. If we say, in round numbers, that the Federal reserve system has $300,000,000 in cash, and if we assume that the capital stock when paid in will be in the neighborhood of $60,000,000, it is evident that to pay 6 per cent on this capital stock would require the investment of but a small fraction of the bank's reserves in the warrants, bonds, acceptances, bills of exchange, and other forms of investment open to the banks through the open-market power. To invest it safely and wisely and to keep it so invested would, for the staff of men now engaged in operating the Federal reserve banks, be the work of but a small part of their time.

But I suppose there is no one here who would want to see the reserve institutions employ one-third or even less of their funds in such a way if that action meant they were to put out of their hands and into those of others the actual cash corresponding to the transactions. Were they to do so, they would become money lenders, loaning out the ultimate reserves of the country and getting them back as best they could. This would not be banking. It would be note broking or investment. I do not believe that this is the legitimate function of the Federal reserve banks. The open-market power is a valuable and useful one, and enables them to keep their funds employed, and, as I have already noted, to exert a useful influence at times when that influence is sorely needed and could not be exerted through the ordinary medium of rediscount operations. It must be evident, however, that the reserve banks can not be of first-class service to the community on this basis. They must receive funds as well as pay them out; they must be of actual beneficial use to their members, otherwise the members will not be satisfied with the mere 6 per cent they are to receive on their stock subscriptions.

How can this be accomplished? Very simply, I think, by merely following the well-marked lines of scientific banking. If you were to make me a present of $1,000, I should be pleased; but if you were to say to me in substance, "You may place this money in a bank, but you must never draw it out, and I will not permit you even to check against it or even to deposit an equal amount of checks corresponding to those you draw," I should form an entirely different idea of the value of the gift. In order to make the deposit of any material use, I must be permitted to employ it in my business or personal affairs. This is why the Federal reserve act provided for the clearing of checks for member banks. It was recognized that if the reserve institutions were ultimately to take over the reserves of member banks, except those carried in the vaults, they must also be prepared to handle the exchange transactions of the banks themselves. They were, therefore, empowered to receive checks and drafts upon their member banks and to charge them off against all such members. They were, it is true, directed to receive these checks and make the transfer at par, and ultimately to charge their members such sums only as would cover the actual expenses involved in the operations. Thus far the Federal reserve banks have not done this. At the outset, owing to the necessity of opening the institutions as early as possible, it was agreed that they should receive only a limited number of items. Subsequently Federal reserve banks began to receive checks upon all other Federal reserve banks, and still later three of the reserve institutions inaugurated, by consent of the Federal Reserve Board, a system of general clearance in all other districts, still retaining, however, substantial limitations upon this type of business. It is to be expected that before long the system thus begun will be extended, and that it will ultimately make its way to that complete application which the act contemplated.

In so doing it will render a great service to the business men, and, incidentally, to the great majority of bankers. That so large a transformation of existing banking practice will, to no small extent, involve inconvenience in many quarters, I am fully prepared to believe. No great business improvement ever occurred without some suffering. Every mechanical advance inflicts some hardship upon those who are using older mechanical appliances, or whose skill is rendered out of date as the result of the new methods that are thus applied.

That this is true in the case of the clearing operations seems to me very likely; but that this transformation will be of immense benefit to the banking and business community as a whole, far surpassing in its usefulness such incidental inconvenience as may be caused, I am equally positive. I do not need to insist before an audience of professional men upon the great advantage of clearance over collections. The labor-saving quality of the system is obvious, and there can be no doubt of the immense increase in the efficiency of money and bank credit under such a system. Who is there among you that would willingly go back to the older system of collection, abandoning the present clearing-house plan as applied to the various cities of the country? Why should it be considered unreasonable that the same advantages that have been realized there would likewise be realized by Federal reserve districts as a whole? The only logical answer that can be given to such a question is in the affirmative; and the only objection that can be made to proceeding with the work is that there are some difficulties in the way. A difficulty is something to be overcome, not something to be stopped; and in this case we are fortunate in having the assurance of the best transit men in the country that the clearing system of the Federal reserve act is amply feasible and easily to be introduced.

Do not think that I am placing too much stress upon this phase of the situation. If the clearing system were merely a means of introducing some labor-saving device I could hardly feel warranted in assigning to it the importance that I do. It is much more than that. Under the Aldrich bill as proposed, as under most of its predecessors, the proposal for relief was found in the issue of notes. These notes, by the terms of the Aldrich bill, would have been legal tender and would have been made available in member bank reserves. The Federal reserve-bank notes are neither legal tender nor are they available in member bank reserves; but, on the contrary, every provision that could be thought of was made for their early and prompt redemption. They will be speedily redeemed and their volume will never be larger than that which is demanded by the needs of the community. The member

banks which desire to build up their reserves must do so by securing book credits with the Federal reserve banks, and these book credits can be of service only as they are made available to the banks, i. e., only in proportion as they are rendered active, serviceable, and flexible by giving to the member banks the utmost liberty of action in drawing upon these deposits and in using them as a basis of their exchange operations. When that has been done it may truly be said that the check is an actual form of currency, paralleling the note, not only in its utility and serviceability but in its power to convey value at par throughout the length and breadth of the Nation. To give the Federal reserve act its true value, this system must be made effective and workable, for without it the act is nothing more than a torso deprived of its hands and feet. It will be a mere inert though living mass, incapable of active motion in the world of institutions to which it belongs.

I do not believe that the process of developing the Federal reserve system to its full stature and of making it a living force will be an immediate one. The problems it involves are too difficult; the tasks which must be performed are too involved and require too much change from existing methods to permit of their being hastily embarked upon or immediately carried through to success. Time will be required both for the complete working out of the clearing system and for the realization of the ideals in relation to commercial paper which the Federal Reserve Board has set before itself and to which ultimately, it is to be hoped, the system will approximate. In reaching this full measure of its stature, those who are engaged in developing the act must, of necessity, rely upon the banking community for aid and support. Unwise friends of the system have suggested that it could be carried through to success without such aid on the part of the bankers. That is not possible. No piece of machinery can be successfully operated without intelligence and sympathy on the part of the operator. A good machine in the hands of a poor operator is a failure, and a poor one in the hands of a good operator is often a success. This is quite as true in banking as it is in mechanics. To the bankers of the country, then, the Nation as a whole will look for the success of the Federal reserve system. The bankers can not stand aside even if they would and say that they are not responsible, or that the system has been forced upon them and that they are not in sympathy with it. They have, in fact, accepted it; have provided the resources for the establishment of the Federal reserve banks. They are deeply interested in the success of the system from a financial standpoint. Not to have it successful would be an incalculable disaster to the banking community.

It would put back the cause of banking reform many years. Neither can it be assumed that a partial failure of the system to produce its results would lead to the modification of the law along helpful or desirable lines; on the contrary, it would be likely to open the way to extreme, drastic, and unfair legislation, so much of which has from time to time been suggested. This in itself would be a disaster of tremendous proportions. The way to avoid it is to see that the new reserve institutions are amply and abundantly successful, and to permit them to remedy, so far as their power extends, the evils and shortcomings of American banking—evils and shortcomings which, I am sure, no conscientious banker would deny, but which the bankers have themselves been foremost in pointing out in years past.

Sympathetic and helpful promotion of the ends of the system is thus the dictate not only of patriotism but of self-interest. I believe it will be so considered by those who are recognized in their several communities as leaders. Recognizing you as among this number, and knowing how largely and how generously in the past both the bankers in this portion of the country and the representatives of the Credit Men's Association have cooperated in the effort to secure helpful improvements in banking legislation, I appeal confidently to you for consideration of the ideas I have suggested, and for the extension of that large measure of influence and support which you are so amply able to supply.

ABSTRACT OF SPEECH DELIVERED BY CHARLES S. HAMLIN, GOVERNOR OF THE FEDERAL RESERVE BOARD, BEFORE THE CHICAGO REAL ESTATE BOARD, CHICAGO, FEBRUARY 13, 1915.

The 12 Federal reserve banks, under the new banking system, were opened on November 16, 1914. Although barely 10 weeks have elapsed since their opening, much has been accomplished in the way of placing the operation of our banking system on a secure, firm foundation.

We can better understand what the new system is if we consider the conditions which existed under the old system, under which there were approximately 7,500 independent banks and 7,500 independent reserves. Although called reserves they could not in fact be used except in violation of law, and if at any time they happened to fall below the legal limit, the bank was legally required to suspend business until they were restored, and nothing but the forbearance of the Comptroller of the Currency could save the bank from being placed in the hands of a receiver in case the depleted reserves were not restored.

I have said that these reserves were all independent; there was, however, a certain interdependence caused by the deposit of a certain portion of the reserves with reserve agents in reserve cities, but this interdependence was one rather of danger than of security.

Furthermore, when the banks had performed their function of discounting notes, the notes discounted remained in the bank vaults, buried beyond hope of resurrection until maturity, and if a bank were to take these notes out of its vaults and rediscount them, such an act tended to make people distrust its condition.

In addition, the national-bank currency issued by the banks was chained to Government bonds. When contraction was necessary it was difficult to secure it; when expansion was needed it was slow and cumbersome, often taking effect only after the necessity had passed away. In fact these national-bank notes often increased when they should have decreased, and, conversely, decreased when they should have increased.

It was certainly a strange anomaly to link together the national currency, supposedly responsive to the needs of expanding business, with Government bonds representing war and other necessities of the past. Yet this is what the former system did; the extension of the trade and commerce of the twentieth century was indissolubly linked with the evidences of the destruction of trade and commerce of the nineteenth century. While there may have been some justification for this strange alliance in the nineteenth century, there is surely none in this twentieth century, and it is earnestly to be hoped that the method provided in the Federal reserve act for retiring the national-bank currency and substituting the new Federal reserve notes may prove efficacious.

The old banking system rested in effect upon the call loan. The bank had to have liquid assets, and the call loan was the only liquid asset. How liquid such assets were was seen by the panic of 1907, and again in 1914, when the closing of the stock exchanges took from such loans the only semblance of liquidity they had.

The dependence of our banking system upon assets which were liquid only when liquidity was not needed and which were unsalable at times when liquid assets were needed has resulted in a banking system which financial experts pronounce as one of the worst in the world and utterly unsuited to the financial needs of the United States.

The United States is entitled to the best banking system in the world, and I believe the Federal reserve system, just established, will fully meet its needs.

The extraordinary events just prior to the opening of the Federal reserve banks are familiar to all. The steady exportation of our gold, the unprecedentedly high rates for foreign exchange, the derangement of our export trade caused by the war, the constantly increasing balances against us on current international commercial transactions, the piling up of reserves by many banks throughout the country at a time when they should have drawn upon them, and finally the hoarding of gold by both banks and individuals, culminated in a condition probably the most ominous in the history of our country.

How our new banking system was able to meet this dangerous situation and how successfully we emerged from it constitutes an epoch in the financial history of the world. A slight study of the situation will reveal some of the difficulties and what was done to overcome them.

During the calendar year 1914 there was exported from the United States gold to the amount of over two hundred and twenty-two millions; during the same period there was imported over fifty-seven millions, the net exports amounting to about one hundred and sixty-five millions. For the same period the production of gold in the United States amounted approximately to ninety-two millions. The total stock of gold held by the Treasury, the banks, and in circulation on January 1, 1914, was estimated to be approximately one thousand nine hundred and four millions, while on January 1, 1915, it was estimated to be about one thousand eight hundred and fifteen millions, a decrease of eighty-nine millions.

When it is considered that the United States was able to export one hundred and sixty-five millions of gold in the calendar year and yet reduce its total gold by only eighty-nine millions, a decrease of only 4.6 per cent, some idea of the strength of the United States in gold holdings and gold production will be conveyed.

Certain unusual relief measures were also undertaken and successfully accomplished, which, in connection with the operations of the Federal reserve system, turned the tide and brought about confidence in place of fear and financial stability in place of unsound monetary conditions.

Among these measures was the deposit by the Secretary of the Treasury of crop-moving funds of about $37,000,000 in banks in different parts of the country, all of which was promptly returned, together with over $267,000 in interest. In addition, the Secretary of the Treasury issued and shipped to various banks about $380,000,000 of Aldrich-Vreeland emergency currency, of which all but about $50,000,000 has already been redeemed. This latter measure of relief was made possible by the Federal reserve act which amended the so-called Aldrich-Vreeland Act by lowering the tax imposed upon the notes and increasing the limit of issue. The redemption of these notes was also facilitated by the Federal reserve notes.

These measures gave much relief to the situation, but much was left to be done to place our finances on an absolutely sound basis.

A careful investigation into the international indebtedness of our people abroad showed that our current indebtedness was about $500,000,000, all payable in gold. To take care of this situation pending the revival of our export trade, a gold fund of over $100,000,000 was subscribed by the banks, national and State, in the reserve cities. This fund quickly demonstrated the desire and ability of our people to pay all their foreign obligations, properly payable in gold, in that metal, and this, too, in face of the fact that a large indebtedness owed us from abroad could not be liquidated because of the moratorium in England and other foreign countries.

As the result of the opening of the Federal reserve system and of these relief measures, confidence quickly took the place of uncertainty and little gold had to be shipped out of the country. In a comparatively short space of time our increasing exports took the place of gold, which otherwise must have been shipped. Foreign exchange fell to the importing point and our country became a creditor instead of a debtor.

In order to relieve the situation in the South, a cotton fund of $135,000,000 was subscribed, so that the agriculturists who were producing cotton were enabled to make long-time loans based on cotton security. As was the case with the gold fund, but little of this fund was used, but the fact that it existed was a powerful incentive to a restoration of confidence and it accomplished its work successfully.

The establishment of the Federal reserve system has been, as I have said, a potent cause in our financial recovery, and it is well to point out upon what theory the system is based and what it has already accomplished.

In the first place it established lower reserve requirements, thus releasing an enormous amount of cash as a basis for future credit operations. It mobilized a material proportion of the reserves of the banks in the Federal reserve banks, thus furnishing a fund from which banks could be assisted in rediscounting commercial paper. Thus commercial paper, which previously had to be held in the vaults of the banks until maturity, can now be used as a basis for rediscounts at Federal reserve banks, and this paper has now become a liquid asset, far more liquid than the call loan on the stock exchange.

An elastic note issue was also provided for secured by a 40 per cent gold reserve and by commercial paper up to the face value of the notes issued. Thus we have at hand a really elastic currency rising and falling in response to the needs of agriculture, commerce, and industry. Acceptances in the import and export trade are also permitted to be discounted by Federal reserve banks, and the member banks for the first time were authorized to accept bills drawn upon such transactions.

It can be stated with confidence that under the Federal reserve system we shall see no more financial panics. The member banks no longer need to keep a dollar in excess of their lawful reserves. They can even check against and withdraw their reserves deposited in the Federal reserve banks, under regulations of the Federal Reserve Board, which latter board can suspend any and all reserve requirements of the act when deemed necessary.

Under the Federal reserve system the member banks have to furnish the capital for the Federal reserve banks and deposit a material part of their reserves in said banks. Every dollar of this amount is held in trust for agriculture, commerce, and industry of the United States, and is forever removed from the call-loan market. In addition, every dollar

deposited by the Government with the Federal reserve banks, over and above what is checked against for paying Government debts, is impressed with a similar trust for the same purposes.

The transfer of capital and reserve deposits was made by the member banks without the slightest trouble and without the slightest confusion in business. Many feared that these transfers could not be accomplished without calling in loans and otherwise injuring legitimate business, but this fear was quickly dispelled when it was found how easily and simply the transfer was made. The Federal Reserve Board requested the banks to make these payments, as far as possible, out of their own vaults and also, as far as possible, in gold, and the banks cheerfully complied with this request, so that at the present time a very large proportion of the assets of the Federal reserve banks consist of gold or gold certificates.

Up to the present time very little recourse has been had to the Federal reserve banks by the member banks, the amount of discounts and the issue of Federal reserve notes being very small. There is no necessity, however, at the present time for such assistance on the part of the Federal reserve banks except in certain portions of the country, but within a few months, undoubtedly, these banks will be drawn upon to a very large extent by the member banks.

The fear has been expressed that the Federal reserve banks will have difficulty in earning enough money to pay their expenses and the dividends on their capital stock. I believe this fear to be groundless; but if it were not groundless it would not mean that the Federal reserve system is a failure. The founders of the system established these banks, not to make money but to serve as helpers of the member banks, and through them to insure to the people of the United States security, stability, and reasonable rates for advancements and accommodations, through discount and open-market operations.

How far the system has already gone in helping the people of the United States will be seen from the fact that just prior to the opening of the reserve banks the rates on commercial paper in the large financial centers were 6 per cent or over and very difficult to obtain, while in other parts of the country they were much higher. At the present time, however, these rates have declined at least 25 per cent, and everything points to more nearly uniform rates of discount over the whole country.

Much has been said about the true function of the Federal reserve banks. Some claim that they are purely emergency banks, while others seem to feel that they are ordinary commercial banks which should at all times compete with the member banks. Neither of these extremes, however, represent the real function of the Federal reserve banks. Their duty is not alone to meet emergencies, but, so far as possible, to prevent emergencies from arising, and while ordinarily they do not and are not intended to compete with commercial banks, yet occasions may arise where such competition, through the exercise of their open-market powers, will be necessary for the protection of the people of the United States. It is often said that the Federal reserve banks are bankers' banks, but this is true only to the extent that they deal primarily with the member banks. Their true function, however, as above stated, is to protect the interests of the people, acting through the banks primarily, but whenever necessary acting outside of the banks.

The power of fixing the discount rates which has been vested in the Federal reserve banks, subject to review and determination of the Federal Reserve Board, is a power which must be exercised for the benefit of the whole people, and the final responsibility for its exercise rests with the Federal Reserve Board.

From time to time complaints are heard as to the operation of the Federal reserve banks. Some bankers claim that they lose interest on reserve deposits in Federal reserve banks, which prior to the establishment of the system were deposited with reserve agents; also that they lose interest on the capital of the reserve banks furnished by them. A slight reflection, however, will show that these complaints are more imaginary than real, for the lower reserves established under the act has released a very large amount of cash, and this cash would sustain banking operations which will produce a profit far above any possible loss of interest on their capital or reserve deposits.

It should not be forgotten, moreover, that the stockholding banks are entitled to 6 per cent interest on their investments for the capital of these banks, and, as I have before stated, I do not doubt but that this interest will be earned.

Complaint is also made as to some of the regulations which have been issued by the Federal Reserve Board, especially those relating to discounts of commercial paper. It has been the constant effort of the Federal Reserve Board to simplify its regulations, and new regulations have been issued covering commercial paper which I believe will do away with many, if not all, of the objections heretofore raised. The board appreciates that the custom of merchants must be cautiously changed, and should not be subjected to a sudden disarrangement.

Another important question which is before the board is the admission of State banks into the Federal reserve system. Complaint has been made that the State banks once having joined the system can not withdraw. On the other hand, it is pointed out that the system established is a national system, and that such a system could not exist if its integral parts at any time could withdraw at will.

The question of regulations to be enacted on the matter of admission of State banks has already given rise to many differences of opinion. Some of the national banks contend that the State banks should divest themselves of all powers not given to national banks as a condition of entering into the system. On the other hand, many of the State banks claim that they have the right to enter the system with all their powers, except those which are expressly cut down by the Federal reserve act itself.

The Federal Reserve Board is fully conscious of the importance of the task assigned to it, and it is giving careful attention to all the problems which have arisen, with a view to carrying out the system loyally, not only in form but in spirit.

I believe that the system will be of the greatest advantage to the people of the United States, and will establish the United States on a solid foundation, which will in the near future make it the center of the world's financial exchanges.

PURCHASE OF STEAMER "DACIA" (S. DOC. NO. 979).

Mr. SMITH of Michigan. Mr. President, the request of the Senator from Missouri [Mr. STONE], to which there was no objection, prompts me to make a request. The case of the steamer *Dacia* which has recently been taken into port by the French Government and about which there seems to be a great deal of misunderstanding is bound to become a question of some importance in this country. I said during the course of the speech of the Senator from Montana [Mr. WALSH] a few days ago all that I had to say about the purchaser of the *Dacia*, whom I have known for some time, but I have a complete statement from Mr. Breitung giving his entire connection with the *Dacia* purchase, and I am going to ask leave to have it printed as a public document. I believe that it will be very useful and that it is an eminently proper thing to do. I prefer that request, Mr. President.

Mr. WALSH. Mr. President, I join in the request of the distinguished Senator from the State of Michigan [Mr. SMITH]. I have examined the papers, and I am sure they will be of great interest to the general reading public. It is not to be overlooked that in a controversy of this character, particularly when it becomes the subject of diplomatic negotiations, public opinion is a factor that may well be reckoned with. I am unable to say, for want of information, anything about the transaction other than as appears from these papers, but they are certainly very persuasive that the transaction was an ordinary transaction, a purchase and a complete and bonn fide sale. I am sure the information given will be interesting to the public.

The VICE PRESIDENT. Is there objection to the request of the Senator from Michigan? The Chair hears none, and the order is made.

NAVAL APPROPRIATIONS—CONFERENCE REPORT (S. DOC. NO. 966).

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20975) making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes.

Mr. SMITH of Michigan. Mr. President, I desire to say just a word about the report. I think the committee of conference are to be commended for the work they have done. They had a very difficult task to adjust the differences between the two Houses on the naval bill, and I feel very sure that they have followed the lines that were practicable, and that if we disagree to the report now we imperil all the legislation involved in the bill. I certainly hope that the work of the conferees will be approved.

Mr. TILLMAN. Mr. President, on January 26, addressing the Senate on the naval appropriation bill, I used the following language:

> It would be little short of a crime for the Naval Committee, and for the Congress, too, if we rushed the construction of battleships until we know what lessons the war will teach and show to be wise.

Continuing, I said:

> It does seem to be time for Congress to go slow in expending these tens of millions of dollars because of some supposed necessity.

In pursuance of the policy that we ought to wait until the rivals, the British and German fleets, meet in battle, I introduced an amendment, which went into the bill in practically the same shape in which it was written. I would never have consented for the item providing for two battleships this year to have gone into the bill at all had not the Secretary of the Navy given me assurances that he would not let any contracts and would endeavor to have the plans so drawn as to make a battleship unsinkable, if possible.

With this assurance I was content, and the amendment proposed by me and adopted by both Houses orders a report to Congress at the next session on the best type of warship without limitations as to kind or cost. It would be far wiser to build 6 or even 10 of the right kind of war vessel than increase those that may be demonstrated to be useless if the development of the submarine continues. If it is ever proven that a submarine capable of 30 knots speed on the surface can be built, the days of the battleship are numbered.

I am unwilling to have the program on the increase of the Navy go to the country without this explanation and final word.

The strongest possible reasons exist for this opinion, as shown by Senator Chandler's letter. We already have under construction or authorized seven great sea monsters ranging from 28,000 to 33,000 tons displacement.

These superdreadnaughts will cost, all told, $100,000,000, and the contract for one has not even been let yet. Two more in the present bill make nine, and therefore the Secretary of the Navy is very wise not to hurry. It seems to me from conditions as they are now and the developments brought about by the European war that it may be considered wiser next winter when Congress reassembles, if we build any great war vessels at all, to build those with great speed and high-power guns—not less than 30 knots, perhaps 35, with 15-inch guns, perhaps 16-inch. Such ships could either run or fight, as circumstances might show to be wiser. One hundred millions' worth of ships that may be considered junk in 12 months from now is enough for even a rich country like this to own. I ask that the Secretary may read the following letter.

The Secretary read as follows:

JANUARY 27, 1915.

Hon. B. R. TILLMAN,
Washington, D. C.

MY DEAR SENATOR: Permit me to thank you for the wisest advice upon Army and Navy yet given in or out of Congress. The professional naval or military official can never be trusted to judge wisely upon professional matters. Britain was misled by this class and adopted the dreadnaughts, which rendered most of her navy useless. Germany followed much later, after dreadnaughts had been developed. Thus Germany's naval forces soon began to rival Britain's. The British have hundreds of warships practically obsolete, and had to begin building new dreadnaughts to keep equal with Germany. Now, our country is liable to make the same mistake. There is no need of haste. Gen. Kitchener believes the present war is to be a long one. Our Republic to-day occupies an unrivaled position. The richest of all nations and the most prosperous, with a hundred millions of educated people, alert and vigorous beyond those of other nations, no enemy in sight, and one can scarcely be imagined. To build a great Navy or increase the Army would, in my opinion, be folly only equaled by one who declined to walk outside without a lightning rod down his back because once there was a man struck by lightning. The danger of war upon our country is not greater, unless our military and naval caste alarms other nations by foolishly enlarging our engines of destruction before we know which or what is to prove the errors of the foolish nations now rapidly exhausting their resources both in men, money, and credit.

With congratulations upon having proved yourself the wisest adviser of your country, I am,

Very truly, yours, ANDREW CARNEGIE.

Mr. TILLMAN. Mr. President, I dislike to ask the indulgence of my brethren so often, but a sense of duty impelled me to ask to have read, so that it may get in the RECORD, the letter from Andrew Carnegie relating to the naval building program. I have mislaid this letter, and received a copy only this evening by wire. This letter speaks in such high terms of my poor services as a Senator that I feel obliged to briefly comment on some matters relating to it. I almost blush to be the instrument of its publication on account of this praise.

In the report of the armor-investigating committee which I presented this morning, and which will be published as a public document, will be found that when the committee was at Pittsburgh, at the Carnegie Steel Works, in the examination of Mr. Dinkey, the president of the company, facts were brought out which did Mr. Carnegie no credit. Quotations were made from a speech I delivered in the Senate on March 1, 1897, in which I criticized Mr. Carnegie very severely. He must have known of this criticism, and yet he wrote the letter just read at the desk, showing that he bears me no malice. He and I both are getting old and must soon appear before the Great Judge, and I do not want to do any man any injustice. I felt it to be my duty to bring out the facts as they were found to be in the first armor investigation with which I ever had anything to do, in 1897, as I feel it my duty to say what I am saying now.

Andrew Carnegie is a very remarkable man—one of the most remarkable of our time. He made his millions by reason of the tariff and his canny Scotch intellect, and, unlike most rich men, he has tried to do his fellow citizens what service he could by very liberal donations for the founding of many noble institutions and by liberal contributions to charity.

In early life he was obsessed on money making; he now seems to be obsessed on money giving. He is spending large sums of money in behalf of universal peace, hence his opposition to battleships and all things warlike. The letter which I have just had read shows him to be a very wise and far-seeing man of affairs, a great statesman, in fact. His mind is as clear and alert as ever, and I am very glad to have my ideas on warship construction, the need of increasing the Navy only wisely, and not building more dreadnaughts now indorsed by such an authority.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

DISTRICT ORGANIC-ACT COMMISSION.

The VICE PRESIDENT. The Chair appoints as members of the commission authorized by the District of Columbia appropriation act to be appointed for the purpose of investigating and reporting upon the financial and political relations of the United States of America and the District of Columbia Mr. CHILTON, Mr. SAULSBURY, and Mr. WORKS.

COLUMBIA INSTITUTION FOR THE DEAF.

The VICE PRESIDENT. Under the act of July 27, 1868, and by section 2 thereof, it was provided that one of the directors of the Columbia Institution for the Deaf and Dumb should be a Senator appointed by the President of the Senate. The term of the Hon. GEORGE C. PERKINS, of California, expires upon to-morrow. He does not return to the Senate of the United States. The Chair accordingly designates and appoints Mr. SHAFROTH as such director of the Columbia Institution for the Deaf and Dumb to fill the vacancy.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the amendment of the Senate to the bill (H. R. 16136) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FERRIS, Mr. GRAHAM of Illinois, and Mr. LENROOT managers at the conference on the part of the House.

The message also announced that the House agrees to the amendments of the Senate to the bill (H. R. 20189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20643) granting pensions and increase of pensions to soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21089) granting pensions and increase of pensions to soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20347) making appropriations for the support of the Army for the fiscal year ending June 30, 1916.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19909) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1916.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 20150) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs for fulfilling treaty stipulations of various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1916, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CARTER, Mr. HAYDEN, and Mr. BURKE of South Dakota managers at the conference on the part of the House.

The message also announced that the House had passed the bill (S. 7362) authorizing and directing the Secretary of the Interior to patent certain lands to the State of Utah and to accept relinquishment from the State of Utah of certain other lands in lieu thereof.

The message further announced that the House agrees to the concurrent resolution of the Senate requesting the President to return to the Senate the enrolled bill (S. 3362) to authorize the Secretary of Commerce, through the Coast and Geodetic Survey and the Bureau of Fisheries, to make a survey of natural oyster beds, bars and rocks, and barren bottoms contiguous thereto, in waters along the coast of and within the State of Texas.

The message also announced that the House had passed a joint resolution (H. J. Res. 380) withholding from allotment the unallotted lands or public domain of the Creek Nation or Tribe of Indians, and providing for the sale thereof, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 4180. An act to validate title to certain town sites in the State of Montana;

S. 7212. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

H. R. 2642. An act authorizing the President to reinstate Joseph Elliot Austin as an ensign in the United States Navy;

H. R. 16510. An act to provide for recognizing the services of certain officers of the Army, Navy, and Public Health Service for their services in connection with the construction of the Panama Canal, to extend to certain of such officers the thanks of Congress, and for other purposes;

H. R. 20975. An act making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes;

H. R. 21121. An act to extend the time for constructing a bridge across the Missouri River near Kansas City, Mo., authorized by an act approved June 17, 1914; and

H. R. 21328. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1916, and for other purposes.

GRAND ARMY OF THE REPUBLIC.

Mr. FLETCHER, from the Committee on Printing, to which was referred the following concurrent resolution (No. 56) of the House of Representatives, reported favorably thereon and it was considered by unanimous consent and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there shall be printed as a House document 1,500 copies of the journal of the forty-ninth national encampment of the Grand Army of the Republic for the year 1915, not to exceed $1,700 in cost, with illustrations; 1,000 copies of which shall be for the use of the House and 500 for the use of the Senate.

DAUGHTERS OF THE AMERICAN REVOLUTION (S. DOC. NO. 988).

Mr. FLETCHER, from the Committee on Printing, reported the following resolution (S. Res. 568), which was read, considered by unanimous consent, and agreed to:

Resolved, That the seventeenth report of the National Society of the Daughters of the American Revolution, for the year ended October 11, 1914, transmitted to Congress, pursuant to law, by the Secretary of the Smithsonian Institution, be printed as a Senate document, together with accompanying illustrations.

THE LOBBY INVESTIGATION.

Mr. OVERMAN submitted the following resolution (S. Res. 569), which was read, considered by unanimous consent, and agreed to:

Resolved, That the time by which the Committee on the Judiciary was instructed to report to the Senate on the investigation by a subcommittee thereof authorized under Senate resolution No. 92, Sixty-third Congress, first session, being a resolution instructing them to investigate the charge that a lobby is maintained to influence legislation pending in the Senate, which was heretofore extended by resolutions of June 6 and June 26, 1913, be, and the same is hereby, extended so as to permit the said subcommittee to conclude its investigation and the committee to make its report to the Senate in the first session of the Sixty-fourth Congress; and that the authority granted under resolutions of August 9, 1913, and October 8 (calendar day, October 12), 1914, for the incurring and payment of expenses is hereby extended for the same length of time, so far as it relates to the said investigation and report.

FUR SEALS (S. DOC. NO. 980).

Mr. FLETCHER. I ask that a report on the fur seals and other life of the Pribilof Islands in 1904, by Wilfred H. Osgood, William Preble, and George H. Parker, be printed as a public document, with illustrations.

The VICE PRESIDENT. Without objection, it is so ordered.

STEAMSHIP LINES IN AUSTRALIA (S. DOC. NO. 968).

Mr. FLETCHER. I have a copy of an article on the proposed government-owned steamship lines in Australia, being a report of debate in the senate of the Commonwealth Parliament November, 1912, and also a copy of an article on the government-owned steamships in Western Australia—"Revenue and expenditure." I ask that the papers be printed as one document.

The VICE PRESIDENT. Without objection, that action will be taken.

COST OF ARMOR-PLATE PLANT (H. DOC. NO. 1620).

Mr. OVERMAN and Mr. TILLMAN addressed the Chair.

The VICE PRESIDENT. The Senator from North Carolina.

Mr. OVERMAN. I call up the conference report on the diplomatic and consular appropriation bill, and ask for its adoption.

Mr. TILLMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from South Carolina?

Mr. OVERMAN. Not until I get the conference report up.

Mr. TILLMAN. I do not want to make any speech; I do not want to do anything except to make the report referred to by the Senator from Nebraska [Mr. NORRIS] from the committee to investigate the cost of an armor plant.

Mr. OVERMAN. I have no objection to that. I yield for that purpose.

Mr. TILLMAN. I submit the report of the committee to investigate the cost of an armor plant for the United States, made pursuant to a provision of an act making appropriations for the naval service for the fiscal year ending June 30, 1915, and ask that it be printed.

The report was ordered to be printed, and to be printed in the RECORD, as follows:

REPORT OF THE COMMITTEE TO INVESTIGATE THE COST OF AN ARMOR PLANT FOR THE UNITED STATES.

WASHINGTON, D. C., *February 24, 1915.*

The committee appointed under the provisions of the act making appropriations for the Naval Service for the fiscal year ending June 30, 1915, and for other purposes, approved June 30, 1914, begs to submit to Congress the following report, to wit:

The law under which the committee acts is as follows:

"A committee is hereby appointed, to consist of the chairman of the Committee on Naval Affairs of the Senate and the chairman of the Committee on Naval Affairs of the House of Representatives, and one naval officer, to be selected by the Secretary of the Navy, to investigate and report at the next regular session of Congress upon the cost of erection of an armor plant to enable the United States to manufacture its own armor plate and special-treatment steel, capable of standing all ballistic and other necessary tests required for use in vessels of the Navy, at the lowest possible cost to the Government, taking into consideration all of the elements necessary for the economical and successful operation of such a plant. Said report shall contain the estimated cost of a plant and site sufficient to accommodate a plant having an annual output capacity of twenty thousand tons, and also a plant having an output of ten thousand tons, and also an itemized statement of the estimated cost of the necessary buildings, machinery, and accessories for each, and the estimated annual cost and maintenance of each, and the estimated cost of the finished product.

"Said committee is authorized to sit during the recess of Congress, to send for persons and papers, and to administer oaths.

"The sum of $5,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expenses of said committee, payable upon vouchers signed by the chairman of said committee."

The committee subdivides its report into two parts, with two appendices, as follows:

Part I: Containing the estimates of cost of an armor plant and site sufficient to accommodate an armor plant having an annual output capacity of 20,000 tons, and also a plant having an output of 10,000 tons per year, with itemized statement of estimated cost of the necessary buildings, machinery, and accessories for each.

Part II: Estimated cost of production of face-hardened armor made in the 20,000-ton plant, when working at full capacity, and the estimated annual cost and maintenance of this plant, also the estimated cost of production of face-hardened armor made in the 10,000-ton plant, when working at full capacity, and the estimated annual cost and maintenance of this plant.

Appendix A: Containing the hearings of the committee.

Appendix B: Containing the minutes of the committee.

PART I.

In making the estimate of cost of an armor plant having a 20,000-ton capacity and of an armor plant having a 10,000-ton capacity all available sources of information have been consulted; namely, the Bureau of Yards and Docks; many manufacturers of machine tools, cranes, gas producers, and cars; naval inspectors of ordnance stationed at the works of the various armor makers; engineers employed by steel makers; the files of the Navy Department; and previous congressional reports and investigations.

It is not considered that these estimates are sufficiently accurate to enable the erection of such a plant to be proceeded with. It is thought that they are made with as great accuracy as was possible under the circumstances, and sufficiently so to enable Congress to make the first appropriation, should it be the will of Congress so to do after its examination of this report.

In these estimates the production of the special-treatment steel plating for the tops of turrets and conning towers, as would be necessary to keep pace with the production of thick armor, has been considered, but the manufacture of all special-treatment steel required by the Navy each year on a similar basis has not been considered, for the reason that the committee finds that a plant for the production of special-treatment steel for protective deck plates and similar purposes will have an annual capacity ten times as great as will be required. It is not possible to construct a rolling mill capable of rolling the size and quality of plate desired with a less annual output. If such a plant were erected its entire organization and machinery would be idle for 47 weeks in the year.

Owing to the lack of the necessary engineering and designing skill, it has not been possible to lay down this plant accurately and to place in the various buildings the various pieces of machinery in exactly the same way that they would be installed, and therefore it is probable that many items would have to be added in the shape of machinery, tools, and general equipment which it is impossible to anticipate.

Ten per cent has been added to the estimates for constructive work, buildings, and machinery in order that any unforeseen contingencies would be covered; but even then, before proceeding with the erection of a plant a well-known consulting engineer, familiar with this class of work and with the laying out of a factory, should be consulted, and carefully drawn plans and designs of all buildings and necessary machinery should be made before the construction could be proceeded with. There are certain features in regard to the plan and detailed arrangements of such a plant which only engineers and metallurgists of high repute could pass upon.

Estimates were first prepared for the 20,000-ton plant, and the 10,000-ton plant estimate has been patterned therefrom. The price of the land necessary for the plant and certain other items are so indefinite as to be only the roughest approximation. The location and local conditions will bear largely on the cost of the various buildings and the installation of the machinery therein. The committee calls attention to the fact that the Government now owns, at the Philadelphia Navy Yard, ample land for the erection of an armor factory and, therefore, no land would have to be bought. Philadelphia is an ideal place for the erection of such a plant, as it is accessible both by deep-water transportation and railroad facilities, is near coal and iron, and has a fine labor market. However, the Navy Department itself will select the location and construct the plant, if Congress orders one, and the committee only mentions that no expense for land will be necessary. Besides, the navy yard has facilities for assisting in the construction of this plant which will largely reduce the expense of erecting it.

The capacity of the 20,000-ton plant has been based upon completing 20,000 tons of armor; that is to say, the armor for two battleships and the necessary ballistic, experimental, and shell test plates usually required during the course of a year.

No estimate for the manufacture of any special treatment steel is made, except that required for the turret and conning tower tops, as has been explained previously.

For the production of 20,000 tons of finished armor plate per year about 70,000 tons of ingots would have to be cast, and as the open-hearth plant would be shut down on Sundays and holidays there could be no casting on Saturdays, owing to the fact that no stripping would be permissible on Sundays, and the plant would be able to average only 250 days per year, which means that 280 tons of armor ingots would have to be cast each day.

Each open-hearth furnace would be out for repairs eight weeks per year, or the five would have a total of 40 weeks of idleness. Thus we can reckon on an output of about 85 per cent of the total capacity of five furnaces.

Considering the average weight of plate and the number of plates installed on each of the newest design of battleships, if this plant is to produce the armor for two battleships, there will have to be presented for forging, cementing, reforging, treatment, hardening, and bending two plates per day, and there must be completed in the machine shop an average of five plates every three days.

OFFICE BUILDINGS.

The office building contemplated will be a two-story brick building, fitted for offices on the lower floor, with a drafting room, blue-print room, and photographic room, with vaults for tracings and files on the second floor. In this office would be the administrative and designing force of the plant. The equipment of the office building would consist of desks, chairs, stationery, typewriters, adding machines, etc., necessary and proper for a completely equipped office building, ready to commence work in a plant of this size. The estimate given for the equipment of this office building is necessarily very indefinite and has been made large in order to cover everything, including equipment for foremen's and leading men's offices in the various buildings.

PHYSICAL AND CHEMICAL LABORATORY.

This building will be a two-story brick building, fitted for physical laboratory on the lower floor, with chemical laboratory on the upper floor. The equipment will consist of the necessary instruments and material for the conduct of the work at an armor plant of this size, including a complete microphotographic and examination equipment.

TOOL HOUSE.

This will be a one-story structural steel building, with corrugated steel covering, for the purpose of housing wheelbarrows, shovels, picks, crowbars, and other tools used in the yard.

BRICK SHED.

This will be an open shed, with a raised concrete platform, the frame to be of structural steel, the roof to be of galvanized steel. On the platform, under cover, will be stored refractory brick, large quantities of which will have to be kept in stock for the repairs of open-hearth and treatment furnaces.

CARPENTER SHOP.

This building will have a pitched roof, concrete floor, with steel floor beams; will be fireproofed, will be heated, lighted, and equipped with the necessary plumbing. It will have two stories, and the equipment will consist of workbenches, vises, wood lathes, planers, wood saws, joiners, band saws, molding machine, rip and cross-cut saws, and sanding machine, with shafting, belting, and pulleys for driving the above.

BLACKSMITH SHOP.

This building will be one-story high, with an earth floor; pitched roof, of galvanized steel. The equipment will consist of forges, anvils, and one automatic steam hammer; the idea of this shop being to dress the tools used in the machine shop and around the armor plant, and to make minor repairs.

STOREHOUSE.

This building will be a two-story brick building, with a pitched roof of galvanized steel; will have a concrete floor, steel floor beams; will be fireproofed, and its equipment will consist of shelves, counters, desks, and necessary arrangements for keeping complete account of all stock.

LOCOMOTIVE HOUSE.

This building will be sufficiently large for housing locomotives and steam cranes, and will be fitted for making the necessary repairs to this rolling stock.

ELECTRIC POWER PLANT.

This plant will be contained in a brick building, with structural steel frame and galvanized-iron roof, and will have the necessary turbo-generators, piping, auxiliaries, switchboard, air compressors, etc.

BOILER PLANT.

The boiler house will be a brick building, with galvanized-steel roof, and will contain 20 boilers, with automatic stokers and necessary stacks. Over the boilers will be fitted reinforced concrete coal bunkers, and underground will be the necessary ash-handling machinery.

OPEN-HEARTH PLANT.

In the open-hearth plant will be made all of the steel from which the armor is to be fabricated. The raw material used will be pig iron and scrap, with the necessary nickel, ferrochrome, ferromanganese, etc., required. The building will be one story, with a monitor in its center, the frame of the building to be of structural steel, which will be covered with galvanized steel. It will be fitted with crane runways and will be constructed on such levels as to best accommodate the 5 open-hearth furnaces and the 10 accompanying gas producers. The charging floor in front of the open-hearth furnaces will be laid with tracks for two electric charging machines and for the necessary charging bogies. In the rear of the furnaces, at a lower lever, will be two casting pits, in which the ingots will be cast. Estimates have been made for a heavy crane capable of handling the largest ingots and ladles used in connection with pouring the ingots.

No estimate has been made for the making of sand molds, as it is contemplated that only metal molds will be used, and they will be purchased from some manufacturer of high-grade castings rather than manufactured in the plant. Estimates have been made for the necessary gas mains and coal and ash handling machinery in connection with the gas producers, these producers to be located in a lean-to attached to the building.

FORGING AND BENDING SHOP.

The building will be a flat roof with monitor, fitted with the necessary crane runways. In this building will be located three 14,000-ton capacity presses capable of forging and bending the thickest and heaviest armor known or required.

In the armor plants of domestic manufacturers the forging and bending presses have heretofore been of the hydraulic type, the use of which type necessitates a very high-powered pumping engine. After consultation with the manufacturers of the steam-intensifier type of forging press, the committee is informed by them that it is entirely practicable to use this type of press for the forging and bending of armor, and they state that such presses are used abroad, but none of them have been used in this country, and if it is found that they can be used satisfactorily they will be cheaper than the hydraulic press. This estimate contemplates the use of the steam-intensifier type of press. Should the Government decide to build an armor plant, this matter should be one for the most careful investigation by the engineers employed for the design and layout of the plant; and should it be decided that it would be safer to follow the design of presses used in existing armor plants in this country, these estimates would have to be increased by about $750,000 for the 20,000-ton plant and $500,000 for the 10,000-ton plant.

This shop will also contain ingot-heating and car-bottom plate-heating furnaces for the heating of ingots and plates preparatory to forging, reforging, and bending. The gas producers required for these furnaces will be located in a lean-to on the cementing and tempering shop.

A very large number of dies and tools are required in this shop, which could not be given in the form of an itemized list in the estimate, but are lumped into one general item.

CEMENTING AND TEMPERING SHOP.

This shop will be a one-story, flat-roof and monitor building, structural steel frame covered with galvanized steel, in which the armor plate will be carbonized and heat treated and finally water hardened. It will contain a large number of car-bottom plate-heating furnaces and water-hardening sprays, piping, and reservoirs required for tempering. In a lean-to will be located the necessary gas producers for this shop and for the forging and bending shop. Estimates are made for the gas mains and coal and ash handling machinery for the gas producers. The location of the pumps to supply hydraulic pressure throughout the plant is contemplated as being in this building. This hydraulic pressure will be required for the withdrawal of car bottoms from furnaces, for the opening of the various furnace doors, operation of valves, etc.

MACHINE SHOP.

The machine shop will be a brick building, one-story, flat roof, with the necessary crane runways. This building will be built in two spans, and will be heated and well lighted in order that machine tool work may be done in comfort at all times. The shop will contain the machine tools for finishing armor plate, and will be supplied with cranes for its handling. There will also be the necessary surface plates for the erection of the armor before it leaves the shop. The estimate for this equipment was more accurately and readily prepared than for any other part of the plant, as the makers of the tools were consulted and actual estimates obtained.

ESTIMATES OF COST OF ARMOR FACTORIES OF 20,000 AND 10,000 TONS CAPACITIES.

Summary of cost of armor plant.

	10,000-ton capacity.	20,000-ton capacity.
Site: Grading and clearing; fence	$28,000	$34,000
Office	53,750	74,000
Physical and chemical laboratory	46,875	71,062
Miscellaneous shops and buildings	169,397	247,636
Locomotive house and rolling stock	124,200	169,300
Boiler plant	285,000	457,000
Hydraulic system	35,500	55,000
Electric power house and transmission lines	216,600	351,525
Gas-producer house	246,650	442,250
Coal storage and crushing plant	34,800	47,200
Open-hearth plant	682,950	1,057,800
Forging and bending shop	1,777,800	2,728,500
Cementing and tempering shop	1,105,800	1,912,500
Machine shop	1,224,594	1,744,869
Total	6,031,916	9,392,642
10 per cent incidentals, engineering expenses, unforeseen contingencies	603,191	939,264
Grand total	6,635,107	10,331,906

Detailed cost of armor plant.

Item.	Source of estimate.	10,000-ton plant.			20,000-ton plant.		
		Dimensions or number of units.	Cost per unit.	Total.	Dimensions or number of units.	Cost per unit.	Total.
FOR GENERAL USE.							
Site, location unknown, say	Information received by committee.	60 acres		$12,000.00	70 acres	$200.00	$14,000.00
Grading and clearing, depends on location and natural conditions.				8,000.00			10,000.00
Fence				8,000.00			10,000.00
Total				28,000.00			34,000.00

Detailed cost of armor plant—Continued.

Item.	Source of estimate.	10,000-ton plant.			20,000-ton plant.		
		Dimensions or number of units.	Cost per unit.	Total.	Dimensions or number of units.	Cost per unit.	Total.
OFFICE.							
Building, two-story brick house; offices, on lower floor; tracing room, blue-print room, photographic room, and vault on second floor, including heating, lighting, and plumbing.	Bureau of Yards and Docks....	100 by 50 by 31.....	$0.25	$38,750.00	115 by 60 by 31.....	$0.25	$54,000.00
Equipment, unknown, say.....	.....	.....	.....	15,000.00	.....	.....	20,000.00
Total.....	.....	.....	.....	53,750.00	.....	.....	74,000.00
PHYSICAL AND CHEMICAL LABORATORY.							
Building, two-story brick; including heating, lighting, and plumbing.	Bureau of Yards and Docks....	50 by 50 by 31.....	.25	19,375.00	75 by 50 by 31.....	.25	29,062.00
Chemical equipment.....	Inspector of ordnance	.....	.....	8,000.00	.....	.....	12,500.00
Pyrometric equipment.....	.....do.....	.....	.....	13,000.00	.....	.....	20,000.00
Physical laboratory equipment.....	.....do.....	.....	.....	6,500.00	.....	.....	9,500.00
Total.....	.....	.....	.....	46,875.00	.....	.....	71,062.00
MISCELLANEOUS SHOPS AND BUILDINGS.							
Tool house.....	Bureau of Yards and Docks...	100 by 15 by 12.....	.....	1,400.00	150 by 15 by 12.....	.....	2,000.00
Equipment.....	.....	.....	.....	300.00	.....	.....	500.00
Brick shed.....	Bureau of Yards and Docks...	200 by 40 by 19.....	.03	4,560.00	300 by 40 by 19.....	.03	6,840.00
Carpenter shop, 2-story brick.....	.....do.....	60 by 50 by 39½.....	.10	11,850.00	80 by 50 by 39½.....	.10	15,800.00
Equipment.....	Washington Navy Yard.....	.....	.....	5,000.00	.....	.....	7,510.00
Blacksmith shop, 1-story brick.....	.....	100 by 85 by 22½.....	.07	13,387.00	100 by 85 by 22½.....	.07	13,387.00
Equipment.....	.....	.....	.....	5,000.00	.....	.....	5,000.00
Storehouse, 2-story brick.....	Bureau of Yards and Docks...	60 by 40 by 31.....	.15	11,160.00	80 by 40 by 31.....	.15	14,880.00
Equipment.....	Inspector of ordnance.....	.....	.....	1,500.00	.....	.....	2,000.00
Comfort stations.....	Bureau of Yards and Docks...	Two.....	5,000.00	10,000.00	Four.....	5,000.00	20,000.00
Water supply with necessary piping and sewerage with necessary piping (depends on location), say.	.....do.....	.....	.....	57,000.00	.....	.....	85,000.00
Fire service, including pumps, shed, fire stations, hose, fire hydrants.	Inspector of ordnance.....	.....	.....	10,000.00	.....	.....	15,000.00
Oxyhydrogen building, with equipment.	Inspector of ordnance.....	.....	.....	20,000.00	.....	.....	35,000.00
Roads, pavements, etc. (depends on location), say.	.....	.....	.....	5,000.00	.....	.....	7,500.00
Telephones.....	Washington Navy Yard.....	.....	.....	2,000.00	33 phones and switchboards.	.....	3,660.00
Dispensary, 2-story brick.....	Bureau of Yards and Docks...	40 by 20 by 30.....	.26	6,240.00	40 by 20 by 30.....	.26	6,240.00
Lighting.....	Washington Navy Yard.....	.....	.....	1,000.00	.....	.....	1,379.00
Fire-alarm system.....	.....do.....	6 stations.....	.....	4,000.00	10 stations.....	.....	6,000.00
Total.....	.....	.....	.....	169,397.00	.....	.....	247,636.00
LOCOMOTIVE HOUSE AND ROLLING STOCK.							
Building.....	Bureau of Yards and Docks...	75 by 60 by 15.....	.10	6,750.00	100 by 60 by 15.....	.10	9,000.00
Tools.....	.....do.....	.....	.....	3,000.00	.....	.....	4,000.00
Locomotives.....	Manufacturer.....	Two.....	7,500.00	15,000.00	Three.....	7,500.00	22,500.00
Cars.....	.....do.....	One 200-ton.....	4,000.00	4,000.00	One 200-ton.....	4,000.00	4,000.00
	.....do.....	Four 50-ton.....	1,200.00	4,800.00	Eight 50-ton.....	1,200.00	9,600.00
Electric cars.....	.....do.....	Two 50-ton.....	5,000.00	10,000.00	Three 50-ton.....	5,000.00	15,000.00
Bogies.....	.....do.....	Fifteen.....	310.00	4,650.00	Twenty.....	310.00	6,200.00
Railway track, turnouts, yards, and shops.	Bureau of Yards and Docks...	4 miles.....	14,000.00	56,000.00	5 miles.....	14,000.00	70,000.00
Trolley track.....	.....do.....	2,000 feet.....	3.00	6,000.00	2,000 feet.....	3.00	6,000.00
Locomotive cranes.....	Naval proving ground.....	One 15-ton.....	9,000.00	9,000.00	Two 15-ton.....	9,000.00	18,000.00
Railway scales.....	Bureau of Yards and Docks...	One 150-ton.....	5,000.00	5,000.00	One 150-ton.....	5,000.00	5,000.00
Total.....	.....	.....	.....	124,200.00	.....	.....	160,300.00
BOILER PLANT.							
Building, including runway for crane.	Bureau of Yards and Docks...	150 by 100.....	[1] 6.00	90,000.00	230 by 100.....	[1] 6.00	138,000.00
Boilers, with stokers and stacks.....	.....do.....	Twelve, 500 horsepower each.	.....	150,000.00	Twenty, 150 horsepower each.	.....	247,000.00
Coal and ash handling machinery; coal bin and underground ash tunnel.	.....do.....	Overhead bunker, underground ash tunnel.	.....	30,000.00	Overhead bunker, underground ash tunnel.	.....	50,000.00
Feed-water heaters, pumps, piping, steam lines.	.....do.....	.....	.....	15,000.00	.....	.....	22,000.00
Total.....	.....	.....	.....	285,000.00	.....	.....	457,000.00
HYDRAULIC SYSTEM, WATER POWER FOR ALL PURPOSES EXCEPT LARGE PRESSES.							
[No building; this machinery to be in press house.]							
Pumps and auxiliaries, including accumulators.	Information received by committee.	.....	.....	20,500.00	.....	.....	35,000.00
Valves and piping to points of consumption.	.....do.....	.....	.....	15,000.00	.....	.....	20,000.00
Total.....	.....	.....	.....	35,500.00	.....	.....	55,000.00

[1] Per square foot.

Detailed cost of armor plant—Continued.

Item.	Source of estimate.	10,000-ton plant.			20,000-ton plant.		
		Dimensions or number of units.	Cost per unit.	Total.	Dimensions or number of units.	Cost per unit.	Total.
ELECTRIC POWER HOUSE AND POWER TRANSMISSION LINES.							
Building, structural steel and brick.	Bureau of Yards and Docks...	60 by 75	[1] $10.00	$45,000.00	60 by 100	[1] $10.00	$60,000.00
Turbo-generators, condensers, and piping.	Manufacturer	One, 1,500 kilowatts; two, 1,000 kilowatts.		100,000.00	Two, 3,000 kilowatts		174,500.00
Traveling crane and necessary auxiliaries.				9,600.00			9,600.00
Transmission lines to points of consumption, including conduits, switchboard, and wiring in power house.	Washington Navy Yard			20,000.00 7,000.00			27,425.00 10,000.00
5,000 cubic feet air compressors, condensers, foundations, etc.	Bureau of Yards and Docks...	One		35,000.00	Two		70,000.00
Total				216,600.00			351,525.00
GAS-PRODUCER HOUSE.							
Buildings, structural steel and galvanized iron, including foundations.	Manufacturers	19 producers	4,000.00	76,000.00	35 producers	4,000.00	140,000.00
Gas producers complete:							
For open-hearth furnaces	....do	Six 10-foot	5,000.00	30,000.00	Ten 10-foot	5,000.00	50,000.00
For heating furnaces for cementing, forging, and tempering.	....do	Thirteen 10-foot	5,000.00	65,000.00	Twenty-five 10-foot	5,000.00	125,000.00
Erection of producers	Information received by committee.	7 per cent	350.00	6,650.00	7 per cent	350.00	12,250.00
Gas mains	....do			50,000.00			80,000.00
Coal bins and ash handling	....do		[2] 1,000.00	19,000.00		[2] 1,000.00	35,000.00
Total				246,650.00			442,250.00
COAL STORAGE AND CRUSHING PLANT.							
Cranes, crushers, elevators, conveyors.	Information received by committee.			30,000.00			40,000.00
Coal cars	....do	Four	1,200.00	4,800.00	Six	1,200.00	7,200.00
Total				34,800.00			47,200.00
OPEN-HEARTH PLANT.							
Building, structural steel and galvanized-iron construction, including crane runways.	Bureau of Yards and Docks...	500 by 80 by 30, 500 by 166 by 50.	.05	267,500.00	700 by 80 by 30, 700 by 166 by 50.	.05	374,000.00
Cranes, electric traveling and jib	Manufacturers	One 200-ton and 30-ton auxiliary.	50,000.00	50,000.00	One 200-ton and 30-ton auxiliary.	50,000.00	50,000.00
	....do	One 100-ton and 25-ton auxiliary.	25,000.00	25,000.00	Two 100-ton and 25-ton auxiliary.	25,000.00	50,000.00
	....do	Three 10-ton jib	4,000.00	12,000.00	Five 10-ton electric jib.	4,000.00	20,000.00
Furnaces, including stacks, flues, and regenerative chambers.		Three 60-ton	60,000.00	180,000.00	Five 60-ton	60,000.00	300,000.00
Electric charging machines	Inspector of ordnance	One	15,000.00	15,000.00	Two	15,000.00	30,000.00
Ladles	Information received by committee.	Two 75-ton	2,000.00	4,000.00	Three 75-ton	2,000.00	6,000.00
	Manufacturers	Two 50-ton	1,600.00	3,200.00	Four 50-ton	1,600.00	6,400.00
	....do	One 30-ton	950.00	950.00	Two 30-ton	950.00	1,900.00
Casting pit, concrete	Bureau of Yards and Docks...	One 40 by 20 by 23	10,000.00	10,000.00	Two 40 by 20 by 23	10,000.00	20,000.00
Bogies, charging cars	Manufacturer	Thirty	310.00	9,300.00	Fifty	310.00	15,500.00
Charging boxes	....do	One hundred	35.00	3,500.00	Two hundred	35.00	7,000.00
Scales	Yards and Docks	One 50-ton	2,500.00	2,500.00	Two 50-ton	2,500.00	5,000.00
Laboratory for carbon determination; must be in open-hearth plant.	Inspector of ordnance	One	2,000.00	2,000.00	One	2,000.00	2,000.00
Flasks for armor, to be made of good grade of cast iron; each mold will weigh in the neighborhood of 200,000 pounds.		Eight	[3] .03	48,000.00	Sixteen	[3] .03	96,000.00
Stock yard	Bureau of Yards and Docks...	One 10-ton crane, with runway.	12,500.00	12,500.00	Two 10-ton cranes, with 600 feet of runway.	12,500.00	25,000.00
Scrap yard:							
Shears	Inspector of ordnance	One	8,000.00	8,000.00	One	8,000.00	8,000.00
Ten-ton drop crane	....do	One	7,000.00	7,000.00	One	7,000.00	7,000.00
Crane runways	....do	One	10,000.00	10,000.00	One	10,000.00	10,000.00
Bins for dolomite, magnesite, nickel, etc.	....do		8,000.00	8,000.00		15,000.00	15,000.00
Special rolling stock:							
Ingot transfer cars	Manufacturer	Five	500.00	2,500.00	Ten	500.00	5,000.00
Cinder cars	Inspector of ordnance	One	2,000.00	2,000.00	Two	2,000.00	4,000.00
Total				682,950.00			1,057,800.00
FORGING AND BENDING SHOP.							
Building, structural steel, with corrugated galvanized-iron sides.	Bureau of Yards and Docks...	600 by 218 by 50, 600 by 90 by 27.	.05	472,800.00	1,140 by 218 by 50, 1,140 by 90 by 27.	.05	760,000.00
Furnaces:							
Ingot heating	Inspector of ordnance	Three	24,000.00	72,000.00	Four	24,000.00	96,000.00
Regenerative, car-bottom, plate heating.	....do	Five	27,500.00	137,500.00	Ten	27,500.00	275,000.00
Presses: Forging presses, with intensifiers and pumps, piping, cranes, completely installed.	Manufacturer	Two 14,000-ton	400,000.00	800,000.00	Three 14,000-ton	400,000.00	1,200,000.00
Cranes	....do	One 200-ton, with 30-ton auxiliary.	50,000.00	50,000.00	One 200-ton, with 30-ton auxiliary.	50,000.00	50,000.00
	....do	Three 100-ton, with 25-ton auxiliary.	25,000.00	75,000.00	Four 100-ton, with 25-ton auxiliary.	25,000.00	100,000.00
	....do	One 75-ton	21,500.00	21,500.00	One 75-ton	21,500.00	21,500.00

[1] Per square foot. [2] Per producer. [3] Per pound.

Detailed cost of armor plant—Continued.

Item.	Source of estimate.	10,000-ton plant.			20,000-ton plant.		
		Dimensions or number of units.	Cost per unit.	Total.	Dimensions or number of units.	Cost per unit.	Total.
FORGING AND BENDING SHOP—CON.							
Tanks for water and oil, with pumps	Inspector of ordnance			$15,000.00			$15,000.00
Dies and tools	do			75,000.00			125,000.00
Scaling machines	do			4,000.00			6,000.00
Pipes for steam, air, and water in the building and to the boiler house, including drains.	do			25,000.00			50,000.00
Total				1,777,800.00			2,728,500.00
CEMENTING AND TEMPERING SHOP.							
Building, structural steel, with galvanized-iron sides, including crane runways.	Bureau of Yards and Docks	600 by 218 by 50, 600 by 90 by 27.	$0.05	472,800.00	1,140 by 218 by 50, 1,140 by 90 by 27.	$0.05	760,000.00
Furnaces, regenerative, car-bottom, for cementation and treatment.	Inspector of ordnance	Eighteen	27,500.00	495,000.00	Thirty-five	27,500.00	962,500.00
Cranes	Manufacturer	One 200-ton, 30-ton auxiliary.	50,000.00	50,000.00	One 200-ton, 30-ton auxiliary.	50,000.00	50,000.00
	do	Two 100-ton, 25-ton auxiliary.	25,000.00	50,000.00	Three 100-ton, 25-ton auxiliary.	25,000.00	75,000.00
Spraying apparatus	Inspector of ordnance	One 16 by 40, double	22,000.00	22,000.00	Two 16 by 40, double	22,000.00	44,000.00
Piping, water, steam, air, and drains.	do			10,000.00			15,000.00
Water reservoirs	do	Two 30 by 13 by 10, concrete.	3,000.00	6,000.00	Two 30 by 13 by 10, concrete.	3,000.00	6,000.00
Total				1,105,800.00			1,912,500.00

Machine shop.

Item.	Source of estimate.	Unit price.	10,000-ton plant.		20,000-ton plant.	
			Number of units.	Total.	Number of units.	Total.
Building, with two spans 75 feet each: About 600 feet for 10,000-ton plant, about 800 feet for 20,000-ton plant.	Bureau of Yards and Docks	[1] $0.08	600 by 150 by 50.	$360,000.00	800 by 150 by 50	$480,000.00
Cranes:						
100-ton single-trolley traveling cranes, 25-ton auxiliary.	Manufacturer	25,000.00	2	50,000.00	2	50,000.00
75-ton single-trolley traveling cranes, 10-ton auxiliary.	do	21,500.00			2	43,000.00
75-ton double-trolley traveling cranes, each trolley 37½ tons.	do	24,000.00	2	48,000.00	2	48,000.00
Machine tools and equipments:						
Edge planers, to plane edges of plates 32 feet long by 18 inches thick, any angle.	do	24,000.00	2	48,000.00	3	72,000.00
Breast planers, to plane ends of plates 32 by 14 feet by 18 inches thick.	do	26,000.00	3	78,000.00	5	130,000.00
Pit planer, to plane plates 20 by 35 feet by 18 inches.	do	63,000.00	1	63,000.00	1	63,000.00
Standard planers, to plane 12 feet wide by 26 feet long.	do	26,850.00	1	26,850.00	2	53,700.00
Standard planers, to plane 14 feet wide by 26 feet long.	do	32,500.00	1	32,500.00	2	65,000.00
Standard 3 by 3 by 10 foot planer, 4 heads	do	4,000.00	1	4,000.00	1	4,000.00
Rotary planer and saw combined, 73-inch diameter head, 28-foot longitudinal travel.	do	16,000.00	1	16,000.00	1	16,000.00
Rotary saws, 73-inch diameter saws, 28-foot travel (saw blades not included).	do	15,000.00	3	45,000.00	4	60,000.00
Universal drilling and milling machines, post 26-foot longitudinal and saddle 12-foot vertical travel.	Inspector of ordnance	25,000.00	2	50,000.00	4	100,000.00
Portable Universal drilling and milling machines, post 24-inch horizontal, saddle 18-inch vertical, and spindle 26-inch horizontal travel.	do	1,875.00	2	3,750.00	3	5,625.00
Two-post Universal drilling machines, with 16 feet between uprights and 8 inches clear in height.	do	15,750.00	3	47,250.00	5	78,750.00
Radial drill, 6-foot vertical, 6-foot horizontal, and spindle 3-foot vertical travel.	do	13,400.00	1	13,400.00	1	13,400.00
Grinding machines, 36-inch diameter wheel, 32-inch travel.	Manufacturer	9,725.00	2	19,450.00	3	29,175.00
Tool grinders, Bridgeport No. 5	Inspector of ordnance	500.00	1	500.00	2	1,000.00
No. 1 Universal tool grinder, "Sellers"	do	1,650.00	1	1,650.00	1	1,650.00
Armor-plate saw-grinding machine	Manufacturer	1,300.00	1	1,300.00	1	1,300.00
Tindell-Morris saw blades, for saw machines.	Inspector of ordnance	860.00	6	5,160.00	12	10,320.00
3 by 36 inch New Model turret lathes	do	1,700.00	3	5,100.00	4	6,800.00
Special nut turret lathe	do	3,200.00	1	3,200.00	1	3,200.00
Little Giant (size E) air drills	do	82.00	7	574.00	10	820.00
Electric hand grinders, portable	do	300.00	4	1,200.00	6	1,800.00
Erecting pit, 12 by 12 by 36 feet deep	do	[1] 1.00	1	5,200.00	1	5,200.00
Erecting beds, 50 by 130 feet	do	13,200.00	2	26,400.00	2	26,400.00
Angle erecting stands	do	150.00	25	3,750.00	50	7,500.00
Lifting gear, sets	do	280.00	4	1,120.00	8	2,240.00
Cast-steel lifting dogs	do	160.00	20	3,200.00	30	4,800.00
Test cutters	do	4,500.00	2	9,000.00	2	9,000.00
Cutting tools for planers, saws, etc. (*a*)	do			30,000.00		41,400.00
Large mills with inserted blades	do			800.00		1,120.00
Small mills, miscellaneous (*a*)	do			4,000.00		5,874.00
Sockets for mills, drills, etc. (*b*)	do			600.00		800.00
Boring bars for drilling and milling machines (*b*)	do			800.00		1,000.00
Flat, twist, and trepanning drills (*a*)	do			7,000.00		11,500.00
Taps for bolt holes, nuts, and miscellaneous (*c*)	do			15,000.00		20,500.00
Gauges, plug and ring, for bolts and nuts	do			800.00		1,100.00
Tap wrenches for miscellaneous taps	do			75.00		75.00
Ratchet wrenches for tapping, etc	do			125.00		125.00

[1] Per cube foot.

Machine shop—Continued.

Item.	Source of estimate.	Unit price.	10,000-ton plant.		20,000-ton plant.	
			Number of units.	Total.	Number of units.	Total.
Clamps, bolts, stops, etc., for setting up work and securing same on machines. (*b*)	Inspector of ordnance			$4,000.00		$5,250.000
Gauges, templates, etc., for inspecting plates	do			2,500.00		3,000.00
Miscellaneous sledges, hammers, pinch bars, surface gauges, straightedges, measuring tapes center punches, hose for air and water, etc.	do			800.00		1,190.00
Emery and corundum wheels for grinders, all types. (*a*)	do			1,500.00		2,000.00
Tools for tool room:						
16-inch tool-room lathe	Information received by committee.	$1,200.00	1	1,200.00	1	1,200.00
30-inch tool-room lathe	do	2,665.00	1	2,665.00	2	5,330.00
Milling machine	do	2,450.00	1	2,450.00	1	2,450.00
Tool grinder	do	500.00	1	500.00	1	500.00
Universal grinding machine	do	1,500.00	1	1,500.00	1	1,500.00
Drill presses	do	700.00	1	700.00	2	1,400.00
Workbenches	do			125.00		125.00
Gauges	do			800.00		800.00
Vises	do			100.00		150.00
Miscellaneous small tools and equipment	do			900.00		1,500.00
Arbor presses, tool stands, tote boxes, etc.	do			600.00		800.00
Installation of above tools, inclusive of foundations, wiring, etc.				150,000.00		210,000.00
Soda-water system				5,000.00		7,000.00
Heating	Washington Navy Yard			15,000.00		21,000.00
Scale, 75-ton capacity	Bureau of Yards and Docks	2,500.00		2,500.00		2,500.00
Total				1,224,594.00		1,744,869.00

	10,000-ton plant.	20,000-ton plant.		10,000-ton plant.	20,000-ton plant.
Building	$360,000	$480,000	Miscellaneous	$172,500	$240,500
Cranes	98,000	141,000			
Machine tools	582,554	867,614	Total	1,224,594	1,744,869
Tools in tool room	11,540	15,755			

NOTE.—Replacement of tools per year: (*a*) 100 per cent; (*b*) 50 per cent; (*c*) 25 per cent.

PART II.

The estimated cost of face-hardened armor made in the 20,000-ton and the 10,000-ton plants, when working at full capacity, is made up as follows:

(a) An estimate has been made of the probable number of employees required for plants of these sizes, with their daily or annual rates of pay. The national holidays, summer half holidays, and 15 days' annual leave due to each Government employee has been considered. With this in view, the total annual pay roll has been computed, which has been divided between 20,000 tons and 10,000 tons of armor, which are to be the respective productions of the plants, giving the cost of labor per ton of armor in such plants. In this cost of labor per ton of armor is included the labor of repair and maintenance, as the men who perform this work are included in the annual pay roll of the plants.

(b) The rates of pay have been obtained by ascertaining what men of similar rating receive at similar plants and by consulting the wage schedule of the navy yard, Washington.

(c) The metal per ton of plate has been obtained by taking the standard practice for making up a charge of nickel chrome alloy and charging the price per ton which prevailed during 1913 for the material. The cost of metal per ton is the same for both plants. The furnace losses, pit scrap, rejected ingots, have been obtained from actual practice. The amount of finished plate produced from ingots at the forge has been obtained by actually ascertaining the respective weights of ingots at forge presented by one company and comparing it to the number of finished plates produced by that same company. In obtaining the cost of the metal in a ton of plate credit for pit scrap and nickel scrap plates and ingots has been given at the same rate at which this material is charged into the furnace charge, the labor necessary for cutting this material up being already included in the pay roll.

(d) The maintenance and repairs per ton of armor has been obtained by estimate and is thought to be fairly accurate. The price of the coal used is the contract price for coal for the Navy for 1915; the other estimates have been obtained by observation and investigation. The 2 per cent of installation cost for upkeep of plant and buildings is for the extensive overhauls of furnaces and upkeep of the buildings and materials necessary to keep the plant in first-class condition, other than those small repairs which are necessary to keep in a going condition. This percentage is less than has ever been used in previous estimates, but is thought to be sufficient.

(e) By adding the four parts mentioned previously, the total cost per ton of armor has been obtained, which is the production cost only. No allowances is made for depreciation, fire losses, or Navy Department administration.

The following estimates for armor made in the 20,000-ton and the 10,000-ton plants, respectively, are made on the assumption that the Government will require sufficient armor each year to keep these plants going at their full capacity. Should these plants not be kept going at full annual capacity the cost of the armor produced would be increased, and should there not be in any one year occasion for the manufacture of any armor, the cost of maintenance for this year would have to be distributed over the production cost for several years, thus increasing the average cost of the armor produced in the plants.

Just how much this increase in cost of armor would be, due to the fact that the plant is not working at full capacity can not be foretold, but it would vary, due to the specific circumstances under which the plant might be operated for that year.

Summary of probable cost of armor in a 20,000-ton Government armor plant when operating at full capacity.

	Component.	Amount per ton.
Exhibit A	Labor per ton (pay roll)	$71.92
Exhibit B	Metal per ton	107.14
Exhibit C	Repairs and maintenance (*a*)	40.72
	Maintenance of plant (*b*)	10.33
	Total	230.11

Summary of probable cost of armor in a 10,000-ton Government armor plant when operating at full capacity.

	Component.	Amount per ton.
Exhibit A	Labor per ton (pay roll)	$87.38
Exhibit B	Metal per ton	107.14
Exhibit C	Repairs and maintenance (*a*)	55.00
	Maintenance of plant (*b*)	13.27
	Total	262.79

EXHIBIT A.

Pay-roll summary of 20,000-ton armor plant.

Employees.	Location.	Daily.	Annual.
8	General offices		$47,500
27	Main office	$84.88	
10	Pay and time office	37.60	
10	Laboratory	31.76	
3	Dispensary	7.20	
16	Blacksmith shop	58.00	
24	Carpenter shop	90.32	
80	Power plant	229.80	
46	Locomotive house	125.84	
13	Storehouse	36.88	
105	Miscellaneous and yard	306.32	
257	Open hearth	693.89	
277	Forge and bending shop	816.64	
280	Cementing and tempering shop	725.63	
372	Machine shop	1,127.42	
1,528	Total	4,372.18	1,368,492.34

Pay-roll summary of 20,000-ton armor plant—Continued.

Employees.	Location.	Daily.	Summary.
	Sundays—		
	Power plant	$172.35	
	Open hearth	231.39	
	403.74 times 52		$20,994.48
	Holidays: 50 per cent $403.74 equals $201.87, times 7		1,413.09
	Total		1,438,399.91
	Pay roll per ton		71.92

Pay-roll summary of 10,000-ton armor plant.

Employees.	Location.	Daily.	Annual.
8	General offices		$47,500.00
16	Main office	$52.12	
5	Pay and time office	18.80	
7	Laboratory	28.80	
3	Dispensary	7.20	
9	Blacksmith shop	32.40	
14	Carpenter shop	52.88	
50	Power plant	144.52	
27	Locomotive house	74.72	
7	Storehouse	20.32	
65	Miscellaneous and yard	185.84	
162	Open hearth	446.19	
161	Forge and bending shop	488.76	
156	Cementing and tempering shop	413.00	
206	Machine shop	629.36	
896	Total	2,594.91	$12,206.83
	Sundays and holidays		14,107.51
	Total		873,814.34
	Pay roll per ton		87.38

PROBABLE PAY ROLL FOR 20,000-TON AND 10,000-TON ARMOR PLANTS.

The wages per day are based on the wages now in force at similar plants and at the Naval Gun Factory.

The number of per diem employees is based on three eight-hour shifts, Sundays and holidays excluded. The pay table shows the total number, but does not divide them into shifts. Employees work 284 days a year, but are paid for 313 days. It is estimated that 145 employees would work on Sundays in the 20,000-ton plant and 94 in the 10,000-ton plant, as the power plant must be in operation and one shift in the open hearth must be coming on at 4 p. m. to start a melt for tapping on Monday.

Position.	Salary per year.
General offices:	
General superintendent	$15,000
Open-hearth superintendent	6,000
Forging-plant superintendent	5,000
Armor-treatment superintendent	5,000
Machine-shop superintendent	4,000
Chief engineer of plant	4,000
Metallurgist	6,000
Chemist	2,500
	47,500

Number, 20,000-ton plant.	Number, 10,000-ton plant.	Position.	Daily wages.	Total daily wages, 20,000-ton plant.	Total daily wages, 10,000-ton plant.
		MAIN OFFICE.			
1	1	Chief clerk	$5.04	$5.04	$5.04
5	3	Stenographers	3.28	16.40	9.84
6	3	Clerks	3.72	22.32	11.16
6	3	Messengers	1.76	10.56	5.28
1	1	Janitor	2.00	2.00	2.00
2	1	Assistant janitors	1.76	3.52	1.76
1	1	Draftsman	5.04	5.04	5.04
5	3	Draftsmen	4.00	20.00	12.00
27	16			84.88	52.12
		PAY AND TIME OFFICE.			
10	5	Clerks	3.76	37.60	18.80
		LABORATORY.			
4	3	Assistant chemist	4.40	17.60	13.20
2	1	Assistant metallurgist	5.04	10.08	5.04
2	2	Testing-machine men	3.52	7.04	7.04
2	1	Clerks	3.52	7.04	3.52
10	7			31.76	28.80
		DISPENSARY.			
3	3	Dispensary attendants	$2.40	$7.20	$7.20
		BLACKSMITH SHOP.			
3	1	Hammermen	3.60	10.80	3.60
1	1	Heater	3.20	3.20	3.20
5	3	Tool dressers	3.60	18.00	10.80
2	1	Tool temperers	4.00	8.00	4.00
5	3	Blacksmiths	3.60	18.00	10.80
16	9			58.00	32.40
		CARPENTER SHOP.			
1	1	Chief carpenter	5.04	5.04	5.04
4	2	Pattern makers	4.00	16.00	8.00
12	6	Carpenters	3.76	45.12	22.56
6	4	Painters	3.44	20.64	13.76
1	1	Clerk	3.52	3.52	3.52
24	14			90.32	52.88
		POWER PLANT.			
3	3	Foremen	5.04	15.12	15.12
15	9	Water tenders	3.28	49.20	29.52
15	9	Firemen	2.12	31.80	19.08
12	8	Laborers	1.76	21.12	14.08
3	3	Oilers	2.80	8.40	8.40
20	12	Repair gang	3.12	62.40	37.44
6	3	Engineers for generators	3.28	19.68	9.84
6	3	Electricians for generators	3.68	22.08	11.04
80	50			229.80	144.52
		LOCOMOTIVE HOUSE.			
2	1	Cranemen	2.80	5.60	2.80
6	4	Engine drivers	3.04	18.24	12.16
6	4	Firemen and helpers	2.72	16.32	10.88
6	4	Motormen	2.72	16.32	10.88
4	2	Locomotive crane drivers	3.04	12.16	6.08
12	6	....do	2.00	24.00	12.00
5	3	Repair gang	3.52	17.60	10.56
5	3	....do	3.12	15.60	9.36
46	27			125.84	74.72
		STOREHOUSE.			
7	4	Clerks	3.76	26.32	15.04
6	3	Laborers	1.76	10.56	5.28
13	7			36.88	20.32
		MISCELLANEOUS (YARD).			
10	5	Bricklayers	4.72	47.20	23.60
2	1	Toolhouse keepers	2.00	4.00	2.00
12	7	Track laborers	2.00	24.00	14.00
20	12	Laborers	1.76	35.20	21.12
3	3	Gang bosses	2.72	8.16	8.16
8	4	Steamfitters	3.60	28.80	14.40
12	7	Electricians	3.44	41.28	24.08
12	7	Armature winders	3.52	42.24	24.64
3	3	Lampmen	2.72	8.16	8.16
2	2	Storekeepers	2.56	5.12	5.12
6	3	Wiremen	3.44	20.64	10.32
12	9	Watchmen	2.56	30.72	23.04
3	2	Pipefitters	3.20	10.80	7.20
105	65			306.32	185.84
		OPEN-HEARTH SHOP.			
1	1	Foreman	8.32	8.32	8.32
3	6	Foremen (sub)	6.32	18.96	18.96
15	9	Molders	3.60	54.00	32.40
45	27	Firemen (producers)	2.40	108.00	64.80
3	3	Melters	6.00	18.00	18.00
3	3	Melters (helpers)	3.04	9.12	9.12
6	3	Charging-machine tenders	3.04	18.24	9.12
45	25	Pitmen	2.48	111.60	62.00
60	40	Floormen	2.00	120.00	80.00
12	8	Cranemen	2.80	33.60	22.40
6	3	Scrap-yard laborers	2.00	12.00	6.00
1	1	Scrap-yard boss	2.72	2.72	2.72
5	3	Clerks	2.52	12.60	7.56
1	1	Messenger	1.76	1.76	1.76
3	3	Oilers	2.80	8.40	8.40
3	2	Electricians	3.44	10.32	6.88
45	27	Repair gang (furnaces)	3.25	146.25	87.75
257	162			693.89	446.19
		FORGING AND BENDING SHOP.			
1	1	Foreman	8.32	8.32	8.32
6	4	Foremen (press)	6.32	37.92	25.28

Number, 20,000-ton plant.	Number, 10,000-ton plant.	Position.	Daily wages.	Total daily wages, 20,000-ton plant.	Total daily wages, 10,000-ton plant.
		FORGING AND BENDING SHOP—continued.			
36	24	Levermen	$4.00	$144.00	$96.00
15	8	Chippers	2.48	37.20	19.84
30	15	Floormen	2.00	60.00	30.00
18	15	Cranemen	2.80	50.40	42.00
45	25	Heaters	2.80	126.00	70.00
6	3	Pump engineers	3.52	21.12	10.56
12	6	Pump engineer helpers	2.72	32.64	16.32
40	20	Producer firemen	2.40	96.00	48.00
3	3	Floor bosses	4.00	12.00	12.00
12	6	Pyrometer tenders	2.24	26.88	13.44
15	8	Scalers	2.48	37.20	19.84
3	3	Boss heaters	4.00	12.00	12.00
2	2	Clerks	2.52	5.04	5.04
24	12	Repair gang	3.25	78.00	39.00
6	3	Steam fitters	3.60	21.60	10.80
3	3	Electricians	3.44	10.32	10.32
277	161			816.60	488.76
		CEMENTING AND TEMPERING SHOP.			
1	1	Foreman	8.32	8.32	8.32
42	21	Scalers	2.48	104.16	52.08
30	15	Floormen	2.00	60.00	30.00
15	8	Pyrometric instrument tenders	2.24	33.60	17.92
2	2	Clerks	2.52	5.04	5.04
15	8	Repair gang	3.25	48.75	26.00
3	2	Electricians	3.44	10.32	6.88
3	3	Boss heaters	4.00	12.00	12.00
36	18	Cementing heaters	2.80	100.80	50.40
15	8	Tempering heaters	2.80	42.00	22.40
3	3	Floor bosses	4.00	12.00	12.00
75	39	Producer firemen	2.40	180.00	93.60
12	9	Cranemen	2.80	33.60	25.20
3	2	Engineers	3.52	10.56	7.04
6	3	Helpers	2.72	16.32	8.16
2	2	Messengers	1.76	3.52	3.52
2	1	Sprayers	2.52	5.04	2.52
3	2	Sand-blast men	2.24	6.72	4.48
6	3	Oxyhydric tenders	2.48	14.88	7.44
3	3	Engineers (oxyhydric)	3.28	9.84	9.84
3	3	Helpers (oxyhydric)	2.72	8.16	8.16
280	156			725.63	413.00
		MACHINE SHOP.			
1	1	Foreman	8.32	8.32	8.32
3	3	Subforemen	6.32	18.96	18.96
18	12	Cranemen	2.80	50.40	33.60
25	15	Riggers	3.20	80.00	48.00
150	75	Machinists	3.68	552.00	276.00
99	50	Machinists' helpers	2.00	198.00	100.00
24	15	Machinists—tool room	3.68	88.32	55.20
24	15	Grinders and chippers	2.48	59.52	37.20
1	1	Shoe inspector	6.32	6.32	6.32
12	8	Inspector's gang	2.24	26.88	17.92
6	4	Electricians	3.44	20.64	13.76
6	4	Tool-room tenders	2.00	12.00	8.00
1	1	Clerk	3.04	3.04	3.04
2	2	Messengers	1.52	3.04	3.04
372	206			1,127.44	629.36

EXHIBIT B.

Metal per ton of armor.

Charge.	Unit price.	Tons.	Total value.
Bessemer pig	$17.50	23.84	$417.20
Nickel scrap	42.00	70.31	2,953.02
Ore	9.75	.27	2.63
Cinder and scale	6.11	.19	1.16
Ferrochrome	119.76	2.30	275.45
Metallic nickel	784.00	1.87	1,466.08
Ferrosilicon	43.00	.21	9.03
Spiegeleisen	34.00	.40	13.60
Ferromanganese	73.02	.61	44.54
Total		100.00	5,182.71
Flux:			
Limestone	4.65	1.14	5.30
Fluorspar	1.00	8.92	8.92
A. M. S. metal	.73	106.00	77.38
Total material. 100 tons metal charged			5,274.31
Per ton			52.74

	Tons.
Metal charged	100.00
Furnace loss, 7 per cent	7.00
Metal poured	93.00
Pit scrap, 5 per cent	4.65
Ingots in pit	88.35
Rejected ingots, 5 per cent	4.42
Ingots at forge	83.93

Thirty per cent of the foregoing is produced in form of finished plate, according to data obtained.

Scrap, 56.25 tons (scale and oxid loss, 2.5 tons).

Finished plate, 25.18 tons.

Recovered:	
4.65 tons pit scrap, at $6.11	$28.41
4.42 tons rejection, at $42 56.25 tons scrap, at $42	2,548.14
Total credit	2,576.55
Total metal	5,274.31
Credit	2,576.55
25.18 tons plate	2,697.76
Metal in ton of plate	107.14

EXHIBIT C.

Repairs and maintenance of 20,000-ton plant.

(a)	Coal, 100,000 tons, at $2.80	$280,000.00
	Tools, lubricants	210,000.00
	Ingot molds and materials for repairs other than below	174,500.00
	Repairs to equipment (press house, machine shop, cementing shop), materials only	100,000.00
	Yard, laboratory, offices (materials)	50,000.00
	20,000 tons	814,500.00
	Per ton	40.72
(b)	Upkeep of plant and buildings and extensive overhaul repairs of furnaces and machinery, 2 per cent of installation cost, $10,331,907	206,638.00
	20,000 tons, per ton	10.33
	Total annual cost of maintenance and repairs, 20,000-ton plant	1,021,138.00

Repairs and maintenance of 10,000-ton plant.

(a)	Coal, 70,000 tons, at $2.80	196,000.00
	Tools, lubricants	140,000.00
	Ingot molds and materials for repairs other than below	116,000.00
	Repairs to equipment (press house, machine shop, cementing shop), materials only	65,000.00
	Yard, laboratory, offices (materials)	35,000.00
	10,000 tons	552,000.00
	Per ton	55.00
(b)	Upkeep of plant and buildings and extensive overhaul repairs of furnaces and machinery, 2 per cent of installation cost, $6,635,107	132,702.00
	10,000 tons, per ton	13.27
	Total annual cost of maintenance and repairs, 10,000-ton plant	684,702.00

The committee invites attention to the great difficulty of making a close estimate of the cost of manufacturing armor in the absence of experience in such manufacture. The committee has been unable to procure from those engaged in the manufacture of armor any definite information to aid them in arriving at its cost. The above report, therefore, is made as a result of investigation by the committee in person, aided by the inspectors at the armor plants and the officers charged with the cognizance of armor in the Navy Department, and from all other sources of information obtainable.

Respectfully submitted.

B. R. TILLMAN,
Chairman Senate Committee on Naval Affairs.
L. P. PADGETT,
Chairman Committee on Naval Affairs,
House of Representatives.
JOSEPH STRAUSS,
Chief of Bureau of Ordnance.

APPENDIX A.

ARMOR PLANT FOR THE UNITED STATES.

[Hearings before a special committee of the Congress of the United States, Sixty-third Congress, third session, pursuant to a provision of the naval appropriation act for the fiscal year ending June 30, 1915, and for other purposes, approved June 30, 1914.]

Committee to investigate the cost of an armor plant for the United States.—Hon. BENJAMIN R. TILLMAN, United States Senate, chairman; Hon. L. P. PADGETT, Member of Congress; Rear Admiral Joseph Strauss, United States Navy.

PREFACE.

The committee submitted a series of prepared questions to those officials of the various companies who were in a position to know the correct answers, and the questions submitted and the replies elucidated are herewith given. It will be seen from these replies that, in general, no information could be had from the armor-plate manufacturers which would tend to throw any light on the cost of their product. Where answers were refused the refusal was generally based on the plea that the answer would disclose business secrets which would be advantageous to their rivals at home and abroad. The committee does not believe that a frank disclosure of the costs would work any harm to any of the firms, so far as furnishing an advantage to their rivals is concerned.

SPECIAL COMMITTEE,
Pittsburgh, Pa., Tuesday, November 24, 1914.

The committee met at 9.40 a. m. at the office of the Carnegie Steel Co., Hon. B. R. TILLMAN (chairman) presiding.

Present: Hon. L. P. PADGETT, Member Congress; Rear Admiral J. Strauss, United States Navy, members of the committee; Lieut. Commander C. C. Bloch, United States Navy; Mr. J. B. Knight and Mr. E. S. Theall, assistants to the committee.

There were also present Mr. A. C. Dinkey, president of the Carnegie Steel Co.; Mr. James J. Campbell, Mr. R. H. Watson, Mr. L. R. Custer, and other officials of the Carnegie Steel Co.

STATEMENT OF MR. A. C. DINKEY, PRESIDENT OF THE CARNEGIE STEEL CO.

Mr. A. C. Dinkey, having been duly sworn, testified as follows:

The CHAIRMAN. What is your name and occupation?

Mr. DINKEY. A. C. Dinkey, president of the Carnegie Steel Co.

The CHAIRMAN. Have any newspaper men outside wanted to get in here?

Mr. DINKEY. No, sir.

The CHAIRMAN. Haven't shown any inclination or desire to get in?

Mr. DINKEY. No, sir.

The CHAIRMAN. If they apply, I wish you would give orders that they be admitted, for we want the hearing to be public.

Mr. DINKEY. Yes, sir; I will give that order right away.

[Mr. Dinkey left the room for a moment, and upon his return said: "That is arranged for. If anybody comes here at all, they will be shown in."]

The CHAIRMAN. We have prepared a list of questions before we left Washington, and I have asked Admiral Strauss to act for the committee in propounding these questions for the committee.

Q. How much does it cost your company, f. o. b., to produce a ton of K. C. armor, class A–1? That is, material, labor, and shop overhead charges.

Mr. DINKEY. I think it would be greatly against the interest of the Carnegie Steel Co., both as regards the armor makers abroad and in this country, to expose in a public record our costs.

The CHAIRMAN. Would you be willing to keep the question under advisement and answer it in writing later?

Mr. DINKEY. The idea that I had in mind was that even if you asked me to put the answer in writing I would have difficulty with it, if the answer was to be a part of a public record.

The CHAIRMAN. We are obliged to make a report to Congress of what we find, and therefore, if you want to guard any secrets, you had better not tell us any secrets either in writing or orally.

Mr. DINKEY. That was the idea I was trying to convey, that even in writing we would have difficulty with the answer if it were a part of a public record.

Q. In calculating costs do you take the annual output of a single year or of a term of years, and do you make any allowance for rejections and ballistic failures?—A. Our regular cost system is based on a calendar year's work, and, of course, it includes all expenses.

Q. What are the various components of this cost per ton?—A. I would like to record the answer to this question to be in harmony with my answer to the first question as to costs.

The CHAIRMAN. Mr. Dinkey understands, of course, that the stenographer will furnish him a copy of this hearing before it is made public and given to Congress, so that he will have the opportunity to amend his answers or make any corrections that he sees fit.

Mr. DINKEY. Yes; because I do not have facility in framing my answers in very good English, and I would appreciate the opportunity of looking them over.

Q. What is the cost per ton of the armor ingot at the forge, including all rejections?—A. That is a part of the original question as to costs.

Q. Give the components, with their unit prices, that enter into a furnace charge for an armor heat.—A. I do not think it proper to answer this, for the reasons set forth in answer to the first question as to costs.

Q. How much repair and preparation cost for the open-hearth furnace is made for each heat?—A. I do not think it proper to answer this, for the reasons set forth in answer to the first question as to costs.

Q. How much does this amount to per ton of armor ingot produced?—A. I do not think it proper to answer this, for the reasons set forth in answer to the first question as to costs.

Q. How much does the repair and preparation cost of the ladles amount to for each ton of ingot?—A. I do not think it proper to answer this, for the reasons set forth in answer to the first question as to costs.

Q. What is the fuel charge for each ton of ingot?—A. I do not think it proper to answer this, for the reasons set forth in answer to the first question as to costs.

Q. What is the proportional laboratory superintendence charge for each ton of ingot?—A. I do not think it proper to answer this, for the reasons set forth in answer to the first question as to costs.

Q. What is the lifting, stripping, and chipping charge per ton of ingot?—A. I do not think it proper to answer this, for the reasons set forth in answer to the first question as to costs.

Q. What is the power charge, including steam, electric, and water, for each ton of ingot?—A. I do not think it proper to answer this, for the reasons set forth in answer to the first question as to costs.

Q. What is the cost of forging?—A. I do not think it proper to answer this, for the reasons set forth in answer to the first question as to costs.

Q. What scrap allowance is made for condemned ingots?—A. I do not think it proper to answer this, for the reasons set forth in answer to the first question as to costs.

Q. How many tons of armor ingots did your company manufacture last year?—A. Eighteen thousand eight hundred and thirty-one gross tons.

Q. What was the total number of these ingots in tonnage which were rejected before reaching the forge?—A. Five hundred and twenty-four gross tons.

Q. How many tons of ingots were forged during the past year?—A. Eighteen thousand three hundred and seven gross tons.

Q. How many tons of ingots were rejected during the forging?—A. None.

Q. What scrap allowance was made for those rejected during forging?—A. None rejected.

Q. What was the oxidization and scale loss at the forge?

The CHAIRMAN. I do not have any idea that you have kept any record.

Mr. DINKEY. We do not take weights before and after forging.

Q. What did the labor for forging each ton of ingot amount to?—A. I do not think it proper to answer this for the reasons set forth in answer to the first question as to costs.

Q. What did the fuel for each ton of ingot forged amount to?—A. I do not think it proper to answer this for the reasons set forth in answer to the first question as to costs.

Q. What did the repairs to heating furnaces amount to for each ton of armor?—A. I do not think it proper to answer this for the reasons set forth in answer to the first question as to costs.

Q. What did the electric power, light, steam, water, drafting, transportation, and inspection per ton of plate amount to during the forging?—A. I do not think it proper to answer this for the reasons sets forth in answer to the first question as to costs.

Q. Of all the ingots forged and not rejected, what percentage was discarded? That is, how many tons?—A. Four thousand seven hundred and forty-six gross tons.

The CHAIRMAN. Admiral, right here I think we ought to have it from the beginning.

Admiral STRAUSS. We do, sir. That is all embodied in the questions.

Q. What allowance was made for the metal thus discarded?—A. I do not think it proper to answer this for the reasons set forth in answer to the first question as to costs.

Q. What is the unit price per ton of plate when ready for carbonizing?—A. I do not think it proper to answer this for the reasons set forth in answer to the first question as to costs.

Q. How many tons of armor plate were carbonized at the works of your company last year?—A. Thirteen thousand five hundred and sixty-one gross tons.

Q. What was the oxidization and scale in this treatment, in tons?—A. There are no weights taken before and after carbonizing.

Q. What was the total number of plates rejected during carbonization?—A. None.

Q. What does the labor per ton of carbonized plate amount to?—A. I do not think it proper to answer this for the reasons set forth in answer to the first question as to costs.

Q. What does the material per ton of carbonized plate amount to?—A. I do not think it proper to answer this for the reasons set forth in answer to the first question as to costs.

Q. How much fuel per ton of plate is used in carbonizing?—A. I do not think it proper to answer this for the reasons set forth in answer to the first question as to costs.

Q. How much did the furnace repairs per ton of carbonized plate amount to?—A. I do not think it proper to answer this for the reasons set forth in answer to the first question as to costs.

Q. What does the proportional amount of steam, electric power, lighting, drafting, inspection, laboratory, and transportation amount to per ton of carbonized plate?—A. I do not think it proper to answer this for the reasons set forth in answer to the first question as to costs.

The CHAIRMAN. I would imagine, Mr. Dinkey, that a good many of these questions, instead of being refused answer on account of the unwillingness of the company to expose its secrets to the world, would better be answered by saying that the records of the company were not kept sufficiently accurate for you to reply. We are asking a good many questions which you can not answer because the company did not think it worth while to keep a record of these things in the books.

Mr. DINKEY. I am obliged to you, Senator, for the thought. It was going through my mind that some of these questions are impossible to answer.

The CHAIRMAN. Not because you do not want the world to know, but because the company has not taken the precaution or did not feel it necessary to keep itself informed on these matters.

Admiral STRAUSS. Of course there are some of them that your original answer would have to apply to.

The CHAIRMAN. And we will leave it to his discretion what he will say about those, and which ones he will leave because he does not know, and which he will leave because he does not want the world to know.

Q. How much is the carbonized plate worth per ton without machining?—A. I do not think it proper to answer this for the reasons set forth in the answer to the first question as to costs.

Q. How many tons of armor plate were reforged by your company during the past year?—A. Thirteen thousand five hundred and sixty-one gross tons.

Q. How many tons of plate were rejected during the reforging process, and was any allowance for the recovered material made in working the cost of armor?—A. Two thousand one hundred and seventy gross tons rejected. I do not think it proper to give the amount of allowance.

The CHAIRMAN. Perhaps we are suggesting a new method of bookkeeping for you.

Mr. DINKEY. A new method of accounting might enable us to answer more of your questions, but be of little value to us as a manufacturer.

The CHAIRMAN. We feel compelled to probe as far as we can to get the facts. You understand our position.

Mr. DINKEY. Certainly. You come into the thing new, and we have all this history of armor making back of us.

Q. What does the labor per ton for reforging amount to?—A. I do not think it proper to answer this for the reasons set forth in answer to the first question as to costs.

Q. What do the repairs per ton for reforging amount to?—A. I do not think it proper to answer this for the reasons set forth in answer to the first question as to costs.

Q. What does the fuel per ton for reforging amount to?—A. I do not think it proper to answer this for the reasons set forth in answer to the first question as to costs.

Q. What is the proportional amount of power—electric, steam, water—for reforging?—A. I do not think it proper to answer this for the reasons set forth in answer to the first question as to costs.

Q. What does the proportional drafting, inspection, transportation, and laboratory for reforging amount to?—A. I do not think it proper to answer this for the reasons set forth in answer to the first question as to costs.

Q. How much discard is made after reforging?—A. No discard.

Mr. PADGETT. Can you give us a general estimate from your experience in the manufacture of armor—a reasonable estimate?

Mr. DINKEY. As a matter of practice no discard is made at this point.

Mr. PADGETT. The best guess you can.

Mr. DINKEY. Answered by preceding reply.

Q. What allowance is made for this discard in reckoning the cost?—A. I do not think it proper to answer this for the reasons set forth in answer to the first question as to costs.

Q. What is the cost of armor per ton after reforging?—A. I do not think it proper to answer this for the reasons set forth in answer to the first question as to costs.

Q. How many tons of armor plate were sent to treatment by your company during the past year?—A. Eleven thousand three hundred and ninety-one gross tons.

Q. How many tons were lost during treatment by rejection?—A. One thousand one hundred and fifteen gross tons.

Q. What does the labor per ton of treated plate amount to?—A. I do not think it proper to answer this for reasons set forth in answer to the first question as to costs.

Q. What does the material per ton of treated plate amount to?—A. I do not think it proper to answer this for the reasons set forth in answer to the first question as to costs.

Q. What do the repairs per ton of treated plate amount to?—A. I do not think it proper to answer this for the reasons set forth in answer to the first question as to costs.

Q. What does the fuel per ton of treated plate amount to?—A. I do not think it proper to answer this for the reasons set forth in answer to the first question as to costs.

Q. What do the proportional charges per ton of treated plate amount to?—A. I do not think it proper to answer this for the reasons set forth in answer to the first question as to costs.

Q. What is the total cost per ton of treated and rectified plate?—A. I do not think it proper to answer this for the reasons set forth in answer to the first question as to costs.

Q. How many tons of armor plate were sent to machining by your company last year?—A. Ten thousand two hundred and seventy-six gross tons.

Q. How many tons of machined plate were produced last year?—A. Six thousand two hundred and sixty-seven gross tons.

Q. Were there any rejections during the process of machining? If so, how many tons, and what allowance was made for the rejected material in reckoning the final cost?—A. Two hundred and twelve gross tons were rejected. I do not think it proper to give the amount of the allowance.

The CHAIRMAN. Right there, I think it desirable that I, as chairman, should ask you this question. In what way have you arrived at the cost of this armor to the factory upon which to base the charge to the Government for it?

Mr. DINKEY. That will start me answering the first question as to costs.

The CHAIRMAN. I feel it is my duty to find out why you charge the Government so much, and if we can not make it cheaper than you are selling it to us.

Mr. DINKEY. I can only answer in general terms, that my judgment is that the prices we have been asking are only fair and reasonable prices.

The CHAIRMAN. Is there any agreement, implied or expressed, between you and the other manufacturers of armor as to what prices shall be charged the Government?

Mr. DINKEY. None whatever.

The CHAIRMAN. You do not meet and combine instead of competing?

Mr. DINKEY. No, sir; not even a suggestion of meeting and combining.

The CHAIRMAN. You know there are only three armor manufacturers in the United States?

Mr. DINKEY. Yes, sir.

The CHAIRMAN. You know, further, that when the Navy Department first went into this armor business, some twenty-odd years ago they had to get the Bethlehem Steel Co. to make it in this country rather than buy it abroad, and the Bethlehem Steel Co., as I recall the facts, stated that in order to enter into the manufacture of armor they would have an extraordinary expense to incur and they would have to charge such and such a price for the armor if they made a contract with the Government, in order to reimburse themselves. The Government agreed to that price, in fact paid for the increased appliances, hammers, steam press, and all that sort of thing, and yet the price remains way up yonder—did not come down after they had provided at the Government's expense in the first contract for all these new appliances which they required in order to make armor at all. That is a matter of official record in Washington.

Mr. DINKEY. I have no information with respect to the original contract with the Bethlehem Co. I do know, however, that the armor Bethlehem started to make is not to be compared, as to quality or cost of production, with the armor we are now furnishing.

The CHAIRMAN. Do you know the origin of the contract with Carnegie?

Mr. DINKEY. I have no direct information. I understand, however, that the chief difficulties were serious delays in delivery.

The CHAIRMAN. And they had to get another factory?

Mr. DINKEY. That would help the situation, but chiefly with respect to delivery. The original contract, as I understood it, was divided at the same price that the contract was given to the Bethlehem Steel Co.; that is, the department offered the Carnegie Steel Co. the Bethlehem Steel Co.'s price if they would take a portion of the armor that had already been given to Bethlehem. That may be incorrect, but I am speaking merely from general information on the subject.

The CHAIRMAN. You are familiar with the fact, of course, that the Navy Department had to penalize Mr. Carnegie because of the failure to deliver the armor according to contract, and that President Cleveland remitted that fine?

Mr. DINKEY. Is it necessary to answer that question?

The CHAIRMAN. I think it absolutely necessary that it should go in, because it is a very important fact in this investigation.

Mr. DINKEY. I just wondered if you thought it was material to put that in. As far as my own knowledge goes, I really do not know anything about it.

The CHAIRMAN. Well, we can not save the record that fact; no, sir. We can bring it out better by going back and putting in the official documents which would prove it, and I think we will do that, Mr. PADGETT, when we get back to Washington.

Mr. PADGETT. If it becomes necessary, we could put them in.

The CHAIRMAN. I think it is very important that the fact should be brought out officially, and I want to say for the information of the committee that the full history of the fine and its reduction from 15 per cent to 10 per cent by President Cleveland is found in House Report ——, Fifty-third Congress, second session, 1893–94, volume 5. That volume is devoted almost entirely to an investigation ordered by the House of Representatives.

The charges against the company as a result of this investigation, as reported by the committee were printed in the CONGRESSIONAL RECORD of August 23, 1894, on page 8638, and are as follows:

"First. The plates did not receive the uniform treatment required by the specifications of the contracts. In many cases the treatment was irregular and in other cases it was practically inefficient. The specifications of the contract of February 28, 1893, required that each plate should be annealed, oil tempered, and again annealed, the last process being an annealing one.

"Second. False reports of the treatment of the plates were systematically made by the Government inspectors. This was in violation of paragraph 95 of the circular concerning armor-plate appurtenances, dated January 16, 1893, which was made a part of the contract. Paragraph 95 says:

"'The contractor shall state for each article in writing the exact treatment it has received.'

"The specifications of the contract of November 20, 1890, paragraph 164, say:

"'A written statement of work and contractor's tests to be commenced and in progress each day must be furnished to the chief inspector.'

"Third. No bolts received the double treatment provided for in the specifications of either contract. A report of a double treatment, however, was made to the Government inspectors.

"Fourth. Specimens taken from the plates both before and after treatment to ascertain the tensile strength of each plate were stretched without the knowledge of the Government inspectors, so as to increase their apparent tensile strength when actually tested.

"Fifth. False specimens taken from other plates were substituted for the specimens selected by the Government inspectors.

"Sixth. The testing machine was repeatedly manipulated by order of the superintendent of the armor-plate mill so as to increase the apparent tensile strength of the specimens. These specimens were juggled in measurement so as to increase their apparent ductility.

"Seventh. Various specimens selected by the Government inspectors were re-treated without their knowledge before they were submitted to test.

"Eighth. Plates selected by the Government inspectors for ballistic test were re-treated with the intention of improving their ballistic resistance, without the knowledge of the Government inspectors. In one case, at least, the conclusion is almost irresistible that the bottom of another plate was substituted for the top half of plate A 619 after it had been selected by the Government and while awaiting shipment to Indian Head. Upon this ballistic test a group of plates containing 348 tons, valued at about $180,000, were to be accepted or rejected. In three cases, at least, the plates selected by the Government inspectors were re-treated in this manner without their knowledge. These ballistic plates represented 779 tons of armor, valued at over $410,000. The groups represented by these three plates had all been submitted for premium of $30 per ton if they passed a more severe test than required for acceptance.

"Ninth. In violation of the specifications of the contract, pipes or shrinking cavities, erroneously called blowholes, in the plates were plugged by the contractors and the defects concealed from the Government inspectors. These cavities, in some cases, diminished the resistance and value of the plate.

"Tenth. The inspector's stamp was either duplicated or stolen, and used without the knowledge of the Government inspectors.

"Eleventh. The Government inspector in inspecting bolts was deceived by means of false templets or gauges."

Then follows a list of the items made under oath by C. M. Schwab, superintendent of the company and a stockholder, practically admitting all the charges.

As a result of this report the House passed a joint resolution directing that certain plates be taken off of our ships and tested, authorizing their replacement, the cost to be deducted from the appropriation for armor and armament. The resolution never came to a vote in the Senate, but was pigeonholed and allowed to die.

In a speech which Senator TILLMAN delivered in the Senate on March 1, 1897, which was three years after this investigation by the House, during the consideration of the naval appropriation bill, he caused to be read to the Senate by the Secretary the charges which were reported by the committee of the House. The following is an extract from his remarks at that time after exposing the failure of the passage of this resolution:

"Why was not that resolution passed here and those plates taken off? Why? Why? Here is a list of the ships of our new Navy—our boasted new Navy, the one we love so, and that we pet so. This is only a partial list of the ships the plates on which were confessed to have been plugged up, or not tempered, or some other thing which would weaken them and make them worthless, and not according to contract."

Four on the *Monterey*, 6 on the *Monadnock*, 8 on the *New York*, 4 on the *Amphitrite*, 3 on the *Terror*, 3 on the *Oregon*, 3 on the *Olympia*, 6 on the *Indiana*, 4 on the *Massachusetts*, and so on.

The result of this speech and exposure was that by a large vote the Senate refused to pass the appropriation for armor, and no armor was bought at all for the Government until the Spanish-American War came on. The naval appropriations that year contained a limitation on the price of armor—$300 per ton. The Armor Trust, of course, did not bid.

The next year, 1898, the naval appropriation bill contained a limitation fixing the price at $400 per long ton, including cost of nickel. In 1899 the limitation as to price was $300 per long ton, including royalties, and forbidding contracts for the hulls of vessels until the contracts for armor of such vessels were made.

In 1900 the Secretary of the Navy was limited in the price. The appropriation bill gave $4,000,000 for the purchase of armor, and the Secretary of the Navy was authorized to procure armor of the best quality for any and all vessels still unprovided for, giving him permission to make contracts at a "price which in his judgment is reasonable and equitable; and in case he is unable to make contracts for armor under the above conditions, he is hereby authorized and directed to procure a site for and to erect thereon a factory for the manufacture of armor, and the sum of $4,000,000 is hereby appropriated toward the erection of said factory." The Secretary did obtain armor at what he considered a "reasonable price," and no armor factory was built. Hence our present predicament.

Later I will furnish a list showing the contracts for armor since 1902.

The list referred to is as follows:

Contracts let during fiscal year—	Amount.
1903	$4, 720, 080
1904	6, 807, 102
1905	3, 223, 412
1907	2, 552, 382
1908	3, 909, 400
1909	3, 970, 303
1910	5, 493, 464
1911	5, 801, 508
1912	6, 573, 612
1913	3, 742, 217
1914	3, 490, 088
1915	10, 462, 992
Total for 12 years	60, 746, 560

Q. Now, Mr. Dinkey, how much per ton does the labor of machining amount to?—A. I do not think it proper to answer this for the reasons set forth in answer to the original question as to costs.

Q. How much does the machined scrap amount to?—A. I do not think it proper to answer this for the reasons set forth in answer to the original question as to costs.

Q. How much does the material for machining amount to, including oil, waste, repairing of tools, and supply of tools?—A. I do not think it proper to answer this for the reasons set forth in answer to the original question as to costs.

Q. How much do the repairs per ton of machined plate amount to during the machining operation?—A. I do not think it proper to answer this for the reasons set forth in answer to the original as to costs.

Q. What do the proportional charges per ton of machined plate amount to?—A. I do not think it proper to answer this for the reasons set forth in answer to the original question as to costs.

Q. What is the cost per ton of machined plate produced?—A. I do not think it proper to answer this for the reasons set forth in answer to the original question as to costs.

Q. How many tons of machined plate were presented by your company for shipment last year?—A. Five thousand nine hundred and nineteen gross tons.

Q. What do the labor and material for preparation for shipment amount to per ton of finished plate?—A. I do not think it proper to answer this for the reasons set forth in answer to the first question as to costs.

Q. How are the total water, steam, power, transportation, inspection, drafting, and laboratory charges reckoned?—A. I do not think it proper to answer for the reasons set forth in answer to the first question as to costs.

Q. What were the total power charges for your plant last year—by power charges is meant electric power, steam power, water power, or producer gas for running engines, as the case may be—and how did you arrive at the method of assigning the various proportions to the various operations?—A. I do not think it proper to answer this for the reasons set forth in answer to the original question as to costs.

Q. The same information is desired for the laboratory, drafting, inspection, and transportation charges.—A. I do not think it proper to answer for the reasons set forth in answer to the original question as to costs.

Q. What is the cost per ton of class B shipped plates?—A. I do not think it proper to answer this for the reasons set forth in answer to the first question as to costs.

Q. What was the average cost per ton of class C steel armor?—A. This refers to bolts, nuts, etc., which we do not manufacture.

Q. What do you reckon your working capital to be?—A. I do not think it proper to answer this for the reasons set forth in answer to the original question as to costs.

Q. What does the maintenance of your plant amount to per annum?—A. I do not think it proper to answer this for the reasons set forth in answer to the first question as to costs.

Q. Is this amount over and above the repairs which have been charged to the various operations comprising the total manufacture, and separate from depreciation?—A. I do not think it proper to answer this for the reasons set forth in answer to the original question as to costs.

Q. What does this maintenance mean? To what is it applied?—A. I do not think it proper to answer this for the reasons set forth in answer to the first question as to costs.

Q. What is the total of proportional administration charges made to armor? How has this been arrived at?—A. I do not think it proper to answer this for the reasons set forth in answer to the first question as to costs.

Q. Give a tabulated list showing the various salaries paid and how proportionately divided, so as to include the armor plant.—A. I do not think it proper to answer this for the reasons set forth in answer to the first question as to costs.

The CHAIRMAN. You could not furnish that information?

Mr. DINKEY. I do not think I ought to.

The CHAIRMAN. Well, I think it would be very interesting for the outside world to know just how much the Steel Trust was able to pay its employees as compared with men of equally high intelligence and ability outside.

Q. How much did the insurance charges on your armor plant amount to?—A. I do not think it proper to answer this for the reasons set forth in answer to the original question as to costs.

Q. How much taxes are chargeable to armor plant?—A. I do not think it proper to answer this for the reasons set forth in answer to the first question as to costs.

The CHAIRMAN. It appears to me that the way this investigation is going we will have no report to make at all. We are really getting little or no information and, evidently, must rely on other sources for the facts upon which to base our report.

Admiral STRAUSS. In regard to this question, "How much taxes are chargeable to the armor plant?" is not such a charge part of the public records, the municipal records?

Mr. DINKEY. Our records have not subdivided the cost of taxes on the Homestead Steel Works so as to give us what proportion is properly chargeable to the armor department.

Q. How much do you charge to armor in behalf of the pension fund?—A. I do not think we have that subdivided. We charge nothing to armor for pension fund, but we do charge a rate for protection of casualty to employees while they are sick and away owing to injuries.

Admiral STRAUSS. Insurance, then, you would call it?

Mr. DINKEY. You could call it a provision to take care of that expense.

Q. How much depreciation is charged against the armor plant?—A. I do not think it proper to answer this for the reason set forth in the answer to the first question as to costs.

Q. What is this depreciation and how has it been arrived at?—A. I do not think it proper to answer this for the reasons set forth in answer to the first question as to costs.

Q. After a year's operations within which a certain sum of money has been set aside from the proceeds of the manufacture of armor for depreciation charge, what is done with this money?—A. I do not think it proper to answer this for the reasons set forth in the answer to the first question as to costs.

Q. After depreciation charge has been made to a year's operation and there have been no replacements of tools, is this amount used to amortize the original investment?—A. I do not think it proper to answer this for the reasons set forth in answer to the original question as to costs.

Q. Since the erection of your armor plant what has been the total amount of depreciation which has been charged into the cost of armor?—A. I do not think it proper to answer for the reasons set forth in answer to the original question as to costs.

Q. How much, if any, of this sum of money has been actually used for the installation of new machinery in place of old, for building new buildings, furnaces, etc., in place of old, and has this expenditure been added to the capital account?—A. I do not think it proper to answer this for the reasons set forth in answer to the original question as to costs.

Q. The remainder of this sum of money which has not been expended, has it been used for amortizing any of the original investment?—A. I do not think it proper to answer for the reasons set forth in the answer to the first question as to costs.

Q. How much money is invested in your armor plant?—A. This question is answered later.

Q. Does this represent the total amount which has been expended for this plant, inclusive of all depreciation replacements?—A. It does not include depreciation replacements.

Q. In reckoning your profits, is it reckoned as a profit on the total amount of money which has been put into the armor plant or on the amount which has been put into the armor plant less all depreciation which has not been used for the purpose of replacement?—A. I do not think it proper to answer this for the reasons set forth in answer to the first question as to costs.

Mr. PADGETT. I wanted to ask a question, please. In 1897 Mr. Schwab appeared before the committee that was investigating at that time and he stated:

"It is a very difficult thing to fix the price of any article in which quantity and quality do not enter. Quantity and quality are the two essential things in fixing the price of any article. Quantity is, as I have pointed out to you, especially important. We have only made 2,000 tons per year at the bare cost of 50 per cent higher tonnage. I am prepared to say that if you will give us 3,000 tons of armor per year, as estimated, we will give you a rebate of $50 per ton upon every ton over that quantity. If you will give us 3,500 tons of armor per year, we will give you a rebate of $100 per ton for every ton over that quantity."

Now, in connection with that statement that was made there, the last contract that was awarded was for 25,000 tons, divided, I believe, between two concerns. There were 25,000 tons awarded, two-thirds of it going to the Bethlehem Steel Co. and one-third to the Midvale Steel Co. I wanted to ask you what would be a reasonable reduction on the basis of 16,000 tons to one and 8,000 tons to the other, in comparison with the rebates or reductions, as stated in the answer of Mr. Schwab?

The CHAIRMAN. Proposed to be given.

Mr. PADGETT. Yes; proposed to be given.

Mr. DINKEY. I think Mr. Schwab ought to answer that. He had, of course, some particular thing in his mind when he made that statement.

The CHAIRMAN. Mr. Schwab isn't in America just now?

Mr. DINKEY. I think he is. He has just landed.

Mr. PADGETT. I would like to ask if you would give any expression of your opinion if they could not have reduced the price reasonably below $425 a ton on getting so large an order?

Mr. DINKEY. My judgment is that they could not; $450 per ton is a reasonable price for the quality of armor now demanded by the United States Government.

Mr. PADGETT. In 1894 Mr. Frick was testifying before a committee, and he testified:

"When we went into the manufacture of armor we had a rolling mill, which is a very extensive mill, I think probably the largest of its kind in the world. In addition to that, not including the ground, we purchased a larger piece of valuable ground. We spent $2,600,000, so I think that you can safely say we have invested in the manufacture of armor $4,000,000."

Then a question was asked:

"But since you have begun the manufacture you have put in this machinery, or, rather, since you accepted this contract you have put in this machinery?"

And then a question was asked:

"That would account in a great measure for the $3,000,000 expended for the plant. If you had known exactly what you would have required, it might be that the plant would not have cost so much?"

Answer:

"I believe that the plant could be duplicated for somewhat less, but not very much less. In 1906 the Carnegie Co. estimated its total investment in armor plant at $5,905,425."

This estimate includes $4,730,425 as the actual cost of construction in armor plant since its commencement, as shown on the books of the company, and added $1,175,000 as the allowed cost of the land occupied. Now, since that time can you state what the company has paid in to increase the plant of the company, not paid out of the profits of the company?

Mr. DINKEY. Well, of course, I can say what has been added since 1906. I can tell you what has been added to our factory equipment since 1906, if you leave out "not paid out of the profits." Of course, the profits are in the profit and loss account, and they do not stand in a separate fund; they stand in one fund.

Mr. PADGETT. I will ask you to put in a statement of what you have added to the capital of the company since 1906.

Mr. DINKEY. Instead of capital can you make it what we have added to the factory; what additions have been made to the factory?

Mr. PADGETT. Yes.

Mr. DINKEY. Because we have not changed our capital account. We do not change that, but I can put in what additions have been made to the factory.

Admiral STRAUSS. Do you mean what additions have been made in buildings and machinery?

Mr. DINKEY. Yes; new equipment, if any. A few tools have been bought, and I think there are some extensions to the treating shop. There are quite important extensions to the treating shop.

Admiral STRAUSS. You say that is not charged to your account of capital invested in the production of armor?

Mr. DINKEY. No; that part of our bookkeeping is not changed. You see, the Carnegie Steel Co.'s capital is a fixed amount.

Admiral STRAUSS. I mean to your investment in the armor business proper.

Mr. DINKEY. It is set up against our investment account; yes. And the investment account and additions to the property are the same thing, the two items are the same.

Admiral STRAUSS. You say you propose to give these additional investments?

Mr. DINKEY. Yes.

Admiral STRAUSS. By items?

Mr. DINKEY. I will subdivide it so that it is legible to you. I think I will put it "Extensions to the treating shop" and "New tools," and then I will show what they are and will add them to the 1906 figures.

Admiral STRAUSS. Will you give your additions of furnaces?

Mr. DINKEY. We will give the number of furnaces and the cost per furnace in such a way that you can see the cost per furnace. I find that, as stated by Mr. PADGETT, we reported in 1906 that we estimated our total investment in our armor plant and auxiliary facilities up to December 31, 1905, as being $5,905,425, which included the sum of $450,000 for about 30 acres of land used for the plant, the balance covering buildings, furnaces, presses, and all other tools and appliances.

Since that time we have expended for additions (not replacements), $220,421.44, made up of the following items:

Press shop—manipulator		$7,779.21
Extensions and additions to carbonizing shop		121,099.70
Additions to machine shop:		
Two milling machines	$47,331.25	
One pit planer	18,274.64	
One boring mill	4,859.85	
One 125-ton crane	21,076.79	
		91,542.53

This brings our total investment, at the present time, up to $6,125,846.44. It appears from the foregoing list of additions that we have not aded any furnaces since 1906. Considerable additions have been made to the general facilities of the plant, such as cars, stocking tools, etc., which are employed only a portion of the time in the process of armor making. No portion of the amount of these expenditures is included in the above statement.

The CHAIRMAN. Mr. Dinkey, it would appear to be the case that the system of bookkeeping does not admit of any analysis of the cost of armor, and I am afraid we would never get at the real facts, even if we should have full access to your books or have an expert go through them.

Mr. DINKEY. I think you would have difficulty in using our figures to any advantage to yourselves; I think that is true.

The CHAIRMAN. You realize that our duty to the people is diametrically opposed to your ideas of your duty to the Carnegie Steel Co., the Steel Trust, as it is called. You feel bound to protect your employers or your bosses, whoever they are, and we feel bound to protect our bosses who have sent us here. To that extent the two interests are opposed.

Mr. DINKEY. Of course a natural opposition is there; at the same time I am not conscious of interposing greater objections than seem to be necessary under the circumstances.

The CHAIRMAN. Would you be willing for a naval expert accountant to go through your books?

Mr. DINKEY. I would not be willing.

Admiral STRAUSS. Mr. Dinkey, do you think that your system of bookkeeping properly accounts for everything—every cost that should be allotted to the production of armor—in such a way as to permit you to give an intelligent bid for armor? That is, do you know yourselves exactly what that armor costs, including your material, labor, shop overhead, and all administrative and depreciation expenses?

Mr. DINKEY. Of course, I think it does, within a proper meaning of that question; I think it does.

Mr. PADGETT. Returning to the question I asked a while ago about the increase to your investment or to the enlargement of your plant, etc. Will you state whether or not it was paid out of the amount that was set apart as depreciation to the plant or whether it was paid out of the general profits?

Mr. DINKEY. In an informal way I will say that these funds are not kept separate; they are paid out of the general funds of the Carnegie Steel Co.

Mr. PADGETT. Do you charge up as an item of cost in the manufacture of armor a per cent or an item known as depreciation of plant?

Mr. DINKEY. We have a heading. Our system is not to charge directly into the individual costs an item of depreciation. We deduct that from the profit and loss. But we do, of course, reckon with that factor whenever we are estimating to arrive at a total cost for selling purposes.

Mr. PADGETT. Along the same line can you state, since you commenced the manufacture of armor, whether the aggregate of the amount that you have charged as depreciation of plant is more or less than the amount that has been expended for the extension and improvement of the plant?

Mr. DINKEY. I find it impossible to answer this question.

The CHAIRMAN. When did the Midvale people commence to make armor?

Mr. DINKEY. About the year 1906.

The CHAIRMAN. I recall that up to the time that the Midvale people came forward with their bids the Government considered itself helpless and had to pay whatever Carnegie and Bethlehem charged them.

Mr. DINKEY. I have no information as to the situation in which the Government considered itself to be.

The CHAIRMAN. There seems to have been no difficulty whatever, because you had the Government in your power and could compel it to accept your price or go without, and the idea I have is that the only protection the Government can have is to build an armor plant of its own, the same as we have built a powder plant. It may be that the European war will demonstrate that armor is no longer needed at all.

Mr. DINKEY. We never considered that the Government was in our power. Our necessities as sellers were greater than the Government's necessities as a buyer. If the European war does so demonstrate, that will dispose of the whole question.

The CHAIRMAN. We will quit building battleships, but it will not dispose of you, because the Steel Trust will be here when I am dead and gone, and perhaps when you are dead and gone. You declined a little while ago to allow us to send a naval expert accountant to go through your books. Does not the law give the Department of Commerce that power now?

Mr. PADGETT. I do not know, Senator.

The CHAIRMAN. Has anybody investigated this plant before?

Mr. CAMPBELL. There have been a number of investigators from the Navy Department on the job at different times. You will remember the Alger Board was down there. One time they followed our figures up to that time as to investment in armor plant. Then there was the Niles Board, and they got a lot of information.

Mr. DINKEY. Then McLean, afterwards McLean & McVay. Before an armor contract is let the question of the quality of the armor to be supplied is always a feature of the discussion. The Government does not find itself so helpless with respect to pushing up the quality required. The Government is not in a helpless position by any means. A seller has to sell just as much as a buyer has to buy. I have to find customers.

The CHAIRMAN. Provided you keep on making armor. But if you turned your plant to some other purpose——

Mr. DINKEY (interposing). No; that is not true, Senator.

The CHAIRMAN. You have got some appliances down there that are needed only for making armor?

Mr. DINKEY. Yes, sir; and they can not be used for anything else.

The CHAIRMAN. And therefore they would be a dead loss to you if the Government should go into the manufacture of its own armor. The Government is helpless, so far as the price of armor is concerned, when there are only three makers of it, and they are working in combination, charging whatever price they agree upon.

Mr. DINKEY. The three are not in collusion.

The CHAIRMAN. You say so, but we think they are. I hope you are telling the truth.

Mr. DINKEY. I can tell you now that they are not in collusion, and I do not know how I can make you believe that I am telling the truth.

The CHAIRMAN. The fact that Carnegie did not get any of this last contract would indicate that somehow or other the cogs had slipped and the machine did not work well. Do you know just why you did not get it? Are you willing to tell?

Mr. DINKEY. I tried hard enough to get it, but could not. I tried to meet the Secretary's views, and I did revise my bids after he asked us to, and I did not make them sufficiently low, I imagine.

Mr. PADGETT. Upon that question, however, the contract was awarded to the other two, with the stipulation that they could sublet part of the contract, and you are not out of the game yet.

Mr. DINKEY. The deliveries required are faster than the plants that have the contracts will be able to make them.

The CHAIRMAN. Therefore they will have to come to you, because you are the only other man that can help them out. Don't you see that you have got the Government in your power?

Mr. DINKEY. I do not think I have.

The CHAIRMAN. If the Government can only get from certain factories its armor, and nobody else can supply it, it seems to me that the Government is utterly helpless.

Mr. DINKEY. Look at the other side. These tools are useful only for Government work. If the Government does not buy, they stand idle.

The CHAIRMAN. What is the exact cost of that class of tools?

Mr. DINKEY. Approximately $5,000,000.

The CHAIRMAN. Will you supply that estimation?

Mr. DINKEY. Yes; practically all the equipment which we call the armor department is useful only for making armor.

The CHAIRMAN. Can you not adapt it to some other manufacture?

Mr. DINKEY. No, sir.

The CHAIRMAN. It would be a dead loss to you, then, if the Government should go into the manufacture of its own armor?

Mr. DINKEY. We would have to tear it out and throw it away and find something else to put up on that ground.

Admiral STRAUSS. We have a number of questions prepared as to the cost of plant. You just stated that you would give us some information. I would like to put these questions for such answers as Mr. Dinkey will give.

Mr. PADGETT. I would like to ask a question. Would you object to informing the committee as to the total amount that you pay per annum to your foreman of the armor department?

Mr. DINKEY. The heads of the departments? I would rather not. I think we ought not to do that.

Mr. PADGETT. The superintendent of the armor department. I was not interested in any other case, just the armor department.

Mr. DINKEY. I would like to tell the committee if I could tell them for their own information but not a part of the record.

Mr. PADGETT. Of course, you can understand that from our standpoint the item of salaries is one to be considered by the Government in connection with the question of the advisability or nonadvisability of establishing a plant, and also as to the cost of armor—what we would be expected to pay the men who performed certain duties in the manufacture of armor.

Mr. DINKEY. Yes; this item of salaries is one that you will want to be accurately informed about.

Mr. PADGETT. And for that reason I was asking the question.

Mr. DINKEY. I would not like to make a public record of these salaries.

The CHAIRMAN. Does it require any special skill?

Mr. DINKEY. Oh, yes; most of these men have spent their lifetime at it.

Admiral STRAUSS. What is the capacity of the company's plant for armor in tons per year?

Mr. DINKEY. Approximately 10,000 gross tons.

Admiral STRAUSS. How much has this plant cost the company to date, for buildings and machinery?

Mr. DINKEY. This question has been answered.

Admiral STRAUSS. This sum to include all buildings and all machinery and equipment now installed, exclusive of site?

Mr. DINKEY. This question has been answered.

Admiral STRAUSS. How many acres are now occupied by your plant, including space for stock and coal storage?

Mr. DINKEY. About 30 acres.

Admiral STRAUSS. I would like to ask you what does your plant for the production of special-treatment steel plates cost you? How much have you invested in that department?

Mr. DINKEY. It is almost impossible to separate the cost. More than half of the course of manufacture required for the production of special-treatment plate uses the common tools of the Carnegie Steel Co.

The CHAIRMAN. If I understand you, there is no mystery or very great expense attached to it other than ordinary?

Mr. DINKEY. The first part of it is right. There is very little mystery, but there is a whole lot of expense.

The CHAIRMAN. We are concerned with both the mystery and the expense.

Mr. DINKEY. There is very little mystery. Of course, that word is not proper to use in connection with manufacturing steel. There is no mystery at all; just plain skill and expensive material.

The CHAIRMAN. When we first began to look into this armor business, 20 years ago, nickel was considered a very important and necessary ingredient.

Mr. DINKEY. It was. That came out immediately upon the——

The CHAIRMAN (interposing). Nickel is still used in its manufacture?

Mr. DINKEY. Yes, sir.

The CHAIRMAN. And afterwards Harvey came in with some patents?

Mr. DINKEY. And improved the armor that was being bought at that time.

The CHAIRMAN. That is still used, the Harvey process?

Mr. DINKEY. That process is still used, except as another process has been added to it.

The CHAIRMAN. Improving even that?

Mr. DINKEY. Improving even that.

The CHAIRMAN. So you use both?

Mr. DINKEY. All three of them are represented in the present armor; the nickel which was originally used, and the Harvey, which was put on top of the nickel, and the Krupp process, which is put on top of the Harvey. All three of them are combined in the present armor.

The CHAIRMAN. Are any of these patented?

Mr. DINKEY. They all were patented, but I think they expired by limitation.

The CHAIRMAN. Therefore, the Government could use any or all of them without any additional expense?

Mr. DINKEY. I think the processes that were patented at that time are now public property. I think that is true.

Admiral STRAUSS. How many men are employed in your armor department?

Mr. DINKEY. Approximately 750 men.

Admiral STRAUSS. How many shifts are worked?

Mr. DINKEY. Three shifts.

Mr. PADGETT. Mr. Dinkey, could you give us a reasonable estimate of what would be the additional cost of a plant capable of manufacturing special-treatment steel, in addition to a strictly armor-plate plant? In other words, if the Government should establish an armor-plate factory, how much additional would it cost to add a plant that would make special-treatment steel of 1½ inches and then 3 inches in thickness?

Mr. DINKEY. I will give you what I will consider a reasonable estimate.

Mr. PADGETT. Of what that additional would cost?

Mr. DINKEY. Yes.

Mr. PADGETT. I should be glad if you would.

Admiral STRAUSS. And what the total capacity would be per annum.

Mr. DINKEY. Just let me explain some of the difficulties there. I mentioned a little while ago that to make special-treatment plates we used in the early stages of its manufacture, clear up until it becomes an actual plate ready for tempering, the common tools of the Carnegie Steel Co., and you can not use anything else. A plate mill in which these plates are rolled has a capacity of 15,000 tons a month. Well, it can not be a smaller plate mill. So whatever the Government will need to buy—say, 8,000 or 10,000 or 12,000 tons of these plates per year on a two-ship program or a three-ship program—you could not build a plate mill with a capacity of less than 15,000 tons a month, and the tools would be standing idle the rest of the year. It would roll less than a month all you could possibly use on a three-ship program in any year.

The CHAIRMAN. That answer would seem to indicate that it would be preposterous for the Government to go into the manufacture of special-treatment steel. It could buy the plates and treat them in its own plant?

Mr. DINKEY. It could do that, and it would be a more practical thing to do. It is almost impracticable to add a special-treatment plant to an armor plant.

The CHAIRMAN. But assuming that it would, I wanted you to give us what that additional cost would be.

Mr. DINKEY. After careful consideration I have come to the conclusion that it is impossible to set up an estimate that would be of any practical value.

The CHAIRMAN. You can not make special-treatment steel unless you treat it like armor?

Mr. DINKEY. You can not; that is the finishing process.

The CHAIRMAN. But you can make it out of regular plate steel, and plate mills are plentiful. We can buy plate steel almost anywhere and treat it afterwards if we had an armor plant to treat it in.

Mr. DINKEY. That would be the more practical proposition.

Admiral STRAUSS. In consideration of the fact that some of these questions as submitted, and perhaps some more that will be submitted, will have to be answered by others than Mr. Dinkey, it has been suggested that the other gentlemen who are here to testify be sworn and their answers sent by mail.

STATEMENT OF MR. LOUIS R. CUSTER.

Mr. L. R. Custer, being duly sworn, testified as follows:

The CHAIRMAN. What is your name?

Mr. CUSTER. Louis R. Custer.

The CHAIRMAN. What is your official connection with the Carnegie Steel Co.?

Mr. CUSTER. Superintendent of the armor-plate department of Homestead Steel Works.

Q. How much does it cost your company, f. o. b., to produce a ton of K. C. armor, class A–1; that is, material, labor, and shop overhead charges?—A. I have nothing to do with matters pertaining to costs and never see the cost records.

Q. How much do you add to this cost for deterioration of plant and administration?—A. I do not know.

Q. In calculating costs, do you take the annual output of a single year or of a term of years, and do you make any allowance for rejections and ballistic failures?—A. I do not know.

Q. What are the various components of this cost per ton?—A. I do not know.

Q. What is the cost per ton of the armor ingot at the forge, including all rejections?—A. I do not know.

Q. Give the components, with their unit prices, that enter into a furnace charge for an armor heat.—A. I do not know.

Q. How much repair and preparation cost for the open-hearth furnace is made for each heat?—A. I do not know.

Q. How much does this amount to per ton of armor ingot produced?—A. I do not know.

Q. How much does the repair and preparation cost of the ladles amount to for each ton of ingot?—A. I do not know.

Q. What is the fuel charge for each ton of ingot?—A. I do not know.

Q. What is the proportional laboratory superintendence charge for each ton of ingot?—A. I do not know.

Q. What is the lifting, stripping, and chipping charge per ton of ingot?—A. I do not know.

Q. What is the power charge, including steam, electric, and water, for each ton of ingot?—A. I do not know.

Q. What is the cost for forging?—A. I do not know.

Q. What scrap allowance is made for condemned ingots?—A. I do not know.

Q. How many tons of armor ingots did your company manufacture last year?—A. Eighteen thousand eight hundred and thirty-one gross tons.

Q. What was the total number of these ingots in tonnage which were rejected before reaching the forge?—A. Five hundred and twenty-four gross tons.

Q. How many tons of ingots were forged during the past year?—A. Eighteen thousand three hundred and seven gross tons.

Q. How many tons of ingots were rejected during the forging?—A. None.

Q. What scrap allowance was made for those rejected during forging?—A. None rejected.

Q. What was the oxidization and scale loss at the forge?—A. We do not take such record.

Q. What did the labor for forging each ton of ingot amount to?—A. I do not know.

Q. What did the fuel for each ton of ingot forged amount to?—A. I do not know.

Q. What did the repairs to heating furnaces amount to for each ton of armor?—A. I do not know.

Q. What did the electric power, light, steam, water, drafting, transportation, and inspection per ton of plate amount to during the forging?—A. I do not know.

Q. Of all the ingots forged and not rejected, what percentage was discarded—that is, how many tons?—A. Four thousand seven hundred and forty-six gross tons.

Q. What allowance was made for the metal thus discarded?—A. I do not know.

Q. What is the unit price per ton of plate when ready for carbonizing?—A. I do not know.

Q. How many tons of armor plate were carbonized at the works of your company last year?—A. Thirteen thousand five hundred and sixty-one gross tons.

Q. What was the oxidization and scale in this treatment, in tons?—A. No record kept.

Q. What was the total number of plates rejected during carbonization?—A. None.

Q. What does the labor per ton of carbonized plate amount to?—A. I do not know.

Q. What does the material per ton of carbonized plate amount to?—A. I do not know.

Q. How much fuel per ton of plate is used in carbonizing?—A. I do not know.

Q. How much did the furnace repairs per ton of carbonized plate amount to?—A. I do not know.

Q. What does the proportional amount of steam, electric power, lighting, drafting, inspection, laboratory, and transportation amount to per ton of carbonized plate?—A. I do not know.

Q. How much is the carbonized plate worth per ton without machining?—A. I do not know.

Q. How many tons of armor plate were reforged by your company during the past year?—A. Thirteen thousand five hundred and sixty-one gross tons.

Q. How many tons of plate were rejected during the reforging process, and was any allowance for the recovered material made in working the cost of armor?—A. Two thousand one hundred and seventy tons. The usual scrap allowance was made, but I know nothing about the amounts so allowed.

Q. What does the labor per ton for reforging amount to?—A. I do not know.

Q. What do the repairs per ton for reforging amount to?—A. I do not know.

Q. What does the fuel per ton for reforging amount to?—A. I do not know.

Q. What is the proportional amount of power—electric, steam, water—for reforging?—A. I do not know.

Q. What does the proportional drafting, inspection, transportation, and laboratory for reforging amount to?—A. I do not know.

Q. How much discard is made after reforging?—A. None.

Q. What allowance is made for this discard in reckoning the cost?—A. No such discard.

Q. What is the cost of armor per ton after reforging?—A. I do not know.

Q. How many tons of armor plate were sent to treatment by your company during the past year?—A. Eleven thousand three hundred and ninety-one gross tons.

Q. How many tons were lost during treatment by rejection?—A. One thousand one hundred and fifteen gross tons.

Q. What does the labor per ton of treated plate amount to?—A. I do not know.

Q. What does the material per ton of treated plate amount to?—A. I do not know.

Q. What do the repairs per ton of treated plate amount to?—A. I do not know.

Q. What does the fuel per ton of treated plate amount to?—A. I do not know.

Q. What do the proportional charges per ton of treated plate amount to?—A. I do not know.

Q. What is the total cost per ton of treated and rectified plate?—A. I do not know.

Q. How many tons of armor plate were sent to machining by your company last year?—A. Ten thousand two hundred and seventy-six gross tons.

Q. How many tons of machined plate were produced last year?—A. Six thousand two hundred and sixty-seven gross tons.

Q. Were there any rejections during the process of machining; if so, how many tons, and what allowance was made for the rejected material in reckoning the final cost?—A. Two hundred and twelve gross tons rejected. Usual scrap allowance made, but I do not know the amounts of such allowance.

Q. How much per ton does the labor of machining amount to?—A. I do not know.

Q. How much does the machined scrap amount to?—A. I do not know.

Q. How much does the material for machining amount to, including oil, waste, repairing of tools, and supply of tools?—A. I do not know.

Q. How much do the repairs per ton of machined plate amount to during the machining operations?—A. I do not know.

Q. What do the proportional charges per ton of machined plate amount to?—A. I do not know.

Q. What is the cost per ton of machined plate produced?—A. I do not know.

Q. How many tons of machined plate were presented by your company for shipment last year?—A. Five thousand nine hundred and nineteen gross tons.

Q. What do the labor and material for preparation for shipment amount to per ton of finished plate?—A. I do not know.

Q. How are the total water, steam, power, transportation, inspection, drafting, and laboratory charges reckoned?—A. I do not know.

Q. What were the total power charges for your plant last year—by power charges is meant electric power, steam power, water power, or producer gas for running engines, as the case may be—and how did you arrive at the method of assigning the various proportions to the various operations?—A. I do not know.

Q. The same information is desired for the laboratory, drafting, inspection, and transportation charges?—A. I do not know.

Q. What is the cost per ton of class A–2 shipped plates?—A. I do not know.

Q. What is the cost per ton of class B shipped plates?—A. I do not know.
Q. What was the average cost per ton of class C steel armor?—A. We do not make it.
Q. What do you reckon your working capital to be?—A. I do not know.
Q. What does the maintenance of your plant amount to per annum?—A. I do not know.
Q. Is this amount over and above the repairs which have been charged to the various operations comprising the total manufacture, and separate from depreciation?—A. I do not know.
Q. What does this maintenance mean? To what is it applied?—A. I do not know.
Q. What is the total of proportional administration charges made to armor? How has this been arrived at?—A. I do not know.
Q. Give a tabulated list showing the various salaries paid and how proportionately divided, so as to include the armor plant.—A. I do not know.
Q. How much did the insurance charges on your armor plant amount to?—A. I do not know.
Q. How much taxes are chargeable to the armor plant?—A. I do not know.
Q. How much do you charge to armor in behalf of the pension fund?—A. I do not know.
Q. How much depreciation is charged against the armor plant?—A. I do not know.
Q. What is this depreciation and how has it been arrived at?—A. I do not know.
Q. After a year's operations within which a certain sum of money has been set aside from the proceeds of the manufacture of armor for depreciation charge what is done with this money?—A. I do not know.
Q. After depreciation charge has been made to a year's operation, and there have been no replacements of tools, is this amount used to amortize the original investment?—A. I do not know.
Q. Since the erection of your armor plant what has been the total amount of depreciation which has been charged into the cost of the armor?—A. I do not know.
Q. How much, if any, of this sum of money has been actually used for the installation of new machinery in place of old, for building new buildings, furnaces, etc., in place of old, and has this expenditure been added to the capital account?—A. I do not know.
Q. The remainder of this sum of money which has not been expended, has it been used for amortizing any of the original investment?—A. I do not know.
Q. How much money is invested in your armor plant?—A. I do not know.
Q. Does this represent the total amount which has been expended for this plant, inclusive of all depreciation replacements?—A. I do not know.
Q. In reckoning your profit is it reckoned as a profit on the total amount of money which has been put into the armor plant, or on the amount which has been put into the armor plant less all depreciation which has not been used for the purpose of replacement?—A. I do not know.

STATEMENT OF MR. RALPH H. WATSON.

Mr. R. H. Watson, being duly sworn, testified as follows:
The CHAIRMAN. What is your name?
Mr. WATSON. Ralph H. Watson.
The CHAIRMAN. What is your official connection with the Carnegie Steel Co.?
Mr. WATSON. Assistant general superintendent of Homestead Steel Works of Carnegie Steel Co.
Q. How much does it cost your company, f. o. b., to produce a ton of K. C. armor, class A–1? That is, material, labor, and shop-overhead charges?—A. I do not have access to the records of cost of the manufacture of armor. Such records are kept in the general offices of the company in Pittsburgh. I am, therefore, unable to answer the question.
Q. How much do you add to this cost for deterioration of plant and administration?—A. I do not know.
Q. In calculating costs do you take the annual output of a single year or of a term of years, and do you make any allowance for rejections and ballistic failures?—A. I do not know.
Q. What are the various components of this cost per ton?—A. I do not know.
Q. What is the cost per ton of the armor ingot at the forge, including all rejections?—A. I do not know.
Q. Give the components, with their unit prices, that enter into a furnace charge for an armor heat.—A. I do not know.
Q. How much repair and preparation cost for the open-hearth furnace is made for each heat?—A. I do not know.
Q. How much does this amount to per ton of armor ingot produced?—A. I do not know.
Q. How much does the repair and preparation cost of the ladles amount to for each ton of ingot?—A. I do not know.
Q. What is the fuel charge for each ton of ingot?—A. I do not know.
Q. What is the proportional laboratory superintendence charge for each ton of ingot?—A. I do not know.
Q. What is the lifting, stripping, and chipping charge per ton of ingot?—A. I do not know.
Q. What is the power charge, including steam, electric, and water, for each ton of ingot?—A. I do not know.
Q. What is the cost for forging?—A. I do not know.
Q. What scrap allowance is made for condemned ingots?—A. I do not know.
Q. How many tons of armor ingots did your company manufacture last year?—A. Eighteen thousand eight hundred and thirty-one gross tons.
Q. What was the total number of these ingots in tonnage which were rejected before reaching the forge?—A. Five hundred and twenty-four gross tons.
Q. How many tons of ingots were forged during the past year?—A. Eighteen thousand three hundred and seven gross tons.
Q. How many tons of ingots were rejected during the forging.?—A. None.
Q. What scrap allowance was made for those rejected during forging?—A. None rejected.
Q. What was the oxidization and scale loss at the forge?—A. Such records are not made.
Q. What did the labor for forging each ton of ingot amount to?—A. I do not know.
Q. What did the fuel for each ton of ingot forged amount to?—A. I do not know.
Q. What did the repairs to heating furnaces amount to for each ton of armor?—A. I do not know.
Q. What did the electric power, light, steam, water, drafting, transportation, and inspection per ton of plate amount to during the forging?—A. I do not know.
Q. Of all the ingots forged and not rejected, what percentage was discarded; that is, how many tons?—A. Four thousand seven hundred and forty-six gross tons.
Q. What allowance was made for the metal thus discarded?—A. I do not know.
Q. What is the unit price per ton of plate when ready for carbonizing?—A. I do not know.
Q. How many tons of armor plate were carbonized at the works of your company last year?—A. Thirteen thousand five hundred and sixty-one gross tons.
Q. What was the oxidization and scale in this treatment in tons?—A. We do not keep a record of it.
Q. What was the total number of plates rejected during carbonization?—A. None.
Q. What does the labor per ton of carbonized plate amount to?—A. I do not know.
Q. What does the material per ton of carbonized plate amount to?—A. I do not know.
Q. How much fuel per ton of plate is used in carbonizing?—A. I do not know.
Q. How much did the furnace repairs per ton of carbonized plate amount to?—A. I do not know.
Q. What does the proportional amount of steam, electric power, lighting, drafting, inspection, laboratory, and transportation amount to per ton of carbonized plate?—A. I do not know.
Q. How much is the carbonized plate worth per ton without machining?—A. I do not know.
Q. How many tons of armor plate were reforged by your company during the past year?—A. Thirteen thousand five hundred and sixty-one gross tons.
Q. How many tons of plate were rejected during the reforging process, and was any allowance for the recovered material made in working the cost of armor?—A. Two thousand one hundred and seventy gross tons. The usual scrap allowance was made, but I do not know the amount.
Q. What does the labor per ton for reforging amount to?—A. I do not know.
Q. What do the repairs per ton for reforging amount to?—A. I do not know.
Q. What does the fuel for reforging amount to?—A. I do not know.
Q. What is the proportional amount of power—electric, steam, water—for reforging?—A. I do not know.
Q. What does the proportional drafting, inspection, transportation, and laboratory for reforging amount to?—A. I do not know.
Q. How much discard is made after reforging?—A. No discard is made after reforging.
Q. What allowance is made for this discard in reckoning the cost?—A. No discard made.
Q. What is the cost of armor per ton after reforging?—A. I do not know.
Q. How many tons of armor plate were sent to treatment by your company during the past year?—A. Eleven thousand three hundred and ninety-one gross tons.
Q. How many tons were lost during treatment by rejections?—A. One thousand one hundred and fifteen gross tons.
Q. What does the labor per ton of treated plate amount to?—A. I do not know.
Q. What does the material per ton of treated plate amount to?—A. I do not know.
Q. What do the repairs per ton of treated plate amount to?—A. I do not know.
Q. What does the fuel per ton of treated plate amount to?—A. I do not know.
Q. What do the proportional charges per ton of treated plate amount to?—A. I do not know.
Q. What is the total cost per ton of treated and rectified plate?—A. I do not know.
Q. How many tons of armor plate were sent to machining by your company last year?—A. Ten thousand two hundred and seventy-six gross tons.
Q. How many tons of machined plate were produced last year?—A. Six thousand two hundred and sixty-seven gross tons.
Q. Were there any rejections during the process of machining? If so, how many tons, and what allowance was made for the rejected material in reckoning the final cost?—A. Two hundred and twelve gross tons were rejected during the process of machining. Do not know the amount of allowance made for the rejected material.
Q. How much per ton does the labor of machining amount to?—A. I do not know.
Q. How much does the machined scrap amount to?—A. I do not know.
Q. How much does the material for machining amount to, including oil, waste, repairing of tools, and supply of tools?—A. I do not know.
Q. How much do the repairs per ton of machined plate amount to during the machining operations?—A. I do not know.
Q. What do the proportional charges per ton of machined plate amount to?—A. I do not know.
Q. What is the cost per ton of machined plate produced?—A. I do not know.
Q. How many tons of machined plate were presented by your company for shipment last year?—A. Five thousand nine hundred and nineteen gross tons.
Q. What do the labor and material for preparation for shipment amount to per ton of finished plate?—A. I do not know.
Q. How are the total water, steam, power, transportation, inspection, drafting, and laboratory charges reckoned?—A. I do not know.
Q. What were the total power charges for your plant last year—by power charges is meant electric power, steam power, water power, or producer gas for running engines, as the case may be—and how did you arrive at the method of assigning the various proportions to the various operations?—A. I do not know.
Q. The same information is desired for the laboratory, drafting, inspection, and transportation charges.—A. I do not know.
Q. What is the cost per ton of class A–2 shipped plates?—A. I do not know.
Q. What is the cost per ton of class B shipped plates?—A. I do not know.

Q. What was the average cost per ton of class C steel armor?—A. We do not manufacture class C armor.
Q. What do you reckon your working capital to be?—A. I do not know.
Q. What does the maintenance of your plant amount to per annum?—A. I do not know.
Q. Is this amount over and above the repairs which have been charged to the various operations comprising the total manufacture, and separate from depreciation?—A. I do not know.
Q. What does this maintenance mean? To what is it applied?—A. I do not know.
Q. What is the total of proportional administration charges made to armor? How has this been arrived at?—A. I do not know.
Q. Give a tabulated list showing the various salaries paid, and how proportionately divided, so as to include the armor plate.—A. I do not know.
Q. How much did the insurance charges on your armor plant amount to?—A. I do not know.
Q. How much taxes are chargeable to the armor plant?—A. I do not know.
Q. How much do you charge to armor in behalf of the pension fund?—A. I do not know.
Q. How much depreciation is charged against the armor plant?—A. I do not know.
Q. What is the depreciation and how has it been arrived at?—A. I do not know.
Q. After a year's operations within which a certain sum of money has been set aside from the proceeds of the manufacture of armor for depreciation charge, what is done with this money?—A. I do not know.
Q. After depreciation charge has been made to a year's operation, and there have been no replacements of tools, is this amount used to amortize the original investment?—A. I do not know.
Q. Since the erection of your armor plant what has been the total amount of depreciation which has been charged into the cost of armor?—A. I do not know.
Q. How much, if any, of this sum of money has been actually used for the installation of new machinery in place of old, for building new buildings, furnaces, etc., in place of old, and has this expenditure been added to the capital account?—A. I do not know.
Q. The remainder of this sum of money which has not been expended, has it been used for amortizing any of the original investment?—A. I do not know.
Q. How much money is invested in your armor plant?—A. I do not know.
Q. Does this represent the total amount which has been expended for this plant, inclusive of all depreciation replacements?—A. I do not know.
Q. In reckoning your profit, is it reckoned as a profit on the total amount of money which has been put into the armor plant or on the amount which has been put into the armor plant less all depreciation which has not been used for the purpose of replacement?—A. I do not know.

STATEMENT OF MR. JAMES J. CAMPBELL.

Mr. James J. Campbell, being duly sworn, testified as follows:
The CHAIRMAN. What is your name?
Mr. CAMPBELL. James J. Campbell.
Q. What is your official connection with the Carnegie Steel Co.?—A. I am the auditor and assistant secretary of the company, and as auditor am in control of all of the company's accounting.
Q. How much does it cost your company, f. o. b., to produce a ton of K. C. armor, class A–1? That is, material, labor, and shop overhead charges.—A. I am not permitted by the policy of our company to give out such information.
Q. How much do you add to this cost for deterioration of plant and administration?—A. As this is a detail of our costs, I can not state, for the reason given in answer to the preceding question.
Q. In calculating costs do you take the annual output of a single year or of a term of years, and do you make any allowance for rejections and ballistic failures?—A. We make monthly costs of our armor ingots produced, and at the end of each calendar year make up yearly costs of same, taking cognizance of any annual adjustments which could not be worked into the monthly costs. From ingots forward we carry the manufacturing expenses in suspense until the armor plates are finally finished, at which times (monthly) we make costs for the finished plates, which also include the costs of the ingots used in the process. We try to include in these costs all items (whether debits or credits) which properly relate thereto.
Q. What are the various components of this cost per ton?—A. As this is a detail of costs, I can not state, for the reason already given.
Q. What is the cost per ton of the armor ingot at the forge, including all rejections?—A. As this is a detail of costs, I can not state, for the reason already given.
Q. Give the components, with their unit prices, that enter into a furnace charge for an armor heat.—A. As this is a detail of costs, I can not state, for the reason already given.
Q. How much repair and preparation cost for the open-hearth furnace is made for each heat?—A. As this is a detail of costs, I can not state, for the reason already given.
Q. How much does this amount to per ton of armor ingot produced?—A. As this is a detail of costs I can not state, for the reason already given.
Q. How much does the repair and preparation cost of the ladles amount to for each ton of ingot?—A. As this is a detail of costs I can not state, for the reason already given.
Q. What is the fuel charge for each ton of ingot?—A. As this is a detail of costs I can not state, for the reason already given.
Q. What is the proportional laboratory superintendence charge for each ton of ingot?—A. As this is a detail of costs I can not state, for the reason already given.
Q. What is the lifting, stripping, and chipping charge per ton of ingot?—A. As this is a detail of costs I can not state, for the reason already given.
Q. What is the power charge, including steam, electric, and water, for each ton of ingot?—A. As this is a detail of costs I can not state, for the reason already given.
Q. What is the cost for forging?—A. As this is a detail of costs I can not state, for the reason already given.
Q. What scrap allowance is made for condemned ingots?—A. As this is a detail of costs I can not state, for the reason already given.
Q. How many tons of armor ingots did your company manufacture last year?—A. Eighteen thousand eight hundred and thirty-one gross tons.
Q. What was the total number of these ingots in tonnage which were rejected before reaching the forge?—A. Five hundred and twenty-four gross tons.
Q. How many tons of ingots were forged during the past year?—A. Eighteen thousand three hundred and seven gross tons.
Q. How many tons of ingots were rejected during the forging?—A. None.
Q. What scrap allowance was made for those rejected during forging?—A. None rejected.
Q. What was the oxidization and scale loss at the forge?—A. This is also a detail of costs; however, we have no accurate line on what the oxidization and scale is at this point in the process.
Q. What did the labor for forging each ton of ingot amount to?—A. As this is a detail of costs I can not state, for the reason already given.
Q. What did the fuel for each ton of ingot forged amount to?—A. As this is a detail of costs I can not state, for the reason already given.
Q. What did the repairs to heating furnaces amount to for each ton of armor?—A. As this is a detail of costs I can not state, for the reason already given.
Q. What did the electric power, light, steam, water, drafting, transportation, and inspection per ton of plate amount to during the forging?—A. As this is a detail of costs I can not state, for the reason already given.
Q. Of all the ingots forged and not rejected what percentage was discarded? That is, how many tons?—A. Four thousand seven hundred and forty-six gross tons.
Q. What allowance was made for the metal thus discarded?—A. As this is a detail of costs, I can not state, for the reason already given.
Q. What is the unit price per ton of plate when ready for carbonizing?—A. As this is a detail of costs, I can not state, for the reason already given.
Q. How many tons of armor plate were carbonized at the works of your company last year?—A. Thirteen thousand five hundred and sixty-one gross tons.
Q. What was the oxidization and scale in this treatment in tons?—A. This is also a detail of cost. However, I would state that we have no accurate account of the oxidization and scale in this step of the process.
Q. What was the total number of plates rejected during carbonization?—A. None.
Q. What does the labor per ton of carbonized plate amount to?—A. As this is a detail of costs, I can not state, for the reason already given.
Q. What does the material per ton of carbonized plate amount to?—A. As this is a detail of costs, I can not state, for the reason already given.
Q. How much fuel per ton of plate is used in carbonizing?—A. As this is a detail of costs, I can not state, for the reason already given.
Q. How much did the furnace repairs per ton of carbonized plate amount to?—A. As this is a detail of costs, I can not state, for the reason already given.
Q. What does the proportional amount of steam, electric power, lighting, drafting, inspection, laboratory, and transportation amount to per ton of carbonized plate?—A. As this is a detail of costs, I can not state, for the reason already given.
Q. How much is the carbonized plate worth per ton without machining?—A. As this is a detail of costs, I can not state, for the reason already given.
Q. How many tons of armor plate were reforged by your company during the past year?—A. Thirteen thousand five hundred and sixty-one gross tons.
Q. How many tons of plate were rejected during the reforging process, and was any allowance for the recovered material made in working the cost of armor?—A. Two thousand one hundred and seventy gross tons. The allowance made therefor is a detail of our cost which I am not at liberty to reveal.
Q. What does the labor per ton for reforging amount to?—A. As this is a detail of costs, I can not state, for the reason already given.
Q. What do the repairs per ton for reforging amount to?—A. As this is a detail of costs, I can not state, for the reason already given.
Q. What does the fuel per ton for reforging amount to?—A. As this is a detail of costs, I can not state, for the reason already given.
Q. What is the proportional amount of power—electric, steam, water—for reforging?—A. As this is a detail of costs, I can not state, for the reason already given.
Q. What does the proportional drafting, inspection, transportation, and laboratory for reforging amount to?—A. As this is a detail of costs, I can not state, for the reason already given.
Q. How much discard is made after reforging?—A. None.
Q. What allowance is made for this discard in reckoning the cost?—A. No discard made.
Q. What is the cost of armor per ton after reforging?—A. As this is a detail of costs, I can not state, for the reason already given.
Q. How many tons of armor plate were sent to treatment by your company during the past year?—A. Eleven thousand three hundred and ninety-one gross tons.
Q. How many tons were lost during treatment by rejection?—A. One thousand one hundred and fifteen gross tons.
Q. What does the labor per ton of treated plate amount to?—A. As this is a detail of costs, I can not state, for the reason already given.
Q. What does the material per ton of treated plate amount to?—A. As this is a detail of costs, I can not state, for the reason already given.
Q. What do the repairs per ton of treated plate amount to?—A. As this is a detail of costs, I can not state, for the reason already given.
Q. What does the fuel per ton of treated plate amount to?—A. As this is a detail of costs, I can not state, for the reason already given.
Q. What do the proportional charges per ton of treated plate amount to?—A. As this is a detail of costs, I can not state, for the reason already given.
Q. What is the total cost per ton of treated and rectified plate?—A. As this is a detail of costs, I can not state, for the reason already given.
Q. How many tons of armor plate were sent to machining by your company last year?—A. Ten thousand two hundred and seventy-six gross tons.
Q. How many tons of machined plate were produced last year?—A. Six thousand two hundred and sixty-seven gross tons.
Q. Were there any rejections during the process of machining? If so, how many tons, and what allowance was made for the rejected material in reckoning the final cost?—A. Two hundred and twelve gross tons. The allowance made therefor is a detail of our cost which I am not at liberty to reveal.

Q. How much per ton does the labor of machining amount to?—A. As this is a detail of costs, I can not state, for the reason already given.

Q. How much does the machine scrap amount to?—A. As this is a detail of costs, I can not state, for the reason already given.

Q. How much does the material for machining amount to, including oil, waste, repairing of tools, and supply of tools?—A. As this is a detail of costs, I can not state, for the reason already given.

Q. How much do the repairs per ton of machined plate amount to during the machining operations?—A. As this is a detail of costs, I can not state, for the reason already given.

Q. What do the proportional charges per ton of machined plate amount to?—A. As this is a detail of costs, I can not state, for the reason already given.

Q. What is the cost per ton of machined plate produced?—A. As this is a detail of costs, I can not state, for the reason already given.

Q. How many tons of machined plate were presented by your company for shipment last year?—A. Five thousand nine hundred and nineteen gross tons.

Q. What do the labor and material for preparation for shipment amount to per ton of finished plate?—A. As this is a detail of costs, I can not state, for the reason already given.

Q. How are the total water, steam, power, transportation, inspection, drafting, and laboratory charges reckoned?—A. As this is a detail of costs, I can not state, for the reason already given.

Q. What were the total power charges for your plant last year—by power charges is meant electric power, steam power, water power, or producer gas for running engines, as the case may be—and how did you arrive at the method of assigning the various proportions to the various operations?—A. As this is a detail of costs, I can not state, for the reason already given.

Q. The same information is desired for the laboratory, drafting, inspection, and transportation charges.—A. As this is a detail of costs, I can not state, for the reason already given.

Q. What is the cost per ton of class A–2 shipped plates?—A. As this is a detail of costs, I can not state, for the reason already given.

Q. What is the cost per ton of class B shipped plates?—A. As this is a detail of costs, I can not state, for the reason already given.

Q. What was the average cost per ton of class C steel armor?—A. Understand that class "C" covers bolts, nuts, etc., I would state that we do not manufacture this class.

Q. What do you reckon your working capital to be?—A. We do not have a segregated working capital for this department of our business; but our estimate is that it requires about $1,200,000, operating as we have been in recent years. In this connection, it must be understood that the process for making heavy cemented armor covers a period of about eight months—from the making of the ingot to the shipping of the group; and, although the Government makes partial payments at various stages of the process, 10 per cent of the price of the last group is withheld until six months after the last plate is placed on the vessel, provided that this final 10 per cent shall not be withheld more than nine months after the shipment of the last plate.

Q. What does the maintenance of your plant amount to per annum?—A. As this is a detail of costs, I can not state, for the reason already given.

Q. Is this amount over and above the repairs which have been charged to the various operations comprising the total manufacture, and separate from depreciation?—A. As this is a detail of costs, I can not state, for the reason already given.

Q. What does this maintenance mean? To what is it applied?—A. As this is a detail of costs, I can not state, for the reason already given.

Q. What is the total of proportional administration charges made to armor? How has this been arrived at?—A. As this is a detail of costs, I can not state, for the reason already given.

Q. Give a tabulated list showing the various salaries paid, and how proportionately divided, so as to include the armor plant.—A. As this is a detail of costs, I can not state, for the reason already given.

Q. How much did the insurance charges on your armor plant amount to?—A. This is also a detail of costs, but, as a matter of fact, we carry our own risks and figure a provision accordingly.

Q. How much taxes are chargeable to the armor plant?—A. This is also a detail of costs. We have to estimate the amount of taxes applicable to our armor plant because the local tax assessments are made in such a way that armor-plant facilities are mixed up with other facilities at our Homestead Works.

Q. How much do you charge to armor in behalf of the pension fund and liability fund?—A. This is also a detail of costs; but we do not charge anything for pensions. We only charge a provision, based on our experience, to take care of our liability on account of accidental injuries to employees—which comprehends not only compensation for partial or total disability, but also the payment of wages to and surgical and hospital care of the injured while off duty because of accidents.

Q. How much depreciation is charged against the armor plant?—A. Under our practice we do not charge depreciation as an item of our manufacturing costs. We provide for depreciation through our general profit and loss account, and this provision is made with reference to all our plants and facilities as a whole, and not as to units or classes of equipment. Of course, when we come to estimate selling costs for any particular product we must approximate a fair rate of depreciation applicable thereto.

Q. What is this depreciation, and how has it been arrived at?—A. Having in mind the answer just made, I would state that we consider that our so-called selling costs for armor should include a charge for depreciation based on a rate of 6 per cent per annum on the cost of the plant and facilities, exclusive of cost of site, considering fully the character and risks of the business.

Q. After a year's operations, within which a certain sum of money has been set aside from the proceeds of the manufacture of armor for depreciation charge, what is done with this money?—A. As already stated, we do not set aside depreciation funds specifically on the armor plant.

Q. After depreciation charge has been made to a year's operation and there have been no replacements of tools, is this amount used to amortize the original investment?—A. Depreciation funds in a going business like ours are used to replace worn-out facilities in kind or to ultimately return to stockholders exhausted investments.

Q. Since the erection of your armor plant what has been the total amount of depreciation which has been charged into the cost of armor?—A. As already explained, we do not charge into our costs for depreciation.

Q. How much, if any, of this sum of money has been actually used for the installation of new machinery in place of old, for building new buildings, furnaces, etc., in place of old, and has this expenditure been added to the capital account?—A. I can not tell just how much has been charged off to general depreciation funds which have been provided for all property, for renewals and replacements of the armor plant. The armor plant was owned and operated up to 1900 by the old Carnegie partnerships, i. e., Carnegie, Phipps & Co. (Ltd.), to July 1, 1892, and then by the Carnegie Steel Co. (Ltd.), whose books of account are not in our present corporation's possession. I do know, however, that none of these expenditures for renewals and replacements have been added to capital account.

Q. The remainder of this sum of money which has not been expended, has it been used for amortizing any of the original investment?—A. Any unexpended allowances made for general depreciation for all property have not, as yet, been used for amortizing any of the original investment. But we claim that good business principles and practices permit us, when estimating our selling costs, to include therein always the recognized fair rate of depreciation applicable to such plants, so long as we maintain our plant efficiently and sufficiently, without regard to any amounts which may or may not have been set aside from profits or otherwise for amortization.

Q. How much money is invested in your armor plant?—A. In the armor plant and auxiliary departments required and used for armor making, there has been invested, up to October 31, 1914, $6,125,846.44, including a value of $450,000 for 30 acres of land.

Q. Does this represent the total amount which has been expended for this plant, inclusive of all depreciation replacements?—A. It does not include cost of any replacements, so far as I can determine from records now available.

Q. In reckoning your profit, is it reckoned as a profit on the total amount of money which has been put into the armor plant, or on the amount which has been put into the armor plant less all depreciation which has not been used for the purpose of replacement?—A. We do not calculate our profits in this manner. Differences between selling price, proceeds, and shop or manufacturing costs are carried to credit of our general profit and loss account, and all overhead expenses and taxes and general depreciation, etc., are charged to general profit and loss.

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SPECIAL COMMITTEE,
South Bethlehem, Pa., Wednesday, November 25, 1914.

The committee met at 2.15 p. m. at the office of the Bethlehem Steel Co., Hon. B. R. TILLMAN (chairman) presiding.

Present: Hon. L. P. PADGETT, Member of Congress, Rear Admiral J. Strauss, United States Navy, members of the committee. Lieut. Commander C. C. Bloch, United States Navy, Mr. J. B. Knight and Mr. E. S. Theall, assistants to the committee.

There were also present Mr. E. G. Grace, president of the Bethlehem Steel Co., Mr. W. F. Roberts, general superintendent of the Lehigh plant of the Bethlehem Steel Co., Mr. F. A. Shick, comptroller and auditor of the Bethlehem Steel Co.

The CHAIRMAN. The committee prepared before we left Washington, considering all the phases of the manufacture of armor and in pursuance of instructions in the law, a list of questions which Admiral Strauss will propound to you as he did to Mr. Dinkey, president of the Carnegie Steel Co.

STATEMENT OF MR. E. G. GRACE, PRESIDENT OF THE BETHLEHEM STEEL CO.

Mr. E. G. Grace, having been duly sworn, testified as follows:

The CHAIRMAN. What is your name, and what connection do you have with this company?

Mr. GRACE. E. G. Grace, president of the company.

The CHAIRMAN. President of the Bethlehem Steel Co.?

Mr. GRACE. Yes, sir; president of the Bethlehem Steel Co.

Q. How much does it cost your company to produce a ton of K. C. armor, f. o. b., class A–1 armor, including material, labor, and shop overhead charges?—A. We would prefer not to answer. We consider the cost of armor as confidential information, and the character of information which we would not want to make available for our competitors. We believe that we have developed processes in our method of manufacturing armor which are unique and unusual, and not known to our competitors. Such conditions are naturally reflected in costs, and are the development of our many years of experience in the manufacture of armor, and constitute a very valuable asset as stock in trade. We understand the object of your investigation to be to obtain information relative to armor-plate plant and armor-plate manufacture, to the end of the possible building and operating of an armor-plate plant by the United States Government. In the event of this coming to pass, we would look upon the United States Government as a more serious competitor than the ordinary competitor, on account of its position of controlling the purchases of armor. We must also bear in mind that we are at all times subject to foreign competition, operating under widely different conditions than confront us in this country. Unquestionably, information of the character requested in the above question would place our present and possible future competitors in a position of decided advantage over us.

Q. Has this cost been reached by taking the annual output of a single year, or of a term of years, and making allowance for rejections and ballistic failures?—A. Same as to first question.

Q. What are the various components of this cost per ton?—A. Same as to first question.

Q. What is the cost per ton of the armor ingot at the forge, including all rejections?—A. Same as to first question.

Q. Give the components, with their unit prices, that enter into a furnace charge for an armor heat.—A. Same as to first question.

Q. How much repair and preparation cost for the open-hearth furnace is made for each heat?—A. Same as to first question.

Q. How much does this amount to per ton of armor ingot produced?—A. Same as to first question.

Q. How much does the repair and preparation cost of the ladles amount to for each ton of ingot?—A. Same as to first question.

Q. What is the fuel charge for each ton of ingot?—A. Same as to first question.

Q. What is the proportional laboratory superintendence charge for each ton of ingot?—A. Same as to first question.

Q. What is the lifting, stripping, and chipping charge per ton of ingot?—A. Same as to first question.

Q. What is the power charge, including steam, electric, and water, for each ton of ingot?—A. Same as to first question.

Q. What is the cost for forging?—A. Same as to first question.

Q. What scrap allowance is made for condemned ingots?—A. Same as to first question.
Q. How many tons of armor ingots did your company manufacture last year?—A. Eighteen thousand and ninety-four and thirty-seven one-hundredths tons.
Q. What was the total number of these ingots in tonnage which were rejected before reaching the forge? What was the total number of tons rejected before coming to the forge?—A. Same as first question.
Q. How many tons of ingots were forged during the past year?—A. Eighteen thousand and fourteen and forty-five one-hundredths.
Q. How many tons were rejected during the forging?—A. Same as to first question.
Q. What scrap allowance was made for those rejected during forging?—A. Same as to first question.
Q. What was the oxidization and scale loss at the forge?—A. Same as to first question.
Q. What did the labor for forging each ton of ingot amount to?—A. Same as to first question.
Q. What did the fuel for each ton of ingot forged amount to?—A. Same as to first question.
Q. What did the repairs to heating furnaces amount to for each ton of armor?—A. Same as to first question.
Q. What did the electric power, light, steam, water, drafting, transportation, and inspection per ton of plate amount to during the forging?—A. Same as answer to first question.
Q. Of all the ingots forged and not rejected, what percentage was discarded—how many tons?—A. We will attempt to give you the approximate yield of finished plate from the ingot. I think that is the way we can get it.
The CHAIRMAN. You mean the percentage of armor plate shipped and delivered to the Government, or delivered to the Government and the material you started out with?
Mr. GRACE. This phrase would cover it with us: The percentage of yield of shippable material in our armor-plate practice. We would be glad to give you the average of that. It varies considerably.
The CHAIRMAN. Will you give us the total you start with?
Mr. GRACE. We will give you the yield of good armor plate from the ingot.
The CHAIRMAN. Will you give us the weight of the ingot you start with?
Mr. GRACE. Yes; the weight of the ingot. I will give you the percentage of yield of good armor plates from those ingots. For instance, if we had 8,000 tons of ingots cast last year, I will give you the percentage of shippable armor, approximately, out of those ingots—40, 42, or 43 per cent, whatever it may be. [Later.] Our yield of shippable armor for 1913 was about 41 per cent.
Admiral STRAUSS. What allowance is made for the metal thus discarded?
A. Same as to first question.
Q. What is the unit price per ton of plate when ready for carbonizing?—A. Same as to first question.
Q. How many tons of armor plate were carbonized at the works of your company last year?—A. Twelve thousand four hundred and thirty-four and seventy one-hundredths tons.
Q. What was the oxidization and scale in this treatment, in tons?—A. Same as to first question.
Q. What was the total number of plates rejected during carbonization?—A. Same as to first question.
Q. What does the labor per ton of carbonized plate amount to?—A. Same as to first question.
Q. What does the material per ton of carbonized plate amount to?—A. Same as to first question.
Q. How much fuel per ton of plate is used in carbonizing?—A. Same as to first question.
Q. How much did the furnace repairs per ton of carbonized plate amount to?—A. Same as to first question.
Q. What does the proportional amount of steam, electric power, lighting, drafting, inspection, laboratory, and transportation amount to per ton of carbonized plate?—A. Same as to first question.
Q. How much is the carbonized plate worth per ton without machining?—A. Same as to first question.
Q. How many tons of armor plate were reforged by your company during the past year?—A. Nine thousand seven hundred and sixty-five and four one-hundredths tons.
Q. How many tons of plate were rejected during the reforging process, and was any allowance for the recovered material made in working the cost of armor?—A. Same as to first question.
Q. What does the labor per ton for reforging amount to?—A. Same as to first question.
Q. What do the repairs per ton for reforging amount to?—A. Same as to first question.
Q. What does the fuel per ton for reforging amount to?—A. Same as to first question.
Q. What is the proportional amount of power—electric, steam, water—for reforging?—A. Same as to first question.
Q. What does the proportional drafting, inspection, transportation, and laboratory for reforging amount to?—A. Same as to first question.
Q. How much discard is made after reforging?—A. About 25 to 30 per cent.
Q. What allowance is made for this discard in reckoning the cost?—A. Same as to first question.
Q. What is the cost of armor per ton after reforging?—A. Same as to first question.
Q. How many tons of armor plate were sent to treatment by your company during the past year?—A. You mean by that all kinds of treatment?
Admiral STRAUSS. Treatments of armor; that would not include your first treatment of the ingot.
A. Twelve thousand four hundred and thirty-four and seventy-one hundredths tons.
Q. How many tons were lost during treatment by rejection?—A. Same as to first question.
Q. What does the labor per ton of treated plate amount to?—A. Same as to first question.
Q. What does the material per ton of treated plate amount to?—A. Same as to first question.
Q. What do the repairs per ton of treated plate amount to?—A. Same as to first question.
Q. What do the proportional charges per ton of treated plate amount to?—A. Same as to first question.
Q. What is the total cost per ton of treated and rectified plate?—A. Same as to first question.
Q. How many tons of armor plate were sent to machining by your company last year?—A. Same as to first question.
Q. How many tons of machined plate were produced last year?—A. Seven thousand two hundred and sixty-nine and twenty-two hundredths tons.
Q. Were there any rejections during the process of machining? If so, how many tons and what allowance was made for the rejected material in reckoning the final cost?—A. Same as to first question.
Q. How much per ton does the labor of machining amount to?—A. Same as to first question.
Q. How much does the machined scrap amount to?—A. The cost of the machined scrap, or the weight?
Admiral STRAUSS. The weight.
A. Same as to first question.
Q. How much does the material for machining amount to, including oil, waste, repairing of tools, supply of tools?—A. Same as to first question.
Q. How much do the repairs per ton of machined plate amount to during the machining operation?—A. Same as to first question.
Q. What do the proportional charges per ton of machined plate amount to?—A. Same as to first question.
Q. What is the cost per ton of machined plate produced, ready for shipping, but not f. o. b. and jacked up?—A. Same as to first question.
Q. How many tons of machined plate were presented by your company for shipment last year?—A. Seven thousand two hundred and seventy-seven and twenty-nine one-hundredths tons.
Q. What do the labor and material for preparation for shipment amount to per ton of finished plate?—A. Same as to first question.
Q. How are the total water, steam, power, transportation, inspection, drafting, and laboratory charges reckoned?—A. We will supply that as to method. [Later.] The cost of each of these items is kept as to total, and is distributed to cost of armor plate on the basis of service rendered.
Q. What were the total power charges for your plant last year? By power charges is meant electric power, steam power, water power, or producer gas for running engines, as the case may be. And how did you arrive at the method of assigning the various proportions to the various operations?—A. Same as to first question.
Q. The same information is desired for the laboratory, drafting, inspection, and transportation charges.—A. Same as to first question.
Q. What is the cost per ton of class A-2 shipped plate?—A. Same as to first question.
Q. What is the cost per ton of class B shipped plate?—A. Same as to first question.
Q. What is the average cost per ton of class C steel armor?—A. Same as to first question.
Q. What do you reckon your working capital to be?—A. We have no definite working capital against any one of our particular products, but would estimate the amount of working capital required for the manufacture of armor to be $500,000, including its inventories.
Q. What does the maintenance of your plant amount to per annum; that is, the armor plant and all that belongs to the production of armor?—A. Same as to first question.
Q. Is this amount over and above the repairs which have been charged to the various operations comprising the total manufacture and separate from depreciation?—A. Same as to first question.
Q. What is the total of proportional administration charges made to armor; how has this been arrived at?—A. We make no division.
Q. Give a tabulated list showing the various salaries paid, and how proportionally divided, so as to include the armor plant.—A. We haven't such a thing.
Q. How much did the insurance charges on the armor plant amount to?—A. We make no attempt to distribute them.
Mr. PADGETT. Referring to the question before the last, with reference to the statement of salaries paid to those engaged in the manufacture of armor. You say you have no list?
Mr. GRACE. I must have misunderstood the question. We have no division of the salaries as against armor.
Admiral STRAUSS. The question was, "Give a tabulated list showing the various salaries paid, and how proportionally divided, so as to include the armor plant."
Mr. GRACE. We would want to say "no" to that.
Mr. PADGETT. That was the reason I asked the question, because it occurred to me that it could be taken both ways.
Q. How much taxes are chargeable to the armor plant?—A. We make no division of that.
Q. How much do you charge to armor in behalf of the pension fund and liability fund?—A. No direct charge against any of the products of the works.
Mr. PADGETT. I would like to ask a question right there. In fixing the selling price of armor do you put that in as one of the elements of cost?
Mr. GRACE. We would put it in; yes.
Mr. PADGETT. Would you state what you put in for that?
Mr. GRACE. No; we would not want to tell that, because it is a part of the cost of armor.
Mr. PADGETT. Yes; I understand.
Mr. GRACE. In an estimated way.
Mr. PADGETT. You mean you do not keep it in your books, but you put it in as one of the component elements in fixing the price?
Mr. GRACE. In arriving at the selling price, naturally, just the same as we would do on any other of our products. We reflect in our own way an estimated amount for the overhead of that particular product. We would not want to give that information on armor.
Q. How much depreciation is charged against the armor plant?—A. None, direct.
Mr. PADGETT. Just on that point. In fixing the selling price you put that in as one of the elements—the depreciation of your plant—in fixing the selling price?
Mr. GRACE. We reflect in our price an estimated amount, or our own idea of the amount, overhead charges, local taxes, insurance, and all those things which are not carried directly against any one product, but which we use our own judgment in distributing.
Mr. PADGETT. And you do distribute them in fixing the price?
Mr. GRACE. In our mind we have a certain idea of what that would be, but it does not show in our books anywhere.
Mr. PADGETT. Now, as to what that proportional part is, you decline to answer?
Mr. GRACE. Yes; I would not want to say.
Q. After a year's operations within which a certain sum of money has been set aside from the proceeds of the manufacture of armor for depreciation charge, what is done with this money?—A. There is really no money set aside. It is a matter of a book entry.
Mr. PADGETT. What do you do with that book entry to counterbalance?

Mr. GRACE. I will refer that question to the auditor.

Q. After depreciation charge has been made to a year's operation, and there have been no replacements of tools, is this amount used to amortize the original investment?—A. We will endeavor to give our method of handling our overhead and depreciation charges when we get your direct questions. I think that will make it simpler for you because we have no objection to explaining our method of handling our accounts. [Later.] Our general administrative and selling expenses are charged monthly to our general profit-and-loss account and are not distributed against any individual products. The matter of depreciation is decided at the end of our fiscal year, and a lump sum is set aside to cover depreciation and obsolescence on our entire properties.

Q. Since the erection of your armor plant, what has been the total amount of depreciation which has been charged into the cost of armor?—A. That, of course, we do not have. We have never distributed that way.

The CHAIRMAN. What have you spent for repairs to your plant for manufacturing armor since I was here?

Mr. GRACE. That I would not know.

The CHAIRMAN. You pointed out where you had rebuilt entirely a good part of it.

Mr. GRACE. Yes; but there are certain items which you would call repairs and extensions to plant which were not legitimate repairs.

The CHAIRMAN. Would you mind supplying the Government an estimate of an up-to-date armor plant?

Mr. GRACE. I would not want to do that; but I would be entirely willing to state in a general way what I think an armor plant could be built for, for the United States.

The CHAIRMAN. Will you state that now?

Mr. GRACE. I think $1,000,000 for 1,000 tons of output. My judgment would be that a 10,000-ton plant would cost approximately $10,000,000.

The CHAIRMAN. And would that mean that a 20,000-ton plant would cost $20,000,000?

Mr. GRACE. No. That is the reason I stated cost for a plant of 10,000 tons capacity as a basis, for in creating a larger plant there would be many items which would not have to be duplicated for the increased capacity.

Admiral STRAUSS. What is the capacity of your plant?

Mr. GRACE. From 10,000 to 12,000 tons a year, on the present character of armor.

Admiral STRAUSS. How much money do you estimate, if you care to answer that question, that you have invested in your plant exclusive of the site?

Mr. GRACE. In the neighborhood of $7,100,000.

Admiral STRAUSS. Why, then, would it cost the Government $12,000,000 to duplicate your plant?

Mr. GRACE. To begin with, our plant is built at cost; there is no profit in it. Our plant has been, in the main, created by ourselves and built at our cost, which you could not duplicate in a contracting proposition. If our plant has cost us over $7,000,000, you would not have to add much of a contractor's profit, which they would insist on having from the Government, to bring it up to $10,000,000 or $12,000,000.

The CHAIRMAN. Would you mind indicating whereabouts in the United States you think would be the best place for the Government to construct a plant?

Mr. GRACE. Bethlehem.

The CHAIRMAN. You want your rival right at home?

Mr. GRACE. We want him where we can watch him.

The CHAIRMAN. Would you mind stating why?

Mr. GRACE. Good labor conditions, and the Bethlehem Steel Co. would furnish you your pig iron very cheaply.

The CHAIRMAN. In other words, you want a customer as well as a competitor?

Mr. GRACE. We want a customer as well as a competitor. Speaking seriously, now, we believe that this territory—Bethlehem, Philadelphia—is very well located for a steel industry, and your shipyards are primarily on the eastern coast, where the armor will be consumed.

Mr. PADGETT. You speak of this section; do you include Philadelphia in the Bethlehem region?

Mr. GRACE. Yes. If you ask me personally, I should say Bethlehem, but Philadelphia is a good location for any geographical reasons that one could give. I think, maybe, our labor conditions are possibly better than at Philadelphia; but outside of Philadelphia you get possibly as good labor conditions as you get here. I certainly think you want your armor plant, if you build one, in the East, where you can assemble your raw materials cheaply and where you will have your shipyards, your consumers, near at hand.

The CHAIRMAN. Would you mind telling the committee what salaries these gentlemen in here are receiving, including yourself?

Mr. GRACE. I would not want to tell you that.

The CHAIRMAN. Would you mind telling the committee what your foremen of the shops receive?

Mr. GRACE. I would not want to give you that information, because it has a direct bearing on labor conditions and on resulting costs; and it would be a difficult matter for me to supply it in any event, for the reason that our men are paid a nominal salary and participate in the profits. Every man you are talking to here has a certain salary and participation in the profits of the company, so your salary list would not be representative.

The CHAIRMAN. How many graduates of the Naval Academy or ex-naval officers have you in your employ?

Mr. GRACE. We will be glad to supply that, and I hope to get some more. [Later.] We have 11 United States naval graduates and ex-officers in our employ.

The CHAIRMAN. All that I have ever seen are very fine gentlemen.

Mr. GRACE. They are very fine gentlemen. I will also supply you the number from West Point, if you like. [Later.] We have one United States Army graduate and three ex-officers in our employ.

Q. How much money is invested in your armor plant?—A. Approximately $7,100,000.

The CHAIRMAN. And you think you have a fine one?

Mr. GRACE. We have a pretty good plant; it needs some improvements to it. I pointed out to you when we went through the shops where we have to make a large expenditure to increase our bending facilities. We are not ashamed of our plant as compared with our competitors, nor of its product, either.

The CHAIRMAN. You are not boasting, you are just conscious of your own worth and do not mind claiming it?

Mr. GRACE. I will take every opportunity to advertise it.

Q. Does that sum include the cost of the land?—A. No.

Q. Does this represent the total amount which has been expended for this plant, inclusive of all depreciation replacements?—A. We have no absolute book records of the total investment in armor-plate plant. First, because many of our records showing the detail cost of various items were destroyed in the office fire in 1906; and second, because in a plant like ours, where an armor-plate plant is one of the departments served by auxiliary departments, such as transportation, electric stations, and the like, it is necessary to divide on our best possible judgment and distribute on our best possible judgment the investment in such auxiliary departments. With the reserves that the statement is based on our best possible judgment we consider the investment in our armor-plate plant (exclusive of working capital and inventories) to be $7,128,705, which represents the value only of land, buildings, machinery, and equipment which are now actually in the plant and in operation and does not include the value of any machinery or equipment which has been scrapped or dismantled.

Q. In reckoning your profit, is it reckoned as a profit on the total amount of money which has been put into the armor plant or on the amount which has been put into the armor plant less all depreciation which has not been used for the purpose of replacement?—A. No; we make no division of our total profits.

The CHAIRMAN. Have you ever figured out the relative expense connected with the armor factory and the general plant?

Mr. GRACE. We have estimated what the value of our armor plant is, in figuring the price of armor—what we should get as being the right price for it. We have made our own estimate in arriving at the price which we asked for armor, but in our accounting we do not have such a thing, because we have a general expense for all the parts of the company.

Q. How many acres are now occupied by your plant?—A. Find it impossible to give accurate answer to this question on account of our auxiliary departments serving generally other departments as well as the armor-plate department.

Mr. PADGETT. Just a moment, please, before we get away from that. In 1906 the figures furnished by the Bethlehem Steel Co. to the committee that was investigating the matter was $5,625,000 for armor plant alone. That appears in House Document No. 193, Fifty-ninth Congress, second session, on page 30. And I was going to ask you to state, when you made your answer, the items that you have added since 1906 to run it up to $7,100,000.

Mr. GRACE. In other words, we will see if we can connect this statement with our present situation. That is what you want. We will see if we can coincide those two dates. Whether we can or not I am not sure, but I think we can. But whatever we supply will be, from the best of our knowledge, correct as shown on our books to-day. We will give you from our records the amount of money which we have at this date invested in the armor-plate plant. That, after all, seems to me is what you want, and that would be better even than mere hearsay of this character.

Admiral STRAUSS. I would just like to go back to that question—I do not know whether Mr. Grace said he would tell us or not—and that is, how he arrives at the cost; what method he employs in arriving at a proper selling price for the armor.

Mr. GRACE. I could only cover that in a broad statement of this kind, that we estimate our costs, including what we would consider in our judgment belongs to the armor-plate department. We would arrive at an estimated cost of output upon which we would base our judgment for selling price, but that would absolutely have to be an estimation.

The CHAIRMAN. What percentage of your business is the manufacture of armor?

Mr. GRACE. Well, Senator, that varies so much with the amount of work which is given to us by the Navy Department. For instance, the last two or three years we have had armor-plate contracts amounting to 2,500 or 2,600 tons of armor a year. We have had 5,000-ton contracts; we have had 8,000-ton contracts. So it varies absolutely with each year.

The CHAIRMAN. Well, what I was arriving at was this: What dividend did the company pay?

Mr. GRACE. There is no objection to stating that. We are paying 5 per cent on the preferred stock.

The CHAIRMAN. What is the capital stock?

Mr. GRACE. Thirty millions—fifteen millions preferred and fifteen millions common stock. From 1907 to 1912, inclusive, we paid no dividends. In 1913 and 1914 we paid 5 per cent on the preferred stock. We have never paid any dividend on the common.

The CHAIRMAN. What did you say the capital was?

Mr. GRACE. Thirty million—fifteen million preferred and fifteen million common.

Mr. PADGETT. You stated that last year the price of armor was $440 a ton, I believe?

Mr. GRACE. That was our contract for the last year's armor—for the base, class A–1 armor.

Mr. PADGETT. This year the contract is $425, isn't it?

Mr. GRACE. That is the contract price for that same class of armor.

Mr. PADGETT. Now, last year you had a contract for about how many tons of armor?

Mr. GRACE. Twenty-six hundred tons from the United States Government.

Mr. PADGETT. Now, this year you have a contract for how much?

Mr. GRACE. For 16,000 tons.

Mr. PADGETT. A little over 16,000 tons?

Mr. GRACE. Between 16,000 and 17,000.

The CHAIRMAN. If your capacity is only 12,000 tons, you will have to get some help to make 16,000 tons.

Mr. GRACE. To meet the conditions of delivery required by the specifications we will have to get help.

Mr. PADGETT. I will ask you if the reduction of $15 per ton is a sufficient reduction and a reasonable reduction in the price, considering that last year you had 2,500 tons and this year you have got 16,000 tons, or more than enough to run at your full capacity; and I ask that in view of the statement that was made by Mr. Schwab in 1897 when he said: "I am prepared to say that if you will give us 3,000 tons of armor per year as estimated, we will give you a rebate of $50 per ton for every ton over that quantity. If you will give us 3,500 tons of armor per year, we will give you a rebate of $100 per ton for every ton over that quantity." That is what Mr. Schwab stated. Now, do you think that $15 was a fair and a reasonable reduction or rebate on the quantity between 2,500 tons awarded under the contract last year and 16,000 tons this year?

Mr. GRACE. Irrespective of Mr. Schwab's comments there, which I understand are not put in your direct question to me——

Mr. PADGETT (interposing). I am putting it as a basis.

Mr. GRACE. Of course, I would not comment on Mr. Schwab's statement. Conditions were very different. He was speaking for the Carnegie Steel Co. and not the Bethlehem Steel Co., but if you want me to

answer your question whether or not $15 represented a proper reduction on account of tonnage between the price of 1913 and the price of 1914, and that is the real question from your standpoint, I will do so. As conditions are to-day, Mr. PADGETT, I could not comment on Mr. Schwab's statement because I do not know his conditions. He was talking for the Carnegie Steel Co., then.

Mr. PADGETT. What I am trying to get at is this: If for 3,500 tons he would reduce it $100 a ton over that amount, when you run from 2,500 tons up to 16,000 tons, can not the Bethlehem Co. reasonably afford to reduce it more than $15 a ton?

Mr. GRACE. If you will ask me the question, I am ready to answer it from our standpoint as to comparative prices but I could not, naturally, connect it with that statement of which I know nothing.

Mr. PADGETT. I will put the question in this way: Leaving out the statement of Mr. Schwab, and saying that if you had a contract last year for 2,500 tons at $440 per ton, and this year you are given 16,000 tons, bearing in mind that one is a small quantity and the other is a very large quantity, could you not afford to make a reduction of more than $15 per ton?

Mr. GRACE. Not below the price of $440, because $440 was not a sufficient price for 2,500 or 2,600 tons of armor.

Mr. PADGETT. Mr. Schwab was then getting $500 or $600 per ton?

Mr. GRACE. I imagine he was.

Mr. PADGETT. The price was $500, I believe?

Lieut. Commander BLOCH. In 1896 it was $550; in 1898 it was $400.

Mr. GRACE. Mr. Padgett, you are going on the assumption that $440 was a proper and a fair price for a small tonnage of armor. This company can not make 2,500 tons of armor a year for $440 a ton without losing money. I am willing to state that.

Mr. PADGETT. You mean that it costs $440 a ton to make armor?

Mr. GRACE. Our company, with its investment to-day in its armor-plate plant, could not take and run our plant at $440 a ton and make money. We would lose money if we did.

Mr. PADGETT. With your other business?

Mr. GRACE. I am talking about the armor.

Mr. PADGETT. But if you had some foreign business?

Mr. GRACE. The United States is our only sure customer. What we have been able to get in the foreign trade has only been within a couple of years, and that has been a fortune of war.

The CHAIRMAN. Did you say that you could not afford to make armor at $440 a ton?

Mr. GRACE. No; I did not mean that. We can not make 2,500 tons of armor with our present armor-plate capacity and make any return on our plant as profit; we would show a loss on the basis of $440 a ton.

The CHAIRMAN. Your capacity is about 12,000 tons?

Mr. GRACE. But we only got an order for 2,500 tons from the United States Government last year.

The CHAIRMAN. Whose fault was it that you got no more last year?

Mr. GRACE. We could not get it. The Secretary wouldn't give it to us, I suppose.

I am just showing that we can not make a reduction along the lines of Mr. Padgett's suggestion, because $440 is not the proper basis to start with; it is not correct; it is not a proper selling price for this tonnage of armor.

Admiral STRAUSS. Would you consider the orders of the United States Government, as supplemented by the Army and foreign Governments, as being a sufficient basis to reckon your selling price of armor, and would you consider that in fixing your selling price?

Mr. GRACE. It would add nothing tangible to add our foreign business.

The CHAIRMAN. Suppose you had a contract for 12,000 or 15,000 tons a year.

Mr. GRACE. We are willing to talk that any time. Then we would have assurance of continuous operations and could plan accordingly.

The CHAIRMAN. Give us a basis for the talk.

Mr. GRACE. If there is any committee created or given power by Congress to negotiate with the Bethlehem Steel Co. to fill its plant for armor for the next 10 years, we will talk and talk definitely.

The CHAIRMAN. And you will see that the Government does not build its own plant?

Mr. GRACE. We will be entirely willing to make prices lower for a capacity of 10 years in our plant than we can afford to make to-day. There would be no use of my saying so if it wasn't true.

The CHAIRMAN. How much lower?

Mr. GRACE. I would have to figure.

The CHAIRMAN. Will you figure on it and answer later?

Mr. GRACE. If we are put in touch with the proper authorities, with the understanding that they will make such a negotiation, yes, we would be glad to go into it. If the United States Government would come to us as a customer and will give us a contract for 100,000 tons of armor, to be delivered in the next 10 years, we will give you better prices and be very glad to negotiate it.

Admiral STRAUSS. And would the price under those conditions be substantially lower than the present price?

Mr. GRACE. Yes; it would be, because we would have an assured business.

The CHAIRMAN. Are you willing to state to the committee how much?

Mr. GRACE. I would not.

The CHAIRMAN. After you figure?

Mr. GRACE. No; unless the power is invested in some one to conduct such negotiations, and conclude contract if satisfactory basis can be reached. That would be like sending the president of a company to negotiate with an office boy who could not close the transaction whether he wanted to or not. But if you will empower the Chief of the Bureau of Ordnance, if the Secretary of the Navy will give him that power, we will then see if we can not close a contract with him on a satisfactory basis. The Secretary doesn't have to close if he doesn't get a satisfactory price, but you have Congress empower the Secretary of the Navy to contract with the Bethlehem Steel Co. for 100,000 tons of armor, to be delivered in 10 years, and we would be glad to negotiate with the Secretary of the Navy to see if we can not satisfy him on price. We manifestly could afford to make armor at a less figure under those conditions. That is assured business; it isn't a gamble like it is to-day. This is the first real armor-plate order we have had for some time, the one we are getting this year. We have the same conditions in our gun manufacture, where we have installed this big plant which we have had no work for; Congress hasn't appropriated for it, and the Government has its own big gun shops. We are in the same identical position with reference to our gun plant, and we have sought other fields, and we have been, in a measure, successful. This year is the first year we have gotten a really sizeable order in either guns or armor from the Navy Department for some time.

Mr. PADGETT. Are there any other questions?

The CHAIRMAN. Mr. Grace, have you ever read up on the records of the company the origin of the manufacture of armor at Bethlehem?

Mr. GRACE. Yes; I am familiar with it in a general way. Naturally, I would be expected to be.

The CHAIRMAN. When was that first contract?

Mr. GRACE. We started manufacturing armor in 1891. That was when we made our first armor. And we have made an average of about 4,500 tons of armor a year for the period of 22 years. That includes everything we have made.

The CHAIRMAN. Do you know the amount of the first contract?

Mr. GRACE. No; I do not remember. If it is of interest to you we can give it to you.

The CHAIRMAN. It is of interest. I am under the impression—I could prove it if I had the documents—that for the first contract with Bethlehem the price agreed on included the estimated cost of the improvements to your works—that is, to your works here—as a general iron-works in order to make armor at all.

Mr. GRACE. Well, I do not know enough about it for that.

The CHAIRMAN. There was no place in the United States that could make armor at all—that was equipped to make it. The Secretary of the Navy, in looking around, picked out Bethlehem as the most likely company to engage in the making of armor, and after talking it over the Secretary induced the superintendent or the manager at that time to enter upon the construction or the manufacture of armor plate, and they agreed on a price. The price included the cost of the betterments to your plant that were necessary to enable them to make armor.

Mr. GRACE. I could not say yes or no to that.

The CHAIRMAN. Are there any records that will show it?

Mr. GRACE. No; because the records of our company were destroyed in 1906, except just a few of our records. But you take our situation and history to-day, and that would be impossible; that is, the investment which I know of personally and the extensions made to our plant could not have been reflected in our selling price of armor. You take the selling price, just for quick figuring, at $400 a ton of armor. One year we have been getting no armor, but last year we got 2,500 tons. This, at $400, just for multiplying quickly, would be $1,000,000. The total value of the contract selling price would be about 15 per cent on our investment of $7,000,000; nothing for depreciation or anything else, if it were all profit.

The CHAIRMAN. Well, as the records were burned, it isn't worth while to talk about it.

Mr. GRACE. It seems to me that you would have it in your own files in Washington if such an understanding existed. Your department in Washington would have it. Your correspondence in the Navy Department would show it. I know that at one particular time we were asked to double our capacity of plant. That is in more recent years and was during Mr. Roosevelt's Presidency, at the time when he started on his new naval program. We were practically commanded, or requested, to double the capacity of the plant at that time.

The CHAIRMAN. Digging down in my memory for some other ancient history, I recall very distinctly that the Carnegie Co. were induced by a subsequent Secretary, or the next Secretary of the Navy, to enter into the manufacture of armor plate, too, because the Government felt that it would be better to have two competing companies than to be subject to the exactions of one; there was a monopoly. Therefore, contracts were given to Mr. Carnegie—the Carnegie Steel Works—for armor.

Mr. GRACE. Yes; Bethlehem was in before Carnegie started.

The CHAIRMAN. And then, instead of competition, we believe—and when I say "we" I mean, of course, the Government—there was combination. And that combination held the Government up and exacted whatever price it saw fit until the Midvale Steel Co. came forward and made its bids, which were very much lower than either Carnegie's or Bethlehem's.

Mr. GRACE. And then they raised their price.

The CHAIRMAN. Bless God, all three of you have combined now.

Mr. GRACE. They raised their price because experience showed to them, after they got into the business, that they could not afford to sell at the price they started at; no question about that. We have no agreements with Carnegie or Midvale to maintain the price of armor or we wouldn't sign the affidavit that we sign with every contract.

The CHAIRMAN. You have no understanding, implied or expressed, verbal or written?

Mr. GRACE. We have no agreement with anybody as to the price of armor; it is nobody's business except the Bethlehem Steel Co.'s. We have nobody to answer to or for. No question about that. You remember as well as I do that at one time, after an investigation, Congress legislated for the price of armor, which they considered fair and satisfactory.

The CHAIRMAN. And that was $400 a ton in 1898?

Mr. GRACE. I think that $420 was the price finally placed. That price maintained for some years. It was the policy of the Navy Department to divide the armor among established concerns. Congress had legislated this price and we automatically quoted the price that Congress legislated. We kept on that way and we got one-third of the armor. Of course it was the policy of the Navy Department to keep occupied all three investments which they had caused to be made. I believe that is right and proper, and I think we should do it to-day. I do not think they have any business putting Bethlehem or Carnegie or Midvale out of business. I do not think that is the right policy for national preservation. If the Government is not satisfied that it is getting a correct and proper price for armor, it seems to me the logical thing for it to do is to investigate the industry, which you are doing.

The CHAIRMAN. Yet we can not get at the bottom facts.

Mr. GRACE. Yes; you have your experts.

The CHAIRMAN. Would you be willing to allow an expert from the Navy Department go through your books?

Mr. GRACE. No; certainly not.

The CHAIRMAN. How are we going to get at the facts if you refuse to tell us?

Mr. GRACE. Just like we would estimate to go into a new industry. In the last few years we have gone into the projectile business, and we made estimates. Your people have made estimates. Admiral Strauss, I presume, has made estimates—I know his predecessors have—of the cost of a plant. You have full reports on that.

The CHAIRMAN. Every one of them varies.

Mr. GRACE. Not widely. All the way back to Admiral Niles, up to the estimate of Admiral Twining, they are very close, just as near as anybody has come—just as near as our own returns will be. They are not the same. You take the armor which was made by certain manufacturers on this year's contracts, the *Arizona*, that we are making now. I presume the cost of that armor, as compared with the armor for the

Pennsylvania, was at least $50, if not $100, a ton higher. I am not stating that as knowledge, but as estimation; as belief.

The CHAIRMAN. As an experienced manufacturer, you would not say that if the Government built its own factory it would get armor cheaper?

Mr. GRACE. No, sir; I do not; nor as good.

The CHAIRMAN. Admiral, that seems to be a reflection on the Bureau of Ordnance, that they can not manufacture as good armor as these private establishments.

Mr. GRACE. It would be a reflection on us, Senator, if, after 15 or 20 years we could not make it better than a new establishment just starting in. The United States gets the best armor that is made in the world to-day. I am satisfied about that. And they are getting the best shells. We know, because we have been in competition with the foreign manufacturers' products on the other side. We have shot our shells and we have shot at our armor, and we know. No, Senator, it is a serious problem with us. We have got to get armor; if it's only a thousand tons we had better take it at the best price we can get, because we get that much return on our investment. It might not be ample, but that investment, that equipment, isn't available for anything else. We can not go out and apply that to commercial manufacture; we depend on the United States Government for our customer; it must be one class of product and nothing else; we can not make engines or guns in the armor plant; it is for armor plate and nothing else. If the United States erects an armor plant we might just as well go out of the business, so far as the United States Government goes.

The CHAIRMAN. If you see the consequences to the private manufacturer of armor if the Government does go into the business of manufacturing its own armor, it would seem to me that you people who make the armor ought to get together and determine just what you will do, and let us know.

Mr. GRACE. Let the United States Government do as some of the foreign Governments do—make a contract for armor plate that calls for a tonnage, like the English, like the German. The English plants are assured for years ahead full-capacity production, and the English Government paying in the face of that $50 or $75 more a ton than the United States is paying, and these plants have been running full for years. That should have some bearing on the whole situation, it seems to me.

The CHAIRMAN. We can not get you to open up your books and let us see what that armor costs.

Mr. GRACE. No; I have stated my reasons for that. I do not think we ought to be called upon to do that. We have been investigated, and I think that Admiral Strauss's department has a very close idea of what it costs to make armor. I should expect that they had. I have seen some reports published that would indicate that whoever made them up got information somewhere. I believe we make armor cheaper than anybody on account of our conditions on some things.

The CHAIRMAN. Cheaper than Midvale or Carnegie?

Mr. GRACE. I think we make armor cheaper than either Midvale or Carnegie. I do not know; that may be because I am so proud of our own establishment here and think that we are better than they are; but there are a number of reasons why we should make armor cheaper than they.

The CHAIRMAN. Would you mind stating some of them?

Mr. GRACE. We control our own power. Our power must be cheaper than theirs. We have cheaper labor than either of them. I think we have a better plant than either of them.

Admiral STRAUSS. Carnegie has its own power, its own natural gas?

Mr. GRACE. But I think likely they pay more per unit for their power than we do, and they use some bituminous coal in their armor plant. We get all our power from the waste gases; that is, the driving power, not the heating power in the armor factory. The electric power and steam power for driving plant, I presume, is cheaper than Carnegie's or Midvale's. Then Midvale again would be handicapped in cost as against raw material. We do not have the same advantage over Carnegie, but we do have it over Midvale.

The CHAIRMAN. What is the capacity of the Midvale Steel Co.'s works?

Mr. GRACE. In armor? I do not know.

The CHAIRMAN. What is the capacity of the Carnegie Works?

Mr. GRACE. I should imagine about 10,000 tons per year. I should imagine we are 2,000 or 3,000 tons a year higher than they are in capacity.

The CHAIRMAN. And you do not know what the Midvale capacity is?

Mr. GRACE. No; I do not.

The CHAIRMAN. Have you any estimate of Midvale in your own mind?

Mr. GRACE. Well, I should say from 6,000 to 7,000 tons.

The CHAIRMAN. Well, all three of you could not make more than 20,000 tons?

Mr. GRACE. Oh, yes; we could make 25,000. We can make the armor for three ships, requiring about 24,000 or 25,000 tons.

Mr. PADGETT. Twelve and nine would be twenty-one and six would be twenty-seven. Say, conservatively, 25,000 tons.

The CHAIRMAN. I have asked you all the questions I wanted. I haven't got all the answers I would like to get.

Mr. GRACE. I want to answer them frankly. I have tried to tell the truth.

The CHAIRMAN. I don't doubt that.

Mr. GRACE. And if I have made any mistakes, I will be glad to correct them.

Mr. PADGETT. Senator, if you are through, I would suggest that you swear the superintendent of the armor plant and the auditor now, and when we send the transcript of this hearing we will send the same list of questions to each one of them.

The CHAIRMAN. And you think that will cover their written reply?

Mr. PADGETT. We will send the same list of questions to the superintendent of the armor plant and to the auditor, and each one of you will make your own individual responses. They may be the same answers or they may not be the same answers. We will submit the same questions.

Mr. GRACE. They are bound to give the same information, because the information will all come from our records.

Mr. PADGETT. And I presume the others will decline to answer the questions, just as Mr. Grace has declined to answer them, but we wanted to submit these questions to more than one person, not just grouping the answers to one set of questions, but we will have three sets of questions; they will be the same questions submitted to three individuals, and each individual will answer for himself upon his oath.

(Accordingly the chairman administered the oath to Mr. W. F. Roberts, general superintendent of the Lehigh plant of the Bethlehem Steel Co., and to Mr. F. A. Shick, comptroller and auditor of the Bethlehem Steel Co.)

STATEMENT OF MR. W. F. ROBERTS.

Mr. W. F. Roberts, being duly sworn, testified as follows:

The CHAIRMAN. What is your name?

A. W. F. Roberts.

The CHAIRMAN. What is your official connection with the Bethlehem Steel Co.?

A. General superintendent Bethlehem Steel Co.

Q. How much does it cost your company, f. o. b., to produce a ton of K. C. armor, class A–1; that is, material, labor, and shop overhead charges?—A. Same answer as made by Mr. E. G. Grace, president Bethlehem Steel Co.

Q. How much do you add to this cost for deterioration of plant and administration expenses?—A. Same as to first question.

Q. Has this cost been reached by taking the annual output of a single year, or of a term of years, and making allowance for rejections and ballastic failures?—A. Same as to first question.

Q. What are the various components of this cost per ton?—A. Same as to first question.

Q. What is the cost per ton of the armor ingot at the forge, including all rejections?—A. Same as to first question.

Q. Give the components, with their unit prices, that enter into a furnace charge for an armor heat?—A. Same as to first question.

Q. How much repair and preparation cost for the open-hearth furnace is made for each heat?—A. Same as to first question.

Q. How much does this amount to per ton of armor ingot produced?—A. Same as to first question.

Q. How much does the repair and preparation cost of the ladles amount to for each ton of ingot?—A. Same as to first question.

Q. What is the fuel charge for each ton of ingot?—A. Same as to first question.

Q. What is the proportional laboratory superintendence charge for each ton of ingot?—A. Same as to first question.

Q. What is the lifting, stripping, and chipping charge per ton of ingot?—A. Same as to first question.

Q. What is the power charge, including steam, electric, and water, for each ton of ingot?—A. Same as to first question.

Q. What is the cost for forging?—A. Same as to first question.

Q. What scrap allowance is made for condemned ingots?—A. Same as to first question.

Q. How many tons of armor ingots did your company manufacture last year?—A. Same answer as made by Mr. E. G. Grace, president Bethlehem Steel Co.

Q. What was the total number of these ingots in tonnage which were rejected before reaching forge?—A. Same as to first question.

Q. How many tons of ingots were forged during the past year?—A. Same answer as made by Mr. E. G. Grace, president Bethlehem Steel Co.

Q. How many tons were rejected during the forging?—A. Same as to first question.

Q. What scrap allowance was made for these rejected during forging?—A. Same as to first question.

Q. What was the oxidization and scale loss at the forge?—A. Same as to first question.

Q. What did the labor for forging each ton of ingot amount to?—A. Same as to first question.

Q. What did the fuel for each ton of ingot forged amount to?—A. Same as to first question.

Q. What did the repairs to heating furnaces amount to for each ton of armor?—A. Same as to first question.

Q. What did the electric power, light, steam, water, drafting, transportation, and inspection per ton of plate amount to during the forging?—A. Same as to first question.

Q. Of all the ingots forged and not rejected, what percentage was discarded? How many tons?—A. Same answer as made by Mr. E. G. Grace, president Bethlehem Steel Co.

Q. What allowance was made for the metal thus discarded?—A. Same as to first question.

Q. What is the unit price per ton of plate when ready for carbonizing?—A. Same as to first question.

Q. How many tons of armor plate were carbonized at the works of your company last year?—A. Same answer as made by Mr. E. G. Grace, president Bethlehem Steel Co.

Q. What was the oxidization and scale in this treatment, in tons?—A. Same as to first question.

Q. What were the total number of plates rejected during carbonization?—A. Same as to first question.

Q. What does the labor per ton of carbonized plate amount to?—A. Same as to first question.

Q. What does the material per ton of carbonized plate amount to?—A. Same as to first question.

Q. How much fuel per ton of plate is used in carbonizing?—A. Same as to first question.

Q. How much did the furnace repairs per ton of carbonized plate amount to?—A. Same as to first question.

Q. What does the proportional amount of steam, electric power, lighting, drafting, inspection, laboratory, transportation, amount to per ton of carbonized plate?—A. Same as to first question.

Q. How much is the carbonized plate worth per ton; no machining?—A. Same as to first question.

Q. How many tons of armor plate were reforged by your company during the past year?—A. Same answer as made by Mr. E. G. Grace, president Bethlehem Steel Co.

Q. How many tons of plate were rejected during the reforging process, and was any allowance for the recovered material made in working the cost of armor?—A. Same as to first question.

Q. What does the labor per ton for reforging amount to?—A. Same as to first question.

Q. What do the repairs per ton for reforging amount to?—A. Same as to first question.

Q. What does the fuel per ton for reforging amount to?—A. Same as to first question.

Q. What is the proportional amount of power—electric, steam, water—for reforging?—A. Same as to first question.

Q. What does the proportional drafting, inspection, transportation, and laboratory for reforging amount to?—A. Same as to first question.

Q. How much discard is made after reforging?—A. Same answer as made by Mr. E. G. Grace, president Bethlehem Steel Co.

Q. What allowance is made for this discard in reckoning the cost?—A. Same as to first question.

Q. What is the cost of armor per ton after reforging?—A. Same as to first question.

Q. How many tons of armor plate were sent to treatment by your company during the past year?—A. Same answer as made by Mr. E. G. Grace, president Bethlehem Steel Co.

Q. How many tons were lost during treatment by rejection?—A. Same as to first question.

Q. What does the labor per ton of treated plate amount to?—A. Same as to first question.

Q. What does the material per ton of treated plate amount to?—A. Same as to first question.

Q. What do the repairs per ton of treated plate amount to?—A. Same as to first question.

Q. What does the fuel per ton of treated plate amount to?—A. Same as to first question.

Q. What do the proportional charges per ton of treated plate amount to?—A. Same as to first question.

Q. What is the total cost per ton of treated and rectified plate?—A. Same as to first question.

Q. How many tons of armor plate were sent to machining by your company last year?—A. Same as to first question.

Q. How many tons of machined plate were produced last year?—A. Same answer as made by Mr. E. G. Grace, president Bethlehem Steel Co.

Q. Were there any rejections during the process of machining; if so, how many tons, and what allowance was made for the rejected material in reckoning the final cost?—A. Same as to first question.

Q. How much per ton does the labor of machining amount to?—A. Same answer as to first question.

Q. How much does the machined scrap amount to?—A. Same as to first question.

Q. How much does the material for machining amount to, including oil, waste, repairing of tools, supply of tools?—A. Same as to first question.

Q. How much do the repairs per ton of machined plate amount to during the machining operation?—A. Same as to first question.

Q. What do the proportional charges per ton of machined plate amount to?—A. Same as to first question.

Q. What is the cost per ton of machined plate produced?—A. Same as to first question.

Q. How many tons of machined plate were presented by your company for shipment last year?—A. Same answer as made by Mr. E. G. Grace, president Bethlehem Steel Co.

Q. What do the labor and material for preparation for shipment amount to per ton of finished plate?—A. Same as to first question.

Q. How are the total water, steam, power, transportation, inspection, drafting, and laboratory charges reckoned?—A. Same answer as made by Mr. E. G. Grace, president Bethlehem Steel Co.

Q. What were the total power charges for your plant last year—by power charges is meant electric power, steam power, water power, or producer gas for running engines, as the case may be—and how did you arrive at the method of assigning the various proportions to the various operations?—A. Same as to first question.

Q. The same information is desired for the laboratory, drafting, inspection, and transportation charges.—A. Same as to first question.

Q. What is the cost per ton of shipped plate, class A-2?—A. Same as to first question.

Q. What is the cost per ton of shipped plate, class B?—A. Same as to first question.

Q. What was the average cost per ton of class C steel armor?—A. Same as to first question.

Q. What do you reckon your working capital to be?—A. Same answer as made by Mr. E. G. Grace, president Bethlehem Steel Co.

Q. What does the maintenance of your plant amount to per annum?—A. Same as to first question.

Q. Is this amount over and above the repairs which have been charged to the various operations comprising the total manufacture and separate from depreciation?—A. Same as to first question.

Q. What does this maintenance mean; to what is it applied?—A. Same as to first question.

Q. What is the total of proportional administration charges made to armor; how has this been arrived at?—A. Same answer as made by Mr. E. G. Grace, president Bethlehem Steel Co.

Q. Give a tabulated list showing the various salaries paid, and how proportionally divided, so as to include the armor plant.—A. Same answer as made by Mr. E. G. Grace, president Bethlehem Steel Co.

Q. How much do the insurance charges on the armor plant amount to?—A. Same answer as made by Mr. E. G. Grace, president Bethlehem Steel Co.

Q. How much taxes are chargeable to the armor plant?—A. Same answer as made by Mr. E. G. Grace, president Bethlehem Steel Co.

Q. How much do you charge to armor in behalf of the pension fund and liability fund?—A. Same answer as made by Mr. E. G. Grace, president Bethlehem Steel Co.

Q. How much depreciation is charged against the armor plant; what is this depreciation; how has it been arrived at?—A. Same answer as made by Mr. E. G. Grace, president Bethlehem Steel Co.

Q. After a year's operations within which a certain sum of money has been set aside from the proceeds of the manufacture of armor for depreciation charge, what is done with this money?—A. Same answer as made by Mr. E. G. Grace, president Bethlehem Steel Co.

Q. After depreciation charge has been made to a year's operation, and there have been no replacements of tools, is this amount used to amortize the original investment?—A. Same answer as made by Mr. E. G. Grace, president Bethlehem Steel Co.

Q. Since the erection of your armor plant what has been the total amount of depreciation which has been charged into the cost of armor?—A. Same answer as made by Mr. E. G. Grace, president Bethlehem Steel Co.

Q. How much, if any of this sum of money, has been actually used for the installation of new machinery in place of old, for building new buildings, furnaces, etc., in place of old, and has this expenditure been added to the capital account?—A. Same as to first question.

Q. The remainder of this sum which has not been expended, has it been used for amortizing any of the original investment?—A. Same as to first question.

Q. How much money is invested in your armor plant?—A. Same answer as made by Mr. E. G. Grace, president Bethlehem Steel Co.

Q. Does this represent the total amount which has been expended for this plant, inclusive of all depreciation replacements?—A. Same answer as made by Mr. E. G. Grace, president Bethlehem Steel Co.

Q. In reckoning your profit, is it reckoned as a profit on the total amount which has been put into the armor plant, or on the amount which has been put into the armor plant less all depreciation which has not been used for the purpose of replacement?—A. Same answer as made by Mr. E. G. Grace, president Bethlehem Steel Co.

STATEMENT OF MR. F. A. SHICK.

Mr. A. F. Shick, being duly sworn, testified as follows:

The CHAIRMAN. What is your name?

Mr. SHICK. F. A. Shick.

The CHAIRMAN. What is your official connection with the Bethlehem Steel Co.?

Mr. SHICK. Comptroller and auditor, Bethlehem Steel Co.

Q. How much does it cost your company f. o. b. to produce a ton of K. C. armor, class A-1; that is, material, labor, and shop overhead charges?—A. Same answer as made by Mr. E. G. Grace, president Bethlehem Steel Co.

Q. How much do you add to this cost for deterioration of plant and administration expenses?—A. Same as to first question.

Q. Has this cost been reached by taking the annual output of a single year, or of a term of years, and making allowance for rejections and ballistic failures?—A. Same as to first question.

Q. What are the various components of this cost per ton?—A. Same as to first question.

Q. What is the cost per ton of the armor ingot at the forge, including all rejections?—A. Same as to first question.

Q. Give the components, with their unit prices, that enter into a furnace charge for an armor heat?—A. Same as to first question.

Q. How much repair and preparation cost for the open-hearth furnace is made for each heat?—A. Same as to first question.

Q. How much does this amount to per ton of armor ingot produced?—A. Same as to first question.

Q. How much does the repair and preparation cost of the ladles amount to for each ton of ingot?—A. Same as to first question.

Q. What is the fuel charge for each ton of ingot?—A. Same as to first question.

Q. What is the proportional laboratory superintendence charge for each ton of ingot?—A. Same as to first question.

Q. What is the lifting, stripping, and chipping charge per ton of ingot?—A. Same as to first question.

Q. What is the power charge, including steam, electric, and water, for each ton of ingot?—A. Same as to first question.

Q. What is the cost for forging?—A. Same as to first question.

Q. What scrap allowance is made for condemned ingots?—A. Same as to first question.

Q. How many tons of armor ingots did your company manufacture last year?—A. Same answer as made by Mr. E. G. Grace, president Bethlehem Steel Co.

Q. What was the total number of these ingots in tonnage which were rejected before reaching forge?—A. Same as to first question.

Q. How many tons of ingots were forged during the past year?—A. Same answer as made by Mr. E. G. Grace, president Bethlehem Steel Co.

Q. How many tons were rejected during the forging?—A. Same as to first question.

Q. What scrap allowance was made for those rejected during forging?—A. Same as to first question.

Q. What was the oxidation and scale loss at the forge?—A. Same as to first question.

Q. What did the labor for forging each ton of ingot amount to?—A. Same as to first question.

Q. What did the fuel for each ton of ingot forged amount to?—A. Same as to first question.

Q. What did the repairs to heating furnaces amount to for each ton of armor?—A. Same as to first question.

Q. What did the electric power, light, steam, water, drafting, transportation, and inspection per ton of plate amount to during the forging?—A. Same as to first question.

Q. Of all the ingots forged and not rejected, what percentage was discarded? How many tons?—A. Same answer as made by Mr. E. G. Grace, president Bethlehem Steel Co.

Q. What allowance was made for the metal thus discarded?—A. Same as to first question.

Q. What is the unit price per ton of plate when ready for carbonizing—A. Same as to first question.

Q. How many tons of armor plate were carbonized at the works of your company last year?—A. Same answer as made by Mr. E. G. Grace, president Bethlehem Steel Co.

Q. What was the oxidation and scale in this treatment, in tons?—A. Same as to first question.

Q. What were the total number of plates rejected during carbonization?—A. Same as to first question.

Q. What does the labor per ton of carbonized plate amount to?—A. Same as to first question.

Q. What does the material per ton of carbonized plate amount to?—A. Same as to first question.

Q. How much fuel per ton of plate is used in carbonizing?—A. Same as to first question.

Q. How much did the furnace repairs per ton of carbonized plate amount to?—A. Same as to first question.

Q. What does the proportional amount of steam, electric power, lighting, drafting, inspection, laboratory, transportation, amount to per ton of carbonized plate?—A. Same as to first question.

Q. How much is the carbonized plate worth per ton; no machining?—A. Same as to first question.

Q. How many tons of armor plate were reforged by your company during the past year?—A. Same answer as made by Mr. E. G. Grace, president Bethlehem Steel Co.

Q. How many tons of plate were rejected during the reforging process, and was any allowance for the recovered material made in working the cost of armor?—A. Same as to first question.

Q. What do the labor per ton for reforging amount to?—A. Same as to first question.

Q. What does the repairs per ton for reforging amount to?—A. Same as to first question.

Q. What does the fuel per ton for reforging amount to?—A. Same as to first question.

Q. What is the proportional amount of power—electric, steam, water—for reforging?—A. Same as to first question.

Q. What does the proportional drafting, inspection, transportation, and laboratory for reforging amount to?—A. Same as to first question.

Q. How much discard is made after reforging?—A. Same answer as made by Mr. E. G. Grace, president Bethlehem Steel Co.

Q. What allowance is made for this discard in reckoning the cost?—A. Same as to first question.

Q. What is the cost of armor per ton after reforging?—A. Same as to first question.
Q. How many tons of armor plate were sent to treatment by your company during the past year?—A. Same answer as made by Mr. E. G. Grace, president Bethlehem Steel Co.
Q. How many tons were lost during treatment by rejection?—A. Same as to first question.
Q. What does the labor per ton of treated plate amount to?—A. Same as to first question.
Q. What does the material per ton of treated plate amount to?—A. Same as to first question.
Q. What do the repairs per ton of treated plate amount to?—A. Same as to first question.
Q. What does the fuel per ton of treated plate amount to?—A. Same as to first question.
Q. What do the proportional charges per ton of treated plate amount to?—A. Same as to first question.
Q. What is the total cost per ton of treated and rectified plate?—A. Same as to first question.
Q. How many tons of armor plate were sent to machining by your company last year?—A. Same as to first question.
Q. How many tons of machined plate were produced last year?—A. Same answer as made by Mr. E. G. Grace, president Bethlehem Steel Co.
Q. Were there any rejections during the process of machining; if so, how many tons, and what allowance was made for the rejected material in reckoning the final cost?—A. Same as to first question.
Q. How much per ton does the labor of machining amount to?—A. Same as to first question.
Q. How much does the machined scrap amount to?—A. Same as to first question.
Q. How much does the material for machining amount to, including oil, waste, repairing of tools, supply of tools?—A. Same as to first question.
Q. How much do the repairs per ton of machined plate amount to during the machining operation?—A. Same as to first question.
Q. What do the proportional charges per ton of machined plate amount to?—A. Same as to first question.
Q. What is the cost per ton of machined plate produced?—A. Same as to first question.
Q. How many tons of machined plate were presented by your company for shipment last year?—A. Same answer as made by Mr. E. G. Grace, president Bethlehem Steel Co.
Q. What do the labor and material for preparation for shipment amount to per ton of finished plate?—A. Same as to first question.
Q. How are the total water, steam, power, transportation, inspection, drafting, and laboratory charges reckoned?—A. Same answer as made by Mr. E. G. Grace, president Bethlehem Steel Co.
Q. What were the total power charges for your plant last year—by power charges is meant electric power, steam power, water power, or producing gas for running engines, as the case may be—and how did you arrive at the method of assigning the various proportions to the various operations?—A. Same as to first question.
Q. The same information is desired for the laboratory, drafting, inspection, and transportation charges?—A. Same as to first question.
Q. What is the cost per ton of shipped plate, class A–2?—A. Same as to first question.
Q. What is the cost per ton of shipped plate, class B?—A. Same as to first question.
Q. What was the average cost per ton of class C steel armor?—A. Same as to first question.
Q. What do you reckon your working capital to be?—A. Same answer as made by Mr. E. G. Grace, president Bethlehem Steel Co.
Q. What does the maintenance of your plant amount to per annum?—A. Same as to first question.
Q. Is this amount over and above the repairs which have been charged to the various operations comprising the total manufacture, and separate from depreciation?—A. Same as to first question.
Q. What does this maintenance mean; to what is it applied?—A. Same as to first question.
Q. What is the total of proportional administration charges made to armor; how has this been arrived at?—A. Same answer as made by Mr. E. G. Grace, president Bethlehem Steel Co.
Q. Give a tabulated list showing the various salaries paid, and how proportionately divided, so as to include the armor plant?—A. Same answer as made by Mr. E. G. Grace, president Bethlehem Steel Co.
Q. How much do the insurance charges on the armor plant amount to?—A. Same answer as made by Mr. E. G. Grace, president Bethlehem Steel Co.
Q. How much taxes are chargeable to the armor plant?—A. Same answer as made by Mr. E. G. Grace, president Bethlehem Steel Co.
Q. How much do you charge to armor in behalf of the pension fund and liability fund?—A. Same answer as made by Mr. E. G. Grace, president Bethlehem Steel Co.
Q. How much depreciation is charged against the armor plant; what is this depreciation; how has it been arrived at?—A. Same answer as made by Mr. E. G. Grace, president Bethlehem Steel Co.
Q. After a year's operations within which a certain sum of money has been set aside from the proceeds of the manufacture of armor for depreciation charge, what is done with this money?—A. Same answer as made by Mr. E. G. Grace, president Bethlehem Steel Co.
Q. After depreciation charge has been made to a year's operation and there have been no replacements of tools, is this amount used to amortize the original investment?—A. Same answer as made by Mr. E. G. Grace, president Bethlehem Steel Co.
Q. Since the erection of your armor plant what has been the total amount of depreciation which has been charged into the cost of armor?—A. Same answer as made by Mr. E. G. Grace, president Bethlehem Steel Co.
Q. How much, if any, of this sum of money has been actually used for the installation of new machinery in place of old, for building new buildings, furnaces, etc., in place of old, and has this expenditure been added to the capital account?—A. Same as to first question.
Q. The remainder of this sum which has not been expended, has it been used for amortizing any of the original investment?—A. Same as to first question.
Q. How much money is invested in your armor plant?—A. Same answer as made by Mr. E. G. Grace, president Bethlehem Steel Co.
Q. Does this represent the total amount which has been expended for this plant, inclusive of all depreciation replacements?—A. Same answer as made by Mr. E. G. Grace, president Bethlehem Steel Co.
Q. In reckoning your profit, is it reckoned as a profit on the total amount of money which has been put into the armor plant, or on the amount which has been put into the armor plant less all depreciation which has not been used for the purpose of replacement?—A. Same answer as made by Mr. E. G. Grace, president Bethlehem Steel Co.

SPECIAL COMMITTEE,
Philadelphia, Pa., Friday, November 27, 1914.

The committee met at 10.45 a. m. at the office of the Midvale Steel Co., Hon. B. R. TILLMAN (chairman) presiding.

Present: Hon. L. P. Padgett, Member of Congress; Rear Admiral J. Strauss, United States Navy, members of the committee. Lieut. Commander C. C. Bloch, United States Navy, and Lieut. Commander H. E. Cook, United States Navy; Mr. J. B. Knight and Mr. E. S. Theall, assistants to the committee.

There were also present Mr. W. P. Barba and Mr. J. B. King, representing the Midvale Steel Co.

STATEMENT OF MR. WILLIAM P. BARBA, MANAGER OF THE MIDVALE STEEL CO.

Mr. W. P. Barba, having been duly sworn, testified as follows:

The CHAIRMAN. Will you please tell us who you are and what position you hold with the company?

Mr. BARBA. William P. Barba, manager.

The CHAIRMAN. Manager of the Midvale Steel Co.?

Mr. BARBA. Manager of the Midvale Steel Co.

The CHAIRMAN. What is the capitalization of that company?

Mr. BARBA. Nine million seven hundred and fifty thousand dollars.

The CHAIRMAN. How much is watered stock?

Mr. BARBA. None.

The CHAIRMAN. All solid investment? Where is that stock owned?

Mr. BARBA. It is owned chiefly by the two estates, the estate of Charles J. Harrah owning a majority and the estates of John Sellers and William Sellers owning the minority portion of that stock.

The CHAIRMAN. What dividends does it pay?

Mr. BARBA. It paid 3 per cent during the year just closed.

The CHAIRMAN. Anything carried to profit and loss?

Mr. BARBA. Well, of course, there is a small addition to the surplus. The books for the year 1913–14 which closed on October 31, that being the end of our fiscal year, are not yet made up, but the dividend rate was reduced that year to 3 per cent from 4 per cent, which we paid the year before, so you see there is not very much allotted to surplus in that year or we would not be reducing the dividend rate.

The CHAIRMAN. Has the company any debt?

Mr. BARBA. No funded debt of any sort, only the one issue of stock—it is neither common nor preferred—and there is no funded debt.

The CHAIRMAN. Its financial conditions are entirely satisfactory?

Mr. BARBA. Its financial conditions are entirely satisfactory. Of course, we have the regular obligations which are necessary in carrying on a business of this magnitude.

The CHAIRMAN. How long has this company been engaged in the manufacture of armor for the Government?

Mr. BARBA. Since 1903.

The CHAIRMAN. Were you here then?

Mr. BARBA. Yes, sir.

The CHAIRMAN. Do you know about the origin of the bid that the Midvale Steel Co. made?

Mr. BARBA. At that time?

The CHAIRMAN. Yes.

Mr. BARBA. No, sir; I was not in touch with that branch of our work at that time.

The CHAIRMAN. Who does know? Who would be the one to interrogate on that one point?

Mr. BARBA. You mean the original bid?

The CHAIRMAN. Yes.

Mr. BARBA. I think that Mr. Petre, who was manager at that time, would be the man.

The CHAIRMAN. Is he here?

Mr. BARBA. He retired from the service of this company in March of this year and is now living in Europe.

The CHAIRMAN. He is not in this country at all?

Mr. BARBA. No, sir. He reached an age which he thought entitled him to retire from any further active work.

The CHAIRMAN. Is there any other man who was in the employ of the company who had anything to do with that contract?

Mr. BARBA. I think the president, Mr. Harrah, would know, but Mr. Petre was the active man. In this company the manager is the active man for the general work of the company.

The CHAIRMAN. Is Mr. Harrah in town?

Mr. BARBA. No; he is in New York; he is most of the time in New York; he is over here occasionally.

The CHAIRMAN. Well, will your books or your correspondence show the origin of that bid—why you made that bid?

Mr. BARBA. Will you let me ask you exactly what is meant by "the origin of the bid"?

The CHAIRMAN. Well, I wanted to know why you entered into competition with the other two firms. What was the inducement?

Mr. BARBA. I think my general knowledge will enable me to answer that question to your satisfaction. This company was the original and pioneer ordnance manufacturer for the United States Government, we having begun our ordnance work about 1880, when no one else was engaged in it, and we were not manufacturing armor alone of all the ordnance supplies required by the Government. We were manufacturing guns and projectiles, and ship and engine forgings, all of which were required by the Navy, but we were not manufacturing armor; and naturally we wanted to extend at that time our activities toward the supply of all ordnance materials, and we tried for several years to make a successful bid for armor before a plant was erected. I remember that our original bid contemplated beginning delivery in 26 months, during which time we hoped to be able to erect a plant that would enable us to begin delivery of the comparatively small sizes of armor which were required for the purposes of the Navy at that time; and, after making several bids without success under those conditions, we did begin the erection of an armor-manufacturing plant.

The CHAIRMAN. Without having any contract at all?

Mr. BARBA. Without having any contract at all; and we went right on bidding, and finally, when the *Mississippi* and *Idaho* were let, we were allowed a portion of the armor required for those ships. Our plant was then practically completed, and we had made experimental firings at Indianhead, I think, in the winter of 1903.

The CHAIRMAN. Was it generally believed among those who were in the business of armor making that armor making was very profitable?

Mr. BARBA. We naturally thought that we would make a profit, or we would not have spent all those millions of dollars that we did.

The CHAIRMAN. Didn't you believe that Carnegie and Bethlehem had a good thing, and therefore you wanted to share in it?

Mr. BARBA. Unquestionably.
The CHAIRMAN. What was the character of the first bid?
Mr. BARBA. You mean the prices?
The CHAIRMAN. Yes.
Mr. BARBA. Would you let me send for a memorandum on that? I want to be accurate.
The CHAIRMAN. We want you to be entirely accurate, because we want to get at the facts, so as to be able to report to Congress just what, in our judgment, the policy of the Government ought to be. You know it is contemplated now that the Government shall build its own armor-plate factory, in order to be free from the hold-up which we believe is now being followed by the combination that is robbing the Government and charging excessive prices.
Mr. BARBA. I have prepared a memorandum, Senator, which is still in very rough form, thinking that you might want to ask me exactly that line of questions, what our bids were at the different periods when we bid successfully and unsuccessfully for armor, and just as much of that memorandum as you like you can have, either as a reply to this question or to any others you may want to ask.
The CHAIRMAN. Later we will submit a series of questions prepared by the committee, and probe as deeply as you will allow us to go. We have been very unfortunate in our previous efforts to get at the bottom facts by unwillingness of the companies to expose their secrets to their competitors at home and abroad, and the general answer has been, "I do not know," or, "I am not willing to tell," and therefore we have all retired gracefully, and bowed our thanks, thankful for what we got, although it was little or nothing. Now, we want you to open up and tell us all about this matter, because you realize that if the Government enters into its own armor manufacture itself it will destroy your business in that respect, at least.
Mr. BARBA. Unquestionably.
The CHAIRMAN. That is, you will make no more armor, and it would be very unfortunate for the company as well as ourselves if we (meaning the Government) were to manufacture our own armor because it would be much better if we should have the manufacturers supply the Government at a reasonable price; instead of combining they should compete, but we have found that they would not compete and we believe are in a combine. We may be wrong. Will you open up your books and let us see whether you are in the combine?
Mr. BARBA. You go ahead with your questions and I will answer them faithfully.
The CHAIRMAN. Another question right there. Would you be willing for the Navy Department to send an expert bookkeeper over here and go through your books?
Mr. BARBA. Certainly not.
The CHAIRMAN. Why not?
Mr. BARBA. These books are our private property. They are the basis of our business.
The CHAIRMAN. Hasn't the Government the power, under the Department of Commerce, to send an expert?
Mr. BARBA. And keep matters confidential; yes. Mr. Daniels refused to keep these things confidential when we were asked to furnish them, and we said we would give them if they were kept confidential.
The CHAIRMAN. He couldn't afford to huggermugger behind the curtain and appear to be acting in collusion with you, therefore he had to be open.
Mr. BARBA. You are still more open than he.
The CHAIRMAN. We do not want you to answer anything that you are not willing to answer, and we would not probe in that direction; but you say you are willing to give us all the facts, and when I ask you if you would be willing to let an expert from the Navy Department come here and go through your books, you say, "No."
Mr. BARBA. Yes, sir.
The CHAIRMAN. Well, how are we going to get at the bottom facts and understand really what armor costs you, except to take your word for it?
Mr. BARBA. Is it essential that you should know what armor costs us? It appears to be essential for you to know what armor is going to cost the United States to manufacture.
The CHAIRMAN. And how are we going to find that out except by going to those men who are now manufacturing armor and finding out the truth?
Mr. BARBA. Your officers who are stationed in the works, particularly in these works, have access to the whole manufacturing with the exception of some work which we ask them to retain as confidential, having reference to our processes, etc. Estimates have been made from time to time by these officers, whom you have stationed here to inspect the integrity of the work we manufacture. I say that these officers have made estimates and returns to the department of what, in their judgment, constitutes the cost of armor as manufactured at these works, and presumably the same at other works. These figures have been published. Were we to disclose the books of the company in the way that you propose, it would be no more possible to avoid disclosure of what those books show than has been the case in the past when presumably confidential reports were sent in to the department, and we wish to protect ourselves against that condition, much as I personally believe it to be to the interest of this company to tell you what armor costs us to manufacture; because I firmly believe that if you knew what it cost this company to manufacture armor under the present specifications it would be the strongest possible deterrent in the purpose of the Government, as expressed in the last naval act, to build its own plant.
The CHAIRMAN. Well, if we could feel satisfied that the Government is not suffering from a combination and was actually getting competition, I do not have any idea that the Government would build any armor factory at all, but we found that the reduction in the cost of powder was so great when the Government went into its manufacture, that we feel that if the Government makes its own armor it will get an equal reduction there.
Mr. BARBA. I really know nothing about the manufacture of powder, except the debates in Congress have shown the prevailing prices and the present prices of the manufacture of powder, and the reports of Admiral Strauss show what the powder costs him to manufacture at Indianhead. I know little of the overhead costs of the plant required for powder, but I do know from our close touch with the manufacture of armor and gun forgings and the finished guns, and the discussions that we have had on these subjects in the Navy Department, in the Bureau of Ordnance, from time to time during the past years, that the Government does not manufacture its present lines of manufacture on the same lines that a commercial concern is compelled to follow. We are in competition with the world on our commercial lines of manufacture, and we know.
The CHAIRMAN. Right here, do you make armor for other Governments? Has this company had foreign contracts?
Mr. BARBA. Just one; for the Italian Government.
The CHAIRMAN. For what battleship?
Mr. BARBA. The *San Marco* and the *San Gorgio*.
The CHAIRMAN. Was it the same type of armor that you are manufacturing for the United States?
Mr. BARBA. Practically. We made a bid of $455.70 per ton for 2,100 tons for the Italian Government and were awarded the contract, and in addition to the gross sum we received about $15,000 more on that contract for some peculiarities of the specifications, which reimbursed us for the scrap which was cut off, such as the holes in the port plates, like the one you saw in the shop this morning. The Italian Government paid for that material, as well as the shipped plate, so that while the contract price was $455 per ton, we really received more than that. The date was approximately 1906–7.
The CHAIRMAN. What does your present contract with the Government amount to?
Mr. BARBA. The amount?
The CHAIRMAN. The amount of armor plate that you are manufacturing.
Mr. BARBA. Let me define that a little more closely. You mean the contract that you saw them manufacturing out there this morning for the *Arizona*.
The CHAIRMAN. The last one Admiral Strauss gave you.
Admiral STRAUSS. The very recent one.
Mr. BARBA. The very recent one will be for the armor for one ship, the *Mississippi*, amounting approximately to 8,500 tons, and at a base price of $425 per ton.
The CHAIRMAN. Was that your bid, or were you compelled to lower that a little?
Mr. BARBA. We were compelled to lower it from the original figure of $436. The Secretary had two or three conferences with us and asked us to revise our bid, which we did, and we finally offered the Secretary a letter containing a sealed bid—that is, a nondisclosed bid—and in that letter we advised him that we would be glad to take the armor for one ship, which was our capacity at this time, at the lowest prices which any competitor offered him at this time, and he thereupon wrote us offering us that armor at $425 a ton, our bid having been revised from $436 a ton to $427 a ton, and we accepted the armor for one ship at a base price of $425 per ton.
The CHAIRMAN. Have you kept your books in a way to find out for your own satisfaction just what armor plate costs you?
Mr. BARBA. We believe we have. We aim to do so.
The CHAIRMAN. Will you tell us?
Mr. BARBA. The cost as disclosed by the books I must decline to, much as I should like to give it, and I believe it would be a useful thing, but we are advised by counsel to reserve the disclosure of our costs upon our books. That is a matter entirely private to the higher officers of this company.
The CHAIRMAN. You say the papers and correspondence in relation to the first contract are not here, or are here?
Mr. BARBA. Unquestionably we have those papers on file.
The CHAIRMAN. Will you be willing to allow our expert examine those?
Mr. BARBA. You mean the papers comprising the bids?
The CHAIRMAN. Why did Midvale bid? That is what I want to know. Will that correspondence show why you bid?
Mr. BARBA. The original correspondence, Senator? In that case there is no correspondence except that we replied to the Government's invitation to bid and introduced a bid. Probably I do not understand the purport of your question.
The CHAIRMAN. What I am really after is to get at the facts which led this company to go in and bid for armor plate when Carnegie and Bethlehem seemed to have the business so tightly gripped that it was not worth while. I was on the Naval Committee at the time and I remember hearing a rumor rather than any direct information that Midvale would bid, and it finally did bid and got a contract because it was lower than the other two, and then President Roosevelt, of his own volition, and without any authority of law, divided it up and gave Bethlehem and Carnegie part of it, you only getting one-third of the original contract.
Mr. BARBA. In the original contract which we secured?
The CHAIRMAN. I would like to know the amount of armor and the price Midvale bid. I can get that in the Navy Department, of course.
Mr. BARBA. This original contract given to Midvale was for armor for the *Mississippi* and *Idaho*. There were about 16,000 tons required, and Midvale was awarded a little over one-third of that armor, having bid for class A $398 per ton; Carnegie's and Bethlehem's bids at that time were alike at $420 per ton. This was in October, 1903.
Mr. PADGETT. The Bethlehem and Carnegie companies were required to come to your bid, I believe.
Admiral STRAUSS. How much was that, 5,000 tons?
Mr. BARBA. Yes.
Admiral STRAUSS. Was it profitable to the company to manufacture that 5,000 tons at $398 per ton?
Mr. BARBA. Being an initial contract, it certainly was not, because we had everything to shake down, all kinds of difficulties to meet. Mr. Padgett's question, as to whether Bethlehem and Carnegie received their armor at the price at which we received ours, should be answered negatively. The Bethlehem and Carnegie companies were awarded their proportions of armor at their prices, their average being, plus royalties, $450.60 per ton as against an average price of $397 bid by Midvale, which asked no royalty, so that one-third of the *Mississippi* and *Idaho* armor was placed with us at $397 net, and two-thirds were placed with Bethlehem and Carnegie at $450.60 net.
The CHAIRMAN. Those were the facts as disclosed by the official records?
Mr. BARBA. So far as we can get them; yes.
Admiral STRAUSS. Are you not mistaken in saying that this 16,000 tons was for the *Idaho* and *Mississippi*?
Lieut. Commander BLOCH. The armor for the *Vermont, Kansas,* and *Minnesota* was advertised for at the same time.
The CHAIRMAN. How long did it take you to produce that 5,000 tons?
Mr. BARBA. I can not answer that accurately, but if you will leave the question open I will supply it later. (Further answer to question 54: About two years.)
The CHAIRMAN. Will you tell the committee how much money you had invested in your armor plant when you started to produce that armor?
Mr. BARBA. I can only speak from general knowledge, and would not like this answer to go down as an accurate statement. The general knowledge I have handed to me by the conversations with Mr. Petre, my predecessor, at different times, showed that we had approximately $3,000,000 in cash laid aside for the purpose of building this armor

plant, and that the construction required all of this three million and practically two million more at that time.

The CHAIRMAN. In other words, you mean to say that you spent $5,000,000?

Mr. BARBA. At that time, and have extended the plant very materially since.

Mr. PADGETT. What time was that you speak of, that you expended $5,000,000?

Mr. BARBA. 1903.

Mr. PADGETT. I have before me House Document No. 193, Fifty-ninth Congress, second session, "Cost of Armor Plate and Armor Plant," the report of the committee that was investigating it, in which, on page 30, appears the following:

"The Midvale Co. furnished the board with general figures as to the cost of its armor plant, omitting any details of how this cost is made up. The statement of this company shows that it has expended on its armor plant somewhat in excess of $3,500,000, but explains that the amount is not accurately stated because of the transfer to armor plant of certain tools installed previous to its entering the field of armor making, and to the further fact that certain other tools that might fairly be classed as armor plant are not exclusively used in that plant. The company further states that this estimate does not include the value of the ground occupied or interest on the construction investment, but does take account of the cost of designing and superintendence."

Now, in 1903, I understand you to have stated that you had expended $5,000,000, and this statement that was furnished in 1906 puts the amount, as I have just read, at $3,500,000.

Mr. BARBA. My answer also included that I have no accurate knowledge on this matter, but that in conversation with Mr. Petre, the manager up to the beginning of this year, I had gathered that such were the facts.

Mr. PADGETT. Yes. Can you put into your hearings, when they come to you for revision, a statement as to the cost at different periods, say, in 1903, 1906, and at the present time?

Mr. BARBA. I think that can be done. I shall be very glad to take the matter up when I see the form of your question.

Mr. PADGETT. When the question comes back to you for revision I would be glad if you would give us those figures, and any answer to this question necessary for information.

Mr. BARBA. I understand. [Further answer to question:] We find by examination of our books that in 1903, the armor plant being still uncompleted, we have no book value. In 1906–7 the book value of our armor plant was $3,905,527.12. In 1914 the book value of our armor plant was $4,993,654.17, after having been depreciated yearly by a rate approximating 7½ per cent yearly depreciation. This rate has been found to be too low, and a rate more nearly a 10 per cent basis will have to be used in the future, owing to the great wear and tear on machinery and by reason of changing requirements as to size, mass, quality of plates, etc. The reproduction costs of this plant and equipment would be much greater to-day.

The CHAIRMAN. You are aware that this committee has power to send for persons and papers? I think it very essential that we should get some papers that will show us why Midvale went into that competition with Carnegie and Bethlehem; also whether there is at this time any combination or not. Can you throw any light on that subject?

Mr. BARBA. Why we went into the competition?

The CHAIRMAN. Yes.

Mr. BARBA. As already indicated in a previous answer, we unquestionably believed that we could make a profit on the manufacture of armor at the prices which were then obtained for armor contracts, and I have no doubt, although no sure knowledge on this point, that estimates were made by the then officials of the company to show what in their belief would be the manufacturing cost of armor in 1903, so that they unquestionably satisfied themselves that at the then prevailing prices a profit could be obtained.

The CHAIRMAN. How long have you been associated with the company?

Mr. BARBA. Thirty-five years.

The CHAIRMAN. You were not anywhere near the top then?

Mr. BARBA. I was in charge of one of the manufacturing departments at that time.

Mr. PADGETT. May I ask you a question? If you could take a contract in 1903 at $398 base price on the basis of 5,000 tons, I will ask you to state if the different companies could not afford to take a contract for 16,000 tons (the Bethlehem Co. has 16,000 tons), at less than $425 per ton at the present time.

Mr. BARBA. Mr. Padgett, the answer to your question is a very simple one. The character of armor manufactured in 1903 in no way compares with the character of armor manufactured now, either in size, weight, or bulk of the individual pieces, the ballistic requirements, the character of projectiles used in testing armor, or even the cost of raw material and wages, both of which have very materially increased in the 10 years that have elapsed in that period, and wages in particular have increased approximately 50 per cent through the necessity of manufacturing armor on the 8-hour law. You know most of our processes in manufacturing require operations both day and night. We therefore have divided our gangs into three shifts of eight hours each, and we have found it absolutely necessary to pay for eight hours' work exactly what we formerly paid for 10 hours' work, so that the company gets absolutely no increase of production from most of these processes and is obliged to pay a very much larger sum in wages. At the same time the rate of wages has materially increased during the 10 years that have elapsed. The character of the armor is very different, as your own technical men will affirm. The requirements are more severe. The difficulties of manufacture have been multiplied. I will not say that the percentage of rejections has increased, because I believe that the capacity of the makers to manufacture this newer type of armor has also advanced.

The CHAIRMAN. You mean their skill and knowledge?

Mr. BARBA. Their skill and knowledge have advanced. I think it would be quite an interesting study to look up the relative percentages of failing plates in 1903 and 1913. Possibly Mr. Bloch knows offhand what this amounts to. I must say I do not, but I am going to look it up through plain interest in the subject. So that, with the advancing requirements for the production of armor and the increasing difficulties, I believe that the price of armor to-day is too low as compared with the present-day cost of manufacture. As an illustration of that, I do not mind telling you, Senator, this much from our books. We should really consider the manufacture of modern armor as represented only by the *Pennsylvania* armor or the *Arizona* armor because the specifications took a wide advance about that time. The cost of producing the *Arizona* armor is approximately $20 per ton more than the cost of producing the *Pennsylvania* armor at this plant. [Further answer to question:] For the *Mississippi* and *Idaho*, which was our initial contract, there were 11 ballistic tests and no failures, these being the first groups of armor ever submitted by this company. In the most recently completed contracts, namely, the *Arizona* and *Pennsylvania*, there were four groups of armor, each requiring ordinarily four test plates for the acceptance of the four groups; to pass these four groups it was necessary to present eight plates, four of which failed on ballistic test, requiring substitution or further test plates to the number of an additional four plates, with the consequent loss to the manufacturer. Thus the increased severity of specifications and difficulty of meeting them resulted in reducing the effective price per ton received by us by the amount of $33 per ton on the contracts of 5,737 tons—$190,000 for the *Arizona* and *Pennsylvania*.

Mr. PADGETT. Then, in your progress you are reducing the cost of manufacture?

Mr. BARBA. No; the cost and risk of manufacturing advanced with the most recent contract.

The CHAIRMAN. That is due to the severer specifications?

Mr. BARBA. To the severer specifications, and possibly to our lack of skill, as you remarked a moment ago. We might not have been very successful in that; but Admiral Strauss will confirm the fact that the specifications for battleship 39 were way in advance of the specifications for battleship 38, as a natural result of which the contract just about completed shows us an advance in cost of manufacture for battleship 39 over battleship 38 of approximately $20 per ton.

Mr. PADGETT. You mentioned a moment ago about the eight-hour law. What do you estimate was the percentage of the increased cost of manufacturing due to the eight-hour law, if any? Was there any increased cost in adopting the eight-hour law? You get two hours less work. Do you get more efficient service during the 8 hours than you did during 10 hours?

Mr. BARBA. Mr. Padgett, you have opened up two very interesting questions. The first one, about the added cost due to the imposition of the eight-hour law, was one which we estimated, when making our price for the armor for the *Pennsylvania*, which was the first to be manufactured under the new eight-hour law, as approximately 10 per cent advance in cost; it was a most indeterminable point; the only thing you could figure on was wages. You do not know when you begin an armor plate how much money you are going to spend for wages. For instance, if you have a failing plate and you are required to re-treat a group or a portion of the group, each of those plates that are re-treated stands you very close to a thousand dollars for each re-treatment, and the wages all go in there at the advanced rate. We found it necessary to take men off the 10-hour or the 12-hour shifts and pay them the same money for 8 hours that we formerly paid them for 10 hours or 12 hours, so that the 10-hour man or the 12-hour man had his rate of wages per day increased 50 per cent.

Admiral STRAUSS. Did you pay by the hour when you cut the hours of labor down?

Mr. BARBA. We give exactly the same rate for a period covering three weeks that they had made in the same period when working under the 10-hour basis or the 12-hour basis. The men in three shifts were paid the same money, because each shift, being reduced from 12 hours to 8 hours or from 10 hours to 8 hours, was paid the same for 8 hours that it formerly got for 10 hours or 12 hours. In other words, a cycle of three turns makes the A, B, and C shifts. That covers a cycle, so that in three weeks he is guaranteed the aggregate for three weeks that he got in three weeks under the old system.

Mr. PADGETT. Then, on the question of the efficiency of the service. What is the relative efficiency of the total 8 hours as compared with the efficiency of the total work of the 10 hours and of the 12 hours?

Mr. BARBA. Your question is an exact parallel to one that was asked me by the chairman of the committee of Federal industrial research last June, when discussing the 8-hour day, and if you do not mind I will tell you not only with reference to armor, but other kindred matters, because they are all tied together. The locomotive engineers, the crane operators, and repair men throughout all the works were working 10 hours per day on the maintenance machinery which is used to produce armor on an 8-hour basis. Now, that involves all kinds of operations, and I will answer your question this way: Where the man is working on a machine tool, some tool where his manual labor really amounts to a considerable number of motions and turns during the day, he is lifting and picking and turning and adjusting all day, he will unquestionably have a greater rate of efficiency per hour in an 8-hour day than he has a rate of efficiency per hour in a 10 or a 12 hour day. But where you take big tools, like the open-hearth furnaces in which this raw material is melted, and where the only labor is to keep the flow of gas and air adjusted, and where they are paid for these operations and paid for the skill and care—the man must not burn down that furnace—the rate of efficiency per hour is no greater in an 8-hour day than in a 10-hour day. Now, take the big presses on which we forge armor plate. There the men are under a little more physical strain—they are on their feet, and they have levers to handle, etc.—and there you would probably get slightly more efficiency in 8 hours than in 10. Take your armor a step further, into the machine shop, and this morning we all saw two men under a big drill press watching the drill do the work—certainly a nonfatiguing job—and the rate of efficiency for that and similar operations can be no more in an 8-hour day than it is in a 10-hour day. Therefore, where probably the largest amount of your wages is spent you get no more efficiency in an 8-hour day than in a 10-hour day, because it does not depend upon human labor, but simply watchfulness and being on the job.

The CHAIRMAN. I think you told me that these workmen were under piecework?

Mr. BARBA. Well, piecework is rather a bald statement to make, Senator, because we have a very great diversity of operations. Piecework means that you give a man so much money for doing so much work. That is not the most advanced and best way for promoting the efficiency of the man. We follow that to a very, very remote degree. The system we do follow is what is known as the premium rate, which puts a premium upon individual efficiency, paying an efficient man more money for the same operation than you do a less efficient man for performing the same operation. In that way you promote the efficiency of each individual man and not of a class of men.

The CHAIRMAN. If I understand the piecework system, it is to stimulate a man's ambition as well as his money-making propensities, and impels him or induces him to exert himself to the utmost to earn as much money as possible.

Mr. BARBA. That, again, is a more crude statement than the modern premium and bonus method should have, because it is the old-fash-

ioned way of simply naming a rate for the job and letting the best man win. The better way, which allows each man to work to the best of his ability, largely mental rather than physical—because he often finds short cuts through every operation in which he is engaged—is the bonus system, where he is paid a bonus over a base if he succeeds in doing more work in a given time than the base contemplated, the base in every case guaranteeing a man his daily wage, so that the efficient man gets his day rate over which he earns a large bonus.

The CHAIRMAN. That is the same thing stated differently. If a man does more work on the piece rate than he does by the day, doesn't he get more compensation?

Mr. BARBA. Yes.

The CHAIRMAN. And you change it to the bonus system instead of the piece system?

Mr. BARBA. Because it gives each man an added incentive to put his best foot foremost and become a competent man on the job.

Mr. PADGETT. In other words, you guarantee him a minimum as his day wage, and then you pay him an increase in proportion to his efficiency.

Mr. BARBA. Exactly. That is the best statement of that thing that one could make.

Admiral STRAUSS. That being the case, of course this 50 per cent that you claim would not hold; if your wages are made up of a base rate plus a premium, if you shorten the hours, as has been done, you would not increase the pay 50 per cent, as you stated.

Mr. BARBA. Yes; and more; for the reason that the whole basis of the matter which the Senator opened is, as Mr. PADGETT stated, the guaranty to each of these workmen his day rate. Now, if that man is hired at $3 or $4 per day, day rate, that means, on a 10-hour basis, 40 cents per hour. That means that in 8 hours he is getting $4 just the same guaranteeed to him, instead of having it guaranteed to him in 10 hours. Then, on top of that, his bonus for efficient work and superior production goes at an increased ratio because of his increase per hour, because in modern piecework, Senator, the bonus is based on the hourly earning capacity of the man; so that a man who is getting 10 per cent bonus on 40 cents an hour, if his rate is raised to 50 cents an hour, his hourly rate becomes 50 cents an hour under the 8-hour day; then his bonus, instead of being 10 per cent on 40 cents per hour, becomes 10 per cent on 50 cents per hour.

The CHAIRMAN. You don't have to stick to that 10 per cent under the new law?

Mr. BARBA. We do not have to stick to anything except as demanded by working conditions, and the men require that they be allowed to make the same weekly pay roll on eight hours that they made on the 10-hour day.

Admiral STRAUSS. The committee has prepared a list of questions, and I will read them. One question has practically been asked you before.

Q. How much does it cost your company to produce a ton of K. C. armor, class A–1, f. o. b.; that is, material, labor, and shop overhead charges?

Mr. BARBA. As you say, I have practically answered that question, and would ask to be excused from giving this information in so public a way.

Q. How much do you add to this cost for deterioration of plant and administration expenses?—A. I will be glad to answer that question so far as my knowledge goes, leaving out the element of administration expenses, because in our method of keeping costs administration expenses are included in the overhead, which is proportioned to all of the products of the company in its various lines in accordance with the very best judgment that our accountants can apply to the amount of the overhead expenditures upon each of these lines of manufacture; and without more research than I have given to it up to date I can not tell you how much of the administration expense is charged to armor. The depreciation is applied at the rate of 7½ per cent on tools and machinery, and 2½ per cent on buildings, but we have found that the depreciation on machinery is too low, and beginning with the present fiscal year we shall raise it to 10 per cent on the average.

Admiral STRAUSS. When you say 10 per cent, do you mean that all of your plant here, devoted to the manufacture of armor, would either be renewed in 10 years or become obsolete or useless through advances made in the business?

Mr. BARBA. No; not at all. The method of cost accounting followed throughout the country for some number of years past has been to allow a horizontal rate of depreciation. That horizontal rate has been 7½ per cent of machinery, to kill the machinery in approximately 15 years, and it is perfectly true that much machinery dies in far less time than 15 years, while much machinery lives far beyond 15 years, and that average has been found to be fair, but lately there has been a move, which you, Admiral, at one time called the "fashion," to raise the average rate of depreciation to 10 per cent. We at Midvale have not yielded to the fashion so far as the 10 per cent horizontal rate goes, but we are striving so to apportion our rates of depreciation for different classes of machinery more in accordance with the actual period of their life than has been the case heretofore, and our new rate of depreciation beginning the 1st of November, 1914, for the entire plant, not armor alone, will be based upon what we believe to be a more rational basis than the horizontal depreciation rate.

Admiral STRAUSS. Is there any big tool that you know of that has been scrapped since you began the manufacture of armor some 10 or 12 years ago?

Mr. BARBA. Completely scrapped?

Admiral STRAUSS. Scrapped or become obsolete.

Mr. BARBA. The open-hearth furnaces have been rebuilt several times.

Admiral STRAUSS. That would happen to any steel-making plant as a charge for maintenance. That would not, of course, be included in depreciation.

Mr. BARBA. We have several traveling cranes which have been entirely overmatched by the increased weight of plate and have been taken out and replaced.

Admiral STRAUSS. What did you do with the cranes?

Mr. BARBA. Scrapped them.

Admiral STRAUSS. You would not count that rebuilding of your furnaces a charge against depreciation. You would call that maintenance rather, would you not? That is a charge against production, not an extraordinary charge.

Mr. BARBA. The rebuilding of an open-hearth furnace is a thing that must be looked for in the natural course of operation, and, so far as the mere replacement of the bricks is concerned, it is not a serious matter, but when you are required to operate on a special product at a high pressure, such as the melting of armor-plate steel really is, very much more serious damage is done to the equipment in melting armor than in any other class of steel which we have to handle; then the rate of depreciation should rise, and we expect it to be raised in the future. That, of course, is a mere detail of our internal bookkeeping, and the answer to your question should really be confined to the horizontal rate of depreciation.

Admiral STRAUSS. On tools?

Mr. BARBA. Yes.

Admiral STRAUSS. Cranes?

Mr. BARBA. Yes.

Admiral STRAUSS. How many presses have you?

Mr. BARBA. Two; one for small forgings and the 10,000-ton press for large forgings.

Admiral STRAUSS. They are a part of the installation which you had when you went into the armor business?

Mr. BARBA. No; the large press was built primarily for armor and has been used almost never for any other purpose.

Admiral STRAUSS. Was your small press in existence before you went into the armor business?

Mr. BARBA. Yes; it was put in for gun forgings.

Admiral STRAUSS. Do you use that in the manufacture of armor?

Mr. BARBA. Just as seldom as the armor press is used for other purposes; almost never is the small press used for the manufacture of armor. When we first began the test plates and experimental work and such small parts were made under the small press.

Admiral STRAUSS. You state that it has been your custom to allow a depreciation percentage of 7½ per cent per annum on your armor-plant investment?

Mr. BARBA. Yes.

Admiral STRAUSS. What became of this money? Is it a bookkeeping operation?

Mr. BARBA. In our system of cost keeping and ledger accounting we have not applied the depreciation in the normal overhead. We have considered depreciation as parallel with capital investment, and we depreciate only in a lump sum at the end of the year when the ledger balances are taken off. Our depreciation, therefore, tends to reduce the capital value of the plant, and as such is fully comparable with capital invested, and the inventory value of the plant was reduced by the amount of depreciation or write off, exactly as it was increased during the year by the amount of any new investment made for capital account.

Admiral STRAUSS. Then, as I understand it, at the end of 13 years from the beginning of this new industry your capital investment in the armor production will have been wiped out.

Mr. BARBA. At that rate, yes.

Admiral STRAUSS. Approximately.

Mr. BARBA. Yes.

Admiral STRAUSS. And the only thing that would exist at the end of 13 years would be such new equipment as you have added.

Mr. BARBA. Plus the maintenance that we have given tools not actually scrapped, which has been a very large account and in some systems of bookkeeping is applied to the capital account.

Admiral STRAUSS. You have been in the armor business since 1903; in other words, you have sold armor for 11 years, and barring any additions that you have made to your plant at the rate you have marked out, it will practically go off your books as capital in about two years.

Mr. BARBA. Yes; with the exception that as an offset to the final part of your statement must be made all the maintenance charges to keep the machinery from being scrapped and thrown out. That is, to keep the machinery in a condition of 100 per cent efficiency, which is just as necessary in the thirteenth year as it is in the first year.

Admiral STRAUSS. But don't you apply this to maintenance rather than to depreciation? That is a daily charge against the production of any article that you manufacture?

Mr. BARBA. As I say, there are two systems of thought, two systems of bookkeeping, and many of them charge major items of maintenance to the capital account. We have elected not to do that but to put it into our overhead working account.

Admiral STRAUSS. When you estimated your selling price of armor did you put in this 7½ per cent write off?

Mr. BARBA. I can not answer that now, Admiral. The chances are that that was left to the accountants to apply as was the habit of bookkeeping then and since, feeling sure that the whole plant would be averaged at 7½ per cent depreciation at the end of each year, taken out of the surplus account and being offset by additions to the same account for any new plant or equipment which we might purchase, but not, so far as the bookkeeping is concerned, by the addition to the capital account of maintenance charges.

Mr. PADGETT. Now, may I make a suggestion here? Where you can not answer a question now, will you insert it when the papers come back to you for revision?

Mr. BARBA. I shall be very glad to do that.

Mr. PADGETT. I should state here, once for all, that where you can not give the answer now you might just say that you will give it later.

Mr. BARBA. Very good. Then we will rely upon the stenographer to indicate where the answers are to be supplied.

Admiral STRAUSS. He will give you a transcript of this hearing, so that you can amend your answers, and it may occur to you that in some of the cases where you have declined to answer you may, on maturer consideration, make up your mind that you will disclose this information without prejudicing your interest, and the committee would be very glad to get your answers at that time.

The CHAIRMAN. At these other places where we have been there have been so many answers from the managers or the witnesses, "I don't know," that we have felt for their own sakes they ought to know, because it shows them to be very careless business men in their bookkeeping, and while we are not sensitive about your ignorance, we would like you to consider these questions at your convenience, and if you feel that you can answer them rather than saying "I do not know" or "I do not want to say," you might put in the answer.

Mr. BARBA. Senator, my personal intention is to answer every question that comes within my knowledge.

The CHAIRMAN. I take that for granted.

Mr. BARBA. And I thank you very much for your suggestion, and I will be guided by it; and if I find that you want for some particular purpose more accurate answer than my memory provides I shall be glad to get it for you.

The CHAIRMAN. My idea is that if, as manufacturers, in computing costs, you are not taking into consideration those things that we are asking you about, which we cosnider vital to get at the facts, you may perhaps change your system of bookkeeping, and hereafter be guided by our questions rather than your own judgment.

Mr. BARBA. You must give me credit also of remembering that you have had time for a careful consideration of your questions and——

The CHAIRMAN (interposing). We have done the best we could.

Mr. BARBA. And when your questions come to me you might strike something about which I know perfectly in a general way, so far as guiding the policies or the management of this company is concerned, and for the details of which I necessarily rely upon the men whose business it is to have and to know all those details; and to such cases, if your question requires an answer in detail, I shall be very glad to furnish it in detail.

Q. Has this cost been reached by taking the annual output of a single year, or of a term of years, and making allowance for rejection and ballistic failures?—A. It will be necessary to answer your question in more detail than "yes" or "no," and if you will bear with me a minute I will try to show you how these costs are reached, so that if you do get an answer in figures to your first question you will know what it refers to and how it is done and governed. The cost accounting in this plant is worked out through nearly 40 years on a basis which we feel gives us the annual production cost of every one of the many lines of manufacture which we produce, and to trace the cost of manufacture of armor, or any other line, it can be illustrated very briefly by saying that when an order for armor is received and cleared for manufacture an order blank is issued with the amount and number and every other vital feature of this order upon its face, and from that moment every dollar of expense that is incurred in the manufacture of that armor is charged to the order number which that blank bears, whether it be raw material for the melting of the ingot, for repairs to furnace, the locomotive engineer's time for shifting the armor plate around the works, or the carpenter's time in blocking the armor plate on the car for shipment, that order number appertains through every channel of work and operation in the plant against the direct wages and direct material that is expended. They are allotted by the auditor—the percentage of administration overhead and nonproductive overhead and every contributing cost which can not be directly charged to armor is charged up in the proportion that the productive labor has occupied (and I may say that that method of accounting is a little unfair to products whose selling prices per unit are high and in whose manufacture the amount of productive wages is low, or that that cost does not fully account for all the money which should be charged against the manufacture where the proportion of wages to selling price is low).

Now, on the contrary, where the proportion of wages to selling price is high, as is the case, for instance, in the finished gun, then that might be overloaded with overhead, whereas armor, where the wages compared to the selling price is comparatively low, is underloaded with overhead charges, and that we are attempting to correct at the present time.

Admiral STRAUSS. In making up your cost sheets on the job order do you charge in a tool rate? You spoke of the locomotive. Do you charge the time of the locomotive engineer and the fuel—do you charge for the coal used in the locomotive?

Mr. BARBA. We charge a tool rate for the locomotive based upon the time that the engineer is paid wages, and that locomotive tool rate comprises the cost of upkeep of the locomotive and the cost of coal, water, and every incidental charge which can not be allotted save upon the movable basis of the amount of wages paid in productive labor.

Admiral STRAUSS. Do you have tool rates for everything?

Mr. BARBA. Yes.

Admiral STRAUSS. For instance, the big planer we saw in the machine shop?

Mr. BARBA. Yes.

Admiral STRAUSS. Now, does that tool rate include something for the tools finally becoming useless?

Mr. BARBA. Not in our system of bookkeeping, because the depreciation is taken off at the end of the year, and is not taken off each tool as the day comes along.

Admiral STRAUSS. You do not include in your tool rate the depreciation of the tool?

Mr. BARBA. No; the tool rate includes not even the capital invested in the tool originally. The tool rate includes the maintenance, the helper, the proportion of the shop it occupies, the power which is fed into the tool, and all the multitude of incidental expenses necessary to run that armor machine shop and divided amongst the tools operating to produce the product in that shop, but no interest on capital invested, and no depreciation of tool equipment is included in our tool rate.

Admiral STRAUSS. What does the auditor add for overhead? Doesn't your tool rate dispose of that?

Mr. BARBA. The tool rate is the means by which the auditor adds the overhead to the productive labor going through that tool. That is the only channel for the allotment of administration expense.

Q. What are the various components of this cost per ton?—A. Same as to first question.

Q. What is the cost per ton of the armor ingot at the forge, including all rejections?—A. Same as to first question.

Q. Give the components, with their unit prices, that enter into a furnace charge for an armor heat.—A. I will be glad to supply that later, bearing in mind that the cost of the components that enter into a charge fluctuates from day to day with the prices of raw material in the market.

Admiral STRAUSS. We understand that, of course.

Mr. BARBA. Yes.

Q. How much repair and preparation cost for the open-hearth furnace is made for each heat?—A. I will be glad to supply that later.

Q. How much does this amount to per ton of armor ingot produced?—A. I will be glad to supply that later.

Q. How much does the repair and preparation cost of the ladles amount to for each ton of ingot?—A. To be supplied.

Q. What is the fuel charge for each ton of ingot?—A. I have no means of knowing accurately enough to make a reply to that question. I can only take the amount of coal per ton which is aggregated monthly for the metal passing through a given furnace, and this might possibly cover other material than armor. In the case of the two big furnaces which we reserve for armor manufacture this would be easy to ascertain, but would not be accurate, because other furnaces are occasionally used in the manufacture of a larger ingot than one or two of these furnaces could take, and this coal computation would be inaccurate.

Q. What is the proportional laboratory superintendence charge for each ton of ingot?—A. We have never worked it out in exactly that fashion to my knowledge, but if you like I can supply that.

Q. What is the lifting, stripping, and chipping charge per ton of ingot?—A. I would have to give the same answer to that question as to the first. When you aggregate all these items you would have the production cost.

Q. What is the power charge, including steam, electric, and water, for each ton of ingot?—A. Same as to first question.

Q. What is the cost of forging?—A. Same as to first question.

Q. What scrap allowance is made for condemned ingots?—A. I will be glad to supply that.

Q. How many tons of armor ingots did your company manufacture last year?—A. I will have to get the figures to reply accurately, and will supply the answer.

Q. What was the total number of these ingots in tonnage which were rejected before reaching the forge?—A. Will supply.

Q. How many tons of ingots were forged during the past year?—A. Will supply this.

Q. How many tons were rejected during the forging?—A. Will supply this.

Q. What scrap allowance was made for these rejected during forging?—A. We will reserve answer to this question.

Q. What was the oxidization and scale loss at the forge?—A. Not known. Not computed in our cost system because we take the original weight of material charged and of ingot we produce, which we obtain by weighing the original charge and an estimate of the ingot produced therefrom; against this we apply the weight of armor in finished form which is shipped on the order, and the difference is that which is lost during all the various operations included in its manufacture, but these are not separated into losses per process.

Q. What did the labor of forging each ton of ingot amount to?—A. Same as to first question.

Q. What did the fuel for each ton of ingot forged amount to?—A. Same as to first question.

Q. What did the repairs to heating furnaces amount to for each ton of armor?—A. Same as to first question.

Q. What did the electric power, light, steam, water, drafting, transportation, and inspection per ton of plate amount to during the forging?—A. Same as to first question.

Q. Of all the ingots forged and not rejected, what percentage was discarded—how many tons?—A. Let me ask the meaning of the question, because it looks as if it would be easy to reply to that question in a way to give you useful information.

Admiral STRAUSS. For tears and cracks and things of that kind.

Mr. BARBA. I will supply the answer to this.

Q. What allowance was made for the metal thus discarded?—A. Same as to first question.

Q. What is the unit price per ton of plate when ready for carbonizing?—A. Same as to first question.

Q. How many tons of armor plate were carbonized at the works of your company last year?—A. Will supply.

Q. What was the oxidation and scale in this treatment, in tons?—A. This was covered in my answer to a previous question as to oxidation and scale loss at the forge.

Q. What was the total number of plates rejected during carbonization?—A. Will supply this answer.

Q. What does the labor per ton of carbonized plate amount to?—A. Same as to first question.

Q. What does the material per ton of carbonized plate amount to?—A. Same as to first question.

Q. How much fuel per ton of plate is used in carbonizing?—A. Same as to first question.

Q. How much did the furnace repairs per ton of carbonized plate amount to?—A. Same as to first question.

Q. What does the proportional amount of steam, electric power, lighting, drafting, inspection, laboratory, transportation amount to per ton of carbonized plate?—A. Same as to first question.

Q. How much is the carbonized plate worth per ton without any machining?—A. Same as to first question.

Q. How many tons of armor plate were reforged by your company during the past year?—A. Will supply.

Q. How many tons of plate were rejected during the reforging process, and was any allowance for the recovered material made in working the cost of armor?—A. Will supply. There was an allowance made. The rate will not be disclosed.

Q. What does the labor per ton for reforging amount to?—A. Same as to first question.

Q. What do the repairs per ton for reforging amount to?—A. Same as to first question.

Q. What does the fuel per ton for reforging amount to?—A. Same as to first question.

Q. What is the proportional amount of power—electric, steam, water—for reforging?—A. Same as to first question.

Q. What does the proportional drafting, inspection, transportation, and laboratory for reforging amount to?—A. Same as to first question.

Q. How much discard is made after reforging?—A. This is a question very difficult to answer on short notice, because the amount of discard after reforging depends solely upon the outline of the plate that is to be shaped from the slab produced. During the process of reforging the material is almost invariably in the form of a rectangular slab out of which the outline of the plate finally shaped must be cut by discarding the portions of the rectangular slab which overhang the outline, and this varies with each plate.

Admiral STRAUSS. If you care to answer that question and you have the data on your books, I suggest that you take the output for a period or for a ship, if you please, and take the whole reforged plate and the whole delivered plate.

Mr. BARBA. I shall be glad to answer this question for a given group of armor.

Admiral STRAUSS. That would be sufficient for any one group, but you had better take the output for a ship.

Mr. BARBA. I would suggest that we take the whole contract for No. 39. That will take the work of a couple of draftsmen some little time, but we shall be glad to furnish that information.

Admiral STRAUSS. It would be very desirable for us to get that information, and if it isn't too much trouble——

Mr. BARBA (interposing). Let us disregard that; we will give it to you.

The CHAIRMAN. That is the battleship that you have already completed the armor for?

Mr. BARBA. We have just completed that armor, Senator, and we have yet to ship only the two turrets which we are manufacturing, and that is the armor which you saw in the shop this morning.

The CHAIRMAN. Therefore it is no trouble to you?

Mr. BARBA. Just the labor of getting it out; but we will do it.

Q. What allowance is made for this discard in reckoning the cost?—A. Same as to first question.

Q. What is the cost of armor per ton after reforging?—A. Same as to first question.

Q. How many tons of armor plate were sent to treatment by your company during the past year?

Mr. BARBA. Sent to treatment?

Admiral STRAUSS. How much armor plate did you really treat after you had cut off your ingot and begun the process of manufacture?

Mr. BARBA. We will supply that information.

Q. How many tons were lost during treatment by rejection?—A. Will consider whether or not to answer this question accurately.

Q. What does the labor per ton of treated plate amount to?—A. Same as to first question.

Q. What does the material per ton of treated plate amount to?

Mr. BARBA. Let me ask you to define that question a little more.

Admiral STRAUSS. This question means how much material did you use—fire brick, clay, etc.?

Mr. BARBA. Contributory stores. Same as to first question.

Q. What do the repairs per ton of treated plate amount to?—A. Same as to first question.

Q. What does the fuel per ton of treated plate amount to?—A. Same as to first question.

Q. What do the proportional charges per ton of treated plate amount to?—A. Same as to first question.

Q. What is the total cost per ton of treated and rectified plate?—A. Same as to first question.

Q. How many tons of armor plate were sent to machining by your company last year?—A. I should like to answer that by securing the figures and inserting them.

Q. How many tons of machined plate were produced last year?—A. Will supply.

Q. Were there any rejections during the process of machining? If so, how many tons and what allowance was made for the rejected material in reckoning the final cost?—A. Will ascertain if rejections were made; if so, will supply the weight and withhold answer concerning the amount of allowance.

Q. How much per ton does the labor of machining amount to?—A. Same as to first question.

Q. How much does the machined scrap amount to?—A. This was included in the answer to a previous question in regard to discard after reforging.

Q. How much does the material for machining amount to, including oil, waste, repairing of tools, supply of tools?—A. Same as to first question.

Q. How much do the repairs per ton of machined plate amount to during the machining operation?—A. Same as to first question.

Q. What do the proportional charges per ton of machined plate amount to?—A. Same as to first question.

Q. What is the cost per ton of machined plate produced?—A. Same as to first question.

Q. How are the total water, steam, power, transportation, inspection, drafting, and laboratory charges reckoned?—A. Same as to first question.

Q. What were the total power charges for your plant last year—by power charges is meant electric power, steam power, water power, or producer gas for running engines, as the case may be?—A. Same as to first question.

Q. And how did you arrive at the method of assigning the various proportions to the various operations?—A. We arrived at the method of assigning according to the answer given in some detail to a previous question regarding method of computing costs.

Q. The same information is desired for the laboratory, drafting, inspection, and transportation charges.—A. The same answer would apply.

Q. What is the cost per ton of shipped plate, class A–2?—A. Same as to first question.

Q. What is the cost per ton of class B shipped plate?—A. Same as to first question.

Q. What was the average cost per ton of class C steel armor?—A. Same as to first question.

Q. What do you reckon your working capital to be, capital employed in production, not actually invested? For the purpose of further answering your question we have made a careful estimate as well as a careful research of previous experience. The estimate shows that approximately $800,000 of working capital must be advanced for a contract similar to that for battleship *No. 39*. A careful research, excluding many assumptions, shows that experience has required approximately $1,000,000 of outlay to finance a contract for the tonnage comprised in the contract for battleship *No. 39*.—A. Let me ask you a question on that. Do you refer to the whole working capital of the plant?

Admiral STRAUSS. No; just to the production of armor. We are not trying to get anything else.

Mr. BARBA. It would take some little calculation to reply accurately to your question, and I have no objection to doing it. The reason I say it takes some little calculation is that the production of armor through the plant is not an average or steady performance. It is either a feast or a famine; one year we have plenty, the next year we have none, so that the capital actually employed in putting armor through the works is different from month to month, and I should require to know a little more definitely just what you would like to have to answer that question.

Admiral STRAUSS. Of course, we understand that during a 2,500-ton year, such as has just elapsed, and a full-capacity year——

Mr. BARBA (interposing). Such as we are entering upon.

Admiral STRAUSS. The difference in the working capital would be very great. But what is meant by the question is that you have to buy in advance for your output pig iron, alloys, brick, and various other things. Now, taking into consideration the fact that the Government pays you piecemeal as you produce armor, how much capital do you have to employ for a full year's output?

Mr. BARBA. If you will permit me, I will reserve answer to that and figure upon the year upon which we are entering, because it will be the only fair basis that can be employed, because it looks like a full year's business; and we haven't had a full year's business in armor since the time of the *Oklahoma* and *Nevada*.

Admiral STRAUSS. That is comparatively recent, and it might be better to take actual figures rather than estimate on the future. For instance, you have the experience with that year and can furnish it, if you care to, rather than an estimate.

Mr. BARBA. Let the answer stand that way, and I will look up the figures in the case, and they may be of interest to you.

The CHAIRMAN. Mr. Barba, if the Government should enter upon its own armor manufacturing, where would you suggest, as an experienced manufacturer in the armor business, as the best place for it to locate its plant?

Mr. BARBA. You have asked a very important question and one which would require very considerable study of the elements that enter into the final reason for establishing an armor plant. If you were to start fresh and consider building an armor plant for the construction of simply armor for your ships, it would be necessary to include a great number of well-known factors on each of which there would be quite a number of variables, and you would then have to balance those variables to produce the best result, which would indicate the location, generally, that your plant should occupy. Were we to start now at Midvale and build a new plant and had no plant here, I should say that it would require a study covering some weeks before I could give a reasonable answer to your question because of this very fact.

The CHAIRMAN. We have letters suggesting that we should look at this place and at that place and at the other place; there is a very wide interest in this armor-manufacturing business. And the duty of this committee is to suggest whether the Government shall go into the business at all, and it would be the duty of the Navy Department to select a site, considering all the matters that you have suggested.

Mr. BARBA. You see that a comprehensive answer to your question would require a great deal of study of the elements entering into it, and a great deal of consideration of those elements, and on each of those elements you would have wide choice, so that it is almost impossible to answer generally your question except to say, somewhere near the east coast.

The CHAIRMAN. If you were handed $10,000,000 or $12,000,000 and told to select the best possible site for the Government or for yourself and equip it in the best possible way, up to date in every particular, where would you locate it?

Mr. BARBA. Again I must go back and say that it would require very serious consideration and much study.

The CHAIRMAN. Have you ever given any consideration at all to selling this plant to the Government as a factory?

Mr. BARBA. The matter has not been seriously proposed to us.

The CHAIRMAN. We are not authorized to seriously propose it to you, but still if we should make a suggestion to the Secretary of the Navy that the Midvale plant could be bought for such and such an amount of money as a nucleus or basis upon which to erect an armor factory, what would you say to that idea?

Mr. BARBA. Well, any proposal such as you have outlined, made seriously, would, of course, be given serious consideration. Whether the consideration would result in anything affirmative would depend wholly upon the owners of the property who were described in a previous question that you asked me; and as I have not consulted with them about the matter, I being only the man who is charged with the management of the business of the company, with the getting of the business and the selling of its product, I would not pretend to venture an opinion upon how the owners would feel about a proposal to sell their plant to the Government.

The CHAIRMAN. Are you willing to give any information as to what you would consider the property is worth?

Mr. BARBA. This property?

The CHAIRMAN. Yes. You have already given us your capitalization.

Mr. BARBA. Yes. The property has recently been appraised—the physical appraisal which we make every once in so many years in order to check up our book inventories—and it is quite a number of millions of dollars in advance of our capital stock. Without good will, the physical value of this plant is approximately $18,000,000.

The CHAIRMAN. Are there any things here that would be unnecessary to manufacture armor?

Mr. BARBA. Very many.

The CHAIRMAN. Suppose we left those out and simply bought the armor factory.

Mr. BARBA. It is physically impossible.

Mr. PADGETT. They are intermingled?

Mr. BARBA. You could not conduct your armor factory if you were to buy the plant you saw this morning without having a great deal of the works contributory to your very existence.

The CHAIRMAN. Well, do you believe, from your experience in the manufacture of armor, that it would be better for the Government to buy pig iron and manufacture its own steel or to buy the steel?

Mr. BARBA. Unquestionably my opinion, backed by the experience of other Governments, is that the Government has no business in manufacturing a commodity which is freely offered by its own citizens. The great Governments that are using armor do not manufacture it. England manufactures no armor; Russia has a small armor plant. Admiral Strauss can tell you more about it than I can; but it is our business to know something about it. Russia has a plant which is built, equipped, and run by the English armor makers; that is the way that Russia gets public utilities—by inducing a concern like Vickers-Maxim to build a plant in Russia and operate it on a long contract which is very profitable to the people who advance the money for the erection of the plant, which this Government does not do. The French built a plant some years ago, and, to the best of our knowledge, they have produced no armor at all that you would care to put on your ships; nothing of the present thickness required; something like 6 or 7 inches is the maximum thickness produced.

Admiral STRAUSS. Why is it that the French have failed to manufacture armor in their own shop? Why could not they succeed in manufacturing armor if they choose to do so?

Mr. BARBA. You can not get, either in France, whose political system rather nearly approaches ours, or in this country, can you get a staff or personnel to enter into the manufacture of a business like this and succeed with it under conditions such as this Government imposes upon its employees. You take the staff of the Midvale Steel Co., the men who are in charge of it and have been managing the affairs of the company; they started here as boys and have grown up with a sure tenure of office, depending upon good behavior and efficiency and ability and straight living; and we have all succeeded in drawing larger salaries than the Government pays almost any of its employees in technical lines, and in my opinion it is impossible to expect a Federal Government to secure the services of such men as form the staff of the Midvale Steel Co. to-day.

The CHAIRMAN. Right there, Mr. Barba—would you mind giving this committee the scale of salaries?

Mr. BARBA. I would object to it, Senator; incidentally, Admiral Strauss would get jealous of the salaries paid.

Mr. PADGETT. In view of the statement you have made, that if you were to state the salaries that were received by the staff of the Midvale Steel Co. Admiral Strauss would get jealous, would you object to stating whether or not it is a fact that the salaries paid to the important officers of these private corporations—the Midvale Steel Co., the Bethlehem Steel Co., and the Carnegie Steel Co.—are very much higher than the salaries paid to the higher officers in the Navy?

Mr. BARBA. Yes, Mr. Padgett; the salaries paid are higher than are paid to your bureau chiefs, and these salaries are paid to put these par-

ticular staff officers on piecework, to spur them exactly as a man with a pick and shovel is spurred to his very best endeavor.

Mr. PADGETT. In other words, you get a higher salary as a base salary and then you participate in the profits?

Mr. BARBA. That has not been the plan of this company, but we hope that it will become so, because our owners firmly believe in the principle of cooperation, and they are trending very strongly toward enabling every workman, at least in a leading position, to participate in the profit of this company.

Mr. PADGETT. That is the policy pursued by the Bethlehem Steel Co., so the president told me. The thing I want to get at was this, that the salaries paid, without stating what they are—the salaries paid to these principal officers are much higher than the salaries paid to a rear admiral in the Navy?

Mr. BARBA. We have a few men whose salaries are higher than those paid to a rear admiral in the Navy.

Q. What does the maintenance of your plant amount to per annum?—A. Same as to first question.

Q. Is this amount over and above the repairs which have been charged to the various operations comprising the total manufacture and separate from depreciation?—A. I think I will say "same as to first question" on that, but it is open to some discussion.

Q. What is the total of proportional administration charges made to armor; how has this been arrived at?—A. Same as to first question.

Q. Give a tabulated list showing the various salaries paid, and how proportionately divided, so as to include the armor plant.—A. Same as to first question.

Q. How much did the insurance charges on the armor plant amount to?—A. Same as to first question.

Q. How much taxes are chargeable to the armor plant?—A. Same as to first question.

Q. How much do you charge to armor in behalf of the pension fund and liability fund? That is, if you have the pension fund you must have liabilities for injuries.—A. Same as to first question. We handle our pensions and liabilities in a way that is a little bit peculiar and is not charged into the running cost of the plant. It is charged out of profit and loss at the end of the year in one lump sum.

Mr. PADGETT. You do use that element in fixing your selling price of armor? I understand that you use this as one of the component elements in fixing your selling price?

Mr. BARBA. With reference to the pensions, etc., we prefer to consider that the owners carry that as their own personal charge. In other words, it comes out of the money which is available for distribution and has no particular rate of charge against any portion of the plant.

Admiral STRAUSS. You mean it is a gratuity?

Mr. BARBA. It is put on a different basis than it will be in the future, when the workman's compensation act becomes effective. The next legislature in Pennsylvania will have a workman's compensation act; it is one of the most advanced workman's compensation acts that has been produced, and we strongly supported the one that was before the last legislature. It is right that the trade should pay for its casualties, and we shall strongly support the bill.

Q. How much depreciation is charged against the armor plant; what is this depreciation; how has it been arrived at?—A. Same as to first question.

Q. After a year's operations, within which a certain sum of money has been set aside from the proceeds of the manufacture of armor for depreciation charge, what is done with this money?—A. Same as to first question.

Q How much money is invested in your armor plant?—A. Approximately $5,000,000.

Q. Does this represent the total amount which has been expended for this plant, inclusive of all depreciation replacements?—A. I would like to reserve an accurate answer to this question, and may reply to it fully. [Further answer to question.] In further answer to your question asking whether amount expended for plant is inclusive of all depreciation and replacements, we beg to state that my answer to question 60 exhibits the figures of cost of plant and states that this is the book value of the plant to-day, after all depreciation has been written off to date, and that the cost of reproduction of the existing plant would, therefore, necessarily be much higher than this stated book value.

Q. In reckoning your profit, is it reckoned as a profit on the total amount of money which has been put into the armor plant, or on the amount which has been put into the armor plant less all depreciation which has not been used for the purpose of replacement?—A. I have already made an answer to this question, but in answering it in its present form I repeat that depreciation is taken out of the profits exactly as is interest on the capital invested taken out of the profits, both of them being fairly comparable to interest on capital and to the body of the capital account with respect to depreciation.

Q. What is the capacity of the company's armor plant in tons per year?—A. For cemented armor I would estimate that a full year's output would be 6,000 tons.

Q. When you state that you have $5,000,000 invested in the production of armor, do you include the cost of the site in that sum?—A. Yes; the land is included.

Q. How many acres are now occupied by your plant?

Mr. BARBA. Do you mean the armor plant?

Admiral STRAUSS. Yes. Of course your answer must be approximate.

Mr. BARBA. I shall have to consider that because the land occupied by the buildings in which armor alone is produced in no sense represents the amount of land occupied by the portion of the plant that contributes to the operation.

Mr. PADGETT. You stated that you had $5,000,000 invested in your armor plant; you then stated that it included the cost of the land. Now, then, the land that is included in that estimate of investment would be the land that would go into it. You can state that, I presume?

Mr. BARBA. Yes.

The CHAIRMAN. How much is land and how much is invested in other things?

Mr. PADGETT. I would thank you to separate these items.

Mr. BARBA. I will try to do that. [Further answer to question.] Referring again to the figures answering questions 60 and 222, we note that you ask "How much of this figure is land and how much is invested in other things?" We have taken the land comprised in the figure covering the book cost of our armor plant at $125,000, nominally 15 acres, and which is far below the figure at which similar land could be purchased to-day.

Admiral STRAUSS. One more question: What percentage of finished armor did you produce from the cast ingot?

Mr. BARBA. I can answer that question only in the aggregate by taking the last armor for No. 38, the *Pennsylvania*, in which we used approximately 15,000,000 pounds of ingots and shipped just under 5,000,000 pounds of plate.

Admiral STRAUSS. Something like 33 per cent?

Mr. BARBA. The actual shipment being 4,952,000 pounds, I think, so that the amount of finished plate for the *Pennsylvania* contract was almost exactly one-third of the weight of ingots originally used.

Admiral STRAUSS. Originally cast?

Mr. BARBA. Yes.

Mr. PADGETT. Now, then, what is the relative weight of the original ingot cast compared with the weight of the original charge that went into the furnace—the pig iron, the metal, the raw material?

Mr. BARBA. I shall be glad to get that information for you fairly accurately, but it will approximate 10 per cent more for the aggregate weight of raw material charged over the weight of the ingot produced.

Mr. PADGETT. Then the weight of the finished product is less than 33 per cent of the original raw materials that went into the furnace?

Mr. BARBA. Yes, sir; and the reason is, of course, that there are losses within the furnace of the material charged.

Mr. PADGETT. That is what I wanted to get at, and I understand that approximates 10 per cent.

Mr. BARBA. That, roughly, is 10 per cent.

Mr. PADGETT. I would like for you to put that in.

Mr. BARBA. Your pig contains 2 per cent of silicon and 3 per cent of carbon, and there is 5 per cent of your pig iron that does not produce ingots; that goes into the slag, and so with many of these elements. [Further answer.] An examination of the records has found that instead of 110 per cent the figure should be approximately 115 per cent for the amount of material charged to produce 100 per cent of ingots.

Mr. PADGETT. In connection with that same question, you have this 60 per cent that represents the scrap that comes off of your ingot over and above your 30 per cent of finished product; that constitutes scrap to go back into your furnace for another ingot, doesn't it?

Mr. BARBA. Yes.

Mr. PADGETT. What is the proportionate or relative value of that material, as scrap, compared with the original material of pig iron and all the other elements that go in originally?

Mr. BARBA. I will answer that question generally, and not specifically, by stating that the value of this scrap is less than the value of the original raw materials for the reason that it is of so special a chemical composition that it is more costly to melt down this scrap for use in future ingots than it is to take the equivalent of this scrap in new materials, to the extent that it would require five or six hours to melt a charge of new materials, whereas it would require all the way from 10 to 14 hours, depending on the proportions used, of time to melt a charge made up of remelted scrap.

Mr. PADGETT. I will ask you to state what it is in this remelted scrap that causes this harder process of melting.

Mr. BARBA. It is the high percentage or content of chromium. The chromium is necessary to manufacture armor plate to stand the present specifications. The armor-plate mixture to-day is generally a chrome-nickel mixture. The chromium is approximately 2 per cent of the whole weight of the finished armor plate. This chromium, when introduced back in the furnace in the form of scrap, greatly retards the melting of the scrap. It oxidizes and forms a very poisonous (that is the term the men use) slag in the furnace, requiring considerable treatment with fluxes and other medicines to correct the poison, and in the act of melting down requires at least twice the time that scrap not containing chromium requires to be melted. In the original production of armor-plate metal the chromium is not present until 20 minutes before the material is ready to be taken from the furnace in finished form; so that when you try to remelt your scrap we must contend with the presence of chromium in that scrap.

Mr. PADGETT. Now, on that point. Is the chromium burned out and wasted, or does it chemically form with and remain with the metal in its remelted form?

Mr. BARBA. You start with about 2 per cent of chromium in your scrap, and use varying proportions of scrap according to the daily varying conditions of the furnace, so that the figures are really the subject of calculation for each case, but to instance a case, start with 2 per cent chromium in the scrap. When the charge is melted the chromium will have been reduced to about 1 per cent; then in the further operation of pouring and treating the steel the chromium will be reduced in an armor-plate furnace to about one-quarter of 1 per cent, all of it going into the slag in the form of oxide of chromium and forming a dry or poisonous slag which, as before stated, requires very careful treatment to make a successful operation.

Mr. PADGETT. Suppose you were to use one-half scrap and one-half of original pig iron. Would this chromium combine with the pig iron or would it go into the slag?

Mr. BARBA. It would first combine with the pig iron and ultimately go into the slag in exactly the same proportions as indicated in the last answer.

The CHAIRMAN. These details of manufacture are not essential to our investigation; and I have a question to ask which is very essential, I think: Mr. Barba, one of the elements of cost of armor plate now is in the security of the armor manufacturers as to contract. You do not know what you are going to get next year. There is no certainty about the business.

Mr. BARBA. That is one of the very vital elements; and in the past years we have taken our medicine.

The CHAIRMAN. Suppose the Government, having had to pay for this uncertainty, should determine to change its policy and should endeavor to get at the actual cost of armor plate for itself, with a view of entering into contracts for a fixed number of years, say 10 years. If the Government should approach you and offer you work enough to keep your factory busy on armor plate according to the Government specifications for the next 10 years, what reduction would you make from the present prices you are charging?

Mr. BARBA. You asked a question that became very interesting until your last clause, because if the Midvale Steel Co. were offered a continuous performance in the production of armor plate you would get a reduction under the present price unquestionably, because the whole manufacturing could be systematized to a degree which has not been possible in the past, and the Government would, and properly should, be the gainer by such a condition; but as to the amount of reduction under the present price, if I would, I could not answer that question accurately, because it is impossible to judge what would be the condition under such circumstances.

The CHAIRMAN. If the Government should go into partnership with Midvale, would you open your books and institute a system of bookkeeping which would arrive at the actual cost of armor? Would you

be willing to enter into contract whereby you would be guaranteed against loss?

Mr. BARBA. You have asked a question which I must open up a little. Do I understand you to mean that were the Government to come to Midvale and enter into partnership with us for 10 years and say, "We will guarantee you so much armor a year, or failing to give you that armor we will see that your profits are the same," or offer some contract similar to that, we would.

The CHAIRMAN. You would?

Mr. BARBA. Certainly.

The CHAIRMAN. Of course, this is all an excursion into the field of possibilities, you know, as to what the Government will do, because Congress orders the Secretary of the Navy to do what he does do, and he can not do it without the appropriation. So I am only asking this question in order to arrive, if I possibly can, at the conclusion which I have firmly fixed in my own mind, that in order for the Government to be fortified against robbery, which I believe it has suffered in the past, it is necessary that the Government should build its own armor plant.

Mr. BARBA. You commenced a question in which I was getting very much interested at once, because what you were proposing is practically what England has done with her armor makers.

The CHAIRMAN. And Germany with Krupps?

Mr. BARBA. Germany with Krupps is another story. They practically own Krupps; they can dictate exactly what they are to do with Krupps. That is belief without any sure knowledge, of course.

Mr. PADGETT. Putting the Senator's question in concrete form, if the Government should establish a policy of continuing contracts in armor, as is done in "rivers and harbors" improvements, and should say to you, we will make a contract for 100,000 tons of armor, to be delivered during the next 10 years, divided and apportioned among 10 years, would the manufacturers of armor be justified, and would they, in fact, give a substantial reduction in the price of armor below the present prices?

Mr. BARBA. Speaking for this company, you could count on a substantial reduction in the price of armor under such conditions as those, because those conditions are most attractive, and they are conditions which are the exact opposite of our 10 years' experience; such conditions make a very attractive picture for the future. We would agree with the Government on a price and terms and amounts, and we would have an assurance of business which would reduce the armor business from almost an act of God to an everyday commercial proposition, where it deserves to be.

Mr. PADGETT. I know that Congress is pursuing such a policy with regard to the improvement of rivers and harbors. They authorize a certain amount and then they appropriate from year to year as the work is done, and it just occurred to me that if Congress would pursue a policy of that kind, whether the armor makers would be prepared to offer a reduction so substantial in character as to make it inviting for the Government to pursue that policy instead of the one we have now, of year by year.

Mr. BARBA. That is the way the business should really be conducted, unquestionably. Whether or not you could reduce it to the concrete terms of 100,000 tons in 10 years is a question that is not before the present inquiry.

Mr. PADGETT. Oh, certainly, but I am just speaking of a policy along that line.

The CHAIRMAN. The idea was this: The present exorbitant prices we are paying are due entirely to the uncertainty of the manufacturers, are they not?

Mr. BARBA. The present exorbitant prices, as you term them, are—I must deny your premises, because I must deny that they are exorbitant——

The CHAIRMAN (interposing). We won't discuss that phase of it.

Mr. BARBA. Senator TILLMAN, I would like to state with equal force and authority with yourself and necessarily with much more intimate knowledge of the subject, that the prices that the Government is paying for armor are not high and exorbitant prices. I am trying to tell you something of that sort now. You had a practically fixed policy of two ships a year for quite some time in Congress, and Congress almost legislated the price of armor. If you go back through the records you will find that is practically so, and the price of armor reached a point of $420 per ton under a policy which gave them the armor for two ships a year, and the practice of the department was to distribute that armor into equal thirds, as this memorandum shows, irrespective of any price they got; but that is beside the point; the point was that they had practically a definite amount of armor for two ships.

The CHAIRMAN. Let us go back there a minute. When Midvale first bid on armor and got the contract, and then President Roosevelt arbitrarily divided it with Carnegie and Bethlehem, was Midvale prepared to manufacture all the contract?

Mr. BARBA. They were willing at that time to accept the whole 16,000 tons. Probably, though, the requirement for speedy delivery of armor was not the same as it is to-day, and we might have been able to get away with the whole contract at that time. I am free to say that to-day we would not, because the shipbuilders have been spurred up to a rate of delivery which makes it necessary for Admiral Strauss at this time, for the armor for the three ships just let, to specify a rate of delivery which will give the shipbuilders no inconvenience such as he has had in the past. One of the most laudable arrangements that has been put into effect is that schedule of delivery by construction groups, and when it was presented to us in June this company jumped at it, as the thing to be helped and supported. Now, had we at this time been given a contract for the armor of two ships, say, 17,000 tons, this company, with its present equipment, could in no sense manufacture the armor at the present time at the rate which Admiral Strauss requires it, if we had more than the armor for one ship. It is going to be nearly all we can do to get the armor for one ship in the time specified. The time he has specified is much shorter than he would have specified 10 years ago. However, 10 years ago we would have been glad to have experimented and gotten it out somewhere nearly in the time required.

The CHAIRMAN. At $399 a ton?

Mr. BARBA. Yes, sir.

Mr. PADGETT. Is not it a fact that the action of President Roosevelt in declining to award the contract to the Midvale people, they being substantially the lowest bidders, and arbitrarily giving two-thirds of it to the others—was not the effect of that to destroy any competition with the bidders, and have they not since then put in substantially identical bids, because they knew that the Government would divide it, irrespective of the bids?

Mr. BARBA. That is essentially true, but the process was a long one; in 1900 Midvale bid, and was thrown out.

Mr. PADGETT. What was the bid of the Midvale Co. in that year when its bid was thrown out?

Mr. BARBA. It was a sliding-scale bid, according to the tonnage.

Lieut. Commander BLOCH. It was $445 a ton for class A and $400 a ton for class B. Those terms do not mean the same as they do to-day.

Mr. BARBA. In 1903 Midvale was a second time the lowest bidder, and received a little over one-third of the order.

Mr. PADGETT. And that was the year that you had a plant?

Mr. BARBA. Yes. In 1905 Midvale was a third time the lowest bidder, and was given 1,000 tons out of 8,000 tons. In 1906 Midvale was a fourth time the lowest bidder, and received 3,660 tons out of 7,319 tons.

Mr. PADGETT. That is the time that the split came.

Mr. BARBA. No; the time before—in fact, both times before. This is the third time that we had a split.

Mr. PADGETT. The time I am talking about is the time when the administration divided the contract. Since then they have been giving identical bids, have they not?

Mr. BARBA. In 1907 Midvale was a fifth time the lowest bidder, and bid $410 against Carnegie and Bethlehem bids of $420, and they had the royalty.

The CHAIRMAN. What do you mean by royalty?

Mr. BARBA. The Government paid an additional royalty of $33.60 on class A and $11.20 on class B per ton on the Krupp patents.

Admiral STRAUSS. Which these other two companies were subject to.

Mr. BARBA. And we were not subject to. Right there is an interesting fact. Immediately after the letting of one-third of that contract to Midvale, three suits were brought against Midvale alleging infringement of the Krupp cementing patents and treatment patents. These suits we fought up to the Supreme Court and won in every court. Immediately after the first judgment was rendered both Carnegie and Bethlehem were notified by the Government, who had paid this royalty as an extra charge over and above the bid price of armor——

Mr. PADGETT (interposing). The bid price was $420?

Mr. BARBA. Plus $33.60 a ton. The Government notified them that they would no longer pay any royalty, because if Midvale did not exact a royalty and had gotten a judgment, the Government need not pay, and Midvale was fighting that suit through all the courts and winning it in the courts, and the Government has saved $33.60 per ton for all the armor they bought since.

Mr. PADGETT. Not up to date?

Mr. BARBA. Up to the expiration of the patents.

The CHAIRMAN. But for Midvale's public spirit and unwillingness to be robbed by Krupp's patents, the Government would be paying a royalty now?

Mr. BARBA. The patents have expired.

The CHAIRMAN. When did they expire?

Mr. BARBA. I will supply that data later. [Further answer to question:] I attach a table of the four patents and the expiration dates for the American patents and for the German patents; in effect the expiration is at the dates of the German patents.

	Date.	Expiration.	
		American.	German.
Krupp patents:			
534178	Feb. 12, 1895	Feb. 12, 1912	Dec. 16, 1906
642926	Feb. 6, 1900	Feb. 6, 1917	Feb. 28, 1907
651965	June 19, 1900	June 19, 1917	Apr. 23, 1909
653413	July 10, 1900	July 10, 1917	Do.

Then, again, in November, 1908, Midvale was a sixth time the lowest bidder and was awarded one-third of the tonnage.

Mr. PADGETT. Could the Midvale Co. have undertaken more than it received?

Mr. BARBA. At that time, yes; because it was not anything like its capacity.

The CHAIRMAN. Mr. PADGETT, it seems that all the testimony brought out demonstrates clearly that the Government had forced this combination of manufacturers; not only encouraged it but compelled it.

Mr. PADGETT. That is what I am bringing out. The policy that was pursued by Roosevelt in refusing to give the award to the lowest bidders finally brought about a condition where there were no lowest bidders. Didn't the three concerns in their letters to Secretary Daniels last year practically state to him that the reason for identical bids was because of the policy hitherto pursued by the Government in declining to respect the lowest bids?

Mr. BARBA. Yes, sir; and immediately after the year 1907 that I spoke of here the policy was adopted of dividing the armor into equal thirds by the department and reducing the price of the bidders to the price bid by the low man.

The CHAIRMAN. Therefore, you got behind the curtain and said, What is the use of bidding below each other? Let us combine.

Mr. BARBA. That price was simply maintained. It was $420 plus royalty, and after the royalty was knocked off $420 was the price from that day until the last year, when the eight-hour law advanced the price from $420 to $454, which this year was reduced from $454 to $440 and for next year to $425, again an official basis, because the contracts for next year, at Secretary Daniels's request, were all placed at the price of the lowest bidder. I would like, Senator, to have this prepared statement incorporated in the hearing.

The CHAIRMAN. You can incorporate it in the hearing.

Mr. PADGETT. I will ask you to state if you have prepared and have with you a statement giving the history of the manufacture of armor; and if so, will you attach that statement to your hearings as an answer to this question?

Mr. BARBA. I have such a statement prepared and shall be glad to let it stand as a fuller answer to some of these questions. Incidentally, if you will allow me to add——

Mr. PADGETT. You can add anything you want to.

Mr. BARBA. I want to put it in a little better shape.

Mr. PADGETT. You can put it into better shape and then insert it in your hearings.

The CHAIRMAN. You see we want a perfectly full and square explanation of this whole armor-contract business, the cost of manufacture, and everything about it. We are very sorry we have not been able to get you to act throughout as your instincts must lead you to do,

for we are certainly impressed with the belief that you are an honorable gentleman and would tell as more than you have but for the idea you have, along with the other armor manufacturers, that you must keep your secrets to yourself. In effect you are all telling the Government, "You have no business to go into armor manufacture at all, because we will make the armor and are already making it at a reasonable price." If your company would compete instead of combining, as I believe you have combined, the Government would not need to erect an armor plant at all. But we believe you are in a combination to charge the Government an excessive price, and that is our trouble.

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STATEMENT OF MR. WILLIAM P. BARBA.

THE ARMOR CONTRACTS OF THE MIDVALE STEEL CO. AND DATA RELATING TO ARMOR.

The Midvale Steel Co., of Philadelphia, made its initial bid for an armor contract on August 10, 1900. (See Appendix A for data regarding company.) (Note by committee: The committee is informed that on this date the Midvale Co. had no armor plant.)

The United States Navy Department opened on that date bids for about 36,000 tons of armor. Midvale bid, net (no royalties demanded), $438 per ton; the Carnegie and Bethlehem Steel Cos. bid, net (including royalties), $490 for class A armor. Midvale received no award. (See Appendix B for details.)

In October, 1903, Midvale was a second time the lowest bidder ($398 per ton net was bid on class A as against $453.60 net by Carnegie and Bethlehem), on about 16,000 tons of armor. Midvale received a little over one-third of the order. (See Appendix C for details.)

In January, 1905, Midvale was a third time the lowest, bidding $398 net for class A against the Carnegie and Bethlehem bids of $453.60 net. A contingent order for 1,000 tons out of 8,000 tons was all Midvale received. (See Appendix D.)

In July, 1906, Midvale was a fourth time the lowest bidder and received 3,660 tons out of 7,319 tons. Midvale bid for class A armor $346, and Carnegie and Bethlehem $381 per ton. (See Appendix E.)

In the summer of 1907 Midvale was a fifth time the lowest, bidding $410 per ton, as against the Carnegie and Bethlehem bids of $420 for class A armor. (See Appendix F, containing important Government letter and details.)

To restrain the Midvale Co. from proceeding with its manufacture of armor in 1907 three suits were brought against it in the name of Fred. Krupp, Aktien-Gesellschaft. Although these suits were bitterly fought, they were lost in every court. The Supreme Court of the United States also deciding in favor of the Midvale Steel Co. (See Appendix G.)

On November 9, 1908, Midvale was a sixth time the lowest bidder on the total amount of armor of all classes for the *Utah* and *Florida*. Midvale was awarded one-third of the tonnage required. (See Appendix H.)

On August 18, 1909, bids for the armor for the *Arkansas* and *Wyoming* were opened. Midvale was slightly lower on the total of all classes. (See Appendix I.)

On October 7, 1910, the armor makers were invited to a conference by the Government on account of the increasing difficulties and expense in the manufacture of armor. (Appendix J.)

On December 1, 1910, the bids for the armor for the *Texas* and *New York* were opened. Each manufacturer received practically one-third of the order for the *Texas* armor. (See Appendix K.)

On November 16, 1911, the Government invited the armor makers to a conference in reference to the armor for the *Oklahoma* and *Nevada*.

On January 4, 1912, bids were opened for the *Oklahoma* and *Nevada* armor. The amount was divided into thirds as nearly as possible. (See Appendix L.)

On December 18, 1912, the Government invited the armor makers to a conference in reference to the armor for the *Pennsylvania*.

Bids for the *Pennsylvania* armor were opened February 18, 1913. Midvale made the best bid on every class of armor and received one-third of the total. (See Appendix M.)

The armor bids for battleship *No. 39* were opened August 27, 1913. The Secretary of the Navy had new bids submitted on October 14, 1913, and awarded the whole of the contract to Midvale. (See Appendix N.)

On October 15, 1914, bids were opened by the Secretary of the Navy for approximately 25,000 tons of armor for battleships *40*, *41*, and *42*, at which time Midvale's bid was the lowest on all classes, except class A, on which class we were underbid by the Bethlehem Steel Co., the prices which Midvale bid being for class A armor, $436 per ton; for class A–2 armor, $486 per ton; for class B armor, $466 per ton; and for class C armor (bolts), $376 per ton. (Note by committee—The Midvale Co. only bid for one-third of the armor advertised for. The prices at which awards were subsequently made were as follows: Class A, $425 per ton; class A–2, $486 per ton; class B, $466 per ton; class C, $376 per ton.)

On October 19, at the invitation of the Secretary of the Navy, the armor makers were called into a conference in the office of the Secretary and told that the prices they had quoted for armor were too high, and were asked the question why, if $440 per ton was the price for the armor for battleship *39*, when but 8,500 tons of armor was purchased, the price for 25,000 tons of armor should be reduced only to $436 per ton? Midvale's answer to the Secretary was to the effect that the price for armor had practically been established by the department on a basis of not less than two ships per year; and when but two ships were ordered in between two and three years we felt that this was but a temporary condition, and that, although the price for armor for the reduced quantity should be somewhat increased, yet Midvale did not bid an increased price that would be commensurate with the reduced tonnage to be passed through the mills. In commenting upon this point Secretary Daniels stated that if for the armor for battleship *39* such an increase had been proposed, he certainly would have opposed it.

Upon the solicitation of Secretary Daniels the armor makers assembled in his office on October 19 were asked to meet again in his office on October 26 and submit new bids.

On October 26 all three armor makers were represented in the office of the Secretary, Admiral Strauss being present, together with the Secretary, and Midvale handed the Secretary a letter, reducing its price to a figure which was not disclosed at this meeting, but which was $427 per ton for class A armor, the originally quoted prices being maintained for the other classes of armor. On November 2 the Midvale Steel Co. received from the Secretary of the Navy a letter offering them the armor for one ship (the quantity for which they had bid) at $425 per ton for class A–1, as against the revised price of $427 per ton, equaling the price offered him by the Bethlehem Steel Co., which proposition of the Secretary's was accepted by the Midvale Steel Co.

Midvale was thereupon notified of an award of the armor required for one ship, under the terms of its original proposal, as modified on October 26 and the Secretary's letter of November 2.

In 1906 the Midvale Steel Co. made a bid of lire 2,325 ($455.70) (lire=19.6 cents) per ton for 2,100 tons of armor for the Italian Government, and were awarded the contract. (See Appendix O.)

The Midvale Steel Co. commenced the manufacture of armor late in 1903, and has been in no way a party to the several investigations made by congressional committees.

The reasons for the great increase in the cost of manufacturing armor are discussed in Appendix P. It will be noted that the armor investigated by the Armor Factory Board in 1897 was a very much easier manufacturing proposition than the armor demanded by modern requirements, and that almost each year in the last decade has added to the difficulties, risk, and expense of production.

The eight-hour law adds greatly to the expenses of the American manufacturer. Such a condition imposed upon us and not upon the foreign corporations who are asked to compete for the work for our Navy, whether armor or other material, makes the competition most unfair to the American, both workman and employer, when the contracts are let abroad. England, Germany, and France have refused to purchase armor, guns, or forgings intended for their respective navies unless of domestic manufacture. This stand is taken for military as well as patriotic and economic reasons. No wise Government will be blind to the military necessity of having within its borders suitable well-equipped ordnance works whose services are not dependent upon the will of some foreign power. Moreover, the European taxpayer will not consent to see his money go into the pockets of foreign workmen in a foreign country, but insists that money raised by taxation be used to give work and prosperity to his own country.

The Midvale Steel Co. has had a long and serious struggle to establish itself in the manufacture of armor, and has spared neither trouble nor expense in the development of its processes of manufacture. Many hundreds of thousands of dollars spent in experiments and investigations and years of patient scientific research are the means by which "Midvale" has been able to successfully manufacture armor and meet and overcome the constantly increasing difficulties. This knowledge and experience have been quite as costly and are as much the property of the company as some of its other and more material assets.

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APPENDIX A.

INCREASE IN NUMBER OF MEN AND WAGES IN THE WORKS OF THE MIDVALE STEEL CO.

Total wages from Jan. 1 to Sept. 1, 1903	$1,322,488.96
Average number of men working per day	3,017
Average wages per day per man	$2.07+
Total wages from Jan. 1 to Sept. 1, 1913	$2,635,058.75
Average number of men working per day	4,860
Average wages per day per man	$2.60+
Average increase in wages per day per man in 10 years—per cent	25.6
Increase in number of men from 1903 to 1913—do	61
Increase in pay roll from 1903 to 1913—do	99.3

Referring to the difference in wages paid for certain trades in England and the United States, as given in Cost of Living in American Towns, Senate Document No. 22, Sixty-second Congress, a report of an inquiry by the Board of Trade of London, beg to submit the following:

The only comparison made in the above report comes under the head of—

Engineering trades.

	Wages per week.	
	England.	United States.
Fitters	$8.64	$17.88
Turners	8.64	17.88
Smiths	8.64	20.48
Pattern makers	9.12	22.00
Laborers	5.28	10.50
	5)40.32	5)88.74
Average per man per week	8.064	17.748

From the above it will be seen that the rate of wages paid, coming under engineering trades, is 120 per cent higher in this country than in England.

APPENDIX B.

APPEAL OF THE MIDVALE STEEL CO. IN THE MATTER OF THE REJECTION AUGUST 11, 1900, OF ITS BID FOR ARMOR.

Hon. JOHN D. LONG,
Secretary of the Navy.

The Midvale Steel Co., of Philadelphia, Pa., respectfully states the following facts as the basis of an appeal which said company hereby prays from the decision rendered by the Hon. Frank W. Hackett, Acting Secretary of the Navy, made in the Navy Department on the 11th day of August, 1900, in the matter of bids for armor plate which were opened on August 10, 1900. The decision rejected all bids.

The Navy Department made proposals for bids for armor plate, a copy of which is hereto attached marked "Exhibit A."

The Carnegie Steel Co. bid on the department's proposals, as shown in the schedule, marked "Exhibit B," hereto attached, and also submitted a letter, constituting part of its bid, copy of which letter is hereto attached, marked "Exhibit C."

The Bethlehem Steel Co. bid on the department's proposals, as shown by the schedule marked "Exhibit B," and also submitted a letter constituting part of its bid, copy of which letter is hereto attached, marked "Exhibit D."

It will be noticed that the bids of these two companies were in identical figures, each bidding for one-half of the armor to be contracted for. These two companies have heretofore been manufacturing armor plate for the Government, and each has its plant ready prepared for the manufacture of this material. The time within which each of these two companies in its bid proposed to begin deliveries was six months after the signing of the contract, the armor to be delivered in each case at the rate of 300 tons per month.

Your petitioner, the Midvale Steel Co., the only other bidder for armor, has not a plant that would enable it to manufacture now such armor as is required, but it has large steel works, and has heretofore been doing, and is now doing, a large business in the manufacture of steel forms of various kinds. Its proprietors, understanding that the Government desired to procure competition in the manufacture of armor, made a careful examination of the subject matter, including calculations of the cost of erecting a proper plant, and the time within which the same could be done, and said company having prepared itself in all respects to enter the field as a competitor of the two aforesaid companies for the manufacture of armor, submitted its bids as shown in the schedule marked "Exhibit B," together with a letter as part thereof, a copy of which letter, marked "Exhibit E," is hereto attached. Petitioner offered to begin deliveries within 26 months and to deliver thereafter at the rate of 500 tons per month.

Petitioner's bid was, as it understands, in all respects formal and complete and accompanied by a certified check for the amount required of bidders, and petitioner is prepared in all respects to show, if it should be required, that it is competent to comply with its said offer and bid in every respect. This, however, petitioner assumes may be taken for granted, as the action of the Acting Secretary of the Navy, hereinafter adverted to, was not based upon any objection to the formality of petitioner's bid, or the ability of petitioners to comply therewith. Petitioner further states that none of the armor bid for by it, except that for the *Maine* class, hereinafter mentioned, will be needed before the time when petitioner offered to begin deliveries.

The amounts of money involved in these biddings were very great, figuring up, according to the prices heretofore demanded of the Government for such armor as was required in this case, a very large sum total, to wit, over $18,000,000; and at the reduced prices bid by your petitioner, figuring up over $15,000,000.

It was known to the representatives of both the Carnegie Co. and the Bethlehem Co., before the biddings in this case, that petitioner would also put in a bid, and it was also known to the gentlemen that petitioner was not prepared with a plant, and was not therefore able to agree now to furnish a certain part of the armor wanted by the Government, to wit, the armor for ships of the *Maine* class (about 7,200 tons) at the time when such armor would be needed, it being understood that some of the armor for the vessels of this class would be wanted within about 12 months from the date of the bidding. The Carnegie and Bethlehem companies, therefore, as to the armor for this *Maine* class of vessels, possessed an advantage which was well known the Midvale Steel Co. could not overcome. If these two companies should, therefore, by concert with each other, agree to bid and should bid, each of them for one-half of all the armor contained in the proposals of the department, and if each should make it a condition that its bid was not binding unless such company should obtain practically one-half of all the armor desired by the Government, it would be plainly impossible for the Midvale Steel Co. to become a competitor, unless the Government should agree to let the Midvale Co. have such portion of the armor as it could undertake to furnish within the time needed. Petitioner would be excluded from bidding for the whole amount of armor mentioned in the proposal of the Government, because it would be impossible for it to erect the large and costly necessary plant and put it into operation within less than two years and two months. Petitioner's estimate of time necessary for the erection of such plant was and is 26 months.

This being the situation, these two companies, the Carnegie and Bethlehem, each made it a condition of its bid that it should obtain practically one-half of the armor. If, then, the Government should be unwilling to extend the time to two years and two months for the beginning of the deliveries of armor for the *Maine* class, it was plainly impossible that the bid of the Midvale Co. for the whole of the armor in classes A and B could be accepted; and if the department, after opening all the bids, should reject them all, including all those of the Midvale Co., which were much the lowest, the net result of this first bidding would be that the two old companies heretofore engaged in the manufacture of armor would have gained information as to the prices at which their proposed new competitor was willing to manufacture in competition with them and would now, having each of them a plant, and thus an advantage of, say, $4,000,000, be in a condition to shut petitioner out in future lettings and prevent the department securing a competitor with them for the manufacture of armor. Petitioner, of course, saw, before it made its bids, that the Carnegie and Bethlehem companies would probably attempt, by attaching to their bids such conditions, to exclude the bid or bids of petitioner from being considered by the department. Petitioner therefore did not confine itself to bidding for the whole amount of armor, but it submitted separate bids, giving the prices at which it would manufacture each of the several quantities of armor in classes A and B, as mentioned in the Government's proposals, including also bolts and nuts, as will appear from its bid herewith submitted.

Petitioner so put in its bids because, according to the circular accompanying the department's proposals for armor, the department would have the right to accept or reject, so far as it was concerned, any and every part of any bid. Petitioner had hoped to be awarded at least some large portion of the armor in question, because it would be able to furnish any and all of the armor called for within the required time except the 7,200 tons needed for the ships of the *Maine* class.

Under petitioner's bid and the provisions of the department's circular, heretofore referred to, the department might have awarded petitioner about 24,000 tons of armor of class A and about 3,500 tons of armor of class B, all of which would have been exclusive of the armor for the *Maine* class. Petitioner's bid was substantially and greatly lower than the bids of the other two companies, and if the above-named amount of armor, to wit, 24,000 tons of class A and 3,500 tons of class B, had been awarded petitioner, the Government would have saved $1,470,000, as compared with the prices at which the two old companies agreed to take the armor of these two classes.

Again, the department might have awarded to the Midvale Steel Co. 20,000 tons of class A, for which it had put in a separate straight bid, and by so doing the saving to the Government on this amount of armor over the prices asked by the two old companies would have been $960,000. The delivery of this armor petitioner offered to complete within 40 months after the beginning. The Carnegie and Bethlehem companies offered to complete their deliveries of less amounts within 50 months after beginning. Had either of these two awards, to wit, of 20,000 tons or 27,500, been made to the Midvale Co., the Government might have readvertised as to the armor not awarded to petitioner. It will be seen that the Midvale Steel Co. expressed in its bid its unwillingness to agree to manufacture less than 20,000 tons of armor, and this for the reason that your petitioner could not undertake to erect a plant which would cost over $3,000,000 unless it should procure a contract for a large amount of armor. This condition attached to the Midvale Co.s bid is totally unlike the conditions attached to the bids of the Carnegie and Bethlehem companies in this, that those companies already have their plants erected and ready for operation and they have each of them heretofore undertaken to manufacture, and have manufactured, much smaller amounts of armor than 15,000 tons.

The importance of this matter to your petitioner and to the Government was such that petitioner fully expected that before any decision should be made in the matter of said bids petitioner would have been heard, and at such hearing petitioner could have pointed out, as it has herein undertaken to indicate, the way easily open to the Government to accept petitioner's bid for 20,000 tons of class A, or for 25,000 tons, or other larger amount; but this matter was decided by the honorable Acting Secretary of the Navy on the 11th day of August, 1900, only a day after the bids were put in, without hearing at all from the petitioner and without its ever having been pointed out to the honorable Acting Secretary of the Navy, in the papers, so far as petitioner has been able to see, that this course might have been taken.

The prices named by the Carnegie and Bethlehem companies for class A armor at this bidding were about $50 per ton less than the prices heretofore generally understood to have been named by them as bottom prices; and the prices named by petitioner for armor of this class were about $102 per ton below such heretofore named prices of these two old companies; and petitioner insists that the prices bid by it are fair and reasonable and much lower than such armor has ever at any time been furnished, as well as lower than the rate at which the Government could itself manufacture its armor; and that by accepting, as hereinabove indicated, the bid or bids of your petitioner the Government will obtain a competitor in the field of armor manufacturing. All the armor heretofore used by the Government for a number of years past has been manufactured by the Carnegie and Bethlehem Steel Cos. No other companies since those two companies were in the field, say for a period of 10 years, have ever ventured to compete with them by making any bona fide bid. The Midvale Steel Co. has undertaken to compete with them, risking millions of dollars in the venture, and it respectfully submits that its bid or bids should be accepted.

Petitioner respectfully further submits that the department can not reasonably expect ever to bring into the field a new competitor in the matter of manufacturing armor if, when the new aspirant shall have put in a reasonable bid, and one much lower than the bids of the old companies, such reasonable bid shall, nevertheless, although the Government has full power to accept it, be rejected and the old companies, already provided with plants, shall thus be given still another opportunity with all their advantages to drive the new aspirant from the field.

The honorable Acting Secretary of the Navy has decided to set aside all the bids that were submitted on the 10th day of August, 1900, and to readvertise; and from this decision the Midvale Steel Co. respectfully takes its appeal to the honorable Secretary of the Navy, or, if he should feel that he can not now revise the act of the honorable Acting Secretary, then this appeal is to the President of the United States.

THE MIDVALE STEEL CO.,
By HERBERT & MICOU,
Attorneys.

APPENDIX C.

ARMOR BIDS OF OCTOBER, 1903.

The Midvale Steel Co. bid as follows:
Class, A, $398 per ton net, with no royalty.
Class B, $393 per ton net, with no royalty.
Class C, $388 per ton net, with no royalty.
Class D, $385 per ton net, with no royalty.

Carnegie's and Bethlehem's bids were alike, at $420 for class A and $400 for other classes, with royalties aggregating $33.60 per ton for class A armor and $11.20 for class B armor. This makes $453.60 per ton net for class A and $411.20 net for class B armor.

Midvale was awarded a little over one-third of the 16,000 tons (about) required. The Bethlehem and Carnegie companies were awarded their proportion of the armor at their prices, their average being (plus royalties) $450.60, as against an average price of $397 bid by Midvale, which asked no royalty. This armor was for the *Mississippi* and *Idaho*.

APPENDIX D.

In January, 1905, when bids were opened for about 8,000 tons of armor, and each maker bid the same price as before (see Appendix C), the same fight was made against Midvale getting any portion of the work. The department thereupon ordered a board to investigate the probabilities of our being able to keep our obligations under the existing contract and any new contracts that might be awarded. Although given every assurance as to the company's ability, the board reported adversely, erroneously so, as subsequent event showed. The Secretary of the Navy, Hon. Paul Morton, finally decided to give Midvale an order for 1,000 tons of the armor last needed, comprising superstructure work and turrets for the *New Hampshire*, *North Carolina*, and *Montana*, at the figures bid by it. Of course, an utterly unprofitable order. The contract was conditioned upon Midvale having fulfilled on March 1, 1906 (11 months later), all the requirements of the first contract. The balance of the armor needed was placed with the Bethlehem and Carnegie at their own figures and with the royalties added.

Midvale "made good," and was awarded the 1,000 tons referred to above.

APPENDIX E.

In July, 1906, bids were again opened for armor.

The Bethlehem and Carnegie companies bid $381 for classes A, B, and C armor and $350 for class D armor; Midvale's bid was $346 for class A, $345 for class B, $344 for class C, and $343 for class D armor. On this occasion no royalties were specified by the Bethlehem and Carnegie companies, so that the apparent difference between the bids were the real differences, and the question of royalties has never again appeared in the bidding.

Falling back on the clause in the appropriation act "having in view the best results and the most expeditious delivery," the Secretary of the Navy decided to give Midvale only one-half of the order, and divided the other half between Carnegie and Bethlehem, stipulating for the first time that the higher bidders must accept their share of the work at the prices of the lowest bidder. Of the 7,319 tons called for at this time for the *Michigan* and *South Carolina*, Midvale received 3,660 tons.

APPENDIX F.

In the summer of 1907 bids were opened for the armor required for the *Delaware* and *North Dakota*.

Midvale bid $410 per ton, if awarded 3,028 tons; $428 per ton, if awarded 5,540 tons; and 396 tons class C at $410 per ton, and 76 tons of class D at $410 per ton.

Bethlehem and Carnegie bid $420 for class A armor and $400 for each of the other classes. Under date of June 29, 1907, the Bureau of Ordnance wrote us as follows:

DEPARTMENT OF THE NAVY,
BUREAU OF ORDNANCE,
Washington, D. C., June 29, 1907.

SIRS: Referring to the bids opened on the 20th instant for armor required for battleships *Nos. 28* and *29:*

1. After an analysis of the bids, the department considers that the price per ton offered by the Bethlehem and Carnegie Steel Cos. for classes A, B, C, and D armor, as described in the specifications, viz, $420, $400, $400, and $400, respectively, and which do not limit the locations to be assigned any portion of the armor, are the lowest prices bid.

2. In consideration, however, of the closeness of the bids and with a view to encouraging the upkeep of your plant, the department proposes to assign you approximately 2,230 tons of the armor bid upon, provided you agree to accept it at the prices per ton of the lowest bidders, viz, class A, $420; class B, $400; class C, $400; and class D, $400; such total, 2,230 tons (approximately) to be assigned in such proportionate amounts as to difficulties and costs of manufacture as seem fair and equitable.

3. It is thought that in the event of such possible distribution the assignment of the 2,230 tons (approximately) to you would be about as follows:

CLASS A.		
Main belt, one side one ship	565.7	
Lower casemate athwartship, one side one ship	40.6	
Two barbettes	547.1	
Lower casemate, one side one ship	430.7	
Sides and backs, three turrets	192.1	
Port plates for three turrets	75.8	
		1,852.0
CLASS B.		
Around gun positions, one side one ship	83.4	
Upper casemate diagonal, one side one ship	39.8	
Two barbettes	89.1	
Torpedo direction station, one ship	5.3	
		217.6
CLASS C.		
Tops for three turrets (approximately)	79.5	
Conning-tower tube, one ship (approximately)	63.0	
		142.5
CLASS D.		
Bolts and nuts required for the above-mentioned armor (say approximately)		18.0
		2,230.1

4. Of the above-mentioned armor, that required for the torpedo-directing station and conning-tower tube may not be assigned under existing specifications, but may be readvertised for; in such an event, the approximate amount of armor to be allotted you under the proposed assignment would become approximately 2,162 tons.

5. Referring to the personal interview on this subject yesterday morning of representatives of your company with the Chief of Bureau of Ordnance, and to their assent to the above proposition, this letter is forwarded, as agreed upon, requesting confirmation at your earliest convenience.

Respectfully,

N. E. MASON,
Chief of Bureau of Ordnance.

MIDVALE STEEL CO.,
Philadelphia, Pa.
(Through Inspector of Ordnance, U. S. Navy.)

As the department's conditions were accepted by Midvale, a contract for 2,259 tons was placed with us at an average price of about $416.50 per ton, whereas the company had offered to deliver over 3,000 tons at $410 per ton. Had the Navy Department chosen to award to Midvale this armor at its low figure and the remainder to its competitors at their price, the saving to the Government would have been large.

APPENDIX G.

Consists of: United States Circuit Court of Appeals for the third circuit. Nos. 40, 41, 42, and 43. March term, 1911.

Appeal from the Circuit Court of the United States for the Eastern District of Pennsylvania. No. 1478. March term, 1911.

In the United States Court of Appeals for the third circuit.

Appeals from the Circuit Court of the United States for the Eastern District of Pennsylvania.

Brief of appellee on the expiration of patents during pendency of suits.

"Opinion fills a small book. Decision is: 'The decree of the court below will therefore be affirmed with costs, but our affirmance of such decree is based on our conclusion that claim 5 of Patent No. 534178, granted to Albert Schmitz and Emil Ehrensberger, is invalid; that claim 1 of the Patent No. 642926, granted to Albert Schmitz, is invalid; that claims 1 and 3 of Patent No. 651965 and claims 1 and 3 of Patent No. 653413, both granted to Ehrensberger, are not infringed.'"

APPENDIX H.

On November 9, 1908, the armor required for the *Utah* and *Florida* was bid upon. The bids were as follows:

	Class A.	Class B.	Class C.	Class D.	Total.
	Per ton.	*Per ton.*	*Per ton.*	*Per ton.*	*Per ton.*
Bethlehem	$420	$406	$470	$508	$1,804
Carnegie	420	415	455	600	1,890
Midvale	420	405	462	512	1,799

Here, again, Midvale's bid was the lowest received, but the decision of the Navy Department was to award each bidder one-third of the work, Midvale's portion being given to it at the figures it bid.

APPENDIX I.

Bids for the armor required for the *Arkansas* and *Wyoming* were opened August 18, 1909. The bids were of the same general character as before, with the figure of $420 remaining unchanged for the class A armor, but the other classes varying. Midvale was again slightly the lowest bidder, yet it received about 800 tons less than either of its competitors, for that amount was awarded each of them before the balance was divided into thirds. All contracts were made conditional upon agreement by the contractors to furnish armor at the lowest price bid for each class by any bidder.

The bids were as follows:

	Class A.	Class B.	Class C.	Class D.	Class E.	Total.
	Per ton.	*Per ton.*	*Per ton.*	*Per ton.*	*Per ton.*	*Per ton.*
Bethelehem	$420	$418	$470	$587	$508	$2,403
Carnegie	420	420	460	600	600	2,500
Midvale	420	415	470	590	512	2,407

APPENDIX J.

To consider the proposed designs for the *Texas* and *New York* armor, representatives of the armor makers were invited to meet the bureau in a conference on October 7, 1910. At this conference a full and free discussion was held as to the character of the proposed changes and the increased cost that their adoption would involve. (See Appendix K.)

APPENDIX K.

On December 1, 1910, bids on the armor required for the *Texas* and *New York* were opened. Novel designs had been prepared for the turrets of these two ships, involving the manufacture of a number of very difficult and expensive plates, and the revolving rings of the fire-control towers, forgings of great size, requiring an immense amount of machine work, were to be included in the class D hollow armor forgings.

In their proposals all the armor makers bid as they had done before on the class A armor and made a subdivision of the class A armor for the turrets, for which $60 per ton more was asked, and they increased the price of the class D armor to cover the fire-control rings.

The armor for the *Texas* was divided by the department practically into thirds, each bidder being obliged to take his quota at the lowest price bid by any of the three bidders.

Owing to the large amount by which the cost of the *Florida* had exceeded the estimates, the Navy Department was obliged to call for more money, and in making the appropriations Congress attached certain new conditions. (See naval act Mar. 4, 1911.) Probably on account of these, the Navy Department in awarding the armor for the *New York*, which was done at a subsequent date, for the first time in its history awarded all the armor in each class to the lowest bidder in that class—dividing the armor as nearly equally as practicable between the bidders where the figures were the same. (See Appendix J.) The bids were as follows:

	A.	A(turret).	C.	D.	E.
Carnegie	$420	$480	$460	.....	$518
Bethlehem	420	480	470	$655	508
Midvale	420	480	470	655	512

APPENDIX L.

On January 4, 1912, bids for the armor required for the *Oklahoma* and *Nevada* were opened. The bids varied very slightly from those for the *New York* and *Texas*, the armor was divided very nearly into thirds, and in each class the price of the lowest bidder was that at which the contracts were placed.

The bids were as follows:

	A.	A (turret).	B.	C.
Carnegie	$420	$480	$460	$508
Bethlehem	420	480	470	508
Midvale	420	480	470	508

APPENDIX M.

Bids for the armor required for the *Pennsylvania* were opened February 18, 1913.

Midvale underbid its competitors on every item, class A, class A for turrets, B, C, C bronze, and D; yet the department divided the contracts into practically equal parts, obliging its competitors to accept their share of the work at Midvale's prices, no advantage whatever accruing to Midvale from being the lowest bidder.

The prices at which this contract was placed were as follows:

Class A, $454.
Class A turret, $518.
Class B, $496.
Class C, $548.
Class C bronze, $1,875.
Class D, $708.

It will be noted that there was an increase in these figures over those previously bid, due to the adoption by Congress of the eight-hour law, which considerably increased the cost of manufacture.

The bids submitted were as follows:

	A.	A(turret).	B.	C.	D.	Bronze.
Carnegie	$455.00	$520.00	$498.00	$550.00	.....	$1,900.00
Bethlehem	454.65	519.60	497.95	549.91	$709.04	1,884.63
Midvale	454.00	518.00	496.00	548.00	708.00	1,875.00

APPENDIX N.

On August 27, 1913, bids were opened for the armor required for battleship *No. 39*. As the armor, except for new specifications, was similar to that for the *Pennsylvania*, "Midvale" bid exactly the same price that had taken that order. (See Appendix M.)

The Secretary of the Navy objected to the fact that the Carnegie and Bethlehem bids also conformed to prices that had taken the previous contract and were therefore uniform with that bid by Midvale. He announced that he would receive new bids on October 14, 1913, and would award the whole of the contract to the lowest bidder. Midvale on that date made the lowest bid and received the entire order.

The increased resisting power required of the armor for this ship, as well as the increased power to penetrate possessed by the newest type

projectiles, which will be used to test it, makes us fearful lest the demands of the Navy Department have passed the limits possible in manufacture. The failure of a few plates to pass this ballistic or firing test would entail a very great money loss to the company.

These tests are made by the Navy Department at the Indianhead Proving Grounds, and if the enormous mass of steel has not taken an absolutely perfect temper—some of these plates weigh as much as 132,500 pounds finished and 186,500 pounds in the rough, and finish 10 feet 10 inches high, 23 feet long, and 13 inches thick, while others have a thickness of 18 inches—a failure and consequent rejection is certain.

In these enormous plates not only a triple condition of temper is required, more intricate and difficult than good razors or springs receive, but every stage in the long and complicated method of manufacture must have reached theoretical perfection in order to pass the tests noted above. The successful production of modern armor is conceded by all competent persons to be the most difficult problem, entailing the greatest risks, that the metallurgist is called upon to meet.

Midvale's bid on October 14, 1913, was as follows:

Class A1, $440; class A2, $504; class B, $482; class C (steel), $534; class C (bronze), $1,861; hollow forgings, $694.

The Carnegie Steel Co. bid:

Class A1, 447; class A2, $511; class B, $489.

The Bethlehem Steel Co. bid:

Class A1, $444; class A2, $508; class B, $486.

APPENDIX O.

The Midvale Steel Co. received an additional payment of $14,732.24, made under the following clause in the Italian contract, which payments are not made under any of the American contracts.

The following is a translation of that part of the Italian armor contract referred to above:

"ART. 12.—METAL CUT OFF COLD.

"When, for the presence of doors, etc., within the perimeter of the plate there is required the removal of metal from the plate cut to measure, the weight of the metal so removed shall be paid to the company assuming for a unit price that corresponding to the plate finished diminished by one-fourth, provided always that the metal be removed after the operation of final tempering.

"If, instead, the metal is removed after cementation, but before the final tempering, the deduction to be made to the unit contract price shall be one-half.

"The same compensation is given when the perimeter of the plate has such a shape that the proportion between its superficies and that of the minimum circumscribed rectangle is less than 0.9. The weight of the metal that is missing to the completion of the aforesaid rectangle will be paid for on the basis of the preceding tariff.

"The metal taken away from the contour of the plates for the presence of cuts intended for the application of hinges shall equally be paid to the company in compensation for the work necessary to the mating of the cuts.

"The preceding rules are not applicable in connection with the drilling for bolts. Nor will there be given compensation for the parts which are removed from the finished plates to give to the edges the required inclinations, even if they be discontinued, excepting in case of mortises."

APPENDIX P.

For some years past there has been a steady increase in the cost of armor manufacture. Beginning with the *Utah* and *Florida* keyways had to be cut in the abutting edges of all plates; on the *Texas* and *New York* (bids of December, 1910) the plates were made larger and thicker, requiring much new equipment for their production and the design of the turrets was radically changed with greatly increased cost of manufacture and much necessary outlay for new machinery; beginning with the *Oklahoma* and *Nevada* new and improved types of armor-piercing projectiles were specified for use in testing these plates, requiring a marked increase in their ballistic efficiency and a very heavy outlay for the experimental work involved in this improvement; with the *Pennsylvania* the eigh-hour law went into operation under which, as most of the processes in armor manufacture are continuous, the maker is compelled to pay out 50 per cent more in wages with no increase in production.

The contract for the armor for the *Mississippi* was dated December, 1903. The average weight of the plates was 15 tons; the maximum weight of one plate was 29½ tons.

The contract for the armor for the *Oklahoma* was dated January, 1912. The average weight of the plates is 33½ tons; the maximum weight of one plate is 50 tons.

The contract for the armor for the *Pennsylvania* is dated March, 1913. The average weight of the plates is 35½ tons; the maximum weight of one plate is 60 tons.

These three contracts, covering a period of 10 years, shows the rapid increase in the size and weight of all armor. In addition to this, the difficulties and cost of machining have been increased by the cutting of vertical keyways and the fitting of plates. In the design of turrets, conning towers, uptakes, etc., the number of plates used has been reduced and instead of having plain rectangular plates intricate shapes have been substituted, which has also increased the cost of machining and assembling.

FIRST CONTRACT FOR ARMOR PLATE "MISSISSIPPI" AND "IDAHO," NO. 10 BELT PLATE.

Maximum weight and sizes of largest plate, 111" x 9" x 192¼"=54,400 lbs. finished weight; 118" x 9¾" x 228"=74,400 lbs. rough weight.

Ingot for above=96" x 22½" x 138"=123,600 lbs.

Port plate for turrets—light in weight on account of large openings, 94⅜" x 12" x 228⅝"=42,000 lbs. finished weight; 101" x 12¾" x 252"=92,100 lbs. rough weight.

Ingot for above=126" x 26½"=160,000 lbs.

Discard demanded by specifications=25% from top.

LATEST CONTRACT FOR ARMOR FOR "PENNSYLVANIA"—III BARBETTE PLATE.

Maximum weight and sizes of largest plate, 130¼" x 13" x 277"=132,500 lbs. finished weight; 142" x 17" x 272"=186,500 lbs. rough weight.

Ingot for above=61" x 110"=281,600 lbs.

Port plate for turrets—light in weight on account of large port openings, 145" x 15" x 232"=106,000 lbs. finished weight; 154" x 22½" x 235"=231,000 lbs. rough weight.

Ingot for above=61" x 110"=343,500 lbs.

Discard demanded by specifications=25% from top.

Waste during manufacture based on difference in weight of ingot and finished plate=72½% for port plates, and 53% for belt plates.

(See Appendix N.)

STATEMENT OF MR. GUILLIAEM AERTSEN.

Mr. G. Aertsen, being duly sworn, testified as follows:

1. The CHAIRMAN. What is your name?

A. Guilliaem Aertsen.

2. The CHAIRMAN. What is your official connection with the Midvale Steel Co.?

A. Auditor.

3. Q. How much does it cost your company f. o. b. to produce a ton of K. C. armor, class A–1; that is, material, labor, and shop overhead charges?—A. As a confidential employee of the Midvale Steel Co., I am not at liberty to disclose such information pertaining to its business as is held to be secret and known only to its higher officers. I must therefore respectfully decline to answer this question.

4. Q. How much do you add to this cost for deterioration of plant and administration expenses?—A. See answer to question 3.

5. Q. Has this cost been reached by taking the annual output of a single year or of a term of years and making allowance for rejections and ballistic failures?—A. See answer to question 3.

6. Q. What are the various components of this cost per ton?—A. See answer to question 3.

7. Q. What is the cost per ton of the armor ingot at the forge, including all rejections?—A. See answer to question 3.

8. Q. Give the components, with their unit prices, that enter into a furnace charge for an armor heat?—A. Pig iron, steel scrap, metallic nickel, ferromanganese, ferrosilicon, ferrochrome (and other alloys which may be deemed beneficial), limestone, burnt lime, fluorspar, iron ore. The costs, or market values, of these components vary so constantly as to make it impossible to give their "unit prices."

9. Q. How much repair and preparation cost for the open-hearth furnace is made for each heat?—A. Ordinarily, during the interval between tapping one heat and charging raw materials for the next, the furnace is prepared for the next heat at an average cost for labor, fuel, and material, amounting to about $25 to $50. This does not include the expense for maintenance and general repairs of the furnace and other apparatus in the open-hearth plant, which are made periodically or from time to time.

10. Q. How much does this amount to per ton of armor ingot produced?—A. This item would amount to 50 cents or $1 per ton on an average.

11. Q. How much does the repair and preparation cost of the ladles amount to for each ton of ingot?—A. See answer to question 9. The cost of preparation of ladles is included in the cost of preparation of furnace.

12. Q. What is the fuel charge for each ton of ingot?—A. See answer to question 3.

13. Q. What is the proportional laboratory superintendence charge for each ton of ingot?—A. See answer to question 3.

14. Q. What is the lifting, stripping, and chipping charge per ton of ingot?—A. See answer to question 3.

15. Q. What is the power charge, including steam, electric, and water, for each ton of ingot?—A. See answer to question 3.

16. Q. What is the cost for forging?—A. See answer to question 3.

17. Q. What scrap allowance is made for condemned ingots?—A. See answer to question 3.

18. Q. How many tons of armor ingots did your company manufacture last year?—A. From August 1, 1913, to August 1, 1914, approximately 12,600 tons.

19. Q. What was the total number of these ingots in tonnage which were rejected before reaching forge?—A. About 75 tons.

20. Q. How many tons of ingots were forged during the past year?—A. From August 1, 1913, to August 1, 1914, approximately 12,525 tons.

21. Q. How many tons were rejected during the forging?—A. From August 1, 1913, to August 1, 1914, approximately 152 tons.

22. Q. What scrap allowance was made for those rejected during forging?—A. Understanding this question to ask what scrap allowance in value was made, I must refer to my answer to question 3.

23. Q. What was the oxidization and scale loss at the forge?—A. The percentage of loss from oxidization and scale does not appear in our cost records.

24. Q. What did the labor for forging each ton of ingot amount to?—A. See answer to question 3.

25. Q. What did the fuel for each ton of ingot forged amount to?—A. See answer to question 3.

26. Q. What did the repairs to heating furnaces amount to for each ton of armor?—A. See answer to question 3.

27. Q. What did the electric power, light, steam, water, drafting, transportation, and inspection per ton of plate amount to during the forging?—A. See answer to question 3.

28. Q. Of all the ingots forged and not rejected, what percentage was discarded—how many tons?—A. Our cost records do not give these figures. I beg to refer you to Mr. Francis Bradley's answer to this question.

29. Q. What allowance was made for the metal thus discarded?—A. See answer to question 3.

30. Q. What is the unit price per ton of plate when ready for carbonizing?—A. See answer to question 3.

31. Q. How many tons of armor plate were carbonized at the works of your company last year?—A. From August 1, 1913, to August 1, 1914, approximately 9,640 tons.

32. Q. What was the oxidization and scale in this treatment in tons?—A. The percentage of loss from oxidization and scale does not appear in our cost records.

33. Q. What were the total number of plates rejected during carbonization?—A. Our cost records indicate that rejections on this account have been practically nothing.

34. Q. What does the labor per ton of carbonized plate amount to?—A. See answer to question 3.

35. Q. What does the material per ton of carbonized plate amount to?—A. See answer to question 3.

36. Q. How much fuel per ton of plate is used in carbonizing?—A. See answer to question 3.

37. Q. How much did the furnace repairs per ton of carbonized plate amount to?—A. See answer to question 3.

38. Q. What does the proportional amount of steam, electric power, lighting, drafting, inspection, laboratory, and transportation amount to per ton of carbonized plate?—A. See answer to question 3.

39. Q. How much is the carbonized plate worth per ton; no machining?—A. See answer to question 3.

40. Q. How many tons of armor plate were reforged by your company during the past year?—A. From August 1, 1913, to August 1, 1914, approximately 9,105 tons.

41. Q. How many tons of plate were rejected during the reforging process, and was any allowance for the recovered material made in

working the cost of armor?—A. From August 1, 1913, to August 1, 1914, approximately 210 tons. See answer to question 22.

42. Q. What does the labor per ton for reforging amount to?—A. See answer to question 3.

43. Q. What does the repairs per ton for reforging amount to?—A. See answer to question 3.

44. Q. What does the fuel per ton for reforging amount to?—A. See answer to question 3.

45. Q. What is the proportional amount of power—electric, steam, water—for reforging?—A. See answer to question 3.

46. Q. What does the proportional drafting, inspection, transportation, and laboratory for reforging amount to?—A. See answer to question 3.

47. Q. How much discard is made after reforging?—A. From August 1, 1913, to August 1, 1914, approximately 6,320 tons of forged plates were machined and approximately 3,750 tons of machined plates were shipped; the difference, 2,570 tons, was approximately the discard.

48. Q. What allowance is made for this discard in reckoning the cost?—A. See answer to question 3.

49. Q. What is the cost of armor per ton after reforging?—A. See answer to question 3.

50. Q. How many tons of armor plate were sent to treatment by your company during the past year?—A. From August 1, 1913, to August 1, 1914, approximately 8,520 tons.

51. Q. How many tons were lost during treatment by rejection?—A. From August 1, 1913, to August 1, 1914, approximately 250 tons.

52. Q. What does the labor per ton of treated plate amount to?—A. See answer to question 3.

53. Q. What does the material per ton of treated plate amount to?—A. See answer to question 3.

54. Q. What do the repairs per ton of treated plate amount to?—A. See answer to question 3.

55. Q. What does the fuel per ton of treated plate amount to?—A. See answer to question 3.

56. Q. What do the proportional charges per ton of treated plate amount to?—A. See answer to question 3.

57. Q. What is the total cost per ton of treated and rectified plate?—A. See answer to question 3.

58. Q. How many tons of armor plate were sent to machining by your company last year?—A. From August 1, 1913, to August 1, 1914, approximately 6,320 tons.

59. Q. How many tons of machined plate were produced last year?—A. From August 1, 1913, to August 1, 1914, approximately 3,750 tons.

60. Q. Were there any rejections during the process of machining; if so, how many tons, and what allowance was made for the rejected material in reckoning the final cost?—A. From August 1, 1913, to August 1, 1914, our cost records show no losses due to machining operations. Approximately 423 tons were rejected on account of failure in ballistic tests. In regard to allowance for this rejected material I must refer you to my answer to question 3.

61. Q. How much per ton does the labor of machining amount to?—A. See answer to question 3.

62. Q. How much does the machined scrap amount to?—A. See answer to question 3.

63. Q. How much does the material for machining amount to, including oil, waste, repairing of tools, supply of tools?—A. See answer to question 3.

64. Q. How much do the repairs per ton of machined plate amount to during the machining operation?—A. See answer to question 3.

65. Q. What do the proportional charges per ton of machined plate amount to?—A. See answer to question 3.

66. Q. What is the cost per ton of machined plate produced?—A. See answer to question 3.

67. Q. How many tons of machined plate were presented by your company for shipment last year?—A. See answer to question 59. From August 1, 1913, to August 1, 1914, approximately 3,750 tons.

68. Q. What does the labor and material for preparation for shipment amount to per ton of finished plate?—A. See answer to question 3.

69. Q. How are the total water, steam power, transportation, inspection, drafting, and laboratory charges reckoned?—A. See answer to question 3.

70. Q. What were the total power charges for your plant last year—by power charges is meant electric power, steam power, water power, or producer gas for running engines, as the case may be—and how did you arrive at the method of assigning the various proportions to the various operations?—A. See answer to question 3.

71. Q. The same information is desired for the laboratory, drafting, inspection, and transportation charges.—A. See answer to question 3.

72. Q. What is the cost per ton of shipped plate, class A–2?—A. See answer to question 3.

73. Q. What is the cost per ton of shipped plate, class B?—A. See answer to question 3.

74. Q. What was the average cost per ton of class C steel armor?—A. See answer to question 3.

75. Q. What do you reckon your working capital to be?—A. Understanding this question to apply only to that part of the company's working capital which is devoted to armor plate, I would reply that the figure will depend upon the size in tonnage and value of the armor-plate contract in process at any given time and its proportion to other work in process during the same period in other parts of our plant. Under ordinary conditions $750,000 to $1,000,000 would be a conservative low estimate for working capital.

76. Q. What does the maintenance of your plant amount to per annum?—A. See answer to question 3.

77. Q. Is this amount over and above the repairs which have been charged to the various operations comprising the total manufacture and separate from depreciation?—A. See answer to question 3.

78. Q. What does this maintenance mean; to what is it applied?—A. See answer to question 3.

79. Q. What is the total of proportional administration charges made to armor; how has this been arrived at?—A. See answer to question 3.

80. Q. Give a tabulated list showing the various salaries paid, and how proportionally divided, so as to include the armor plant.—A. See answer to question 3.

81. Q. How much did the insurance charges on the armor plant amount to?—A. See answer to question 3.

82. Q. How much taxes are chargeable to the armor plant?—A. See answer to question 3.

83. Q. How much do you charge to armor in behalf of the pension fund and liability fund?—A. See answer to question 3.

84. Q. How much depreciation is charged against the armor plant; what is this depreciation; how has it been arrived at?—A. See answer to question 3.

85. Q. After a year's operations within which a certain sum of money has been set aside from the proceeds of the manufacture of armor for depreciation charge, what is done with this money?—A. See answer to question 3.

86. Q. After depreciation charge has been made to a year's operation, and there have been no replacements of tools, is this amount used to amortize the original investment?—A. See answer to question 3.

87. Q. Since the erection of your armor plant what has been the total amount of depreciation which has been charged into the cost of armor?—A. See answer to question 3.

88. Q. How much, if any, of this sum of money has been actually used for the installation of new machinery in place of old, for building new buildings, furnaces, etc., in place of old, and has this expenditure been added to the capital account?—A. See answer to question 3.

89. Q. The remainder of this sum which has not been expended, has it been used for amortizing any of the original investment?—A. See answer to question 3.

90. Q. How much money is invested in your armor plant?—A. See answer to question 3.

91. Q. Does this represent the total amount which has been expended for this plant, inclusive of all depreciation replacements?—A. See answer to question 3.

92. Q. In reckoning your profit, is it reckoned as a profit on the total amount of money which has been put into the armor plant, or on the amount which has been put into the armor plant less all depreciation which has not been used for the purpose of replacement?—A. See answer to question 3.

STATEMENT OF MR. FRANCIS BRADLEY.

Mr. Francis Bradley, being duly sworn, testified as follows:

1. The CHAIRMAN. What is your name?

Answer. Francis Bradley.

2. The CHAIRMAN. What is your official connection with the Midvale Steel Co.?

Answer. Superintendent of armor-plate department.

3. Q. How much does it cost your company f. o. b. to produce a ton of K. C. armor, class A–1; that is, material, labor, and shop overhead charges?—A. My duties are the production of armor and the cost is outside my sphere.

4. Q. How much do you add to this cost for deterioration of plant and administration expenses?—A. Refer to my answer to question 3.

5. Q. Has this cost been reached by taking the annual output of a single year, or of a term of years, and making allowance for rejections and ballistic failures?—A. Refer to my answer to question 3.

6. Q. What are the various components of this cost per ton?—A. Refer to my answer to question 3.

7. Q. What is the cost per ton of the armor ingot at the forge, including all rejections?—A. Refer to my answer to question 3.

8. Q. Give the components, with their unit prices, that enter into a furnace charge for an armor heat.—A. The components of an armor ingot heat are pig iron, scrap, metallic nickel, limestone, burnt lime, iron ore, fluorspar, ferromanganese, ferrosilicon, and ferrochrome. In order to make up for the loss in melting, 15 per cent greater weight of ingredients are charged into the furnace than are produced in the ingot. The unit price varies so greatly from day to day that it would be impossible to give this information.

9. Q. How much repair and preparation cost for the open-hearth furnace is made for each heat?—A. Refer to my answer to question 3.

10. Q. How much does this amount to per ton of armor ingot produced?—A. Refer to my answer to question 3.

11. Q. How much does the repair and preparation cost of the ladles amount to for each ton of ingot?—A. Refer to my answer to question 3.

12. Q. What is the fuel charge for each ton of ingot?—A. Refer to my answer to question 3.

13. Q. What is the proportional laboratory superintendence charge for each ton of ingot?—A. Refer to my answer to question 3.

14. What is the lifting, stripping, and chipping charge per ton of ingot?—A. Refer to my answer to question 3.

15. Q. What is the power charge, including steam, electric, and water, for each ton of ingot?—A. Refer to my answer to question 3.

16. Q. What is the cost for forging?—A. Refer to my answer to question 3.

17. Q. What scrap allowance is made for condemned ingot?—A. Refer to my answer to question 3.

18. Q. How many tons of armor ingots did your company manufacture last year?—A. From August 1, 1913, to August 1, 1914, about 12,600 tons.

19. Q. What was the total number of these ingots in tonnage which were rejected before reaching forge?—A. About 75 tons rejected.

20. Q. How many tons of ingots were forged during the past year?—A. About 12,525 tons from August 1, 1913, to August 1, 1914.

21. Q. How many tons were rejected during the forging?—A. From August 1, 1913, to August 1, 1914, about 152.

22. Q. What scrap allowance was made for those rejected during forging?—A. Refer to my answer to question 3.

23. Q. What was the oxidization and scale loss at the forge?—A. This is not accurately known, but is estimated at 3 per cent for each heating.

24. Q. What did the labor for forging each ton of ingot amount to?—A. Refer to my answer to question 3.

25. Q. What did the fuel for each ton of ingot forged amount to?—A. Refer to my answer to question 3.

26. Q. What did the repairs to heating furnaces amount to for each ton of armor?—A. Refer to my answer to question 3.

27. Q. What did the electric power, light, steam, water, drafting, transportation, and inspection per ton of plate amount to during the forging?—A. Refer to my answer to question 3.

28. Q. Of all the ingots forged and not rejected, what percentage was discarded? How many tons?—A. Seven and one-fourth per cent for cracks and tears. This amounted to 910 tons.

29. Q. What allowance was made for the metal thus discarded?—A. Refer to my answer to question 3.

30. Q. What is the unit price per ton of plate when ready for carbonizing?—A. Refer to my answer to question 3.

31. Q. How many tons of armor plate were carbonized at the works of your company last year?—A. From August 1, 1913, to August 1, 1914, about 9,640 tons.

32. Q. What was the oxidization and scale in this treatment in tons?—A. Approximately 6 per cent.

33. Q. What were the total number of plates rejected during carbonization?—A. About 125 tons.

34. Q. What does the labor per ton of carbonized plate amount to?—A. Refer to my answer to question 3.
35. Q. What does the material per ton of carbonized plate amount to?—A. Refer to my answer to question 3.
36. Q. How much fuel per ton of plate is used in carbonizing?—A. Refer to my answer to question 3.
37. Q. How much did the furnace repairs per ton of carbonized plate amount to?—A. Refer to my answer to question 3.
38. Q. What does the proportional amount of steam, electric power, lighting, drafting, inspection, laboratory, and transportation amount to per ton of carbonized plate?—A. Refer to my answer to question 3.
39. Q. How much is the carbonized plate worth per ton; no machining?—A. Refer to my answer to question 3.
40. Q. How many tons of armor plate were reforged by your company during the past year?—A. From August 1, 1913, to August 1, 1914, about 9,105 tons.
41. Q. How many tons of plate were rejected during the reforging process, and was any allowance for the recovered material made in working the cost of armor?—A. From August 1, 1913, to August 1, 1914, 210 tons. I do not know the rate for the allowance made.
42. Q. What does the labor per ton for reforging amount to?—A. Refer to my answer to question 3.
43. Q. What does the repairs per ton for reforging amount to?—A. Refer to my answer to question 3.
44. Q. What does the fuel per ton for reforging amount to?—A. Refer to my answer to question 3.
45. Q. What is the proportional amount of power—electric, steam, water—for reforging?—A. Refer to my answer to question 3.
46. Q. What does the proportional drafting, inspection, transportation, and laboratory for reforging amount to?—A. Refer to my answer to question 3.
47. Q. How much discard is made after reforging?—A. This question is very blind, but as amplified by Admiral Strauss, can best be answered by the fact that from August 1, 1913, to August 1, 1914, we sent into the machine shop 6,320 tons and shipped 3,750 tons, making the amount discarded during this period about 2,570 tons.
48. Q. What allowance is made for this discard in reckoning the cost?—A. Refer to my answer to question 3.
49. Q. What is the cost of armor per ton after reforging?—A. Refer to my answer to question 3.
50. Q. How many tons of armor plate were sent to treatment by your company during the past year?—A. From August 1, 1913, to August 1, 1914, about 8,520 tons.
51. Q. How many tons were lost during treatment by rejection?—A. From August 1, 1913, to August 1, 1914, about 250 tons.
52. Q. What does the labor per ton of treated plate amount to?—A. Refer to my answer to question 3.
53. Q. What does the material per ton of treated plate amount to?—A. Refer to my answer to question 3.
54. Q. What do the repairs per ton of treated plate amount to?—A. Refer to my answer to question 3.
55. Q. What does the fuel per ton of treated plate amount to?—A. Refer to my answer to question 3.
56. Q. What do the proportional charges per ton of treated plate amount to?—A. Refer to my answer to question 3.
57. Q. What is the total cost per ton of treated and rectified plate?—A. Refer to my answer to question 3.
58. Q. How many tons of armor plate were sent to machining by your company last year?—A. From August 1, 1913, to August 1, 1914, about 6,320 tons.
59. Q. How many tons of machined plate were produced last year?—A. From August 1, 1913, to August 1, 1914, about 3,750 tons.
60. Q. Were there any rejections during the process of machining? If so, how many tons, and what allowance was made for the rejected material in reckoning the final cost?—A. From August 1, 1913, to August 1, 1914, there were no plates rejected due to machining; but this company suffered a loss of 423 tons due to failure in ballistic tests. I have no knowledge of the allowance made for this rejected material.
61. Q. How much per ton does the labor of machining amount to?—A. Refer to my answer to question 3.
62. Q. How much does the machined scrap amount to?—A. Refer to my answer to question 3.
63. Q. How much does the material for machining amount to, including oil, waste, repairing of tools, supply of tools?—A. Refer to my answer to question 3.
64. Q. How much do the repairs per ton of machined plate amount to during the machining operation?—A. Refer to my answer to question 3.
65. Q. What do the proportional charges per ton of machined plate amount to?—A. Refer to my answer to question 3.
66. Q. What is the cost per ton of machined plate produced?—A. Refer to my answer to question 3.
67. Q. How many tons of machined plate were presented by your company for shipment last year?—A. Refer to my answer to question 59.
68. Q. What does the labor and material for preparation for shipment amount to per ton of finished plate?—A. Refer to my answer to question 3.
69. Q. How are the total water, steam power, transportation, inspection, drafting, and laboratory charges reckoned?—A. Refer to my answer to question 3.
70. Q. What were the total power charges for your plant last year—by power charges is meant electric power, steam power, water power, or producer gas for running engines, as the case may be—and how did you arrive at the method of assigning the various proportions to the various operations?—A. Refer to my answer to question 3.
71. Q. The same information is desired for the laboratory, drafting, inspection, and transportation charges.—A. Refer to my answer to question 3.
72. Q. What is the cost per ton of shipped plate, class A–2?—A. Refer to my answer to question 3.
73. Q. What is the cost per ton of shipped plate, class B?—A. Refer to my answer to question 3.
74. Q. What was the average cost per ton of class C steel armor?—A. Refer to my answer to question 3.
75. Q. What do you reckon your working capital to be?—A. Refer to my answer to question 3.
76. Q. What does the maintenance of your plant amount to per annum?—A. Refer to my answer to question 3.
77. Q. Is this amount over and above the repairs which have been charged to the various operations comprising the total manufacture, and separate from depreciation?—A. Refer to my answer to question 3.
78. Q. What does this maintenance mean; to what is it applied?—A. Refer to my answer to question 3.
79. Q. What is the total of proportional administration charges made to armor; how has this been arrived at?—A. Refer to my answer to question 3.
80. Q. Give a tabulated list showing the various salaries paid, and how proportionately divided, so as to include the armor plant.—A. Refer to my answer to question 3.
81. Q. How much did the insurance charges on the armor plant amount to?—A. Refer to my answer to question 3.
82. Q. How much taxes are chargeable to the armor plant?—A. Refer to my answer to question 3.
83. Q. How much do you charge to armor in behalf of the pension fund and liability fund?—A. Refer to my answer to question 3.
84. How much depreciation is charged against the armor plant; what is this depreciation; how has it been arrived at?—A. Refer to my answer to question 3.
85. Q. After a year's operations, within which a certain sum of money has been set aside from the proceeds of the manufacture of armor for depreciation charge, what is done with this money?—A. Refer to my answer to question 3.
86. Q. After depreciation charge has been made to a year's operation, and there have been no replacements of tools, is this amount used to amortize the original investment?—A. Refer to my answer to question 3.
87. Q. Since the erection of your armor plant what has been the total amount of depreciation which has been charged into the cost of armor?—A. Refer to my answer to question 3.
88. Q. How much, if any, of this sum of money has been actually used for the installation of new machinery in place of old, for building new buildings, furnaces, etc., in place of old, and has this expenditure been added to the capital account?—A. Refer to my answer to question 3.
89. Q. The remainder of this sum which has not been expended, has it been used for amortizing any of the original investment?—A. Refer to my answer to question 3.
90. Q. How much money is invested in your armor plant?—A. Refer to my answer to question 3.
91. Q. Does this represent the total amount which has been expended for this plant, inclusive of all depreciation replacements?—A. Refer to my answer to question 3.
92. Q. In reckoning your profit, is it reckoned as a profit on the total amount of money which has been put into the armor plant or on the amount which has been put into the armor plant less all depreciation which has not been used for the purpose of replacement?—A. Refer to my answer to question 3.

APPENDIX B.

MINUTES OF THE COMMITTEE.

In pursuance of the act of Congress approved June 30, 1914, the committee met at 12 o'clock noon, Wednesday, November 18, 1914, in the room of the Senate Committee on Naval Affairs.

Present: Hon. B. R. TILLMAN, chairman of the Committee on Naval Affairs, United States Senate; Hon. L. P. PADGETT, Member of Congress, chairman of the Committee on Naval Affairs, House of Representatives; Rear Admiral Joseph Strauss, United States Navy, Chief of Bureau of Ordnance, Navy Department.

Moved and seconded that Senator B. R. TILLMAN be made chairman of the committee. Motion carried.

Moved and seconded that Admiral Strauss be made secretary of the committee. Motion carried.

The committee discussed, informally, various matters with reference to its investigation and decided to visit the armor-plate factory of the Carnegie Steel Co., Pittsburgh, Pa.; that of the Midvale Steel Co., Philadelphia, Pa.; and that of the Bethlehem Steel Co., South Bethlehem, Pa.

At 1.15 p. m. the committee adjourned to meet to-morrow, Thursday, November 19, at 10 o'clock a. m.

WASHINGTON, D. C., *November 19, 1914.*

The committee met at 10 a. m., Thursday, November 19, 1914, in the room of the Senate Committee on Naval Affairs.

Present: Hon. B. R. TILLMAN, chairman; Rear Admiral J. Strauss, United States Navy, secretary; Hon. L. P. PADGETT, Member of Congress, was absent on account of illness.

Committee adjourned at 10.05 a. m., subject to the call of the chairman.

WASHINGTON, D. C., *November 22, 1914.*

On November 22 the committee met on call of the chairman and proceeded to Pittsburgh, Pa., arriving on the morning of the 23d.

The committee met at the Fort Pitt Hotel at 9.15 a. m.

Present: Hon. B. R. TILLMAN (chairman) presiding; Hon. L. P. PADGETT, Member of Congress; and Rear Admiral J. Strauss, United States Navy, members of the committee; Lieut. Commander C. C. Bloch, United States Navy; Mr. J. B. Knight and Mr. E. S. Theall, assistants to the committee.

The committee then proceeded to the office of the Carnegie Steel Co., whence they were taken to the works of the company at Homestead, Pa.

The committee inspected the open-hearth department and all of the works devoted to the manufacture of armor, accompanied by Mr. A. C. Dinkey, president of the company; Mr. R. H. Watson, assistant general superintendent; and Mr. L. R. Custer, superintendent of the armor department.

The members of the committee then inspected the plate mill and the mill for the manufacture of structural material.

The committee then proceeded to Pittsburgh and held a meeting at the Fort Pitt Hotel. Arrangements were made by which hearings were to be held at the office of the Carnegie Steel Co., beginning at 9 a. m. November 24.

PITTSBURGH, PA., *November 24, 1914.*

The committee proceeded at 9 a. m. to the office of the Carnegie Steel Co. and held its hearings. (See Appendix A.)

The committee met at 7 p. m. at the Fort Pitt Hotel, and elected Hon. L. P. PADGETT, Member of Congress, as vice chairman of the committee.

The committee left Pittsburgh on the evening of November 24, arriving in Philadelphia the morning of the following day, and proceeded at once to South Bethlehem, Pa., arriving there at 10.07 a. m.

SOUTH BETHLEHEM, PA., *November 25, 1914.*

The committee inspected the works of the Bethlehem Steel Co., accompanied by Mr. E. G. Grace, president, and other officials of the Bethlehem

Steel Co., and held a hearing in the office of the company in the afternoon of that same day, November 25. (See Appendix A.)

The committee then proceeded to Philadelphia, Pa., arriving there that same evening.

PHILADELPHIA, PA., *November 27, 1914.*

The committee inspected the works of the Midvale Steel Co., accompanied by Mr. W. P. Barba, manager, and other officials of the company. They then held a hearing in the office of the company. (See Appendix A.)

PHILADELPHIA, PA., *November 28, 1914.*

The committee met at 9.10 a. m. at the Hotel Walton.

Present: Hon. B. R. TILLMAN (chairman) presiding; Hon. L. P. PADGETT, Member of Congress, and Rear Admiral Joseph Strauss, United States Navy, members of the committee; Lieut. Commander C. C. Bloch, United States Navy; Mr. J. B. Knight and Mr. E. S. Theall, assistants to the committee.

Matters were discussed relative to the future meetings of the committee. It was determined to take a recess until Tuesday, December 8, at 2.30 p. m.

Adjourned.

WASHINGTON, D. C., *December 8, 1914.*

The committee met at 2.30 p. m. in the office of the chairman.

Present: Hon. B. R. TILLMAN (chairman) presiding: Rear Admiral Joseph Strauss, United States Navy; Hon. L. P. PADGETT, Member of Congress, was unavoidably detained by a committee hearing.

The committee adjourned, subject to the call of the chairman.

WASHINGTON, D. C., *February 1, 1915.*

The committee met at 2 o'clock p. m. at the office of the chairman.

Present: Hon. B. R. TILLMAN (chairman) presiding; Hon. L. P. PADGETT, Member of Congress, and Rear Admiral Joseph Strauss, United States Navy, members of the committee.

At the request of the chairman of the committee Mr. B. J. Morrison, of Philadelphia, Pa., appeared before the committee, and an informal discussion took place, whereupon Mr. Morrison stated that he would be ready to appear before the committee at a future date prepared to give testimony under oath.

Adjourned, subject to call of the chairman.

WASHINGTON, D. C., *February 19, 1915.*

The committee met at 2 o'clock p. m. at the office of the chairman.

Present: Hon. B. R. TILLMAN (chairman) presiding; Hon. L. P. PADGETT, Member of Congress, and Rear Admiral Joseph Strauss, members of the committee; Lieut. Commander C. C. Bloch, United States Navy, assistant to the committee.

The committee discussed the form of the report, and adjourned at 3.45 p. m. until February 23, 1915, at 2 p. m.

WASHINGTON, D. C., *February 23, 1915.*

The committee met at 2 o'clock p. m. at the office of the chairman.

Present: Hon. B. R. TILLMAN (chairman) presiding; Hon. L. P. PADGETT, Member of Congress, and Rear Admiral Joseph Strauss, United States Navy, members of the committee; Lieut. Commander C. C. Bloch, United States Navy, assistant to the committee.

The committee further discussed its report, and adjourned at 3.45 p. m.

OMNIBUS CLAIMS BILL.

Mr. ROBINSON. Mr. President——

The VICE PRESIDENT. The Senator from Arkansas.

Mr. ROBINSON. I move that the Senate proceed to the consideration of Order of Business No. 298.

Mr. BURTON. Mr. President, what is that bill?

Mr. GALLINGER. Let the title be stated.

The VICE PRESIDENT. The Secretary will state the title of the bill.

The SECRETARY. A bill (H. R. 8846) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, and under the provisions of section No. 151 of the act approved March 3, 1911, commonly known as the Judicial Code.

The VICE PRESIDENT. The Senator from Arkansas moves that the Senate proceed to the consideration of the bill the title of which has been stated.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with amendments.

Mr. ROBINSON. I ask unanimous consent that the first reading of the bill be dispensed with.

The VICE PRESIDENT. The Senator from Arkansas asks unanimous consent that the first reading of the bill be dispensed with.

Mr. ROBINSON. I withdraw the request for the present. Let it be read.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Claims was, under the subhead "Alabama," on page 7, after line 6, to insert:

To Lamira A. Ellison, widow of Jonathan H. Ellison, deceased, of Dekalb County, $565.

To Mary Ann Jackson, of Dallas County, $514.

To Frances A. Moore, widow of John J. Moore, deceased, of Bullock County, $2,131.

To the Masonic Lodge of Bexar, Marion County, $600.

The amendment was agreed to.

Mr. BRISTOW. Mr. President, I was detained from the Chamber. I wish to inquire whether the Senator from Florida has made any statement in regard to the scope of the bill.

Mr. BRYAN. Mr. President, I will say to the Senator from Kansas that I have just this minute entered the Chamber, and I can make a statement in a few moments. I wish to inquire just how far the reading has progressed?

The SECRETARY. On page 7, down to line 14. The amendments above that point have been agreed to.

Mr. BRYAN. I will ask the Senator to indulge me a moment until I can get a copy of the report.

Mr. BRISTOW. I shall be very glad to do so.

The VICE PRESIDENT. The Secretary will proceed with the reading of the bill for the present.

Mr. BRISTOW. I think the chairman of the committee should make a statement in regard to the bill. I think it is a bad bill, myself. I think half of these things have been paid a time or two; and I should like to have the chairman of the committee state how he arrived at the conclusion that these particular claims were meritorious, to make a statement as to the general scope of the bill, and what is the character of the claims included in it.

Mr. BRYAN. Mr. President, I shall be very glad to do so.

In 1864 Congress created the Southern Claims Commission. That commission was authorized to investigate claims for property taken from citizens of loyal States during the Civil War. There were thrown around the commission certain restrictions which operated to the disadvantage of claimants. For example, when the commission was first established, any claim amounting to $3,000 was required to be presented in Washington. Later, by an amendment, the amount was raised to $10,000.

The Southern Claims Commission acted upon ex parte hearings. Many claimants, in view of that fact, were slow to present their claims. So time passed until the year 1871 arrived, when for the first time claims of loyal citizens from Confederate States were authorized to be considered, and for two years after that the claims commission was continued.

Then, on March 3, 1873, Congress passed a law that no claims not theretofore presented to the claims commission should be paid. In other words, they set up a statute of limitations and made it available immediately. Therefore, from 1871 until 1883 claimants had no real opportunity to appear before any tribunal to present the merits of their claims.

In 1883 the Bowman Act was passed and under it the court could not entertain a claim for the occupation of real estate and could not consider any claim not presented prior to March 3, 1873. The only claims under the Bowman Act, therefore, that could be presented were claims for personal property taken.

In 1887 the Tucker Act was passed, and for the first time, under section 14, a real opportunity was presented for the consideration of these claims.

Under the Bowman Act and under the Tucker Act of 1887 each of these claimants was required to go into the Court of Claims to establish the validity and the merits of his claim; and there is no claim in this bill that has not been presented to the Court of Claims and on which a favorable report has not been had.

As to the amount, the court fixed that usually and very naturally at much less than the claims.

Again, under the Bowman Act and under the Tucker Act no disloyal citizen could recover. Loyalty was made a prerequisite, and no investigation into the merits of the claim was made until that fact had been established.

The House included in this bill three classes of claims. First, the claims of the volunteer officers of the Union Army for what is known as the minimum wage pay. Congress authorized the governors of the States to issue commissions to officers, and a provision was incorporated in that act to the effect that the Government would not recognize the commission of a governor unless the regiment or the battalion or the company came up to a minimum requirement. By reason of the fact that the Government of the United States in many instances had issued commissions and the officers had been in command of depleted troops, the War Department declined to pay the difference between the pay of the private and the pay of an officer unless he had been actually engaged in the war. That decision of the department was contested and upheld. Congress in 1910 passed an act in which this language is found:

Hereafter, in administering the act of Congress approved February 24, 1897, entitled "An act to provide for the relief of certain officers and enlisted men of the Volunteer forces," the decision of the War De-

partment as to the right of any person to be held and considered to have been mustered into the service of the United States under the provisions of said act shall be conclusive, and no claim shall be allowed or considered after the 1st day of January, 1911.

Under that act the committee felt that it was obliged to strike out from this bill the class of claims known as minimum wage pay cases. So throughout this bill those claims will be found stricken out.

I may say that the claims are arranged by classes, and that most of the claims stricken out belonged to that class.

When the omnibus claims bill was before the last Congress, the Senate took some action, and the committee felt that it was but just and fair that the action theretofore taken by the Senate should be recognized and carried out in the preparation of this bill.

The second class of cases is for the occupation, use, damage, and destruction of churches, lodges, schools, and hospital, except where the churches, hospitals, schools, etc., were destroyed or damaged as a result of battles or engagements.

The third class of claims is that of the individual loyal citizens from whom were taken during the war stores and supplies.

Mr. BRISTOW. Now, Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Kansas?

Mr. BRYAN. I do.

Mr. BRISTOW. Let me inquire of the Senator if there are any claims in this bill that have been allowed upon the ground that the claimant was loyal during the period of the war and the claim of loyalty is based upon the fact that the claimant was an infant and therefore could not be disloyal?

Mr. BRYAN. There are a number of claims of that character.

Mr. BRISTOW. Now, let me inquire again of the Senator if it is not a fact that within a very few years, basing the claim upon that ground, any claim that might be made by anyone on account of damage to property growing out of the war could not be validated?

Mr. BRYAN. Mr. President, of course that would involve perjury, and, as I have stated, loyalty must be proved under the Bowman and Tucker acts to the satisfaction of the court.

I want to say to the Senator from Kansas, furthermore, that in the preparation of this bill we had the advantage of the action of the last Congress. I served upon the subcommittee which prepared the bill that went down to defeat in the closing days of the last Congress. There was, so far as I remember, not a single case of disagreement between the then chairman of the committee and myself as to the sufficiency of the proof in any instance of the 1,500 claims. We went through each one of them in detail as to the question of loyalty, and we agreed. The claims are stricken out of this bill where the court had expressed any doubt of the proof. When this bill came to be considered and the subcommittee was appointed we had the unusual pleasure of the able assistance of the Senator from West Virginia [Mr. GOFF], who had served upon the circuit court of appeals of his circuit for many years, and any case in which we felt a doubt either as to the merit of the claim or as to the loyalty of the claimant went out of the bill without question.

Now, I want to say to the Senator that the distinguished Senator from South Dakota [Mr. CRAWFORD], who gave to these claims in the last Congress his undivided attention for months, will not be able to point to a single instance in this bill where there was any doubt as to loyalty. The criticism of the Senator from South Dakota was that there are claims in the bill which came late to which we might apply with justice the statute of limitations, and upon that feature of the case I have this to say:

The proposition of the Senator looks reasonable upon its face. If a claim is allowed to wait a generation, it naturally attracts suspicion. I was inclined to agree with that idea until I found upon investigation that there had existed for years in Congress a policy which kept these claimants from having their claims referred to the Court of Claims by a resolution. I am satisfied that there has not been delay, especially since the Tucker Act, when the claimants first had a real opportunity to present their claims.

I think it is true that many of their claims have not been well represented or intelligently handled by claim agents who swarm around this Capitol; and there existed in Congress a policy of allowing each Member of the House of Representatives and each Senator a limited number of claims during each Congress. Members of the House were allowed three claims and Members of the Senate, I understand, were allowed six. In the country which was devastated by the war there were thousands of claims, and so it resulted that the claims which were paid were those held by friends of Congressmen or by those who were loyal during the war. Congressmen necessarily, under a policy like that, were compelled to choose between their constituents, and they would present the claims of a few citizens and leave unpresented the claims of the rest of them; and so the presentation of the claims was slow.

Now, claims have remained after the resolution had been agreed to, but the claim had been referred to the courts two years, until I have almost been ready to believe that the agents and attorneys of some of them, at least, took the claim, sat down, and did nothing, hoping that some day Congress would pass the bill; and if it did, they would get a portion of the claim, and if it did not they had not expended upon it any time or any labor.

The Senator asked me if there are any claims in this bill in which claimants were held to be loyal because of tender years. I have stated to him that that is the fact. Now, Mr. President, let us see as to their merit. A man living in the South entered the Confederate Army, left his children at home—1, 3, 5, 7, 9, 10, or even 11 years old. He never came back from the war. It seems to me that it would be a cruel doctrine to visit upon those children, who are unable to form any opinion not only as to their loyalty or their allegiance but an opinion of any value upon any question. So I have not hesitated to advocate that claims of that character should be placed in the bill. It goes without saying, because it is common knowledge, that the young men at that time old enough to form an opinion were taking part in the struggle, but wherever there has been a doubt in the mind of the court about the loyalty of the claimant it has been rejected.

Mr. President, this is perhaps the last omnibus claims bill that will ever be passed by Congress. There ought to be an end to things, but it does not seem to me that it would be just or fair, after inviting these people into the courts of the Government by resolutions, impliedly, at least, saying to them that if you make good with your evidence you will be entitled to pay for your loss.

The Senate added to the bill a class of claims which were not included by the House. Those claims were the claims of officers of the Union Army, and it seems to me there is merit in them. Under a ruling of the War Department those officers who left their regiments at the close of the war without waiting to be formally mustered out were not entitled to the 20 cents a mile allowed for their expenses in traveling home, while those officers who remained until they were mustered out were allowed the 20 cents a mile. I can see no good reason why the officers who left when the war was over, being anxious to get back home quickly, should be discriminated against and not allowed their travel pay, when those who remained a few days longer, until muster out came, should be allowed this travel pay. So the Senate committee has included in this bill that class of claims, and they will be found beginning on page 102 of the bill.

That in brief outline and in imperfect outline states, I believe, the character of claims included in this bill. Mr. President, I do not desire to take up the time of the Senate——

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Florida yield to the Senator from North Dakota?

Mr. BRYAN. I yield to the Senator.

Mr. GRONNA. For information, I want to ask the Senator from Florida a question. By whom are these claims presented now—by the original claimants or have they been assigned?

Mr. BRYAN. They are presented by either the original claimants or their heirs.

Mr. GRONNA. And none of them has been assigned?

Mr. BRYAN. No.

Mr. President, I hope I shall not have to make any further statement, but I can not take my seat without saying that the members of the Committee on Claims, both in the last Congress and in this Congress, know the work that has been devoted to this bill. All told, I think I have spent about four months of almost solid time upon it. The bill has been on the calendar nearly a year. I have been criticized because the bill has not become a law. With reference to that I only have to say that Congress has been engaged in considering important legislation. Without any attempt at grand-stand play I have been anxious to have this bill considered, but I have not made useless motions or attempts to get it up when I knew it would not be considered. It so happened a few days ago when the shipping bill was before the Senate and a motion was made to displace the shipping bill with the omnibus claims bill that I voted "nay." That vote has been construed as indicative of hostility upon my part to the meritorious claims in this bill.

It is true, Mr. President, that the State from which I come has very little interest in the bill. I am acting as the chair-

man of the Committee on Claims, having been directed to report the bill. There are States whose citizens are very largely interested in the bill; they have been clamoring and demanding both in the House and in the Senate an opportunity to have it considered, and I express the hope that it may be considered without unusual delay.

I make the further statement that, if there is an idea that there are included within the covers of this bill claims which have no foundations, or if it is supposed that any item is in the nature of a gift or gratuity to the proposed beneficiaries, the idea is without foundation in fact. The bill represents compensation for property that was taken from these people by the Government in time of war and under the necessities of war, but property for the taking of which they had a right to believe they would be recompensed; property the payment for which the good faith of the Government of the United States was pledged by its officers when the property was taken and used for the support of the Army.

Of course while the Union Armies were in the States of Tennessee, Virginia, Alabama, and Georgia there was much property taken or destroyed by the soldiers out on frolics of their own, and in some instances it was taken under the belief by the owner that it was taken by authority, but in no single, solitary item in this bill will be found a claim for property that was not taken by authority of the Government through its legally constituted officers.

I express the hope, Mr. President, that the bill may be considered speedily; and it will have to be considered speedily unless it is to fail, as so many bills of a similar character have failed.

Let me say one word more. Nearly every item in the bill has passed the Senate and the House, or has been passed by one House and not passed by the other through the same Congress, and has therefore failed. Many of these items have passed three or four times, and there are very few items in the bill that have not passed both House in that way a number of times.

Mr. GRONNA. Mr. President——

Mr. BRYAN. I yield to the Senator from North Dakota.

Mr. GRONNA. As I understand, these claims have all been adjudicated by the Court of Claims, and they have, of course, been presented by attorneys. Now, can the Senator give us any information as to the amount that will go to those attorneys and the amount that will go to claimants? As I understand, this bill carries approximately $2,000,000.

Mr. BRYAN. The bill as reported from the Senate Committee on Claims will carry $1,910,591.12.

Mr. GRONNA. Yes.

Mr. BRYAN. If the Senator will permit me, I will state just the amount that will be carried in different classes of claims. The claims of churches, lodges, schools, hospitals, and so forth, amount to $486,403.29; the claims of individuals amount to $1,191,368.33, and the claims for travel pay would be the difference between that and the sum total of the bill. I have not the exact figures before me, but I shall be glad to make the calculation.

Mr. GRONNA. My inquiry, Mr. President, is, Can the Senator from Florida give us approximately the amount that will be paid as attorneys' fees?

Mr. BRYAN. Mr. President, I can not; but I will not oppose a limitation of the amount which will be paid to attorneys representing the claimants. The committee has not authorized such an amendment; the matter was not before the committee, but since the bill has been reported the attitude not only of the committee, but that of the Senate and House has been misrepresented, letters having gone out from Washington to the claimants urging them to bring all the pressure to bear upon their Representatives and Senators they could, thus indicating that there may be very large contingent fees; and so I believe an amendment similar to the amendment which limits the amount that can be paid to attorneys for the collection of pension claims ought to be adopted.

Mr. GRONNA. Mr. President, if the Senator will permit me further, I want to state to him that I have not received a single letter from my constituents about this bill.

Mr. BRYAN. The Senator has been much more fortunate than I have been.

Mr. GRONNA. I want to assure the Senator that I have no prejudice against the bill. I know that any work the Senator from Florida does he does thoroughly, but I do have some interest in the question of attorneys' fees. I believe a limitation should be placed upon the amount that should be paid for attorneys' fees.

Mr. BRYAN. So far as I am concerned, I have no objection to that. I believe it ought to be done, and will vote for a provision of that kind.

Mr. GRONNA. May I ask the Senator, then, what amount he believes should be allowed.

Mr. BRYAN. Of course, that would come up when the amendment is considered. I should say not exceeding 25 per cent.

Mr. GRONNA. It will make a great deal of difference with me in voting on this measure whether or not there is a provision in the bill limiting the amount or stipulating the amount to be paid as attorneys' fees.

Mr. BRYAN. There is not in the bill such an amendment, but one will be offered.

Mr. SHAFROTH. Mr. President, I should like to ask the Senator from Florida a question.

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Colorado?

Mr. BRYAN. Certainly.

Mr. SHAFROTH. I ask the Senator whether or not these claims have gone to any court or tribunal?

Mr. BRYAN. Every claim in this bill has been considered and found in favor of the claimants by the Court of Claims.

Mr. SHAFROTH. And they have been represented by attorneys in the Court of Claims?

Mr. BRYAN. Oh, yes.

Mr. SHAFROTH. So that the services to be remunerated would be for services there as well as for services in getting the measure through Congress?

Mr. BRYAN. I do not think we should allow a claim for getting a measure through Congress. I think the attorneys' fees ought to be limited to their work before the Court of Claims.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Mississippi?

Mr. BRYAN. Certainly.

Mr. VARDAMAN. I desire to suggest to the Senator from Colorado, with the consent of the Senator from Florida, that not only were the claimants represented by counsel in the Court of Claims, but there was an attorney representing the United States Government protecting the interests of the Government.

Mr. SHAFROTH. I presume there was considerable litigation involving the taking of testimony and other things.

Mr. BRYAN. I think that is correct.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BRISTOW. Mr. President, referring to the question of loyalty and the claims that are based upon the loyalty of the claimants due to tender years, the Senator from Florida illustrated that by stating that if a man entered the Confederate Army, leaving his family a home, and did not return, and he had children of 6, 7, 8, 9, or 10 years of age, and his property was destroyed or injured, a claim on the part of those children for such destruction of property would be a legitimate claim against the Government.

Mr. TOWNSEND. Mr. President, I wish the Senator from Florida would pay attention to that; I should like to know what his answer to it is.

Mr. BRISTOW. I should like the attention of the Senator, if I may have it; and I will say now that if the Senators on the other side desire this bill passed they will give attention to this discussion or they will not get it passed.

Mr. REED. Mr. President, I want to inquire if the Senator from Kansas desires to put the Senate under duress?

Mr. BRISTOW. Not at all; but in my efforts to say what I have to say I may consume a great deal more time if I am given no attention.

Mr. REED. I want to say that I think the Senator is entitled to attention, and I hope it will be accorded him.

Mr. SIMMONS. The Senator has a mighty fine audience.

Mr. BRISTOW. Now, referring to the claims based upon loyalty due to tender years, when the claimant was incapable of disloyalty, the Senator from Florida illustrated that by saying that if a citizen of Alabama, we will say, had entered the Confederate Army and left a family of children at home and never came back, and the property of this man, while he was so engaged in war against the Government, had been injured——

Mr. BRYAN. No, Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Florida?

Mr. BRISTOW. Yes.

Mr. BRYAN. If the property was taken during the life of the disloyal soldier no award has been made. It is only in cases after the parent had died and the property had descended to his children and was the property of the children at the time it was seized that the claim has been allowed. There is not a claim; there is not an item connected with this bill for

any property of a disloyal citizen who was living and at war when the property was taken. Award is only made in cases where the father had been killed or died and the property was taken after it had descended to the children.

Mr. BRISTOW. Now, in order that I may understand the matter, I will ask as to the claims that were based upon that theory; does it appear clearly, without doubt, that the father is dead and that the children had been put into possession of the property in their own right subsequent to the decease of the parent?

Mr. BRYAN. It clearly appears in every case that the disloyal ancestor is dead. Of course the Senator understands the property is not turned over to minor children; it is turned over to their legal representatives. They might not be in charge of it at the time the property was injured or taken, but it was their property; they had the title to it. In this bill there are some cases where I think the children were old enough to form opinions or to take part in the war, while others were too young. The Court of Claims has disallowed claims of disloyal children, and only allowed the pro rata share of those who were loyal by reason of their tender years, and for other reasons. One peculiar thing happened in the consideration of this bill. The Senate committee a couple of years ago, in considering the bill, were not satisfied of the proof of loyalty of a claimant living near Chickamauga, or between there and Atlanta, and we struck the claim out of the bill. When the House conferees came to take up the matter with us they proved that he was a loyal citizen, that Gen. Grant had taken breakfast with him immediately before one of those battles. It has not been just a mere formal finding of law. I think they have been held to a pretty strict account.

Mr. BRISTOW. Mr. President, we will say the father was in the Confederate Army and was killed, and, of course, guardians would be appointed for the children, and the guardians would be chosen from his relatives. The Senator makes an illustration of some of the children being old enough to form opinions and others not old enough. I think claims based upon that proposition have not merit because of that fact. Those children are no more entitled to consideration from the Government than their brothers and sisters who are slightly older. When you undertake to discriminate in the years of accountability in order to find the loyalty of the claimants you are getting into a degree of refined distinctions that it is impossible for the human mind to draw; and it seems to me it is a great mistake to include claims of that kind in the bill.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from North Dakota?

Mr. BRISTOW. I do.

Mr. McCUMBER. May I ask the Senator upon what presumption he approaches this subject when he assumes that a child of tender years who has no opinion one way or the other, but living within a State which State is hostile to the Government, can be construed to be loyal?

Mr. BRISTOW. I can not construe it that way myself, and I do not intend to vote for any claims based upon that ground, because I think it is a strained effort to find the basis for a claim that is not justified. I take that position without any feeling of hostility to the unfortunate people of the South who lost their property in that struggle. But a government can not undertake to pay the damages sustained by all the people in a time of war such as we had at that time, when the States of the South practically unanimously were arrayed against the Government.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Tennessee?

Mr. BRISTOW. I do.

Mr. SHIELDS. I wish to call the attention of the Senator to the common-law presumption, which has been the law of this country since it has been inhabited and the law of England for centuries before, that under the age of 12 a child shall be conclusively presumed to be incapable of crime, and after that to a certain age the presumption is rebuttable.

In connection with the Senator's criticisms of the claims of some of these infants I wish to call his attention to the condition of those in Tennessee. Perhaps there are more of the claims of these infants from my State than any other State that is included in this bill, and if he will go back into the facts as far as possible I have no doubt that he will find that the friends of the claimants, and in some cases the fathers, were Union people. Some of the fathers were killed in the Federal Army. From my division of the State there were 30,000 good soldiers in the Federal Army, and it is from that State, as I say, that more than one-fourth of these claims come. As to any falsification, as to any want of a sound basis or a just basis for any of these claims, I want to say that those people or their representatives now are not men that would commit perjury for a claim against the Government or anyone else.

Mr. BRISTOW. I have expressed my views as to the soundness of basing a claim upon this matter of loyalty due to infancy. I do not think it is a sound basis. The Senator from Florida suggested that this probably would be the last omnibus claims bill. If I thought this would be the last omnibus claims bill, I would forego the discomfort of opposing its passage, as I shall this afternoon, but in my opinion the passage of this bill under the circumstances under which it is to be passed simply encourages the horde of claim agents and alleged attorneys who swarm about this Capitol to begin to bombard Congress again for another omnibus claims bill. The facility with which omnibus claims bills have passed Congress for the last five years has not been an encouragement to these ravenous vampires that collect here and try to make a living and some profit year after year by getting hold of claims and finally getting them worked through in various ways.

Mr. BRYAN. Mr. President, I will say to the Senator that we have not had an omnibus claims bill for 10 years.

Mr. BRISTOW. No—well, I guess that is true. I remember distinctly that something over five years ago, or about five years ago, we had a very heated debate here on an omnibus claims bill, but I guess it failed.

Mr. JAMES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Kentucky?

Mr. BRISTOW. I do.

Mr. JAMES. The Senator from Kansas a moment ago stated that these claims were going to people practically all of whom were in sympathy with the Confederacy.

Mr. BRISTOW. No; I never made any such statement. I beg the Senator's pardon.

Mr. JAMES. I thought the Senator stated that practically all of them were in sympathy with the Confederacy.

Mr. BRISTOW. Oh, no.

Mr. JAMES. That was my understanding, but, of course, I accept the Senator's statement. I wish, however, to call his attention to the fact that Kentucky has a great many claims in this bill for churches and schoolhouses and property taken from her people, and Kentucky furnished more soldiers to the Union than she did to the Confederacy, and furnished more than her quota of soldiers to the Union. If the Senator will pardon me a moment, I think I can show him that practically all of these claims that are in this bill were reported favorably by one who was a Senator from Kentucky and was himself a Federal soldier—the late Senator Bradley.

Mr. BRISTOW. I do not doubt that there are meritorious claims in the bill. I am not contending that there are not; but an omnibus claims bill is made the vehicle of carrying through Congress a great many claims that are not honest claims, and they use the just claims as a basis for carrying through the claims that are not justified. I remember that the last omnibus claims bill that was proposed was defeated because of the character of the claims that were finally injected into it.

Mr. GALLINGER. Mr. President, will the Senator permit me?

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from New Hampshire?

Mr. BRISTOW. I do.

Mr. GALLINGER. In looking over this bill I am considerably puzzled to know as much about it as I ought to know, and I want to ask the Senator from Florida a question. The title of the bill says that these are claims reported under the provisions of certain acts known as the Bowman and Tucker Acts. Now, turning to pages 18 and 19, I find that almost every claim from the States of Illinois and Indiana is stricken from the bill by the committee. Were those inadvertently placed there or were they not reported as the title alleges?

Mr. BRYAN. As I stated—perhaps the Senator was not in the Chamber at the time——

Mr. GALLINGER. No; I was not.

Mr. BRYAN. The committee dealt with these claims by classes; and this committee, or the committee two years ago or three years ago, struck out the claims known as the minimum-pay cases, which represent the difference between the salary of a soldier which the Government recognized and the salary he would have received if the commission of the governor of the State had been recognized.

Mr. TOWNSEND. Mr. President, do I understand the Senator to say that some of the claims stricken out of this bill were stricken out of the prior bill?

Mr. BRYAN. All these classes of claims were stricken out in the bill two years ago.

Mr. TOWNSEND. I am not familiar with the other claims; but I turn to the claims for Michigan, and there are a few little claims in there. I am not familiar with all of those things from memory, but I know the cases of Myron C. Bond and Edwin A. Wells were in the other bill, and I was wondering why they are stricken out now.

Mr. CRAWFORD. Mr. President——

Mr. BRYAN. Of course, in addition, there are some cases stricken out where the committee was not convinced as to the justice of the claims. The claims to which the Senator refers may not be of the minimum class, but that is not the only class of claims stricken out. There are individual cases. Let me ask the Senator what page he is referring to?

Mr. TOWNSEND. Page 44.

Mr. CRAWFORD. Mr. President, if the Senator will pardon me, I do not think the cases from Michigan to which the Senator refers—at least I do not recall it so—are within the class that the Senator from Florida is discussing. There were certain officers during the Civil War who, up to a certain year, were allowed additional pay where they had a commission but were actually performing the duties of a command of a grade higher than the commission they bore.

Mr. TOWNSEND. Those are these cases.

Mr. CRAWFORD. There was an exception when the command was not up to its minimum capacity. There was an exception made in the law that, even though they performed the duties of the higher grade, if their command was not up to the minimum they should not have this additional compensation. That statutory bar remained there, and some time in the nineties—I was formerly very familiar with it—they erected a bar practically against the allowance of such claims, making an absolute bar, by limitation, to their consideration.

Now, they were left out of this bill because we were by indirection repealing the statute of 1863, as I recall it, which barred them from getting this additional pay if their commands were not up to the minimum, and also by indirection repealing this absolute limitation that was put by the department against allowing them in 1901 or 1902 or 1903—along there somewhere. Now, I do not think the Bond case—I remember the name very well—came within that class.

Mr. TOWNSEND. Mr. President, those claims have been put in this bill.

Mr. BRYAN. Mr. President, I have the information that the Senator wants. Those were not Civil War claims.

Mr. CRAWFORD. That is it.

Mr. BRYAN. Those were claims arising from the Spanish-American War. There are three claims from the State of Michigan to which that applies—the claims of Myron C. Bond, Guy M. Claflin, and Edwin A. Wells.

Mr. CRAWFORD. Those were Spanish-American officers.

Mr. BRYAN. The facts are stated here. Take the Wells case——

Mr. GALLINGER. Mr. President, I have not gotten through my interrogatory, if the Senator will permit me.

Mr. BRYAN. Oh, I thought the Senator had finished.

Mr. GALLINGER. The puzzle to me is that the House, in passing this bill, has put these claims in, and presumably the House was familiar with all the circumstances; but it seems to me extraordinary that every claim but three in Illinois has been stricken out, every claim but one in Indiana, and every single claim in the State of Iowa. They go out of this bill. The State of New Hampshire happened to be fortunate enough to draw one claim in this bill, I believe of about $40, but that is stricken out. Now, if there is a valid explanation for it, of course I am satisfied; but the fact that they were stricken from this bill and put in another bill that never may be reached is not a very satisfactory explanation to me, for the reason that if they were left in this bill it will likely be passed and the claims collected, while the other bill may never be reached.

Mr. BRYAN. Now, let me make an explanation to the Senator from New Hampshire, because I do not want him to be of the impression that any discrimination was made against any set of citizens of any State.

It is not at all strange that the claims stricken out should be from the Northern States, because those are the States which furnished the officers in the Union Army. I stated before the Senator came in, and I will state in detail now, because I want him to be satisfied, that—

The right of such officers to "difference in pay" under the joint resolution of 1866 has been determined in the Court of Claims and in the Supreme Court of the United States. The following shows the position of the Court of Claims taken in the case of Lieut. Henry (6 C. Cls., p. 162):

This is a typical case:

A company in the Second Ohio Volunteers, during the War of the Rebellion, becomes reduced below the minimum entitling it to a second lieutenant. The claimant being first sergeant of that company, and the office of second lieutenant being vacant, is commissioned as such by the governor of Ohio. He is also assigned to duty in that company by the colonel of the regiment. He applies to be mustered in, but the mustering officer refuses. Nevertheless he remains on duty, being the only commissioned officer with the company, commanding it several times in battle, incurring all the responsibilities and performing all the duties of a commissioned officer. The Pay Department refuses to pay him except as first sergeant.

That was upheld; and in 1910, as I stated when the Senator was not in the Chamber, Congress passed an act saying that the decision of the War Department should be conclusive, and the War Department refused to recognize the commission granted by the governor. Now, as the Senator can understand, there was a certain requirement made—take a regiment, for example—that there must not be less than 400 in a regiment before there could be a colonel. The colonel is killed or resigned when the regiment is below the minimum. A major is appointed to the position of colonel, commissioned by the governor as colonel, and applies to be mustered in. The War Department refusing to muster him, he, nevertheless, serves as colonel under his commission. Unless he was in a battle the War Department would not recognize that commission. That happens to be the fact in the three cases from Michigan. It is not at all, as the Senator will see, unnatural. On the contrary, it is the thing to be expected that those officers will come from the Northern States.

The committee, on the other hand, added a class of claims, on page 102, known as travel-pay cases, which I also explained when the Senator was not present and which represent the travel allowance of those officers of the Union Army who went home immediately after peace was declared without having been formally mustered out. The War Department refused to pay them. Congress from time to time has been sending down to the Court of Claims to get the facts. The facts are undisputed. These amounts represent what the travel pay would have been if they had remained three or four days to be mustered out and had not been in a hurry to get home. That class of claims has been stricken out because the War Department would never recognize them. Congress in 1910 passed a statute that the decision of the War Department should be final.

I suggest this to the Senator: I am not very particular about it. Let us take a vote on the first one of those claims which we reach, and if it be the determination of the Senate that the class of claims known as the minimum pay claims shall not be incorporated in this bill that will end a very large class.

Mr. GALLINGER. What troubles me is the fact that these claims seem to have been passed upon by the court, or they would not be in this bill. The House recognizes the validity and correctness of these claims, I apprehend, or the House never would have put them in the bill.

Mr. BRYAN. Undoubtedly the Senator is correct. The House believed that they ought to be paid.

Mr. GALLINGER. I have been contending for a long time in this body that the Government ought to pay its debts, and if these are valid claims, and have been so certified by the court under the Bowman and Tucker Acts, and the House recognized that fact and placed them in the bill and passed them and sent them here, it seems to me it is rather technical for us to strike them out. There may be a little irregularity about them, but they seem to be legal.

Mr. BRYAN. The court have not adjudged that the claims should be paid, but the Court of Claims have found that if they are allowed the difference in pay between the rank in which they served, recognized by the War Department, and the rank conferred by the governor who issued the commissions would be the amount put in the bill. It was my intention as soon as we reached the first item to ask the Senate to take a vote. I think the action of the committee was taken because that was the action of the Senate in the last Congress. I would prefer to take a vote, and if the Senate chooses to allow these claims, of course they remain in the bill, and if they do not allow them the House may insist so strenuously that they will have to be allowed.

Mr. BRISTOW. Referring to the class of claims under discussion by the Senator from New Hampshire, I will state that the findings of the Court of Claims are simply findings of fact as to the amount that would be due these claimants in the event that it was determined that they had a just claim. The Court of Claims did not find that the Government owed them that much money. It simply found that under certain conditions,

if the claims were declared valid, they would amount to so much. I do not think they ought to be included in this bill at all.

Mr. JAMES. If the Senator will permit me, the Court of Claims, in its findings, determines the loyalty of the claimant.

Mr. BRYAN. There is no question about that.

Mr. BRISTOW. That was a question of fact.

Mr. JAMES. It was a question of fact and by its action the Court of Claims did say these people were all loyal to the Government.

Mr. BRISTOW. Giving the reason, because of tender years, and so forth. But it is up to the Senate to determine whether or not the Senate believes there is a just claim existing because of the facts which are set out by the Court of Claims. These cases are referred to the Court of Claims for findings of fact. They are not referred to the Court of Claims to render judgment against the United States. It is not a debt against the United States; it is simply a claim against the United States.

Mr. BRYAN. Mr. President——

Mr. BRISTOW. I yield to the Senator.

Mr. BRYAN. Let me ask the Senator this question: Would it not expedite the matter if, when we reach the first claim of claimants who were held to be loyal because of tender years, the Senate should take a vote on that claim? If it should determine not to allow that claim, we would be able to save time by striking out all similar claims.

Mr. BRISTOW. That might be. I want to say now that I am against this bill, but I do not propose to resort to any unusual and extraordinary methods to defeat it. I do not want to close my service here by a 24-hour speech or something like that, and I have no intention of doing it. I have stood against the omnibus claims bills since I have been here, and I expect to stand against them until I am through. I have never voted for one, and I never want to vote for one, because when you do you vote for a lot of frauds and carry them into the appropriations of the Government because they are attached to some claims that are meritorious. I have contended since I have been a member of the Committee on Claims that every claim ought to be taken up on its merits and be passed as an independent bill. If we were and had been passing individual bills for the last 10 years we would long ago have had all the meritorious claims passed that there are in this bill.

But there seems to be a desire, a mania, for getting up an omnibus claims bill. If the Senator from South Dakota [Mr. CRAWFORD], who puts more time on this bill than any other Senator unless it is the Senator from Florida, had put the same amount of labor on these claims as individual claims bills that he put upon this omnibus claims bill there would have been thousands and thousands of dollars worth of just claims paid long ago, and those not just never would have found a place on the calendar of this body.

I should like to inquire of the Senator from Florida how much is the difference in the amount carried by the bill that was presented some two years ago, when the senior Senator from South Dakota was chairman of the committee, and the present bill?

Mr. BRYAN. I will state that they varied a very few thousand dollars. My recollection is that the bill reported by the Senator from South Dakota carried $1,819,000. This bill carries $1,910,000.

Mr. BRISTOW. Can the Senator advise us how many claims——

Mr. CRAWFORD. Will the Senator permit me there? The omnibus claims bills two years ago combined two classes of claims amounting to large sums that are not in this bill at all; for instance, the difference in sea and shore pay and the longevity claims of Regular Army officers.

Mr. BRYAN. That is true.

Mr. CRAWFORD. Those two classes amounted to several hundred thousand dollars, as I recall it. They are omitted from this bill, and the size of this bill is nearly the same because of a large number of additional claims allowed that were out of the bill two years ago.

Mr. BRYAN. Yes, Mr. President, the difference between the bill as it has been reported to the Senate at this time and the bill reported to the Senate before is very great, but the bill as reported by the Committee on Claims at this time does not differ much from the bill reported by the House. The bill reported by the House, outside of the few classes of claims to which the Senator referred, was about the same amount as the bill reported here. The Senator will remember that the Committee on Claims took the position because the sea and shore and longevity class of claims had no position on the Claims Committee in the House. In the House they have two committees, a Committee on Claims of all character except war claims and a War Claims Committee. By reason of that very fact the House would not agree that those claims should be put upon the bill. I will say to the Senator there has been reported from the Committee on Claims the longevity and overtime claims. The committee has not reported the sea and shore pay claims, because the committee is opposed to that class of claims, as it was when the Senator from South Dakota reported the former bill.

Mr. CRAWFORD. Then there is still another class, and that is the overtime claims of the men in the yards working for the Government.

Mr. BRYAN. Yes.

Mr. CRAWFORD. Under an assurance given by Secretary Thompson that the time would be kept that they worked in excess of eight hours, there must have been a couple hundred thousand dollars of items of that kind in the omnibus claims bill of two years ago.

Mr. BRYAN. Yes; the Senator is correct.

Mr. CRAWFORD. They are not in this bill?

Mr. BRYAN. No.

Mr. GALLINGER. Will the Senator from Kansas permit me to ask a further question? I find in referring to Calendar No. 594, Senate bill 6120, which the Senator from Florida reported from the committee and which is now on the calendar, that these overtime claims are in that bill. As New Hampshire has a navy yard, there is a very large number of small claims from New Hampshire. I ask the Senator from Florida, after the bill that is now under consideration shall be passed, as I assume it will pass, is it the intention of the Senator to call up the other bill and endeavor to get a favorable consideration of it?

Mr. BRYAN. I would be glad to do so, if we have time. I will say that I am in favor of the bill as reported from the committee.

Mr. GALLINGER. That is the Senator's purpose, if the time will allow?

Mr. BRYAN. Yes; it is.

Mr. GALLINGER. I think it ought to be done.

Mr. BRYAN. The Senator understands very well that Mr. MANN, in the House, used every means in his power to prevent the consideration of the claims bill two years ago because there were two classes of claims, one class belonging to the Committee on Claims of the House and the other going to the Committee on War Claims.

Mr. GALLINGER. I understand that fully.

Mr. BRYAN. Therefore we separated them.

Mr. GALLINGER. I am not going to raise any technicality in the matter at all; neither do I want it even suggested that I have any purpose to discriminate as between the sections of the country, but the bill that is now up might well be called the Southern claims bill; the bill I hold in my hand might well be called the Northern claims bill. After the bill now under consideration has been passed we may have the opportunity, if time allows, to consider the bill I have in my hand. I think it is but justice and fair play, and that is all I care to ask. I am not going to raise any technical objections to the bill that is under consideration. I recall that when the last claims bill was under consideration a very distinguished Senator on that side of the Chamber said the church claims ought to be thrown out; and, in fact, he went to the extent of saying that they were mostly fraudulent, but I am not going to undertake to accomplish any such purpose as that. The court has acted upon them and reported the facts, and upon the facts reported the bill has been made up, and I shall not obstruct it in any way.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate No. 107 to the bill (H. R. 20347) making appropriations for the support of the Army for the fiscal year ending June 30, 1916, and receding from its disagreement to the amendment of the Senate No. 107 and agreeing to the same.

ARMY APPROPRIATIONS.

Mr. CHAMBERLAIN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on amendment numbered 107 of the Senate to the bill (H. R. 20347) making appropriations for the support of the Army for the fiscal year ending June 30, 1916, having met,

after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from amendment numbered 107.

GEO. E. CHAMBERLAIN,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.
JAMES HAY,
S. H. DENT, Jr.,
JULIUS KAHN,
Managers on the part of the House.

Mr. BRISTOW. Let me inquire what is amendment No. 107?

Mr. CHAMBERLAIN. It reinstates the House provision, which was stricken out, known as the Taylor system. In other words, it makes this bill conform to the naval appropriation bill, the report upon which has just been agreed to.

Mr. BRISTOW. I want an opportunity of voting against it. That is all I ask.

Mr. OLIVER. I simply wish to express my regret that the committee could not see its way clear to adhere to the action of the Senate. But I will not take any further time.

Mr. CHAMBERLAIN. I will say that we agreed to and brought in two different reports, and the House refused to agree with us.

Mr. OLIVER. I really think I can indorse what the chairman says about that. The conferees on the part of the Senate did about as well as they could.

The report was agreed to.

POST OFFICE APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives further insisting upon its disagreement to the amendments of the Senate to the bill (H. R. 19906) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1916, and for other purposes, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BANKHEAD. I move that the Senate insist upon its amendments, agree to the further conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. BANKHEAD, Mr. SWANSON, and Mr. PENROSE conferees at the further conference on the part of the Senate.

OMNIBUS CLAIMS BILLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8846) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, and under the provisions of section 151 of the act approved March 3, 1911, commonly known as the Judicial Code.

Mr. BRISTOW. Mr. President, I do not at present expect to take any more time of the Senate on this bill. I may have something further to say in regard to it as the reading proceeds. I want it read in the regular way. It has been a good while since I looked into it. I had no idea it was coming up and that it would be considered during the last day of the session. I do not think that ought to be done. I do not think the bill ought to be passed, but at present I will not take any more time. However, I desire to say before taking my seat that I should like the Senator from South Dakota, the former chairman, at some time during the consideration of the bill to state clearly the difference between this measure and the one passed during the closing days of the last Congress so that we may perceive clearly the distinction.

Mr. BRYAN. I think I can do that in a word just now. The bill struck out most of the claims where the claimants, who were then of tender years, were found loyal. In addition to that a number of claims were striken out because of laches. The claims that the committee two years ago found had no merit in them or were not sufficiently meritorious to justify the payment of the claims have been stricken out of the bill. I think that is the case in nearly every instance. I do not remember now a single claim where the committee differed with the other committee upon the merits.

Mr. President, as I understand, the bill is being read. If the request has not already been made I ask unanimous consent that the formal reading of the bill be dispensed with and that the bill be read for committee amendments.

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER (Mr. HUGHES in the chair). Is there objection?

Mr. CRAWFORD. I wish to make a statement, and I think I had better make it now.

Mr. BRYAN. Does the Senator object to the request?

Mr. CRAWFORD. I do at this time.

Mr. President, I realize fully the anxiety of the Senator from Florida to speed this bill. I realize, and not in a hostile way, the interest that the Senators from the southern part of the country have in the bill.

While the Senator from Florida knows my personal view as to many items in this bill, I want to assure him that I am not going to attempt to go further than to try to make a statement in advance of the taking up of the bill in detail, which it seems to me may be of some help to those who have not paid any personal attention to the Tucker and Bowman Acts and the act creating the Southern Claims Commission, and the classification under which these various claims naturally place themselves. I want to do that, and I shall do it, because, taking the view I do of the bill, I think it is my duty to do so. Then, if we can get a fair reading of the bill and a submission of the items, I am perfectly willing that a vote shall be taken upon it, because I have no desire simply to occupy time for the purpose of defeating the bill in that way.

The omnibus claims bill of two years ago and the omnibus claims bill which is now here came over from the House, where they have two Claims Committees—one a War Claims Committee and the other a general Claims Committee. Necessarily, having a War Claims Committee that deals with war claims alone, the House passed an omnibus claims bill containing nothing but war claims. When that bill came over to the Senate it was referred to the Committee on Claims, of which we have but one here, and which has jurisdiction, not only over war claims but over all other claims.

When we were considering the bill under the scope of our jurisdiction, we added to it several classes of claims that the House committee would not have jurisdiction over. One of these, for example, was the class of claims which the Senator from Michigan [Mr. TOWNSEND] and the Senator from Florida [Mr. BRYAN] were discussing a while ago with reference to the increase of pay claims by Federal officers on account of performing duties in a higher rank than their commissions defined, but from which they were barred because their commands were not up to the minimum.

Another class was that of claims of Regular Army officers for increased compensation known as longevity claims. Another was a class of claims of officers of the United States Navy, growing out of a difference in the pay they received when performing duty upon shore and the pay received when performing duty at sea. Another class was connected with employees in the navy yards for overtime.

These different classes of claims, which had all been submitted to the Court of Claims and in regard to which findings were made, were grouped and put into the omnibus claims bill of two years ago by the Senate committee. That increased the total amount of the omnibus claims bill two years ago, but we excluded a great many of the so-called war claims.

Those war claims, I want to say to the Senate, can be classified into three or four divisions. One class is for churches, college buildings, school buildings, buildings occupied by lodges, and libraries that were destroyed by the Union Army during the war—not destroyed in battle, not destroyed as an act of war, but torn down and the building material used in constructing bridges, or the brick used in making bake ovens and things of that sort, and where they were taken by the command or under the authority of the officers in command of the Union troops. There are a large number of claims like that, in which the Court of Claims have found that the property had been taken by the authority of an officer; that it was not taken as an act of war or was not the destruction of property in battle; and that the material was appropriated and used in the way that I have described; and finding the value of the property in each of those cases, where the findings were of that character, it appeared that under the Tucker Act, if the claim came under that act, there had not been such laches as would appear to be a barrier to the equities, we recommended the allowance of the claims and put them in the bill. That will give an idea of one class of these claims. For instance, those involving the destruction of churches and schools.

There was another class that involved the rent and occupation by the Union Army of churches for hospitals and headquarters of one kind and another. All over Virginia, Tennessee, and through the South, generally, it appeared that after one of the battles or during the battle the doors of churches were thrown open and the wounded soldiers, the Federals and Confederates, were taken into the churches or into the school buildings and that sometimes for a week, sometimes for a

month, sometimes for six months, and possibly a year the church or the schoolhouse was used as a hospital. That makes another class.

In some cases I have felt that some of these claims were purely an afterthought, because the very sentiments of humanity would lead the good people of a neighborhood at the time a battle was going on or immediately afterwards when the wounded soldiers were lying about, whether they were Union soldiers or Confederate soldiers—humanity, to say nothing of Christianity, would lead those people to throw the church doors open and allow the occupation of the church for a few days as a hospital.

Mr. WHITE. Mr. President——

Mr. CRAWFORD. If the Senator will excuse me, I should like to go on without being interrupted just now.

In other cases the occupation continued for such a length of time and the damage to the church property was such that there was a just claim for the use of it and for the damage done to it by this occupation. You will find those claims running from a claim for $150 for the use of a church, practically over night, or for 24 hours or 48 hours—a claim of that kind is never presented until 40 years after the war, and then presented by some one representing the church corporation—you will find these claims running from an undeserving claim like that to a substantial and just claim for the use of a church for six months or a year, where the occupants had perhaps done serious damage to it. There is another class of these claims for the occupation of churches.

Then there are the claims for the taking of cattle and horses, and grain out of the granaries, corn out of the bin, and wood out of the timber lot, and the destruction of rails or the making use of them, and all that sort of thing.

Now you find again that these claims are differentiated; that is, in regard to the course pursued by the claimants. Some of them presented claims to the quartermaster at the time, or immediately afterwards, and he took some action about them; he either recommended that the particular claim be paid or made a report that the man who claimed to be the owner was disloyal and not entitled to anything. In other cases no claim was made at all to the quartermaster; but some years afterwards, under a tribunal of limited jurisdiction called the Southern Claims Commission, whose authority was confined to a certain class of claims—and that commission expired, I think, in 1874 or about that time—they could present claims of a certain kind to that tribunal. In many cases that tribunal rejected the claims because the claimant was disloyal. Then came the demand for further statutes to allow these claimants to have a further day in court, and the result was the enactment of what is called the Bowman Act, which did not make it necessary that there should be findings of some kind in regard to neglect or delay or laches in presenting the claims, but confined its relief to a certain class. A great many of these claims were submitted to the Court of Claims under that act.

Then later on another act was passed, called the Tucker Act, by which the court was required to submit to Congress explanations and reasons, if there were any, for the long years of delay in presenting the claims. The Court of Claims had no jurisdiction except to make findings of the facts, and then it was a discretionary matter with Congress as to whether the findings of fact coming from the Court of Claims appealed to Congress as furnishing sufficient information to them to justify making an appropriation of money.

If the question of laches was involved under the Tucker Act the Court of Claims were required to present to Congress the facts, if any existed, to explain why the claim had apparently lain idle for a whole generation without anybody coming into the Court of Claims to present the proof in regard to it, when the original claimant had been in his grave perhaps for 10 or 15 or 20 years, and his children or his grandchildren, for the first time, were coming up and presenting claims. Under the Tucker Act they were required to present such facts as could be shown to explain the reasons why the delay had occurred, so that Congress might consider them when the question came up as to whether there appeared to be equitable grounds for making appropriations.

There are some good claims in this bill, and I want to say, in justice to the Senator from Florida [Mr. BRYAN], that, while he and I, working together upon the committee, did not look at these cases alike, he feeling many times that they should be allowed when I thought they ought not to be allowed, I have absolute confidence in the sincerity of his view and in his belief that as to every item which he has submitted in this bill the facts do justify an appropriation on the part of Congress. I regret that I am unable to agree with him in regard to that.

Now, I want to call attention to just enough of these cases to give the Senate an idea of their general character. For instance, let me call attention to the history of the claim found on page 14 of the bill:

To Mrs. M. E. Arrowood, administratrix of the estate of William Coursey, deceased, of Fulton County, $617.

This claim has the following history: It is a claim based upon the taking of property during the Civil War. The property was taken prior to 1864, but the case was not brought to the attention of the Court of Claims until 24 years later, in 1888. Although it was referred to the Court of Claims in 1888, no finding was made in regard to loyalty until 1909, 21 years later. The matter apparently slept in the Court of Claims, after it was taken there, for all that time, before there was any finding or expression in regard to loyalty.

I now want to say a word in regard to the situation in which the Government finds itself in such cases. The Government has some rights. Was this man Coursey a loyal or a disloyal man? The Government might easily have found that out in 1864 or in 1865, when the witnesses were alive, when all the facts were reasonably accessible; but the matter was allowed to sleep until 1909, and then some one came up and said, "Yes; Coursey was loyal. I knew something about him." The Government witnesses might have been found a generation before, but they are all dead and gone now. That shows some of the difficulties which the Government experiences by these long delays.

I want to give you the history of this claim. William Coursey died after the property was taken. So, it was not taken from children of tender years, nor from the administrator of his estate, but it was taken from Coursey himself. He was survived by two sons, Daniel and Lloyd Coursey. They went before the Southern Claims Commission, to which I referred a moment ago, each of them claiming a part of this property, each an undivided half. Lloyd Coursey satisfied the Southern Claims Commission that he was loyal, and they paid him for his half; but they rejected Daniel's claim because he was disloyal.

We are bound to have some respect for that finding. The Southern Claims Commission is criticized a great deal, I know; but it allowed the claim of one brother because he was loyal and disallowed the claim of the other brother because he was disloyal. Now, see what they attempt to do. After Daniel failed because he was disloyal and was unable to collect his half, then, long afterwards, in 1908, they secured the appointment of Mrs. M. E. Arrowood as administratrix of William Coursey, the father of these boys, and then they sought to recover this half interest that Daniel claimed, but which claim was rejected because of his disloyalty. They sought to recover it as the property of the father, Daniel Coursey, although that claim had been sleeping there for 43 years.

Mr. BRYAN. Mr. President——

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Florida?

Mr. CRAWFORD. Yes.

Mr. BRYAN. The Southern Claims Commission did not find that Daniel Coursey was disloyal.

Mr. CRAWFORD. I know they did not. They made no finding on that at all. I mean, that is the father, William Coursey.

Mr. BRYAN. They rejected the claim because of the lack of proof of loyalty to the Southern Claims Commission. He afterwards went before the court.

Mr. CRAWFORD. He was unable to make that proof, and that proof was required affirmatively. Now that is put in here as a claim that should be allowed in this bill.

I just want to show the general character of many and many of these claims. Here is a man that claims that he lost some money in a game of chuck-a-luck.

Mr. BRYAN. Mr. President——

Mr. CRAWFORD. I just want to call attention to it.

Mr. BRYAN. But, Mr. President, that is not in this bill.

Mr. CRAWFORD. No; I understand it is not in this bill. I am going to be fair about this. I am only calling attention to the character of many of these claims that are sent over by the Court of Claims and upon which they expect Members to appropriate money. No; the Senator excluded that from this bill, but it has passed the House twice in an omnibus bill—page 106, a man named Sheppard. Now, this claim of Sheppard's was not sent to the Court of Claims until 1906. I want to be fair to my southern friends. This was not a southern property owner's claim. This man was a Union soldier. He was loyal; but he was seized by the provost marshal under orders of Gen. Hazen in 1864, and they found $836 in cash in his possession, and they took it away from him because he had been, as a chuck-a-luck gambler, swindling his comrades out of this money. They took it away from him. Then, it seems that in the proof that followed they only showed that he had won $376 of it in chuck-a-luck, and there was a surplus about which the proof was not clear. Gen. Hazen had given that over to some of the officers and it was lost somewhere. It never went into the Treasury of

the United States. In 1906 he goes over to the Court of Claims and gets a finding simply of the facts—not that he was entitled to anything, but simply of these facts. He puts that into an omnibus bill and the House passes it, and it comes over here as a part of an omnibus bill.

I am citing it, not in any way to show that many of these claims are not good, but to show how much reliance you can put upon an item that goes into an omnibus bill and is based upon some findings of the Court of Claims.

Now, here is another. The Senator has done well in many of these. I note the absence of some old familiar acquaintances of mine whom I met in these omnibus bills that have been here before, and have been left out of this bill. That is true; but here is one that the Senator has not seen. I think I saw it a moment ago. It is the Humboldt College, Tennessee. Here was a college, the Humboldt Female College, G. S. Lannom, receiver, in Gibson County, Tenn. That did not go to the Court of Claims until 1904, 40 years after the war had closed, and in 1905 they found that that college was loyal. They found—and I am not finding fault with them for that—that this educational or eleemosynary institution, as such, was loyal. I have always been in sympathy with the spirit that prompted the payment, for instance, of the loss occasioned by the destruction of William and Mary College, an old historical institution of that kind; but let us look at this institution. They found it loyal in 1905. The building belonging to this college, occupied by the United States military forces in 1862, used as a hospital, happened to burn down. There is no longer any college there. It is not a going concern. It has not been for years. This man Lannom, whoever he is, away down in 1904 gets himself appointed receiver of that old, obsolete educational corporation that went out of business when its property was burned down, apparently; away down in 1904 he goes in and establishes this old claim, in order that it may be paid over to him as receiver. Now, I want to comment on this without being reckless, or anything of that kind; but it is very clear to my mind that some attorney, enterprising and speculative, got hold of that old incident, and he and Mr. Lannom may have a little snap there in the amount of money they got from that college in the name of that corporation that is practically out of business. We have claim after claim of that character in this bill.

Mr. President, knowing the Senator from Florida as I do, I am going to assume that he has left the specific claim that I now have in mind out of this bill. I know he would if his attention were called to it. I can not just at this moment turn to the particular claim, but it was an old church, I think, down in Tennessee. The building, whatever it may have been worth, was destroyed. That church corporation had been out of business, and there was no organization in existence at all. A whole generation goes by, and this one man comes up presenting some colorable evidence that he is a trustee of that corporation, and in his name he puts a claim through over here in the Court of Claims finding the value of this old church back during the war, and he is apparently the only person in existence that represents that church or that organization.

Now, while I will not say it as an absolute fact, it has so forced itself in upon me that I believe any reasonable person would conclude that it was a mere matter of speculation between the lawyer and this man, who gets himself named as a nominal representative of that old, obsolete church organization, to grab this money and divide it between them. Over and over again there are such claims as that.

Now let us look at this minor-children proposition.

THE MERCHANT MARINE.

Mr. FLETCHER. Mr. President——

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Florida?

Mr. CRAWFORD. I do not want to take any more time than is necessary to get my views on this bill before the Senate, and on that account I do not want to be interrupted. I will yield temporarily if it is in the interest of the business of the Senate.

Mr. FLETCHER. I will let the Senator finish, if he prefers.

Mr. CRAWFORD. It will take me a little time to go over this bill as I want to. I do not want to yield the floor.

Mr. FLETCHER. Then I ask that the Senator in charge of the bill will allow it to be laid aside temporarily while I ask to have laid before the Senate the message of the House in reference to Senate bill 5259.

Mr. BRYAN. Mr. President, I will comply with that request. I ask unanimous consent that the claims bill may temporarily be laid aside.

The VICE PRESIDENT. If there is no objection, the claims bill is temporarily laid aside.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives insisting upon its amendments to the bill (S. 5259) to establish one or more United States Navy mail lines between the United States and South America and between the United States and the countries of Europe, disagreed to by the Senate, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. FLETCHER. Mr. President, I offer the following resolution:

Resolved, That the Senate do further insist upon its disagreement to the amendments of the House to the bill S. 5259, and agree to a further conference on the disagreeing votes of the two Houses, and that the Vice President appoint the managers on the part of the Senate.

Mr. BANKHEAD. Mr. President, I shall speak briefly on the pending question. What I shall say will be with charity for all and malice toward none. The bitter denunciation by certain Senators on this side of the Chamber of their colleagues because of opposition to the purchase of ships by the Government was unwarranted and unjustifiable. The senior Senator from Missouri and I entered Congress about the same time, some 28 years ago, when a warm friendship at once sprang up between us. I learned to love and admire him. Nothing he can say will drive me away from him or provoke a breach between us. His heart is full of the milk of human kindness. I know he must have rolled and tossed on his bed every night since his ill-tempered and unfortunate utterances on the floor of this Senate, unable to find sleep or repose. Tears have chased each other down his cheeks as the sting of regret has sunk deep into his big heart for having unwittingly and without reflection attempted to hold up to scorn and ridicule certain of his party associates who saw fit to differ with him upon a great and fundamental question of governmental policy. His heart is in the right place. His mind sometimes goes wrong. I freely and without reserve forgive him. Now, the junior Senator from Missouri was born kicking and has been kicking ever since, and somehow he has acquired the habit of running away. He just can not help it, and therefore I excuse him.

For more than half a century, as a humble Member of the Democratic Party, thoroughly subscribing to its principles, which I firmly believe are essential to the best interest of this Republic, I have supported the ticket, assisted in fighting its battles, defended it from attack by its enemies, and marched under its banner both in defeat and victory, and no man can charge that I ever abandoned its flag, deserted to the enemy, or failed to respond to every call it made upon me. It is too late now, with an abiding faith in the justice of its principles which has followed me all these years, to disregard or repudiate the convictions of a lifetime that Government ownership and operation of means of transportation is a violation of the spirit of Democratic institutions, vicious and dangerous in its results, socialistic in principle, and in the end threatens the very existence of the Republic.

If the Democratic Party, of which the senior Senator from Missouri is an honored member, has at any time in its history declared, if given control, it would set the Government up in the shipping business at the expense of all the people and engage in over-sea transportation, or even that it would lend its credit or assistance by subsidies or otherwise to such a scheme, I confess I never heard of it; nor have I heard during the days of debate on this question any friend of the bill declare that such a proposition is in harmony with the policies or principles of the party. Such being my earnest convictions, unless there be some serious, grave, or impending danger imperiling the liberty of the people or the life of the Republic itself, I can not believe the constituency which I in part represent would have me forsake the party whose commission I bear in order to support this bill because some 35 Senators have in caucus declared it a party measure binding upon the hearts and consciences of every Senator on this side of the Chamber.

Mr. President, what constitutes the policies of the Democratic Party, and in what manner are they determined? Are they not declared by and through the assembled counsel and wisdom of its own members gathered from every section of the country, and do they not covenant with the people by solemn pledges to be found in their platforms? Can any Senator an advocate of this bill point to a single declaration which in the remotest degree sanctions or indorses a measure of this character? While the present Congress has revised the tariff, created a regional banking system and a trades commission, and amended the Sherman antitrust law, all progressive and constructive legislation, were they not brought about without an attempt to bind Senators through mutual conferences? So why should it be attempted to compel Senators to support a measure which has no warrant in a Democratic declaration of faith and practice? It is not sufficient to dismiss the question merely by

saying it is an administration bill. There is considerable difference between that kind of a measure and one which violates one of the expressed commands of the party faith. If the President in his earnest and sincere desire to promote an adequate merchant marine, a necessity for which all admit, were to submit a proposition and urge its passage for a subsidy from the Public Treasury sufficient to pay the difference in the cost of construction and operation of ships at home and abroad in order to equalize the handicap they are now under, would any Senator, because it happened to be indorsed by the administration, support it as a Democratic measure, and would they vote for a rule to cut off debate and railroad its passage through the Senate?

The people of Alabama have never expressed a desire that the Government should acquire and operate transportation facilities; they have never declared that $40,000,000, more than half the value of their recent cotton crop, should be withdrawn from the Public Treasury and expended in the purchase and operation of ships at exorbitant prices, especially when the friends of this bill have openly admitted the project must of necessity be conducted at great loss, requiring additional appropriations from the Public Treasury to make up the deficiency, and until the party to which I belong instructs me to support such a measure I can not obtain the consent of my mind to vote for a bill which taxes the American people $40,000,000 at one stroke of the pen, on top of an income tax already in force, both upon individuals and corporations; in the face of a known deficit in the National Treasury; and at a time when an emergency stamp tax has just been passed to raise a hundred million dollars to meet the running expenses of the Government; and when it is suggested even this amount is not sufficient to meet the deficiency, and other and additional methods must be found to raise more money, we are asked to appropriate this sum to purchase foreign ships to sail under the direction of a Government commission composed of men who, though honest, patriotic, and capable, know no more about the management of steamship lines and the numerous problems involved in their successful operation than an Alabama farmer knows about a flying machine.

The friends of the bill base their support upon the fact an emergency confronts the Nation, such as justifies them to throw overboard one of the cardinal and fundamental principles of the party. Let us inquire if the emergency—and there is an emergency—is such that this bill, if enacted into law, would relieve the situation or serve any useful or beneficent public purpose and justify the expenditure of this enormous sum of the tax money of the American people; direct the Government to engage in a purely business venture, without precedent in the history or experience of any nation on the face of the earth, and which tends directly to socialism. It authorizes an initial expenditure of $10,000,000, which may be increased to $40,000,000, to purchase or build ships to carry the commerce of this Nation to foreign ports. Whose products will they carry? From what ports will they sail? It is not contended by the most ardent friend of the bill that it would put into service sufficient ships to carry all our tonnage seeking a foreign market. To do so would require thousands of millions of dollars. It is insisted the Government will carry our products at much less cost than private ships are now delivering them, but the Government must discriminate somewhere and somehow as to whose products will be carried at cheaper rates than can be obtained elsewhere, and as to what markets they will be delivered. Who will be selected as the especial beneficiary of the Government's gratuities, who will be denied its advantages, and who will either have to market their products at home or pay the greater tolls demanded by private interests? It must be remembered, however, there is a certain character of commerce awaiting transportation, but does it not consist largely of foodstuffs, live stock, and munitions of war purchased by belligerent powers, and if the war were to terminate tomorrow, would not the present emergency cease and the abnormally high prices and the unusual demand at once become normal, and would not a large number of ships now withdrawn from foreign commerce again engage in foreign shipping?

Already serious agitation has begun for an embargo, not only on our corn and wheat to prevent a famine in this country and to maintain prices within reasonable limits for the protection of our own citizens, but also on munitions of war, both as an act of humanity and to hasten peace in Europe. We are exporting more cotton than in similar periods of our history. During the month of January our exports of cotton exceeded those of the same month a year ago by 320,000 bales, due to the fact cotton is expressly exempt from the list of articles of contraband; so why should we hasten its export when the price is daily increasing? The exports for February show an increase over February a year ago about 627,618 bales.

The exports of cotton by months since December 1, compared with corresponding periods a year ago, are as follows:

Month.	1913	1914	Increase.	Decrease.
December	1,230,730	1,202,115		28,615
	1914.	1915.		
January	1,052,732	1,372,175	319,803	
February	751,010	1,378,628	627,618	
Net increase for the corresponding period ending March 1, 1914, and March 1, 1915				918,806

In December, 1914, the United Kingdom took 572,396 bales of cotton, compared with 472,028 bales in the same month of the year before, or nearly 100,000 bales more than in the corresponding month last year, when no war was in progress. Italy took 200,028 bales in December, 1914, as against 80,621 bales the same month in 1913.

It is true Germany and France did not take as much of our cotton in this month as they did in the corresponding month for 1913, but the total of our exports of cotton for December, 1914, were approximately the same as for the same month in 1913.

During the month of January, 1915, our exports of cotton to the United Kingdom were 585,534, compared with 437,231 bales in January, 1914, or 148,303 bales in excess of the corresponding month in 1914. Italy took 217,982 bales in January, 1915, as against 54,824 bales in the same month last year. France took 70,901 bales, as compared with 54,824 bales in January, 1914. The total exports for January, 1915, exceed those of the same month in 1914 by 319,903 bales.

Exports of cotton for September, October, and November were small compared with a year ago, due, of course, to the shock to the business world by the unexpected declaration of war and the low prices which prevailed, during which time the farmer held as much of his crop as possible for better prices; but when about December 1 it was declared no longer conditional contraband prices began to advance and the normal exports began to move.

The exports in cottonseed oil in January, 1915, were 37,932,687 pounds, as compared to 30,374,725 pounds in January, 1914. The total exports of cottonseed oil for the seven months ending January, 1915, were 142,004,094 pounds, as compared to 109,986,202 pounds for seven months ending January, 1914.

Cotton will not be exported until some one buys it. Does anyone doubt that both Germany and England have all the cotton their necessities require, either on hand or purchased and stored in this country awaiting shipment from time to time as needed and facilities are offered, most of it bought months ago when the price was extremely low? At Galveston, New Orleans, Savannah, and other cotton-export points more cotton is being loaded for foreign markets than in many months before, and lately exports have far exceeded those of corresponding periods in former years. So it is difficult to believe that the farmer is suffering because his cotton can not be exported. If, as we believe, the cotton acreage of the South is to be reduced this year to a 10,000,000-bale crop, with that which the farmer may be able to hold, there is every reason to hope this year's price will be commensurate with its value when ready for market. So why attempt to get it out of his possession now?

We are told freight rates are abnormally high, which is true, because ships sailing from our ports to foreign ports carry a cargo, but when they arrive at their destination they must wait from three to six weeks before they can dock, and when a vessel does get a berth she finds it almost impossible to secure labor; when finally it is unloaded she returns to this country without any cargo, virtually empty, so that the freight on the outgoing cargo must pay the expense both ways and expenses and charges at the foreign ports and the increased insurance rates caused by the extraordinary risks assumed.

Mr. President, when this bill becomes a law, and the Government enters regularly into the shipping business, it must establish lines from our ports to some foreign ports, or else it must put vessels into what is commonly known as the tramp service. Suppose the Government should designate the port of New York as the point from which its ships shall sail—what will Boston say? Or suppose the port of Galveston is designated—what will Savannah say? Will each of the large ports of the United States not contend that ships owned and operated by the Government should sail from their respective ports?

The wise framers of our Constitution rendered it impossible for Congress to show any partiality between the States or be-

tween the ports of the different States. That instrument, the greatest ever framed by human intellect, provides, in Article I, section 9, paragraph 6, as follows:

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another.

How is Congress to establish a Government-owned steamship service and keep within this unqualified limitation upon its power?

If Congress should pass the ship-purchase bill, it will be both a physical and financial impossibility for the United States to carry out such a scheme with credit or success. The administration would have immediately to determine whether it was going to maintain a tramp service or a regular service. If it undertook to maintain a regular service, the Constitution of the United States would be ignored; if it undertook to maintain a tramp service, insolvency would speedily be its fate.

Those corporations and manufacturers who have large contracts to supply England, France, Russia, and other nations with foodstuffs and munitions of war at extremely high prices doubtless are suffering serious inconvenience because ships are lacking to carry their products across the sea, but this clamor for a shipping bill is temporary, and will cease when the war is over and hundreds of ships become available for our commerce that are withdrawn from service because of the war.

Something, Mr. President, should be done to build up and foster an adequate merchant marine flying the American flag to carry our increasing foreign exports and imports in American bottoms. It is a question which the American people must consider, but it is different from the one we now have before us. The time was when the American flag dominated the seas in the transportation of our own products; but, because of certain features of a protective tariff, the increased cost of ship construction in the United States compared with that in other countries, the difference in the standard of wages paid to seamen, the additional number of sailors and other employees required by our laws over that of other nations, and the difference in the registry of tonnage under our laws and that of other Governments, it became more profitable to construct, register, and operate ships under the flag of other nations, so that at present only a nominal part of our commerce is carried in American bottoms. Another decided advantage is due to the fact that other nations, to encourage foreign shipping, have been liberal with subsidies from the public treasury to lines engaged in international commerce. The American people have denounced such a policy as unwarranted favoritism, undemocratic, and repulsive to our system of political government. This subject demands our serious consideration, but it is only remotely related to the ship-purchase bill now before the Senate, which seeks to put the Government into the business of shipping and which, at the most, can affect only a very small per cent of our foreign trade.

Much has been said about the Shipping Trust, and intimations are made that Senators who oppose the bill are under its influence; but, sir, if there is a Shipping Trust that will escape the provisions of this bill, it could be none other than the trust which is engaged in our coastwise trade. Our laws specifically prohibit ships to engage in coastwise trade unless constructed in this country and flying the American flag. It has been stated in the course of this debate that 92 per cent of our coastwise trade, amounting to nearly 7,000,000 tons annually, according to investigations in the House of Representatives, is now controlled either by the railroads or ship combinations, and that the other 8 per cent, a very small portion of the coastwise commerce, is carried by independent ships, so why does not this bill permit the Government to engage in that character of shipping to afford relief to the people of the various States who desire cheaper means of transportation to markets in other States? Why should ships constructed abroad and purchased by the United States not engage in this trade, where a monopoly certainly exists?

Why should a Government ship, flying the flag, be denied the privilege of engaging in the coastwise trade? Why should a ship delivering a cargo at Galveston from a foreign port not be permitted to take on a cargo of cotton from Galveston or any southern port to Boston or Fall River? Why should a ship be compelled to go from Galveston to New York and leave a cargo of cotton seeking shipment to eastern markets? There is but one answer, and that is a Shipping Trust in coastwise trade is being protected and encouraged.

These ships are bought with the people's money, and they are denied the use of them. You provide in the bill that these ships can not carry freight or passengers from one port to another in the United States. The Senate voted down an amendment which I offered to admit these ships to the coastwise trade. You may explain to your people why you did it.

Under the provisions of this bill, if a Birmingham manufacturer desired to send his products to San Francisco by water on barges down the Warrior River to Mobile or New Orleans, and thence through the Panama Canal to San Francisco or Seattle, he would be told you can not enjoy the benefit of the reduced rates on Government ships, because the ship-purchase bill forbids these vessels engaging in coastwise trade, and therefore this Birmingham manufacturer would be compelled to send his shipment by rail or pay the higher tolls exacted by the coastwise Shipping Trust, although the people of Alabama have contributed to the purchase of these ships.

It is insisted, if this bill should pass, ocean freight rates will be greatly reduced. They must sail from some definite point, a regularly established line, or else they must be put into what is commonly called the tramp trade—and be it remembered that 80 per cent of the ocean commerce is carried in tramp vessels—that is to say, carried in vessels that go anywhere when a cargo is offered, but these Government-owned vessels must ply between designated points. Suppose a Government ship sails from Galveston to Liverpool with a cargo of cotton, what would New Orleans says? Would she not insist that she was being discriminated against; that the Government was furnishing Galveston cheaper transportation than New Orleans could get; and if New Orleans had a Government ship sailing with a cargo to Bremen, what would Mobile say? Would it not be a clear discrimination against Mobile, Pensacola, Savannah, or Norfolk?

If the Government owned all the boats that could be bought or built under the provisions of this bill, it would not exceed 3 per cent of the ocean carrying trade, and I am unable to see how vessels carrying 3 per cent of the commerce could materially affect or regulate the rates.

Mr. President, the conditions produced by the war in Europe can not be remedied by statute. The law of supply and demand can not be repealed. It is in operation in war and in peace. We are liable to become excited and seek remedies that do not cure or palliate and which are often worse than the disease. When the war in Europe broke out, insurance rates greatly increased. So Congress undertook to remedy the evil and passed a bill establishing a War Insurance Bureau, and authorized the Government to issue insurance policies on ships and their cargoes. What has been the result? In two days two ships insured by this bureau were sent to the bottom of the ocean. The loss will exceed $500,000. It may be that to-morrow or the next day two others will go to the bottom of the ocean and a million dollars be lost. Where is this money in excess of the premiums collected coming from except out of the Treasury of the United States? It is the people's money, collected in the form of taxes, and by the way we are constantly reminded there is a deficit in the Treasury and additional taxes and additional sources of revenue must be found. I inquire where is this business of insuring ships going to end?

It has been well said in the course of this discussion that half of the world is on fire, and we seldom read our daily papers without an apprehension that the Government of the United States may yet be drawn into its gulf.

The conditions recently imposed by Germany as a result of the use of neutral flags by the enemies, governing ships in the limits of a certain war zone, and the number of neutral ships recently destroyed while engaged in lawful commerce emphasizes the multiplied dangers of war on the part of this Nation if its ships were to encounter a mine or go down from an attack by a submarine.

Wisely and with commendable precaution the President has endeavored to hold this Nation in a position of absolute neutrality. No greater calamity could befall our people than to be drawn into this awful conflict. There are few Senators on either side of the Chamber who know from personal experience what war is or the awful horrors and fearful consequences that follow in its wake. I do. I have stood at the front on numerous battlefields and have seen its awful effect. The people of the South, where I come from, have not yet recovered from the disastrous results of the Civil War, and they never will. We want no more of it, and we applaud the patriotic efforts of President Wilson to steer clear of the conflicts that might lead to hostilities, but every ship we sail across the sea will increase the danger of a complication with one or more of the nations at war, and if by chance or design a ship the property of this Government, flying our flag, under the provisions of this bill, should run into a mine laid by a belligerent power and loss of life and property should follow, the flames of passion and anger thereby engendered would precipitate an outbreak as surely as did the destruction of the *Maine* in the harbor at Habana. If a ship owned and controlled by pri-

vate interests should suffer similar misfortunes, there are a number of ways by established usage and custom and through diplomatic channels by which this Government could secure proper and satisfactory reparation, but such would not be the case with a ship owned and controlled by the Government itself.

No Senator in this Chamber, no citizen of this Republic, is more anxious that the United States shall continue to develop and grow in wealth and prosperity, to the end that our people, the farmer, the artisan, the manufacturer, the laborer, may have and enjoy for himself and his family the comforts of life, and that the products of our mines, farms, and factories may find a profitable market both at home and abroad; but I submit to the serious thought and sober judgment of this Senate, is it not the better course of wisdom and statesmanship to forego, for the present at least, the adoption of this bill, which seeks to send into the war zone of the East our cargoes of freight, with all its attendant dangers of seizure and confiscation under the laws of warfare, take chances on the consequences of an insult to our flag and Nation in order to fill our coffers with gold? Rather would not the American people prefer to await the future, when the struggle is over and these people in their efforts to restore their loss in business, trade, and industry will demand of us that which we have to sell, than now to take the chance for the increased profits that will accrue directly to some and indirectly to others? The fate of these nations at war hangs in the balance, and rather than go down in defeat, so desperate will the struggle become, they will not hesitate to involve this country upon any pretext or reason. So why should we, for mercenary reasons alone, place ourselves in the path of danger?

Mr. President, I am not unmindful of the fact our foreign shipping is paralyzed; that higher rates are exacted, naturally due to the conditions which obtain in the East; that insurance rates are excessive; and that the Government, by its superior authority, could in some measure under the provisions of this bill relieve the situation and break down to some extent the barriers between our products and a foreign market.

I violate no secret of the Democratic caucus when I state, in explanation of my position with respect to this bill, that I submitted an amendment, a copy of which I hold in my hand, and which, in my opinion as well as the opinion of those Democrats who agree with me, would limit it solely to an emergency measure, avoid danger of war or foreign complications that might grow out of the purchase of interned German ships or other ships belonging to belligerent powers, save the good faith of the Democratic Party, pledged against Government ownership, and provide a valuable and necessary auxiliary fleet for our Army and Navy. The caucus rejected the amendment which I now read:

Provided, That in making purchases of ships during the continuance of the pending European war no purchase shall be made in a way which will disturb the conditions of neutrality.

Provided further, That at the end of two years after the conclusion of peace in Europe the Government shall cease to operate said vessels and shall dispose of them either by transferring them to the service of the Army or the Navy, or both, so far as they may be adapted to these services, or by leasing or chartering them for private operation.

And, therefore, honestly entertaining the views I have attempted to explain, with the conviction expressed by many eminent lawyers that the bill violates the Constitution, I declined to be bound by the alleged attempt to compel me to repudiate a cardinal principle of the party, adopt an untried and unheard of experiment, and violate the Constitution of the United States, which I have sworn to support.

If this amendment, in substantially the form and substance as stated, is now acceptable to the advocates of this bill, I will support it.

Mr. President, it is urged that all Democratic Senators are bound to support the bill, but it appears to me the first thing to determine is it a Democratic measure; and I ask for no better method of deciding that question than the one laid down by the President himself, who has on different occasions very clearly defined what is a Democratic measure, and, incidentally, what is Democratic.

A few weeks ago, when the cotton situation in the South was most acute, a large delegation of cotton producers came to Washington and, accompanied by Senators and Representatives, called on the President to make a plea for relief. The President listened attentively and most respectfully to their appeal, and when the delegation had finished he said:

The gravity of the situation is very manifest, and I want you to know that I have been giving a great deal of attention to it, with the earnest desire to see some way by which the difficulties could be solved without committing the Government, in principle, to any action which would plague us in the future, because the danger of the present situation is that under the pressure of what appears to be necessity we should make some radical departure from sound economic practice which in future years we should very much regret. We have got to make great sacrifices not to make fundamental mistakes.

Again, when a delegation of ladies called at the White House to enlist the President in their cause, the President replied that the Baltimore platform was the voice of the party, and that only the principles of that platform could be recommended by him to Congress.

In his message vetoing the immigration bill he asked this pertinent question:

Has any political party ever avowed a policy of restriction in this fundamental matter, gone to the country on it, and been commissioned to control its legislation? Does this bill rest upon the conscious and universal assent and desire of the American people? I doubt it. It is because I doubt it I make bold to dissent from it. I am willing to abide by the verdict, but not until it has been rendered. Let the platform of parties speak out this policy and the people pronounce their wish. The matter is too fundamental to be settled otherwise.

It is a serious question to build or purchase and operate ships at public expense in direct competition with private capital—in short, to engage in private enterprise—something never seriously attempted by any Government on the face of the earth, when the same funds could more profitably be expended on works of internal improvement in our rivers and harbors or in the aid of the construction and maintenance of post roads, giving employment to people out of work, or in the creation of a rural-credits system to enable the farmer to obtain funds on long-time loans, at low rates of interest, with which to improve his farm, increase the quantity of his products, lift the mortgage, or pay for his home. Such use of the public funds will meet with the approval of the country rather than the construction of a railroad in Alaska, recently authorized at a cost of $40,000,000, or the purchase of ships that will serve no one except a small proportion of the people directly interested, and at the expense of all the people. Do something like this and you will keep faith with your promise to the people who transferred to the Democratic Party the reins of government; you will afford relief to those who need it and whose contributions have supplied the funds you propose to spend; you will avoid in a much greater degree the possibilities of war with some other nation and help to start moving the wheels of industry. Until the war is over there will be depression in certain avenues of trade, which no arbitrary legislation will relieve; but let us not abandon the old ship of state and ground it on the rocks of socialism and untried experiments.

Mr. WEEKS. Mr. President, when the shipping bill was originally proposed it was announced that there were two purposes intended to be attained by it—one to provide for a temporary necessity and the other for building up a merchant marine. I understand that the conference report which has been presented and which is now on the table has eliminated the provision for the first of those two purposes; in other words, we have now before us a proposition to go into the shipping business permanently, the Government owning and operating lines of ships. It is to that particular phase of the question to which I wish to address myself this afternoon at considerable length.

Before doing so, however, I want to call to the attention of those in charge of the bill the fact that there are many Senators who had prepared themselves to discuss this measure before it was sent to conference two weeks ago. I have been handed a list of those Senators, and I wish to furnish the list to the RECORD, so that there may be no question about the desire of Senators on this side to discuss the bill, especially because it is probable that on account of the limited time all of them will not be able to make the comments which they desire. The list includes Senators BURTON, ROOT, LODGE, OLIVER, JONES, GALLINGER, PENROSE, TOWNSEND, SMOOT, LIPPITT, POINDEXTER, MCCUMBER, BRISTOW, CUMMINS, SHERMAN, CLAPP, SUTHERLAND, NELSON, STERLING, CLARK of Wyoming, WARREN, WILLIAM ALDEN SMITH, and DU PONT.

Those Senators have informed me that they wish to discuss the bill from one to several hours each, and I think that statement would justify——

Mr. FLETCHER. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Florida?

Mr. WEEKS. I yield for a question or a statement.

Mr. FLETCHER. Mr. President, after the statement that has been made by the Senator from Massachusetts, it is perfectly evident that it is impossible to pass the shipping bill at this session. I regret exceedingly the determined opposition to the measure. I am myself quite convinced that this bill, if enacted into law, would mean much to the prosperity of this country and for the welfare of our people. I believe it would meet not only a pressing emergency at this time, but one which is likely to continue for many months, and in addition to that it would form the foundation, certain and permanent, for an American merchant marine.

I will not now, of course, take the time to discuss the merits of the measure. I simply rise at this time to say that I appreciate that we have but few precious hours left in which to complete the work of this Congress. I realize that it is in the power of the opponents of this bill to defeat it, and, further, that to press it upon the attention of the Senate would be to deny the consideration of various important matters, such as conference reports, such as the bill which has just been laid aside, such as matters on the calendar, and other work which demands our attention. In these circumstances, Mr. President, I would not feel justified in continuing longer this struggle.

I ask at this point if I may, in concluding what I am saying, to be permitted to insert in the RECORD, without reading, some clippings, communications, and statements bearing upon the substantial phases of this subject.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

[From the New York Journal of February 27, 1915.]

OCEAN FREIGHT RATES KEEP AT HIGH LEVELS—TONNAGE DEMAND STILL IN EXCESS OF FACILITIES—REGULAR LINES HAVE DISPOSED OF MOST OF MARCH FREIGHT ROOM—CHARTERING MARKET ACTIVE, WITH RATES TENDING HIGHER—NO PROMPT BOATS AVAILABLE—MORE STEAMERS WITHDRAWN FOR TROOP TRANSPORT.

With the chartering market continuing its upward trend and berth rates on the regular trans-Atlantic lines holding firm at the highest levels of the war, conditions in the ocean freight market still attest the shortage of tonnage and its inability to cope with the movement of freight from this country to Europe.

"There is an absolute lack of prompt steamers," said a prominent factor yesterday. "I have inquiries for 10 steamers for March loading which I can not fill, and while some steamers can be obtained for late March delivery, it means that the vessels will not begin loading until April. This condition means that freight rates have not by any means reached their crest, and that the probability of rates receding with the advent of summer is exceedingly dim."

The month of January was a spectacular period in the ocean freight market; rates for the movement of grain, cotton, provisions, timber, and general cargo advanced steadily. The upward movement continued in February, but about the 10th of the month the advance halted and rates began to hold firmly around the top figures. Since that time the market has been exceedingly active, but on the whole the upward movement has for a time stopped. The freight market yesterday bore little indications of recession in rates, but, on the other hand, there were few signs of further advances.

There are quite a few controlling factors in the ocean freight situation at the present moment, and it is apparent that the steamship lines are awaiting developments in Europe. The situation as outlined by various factors in the market may be summed up as follows:

1. The effect of the German war zone declaration on the movement of freight to the United Kingdom. The destruction of steamers, at present limited to English coastwise vessels, may extend to ocean steamers.

2. The demand for freight room is very active and the large steamship lines report having disposed of most of their space on the March sailings, with an active demand for room on April steamers.

3. The freight movement from Europe to this country is small and westbound voyages are productive of losses which must be made up by the eastbound movement.

4. The withdrawal of big trans-Atlantic steamers for use in transporting English troops to France has again diminished the facilities of the regular lines, and it is expected that more steamers will be requisitioned by England before the end of March, thus forcing the lines into the chartering market for more vessels.

5. Owners of tonnage available for charter are demanding high rates for single voyages as well as time charters, this being a factor in supporting the market and tending to force rates higher.

Conditions in the chartering market continue firm, with an active demand for tonnage, both prompt and forward. The demand for grain steamers continues heavy, fully 30 steamers being reported as chartered for March and April loading during the past week. To the Mediterranean 11 shillings has been freely paid for March grain steamers with demurrage guaranteed, while to Scandinavia 14 and 15 shillings has been given. To the United Kingdom steamers have been fixed at 8 shillings, but owners are demanding higher rates in view of the submarine hazard.

There is quite an active demand for cotton tonnage, with somewhat of a lull in the volume of chartering in the German cotton trade. The latter factor is due to the inability to secure American steamers and not to a falling off in the demand for vessels. American steamers now returning from Germany are being quickly rechartered to go back to Rotterdam and Bremen with second cotton cargoes.

One of the features of the chartering market is the demand for sail tonnage in the lumber trade and the South American business. Southern lumber mills have received large orders from England to supply timber and lumber. The closing of the Baltic has created a scarcity of lumber in England, while the demand for this commodity has increased owing to the need of building huts to house the many refugees from Belgium and France. Square-rigged tonnage from the South Atlantic ports to the United Kingdom are being paid 150 to 170 shillings for March and April loadings, while prompt boats are obtaining 180 shillings.

Fully 25 American schooners have been chartered to take lumber cargoes to South America. High rates are being paid for these vessels, which are expected to secure good return cargoes of hides from the River Plata and ore and coffee cargoes from the River Plata.

Long-distance lines, especially those to Australia and China, are in urgent need of tonnage, but the demands of owners who are content to keep their vessels in the grain trade has caused rates to advance to such levels that the steamship lines are unable to charter steamers. Owners of tonnage are willing to let out their vessels for the long-distance trades on time charter basis, but refuse all voyage offers. The net result of this situation is that while the volume of freight moving to Australia, China, Japan, and South America is not very large, the cost of obtaining steamers for these trades has placed freight rates on a very high level.

How berth rates have fluctuated since the beginning of the war is shown in the following compilation, giving the rates paid on August 1, just before the outbreak of the war. The figures demand on January 1, February 1, and yesterday:

Berth rates on steamships from New York.	Grain.	Provisions.	Cotton, compressed.	Sack flour.	Measurement goods.
AUG. 1, 1914.					
Liverpool	2½–2¾d.	20s.	20c.	12c.	17s. 6d.
Manchester	2¾d.	20s.	20c.	12c.	17s. 6d.
London	2¾d.	22s. 6d.	.....	13c.	17s. 6d.
Glasgow	1½–2d.	22s. 6d.	.....	14c.	17s. 6d.
Bristol	2¾d.	22s. 6d.	.....	17c.	20s.
Hull	2¾–3d.	20s.	.....	17c.	15s.
Newcastle	.....	22s. 6d.	.....	19c.	25s.
Rotterdam	6-6½c.	28c.	25c.	11c.	10c.
Amsterdam	Nominal.	28c.	.....	12c.	10c.
Copenhagen	2s.-2s. 1½d.	31s. 3d.	40c.	20c.	21s. 3d.
Bordeaux	.....	35c.	.....	25c.	$6
Marseille	3s. 1½d.	30s.	.....	18c.	20s.
Havre	2s. 6d.	30c.	21c.	18c.	$5
Genoa	2s. 9d.–3s.	30s.	22½c.	17s. 6d.	25s.
Naples	2s. 9d.–3s.	30s.	30c.	17s. 6d.	25s.
JAN. 1, 1915.					
Liverpool	9d.	35s.	75c.	40c.	30s.
Manchester	8¾d.	35s.	75c.	35c.	30s.
London	9d.	35s.	.....	40c.	30s.
Glasgow	.....	37s. 6d.	.....	35c.	35s.
Bristol	[1] 8½d.	40s.	.....	35c.	30s.
Hull	[1] 9d.	35s.	.....	35c.	25s.
Newcastle	.....	40s.	.....	40c.	30s.
Rotterdam	.....	60c.	120c.	55c.	20c.
Amsterdam	.....	60c.	.....	56c.	21c.
Copenhagen	.....	100s.	.....	60c.	60s.
Bordeaux	.....	50c.	.....	60c.	$12
Marseille	10s.	65s.	.....	50c.	50s.
Havre	.....	60c.	100c.	47c.	$12
Genoa	.....	100s.	100c.	65c.	100s.
Naples	.....	100s.	100c.	65c.	100s.
FEB. 1, 1915.					
Liverpool	10½d.	35s.	100c.	40c.	40s.
Manchester	10¾d.	35s.	100c.	40c.	40s.
London	11d.	35s.	.....	40c.	40s.
Glasgow	.....	40s.	.....	40c.	35s.
Bristol	[2] 10d.	45s.	.....	40c.	30s.
Hull	[2] 10d.	40s.	.....	40c.	25s.
Newcastle	.....	45s.	.....	45c.	30s.
Rotterdam	.....	75c.	250c.	60c.	30c.
Amsterdam	.....	75c.	.....	61c.	31c.
Copenhagen	.....	150s.	250c.	70c.	70s.
Bordeaux	.....	85c.	.....	70c.	70s.
Marseille	11s.	75s.	.....	55c.	75s.
Havre	.....	85c.	200c.	75c.	$20
Genoa	.....	100s.	125c.	75c.	100s.
Naples	.....	100s.	100c.	75c.	100s.
FEB. 26, 1915.					
Liverpool	12d.	60s.	125c.	40c.	40s.
Manchester	12d.	60s.	125c.	40c.	40s.
London	12d.	60s.	.....	40c.	40s.
Glasgow	.....	45s.	.....	40c.	35s.
Bristol	[2] 10d.	50s.	.....	45c.	30s.
Hull	[2] 12d.	40s.	.....	40c.	25s.
Newcastle	.....	45s.	.....	50c.	30s.
Rotterdam	.....	125c.	225c.	70c.	30c.
Amsterdam	.....	125c.	.....	71c.	31c.
Copenhagen	.....	150s.	250c.	75c.	70s.
Bordeaux	.....	125c.	.....	.....	$20
Marseille	11s.	75s.	.....	55c.	75s.
Havre	.....	125c.	200c.	75c.	$20
Genoa	.....	100s.	125c.	75c.	100s.
Naples	.....	100s.	100c.	75c.	100s.

[1] March. [2] April. [3] May.

VESSELS FOR SOUTH AMERICA—NEW ENGLAND SCHOONERS TO TAKE COAL TO BUENOS AIRES.

BOSTON, *February 25.*

The Boston five-masted schooners *Margaret Haskell* and *Marcus L. Urann* have been chartered for the South American trade at rates understood to be the highest ever paid sailing vessels for such voyages as they will undertake. Both will load coal at Norfolk for Buenos Aires, and will return from the Argentine port with cargoes of wool and hides. The *Marcus L. Urann* is to take 3,700 tons of coal, while the *Margaret Haskell* will carry 3,200 tons.

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[From the Boston Post, February 18, 1915.]

BILLINGS ANSWERS CRITICS—COLLECTOR QUOTES FACTS TO SHOW THAT BOSTON NEEDS MORE SHIPS.

Edmund Billings, collector of the port, last night issued a statement in reply to those who have criticized his recent report to the Secretary of the Treasury to the effect that Boston is in need of more ships.

Mr. Billings gives facts and statistics in support of his contention.

He states that the exports of January, 1915, compared with those of January, 1914, have doubled, while ships cleared last month showed a decrease of 40 per cent from the corresponding month of 1914.

MR. BILLINGS'S STATEMENT.

Replying to an inquiry addressed to me by the Secretary of the Treasury some few days ago, asking for information with reference to the

general situation of the movement of export freights, I sent the following telegram:

BOSTON, *February 8, 1915.*

WILLIAM G. MCADOO,
Secretary of the Treasury, Washington, D. C.:

Telegram 6th instant received Saturday afternon after collector and principal officers had left. Replying to telegram of to-day, personal investigation made. Interviews with steamship agents, principal shippers, and forwarders show great lack of vessels in export trade. Those in service mostly slow and limited capacity. At present sailings are fixed and freight accepted only equal to the limited carrying capacity of vessels. Shippers are holding merchandise until booked. Bookings must be made from two to eight weeks in advance of sailing. This avoids the appearance of congestion in some instances. Many wharves filled to capacity with cargo awaiting shipments to Europe. Grain elevators filled with grain, and cars of grain on side tracks unable to be unloaded. Will be more congested unless relieved by increased service. Can give details if desired. Coastwise conditions normal.

E. BILLINGS, *Collector.*

This telegram was made public in Washington and has brought forth unfavorable comment in a portion of the Boston press, and has found its way into the CONGRESSIONAL RECORD, indicating that the writers regard this report which I have made to the Secretary of the Treasury respecting the existing shipping facilities at the port of Boston as matters of politics rather than of transportation.

My report was neither political nor haphazard. I have given careful consideration to the subject from the outbreak of the war until the present time, and have been in constant touch with all its phases. Before the Secretary of the Treasury had asked me to investigate the situation I had interviewed railroad officials, members of the chamber of commerce, steamship agents, proprietors of warehouses, and shippers, in addition to consulting the official records of the customhouse.

I desire to reiterate publicly my report to the Treasury Department, and to state in the strongest terms that this port is without sufficient vessels to meet the demands of its foreign commerce. In January, 1914, 27 steamships of a tonnage of 129,032 tons cleared for Europe; in January, 1915, there were cleared 22 steamships of a tonnage of 77,265 tons, a decrease of 51,767 tons, or 40 per cent.

SAYS EXPORTS DOUBLED.

In the meantime exports had doubled, having increased from $5,575,293 in January, 1914, to $11,234,818 in January, 1915. These are the official figures, and they constitute the best explanation of the conditions which I can offer. Efforts to minimize the unfortunate position of the port by general statements that there is no congestion are ridiculous.

While reports made to me by my subordinates have shown the docks in many cases to be congested, the real congestion lies in the fact that shipments of freight from interior points intended for exportation are refused by the railroads unless the shippers can first show that the shipments have been booked by the steamship companies.

Exporters are constantly being refused such bookings, and if a merchant or manufacturer is unable to deliver a foreign contract it makes little difference to him whether a railroad will not carry his goods or whether a steamship line can not. Three British lines were recently canvassed in connection with a consignment for the British Government, which was refused.

Freight rates on staple exports have doubled and doubled again during the war, and are still increasing. There may be a dozen reasons for this, as claimed by my critics, but the chief cause according to the principal steamship agents in this city, is a dearth of ships. In the recent past American commerce had been carried practically altogether in British and German vessels.

German shipping is wholly out of commission, and the British Government has requisitioned for war purposes one-third of the British tonnage. If American exports have doubled in the rest of the country as they have at Boston, how any man in the presence of these facts can say that we do not need more ships than we have at present passes my understanding.

NOT CONCERNED WITH POLITICS.

I am not at the moment concerned with the politics (if any) involved in this question, nor with the press or individuals who are apparently anxious to suppress or misrepresent the real situation for partisan ends.

I am, however, concerned to refuse the implication which is clearly indicated in the news notices referred to, that the collector of this district is either distorting the facts or is ignorant of the actual conditions which prevail, and is thereby injuring the best interests of the port.

Whether the statement of conditions which I have given indicates more or less congestion than may have existed at some previous period in our history is beside the question, and I am not attempting to pass upon that, neither do I draw any conclusions as to what should or should not be done to relieve this situation.

That there is congestion here, and much more than is apparent to the casual observer, which is detrimental to the business interests, is plain to me and is, I believe, clearly shown in this statement, which can be verified by any man or group of men who honestly desire to know actual conditions and are not primarily interested to prove the contrary.

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CHARLESTON CHAMBER OF COMMERCE,
Charleston, S. C., February 24, 1915.

Hon. DUNCAN U. FLETCHER,
Washington, D. C.

DEAR SIR: I am inclosing letter, reply to a list of questions sent out by a Mr. John H. Law, of Columbus, Ohio. I imagine these questions are for the purpose of getting answers that will strengthen the opponents of the ship-purchase bill, but he asked the wrong ones.

Yours, truly,

B. F. MCLEOD, *President.*

—

CHARLESTON CHAMBER OF COMMERCE,
Charleston, S. C., February 24, 1915.

Mr. JOHN H. LAW,
27½ East Twelfth Avenue, Columbus, Ohio.

DEAR SIR: Your favor of the 18th instant, in which you ask several questions, has been received and noted. I will answer the questions in the order they appear in the letter:

1. Are there cargoes of cotton being held up by the scarcity of ships?

Answer. We have exported since August 1 only 175,449 bales, against 375,792 same period 1913–14. Very little cotton was shipped prior to the middle of December, due to the fact that we could not get ships to carry it. The cotton exporters are not finding it as difficult to get ships now as they did 90 days ago, provided they are willing to pay the price. If we had more ships it would be impossible for the shipowners to charge the rate of freight they are getting now. The rate to Bremen, $15; normal rate, $2 to $2.50 per bale—nearly 700 per cent advance.

2. Are the goods consigned to neutral countries being delayed by the present emergency?

Answer. Cotton, cottonseed-meal cake, and lumber are about the only commodities exported through this port in volume. There is a limited quantity of cottonseed-meal cake exported and we have not experienced any serious delay. The exportation of lumber has ceased. Lumber can not pay the high rate of freight.

3. Are owners using the war situation as an excuse for advancing rates?

Answer. They are, without doubt, using the war situation as an excuse for advancing the rate, due to the fact that there are so few ships available. I am satisfied if we had the usual number of ships it would be impossible for the shipowners to charge the high rate of freight they are charging now. The rate to Liverpool is between $6 and $7 per bale on cotton. The normal rate is about $1.25 and $1.50; nearly 500 per cent advance. One of the largest exporters stated the reason they are able to get such a high rate, even to Liverpool, is because so many English ships have been taken out of commercial use for the use of the war.

Germany has been paying from 16½ to 20 cents per pound for cotton for some months, but the producer has not been able to get one penny benefit from the high prices. The producer of the cotton is being paid 7½ cents per pound at his local railroad station; the railroad rate to the port will average about one-half cent per pound, which will make the cost of the cotton delivered in the port 8 cents. The exporter has to pay in advance 3 cents per pound, making total of 11 cents, and it will probably cost him in the way of insurance, exchange, etc., 1½ cents per pound (this is a full allowance), which makes total cost to the exporter of about 12½ cents per pound. He sells the cotton in Germany at 18 cents, which will leave 5½ cents per pound, or $27.50 per bale, absorbed somewhere. Some of us feel if we had sufficient ships it would be impossible for anyone to absorb $27.50 per bale between the farm and the German ports. Two hundred thousand bales of cotton could be secured at a fair price for every ship that carries 10,000 bales until Germany's wants are supplied; therefore, if we had the ships to carry the 200,000 bales, the man or men who absorb the $27.50 per bale would have to divide it with the producer to get the cotton.

It is said by many that the consumer pays the freight. It is true, except the raw material produced by the farmer. The farmer has to eggs at the same price, 30 cents. The reason the farmer has to pay the freight on what he consumes. If the farmer ships a crate of eggs to a market, the commission merchant sells them, for example, say, 30 cents per dozen; the commission merchant remits the proceeds of the sale, less his commission and freight charges. If the farmer brings eggs to market on his wagon, the commission merchant will sell the eggs at the same price, 30 cents. The reason the farmer has to pay the freight on what he produces is because the price of that commodity is fixed in the market to which he ships it.

The fact that we have not sufficient bottoms to move the cotton crop in this section has cost our farmers an enormous amount, which means that the retailer, the jobber, the manufacturer has to bear his proportion of the burden. It goes beyond that; every manufacturer throughout the entire country is bearing part of the burden. The cotton farmer buys everything he uses, except a little corn and meat. When a farmer goes into his field to plow, what he wears, the farming implements, and the gear on the mule, represents 37 different factories. His household effects represent 32 more, making a total of 69 factories. Give him $20 per bale more for his cotton than he is getting now and every factory in the United States will feel the effect of it. What the farmer receives for his products is like the leaven in the loaf—it permeates the whole loaf. The money he gets permeates every industry in the United States.

If you can do anything to aid in getting the ship-purchase bill through the United States Senate you will be doing every industry in the United States a service, as well as the cotton producer.

Yours, very truly,

B. F. MCLEOD, *President.*

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DEPARTMENT OF COMMERCE,
OFFICE OF THE CHIEF CLERK,
Washington, February 26, 1915.

MY DEAR SENATOR: By direction of Secretary Redfield, I am sending you herewith a copy of a report from the American consul general at Auckland, New Zealand, relative to shipping facilities between the United States and New Zealand, which this department is giving out for publication to-day.

Yours, very truly,

T. J. FITZGERALD,
Acting Chief Clerk.

Hon. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

—

SHIPPING FACILITIES BETWEEN THE UNITED STATES AND NEW ZEALAND.

[From American Consul General (signed) J. I. Brittain, Auckland, New Zealand, Jan. 14, 1915.]

Endeavoring to increase our export trade to New Zealand is very discouraging under present conditions. An important importer of American merchandise, who recently placed large orders in New York for several lines of merchandise for the Auckland market, has within the past two weeks received two cablegrams informing him that it will be impossible to ship the merchandise, as there is no available cargo space. To cap the climax, he received a third telegram telling him to submit no orders until further advised, as there are no available ships. A letter received at this consulate general from the Pacific coast tells virtually the same story.

Another importer says a consignment arrived via the Panama Canal over two weeks ago, but owing to the documents having been sent through London instead of direct, he has not yet been able to obtain delivery of the goods.

There are already sufficient difficulties to contend against in selling American merchandise in New Zealand during the war, but when the merchandise is once sold it is doubly discouraging to find our orders turned down by the American manufacturer and exporter because there are no available ships.

To make the situation still more discouraging, another leading importer of American merchandise received a telegram from his New York representative January 9 saying that freight rates from American to New Zealand ports would be substantially increased. The minimum for heavy case goods is to be increased from 32s. 6d. ($7.90) to 55s. ($13.38) a ton, and the maximum from 62s. 6d. ($15.19) to 105s. ($25.54) a ton. The increase since the war commenced is from 60 per cent to 67½ per cent.

Regardless of the slight feeling against merchandise other than British and the preferential tariff in favor of the British Empire, the United States could largely increase her exports in New Zealand if it were possible to ship in American bottoms instead of being obliged to let our apples rot in the orchard because Uncle Sam has no market wagon of his own and his neighbor is busy marketing his own crops by his own wagons.

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COLUMBIA CHAMBER OF COMMERCE,
Columbia, S. C., February 19, 1915.

Hon. DUNCAN U. FLETCHER,
United States Senator, Washington, D. C.

DEAR SIR: The shipping bill now pending before Congress, providing for the reestablishment of an American merchant marine, was discussed at the regular weekly meeting of our board of directors last Tuesday, and it was unanimously indorsed by this body.

We realize the importance of the passage of this bill, and write to offer our cooperation in any way possible.

Yours, very truly,

R. W. HOLCOMBE, *Secretary.*

—

BRUNNER-ROBESON CO.,
Chicago, February 17, 1915.

Hon. JOSEPH P. TUMULTY,
Secretary to President Wilson, Washington, D. C.

DEAR SIR: We are traffic representatives for a number of industrial concerns who make export shipments to foreign countries and also ship by water between Atlantic and Pacific coast points.

Since the beginning of hostilities in Europe the water rates have increased so that it has made it impossible for our clients to continue shipping to foreign ports or between American ports.

Take as an example: The rate on steel fence posts, a commodity which loads 50 pounds to the cubic foot and is not liable to damage, the rates have been increased more than 50 per cent. The steamer lines are now asking $14 per ton from New York to Buenos Aires. The action taken by the steamship lines has certainly throttled American commerce, and we will be pleased for you to place our communication in the proper hands with a view of having some way devised whereby more reasonable charges will be applied to this traffic.

Thanking you for your attention in the premises, we are,

Yours, very truly,

B. ROBESON,
Vice President and Manager.

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DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, February 20, 1915.

Hon. DUNCAN U. FLETCHER,
United States Senate.

MY DEAR SENATOR: I inclose an interesting letter received from Mr. L. P. Tolman, of Seattle, under date of February 15, together with copy of letter sent by him on January 18 to the Seattle port commission. It is commended to your thoughtful reading.

Yours, very truly,

WILLIAM C. REDFIELD, *Secretary.*

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SEATTLE, *February 15, 1915.*

Hon. WILLIAM C. REDFIELD,
Secretary of Commerce, Washington, D. C.

DEAR SIR: As emphasizing our present lack of shipping facilities between Atlantic and Pacific coast ports I attach copy of my letter to the Seattle port commission under date of January 18.

During the discussion which this letter brought about the fact was emphasized that navigation laws are not favorable to American shippers and should be revised. However, you are doubtless familiar with the situation in this respect.

Matter of regulation was also discussed, although this is apparently a disputed question, on which there is a difference of opinion.

Am referring this letter to you, as it serves to emphasize the need of better shipping facilities between the Atlantic coast and the Northwest.

Respectfully, yours,

L. P. TOLMAN.

—

JANUARY 18, 1915.

SEATTLE PORT COMMISSION,
Central Building, Seattle, Wash.

GENTLEMEN: At the request of one of your members, I wish to call your attention to the unsatisfactory condition existing with reference to water transportation between Atlantic and Pacific coast ports.

Briefly, the most serious objection is the uncertainty as to how long a given rate will remain in effect and the refusal of protection over a specified rate for a definite and reasonable time, particularly with material such as structural steel which has to be fabricated after order is received.

Further, the apparent lack of space in proportion to actual requirements and the difficulty of arranging to make prompt shipments by water present another serious difficulty which deserves your earnest consideration.

It is also a fact, doubtless well known to you, that water rates have been given decisive advances during the last 60 days. I mention this as it has a direct relation to the lack of shipping accommodations. However, matter of rates in themselves is not the main question at issue.

So far as the port of Seattle is concerned, and as regards water traffic between the two coasts, the American-Hawaiian Steamship Co. may be said to dominate the situation, being the largest of the steamship companies regularly handling freight between the East and West coasts. This company is able, in a large measure, to control rates and to stipulate terms to shippers.

In order to emphasize the unsatisfactory workings under the present system, I have been asked to bring to your attention a recent transaction which I handled for the Phoenix Iron Co., Phoenixville, Pa. One of the representative Seattle concerns placed an order with me on January 6 for about 350 tons of structural steel, based on proposal submitted to them under date of December 21. The next day I called on the acting agent here of the American-Hawaiian Steamship Co. in order to reserve space, the desire being to begin shipping in three or four weeks. The gentleman representing the American-Hawaiian Steamship Co. treated my request with consideration and wrote their New York office in order to arrange for shipment of this material. In the meantime it developed that the freight rate had just been increased, the advanced rate to go into effect January 9. I promptly asked the American-Hawaiian Steamship Co. to protect us by allowing us rate originally quoted us and used as a basis in this transaction. We had made a delivered price, as is customary, in quoting on structural steel. Not being able to secure promise of protection at this end, I immediately wired the Phoenix Iron Co. to take the matter up with the traffic manager of the American-Hawaiian Steamship Co. at New York. However, it was found to be impossible to secure this protection or any promise that the rate would not be still further advanced before shipment of this order could be completed; moreover, the steamship company stated that they would be unable to handle shipment of this material before the latter part of February, and there was considerable uncertainty in regard to any definite time of shipment.

When I received wire from the Phoenix Iron Co. apprising me of the situation I immediately took the matter up with other steamship lines and shipping brokers, searching the transportation field thoroughly, both here and at San Francisco, with the result that no relief was to be had, most of the other lines declining to make any rate on account of having all the freight they could take care of for a reasonable time. As illustration of this Sudden & Christenson Steamship Line, San Francisco, wired me as follows:

"Replying to your night letter 8th, we can not give you rate and shipping dates asked for at present, as we have nothing now scheduled to leave New York on which space has not already been taken. Will be glad to advise you later if we can care for this business."

On account of all of this uncertainty the Phoenix Iron Co. finally withdrew their proposition, and we therefore lost the business entirely on account of transportation difficulties.

The purpose of submitting this report to you is twofold:

First: To emphasize that while we now have well-equipped harbor facilities, yet comparatively few steamship lines running between Atlantic and Pacific coasts avail themselves of this port, with the result that traffic with the few lines which do make Seattle is badly congested. This would seem to urge the need of making further traffic arrangements

Second. Present steamship lines make any rates they see fit and lay down their own terms to shippers. Present conditions seem to warrant the conviction that steamship lines should be brought under some form of regulation in a similar manner as the railroads, so that the shippers will not be subjected to the uncertainty over rates, as at present. In this connection would call your attention to a bill entitled "proposed regulation of carriers by water," which has been drawn up by one of the committees of the House of Representatives. I believe Mr. W. A. Mears, of the transportation bureau of the Seattle Chamber of Commerce, is familiar with this proposed legislation.

I have submitted the general lines of this report to a number of practical transportation men, and I believe in the main they agree with me that the time is ripe for action of some kind. If the various commercial bodies, such as the chamber of commerce, commercial club, transportation club, and the Seattle Port Commission could get together and agree on a plan of action, much good could doubtless be accomplished.

Respectfully submitted.

L. P. TOLMAN.

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MEMORANDUM ON THE SHIP-PURCHASE BILL.

I. The root principle of the ship-purchase bill, as contrasted with the various subsidy schemes favored by influential chambers of commerce and large financial interests, is that international sea transportation, like interstate rail transportation, tends to become, under modern conditions, a "natural monopoly"; it is therefore absolutely necessary that public authority shall begin to have a voice in this matter.

"Natural monopolies" are social services that are of such a character, in the nature of things, that the failure to put them under public control destroys liberty and free competition in all other services.

That international sea transportation is of this character has been proved by recent and exhaustive investigations of shipping rings and marine freight rates on the part of a British royal commission (report published in 1909) and of the United States House of Representatives (Committee on the Merchant Marine and Fisheries acting under resolution of the House passed in February and June, 1914, report published in four volumes).

In both these reports it is made clear: First, that unregulated competition leads to ruinous rate wars and general demoralization, tending to monopoly of trade by the largest shippers; second, that the warring steamship factions are obliged to come together or else leave the whole field to the most powerful carrier engaged in the conflict; third, that the shipping rings thus formed are grossly unsatisfactory from the point of view of political science and public service.

To remedy this state of affairs the British royal commission proposes the cartelization of shippers and merchants, in order that they may present a united front to the shipping rings. (Report of Royal Commission on Shipping Rings, vol. 1, p. 85.)

The remedy proposed by the committee of Congress is "that navigation companies, firms, or lines engaged in the foreign trade of the United States be brought under the supervision of the Interstate Commerce Commission as regards the regulation of rates, the approval of contracts entered into with other water carriers, with shippers, or with American railroads." (Report, vol. 4, p. 419.)

Now the pending ship bill is addressed to the needs of a pressing emergency. But it is foolish to abstract that emergency from the facts and experiences of ordinary commercial life. The emergency should be met with a measure that has solid and permanent validity.

A ship-subsidy bill might be cheaper than the present measure, or might not. But subsidies would only strengthen the private interests that stand opposed to economic law and order on the seas.

The ship-purchase bill takes the only summary and practical course. It introduces a principle of order into the chaos of oversea traffic—the principle of public control—exercised as a matter of public right.

II. Exorbitant freight rates on staple commodities—wheat, cotton, etc.—shipped from the United States to Europe, are, in the main, paid not by Europe but by the people of the United States.

This follows from the long-standing and unchanged fact that such commodities are bought and sold at a world price in a world market,

and this market centers in Liverpool or elsewhere in Europe. It does not center in the United States.

The home price of these commodities is about what the combined trans-Atlantic carriers may choose to make it.

The cash price—for domestic consumption as well as for export—tends to rise as the freights fall, and to fall as the freights rise.

But the price for future delivery, which reacts upon and dominates the cash price, breaks loose from the natural law of supply and demands, and tends to rise indefinitely, in proportion to the pressure and power of the transportation monopoly and the monopoly of credit.

Thus it comes to pass that the shipping ring can at one and the same moment filch the fair profits of the farmers and give the citizens 6-cent bread.

The Senate will not dare reject the ship-purchase bill after the fact has been advertised to the people—the fact, to wit, that those who oppose this bill are the assistants of the food forestallers.

Make it a bread question and it will be settled right.

C. FERGUSON.

NEW YORK, *February 10, 1915.*

—

NASHVILLE, TENN., *March 1, 1915.*

Hon. W. G. MCADOO,
Secretary of the Treasury, Washington, D. C.:

The Nashville Grain Exchange, of Nashville, heartily commends your efforts in the interest of the shipping bill and pledges and urges every loyal southerner to work and vote for the measure, which we believe will improve trade conditions and bring greater prosperity to the South. This organization has to-day adopted strong resolutions indorsing the shipping bill and urges its passage.

E. M. KELLY,
President Nashville Grain Exchange.

—

NASHVILLE, TENN., *March 1, 1915.*

WILLIAM G. MCADOO,
Washington, D. C.:

The traffic bureau, representing the shippers of Nashville, heartily indorse the so-called shipping bill—Senate bill 6856—and desire to express to you our appreciation of your efforts to have this measure passed, and sincerely hope that these efforts will meet with success before Congress adjourns.

TRAFFIC BUREAU OF NASHVILLE,
By C. S. MARTIN, *President.*

—

NASHVILLE, TENN., *March 1, 1915.*

Senator JOHN K. SHIELDS,
Washington, D. C.:

The Nashville Grain Exchange, of Nashville, heartily commends your efforts in the interest of the shipping bill, and pledges and urges every loyal southerner to work and vote for the measure, which we believe will improve trade conditions and bring greater prosperity to the South. This organization has to-day adopted strong resolutions indorsing the shipping bill and urges its passage.

E. M. KELLY,
President Nashville Grain Exchange.

—

NASHVILLE, TENN., *March 1, 1915.*

Senator J. K. SHIELDS,
Washington, D. C.:

The cabinet of the Commercial Club of Nashville heartily commends your efforts in the interest of the shipping bill, and urges every loyal southerner to work and vote for the measure, which we believe will improve trade conditions and bring greater prosperity to the South. This organization has to-day adopted strong resolutions indorsing the bill and urges its passage.

W. R. MANIER,
Secretary Commercial Club.

—

NASHVILLE, TENN., *March 1, 1915.*

Senator JOHN K. SHIELDS,
Washington, D. C.:

The Nashville Business Men's Association commends you for your efforts in behalf of the shipping bill, and has to-day passed resolutions urging its passage. The business men of the South want the bill passed. Believe it would prove the solution of present commercial difficulties and hasten prosperity.

J. ALLISON, *President.*

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American merchant marine—Tonnage and foreign trade, 1846–1901.

Year.	Shipping tons.	Total foreign commerce.	Proportion carried in American ships.		
			Imports.	Exports.	Combined imports and exports.
1846	943,307	$227,497,313	87.1	76.1	81.7
1847	1,047,454	279,165,947	.2	65.3	81.1
1848	1,168,707	286,829,159	82.9	71.1	77.4
1849	1,258,756	281,557,371	81.4	68.0	75.2
1850	1,439,694	317,885,252	77.8	65.5	72.5
1851	1,544,663	399,686,688	75.6	69.8	72.7
1852	1,705,650	374,424,629	74.5	66.5	70.5
1853	1,910,471	467,266,547	71.5	67.1	69.5
1854	2,151,918	534,847,588	71.4	69.3	70.5
1855	2,348,358	476,718,211	77.3	73.8	75.6
1856	2,302,190	591,651,733	78.1	70.9	75.2
1857	2,268,196	642,252,102	71.8	60.2	70.5
1858	2,301,148	535,349,928	72.0	75.0	73.7
1859	2,321,674	624,235,392	63.7	69.9	66.9
1860	2,379,396	687,192,176	63.0	69.7	66.5

American merchant marine—Tonnage and foreign trade, etc.—Continued.

Year.	Shipping tons.	Total foreign commerce.	Proportion carried in American ships.		
			Imports.	Exports.	Combined imports and exports.
1861	2,496,894	$503,864,375	60.0	72.1	65.2
1862	2,173,537	380,027,178	44.8	54.5	50.0
1863	1,926,886	447,300,262	43.3	40.0	41.4
1864	1,486,749	475,285,271	24.6	30.0	27.5
1865	1,518,350	404,774,883	29.9	26.1	27.7
1866	1,387,756	783,671,538	25.1	37.7	32.2
1867	1,515,648	690,267,237	28.0	39.1	33.9
1868	1,494,389	639,389,339	33.0	36.6	35.1
1869	1,496,220	703,624,076	31.3	34.9	33.1
1870	1,448,846	828,730,176	33.1	37.7	35.6
1871	1,363,652	963,043,862	31.0	32.6	31.8
1872	1,359,040	1,070,772,663	26.8	29.8	29.1
1873	1,378,533	1,164,616,132	27.0	25.7	25.4
1874	1,389,815	1,153,689,382	30.2	24.6	27.2
1875	1,515,598	1,046,448,147	29.2	23.7	26.2
1876	1,553,705	1,001,125,861	30.8	25.4	27.7
1877	1,570,600	1,053,798,346	31.5	23.7	26.9
1878	1,589,348	1,131,917,298	32.2	22.6	26.3
1879	1,451,505	1,156,217,216	32.6	17.6	23.0
1880	1,314,402	1,503,593,404	22.0	13.0	17.6
1881	1,297,035	1,545,041,974	19.9	13.3	16.2
1882	1,259,492	1,475,181,831	19.2	12.8	16.0
1883	1,269,681	1,547,020,316	20.7	13.4	17.0
1884	1,276,972	1,408,211,302	22.4	14.4	18.4
1885	1,262,814	1,319,717,084	21.3	13.7	17.0
1886	1,088,041	1,314,960,966	20.0	13.6	16.8
1887	989,412	1,408,502,979	18.6	12.2	15.4
1888	919,302	1,419,911,621	18.5	11.7	15.1
1889	999,619	1,487,533,027	17.0	11.6	14.3
1890	928,062	1,647,139,093	16.6	9.0	12.8
1891	988,719	1,656,540,812	15.9	9.3	12.5
1892	977,624	1,784,732,543	17.7	8.1	12.3
1893	883,199	1,626,082,075	15.5	8.8	12.2
1894	899,698	1,468,290,672	19.4	8.7	13.3
1895	822,347	1,456,403,388	15.5	8.2	11.7
1896	829,833	1,565,665,408	15.7	8.5	12.0
1897	792 870	1,714,829,043	15.0	8.1	11.0
1898	726,213	1,743,820,496	16.0	5.9	9.3
1899	837,229	1,806,876,063	12.4	6.9	8.9
1900	816,795	2,089,528,616	12.9	7.1	9.3
1901	879,595	2,151,935,411	.....	.....	8.2

SHIPPING PROFITS.

Particulars of dividend payments of some of the best-known steamship lines. These particulars are taken from the yearbook (1910 edition) of the London Stock Exchange.

Oceanic Steam Navigation Co. (White Star Line): Paid 10 per cent in 1908; paid 20 per cent in 1909; paid 30 per cent in 1910; paid 60 per cent in 1911; paid 30 per cent in 1912 (this was an interim dividend and nothing further was paid that year on account of the loss of the *Titanic*); paid 65 per cent in 1913. This company has reserves and surplus amounting to £3,890,669, or over $19,000,000.

Cunard Line: Paid 10 per cent in 1912–13. This company has reserves and surplus amounting to £1,242,154, or over $6,000,000.

Orient Steam Navigation Co.: Paid 5 per cent and 50 per cent bonus in 1911–12; paid 5 per cent and 50 per cent bonus in 1912–13. This company has reserves and surplus amounting to £525,765, or over $2,500,000, after deducting bonuses.

Peninsular & Orient Steam Navigation Co.: Paid 13 per cent each year for 23 years ending 1912–13; paid 15 per cent in 1913–14. This company has reserves and surplus amounting to £1,892,234, or over $9,000,000.

Anchor Line: Paid 20 per cent in 1912–13; paid 20 per cent in 1913–14. This company has reserves and surplus amounting to £386,962, or about $1,900,000.

Clan Line: Paid 15 per cent and 50 per cent bonus in 1913. This company has reserves and surplus amounting to £622,898, or over $3,000,000, after deducting bonus.

Strick Line: Paid 10 per cent regularly since inception of the company in 1905, in addition to regular dividend; paid 300 per cent cash bonus which the stockholders reinvested in the increased stock of the company. In 1913, in addition to regular dividend, paid 50 per cent cash bonus which the stockholders also reinvested in the further increased stock of the company. This company has reserves and surplus amounting to £541,781, or over $2,600,000, after deducting bonus.

Furness, Withy & Co.: Paid 10 per cent 1911 to 1914, inclusive. This company has reserves and surplus amounting to £1,131,320, or over $5,000,000.

Ellerman Lines: Paid 13 per cent in 1911; paid 12 per cent in 1912; paid 22 per cent for 21 months ending September, and 100 per cent bonus.

Many steamship lines refuse to give out reports of their earnings—perhaps we should not blame them for wishing to conceal such earnings as here shown—and such notations as "Company is a private concern and no information is obtainable," or "Reports are not issued to the public," frequently appear in the London Stock Exchange Year Book.

The yearbook shows that in 1912 the Royal Mail Steam Packet Co. paid for the entire capital stock of the Union Castle Line £32 10s. (about $160) per share, the par value of that stock being £10 (less than $50) per share; and they paid to Donald, Currie & Co., the former owners of the Union Castle Line, £700,000 (nearly $3,500,000) not to compete with them for 10 years.

It should be borne in mind that these dividends, large as they are, represent only a conservative portion of the net earnings of the various lines. This is proved by the large reserves and surpluses shown and the huge bonuses distributed from time to time.

As far back as the year 1912, Shipping Illustrated (New York), in its issue of September 21, 1912, referred to the earnings of "tramp" and other cargo steamers, as follows:

"At present it is the easiest thing in the world for cargo steamers of any description to make large profits of 40 per cent on present freights."

This, it should be noted, was in 1912, when the present war was not ever dreamed of. Steamer earnings have continued to increase right up to the outbreak of the war, and at the present time it is possible for steamers to earn 500 per cent net per annum on their full value.

United Fruit had surplus in 1913 of $16,284,212, after paying extra dividends of 10 per cent in 1908, 1909, 1910, in addition to regular dividend of 8 per cent.

We have no American steamship companies in foreign trade except the American Line of the International Mercantile Marine (four ships) and an occasional ship on the Pacific, and records of their earnings are not readily available, but that line receives a subsidy from the United States of about $735,000 a year for its four boats.

The United Fruit Co. is owned principally in the United States, and their earnings are so large that when they increased their stock twice recently they were able to obtain 100 per cent premium on first occasion and 50 per cent on second occasion.

APROPOS EDITORIAL IN BOSTON HERALD.

The 24,538 vessels stated to compose the coastwise American merchant marine consist for the most part of catboats, catamarans, cutters, luggers, barges, yawls, yachts, fishing boats, etc., ranging as low as 5 tons register and carrying a crew of one person. It also includes all such vessels on all of the navigable waters of the United States, including lakes, bays, rivers, etc. The total tonnage of all of the above, including the large steamers owned by the railroads and combinations, is stated to be 6,852,536 tons. The utter absurdity of these figures is seen when I tell you that the total merchant marine of Great Britain is, in round figures, only 10,000 vessels, with a total tonnage of about 20,000,000 tons, and of Germany only 2,000 vessels, with a total tonnage of about 5,000,000 tons. Yet the Boston Herald makes a long-winded editorial attack on the shipping bill based on the ridiculous proposition that the 24,000 catboats, etc., of a few tons burden, scattered over the vast domain of the United States and Alaska, is an answer to the claim made that the railroads and shipping combinations control about 90 per cent of the real commercial freight and passenger transportation of our coastwise trade.

Mr. FLETCHER. Now, Mr. President, I wish to end this matter in order that the business of the Senate may proceed regularly and that we may finish our work by withdrawing the motion, which I shall not again renew.

OMNIBUS CLAIMS BILL.

Mr. THOMAS and Mr. NEWLANDS addressed the Chair.

The VICE PRESIDENT. The Senator from Colorado.

Mr. BRYAN. Mr. President, I rise to a parliamentary inquiry. Do I understand that the motion of the senior Senator from Florida has been withdrawn?

The VICE PRESIDENT. It has been withdrawn.

Mr. BRYAN. Then, I insist upon the regular order, which is the claims bill.

Mr. THOMAS. I have the floor.

Mr. LODGE. Regular order!

The VICE PRESIDENT. That, however, does not prevent the Chair from recognizing the Senator from Colorado.

Mr. THOMAS. I yield to the Senator.

Mr. BRYAN. I should like to have the omnibus claims bill laid before the Senate. I realize the Senator can speak to that bill.

The VICE PRESIDENT. The Chair lays before the Senate the bill (H. R. 8846)—

making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, and under the provisions of section No. 151 of the act approved March 3, 1911, commonly known as the Judicial Code.

Mr. CRAWFORD. Mr. President, I yielded the floor only while the claims bill was laid aside.

The VICE PRESIDENT. That may have been in the mind's eye of the Senator, but it was not in that of the Chair.

Mr. CRAWFORD. I thought that was the understainding.

The VICE PRESIDENT. The Senator from Colorado has the floor.

Mr. THOMAS. Mr. President, when the shipping bill was sent by the Senate to a committee of conference on February 18——

Mr. LODGE. Mr. President, a parliamentary inquiry. Is the claims bill now before the Senate?

The VICE PRESIDENT. The claims bill is now before the Senate.

Mr. THOMAS. Everyone knew that it has been sentenced to death by strangulation. The agreement of which that order was the result was reached by a parliamentary process which is wholly inconsistent with the due and orderly conduct of modern legislative demands. Six weeks ago a minority of the Senate, composed in part of men possessing good bodily health, a large vocabulary, loaded for endless repetition, versed in the elements of orthography, etymology, syntax, and prosody, and familiar with fixed and applied science, history, the development of the talking machine, the theory of the fourth dimension, the disputations of the schoolmen, the philosophy of the ancients, and the progress of civilization, determined to elaborate their stores of information and to exhibit their powers of physical endurance by exhausting the short session of the Senate in order to defeat this great and much-needed measure of legislation. Their verbal bombardment has been successful. The majority was forced to surrender to government by obstruction, and the Sixty-third Congress will expire by limitation with the shipping combine in full possession of its monopoly at home and overseas, subject only to the disturbing pronouncements of the German and British Empires. Foreign commerce now available to us through the conflict of commercial competitors will probably beckon to us in vain. Our hands and feet have been tied by talk. The fingers of monoply, thanks to the rules of the Senate, are closed upon the throat of the Government, while its agencies pick the pockets of our producers. The minority rules by power of speech, and the Stars and Stripes are forbidden the seas until they shall appear with the flag of subsidy floating above them. Gentlemen of the minority, I salute you. Who shall have the temerity to assert in your presence that the people rule, that the majority governs, that the popular expression is the public will? These are lies. The Senate rules of procedure, contrived more than a century ago, and cunningly adapted to the needs of privilege, are thicker than the loins of the people. They are the submarines of intrenched interest. Their ammunition is exhaustless. Their explosive force is lung power and their projectiles the English lexicons. These agencies can be operated by anyone at any time and at all ranges. No enemy, large or small, can demolish them or survive their deadly and far-reaching consequences. Age has not impaired their vigor. On the contrary, it is declared to be the real secret of their effectiveness. Antiquity has petrified them into everlasting inflexibility. The Government may be shaken to its foundations by some vast social or political upheaval, but the Senate rules must remain undisturbed and uninjured.

Such, at least, is the assurance given us. True, we are admonished that the rules are subject to change, but since their invincible batteries may be turned as well against those who dare to lay the hand of profanation upon them as against those who would seek to use the powers of Government to serve the public need, it is evident that no change can be effected save by unanimous consent. Hence we can act only as a gracious minority may permit and under such conditions as the wisdom or the caprice of its members may impose. And those of us who feel the chafing of the chain, who would rebel against an intolerable and un-American situation and who declare their abhorrence of it, who would make war against it, who would demand a reformation in our procedure and who strive to do so, are able to invoke nothing more serious than a commiserating glance or an occasional word which mingles pity with contempt. And I am forced to admit that such conduct finds justification in the singular but almost universal influence which this code of rules seems sooner or later to exert over the minds and hearts of those who, at the outset, abhor them. Pope must have had something like this in mind when he said that—

> Vice is a monster of so frightful mien,
> As to be hated needs but to be seen;
> Yet seen too oft, familiar with her face,
> We first endure, then pity, then embrace.

Why, Mr. President, we need not delve farther into the records of this Senate than 1893 to find abundant material in condemnation of the vicious and indefensible practice of unlimited debate from the lips of men some of whom are still honored Members of the Senate. At least two distinguished Senators upon the minority side and identified with the filibuster just ended have abjured the early faith that was in them and have detailed the incidents of their later conversion from themselves. That of Saul at Damascus was a glacial movement compared to the swift transformation which the views of these Senators underwent when the Sherman silver law no longer disturbed their slumbers nor vexed their constituents. During the long and tedious filibuster over that measure, in 1893, unlimited debate was to their eyes a painted Jezebel, arrayed in the flaunting colors that never change. These distinguished gentlemen were young and lusty then, and they turned their faces away from her. They said, "Go to, thou brazen jade, we will have none of thee," and they passed by on the other side.

But they looked again, and she smiled. And they looked the third time, and she held their gaze. And she drew them toward her, and they have not again departed from her presence. And for her sake they abjured themselves, and have since worn her colors and been her champions. One surrendered without compunction; the other was beguiled by the music of a captive Democrat. Now she is again assailed, and she summons them to her defense. And they respond with more than the alacrity of youth. They are old now, but there is still that subtle some-

thing in the bedizened priestess of unlimited debate which wakens tender memories and kindles the smoldering embers of a once virile and vigorous manhood. They eagerly testified to their apostasy and proved it by the zeal with which they advocate what they once condemned. They would fain cover the mistakes of impulsive youth with the mantle of oblivion. For they have years of usefulness before them which should not be dimmed or weakened by things said when the judgment was immature.

Age o'er their brows has wrinkles flung,
But their hearts, their hearts are ever young.

But, Mr. President, we can not surrender duty to the impulses of respect and affection. We must inform the people of the earlier view of our elder statesmen upon this important subject and quote the defenders of this despotic system against themselves. And, if I mistake not, the echoes of the early protests of these distinguished Senators, coming fresh from their minds and voicing just and indignant condemnation of a practice which is as damnable as the theory of divine right, will be heard much farther than the loudest recantation which they may sound upon the floor of the Senate.

Yet I have been assured that I, with others of my present faith, will surrender to the potential charms of this ancient practice and become its loyal votary; for it is said that no man has ever scoffed at it who did not remain to defend it. But I have faith that those now resolved that the events of this session shall not be repeated save in opposition to a change which must be made will not be dismayed by such a prophecy. For they believe that representative government becomes a mockery when unlimited discussion can be utilized to prevent a ballot upon any legislation which may be obnoxious to half a score of Senators. Such a power is despotic, inhuman, and indefensible in a self-governing community.

Joshua, as the servant of the Lord, commanded the sun to stand still, and the sun did not go down for a whole day. The luster of his deed is dimmed by that of the Senator from Utah, the high priest of the minority. He submerged the legislative machinery of a hundred millions of people in a torrent of language and paralyzed all its functions for six weeks. Joshua's feat exhausted his capacity. The Senator from Utah can respond to an encore whenever privilege demands it.

On February 18 more than 225 bills were upon the Senate Calendar; the greater part of them were there when the verbal current was turned on. All of these were important, a number of them tremendously so. I need only mention the supply bills, the water power, omnibus claims, convict labor, land, and safety at sea bills. Some of these measures are demanded by every consideration of public policy and welfare. Nearly all of them are opposed in some direction. Unless acted upon before March 4 they must die. The shipping bill has been used as a screen behind which nearly all save the supply bills have been doomed to certain death, and some of these are in extremis. They have been deliberately butchered upon the altar of obstruction under the eyes of a helpless majority. The blood of our slaughtered legislative offspring is sprinkled into our very faces as we are taunted by the assurance that the rules which make such things possible are as the laws of the Medes and Persians.

Mr. President, the power of unlimited debate, like every other unrestrained power, is always abused until it becomes intolerable. Every parliamentary body of any consequence in Christendom, with the possible exception of the Canadian House of Commons, save the Senate of the United States, has rebelled against its tyranny and turned upon and crushed it.

When this session ends its unfinished business disappears. It must be done over again after the next session begins if it is to become effective. New subjects of legislation and changes in existing laws made necessary by experience must take their chances with this legacy of the filibuster. And they are all subject to its reappearance whenever the minority shall invoke it. Senators, the filibuster must go.

Curiously enough, senatorial obstructionists who have talked the longest were the loudest in their condemnation of the caucus. All of them joined in the chorus of disapproval. Indeed, it would appear that a test of fidelity to the filibuster is eternal hostility to the caucus. It would seem that the obstructionist instinctively recognizes the caucus as the natural enemy of the filibuster. If this be true, and I think it is, the caucus needs no other defense, for in this fact it finds full vindication.

Mr. President, I shall enter at this time into no defense of the caucus. I shall content myself with the reiteration of my belief in its necessity and its efficiency. Its value has been demonstrated in the work of the Sixty-third Congress. It presents and emphasizes the will of the majority as it can be done in no other way. Its political enemies pay it the tribute of their respect by adopting its methods, disguised under the more alluring names of "conferences" and "consultations." They whisper in groups and flock in bunches. They reach the same ends by the use of the same means, then rail at those whose methods they adopt. They swallow the conference camel without winking an eye, but strain at the caucus gnat by pretending that their stomachs reject it. The sincere and candid opponents of the caucus are equally averse to conferences. These get nowhere. Without cohesion or unity of purpose they either drift with the organized majority or voice vain protests against its purpose and policy. The caucus discusses and deliberates. It listens and determines after every man is heard. Its decision represents the composite view of all its members. Its ultimate minorities are nearly always negligible. The mysterious and myopic influence with which the terrible two-thirds is invested is but the hobgoblin of timid or perverted imaginations. If it be wrong for the majority of a party to shape its policies and determine its action, then is it much more wrong to enact or defeat any measure in the Senate by a mere majority of its members?

Mr. President, no task committed to the hands of a body of men can be performed without community of action. This presupposes organization of some sort. The more effective this is the easier the task becomes and generally the better it is accomplished. The body itself, whatever it may be, organizes as a matter of course. If legislative, the organization is effected by the majority of its members. These control and are therefore responsible for it.

And it is as natural as it is necessary that the majority and minority establish and maintain each its own organization within the larger one. Congress has done this from the beginning. The Senate has its majority and minority conference rooms. Each division has its chairman and secretary, its rules and regulations. Each meets and deliberates in secret. None save its own members may be present or take part in the proceedings. Because one of these bodies has prescribed perfectly reasonable conditions which bind all, thereby making its work speedy and its responsibilities effective, the members of the other condemn its procedure with a vehemence and denunciation having all the earmarks of a sincerity which nevertheless is only simulated. Yet the loudest of the protestants pay tribute to the policy of their own organization by the display of a unanimity in action which many of the Democratic caucus members might well emulate.

Mr. President, I would rather be the member of a caucus, submit my views to it, participate in passing upon those of my associates and standing by the final pronouncement of two-thirds of all its members, given after full and exhaustive discussion, than to stand alone upon the firing line, or at best stand with others between whom and myself there is nothing beyond allegiance to the same political party. We are a Government of parties, and individuals are potent only as they cooperate with their fellows upon a common faith for the attainment of a common purpose.

Time was, and not long since, if prominent Republican Senators are to be credited, when the ipse dixit of one man determined the conduct of this body. He was the caucus, the party, and the majority. Conferences were, of course, useless then, as they will be again should the Republican Party return to power, for they will bring their old systems with them. We may not reproach them for surrendering to two-thirds of themselves, for they will either accept or submit to the domination of a single personality. We shall not abandon our caucus, gentlemen, much as such a course would please you. In union there is strength. With its aid we have during the last two years wiped out many abuses, changed many oppressive and antiquated statutes, and made a record whose splendid contrast with your own the people recognize and appreciate.

You abhor the caucus. But the President's leadership is your chief abomination. You can not without grievous apprehension of grave consequences to American liberty bear to witness the Chief Executive in the rôle of a party chieftain. But this, too, will go on, however deeply you may resent it, and the Republic will go on as well. A President who does not lead is a President who can not lead. A President who leads, and leads in obedience to the people's will, performs the highest and the noblest duty which can be imposed upon an American citizen. He is the representative of all the people. He is elected by their votes. He must speak for and of them. Upon his head falls all our mistakes and his own. To him is awarded the merit of our achievements and his own. The great Presidents were leaders who spoke for all, who impressed their personality upon the events of their times, who recommended and promoted necessary legislation, who bore their part of the heat and the burden. Those who failed, failed because they could

not lead, because they dared not lead, or because they led in wrong directions. Washington, Jackson, Lincoln, Roosevelt, Wilson—these were leaders who never quailed before opposition nor heeded the protests of those apprehensive souls who cried out lest somewhere the even balance between the Executive and the Congress might be disturbed.

The President is a part of the legislative division. To become effective laws require his approval or a two-thirds majority of both Houses after veto. He must advise the Congress upon matters of public concern, and recommend legislation which seems to him expedient or essential. The Executive who contents himself with mere suggestion, leaving Congress to pursue its own way thereafter, may please those sensitive Senators who see in his every statement an invasion of their prerogative, but his peace of mind will be rudely disturbed by those whose votes lifted him into the White House. A genial and well-beloved President a few years ago convened the Congress in special session and in a short message suggested a revision of the tariff. He then serenely pursued the even tenor of his way, not daring or caring to use either his influence or his voice toward making his counsels effective. The great protected interests were delighted beyond measure with this policy and took swift advantage of it. And the President approved the revision which they dictated, then became its apologist. He heard from the people then, and discovered to his sorrow that they held him responsible for the sins and the omissions of his party. Vain were his explanations and remonstrances. Vain his efforts to reverse his policy and avert the consequences of his error. He failed in the supreme test of leadership, and met the fate which failure always brings.

Woodrow Wilson may not always command the public confidence, but he will never lose it from any lack of leadership, of the courage which underlies it, of the assumption of responsibility which it incurs.

If it be true that "the silent spirit of the unconscious masses is the source of all great things," it must follow that he is the interpreter of that spirit who divines its broodings and shapes it into being. Such is the President of the United States. Only those who fear his influence protest against its exercise. These, perceiving the confidence which his great talents have inspired, the sincerity and earnestness of his devotion to the people, would avoid the certainty of a renewal of his term of office by assailing his judgment, his policy, and his leadership. But with eyes fixed upon the goal for which he is striving, his serene courage will not fail. And we, the people's Democratic representatives, will follow him, not as servants but as associates, animated by a common purpose, bound in mutual compact, and striving to achieve the task which our masters, the people of the United States, have committed to our hands.

You have beaten the shipping bill, but you have not beaten the President. He is as resolute and undaunted as when he assumed the duties of his office. But let me prophesy that you have beaten the filibuster. We shall return here at the appointed time and the rules will then be amended so that the minority may no longer successfully obstruct the orderly course of legislative procedure. That is the next milestone upon the highway of Democratic progress. You have hastened its accomplishment by your unwarranted and unreasonable abuse of the privilege of debate and thus unconsciously made yourselves the instruments of the next great reformation in public affairs.

Mr. BRYAN, Mr. CRAWFORD, Mr. NEWLANDS, and Mr. TOWNSEND addressed the Chair.

The VICE PRESIDENT. The Senator from Florida.

Mr. BRYAN. Mr. President, it is now 5 o'clock. I understand there are a number of Senators who desire to discuss other matters than this bill. If the Senate is to spend its time to any purpose at all we will get through this bill, and Senators will postpone what they have to say upon other matters until after it is disposed of. There will be on the bill disagreements between the two Houses on hundreds of items, if it is passed as it is reported to the Senate, and a conference will have to get to work and work fast in order to make a report in time.

Mr. President, before the Senator from South Dakota [Mr. CRAWFORD] proceeds I wish to appeal to the Senate to allow this bill to be considered. If there is to be any discussion upon the bill let it be upon the bill before the Senate. Senators will have an opportunity to-night to make speeches. Senators who make long speeches, Senators who filibuster a great deal, will have a chance to-night to denounce the filibuster and filibustering.

Mr. President, if the Senate does not want this bill to pass it will be very soon evident. If Senators want to let it pass I appeal to them to confine the discussion to the bill. We ought to deal with each other here in good faith. If there is a purpose not to allow the bill to pass, and any Senator says so, I will agree to lay it aside and let us get to something else.

I make the appeal with all the earnestness of my soul. Let us go on with the bill. I do not object to debate upon the bill, but the time is getting late, and I hope Senators will confine their discussion to the question before the Senate. I appeal to my good friends who want to make speeches upon other matters to wait a little while. Let us get through with this bill one way or the other, either defeat it or let it go to conference.

Mr. CRAWFORD obtained the floor.

Mr. MARTINE of New Jersey. Mr. President——

The VICE PRESIDENT. The Senator from South Dakota has been recognized.

Mr. MARTINE of New Jersey. I want to ask——

The VICE PRESIDENT. The question is whether the Senator from South Dakota will yield.

Mr. CRAWFORD. I decline to yield.

Mr. MARTINE of New Jersey. I appeal to the Senator from South Dakota to permit me to ask unanimous consent to present a couple of joint resolutions.

Mr. CRAWFORD. Not if they are to be considered.

Mr. BRYAN. I object.

The VICE PRESIDENT. There is objection.

Mr. CRAWFORD. Mr. President, I have no object in view except to characterize some of the items in this bill, and when that is done, so far as I am concerned, the Senator from Florida, I hope, may be able to have the reading of the bill proceed. I have felt that because of the examination I made of every one of the items involved I ought to make a statement with regard to some of them.

For instance, on page 86 of the bill, the item which was in it when it passed the House has been left in the bill. It is an item appropriating $600 to the trustee of the Salem Baptist Church, Clark County. It is a Virginia item. The trustees of this Salem Baptist Church appear in the title, but when we examine the finding of the Court of Claims and the claim there appears to be a single individual claimant. In his petition this claimant states that he is a citizen of the United States and a resident of the county of Clark, and that he is duly elected, qualified, and acting trustee of this church. The name of this gentleman does not appear anywhere in the record. He appears to be the sole representative of this church organization. There does not appear ever to have been a claim made in behalf of this church building until in 1904, 40 years after the war had closed. It was sent to the Court of Claims in 1904. In a proceeding instituted by this sole individual he sets forth in this complaint his citizenship and that he is the trustee of this organization. In the finding of the court there is nothing to show that it has remained in existence or is an existing institution except so far as he individually alleges these facts in relation to himself.

To further characterize him, there is not a thing to indicate what sort of a building was destroyed; whether it was 8 by 10 or 40 by 50; whether it was made of wood or brick; whether it was a building that had been standing there for a hundred years or had just been erected; whether it was totally destroyed or only damaged. There is nothing of that sort; but this man has gone over here and just put in enough to come before the Congress on a pretext that $600 should be appropriated for him. Through this omnibus bill there is claim after claim of that sort. It if were only one, we might consider it as an accident and let the good claims go through.

Here is another claim which has been stricken out of the bill by the Senate committee, but it was passed by another branch of Congress, where the Overton Hotel Co., in Memphis, claimed for the rent of a hotel during the war. It had claimed $53,333 rent. It had gone through the Court of Claims and had that allowance made in its behalf, and secured an appropriation for it and gave its release. It was for rent of a hotel in Memphis during the war, when values were destroyed, when business was destroyed, and they were probably very fully compensated when they got $53,333 through the Court of Claims. They got this money, and now they come here with a claim that the court, through inadvertence, had not made the computation correctly, and put in a claim for $11,000 more for rent, and that item gets into this bill. It passed through the House. The Senator from Florida and the committee have stricken it out, and I am glad of it. In some cases they have corrected those abuses, but in others they have not. It was in the bill as it passed the House and it was stricken out in the committee.

Here is another that was in the bill as it passed the House, and which characterizes it. It is a claim of Mrs. Perkins. The Senator from Florida has stricken it out here. It was in the

bill as it passed the House. He has done some good work, but he has not done enough of it. The Court of Claims finds that there had been an administration of the estate and the administrator was N. C. Perkins. Perkins was a Confederate officer. He was administering the estate of a Mr. Todd, who had died just before the war and left his property to his daughter, who was the wife of this Confederate officer. She was undertaking to establish loyalty within the meaning of the act that would allow her administrator to recover for property taken by the Union soldiers, and here was the proof. There is the Court of Claims on the part of the widow of this Confederate officer who was fighting under a Confederate flag and against the Government at the time.

Mrs. Perkins desired her husband to keep out of the Confederate service; she did not desire him to take up arms; she did not wish him to join either army; after the war actually began she did not desire the subjugation of the South and she did not wish for the defeat of the Confederacy to secure the perpetuity of the Union. It does not appear that she gave assistance or practical sympathy on either side.

There is a statement of fact which looks both ways. The situation was this: Her husband was a Confederate officer and he was the administrator of the estate, and that is the way she undertook to qualify, so far as loyalty was concerned. The Senator from Florida has stricken that item out of the bill, but it went through the House.

Now, let me refer to one or two more items to characterize a great many of these items and I am through with that part of it. For instance, these are the claimants, who were children of tender years at the time of the Civil War. Here is the case of a man by the name of Lindsey L. Brown, which was not referred to the Court of Claims until 1894, 40 years after the war was over. This property had belonged to a man named William R. Brown. He died in 1863 and left a wife and five children. There is no proof that Brown, the father of these children, was loyal. There is nothing at all upon that subject. The statute requires proof of loyalty on the part of the claimant at least. This is her father. There is no proof in regard to him. It was proven, and the Court of Claims finds, his widow was disloyal. Now, there were two adult sons. The proof shows that they were disloyal. Then there were two others who were found to be loyal because they were not of age. Here they were in a State that was in rebellion and at war with the Government. There is no proof that the father was loyal; there is positive proof that the surviving widow was disloyal and that the two boys who were of age were disloyal, and yet the two children who were under age are found to have been loyal and entitled to this money because of their tender years. Those two children were minors. No claim was ever presented in their behalf. That claim slept after they became of age and had a right to prosecute it. It slept there for about 35 years. Then these two children, after all these years had elapsed, with no proof of their father's loyalty, with the direct proof of the mother's disloyalty and of the disloyalty of the brothers who were of age, and after all these years of silence, come in and undertake to establish their loyalty and their right to recover because of tender years.

I do not believe there is anything in such practice as that to appeal to the equity of Congress in the exercise of its discretion in paying a claim for damages.

Now, I want to show the character of some of these claims for churches.

Mr. BRYAN. Will the Senator give me a reference to the page of the bill on which the last item he has criticized is found?

Mr. CRAWFORD. I will look that up. I do not know about it being carried in this bill. The Senator from Florida has cut some of those items out, I know, but I am satisfied it was in the bill as it passed the House.

For instance, here is a claim for a church. In one case they go into the Court of Claims and describe the building, when it was erected, how old it was, whether it was brick or stone, and then state how long it was occupied, giving the period—four or six months—then they give the specifications of what damage was done to it, and the court makes its findings of the amount it was damaged. In every case with a church that was injured in that way, the committee two years ago recommended the payment; and that has been done as respects this bill. I think an item of that kind ought to be allowed.

But I want to contrast a claim like that with claim after claim that you will find in this bill for damages to churches. There is no description of the building. Some of them were churches belonging to colored people. I do not imagine they were worth very much money nor that they were very extravagant or palatial churches; but there is no description of the building or of the age of the building, whether it was occupied 24 hours, 24 days, 1 year, or 4 years; there is absolutely nothing. It is not stated how it was damaged or to what extent, or if at all, but there is merely a lump sum finding that it was occupied, and that the rental value is so and so.

Ingenious attorneys—and you can see the play all the way through—hunt up old claims of that kind and put in just enough of colorable stuff on which to base an anomalous sort of finding which means almost anything, because they wanted just enough to come up here and ask Congress to appropriate some money. The omnibus claims bill is and has been just crammed full of items of that kind. I do not think they ought to be paid. For every honest claim that is paid, with real merit in it, I think there are many in the bill that ought not to be paid.

I regret that we are right down here in the last hours of Congress, where we can not take these items and do justice to the deserving claims which are in the bill. The trouble with it is that for a goodly number of honest claims, which ought to be paid, there are 2 for 1, I dare say, of claims that have no merit whatever. It is just upon that ground that I shall be unable to vote for the bill.

I am glad to say that the Senator from Florida has always been fair and reasonable from his viewpoint. He presumes always, and indulges in the presumption, that where these general sort of findings are made, without any specifications whatever, the presumption must all be to pay the claims, while I have insisted that when these people, after 40 or 50 years have come here and asked us to take money out of the Treasury and pay it over to them, and they have undertaken to go to the Court of Claims and make out a case there upon which we are to pay the money, it was up to them to present to Congress some facts instead of just a line or two of generalization.

With that statement, I have no desire to further occupy the time of the Senate; but when the bill is read I shall reserve the right to move to strike out a claim whenever one is arrived at where I am able at this time and in this difficult way to present facts in regard to it which are adverse, and ask to have it eliminated from the bill.

Mr. BRYAN. Mr. President, I ask unanimous consent that this bill be first read for committee amendments.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the bill will be read for committee amendments.

Mr. STONE. Mr. President, I am now, and will be, very reluctant to interfere with the dispatch of business, and especially am I disinclined to interfere with this bill. I feel that way because so many Senators are interested in it. I know also there are other bills here, quite a large number in the aggregate, in which Senators are deeply interested. I wish to say, however, that before this Congress ends—not now, but between now and noon Thursday—I intend to take the floor at some stage of the proceedings and give expression to some views with respect to the shipping bill and also to express my views with respect to the filibuster by which the bill was killed.

Mr. President, I am deeply grieved that the shipping bill has been killed in this way, and I want it understood that there is more than one mourner at the obsequies. I shall not express myself now; but I do intend, as I already have said, before this session ends to have something to say about the way in which this great public measure was so incontinently strangled. I shall now yield the floor, that the consideration of the pending bill may proceed.

The reading of the bill was resumed.

The next amendment of the Committee on Claims was, on page 7, after line 13, to insert:

To the trustees of Florence Lodge, No. 14, Free and Accepted Masons, of Florence, $2,800.

To the trustees of the Methodist Episcopal Church South, of Huntsville, $7,500.

To the trustees of the North Alabama College, of Huntsville, $7,600.

The amendment was agreed to.

The next amendment was, under the subhead "Arkansas," on page 10, line 15, before the name "Polk," to strike out "Marie" and insert "Maria," so as to make the clause read:

To Maria Polk Johnston, James Polk, and Burns Polk, jr., heirs of Burns Polk, sr., deceased, late of Phillips County, $300.

The amendment was agreed to.

The next amendment was, on page 11, line 8, after the word "Clarksville," to strike out "$400" and insert "$4,400," so as to make the clause read:

To the trustees of the Methodist Episcopal Church South, of Clarksville, $4,400.

The amendment was agreed to.

The next amendment was, on page 11, after line 22, to insert:

To Mrs. V. R. Davenport, sole heir of Sidney Markham, deceased, of White County, $2,600.

To C. A. Jarred, administrator of the estate of Leroy Noble, deceased, of Polk County, $740.

The amendment was agreed to.

The next amendment was, at the top of page 12, to insert:

To Anna F. Polk, Susan H. Keesee, Anna Lee Pepper, Griselda H. Hargraves, and Robin A. Polk, heirs of Allen J. Polk, deceased, of Phillips County, $14,280.

The amendment was agreed to.

The next amendment was, under the subhead "California," on page 12, line 5, to strike out:

To Joseph M. Clark, of Santa Clara County, $184.12.
To Wilford Cubbage, of San Bernardino County, $137.42.
To Richard N. Doyle, of Los Angeles County, $397.97.
To Andrew J. Guilford, of Alameda County, $547.25.

The amendment was agreed to.

The next amendment was, on page 12, after line 11, to strike out:

To Julia H. Castle, daughter of John H. Howe, deceased, of Los Angeles County, $575.93.

COLORADO.

To Lewis B. Brasher, of Denver, $372.83.
To Jesse W. Coleman, of Custer County, $675.
To James W. Hanna, of Denver County, $148.34.
To William B. Palmer, of Denver, $360.65.
To George T. Shackelford, of Denver, $43.80.

CONNECTICUT.

To James F. Brown, of New London County, $262.98.
To E. W. Hubbell and R. H. Hubbell, executors of the estate of James E. Hubbell, deceased, of Fairfield County, $109.27.
To Charles H. Simmons, of Windham County, $39.94.

The amendment was agreed to.

The next amendment was, under the subhead "District of Columbia," on page 13, line 2, to strike out:

To Harrison L. Deam, of Washington City, $115.74.
To Ella L. Deweese, widow of John T. Deweese, deceased, of Washington City, $155.09.

The amendment was agreed to.

The next amendment was, on page 13, after line 8, to strike out:

To Benjamin F. Hasson, of Washington City, $365.39.

The amendment was agreed to.

The next amendment was, on page 13, after line 10, to insert:

To James O. Turner, administrator of Christina Turner, deceased, $1,150.

The amendment was agreed to.

The next amendment was, under the subhead "Florida," on page 13, line 17, before the word "County," to strike out "St. John" and insert "St. Johns," so as to make the clause read:

To Robert von Balsan; Eliza C. von Balsan, administratrix of Rinaldo von Balsan, deceased; and Sarah von Balsan, administratrix of Isadore von Balsan, deceased, of St. Johns County, $1,280.

The amendment was agreed to.

The next amendment was, on page 13, after line 17, to strike out:

To Joseph D. Hazzard, of Lake County, $106.21.

The amendment was agreed to.

The next amendment was, on page 13, line 24, before the word "County," to strike out "Duvall" and insert "Duval," so as to make the clause read:

To Richard H. Turner, in his own right and as administrator of the estate of Eliza Turner, deceased, and Eliza Ann Turner, of Duval County, $2,130.

The amendment was agreed to.

The next amendment was, at the top of page 14, to insert:

To the rector, wardens, and vestry of St. John's Church at Jacksonville, $12,000.

The amendment was agreed to.

The next amendment was, on page 14, line 18, after the words "estate of," to strike out "Berryman" and insert "Benjamin," so as to make the clause read:

To Daniel M. Dempsey, administrator of the estate of Benjamin S. Dempsey, deceased, of Floyd County, $857.

The amendment was agreed to.

The next amendment was, on page 15, line 17, after the name "Jones," to insert "formerly," and in the same line, after the word "County," to insert "now of Bennington, Okla.," so as to make the clause read:

To Sibini Jones, formerly of Pike County, now of Bennington, Okla., $215.

The amendment was agreed to.

The next amendment was, on page 15, line 24, before the word "administratrix," to strike out the name "Crusells" and insert the name "Cruselle," so as to make the clause read:

To Julia A. Cruselle, administratrix of William H. Rice, deceased, of Fulton County, $8,190.

The amendment was agreed to.

The next amendment was, on page 16, after line 15, to strike out:

To Rosa M. Wyatt, of Bryan County, $5,015.

The amendment was agreed to.

The next amendment was, on page 17, after line 16, to insert:

To Fannie Meek, heir of Mary Bailey, deceased, of Walker County, $490.50.
To Sarah Jane Bellah, administratrix of the estate of James W. Bellah, deceased, of Pike County, $2,980.
To Plymouth Frazier, jr., administrator of Plymouth Frazier, sr., deceased, of Liberty County, $110.
To Martha E. Adamson, administratrix of Gideon F. Mann, deceased, late of Clayton County, $2,270.
To George P. Morrow, heir of Isaac Morrow, deceased, of Bartow County, $615.
To the trustees of the Presbyterian Church, of Marietta, $3,000.
To the wardens and vestry of St. Peter's Episcopal Church, of Rome, $1,200.

The amendment was agreed to.

The next amendment was, under the subhead "Illinois," on page 18, after line 7, to strike out:

To Martha J. Bowen, widow of Edwin A. Bowen, deceased, late of La Salle County, $221.80.
To Andrew L. Carter, of Sangamon County, $48.16.
To Bennett Depenbrock, of Marion County, $952.19.
To Thomas O. Eddins, of Pike County, $227.90.
To Mary J. Ely, widow of Benjamin F. Ely, deceased, of Coles County, $259.68.
To James P. Files, son, and Alice White, granddaughter, sole heirs of James P. Files, deceased, late of Wayne County, $80.01.
To Benjamin S. Ford, of Tazewell County, $330.43.

The amendment was agreed to.

The next amendment was, on page 18, after line 19, to strike out:

To William T. Glenn, of Cook County, $334.75.
To William Hanna, of Adams County, $395.57.
To Annie Mahar, widow (remarried) of Theodore S. Loveland, of Cook County, $590.39.
To Orrin L. Mann, of Vermilion County, $283.35.
To John E. Mullaly, of Cook County, $99.30.

The amendment was agreed to.

The next amendment was, on page 19, after line 1, to strike out:

To Nannie L. Schmitt, widow of William A. Schmitt, deceased, of Cook County, $129.25.
To Mary L. Scott, widow of Pleasant S. Scott, deceased, of Menard County, $67.77.

The amendment was agreed to.

The next amendment was, on page 19, after line 7, to strike out:

To John H. Stibbs, of Cook County, $216.18.
To Carrie M. Persons, executrix of William Stubbs, deceased, of Cook County, $411.17.

The amendment was agreed to.

The next amendment was, on page 19, after line 11, to insert:

To Elijah Stannard, of Iroquois County, $210.

The amendment was agreed to.

The next amendment was, under the subhead "Indiana," on page 19, after line 13, to strike out:

To Lewis J. Blair, of Dekalb County, $434.14.
To Sarah E. Smith, and George W. Browne, brother and sister and sole heirs of Thomas M. Browne, deceased, of Randolph County, $202.84.
To Samuel E. Calvert, late a resident of Kentucky, now residing in Grant County, Ind., $274.92.
To William G. Dudley, of Sullivan County, $381.87.
To Russell P. Finney, of Clark County, $153.95.
To John W. Foland, of Madison County, $477.04.
To Andrew G. Gorrell, of Wells County, $264.71.
To Silas Grimes, of Monroe County, $288.37.
To John W. Headington, of Jay County, $194.19.
To Nimrod Headington, of Jay County, $276.45.
To Hiram Hines, of Hamilton County, $309.45.

The amendment was agreed to.

The next amendment was, on page 20, after line 4, to strike out:

To Kate Morehead, Clara M. Girard, and Florence E. Cochran, heirs of Joseph P. Leslie, deceased, $55.43.
To John D. Longfellow, of Grant County, $98.51.
To Cyrus J. McCole, of Hamilton County, $330.44.
To Leonard H. Mahan, of Vigo County, $119.14.
To Ernest C. North, of Ohio County, $90.90.
To Robert W. Pemberton, of Tippecanoe County, $473.02.
To John W. Sale, of Allen County, $299.62.
To Joseph D. Wyatt, a resident of the National Military Home in the State of Indiana, $102.81.

IOWA.

To Hiram Atkinson, of Fremont County, $64.59.
To Charles C. Bauman, late of Illinois, now resident of Davenport, Iowa, $238.16.
To Annis M. Dana, widow of Newell B. Dana, deceased, of Washington County, $242.
To Henry Green, of Clay County, $83.81.
To Paris P. Henderson, of Warren County, $392.09.
To Johannah H. Houps, widow of Michael Houps, deceased, of Dubuque County, $442.74.
To Nancy J. Gilleland, widow (remarried) of John Paul Jones, deceased, of Madison County, $173.13.
To Hamilton L. Karr, of Clark County, $66.54.
To Basil D. Mowery, of Keokuk County, $461.22.
To D. W. Poor, son and heir at law of James A. Poor, deceased, of Buchanan County, $138.83.
To August Schlapp, $399.36.
To George A. Smith, of Clinton County, $416.67.
To Abram Treadwell, of Clayton County, $450.40.

The amendment was agreed to.

The next amendment was, under the subhead "Kansas," on page 21, after line 10, to strike out:

To James P. Barnett, of Sedgwick County, $97.71.

The amendment was agreed to.

The next amendment was, on page 21, after line 13, to strike out:

To Frank Crathorne, of Wilson County, $201.17.
To Jane H. Haynes, widow of Charles H. Haynes, deceased, of Bourbon County, $100.70.

The amendment was agreed to.

The next amendment was, on page 21, after line 18, to strike out:

To B. C. Matthews, administrator of the estate of Fenelon B. Matthews, deceased, late of Nemaha County, $550.52.
To Florence M. Metz, widow of Edmund Metz, deceased, of Reno County, $113.23.
To Martin V. B. Sheafor, of Cloud County, $152.76.
To William H. Sparrow, of Labette County, $165.26.
To Jacob Samuel Weaver, of Bourbon County, $82.26.

The amendment was agreed to.

The next amendment was, at the top of page 22, to insert:

To Harriet Camp, William A. Camp, Olive M. Allen, Mary B. Brown, Margaret E. Bowie, Clarence Camp, Carrie Camp, Hattie Brannan, and Thomas Brannan, heirs of Adam Camp, deceased, late of Miami County, $670.

The amendment was agreed to.

The next amendment was, on page 22, after line 4, to insert:

To Shadrack Sechrest, of Tonganoxie, $500.

Mr. BRYAN. Mr. President, I ask that that amendment be disagreed to. It appears at another place in the bill.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

The next amendment was, under the subhead "Kentucky," on page 22, after line 7, to strike out:

To Mary E. Martin, widow (remarried) of Samson M. Archer, deceased, of Bourbon County, $115.70.

The amendment was agreed to.

The next amendment was, on page 22, after line 12, to strike out:

To William A. Attersall, of Clark County, $30.74.

The amendment was agreed to.

The next amendment was, on page 22, after line 17, to strike out:

To Margaret A. Bloom, widow of Andrew S. Bloom, deceased, of Fayette County, $789.20.

The amendment was agreed to.

The next amendment was, on page 22, after line 22, to strike out:

To Valentine S. Brewer, of Owsley County, $469.90.

The amendment was agreed to.

The next amendment was, on page 23, after line 10, to strike out:

To Thomas P. Coldwell, of Laurel County, $89.83.

The amendment was agreed to.

The next amendment was, on page 23, after line 15, to strike out:

To Sarah Ann Dobbs, widow of Nathaniel B. Dobbs, deceased, of Pulaski County, $152.25.

The amendment was agreed to.

The next amendment was, at the top of page 25, to strike out:

To Elizabeth Magruder, niece and heir at law of Alexander Magruder, deceased, of Nelson County, $220.56.

The amendment was agreed to.

The next amendment was, on page 25, after line 6, to strike out:

To John H. Marshall, of Pendleton County, $300.

The amendment was agreed to.

The next amendment was, on page 25, after line 8, to strike out:

To Kate W. Milward, widow of Hubbard K. Milward, deceased, of Fayette County, $545.10.

The amendment was agreed to.

The next amendment was, on page 25, after line 12, to strike out:

To Ella J. Vermillion and others, children and heirs at law of Zachariah A. Morgan, deceased, of Letcher County, $52.60.
To Miriam F. Munday, widow of Jesse S. Munday, deceased, of Mercer County, $501.86.
To Ion B. Nall, of Jefferson County, $46.40.

The amendment was agreed to.

The next amendment was, on page 26, after line 3, to strike out:

To John W. Robbins, of Bracken County, $263.

The amendment was agreed to.

The next amendment was, on page 26, after line 10, to strike out:

To Mary Speak, widow of Jesse C. Speak, deceased, of Laurel County, $36.60.

The amendment was agreed to.

The next amendment was, on page 26, after line 15, to strike out:

To Benjamin R. Waller, of Graves County, $524.77.

The amendment was agreed to.

The next amendment was, on page 26, after line 17, to strike out:

To John E. Wells, of Mason County, $256.24.

The amendment was agreed to.

The next amendment was, on page 26, after line 21, to strike out:

To William J. Worthington, of Greenup County, $36.40.

The amendment was agreed to.

The next amendment was, on page 30, after line 14, to insert:

To Peter Daniel, of Johnson County, $500.
To Peter Ellwanger, administrator of the estate of D. F. Ellwanger, deceased, of Jefferson County, $710.
To William Fehr, administrator of Peter Fehr, deceased, of Jefferson County, $602.
To the county of Graves, State of Kentucky, $1,500.
To the county of Jessamine, State of Kentucky, $1,000.
To Irene E. Johnson, administratrix of the estate of Leo L. Johnson, deceased, late of Scott County, $37,351.49.
To Sallie A. Kinnaird, administratrix of the estate of William H. Kinnaird, deceased, of Warren County, $1,080.

The amendment was agreed to.

The next amendment was, at the top of page 31, to insert:

To J. H. Maratta, administrator of the estate of Caleb Maratta, deceased, late of Spencer County, $417.
To M. C. O'Hara, administrator de bonis non of William O'Hara, deceased, of Caldwell County, $4,829.
To Sarah Posey Brown, sole heir of Thomas B. Posey, deceased, of Shelby County, $280.
To Elias J. Riley, administrator of the estate of John Riley, deceased, of Logan County, $2,480.
To James A. Seebolt, administrator of the estate of John H. Seebolt, deceased, of Jefferson County, $4,675.
To Ambrose D. Vallandingham, of Owen County, $550.
To Julia F. Yates, of Lawrence County, $125.
To the trustees of the Baptist Church, of Bloomfield, $325.
To the trustees of the Christian Church of Crab Orchard, $500.
To the trustees of the Colored Baptist Church of Lebanon, $500.

The amendment was agreed to.

The next amendment was, under the subhead "Louisiana," at the top of page 38, to strike out:

To James A. Verret, administrator of Adolph Verret, deceased, late of Terrebonne Parish, $4,067.

The amendment was agreed to.

The next amendment was, on page 38, after line 7, to strike out:

To Elizabeth White, administratrix of the estate of Samuel N. White, deceased, late of West Feliciana Parish, $27,800.

Mr. WARREN. Mr. President, I ask the Senate to disagree to the amendment on lines 8, 9, and 10. That is a bill that has passed the Senate three times and passed the House twice, and it is a matter that I understand very thoroughly.

The SECRETARY. The item reads:

To Elizabeth White, administratrix of the estate of Samuel N. White, deceased, late of West Feliciana Parish, $27,800.

Mr. BRYAN. Mr. President, the facts in this case are these: Mr. White owned a steamboat which was taken and used by the Federal Army, and he gave a receipt finally for $7,000. The receipt which he signed stated "that said sum is received in full accord and satisfaction for all claims against the United States or its officers for said boat and its value."

When the boat was taken there was some sugar on board, some barrels of sugar of the value of $27,000. The case was afterwards tried by the Court of Claims, and the court came to the conclusion that, while the receipt did not mention the sugar or the cargo, it was clearly the intention of the parties to settle all claims and to pay the $7,000 in full satisfaction of the claim, and that the claimant accepted the $7,000 in settlement. Now he comes back afterwards, after getting the $7,000, and wants this appropriation, which the Court of Claims finds was the value of the cargo.

It seemed to the committee that the receipt was intended to be in full, although it did not mention the cargo. It said, "The boat and its value." Certainly the officers of the Government so understood it, and the court in passing upon the claim held that they had a right to and were justified in that belief.

That is all I care to say about it.

Mr. WARREN. Mr. President, I do not care to occupy much time. I was in the country where this occurred at the time it occurred. I know something about the circumstances in Louisiana about Port Hudson. They took this man's ship and

cargo for the use of the Government, and continued to use it long after the war without paying him anything for the use, for the cargo, or for the boat. He made his claim in due season to the commission, and they sent it to the court. He proved his loyalty, had his case settled in court, the United States had it appealed to a higher court, and never perfected that appeal or took it to a higher court. Several years afterwards, in 1865, the Government took advantage of his poverty and offered him $7,000, which they said was what the ship was finally sold for by mistake. The Secretary of War admits that it was sold by mistake, after the Government had had full use of the vessel for eight hundred and twenty-odd days, the stipulated price for the use of vessels of this kind being $28 a day.

Now, here was a man who had a good ship and who was loyal. The Government took his ship and took the cargo, and used the ship until long after the war closed, and then, by mistake, sold it at auction for $7,000 and took a receipt that does not state that it was in full for the use of that ship; and he supposed when he signed the receipt that he was signing only for the value of the ship left after its use, and that he still had due him the value of the use of the ship all of this time.

Through a misunderstanding, I did not have an opportunity to appear before the subcommittee or the committee when this matter was considered; but it is a matter that I investigated very thoroughly when I was chairman of the Committee on Claims, and all the more so because of the associations that surrounded it with which I was familiar so long ago. It was a just claim. It passed in with other claims, and we were compelled in one instance to take out several hundred thousand dollars of claims of $20,000 or more, and this among the others, simply to lighten the load. Since that time it has passed the Senate twice, and it has passed the House twice; but they failed to connect. I think we ought to disagree to the Senate amendment striking it out.

Mr. RANSDELL. Mr. President, I hope the Senate will disagree to this item. These parties live in my State, and this item, in my judgment, should certainly be paid if anything in this bill is paid. It is clearly proven. The only objection to paying it is that this man White did give a receipt in this language:

Being in full accord and satisfaction for all claims against the United States and its officers for said boat or its value, $7,000.

We are not claiming for the boat. We are claiming for the use of the boat 825 days, which the court found was worth $23,100, and for sugar and molasses, $4,700; a total of $27,800. Does any reasonable man claim that when this poor fellow went to the Government and gave a receipt, just after the Civil War, when everything was in confusion, for $7,000 in full for the boat, that should debar him from getting paid for the sugar and molasses and the use of the boat for 825 days? Why, it would be an awful hardship; and I can not believe that the Senate is going to inflict that hardship on him.

This claim has been up time and again, and, as stated by the Senator from Wyoming, it was approved and passed the Senate twice. I was not familiar with the circumstances when it came up this time and was acted on unfavorably. I sincerely hope that act of injustice is not going to be done to a citizen of my State.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

The next amendment was, on page 38, after line 17, to insert:

To Henry Comeaux, of Lafayette Parish, $420.
To A. A. Goodwin, jr., administrator of succession of Emile Rost, deceased, late of Natchitoches Parish, $4,590.
To the heirs of Pierre Sauve, deceased, late of the city of New Orleans, $7,900.
To William H. Waters, heir at law of Thomas B. Waters, deceased, late of Rapides Parish, $1,440.

The amendment was agreed to.

Mr. CRAWFORD. Mr. President, I should like to ask the chairman of the committee how it comes that these four claims at the bottom of page 38 were not in the bill as it passed the House or in the omnibus claims bill of two years ago. What are those four claims beginning with "Henry Comeaux"?

Mr. BRYAN. Well, take the first: The Army took 6 horses, 9 cows, and 30 hogs.

Mr. CRAWFORD. How does it come that that was not in the omnibus claims bill two years ago or in this bill as it passed the House?

Mr. BRYAN. It was reported at the beginning of the Sixty-third Congress. All of these are claims since the last bill.

Mr. CRAWFORD. Just a word there, Mr. President. It seems to me that the time has arrived now, half a century after the war closed, when we ought to stop sending in these claims for horses and chickens and hogs and corn and rails and cordwood that it is alleged were taken by the United States Army during the Civil War. The Court of Claims has done all that it ought to do in the way of findings on stale claims; and I will ask the Senator—I have not had time to examine it—whether there is a provision in this bill to put an end to the further reference of these claims?

Mr. ROBINSON. I will state that there is not.

Mr. CRAWFORD. Then it is all the more reason why the bill ought to be defeated.

The next amendment was, at the top of page 39, to strike out:

MAINE.

To Jacob B. Loring, of Knox County, $148.23.
To Whitman L. Orcutt, of Aroostook County, $878.47.
To William L. Ross, of Penobscot County, $47.56.

The amendment was agreed to.

The next amendment was, under the subhead "Maryland," on page 43, after line 5, to insert:

To A. Rosa Bevans, sole heir of Thomas Bevans, deceased, of Washington County, $570.

Mr. ROBINSON. I ask that that amendment be disagreed to.

The amendment was rejected.

The next amendment was, on page 43, after line 7, to insert:

To Sarah C. Harsh, of Washington County, $655.
To Charles H. Stonestreet, administrator of the estate of Nicholas Stonestreet, deceased, late of Charles County, $960.
To Francis L. Ward and Eliza C. Ward, administrators of Marjorie Ward, deceased, of Howard County, $700.
To the trustees of the German Reformed Church, of Boonsboro, $60.

The amendment was agreed to.

The next amendment was, under the subhead "Massachusetts," on page 43, after line 16, to strike out:

To William W. Dutcher, of Essex County, $457.84.

The amendment was agreed to.

The next amendment was, on page 43, after line 20, to strike out:

To William B. Kimball, of Hampshire County, $21.84.
To Susan Shatswell, executrix of Nathaniel Shatswell, deceased, of Essex County, $244.90.
To Horace P. Williams, of Boston, $1,604.14.

The amendment was agreed to.

The next amendment was, under the subhead "Michigan," on page 44, after line 1, to strike out:

To Harriet C. Begole, mother of William M. Begole, deceased, of Genesee County, $19.33.
To Myron C. Bond, of Adrian, $48.04.
To Lemuel C. Canfield, of Mason County, $587.68.
To Guy M. Claflin, of Lenawee County, $499.79.
To William A. Clark, of Ann Arbor, $329.30.
To James S. De Land, of Detroit, $202.88.
To Lucius E. Gould, Abby E. Allison, and Mary I. Todd, children of Ebenezer Gould, deceased, of Shiawassee County, $42.70.
To Elvira D. Gregg, widow of Judson H. Gregg, deceased, of Ingham County, $116.28.

The amendment was agreed to.

The next amendment was, on page 44, after line 15, to strike out:

To Frederick S. Hutchinson, of Ionia County, $118.80.
To George J. Lockley, Joseph F. Lockley, and Sarah E. Todd, children of George Lockley, deceased, $99.50.
To Maria N. Swain, widow of Elisha R. Swain, deceased, $361.86.
To Edwin A. Wells, of Lenawee County, $116.67.

The amendment was agreed to.

The next amendment was, under the subhead "Minnesota," on page 44, after line 22, to strike out:

To Omar H. Case, of Fillmore County, $191.63.
To Frederick Lambrecht, of Ramsey County, $324.73.
To Warren Onan, of Clay County, $39.74.

The amendment was agreed to.

The next amendment was, under the subhead "Mississippi," on page 45, line 8, after the words "sum of," to strike out "$13,500" and insert "$10,125," so as to make the clause read:

To Antonio Q. Lovell, Rosalie Q. Duncan, Fredrica Q. Ogden, Eliza T. Routh and Louisa Q. Lovell, deceased, and Eva C. Lovell and Alice Q. Lovell, children and heirs of Louisa Q. Lovell, deceased, or to their legal representatives, the sum of $10,125.

The amendment was agreed to.

The next amendment was, under the subhead "Missouri," on page 50, after line 12, to strike out:

To Caroline E. Bagg, widow of John Bagg, deceased, of Adair County, $922.90.

Mr. REED. I ask the Senator in charge of the bill what reasons the committee have for striking out the claim of Mrs. Caroline E. Bagg, widow of John Bagg, deceased, of Adair County? I find no reference to it in a somewhat hasty examination of the printed report.

Mr. CRAWFORD. I can tell the Senator from Missouri. That is a soldier's claim for increased pay, and it belongs to a class all of which come under one condition. They were officers who drew the salary allowed to them according to the commis-

sion they held from the Government, but they were performing the service of an officer of the next grade higher. They were not able to secure the pay at that rank because of the fact that the command was not up to its minimum. The statute of 1864 prevented their securing pay unless their command was up to the minimum. I do not recall the particular year, but I think it was in 1903, when Congress passed an absolute limitation upon the consideration of those claims, and that statute remains in force. The statute of 1864 remains in force against these claims. There are about 100 or 200 others exactly like it, all of which we cut out of the omnibus bill two years ago, and I think they are not included in this bill.

Mr. ROBINSON. I was just about to state that this is one of a class of claims all of which have gone out of the bill. The Senator from Florida [Mr. BRYAN] made a statement at the opening of the discussion on this bill explaining the matter more in detail.

Mr. REED. Has the Senator from South Dakota the law? While it is a little out of order, we will save time, I think, and I desire to ask him as to the other claims which have been stricken out on page 51. The names of William C. Brummett, Joseph P. Grisson, and John R. Hamacher are in the same class and stricken out for the same reason?

Mr. ROBINSON. They are.

Mr. REED. Is that true of all the other claims stricken out of this bill, so far as it applies to the State of Missouri?

Mr. ROBINSON. I did not hear the Senator's question.

Mr. CRAWFORD. It is true of all claims of that class.

Mr. REED. It is impossible for me to tell by the bill what the class of the claim is, of course, but I thought the Senators perhaps could give me an explanation.

Mr. ROBINSON. With the exception of the Sheppard claim, on page 53, I am assured that they are all in that class.

Mr. REED. What is the reason why the Sheppard claim is stricken out?

Mr. ROBINSON. Sheppard was a gambler, it is stated, and it did not seem reasonable to pay the claim of a gambler in a game called chuck-a-luck. I suppose the Senator from Missouri never heard of it.

Mr. CRAWFORD. That is a gambler's claim.

Mr. ROBINSON. The Senator from South Dakota is perfectly familiar with that class of cases.

Mr. CRAWFORD. I will say to the Senator from Missouri that this man Sheppard was an all-around gambler, and he was teaching his associates the game of chuck-a-luck. Gen. Hazard ordered him arrested and took the money away from him. He claims that they took $830 and that a part of it was not won by him in gambling, and he wants the surplus that was not won in gambling paid back. But it was handed over to some officers, and they lost it; it never went into the United States Treasury. The Government has not got it. It is the claim of this gambler for that portion of the money which he claims they took that was not the proceeds of his winning.

Mr. PENROSE. Will the Senator permit an inquiry?

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from South Dakota yield to the Senator from Pennsylvania?

Mr. PENROSE. The Senator used a western term that is not familiar to those of us who live east of the Alleghenies. He has referred to a game of chuck-a-luck. I hope he will explain the nature of the game.

Mr. ROBINSON. Will the Senator from South Dakota yield to me for a moment?

Mr. CRAWFORD. The floor is not mine. It belongs to the Senator from Missouri.

Mr. REED. Down East in pious Pennsylvania they refer to the game that the Senator is discussing as society bridge. Out West they use a plainer term.

Mr. PENROSE. I did not hear the Senator, but I have no doubt his explanation is very good.

Mr. ROBINSON. I suggest that with this humor we are wasting rather valuable time of the Senate, and I ask that we proceed with the bill.

Mr. REED. I recognize the fact that the Senate is in its closing hours, and it is impossible to give these claims that have been stricken out any full consideration at this time. I therefore simply make the statement that I shall not insist upon their reinsertion because of the lack of time, and I expressly state that by so doing I in no manner want to be understood as waiving the validity of these claims, but shall probably bring some of them forward at a more convenient season.

The amendment was agreed to.

The next amendment was, on page 51, after line 4, to strike out:

To William C. Brummett, of Cass County, $390.93.

The amendment was agreed to.

The next amendment was, on page 51, after line 16, to strike out:

To Joseph C. Grissom, of Jasper County, $1,208.19.
To John R. Hamacher, of Ray County, $42.38.

The amendment was agreed to.

The next amendment was, on page 52, after line 10, to strike out:

To Mary E. James, widow of Thomas James, deceased, of Jackson County, $149.90.

The amendment was agreed to.

The next amendment was, on page 52, after line 17, to strike out:

To Benjamin F. Lutman, of Cole County, $388.96.

The amendment was agreed to.

The next amendment was, at the top of page 53, to strike out:

To Jay H. Neff, administrator of Andrew J. Neff, deceased, late of Jackson County, $240.28.

The amendment was agreed to.

The next amendment was, on page 53, after line 17, to strike out:

To Francis M. Sheppard, of Chariton County, late of Company I, One hundred and sixteenth Regiment Illinois Volunteer Infantry, $830.

The amendment was agreed to.

The next amendment was, on page 55, after line 13, to insert:

To John R. Adams, of Goodland, $240.

The amendment was agreed to.

Mr. CRAWFORD. I should like to know from the Senator in charge of the bill if those are also late reports from the Court of Claims.

Mr. ROBINSON. I think they are. That is my recollection.

The next amendment was, on page 55, after line 14, to insert:

To E. P. Ament, administrator de bonis non of John Ament, deceased, late of Cass County, $850.

Mr. CRAWFORD. I want to reserve the right to object to these claims being acted upon in this way that have only recently been reported and where there has been no opportunity to investigate them.

Mr. JAMES. We can not hear the Senator.

Mr. CRAWFORD. I reserve the right to vote to strike out these new claims that have come in so recently that we have had no opportunity to examine the reports.

Mr. ROBINSON. I have no objection.

The amendment was agreed to.

The next amendment was, on page 55, after line 16, to insert:

To Arren Bray, of Christian County, $215.
To Will Clemments, administrator of Peter S. Clemments, deceased, of Cass County, $340.
To Ethelbert Barrett, administrator of the estate of M. W. Garrison, deceased, late of Cass County, $785.
To Thomas L. How, heir of J. J. and Isaac S. How, deceased, of Jackson County, $600.
To John W. Clements, administrator of the estate of Alfred Laws, deceased, late of Jackson County, $1,325.
To Sam B. Strother, administrator of the estate of Samuel G. Mason, deceased, of Jackson County, $2,086.
To the county of Newton, State of Missouri, $250.
To Levi W. Revelle, of Franklin County, $1,825.
To the curators of Central College, of Fayette, $1,771.
To the trustees of the Methodist Episcopal Church South, of Warrenton, $480.

The amendment was agreed to.

The next amendment was, on page 56, after line 5, to strike out:

MONTANA.

To Mary E. L. Callaway, widow of James E. Callaway, deceased, of Madison County, $53.23.

The amendment was agreed to.

The next amendment was, on page 56, after line 8, to strike out:

NEBRASKA.

To Margaret C. French, widow of Columbus P. French, deceased, $176.40.
To Michael Trucks, of Cuming County, $377.67.

The amendment was agreed to.

The next amendment was, on page 56, after line 23, to strike out:

NEW HAMPSHIRE.

To Eleazer L. Sarsons, of Sullivan County, $40.33.

The amendment was agreed to.

Mr. NEWLANDS. I offer the following amendment——

Mr. ROBINSON. I make the point of order that the amendment is not in order at this time.

The PRESIDING OFFICER. It is understood that the committee amendments are to be first considered.

Mr. GALLINGER. Before the item is disposed of I will ask the Senator in charge of the bill why that lone item for New Hampshire was stricken from the bill?

Mr. ROBINSON. It is one of the minimum class, belonging to the same class referred to by the Senator from Missouri. All that class went out of the bill.

Mr. GALLINGER. Has any provision been made for the payment of those claims?

Mr. ROBINSON. There has not.

Mr. NEWLANDS. I wish to make an inquiry of the Senator in charge of the bill regarding the claims under the head of Nevada. I see four or five claims allowed there all the way from $400 or $500 to $3,000 to different persons formerly of Nevada, now residents of the State of California. Will the Senator state the character of those claims?

Mr. ROBINSON. They are all so-called Piute Indian claims, if my impression is correct.

The next amendment was, on page 56, after line 25, to strike out:

NEW JERSEY.

To John H. Arey, of Mercer County, $20.39.

The amendment was agreed to.

The next amendment was, under the subhead "New Mexico," on page 57, after line 6, to strike out:

To Mary W. Littell, widow of William J. Littell, deceased, of Lincoln County, $632.18.

The amendment was agreed to.

The next amendment was, on page 57, after line 8, to strike out:

NEW YORK.

To Luther S. Bryant, of Franklin County, $45.31.
To Josephine Campbell, widow of George Campbell, deceased, of Rensselaer County, $272.14.
To Benjamin Fenton, surviving partner of the firm of Fenton & Co., of the city of Buffalo, $9,562.34.
To Anna Cavanaugh, sister and sole heir of John Fryer, deceased, of Otsego County, $60.80.
To Harry V. Hoes, administrator of Theodore Hoes, deceased, of Columbia County, $491.08.
To Emily A. Lockwood, widow of Harrison Lockwood, deceased, of Warren County, $484.11.
To Abby C. McNett, widow of Andrew J. McNett, deceased, of Allegany County, $816.77.
To Martin H. Mullin, of Oneida County, $351.68.
To Lucius V. S. Mattison, of Oswego County, $490.44.
To Cornelia P. Beckley and Maude P. Clark, daughters of Hamilton S. Preston, deceased, of Delaware County, $104.05.
To Alice A. Sheldon, widow of Allen Sheldon, deceased, of Columbia County, $274.54.

The amendment was agreed to.

The next amendment was, under the subhead "North Carolina," on page 58, after line 22, to strike out:

To T. L. Love, surviving partner of Robert Love & Son, of Wake County, $5,000.

The amendment was agreed to.

The next amendment was, on page 60, after line 7, to insert:

To James W. Adams, in his own right, and as heir of Solomon N. Adams, deceased, of Pamlico County, $2,325.
To George H. Bellamy, administrator of the estate of John H. Thees, deceased, of Brunswick County, $1,820.

The amendment was agreed to.

The next amendment was, on page 60, after line 11, to insert:

To the trustees of Beulah Primitive Baptist Church, of Johnston County, $420.

Mr. ROBINSON. I ask that that amendment be disagreed to.

Mr. CRAWFORD. It is to be disagreed to?

Mr. ROBINSON. The amendment appears elsewhere in the bill.

The amendment was rejected.

The next amendment was, on page 60, after line 13, to insert:

To the trustees of the Catholic Church of Washington, $4,000.
To the trustees of the Methodist Episcopal Church South, of Washington, $4,500.

The amendment was agreed to.

The next amendment was, on page 60, after line 17, to insert:

To the trustees of the Presbyterian Church of Washington, $4,500.

Mr. CRAWFORD. I do not want to be in the position of estopping myself, because an amendment is agreed to, after these amendments have been passed, to be heard on a motion to strike them out.

The PRESIDING OFFICER. That was understood before, that they can be returned to.

Mr. LEA of Tennessee. Does the Senator mean to make a motion in Committee of the Whole or in the Senate?

Mr. CRAWFORD. In the Committee of the Whole.

Mr. LEA of Tennessee. At the conclusion of the reading of the bill for action on the committee amendment?

Mr. CRAWFORD. Yes.

The amendment was agreed to.

The next amendment was, on page 60, after line 19, to strike out:

NORTH DAKOTA.

To Martha A. Mullery, widow of James W. Mullery, deceased, of Stutsman County, $260.35.

The amendment was agreed to.

Mr. POMERENE. I think there are five items here. The last item I had any knowledge of—and I have none as to the other items, though I think we did have a little correspondence as to the item in line 25——

Mr. ROBINSON. I will state to the Senator from Ohio that these claims stricken out by the committee are for so-called minimum-pay claims. They are of the same class as the amendment referred to by the Senator from Missouri. All that class of provisions have gone out.

Mr. POMERENE. For my own information, I desire to ask what is the nature of the claim of Jeremiah Cain, of Urbana?

Mr. ROBINSON. I will look it up if, meanwhile, the reading may proceed.

The PRESIDING OFFICER. The reading of the bill will proceed.

The reading of the bill was resumed.

The next amendment of the Committee on Claims was, under the subhead "Ohio," on page 60, after line 23, to strike out:

To Henry L. Biddle, of Montgomery County, $362.44.

The amendment was agreed to.

The next amendment was, at the top of page 61, to strike out:

To Amanda W. Clancy, widow of Charles W. Clancy, deceased, of Jefferson County, $374.88.
To John Hamilton, of Franklin County, $272.77.
To Barton A. Holland, of Hardin County, $182.82.
To George W. Northup, of Montgomery County, $482.40.
To David Skeeles, of Carroll County, $245.85.
To Ellen R. Smith, widow of James R. Smith, deceased, of Lucas County, $514.71.

The amendment was agreed to.

The next amendment was, under the subhead "Oklahoma," on page 61, after line 12, to strike out:

To George W. Clark, of Oklahoma, late a resident of the Indian Territory, $106.26.
To Robert C. Cozine, son of John S. Cozine, deceased, of Eda, $520.22.

The amendment was agreed to.

The next amendment was, on page 61, after line 16, to insert:

To Susan Sanders, only surviving heir of Ebbie Love, deceased, of Vinita, $1,200.

The amendment was agreed to.

The next amendment was, on page 61, after line 18, to strike out:

OREGON.

To John E. Butler, of Lane County, $417.31.

The amendment was agreed to.

The next amendment was, under the subhead "Pennsylvania," on page 61, after line 21, to strike out:

To William Ashworth and Adam I. Ashworth, heirs of James Ashworth, deceased, of Philadelphia, $44.57.
To John H. Black, of Blair County, $361.28.
To John Craig, of Carbon County, $88.85.

The amendment was agreed to.

The next amendment was, at the top of page 62, to strike out:

To John Danks, son and sole heir of John A. Danks, deceased, of Allegheny County, $187.81.
To Frank E. Foster, of Warren County, $569.52.
To Eliza J. Houston, widow of John Houston, deceased, of Indiana County, $136.78.

The amendment was agreed to.

The next amendment was, on page 62, after line 18, to strike out:

RHODE ISLAND.

To Willard H. Greene, late of Company E, Twelfth Regiment Rhode Island Volunteer Infantry, $701.26.

The amendment was agreed to.

The next amendment was, on page 63, after line 22, to insert:

To the vestry and wardens of the Episcopal Church of the parish of Christ Church, South Carolina, $1,450.

The amendment was agreed to.

The next amendment was, at the top of page 64, to strike out:

SOUTH DAKOTA.

To John B. Geddis, of Beadle County, $391.31.

The amendment was agreed to.

The next amendment was, on page 65, line 16, before the name "Carter," to strike out "F" and insert "E," so as to read:

To William E. Carter, administrator of the estate of Melvina A. Carter, deceased, of Hardeman County, $240.

The amendment was agreed to.

The next amendment was, on page 69, after line 4, to strike out:

To John Hughes, of Shelby County, $43.33.

The amendment was agreed to.

The next amendment was, under the subhead "Tennessee," on page 69, after line 11, to strike out:

To Richard M. Johnson, of Dekalb County, $183.26.

The amendment was agreed to.

The next amendment was, on page 71, after line 15, to strike out:

To the receiver of the Overton Hotel Co., of Memphis, Tenn., for rent of hotel used as a military hospital from June 6, 1862, until December 31, 1862, $11,388.

Mr. SHIELDS. Mr. President, I should like to ask the Senator in charge of the bill upon what ground that item was stricken out?

Mr. CRAWFORD. I have the record here. I mentioned that claim a little while ago. We struck it out two years ago, as will be shown by the report of the committee on the last omnibus claims bill.

Mr. ROBINSON. If I may ask the Senator a question, was it not on the theory that the claim had been paid?

Mr. CRAWFORD. The claim was for rent. It was referred in 1885, and was dismissed by the Court of Claims; but it went back there in 1896. Under the second reference the court made a finding in favor of the claimant of $53,333, which was paid and payment of the claim receipted for. That was for the occupation of a building in Memphis during the war, at a time when I do not think rents were very high in Memphis. Then they came up here and claimed that the Court of Claims had made some technical mistake in the computation of the rent. They went to the Court of Claims and asked for another reference in order to get a recomputation, and under that they claim $11,000 more. There is no equity in the claim.

Mr. SHIELDS. Did this case go before the Court of Claims?

Mr. CRAWFORD. It went before the Court of Claims, and they found for $53,333, which the Government paid. These people released the claim, and then their attorney claimed that they had not added the figures correctly, and that they should have $11,000 more.

Mr. SHIELDS. Was the $11,000 more allowed by the Court of Claims?

Mr. CRAWFORD. I only understand that this man comes in and makes a claim, on the theory of computation of the finding made by the Court of Claims, that we should give him $11,000 more than we have already given him, namely, $53,333, which he took, and he gave his receipt for the claim.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Claims was, on page 72, after line 13, to strike out:

To William H. Reagan, of Pickett County, $50.

The amendment was agreed to.

The next amendment was, on page 73, after line 17, to strike out:

To Mrs. Sallie H. Perkins, daughter and heir of J. J. Todd, deceased, of Shelby County, $5,684.

Mr. SHIELDS. I ask that that amendment be passed over for the present.

The PRESIDING OFFICER. Without objection, the amendment will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Claims was, on page 79, after line 7, to insert:

To Farmer D. Bayless, administrator of the estate of William B. Bayless, deceased, of Nashville, $5,250.
To William B. Booker, of Haywood County, $300.
To G. W. Chipman and W. J. Chipman, sole heirs of Joseph Chipman, deceased, of Sumner County, $440.

The amendment was agreed to.

The next amendment was, on page 79, after line 12, to insert:

To John J. Christenberry, administrator of the estate of Martin Dill, deceased, of Carroll County, $160.

Mr. ROBINSON. I ask that that amendment be disagreed to.

Mr. LEA of Tennessee. What amendment is that?

Mr. ROBINSON. It is an amendment which appears elsewhere in the bill.

The PRESIDING OFFICER. Without objection, the amendment will be disagreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Claims was, on page 79, after line 14, to insert:

To T. B. Norman, administrator of the estate of William B. Irwin, deceased, of Hamilton County, $645.

To William H. Thompson, Ada A. Thompson, Michael D. Thompson, Andrew Thompson, and Jessie D. Guthrie, heirs of William H. Stringer, deceased, $3,816, to be proportioned as follows:
To William H. Thompson, $636.
To Ada A. Thompson, $636.
To Michael B. Thompson, $636.
To Andrew Thompson, $954.
To Jessie D. Guthrie, $954.

The amendment was agreed to.

The next amendment was, at the top of page 80, to insert:

To A. R. Thomas, administrator of the estate of William A. Thomas, deceased, of Hamilton County, $4,110.
To Thomas J. Wear, of Blount County, $220.
To James M. Wood, administrator of the estate of Christopher Wood, deceased, of Cross Roads, $420.
To the trustees of the Third Presbyterian Church, of Memphis, $1,500.

The amendment was agreed to.

The next amendment was, on page 80, after line 7, to insert:

To the trustees of the Methodist Episcopal Church South, of Saulsbury, Tenn., $240.

Mr. BRYAN. That amendment should be disagreed to for the reason that the item appears at another place in the bill.

The PRESIDING OFFICER. The amendment will be disagreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Claims was, on page 80, after line 9, to insert:

To the trustees of the Porter Female Academy, Williamson County, $1,200.

The amendment was agreed to.

The next amendment was, on page 80, after line 19, to insert:

To D. W. Dorris, of Hunt County, $703.
To W. C. York, of Paris, $3,970.

The amendment was agreed to.

The next amendment was, on page 80, after line 21, to strike out:

VERMONT.

To Henrietta V. Dale, widow of John J. Dale, deceased, of Windham County, $124.06.

The amendment was agreed to.

The next amendment was, under the subhead "Virginia," on page 81, after line 19, to strike out:

To Solomon P. Brockway, of Augusta County, $92.64.

The amendment was agreed to.

The next amendment was, on page 82, after line 6, to strike out:

To Alice E. Davis, heir of John C. Davis, deceased, late of Fairfax County, $875.

The amendment was agreed to.

The next amendment was, on page 82, after line 19, to strike out:

To Richard Fox, heir and sole residuary legatee of Capt. Nathaniel Fox, deceased, late a resident of Virginia, $5,185.

The amendment was agreed to.

The next amendment was, on page 95, after line 12, to insert:

To Mary L. Lloyd, administratrix of the estate of James Lloyd, deceased, of Loudoun County, $2,080.
To Walter M. Miller, administrator of the estate of Lewis M. Miller, deceased, late of Frederick County, $2,240.
To Henry M. Smith, of Loudoun County, $1,695.
To the vestry of St. James Protestant Episcopal Church, of Culpeper County, $1,575.
To the trustees of the Corinth Methodist Episcopal Church South, of Dinwiddie County, $800.
To the trustees of the Methodist Episcopal Church South, of Gravelly Run, $325.

The amendment was agreed to.

The next amendment was, at the top of page 96, to insert:

To the trustees of the Sons of Temperance of Portsmouth, $1,500.

The amendment was agreed to.

The next amendment was, on page 96, after line 2, to strike out:

WASHINGTON.

To Joseph Hinson, of Pierce County, $115.41.

The amendment was agreed to.

The next amendment was, under the subhead "West Virginia," on page 97, after line 3, to strike out:

To T. J. Hudson, administrator of the estate of Jacob W. Hudson, deceased, of Lewis County, $15.

The amendment was agreed to.

The next amendment was, on page 101, after line 9, to insert:

To the county court of Berkeley County, $7,920.
To E. P. Chewning, administrator of the estate of Kelles Chewning, deceased, of Roane County, $1,100.
To T. J. Coagar, of Webster County, $105.
To Amanda M. Geaslen, administratrix de bonis non of the estate of James L. Geaslen, deceased, late of Jefferson County, $919.
To Daniel Heflebower, executor of the estate of Daniel Heflebower, deceased, of Jefferson County, $2,155.

To Helen A. Byington, James E. Wyatt, John T. Thomson, and Mollie T. Moore, heirs of James G. Hurst, deceased, late of Jefferson County, $6,120, to be proportioned as follows:
To Helen A. Byington, $2,040.
To James E. Wyatt, $2,040.
To John T. Thomson, $1,020.
To Mollie T. Moore, $1,020.
To George W. Newell, administrator of the estate of Andrew Michael, deceased, of Morgan County, $460.
To Elizabeth Snyder, administratrix of the estate of Sampson Snyder, deceased, of Randolph County, $185.
To L. S. Strauss, of Kanawha County, $3,150.
To George W. Gall, jr., administrator of the estate of Elam D. Talbott, deceased, of Barbour County, $3,025.
To Emma N. Warwick, administratrix of the estate of John W. Warwick, deceased, of Pocahontas County, $1,519.
To John Whittington, of Jefferson County, $915.
To the trustees of the Methodist Episcopal Church South, of Charleston, $5,500.

The amendment was agreed to.

The next amendment was, on page 102, after line 14, to strike out:

WISCONSIN.

To Irving V. Bliss, of Milwaukee, $334.22.
To Ole Jacobson, of Walworth County, $138.78.
To Hiram F. Lyke, of Waukesha County, $188.56.

The amendment was agreed to.

Mr. JONES. Mr. President, on page 96 I notice that a committee amendment has been agreed to striking out the provision, reading:

To Joseph Hinson, of Pierce County, $115.41.

I was called out for a little while. At that time there were nearly 50 pages to be read, and I did not expect that page 96 would be reached before my return. I want to ask why that provision was stricken out? I ask that it may be reconsidered. I will not take more than two or three minutes, in any event.

Mr. BRYAN. Mr. President, let me say to the Senator that in the bill two years ago the Senator from South Dakota [Mr. CRAWFORD] made a most exhaustive examination of this class of cases and inserted in his report the findings of the court and acts of Congress to the effect that claims of this kind should be left to the Secretary of War. I have stated that two or three times, though I presume it must have been when the Senator was not present.

Mr. JONES. No; I was not.

Mr. BRYAN. This class of cases arises from the fact that in the Civil War governors of the States would issue commissions to officers, and with those commissions the officers would go to the Federal authorities and ask to be mustered in. The War Department, under an act of Congress, would refuse to muster them in unless the regiment or company or unit of which the officer was in command was recruited up to a certain minimum. The Government had to do that, otherwise there would have been colonels commanding as regiments a number of men not exceeding the requirements for a company.

Mr. JONES. Is that the situation in this case?

Mr. BRYAN. That is the situation in this case.

Mr. JONES. I will, then, ask the Senator if all similar claims have been stricken from this bill and have been kept out?

Mr. BRYAN. They have been.

Mr. JONES. I could not ask, then, of course, that the item be retained.

Mr. BRYAN. The Senator from South Dakota is present.

Mr. CRAWFORD. Is this one of the minimum command cases?

Mr. BRYAN. Yes.

Mr. JONES. Mr. Hinson was a lieutenant colonel and was commissioned by the governor as colonel.

Mr. CRAWFORD. All such claims have been stricken from the bill. There is one from my own State that went out in just the same way.

Mr. JONES. I should like to see that item remain in the bill, but I can not ask the Senate to change the course which has been adopted in order to relieve this particular case.

Mr. BRYAN. I am sure the Senate would not vote to include claims of this character.

The reading of the bill was resumed.

The next amendment of the Committee on Claims was, on page 102, after line 18, to insert:

SOLDIERS' CLAIMS FOR TRAVEL PAY FROM PLACE WHERE HONORABLY DISCHARGED TO HOME.

ARIZONA.

To John G. Evans, of Maricopa County, $37.44.

ARKANSAS.

To Emily Hargrave, widow of Lemuel R. Hargrave, of Pulaski County, $47.68.

CALIFORNIA.

To Oliver H. P. Bailey, of San Joaquin County, $157.60.
To Francisca Bale, widow of Edward T. Bale, deceased, of Sonoma County, $132.38.
To Philo J. Beveridge, son and one of the heirs of John L. Beveridge, deceased, of Los Angeles County, $173.87.

Mr. BRYAN. I move to strike out in line 6, page 103, the words "son and one of the" and insert the words "and other," so that it will read:

To Philo J. Beveridge and other heirs of John L. Beveridge.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. BRYAN. Mr. President, let me make this statement now with reference to the remainder of the bill down to section 3, on page 130: These cases are all court findings and are known as "travel-pay" cases, and I ask unanimous consent that they may be considered as having been read down to page 130. We will not learn anything more by hearing them read. They are exactly as reported from the Court of Claims. I ask unanimous consent that we may consider that portion as read. I do not think there will be any objection.

The PRESIDING OFFICER. Is there objection to the request for unanimous consent that the course indicated by the Senator from Florida be pursued? The Chair hears none.

The portion of the bill referred to, which had been reported from the Committee on Claims as an amendment, was to insert the following:

To John D. Bothwell, of Los Angeles County, $85.60.
To John A. Bull, of San Bernardino County, $92.40.
To Charles L. Byam, of Los Angeles County, $109.62.
To Nelson H. Claffin, of San Francisco, $179.89.
To Laurestine U. De Bolt, widow of Rezin A. De Bolt, of Los Angeles County, $24.05.
To Sarah A. Garetson, widow of James L. Garetson, of San Diego, $59.32.
To John A. Green, of Los Angeles County, $238.79.
To Flora L. Hovey, widow of Samuel D. Hovey, deceased, of San Francisco County, $3.57.
To Benjamin Jarvis, of Los Angeles County, $162.82.
To Ernest Lomler, of Los Angeles County, $30.38.
To Joseph Benton McCue, son and sole heir of William B. McCue, deceased, of Los Angeles County, $101.19.
To Henry B. Mason, of Lake County, $77.96.
To John Perrott, of Humboldt County, $95.02.
To Asher Riley, of Los Angeles County, $112.50.
To Charles H. Rippey, of San Diego County, $145.23.
To Cornelia Skofstad, widow of Albert Skofstad, of Los Angeles County, $115.16.
To Adelaide B. Slaughter, widow of William B. Slaughter, deceased, of Los Angeles County, $152.56.
To Clarence A. Snow, son and sole heir of Asa H. Snow, of Alameda County, $76.60.
To Joseph Stanton, of Los Angeles County, $16.13.
To Amanda Steadman, widow of Leonard Steadman, of Los Angeles County, $84.49.
To Anabel McG. Stuart, widow of Absalom B. Stuart, of Sonoma County, $85.35.
To Alice Waggoner Burnes, Rosa Waggoner Eccleston, George W. Waggoner, and Rena M. Waggoner, grandchildren and sole heirs of Hartwell L. Turner, deceased, of Los Angeles County, $132.69.
To Herman V. Werthern, of San Francisco County, $122.28.

COLORADO.

To Eliza J. Barkley, widow of John F. Barkley, deceased, of Pueblo County, $60.93.
To Rufus Phillips, George D. Phillips, and Mrs. Minnie Veasie, sole heirs of George W. Phillips, of Otero County, $114.44.
To Laura E. Stockdale, widow of Sidney A. Stockdale, of Park County, $209.30.

CONNECTICUT.

To Charles C. Adams, of Cromwell County, $68.83.
To Charles J. Fuller, of Hartford County, $278.84.
To Abiel W. Nelson, of New London County, $88.43.
To Harriet B. Riley, widow of William E. Riley, deceased, of New Haven County, $74.48.
To Abbie A. Upson, widow of Henry Upson, deceased, of Hartford County, $76.09.

DELAWARE.

To Anna Voshell, widow (remarried) of Philemon Green, deceased, of Kent County, $26.23.

DISTRICT OF COLUMBIA.

To Henry W. Chester, of Washington, $114.18.
To John B. Dowd, of Washington, $83.20.
To William L. Johnson, son of John H. Johnson, deceased, of Washington, $41.14.
To Nathaniel M. Macrae, of Washington, $13.19.
To M. C. Marsh, executor of Eugene A. Marsh, deceased, of Washington, $52.61.
To Edward S. McCalmont, executor of John S. McCalmont, deceased, of Washington, $99.24.
To Daniel O'Sullivan, of Washington, $298.22.
To Fanny G. Pomeroy, widow of Willis Pomeroy, deceased, of Washington, $6.81.
To Robert A. Ragan, of Washington, $49.28.
To George C. Wooley, of Washington, $91.65.

FLORIDA.

To John E. Callaghan, of Escambia County, $290.
To Miron H. Mills, of Putnam County, $135.94.

GEORGIA.

To Mary W. Monteith, widow of George Monteith, deceased, of Clark County, $126.38.

IDAHO.

To Lorenzo D. Jameson, of Latah County, $10.07.

ILLINOIS.

To Ada Andrews, widow of George W. Andrews, of Cook County, $99.04.
To Ebenezer M. Backus, of Jo Daviess County, $67.44.

To James M. Blankenbaker, James M. Blankenbaker, Felix A. Blankenbaker, Ada C. Blankenbaker, and Edwina J. Blankenbaker, heirs of Newton J. Blankenbaker, deceased, of Coles County, $187.
To William H. Norris, executor of William Bohlen, deceased, of Clinton County, $83.71.
To Alice M. Borland, widow of James A. Borland, deceased, of Chicago, $63.08.
To William A. Braselton, of Coles County, $85.08.
To James B. Thornton Chase, of Cook County, $107.50.
To Henry C. Connelly, of Rock Island County, $151.87.
To Walter H. Coon, of Adams County, $120.66.
To Henry C. Crosthwait, Lyman L. Crosthwait, and George A. Crosthwait, children and sole heirs of William Y. Crosthwait, of Cook and Wayne Counties, $222.81.
To Marcus E. Ferguson, of Cook County, $23.35.
To James Fields, of Wayne County, $153.20.
To Margaret A. C. Finch, widow of Amasa J. Finch, deceased, of Jo Daviess County, $110.05.
To Charles B. Fry, of Coles County, $20.73.
To William K. Githens, administrator of William H. Githens, deceased, of Adams County, $72.11.
To William M. Gooding, of Champaign County, $86.08.
To Alice E. Gunn, widow of William A. Gunn, deceased, of Washington County, $162.20.
To Benjamin Hecht, of Cook County, $44.10.
To Sophia E. Keys, widow of Allen Keys, of Clark County, $110.70.
To Lucinda E. Lancaster, widow of James Lancaster, deceased, of Jackson County, $68.37.
To William A. McMurtrey, of Vermilion County, $114.61.
To James Montooth, of Stark County, $120.68.
To William Moore, of Vermilion County, $138.56.
To Sarah E. Watson and others, heirs of Joseph E. Murphy, deceased, of Jefferson County, $51.43.
To Francis A. Norvell, of Coles County, $67.95.
To Julia O'Brien, widow of Peter O'Brien, deceased, of Will County, $71.55.
To Frederick E. Ransom, of Adams County, $110.29.
To Matilda E. Risedorph, widow of John G. Risedorph, deceased, of Cook County, $154.18.
To Mary E. Slankard and Ellen Ritter Moore, sole heirs of Joshua Ritter, deceased, of White County, $69.39.
To William H. Shibley, of Scott County, $58.34.
To Alexander Sholl, of Adams County, $142.64.
To Courtland D. Slow, of Wayne County, $94.89.
To Mary E. Smith, widow of Albert J. Smith, deceased, of Cook County, $49.68.
To Margaret D. Smith, widow of John B. Smith, deceased, of Hamilton County, $31.34.
To Thomas J. Smith, of Champaign County, $45.46.
To Harriet E. Stevens, widow of George C. Stevens, deceased, of Winnebago County, $26.46.
To Andrew J. Thomas, of Effingham County, $167.12.
To Alfred C. Wallin, of Cook County, $239.77.

INDIANA.

To Thomas Addington, of Randolph County, $80.97.
To Alonzo Allison, administrator of George W. Allison, of Brown County, $190.72.
To Levi D. Bodley, heir of James C. Bodley, of Whitley County, $66.42.
To Daniel W. Brown, of Vanderburgh County, $220.06.
To Mary C. Bruce, widow of George W. Bruce, deceased, of Randolph County, $71.91.
To James R. Bruner, of Wabash County, $105.95.
To John P. Campbell, of Grant County, $30.50.
To Lydia A. Canfield, widow of John S. Canfield, deceased, of Daviess County, $16.20.
To Jacob W. Cline, of Randolph County, $92.77.
To William H. Dalbey, of Marion County, $89.92.
To George H. Devol, of Floyd County, $77.12.
To Marie Devor, widow of James Devor, deceased, of Marion County, $68.80.
To Julia A. Ragland, widow (remarried) of William H. Drinkard, deceased, of Marion County, $25.48.
To Jennie Esslinger, widow of Isidore Esslinger, of Vanderburgh County, $71.52.
To Josephine Glover, sole heir of Frank P. Foster, deceased, of Montgomery County, $37.12.
To Alexander Gable, of Blackford County, $80.77.
To George W. Gunder, of Grant County, $99.62.
To Willison C. Hall, of Jackson County, $218.40.
To Evah A. Davis, widow (remarried) of Ross J. Hazeltine, deceased, of Howard County, $69.34.
To John Y. Hitt, of Decatur County, $32.20.
To Robert Kerr, of Clay County, $142.04.
To Louis W. Knobe, of Johnson County, $211.84.
To Charles W. Lockman, of Vigo County, $95.95.
To James H. S. Lowes, of Marion County, $106.20.
To John J. Nesbit, of Decatur County, $41.44.
To Eliza J. Orr, widow of William A. Orr, deceased, of Marion County, $80.88.
To Arthur S. Palmer, of Clark County, $46.27.
To Emma J. Pinkley, widow of Samuel G. N. Pinkley, deceased, of Vigo County, $78.70.
To Elizabeth E. Power, widow of Charles A. Power, deceased, of Vigo County, $56.19.
To Samuel C. Scott, of Vigo County, $75.50.
To William A. Talbott, of Tippecanoe County, $128.33.
To George W. Thorn, of Grant County, $36.78.
To Stephen J. Young, of Vigo County, $55.80.

IOWA.

To Elihu L. Cook, of Shelby County, $105.48.
To William A. Duckworth, of Van Buren County, $283.50.
To John H. Eno, of Warren County, $87.22.
To Elise Brammer, daughter and sole heir of Henry Kroeger, deceased, of Cedar County, $143.40.
To Adam Smith Leib, of Linn County, $135.16.
To James Munns, of Adams County, $183.89.
To Robert F. Nolan, Everett C. Nolan, and Mary E. Whisenand, children and sole heirs of Francis Nolan, of Lucas County, $174.27.
To Thomas N. Pace, of Page County, $226.85.
To Clara J. Scott, widow of William Scott, deceased, of Buchanan County, $136.96.
To Emma S. Allen, Seward J. Stivers, George S. Stivers, and Lillie S. Louthan, children and sole heirs of William H. Stivers, deceased, of Marshall and Webster Counties, $48.48.
To George W. Sweeney, of Clarke County, $168.84.
To Samuel D. Tobey, of Pottawattamie County, $114.97.

KANSAS.

To James J. Buck, of Lyon County, $117.33.
To Josiah G. Cavert, of Montgomery County, $126.55.
To John F. Dumont, of Leavenworth County, $21.52.
To Thomas W. Durham, of Shawnee County, $182.25.
To Olivia F. Elliott, widow of George S. Elliott, deceased, of Neosho County, $181.72.
To Elizabeth Ely, widow of John L. Ely, deceased, of Harvey County, $34.80.
To Silas E. Gardner, of Leavenworth County, $194.
To Sarah H. Evans and C. W. Hawes, children and sole heirs of Benjamin Hawes, deceased, of Shawnee and Washington Counties, $185.93.
To Virginia Murphy, widow of John D. Murphy, deceased, of Johnson County, $56.97.
To Francis M. Pickins, of Cowley County, $57.92.
To Louisa Pinkney, widow of Bertine Pinkney, deceased, of Marion County, $118.92.
To John T. Taylor, of Leavenworth County, $155.33.
To Eliza A. Watson, widow of Francis W. Watson, deceased, of Wyandotte County, $105.40.

KENTUCKY.

To Mary E. Broders, widow of Henry B. Broders, deceased, of Boyd County, $39.27.
To Ophelia Alvey, daughter and sole heir of James T. Brothers, deceased, of Jefferson County, $2.82.
To Alice B. Ringgold and Virginia B. Kean, daughters and sole heirs of Erasmus O. Brown, deceased, of Jefferson County, $149.79.
To J. R. Brown, one of the heirs of John Brown, deceased, of Cumberland County, $31.75.
To Emma A. Campbell, widow of John W. Campbell, deceased, of Nicholas County, $11.99.
To Eva C. Nail, administratrix of Cincinnatus Condict, deceased, of McLean County, $22.37.
To Margaret Connolly, daughter and sole heir of Thomas C. Clements, deceased, of Nicholas County, $4.86.
To Garret Dayton, administrator of William M. Dayton, deceased, of Robertson County, $5.16.
To Sarah Ann Dobbs, widow of Nathaniel B. Dobbs, of Pulaski County, $186.73.
To Mollie Dorsey, administratrix of Stephen N. Dorsey, deceased, of Washington County, $16.43.
To William B. Ford, administrator of William M. Ford, deceased, of Woodford County, $51.15.
To W. G. Hansford, administrator of William G. Fitts, deceased, of McLean County, $56.07.
To Sidney M. Goshorn, of Bracken County, $28.93.
To Jane F. Hawkins, sister; Albert Hodge, nephew; and Binnie Hodge, niece, sole heirs of Michael T. Hall, of Warren County, and Merrimack County, State of New Hampshire, $226.30.
To Edgar L. Hendricks, Ella Hendricks Dunn, Mary A. West, and Myra J. Smith, children and heirs of William C. Hendricks, deceased, of Hopkins County, $81.20.
To W. R. Milward, administrator of Charles Milward, deceased, of Fayette County, $15.68.
To Robert T. Moore, son and sole heir of William Moore, deceased, of Todd County, $34.96.
To Penelope Morton, widow of James Morton, deceased, of Greenup County, $101.60.
To Laura O. Mundy, widow of William H. Mundy, deceased, of Jefferson County, $61.02.
To Lizzie R. Helton, Joel W. Ridgell, Addie Ridgell, and John Ridgell, grandchildren and sole heirs of Joel W. Ridgell, deceased, of Knox and Whitley Counties, $155.43.
To Philip L. Shane and Susan B. Shane, children and sole heirs of William G. Shane, of Jefferson County, $16.34.
To Lucinda Shanks, widow of Quintus Shanks, deceased, of Ohio County, $27.60.
To Mary L. Singleton, widow of William Singleton, deceased, of Daviess County, $83.33.
To Thomas J. Trice, of Webster County, $10.75.
To William E. Woodruff, of Hardin County, $50.87.
To Julia Y. Flaig and Annie F. Sharp, sole heirs of Barnett C. Young, deceased, of Boyle County, $35.90.

LOUISIANA.

To Calvin Glover, of Orleans Parish, $11.46.

MAINE.

To George W. Capers, of Androscoggin County, $130.53.
To Louise S. Fellows, widow of Albert G. Fellows, deceased, of Hancock County, $103.92.
To Andrew G. Fitz, of Androscoggin County, $302.20.
To John M. Gould, of Cumberland County, $246.38.
To F. G. Farrington, administrator of Stewart Hunter, deceased, of Kennebec County, $34.53.
To Helen E. Sturtevant, widow of Josiah H. Sturtevant, deceased, of Kennebec County, $223.57.

MARYLAND.

To Mary E. McIntyre, widow of Henry C. McIntyre, deceased, of Baltimore City County, $48.76.

MASSACHUSETTS.

To Adelaide A. Barker, widow of Frank T. Baker, deceased, of Middlesex County, $154.16.
To George W. Dutton, of Norfolk County, $92.57.
To David H. Dyer, of Bristol County, $72.96.
To Edward S. Hay, of Essex County, $195.81.
To Frank B. Hayden, of Suffolk County, $74.52.
To Jarvis P. Kelly, of Berkshire County, $68.12.
To Terry S. Noble, of Hampden County, $34.69.
To Alice Reade, widow of John Reade, deceased, of Essex County, $158.19.
To Stillman Stone, of Worcester County, $95.64.
To Stephen C. Warriner, of Hampden County, $59.36.

MICHIGAN.

To Clarissa Boyden, widow of William Boyden, deceased, of Ionia County, $285.43.
To Elizabeth J. Champion, widow (remarried) of James P. W. McCurdy, deceased, of Ingham County, $166.75.
To William H. Miller, of Berrien County, $195.63.
To Susannah D. Parker, widow of Charles A. Parker, of Lenawee County, $103.47.
To Martin S. Perkins, of Oceana County, $133.35.
To Myron Powers, of Kalamazoo, $327.20.
To Eli K. Simonds, of Wayne County, $126.92.
To William H. White, of Van Buren County, $68.64.

MINNESOTA.

To Nannie B. Smith, one of the heirs of Lemuel N. Bishop, of Polk County, $101.76.
To Thomas M. Brady, of St. Louis County, $66.30.
To Jeremiah E. Finch, surgeon Seventh Minnesota Volunteer Infantry, now residing in Ontario, Dominion of Canada, $34.74.
To Lydia A. Whitmore, widow (remarried) of James W. George, deceased, of Hennepin County, $43.62.
To Richard L. Gorman, of Ramsey County, $167.67.
To Albion L. Mitchell, of Hennepin County, $330.41.
To Alva K. Skaro, Edwin A. Skaro, and Clara Skaro Stangland, children and sole heirs of Asgrim K. Skaro, deceased, of Minneapolis, $153.92.
To Fred Von Baumbach, of Douglas County, $136.73.
To Dennis H. Williams, of Olmsted County, $63.75.

MISSISSIPPI.

To Gabrielle Detiege, daughter and sole heir of Emile Detiege, deceased, of Hancock County, $9.30.

MISSOURI.

To Fannie E. Atwell, widow of John W. Atwell, deceased, of Livingston County, $114.08.
To Bernard G. Farrar, of St. Louis, $175.50.
To William H. Feagans, of Macon County, $7.60.
To Robert E. Gilleland, of Cass County, $110.16.
To Daniel J. Gillett, of Cedar County, $61.12.
To Albert H. Lanphear, of Jackson County, $106.17.
To Justina Mohrstadt, widow of John C. Mohrstadt, deceased, of St. Louis, $102.
To Emma J. Morris, widow of Henry V. Morris, deceased, of St. Louis County, $28.55.
To David Murphy, of St. Louis, $75.30.
To Estelle Dameron, Sarah Rebecca Oliver, May Logan, Jessie C. Slaughter, Isabell Bransford (children), and Julia May and Newell Slaughter (minor grandchildren), sole heirs of Philip M. Slaughter, deceased, of Lawrence County, $71.39.
To Louis H. Waters, of Kansas City, $76.76.
To Jennie V. V. Wolcott, widow of Richmond Wolcott, of St. Louis, $98.21.
To Sarah J. Whitson, widow of Ira K. Whitson, deceased, of Webster County, $242.98.

MONTANA.

To Mary E. L. Callaway, widow of James E. Callaway, deceased, of Madison County, $80.19.

NEBRASKA.

To Joseph Black, of Buffalo County, $111.60.
To John Dolson, of Deuel County, $108.50.
To George W. Graham, of Buffalo County, $122.55.
To Eva Morris, daughter and sole heir of Charles W. Houghton, deceased, of Richardson County, $105.28.
To John T. McKnight, of Lancaster County, $93.93.
To Clara R. Murphy, widow of Andrew D. Murphy, deceased, of Cuming County, $180.95.
To William A. Porter, of Merrick County, $70.98.
To Thomas L. Sexton, of Lincoln, $84.80.

NEW HAMPSHIRE.

To Elvira S. Hardy, widow of James L. Hardy, deceased, of Hillsborough County, $302.94.
To Lauraett Drummer, widow of Charles H. Drummer, deceased, of Cheshire County, $168.08.

NEW JERSEY.

To Anna E. Botticher, widow of Paul G. Botticher, deceased, of Morris County, $148.14.
To Proscilla McN. Norton, administratrix of Andrew J. McNett, deceased, of Essex County, $66.36.

NEW MEXICO.

To Charles M. Marshall, of Rio Arriba County, $90.35.

NEW YORK.

To Willis S. Barnum, of Syracuse, $81.12.
To William Bell, of Ossining, $45.50.
To Peter A. Blossom, of Greene County, $65.19.
To Adda B. Reynolds, Kate G. Reynolds, and Ida F. Phillips, sole heirs of Marshall O. Bond, of Cattaraugus County, $71.75.
To Corinne B. Walworth, daughter and sole heir of Thomas E. Bramlette, deceased, of Saratoga Springs, $64.61.
To Clara L. Brewster, widow of Robert E. Brewster, deceased, of Tompkins County, $66.22.
To Leonard S. Carter, of Albany County, $102.37.
To Eugene A. Chapman, of Watertown, $91.84.
To Harlan P. Christie, of Brooklyn, $114.60.
To Turhand R. Dice, of Oneida County, $105.
To Carrie M. Draper, widow of Edwin A. Draper, deceased, of Steuben County, $179.51.
To Susan L. Goodale, widow of Rolla P. Goodale, deceased, of St. Lawrence County, $160.37.
To James S. Graham, of Rochester, $82.98.
To Carrie G. Legg and Fred J. Graves, children and sole heirs of Judson H. Graves, deceased, of Ulster and Cayuga Counties, $76.80.
To Irving Holcomb, of Broome County, $77.78.
To Charles W. Kennedy, of Richmond County, $183.20.
To Joseph M. Knap, of Greene County, $77.73.
To Augustus A. McCollom, of New York City, $34.54.
To Albert P. McGraw, son and sole heir of Perrin H. McGraw, deceased, of Cortland County, $63.52.
To William D. Mann, of New York City, $184.
To Isabelle E. Bacon, one of the heirs of William R. Marsh, deceased, of Erie County, $103.17.
To Martha H. Alburty, Adella J. Teed, and Frank E. Martin, children, and Margaret Burke, Mary Flynn, Charles Martin, Ethel Belle Davies, and Adella Phillips, grandchildren, sole heirs of Charles E. Martin, deceased, of Wyoming County, $47.68.
To Robert E. Mason and Helen E. Bruce, children and sole heirs of Pardon Mason, deceased, of Kings County, $77.32.
To Kate L. Meeks, widow of Joseph W. Meeks, of Suffolk County, $37.12.
To Edward D. Meier, of New York County, $401.46.
To William H. Mickle, of Dutchess County, $83.20.
To Pauline Reich, widow (remarried) of Adolph Moegling, deceased, of Brooklyn, $47.76.
To Caroline S. Morgan, widow of Thomas J. Morgan, deceased, of Monroe County, $123.93.
To Charles H. Murch, of Kings County, $51.52.
To Louise S. Palmer, widow of Gustavus M. Palmer, deceased, of Oneida County, $95.
To George Haven Putnam, of New York City, $80.80.
To Florence S. Canfield, Emma S. Holt, and Leonard W. Saxton, grandchildren and sole heirs of B. Leonard Saxton, deceased, of Broome and Erie Counties, $75.18.
To James P. Taber, of Erie County, $321.16.
To Lizzie W. Townsley, widow of Artemus D. Townsley, deceased, of Madison County, $67.96.
To John A. van Ingen, son and administrator of the estate of John V. van Ingen, deceased, of Monroe County, $79.98.
To John Walker, of New York City, $109.

NORTH DAKOTA.

To Edwin Folsom, of Cass County, $92.21.
To Dennis Hannifin, of Burleigh County, $81.27.
To Allen P. Morey, son and sole heir of Gideon F. Morey, deceased, of Dickey County, $163.42.

OHIO.

To Elizabeth K. Appleton, widow of Edward W. Appleton, deceased, of Hamilton County, $60.43.
To Henry S. Beidler, of Licking County, $232.83.
To Ludwell M. Cunard, of Morrow County, $75.33.
To Frank A. Downerd, Edward C. Downerd, Laura A. McGinnis, and Hiram S. Downerd, children and sole heirs of Joshua Downerd, deceased, of Franklin County, $125.55.
To James M. Dungan, of Madison County, $26.19.
To John S. Ellen, of Lake County, $94.72.
To Thomas Hawker, one of the heirs of John Hawker, deceased, of Logan County, $155.90.
To Elizabeth G. Hill, E. L. Gates, Carrie G. Fisher, and Harry E. Gates, children and sole heirs of Erastus Gates, deceased, of Scioto and Adams Counties, $117.67.
To John Hobensack, of Hardin County, $35.68.
To Albert G. Jones, of Cuyahoga County, $145.30.
To Jacob Lasalle, of Lucas County, $144.80.
To Ervin D. Linn, of Fairfield County, $44.19.
To Mary Lodwick, widow of Murty W. Lodwick, deceased, of Scioto County, $90.
To John P. McDougal, of Ross County, $70.92.
To Mary E. Ewan, Belle McIntire, Fannie Morton, Georgia McIntire, Charles T. McIntire, Hattie Galliet, Jessie Leffingwell, and Flora F. Marshall, sole heirs of James McIntire, deceased, of Summit and Brown Counties, $87.31.
To Alexander E. Mintie, of Cuyahoga County, $16.68.
To William T. Morris, of Franklin County, $78.01.
To John J. O'Dowd and Agnes O'Dowd, children and sole heirs of John O'Dowd, deceased, of Hamilton County, $302.98.
To Ella K. Piatt, widow of Don Piatt, deceased, of Logan County, $20.88.
To Robert W. Pool, of Wyandot County, $90.94.
To Emma Ridgeway, widow of Augustus W. Ridgeway, deceased, of Gallia County, $67.77.
To Ralph Rogers, son and sole heir of Dudley Rogers, of Lucas County, $107.30.
To Elizabeth M. Rush, widow of David Rush, deceased, of Mercer County, $371.94.
To Thomas W. Sanderson, of Mahoning County, $151.40.
To Dioclesian A. Smith, of Greene County, $81.62.
To Henry A. Smith, of Cuyahoga County, $89.11.
To Park W. Smith, Edward H. Smith, Marcella S. Webb, and Florence S. Schenck, children and sole heirs of James W. C. Smith, deceased, of Butler County, $150.43.
To Sylvester M. Snell, of Montgomery County, $153.75.
To Frances Stackpole, widow of Thomas Stackpole, deceased, of Stark County, $109.18.
To Leonidas L. Tittle, of Clermont County, $31.95.
To Charles P. Wickham and Samuel A. Wildman, executors of the estate of Frederick A. Wildman, deceased, of Huron County, $95.02.

OKLAHOMA.

To Sarah F. Bradley, widow of Herbert G. W. Bradley, deceased, of Kingfisher County, $37.02.
To Robert A. Cameron, of Woods County, $71.34.
To William J. Cameron, of Oklahoma County, $82.13.
To John Z. Delashmutt, son and sole heir of John J. Delashmutt, deceased, of Bryan County, $238.11.
To David W. Eastman, of Garfield County, $71.84.
To William S. McGowan, of Ardmore County, $195.99.
To John Mars, of Noble County, $56.56.
To Newton M. Miller, of Craig County, $33.25.
To Mary F. Moore, widow of Solan D. Moore, deceased, of Marshall County, $63.58.
To Mary E. Neal, widow of Curren G. Neal, deceased, of Pottawatomie County, $50.40.
To Rachel M. Reubelt, widow of John A. Reubelt, deceased, of McIntosh County, $31.35.

OREGON.

To Gavin E. Caukin, of Multnomah County, $241.30.
To William S. Crowell, of Jackson County, $74.39.
To Mary L. Oliver, widow of Joseph J. Oliver, of Multnomah County, $79.45.
To Alfred Wilson, of Marion County, $136.08.

PENNSYLVANIA.

To Shreve Ackley, of Philadelphia County, $33.12.
To Louise A. Smith and Josephine A. Leishman, daughters and sole heirs of Timothy A. Allen, of Allegheny and Erie Counties, $151.52.

To James A. Beaver, of Center County, $26.27.
To Robert N. Bolenius, son and sole heir of Adolphus W. Bolenius, deceased, of Lancaster County, $14.08.
To George W. Buckman, of Philadelphia, $24.01.
To Arthur M. Greene, of Philadelphia County, $18.54.
To Thomas Heimback, of Lycoming County, $115.20.
To J. Webster Henderson, executor of Robert M. Henderson, deceased, of Cumberland County, $23.04.
To Jacques Kalt, of Berks County, $59.15.
To Solomon G. Krepps, of Fayette County, $62.64.
To William Loring Spencer and Mary C. Royston, sole heirs of William W. Loring, deceased, of Philadelphia County, $546.82.
To David W. Madara, of Blair County, $153.28.
To Fannie R. Teal and Laura E. Fisher, daughters and sole heirs of Henry H. Neff, deceased, of Allegheny County, $318.26.
To John R. Porter, of Centralia County, $36.72.
To Adam Schuh, of Lancaster County, $33.28.
To Charles W. Whistler, of Mercer County, $50.62.
To Mary A. Zinn, widow of Henry I. Zinn, of Cumberland County, $20.64.

RHODE ISLAND.

To Rhode Island Trust Co., executor of Zephaniah Brown, deceased, of Providence County, $238.63.
To George Bucklin, of Providence, $445.60.
To David Sisson, Frank H. Sisson, and Nettie W. Sisson, children and sole heirs of Henry T. Sisson, of Providence, $58.32.
To Jeremiah H. Tourjee, of Newport County, $77.36.

SOUTH DAKOTA.

To Charlotte Burns, widow of Samuel Burns, of Lawrence County, $73.38.
To Walter W. Hicks, son and sole heir of Franklin Z. Hicks, deceased, of Pennington County, $120.02.
To Robert T. Paine, of Brown County, $73.14.

TENNESSEE.

To A. H. Shonn, executor of Andrew J. Brown, deceased, of Greene County, $45.12.
To Margaret A. Weathers, daughter and sole heir of James A. Burkett, deceased, of Shelby County, $103.38.
To Preston P. Doughty, of Washington County, $15.79.
To L. S. Exum, Amanda C. Maners, Eliza Lancaster, Josephine Anderson, Ella Thompson, brother and sisters, and J. R. League, son of Minerva League, sister, sole heirs of James T. Exum, deceased, of Dekalb County, $10.90.
To Lewis M. Jarvis, of Hancock County, $20.80.
To George W. Luttrell, of Washington County, $4.44.
To Elizabeth Sharp, widow of John Sharp, of Union County, $58.53.
To Basil B. Summers, of Washington County, $9.18.

TEXAS.

To Thomas McConnell, of Hunt County, $114.80.
To Philip N. Minear, of Gonzales County, $94.53.

UTAH.

To Mary B. H. Hardie, widow of John Hardie, deceased, of Salt Lake County, $28.99.

VERMONT.

To George W. Sneden, of Addison County, $100.77.

VIRGINIA.

To John Haynes, of Elizabeth City County, $157.52.

WASHINGTON.

To Joseph F. Dwelley, of Skagit County, $142.35.
To A. H. Freeman, James A. Freeman, Margaret E. French, Lucy A. Todd, Alice Bogart, and Florence I. George, sole heirs of Green C. Freeman, deceased, of Chehalis County, $54.79.
To Wade P. Hampton, son and sole heir of Richard M. Hampton, deceased, of Yakima County, $77.54.
To Cyrus L. Kinman, of Whatcom County, $114.08.

WEST VIRGINIA.

To Therese Criswell, widow of Hanson Criswell, deceased, of Marshall County, $81.85.
To Mary J. West, widow of Henry West, deceased, of Harrison County, $113.77.

WISCONSIN.

To William W. Botkin, of Milwaukee County, $135.78.
To Jessie A. Shields, Philip S. Custard, and James M. Custard, heirs of Richard C. Custard, of Washburn County, $10.
To Frank C. Deery and Ruth C. D. Vance, children and sole heirs of James Deery, deceased, of Sawyer County, $143.06.
To Charles Gibbons, William Gibbons, Eunice G. Bidwell, Elmer Van Wie, William Van Wie, and Burett Van Wie, sole heirs of William E. Gibbons, deceased, of Adams County, $66.94.
To Mary W. Gifford, widow of John F. Gifford, deceased, of Grant County, $89.95.
To Jennie Hancock, widow of John Hancock, deceased, of Jackson County, $103.06.
To Edgar A. Kimmel and Henry T. Kimmel, sons and sole heirs of George Kimmel, deceased, of Kenosha County, $98.01.
To William G. Meachem, of Racine County, $75.34.
To Edwin B. Parsons, of Milwaukee County, $147.20.
To Guy C. Pierce, of Columbia County, $511.55.
To Earl M. Rodgers, of Vernon County, $110.72.
To Mark H. Sherman, of Eau Claire County $130.53.
To Harley L. Sprague, of Grant County, $198.37.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. BRYAN. Mr. President, will the Senator from South Dakota yield to me for a moment to offer a committee amendment?

Mr. CRAWFORD. I yield to the Senator.

Mr. BRYAN. I offer, as section 4 of the bill, on behalf of the committee, the amendment which I send to the desk.

The PRESIDING OFFICER. The Senator from Florida offers the amendment which the Secretary will state.

The SECRETARY. At the end of the bill, on page 131, after line 8, it is proposed to insert as a new section the following:

SEC. 4. That no part of the amount of any item appropriated in this bill in excess of 20 per cent thereof shall be paid to or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered or advances made in connection with said claim.

It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum which in the aggregate exceeds 20 per cent of the amount of any item appropriated in this bill on account of services rendered or advances made in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BRYAN. That completes the committee amendments.

Mr. McCUMBER. Mr. President, on behalf of the junior Senator from Pennsylvania [Mr. OLIVER], who is absent, I offer an amendment, which I will send to the desk. Before doing so, I call attention to the fact that the amendment is Senate bill 6120, which has been favorably reported by the junior Senator from Florida [Mr. BRYAN], from the Committee on Claims, and is reported in lieu of Senate bill 5489.

This bill covers two classes of cases, as I understand: First, the claims for overtime due employees in the United States navy yards; second, claims of officers of the United States Army for additional pay, commonly known as longevity claims, so as to include the period of the cadet service at the United States Military Academy at West Point and enlisted service in the Regular Army.

I call attention to the fact that this bill has been reported from the Committee on Claims by the Senator from Florida, the chairman of that committee. It covers a class of claims that certainly ought to be allowed, in my opinion, and I have no reason to assume that the Senator from Florida would be opposed to it. I will ask the Senator if that is the case?

Mr. BRYAN. Mr. President, there is but one reason why I would object, and that is because the House committee with which we are going to go into conference is from the Committee on War Claims, and the committee of the House which would consider the bill to which the Senator refers has nothing to do with war claims but is known as the Committee on Claims, simply. Those are not war claims, and I am sure that the Committee on War Claims would never consent to that amendment. I want to be perfectly frank with the Senator. I do not see how we can maintain it. It would be another committee to which that bill should go in conference. That was the avowed attitude of the committee in the last Congress.

I stated to the Senator from Massachusetts that I would undertake, before we adjourned, to take this bill up and have it considered and passed, if possible. I have no objection to its going to conference, but I am sure I can not maintain it as an amendment to this bill. I am sure the House would not consent to it, and I appeal to the Senator to let it remain on the calendar and we will try to get to it to-night.

Mr. LEA of Tennessee. I will ask the Senator from Florida if it is not the understanding that we are immediately going to proceed to the consideration of that bill as soon as this bill is passed?

Mr. BRYAN. I have just come into the Chamber, and I do not know what the understanding is.

Mr. LEA of Tennessee. That is what I understand the understanding is.

Mr. BRYAN. It could be considered very quickly.

Mr. LEA of Tennessee. I assume that the Senators who are interested in that bill will vote to take it up when this is concluded.

Mr. BRYAN. This bill is confined to certain classes of claims.

Mr. McCUMBER. I want to call the Senator's attention to the fact that we have similar conditions, in the fact that we have here only one Committee on Pensions, while the House has two Committees on Pensions. It often happens that we have a bill that is referred to only one committee here, and yet the House will have two committees and two sets of conferees to deal with the matter, as it belongs to the one committee or the other. So I do not think the Senator would have that difficulty.

Mr. BRYAN. Let me suggest this to the Senator: Here we will go into conference with House conferees who know nothing at all about the merits of that bill. On the other hand, the Committee on Claims of the House are familiar with this. It concerns matters with which they deal, but the Committee on War Claims would know nothing about it. They have not even

had the hearings. They have not even had the findings of the Court of Claims. In that situation the Senate conferees could not very well insist upon the House agreeing to the amendment; and the result would be that we would have to come back to the Senate and say that the House would not agree. They would be considering a matter about which they had no information.

Mr. McCUMBER. Mr. President, if the Senator will allow me, I think he overestimates the difficulties in that direction.

Mr. BRYAN. Very well, then; I will let the Senator take whichever course he prefers.

Mr. McCUMBER. But I will conform to the request of the Senator if he will only allow me to finish my sentence. I think the Senator would have no difficulty, both of them being Senate bills, both of them coming from the single committee here, and it would be a very proper thing if they were both in the same bill and could have been passed together. It is not necessary that they be separated simply because the House has two committees that pass upon the same subject, any more than it would be necessary that we should separate our bills in the Committee on Pensions so that they would conform to the two committees in the House, although we frequently have done that.

I am offering this amendment at the request of the Senator from Pennsylvania [Mr. OLIVER], who expected to be back before the time this bill was disposed of, and he asked me to offer it as an amendment; but if the Senator assures me that this bill will be immediately taken up and considered by the Senate, I think I can justify myself in saying to the junior Senator from Pennsylvania that I have taken it upon myself not to conform to his request to have it voted upon as an amendment to the bill.

Mr. BRYAN. I will undertake to have it considered. I do not know what the plans are here; but, whether we get it immediately considered or not, I have no doubt it will be considered.

Mr. McCUMBER. With that understanding, I will not press that amendment.

I also offer, on behalf of the junior Senator from Pennsylvania, who is temporarily absent, the amendment which I send to the desk.

The PRESIDING OFFICER (Mr. HUGHES in the chair). The Secretary informs the Chair that there is a committee amendment passed over.

The SECRETARY. The committee amendment on page 73, lines 18 and 19, was passed over at the request of the junior Senator from Tennessee [Mr. SHIELDS].

Mr. CRAWFORD. What is that amendment, Mr. President? I should like to have it stated.

The SECRETARY. The committee amendment proposes to strike out the following words:

To Mrs. Sallie H. Perkins, daughter and heir of J. J. Todd, deceased, of Shelby County, $5,684.

Mr. SHIELDS. Mr. President——

Mr. McCUMBER. What has become of the amendment I just offered?

The PRESIDING OFFICER. It has not been considered yet. This is a committee amendment which was passed over, and it is not yet time to consider amendments offered by individual Senators.

Mr. SHIELDS. Mr. President, I insist, upon the record produced in the House and before the committee, that this claim ought to be allowed. As I understand, it was allowed in the House and rejected by the Committee on Claims in the Senate on the question of loyalty; that is to say, on the ground that the loyalty was insufficiently proven.

I wish to read briefly from the report of the Committee on Claims of the House upon the subject. I read from page 175 of that report:

J. J. Todd. (Mrs. Sallie H. Perkins, daughter and heir.) (S. D. 15–56–2.) Tucker Act. Sent to court July 17, 1897. Facts reported by court are practically as follows: J. J. Todd died in August, 1861, leaving his property to his minor daughter, who later became Mrs. Sallie H. Perkins. This girl married during minority; she married a Confederate soldier, who, immediately after marriage, left the army and devoted his attention to the care of his wife's property; the court states that Mrs. Perkins desired her husband to keep out of the Confederate service; did not desire "subjugation" of the South, but gave no assistance or practical sympathy to either side. It appears that the property was taken in 1862 and 1863, while Mrs. Perkins was still a minor.

Court further reports that Army supplies worth $5,684 were taken. The only question is whether the claim should be paid, in view of the finding on loyalty. It has been held that a presumption of disloyalty arises only from a voluntary residence in an insurrectionary State. It has further been held by the Supreme Court that a minor has no legal power to change his residence. (See Lamar *v.* Micou, 112 U. S., 452.) It would thus appear that there was no presumption of disloyalty against this girl during her minority. Before she became of age Tennessee had ceased to be seat of war under the President's proclamation of January 1, 1863. The committee believes that under these facts the claim may properly be paid.

Passed House in Sixty-second Congress.

It seems to me that the objection of disloyalty found by the Committee on Claims is not sustained upon this record. This was a minor. She had no possible chance to take any part in the Civil War, and the only possible ground alleged against her is that she subsequently married a Confederate soldier. The Committee on Claims in the House and the House itself thought there was no disloyalty in this case, as did the Court of Claims, and it seems to me the facts sustain their view. I ask that the amendment be rejected.

Mr. BRYAN. Mr. President, I do not see how anybody can argue that Mrs. Sallie H. Perkins was a loyal citizen during the Civil War. The court says at the conclusion:

It does not appear that she gave assistance or practical sympathy on either side.

Here was a woman who lost $5,600 worth of property trying to get it back. She could not qualify. The rule of the Committee on Claims is that if there is any doubt as to loyalty, if the court expresses a doubt about it, the claim will not be reported favorably. Mrs. Perkins's husband was in the Confederate Army, an officer in the Confederate Army. We do not have to ask with which side she sympathized. She would not come out and say she was loyal. On the contrary, perhaps unconsciously influenced by the amount of money she might recover, she said that she did not desire the subjugation of the South; she did not desire to see the Union Army win; she had no sympathy for either side; she was absolutely impartial. Yet she was the wife of a Confederate officer.

I can not see how that claim can be sustained. I hope the committee amendment will be agreed to.

Mr. CRAWFORD. Mr. President, the Senate two years ago left this claim out. The Senate committee appears to have agreed to leave it out this time. I examined that record very carefully and have a clear recollection of it. This property was taken from this Confederate officer, N. C. Perkins, who was the administrator of the estate of her father. The Union Army took it from her husband, who was the administrator of the estate of her father, and he had been up to that time practically in the active service of the Confederacy as a Confederate officer. He simply came home to take care of this property.

Now, if the long practice and the provision of the law that loyalty must be affirmatively proven is to control, in view of this lady's statement that she did not desire the subjugation of the South, and she did not wish to defeat the Confederacy to secure the perpetuity of the Union, and her husband being a Confederate officer, and her testimony being as weak as that, I fail to see where the Senator can even presume loyalty upon her part.

Mr. SHIELDS. Mr. President, it is the administrator of this deceased lady that presents this claim. To show the inaccuracy of the Senator's statement, to see how he has utterly forgotten this whole case, he speaks of N. C. Perkins as her husband. Why, her husband had been dead for 20 years, and N. C. Perkins is her son, born since the war, and is now her personal representative and presents this claim. This property was taken, as appears by this record, while she was a minor, before she was married. Her husband married her and immediately left, and I have never heard that it was a crime to be the wife or the widow of a Confederate officer. That is what they are urging here; it is because after this loss she married a Confederate officer. That is no ground for disallowing a claim that was just and right at the time the supplies were taken and appropriated to the use, support, and maintenance of the Federal Army—just such claims as are considered of the most meritorious class.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. McCUMBER. I have an amendment at the desk which I should like to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. The senior Senator from North Dakota offers, for the junior Senator from Pennsylvania [Mr. OLIVER], the following amendment:

SEC. 5. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Philadelphia & Reading Coal & Iron Co. the sum of $26,400.30; Walston H. Brown, sole surviving partner of the firm of Brown, Howard & Co., the sum of $65,792.53; and the estate of the late Henry A. V. Post, deceased, the sum of $50,359.35, as a refund of import duties paid in excess of the duties imposed by law on steel blooms, as found by the Court of Claims.

Mr. BRYAN. Mr. President, that is a claim for taxes collected in time of peace, since the war, which these people claim should not have been collected. I have stated so often that this is only a war-claims bill. I am familiar with that claim. It has no place in a bill of this kind. It has been to the Court of Claims, I believe.

Mr. McCUMBER. It has been to the Court of Claims, I understand, and the Court of Claims has found that there is that much money that has been collected by the Treasury Department from these parties that does not belong to the Government and does belong to these individuals.

Mr. BRYAN. It is a miscellaneous claim.

Mr. McCUMBER. What difference does it make what particular bill it is on if the Government has the money which belongs to these parties?

Mr. BRYAN. I will try to make that clear—because this House committee only consider claims growing out of the Civil War. They will not consider anything else. I hope the amendment will not be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. CRAWFORD. I offer the following amendment.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. Add a new section, as follows:

SEC. 5. That from and after the passage and approval of this act the jurisdiction of the Court of Claims shall not extend to or include any claim against the United States based upon or growing out of the destruction of any property or damage done to any property by the military or naval forces of the United States during the war for the suppression of the rebellion; nor to any claim for stores and supplies taken by or furnished to or for the use of the military or naval forces of the United States, nor to any claim for the value of any use and occupation of any real estate by the military or naval forces of the United States during said war; nor shall said Court of Claims have jurisdiction of any claim which is now barred by the provisions of any law of the United States.

Mr. BRYAN. Mr. President, as far as I am concerned I have no objection to that section. I am perfectly willing to have it adopted and go to conference.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. REED. Mr. President, I should like to have an opportunity to see the amendment. [After a pause.] Mr. President, I would have to oppose that amendment. It is a broad, sweeping amendment.

Mr. CRAWFORD. Then I am going to discuss this bill. That is all there is about it.

Mr. REED. Mr. President, I am getting a little tired of having the conduct of the Senate controlled by the desperate threat of a desperate man that he is about to make a speech.

Mr. BRYAN. Mr. President, a parliamentary inquiry. Was the amendment agreed to?

The PRESIDING OFFICER. The Chair declared it was agreed to without objection. The Senator from Missouri has objected.

Mr. REED. I appeal to the Senator from South Dakota to be fair about this matter. Let me say this: Here we are without any time to discuss a proposition of this sort. It affects the claims possibly of hundreds of people, it may be thousands of people, and now it is proposed to cut them off without a moment's discussion. Of course in after years to the hundreds of people to whom hundreds of thousands of dollars may be justly due it may be a sweet consolation to them when they feel in their empty pockets to know that the depreciation of their money was in a measure compensated by the fact that the Senate was deprived of the privilege of hearing the Senator make a long speech that he is threatening us with. I hope he will not do that. This is too important a matter to be settled that way.

The PRESIDING OFFICER. The question is on the amendment.

Mr. CRAWFORD. Mr. President, I think my statement will stand comparison with the statement of the Senator from Missouri when I say that I have occupied very little time of the Senate during this session. The time occupied by the Senator from Missouri compared with the time occupied by myself will represent a very, very large extension.

Mr. REED. Mr. President, will the Senator permit me to interrupt him? I see the Senator, with his usual determination, intends to carry out his threat. I withdraw my objection.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. CRAWFORD. Mr. President, my position here is not one to be dismissed simply with a smile. I have some convictions about this bill. I have no desire to punish the Senate with the sound of my voice or taking up time to present stale claims that have had the opportunity to be heard during a half century, pouring over here into the Court of Claims and coming back with ambiguous findings, in so many cases very little merit in them, with the generation that sustained the loss long since laid away to its final rest, with affidavits and claims being brought up by grandchildren and great-grandchildren, through the instrumentality of attorneys who are hunting up these claims to speculate on the chance of getting something out of the Government.

I have seen that until I think the time has arrived to put an end to the reference to further claims growing out of the taking of property during the Civil War. If this is simply being thrown in here to persuade me to abandon my contention that it ought to go into this bill and stay there with a view to having it thrown out in conference and then be brought back here and put through without it, I am not going to play a part in any such transaction.

Mr. JAMES. The Senator doubtless observed that the chairman of the committee accepted his amendment, and every Senator on this side supported it except the Senator from Missouri.

Mr. CRAWFORD. I want this amendment; and if I can I shall bring it about to go into the bill and stay in the bill.

Mr. LEA of Tennessee. I am sure the Senator will find also that in the conference the conferees will be loyal to the amendments adopted by the Senate, and if they should not succeed in impressing their wish on the House conferees I do not think the Senator ought to oppose the bill and cause it to fail.

Mr. CRAWFORD. Has the amendment been agreed to?

The PRESIDING OFFICER. The amendment has been agreed to.

Mr. CRAWFORD. Very well. Then I want to call attention to a few cases in this bill, and then I shall not detain the Senate longer.

Mr. GALLINGER. Will the Senator permit me to offer an amendment that I believe will be agreed to without discussion?

Mr. CRAWFORD. All right.

Mr. GALLINGER. In behalf of the senior Senator from Utah [Mr. SMOOT] I present an amendment which I understand comes within the rule laid down by the committee. It is for the taking of a book, I understand, for which only part compensation was paid.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In the proper place insert, under the subhead "Utah":

To Moylan C. Fox, of Salt Lake City, executor of Joab Lawrence, deceased, $4,078.75.

Mr. BRYAN. The Senator from Utah spoke to me about that amendment. I have not had time to examine it, but I am perfectly willing that it shall be agreed to by the Senate and go to conference and we can look at it there.

The PRESIDING OFFICER. Without objection the amendment is agreed to.

Mr. NEWLANDS. Is the bill now open to amendment?

The PRESIDING OFFICER. The committee amendments have been disposed of. The Senator from South Dakota has the floor.

Mr. CRAWFORD. I am not going to be able to begin with the first case and go through that way, because I have not the notes at hand which will enable me to do it. I want to test the claims of this character here and see what the disposition of Senators is in regard to it. On page 86 I move to strike out lines 7 and 8.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 86 strike out lines 7 and 8 in the following words:

To the trustees of the Salem Baptist Church, of Clarke County, $600.

Mr. CRAWFORD. I want to be heard just a moment with regard to that claim as reported in the report on the last omnibus claims bill. It is the claim to which I referred awhile ago. It is represented by one individual claiming to be the trustee of that church. I find in the report submitted with the bill two years ago that the petition which this man filed in the Court of Claims in the name of that church appeared to be represented by that individual alone. In his petition, which was not filed until 1904——

Mr. BRYAN. Mr. President, I will say to the Senator from South Dakota that I am no more anxious to pay to an individual for his benefit the claim of a church than he is. I will agree to let the paragraph be stricken out and let it go to conference, so that we can find out the situation there, and if there is an explanation to be made it can be made there.

Mr. CRAWFORD. Very well.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. CRAWFORD. Now, I want to get the sense of the Senate on one of these cases which will test this principle and the position of the Senate in regard to the minors who on account of tender years come in and make claims of loyalty. There are probably 100 of them in this bill, where the only ground for

sustaining loyalty is that the claimants who are asserting the claims here were minors. I will take this one. It is the heirs of Lindsay Brown. At the bottom of page 32, I move to strike out lines 19 to 24.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 32, after line 18, strike out the following:

To Sarah Bushnell, of Rapides Parish, $1,725; to Rosa Brown, Meeker Brown, and Jennie May Brown, of said parish, heirs of Lindsay L. Brown, deceased, in equal shares, $1,725; and to Elmira Jones, William Brown, Bertha Brown, May Brown, and Ether Brown, of said parish, heirs of Talton E. Brown, deceased, in equal shares, $1,725.

Mr. CRAWFORD. I simply wish to get this issue before the Senate. Lindsay L. Brown and Talton E. Brown are the two minors. This claim was referred to the Court of Claims in 1904. The property in question belonged to William R. Brown, who died in 1863, and left surviving him a widow, Elmira Brown, and five children, William, Henry, Sarah, Lindsay L., and Talton E. It was not shown that William R. Brown before his death was loyal. There was no proof. On that issue all the findings are silent. It is shown that his widow, Elmira Brown, was disloyal. That is found in the record, and that the two sons, Henry and William, were not loyal. The other children, Sarah, Lindsay L., and Talton E., are found to be loyal. These two, Lindsay L. and Talton E., being minors, the finding that they were loyal rested solely upon the fact that they were minors. That is the situation. No claim was presented for this property to the Southern Claims Commission or to any department of the Government, or under the Bowman Act or the Tucker Act, provided for it until 35 years after the property was taken. These children became of age, obtained their majority, and remained silent during all those years, and finally, in 1904, 40 years after the war closed, practically, they go to the Court of Claims and base their loyalty merely upon the fact that they were not of age. Residing in a disloyal State, in rebellion against the Government, with a disloyal mother and a brother and sister who had attained their majority disloyal, with no finding one way or the other with reference to the father, after all these years, in 1904, they go here and establish loyalty simply upon the claim of tender years.

I move to strike it out because of lack of sufficient proof.

Mr. BRYAN. Mr. President, the Senator from South Dakota moves this amendment to test the sense of the Senate upon the question of whether the Senate is disposed to visit on the children disloyalty during the Civil War. The Senator says that Louisiana seceded. The Senator also knows that there were a great many Federal troops raised in Louisiana who were loyal to the Union during the Civil War. This is one of the few States in all the South of which that is true.

Mr. President, there is no reason on earth why it should be attempted to visit the disloyalty of an ancestor upon the children. I had always supposed that attainder was not in existence in this country. The Senator must know that a child in its mother's arms was not capable of deciding whether it was in sympathy with the Union or with the Confederacy.

Mr. CRAWFORD. Mr. President, will the Senator permit me there? I understand this statute requires affirmative proof of loyalty. Suppose the child is not capable of any affirmative active influence one way or the other, what can we do to comply with the requirement that there must be proof of its loyalty when the fact that every influence about it, the influence of the parent, the influence of the family, the influence of the State, the attitude of the whole society in which you find it is that of disloyalty?

Mr. BRYAN. Mr. President, I come back to my original proposition that it is not a principle of reason or good conduct to undertake to defeat a claim to say that the child in its mother's arms was disloyal during the Civil War. Congress has never undertaken to establish any such doctrine as that, and I hope it will never undertake to do it. It is half a century after the close of the war, and the fact is that now they have been loyal all their lives, loyal to this Government, and they are loyal to it to-day. What is the use of talking about what the father thought back in the sixties?

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from South Dakota.

The amendment was rejected.

Mr. CRAWFORD. I will not take up the time of the Senate in taking up one after another the one hundred and more other cases. I simply wanted to get that issue here before the Senate and have it passed upon.

I wish to offer another amendment. I move to strike out, on page 56, from line 14 to line 23, both inclusive.

The PRESIDING OFFICER. The amendment proposed by the Senator from South Dakota will be stated.

The SECRETARY. On page 56, it is proposed to strike out from line 14 to line 23, both inclusive, as follows:

To John Allman, formerly of Virginia City, now a resident of the State of California, $2,358.

To John M. Forsyth, formerly of Carson City, now a resident of the State of California, $2,728.

To Frank J. McWorthy, formerly of the State of Nevada, now a resident of the State of California, $450.

To Thomas Rodgers, formerly of Virginia City, now a resident of the State of California, $440.

To the legal representatives of James M. Thompson, deceased, late of Carson City, $3,730.

Mr. CRAWFORD. The Senator from Nevada [Mr. NEWLANDS] is here, I see; and I simply wish to call attention to the facts as they appear in the record in reference to these five claims.

It seems that in 1859 there were some raids made upon settlers out there by the Piute Indians. The settlers at Virginia City, at Carson City, and in the surrounding country voluntarily organized a company, made up of recruits, numbering some 125 to 130 men. They had an officer named Ormsby. They engaged in a battle with the Piutes at Pyramid Lake, and were defeated. There was no military force of the United States Government employed in it; there was no command given, no authority of the Government of the United States at all; but these volunteers in this fight with the Indians lost some property and supplies, abandoned some, and returned to their homes.

This old claim is for provisions, horses, and ammunition contributed by some of the citizens to the volunteers in this Indian uprising; and it seems that Maj. Ormsby received them, and distributed them among his men. There was no authority for it, and nothing representing any authority of the Government. It was an uprising such as has occurred probably in every State in this Union at its early history, of settlers to protect themselves; and yet that is the fact upon which this claim is based. Not one thing occurred from 1860 to 1891—that is nearly a generation—when a claim was presented for that amount. That is all the Court of Claims finds. I submit there is no reason why the Government should pay a claim of that sort. I move to strike it out of the bill.

Mr. NEWLANDS. Mr. President, I think this is a very just claim. These forces were engaged in the discharge of duties that ought to have been performed by the United States Army. They did a great service to the country and to civilization in meeting promptly an uprising of the Indians. They incurred certain expenses in this war, the expense of which ought to have been borne by the United States. The sum aggregates only $7,000 or $8,000. The facts have been ascertained by the Court of Claims. It seems to me that no just exception can be made to the justice of these claims.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from South Dakota.

The amendment was rejected.

Mr. CRAWFORD. Mr. President, this omnibus claims bill is full of just such driftwood as that. If there were only one or two such claims contained in it we might wink at them and let them go, but the idea of coming in here and appropriating in the neighborhood of a million dollars for any such rubbish as that is preposterous. For instance, here are some claims from New Mexico. Is my friend, the Senator from New Mexico [Mr. CATRON] here? I do not want to take advantage of him, but I move to strike out the items from line 1 to line 7, on page 57.

The PRESIDING OFFICER. The amendment proposed by the Senator from South Dakota will be stated.

The SECRETARY. On page 57, it is proposed to strike out from line 1 to line 6, both inclusive, as follows:

NEW MEXICO.

To Anastacio de Baca, administrator of Francisco de Baca, deceased, of Santa Ana County, $1,325.

To Edward H. Bergmann, of New Mexico, $1,200.

To W. J. Goodwin, of New Mexico, formerly of Woodruff County, Ark., $2,980.

Mr. CRAWFORD. Now, let me call attention to the first item here. Francisco de Baca claimed that his property was taken in 1862, and he attempted to prove the claim before the commissary general at that time. He could not prove that he owned the property, and he failed because he could not prove that he was loyal.

Mr. BRYAN. I consent to that amendment.

Mr. CRAWFORD. Then the claim slept for 38 years, and he comes in here and brings a report from the Court of Claims and gets his claim into this bill, and it is allowed here; you have not stricken it out.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. BORAH. I do not know that I could consent that these items should go out while the Senator from New Mexico [Mr. CATRON] is absent.

Mr. BRYAN. If there is anything in the bill for a disloyal citizen it ought to go out.

Mr. CRAWFORD. The finding is that he was disloyal.

Mr. BRYAN. Loyalty is a prerequisite.

Mr. BORAH. How did the item get in the bill?

Mr. CRAWFORD. They went through the Court of Claims; they did not get anything from the Court of Claims; but because it went through the court it was inserted in the bill.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from South Dakota.

The amendment was agreed to.

Mr. CRAWFORD. Now, I want to test one other amendment, and then I think I shall give up the struggle.

Mr. BORAH. I do not see why the Senator should be discouraged, as he secures the elimination of four items at a time.

Mr. CRAWFORD. There are so many of them that I fear it would take all night.

The PRESIDING OFFICER. Would it suit the purpose of the Senator from South Dakota just as well to offer his amendment in the Senate?

Mr. CRAWFORD. There are only two more items of this class to which I wish to direct attention. I move to strike from the bill under the Tennessee items the provision for the Humboldt Female College.

Mr. BRYAN. Mr. President, if I understand the objection of the Senator, it is that he thinks perhaps it is a case where an individual is trying to take advantage of a corporate name.

Mr. CRAWFORD. The institution has not been a going concern for long years; and now, after its doors have been closed and the corporation has become dormant and has practically gone out of business, a man comes up and has himself appointed receiver and initiates a claim for damage to that property.

Mr. BRYAN. I am willing for it to go out, and let it go into conference and let the claimant show that the claim is for the benefit of the institution, and not for the benefit of an individual.

The PRESIDING OFFICER. On what page is the amendment?

Mr. CRAWFORD. I can not give the page just now, because there are so many of these items.

Mr. BRYAN. The item is embraced in the first two lines on page 77.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. At the top of page 77 it is proposed to strike out:

To G. S. Lannom, receiver of the Humboldt Female College, of Gibson County, $4,100.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. CRAWFORD. Now, I want to call attention to the item for St. Paul's Episcopal Church, of Franklin. This is one of a class. Of course if the Senate wants to indorse that method of appropriating money I can not help it, and I am not going to pick out one after another of these items and consume time here.

Mr. BRYAN. Will the Senator give me the page on which the item is found?

Mr. CRAWFORD. It is the item for St. Paul's Episcopal Church, of Franklin, on page 76, lines 18 and 19.

The basis of the claim with reference to the church arose in 1863, but no claim was made and no reference was made to the Court of Claims until 1902. Then they went to the court and submitted some evidence, and what does it show? It shows that a number of wardens and vestrymen of that church were in the Confederate Army; that the last official act of the wardens and vestrymen was in 1859; and that they never met again until 1869. No dates are given, but a general finding is made that some forces of the United States took possession and occupied the building. There is no finding as to how long it was occupied. It may have been occupied 20 minutes or 24 hours. A little company of soldiers might have stopped there over night. There is no description of the building. We do not know whether it was worth $150 or $5,000 or $25,000. There is no testimony whatever as to the way in which it was damaged or injured, but merely a statement that it was occupied; and upon the strength of that statement we find these vestrymen, some of whom, as I have said, were officers in the Confederate Army, after keeping quiet until 1902, coming here and asking to have an appropriation of $2,450.

In looking over these claims I can not help believing that some of the people down there thought this a nice way to get a contribution to construct an addition to their church or give it a little financial help. So, when they found it had been occupied a little while, they take a snap shot at it, come here, and get some findings that are so scant that they give the Congress no information at all, except that there was a church and an organization, some of the members of which served in the Confederate Army. Nothing else is given, except the mere statement of occupancy. They ask us to vote money in a case like that. That is a sample. There are dozens and scores of just such claims in this bill. I move to strike that item out. If you want to leave it in, there is no need of my going over 50 more of them.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Dakota.

Mr. BRYAN. Mr. President, in the petition in this case it was stated by the officers of the church that it was used and occupied for two years, and that the repairs were reasonably worth $4,900. There was a claim of $6,100.

The Senator says that the findings do not show how long the church was occupied; that they do not show whether it was for a few minutes or longer; that they do not show the value of the church, nor enter into the details of the damage. Well, Mr. President, courts do not usually do that. The court states the ultimate facts. The testimony is produced in court in order to lead the court to a conclusion. Here was a claim for $6,100. Did the court sit there and let the claimant fix the amount of damages? The court found the damages to be reasonably worth $2,450, showing that the court had some idea of its duties, showing that the court, as I think might be assumed until the contrary appears, is not in the habit of reaching conclusions of law without something upon which to base its conclusions.

Mr. CRAWFORD. Mr. President, if this were a case where the court entered judgment and enforced payment and had entire control, the remarks of the Senator would be in point; but the whole theory of the Court of Claims, so far as its findings are to be utilized at all, is that they shall ascertain the facts and transmit them to Congress in such a way as to give Congress full information upon which it may feel justified in voting money out of the Treasury of the United States and into the pockets of claimants.

When Congress made a provision of that kind in the law, it was certainly intended that the claimants should be able to submit to the Congress some facts. When it comes to presenting one or two statements of what the Senator calls "ultimate facts," without giving any information that will enable Congress to act intelligently in voting money to these claimants, I say that they should be the ones who should suffer by not having presented here in the form of findings something upon which we could act intelligently. Therefore I think this claim should be disallowed.

It is in marked contrast with other findings. You will find claims here where there are such specific findings that the court states, "This church was built in 1848. It was a large brick structure of certain dimensions; was in good state of repair; it was occupied from January, 1862, to March, 1864, by military forces of the United States, who used the pews for fuel or to heat their bake ovens, or took down the brick chimneys to construct bake ovens," and so on. When a case comes to Congress with findings like that, giving the value, the extent of the damage, and facts as to what the property was worth, I am perfectly willing, even although the claimants did delay presenting their claims, to pay them; but when they come here with no information as to whether the building was a good one or an old, ramshackle place, without any statement as to whether it was worth $50 or $75, with nothing but a mere statement that it was occupied, and then ask us to pay them three or four or five thousand dollars out of the Treasury, I do not believe we ought to pay such claims.

Mr. STERLING. Mr. President, may I ask my colleague a question?

Mr. CRAWFORD. Certainly.

Mr. STERLING. Is this a claim for use and occupation of the church?

Mr. CRAWFORD. They are divided. Some of them are.

Mr. STERLING. I refer to the particular claim about which the Senator has been speaking, carrying an appropriation of $2,450.

Mr. CRAWFORD. I think that is for use and occupation; I am quite sure it is.

Mr. STERLING. Do the findings state for how long a period the church was used?

Mr. CRAWFORD. No, sir; only that it was used; that is all.

Mr. STERLING. That is one of the facts that ought to be found by the Court of Claims.

Mr. CRAWFORD. Over and over again there are scores of claims here for rent because of churches that were used for hospitals and occupied from one day to six months; but the findings give you no information as to how long, and tell you nothing about the church, except that there was a church there and it was occupied, and that the reasonable value of it was so and so.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. CRAWFORD. Now, Mr. President, I am through. I simply wanted to get some of these cases which are typical before the Senate, and I hope the conferees will insist on putting an end to sending these stale old war claims to the Court of Claims, and that the jurisdiction will end. I believe that every Senator from the States where these claims arise down in his heart will be gratified to have an end to that sort of thing come, and I think you ought to come in now and help to put an end to it. Fifty years is long enough to have these old claims of this character hanging over Congress, and a new grist coming in every year.

Mr. JONES. Mr. President, I am going to vote against this bill, but I shall not do anything to prevent a vote being reached. I have an amendment that I should like to see on the bill. It is a bill that has passed the House of Representatives and has been reported by the Senate committee; but if the Senator in charge of the bill thinks that placing it upon the bill would prevent its passage I will not offer it, though under those circumstances I do not see how it could prevent it. I refer to the child-labor bill, which I would very much like to see passed.

Mr. BRYAN. Why, Mr. President, it will take a number of hours to have the amendments to this bill printed and considered by the conferees. If we take 25 or 30 minutes longer on the bill, the bill is gone.

Mr. JONES. If the Senator thinks that offering this amendment would prevent a vote on the bill, I shall not offer it.

Mr. BRYAN. I do.

Mr. JONES. Very well.

Mr. NEWLANDS. Mr. President, I offer the amendment which I send to the desk.

Mr. LEA of Tennessee. Mr. President, I want to appeal to the Senator from Nevada not to offer the amendment to this bill. There is a bill going to be taken up immediately after this that covers the subject of the amendment, which is for overtime for services rendered to the Government. A great many other Senators have been asked to offer amendments to this bill. I have been asked to offer 20 of them, by institutions as well as by individuals, but I have restrained from it, as every other Democrat has.

Mr. NEWLANDS. I will state my position with reference to the amendment. I will offer it first.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. Under the head of "Nevada," it is proposed to insert:

To John Glanzmann, Carson City, $3,296.

Mr. NEWLANDS. Mr. President, this is a claim for $3,600 for overtime due to John Glanzmann——

Mr. BRYAN. Mr. President, if the Senator wants to put that amendment on this bill, in view of what I have said, in view of the fact that the War Claims Committee of the House will not consider claims of this kind, I will let it go on without objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. CRAWFORD. I demand a roll call on the passage of the bill.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. BRYAN. I move that the Senate insist upon its amendments and ask for a conference with the House and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. BRYAN, Mr. ROBINSON, and Mr. BRISTOW as managers at the conference on the part of the Senate.

Mr. BRYAN. I ask unanimous consent that the bill may be printed showing the committee amendments numbered.

The PRESIDING OFFICER. Without objection, that will be done.

Mr. SMOOT. That will be done anyhow.

VOLUNTEER OFFICERS' RETIRED LIST.

Mr. SMOOT. Mr. President, in behalf of the junior Senator from Michigan [Mr. TOWNSEND] I ask unanimous consent that the Senate proceed to the consideration of Order of Business No. 209, a bill to create in the War Department and the Navy Department, respectively, a roll designated as "the Civil War volunteer officers' retired list."

The PRESIDING OFFICER. The Senator from Utah asks unanimous consent for the present consideration of a bill the title of which will be stated by the Secretary.

The SECRETARY. A bill (S. 392) to create in the War Department and Navy Department, respectively, a roll designated as "the Civil War volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Utah?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. MARTINE of New Jersey. Mr. President, I ask the Senator to yield to permit me to present a couple of joint resolutions. They will take but a moment.

Mr. SMOOT. I will say to the Senator that I have not any doubt that we will reach the calendar now in a very little while, and this is virtually carrying out an agreement.

Mr. MARTINE of New Jersey. All right, as long as I am not shut out.

Mr. SMOOT. I do not believe the Senator will be.

Mr. MARTINE of New Jersey. All right.

Mr. SMOOT. The bill has been read twice, Mr. President.

The SECRETARY. The pending amendment is, on page 4, line 24, to strike out the words "three-fourths" and insert in lieu thereof "one-half."

The amendment was agreed to.

The SECRETARY. On page 5, line 1, after the word "Army," it is proposed to insert a colon and the following words:

Provided further, That the payments provided for in this act shall not be made or inure to the benefit of anyone whose income, together with that of his wife, exceeds $2,400 per annum, and the Secretary of War shall make such regulations as may be appropriate to make this proviso effective.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. SMITH of Georgia. Mr. President, I am opposed to this bill—thoroughly opposed to it. I had intended, had it been reached earlier in the session, to present somewhat elaborately my views in opposition to it; but for reasons that are evident it will be useless to take up the time of the Senate now to do so. It will probably come up again at the next Congress, and there will be ample time then to discuss the bill.

Mr. REED. Mr. President, does it not require unanimous consent to take up the bill at this time?

The PRESIDING OFFICER. The bill has been taken up. It is in the Senate now, and on its final passage.

Mr. REED. I wish to inquire if unanimous consent to take it up was asked?

The PRESIDING OFFICER. Unanimous consent was asked, and granted.

Mr. REED. Then I shall have to ask for a little better order in the Chamber, because I was not able to hear the Chair.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. TOWNSEND subsequently said: Mr. President, I want to refer to the volunteer officers' retired list bill, which was passed in my absence. There are two amendments to that bill which I am sure every Member of the Senate would have agreed to reject if attention had been called to them. The object of passing the bill was to pass it in such form as to satisfy the beneficiaries of the bill. One of the amendments was to change the provision from one-half to three-fourths pay, and the other to strike out the property qualification.

I move to reconsider the votes by which the bill was ordered to a third reading and passed, so that the two amendments may be disagreed to.

The motion to reconsider was agreed to.

Mr. TOWNSEND. Now I move to disagree to the amendments.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments were rejected.

The PRESIDING OFFICER. The question is on the passage of the bill.

The bill was read the third time and passed.

ALLOWANCE OF CERTAIN CLAIMS.

Mr. CRAWFORD. Mr. President, the chairman of the Committee on Claims gave me the assurance that if the southern war-claims bill was passed he would call up the other claims bill that it was not advisable to attach to the war-claims bill, because of the fact that there are two committees on claims in the House. He was very much worn out and asked me to call it up for him. He has left the Chamber, but I desire to ask unanimous consent for the present consideration of this companion piece, really, of the war-claims bill, Order of Business No. 594.

The PRESIDING OFFICER. The Senator from South Dakota asks unanimous consent for the present consideration of a bill, the title of which will be stated by the Secretary.

The SECRETARY. A bill (S. 6120) for the allowance of certain claims reported by the Court of Claims.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims without amendment.

Mr. CRAWFORD. Mr. President, if I may be allowed a word I can perhaps expedite the matter.

This bill contains two classes of claims. One consists of claims of employees in the Government navy yards; and the claims arise out of an order made by the Secretary of the Navy before the eight-hour statute was enacted, but at a time when in practice they were enforcing eight-hour employment. He issued a general order that the timekeeper should keep a record of the labor performed by these workmen over the eight-hour period, and that they should be paid for that extra labor pro rata at the rate per hour that they were receiving for eight hours. The Secretary of the Navy made that order. It was posted in the navy yards, and was acted on there by the foremen in charge of these shops. The timekeeper kept a record of this extra time of these employees. Subsequently, of course, an eigh-hour-day law was enacted and has since prevailed.

These claims have been sent to the Court of Claims, and they have in each case taken testimony and reported what the wage of the workman was, what, according to the record, the extra time served was, and at that rate per hour how much the Government owes him. There is no dispute in regard to the facts. In each case where the Court of Claims rendered a finding it sets out this order of the Secretary of the Navy, and the finding of the extra work performed, and the rate.

There is another class of claims here in which it seems that a test was made of the right of Regular Army officers, who are allowed an increase under a longevity system, to have the period begin at the time of their entrance to the Military Academy at West Point, at which time they practically enlist and place themselves under the control of the Government.

A number of these men were settled with without having the benefit of that four-year period, and it made a considerable difference in their pay. The matter was taken over to the Treasury Department, and an adverse decision was rendered by the auditor; and then, subsequently, a test case was taken to the Supreme Court of the United States, and the Supreme Court held that the period did begin to run with their entry into the Military Academy at West Point. In the test case the court allowed the officer this additional compensation. Now, additional legislation for these cases that arose prior to that determination by the Supreme Court appears to be necessary to enforce equal treatment of these officers; and the second group of these claims is of that class entirely where the facts are not in dispute, but the decision of the court does not authorize the Navy Department to adjust the claims of these officers.

I make that statement so that the character of these claims may be understood.

Mr. REED. Why is it that they can not be adjusted under the decision of the court? Are they barred?

Mr. CRAWFORD. They claim that the comptroller is practically a law unto himself, and that no appeal can be taken from his decision; that one of the rules of martinets is that one will not reverse a position taken by the comptroller ahead of him, and that this legislation is necessary.

The Secretary read the bill.

Mr. OLIVER. I offer the following amendment to be inserted at the appropriate place in the bill.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. Insert the following as a new section:

SEC. 5. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Philadelphia & Reading Coal & Iron Co. the sum of $26,400.30; Walston H. Brown, sole surviving partner of the firm of Brown, Howard & Co., the sum of $65,792.53; and the estate of the late Henry A. V. Post, deceased, the sum of $50,359.35, as a refund of import duties paid in excess of the duties imposed by law on steel blooms, as found by the Court of Claims.

The amendment was agreed to.

Mr. GALLINGER. I offer the following amendment to insert under the heading "New Hampshire."

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. Add, under the heading "New Hampshire," the following:

To Emma M. Gay, widow and executrix of Thomas S. Gay, deceased, of New Hampshire, $477.65.

To Elvira S. Hardy, widow of James L. Hardy, deceased, of Hillsborough County, $293.85.

To Hazel O. Goodsoe, Perle E. Nute, Leonora W. Goodsoe, and E. Shirlet Rundlett, children of Augustus O. Goodsoe, deceased, of Rockingham County, $293.70.

To S. Augusta Tasker, widow of George E. Anderson, deceased, of Belknap County, $48.59.

To Marie S. Perrimond, widow of Xavier Perrimond, deceased, of Rockingham County, $60.

To Emma G. Jenness, widow of Thomas B. Gammon, deceased, of Rockingham County, $208.60.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AGRICULTURAL APPROPRIATIONS—CONFERENCE REPORT.

Mr. GORE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20415) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1916, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 11, 12, 14, 15, 17, 18, 23, 24, 25, 26, 27, 29, 34, 35, 37, 39, 40, 41, 43, 44, 45, 63, 66, 67, 68, 76, 77, 78, 87, and 88.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 5, 6, 8, 9, 10, 21, 22, 28, 30, 42, 46, 47, 48, 49, 51, 56, 57, 58, 59, 60, 61, 62, 70, 71, 73, 74, 75, 79, 80, 81, 83, 85, and 86, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$352,040"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$623,120"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,666,050"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the Senate amendment insert: "$438,800, of which sum $50,000 may be used for live-stock demonstration work, in cooperation with the States' relations service, in areas freed of ticks, and of this amount no part shall be used in the purchase of animals for breeding purposes"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,856,706"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,585,336"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the amount proposed insert "$60,000"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,462,460"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,139,150"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In line 11 of the amendment, between the word "and" and the word "value," insert the word "market"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In line 7 of the amendment, in lieu of the word "ten" insert the word "five"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,000"; and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$280,000"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$125,000"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$411,820"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$446,290"; and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$510,505"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$586,465"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$19,936,382"; and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: Strike out "$125,000" and in lieu thereof insert "$100,000"; and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: After the word "Columbia" insert the following: ", but this shall not prevent the continued use for official service of motor trucks in the District of Columbia"; and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "In case of an emergency arising out of the existence of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious disease of animals, which in the opinion of the Secretary of Agriculture threatens the live-stock industry of the country, he may expend, in the city of Washington or elsewhere, out of any money in the Treasury not otherwise appropriated, the sum of $2,500,000, which sum is hereby appropriated, or so much thereof as he determines to be necessary, in the arrest and eradication of any such disease, including the payment of claims growing out of past and future purchases and destruction, in cooperation with the States, of animals affected by or exposed to, or of materials contaminated by or exposed to, any such disease, wherever found and irrespective of ownership, under like or substantially similar circumstances, when such owner has complied with all quarantine regulations, and said sum shall be immediately available for the purposes specified: *Provided*, That the Secretary of Agriculture is authorized to pay not more than one-half of the expenses incurred by the owners of a certain herd of show cattle now in quarantine at Hawthorne Park, near Chicago, Ill., such expenses being incident to and on account of the quarantine of such cattle by the Government, but the total expense shall not exceed one-half the beef or dairy value of such cattle"; and the Senate agree to the same.

Amendment numbered 89: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the matter proposed insert:

"That there is hereby constituted a joint committee of the Senate and House of Representatives to consist of the chairman of the Senate Committee on Agriculture and Forestry, the chairman of the House Committee on Agriculture, and the chairmen of the Committees on Banking and Currency of the two Houses, and two other members of each of said committees, to be designated by the chairmen of the respective committees, and it shall be the duty of said joint committee to prepare, after such investigations as may be deemed necessary, and report to the Congress on or before January 1, 1916, a bill or bills providing for the establishment of a system of rural credits adapted to American needs and conditions. The sum of $10,000 is hereby appropriated, the same to be immediately available, out of any funds in the Treasury not otherwise appropriated, to defray all necessary expenses of said joint committee, payment of said expenses to be made upon vouchers approved by the chairman of said joint committee, who shall be selected by the committee."

And the House agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$22,971,582"; and the Senate agree to the same.

THOMAS P. GORE,
HOKE SMITH,
F. E. WARREN,
Managers on the part of the Senate.

A. F. LEVER,
GORDON LEE,
G. N. HAUGEN,
Managers on the part of the House.

Mr. BORAH. Mr. President, if it is in order, I should like to ask the chairman of the committee making the conference report to state briefly what became of the rural-credits amendment? What disposition has been made of the matter? I could not gather it from the reading of the report.

Mr. GORE. Mr. President, as the Senator knows, the Senate agreed to an amendment submitted by the Senator from North Dakota [Mr. MCCUMBER]. In the House that amendment was concurred in with an amendment in the nature of a substitute. It was, indeed, an entire substitute for what I may call the McCumber amendment. The two measures differ radically from beginning to end. There are so many differences and they are such material differences that the conferees were unable to agree. As a consequence of that, the conferees on the part of both Houses receded from their respective propositions, and, in effect, report in favor of creating a joint committee of the two Houses to consider and prepare and report a bill or bills upon this subject to Congress on or before January 1 next.

Mr. BORAH. As I understand, both the Senate amendment and the House amendment are eliminated from the conference report?

Mr. GORE. Yes, sir; they are.

Mr. NELSON. I ask that the part of the conference report relating to rural credit be again read.

The PRESIDING OFFICER. Without objection, it will be again read.

The Secretary read the part of the report indicated.

Mr. MCCUMBER. Mr. President, I offered the other day an amendment to this bill providing for rural credits. I became satisfied some time ago that any scheme for rural credits which would have the effect of decreasing the interest rate to the farmer must be a scheme that would have back of it a certain degree of national credit. I therefore prepared a very simple bill in which I avoided any independent banking system for the use of the farmers. I can see no necessity for another great top-heavy system as extensive and as far-reaching and as complex as the Federal reserve bank system. I was opposed to

that method for the reason that the overhead charges in conducting such a system of banks and corporations and societies would be so heavy that the effect would be that the interest which would have to be charged the farmer would not be any less than it is to-day.

I therefore proposed to utilize the present system of banks of the United States, making each one of those banks, State as well as Federal, Government agencies, through which farm mortgages should be received and transmitted to the bureau of rural credits, such mortgages not to exceed in value 50 per cent of the value of the farm property; that when a few thousand of these mortgages were received in the bureau of rural credits in the Treasury Department, the Government might then issue its debentures to the face value of the mortgages which would run from 10 to 20 years, bearing 4½ per cent interest and sold to investors, preference being given to small investors, and the debentures to be made in multiples of $100, the idea being that we would receive for these farm loans money from the same source as that which goes into the farm loans of the country to-day; that we would bring the farmer and the investor together through the medium of the Government acting rather as broker than lender.

While my bill provided that the Government should issue its debentures, the Government was well protected, holding not only the mortgages themselves in double the value of the debentures issued by the Government, but having, in addition to that, the liability of the maker of the mortgage.

Senators can easily see that under that system the Government would in reality be investing nothing, because whenever it advanced money in payment of mortgages it would issue its own debentures and receive the money back from the investor to which the debenture was sold.

The only objection I heard to this scheme was that I provided in my bill for the sale of the debentures at par. I judge from the discussion in the House that the idea was that the Government should have the right to sell the debentures for whatever it could secure for them, and if it could secure a premium it should be allowed a profit on them. That was not the purpose of my amendment. By providing that only the small investor should be recognized first in the application it was sought not to allow these debentures to become the subject of speculation by great moneyed institutions, but to dispose of them solely as a means of bringing the farmer and lender together.

I know, and I think anyone who has studied the farm-loan business will know, that there are a great many investors in the country—widows who have been left with little sums of money, trustees, and so forth—who would be perfectly willing to loan at 4 or 4½ per cent on good, long-time paper; but if we were to allow these debentures to be sold to the highest bidder they would simply be bought up by the great financial concerns of the country and again sold for speculation. That is what I tried to avoid, and that was why I made provision that they should be sold at par, preference to be given to the small investor.

Mr. President, that proposition was amended in the House by what was known in the Senate as the Hollis bill, with an amendment which provided that the Government should borrow money on Panama Canal bonds and use the proceeds of such bonds, not to purchase farm mortgages, but to purchase the bonds of the banks that were to be created under this new system, which bonds, of course, would be backed by the farmers' paper.

The great trouble about that system, as I have suggested, is that it is so complex that it necessarily would be very expensive, even if you could get people to invest their money in a corporation of that kind.

Then, there was no fixed rate of interest, but, on the contrary, each bank was left to get about what interest it could get, provided the rate did not go above what the State laws would allow. There was nothing which would insure a lower rate of interest than what the farmer is now paying.

I regret very much, Mr. President, that this simple method which I proposed could not be adopted. I am making no complaint against the committee of conference. As suggested by the chairman, there was a very radical difference between the House and the Senate measure. I shall have to vote against this conference report for the reason that I think it ought to have contained a provision for farm credits that would have been actually beneficial to the farmers of the country. The conference committee has cut out all present legislation for rural credits and substituted a commission for further investigation.

Mr. President, I received a telegram a short time ago, and I have received several others during the last few days, from Mr. Herbert Myrick, who is the editor and the owner of a number of farm papers. He has been extremely interested in securing a good farm-credit bill. I ask that this telegram may be inserted in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The telegram referred to is as follows:

SPRINGFIELD, MASS., *March 3, 1915.*

Senator MCCUMBER,
Senate, Washington, D. C.:

In behalf of farmers of America I have this moment wired conferees on rural credits suggestions for basis of agreement that should satisfy both sides upon the moot problem of Government aid. Market for these farm bonds will be broad and active. The bonds will be greedily absorbed by investors. If the one point at issue is solved, along lines of my suggestion, Hollis rural credits amendment should be so workable as to become a practical success. The Republican Party can not afford to antagonize this greatest of all reforms.

The vast agricultural constituency which I represent has conceded much to all three parties. We beseech you to concede something likewise. Withdraw your filibuster and promptly enact rural credits. Am assured this morning President would approve bill.

HERBERT MYRICK,
President National Farm Power Periodicals, including Northwest Farmstead, of Minneapolis; Orange Judd Farmer, of Chicago; Southern Farming, of Atlanta; American Agriculturist, of New York; New England Homestead, of Springfield; Farm and Home, of Springfield and Chicago; Dakota Farmer, of Aberdeen.

Mr. MCCUMBER. I wish to call especial attention to the last paragraph, which reads:

I beseech you to concede something likewise. Withdraw your filibuster and promptly enact rural credits. Am assured this morning President would approve bill.

I think that Mr. Myrick has had some wrong information concerning any filibuster upon this bill, which has been in the committee of conference. I am certain that that committee has worked diligently and earnestly to secure an agreement between the two Houses and to secure a farmers' credit bill, if it were possible to do so. I wish to correct that error here. The bill has not been filibustered by either Democrats or Republicans. I certainly was willing to concede anything that might bring about an agreement which would give any rural credit law. But when a matter is in conference no one except the six conferees can act, and I must assume they have tried to compose their differences.

He also states that the President would sign this bill. I can hardly conceive, from what the President said the other day, that he would sign a bill that either contained the measure which I introduced or the measure which was adopted by the House. His objection seems to be based upon opposition to any kind of governmental liability. And inasmuch as the bill which I introduced and which I offered as an amendment provided not for the Government loaning to the farmer, but simply a guaranty of his paper, which would require practically a very small sum of money to initiate it, and inasmuch as the amendment which the House attached as a substitute for the one which I introduced provided for $50,000,000 a year to be expended by the Government to purchase the bonds of this new banking system, I feel quite certain that there would have been the same objection of the Executive toward that measure that he had toward the one which I introduced. In any event, I think that the committee has undoubtedly handled the subject in the best way it could. We are right at the close of the session. These bills have not been thoroughly considered by the Senate; and I appreciate the fact that it is a very short time indeed to put through a proposition of such magnitude as this, but I sincerely hope that the commission, which has been provided for in this amended proposition, will bring about some effective and good results; and, above all, that whatever measure shall be brought forward will be divested of the complexity contained in the measure which was adopted in the House, and which will also be devoid of the everlasting red tape, and which will not add an enormous machinery to the present system of banking.

Mr. GALLINGER. Mr. President, it is impossible to know exactly what the conference committee did by simply listening to the reading of the report. I want to ask the Senator from Oklahoma two or three questions. I first ask the Senator what became of amendment No. 35, in regard to the National Forest Reservation Commission?

Mr. GORE. Mr. President, is that the amendment offered by the Senator from New Hampshire?

Mr. GALLINGER. It is.

Mr. GORE. I will say, Mr. President, that the amendment was given serious consideration. One of the House conferees is a member of the forestry commission to which the Senator refers, and feels the deepest interest in the consummation of the plan. The House conferees, however, were unwilling that this measure should go in the agricultural appropriation bill at this time. I think, however, that I betray no confidence or secrets of the committee when I say that it was agreed among them

that they would take the matter up early in the next session and would have a hearing on the subject and would give it prompt attention.

I may say that no member of the conference committee on either side questioned the justice of the amendment. It provided for the payment of two payments which have heretofore accrued and which lapsed on account of circumstances which I need not relate. There is no doubt that it is an obligation due on the part of the Government, and it will be met in due season.

Mr. GALLINGER. Then, Mr. President, I infer from the observation of the Senator that the amendment really received sympathetic consideration?

Mr. GORE. I think it did.

Mr. GALLINGER. And that those of us who are interested in the matter may well hope that in the next Congress that lapsed money will be appropriated for the purposes of the commission?

Mr. GORE. Mr. President, it is a plain obligation of the Government, and is necessary to the carrying out of the plan which the Government has undertaken. I assume that there is no doubt of the appropriation being made.

Mr. GALLINGER. I want to ask the Senator about three other amendments, and then I will not detain the Senate further.

Mr. GORE. I will be glad to answer the Senator so far as I am able.

Mr. GALLINGER. There are three amendments, numbered, respectively, 66, 75, and 76. Amendment numbered 66 made an appropriation for experiments in dairying and live-stock production in the semiarid regions; amendment numbered 75 contained an appropriation for experiments in live-stock production in the cane and sugar growing districts; and amendment numbered 76 carried an appropriation for live-stock production in the New England States. I will ask the Senator if he can offhand tell what became of those three amendments?

Mr. GORE. Mr. President, I will take pleasure in doing so. The appropriation for the experimental demonstration work in connection with live-stock production in the State of Louisiana was retained in the bill. An appropriation of $60,000 for the same purpose was made in the appropriation bill of last year. The work is in process of being carried out by the department now, and a good deal of the appropriation has been expended, just as a good deal of the money in connection with the forest reserve, to which the Senator referred a moment ago, has been expended, and the appropriation of $3,000,000 to which he adverted will be necessary in order to carry out that scheme in good faith. The department thought that another appropriation of $60,000 was essential to the consummation of the work in Louisiana, and in default of the appropriation it felt that the money heretofore expended would have been indeed wasted.

The appropriation in reference to demonstration in connection with live-stock production in the arid regions was proposed for the first time this year. It was estimated for and recommended by the department, but the House conferees would not consent to the retention of that item. It was their policy not to institute any new work this year, so far as it was possible to avoid so doing. That reason controlled them in their refusal to accede to that amendment.

I may say, with reference to the amendment in connection with the demonstration in the production of live stock in New England, that the proposition was submitted to the Agricultural Department, and they stated that it would not be possible for them to carry out such a plan in so brief a time; that they had no organization for the expenditure of the money or for the conduct of the service successfully. They stated that it would be necessary to make a preliminary survey upon which to base such demonstration work, and I assume that that course will be pursued. I have no doubt it will be, if the Senator from New Hampshire prefers such a request or suggests it to the department.

Mr. GALLINGER. Mr. President, I thank the Senator for his lucid statement as to these amendments. I anticipated that that would be about what would happen, and I do not find any fault with the conclusions that have been reached. I thank the Senator for the suggestion that possibly in the near future New England may have an opportunity to participate in this most worthy enterprise, and that an appropriation will be made for that purpose.

Last year when an appropriation was made for the cotton and cane growing sections I favored it very strongly, and I believe I said that I looked upon it as a consolation prize to Louisiana for having had her sugar production destroyed by the ill-advised tariff legislation of the Democratic Party, and I am glad that the work is to be continued.

So far as the interests of New England are concerned in that regard, if I am here at the next session, I shall endeavor to persuade the committee that we have a section of country admirably suited for an experiment of this kind, and I shall hope to be successful in getting an appropriation. I thank the Senator.

Mr. GORE. Mr. President, I assure the Senator that no one will take more interest than I shall in the institution of any infant industry in New England, even of the character of live-stock production.

I may say, too, as it will concern and interest the Senator, that an appropriation of a hundred thousand dollars was made to maintain the quarantine in the State of Maine in the interest of the potato producers; that $50,000 was appropriated for the exchange of lands in the State of Washington; that an increase of $170,000 was made in the item for the extermination of wolves in the Northwest, making $280,000 in all for that purpose; that $60,000 was appropriated for demonstration in live-stock production in Louisiana; and an increase of 40 per cent was granted in the appropriation for the eradication of cattle ticks in the South, making it, as we thought, a pretty harmonious measure and a pretty fair distribution of these merited considerations.

Mr. JAMES. Mr. President, I should like to ask the Senator from Oklahoma a question about the conference report upon the Agricultural bill. I just came into the Chamber, and therefore I am not familiar with the report of the conferees. I desire to know what became of the amendment adopted by the Senate providing for payment to people who had blooded cattle taken care of at great expense in order to prevent the authorities from killing them upon the supposition that they had the foot-and-mouth disease.

Mr. GORE. The Senator refers to the stock-show cattle at Chicago?

Mr. JAMES. The stock-show cattle—the blooded cattle.

Mr. GORE. That item was retained in the bill.

Mr. JAMES. So the bill provides, then, for payment to the people who own these cattle and who went to this very great expense to prevent their being slaughtered?

Mr. GORE. Yes.

Mr. JAMES. I am very glad to know that. I should like to ask the Senator, further, if there was any amendment adopted in the House which came to conference providing that in case cattle had to be killed on account of the foot-and-mouth disease, where they were blooded cattle or breeding cattle, the owners should be paid not more than four times their beef value; or, in other words, such owners of cattle of this kind according to their utility value?

Mr. GORE. No, sir; there was no amendment of that sort.

Mr. JAMES. There was no amendment of that sort in the House?

Mr. GORE. No, sir.

Mr. JONES. Mr. President, I should like to ask the chairman of the committee a question about the item with reference to sinking artesian wells.

Mr. GORE. I will say that the Senate conferees were obliged to surrender that item.

Mr. JONES. I am very sorry; but I know that the Senate conferees did the best they could in relation to the matter.

I also heard a statement with reference to an appropriation for the exchange of lands in Washington, but my attention was distracted and I did not gather just what action was taken.

Mr. GORE. That item was retained in the bill.

Mr. SMITH of Georgia. Mr. President, I desire to say just a word about our action upon the propositions presented by the different Houses with reference to a rural-credits system.

For many, many years the owners of small tracts of land in rural sections, when seeking to make loans, have found it necessary to pay exorbitant prices for the money obtained, together with high charges for obtaining it. This has been due largely to the fact that their loans have been made in small sizes, and that those investing money in this way were not familiar with the local conditions of the various rural sections where the farmer sought to obtain a small loan on his farm.

For the past two years there has been a most earnest study of this subject with a view of presenting a plan by which these natural difficulties might be overcome, and by which the farm lands of the country, furnishing as they do the very best basis for credit, might be known and their owners have recognized their real value as a basis for loans. This will lower rates of interest and lessen the cost to the farmer when borrowing money secured by farm lands.

So many different measures have come before the Senate and the House, and these measures have been prepared on such diverging plans, that it has been difficult to reach a conclusion and determine a plan. Nothing illustrates this fact more clearly than the entire difference between the House provision and the Senate provision. One covered about 2 pages and the other over 90 pages. One had practically no machinery and the other had a vast detail of machinery. It was simply impossible for the conferees to get together, however deeply desirous they were of perfecting a bill.

I only wish to add that the most intense purpose to perfect a satisfactory measure, which will bring to the small landowner in rural sections the power to obtain money at low rates, and thereby falicitate the opportunity for tenants to become the owners of the farms upon which they work, inspired every member of the conference committee. I confidently hope that before the 1st of next January the joint committee provided for in the resolution, if it be adopted, will be able to lay before the Senate and the House a measure which can be accepted by both.

Mr. WHITE. Mr. President, I wish to make a report from the Committee on Revolutionary Claims, and ask for the adoption of the resolution. It is a resolution referring the bills to the Court of Claims.

Mr. BRISTOW. I object to the consideration of that resolution now.

Mr. WHITE. I hope the Senator will not do that. It will take only a moment.

Mr. BRISTOW. Mr. President, there are a hundred or two hundred cases on the calendar. They have been on the calendar for a long time, and I do not propose to consent to have any reports made and passed upon now until we take up the calendar.

The PRESIDING OFFICER. Objection is made.

Mr. WHITE. Then I will ask to withdraw the report.

Mr. BRISTOW. Mr. President, may I inquire of the Senator from Oklahoma what became of the amendment to the Agricultural bill providing for the appropriation of half a million dollars for the construction of lakes and reservoirs on the lands of the West between the ninety-eighth meridian and the foothills of the Rocky Mountains?

Mr. GORE. I will say to the Senator that that was one of the reasons why the committee was so late in reporting. The House conferees refused to accede to that amendment, and owing to the proximity of the end of the session we felt obliged to surrender on that point. I appreciate the earnest interest which the Senator from Kansas has taken in this measure. I have discussed it with him frequently. I think it is possibly fraught with great advantages to that section; but unfortunately there are two sides to these conference commitees, and we found it impossible to prevail upon the House conferees to accept that amendment at this time. I may say that they expressed it as their earnest conviction that they would be unable to prevail upon the House to consent to that amendment even in case the conferees should acquiesce in the amendment.

Mr. BRISTOW. Mr. President, may I ask the Senator from Oklahoma if he feels that the Committee on Agriculture of the Senate at the next session can take up that matter and give it consideration with a view of organizing a plan by which this work can be started?

Mr. GORE. Mr. President, there is no doubt but that the proposition ought to be preceded, if it has not been, by a thorough survey and all the data obtained upon which so vast a plan, promising such benefits in case of its success, should be worked out with great care and great deliberation. Otherwise, the money would not be advantageously expended; but if the plan can be brought to success in accordance with the Senator's desires and wishes, it would rescue in great measure that vast and splendid section from the affliction of hot winds which would bring under the dominion of the plow one of the most magnificent sections in this or any other country.

I may say that my home is situated west of the ninety-eighth meridian, in the very section to which the amendment related, and I, therefore, had every motive to sympathize with the purposes of the Senator from Kansas. I, of course, could not make any definite promises or assurances, as I should be unwilling to mislead the Senator.

Mr. BRISTOW. Mr. President, I have no doubt of the Senator's desire to promote legislation of this kind; but I desire to state that, as he will remember, last year we obtained the insertion by the Senate of a provision in the bill which looked to a survey of the region referred to, the location of the sites of lakes and reservoirs, and the measuring of the streams, the run-off water of that vast area. Unfortunately that appropriation was lost in conference. The effort was renewed, as the Senator well remembers, at this session of Congress in an effort to have a plan formulated to care for the water which runs to waste, which when it leaves the plain becomes in the valley of the Mississippi and its tributaries an element of destruction, while if impounded upon the plains it would be a source of vast production, making life more attractive as well as producing vast wealth; and this country of ours can not begin this work too soon. There is no provision in this bill, as full as it is of experiments and efforts to benefit the productive resources of our country, that has such vast possibilities for good as the one which I regret to say the Senator advises me has been lost.

If there were anything I could do, if there were anything within my power under the rules of the Senate, any means to which I could resort to force that appropriation back into this bill, I would not hesitate to do it, because I think that by leaving it out an injustice is done to that region of the country which has received very little benefit, directly at least, from the Federal Government. The seashores, the rivers, and the harbors receive millions and millions every year. With few exceptions the millions that are expended there are far less productive of benefit to the country than equal amounts would be expended along the lines suggested by this amendment.

Mr. STERLING. Mr. President, I should like to have the attention of the chairman of the committee. I have been informed since coming into the Chamber—I was not here when the report was brought in and read—that the appropriation of $87,000 made by the Senate for experiments in live-stock and dairy farming in connection with the dry-farming experimental stations has been stricken out in conference. I should like to inquire of the chairman of the committee if that is true?

Mr. GORE. Mr. President, I regret to say to the Senator that that is true. I think there is no amendment in the bill of greater importance. I think it is a duty which our Government owes to the people whom it has induced to settle upon the arid lands of the West to make demonstrations in live-stock production and in dairy production that will enable them to concentrate their products and sell the produce of the farm in the form of live stock. I think it is an obligation which this Government owes to those people.

I felt the keenest interest in that amendment. I think it ought to be done. I think it will be done. I will say to the Senator, however—he probably was not in the Chamber—that this is the first time this amendment has been proposed. It was estimated for by the department. The House conferees adopted a policy of rejecting all new propositions in this bill, and adhered to it with great decision, and I think almost without variation. I need not suggest to the Senator the reason for that policy on their part. It was the state of the national finances. That policy, however, was adopted by the House conferees and was adhered to. This being a new proposal, submitted for the first time, it fell under the ban of that policy. I regret that it did so, and I hope that in the next agricultural appropriation bill this item will be carried. If I can contribute to that result, it certainly will not be overlooked.

Mr. STERLING. I simply wish to say that after the estimate made by the department for this appropriation, after the very careful examination into the matter by the authorities of the Agricultural Department and the report of a commission appointed by, I think, the Secretary of Agriculture, and after what I know of the situation in that region, so far as it pertains to my State, it is a great surprise and a great disappointment to me that that has been stricken out in conference. As the Senator is perhaps well aware, it is a region of the country where only forage crops are raised, and to make farming at all profitable, to keep those settlers there, it is necessary that they have, in connection with this forage-crop raising, the dairy and the live-stock business. If they had that business, it would be a prosperous country, but as it is the country, of course, can not very well prosper.

I am glad to have some assurances from the Senator to the effect that he is friendly to this proposition, and I believe that hereafter it will have his support.

Mr. GORE. Let me say that I keenly appreciate and heartily indorse every word the Senator from South Dakota has said.

Mr. FLETCHER. Mr. President, I wish time permitted that I might submit some observations on this very great subject of rural credits.

It has been my privilege to have something to do with that matter for some three years, and I should have been glad if the committee could have reported a bill upon that subject. I believe the time is not far distant when such legislation will be placed upon the statute books. There is a widespread public demand for it, and a great need. If the conference committees had been hunting for a solution of that problem, I

should have recommended to them, if given the opportunity, the bill which the United States commission, composed of seven members appointed by the President under the act of 1913, reported to the Senate and to the House. That bill had the approval not only of the members of that commission but of the President in its essential and substantial features, as well as the Secretary of Agriculture and others well informed upon the subject.

However, it seemed impossible for the conferees to thrash out and put into shape the measure at this time; and while disappointed in that respect, I would not delay the adoption of this report by urging that they give that matter further consideration.

I would also remind the Senate and those concerned that there is now a commission that is considering this subject, appointed by the President pursuant to the act of Congress; and yet I am in perfect agreement with the conferees in establishing the commission proposed in the report. I am all the more gratified and in more agreement with them when I know that the distinguished chairman of the Committee on Agriculture and Forestry of the Senate will be a member of this new commission, as he was and is a member of the existing United States commission.

Mr. GORE. I will say to the Senator that the report does not provide for a new commission; it simply provides for a joint committee of the two Houses.

Mr. FLETCHER. A joint committee—I understand. There seems to be no wide difference except in the name. I would observe further that in the raising of that committee I should be further gratified if a member of the United States Commission, Representative Moss of Indiana, a member of the Committee on Agriculture of the House, might be a member also of this joint committee. I shall indulge that hope if the joint committee be established.

Mr. RANSDELL. Mr. President, I ask unanimous consent to have printed in the RECORD a very interesting article on rural credits by the senior Senator from Florida, who has just addressed the Senate. It appears in the National Magazine for February. I commend its careful reading to everyone interested in the subject.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The article referred to is as follows:

RURAL CREDITS.

[By DUNCAN U. FLETCHER, United States Senator from Florida.]

The popular picture of the farmer, rosy and rotund, riding in his automobile over splendid roads, attending fairs, picnics, and camp meetings, with the best of things to eat, fine clothes, and plenty of leizure, I regret to say, is overdrawn when applied to every, or even the average, farmer.

The idea that when he plows he simply jumps into a spring seat and guides his machine plow over the fertile fields while he views the landscape and whistles with the birds as he enjoys the beauties of nature, and when the glorious day is all too soon spent he comes home and turns on the electric lights throughout the barnyard, his elegantly furnished residence being already aglow, sets the machinery going to feed and water his stock, and, after a rich supper partaken to the music of Caruso, revels in Habana cigars and the latest novel until time for his bath, which he takes in his marble tub, where he turns on the hot and cold water supplied in the most modern fashion, as in the most expensive hotels of the city—is scarcely correct in all its details.

The figures given and accepted as substantially accurate show there are 12,000,000 farmers in the United States, and the value of farm property, including animals, amounts to some $40,000,000,000. The last report of the Department of Agriculture gives the value of all farm crops, farm-animal products, and farm animals sold and slaughtered as aggregating, for the last year, $9,872,926,000. Assuming that of this, two-thirds, or $6,500,000,000 worth went to market, the remainder being consumed on the farm, it is estimated the consumers paid $13,900,000,000 for that two-thirds, which means that some $7,000,000,000 disappeared between the farm and the breakfast table. The figures indicate that the average wealth of each farmer is $3,333, and the average gross income of each is $791.

Some farmers are worth more and have larger incomes. This means that others are worth less and have smaller incomes.

We also find that the farmers of the United States owe approaching $6,000,000,000, some $3,000,000,000 of which is secured by mortgages on their farms and homes. They pay from 6 per cent to 20 per cent per annum interest on this indebtedness, bench fees, commissions, and other charges. The annual interest charge is estimated at $510,000,000—about 8½ per cent.

This of itself is no small sum to be subtracted from the farmers' earnings. No other industry showing similar assets and liabilities is called on to carry such a burden. The market quotations show that industrial 5 per cent bonds are selling at par, 6 per cent at 102½, and 4 per cent at 90; United States refunding 2 per cent bonds are selling at 96, 3 percents at par, 100; United States 4 per cent registered at 108½ and coupon 109½, while Panama 3 percents are quoted at 99. The farmers, with their forty billions of assets, must pay an average of 8½ per cent on their indebtedness, and are often unable to get money at all for financing their operations. We can marshal the collective resources of those engaged in agriculture, make the mobilized resources a basis for credit, adjust the credit machinery so as to cut that interest in half.

We might as well own the truth and examine the conditions from a common-sense standpoint and deal with the situation in a practical way.

There is real and pressing need for the betterment of rural conditions, making country life more attractive, agriculture more remunerative, giving financial aid suited to the needs of agriculture, and improving business methods, which should be put into practice.

As presidents of banks and financiers, farmers are not much in evidence. The hard facts are that, generally speaking, there is no occupation exacting greater industry, toil, and stricter economy, amid more crude and rugged surroundings and fewer luxuries.

The farmer has to contend with drought, floods, frosts, fires, bad seasons, insects, and inability to get labor just when he wants it. The rain comes to spoil his hay or grain after he has made it, the sun refuses to shine when he needs it most. His cattle or hogs become diseased, his horses or mules get crippled, the rains keep the ground too wet to plow and grasshoppers take his crops; or the weather is so dry that the crop will not grow; the roads are in bad condition and he has great difficulty hauling produce to market; just when he wishes to sell there is a glut and no demand for his produce; his bills for supplies become due—to the merchant, to the fertilizer dealer, at the bank, to the doctor, the minister, the school-teacher—all to be paid just when the product of the year's toil will yield but little, if any, more than it cost to produce.

He has enjoyed the pleasures of unremitting and hard work, plenty of fresh air, plain but wholesome food, common clothes, and no luxuries. He finds himself generally about one year behindhand—that is, if he had in hand all that he can earn the next year, his assets would cancel his liabilities.

This is not a very much exaggerated picture. Unfortunately, it represents too truly the lot of the average small farmers, and they constitute a very large majority of those engaged in agriculture. It ought not to be the case. Those hard-working, honest, sober, sturdy, manly yeomen ought to have a much more satisfactory experience and a much brighter prospect.

They get less compensation for the same amount of labor than any other workers. Their industry yields smaller pecuniary returns than almost any other occupation. No wonder the outlook is discouraging to the country lad. No wonder the ambitious boy inclines to turn his attention to something else. What inducement does farming offer to him? What attraction does country life afford? These priests of nature who dwell nearest the fountain of life in the divine economy deserve better things and a more satisfying career.

How can they get it?

Chiefly in two ways: First, by lessening their burdens; second, by increasing their earnings.

You may say that sounds logical and reasonable, but then comes into your mind the query, what has Congress to do with that—how is that to be even helped by legislation?

I do not claim that these results can be wholly accomplished by legal enactments. There is no legal pulmotor we can invent that by itself will restore life to languishing agriculture. On the other hand, I claim we can provide certain machinery which, if the farmer himself will make proper use of—which I have no doubt he will do—we can put him in the way of working out for himself both those results.

We will have done all we can in blazing the way and giving him the tools whereby he will hew to success. Short of that we should not stop. Our duty to the greatest of all industries, to the largest number of people who fight the battles of our country in time of war and produce its food in time of peace, to every man, woman, and child in the land, because they must all eat and wear clothes, demands that we persevere until we have attained the ends desired. The experience of older countries where agriculture has attained its highest development furnishes us a guide. What has been done abroad in redeeming agriculture and placing the farmer in a prosperous condition, we surely can do. The spirit of Themistocles who exclaimed, "The trophies of Miltiades will not suffer me to sleep," and the nobler purpose of serving the industrious, conservative, patriotic tillers of the soil, and in doing this the highest and best interests of America and Americans should inspire us to shake off indifference and procrastination, and apply our whole strength to a solution of the problem.

Some elements involved we can not control. The seasons and the great laws and forces of nature we can not alter. The Department of Agriculture has done much for the farmer, by helping him to combat the diseases which beset his animals and plants, by pointing out the best methods of selecting seed, and planting, cultivating, and handling his crops; in road building, housing, caring for and using his produce, employing machinery, and even in marketing his surplus. It is also demonstrating how he can increase his yield and giving him the results of scientific experiments to his great advantage. This national work is most helpful in supplying a part of the remedies needed.

THE BURDEN OF INTEREST CHARGES—LACK OF FINANCIAL FACILITIES.

Even if we could do nothing more than reduce materially the enormous burden of exhorbitant interest and charges now borne by the farmers, we should enable them to save some $250,000,000 every year.

I am thoroughly satisfied such relief can be provided for by the commission bill, S. 4246, and in its modified form No. 7184—now pending—as the result of research in European countries, where the people have been obliged to meet and solve the problems with which we are just now face to face, and the studies of the United States Commission on Rural Credits in cooperation with the American commission under the act of March 3, 1913.

Such a plan is feasible and highly desirable. It contemplates the establishment of a system of farm-mortgage banks, under Government supervision. This is a field for Federal legislation—the problem is a national one.

Permit me, in order to preserve the true history of the development of the plan now under consideration, to mention briefly how the movement began, took shape, and step by step led up to this bill.

PROPOSED LEGISLATION TO MEET REQUIREMENTS OF AGRICULTURE.

While the subject of rural credits is not absolutely new in this country, reference to it in the past never received serious attention. There was no systematic or effective effort to make the subject understood. Of course, until that happened, there could be no intelligent legislative action.

American students and representatives in foreign countries had pointed out that the United States had made no suitable financial provision for the agriculturalist, but that was as far as we got until early in 1912, literature issued by the International Institute of Agriculture and correspondence with the American delegate, Mr. David Lubin, induced the Southern Commercial Congress to take up the matter with him and later with the State Department and President Taft. The Southern Commercial Congress invited Mr. Lubin to address our fourth annual convention at Nashville, and obtained leave of absence for him, and he accepted on condition that we assemble representatives from the various States a week prior to the convention and devote that time to a thorough study of the subject. Twenty-seven States sent their representatives to that conference. Mr. Lubin addressed the convention, and a resolution was adopted calling on the Southern Commercial Congress to undertake to assemble a commission to be composed of

two selected men from each State to go to Europe and investigate, on the ground the various systems there in operation primarily intended to benefit agriculture. We took the subject up with the governors of the various States and with the farmers' organizations throughout the country, receiving a general indorsement of the plan. A joint resolution was passed by Congress and signed by the President accrediting such commission to foreign Governments. The agricultural bill was later passed containing provisions for a Federal commission of seven to be appointed by the President "to cooperate with the American commission assembled under the auspices of the Southern Commercial Congress." On April 26, 1913, we assembled in New York the American commission, composed of 2 from each of 35 States and 4 Canadian Provinces, and these, together with 5 of the United States commission, sailed for Rome, where they were received by the King and Queen of Italy at the home of the International Institute of Agriculture. Plans were made through the delegates to the institute, which is participated in by 52 nations, under treaty, for a tour of 14 European countries. The commissions were aided by every facility the various Governments could and did offer, and returned home July 28, 1913. As chairman of the American commission and also chairman of the United States commission, I feel that, in common fairness to them and to their work there, I should refer to these facts. Full justice to these public-spirited, capable agencies would necessitate a more detailed statement than I shall offer. The former made report to the governors of the various States and the latter to Congress. The evidence collected and data gathered from all these countries will be found printed in Senate Document No. 214, parts 1, 2, and 3, which is the most complete, authoritative, and instructive publication on the subject in print anywhere. A supplement to it is given as "Observations of the American Commission," Senate Document No. 261, part 2.

It would not be possible now, and probably never will be again, to avail ourselves of the opportunity for obtaining the information and collecting the valuable material furnished in that document.

The United States Commission, after a careful study of all this material, including the laws of the various countries, and conditions in the United States, prepared its report to Congress, known as Senate Document No. 380, parts 1, 2, and 3. The report, including the bill desired, was presented to the House by Congressman MOSS, a member of the commission (H. R. 12585), and to the Senate by myself (S. 4246) on January 29, 1913, except that part 3, "Personal or short-term credit," was not presented until March 13, 1914. The bill was referred to the Banking and Currency Committees, respectively. They appointed subcommittees on rural credits, and these met in joint session for the purpose of giving hearings, and carefully considering the whole subject. They devoted much time and intelligent study to the question, and at the close of these hearings the subcommittees drafted and presented a bill which contains the main features of the commission bill S. 4246 (H. R. 12585), with some additional features, and that bill has likewise been referred to the Committees on Banking and Currency and is S. 5542 (H. R. 16478).

The whole country has been interested as rarly before on any measure, and a realizing sense of the importance of and the need for the legislation is nation wide.

The platforms of all three political parties contained pledges in behalf of the movement. President Wilson, as was President Taft, is in full sympathy with the efforts which have been put forth, and which I am certain are to result in effective and beneficial legislation. Nearly one-third of the President's great address to Congress on December 2, 1913, was devoted to this question, and in this he said, among other things:

"I present to you, in addition, the urgent necessity that special provision be made also for facilitating the credits needed by the farmers of the country. * * * The farmers, of course, ask and should be given no special privilege, such as extending to them the credit of the Government itself. What they need and should obtain is legislation which will make their own abundant and substantial credit resources available as a foundation for joint, concerted local action in their own behalf in getting the capital they must use. It is to this we should now address ourselves.

"It has, singularly enough, come to pass that we have allowed the industry of our farms to lag behind the other activities of the country in its development. I need not stop to tell you how fundamental to the life of the Nation is the production of its food.

* * * * * * *

"We must add the means by which the farmer may make his credit constantly and easily available, and command when he will the capital by which to support and expand his business. We lag behind many other great countries of the modern world in attempting to do this. Systems of rural credit have been studied and developed on the other side of the water, while we left our farmers to shift for themselves in the ordinary money market. You have but to look about you in any rural district to see the result, the handicap, and embarrassment which have been put upon those who produce our food.

"Conscious of this backwardness and neglect on our part, the Congress recently authorized the creation of a special commission to study the various systems of rural credit which have been put in operation in Europe, and this commission is already prepared to report. Its report ought to make it easier for us to determine what methods will be best suited to our own farmers."

Hitherto our financial system has been exclusively intended to serve the capitalist, merchant, manufacturer, and those engaged in industries other than agriculture. It is no wonder that it has been found incomplete as well as discriminating in its operations.

Under that system, created, supervised, and controlled by the Government, there was a direct, express prohibition against accepting real estate as security for loans, and we must agree with the farmer that he not only was not taken care of, but was absolutely discriminated against, because real estate has always been his chief asset. The one main resource of the 12,000,000 farmers in this country was stricken down by the law as a basis for credit. It is really astonishing that for 50 years we have neglected to provide any financial system to meet the needs of agriculture. It is more astounding, when we think, that the system we did establish made objectionable and unavailable for credit purposes, to a very large extent at least, their $40,000,000,000 worth of resources. The result might have been expected. It should have long ago been corrected. But for the quantity and quality of our lands adapted to agriculture we would have experienced a depression in this country and a high living cost which would have meant distress and national weakness beyond comprehension.

I hope it is not too late to remedy by legislation this discouragement of agricultural interests with all its evil and disastrous consequences, whose beginning we must already recognize, as it appears that:

(a) Production is not keeping pace with the increase of population.

(b) The number of tenants are incrasing and occupying owners decreasing. The census shows that in 1880, 25 per cent of all American farms were operated by tenants; in 1890 this percentage had increased to 28, and in 1900 to 35 per cent.

(c) The tendency is away from the farms and toward the cities and towns.

(d) Our exports of foodstuffs are relatively decreasing, while our imports are increasing, as, for instance, we are already importing beef and even corn from Argentina; our farmers are paying higher rates of interest than those engaged in any other industry.

(f) Our farmers are unable to obtain financial accommodation except upon very burdensome terms.

(g) Agriculture does not advance and is losing spirit, and its products will soon not equal the home demand, greatly increasing the cost of living.

The objects to be gained by the proposed legislation now pending are:

(1) Securing cheaper money for the farmer. This will lessen his burdens directly, and to a larger extent indirectly, since the farmer requires capital just as those engaged in other industries require it.

(2) Providing sufficient financial accommodation on terms he can meet as to interest and payments to carry on his business and acquire and improve his home. This will increase his earnings.

(3) Enabling the farmer to liquidate past indebtedness out of his earnings, which must be from the soil and dependent on the seasons, as his returns come in. This will make it possible for him to improve his home and increase production.

This system will contemplate only an agricultural business. The farm-land bank will do no commercial business and therefore not compete with the commercial bank. The fundamental principles involved are:

(1) Making the collective resources of a community available to meet credit requirements through the medium of bonds issued against mortgages on land. The asset of the farmer is thus made liquid.

(2) Allowing the reduction of the principal by installment payments, such as the borrower can meet, known as amortization. In this way principal and interest will be paid in full, without excessive demands and within the time it is possible to earn the amount of the obligation.

The bill provides that 10 or more persons can organize a national farm-land bank in any given State. Such bank can issue land-bank bonds against mortgages in that State. General powers are given, with restrictions. Such bonds may be used as (1) security for deposit of postal savings fund, (2) as investment for funds accumulated as time deposits in national banks, (3) as investment for trust funds under certain conditions. One hundred thousand dollars is to be the minimum capital for the institution issuing the bonds; the volume of bonds shall not exceed 15 times the capital, nor the aggregate of the mortgages.

A bureau in the Treasury Department is created for supervising the operations of these banks, with a commissioner of farm-land banks as the head and a deputy commissioner assisting. Annual report to Congress must be made. Plans, rules, and regulations to govern the bureau are to be approved and promulgated by the Secretary of the Treasury. Our banking system now, as heretofore, is a commercial system. The system proposed is not. I should prefer the two systems be kept separate and distinct as far as possible.

The commissioner must publish amortization tables, which must be used in all long-term mortgages. Provision is made for cooperative institutions where desired.

Such a bank is empowered:

First. To make loans upon farm lands anywhere in the State not exceeding 50 per cent of the value of improved farm lands or 40 per cent of other lands.

(1) Such loans shall be made for not more than 35 years.

(2) All farm mortgage loans shall be on first mortgages.

(3) Loans shall be made only for the purpose of (a) completing the payment of the purchase price of the farm; (b) improving and equipping the farm; (c) and paying off existing liens.

(4) Each mortgage shall contain a mandatory provision for the repayment of the loan by amortization, and must run for not less than five years.

(5) The borrower may pay off the loan at any interest period after five years.

Second. The second specific power of the farm-land bank is to issue, sell, and trade in its own collateral trust bonds, which are designated as national land-bank bonds. The amount of outstanding bonds must not exceed the amount of the mortgages at any time.

The restrictions are:

(1) The rate of interest paid by the borrower shall not exceed the rate paid by the bank to the investor more than 1 per cent, which must include all charges of administration or expenses of the bank.

(2) All national farm-land bank bonds must be payable on a date specified, but subject to call at par.

(3) The bonds are secured by first mortgages of an equal amount in face value, maturing not less than five years from date.

(4) The amortization payments as made must be credited on the mortgages and bonds must be retired to that extent.

(5) The mortgages must be in the joint possession of the bank and the fiduciary agent of the Government. No bond shall be issued against any mortgage running for less than five years.

Third. The third specific power is the authority to use its capital, surplus, and deposits as a revolving fund for the negotiation of first mortgage loans, buying in its bonds or marketing short-term loans secured by first mortgages, maturing in less than five years.

Specific limitations are set forth:

(1) The amount of national land bank bonds that may be issued and outstanding at any time must not exceed fifteen times the capital and accumulated surplus of the bank.

(2) The charges of administration shall not exceed an annual charge of 1 per cent on the amount unpaid on the loan.

(3) The periodic payments by the borrowers must cover the administration charge mentioned, interest, and an amortization payment sufficient to pay off the principal within the time specified.

If a farm-land bank can sell its 4 per cent bonds at par, the farmer wishing to borrow $1,000 can be charged by the bank the 4 per cent plus 1 per cent for expenses, and 1 per cent more to be applied to the principal, making a total of 6 per cent or $30 every 6 months, which would pay off the loan—principal and interest—in 30 years. The farmer would pay 6 per cent semiannually and would pay off the debt in 30 years.

(4) The banks are not allowed to loan on their own or the stock of any other farm-land bank. No individual can borrow an amount exceeding 20 per cent of the capital and surplus.

Real estate holdings are restricted as in the national banking act.

So the exemption of capital stock and income from taxation is similar to the Federal reserve act. The mortgages and bonds are to be exempt from taxation.

It is provided further that a borrower may pay off his indebtedness by presenting to the bank its national land-bank bonds, of the same series as those issued against his mortgage.

The whole system is to supplement, and not to interfere with, our commercial system. The commission is unanimous in opposing direct loans or aid by the Government.

We are sustained in this not only by conditions in the United States but by the evidence obtained in Europe. "The National Government does not guarantee or finance the Landschaften, but controls them," (S. Doc. 214, p. 263. See also pages 405, etc.) Not only so, but, for instance, the Land Mortgage Bank of the Rhine pays the Government one-half of 1 per cent on the bonds it sells. (P. 322.)

Some progress has already been made growing out of the agitation of this subject, and it is most commendable in Congress that the Federal reserve act repeals the former national-bank law, prohibiting loans on real estate.

It is most gratifying that at last some attention has been given to the needs of the farmer.

But no commercial system can fully supply the requirements of agriculture, and so far as it was felt we could safely go under the commercial system was to provide for the rediscounting of the farmer's papers in the same way as other business paper and for loans upon certain terms and conditions on real estate security. At present this would make available something like $446,000,000 for such purpose, which would not go a great way even in taking care of maturing and outstanding loans. The regulations of the Federal Reserve Board covering real estate loans provide as follows:

"1. Real estate security must be farm land.

"2. It must be improved.

"3. There must be no prior lien.

"4. Property must be located in the same Federal reserve district as the bank making the loan.

"5. The amount of the loan must not exceed 50 per cent of the actual value of the property upon which it is secured.

"6. The loan must not be for a period longer than five years.

"7. The total of such loans by any bank must not exceed one-third of its time deposits and must in no case exceed one-fourth of the capital and surplus of the bank."

INSTITUTIONS FOR MAKING LONG-TERM LOANS ON THE AMORTIZATION PLAN SHOULD BE ESTABLISHED.

A separate and distinct system along the lines indicated will mean more homes, more development, and improvement of the farms, more production, better rural conditions, and increased prosperity generally.

Primarily the great benefit will be to agriculture, but as we must all look in that direction for food and clothing, the benefit will extend to all the people. Whatever will make attractive country life, reduce the burdens and difficulties which confront the farmers, will stimulate business and increase financial operations in all directions, and I am sure no one should take a narrow or selfish view of this great economic question.

You can readily understand that commercial banks must be in position to respond to their demand liabilities at any time, and therefore they could not safely employ their funds by making loans for any great length of time, but the farmer is not engaged in turning over his stock of goods day by day and depositing the proceeds in bank, thus meeting his obligations at the bank every few days. The farmer has no goods moving in trade which he is able to convert into cash by the time the bills for the goods become due. What the farmer needs is accommodation for such length of time as will enable him to purchase land, improve it, buy machinery, extend his development and operations over a period of years, meeting as much as he can, out of his earnings, year by year. He should get this accommodation at the rate of interest which will make it an investment rather than a debt. I have letters from various portions of the country which show that in many States the farmers are paying as high as 20 per cent interest, all the items considered. No business, no manufacturing enterprise, no commercial industry can stand such interest. The truth is that many of the farmers in many States would have been bankrupt long ago if it had not been for the rise in the value of lands. Some critics of this proposal have claimed that this plan is intended to make it easy for farmers to get into debt and people with money to get mortgages on lands, and thus enrich themselves and crush the farmer. This suggestion would have more merit if it were not that, broadly speaking, the farmers of the country are already enormously in debt. We have seen what the statistics show in that regard. No man is more afraid of debt that I am or will go further in warning against incurring it, but I submit that the farmers are already in debt, and that if we can do nothing more than save them one-half of their annual interest, say $250,000,000 a year, we will be doing a great public service. Furthermore, farmers need to go in debt as much as men engaged in any industry.

Rarely can any important industry be conducted on a strictly hand-to-mouth, cash basis, with any great success. The truth is, one of the great needs is for the farmer to adopt and apply more fully and completely, business methods in connection with his industry. Every business man is obliged to incur debts. Of course he has assets and resources which can always be applied to meeting these debts as they become due, but the very debt enables him to increase his assets and develop his resources, so necessarily the farmer, on an important and large scale, can not expect to conduct his enterprise strictly on a cash basis, nor is it to his interest always to do so. What we want is a financial system which will enable him to get accommodations on such terms as in the natural and orderly course of his business and industry he will be able to discharge without danger and without hardship. Some claim that it proposes to prevent the farmer from using the present banking system. This is not true at all. What is proposed is a system supplementary and additional to the present system. It is not class legislation, because every individual is dependent more or less upon agriculture. Every individual is concerned with the problem of the high cost of living. This question is directly involved. We have seen the enormous difference between what the consumers pay and what the farmers receive for what they produce. With proper organization and cooperation among the farmers this plan will enable them to largely solve the problem of distribution. It offers a plan under the operation of which the producers can get more for what they produce and the consumers will pay less for what they consume than at present. Considerable relief can be had if the farmer can be financed so that he will not be obliged to force on the market his products as soon as they are harvested, but can arrange to carry them until there is a profit in the price he can get. A large amount of waste, which now takes place in marketing, can be saved. The problem of economical distribution is yet unsolved in this country. One way of contributing largely to that solution is to provide an adequate and suitable financial scheme which will serve agriculture.

President Taft said in his letter to the governors of the States, October 11, 1912, "The need for the establishment of an adequate financial system as an aid to the farmers of this country is now quite generally recognized."

President Wilson gave out August 13, 1913, this statement:

"Special machinery and a distinct system of banking must be provided for if rural credits are to be successfully and adequately supplied. * * * There is no subject more important to the welfare or the industrial development of the United States. * * * There has been too little Federal legislation framed to serve the farmer directly and with a deliberate adjustment to his real needs. * * * This is our next great task. Not only is a Government commission about to report, which is charged with apprising the Congress with the best methods yet employed in this matter, but the Department of Agriculture also has undertaken a serious and systematic study of the whole problem of rural credits. The Congress and the Executive working together will certainly afford the needed machinery of relief and prosperity to the people of the countryside, and that very soon."

The conference of governors held last November in Madison, Wis., approved in general the work and plan of the United States commission.

The Secretary of Agriculture, in his report for 1914, page 26, says:

"Closely related to production and distribution of farm products is the securing of capital by farmers on better terms. This problem has attracted the profound attention of the country and still awaits a full solution.

* * * * * * *

"The chief difference of opinion arises over whether there should be special aid furnished by the Government. There seems to be no emergency which requires or justifies Government assistance to the farmers directly through the use of the Government cash or the Government's credit. The American farmer is sturdy, independent, and self-reliant.

* * * * * * *

"It is the judgment of the best students of economic conditions here that there is needed to supplement existing agencies a proper land-mortgage banking system, operating through private funds, just as other banking institutions operate, and this judgment is shared by the leaders of economic thoughts abroad."

The commission said in its report—Senate Document 380—it "has been convinced that not only was Government aid unnecessary but that it would be unwise." In this Lubin, Herrick, and other authorities agree.

The governors' conference at Madison, Wis., November 10, 1914, adopted a report which said, "The establishing of a wise, just, or successful system of land-mortage banks can be accomplished without direct Federal aid, without subsidies or loans."

Let me in conclusion bring home to you by concrete illustration precisely what it is hoped will be accomplished by the establishment of such a financial system as the commission strongly urges. Take the Danish Mortgage Society law. Members of the company (farmers) under that law, on loans made by them respectively, pay a yearly amount of 4 per cent interest, three-quarters of 1 per cent amortization—that is, in reduction of principal—and one-quarter of 1 per cent for expenses, making altogether 5 per cent per annum, with the result that in 47 years their debt (principal and interest) is paid in full. Whatever the amount of the loan, whether $1,000 or $10,000, they have the use of the money; they pay 5 per cent per annum for that use, and at the end of 47 years the entire debt (principal and interest) is paid in full. Contrast that with the experience of the American farmer. If he borrows $1,000 or $10,000, he will have to, in the first place, agree to pay it back within three to five years. He will pay 8 per cent per annum interest for the use of it, and at the time when it becomes due he must pay the entire principal as well. Can there be any question about the advantages of the Danish system? The same principle applies under the German system. Take another illustration. Under the system practised in these European countries we will suppose that a farmer borrows $1,000. Suppose he wishes to liquidate the entire indebtedness in 18 years. The first year he would pay $40 on the principal and $40 on interest. The second year he would pay $41.80 on principal and $38.40 on interest, and so on, until in 18 years he would have paid $1,440, and the entire debt, principal and interest, would be paid in full. Under our present system only the interest of 8 per cent would be paid, $80 per annum, and the principal at the end of the 18 years of $1,000 would still be due. In this case the borrower would pay 4 per cent interest on his money, and the other 4 per cent would go toward the principal, and his debt, under the European system, would be canceled.

Take another illustration. Suppose a farmer wishes to borrow $1,000, and he was willing to pay as much as 6 per cent annually for the use of it. Under the European system he would pay 4 per cent as interest and 2 per cent toward a sinking fund or amortization. In 28 annual payments he would have paid $1,680, the interest which he would pay would be at the rate of 2.43 per cent per annum. In 28 years he would have paid the entire debt by paying $60 per annum, which would be 6 per cent on $1,000. Under existing conditions in this country he would have paid that amount, if he could get his money at 6 per cent, and at the end of 28 years he would still owe $1,000. Almost any farmer could make more than $60 a year by the use of $1,000, but the farmers of this country could rarely afford to borrow money or incur indebtedness on the terms and at the rates which they are obliged to meet now under our existing financial system, and no commercial banking system alone can afford them the proper accommodations. I want to see the farmers organize in their various communities, establish their local cooperative societies, and in this way take charge of their business matters, buy their supplies on the best possible terms, market their products in the best way, and finance their affairs in the most advantageous manner. They can do it. The two great words which should summon them to meet the situation are "organization and cooperation."

It is our duty to provide the machinery whereby these two forces may be set to work. The American commission with the United States commission called on the governors of the various States to appoint committees of three to prepare a brief statement as to the "agricultural needs of the State," and the result is shown in part 3 of Senate Document 214, which tells the story of the intense interest in the various States in this great question.

Mr. GRONNA. May I inquire of the chairman of the Committee on Agriculture and Forestry what became of the amend-

ment on page 53? I believe it is No. 50. It provides for an appropriation of $10,000 for the improvement of Sullys Hill National Park.

Mr. GORE. I will say that the amendment was cut in the middle. An appropriation of $5,000 is carried in the bill, in addition to $5,000 appropriated in the bill of last year, making $10,000 altogether.

Mr. GRONNA. Of course that will be inadequate, but we hope next year that we may get a sufficient amount to construct the sheds, roads, and so forth, in this particular reservation.

Do I understand that the rural-credits provision was stricken out of the bill? Am I correctly informed?

Mr. GORE. I did not understand the Senator's question.

Mr. GRONNA. I am informed that the amendment providing for a rural-credit system was stricken out of the bill altogether.

Mr. GORE. Yes, sir; and it is proposed that a joint committee of the two Houses shall be raised and directed to prepare and report a bill to Congress on the 1st of January next.

Mr. GRONNA. Mr. President, I am very sorry, indeed, that it was necessary for the conferees to strike out the entire provision. Some three years ago I introduced a resolution authorizing the President of the United States to appoint a commission to investigate the rural-credit conditions of Europe. The resolution which I introduced passed this body, but failed to pass the House. Later on we succeeded in incorporating it in the Agricultural appropriation bill. It became a law, the commission was appointed, and it has made the investigation and its report, and I will say it is a very valuable report.

I can hardly understand why it should be necessary to delay legislation of such great importance as this. The farmers of the United States have asked for legislation of this kind. The three dominant parties in this country indorsed legislation of this kind in their platforms. Not only the Democratic Party, but the Republican Party and the Progressive Party promised the people of this country that a rural-credit law would be enacted. The Democratic Party have now been in power for about two years. You have failed to fulfill your promises in this respect. It was no more important to pass a banking act benefiting the bankers of this country than it was to pass legislation that would be of substantial benefit to the farmers of the country.

I am informed that a provision has been incorporated in this bill providing that a committee shall be appointed to make further investigation and report to Congress. I want to say to the Senate that it is not committees the farmers are looking for, but it is legislation that will enable them to get money on the same basis that the banker gets his money. I wish to remind you of the fact that since the Federal reserve act was passed the farmer has paid a higher rate of interest than he had to pay before that legislation was enacted. I know whereof I am speaking. I know that the farmers of my State will indorse the statement I am making that they have to pay a rate from 1 to 2 per cent higher than the rate paid under the old banking law. There have been a number of rural-credit bills introduced in this body. I introduced three rural-credit bills myself.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. GRONNA. Certainly.

Mr. GALLINGER. Can the Senator give any reason why there should be an increased rate of interest that the farmers have to pay under the new law? We were told that famous banking law was to be a panacea for all the financial ills of the country.

Mr. GRONNA. I am very glad the Senator from New Hampshire asked me that question. Before the Federal reserve banking law was passed it was a crime to consolidate capital such as it is possible to consolidate under the present act. It was extra legal, if not illegal, for any banking concern to place an unlimited amount in reserve. Under this law we say that they must do it.

Is there any reason why the rates of interest go up? I shall not take the time of the Senate to show the conditions of the Federal reserve banks, but I will make this statement: I have examined some of the reports, and I have one in mind which states that only 15 per cent of the bank's assets were invested, with 85 per cent of cash on hand. It does not require a financier to understand that that is a losing proposition.

Mr. President, I am very sorry, when I listened to the splendid address delivered in the House of Representatives by the President of the United States at the beginning of this session, when he said in substance that he did not think a rural-credits law should be enacted at the present session. As a member of the minority party, a party that also promised in its platform that rural-credits legislation should be enacted, I feel that we have not done our duty to this great mass of people, more than one-third of the population of this great country, who are living on the farms. I say I feel as one of the members of that party that we have not done our full duty.

But, Mr. President, there never has been a time during this session when I have not been willing to cooperate with the Senators or with the Representatives who are in the majority to enact a rural-credit law. We can not excuse ourselves by saying it was only a short session. We can not go before the people of the country and say to them, "We did not pass a law such as you commanded us to do, and such as we promised to you, because we did not have the time." We have taken more than a month to discuss a bill which no one in this country has demanded or asked for. We have wasted days and nights in this body talking upon the so-called ship-purchase bill, a bill the people of the United States have not asked for, a bill which I believe the people of the United States will not indorse.

Mr. President, I do not intend to delay the Senate any further, but this kind of legislation is of such great importance to the people of this country, and as it has been promised by the three parties in our country, I felt that I ought to call the attention of the Senate to the fact that we have not fulfilled our promises when, instead of enacting a rural-credit law, we appoint commissions or committees now after a full report has been made upon this subject. We have sufficient information now, Mr. President, to enact a law which will be satisfactory to the people of the country. We do not need any further information on the subject.

It is not as difficult, I say, to enact a rural-credit law as it was to enact a banking law. We have enacted a banking law which is a measure to protect the banker. We have failed to protect the farmer and the business man. But the responsibility should not rest upon the Members on this side of the Chamber. I do not know anyone on this side who has been unwilling to devote his time to the enactment of a rural-credit law during this session. The responsibility must rest upon you who are in the majority, and you said in your platform that if the people of this great country would give you the power you would give them such a law, and one satisfactory to them.

Mr. President, that is all I care to say. I am sure that some of the Members on the other side of the Chamber will agree with me that it is a very important question. I am also sure that there are some Members on the other side of the Chamber who have been willing to cooperate with some of us on this side to enact a rural-credit law which would be of benefit not only to the farmer but to all the people of the country.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The conference report was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts and joint resolution:

On March 3, 1915:

S. J. Res. 238. Joint resolution giving authority to the Commissioners of the District of Columbia to make special regulations for the occasion of the Forty-ninth National Encampment of the Grand Army of the Republic, to be held in the District of Columbia in the months of September and October, 1915, and for other purposes incident to said encampment;

S. 5734. An act to extend the provisions of an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, to the State of Kansas;

S. 7555. An act to authorize the construction of a bridge across the Suwanee River, in the State of Florida;

S. 7646. An act to authorize Parkersburg-Ohio Bridge Co., a corporation created and existing under the laws of the State of West Virginia, its successors and assigns, to construct a bridge across the Ohio River from the city of Parkersburg, State of West Virginia, to the town of Belpre, State of Ohio;

S. 7723. An act authorizing the Texarkana Board of Trade to construct a bridge across the Red River between Fulton, Ark., and Index, Tex.; and

S. 7743. An act to incorporate the Ellen Wilson Memorial Homes.

EXECUTIVE SESSION.

Mr. O'GORMAN. I move that the Senate proceed to the consideration of executive business.

Mr. MARTINE of New Jersey. Will the Senator from New York withhold his motion for a moment?

Mr. O'GORMAN. I will.

Mr. MARTINE of New Jersey. I desire unanimous consent to introduce two concurrent resolutions which will take but a second, and I should like to have them submitted and passed.

Mr. O'GORMAN. I would be glad to comply with any request of the Senator from New Jersey, but there is a very insistent desire, almost a demand, to have an immediate executive session to dispose of some important matters. The executive session will probably be followed by the consideration of unopposed bills on the calendar, at which time the Senator from New Jersey will have an opportunity to present his resolutions.

Mr. MARTINE of New Jersey. The Senator declines to yield now?

Mr. O'GORMAN. I shall have to decline.

Mr. LEWIS. I understand the Senator from New York proposes that we shall resume the legislative session and take up the calendar?

Mr. O'GORMAN. Oh, yes.

The VICE PRESIDENT. The question is on the motion of the Senator from New York that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After two hours spent in executive session the doors were reopened.

ORDER OF BUSINESS.

Mr. ROBINSON. I ask unanimous consent that the Senate proceed to the consideration of the calendar, resuming at Order of Business 820, and that it also be in order to consider unobjected committee reports and unobjected bills on the calendar.

The VICE PRESIDENT. Is there objection?

Mr. BRYAN. Will the Senator from Arkansas permit me before that is agreed to—for after it is agreed to nothing else will be in order—to submit the conference report on the deficiency appropriation bill?

Mr. ROBINSON. Very well.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 2789) to award the medal of honor to Maj. John O. Skinner, surgeon, United States Army, retired.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21546) making appropriations to supply deficiencies in appropriations for the fiscal year 1915 and for prior years, and for other purposes.

The message further announced that the House had passed the following joint resolutions, in which it requested the concurrence of the Senate:

H. J. Res. 307. Joint resolution authorizing the President to extend invitations to other nations to appoint delegates or representatives to the International Engineering Congress to be held at San Francisco, Cal., September 20 to 25, inclusive, 1915; and

H. J. Res. 439. Joint resolution to empower the President to better enforce and maintain the neutrality of the United States.

The message also announced that the House had passed the bill (S. 4522) to amend an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906, with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

S. 3362. An act to authorize the Secretary of Commerce, through the Coast and Geodetic Survey and the Bureau of Fisheries, to make a survey of natural oyster beds, bars and rocks, and barren bottoms contiguous thereto in waters along the coast of and within the State of Texas;

S. 7188. An act to increase the limit of cost of the United States post-office building at Garden City, Kans.;

S. 7362. An act authorizing and directing the Secretary of the Interior to patent certain lands to the State of Utah and to accept relinquishment from the State of Utah of certain other lands in lieu thereof;

H. R. 8811. An act to execute the findings of the Court of Claims in the case of Sarah B. Hatch, widow of Davis W. Hatch;

H. R. 9899. An act to authorize the laying out and opening of public road on the Winnebago, Omaha, Ponca, and Santee Sioux Indian Reservations, in Nebraska, and on Indian reservations in Montana;

H. R. 19909. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1916, and for other purposes;

H. R. 20189. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes;

H. R. 20347. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1916;

H. R. 20643. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 21089. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 21201. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1916;

H. R. 21218. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

S. J. Res. 191. Joint resolution to convey appreciation of Congress to Their Excellencies Señor Domicio da Gama, Señor Rómulo S. Naón, and Señor Eduardo Suárez for their generous and distinguished services as mediators in the controversy between the Government of the United States and the leaders of the warring parties in Mexico.

DEFICIENCY APPROPRIATIONS.

Mr. BRYAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21546) making appropriations to supply deficiencies in appropriations for the fiscal year 1915 and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 5, 8, 13, 14, 16, 18, 19, 20, 21, 22, 25, 34, 37, 47, 51, 52, 55, 60, 69, 70, and 77.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 6, 7, 9, 10, 11, 15, 17, 23, 24, 26, 28, 29, 30, 32, 33, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 53, 54, 57, 58, 62, 63, 64, 65, 66, 67, 68, 71, 72, 73, 74, 75, 76, and 78, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment strike out the following: "Interstate Commerce Commission, as well as for"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In line 6 of the matter inserted by said amendment, after the word "purchase," insert the following: ", until the end of the fiscal year 1916,"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: Omit the matter inserted by said amendment, and on page 27 of the bill, in line 20, strike out "$26,735.36" and insert in lieu thereof "$26,864.72"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$2,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$36,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$65,000"; and the Senate agree to the same.

THOMAS S. MARTIN,
NATHAN BRYAN,
F. E. WARREN,
Managers on the part of the Senate.

JOHN J. FITZGERALD,
C. L. BARTLETT,
F. H. GILLETT,
Managers on the part of the House.

Mr. BRYAN. I ask that the conference report be agreed to.

The VICE PRESIDENT. Is there objection?

Mr. McCUMBER. There is objection until we know what the report contains.

The VICE PRESIDENT. The report will be read.

The Secretary read the report.

Mr. McCUMBER. Mr. President, of course one obtains very little information from the reading of a conference report. There was introduced and adopted an amendment offered by the Senator from New Hampshire, which amendment provided for the payment of $800 extra to the clerk of the Committee on Pensions. I wish to ask the chairman what has been done with that amendment?

Mr. BRYAN. Mr. President, the Senate receded from that amendment.

Mr. McCUMBER. Mr. President, I should like the attention of the Senator and the attention of the Senate. There are two committees in the House of Representatives, one known as the Committee on Invalid Pensions and the other as the Committee on Pensions. Each committee has its quota of clerks; each committee has one clerk delegated from the Pension Bureau; as I understand, each one of the clerks of that committee has this year, as I understand has been the case for the last 15 or 20 years, been paid the sum of from $1,000 to $1,200.

Mr. WARREN. The Senator from North Dakota, of course, wants to be correct. It is $800 this year.

Mr. McCUMBER. I said I did not know what had been paid this year. I want to call attention to the fact, and I want to know some good reason why we should impose upon a clerk of the Senate the same work that is performed by two clerks in the House, and then pay each of the two clerks in the House $800 extra out of the National Treasury and refuse to allow the clerk of the Senate committee, who does the work, a single cent extra for his services. There ought to be some reason assigned for it.

I know of no injustice so great in this world as the injustice of unequal treatment; and I certainly feel that it is due the chief clerk of the Committee on Pensions, Mr. Long, that he be treated at least half as well as are the clerks on the corresponding committees in the House of Representatives. It does not make any difference that the sum is paid in the House out of the contingent fund, for it is the Government's money that pays it in each instance; and I can not conceive how the conferees of the House, after having in their body voted to give their two clerks $800 each extra on a proposition of this kind, can then insist—and the Senate conferees agree with them—that the Senate clerk, who does as much work as both the House clerks, shall have nothing extra in return.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Iowa?

Mr. McCUMBER. I do.

Mr. CUMMINS. I ask that the message from the House relative to Senate bill 4522 be laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate——

Mr. BRYAN. I rise to a point of order, Mr. President.

The VICE PRESIDENT. The Senator will state his point of order.

Mr. BRYAN. The Senator from North Dakota [Mr. McCUMBER] has the floor and is discussing a conference report. It is not in order to submit any other report to the Senate while he is speaking.

The VICE PRESIDENT. The point of order is overruled. The Chair has a right to lay before the Senate at any time a message from the House of Representatives.

Mr. BRYAN. I did not mean that the Chair did not have the right to lay the message before the Senate, but the Senator from Iowa was not in order while the Senator from North Dakota was occupying the floor to move to proceed to the consideration of the message.

The VICE PRESIDENT. If the Senator from North Dakota wants to lose the floor, there is no reason why he should not.

Mr. McCUMBER. Mr. President, the Senator from North Dakota did not desire to lose the floor. I have not yet found out exactly what the Senator from Iowa desires at this time. I assume that when there is one motion to adopt a conference report, until that motion is disposed of another motion to adopt another conference report could not take its place.

Mr. CUMMINS. Mr. President——

Mr. McCUMBER. If I am not taken from the floor, of course I have no objection to granting any courtesy——

The VICE PRESIDENT. It is not a question——

Mr. CUMMINS. Just one moment. I have no desire to take the Senator from North Dakota from the floor. I was about to move to concur in the House amendments to the bill, to which I have referred. They are inconsequential in their character. The bill is of great importance, and its consideration will require only a moment, while this conference report will require some time, I take it.

The VICE PRESIDENT. The Senator from North Dakota [Mr. McCUMBER] has refused to yield for that purpose, the Chair understands.

Mr. BRANDEGEE. A parliamentary inquiry, Mr. President. Could not that be done by unanimous consent?

The VICE PRESIDENT. The Chair has not yet laid the message before the Senate.

Mr. BRANDEGEE. By unanimous consent, could not the Senator from North Dakota yield for the purpose of having that motion made?

The VICE PRESIDENT. Undoubtedly he could.

Mr. McCUMBER. I think probably I had better go on. It will only take a moment to get through with this conference report, and we shall gain time by going on with it.

I want to call attention to some of the appropriations which have been made for these clerks during the past few years; and, as a basis for those appropriations, I want to call attention to the number of bills that have been reported during several Congresses.

In the Fifty-seventh Congress, which covered the period from 1901 to 1903, the number of special pension bills was 2,171; in the Fifty-eighth Congress, 3,555; in the Fifty-ninth Congress, 6,030; in the Sixtieth Congress, 6,600; in the Sixty-first Congress, 9,649; in the Sixty-second Congress, 6,350; and in the Sixty-third Congress, up to the present time, 5,249.

We are all tired, and we have a great many things in our minds; but I do not want this injustice done to either the chairman of the Committee on Pensions or to the clerk of that committee, and it is certainly a gross injustice to single him out and cut off the amount that has been granted year after year to his predecessor in that position.

I have called attention to the fact that the number of bills before that committee increased between the Fifty-seventh and the Sixty-first Congress from 2,171 to 9,649; and in the Sixty-third Congress they amounted to 5,249.

In 1891 the clerk of the Senate Committee on Pensions received $500 extra and the examiner $750 extra; in 1902, $500 each; in 1903, $750 each; in 1904, $750 each; in 1905, $250 for one and $1,000 for the other; in 1906, $750 each; in 1907, $1,000 each; in 1908, $1,000 each; in 1909, $1,000 for the clerk and $1,200 for the examiner; in 1910, $1,200 for the clerk and $1,200 for the examiner; in 1911, $1,200 for the clerk and $1,200 for the examiner; in 1912, $1,200 for the clerk and $1,000 for the examiner; in 1913, $1,000 for the clerk and $1,000 for the examiner; in 1914, for the first time, we dropped out the clerk and gave $1,200 to the examiner; in 1915 we give $1,200, I think, to the examiner and nothing to the clerk.

Mr. GALLINGER. Fourteen hundred dollars, I think.

Mr. McCUMBER. Now, Mr. President, I appeal to Senators to give for the extra work, which means day and night for this force, and especially for the clerk to the Committee on Pensions, who has to perform an enormous amount of labor, a sum at least equal to that paid to the employees of similar committees of the House.

I was chairman of the Pension Committee for a number of years, and I know something about the extra work that is performed by the employees of that committee.

I insist that the showing is such that the conferees ought either to have prevented the House granting the public moneys to pay to two men $800 each, or at least they should give the one man on this side of the Capitol an equal amount for the labors he has performed. Anything short of that is a gross injustice that we ought not to submit to.

Mr. HUGHES. Mr. President, I regret very much that the conferees have seen fit to leave this item out of their report. I coincide thoroughly with everything that has been said by the Senator from North Dakota [Mr. McCUMBER]. I am a member of the Committee on Pensions, and I am familiar with the nature and character and volume of the duties performed by the clerk of the committee. As the Senator from North Dakota has very justly stated, there is absolutely no reason why our conferees should permit the House to justly reward its servants, and at the same time permit them to refuse to let us do likewise with ours. On what possible theory this has been done I can not imagine, and I regret it very much, as undoubtedly, on account of the legislative situation and the near approach of the end of the session, it will be impossible to send the conference report back. The conferees are supposed to represent the Senate, and, it seems to me, should not have been influenced by a consideration of that kind.

Mr. SMOOT. Mr. President, I have been a member of the Committee on Pensions for the last 12 years, and I know full

well the duties required of Mr. Long. This item was in the appropriation bill last year, and the House then saw fit to disagree to the amendment of the Senate. It seems to me that this, at least, ought to be a warning to the chairman of that committee that if he expects to pay the clerk of his committee, Mr. Long, the amount that is paid for half the amount of work in the House, he ought to appear before the Committee on Appropriations when the legislative bill is before that committee and have the salary of the clerk of the Pension Committee raised, as it ought to be; but let the legislative bill provide for him, and not every year try to make up the amount by an appropriation on the deficiency bill, which, of course, I cheerfully grant, he is entitled to, but such an amendment always has to be agreed to by the House.

The proper way would be to have it provided for in the legislative appropriation bill. I will say to the Senator from North Dakota that I think that is the proper way to take care of Mr. Long. I know as well as can the Senator from North Dakota the arduous work devolving upon that gentleman.

Mr. McCUMBER. We are not taking care of him in that way.

Mr. SMOOT. I say to the Senator that is the proper way to do it.

Mr. McCUMBER. But we can do justice here in the same way as we have done it for years, and there is no excuse for our refusing to do it.

Mr. SMOOT. I want to say to the Senator that the Senate itself did not refuse to do it, but the conference report is in such condition now that we must either adopt it or reject it as a whole, and that, of course, I hardly think the Senate desires to do upon this one item. There may, however, be other items that would justify such action.

Mr. OVERMAN. Mr. President, I fully agree with the Senator from North Dakota. I am on the committee and voted for this amendment, because, as a member of the committee, I know that for nearly 10 years we have been giving the clerk to the Pension Committee compensation for extra services, and instead of giving him $1,200, as we gave the clerk of the committee when the Senator from North Dakota was chairman, we gave him only $800 for two years, or $400 a year. That is treating this man with injustice, and that is why I voted for the item in the committee.

But, Mr. President, I want to call attention to another matter that has gone out in conference, and, in my judgment, it is a very important matter. If we are going to have an efficient Trade Commission, we ought to allow them to employ men who are competent to do their work. They must have men to go into court as lawyers, but under the bill as passed by the House of Representatives they can not employ men at a higher salary than $1,800 a year.

In the sundry civil bill, in the appropriation for the Trade Commission, after providing for the salaries of the commissioners, the bill goes on:

To continue all of such services and employments provided for the Bureau of Corporations during the fiscal year 1915, except the offices of commissioner and deputy commissioner, as in the discretion of the Federal Trade Commission may be required for its purposes and at the rates of compensation specified or authorized therefor, and for such additional clerks and others as are authorized in and at the rates of compensation fixed by section 167 of the Revised Statutes of the United States; for necessary contingent and miscellaneous expenses, including per diem in lieu of subsistence when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914, $300,000.

It was represented and estimated to us by the President of the United States that under this section the Federal Trade Commission can not employ a clerk at a higher salary than $1,800, and I agree with him under the statute, because here is the section he refers to. They can not employ anybody under the sundry civil bill except as provided in section 167 of the Revised Statutes of the United States. That section of the Revised Statutes of the United States says that the annual salaries of clerks and employees in the departments whose compensation is not otherwise prescribed shall be as follows: Clerks of the fourth class, $1,800; clerks of the third class, $1,600; clerks of the second class, $1,400. The highest salary fixed is $1,800, and it goes down from that to $720.

The Senate put on this amendment, which the conferees have stricken out:

The sum of $300,000—

The same amount that is in the sundry civil bill—

The sum of $300,000 appropriated in the sundry civil act for the fiscal year 1916 is made immediately available for the employment of special agents, special examiners, and legal counsel, at such rates of compensation as may be determined by the Federal Trade Commission: *Provided*, That no salary authorized herein shall in any case exceed $7,500 per annum.

They are bound to have legal counsel. How can this commission get along without some lawyer to advise them, to bring suits, to care for them in the courts? Then we allow $10,000 for the rent of a building. The item for rent has gone out. It does seem to me after reading this statute—section 167 of the Revised Statutes—that the Trade Commission can not employ anybody, expert or lawyer or anybody else, at a greater rate of salary than $1,800 and down to $720; and I do not think we ought to agree to any such report.

Mr. CUMMINS. Mr. President, I listened last night, as did many other Senators, to a very sarcastic review of the Trade Commission measure by the distinguished Senator from New Hampshire [Mr. GALLINGER]. He was opposed to the bill upon its passage. I therefore assume that he spoke from that point of view. I did not, however, dream that Senators who were in favor of the Trade Commission bill would so soon verify his rather slighting references to it. If it be true that the Federal Trade Commission is to be limited, in the employment of persons who are to carry forward its work, to clerks at a salary of $1,800 a year, it would be far better that we should at once repeal this entire measure. It would become a farce, a mockery, if the work of that commission, important as it is, vital as it will be, has to be given over to clerks who are willing to work for that compensation.

There is no man, either here or elsewhere, who has the least familiarity with this measure but who knows that it is one of the most important enactments that ever passed the Congress of the United States. I think it is the best measure of this administration. I think it will be the distinguishng mark of honor in the administration, as we have seen it so far. But to say that these men, who are to determine throughout the whole country whether the business is being carried on in harmony with the standard that is here prescribed, must do it through the medium of clerks or employees who are to be paid no more than $1,800 a year, is simply to deny all vitality and all good to the measure.

I have looked hastily at the section of the Revised Statutes to which reference is made in the House provision. That section provides that all clerks and employees shall be graded so and so, from $1,200, I believe, to $1,800, with some minor employees at lesser salaries. I appeal to the Senate, if it desires to maintain this measure in the dignity that its importance demands, if it is not to make a mockery of what has already been done, and done after so much debate and so much earnest consideration, that suitable provision must be made for the employment of men not only of high character but of great attainments as well. We can not afford to put the business of this country into the hands of inexperienced men who are willing to work for $1,800 a year. We will require the very best men, trained men of experience and of judgment, because they will be the men who will collect the information, who will take the testimony, who will be responsible in the first instance for the proceedings that are carried on before the commission.

I very, very earnestly appeal to the Senate to stand by the amendment that it adopted to this bill, for if we do not, every word that has been said by the Senator from New Hampshire in derision of the measure will be verified in the administration of the law. As one who was cordially and heartily in favor of it, and who stood here day after day and week after week fighting for it, I want to see it the success which its friends believed it would be. I want to see it the instrument for good that its friends believed it would be.

Mr. WEEKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Massachusetts?

Mr. CUMMINS. I yield to the Senator from Massachusetts.

Mr. WEEKS. I am quite in accord with the Senator from Iowa in regard to the desirability of employing high-class men in connection with this work; but I want to ask him if it is not true that one of the commissioners confirmed last night was within five years the secretary of a Senator, receiving $1,800 a year?

Mr. CUMMINS. It may be, Mr. President. I do not know as to that; but even if he was the secretary or the clerk of a Senator five years ago, that proves nothing to me with regard to his present capacity for the discharge of the duties of this commission.

Mr. OVERMAN. Would not that make it all the more important that they should have a good lawyer?

Mr. CUMMINS. I do not intend to disparage the appointees already named by insisting that the lawyer shall be of higher grade than they. I want the commission to have an opportunity to employ men who are capable of doing the work that will have to be done.

Mr. SMITH of Georgia. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Georgia?

Mr. CUMMINS. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. Mr. President, I wish to ask the Senator from Iowa why he says they are limited to $1,800 a year for their highest employees. I did not catch his statement on that subject.

Mr. CUMMINS. I said so because the House bill provided, first, for the salaries of the commissioners themselves, and then for the salary of the secretary, I believe, and then the bill itself turned over to the Trade Commission the present force of the Bureau of Corporations. The House bill then proceeded to say that the commission might employ such other and further clerks and assistants as were provided for in section 167 of the Revised Statutes. That is the section under which all the clerks in all the departments are graded as to salary; and it provides that there shall be one grade at $1,200, another grade at $1,400, another grade at $1,600, and another grade at $1,800, but does not provide for the payment to any employee or any clerk of a greater compensation than $1,800.

Mr. SMITH of Georgia. Therefore they are limited to $1,800 for their best-paid assistants?

Mr. CUMMINS. The very best men.

Mr. SMITH of Georgia. I fully agree with the Senator that that is a mistake.

Mr. SMOOT. Mr. President——

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Utah?

Mr. SMOOT. I thought the Senator was through.

Mr. CUMMINS. I yield to the Senator from Utah.

Mr. SMOOT. Mr. President, if what the Senator from Iowa and the Senator from North Carolina stated were the absolute facts, I would agree with them entirely; but I want to call the attention of the Senate to the sundry civil appropriation bill. On page 56 of that bill an appropriation of $300,000 is provided for the Trade Commission in these words:

> To continue all of such services and employments provided for the Bureau of Corporations during the fiscal year 1915, except the offices of commissioner and deputy commissioner, as in the discretion of the Federal Trade Commission may be required for its purposes and at the rates of compensation specified or authorized therefor, and for such additional clerks and others as are authorized in and at the rates of compensation fixed by section 167 of the Revised Statutes of the United States—

And so forth.

Now, the Bureau of Corporations have attorneys to-day; they have experts to-day; and they are transferred bodily over to the Trade Commission under this provision. I understand, however, that the highest salary paid to an attorney in the Bureau of Corporations is $5,000, but the Trade Commission want an attorney to be paid $7,500; and that is all there is in this provision authorizing the employment of an attorney up to $7,500 per annum.

Mr. ROBINSON. Mr. President, will the Senator from Utah yield for a question?

Mr. SMOOT. Certainly.

Mr. ROBINSON. Does the Senator from Utah think that the Trade Commission ought to be authorized to employ an attorney?

Mr. SMOOT. Why certainly.

Mr. ROBINSON. Does the Senator from Utah think that the services of an efficient attorney, calculated to be able to perform the duties that would naturally devolve upon a position of that sort, could be employed for less than $7,500 per annum?

Mr. SMOOT. Mr. President, all the Senator from Utah knows is that in almost every bureau and every department under the Government of the United States the very best attorneys are hired for $5,000 per year.

Mr. ROBINSON. Will the Senator yield for another question?

Mr. SMOOT. I want to say, further, that the highest salary paid any attorney in the Department of Justice is $7,500, and Mr. Davies appeared before the Appropriations Committee and asked that the amount be not $7,500 but $10,000.

Mr. ROBINSON. Will the Senator yield further?

Mr. CUMMINS. Mr. President——

Mr. SMOOT. I yield to the Senator from Iowa.

Mr. CUMMINS. I have the floor.

Mr. SMOOT. Why, no; the Senator yielded the floor and I took it.

Mr. CUMMINS. I did my best to retain it.

Mr. SMOOT. I ask for a ruling of the Chair upon the matter.

The VICE PRESIDENT. The Chair understood the Senator from Utah to ask the Senator from Iowa whether he yielded.

Mr. SMOOT. No; the Senator from Utah said, "I thought the Senator from Iowa had yielded the floor."

Mr. CUMMINS. But I had not.

Mr. SMOOT. Then, Mr. President, I will wait until the Senator from Iowa is through. I did not rise to ask a question of the Senator.

Mr. CUMMINS. Then, Mr. President, I shall be very glad to finish in a very little while what I have to say, and it will be in the nature of a reply to the Senator from Utah.

It is true that the present force of the Bureau of Corporations goes over to the Trade Commission; but everybody who understands the Trade Commission bill knows that the work of the Trade Commission is not only infinitely increased, but radically changed. The Bureau of Corporations is simply an investigating body. It has no power whatever. It is simply an inquiring tribunal. The Trade Commission, however, is given wide and important powers, and no one ever dreamed that the force now employed by the Bureau of Corporations would be sufficient to carry on the work of the Trade Commission. I am not speaking for the high-priced attorneys. I do not know that attorneys are so necessary as men of fine poise and judgment in business. This commission is given a great jurisdiction. It is occupying a new and broad field. The work that has been done hitherto by the Bureau of Corporations will be carried on, of course, but there will be a vast amount of additional work, and that work is of a character that closely touches the business of the United States.

As admitted by the Senator from Utah, its power to employ any force additional to that now employed by the Bureau of Corporations will be limited to clerks with compensation of not more than $1,800 per year. It must be apparent to everybody that if we allow this appropriation to go in this way we will simply destroy the efficiency of the Trade Commission, and we might as well repeal its additional powers, for we will have then the amazing and the humiliating spectacle of five commissioners at $10,000 a year doing no more important or greater work than has heretofore been done by the Commissioner of the Bureau of Corporations at a salary of five or six thousand dollars a year, a most astonishing and indefensible conclusion.

Mr. NEWLANDS. May I interrupt the Senator for a moment?

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Nevada?

Mr. CUMMINS. I will yield.

Mr. NEWLANDS. Let me call the Senator's attention to the fact that the Trade Commission bill was passed almost unanimously by the House and the Senate, and that it provides that—

> The commission shall appoint a secretary, who shall receive a salary of $5,000 a year, payable in like manner, and it shall have authority to employ and fix the compensation of such attorneys, special experts, examiners, clerks, and other employees as it may from time to time find necessary.

We therefore contemplated not only the employment of attorneys but also of special experts and examiners. We had in contemplation a higher class of capacity and experience than is usually covered by purely administrative work. This bill was modeled after the interstate-commerce act, which provides for the Interstate Commerce Commission, with a large discretion as to appointments and salaries, the appropriation being a lump sum, and the compensation being fixed by the commission. The amount allowed the chief counsel of the Interstate Commerce Commission is $10,000 per annum. Many attorneys, experts, and examiners are employed at salaries ranging from $3,000 to $5,000 per annum.

It was intended that a similar power should be exercised by the Federal Trade Commission. The Bureau of Corporations, of course, covers a more limited jurisdiction—its appropriation has been about $250,000. The House allowed the Federal Trade Commission in the sundry civil appropriation bill an additional amount of $50,000, making about $300,000 in all, exclusive of the salaries of the commissioners and secretary; but the extra amount of $50,000 seems to be limited to the payment of clerks, whilst it should include the employment of attorneys, experts, and examiners at adequate salaries. The Senate amendment to the deficiency bill was intended to correct this and also to provide $10,000 for rent of suitable offices for the commission, the quarters now occupied by the Bureau of Corporations in the Commerce Building being inadequate and also being required by the Department of Commerce. The conference report strikes these important amendments out, and thus the commission will start its important work in a crippled condition. I earnestly urge the rejection of the conference report.

Mr. CUMMINS. I understood that, Mr. President. The appropriation as contained in the bill as passed by the House is directly repugnant to the Trade Commission bill itself and must

have been prepared by some one who did not believe in the work that was authorized in the statute for the Trade Commission. I do not know how much will be required. I think the sum of $300,000 is very inadequate myself, but it will be sufficient to begin the work if the commission is permitted to surround itself with men who are competent to render it the assistance that it will require. It will require it not only to do its work properly, but above all other things it will require it in order that it may command the confidence of the business people of the United States, and that is not the least desirable thing in the administration of a law.

I hope the Senate will not agree to this conference report, but will insist upon giving to this new function of the Government, a most important and wide-reaching function, the support that it deserves and which will enable it to render to the people of this country the service which it was intended to render.

NEUTRALITY OF THE UNITED STATES.

Mr. STONE. Mr. President, I am asking unanimous consent to have laid before the Senate the House joint resolution 439.

Mr. NELSON. What is it about?

Mr. STONE. I will have it stated in a moment, if the Senator please. It is very important that this joint resolution should be acted upon at once, so that it may go to the House. It will take but a few moments. The Committee on Foreign Relations have unanimously directed me to report a substitute for the House joint resolution. If the Senate will consent to have it taken up, it will take but a moment.

Mr. CUMMINS. Mr. President, a parliamentary inquiry. Is it in order even by unanimous consent?

The VICE PRESIDENT. It is in order by unanimous consent.

Mr. CUMMINS. I asked that consent with regard to a Senate bill that had been slightly amended in the House and came back here, and I understood that there was no objection to it except that it might take some one from the floor.

The VICE PRESIDENT. There was objection on the part of the Senator from North Dakota yielding the floor to the Senator from Iowa.

Mr. POINDEXTER. Let the House joint resolution be read.

Mr. STONE. Yes; I desire to have it read.

The VICE PRESIDENT. Let it be read and then see whether there is objection.

Mr. STONE. There is a substitute, which I report from the Committee on Foreign Relations, which I ask may be read.

The joint resolution (H. J. Res. 439) to empower the President to better enforce and maintain the neutrality of the United States was read twice by its title.

The VICE PRESIDENT. The amendment reported from the Committee on Foreign Relations will be read.

The SECRETARY. The committee report to strike out all after the resolving clause and insert:

That, from and after the passage of this resolution, and during the existence of a war to which the United States is not a party, and in order to prevent the neutrality of the United States from being violated by the use of its territory, its ports, or its territorial waters as the base of operations for the armed forces of a belligerent, contrary to the obligations imposed by the law of nations, the treaties to which the United States is a party, or contrary to the statutes of the United States, the President be, and he is hereby, authorized and empowered to direct the collectors of customs under the jurisdiction of the United States to withhold clearance from any vessel, American or foreign, which he has reasonable cause to believe to be about to carry fuel, arms, ammunition, men, or supplies to any warship or tender or supply ship of a belligerent nation in violation of the obligations of the United States as a neutral nation; and in case any such vessel shall depart or attempt to depart from the jurisdiction of the United States without clearance for any of the purposes above set forth, the owner or master or person or persons having charge or command of such vessel shall severally be liable to a fine of not less than $2,000 nor more than $10,000 or to imprisonment not to exceed two years, or both, and, in addition, such vessel shall be forfeited to the United States.

That the President of the United States be, and he is hereby, authorized and empowered to employ such part of the land or naval forces of the United States as shall be necessary to carry out the purposes of this resolution.

That the provisions of this resolution shall be deemed to extend to all lands and waters, continental or insular, within the jurisdiction of the United States.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The VICE PRESIDENT. The question is on agreeing to the substitute reported by the Committee on Foreign Relations which has been read.

The amendment was agreed to.

The VICE PRESIDENT. If there be no further amendment, the joint resolution will be reported to the Senate.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

AMENDMENT OF THE INTERSTATE COMMERCE ACT.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4522) to amend an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906, which were: On page 2, line 19, after "company," to insert, "subject to the provisions of this act"; on page 2, line 22, after "or," where it first occurs to insert "from any point in the United States to a point in and adjacent"; on page 3, line 3, after "pass," to insert "within the United States or within an adjacent foreign country when transported on a through bill of lading"; on page 3, line 11, to strike out "to a" and insert "from any point in the United States to a point in an adjacent"; on page 3, line 16, after "any," to insert "such"; on page 3, line 19, after "pass," to insert "within the United States or within an adjacent foreign country when transported on a through bill of lading"; and on page 4, line 15, after "any," to insert "such."

Mr. CUMMINS. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

THE RECLAMATION SERVICE.

House joint resolution 438, concerning estimates and expenditures for the Reclamation Service, was read twice, considered by unanimous consent, read the third time, and passed, as follows:

Resolved, etc., That until the meeting of the Sixty-fourth Congress, those members of the Committee on Appropriations of the House of Representatives, not less than five in number, who are Members elect to the Sixty-fourth Congress, are authorized to conduct hearings at Washington, D. C., and elsewhere, concerning the work of the Reclamation Service and estimates for the various projects of that service.

DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses upon the bill (H. R. 21546) making appropriations to supply deficiencies in appropriations for the fiscal year 1915 and for prior years, and for other purposes.

Mr. BRYAN. Mr. President, the sundry civil act appropriates salaries of commissioners and secretaries. It makes an appropriation of $300,000 to continue all such services and employment for the Bureau of Corporations:

To continue all of such services and employments provided for, the Bureau of Corporations, during the fiscal year 1915, except the offices of commissioner and deputy commissioner, as in the discretion of the Federal Trade Commission, may be required for its purposes and at the rates of compensation specified or authorized therefor.

It then proceeds to authorize the employment of employees at the rates of salary fixed by section 167 of the Revised Statutes, ranging from $720 per annum to $1,800 per annum.

It then provides for the necessary contingent and miscellaneous expenses, the total being $300,000.

Mr. President, of course the Bureau of Corporations is absorbed by the Federal Trade Commission. For the last fiscal year there was appropriated for that bureau $250,000. For the Federal Trade Commission there is appropriated $355,000.

Mr. OVERMAN. That was $250,000 appropriated a year ago?

Mr. BRYAN. For the fiscal year 1915.

Mr. OVERMAN. This is for the fiscal year 1916.

Mr. BRYAN. Of course; I understand that.

The Bureau of Corporations is entitled to compensation per diem of attorneys, special examiners, special agents, and so forth. Of course the act expires June 30 of this year.

The amendment from which the Senate conferees receded provides that the sum of $300,000 appropriated in the sundry civil act, which I have just read, shall be made immediately available for the employment of special agents, special examiners, and legal counsel at such rates of compensation as may be determined by the Federal Trade Commission, with a proviso that they shall not pay their attorneys more than $7,500 per annum.

There is appropriated, then, for the Federal Trade Commission $105,000 more than was appropriated for the Bureau of Corporations, and it appears that they have quite as broad latitude in the employment of agents and attorneys as the Bureau of Corporations had.

This amendment has been in conference since early this morning until 6.30 this afternoon. It was not yielded up by the conferees on the part of the Senate until at the end of the conference, and upon the positive insistence by the House conferees that the House would not agree to the Senate amend-

ment. I am speaking for myself and, I believe, speaking for my associates on the conference when I say that we are perfectly willing for the Senate to go back and try to have given to this commission unlimited power as here asked for in the employment of their special agents, examiners, and attorneys.

Mr. OVERMAN. Do not say "unlimited," but not exceeding $7,500.

Mr. BRYAN. That is only for the attorneys. I have no objection to trying it if the Senate wants to try it. It will cheerfully be done by the conferees. I do not know what the attitude of the House conferees will be after the action of the Senate. We found the House conferees fixed and determined. Several of the Senate amendments, as stated by them, would not be agreed to. This is one of them. I should like to have seen the Senate amendment agreed to. I am willing to go back and try it. It is getting late. I want the Senate to understand that it was not thrown away, that it was not given up, and that it was urged and argued that the Federal Trade Commission has as broad a power in the employment of these agents, attorneys, and examiners as did the Bureau of Corporations. If, with that statement, the Senate desires to ask for a further conference, I feel that there is nothing more to be said.

Mr. BRANDEGEE. Mr. President——

Mr. BRYAN. The question of the employment of clerks, and whether they ought to be paid by the year, or whether we should come in at the end of the year and ask for an additional allowance, is a small matter with which to take up the time of the Senate at this late hour.

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Connecticut?

Mr. BRYAN. Surely you do not care to stake an $800 provision in dispute between the two Houses upon a bill carrying $8,000,000. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. Mr. President, if this were a question simply as to whether the compensation of a clerk on the Federal Trade Commission should be made to accord with the General Statutes alluded to, section 167, I would have nothing to say; but I desire to ask the Senator whether, if the conference report is agreed to the Federal Trade Commission, which under the act creating it is authorized to fix the compensation of its own examiners and special agents and specially qualified men, would be compelled to limit the compensation of its skilled examiners and skilled men upon the basis of a mere $1,500 or $1,800 clerk?

Mr. BRYAN. Undoubtedly not, unless it be due to the fact that the Bureau of Corporations is provided for in the appropriation act which expires June 30 of this year. But the language is quite broad, as was contended by the House conferees, to continue all such services and employments of attorneys and special examiners and special agents provided for the Bureau of Corporations during the last fiscal year ending June 30, 1915.

Mr. BRANDEGEE. To continue them at the salaries they now have or at such as the commission may fix?

Mr. BRYAN. As in the discretion of the Federal Trade Commission may be required for its purpose.

Then it proceeds to say further:

> And for such additional clerks and others as are authorized in and at the rates of compensation fixed by section 167.

Mr. President, there is no disposition on the part of the Senate conferees, there is no disposition, I believe, upon the part of the House conferees to hamper or to hinder this commission. The House conferees felt that it was giving too much latitude; they felt the latitude of the bill was greater than in the act granting appropriations for the Bureau of Corporations.

Mr. BRANDEGEE. Then, is the matter in dispute, or the matter against which the Senator from Iowa has filed an earnest protest, simply as to the rates at which the mere clerks of this commission shall be compensated?

Mr. OVERMAN. Additional clerks, employees, and others.

Mr. BRYAN. Attorneys, special agents, and special examiners, are not included in section 167 of the Revised Statutes.

Mr. BRANDEGEE. Very well. That is what I was trying to bring out. I should like, if the Senator from Florida would yield for the purpose of my asking the Senator from Iowa if he agrees with the Senator from Florida in that understanding?

Mr. CUMMINS. No. Undoubtedly the work of the Bureau of Corporations can be carried on and will be carried on by the Trade Commission. That work is turned over to the Trade Commission.

Mr. BRYAN. Now, if the Senator please, has not the bureau——

Mr. CUMMINS. But that is a very little part of the work we are giving the Trade Commission to do.

Mr. BRYAN. But has not the Bureau of Corporations the right to transfer to the Federal Trade Commission the power to employ special attorneys, special examiners, and special agents? That is the argument of the House.

Mr. CUMMINS. The Bureau of Corporations has a certain duty to perform now; it has the authority——

Mr. OVERMAN. One minute. The law that gives them that power also expires.

Mr. BRYAN. There is a question about that. The language of the act is:

> To continue all of such services and employments provided for the Bureau of Corporations.

Mr. CUMMINS. There is no doubt about that. If you want to confine the Trade Commission to the Bureau of Corporations, you have employed the right language for that purpose.

Mr. BRYAN. "To continue all of such services and employments," is the language; and those services and employments include attorneys and clerks.

Mr. CUMMINS. Precisely.

Mr. BRYAN. The House was contending that they had broad enough power already and that the language of Senate amendment numbered 13 was broader than they cared to agree to.

Mr. CUMMINS. As I understand, you continue the Bureau of Corporations just as the Trade Commission act does. It turns over to the Trade Commission all the powers of the Bureau of Corporations; it transfers to the Trade Commission all the employees of the Bureau of Corporations. You do not need anything for that except a general appropriation; and we gave to the Trade Commission another power, infinitely more important than the power of the Bureau of Corporations.

Mr. BRYAN. I understand that.

Mr. CUMMINS. That is to be carried on just the same.

Mr. BRYAN. I understand that.

Mr. CUMMINS. Now, you are going to carry on that work with $1,800 clerks; and if you try to do so, of course failure is written at the very beginning of the chapter.

Mr. NEWLANDS. Mr. President, let me call the attention of the Senator to a mistake, which I think he has made in his statement. The Trade Commission act did not turn over to the Federal Trade Commission all the powers and functions of the Bureau of Corporations. That was the form in which the draft was presented, but the Senator will recollect that we changed that.

Mr. BRYAN. Mr. President, I did not yield to the Senator from Nevada for a speech.

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. The Senator from Florida has the floor.

Mr. BRYAN. There is one thing about it which was urged by the House conferees, and I want to state it. It was that this authority was broad enough and large enough in the organization period of the board; that it would hardly get organized and started by the time Congress again convened.

I am more anxious to get the sense of the Senate on this proposition than anything else. If the Senate wants this bill to go to conference, the report ought to be acted on now. I have stated as well as I could the position of the House. I have stated that we kept in conference from 11 o'clock this morning until 6.30 this evening. I have nothing further to say about it.

Mr. JONES. Mr. President, just a word. I hope this conference report will be sent back, not only on account of the Trade Commission item and the other item that has been referred to, but also on account of one or two other items in the bill. Simply indorsing what the Senator from Iowa [Mr. CUMMINS] and other Senators have said in reference to the importance of having proper provision in reference to the Trade Commission, I want just in a word to call attention to other items which, I understand, have gone out, in order that they may be considered if the bill goes back to conference.

As I understand, the item for the relief of Simon M. Preston went out in conference.

Mr. BRYAN. Is that a claim item?

Mr. JONES. No. I simply want to call attention to that situation. I recognize that that is a claim provision that ordinarily ought not to be in this bill, but there are two conditions with reference to it.

This man is 94 years of age, and is not going to live very long. The Senate has passed the bill for his relief. The bill has been favorably reported by a House committee and is on the calendar, but has not passed, simply because it could not be passed by unanimous consent, and there is no other way to pass it now. It does seem to me that under those circumstances it ought to be taken care of.

Then, there is another item that I understand is considered a claim, but which I do not think ought to be put on the claim basis.

Mr. BRYAN. Let me say to the Senator from Washington that we realized at the time these amendments were put on in committee that they were private claims, and if they had not been put on in committee they were subject to a point of order in the Senate. The House conferees took the position that they would not consider private claims which are now pending in committees that deal with these subjects, and especially on a deficiency bill.

Mr. JONES. Mr. President, I am not complaining of the conferees on the part of the Senate, because I know what they have to contend with, and I recognize the force of what the Senator has said. I am simply making this statement in the hope that, if this report goes back to conference again, possibly something may be done.

The other claim—that is, it is called a claim—was sent here as an estimate of the Treasury Department, with the request that it be paid out of a certain fund in the Navy Department. It is to pay to 12 or 13 persons who went with a party to Alaska from the Navy Department to get Alaskan coal for the purpose of testing its availability for use in the Navy. These parties, of course, had personal belongings; they were put on a lighter at Katala Bay and were being transported across the bay when the lighter sunk and their belongings were lost. They are poor men; they can not very well afford to lose these belongings; they were lost through no fault of theirs; they were in the employ of the Navy Department. The Navy Department was transporting their belongings and they were lost.

It seems to me that we ought to take care of a situation of that kind. These people ought not to be forced to have their claims collected through Congress. They can not afford to do so. One of the amounts is only $43, another $100, and so on through the different items—12 or 13 in all—making only a little over $1,300. I do hope that if this bill goes back to conference the conferees will see if it is not possible to take care of them.

As I have said, I recognize the force of what the Senator from Florida has said with reference to this conference report. I know what is very likely to be the attitude of the House members of the conference committee. I am not complaining of the action of the conferees at all, and I will not complain if they are not able to retain the provision in conference, but I simply want to express the hope that they will try to do it if the bill goes back to conference.

Mr. SHAFROTH. Mr. President, I want to say to the Senator from Washington that the conferees have had a great deal of trouble in arriving at a conclusion, and I think the situation is too serious to let small matters of that kind at this stage of the session defeat the conference report. I believe such an idea should not be considered for a moment.

Mr. JONES. I would not have made the suggestion I have if the other item were not in dispute, because I could not afford to do so.

Mr. SHAFROTH. I want to say, with respect to the item of $300,000, that the act authorizing the creation of the Federal Trade Commission was passed more than six months ago, and yet they have only recently been appointed.

We know that in the case of the Federal Reserve Board a period of four or five months elapsed before they were appointed, and then there was a period of some four or five months more before they actually got fairly under way. You are going to find the same condition with respect to the Trade Commission; and when they have $300,000 to start with, and Congress is going to convene on December 1 anyway, or perhaps a month or two before that time, it seems to me there will be no difficulty whatever in providing the Trade Commission with all the means they should have.

It seems to me, Mr. President, that the conference report should be adopted. We are in the last stages of the session, and if we send this report back, the House conferees will have something to say; they are not going to yield upon everything; and, with the firm determination that they may have, we may have no deficiency bill at all enacted into law.

Mr. HARDWICK. Mr. President, there seems to be a general impression that this bill must go back to conference because of certain important items. I certainly hope that the conferees on the part of the Senate will endeavor to make a firm stand for the provision of the Senate in reference to the appropriation, estimated for and recommended by the department, for wrapping twine and tying devices for the Postal Service. With an estimate that $50,000 was necessary to carry on this service, which amount was recommended, without a word of evidence to sustain the contention as I view it—without criticizing the action of any other body—the appropriation was arbitrarily cut in two. The Senate unanimously, both in the committee and on this floor, restored the amount asked for by the department, which, in my opinion, is necessary for the service. I hope, therefore, the Senate conferees will succeed—I know they will do their best—in inducing the conferees on the part of the other House to yield to the reasonable demand of the Senate in respect to this item, which is no more than the demands of the public service as voiced by the department on this question.

Mr. NEWLANDS. Mr. President, if I can have the attention of the Senator from Florida, I should like to say that we, of course, all realize the efforts of the conferees to adhere to the view of the Senate upon this subject; but it is quite important that we should have a proper understanding both of the act providing for the Bureau of Corporations and the Trade Commission act in order to properly understand this amendment.

A mistake has been made in saying that any of the functions or powers of the Bureau of Corporations were directly transferred to the Federal Trade Commission. The original bill did provide for that, but it was changed, and all that was transferred were the clerks and employees of the commission at their present grades and salaries.

Mr. BRYAN. But, Mr. President, I was speaking of the sundry civil act, which provides:

> To continue all of such services and employments provided for the Bureau of Corporations——

Mr. NEWLANDS. Yes.

Mr. BRYAN. It seems to me that they have power to employ attorneys, agents, and special examiners. I ask why they have not? Nobody has pointed out why they have not.

Mr. NEWLANDS. Assuming, as the Senator claims in the first few lines upon page 56, namely, the words—

> To continue all of such services and employments provided for the Bureau of Corporations during the fiscal year 1915, except the offices of commissioner and deputy commissioner, as in the discretion of the Federal Trade Commission may be required for its purposes and at the rates of compensation specified or authorized therefor.

Assuming that that would warrant the payment not only of the clerks but of the examiners and the lawyers of the Bureau of Corporations at their present salaries, yet as to the additional clerks and employees, of which there will have to be a number, of course, and a higher class of employees, their compensation, it is to be observed, is limited to rates of compensation fixed in the Revised Statutes.

Mr. BRYAN. Fixed in the classified service?

Mr. NEWLANDS. Fixed in the classified service. Now, I wish to call the Senator's attention to the fact that this extra amount is entirely applied to clerical work, whereas it ought to be left in the discretion of the commission as to whether it will be applied to employment merely of clerks or to the employment of skilled men at higher salaries.

Mr. BRYAN. Mr. President, undoubtedly the sundry civil act contemplated the expenditure of more money than was authorized for the Bureau of Corporations, because the amount authorized carried in that act is $105,000 greater.

Mr. NEWLANDS. Yes; but why should the extra amount be limited entirely to the payment of salaries fixed for the classified service?

Mr. BRYAN. Let us have a vote.

The VICE PRESIDENT. The question is on agreeing to the report of the committee of conference.

Mr. BRYAN. Mr. President, in order that the vote of the Senate may be of all the value possible, whatever the decision may be, I ask for the yeas and nays upon the motion that the conference report be adopted.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLAPP (when his name was called). I have a general pair with the Senator from North Carolina [Mr. SIMMONS]. Not observing him in the Chamber, I feel constrained to withhold my vote.

Mr. SHERMAN (when his name was called). I have a general pair with the senior Senator from Louisiana [Mr. THORNTON]. I transfer that pair to the junior Senator from Iowa [Mr. KENYON] and will vote. I vote "nay."

Mr. SMITH of Maryland (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. DILLINGHAM]. I transfer that pair to the senior Senator from Virginia [Mr. MARTIN] and will vote. I vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the senior Senator from Mississippi [Mr. WILLIAMS] and will vote. I vote "yea."

The roll call was concluded.

Mr. SUTHERLAND. I have a general pair with the senior Senator from Arkansas [Mr. CLARKE], who is absent. I trans-

fer that pair to the junior Senator from Wisconsin [Mr. STEPHENSON] and will vote. I vote "yea."

Mr. RANSDELL. I announce the unavoidable absence of the senior Senator from Louisiana [Mr. THORNTON] on account of sickness. I ask that this announcement may stand for the day.

Mr. LEA of Tennessee (after having voted in the negative). I transfer my pair with the senior Senator from South Dakota [Mr. CRAWFORD] to the junior Senator from South Carolina [Mr. SMITH] and will allow my vote to stand.

Mr. OVERMAN (after having voted in the negative). I have a general pair with the senior Senator from California [Mr. PERKINS]. I transfer that pair to the junior Senator from Kentucky [Mr. CAMDEN] and will let my vote stand.

Mr. GALLINGER. I have been requested to announce a pair existing between the junior Senator from Maine [Mr. BURLEIGH] and the senior Senator from Indiana [Mr. SHIVELY].

The result was announced—yeas 36, nays 28, as follows:

YEAS—36.

Bankhead	Gronna	Norris	Shields
Brandegee	Johnson	O'Gorman	Smith, Md.
Bryan	Lane	Oliver	Smoot
Catron	Lewis	Penrose	Sutherland
Chamberlain	Lippitt	Poindexter	Swanson
Clark, Wyo.	Lodge	Ransdell	Thomas
Fall	Martine, N. J.	Reed	Tillman
Fletcher	Myers	Root	Warren
Gallinger	Nelson	Shafroth	Weeks

NAYS—28.

Ashurst	Hughes	Newlands	Simmons
Chilton	James	Overman	Smith, Ga.
Clapp	Jones	Pittman	Sterling
Cummins	Kern	Pomerene	Stone
Gore	Lea, Tenn.	Robinson	Thompson
Hardwick	Lee, Md.	Sheppard	Walsh
Hollis	McCumber	Sherman	White

NOT VOTING—32.

Borah	Crawford	McLean	Smith, Mich.
Brady	Culberson	Martin, Va.	Smith, S. C.
Bristow	Dillingham	Owen	Stephenson
Burleigh	du Pont	Page	Thornton
Burton	Goff	Perkins	Townsend
Camden	Hitchcock	Saulsbury	Vardaman
Clarke, Ark.	Kenyon	Shively	Williams
Colt	La Follette	Smith, Ariz.	Works

So the conference report was agreed to.

THE CALENDAR.

Mr. ROBINSON. I ask unanimous consent that the Senate now proceed to the consideration of unobjected bills on the calendar, resuming at No. 820, and that it also be in order to receive and consider unobjected committee reports.

The VICE PRESIDENT. Is there any objection?

Mr. BRANDEGEE. I object to that.

The VICE PRESIDENT. Objection is made.

CHILD LABOR.

Mr. NORRIS. I have in my hand a recent copy of the News and Observer, a paper published at Raleigh, N. C., by the Hon. Josephus Daniels, present Secretary of the Navy. In this paper there is an editorial entitled "Trying to push back the ocean," which is a very well written article on the subject of child labor. That part of the article which comments generally on the subject I ask unanimous consent to have printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

TRYING TO PUSH BACK THE OCEAN.

There was once a king—his name was Canute, we think—who thought that he could stand on the shore and sweep back the oncoming tides of the ocean. He used his broom vigorously, and at the first stroke, as the tide receded, thought that he had power over the ocean.

Yesterday in the State senate some very elegant gentlemen, who lacked the vision to see that the world will no longer tolerate child labor, essayed the task of King Canute, and with vigorous speeches succeeded temporarily in compelling a recession of the tide that is moving steadily everywhere else for the emancipation of the children who work in the mills. Behind these gentlemen was a committee composed of owners of cotton mills in the State.

The men who have built the cotton mills in North Carolina are among the State's best captains of industry, and nobody can give them too high praise for the work they have done in developing the State and giving it industrial supremacy. Most of them have also been liberal and kind and generous to those in their employ. If there were no organization of the cotton-mill men and each owner of a mill spoke his sentiments, many of them would have favored the bill which was defeated in the senate yesterday, and some of them do favor it; but, speaking as an organization, they have exerted their great power—and the cotton-mill men now exercise a greater power over such legislation than any other body of men in the State—against it. Their influence is paramount in many counties, and it has made itself felt in the State senate.

This organization is farsighted; it looks ahead to the senate, and for 10 years has been able to prevent any legislation that would secure real inspection of even the moderate child-labor laws which have been put upon the statute books. They consented some years ago to a law which was impotent to reach the need but would not consent to proper and adequate inspection. Yesterday they were able to convince most of the senators that such inspection was not necessary or desirable, and senators killed all legislation looking to strengthening the labor law, even in the smallest detail. It is to be regretted that men who have done so much for North Carolina should be so shortsighted. It is more to be regretted that senators who legislate for all the people should have lacked the wisdom to put North Carolina abreast with the spirit of the times.

The victory yesterday against child labor is one that will be short lived. No State in this day can stand for child labor any more than it could stand for slavery, for the duel, or for hazing. The hour has struck for the emancipation of the children in the factories. The sentiment of this country is overwhelmingly and irresistibly against using up the seed corn. These cotton-mill owners have persuaded themselves that their industry is dependent upon this utilization of the seed corn. They are grievously mistaken. No industry of this magnitude and character in the long run is dependent upon child labor. Whenever the millmen stop long enough to consider the question as it has been considered in every industrial community in the world except our own they will find a way to adjust their industry without compelling women to toil long hours and children to be denied their God-given right to play and live in the sunshine.

"Do you hear the children weeping, O my brothers,
Ere the sorrow comes with years?
They are leaning their young heads against their mothers,
And that can not stop their tears.
The young lambs are bleating in the meadows;
The young birds are chirping in the nest;
The young fawns are playing with the shadows;
The young flowers are blowing toward the West;
But the young, young children, O my brothers,
They are weeping bitterly;
They are weeping in the playtime of the others,
In the country of the free."

A few days ago the House of Representatives in Washington, by a vote of more than six to one, passed the Palmer bill. This bill would prevent any factory selling its product in any other State if this product was produced by child labor. Only one vote was cast against this measure by a Member of Congress north of Mason's and Dixon's line. If the bill could get before the Senate at this session, it would become a law. It is as certain to become a law in the near future as that Congress of the United States is responsive to the most enlightened public sentiment of America. Even if the North Carolina Senate should for some years to come be responsive to the demands of the cotton-mill owners that children should continue to work in factories, the reform will come through the passage of the Palmer bill or one like it.

This paper covets the honor of North Carolina leading in the chivalrous spirit of not permitting the long hours of work for women or the working of children at all in cotton mills. The only question now to be considered in the near future is whether North Carolina, through its own legislature, will pass the enlightened laws which have been enacted by every other civilized nation in the world and nearly every State in the Union, or whether it will wait and be compelled to stop the working of children in factories by a Federal law. It is a matter of deep regret that the Senate yesterday thought it could stop the hands of the clock or sweep back the irresistible tide for the emancipation of children. North Carolina should lead, and it is to be hoped that two years hence the record made yesterday will be reversed, so that the State will of its own motion emancipate the children in the mills and not be compelled to do so by Federal laws.

ARMY VETERINARY SERVICE.

Mr. KERN. I move that the Senate proceed to the consideration of Order of Business 543, House bill 4541.

Mr. THOMAS. I object.

The VICE PRESIDENT. It is not a request for consent; it is a motion on the part of the Senator from Indiana to proceed to the consideration of a bill, the title of which will be stated by the Secretary.

The SECRETARY. A bill (H. R. 4541) to consolidate the veterinary service, United States Army, and to increase its efficiency.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Indiana.

Mr. PENROSE. Mr. President, is that bill on the calendar?

The VICE PRESIDENT. It is.

Mr. PENROSE. Why not let it be reached in due course?

Mr. KERN. Because it was reached last night and went over on the objection of one Senator. Three-fourths of the Members of this body are pledged to that bill.

Mr. SMITH of Georgia. What bill is it, Mr. President?

The VICE PRESIDENT. It will be stated again.

The Secretary again stated the title of the bill.

Mr. THOMAS. Mr. President, an effort has been made to secure the consideration of bills not objected to on the calendar. Unless that can be done very soon, a great many bills will necessarily expire because we will not have time to reach them. I hope, therefore, special motions will be voted down and that we will reach the calendar and dispose of these other matters.

Mr. KERN. This bill will not take five minutes.

The VICE PRESIDENT. The question is on the motion of the Senator from Indiana. [Putting the question.] By the sound the ayes seem to have it.

Mr. THOMAS. I call for a division.

The VICE PRESIDENT. All those in favor of the motion will rise. [A pause.] Those opposed will rise. [A pause.] The Chair lays before the Senate House bill 4541.

Mr. THOMAS. Mr. President, was the result of the vote announced?

The VICE PRESIDENT. The Chair has uniformly held that a division is for the information of the Chair, and not for the

information of the Senate. If the Senate wants a record, it secures it by having a yea-and-nay vote. The motion was carried, however, beyond any question. There were 27 ayes and 20 noes.

The Secretary read the bill, as follows:

Be it enacted, etc., That the President is hereby authorized, by and with the advice and consent of the Senate, to appoint veterinarians and assistant veterinarians in the Army, not to exceed 2 such officers for each regiment of Cavalry and Field Artillery, 15 as inspectors of horses and mules and as veterinarians in the Quartermaster Corps, and 5 as inspectors of meats for the Quartermaster Corps, not to exceed 62 in all.

SEC. 2. That hereafter a candidate for appointment as assistant veterinarian must be a citizen of the United States, between the ages of 21 and 27 years, a graduate of a recognized veterinary college or university, and that he shall not be appointed until he shall have passed a satisfactory examination as to character, physical condition, general education, and professional qualifications.

SEC. 3. That an assistant veterinarian appointed under section 2 of this act shall have the rank, pay, and allowances of second lieutenant; that after five years of service an assistant veterinarian shall be promoted to the rank, pay, and allowances of first lieutenant; that after 15 years of service an assistant veterinarian shall be promoted to veterinarian with the rank, pay, and allowances of captain: *Provided*, That he passes a satisfactory examination under such rules as the President may prescribe as to professional qualifications and adaptability for the mounted service; or, if found deficient, he shall be discharged from the Army with one year's pay and have no further claim on the Government.

SEC. 4. That the veterinarians of Cavalry and Field Artillery now in the Army, together with such veterinarians of the Quartermaster's Corps provided for in section 1 of this act, now employed, who at the date of the approval of this act shall have less than five years' service, be reappointed as assistant veterinarians with the rank, pay, and allowances of second lieutenant; that the veterinarians who have over five years of service be reappointed and commissioned as assistant veterinarians with the rank, pay, and allowances of first lieutenant; that veterinarians with 15 years of service be reappointed and commissioned as veterinarians with the rank, pay, and allowances of captain: *Provided*, That they pass a prescribed practical professional examination as to fitness for mounted field service: *Provided further*, That veterinarians now in the Army and in the employ of the Quartermaster's Corps who fail to pass the prescribed physical examination, due to disability incident to the service, and who have been incapacitated from rendering satisfactory service to the Government, shall be retired from active service with 75 per cent of pay corresponding to length of service as prescribed herein.

SEC. 5. That the Secretary of War, upon recommendation of the Surgeon General of the Army, may appoint, for such time as their services may be required, such number of reserve veterinarians as may be necessary to attend public animals pertaining to the Quartermaster Corps, who shall have the pay and allowances of second lieutenant during such period of service, and no longer: *Provided*, That such reserve veterinarians be graduates of a recognized veterinary college or university and have previously passed a satisfactory examination as to character, physical condition, general education, and professional qualifications in like manner as required of assistant veterinarians; such veterinarians (reserve) to constitute a list of eligibles for appointment as assistant veterinarians under the same condition as to age, probationary service, etc., as provided for in section 2 of this act, and such examinations as may be deemed necessary by the Secretary of War for the proper performance of their duties.

SEC. 6. That candidates passing the examinations as prescribed in section 2 of this act shall be appointed, in the order of merit in which they passed such examination, to vacancies as they occur, such appointment to be a probationary one for six months, after which time, if the services of the probationer have been satisfactory, he shall be permanently appointed with commission antedated to embrace such probationary service. Probationary veterinarians whose services are found unsatisfactory shall be discharged at any time during the probationary period, or at the end thereof, without any further claim against the Government.

SEC. 7. That the Secretary of War is authorized to appoint a board of examiners to conduct the examinations prescribed herein, one member of which shall be a field officer, one a surgeon, and two veterinarians.

SEC. 8. That all laws or parts of laws in conflict with the provisions of this act be, and are hereby, repealed.

Mr. LEA of Tennessee. Mr. President, I want to say just one word in behalf of this bill. It is recommended by the Secretary of War and by the Chief of Staff. It merely does for the Veterinary Corps of the American Army what obtains in all of the European armies. The department is very anxious to have action taken on it at this session of Congress. This bill has already passed the House of Representatives, and if it passes the Senate it will be enacted into law.

Mr. SMOOT. Mr. President, I am sorry that this bill was taken up in the absence of the senior Senator from Nebraska [Mr. HITCHCOCK]. That Senator, together with the Senator from Colorado [Mr. THOMAS], made a minority report upon this bill. I think it is so succinct and to the point that I want the Senate to hear that report and see whether they want to vote for this bill or not.

The minority makes the following statement:

We regret that we can not join our colleagues on the committee in favorably reporting S. 4331, to consolidate the veterinary service in the Army. This bill is the product of 15 years of agitation carried on very largely by the American Veterinary Association, having some 3,000 members scattered over the country. They originated it, they have advocated it, and they have pushed it because of the advantage it would bring to the veterinarians who become its beneficiaries.

Now, Senators, listen:

It involves an increase in the cost of the veterinary service of about 37 per cent. It makes some increase in the number of men employed as veterinarians and inspectors, but it makes a much larger increase in pay and in ultimate cost to the Government by giving to some the rank of officers and by retirement with official rank. It is another step in the direction of loading down the military service with civilian attachments.

It is easy to argue that these changes work for efficiency in the Army. Perhaps they do to some extent, but we think the claim is largely exaggerated and that the real motive is to get a permanent place on the Government pay roll.

If this bill passes we will have the spectacle of Army veterinarians retired at the age of 62, practicing their profession comfortably and enjoying the Government retired pay. There is a reason for retiring officers at a certain age and giving them retired pay, because their military service has unfitted them for any practical walk in life; but in our opinion it is bad practice to take professional men and treat them in the same way. They do not need the benefits of retirement on pay any more than professional men in civil life need such assistance.

G. M. HITCHCOCK.
C. S. THOMAS.

Mr. President, I have objected to the consideration of this bill in the past. I was requested, in the absence of the Senator from Nebraska [Mr. HITCHCOCK], to object to its consideration, and I have carefully followed that out. That statement made by the minority members ought to be considered by the Senate. The idea of an expense here of 33 per cent increase and veterinarians retired at the age of 62, when in full vigor of life, to draw from the Government of the United States three-quarters pay, not only to practice their profession but as long as they live.

Mr. KERN. Why should the opinions and views of two members of the minority of the committee be given more weight than the majority of the committee that makes another sort of a report after a full hearing?

Mr. SMOOT. I will ask the Senator this question: Is there a statement made in the minority report of the committee as to the increased cost to the Government that is untrue?

Mr. CHAMBERLAIN. Mr. President, the increase in cost estimated by the War Department is only $31,000. I want to say to the Senator that Gen. Wotherspoon, representing the War Department, appeared before the Senate committee which had this bill in charge and insistently urged that the bill ought to pass. There are something over 22,500 horses used in the Army and over 10,000 mules, with a constant increase. Our Government is the only one of the civilized governments that has not veterinarians commissioned and given a standing in the Army that attracts to the service the very best men of their profession.

Mr. SMOOT. There is not an Army official I know of who is not in favor of the retirement plan, and they want to retire just as early as they possibly can in life. This is taking professional men in the Army and retiring them at the age of 62 years, the Government of the United States being compelled to pay them three-quarters of the regular pay in the Army as long as they live. If this is economy, and if this is to be the policy, the sooner we find it out the better.

All I ask is a vote upon this bill. I am not going to discuss it any longer.

Mr. LEA of Tennessee. I certainly do not intend to discuss it. I merely want to say that Gen. Wotherspoon has stated that there would be a saving to the Government instead of an increased cost. The Government could save by having more efficient men as veterinarians. They would provide for the animals and keep them sound, and it would result in an actual saving to the Government, rather than an increase in cost.

Mr. THOMAS. Mr. President, I signed the minority report with the Senator from Nebraska for the reasons stated in the report. I shall not attempt to elaborate those reasons, certainly not at this late hour of the night. My chief opposition to the bill was the increase of expenditure without any necessity for it. It seems to me, Mr. President, that we should not only as to large, but as to small items, pay some attention to the condition of the Treasury. For my part, I am unable to see how the Government is going to save money by spending money, or how it is going to get any better service from men retired at the age of 62 upon three-quarters pay simply because there is an added inducement to those who desire to enter the service as veterinary surgeons.

Personally, I have not the slightest prejudice in regard to the matter, but I am inclined to think that if such a measure becomes a law it is because of the constant organized and persistent effort which from the commencement of the movement is bound to terminate to-night in the enactment of this measure.

Mr. SMITH of Georgia. Mr. President, I certainly have no special attachment to retiring men about the time they ought to reach their greatest efficiency on three-quarters pay, or half pay, or 25 per cent. I am utterly opposed to increasing the retired list at the expense of the taxpayers. The Senator from Tennessee said that this increase of the pay roll will only be a little over $30,000. That, I believe, is estimated.

Mr. LEA of Tennessee. If the Senator will pardon me I did not make that statement. The chairman of the Committee on Military Affairs made that statement. He said that Gen. Wotherspoon, who was then Chief of Staff, made it. I said that it would result, in the end, in no increased cost to the Army.

Mr. SMITH of Georgia. I did not mean in any way to misquote the Senator from Tennessee.

Mr. LEA of Tennessee. I am sure of that.

Mr. SMITH of Georgia. I regarded his authority as being just as good as theirs. I understood that he made his statement based upon that statement. It may be accurate, but I do not see any reason for adding permanently thirty-odd thousand dollars a year to this pay roll. It is not for just one year, but it is to be a permanent increase of the pay roll, with provision for the retirement of these men at 62 years of age.

Mr. President, I hope the measure will be defeated, and with a view of substituting something better I move that we proceed with the calendar where we left off the other night under Rule VIII, considering unobjected cases.

Mr. LEA of Tennessee. I make the point of order that the motion as stated by the Senator from Georgia is not in order. You can not move to proceed to the consideration of the calendar of unobjected cases. You must move to proceed to the consideratin of bills on the calendar under Rule VIII.

Mr. JAMES. I move to lay the bill on the table.

The VICE PRESIDENT. That is a privileged motion. The question is on laying the bill on the table.

The motion was agreed to.

THE CALENDAR.

Mr. ROBINSON. I now renew my request for unanimous consent that the Senate resume the consideration of the calendar under Rule VIII at calendar No. 820, and that unobjected committee reports be also in order.

The VICE PRESIDENT. Is there objection?

Mr. OVERMAN. I understand that will not interfere with messages from the House.

Mr. ROBINSON. Certainly not.

The VICE PRESIDENT. Is there objection?

Mr. STONE. Mr. President, I should like to have the request stated again.

The VICE PRESIDENT. The Senator from Arkansas will restate it.

Mr. ROBINSON. I ask unanimous consent that the Senate resume the consideration of the calendar under Rule VIII for the consideration of unobjected bills, commencing at Order of Business 820, where we left off on the last call, and that it also shall be in order to receive and consider unobjected committee reports.

The VICE PRESIDENT. Is there objection? The Chair hears none. The Chair lays before the Senate a joint resolution from the House of Representatives.

REFUND OF MONEY TO REPRESENTATIVES.

The joint resolution (H. J. Res. 437) authorizing and directing the Sergeant at Arms to refund to Members of the House of Representatives amounts of money deducted from their salaries was read twice by its title.

Mr. OVERMAN. I ask for the consideration of the joint resolution. During the last——

Mr. PENROSE. We understand it.

Mr. OVERMAN. Everybody, I think, understands it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE PRESIDENT. The calendar will be proceeded with.

AMOS DAHUFF.

The bill (S. 7066) for the relief of Amos Dahuff was announced as the next bill on the calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers Amos Dahuff, who was captain of Company H, Twelfth Regiment Indiana Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as of said organization on the 19th day of February, 1865.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DUNCAN GRANT RICHART.

The bill (S. 6510) to authorize the appointment of Duncan Grant Richart to the grade of second lieutenant in the Army was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with amendments, on page 1, line 5, to strike out "Fifteenth" and insert "Tenth," and in lines 7 and 8, to strike out the words "immediately after the name of Second Lieut. Harding Polk" and insert "at the foot of the list of second lieutenants of Cavalry," so as to make the bill read:

Be it enacted, etc., That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint Duncan Grant Richart, late a second lieutenant in the Tenth Regiment United States Cavalry, to the grade of second lieutenant of Cavalry, to rank at the foot of the list of second lieutenants of Cavalry: *Provided*, That prior to such appointment the said Duncan Grant Richart shall pass, in a manner satisfactory to the Secretary of War, the physical examination required of candidates for appointment as second lieutenant.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN L. SEVY.

The bill (S. 4422) for the relief of John L. Sevy was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with amendments. The first amendment was, after the word "lands," on page 1, line 5, to strike out down to and including the words "range 8 west of," in line 11, and insert:

The south half of the northwest quarter of the southeast quarter of section 12, township 36 south, range 8 west; the north half of lot 1, section 18, township 36 south, range 7 west; the south half of lot 3, section 12, township 36 south, range 8 west; the west half of the southeast quarter of the southeast quarter of section 7, township 36 south, range 7 west; the southeast quarter of the southeast quarter of the southeast quarter, section 7, the west half of the northwest quarter of the northwest quarter and the northwest quarter of the southwest quarter of the northwest quarter of section 17, township 36 south, range 7 west of.

The amendment was agreed to.

The next amendment was, on page 2, line 13, after the words "United States of," to strike out "the southwest quarter of the northeast quarter and the west half of the southeast quarter of section 18; the northwest quarter of the northeast quarter of section 19, township 36 south, range 3 west" and insert "the north half of the northeast quarter of the southwest quarter of section 12, township 36 south, range 8 west; the south half of lot 1 of section 13, township 36 south, range 8 west."

The amendment was agreed to.

The next amendment was, on page 3, line 1, after the word "west," to strike out the semicolon and to strike out all down to and including the word "west" in line 2, as follows:

The northeast quarter of the southeast quarter of section 5, township 36 south, range 3 west.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SALE OF LANDS IN LYMAN COUNTY, S. DAK.

The bill (H. R. 11318) authorizing the sale of lands in Lyman County, S. Dak., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BOY SCOUTS OF AMERICA.

The bill (S. 6854) to incorporate the Boy Scouts of America, and for other purposes, was considered as in Committee of the Whole.

The VICE PRESIDENT. This bill has been once read.

Mr. POMERENE. Was not that bill passed the other day, Mr. President?

The VICE PRESIDENT. It has not been passed, but it has been read.

Mr. SHIELDS. I ask that the bill may be read.

The VICE PRESIDENT. It was read the other day, if the Chair is not mistaken, but the amendments have not been considered. The amendments will now be reported.

The bill had been reported from the Committee on the Judiciary with amendments. The first amendment was, in section 1, page 2, line 9, after the name "Columbia," to insert "wherein its domicile shall be," so as to read:

That Colin H. Livingstone and Ernest P. Bicknell, of Washington, D. C.; Benjamin L. Dulaney, of Bristol, Tenn.; Milton A. McRae, of Detroit, Mich.; David Starr Jordan, of Berkeley, Cal.; F. L. Seely, of Asheville, N. C.; A. Stamford White, of Chicago, Ill.; Ernest Thompson

Seton, of Greenwich, Conn.; Daniel Carter Beard, of Flushing, N. Y.; George D. Pratt, of Brooklyn, N. Y.; Lee F. Hanmer, Jeremiah W. Jenks, Charles P. Neill, Frank Presbrey, Edgar M. Robinson, Mortimer L. Schiff, Lorillard Spencer, and James E. West, of New York, N. Y.; G. Barrett Rich, jr., of Buffalo, N. Y.; Robert Garrett, of Baltimore, Md.; John Sherman Hoyt, of Norwalk, Conn.; Charles C. Jackson, of Boston, Mass.; William D. Murray, of Plainfield, N. J.; and George D. Porter, of Philadelphia, Pa., their associates and successors, are hereby created a body corporate and politic in the District of Columbia, wherein its domicile shall be.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 14, after the word "be," to strike out the words "deemed advisable" and to insert "necessary for corporate purposes," so as to read:

SEC. 2. That the name of this corporation shall be "Boy Scouts of America," and by that name it shall have perpetual succession, with power to sue and be sued in courts of law and equity within the jurisdiction of the United States; to hold such real and personal estate as shall be necessary for corporate purposes.

The amendment was agreed to.

The SECRETARY. On behalf of the committee Mr. SHIELDS offers an amendment, in section 1, page 2, line 8, after the word "politic," to strike out "in" and in lieu thereof to insert "of," so as to read:

A body corporate and politic of the District of Columbia.

The amendment was agreed to.

The next amendment offered by Mr. SHIELDS on behalf of the committee was in section 4, page 3, line 10, before the word "organization," to strike out "national."

The amendment was agreed to.

The next amendment offered by Mr. SHIELDS on behalf of the committee was, on page 6, beginning in line 1, to strike out section 8, as follows:

SEC. 8. That from and after the passage of this act it shall be unlawful for any person within the jurisdiction of the United States to falsely or fraudulently hold himself out as or represent or pretend himself to be a member of or an agent for the Boy Scouts of America, for the purpose of soliciting, collecting, or receiving money or material, or for any person to wear or display any of the emblems or badges or fraudulently make use of the words or phrases of the Boy Scouts of America, as set forth in section 7, or any insignia colored in imitation thereof, for the fraudulent purpose of inducing the belief that he is a member of or an agent for the Boy Scouts of America. It shall be unlawful for any person, corporation, or association, other than the Boy Scouts of America and its duly authorized employees and agents, for the purpose of trade or as an advertisement, to induce the sale of any article whatsoever, or for any business or charitable purpose, to use within the territory of the United States of America and its exterior possessions, without the authority or permission of said Boy Scouts of America, any of the emblems or badges, words, or phrases of the Boy Scouts of America described in section 7 of this act, or any sign or insignia made or colored in imitation thereof, or of the words "Boy Scouts" or "Boy Scouts of America," or any combination of these words, or the Boy Scout motto "Be Prepared." If any person violates the provisions of this section he shall be deemed guilty of a misdemeanor, and upon conviction in any Federal court shall be liable to a fine of not less than $1 nor more than $500 or imprisonment for a term not exceeding one year, or both, for each and every offense.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PAYMENT OF MONEYS TO OKLAHOMA SCHOOL DISTRICTS.

The bill (H. R. 16738) to provide for the payment of certain moneys to school districts in Oklahoma was considered as in Committee of the Whole. The bill had been reported from the Committee on Public Lands with an amendment, on page 2, line 1, before the word "municipal," to strike out "the proper," and in line 2, before the word "several," to strike out "proper authorities of the," so as to make the bill read:

Be it enacted, etc., That all moneys heretofore paid for lands sold by the Government for town-site purposes at the price of $10 per acre under section 22 of the act entitled "An act to provide a temporary government for the Territory of Oklahoma, to enlarge the jurisdiction of the United States court in the Indian Territory, and for other purposes," approved May 2, 1890, and under the act entitled "An act providing for the commutation for town-site purposes of homestead entries in certain portions of Oklahoma," approved March 11, 1902, which have not already been paid to municipal authorities, shall be paid to the several school districts in which the lands for which such moneys were paid are located; and the Secretary of the Interior and the Secretary of the Treasury are hereby authorized and directed to cause such payments to be made out of funds arising from such sales.

Mr. OWEN. Mr. President, I ask that the Senate disagree to the committee amendments, so as to pass the bill as it stands, in order to save time. The amendments are merely verbal and do not amount to anything.

The VICE PRESIDENT. The question is on agreeing to the amendments.

The amendments were rejected.

Mr. SMITH of Georgia. Will the Senator from Oklahoma tell us in a word just what that bill proposes to do?

Mr. OWEN. There is a little town-site balance which is held by the Government, and the bill directs it to be paid to the school districts to which it belongs. This is simply to appropriate that money.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE PATENT OFFICE.

The bill (H. R. 18031) amending sections 476, 477, and 440 of the Revised Statutes of the United States was considered as in Committee of the Whole. It reads as follows:

Be it enacted, etc., That section 476 of the Revised Statutes be, and the same is hereby, amended to read as follows:

"SEC. 476. There shall be in the Patent Office a Commissioner of Patents, one first assistant commissioner, one assistant commissioner, and five examiners in chief, who shall be appointed by the President, by and with the advice and consent of the Senate. The first assistant commissioner and the assistant commissioner shall perform such duties pertaining to the office of commissioner as may be assigned to them, respectively, from time to time by the Commissioner of Patents. All other officers, clerks, and employees authorized by law for the office shall be appointed by the Secretary of the Interior upon the nomination of the Commissioner of Patents."

SEC. 2. That section 477 of the Revised Statutes be amended to read as follows:

"SEC. 477. The salaries of the officers mentioned in the preceding section shall be as follows:

"The Commissioner of Patents, $5,000 a year.
"The First Assistant Commissioner of Patents, $4,500 a year.
"The Assistant Commissioner of Patents, $3,500 a year.
"Five examiners in chief, $3,500 a year each."

SEC. 3. That so much of section 440 of the Revised Statutes as follows the words "In the Patent Office," and refers to said office only be amended to read as follows:

"One chief clerk, who shall be qualified to act as a principal examiner.
"One librarian, who shall be qualified to act as an assistant examiner.
"Five law examiners.
"One examiner of classification.
"One examiner of interferences.
"One examiner of trade-marks and designs.
"One first assistant examiner of trade-marks and designs.
"Six assistant examiners of trade-marks and designs.
"Forty-three principal examiners.
"Eighty-six first assistant examiners.
"Eighty-six second assistant examiners.
"Eighty-six third assistant examiners.
"Eighty-six fourth assistant examiners; and such other examiners and assistant examiners in the various grades as the Congress shall from time to time provide for."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. JAMES. Mr. President, I ask to have printed in the RECORD the report of the committee on the bill just passed.

The VICE PRESIDENT. Without objection, it will be so ordered.

The report referred to is as follows:

Mr. JAMES, from the Committee on Patents, submitted the following report:

The Committee on Patents, to whom was referred the bill (H. R. 18031) amending sections 476, 477, and 440 of the Revised Statutes, having considered the same, report it back to the Senate with the recommendation that the bill be passed.

The bill comes from the Commissioner of Patents and has heretofore unanimously passed the House of Representatives, and the reasons of desiring its passage are clearly set forth in a letter, which is hereto attached, from the Commissioner of Patents; also a letter of like import addressed to Hon. WILLIAM A. OLDFIELD, which is as follows:

DEPARTMENT OF THE INTERIOR,
UNITED STATES PATENT OFFICE,
Washington, D. C., July 24, 1914.

Hon. WILLIAM A. OLDFIELD,
Chairman House Committee on Patents.

DEAR SIR: House bill No. 18031, which you have introduced, proposes to amend sections 476, 477, and 440 of the Revised Statutes of the United States, so as to put into the Revised Statutes certain provisions which have been carried in appropriation bills, and to make other changes, all specifically pointed out below.

The bill makes no change of salary over the salaries carried by the appropriation bills for some years past and creates no new office, but, as will be indicated, changes the number of employees.

The greatest and most important change proposed is to equalize the number of first, second, third, and fourth assistant examiners. At present there are 110 fourth assistants, 88 thirds, 73 seconds, and 63 firsts. This is objectionable for the following reasons:

Each primary examiner has to supervise the work of twice as many assistants as was the case 30 years ago.

It is not practicable to increase the number of primary examiners, because it splits up the classes to an inadvisable extent, and the only relief for an excessive number of assistants relatively to the number of primary examiners is to have more assistants of higher grades and therefore better trained in their work and with better knowledge of their classes. There are on an average two and one-half fourth assistants and one and one-half first assistants to each division. I am proposing to equalize this and to have two for each division in each grade.

The proposed change will also tend to keep the assistants longer in the office, because of the increase of the rate of promotion. During the first two or three years the assistants are of comparatively slight value. The present minimum salary is necessary to get the class of men we need, but it is only by keeping them here for 8 or 10 years that the average quality of service that is required can be secured. The increase in the appropriation per annum by reason of the equalization of the number of assistants is less than $23,000, and as the total appropriations for salaries for the whole number of assistants is more than $600,000, this slight increase in salary of the assistants will be far outweighed by the percentage of increase of efficiency.

There are a number of other changes, which are enumerated as follows:

First. The bill provides specifically for the post of first assistant commissioner, an office created by the appropriation act of 1909, and fixes his salary at $4,500, which has been the salary since the office was established.

Second. It states what are the duties of the two assistant commissioners.

Third. It increases the number of examiners in chief from three to five. The reason for this amendment is that the board passes upon appeals aggregating about 1,100 per year. This is more than three men can properly pass upon. The delay and inadequate consideration of cases which naturally follow create unnecessary further appeals, with consequent expense and loss of time to applicants and a diversion of the attention of the commissioner from other useful work. Moreover, as there is no provision of the statute by which anyone other than the members of the board itself can be assigned to sit upon it, the protracted illness of one member of the board would seriously cripple its work, and the concurrent protracted illness of two members would stop the hearing of appeals.

Fourth. For a number of years the appropriation act has provided that the chief clerk shall be qualified to act as principal examiner, and this qualification is put into the Revised Statutes. This is very important, because an enormous amount of mail reaching the office contains inquiries which can be answered by the chief clerk if he is thoroughly familiar with the work of the office, but would otherwise have to be sent to the examiners or commissioner for reply.

Fifth. The librarian should be qualified to act as an assistant examiner, because the library is primarily intended for use in making searches.

Sixth. There are at present two law examiners, who are both assigned to supervising initiation of interferences. I am asking that the number be increased to five, the other three men being needed to do similar supervisory work with a view to making the work in the 43 different divisions of the office more nearly uniform. This work can not be done properly by the commissioner, because in doing it he would have to pass upon many questions which would normally come before him on appeal, and he should not commit himself before hearing the appeals. The work could not be done by assistant examiners, because the primary examiners would not defer to their judgment, but the law examiners are recognized as equal in standing with the principal examiners; in fact, receiving slightly larger salary, so that they can do supervisory work with advantage.

Seventh. The post of examiner in charge of classification work was established by the appropriation act of 1909 and has been continued ever since. There is no work of the office that is more difficult, and it is a continuing work, since the classification must always be under revision.

Eighth. The changes of salary indicated are all merely fixing salaries which have been in the appropriation acts for a number of years.

Ninth. The omission of the provision that two of the second assistant examiners shall be women is not intended to exclude them, but to remove the possible limitation upon the commissioner. Women make excellent assistant examiners and are appointed whenever opportunity arises.

Tenth. The grades of first, second, third, and fourth assistant examiners, heretofore made a part of the appropriation act, but for several years omitted, the difference being indicated only by the differences of salary, are reestablished, and the grade of fourth assistant examiner will, for the first time, be placed in the Revised Statutes, it having so far been carried in the appropriation acts only.

Eleventh. The number in each of the grades of assistant examiner is made 86. Since the time that there were 24, as indicated in section 440, the number has been gradually increased until at the present time there are 110 fourth assistant examiners, 88 third assistants, 73 second assistants, and 63 first assistants. The total number of assistants is 334. The increase by reason of making 86 in each grade would be 10 assistants, or a total of 344.

The total number of increases in the force by the foregoing bill is 15, and the total annual increase of salary due to this increase in the members of the force and reorganization of the assistant examiners, if given effect by the Congress, will be slightly more than $61,000.

In conclusion, I wish to say that I can not too strongly urge the need of this reorganization and increase of the force. The business of the office to-day is larger than it has ever been. The number of applications filed and the labor of examining each application increases steadily with the growth of the literature of the various arts, so that the office force is less adequate to do the work which it has to do than it was 10 years ago.

It is the function of the office to prevent the granting of patents which should not be granted, and the insufficiency of provision for its work results inevitably in improperly granting patents, with consequent burden upon the public.

Respectfully,

THOMAS EWING, *Commissioner.*

DEPARTMENT OF THE INTERIOR,
PATENT OFFICE,
Washington, D. C., January 8, 1915.

Hon. OLLIE M. JAMES,
United States Senate.

DEAR SENATOR JAMES: This bill carries only 10 additional assistant examiners, 3 additional law examiners, and 2 additional examiners in chief over what have been in the office for some years. All of the additional men will come on through the Civil Service Commission, excepting the 2 additional examiners in chief, who will be presidential appointees.

The bill further equalizes the number of assistant examiners in the 4 classes. At present there are 110 fourth assistant examiners, 88 thirds, 73 seconds, and 63 firsts. The bill provides for 86 men in each class.

The effect of making the number the same in each class is to increase the average salary of assistant examiners from about $1,880 a year, as at present, to $1,950 a year, an increase of $70 per examiner.

The total increase in salaries would be slightly more than $61,000. The office turned in last year a surplus of $240,000 and will turn in this year a much larger surplus.

The new law examiners are important to aid in carrying out administrative reforms which have been recently instituted looking to the unification of practice in the Patent Office, and to more rapid and satisfactory disposition of the business of the office.

The new examiners in chief are necessary partly because the work is too heavy at present, and partly because the general speeding up of the work in the office is certain to increase the labors of the examiners in chief.

Finally, the additional assistant examiners are needed to aid in the more rapid disposition of the business, there being such an accumulation of the work in a number of the divisions that applicants are obliged to wait six months or longer before their applications are reached for action.

The number of applications for patents is substantially the same this year as last, differing only by about 300. The number of trade-mark applications, however, has increased in one year by 20 per cent, and the number of design applications has more than doubled in four years, so that the work this year is larger than it ever was, and is steadily growing.

Owing to the slow promotions because of the small number of first and second assistant examiners, 50 per cent of the resignations are by third assistant examiners. After we have trained them and made them useful they resign and go into practice. I am fully convinced that if we could induce the assistants who resign to remain a few years longer in the office than they now do the efficiency of the force would be increased out of all proportion to the increased appropriation now required. The object of unifying the number of men in the different grades is to induce the assistants to remain longer in the office.

Respectfully,

THOMAS EWING, *Commissioner.*

POLITICAL STATUS OF PEOPLE OF THE PHILIPPINE ISLANDS.

The bill (H. R. 18459) to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands, was announced as next in order.

Mr. LIPPITT. I ask that that go over.

Mr. SHAFROTH. Mr. President, in regard to the bill which has just been announced as next in order on the calendar, I wish to say a few words. The Senator from Nebraska [Mr. HITCHCOCK], who has been ill for the last two or three days, has been endeavoring to call this bill up for consideration. It is a bill relating to government of the Philippine Islands, and upon it a great deal of testimony has been taken, amounting to 750 pages. The matter was carefully considered by the committee. A majority report was made which was assented to by all but four Senators.

I recognize the fact, of course, that under the unanimous-consent rule the bill can not be taken up and considered, but I want to appeal to the Senators who have filed the minority report, because of the importance of the bill——

Mr. LIPPITT. Mr. President, I shall have to insist on my objection to the bill.

Mr. SHAFROTH. I want to make a brief statement, and I can do so when the next bill is announced, if the Senator does not allow me to say it now. Of course the Senator can object to the consideration of the bill at once.

Mr. NELSON. I will not object to any statement the Senator may desire to make, but I shall object to the consideration of the bill.

Mr. SHAFROTH. Mr. President, I understand the Senator has a perfect right to do that. We have been trying for weeks, and the Senator from Nebraska, the chairman of the Committee on the Philippines, particularly has been trying, to get this bill up for consideration; but on account of the pressure of business, on account of the fact that we had the shipping bill, the immigration bill, and the great supply bills, by which the expenses of the Government are paid, it has been impossible to find time for the consideration of this measure.

I want now to ask Senators on the other side who are opposed to this bill, if they will not, after the completion of this Unanimous Consent Calendar, consent to consider this bill and agree to take a vote on it after two hours' discussion.

Mr. POINDEXTER. Mr. President——

Mr. SHAFROTH. It is very important. It is a measure, Mr. President, that the Philippine people are looking to Congress for with intense eagerness. They have been assured from almost the beginning of the occupation of the islands by the Americans of self-government and independence. Now, since the bill has passed the House, inasmuch as it has been favorably reported by the Committee on the Philippines of the Senate, and inasmuch as it is here upon the calendar, it seems to me that we ought to be able, since the bill has been modified largely and does not embody as strong provisions as I had hoped it would, to give it two hours' discussion after the consideration of the bills on the calendar.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Washington?

Mr. SHAFROTH. I do.

Mr. POINDEXTER. It would be utterly useless for the Senator to undertake to dispose of the bill at this session of Congress.

Mr. SHAFROTH. How much time would the Senator want?

Mr. POINDEXTER. I would want enough time to undertake to defeat the bill as it stands now. I can not understand why the Senator from Colorado should regard it as important that this Government should declare now what its attitude and policy in regard to the Philippines is going to be at some distant time in the future. It will be well enough for us when

we arrive at that future time to determine then what our policy will be in regard to these islands upon which we have expended so much money and so many lives.

Mr. BRANDEGEE. Mr. President, I am compelled to demand the regular order.

Mr. WEEKS. Regular order!

Mr. BRANDEGEE. I insist upon the demand.

Mr. SHAFROTH. As long as our Declaration of Independence contains the statement that the "just powers of government are derived from the consent of the governed," so long must we recognize that we can not govern the Philippine people without their consent and that means if we are true to the spirit of our Government we must recognize their right to independence.

Mr. BRANDEGEE. Regular order.

Mr. SHAFROTH. I think I have the right to proceed on this bill.

The VICE PRESIDENT. No. The regular order has been demanded.

Mr. SHAFROTH. Then, I can speak on the next bill.

The VICE PRESIDENT. When there is the call for the regular order there is nothing which the Chair can do except to enforce it, and Senators ought to grant the courtesy to the Chair when they know that is the rule and not compel the Chair to insist on enforcing it. The regular order is demanded. The Secretary will state the next bill on the calendar.

LESTER A. ROCKWELL.

The bill (S. 283) for the relief of Lester A. Rockwell was announced as next in order.

Mr. SHAFROTH. Mr. President, I want to be heard on that bill.

Mr. SMOOT. Mr. President, a point of order.

The VICE PRESIDENT. The Senator from Utah.

Mr. SMOOT. I wish to call the attention of the Chair to the fact that we are proceeding to consider bills on the calendar under Rule VIII, and each Senator only has a right to speak for five minutes.

Mr. SHAFROTH. Certainly. But I do not want that long; I merely want to make an observation in reply to the Senator from Washington. I will not take more than two or three minutes.

The Senator from Washington has said that he wants a sufficient length of time of consideration to defeat this measure. It seems to me that, in view of the fact that ever since the occupation of those islands we have continually promised these people not only self-government but independence, it comes with poor grace from Senators who believe in the principles enunciated in the Declaration of Independence that we should in any manner attempt to prevent the passage of such a measure as the one looking to the independence of the Philippine Islands. Men may differ somewhat as to the length of time that may be required to give these people independence, but I can not understand how anyone can deny the fact that they are entitled to it by virtue of their rights as citizens and by virtue of the principles enunciated in our palladium of liberty.

Mr. POINDEXTER. Mr. President——

Mr. SHAFROTH. I yield to the Senator.

Mr. POINDEXTER. Mr. President, the Senator is not any more in favor of giving to the Philippine Islands that degree of self-government which is proper under all the circumstances than I am. The Senator seems to be confused in his statements, for he is mentioning in the same breath self-government and independence, which, in the the case of the Philippines, are two entirely distinct and contradictory things. There can be no self-government in the Philippine Island if the United States gives those islands independent government. The only self-government that can exist in those islands is under the protection of the United States; yet the Senator undertakes to say that at some future time we will withdraw that protection.

Mr. SHAFROTH. Mr. President, I can not let the Senator take all of my time. I merely want to say in reply that the distinction which the Senator is attempting to make is really not well founded. Self-government does mean independence——

Mr. PENROSE. Regular order!

Mr. SHAFROTH. That is what it means; but, even if it did not mean independence, we have no right to govern those islands indefinitely when their people are intelligent enough to conduct a government of their own. I believe that they are more capable now of governing themselves under an independent government than we are to enforce any government upon them. There never was a people that had intelligent classes as found amongst the Philippine people who did not have the essential elements of independence and of self-government.

Mr. LIPPITT. Mr. President, I should just like to say a word—and I will not take more than two minutes—in regard to the Philippine bill and why it is impossible to agree to the request which the Senator from Colorado has made.

That bill deals with a very important subject in relation to the happiness, prosperity, and future welfare of 8,000,000 people. There are very decided differences of opinion in regard to the right way in which this country ought to go about the great duty which they have undertaken toward the people of those islands.

There are a number of Senators who have been very closely connected with this question, who are very familiar with it, and who are very anxious to discuss it. There are at least seven or eight Senators on this side of the Chamber who have very different opinions from those just pronounced by the Senator from Colorado, and who would not be willing to have this bill put upon its passage until they have had an opportunity to express their views and give the reasons for the views they hold.

In regard to this bill, therefore, I can only say to the Senator from Colorado that it will be absolutely impossible to pass the bill and have it discussed in the way Senators want to discuss it within the short time that remains of this session. So that to ask for unanimous consent agreement for that purpose, I think, is idle, as it would be necessary to refuse it.

SEVERAL SENATORS. Regular order!

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill (S. 283) for the relief of Lester A. Rockwell, and the Senate, as in Committee on the Whole, proceeded to its consideration. It provides that in the administration of the pension laws and laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Lester A. Rockwell, who was a private of Company G, First Regiment Connecticut Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 29th day of April, 1865; but no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LAWS RELATING TO THE JUDICIARY.

The bill (S. 7041) to amend section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was announced as next in order.

Mr. NELSON. I object to that bill, Mr. President.

Mr. SMITH of Georgia. Mr. President, this is a very meritorious bill, and the only reason I do not urge the Senator to withdraw the objection is that it is too late now to pass it at this session, as it is a Senate bill. It will be the first bill I shall present at the next session.

The VICE PRESIDENT. Objection being made, the bill goes over.

POST OFFICE AT COHOES, N. Y.

Mr. SWANSON. Mr. President, from the Committee on Public Buildings and Grounds, I report favorably without amendment the bill (H. R. 21184) to increase the limit of cost of the United States post-office building and site at Cohoes, N. Y. I call the attention of the Senator from New York [Mr. O'GORMAN] to the bill.

Mr. O'GORMAN. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to increase the limit of cost heretofore authorized by Congress for the purchase of a site and the erection of a post-office building at Cohoes, N. Y., from $100,000 to $140,000.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTATE OF JAMES BELL, DECEASED.

Mr. WHITE. From the Committee on Revolutionary Claims, I report a resolution referring Senate bill 7633, for the relief of Bella Crounse and other heirs of the estate of James Bell, deceased, to the Court of Claims. I ask unanimous consent for the immediate consideration of the resolution.

Mr. SMOOT. I suppose, Mr. President, the request is in conformity with the unanimous-consent agreement.

The VICE PRESIDENT. The Chair thinks it is, the agreement including bills on the calendar and reports of committees whenever unobjected to.

Mr. SMOOT. That is the way I understand the agreement.

The VICE PRESIDENT. Is there objection?

The resolution (S. Res. 574) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the bill (S. 7633) for the relief of Bella Crounse and other heirs of the estate of James Bell, deceased, and all papers relating thereto be, and the same is hereby, referred to the Court of Claims for an investigation and report to the Senate of the facts of the claim referred to in said bill, in accordance with the provisions of the act of March 3, 1911, commonly known as the judicial code.

THE CALENDAR.

Mr. SMOOT. I hope that we may be allowed now to proceed with the calendar. We can consider committee reports after the calendar is concluded.

Mr. SWANSON. Mr. President, I should like——

Mr. GRONNA. I object.

The VICE PRESIDENT. There is objection.

Mr. SWANSON. There are some bills that have come over from the House, and are on the Presiding Officer's table, which are very much more important than some of the bills on the calendar.

Mr. PENROSE. Regular order!

Mr. SWANSON. Very well; I will wait until we conclude with the calendar.

The bill (S. 6194) to provide for the acquisition of a site and erection of a public building thereon at Hood River, Oreg., was announced as next in order.

Mr. SMITH of Georgia. Mr. President, it is a waste of time to read these Senate bills. We could not possibly get a Senate bill through the House.

Mr. PENROSE. Then let us object to them.

Mr. SMITH of Georgia. I object to this bill simply for that reason.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 6373) to provide for the payment for certain lands within the former Flathead Indian Reservation, in the State of Montana, was announced as next in order.

Mr. PENROSE. I object.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 15799) to provide for stock-raising homesteads, and for other purposes, was announced as next in order.

Mr. SMOOT. Mr. President, just a short statement. In the absence of the Senator from Idaho I feel compelled to object to the consideration of that bill at this time, but I will say to the Senate that to-morrow morning I shall have no objection to the consideration of the bill provided section 6 is stricken from it.

Mr. SHAFROTH. Why can not the Senator move to strike it out now?

Mr. SMOOT. The Senator from Idaho wants to make a statement upon this bill when it is before the Senate.

The VICE PRESIDENT. An objection is made, and the bill will be passed over. We are just losing time.

The bill (S. 7255) to provide a harbor boat for the Revenue-Cutter Service to replace the *Hartley* at San Francisco, Cal., was announced as next in order.

Mr. PENROSE. I object.

Mr. SMITH of Georgia. I should like to make a general objection to all these Senate bills, because it is a waste of time to start with them now. We know we can not send them to the House and pass any of them.

Mr. SHAFROTH. I hope the Senator will not do that, because of the fact that we have a House bill that corresponds with the Senate bill in some cases.

Mr. SMITH of Georgia. Then I will withdraw the request.

Mr. PENROSE. Regular order!

The bill (S. 4320) for the relief of certain homestead entrymen for lands within the limits of the Glacier National Park was announced as next in order.

Mr. PENROSE. I object.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3200) relating to desert-land entries was announced as next in order.

Mr. PENROSE. I object.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 16029) to authorize the Secretary having jurisdiction of the same to set aside certain public lands to be used as national sanitariums by fraternal or benevolent organizations, and for other purposes, was announced as next in order.

Mr. JONES. Let that bill go over.

Mr. PITTMAN. Was there an objection to this bill?

The VICE PRESIDENT. The Senator from Washington objected.

Mr. JONES. I asked that it go over.

Mr. PENROSE. It has been objected to. Regular order!

Mr. PITTMAN. I could not understand the Senator on account of the confusion around me.

Mr. JONES. I asked that the bill go over.

Mr. PITTMAN. House bill 16029?

Mr. JONES. Yes.

Mr. PITTMAN. Has the Senator any serious objection to it, or is he just saving time?

Mr. PENROSE. Regular order!

Mr. MYERS. Let me appeal to the Senator from Washington to withdraw his objection and let that bill be considered. It is a House bill that has come over here, and it is of great interest to the people of the Western States.

Mr. PENROSE and Mr. GALLINGER. Regular order!

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 7109) to encourage the reclamation of certain arid lands in the State of Nevada, and for other purposes, was announced as next in order.

Mr. SMITH of Georgia. I object.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4495) providing for the establishment of a term of the district court for the district of Kansas at Salina, Kans., was announced as next in order.

Mr. SMITH of Georgia. I object.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. Res. 527) requesting the Secretary of the Treasury to transmit to the Senate certain information relative to the purchase of ships, was announced as next in order.

Mr. SMITH of Georgia. I object.

The VICE PRESIDENT. The resolution will be passed over.

ROCKY RIVER BRIDGE, OHIO.

The bill (H. R. 19078) granting the consent of Congress to the Cleveland Yacht Club Co. to construct a bridge across the west arm of Rocky River, Ohio, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIFE-SAVING STATION, SIUSLAW RIVER, OREG.

The bill (H. R. 8904) to authorize the establishment of a life-saving station at the mouth of the Siuslaw River, Oreg., was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to establish a life-saving station at the mouth of the Siuslaw River, Oreg., in such locality as the General Superintendent of the Life-Saving Service may recommend, at a cost not to exceed $12,000.

The bill was reported to the Senate without amendment, ordered to a third read, read the third time, and passed.

BILLS, ETC., PASSED OVER.

The bill (S. 4876) to amend section 41 of the national-bank act, being renumbered as section 5144 of the Revised Statutes of the United States, was announced as next in order.

Mr. PENROSE. I object.

Mr. POMERENE. Mr. President, that is a short bill and a very important one. I do not know that we will be able to get it through the House, but I should like to try if we can.

Mr. PENROSE. I withdraw the objection.

Mr. SMOOT. You can not get it through the House.

Mr. SMITH of Georgia. It would be impossible to get it through the House.

Mr. POMERENE. Possibly that is true, but there is a very great demand for action on the bill.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 5850) to amend section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, was announced as next in order.

Mr. SMOOT. I object to that bill.

Mr. SHIELDS. Mr. President, I hope the Senator from Utah will allow me to make a brief explanation of the bill, and then I think he will withdraw his objection. It is a bill that has passed the House twice. It passed at a previous Congress and has passed the House in this Congress and was recommended favorably by the Judiciary Committee unanimously. The Senator's colleague authorized me to make this statement about it—that the amendment proposed was really overlooked, or rather the section was intended to have the effect that this amendment gives it.

Mr. SMOOT. I will say to the Senator that the bill has been before the Senate on two or three or four occasions and has failed of passage at every session. There are quite a number of Senators who have been opposed to it in the past, and I do not know whether it has been changed from the time that opposition was voiced against it or not.

Mr. SHIELDS. I think the Senator must be mistaken about this bill having been before the Senate before. I understand that it has not been.

Mr. SMOOT. It passed the House and came to the Senate a number of times.

The VICE PRESIDENT. Objection being made, the bill will be passed over.

The bill (H. R. 17097) to fix the salary of the auditor of the Supreme Court of the District of Columbia, and for other purposes, was announced as next in order.

Mr. THOMAS. I object.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 3) for the relief of Fred White was announced as next in order.

Mr. PENROSE. I object.

The VICE PRESIDENT. The joint resolution will be passed over.

The resolution (S. Res. 538) proposing to amend the rules of the Senate relating to debate was announced as the next in order.

Mr. PENROSE. I object.

The VICE PRESIDENT. The resolution will be passed over.

Mr. REED. Mr. President, was there any objection to Order of Business 864, House bill 17097?

Mr. PENROSE. I object to it.

The resolution (S. Res. 113) to amend Rule XIX of the standing rules of the Senate was announced as next in order.

Mr. PENROSE. I ask that that go over.

The VICE PRESIDENT. The resolution will be passed over.

The joint resolution (S. J. Res. 221) withholding from allotment the unallotted lands or public domain of the Creek Nation or Tribe of Indians, and providing for the sale thereof, and for other purposes, was announced as next in order.

Mr. PENROSE. I ask that that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

SCHOOL BUILDINGS IN THE DISTRICT OF COLUMBIA.

The bill (H. R. 13222) to regulate the use of public-school buildings and grounds in the District of Columbia was considered as in Committee of the Whole. It provides that the control of the public schools in the District of Columbia by the board of education shall extend to, include, and comprise the use of the public-school buildings and grounds by pupils of the public schools, other children, and adults for supplementary educational purposes, civic meetings for the free discussion of public questions, social centers, centers of recreation, playgrounds. The privilege of using said buildings and grounds for any of said purposes may be granted by the board upon such terms and conditions and under such rules and regulations as the board may prescribe. That the board of education is authorized to accept, upon written recommendation of the superintendent of schools, free and voluntary services of the teachers of the public schools, other educators, lecturers, and social workers and public officers of the United States and the District of Columbia; that teachers of the public schools shall not be required or compelled to perform any such services or solicited to make any contribution for such purposes; that the public-school buildings and grounds of the District of Columbia shall be used for no purpose whatsoever other than those directly connected with the public-school system and as further provided for in this act. That all laws or parts of laws in conflict with this act be, and the same are hereby, repealed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS, ETC., PASSED OVER.

Mr. PENROSE. Mr. President, I suggest that the bills from Orders of Business 871 to 877 be omitted. They are all Senate resolutions or bills, and it is useless to try to pass them.

The resolution (S. Res. 537) that the Committee on Commerce is hereby discharged from further consideration of S. 7552 was announced as next in order.

Mr. SMITH of Georgia. I object.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 7652) providing for the continuance of the Joint Commission to Investigate Indian Affairs was announced as next in order.

Mr. PENROSE. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 7179) to provide for the establishment of a forest reserve within the Red Lake Indian Reservation, Minn., was announced as next in order.

Mr. PENROSE. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. Res. 542) directing the Secretary of the Treasury to transmit to the Senate certain information relative to interned merchant ships of belligerent nations, was announced as next in order.

Mr. PENROSE. Let that go over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 4619) authorizing and directing the Secretary of the Interior to vacate certain lands in Oklahoma reserved for a town site, and for other purposes, was announced as next in order.

Mr. PENROSE. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 7545) to provide for the acquisition of a site and the erection of a public building thereon at Fort Worth, Tex., and for the remodeling, altering, etc., of the present post-office building, was announced as next in order.

Mr. PENROSE. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

ESTATE OF FRANK HENRY ROGERS.

The bill (H. R. 20439) for the relief of the heirs of the late Frank Henry Rogers was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 5, after the word "to," to strike out "the heirs of the late" and insert "Mary L. Rogers, widow of," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mary L. Rogers, widow of Frank Henry Rogers, who died from injuries received in the performance of his duties as an assistant superintendent of construction under the Supervising Architect of the Treasury, while engaged in inspection work on the Federal building at Bellaire, Ohio, the sum of $2,190.

Mr. REED. What is the amount carried in the bill?

The VICE PRESIDENT. The amount is $2,190.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act for the relief of Mary L. Rogers, widow of Frank Henry Rogers."

ROCK CREEK AND POTOMAC PARKS.

The joint resolution (S. J. Res. 222) concerning the connecting parkway between Rock Creek and Potomac Parks was announced as next in order.

Mr. PENROSE. I object.

The VICE PRESIDENT. The joint resolution will be passed over.

LANDS IN AKRON, OHIO.

The bill (H. R. 18550) empowering and directing the Secretary of the Treasury to convey by quitclaim deed certain lands in the city of Akron, State of Ohio, was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to convey by the usual quitclaim deed, to the city of Akron, in the State of Ohio, for street purposes and no other, the northeasterly five feet of the new Federal building site, at the southwesterly corner of East Market and Prospect Streets, in said city.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROCK CREEK AND POTOMAC PARKS.

Mr. SMOOT. Mr. President, Order of Business 879 was asked to go over, I believe, thinking it was a Senate bill; but——

Mr. SMITH of Georgia. It is a joint resolution.

Mr. SMOOT. I ask that it be considered now.

Mr. PENROSE. All right.

Mr. SMOOT. Yes; I see it is a joint resolution.

Mr. REED. I object.

Mr. SMOOT. That is right. I thought it was a Senate resolution.

Mr. PENROSE. The objection is withdrawn.

Mr. SMOOT. No; let the objection go. It is a joint resolution.

Mr. PENROSE. That is what I thought it was, and therefore I objected.

Mr. SMITH of Georgia. It is a joint resolution. We could not possibly get it through. We are wasting time.

Mr. CHAMBERLAIN. Mr. President, I desire to ask leave to submit a report and let it go to the foot of the calendar.

Mr. SMOOT. I believe that is out of order.

Mr. REED. Regular order!

Mr. PENROSE. Objection is made to the report, as I understand.

W. F. NICHOLS.

The bill (H. R. 4266) granting patent to certain lands to the legal heirs of W. F. Nichols was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to issue a patent conveying title to the east half northeast quarter section

11, township 10 south, range 29 west, Arkansas, to the legal heirs of W. F. Nichols, upon the payment of $1.25 an acre therefor.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS, ETC., PASSED OVER.

The bill (S. 4712) to authorize the sale of certain lots in the Hot Springs Reservation for church and hospital purposes was announced as next in order.

Mr. SMOOT and Mr. PENROSE. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 183) for control and distribution of the flood waters of the Rio Grande was announced as next in order.

Mr. PENROSE. Let that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

JAMES EASSON.

The bill (H. R. 900) for the relief of James Easson was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to pay to James Easson, of Racine, Racine County, Wis., out of any money in the Treasury not otherwise appropriated, the sum of $300, being the sum unlawfully collected from him by the board of enrollment, namely, $300, to furnish a substitute when drafted for service in the Army, he not being a citizen of the United States at the time.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS, ETC., PASSED OVER.

The bill (S. 7078) to repeal an act entitled "An act granting to the city of Twin Falls, Idaho, certain lands for reservoir purposes," approved June 7, 1912, and to revoke the grant made thereby was announced as next in order.

Mr. PENROSE. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 5681) to amend an act approved June 22, 1910, entitled "An act to provide for agricultural entries on coal lands," was announced as next in order.

Mr. PENROSE. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 7140) creating an additional land district in the State of California, and for other purposes, was announced as next in order.

Mr. PENROSE. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

CAPT. FRANK E. EVANS.

The bill (S. 5619) to transfer Capt. Frank E. Evans from the retired to the active list of the Marine Corps was announced as next in order.

Mr. PENROSE. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

Mr. HOLLIS. Mr. President, that bill is a little different from the others. It was reported at the request of the junior Senator from Pennsylvania [Mr. OLIVER], Capt. Evans being a resident of Pennsylvania. The same bill is pending in the House and has been favorably reported, so that if it is passed here it can be passed there. I have no interest in it beyond the fact that Senator OLIVER is interested in it.

Mr. SMOOT. It could only be passed in the House under suspension of the rules.

Mr. HOLLIS. I think they will take care of it. It is not a matter in which I have any personal interest.

Mr. HUGHES. I object.

The VICE PRESIDENT. Objection being made, the bill will be passed over.

LAND PATENTS.

The bill (S. 6623) in relation to the location, entry, and patenting of lands within the former Uncompahgre Indian Reservation, in the State of Utah, containing gilsonite or other like substances, and for other purposes, was announced as next in order.

Mr. PENROSE. Let that go over.

Mr. HUGHES. I object to the bill.

The VICE PRESIDENT. The bill will be passed over.

LANDS IN GUTHRIE, OKLA.

The bill (H. R. 21200) quieting title to a certain tract of land located in the city of Guthrie, Okla., was considered as in Committee of the Whole. It proposes to remove a cloud from the title to a certain tract of land located in the city of Guthrie, State of Oklahoma, and more particularly described as follows, to wit: A tract of land 680 feet square, containing 10.62 acres, located within that part of the city of Guthrie, Logan County, Okla., formerly known as Capitol Hill, and bounded as follows: On the north by Cleveland Avenue, on the west by Capitol Boulevard, on the south by Harrison Avenue, on the east by Drexel Boulevard, designated and known on the official plat as Capital Park, whatsoever right, title, or interest the United States may have in and to said tract of land by reason of escheat or otherwise, be and the same is hereby released and quitclaimed unto said city of Guthrie.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REGISTRY OF VESSELS.

The bill (H. R. 18686) to provide for provisional certificates of registry of vessels abroad, and for other purposes, was considered as in Committee of the Whole. It authorizes the consular officers of the United States and such other persons as may from time to time be designated by the President for the purpose to issue provisional certificates of registry to vessels abroad which have been purchased by citizens of the United States, including corporations, as defined in section 4132, Revised Statutes, as amended by the Panama Canal act and the act of August 18, 1914, etc.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INSPECTION OF STEAM VESSELS.

The bill (H. R. 20107) to amend sections 4421, 4422, 4423, 4424, and 4498 of the Revised Statutes of the United States, and section 12 of the act of May 28, 1908, relating to certificates of inspection of steam vessels, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. POMERENE. I suggest that the report of the Committee on Commerce be incorporated in the RECORD immediately following the passage of the bill.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[Senate Report No. 1006, Sixty-third Congress, third session.]

AMENDING CERTAIN SECTIONS OF THE REVISED STATUTES.

Mr. NELSON, from the Committee on Commerce, submitted the following report:

The Committee on Commerce, to whom was referred the bill (H. R. 20107) to amend sections 4421, 4422, 4423, 4424, and 4498 of the Revised Statutes of the United States, and section 12 of the act of May 28, 1908, relating to certificates of inspection of steam vessels, having considered the same, report thereon with a recommendation that it pass without amendment.

The bill has the approval of the Department of Commerce, as will appear by the following letter, which is made a part of this report, together with a report of the Committee on the Merchant Marine and Fisheries of the House of Representatives.

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, February 5, 1915.

Hon. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

MY DEAR SENATOR: On February 3, 1915, the House of Representatives passed H. R. 20107, to amend sections 4421, 4422, 4423, 4424, and 4498 of the Revised Statutes of the United States, and section 12 of the act of May 28, 1908, relating to certificates of inspection of steam vessels.

This bill was reported to the Senate on February 4, 1915, and referred to the Committee on Commerce. The amendments provided for in this act were submitted to me for my approval by the Steamboat-Inspection Service, and after carefully examining them such approval was given. I am of the opinion that the amendments are not only wise but necessary, and hope that the bill may pass the Senate without any delay. I will appreciate anything you may do to bring that result about.

Very truly, yours, WILLIAM C. REDFIELD, *Secretary.*

[House Report No. 1284, Sixty-third Congress, third session.]

The Committee on the Merchant Marine and Fisheries, to whom was referred the bill (H. R. 20107) to amend sections 4421, 4422, 4423, 4424, and 4498 of the Revised Statutes of the United States and section 12 of the act of May 28, 1908, relating to certificates of inspection of steam vessels, having considered the bill, report it to the House with the recommendation that it do pass.

The advisability of this legislation is fully set forth in the following communications from Hon. A. L. Thurman, Solicitor for the Department of Commerce, and Gen. George W. Uhler, Supervising Inspector General Steamboat-Inspection Service:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SOLICITOR,
Washington, December 23, 1914.

Hon. J. W. ALEXANDER,
House of Representatives, Washington, D. C.

DEAR SIR: Your letter of the 21st instant, addressed to Secretary Redfield, in regard to H. R. 20107, a bill to amend sections 4421, 4422, 4423, 4424, and 4498 of the Revised Statutes of the United States, and section 12 of the act of May 28, 1908, relating to certificates of inspection of steam vessels, and requesting that the advice of the department be given to the committee, with reference to the merits of the bill and the wisdom of enacting the same into law, has been referred to me for attention.

I herewith send you a communication addressed to me by Gen. Uhler, Supervising Inspector General Steamboat-Inspection Service, containing in full the reasons why the bureau considers the proposed

legislation not only advisable, but necessary. The communication of Gen. Uhler expresses the opinion of the department.

If there is any other information the committee would like in regard to the bill, if you will notify me I will see that it is promptly furnished.

Respectfully, A. L. THURMAN, *Solicitor.*

DEPARTMENT OF COMMERCE,
STEAMBOAT-INSPECTION SERVICE,
Washington, December 15, 1914.

The SOLICITOR DEPARTMENT OF COMMERCE:

This bureau submits herewith, in accordance with recent general directions of the Secretary of Commerce, the following proposed amendments in sections 4421, 4422, 4423, 4424, and 4498, Revised Statutes of the United States, and in section 12 of the act of Congress approved May 28, 1908, entitled "An act to amend the laws relating to navigation, and for other purposes," which amendments relate to certificates of inspection and certificate to carry gunpowder issued to vessels, for the necessary action thereon, with the recommendation that these amendments be submitted to Congress for enactment into law.

CERTIFICATE OF INSPECTION.

Section 4421, Revised Statutes, as amended by the act of Congress approved June 25, 1910, reads as follows:

"SEC. 4421. When the inspection of a steam vessel is completed and the inspectors approve the vessel and her equipment throughout they shall make and subscribe a certificate to the collector or other chief officer of the customs of the district in which such inspection has been made, in accordance with the form and regulations prescribed by the board of supervising inspectors. Such certificate shall be verified by the oaths of inspectors signing it before the chief officer of the customs of the district or any other person competent by law to administer oaths. If the inspectors refuse to grant a certificate of approval, they shall make a statement in writing and sign the same, giving the reasons for their disapproval. Upon such inspection and approval the inspectors shall also make and subscribe a temporary certificate, which shall set forth substantially the fact of such inspection and approval and shall deliver the same to the master or owner of the vessel and shall keep a copy thereof on file in their office. The said temporary certificate shall be carried and exposed by vessels in the same manner as is provided in section 4423 for copies of the regular certificate, and the form thereof and the period during which it is to be in force shall be as prescribed by the board of supervising inspectors, or the executive committee thereof, as provided in section 4405. And such temporary certificate, during such period and prior to the delivery to the master or owner of the copies of the regular certificate, shall take the place of and be a substitute for such copies of the regular certificate of inspection, as required by sections 4423, 4424, and 4426, and for the purposes of said sections, and shall also during such period be a substitute for the regular certificate of inspection, as required by section 4498, and for the purposes of said section until such regular certificate of inspection has been filed with the collector or other chief officer of customs. Such temporary certificate shall also be subject to revocation in the manner and under the conditions provided in section 4453. No vessel required to be inspected under the provisions of this title shall be navigated without having on board an unexpired regular certificate of inspection or such temporary certificate: *Provided, however,* That any such vessel operated upon a regular established line from a port of the United States to a port of a foreign country not contiguous to the United States, whose certificate of inspection expires at sea or while said vessel is in a foreign port or a port of the Philippine Islands or Hawaii may lawfully complete her voyage without the regular certificate of inspection or the temporary certificate required by this section, and no liability for penalties imposed by this title for want of such certificate shall be incurred until her voyage shall have been completed: *Provided,* That said voyage shall be so completed within 30 days after the expiration of said certificate or temporary certificate: *Provded further,* That no such vessel whose certificate of inspection shall expire within 15 days of the day of her sailing shall proceed upon her voyage to such port of a foreign country not contiguous to the United States without first having procured a new certificate of inspection or the temporary certificate required by this section."

This bureau recommends that the section be amended so as to read as follows (only the part down to the first proviso has been amended):

"SEC. 4421. When the inspection of a steam vessel is completed and the inspectors approve the vessel and her equipment throughout they shall make and subscribe a certificate, which shall be delivered to the master or owner of the vessel, and a copy of said certificate shall be kept on file in the inspectors' office. The inspectors shall deliver one copy of the certificate to the collector or other chief officer of the customs of the district in which such inspection has been made, in accordance with the form and regulations prescribed by the board of supervising inspectors. Such certificate shall be verified by the oaths of inspectors signing it, before the chief officer of the customs of the district or any other person competent by law to administer oaths. Every collector or other chief officer of the customs shall retain on file all copies of certificates of the inspectors required to be delivered to him. If the inspectors refuse to grant a certificate of approval, they shall make a statement in writing, and sign the same, giving the reasons for their disapproval. Upon such inspection and approval the inspectors shall also make and subscribe a temporary certificate, which shall set forth substantially the fact of such inspection and approval, and shall deliver the same to the master or owner of the vessel, and shall keep a copy thereof on file in their office. The said temporary certificate shall be carried and exposed by vessels in the same manner as is provided in section 4423 for the regular certificate, and the form thereof and the period during which it is to be in force shall be as prescribed by the board of supervising inspectors, or the executive committee thereof, as provided in section 4405. And such temporary certificate, during such period and prior to the delivery to the master or owner of the regular certificate, shall take the place of and be a substitute for the regular certificate of inspection, as required by this section and by section 4426 and for the purposes of said sections. Such temporary certificate shall also be subject to revocation in the manner and under the conditions provided in section 4453. No vessel required to be inspected under the provisions of this title shall be navigated without having on board an unexpired regular certificate of inspection or such temporary certificate: *Provided, however,* That any such vessel, operated upon a regularly established line from a port of the United States to a port of a foreign country not contiguous to the United States, whose certificate of inspection expires at sea, or while said vessel is in a foreign port or a port of the Philippine Islands or Hawaii, may lawfully complete her voyage without the regular certificate of inspection or the temporary certificate required by this section, and no liability for penalties imposed by this title for want of such certificate shall be incurred until her voyage shall have been completed: *Provided,* That said voyage shall be so completed within 30 days after the expiration of said certificate or temporary certificate: *Provided further,* That no such vessel whose certificate of inspection shall expire within 15 days of the date of her sailing shall proceed upon her voyage to such port of a foreign country not contiguous to the United States without first having procured a new certificate of inspection or the temporary certificate required by this section."

The purposes of the proposed amendments in the section are as follows:

First. Present section 4421 requires that the original copy of the certificate of inspection issued to a steam vessel shall be delivered to the chief officer of customs and that a copy of the same shall be retained by the inspectors. Present section 4423 requires that every chief officer of customs shall retain on file the original certificate of inspection and shall issue to the master or owner of the vessel three certified copies thereof, two of which shall, where practicable, be posted in conspicuous places in the vessel, and the third copy shall be retained by the master or owner.

Altogether five copies of the certificate of inspection, including the original, are now required by law.

By the proposed amendments in section 4421 the original certificate would be issued by the inspectors direct to the owner or master and be kept on board the vessel.

The inspectors would issue a copy of the certificate to the chief officer of customs of the district, which would be filed in his office. A copy of the certificate would be retained on file in the inspectors' office.

Three copies of the certificate of inspection, including the original certificate, for every steam vessel inspected would thus be required under the proposed amendment, thereby saving two copies for each steam vessel inspected.

This bureau deems that the original certificate of inspection issued direct to the master or owner of the vessel, one copy to the chief officer of customs, and one copy on file in the inspectors' office are sufficient for the reason that one copy posted on board the vessel is sufficient for the vessel, and it is not necessary that the master or owner of the vessel have a copy in addition to that in his possession on board the vessel.

As to issuing the original certificate of inspection direct to the master or owner of the vessel and kept on board the vessel, delivering a copy of the certificate to the chief officer of customs, and retaining a copy on file in the inspectors' office, would state that such is now the practice in the case of certificates of inspection issued to sail vessels of over 700 gross tons carrying passengers for hire, and barges of over 100 gross tons carrying passengers for hire, under the provisions of section 4417, Revised Statutes, and in the case of certificates of examination issued to foreign steam vessels of countries having reciprocal inspection with the United States, under the provisions of section 4400, Revised Statutes, as amended by the act of Congress approved March 17, 1906, which practice works satisfactorily.

Second. The words "forty-four hundred and twenty-three, forty-four hundred and twenty-four," and "and shall also, during such period, be a substitute for the regular certificate of inspection, as required by section 4498, and for the purposes of said section until such regular certificate of inspection has been filed with the collector or other chief officer of customs," are stricken out, to conform with proposed amendments in sections 4421, 4423, 4424, and 4498.

LICENSE TO CARRY GUNPOWDER.

Section 4422, Revised Statutes, reads as follows:

"SEC. 4422. Upon the application of any master or owner of any steam vessel employed in the carriage of passengers, for a license to carry gunpowder, the local inspectors shall examine such vessel, and if they find that she is provided with a chest or safe composed of metal, or entirely lined and sheathed therewith, or if the vessel has one or more compartments thoroughly lined and sheathed with metal, at a secure distance from any fire, they may grant a certificate to that effect, authorizing such vessel to carry as freight within such chest, safes, or compartments, the article of gunpowder."

This bureau recommends that the section be amended so as to read as follows:

"SEC. 4422. Upon the application of any master or owner of any steam vessel employed in the carriage of passengers, for a license to carry gunpowder, the local inspectors shall examine such vessel, and if they find that she is provided with a chest or safe composed of metal, or entirely lined and sheathed therewith, or if the vessel has one or more compartments thoroughly lined and sheathed with metal, at a secure distance from any fire, they may grant a certificate to that effect, authorizing such vessel to carry as freight within such chest, safes, or compartments, the article of gunpowder, which certificate shall be kept conspicuously posted on board such vessel."

A comma and the words "which certificate shall be kept conspicuously posted on board such vessel" are added after the word "gunpowder" at end of the section.

A corresponding amendment is proposed to be made in section 4424, Revised Statutes.

The purpose of this amendment in section 4422 is to require that the certificate to carry gunpowder shall be kept conspicuously posted on board the vessel. Present section 4424 provides that such steam vessel shall be liable to a penalty if a certified copy of the certificate is not "placed and kept as required" when carrying gunpowder on board, but the law does not state how the certificate is required to be placed and kept.

This bureau deems it advisable to require that when gunpowder is carried on a passenger steamer the fact should be made public by posting the certificate on board.

POSTING OF CERTIFICATE OF INSPECTION.

Section 4423, Revised Statutes, as amended by act of Congress approved March 3, 1905, reads as follows:

"SEC. 4423. Every collector or other chief officer of the customs shall retain on file all original certificates of the inspectors required to be delivered to him, and shall give to the master or owner of the vessel therein named three certified copies thereof, two of which shall be placed by such master or owner in conspicuous places in the vessel where they will be most likely to be observed by passengers and others, and there kept at all times, framed under glass, and the other shall be

retained by such master or owner as evidence of the authority thereby conferred: *Provided, however,* That where it is not practicable to so expose said copies they shall be carried in the vessel in such manner as shall be prescribed by the regulations established by the board of supervising inspectors with the approval of the Secretary of Commerce."

This bureau recommends that the section be amended so as to read as follows:

"SEC. 4423. The original certificate of inspection delivered to the master or owner of a steam vessel shall be placed by such master or owner in a conspicuous place in the vessel where it will be most likely to be observed by passengers and others, and there kept at all times, framed under glass, as evidence of the authority thereby conferred: *Provided, however,* That where it is not practicable to so expose said certificate, it shall be carried in the vessel in such manner as shall be prescribed by the regulations established by the board of supervising inspectors with the approval of the Secretary of Commerce."

The first part of the present section reading, "Every collector or other chief officer of the customs shall retain on file all original certificates of the inspectors required to be delivered to him, and shall give to the master or owner of the vessel therein named three certified copies thereof, two of which," has been proposed to be amended, and is included in proposed amended section 4421.

The balance of the section has been changed so as to agree with the proposed amendments in section 4421 and relates only to the matter of posting of the certificate of inspection.

CARRYING PASSENGERS OR GUNPOWDER CONTRARY TO LAW.

Section 4424, Revised Statutes, reads as follows:

"SEC. 4424. Whenever any passenger is received on board any steam vessel not having the certified copies of the certificate of approval placed and kept as required by this title, or whenever any passenger steam vessel receives or carries any gunpowder on board, not having a certificate authorizing the same, and a certified copy thereof placed and kept as required, or shall carry any gunpowder at a place or in a manner not authorized by such certificate, such steam vessel shall be liable to a penalty of $100 for each offense."

This bureau recommends that the section be amended so as to read as follows:

"SEC. 4424. Whenever any passenger is received on board any steam vessel not having an unexpired certificate of approval or an unexpired temporary certificate of approval placed and kept as required by this title, or whenever any passenger steam vessel receives or carries any gunpowder on board, not having a certificate authorizing the same, placed and kept as required, or shall carry any gunpowder at a place or in a manner not authorized by such certificate, such steam vessel shall be liable to a penalty of $100 for each offense."

The first part of the section, in regard to the kind of certificate of approval required to be carried, is amended so as to correspond with the amendments proposed to be made in section 4421.

In the latter part of the section, in regard to license to carry gunpowder, the words "and a certified copy thereof" are struck out.

The purpose of this amendment has been set forth in part under the heading of "license to carry gunpowder." The proposed amendment further requires that only the original certificate to carry gunpowder shall be posted on board, and does away with the requirement that the vessel, in addition to having a certificate authorizing the carrying of gunpowder, shall also have "a certified copy thereof placed and kept as required."

REGISTRY, ENROLLMENT, ETC., DENIED TO VESSELS NOT COMPLYING WITH THE LAW.

Section 4498, Revised Statutes, as amended by the act of Congress approved March 3, 1905, reads as follows:

"SEC. 4498. A register, enrollment, or license shall not be granted or other papers be issued by any collector or other chief officer of customs to any vessel subject by law to inspection under this title until all the provisions of this title applicable to such vessel have been fully complied with and until the certificate of inspection required by this title for such vessel has been filed with said collector."

This bureau recommends that the section be amended so as to read as follows:

"SEC. 4498. A register, enrollment, or license shall not be granted or other papers be issued by any collector or other chief officer of customs to any vessel subject by law to inspection under this title until all the provisions of this title applicable to such vessel have been fully complied with and until the copy of the certificate of inspection required by this title for such vessel has been filed with said collector or other chief officer of customs."

The words "copy of the" have been inserted between the words "the" and "certificate," so as to make the section agree with the proposed amendment in section 4421, which requires that a copy of the certificate of inspection shall be furnished the chief officer of customs instead of the original certificate of inspection.

The words "or other chief officer of customs" have been added immediately after the word "collector" at the end of the section, so as to make that part of the section apply also to chief officers of customs other than collectors, as surveyors of customs, in the general manner stated in the first part of the section.

CERTIFICATE OF INSPECTION REQUIRED ON SEAGOING BARGE.

Section 12 of the act of Congress approved May 28, 1908, entitled "An act to amend the laws relating to navigation, and for other purposes," reads as follows:

"SEC. 12. That a register, enrollment, or license shall not be issued or renewed by any collector or other officer of customs to any such barge unless at the time of issue or renewal such barge has in force the certificates of inspection prescribed by section 10 and on board the equipment prescribed by section 11."

This bureau recommends that the section be amended so as to read as follows:

"SEC. 12. That a register, enrollment, or license shall not be issued or renewed by any collector or other officer of customs to any such barge unless at the time of issue or renewal such barge has in force the certificate of inspection prescribed by section 10 and on board the equipment prescribed by section 11."

The letter "s" at end of "certificates" has been stricken out.

The purpose of this amendment is to have the section amended in accordance with the proposed amendment in section 4421, Revised Statutes, wherein only one certificate of inspection is required to be kept on board.

A bill containing the proposed amendments is transmitted herewith.

GEO. UHLER.

MRS. H. G. LAMAR.

The bill (H. R. 14197) for the relief of the legal representatives of Mrs. H. G. Lamar was considered as in Committee of the Whole. It proposes to pay to the legal representatives of Mrs. H. G. Lamar, late of Macon, Ga., now deceased, $226.66, the same being for the rent of one building from October 27, 1865, to November 30, 1865, located in Macon, Ga., and occupied as quarters for the commanding officer and staff of the United States Army of the district of Columbus, Department of Georgia, under a contract of lease, made with said Mrs. H. G. Lamar by Capt. W. A. Rankin, assistant quartermaster, and dated October 27, 1865.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GRADING OF GRAIN.

The bill (H. R. 17971) for securing the uniform grading of grain, preventing deception in transactions in grain, and regulating traffic therein, and for other purposes, was announced as next in order.

Mr. PENROSE and others. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

WILLIAM HAM.

The bill (H. R. 11839) for the relief of William Ham was considered as in Committee of the Whole. It provides that in the administration of the laws conferring rights, privileges, and benefits upon honorably discharged soldiers William Ham, who was a private in Company F, Eleventh Regiment Veteran Reserve Corps, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of said company and regiment on the 14th day of November, 1865.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SHIPMENTS TO PORTO RICO OR THE PHILIPPINES.

The bill (H. R. 12674) to provide for the allowance of drawback of tax on articles shipped to the island of Porto Rico or to the Philippine Islands was considered as in Committee of the Whole. It extends all provisions of existing laws for the allowance of drawback of internal-revenue tax on articles exported from the United States, so far as applicable, to like articles upon which an internal-revenue tax has been paid when shipped from the United States to the island of Porto Rico or to the Philippine Islands.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADJUSTMENT OF DISTRICT OF COLUMBIA ACCOUNTS.

The bill (H. R. 15215) to authorize the Commissioners of the District of Columbia to adjust and settle the shortages in certain accounts of said District, and for other purposes, was considered as in Committee of the Whole. It directs the Commissioners of the District of Columbia to adjust and settle the shortages in certain accounts of said District arising through the defalcation of J. M. A. Watson, formerly an employee of the government of said District, by paying into the Treasury of the United States the sum of $63,939.96, to be credited as follows: Miscellaneous receipts, United States, $10,623.75; miscellaneous trust-fund deposits, District of Columbia, $51,556.22; and permit fund, District of Columbia, $1,759.99. There is hereby appropriated to carry into effect the provisions of this act the sum of $63,939.96, to be paid wholly from the revenues of the District of Columbia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRICT HALF-AND-HALF PRINCIPLE.

The joint resolution (S. J. Res. 226) providing for the appointment of a joint select committee to investigate and report as to the proper proportion of the expenses of the government of the District of Columbia which shall be borne by said District and the United States, respectively, and as to the necessity of any change or revision in the tax laws applicable to said District, was announced as next in order.

Mr. PENROSE. Let the joint resolution go over.

Mr. SMITH of Maryland. I move that it be indefinitely postponed. The matter has been settled in the District of Columbia appropriation bill.

The motion was agreed to.

FOREIGN-BUILT VESSELS.

The bill (H. R. 18685) to repeal penalties on foreign-built vessels owned by Americans was considered as in Committee of the Whole.

The bill was reported from the Committee on Finance with an amendment, on page 2, line 11, after the word "remitted," to insert "*Provided, however*, That the provisions of this act shall apply only in case that any vessel of the character above described after entering an American port shall, before leaving the same, be registered as a vessel of the United States," so as to make the bill read:

Be it enacted, etc., That so much of sections 4219 and 4225 of the Revised Statutes as imposes tonnage duties of 50 cents per ton and light money of 50 cents per ton on a vessel owned by citizens of the United States, but not a vessel of the United States; so much of section 4J, subsection 1, of the act of October 3, 1913, entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," as imposes a discriminating duty of 10 per cent ad valorem on all goods, wares, or merchandise imported in a vessel owned by citizens of the United States, but not a vessel of the United States; and so much of section 4J, subsection 2, of the act aforesaid as provides for the forfeiture of any vessel owned by citizens of the United States, but not a vessel of the United States, together with her cargo, tackle, apparel, and furniture, are hereby repealed. Any such tonnage duties, light money, or discriminating duties collected since the passage of the act of August 18, 1914, shall be refunded, and any such forfeitures incurred are hereby remitted: *Provided, however*, That the provisions of this act shall apply only in case that any vessel of the character above described after entering an American port shall, before leaving the same, be registered as a vessel of the United States.

SEC. 2. That this act shall take effect immediately.

Mr. NORRIS. I should like to inquire if it is the tariff act the bill proposes to amend?

Mr. SMITH of Georgia. We have a provision putting a tax on certain classes of foreign vessels coming into the United States owned by citizens of the United States. We have recently permitted the purchase of foreign-built vessels by citizens of the United States and permitted them to hoist the American flag over those vessels.

Mr. NORRIS. I was wondering whether this is a bill to repeal the tariff act.

Mr. SMITH of Georgia. No; it gives only the opportunity for foreign vessels purchased by citizens of the United States to get into an American port where they can register without any penalty when they first come in; that is all.

Mr. NORRIS. It does not repeal any part of the tariff act?

Mr. SMITH of Georgia. No.

Mr. NORRIS. I have no objection to it.

Mr. JONES. I want to ask for the record whether the bill repeals the clause in the tariff law imposing a 5 per cent differential?

Mr. SMITH of Georgia. No.

Mr. JONES. That is what I wanted to know.

The amendment was agreed to.

Mr. POINDEXTER. I object to the bill.

Mr. FLETCHER. I hope the Senator will not object. If he will turn to the report, he will see that it is a very important measure.

Mr. POINDEXTER. I object to it principally on account of the impossibility of finding out the nature of the bill before it is passed in the hurried manner in which the bill is being disposed of.

Mr. SIMMONS. If the Senator will pardon me, I think I can explain it to him so that he will not object.

Mr. POINDEXTER. I should like to ask the Senator a question, which may hasten the explanation. Several inquiries were made as to whether it is an amendment of the tariff act, and I think one was informed that it is not an amendment of the tariff act. Yet the bill states that it is an amendment of the tariff act.

Mr. SIMMONS. Will the Senator yield to me?

Mr. POINDEXTER. Yes; I yield.

Mr. SIMMONS. There has been in every tariff act for the last 25 or 30 years a provision that imposed a penalty upon a vessel as to tonnage dues and as to light charges and as to the forfeiture of cargo for vessels owned by citizens of the United States, but not registered as vessels of the United States, when they entered an American port. That provision has been brought forward in every tariff act during this long period of time. It is brought forward in the present tariff act. The situation created is this: A citizen of the United States—and this was true before we passed the recent act known as the ship-registry bill—can purchase a vessel anywhere in the world, and by taking it to a port where we have a consul obtain a certificate and place upon it the American flag. That ship is entitled to the protection of the United States and can trade in all the ports of the world as other ships may; but under this tariff provision, if it comes into a port of the United States it is liable to these discriminating tonnage duties and also liable to a forfeture of its entire cargo.

Mr. POINDEXTER. Mr. President——

Mr. SIMMONS. Will the Senator let me finish, if he pleases?

Mr. POINDEXTER. I was just going to say that I notice an amendment, by way of proviso, in the bill which provides that the act shall apply only in case a vessel after entering an American port and before leaving the port is registered as an American vessel. In view of that proviso, I withdraw the objection.

Mr. SIMMONS. That is exactly what I was going to explain. Since our registration act there is no necessity for it.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ENTRIES UNDER RECLAMATION PROJECTS.

The bill (H. R. 19061) for the relief of homestead entrymen under the reclamation projects of the United States was considered as in Committee of the Whole. It provides that any person who has made homestead entry under the act of June 17, 1902 (32 Stat. L., p. 388), for land believed to be susceptible of irrigation, which at the time of said entry was withdrawn for any contemplated irrigation project, may relinquish the same, provided that it has since been determined that the land embraced in such entry, or all thereof in excess of 20 acres, is not or will not be irrigable under the project, and in lieu thereof may select and make entry for any farm unit included within such irrigation project as finally established, notwithstanding the provisions of section 5 of the act of June 25, 1910, entitled "An act to authorize advances to the reclamation fund," etc., and acts amendatory thereof: *Provided*, That such entrymen shall be given credit on the new entry for the time of bona fide residence maintained on the original entry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TIMBER FOR MINING PURPOSES.

The bill (S. 4110) authorizing the cutting of timber for mining purposes by corporations organized in one State and conducting mining operations in another was announced as next in order.

Mr. PENROSE. Let the bill go over.

The VICE PRESIDENT. It will go over.

JOSEPH ROBICHEAU.

The bill (H. R. 1062) granting a patent to Joseph Robicheau was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment, on page 1, line 9, after the word "district," to strike out the following proviso:

Provided, That nothing herein contained shall be held to interfere with or defeat any sale heretofore made by the Forest Service of timber upon the land herein granted and the purchaser or purchasers of such timber shall have the right to cut and remove from the land all timber or lumber purchased, within two years from the approval of this act, and the said Joseph Robicheau shall have no claim to the timber so sold or to the proceeds thereof.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to issue a patent to Joseph Robicheau to the following land: Northwest quarter of the southeast quarter and south half of the southeast quarter section 27, and the northwest quarter of the northeast quarter section 34, township 47 north, range 3 east, Boise meridian, Coeur d'Alene (Idaho) land district.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

DENATURED ALCOHOL.

The bill (H. R. 9591) to permit the manufacture of denatured alcohol by mixing domestic and wood alcohol while in process of distillation was announced as next in order.

Mr. SMOOT. Let the bill go over.

The VICE PRESIDENT. It will go over.

Mr. FLETCHER. I should like to know who objected.

Mr. SMOOT. I asked that the bill might go over, and I can tell the Senator why in a very few words.

Mr. GRONNA. Regular order.

Mr. SIMMONS. My attention was called to another matter. I should like to have the Senator withdraw his objections.

The VICE PRESIDENT. We are proceeding under a unanimous-consent agreement. There is an objection, and that takes the bill over.

Mr. SIMMONS. Do I understand that the Senator from Utah objects?

Mr. SMOOT. And if it is not out of order I am perfectly willing to tell the Senator why.

Mr. SMITH of Georgia. If he has made up his mind and intends to continue objecting we had better go on with the other bills on the calendar.

TRANSPORTATION OF DUTIABLE GOODS.

The bill (S. 5909) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, was announced as next in order.

Mr. PENROSE. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

PORT OF BAY CITY, MICH.

The bill (H. R. 2909) to extend the privileges of the seventh section of immediate transportation act to Bay City, Mich., was considered as in Committee of the Whole. It extends the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transporting of dutiable merchandise without appraisement to Bay City, Mich.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TO RATIFY ACT OF HAWAIIAN LEGISLATURE.

The bill (S. 6093) to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii relating to certain gas, electric light and power, telephone, railroad, and street railway companies and franchises in the Territory of Hawaii, and amending the laws relating thereto, was announced as next in order.

Mr. PENROSE. Let it go over.

The VICE PRESIDENT. It will go over.

HENRY J. DAVIS.

The bill (S. 5435) for the relief of Henry J. Davis was announced as next in order.

Mr. NORRIS. Let it go over.

The VICE PRESIDENT. The bill will go over.

HEIRS OF JOSHUA NICHOLLS.

The bill (S. 2810) for the relief of the heirs of Joshua Nicholls was announced as next in order.

Mr. WEEKS. Let it go over.

The VICE PRESIDENT. The bill will go over.

Mr. JAMES. I hope there will be no objection to the bill. The bill was introduced by the senior Senator from Mississippi [Mr. WILLIAMS] and reported favorably from the Committee on Claims.

Mr. PENROSE. I object, Mr. President.

Mr. JAMES. The Senator from Mississippi is very anxious to have it passed. It is a very meritorious measure. I hope the Senator will not insist upon his objection.

Mr. PENROSE. If the Senator puts it that way, and if it is any consolation to the Senator from Mississippi, who is sick and absent, I will withdraw my objection.

Mr. JAMES. I would be glad if the Senator would do so.

Mr. PENROSE. It is useless to pass a Senate bill, however.

The bill was considered as in Committee of the Whole, which had been reported from the Committee on Claims with an amendment, in line 7, to strike out "$33,450" and insert "$20,450," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to Elizabeth R. Nicholls and Joanna L. Nicholls, heirs at law of Joshua Nicholls, deceased, out of any money in the Treasury not otherwise appropriated, the sum of $20,450, for and on account of property belonging to said Joshua Nicholls destroyed and captured by the United States soldiers in the year 1863, in the State of South Carolina, during the late Civil War. The said Joshua Nicholls was throughout said war a loyal citizen of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MOTHER'S DAY ASSOCIATION.

The bill (H. R. 16298) to incorporate the Mother's Day Association was announced as next in order.

Mr. GRONNA. I ask that that may go over.

The VICE PRESIDENT. The bill goes over.

CHURCHES OF CHRIST.

The bill (S. 6111) to incorporate the Federal Council of the Churches of Christ in America was announced as next in order.

Mr. GRONNA. Let the bill go over.

The VICE PRESIDENT. It will go over.

HOMESTEAD ENTRIES.

The bill (H. R. 21122) to validate certain homestead entries was considered as in Committee of the Whole. It provides that all homestead entries heretofore erroneously allowed for the unused, unallotted, and unreserved lands of the United States in the Kiowa, Comanche, and Apache Indian Reservations, which lands were authorized to be sold under section 16 of the act approved March 3, 1911 (36 Stat. L., p. 1069), and under the provisions of the act approved June 30, 1913 (38 Stat. L., p. 92), are hereby ratified and confirmed; but, in addition to the land-office fees prescribed by statute for such entries, the entryman shall pay $1.25 per acre for the land entered at the time of submitting final or commutation proof.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 5542) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgages, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to provide a method of applying postal-savings deposits to the promotion of the public welfare, and for other purposes, was announced as next in order.

Mr. GRONNA. Let the bill go over.

The VICE PRESIDENT. It will go over.

The bill (H. R. 16637) to provide divisions of mental hygiene and rural sanitation in the United States Public Health Service was announced as next in order.

Mr. WEEKS. Let the bill go over.

Mr. RANSDELL. I hope the Senator will not object to this bill. It is a matter of very great importance to the public.

The VICE PRESIDENT. There is objection.

The bill (H. R. 12292) to prevent interstate commerce in the products of child labor, and for other purposes, was announced as next in order.

Mr. OVERMAN. Let the bill go over.

The VICE PRESIDENT. It will go over.

JUDICIAL DISTRICTS IN ARKANSAS.

The bill (H. R. 18086) to amend section 71 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 4, 1911, was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That the counties of Desha and Chicot, in the State of Arkansas, be, and the same are hereby, detached from the western division of the eastern district of Arkansas and are hereby annexed to, included in, and made a part of the eastern division of the said eastern district of the State of Arkansas.

SEC. 2. That the county of Yell, in the State of Arkansas, be, and the same is hereby, detached from the Fort Smith division of the western district of Arkansas and is annexed to, included in, and made a part of the western division of the eastern district of the State of Arkansas.

SEC. 3. That this act shall in no wise affect the jurisdiction as to actions at law or suits in equity now pending, but all actions at law and suits in equity now pending in the respective districts and divisions having jurisdiction thereof at the time of the passage of this act shall proceed as if this act had not been passed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to transfer certain counties in the several judicial districts of the State of Arkansas."

OHIO JUDICIAL DISTRICTS.

The bill (H. R. 5849) to amend section 100 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was considered as in Committee of the Whole and was read as follows:

Be it enacted, etc., That section 100 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended so as to read as follows:

"SEC. 100. The State of Ohio is divided into two judicial districts, to be known as the northern and southern districts of Ohio. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Ashland, Ashtabula, Cuyahoga, Carroll, Columbiana, Crawford, Geauga, Holmes, Lake, Lorain, Medina, Mahoning, Portage, Richland, Summit, Stark, Tuscarawas, Trumbull, and Wayne, which shall constitute the eastern division; also the territory embraced on the date last mentioned in the counties of Auglaize, Allen, Defiance, Erie, Fulton, Henry, Hancock, Hardin, Huron, Lucas, Mercer, Marion, Ottawa, Paulding, Putnam, Seneca, Sandusky, Van Wert, Williams, Wood, and Wyandot, which shall constitute the western division of said district. Terms of the district court for the eastern division shall be held at Cleveland on the first Tuesdays in February, April, and October, and at Youngstown on the first Tuesday after the first Monday in March; and for the western division, at Toledo on the last Tuesdays in April and October. Grand and petit jurors summoned for service at a term of court to be held at Cleveland may, if in the opinion of the court the public convenience so requires, be

directed to serve also at the term then being held or authorized to be held at Youngstown. Crimes and offenses committed in the eastern division shall be cognizable at the terms held at Cleveland or at Youngstown, as the court may direct. Any suit brought in the eastern division may, in the discretion of the court, be tried at the term held at Youngstown. The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Adams, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Greene, Hamilton, Highland, Lawrence, Miami, Montgomery, Preble, Scioto, Shelby, and Warren, which shall constitute the western division; also the territory embraced on the date last mentioned in the counties of Athens, Belmont, Coshocton, Delaware, Fairfield, Fayette, Franklin, Gallia, Guernsey, Harrison, Hocking, Jackson, Jefferson, Knox, Licking, Logan, Madison, Meigs, Monroe, Morgan, Morrow, Muskingum, Noble, Perry, Pickaway, Pike, Ross, Union, Vinton, and Washington, which shall constitute the eastern division of said district. Terms of the district court for the western division shall be held at Cincinnati on the first Tuesdays in February, April, and October, and for the eastern division at Columbus on the first Tuesdays in June and December, and at Steubenville on the first Tuesdays of March and September. Grand and petit jurors summoned for service at a term of court being held at Columbus may, if in the opinion of the court the public convenience so requires, be directed to serve also at the term being held or authorized to be held at Steubenville. Crimes and offenses committed in the eastern division shall be cognizable at the terms held at Columbus, or at Steubenville, as the court may direct. Any suit brought in the eastern division may, in the discretion of the court, be tried at the term held at Steubenville: *Provided*, That suitable rooms and accommodations for holding court at Steubenville shall be furnished free of expense to the Government until the completion of the Federal building: *And provided further*, That terms of the district court for the southern district shall be held at Dayton on the first Mondays in May and November. Prosecutions for crimes and offenses committed in any part of said district shall also be cognizable at the terms held at Dayton. All suits which may be brought within the southern district, or either division thereof, may be instituted, tried, and determined at the terms held at Dayton."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DUTIES ON FLAX-PREPARATORY MACHINES.

The bill (S. 5881) providing for the refund of duties collected on flax-preparatory machines, parts, and accessories, such as described in the act of Congress approved February 7, 1913, imported subsequently to August 5, 1909, and prior to January 1, 1911, was announced as next in order.

Mr. PENROSE. Let that go over, Mr. President.

Mr. HUGHES. I object to the consideration of that bill, Mr. President.

The VICE PRESIDENT. Being objected to, the bill goes over.

REFUND OF INCOME TAX.

The joint resolution (H. J. Res. 398) to refund, under certain conditions, a portion of the offers in compromise for failure to make the return required under the act of October 3, 1913, said offers in compromise having been covered into the Treasury, and for other purposes, was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COLORADO LAND RESERVATIONS.

The bill (S. 6486) to reserve certain lands and to incorporate the same and make them a part of the Pike National Forest, was announced as next in order.

Mr. THOMAS. Mr. President, that bill is a duplicate of House bill 18747, which was passed this morning, and is now on the Secretary's desk. I ask that that bill be taken up and considered, instead of the one which has just been stated as being next in order on the calendar.

Mr. CHILTON. Mr. President, I do not intend to object, though it hardly comes within the rule, but I think it ought to be done. I have another bill in the same situation. I merely want the Senate to remember that fact in a moment.

The VICE PRESIDENT. Is there objection to the request of the Senator from Colorado? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 18747) to reserve certain lands and to incorporate the same and make them a part of the Pike National Forest.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE PRESIDENT. In the absence of objection, Senate bill 6486 will be indefinitely postponed.

SAMUEL M. FITCH.

The bill (H. R. 10122) to credit Samuel M. Fitch, collector of internal revenue, first district of Illinois, on the books of the Treasury Department with the sum of $1,500 for cigar stamps lost or stolen in transit, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN P. EHRMANN.

The bill (H. R. 13591) for the relief of John P. Ehrmann was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMATO CASTELLANO, LIBERO BARANELLO, AND MICHELE BARANELLO.

The bill (H. R. 16777) for the relief of Amato Castellano, Libero Baranello, and Michele Baranello was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES L. PRITCHARD.

The bill (H. R. 17343) for the relief of Charles L. Pritchard was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

W. F. CRAWFORD.

The bill (H. R. 21077) for the relief of W. F. Crawford was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COMMERCE BETWEEN THE UNITED STATES AND FOREIGN COUNTRIES.

The bill (S. 2999) to foster commerce between the United States and foreign countries by facilitating the reexportation in bond from ports of the United States of goods imported into the United States, duly entered for warehousing and stored in bonded warehouses, was announced as next in order.

Mr. SMOOT. Let that bill go over, Mr. President.

Mr. RANSDELL. I hope the Senator from Utah will withdraw his opposition to that bill.

Mr. PENROSE. Let the bill go over, Mr. President.

Mr. RANSDELL. It is a matter of considerable importance.

The VICE PRESIDENT. Objection has been made to the consideration of the bill and it goes over.

Mr. RANSDELL. Does the Senator insist on his objection to that bill? I can not see how there can be any objection to it. It is a measure that is universally believed to be wise.

Mr. SMOOT. It can not pass the House. All other Senate bills have gone over.

POST-OFFICE BUILDING, MINNEAPOLIS, MINN.

The bill (H. R. 21383) to change the name of the old post-office building at Minneapolis, Minn., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMERICAN TOWING & LIGHTERING CO.

The bill (H. R. 17174) to pay the claim of the American Towing & Lightering Co. for damages to its tug *Buccaneer* was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INTERNATIONAL ARBITRATION (S. DOC. NO. 987).

Senate resolution 562 to print the manuscript entitled "International arbitration" as a Senate document was announced as next in order.

Mr. PENROSE. I object.

Mr. SHAFROTH. I hope the Senator from Pennsylvania will not do that. It is a Senate resolution providing for the printing as a public document of a brief communication.

Mr. PENROSE. I will withdraw the objection, but it certainly seems to me that the Senate is making itself ridiculous by printing all these inconsequential matters, manuscripts from unknown authors on such bizarre and fanciful subjects as "Know your city," piling up all these matters and treating them as Senate documents, which nobody will ever read, with their privilege of being deposited in libraries throughout the country and the advantage of the franking privilege. It has been carried to an extreme that never has been witnessed in the United States Senate until this Congress.

If the Senator from Colorado thinks that the country will suffer a great loss by reason of the failure to print this document, I will withdraw my objection, but I venture to say that there are not 10 people in the United States who will ever read it.

Mr. HUGHES. If I thought there would be, I would object. [Laughter.]

Mr. SHAFROTH. I have read the document, and it is a very able one indeed.

Mr. PENROSE. Any schoolboy could write a document equal to it. I withdraw the objection out of courtesy to the Senator.

and in view of the good feeling that prevails at this hour when we are all to separate to-morrow morning.

The resolution was considered by unanimous consent and agreed to, as follows:

Resolved, That the manuscript submitted by Mr. SHAFROTH on February 24, 1915, entitled "International arbitration," by Oscar T. Crosby, Esq., of Warrenton, Va., be printed as a Senate document.

NATIONAL ACADEMY OF SCIENCES (S. DOC. NO. 989).

Senate resolution 563, to print as Senate document report of National Academy of Sciences, was announced as next in order.

Mr. PENROSE. I object.

Mr. FLETCHER. I hope the Senator from Pennsylvania will not object. The printing of this document is provided for by law.

Mr. PENROSE. Then, why is a resolution required?

Mr. FLETCHER. The resolution was referred to the Committee on Printing, and this is a resolution from the committee in favor of printing it. I repeat, it is provided for by law.

Mr. PENROSE. Does the Committee on Printing make a habit of reporting out everything of this character, whether it is needed or not?

Mr. FLETCHER. Whenever a subject is referred to the Committee on Printing it makes a report on it one way or the other.

Mr. PENROSE. I never heard of the National Academy of Sciences before, Mr. President.

Mr. FLETCHER. I can not hold myself responsible for the Senator not knowing of a matter required by law.

Mr. PENROSE. I am not going to delay the Senate. I simply want to call the attention of the Senate to a matter which shocks every sense of propriety that I have regarding the printing of these publications.

Mr. SMITH of Georgia. Mr. President, the reason so many of these resolutions are being reported on by the committee is that we have been stopping the printing of all of these documents until they could be referred to the committee.

Mr. FLETCHER. The Senate Committee on Printing has had documents referred to it and requests for that printing amount to over half a million dollars. It has reported in favor of printing but $60,000 worth in the past year.

Mr. OVERMAN. Regular order!

Mr. PENROSE. Will the Senator consent that the notable document "Know your city" shall not be printed if I withdraw my objection to the printing of the other one?

Mr. FLETCHER. I do not want the Senator to do that. That is a document that is worth printing.

Mr. PENROSE. I will withdraw my objection to the printing of the report of the National Academy of Sciences on the theory that it never will be read, and can, therefore, do no harm.

There being no objection, the resolution was considered and agreed to, as follows:

Resolved, That the report submitted by the National Academy of Sciences on February 22, 1915, for the year ended December 31, 1914, be printed as a Senate document.

RESOLUTIONS PASSED OVER.

The resolution (S. Res. 564) to print as Senate document "Know your city," etc., by Le Roy Hodges, was announced as next in order.

Mr. PENROSE. I object to that and will persist in my objection.

The VICE PRESIDENT. Objection is made.

Mr. ASHURST. Mr. President, I desire to submit a conference report on the Indian appropriation bill.

Mr. FLETCHER. Will the Senator not withhold that until we have concluded the calendar? There are only two or three more resolutions on it.

Mr. SMITH of Georgia. There are only three more items on the calendar.

Mr. ASHURST. I withhold the report.

The resolution (S. Res. 565) to print as Senate document "The old Roman Senate," was announced as next in order.

Mr. PENROSE. I object.

The VICE PRESIDENT. Objection is made.

The resolution (S. Res. 566) to print as Senate document "Yea-and-nay votes in the Senate on the Federal reserve act," approved December 13, 1913, was announced as next in order.

Mr. BRANDEGEE. I object to that.

Mr. PENROSE. I object also.

The VICE PRESIDENT. The resolution will go over.

The resolution (S. Res. 567) to print as Senate document "Proceedings of the twentieth meeting of the convention of American instructors of the deaf," at Staunton, Va., June 25 to July 1, 1914, was announced as next in order.

Mr. PENROSE. I object.

Mr. O'GORMAN. I object.

The VICE PRESIDENT. The resolution will be passed over.

Mr. LEWIS. Regular order!

Mr. FLETCHER. I hope, Mr. President, Senators will not press the last objection. The senior Senator from California [Mr. PERKINS] made a special request to have this document printed.

Mr. BRANDEGEE and Mr. PENROSE. Regular order!

Mr. FLETCHER. I should like very much to have the document printed on account of the desire of the Senator from California in the matter.

The VICE PRESIDENT. The trouble is that there is objection.

Mr. FLETCHER. If the Senators——

Mr. PENROSE. I refuse to withdraw the objection.

Mr. FLETCHER. I should be glad if the Senator would allow me to say a word.

The VICE PRESIDENT. The Senator from Pennsylvania refuses to withdraw the objection.

Mr. FLETCHER. Let me ask who objected?

The VICE PRESIDENT. At least two Senators objected.

Mr. PENROSE. I objected, and the Senator from Connecticut [Mr. BRANDEGEE] also objected, to any such folly as this.

Mr. FLETCHER. Does the Senator object to the last order announced?

Mr. PENROSE. Most emphatically. That is the worst yet.

Mr. FLETCHER. As I have said, the Senator from California [Mr. PERKINS] has made a special request, one of the last requests he has made of anybody in the Senate, to have this matter printed.

Mr. BRANDEGEE. I object to speeches being made after an objection is made.

Mr. FLETCHER. Senators have the power to do as they are doing, I presume, but matters may be evened up some time.

The VICE PRESIDENT. The Secretary will state the next business on the calendar.

PORT OF VAN BUREN, ME.

The bill (H. R. 21009) to make Van Buren, Me., a port through which merchandise may be imported for transportation without appraisement was considered as in Committee of the Whole. It extends the privileges of the first and seventh sections of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement to the port of Van Buren, in the district of Portland, State of Maine.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. PENROSE. I should like to ask what bills the Secretary is now reading? I did not find the last bill on the calendar.

The VICE PRESIDENT. The Secretary is now reading bills which have been reported to-day and which, under the unanimous-consent agreement, it is in order to consider.

Mr. PENROSE. Do I understand the bills now being considered have been reported to-day?

The VICE PRESIDENT. They have been reported to-day and come within the terms of the unanimous-consent agreement.

Mr. PENROSE. In view of the fact that they are not on the calendar, I suggest that the Secretary read them at length, so that we may know what we are voting on.

STEAMER "MINNESOTA."

The bill (S. 7632) to provide American register for the steamer *Minnesota* upon certain conditions was announced as next in order.

Mr. PENROSE. I object, because that is a Senate bill.

The VICE PRESIDENT. The bill will be passed over.

Mr. SMITH of Maryland subsequently said: I will ask the Senator from Pennsylvania to withdraw his objection to Senate bill 7632.

Mr. PENROSE. I withdraw the objection at the request of the Senator from Maryland, although the bill can hardly pass the House.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments in line 10, after the word "be," to strike out "registered" and insert "document"; in line 13, after the word "vessel," to insert "made in American shipyards, including salvage"; and in the same line, after the word "vessel," to insert "after such repairs," so as to make the bill read:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built steamer *Minnesota*, wrecked at or near Cape Hatteras, if purchased within one year from the date of the passage of this act by the Baltimore & Carolina Steamship Co., of Baltimore City, incorporated under the laws of the State

of Maryland, or by Mason L. Weems Williams, a citizen of the State of Maryland and of the United States, to be documented as a vessel of the United States whenever it shall be shown to the Commissioner of Navigation that the repairs on said vessel made in American shipyards, including salvage, amounted to one-half the actual cost of said vessel, after such repairs, and that the said vessel has been purchased by the said Baltimore & Carolina Steamship Co. or by the said Mason L. Weems Williams.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JACOB BARGER.

The bill (H. R. 11256) granting relief to Jacob Barger was considered as in Committee of the Whole. It provides that in the administration of the pension laws Jacob Barger shall hereafter be held and considered to have been mustered as a private in Company E, Fourteenth Regiment Illinois Volunteer Cavalry, on the 20th day of June, 1864, and to have been honorably discharged on the 1st day of March, 1865.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REMOVAL OF REMAINS OF ROBERT C. CULBERTSON.

The bill (H. R. 20702) authorizing the Health Officer of the District of Columbia to issue a permit for the removal of the remains of Robert Caldwell Culbertson from Woodlawn Cemetery, District of Columbia, to Rocky Spring Cemetery, Chambersburg, Pa., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES GRADY.

The bill (H. R. 13470) for the relief of James Grady was considered as in Committee of the Whole. It provides that in the administration of any law conferring rights, privileges, or benefits upon honorably discharged soldiers, James Grady, who served as a private in Company G, Third Regiment United States Infantry, shall be held and considered as having been mustered in as a member of said company on October 8, 1860, and honorably discharged therefrom on October 28, 1864, and that no back pay, pension, or other emolument shall accrue prior to or by reason of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRED GRAFF.

The bill (H. R. 17464) for the relief of Fred Graff was considered as in Committee of the Whole. It provides that in the administration of the pension laws Fred Graff, who was commissioned by the governor of the State of New York as second lieutenant in the Seventy-eighth Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been duly enrolled and mustered in and attached to that regiment from the 25th day of October, 1863, until the 11th day of July, 1864, and that no back pay, back pension, or back allowances of any kind shall accrue by reason of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AUGUSTUS DUDLEY HUBBELL.

The bill (H. R. 13756) for the relief of Augustus Dudley Hubbell was considered as in Committee of the Whole. It provides that in the administration of the pension laws Augustus Dudley Hubbell shall be hereafter held and considered to have been honorably discharged from the military service of the United States as a private in Company C, Third Regiment New York Volunteer Cavalry, on April 4, 1864, and that no back pension, back pay, or back allowances shall accrue by virtue of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE PRESIDENT. That concludes the bills on the calendar.

STANDARD BARREL FOR APPLES.

Mr. SWANSON. I ask to call up House bill 4899.

The VICE PRESIDENT. The Secretary will state the title of the bill.

The SECRETARY. A bill (H. R. 4899) to fix the standard barrel for fruits, vegetables, and other dry commodities.

Mr. SMOOT. Has that bill been referred to a committee?

Mr. SWANSON. It has not been referred to a committee. I will say to the Senator from Utah that a bill practically the same was reported and passed by the Senate.

Mr. CLAPP. I want to say that I polled the committee on that matter and was authorized to move to substitute this bill for the Senate bill.

Mr. SMOOT. Is there a Senate bill on the calendar dealing with the same subject?

Mr. CLAPP. The Senate bill passed the Senate. This bill differs very slightly from it, so slightly that when I called the attention of the members of the committee to it they authorized me to make the motion and ask for its consideration.

Mr. SMOOT. Then the Senator reports it from the committee?

Mr. CLAPP. I do.

Mr. SMOOT. That is all right, then. I have not any objection to it.

Mr. BRANDEGEE. What committee did it come from?

Mr. CLAPP. The Committee on Standards, Weights, and Measures.

Mr. PENROSE. Mr. President, I am not going to object. I simply want to say that the proceeding is highly irregular and very dangerous at this late hour, when people's attention is relaxed. The proper way to have made the record would have been to make a report from the committee and ask present consideration for it, and not to call up a House bill without any record whatever to show that it has ever been before a standing committee of the Senate.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

Mr. SMITH of Georgia. May we have the title of the bill stated once more?

The VICE PRESIDENT. The Secretary will again state the title of the bill.

The Secretary again stated the title of the bill.

Mr. CHAMBERLAIN. Mr. President, I want to say that I had intended to offer an amendment to this bill practically in the same terms, but applicable only to fruit boxes. Among the fruit growers barrels are used in the East and boxes in the West; but because of the lateness of the hour and the desire of my friend, the Senator from Virginia, to get this bill through, I have, at great sacrifice to the interest of my own constituents and to accommodate him, concluded that I would not offer the amendment.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That the standard barrel for fruits, vegetables, and other dry commodities other than cranberries shall be of the following dimensions when measured without distention of its parts: Length of stave, 28½ inches; diameter of heads, 17½ inches; distance between heads, 26 inches; circumference of bulge, 64 inches, outside measurement; and the thickness of staves not greater than four-tenths of an inch: *Provided*, That any barrel of a different form having a capacity of 7,056 cubic inches shall be a standard barrel. The standard barrel for cranberries shall be of the following dimensions when measured without distention of its parts: Length of staves, 28½ inches; diameter of head, 16½ inches; distance between heads, 25½ inches; circumference of bulge, 58½ inches, outside measurement; and the thickness of staves not greater than four-tenths of an inch.

SEC. 2. That it shall be unlawful to sell, offer, or expose for sale in any State, Territory, or the District of Columbia, or to ship from any State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia or to a foreign country, a barrel containing fruits or vegetables or any other dry commodity of less capacity than the standard barrels defined in the first section of this act, or subdivisions thereof known as the third, half, and three-quarters barrel, and any person guilty of a willful violation of any of the provisions of this act shall be deemed guilty of a midemeanor and be liable to a fine not to exceed $500, or imprisonment not to exceed six months, in the court of the United States having jurisdiction: *Provided, however*, That no barrel shall be deemed below standard within the meaning of this act when shipped to any foreign country and constructed according to the specifications or directions of the foreign purchaser if not constructed in conflict with the laws of the foreign country to which the same is intended to be shipped.

SEC. 3. That reasonable variations shall be permitted and tolerance shall be established by rules and regulations made by the Director of the Bureau of Standards and approved by the Secretary of Commerce. Prosecutions for offenses under this act may be begun upon complaint of local sealers of weights and measures or other officers of the several States and Territories appointed to enforce the laws of the said States or Territories, respectively, relating to weights and measures: *Provided, however*, That nothing in this act shall apply to barrels used in packing or shipping commodities sold exclusively by weight or numerical count.

SEC. 4. That this act shall be in force and effect from and after the 1st day of July, 1916.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT BINGHAMTON, N. Y.

Mr. SWANSON. From the Committee on Public Buildings and Grounds, I report back favorably House bill 11694 to provide for the purchase of a site for a public building at Binghamton, N. Y., and I ask unanimous consent for its consideration.

There being no objection, the Senate, as in the Committee of the Whole, proceeded to consider the bill.

Mr. PENROSE. Mr. President, I should like to ask the Senator from Virginia through what mysterious process or channel this bill got before the committee?

Mr. SMOOT. I will say to the Senator that it was referred this morning. The members of the Public Buildings and Grounds Committee who are here have authorized me to report House bills favorably as they come over, because it is impossible to call a meeting of the committee.

Mr. PENROSE. If there is a record of this reference, I will not object.

Mr. SWANSON. It was referred this morning.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT ELKINS, W. VA.

H. R. 20340. An Act to increase the appropriation for a public building at Elkins, W. Va., was read twice by its title.

Mr. CHILTON. Mr. President, this bill has just passed the House of Representatives. There are only 7 lines in it. It is simply to increase the appropriation already made for a public building in the city of Elkins, W. Va. It is demanded by the Secretary of the Treasury. All of the estimates have been made for it. It is demanded because they have found that the needs of this city and the requirements of the new building are very much greater than they were when the building was first estimated for. I want to appeal to Senators on the other side of the Chamber to permit its consideration at this time. It is now near the close of the session, and this bill was passed in the House only a few minutes ago. I would like to amend the bill so as to increase the appropriation in accordance with the recommendation of the Treasury Department, but if this should be done, the bill would certainly fail, because the House would not have time to consider it again. I know that the rule requires the bill to go to a committee, but such action would also defeat the bill. I appeal to the Senate to permit this bill to take the only course possible to bring about its passage, and that is to give unanimous consent for its immediate consideration.

Mr. FALL. I should like to understand the language in which the Secretary of the Treasury demands the passage of this bill.

Mr. CHILTON. I mean he "requests" it. It is more accurate to say that he recommends it.

Mr. FALL. Oh!

Mr. CHILTON. I desire to put his letter in the RECORD. That letter explains the whole situation.

The VICE PRESIDENT. In the absence of objection, permission is granted.

The letter referred to is as follows:

TREASURY DEPARTMENT,
Washington, January 28, 1915.

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
House of Representatives, United States.

SIR: Complying with your verbal request of January 28, the following report is submitted on H. R. 20340, which provides for an increase in the appropriation for a public building at Elkins, W. Va.

The branches of the service to be accommodated are the post office, United States courts, Internal-Revenue Service, Forest Service, Weather Bureau, and the Civil Service Commission.

The amounts paid for rented quarters are as follows: Post office, $1,800; Forest Service, $168; and the Weather Bureau, $288.

The post-office receipts for the fiscal years 1914 and 1904 were $22,471.14 and $9,868.28, respectively. The population last census was 5,260.

It is estimated that a three-story and basement building of 8,000 square feet ground area will be necessary to provide accommodations for all branches of the service, and the cost of such a building, fireproof, will be $160,000, or $75,000 more than is now available.

As the legislation heretofore enacted does not provide for the accommodation of the courts, it is recommended that lines 4 and 5 of the bill under consideration be changed to read "accommodation for the post office, United States courts, and other offices of the Government."

In order that the committee may have the department's estimate in the usual form, a separate report is inclosed which contains the information given in the second, third, fourth, and fifth paragraphs of this letter.

Respectfully, W. G. MCADOO, *Secretary.*

Mr. CHILTON. I now ask unanimous consent to take up the bill and put it upon its passage.

Mr. FALL. How much is this little amount?

Mr. CHILTON. It increases the former appropriation, I think, by——

Mr. FALL. Oh, that is a matter of indifference.

Mr. CHILTON (continuing). Fifty thousand dollars.

Mr. FALL. Is that all?

Mr. CHILTON. That is all. The report is here, and this work is recommended by the Secretary.

Mr. FALL. What was the original appropriation?

Mr. CHILTON. Eighty-five thousand dollars.

Mr. FALL. This only increases it by $50,000?

Mr. CHILTON. To $135,000; and it is shown clearly by the report that the present demands of the city of Elkins require a larger building than can be built for $85,000.

Mr. FALL. How many people are there in Elkins?

Mr. CHILTON. It grows so fast that I can hardly tell the Senator. At the time of the last census it had increased 140 per cent. There are at least seven or eight thousand people there, in my judgment.

Mr. FALL. If the Senator has the report there must be some estimate stating the number.

Mr. FLETCHER. He has not heard since yesterday.

Mr. CHILTON. I have not heard since this morning how many there are in Elkins, but in 1910 it had a population of 5,200.

Mr. FALL. When was this original appropriation made?

Mr. CHILTON. In 1910, as I now recall.

Mr. FALL. And the business has increased so rapidly that you need $50,000 additional?

Mr. CHILTON. I will say to the Senator, if he will give me his attention——

Mr. FALL. Yes; the Senator has my attention.

Mr. CHILTON. I will say that since the original appropriation was made a report has been made showing that there is a necessity for a larger public building there for the court, and so forth, and they want to provide for those additional requirements.

Mr. FALL. I have understood that there was a court needed somewhere in West Virginia.

Mr. CHILTON. The court has been established there.

Mr. SWANSON. This has been delayed on account of the growth of the town, and the necessity of increasing it.

Mr. FALL. How many people are there now?

Mr. CHILTON. I think there must be seven or eight thousand people there. It is a railroad center, and it is a very important city. I have stated the situation, but the confusion during these closing hours probably made it difficult for the Senator to hear.

Mr. SWANSON. This money was appropriated 4 years ago. It has been delayed for the reasons I have stated. I hope the Senator will not object.

Mr. JAMES. Regular order!

The VICE PRESIDENT. Is there any objection?

Mr. KERN. I desire also to say that Elkins is the national headquarters of the Society of Veterinarians of the United States. [Laughter.]

The VICE PRESIDENT. Is there any objection? The Chair hears none.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that the limit of cost heretofore authorized for the erection of a building for the use and accommodation of the post office and other offices of the Government at Elkins, W. Va., be increased from $85,000 to $135,000.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BUREAU OF LABOR SAFETY.

Mr. MARTINE of New Jersey. I ask unanimous consent to return to Order of Business 621, House bill 10735.

Mr. SMOOT. Mr. President, a point of order. We have a unanimous-consent agreement. I am heartily in favor of the bill that the Senator asks to take up, but the unanimous-consent agreement has not yet been carried out, and until it has been carried out I do not believe this is in order, as I told the Senator before.

Mr. MARTINE of New Jersey. Are we not through with the calendar?

Mr. SMOOT. We are not through with the committee reports. Just as soon as we are through with committee reports it will be in order.

Mr. MARTINE of New Jersey. Then it is understood that after the completion of the committee reports, the Chair will recognize me?

The VICE PRESIDENT. The Chair makes no promise.

HOURS OF SERVICE ON RAILWAYS.

Mr. ROBINSON. Mr. President, I submit a report (No. 1072) from the Committee on Interstate Commerce and ask leave for its present consideration; and pending that question, I ask permission to make a very brief statement.

The report is on a bill fixing a minimum penalty for the violation of the hours-of-service act. When it was presented the other day, the Senator from Pennsylvania [Mr. OLIVER] objected. Subsequently he stated that if an amendment were made striking out "$100" and inserting "$50" in lieu thereof as the minimum penalty, he would not object. It is my purpose to offer that amendment if unanimous consent is given for the present consideration of the bill.

Mr. LIPPITT. What is the bill? What is the purpose of it?

The VICE PRESIDENT. The Secretary will state the title of the bill.

The SECRETARY. From the Committee on Interstate Commerce the Senator from Arkansas reports House bill 17893, to amend section 3 of an act entitled "An act to protect the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907.

Mr. LIPPITT. I object to the consideration of the bill.

Mr. ASHURST. Regular order!

The VICE PRESIDENT. Objection is made.

MISSISSIPPI RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably a bridge bill, and ask that it may be passed. (S. Rept. 1069.)

The VICE PRESIDENT. The Secretary will state the title of the bill.

The SECRETARY. A bill (H. R. 21563) granting the consent of Congress to the Keokuk & Hamilton Bridge Co. to construct a bridge across the Mississippi River at Keokuk, Iowa.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMERICAN INSTRUCTORS OF THE DEAF (S. DOC. NO. 986).

Mr. SMOOT. When Order of Business 947 was asked to be considered the Senator from Pennsylvania [Mr. PENROSE] objected. I now ask that Senator to withdraw his objection.

Mr. SIMMONS. What is the resolution?

Mr. SMOOT. It is a resolution (S. Res. 567) for printing the report of the American Instructors of the Deaf and Dumb. It calls for the printing of it as a public document.

Mr. OWEN. I ask, as an amendment, that there be printed as a separate document the address of Prof. Johnson on the preferential ballot.

Mr. SMOOT. Of course that is contrary to our unanimous-consent agreement, I will say; but——

Mr. OWEN. Can I not propose an amendment?

Mr. SMOOT. Not to this. This is a committee report, Order of Business No. 947. Is there any objection on the part of the Senator?

Mr. OWEN. Oh, I am not going to object. I simply wish to move an amendment that would take care of Order of Business 333. Is an amendment out of order under the unanimous-consent agreement?

Mr. SMOOT. Then I will withdraw the request.

Mr. OWEN. Oh, no; I would not have the Senator do that.

Mr. SMOOT. I do not desire any amendment to this request. You can not print both of them together in the one request.

Mr. OWEN. I propose that that shall be printed as a separate document.

Mr. SMOOT. If there is any objection to my request, I will withdraw it.

Mr. JAMES. There is no objection.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the document is ordered printed.

Mr. FLETCHER. Mr. President, in reference to that matter, I will state that this association was incorporated in 1897, and the report has been ordered printed each year since.

ADDITIONAL SUPERVISING INSPECTORS, ETC.

Mr. FLETCHER. On yesterday the Senator from Utah asked to have passed over Orders of Business 734 and 735, I believe, because he and the Senator from North Carolina [Mr. OVERMAN] were under the impression that they had been taken care of in an appropriation bill.

The VICE PRESIDENT. That is outside of the unanimous-consent agreement.

Mr. FLETCHER. Then I ask that the letter which I send to the desk may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, March 2, 1915.

MY DEAR SENATOR: In looking over the CONGRESSIONAL RECORD of yesterday, I saw where H. R. 20282, "to provide for the appointment of 11 supervising inspectors, Steamboat-Inspection Service, in lieu of 10," was reached on the calendar and, because of some misunderstanding, was temporarily laid aside in order that you might look the matter up. The misunderstanding seems to have arisen over the fact that the legislative appropriation bill carried a provision for some additional inspectors, as for Florida, Louisiana, New York, Michigan, and some other places, and it was thought that the act in question might cover the same persons.

The legislative bill, it is true, did carry a provision for assistant inspectors at the points named, but the supervising inspectors were left at the same number as now provided by section 4404, Revised Statutes, namely, 10. The purpose of H. R. 20282 is to amend section 4404 and provide for 11 supervising inspectors instead of 10, as is now the law. The department urges this additional inspector, as the present inspection district on the Pacific coast is entirely too large for one man to handle. The department feels that this bill should be passed, and requests your cooperation toward that end. In this connection I also desire to call your attention to H. R. 20107, the act providing for amendments to several of the present statutes governing the Steamboat-Inspection Service, which act the department is heartily in favor of. However, as I wrote you some time ago, all bills which passed the House of Representatives at the present session relating to any of the bureaus of this department have my unqualified approval, and I am very anxious to have as many of them passed as possible, if not all. In this connection please accept my appreciation of your successful efforts in connection with the bill for lighthouse improvements.

Very truly, yours,

WILLIAM C. REDFIELD, *Secretary.*

Hon. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

INSPECTION OF LOCOMOTIVE BOILERS.

Mr. ROBINSON. I ask leave to submit a report (No. 1068) from the Committee on Interstate Commerce, and I ask unanimous consent for its present consideration.

Mr. SMOOT. Let the bill be stated.

The VICE PRESIDENT. The Secretary will state the title of the bill.

The SECRETARY. A bill (H. R. 17894) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911.

Mr. ROBINSON. Mr. President, I can explain briefly the purpose of this bill. It proposes an amendment to the boiler-inspection law, which contemplates the inspection of the entire locomotive. I believe experience has shown the wisdom of the boiler-inspection law and that it is necessary, or at least advisable, that this bill should be passed.

Mr. JONES. Will the Senator permit me? Is this what is known as the Goeke bill?

Mr. ROBINSON. It is.

Mr. JONES. Is it reported just as it passed the House?

Mr. ROBINSON. There is an amendment. I was just about to state that there is an amendment proposed striking out the provision which denies to the Interstate Commerce Commission the right to proceed under the original boiler-inspection act, with its penalties, and allows them to proceed under this act.

Mr. JONES. I wish to say to the Senator that I have received a good many protests from labor organizations against the Goeke bill as it passed the House. I do not know anything about this measure. I want to know whether the amendment of the committee meets the objection.

Mr. ROBINSON. It does not meet the objection which I think the Senator from Washington has in mind. Certain of the organizations insisted upon an amendment to provide in effect that boiler inspection shall be made by persons who have had five years' practical experience in boiler making, and that the inspection of the remainder of the locomotives shall be made by a person who has had practical experience in the construction and operation of locomotives, which is contemplating practically two separate inspections of every locomotive.

Mr. JONES. The Senator, of course, thinks that this improves the existing law.

Mr. ROBINSON. Certainly. I will state that the representatives of a great majority of the labor organizations were heard regarding the bill, and they approved the bill in this form.

Mr. SIMMONS. Mr. President——

Mr. SMITH of Georgia. The Senator from Arkansas has not finished explaining the present form of the bill.

Mr. SIMMONS. I am not going to object to the request of the Senator from Arkansas, but I wish to inquire whether we have not finished the main work under the unanimous-consent agreement?

Mr. FLETCHER. No; I have some reports to make from the Committee on Printing.

Mr. SMITH of Georgia. I wish to ask the Senator from Arkansas if the bill in the form in which the committee reports it provides for one inspection and requires that the inspector shall be a man capable of doing the work upon any part?

Mr. ROBINSON. It contemplates it. That is the form of the bill. It is in the form approved by the head of the Boiler Inspection Bureau.

Mr. SMITH of Georgia. He is an expert in boiler inspection and examination, and is familiar with the entire work?

Mr. ROBINSON. He is.

Mr. FALL. Mr. President, I do not know anything about this bill, but I think it is too late to allow a bill of this kind to pass without objection. Simply because the bills come from a committee with a favorable report, to pass them without discussion is rather a bad practice. As the Senator thinks this

ought to become a part of the law and is satisfied that it is necessary, I have such confidence in him that I do not like to object, but it seems to me that this is not the proper method of legislating.

Mr. ROBINSON. If the Senator from New Mexico will permit me, I will state that a subcommittee of the Interstate Commerce Committee had extended hearings on this bill. Representatives of the railroad companies and representatives of all the labor organizations throughout the United States interested in the matter appeared and were permitted to express their views fully, and the bill represents the deliberate conclusion of the subcommittee which considered it, consisting of the Senator from Iowa [Mr. CUMMINS], the Senator from Montana [Mr. MYERS], and myself.

Mr. FALL. I shall offer no objection.

Mr. POMERENE. There were very full hearings had on the bill in the House, and it received a unanimous report.

Mr. FALL. I shall make no objection.

The VICE PRESIDENT. Is there objection?

Mr. HARDWICK. Mr. President——

Mr. ROBINSON. I yield to the Senator from Georgia.

Mr. HARDWICK. What is the qualification of the inspector provided in the bill?

Mr. ROBINSON. The qualification that existed in the original boiler-inspection law.

Mr. HARDWICK. Will the Senator explain it?

Mr. ROBINSON. I can not from memory, but it seems to be very carefully safeguarded. I will state experience has shown that the service rendered in that department is very satisfactory.

Mr. HARDWICK. Is it the amendment that the boiler makers wanted to have put in?

Mr. ROBINSON. It is not.

Mr. HARDWICK. The qualifications will be those fixed in the original law?

Mr. ROBINSON. Yes; the effect of the amendment which they suggested would be to limit the department in the selection of its employees to a certain class of laborers, and the committee did not think it wise to do that. We thought that the department could, under the law, make a proper selection, and experience has confirmed that opinion.

The VICE PRESIDENT. Is there objection?

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was, on page 3, line 1, after the word "acts," to strike out the following words:

> Except that for a violation of the act of February 17, 1911, as hereby amended, or of any rule or regulation made under its provisions, or of any lawful order of any inspector acting thereunder, the offender shall be subject to prosecution by the United States for a penalty under said act, as hereby amended, only: *Provided*, That the passage of this act shall not affect any suit pending or offense committed prior to the passage hereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20415) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1916, and for other purposes.

The message also announced that the House disagrees to the amendment of the Senate No. 296, down to and including the amendment of the Senate No. 706 to the bill (H. R. 8846) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, and under the provisions of section No. 151 of the act approved March 3, 1911, commonly known as the Judicial Code, and agrees to the residue of the amendments to the bill.

The message further announced that the House had passed the bill (S. 544) for the relief of the Virginia Military Institute, of Lexington, Va.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 18747. An act to reserve certain lands and to incorporate the same and make them a part of the Pike National Forest;

H. R. 20340. An act to increase the appropriation for a public building at Elkins, W. Va.;

H. J. Res. 426. Joint resolution providing that the Congress of the United States shall participate in the celebration of the opening of The Dalles-Celilo Canal; and

H. J. Res. 437. Joint resolution authorizing and directing the Sergeant at Arms to refund to Members of the House of Representatives amounts of money deducted from their salaries.

The message further announced that the House agrees to the amendment of the Senate to the joint resolution (H. J. Res. 439) to empower the President to better enforce and maintain the neutrality of the United States.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice President:

S. 2789. An act to award the medal of honor to Maj. John O. Skinner, United States Army, retired;

H. R. 21546. An act making appropriations to supply deficiencies in appropriations for the fiscal year 1915 and for prior years, and for other purposes;

H. J. Res. 437. Joint resolution authorizing and directing the Sergeant at Arms to refund to Members of the House of Representatives amounts of money deducted from their salaries; and

H. J. Res. 438. Joint resolution concerning estimates and expenditures for the Reclamation Service.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 5042) legalizing certain conveyances heretofore made by the Central Pacific Railroad Co. and others within the State of Nevada, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 20604) to construct a public building for a post office at the city of Forsyth, Ga., in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

S. 5042. An act legalizing certain conveyances heretofore made by the Central Pacific Railroad Co. and others within the State of Nevada;

H. R. 900. An act for the relief of James Easson;

H. R. 2909. An act to extend the privileges of the seventh section of immediate-transportation act to Bay City, Mich.;

H. R. 4266. An act granting patent to certain lands to the legal heirs of W. F. Nichols;

H. R. 8846. An act making appropriations for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, and under the provisions of section No. 151 of the act approved March 3, 1911, commonly known as the Judicial Code;

H. R. 8904. An act to authorize the establishment of a life-saving station at the mouth of the Siuslaw River, Oreg.;

H. R. 10122. An act to credit Samuel M. Fitch, collector of internal revenue, first district of Illinois, on the books of the Treasury Department with the sum of $1,500 for cigar stamps lost or stolen in transit;

H. R. 11256. An act granting relief to Jacob Barger;

H. R. 11318. An act authorizing the sale of lands in Lyman County, S. Dak.;

H. R. 11694. An act providing for the purchase of a site for a public building at Binghamton, N. Y.;

H. R. 11839. An act for the relief of William Ham;

H. R. 12674. An act to provide for the allowance of drawback of tax on articles shipped to the island of Porto Rico or to the Philippine Islands;

H. R. 13222. An act to regulate the use of public-school buildings and grounds in the District of Columbia;

H. R. 13470. An act for the relief of James Grady;

H. R. 13591. An act for the relief of John P. Ehrmann;

H. R. 13756. An act for the relief of Augustus Dudley Hubbell;

H. R. 14197. An act for the relief of the legal representatives of Mrs. H. G. Lamar;

H. R. 15215. An act to authorize the Commissioners of the District of Columbia to adjust and settle the shortages in certain accounts of said District, and for other purposes;

H. R. 16777. An act for the relief of Amato Castellano, Libero Baranello, and Michele Baranello;

H. R. 17174. An act to pay the claim of the American Towing & Lightering Co. for damages to its tug *Buccaneer;*
H. R. 17343. An act for the relief of Charles L. Pritchard;
H. R. 17464. An act for the relief of Fred Graff;
H. R. 18550. An act empowering and directing the Secretary of the Treasury to convey by quitclaim deed certain lands in the city of Akron, State of Ohio;
H. R. 18686. An act to provide for provisional certificates of registry of vessels abroad, and for other purposes;
H. R. 19061. An act for the relief of homestead entrymen under the reclamation projects of the United States;
H. R. 19078. An act granting consent of Congress to the Cleveland Yacht Club Co. to construct a bridge across the west arm of Rocky River, Ohio;
H. R. 20107. An act to amend sections 4421, 4422, 4423, 4424, and 4498 of the Revised Statutes of the United States and section 12 of the act of May 28, 1908, relating to certificates of inspection of steam vessels;
H. R. 20340. An act to increase the appropriation for a public building at Elkins, W. Va.;
H. R. 20415. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1916;
H. R. 20702. An act authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Robert Caldwell Culbertson from Woodlawn Cemetery, D. C., to Rocky Spring Cemetery, Chambersburg, Pa.;
H. R. 21009. An act to make Van Buren, Me., a port through which merchandise may be imported for transportation without appraisement;
H. R. 21077. An act for the relief of W. F. Crawford;
H. R. 21122. An act to validate certain homestead entries;
H. R. 21184. An act to increase the limit of cost of the United States post-office building and site of Cohoes, N. Y.;
H. R. 21200. An act quieting title to a certain tract of land located in the city of Guthrie, Okla.;
H. R. 21383. An act to change the name of the old post-office building at Minneapolis, Minn.;
H. R. 21563. An act granting the consent of Congress to the Keokuk & Hamilton Bridge Co. to construct a bridge across the Mississippi River at Keokuk, Iowa; and
H. J. Res. 398. Joint resolution to refund under certain conditions a portion of the offers in compromise for failure to make the return required under the act of October 3, 1913, said offers in compromise having been covered into the Treasury, and for other purposes.

OMNIBUS CLAIMS BILL.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate No. 296 down to and including the amendment of the Senate No. 706 to the bill (H. R. 8846) making appropriations for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, and under the provisions of section No. 151 of the act approved March 3, 1911, commonly known as the Judicial Code, and agreeing to the residue of the amendments.

Mr. BRYAN. I move that the Senate recede from its amendment No. 296 down to and including amendment No. 706 to the bill.

The motion was agreed to.

PREFERENTIAL BALLOT.

Mr. FLETCHER. I submit three resolutions from the Committee on Printing. I ask for the consideration of the first resolution (S. Res. 573), which I send to the desk.

Mr. PENROSE. Let it be read for information, Mr. President.

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read as follows:

Resolved, That the manuscript submitted by Mr. OWEN, February 13, 1915, entitled "The preferential ballot, as a substitute for the direct primary, by Lewis Jerome Johnson, be printed as a Senate document.

Mr. PENROSE. I object, Mr. President.

Mr. FLETCHER. I submit another resolution and ask for its consideration.

Mr. SIMMONS. I wish to ask if the unanimous-consent agreement is not subject to conference reports? I understand that the conference report on the Indian appropriation bill is ready to be presented to the Senate.

The VICE PRESIDENT. The Chair understood that the Senator from Arizona was yielding to the request for unanimous consent.

Mr. SIMMONS. I have no objection to going on with the unanimous-consent agreement when ge get through with the conference report, but I protest against going on with this calendar while we are ready here to consider a conference report upon an important bill that may take hours.

The VICE PRESIDENT. Does the Senator from North Carolina want to have the report laid down?

Mr. SIMMONS. Certainly.

Mr. FLETCHER. I have had these reports on my desk for nearly a week and I have waited for an opportunity to present these simple resolutions.

Mr. SIMMONS. I have no objection to that. I am not objecting.

Mr. FLETCHER. The people interested in them are entitled to have the subject matter printed. I ask unanimous consent——

Mr. PENROSE. Let us hear the resolution read subject to objection.

Mr. FLETCHER. The Senator has objected, but if the Senator from Pennsylvania——

Mr. PENROSE. I will object to it now if the Senator wants.

Mr. FLETCHER. I will consider them objected to.

Mr. PENROSE. I object.

ORDER OF BUSINESS.

Mr. ASHURST. Mr. President, I am very anxious to ask the Senate to proceed to the conference report, but before doing so I should like to yield to the Senator from Washington [Mr. JONES] and the Senator from New Jersey [Mr. MARTINE].

Mr. GRONNA. Mr. President, a parliamentary inquiry.

Mr. ASHURST. Beyond that——

Mr. GRONNA. Has the Senator from Arizona asked unanimous consent to take up the conference report?

Mr. ASHURST. No; I am not required to ask unanimous consent. I am simply yielding to other Senators.

The VICE PRESIDENT. The Senator from Arizona has a right to call it up whenever he wishes. The Chair understood that he did not want to call it up now.

Mr. ASHURST. I yield to the Senator from Washington if the matter he wishes to call up leads to no discussion.

Mr. JONES. A while ago I objected to the consideration of the bill (H. R. 16029) to authorize the Secretary having jurisdiction of the same to set aside certain public lands to be used as national sanitariums by fraternal or benevolent organizations, and for other purposes. I wish to withdraw my objection, because I have talked with those interested and an amendment will be offered which will make it entirely satisfactory to them. It is a bill from the Committee on Public Lands.

Mr. ASHURST. If it leads to discussion I shall object.

Mr. JONES. I shall not discuss it. I withdraw my objection.

The VICE PRESIDENT. The bill will be read by title.

The SECRETARY. The bill (H. R. 16029) to authorize the Secretary having jurisdiction of the same to set aside certain public lands to be used as national sanitariums by fraternal or benevolent organizations, and for other purposes.

The VICE PRESIDENT. Is there any objection?

Mr. PENROSE. I should like to have the bill read.

The Secretary read the bill.

Mr. OVERMAN. I object.

The VICE PRESIDENT. Objection is made.

Mr. ASHURST. I yield to the Senator from New Jersey [Mr. MARTINE], and I shall yield no further.

Mr. MARTINE of New Jersey. I ask unanimous consent that the Senate proceed to the consideration of House bill 10735.

Mr. OVERMAN. Regular order! That bill comes before Order of Business 820, which was the first bill on the calendar under the unanimous-consent agreement.

Mr. MARTINE of New Jersey. I am asking for unanimous consent. This was a bill passed over.

Mr. ASHURST. Objection has been made, and I ask for the regular order.

Mr. HUGHES. No objection was made, I think; it was a misunderstanding.

Mr. LIPPITT. Is the unanimous-consent agreement yet finished?

The VICE PRESIDENT. The Chair understands that the Senator from New Jersey is asking to take up a bill under the unanimous-consent agreement. The Chair does not know what it is.

Mr. MARTINE of New Jersey. It is House bill 10735, to create a bureau of labor safety in the Department of Labor.

Mr. PENROSE. Mr. President, a parliamentary inquiry. I should like to have a definite understanding of the inquiry

made by the Senator from Rhode Island [Mr. LIPPITT]. Has the unanimous-consent agreement under which we have been operating been exhausted? Have all calendar bills and reports been considered?

The VICE PRESIDENT. They have, unless there are further reports of committees.

Mr. BRANDEGEE. Does that mean that any committee during the rest of the session has the right to submit a report under the unanimous-consent agreement and have it considered?

The VICE PRESIDENT. The Chair does not know what it did intend, but the Chair thinks it was intended to go through the calendar from the point indicated; and if a Senator had a report to make, he could submit it and, if it were not objected to, it could be taken up.

Mr. BRANDEGEE. During the time we were on the calendar?

The VICE PRESIDENT. Yes.

Mr. SIMMONS. I object to anything further until the conference reports are disposed of.

Mr. MARTINE of New Jersey. I trust the Senator will withhold it.

Mr. SIMMONS. I will withhold it at the Senator's request, but I object to any other unanimous consent until the conference report is disposed of.

Mr. MARTINE of New Jersey. I appreciate the Senator's courtesy.

The VICE PRESIDENT. The conference report is in order. The Senator from Arizona sends it up.

INDIAN APPROPRIATIONS.

Mr. ASHURST submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20150) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1916, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 10, 11, 16, 17, 22, 24, 25, 26, 27, 28, 29, 32, 34, 38, 44, 48, 49, 51, 56, 58, 63, 65, 66, 75, 77, 78, 79, 80, 82, 88, 91, 92, 93, 96, 98, 100, 107, 109, 113, 117, 118, 120, 131, 132, 133, 134, 135, 136, 138, 142, 143, 144, 145, 146, 148, 153, 156, 157, 158, and 159.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, 8, 12, 13, 15, 21, 30, 31, 35, 36, 37, 39, 40, 45, 46, 47, 57, 59, 60, 61, 71, 73, 83, 95, 99, 102, 103, 104, 105, 106, 110, 111, 114 116, 119, 121, 122, 123, 125, 128, 137, 139, 141, 147, 149, 151, 154, 155, 160, 161, 165, 167, 169, and 170 and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment to the Senate numbered 3, and agree to the same with an amendment as follows: In line 1 of the proposed amendment, after the word "sum," strike out the figures "$25,000" and insert in lieu thereof figures "$10,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter proposed by this amendment insert the following: "maintenance of hospitals and sanatoriums, for incidental and all other expenses for their proper conduct and management, including pay of employees, repairs, improvements, and for necessary expenses of transporting Indian patients to and from such hospitals and sanatoriums, and for the correction of sanitary defect in Indian homes, $350,000: *Provided*, That not to exceed $90,000 of the amount herein appropriated may be expended in the erection and equipment of new hospitals for the use of Indians; and no hospital shall be constructed at a cost to exceed $15,000, including equipment"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,500,000," and on page 5 of the bill, line 4, after the word "schools," strike out the period, insert a colon, and add the following: "*And provided further*, That $75,000 of the amount herein appropriated shall be expended for tuition of children of Indian blood enrolled in the public schools of New Mexico"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$420,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$425,000"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$115,000"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$300,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$75,000"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert the following: "The Joint Commission to Investigate Indian Affairs, as now constituted, is hereby continued during the period of the Sixty-fourth Congress, with powers and duties as provided in the Indian appropriation act of June 30, 1913 (38 Stat. L., p. 81), and the unexpended amount therein appropriated for the expense of said commission is hereby reappropriated and made immediately available for the purposes therein authorized. Said commission shall make their findings, conclusions, and recommendations to Congress during the Sixty-fourth Congress: *Provided*, That should a vacancy occur in said commission by resignation or otherwise it shall be filled by appointment in the manner in which the members of said commission were originally appointed: *Provided further*, That if a vacancy should occur in said commission by resignation or otherwise of a member of the commission appointed from the House of Representatives before the Sixty-fourth Congress convenes, such vacancy shall be filled by appointment from the Members elect of said Sixty-fourth Congress by Hon. CHAMP CLARK, a Member elect of the Sixty-fourth Congress from the State of Missouri"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed in line 2 of the proposed amendment, insert: "$15,000"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: Strike out the figures proposed and insert the following: "$127,000"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: Strike out the sum proposed in said amendment and insert the following: "$45,000"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"For the purchase of lands for the homeless Indians in California, including improvements thereon, for the use and occupancy of said Indians, $20,000, said funds to be expended under such regulations and conditions as the Secretary of the Interior may prescribe."

And the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: Strike out the amendment proposed and insert the following: "$108,125; for general repairs and improvements, $8,000; in all, $116,125"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert "6"; and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert "7"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of

the amendment proposed insert "$60,450; for general repairs and improvements, $5,000; for dairy barn, $5,000; in all, $70,450"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert "8"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert "$39,175; for general repairs and improvements, $6,500; for septic tank, $5,500; in all, $51,175"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In line 3 of the proposed amendment, strike out the words "created into a forest reserve, to" and insert in lieu thereof the words "reserved from sale and allotment, and shall"; in line 61 of the proposed amendment, before the word "Secretary," insert the word "said"; in line 63 of the proposed amendment, before the word "Secretary," insert the word "said"; in line 71 of the proposed amendment, before the word "Secretary," insert the word "said"; and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In line 13 of the proposed amendment, after the word "thirteen," strike out the balance of the amendment; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert "9"; and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "$20,000, to be immediately available: *Provided*, That not to exceed $4,500 of the above amount may be expended for salaries;"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "$20,000, to be immediately available: *Provided*, That not to exceed $8,000 of the above amount may be expended for salaries"; and the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In line 2 of the proposed amendment strike out the word "hereafter" and insert in lieu thereof the following: "during the fiscal year ending June 30, 1916"; and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$100,000"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to announce, at such time as in his opinion seems proper, the charge for construction of irrigation systems on the Blackfeet, Flathead, and Fort Peck Indian Reservations in Montana, which shall be made against each acre of land irrigable by the systems on each of said reservations. Such charges shall be assessed against the land irrigable by the systems on each said reservation in the proportion of the total construction cost which each acre of such land bears to the whole area of irrigable land thereunder.

"On the 1st day of December after the announcement by the Secretary of the Interior of the construction charge, the allottee, entryman, purchaser, or owner of such irrigable land which might have been furnished water for irrigation during the whole of the preceding irrigation season, from ditches actually constructed, shall pay to the superintendent of the reservation where the land is located, for deposit to the credit of the United States as a reimbursement of the appropriations made or to be made for construction of said irrigation systems, 5 per cent of the construction charge fixed for his land, as an initial installment, and shall pay the balance of the charge in 15 annual installments, the first 5 of which shall each be 5 per cent of the construction charge and the remainder shall each be 7 per cent of the construction charge. The first of the annual installments shall become due and payable on December 1 of the fifth calendar year after the initial installment: *Provided*, That any allottee, entryman, purchaser, or owner may, if he so elects, pay the whole or any part of the construction charges within any shorter period: *Provided further*, That the Secretary of the Interior may, in his discretion, grant such extension of the time for payments herein required from Indian allottees or their heirs as he may determine proper and necessary, so long as such land remains in Indian title.

"That the tribal funds heretofore covered into the Treasury of the United States in partial reimbursement of appropriations made for constructing irrigation systems on said reservations shall be placed to the credit of the tribe and be available for such expenditure for the benefit of the tribe as may be made under existing law.

"The Secretary of the Treasury is hereby authorized and directed to credit on the books of the Treasury to the Indians of the Blackfeet Reservation $4,544.40; to the Indians of the Flathead Reservation, $440,217.78; and to the Indians of the Fort Peck Reservation, $80,425.75, the same being the amounts heretofore covered into the Treasury on account of moneys expended upon irrigation projects upon said reservations.

"The cost of constructing irrigation systems to irrigate the allotted lands of the Indians on these reservations shall be reimbursed to the United States as hereinbefore provided, and no further reimbursements from the tribal funds shall be made on account of said irrigation works, except that all charges against Indian allottees or their heirs herein authorized, unless otherwise paid, may be paid from the individual shares in the tribal funds, when the same is available for distribution, in the discretion of the Secretary of the Interior.

"For continuing construction of the irrigation systems on the Blackfeet Indian Reservation in Montana, $50,000, which shall be immediately available and remain available until expended: *Provided*, That the entryman upon the surplus unallotted lands to be irrigated by such systems shall, in addition to compliance with the homestead laws, before receiving patent for the lands covered by his entry, pay the charges apportioned against such tract as herein authorized, and a failure to make any two payments when due shall render the entry subject to cancellation, with the forfeiture to the United States of all rights acquired under the provisions of this act, as well as of any moneys paid on account thereof. The purchaser of any Indian allotment to be irrigated by such systems, purchased upon approval of the Secretary of the Interior, before the charges against said allotment herein authorized shall have been paid, shall pay all charges remaining unpaid at the time of such purchase, and in all patents or deeds for such purchased allotments, and also in all patents in fee to allottees of their heirs issued before payment of all such charges herein authorized to be made against their allotments, there shall be expressed that there is reserved upon the lands therein described a lien for such charges, and such lien may be enforced, or, upon payment of the delinquent charges, may be released by the Secretary of the Interior (acts Mar. 1, 1907, vol. 34, p. 1035; Apr. 4, 1910, vol. 36, p. 277; Mar. 3, 1911, vol. 36, p. 1066; Aug. 24, 1912, vol. 37, p. 526; June 30, 1913, vol. 38, p. 90; Aug. 1, 1914, vol. 38, p. 593).

"For continuing the construction of the irrigation systems on the Flathead Indian Reservation in Montana, $400,000, to remain available until expended, and the unexpended balance, amounting to $186,996.81, appropriated in the Indian appropriation act approved June 30, 1913, for continuing the construction of said irrigation systems on said reservations, be, and the same is hereby, reappropriated and made immediately available to be expended for continuing the construction of said irrigation systems: *Provided*, That the payments for the proportionate cost of the construction of said systems required of settlers on the surplus unallotted land by section 9, chapter 1495, Statutes of the United States of America, entitled 'An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation in the State of Montana, and the sale and disposal of all surplus lands after allotment,' as amended by section 15 of the act of May 29, 1908 (35 Stat. L., 448), shall be made as herein provided: *Provided further*, That nothing contained in the act of May 29, 1908 (35 Stat. L., 444), shall be construed to exempt the purchaser of any Indian allotment purchased prior to the expiration of the trust period thereon from any charge for construction of the irrigation system incurred up to the time of such purchase, except such charges as shall have accrued and become due in accordance with the public notices herein provided for, or to relieve the

owners of all land allotted to Indians in severalty from payment of the charges herein required to be made against said land on account of construction of the irrigation systems; and in carrying out the provisions of said section the exemption therein authorized from charges incurred against allotments purchased prior to the expiration of the trust period thereon shall be the amount of the charges or installments thereof due under public notice herein provided for up to the time of such purchase.

"For continuing construction of the irrigation systems on the Fort Peck Indian Reservation in Montana, $50,000, which shall be immediately available and remain available until expended: *Provided*, That the proportionate cost of the construction of said systems required of settlers and entrymen on the surplus unallotted irrigable land by section 2 of the act of May 30, 1908 (35 Stat. L., p. 558), shall be paid as herein provided: *Provided further*, That nothing contained in said act of May 30, 1908, shall be construed to exempt the purchaser of any Indian allotment purchased prior to the expiration of the trust period thereon from any charge for construction of the irrigation system incurred up to the time of such purchase, except such charges as shall have accrued and become due in accordance with the public notices herein provided for, and the purchaser of any Indian allotment to be irrigated by said systems purchased upon approval of the Secretary of the Interior before the charges against said allotment herein authorized shall have been paid shall pay all charges remaining unpaid at the time of such purchase, and in all patents or deeds for such purchased allotments, and also in all patents in fee to allottees or their heirs issued before payment shall have been made of all such charges herein authorized to be made against their allotments, there shall be expressed that there is reserved upon the lands therein described a lien for such charges, and such lien may be enforced, or upon payment of the delinquent charges may be released by the Secretary of the Interior.

"That in addition to the construction charges every allottee, entryman, purchaser or owner shall pay to the superintendent of the reservation a maintenance and operation charge based upon the total cost of maintenance and operation of the systems on the several reservations, and the Secretary of the Interior is hereby authorized to fix such maintenance and operation charge upon such basis as shall be equitable to the owners of the irrigable land. Such charges when collected shall be available for expenditure in the maintenance and operation of the systems on the reservation where collected: *Provided*, That delivery of water to any tract of land may be refused on account of nonpayment of any charges herein authorized, and the same may, in the discretion of the Secretary of the Interior, be collected by a suit for money owed: *Provided further*, That the rights of the United States, heretofore acquired, to water for Indian lands referred to in this amendment, namely, the Blackfeet, Fort Peck, and Flathead Reservation land, shall be continued in full force and effect until the Indian title to such land is extinguished.

"That the Secretary of the Interior be, and he is hereby, authorized to prescribe such rules and regulations and issue such notices as may be necessary to carry into effect the provisions of this act, and he is hereby authorized and directed to determine the area of land on each reservation which may be irrigated from constructed ditches and to determine what allowance, if any, shall be made for ditches constructed by individuals for the diversion and distribution of a partial or total water supply for allotted or surplus unallotted lands: *Provided*, That if water be available prior to the announcement of the charge herein authorized, the Secretary of the Interior may furnish water to land under the systems on the said reservations, making a reasonable charge therefor, and such charges when collected may be used for construction or maintenance of the systems through which such water shall have been furnished.

"The work to be done with the amounts herein appropriated for the completion of these projects may be done by the Reclamation Service, on plans and estimates furnished by that service and approved by the Commissioner of Indian Affairs."

And the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert "10"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert "11"; and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$47,650"; and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"For the support and civilization of the Washoe Tribe of Indians in Nevada, including the purchase of land and water rights for said tribe, the title to which is to be held in the United States for the benefit of said Indians, $12,500."

And the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert the following:

"SEC. 12. For support and education of 400 Indian pupils at the Indian school at Albuquerque, N. Mex., and for pay of superintendent, $68,600; for general repairs and improvements, $8,000; for the purchase of additional acreage adjoining the school farm, $12,000; in all, $88,600."

And the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert the following:

"For support and education of 350 Indian pupils at the Indian school at Santa Fe, N. Mex., and for pay of superintendent, $59,550; for general repairs and improvements, $8,000; for water supply, $1,600; in all, $69,150."

And the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert "13"; and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert "14"; and the Senate agree to the same.

Amendment numbered 94: That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert "15"; and the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of the matter proposed in this amendment insert the following:

"For support and education of 200 Indian pupils at the Indian school, Wahpeton, N. Dak., and pay of superintendent, $35,800; for general repairs and improvements, $3,200; in all, $39,000."

And the Senate agree to the same.

Amendment numbered 101: That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert "16"; and the Senate agree to the same.

Amendment numbered 108: That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In line 8 of said amendment, after the word "Oklahoma," insert the following: "And the Secretary of the Interior is hereby further authorized to allot said lands of said town site in equal amounts to San-a-was and Pessa, enrolled Comanche Indian women who have not heretofore received allotments"; and the Senate agree to the same.

Amendment numbered 112: That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert "17"; and the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In line 1 of the proposed amendment, before the word "which," insert the words "all of"; and the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the proposed amendment insert "18"; and the Senate agree to the same.

Amendment numbered 126: That the House recede from its disagreement to the amendment of the Senate numbered 126,

and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert the figures "$12,500"; and the Senate agree to the same.

Amendment numbered 127: That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: Strike out the proposed amendment and in lieu thereof insert the following: "$117,500"; and the Senate agree to the same.

Amendment numbered 129: That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: In lieu of the proposed amendment insert "19"; and the Senate agree to the same.

Amendment numbered 130: That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: In lieu of the proposed amendment insert "20"; and the Senate agree to the same.

Amendment numbered 140: That the House recede from its disagreement to the amendment of the Senate numbered 140, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert "21"; and the Senate agree to the same.

Amendment numbered 150: That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment as follows: In lieu of the proposed amendment insert "22"; and the Senate agree to the same.

Amendment numbered 152: That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment as follows: In line 5 of the proposed amendment strike out the figures "$18,000" and insert in lieu thereof the figures "$15,000"; and the Senate agree to the same.

Amendment numbered 162: That the House recede from its disagreement to the amendment of the Senate numbered 162, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert "23"; and the Senate agree to the same.

Amendment numbered 163: That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment, insert the following:

"For support and education of 250 Indian pupils at the Indian school, Tomah, Wis., including pay of superintendent, $43,450; for general repairs and improvements, $7,500; in all, $50,950."

And the Senate agree to the same.

Amendment numbered 164: That the House recede from its disagreement to the amendment of the Senate numbered 164, and agree to the same with an amendment as follows: Strike out the words "to be immediately available and to remain available until expended," after the word "necessary" in line 7 of said amendment; and the Senate agree to the same.

Amendment numbered 166: That the House recede from its disagreement to the amendment of the Senate numbered 166, and agree to the same with an amendment as follows: In line 7 of the proposed amendment, after the word "the," strike out the words "certificate and"; in lines 7 and 8 of the proposed amendment, strike out the words "Commissioner of Indian Affairs" and insert in lieu thereof the following: "Secretary of the Interior"; and the Senate agree to the same.

Amendment numbered 168: That the House recede from its disagreement to the amendment of the Senate numbered 168, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert "24"; and the Senate agree to the same.

Amendment numbered 171: That the House recede from its disagreement to the amendment of the Senate numbered 171, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert the following:

"SEC. 25. Section 26 of the Indian appropriation act of June 30, 1913 (38 Stat. L., p. 103), is hereby repealed."

And the Senate agree to the same.

HENRY F. ASHURST,
H. L. MYERS,
Conferees on the part of the Senate.

C. D. CARTER,
CARL HAYDEN,
C. H. BURKE,
Conferees on the part of the House.

Mr. ASHURST. I ask that the question be put on agreeing to the report.

Mr. GRONNA. Mr. President, there are Senators here who I know are very deeply interested in this report and will want to be here when the report is considered. Therefore I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following-named Senators answered to their names:

Ashurst	Gronna	Martine, N. J.	Smith, Md.
Bankhead	Hardwick	Nelson	Smith, S. C.
Brady	Hollis	O'Gorman	Smoot
Brandegee	Hughes	Overman	Sterling
Bristow	James	Owen	Stone
Bryan	Jones	Penrose	Sutherland
Burton	Kern	Perkins	Thomas
Chamberlain	La Follette	Pittman	Thompson
Clapp	Lane	Pomerene	Townsend
Dillingham	Lea, Tenn.	Reed	Walsh
Fall	Lee, Md.	Robinson	Weeks
Gallinger	Lodge	Sheppard	Works
Gore	McLean	Smith, Ga.	

The VICE PRESIDENT. Fifty-one Senators have answered to the roll call. A quorum is present. The pending question is on the motion of the Senator from Arizona [Mr. ASHURST] to agree to the conference report.

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. The Senator from North Dakota.

Mr. ASHURST. Question!

Mr. PENROSE. May I make a suggestion, if the Senator will permit me, before he goes on?

Mr. GRONNA. If it does not take me from the floor.

Mr. PENROSE. It will not take the Senator off the floor. The Senator from New Jersey [Mr. MARTINE] has been waiting here since 6 o'clock last evening or longer. I know, as a matter of fact, that the conference report on the Indian bill and the Post Office bill, when they get here, will take pretty nearly the remainder of this session. It may be that now, or a little later on, we might get some kind of a unanimous-consent agreement, and I would ask the chairman of the committee whether he will not consent, without the Senator from North Dakota [Mr. GRONNA] losing the floor, to let the Senator from New Jersey present his matter to the Senate? It will not take long.

Mr. MARTINE of New Jersey. It will take only a few minutes.

Mr. OVERMAN. I am going to object to the measure the Senator from New Jersey desires to present. I have a report from the department saying that it proposes to provide a duplication of the work of two departments. We do not want two bureaus doing the same thing; and this measure provides for that. I should like to oblige my dear friend, but I can not agree to his request under the circumstances.

The VICE PRESIDENT. That seems to end it.

Mr. KERN. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Indiana?

Mr. GRONNA. I yield for a question.

Mr. KERN. I was about to suggest a unanimous-consent agreement on the line suggested by the Senator from Pennsylvania, that until 9 o'clock this morning the Senate shall consider nothing save conference reports.

Mr. SMOOT. I am willing to agree to that.

Mr. OVERMAN. Would that include a joint resolution extending appropriations, in case some appropriation bill does not pass?

Mr. KERN. It would include that.

Mr. OVERMAN. If it includes that I shall not object.

Mr. SHEPPARD. I want the Senator to make one other exception. I want to present the report of the committee to investigate the excise board in the District. I will be able to make that report early in the morning.

Mr. KERN. Can you not make it after 9 o'clock?

Mr. SHEPPARD. Yes.

Mr. KERN. This will only extend to 9 o'clock, so that Senators here may go away for awhile.

Mr. FALL. I do not understand that if a conference report is under consideration at 9 o'clock it will be laid aside.

Mr. KERN. Oh, no; not at all; but that nothing except conference reports will be considered between now and 9 o'clock, and any joint resolution, of course, that would provide for an extension of appropriations.

The VICE PRESIDENT. Then the request for a unanimous-consent agreement, as the Chair understands it, is that until the hour of 9 o'clock a. m. shall have arrived nothing shall be considered by the Senate of the United States save and except conference reports or joint resolutions that may have to do with continuing appropriations.

Mr. KERN. For the extension of appropriations.

Mr. MARTINE of New Jersey. Before consent is given may I make a statement? I can not get my bill in, but I have two

concurrent resolutions that I desire to present to the Senate, and I will have to ask unanimous consent for that. May I ask for it?

Mr. KERN. Can the Senator not present those after 9 o'clock in the morning—between then and 12 o'clock?

Mr. MARTINE of New Jersey. I undoubtedly can do so between 9 and 12—three hours—but they will disappear as rapidly as the morning dew. I now desire to offer the first joint resolution.

Mr. FALL. I object.

Mr. MARTINE of New Jersey. Then I desire to offer the other resolution.

Mr. FALL. I object.

The VICE PRESIDENT. Objection is made.

Mr. MARTINE of New Jersey. God knows I have fallen on evil times. [Laughter.]

The VICE PRESIDENT. Is there objection to the request of the Senator from Indiana [Mr. KERN]?

Mr. O'GORMAN. I desire to say a word. It is an important matter that the Senator from New Jersey desires to bring before the Senate. He has treated every one of his colleagues to-night, as always, with the greatest courtesy. I do not recall of his making a single objection to any request for unanimous consent, and I think he might be accorded the same treatment that he has extended so liberally to other Senators. What harm can come from allowing the Senator to introduce his resolutions? It will take but a moment.

Mr. MARTINE of New Jersey. May I ask unanimous consent, then, Mr. President——

Mr. GRONNA. I have no right, of course, to agree to anything of that kind.

Mr. FALL. Mr. President, there have been several conference reports before this body concerning which other Senators have been just as insistent and just as anxious to be heard upon and to have considered as those who are interested in the Indian appropriation bill are upon having the conference report upon that bill considered. They have been just as impatient at continuous interruptions interjected by other Senators. I object to the request of the Senator from New Jersey.

PAYMENT OF EMPLOYEES.

Mr. MARTINE of New Jersey. I desire to introduce a joint resolution.

The PRESIDING OFFICER. Is there objection?

Mr. FALL. I withdraw my objection, Mr. President.

The joint resolution (S. J. Res. 245) providing for the payment of salaries of officers and employees of the Senate and House of Representatives in full for the month of March, 1915, on the 4th day of March, 1915, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the Secretary of the Senate and the Clerk of the House of Representatives be, and they hereby are, authorized and directed to pay to the officers and employees of the Senate and House of Representatives borne on the annual rolls, including clerks to Members and Delegates and Resident Commissioners of the House of Representatives, their salaries in full for the month of March, 1915, on the 4th day of March, 1915.

Mr. MARTINE of New Jersey. I ask unanimous consent for the present consideration of the joint resolution.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PANAMA-PACIFIC EXPOSITION.

Mr. MARTINE of New Jersey. Now, I desire to offer a concurrent resolution.

The VICE PRESIDENT. The resolution will be read.

The Secretary read as follows:

Resolved by the Senate (the House of Representatives concurring), That the President of the Senate and the Speaker of the House of Representatives be, and they are hereby, authorized to appoint a committee of 10 Senators and 15 Representatives of the Sixty-third Congress to attend the Panama-Pacific International Exposition at San Francisco, Cal., and the Panama-California Exposition at San Diego, Cal., and that the expenses of said committee be paid out of the contingent funds of the Senate and House of Representatives, respectively, upon vouchers to be approved by the chairman of the Committee on Industrial Expositions of the Senate and the chairman of the Committee on Industrial Arts and Expositions of the House of Representatives.

Mr. FALL. I object to that.

The VICE PRESIDENT. Objection is made.

ORDER OF BUSINESS.

Mr. KERN. I renew my request for a unanimous-consent agreement as to what measures shall be considered between now and 9 o'clock.

The VICE PRESIDENT. Is there objection to the request for unanimous consent?

Mr. MYERS. I wish to get some information. Does the request imply that if a conference report is being debated at 9 o'clock it must be laid aside?

The VICE PRESIDENT. No; it does not. It means that nothing else shall be considered until then. Is there objection?

Mr. PENROSE. Mr. President, will the Chair state the request for unanimous consent?

The VICE PRESIDENT. The Senator from Indiana requests unanimous consent that until the hour of 9 o'clock on this, the 4th day of March, 1915, nothing shall be considered by the Senate of the United States except conference reports or joint resolutions proposing to extend appropriations of previous years in cases where pending appropriation bills may have failed to pass the two Houses.

Mr. BRANDEGEE. One question, Mr. President. The language of the request is that "nothing shall be considered." I should like to know whether, under the proposed agreement, committee reports would be barred?

The VICE PRESIDENT. They undoubtedly would be. Nothing could be received except conference reports or joint resolutions proposing to continue appropriations.

Mr. BRANDEGEE. That is all right.

Mr. JONES. Mr. President, I want to say that I understand the Senator from North Carolina [Mr. OVERMAN] will withdraw the objection which he made a while ago to Calendar No. 843, House bill 16029. If it can be done, I should like to have that matter disposed of.

Mr. PENROSE. I object to that bill.

The VICE PRESIDENT. Is the unanimous-consent agreement to be entered into?

Mr. GRONNA. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. GRONNA. I want to discuss the Indian appropriation bill, and I wish to inquire if that is not before the Senate?

The VICE PRESIDENT. It is before the Senate. Does the Senator object to the proposed unanimous-consent agreement?

Mr. GRONNA. I do not object.

The VICE PRESIDENT. Very well. Then the Chair will again inquire if there is objection to the proposed agreement?

Mr. CHAMBERLAIN. Mr. President, there is a resolution from the House on the Secretary's desk now, and if I can get that disposed of I will not object.

Mr. PENROSE. What is it?

Mr. CHAMBERLAIN. A joint resolution that does not involve any expenditure on the part of the Government.

Mr. PENROSE. What is it about?

Mr. CHAMBERLAIN. It provides for the attendance of Senators and Representatives at the opening of a great public work on the Columbia River, without involving any expense to the Government. It has passed the House and is only a few lines long.

SEVERAL SENATORS. I object.

The VICE PRESIDENT. Does the Senator from Oregon object to the request for unanimous consent?

Mr. CHAMBERLAIN. I will object; yes, sir.

Mr. ASHURST. Regular order!

The VICE PRESIDENT. The Senator from North Dakota will proceed.

Mr. GRONNA. Mr. President——

Mr. KERN. Mr. President, if the Senator will allow me, I renew my request for unanimous consent that until 9 o'clock this morning no business be taken up by the Senate except conference reports and joint resolutions extending appropriations.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the agreement is entered into.

Mr. KERN. Mr. President, I think it would be well enough to state that if Senators leave the Chamber they should understand that if a quorum is called for they will be sent for.

Mr. PENROSE. As I understand, a quorum is never called for under a unanimous-consent agreement of this kind. It would be disloyalty to the unanimous-consent agreement.

Mr. KERN. I think that is true.

Mr. VARDAMAN. I do not consent to that.

Mr. ASHURST. I call for the regular order.

Mr. VARDAMAN. I am very much opposed to the adoption of the conference report, and I think there may be a call for a quorum.

Mr. JAMES. Mr. President, I make the point of order that the unanimous-consent agreement has already been entered into.

The VICE PRESIDENT. There is no doubt about the fact that it has already been entered into.

Mr. JAMES. If the Senator from Mississippi feels that under the agreement he has a right to make the point of no quorum,

that is a matter for him to decide; but the agreement has already been entered into, and it is too late now to object to it.

Mr. VARDAMAN. There was nothing in the agreement that implied an obligation upon a Senator not to call for a quorum.

The VICE PRESIDENT. The Chair is not construing what the agreement means.

INDIAN APPROPRIATIONS—CONFERENCE REPORT.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20150) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1916.

Mr. GRONNA. Mr. President, if I may have the attention of the Senate for a few minutes, no more important measure has been before the Congress than the Indian bill. The Indians are the wards of this Government. It is our duty to administer their affairs the same as we would our own. This bill, as I understand, as it has been reported to the Senate by the conferees, has been changed in many respects. It is impossible, of course, to know from the report that is read from the desk, indicating by numbers that certain paragraphs have either been changed or stricken out, just what the effect of the change is; but I have been informed that certain provisions in the bill which, in my judgment, are of the greatest importance to the Indians have been stricken out.

Every year we appropriate large sums of money for the support of the Indians of this country, for the maintenance of their schools. I am sorry to say that the affairs of the Indians have not been administered as economically and as wisely as they should have been administered. Large sums of money have been wasted, not by the Indian but by the white man. Vast sums of money are being appropriated every year, and a large portion of the appropriation is being used by the white man in the administration of Indian Affairs.

It has been said by men who have given the Indian question careful study that the Indian has received less than 10 per cent of the vast appropriations made by Congress during these many years. Is it any wonder that the Indian is dissatisfied? Can anyone blame the Indian for losing confidence in those who have taken it upon themselves to administer the affairs of the Indian as they would their own when we find that millions upon millions of dollars of the Indians' money have been spent and practically wasted by the white man?

I believe the time has come when the people of this country should know that the affairs of the Indian are not being administered as wisely and as economically as they could be and as they should be administered. There seems to be a feeling prevalent in some sections of the country that the question is, How much of the Indians' money can be expended every year?

Mr. REED. Mr. President, I am interested in the remarks of the Senator, and I should like to ask him a question.

Mr. GRONNA. I yield to the Senator from Missouri.

Mr. REED. What is there wrong about this bill? What is there about this bill that proposes to expend the Indians' money in an improper way?

Mr. GRONNA. Mr. President, if the Senator will be patient and wait for a few minutes, at least, or perhaps an hour, I shall try my best to explain it.

Mr. REED. Mr. President, that leads me, if the Senator will indulge me, to this sort of a suggestion——

Mr. GRONNA. I can only yield for a question. I do not wish to be taken off the floor.

Mr. REED. I do not want to take the Senator off the floor.

Mr. GRONNA. I want to ask the Chair to protect my right to the floor.

The PRESIDING OFFICER (Mr. LEA of Tennessee in the chair). The Chair will protect the Senator.

Mr. REED. I will put what I have to say in the form of an interrogatory.

Mr. GRONNA. The Senator from Missouri knows that I gladly yield to him if I do not lose the floor.

Mr. REED. We have been here all of one day and one night, now another night, and it is almost morning, at the risk of the health of some of the older Senators in this body and at the great inconvenience of everybody. I want to ask the Senator if he proposes at this hour, at this time of the session, to undertake to hold up this bill and talk it to death? If he does, I want to know about it, because I want to go home and go to bed. I think we ought to be frank.

Mr. GRONNA. Mr. President, I want to be perfectly frank. I do not know how much time I shall take. I have stated to some Senators that I may take one hour, I may take two or three hours, I may take more.

Mr. REED. Mr. President, I do not think the Senator thinks there is an excuse for taking one hour or two hours to discuss this bill at this stage.

Mr. GRONNA. Mr. President, I want to say to the Senator from Missouri, with the utmost respect, that if I did not think so I should not attempt to discuss it. There were provisions in this bill that have been stricken out, as I understand, that should not have been stricken out.

Mr. REED. Of course, if the Senator intends to point out serious defects in the bill, and that is his purpose, I am willing to sit here and wait, and I am willing to listen. I know that the Senator is one of the fairest men in the Senate, and one of the fairest men I ever met. I say that to him frankly and without and attempt to flatter him.

Mr. GRONNA. I am obliged to the Senator for that.

Mr. REED. But I have some respect for my physical comfort and my physical health. I know that now any two men or any one man with reasonable vitality can kill any bill he wants to, and I am just begging the Senator to tell us whether he is really discussing this matter with the hope of converting some people and changing some views and changing opinions in regard to the bill or whether, as a matter of fact, he simply proposes to keep on and talk until the time runs out.

Mr. GRONNA. No, Mr. President; I want to say frankly that I am not. It is possible to have this bill changed. It is possible to make a few changes in it and make it a much better bill than it is.

Mr. REED. Oh, certainly. I suppose that is true of every bill.

Mr. GRONNA. Yes; and it is my purpose to point out some of the defects of this bill.

Mr. REED. I know; but the time for debate ended long ago, except, of course, that if the conferees have done something of an extreme and extraordinary and outrageous character it is proper to point it out. If that is pointed out, I am sure the Senate is in no frame of mind to permit radical and unusual changes to be made. I am not; but I do insist that there is a sort of human right in this matter. We ought not to be kept here from our beds, from our comfort; we ought not to be compelled to stay here at the risk of a vote being taken and no quorum disclosed, when, as a matter of fact, a vote is not going to be taken. I think the Senator ought to tell us what is the matter with this bill, and in a few words.

Mr. GRONNA. Mr. President, if the Senator from Missouri will permit me, I shall try to proceed in my own way and inform the Senate as to what in my judgment is wrong with this bill. Of course it may not appeal to the Senator from Missouri. I hope I may be able in my feeble way to point out some of the defects and that the Senator from Missouri will join me even at this late hour in an effort to see that justice is done to these poor helpless people. The Senator from Missouri must know, and every Senator here must know, that I do not occupy the floor—I never have occupied the floor of this body for the purpose of filibustering.

Mr. REED. I think that is true.

Mr. GRONNA. And the Senator from Missouri can not put anything in the RECORD to make it show that that is my purpose.

Mr. REED. No; I have not tried to. I have tried to be just to the Senator, as I have always found that the Senator has tried to be just to everybody.

Mr. GRONNA. I believe that. The Senator from Missouri has always been kind to me.

Mr. REED. I am asking the question for this reason: If the Senator is going to discuss the conference report to show us where it has gone far astray, I can see the reason for that. If he is going to discuss this general bill, I do insist that in my judgment the time for that sort of debate, while legally it is here, has in fact really passed. We ought not to be doing it at 4 o'clock in the morning. That should have been done about four weeks ago.

I am talking with the sufferance and by the kindness of the Senator. I hope the Senator will point out to us the defects in the conference report. I do not care anything about what happened before that.

Mr. GRONNA. The Senator from Missouri is always a fair man. The Senator from Missouri knows that the bill has just been reported from the conference committee, and I have had no opportunity to examine or discuss it. This is the first time

I have had the opportunity to discuss the bill in its present form.

Mr. REED. Oh, yes; I understand that. The conferees have made some changes. The bill up to the point of those changes has been discussed ad nauseum, and it seems to me that we ought to confine ourselves to that. I hope the Senator will not keep us here to discuss the bill in general.

Mr. GRONNA. I want to say to the Senator from Missouri that the Committee on Indian Affairs held very extensive hearings on this bill. We have been sitting for weeks and for months taking testimony from people who are interested in Indian affairs. Those hearings are printed. Those hearings are the best testimony that can be produced in this or in any other body, and I propose, as I said a moment ago, in my own way to present this question to the Senate, in the hope that even at this late hour the Members of this body will join me in sending this report back to conference and making it a better bill than it now is.

Mr. REED. Let me ask the Senator one further question.

The PRESIDING OFFICER. Does the Senator from North Dakota further yield to the Senator from Missouri?

Mr. REED. The question is on another matter.

Mr. GRONNA. I am afraid that I——

Mr. REED. No; it is on another matter. I am sure the Senator will yield for that purpose.

Mr. GRONNA. I am afraid I may be accused of conducting a filibuster.

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Missouri?

Mr. GRONNA. I yield for a question.

Mr. REED. Is the principal objection of the Senator based on the fact that the Choctaw Indians are not included? Is that the principal ground?

Mr. GRONNA. Oh, Mr. President, if the Senator will take the time that I have taken to investigate this bill, he will not ask me that question.

Mr. REED. Well, I might ask it anyway. I simply want to say this, if the Senator will permit me: I have on every occasion voted to include the Choctaw Indians. I do not know whether I was right in that or not; but if the friends of the Choctaw Indians propose now to filibuster this bill to death, I give them notice that the same tactics will be employed while I am in the Senate against the Choctaw Indians. My patience is exhausted with everything in the form of a filibuster.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Mississippi?

Mr. GRONNA. I yield for a question.

Mr. VARDAMAN. Mr. President, I just want to say to my friend from Missouri [Mr. REED], who was kind enough to vote last evening for the amendment offered by me in the interest of the Mississippi Choctaws, that, of course, I would not have him or any other Senator vote contrary to his judgment about anything; but there is a principle involved in this matter which commands my attention. The right of the Mississippi Choctaw Indians is at issue; it is at stake; and as the immediate representative of those people I regard it as my duty to use every legitimate means within my power to prevent this rape of their rights. I am not going to do anything that I am not justified under the rules in doing—the rules governing debate in this body and the consideration of all questions before this body—but because Senators happen to be tired—and we are all sick and tired—because it is late and the hours are few and the time is short when the session must die is no reason in the world why we should not stay here and do whatever may be necessary to protect the rights of a certain class of people whose rights, I think, are being outraged and neglected in this bill as it comes back from the conference committee. Let us not follow the shadow and thereby lose the substance. It were better that Congress be held here in session indefinitely than that the rights of one of the humblest citizens of the Republic should be violated.

Mr. GRONNA. I believe that is true, Mr. President.

Now, Mr. President, I believe I may be permitted to say that I fully realize the position I am taking in taking up the time of the Senate at this particular time to discuss this question. I dislike very much to do it for various reasons. I know that the Senators from Oklahoma are deeply interested in this question and that they want the bill passed. That is one of the reasons why I dislike to oppose it. There are Senators here from other States where a great many Indians live. Those Senators are anxious that this bill should be passed. For that reason I want to say it is not a pleasure for me to take this position now and oppose certain provisions in the bill.

Mr. President, any man with ordinary intelligence, after listening to the testimony before the Committee on Indian Affairs from men who represent Indians, from lawyers—some of the most distinguished lawyers in the country—but above all from the Indians themselves, can not help but form some opinions and have some ideas of his own whether or not a measure that is being proposed is wise or unwise. It is very difficult for me, Mr. President, to intelligently discuss the measure, because I do not have before me the bill in its present form. I realize that it is impossible to get it in the form that it would be if it was enacted into law as it is being presented here. But when you propose to take millions of dollars of these poor people's money and distribute it, to the exclusion perhaps of hundreds of less fortunate members of the various nations or tribes, I believe, sir, that we should hesitate before we hastily enact legislation of this kind. I know something about the Indians and their life, of their trials and tribulations, because I come from a State where a great many of these people live. These Indians are as intellectual and as honest and as capable, if they are given equal opportunities, as any people on the face of the earth. Not only are they intelligent, but they are honest, and for a class of people who for centuries have been trained in a certain way, living a nomadic life, living by the pursuits of fishing and hunting, they have made greater progress than any other people I know of.

I am not going to address myself to any particular band of Indians. In a bill of this kind it is our duty to take care of all the Indians, no matter to which tribe they belong. We have in the State of North Dakota the Sioux Indians or tribes known as the Sissetons and the Wahpetons, the Chippewas, and two or three other tribes.

What has the white man done for these Indians? A couple of hundred years ago or less, when we first found them on the shores of New England, we began to push them to the West. The white man occupied the land which they had discovered. They were not trained in agricultural pursuits, they were not trained in business the same as we had been trained and the same as we have been trying to educate them.

But, Mr. President, they have made most wonderful progress. We have living examples of these men all over this country. I doubt if the white man for years has made as great progress as have these Indians.

Mr. President, here we have a bill which is supposed to take care of the Indians—to provide for them, to furnish them with schools, to educate them, not only with book education, but to teach them industry, to teach them agriculture.

This bill carries more than $11,000,000. I am not able to say how much of that is taken out of their own tribal funds, but very little is appropriated directly from the Treasury of the United States. It is being charged up to the funds of these Indians. This is money which belongs to them, and I believe it is our duty to exercise the utmost care and invest their money in such a way that it will reflect credit upon us and be of some substantial benefit to them.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Washington?

Mr. GRONNA. I yield for a question.

Mr. JONES. I agree with what the Senator says, but it has occurred to me that this is based largely upon the condition near my own town, where we have a reservation. If we fail to pass this bill, we will do very great injury. As a matter of fact, on the Yakima Indian Reservation by our failure to provide some money to irrigate their lands and also to start a system of drainage we are likely to do almost irreparable injury to them. I have no doubt the Senator will point out the particular instances in this bill where injustice is done the Indians, but I appreciate that we can not, of course, get everything just as it should be. I suppose the Senator has balanced the injury that is likely to result from a failure to pass this bill with the injury which will be done by the particular provisions in it he has in mind. I want to suggest that a failure to pass this bill will do very great injury to the Indians, some on reservations in my State, for instance, and we ought to be very careful in that way not to do great injury to them.

Mr. GRONNA. The Senator says we will do great injury to the Indians. Of course, we may delay certain irrigation projects, we may delay the construction of dams which are to be constructed for the purpose of carrying or storing water, but I want to say to the Senator from Washington it has been charged that on many of these projects the white man will benefit more, perhaps, than the Indian.

Mr. JONES. Of course that may have been charged, but, as I said, simply having in mind my own locality, it occurred to me that the Senator should point out the particular in-

jurious provisions of the bill. I have no doubt that he will do it before he gets through.

Mr. GRONNA. Mr. President, I shall again state that I will, in my own way, point out the defects in this bill and make such comments on it as I think I should make in order to get the Senator from Washington and other Senators to join with me and make this a better bill.

We talk about helping the Indians. Whose money are we expending? We are expending the Indians' money. We are taking the Indians' money and constructing great irrigation projects. We are taking the Indians' money and constructing dams for the purpose of storing water. Are we doing it exclusively for the benefit of the Indian? No; I do not believe it can be truthfully said that a single project is being constructed wholly for the benefit of the Indian.

Mr. President, of what value is it to the Indians to construct great irrigation projects when they are living upon their allotments destitute, without horses, without cattle, without farm machinery, without seed, yes, without proper food and clothing?

Yes, Mr. President; it takes more than the construction of an irrigation project to make the white man prosperous.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield further to the Senator from Washington?

Mr. GRONNA. In a moment. We certainly should not expect any more from the Indians than we do from the white man. Neither the Senator from Washington nor any other Senator can show to me that we are benefiting the Indian when we take these large sums of money to construct irrigation projects, when they are without equipment; yes, when they are without food. I yield to the Senator for a question.

Mr. JONES. Of course, I agree with the Senator that they should have equipment and food, especially equipment so far as they will make use of it, but I think the Senator leaves an impression he does not intend to convey. The money that would be expended for the irrigation of land on the Yakima Indian Reservation, for instance, is expended entirely for the improvement of Indian lands. Of course, some of that land has been held already, has been sold already to the white man, but prospective irrigation has made the price higher, and by that means the Indian has realized more than he would without this project. So the primary purpose, of course, is to improve the Indian's property and the Indian's land itself.

Mr. GRONNA. Yes; it is the purpose to improve the Indian's property. I can not ask the Senator a question, because that would probably take me off the floor, but I will make this statement, and I do not believe it can be successfully contradicted. The Indians who are living on these irrigation projects—where millions of their own money have been expended, charged up against the Indian fund, reimbursable—we can show have not made any great progress, so far as agriculture, or so far as their being able to carry on farming and make a profit on their investment, is concerned. I do not believe there is a Senator on this floor who can show me where an Indian has made one single cent upon the investment made. All the great amount of money has been taken out of the Indian fund for the use of these irrigation projects, and I shall name some of the projects later on, Mr. President. In this very bill there is $700,000 for one project alone. I should not object to that if you would leave provisions in the bill that would safeguard the Indian's property, but, in my opinion, this bill does not protect the Indian. I find no fault with Senators or with others who are anxious to enlarge the irrigation projects, but I will make the statement that it has not been shown to the Committee on Indian Affairs that there is any need of the enlargement or the extension of these irrigation projects. I can tell the Senator from Washington, if he will permit me, a better plan. If I had my way, I should not invest the Indians' money in these projects the way in which investments are being made.

The first thing I would do with the Indian would be to teach him how to manage his farm on a small scale. I would give the Indians a vocational education. Then, instead of expending millions of dollars of the Indian's funds, I would buy for him some cattle and horses. I would teach him how to take care of that stock. I would teach him how to market his own products after he had raised them.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Washington?

Mr. GRONNA. Not just now, Mr. President.

The PRESIDING OFFICER. The Senator from North Dakota declines to yield.

Mr. JONES. Right there should come in what I want to say.

Mr. GRONNA. I will yield for a question.

Mr. JONES. I merely want to suggest to the Senator that I do not combat the views of the Senator except as they may apply to a certain locality. I think the Senator's idea is right about teaching the Indians.

Mr. GRONNA. I am very glad to know that. I have hopes now. I have not really commenced my argument, and I am glad to know that so able a Senator as the Senator from Washington agrees with me that what I am advocating here is the right method.

Mr. JONES. I do.

Mr. GRONNA. I have hopes now of converting the Senator from Washington to join me in sending back this report to the committee of conference and making the bill what it should be.

Mr. JONES. Mr. President, I do not say that I need conversion. As the Senator points out the difficulties or the imperfections of our system I might heartily agree with him, but I want to suggest that on the Yakima Indian Reservation, for instance, the land is absolutely worthless, absolutely unproductive, without irrigation; so that the Senator could not exercise his plan there without first providing irrigation, because otherwise the land is an absolute desert. Of course in Montana, in the Dakotas, in some other States, and in most other places where they can raise crops without irrigation, the plan of the Senator can be started; and that is the plan that ought to be followed. I agree fully with the Senator as to that, but his plan could not be operated on reservations where the lands are an absolute desert and where there must first be irrigation, where it is absolutely essential.

Mr. GRONNA. I thank the Senator for what he has said, and I am very glad to know that he agrees with me in what I have said. The only purpose I have in discussing this bill is the same purpose which the Senator from Washington has and which every other Senator in this Chamber has. It is only a question of difference of opinion. I do not claim to be more honest in my opinion than is any other Senator, but I have attended these meetings for nearly two months. I have studied, at least to a limited extent, the Indian question for many years. I have lived among the Indians; I know a little something about some of these tribes. I believe that there are no people on the face of this globe who possess keener intellects than these very Indians that I am trying to assist. I know that the Indian becomes a valuable citizen if he is given the opportunity.

Mr. President, I have never favored the idea of appropriating large sums of money in connection with our Indian affairs; and when I say large sums of money I ought to add that it is the Indian's money; that it is to be taken from funds that belong to the tribe. The white man has not lost anything on the Indian; the Indian has lost because the white man has failed to do his duty. The Indian has not robbed the white man. That is more than we can say for the white man or of his conduct toward the Indian.

Mr. President, in this very bill, in my humble judgment, there are provisions which I believe, if enacted into law, would do at least a certain class of Indians an injustice.

The senior Senator from Mississippi [Mr. WILLIAMS] has eloquently described the Indians of his State, and I have heard him upon this floor and upon the floor of the other Chamber tell about the injustice that has been done him. We need not, however, go to the State of Mississippi to find a case where there is a possibility that we may do an injustice to some of the people of that nation by passing this bill. We have an abundance of testimony here, Mr. President, upon that very question.

No man can say that the Mississippi Choctaws do not have an equitable right; no man can truthfully say that these people should not be cared for. It has been contended, and perhaps justly so, that they do not have a legal right; but, Mr. President, they have an equitable right, and it is not too late to do justice to them now.

We are about to distribute four or five million dollars, not of the white man's money but of the Indian's money, and it is possible that if the money should be distributed according to the provisions of the bill as it has been reported by the committee of conference, a great injustice would be done to some of these people. Nobody knows better than the two Senators from Oklahoma the condition of these Indians. The Senators may say, "Leave those affairs to us," but they do not say that with regard to our Indians in North Dakota. They have the right to say how the Indians of North Dakota shall be treated, and not only a right, but it is their duty as Senators, as guardians of these people, to protect their property and to see that when any money is distributed it is distributed for the best possible use.

The white men, since the very first time they found the Indians in this country, have profited by taking possession of lands and of property that would have belonged to the Indians if they had been educated, if they had been trained the same as the white man. We have driven them from one State to another; we have driven them from the best agricultural lands of this country into rough, mountainous, and hilly countries, and whenever one of these irrigation projects is to be constructed or extended the white man is generally there and he gets a share. These projects are not being built with the white man's money; they are being built with the Indian's money, the expense being charged up to the Indian's funds. It is their money that you take; it is not the white man's money.

Mr. President, these poor people who have been helpless are gradually coming to the front and are making wonderful progress in every possible way. When the history of the Indians is fully written I do not believe that the white man will gain any credit from his dealings with them. I do not believe that the white man will look with satisfaction upon what he has done or consider that he has achieved anything to his honor.

I want to give a concrete illustration. A year or two ago a Wahpeton Indian came to me and said, "There is buried in the Congressional Cemetery an Indian chief, Scarlet Crow." He told me the story about this wonderfully courageous man who had protected the white man at the sacrifice of his own life, and all that he asked of me was to get an appropriation in the small amount of $100 to erect a tombstone over the grave of that noble Indian.

Mr. ASHURST. Mr. President, will the Senator yield to me for a question?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Arizona?

Mr. GRONNA. I will yield when I have finished my sentence. Last year that small appropriation of $100 was refused by the committee of conference. This very Indian chief was for years a scout upon the plains on the western prairies; he faced dangers that perhaps no white man would face, and he was murdered by people of his own tribe because they said he showed too much loyalty to the white man; and yet, Mr. President, we refused to erect a small headstone over his grave costing the Government the small amount of $100! That is an illustration of the extent to which we go to deny the Indian his rights.

Mr. ASHURST. Will the Senator now yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Arizona?

Mr. GRONNA. Certainly.

Mr. ASHURST. I may have been under a misapprehension, but I understood the distinguished Senator to say that the conference committee on this bill has stricken out amendment numbered 99 regarding the appropriation of $100 for a tombstone for the great Sioux Indian chief. I am very certain, if my memory serves me correctly, that that amendment was not stricken out.

Mr. GRONNA. The Senator misunderstood me. I did not say that it had been stricken out this year. I do not know as to that; but I say it was stricken out last year. I have no fault to find with the chairman of the committee. He did everything that could be done by anyone to retain the provision. I know that.

Mr. ASHURST. If the Senator will permit me, I happened to be on the conference committee last year, and I contested for a long time in behalf of that very appropriation; and I am very glad to say that we were successful this time in retaining that appropriation. It should have been done before.

Mr. GRONNA. I am very glad to know that. It was only done, as the chairman knows, after a very hard fight. If it had been $100,000, I should have found no fault; but it is different when the small amount of $100 is asked by the heirs and by the friends of one of those courageous men who have done such valiant service for the white man in our country. I know something about those fights in the early days in southern Minnesota. I know something about what Scarlet Crow had to do when they had the massacre at New Ulm, Minn. This very man took his life into his hands, and he did what he could to protect the white man.

Mr. President, I said a moment ago that when the history of the Indian, together with the history of the white man, and how the Indian had been treated by the white man, comes to be written, I do not believe it will be any credit to us. The time has come when we must realize that these people are our wards, and we should perform our duty in a way that should be a credit to us as guardians of these men's lives and property.

Mr. President, the Senate passed a bill a short time since permitting the Sisseton and Wahpeton Indians to take to the Court of Claims a claim which they had against the Government of the United States for violation of the treaties of 1851 and 1852 and 1862, I believe. It passed this body. It went to the other House; and what was the excuse for not passing it over there? I am told that the claim was made that it should not have been referred to the Committee on Indian Affairs, but it should have been referred to the Committee on Claims. It met with technical opposition. It was claimed that the Committee on Indian Affairs had no jurisdiction to decide whether a case dealing with a treaty, which the Indians claim was violated, should be acted upon by the Committee on Indian Affairs, a committee which has the right to deal with all Indian questions.

If the Government of the United States has failed to pay these Indians for the land which they owned along the Minnesota River, it should pay them; and whether that bill had been referred to the Committee on Indian Affairs or the Committee on Claims, it should have been sent to the Court of Claims, and that is all they asked.

No, Mr. President, we can not say that we have given these men the consideration to which they are entitled. We can not go before any tribunal and say that it is proper to refuse to do justice to these men simply because of the pride of a House committee in claiming jurisdiction when that bill was referred to another committee.

Mr. President, I do not admit that that bill should have gone to the Committee on Claims. I do not admit, sir, that that bill had any business to go anywhere other than to the Committee on Indian Affairs, because that committee deals with every question pertaining to Indian affairs in all its phases.

The members of the committee of conference could possibly find no other fault with the proposition than to make a claim that the bill was referred to the wrong committee. Senators, is it doing justice to the Indians of this country to deny them their day in court? If my memory serves me right, that treaty provided that these Indians should have certain lands along the Minnesota River on either side of the river. They did not put in the number of miles, of course, but they gave it in their own language and in their own way. The treaty provided that they should be given lands on either side of the river the distance of a half day's journey with a swift horse. Now, they were given 15 miles, and you gentlemen who live in the Indian country and who know something about the Indians will know whether or not that is doing justice to the Indians.

If the Indian had had the same opportunity that we have had he would be perfectly capable of taking care of himself. There would be no Indian here asking Congress for protection. The Indian has demonstrated to my satisfaction that he is perfectly capable of taking care of himself whenever he is given an equal opportunity. But, sir, in that very bill, or in the provision which I introduced in the committee and which the committee incorporated in this very bill, all that I asked in that amendment was to permit these Indians to take their claim to the Court of Claims and there have it adjudicated; and yet men who do know something about Indian affairs, men whose hearts ought to throb with sympathy and an earnest desire to do justice to the Indian, turned down that proposition, and, as I understand it, if I am not misinformed, it is stricken out of this bill; and yet you ask me why I am opposed to this bill!

Sir, I have taken an oath to do my duty while I am a Member of this body, and I shall, regardless of consequences, perform that duty to the best of my ability. I feel in my heart that a gross injustice has been done to the Wahpetons and Sissetons when you refuse them permission to take an honest, legitimate claim to the courts of this country and there have it prosecuted. They would be satisfied with the findings of that court, but this committee of conference has seen fit to deny the poor Indian the right to have his day in court.

I find no fault because the Senator from Missouri asked me why I was going to take time at this late hour to discuss this bill. I wish the Senator from Missouri would stay here and listen, for I believe I could demonstrate to him before I close, the same as I believe I have already demonstrated to the Senator from Washington, that there is at least some merit in the opposition I am making against this bill.

Why, Mr. President, even an ordinary scrub farmer could talk for weeks and months upon this bill. It does not require a lawyer or a trained oratory to find fault with the provisions in this bill. No, Mr. President, I want the country to know that I am pleading for justice, and I shall not be satisfied until justice is done to these Indians, many of whom are living in my State and many of whom are living in adjoining States.

Is it any wonder, Mr. President, that during the early days of this country there were Indian uprisings? Is it any wonder that these men rebelled when they were driven from one place to another, from the fertile valleys of the East and from the great plains of the Middle West, and from there to the mountains? Anything was good enough for the Indian. Why, Mr. President, we have sent the Indian to places where we would be unwilling to go curselves. We have sent these people who have not had the opportunity that we have had to places where no white man would want to go, and yet you find fault with me because I am criticizing this bill! Of course anyone has a perfect right to criticize any Senator, but I want the criticism to be just and honest, and based upon facts, and not merely upon a guess that because we are going to take some of the time of the Senate to discuss this measure we must necessarily trespass upon the time of the Senate and be termed filibusters.

We have in our State 600 Indian pupils who are being denied school facilities. I testified before the committee myself—and I believe my testimony stands unimpeached—that there are at least 600 of those Indians who are being denied the opportunity to get an education such as we are giving our own children; and yet you find fault because we take some time to criticize this bill!

Mr. President, there never was a more opportune time in the history of our country to begin to do the right thing for these men than there is now. I have heard much about Indians in various other States. I have heard much about the Indians in Oklahoma. I do not claim to know as much about the Indians in Oklahoma as some of those people who live in Oklahoma, but I do think that I am just as capable as anyone in Oklahoma of doing justice by those people. I do claim, sir, that I am just as capable as anyone who lives in Oklahoma, and that I am just as anxious as anyone who lives in Oklahoma, to do justice to those Indians.

The records show that more than 2,000 of these Indians who live in Oklahoma were not placed upon the rolls for reasons which I will disclose by reading these hearings. The Senator from Wisconsin [Mr. LA FOLLETTE] offered an amendment to the bill, and it was incorporated in the bill. That amendment, sir, would protect these two thousand three hundred and odd Indians if it were enacted into law.

I understand that that amendment has been stricken out. If this provision had been enacted into law, it would not have opened the rolls. It would simply give the Secretary of the Interior the authority and the right, and it would direct him to do justice to those who were entitled to be recognized. Yet we find men here, standing upon this floor, asking why we are opposing this bill. I say to you, sir, it would be infinitely better to defeat this bill than to do injustice to these Indians.

Mr. ASHURST. Will the Senator yield for a question?

Mr. GRONNA. Certainly.

Mr. ASHURST. My friend, the Senator from North Dakota—and I am proud to say it, for I esteem him as a friend—seemed to address his question to me.

Mr. GRONNA. I am just as proud in having the Senator from Arizona for my friend.

Mr. ASHURST. He seemed to address his question to me; and if the Senator asked me the question, I will say——

Mr. GRONNA. I did not address it to the Senator.

Mr. ASHURST. The Senator has a right to speak against the bill. He has a right to defeat it, if he can. The Senator can, of course, defeat the bill if he wishes to.

Mr. GRONNA. I beg the Senator's pardon; I did not address that question to the Senator from Arizona. I do not believe the Senator from Arizona is guilty or had anything to do with striking out that provision. I do not believe he had.

Mr. ASHURST. Will the Senator yield to me further?

Mr. GRONNA. I yield.

Mr. ASHURST. The Senator refers to the per capita payment amendment put on in the Senate.

Mr. GRONNA. Yes; the amendment proposed by the Senator from Wisconsin.

Mr. ASHURST. I think I ought to say here—and it is one of the few sentences that I am going to utter on this day in the Senate Chamber—I voted for the amendment proposed by the Senator from Wisconsin.

Mr. GRONNA. That was the impression I had about the Senator.

Mr. ASHURST. I said on the floor of the Senate last night that I was in no sense hostile to that amendment. But, Mr. President, here is a bill with 171 amendments. Senators ought not to try to defeat a bill simply because they can not have their way on all the 171 amendments. Many amendments were stricken out of this bill in conference over my objection. Some amendments were stricken out that I think were salutary and valuable amendments.

Mr. GRONNA. Undoubtedly.

Mr. ASHURST. In a conference we can not have our way. This would be a delightful world if every man could have his own way. I could not have my way in the conference. It was either to strike out some of those amendments or defeat the bill.

Mr. GRONNA. Mr. President, there is no difference of opinion as between my good friend from Arizona and myself. It is true, as the Senator from Arizona has said, that we can not get everything we want. That is absolutely true. I have not said that I intended to defeat this bill, but I did say that I believed we would be warranted in defeating this measure if by defeating it we could do justice to the Mississippi Choctaw Indians and to the Choctaws who claim that they were legally entitled to be enrolled. I believe I am within my right when I make that statement.

I know, Mr. President, that the people who are living in those States and in the Indian Territory are anxious that this money should be distributed, and I find no fault with that. Undoubtedly the men who are in business—the banks, and the stores, the merchants, the grocerymen, the butchers—have claims, and it is only right that they should be paid. I find no fault with that, but I do find fault with the unwillingness of Congress to begin right now and treat these men the same as we would want to treat our own children, or the same way that we would want our children treated by the Indians if they were in power.

Mr. President, this bill is full of mistakes. If I had the power, both physical and otherwise, I could talk on it for weeks and months. I have said that there is testimony in the record showing that at least 600 Indian pupils are denied school privileges in my own State. The white man would be unwilling, I say, to accept conditions of that sort, and when we are the guardians of these unfortunate people, who are being denied the privilege of attending school and getting an education, so that they would not have to come to Congress and ask for sympathy and for aid, they have a right to be treated in a way so that they will be capable of governing themselves. Sir, they have the intellect and they have the courage, they have the honesty and the manhood, to become splendid citizens if they are only given the opportunity.

Mr. President, if I had my way, I believe I could invest their money for a better purpose than the building of great irrigation projects. I believe, sir, that the first thing we should do with these men, instead of spending millions of their funds in these projects, where white men get profits more than the Indians, where in many instances the white man's profit is more than that of the Indians—I believe in my humble capacity I would be able to distribute it in a way that would be more far-reaching, in a way that would inure to greater benefit than to spend it upon great irrigation projects. I do not object to the expenditure of their money on projects that are laid out in the right way, where the money is wisely expended, where it will result in substantial benefit to the Indians. I find no fault with that; but you can not take the Indian's money and build great irrigation projects and say that you are helping the Indian. It requires more than irrigation ditches; it requires something more than irrigation ditches to make a community prosperous.

No white man in this country possesses the ability to take care of himself if placed in a country with nothing but these irrigation ditches. It takes something more to bring about prosperity and happiness even to the white man than to build for him with his own money great irrigation projects.

Mr. President, I do not believe that that is a good argument to use, that we are benefiting the Indian by wasting his money in great irrigation projects. In this very bill we have taken millions of dollars of the Indians' money to build irrigation projects where they do not have the equipment to farm the small area of 5 or 10 acres of ground. I believe I would be safe in saying that you could place some of the Senators here in that position, place them out in that country on those irrigation projects without money and without equipment, and they would make a failure. Yet we expect that these men, who are less fortunate than we are, would be capable of taking care of themselves after we had expended millions of dollars of their own money, where they do not possess the means of buying horses, cattle, hogs, and sheep, and equipment on a farm. They live in little houses; many of them live in their tepees; many of them are this very day, as I am told, living in destitution. It has been reported, as the chairman knows, that some of them are starving. Yet I am told that it would be very detrimental to

them to stop these extravagant expenditures of millions of dollars to be invested in irrigation ditches and in dams, where we could store water, not for the Indians alone, and I find no particular fault with that if the white man will pay for it as well as the Indian.

But, to begin with, we take the Indian's money. The white man does not invest his money in these irrigation projects. I say that we will take a lease on his land and make him pay the same as the Indian. We could certainly promise the Indian nothing less than that.

Mr. President, the other night I began reading a book of Dr. Morehead which touched upon the right of the Indian, and he portrays it so vividly, so truthfully, that any man who has lived among the Indians will know that he has made no misrepresentations in the history that he has written about the Indians. I do not want to take up the time of the Senate and tell what this great man has written about the Indians, but I will simply say that I believe all his statements about the Indians are absolutely true.

Mr. President, how long would the white man be satisfied with the treatment he accords the Indian? How long would we be satisfied to see our children denied the privileges of attending public schools? Yet, as guardians of these very Indians, we are satisfied to see that this very great injustice is being done to them.

I believe, sir, that the greatest benefit that could be bestowed upon an Indian would be to give him an education—not only a literacy education, book education, but to teach him in the vocations and trades, to teach him business, show him methods, so that he will be able to conduct his own business affairs.

Mr. President, I have many times witnessed what I might truthfully call scandalous transactions. If the Indian raises wheat or raises other grain on his little farm and takes that grain to the elevator, as a rule the white man expects to buy that grain from the Indian cheaper than he buys it from the white man. Any sort of treatment is good enough for the poor Indian.

Mr. President, the time has come to call a halt on that sort of business. I am just as anxious as is anyone else to get appropriations for the Indians in my State; but, sir, I do not want to get appropriations unless they will inure to the benefit of the Indians. I shall never ask for a dollar of the Indian's money to be expended in my State unless I firmly believe that it will be for the best interests of the Indian, that it will make his life easier, that it will help to educate him, and that it will improve his condition.

Mr. President, I think I realize as much as anyone how anxious some of these men are that these appropriations shall be made; I certainly find no fault with anyone for wanting these appropriations made; but I believe we have the right, and I believe, sir, we should exercise the right, to discuss these questions and to satisfy ourselves as to whether or not the money is being wisely expended. I find no fault with you, sir, for asking for these appropriations. No man has a right to find fault with me because, according to my own convictions and according to my best opinion, I believe that if we enact this bill into law it will do a great injustice to hundreds, yes, to thousands, of Indians.

Mr. President, it is not a pleasant duty for me to disappoint Senators, and I am glad to say that every Senator here is my friend—or, at least, I am his friend. It is a very unpleasant task for me, I want to say, to delay the passage of this bill for one single moment, but we must act according to our own convictions.

I am thoroughly convinced that this bill should be changed; and I am thoroughly convinced that it should be changed, because I know that it is possible to change it. We would not take the risk with our own money that we are taking here with the Indians' money. No white man, whether he be a business man or a professional man, would risk his own funds in this way; he would let some one else spend the 90 per cent as against the 10 per cent. I am not sure that that is correct, but at least a large portion of the appropriations in the administration of Indian affairs, the most of this money, does not go to the Indians; the white man uses it up for salaries, railroad fares, sleeping cars, Pullman car fares, and so forth. The poor Indian does not ride in Pullman cars; he is mighty glad to have an opportunity of riding in a smoking car; but we take his money, and I say now, as I have said on many other occasions, that we are extravagantly expending the Indian money. I believe this bill carries over $11,000,000; and I have always believed that most of it was Indian money; it is not money that belongs to us. I notice that we are very careful in making everything reimbursable. We are just as careful in making it reimbursable until expended as we are in making it reimbursable.

Mr. ASHURST. Will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Arizona?

Mr. GRONNA. I do.

Mr. ASHURST. In the conference last evening over and over again the Senate conferees moved to strike out the words "to be immediately available"; and many times the motions were carried, thus striking out the very words against which the Senator inveighs, to wit, "to be immediately available" and "remain available until expended." I desire that the Senate conferees have at least some small meed or measure of justice.

Mr. GRONNA. Of course, I accept the statement of the Senator. I know that he would not state anything but what is a fact; I know him well and favorably. Of course, I do not know about all the changes that have been made in the bill.

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield further?

Mr. GRONNA. I am only referring to this incidentally, but what I am talking about now is amendments which have been stricken out here, which are of great importance in the administration of the affairs of the Indian.

Mr. ASHURST. Would the Senator be willing to vote on this conference report, say, at 8 o'clock?

Mr. GRONNA. If the Senator will help me to change some of the provisions that I shall point out—I do not refer to any appropriations, but to change some of the legislation or some of the amendments that were inserted before it left this body—I should be glad to vote at any time for the bill.

Mr. ASHURST. I should be delighted to assist the Senator at any time in changing some of these provisions, and I trust I violate no propriety when I say that I voted, and so did some other Senate conferees, to change some of these provisions; but we could not overcome certain situations and we could not do impossible things. It is impossible to change the provisions now.

Mr. GRONNA. I was quite sure the Senator from Arizona would do that. I have served with him long enough in this body to know his purpose to do his duty as a Senator, and to do it honestly as well as ably; but, Mr. President, we have the right to call attention to the defects in this bill. That is the only right that I claim; but, more than that, it is not only a privilege but it is a solemn duty upon us as servants of the people and as guardians of the Indian to see that he is properly cared for and to see that no advantage is taken of him by the white man.

Mr. President, there are Senators who are unable to attend the sessions of the Senate who, I know, would oppose this bill if it were possible for them to be here, because I know how vigorously and how earnestly they have protested against some of the very provisions that have been inserted in this bill. I feel a certain amount of responsibility, because they are not able to be here on account of their physical condition, and so I feel it to be my duty, in my feeble way, to call attention to at least some of the defects of this bill; and, sir, I do not believe this bill would pass this body in its present form if some of those Senators were able to be here.

You tell me, sir, that we can not get everything we want. That is true; but why should we not have some feelings for our fellow Senators? It was well known to the committee of conference that very many of us were opposed to some of the provisions which you have incorporated in this bill and that a large majority favored provisions that have been stricken out of the bill. It is no secret, I say to that committee, that Senators who are here and Senators who are not able to be here would protest in a more eloquent and a more vigorous way than I am able to do; but I shall do what I can in my own feeble way, and then I shall feel that I have discharged my duty.

We have no right to disregard the wishes of the Indian; we have no right to say that anything is good enough for the Indian. We are not performing our duty when we do that.

Mr. President, any white man who takes any interest at all in the Indian and who has a sympathy for the human family can not say that the provisions in this bill are just to all the Indians with whom this bill deals. I am not complaining because the Indians in my State have not secured adequate appropriations. I do not believe in appropriating more money for any of the Indians than can be expended wisely, because it is the Indian's money that we are appropriating. If the money were to be taken out of the Treasury of the United States, if it were a gratuitous appropriation, then we might feel that we were doing something for him, because we would be taking the white man's money and giving it to the Indian,

but that is not what we are doing. We are reducing the assets of the Indian gradually. Every year his lands are being appropriated, and year after year the white man is entering upon his domain and acquiring the most valuable lands the Indian owns. I do not recollect just now how many thousand Indians there are in the United States—it is in the record here—but there are many Indians in this country to-day, and their holdings are being reduced from year to year; their property is being squandered in many instances. No white man who possesses any ability as a business man would permit his money to be used in the way the Indian's money is being used. For that reason, if for no other, I have the right—and I feel that it is a solemn duty that I should call attention to these matters.

Mr. President, the Senator from Wisconsin can discuss his own amendment more ably than I can, and I shall not discuss it. I shall leave that for the able Senator from Wisconsin. But why should we not be willing to say in this bill that if there are any of these Indians who were entitled to be enrolled, the Secretary of the Interior should have that authority, when we do not in any way open the rolls generally?

Mr. President, I find in the report made by the able Senator from Arizona, the chairman of this committee, that we are appropriating this year in this bill $11,255,865.65. I believe even that amount has been increased somewhat. When the bill passed the House it carried $7,720,124.25. I find that the department's estimates are $9,533,463.20, an increase over the estimates of nearly $2,000,000 and an increase over the amount as passed by the House of nearly $4,000,000. I believe I am correct in stating that a large proportion of the amounts that have been increased is made up of these irrigation projects. I do not believe it is a wise thing to do, so far as the Indian is concerned.

Of course any Senator has a right to say to me: "What interest have you in the Indian any more than any other Senator?" I do not claim, sir, that my interest in the Indian is above that of any other Senator, but I do think I have given this bill some thought and that I understand at least some of the provisions in the bill.

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Arizona?

Mr. GRONNA. Yes.

Mr. ASHURST. I want to say, as chairman of the committee, that the committee has no more valuable, thoughtful, patient, and experienced member than the Senator who is now addressing the Senate.

Mr. GRONNA. It is very kind of the Senator to say that.

Mr. ASHURST. While, unfortunately, he and I do not agree on this occasion as to the wise course of procedure, it is proper for me to say that the committee has no more valuable member than the Senator from North Dakota; and I trust I shall not reach a position where, when I am unable to have my own way on 171 amendments, I will destroy the whole bill. I feel that when the distinguished Senator, who is a successful business man and who brings to the Senate a wealth of experience, reflects on how difficult it is for two men to agree wholly on any two propositions he will see how far beyond the domain of imagination it is to think that any conferees could bring in a bill containing 171 amendments, all of them to his satisfaction.

I do hope that by 7 o'clock, say, or 8 o'clock we may proceed to vote upon the question of adopting this conference report. We witnessed in this Chamber in February of this year and a part of January a proceeding which I will not say was a disgraceful proceeding, because that would be unparliamentary, however true—a proceeding commonly called a filibuster—which resulted in the defeat of one of the most, if not the most, beneficent measures proposed to Congress in many years. Are we now, in the closing days of this Congress, which is to be historic because of its arduous labors and vast accomplishments, to listen to talk and discussion merely for the purpose of consuming time? I do not say that the Senator from North Dakota has done so or will do so, but I hope we will not see discussion proceed merely for the purpose of consuming time.

I do appeal to Senators to let us have a vote on this conference report at 7 o'clock, and if, in the judgment of a majority of Senators, the conference report should be rejected, very well. The Senate is master of its own business. If it does not want to approve and accept this conference report, very well. If it wishes to accept and approve and pass the conference report, very well. But Senators do not occupy a position becoming to themselves, Senators will not occupy a position enviable in history, when, because they can not have their way on 171 amendments, they not only defeat this bill, but defeat other beneficent legislation behind this bill and which can not pass unless this conference report is disagreed to or agreed to.

Therefore, in the interest not only of this legislation, but of other beneficent legislation, that is to follow, that should follow but can not follow until this is disposed of, I appeal to my friend, may we not have a vote at 8 o'clock a. m. on this day? Will the Senator be willing to vote at that time?

I thank the Senator for permitting this interruption. I hope he will consent to a vote at 8 o'clock.

Mr. VARDAMAN. Mr. President——

Mr. ASHURST. I do not ask for a unanimous-consent agreement. I am asking the Senator from North Dakota if he would be willing to vote at that time.

Mr. VARDAMAN. I thought the Senator was going to ask for a unanimous-consent agreement.

Mr. ASHURST. Oh, no, no, no!

Mr. GRONNA. In just a moment I will yield to the Senator from Mississippi.

The Senator from Arizona has in his usual courteous, frank, and perfectly proper manner said just what I would expect him to say, but in answer to the Senator from Arizona I will say that I am not demanding that the one hundred and seventy-odd amendments shall be changed. I believe that if the Senator from Arizona and the members of the conference committee will join with me to change half a dozen of these amendments, those who believe as I do and who sympathize with me in this protest would be glad to vote at any time upon this bill, and if the Senator from Arizona would be willing to change, say, perhaps 6 of these 170 amendments I think it would be possible for us to get a vote.

Mr. ASHURST. The Senator from Arizona would be glad to do so, but it is not within his power. He strove to the best of his limited capacity to do so.

Mr. GRONNA. I am sure of that. I am sure he did.

Mr. ASHURST. He failed to do so, and the Senator knows that in the closing hours of this Congress it is impossible now to do what the Senator suggests. You can not amend a conference report. It has to be either adopted or rejected in its entirety.

Mr. GRONNA. Oh, Mr. President, I stood on this floor for at least an hour or two upon the immigration bill a couple of years ago, and there were Senators who joined with me and who protested much more vigorously than I did, and we were able to send that conference report back, and I think in a few hours the bill was changed. I do not think it is impossible—that is, providing the conferees are willing to help us to change just a few of the provisions against which we are protesting.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Mississippi?

Mr. GRONNA. I gladly yield to the Senator.

Mr. VARDAMAN. I want to suggest, in answer to the criticism or animadversion made by the distinguished Senator from Arizona upon the conduct of the Senator from North Dakota, that the Senator from North Dakota is only insisting upon the amendments which the Senate has overwhelmingly approved. He is not standing alone in his advocacy of this measure. It is not the persistency of "general cussedness" that causes him to do this. He is simply standing for what the Senate stands for, what the Senate has declared for, and what I believe to be one of the vital principles and one of the fundamentally important provisions in the bill.

It is perfectly reasonable that the Senator should think that possibly the exchange of ideas and the illuminating discussion of this question which he has given to the Senate would be potential in their influence upon the conferees, and if they could just get the bill back to them again, it is hardly possible that the House conferees are going to persist in their position. They should be given an opportunity to correct their mistake. That is all the Senator from North Dakota is insisting upon. Let the matter go back, and let these conferees, who seem to be determined to do the wrong thing, have a chance to do right. That is a very reasonable proposition, it seems to me, for the Senator from North Dakota to assume.

Mr. ASHURST. If the Senator will pardon me for a very brief reply——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Arizona?

Mr. GRONNA. Yes.

Mr. ASHURST. I will state something that it may be unparliamentary for me to state, but I feel that the Senate ought to know it. I think there is a rule somewhere, and certainly it is the general rule of parliamentary procedure, that in a bicameral body you can not refer in one Chamber to what took place in another. But when the Senate conferees met

with the House conferees we were advised at the outset that as to amendment numbered 120, the amendment proposed by the distinguished Senator from Wisconsin [Mr. LA FOLLETTE] and adopted by the Senate, the House conferees were instructed by a vote of the House of Representatives—a vote taken subsequently to the adoption of the Senate amendment—that they considered themselves bound in faith and honor, so far as faith and honor could bind men, to adhere to what was in effect an instruction given them by the House of Representatives.

That was one of the many difficulties which obtruded themselves in the way of these conferees. The amendment proposed by the distinguished Senator from Wisconsin was adopted by the Senate. It was obvious to all persons it had gone out—that the Senate had taken this action. In the face of that action another body of this Congress went so far as to take action which had the effect of instructing its conferees not to yield, but to adhere.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Mississippi?

Mr. GRONNA. I do.

Mr. VARDAMAN. Mr. President, I shall consume but a moment. I just want to suggest to my friend the Senator from Arizona that the last act on the part of the House was no more binding upon the conferees on the part of the House than the passage of the La Follette amendment was upon the conferees on the part of the Senate. Just in this connection you know—

While the light holds out to burn,
The vilest sinner may get right.

After this matter has been discussed, as it is being discussed, if the conferees on the part of the House were given a chance, I do not see, unless they are very persistent in their adherence to error, how they could refuse to yield to the demands of the Senate conferees, especially when we consider the fact that the Senate amendment, the La Follette amendment, is incontrovertibly correct in all its provisions.

Mr. GRONNA. I believe the Senator from Mississippi is correct in that statement. If my memory serves me right, I believe that amendment, upon a roll call here in the Senate, was adopted by a vote of 33 to 13. Mr. President, is not that an instruction from this body? I may be mistaken as to the vote, but it is my recollection that 33 Members of the Senate voted for Senator LA FOLLETTE's amendment and 13 opposed it. I believe I have the right to say from the RECORD that not even a majority of the votes for and against was cast when the vote was taken in the House.

Mr. LA FOLLETTE. Less than a quarter of the entire membership voted on both sides.

Mr. GRONNA. The Senator from Wisconsin, of course, knows absolutely the true status of what happened, and he says that less than a quarter of the votes of the House were cast. Yet you tell me that the Senate must recede when more than two to one was the vote of the Members of this body, by which they said we want the La Follette amendment, and when a bare majority of one-fourth of the Members of the other body voted upon it. Mr. President, that is not a good argument.

Mr. ASHURST. I did not advance it so much as an argument as to indicate to the Senator the difficulty, at least one of the difficulties, that the conferees were obliged to contend with. I did not lay any special stress upon it.

Mr. GRONNA. Mr. President, the Senate can not do business without the sanction of the House; neither could the House be allowed to do business without the sanction of the Senate.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Will the Senator from North Dakota yield to the Senator from South Dakota?

Mr. GRONNA. Certainly.

Mr. STERLING. The Senator from North Dakota has mentioned one amendment, that being the amendment of the Senator from Wisconsin, which is the source of difficulty of the conferees. I was led to wonder if the Senator from North Dakota would suggest the other amendments, five in number. He says there were six altogether, which if the conferees will agree upon he would support the bill.

Mr. GRONNA. Mr. President, I said that I believed, if out of the one hundred and seventy-odd amendments this bill carries, the conferees would be willing to allow those who sympathize with me in my protest against the bill in its present form half a dozen of them, say, probably we would be satisfied. I had no authority from anyone to say that; but I simply stated that I believe they would be willing.

Mr. STERLING. I thought, Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield further to the Senator from South Dakota?

Mr. GRONNA. Certainly.

Mr. STERLING. I simply thought, while of course no agreement was required as to that, the Senator's views might be suggestive to the conferees if the bill went back to conference.

Mr. GRONNA. Yes; I think that is right. I want to suggest now to the Senator from Arizona that, in justice to those who feel they can not support the bill without at least a vigorous protest, an attempt should be made to reach an agreement which would satisfy those who are protesting, and who I believe have a right to protest, against some of the provisions of the bill.

Mr. ASHURST. We have agreed.

Mr. GRONNA. The Senate has the right to send the conference report back to conference. I say the Senate has that right just as much as the House has the right.

Mr. STERLING. I should like to be informed. I do not recall——

The PRESIDING OFFICER. Does the Senator from North Dakota yield further?

Mr. GRONNA. I yield for a question.

Mr. STERLING. I should like to be informed; with one hundred and seventy-odd amendments as the number of amendments reported, how many about which there can be no agreement. How many are there?

Mr. ASHURST. If the Senator will pardon me, I think he is under a misapprehension. The conferees agreed on all. There is no disagreement reported.

Mr. STERLING. That is not it. How many of these rejected amendments would the Senator suppose, now, could be agreed upon if this was to go back to conference?

Mr. GRONNA. I fully realize that the Senator from Arizona can not have his own way any more than the rest of us can have our own way. It would not be fair to ask that all these provisions should be changed in accordance with our views. I am not saying that it is unfair for those who are demanding that this bill shall pass in its present form. I do not charge them with unfairness. But it is just as reasonable for us to ask that these provisions shall be changed as it is for them to say that they will oppose any change from its present form.

Mr. President, I have only touched upon the question of the Choctaws and the Chickasaws. I have not attempted to discuss the Mississippi Choctaws. That is a question which must be settled some day.

I am only a layman, Mr. President, but I believe that if we pass this bill in its present form the Indians who have been refused admission to the rolls will some day come to the Congress of the United States and demand, rightfully demand, just and fair treatment, and we can not possibly escape the result of having to pay to them large sums of money out of the Treasury.

These men must have some right. If they do not get their share out of these tribal funds, if the Government of the United States, the guardian of these people, wrongfully distributes their money, I do not see how we could possibly escape the possibility of having to pay them such claims as may be equitable and as may be fair and proper. I do not know to whom this fund is being distributed. But that is not the question, Mr. President. The question is whether or not these men who have not been placed upon the rolls are entitled to share in these funds. I know it has been argued——

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield further to the Senator from South Dakota?

Mr. GRONNA. Certainly.

Mr. STERLING. Does the Senator from North Dakota know how many of the Choctaw Indians there are whom it is claimed should be put upon the rolls?

Mr GRONNA. Of course, that is a very long story.

Mr. STERLING. I do not care to have the Senator——

Mr. GRONNA. If the Senator will let me finish my statement, there are those who claim that none of these Choctaws are entitled to enrollment. There are also those who claim there are some 2,300 who are legally entitled to be placed upon the rolls not Mississippi Choctaws. I am not speaking now of the Mississippi Choctaws; but if I am not mistaken, I believe there has been testimony introduced to the effect that there are some 2,300 Choctaw Indians who are legally entitled to enrollment.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield further?

Mr. GRONNA. Certainly.

Mr. STERLING. The Senator agreed with me, that it is a very much mooted question whether the Choctaw Indians are

entitled to enrollment or not. You will recall some of the discussion a year ago as to whether especially the Mississippi Choctaws should be put on the rolls. Would the Senator from North Dakota be willing to say he would vote against the report of the conference because an amendment providing for the enrollment of the Mississippi Choctaws had not been agreed upon?

Mr. GRONNA. Mr. President, that is not the question here. The Senator from Wisconsin offered an amendment which does not in any way, I understand, propose to open these rolls. It simply clothes the Secretary of the Interior with the authority of taking care of those whom he believes are legally entitled to enrollment. I say, Mr. President, what harm can there be in that amendment? There certainly can be no injustice in that amendment. That does not even stop the per capita payment which is provided for in this very bill.

Mr. WALSH. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Montana?

Mr. GRONNA. Certainly.

Mr. WALSH. The Senator from North Dakota may recall that I voted for the amendment when the bill was under consideration. The Senator believes that these men ought to be placed upon the roll. He had much more abundant opportunity to inform himself about the matter than I have had, but I gather he feels there is no doubt about the justice of this amendment; that is to say, clothing the Secretary with the power and authority to determine the right of these men to be upon the roll, as the records in his office disclosed. Have I stated the position of the Senator correctly?

Mr. GRONNA. That is the way I understand it.

Mr. WALSH. Why, then, is the Senator afraid to trust to the sense of fairness and justice of the Congress of the United States without endeavoring to coerce those who disagree with him by any dread that may be imposed that this bill may fail as a whole, in other words?

Mr. GRONNA. No, Mr. President; this is not the first time that that question has been discussed in this body. There has not been a willingness shown to give anyone the authority to place these men legally or illegally upon the rolls.

Mr. WALSH. Let me put the question more directly. Would the Senator feel that an independent measure at the next session, embracing exactly this amendment, would fail; and if he thinks it would fail, why does he think so?

Mr. GRONNA. Mr. President, if I were a lawyer, I would perhaps say that is a leading question. I believe that now is the time. I believe that the time during the next session is no more opportune than now to do justice to these men.

Mr. WALSH. If the Senator will pardon me, I am afraid the attitude he takes would make those who follow him feel that he was of the impression that the measure would not appeal very strongly to the sense of justice of the Congress if it were presented as an independent proposition.

Mr. GRONNA. Mr. President, I can not say, of course, what Congress would do. All I know is what Congress has done. All I know is what has just transpired in this body. I know what the vote was. The Senator says he voted for it. Of course, I do not recollect who voted for it; but only a day or two ago the Senate voted, by an overwhelming majority, for the amendment proposed by the Senator from Wisconsin, and I feel that I ought to be permitted to say that when the Senate, by a vote of 33 to 13, voted that that amendment should be placed in this bill, I have a perfect right to take the time of the Senate and make objections to the provisions that, in my judgment, I believe are not wise and will not be beneficial either to the Indian tribes or to the country.

Mr. President, I have stated over and over again in reply to the statement of my friend from Arizona, the chairman of the committee, that I am not asking, I am not hoping, that this bill should be changed altogether according to my views. I have said that if a few of these amendments were changed I should be perfectly willing to vote for the bill.

I believe that those who sympathize with me would be willing to do likewise. How are we to convince people, Mr. President, how can we convince Members of the Senate that this bill shall be changed when we have to speak at a time when it is impossible for some of the Senators to be here? I believe, sir, that this measure is of sufficient importance to this body and to the country, and I am sure that it is of sufficient importance to the Indians that the members of the Senate should hear what I have to say. I therefore suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from North Dakota suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Johnson	Pittman	Thompson
Bristow	Jones	Sheppard	Vardaman
Chamberlain	La Follette	Smith, Ga.	Walsh
Fall	Lane	Smith, S. C.	Weeks
Fletcher	Lea, Tenn.	Smoot	
Gronna	Martine, N. J.	Sterling	
Hardwick	Owen	Swanson	

The PRESIDING OFFICER. Twenty-five Senators have answered to their names. A quorum of the Senate is not present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. OVERMAN answered to his name when called.

The PRESIDING OFFICER. Twenty-six Senators have answered to their names. There is not a quorum of the Senate present.

Mr. KERN and Mr. BRYAN entered the Chamber and answered to their names.

At 6 o'clock and 45 minutes a. m. Mr. SIMMONS entered the Chamber and answered to his name.

At 6 o'clock and 50 minutes a. m. Mr. RANSDELL entered the Chamber and answered to his name.

At 7 o'clock and 20 minutes a. m. Mr. CLAPP entered the Chamber and answered to his name.

At 7 o'clock and 25 minutes a. m. Mr. STONE entered the Chamber and answered to his name.

At 7 o'clock and 30 minutes a. m. Mr. BANKHEAD entered the Chamber and answered to his name.

At 8 o'clock and 10 minutes a. m. Mr. BURTON entered the Chamber and answered to his name.

At 8 o'clock and 35 minutes a. m. Mr. NELSON entered the Chamber and answered to his name.

At 8 o'clock and 45 minutes a. m. Mr. OLIVER and Mr. BRADY entered the Chamber and answered to their names.

Mr. OLIVER. Mr. President, I ask unanimous consent that at 9 o'clock a recess be taken for 15 minutes.

The PRESIDING OFFICER. We have not a quorum and are not able to transact any business.

Mr. OLIVER. Mr. President, only night before last the Senate set the precedent of taking a recess by unanimous consent. I think the Senate Chamber ought to be ventilated, and my suggestion is that at 9 o'clock we take a recess of 15 minutes for the purpose of allowing the Chamber to be ventilated.

The PRESIDING OFFICER. The Chair must say that he is impressed with the fact that it would be utterly without right or parliamentary law.

Mr. OLIVER. What I mean is this: A few days ago the Senate, with less than a quorum present, by unanimous consent took a recess instead of an adjournment. My suggestion is—and I trust that in view of the circumstances the Chair will not declare it out of order, because there is no reason, I think, why it should not be done—that in view of the people who are coming in here the Chamber ought to be ventilated. I suggest that a recess be taken for 15 minutes. I understand that we are working under a unanimous-consent agreement until 9 o'clock. My suggestion is that at 9 o'clock a recess be taken for 15 minutes, to enable all the doors and windows to be opened.

The PRESIDING OFFICER. It is with regret that the Chair feels constrained to rule against the Senator.

At 8 o'clock and 55 minutes a. m. Mr. HOLLIS, Mr. ROBINSON, and Mr. BRANDEGEE entered the Chamber and answered to their names.

At 9 o'clock a. m. Mr. POMERENE, Mr. PERKINS, Mr. JAMES, Mr. HUGHES, Mr. PITTMAN, Mr. CLAPP, Mr. REED, Mr. PENROSE, Mr. SUTHERLAND, Mr. O'GORMAN, and Mr. DILLINGHAM entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present.

Mr. ASHURST and Mr. GRONNA addressed the Chair.

The VICE PRESIDENT. The Senator from Arizona.

Mr. ASHURST. Mr. President, resuming the proceedings of the Senate, which proceedings were interrupted by the point of no quorum made by the Senator from North Dakota [Mr. GRONNA] about four hours ago, and a quorum now being present, I hope that the Senate is ready for a vote on this conference report. The Committee on Indian Affairs having charge and jurisdiction over this bill held hearings consuming 41 days, covering a record consisting of nearly 1,200 pages of printed matter. I have not consumed more than a few moments in discussing the report, and I ask unanimous consent that the Senate proceed to vote upon the report at the hour of 9.30 a. m. this day.

Mr. FALL. Will the Senator withhold his request for one moment?

Mr. ASHURST. I yield to the Senator from New Mexico.

Mr. GRONNA. Mr. President——

Mr. ASHURST. I yield to the Senator from New Mexico.

The VICE PRESIDENT. The Senator from New Mexico.

Mr. FALL. I ask leave to have printed in the RECORD without reading the report of Inspector James McLaughlin as to attorneys' contracts with the Mississippi and other Choctaws, contained in the hearings before the subcommittee of the Committee on Indian Affairs, page 831, with the exhibits thereto, down to and including page 861. I think this should be printed in the RECORD as a part of these proceedings.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

REPORT OF INSPECTOR JAMES MCLAUGHLIN IN RE ATTORNEYS' CONTRACTS WITH MISSISSIPPI CHOCTAWS.

WASHINGTON, D. C., *June 29, 1914.*

THE SECRETARY OF THE INTERIOR.

SIR: Under departmental instructions of the 13th ultimo, I have the honor to report my investigation concerning the representations made and methods adopted by certain solicitors in securing contracts from individual Indians who claim the right to enrollment as members of the Choctaw-Chickasaw Tribe of Indians, and respectfully submit the following conclusions relative to same:

In my tour of investigation I visited Columbus, Ohio; St. Louis, Mo.; Muskogee, Poteau, Wilburton, and McAlester, Okla.; San Antonio and Houston, Tex.; Lake Charles, Baton Rouge, and New Orleans, La.; and Gulfport, Miss., inquiring into the matter and interrogated numerous persons who had knowledge of the representations made and methods adopted by the soliciting agents in obtaining contracts from the class of claimants referred to.

From my investigation I ascertained that during the past four years several persons have been engaged in soliciting contracts from Choctaw and Chickasaw Indians and freedmen of those tribes, and that one Alexander P. Powell, who claims to be a Choctaw Indian and a lineal descendant of one of the parties to the Dancing Rabbit Creek treaty of September 27, 1830, has been actively engaged in canvassing a large extent of country, chiefly in the States of Alabama, Mississippi, Louisiana, and Texas, in procuring the names of unenrolled persons who claim to possess Choctaw or Chickasaw Indian blood, and obtaining contracts from them to prosecute, on a contingent fee, their right to share in the distribution of the funds and property of the Choctaw Nation of Oklahoma; and while, as above stated, there were several persons engaged in procuring contracts of similar character from unenrolled Indians of these tribes, it appears from the record that said A. P. Powell obtained more contracts from the class of claimants referred to than all of the other solicitors combined, notwithstanding the fact that he did not solicit contracts from any of the freedmen.

I failed to meet this man Powell during my tour of the localities in which he has been operating very extensively the past four years, and therefore can not speak of him from personal knowledge, but have been told by many who know him that he shows a decided strain of Negro blood, is large of stature, prepossessing in appearance, shrewd and plausible, which, with his posing in the communities he visits in soliciting contracts as a very important person, has succeeded in arousing great enthusiasm among the people of the localities canvassed by him, and has thus procured contracts with little or no difficulty from all persons who believed they possessed, or were led by Powell to believe they possessed, any Choctaw or Chickasaw Indian blood.

From what I was told by reputable persons at Lake Charles and Baton Rouge, La., and Gulfport, Miss., it would appear that said Powell was interested chiefly in procuring a large number of contracts, regardless of the ancestry of the applicants, as Mr. Luke W. Conerly, of Gulfport, Miss., told me that to his person knowledge Powell obtained contracts from several families the ancestry of whom, as supplied by Powell, was absurdly erroneous. It is also alleged that Powell took contracts from any persons claiming to have Indian blood and from many who had never claimed to possess Indian blood until told by Powell that they were descendants of Indians who were parties to the Dancing Rabbit Creek treaty of 1830, and therefore entitled to certain benefits under that treaty.

Mr. C. R. Cline, an attorney of Lake Charles, La., and Hon. Isaac C. Boyd, of Leesville, La., also an attorney, a member of the present Louisiana Assembly, and who claims to possess Choctaw Indian blood, both informed me that there are about 300 persons living in the neighborhood of Kinder, Allen Parish, La., who are of mixed descent, being of French, Spanish, Portuguese, and negro blood, with a very few of them possibly possessing some Indian blood, and the name "Red Bone" was given those of them who were supposed to have any Indian blood; that prior to Powell's visit to Kinder, soliciting contracts with Indians, it was regarded a great insult to be called a "Red Bone," thus classing them as of Indian blood, but a number of them were advised by Powell that they were of Choctaw descent, as shown by a book which he possessed, and by which he traced their ancestry as eligible to enrollment, and it is alleged that he thus obtained contracts from all of them, and since Powell thus recognized those people the name "Red Bone" is no longer objectionable, but, on the contrary, all are desirous of being thus classed, and to be now called a "Red Bone" is exceedingly pleasing to each and all of them, as they believe that the cognomen fixes their status as of Indian blood and entitles them to share in the property of the Choctaw Nation of Oklahoma.

Hon. Isaac C. Boyd, of Leesville, Vernon Parish, La., above referred to, stated to me that in 1911 he was induced by one Mrs. Ella Taylor, of Leesville, La., to enter into contract for Mississippi-Choctaw rights, said Mrs. Taylor, representing herself an authorized agent of A. P. Powell and Luke W. Conerly, whose headquarters were then at Gulfport, Miss., engaged in obtaining contracts from Choctaw claimants for the prosecution of their right to participate in the funds and property of the Choctaw Nation of Oklahoma, said Mrs. Taylor, stating to him that each beneficiary would be entitled to receive 320 acres of land, or double the value of it in money, also anywhere from $5,000 to $10,000 in cash from the Choctaw funds, but that in order to participate in this distribution claimants must enter into contracts without delay, as the time limit would soon expire, therefore promptness in executing contracts for same was absolutely necessary.

Mr. Boyd, who is of Choctaw blood, a lawyer by profession with quite a lucrative practice, and who is also a member of the State Assembly of Louisiana, feels chagrined in having fallen to the flattering presentation of the matter by Mrs. Taylor, resulting in his entering into a contract for himself and his sister and for which he paid Mrs. Taylor $7.50 for executing each of said contracts.

Mr. Boyd stated that Mrs. Taylor procured a great many similar contracts at Leesville, La., and surrounding country, and that he has little doubt but that she thus realized in the neighborhood of $3,000 from her charge of $7.50 to applicants for each contract obtained. Mr. Boyd further stated that after realizing he had been victimized in the sum of $15, through the enthusiasm aroused by a plausible talk, he, in order to have the solicitors prosecuted, if possible, made diligent inquiry of persons who had entered into similar contracts to ascertain if any of them had represented themselves as Government officials, and was unable to find any person to whom they represented themselves as being in any way connected with the Government or an official of the Choctaw Nation, but that the impression prevailed among the claimants that A. P. Powell and his assistants were fully empowered to procure the contracts they were engaged in soliciting from Choctaw claimants.

Mr. Boyd still further stated that having talked a great deal against these solicitors, denouncing them as frauds and fakers, that Powell never visited Leesville, La., to solicit contracts, but established himself for a short time at De Ridder, 21 miles distant, and sent notices to Leesville applicants to proceed to De Ridder for that purpose.

I made particular inquiry as to whether or not Powell or any of the other solicitors had been ever heard to represent themselves as Government officials or officials of the Choctaw Nation, but did not meet any person who stated that they had ever heard any of those solicitors make such a statement. On the contrary, many of the persons whom I interrogated with reference thereto stated that they had frequently heard Powell say that he was fighting the Government to have the rightful claims of the Choctaw and Chickasaw Indians allowed; but notwithstanding the fact that Powell when questioned regarding the matter invariably denied that he had any connection with the Government in the work he was engaged in, the impression prevailed, as expressed by Attorneys Cline and Boyd and Mr. Luke W. Conerly, especially among the more ignorant persons, that Powell represented some high authority in the premises, he being engaged in executing contracts with claimants, using printed blank forms therefor, and this impression prevailed as to the several other solicitors engaged in obtaining similar contracts.

When assigned to this investigation, the Indian Office furnished me, for my information, a voluminous file of correspondence with reference to this matter, which file embraced report of Special United States Indian Agent W. W. McConihe, dated May 2, 1911, with accompanying exhibits, from which record, together with what I ascertained in my investigation, the facts appear to be as follows:

1. The citizenship rolls of the Choctaw Nation, embracing those Indians entitled to share in the property of the tribe, was closed March 4, 1907. (Act of Apr. 26, 1906; Stat. L., 137, sec. 2.)

2. That there were possibly some persons omitted from the citizenship rolls who, because of the limitations imposed by the law as to time, were unable to produce the proof of their right to participate in the funds of the Choctaw Nation under article 14 of the treaty of September 27, 1830.

3. The possibility that there were some Mississippi Choctaw Indians whose right to enrollment had not been recognized induced a firm of attorneys—Messrs. Crews & Cantwell, of St. Louis, Mo.—to undertake the securing of legislation that would permit the reopenings of the rolls for the purpose of establishing the rights of those who had previously failed to establish their right or had failed to take advantage of the opportunity to do so.

4. Messrs. Crews & Cantwell employed Alexander P. Powell, who asserts that he is a Choctaw Indian, to procure the names of unenrolled Mississippi Choctaw Indians and produce evidence by tracing the ancestry to establish their right to enrollment, and to obtain contracts from them for the prosecution of their claims.

5. Associated with Messrs. Crews & Cantwell was one S. L. Hurlbut, a banker residing at El Campo, Tex., who financed the project in the beginning by paying Powell $150 per month salary and his expenses.

6. Powell, while employed by Crews & Cantwell, procured the names of about 4,200 persons who claimed, or were led to believe by Powell, that they were entitled to participate in the funds of the Choctaw Nation of Oklahoma, and from each of whom he obtained a contract authorizing Crews & Cantwell to act as their attorneys in all legal proceedings in presenting to the Interior Department or any court such evidence as he or she might be able to produce in establishing a right to participate in the distribution of the fund and property of the Choctaw-Chickasaw Indians of Oklahoma, which contracts provided that Crews & Cantwell were to receive 30 per cent of all sums of money, lands, and property that might be received by reasons of the right claimed. Powell did not make any charge to the claimants while operating under the above-stated salary until a short time previous to severing his connection with Crews & Cantwell, when he commenced charging the claimants $1.25 for each contract executed, and while engaged in this work in the employ of Crews & Cantwell it appears from the record that Powell received $2,971.02 from them, $900 of which was for salary and remainder for expenses incurred by him as shown by letter from Mr. S. L. Hurlbut's office, dated March 8, 1911, copy herewith, Exhibit A.

7. Powell's connection with Crews & Cantwell appears to have terminated in March, 1911, and he then commenced soliciting contracts for William B. Matthews, an attorney of Washington, D. C., with office in the Evans Building, and the contracts procured by Powell in the name of Mr. Matthews are similar in every respect to those he obtained for Crews & Cantwell, except as to name of the attorney.

The Crews & Cantwell contracts contain the stipulation that their appointment as attorneys is joint, and that in the event of the death of either, the survivor shall succeed to all rights and benefits, and perform all the duties imposed by the contract upon the attorneys. This same stipulation is contained in the printed form of contract taken in the name of William B. Matthews [copy herewith], and the fact that it does so appear would indicate that Mr. Matthews had nothing to do with the drafting of the form, but that the wording of the Crews & Cantwell contract was probably adapted by A. P. Powell, simply substituting the name of William B. Matthews, as attorney, for that of Crews & Cantwell, and Powell thus continued procuring contracts from any and all persons whom he met, who believed, or were led to believe, that they possessed Choctaw or Chickasaw Indian blood, and from each of whom he collected $2.50 for his services in executing the papers.

8. After Powell discontinued securing contracts for Crews & Cantwell and started soliciting for Attorney William B. Matthews and charging applicants $2.50 for each set of papers executed, it is alleged he procured contracts from a number of persons residing in and around Kinder, Allen Parish, La., who did not claim to be of Choctaw descent, but were advised by Powell that he possessed a book which enabled him to trace the ancestry of every living person who possessed any Choctaw blood, and that he had traced those people entitled to enrollment as descendants of certain persons appearing as beneficiaries under the Choctaw treaty of 1830. As to the book referred to as possessed by Powell, which is said to have been produced in evidence by him very frequently, I was informed by Mr. Luke W. Comerly, of Gulfport, Miss., who was for some months associated with Powell, that he carried with him for reference in tracing the ancestry of applicants for enrollment a copy of volume 7, "American State Papers," which contains the names of 19,554 Choctaw Indians who were parties to the Dancing Rabbit Creek treaty of 1830, as per roll made by F. W. Armstrong, special agent, under date of September, 1831, which volume was published in 1860.

10. Crews & Cantwell, as attorneys for a number of these claimants, with evidence as to some of the unenrolled Mississippi Choctaws to an equitable right to share in the funds of the Choctaw Nation of Oklahoma, have sought legislation to reopen the rolls to permit them to prosecute the claims of these persons with whom they have contract.

11. The financing of the project to secure reimbursement of Crews & Cantwell and S. L. Hurlbut for previous expenditures was effected by incorporating the "Texas-Oklahoma Investment Co.," chartered under the laws of the Territory of Arizona, November 14, 1911. The articles of incorporation provide for a capital stock of $100,000, or 1,000 shares of the par value of $100 each, the directors of the company as incorporated being S. L. Hurlbut, of El Campo, Tex.; H. Masterson and W. A. Smith, of Houston, Tex.; and T. B. Crews and H. J. Cantwell, of St. Louis, Mo.; and the principal stockholders are T. B. Crews and H. J. Cantwell, of St. Louis, Mo.; Clifford Greve and S. L. Hurlbut, of El Campo, Tex.; H. Masterson, L. Bryan & Co., J. J. Sweeney, and W. H. Gill, of Houston, Tex.; and J. H. Kempner, of Galveston, Tex.

Two hundred and fifty shares of the 1,000 shares of the stock of this company were sold at par value of $100 per share, thus realizing $25,000 in cash, with which Crews & Cantwell and S. L. Hurlbut were reimbursed for previous expenditures and a contingent fund created to meet future expenses as incurred.

12. Crews & Cantwell turned over to the Texas-Oklahoma Investment Co. the contracts procured for them by Alexander P. Powell, numbering about 4,200, and received in cash from the fund realized from the 250 shares of the stock sold, reimbursement for their previous expenditures in connection with their Mississippi Choctaw contracts, and leaving the 750 unsold shares in the treasury as common property of the company.

In promoting the organization of the Texas-Oklahoma Investment Co. flattering figures of prospective returns to investors therein appear to have been sent out to prominent persons throughout the country, as evidenced by letter of Mr. C. B. Moling, of Houston, Tex., under date of June 12, 1911, to Hon. W. L. Dechant, of Middletown, Ohio, which reads as follows:

"HOUSTON, TEX., *June 12, 1911.*

"Hon. W. L. DECHANT,
"*Middletown, Ohio.*

"DEAR SIR: In 1820 the United States Government made a treaty with the Choctaw Indians, then living in Mississippi, whereby the Government bought 5,000,000 acres of the Indians, and in return gave to the Indians all the lands lying in the Indian Territory north of Red River up to the Canadian and east of the ninety-eighth meridian, and paid for moving as many of the Indians out to this land as desired to go.

"The Choctaws still had 10,000,000 acres left back in Mississippi, and in 1830 the Government made another treaty with them whereby the Government purchased the remaining lands for $8,000,000. In this treaty it was agreed that the remaining Indians were to be protected in the community property or the original lands in Indian Territory granted them by the treaty of 1820.

"The Government still holds approximately 3,450,000 acres of these original Territory lands, as well as several millions in cash, in trust for the Choctaws who have not as yet been allotted their share.

"A reputable and responsible firm of attorneys, with offices in St. Louis and Washington, D. C., have secured contracts with 4,200 Choctaw Indians to secure them their allotment of lands and money upon a percentage basis. The contracts provide that the attorneys are to receive 30 per cent of all lands and money received. These 4,200 contracts are each signed by the Indian and two witnesses to his signature and acknowledged before a notary public.

"These contracts, providing for this contingent fee, have been recognized by the Government, and Congress passed a resolution making all such contracts a first lien upon the property of the Indian. This insures direct payment to us of our fee.

"For financing the project, such as hunting up the Indians and securing the proof of each individual Indian to his right of participation and the attorneys for working the bill through Congress, one-half of the profits to go to the attorneys and the other half to those who financed it.

"It is estimated that each Indian's share of the estate is worth $8,000. The attorneys' contract calls for 30 per cent of this, or $2,400, of which we are to get one-half, or $1,200.

"We are organizing a syndicate to take over 1,000 of these contracts at $25 per contract. We will not accept subscription for less than 20 contracts, or $500. The estimated value of 20 contracts, if we win, will be approximately $24,000, or a profit of $23,500 upon each $500 investment.

"The proofs of these claims for these 4,200 Indians has all been secured and has been presented to the congressional Committee on Indian Affairs and reported favorably. This committee consists of 19 Members of Congress.

"At the next session of Congress the bill will be introduced and voted upon, and as there are several precedents identical to this proposition wherein the other Choctaws secured their rights we have every reason to believe that the bill will pass.

"Senator OWEN has but 1,500 of these contracts with another batch of Choctaw Indians, yet he secured a fee of $6,000,000. He had a contract for one-half of what he secured, while ours is but 30 per cent. Other similar contracts have been made, and all of them have been passed by Congress, and as the Government is holding the lands and money belonging to this tribe and have no interest in it either way we see no just reason why they should not act upon these claims favorably at the next session.

"We are unable to go into all of the details of this proposition in this letter to you, but I have spent several days investigating it and conclude that the chances for defeat are no greater than in the ordinary course of business. I believe the estimated results herein will be obtained, or substantially so.

"I expect to give the matter my attention and to look after the interest of those who come into the deal at my request, and to take a proper assignment of the contracts and place them in the hands of some local trust company or bank with authority to make the collection and disburse the receipts to the subscribers in the amounts to which each subscriber would be entitled to same. It will be safer for the subscribers.

"My charges will be about 20 per cent of whatever profits you may make on the deal. If none are made, you owe me nothing. I would like to have you take a flier in this, say, for $500 or $1,000, and to notify me of your intentions promptly. Should you happen to lose, I think you will agree with me that it was at least a good bet, as the prospective returns justify taking the chance.

"Awaiting your prompt reply, either by letter or wire, I am,
"Yours, very truly,

"C. B. MOLING."

To the foregoing communication of Mr. Moling, Mr. Dechant replied as follows:

"MIDDLETOWN, OHIO, *July 24, 1911.*

"C. B. MOLING,
"*432 Mason Building, Houston, Tex.*

"MY DEAR MR. MOLING: Your letter of June 12 was received in my absence, hence delay in answering.

"I have gone over the same carefully and note what you say, and it would seem to me if Congress has taken the steps enumerated by you the proposition is a good one, and on further investigation I might be induced to come in, everything appearing in good shape.

"Who is the firm of attorneys representing you and located at St. Louis and Washington, and what is the name of the member of the firms looking specially after the matter?

"Can you refer me to the reports wherein the Government has recognized the contracts referred to providing for a contingent fee, etc., in these specific cases; also, can you further refer me to congressional reports where the Congress recognized such contracts and made them a valid first lien on the Indians' property?

"What Congress passed this resolution, legalizing these contracts as liens, and is it the present Committee of Congress on Indian Affairs to whom the proofs of the 4,200 claims you refer to were presented and reported favorably?

"What is the name of the attorney who represented the matter to the Indian Affairs Committee of Congress and secured the passage of the favorable resolution?

"On receipt of a letter from you in reply to the above, I will take the matter up more fully and advise you at once what I will do. Thanking you for bringing this matter to my attention,

"I am, as ever, yours, W. L. DECHANT."

To the inquiries contained in the foregoing letter of Judge Dechant, Mr. Moling replied as follows:

"HOUSTON, TEX., *July 28, 1911.*

"Hon. W. L. DECHANT,
"*Middletown, Ohio.*

"MY DEAR JUDGE: I have your letter of the 24th, in regard to further information regarding the Choctaw Indian contracts, etc.

"I sent for Mr. S. L. Hurlbut, who owns the contracts, and gave him your letter and asked him to give me the information desired; and I herewith hand you his dictated letter, as also the brief he refers to, with the clippings attached.

"In regard to the brief and the clippings, he requests that you take care of them, as they are all he has here in Houston.

"It might be a good idea for you to write to Mr. Cantwell in Washington, as he is thoroughly familiar with all the details, and then the information would come to you first handed.

"I am not personally acquainted with Mr. Cantwell or his partner, Mr. Crews, in St. Louis, but from what I learned they are very capable men in their line of business and have worked other similar contracts through Congress, but I know Mr. Hurlbut for several years; he is all right, and I consider him straight and reliable. My dealings with him has all been in the real estate line and all very satisfactory; he stands well in this community.

"It might also be a good idea to get in touch with the chairman of the present Committee on Indian Affairs; he ought to know all about it.

"As stated in my letter of June 12, I think it's a good bet, for the reason I believe the Government will carry out the terms of its treaty made with them in 1820 and 1830; if they do, then these contracts will be good.

"Awaiting your further advices, I am,
"Very truly, yours, C. M. MOLING."

The presentation of the matter as above set forth by Mr. Moling to Judge Dechant for financing the project was so flattering as to justify the average speculator in taking a chance, and it would appear, from the sale of one-fourth of the stock of the Texas-Oklahoma Investment Co. at its par value, that no great difficulty was experienced in promoting and consummating this financing of the project.

About a year subsequent to the organization of the Texas-Oklahoma Investment Co. for financing the project of handling Mississippi-Choctaw Indian contracts taken in the name of Crews & Cantwell, Mr. Albert J. Lee, of Ardmore, Okla., a member of the law firm of Ballinger & Lee, claiming to represent a large number of persons who claim a right in the tribal property of the Choctaw and Chickasaw Indians in Oklahoma, on a contingent fee of from 12½ to 40 per cent, and which do not conflict with the claims handled and represented by the Texas-Oklahoma Investment Co., but are in a line with them, desired, as shown by certain correspondence relative thereto, to raise a fund of $16,000 to meet indebtedness incurred in the prosecution of their Indian claims and with which to continue the fight for their clients, and, to show that persons engaged in handling the claims of nonenrolled Choctaw and Chickasaw Indians have succeeded in interesting many prominent persons in such claims, I submit copy of tabulated statement of said Albert J. Lee, dated October 17, 1912, setting forth the prospective profits that he calculates upon deriving from his handling of said claims, together with an indorsement of same by Mr. Harris Masterson, an attorney of Houston, Tex., who is a prominent financier and pro-

motor of projects of this character, which statement of Attorney Lee and indorsement of Mr. Masterson reads as follows:

OCTOBER 17, 1912.

Mr. HARRIS MASTERSON,
Houston, Tex.

DEAR SIR: Mr. Webster Ballinger and I represent some 13,000 persons who claim a right in the tribal property of the Choctaw and Chickasaw Indians in Oklahoma. Of the above number of persons represented by us, there are some 3,738 who are conclusively, as shown by the Government records, entitled to share in the distribution of the tribal property. An individual share is estimated at $3,000 cash. We represent these people under contracts providing for a contingent fee of from 12½ to 40 per cent of the value of each share. I am attaching a statement showing the value of our fees. The statement also shows the amount of said fees we have already contracted for.

You will observe that my individual share of said fee will amount to $850,911, based upon the cases I consider certain; and that if we succeed in one-third of the cases that are uncertain, or rather if we succeed in enrolling 3,000 out of the 10,000 doubtful cases, my individual share of the fee would be $2,065,911.

I am in urgent need of funds with which to meet indebtedness incurred in the prosecution of these claims, and with which I may be enabled to continue the fight for our clients, and I want to raise $16,000, which I will agree to return with interest, and will assign the people furnishing the money 40 per cent of my individual share of the fee. Estimated upon the cases considered certain, this would return about $22 for every dollar subscribed, and upon the basis of one-third of the uncertain cases going through in addition to those that I consider certain, the estimated return would be about $120 for every dollar advanced.

The following pages will give you some idea of the nature and basis of the claims.

CHOCTAW AND CHICKASAW LANDS, AND OTHER PROPERTY.

In southeastern Oklahoma, in what was formerly the Choctaw and Chickasaw Nations, are nearly 3,000,000 acres of land, which the Federal Government will offer for sale from day to day from November 12 to December 23, this year. These lands are classed as follows: Nine hundred thousand acres agricultural, 445,000 acres agricultural surface, with deposits of coal and asphalt, 1,500,000 acres pine and hardwood timber.

In addition to the above lands, the coal and asphalt deposits are shortly to be sold. The United States mine inspector has estimated that the coal is worth in royalties to the Choctaw and Chickasaw people at least $70,000,000. There is now on deposit to the credit of these two tribes something like $1,000,000, derived from the sale of town sites.

VALUE OF PROPERTY.

It is reasonable to assume that the Federal Government will be able to get for the coal deposits at least one-half of the amount that said deposits are estimated to be worth in royalties, which would be, in round numbers, $35,000,000.

Should the 3,000,000 acres of land bring an average price of $10 per acre, which is a very reasonable estimate considering the fact that there is standing timber on 1,500,000 acres thereof, $30,000,000 will be derived from this source.

There is no accurate estimate of the value of the asphalt deposits, but they are worth several hundred thousand dollars. Eliminating the value of the asphalt deposits, we have the following values:

On deposit	$10,000,000
Value of the coal	35,000,000
Value of the surface and timber	30,000,000
Total value of the property	66,000,000

OWNERS OF THE PROPERTY.

The above property belongs to the citizens of the Choctaw and Chickasaw Nations of Indians under a grant made by the Federal Government under the terms of the treaty of September 27, 1830. The grant conveyed to said Indians all the lands lying between the Canadian and Red Rivers, the Arkansas line, and the one hundredth parallel west. All of said land, however, with the exception of the 3,000,000 acres above referred to, has been parceled out to the individual Indians in allotments of 320 acres of average-value land.

As the property belong to the citizens of the tribes of whom the Federal Government was the guardian, it became the duty of the Federal Government, upon the dissolution of the tribal governments, to ascertain who were the citizens entitled to share in the distribution of the property. This the Federal Government undertook to do. The tribal governments agreed to such action upon condition that each citizen be allotted 320 acres of average-value land and should then share in the proceeds derived from the sale of any lands remaining undisposed of after all allotments had been made. It was also agreed that certain town sites, coal deposits, asphalt deposits, and timberlands should be withheld from the allotment scheme.

Congress passed seven different acts under which the citizenship of the two tribes should be determined and the distribution made. The acts were: Act of June 10, 1896; act of June 7, 1897; act of June 28, 1898; act of May 31, 1900; act of July 1, 1902; act of March 3, 1905; and the act of April 26, 1906. The latter act provided that the question of citizenship should be finally closed up on March 4, 1907, and since that date no person has been added to the rolls of those Indians entitled to share in the property. Assistant Attorney General J. W. Howell stated to the House Committee on Indian Affairs that the above-mentioned acts were "inherently defective," and "administered so as to prevent a full realization of their purpose." (Hearing on H. R. 19279, 61st Cong., 2d sess., p. 265.)

WHY THE CLAIMANTS WHOM WE REPRESENT WERE OMITTED FROM THE ROLLS.

1. Sufficient time was not given to do the work. The Department of the Interior was forced to act pro forma upon the claims of more than 2,000 persons during the week preceding March 4, 1907.

2. The commission created by act of Congress was incompetent and composed of laymen who conceived the idea that it was their duty to oppose the applicants and restrict the number of persons entitled to share to the fewest possible. This commission suppressed records and failed to transmit the full case of applicants to the Secretary of the Interior, who had a supervisory authority and right of review. Upon charges filed against officers of this commission, two of them were forced to resign. (Ses. Doc. 357. 59th Cong., 2d sess.)

3. The tribal officials who had control of tribal funds sought at all times to restrict the number of persons enrolled in order that the share of each would be greater.

4. The attorneys, Mansfield, McMurray & Cornish, employed under Government sanction to represent the tribes, for an extra consideration of $750,000 paid out of tribal funds, and which latter employment was unknown to the Government officials, succeeded in defeating the claims of nearly 4,000 persons who had been enrolled by judgments of the United States courts, rendered in cases appealed from the action of the commission to the Five Civilized Tribes, under the provisions of the act of June 10, 1896. This action was investigated by the committee of Congress, and, with respect to the persons enrolled by judgments of the United States courts, this committee said: "There was no way by which persons so enrolled—locally known as court citizens—could be eliminated lawfully from participation in the tribal estate."

These tribal attorneys succeeded, however, in eliminating from the citizenship roll the persons placed thereon by judgment of the United States courts by lobbying through a provision of law which became part of the agreement entered into by the Government and the tribes contained in the act of July 1, 1902, with reference to the distribution of the property, by having created a special court to review the judgments of the United States courts, and a committee of Congress has reported upon the manner in which this court was created, as follows:

After the agreement had been duly signed by the representatives of the two nations and by the representatives of the Government, and after it was transmitted to Congress for ratification and approval, sections 31, 32, and 33 were inserted at the request of McMurray, which sections are predicated on the assumption that the United States courts in the Indian Territory, acting under the act of June 10, 1896, had admitted persons to citizenship in the Choctaw and Chickasaw Nations without notice to both of said nations. It was contended by the nations that in such proceedings notice to each of said nations was indispensable, and they claimed and insisted that the proceedings in the United States courts in the Indian Territory, under the act of June 10, 1896, should have been confined to a review of the action of the commission to the Five Civilized Tribes upon the record in each case and should not have extended to a trial de novo of the question of citizenship. These sections authorized the two nations jointly, or either of said nations acting separately and making the other a party defendant, by a bill in equity filed in the citizenship court, to bring a suit for the purpose of testing the validity of all such decisions of the United States courts. It further provided that 10 persons admitted to citizenship or enrollment by the United States courts, with notice to but one of said nations, should be made defendants to a suit as representatives of the entire class of persons similarly situated. In other words, it authorized the bringing of a test suit, and provided that in the event said citizenship judgments or decisions were annulled or vacated, any party thereto, within 90 days thereafter, by a written application, might have his case transferred to the citizenship court by the court where the judgment was entered and that the citizenship court should have jurisdiction therein as if no judgment or decision had been rendered by the United States court. It was provided that the judgment of the citizenship court should be final.

This act provided that it should not be effective until submitted to and ratified by a vote of the two nations, but exception was made as to sections 31, 32, and 33, creating the citizenship court, but which became effective upon the passage and approval of the act.

Immediately following the passage of the act ratifying the agreement of 1902 the judges authorized to be appointed to constitute the citizenship court were appointed, as follows: Spencer Adams, of North Carolina; Henry S. Foote, of California; and Walter L. Weaver, of Ohio. Judge Foote appears to have been appointed upon the recommendation of Senator Stewart, who was then chairman of the Senate Committee on Indian Affairs, and Judge Adams on the recommendation of Senator Pritchard, of North Carolina. Judge Foote was the brother-in-law of Senator Stewart. The law creating this court is without legislative parallel; the manner of its enactment was extraordinary, and the authority which it conferred upon the court it created is without precedent in American jurisprudence.

As soon as this court was created and organized the firm of Mansfield, McMurray & Cornish proceeded to bring before it a very large number of claims of "court citizens," and they succeeded in eliminating from the rolls between 3,500 and 4,000 persons. They then claimed a fee of 9 per cent on a basis of $4,800 per person, as provided in the contingent-fee contract made in 1901, before referred to, which had not been approved in accordance with law. (H. Rept. No. 2273, 61st Cong., 2d sess.)

It was reported, and commonly accepted as a fact, that Judges Foote and Adams received a part of the fee paid Mansfield, McMurray & Cornish, and in the case of Adams *v.* Butler, in which case Adams sued ex-United States Senator Butler, of North Carolina, for libel, it was shown that Adams received $50,000 of the fee. While the committee was considering the evidence upon which the above report was made Judge Adams cut his throat with a razor. Judge Foote died shortly after the fee was paid. Foote was a confirmed drunkard.

5. There are many other reasons impossible of explanation in this short statement.

CONGRESS NOW CONSIDERING CLAIMS.

Since the closing of the rolls those whose names appear thereon and the Representatives in Congress from Oklahoma have constantly pressed for legislation directing the Secretary of the Interior to finally wind up the affairs of the tribes and to distribute the funds to those enrolled. This Congress has refused to do and at each session has considered the enactment of legislation that would place upon the rolls all meritorious cases. The hearings upon such proposed legislation has progressed to the point where it now seems certain that action will be taken at the coming session of Congress. The Secretary of the Interior, on February 12, 1910, recommended that Congress give him authority to add to the rolls two classes of persons who had been omitted. (App. Hearing on H. R. 19279, 61st Cong., 2d sess.) And during the last session of Congress the Secretary advised Congress that there were several different classes of cases which should be reheard before the estates were finally wound up, and suggested that Congress give him authority to hear the cases and to add the names to the rolls of those persons found entitled to be placed thereon.

It is our purpose to continue the fight for our clients until definite action is taken by Congress. We have been strong enough at all times to prevent a final settlement and distribution of the property. The opposition now realizes that in order to get their own shares of the property they must consent to legislation giving our clients their rights. I have spent a great deal of money and have given all of my time since

March 4, 1907, in the work of securing justice for our clients, and I shall continue to do so until some final action is taken by Congress.

ESTIMATED VALUE OF EACH CLAIMANT'S SHARE OF PROPERTY.

As the lands have all either been allotted or ordered to be sold, the persons added to the rolls will have to take their share of the estate in cash, and it has been tentatively agreed that each person so enrolled is to receive $3,000 in cash.

Yours, very truly, ALBERT J. LEE.

CLAIMS IN CHOCTAW AND CHICKASAW ESTATE.

Below is the list of the number of persons claiming a share of the Choctaw and Chickasaw tribal estates, represented by Ballinger & Lee, attorneys, and the basis of their employment.

The value of an individual share in the estate is estimated at $3,000 in cash.

Number of individual claimants, 3,738, more or less.

Of the above number 2,051 persons, more or less, are represented under written contracts and powers of attorney, for a contingent fee of 40 per cent of claims recovered; 487 are represented by agreement with other attorneys who hold contracts for 25 per cent of recovery, the share of Ballinger & Lee being 12½ per cent of the amount recovered. One thousand two hundred persons, more or less, are represented by Ballinger & Lee under 50 per cent contract, of which Ballinger & Lee's share will estimate $500 per person.

Lee's proposed sale of 40 per cent of his individual shares, or fee, is figured as follows:

2,051	persons.
$3,000	Value of individual share.
$6,153,000	Total value of shares of 2,051 persons.
40	per cent basis of fee.
$2,461,200	Estimated fee.
487	persons.
$3,000	Value of share.
$1,461,000	Total value of shares of 487 persons.
12½	per cent basis of fee of Ballinger & Lee.
$183,023	Total estimated fee of Ballinger & Lee for 487 persons.
1,200	persons.
$500	Ballinger & Lee's fee per person.
$600,000	Total estimated fee for 1,200 persons.
$2,461,200	
$183,023	
$600,000	
$3,244,223	Total of Ballinger & Lee's fee.
Less $150,000	Estimated expense of collection.
$3,094,223	
45	per cent with which assistance was contracted.
$1,392,400	Estimated cost of assistance.
$3,094,223	Net fee.
Less $1,392,400	Cost of assistance.
2) $1,701,823	Net fee to Ballinger & Lee.
$850,911	Net fee to Lee.
40	per cent proposed assignment.
$340,364	Fee which will go to owners of the 40 per cent to be sold.

In addition to the above cases we represent about 10,000 people whose records do not conclusively show that they are entitled to share in the distribution of the property, but if Congress permits proof to be made in these cases, I estimate that at least 3,000 of them will be good. Our fee in these cases is 40 per cent, and in the event of success in the 3,000 cases indicated my individual fee would approximate $2,065,911. My proposed assignment includes all of these cases.

ALBERT J. LEE.

MASTERSON & MASTERSON, ATTORNEYS AT LAW,
Houston, Tex., October 17, 1912. (Received Apr. 20, 1914.)

To whom it may concern:

I have carefully read the statement of Albert J. Lee, of the law firm of Ballinger & Lee, in his letters of the 17th instant, relating to the claims of the Choctaw and Chickasaw Indians, represented by his firm, and from my own knowledge of the facts, the manner in which the estate of these Indians was administered by officers of the Federal Government, and the steps that are now being taken to protect the interests of the claimants I know that Mr. Lee's statement is substantially correct. The claims represented by Mr. Lee are meritorious; however, he does not by half set forth the merits of the claims, nor does his statement fully cover the injustice that has been perpetrated upon the class of Indians whom he represents. It would be impossible for him to fully deal with the merits of these claims in a brief letter.

The records in these cases are so plain and so clearly disclose fraud and incompetent administration that I am firmly convinced that Congress will restore the claimants to their rights. I therefore believe that money advanced to Mr. Lee in aid of his cases will return a big profit within the next two years, and that such profits will not be less than a return of $20 for every dollar advanced him.

On the 7th day of this month I furnished $2,000 to Mr. Lee in order to afford him temporary relief in connection with the Indian claims represented by him, and in addition thereto I am subscribing $2,000 to the fund of $16,000 which he is now endeavoring to raise, notwithstanding the fact that I am largely interested in similar claims of the Choctaw Indian descendants.

Of my own knowledge, for I have investigated many of the claims of the clients of Mr. Lee before deciding to invest $4,000 in the enterprise, I know that the claims of the Indians so investigated, whom Messrs. Ballinger & Lee represent, are full of merit. I therefore consider the $2,000 already invested and subscription of $2,000 to be in the nature of a fine speculative investment. It is hoped, and I think reasonably certain, that the Choctaw claimants will be given relief during the coming session of Congress.

These claims do not conflict with the claims handled and represented by the Texas-Oklahoma Investment Co., but are in line with them.

Yours, very truly,

H. MASTERSON.

I visited Muskogee, Okla., where I conferred with Commissioner Wright and Supt. Kelsey with reference to persons soliciting contracts from the Indians of Oklahoma, and then proceeded to Poteau, Okla., where I met T. V. Sprinkel, an attorney of that town, whom I learned had been obtaining contracts from certain Indians, and upon interrogating him relative thereto he stated with apparent frankness that he has been engaged at intervals the past three years in procuring contracts from Choctaw Indians who are interested in what is known as the Glenn-Tucker claim, and that he has not solicited contracts in any other Indian claim; that there are about 700 Choctaw families interested in said claim; and that he has procured contracts from 75 of the leading families interested, and only from those of them with whom he has been acquainted for many years past.

He stated that to meet the expenses incurred by him in executing the contracts and preparing the case he charges each family $10 who employ him, this being the total charge he makes to each family regardless of the number in the family, and that his contracts provide for payment to him of a 25 per cent contingent fee of whatever he may recover for them. He further stated that he has been engaged in this work since 1911, during which time he has made two trips to Washington, D. C., in the interests of his clients, and that up to the present time the total received by him from the 75 families with whom he has contracts amounts to only $129.

He also stated that Webster Ballinger, Walter S. Field, and W. W. Wright, attorneys of Washington, D. C., have a large number of similar contracts with Choctaw Indians.

While at Poteau I learned that a colored man named Robert L. Fortune, of Wilburton, Okla., had been soliciting contracts for Crews & Cantwell from Choctaw freedmen residing in the vicinity of Poteau, and I obtained from Mr. Felix Bird, a notary public of Poteau, one of the contracts, which said Fortune had left with the notary for acknowledgment when the freedman represented therein appeared to execute it, and after concluding my business at Poteau I proceeded to Wilburton, where I met said Robert L. Fortune and interrogated him with reference to the matter.

Said Robert L. Fortune resides in the town of Wilburton, Okla., and bears a good reputation in the community. He stated to me that he is 48 years of age, and was for 16 years, terminating in 1906, a deputy United States marshal for the eastern district of Indian Territory, now a part of Oklahoma, and that about three years ago he was employed by a negro lawyer, named J. Milton Turner, to canvass certain localities in eastern Oklahoma and procure contracts from Choctaw freedmen for Crews & Cantwell, of St. Louis, Mo.; that said Turner employed two other colored men as subagents in this work, whose names were J. E. Eubanks and H. A. Guess, respectively, and that Turner, in directing the work, maintained an office first at McAlester, Okla., and subsequently at Fort Smith, Ark.; that he (Fortune) procured about 700 contracts for Crews & Cantwell from Choctaw freedmen, including minors, but took no contracts from minors except when executed by legal guardians; that he delivered all of the contracts thus procured by him to J. Milton Turner, who paid him $1.25 for each duly executed contract delivered, and that the contract provided for a 35 per cent contingent fee to Crews & Cantwell.

Said Robert L. Fortune stated that in no instance while engaged in this work did he represent himself as a Government official, but invariably as a subagent of J. Milton Turner, in procuring contracts for Crews & Cantwell, of St. Louis, Mo.; that H. A. Guess, another of Turner's subagents, who was a negro attorney, then residing at McAlester, Okla., was given a much larger and better territory to operate in than that assigned to him by Turner, in consequence of which, as stated by Fortune, Subagent Guess procured about double the number of contracts that he (Fortune) obtained, and which, with the contracts procured by J. E. Eubanks, another of Turner's subagents, a colored man, and said to be a lawyer, whose field of operation was in the southeastern part of Oklahoma and adjoining territory in Arkansas, and Fortune stated, as an estimate, that about 2,300 contracts were obtained for Crews & Cantwell from Choctaw freedmen by himself and the two other subagents operating under the direction of said J. Milton Turner.

On the 23d ultimo I called upon Mr. Harris Masterson, attorney at law, at his office in the Chronicle Building, Houston, Tex., and had a very pleasant interview with him relative to his connection with certain attorneys engaged in prosecuting Mississippi Choctaw Indian claims, and he was exceedingly courteous throughout our conference.

Mr. Masterson is a very affable gentleman and stated quite freely his interest in the claims handled by Crews & Cantwell, in which he said he became interested by having the case presented and explained to him by Mr. S. L. Huribut, of El Campo, Tex., and that after investigating the matter he concluded to go in on it as a speculative investment, and that he took an active part in promoting the organization of the Texas-Oklahoma Investment Co. to finance the project.

The organization of said company and financing of the project is set forth on pages 12 and 13 of this report, based upon the statements of Mr. Masterson to me with reference thereto.

Mr. Masterson further stated that he also promoted the raising of a fund for Attorney Albert J. Lee, of Ardmore, Okla., to enable him to continue the prosecution of certain Choctaw-Chickasaw Indian claims that are being handled by Ballinger & Lee, which do not conflict with those handled by Crews & Cantwell.

Luke W. Conerly, of Gulfport, Miss., being frequently referred to in the communications contained in the file of papers furnished me by the Indian Office for use in my investigation, and his name appearing in the correspondence as an active solicitor in obtaining contracts from Mississippi Choctaws, therefore I proceeded to Gulfport, Miss., to meet him.

I reached Gulfport the afternoon of the 27th ultimo, and learning that Mr. Conerly lived out in the country about 3 miles from Gulfport, I got into telephone communication with him and he immediately came in to meet me at the Great Southern Hotel, where we were over three hours in conference, and he returned about 9 o'clock the following morning, accompanied by Henry Wilson and Carl Wilson, two prominent members of the Mississippi Choctaws, and remained until near noon discussing Choctaw matters generally and A. P. Powell particularly.

The said Luke W. Conerly is 73 years of age and a lawyer by profession, but has not practiced in the courts for several years past. He is quite intelligent, bears a good name in the community, and is well spoken of by those who know him. He claims to be a lineal descendant of one of the leading Choctaw families who participated in the Dancing Rabbit Creek treaty of 1830, and stated that he is now regarded by all the Choctaws living outside of Oklahoma as their captain and recognized leader; also that it was he who first interested Congressman HARRISON, of Mississippi, in Choctaw matters and got him to introduce the bill for reopening the Choctaw rolls; that he had interested United States Senators WILLIAMS and VARDAMAN, of Mississipi, in the Choctaw claim; also Congressman MORGAN, of Louisiana, in whose district many Choctaws reside.

I had a very pleasant interview with Harry Wilson, president chief council, Society of Mississippi Choctaws, together with his son, Pearl L. Wilson, secretary of said council, both of whom reside in Gulfport, Miss., and they corroborated substantially the statements of Luke W. Conerly regarding Mississippi Choctaw matters.

Mr. Conerly stated that he assisted A. P. Powell in writing up contracts with Mississippi Choctaws in 1910, when Powell was working on a salary for Crews & Cantwell, and that again in March, 1911, he commenced assisting Powell in writing up contracts for W. B. Matthews, an attorney of Washington, D. C., and for whom Powell procured 2,258 contracts and had charged the claimants $2.50 each for executing. He further stated that he was in Washington, D. C., in February, 1912, and suggested to Mr. Cantwell, who was also in Washington, the advisability of Crews & Cantwell purchasing the Matthews contracts, as Mr. Matthews had never done anything toward furthering the Choctaw case before the committees of Congress or elsewhere, and that Mr. Cantwell was so favorably impressed with the proposition that he authorized him (Conerly) to call upon Attorney Matthews and endeavor to bring about a transfer of his contracts to Crews & Cantwell, which he (Conerly) proceeded to carry out, resulting in Mr. Matthews transferring the 2,258 contracts that were procured in his name to Crews & Cantwell for a cash consideration of $1,300, together with Mr. Matthews retaining a certain per cent interest in the contingent fee provided in the contracts, and that he (Conerly) supervise the legal transfer of said contracts from Matthews to Crews & Cantwell and carried them from Mr. Matthews's office in the Bond Building to Crews & Cantwell's office, then in the Munsey Building.

Mr. Conerly further stated that A. P. Powell in his deal with W. B. Matthews was to receive a certain per cent of the contingent fee provided in the contracts, and in order to eliminate Powell, and that he would have no further interest in these 2,258 contracts, Mr. Cantwell paid Powell $300 in cash; this payment to Powell, as stated by Mr. Conerly, was that he might thus be gotten rid of in a friendly way and with the understanding that he (Powell) was not to return to Mississippi to engage in soliciting contracts with Choctaw or Chickasaw claimants.

Mr. Conerly stated that he was then engaged by Crews & Cantwell to procure contracts for them, and that arrangements were subsequently made by which Powell assisted him for a time, and that during 1912 and early part of 1913 he (assisted by Powell) procured about 1,300 contracts for Crews & Cantwell and turned the same in to them; that Powell then commenced taking contracts in his own name, and his present whereabouts are unknown to Conerly.

Mr. Conerly still further stated that since March, 1913, he has been in the employ of Mr. T. B. Crews, of the firm of Crews & Cantwell, in procuring Choctaw contracts, and had on the 28th ultimo about 1,800 executed contracts all indexed and ready to turn in, thus approximating about 9,558 of this class of contracts controlled by Crews & Cantwell, apart from any they may have obtained through parties whom he (Conerly) has no knowledge. To the above-stated total may be added the 2,300 freedmen contracts as estimated by Robert L. Fortune, of Wilburton, Okla., who was one of the solicitors obtaining contracts from freedmen for Crews & Cantwell.

Mr. Conerly stated to me that he had obtained contracts from Mississippi Choctaws residing in 15 different States, and that there are now so many influential persons interested in this claim that he has great hope of the early enactment of legislation directing the reopening of the Choctaw and Chickasaw rolls.

With reference to the representations made and methods adopted by A. P. Powell in obtaining contracts from Mississippi Choctaw applicants, Mr. Conerly stated that he had been associated with Powell, at intervals from 1910 to the early part of 1913, in writing up contracts for Choctaw claimants, and that during all that period he had never heard Powell represent himself as a Government official; on the contrary, had often heard him tell applicants that he was in no way connected with the Government, but that the impression prevailed among the people in general that Powell represented some high authority in canvassing for and executing the contracts he was obtaining; that he never heard Powell state that he was a lawyer, but knows that the impression prevailed in general that he was an attorney.

Mr. Conerly stated that he has not met Powell during the past year, and did not know where he is at the present time, but had heard that he is still engaged in soliciting contracts from Choctaw claimants, taking the contracts in his own name on a 20 per cent contingent fee and charging each applicant $2.50 for executing their papers, and he (Conerly) expressed the belief that Powell has realized several thousand dollars through the $2.50 fee invariably received by him from each of the many claimants from whom he obtained contracts since severing his connection with Crews & Cantwell in 1911.

Mr. Conerly remarked, with reference to A. P. Powell, that he regarded him as a shrewd individual who made a good impression upon persons meeting him casually, but that from having acquired a very thorough knowledge of Powell's characteristics he (Conerly) would not wish to be associated with him in any business transaction.

As pertinent in the premises, I transmit herewith as "Exhibit B" copy of statement of said Luke W. Conerly, made under oath to Special Indian Agent W. W. McConihe at Jackson, Miss., on April 26, 1911, the original of which I submitted to Mr. Conerly at Gulfport, Miss., on the 28th ultimo, and which he verified as true and a correct statement of matters therein referred to up to the time the said statement was made and sworn to by him.

There is also transmitted herewith as "Exhibit C" letter of Luke W. Conerly, of Gulfport, Miss., addressed to me under date of 17th instant, to which is attached a printed circular of Crews & Cantwell, date February 16, 1912, accompanied by printed copy of an affidavit of A. P. Powell, dated November 6, 1911, which has reference to the discontinuance of A. P. Powell by Crews & Cantwell, and the employment by them of said Mr. Conerly to continue the work of procuring contracts from Choctaw claimants who desired to be represented by Crews & Cantwell.

I also transmit, as "Exhibit D" copy of affidavit of said A. P. Powell, acknowledged at Jackson, Miss., by W. W. McConihe, special United States Indian agent, on April 27, 1911, wherein Powell states that he took about 4,000 applications and made no charge for them, after which he charged applicants $1.25 each; that he made this charge because the money that had been advanced by Crews, Cantwell & Hurlbut was exhausted; that he sent all these claims he was making a charge for to Crews & Cantwell; that he took about 100 applications at Monticello, Miss., for Crews & Cantwell and charged $2.50 each there; that he took a few names at Biloxi, Miss., and charged $1.25 for each applicant there, and that these claims were for Crews & Cantwell; that he also visited Meridian, Miss., and took about 88 applications there for Crews & Cantwell, but for which no charge was made; and that he had taken no applications for Crews & Cantwell after his association with Matthews (meaning Attorney W. B. Matthews, of Washington, D. C.).

From the foregoing statements of Powell in his said affidavit he doubtless took contracts for Crews & Cantwell from approximately 4,200 claimants, as stated on page 13 of this report, and also as shown on page 14 hereof, by copy of Mr. C. B. Moling's letter of June 12, 1911, to Hon. W. L. Dechant, of Middletown, Ohio, which, with the 2,258 contracts taken by Powell for W. B. Matthews and subsequently transferred to Crews & Cantwell, and, as stated by Luke W. Conerly (assisted by Powell), 1,300 turned in to Crews & Cantwell during 1912 and early part of 1913 (see p. 37 of this report), together with about 1,800 additional contracts which Mr. Conerly has recently procured and ready to turn in to Mr. Crews (see also p. 37 of this report), approximates 9,558 of this class of contracts on a 30 per cent contingent fee, controlled by Crews & Cantwell and their associates of the Texas-Oklahoma Investment Co., and which, with about 2,300 contracts obtained for Crews & Cantwell from freedmen on a 35 per cent contingent fee, as stated by Robert L. Fortune (see pp. 30–32 of this report), brings the number of claimants represented by them up to 11,858, approximately.

I transmit herewith five forms of blanks used in executing these contracts, "Exhibit E" being the form used by A. P. Powell in procuring contracts for Crews & Cantwell while working on a salary for them. "Exhibit F" was the form used by said Powell while procuring contracts for W. B Matthews. "Exhibit G" is the form now being used by A. P. Powell in taking contracts in his own name. "Exhibit H" is the form used by Luke W. Conerly in writing up contracts for T. B. Crews. "Exhibit I" was the form used by the three subagents of J. Milton Turner in procuring contracts from Choctaw and Chickasaw freedmen for Crews & Cantwell, and "Exhibit J" contains copies of five notices circulated by A. P. Powell in soliciting contracts; also specially prepared press dispatches for distribution, with the evident object of thus arousing enthusiasm in the Mississippi Choctaw matter.

In conclusion I desire to state that from a careful perusal of the numerous letters of claimants from whom A. P. Powell had obtained contracts, seeking information with reference thereto, as contained in the file of papers furnished me by the Indian Office for reference in this investigation, together with my having interrogated numerous persons as to the representations made to claimants by Powell and other solicitors, it appears that Powell did not represent himself as an official of the Government nor of the Choctaw Nation, and thus therefore avoided violating the statutes in that respect, notwithstanding which, as stated by many persons, the impression undoubtedly prevailed, especially among the more ignorant, that he was a lawyer and represented the Government in some manner in soliciting contracts from Choctaw claimants.

Many persons whom I interrogated regarding the matter asserted that Powell had invariably denied being in any way connected with the Government and was only endeavoring to get the rolls reopened that the unenrolled Choctaws might receive their rightful shares, which, as stated by him, would be 320 acres of land and about $2,500 in cash to each claimant, less 30 per cent contingent fee to the attorneys.

I return herewith the file of papers furnished me by the Indian Office for reference in this investigation.

Very respectfully, your obedient servant,

JAMES MCLAUGHLIN, *Inspector.*

EXHIBIT A.

[S. L. Hurlbut, president; L. H. Beal, secretary. Alfalfa, corn, oats, cotton, rice, cane, and truck lands.]

GULF COAST LAND & INVESTMENT CO.,
STATE BANK BUILDING,
El Campo, Tex., March 8, 1911.

A. P. POWELL,
Bay St. Louis, Miss.

DEAR SIR: Your letter addressed to Mr. Hurlbut, under date of March 6, has just reached us, and as Mr. Hurlbut is away from the office at this time, and as you seem to have a wrong idea of the amount that has been spent for contracts, or rather for the actual expense of taking contracts up to the present time, we think it advisable to supply you with the figures as shown on our books for the money already paid out for field work, for the actual expense of taking the contracts, not to say anything of that used by Crews & Cantwell, in getting ready for proving up.

Powell has received, to cover expenses, to date	$2,006.02
Powell has received salary for taking contracts	900.00
Nickols has received for helping in taking Oklahoma contracts	125.00
Turner has received for helping in taking Oklahoma contracts	165.00
Hurlbut has been to an expense in going to Oklahoma and taking contracts there	327.00
Or there has been a total spent on taking contracts of	3,523.02

So you will see that, instead of as you say, when you make the statement that you have used only $1,800 yourself you have really used $2,906.02, and this does not include the $65 given you by Cantwell while you were in Washington the last time. And you will see by this that Mr. Hurlbut was exactly right when he stated that about $7,000 has already been spent.

Mr. Hurlbut will no doubt answer the part of your letter where you refer to his paying you $122 when he returns to the office, and I think this matter will be fixed up between you and him in a satisfactory manner, as he wishes to do exactly what is right by you.

Yours, very truly,

L. S. HURLBUT.
Per L. H. BEAL.

EXHIBIT B.

STATEMENT OF MR. LUKE WARD CONERLY.

Mr. Luke Ward Conerly, of Gulfport, Miss., station "A," made the following statement to Special Agent McConihe at Jackson, Miss., April 26, 1911, under oath:

I know A. P. Powell. He is engaged in writing up Choctaw claims in Mississippi. I am working with Mr. Powell now. Have been with him at Tylertown, Pike County, Bay St. Louis, and I am now engaged at McComb City, Pike County. I was not with him all the time at Bay St. Louis. I have been present when large numbers of persons appeared before Mr. Powell, and I never heard him say he was a Government official or agent, or make any statement that could lead others to think so.

I met Powell about July and asked him what he was doing, and he said he was getting up claims for Mississippi Choctaws under the treaty of 1830. I understood that he had been before Congress with the claims. He said that Crews & Cantwell were getting up the claims to present to Congress, the courts, or the department. Powell said he was getting the claims for that firm. I do not know what he gets out of it. I have never heard Powell say that he was representing the Government, nor have I ever heard anyone say that they heard or was told by Powell that he was a United States official, or was representing the Government. At Bay St. Louis he was making no charges at first for his work. Powell required every applicant to show up his ancestry.

At Bay St. Louis he ran out of blanks and had some more printed, and afterwards charged them $1.25, including notary fee. Powell sent me to Tylertown to work there getting up claims, and I made a charge $2.50 for each application written up and paid him $1 for blanks. I wrote up about 150 applications. The charge was to cover expenses. I represented to the people that they were entitled to put in claims against the Government under the provisions of the treaty of 1830, subject to such legislation by Congress as might be determined, and that they would have to enter into a contract if they wanted to put in a claim on a 30 per cent contingent fee, as shown by the contract with Crews & Cantwell, who were the lawyers having charge of the matter, who would present the claims to Congress. I have been at McComb City working up claims since March 21, and making a charge of $2.50 for each application. I pay Powell $1 for a set of blanks of two, and keep $1.25 and pay the notary 25 cents. I am taking all these aplications in the name of William B. Mathews, of Washington, D. C. Last December 19 I closed at Tylertown and went to Bay St. Louis and brought him all the applications I had left. These were the last I wrote up for Crews & Cantwell. I wrote no more after that until about March 13, when I met him at Columbia, where he was writing up claims for W. B. Mathews. He gave me to understand that he no longer represented Crews & Cantwell, but gave me no reason for the change. He gave me 100 sets of blanks to take to McComb and open an office there. Our agreement was that I should write 25 claims and send them to him with the $25. I have sent him 50 contracts and $50. I was not at Jackson with Mr. Powell. I made $1.25 on each application at McComb. I tell the people this is for my expenses.

I certify that the above statement was made to me under oath.

W. W. MCCONIHE,
Special Indian Agent.

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EXHIBIT C.

GULFPORT, MISS., *June 17, 1914.*

Maj. JAMES MCLAUGHLIN,
Inspector, Indian Office, Washington, D. C.

DEAR SIR: While you were in Gulfport I promised you I would send you a circular sent out by Crews & Cantwell from Washington in reference to A. P. Powell and also my employment by them in February, 1912. You will note that during the engagement of myself by Crews & Cantwell in which Mr. Masterson was concerned I was forbidden to charge even a notary fee against those who appeared before me.

Mr. Masterson refusing, after the 1st of February, 1913, to furnish any more money to cover my expenses, I took contracts during that month for that firm at my own expense. After February, 1913, say, 1st of March, 1913, I entered into an agreement with Thomas B. Crews to take contracts in his name, he to cover my expenses, except I reserved the right under the Mississippi laws to charge my notary fee of 50 cents each against those able to pay, and I have made it a rule not to charge a widow or a woman dependent on her own resources for a support, nor a cripple, nor anyone else not able to pay the 50 cents notary fee.

Not being allowed any traveling money in 1912 by Crews & Cantwell and Mr. Masterson, in some instances, in order to save the expense of coming to Gulfport, where there were groups of claimants, they volunteered to cover my expenses to their neighborhoods and return. In no instance whatever have I made a charge against persons putting in claims through me; neither have I appointed any subagent, nor allowed anyone, if I could help it, to charge for making out proof and contracts for others where I furnished the blanks, but I can not say this was not done in some instances without my knowledge.

I have always been careful to explain the situation of our case before the Committee on Indian Affairs, as I was present at the opening of the case before the subcommittee, February, 1912, and understood the situation, and have tried to impress upon the minds of all that the rolls could not be opened; nor could the Secretary of the Interior do anything without the enactment of a law to authorize it; and especially have I urged people not to annoy the Interior Department, nor our lawyers and Congressmen, with letters—to be patient and wait.

So anxious have our people been to get their claims in and to secure their rights that they would willingly have paid me a cash fee for the work of getting up their ancestral records and proof and preparing their papers for their attorneys, and I could have reaped thousands of dollars in the last two years; but, instead, I have expended a thousand dollars of my own earnings going to them to do the work for them free of charge, besides money furnished me by my associates and employers, Crews & Cantwell. Knowing the hard contest before us in Congress on account of powerful opposition, I was opposed to the charge of a petty fee against the claimants when their attorneys were doing their work for a contingent fee subject to modification and approval of the Secretary. By a special arrangement with Mr. Cantwell and also with Thomas B. Crews, I own a number of contracts in my own right, taken in the name of Crews & Cantwell, and I am trying, and have been all the time, to conform to my instructions from them as outlined in the circular inclosed sent out by them in February, 1912.

Yours, sincerely and truly,

LUKE W. CONERLY.

OFFICE OF CREWS & CANTWELL, 420 MUNSEY BUILDING,
Washington, D. C., February 16, 1912.

To the Mississippi Choctaws:

We inclose herewith a copy of an affidavit made by A. P. Powell, which explains itself. The occasion for sending this affidavit to you and for the statement which follows arises by reason of the fact that all relations between A. P. Powell and the firm of Crews & Cantwell are now severed.

A short history of our relations with him may not be improper. In the month of May, 1910, Mr. Cantwell had some business before the Committee on Indian Affairs with relation to citizenship claims in the Choctaw-Chickasaw Tribe, and made an argument before the committee on that day. At the conclusion of his argument Powell made to the committee a statement of his claim as a Mississippi Choctaw. (A copy of the statement of Mr. Powell made at that time is herewith inclosed for your information.) Mr. Cantwell had had no occasion to investigate the claims of the Mississippi Choctaws prior to that time, but upon a casual examination of the matter he became impressed with the idea that there was much more foundation for the claim of rights of the Mississippi Choctaws than had been stated by Mr. Powell before the committee, and upon a full investigation he became convinced that the claim of rights of the Mississippi Choctaws was well founded, and thereupon our firm employed Powell upon a salary to go to Mississippi and secure contracts for us and in our name as attorneys to represent the claimants. Powell gave us to understand at that time that the number of claimants would be about 2,000, and the money was provided for all the expense of taking that number of contracts. There were many more claimants than we were led to believe existed, and after nearly 3,000 contracts had been taken the money provided for that purpose became exhausted. Mr. Cantwell requested Powell, who was then in Washington, to return to Mississippi, and stop the work of taking contracts until arrangements could be provided for funds to pay the expenses of taking more contracts, and Powell was paid his expenses to return to Mississippi. Powell at that time suggested to Mr. Cantwell "that the claimants would pay the expenses themselves, but as no bill had been introduced for the relief of the Mississippi Choctaws and as it was uncertain at that time whether any legislation would be enacted, Mr. Cantwell felt that to charge claimants for making out the papers, or to permit them to pay the cost of doing so, might cause the enemies of the Mississippi Choctaws to designate the efforts to get them together as a scheme of graft for these fees, and our firm was not willing to have the cause injured by permitting any occasion for such charges. Powell then went to Mr. W. B. Matthews, a lawyer of Washington, D. C., and represented to Mr. Matthews that there were a large number of claimants in Mississippi who were willing to pay for writing up their contracts, provided they could get a lawyer to represent them. Mr. Matthews consented to represent them in the event that Powell could secure the contracts, and quite a number of contracts were taken by Powell in the name of W. B. Matthews under this arrangement, the claimants paying a fee for writing the contracts. The firm of Crews & Cantwell had absolutely no connection with this whatever, and during all this period Powell was not in our employ and not in anywise connected with us. During all this time, however—that is, while Powell was taking contracts for Mr. Matthews—no contracts were taken for us or in our name, although we were doing all the work of preparing the law governing the case of the Mississippi Choctaws. Powell had up to this time still retained a contingent interest in the fee which might be eventually recovered by us, and desiring to eliminate him from all connection with our contracts, he was paid the sum of $2,400 in cash and he then relinquished all interest, contingent or otherwise, in the contracts which he had secured for us. This payment was in addition to the sum of $150 per month and his expenses, which had been fully paid him during the time he was taking contracts for us. Later, that is, with the last two months, Mr. Matthews, having then investigated the matter, became convinced that we were in a better position to present the case of the Mississippi Choctaws and to handle their interests than anyone else, transferred all the contracts which had been secured in his name to us and substituted our names as attorneys in accordance with the power given him by each individual contract.

From the beginning of this work we have been entirely willing to give Powell all the credit to which he may be entitled by reason of the fact that, without knowing upon what legal ground the rights of the Mississippi Choctaws depended, he remained in Washington almost friendless and alone (up to the time that he met Mr. Cantwell), insisting that he, as a Mississippi Choctaw, had some rights which had been disregarded. We have always regarded Powell as the instrument of Providence in keeping alive the claim of at least one Mississippi Choctaw after the closing of the rolls in 1907 up to the time when the work was commenced at our expense in Mississippi. For his energy after his return to Mississippi in keeping up the interest of the people there in their rights (although he was paid therefor a much higher salary than he had ever earned before in his life), we have always been willing to concede him full credit and honor. Unfortunately, however, Powell now seems to have the impression that he is a lawyer, that he should direct this campaign, and he has been particularly restless and sensitive about the few mild criticisms which we have indulged in regarding certain misrepresentations which he had ignorantly made to the people in Mississippi.

Some two weeks ago we engaged Powell upon a salary to go back to Mississippi to assist Mr. Luke W. Conerly, of Gulfport, Miss., in taking such contracts as might still be obtainable from claimants, with the express provision that Powell and Conerly should be paid a salary and that no charge should be made the claimants. While we do not regard it as anything improper for the claimants to pay the expenses necessarily incident to making contracts for the protection of their rights, yet, having defrayed all the expenses of taking contracts for us before and desiring to prevent any reflection upon the agitation for those rights as being a means by which a petty profit might be made, we have steadily opposed the idea of taking any contracts except at our own expense.

A telegram has just been received from Powell in Mississippi saying that "Our deal is off." Owing to his peculiar impulsive disposition, we are led to fear that he may be indulging in some misrepresentation as to what is now being done in Washington and that he contemplates some arrangement by which he may continue to charge claimants for taking their contracts as he had heretofore done with the Matthews contracts.

We desire to say to the claimants that a bill for their full and adequate relief has been introduced in the lower House by Mr. HARRISON, of Mississippi; that all the Members of the Mississippi delegation and Mr. Wickliffe, of Louisiana, are enthusiastically supporting the bill; and that Congressman HARRISON and Mr. Cantwell are

now engaged in making arguments before the Subcommittee on Indian Affairs in Congress, making a full presentation of the case, and that everything is being done that can be done for the relief of these claimants.

Mr. Luke W. Conerly, of Gulfport, Miss., who is himself a Mississippi Choctaw claimant, will return to Mississippi from Washington in a few days, and any of your friends or relatives who are not now represented by us who desire attorneys to represent them may procure blank contracts and blank memoranda of evidence from Mr. Conerly. All those who apply to him at Gulfport, Miss., will have the memorandum of their evidence filled and the contracts prepared and acknowledged without charge, and upon giving him the preliminary information by mail, the papers will be prepared by him and returned to you at your home in the event that you can not get to Gulfport. In case the papers are acknowledged at your home, however, the claimant would be expected to pay the notary fee, which in any event would not be more than 50 cents.

We repeat we have never had any desire to take away from Powell the credit for whatever work he has done. He is in the habit of looking upon himself as the "father" of the Mississippi Choctaws. We have been reliably informed that Powell has heretofore represented throughout Mississippi that he was the attorney who presented this matter before Congress. In order to gratify his vanity we had inserted in the first contracts a recognition of Powell's services, but the copy of the statement and the only statement which Powell has ever made before any committee of Congress is herewith inclosed, from which each claimant can easily determine for himself that if the rights of the Mississippi Choctaws had depended upon Powell's efforts alone, they would not have gotten very far toward being recognized. The statement itself shows that Powell did nothing except call attention to his own claim, and a comparison of his statement with the voluminous brief of Mr. Cantwell shows how imperfectly even his own rights were stated. Whatever Mr. Powell may do can not affect the rights of the claimants. Their rights will be fully protected in any event, and this letter is sent you only for the purpose of thoroughly acquainting you with the situation in order to prevent the possibility of any wrong impression being created in regard to your claim.

CREWS & CANTWELL.

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STATE OF MISSOURI,
City of St. Louis, ss:

A. P. Powell, upon his oath, deposes and says:

That in the month of May, 1910, at the city of Washington, D. C., he was employed by the firm of Crews & Cantwell to secure contracts for them for their employment as attorneys by persons claiming rights as Mississippi Choctaws under the treaty of 1830; that his instructions from Mr. Cantwell were to write the contract of no person who was not a bona fide claimant under said treaty, and to write contracts with no person except those who had record or evidence by tradition of their pedigree as a descendant of a person entitled to lands under the treaty of 1830; that he was paid a salary of $150 per month and all of his expenses, and had a contract for contingent interest in the fees that might be recovered by Crews & Cantwell; that all of the expenses of securing about 3,800 contracts, including the acknowledgments, were paid by the firm of Crews & Cantwell, and that no charges were made by him against any of the claimants for any of his services in writing contracts for Crews & Cantwell; that after Crews & Cantwell stopped taking contracts, the affiant was besieged by other persons who had had no opportunity, up to that time, to have their contracts written, and that affiant, upon his own responsibility, took contracts with about 300 persons, in the name of Crews & Cantwell, charging the applicants a fee of $1.50 for each contract; that after communicating to the firm of Crews & Cantwell the fact that these last 300 had been taken for which this charge had been made, Mr. Cantwell first declared that as they had made no charges for the other contracts, they did not want these contracts at all, but realizing that this would put the claimants in a bad position and that their rights might be neglected, the contracts were finally accepted by Crews & Cantwell; that Mr. Cantwell instructed this affiant to return the $1.50 charge made by this affiant, and that Crews & Cantwell then paid this affiant his expenses while taking these last-mentioned contracts.

That over 3,800 contracts had been taken prior to that time, for which no charges had been made; that under no circumstances and at no time did Crews & Cantwell, or any one of them, authorize or request that any contracts be taken for which a charge should be made, and that the only contracts taken in their name for which charges were made were as above detailed and under the above circumstances, which was after Crews & Cantwell had notified this affiant that they did not wish to go further on taking contracts.

That at no time and under no circumstances did Crews & Cantwell, or any one of them, ever instruct this affiant to take the contract of any person who did not claim to be a lineal descendant of an Indian entitled to lands under the treaty of 1830.

Affiant further states that he has taken no contracts with full-blood negroes; that until within the last six weeks neither Crews nor Cantwell had any knowledge of the large number of persons with negro blood in Mississippi claiming such rights, although Mr. Cantwell had stated to this affiant that he did not regard the presence of negro blood as a sufficient bar to destroy the legal right of one who had undoubted Indian blood and is an undoubted descendant of an Indian claiming rights under the treaty of 1830, although Mr. Cantwell had stated to this affiant on several occasions that the fact that one had negro blood would make it very difficult to establish the heirship. This affiant states that out of over 4,000 contracts taken, there are not more than 20 per cent who have any negro blood whatever.

Affiant further states that in consideration of the sum of $2,400 paid him in cash he has relinquished and conveyed to Crews & Cantwell all his contingent right in the fees in the contracts above referred to, and hereby cancels said contract; and that this affiant has no further financial interest in the fees or the contracts made in the name of Crews & Cantwell.

Affiant further states that he has not heretofore assigned his right to a contingent interest in the fees aforesaid to anyone.

A. P. POWELL.

Subscribed and sworn to before me this 6th day of November, 1911.
[SEAL.] SARAH M. HAWLEY, *Notary Public.*
(My term expires June 3, 1913.)

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EXHIBIT D.

JACKSON, MISS., *April 27, 1911.*

Alex. P. Powell, being first duly sworn by Special United States Indian Agent W. W. McConihe, deposes and says as follows:

I reside at Homer, Okla. My present occupation is getting up claims among the Choctaw and Chickasaw Indians and their descendants who remained in Mississippi after the Dancing Rabbit Creek treaty of 1830. I was first employed by Crews & Cantwell, of St. Louis, Mo. I went before the Committee of Indian Affairs in Congress at Washington, April 2, 1910, and they gave me a hearing on the claims of these Indians. Mr. Harry J. Cantwell was present at the hearing, and after I got through my talk with the committee Cantwell came to me and asked me how much money I wanted to take the claims in Mississippi. I said it would take at least $5,000. Cantwell wired S. L. Hulbert, of El Campon, Tex., to come to Washington at once. Hulbert came to Washington and arranged with Cantwell, and Hulbert guaranteed to put up $5,000 for getting the work of the applications.

I first opened an office at 315 Farish Street, Jackson, Miss., and began to take applications. I put an advertisement in the paper at Jackson inviting all persons who were descendants of the Choctaw-Chickasaws under the treaty of 1830 to appear before me and make proof of their rights and descent. I took about 700 applications at Jackson and made no charges to the applicants therefor. I next went to Bay St. Louis and opened an office there near the railroad depot and put an advertisement in the Sea Coast Echo of that city, being the same as I put in the papers at other places. I took about 4,000 applications and made no charge for them. After the 4,000 were registered more applications came in and I charged them $1.25 each. I made this charge because the money that had been advanced by Crews, Cantwell, & Hulbert was exhausted, and they refused to put up any more money for taking applications. This charge by me was to cover expenses of continuing the work of getting applications. I sent all these claims that I was making a charge for to Crews & Cantwell. I went from Bay St. Louis to Washington to see Mr. Cantwell and tried to get Hulbert to put up more money, and Hulbert notified me at Jackson, Miss., that he had put up $7,000, and that we had to take proof of the same, and he was willing to put up the $7,000 for that purpose. He has not put it up yet.

We went to Columbia, Miss., and took about 100 applications there. The contracts that we wrote there were made in the name of William D. Matthews, of Washington, D. C. I have associated myself with Matthews for the reason that Crews & Cantwell said that they had enough claims, and that Hulbert would not put up any more money for claims. My agreement was made with Matthews that he was to appear before the committee of Congress with me, and our contract with the applicants was for 20 per cent of all amounts recovered, and not for 30 per cent as was printed in the contract, which is an error and which has been corrected in the written applications. I went to Monticello and took applications for Crews & Cantwell and charged $2.50 each there. I took about 100 names there. I took a few names at Biloxi and charged $1.25 for each applicant there. These claims were for Crews & Cantwell. I also visited Meridian and took about 88 applications there for Crews & Cantwell, but for which no charge was made. I have taken no applications for Crews & Cantwell since my association with Matthews.

I am working at Philadelphia, Miss., now and have taken about 100 applications for Matthews and am charging $2.50, and the applicants are very willing to pay the amount. I am making this charge because Matthews has put up no money for me and my expenses, and I have to use the money to pay for my clerk hire, office rent, and other expenses in connection with the work of taking applications.

Mr. Luke Conerly is employed by me at McComb City, Miss., to get applications. He charges each applicant $2.50. I get a dollar out of this $2.50 for my expenses and the printing of blanks which I furnish him. I have paid expenses of Conerly out of this money when he was traveling, board bill, telegraphing, and other incidental expenses he has incurred.

No one is working for me in Oklahoma or Arkansas. I do not know J. Eubanks, and he is not associated with me in any way in the work I am doing.

I have never at any time, or to any person, said that I was a Government official in any respect. I have only represented that I am acting and representing my people before Congress, and I am getting up these claims for that purpose.

When at Jackson in June, 1910, I had a circular sent out and meant to say that I was a representative of my tribe and obtaining applicants for their rights as Choctaws and Chickasaws, but by an error my clerk said that I was a practicing attorney before the committees of Congress. That was not my intention to have it so stated, and I am not responsible for the error.

The contract forms used by me were worded and made up by Crews & Cantwell, and I am not responsible for anything in such wording.

I, Alec P. Powell, do solemnly swear that the foregoing statement was made voluntarily by me, and that it is true in every respect, to the best of my knowledge and belief.

ALEXANDER P. POWELL.

Sworn to and subscribed before me this 27th day of April, 1911, at Jackson, Miss.

W. W. MCCONIHE,
Special United States Indian Agent.

FRANK B. LEMLY, *Jackson, Miss.*

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EXHIBIT E.

MISSISSIPPI CHOCTAW CONTRACT.

This agreement, made this 5th day of September, 1910, by and between Louis Joseph Ryan, now residing at the town of Biloxi, in the county of Harrison, State of Mississippi, party of the first part, and Thomas B. Crews and Harry J. Cantwell, jointly, parties of the second part, witnesseth:

That whereas the party of the first part is entitled as a Mississippi Choctaw or as a descendant of a Mississippi Choctaw under the laws of the United States to certain rights in the distribution of the tribal property of the Choctaw-Chickasaw Indian Tribe in Oklahoma; and

Whereas the party of the first part has been heretofore denied enrollment or has had no opportunity to make application for proper enrollment in said rolls as a Mississippi Choctaw; and

Whereas it is necessary that the party of the first part shall secure the lawful professional services of attorneys for the purpose of presenting such evidence as the party of the first part may have of his status and right as a Mississippi Choctaw or a descendant of a Mississippi Choctaw so entitled to the rights aforesaid and for other necessary legal services in establishing and securing his rights in the premises; and

Whereas the party of the first part is without any means or funds to compensate such attorneys and counsel;

Now, therefore, the premises considered, the parties of the second part jointly agree—

First. To represent the party of the first part as attorneys and counsel in presenting to the Interior Department such lawful evidence as

the party of the first part may collect to establish the facts of his pedigree and status and such other facts as may be necessary to establish the right claimed.

Second. To represent as attorneys the party of the first part in all legal proceedings before any court, commission, or department of the Government of the United States or the State of Oklahoma wherever and whenever such right may be properly and legally tried.

Third. To present before the committees of Congress proper legal argument in support of the right so claimed or in support of any measure tending to provide a remedy for the right so claimed.

Fourth. To furnish party of the first part necessary information for the purpose of enabling him to select to the best advantage any lands that he may be entitled to by reason of said right.

Fifth. To collect all sums of money, lands, and property that may properly be collected, selected, and received hereafter by reason of said right, and to faithfully pay over and account to said party of the first part for all such sums of money and property after deducting the compensation hereinafter provided for.

In consideration of the premises and the agreement of the parties of the second part as aforesaid, and of services heretofore rendered by them, the party of the first part contracts and agrees to pay and assign, transfer, and convey to the parties of the second part 30 per cent of all sums of money, lands, and property that may be received by reason of the right claimed, and hereby irrevocably appoints the parties of the second part his true and lawful attorneys in fact, to do any and all acts in his name, place, and stead as fully and completely as he might do in person in and about the subject matter of this agreement, and to execute such receipts, discharges, and releases as the party of the first part might lawfully do, hereby ratifying and confirming all that his said attorneys in fact and in law may do in the premises.

The party of the first part hereby revokes all powers of attorney, if any, heretofore made by him to any person or persons whomsoever, touching said rights or interests, and requests that the Interior Department of the United States recognize the parties of the second part as his exclusive agents and attorneys in the premises.

And it is hereby specifically agreed that the appointment herein of Thomas B. Crews and Harry J. Cantwell is joint, and that in the event of the death of either the survivor shall succeed to all rights and benefits of this agreement, and shall perform all of the duties hereunder.

It is further agreed that by reason of the legal services rendered prior to and at the signing of this agreement, in advising the party of the first part as to his legal rights, and in consideration of the services heretofore rendered by A. P. Powell before the committees of Congress in presenting the claims of the class of persons to which the party of the first part belongs, said parties of the second part having compensated said A. P. Powell therefor, and in further consideration of the absolute agreemnt herein of the parties of the second part to perform the services herein, that the powers herein granted are powers coupled with an interest; and it is agreed that the parties of the second part may jointly designate, substitute, and appoint, in writing, any competent attorney or attorneys at law to assist in the performance of the duties of the parties of the second part hereunder, and to clothe said person or persons with all the powers herein granted to the parties of the second part, the parties of the second part hereby guaranteeing the efficiency and integrity of any and all persons who may be thus appointed, it being distinctly understood that the compensation of such persons for such assistance shall not be paid by the party of the first part.

It is further understood and agreed that, in the event it becomes necessary under any law now existing or hereafter enacted, that this contract shall be approved by the Secretary of the Interior; then, in that event, the Secretary of the Interior may, in his discretion, modify the terms of this contract as to the compensation to be paid the parties of the second part, without invalidating this contract, and said contract as modified by said Secretary of the Interior shall be binding upon the parties hereto, provided always that the compensation fixed by the Secretary of the Interior shall in no event exceed the percentage above stated.

Executed in duplicate.

In witness whereof the parties hereto have hereunto set their hands the day and year first above written.

Signed and delivered in presence of:

_____ _____.
_____ _____.

State of _____, county of _____, ss.

Before me, _____ _____, a _____ in and for said county and State, on this _____ day of _____, 191—, personally appeared _____ _____ and _____ _____, to me known to be the identical person who executed the within and foregoing instrument, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

It witness whereof I have hereunto set my hand and official seal at said county the day and year last above written.

_____ _____.
_____ _____.

EXHIBIT J.

To whom it may concern:

This is to certify that I, Alexander P. Powell, a representative of the Choctaw Tribe of Indians now engaged in soliciting contracts with Mississippi Choctaws for services to be rendered in prosecuting their claim before the different branches of the Government, in order to secure for them a reopening of the rolls of those entitled to share in the tribal property belonging to the Choctaw Tribe in the State of Oklahoma, am acting in my individual capacity and for the benefit of myself and those associated with me in this effort to secure the right of said Indians in said property.

I further certify that I am in no manner employed or engaged by the United States Government to solicit any contract with said Indians or perform any duty in connection therein.

Respectfully,

ALEXANDER P. POWELL.

NOTICE TO INDIANS.

This is your last chance in connection with William B. Mathews, attorney at law, Evans Building, Washington, D. C. I am engaged in writing up claims of all Mississippi Choctaws and their descendants who remain in Mississippi after Dancing Rabbit Creek treaty with the United States Government in 1830.

I will remain here for a few days only; I will be glad to write up all beneficiaries; we intend to submit all claims to the Sixty-second Congress, which convenes in Washington, D. C., April 4, 1911. I am Indian and Spaniard, and my grandfather was a signer of the great treaty concluded September 27, 1830.

ALEXANDER P. POWELL.

PHILADELPHIA, MISS.

NOTICE TO INDIANS AND THEIR DESCENDANTS—IN CONNECTION WITH HON. HARRY PEYTON, ROOM 420 BOND BUILDING, WASHINGTON, D. C.

This is your last chance to secure benefits under the bill introduced by Hon. PAT HARRISON, of the sixth district of Mississippi, now pending before the Sixty-second Congress, for the relief of Mississippi Choctaws and their descendants who remained in Mississippi after the treaty of 1830.

I am an Indian and a Spaniard and my grandfather was a signer of the treaty of 1830.

I will be glad to write up all beneficiaries, and I have in my possession a record that will enable you to trace your ancestors back to 1780.

Those with negro blood need not apply.

I will be at _____, Miss., on the _____ day of _____, 1912.

ALEXANDER P. POWELL,
No. 106 Fourth Avenue, Laurel, Miss.
Office: Room 420, Bond Building, Washington, D. C.

(This paper was sent to Indian Office by Mrs. Viola Strickland, of Meridian, Miss., No. 1400 Tenth Ave., under date of Sept. 16, 1912.)

THIS IS YOUR LAST CHANCE—NOTICE TO THE ONCE MIGHTY TRIBE OF RED MEN WHO ONCE OWNED THIS COUNTRY AND TO THEIR DESCENDANTS.

In connection with Hon. Harry Peyton, room 408, and Hon. Oliver A. Phelps, room 619 Bond Building, Washington, D. C., I am still engaged in writing up all Mississippi Choctaws and their descendants who remained in Mississippi after the Dancing Rabbit Creek treaty with the United States Government, concluded September 27, 1830.

The treaty of 1830, known as the treaty of "Perpetual friendship," provides that the Indian Territory shall go to the red man and his descendants "as long as water runs and grass grows"; the treaty furthermore provided that our descendants that did not see fit to go to the Territory then, at any time that they may take a notion to come on and join the tribe in the Territory, they shall share in this distribution as long "as water runs and grass grows." If your ancestors were born east of the Mississippi River, call on me; it is possible that some of them may have been at the treaty mentioned above.

I am an Indian and a Spaniard, and my grandfather, Nita, was a signer of the treaty of 1830.

I have in my possession a record of the old aboriginal that will permit you to trace your Indian ancestry back as far as 1780.

All Mississippi Choctaw cases are now pending before Committee on Indian Affairs, Sixty-third Congress, first session, waiting for report and decision. I will be glad to write up all beneficiaries.

Those with negro blood need not apply.

I will be at W. J. Nelson's, 802 Second Street, Lake Charles, La., on September 5.

ALEXANDER P. POWELL.

NOTICE TO MISSISSIPPI CHOCTAWS.

In connection with Harry J. Cantwell, Thos. L. Crews, and William B. Matthews, attorneys of Washington, D. C., I am still engaged in writing up claims for the Choctaw-Chickasaw Indians and their descendants who remained in Mississippi after the Dancing Rabbit Creek treaty with the United States Government. I am a member of the Choctaw Tribe of Indians and my grandfather was a signer of the great treaty made September 27, 1830. I will be glad to communicate with any beneficiary at my office in Bay St. Louis, Miss.

A. P. POWELL,
Seabrook Hotel, Bay St. Louis, Miss.

"INDIANS" LIVING IN OLD MISSISSIPPI.

"All Mississippi Choctaw Indians and their descendants are asked to meet at the county courthouse next Sunday afternoon at 2 o'clock. The object of the meeting is to further the rights contained in the treaty of 1830 between the United States and Choctaws. (Biloxi Herald.)"

To which is answered: Such a meeting as is scheduled as per the above would be "nuts" for some moving-picture company, provided such meeting is attended by all the people who have filed claims as descendants of the tribe of red men known as Choctaws. They are of all shades and color, running from the real Indian to the coal-black, thick-lipped, flat-nosed, kinky-headed negro, with a good sprinkling of whites, in whose veins no one but themselves ever suspected that a drop of Indian blood flowed. But anything goes in this day and generation when the thought of "easy money" presents itself. Uncle Sam's coffers will scarcely be opened for the motley crew, however just may be the claims of some of the pure-bred Choctaws. (Gulf Coast Progress.)

HOUSTON INVESTORS MAY GET MILLIONS FROM INDIAN CLAIM.

A Houston organization, in which more than $2,500,000 is at stake and the hereditary rights of the Choctaw Tribe of Mississippi is the merchandise, has received quite a boost in a telegram received by Judge Harris Masterson. Many Houstonians are interested in the enterprise. The telegram reads as follows:

"Subcommittee report of Friday last was unanimous and recommends admission of all full bloods, also all others who can prove descent from one who either received or should have received patent under fourteenth article, treaty of 1830. Meetings are executive and no arguments being heard."

To those who are not interested in the venture the telegram needs interpretation. It comes from Washington and has to do with a bill introduced by Mr. HARRISON, of Mississippi, in behalf of the admission to enrollment of the Mississippi Choctaw Indians and their descendants to participation in the money and lands belonging to the Choctaw Tribe.

Some time ago Judge Masterson was instrumental in forming an organization to urge the claim of the Choctaw Tribe in a participation of certain lands in the Territories and moneys in the United States Treasury. Many of these Indians were his clients. Going rather deeply into the matter, he banded over 4,000 of these claimants together and became their representative and legal adviser.

Money was needed to carry the enterprise through, and a company was formed. Between 50 and 60 men came into the company, and many of these are prominent Houstonians.

Judge Masterson says that the venture is one which promises tremendous returns for the amount invested by the stockholders, and that he is confident Congress will give assent to the recommendation of the subcommittee.

WOULD RESTORE CHOCTAW INDIAN PENSION BILLS.

[Associated Press.]

WASHINGTON, *December 13.*

The bill introduced in the House last session by Representative Harrison providing reopening of rolls of the Chickasaw-Choctaw Indian Tribes, came up for consideration in the House yesterday. A vote was not reached. In his speech in favor of the bill Mr. Harrison said, in part:

"The Mississippi Choctaws have been woefully neglected and unmercifully treated. They acquire rights under the fourteenth article of the treaty of 1830 that the United States Government has never fairly and justly recognized. Every act of Congress passed with respect to the Mississippi Choctaws has violated the spirit and the letter of that article of the treaty.

"The Oklahoma Choctaws were permitted by act of Congress in 1881 to sue the United States Government, in which suit they recovered from the Government $8,000,000 for damages done to the Mississippi Choctaws in Mississippi. Scheming attorneys, representing the tribe, dictate agreements, suggest, lobby for, and have passed laws that not only make it impossible for the Mississippi Choctaws to be enrolled upon tribal rolls, but through their influence they have actually created courts to prevent or exclude the Mississippi Choctaws from being enrolled. One of the blackest spots in the history of the administration of the Choctaw Nation is the escapades practiced in the citizenship court.

"The Mississippi Choctaw is a part of that great Indian nation which never raised a tomahawk against an American citizen. Thousands of her warriers displayed their heroism under Jackson at New Orleans."

—

[Alexander P. Powell, representative Mississippi Choctaw Indians; office, room 408, Bond Building, Washington, D. C.; 331 Pine Street, Laurel, Miss.]

SHREVEPORT, LA., *October 28, 1913.*

Mr. COLUMBUS OVERMAN,
Dexter, Kans.

DEAR SIR: Yours of recent date to hand. Beg to advise that I have already written up a number of your relatives under their great-great-grandmother Delilah, who was an Indian woman, and if you wish to be written up, on receipt of $2.50, which I require for recording fee, etc., I will send you blanks to be filled out. I do not charge you any fee, but when I collect for you I get 20 per cent of collections.

I am also inclosing you a Pat Harrison bill and other literature, and you can see for yourself how the case stands.

Yours, truly,

ALEXANDER P. POWELL.

—

———— ————,
————, 1913.

Hon. ALEXANDER P. POWELL,
————.

DEAR SIR: Being a Choctaw descendant and desiring to make application for compensation for the violation of my rights under the treaty of 1830, between the Choctaw Nation and the United States Government, and being unable to go to your office for that purpose, I do hereby request that you come at your earliest convenience to ————, my place of residence, for that purpose, and I agree to reimburse you the necessary expense of your trip to and from said place, provided the same shall not exceed the sum of $2.50.

————.

Witness:
————.

—

MEMORANDUM OF EVIDENCE.

In the matter of ———— ————, Mississippi Choctaws.
Full name, ———— ————.
Post-office address, ———— ————.
When and where were you born? ———— ————.
Is there any official record of your birth or baptism? If so, state where. ———— ————.
Father's name, ———— ————.
If living, state post-office address. ———— ————.
If dead, state date and place of his death. ———— ————.
Mother's maiden name, ———— ————.
If living, state post-office address. ———— ————.
If dead, state date and place of her death. ———— ————.
When and where were your parents married? ———— ————.
Is there any record of the marriage? If so, state where. ———— ————.
What was the name of your father's father? ———— ————.
When did he die, and where? ———— ————.
What was the name of your father's mother? ———— ————.
When and where did she die? ———— ————.
What was the name of your mother's father? ———— ————.
When and where did he die? ———— ————.
What was the name of your mother's mother? ———— ————.
When and where did she die? ———— ————.
What is the name of ancestors who received land or script under the treaty of 1830? ———— ————.
How can you prove your descent from him or her? ————.
Give name and address of all witnesses as to your descent from such ancestor, and refer to all church records which can give any information. ———— ————.
Did you ever go to Oklahoma to make application for enrollment on Choctaw rolls? ————.
Have you ever made settlement on any lands in Oklahoma? If so, describe same. ————.
Where were you denied enrollment? ————.
Have you any documents proving your pedigree? Where are they? If so, attach or submit them. ————.
Are any of your relatives now on the rolls of the Choctaw? ————.
Give names of friends and neighbors who can testify to any matter of interest regarding your pedigree.

NAME.	ADDRESS.

Are any of your relatives now on the rolls of the Choctaw-Chickasaw tribe as a Mississippi Choctaw? If so, give names and address and number on roll. ————.

If you can, give a description of the land your ancestors received in Mississippi under the treaty of 1830. ————.

STATE OF MISSISSIPPI, ———— ————, *County of* ————.

———— ————, being duly sworn upon h— oath, deposes and says that the matters and things set forth in the foregoing statement are true to the best of h— knowledge and belief.

Subscribed and sworn to before me this —— day of ————, 191—.

———— ————, *Notary Public.*

Mr. ASHURST. Mr. President, I ask unanimous consent to print in the RECORD the bill, the report of the committee, and the conference report.

The VICE PRESIDENT. Without objection it is so ordered. The matter referred to is as follows:

INDIAN APPROPRIATION BILL AS IT PASSED THE SENATE WITH AMENDMENTS.

Be it enacted, etc., That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and in full compensation for all offices the salaries for which are provided for herein for the service of the fiscal year ending June 30, 1916, namely:

For the survey, resurvey, classification, and allotment of lands in severaly under the provisions of the act of February 8, 1887 (24 Stat. L., 388), entitled "An act to provide for the allotment of lands in severalty to Indians," and under any other act or acts providing for the survey or allotment of Indian lands, $125,000, to be repaid proportionately out of any Indian moneys held in trust or otherwise by the United States and available by law for such reimbursable purposes and to remain available until expended: *Provided*, That no part of said sum shall be used for the survey, resurvey, classification, or allotment of any land in severalty on the public domain to any Indian, whether of the Navajo or other tribes, within the State of New Mexico and the State of Arizona, who was not residing upon the public domain prior to June 30, 1914.

For the construction, repair, and maintenance of ditches, reservoirs, and dams, purchase and use of irrigation tools and appliances, water rights, ditches, lands necessary for canals, pipe lines, and reservoirs for Indian reservations and allotments, and for drainage and protection of irrigable lands from damage by floods, or loss of water rights, including expenses of necessary surveys and investigations to determine the feasibility and estimated cost of new projects and power and reservoir sites on Indian reservations in accordance with the provisions of section 13 of the act of June 25, 1910, $250,000, reimbursable as provided in the act of August 1, 1914, and to remain available until expended: *Provided*, That no part of this appropriation shall be expended on any irrigation system or reclamation project for which specific appropriation is made in this act or for which public funds are or may be available under any other act of Congress; for pay of one chief inspector of irrigation, who shall be a skilled irrigation engineer, $4,000; one assistant inspector of irrigation, who shall be a skilled irrigation engineer, $2,500; for traveling and incidental expenses of two inspectors of irrigation, including sleeping-car fare and a per diem of $3 in lieu of subsistence when actually employed on duty in the field and away from designated headquarters, $3,200; in all, $259,700; *Provided also*, That not to exceed seven superintendents of irrigation, six of whom shall be skilled irrigation engineers and one competent to pass upon water rights, and one field-cost accountant, may be employed: *Provided further*, That hereafter the proceeds of sales of material utilized for temporary irrigation work and structures shall be covered into the appropriation made therefor and be available for the purpose of the appropriation.

For the suppression of the traffic in intoxicating liquors among Indians, $135,000, of which sum $25,000 shall be immediately available, and section 8 of the act of March 1, 1895, is hereby reenacted as to that part of Oklahoma known as Indian Territory immediately prior to statehood, and section 2140 of the United States Revised Statutes are made applicable to that part of Oklahoma.

To relieve distress among Indians and to provide for their care and for the prevention and treatment of tuberculosis, trachoma, smallpox, and other contagious and infectious diseases, including the purchase of vaccine and expense of vaccination, $300,000: *Provided*, That not to exceed $90,000 of the amount herein appropriated may be expended in the erection and equipment of new hospitals for the use of Indians; and no hospital shall be constructed at a cost to exceed $15,000, including equipment: *Provided further*, That hereafter the Secretary of the Interior shall submit to Congress annually a detailed report as to all moneys expended in the erection and maintenance of hospitals and sanatoriums as provided for herein.

For support of Indian day and industrial schools not otherwise provided for and for other educational and industrial purposes in connection therewith, including not to exceed $40,000 for the support and education of deaf and dumb and blind Indian children, $1,550,000: *Provided*, That no part of this appropriation, or any other appropriation provided for herein, except appropriations made pursuant to treaties, shall be used to educate children of less than one-fourth Indian blood whose parents are citizens of the United States and of the State wherein they live and where there are adequate free school facilities provided and the facilities of the Indian schools are needed for pupils of more than one-fourth Indian blood: *Provided further*, That no part of this appropriation shall be used for the support of Indian day and industrial schools where specific appropriation is made: *Provided further*, That not more than $50,000 of the amount herein appropriated may be expended for the tuition of Indian children enrolled in the public schools.

For construction, lease, purchase, repair, and improvement of school and agency buildings, including sewer, water, and lighting systems in connection therewith, $440,000: *Provided*, That the Secretary of the Interior is authorized to allow employees in the Indian Service, who are furnished quarters, necessary heat and light for such quarters without charge, such heat and light to be paid for out of the fund chargeable with the cost of heating and lighting other buildings at the same place: *Provided further*, That the amount so expended for agency purposes shall not be included in the maximum amounts for compensation of employees prescribed by section 1, act of August 24, 1912.

For collection and transportation of pupils to and from Indian and public schools, and for placing school pupils, with the consent of their parents, under the care and control of white families qualified to give them moral, industrial, and educational training, $72,000: *Provided*,

That not exceeding $5,000 of this sum may be used for obtaining remunerative employment for Indian youths and, when necessary, for payment of transportation and other expenses to their places of employment. The provisions of this section shall also apply to native pupils of school age under 21 years of age brought from Alaska.

All moneys appropriated herein for school purposes among the Indians may be expended, without restriction as to per capita expenditure, for the annual support and education of any one pupil in any school.

For the purposes of preserving living and growing timber on Indian reservations and allotments, and to educate Indians in the proper care of forests; for the employment of suitable persons as matrons to teach Indian women and girls housekeeping and other household duties, for necessary traveling expenses of such matrons; and for furnishing necessary equipments and supplies and renting quarters for them where necessary; for the conducting of experiments on Indian school or agency farms designed to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, cotton, and fruits, and for the employment of practical farmers and stockmen, in addition to the agency and school farmers now employed; for necessary traveling expenses of such farmers and stockmen and for furnishing necessary equipment and supplies for them; and for superintending and directing farming and stock raising among Indians, $450,000: *Provided*, That the foregoing shall not, as to timber, apply to the Menominee Indian Reservation in Wisconsin: *Provided further*, That not to exceed $25,000 of the amount herein appropriated may be used to conduct experiments on Indian school or agency farms to test the possibilities of soil and climate in the cultivation of trees, cotton, grains, vegetables, and fruits: *Provided also*, That the amounts paid to matrons, foresters, farmers, and stockmen herein provided for shall not be included within the limitation on salaries and compensation of employees contained in the act of August 24, 1912.

For the purchase of goods and supplies for the Indian Service, including inspection, pay of necessary employees, and all other expenses connected therewith, including advertising, storage, and transportation of Indian goods and supplies, $300,000: *Provided*, That no part of the sum hereby appropriated shall be used for the maintenance of to exceed three permanent warehouses in the Indian Service: *Provided further*, That section 3709, Revised Statutes, in so far as that section requires that advertisement be made, shall apply only to those purchases and contracts for supplies or services, except personal services, for the Indian field service which exceed in amount the sum of $50 each, and section 23 of the act of June 25, 1910 (36 Stat. L., p. 861), is hereby amended accordingly.

For telegraph and telephone toll messages on business pertaining to the Indian Service sent and received by the Bureau of Indian Affairs at Washington, $10,000.

For witness fees and other legal expenses incurred in suits instituted in behalf of or against Indians involving the question of title to lands allotted to them, or the right of possession of personal property held by them, and in hearings set by the United States local land officers to determine the rights of Indians to public lands, $2,000: *Provided*, That no part of this appropriation shall be used in the payment of attorneys' fees.

For expenses of the Board of Indian Commissioners, $10,000.

For pay of Indian police, including chiefs of police at not to exceed $50 per month each and privates at not to exceed $30 per month each, to be employed in maintaining order, for purchase of equipments and supplies and for rations for policemen at nonration agencies, $200,000.

For pay of judges of Indian courts where tribal relations now exist, $8,000.

For pay of special agents at $2,000 per annum; for traveling and incidental expenses of such special agents, including sleeping-car fare, and a per diem of not to exceed $3 in lieu of subsistence in the discretion of the Secretary of the Interior when actually employed on duty in the field or ordered to the seat of government; for transportation and incidental expenses of officers and clerks of the Office of Indian Affairs when traveling on official duty; for pay of employees not otherwise provided for; and for other necessary expenses of the Indian Service for which no other appropriation is available, $125,000.

For pay of six Indian Service inspectors, exclusive of one chief inspector, at salaries not to exceed $2,500 per annum and actual traveling expenses, and $3 per diem in lieu of subsistence when actually employed on duty in the field, $30,000.

For the purpose of determining the heirs of deceased Indian allottees having any right, title, or interest in any trust or restricted allotments, under regulations prescribed by the Secretary of the Interior, $100,000: *Provided*, That the Secretary of the Interior is hereby authorized to use not to exceed $25,000 for the employment of additional clerks in the Indian Office in connection with the work of determining the heirs of deceased Indians, and considering their wills, out of the $100,000 appropriated herein: *Provided further*, That the provisions of this paragraph shall not apply to the Osage Indians, nor to the Five Civilized Tribes of Indians in Oklahoma: *And provided further*, That hereafter upon a determination of the heirs to any trust or restricted Indian property or after approval by the Secretary of any will covering such trust or restricted property, there shall be paid by such heirs, or by the beneficiaries under such will, or from the estate of the decedent, or from the proceeds of sale of the allotment, or from any trust funds belonging to the estate of the decedent, the sum of $15, which amount shall be accounted for and paid into the Treasury of the United States and a report shall be made annually to Congress by the Secretary of the Interior, on or before the first Monday in December, of all moneys collected and deposited, as herein provided: *Provided further*, That this shall not apply to property where tribal funds are being used to defray such expenses: *Provided further*, That if the Secretary of the Interior shall find that any inherited trust allotment or allotments are capable of partition to the advantage of the heirs, he may cause such lands to be partitioned among them, patents in fee to be issued to the competent heirs for their shares and trust patents to be issued to the incompetent heirs for the lands respectively or jointly set apart to them, the trust period to terminate in accordance with the terms of the original patent.

For the purpose of encouraging industry and self-support among the Indians and to aid them in the culture of fruits, grains, and other crops, $600,000, or so much thereof as may be necessary, to be immediately available, which sum may be used for the purchase of seed, animals, machinery, tools, implements, and other equipment necessary, in the discretion of the Secretary of the Interior, to enable Indians to become self-supporting: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925: *Provided further*, That not to exceed $100,000 of the amount herein appropriated shall be expended on any one reservation or for the benefit of any one tribe of Indians.

There is hereby authorized to be continued during the Sixty-fourth Congress the Joint Commission to Investigate Indian Affairs, with powers and duties as provided in the Indian appropriation act of June 30, 1913 (38 Stat. L., p. 81), and the unexpended amount therein appropriated for the expense of said commission is hereby reappropriated and made available for the purposes therein authorized. Said commission shall make their findings, conclusions, and recommendations to the Sixty-fourth Congress: *Provided*, That when any vacancy shall occur upon said joint commission by reason of the expiration of the term of office of any Member of the House of Representatives upon said joint commission, or of any Senator upon said joint commission, or from any other cause, the Speaker of the House, if the vacancy occurs with reference to a Member of the House of Representatives, or the President of the Senate, with reference to a Senator, shall fill such vacancy by appointment.

That not to exceed $200,000 of the appropriations made herein for the Bureau of Indian Affairs shall be available for the maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for the use of superintendents, farmers, physicians, field matrons, allotting, irrigation, and other employees in the Indian field service: *Provided*, That not to exceed $13,000 shall be used in the purchase of not to exceed 60 horse-drawn passenger-carrying vehicles, and not to exceed $20,000 for the purchase of motor-propelled passenger-carrying vehicles, and that such vehicles shall be used only for official service.

For correction of sanitary defects in, and improvement of, Indian homes, $100,000, to be immediately available and to remain available until expended, said appropriation to be expended and reimbursed under such rules, regulations, and conditions as the Secretary of the Interior may prescribe.

That so much of section 4 of the act of May 11, 1880 (Stat. L., p. 132), as prohibits granting permission in writing or otherwise to any Indian or Indians on any Indian reservation to go into the State of Texas, under any pretext whatever, be, and the same is hereby, repealed.

That section 2 of the act approved March 2, 1907 (34 Stat. L., p. 1221), entitled "An act providing for the allotment and distribution of Indian tribal funds," be, and the same is hereby, amended so as to read as follows:

"That the pro rata share of any Indian who is mentally or physically incapable of managing his or her own affairs may be withdrawn from the Treasury in the discretion of the Secretary of the Interior and expended for the benefit of such Indian under such rules, regulations, and conditions as the said Secretary may prescribe: *Provided*, That said funds of any Indian shall not be withdrawn from the Treasury until needed by the Indian and upon his application and when approved by the Secretary of the Interior."

That section 5 of the act approved June 25, 1910 (36 Stat. L., p. 857), be, and the same is hereby, amended so as to read:

"That it shall be unlawful for any person to induce any Indian to execute any contract, deed, mortgage, lease, or other instrument touching land held under a trust or other patent containing restrictions on alienation, or to procure the execution by any Indian of any such instrument, or to be a party with any Indian to any such contract, deed, mortgage, lease, or other instrument, or to offer any such contract, deed, mortgage, lease, or other instrument as aforesaid for record; and any person violating this provision shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding $500 for the first offense, and if convicted for a second offense may be punished by a fine not exceeding $500, or imprisoned not exceeding one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That this section shall not apply to any contract, deed, mortgage, lease, or other instrument authorized by law to be made. Any Indian or his heirs in the possession of any live stock, their increase, or any other personal property issued by the United States or purchased with trust funds and held in trust by the United States, may lawfully sell, transfer, mortgage, or otherwise dispose of such property only with the consent in writing of the United States Indian agent or superintendent having jurisdiction over such property, and not otherwise. Any person who shall induce any Indian to sell, transfer, mortgage, or otherwise dispose of, or shall procure the sale, transfer, mortgage, or other disposal by any Indian, or shall be a party with any Indian to the sale, transfer, mortgage, or other disposal of any such personal property in violation of the foregoing provision, or who shall knowingly offer for record any instrument evidencing any prohibited or unlawful sale, transfer, mortgage, or other disposal of any such personal property, or who shall knowingly take or receive possession of any such personal property in pursuance to any such prohibited or unlawful sale, transfer, mortgage, or other transaction, shall be deemed guilty of a misdemeanor, and shall upon conviction be punished by a fine not exceeding $500 or imprisonment not exceeding one year, or by both such fine and imprisonment. Any sale, transfer, mortgage, or other disposal in violation of this provision of any property so issued and held shall be absolutely void, and title to the property involved in such void transaction shall revert to the United States, and the property may be taken possession of by the United States Indian agent or superintendent having jurisdiction over the property. Any Indian or other person having tribal rights who shall induce any person to enter into any such contract, deed, mortgage, lease, sale, transfer, or other agreement or transaction prohibited and declared to be unlawful by the above provisions shall be deemed guilty of a misdemeanor, and shall upon conviction be punished by a fine not exceeding $500 or imprisonment not exceeding one year, or by both such fine and imprisonment: *Provided further*, That any United States Indian agent, superintendent, or employee that shall in any manner connive or conspire to secure, or assist in securing, the making of such prohibited contract shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $1,000 or shall be imprisoned not exceeding one year, or by both such fine and imprisonment."

That the Commissioner of Indian Affairs is hereby authorized to investigate claims and negotiate agreements with any tribe or bands of Indians for the final adjudication and settlement of all claims and demands or such tribes or bands against the United States arising under any law, treaty, or agreement, and which have not heretofore been adjudicated; and the Secretary of the Interior shall report the result of such negotiations to Congress for its approval at the earliest practicable date, and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $10,000 for all expenses in connection with this work, including pay of necessary additional employees.

That so much of the Indian appropriation act of June 21, 1906 (34 Stat. L., p. 326), as authorizes the President to extend the restrictive period against alienation in any trust or other patent issued to any Indian allottee be, and the same is hereby, amended so as to read: "That prior to the expiration of the trust or other restrictive period against alienation on the lands allotted under any law or treaty to any Indian, the President may continue such trust or other restrictions against alienation for such further period as he may deem best: *Provided, however,* That this shall not apply to any lands of the Five Civilized Tribes or the Osage Nation, Oklahoma."

To reimburse A. G. Pollock, former disbursing agent of the Santee Competency Commission, for moneys expended for printing and stationery used by the Santee Competency Commission, $49.25.

For payment to the heirs of Farmer John, an Indian, for land purchased by the Government for a boathouse site on Pelican Lake, Minn., $20.

For the payment to Charles Kappler for the work of compiling the third volume of Indian laws and treaties, the sum of $2,000.

ARIZONA AND NEW MEXICO.

SEC. 2. For support and civilization of Indians in Arizona and New Mexico, including pay of employees, $330,000.

For support and education of 200 Indian pupils at the Indian school at Fort Mojave, Ariz., and for pay of superintendent, $35,100; for general repairs and improvements, $3,800; in all, $38,900.

For support and education of 700 Indian pupils at the Indian school at Phoenix, Ariz., and for pay of superintendent, $119,500; for general repairs and improvements, $10,000; in all, $129,500.

For support and education of 100 pupils at the Indian school at Truxton Canyon, Ariz., and for pay of superintendent, $18,200; for general repairs and improvements, $3,000; in all, $21,200.

To enable the Secretary of the Interior to carry into effect the provisions of the sixth article of the treaty of June 8, 1868, between the United States and the Navajo Nation or Tribe of Indians, proclaimed August 12, 1868, whereby the United States agrees to provide school facilities for the children of the Navajo Tribe of Indians, $100,000: *Provided,* That the said Secretary may expend said funds, in his discretion, in establishing or enlarging day or industrial schools.

That so much of the Indian appropriation act approved June 30, 1913 (38 Stat. L., p. 85), as makes reimbursable out of the tribal funds of the Indians of the San Carlos Indian Reservation an appropriation for the construction of two bridges on the said San Carlos Indian Reservation in Arizona be, and the same is hereby, repealed.

For continuing the work of constructing the irrigation system for the irrigation of the lands of the Pima Indians in the vicinity of Sacaton, in the Gila River Indian Reservation, within the limit of cost fixed by the act of March 3, 1905, $10,000; and for maintenance and operation of the pumping plants and canal systems, $10,000; in all, $20,000, reimbursable as provided in section 2 of the act of August 24, 1912 (37 Stat. L., p. 522), and to remain available until expended.

For the construction and repair of necessary channels and laterals for the utilization of water in connection with the pumping plant for irrigation purposes on the Colorado River Indian Reservation, Ariz., as provided in the act of April 4, 1910 (36 Stat. L., p. 273), for the purpose of securing an appropriation of water for the irrigation of approximately 150,000 acres of land and for maintaining and operating the pumping plant, $15,000, reimbursable as provided in said act, and to remain available until expended.

For improvement and sinking of wells, installation of pumping machinery, construction of tanks for domestic and stock water, and for the necessary structures for the development and distribution of a supply of water for Papago Indian villages in southern Arizona, $15,000.

For enlarging the irrigation system for the irrigation of Indian lands, for protective works to prevent damages to irrigable lands by floods, and for development of domestic water supply on the Papago Indian Reservation in Arizona, in accordance with the plans and specifications submitted by the chief engineer in the Indian Service and approved by the Commissioner of Indian Affairs and the Secretary of the Interior, $20,000, to remain available until expended.

For the examination and final location surveys of a dam site on the Colorado River, and the investigation and survey of an irrigation system to supply the land of the Colorado River reservation from said dam, and for the design, preparation of maps, plans and detailed specifications for said works, and estimate of cost thereof, for the utilization of the reserved rights to water from the Colorado River in the State of Arizona for the irrigation of approximately 150,000 acres of land on said reservation, $10,000, or so much thereof as may be necessary.

For continuing the development of a water supply for the Navajo Indians on the Navajo Reservation, $25,000, to be immediately available and to remain available until expended, reimbursable out of any funds of said Indians now or hereafter available.

For beginning the construction of a dam and necessary controlling works for diverting water from the Gila River for the irrigation of Indian land and allotments on the Gila River Indian Reservation, Ariz., as recommended by the Board of Engineers of the United States Army in paragraph 217 of its report to the Secretary of War of February 14, 1914 (H. Doc. No. 791), $50,000, to remain available until expended, reimbursable as Congress may hereafter provide, the total cost not to exceed $160,000.

For beginning the construction of a dam and necessary controlling works for diverting water from the Gila River at a site above Florence, Ariz., for the irrigation of Indian land and allotments on the Gila River Indian Reservation and private lands in Pinal County, Ariz., as estimated by the Board of Engineer Officers of the United States Army in paragraph 138 of its report to the Secretary of War, of February 14, 1914 (H. Doc. No. 791), $75,000, to remain available until expended, reimbursable as Congress may hereafter provide, the total cost not to exceed $175,000: *Provided,* That before beginning construction the Secretary of the Interior shall prescribe such rules and regulations and take such other action as in his opinion may be proper and necessary for the purpose of securing for the Indians of the Gila River Reservation the benefits from such work to which they are legally and equitably entitled, and to enable the United States to control the diversion and distribution of water by said works and canals receiving water diverted thereby; and he may require of the owners of other lands to be benefited thereby agreements for the payment of the charges which he is hereby authorized to fix for diversion of water by said dam.

CALIFORNIA.

SEC. 3. For support and civilization of Indians in California, including pay of employees, $47,000.

For the purchase of lands for the homeless Indians in California, including improvements thereon, for the use and occupancy of said Indians, $30,000, to be immediately available, said funds to be expended under such regulations and conditions as the Secretary of the Interior may prescribe.

For support and education of 650 Indian pupils at the Sherman Institute, Riverside, Cal., including pay of superintendent, $118,125, of which sum not exceeding $10,000 may be used for general repairs and improvements to buildings.

For support and education of 125 Indian pupils at the Fort Bidwell Indian School, Cal., including pay of superintendent, $24,100, of which sum not exceeding $2,000 may be used for repairs and improvements to buildings.

For support and education of 100 Indian pupils at the Greenville Indian School, Cal., including pay of superintendent, $18,400; for general repairs and improvements, $2,000; in all, $20,400.

For reclamation and maintenance charge on Yuma allotments, $40,000, to be reimbursed from the sale of surplus lands or from other funds that may be available, in accordance with the provisions of the act of March 3, 1911.

FLORIDA.

SEC. 4. For support and civilization of Seminole Indians in Florida, including the purchase of such lands as the Secretary of the Interior may deem proper, $10,000, of which $3,000 shall be immediately available.

IDAHO.

SEC. 5. For support and civilization of Indians on the Fort Hall Reservation in Idaho, including pay of employees, $30,000.

For improvement and maintenance and operation of the Fort Hall irrigation system, $25,000, reimbursable to the United States out of any funds of the Indians occupying the Fort Hall Reservation now or hereafter available.

For fulfilling treaty stipulations with the Bannocks in Idaho: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith (art. 10, treaty of July 3, 1868), $5,000.

For the Coeur d'Alenes, in Idaho: For pay of blacksmith, carpenter, and physician, and purchase of medicines (art 11, agreement ratified Mar. 3, 1891), $3,000.

For maintenance of the sanatorium at Fort Lapwai, Idaho, for incidental and all other expenses for its proper conduct and management, including pay of employees, repairs, improvements, and for necessary expense of transporting Indians suffering with tuberculosis and trachoma to and from said sanatorium, $40,000.

IOWA.

SEC. 6. For maintenance of the sanatorium at Sac and Fox Agency, Iowa, for incidental and all other expenses for its proper conduct and management, including pay of employees, repairs, improvements, and for necessary expenses of transporting Indians suffering with tuberculosis and trachoma to and from said sanatorium, $25,000.

KANSAS.

SEC. 7. For support and education of 750 Indians pupils at the Indian school, Haskell Institute, Lawrence, Kans., and for pay of superintendent, $127,750; for general repairs and improvements, $10,000; in all, $137,750.

For support and education of 80 Indian pupils at the Indian school, Kickapoo Reservation, Kans., including pay of superintendent, $14,860; for general repairs and improvements, $2,000; in all, $16,860.

LOUISIANA.

SEC. 8. That $1,500, or as much thereof as may be necessary, is hereby appropriated, to be expended for the relief and for clearing the title to the lands owned or possessed by the Chettimanchi Band of Indians of Louisiana, and for the purchase of such lands as may be necessary to put them on a self-supporting basis: *Provided,* That the Secretary of the Interior may, in his discretion, require that the legal title to all property purchased, or the title to which is to be cleared, with the funds hereby appropriated shall be in the name of the United States, for the use and benefit of the Indians.

MICHIGAN.

SEC. 9. For support and education of 350 Indian pupils at the Indian school, Mount Pleasant, Mich., and for pay of superintendent, $66,450, of which sum not exceeding $6,000 may be used for general repairs and improvements to buildings; for dairy barn, $5,000; in all, $71,450.

MINNESOTA.

SEC. 10. For support and education of 225 Indian pupils at the Indian school, Pipestone, Minn., including pay of superintendent, $46,175, of which sum not exceeding $8,000 may be used for general repairs and improvements to buildings; for septic tank, $5,500; in all, $51,675.

For support of a school or schools for the Chippewas of the Mississippi in Minnesota (art. 3, treaty of Mar. 19, 1867), $4,000.

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of $185,000, or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section 7 of the act of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," and to use the same for the purpose of promoting civilization and self-support among the said Indians in manner and for purposes provided for in said act.

The Secretary of the Interior is hereby authorized to advance to the executive committee of the White Earth Band of Chippewa Indians in Minnesota the sum of $1,000, or so much thereof as may be necessary, to be expended in the annual celebration of said band to be held June 14, 1915, out of the funds belonging to said band.

That the unexpended balance of the appropriation for "Enrollment of Chippewa allottees, White Earth Reservation, Minn.," contained in the act approved June 30, 1913 (38 Stat. L., p. 89), making appropriations for current and contingent expenses of the Indian Service for the fiscal year 1914, is hereby reappropriated and made immediately available for payment of salaries and expenses incurred after June 30, 1914, in making required enrollment. That the seventh paragraph of section 9 of the act approved June 30, 1913 (38 Stat. L., p. 88), be, and the same is hereby, amended to read as follows:

"That the roll herein provided for shall be made in triplicate and shall show the allotment number or numbers, together with the description of the property allotted, and the name, age, sex, and whether the allottee is of full Indian blood or a mixed blood. The roll shall also state whether the person named is living or dead, and if dead, the approximate date of death shall be stated, when it can be ascertained, together with the age of such person at death as near as practicable. No allotment nor the allottee thereof shall be enrolled where there is a suit now pending, or hereafter commence prior to the completion of such

roll, to cancel any conveyance of such allotment until such suit has been finally determined."

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of $25,000, or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section 7 of the act of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," and to use the same for the purpose of constructing, equipping, and maintaining a hospital, to be located on the Leech Lake Reservation, the site to be selected by the Secretary of the Interior, for the use and benefit of the Chippewa Indians in Minnesota. Section 8 of the act approved August 1, 1914, is hereby amended in so far as to permit of the purchase of a site in the city of Cloquet, Minn., and the construction thereon of a hospital instead of on the Fond du Lac Reservation.

That the sum of $4,000, or so much thereof as may be necessary, of the tribal funds of the Chippewa Indians of the State of Minnesota, is hereby appropriated to pay the expenses of the general council of said tribe to be held at Bemidji, Minn., beginning July 13, 1915, pursuant to the constitution of the general council of said Chippewa Indians of Minnesota, organized in May, 1913, and to pay the actual and necessary expenses of the members of the executive committee of said council when attending to the business of the tribe, and to pay the expenses to Washington, in January and February, 1915, of the delegation of Chippewa Indians of the State of Minnesota, appointed by the president of said general council pursuant to the resolution of said general council of date August 14, 1914, to present the affairs of said Chippewa Indians of the State of Minnesota to the officials of the United States, said $4,000 to be immediately available, and the expenses of said delegation to be paid by the Secretary of the Interior upon itemized accounts approved by the Commissioner of Indian Affairs and the expenses of said general council to be paid by the Secretary of the Interior upon itemized accounts approved by the president of the executive committee of said council and certified to by its secretary. The Secretary of the Interior may authorize an inspector or special agent to attend future sessions of said general council and conventions to which delegates therefor are elected.

That the Secretary of the Interior, under such rules and regulations as he may prescribe, is hereby authorized to use for or advance to any individual Chippewa Indian in the State of Minnesota entitled to participate in the permanent fund of the Chippewa Indians of Minnesota who is blind, crippled, decrepit, or helpless from old age, disease, or accident, and such other Indians as the Secretary of the Interior may deem proper, in the aggregate not to exceed one-fourth of the amount which would now be coming to said Indian under a pro rata distribution of said permanent fund: *Provided*, That any money received hereunder by any member of said tribe or used for his or her benefit shall be deducted from the share of said member in the permanent fund of the said Chippewa Indians in Minnesota to which he or she would be entitled.

Hereafter on ceded lands in the State of Minnesota embraced within the provisions of the law entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, the minerals in and mineral rights pertaining to any of the lands the cession of which was provided for in said act and for which the United States has not conveyed title shall be and remain in and are reserved for the use and benefit of the Chippewa Indians in the State of Minnesota.

That the following described lands within the Red Lake Indian Reservation, Minn., be, and the same hereby are, created into a forest reserve, to be known as the Red Lake Indian Forest: Townships 150 and 151 north, ranges 32, 33, 34, 35, and 36 west, and townships 152 and 153 north, ranges 32, 33, and 34 west of the fifth principal meridian, except the lands in townships 151 north, range 36 west, which lie north of the north line of sections 26 to 30, inclusive, and except all lands within sections 4, 5, 6, 7, 8, 9, and 18, in township 153 north, range 34 west. The provisions of this section shall not apply to any lands which have heretofore been reserved for school, agency, church, or town-site purposes, or granted to private parties or corporations, within the area described: *Provided*, That when any of said lands are no longer needed for the purpose for which they were reserved, the Secretary of the Interior may declare such lands to be a part of the Red Lake Indian Forest.

That the forest shall be administered, by the Secretary of the Interior, in accordance with the principles of scientific forestry, with a view to the production of successive timber crops thereon. The said Secretary is hereby authorized to sell dead, down, and matured pine timber and other marketable products, under such rules and regulations as he may prescribe, and to establish such sawmills and accessories as may be necessary to manufacture the dead, down, and matured timber into various products, and he may purchase such equipment and employ such persons as shall be necessary to carry out the purposes of this act. Before any expenditures are made or contracts entered into hereunder, the Secretary of the Interior shall submit an estimate, and annually thereafter, of such proposed expenditures, to be approved by Congress. The Indians, without charge, shall be allowed for fuel, under rules and regulations prescribed by the Secretary of the Interior, dead timber, standing or fallen, which is not of a merchantable grade or suited for timber.

That it shall be the duty of the Secretary of the Interior to maintain at all times a forest cover on all parts of the forest which are not better adapted to agricultural uses than to the production of forest crops, and he may establish nurseries or purchase seedlings or transplants when needed for reforestation purposes.

That the Secretary of the Interior is hereby authorized to issue a permit to any head of a family or adult unmarried member of the Red Lake Band of Indians entitling him or her to the exclusive use for a term of 10 years of any tract of land, not exceeding 20 acres in area, fronting on either Upper Red Lake or Lower Red Lake, having a shore line of not more than 50 rods. Similar permits may be issued by the said Secretary for legal subdivision, which do not border upon either of the said lakes with the same restrictions as to area. In the granting of these permits preference shall be given to Red Lake Indians who have occupied such land for a period of not less than three years prior to the passage of this act and each permit shall be renewed so long as the person or any member of his or her immediate family shall continue to reside thereon, unless in the opinion of the Secretary the best interests of the Red Lake Band of Indians demand that such permit be not renewed; and when a renewal is refused the Secretary shall cause an appraisal to be made of any permanent improvements placed upon such land by the permittee, or his immediate family, and shall pay to him, from the proceeds of the Red Lake Indian Forest, the amount of such appraisement. If any Indian permittee or his immediate family shall fail to reside upon the shore line or interior tract covered by his permit for a period of at least three months in any year, the permit shall be subject to cancellation by the Secretary of the Interior, and when a permit is thus canceled the Secretary may pay the permittee the value of his permanent improvements from the proceeds of the Indian Forest, if, in his judgment, the improvements are of any value to the Red Lake Indians. If lands covered by a lapsed or a canceled permit are assigned to another applicant, such new permittee shall be required to pay into the Red Lake Indian Forest fund the value which the improvements thereon have at the time of the issuance of such permit.

That every permit or lease issued under authority of this act to Indians or to other persons or corporations shall reserve to the Secretary of the Interior the right to cross the land covered thereby with logging roads or railroads, to use the shore line, or to erect thereon and use such structures as shall be necessary to the proper and economical management of the Indian Forest created by this act.

That whenever the board of county commissioners of any county in the State of Minnesota establish a State rural highway in accordance with the laws of said State, which highway directly benefits allotments of Indians not subject to taxation or special assessments, but which allotments would be assessed for such benefits under the laws of the said State were they not exempt by treaty, act of Congress, or other law, the said board of county commissioners may make a schedule of assessments against such benefited allottees, the amount of said assessments in each case being that prescribed by the laws of the said State for lands situated and benefited similar to the allotments of such allottees, and when so made file the same with the Secretary of the Interior. If in the judgment of the Secretary of the Interior the projected State rural highway is one that will be for the best interests of the Indian allotments affected, then he shall ascertain whether the assessments proposed against the said allottees are fair and just as compared with assessments against other lands similarly situated and benefited. If he shall find that said assessments are fair and just in the manner and to the extent aforesaid, he shall make an order that the said assessments are and shall be charged against the several allottees benefited and provide for notice thereof being served upon any allottee affected thereby. But the amount of any assessment or levy made or charged during the time said allotments are held in trust by the United States shall not be nor at any time become a lien on said allotments. The Secretary of the Interior is hereby authorized and empowered to pay to the county treasurer of such county said assessments and parts thereof as they become due out of any funds belonging to the Indians owning said benefited allotments, and which funds are under the control of the United States or Secretary of the Interior, or out of any tribal funds under the control of the United States or Secretary of the Interior which are subject to be prorated among the members of the tribe to which the Indians owning such benefited allotments belong. Such sums as may be paid from tribal funds shall be charged against the Indians whose respective assessments have been paid: *Provided*, That every Indian who has been assessed in the manner aforesaid shall have the right to appeal within 30 days after being notified of such assessment to the Secretary of the Interior for a reexamination and readjudication of whether or not he has been assessed greater than his proportionate share, and the Secretary of the Interior is hereby authorized to reduce the amount of such assessment if in his judgment justice requires it.

For the payment of high-school teachers of the White Earth Indian school, Minnesota, for instruction of children of the Chippewa Indians in the State of Minnesota, $4,000, or so much thereof as may be necessary, to be used under rules to be prescribed by the Secretary of the Interior: *Provided*, That not to exceed $1,000 of this sum may be used to continue the education of boys appointed under the provisions of the act of Congress entitled, "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914," approved June 30, 1913: *And provided further*, That the unexpended balance of $555.43 remaining from the appropriation of $4,000 for the higher education of Chippewa boys appointed under the provisions of the said act, is hereby reappropriated, made immediately available, and will remain available until expended, under the same provisions as those contained in the original act.

That the Secretary of the Interior be, and he is hereby, authorized to convey to independent school district No. 10, Mahnomen County, Minn., for the purpose of a demonstration farm in connection with the agricultural department of the public schools of said place, that certain tract of land which has been heretofore reserved for an Indian day school, but which day school has been discontinued and abandoned, which tract of land is described as follows, to wit: West half of the southwest quarter of section 11, township 144, range 42 west of the fifth principal meridian, in Minnesota: *Provided*, That such conveyance shall not operate to interfere with any existing right of allotment of said land and after such conveyance shall be made, if the grantee shall for more than three years cease to use the said lands and premises for the purposes herein specified, the same shall revert to the United States for the use of the White Earth Indians.

MISSISSIPPI INDIANS.

To enable the Secretary of the Interior to investigate the condition of the Indians living in Mississippi and report to Congress on the first Monday of next December as to their need for additional land and school facilities, $1,000, to be immediately available.

MONTANA.

SEC. 11. For support and civilization of the Indians at Fort Belknap Agency, Mont., including pay of employees, $20,000.

For support and civilization of Indians at Flathead Agency, Mont., including pay of employees, $20,000, of which amount not exceeding $4,500 may be expended for salaries, the remainder to be immediately available for subsistence.

For support and civilization of Indians at Fort Peck Agency, Mont., including pay of employees, $30,000.

For support and civilization of Indians at Blackfeet Agency, Mont., including pay of emloyees, $25,000, of which amount not exceeding $8,000 may be expended for salaries and the remainder to be immediately available for subsistence.

For maintenance and operation including repairs of the Milk River irrigation system on the Fort Belknap Reservation, in Montana, $20,000, reimbursable in accordance with the provisions of the act of April 4, 1910.

For fulfilling treaties with Crows, Montana: For pay of physician, $1,200; and for pay of carpenter, miller, engineer, farmer, and blacksmith (art. 10, treaty of May 7, 1868), $3,600: for pay of second blacksmith (art. 8, same treaty), $1,200; in all, $6,000: *Provided*, That hereafter no tribal grazing lease or permit on the Crow Reserva-

tion shall be approved by the Secretary of the Interior without first procuring the consent of a majority of the members of a council regularly called by said Indians: *Provided further*, That the Secretary of the Interior be, and he is hereby, authorized and directed, upon the application of any Indian allottee or allottees on said Crow Reservation, to build a fence in full compliance with the laws of Montana, sufficient to hold or turn all stock, inclosing the allotment or allotments of Indian allottee or allottees, the same to be reimbursed out of any distributive tribal funds to which said Indian may be entitled; and such Indian allottee shall be permitted to lease his allotted lands other than his homestead when so fenced for a term not exceeding five years beyond the date of the execution of the lease to any person or persons desiring to lease the same without interference on the part of any Government official: *And be it further provided*, That any lessee of allotted Indian lands on said Indian reservation shall be required to maintain said fence in good repair on the allotted lands so leased; and the Secretary of the Interior shall have the power, in case of inadequate compensation provided in said lease or of unfair terms or conditions contained therein or of any unfair treatment of the lessor by the lessee as a tenant, to cancel or revise said lease, such lease shall be made upon forms furnished by the Interior Department. Natural guardians having the care and custody of minors or incompetent persons may make application, execute the lease above provided for, collect the rents, and do and perform all acts on behalf of such minors or incompetent persons which are herein provided to be done or performed by said Indian allottee, and there is hereby appropriated sufficient money, out of any tribal funds which are now or may hereafter be available, to carry out the provisions herein, said tribal funds to be reimbursed under such rules and regulations as the Secretary of the Interior may prescribe.

For subsistence and civilization of the Northern Cheyennes and Arapahoes (agreement with the Sioux Indians, approved Feb. 28, 1877), including Northern Cheyennes removed from Pine Ridge Agency to Tongue River, Mont., and for pay of physician, two teachers, two carpenters, one miller, two farmers, a blacksmith, and engineer (art. 7, treaty of May 10, 1868), $85,000.

For the employment of "line riders" along the southern and eastern boundaries of the Northern Cheyenne Indian Reservation in the State of Montana, $1,500.

For the support and civilization of Rocky Boy's Band of Chippewas, and other indigent and homeless Indians in the State of Montana, including pay of employees, $10,000, to be immediately available.

That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States not to exceed the sum of $150,000, or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Indians on the Blackfeet Reservation, in Montana, for the purpose of purchasing and caring for cattle for the use of said Indians, seeds, and necessary farming equipment, to enable them to become self-supporting, under such rules, regulations, and conditions as said Secretary of the Interior may prescribe.

That any moneys which may be due from the Indians of the Fort Belknap Reservation, State of Montana, and unpaid on June 1, 1915, for property purchased under the provisions of the sections of the Indian appropriation acts approved April 30, 1908 (35 Stats. L., pp. 70–83), appropriating the sum of $25,000 for the purchase of implements and other equipment for said Indians, under such conditions as the Secretary of the Interior might prescribe for the repayment by the Indians to the United States of the sum so expended, and March 3, 1909 (35 Stats. L., pp. 781–795), authorizing the use of the repayments made by the Indians until June 1, 1915, shall be collected as soon thereafter as is practicable. That the Secretary of the Interior be, and he is hereby, authorized and directed to announce, at such time as in his opinion seems proper, the charge for construction of irrigation systems on the Blackfeet, Flathead, and Port Peck Indian Reservations in Montana, which shall be made against each acre of land irrigable by the systems on each of said reservations. Such charges shall be assessed against the land irrigable by the systems on each said reservation in the proportion of the total construction cost which each acre of such land bears to the whole area of irrigable land thereunder.

On the 1st day of December after the announcement by the Secretary of the Interior of the construction charge, the allottee, entryman, purchaser, or owner of such irrigable land which might have been furnished water for irrigation during the whole of the preceding irrigation season, from ditches actually constructed, shall pay to the superintendent of the reservation where the land is located, for deposit to the credit of the United States as a reimbursement of the appropriations made or to be made for construction of said irrigation systems, 5 per cent of the construction charge fixed for his land, as an initial installment, and shall pay the balance of the charge in 15 annual installments, the first 5 of which shall each be 5 per cent of the construction charge and the remainder shall each be 7 per cent of the construction charge. The first of the annual installments shall become due and payable on December 1 of the fifth calendar year after the initial installment: *Provided*, That any allottee, entryman, purchaser, or owner may, if he so elects, pay the whole or any part of the construction charges within any shorter period: *Provided further*, That the Secretary of the Interior may, in his discretion, grant such extension of the time for payments herein required from Indian allottees or their heirs as he may determine proper and necessary, so long as such land remains in Indian title.

That the tribal funds heretofore covered into the Treasury of the United States in partial reimbursement of appropriations made for constructing irrigation systems on said reservations shall be placed to the credit of the tribe and be available for such expenditure for the benefit of the tribe as may be made under existing law.

And there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $525,187.93 for this purpose, $4,544.40 thereof to be credited to the Indians of the Blackfeet Reservation, $440,217.78 thereof to be credited to the Indians of the Flathead Reservation, and the balance, $80,425.75, to be credited to the Indians of the Fort Peck Reservation, the same being the amounts heretofore covered into the Treasury on this account. The cost of constructing irrigation systems to irrigate the allotted lands of the Indians on these reservations shall be reimbursed to the United States as hereinbefore provided, and no further reimbursements from the tribal funds shall be made on account of said irrigation works, except that all charges against Indian allottees or their heirs herein authorized, unless otherwise paid, may be paid from the individual shares in the tribal funds, when the same is available for distribution, in the discretion of the Secretary of the Interior.

That the sum of $50,000 be, and the same is hereby, appropriated out of any money not otherwise appropriated for continuing construction of the irrigation systems on the Blackfeet Indian Reservation in Montana, which shall be immediately available and remain available until expended: *Provided*, That the entryman upon the surplus unallotted lands to be irrigated by such systems shall, in addition to compliance with the homestead laws, before receiving patent for the lands covered by his entry, pay the charges apportioned against such tract as herein authorized, and a failure to make any two payments when due shall render the entry subject to cancellation, with the forfeiture to the United States of all rights acquired under the provisions of this act, as well as of any moneys paid on account thereof. The purchaser of any Indian allotment to be irrigated by such systems, purchased upon approval of the Secretary of the Interior, before the charges against said allotment herein authorized shall have been paid, shall pay all charges remaining unpaid at the time of such purchase, and in all patents or deeds for such purchased allotments, and also in all patents in fee to allottees or their heirs issued before payment of all such charges herein authorized to be made against their allotments, there shall be expressed that there is reserved upon the lands therein described a lien for such charges, and such lien may be enforced, or, upon payment of the delinquent charges, may be released by the Secretary of the Interior (acts Mar. 1, 1907, vol. 34, p. 1035; Apr. 4, 1910, vol. 36, p. 277; Mar. 3, 1911, vol. 36, p. 1066; Aug. 24, 1912, vol. 37, p. 526; June 30, 1913, vol. 38, p. 90; Aug. 1, 1914, vol. 38, p. 593).

That the sum of $686,996.81 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for continuing construction of the irrigation systems on the Flathead Indian Reservation in Montana, which shall be immediately available and remain available until expended: *Provided*, That the payments for the proportionate cost of the construction of said systems required of settlers on the surplus unallotted land by section 9, chapter 1495, Statutes of the United States of America, entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation in the State of Montana, and the sale and disposal of all surplus lands after allotment," as amended by section 15 of the act of May 29, 1908 (35 Stat. L., p. 448), shall be made as herein provided: *Provided further*, That nothing contained in the act of May 29, 1908 (35 Stat. L., p. 444), shall be construed to exempt the purchaser of any Indian allotment purchased prior to the expiration of the trust period thereon from any charge for construction of the irrigation system incurred up to the time of such purchase, except such charges as shall have accrued and become due in accordance with the public notices herein provided for, or to relieve the owners of all land allotted to Indians in severalty from payment of the charges herein required to be made against said land on account of construction of the irrigation systems; and in carrying out the provisions of said section the exemption therein authorized from charges incurred against allotments purchased prior to the expiration of the trust period thereon shall be the amount of the charges or installments thereof due under public notice herein provided for up to the time of such purchase (acts Apr. 23, 1904, vol. 33, p. 305; Apr. 30, 1908, vol. 35, p. 83; May 29, 1908, vol. 35, p. 450; Mar. 3, 1909, vol. 35, p. 795; Apr. 4, 1910, vol. 36, p. 277; Mar. 3, 1911, vol. 36, p. 1066; Aug. 24, 1912, vol. 37, p. 526; June 30, 1913, vol. 38, p. 90; Aug. 1, 1914, vol. 38, p. 593).

That the sum of $100,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for continuing construction of the irrigation systems on the Fort Peck Indian Reservation in Montana, which shall be immediately available and remain available until expended: *Provided*, That the proportionate cost of the construction of said systems required of settlers and entrymen on the surplus unallotted irrigable land by section 2 of the act of May 30, 1908 (35 Stat. L., p. 558), shall be paid as herein provided: *Provided further*, That nothing contained in said act of May 30, 1908, shall be construed to exempt the purchaser of any Indian allotment purchased prior to the expiration of the trust period thereon from any charge for construction of the irrigation system incurred up to the time of such purchase, except such charges as shall have accrued and become due in accordance with the public notices herein provided for, and the purchaser of any Indian allotment to be irrigated by said systems purchased upon approval of the Secretary of the Interior before the charges against said allotment herein authorized shall have been paid shall pay all charges remaining unpaid at the time of such purchase, and in all patents or deeds for such purchased allotments, and also in all patents in fee to allottees or their heirs issued before payment shall have been made of all such charges herein authorized to be made against their allotments, there shall be expressed that there is reserved upon the lands therein described a lien for such charges, and such lien may be enforced, or upon payment of the delinquent charges may be released by the Secretary of the Interior (acts May 30, 1908, vol. 35, p. 558; Aug. 24, 1912, vol. 37, p. 526; June 30, 1913, vol. 38, p. 90; Aug. 1, 1914, vol. 38, p. 593).

That in addition to the construction charges every allottee, entryman, purchaser, or owner shall pay to the superintendent of the reservation a maintenance and operation charge based upon the total cost of maintenance and operation of the systems on the several reservations, and the Secretary of the Interior is hereby authorized to fix such maintenance and operation charge upon such basis as shall be equitable to the owners of the irrigable land. Such charges when collected shall be available for expenditure in the maintenance and operation of the systems on the reservation where collected: *Provided*, That delivery of water to any tract of land may be refused on account of nonpayment of any charges herein authorized, and the same may, in the discretion of the Secretary of the Interior, be collected by a suit for money owed: *Provided further*, That the rights of the United States, heretofore acquired, to water for Indian lands referred to in this amendment, namely, the Blackfeet, Fort Peck, and Flathead Reservation land, shall be continued in full force and effect until the Indian title to such land is extinguished.

That the Secretary of the Interior be, and he is hereby, authorized to prescribe such rules and regulations and issue such notices as may be necessary to carry into effect the provisions of this act, and he is hereby authorized and directed to determine the area of land on each reservation which may be irrigated from constructed ditches and to determine what allowance, if any, shall be made for ditches constructed by individuals for the diversion and distribution of a partial or total water supply for allotted or surplus unallotted land: *Provided*, That if water be available prior to the announcement of the charge herein authorized, the Secretary of the Interior may furnish water to land under the systems on the said reservations, making a reasonable charge therefor, and such charges when collected may be used for construction or maintenance of the systems through which such water shall have been furnished.

The work to be done with the amounts herein appropriated for the completion of these projects may be done by the Reclamation Service, on plans and estimates furnished by that service and approved by the Commissioner of Indian Affairs.

That lands on the Flathead Indian Reservation in Montana valuable for agricultural or horticultural purposes, heretofore classified as timberlands, may, in the discretion of the Secretary of the Interior, be appraised and opened to homestead entry under regulations prescribed by him, upon condition that homestead entrymen shall at the time of making their original homestead entries pay the full value of the timber found on the land at the time that the appraisement of the land itself is made, except as hereinafter provided, such payment to be in addition to the appraised price of the lands apart from the timber, as herein authorized: *Provided further*, That the Secretary of the Interior may in his discretion accept payments in installments for said timber under such terms, conditions, rules, and regulations as he may prescribe.

That the legal road authorities charged with the duty of laying out and opening public roads and highways under the laws of the State of Montana having jurisdiction over any territory embraced within any Indian reservation in Montana, are hereby authorized and empowered to lay out and open public roads within any of the said Indian reservations in conformity to and in accordance with the laws of the State of Montana relating to the laying out and opening of public roads, and that any public road when so laid out and opened shall be deemed a legal road: *Provided*, That such road authorities shall, in addition to notifying the landowners as provided in the State laws, likewise serve notice upon the superintendent in charge of the restricted Indian lands upon which it is proposed to lay out a public road, and shall also furnish him with a map drawn on tracing linen showing the definite location and width of such proposed road, and no such road shall be laid out until after it has received the approval of such superintendent.

NEBRASKA.

SEC. 12. For support and education of 400 Indian pupils at the Indian school at Genoa, Nebr., including pay of superintendent, $68,800; for general repairs and improvements, $5,000; in all, $73,800.

That the legal road authorities, charged with the duty of laying out and opening public roads and highways under the laws of the State of Nebraska, having jurisdiction over any territory embraced within the Winnebago Indian Reservation, the Omaha Indian Reservation, the Ponca Indian Reservation, and the Santee Sioux Indian Reservation in the State of Nebraska, are hereby authorized and empowered to lay out and open public roads within any of the said Indian reservations in conformity to and in accordance with the laws of the State of Nebraska relating to the laying out and opening of public roads, and that any public road when so laid out and opened shall be deemed a legal road: *Provided*, That such road authorities shall, in addition to notifying the landowners as provided in the State laws, likewise serve notice upon the superintendent in charge of the restricted Indian lands upon which it is proposed to lay out a public road, and shall also furnish him with a map drawn on tracing linen showing the definite location and width of such proposed road, and no such road shall be laid out until after it has received the approval of such superintendent.

NEVADA.

SEC. 13. For support and civilization of Indians in Nevada, including pay of employees, $18,500.

For support and education of 250 Indian pupils at the Indian school at Carson City, Nev., including pay of superintendent, $43,750; for general repairs and improvements, $5,950; in all, $49,700.

For the purchase of land and water rights for the Washoe Tribe of Indians, the title to which is to be held in the United States for the benefit of said Indians, $10,000; for the support and civilization of said Indians, $5,000; in all, $15,000, to be immediately available.

NEW MEXICO.

SEC. 14. For support and education of 435 Indian pupils at the Indian school at Albuquerque, N. Mex., and for pay of superintendent, $72,550; for general repairs and improvements, $8,000; for the purchase of additional acreage adjoining the school farm, $12,000; in all, $92,550.

For support and education of 400 Indian pupils at the Indian school at Santa Fe, N. Mex., and for pay of superintendent, $68,600; for general repairs and improvements, $8,000; for water supply, $1,600; for aiding the public schools of New Mexico in which children of Indian blood are in attendance, to be expended by the Secretary of the Interior through the State superintendent of public instruction, $100,000; in all, $178,200.

For the pay of one special attorney for the Pueblo Indians of New Mexico, to be designated by the Secretary of the Interior, and for necessary traveling expenses of said attorney, $2,000, or so much thereof as the Secretary of the Interior may deem necessary.

That the proviso of section 1 of the act entitled "An act to quiet title to lands on Jicarilla Reservation, and to authorize the Secretary of the Interior to cause allotments to be made, and to dispose of the merchantable timber, and for other purposes," approved March 4, 1907, reading: *"Provided*, That in making such allotments values shall be considered so as to make the allotments uniform in value as near as practicable; that the Secretary of the Interior may dispose of all merchantable timber on allotments herein authorized during the term these are held in trust and on the surplus lands for 25 years, the proceeds thereof to be expended under his direction for purposes beneficial to the individual allottees hereunder and their heirs, or for families as he may deem best, and no part of such proceeds shall be expended for community or common benefits other than irrigation, but shall be equitably apportioned as near as may be among the Indians entitled," be, and the same is hereby, amended to read: *"Provided*, That in making such allotments values shall be considered so as to make the allotments uniform in value as near as practicable; that the Secretary of the Interior may dispose of all matured, dead and down timber on allotments herein authorized during the term these are held in trust and on the surplus lands for 25 years, the proceeds thereof to be expended under his direction for the purchase of live stock, seeds, agricultural equipment, and for other purposes beneficial to the Indians belonging to and having rights as members of said tribe of Indians with the consent of the individual allottees, or their heirs, natural guardians to consent for minors and the superintendent of the reservation for orphan minors and incompetents.

NEW YORK.

SEC. 15. For fulfilling treaties with Senecas of New York: For permanent annuity in lieu of interest on stock (act of February 19, 1831), $6,000.

For fulfilling treaties with Six Nations of New York: For permanent annuity, in clothing and other useful articles (art. 6, treaty of November 11, 1794), $4,500.

NORTH CAROLINA.

SEC. 16. For support and education of 180 Indian pupils at the Indian school at Cherokee, N. C., including pay of superintendent, $31,660; for general repairs and improvements, $4,340; in all, $36,000.

NORTH DAKOTA.

SEC. 17. For support and civilization of the Sioux, of Devils Lake, N. Dak., including pay of employees, $5,000.

For support and civilization of Indians at Fort Berthold Agency, in North Dakota, including pay of employees, $15,000.

For support and civilization of the Turtle Mountain Band of Chippewas, North Dakota, including pay of employees, $11,000.

For support and education of 100 Indian pupils at the Indian school, Bismarck, N. Dak., including pay of superintendent, $18,200; for general repairs and improvements, $2,000; for new dormitory, $20,000; in all, $40,200.

For support and education of 400 Indian pupils at Fort Totten Indian School, Fort Totten, N. Dak., and for pay of superintendent, $68,500; sinking wells and making improvements of the water system, $5,000; for general repairs and improvements, $5,000; in all $78,500.

For support and education of 200 Indian pupils at the Indian school, Wahpeton, N. Dak., and pay of superintendent, $38,200, of which sum not exceeding $3,200 may be used for general repairs and improvements to buildings: for school building, $15,000; for band instruments, $600; in all, $53,800.

To enable the Secretary of the Interior to redeem a mortgage on the allotment selection of Starr McGillis, a Turtle Mountain Chippewa Indian, described as the northwest quarter of section 34, township 164 north, range 70 west of the fifth principal meridian, North Dakota, $1,500, or so much thereof as may be necessary, the said sum to be reimbursed from the rentals of said allotment not to exceed 50 per cent of the amount of rentals received annually: *Provided*, That in the event a patent in fee shall be issued for this land before the United States shall be wholly reimbursed as herein provided, the amount remaining unpaid shall become a first lien on such allotment, and the fact of such lien shall be recited on the face of the patent in fee and the amount of the lien set forth thereon, and the receipt of the Secretary of the Interior, or of the officer, agent, or employee duly authorized by him for that purpose, for the payment of the amount of the mortgage, when duly recorded by the recorder of deeds in the county wherein the land is located, shall operate as a satisfaction of such lien.

For the erection of a headstone to mark the grave of Scarlet Crow, a Sioux Indian chief of the Wahpeton Tribe, who was buried March 13, 1867, in the Congressional Cemetery, Washington, D. C., in a grave marked "76–R. A. 22," $100.

That all claims of whatsoever nature which the Sisseton and Wahpeton Bands of Sioux Indians may have or claim to have against the United States shall be submitted to the Court of Claims, with the right to appeal to the Supreme Court of the United States by either party, for the amount due or claimed to be due said bands from the United States under any treaties or laws of Congress; and jurisdiction is hereby conferred upon the Court of Claims to hear and determine all claims of said bands against the United States, and to enter judgment thereon. If any such question is submitted to said court it shall settle the rights, both legal and equitable, of said bands of Indians and the United States, notwithstanding lapse of time or statute of limitations. Such action in the Court of Claims shall be presented by a single petition, to be filed within one year after the passage of this act, making the United States a party defendant which shall set forth all the facts on which the said bands of Indians base their claims for recovery; and the said petition may be verified by the agent or authorized attorney or attorneys of said bands, to be selected by said bands and employed under contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior, in accordance with the provisions of existing law, upon information or belief as to the existence of such facts, and no other statements or verifications shall be necessary. Official letters, papers, reports, and public records, or certified copies thereof, and oral testimony, depositions, and sworn statements by members of said bands of Indians may be used as evidence. Whatever moneys may be found due the Sisseton and Wahpeton Bands of Indians under the provisions of this act, less attorney's fees, shall be placed to their credit in the Treasury of the United States: *Provided*, That the compensation to be paid the attorney or attorneys for the claimant Indians shall be determined by the Secretary of the Interior, but in any event shall not be greater than the amount named in the approved contract: *Provided further*, That such compensation shall in no event exceed $15,000.

OKLAHOMA.

SEC. 18. For support and civilization of the Wichitas and affiliated bands who have been collected on the reservations set apart for their use and occupation in Oklahoma, including pay of employees, $5,000.

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of $25,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Kiowa, Comanche, and Apache Tribes of Indians in Oklahoma, for the support of the agency and pay of employees maintained for their benefit.

That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States, at his discretion, the sum of $250,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Kiowa, Comanche, and Apache Tribes of Indians in Oklahoma, and pay out the same for the benefit of the members of said tribes for their maintenance and support, and improvement of their homesteads, in such manner and under such regulations as he may prescribe: *Provided*, That the Secretary of the Interior shall report to Congress on the first Monday in December, 1916, a detailed statement as to all moneys expended as provided for herein.

For support and civilization of the Cheyennes and Arapahoes who have been collected on the reservations set apart for their use and occupation in Oklahoma, including pay of employees, $35,000.

For support and civilization of the Kansas Indians, Oklahoma, including pay of employees, $1,500.

For support and civilization of the Ponco Indians in Oklahoma and Nebraska, including pay of employees, $8,000.

For support and civilization of the Kickapoo Indians in Oklahoma, including pay of employees, $2,000.

For support and education of 500 Indian pupils at the Indian school at Chilocco, Okla., including pay of superintendent, $86,250; for general repairs and improvements, $6,000; in all, $92,250.

For fulfilling treaties with Pawnees, Oklahoma: For perpetual annuity, to be paid in cash to the Pawnees (art. 3, agreement of Nov. 23, 1892), $30,000; for support of two manual-labor schools (art. 3, treaty of Sept. 24, 1857), $10,000; for pay of 1 farmer, 2 blacksmiths, 1

miller, 1 engineer and apprentices, and 2 teachers (art. 4, same treaty), $5,400; for purchase of iron and steel and other necessaries for the shops (art. 4, same treaty), $500; for pay of physician and purchase of medicines, $1,200; in all, $47,100.

For support of Quapaws, Oklahoma: For education (art. 3, treaty of May 13, 1833), $1,000; for blacksmith and assistants, and tools, iron, and steel for blacksmith shop (same article and treaty), $500; in all, $1,500.

So much as may be required of the funds authorized by section 17 of the act of June 30, 1913 (38 Stat. L., pp. 77–92), for maintenance of a hospital for the Kiowa, Comanche, Apache, and Wichita Tribes, Oklahoma, may be used for the purchase of equipment and in making necessary repairs and improvements to said hospital, in the discretion of the Secretary of the Interior.

To pay the Women's Board of Domestic Missions, Reformed Church in America, $10,000, to reimburse said board for buildings on the Fort Sill Military Reserve, in the State of Oklahoma, constructed by said board with the consent of the Government and utilized for the education and civilization of the Fort Sill Apache prisoners of war until the removal of said Indians from said Fort Sill Military Reserve.

That the Secretary of the Interior is hereby authorized and directed to vacate the north half of section 3, township 4 south, range 14 west, in Oklahoma, reserved for a town site in accordance with the provisions of an act of Congress approved March 20, 1906, entitled "An act for the establishment of town sites and for the sale of town lots within the common lands of the Kiowa, Comanche, and Apache Indians in Oklahoma."

And the Secretary of the Interior is hereby further authorized to allot lands of said town site in equal amounts to San-a-was and Pessa, two enrolled Comanche Indian women, who have not heretofore received allotments.

That the Atchison, Topeka & Santa Fe Railway Co. be, and is hereby, authorized to reconstruct its line of railroad through the Chilocco Indian Reservation in the State of Oklahoma, to eliminate, where necessary, existing heavy grades and curves, and for such purpose to acquire the necessary right of way, not exceeding 200 feet in width, subject to the approval of the Secretary of the Interior and to the payment for the land so taken and occupied by such new right of way of such an amount as may be determined by the Secretary of the Interior to be fair and adequate compensation therefor, including all damage which may be caused by the reconstruction of said line of railroad to adjoining lands, crops, and other improvements, said amount to be paid to the Secretary of the Interior for the use and benefit of the Chilocco Indian School.

That payments of interest, royalties, or other trust funds becoming due from time to time to any incompetent individual member of the Osage Tribe of Indians under any law may be withheld, in the discretion of the Secretary of the Interior, and the funds may be used for the benefit of such Indian, or his heirs, under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That no part of said funds shall be paid out on account of any usurious obligation or contract.

FIVE CIVILIZED TRIBES.

SEC. 19. For expenses of administration of the affairs of the Five Civilized Tribes, Oklahoma, and the compensation of employees, $175,000, of which sum $25,000 shall be immediately available.

For salaries and expenses of such attorneys and other employees as the Secretary of the Interior may, in his discretion, deem necessary in connection with probate matters affecting individual allottees in the Five Civilized Tribes, $85,000.

For the support, continuance, and maintenance of the Cherokee Orphan Training School, near Tahlequah, Okla., for the orphan Indian children of the Five Civilized Tribes belonging to the restricted class, to be conducted as an industrial school under the direction of the Secretary of the Interior, $35,000; for repairs and improvements, $5,000; in all, $40,000.

The sum of $275,000, to be expended in the discretion of the Secretary of the Interior under rules and regulations to be prescribed by him, in aid of the common schools in the Cherokee, Creek, Choctaw, Chickasaw, Seminole, and Osage Nations and the Quapaw Agency in Oklahoma, during the fiscal year ending June 30, 1916: *Provided*, That this appropriation shall not be subject to the limitation in section 1 of this act limiting the expenditure of money to educate children of less than one-fourth Indian blood.

That the Secretary of the Interior be, and he is hereby, authorized to use not exceeding $40,000 of the proceeds of sales of unallotted lands and other tribal property belonging to any of the Five Civilized Tribes for payment of salaries of employees and other expenses of advertising and sale in connection with the further sales of such tribal lands and property, including the advertising and sale of the land within the segregated coal and asphalt area of the Choctaw and Chickasaw Nations, or of the surface thereof as provided for in the act of Congress approved February 19, 1912 (37 U. S. Stat. L., p. 67), and of the improvements thereon, which is hereby expressly authorized, and for other work necessary to a final settlement of the affairs of the Five Civilized Tribes: *Provided*, That not to exceed $10,000 of such amount may be used in connection with the collection of rents of unallotted lands and tribal buildings: *Provided further*, That during the fiscal year ending June 30, 1916, no moneys shall be expended from tribal funds belonging to the Five Civilized Tribes without specific appropriation by Congress, except as follows: Equalization of allotments, per capita and other payments authorized by law to individual members of the respective tribes, tribal and other Indian schools for the current fiscal year under existing law, salaries and contingent expenses of governors, chiefs, assistant chiefs, secretaries, interpreters, and mining trustees of the tribes for the current fiscal year at salaries not exceeding those for the last fiscal year, and attorneys for said tribes employed under contract approved by the President, under existing law, for the current fiscal year: *Provided further*, That the Secretary of the Interior is hereby authorized to continue and maintain schools during the ensuing fiscal year among the Choctaw, Chickasaw, Creek, and Seminole Tribes, payable from the tribal funds of these nations, pursuant to the act of April 26, 1906. (34 Stat. L., pp. 137 and 140.)

For fulfilling treaties with Choctaws, Oklahoma: For permanent annuity (art 2, treaty of Nov. 16, 1805, and art. 13, treaty of June 22, 1855), $3,000; for permanent annuity for support of light-horsemen (art. 13, treaty of Oct. 18, 1820, and art. 13, treaty of June 22, 1855), $600; for permanent annuity for support of blacksmith (art. 6, treaty of Oct. 18, 1820, and art. 9, treaty of Jan. 20, 1825, and art. 13, treaty of June 22, 1855), $600; for permanent annuity for education (art. 2, treaty of Jan. 20, 1825, and article 13, treaty of June 22, 1855), $6,000; for permanent annuity for iron and steel (art. 9, treaty of Jan. 20, 1825, and art. 13, treaty of June 22, 1855), $320; in all, $10,520.

For maintenance of the sanatorium for the Choctaw and Chickasaw Indians, for incidental and all other expenses for its proper conduct and management, including pay of employees, repairs, improvements, and for necessary expense of transporting Indians suffering with tuberculosis and trachoma to and from said sanatorium, $20,000.

To enable the superintendent for the Five Civilized Tribes to enforce the prohibitory law within the jurisdiction of Union Agency, Okla., $5,000.

The act of Congress approved June 28, 1906 (34 Stat. L., 539), and the act of Congress approved April 18, 1912 (37 Stat. L., 88), authorizing expenditures from Osage tribal funds of not exceeding $50,000 for schools and $40,000 for agency and emergency purposes, or an aggregate of $90,000, is hereby amended to provide that not exceeding such aggregate amount may be used for such purposes when authorized by the Secretary of the Interior, in such manner as he deems for the best interests of the Osages, not exceeding, however, in the aggregate the amount so authorized.

That the Secretary of the Interior be, and he is hereby, authorized to pay to the enrolled members of the Choctaw and Chickasaw Tribes of Indians of Oklahoma entitled under existing law to share in the funds of said tribes, or to their lawful heirs, out of any moneys belonging to said tribes in the United States Treasury or deposited in any bank or held by any official under the jurisdiction of the Secretary of the Interior, not to exceed $200 per capita in the case of the Choctaws and $100 per capita in the case of the Chickasaws, said payment to be made under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That in cases where such enrolled members, or their heirs, are Indians who by reason of their degree of Indian blood belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians: *Provided further*, That the money paid to the enrolled members as provided herein shall be exempt from any lieu for attorneys' fees or other debt contracted prior to the passage of this act, except where contracts have been heretofore approved by the Secretary of the Interior, in accordance with existing law: *And provided further*, That such contract shall first be approved by the existing Department of the Interior: *Provided further*, That the Secretary of the Interior be, and he hereby is, authorized and directed to readjudicate those applications for enrollment upon the rolls of the Five Civilized Tribes which were pending unadjudicated in the department on December 1, 1906, and also those which came to said department between said date and the final closing of the rolls on March 4, 1907, and to add to the appropriate rolls the names of those persons shown to be equitably entitled to such enrollment: *Provided*, That such readjudication shall be made upon the record as it stood on March 4, 1907: *And provided further*, That upon such enrollment the said Secretary shall pay to each of said enrolled persons, in lieu of an allotment of land, the sum of money directed to be paid to each person enrolled, upon said rolls, by the act of August 1, 1914.

For salaries and expenses of six oil and gas inspectors, authorized in the Indian appropriation act approved August 1, 1914, to be under the direction of the Secretary of the Interior, to supervise oil and gas mining operations on allotted lands leased by members of the Five Civilized Tribes from which restrictions have not been removed, and to conduct investigations with a view to the prevention of waste, $25,000.

No future allotment shall be made in the Creek Nation except as may be hereafter authorized by Congress.

That the Secretary of the Interior is hereby authorized to acquire on behalf of the Choctaw Nation, Oklahoma, by purchase or otherwise, such lands or easements as shall be necessary for the purpose of a roadway leading from Wheelock Academy, Choctaw Nation, Oklahoma, to the public highway, and to expend therefor not to exceed $150 from Choctaw tribal funds.

That the Secretary of the Interior is hereby authorized to pay, out of any money in the Treasury of the United States belonging to the Creek Nation, to M. L. Mott the sum of $472.22 for services rendered the Creek Nation from January 15 to February 18, 1914, inclusive, and $210.20 as reimbursement for actual expenses incurred in connection therewith.

That section 1 of an act approved March 3, 1909, entitled "An act for the removal of restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other lands on any of the reservations within the jurisdiction of such agency, and for other purposes," be amended to read as follows:

"That the Secretary of the Interior may, in his discretion, and he is hereby authorized to remove the restrictions as to sale, encumbrance, or taxation from all of the allotted lands of any adult allottee of any of the tribes of Indians, including the Modocs, belonging to the Quapaw Indian Agency, in the State of Oklahoma, whenever he shall be satisfied that any Indian allottee is competent to manage his or her affairs, but said lands from which the restrictions have been removed shall not be liable for the satisfaction of any debt contracted prior to the removal of said restrictions by the Secretary."

OREGON.

SEC. 20. For support and civilization of Indians of the Klamath Agency, Oreg., including pay of employees, $6,000.

For support and civilization of the confederated tribes and bands under Warm Springs Agency, Oreg., including pay of employees, $4,000.

For support and civilization of the Indians of the Umatilla Agency, Oreg., including pay of employees, $3,000.

For support and education of 600 Indian pupils, including native pupils brought from Alaska, at the Indian school, Salem, Oreg., including pay of superintendent, $102,000; for general repairs and improvements, $15,000, to be immediately available; for remodeling sewer system, $3,000; in all, $120,000.

For support and civilization of Indians at Grande Ronde and Siletz Agencies, Oreg., including pay of employees, $4,000: *Provided*, That section 3 of an act entitled "An act to authorize the sale of certain lands belonging to the Indians of the Siletz Indian Reservation, in the State of Oregon," approved May 30, 1910, be, and the same is hereby, amended by striking out all of said section and inserting in lieu thereof the following:

"SEC. 3. That when such lands are surveyed and platted they shall be appraised and sold, except land reserved for water-power sites as provided in section 2 of this act, under the provisions of the Revised Statutes covering the sale of town sites located on the public domain. That the proceeds derived from the sale of any lands hereunder, after reimbursing the United States for the expense incurred in carrying out the provisions of this act, shall be paid, share and share alike, to the enrolled members of the tribe."

For maintenance and operation of the Modoc Point irrigation system within the Klamath Indian Reservation, in the State of Oregon, $4,740, reimbursable in accordance with the provisions of the act of March 3, 1911.

PENNSYLVANIA.

SEC. 21. For support and education of Indian pupils at the Indian school at Carlisle, Pa., including pay of superintendent, $132,000; for general repairs and improvements, $20,000; in all, $152,000.

SOUTH DAKOTA.

SEC. 22. For support and education of 365 Indian pupils at the Indian school at Flandreau, S. Dak., and for pay of superintendent, $62,750; for general repairs and improvements, $5,000; in all, $67,750: *Provided*, That the unexpended balance of the $10,000 appropriated by the Indian appropriation act approved August 1, 1914, for the repair of buildings and to replace equipment destroyed or damaged by the tornado of June 10, 1914, at the Flandreau Indian School, South Dakota, is hereby made immediately available for expenses incurred for the purpose stated after the tornado and before August 1, 1914, and for a water tank and the purchase of dairy cattle to be used in connection with said school.

For support and education of 250 Indian pupils at the Indian school at Pierre, S. Dak., including pay of superintendent, $46,000; for general repairs and improvements, $5,000; for steel water tank, $2,000; for addition to shop building, $1,000; in all, $54,000.

For support and education of 250 Indian pupils at the Indian school, Rapid City, S. Dak., including pay of superintendent, $46,000; for general repairs and improvements, $5,000; in all, $51,000.

For support of Sioux of different tribes, including Santee Sioux of Nebraska, North Dakota, and South Dakota: For pay of five teachers, one physician, one carpenter, one miller, one engineer, two farmers, and one blacksmith (art. 13, treaty of Apr. 29, 1868), $10,400; for pay of second blacksmith and furnishing iron, steel, and other material (art. 8 of same treaty), $1,600; for pay of additional employees at the several agencies for the Sioux in Nebraska, North Dakota, and South Dakota, $95,000; for subsistence of the Sioux, other than the Rosebud, Cheyenne River, and Standing Rock Tribes, and for purposes of their civilization (act of Feb. 28, 1877), $200,000; in all, $307,000.

For support and maintenance of day and industrial schools among the Sioux Indians, including the erection and repairs of school buildings, $200,000.

For subsistence and civilization of the Yankton Sioux, South Dakota, including pay of employees, $14,000.

That jurisdiction be, and hereby is, conferred upon the Court of Claims of the United States to hear, determine, and render final judgment for any balance found due the Medawakanton and Wahpakoota Bands of Sioux Indians, otherwise known as Santee Sioux Indians, with right of appeal as in other cases, for any annuities which may be due to said bands of Indians under and by virtue of the treaties between said bands of Indians and the United States, dated September 29, 1837 (7 Stat. L., 538), and August 5, 1851 (10 Stat. L., 954), as if the act of forfeiture of the annuities of said bands, approved February 16, 1863, had not been passed; and said act of forfeiture and all subsequent acts and parts of acts and treaties inconsistent with this act are hereby repealed for the purposes hereof: *Provided*, That the court, in rendering judgment, shall ascertain and include therein the amount of accrued annuities under the treaty of September 29, 1837, up to the date of the passage of this act, and shall determine and include the present value of the same and the capital sum of said annuity, which shall be in lieu of said perpetual annuity granted in said treaty; and to ascertain and set off against such amount so found all payments or other provisions, of every name and nature, made to or for said bands by the United States, or to or for any members thereof under the authority of any act of Congress, excluding treaties, since said act of forfeiture was passed, which are properly chargeable against said unpaid annuities.

That upon the rendition of such judgment, and in conformity therewith, the Secretary of the Interior is hereby directed to determine which of said Indians now living took part in said outbreak, and to prepare a roll of the persons entitled to share in said judgment by placing on said roll the names of all living members of the said bands residing in the United States at the time of the passage of this act, excluding therefrom the names of those found to have participated in the outbreak; and he is directed to distribute the proceeds of such judgment, except as hereinafter provided, per capita, to the persons borne on the said roll.

That proceedings shall be commenced by petition, verified by the attorney or firm of attorneys so authorized by John Eastman, assignee of Charles A. Eastman or Charles Hill, the attorneys in fact employed by said Indians under a contract bearing date November 27, 1896, approved by the Commissioner of Indian Affairs June 29, 1897, and by the Secretary of the Interior July 1, 1897, and said suit shall be conducted by said attorneys or firm of attorneys as attorneys of record, together with other counsel appearing in the case; and the court shall find and award upon a quantum meruit not to exceed 10 per cent of the amount recovered to said attorneys and their associates the compensation which shall be paid to them for services rendered and to be rendered, and distribute the sum thus awarded to such attorneys and their associates as their respective interests may appear, under agreements among themselves, which may be filed with the court, and the Secretary of the Treasury is hereby directed to pay the said sum of money to the said attorneys immediately upon rendition of final judgment, out of the proceeds of such judgment, if any, when an appropriation therefor shall be made by Congress.

That the Secretary of the Interior is hereby authorized and directed to apply, out of any funds to the credit of said Indians, the sum of $2,500, or so much thereof as may be necessary, to be expended under the direction of the attorneys of said Indians in said case in the taking of testimony therein and defraying the expenses of printing incidental thereto.

For the equipment and maintenance of the asylum for insane Indians at Canton, S. Dak., for incidental and all other expenses necessary for its proper conduct and management, including pay of employees, repairs, improvements, and for necessary expense of transporting insane Indians to and from said asylum, $45,000.

For a proportionate share of the amount required to construct a wagon road or highway through the Standing Rock Indian Reservation in Corson County, S. Dak. from a point on the Missouri River north of Pontis, S. Dak., thence in a northwesterly direction to the town of Tatanka, the sum of $5,000, in accordance with the report of the Secretary of the Interior of December 7, 1914, made in pursuance of the provisions of section 20 of the act entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915," approved August 1, 1914: *Provided*, That such sum shall be expended under the direction of the Secretary of the Interior in such manner and at such times as he may deem proper, in the employment of Indian labor for the construction of said road or highway, and that the same shall be reimbursable from the Standing Rock Reservation 3 per cent fund under the act of February 14, 1913 (37 Stats. L., p. 675).

UTAH.

SEC. 23. For support and civilization of Confederated Bands of Utes: For pay of two carpenters, two millers, two farmers, two blacksmiths (art. 15, treaty of Mar. 2, 1868), $6,720; for pay of two teachers (same article and treaty), $1,800; for purchase of iron and steel and the necessary tools for blacksmith shop (art. 9 same treaty), $220; for annual amount for the purchase of beef, mutton, wheat, flour, beans, and potatoes, or other necessary articles of food and clothing and farming equipment (art. 12, same treaty), $30,000; for pay of employees at the several Ute agencies, $15,000; in all, $53,740.

For the support and civilization of detached Indians in Utah, including pay of employees $10,000.

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, within his discretion, the sum of $450,000 of the principal funds to the credit of the Confederated Bands of Ute Indians and to expend the sum of $150,000 of said amount for the benefit of the Navajo Springs Band of said Indians in Colorado, not to exceed $50,000 of which amount may be used in providing school and hospital facilities among said Indians, and the sum of $200,000 of said amount for the Uintah, White River, and Uncompahgre Bands of Ute Indians in Utah, and the sum of $100,000 of said amount for the Southern Ute Indians in Colorado, which sums shall be charged to said bands; and the Secretary of the Interior is also authorized to withdraw from the Treasury the accrued interest to and including June 30, 1915, on the funds of the said Confederated Bands of Ute Indians appropriated under the act of March 4, 1913 (37 Stats. L., p. 934), and to expend or distribute the same for the purpose of promoting civilization and self-support among the said Indians, under such regulations as the Secretary of the Interior may prescribe: *Provided*, That the said Secretary of the Interior shall report to Congress on the first Monday in December, 1916, a dealled statement as to all moneys as provided for herein.

To carry into effect the provision of article 9 of the treaty of March 2, 1868 (15 Stats. L., p. 619), with the Confederated Bands of Ute Indians, for furnishing seeds and agricultural implements, the sum of $10,000, or so much trereof as may be necessary.

For continuing the construction of lateral distributing systems to irrigate the allotted lands of the Uncompahgre, Uintah, and White River Utes, in Utah, and to maintain existing irrigation systems, authorized under the act of June 21, 1906, reimbursable as therein provided, $10,000, to remain available until expended.

That the Secretary of the Interior and the Commissioner of Indian Affairs be, and are hereby, authorized and directed to negotiate an agreement with the Confederated Bands of Ute Indians for a final settlement of all of the rights, claims, and demands of said Indians against the United States arising under the agreement between said Indians and the United States ratified by the act of June 15, 1880 (21 Stat., p. 199), with a view to relieving the unsold lands, the subject of said agreement, from all claims or demands of said Indians, and to make the proceeds of said lands now available as a trust fund for their present use to advance their civilization, and under any law or agreement with the United States, which have not heretofore been adjudicated; and the Secretary of the Interior and the Commissioner of Indian Affairs shall report the result of such negotiations to Congress at the earliest possible date; and there be and is hereby appropriated out of any money in the Treasury not otherwise appropriated, the sum of $5,000, or so much thereof as may be necessary for said purpose, to be expended under the direction of the Secretary of the Interior: *Provided*, That the Indians may be represented in the said negotiations by counsel selected by themselves, but no contract for compensation shall be valid until approved by the Secretary of the Interior, and said Secretary of the Interior shall approve the form of said contracts: *Provided further*, That if an agreement can not be entered into with said Confederated Bands of Ute Indians as hereinbefore provided, said Confederated Bands of Ute Indians may bring an action in the Court of Claims, which is given jurisdiction for the purpose, to hear and determine and render judgment with right of appeal, as in other cases, for the value of the lands undisposed of, which were ceded by said Indians to the United States in 1880, not to exceed the present value thereof under the public-land laws, as administered at the time of said session, and all claims and counter claims or set-off of either party, the petition to be verified by claimant's attorneys, now by them employed, and the Attorney General is hereby directed to appear for the United States.

For a proportionate share of the amount required to construct an interstate wagon road or highway, through the Kaibab Indian Reservation, Utah, the sum of $9,000: *Provided*, That such sum shall be expended under the direction of the Secretary of the Interior in such manner and at such times as he may deem proper in the employment of Indian labor for the construction of said road or highway.

WASHINGTON.

SEC. 24. For expenses incident to carrying out provisions of laws of United States applicable to the D'Wamish and allied tribes in Washington, including pay of employees, $7,000.

For support and civilization of the Makahs, including pay of employees, $2,000.

For expenses incident to carrying out the provisions of law of the United States applicable to the Qui-nai-elts and Quil-leh-utes, including pay of employees necessary to such work, $1,000.

For support and civilization of Indians at Colville, Taholah, Puyallup, and Spokane Agencies, including pay of employees, and for purchase of agricultural implements, and support and civilization of Joseph's Band of Nez Perce Indians in Washington, $18,000.

For expenses incident to carrying out the provisions of the laws of the United States applicable to the Indians at Yakima Agency, including pay of employees necessary to such work, $3,000.

For support of Spokanes in Washington (art. 6 of agreement with said Indians, dated Mar. 18, 1887, ratified by act of July 13, 1892), $1,000.

For operation and maintenance of the irrigation system on lands allotted to Yakima Indians in Washington, $15,000, reimbursable in accordance with the provisions of the act of March 1, 1907: *Provided*, That money received under agreements for temporary water supply may be expended under the direction of the Secretary of the Interior for maintenance and improvement of the irrigation system on said lands.

For support and education of 350 Indian pupils at the Cushman Indian School, Tacoma, Wash., including repairs and improvements, and for pay of superintendent, $50,000, said appropriation being made to supplement the Puyallup school funds used for said school.

For the second installment of $635,000 to pay for water supply for irrigation of 40 acres of each Indian allotment on the Yakima Indian Reservation irrigation system, in the State of Washington, provided by the act of August 1, 1914 (Public, No. 160), $100,000, to be covered into the reclamation fund (act of Aug. 1, 1914, vol. 38, p. 605, sec. 1).

For construction of a dam across the Yakima River for the diversion and utilization of water provided for 40 acres of each Indian allotment on the Yakima Reservation, Wash., and such other water supply as may be available or acquired for the irrigation of a total of 120,000 acres of allotted Indian land on said reservation, and for beginning the enlargement and extension of the distribution and drainage system on said reservation, $100,000, to be immediately available and to remain available until expended: *Provided*, That the cost of the entire diversion works and distribution and drainage system shall be reimbursable by the owners of the lands irrigable thereunder in not to exceed 20 annual payments, and the Secretary of the Interior may fix operation and maintenance charges which shall be paid as he may direct.

In the apportionment of charges against Indians due allowance shall be made for such amounts as may have been repaid the United States on account of reimbursable appropriations heretofore made for this project, and for the construction of the irrigation system prior to the passage of the act of December 21, 1904 (33 Stat. L., 595), as therein provided. All charges against Indian allottees herein authorized, unless otherwise paid, may be paid from individual shares in the tribal funds when the same is available for distribution; and if any allottee shall receive patent in fee to his allotment before the amount so charged against him has been paid to the United States, then such amount remaining unpaid shall be and become a lien upon his allotment, and the fact of such lien shall be recited in such patent and may be enforced by the Secretary of the Interior by foreclosure as a mortgage, and should any Indian sell any part of his allotment with the approval of the Secretary of the Interior, the amount of any unpaid charges against the land sold shall be and become a first lien thereon and may be enforced by the Secretary of the Interior by foreclosure as a mortgage, and delivery of water to such land may be refused within the discretion of the Secretary of the Interior until any dues are paid: *Provided further*, That no right to water or to the use of any irrigation ditch or other structure on said reservation shall vest or be allowed until the owner of the land to be irrigated as herein provided shall comply with such rules and regulations as the Secretary of the Interior may prescribe, and he is hereby authorized to prescribe such rules and regulations as he may determine proper for making effective the foregoing provisions, and to require of owners of lands in fee such security for the reimbursement herein required as he may determine necessary and to refuse delivery of water to any tract of land until the owners thereof shall have complied therewith.

That the Secretary of the Interior be, and he is hereby, authorized to patent to the Washington State Historical Society, for memorial and park purposes, the following-described lands in the diminished Colville Indian Reservation, in the State of Washington, to wit: A tract of land not exceeding 4 acres in area located in the northwest corner of lot 2 of section 17, the precise description of said tract to be determined by said Washington Historical Society and the Secretary of the Interior prior to the issuance of the patent therefor, and lot 7, containing 20.90 acres of section 21, all in township 30 north, range 25 east, of the Willamette meridian, in Washington: *Provided*, That the lands hereby granted shall be paid for by the said society at their appraised value, to be ascertained in such manner as the Secretary of the Interior may prescribe, and the proceeds thereof placed in the Treasury of the United States to the credit of the Indians belonging on the reservation of which the lands herein described are a part, and thereafter paid to the said Indians or used for their benefit in such manner as the Secretary of the Interior may deem for their best interests: *Provided further*, That the lands hereby granted shall be subject for a period of 25 years to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country.

That there be, and hereby is, granted to school district No. 56, Klickitat County, Wash., the northwest quarter of the northwest quarter of the northeast quarter of the northeast quarter of section 11, township 6 north, range 14 east, of the Willamette meridian, containing 2½ acres, now used as a public-school site by said district, and being a part of the Yakima Indian Reservation; and the Secretary of the Interior is authorized to issue patent to said district for said lands, the same to be used for school purposes.

The Secretary of the Interior is authorized and directed to lease for mining purposes unallotted lands on the diminished Spokane and Colville Reservations, in the State of Washington, and the Muscalen and Apache Reservations, in New Mexico, for periods not exceeding 25 years, on such terms and conditions as he may determine, to citizens of the United States applying therefor: *Provided*, That no charge shall be made for prospecting, rentals shall be based on mining production, and proceeds of rentals shall be paid into the proper tribal funds.

That the Secretary of the Interior be, and he is hereby, authorized to make an allotment of not more than 8 acres of land within the diminished Colville Indian Reservation, in the State of Washington, to Se-cum-ka-nullax in lieu of a portion of the Moses agreement allotment No. 36, embraced within the homestead entry of Charles M. Hickerson.

That the Secretary of the Interior be, and he is hereby, authorized and directed to accept the homestead proof submitted by Charles M. Hickerson for that part of his homestead embraced within allotment No. 36 to Se-cum-ka-nullax, of Chief Moses's band of Indians, if the same is shown to be in compliance with the homestead laws, and the title of said Indian to that part of said allotment embraced within said entry is hereby extinguished.

WISCONSIN.

SEC. 25. For the support and education of 210 Indian pupils at the Indian school at Hayward, Wis., including pay of superintendent, $36,670; for general repairs and improvements, $5,000; in all, $41,670.

For support and education of 275 Indian pupils at the Indian school, Tomah, Wis., including pay of superintendent, $57,925, of which sum not exceeding $10,000 may be used for general repairs and improvements to buildings.

For support and civilization of the Chippewas of Lake Superior, Wis., including pay of employees, $7,000.

For expenses incident to carrying out provisions of laws of the United States applicable to the Pottawatomie Indians who reside in the State of Wisconsin, including pay of employees, $7,000.

For the support and civilization of that portion of the Wisconsin Band of Pottawatomie Indians residing in the States of Wisconsin and Michigan, and to aid said Indians in establishing homes on the lands purchased for them under the provisions of the act of Congress approved June 30, 1913, $100,000, or so much thereof as may be necessary, to be immediately available and to remain available until expended, said sum to be reimbursed to the United States out of the appropriation when made of the principal due as the proportionate share of said Indians in annuities and moneys of the Pottawatomie Tribe in which they have not shared, as set forth in House Document No. 830, Sixtieth Congress, first session, and the Secretary of the Interior is hereby authorized to expend the said sum of $100,000 in the purchase of houses, building material, seed, animals, machinery, tools, implements, and other equipment necessary to enable said Indians to become self-supporting.

Section 3 of the act of March 28, 1908 (35th Stats. L., p. 51), is hereby amended to read:

"That the lumber, lath, shingles, crating, ties, piles, poles, posts, bolts, logs, bark, pulp wood, and other marketable materials obtained from the forests on the Menominee Reservation shall be sold under such rules and regulations as the Secretary of the Interior may prescribe. The net proceeds of the sale of all forest products shall be deposited in the Treasury of the United States to the credit of the Menominee Tribe of Indians. Such proceeds shall bear interest at the rate of 4 per cent per annum, and the interest shall be used for the benefit of such Indians in such manner as the Secretary of the Interior shall prescribe."

For the repair and construction of sidewalks in the village of Odanah within the Bad River Reservation, $1,000, said sum to be reimbursed to the United States from any moneys which are now or which may hereafter be placed to the credit of the Bad River Band of Wisconsin Chippewa Indians.

That there is hereby appropriated the sum of $90,000 for the payment of the members of the Stockbridge and Munsee Tribes of Indians who were enrolled under the act of Congress of March 3, 1893, equal amounts to the amounts paid to the other members of said tribe prior to the enrollment under said act, and such payments be made upon the cretificate and order of the Commissioner of Indian Affairs upon claims being filed with him, showing to his satisfaction that such claimants, or the ancestors of such claimants, were enrolled under the act of March 3, 1893, entitled "An act for the relief of the Stockbridge and Munsee Tribes of Indians of the State of Wisconsin."

That without bias or prejudice to the rights or interest of any party to the litigation hereinafter mentioned, the Secretary of the Interior be, and he hereby is, authorized to sell the timber on the so-called "school lands" and "swamp lands," within the boundaries of the Bad River and Lac du Flambeau Indian Reservations in Wisconsin, and to which the State of Wisconsin has asserted a claim; to keep a separate account of the proceeds of such sale with each legal subdivision of such land, and to deposit the said proceeds at interest in a national bank, bonded for the safe-keeping of individual Indian moneys, to be paid over together with the interest thereon to the party who shall finally be adjudged to be the owner of such land: *Provided*, That the consent of the State or parties claiming title therefrom be obtained before any such sale shall be made.

WYOMING.

SEC. 26. For support and civilization of Shoshone Indians in Wyoming, including pay of employees, $15,000.

For support and education of 175 Indian pupils at the Indian school, Shoshone Reservation, Wyo., including pay of superintendent, $31,025; for general repairs and improvements, $5,000; in all, $36,025.

For support of Shoshones in Wyoming: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith (art. 10, treaty of July 3, 1868), $5,000; for pay of second blacksmith, and such iron and steel and other materials as may be required, as per article 8, same treaty, $1,000; in all, $6,000.

For continuing the work of constructing an irrigation system within the diminished Shoshone or Wind River Reservation, in Wyoming, including the maintenance and operation of completed canals, $25,000, reimbursable in accordance with the provisions of the act of March 3, 1905, and to remain available until expended.

For continuing the work of constructing roads and bridges within the diminished Shoshone or Wind River Reservation, in Wyoming, $15,000, said sum to be reimbursed from any funds which are now or may hereafter be placed in the Treasury to the credit of said Indians.

For repairs at the old abandoned military post of Fort Washakie, on the Wind River Reservation, Wyo., $881.66 from the amount heretofore collected as rentals of buildings at said post.

For extension, enlargement, and construction of the Le Clair and Riverton ditches for the irrigation of Indian allotments and land in private ownership on the north side of the Big Wind River, Wind River Reservation, Wyo., reimbursable as provided by section 1 of the act of August 1, 1914, $45,000, to be immediately available and to remain available until expended.

SEC. 27. Section 26 of the Indian appropriation act approved June 30, 1913 (38 Stat. L., p. 103), is hereby amended so as to read as follows:

On or before the 1st day of July, 1916, the Secretary of the Interior shall cause a system of bookkeeping to be installed in the Bureau of Indian Affairs, which will afford a ready analysis of expenditures by appropriations and by units of the service, showing for each activity or class of work the expenditures for salaries and wages of employees, buildings, and other permanent improvements, administration, equipment, maintenance, operation, and other purposes. Such additional changes and improvements in the system of bookkeeping shall be made as may be advisable in the judgment of the said Secretary.

On the first Monday in December, 1917, and annually thereafter, a detailed statement of expenditures as heretofore described, for the preceding fiscal year, shall be transmitted to Congress by the Secretary of the Interior.

The sum of $12,000 is hereby appropriated for expenses of installing the new system of bookkeeping required by this section, including the pay of expert accountants at a rate of not exceeding $15 per day, and their assistants, to be employed by the Secretary of the Interior, and the purchase of such books, stationery, and other supplies as may be necessary.

REPORT ON INDIAN APPROPRIATION BILL.

The Committee on Indian Affairs, to which was referred the bill (H. R. 20150) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1916, respectfully reports the same back with sundry amendments and as so amended recommends its passage.

Your committee submits herewith a table showing an analysis of the bill as reported.

Analysis of appropriations, Indian appropriation bill, 1916 (H. R. 20150).

Title.	Estimates.	Passed House.	Reported by committee.	Increase.	Decrease.
Surveying and alloting Indian reservations, reimbursable	$125,000.00	$125,000.00	$125,000.00		
Irrigation, Indian reservations, reimbursable	295,700.00	259,700.00	259,700.00		
Suppressing liquor traffic among Indians, gratuity	125,000.00	125,000.00	125,000.00		
Relieving distress and prevention, etc., of diseases among Indians, gratuity	30,000.00	350,000.00	300,000.00		$50,000.00
Indian schools, support, gratuity	1,550,000.00	1,440,000.00	1,550,000.00	$110,000.00	
Indian school and agency buildings, gratuity	440,000.00	400,000.00	440,000.00	40,000.00	
Indian school transportation, gratuity	75,000.00	72,000.00	72,000.00		
Industrial work and care of timber, gratuity	450,000.00	400,000.00	450,000.00	50,000.00	
Purchase and transportation of Indian supplies, gratuity	350,000.00	300,000.00	300,000.00		
Telegraphing and telephoning, Indian Service, gratuity	10,000.00	10,000.00	10,000.00		
Court costs, etc., in suits involving Indian lands, gratuity	2,000.00	2,000.00	2,000.00		
Expenses of Board of Indian Commissioners, gratuity	4,000.00	4,000.00	10,000.00	6,000.00	
Pay of Indian police, gratuity	200,000.00	100,000.00	200,000.00	100,000.00	
Pay of judges, Indian courts, gratuity	8,000.00	8,000.00	8,000.00		
General expenses, Indian Service, gratuity	135,000.00	100,000.00	125,000.00	25,000.00	
Inspectors, Indian Service, gratuity	30,000.00	30,000.00	30,000.00		
Determining heirs of deceased Indians, gratuity	100,000.00	100,000.00	100,000.00		
Industry among Indians, reimbursable	600,000.00	200,000.00	600,000.00	400,000.00	
Vehicles, Indian Service [1]	(1)	(1)	(1)		
Sanitary conditions among Indians, reimbursable	100,000.00	(2)	100,000.00	100,000.00	
Reimbursement, A. G. Pollock, gratuity	49.25	49.25	49.25		
Reimbursement, heirs of Farmer John, gratuity	20.00	20.00	20.00		
Reimbursement, William E. Johnson, gratuity	1,853.95	(2)	(2)		
Negotiating agreements with Indian tribes, gratuity	10,000.00	(2)	10,000.00	10,000.00	
Payment to Charles Kapler, gratuity			2,000.00	2,000.00	
ARIZONA AND NEW MEXICO.					
Support of Indians in Arizona and New Mexico, gratuity	330,000.00	330,000.00	330,000.00		
Indian school, Fort Mojave, Ariz., gratuity	38,900.00	38,900.00	38,900.00		
Indian school, Phoenix, Ariz., gratuity	156,500.00	117,900.00	129,500.00	11,600.00	
Indian school, Truxton Canyon, Ariz., gratuity	21,200.00	21,200.00	21,200.00		
Fulfilling treaties with Navajoes, schools, treaty	100,000.00	100,000.00	100,000.00		
Maintenance irrigation system, Pima Indian lands, Arizona, reimbursable	20,000.00	20,000.00	20,000.00		
Irrigation, Colorado River Reservation, Ariz., reimbursable	15,000.00	15,000.00	15,000.00		
Water supply for Papago Indian villages, gratuity	20,000.00	10,000.00	15,000.00	5,000.00	
Irrigation, Papago Indian Reservation, Ariz., reimbursable	20,000.00	(2)	20,000.00	20,000.00	
Examination and survey of dam site, etc., Colorado River Reservation, reimbursable	10,000.00	(2)	10,000.00	10,000.00	
Water supply, Navajo Indians, reimbursable	25,000.00	10,000.00	25,000.00	15,000.00	
Irrigation, Gila River Reservation, reimbursable	50,000.00	(2)	50,000.00	50,000.00	
Purchase of lands within Navajo Reservation (investigation), gratuity	1,000.00	(2)	1,000.00	1,000.00	
Construction of dam, etc., Gila River, at site above Florence, reimbursable			75,000.00	75,000.00	
CALIFORNIA.					
Support of Indians in California, gratuity	47,000.00	42,000.00	47,000.00	5,000.00	
Purchase of lands, etc., for landless Indians in California, gratuity	10,000.00	(2)	30,000.00	30,000.00	
Indian school, Riverside, Cal., gratuity	118,125.00	114,125.00	118,125.00	4,000.00	
Irrigating allotments, Yuma Reservation, reimbursable	40,000.00	(2)	40,000.00	40,000.00	
Indian school, Fort Bidwell, Cal., gratuity	24,100.00	22,500.00	24,100.00	1,600.00	
Indian school, Greenville, Cal., gratuity	21,400.00	20,400.00	20,400.00		
FLORIDA.					
Support of Seminoles in Florida, gratuity	10,000.00	(2)	10,000.00	10,000.00	
IDAHO.					
Support of Indians of Fort Hall Reservation, gratuity	30,000.00	30,000.00	30,000.00		
Maintenance and operation, Fort Hall irrigation system, reimbursable	25,000.00	25,000.00	25,000.00		
Support of Bannocks, employees, Idaho, treaty	5,000.00	5,000.00	5,000.00		
Support of Coeur d'Alenes, Idaho, treaty	3,000.00	3,000.00	3,000.00		
Sanatorium, Fort Lapwai, Idaho, gratuity	40,000.00	(2)	40,000.00	40,000.00	
IOWA.					
Sanatorium, Sac and Fox Agency, Iowa, gratuity	25,000.00	(2)	25,000.00	25,000.00	
KANSAS.					
Indian school, Lawrence, Kans., gratuity	141,750.00	137,750.00	137,750.00		
Indian school, Kickapoo, Kans., gratuity	17,360.00	16,860.00	16,860.00		
LOUISIANA.					
Relief of Chettimanchi Band of Indians, gratuity			1,500.00	1,500.00	
MICHIGAN.					
Indian school, Mount Pleasant, Mich., gratuity	85,450.00	64,450.00	71,450.00	7,000.00	
MINNESOTA.					
Indian school, Pipestone, Minn., gratuity	55,175.00	49,675.00	51,675.00	2,000.00	
Support of Chippewas of the Mississippi, Minnesota treaty	4,000.00	4,000.00	4,000.00		
High-school teachers, White Earth., Minn., gratuity			4,000.00	4,000.00	
MONTANA.					
Support of Indians at Fort Belknap Agency, gratuity	20,000.00	20,000.00	20,000.00		
Support of Indians at Flathead Agency, gratuity	15,000.00	12,000.00	20,000.00	8,000.00	
Support of Indians of Fort Peck Agency, gratuity	30,000.00	30,000.00	30,000.00		
Support of Indians of Blackfeet Agency, gratuity	15,000.00	15,000.00	25,000.00	10,000.00	
Maintenance and operation Milk River irrigation system, reimbursable	20,000.00	20,000.00	20,000.00		
Fulfilling treaties with Crows, Montana, treaty	6,000.00	6,000.00	6,000.00		
Support of Northern Cheyennes and Arapahoes, treaty	85,000.00	85,000.00	85,000.00		
Line riders, Northern Cheyenne Reservation, gratuity	1,500.00	1,500.00	1,500.00		
Support of Rocky Boy's Band of Chippewa Indians, gratuity	10,000.00	10,000.00	10,000.00		
Irrigation systems, Blackfeet, Flathead, and Fort Peck Reservations, Mont., crediting tribes with amounts heretofore covered into Treasury from their funds, reimbursable			525,187.93	525,187.93	
Irrigation, Blackfeet Reservation, Mont., reimbursable			50,000.00	50,000.00	
Irrigation, Flathead Reservation, Mont., reimbursable			686,996.81	686,996.81	
Irrigation, Fort Peck Reservation, Mont., reimbursable			100,000.00	100,000.00	
NEBRASKA.					
Indian school, Genoa, Nebr., gratuity	81,800.00	69,500.00	73,800.00	4,300.00	

[1] No appropriation of funds.

[2] Omitted.

Analysis of appropriations, Indian appropriation bill, 1916 (H. R. 20150)—Continued.

Title.	Estimates.	Passed House.	Reported by committee.	Increase.	Decrease.
NEVADA.					
Support of Indians in Nevada, gratuity	$18,500.00	$18,500.00	$18,500.00		
Indian school, Carson City, Nev., gratuity	49,700.00	46,700.00	49,700.00	$3,000.00	
Relief of Washoe Tribe of Indians, gratuity			15,000.00	15,000.00	
NEW MEXICO.					
Indian school, Albuquerque, N. Mex., gratuity	84,050.00	73,600.00	92,550.00	18,950.00	
Indian school, Santa Fe, N. Mex., gratuity	71,150.00	66,150.00	78,200.00	12,050.00	
Counsel for Pueblo Indians of New Mexico, gratuity	2,000.00	2,000.00	2,000.00		
NEW YORK.					
Fulfilling treaties with Senecas of New York, treaty	6,000.00	6,000.00	6,000.00		
Fulfilling treaties with Six Nations of New York, treaty	4,500.00	4,500.00	4,500.00		
NORTH CAROLINA.					
Indian school, Cherokee, N. C., gratuity	36,000.00	34,000.00	36,000.00	2,000.00	
NORTH DAKOTA.					
Support of Sioux of Devils Lake, gratuity	5,000.00	52,000.00	5,000.00		
Support of Indians of Fort Berthold Agency, gratuity	15,000.00	[1]	15,000.00	15,000.00	
Support of Chippewas, Turtle Mountain Band, gratuity	11,000.00	11,000.00	11,000.00		
Indian school, Bismarck, N. Dak., gratuity	20,200.00	20,200.00	40,200.00	20,000.00	
Indian school, Fort Totten, N. Dak., gratuity	74,800.00	78,500.00	78,500.00		
Redemption of mortgage, Starr McGillis, reimbursable	1,500.00	[1]	1,500.00	1,500.00	
Indian school, Wahpeton, N. Dak., gratuity	53,200.00	38,200.00	53,800.00	15,600.00	
Headstone to mark grave of Scarlet Crow, gratuity			100.00	100.00	
OKLAHOMA.					
Support of Wichitas and affiliated bands, gratuity	5,000.00	[1]	5,000.00	5,000.00	
Support of Cheyennes and Arapahoes, gratuity	35,000.00	[1]	35,000.00	35,000.00	
Support of Kansas Indians, Oklahoma, gratuity	1,500.00	[1]	1,500.00	1,500.00	
Support of Kickapoos, Oklahoma, gratuity	2,000.00	2,000.00	2,000.00		
Support of Poncas, Oklahoma, gratuity	8,000.00	[1]	8,000.00	8,000.00	
Indian school, Chilocco, Okla., gratuity	93,250.00	92,250.00	92,250.00		
Fulfilling treaties with Pawnees, Oklahoma, treaty	47,100.00	47,100.00	47,100.00		
Support of Quapaws, Oklahoma, treaty	1,500.00	1,500.00	1,500.00		
Relief of Women's Board of Domestic Missions, gratuity			10,000.00	10,000.00	
FIVE CIVILIZED TRIBES.					
Administration of affairs, Five Civilized Tribes, gratuity	175,000.00	150,000.00	175,000.00	25,000.00	
Probate attorneys, Five Civilized Tribes, gratuity	85,000.00	85,000.00	85,000.00		
Cherokee Orphan Training School, gratuity	40,000.00	40,000.00	40,000.00		
Indian schools, Five Civilized Tribes, gratuity	275,000.00	[1]	275,000.00	275,000.00	
Fulfilling treaties with Choctaws, treaty	10,520.00	10,520.00	10,520.00		
Sanatorium, Choctaw and Chickasaw Indians, gratuity	20,000.00	[1]	20,000.00	20,000.00	
Enforcing prohibitory laws within jurisdiction of Union Agency, gratuity			5,000.00	5,000.00	
Oil and gas inspectors, Five Civilized Tribes, gratuity	25,000.00	25,000.00	25,000.00		
OREGON.					
Support of Indians of Klamath Agency, gratuity	6,000.00	[1]	6,000.00	6,000.00	
Support of Indians of Warm Springs Agency, gratuity	4,000.00	4,000.00	4,000.00		
Support and civilization of Indians of Umatilla Agency, gratuity	3,000.00	3,000.00	3,000.00		
Indian school, Salem, Oreg., gratuity	134,300.00	115,000.00	120,000.00	5,000.00	
Support of Indians of Grand Ronde and Siletz Agencies, gratuity	4,000.00	[1]	4,000.00	4,000.00	
Maintenance and operation, Modoc Point irrigation project, reimbursable	5,000.00	4,740.00	4,740.00		
PENNSYLVANIA.					
Indian school, Carlisle, Pa., gratuity	152,000.00	152,000.00	152,000.00		
SOUTH DAKOTA.					
Indian school, Flandreau, S. Dak., gratuity	77,500.00	66,500.00	67,750.00	1,250.00	
Indian school, Pierre, S. Dak., gratuity	52,750.00	51,750.00	54,000.00	2,250.00	
Indian school, Rapid City, S. Dak., gratuity	53,500.00	53,500.00	51,000.00		$2,500.00
Support of Sioux of different tribes (employment and subsistence), treaty	307,000.00	307,000.00	307,000.00		
Education, Sioux Nation, treaty	200,000.00	200,000.00	200,000.00		
Support of Sioux, Yankton Tribe, gratuity	14,000.00	[1]	14,000.00	14,000.00	
Asylum for insane Indians, Canton, S. Dak., gratuity	45,000.00	45,000.00	45,000.00		
Wagon road, Standing Rock Reservation, reimbursable			5,000.00	5,000.00	
UTAH.					
Support of Confederated Bands of Utes (employment and subsistence), treaty	53,740.00	53,740.00	53,740.00		
Support of Indians in Utah, gratuity	10,000.60	[1]	10,000.00	10,000.00	
Support of Confederated Bands of Utes, seeds and implements, treaty	10,000.00	10,000.00	10,000.00		
Irrigation system, Uintah Reservation, Utah, reimbursable	10,000.00	10,000.00	10,000.00		
Negotiating agreements with Confederated Bands of Utes, gratuity			5,000.00	5,000.00	
WASHINGTON.					
Support of D'Wamish and other allied tribes, gratuity	7,000.00	7,000.00	7,000.00		
Support of Makahs, Washington, gratuity	2,000.00		2,000.00		
Support of Quinaielts and Quillehutes, gratuity	1,000.00	1,000.00	1,000.00		
Support of Indians of Yakima Agency, gratuity	3,000.00	3,000.00	3,000.00		
Support of Indians of Colville and other agencies, gratuity	18,000.00	15,000.00	18,000.00	3,000.00	
Support of Spokanes, Washington, treaty	1,000.00	1,000.00	1,000.00		
Irrigation, Yakima Reservation, Wash., reimbursable	15,000.00	15,000.00	15,000.00		
Do			100,000.00	100,000.00	
Construction, dam across Yakima River, reimbursable	100,000.00	[1]	100,000.00	100,000.00	
Indian school, Tacoma, Wash., gratuity	50,000.00	50,000.00	50,000.00		
WISCONSIN.					
Indian school, Hayward, Wis., gratuity	41,670.00	41,670.00	41,670.00		
Indian school, Tomah, Wis., gratuity	57,925.00	48,450.00	57,925.00	9,475.00	
Support of Chippewas of Lake Superior, Wis., gratuity	7,000.00	7,000.00	7,000.00		
Support of Pottawatomies, Wisconsin, gratuity	7,000.00	7,000.00	7,000.00		
Support of Wisconsin band of Pottawatomies residing in Wisconsin, reimbursable			100,000.00	100,000.00	
Sidewalks, village of Odanah, reimbursable	1,000.00	500.00	1,000.00	500.00	
Payment to certain members of Stockbridge and Munsee Tribes, gratuity			90,000.00	90,000.00	

[1] Omitted.

Analysis of appropriations, Indian appropriation bill, 1916 (H. R. 20150)—Continued.

Title.	Estimates.	Passed House.	Reported by committee.	Increase.	Decrease.
WYOMING.					
Support of Shoshones in Wyoming, gratuity	$15,000.00	$15,000.00	$15,000.00		
Indian school, Shoshone Reservation, Wyo., gratuity	36,725.00	36,025.00	36,025.00		
Support of Shoshones, employees, etc., Wyoming, treaty	6,000.00	6,000.00	6,000.00		
Irrigation system, Wind River Diminished Reservation, Wyo., reimbursable	25,000.00	25,000.00	25,000.00		
Roads and bridges, Shoshone Reservation, reimbursable	15,000.00	15,000.00	15,000.00		
Repealing section 26, act of June 30, 1913, gratuity	[1]	[1]	12,000.00	$12,000.00	
Repairs, Fort Washakie, gratuity			881.66	881.66	
Extension, etc., Le Clair and Riverton ditches, reimbursable			45,000.00	45,000.00	
Total	9,533,463.20	7,720,124.25	11,255,865.65	3,588,211.40	$52,500.00

[1] No amount.

Recapitulation.

Bill as reported to the Senate	$11,255,865.65
Bill as passed House	7,720,124.25
Net increase	3,535,741.40
Total increase Senate, Senate amendments	3,588,211.40
Total decrease to House bill	52,500.00
Net increase	3,535,741.40
Total estimated by Interior Department	9,533,463.20
Gratuity	7,164,903.20
Reimbursable	1,518,200.00
Treaty	850,360.00
	9,533,463.20
Total of bill as reported	11,255,865.65
Gratuity	7,236,380.91
Reimbursable	8,169,094.74
Treaty	850,360.00
	11,255,865.65
Increase over estimates:	
Committee	11,255,865.65
Estimates	9,533,463.20
Increase over estimates	1,722,402.45

In addition to the amounts appropriated, gratuity and reimbursable, the following amounts have been authorized to be withdrawn from tribal funds:

Minnesota Chippewas	$215,000
Montana, Blackfeet	150,000
Oklahoma Indians	315,150
Utah, Utes	450,000
Total withdrawal of tribal funds	1,130,150

In addition thereto is the per capita payment to the Choctaws and Chickasaws.

SURVEYING AND ALLOTTING INDIAN RESERVATIONS (REIMBURSABLE).

(Bill, p. 2, line 3.)

House hearings, page 7. Discussion in House, CONGRESSIONAL RECORD, volume 52, page 918.

Amount appropriated, $125,000.

This appropriation is the same as allowed by the House and as estimated by the department. It is $25,000 less than the sum provided for the year 1915 by Congress, and in view of the fact that the department has on hand a small unexpended balance and believes that the appropriation may be safely set at $125,000, this sum is recommended by the committee.

IRRIGATION, INDIAN RESERVATIONS (REIMBURSABLE).

(Bill, p. 2, line 20.)

House hearings, page 11; Senate hearings, page 260. Discussion in House, CONGRESSIONAL RECORD, volume 52, page 919.

Amount appropriated, $250,000.

There was appropriated last year by Congress $345,700; the department estimate for the current year is $295,700, or $50,000 less, and it appearing that the department has been able through economy and care to conduct the irrigation work in more than 30 reservations, as shown on pages 11 to 27 of the House hearings, the sum of $250,000 is not deemed too large by the committee, and its appropriation is recommended.

The provisions added by your committee to the language of the House bill are all included in the department's estimates. A full discussion of this item by your committee is found on page 260 of the Senate committee hearings, and the rights of the United States to water for use on Indian reservations are confirmed for use on land allotted to Indians in severalty.

SUPPRESSING LIQUOR TRAFFIC AMONG INDIANS (GRATUITY).

(Bill, p. 4, line 17.)

House hearings, page 27. Discussed in House, CONGRESSIONAL RECORD, volume 52, pages 922–927.

Amount appropriated, $125,000.

The amount appropriated last year was $100,000, and the Commissioner of Indian Affairs has urged the increase to the sum adopted by the committee and as appropriated by the House. The legislation is necessary and is recommended. This is a gratuity appropriation.

RELIEF OF DISTRESS AND PREVENTION OF DISEASE AMONG INDIANS (GRATUITY).

(Bill, p. 4, line 23.)

House hearings, page 29. Discussed in House, CONGRESSIONAL RECORD, volume 52, page 927.

Amount appropriated, $300,000; estimate of department, $300,000; House bill allowed $350,000.

This provision reduces the amount allowed in the House by $50,000. Attention is called to the appropriation of $100,000 appearing in the Senate bill at page 13, line 6, where an item of $100,000 is inserted in lieu of the provision which was added by the House and stricken out by the Senate committee. A detailed report has been submitted by the Interior Department covering all of the transactions under the previous appropriation for 1915, House hearings, pages 29–33.

This is a gratuity appropriation, and the marked success attaching to the efforts of the department during the past year warrants the committee in continuing the allowance at the figure given in the present bill.

SUPPORT OF INDIAN DAY AND INDUSTRIAL SCHOOLS (GRATUITY).

(Bill, p. 5, line 13.)

House hearings, pages 40–48. Discussed in House, CONGRESSIONAL RECORD, volume 52, page 932.

Amount appropriated, $1,550,000; estimate of department, $1,550,000; allowed by House, $1,440,000.

The amount recommended by your committee was asked for by the department in its estimates, and the increase of $110,000 over the sum appropriated by the House is justified by the commissioners in the hearings before this committee and the House. The amount reported by your committee is recommended.

INDIAN SCHOOL AND AGENCY BUILDINGS (GRATUITY).

(Bill, p. 6, line 7.)

House hearings, page 48. Discussion in House, CONGRESSIONAL RECORD, volume 52, pages 933–934.

Amount appropriated, $440,000; estimate of department, $440,000; appropriated by House, $400,000.

This increase is fully justified on page 49 of the House hearings, showing a complete analysis of the appropriation which was made for the year 1915. The estimate of the department is based upon the expenditure for the particular purpose for which this sum is now asked, and your committee recommends the adoption by the Senate of the sum included in the bill.

TRANSPORTATION OF INDIAN PUPILS (GRATUITY).

(Bill, p. 6, line 20.)

House hearings, page 50. Discussion in House on pages 934–935 of volume 52 of CONGRESSIONAL RECORD.

Amount appropriated, $72,000; estimate of department, $75,000; allowed by House, $72,000.

The sum estimated is $3,000 greater than is allowed by the House and Senate. A full and complete justification for the amount appropriated was given by the department and the sum allowed is recommended by your committee.

INDUSTRIAL WORK AND CARE OF TIMBER (GRATUITY).

(Bill, p. 7, line 10.)

House hearings, page 52. Discussion in House, CONGRESSIONAL RECORD, volume 52, pages 935–936.

Amount appropriated, $450,000; estimate of department, $450,000; House allowed $400,000.

This item is fully discussed in the House hearings, from page 52 to 63, and covers the Forestry Service, experimental work, and other important items coming under this head. This appropriation is the same as that allowed last year, and we heartily recommend the sum here appropriated, as this work is of far-reaching and urgent importance to the department.

PURCHASE AND TRANSPORTATION OF INDIAN SUPPLIES—INDIAN WAREHOUSES (GRATUITY).

(Bill, p. 8, line 13.)

House hearings, page 64; Senate hearings, pages 263, 310. Discussion in House on page 937 of CONGRESSIOAN RECORD, volume 52.

Amount appropriated, $300,000; estimate of department, $350,000; allowed by House, $300,000.

This paragraph refers to what are known as Indian warehouses, and the committee has suggested that the word "permanent" be inserted before the word "warehouses" and that a proviso be adopted which shall require that all purchases for less than $50 may not be purchased by competitive bidding. The department has established warehouses which are to be conducted at certain specified places in localities most convenient for distribution, and the committee heartily recommend the appropriation, which is $50,000 less than the estimates.

BOARD OF INDIAN COMMISSIONERS (GRATUITY).

(Bill, p. 9, line 15.)

House hearings, page 71; Senate hearings, pages 269, 566–594. Discussion in House on page 937 of CONGRESSIONAL RECORD, volume 52.

Amount appropriated, $10,000; estimate of department, $4,000; allowed by House, $4,000.

The sum appropriated by the committee is in line with the amount appropriated last year. A full and complete statement of the activities of the Board of Indian Commissioners is shown on page 269 of the hearings, and a general review of its work is given in a report before this committee by Mr. George Vaux, Warren K. Moorehead, Daniel Smiley, Edward E. Ayer, Frank Knox, and Bishop William D. Walker, on pages 566–594 of the hearings. The committee is of the opinion

that the sum appropriated, $10,000, is needed for the use of the Board of Indian Commissioners, and recommends the appropriation.

PAY OF INDIAN POLICE (GRATUITY).

(Bill, p. 9, line 17.)

House hearings, page 71. Discussion in House, page 937, volume 52, CONGRESSIONAL RECORD.

Amount appropriated, $200,000; estimate of department, $200,000; allowed by House, $100,000.

The increase of $100,000 over the House appropriation is in accordance with the estimate of the department and is the same as was allowed for the previous year. It appears essential that the sum allowed by your committee should be placed at the disposal of the department for this particular work, and the appropriation is recommended. About 646 Indian police are employed by the bureau.

GENERAL EXPENSES, INDIAN SERVICE, TRANSPORTATION AND INCIDENTAL EXPENSES (GRATUITY).

(Bill, p. 9, line 24.)

House hearings, page 74; Senate hearings, page 274. Discussion in House, CONGRESSIONAL RECORD, volume 52, page 938.

Amount appropriated, $125,000; estimate of department, $135,000; appropriated by House, $100,000.

A justification for this item is found on pages 74–75 of the hearings before the House committee. About $60,000 is expended for salaries and traveling expenses, and the distribution of the expenditure appears in detail in the hearings. The item is recommended by your committee.

INDIAN SERVICE INSPECTORS (GRATUITY).

(Bill, p. 10, line 10.)

Amount apropriated, $30,000; estimate of department, $30,000; appropriated by House, $30,000.

House hearings, page 75. Discussion in House, CONGRESSIONAL RECORD, volume 52, page 939.

The amendment added by your committee provides "exclusive of 1 chief inspector," and the sum appropriated is in accord with the estimates and is the same as was appropriated by the House.

DETERMINATION OF INDIAN HEIRS, ALLOTTEES (REIMBURSABLE).

(Bill, p. 10, line 14.)

House hearings, page 76. Discussion in House, CONGRESSIONAL RECORD, volume 52, page 939.

Amount appropriated, $100,000. This is in accordance with the appropriation by the House and as estimated by the department. A full discussion and justification for this appropriation is found on pages 78–83 of the hearings before the Committee on Indian Affairs of the House.

ENCOURAGEMENT OF INDUSTRY AND SELF-SUPPORT AMONGST THE INDIANS (REIMBURSABLE).

(Bill, p. 11, line 20.)

House hearings, page 83. Discussion in House, CONGRESSIONAL RECORD, volume 52, pages 941, 1283.

Amount appropriated, $600,000; allowed by House, $200,000; estimate of department, $600,000.

A full justification for this appropriation is found on page 83 of the House hearings. The commissioner says that about 200,000 Indians have received allotments and a large part of them are without funds to begin farming operations and the appropriation is very beneficial in helping them to get started on their allotments. The entire amount appears to have been apportioned, under the direction of the Secretary of the Interior, among the various reservations, not exceeding $75,000 to any one reservation. This year, however, $100,000 is allowed as the limit to which each reservation is entitled, and the appropriation is recommended by your committee.

CONTINUING THE WORK OF THE JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS (NO APPROPRIATION).

(Bill, p. 12, line 10.)

Senate hearings, pages 175, 714, 727.

This commission consists of Senators ROBINSON (chairman), LANE, and TOWNSEND, of the Senate, and Representatives STEPHENS (chairman), BURKE, and CARTER, of the House. No appropriation has been asked by this committee amendment. The Indian appropriation act, under which the commission was created, required report to be submitted prior to March 4, 1915. At the same time that this commission was created another was created composed in part of the same members, charged with the responsibility of investigating two particular and very large matters. Congress has been in session practically all the time since the creation of this commission. Its meetings have been held largely at night and it has worked under many obstacles. The amendment provides that the commission shall make findings, conclusions, and recommendations to the Sixty-fourth Congress. The adoption of this amendment is strongly recommended.

This provision has been the subject of an act (S. 7652) reported favorably by this committee on February 15, 1915, by Senate Report No. 983. The extract from the report referred to is appended. The change suggested in the report has been added to this provision:

"The Committee on Indian Affairs reports S. 7652 favorably and recommends that the same do pass without amendment.

"The Indian appropriation act of June 30, 1913, created a joint commission of Congress, composed of three Members of each branch, to investigate Indian affairs. That act carried an appropriation of $25,000 for the use of the joint commission. The commission was promptly organized and has made extensive investigations as to the methods of accounting in the Indian Bureau and as to conditions existing on many of the reservations. Under existing law the commission is required to make its final report on or before March 4, 1915. Congress has been practically in continuous session since the creation of the joint commission, and this has hampered that body in the performance of its duty. The task is enormous, and the joint commission has held many night sessions in order that its members might also be able to attend the sessions of Congress. About one-half of the $25,000 appropriated for the use of the commission remains unexpended. This bill extends the authority of the commission so that its activities may be continued during the Sixty-fourth Congress and reappropriates the balance of the unexpended fund.

"The committee recommends that the following amendment be made in said bill: After the word 'Congress,' in line 13 of said bill, strike out the period and insert a colon and the following;

"'*Provided*, That when any vacancy shall occur upon said joint commission by reason of the expiration of the term of office of any Member of the House of Representatives upon said joint commission or of any Senator upon said joint commission, or from any other cause, the Speaker of the House, if the vacancy occurs with reference to a Member of the House of Representatives, or the President of the Senate, with reference to a Senator, shall fill such vacancy by appointment.'"

PURCHASE OF VEHICLES FOR INDIAN SERVICE (NO APPROPRIATION).

(Bill, p. 13, line 3.)

House hearings, page 88. Discussion in House, CONGRESSIONAL RECORD, volume 52, page 1059.

This provision carries no appropriation and the legislation is made necessary because section 5 of the legislative, executive, and judicial appropriation act of the current year, which prohibited the departments and bureaus of the Government from purchasing passenger-carrying vehicles and motor-propelled vehicles without first obtaining permission and authority of Congress, applies to the Indian appropriation bill. From the statement of Mr. Meritt, on page 89 of the House hearings, a full explanation of the necessity for this enactment is provided, and the committee recommends the item.

SANITARY CONDITIONS AMONG INDIANS (REIMBURSABLE).

(Bill, p. 13, line 14.)

House hearings, page 34. Discussion in House, CONGRESSIONAL RECORD, volume 52, page 927.

Appropriation, $100,000; estimate of department, $100,000; allowed by House, nothing.

The object of the expenditure, as submitted by the department, is for digging and sinking wells, constructing wooden floors, and placing additional windows, etc., in Indian homes; building fly-proof privies and other construction to improve sanitary conditions on Indian reservations. It appears from the statement of Mr. Meritt, on page 36 of the House hearings, that there are 8,000 Indian families throughout the United States living in insanitary conditions and dirt floors and largely in wickiups and one-room cabins without any ventilation whatever. The appropriation is recommended by the committee.

REPEAL OF SECTION 4 OF THE ACT OF MAY 11, 1880 (NO APPROPRIATION).

(Bill, p. 13, line 19.)

House hearings, page 95. Discussion in House, CONGRESSIONAL RECORD, volume 52, page 1071.

It is obvious from a perusal of this amendment that the section referred to should be repealed. This is recommended by the Secretary of the Interior and is favored by the committee.

FUNDS OF INCOMPETENT INDIANS.

(Bill, p. 14, line 1.)

House hearings, page 96; Senate hearings, page 767.

The statement of Mr. Meritt on page 767 of this committee's hearings shows that the purpose of the proposed legislation is to enable the department to pay incompetent but able-bodied Indians their pro rata share of the funds now in the Treasury to their credit and to use the funds for their benefit.

AMENDING ACT APPROVED JUNE 25, 1913—EXECUTION OF DEEDS, LEASES, OR AGREEMENTS WITH INDIAN TRIBES (NO APPROPRIATION).

(Bill, p. 14, line 16, to p. 17, line 4.)

House hearings, page 97; Senate hearings, pages 486, 733.

The commissioner states that if the legislation proposed is enacted it will broaden the statute so as to include personal property of the Indians, and it will also prohibit one Indian from trading on the property of other Indians. There are a number of mixed-blood Indians who are shrewd enough in trading around among the full bloods to acquire their property, and it is for the purpose of protecting the full bloods against the mixed bloods that this legislation is necessary. This is especially necessary, as the department is now buying cattle for the Indians and trying to get them started industrially on their allotments.

It is essential that the provision appearing on line 6, page 16, should be enacted also, for it includes a penalty for violation of this provision by any superintendent, agent, or employee of the Government.

AMENDING ACT OF JUNE 21, 1906, AUTHORIZING THE PRESIDENT TO CONTINUE TRUST PERIOD ON RESTRICTED INDIAN LAND (NO APPROPRIATION).

(Bill p. 17, line 16.)

House hearings, page 244; Senate hearings, page 304.

This provision gives to the President the right to continue a trust or other restriction against alienation for such a period as he may deem best, but does not apply to the lands of the Osage Tribe or the Five Civilized Tribes. A statement on page 305 of the Senate committee hearings gives full information upon the provision.

NEGOTIATING AGREEMENTS WITH INDIAN TRIBES (GRATUITY).

(Bill, p. 17, line 4.)

House hearings, page 99; Senate hearings, page 296.

Appropriation, $10,000.

This item was estimated for by the department, and interesting and valuable comment upon it appears on pages 296–297 of the Senate committee hearings. The appropriation would in many ways save the Indians money and enable them to obtain certain rights without the employment of attorneys.

REIMBURSEMENT OF A. G. POLLOCK (GRATUITY).

(Bill, p. 18, line 4.)

House hearings, page 92. Discussion in House, page 1071, volume 52, CONGRESSIONAL RECORD.

Amount appropriated, $49.25; estimated by the department and allowed by House.

INDIAN LAWS AND TREATIES, VOLUME 3.

(Bill, p. 18, line 11.)

Senate hearings, pages 176–306.

Amount appropriated, $2,000.

By resolution of the Senate adopted March 3, 1911, the Committee on Indian Affairs was authorized to have prepared a compilation of Indian laws and treaties, Executive orders, etc., subsequent to July 1, 1902, the period prior to that date having been covered by two volumes published in 1902. On August 14, 1912, the Senate ordered the printing of the document as Senate Document No. 719, Sixty-second Congress, second session.

A complete and carefully annotated document of 800 pages conforming in size to the first two volumes, embracing all Indian laws, treaties, Executive orders, proclamations, etc., from July 1, 1902, to December 1, 1913, was prepared and printed. This document contains marginal annotations and footnotes covering as to each statute every case in which these laws are cited or construed by the Supreme

Court of the United States, the Federal courts, the Court of Claims, the Opinions of the Attorney General, the Secretary of the Interior, and important decisions of State courts. Marginal references are made to acts and treaties embraced in the first two volumes. It also contains various old treaties and agreements which are not otherwise available in printed form and which could not be obtained at the time of the preparation of the former compilation. Also permission was obtained from "Cyc" to print in the appendix its subject on Indians and laws applicable to Indians, which is very valuable from a reference standpoint. A full and complete index accompanies the volume.

The work of preparing this third volume was commenced in 1911 and has been performed in a very careful manner, necessitated by the fact that this volume and the two preceding volumes, which embrace all laws and treaties relating to the Indians to date, are used by the Congress, the departments, and the courts throughout the country in matters pertaining to the Indians.

The item making appropriation for the first two volumes of the compilation is contained in the Indian appropriation act of March 3, 1903:

"To pay the persons who compiled and indexed the two volumes of the Treaties, Laws, Executive Orders, etc., relating to Indian affairs, under Senate resolution of May 20, 1902, $5,000, of which said sum so much as may be necessary may be expended as additional compensation to any officer or employee of the United States, to be immediately available, and to be paid only upon vouchers signed by the chairman of the Committee on Indian Affairs of the Senate." (32 Stat., 1000.)

ARIZONA AND NEW MEXICO—SUPPORT AND CIVILIZATION (GRATUITY).

(Bill, p. 18, line 14.)

House hearings, page 109. Discussion in House, CONGRESSIONAL RECORD, volume 52, page 1071.

Amount appropriated, $330,000, as estimated by the department and allowed by the House. This appropriation is the same as allowed for many years and is recommended by the committee.

INDIAN SCHOOL, PHOENIX, ARIZ. (GRATUITY).

(Bill, p. 18, line 21.)

House hearings, page 112. Discussion in House, CONGRESSIONAL RECORD, volume 52, page 1073.

Appropriation, $129,500; allowed by House, $117,900; estimate of department, $156,500.

The increase by the committee of $11,600 is due to the necessity for increase in the items of repairs and general improvements. The sum allowed is $27,000 less than the department's estimates, and the appropriation is recommended.

REPEAL OF SECTION 2, ACT OF JUNE 30, 1913 (NO APPROPRIATION).

(Bill, p. 19, line 14.)

House hearings, page 117; estimate of department, page 417.

The item refers to an appropriation in the Indian appropriation act approved June 30, 1913, which made the cost of a bridge across the San Carlos River in Arizona reimbursable from the funds of the San Carlos Indians. The reimbursable feature was added on the floor of the House and was enacted into law. It appears from Mr. Meritt's statement, on page 117 of the hearings before the House committee, that while the Indians derive benefit from the bridges the white people benefit more largely than they. The reimbursable feature of the former appropriation should be stricken out in so far as the tribal funds of the San Carlos Indians are involved.

MAINTENANCE OF IRRIGATION, PIMA INDIAN LANDS, ARIZONA (REIMBURSABLE).

(Bill, p. 19, line 21.)

House hearings, page 118; Senate hearings, page —. Discussion in House, CONGRESSIONAL RECORD, volume 52, page 1073.

Appropriated $20,000, as estimated by the department and allowed by the House.

The irrigation system, which was provided by the Reclamation Service, covers about 8,000 acres of land. A distributing system has been commenced and the continuation of this work necessitates $10,000 which, with a like amount required to maintain the pumping plants and canal systems, makes the sum carried by the item $20,000. It is considered essential that the work of promoting irrigation on this reservation be continued.

WATER SUPPLY FOR PAPAGO INDIAN VILLAGES, ARIZONA (GRATUITY).

(Bill, p. 20, line 17.)

House hearings, page 121; Senate hearings, pages 275, 764.

Estimate of department, $20,000; appropriated by House, $10,000; by committee, $15,000.

The department received by the last year's appropriation $20,000, and this has been expended in the development of a water supply for the Indians. The appropriation is recommended by the committee as essential.

IRRIGATION, PAPAGO INDIAN LANDS, ARIZONA (REIMBURSABLE).

(Bill, p. 20, line 22.)

House hearings, page 123; Senate hearings, page 275. Discussed in House, CONGRESSIONAL RECORD, volume 52, page 1073.

Estimate of department, $20,000; omitted by House; allowed by committee, $20,000.

A full discussion of this appropriation and its necessity is to be found on pages 276–279 of the Senate committee's hearings. The lands embraced within the area of these eight villages and subject to irrigation are 3,000 acres. There is no better land in Arizona than that on this reservation, and these Indians could become entirely self-supporting if means were provided whereby the lands could be irrigated. The committee recommends the adoption of the amendment. A letter from the commissioner justifying the adoption of this amendment is given:

WASHINGTON, D. C., *February 16, 1915.*

MY DEAR SENATOR ASHURST: Referring to the item of $20,000 in the estimates for the Indian appropriation bill for the fiscal year 1916, for beginning construction of the works to protect the irrigable allotments of the Papago Indians from damage by floods and to irrigate the same, I have the honor to advise you that this is a most meritorious project and one that may be considered in a manner urgent.

The work comes under two heads, protection of the irrigable lands from damage by floods and an irrigation system for the irrigation of the land.

For a great many years the Indians farmed an extensive area on the Papago Reservation, which lies south of Tucson, and doubtless they would still be irrigating except for the great difficulty of maintaining the headings of their ditches in the barrancas, which are liable to destructive erosion by the action of flood water.

In the report of the engineers of the Indian Service, Senate Document No. 973, Sixty-second Congress, the urgent necessity of protecting these lands from further encroachment of the barrancas was fully discussed. To leave these lands unprotected for a few years longer will doubtless result in such a condition that the Indians will be damaged both in the loss of their lands and in the absence of facilities for using water for irrigation upon those allotments not destroyed by floods.

The question of a water supply is discussed in detail in the report mentioned, and there is no doubt of the existence of a supply which may be developed for use on the lands of this reservation without infringing in any degree upon the supply requisite for the city of Tucson. While accurate information is not available as to the acreage formerly cultivated by these Indians, it is believed that they cultivated an area considerably in excess of that contemplated by the project for which the appropriation was requested. Therefore the water which will probably be required for the project under discussion will not exceed the amount which might be decreed to these Indians upon an adjudication if due consideration were given their activity in the former use of water for irrigation. It is therefore recommended that the item receive favorable consideration by Congress.

Very truly, yours, CATO SELLS, *Commissioner.*

Hon. HENRY F. ASHURST,
Chairman Committee on Indian Affairs.

COLORADO RIVER RESERVATION—EXAMINATION AND SURVEY OF DAM SITE (REIMBURSABLE.)

(Bill, p. 21, line 9.)

House hearings, page 124.

It is estimated that there are 150,000 acres of land which can be irrigated in this reservation, and it is for the purpose of acquiring definite information regarding the construction of this proposed new irrigation project that this appropriation is asked by the department. There are about 500 Indians residing on the reservation near the agency and 600 to 700 Mojaves at Fort Mojave and other Indians living along the Colorado River. The appropriation is recommended by the committee.

WATER SUPPLY, NAVAJO INDIAN RESERVATION (REIMBURSABLE).

(Bill, p. 21, line 9.)

Estimate of department, $25,000; allowed by House, $10,000; allowed by committee, $25,000.

Hearings, House committee, page 125.

The amount allowed by the House has been increased $15,000 and the money made immediately available. The department's superintendent of irrigation gives a detail of the need for the money on page 126 of the House committee hearings. This is the same amount as was appropriated last year and a summary of the manner in which the money is to be disbursed will be found on page 421 of the Estimates of Appropriations for 1916. The department needs the money for use amongst the largest tribe of unallotted Indians in the United States and the committee recommends the appropriation.

PURCHASE OF LANDS, NAVAJO RESERVATION (REIMBURSABLE).

(Bill, p. 22, line 1.)

Estimate of department, $1,000; not allowed by House; committee allowed $1,000.

House hearings, page 129, show a complete justification for the item proposed. It is desired to purchase, if possible, certain lands belonging to the Santa Fe Railroad, approximately 330,000 acres, which lie within the reservation, having been granted to the railroad prior to the designation of the reservation, in 1866. The proprietary interest of the road in alternate sections has in a measure tended to depreciate the value of adjacent Indian lands, and it is for the purpose of instituting preliminary steps to the survey and ascertainment of values, etc., that the $1,000 appropriation is asked. It is recommended by the committee.

CONSTRUCTION OF DAM ON GILA RIVER INDIAN RESERVATION (REIMBURSABLE).

(Bill, p. 22, line 10.)

Estimate of department, $50,000; not allowed by House; committee allowed $50,000.

Senate hearings, page 278, show a justification for this item. The limit of expenditure is $160,000, and is in line with previous expenditure of $50,000 authorized by the Indian appropriation bill of 1915, and limiting the total expense to the total amount as given, $160,000. The commissioner has shown, on page 279 of the Senate committee's hearings, the necessity for the expenditure, and attention is called to the statements of Mr. Meritt and Mr. Reed shown on the page of hearings cited. The committee recommends the appropriation.

BEGINNING THE CONSTRUCTION OF DAM ON THE GILA RIVER AT FLORENCE, ARIZ. (REIMBURSABLE).

(Bill, p. 22, line 21.)

No estimate; not allowed by House; allowed by committee, $75,000.

Senate hearings, pages 498–506. The statements of Hon. CARL HAYDEN, Member of Congress for Arizona, showing the recommendation of the Secretary of the Interior, relate the fact that late in January of this year the Gila River experienced the most disastrous flood in its history, and all of the headings of the various canals above Florence have been washed away. The water rights owned by the Indians it is necessary for the Government to protect, and as white farmers may find means to restore the devastated headgates and canals, it may become necessary for the Government to oppose such a step in order to protect the Indians. The construction of the dam at this point has strategic value in protecting the rights of the Indians. On page 500 of the Senate committee's hearings will be found Mr. HAYDEN'S statement justifying the appropriation. The committee recommends the appropriation.

PURCHASE OF LANDS FOR HOMELESS CALIFORNIA INDIANS (GRATUITY).

(Bill, p. 23, line 22.)

House hearings, page 143; Senate hearings, pages 6, 521.

Estimate of department, $10,000; not allowed by House; committee allowed $30,000.

The committee has increased the estimate of the department to the sum of $30,000. The statements of Hon. JOHN RAKER, a Representative in Congress from California; Dr. E. L. Eliot, of the Board of Indian Commissioners, and of others, found on pages 521 to 531, evidence the necessity for the increase, which has been favored by Mr. Meritt. It appears from their statements that 1,686 Indians are without lands and that purchases can be made of reasonably small tracts upon which the Indians may be located and induced to remain. The committee, after hearing the recommendations of the commissioner and of other persons, increased the appropriation to $30,000.

IRRIGATING ALLOTMENTS, YUMA RESERVATION, CAL. (REIMBURSABLE).

(Bill, p. 24, line 20.)

Estimate of department, $40,000; allowed by House, $40,000; committee allowed $40,000.

House hearings, page 148; Senate hearings, page 7. Discussion in House, CONGRESSIONAL RECORD, volume 52, page 1073.

On page 7 of the committee hearings will be found the statement of Mr. Meritt calling attention to the fact that the omission of the appropriation in the House print of the bill was due to the proviso as submitted in the department's estimate being stricken out on point of order, and through a misprint of the bill the entire item was omitted. The item as it now appears has the approval of the House and of this committee and should be adopted.

SUPPORT AND CIVILIZATION OF SEMINOLES IN FLORIDA (GRATUITY).

(Bill, p. 25, line 1.)

Estimate of department, $10,000; not allowed by House; committee appropriated $10,000.

House hearings, page 153; Senate hearings, page 7. Discussion in House, Congressional Record, volume 52, page 1074.

The department made an estimate for this appropriation and it was recommended by the Committee on Indian Affairs of the House, but objection was made. Following is a letter from L. A. Spencer, special commissioner to the Florida Seminoles, and one from Hon. Duncan U. Fletcher, recommending the appropriation:

UNITED STATES SENATE,
COMMITTEE ON PRINTING,
January, 22, 1915.

Hon. HENRY F. ASHURST,
Chairman Indian Affairs Committee, United States Senate.

MY DEAR SENATOR: Herewith I inclose to you letter just at hand from the special commissioner to the Florida Seminoles.

This has a bearing on the amendment you recently introduced, at my suggestion, to the Indian bill. I am sending it to you as a matter of information for the committee, should it be necessary to have further information on the matter.

Yours, very sincerely, DUNCAN U. FLETCHER.

—

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Miami, Fla., January 18, 1915.

Hon. DUNCAN U. FLETCHER,
United States Senate.

MY DEAR SENATOR FLETCHER: Your letter of the 15th was received this afternoon, and it is certainly a relief. The actual conditions are as follows:

I took the work with a view to helping the Indian and not myself. It is a very hard and discouraging work and the available funds were so fixed that they could not be used for many of the needed expenditures. Therefore I have used all of my salary, except that actually needed for the support of my family, to make needed purchases. This I have done gladly, but the work is now getting beyond my resources.

The objection to the present "item" seems to be the clause providing for land purchase. This clause was introduced because we can not use any of the present funds for that purpose, and we need a small site somewhere near town where we can bring sick Indians for treatment. The main purpose of the appropriation was to start the Indians in farming operations on land we already own. They will make good farmers, but owing to the fact that they know nothing of scientific fertilization it will be necessary to use some money in teaching them. I have constantly urged upon them the necessity of commencing to farm, and now a start can be made.

We do not want to make them wards of the Government, but we want to make them self-supporting citizens, and if we do not give them a start, with the extermination of the game they must necessarily degenerate into useless vagabonds. The argument was made that they got a certain amount of money from the tourists, and while true it is also a fact that that is one of the greatest drawbacks to the work. The Indian must be impressed with the fact that he must work for his living and not pose as a curiosity or live by his wits, and my job is to show him how to work.

I know that you will do all you can, but I am so vitally interested that I can not refrain from urging you to exercise all vigilance in the matter.

Very truly,

LUCIEN A. SPENCER,
Special Commissioner, Florida Seminoles.

SANATORIUM, FORT LAPWAI, IDAHO (GRATUITY).

(Bill, p. 25, line 12.)

Estimate of department, $40,000; not allowed by House; committee allowed $40,000.

House hearings, page 158; Senate hearings, page 12.

This sanatorium has a capacity for 100 patients, and the amount appropriated by the committee is a conservative estimate for the current year. The statement of the commissioner on page 158 of the House hearings amply justifies the appropriation which has received the sanction of the committee.

SANATORIUM, SAC AND FOX AGENCY, IOWA (GRATUITY).

(Bill, p. 26, line 5.)

Estimate of department, $25,000; not allowed by House; committee allowed $25,000.

House hearings, page 159; Senate hearings, page 12.

This sanatorium was established during 1914 for the treatment of tuberculosis and trachoma, the building having formerly been used as a school, which was discontinued four or five years ago. This item is justified by Mr. Meritt on page 159 of the House committee hearings and the appropriation is favorably reported by your committee.

RELIEF OF THE CHETTIMANCHI BAND OF LOUISIANA INDIANS (GRATUITY).

(Bill, p. 26, line 22.)

Senate hearings, page 445; amount appropriated, $1,500.

Full justification for this appropriation is shown in the following correspondence, and the item is recommended:

DEPARTMENT OF THE INTERIOR,
Washington, March 27, 1914.

MY DEAR SENATOR: I have your letter of March 10 submitting for report a copy of Senate bill 4733, for the relief of the Chettimanchi Band of Indians in Louisiana, and for other purposes.

Under the provisions of the act of Congress approved June 17, 1844 (5 Stat., p. 676), to provide for the adjustment of land claims within the States of Missouri, Arkansas, and Louisiana, etc., reviving the act of Congress approved May 26, 1824 (4 Stat., p. 52), to enable the claimants to lands within certain States to institute proceedings to try the validity of their claims, the Chettimanchi Indians, through Alexander Bertin, acting as their chief, and Joseph Yoyo et al., on the 16th of June, 1846, filed their petition in the District Court of the United States for the District of Louisiana praying for certificate of title to a tract of land in parish of St. Mary, comprised within a certain tract of land claimed by the Chettimanchi Indians, of which they had been in possession more than 70 years preceding the present suit, situated on both sides of the River Teche in the county of Attakapas, having a front of about 1 league on the right line from the upper to the lower limit.

On the 19th of June, 1848, the decree of said court confirmed to the petitioners the lands respectively claimed by them, viz, "To the nation or tribe of Chettimanchi Indians," tract designated on the township plat of T. 13 S., R. 9 E., of the southwestern district of Louisiana, as section 22, containing 266.48 acres; section 23, containing 131.37 acres; section 27, containing 404.92 acres; and section 34, containing 290.66 acres; in the aggregate 1,093.43 acres. It also confirmed unto Marie Rose Pecot, widow of the late John Armelin, and her heirs, the tract designated on the said plat as section 5, containing 160.75 acres; and to Gabriel L. Fuselin and Sarah B. Evans, and to their heirs, the tract designated on said plat as section 11, containing 569.85 acres, that to Fuselin with a front of 2 arpents, that to Evans 8 arpents more or less.

The suit was carried to the Supreme Court of the United States on appeal, and the said court dismissed the appeal at the December term, 1852.

As provided and authorized by the sixth section of the act of 1824 aforesaid (4 Stat. p. 54), the petitioners presented plats of surveys to the General Land Office of the aforesaid three tracts, of 1,093.43 acres, of 160.75 acres, and of 569.85 acres, confirmed to the Indians by the decree of the United States District Court for Louisiana June 19, 1848, and confirmed by the United States Supreme Court at its December term in 1852, under said acts of Congress approved May 26, 1824, and June 17, 1844, whereupon a patent in fee for said three tracts was issued by the General Land Office February 1, 1855.

The Indians now own about 260 acres of the original tract, the remainder having been lost to them thrcugh sales and otherwise. Emmet Alpha, an attorney at law, of Franklin, La., represented these Indians in certain litigation affecting their lands. The Indians neglected to pay the attorney his fee and he recovered a judgment against them. This judgment was assigned to F. C. Vigeurie, of Franklin, La., and now amounts to $1,200, including interest. A foreclosure was had in February of this year and the land offered for sale, but in view of the fact that no bid was received for two-thirds of the appraised value, $9,000, there was no sale and the land was readvertised.

The Indian Rights Association was interested in this matter and for a time considered furnishing the necessary funds. On March 12 the Commissioner of Indian Affairs received a telegram from Chief Supervisor Holcombe advising that Miss McIlhenny, of New Orleans, had provided the necessary funds to save the lands to the Indians.

The Comptroller of the Treasury has ruled that the appropriation for "relieving distress, prevention of disease," etc., is not applicable to assist these people in connection with the land, so that if any action is to be taken by the Federal Government in their behalf it is necessary that there shall be an appropriation by Congress.

The lands of these Indians are valued at more than $30 per acre, and the improvements thereon are said to be worth from two to three thousand dollars. By using $1,200 of the amount for the payment of the judgment or claim against these Indians, there would be little left for the purchase of additional lands.

Regarding the proviso that the Secretary may require that the legal title to all property purchased or the title to which is to be cleared shall be in the name of the United States, I suggest that this remain in the bill. An appropriation at this time which will conserve to these Indians their property may avoid a larger draft on the public funds at a later date, and therefore I urge and recommend the passage of the bill.

Very truly, yours,

A. A. JONES,
First Assistant Secretary.

Hon. HENRY F. ASHURST,
Chairman Committee on Indian Affairs, United States Senate.

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UNITED STATES SENATE,
COMMITTEE ON FISHERIES,
February 10, 1915.

Hon. HENRY F. ASHURST,
Chairman Indian Affairs Committee, United States Senate.

MY DEAR SENATOR: With this please find inclosed copy of letter written by me recently to Hon. THOMAS S. MARTIN, which is self-explanatory. I hope that the Indian Affairs Committee will see fit to include in their appropriations an item for the payment of this claim.

Very truly, yours,

J. R. THORNTON.

—

FEBRUARY 6, 1915.

Hon. THOMAS S. MARTIN,
Chairman Committee on Appropriations, United States Senate.

MY DEAR SENATOR: On the 23d of February, 1905, a judgment was rendered in the district court for the parish of St. Mary, La., against certain persons belonging to the Chettimaches Tribe of Indians, jointly in the sum of $678.57, with 5 per cent interest thereon from the 23d of December, 1904. This judgment was subsequently sold by the plaintiff to one Adolph Viguerie, and the property of the Indians was seized and advertised for sale to satisfy same. Miss Sara Avery McIlhenny, a resident of Iberia Parish, became interested in the Indians and took steps to prevent the sale of their property. She got into communication with the Indian Affairs Office here, and on the matter being referred to the Attorney General, the United States attorney for the eastern district of Louisiana was instructed to prevent, if possible, the sale of the property of the Indians. The matter finally resulted in the purchase of this judgment by Miss McIlhenny for $1,195.57. The United States attorney was directed to take steps to protect Miss McIlhenny in respect to the payment made by her for the judgment, and thinking that it would be proper to have the judgment revived in the St. Mary Parish State court, wrote to the Department of Justice advising them as to how this should be accomplished and what it would cost. On the 27th of January, 1915, Assistant Attorney General Charles Warren wrote to the United States attorney at New Orleans, Hon. Walter Guion, stating that "the matter has been taken up informally with the Indian Office and the promise of the Assistant Commissioner of Indian Affairs secured, that he will to-day ask the Appropriations Committee in the Senate to appropriate an amount sufficient to pay Miss

McIlhenny in full, so that the judgment against the Chettimaches may be canceled." I presume that this matter has been taken up since then with the committee by the assistant commissioner, and hope that the committee will see fit to make the desired appropriation. In addition to the sum—$1,195.57—paid for the judgment, Miss McIlhenny disbursed 50 cents for reinscribing the judgment in St. Mary Parish, thus making a total of $1,196.07 paid out by her for the account of the tribe. I take it that the committee will feel justified in including this amount in the appropriation bill.

In addition, Miss McIlhenny agreed to see that the fee of an attorney in Franklin, La., Mr. Charles J. Boatner, who had been representing the tribe in an effort to prevent the sale of their property, would be paid him, and while she has not paid Mr. Boatner the amount of the fee claimed by him, the sum of $350, she has definitely agreed that he should be paid his fee by the Indians as soon as the amount can be earned by leasing their property, and she desires that if possible the sum of $350, attorney's fee, be added in the appropriation, making the total $1,546.07, so as to include Mr. Boatner's fee. I do not know whether the committee will feel justified in including this $350 item, but will request that it receive consideration in connection with the rest of the desired appropriation.

Kindly advise me as soon as practicable whether the committee has received word from the Indian Office or considered this matter.

Very truly, yours,

J. R. THORNTON.

INDIAN SCHOOL, MOUNT PLEASANT, MICH. (GRATUITY).

(Bill, p. 27, line 8.)

House hearings, page 166; Senate hearings, page 13.

Estimate of department, $85,450; allowed by House, $64,450; allowed by committee, $71,450.

This is the only Indian boarding school in the State of Michigan, and there are about 1,400 children of school age. This is an appropriation less than was allowed this institution last year by $14,000.

The appropriation is necessary and is recommended by the committee.

SUPPORT AND EDUCATION, INDIAN SCHOOL, PIPESTONE, MINN. (GRATUITY).

(Bill, p. 27, line 15.)

Estimate of department, $55,175; allowed by House, $49,675; allowed by committee, $51,675.

House hearings, page 168; Senate hearings, page 13.

The addition to the appropriation by this committee covers an appropriation for repairs and improvements to buildings. This is in accordance with the department's estimate, which has been reduced by $3,500.

CELEBRATION, WHITE EARTH BAND, CHIPPEWAS (TRIBAL FUNDS).

(Bill, p. 28, line 13.)

Estimate of department, $1,000; allowed by House and this committee, $1,000.

House hearings, page 174; Senate hearings, page 14. Discussion in House, CONGRESSIONAL RECORD, volume 52, page 1075.

This is the amount usually authorized to be withdrawn from tribal funds each year for the celebration mentioned. The discussion in the House of Representatives thereon will be found at page 1075 of the RECORD, and the item was adopted by the committee without objection.

PREPARATION OF ROLL, WHITE EARTH BAND CHIPPEWA INDIANS.

(Bill, p. 29, line 5.)

Senate hearings of February 19, 1915.

The Indian appropriation act approved June 30, 1913 (38 Stat. L., 77), provided (p. 88) for the making of a roll of the Chippewa Indians allotted within the White Earth Reservation in the State of Minnesota, such roll to be made by a commission of two persons appointed by the United States District Court of Minnesota.

At the time of the approval of that act there was pending before the courts the question of what degree of other than Indian blood was necessary to constitute a mixed-blood Indian within the meaning of the amendment contained in the acts approved June 21, 1906 (34 Stat. L., 325, 353), and March 1, 1907 (34 Stat. L., 1015, 1034).

As it was not known just where the courts would draw the line or what construction would finally be placed upon the law, it was deemed advisable to provide that the status roll of the Indians should show the percentage of blood, so that wherever the courts might finally draw the line the classification of the roll would become effective.

Since that time the United States Supreme Court has affirmed the decision of the circuit court of appeals that any identifiable admixture of other than Indian blood is sufficient to constitute a mixed-blood Indian, all others being full bloods.

It is therefore apparent that the purpose of the roll would be fulfilled if it shows whether the allottee in each instance is a full-blood or a mixed-blood Indian, and that the immense amount of time and expense which would be incurred in endeavoring to ascertain with accuracy the particular percentage of Indian blood possessed by each individual would not be warranted. The matter of determining whether an allottee is a full blood or a mixed blood would be comparatively easy, and much more readily ascertained than the particular degree of blood.

As the law now reads it will be necessary to show on the rolls the quantum of Chippewa Indian blood of the allottees as near as it reasonably can be ascertained. If amended as suggested, it will only be necessary to show whether the allottee is a full blood or a mixed blood. The commission appointed by the court to make the roll has suggested that the law be so amended.

HOSPITAL, CHIPPEWA INDIANS, MINNESOTA (TRIBAL FUNDS).

(Bill, p. 29, line 21.)

Estimate of department, $25,000; not allowed by House; allowed by committee, $25,000.

House committee hearings, page 175; Senate hearings, page 21.

This is authority for an expenditure from tribal funds and is in line with the policy of the department with respect to safeguarding the health of the Indians, an appropriation of $50,000 having been made last year for a similar purpose. The statement of Assistant Commissioner Meritt on page 21 of the Senate committee hearings calls attention to the necessity for the appropriation, and it is accordingly recommended by the committee.

GENERAL COUNCIL OF CHIPPEWA INDIANS (TRIBAL FUNDS).

(Bill, p. 30, line 13.)

Senate hearings, pages 259, 565.

Authorized withdrawal, $4,000.

It appears from the statement made before the committee that the general council of this tribe has saved the Indians, in one instance, $80,000. Its continuation is authorized, and the Secretary of the Interior has instructions to participate therein through his representatives.

RESERVATION OF MINERAL RIGHTS TO INDIANS ON CEDED LANDS, CHIPPEWA INDIANS OF MINNESOTA (NO APPROPRIATION).

(Bill, p. 32, line 3.)

This provision requires that upon all ceded lands of the Chippewa Indians of Minnesota the minerals are to be reserved by the United States for the use and benefit of the Chippewa Indians.

ESTABLISHMENT OF A FOREST RESERVE, RED LAKE INDIAN RESERVATION, MINN. (NO APPROPRIATION).

(Bill, p. 32, line 13, to p. 35, line 25.)

Senate hearings, page 20.

The statement of Senator CLAPP, on page 20 of the Senate committee's hearings, shows that this reservation has not yet been allotted This provision is the same as S. 7179, introduced by Senator NELSON on January 6, 1915, and referred to this committee. The Secretary of the Interior promptly reported favorably upon the bill in question (S. 7179), and it has therefore been incorporated in this appropriation bill. The communication of Secretary Lane upon the item in question is here given, and as no appropriation is asked and this legislation is necessary, it is recommended:

DEPARTMENT OF THE INTERIOR,
Washington, January 18, 1915.

MY DEAR SENATOR: I have the honor to acknowledge the receipt of your letter of January 7, 1915, transmitting a copy of Senate bill 7179, to provide for the establishment of a forest reserve within the Red Lake Indian Reservation, Minn., and asking for a report upon the same.

Within the western portion of the Red Lake Indian Reservation there is a very large area of open lands which are susceptible of drainage, as is shown by House Document No. 971, Sixty-third Congress, second session. When drained these lands will afford excellent agricultural allotments for the Red Lake Indians. However, it has been the experience of the department that many Indians, especially Indians within the lake States, are reluctant to leave the timbered areas and settle permanently in open agricultural countries. The eastern portion of the Red Lake Reservation is generally timbered, and the larger part of it has a broken surface and sandy soil which is unfitted for agriculture. I believe that it would be best for the Red Lake Indians to preserve this eastern portion as community property. Senate bill 7179 provides for holding this land on the eastern side of the reservation as tribal property, and also makes provision for the sale of the timber thereon in such manner as good administration will require.

I should be pleased to see this bill enacted into law.

Cordially, yours,

FRANKLIN K. LANE.

Hon. HENRY F. ASHURST,
Chairman Committee on Indian Affairs, United States Senate.

PAYMENT OF ASSESSMENTS ON INDIAN ALLOTMENTS, STATE RURAL HIGHWAYS, STATE OF MINNESOTA (NO APPROPRIATION).

(Bill, p. 36, line 1.)

Senate hearings, page 400; CONGRESSIONAL RECORD, volume 52, page 2452.

This provision has the approval of the department and is the subject of a bill (H. R. 20193) introduced in the House by Mr. MILLER, of Minnesota, and which has been favorably reported to that body on January 25, 1915. (See H. Rept. No. 1319, 63d Cong., 2d sess.) This provision is essential and its adoption is recommended. The report of the department is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 12, 1915.

MY DEAR MR. STEPHENS: I have received your letter of December 22, 1914, transmitting for report H. R. 20193, "Providing for the payment of assessments on Indian allotments benefited by the construction of State rural highways in the State of Minnesota."

This bill is almost identical with House bill 15289, upon which a report was made under date of May 22, 1914. In that report it was stated that the department was in accord with the purpose of the bill, except that it might be construed in its present form to create a lien on Indian lands held in trust by the United States and to authorize a sale of such lands to pay the charges assessed. It was therefore suggested that there be inserted a provision specifically exempting the Indian lands from a forced sale.

As the suggested modification has been made, the department favors the enactment of the proposed legislation.

Very truly, yours,

A. A. JONES,
First Assistant Secretary.

Hon. JOHN H. STEPHENS,
Chairman Committee on Indian Affairs,
House of Representatives.

EMPLOYMENT OF HIGH-SCHOOL TEACHERS AT WHITE EARTH, MINN. (GRATUITY).

(Bill, p. 37, line 21.)

Senate hearings, page —.

The act of 1913 provided $4,000 for the purpose stated in this provision, and last year a like sum was appropriated. The good accomplished was so great that it is esteemed as necessary by the committee to continue the allowance.

SUPPORT AND CIVILIZATION, FLATHEAD INDIANS, MONTANA (GRATUITY).

(Bill, p. 38, line 19.)

House hearings, page 183; Senate hearings, page 108.

Estimate of department, $15,000; allowed by House, $12,000; committee appropriated, $20,000.

The increase of this item was due to the fact that during the hearings it developed that many of the Indians on this and other reservations were in a necessitous condition and the appropriation was therefore made immediately available.

SUPPORT AND CIVILIZATION, BLACKFEET INDIANS, MONTANA (GRATUITY).

(Bill, p. 39, line 1.)

House hearings, page 186; Senate hearings, page 112.

Estimate of department, $15,000; allowed by House, $15,000; committee allowed, $25,000.

The hearings on pages 112 to 120 will disclose that the Indians on this reservation are in a deplorable condition. Some of them are in need of food and clothing, and a perusal of the testimony before the committee and the statements of members of this committee who have

visited the reservation amply justified the committee in raising the appropriation allowed by the House and directing that it be made available immediately.

PURCHASE OF CATTLE FOR BLACKFEET INDIANS, MONTANA. (TRIBAL FUNDS.)

(Bill, p. 41, line 12.)

Estimate, $150,000; allowed by House, $75,000; committee allowed $150,000.

House hearings, page 196; Senate hearings, page 125.

The estimate of the department was for $150,000, and the statement of the commissioner shows that the appropriation is necessary, as the Indians possess grazing lands which should be utilized for their benefit in the husbandry of live stock, the surplus lands affording ample range for such purchases as the department has made.

BLACKFEET, FLATHEAD, AND FORT PECK IRRIGATION PROJECTS (REIMBURSABLE).

(Bill, p. 42, line 22, to p. 51, line 16.)

Senate hearings, pages 130 to 149 and 361. Discussed in House at page 1079 of volume 52, CONGRESSIONAL RECORD.

This provides for the continuation of the irrigation work on the Indian lands of these reservations. The estimate therefore appears in a letter from the Acting Secretary of the Treasury, dated January 8, 1915. (H. Doc. No. 1481, 63d Cong., 3d sess.) The amount carried by this appropriation is the sum of $836,996.81. The language of the bill, on lines 12 to 16, on page 44, covers the sum of $525,187.93 into the reclamation fund of these tribes out of their tribal funds on deposit to their credit in the Treasury. In a communication dated January 7, 1915, addressed to the Secretary of the Treasury, the Secretary of the Interior transmits his recommendation for the legislation here recommended by your committee, as well as an appropriation for the Yakima Reservation, Wash. The communications referred to are as follows:

TREASURY DEPARTMENT,
Washington, January 8, 1915.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication of the Secretary of the Interior, of the 7th instant, submitting supplemental estimates of appropriation for the service of the fiscal year ending June 30, 1916, aggregating $1,275,187.93 for continuing the construction of the Blackfeet, Flathead, and Fort Peck irrigation projects in Montana, and for the second installment on account of the storage water right provided in the Indian appropriation act approved August 1, 1914 (38 Stat., p. 605), for the irrigation of Indian allotments on the Yakima Indian Reservation in the State of Washington, in compliance with section 5 of the act of March 3, 1901 (31 Stat., p. 1009), for incorporation in the sundry civil and Indian appropriation bills, respectively.

The reasons for the submission of the above estimates at this time are explained in the notes accompanying the same.

Respectfully,

B. R. NEWTON, *Acting Secretary.*

JANUARY 7, 1915.

DEAR MR. SECRETARY: I transmit herewith a supplemental estimate of appropriation for the fiscal year ending June 30, 1916, aggregating $1,275,187.93, for continuing the construction of the Blackfeet, Flathead, and Fort Peck irrigation projects in Montana, and for the second installment on account of the storage water right provided in the Indian appropriation act of August 1, 1914 (Public, 160), for the irrigation of Indian allotments on the Yakima Indian Reservation in the State of Washington, in compliance with section 5 of the act of March 3, 1901 (31 Stat. L., 1009).

The estimate for the work on the Montana projects should therefore be incorporated in the sundry civil appropriation bill for the ensuing fiscal year. The installment on account of the Yakima water supply is to be covered into the reclamation fund, and should be included in the Indian appropriation bill.

The emergency character of these estimates is explained in notes appended to the estimates.

The estimates have been submitted to the President and have received his approval. It is recommended that they be transmitted to Congress for favorable consideration.

Cordially, yours, FRANKLIN K. LANE.

The SECRETARY OF THE TREASURY.

SALE OF TIMBER ON LANDS OF THE FLATHEAD RESERVATION, MONT. (NO APPROPRIATION).

(Bill, p. 51, line 16.)

Senate hearings, page 374.

This provision is the subject of a bill (S. 647), and has been reported by the committee. The legislation is recommended in view of the recommendation of the Secretary of the Interior in his letter of January 18, 1915, to Senator MYERS, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 18, 1915.

MY DEAR SENATOR: In further reference to the matter of the reclassification and reappraisement of certain lands within the former Flathead Indian Reservation in Montana which was presented in your letter of October 14, 1914, and subsequent correspondence with the Commissioner of Indian Affairs, I have the honor to advise you that it is the belief of the department that the most satisfactory solution of the difficulties which are being encountered there will be the enactment of legislation which will authorize the homesteading of tracts upon which the amount of timber is comparatively small and the land fit for agricultural uses.

Legislation of this character which was recommended by the department in 1912 was introduced in the Sixty-second Congress as Senate bill 6624 and House bill 23881, but was not passed. The same legislation was proposed in Senate bill 647 of the Sixty-third Congress, which was introduced by yourself. In a reconsideration of the matter it has appeared that this legislation could be improved, and the form has been recast. The amended form reads as follows:

"That section 11 of the act of April 23, 1904 (33 Stats. L., 302), entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," amended by the act of March 3, 1909 (35 Stats. L., 796), be, and the same is hereby, amended so as to read as follows:

"'SEC. 11. That merchantable timber on said lands, returned and classified by said commission as timberlands, may be sold by the Secretary of the Interior, under such regulations as he may prescribe, and after the sale and removal of the timber such of said lands as are valuable for agricultural or horticultural purposes shall be sold or opened to homestead entry by the Secretary of the Interior in such manner and under such regulations as he may prescribe: *Provided*, That lands valuable for agricultural or horticultural purposes, heretofore classified as timberlands, may, in the discretion of the Secretary of the Interior, be appraised and opened to homestead entry under regulations prescribed by him, upon condition that homestead entrymen shall at the time of making their original homestead entries, or before final proof thereon, at the discretion of the Secretary of the Interior, pay the full value of the timber found on the land at the time that the appraisement of the land itself is made, such payment to be in addition to the appraised price of the lands apart from the timber, as herein authorized.'"

I should be pleased to see this item included in the Indian appropriation bill for the fiscal year 1916.

Cordially, yours, FRANKLIN K. LANE.

Hon. H. L. MYERS, *United States Senate.*

PURCHASE OF LANDS AND SUPPORT OF HOMELESS INDIANS OF NEVADA (GRATUITY).

(Bill, p. 54, line 24.)

Senate hearings, pages 226, 252, 306.

Appropriated, $15,000.

This is a committee amendment. There have been filed with your committee numerously signed petitions from residents of Nevada requesting this appropriation. A full and complete statement justifying this appropriation is found on page 226 of the hearings on the bill, wherein the Senator from Nevada [Mr. PITTMAN] gives a complete history of the Washoe and other tribes of Nevada Indians. The department did not estimate for this appropriation, but the commissioner states that the money is needed to remedy the conditions existent among these Indians, and the committee heartily recommends the appropriation.

JICARRILLA RESERVATION, N. MEX., ALLOTMENTS AND SALE OF TIMBER (NO APPROPRIATION).

(Bill, p. 56, line 9.)

House hearings, page 213; Senate hearings, page 287.

It is important that this item be included in the bill because the money now to the credit of these Indians is available only for irrigation purposes. This reservation is on the Continental Divide, and it is deemed impracticable to irrigate these lands. The money is to be used for the maintenance of the Indians when received, in the purchase of live stock, seeds, and implements. The committee recommends the adoption of the legislation.

LEASE OF LIMESTONE DEPOSITS, TUSCARORA NATION OF NEW YORK INDIANS (NO APPROPRIATION).

(Bill, p. 57, line 24.)

This provision has passed the House of Representatives (H. R. 14196) and has been made the subject of a report by this committee on January 15, 1915 (H. Rept. No. 918, 63d Cong., 3d sess.), which refers to House Report No. 366 of the Sixty-third Congress, second session. An extract from the House report is appended, and the committee recommends the adoption of the provision:

"The Committee on Indian Affairs, to whom was referred the bill (H. R. 14196) authorizing the Tuscarora Nation of New York Indians to lease or sell the limestone deposits upon their reservation, having duly considered the same, recommend that the bill do pass.

"All of the Indians present before your committee recognized the jurisdiction of the Federal Government over this matter, and that the Indians have no right to lease or sell the lands without the authority and consent of said Government, but are desirous that some disposition of at least a part of their limestone deposits should be made at once. They are insistent that their nation should be recognized and empowered to carry on negotiations to that effect, but that no contract be entered into until it is approved by a referendum vote of the entire adult roster of the nation, and any such contract shall be further subject to the approval of the Secretary of the Interior, and that the matter of the disposition of the limestone deposits be thoroughly advertised, so that there will be no possibility of one or more particular contractors being favored by any faction which may exist among their people.

"There is considerable diversity of opinion as to the extent and value of this deposit. Evidence submitted shows that the best tentative offer the nation has received on a royalty basis is 1 cent per short ton, and the best lump-sum offer for a lease covering about 250 acres, same being a strip 40 rods wide on the north line of the reservation, is $50 per acre ground rent to the occupants of the strip, and $126 per capita to all the members of the nation, regardless of age or sex—all to be paid in advance.

"There is some difference of opinion as to whether a lease for a lump sum or upon a royalty basis is for the best interests of the nation.

"The Geological Survey values the contents of these deposits at 10 cents per ton, while Mr. Edward H. Foley, superintendent of the Solvay quarries at Jamesville, N. Y., a practical quarryman, states that a price of 2 cents a short ton would be favorable to the Indians.

"The quantity contained in the 40-rod strip is estimated by the Geological Survey as containing 6,306,000 long tons on the 250-acre tract, if 9 feet deep. Evidence produced, however, questions the estimated depth of the deposit as being 9 feet. One of the Indians, Mr. Edgar L. Rickard, who has worked in neighboring quarries, claims that the depth is considerably less than this.

"We beg to quote from Geological Bulletin No. 522, of the United States Geological Survey, pages 276, 277, and 279, as follows:

"'The limestones of Clinton age in the western part of the State, though not particularly thick nor high grade, are of great value because of the lack of better stone in a region where the demand is great.

* * * * * * *

"'The iron and steel plants in the Buffalo region now require about 3,000 tons of fluxing rock per day, and this requirement is likely to increase rather than decrease in the future. Until recently the chief sources of flux have been the pure limestone lenses at the base of the Onondago limestone. But these lenses, both in Canada and in the United States, are now within measurable reach of exhaustion, so that the intensity of demand for a pure limestone in the Buffalo region is very great. In view of these facts, the recently developed limestones of Clinton age become of peculiar industrial importance.

* * * * * * *

"'The total tonnage available is, however, limited, and unless new ones are discovered the supply from this source can not last for many years.'

"The Tuscarora limestone deposits are on the line of the Rome, Watertown & Ogdensburg Railroad, and are located but a few miles from the point of consumption.

"Your committee recommends that in case a contract is consummated the distribution of the amount received by the Secretary of the Interior be paid at once to the adult members of the nation, and such portion as belongs to the minors of the nation be deposited in the Treasury of the United States until they shall become of age, when it shall be distributed among them by the Secretary of the Interior.

"If a lease is made on a royalty basis, it is desirable that as large an advance payment as possible be secured, as many members of the nation who have been carrying the burden of the nation are well advanced in years, and if they do not receive an early distribution would probably benefit but little from their limestone deposits."

REDEMPTION OF STARR M'GILLIS MORTGAGE (REIMBURSABLE).

(Bill, p. 60, line 24.)

Amount appropriated, $1,500.

House hearings, page 228; Senate hearings, page 288.

This is an investment by the Government in behalf of the Indian of $1,500, which is amply secured, as shown by the testimony of Mr. Meritt appearing on page 288 of the committee's hearings, and the appropriation of the sum is recommended. The item is also justified on page 228 of the House hearings.

HEADSTONE FOR SCARLET CROW, A WAHPETON CHIEF (GRATUITY).

(Bill, p. 61, line 18.)

Amount appropriated, $100.

Senate hearings, page 223.

This item was in the bill last year, and is approved by the department. The hearings of this committee, page 224, show that Scarlet Crow was a scout for the United States, and while in Washington in 1867 he died. He was buried in the Congressional Cemetery, but his grave is not marked, and it is for the purpose of rendering fitting tribute to his valuable services to the Government that the committee recommends the appropriation.

CLAIMS OF SISSETON AND WAHPETON BANDS OF SIOUX INDIANS (NO APPROPRIATION).

(Bill, p. 61, line 24.)

Senate hearings, page —.

The subject of this legislation was incorporated in Senate bill 5255, which passed the Senate on June 5, 1914. (CONG. RECORD, vol. 51, pt. 10, pp. 9838, 9839.) House report No. 1274, Sixty-third Congress, second session, of January 11, 1915, suggests certain changes in the act as originally drafted, and these changes are incorporated in the language of the section reported by your committee. This confers jurisdiction upon the Court of Claims to determine the claims of the Indians mentioned. This has been the subject of a number of reports, all favorable, and the one dispute (respecting attorneys' fees) has been remedied by a limitation of the amount to $15,000.

SUPPORT AND CIVILIZATION OF WICHITAS, OKLAHOMA (GRATUITY).

(Bill, p. 63, line 11.)

Estimate, $5,000; not allowed by House; allowed by committee, $5,000.

House hearings, page 233; Senate hearings, page 24. Discussion in House, Congressional Record, volume 52, page 1279.

This is a sum which is estimated for by the department and is the regular amount allowed annually for these Indians. A point of order was made in the House of Representatives, and it was inserted by this committee, as the commissioner states the money is essential.

SUPPORT AND CIVILIZATION OF CHEYENNES AND ARAPAHOES (GRATUITY).

(Bill, p. 64, line 11.)

Estimate, $35,000; not allowed by House committee; allowed by Senate committee, $35,000.

House hearings, page 236; Senate hearings, page 25. Discussion in House, Congressional Record, volume 52, page 1281.

Two thousand seven hundred and fifty Indians at four different agencies are given attention by this item, by means of 37 employees. The regular annual sum is here allowed. The appropriation is recommended.

WOMEN'S BOARD OF DOMESTIC MISSIONS (GRATUITY).

(Bill, p. 66, line 1.)

Senate hearings, page 26.

Appropriated, $10,000.

This is to reimburse the Women's Board of Domestic Missions for the loss sustained through the removal of the Mescalero Apaches to their original reservation in New Mexico from Fort Sill, Okla., the women's board being compelled to abandon the buildings referred to. The buildings were used for educational purposes. The department recommends the appropriation, Mr. Meritt submitting his justification on page 26 of the House hearings.

AUTHORIZING THE SECRETARY OF THE INTERIOR TO VACATE CERTAIN LANDS IN OKLAHOMA RESERVED FOR TOWN SITE (NO APPROPRIATION).

(Bill, p. 66, line 9.)

Senate hearings, page 719.

This item is the subject of a separate bill, S. 4619, favorably reported by the committee on February 13, 1915. A similar bill passed the Senate in Sixty-first Congress, second session, but reached the House too late for adoption there. It appears from the report of the department on the proposed legislation that no objection exists to the bill. It authorizes the Secretary of the Interior to reimburse 29 purchasers of land within a town site in Oklahoma which is to be vacated.

The report of the department of most recent date is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, March 21, 1914.

HON. HENRY F. ASHURST,
Chairman Committee on Indian Affairs, United States Senate.

MY DEAR SENATOR: Receipt is acknowledged of the letter dated February 26, 1914, transmitting a copy of Senate bill 4619, Sixty-third Congress, second session, authorizing and directing the Secretary of the Interior to vacate certain lands in Oklahoma reserved for a town site, and for other purposes.

The department wishes to invite to your attention lines 3 to 7, page 2, of the above bill, providing for the allotment of the said town site in equal amounts to San-a-was and Moe-tak-dah, two enrolled Comanche Indian women who have not heretofore received allotments. The Office of Indian Affairs informs me that Moe-tak-dah died March 26, 1912, leaving as her relatives and heirs one Pessa, granddaughter, and Mattie Quah-ne-nah, great granddaughter.

The latter has been provided for on the Comanche allotment roll based on the act of June 5, 1906 (34 Stat. L., 213), which provided for the allotment of children of the tribe born subsequent to and entitled to allotment under the act of June 6, 1900 (31 Stat. L., 676). However, Pessa has not been allotted by reason of the fact that she was born prior to that date.

It is therefore suggested that section 2 of the bill (S. 4619) be amended by striking out, in line 5, page 2, the name "Moe-tak-dah" and inserting the name "Pessa."

If the bill be amended as suggested, I see no objection to its passage.

Cordially, yours,

A. A. JONES,
First Assistant Secretary.

GRANTING RIGHT OF WAY TO ATCHISON, TOPEKA & SANTA FE RAILWAY, CHILOCCO INDIAN RESERVATION (NO APPROPRIATION).

(Bill, p. 67, line 3.)

Senate hearings, page 632.

This provision is also incorporated in S. 7025, Sixty-third Congress, second session, and the grant of a right of way not to exceed 200 feet in width over the reservation at Chilocco is recommended.

PAYMENT OF INTEREST TO OSAGE INDIANS (NO APPROPRIATION).

(Bill, p. 67, line 18.)

Senate hearings of February 12, page —.

About a quarter of a million dollars is distributed quarterly to members of the Osage Tribe. Conditions have arisen whereby money lenders exact usurious rates of interest from certain Indians, and the department has submitted the amendment to remedy it and the justification given below. In some cases several thousand per cent interest is charged, and 40 per cent per annum is considered by some of these Indians as a low rate of interest.

The act of June 28, 1906 (34 Stat. L., 539), regarding the subdivision of the lands and funds of the Osage Indians, provides (sec. 4, subdivisions 1 and 2) that the interest of the segregated shares of the Osage tribal funds, as well as individual shares of the royalties arising from oil and gas leases, shall be paid quarterly to the members entitled thereto, and that the interest of minors shall be paid to the parents or to the legal guardians where the parents are deceased.

This law appears to be mandatory and to give discretion to the department to withhold payments of interest of minors only "when the Commissioner of Indian Affairs becomes satisfied that the said interest of any minor is being misused or squandered."

About $300,000, being the interest on trust funds and oil and gas royalties, is paid to the Osage Indians quarterly. These shares under the present law go to the competent and incompetent alike for their unrestricted use. Experience has demonstrated that many of these Indians are as unfit as a child to be given the unrestricted use of these funds. The methods by which some of the unscrupulous characters separate the incompetent Indian from his money are appalling. The Indian pays usurious interest on borrowed money previous to repaying the loan; he demands no canceled notes or receipted bills; he affixes his thumb-mark signature to any paper that he is told to sign; and then, having used all the money received at the payment in liquidating such debts, he is compelled to again borrow sufficient to tide him over until the next payment. In this manner it is probable that he pays an interest on borrowed funds of not less than 40 per cent per annum.

It is evident that if the Osage Indians are to receive even approximately the benefits which they might have from these payments, some discretion should be lodged in the department with respect to which of the Indians should be given the unrestricted use of their money. The purpose of the amendment is to permit the department to withhold payment and to use the funds for the benefit of the individuals where it is shown that the money has heretofore been misused or squandered.

ADMINISTRATION OF AFFAIRS OF FIVE CIVILIZED TRIBES (GRATUITY).

(Bill, p. 68, line 4.)

House hearings, page 245; Senate hearings, page 27. Discussion in House, CONGRESSIONAL RECORD, volume 52, page 1284.

Estimate, $175,000; House allowed, $150,000; Senate committee allowed, $175,000.

The commissioner states in his testimony before the committee that the service would be greatly crippled if the amount allowed by the House were allowed to stand. This appropriation cares for about 35,000 restricted Indians in Oklahoma, most of whom are full bloods, and it will be years before the Government can release jurisdiction over them.

PROBATE ATTORNEYS, FIVE CIVILIZED TRIBES (GRATUITY).

(Bill, p. 68, line 7.)

House hearings, page 250; Senate hearings, pages 30, 427. Discussion in House, CONGRESSIONAL RECORD, volume 52, page 1286.

Estimate, $85,000; allowed by House, $85,000; committee allowed, $85,000.

From April 1 to December 1, 1914, the amount saved to minors and orphans through protests, exceptions, and suits was $585,122. An interesting résumé of their work is shown on pages 426–429 of the committee's hearings. The amount, $85,000, was adopted by the House.

INDIAN SCHOOLS IN FIVE CIVILIZED TRIBES (GRATUITY).

(Bill, p. 68, line 19.)

House hearings, page 256; Senate hearings,, pages 40, 290, 629. Discussion in House, CONGRESSIONAL RECORD, volume 52, page 1287.

Estimate, $275,000; allowed by House, nothing; allowed by committee, $275,000.

This provision was estimated for by the department and was stricken out by the House. It is essential that the money be allowed, as a complete analysis of expenditures on page 256 of the House hearings shows completely and fully disbursement of the money.

SANATORIUM, CHOCTAW AND CHICKASAW NATIONS (GRATUITY).

(Bill, p. 71, line 13.)

Estimate, $20,000; not allowed by House committee; allowed by Senate committee, $20,000.

House hearings, page 261; Senate hearings, page 42.

This item is justified in the House committee hearings, page 261. Authority has been given for the construction of a hospital, and the amount provided here is for its upkeep and maintenance. The amount allowed is necessary and is recommended.

ENFORCEMENT OF PROHIBITORY LAW, FIVE CIVILIZED TRIBES (GRATUITY).

(Bill, p. 71, line 19.)

Senate hearings, page 70. Committee amendment.

Amount appropriated, $5,000.

This appropriation is for the purpose of aiding the Indian Bureau to cooperate with the United States attorney for Oklahoma in aiding in keeping away from the members of the Five Civilized Tribes beer and whisky. The reasons for this appropriation appear on page 70 of the committee hearings, and the provision has the approval of the committee.

PER CAPITA PAYMENT TO CHOCTAW AND CHICKASAW TRIBES (NO APPROPRIATION).

(Bill, p. 72, line 10.)

House hearings, page 264; Senate hearings, pages 37, 71, 291, 309, 359, 430, 435, 446, 531, 595, 634, 639, 645, 740, and from page 766 to end of hearings. Discussed in House of Representatives, CONGRESSIONAL RECORD, volume 52, pages 1292 and 1339.

Estimated by department, page 450 of Estimates of Appropriations. Adopted by House, page 1346 of volume 52, CONGRESSIONAL RECORD.

By their agreements with the United States the members of the Choctaw and Chickasaw Tribes have been guaranteed a distribution of their funds in the Treasury of the Government and on deposit in banks. The question was adopted by your committee, as shown on page 661 of the hearings, by the following vote: Ayes—Senators MYERS, ROBINSON, THOMPSON, OWEN, WHITE, CLAPP, PAGE, and the chairman; nays—Senators LANE and GRONNA. The committee has heard the testimony of every person who could have any knowledge upon this subject and who wished to be heard. Our conclusion is that the money is in the Treasury and to the credit of the Indians, that they are entitled to it, and that the statement shown on page 265 of the House committee hearings clearly shows that the withdrawal of the money sufficient to make the per capita payments will not injure the interest of anyone.

Much controversy has been aroused by efforts to reopen the rolls of these tribes by those who claim they should participate in this per capita distribution. Without prejudice to any person's rights, there will remain in the Treasury sufficient money to fully compensate all persons who may under any circumstances have any right to a distributive share. The Interior Department has rendered its decision in accordance with law as to who are entitled to share in this distribution. More than $13,000,000 will remain to the credit of these tribes after the withdrawals here authorized are made. With such a vast fund, ably administered as it is, increasing all the time, it would be unjust to deprive enrolled members of the Choctaw and Chickasaw Tribes from participation in this distribution.

WITHHOLDING FROM ALLOTMENT CERTAIN LANDS IN CREEK NATION (NO APPROPRIATION).

(Bill, p. 73, line 16.)

Senate hearings, pages 39, 224, 282, 311; House committee special hearings on H. J. Res. 380 of January 7, 1915; favorably reported to House, CONGRESSIONAL RECORD, volume 52, page 2617.

This provision is embodied in House joint resolution 380, which was the subject of two reports, viz, No. 1326, of January 27, 1915, and No. 1326, part 2, of January 30, 1915, to the House of Representatives, the latter being a minority report. The language of this provision in the appropriation bill here considered is similar to the majority report to the House, except that the sale of such lands as may be unallotted is prohibited, but the same may be leased. The land herein involved is said to be worth about $10,000,000. The provision authorizing a per capita distribution of $800 to each member of the tribe who has not received allotment and who was entitled to allotment prior to the compilation of the list of names included in Senate Document No. 478, Sixty-third Congress, second session, has been increased to $2,080 by the committee. A full hearing was granted to all persons interested, and the testimony appears on pages of this committee hearings as given at the opening of this justification, and the committee refers especially to the testimony before the House committee cited. On page 4 of the majority report of the House committee (H. R. 1326, pt. 1) appears the statement of the department which justifies this proposed legislation. There are just five persons on the rolls entitled to allotment, and no provision has been made for them; they will not be entitled to land, and the money payment here authorized will compensate them. The committee recommends the legislation.

SCHOOLS FOR SIOUX INDIANS (TREATY ITEM).

(Bill, p. 79, line 5.)

House hearings, page 289; Senate hearings, pages 40, 65, 290, 511, 601, 630, 672. Discussion in the House, CONGRESSIONAL RECORD, volume 52, page 1349.

Estimate, $200,000; allowed by House, $200,000; allowed by Senate, $200,000.

The committee has attached to the appropriation as adopted by the House the following language:

"To be expended under the agreement with said Indians in section 17 of the act of March 2, 1889, which agreement is hereby extended to and including June 30, 1916."

This provision of course recognizes the treaty of 1889 and provides $200,000 for the education of the Sioux Indians. Recognizing the treaty to the extent of appropriating the amount called for ($200,000), the Government should provide sufficient schools for the education of the Indians. It appears that this has not been done, and the money here appropriated has for many years been utilized for the education of Sioux children at other than Government schools to some extent. At the present time about $20,000 per year, according to the testimony before the committee, is so utilized. A great deal of testimony has been heard by your committee, and it has been deemed advisable to recommend to the Senate the continuance of the treaty.

WAGON ROAD, STANDING ROCK RESERVATION.

(Bill, p. 79, line 20.)

Estimate of department, in H. R. 1236, of December 7, 1914, $5,000; not considered by House committee. Discussion in House, CONGRESSIONAL RECORD, volume 52, page 1350; Senate hearings, pages 68 and 201.

The appropriation bill of August 1, 1914, carried an item appropriating $1,000 for the purpose of making an investigation as to the feasibility and necessity of the road for which $5,000 is here appropriated. This report, with accompanying map, is found in House Document 1236, Sixty-third Congress, third session, and the Secretary of the Interior reports favorably upon the project and asks for the sum of $5,000. In pursuance to the prior appropriation and the subsequent report the committee recommends that $5,000 be allowed.

CONFEDERATED BAND UTE INDIANS, AUTHORIZING SECRETARY OF THE INTERIOR TO SETTLE ALL CLAIMS (NO APPROPRIATION).

(Bill, p. 83, line 9.)

Senate hearings, page 295. House hearings, pages 401 and 663. No amount appropriated.

This legislation is recommended by the department in a communication dated January 23, 1915, from the Bureau of Indian Affairs, and as it appears in the bill is approved by the department. The review of the proposed paragraph is as follows:

JANUARY 23, 1915.

Hon. HENRY F. ASHURST,
Chairman Committee on Indian Affairs,
United States Senate.

MY DEAR SENATOR: I have your letter of January 15, 1915, inclosing copy of an amendment intended to be proposed by Senator THOMAS to the pending Indian appropriation bill for the fiscal year 1916 (H. R. 20150), the purpose of which amendment is to provide for the negotiation of an agreement with the Confederated Bands of Ute Indians for a final settlement of all their claims against the United States.

In submitting an adverse report to the chairman of the Committee on Indian Affairs, United States Senate, on a proposed amendment to H. R. 26874, Sixty-second Congress, third session (Indian appropriation bill for fiscal year 1914), which would have enabled the Confederated Bands of Ute Indians to submit to the Court of Claims for adjudication their claim against the United States, the department, under date of January 31, 1913, said, among other things:

"There are no difficult legal questions involved in the determination of the rights and interests of these Indians, and no questions involving the attention of attorneys of unusual forensic or legal ability, if indeed there are any questions which justify the employment of any attorneys whatever. The questions at issue involve chiefly the determination of certain mineral, timber, and nonirrigable lands. There is apparent no sufficient reason why representatives of the Government can not determine the value of these lands and, after fully consulting with the Indians, reach an agreement which may be submitted with the full consent of the Indians to Congress for appropriate action."

I am of the opinion that the amendment now proposed is in some respects very desirable. However, I am opposed to that part of the amendment providing that the "said Indians may be represented in said negotiations and settlement by the counsel of their own selection and who are now representing them under written agreement."

In the first place, as may be inferred from department letter referred to above, there appears to be no questions involved which would justify the employment of an attorney. Furthermore, as far as the records of this office are concerned, no contract between the Ute Indians and any attorneys to represent them in this matter has received the approval of the office and the Secretary of the Interior in accordance with the provisions of section 2103 of the Revised Statutes. If the amendment were adopted as written, it would probably have the effect of validating any contract which might have been written, and I would be opposed to such action in the absence of full knowledge of the terms of such contract. I therefore suggest that the amendment be amended by striking out all that part thereof after the word "Interior," in line 11 of page 2.

Very truly, yours,

CATO SELLS, *Commissioner.*

IRRIGATION OF INDIAN ALLOTMENTS, YAKIMA INDIAN RESERVATION, WASH. (REIMBURSABLE).

(Bill, p. 86, line 15.)

House hearings, page 304. Senate hearings, pages 194 and 197.

Estimate of department, $100,000; allowed by Senate committee, $100,000.

The item of $100,000 here allowed is in line with the like appropriation in the bill for last year. House Document No. 1481, Sixty-third Congress, third session, containing a full justification for this provision, did not reach the House committee in time for the consideration of the House, and the item here would appear as a committee amendment. On page 5 of Document No. 1481, referred to, the language here recommended is to be found. This is a work still under way and is essential to the completion of the project in accordance with previous legislation.

CONSTRUCTION OF DAM ACROSS YAKIMA RIVER, WASH. (REIMBURSABLE).

(Bill, p. 86, line 23, to p. 88, line 23.)

House hearings, page 305. Estimated by department, Book of Estimates, page 463. Senate hearings, pages 197 and 231.

Estimate, $100,000. Senate committee allowed $100,000.

This provision is embodied in House Document No. 1472, dated November 18, 1914, submitted to Congress January 4, 1915, and hence the justification did not reach the House committee in time for its consideration. The statement of the commissioner, on pages 198 and 199 of our committee hearings, and the statement of Senator WESLEY L. JONES, amply justify the appropriation. The department has made estimate for the work in compliance with the Indian appropriation act of last year, and as this has long been contemplated, the appropriation is necessary. (38 Stat. L., 605.) Under date of February 13, 1915, the Assistant Secretary of the Interior again refers to this matter as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 13, 1915.

Hon. HENRY F. ASHURST,
United States Senate.

MY DEAR SENATOR ASHURST: Acknowledging receipt of your reference of a proposed amendment intended to be made to the bill (H. R. 20150) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, appropriating $400,000 for construction of a dam across the Yakima River and for beginning the enlargement and extension of the distribution and drainage system on the Yakima Indian Reservation, I invite your attention to the report dated November 18, 1914, which I submitted to Congress under date of January 4, 1915, in compliance with a provision of the Indian appropriation act of August 1, 1914 (38 Stat. L., 605).

The work proposed is very necessary, and meets with my approval. In view, however, of the desirability of curtailing appropriations where not absolutely necessary, it is believed that reasonably satisfactory progress can be had on this project if the appropriation of $100,000

is made in accordance with the former estimate submitted through the Secretary of the Interior, and I recommend that this amount be included in the bill.

Cordially, yours,

A. A. JONES,
First Assistant Secretary.

PATENTS TO KAMI SAM AND OTHER INDIANS IN THE STATE OF WASHINGTON (NO APPROPRIATION).

(Bill, p. 88, line 23, to p. 91, line 6.)

Senate hearings, page 202.

The statement of Senator JONES, of Washington, respecting this item shows that the same was reported favorably to the House of Representatives, and on February 20 the House passed a bill containing this legislation. (See Cong. Rec., vol. 52, p. 3848.) Some question arising during the discussion of the provision by this committee, the department was called upon for further information, and on January 30 the following report, in addition to various others previously made, was received:

DEPARTMENT OF THE INTERIOR,
Washington, January 30, 1915.

MY DEAR SENATOR: The department has received by your reference, for report, a copy of a proposed amendment to the Indian appropriation bill for the fiscal year ending June 30, 1916 (H. R. 20150) confirming "as fee simple patents, without restrictions against alienation as of their dates of issuance," 12 patents heretofore issued to certain Indians covering homesteads in the State of Washington. In each of the cases cited fee simple patents have been issued by the Government.

This proposed amendment is identical with H. R. 19376 and S. 6671, upon which favorable reports have heretofore been made. These reports have been printed as House Report No. 1246, Sixty-third Congress, third session, copy inclosed. There is also inclosed copy of a supplemental report of January 5, 1915, on S. 6671.

This proposed legislation is desired in order to remove any doubt as to the right of these particular Indians to pass title, in view of certain decisions of the State courts to the effect that Indians are entitled to 25-year restricted trust patents under the Indian homestead act of July 4, 1884 (23 Stat. L., 96), instead of patents under the general homestead law as citizens of the United States.

In view of the situation presented, without going into the question of the validity of said patents, I can see no objection to the proposed amendment, and recommend that the item be incorporated in the Indian appropriation bill for the fiscal year 1916.

Cordially, yours,

A. A. JONES,
First Assistant Secretary.

Hon. HENRY F. ASHURST,
Chairman Committee on Indian Affairs, United States Senate.

GRANTING LANDS TO STATE HISTORICAL SOCIETY, WASHINGTON (NO APPROPRIATION).

(Bill, p. 91, line 6.)

Senate hearings, page 231.

A reference to page 234 of the hearings of this committee will show that the legislation referred to passed the Senate in its substantial form January 17, 1913. (S. 5379, 62d Cong., 3d sess.) This provision is pending in a separate bill (S. 3130, 63d Cong.) and has the approval of the department.

GRANTING LANDS TO SCHOOL DISTRICT 56, KLICKITAT COUNTY, WASH. (NO APPROPRIATION).

(Bill, p. 92, line 6.)

Senate hearings, page 206.

Reference to page 206 of the hearings will show that the legislation recommended is necessary, and the department has reported thereon favorably, under date of January 28, 1915. The provision is also pending as Senate bill 6859, Sixty-third Congress, third session. The approval of the department is set out as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 28, 1915.

MY DEAR SENATOR: I have the honor to acknowledge receipt by your reference of January 20 of a copy of S. 6859, being a bill granting certain lands to school district No. 56, Klickitat County, Wash., and authorizing the issuance of patent therefor, and to report as follows:

The site of school district No. 56, Klickitat County, Wash., I find to be within that part of the Yakima Indian Reservation in Washington which was annexed to the reservation under the provisions of section 1 of the act of December 21, 1904 (33 Stat., 595–596). The act contained a provision that—

"Where valid rights have been acquired prior to March 5, 1904, to lands within said tract by bona fide settlers or purchasers under the public land laws, such rights shall not be abridged, and any claim of said Indians to these lands is hereby declared to be fully compensated for by the expenditure of money heretofore made for their benefit in the construction of irrigation works on the Yakima Indian Reservation."

By correspondence with the superintendent of the Yakima Indian Reservation and Mr. G. A. Jacroux, clerk of said school district No. 56, it is found that the school grounds in question are legally described as the northwest quarter of northwest quarter of northeast quarter of northeast quarter, section 11, township 6 north, range 14 east, western meridian, containing 2½ acres; that the school board desires to enlarge its facilities, and for that purpose finds it necessary to acquire title to the land. The act contains no provision for the sale of lands needed for public purposes or for the gratuitous patenting of any tract so needed.

The correspondence indicates that this 2½-acre site is not needed for any Government, administrative, or Indian use; that it is not claimed by any Indian; that the school was situated thereon prior to the time the land was annexed to the reservation; and that the acquisition of title by the school board is a matter of much importance to the community. It has been the policy of the Indian Office and the department to encourage the establishment of public-school districts within the borders of Indian reservations, in order that facilities may be afforded for the attendance of Indian and white children in the same school. For these reasons I am in accord with the action proposed in the bill.

Very truly, yours,

A. A. JONES,
First Assistant Secretary.

Hon. HENRY F. ASHURST,
Chairman Committee on Indian Affairs,
United States Senate.

ALLOTMENTS TO TWO INDIANS IN THE DIMINISHED COLVILLE RESERVATION, WASH. (NO APPROPRIATION).

(Bill, p. 92, line 16, to p. 93, line 6.)

Senate hearings, page 301.

This provision is pending in Sixty-third Congress, third session, as S. 4310, limiting the granting of 8 acres of land to Se-cum-ka-nullax, embraced in a homestead allotment of one Charles M. Hickerson, to which the Indian mentioned was entitled, but through an error of some sort was deprived. No appropriation is carried by this provision. A full justification appears on pages 301–304 of the committee hearings.

PURCHASE OF BUILDING MATERIAL, SEED, AND ANIMALS FOR POTTAWATOMIE BAND OF WISCONSIN INDIANS (REIMBURSABLE).

(Bill, p. 94, line 1.)

Senate hearings, page 246. Appropriation, $100,000.

These Indians have between $400,000 and $500,000 in the Treasury, and the money is to be reimbursed out of their proportionate share of the funds in the Treasury. House Document 830, Sixtieth Congress, first session, shows their proportionate share, as cited in the proposed amendment. This item is fully justified by Mr. Meritt on page 247 of the House hearings.

PAYMENT TO STOCKBRIDGE AND MUNSEE INDIANS (GRATUITY).

(Bill, p. 95, line 13.)

Senate hearings, pages 253 and 436. Appropriation, $90,000.

A reference to page 436 of the committee's hearings will show a justification for the item. This appropriation is recommended by the department. It provides for payment to certain Indians who were enrolled under the act of March 3, 1893, sums equal to the amounts paid to the other members of said tribe prior to the enrollment under said act.

SALE OF TIMBER ON LANDS IN BAD RIVER AND FOND DU LAC RESERVATIONS, WIS. (NO APPROPRIATION).

(Bill, p. 96, line 1.)

Senate hearings, page 762.

This is a committee amendment added at the request of the department, and for a full justification thereof reference is had to page 762 of this committee hearings. No appropriation is carried by this item, and its adoption is recommended.

ENLARGEMENT AND REPAIR LE CLAIR AND RIVERTON DITCHES, WIND RIVER RESERVATION, WYO. (REIMBURSABLE).

(Bill, p. 97, line 20.)

Senate hearings, page 515; discussion in House, volume 52, CONGRESSIONAL RECORD, pages 1359–1360.

Appropriated, $45,000.

This has the approval of the department, and the sum appropriated is needed in order to cooperate with the water users, both white and Indian, under the project, already constructed in part, and it will develop for irrigation several thousand acres of fertile soil beneficial to the Indians. The committee recommends the appropriation.

ACCOUNTING SYSTEM, INDIAN BUREAU (GRATUITY).

(Bill, p. 98, line 7.)

House hearings, page 319; Senate hearings, page 291.

It will appear from the following quotation from the statement made to this committee (p. 295 of hearings) that this provision is necessary:

"The Office of Indian Affairs, whose volume of business runs to many million dollars each year, and whose trusteeship includes the custody and control of approximately a thousand million dollars' worth of property, is equipped with records so inadequate as not only to imperil the rights of those for whose benefit these funds and properties are held, but to leave the administrator himself without protection. An accounting system is maintained which is single entry in principle. The accounts are partial and inaccurate in many particulars. It is impossible with present methods for the officials of the Indian Office to keep in personal touch with the many varied transactions and the constantly changing status of property and funds."

The Joint Commission to Investigate Indian Affairs has also made recommendations with respect to this appropriation and recommend the same.

[The conference report on the Indian appropriation bill appears on p. 5358 of to-day's proceedings.]

Mr. ASHURST. Mr. President, I ask unanimous consent that the Senate, not later than 9.30 a. m. this day, and without further debate after 9.30 a. m., proceed to vote on this conference report.

The VICE PRESIDENT. The request having been made, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	O'Gorman	Shields
Bankhead	Hughes	Overman	Simmons
Brandegee	Johnson	Owen	Smith, Ga.
Bryan	Jones	Page	Smith, Md.
Catron	Kern	Penrose	Smoot
Chamberlain	Lane	Pittman	Sterling
Chilton	Lea, Tenn.	Poindexter	Swanson
Clapp	Lee, Md.	Pomerene	Thompson
Fall	Lewis	Ransdell	Vardaman
Fletcher	Lippitt	Reed	Walsh
Gore	Martine, N. J.	Robinson	Weeks
Gronna	Myers	Shafroth	
Hardwick	Norris	Sheppard	

The VICE PRESIDENT. Fifty Senators have answered to the roll call. A quorum is present. The Senator from Arizona [Mr. ASHURST] has asked unanimous consent that at not later than 9 o'clock and 30 minutes this morning the Senate proceed to vote upon the conference report on the Indian appropriation bill. Is there objection?

Mr. GRONNA. Mr. President, I can not agree to a unanimous consent at this time.

Mr. ASHURST. Does the Senator from North Dakota object? I was unable to hear him.

Mr. GRONNA. I can not agree to giving unanimous consent at this time to vote.

Mr. ASHURST. The Senator, then, objects?

Mr. GRONNA. I want to occupy the floor for half or three-quarters of an hour.

Mr. ASHURST. There is so much confusion that I did not hear whether or not the Senator objected. Does he object?

Mr. GRONNA. I do object.

Mr. ASHURST. The Senator objects. Then I ask unanimous consent that the Senate proceed to vote not later than 10 o'clock this day on the pending conference report.

The VICE PRESIDENT. Is there objection?

Mr. GRONNA. Mr. President, as I said a moment ago, I can not agree to fix a time for voting. I do not want to make an agreement at this time until I have——

Mr. ASHURST. The Senator objects to that?

Mr. GRONNA. I do, until I have finished my remarks. I have some matters which I wish to present to the Senate. Perhaps when I get through, so far as I am concerned, I shall have no objection.

Mr. ASHURST. The Senator from North Dakota having objected to the hour of 10 o'clock, I ask unanimous consent that the Senate proceed not later than the hour of 10.30 a. m. this day to vote on the conference report.

The VICE PRESIDENT. Is there objection?

Mr. GRONNA. I shall object to unanimous consent for voting at a particular time.

Mr. ASHURST. The Senator objects to voting at 10.30?

The VICE PRESIDENT. The Senator says he objects to agreeing to vote at any time.

Mr. GRONNA. At any time.

Mr. ASHURST. Then, as a final request, I ask unanimous consent that the Senate proceed to vote on the conference report at 11 o'clock and 15 minutes a. m. this day.

Mr. GRONNA. Well, Mr. President, I have just said that I can not agree to anything of that kind just now. It may be that I shall have no objection to taking a vote at some particular hour, but I can not agree at the present time.

The VICE PRESIDENT. There is objection. The Senator from North Dakota.

Mr. ASHURST. Mr. President, will the Senator from North Dakota yield to me?

Mr. GRONNA. I yield for a question.

Mr. ASHURST. Will the Senator from North Dakota himself state an hour or a moment at which he will agree to vote or at which he will not interpose any objection?

Mr. GALLINGER. Mr. President, will the Senator from Arizona yield to me?

Mr. ASHURST. I have not the floor.

The VICE PRESIDENT. The Senator from North Dakota has the floor.

Mr. GALLINGER. Will the Senator from North Dakota yield to me for a moment?

Mr. GRONNA. Yes.

Mr. GALLINGER. I want to inquire, having been absent from the Chamber for a short time, whether the agreement on this bill is a full agreement on the part of the conferees?

Mr. ASHURST. The conferees have had a full and free conference and have agreed, save and except the Senator from Minnesota [Mr. CLAPP] did not join in the report.

Mr. GALLINGER. But it is a full agreement?

Mr. ASHURST. It is a full agreement on all the disputed items.

Mr. GRONNA. Mr. President, I shall not detain the Senate very long.

CENTRAL PACIFIC RAILROAD CONVEYANCES IN NEVADA.

The VICE PRESIDENT. Before the Senator from North Dakota begins, the Chair desires to lay before the Senate certain messages from the House of Representatives.

Mr. GRONNA. Of course, I yield for that purpose, Mr. President.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 5042) legalizing certain conveyances heretofore made by the Central Pacific Railroad Co. and others within the State of Nevada, which was to strike out all after the enacting clause and insert:

That all conveyances heretofore made on or before January 1, 1885, by the Central Pacific Railroad Co. of California, the Central Pacific Railroad Co., or the Central Pacific Railway Co., or the Contract & Finance Co., to the extent that the conveyances of the latter company were founded upon conveyances originally made by above-named railway companies, or either or any of them or their assigns, of or concerning land forming part of the right of way and now within the corporate town or city limits of the towns or cities of Elko, Carlin, Reno, Wells, and Winnemucca, in the State of Nevada, granted by the Government by the act of Congress of July 1, 1862, entitled "An act to aid the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," and all other acts of Congress amendatory thereof or supplementary thereto are hereby legalized, validated, and confirmed to the extent that the same would have been legal or valid if the land involved therein affected by this act had been held by the corporation making such conveyances under absolute or fee-simple title, subject to the conditions hereinafter stated.

SEC. 2. That this act shall have no validating force until the Central Pacific Railroad Co. of California, or its assigns, shall file with the Secretary of the Interior an instrument in writing accepting its terms and provisions.

SEC. 3. That nothing herein contained shall have the effect to diminish said right of way to a less width than 50 feet on each side of the center of the main track of the railroad as now established and maintained.

Mr. PITTMAN. Mr. President, I move that the Senate concur in the House amendment.

Mr. SMOOT. Mr. President, I simply desire to ask the Senator from Nevada what effect does the change made in the House amendment have upon the Senate bill which we passed some time ago?

Mr. PITTMAN. There is this difference: The bill which passed the Senate applied to all lands in the State of Nevada on a right of way on the same conditions. This limits it to five towns in Nevada.

Mr. SMOOT. It is a restriction, rather than an extension?

Mr. PITTMAN. It is a restriction.

The VICE PRESIDENT. The question is on the motion of the Senator from Nevada that the Senate concur in the House amendment.

The motion was agreed to.

PUBLIC BUILDING AT FORSYTH, GA.

The bill (H. R. 20604) to construct a public building for a post office at the city of Forsyth, Ga., was read twice by its title.

Mr. HARDWICK. I ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. Is there objection to the request of the Senator from Georgia?

Mr. SUTHERLAND. Mr. President, I will ask the Senator from Georgia is not that the same matter that was put into the general deficiency bill?

Mr. HARDWICK. The Senate has already passed this proposition.

Mr. SUTHERLAND. It was included in the general deficiency bill, was it not?

Mr. HARDWICK. Yes, sir.

Mr. SUTHERLAND. Then what is the object of considering this bill?

Mr. HARDWICK. Because the House did not pass it in that form. It was lost in conference between the Houses.

Mr. SUTHERLAND. This is not included?

Mr. HARDWICK. No, sir; but the Senate has already passed this proposition in another form.

Mr. TOWNSEND. What is it?

Mr. HARDWICK. A public building for Forsyth, Ga.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE DALLES-CELILO CANAL.

The joint resolution (H. J. Res. 426) providing that the Congress of the United States shall participate in the celebration of the opening of The Dalles-Celilo Canal was read twice by its title.

Mr. CHAMBERLAIN. Mr. President, I ask unanimous consent for the present consideration of the joint resolution. There is no money appropriated by it.

Mr. GALLINGER. Mr. President, I should like to hear the title of the joint resolution read once more.

The SECRETARY again read the joint resolution by title.

Mr. GALLINGER. Mr. President, I will ask the Senator from Oregon to make a brief statement as to the purpose of the joint resolution.

Mr. CHAMBERLAIN. Mr. President, we are about to celebrate the opening of a great canal, which has been constructed by the Government, and this joint resolution simply provides for the representation of Congress at the celebration. It involves no expense to the Government.

Mr. GALLINGER. No appropriation is carried?

Mr. CHAMBERLAIN. No appropriation is carried.

Mr. GALLINGER. There is no objection on my part.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PEARL RIVER BRIDGE, LOUISIANA.

Mr. RANSDELL. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Louisiana?

Mr. RANSDELL. Will the Senator permit me to make a report?

Mr. GRONNA. If I may do so without losing the floor.

The VICE PRESIDENT. The Chair has promised to protect the Senator from North Dakota.

Mr. RANSDELL. I ask the Senator from North Dakota to permit me to submit a report on a bridge bill affecting Louisiana.

Mr. GRONNA. With pleasure.

Mr. SMOOT. Is it a House bill?

Mr. RANSDELL. It is. I report favorably without amendment from the Committee on Commerce the bill (H. R. 21562) to authorize the construction of a bridge across Pearl River, at or near the city of Bogalusa, La. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DONATION OF CONDEMNED CANNON.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5495) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls, which were, on page 7, after line 12, to insert:

To the town of Buckingham, Va., two cannon or fieldpieces, with their carriages, not needed for present service, to be mounted on either side of the Confederate monument in the said town of Buckingham, in the State of Virginia;

To the town of Fincastle, Va., two cannon or fieldpieces, with their carriages, not needed for present service, to be mounted on either side of the Confederate monument in the said town of Fincastle, in the State of Virginia;

To Bartleson Post, No. 6, Grand Army of the Republic, Department of Illinois, at Joliet, Ill., one condemned fieldpiece or cannon, with a suitable outfit of cannon balls, the same to be used for the purpose of appropriately marking the burial places of deceased soldiers in the cemetery lots owned by said post;

To the city of Payette, in the State of Idaho, for the use of William T. Sherman Post, No. 31, Grand Army of the Republic, one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls for two pyramids;

To the city of Grand Junction, Colo., two cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls, not needed for present service, to be mounted on some appropriate site in said city;

To the town of Ripley, in the county of Jackson, State of West Virginia, for the use of Carl Shatto Post, No. 28, Department of West Virginia, Grand Army of the Republic, two condemned bronze or brass cannon or fieldpieces;

To the city of Fredericktown, in the State of Missouri, for the use of Maj. Gavitt Post, No. 174, Grand Army of the Republic, one condemned bronze or brass cannon or fieldpiece, with carriage, with a suitable outfit of cannon balls;

To the city of Farmington, in the State of Missouri, for the use of Picket Post, No. 215, Grand Army of the Republic, four condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls;

To Custard Post, No. 39, Grand Army of the Republic, Department of Kansas, located at Onaga, Kans., one condemned bronze or brass cannon or fieldpiece, and a suitable outfit of cannon balls;

To Wilson Colwell Post, No. 38, Grand Army of the Republic, Department of Wisconsin, at La Crosse, Wis., two condemned fieldpieces or cannon, with suitable outfits of cannon balls;

To the city of Sikeston, Mo., two cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls, not needed for present service, to be mounted in the public park in said city;

To the General Heintzelman Post, No. 300, Grand Army of the Republic, of Manheim, Pa., two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls;

To the city of St. Maries, Idaho, for the use of the city in its public park, one condemned bronze or brass cannon or fieldpiece, and a suitable outfit of cannon balls for two pyramids;

To the town of Wise, Va., two cannons, with proper carriages and with suitable outfit of cannon balls, which may not be needed in the service, the same to be placed on the public square in said village;

To the city of Brodhead, Wis., two cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls, not needed for present service, to be mounted in the public park of said city;

To the town of Santa Rosa, Cal., two cannon or fieldpieces, with their carriages, not needed for present service, to be mounted in the monument lot in the said town of Santa Rosa, in the State of California;

To the village of Blanchardville, Wis., two cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls, not needed for present service, to be mounted in the public park of said village;

To Custer Post, No. 81, of the Grand Army of the Republic, and Major John Slocum Camp, No. 181, Sons of Veterans, at Bath, in the State of New York, three bronze or brass fieldpieces or cannon, with their carriages and outfit of cannon balls, etc., not needed for service, the same to be used on the site of the soldiers' monument in the town of Bath;

To the city of Princeton, in the State of Missouri, two condemned bronze or brass cannon or fieldpieces, with their carriages and with suitable outfit of cannon balls, not needed for present service, the same to be mounted and used in the courthouse square in said city;

To the town of Sherman, Me., for the use of Grand Army Post No. 51, of Sherman Mills, Me., two condemned bronze or brass cannon or fieldpieces, with their carriages and suitable outfit of cannon balls, the same to be mounted and placed by direction of the Grand Army post;

To the order of McIlwain Post, No. 273, Grand Army of the Republic, Vandalia, Ill., two condemned bronze cannon, mounted on carriages, for the purpose of placing them in the courthouse yard in the city or in their cemetery lot in South Hill Cemetery;

To donate two bronze or brass guns with carriages to the village of Toronto, Ohio, now at Chickamauga Park, Ga., which were issued to the commissioners of the Chickamauga and Chattanooga National Military Park under the provisions of the act of Congress approved August 5, 1892 (27 Stat. L., 376), and are not now needed by the commission;

To Long Beach Post, No. 181, Grand Army of the Republic, Department of California and Nevada, a cannon or fieldpiece, with its carriage and suitable outfit of cannon balls, not needed for present service;

To the order of post, Grand Army of the Republic, Hunt, Ill., one condemned bronze cannon, mounted on carriage;

To the city of Chillicothe, in the county of Peoria and State of Illinois, two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls;

To the borough of Terre Hill, Pa., for the soldiers' plot, two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls;

To donate one bronze or brass gun to the board of commissioners, Lake County, Ind., to be located and kept on property owned by said board and known as the Lake County Fairgrounds and Memorial Park, now at Chickamaugua Park, Ga., which were issued to the commissioners of the Chickamauga and Chattanooga National Military Park under the provisions of the act of Congress approved August 5, 1892 (27 Stat. L., 376), and are not now needed by the commission;

To Sol Meredith Post, No. 55, Department of Indiana, Grand Army of the Republic, of Richmond, in the State of Indiana, four condemned bronze or brass cannon or fieldpieces, with their carriages and with suitable outfit of cannon balls, not needed for present service, the same to be mounted and placed by direction of the Sol Meredith Post, No. 55;

To the village of Blanchester, in the State of Ohio, one condemned bronze or brass cannon or fieldpiece and carriage, together with a suitable outfit of cannon balls for two pyramids, to be placed in the cemetery in said village as a memorial to the soldiers there interred;

To the city of Xenia, in the State of Ohio, three condemned bronze or brass cannon, without the carriages, together with a suitable outfit of cannon balls for six pyramids, to be placed in the triangular lot adjacent to Woodland Cemetery, in said city, set aside and made available for the uses of the Lewis Post, No. 347, Grand Army of the Republic, as a memorial to the soldiers there interred;

To the village of Springboro, in the county of Warren and State of Ohio, one condemned bronze or brass cannon or fieldpiece and carriage, together with a suitable outfit of cannon balls for two pyramids, to be placed in the cemetery of said village as a memorial to the soldiers of the Billy Baner Post, No. 537, Grand Army of the Republic, there interred;

To William Timmons, of Greenwich, in the State of Connecticut, one condemned bronze or brass cannon or fieldpiece, with its carriage and a suitable outfit of cannon balls;

To the town of Fremont, in the county of Mahaska, State of Iowa, for the use of the Phil Kearney Post, No. 40, Department of Iowa, Grand Army of the Republic, two condemned iron or steel fieldpieces, to be subject at all times to the order of the Secretary of War;

To the San Diego Army and Navy Academy, at Pacific Beach, in the State of California, one condemned bronze or brass cannon or fieldpiece and carriage, together with a suitable outfit, to be used for saluting purposes;

To the city of Morrow, in the State of Ohio, one condemned bronze or brass cannon or fieldpiece and carriage, together with a suitable outfit of cannon balls for two pyramids, to be placed in the cemetery in said city as a memorial to the soldiers there interred;

To the town of Berryville, in the county of Carroll and State of Arkansas, four condemned cannon or fieldpieces, with their carriages and suitable outfit of cannon balls, to be subject at all times to the order of the Secretary of War;

To Alva Post, No. 28, Grand Army of the Republic, Department of Oklahoma, Alva, Okla., two cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls, not needed for present service, to be mounted in the courthouse square in said city;

To Grant Post, No. 1, Grand Army of the Republic, Department of Oklahoma, Oklahoma City, Okla., two cannon or fieldpieces and a suitable outfit of cannon balls, not needed for present service, to be placed on the post's burial ground as a monument in said city;

To the Wamego Commercial Club, Wamego, Kans., two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls for display purposes in public park;

To the city of New Rochelle, N. Y., one condemned bronze gun and three pyramids of shell, to be used for ornamental purposes in the public square;

To the village of New Richmond, in the State of Wisconsin, two condemned bronze or brass cannon or fieldpieces, with their carriages, and suitable outfit of cannon balls;

To the city of Pottsville, in the State of Pennsylvania, two brass or bronze cannon, with a suitable outfit of cannon balls, not needed for present service, the same to be placed in plot in front of armory in said city;

To the order of post, Grand Army of the Republic, Vandalia, Ill., two condemned bronze cannon, mounted on carriages, for the purpose of placing them in the courthouse yard in the city;

To the village of Ellsworth, in the State of Wisconsin, two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls;

To Enid Post, Grand Army of the Republic, Department of Oklahoma, Enid, Okla., two cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls, not needed for present service, to be mounted on the Government acre in said city;

To the town of Beacon Falls, Conn., two condemned bronze or brass cannon or fieldpieces, with carriages and a suitable outfit of cannon balls, the same to be subject at all times to the order of the Secretary of War;

To the city of Van Buren, Ark., two cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls, not needed for present service;

To donate two condemned bronze or brass cannon or fieldpieces for the soldiers' monument at Summit Hill, Pa.;

To the town of Prairie Grove, in the county of Washington and State of Arkansas, four condemned cannon or fieldpieces, with their carriages and suitable outfit of cannon balls, for park located on Prairie Grove battle field, under the auspices of the Daughters of the Confederacy;

To the city of Seymour, Iowa, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls for the use of Grand Army of the Republic Post No. 186;

To the town of Seymour, Conn., two condemned bronze or brass cannon or fieldpieces, with carriages and a suitable outfit of cannon balls, the same to be subject at all times to the order of the Secretary of War;

To the town of Rhine, in the county of Sheboygan and State of Wisconsin, two bronze or brass cannon or fieldpieces, with their carriages, not needed for present service, the same to be placed on the lot of the Union soldiers' monument in said town;

To the village of Grace City, in the State of North Dakota, one condemned iron cannon or fieldpiece, with its carriage and a suitable outfit of cannon balls, the same to be subject at all times to the order of the Secretary of War;

To the city of Pittsburg, in the State of Oklahoma, one condemned bronze or brass cannon or fieldpiece, with its carriage and a suitable outfit of cannon balls;

To the town of McPherson, in the county of McPherson and State of Kansas, two bronze or brass cannon or fieldpieces, with their carriages, not needed for present service, the same to be placed in a public park in said town;

To Denison University, in the county of Licking, in the State of Ohio, one condemned bronze or brass cannon or fieldpiece, with its carriage and a suitable outfit of cannon balls, the same to be placed in the campus of said university;

To the Masonic homes property at Elizabethtown, Pa., four brass or bronze cannon or fieldpieces, with their carriages, and a suitable outfit of cannon balls, not needed for present service;

To the city of Horton, in the State of Kansas, for the use of the Horton Grand Army of the Republic Post as a monument one cannon or fieldpiece, with its carriage and cannon balls, not needed for present service, and without expenses to the Government;

To the city of Lawton, in the State of Oklahoma, two condemned bronze or brass cannon or fieldpieces and carriages, together with a suitable outfit of cannon balls for four pyramids, to be placed in the cemetery in said city as a memorial to the soldiers there interred;

To the city of Statesboro, in the State of Georgia, two bronze or brass cannon with a suitable outfit of cannon balls, which may not be needed in the service, the same to be placed in a public park or square in said city;

To the city of Bad Axe, in the State of Michigan, four condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls;

To the town of Zanesville, Ohio, one cannon or fieldpiece, with carriage, not needed for present service, to be placed in Pioneer Park or other appropriate place in the parks of said city;

To the city of Blackwell, in the State of Oklahoma, for the use of Private Soldier Post, Grand Army of the Republic, two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls, to be subject at all times to the order of the Secretary of War;

To the town of Eagle River, in the State of Wisconsin, two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls;

To the Union Veteran Legion, No. 12, of Cincinnati, Ohio, one mortar or cannon, with carriage, not needed for present service, to be placed in Spring Grove Cemetery, or in any other appropriate public place in Cincinnati, Ohio;

To the city of Waltham, Mass., two bronze or brass cannon or fieldpieces, with their carriages, not needed for present service, the same to be placed in the public park of said city of Waltham;

To the town of Dover, Mass., two bronze or brass cannon or fieldpieces, with their carriages, not needed for present service, the same to be placed in the public park of said town of Dover;

To the Silver's Post, No. 435, Grand Army of the Republic, New Lebanon, Ind., two condemned bronze or brass cannon, together with a suitable outfit of cannon balls for six pyramids, to be placed in their plat in the Mount Zion Cemetery as a memorial to the soldiers of the Civil War;

To the village of Kasbeer, in the county of Bureau and State of Illinois, one condemned bronze or brass cannon or fieldpiece, with carriage and a suitable outfit of cannon balls, to be subject at all times to the order of the Secretary of War;

To the officers of Kilpatrick Post, Grand Army of the Republic, No. 41, of La Junta, Colo., for the use of said post, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the city of Lebanon, in the State of Pennsylvania, four condemned iron cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls, the same to be subject at all times to the order of the Secretary of War;

To the city of Gainesville, in the State of Florida, two condemned bronze or brass cannon or fieldspieces, with their carriages and a suitable outfit of cannon balls;

To U. S. Grant Post, No. 72, Grand Army of the Republic, Washington, Ind., two condemned bronze or brass cannon, without carriages, together with a suitable outfit of cannon balls for six pyramids, to be placed on the soldier's monument erected at Washington, Ind., set aside by the city of Washington, Ind., for said purposes, as a memorial to the soldiers of the Civil War;

To the trustees of Rhine Center Cemetery, in the town of Sheboygan, in the county of Sheboygan and State of Wisconsin, two bronze or brass cannon or fieldpieces, with their carriages, not needed for present service, the same to be placed on the lot of the Union soldiers' monument in said cemetery;

To the Andrew Jackson Chapter of the Daughters of the American Revolution, Talladega, Ala., two cannon or fieldpieces not needed for present service, to be mounted in the courthouse square of Talladega, in the State of Alabama;

To the town of Frazeysburg, Ohio, one cannon or fieldpiece, with carriage, not needed for present service, to be placed in Memorial Park, near Frazeysburg, Ohio.

To the city of Wheeling, W. Va., for the use of the T. M. Haskins Battery A, Company No. 33, Uniform Rank, Knights of Pythias, two brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the Northwestern Military and Naval Academy, situated on Lake Geneva, Wis., two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls;

To the city of Glasgow, in the State of Missouri, one condemned bronze or brass cannon or fieldpiece, together with a suitable outfit of cannon balls for two pyramids;

To the town of New Cumberland, W. Va., for the use of the W. A. Atkinson Post, No. 18, Grand Army of the Republic, two brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the city of Niagara Falls, N. Y., two brass cannon or fieldpieces, with their carriages, not needed for present service, to be mounted on the public grounds of the said city of Niagara Falls, in the State of New York;

To the city of Blue Rapids, Kans., two cannon or fieldpieces, with their carriages, not needed for present service, to be mounted in the public square in the said city of Blue Rapids, in the State of Kansas;

To the city of Elizabethton, in the State of Tennessee, two condemned bronze or brass cannon or fieldpieces and carriages, together with a suitable outfit of cannon balls for two pyramids, to be placed in the grounds occupied by the monument erected as a memorial to the soldiers of East Tennessee;

To the city of Elsberry, in the county of Lincoln and State of Missouri, two bronze or brass cannon or fieldpieces, with their carriages, not needed for present service, the same to be placed in the public park of said city of Elsberry;

To the city of Norwood, in the county of Hamilton and State of Ohio, two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls;

To the village of Hustisford, in the county of Dodge and State of Wisconsin, two bronze or brass cannon or fieldpieces, with their carriages, not needed for present service, the same to be placed in the public park of said village of Hustisford;

To E. B. Young Post, No. 87, and Yeager Post, No. 13, Grand Army of the Republic, Department of Pennsylvania, Allentown, Pa., two cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls, not needed for present service, to be placed on the "veterans' burial plot" in West End Cemetery or other appropriate public place in said city of Allentown to be designated by the aforesaid Grand Army posts;

To the city of Bridgeton, N. J., to be mounted in the United States post-office grounds in the said city of Bridgeton, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the village of Wyoming, Ohio, one cannon or fieldpiece, with carriage, not needed for present service, to be placed in front of the armory or in any other appropriate public place in said village;

To the city of Richmond, in the Commonwealth of Virginia, one cannon or fieldpiece;

To Miles H. Tibbits Post, No. 260, Grand Army of the Republic, Department of Indiana, Plymouth, Ind., two cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls, not needed for present service, to be mounted on the courthouse grounds in said city;

To the town of Black Run, Ohio, one cannon or fieldpiece, with carriage, not needed for present service, to be placed near the base of the McKinley and Lincoln statues on the farm owned by D. B. Baughman, at Black Run, Ohio, which is now being used as a meeting place for reunions and campfires by the Civil War veterans;

To the town of McConnelsville, Ohio, one cannon or fieldpiece, with carriage, not needed for present service, to be placed on the armory lawn at McConnelsville, Ohio;

To the Andrew Johnson National Cemetery, Greeneville, Tenn., two condemned bronze or brass cannon or fieldpieces and carriages, together with a suitable outfit of cannon balls for two pyramids, to be placed in the grounds of the Andrew Johnson National Cemetery;

To the town of Green Forest, in the county of Carroll and State of Arkansas, four condemned cannon or fieldpieces, with their carriages and suitable outfit of cannon balls;

To donate two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls to the city of Morganton, Burke County, N. C., to be placed in the public square of that city;

To the White Plains Chapter of the Daughters of the American Revolution, of White Plains, N. Y., one condemned cannon and three pyramids of shell, to be used in marking a spot on Chatterton Hill, White Plains, N. Y., where Washington and the Colonial Army made its stand against the British in the Battle of White Plains;

To the city of Appleton, in the county of Outagamie and State of Wisconsin, two bronze or brass cannon or fieldpieces, with their carriages, not needed for present service, the same to be placed in the public square opposite Union soldiers' monument in said city;

To the city of Williamsport, Pa., one captured Spanish cannon, or bronze or brass cannon, with carriages and a suitable outfit of cannon balls;

To the city of Wathena, in the State of Kansas, for the use of Wathena Grand Army of the Republic post as a monument, one cannon or fieldpiece, with its carriage and cannon balls;

To the city of Mena, Ark., two cannon or fieldpieces and a suitable outfit of cannon balls not needed for present service;

To donate two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls to the town of Homestead, Pa., to be placed in the public park of that town;

To T. J. Hungerford Post, No. 39, Grand Army of the Republic, Department of Wisconsin, at Spring Green, Wis., one condemned fieldpiece or cannon, with a suitable outfit of cannon balls, the same to be used in connection with a monument erected to Civil War veterans;

To the city of Oshkosh, in the county of Winnebago and State of Wisconsin, four condemned bronze or brass cannon or fieldpieces with their carriages, and suitable outfit of cannon balls, the same to be placed in a park set apart to commemorate the old camp grounds of the Twenty-first and Twenty-third Wisconsin Regiments;

To the city of Port Huron, in the State of Michigan, four condemned bronze or brass cannon or fieldpieces, with their carriages and suitable outfit of cannon balls, to be subject at all times to the order of the Secretary of War;

To Noah Ring Post, No. 518, Grand Army of the Republic, Hymera, Ind., two condemned cannon, together with a suitable outfit of cannon balls for six pyramids, to be placed in the grove at Hymera, Ind., where said Grand Army of the Republic post holds its annual reunion;

To the city of Hamilton, in the State of Missouri, two condemned bronze or brass cannon or fieldpieces, with carriages and with a suitable outfit of cannon balls, not needed for present service, the same to be mounted and used in the city park of said city;

To the Indian Hill Club, of the town of Winnetka, in the county of Cook, in the State of Illinois, one condemned cannon or fieldpiece, with its carriage and suitable outfit of cannon balls, to be subject at all times to the order of the Secretary of War;

To the Fort Oswego Chapter, Daughters of the American Revolution, of Oswego, N. Y., two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls;

To Pollock Post, No. 42, Grand Army of the Republic, Department of Kansas, located at Marion, Kans., one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls;

To the city of Concordia, Kans., two cannon or fieldpieces, with their carriages, not needed for present service, to be mounted in the courthouse square, in the said city of Concordia, in the State of Kansas;

To the city of Sanford, in the State of Florida, two bronze or brass cannon, with a suitable outfit of cannon balls, which may not be needed in the service, the same to be placed in a public park, building, or square in said city;

To donate to the town of Cumberland, Va., two cannon or fieldpieces, with their carriages, not needed for present service, to be mounted on either side of the Confederate monument in the said town of Cumberland, in the State of Virginia;

To the trustees of the Gordon Institute, located at Barnesville, Ga., 10 condemned cannon, the same being ten 12-pound Napoleon guns now located at the United States arsenal, in Augusta, Ga., and being condemned and not fitted for use by the military forces of the United States; also a suitable outfit of cannon balls; and the Secretary of War is hereby authorized and directed to deliver said 10 Napoleon guns and cannon balls to the trustees of the said Gordon Institute;

To the town of Clinton, Me., for the use of the Grand Army post of that town, one condemned bronze or brass cannon or fieldpiece, with carriage and suitable outfit of cannon balls, the same to be mounted and placed by direction of the Grand Army post;

To the city of Glenwood Springs, in the State of Colorado, one condemned bronze or brass cannon or fieldpiece and carriage, together with a suitable outfit of cannon balls for two pyramids;

To the city of Miller, S. Dak., one condemned bronze or brass cannon or fieldpiece, with carriage and a suitable outfit of cannon balls;

To the town of Middletown, in the State of Pennsylvania, two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls;

To the village of Williamsburg, in the State of Ohio, one condemned bronze or brass cannon or fieldpiece and carriage, together with a suitable outfit of cannon balls for two pyramids, to be placed in the cemetery in said village as a memorial to the soldiers there interred;

To the town of Siloam Springs, in the county of Benton and State of Arkansas, four condemned cannon or fieldpieces, with their carriages and suitable outfit of cannon balls;

To the city of Terre Haute, in the county of Vigo, State of Indiana, for the use of Memorial, Riverside, and Voorhees Parks, in said city, three condemned bronze or brass fieldpieces, with their carriages and suitable outfit of cannon balls for three pyramids;

To the trustees of Rhine Center Cemetery, in the town of Rhine, in the county of Sheboygan and State of Wisconsin, two bronze or brass cannon or fieldpieces, with their carriages, not needed for present service, the same to be placed on the lot of the Union soldiers' monument in said cemetery;

To the city of Princeton, in the State of Missouri, two condemned bronze or brass cannon or fieldpieces, with their carriages and with suitable outfit of cannon balls, not needed for present service, the same to be mounted and used in the courthouse square in said city;

To the village of Newtown, in the county of Hamilton and State of Ohio, one condemned bronze or brass cannon or fieldpiece, with its carriage and a suitable outfit of cannon balls;

To the city of Elkhart, Ind., two condemned bronze or brass cannon or fieldpieces and carriages, together with a suitable outfit of cannon balls for two pyramids, to be placed in the grounds of the Elkhart City Building, Elkhart, Ind.;

To the city of McAlester, in the State of Oklahoma, four condemned bronze or brass cannon or fieldpieces, with their carriages and suitable outfit of cannon balls;

To the village of Johnstown, in the county of Licking and State of Ohio, two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls, to be subject at all times to the order of the Secretary of War;

To the city of Mount Vernon, N. Y., one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls;

To the town of Salisbury, in the State of Maryland, two condemned bronze or brass cannon or fieldpieces with their carriages and suitable outfit of cannon balls for use in the courthouse square;

To the city of Sylvester, Ga., two condemned bronze or brass cannon or fieldpieces with their carriages and suitable outfit of cannon balls, as ornaments to the public square around courthouse;

To the city of Clinton, Mo., two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls;

To the village of Delafield, in the county of Waukesha, in the State of Wisconsin, two condemned bronze or brass cannon or fieldpieces with their carriages and with suitable outfit of cannon balls for two pyramids, not needed for present service;

To the city of Marion, county of Williamson, State of Illinois, two condemned bronze or brass cannon of full size or fieldpieces with carriages and suitable outfit of cannon balls for use in the public square;

To the town of Maryville, Tenn., two bronze or brass cannon or fieldpieces, with their carriages, not needed for present service, the same to be placed in the public park of said town of Maryville;

To donate to the town of Houston, Halifax County, Va., one bronze or brass cannon for use on the public square of said town;

To the city of Covington, Ky., two condemned bronze or brass cannon, with carriages and a suitable outfit of cannon balls, to be mounted in the public park of said city;

To the towns of Dardanelle and Danville, State of Arkansas, two condemned bronze or brass cannon of full size, or fieldpieces, with carriages and suitable outfit of cannon balls for use of parks;

To the town of Manassas, Va., two bronze or brass cannon, with a suitable outfit of cannon balls;

To the city of Stromsburg, State of Nebraska, one condemned bronze or brass cannon or fieldpiece, with carriage and suitable outfit of cannon balls, for use of public park;

To the town of Russellsville, Ky., for the Confederate Monument, two cannon, with their carriages and suitable outfit of cannon balls;

To the Grand Army of the Republic post of Morgantown, Ky., for the Federal monument, two cannon and their carriages and suitable outfit of cannon balls;

To the city of Aberdeen, Wash., for use in public park, two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls;

To donate to the town of Boydton, Va., two cannon or fieldpiece carriages not needed for the present service, to mount cannon on either side of the Confederate Monument on the courthouse square in said town, in the State of Virginia;

To the town of Guthrie Center, Iowa, two condemned brass or bronze cannon, with a suitable outfit of cannon balls;

Two bronze or brass cannon and two pyramids of cannon balls for Soldiers' Monument at the city of Vincennes, Ind.;

To condemned bronze or brass cannon, with their carriages and with pyramid of balls for the courthouse yard at Stanford, Ky., subject at all times to the orders of the Secretary of War;

To the town of Anadarko, Okla., two bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls for three pyramids;

To the city of Bardstown, Ky., to be placed on grounds of the public building in said city, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

Two condemned brass or bronze cannon with carriages, with cannon balls for two pyramids, for the public square at Elizabethtown, Ill.;

To Custer Post, Grand Army of the Republic, located at St. Joseph, Mo., two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

Two bronze or brass cannon for the use of Colonel Ezra Griffin Post, Grand Army of the Republic, Scranton, Pa.;

To the Grand Army of the Republic post, Neosho, Kans., two bronze cannon;

For the borough of Ebenburg, Pa., two condemned brass or bronze cannon, with their carriages and a suitable supply of cannon balls, for use at Soldiers' Monument;

To the city of Petersburg, Ill., two condemned brass or bronze cannon or fieldpieces and a suitable outfit of cannon balls;

Two condemned bronze or brass cannon and a suitable complement of cannon balls for use of Warren farmers of Martin Dies;

To the city of Cape Girardeau, Mo., two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the city of Claremore, Okla., two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls, for use of a preparatory school;

To the city of Dallas, in the State of Oregon, two condemned bronze or brass cannon or fieldpieces, with their carriages, and with suitable outfit of cannon balls, not needed for present service, for the post-office lot;

To the city of Twin Falls, Idaho, two brass or bronze cannon, with suitable carriages and outfit of cannon balls;

To the city of Billings, Mont., two bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls;

To the Grayson Amusement Co., Grayson, Ky., two condemned bronze or brass cannon and suitable outfit of cannon balls;

To the city of Great Falls, Mont., two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls;

To the city of Brooklyn, N. Y., two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls, for McCarren Park, Brooklyn, N. Y.;

To the Rugless Camp Grounds, Burtonville, Ky., two condemned bronze or brass cannon and suitable outfit of cannon balls;

To the city of Kansas City, Kans., two fieldpieces, with their carriages and a suitable outfit of cannon balls, to be mounted on Huron Place in said city;

To the city of Faribault, Minn., two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls;

To the city of Carrollton, Ga., two condemned bronze or brass cannon, with carriages, and three pyramids of shell to be used for ornamental purposes in the public square;

To the city of Keyser, W. Va., for use of the State preparatory school, two condemned brass or bronze cannon and carriages and suitable outfit of cannon balls;

To the city of Wildwood, in Cape May County, N. J., two condemned brass or bronze cannon, with their carriages and a suitable outfit of cannon balls;

To Wabasha, Minn., two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the township of Bernards, county of Somerset, Bernardsville, N. J., two condemned brass or bronze cannon or fieldpieces, with their carriages, and a suitable outfit of cannon balls for two pyramids;

To the city of Crete, State of Nebraska, one condemned bronze or brass cannon or fieldpiece with carriage, and suitable outfit of cannon balls for use of park;

Two condemned bronze cannon to be placed alongside of General Franz Siegel statue on the Riverside Drive, New York City;

Two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls for display purposes in public parks of the city of Everett, Wash.;

For the Grand Army of the Republic of the city of Harrisburg, Pa., two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls;

For the public square in front of the township hall of North Bergen, in the county of Hudson and State of New Jersey, two condemned bronze or brass cannon or fieldpieces with their carriages, with suitable outfit of cannon balls for two pyramids;

To the Georgia Military Academy, at College Park, Ga., two brass or bronze cannon or fieldpieces, with a suitable number of cannon balls for pyramid;

To the city of Pasadena, Cal., for the use of the Spanish War Veterans of said city of Pasadena, one condemned bronze or brass cannon or fieldpiece and carriage, together with a suitable outfit of cannon balls;

Two condemned bronze or brass cannon and two pyramids of cannon balls for the soldiers' monument at the city of Vincennes, Ind.;

Two condemned bronze or brass cannon for the battle ground of the Horse Shoe Bend, in the State of Alabama;

To the Grand Army of the Republic of the city of Lebanon, Pa., two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls;

To the city of Americus, in the county of Sumter and State of Georgia, two condemned bronze or brass cannon, with their carriages and a suitable outfit of cannon balls, for use in the public park, to be subject at all times to the order of the Secretary of War;

One condemned bronze or brass cannon, with cannon balls, to the College of St. Thomas, St. Paul, Minn., to be placed in the public park of such college;

To the Grand Army of the Republic post, El Paso, Ill., two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls, to be placed in the public parks;

Two condemned bronze or brass cannon with sufficient cannon balls to the Hattie A. Jones Post, Grand Army of the Republic, for monument in Lexington Cemetery, Roxborough, Philadelphia;

To the Grand Army of the Republic of the city of Carlisle, Pa., two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls;

To the town of Marion, Va., two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the city of Hanover, Pa., two condemned bronze or brass cannon and a suitable outfit of cannon balls;

To the city of Hutchinson, Kans., two condemned bronze or brass cannon and a suitable outfit of cannon balls;

To Fairview Council No. 52, Junior Order of United American Mechanics, West Philadelphia, Pa., 50 Army rifles not needed for present service, the same to be the property of said council and to be used in drill practice;

For the city of Omaha, Nebr., to be placed on the courthouse grounds in Omaha, two bronze or brass cannon with suitable appurtenances, with the necessary cannon balls for pyramids, to commemorate the deeds of the veterans of the Civil and Spanish-American Wars;

To the town of Manitou, State of Colorado, two bronze or brass cannon, with a suitable outfit of cannon balls, for display in a public park or square in said city;

For St. Louis, Mo., two condemned bronze or brass cannon or fieldpieces and shell and mountings for the Army and Navy Club at St. Louis, Mo.;

To the town of Rugby, N. Dak., to be placed in the county courthouse grounds, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls; and

To the city of Durango, Colo., two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls.

Mr. CHAMBERLAIN. I move that the Senate concur in the House amendments.

Mr. SMOOT. What bill is that?

Mr. CHAMBERLAIN. Senate bill 5495. The House has added some further items for condemned cannon.

The VICE PRESIDENT. The question is on the motion of the Senator from Oregon that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

INDIAN APPROPRIATIONS—CONFERENCE REPORT.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20150) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1916.

Mr. GRONNA. Mr. President, I was about to discuss some of the provisions in the bill pertaining to North Dakota. I understand the committee of conference disagreed to amendment numbered 96, appropriating $20,000 for a new dormitory for the Indian school at Bismarck, N. Dak.

Mr. President, the records will show that that school has the capacity of 60 pupils, and that 94 pupils have been enrolled. The Assistant Commissioner of Indian Affairs testified before the Committee on Indian Affairs, and recommended in the strongest terms the appropriation of $20,000, stating that it was necessary in order to provide adequate room for the pupils who are now attending that school. The committee of conference have seen fit to strike out that provision. I can not, of course, ask the chairman of the committee why it was stricken out. I find no fault with the able Senator from Arizona [Mr. ASHURST], the chairman of the committee. I am quite sure that he has made every effort possible to deal equitably with all these schools and that he tried to do justice to all the great irrigation projects as well; but, Mr. President, the records do show that that school is overcrowded.

I desire to refer to another item, namely, the appropriation of $15,000 for a new building for the school at Wahpeton, N. Dak., and to call attention to the fact that during the year 1913 91 Indian children applied for admission to that school and were denied the privilege of attending the school on account of a lack of room. The record gives the name of each and every one of those 91 pupils, and yet the committee of conference has seen fit to strike out that appropriation.

Mr. President, there is another amendment to which I want briefly to call attention, and that is amendment No. 98, which provides as follows:

To enable the Secretary of the Interior to redeem a mortgage on the allotment selection of Starr McGillis, a Turtle Mountain Chippewa Indian, described as the northwest quarter of section 34, township 164 north, range 70 west of the fifth principal meridian, North Dakota, $1,500, or so much thereof as may be necessary, the said sum to be reimbursed from the rentals of said allotment not to exceed 50 per cent of the amount of rentals received annually: *Provided*, That in the event a patent in fee shall be issued for this land before the United States shall be wholly reimbursed as herein provided, the amount remaining unpaid shall become a first lien on such allotment, and the fact of such lien shall be recited on the face of the patent in fee and the amount of the lien set forth thereon, and the receipt of the Secretary of the Interior, or of the officer, agent, or employee duly authorized by him for that purpose, for the payment of the amount of the mortgage, when duly recorded by the recorder of deeds in the county wherein the land is located, shall operate as a satisfaction of such lien.

Mr. President, that amendment was proposed in the interest of the Indians. No one could possibly benefit by this provision save and except the Indians themselves, and why the committee of conference has seen fit to refuse to aid these Indians to take care of their own property I can not understand. The provision is absolutely in the interest of the Indians. It was recommended by the Indian Bureau and urged by Mr. Meritt before our committee, who said that it was necessary to make such provision in order to protect the property of the Indians. Why that item should be rejected I can not understand.

Then there is an amendment to which I want briefly to call attention, namely, amendment numbered 100, permitting the Wahpeton and Sisseton Indians to take their claims to the Court of Claims. The amendment provides:

That all claims of whatsoever nature which the Sisseton and Wahpeton Bands of Sioux Indians may have or claim to have against the United States shall be submitted to the Court of Claims, with the right to appeal to the Supreme Court of the United States by either party, for the amount due or claimed to be due said bands from the United States under any treaties or laws of Congress; and jurisdiction is hereby conferred upon the Court of Claims to hear and determine all claims of said bands against the United States, and to enter judgment thereon. If any such question is submitted to said court it shall settle the rights, both legal and equitable, of said bands of Indians and the United States, notwithstanding lapse of time or statute of limitations. Such action in the Court of Claims shall be presented by a single petition, to be filed within one year after the passage of this act, making the United States a party defendant, which shall set forth all the facts on which the said bands of Indians base their claims for recovery; and the said petition may be verified by the agent or authorized attorney or attorneys of said bands, to be selected by said bands and employed under contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior, in accordance with the provisions of existing law, upon information or belief as to the existence of such facts, and no other statements or verifications shall be necessary. Official letters, papers, reports, and public records, or certified copies thereof, and oral testimony, depositions, and sworn statements by members of said bands of Indians may be used as evidence. Whatever moneys may be found due the Sisseton and Wahpeton Bands of Indians under the provisions of this act, less attorney's fees, shall be placed to their credit in the Treasury of the United States: *Provided*, That the compensation to be paid the attorney or attorneys for the claimant Indians shall be determined by the Secretary of the Interior, but in any event shall not be greater than the amount named in the approved contract: *Provided further*, That such compensation shall in no event exceed $15,000.

On this particular item, Mr. President, I want to call the attention of the Senate to what the Department of the Interior has to say about it. I read from the hearings on the Indian appropriation bill for 1914, volume 1, page 737. The letter is addressed to Hon. WILLIAM J. STONE, chairman of the Committee on Indian Affairs of the United States Senate. In order to save time I shall forego reading the letter and ask to have the full letter printed in the RECORD, together with my remarks.

The VICE PRESIDENT. Without objection, it will be so ordered.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 29, 1914.

MY DEAR SENATOR: I have received your letter of January 27, 1914, inclosing for report S. 113, a bill providing for a commission to settle certain claims between the United States Government and the Sisseton and Wahpeton Indians, and the Sioux of the Medawakanton and Wahpakoota Bands.

H. R. 5816 has also been referred for report. This bill also provides for a commission to settle the claims of the Sisseton and Wahpeton Indians. There were two paragraphs added to the preamble in this bill which are not included in S. 113. These paragraphs read:

"Whereas the Medawakanton and Wahpakoota Bands of Indians at the time the said treaty of 1851 was entered into had in fact no interest whatsoever in the said lands tributary to the Minnesota River as above described, for the reason that the said Medawakanton and Wahpakoota Bands had already relinquished to the Government of the United States all their right, title, and interest in and to all their lands by virtue of the treaties made and entered into on July 5, 1830, and October 15, 1836, including the said land located along the banks of the Minnesota River above described; and

"Whereas the Government of the United States has improperly credited sums of money to the said Medawakanton and Wahpakoota Tribes on account of the sale of the said lands as aforesaid, and has disbursed the said money so credited to the said Medawakanton and Wahpakoota Tribes, which in fact belonged to and was the property of the said Sisseton and Wahpeton Tribes."

From the preamble and the two paragraphs quoted above it appears that the bill has reference to the claims of the Sisseton and Wahpeton Indians only against the United States on account of the change made by the Senate in the treaty of July 23, 1851 (10 Stat. L., 949), with them, and also because the Medawakanton and Wahpakoota Indians were paid a sum of money under the treaty of August 5, 1851 (10 Stat. L., 954), the Sisseton and Wahpetons believing that they are entitled to this money.

The Sissetons and Wahpetons claim that the treaty of July 23, 1851, by which they ceded certain lands in Iowa and in the Territory of Minnesota and accepted lieu lands lying along the Minnesota River, was amended by the Senate without their assent or ratification, by striking out the third article thereof and adding a supplemental article by which they were paid for the lieu lands at the "grossly inadequate" rate of 30 cents per acre.

The facts shown by the records are that the United States, by the treaty of July 23, 1851, agreed in article 3 thereof to set aside "in part consideration of the foregoing cession" certain lieu lands therein described lying along the Minnesota River "whenever and in such manner as the President of the United States shall direct." Article 4 thereof provided that "in further and full consideration of said cession, the United States agree to pay the said Indians the sum of $1,665,000." The Senate amended the treaty by striking out the third article and adding the following:

"1. The United States do hereby stipulate to pay the Sioux Bands of Indians, parties to this treaty, at the rate of 10 cents per acre, for the lands included in the reservation provided for in the third article of the treaty as originally agreed upon. * * *

"2. It is further stipulated that the President be authorized, with the assent of the said bands of Indians, parties to this treaty, and as soon after they shall have given their assent to the foregoing article as may be convenient, to cause to be set apart by appropriate landmarks and boundaries such tracts of country without the limits of the cession made by the first (second) article of the treaty as may be satisfactory for their future occupancy and home: *Provided*, That the President may, by the consent of these Indians, vary the conditions aforesaid if deemed expedient."

The treaty of August 5, 1851, provided for the payment of $1,410,000 to the Medawakanton and Wahpakoota Bands. The third article of this treaty, which was similar to the third article of the treaty of July 23, was also stricken out by the Senate and amended in the same manner as that treaty.

The said amendments made by the Senate were submitted to the said bands of Sioux, who gave their "free and voluntary assent thereto" September 8, 1852, and September 4, 1852. (10 Stat. L., 952 and 958.)

By the act of July 31, 1854 (10 Stat. L., 315–326), the President was authorized "to confirm to the Sioux of Minnesota, forever, the reserve on the Minnesota River now occupied by them, upon such conditions as he may deem just."

This was done, and the reservation so established continued to be occupied by these Indians until their treaties on June 18 and 19, 1858 (12 Stat. L., 1031–1037), whereby they ceded the part thereof lying north of the Minnesota River and retained the land south of said river. By Senate resolution of June 27, 1860 (12 Stat. L., 1042), these bands were paid 30 cents per acre for the ceded lands north of the river.

Following the so-called Minnesota massacre or outbreak of the said bands of Sioux in 1862 Congress, by the act of March 3, 1863 (Stat. L., 819), provided for their removal "beyond the limits of any State," and for the disposition of their remaining lands in Minnesota—the proceeds thereof to be applied for their benefit under the direction of the Secretary of the Interior in their new home.

By the act of February 16, 1863 (12 Stat. L., 652), Congress, as a punishment for the outbreak mentioned, declared:

"That all treaties heretofore made and entered into by the Sisseton, Wahpeton, Medawakanton, and Wahpakoota Bands of Sioux of Dakota Indians, or any of them, with the United States, are hereby declared to be abrogated and annulled, so far as said treaties or any of them purporting to impose any future obligation on the United States, and all lands and rights of occupancy within the State of Minnesota and all annuities and claims heretofore accrued to said Indians, or any of them, to be forfeited to the United States."

Under the provisions of the act of June 21, 1906 (34 Stat. L., 325–372), the claim of the Sisseton and Wahpeton Bands for the restoration of the annuities so forfeited was heard by the Court of Claims, which rendered a judgment in their favor. By the act of May 30, 1908 (35 Stat. L., 478–514), Congress appropriated, to satisfy the judgment, the sum of $788,866.87, which amount was distributed among the claimants entitled thereto—a pro rata of $157.40.

As to the contention of the Sisseton and Wahpeton Indians that they are entitled to the money paid to the Medawakanton and Wahpakoota Indians, because these bands had theretofore given up all their rights by the treaties of July 5 (July 15), 1830 (7 Stat. L., 328), and October 15 (Nov. 30), 1836 (7 Stat. L., 527), attention is invited to the fact that the Sisseton and Wahpeton Indians agreed, by the treaty of July 23, 1851, to cede all their interest in the lands therein described to the Government, and if the Government chose to treat with the Medawakanton and Wahpakoota Indians for the cession of any interest which they believed they might have, it is not seen that the Sisseton and Wahpeton Bands would have any claim against the Government for the amount so paid to the Medawakanton and Wahpakoota Bands. Moreover, the Sisseton, Wahpeton, Medawakanton, and Wahpakoota Bands of Indians were all parties to the treaty of July 15, 1830, and the Sisseton, Wahpakoota, and Upper Medawakanton Indians were parties to the treaty of November 30, 1836.

From the foregoing history of the various treaties with these bands of Sioux and from the records of this department it is believed that the claims set forth in the bill are without merit. The Indians, however, are of the opinion that they have a claim against the Government which should be adjusted.

In view of this fact, the department is of the opinion that the claims of these Indians, instead of being investigated and reported upon by a commission, should be submitted to the Court of Claims for adjustment, with the right of either party to appeal to the Supreme Court.

It is therefore recommended that the title of the bill be changed to read:

"A bill conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Sisseton and Wahpeton Bands of Sioux Indians against the United States."

It is further recommended that the preamble be omitted and that the bill be further amended by striking out all after the enacting clause and inserting in lieu thereof the following:

"That all claims of whatsoever nature which the Sisseton and Wahpeton Bands of Sioux Indians may have or claim to have against the United States shall be submitted to the Court of Claims, with the right of appeal to the Supreme Court of the United States, by either party for the amount due or claimed to be due said bands from the United States under any treaties or laws of Congress; and jurisdiction is hereby conferred upon the Court of Claims to hear and determine all claims of said bands against the United States and to enter judgment thereon. If any such question is submitted to said court, it shall settle the rights, both legal and equitable, of the said bands of Indians and the United States, notwithstanding lapse of time or statute of limitations. Such action in the Court of Claims shall be presented by a single petition, to be filed within two years after the passage of this act, making the United States a party defendant; shall set forth all the facts on which the said bands of Indians base their claims for recovery; and the said petition may be verified by the agent or authorized attorney or attorneys of said bands to be employed under contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior, in accordance with the provisions of existing law, upon information or belief as to the existence of such facts, and no other statements or verifications shall be necessary. Official letters, papers, reports, and public records, or certified copies thereof, may be used as evidence. Whatever moneys may be found due the Sisseton and Wahpeton Bands of Indians under the provisions of this act, less attorney's fees, shall be placed to their credit in the Treasury of the United States: *Provided*, That the compensation to be paid the attorney or attorneys for the claimant Indians shall be determined by the Court of Claims, but in any event shall not be greater than the amount named in the approved contract."

Should the bill be amended as herein recommended, I see no objection to its enactment by the Congress.

A draft of a bill as recommended above is inclosed.

Very truly, yours,

(Signed) A. A. JONES,
First Assistant Secretary.

Hon. WILLIAM J. STONE,
Chairman Committee on Indian Affairs, United States Senate.

Mr. GRONNA. I wish, however, to call attention to one particular paragraph in this letter. I read from page 738:

The Sissetons and Wahpetons claim that the treaty of July 23, 1851, by which they ceded certain lands in Iowa and in the Territory of Minnesota and accepted lieu lands lying along the Minnesota River, was amended by the Senate without their assent or ratification, by striking out the third article thereof and adding a supplemental article by which they were paid for the lieu lands at the "grossly inadequate" rate of 30 cents per acre.

Mr. President, I wish to call the attention of the Senate to that paragraph. The Indian lands along that river were sold at the enormous price of 30 cents an acre. They were not allowed, according to the claims of the Indians, more than one-half of the amount of land that they were really entitled to, and their lands netted them 30 cents per acre. Yet Senators ask me why I am not satisfied with having that very item rejected or thrown out of this very bill. All that these Indians asked was to take their case to the Court of Claims and there have it adjudicated. It seems to me it is only a fair request.

Mr. JONES. Mr. President, will the Senator from North Dakota permit me to make a request for printing in the RECORD?

Mr. GRONNA. I shall be through in a very few minutes, Mr. President. I dislike to refuse to yield, but I shall not occupy the floor for more than a few minutes.

Mr. JONES. Of course I do not like to break into the continuity of the Senator's remarks.

Mr. OVERMAN. Mr. President, will the Senator yield to me to enable me to ask a question of the chairman of the Committee on Indian Affairs?

Mr. GRONNA. If I can yield, of course, without losing the floor.

The VICE PRESIDENT. The Chair will protect the rights of the Senator from North Dakota.

Mr. OVERMAN. I desire to ask the chairman if there is any probability at all of getting this bill through at this session?

Mr. ASHURST. Does the Senator mean the Indian appropriation bill?

Mr. OVERMAN. Yes.

Mr. ASHURST. Mr. President, the Senator from North Carolina [Mr. OVERMAN] asks me what I think as to the probability of the passage of the Indian appropriation bill. I regret to state that in my judgment the chances are not favorable for the passage of the bill. The Senator from North Dakota [Mr. GRONNA], by reason of the fact that we did not make an appropriation for a certain dormitory, is conducting a filibuster which will probably defeat this bill. My esteemed friend, the Senator from North Dakota, said, however, that if we could compose the differences on the Choctaw payment he would be glad to withdraw his objection.

I did not know before that one ASLE J. GRONNA knew more about Oklahoma than one TOM P. GORE and one ROBERT L. OWEN. The Senator from North Dakota possibly may know more about Oklahoma than the Oklahoma Senators do, but I doubt it. My judgment is that the Senator from North Dakota will defeat this bill.

I do not believe the Indian appropriation bill at this time has any chance to survive, but nevertheless I should like to ask that at 10 o'clock a. m. this day the Senate vote on the conference report. I want to ask if there is an objection to that?

Mr. TOWNSEND. That would necessitate calling the roll again.

Mr. ASHURST. No, no.

Mr. GRONNA. Mr. President, I shall try to be through my speech by 10 o'clock. I can not yield just now, and I can not agree to unanimous consent at this time.

Mr. ASHURST. The Senator objects? Very well.

Mr. GRONNA. I do not want to hold the floor any longer than 10 o'clock.

Mr. TOWNSEND. Will the Senator yield for a moment for a suggestion? Would not the Senator agree at this time to a

motion to disagree to the House amendments, and send the bill back for another conference, to see what can be brought about?

Mr. GRONNA. Mr. President, if the Senators had honored me with their presence this evening, I tried to explain the situation for two hours and a half, but it was an impossibility for me to reach them and tell them what I desired to tell them when they were not in the Chamber. It is true, as the Senator from Arizona has said, that I have called attention to a few items in this appropriation bill pertaining to North Dakota.

Mr. ROBINSON. Mr. President——

Mr. GRONNA. I have said to the Senator from Arizona, the chairman of the committee, that I should not object to the passage of this bill because of anything that has been stricken out, so far as it affected North Dakota, and he stated it correctly.

Mr. ROBINSON. Mr. President, will the Senator yield to me for an inquiry?

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Arkansas?

Mr. GRONNA. Yes; I shall be glad to yield to the Senator from Arkansas.

Mr. ROBINSON. I should like to ask the Senator to state, if he has no objection to doing so, whether in his opinion it is probable that the Indian appropriation bill will be passed.

Mr. GRONNA. Well, Mr. President, when I get through with my remarks at 10 o'clock, so far as I personally am concerned, I shall make no objection.

Mr. ROBINSON. I should like to have the Senator be frank with me, because I think the Senator knows whether the bill, under the circumstances that exist now, can be passed; and if it is not to be passed I think we should agree to the joint resolution that has been presented by the House of Representatives, and not compel an extra session of Congress, such as would result unless some provision is made for carrying on the work of the Indian Bureau.

Mr. GRONNA. I agree with my good friend the Senator from Arkansas, but I shall be through by 10 o'clock.

Mr. STONE. Mr. President——

Mr. ROBINSON. Just a moment, Mr. President. The point I am trying to make is this: There is a great deal of undisposed of and important business to come before the Senate during the brief two hours remaining of this session, and it is a well recognized fact that the Indian appropriation bill can not be passed until some agreement can be reached concerning it. The Senator from North Dakota is too practical and too fair to insist upon the defeat of other important legislation. He does know, in my opinion, whether or not this bill is going to be passed; and I repeat the statement that if the bill is not to be passed we ought to abandon what in my opinion is an absurd proceeding here, and go on with the business of the Senate.

Mr. GRONNA. Mr. President, the Senator must permit me to answer him.

Mr. ROBINSON. Certainly.

Mr. GRONNA. I have said over and over again that so far as I am personally concerned I shall not object to the passage of this bill. I shall leave the floor at 10 o'clock; but I want to say, in reply to what my good friend the Senator from Arizona has said, that so far as the post-office bill is concerned I shall vote for that bill without any amendment whatever just as soon as it is brought into this body. I do not know that there is any opposition to the post-office bill.

The VICE PRESIDENT. The Chair feels that in the interest of the economy of time the Chair has a right to inquire whether, when the Senator from North Dakota takes his seat there is any other Senator who proposes to talk upon the bill?

Mr. FALL. Mr. President, I shall ask the recognition of the Chair for about 5 or 10 minutes.

Mr. LANE. Mr. President, I wish to make some remarks.

The VICE PRESIDENT. Then the Senate is now in possession of the fact that already two Senators have announced that they propose to follow the Senator from North Dakota, who says he will conclude by 10 o'clock.

Mr. GRONNA. Yes; that is my intention.

Mr. STONE. Mr. President, will the Senator from North Dakota yield to me for a moment?

Mr. GRONNA. I will yield for a question. I do not think my entire time should be taken up with interruptions, because I have stated that I will be through in a very few moments.

Mr. STONE. I am not going to make an appeal to the Senator. If he can not comprehend the situation, it is useless to talk. The bill is dead. That is conceded, and that is what the Senator wishes; but there are other things that are not dead, and we might go on to those. I want, if we can, to have an executive session.

Mr. GRONNA. Mr. President, I did not yield for a lecture. I yielded for a question. I want to say to the Senator from Missouri that when I took the floor I said to the Members of this body that there were one hundred and seventy-odd amendments to this bill, and if they would let the friends of the so-called La Follette amendment amend six of them—and I believe finally we said that if you would let us amend one of them—we would perhaps be satisfied and let this bill pass. I want to say to this body that, so far as the items affecting North Dakota are concerned, the Senator from Arizona quoted me correctly. I said to him that I should make no objection to the passage of the bill, so far as the North Dakota items were concerned, although I believed it was a mistake to take them out of the bill; but there are items in this bill that, in my judgment, will result in great injustice to the Indians if the bill is passed. There are items in this bill that are fundamental questions; and while I have not found any fault with the conferees, or with the men who differ with me, I have assumed that I have a right to criticize the bill according to my own convictions and according to my own opinion, and I have done it, I believe, in a parliamentary way. I shall leave to those who have honored me with their presence the decision as to whether I have discussed this bill or whether I have discussed some other measure.

Mr. President, I want to say to this body that I am deeply interested in the affairs of the Indians of this country. I have as much interest in the Indians of this country, I believe, as any other Senator on the floor, although I do not claim that I have any more. But, Mr. President, the amendment proposed by the Senator from Wisconsin was passed by this body by a vote of 33 to 13. The Senate has said that that amendment shall be incorporated into the provisions of this bill. The Senator from Arizona and every member of that committee knows that it was disclosed in the committee room that the Indians of Oklahoma are being charged scandalous rates of interest, usurious rates of interest, of from 40 to 1,000 per cent.

Mr. ASHURST. And if the Senator defeats this bill, he allows those high rates to go on and on.

Mr. GRONNA. The minimum rate charged in one of those localities was 40 per cent. That is the admitted testimony by the Indian agent. I believe the agent's name was Mr. Carroll.

I believe the time has come when we, as guardians of the Indian's property, should protect it. I feel that I would not be doing my duty unless I called attention to the fact that the Indian of this country has been robbed by the white man. The Indian's money has been invested in great projects not for the benefit of the Indian alone but for the benefit of the white man. The Indian's money has been extravagantly expended by the white man in the administration of his affairs; and I believe that the people of this great country will indorse the position I have taken when I say that the time has come when something more than promises should be given the Indians of the United States.

Mr. President, I am sorry that I have to differ with my good friends on this committee. I do not think anyone values the friendship and the association of the distinguished Senator from Arizona and other Senators who are members of this committee more than I. I know that they have done what they believed was right and honest, but I believe I may be pardoned for saying that I thought it was my duty to call attention to certain facts and certain conditions which exist and which affect most vitally the Indians of this country.

Mr. President, I shall not further delay the Senate. I yield the floor.

Mr. FALL. Mr. President, the Senator from North Dakota [Mr. GRONNA] is, of course, in good faith. We all realize that. The Senator is sincere in whatever he says or does here in this body. But I do not think he caught fully the statement of the chairman of the committee with reference to the effect of his action upon the usurious rates of which he has spoken. It is true that Capt. Carroll, the agent of the Osage Indians, did state that outrageous interest rates were charged the Indians who were deriving revenue from the oil leases. It is true he did state that 40 and 50 per cent was being charged. It is true he stated further that there was no provision of law by which that could be stopped, and it is equally true that the committee adopted a provision by which it could be stopped, and that was in this bill, and was for the first time in this bill which the Senator is defeating.

Mr. GRONNA. May I ask the Senator a question?

Mr. FALL. And that provision was not in disagreement. It was agreed to by the House conferees and embraced in the conference report, and it was the only protection they had.

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from North Dakota?

Mr. FALL. I did not interrupt the Senator, and the Senator has occupied time. I have said that I would occupy only about five minutes, and I will. I want to say to Senators if you had

done as I have done for the last three nights, stayed here every moment and occupied places on this floor, three hours would not have been lost in attempting to get a quorum this morning. This whole plan is simply the provision to place other Indians on the Choctaw and Chickasaw rolls. There is to be printed in this RECORD the report of Inspector McLaughlin. The whole history of this attempt if known would prove exceedingly interesting. I want to call attention to two or three statements contained in Inspector McLaughlin's official report, which will appear in the record of our proceedings to-morrow.

A gentleman who appeared before the Committee on Indian Affairs and insisted upon arguing against the provision distributing this per capita payment, and insisted upon having placed in the bill a proviso with reference to it, opening the Choctaw and Chickasaw rolls, was Mr. Ballinger. His partner is Mr. Lee, of the firm of Lee & Ballinger two years ago. I do not know what the firm name is now. I have before me, and there is in the RECORD, a circular sent out by Mr. Lee, then of the firm of Lee & Ballinger, selling shares in the fee in this case and making certain statements to the public with reference to the value of the shares and how he proposed to make every man who took an interest in his fee rich, stating that his attempt was to raise $16,000.

Mr. President, here is an extract from the circular of Lee & Ballinger, or Mr. Lee, in undertaking to finance his portion of this fee, and I call the Senator's attention to it:

It is our purpose to continue the fight for our clients until definite action is taken by Congress. We have been strong enough at all times to prevent a final settlement and distribution of the property. The opposition now realize that in order to get their own shares of the property they must consent to legislation giving our clients their rights. I have spent a great deal of money and have given all of my time since March 4, 1907, in the work of securing justice for our clients, and I shall continue to do so until some final action is taken by Congress.

As the lands have all either been allotted or ordered to be sold, the persons added to the rolls will have to take their share of the estate in cash, and it has been tentatively agreed that each person so enrolled is to receive $3,000 in cash.

In addition to the above cases, we represent about 10,000 people whose records do not conclusively show that they are entitled to share in the distribution of the property, but if Congress permits proof to be made in these cases, I estimate that at least 3,000 of them will be good. Our fee in these cases is 40 per cent—

Forty per cent!

and in the event of success in the 3,000 cases indicated my individual fee would approximate $2,065,911.

That is what is behind this movement in opening the Choctaw rolls and placing others upon it.

I do not think I care to say anything more, Mr. President. I am ready to let the record stand.

Mr. STONE obtained the floor.

Mr. OVERMAN. Will the Senator yield to me?

Mr. STONE. I yield to the Senator.

Mr. OVERMAN. As stated by the chairman of the committee, and as is generally admitted on the floor of the Senate, it is impossible to pass this appropriation bill for the Indians. I therefore ask the Chair to lay before the Senate a joint resolution from the House, and I am directed by the Committee on Appropriations to report it favorably.

The VICE PRESIDENT. The Chair lays before the Senate a joint resolution from the House of Representatives, which will be read at length.

The joint resolution (H. J. Res. 441) making appropriations for current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1916, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That all appropriations for the current and contingent expenses of the Bureau of Indian Affairs and for fulfilling treaty stipulations with various Indian tribes, which shall remain unprovided for on June 30, 1915, are continued and made available for and during the fiscal year 1916 to the same extent, in detail, and under the same conditions, restrictions, and limitations for the fiscal year 1916 as the same were provided for on account of the fiscal year 1915 in the Indian appropriation act for that fiscal year. For all of such purposes a sufficient sum is appropriated, out of any money in the Treasury not otherwise appropriated, or out of funds to the credit of Indians as the same were respectively provided in the Indian appropriation act for the fiscal year 1915: *Provided*, That the appropriations from the Treasury of the United States or from Indian funds shall not exceed in the aggregate the amounts of such appropriations for the fiscal year 1915: *Provided further*, That this joint resolution shall not be construed as providing for or authorizing the duplication of any special payment or for the execution of any purpose provided for in said appropriation act that was intended to be paid only once or done solely on account of the fiscal year 1915: *Provided further*, That appropriations continued hereunder shall be available for the maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles in the same manner as appropriations were available for those purposes during the fiscal year 1915.

Mr. SUTHERLAND. In the Indian appropriation act of last year several appropriations were made for irrigation projects. Is it the understanding of the Senator from North Carolina that those appropriations would be carried forward, the same amount, for the coming fiscal year?

Mr. OVERMAN. I think the appropriation is just like in the last bill. That is my understanding.

Mr. SUTHERLAND. Would that be so irrespective of the question whether or not the amounts were necessary?

Mr. OVERMAN. The exception is stated in the joint resolution. If he desires to have it read he can see.

Mr. SUTHERLAND. Very well.

Mr. OVERMAN. I ask that the joint resolution be put on its passage.

The joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

POST OFFICE APPROPRIATIONS.

Mr. OVERMAN. I now inquire of the chairman of the Committee on Post Offices and Post Roads the condition of the Post Office appropriation bill?

Mr. BANKHEAD. Mr. President, we had hoped up to this morning that we might yet be able to pass the Post Office appropriation bill. A great deal of work and study have been bestowed upon it. It is perhaps the largest single appropriation bill that has ever been presented to Congress since the Civil War, carrying approximately $325,000,000. I may say, that the Post Office Department in its activities is growing and extending itself every year. The rural service and other activities have been added to it until it extends to almost every household in the country.

While I deeply regret, as my associates on the committee do, that the bill can not be passed at the present session of Congress, we must yield with the very best grace that we can command. Frankness and candor compel me to say that I do not believe in the closing hours of this session the bill can be passed.

Mr. OVERMAN. I ask the Chair to lay before the Senate the joint resolution from the House of Representatives and that it be read at length.

The joint resolution (H. J. Res. 440) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1916, and for other purposes, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That all appropriations for the service of the Post Office Department which shall remain unprovided for on June 30, 1915, are continued and made available for and during the fiscal year 1916 to the same extent, in detail, and under the same conditions, restrictions, and limitations for the fiscal year 1916 as the same were provided for on account of the fiscal year 1915 in the Post Office appropriation act for that fiscal year. For all of such purposes a sufficient sum is appropriated in conformity with the act of July 2, 1836, not to exceed in the aggregate the amount appropriated for the fiscal year 1915: *Provided*, That if the revenues of the Post Office Department shall be insufficient to meet the appropriations made by this joint resolution, a sum equal to such deficiency of the revenues of said department is appropriated, out of any money in the Treasury not otherwise appropriated, to supply said deficiencies in the revenues for the Post Office Department for the year ending June 30, 1916, and the sum needed may be advanced to the Post Office Department upon requisition of the Postmaster General: *Provided further*, That this joint resolution shall not be construed as providing for or authorizing the duplication of any special payment or for the execution of any purpose provided for in said appropriation act that was intended to be paid only once or done solely on account of the fiscal year 1915: *And provided further*, That letter carriers assigned to collection service, who were promoted to the higher grades in accordance with the classification act, approved March 2, 1907, and whose salaries have been reduced during the past year, through no delinquency or charges of misconduct on their part, shall be restored to their former grades: *Provided also*, That on and after July 1, 1915, the compensation of each rural letter carrier for serving a rural route of 24 miles and over, six days in the week, shall be $1,200 per annum, payable monthly; on routes 22 miles and less than 24 miles, $1,152; on routes 20 miles and less than 22 miles, $1,080; on routes 18 miles and less than 20 miles, $960; on routes 16 miles and less than 18 miles, $840; on routes 14 miles and less than 16 miles, $720; on routes 12 miles and less than 14 miles, $672; on routes 10 miles and less than 12 miles, $624; on routes 8 miles and less than 10 miles, $576; on routes 6 miles and less than 8 miles, $528; on routes 4 miles and less than 6 miles, $480. A rural letter carrier serving one triweekly route shall be paid on the basis for a route one-half the length of the route served by him, and a carrier serving two triweekly routes shall be paid on the basis for a route one-half of the combined length of the two routes: *Provided*, That in the discretion of the Postmaster General, the pay of carriers who furnish and maintain their own motor vehicles and who serve routes not less than 50 miles in length may be fixed at not exceeding $1,800 per annum.

Mr. OVERMAN. I ask for the present consideration of the joint resolution.

Mr. TOWNSEND. Mr. President, I am not going to make any objection, because I assume that certain Senators want to make some speeches and want to confirm some postmasters, and one thing and another, and therefore we can not have time to consider a $325,000,000 bill to which a great deal of time has been devoted. This proposition of passing over bills that have been passed upon in committees is, in my judgment, not

fair to the Senate or to the country. I do not like it. I do not know that it can be stopped.

I suppose we have got to the point where it is necessary for us to turn back to the department the expenditure of money as practically they may see fit to expend it, and that the Senate is helpless to pass these great supply bills, because they are put off until the last minute and are then pressed here in a hurry so that they can not receive consideration.

Mr. President, I simply desire to protest against this method of legislation. I would rather consider this bill now than to listen to speeches or to spend the time in confirming postmasters.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

"THE REWARD OF THE SUPERANNUATE."

Mr. STONE obtained the floor.

Mr. BANKHEAD. Mr. President——

Mr. STONE. I yield to the Senator from Alabama.

Mr. BANKHEAD. I hold in my hand a letter from Assistant Postmaster General Roper. It is very short, and I desire to have it read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

POST OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER GENERAL,
Washington, March 1, 1915.

Hon. JOHN H. BANKHEAD,
United States Senate.

MY DEAR SENATOR BANKHEAD: In compliance with your request for my views on the subject of superannuation and retirement in the civil service, I wish to advise you that I have given this subject a great deal of consideration since I have been connected with the Post Office Service, and referred to the matter in my annual report for 1914, on page 21. Your inquiry, however, affords me an opportunity to state these views at length and to support them more fully, and accordingly I submit the inclosed article, entitled "The reward of the superannuate."

Very sincerely, DANIEL C. ROPER.

Mr. BANKHEAD. I send to the Secretary's desk the article referred to in the letter just read. I do not desire to have the article read, but I should like to have it printed in the RECORD.

The VICE PRESIDENT. It will be so ordered, in the absence of objection. The Chair hears none.

The article referred to is as follows:

THE REWARD OF THE SUPERANNUATE.

The productive period of every man's life is sandwiched between infancy and old age. In the two unproductive stages he is not capable of providing for his own wants. The natural ties of parentage generally prevent the helpless infant from becoming a charge upon the State, but the superannuate presents a definite and unsolved problem.

The problem of the superannuate can not be dismissed with the assertion that every man should provide for his own old age by laying aside a portion of his income during his productive years. Certainly all who can should do this. Many who could do so do not, and are culpable for that reason. There is a good deal of inertia in the body of wants which a family regards as necessities. It is hard to relegate meat and millinery to the list of luxuries. And so the margin of saving has gone glimmering.

Thus it has come to be a common thing for the wage earner to enter upon the twilight borderland of old age with no provision made for the necessities of life. Those for whom he has in his stalwart years provided have in their turn taken on themselves natural responsibilities. Rather than seek their aid and add to their already heavy burdens, he turns with desperate resolution to the task fast slipping from his failing grasp and vision. Who does not honor him and wish him well? But what shall we do with him? Other gregarious animals destroy their superannuates, as Dr. Osler has suggested that we, too, should do. But men, it is said, are humane.

Let us see what our humanity amounts to in the case of the superannuated human worker. First, we neglect him. He stumbles on, half blind and feeble. He drinks the cup of bitterness and sorrow. Then he becomes a charge upon an unwilling employer or upon an equally unwilling neighbor or relative. Upon these he has no just claim, and no one appreciates that fact more keenly than he. Upon whom, then, has he a claim for food and raiment? Upon the humanity of society, which bids him live, and of individuals, upon himself alone.

Fortunately, many have looked forward and provided during their years of vigor for the needs of the declining period of life. But countless thousands have been unable or unwilling to do so. It is these—it is the case of the man who, for whatever reason, has arrived at the age of incapacity with no means of support—that we are considering. It is fruitless in his case to urge the claim against himself. What he has produced he has consumed or permitted others to consume. He has nothing now but the memory of wants satisfied. He can produce no more. It is useless, often unjust, to condemn him, and heartless to make him suffer, even as an example to the thriftless. The problem that he presents may constitute an argument for State insurance and compulsory savings in recognition of the superannuate's claim against himself. This remedy may be applied to those who are thoughtlessly following in his footsteps, but it can not be applied to the man who is already superannuated.

Inevitably recourse must be had for his support to his claim against society, which demands, against all the economics in the matter, that the superannuate shall continue to live. In every community this claim, as a matter of fact, is recognized, grudgingly and ungraciously, perhaps, but still recognized, in the form of State and private charities to the old. With excellent logic some maintain that all these heterogeneous charities should be consolidated into the payment of indiscriminate old-age pensions by the State. In this way there would be imposed upon society as a whole the anticipated cost of superannuation in the case of each individual, and the burden would be distributed according to the established system of taxation.

At present the claim of the superannuate is strongly urged against his immediate employer. Propinquity governs, as with the beggar, who accosts the first well-dressed passer-by. Economically the employee has been most closely related to his employer, and both the employee and the community are best satisfied if that relationship is continued after it has ceased to be economic and has become philanthropic. Some large employers have cheerfully accepted this situation and established the definite policy of supporting their superannuated employees.

For many years a more or less active propaganda has been directed toward having the Federal Government establish a similar system of pensions for its army of civil-service employees. The public, however, has remained generally apathetic to this appeal. The opinion is commonly expressed that there is no reason for singling out the superannuated Government clerk for consideration in advance of privately employed workers. Nevertheless it may readily be shown that circumstances peculiar to the problem of superannuation in the Government service render its solution especially urgent in the interest not only of the employee but also of the Government itself, and a solution is not possible until a popular understanding of the problem is reached.

In 1912 President Taft's Commission on Economy and Efficiency compiled an elaborate report on the subject of the retirement of superannuated employees in the civil service, which was duly submitted to Congress. The report concludes with the recommendation that a law be passed embodying the following essential features:

1. That an employee now in the service who is 70 years of age be retired, and be paid by the United States an annuity equal to one-half of his average annual pay for the past five years, but no such annuity to exceed $600.

2. That an employee now under 70 years of age be retired when he reaches that age and be paid an annuity equal to one-half of his average annual pay for the entire period of service, but no such annuity to exceed $600: *Provided*, That there shall be deducted from the pay of such employee until he reaches 70 years an amount which, with interest at 4 per cent, compounded annually, will purchase such annuity, but no monthly deduction shall exceed 8 per cent of the monthly pay.

3. That a person first employed after the retirement plan is put into operation shall provide for the entire cost of his retirement allowance (which shall be an annuity of one-half of his average annual pay during his entire service, but no annuity to exceed $600), by deductions from his current pay of such amounts as may be required, with interest at 4 per cent, compounded annually, to pay his annuity.

4. That any person separated from the service before the age of 60 shall receive the amount of deductions made from his pay, with 4 per cent interest, compounded annually; after the age of 60 and before reaching 70 he shall receive the amount with interest in 10 annual installments, unless the total amount is less than $600, in which case the amount shall be paid at once. In case of death at any time before reaching 70, the amount of deductions, with interest, shall be paid to his legal representatives. In case of death after 70 the balance remaining to his credit over and above the sums paid to him in annuities shall be paid to his legal representatives.

5. That the Secretary of the Treasury shall invest the deductions and accrued interest thereon in bonds of the United States, States, and municipalities; and the United States shall appropriate a sum sufficient to assure to employees interest at 4 per cent per annum, compounded annually, on all deductions from salaries.

This is the plan proposed by the commission. Neither the country as a whole nor any section of the country or class of its citizens is as yet genuinely interested in the passage of such legislation. Bills innumerable have been introduced in Congress, but they will not be passed until the people have definitely registered their indorsement.

The people are the employers of the Government clerk. Congress is the mouthpiece of the people. So long as the people are indifferent to the need for civil pensions Congress will remain silent on the subject; and so long as Congress remains silent the superannuated Government clerk has no one at hand to whom in his extremity he can address his appeal except the officers of the executive branch of the Government, which, unlike Congress, is not the mouthpiece of the people but merely an agent for the performance of well defined administrative duties.

In contravention of his oath of office many a Federal officer has closed his eyes to the clear direction of the law and has responded to this appeal. How general this irregular practice has become may be judged from the casual reference to it by President Taft in the following sentence:

"The present practice of retaining such (superannuated) employees on the rolls and, as they grow older, expecting from them a smaller quantity and lower grade of work, can not continue indefinitely without seriously impairing the efficiency of the entire service and imposing upon the Government a cost that will be in excess of the expense to be incurred by the adoption of a reasonable plan for remedying existing conditions."

It is indeed strange to find a President of the United States, the highest executive, postulating a political proposition with the observation that his subordinate executive officers are violating a part of the law which they are sworn to uphold, and that he is aware of it. The argument of the Economy and Efficiency Commission follows along this line and is to that extent disingenuous. The commission urges that superannuation is a great financial burden to the Government and that it will be a constantly increasing burden. This being asserted, the way is made clear by main strength for an argument designed to show that the cost of the proposed plan of retirement bears a certain relation to the alleged necessary cost of superannuation at present—is in fact slightly more, but not much more. Now this seems a remarkable argument to have been made by the commission and indorsed by the President.

No doubt the Government suffers some measure of loss due to the retention in office of superannuated employees. But on being apprised of this condition it is the duty of executive officers to seek for a remedy first in existing law, even while proposing, if they will, some amendment of the law.

The civil-service law does not provide for permanency of tenure. On the contrary it specifically provides for the removal of incompetent employees. The way is clear under the law to remove summarily all employees who on account of advanced years or other causes are not rendering an adequate "quid pro quo" for their salaries. The law does not provide that length of service shall establish any claim on the part of the employee or any obligation on the part of the Govern-

ment that is not effaced by the payment of the concurrent salary. Any substantial recognition of such a claim or obligation in addition to the payment of salary would seem to be a pure gratuity.

The ideal condition would be one under which the salaries paid by the Government would be sufficiently in excess of the cost of the normal standards of living for each grade to enable every employee to set aside and save amounts that would render him independent in his old age, and under which he would so set aside and accumulate the margin of his salary. But this condition does not exist. Either the salaries paid generally leave no margins over the cost of living, as some contend, or Government employees as a class lack thrift and the ability to save, as others say. Each of these alleged causes is perhaps a part of the real cause. Of the result there is no question. Employees of the Government very generally reach old age dependent entirely on the salaries attached to the positions that they are no longer capable of filling. Under the law they should be discharged, but the fact is that many of them are not discharged. The result is that tenure of office in the Government service does not now depend on the law or on the uniform needs of the service, but upon the varying temperaments of supervisory officers and their varying conceptions of their public duty. Especially is this true in the Postal Service, because of the wide discretion accorded to postmasters in the conduct of their offices.

It is said that the loss sustained by the Government on account of superannuation aggregates many millions annually. A careful canvass of first and second class post offices seems to indicate that this loss is probably less proportionately in the Postal Service than elsewhere. Alertness, dexterity, quickness of hand and eye, and other qualities of youth are peculiarly required for the performance of post-office work and tend of themselves to reduce superannuation in this service.

There are 80,000 classified civil-service employees, exclusive of rural carriers, at the 2,600 largest post offices in this country. Of these 80,000 employees, 2,508 are above 60 years of age. Of this number, 1,170, or nearly half, are between the ages of 60 and 65 years. Only 127 are over 75 years of age. There are isolated instances of men of advanced years performing active service. One assistant postmaster with a salary of $900 is 79 years of age. One city letter carrier is 89. Two post-office clerks and two laborers are each 87.

In considering these figures it should be borne in mind that the actual age of superannuation may vary with individuals. Few nonagenarians, or even octogenarians, are capable of performing active postal service; but some no doubt are capable, especially in lines of work to which they have become accustomed by a lifetime routine. For this reason the figures here set forth indicate an extremely small percentage of superannuation in the Postal Service—probably not in excess of 1 per cent. But however small the percentage may now be, it involves a feature of administration which should be dealt with in accordance with the wishes of the people as expressed in the laws enacted by Congress. Under existing law the only proper course for the department and for the postmasters, which is also the most humane and just course, is to put on notice all employees that they will be continued in office only so long as they are capable of earning the salaries paid them, and that salaries will be scaled and readjusted from time to time to meet the declining efficiency and earning power of the clerks and carriers.

This course, which is necessary under the law, may seem drastic and severe. It is not, however, without intrinsic merit. Once it is firmly established and universally applied all doubt will be removed from the minds of civil-service employees as to their expectancy of tenure in office. All will be stimulated to put forth their best efforts and to save. In every salary paid by the Government there is a possible margin of saving. To realize it many must reduce their standards of living. In many instances this will be painful and pathetic to consider; but it should be done. No matter what the amount of the salary is, the saving against old age and misfortune should come out of it first. It may be very desirable that the Government be served by men who are well clothed and fed and are able to support their families in some degree of comfort, but it is more desirable that the Government be served by men who are saving money.

It is clear that the people, through Congress, are responsible wholly for the scale of salaries paid to civil-service employees and for the lack of pension legislation. In these matters administrative officers have no discretion. These officers may, however, bring the whole matter directly and forcibly to the attention of Congress by obeying and enforcing the laws affecting superannuated employees. It is very desirable that the question of civil-service retirement be settled as soon as possible, and settled to the best interest of the employees and of the Government.

The institution of the classified civil service under which tenure of office depends on merit and not on political complexion is not of long standing, and as a consequence the problem arising from the superannuation of employees has only in recent years become acute. The problem has lately received much attention at the hands of Congress and of officers in the executive departments, but no legislation has resulted. Congress has seemed to be averse to entering upon any scheme of civil pensions, and it is believed by many that such a course would be fraught with difficulties and dangers both to the Government and to the employees. The consideration of retirement legislation has also been retarded by the multiplicity of plans proposed. Undoubtedly the Government suffers loss of efficiency due to the unlawful retention of superannuated employees. Many postmasters and other supervisory officers are disposed for humanitarian reasons to continue aged and incapacitated clerks in office without proper readjustment of their salaries long after their usefulness and value has begun to wane. Not only are the salaries of these clerks frequently an unwarranted expenditure of public funds under the law, but the promotions of deserving younger clerks are withheld and the incentive for the maximum endeavor on their part is reduced.

A remedy for superannuation in the Government service that suggests itself first, because of its apparent directness and simplicity, is the straight pension plan. This proposal is indorsed by many of the employees because it seems to them a definite increase in their compensations. Some public men have indorsed it because they believe the cost to be less than the present loss due to superannuation in the service. But it is noticeable that this plan is usually most approved by those whose consideration of it has been less thorough and is least approved by those who have given it more careful study. In the long run the straight pension has the effect of retarding the increase in the general salary scale for pensionable places, and that eventually as the result of this tendency employees pay many times over for their pensions. For this reason it is said that civil pensions in England are now unpopular with the employees holding the pensionable places.

There is no benefit from the straight pension plan except to the long lived, and this works a hardship to those who do not remain in the service until the age of retirement and to the families of those who die in the service. It is probable that there would be an irresistible tendency toward covering into the pension roll first the immediate and then the more remote dependent of deceased civil-service employees. The possibilities of favoritism and political corruption are apparent. The whole idea of straight pensions, involving, as it does, continual, direct, and uncertain drafts on the Public Treasury, is abhorrent to the general public and not likely ever to be approved by Congress.

In pursuing this inquiry into the question of superannuation the conclusion should quickly be reached that any feasible pension plan must be based at least partly on contributions from the persons to be pensioned. Moreover, the contributions should be compulsory. The object primarily sought is the relief of the Government from loss and inefficiency due to superannuation and only secondarily the relief of the employees concerned. A system of voluntary contributions would have the reverse viewpoint.

Of compulsory contributory plans there are two: First, those involving the savings idea, under which the contributions of each employee are kept intact for him and applied to a fund for his own retirement; second, those involving the mutual idea, under which all contributions are merged and applied to the general cost of retiring superannuated employees. The great merit of the first plan is that it is scientific in principle and equitable as between individuals. But it may be urged for the second plan that it will produce the result desired for the Government at a much less initial cost and at the same time secure to the employees all the practical benefits of the first plan.

A decision as to which of these retirement plans is the more worthy of support under all the conditions existing will constitute a step in the direction of the eventual solution of the vexed problem.

The plan of the first kind is that evolved after a long and thorough investigation by the Commission on Economy and Efficiency and recommended to Congress by President Taft on May 6, 1912. The essential features may be restated briefly:

From the pay of each employee a sufficient sum is deducted to provide for his retirement on half pay at the age of 70 years. It is stipulated that the Government shall pay 4 per cent interest on all contributions compounded annually. In case an employee does not remain in the service until the age of 70 years, the amount of his accumulated deductions and interest are returned to him in one sum. If he leaves the service between the ages of 60 and 70 years, the return payment is made in 10 equal annual installments. In case of death at any time the total amount of all deductions and accrued interest, less any amounts paid after age 70 under the annuity provision, is paid over at once in one sum to the legal representatives.

In so far as this plan concerns those employees who enter the service after the inauguration of the plan, it is perhaps not open to serious criticism; but in so far as it applies to persons already in the service its impracticability at once appears. Either very large appropriations must be made by Congress to supplement the contributions of those who are nearing the age of retirement or else confiscatory amounts must be deducted from the pay of the employees. In this dilemma the commission has been forced to propose a compromise which contains objectionable features of both alternatives. According to the commission's plan deductions up to as much as 8 per cent of the total salary are to be required of every employee unless a less percentage will provide the regular annuity at the superannuation age of 70 years. Amounts needed in excess of the 8 per cent contributions the commission proposes to have drawn from the Public Treasury. This latter feature is necessary if the plan is to become of any real value at once in relieving the service of superannuation.

The cost of applying this plan to the service at Washington alone has been carefully computed by the commission, and it may be assumed that the conclusions reached are approximately correct. The commission states that the plan in operation would require appropriations of about half a million dollars annually at the outset, increasing gradually to about $650,000, and then declining until at the end of 20 years the annual amount required of Congress would again be about half a million dollars. From that point the amount steadily declines and reaches the vanishing point at the end of 50 years from the outset of the plan. It is claimed by the commission that this cost is more apparent than real, owing to the constant loss from retaining superannuated employees which would be wiped out by the adoption of the commission's plan. Nevertheless, the present is clearly not an opportune time to ask Congress to inaugurate any plan of retirement that requires large annual appropriations.

One important detail of the commission's plan is objectionable. Fixing the age of retirement arbitrarily at 70 years would result in retaining in the service persons already superannuated and in separating from the service persons well able and willing to serve for several years longer. The age of retirement should be determined administratively on the merits of each individual case, according to the mental and physical condition of the applicants, and this would have the further advantage that in approving applications regard might be had within reasonable limits for the condition of the fund from which the retirement annuities were to be paid.

The conclusion must be accepted that there is no advantage to be gained in supporting a straight pension plan, the savings-annuity plan of the Commission on Economy and Efficiency, or any plan that involves as these do large appropriations by Congress. Superannuation, however, remains a pressing and urgent problem, and a practicable plan for dealing with it effectually should be accepted and advocated.

Such a plan should impose only a small direct burden on the employees and on the Public Treasury. The mutual feature can not seriously be objected to in view of the fact that the Government is a peculiarly permanent institution with a natural tendency to increase from year to year. It is not necessary that the contributions of each employee be applied directly to his individual retirement. The compulsory contributions of the employees may be made as low as 1 per cent of the monthly salary, which will impose no undue burden on them. The additional cost, if any, might be met by lapsed money-order funds, proceeds of dead-letter sales, supplemented by a small percentage of the postal surplus. This might have the happy effect of stimulating economy and efficiency in the service. Such a law should accord to the Postmaster General broad discretionary power in order that the determination of superannuation might be administrative, and so that the condition of the fund might be considered in approving applications. Able-bodied men of advanced years would thus be retained in the service to the benefit of themselves and of the Government.

DANIEL C. ROPER,
First Assistant Postmaster General.

Number, age, and salary of all assistant postmasters over 60 years of age at first and second class post offices, Sept. 24, 1914.

ASSISTANT POSTMASTERS.

Salaries.	Age in years.																					Total, all ages.
	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79		
$800	....	....	1	1	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....		2
$900	1	2	2	....	....	1	....	....	....	....	....	....	....	....	....	....	1	....	....	1		8
$1,000	2	1	2	1	1	....	1	1	1	1	....	....	....	....	....	....	....	....	....	....		10
$1,100	1	2	1	....	....	1	....	1	1	1	....	....	2	....	....	....	....	....	....	....		10
$1,200	1	1	1	1	1	1	2	1	1	....	....	....	....	....	....	....	....	....	....	....		10
$1,300	4	2	3	1	1	2	....	....	1	1	....	....	1	1	....	....	....	....	1	....		18
$1,400	1	2	....	1	1	....	1	....	....	....	....	....	....	....	....	....	....	....	....	....		6
$1,500	....	1	1	....	2	3	2	....	....	1	....	1	1	1	....	....	....	....	....	....		13
$1,600	3	1	....	1	2	....	....	....	1	1	....	2	1	....	....	1	....	....	....	....		13
$1,700	....	1	1	2	....	....	1	1	1	....	....	2	1	....	....	....	....	....	....	....		10
$1,800	....	....	....	....	....	....	1	1	1	1	....	....	....	....	....	1	....	....	....	....		5
$1,900	....	....	....	....	1	....	....	....	....	....	1	....	....	....	1	....	....	....	....	....		3
$2,500	....	1	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....		1
$3,000	1	2	1	....	....	....	....	....	....	....	....	1	....	1	1	....	....	....	....	....		7
$4,000	....	....	....	....	....	....	1	1	....	....	....	....	....	....	....	....	....	....	....	....		2
Total	14	16	13	8	9	7	9	6	7	7	1	6	7	2	1	1	2	....	1	1		118

Number, age, and salary of all clerks over 60 years of age at first and second class post offices Sept. 24, 1914.

Salaries.	Age in years.																											Total, all ages.
	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	
$800	1	....	....	1	1	....	....	....	....	3	2	3	....	....	....	....	....	1	....	2	1	....	....	....	....	....	....	....	15
$900	2	2	....	2	3	3	....	....	2	2	....	2	2	3	3	....	1	1	....	....	2	....	1	1	1	....	....	....	33
$1,000	5	2	6	5	4	2	3	3	2	4	3	1	2	3	1	3	....	....	2	....	....	....	1	....	....	....	....	....	52
$1,100	5	13	8	10	14	6	6	12	12	9	13	8	5	4	3	4	2	1	....	1	....	....	2	....	2	....	....	....	140
$1,200	52	56	32	42	35	31	31	39	38	30	23	21	42	20	11	10	8	8	4	3	....	2	3	....	....	1	....	2	544
$1,300	16	9	16	8	10	8	4	6	3	5	2	2	4	1	1	1	1	....	1	1	....	....	....	....	....	....	....	....	99
$1,400	13	8	6	8	5	6	7	5	2	2	2	....	1	1	2	1	1	1	....	....	1	....	....	....	....	....	....	....	72
$1,500	4	5	1	5	5	3	2	1	4	1	1	2	1	3	....	....	....	....	....	....	....	....	....	....	....	....	....	....	38
$1,600	4	3	3	1	3	1	1	2	....	4	1	....	....	....	2	....	....	....	....	....	....	....	....	....	....	....	....	....	25
$1,700	1	1	1	2	2	2	1	3	....	1	....	1	....	....	....	1	1	....	....	....	1	....	....	....	....	....	....	....	18
$1,800	1	....	3	1	1	1	1	1	2	....	....	2	....	....	....	....	....	....	....	....	....	1	....	....	....	....	....	....	14
$2,000	1	1	2	3	1	....	1	1	2	1	3	2	....	....	....	....	....	....	....	....	1	....	1	....	....	....	....	....	200
$2,100	....	....	....	....	1	....	....	1	....	....	1	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	3
$2,200	....	1	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	1
$2,400	....	1	1	1	1	....	1	....	....	1	1	....	....	....	1	....	....	....	....	....	....	....	....	....	....	....	....	....	8
$2,600	....	2	....	....	....	....	....	1	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	3
$2,700	1	....	....	1	1	....	....	....	....	1	....	....	1	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	5
$3,000	....	1	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	1
$3,200	1	....	1	....	....	....	1	....	....	....	....	1	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	4
Total	107	105	80	90	87	63	59	75	67	64	52	45	58	36	23	20	14	12	7	7	6	3	8	1	3	1	....	2	1,095

Number, age, and salary of all city letter carriers over 60 years of age at first and second class post offices, Sept. 24, 1914.

Salaries.	Age in years.																												Total, all ages.
	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	
$800	....	....	....	....	1	....	....	1	1	1	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	2
$900	....	....	....	....	....	....	....	2	....	3	....	....	....	....	1	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	8
$1,000	....	....	....	....	1	1	....	2	....	3	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	8
$1,100	20	11	12	14	3	1	1	7	10	5	5	7	9	9	3	2	3	2	2	1	1	....	1	....	....	....	....	....	....	....	129
$1,200	126	137	96	87	72	58	53	55	52	46	47	31	24	13	18	14	6	7	1	2	1	....	....	....	....	....	....	....	....	1	947
Total	146	148	108	101	77	60	54	65	63	55	52	38	33	22	22	16	9	9	3	3	2	....	1	....	....	....	....	....	....	1	1,088

Number, age, and salary of all post-office laborers over 60 years of age at first and second class post offices, Sept. 24, 1914.

Salaries.	Age in years.																											Total, all ages.
	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	
$720	4	1	5	2	....	3	5	8	7	12	10	7	2	3	6	2	8	3	....	1	....	2	1	....	....	....	....	1	93
$840	11	14	9	5	10	7	8	9	10	4	5	2	4	2	4	3	3	2	....	....	....	....	1	....	....	1	....	....	114
Total	15	15	14	7	10	10	13	17	17	16	15	9	6	5	10	5	11	5	....	1	....	2	2	....	....	1	....	1	207

Statement showing by 5-year periods the number of employees in first and second class post offices over 60 years of age Sept. 24, 1914.

	Assistant postmasters.	Clerks.	Laborers.	Carriers.	Total.
60 to 64 years	60	469	61	580	1,170
65 to 69 years	36	328	73	297	734
70 to 74 years	17	214	45	167	443
75 to 79 years	5	60	22	40	127
80 to 84 years	.....	21	4	3	28
85 and over	.....	3	2	1	6
Total	118	1,095	207	1,088	2,508

Mr. PENROSE. May I ask the Senator from Alabama a question?

Mr. BANKHEAD. Certainly.

Mr. PENROSE. Do I understand that the Assistant Postmaster General favors a retirement system?

Mr. BANKHEAD. This simply gives his opinion on it.

Mr. PENROSE. Is the opinion favorable to retirement system or is it hostile to it?

Mr. BANKHEAD. I think he is inclined to something of that sort.

Mr. PENROSE. Then it is only general information?

Mr. TOWNSEND. He is entirely neutral.

Mr. BANKHEAD. It is only a general letter.

Mr. PENROSE. A letter of neutrality, as I understand, Mr. President.

STOCK-RAISING HOMESTEADS.

Mr. STERLING. Mr. President, will not the Senator from Missouri yield to me for a moment? It will take but a short time to bring the matter which I desire to the attention of the Senate.

Mr. STONE. Does the Senator from South Dakota desire to address the Senate?

Mr. STERLING. I do not desire to address the Senate. I want to call attention to a matter which was passed over last evening when we were considering the calendar, and to ask unanimous consent for its immediate consideration.

Mr. STONE. I should like very much to oblige the Senator, but we must have an executive session. We shall not be in executive session very long.

Mr. STERLING. I think it will take but a short time to dispose of the bill to which I refer, I will say to the Senator from Missouri, if I may call it up.

Mr. STONE. Does the Senator desire to ask unanimous consent?

Mr. STERLING. This bill is what is known as the grazing homestead bill, being No. 839 on the calendar.

Mr. STONE. Does the Senator ask unanimous consent for the consideration of the bill?

Mr. STERLING. Yes. Last evening when it was reached on the calendar the Senator from Utah [Mr. SMOOT] said that he would be satisfied with the bill if section 6 were stricken therefrom. He also stated at the same time that the Senator from Idaho [Mr. BORAH] desired to be present when the bill was called up. I now ask unanimous consent for the present consideration of the bill, it being House bill 15799.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. I have no objection to taking up the bill, Mr. President, but I will say to the Senator from Missouri that I shall move to strike out section 6 of the bill.

Mr. STONE. Will that lead to discussion?

Mr. SMOOT. I hardly think it will.

The VICE PRESIDENT. Is there objection to the request of the Senator from South Dakota?

Mr. STONE. I can not resist appeals of Senators and I yield, with the understanding that if the bill leads to discussion it will be withdrawn.

Mr. SMOOT. That is a fair proposition, and I will agree to that with the Senator from Missouri now.

The VICE PRESIDENT. The Senator from South Dakota asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (H. R. 15799) to provide for stock-raising homesteads, and for other purposes.

The VICE PRESIDENT. The bill heretofore has been read.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. STERLING. Now, I move that section 6 of the bill be stricken out.

The VICE PRESIDENT. The amendment proposed by the Senator from South Dakota will be stated.

The SECRETARY. It is proposed to strike out section 6, as follows:

SEC. 6. That in the event there are not contiguous lands in area sufficient to complete an entry of 640 acres, as provided for in this act, the entryman or patentee shall have the right to enter within a radius of 10 miles from his first entry, subject to the same requirements as specified for contiguous additional entries, lands in reasonably compact form which have been designated for entry under the provisions of this act, that shall, together with the first entry, not exceed 640 acres: *Provided*, That the entryman shall be required to enter all contiguous areas open to entry prior to the entry of any noncontiguous land.

The amendment was agreed to.

The VICE PRESIDENT. The bill is still before the Senate, as in Committee of the Whole, and open to further amendment.

Mr. BORAH. Mr. President, I understand the Senator from Missouri does not desire the consideration of this bill to be proceeded with.

Mr. WALSH. Mr. President, is this the grazing homestead bill?

Mr. BORAH. This is the 640-acre homestead bill.

Mr. WALSH. I object to its consideration at this time.

The VICE PRESIDENT. That ends it. The bill is out of the way.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened.

INDIAN APPROPRIATIONS—CONFERENCE REPORT.

Mr. OWEN. Mr. President, I ask unanimous consent to withdraw, without prejudice, the conference report on the Indian appropriation bill.

The VICE PRESIDENT. Is there objection to the request of the Senator from Oklahoma? The Chair hears none, and consent is given.

Mr. BURTON. Mr. President, during the years I have been in Congress I have seen a great deal of constructive legislation enacted in which I have taken great satisfaction. I have also witnessed with a good deal of complacency the defeat of certain measures which have been proposed here which to my mind were unsound in principle, mistaken in policy, and contrary to the public good. My name has become perhaps associated recently with the defeat of proposed legislation. Helping to prevent what to my mind was bad legislation is not without its gratification, certainly not without its usefulness.

Of the constructive measures that have fallen by the way there is none I regret more than those relating to the conservation of our natural resources, or, I may say, rather, relating to a rational utilization of them. The conditions of spoliation and greed and abuse under which they were being monopolized and wasted a decade or more ago very properly led the Presidents during the last two and the present administrations to withdraw or hold under reservation many of the most useful of these resources, particularly water powers and, to some extent, coal and mineral lands. Such a policy was intended only to avoid an immediate evil, and was never intended to be permanent or long continued. It was expected that Congress would within a reasonable time inaugurate a comprehensive and adequate policy for their utilization, one which would on the one hand safeguard the public interest, and on the other furnish a reasonable and secure basis for the investment of the capital necessary to their development.

Of these resources none is of more importance or of more immediate need than the development and use of water powers. I regret the failure of the bills pertaining to this subject.

In future legislation upon this subject I wish to say that we must take careful account of the fact that in an exceptional degree the development of water power is a national problem. There is no form of energy, no class of enterprise, which so demands concentration in control as the development of this great utility. Along with concentration, however, there should be the most careful safeguarding of the public interests, controlled by State and National commissions, so that this will not amount to a monopoly, so that the people may enjoy reasonable rates of service in the utilization of this source of power, which is sure to be one of the greatest features in the future development of the continent. Centers of industry, the development of manufacture remote from the source of this power and energy, will be materially benefited by its development.

I bespeak consideration for these features of this situation. Let any theories of State rights and national control be subordinated to broad considerations of public interest of the general benefit. Let us not make, on the one hand, the mistake which was made in the granting of millions of acres to railways in the form of land grants. Let us not tolerate monopoly, and, on the other hand, let us give to those who would undertake this great work of development for the benefit of the country a reasonable opportunity for its accomplishment.

On the whole the bill reported by the Senate committee for the development of water power in navigable streams comes nearer solving this vexed question than any measure heretofore proposed in Congress, but in some particulars it is not entirely satisfactory. I particularly call attention to the provision for repayment of the cost of construction and other obligations to be assumed by the Federal Government in case the grant is discontinued at the end of 50 years.

There are many other things in which I have been interested, Mr. President, and which I regret that I shall be unable to consider with other Members of the Senate in the future. I call particular attention to our relations with foreign countries. We should understand that we have come to a position in the great family of nations which is enlarging year by year. A spirit of comity, a spirit like that which prevails among those who would be gentlemen in the relation of individuals, must prevail in all our diplomatic and other relations with foreign countries. Let us recognize the necessity not alone of justice, but of a due regard for all the interests, all the peculiarities, even the idiosyncrasies, as we may call them, which we find to be characterstic of other people. I trust particularly that this spirit will be manifest toward nations, small and great, in this Western Hemisphere, that one of the marked features of

the future may be closer relations and more manifest friendship with Central America and South America.

I leave the Senate with the feeling that whichever party may prevail, the country may have confidence in the patriotism, the intelligence, the industry of the Members of the Senate and of the House of Representatives. May all your legislation be actuated by an abiding realization of the greatness of this country, both its domestic interests and its foreign relations. Relieve our great business enterprises from undue hampering, but provide such control that dishonesty and monopoly may be impossible. Let regard be given to the humblest as well as the strongest, with the view that our interests are one, that the welfare of all of our varied population will be promoted by rational policies based upon justice and a due regard for the rights of all.

Mr. President, there are many other things which I should like to say, but in view of the pressure of public business and the nearness of the hour of adjournment I will not say more.

I ask unanimous consent to have printed in the RECORD an address by Mr. Levy Mayer, of Chicago, before the Creve Cœur Club, of Peoria, Ill. I do not say that I approve all the sentiments expressed in this article, but I think it a valuable contribution to the thought of the present time.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

[Address by Levy Mayer, of Chicago, before the Creve Cœur Club, of Peoria, Ill., on Feb. 22, 1915.]

Everything and everybody is being investigated. This espionage creates great unrest and business disturbance and disorder; it produces equal dissatisfaction among the masses. Every industry is on the grill.

Referring only to Federal investigations and eliminating altogether the ever-present State inquiries, there have during the last few years been the following:

(a) By the House of Representatives: The steel, the sugar, the shipping, and the textile industries; labor conditions in Colorado; the Alaska fur-seal industry; banking activities and stock exchanges, involving all interests; every line of industrial and commercial pursuit in connection with the Federal Trade Commission and the Clayton antitrust bills; all business interests in framing the Underwood tariff bill.

(b) By the Senate: Combinations of capital in connection with the preparation of the Federal Trade Commission and Clayton antitrust bills; the National Association of Manufacturers; campaign contributions—those having nothing to lose may contribute, but to you who have much at stake that privilege is denied—the investigation of all industries charged with lobbying—you are now publicly pilloried if, when you are attacked, you go or send an agent to Washington to present reasons why you should be let alone.

(c) By the Department of Justice: The New Haven, the Southern Pacific, and all other land-grant railroads; the beef-packing industry; United States Steel Corporation; the Harvester Co.; the American Harvester Co.; the American Shoe Machinery Co.; anthracite coal interests; American Smelting Co.; fish-packing and cotton-fabric industries; produce exchanges and dealers in food supplies; cotton and stock exchanges; wheat situation; and numerous other prosperous enterprises.

(d) By the Interstate Commerce Commission: The Rock Island, Pere Marquette, New Haven, and Southern Pacific Railroads, the Oregon Steamship Navigation Co.; the railroads, particularly those of the Middle West and East, in connection with rate increases; and all railroads everywhere under the chapter of physical valuation.

(e) By the Federal Commission on Industrial Relations: A general dragnet of the relations of capital and labor; conditions of labor in factories; Rockefeller and Carnegie Foundations.

(f) By the Bureau of Corporations: All of the water-power and lumber interests and many corporations whose identities have not yet been made public.

(g) By the Bureau of Immigration: Conditions of employment and unemployment of labor.

Investigation is the penalty of success.

As I have said, practically every industry has been investigated and reinvestigated and then investigated again. Congressional inquiries have ramifications which lead to the summoning of witnesses who are required to reveal facts of the most confidential character regarding their business.

The Industrial Relations Commission has been devoting weeks examining many witnesses with all sort of fads and fancies about the Rockefeller and Carnegie Foundations. The commission is trying to find in those grand philanthropic establishments a menace to democratic institutions. In other words, the industrial commission seems to proceed upon the preconceived theory that these foundations threaten our political existence—a commission investigating for facts that may destroy public confidence in these foundations. Does any thoughtful and well-balanced mind really believe that these humane and benevolent foundations, which are making research for cures for deadly diseases, that are devoted to founding and improving colleges and libraries, do really tend to corrupt the people?

All this is great waste, waste of time, waste of energy, and, what is worse, destruction of confidence. The confidence of the masses is easily shattered, and it is difficult to be restored.

While Congress is investigating, seeking to control and run the business of the people, what has it done about minding its own?

A report made to Congress in 1912 shows that there were then 18 different systems of bookkeeping in the Treasury Department; that the Secretary of the Treasury could not tell within $50,000,000 to $100,000,000 the current obligations outstanding against the Government; that the Secretary of the Treasury could not give to the President a clean-cut balance sheet showing the exact financial position of the Government; and that the records of payment were from three months to a year and one-half behind; that there were from 300 to 700 millions of unaudited payments not on the books at all. The report showed a woeful lack of cooperation between the different departments, and that there was a duplication of efforts costing many millions yearly. Among many illustrations it appeared that the Post Office Department was carting tons of mail from the Printing Bureau to the post office three-fourths of a mile away, and that this same mail was again hauled back to the railroad station directly across the street from the Printing Bureau whence it came.

No private organization, no matter how big, could stand such gross mismanagement and reckless inefficiency. And what is true of the Nation, applies to the States and to the municipalities. Mismanagement, waste, and inefficiency are in the saddle. These same political riders are instructing and directing the merchants and manufacturers how to run their business—business which, of the corporations alone, yielded during the year ending June 30, 1914, a net income of $4,339,000,000.

But, aside from Federal interference, every year sees an increase in legislative hostility to industrial interests. Practically all of the 48 States are regularly passing laws to curb, exclude, and eliminate foreign corporations. There is neither reason nor business morality to support such legislative ostracism.

When the framers of the Constitution put into that instrument in 1789 the guaranty that the citizens of one State shall enjoy all the privileges and immunities of the citizens of every other State—they could not have anticipated how much corporate entities would thereafter control the industries of this country. Had they foreseen the reality, they would have defined the word 'citizen' to include a corporate as well as a natural person. There were at that time in the United States less than 30 corporations for profit. In 1800 the total corporations of all kinds in this country was 225. To-day there are 350,000. For the fiscal year ending June 30, 1914, 316,909 corporations made returns to the Commissioner of Internal Revenue under the income tax law. Those corporations have a capital stock of $64,071,000,000, a bonded indebtedness of $37,136,000,000, and a net income of $4,339,000,000. These figures are beyond human grasp. The corporations in this country do over 90 per cent of its entire business. Why should not they, like individuals, be guaranteed equal privileges? To-day nearly every corporation is engaged in business in other States. Immediately it sets foot across the boundary line of its own State it is treated as an enemy, and is made to comply with oppressive requirements before it can secure recognition as a legitimate enterprise.

Each State has run a race with every other in a seeming endeavor to restrict, if not destroy, foreign corporate existence.

It is difficult to contemplate with composure the obstacles that are thus placed by the citizens of this country against trading by neighboring citizens who have taken corporate shape, and it is only in that form that business can extend and succeed to-day. The disjointed, hostile, and jealous 13 Colonies that preceded our present Nation did not resort to restrictions so destructive of trade and commercial enterprise as do the 48 States of this country in the year of 1915.

Instead of this tremendous handicap and burden, let Congress stop investigating and pass a short, model Federal incorporation law that will supplant the existing conflicts of 48 State systems. In the arena of trade and commerce the fetish of State rights has disappeared from all Democratic and Republican creeds alike.

It is axiomatic that ignorance of the law excuses no one. Every man is presumed to know the law at his peril.

There are some 4,000 legislators, National and State, legislating for us. The result of this activity baffles conception. During the last session of the National and State legislatures 43,403 pages of laws were enacted; they embraced 20,510 chapters and covered 151,083 heads or subheads. During this same period there were 28,000 decisions by courts of appeals in this country. These decisions have the force of statutory law and are equally binding. Ignorance of these decisions is attended with the same consequences as ignorance of statutory law.

The annual output of Congress and of our American legislatures is estimated to be five times greater than that of all the combined legislative assemblies of the world. This has produced a constant effort to evade the law without incurring the risk of punishment. We regard law as an inconvenience, to be evaded if it can be done with safety.

A few weeks ago a law was proposed in one of our neighboring States which would require that housemaids shall be given two nights off a week, shall have a suitable reception room for callers, and be required to work no longer than 56 hours in each week.

Recently Ohio passed a law making it a misdemeanor to furnish free of charge in any place where intoxicating liquors are sold any food, except crackers, cheese, and pretzels. A saloon keeper who had been arrested for furnishing a free lunch of sauer kraut, fish, and bread secured freedom from jail by the decision of the court holding the law unconstitutional, because it discriminated against and in favor of certain articles of food.

In Illinois, in 1913, our wise legislature enacted a law which will send to jail a hotel keeper whose bed sheets are less than 81 inches wide or shorter than 99 inches.

The fundamental and underlying error lies in the American conception that the legislature can do everything that is not naturally impossible, and sometimes legislatures transgress even this law.

I do not overlook the wonderful and unparalleled growth of this country, her institutions, her industries, her resources, and her wealth; but in the mad chase for every kind of game we have overlooked our duty to effect conservative, sensible, and clear-sighted control.

When Washington was President the total area of the United States was 827,884 square miles. To-day it is 3,726,000 square miles, or more than the area of all Europe and nearly one-fourth of the land of the globe.

Washington's constituency numbered 3,929,214; in Illinois alone there are now 5,638,591, and the population of continental United States is 100,000,000.

When Washington was President in 1790 our exports were $20,000,000 per annum, or $5 per capita. Last year they were $2,000,000,000, or $21 per head, and our domestic commerce exceeds $25,000,000,000 annually.

In Washington's day the transportation of freight by land was a risk too hazardous to be undertaken. At the present time 23,000,000 freight cars are employed in the transportation of commodities on land.

Toward the close of the eighteenth century the transportation of passengers was equally perilous. In 1790 there were only a few stage roads in operation; one ran between Philadelphia and New York, a distance of 90 miles, and the journey consumed three days. So dangerous was travel then that careful men made their wills before going to State conventions. It was deemed rapid transit to make in five days the trip from Boston to New York that is now made in five hours. To-day our whole continent can be traversed in less time than it took Adams to make the journey from Boston to New York. Now we have 240,000 miles of railroad, valued at $20,000,000,000, or one-seventh of the wealth of the country.

Such is the difference in the economic conditions between the country of Washington's day and that in which we have our being. But we have come to our present growth in spite of commissions, and in the teeth of nagging and obstructive investigations and legislation, frequently inspired by partisan bias and fed by a spirit of opposition or envy of those who, by skill, industry, and merit, have succeeded.

The population of Germany is, in round numbers, 70,000,000. Its annual exports prior to the war were $2,475,000,000, and imports $2,675,000,000, or a total of $5,150,000,000. Our imports during the fiscal year ended June 30, 1914, were $1,896,000,000 and the exports $2,364,000,000, or a total of $4,260,000,000 foreign trade. During substantially the same period Great Britain, with a population of 40,000,000, had exports of $3,075,000,000 and imports of $3,845,000,000, or a total of $6,920,000,000.

Comparison of the manner in which the German, English, and French Governments stimulate, help, and foster trade puts us to shame. There is no legislative business torment in those countries. There fruitful development of commerce and industry are among the most important governmental functions. Everything possible that helps or improves industry receives official encouragement and assistance.

In their industrial systems there are innumerable agreements and syndicates authorized and approved by Government to reasonably control output and fix prices.

In Germany alone there are over 600 lines in which the Government authorizes the maintenance of firm conditions and the prevention of excess of outputs and price cutting. A beneficent and farsighted Government policy has developed German commerce quicker than that of any other country, and this has produced commercial stability and financial strength. Such efficiency is the result of constructive, cooperating, and helpful laws that have made Germany's commercial activities so successful.

Similar efficient and wise governmental encouragement prevails in all other foreign countries. You can get it here if you will pull together and demand, not beg, for your rights.

I am not unaware of the shameful and scandalous outrages that have been committed by certain financial, commercial, and railroad bandits, and realize that these have produced a volcanic demand for legislative nostrums. But some of the remedies provided under the spur of an outraged public will create antidotes as commercially troublesome as the wrongs for which the legislative redress has been provided.

I pick as a specimen the most recent law that has sprung from the Federal hopper for controlling business. It is the most far-reaching example of all attempts to run business by Government commission. I refer to the Trade Commission act, which became a law September 26, 1914. It is not yet in actual operation, because the commission has not been appointed.

Nor can the act be characterized as a partisan measure. All of the political parties were hungry for it.

The national Democratic platform of 1912 declared "We favor the declaration by law of the conditions upon which corporations shall be permitted to engage in interstate trade."

The Republican platform of the same year, not to be outdone, demanded a trade commission so as to place "in the hands of an administrative board many of the functions now necessarily exercised by the courts. This will promote promptness in the administration of the laws and avoid delays and technicalities incident to court procedure."

The phrase "avoid delays and technicallities incident to court procedure" must have been inserted in the platform by a legal jester—a Mark Twain barrister, perhaps.

The Progressive platform of the same year was equally outspoken, and demanded:

"A strong Federal administration commission of high standing, which shall maintain permanent active supervision over industrial corporations engaged in interstate commerce."

So far, therefore, as politics goes, the Federal Trade Commission is of trinity origin.

It appoints a commission of five men, with a salary of $10,000 each a year, not more than three to be members of the same political party. To this commission has been given the greatest commercial power ever before intrusted to a governmental body.

(1) It is empowered and directed to prevent persons, partnerships, or corporations (other than banks and common carriers) "from using unfair methods of competition in commerce."

(2) It is given the broadest and most sweeping inquisitorial powers, including the right and duty to investigate the organization, business, conduct, practices, and management of those engaged in interstate trade.

(3) It is given the power to require under oath annual and special reports and answers in writing to specific questions, which answers shall furnish to the commission all information that it may require as to the organization, business, conduct, practices, and management of those engaged in commerce; and the commission is given the right to copy the documentary evidence of anyone being investigated, and to require, by subpœna, the attendance of witnesses and the production of evidence.

(4) The commission may have hearings in Washington or in any other part of the United States. Witnesses are required to attend, no matter at what distance they live, and to bring with them their books and papers.

As near as statistics can be obtained, it is estimated that there are about 300,000 corporations engaged in commerce within the meaning of the Trade Commission act. It is, however, not merely over corporations that the commission is given authority. The individuals who have not heretofore taken corporate form have not escaped, for, by section 5, it is provided that—

"The commission is hereby empowered and directed to prevent persons, partnerships, or corporations (except banks and common carriers subject to the acts to regulate commerce) from using unfair methods of competition in commerce."

Statistics at hand indicate that over one-half million individuals, partnerships, and corporations are, by this new act, made the wards of five commissioners, and every line of business is brought under their supervising and managerial direction and control. Can five human beings be found, even though three are Democrats and two Republicans, equal to this task?

The Interstate Commerce Commission was established in 1888. It has seven members, and a vast number of employees and assistants. Its decisions already cover 32 volumes of printed reports, and during the last fiscal year the commission passed upon over 15,000 cases and complaints. Its work has become so tremendous that the investigations and hearings are now being conducted almost entirely by either an individual commissioner or by an assistant. That commission is greatly in arrears, although its members are hard worked. The Interstate Commerce Commission is confined exclusively to carriers. What shall be said of the Trade Commission, whose functions will extend into and over every avenue and line of industry other than that of banks and carriers? All of the myriad diversified commercial pursuits fall within the jurisdiction of that body. It must hear testimony, make findings and reports, and then its decision is without final binding force. It must be reported to the United States Circuit Court of Appeals, and that court has the right to rescind, change, or modify the rulings of the Trade Commission. Before that court all parties are entitled to their day, to hearings, and to arguments, and the decision of that court is subject to review by the Supreme Court. How many thousands of clerks and assistants this new commission will need employ I shall not predict. Nor am I able to measure the load and expenses that will fall on those who come before the commission. Great corporations can stand such outlays, but individuals, partnerships, and the average industrial corporations will find the burden and cost a heavy one.

Severe penalties are prescribed by the act. Refusal to appear and testify and produce documents and papers subjects the offender to a fine of from $1,000 to $5,000, or imprisonment for one year, or both. And the findings of the commission, when approved by the circuit court of appeals, are enforceable by contempt orders.

What shall be said of the most fundamental of its functions—the power to prevent "unfair methods of competition"? The term is indefinable. During the hundreds of years that the common law has prevailed no court or legislative body has been able to frame a definition of it. But the five commissioners are now clothed with the power and the duty to pass upon every possible state of facts within every line of trade and industry. Banks and carriers have their separate commissions. In the language of a recent report to Congress:

"It is impossible to frame definitions which embrace all unfair practices. There is no limit to human inventiveness in this field. Even if all known unfair practices were specifically defined and prohibited, it would be at once necessary to begin over again."

Need I ask, after this short reference to the act, whether, in the language of one of the platforms, it will "promote promptness in the administration of the laws and avoid delays and technicalities incident to court procedure"?

The merchants and manufacturers of this country must be let alone, or industry and trade will be run by the Government, and the economic and political results will be injurious alike to employer and wage earner. The success of the former is necessary to the life and prosperity of the latter.

The cure for prevailing conditions is homeopathic. Create combinations in restraint of legislation. Educate the people, beginning with the children in the common schools, to know that legislation can not create or change the constitution of man; that there are certain things that the law can not accomplish, no matter how drastic and minute its provisions; that it can not successfully run shops and factories by law, commissions, or investigations. Economic life will not yield to legislative medicine.

This can be done if only the men who do things in their offices and factories will earnestly cooperate and help, and if the all-powerful press will take hold and pound and preach until the doctrine is part of our political existence.

Our legislatures, instead of meeting annually or biennially, should have sessions not oftener than every four years, with the right of the President or governor to call a special session to meet a particular emergency. With less frequent sessions more attention can and will be paid to the quality and character of the men elected.

Reduce the number of legislators. There are 51 senators and 153 members in the Illinois House. This number is at least twice too many. There are 531 Members in the United States House and Senate; this number is too large.

Then, again, out of the 531 national legislators 302 are lawyers, or nearly 60 per cent, and of the Illinois legislators a large majority are lawyers. I favor less lawyers and more business men. Lawyers as a class can no more make laws to prosperously run your business than you are able to frame a code of court procedure.

The United States is, above all countries, one of commerce and business. Its origin, its history, and its people spell industry. Commercial development and success mean progress and betterment for all the people. To manage the business of this country by legislation or commission seriously injures commercial, mercantile, and agricultural pursuits, and will dry up the springs upon which labor must depend for improvement and progress.

For a change I would like to see successful, broad-gauged merchants and manufacturers nominated for high office. The time is ripe for the attempt. The fundamental principles of constitutional law are settled. There is, therefore, no longer the same force in the contention that the chief executive officials should be lawyers. Let the vast industrial interests of this country nominate representative manufacturers and merchants. It is not at all certain that the great body of wage earners—and they are a reading, thoughtful, and thinking class—will not cooperate. You can then show the world the difference between the rule of the professional politician and your own. To me the proposal does not seem too Utopian. Mightier oaks have grown from smaller acorns.

JOURNAL OF LEGISLATIVE DAY OF JANUARY 26, 1915.

Mr. ROOT. Mr. President, some time ago—it seems a long while—upon my request a portion of the Journal of the calendar day of the 29th of January and some unascertained legislative day was reserved from the approval of the Senate and printed for examination. It has been examined, and I think sufficiently states all of that part of the proceedings of the night of January 29 which ought to be preserved. Accordingly I move that the Journal of the 29th of January be now approved.

The VICE PRESIDENT. Without objection, it will be approved.

CONFIRMATION OF ARMY PROMOTIONS.

Mr. STONE. Mr. President, there are some nominations that were sent in only a few moments ago by the President. The President is now in his room near the Senate Chamber, and I have just consulted him. He does not think it important that the Senate should act upon those nominations if other business

would be interfered with, and hence, unless some Senator thinks to the contrary, I will not move an executive session.

I am going to take the judgment of Senators now as to the propriety of taking an adjournment at this moment, say until 10 minutes or 5 minutes past 11 o'clock, so that the Journal may be acted upon and approved. Then we can go on with any legislative business that may remain.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator for just a moment?

Mr. STONE. Certainly.

Mr. CHAMBERLAIN. In connection with the nominations which were made by the President and sent to the Senate this morning, amongst others were the promotions authorized by a bill passed by both House and Senate, promoting Col. George W. Goethals, Corps of Engineers, to be major general with rank from March 4, 1915; Col. Harry F. Hodges, Corps of Engineers, to be brigadier general with rank from March 4, 1915; Lieut. Col. William L. Sibert, Corps of Engineers, to be brigadier general with rank from March 4, 1915; and Brig. Gen. William C. Gorgas to be Surgeon General, with rank of major general, with rank from March 4, 1915. I desire to request that they be confirmed, without reference to the committee, as in open session.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the nominations are confirmed.

Mr. STONE. Now, Mr. President, I move that the Senate adjourn until 5 minutes after 11 o'clock of this day.

The motion was agreed to; and (at 10 o'clock and 55 minutes a. m., Thursday, March 4, 1915) the Senate adjourned until 11 o'clock and 5 minutes a. m. of the same day.

NOMINATIONS.

Executive nominations received by the Senate March 3 (legislative day of February 19), 1915.

UNITED STATES DISTRICT JUDGE.

William Wallace Lambdin, of Waycross, Ga., to be United States district judge for the southern district of Georgia. An additional position, created by the act approved March 3, 1915.

REGISTER OF THE TREASURY.

Houston B. Teehee, of Tahlequah, Okla., to be Register of the Treasury, in place of Gabe E. Parker, resigned.

APPRAISER OF MERCHANDISE.

John T. Ryan, of Buffalo, N. Y., to be appraiser of merchandise in customs collection district No. 9, to fill an existing vacancy.

COLLECTORS OF CUSTOMS.

Harry A. Lund, of Minneapolis, Minn., to be collector of customs for customs collection district No. 35, in place of Marcus Johnson, whose term of office expired by limitation July 31, 1914.

August M. Gawin, of Milwaukee, Wis., to be collector of customs for customs collection district No. 37, in place of G. Edward Schulz, whose term of office will expire by limitation December 30, 1914.

AUDITOR FOR THE INTERIOR DEPARTMENT.

Oscar A. Price, of Ronceverte, W. Va., to be Auditor for the Interior Department, in place of Robert W. Woolley, nominated for Director of the Mint.

REGISTERS OF THE LAND OFFICE.

Benjamin Spear, of Waterville, Wash., to be register of the land office at Waterville, Wash., vice William F. Haynes, term expired.

Gould B. Blakely, of Salt Lake City, Utah, to be register of the land office at Salt Lake City, Utah, vice Ernest D. R. Thompson, term expired.

RECEIVERS OF PUBLIC MONEYS.

Claude E. Rusk, of Prosser, Wash., to be receiver of public moneys at North Yakima, Wash., vice Alfred C. Steinman, term expired.

William F. Page, of Republic, Wash., to be receiver of public moneys at Spokane, Wash., vice Lucius B. Nash, term expired.

Sydney S. Beggs, of Colville, Wash., to be receiver of public moneys at Waterville, Wash., vice John Edward Shore, term expired.

Heber C. Jex, of Provo, Utah, to be receiver of public moneys at Salt Lake City, Utah, vice Maurice M. Kaighn, term expired.

DIRECTOR OF THE CENSUS.

Samuel L. Rogers, of North Carolina, to be Director of the Census, Department of Commerce, vice William J. Harris.

POSTMASTERS.

COLORADO.

Ray H. Cowdin to be postmaster at Hugo, Colo., in place of George Sauer. Incumbent's commission expired March 2, 1915.

CONNECTICUT.

John P. Callahan to be postmaster at Branford, Conn., in place of H. G. Linsley. Incumbent's commission expired January 11, 1915.

KANSAS.

Harrison Parkman to be postmaster at Emporia, Kans., in place of Albert P. Myers. Incumbent's commission expired March 2, 1915.

MASSACHUSETTS.

John F. Meehan to be postmaster at Lowell, Mass., in place of Robert J. Crowley, resigned.

MISSISSIPPI.

Hattie McLeod to be postmaster at Moss Point, Miss., in place of Robert L. Bradshaw, resigned.

NEW YORK.

Lee W. McHenry to be postmaster at Chittenango, N. Y., in place of John R. Costello, removed.

NORTH DAKOTA.

Iver K. Vick to be postmaster at Sheyenne, N. Dak., in place of L. G. Soderholm. Incumbent's commission expired March 2, 1915.

OHIO.

James Finlayson to be postmaster at Grafton, Ohio, in place of Frank B. Gee. Incumbent's commission expired February 1, 1915.

Herman A. Spangler to be postmaster at Defiance, Ohio, in place of C. J. Thompson. Incumbent's commission expired January 23, 1915.

OKLAHOMA.

R. R. Morris to be postmaster at Coweta, Okla., in place of George P. Lawson, resigned.

WISCONSIN.

L. B. Howery to be postmaster at Darlington, Wis., in place of James McGinty. Incumbent's commission expired January 11, 1915.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 3 (legislative day of February 19), 1915.

UNITED STATES DISTRICT JUDGES.

Martin J. Wade to be United States district judge for the southern district of Iowa.

William Wallace Lambdin to be United States district judge for the southern district of Georgia.

Oscar A. Trippet to be United States district judge for the southern district of California.

UNITED STATES MARSHALS.

Thomas D. McCarthy to be United States marshal for the southern district of New York.

James M. Power to be United States marshal for the eastern district of New York.

SOLICITOR OF THE TREASURY.

Lawrence Becker to be Solicitor of the Treasury.

REGISTER OF THE TREASURY.

Houston B. Teehee to be Register of the Treasury.

COLLECTORS OF INTERNAL REVENUE.

Mark Eisner to be collector of internal revenue for the third district of New York.

John Z. Lowe, jr., collector of internal revenue for the second district of New York.

COLLECTOR OF CUSTOMS.

Harry A. Lund to be collector of customs for collection district No. 35.

APPRAISER OF MERCHANDISE.

John T. Ryan to be appraiser of merchandise in customs collection district No. 9.

DIRECTOR OF THE MINT.

Robert W. Woolley to be Director of the Mint.

DIRECTER OF THE CENSUS.

Samuel L. Rogers to be Director of the Census.

AUDITOR FOR THE DEPARTMENT OF THE INTERIOR.

Oscar A. Price to be Auditor for the Department of the Interior.

REGISTER OF THE LAND OFFICE.

Gould B. Blakely to be register of the land office at Salt Lake City, Utah.

RECEIVER OF PUBLIC MONEYS.

Heber C. Jex to be receiver of public moneys at Salt Lake City, Utah.

POSTMASTERS.

ALABAMA.

W. L. Milner, Pell City.

ARKANSAS.

Fred Smith, Stephens.
Louie Reitzammer, Arkansas City.

CALIFORNIA.

A. J. Jones, Sonora.
Edward B. Warmoth, Red Bluff.

COLORADO.

Madge L. Weller, New Castle.
W. G. Hubbell, Fort Lupton.
Milas N. Johnson, Calhan.
Frank W. Childs, Cedaredge.

CONNECTICUT.

Frederick H. Wall, Manchester.
Edward J. Stuart, Lakeville.

GEORGIA.

Nellie Roach, Soperton.
L. W. English, Pelham.

ILLINOIS.

Charles E. Baum, Ridge Farm.
Frank S. Stults, Oquawka.
John C. Rolander, New Boston.
W. Q. Crane, Lomax.
William J. Ward, Great Lakes.
E. J. Kingdon, Cullom.
Thomas W. McGraugh, Ashland.
John T. Kelahan, Algonquin.

INDIANA.

Louis G. Trixler, Huntington.

IOWA.

Inez L. Hanson, Ellsworth.

KANSAS.

Harrison Parkman, Emporia.

MAINE.

Elmer E. Crockett, Stonington.
Ferdinand H. Parady, Orono.
James W. Sewall, Oldtown.
Austin W. Keating, Belfast.

MASSACHUSETTS.

Frank E. Gibbs, Petersham.
Alonzo W. Jones, Orleans.
Bernard F. Callahan, Franklin.
Daniel M. O'Leary, Baldwinsville.
John T. King, Ashland.
James T. Wheelan, Ashburnham.

MICHIGAN.

Leo L. Johnson, Union City.
Vernon E. Johnstone, Chesaning.
Claud E. Firestone, Allegan.

MINNESOTA.

John L. Sammons, Westbrook.
Anthony J. Malmquist, Rushmore.
John L. Harwick, Rochester.
Frederick Pfaender, New Ulm.
Mark N. Swedberg, Luverne.
Fred H. Baldwin, Edgerton.
William Reid, Deer Wood.
James Adlard, Brown Valley.

MISSISSIPPI.

Mattie McLeod, Moss Point.
Daniel R. Johnson, University.
Thomas W. Cooper, Purvis.
Cecil W. Tinnin, Isola.

MISSOURI.

Robert G. Wilson, jr., Lees Summit.
Floyd E. Watson, Green City.
Gideon B. Hart, Breckenridge.

NEVADA.

George P. Annand, Ely.

NEW HAMPSHIRE.

Sidney F. Downing, Lincoln.

NEW YORK.

Jerry M. McCarthy, Winthrop.
George A. Manwarren, Windsor.
Charles Lefevre, Hinckley.

NEW JERSEY.

A. C. Hulsizer, Flemington.

OHIO.

James Finlayson, Grafton.
Herman A. Spangler, Defiance.
Henry B. Popps, West Liberty.
John F. Bauer, Crestline.

OKLAHOMA.

John H. Meler, Sentinel.

OREGON.

J. R. Gregg, Ontario.

PENNSYLVANIA.

Christian Henderson, Woodlawn.
Frank M. Davis, Westfield.
Lester N. Strickler, Vanderbilt.
Alexander B. Grof, Somerset.
W. A. Furlong, Roscoe.
M. J. Sarvey, Mars.
Forrest B. Dunkle, Jersey Shore.
Horace Lehr, Easton.
Lewis J. Lieb, Colver.
John C. Barclay, Clearfield.
Ulysses G. Bowers, Big Run.
Casper S. Burtnett, Beaverdale.

SOUTH CAROLINA.

T. D. McLaurin, Clio.

SOUTH DAKOTA.

Leslie I. Bingham, Bison.
Theodore B. Werner, Rapid City.

TEXAS.

J. A. Thomas, Mineola.
John H. Young, Itasca.
A. L. Banks, Denton.
Charles F. Goodman, Collinsville.
B. H. Pittman, Coleman.
Charles A. Taylor, Bertram.

UTAH.

F. J. McLaughlin, Park City.

VERMONT.

J. A. Cannon, Rochester.
William J. Francis, Fort Ethan Allen.

WASHINGTON.

W. E. Palmer, Naches.
R. E. Williams, Concrete.
William R. Whitlock, Black Diamond.

WEST VIRGINIA.

C. Forrest Hull, Durbin.

WISCONSIN.

H. J. Barry, Sun Prairie.
Anna D. Hagan, New Richmond.
George Crawford, Mineral Point.
William A. Devine, Madison.
Andrew Crahen, Brooklyn.

WYOMING.

Sherman D. Canfield, Sheridan.

REJECTIONS.

Executive nominations rejected by the Senate March 3 (legislative day of February 19), 1915.

COLLECTOR OF INTERNAL REVENUE.

George Hampton to be collector of internal revenue for the first district of New Jersey.

POSTMASTER.

TEXAS.

A. H. Buie, Ennis.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 3, 1915.*

(Legislative day of Tuesday, March 2, 1915.)

The recess having expired, the House (at 10 o'clock and 30 minutes a. m.) resumed its session.

The SPEAKER. The House will be in order. The Clerk will call the Unanimous Consent Calendar.

POST-OFFICE BUILDING, WILDWOOD, N. J.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 20243) to acquire a site and erect a building thereon for the use of the United States post office at Wildwood, N. J.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MANN. I object.

RECLAMATION OF CERTAIN ARID LANDS, NEVADA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21377) to encourage the reclamation of certain arid lands in the State of Nevada, and for other purposes.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, what is the number of the bill?

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

H. R. 21377.

Mr. MANN. I object.

CORRECTION OF STATEMENT.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to address the House for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of Kentucky. Mr. Speaker, on the first day of last month I addressed the House relative to some matters pertaining to the District of Columbia.

During the course of my remarks I said:

Not long ago the Washington Star said editorially that Squire Dent's compensation should be large, because he, while auditor, could not practice law. The editor of the Star seems to have overlooked the fact that the auditor was then practicing law for one of the owners of the Star in the case of Gaddis *v.* Noyes. It is also true that the auditor uses his public office in practicing law.

Mr. Speaker, at the time I made that statement I entertained not the slightest doubt in my own mind that I had seen in the Star the statement to the effect that Auditor Dent was not engaged in the practice of law.

While my statement that he was actually engaged in the practice was correct, yet it develops that a contrary statement was not made by the Star.

Having had my attention invited to that particular part of what I said I have sent to the Congressional Library and had the files of the Star thoroughly gone through, with the result that there can not be found in the Star the statement that Auditor Dent was not engaged in the practice of law.

I am not now able to recall where I saw that statement, but I am entirely satisfied that it was not made in the Star; and, in justice to the editor of the Star, I now wish to make correction of what I said upon the former occasion.

EXTENSION OF REMARKS.

Mr. PORTER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. STEPHENS of Nebraska. Mr. Speaker, I ask unanimous consent to print in the RECORD an address by ex-President Taft, on neutrality, and also a letter from Prof. Francke, of Harvard University, on the same subject.

The SPEAKER. The gentleman from Nebraska [Mr. STEPHENS] asks unanimous consent to extend his remarks in the RECORD by printing an address by ex-President Taft, and also one by Prof. Francke on the subject of neutrality. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed with amendments bill of the following title, had insisted upon its amendments, asked a conference upon said bill and amendments, and had appointed Mr. ASHURST, Mr. MYERS, and Mr. CLAPP as the conferees on the part of the Senate:

An act (H. R. 20150) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes.

The message also announced that the Senate had passed with amendments the bill (H. R. 16136) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had agreed to the amendments of the House to the bill (H. R. 16510) to provide for recognizing the services of certain officers of the Army and Navy, late members of the Isthmian Canal Commission, to extend to them the thanks of Congress, to authorize their promotion, and for other purposes.

The message also announced that the Senate had passed without amendment bill of the following title:

An act (H. R. 21121) to extend the time for constructing a bridge across the Missouri River near Kansas City, Mo., authorized by an act approved June 17, 1914.

The message also announced that the Senate had passed with amendments bill of the following title, had insisted upon its amendments, asked a conference with the House on said bill and amendments, and had appointed Mr. FLETCHER, Mr. RANSDELL, and Mr. NELSON as the conferees on the part of the Senate:

An act (H. R. 20189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The message also announced that the President had approved and signed bills and joint resolution of the following titles:

January 28, 1915:

H. R. 19076. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

February 15, 1915:

H. R. 19424. An act to extend the time for the completion of the municipal bridge at St. Louis, Mo.;

H. R. 20818. An act to authorize the Brunot Island Bridge Co. to construct, maintain, and operate a bridge across the back channel of the Ohio River; and

H. R. 20933. An act extending the time for completion of the bridge across the Mississippi River at Memphis, Tenn., authorized by an act entitled "An act to authorize the Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River at Memphis, Tenn.," approved August 23, 1912.

February 17, 1915:

H. R. 9584. An act to authorize the Secretary of the Treasury of the United States to sell the present old post office and the site thereof in the city of Jersey City, N. J.; and

H. R. 18783. An act to increase the limit of cost of the United States post-office building and site at St. Petersburg, Fla.

February 18, 1915:

H. R. 16896. An act for the relief of Col. Richard H. Wilson, United States Army.

February 24, 1915:

H. R. 17765. An act to regulate details of majors in the Ordnance Department;

H. R. 17982. An act to make Nyando, N. Y., a port through which merchandise may be imported for transportation without appraisement;

H. R. 18172. An act to increase the limit of cost of the United States post-office building at Seymour, Ind.; and

H. J. Res. 391. Joint resolution authorizing the Secretary of Commerce to postpone the sale of fur-seal skins now in the possession of the Government until such time as in his discretion he may deem such sale advisable.

On February 25, 1915:

H. R. 19376. An act confirming patents heretofore issued to certain Indians in the State of Washington;

H. R. 19545. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 20562. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

On February 27, 1915:

H. R. 17122. An act for the relief of John Burrows;

H. R. 17168. An act to authorize the North Alabama Traction Co., its successors and assigns, to construct, maintain, and oper-

ate a bridge across the Tennessee River at or near Decatur, Ala.;

H. R. 17907. An act granting the consent of Congress to the Interstate Bridge & Terminal Co., of Muscatine, Iowa, to build a bridge across the Mississippi River; and

H. R. 18745. An act in relation to the location of a navigable channel of the Calumet River in Illinois.

On March 1, 1915:

H. R. 21161. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1916, and for other purposes.

On March 3, 1915:

H. R. 12303. An act to amend section 3246 of the Revised Statutes of the United States, as amended by section 5 of the act of March 1, 1879;

H. R. 15557. An act for the relief of Anna Miller;

H. R. 16305. An act to reimburse Henry Weaver, postmaster at Delmar, Ala., for money and stamps stolen from said post office at Delmar and repaid by him to the Post Office Department;

H. R. 21318. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1916, and for other purposes; and

H. R. 21491. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

On March 1, 1915:

S. 7402. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

On March 2, 1915:

S. 6080. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 7213. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

On March 3, 1915:

S. 5295. An act to amend existing legislation providing for the acquisition of a site and the construction of a building thereon for the accommodation of the post office, United States courts, customhouse, and other governmental offices at Honolulu, Territory of Hawaii, and for other purposes;

S. 6631. An act to regulate the practice of pharmacy and the sale of poison in the consular districts of the United States in China.

On February 25, 1915:

S. 5629. An act for the relief of certain persons who made entry under the provisions of section 6, act of May 29, 1908.

On February 27, 1915:

S. 2518. An act granting to the town of Nevadaville, Colo., the right to purchase certain lands for the protection of water supply; and

S. 3897. An act to authorize the Great Northern Railway Co. to revise the location of its right of way, and for other purposes.

ENROLLED BILLS SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 21121. An act to extend the time for constructing a bridge across the Missouri River near Kansas City, Mo., authorized by an act approved June 17, 1914;

H. R. 2642. An act authorizing the President to reinstate Joseph Eliot Austin as an ensign in the United States Navy;

H. R. 12909. An act for the relief of James W. McGreevey;

H. J. Res. 366. Joint resolution authorizing the Secretary of War to use any allotment made under the provisions of an act approved October 2, 1914, and entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," for the improvement of East River and Hell Gate, N. Y.;

H. R. 4545. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

H. R. 1698. An act to amend an act entitled "An act to provide for an enlarged homestead," and acts amendatory thereof and supplemental thereto;

H. R. 15038. An act proposing an amendment to the Federal reserve act relative to acceptances, and for other purposes;

H. R. 20894. An act to provide for the appointment of a district judge, district attorney, and marshal for the western district of South Carolina, and for other purposes;

H. R. 1090. An act for the relief of Alonzo D. Cadwallader;

H. R. 9734. An act for the relief of Victoria Coffman;

H. R. 7205. An act for the relief of H. S. Hathaway;

H. R. 3430. An act for the relief of Lottie Rapp;

H. R. 12229. An act for the relief of William A. Wallace;

H. R. 2662. An act for the relief of Andrew J. Lawrence;

H. R. 9701. An act for the relief of F. W. Theodore Schroeter;

H. R. 19909. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1916, and for other purposes; and

H. R. 20189. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The SPEAKER announced his signature to enrolled bills and joint resolution of the following titles:

S. 7555. An act to authorize the construction of a bridge across the Suwanee River in the State of Florida;

S. J. Res. 238. Joint resolution giving authority to the Commissioners of the District of Columbia to make special regulations for the occasion of the forty-ninth national encampment of the Grand Army of the Republic, to be held in the District of Columbia in the months of September and October, 1915, and for other purposes incident to said encampment;

S. 7743. An act to incorporate the Ellen Wilson Memorial Homes;

S. 3878. An act to validate certain homestead entries;

S. 2278. An act granting the El Paso & Rock Island Railway Co. a right of way for its pipe lines and reservoir upon the Lincoln National Forest for the carrying and storage of water for railroad purposes;

S. 7566. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 7598. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 6981. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 7509. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; and

S. 7597. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 11394. An act for the relief of Joseph A. Powers;

H. R. 10172. An act for the relief of L. V. Thomas;

H. R. 4001. An act for the relief of Daniel J. Ryan;

H. R. 13123. An act for the relief of Charles H. Rayfield, alias Charles H. Czarnowsky;

H. R. 15869. An act to provide for the establishment and maintenance of mining experiment and mine safety stations for making investigations and disseminating information among employees in mining, quarrying, metallurgical, and other mineral industries, and for other purposes;

H. R. 15414. An act for the relief of David Mowen;

H. R. 15220. An act to amend sections 4888 and 4889 of the Revised Statutes relating to patents;

H. R. 15000. An act authorizing the Secretary of the Treasury to disregard section 33 of the public buildings act of March 4, 1913, as to site at Huntingdon, Tenn.;

H. R. 14931. An act for the relief of Arthur Brose;

H. R. 14167. An act for the relief of Emily J. Byrd;

H. R. 12780. An act to provide for the payment of the claim of J. O. Modisette for services performed for the Chickasaw Indians of Oklahoma; and

H. R. 12464. An act providing for the expenditure of part of the unexpended balance of the appropriation of $10,000 made by the urgent deficiency bill of October 22, 1913, for the completion of the post-office building at Hanover, Pa.

CONVEYING THE APPRECIATION OF CONGRESS.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent to discharge the Committee on Foreign Affairs from consideration of Senate joint resolution No. 191. The House has reported a resolution to the same effect.

The SPEAKER. The gentleman asks unanimous consent to discharge the Committee on Foreign Affairs from the consideration of the resolution, which the Clerk will report, and immediately consider the same.

The Clerk read as follows:

Resolved, etc., That the thanks of Congress be, and they are hereby, presented to their excellencies Señor Domicio da Gama, Señor Rómulo S. Naón, and Señor Eduardo Suárez for their generous services as mediators in the controversy between the Government of the United States of America and the leaders of the warring parties in the Republic of Mexico.

SEC. 2. That the President of the United States is hereby authorized and requested to cause to be made and presented to their excellencies Señor Domicio da Gama, Señor Rómulo S. Naón, and Señor Eduardo Suárez suitable gold medals, appropriately inscribed, which shall express the high estimation in which Congress holds the services of these distinguished statesmen, and the Republics which they represent, in the promotion of peace and order in the American continent.

SEC. 3. That the sum of $3,000, or so much thereof as may be necessary, for the purchase or manufacture of said medals is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The SPEAKER. Is there objection?

Mr. MOORE. Mr. Speaker, reserving the right to object, I would like to know what is conveyed to a man to whom the thanks of Congress are tendered in this way? What rights does he secure? Here are three gentlemen whom you propose to thank by an act of Congress. What special privileges do they have as the result of that act?

Mr. FLOOD of Virginia. They do not acquire any rights, except that they receive the thanks of Congress.

Mr. MOORE. Are they not given the freedom of the floor of the House of Representatives?

Mr. FLOOD of Virginia. Yes.

The SPEAKER. They are thanking Congress instead of Congress thanking them.

Mr. MANN. Oh, no.

Mr. FLOOD of Virginia. It does give them the right to the floor if Congress thanks them by name.

Mr. MOORE. We did this yesterday in two or three cases. Will the gentleman from Virginia give us some special reason why Congress should take this unusual step?

Mr. FLOOD of Virginia. Because these gentlemen devoted a good part of a whole summer in an earnest, unselfish, and splendid effort to restore peaceful relations in the neighboring Republic of Mexico and to adjust any misunderstanding between this country and Mexico.

Mr. MOORE. Did they do that at the request of the House, or any other legislative body in the United States?

Mr. FLOOD of Virginia. They did not; but they did it at the initiative, as I understood at the time, of these gentlemen themselves. They spent a great deal of time and labor and unselfish devotion to this effort to accomplish the purpose that everybody in this country was very much interested in and had deeply at heart.

Mr. MOORE. These were the gentlemen who assembled at Niagara Falls for the purpose of negotiating, if possible, for peace in Mexico?

Mr. FLOOD of Virginia. Yes.

Mr. MOORE. Did they accomplish what they went for?

Mr. FLOOD of Virginia. That is a matter of opinion. They did not restore peace in Mexico. They accomplished a great deal, and a great deal for which we ought to be very thankful to them, and this resolution but expresses those thanks. But whether they accomplished their purpose or failed, they made the effort, an unselfish and a laborious effort, and would still be entitled to our gratitude.

Mr. MOORE. Did they meet at their own suggestion or at the suggestion of the President?

Mr. FLOOD of Virginia. My understanding at the time was that the suggestion came from one of these gentlemen, and it was very gladly accepted by the executive department of the Government.

Mr. MOORE. It was at their own suggestion?

Mr. FLOOD of Virginia. It was at their initiative that the effort to bring about a better condition of affairs was undertaken.

Mr. MOORE. Did the Government contribute to the expenses of those negotiations?

Mr. FLOOD of Virginia. The Government contributed to some of the expenses. We had representatives before the mediators.

Mr. MOORE. The Government did contribute to this conference, the purpose of which was to bring about peace in Mexico, which was not accomplished?

Mr. FLOOD of Virginia. Yes.

Mr. MOORE. Does the gentleman think we ought to begin to give votes of thanks to gentlemen who perform voluntary, or even paid, service? Yesterday we thanked some gentlemen for having performed paid services for the United States. Does the gentleman think we ought to give them the privileges of the floor of the House of Representatives as frequently as it now appears we propose to do, two propositions of this kind coming along in two days?

Mr. FLOOD of Virginia. These gentlemen, of course, rendered no paid service.

Mr. MANN. If the gentleman will yield, as long as these gentlemen are representatives of foreign countries they have the privileges of the floor now, under the rules of the House.

Mr. MOORE. And this would give them that privilege after their services as representatives of foreign countries cease.

The SPEAKER. Is there objection?

There was no objection.

The joint resolution was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. FLOOD of Virginia, a motion to reconsider the last vote was laid on the table.

PRIVATE CLAIMS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13722) to relieve Congress from the adjudication of private claims against the Government.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. I object.

INTERNATIONAL ENGINEERING CONGRESS.

The next business on the Calendar for Unanimous Consent was the joint resolution (H. J. Res. 307) authorizing the President to extend invitations to other nations to appoint delegates or representatives to the International Engineering Congress to be held at San Francisco, Cal., September 20 to 25, inclusive, 1915.

The joint resolution was read, as follows:

Resolved, etc., That the President is hereby authorized to extend invitations to other nations to appoint delegates or representatives to the International Engineering Congress to be held at San Francisco, Cal., September 20 to 25, inclusive, 1915: *Provided*, That no appropriation shall be granted for the expenses of delegates or for other expenses incurred in connection with the said congress.

The SPEAKER. Is there objection?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

Subsequently—

Mr. MANN. Mr. Speaker, we have passed House joint resolution 307. As that carried in the Diplomatic and Consular appropriation bill I ask unanimous consent to reconsider the vote by which it was passed, and that the joint resolution lie on the table. It will save work for the clerks.

The SPEAKER. The gentleman from Illinois asks unanimous consent to reconsider the vote by which House joint resolution 307 was passed and that the joint resolution lie on the table. Is there objection?

There was no objection.

POST OFFICE, GARDEN CITY, KANS.

Mr. NEELEY of Kansas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 7188) to increase the limit of cost of the United States post-office building at Garden City, Kans.

The SPEAKER. The gentleman from Kansas asks unanimous consent for the present consideration of a bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the limit of cost of the United States post-office building at Garden City, Kans., be, and the same is hereby, increased $6,050, or so much thereof as may be necessary to meet the additional cost of construction of said building in order to make the building more substantial and fireproof, as estimated by the contractor for additional fireproof construction and other betterments.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent that it may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Florida asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. NEELEY of Kansas, a motion to reconsider the last vote was laid on the table.

CERTAIN TOWN SITES IN MONTANA.

Mr. PLATT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4180) to validate title to certain town sites in the State of Montana, which bill is identical with H. R. 20498, and to consider the bill in the House as in Committee of the Whole and pass it.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to accept for surface rights only Northern Pacific lieu-land selection heretofore made and designated as Glasgow, Mont., land office, serial No. 021480, for the following-described land: South half of the southeast quarter of section 3, in township 35 north, of range 49 east, Montana meridian; south half of the northeast quarter of section 9, in township 35 north, of range 50 east, Montana meridian; northeast quarter of the northeast quarter of section 17, in township 35 north, of range 51 east, Montana meridian; and issue patents thereto, which patents shall contain a reservation to the United States of all the coal in said lands, as provided by section 3 of the act of June 22, 1910 (36 Stat., p. 584).

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

UNALLOTTED LANDS OF CREEK INDIANS.

Mr. MURRAY. Mr. Speaker, I move to suspend the rules and pass House joint resolution 380, withholding from allotment the unallotted or public domain of the Creek Nation or Tribe of Indians, and providing for the sale thereof, and for other purposes, with an amendment.

Mr. UNDERWOOD. I suggest to the gentleman that he ask unanimous consent first. It will save time.

Mr. MURRAY. I know there will be objection to that.

The SPEAKER. The gentleman from Oklahoma moves to suspend the rules and pass House joint resolution 380 with amendments which will be read into it as a part of it.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the unallotted land or public domain of the Creek Nation or Tribe of Indians, including any land the title to which has been or may be recovered for the Creek Nation in any pending or other suit or otherwise, be, and the same is hereby, withheld from allotment to members of said nation or tribe, and that the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to cause such land to be sold or leased for the benefit of the Creek Nation or Tribe of Indians under such rules and regulations as he may prescribe, the proceeds of such sale or lease to be paid into the Treasury of the United States to the credit of said Creek Nation: *Provided*, That the Secretary of the Interior is hereby authorized to pay each and every citizen of the Creek Nation who has not been allotted lands in said nation and who were duly, legally, and properly enrolled prior to the enrollment of the list included in Senate Document No. 478, Sixty-third Congress, second session, the sum of $1,040, in lieu of an allotment of land in said nation. Said sum of $1,040 to be paid to each and every person out of any funds in the Treasury of the United States to the credit of the Muskogee (Creek) Nation.

The SPEAKER. Is a second demanded?

Mr. CAMPBELL. I demand a second.

Mr. MURRAY. I ask unanimous consent that a second be considered as ordered.

Mr. CAMPBELL. Mr. Speaker, I object.

The SPEAKER. The gentleman from Kansas objects, and the Chair will appoint the gentleman from Oklahoma [Mr. MURRAY] and the gentleman from Kansas [Mr. CAMPBELL] as tellers.

The House divided; and the tellers reported that there were 52 ayes and 6 noes.

So a second was ordered.

Mr. UNDERWOOD. Mr. Speaker, the legislative bill is here, and I ask that it be taken up now without affecting the status of this bill.

LEGISLATIVE APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker, I present a conference report on the bill H. R. 19909, the legislative, executive, and judicial appropriation bill, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from South Carolina presents the conference report on the legislative appropriation bill. The Chair desires to say that gentlemen having these quick-action bills ought to have the bills at hand, with an engrossed copy, if possible, where they can lay their hands on it. There are 100 or 200 bills lying around, and it takes the Clerk a good while to hunt them up. In the second place, when there is a motion to suspend the rules and privileged matters come in the Chair will stop what is going on and take up the privileged matter. The gentleman from South Carolina asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The conference report is as follows:

CONFERENCE REPORT (NO. 1510).

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 19909) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1916, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 35.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 18, and 64, and agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Legislative Reference: To enable the Librarian of Congress to employ competent persons to gather, classify, and make available in translations, indexes, digests, compilations, and bulletins, and otherwise, data for or bearing upon legislation, and to render such data serviceable to Congress and committees and Members thereof, $25,000"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$30,000"; and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: Restore the amount stricken out by said amendment, and on page 55 of the bill, after line 26, insert the following: "For additional amount required for salaries and expenses of collectors of internal revenue, deputy collectors, surveyors, clerks, messengers, and janitors in internal-revenue offices until December 31, 1915, $315,000"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: Strike out of lines 17, 18, 19, and 20 of the matter inserted by said amendment the following: "not to exceed $4 per diem in lieu of subsistence to employees while officially engaged away from their designated posts of duty, being for the fiscal year ending June 30, 1916," and insert in lieu thereof the following: "per diem in lieu of subsistence pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914"; and the Senate agree to the same.

JOSEPH T. JOHNSON,
JOSEPH W. BYRNS,
WILLIAM M. CALDER,
Managers on the part of the House.

THOMAS S. MARTIN,
LEE S. OVERMAN,
J. H. GALLINGER,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 19909) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year 1916, submit the following written statement in explanation of the effect of the action agreed upon and recommended by the conference committee in the accompanying conference report as to each of the said amendments, namely:

Nos. 1, 2, and 18: Appropriates for mileage of Senators, Representatives, Delegates, and Commissioners in accordance with existing law and as proposed by the Senate.

No. 21: Appropriates $25,000, as proposed by the Senate, for the legislative reference service of the Library of Congress, and strikes out the proposed reappropriation of the unexpended balance of the appropriation for the current year and the authority to acquire material, and for other expenses incidental to the work.

No. 35: Strikes out the appropriation of $160,000, proposed by the Senate, for expenses incident to the formal opening of the Panama Canal.

No. 41: Appropriates $30,000, instead of $75,000, as proposed by the Senate, for emergency clerical services in the Department of State.

Nos. 63, 64, and 65, relating to the Internal-Revenue Service: Appropriates $315,000 additional for salaries and expenses of collectors of internal revenue, deputy collectors, surveyors, clerks, messengers, and janitors in internal-revenue offices for service until December 31, 1915, on account of the war-revenue act; appropriates $2,200,000, as proposed by the Senate, instead of $2,600,000, as proposed by the House, for salaries and expenses of revenue agents, fees and expenses of gaugers, and salaries and expenses of storekeepers and storekeepers gaugers; inserts the provision, proposed by the Senate, with reference to gauging, branding, marking, and stamping by United States gaugers of rectified spirits; and appropriates $292,000, as proposed by the Senate, for expenses under the act of December 17, 1914, restricting the sale of opium.

JOSEPH T. JOHNSON,
JOSEPH W. BYRNS,
WILLIAM M. CALDER,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask unanimous consent to print in the RECORD some figures on the bill.

The SPEAKER. Without objection, permission will be granted.

There was no objection.

The figures are as follows:

Amount of bill as passed Senate	$37,211,503.50
Amount of bill as passed House	36,454,633.50
Amount added by Senate	756,870.00
Senate recedes from	305,983.75
House recedes from	450,886.25
Amount of bill as finally agreed upon	36,904,799.75
Amount of 1915 law	37,630,229.70
Reduction of bill as agreed on under 1915 law	725,429.95
Amount of 1916 estimates	40,727,518.27
Reduction of bill as agreed on under estimates	3,822,718.52

UNALLOTTED LANDS OF THE CREEK INDIANS.

Mr. MURRAY. Mr. Speaker, this resolution in brief is a resolution to provide for the withdrawal for allotment of about 2,800 acres of land of the Creek Nation, and pay these individuals, there being only five, $1,040 in lieu of the allotment. The Creek treaty provided that each and every citizen should have $1,040 worth of property. These lands are well worth $30,000,000.

Mr. CAMPBELL. Will the gentleman yield?

Mr. MURRAY. I can not yield, I have but a few minutes.

Mr. CAMPBELL. The gentleman said that the resolution provided for a payment of $1,040. I thought it was only $800.

Mr. MURRAY. But I have put an amendment into my motion. The Creek treaty provided that each member of the tribe should receive $1,040 worth of property. We provide that they shall be paid this money, and withdraw the remaining lands, worth $30,000,000, and distribute the proceeds equally among the members of the Creek tribe. Mind you, there are a great many of the tribe that have only received $800 and no land. We enrolled by an amendment in the Indian bill last Congress several hundred members and gave them $800. The treaty stipulates $1,040, and the Government has agreed that they shall be equalized up to $1,040, so that if the Government does not exhaust that equalization there will be a claim against the Government amounting to about $3,000,000. If these lands can be withdrawn there will be a sufficient amount to equalize all the allotments and discharge the obligation of the Government and give a payment of something like $200 in addition to all the Indians.

It is one of those resolutions that there is only one side to except the side of the oil men, who feel that they can get a better deal through the probate court than they can with the department, if it is withdrawn, where it will have to go. I reserve the balance of my time.

Mr. CAMPBELL. Mr. Speaker, I yield four minutes to the gentleman from Virginia [Mr. WATSON].

Mr. WATSON. Mr. Speaker, this question is not one which should be rushed through in the closing hours of a legislative session. It is a quesiton of law and not a question of public policy. If there were time left to debate it upon its merits there would be no danger of its passing this House or Congress. It is a question, Mr. Speaker, between the cupidity of a whole tribe of Indians on the one side and the legal rights of five members of that tribe on the other. This proposition has the indorsement of the attorney of the Creek Nation, because he, not unnaturally perhaps, desires to achieve pecuniary benefits for his clients. It very naturally has the indorsement of the Representative of that community in Congress, because it is a much easier matter for the gentleman to consult the interest of 18,711 people than to hear the small voice of a few defenseless people who are about to be stripped of their legal rights.

Every member of the Creek Nation, which I understand numbers 18,715, has been allotted his part of the public domain. Only five individuals of that nation remain to be allotted their share of the tribal land. Some of these have not only received land of the value of $1,040, as suggested by the gentleman from Oklahoma but 160 acres, their distributive share of land, upon which minerals and oil were known to exist or have been since discovered, and thus many thousands of dollars have gone into the coffers of individuals beyond their just proportion of the communal property.

Now it so happens, after these people have gotten not only the 160 acres of land upon which oil has been discovered and which they do not now propose to disgorge, when they find that oil has been discovered on the lands of these other defenseless people, they want to come in and share in the enhanced value of their land.

Mr. Speaker, I want to say to this House that this bill is nothing in the world but an attempt to postpone the settlement of a lawsuit which has been in the courts for some time past. That litigation was approaching its conclusion. To my mind, as a lawyer, there was but one issue to ensue, and that was the full establishment of the legal rights of these people. It is sought through this joint resolution, at the eleventh hour, to complicate the issues of this litigation and force these unfortunate people into the courts for perhaps three or five years to establish their legal rights.

I repeat, it is an effort on the part of the proponents of this measure simply to postpone the settlement of an ordinary lawsuit by means of a joint resolution, to be pushed through both Houses of Congress in its closing hours.

Mr. NORTON. Mr. Speaker, will the gentleman yield?

Mr. WATSON. Yes.

Mr. NORTON. Does the gentleman maintain that the passage of this resolution will deprive anyone out there of vested rights?

Mr. WATSON. I would say to the gentleman, Mr. Speaker, that it is impossible for any resolution of Congress to deprive these people of their vested legal rights.

Mr. NORTON. What legal rights will it take from them?

Mr. WATSON. I would say, furthermore, to the gentleman that it is impossible for this resolution to vest the Creek Nation with any legal rights which it does not now possess. The only practical effect of this resolution is to tell the Secretary of the Interior that he may not now issue the patents which the courts will ultimately compel him to issue in this case.

Mr. NORTON. Simply withdrawing these lands, as we are doing every day.

Mr. WATSON. Mr. Speaker, if the Secretary of the Interior has the legal right to withdraw these lands from allotment, he has the right without any resolution of Congress; so that, this resolution will confer no legal rights upon anybody, and, as a matter of law, it will deprive nobody of legal rights, but it will be a direction to a Cabinet officer of the Government to withhold patents which otherwise would issue until the resolution in its legal aspects could be adjudicated in the courts, which would require from three to five years of time. If the proposition were to enrich 5 people at the expense of 18,000, no Member of Congress would symphathize with or support it; and likewise I want to say that no man ought to consent to rob 5 people for the benefit of 18,000.

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. MURRAY. Mr. Speaker, I yield four minutes to the gentleman from North Dakota [Mr. NORTON].

Mr. NORTON. Mr. Speaker, this is a very simple proposition. In the Creek Nation in Oklahoma there now remains, in addition to some 2,000 acres of land of more or less value, five tracts of land that are of very great value on account of the oil discoveries made on these lands within the past two years. In 1901 an act of Congress (31 Stat. L., 861) was passed providing that all the land belonging to the Creek Nation should be divided or allotted among the citizens of the tribe so that each citizen should receive 160 acres of land of an appraised value not to exceed $1,040. The land was appraised and each enrolled citizen of the tribe was allotted 160 acres of land. It was further provided that if an enrolled citizen took land of a greater appraised value than $1,040 he paid into the tribal treasury the amount of its value in excess of $1,040.

Mr. CAMPBELL. Oh, no.

Mr. NORTON. Yes; such, I understand, was the regulations governing the allotment in case the citizen took land of a

greater appraised value than $1,040. If the citizen took land of less value than that——

Mr. MURRAY. No; they did not let him take any of excess value.

Mr. MILLER. They did not have any of excess value.

Mr. NORTON. That is probably true. There was no 160-acre tract of land of greater appraised value than $1,040. The maximum price at which the land was appraised was $6.50 an acre.

Mr. MILLER. That was the first agreement, but there was a subsequent modification so that if a man received a tract of land of value greater than that he did not have to pay the tribe.

Mr. NORTON. There was no 160-acre allotment of greater appraised value than $1,040, but it was later provided that if an allottee received land of less appraised value than $1,040 the difference would be paid to him in cash by the Creek Nation. Up to the present time, as I understand, where citizens of the Creek Nation have received an allotment of land of less value than $800 they have all been paid the difference between the value of the land and $800. The available funds of the Creek Nation have not been sufficient to pay to those citizens who received land of an appraised value of less than $1,040 the difference between $1,040 and the appraised value of their allotments. The opposition to this resolution comes chiefly from attorneys and others interested in the claims of five Creek citizens who, since oil was discovered on and in the vicinity of these five particular allotments in contest, have been endeavoring to acquire title to the same. It is generally conceded that four of these five citizens are, under existing law, entitled to allotments of land in the Creek Nation. In the case of the other citizen, David Bowlegs, it is maintained by the Government that he is the same identical person as Davis Bowlegs. The mother of the real David Bowlegs on July 18, 1907, made affidavit that David Bowlegs died about September, 1903. If his death occurred at such time as it seems it did, David Bowlegs would not be entitled to any allotment. Millard Sanders, Jack Elton Wilson, Quenton Garrett, Lula Walcott, and David Bowlegs are the five Creek citizens who, through the aid of a multitude of attorneys and assignees, are endeavoring to secure allotment and title to these lands of known value for their oil deposits. It might here be well to make clear to the House that Millard Sanders, Jack Elton Wilson, Quenton Garrett, and Lula Walcott had, some years ago, filed allotments on other lands in the Creek Nation.

These first allotments taken by them were contested by other citizens of the tribe and their rights to these allotments were either lost through contest or through their failure to defend to a final determination the contest actions brought against them. Now, this resolution merely purposes to withdraw from allotment these valuable oil lands that are estimated to be worth from $5,000,000 to $30,000,000 and to give to each of these five citizens the sum of $1,040 in lieu of any equitable right whatever they may still have on allotment of land belonging to the Creek Nation. This, in my judgment, is more than a fair proposition to these five citizens and is giving to the Creek Nation the protection of law to which it is entitled. The fact that a considerable amount of these valuable oil lands have in the past been allotted to other citizens of the Creek Nation is no reason whatever why this Government, with the knowledge that is now before it, should allot land of a known value of millions of dollars to these five citizens or to any other citizens of the Creek Nation who may later make claim, and who may now, under existing law, be entitled to allotments. This resolution will not take from any of these five citizens any vested rights they may have in these lands. The question of title to these lands is now in heterogeneous litigation, and the passage of this resolution would not, in my best judgment, delay the final outcome of this litigation a single hour. Anyone who opposes the passage of this resolution on the ground that it would involve the interests of these five citizens in more litigation and delay for a long time the final determination of their rights, does so merely to becloud the matter and to gain sympathy for his cause. Unless this Congress passes this resolution now it will permit a great injustice to be done the Creek Nation. This Congress is the guardian of the Creek Nation and owes it as a duty to the Creek Nation to withdraw these valuable lands from allotment and to conserve them for the benefit of all the people of the tribe. Since the introduction of this resolution by Representative MURRAY every possible obstacle that could be thought of by the attorneys representing the oil interests of Oklahoma have been raised here in Washington to defeat the resolution. Pitted against some of the great oil companies and their attorneys, the Creek Nation, in this case, through its attorney, is waging a most trying, difficult, and an unequal struggle. In all justice the Congress should come to the rescue of the Creek Nation by passing this resolution so that the Creek Nation may not be deprived of its remaining unallotted valuable oil lands.

The SPEAKER. The time of the gentleman from North Dakota has expired.

Mr. CAMPBELL. Mr. Speaker, I yield four minutes to the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER. Mr. Speaker, if this were a proposition to withdraw the surplus lands of the Creek Nation and conserve them for that nation, every Member of this House would be for it, no man stronger than myself; but it is not that at all. It is to take from five members of the Creek Nation, four of whom are admittedly entitled to an allotment, one other undoubtedly entitled to an allotment, the allotments which they have selected and to deprive them of their patrimony. There are two reasons why I am opposed to this resolution. The first is that, in my judgment, it is illegal. When an Indian belonging to the Creek Tribe receives a patent to his allotment, his rights are fixed, and no act of this body can deprive him of them. When he has made application for allotment and has received a certificate of allotment, his rights are fixed and you can not take them from him. When he has made the application for an allotment, thereby having performed all under the law that he is required to perform, his rights, in my opinion, have become vested, and we find the courts have so held. So that the passage of this resolution will create no end of litigation, providing fat fees for lawyers, and the real purpose is to deprive five Indians of their patrimony.

Mr. Speaker, the purpose of the resolution is to deprive five Indians of the Creek Nation of their proportionate share of the tribal property. All of the Creek Indians have been allotted except these five. Nobody else on the face of the earth can be allotted. Therefore it is wholly unnecessary to pass a resolution withdrawing the lands in excess of these five allotments from allotment, because the Secretary of the Interior could not allot them if he wanted to do so. There is no one to receive them; they belong to the tribe; and, therefore, it is clear that the purpose here is to take from these five men that to which, in my judgment, they are entitled.

Now, gentlemen will say that they offer to pay them $1,040, and they will say that that is the maximum amount which those who receive allotments receive. Never was a more unfair statement made in the face of intelligent men. This value, of course, was fictitious. Those figures are fictitious. Those were the fictitious valuations placed upon the allotments. The standard allotment was $1,040, but the minute the allotment was received it could have been sold for many times that amount; many and many a man could have sold his allotment for $10,000 or more. Further, hundreds, perhaps thousands, of the Creeks have allotments rich in oil, worth fully as much as any of them. And I find that the Secretary of the Interior has recently contributed an article to the National Geographic Magazine, in which he holds up to the admiring gaze of the American people how thousands of these Creek Indians have been made rich because oil has been found on their allotments. He mentioned one who received $94,000 in royalties alone last year; another received $90,000, and so on down the list. Why favor them and rob these five? If there were other desirable agricultural lands that might be allotted to these five, there would be some defense to this scheme, but it is proposed to deprive them of any and all allotment.

Mr. NORTON. Will the gentleman yield?

Mr. MILLER. I can not yield. One thousand and forty dollars is ridiculous. The gentleman from Oklahoma [Mr. MURRAY] has stated that $800 was an amount paid recently to a large number of the Creek citizens. That is, in one sense, true, but unfair. Who were they? They were "newborns," who have no rights at all except as we gave them rights. These five Indians are not "newborns," but agreement Indians whose rights were fixed by the treaties of 1901 and 1902.

Mr. BUTLER. Can not the courts settle these cases in an orderly way?

Mr. MILLER. I think so.

Mr. MURRAY. How about 52 on the Pollock roll?

Mr MILLER. I am not going to enter a controversy with the gentleman on a question that has no bearing here to-day. He knows those sums are purely fictitious, as far as the real value of the agreement Indians allotment is concerned.

RIVER AND HARBOR APPROPRIATION BILL.

The SPEAKER. The time of the gentleman has expired. The gentleman from Florida [Mr. SPARKMAN] is recognized.

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent to take up the bill H. R. 20189, the river and harbor bill, and concur in the Senate amendments.

Mr. MANN. To do what?

Mr. SPARKMAN. I ask unanimous consent to take up the river and harbor bill and concur in the Senate amendments.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

H. R. 20189. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The SPEAKER. The Clerk will report the Senate amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following: "That the sum of $25,000,000 be, and the same hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, to be immediately available and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, for the preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation, and most economical and advantageous in the execution of the work: *Provided*, That allotments from the amount hereby appropriated shall be made by the Secretary of War upon the recommendation of the Chief of Engineers: *Provided further*, That allotments for the Mississippi River from the Head of Passes to the mouth of the Ohio River shall be expended under the direction of the Secretary of War in accordance with the plans, specifications, and recommendations of the Mississippi River Commission as approved by the Chief of Engineers: *And provided further*, That at the beginning of the next session of Congress a special report shall be made to Congress by the Secretary of War showing the amount allotted under this appropriation to each work of improvement."

The Secretary of War may, upon the recommendation of the Chief of Engineers, transfer funds heretofore appropriated or authorized for any river or harbor improvement and which will probably not be required for that improvement prior to June 30, 1916, to any other river or harbor improvement for which funds may be needed prior to June 30, 1916: *Provided*, That the funds so transferred shall be subject to the same limitation as that imposed upon the original $25,000,000, namely, to be expended only for the preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation, and most economical and advantageous in the execution of the work: *And provided further*, That the funds so transferred shall as far as practicable be limited to projects in the same or adjacent districts, and shall be limited to an aggregate of $5,000,000.

SEC. 2. That the following modifications are authorized in projects heretofore adopted, to wit:

Malden River, Mass.: The funds now on hand and available for completing the plan of improvement authorized by the river and harbor act approved July 25, 1912, are hereby made available for any modified plan of improvement which may be recommended by the Chief of Engineers and approved by the Secretary of War: *Provided*, That any increase in cost involved in the execution of said modified plan shall be paid for by local interests and involve no further appropriation by the United States for the prosecution or completion of said improvement; that the riparian owners shall give proper permits to dump spoil on their lands and shall release the United States from all claims for damages by settling or caving of banks into the dredged channel; and that the State shall lower the obstructing sewer and pledge itself to maintain the new channel depth.

Harbor at Newport, R. I.: The unexpended balance of appropriations made and authorized by the river and harbor act approved March 2, 1907, for dredging to depths of 13 and 18 feet, is hereby made available for completing the work of dredging to a depth of 18 feet authorized by the river and harbor act approved June 25, 1910.

Providence River and Harbor, R. I.: That the second proviso in the paragraph of the river and harbor act approved March 4, 1913, providing for the improvement of Providence River and Harbor, R. I., be modified in accordance with recommendation in the report in Rivers and Harbors Committee Document No. 9, Sixty-third Congress, second session, to read as follows: "*Provided further*, That no work in the harbor proper north of Fields Point shall be done until the Secretary of War is satisfied that the State and the city have completed their proposed expenditures in the combined Providence and Pawtucket Harbors up to at least $2,000,000 for public terminals or other permanent public harbor improvements, or shall have given to the Secretary of War assurance satisfactory to him that the expenditure of the $2,000,000 aforesaid will be completed within a time satisfactory to him and not later than three years from the passage of this amendment."

Hudson River Channel, New York Harbor, N. Y.: Of the amount heretofore appropriated or authorized the unused balance of the estimate for removing the shoal off Hamburg Avenue, Hoboken, to a depth of 40 feet may be applied to such further dredging to that depth as may be required for the safe maneuvering of the deep-draft vessels using that part of the harbor.

Harbor at New York: So much as may be necessary of any appropriation or apportionment made for specific portions of New York Harbor and its immediate tributaries may be allotted by the Secretary of War for the maintenance of these waterways by the collection and removal of drift.

Harlem River, N. Y.: The Secretary of War is authorized and directed to cede to the State of New York all the lands heretofore acquired by the United States in the bed of that part of the Harlem River lying outside of the channel lines proposed for the Harlem River improvement in project No. 3, printed in House Document No. 557, Sixty-second Congress, second session, to a new bulkhead line to be established by the Secretary of War along the lines of said channel according to the project: *Provided*, That the cession hereby authorized and made shall take effect only upon the cession to the United States by the State of New York of the land and land under water with any improvements thereon lying between the channel lines proposed in said project: *Provided further*, That possession of the land hereby authorized to be ceded by the United States to the State of New York shall not be surrendered to said State until and only when the Chief of Engineers of the United States Army shall have certified that the new channel is open for navigation and that the land ceded is no longer necessary for the right of way of the Harlem River Ship Canal.

St. Jones River, Del.: The provisos attached to the items making appropriation for the improvement of St. Jones River, Del., in the river and harbor acts of June 25, 1910, and February 27, 1911, are hereby modified to read as follows: *Provided*, That no part of said amount shall be expended for the excavation of any cut-off until a satisfactory title to the land required for that cut-off shall have been transferred to the United States, free of cost, and the United States shall have been released from all claims for damages arising from the proposed diversion of the stream.

Inland waterway between Rehoboth Bay and Delaware Bay, Del.: The Secretary of War is hereby authorized to secure the condemnation of a right of way through the tracks of the Delaware, Maryland & Virginia Railway Co. for said inland waterway where the line of said waterway intersects said railroad tracks, and any funds appropriated or allotted for improving said waterway are hereby made available for paying the award that may be made in said proceedings.

Pascagoula Harbor, Miss.: The paragraph in the river and harbor act, approved March 4, 1913, providing for the improvement of harbor at Pascagoula, Miss., is hereby amended to read as follows: "Pascagoula Harbor, Miss.: For maintenance of improvement of channel at the mouths of Pascagoula and Dog Rivers, and improving channel through Horn Island Pass, Mississippi Sound, Pascagoula River, and Dog River, in accordance with the recommendation of the Chief of Engineers and the Board of Engineers for Rivers and Harbors in report dated February 10, 1914, and printed in Rivers and Harbors Committee Document No. 12, Sixty-third Congress, second session, $110,000: *Provided*, That local interests shall furnish space for public wharves, both at Moss Point and at Pascagoula, 800 feet in length and of such width as may be satisfactory to the Secretary of War."

The Sabine-Neches Canal, Tex., from the Port Arthur Ship Canal to the mouth of Sabine River, the Neches River up to the town of Beaumont, and the Sabine River up to the town of Orange, as provided for in the river and harbor act of February 27, 1911:

That the channels which the Beaumont navigation district, or other local interests, and the Orange navigation district, or other local interests, are required, by the aforesaid act, to maintain for a term of three years free of cost to the United States are hereby defined as, respectively, the channel from the mouth of the Neches River up to Beaumont, Tex., and the channel from the mouth of the Neches River up to Orange, Tex.: *Provided*, That nothing herein shall be construed as relieving said Beaumont navigation district of its obligation to provide for the operation and maintenance of the guard lock without cost to the United States as required by said river and harbor act of February 27, 1911.

Cumberland River above Nashville, Tenn.: The balances remaining unexpended from the appropriations made for the construction of locks and dams heretofore authorized, and no longer needed for said purpose, are hereby made available for maintenance of improvement by open-channel work on that part of the river above Nashville.

St. Marys River at the falls, Mich.: That so much as may be necessary of the unexpended balance of appropriations heretofore made for the construction of the new third lock may, in the discretion of the Secretary of War, be applied to the deepening and enlargement of the tailrace of the United States power plant, in order to increase the capacity of said plant.

Reservoirs at the headwaters of the Mississippi River: That the provisions in the river and harbor acts of June 25, 1910, and February 27, 1911, authorizing and making appropriations for the construction of a canal between Lake Winnibigoshish and Leech Lake, are hereby repealed.

Swinomish Slough, Wash.: That for the purpose of aiding in the improvement and maintenance of the channel across Padilla Bay, and securing the cooperation of local interests therein, the Secretary of War may authorize said local interests to construct a system of dikes and dredge along the said channel, and in connection therewith to close the adjacent streams known as Indian Slough and Telegraph Slough, all in accordance with such plans as may be approved by him on the recommendation of the Chief of Engineers: *Provided*, That no expense shall be incurred by the United States on account of said improvement.

SEC. 3. That where separate works or items are consolidated in this or subsequent river and harbor acts and an aggregate amount is appropriated therefor, any balances remaining to the credit of the separate works or items may be transferred to the credit of the corresponding aggregate amounts appropriated for the consolidated items, and the amounts appropriated or transferred shall, unless otherwise expressed, be expended in securing maintenance and improvement according to the respective projects adopted by Congress, after giving due regard to the respective needs of traffic. The allotments to the respective works consolidated shall be made by the Secretary of War upon recommendations by the Chief of Engineers. In case such works or items are consolidated and separate amounts are given with each project, the amounts so named shall be expended upon such separate projects unless, in the discretion of the Secretary of War, another allotment or division should be made of the same. Any balances remaining to the credit of the consolidated items shall be carried to the credit of the respective aggregate amounts appropriated for the consolidated items.

SEC. 4. That the Secretary of War is hereby authorized to receive from private parties such funds as may be contributed by them to be expended in connection with funds appropriated by the United States for any authorized work of public improvement of rivers and harbors whenever such work and expenditure may be considered by the Chief of Engineers as advantageous to the interests of navigation: *Provided*, That when contributions heretofore or hereafter made by local interests for river and harbor improvements, in accordance with specific requirements or under general authority of Congress, are in excess of the actual cost of the work contemplated and properly chargeable to such contributions, such excess contributions may, with the approval of the Secretary of War, be returned to the proper representatives of the contributing interests, unless the provision of law under which the contribution is made requires that the entire contribution be retained by the United States.

SEC. 5. That in the preparation of projects under this and subsequent river and harbor acts, unless otherwise expressed, the channel depths referred to shall be understood to signify the depth at mean low water in tidal waters tributary to the Atlantic and Gulf coasts and at mean lower low water in tidal waters tributary to the Pacific coast and the mean depth for a continuous period of 15 days of the lowest water in the navigation season of any year in rivers and nontidal channels, and the channel dimensions specified shall be understood to admit of such increase at the entrances, bends, sidings, and turning places as may be necessary to allow of the free movement of boats.

SEC. 6. That the act of Congress approved March 4, 1909, providing that all tugboats using the Potomac River, where the same is spanned by the new railway and new highway bridges, be equipped with devices for lowering their smokestacks, is hereby amended to include "power boats," meaning any boat, vessel, or craft propelled by machinery,

whether the machinery be only principal or auxiliary power of propulsion; and the provisions and requirements of the said act are hereby made applicable to "power boats" as herein defined.

SEC. 7. That the Secretary of War is hereby authorized, empowered, and directed to define and establish anchorage grounds for vessels in all harbors, rivers, bays, and other navigable waters of the United States whenever it is manifest to the said Secretary that the maritime or commercial interests of the United States require such anchorage grounds for safe navigation and the establishment of such anchorage grounds shall have been recommended by the Chief of Engineers, and to adopt suitable rules and regulations in relation thereto; and such rules and regulations shall be enforced by the Revenue-Cutter Service under the direction of the Secretary of the Treasury: *Provided*, That at ports or places where there is no revenue cutter available such rules and regulations may be enforced by the Chief of Engineers under the direction of the Secretary of War. In the event of the violation of any such rules and regulations by the owner, master, or person in charge of any vessel, such owner, master, or person in charge of such vessel shall be liable to a penalty of $100; and the said vessel may be holden for the payment of such penalty, and may be seized and proceeded against summarily by libel for the recovery of the same in any United States district court for the district within which such vessel may be and in the name of the officer designated by the Secretary of War.

SEC. 8. That section 5 of the river and harbor act approved July 25, 1912, as amended by the river and harbor act approved March 4, 1913, be, and the same is hereby, amended so as to read as follows:

"SEC. 5. That the Secretary of War is authorized and directed to have prepared and transmitted to Congress at the earliest practicable date a compilation of preliminary examinations, surveys, projects, and appropriations for works of river and harbor improvement similar in general form and subject matter to that which was prepared in accordance with section 13 of the river and harbor act approved June 13, 1902, and printed in House Document No. 421, Fifty-seventh Congress, second session: *Provided*, That the report to be prepared in accordance with this provision shall be a revised edition of the report printed in the document above mentioned, extended to the end of the Sixty-third Congress."

SEC. 9. That the limit of time fixed by the river and harbor act of June 13, 1902, for the removal of a temporary dam and the construction of a lock in Bayou Lafourche, La., by the Atchafalaya Basin and Lafourche Basin Levee Boards of the State of Louisiana, is hereby extended to July 1, 1917.

SEC. 10. That the provisions of section 5 of the legislative, executive, and judicial appropriation act approved July 16, 1914, shall not be construed as applying to the purchase, maintenance, and repair of motor boats, trucks, and other vehicles needed in carrying out the various projects adopted by Congress for the improvement, preservation, and protection of rivers and harbors.

SEC. 11. That the Mississippi River Commission shall ascertain and report as far as possible what amounts have been contributed or are now being contributed by districts or localities on the Mississippi River benefited by the construction of levees or other improvements, the amount of bonds issued by such localities, the amount of bonds outstanding, the taxable value of the lands and other property within the levee and other districts issuing bonds; also whether there are any such districts or localities upon said river or near to it in a situation to be benefited by the improvement of said river, which are making no contributions toward the improvement thereof.

SEC. 12. That the provision in the river and harbor act of June 25, 1910, as given in volume 2 of the Compilation of Laws relating to the Improvement of Rivers and Harbors, published in 1913, pages 1420 and 1421, and beginning with the words "For the construction of the waterway from Rockport, Ill., by way of the Desplaines and Illinois Rivers, to the mouth of said Illinois River, $1,000,000," and ending with the words "reports herein called for, shall be submitted to the Chief of Engineers not later than November 1, 1910, reviewed by the Board of Engineers for Rivers and Harbors, and submitted to Congress not later than the first Monday in December, 1910," be, and the same is hereby, repealed, and the amount remaining unexpended thereon shall be covered back into the Treasury.

SEC. 13. That Swan Creek, a stream lying within the limits of the city of Toledo, State of Ohio, is hereby declared to be not a navigable waterway of the United States within the meaning of the laws enacted by Congress for the preservation and protection of such waterways, and the consent of Congress is hereby given for the filling in of said creek by the local authorities.

SEC. 14. That the following projects now under improvement shall be reexamined, in accordance with the law for the original examination of rivers and harbors, with a view to obtaining reports whether the adopted projects shall be modified or improvements abandoned:

Inland waterway from Norfolk to Beaufort Inlet, N. C.
Coosa River, Ga. and Ala.
St. Lucie Inlet, Fla.
Brazos River, Tex., from Old Washington to Waco.
Red River, La., Ark., Tex., and Okla.
Ouachita River, Ark. and La.
Arkansas River, Ark. and Okla.
Tennessee River, Tenn., Ala., and Ky.
Fox River, Wis.
Missouri River, Mo., mouth to Kansas City.

And the Chief of Engineers is directed to make a report upon any other projects, river or harbor, the further improvement of which under present conditions is undesirable, or in which modifications of the plans or projects should be made.

SEC. 15. The Secretary of War is hereby authorized and directed to cause preliminary examinations and surveys to be made at the following-named localities, and a sufficient sum to pay the cost thereof, as well as those included in section 14, may be allotted from the amount provided in this act: *Provided*, That allotments of such amounts as may be necessary may be made toward the completion of examinations and surveys heretofore authorized and for such other contingent expenses as are usually paid from the appropriation for "Examinations, surveys, and contingencies," to wit:

Youghiogheny River, up to West Newton.
Jonesport Harbor, Me., including Moosabec Bar.
Monhegan Harbor, Me.
Mouth of Cape Neddick River, York, Me.
York Harbor, Me.
Machias River, Me.
South Bristol Harbor, Me.
Isle au Haut Harbor, Me.
Hendricks Harbor, Me.
Portland Harbor, Me., including the obstruction known as Witch Rock.
Gotts Island Channel, Me.
Belfast Harbor, Me.
Indian Creek, Vinal Haven, Me.
Portsmouth Harbor, N. H.
Merrimac River, from Lowell, Mass., to Manchester, N. H.
Lynn Harbor, Mass.
Mystic River, Mass., from the mouth of Island End River to Woburn, or as far as practicable.
Mystic River, Mass., below the Island End River, with a view to widening the channel.
Onset Bay, Mass., for the deepening and widening of the existing channel from Onset to the vicinity of Wickets Island, for the construction of an anchorage basin in Onset Bay, and for the construction of a channel between Wickets Island and Onset Island to the Cape Cod Canal channel above Monument Beach.
Manchester Harbor, Mass., with a view to straightening the channel by the removal of Bow Bell Ledge.
Dorchester Bay and Neponset River, Mass., up to the Neponset Highway Bridge.
Wickford Harbor, R. I.
Point Judith Pond, R. I., from Point Judith Harbor of Refuge to Wakefield.
Thames River, Conn., with a view of providing a 20-foot channel between New London Harbor and the city of Norwich.
Shetucket and Quinebaug Rivers, Conn., and French River, Conn. and Mass., with a view to securing slack-water navigation between Norwich, Conn., and Worcester, Mass.
Niantic Bay, Conn., with a view of making it a harbor of refuge.
Tuxis Island, Conn., with a view to the construction of a suitable harbor of refuge.
Quinnipiac River, New Haven Harbor, Conn.
Mill River, New Haven Harbor, Conn., up to Grand Avenue Bridge.
Morris Cove, New Haven Harbor, Conn., with a view to the construction of a harbor of refuge.
Mianus River, Conn.
Mystic River, Conn.
Sebethe River, Conn., from its mouth to a point at or near the city of Bristol, Conn., and canal from a suitable point on the Sebethe River to New Britain, Conn.
East Branch of the Yantic River, Conn., from its junction with the Thames River to some point about 2,500 feet northerly to provide a channel of 14 feet in depth, to include this part of the Yantic River in the Thames River project, and to provide for the closing of the West Branch of the Yantic River.
Housatonic River, Conn., to head of navigation, with a view to securing a channel 20 feet deep.
Connecticut River, from Hartford, Conn., to Long Island Sound.
New Haven Harbor, Conn., with a view to cooperation with local interests for further development.
Farmington River, Conn., with a view to the removal of the bar at its mouth.
Branford Harbor, Conn.
Harbor of refuge at Duck Island, Conn.
North shore of Long Island, N. Y., between Huntington Harbor and Plum Gut, with a view to the construction of a harbor of refuge.
Hempstead Harbor, N. Y.
Mamaroneck Harbor, N. Y.
Ogdensburg Harbor, N. Y., with a view to removing the point in the bend of the channel at the inner end of the upper entrance channel, opposite the mouth of the Oswegatchie River, and widening the channel.
Hudson River, N. Y., from its mouth to Hudson, with a view to securing a depth of 30 feet, and a harbor at Hudson of the same depth.
Hudson River, N. Y., from Hudson to the dam at Troy, with a view to securing a depth of 27 feet, with suitable width.
Hudson River at Troy, N. Y., with a view to the removal of Adams Island.
New York Harbor, N. Y., between Staten Island and Hoffmans Island.
New York Harbor, N. Y., with a view to the removal of Craven Shoal.
New York Harbor, N. Y., with a view to removing the shoal in Gowanus Bay to a depth uniform with Bayridge Channel.
Pugsley Creek, N. Y.
Rouse Point Harbor, Lake Champlain, N. Y.
Buffalo Harbor, N. Y., with a view to securing a width of 400 feet in the inner harbor entrance channel, including consideration of any proposition for cooperation on the part of local interests.
Oswego Harbor, N. Y.
Harbor of New Rochelle and Echo Bay, N. Y.
New York and New Jersey channels, with a view to securing a ship channel of increased width and depth necessary for the purposes of commerce from lower New York Bay, through Raritan Bay, Arthur Kill, Staten Island Sound, channel north of Shooters Island, and Kill Van Kull, to upper New York Bay.
Newark Bay, N. J.
Shrewsbury River, N. J., with a view to constructing works to prevent the sea from breaking through and destroying the navigable channel, including consideration of any proposition for cooperation on the part of local or State interests.
Delaware River, from mouth of Cooper River to Fishers Point Dike on the New Jersey shore, including consideration of any proposition for cooperation on the part of local interests.
West Creek, N. J.
Adams Creek, N. J.
Forked River, N. J.
Dividing Creek, N. J.
Pensauken Creek, N. J.
Delaware River, from Trenton, N. J., to Easton, Pa.
Crum River, Pa.
North Branch of the Susquehanna River, Pa. and N. Y., including flood prevention and consideration of any proposition for cooperation on the part of local or State interests.
Schuylkill River, from the Delaware River to South Street Bridge, with a view to dredging to a depth of 35 feet, including consideration of any proposition for cooperation on the part of local or State interests.
Baltimore Harbor, Md., and approaches thereto.
Patapsco River, Md., from Spring Garden Channel southwesterly to Elkridge Landing.
Smith Creek, Md.
Nanjemoy Creek, Md.
Knapp Narrows, Md., with a view to securing a deeper channel between Tilghman Island and the mainland.

Piscataway Creek, Prince Georges County, Md., and entrance thereto.
Pagan River and Jones Creek, a tributary thereof, Va.
Little Wicomico River, Va.
From small-boat harbor at Newport News, Va., to York River, with a view to connecting by canals New Market Creek, Back River, and Poquoson River with York River, in order to provide a safe inland passage for small boats between Newport News and York River.
Mosquito Creek, Va.
Hoods Creek, N. C.
Cape Fear River, N. C., with a view to securing an increased depth from Wilmington to the sea.
Neuse River, N. C., between Goldsboro and Newbern.
White Oak River, N. C., from its mouth to the head of navigation at or near Maysville.
Upper Pasquotank River, N. C., from Turners Cut up to the head of navigation at Lebanon Road, or as far as may be practicable.
Shallotte River, N. C., with a view to an extension of the improvement to the town of Shallotte.
Ashley River, S. C.
South Fork of Edisto River, S. C., to a point opposite the city of Springfield.
Cut between Baileys Cut of the Satilla River and the head of Dover Creek, Ga.
Ogeechee River, Ga., with a view to its improvement in connection with the inland waterway from Savannah, Ga., and Fernandina, Fla.
Sapelo River, Ga., to public road near Eulonia.
Brier Creek, Ga., from its mouth to a point opposite Waynesboro, in Burke County.
White Chimney River, Ga., to a point called "The Neck."
Julington River, Ga., to a point at Lows Bluff.
North Sapelo River, Ga.
Savannah Harbor, Ga.
Savannah River at Augusta, Ga., between the upper lines of the city limits of the city of Augusta and the mouth of Butlers Creek, for the purpose of ascertaining the effect upon navigation of the river of the flood-protection work now being constructed and maintained by local authorities and to further ascertain the probable cost and value of the extension of such work over such territory.
Flint River, Ga., from its mouth to Albany.
Coosa River, Ga. and Ala., from Rome to the first lock below Gadsden.
Chattahoochee River, Ga. and Ala.
Miakka River, Fla.
Anclote River, Fla., from the county bridge to the head of navigation.
Fisheating Creek, Fla.
West Pass, Apalachicola, Fla.
St. Andrews Bay, Fla., with a view to removing shoals in the north arm.
Silver Springs to Ocala, Fla., with a view of constructing a canal.
Estero River, Fla.
The Secretary of War is authorized to appoint a board of three officers of the Engineer Corps of the United States Army to examine and appraise the value of the work and franchises of the East Coast Canal from the St. Johns River to Key West, Fla., with reference to the desirability of purchasing said canal by the United States and the construction over the route of the said canal of a free and open waterway, having a depth and capacity sufficient for inland navigation. Said board, to the extent that the same can be done from surveys heretofore made under the direction of the War Department, shall also examine and investigate the feasibility for the purpose of such a waterway, of any parallel route between said points. The said board shall make a report of its work, together with its conclusions upon the probable cost and commercial advantages and military and naval uses of said route or routes, to the Secretary of War, who shall transmit the same to Congress as soon as practicable.
Bayou La Batre, Ala., with a view to securing a channel connecting Bayou La Batre and Pass aux Herons of suitable depth and width.
Chickasahay River, Miss., from its mouth to Shubuta.
Channel to the Back Bay of Biloxi, Biloxi, Miss.
Jordan River, Miss., and its navigable tributaries.
Roebuck Lake, Miss., from its outlet to Itta Bena, including consideration of any proposition for cooperation on the part of local or State interests.
Barataria Bay, La., and connecting waters.
Shallow Bayou, La.
Bayou Plaquemine Brule, with a view to the extension of the improvement.
Bayou Foures, Cameron Parish, La.
Mermentau River, La.
Bayou Lafourche, La., for a lock at the head, with a view to ascertaining whether such lock, either in connection with a new dam or in connection with the dam built by the local levee boards in pursuance of authority contained in the river and harbor act approved June 13, 1902, is necessary for navigation on said bayou; and if so, what part of the cost, if any, should be borne by the United States.
Cane River, La., from Grand Ecore to Colfax.
Little River and tributaries, Castor and Dugdemonia, from the mouth of Little River to Winnfield, La., on the Dugdemonia, and to Olla, La., on the Castor.
Bayous Courtableau, Boeuf, and Cocodrie, La.
Mermentau River La., with a view to the removal of obstructions to navigation in and near the mouth.
Sabine-Neches Canal, Tex., with a view to revetting the north bank of the canal between Port Arthur, Tex., and Sabine Lake, such revetment work to be confined to the section of the bank within the city limits of Port Arthur.
Port Arthur Ship Canal, Tex., with a view to making an entrance into Sabine Lake at or near the city of Port Arthur.
Caney and Live Oak Creeks, Tex., with a view to a connection with the inland waterway.
Harbor at Beaumont, Tex., with a view to the removal of island in the turning basin.
Austwell, Tex., to a connection with the inland waterway in San Antonio Bay.
Channel to Port Bolivar, Tex., with a view to the enlargement, extension, and protection of the turning basin.
Taylors Bayou, Tex., to Southern Pacific bridge.
Deep-water harbor at Port O'Connor, Tex.
Carankawa Bay and River, Tex., with a view to connection with the inland waterway.
Texas City Harbor, Tex., with a view to enlargement and protection.
Colorado River, Tex., from its mouth as far up as is practicable, with a view to removing the raft, including consideration of any proposition for cooperation on the part of local or other interests.
Harbor City, Tex., to a connection with the inland waterway.
Lake Charlotte, Tex.
Intracoastal waterway from the Arroyo Colorado to Point Isabel, Tex.
Galveston Harbor and Galveston Channel, Tex., with a view to obtaining a navigable depth of 35 feet.
Galveston and Sabine section of the inland waterway, Texas:
(1) A channel 5 feet deep and 40 feet in bottom width from the Sabine River along the proposed route to East Bay Bayou; thence within the shoal line to northward of West Galveston Bay to Robinson Bayou, and thence via Robinsons Lake and Whites Lake to Upper Galveston Bay.
(2) The saving, if any, by the construction of a 5-foot channel along this route in the ultimate cost of a 9-foot channel, should such 9-foot channel be adopted.
(3) The best and most economical route, as well as the one best adapted for the service of all commercial interests for such 9-foot channel, and whether or not the construction of such a 9-foot channel is now advisable.
The L'Anguille River, with a view of ascertaining whether locks and dams should be built to afford slack-water navigation to Madison, on the St. Francis River.
The St. Francis River, from Madison, St. Francis County, to St. Francis, in Clay County, Ark.
White River at Batesville, Ark., with a view to determining what improvements, if any, are necessary in the interest of navigation to prevent the further caving of Ferrill Island, and the danger from such caving that might injure or impede navigation.
Arkansas River at Bradens Bend, about 7 miles above Fort Smith, Ark., with a view to determining what improvements, if any, are necessary in the interest of navigation to prevent the erosion of the south bank of said stream, and the danger from such erosion of changes in its bed that might injure or impede navigation.
Ouachita River, Ark. and La., with a view to excavating a channel from the slack-water pool above Dam No. 6 to the town of Felsenthal.
Hatchee River, Tenn.
Tennessee River, between Browns Island and the railroad bridge, below the city of Florence.
Pond River, Ky.
Mud Creek, Butler County, Ky.
South Fork of Kentucky River, Ky., with a view to constructing an additional lock and dam.
Ashtabula Harbor, Ohio.
Lorain Harbor, Ohio, with a view to preventing erosion of banks, if any, caused by the extension of the Government breakwaters on either side of the harbor.
Port Clinton Harbor, Ohio.
Cheat River in Pennsylvania and West Virginia; Tygarts River, West Fork River, Kanawha River and its tributaries, all in West Virginia; Muskingum River and its tributaries, Scioto River and its tributaries; Miami River and its tributaries, all in the State of Ohio; Maumee River and its tributaries, Ohio and Indiana; Kankakee River, and the Wabash River and its tributaries, Illinois and Indiana, with a view to devising plans for flood protection and determining the extent to which the United States should cooperate with the States and other communities and interests in carrying out such plans, its share being based upon the value of protection to navigation.
St. Clair River, Mich., with a view to securing a channel of adequate width and depth along the water front of Port Huron.
Belle River, Mich.
Clinton River, Mich.
Point Lookout, Mich., with a view to building a suitable breakwater.
Caseville Harbor, Mich.
Frankfort Harbor, Mich.
Muskegon River, Mich., from the head of Muskegon Lake to Newaygo, or to the Grand Rapids-Muskegon Power Co. dam.
Saugatuck Harbor and Kalamazoo River, Mich., with a view to securing increased depth to the town of Douglas.
Duluth-Superior Harbor, Minn. and Wis., in the Bay of Superior from the Superior entry northwestward for the distance of 1 mile and between the harbor lines, with the view of providing anchorage and turning area inside of said entry.
Harbor at Duluth, Minn., with a view to the construction of a breakwater to protect the Duluth entrance thereto.
Rainy Lake, Minn., with a view to the construction of a breakwater at Ranier to form a shelter harbor at the western end of the lake.
Milwaukee Harbor, Wis.
Quincy Bay, Ill., upper and lower bay and connecting channel, and slough connecting bay with Mississippi River above Quincy.
Galena River, Ill.
South Milwaukee Harbor, Wis.
Current River, Mo., above Doniphan.
Missouri River, from Kansas City, Kans., to the northern limits of Florence, Nebr.
Flathead River, Mont.
San Diego Harbor, Cal., with a view to widening the main channel at the Government coaling station, and at other places in the harbor where widening may be needed; providing ample approaches to the municipal docks and wharves and a suitable turning basin.
Channel from the town of Bolinas, Cal., to the sea.
Novato Creek, Cal.
Dominguez Creek Channel, Los Angeles Harbor, Cal.
Arcata Channels, Humboldt Bay, Cal., with a view of dredging a channel leading up to the proposed municipal public wharf.
Channel in Suisun Bay, from Martinez to Antioch, Cal.
The south end of San Francisco Bay, with a view of providing a harbor for the Santa Clara Valley and contiguous territory.
Long Beach Harbor, Cal., with a view to the extension of the jetties at the harbor entrance to the 30-foot contour in San Pedro Bay and to providing and maintaining a channel 30 feet in depth and of suitable width, and with a further view of connecting the Long Beach Harbor with the Los Angeles Harbor by a channel 600 feet in width and 30 feet in depth, consideration being given to the question of cooperation on the part of local interests.
Petaluma Creek, Cal., from deep water in San Pablo Bay to the head of navigation, with a view to straightening the channel and making

necessary cut-offs, including the consideration of any proposition for cooperation on the part of local interests.
Napa River, Cal., from the city of Napa to the head of navigation, with a view to straightening the channel, making necessary cut-offs, including the consideration of any proposition for cooperation on the part of local interests.
Sacramento River, Cal., from Chico Landing to Red Bluff.
Santa Cruz Harbor, Cal., including a breakwater.
Redwood City Harbor, Cal.
Ventura Harbor, Ventura County, Cal.
Port Watsonville Harbor, Cal.
Umpqua River, Oreg., bar and entrance.
Coos Bay Harbor, Oreg., from the entrance to Smiths Mill.
Coquille Bar and Harbor, Oreg., to the city of Bandon.
Coquille River, Oreg., from Coquille City to the entrance.
Nehalem Bay and Nehalem River, Oreg., from the entrance of Nehalem Bay to the city of Nehalem, with the view of the improvement of the same in cooperation with local interests.
Port Orford Harbor, Oreg.
Yaquina Bar, Bay, and Harbor, Oreg.
Rogue River, Oreg., bar and entrance.
Clatskanie River, Oreg., from Clatskanie City to the Columbia River.
Columbia River at the town of Hood River, Oreg.
Columbia Slough, Oreg., with the view of the improvement of the same in cooperation with local interests.
Columbia River at Kennewick, Wash.
Olympia Harbor, Wash.
Stilaguamish River, Wash.
Liberty Bay, Wash.
Poulsbo Bay, Wash.
Lake Washington Ship Canal, Wash.
Fletcher Bay, Wash.
Edison Slough, Wash.
Sammamish River, Wash., from Lake Washington to Bothell, including consideration of any proposition for cooperation on the part of local interests.
Port Gamble Harbor, Wash., and entrance thereto.
Snake River, Wash. and Idaho, from the mouth to Asotin.
Clarks Fork River between Albany Falls and Lake Pend Oreille, in Idaho.
Dry Straits, Alaska.
Mouth of Snake River and Nome Harbor, Alaska.

During the reading,

POST OFFICE APPROPRIATION BILL.

Mr. MOON. Mr. Speaker, I submit the conference report on the Post Office appropriation bill (H. R. 19906), and ask for its present consideration.

Mr. STAFFORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STAFFORD. A conference report being under consideration——

The SPEAKER. There is no conference report under consideration.

Mr. SPARKMAN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. SPARKMAN. I desire to know how the gentleman from Tennessee gets in.

The SPEAKER. The gentleman from Tennessee gets in because he has a conference report.

Mr. UNDERWOOD. Mr. Speaker, it will take only a minute, as the gentleman from Tennessee wants to get back to conference.

Mr. MOON. Mr. Speaker, I ask for a reading of the conference report.

The SPEAKER. The Clerk will read.

The conference report was read, as follows:

CONFERENCE REPORT (NO. 1513).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19906), making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1916, and for other purposes, having met, after full and free conference, beg to report to their respective Houses as follows: That they have come to no agreement upon the amendments of the Senate.

JOHN A. MOON,
D. E. FINLEY,
MARTIN B. MADDEN,
Managers on the part of the House.
J. H. BANKHEAD,
CLAUDE A. SWANSON,
BOIES PENROSE,
Managers on the part of the Senate.

Mr. MOON. Mr. Speaker, while the report shows a total disagreement on Senate amendments, I think it is proper to say to the House we will likely agree upon all the amendments as soon as the Senate can have an opportunity to vote upon some on which it desires to vote, and for that reason the conference comes in the shape in which it was read. I move that the House further insist on its disagreement to Senate amendments and ask for a further conference.

The SPEAKER. The gentleman from Tennessee moves that the House further insist on its disagreement to Senate amendments and ask for a conference. Is there objection. [After a pause.] The Chair hears none.

The SPEAKER announced the following conferees: Mr. MOON, Mr. FINLEY, and Mr. MADDEN.

The SPEAKER. The Chair announces that copies of these Senate amendments can be procured here now. They could not be gotten this morning.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House to bills of the following titles:

S. 7597. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 7212. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 7509. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 6981. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 7566. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 7598. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 7682. An act to repeal sections 35 to 49, inclusive, of the act of June 30, 1898, concerning mixed flour, as amended by act of April 12, 1902.

ORDER OF PROCEDURE.

Mr. UNDERWOOD. Mr. Speaker, in order that there may be no confusion in the future, I ask unanimous consent that when there is other intervening business pending gentlemen having charge of appropriation bills may take them up as a matter of right and suspend action on pending legislation until the appropriation bills and conference reports are disposed of.

Mr. MANN. Reserving the right to object, what does the gentleman mean by saying "as a matter of right"?

Mr. UNDERWOOD. I mean to lay aside as a matter of privilege.

Mr. MANN. I know, but take the Indian bill, and the gentleman would have to ask unanimous consent, anyhow. Of course unanimous-consent requests are in order at any time.

Mr. UNDERWOOD. My idea was that we can run along with business such as that pending before the House, and give it a free latitude if there is an understanding that it shall be laid aside under this rule I am proposing whenever a conference report or appropriation bill is prepared to come before the House.

Mr. MANN. It is done by unanimous consent, and a conference report has the privilege.

Mr. UNDERWOOD. You can not lay aside bills that are pending, without unanimous consent. It might save some trouble in the future of one man holding up a proposition if he wants to do so, if we agreed to this now. And it gives more latitude in the House to proceed with other business.

Mr. MANN. I do not know that I have any objection, but the Indian appropriation bill is the only appropriation bill which has not been sent to conference. I do not know whether it will be sent to conference by unanimous consent or not. I would not want to settle that question in this way.

Mr. UNDERWOOD. That is not the request. I am not asking unanimous consent to give the right to anything, but simply unanimous consent to lay aside other pending legislation.

Mr. MANN. It will have to be done by unanimous consent, anyhow.

The SPEAKER. What is the request of the gentleman from Alabama?

Mr. UNDERWOOD. My request was that when a conference report or an appropriation bill comes before the House it shall immediately have the right of way over any other pending legislation, not to interfere with the usual requests for unanimous consent, but that it may be brought up for consideration and without objection.

Mr. MANN. A conference report has that right now.

The SPEAKER. We have three things pyramided here now. First, the gentleman from Oklahoma has a measure pending on a motion to suspend the rules. We are about half done with that. Then the gentleman from Florida [Mr. SPARKMAN] came in with the river and harbor bill, and then a conference report came in, so that we have all three of them pending at once. But the Chair will put the request of the gentleman from Alabama.

Mr. MANN. I do not think it is necessary, and I hope the gentleman will withdraw his request.

Mr. UNDERWOOD. If there is objection, I will withdraw it.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States, was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 21089. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 20643. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 21218. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

PORTO RICO (H. DOC. NO. 1662).

The SPEAKER laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

As required by section 32 of the act of Congress approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith certified copies of franchises granted by the Executive Council of Porto Rico, which are described in the accompanying letter from the Secretary of War transmitting them to me.

WOODROW WILSON.

THE WHITE HOUSE, *March 3, 1915.*

The SPEAKER. The message and documents will be referred to the Committee on Insular Affairs and the message will be ordered printed.

RIVER AND HARBOR APPROPRIATION BILL.

The Clerk resumed and completed the reading of the Senate amendment to the river and harbor appropriation bill, as set forth above.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that the consideration of the Senate amendment to the river and harbor bill may be laid aside temporarily.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the consideration of the river and harbor bill Senate amendment be laid aside temporarily. Is there objection?

There was no objection.

UNALLOTTED LANDS OF CREEK INDIANS.

The SPEAKER. The pending question is the motion to suspend the rules and pass House joint resolution 380, the motion of the gentleman from Oklahoma [Mr. MURRAY].

Mr. MURRAY. Mr. Speaker, I yield one minute to my colleague [Mr. FERRIS].

Mr. FERRIS. Mr. Speaker, the Murray resolution is a department resolution asking to withdraw about 2,800 acres of land in the Cushing oil field of Oklahoma, so that it may be reserved for the Creek Tribe of Indians of the Creek Nation. Certain citizens down there are trying to have $25,000,000 or $30,000,000 worth of oil land allotted to four or five allottees. It should not be done. The department does not want it done. The department was before the committee protesting and asking that it be not done. If the resolution of my colleague [Mr. MURRAY] does not pass, under the general allotment act the department will be forced to allot these lands to four or five individual Indian allottees, four of whom are negroes, as I am informed. If this resolution does pass, the money from this oil field may be preserved for the entire tribe. Any man who has looked into this question carefully will understand that there is a wrong side and a right side to this question, and the gentleman from Oklahoma [Mr. MURRAY] is trying to carry out in good faith what the department thinks ought to be done, and what the men who know the most about it know ought to be done. There ought not to be a dissenting vote on this proposition.

The passage of the resolution saves these valuable lands for the tribe. Its failure may mean their loss. It is desired by the department in the strongest terms. It is absolutely what ought to be done. I ask the House to adopt the Murray amendment.

Mr. MURRAY. Will the gentleman from Kansas [Mr. CAMPBELL] consume some of his time?

Mr. CAMPBELL. I yield five minutes to the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS. Mr. Speaker, if the House will bear with me I will undertake to make a brief statement of the facts in this case, for the facts of the case constitute the merits of the opposition to the pending resolution. This resolution is intended, so far as it can operate to that effect, to prevent five citizens of the Creek Indian Tribe from taking their allotments in kind, in the tribal property. Why should this House undertake to do anything of this sort? There are in the Creek Tribe 18,716 members. Of that number, 18,711 have already received their allotments in the tribal property.

Mr. MURRAY. The gentleman does not state that as a fact, does he?

Mr. SAUNDERS. I take it from the report.

Mr. MURRAY. Fifty-eight full bloods last winter were given $800 each.

Mr. SAUNDERS. I only know what is contained in the report. I have not gone outside of the report submitted by members of the committee. That report is to the effect that there are 18,716 members of the Creek Tribe. I do not know what proportion of these members are full bloods, or what proportion are quarter bloods, or bloods of other degrees. But the gentleman's suggestion is not an argument in favor of this resolution. There are varying degrees of blood among the members of all of the Indian tribes, but that does not affect their citizenship, or right to allotment. The fact remains according to the report that 18,711 members of the Creek Tribe have received their allotments in the tribal property.

It is claimed that this residual land may be more valuable than some that has already been allotted. That may be true. I have some knowledge from service on the Indian Committee of the allotments of the Creek property, and I know that many of the allotments heretofore made, are of immensely greater value than the valuation placed on the same for the purposes of division.

Mr. FERRIS. Will the gentleman yield?

Mr. SAUNDERS. I am sorry that I can not yield, I have only a few minutes left. But this resolution is not intended to correct the inequalities of existing allotments. On the contrary, it perpetuates the present injustice. The very people who have heretofore received allotments that have proved to be as valuable as the proposed allotments in the residual tribal land, will not only hold onto those allotments carrying as they do a value much in excess of the appraised valuation, but will actually come into participation in the distribution of the proceeds of the land to be sold under this resolution. Such a thing should not be allowed. There is no justice in it.

Why should the five remaining members of the tribe who have sought in good faith to exercise the right heretofore enjoyed by thousands of their brethren, and secure allotments in the tribal property, precisely as those allotments have been extended to others, be denied the enjoyment of that right, whether the allotments proposed to be taken, are more valuable than some, or less valuable than others that have been heretofore made?

This is an effort by law to prevent something being done by these tribal members, which has already been done in thousands of instances, that is so far as this resolution can operate to secure such a result.

Permit me to call the attention of the House to one further fact, on the law side of this situation. Should this resolution be adopted, it will not operate of course to deprive the five persons in interest of any vested rights. That can not be done. But the resolution may in one view of the case deprive these parties of the opportunity to secure allotments. These particular tribal

members have sought in good faith to secure their allotments. They became involved in litigation in respect of their first selections and the court in the result ruled in favor of other Creek claimants. Thereupon they made another selection in the lands now in controversy, in the effort to secure allotments. The people who won out in the first litigation, secured lands that are stated to be immensely valuable. Having lost out in the first selection, these claimants are now involved in litigation over their second selection. That litigation may be decided in one of two ways. First the court may brush aside the prior claimants, and hold that the five tribal members in question are entitled to the selections which they have made. In that event, this resolution, even if adopted, will not operate to disturb them, or oust them of their established rights. On the other hand, the court may hold that while the incumbrance on this residual land is not sufficient to hinder the same from being allotted, yet the steps taken by the five would-be allottees have not been technically conformable to law, so that they are not entitled to patents for the allotments which they have selected. This decision would leave the applicants free to make their selections in the same land, or any other tribal land. But at this point the resolution, if adopted would come into operation, and require all of these residual lands to be sold, without regard to any members of the tribe desiring to secure allotments. Hence these members would have the right to allotments, but no land in which the allotments could be taken. They would be thereby deprived of the exercise of a right enjoyed by thousands of their brethren. This is the effect intended by this resolution under the circumstances indicated. Why should this step be taken by the House? Why should we take this right from the five remaining members of this tribe, four of whom are minors? Possibly this fact of minority may explain the reason why these parties have heretofore had so much difficulty in securing their allotments.

Mr. BUTLER. If these five people against whom this contention is made have rights in the court, can not the court settle those rights without our interference?

Mr. SAUNDERS. Certainly, but the courts may hold that the present applications are not in form, and that new applications must be made. In that event this resolution if agreed to, will take from these parties the opportunity to take their allotments in land. That is what this resolution is intended to do, manifestly unjust as it is.

Mr. CAMPBELL. If there were in the Creek Nation to-day 50 allotments worth a million dollars apiece, would the gentleman be in favor of turning over the 50 allotments to 50 Creek Indians?

Mr. SAUNDERS. Why not? The 18,711 have received their allotments aggregating in value many millions of dollars. They do not propose to disgorge anything. Why should they be allowed to hinder the remaining members from exercising the right which the law has given to all the members, and which has been heretofore exercised to the very great advantage of the other allottees? I understand that the estimate of value placed on these residual lands, is grossly exaggerated.

The SPEAKER. The time of the gentleman from Virginia has expired.

VALIDATION OF CERTAIN TOWN SITES IN THE STATE OF MONTANA.

The SPEAKER. There was a Senate bill (No. 4180) passed a little while ago relating to town sites in the State of Montana, and there is an identical bill on the House Calendar (H. R. 20498) to validate title to certain town sites in the State of Montana. Without objection, the House bill will be laid on the table.

There was no objection.

RIVER AND HARBOR BILL.

The SPEAKER. The gentleman from Florida [Mr. SPARKMAN] asks unanimous consent to take from the Speaker's table the river and harbor bill (H. R. 20189) with Senate amendments, and moves to concur in the Senate amendments. Is there objection?

Mr. SHERLEY. Mr. Speaker, reserving the right to object, I desire to ask the gentleman from Florida about some of these provisions. The Senate put in a provision undertaking to declare nonnavigable Swan Creek, which runs through the city of Toledo. My understanding is that a bill for that purpose has been pending before the House Committee on Interstate and Foreign Commerce, that there have been filed a great many protests against it, and that there is considerable opposition to such an enactment. I would like to know if the gentleman's committee has considered the matter or knows anything about it, or whether it is one of the terms made by which the bill can get through Congress with the permission of certain Senators.

Mr. SPARKMAN. Mr. Speaker, I really knew nothing about Swan Creek until I saw it in the first Senate print. I then made a hurried investigation of the amendment now before us and ascertained that there was at least one person objecting to the proposition to declare it nonnavigable, while many people directly interested seem to favor its discontinuance as a navigable stream. I am rather under the impression from what I have learned that it ought to be done, and that no great harm will be done thereby. I will say that the gentleman from Ohio [Mr. SHERWOOD] is no doubt thoroughly familiar with the subject, and in case unanimous consent is given he can well explain the matter. Indeed I will now ask that he be permitted to do so, and at this time.

Mr. SHERLEY. I am willing to hear the explanation of the gentleman from Ohio, but I am not willing to waive my rights by giving unanimous consent first. I want to call attention to a number of things.

Mr. MANN. Will the gentleman from Kentucky yield for a question?

Mr. SHERLEY. Yes.

Mr. MANN. Does not the gentleman think that it is entirely proper and duly courteous for the Senate to strike out all after the enacting clause, strike out every item that the House has inserted, and then insert an item which has no relation to the bill, because it is in Ohio?

Mr. SHERLEY. That is just the point. I think this is the best illustration of Government by permission of one man that the Congress has ever seen. I would rather see river and harbor bills fall forever than to permit any one Senator to arrogate to himself the right to determine what shall be in those bills, and to serve notice on Congress that we are to accept what he sees fit, and particularly to have put into a bill a matter that is local to himself.

Mr. MANN. Of course, I did not have any Senator in mind.

Mr. SHERLEY. Well, I am trying to keep within the rules myself. [Laughter.]

Mr. SPARKMAN. Mr. Speaker, I will say that if Gen. SHERWOOD would like to make an explanation I for one would like to hear him, because I think he can throw much light on the question.

Mr. SHERWOOD. How much time will the gentleman yield me?

Mr. WHITACRE. Mr. Speaker, reserving the right to object, I understand unanimous consent is asked that Gen. SHERWOOD may speak?

Mr. FOSTER. Oh, no.

The SPEAKER. He has the right to speak whenever the time comes.

Mr. WHITACRE. I understood that unanimous consent was asked.

The SPEAKER. Did anyone ask unanimous consent that the gentleman from Ohio [Mr. SHERWOOD] should speak?

Mr. WHITACRE. That is what I understood.

Mr. SPARKMAN. No.

Mr. FOSTER. He is rising to speak under a reservation of a right to object to the request of the gentleman from Florida.

Mr. SPARKMAN. Mr. Speaker, I have just requested him to answer the question propounded to me by the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERWOOD. Mr. Speaker, the gentleman from Kentucky [Mr. SHERLEY] is entirely mistaken about one Senator trying to dictate to the Congress of the United States. This amendment did not originate with the Senator from Ohio. The action originated with the engineers of the War Department. I have here a map prepared by a competent engineer of the city of Toledo, Mr. Sherman, showing Swan Creek, which is marked in red ink. That territory there [pointing to the map] represents a portion of the city of Toledo, with a population in that particular district of about 40,000. The sewage of these 40,000 people has been drained into that creek. During the summer season, when the creek is low (it is a slow and tortuous stream), the current is insufficient to carry away the sewage and it emits poisonous vapors, and the city board of health of the city of Toledo and the State board of health of the State of Ohio, after a thorough investigation, have declared Swan Creek to be a nuisance and a menace to the public health of the city of Toledo.

In a modest way for the last 10 years I have been trying to represent that district in Congress, and I ought to know, as I have lived in Toledo for half a century, something about the conditions there. I slept on the ground as a private soldier in 1861 of what is now the most thickly settled portion of the city of Toledo. The city of Toledo asked the War Department to make a thorough investigation, and that department sent one of the most competent engineers and he made a thorough in-

vestigation and made a report that Swan Creek was not a navigable stream, and, further, that it was a menace to the public health of Toledo. That report was made to the War Department, and the Secretary of War approved it and wrote a letter, which I have in my possession, recommending this legislation. This bill that the gentleman from Kentucky thinks was prepared by an Ohio Senator was prepared by the engineers of the War Department.

Mr. SHERLEY. If the gentleman will yield there, I did not say——

Mr. SHERWOOD. And I have the letter of the Secretary of War recommending it.

Mr. SHERLEY. Mr. Speaker, I did not say that it was prepared by any particular person; but all of us know the condition that has confronted this Congress for two years past, whereby under the peculiar rules that obtain in another body it is within the power of an individual Member to make terms upon which legislation for the Nation shall be enacted, and it is an outrage to the rights of the American people. [Applause.] And here was an illustration of a matter that never would have gotten in if somebody else had wanted it instead of particular individuals who were making terms as to what should be passed in the nature of a river and harbor bill.

Mr. SHERWOOD. The gentleman from Kentucky, in order to punish a United States Senator, is proposing to punish the whole city of Toledo of 200,000 people?

Mr. SHERLEY. I am not proposing to punish anybody, but I am proposing that a bill which has been in the Committee on Interstate and Foreign Commerce, with opposition to it, and which has not been reported out, shall not be put on a river and harbor bill as a rider without some explanation of why it is done.

Mr. SHERWOOD. And I am giving the explanation.

Mr. GORDON. Mr. Speaker, will the gentleman yield?

Mr. SHERWOOD. Yes.

Mr. GORDON. What is the attitude of the city council of the city of Toledo in reference to this?

Mr. SHERWOOD. Here is another proposition entirely separate. The Government of the United States simply declares by this amendment, which was prepared in the War Department, that this is not a navigable stream, and that it is turned over to the city of Toledo. The opposition about which the gentleman talks is on an elimination scheme. There are three or four schemes proposed, whether to straighten out Swan Creek and make it a covered instead of an open sewer or to eliminate the stream and divert it upstream to the Maumee River. The people of the city of Toledo are divided upon that proposition, and there is where these protests come from. It never has been a navigable stream for 50 years, and the Government has never recognized it as a navigable stream and never will. The Government never spent a dollar on it. It is a menace to the public health of the city of Toledo, and there ought not to be a bit of opposition to this amendment, no matter where it originates. The Congress of the United States is made up of 435 Members, and are they going to punish the city of Toledo in order to get even with a Senator at the other end of the Capitol? Is that to be the policy of this Congress?

Mr. GORDON. Will the gentleman yield further?

Mr. SHERWOOD. Yes.

Mr. GORDON. I am advised that every member of the city council of Toledo is opposed to this.

Mr. SHERWOOD. Oh, no; they are opposed to the elimination of Swan Creek.

Mr. GORDON. They are opposed to it simply because they oppose the preliminary action of declaring it to be a nonnavigable stream, because that will enable some railroad company to condemn it as a right of way.

Mr. SHERWOOD. There is nothing to that at all, so far as I know.

Mr. GORDON. If it is a public nuisance the city board of health or the State board of health could abolish it.

Mr. SHERWOOD. How could they abolish it, when it is now under Government control? Let me explain to the gentleman. The council of Toledo may be opposed to this elimination scheme. This bill only allows the city of Toledo to take what action they see fit. It does not prescribe any policy whatever.

Mr. GORDON. Will the gentleman yield further?

Mr. SHERWOOD. Yes.

Mr. GORDON. Is it not a fact that the city of Toledo has invested over $100,000 in docks along this waterway?

Mr. SHERWOOD. I do not know. Perhaps they have.

Mr. GORDON. Which they want to abandon——

Mr. SHERWOOD. If the city of Toledo has invested $100,000, the city of Toledo will not destroy its own property. The city of Toledo has docks, of course, and if the city of Toledo were allowed to take its own action, do you suppose it would destroy its own property? That proposition is simply preposterous.

Mr. BATHRICK. Will the gentleman yield?

Mr. SHERWOOD. Certainly.

Mr. BATHRICK. I understand that the city of Toledo is not divided on the proposition of this stream being declared by the Government nonnavigable.

Mr. SHERWOOD. That is my understanding.

Mr. BATHRICK. But what they shall do with it afterwards?

Mr. SHERWOOD. What they shall do with it afterwards the Government of the United States will have nothing whatever to do, because it is turned over to the control of the city of Toledo on the recommendation of the Secretary of War.

Mr. SAMUEL W. SMITH. If it is not a navigable stream, why are the docks built there?

Mr. SHERWOOD. They were not built by the Government. They are a private enterprise there. They built some docks here [indicating]. There is about 7 or 8 feet of water up here. I do not know what they built the docks for.

Mr. SAMUEL W. SMITH. There are about 1,000 feet of docks, are they not?

Mr. SHERWOOD. I do not know whether there is or not. I think not, but that has not a thing to do with the question.

Mr. SHERLEY. Will the gentleman yield?

Mr. SHERWOOD. Certainly.

Mr. SHERLEY. Is it not true that the city of Toledo owns 1,000 feet of wharfage on Swan Creek?

Mr. SHERWOOD. I do not know whether they do or not.

Mr. SHERLEY. There is information to that effect from the city of Toledo.

Mr. SHERWOOD. The docks are turned over to the city of Toledo, to do with as they see fit, but that has nothing to do with this question at all.

Mr. WHITACRE. Will the gentleman yield for a question?

Mr. SHERWOOD. Certainly.

Mr. WHITACRE. Is it not true that docks are being used there on that creek every day of the year?

Mr. SHERWOOD. No; I do not think so.

Mr. WHITACRE. Then you are not advised of the situation?

Mr. SHERWOOD. I have a statement here of the city engineer. By the way, there is a petition filed containing over 6,000 names in favor of this action, which induced the War Department to make an investigation. The question of docks has nothing to do with the question. If the city has docks, this amendment does not interfere with them. They can do as they see fit with them. There is no vitality to that question of the gentleman from Ohio [Mr. WHITACRE]. The only question is this: Is this a navigable stream? The War Department says it is not, and they officially declare it is not a navigable stream.

I submit an editorial of the Toledo Blade of February 22, the oldest daily in northwestern Ohio and a paper of large circulation and influence. This editorial is a fair statement of public opinion in Toledo on the so-called Burton amendment to the river and harbor bill. It will be seen by this editorial that no elimination scheme is involved in the amendment. It is a simple proposition, as I have stated and repeated, to give the city of Toledo control over a creek within its own boundary:

CITY CONTROL OF SWAN CREEK.

Senator BURTON has offered an amendment to the rivers and harbors bill calling for the release of the Government control over the navigation of Swan Creek at Toledo.

The amendment is, of course, in the interest of the movement to cut a new channel for the lower part of Swan Creek. Until the Government withdraws its proprietorship in the stream and the State permits an alteration in the course of the canal, nothing at all can be done toward carrying out the elimination project.

Whether the scheme is to be adopted or not makes no difference to Toledo as to the desirability of the final passage of Mr. BURTON'S amendment. We believe it would be a distinct advantage to the city to have the stream under its own control. There is no need of the jealous Government surveillance of a waterway of so small a size. So long as it is used for any purposes of navigation, the city will continue to swing the bridges, provide the lights, and do whatever other things it has to do under Federal command. Should elimination be decided on, the first necessary step will have been taken. Should the scheme fail to go through, affairs with Swan Creek will continue without any change whatever, so far as its use as a waterway is concerned. There are many things that might be done to and for Swan Creek besides eliminating it. If some day it should be expedient for the city to undertake one of these improvements, it will be a great saving in time, a considerable saving in red tape, to go ahead with it without first consulting the desires and accommodating ourselves to the moods of the powers at Washington.

Mr. UNDERWOOD. Mr. Speaker, I ask for the regular order.

Mr. SHERLEY. If we can not have this matter discussed, I will object. I want to tell the gentleman from Alabama——

The SPEAKER. Is there objection to the request of the gentleman from Florida [Mr. SPARKMAN]?

Mr. SHERLEY. Mr. Speaker, I object.

Mr. WHITACRE. I object, Mr. Speaker.

Mr. GOODWIN of Arkansas. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Arkansas rise?

Mr. GOODWIN of Arkansas. I rise for the purpose of reserving the right to object.

The SPEAKER. Objection has already been made.

Mr. SHERWOOD. Mr. Speaker, inasmuch as I have been so interrupted, I want to say to the gentleman from Kentucky——

Mr. COOPER. Regular order, Mr. Speaker.

The SPEAKER. It has already been objected to.

Mr. SPARKMAN. Mr. Speaker, I move to suspend the rules.

Mr. SHERLEY. Mr. Speaker, I make the point of order that there is a suspension pending, and that that is not in order.

The SPEAKER. The gentleman from Oklahoma [Mr. MURRAY] is recognized.

UNALLOTTED LANDS OF CREEK INDIANS.

Mr. MURRAY. Mr. Speaker, I will ask the gentleman from Kansas, inasmuch as he has only two speakers and I have only two, to yield to one of them now and proceed.

Mr. CAMPBELL. Mr. Speaker, I yield three minutes to the gentleman from Mississippi [Mr. HARRISON].

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. SHERWOOD. I want to print editorials from all the papers——

The SPEAKER. The gentleman can put what he pleases in his remarks.

The gentleman from Mississippi [Mr. HARRISON] is recognized.

Mr. HARRISON. Mr. Speaker, I am opposed to the passage of this resolution at this time. It is in thorough keeping with the history of the Oklahoma delegation in Congress when it comes to asking for legislation for one of the tribes that lives in that State. It is in thorough keeping with the history of the Creek Nation and other Indian nations when they want to enrich their own coffers and their own tribe at the expense of a few individual members of the tribe. It is in thorough keeping with the history of attorneys who represent tribes in trying to do some spectacular thing in order to increase their salary or obtain some contingent fee they might get under contract from the tribe. What is proposed to do here? I know nothing about the facts except as revealed in the minority views and in the report of the committee, but I glean the facts to be that it is proposed to take the allotment of five poor individual Creek Indians, because perchance the value of their allotment has increased to a very large extent, in order that the funds may go into the coffers of the Creek Nation and enrich the nation. The whole scheme is gotten up at the instance of the attorney for the Creek Nation and is without warrant so far as we are concerned here. Here is what the attorney for the Creek Nation says, and this is what started the wheels of legislation moving here to deprive these five allottees of their allotment. He says:

> I am seriously of the opinion that it is entirely within the discretion, if not the plain duty, of the Secretary to reserve these lands, by reason of their great value, from general allotment under present laws; but this resolution is intended to, and I think will, remove any doubt as to this question.

And that is from a letter to Mr. C. D. CARTER, a Representative of this body.

But this resolution is intended to, and I think will, remove any doubt as to the question. Here is the attorney for the Creek Nation saying that under present laws you already have the right to withhold these lands from allotment. And yet they come here and ask you to vote upon a complicated matter like this, a question that has been litigated in the courts for a long time, and is still in litigation. I will tell you what is the matter.

Mr. COOPER. Will the gentleman yield?

Mr. HARRISON. I can not yield. I have only three minutes. I will tell you what is the matter. There are over 18,000 members of the Creek Nation. A great many of them vote out there. They have more political influence than the five little fellows here that they desire to hold the allotment from. [Applause.]

Mr. MURRAY. Mr. Speaker, I will ask to be notified when I have occupied three minutes.

If the two gentlemen from Virginia who have spoken here were not lawyers I would have a reason to believe that they were honestly mistaken; but these men are lawyers, and they know that no resolution of this Congress can affect a lawsuit. They are trying to deceive enough to have one-third of this House defeat this resolution, knowing that it requires two-thirds to carry it.

This resolution does not seek to take a dollar away from anybody. It is true that 18,000 members of the tribe have received allotments, part of them in land and part of them in money. The act passed last year enrolled several hundred, and they were given $800 each, and not a foot of land. Fifty-two of them, known as the Pollock roll, were full bloods, and they were so ignorant that they did not know how to allot, and there were many of them old men.

Yet these gentlemen here stand up and talk in favor of a lot of oil men who sit in this gallery, trying to gobble up these five allotments, worth millions. A few days ago you saw an unsigned circular which was sent out by them on this floor. That was gotten up by some oil men in my State. This is not a question whether these five persons, four of them negroes and one Indian, shall have this land. These oil men are the ones in interest, and not the five individuals. There is only one side to this question. After a hearing covering weeks the House committee favored it, the Senate committee favored it, every Member of our delegation favored it; and in reply to the suggestion as to votes, there are not 100 Creek votes in my district, but the stockholders of these oil companies live in my district and they are more powerful than the Indians. But I would not be right or do right if I did not stand here against these rich oil fellows who are trying to rob the tribe of their patrimony. I say again, if you do not pass this resolution now, it will be too late hereafter. You have got to pass it now to give the Secretary authority to withdraw the land, and if you do not do it now it will be too late. If you do not do it, this Government will have to appropriate $3,000,000 later to make that equalization between $800 and $1,040. We propose to give them the $1,040 out of this oil property. We gave those who were enrolled last winter only $800 apiece. We are going to give them the allotment that we gave the others. It is up to you gentlemen. Do you want to stand on the side of a lot of oil grafters who sit in this gallery with their attorneys, or do you want to sit on the side of this Government and on the side of the Creek Indians, who are entitled to this property as against five individuals and their lessees and assigns? [Applause.]

The SPEAKER. The gentleman's three minutes are up.

Mr. CAMPBELL. Mr. Speaker, speaking of oil grafters, the Black Panther Oil Co., which has a lease approved by the court on the most valuable allotment involved in this resolution and is backing this resolution, which holds a lease that enables them to charge up all the expenses against the ultimate owner of the land, has all others beaten in the grafting business. Mr. Speaker, if I had as rotten a proposition as this resolution, I would call it up in the last hours of the session of Congress, when there is no opportunity to discuss it on the floor of the House.

Mr. BUTLER. Will the gentleman yield?

Mr. CAMPBELL. Briefly; yes.

Mr. BUTLER. Is there not somewhere on this earth some power that will prevent the Indian being robbed?

Mr. CAMPBELL. A vote "no" on this resolution will help to prevent it. The fact is that the Black Panther Oil Co. has a lease now on the most valuable of this land, and the gentleman from South Dakota [Mr. BURKE], together with other gentlemen and myself, signed a letter of protest to the Secretary of the Interior urging him to take the necessary action to cancel that lease. That is the rottenness in this whole business. The other side of it is a bold attempt to prevent five Creek citizens from having their selections matured into title, just as all other Creek citizens have done to the number of 18,711. These five are the only ones left, and the lands proposed to be withdrawn——

Mr. FERRIS. Will the gentleman yield?

Mr. CAMPBELL. I can not yield.

The SPEAKER. The gentleman declines to yield.

Mr. FERRIS. The gentleman ought to yield.

Mr. CAMPBELL. The land proposed to be withdrawn is the only land upon which they can now allot that is worth anything.

Mr. GOODWIN of Arkansas. Will the gentleman yield for a question?

Mr. CAMPBELL. I have only four minutes.

Mr. GOODWIN of Arkansas. If there is so much corruption on either side, is it not rather dangerous for a man to vote either way?

Mr. CAMPBELL. Why, certainly; but "no" is the safe vote. We spent many weeks in hearings on this matter, and it

is now asked that the House of Representatives, with less than a quorum present, pass upon a matter that the gentleman from Oklahoma says involves $30,000,000, after 40 minutes' discussion, giving no man an opportunity of getting at the real facts in the case.

Mr. Speaker, it is dangerous to legislate upon so important a matter under suspension of the rules in the last hours of Congress, and I repeat that if one has something indefensible it is wise to wait, as has the gentleman from Oklahoma [Mr. MURRAY], and call it up in the closing hours of an expiring Congress. The resolution should not pass.

The SPEAKER. The time of the gentleman has expired.

Mr. MURRAY. I yield the remaining time to the gentleman from South Dakota [Mr. BURKE].

The SPEAKER. The gentleman from South Dakota [Mr. BURKE] is recognized for nine minutes.

[Mr. BURKE of South Dakota addressed the House. See Appendix.]

The SPEAKER. The time of the gentleman from North Dakota has expired. All time has expired.

Mr. STAFFORD. Mr. Speaker, in view of the fact that there is an amendment proposed to this joint resolution which has never been printed, I ask unanimous consent that the resolution be again reported.

The SPEAKER. Without objection, the Clerk will again report the joint resolution.

There was no objection, and the Clerk again reported the joint resolution.

The SPEAKER. The question is on suspending the rules and passing the joint resolution as amended.

The question was taken.

Mr. CAMPBELL. Mr. Speaker, I demand a division.

The House divided; and there were—ayes 122, noes 52.

Mr. CAMPBELL. Mr. Speaker, I demand tellers.

The SPEAKER. The gentleman from Kansas demands tellers. As many as are in favor of ordering tellers will rise and stand until counted. [After counting.] Thirty-five, not a sufficient number, and tellers are refused.

Mr. CAMPBELL. Mr. Speaker, I think we ought to have a quorum present when considering a matter involving $30,000,000.

The SPEAKER. The gentleman from Kansas makes the point of order that there is no quorum present. The Chair will count.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. The gentleman said he thought there ought to be a quorum present. Does that mean that he makes the point of no quorum on the vote?

The SPEAKER. The Chair so construed it. The Chair will count. [After counting.] Two hundred and twenty-four Members present—a quorum.

So, two-thirds having voted in favor thereof, the rules were suspended and the joint resolution was passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20975) making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. SPARKMAN. Mr. Speaker, I move to suspend the rules and take from the Speaker's table the bill H. R. 20189, the river and harbor appropriation bill, with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER. The gentleman from Florida moves to suspend the rules and take from the Speaker's table the river and harbor appropriation bill, with a Senate amendment thereto, and concur in the Senate amendment. Is a second demanded?

Mr. GOODWIN of Arkansas. Mr. Speaker, I demand a second.

Mr. SHERLEY. Mr. Speaker, I demand a second.

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Florida asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none, and the gentleman from Florida is entitled to 20 minutes and the gentleman from Arkansas to 20 minutes.

Mr. SPARKMAN. Mr. Speaker, I had hoped that we would not so soon after the last session of Congress be confronted with a proposition appropriating a lump sum for the improvement of our rivers and harbors, but we again have before us, by way of amendment to the bill for that purpose, just such a proposition, along with several others, some of which I approve and some I dislike. But the more important feature is the lump-sum appropriation. The question now is, What are we going to do with the amendment? To my way of looking at the matter there is only one thing for us to do, if we are going to take care of the various projects now under way during the next 16 months, and until another bill can be passed, and that is to adopt this motion; at least, that is the only safe course. I have no idea that we can amend this bill so as to meet the divergent views of the various objectors here and at the other end of the Capitol. I know there are quite a number here who do not favor the Senate amendment and none perhaps like it as a whole. I have several objections to it myself. One is that it contains a lump sum, to be turned over to the War Department for distribution and allotment as the Secretary of War, acting under the advice of the Chief Engineer, may see proper. I do not regard that a wise plan for the improvement of our rivers and harbors. I expressed my objections fully to such legislation when the 1914 bill came back from the Senate and was before this House; hence it is unnecessary that I should repeat them here.

Then there are other objections to the measure. I would not, if I were framing this bill, without further information on the subject, insert the Swan Creek proposition. Certainly I would not have favored such a provision if it had come before me with only the information I had before hearing the remarks of the gentleman from Ohio, Gen. SHERWOOD. I am not sure that I would have done so in any event. Most assuredly——

Mr. COOPER. Mr. Speaker, will the gentleman yield?

Mr. SPARKMAN. Just one moment. Most assuredly I would not have desired to insert that, or any other provision of no more value to the country at large than is that, in a bill of such great importance to the people and run the risk as we are now doing of defeating the whole measure.

Mr. COOPER. What is the Swan Creek proposition?

Mr. SPARKMAN. It is a proposition to declare nonnavigable a little creek that runs into the Maumee River at Toledo.

Mr. COOPER. That is in Ohio?

Mr. SPARKMAN. Yes.

Mr. COOPER. That is where Senator BURTON lives?

Mr. SPARKMAN. Yes.

Mr. COOPER. At least, he lives in the State of Ohio?

Mr. SPARKMAN. Then there are some other provisions in the amendment to which I would object, and which I would not insert in a bill of this kind. But, Mr. Speaker, I shall not take up the time of the House in a detailed statement of all of the objections I have to this particular amendment.

What I wish to say now is that, in my judgment, we would get nowhere by carrying this bill to conference, and by so doing we would run the risk—a very serious one, too—in my judgment, of defeating the whole measure. So, if we are going to make certain of having legislation at this session to take care of great works of river and harbor improvement throughout the country, then my judgment is we should vote to suspend the rules and concur in the Senate amendment.

Mr. JACOWAY. Will the gentleman yield?

Mr. SPARKMAN. In a moment.

I think, Mr. Speaker, it is of the highest importance that this bill should be passed appropriating even this sum of money. In fact, I think it should be more. But it is the best we can do, and the engineers will no doubt allot and expend the money judiciously.

Mr. SHERLEY. Will the gentleman yield?

Mr. SPARKMAN. Yes.

Mr. SHERLEY. Who advises the gentleman that we can only have this particular bill or no bill?

Mr. SPARKMAN. Oh, I got that impression from what I know of conditions at the other end of this Capitol.

Mr. SHERLEY. Have we got to accept this rider in order to get the concurrence of Senators to pass a national rivers and harbors bill? Are those the terms that are made?

Mr. SPARKMAN. I am afraid so; at least I am afraid we will have to accept it if we get a bill.

Mr. SHERLEY. What do you think of the House accepting conditions so humiliating?

Mr. SPARKMAN. As far as I am concerned, I may say that I have often had to accept things here that I did not want to accept. I did not want to accept this bill, but in order to take care of these great works I am willing to swallow my pride, at least for this time, and pass this bill. I think it of the highest importance that this work should go on.

Mr. JACOWAY. On page 14, section 15, it says:

That the following projects now under improvement shall be re-examined—

And so forth.

And it names among those the Red River, the Ouachita, and the Arkansas. I wanted to ask the gentleman if any improvement will be carried on on these rivers while these three examinations are being made?

Mr. SPARKMAN. I would answer "yes," in my opinion.

Mr. GOULDEN. Will the gentleman from Florida yield?

Mr. SPARKMAN. Certainly.

Mr. GOULDEN. I want to ask the gentleman if this bill as it comes from the Senate, amended by that body, does not contain all the surveys, resurveys, and matters of that kind of very great importance to the entire country, especially to our constitutents?

Mr. SPARKMAN. It contains, as I understand it, all the surveys that were in the bill when it passed through the House and quite a number in addition.

Mr. MOORE. Will the gentleman yield? This bill was debated in the House for four days, as I recall, and gone over item by item, and for the second time another body has turned down the work of the House and presents a stand-and-deliver proposition. They say, "You take what we offer you or you get nothing." That is the situation to-day, is it not?

Mr. SPARKMAN. That is about it as I view the situation.

Mr. MOORE. Now, it is the second time it has occurred. Does the gentleman see any relief for the Members of the House of Representatives who are the spokesmen for a great people on a measure like this?

Mr. SPARKMAN. I should say that at the next session if we should pass a river and harbor bill through this body I shall look for better results, inasmuch as it will be a long session, at which we will, I trust, have more time.

Mr. DUPRÉ. Will the gentleman from Florida state whether the chief obstructionist in the Senate to legislation of this character will be a Member of the next Congress?

Mr. SPARKMAN. I can not say as to that, but conditions for fair consideration are always better at a long than at a short session.

Mr. GALLAGHER. Mr. Speaker——

Mr. SPARKMAN. I yield to my colleague on the committee [Mr. GALLAGHER].

Mr. GALLAGHER. I would like to ask the chairman of the committee if he knows from what source the suggestion was made to take away the million dollars that was appropriated for the Lakes-to-the-Gulf matter?

Mr. SPARKMAN. I do not know. I do not believe it came from the engineers.

Mr. Speaker, no one can condemn these lump-sum appropriations for river and harbor improvement too strongly to suit me. The selection of projects upon which money is to be expended and the allotment of amounts from time to time to carry them to completion are functions the people have delegated to us, and we should not, save on rare and exceptional occasions, delegate them to others. But this I regard an exceptional occasion, as this seems to be the only way we can avoid great loss and damage to the people, the shippers, and the commerce of the country. There are hundreds of projects already completed and needing maintenance; hundreds more under way which would be greatly damaged if work upon them should cease for any considerable length of time before they are finished. In addition to all this, any long delay in the completion of these great works will entail heavy loss to the commerce of the country awaiting the development of these waterways in order to make use of them. There is therefore every reason why this amendment, objectionable though it is in some of its important features, should be adopted, and I hope the motion will prevail.

Mr. Speaker, how much time have I used?

The SPEAKER. The gentleman has used 11 minutes. The gentleman from Arkansas [Mr. GOODWIN] is entitled to 20 minutes.

Mr. GOODWIN of Arkansas. Mr. Speaker, I should like to be notified when I have used three minutes.

I will say at the outset that I am not an opponent of river legislation. I think I am an enthusiast on that question. However, I do want something like sane and reasonable legislation, and I like to have it diffused throughout the length and breadth of the country.

I do not want this bill defeated. If I may be selfish enough to refer to my district I will say that the Mississippi River borders it on the east and the Red River borders it on the west, and through the heart of it runs the Ouachita River, upon which a system of locks and dams is being constructed now. But on page 15, lines 4, 5, and 6, among other items in the bill, the Arkansas, the Red, and Ouachita Rivers are to be finally chloroformed, and, sir, I am afraid those projects are to be discontinued and a resurvey made with a view of either "modifying or discontinuing" them. I apprehend that the result will be that after four or five years a report may be made, and then when a report is made, it may be an adverse report, and in the meantime we would not receive any river legislation pertaining to those streams. In other words, the Ouachita River project, which is about 55 per cent complete as to its system of locks and dams, would be abandoned and not receive one dollar of appropriations for the next four or five years. The great Red River, with a country as fertile as the Valley of the Nile, would receive no river appropriations, and the Arkansas River, second only to the Mississippi, as large, if not larger, than the great Ohio itself, would be abandoned in the meantime. That river runs through the center of my State, and traverses a very fertile country indeed.

As I stated in the outset, I am not opposed to the bill, but I would like to have these lines stricken from the bill when referred to conference, because I know full well that in the next four or five years no appropriations whatever will be received by those streams.

Permit me to quote, Mr. Chairman, section 15, that the House may see the blow that is aimed at three of the principal rivers in my State. I quote as follows:

SEC. 15. That the following projects now under improvement shall be reexamined, in accordance with the law for the original examination of rivers and harbors, with a view to obtaining reports whether the adopted projects shall be modified or the improvement abandoned:

Then follow lines 4, 5, and 6, the Red River, the Ouachita River, and the Arkansas River. That means, Mr. Chairman, the final abandonment, I am afraid, of these three great rivers from further improvement, because in all probability three or four years would elapse before a report would be obtained upon these projects as touching their modification or abandonment.

In other words, sir, the projects already begun on these rivers shall be either modified or wholly abandoned. If modified, it will mean to diminish the assistance now being given or to be entirely abandoned. I submit, Mr. Chairman, it is not fair to discriminate against these important rivers in my State, which are capable of being made great carriers of commerce and as competitors in freight rates against the railroad companies of my section of the country. So I favor, Mr. Chairman, this bill going back to conference that the committees of the two Houses may get together and strike out at least a part of section 15 and restore these rivers to their normal attitude; that is to say, that they may hereafter be treated by Congress as they deserve to be treated and as other rivers of the country are treated.

What is the present attitude, Mr. Chairman, of the annual rivers and harbors bill? The one that we passed through this House several weeks ago, however imperfect it may have been, has been overhauled, it seems, by one Senator at the other end of this Capitol, and we have before us a substitute for the House bill carrying $25,000,000 in appropriations and leaving it to the Board of Engineers to distribute over the country. In addition to that, many worthy items have been stricken from the House bill, including the rivers of my State, above referred to, and now we are told, sir, by the chairman of the committee that it means this substitute or no legislation at all. In other words, Mr. Chairman, 100,000,000 American people are to be dominated and controlled by one man as to rivers and harbors appropriations. And it is said that inasmuch as Congress adjourns within the next 24 hours we must take this substitute or nothing. I do not believe it, Mr. Chairman. I believe this matter might be worked out in conference by both sides, giving and taking if necessary.

The legislation here for the past few days has been anything but commendable to the American Congress. The annual appropriations of $1,000,000,000 must be made and agreed upon by the two Houses before we adjourn, and all of them within two or three days. If this House stands for anything at all, it should stand for its own rights and proper dignity. We should not be appended as a kite to the coat tail of any one man or any set of men, but should in a courageous, sensible, dignified way assert our rights in the premises. I am a better friend to rivers and harbors legislation when I desire that all legitimate streams should be cared for, without discrimination, than those who seek to grab, if possible, all the Government funds and stick them here and there over the country in their respective districts, regardless of worth and merit to the items they affect. So I repeat in conclusion, sir, that I am for this bill, but I do not want those great rivers in my State hamstrung

and chiseled out of their just deserts at the closing session of a busy Congress, with a threat that we must swallow this injustice, whether it be palatable or not.

Mr. GOODWIN of Arkansas. I yield eight minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker, this House has to decide whether it proposes to keep its self-respect and be a part of the lawmaking body of America or not, and it has to decide it without any more yielding in the hope that next time the demand will not be made. I am not going to discuss the merits of the river and harbor bill that passed this House, but I am going to say a few plain words about the rights of the House.

The House passed a river and harbor bill and it went to the Senate. It comes back here now with all the House bill stricken out, and arbitrary power over $30,000,000 given the Army engineers, and with such provisions as happen to suit two or three Members of that body, and could only come back because it did suit them, and we are told that unless we accept their exact viewpoint upon what shall be done for 90,000,000 of people, no legislation can be had. I am interested in river and harbor legislation. My district is vitally interested in it, but I would rather see river and harbor bills fail forever than lose all of my self-respect and to have the House of Representatives made a negligible factor in legislation for the people of America. [Applause.]

Not only is that true, but here is an illustration of the most vicious piece of one-man domination that I have ever known in my 12 years' service here. There is put on this bill as a rider a proposition over which the River and Harbor Committee has no jurisdiction, and which has been pending before the Interstate and Foreign Committee for months, with the protests of a great portion of the city and community affected. For the last half hour I have read some papers in connection with the protest against declaring Swan Creek nonnavigable. It runs through the city of Toledo. I do not think there should be any man reading those protests willing to pass the bill without any real consideration of it at this time.

Charges are made that the closing of this creek will deny certain water facilities to one railroad and that others will have thereby a monopoly in water terminals. Three times the matter has gone to the Toledo council, and three times the proposal that lies back of this has been rejected. Brand Whitlock, as mayor of that town, appointed a special commission to look into it, and they rejected the proposal. Now, the distinguished gentleman representing that district [Mr. SHERWOOD] says that they simply want to take away the Federal Government's jurisdiction and then the merits of these various controversies can be settled by the State of Ohio and the city of Toledo. But there are rights involved that are bigger than the city or the State.

That is not all. The city of Toledo has recently built docks right on Swan Creek. It is navigable for 3 miles, and on it are a number of wharves and terminal facilities that are of great value to the people there.

Now, what has happened? Think of the humiliation of it! Do you suppose that any other rider affecting any other city in this Union could have been put on this river and harbor bill in the Senate? Not for a minute. But it is one of the terms upon which we are to accept a river and harbor bill. We are practically told that unless we take this rider and the bill written as one man says we are to have no river and harbor bill. Why did the distinguished gentleman from Georgia [Mr. ADAMSON] have this bill before his committee for months if there was no question about the merits of it? He is not a man who neglects his duty as to legislation pending there. I hold in my hand the protests against the scheme. I hold photographs certified to as being accurate pictures of the water facilities that are on Swan Creek now. I say to you that Congress can not afford, in the interest of common honesty, to pass this rider without an investigation. This House had no chance to consider it. The gentleman says you can not get a bill otherwise. I do not believe that, but if I did believe it I would be willing to say "no bill"; and I am just as much interested in river and harbor matters as any man on this floor. The gentleman from Florida could either have made a motion to send the bill to conference and try it out or he could have made a motion to concur with certain amendments, but he surrenders his case before the fight begins. He runs up the white flag of surrender without ever undertaking to fight. Of course we can not get the Senate to make concessions as long as we lie down the moment they ask us to.

Mr. GORDON. We can not get anything.

Mr. SHERLEY. This is no little matter. When I went after this Swan Creek item in the first instance it was because I did not like the violation of all precedent in putting it onto the bill as a rider, for until the bill came up a few moments ago I never had heard of Swan Creek. Since then I have had a chance to examine into it, and I will put some of these protests in the RECORD. I say to you, measuring my words, I would not be responsible—I would not take the responsibility—for legislating that proposition into law, because in doing it I believe I would be lending myself to a scheme that will not bear daylight. I may be mistaken as to that fact, but you can not know and neither can I know, in the few minutes that are given us to consider it; and when men can not know whether there is something wrong it is a good time to wait until they can know. I repeat, here are the protests which have been filed before Mr. Adamson's committee. The original bill was passed through the Senate by the Senator from Ohio [Mr. BURTON] without these men having a chance to protest. As they state in their correspondence, the first they knew of it was when the news carried the fact that the Senate had passed the bill declaring Swan Creek nonnavigable.

The SPEAKER. The gentleman's time has expired.

Mr. SHERLEY. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SHERLEY. Under leave to extend, I submit the following among many protests now on file in the Committee on Interstate and Foreign Commerce of the House.

[Protest against Senate bill 6113, passed Aug. 25, 1914, addressed to Hon. WILLIAM C. ADAMSON, chairman Foreign and Interstate Commerce Committee, and members of said committee, of House of Representatives, Washington, D. C.]

DEAR SIRS: We hand you herewith a protest against Senate bill (S. 6113) to authorize the closing to navigation of Swan Creek, in the city of Toledo, Ohio.

1. We wish to show that no public official for the city of Toledo or the State of Ohio is asking or urging the aforesaid legislation.

2. That said Swan Creek is considered a navigable stream from its mouth at the Maumee River for a distance southwesterly of 3 miles and is now used extensively for shipping and wharfing. That it has for a great distance a depth of 15 feet of water. We, the undersigned, all being property holders on said Swan Creek and the Miami & Erie Canal, using said creek and docks in the peaceful conduct of our business, and also waters from said Miami & Erie Canal for the conduct of our milling business, and all of us and our predecessors have used same for a period of 70 years. We are owners of several boats that ply regularly upon said Swan Creek during season of navigation, operating upon the Great Lakes, handling many thousands of tons of cargo. For many years the docks of Swan Creek were used as the center of the lumber and coal yards, but in recent years the shipping and docks have been employed in the handing of 80 per cent of the builders' supplies for the great city of Toledo.

Under separate cover we offer you photographs and affidavits to show the extent of such traffic on said stream. These vessels are regularly employed in said traffic we represent, it being one of the largest single traffic units in the city of Toledo. The dock properties in the city of Toledo along the Maumee River are practically all in the hands of the Pennsylvania Railroad Co., New York Central Railway Co., Toledo & Ohio Central Railroad Co., Cincinnati, Hamilton & Dayton Railroad Co., Hocking Valley Railroad Co., Wabash Railroad Co., Michigan Central Railroad Co., and the Terminal Railroad Co., as well as the utility corporations of the city of Toledo; so that the kind of water traffic in which we are engaged is now restricted to the banks of Swan Creek, and with the rapid growth of the city of Toledo the use of this body of water becomes more apparent, being the poor man's home against the railroad companies and public-utility corporations having taken possession of practically all the available dock property on the Maumee River.

The abandonment of Swan Creek would cause a great hardship and financial loss upon all those who are now peacefully plying their business upon said creek. Reviewing this elimination still further, you must keep in mind these facts, that the State of Ohio has a greater interest in Swan Creek than any of the undersigned interests in same. The Miami & Erie Canal, one of the branches of the canal system in the State of Ohio, locks into Swan Creek by a set of two locks marked on maps accompanying this protest at a point that is about 1 mile from the mouth of said stream, these locks being the eastern terminus of said canal connecting it with the Great Lakes and the Atlantic Ocean. The State of Ohio for many years maintained a towing path along said Swan Creek to the point of its mouth at the Maumee River. We also hand you reference to case No. 3731, common pleas court, Toledo, Ohio, from records county clerk of Lucas County, Ohio.

[State of Ohio *v.* Charles Carpenter. Record, vol. 17, p. 616, filed Apr. 29, 1859.]

The common pleas court of Lucas County in said case No. 3731, which action was confirmed and approved by the Supreme Court of the State of Ohio, which is reported in the Twelfth Ohio State under title of Charles Carpenter *v.* State of Ohio, this case having gone up to the supreme court on error.

The court held that the State of Ohio never appropriated Swan Creek as a part of the present Miami & Erie Canal; that Swan Creek was a navigable stream open to the commerce of the world. But that the State of Ohio did acquire a fee simple title to 10 feet of land along the southerly bank of Swan Creek for a towing path. From the foregoing facts it will be readily understood that Swan Creek became the terminus of the Miami & Erie Canal and connected it with the Great Lakes from Toledo, Ohio, to Cincinnati, Ohio, on the Ohio River.

We have in Toledo an organization known as the Swan Creek Elimination League, who have carried on for the past four years a campaign to eliminate said stream. This league has been supplied with large sums of money from various sources. They have advertised most extensively in all of our daily papers, also by special circulars, sectional meetings in our city, and through this agitation have engaged the service of men at compensation to secure names to a petition asking the common council of the city of Toledo and the State and Federal legislative bodies to eliminate this waterway. This petition was presented

to the common council in the year of 1911 under what is known as the Brand Whitlock administration. This council, after hearing all arguments and accepting said petitions, appointed an engineer of standing to make extensive maps and survey of this Swan Creek Valley, and the mayor, Brand Whitlock, also appointed a commission to investigate the conditions and report upon improvements in Swan Creek and Ten Mile Creek and their valleys. After many public hearings and a report from the said committee the council of the city of Toledo, both in 1912 and 1913, rejected the request of said petitioners. In the year of 1914 the city of Toledo moved into public office an entire new administration, including the mayor and common council, and again this league offered their project to this new common council, and more public hearings were held, and again within this year of 1914 this project was rejected by the present common council. During all of these periods these maps and orators appeared before the Business Men's Club of the city of Toledo, the largest public commerce club of our city, and this club refused to indorse this project. It was then taken before the central labor body of the city of Toledo, and through the Tugmen's Union, one of the branches of the Central Labor Union, resolutions were adopted opposing the elimination of Swan Creek, and the Toledo Tugmen's Protective Association issued a booklet, which we offer you as Exhibit No. 1, entitled "Swan Creek, its use and abuse."

The commission appointed by former Mayor Brand Whitlock, who is now United States minister to Belgium, made the following report: "That it was opposed to the elimination of Swan Creek—

"1. Because no general benefit would follow the large expense involved.

"2. The stream is valuable for navigation purposes, and great benefits would result by proper improvement.

"3. The stream could not only be made useful for business purposes but an interesting feature of the city.

"4. The cost of elimination would eventually become a very great sum involving the expenditure of millions of dollars."

The commission further recommends a system of intercepting sewers and the appointment of a commission to make a comprehensive study of the best system for improving the low territory and marshy lands not sufficiently improved. Also, by the elimination of sewage matter, the water of the creek would become comparatively pure and inoffensive, leaving the physical improvement of the stream a matter of mechanical construction.

There is not a single newspaper of standing in Toledo advocating this elimination, and all items appearing in favor of this elimination are marked paid advertisements, and the News-Bee, of Toledo, having the largest circulation in our city, refused to accept paid advertisements.

In the year of 1913 this league had pending before the Legislature of the State of Ohio an act to vacate Swan Creek and the Miami & Erie Canal, but this act was also defeated by a large majority at that time. A commission was appointed by a resolution of the Ohio Legislature in the year of 1913 for the purpose of investigating all of the canals of the State of Ohio. Said legislative committee visited Toledo in the year 1913, making an extensive survey and giving a public hearing upon the elimination of Swan Creek and the Miami & Erie Canal, and after careful deliberation this committee filed its report against said elimination. Said report is now a matter of record at Columbus, Ohio. The commission recommended that the proposal of certain Toledo citizens be held in abeyance in view of the commission's own report for a barge canal from the Ohio River at Cincinnati, Ohio, to Lake Erie at Toledo, and also in view of the proposition of a deep waterway from Toledo, Ohio, to Chicago, Ill., by way of Defiance and Fort Wayne, Ind.

In view of the foregoing facts and reports you will note that the State of Ohio should be considered the most important factor in conjunction with those who are now using Swan Creek for the conduct of their business.

At an open meeting held in Toledo, Ohio, on June 3, 1913, in council chamber by Maj. Bromwell, chief engineer, for the Federal Government in our district with offices at Cleveland, Ohio, another extensive hearing was given on the question of Swan Creek elimination. But up to date no report has been furnished the city of Toledo from the War Department, but it was considered that Maj. Brownwell felt that the question should be settled by the State of Ohio and the city of Toledo before the Federal Government should take any action.

Nineteen large sewers empty into Swan Creek which has caused great pollution of its waters, and the State board of public health have ordered that a trunk sewer be located along said creek to carry said sewage to Maumee Bay. Legislation is now pending in city council to carry out this mandatory order from the State board of public health.

It is our impression that Senator BURTON was misled by the gentlemen who delivered this extensive petition and requesting the passage of an act (S. 6113), by not giving him all of the preceding facts leading up to their request, and without further investigation he presented this act for its passage. We had no hearing or opportunity for protest and no knowledge of its consideration until after such time when the public press carried it as a news item. This league have at all times been able to employ eminent counsel, who have made splendid arguments, and with unlimited capital for their campaign has enabled them to go from one legislative body to another, and when final hearing has been given they have at all times lost their point. The superintendent of public works, John W. Miller, for the State of Ohio, who is also the chief engineer under the laws of the State of Ohio and who has charge of all of the canals of our State, has never approved these projects and should be called as a witness before your committee and no action should be taken by your honorable committee without his consent or approval. Mr. Miller would be the most available man to bring before your committee to give you an unbiased opinion on the matter of Swan Creek and the Miami & Erie Canal.

Under Exhibit No. 2 we offer an ordinance, being a certified copy of council proceedings, city of Toledo, December 9, 1912, to provide for the issuing of bonds of the city of Toledo for the purpose of opening and extending Superior Street from Swan Creek to Clayton Street by curving both St. Clair Street and Superior Street in one street, extending from the cut-off to Clayton Street, in the city of Toledo, Ohio. This bond issue was for the sum of $114,000 and was expended during the year 1914 by the city of Toledo to straighten Swan Creek at a certain point on St. Clair Street, as shown by maps on Exhibit No. 3, transferring a bridge from a northerly point on St. Clair Street to this new cut-off, dredging the Creek to a uniform depth of 15 to 16 feet of water, and building a municipal dock 900 feet in length on both sides of said creek, which is also shown on maps under Exhibit No. 3 as well as by photographs of same. This improvement removes certain undesirable features of said creek and improved its navigation by the change of eliminating part of the bend of Swan Creek and cutting a new channel as shown on Exhibit No. 3, the city of Toledo saved an additional expense of building a new bridge for Superior Street extended and also Short Street extended, and also removed the waste lands within this territory.

You will notice that not a single public officer of the State of Ohio or the city of Toledo will ask or are asking for the passage of this act (S. 6113), which should condemn it without any further argument. This league should have hesitated before going before your honorable body asking for this legislation until such time when our home State and home city took action upon this matter.

Under Exhibit No. 2 we also offer you resolution authorizing and directing the director of public service to enter into a contract or lease with the board of public works of the State of Ohio in relation to the abandonment of the part of the Miami & Erie Canal, known as Swan Creek, and the construction of a side cut from the easterly bank of Swan Creek to the abandoned side cut on the easterly side of St. Clair Street. This contract was entered into between the city of Toledo and the State of Ohio, and said improvements have been made under this contract. The chief engineer for the United States Government also gave his consent and approval for this improvement, so that all of his details have been excuted in proper manner. Under Exhibit No. 2 we also offer you a history of the Miami & Erie Canal as located within the city of Toledo. Under Exhibit No. 3 we offer you map showing proposed plan for changing Swan Creek and also abandonment of same, a detail sketch of Toledo side cut, a comprehensive plan for the diversion of Swan Creek, and the making of all necessary improvements with bridges, streets, and docks. Exhibit No. 3 also contains a map of the city of Toledo, a map in detail covering the special section of the city of Toledo covered by Swan Creek and Miami & Erie Canal, and also showing a map of Lucas County, Ohio, showing that Swan Creek originates in Henry and Fulton Counties, Ohio, and is at least 25 miles in length. If Swan Creek was eliminated at its present mouth, it would be necessary to divert this stream at some other point southwesterly from the city of Toledo, and this again would entail the building of many new bridges and also a river bed to drain the Swan Creek Valley watershed to the Maumee River. From every economic and business viewpoint you will note that this plan would be impractical and visionary.

We might say in conclusion that many of those that are promoting this league expect to gain some financial benefit by the change of the Summit Street location, and it is also common gossip that the railroad companies who are under cover have some plan through this diversion that they anticipate completing.

We, the undersigned, offer the foregoing brief as matters of record and fact pertaining to our conduct of business upon Swan Creek, the use of waters upon the Miami & Erie Canal, and all procedures and hearings that have been held in the past before the Common Council of the City of Toledo and its public officers, the members of the Legislature of the State of Ohio, the committee representing the members of the Legislature of the State of Ohio, the chief engineer of the State of Ohio, and all such public organizations as have heard this question discussed; that these statements and records are true and accurate, to the best of our belief and understanding.

THE TOLEDO BUILDERS' SUPPLY CO.,
Per A. R. KUHLMAN, *Secretary and Treasurer.*
THE TOLEDO GRAIN & MILLING CO.,
Per D. W. CAMP, *President.*
THE OHIO BUILDERS' SUPPLY CO.,
By R. E. DO VILLE, *President and Manager.*
THE W. O. HOLST BUILDERS' SUPPLY CO.,
Per W. O. HOLST.

—

EXHIBIT DOCKS AND BOAT.

TOLEDO, OHIO, *December 23, 1914.*

We, the undersigned, officers of the W. O. Holst Builders' Supply Co., a corporation under the State laws of Ohio, located in the city of Toledo, Ohio, make the following statement:

1. That we employ two boats in the conduct of our business during the season of navigation, who regularly travel the Great Lakes and also enter the Canadian waters for the purpose of delivering sand and other material to our docks.

2. That during the season of 1914 we handled 46,300 tons of sand on our docks, situated on Swan Creek, near Erie Street.

3. We hereby attach Exhibits A, B, and C, which are true photographs of recent date of our docks on Swan Creek, as now located, near Erie Street, said dock being 500 feet, more or less. Exhibit C is one of the boats regularly used in transporting our sand.

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STATE OF OHIO, *Lucas County, ss:*

I, William O. Holst, being first duly sworn, on my oath say that the foregoing statement has been made by myself from the records of the books of the W. O. Holst Builders' Supply Co., at Toledo, Ohio, and the same are true and accurate, to the best of my knowledge and belief.

[SEAL.] THE W. O. HOLST BUILDERS' SUPPLY CO.,
By W. O. HOLST, *President.*
W. O. HOLST.

Sworn to and subscribed in my presence this 26th day of December, 1914.

[SEAL.] LEVERETT OLCOTT ROWLEY,
Notary Public, Lucas County, Ohio.

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TOLEDO, OHIO, *December 23, 1914.*

We, the undersigned, officers of the Toledo Builders' Supply Co., a corporation under the State laws of Ohio, located in the city of Toledo, Ohio, make the following statement:

1. That we employ three boats in the conduct of our business, registered under the following names: *Walter D.*, 250 tons; *Laura D.*, 220 tons; *Dussault*, 78 tons.

2. These boats during the season of navigation regularly travel the Great Lakes and also enter the Canadian waters for the purpose of transporting and delivering sand and other material to our dock.

3. That during this season of 1914 we built a new dock on Swan Creek 400 feet in length, so as to more conveniently handle our products. We were enabled to make this latter improvement on account of the improvement made by the city of Toledo in straightening this channel and dredging Swan Creek to uniform depth of 15 to 16 feet at its lowermost point near the Maumee River.

4. During the season of 1914 we handled 16,300 tons of sand on our small dock on Swan Creek, but on account of our new equipment we will

be able to handle 100,000 tons during the season of 1915. We have been forced to handle much of our product on other docks on account of lack of facility.

5. We hereby attach Exhibits A and B, which are true photographs of recent date of our docks on Swan Creek as now located near St. Clair Street, giving us approximately 650 feet of dock frontage upon Swan Creek.

[SEAL.] THE TOLEDO BUILDERS' SUPPLY CO.,
By A. R. KUHLMAN, *Secretary.*

STATE OF OHIO, *Lucas County, ss:*

I, A. R. Kuhlman, being first duly sworn, on my oath say that the foregoing statement has been made by myself from the records of the books of the Toledo Builders' Supply Co. at Toledo, Ohio, and the same are true and accurate to the best of my knowledge and belief.

A. R. KUHLMAN.

Sworn to and subscribed in my presence this 26th day of December, 1914.

[SEAL.] LEVERETT ALCOTT ROWLEY,
Notary Public, Lucas County, Ohio.

—

[A. R. Kuhlman, chairman protest convention, Toledo, Ohio, secretary and treasurer Toledo Builders' Supply Co., Toledo, Ohio.]

Protest against Senate bill S. 6113, passed August 25, 1914, addressed to Hon. WILLIAM C. ADAMSON, chairman Interstate and Foreign Commerce Committee, and members of said committee of House of Representatives, Washington, D. C.

DEAR SIRS: We hand you herewith a protest against Senate bill (S. 6113) an act to authorize the closing to navigation of Swan Creek, in the city of Toledo, Ohio.

1. We wish to show that no public official for the city of Toledo or the State of Ohio is asking or urging the aforesaid legislation.

2. That said Swan Creek is considered a navigable stream from its mouth at the Maumee River for a distance southwesterly of 3 miles and is now used extensively for shipping and wharfing. That it has for a great distance a depth of 15 feet of water. We, the undersigned, all being property holders on said Swan Creek and the Miame & Erie Canal, using said creek and docks in the peaceful conduct of our business and also waters from said Miame & Erie Canal for the conduct of our milling business, and all of us and our predecessors have used same for a period of 70 years. We are owners of several boats that ply regularly upon said Swan Creek during season of navigation, operating upon the Great Lakes, handling many thousands of tons of cargo. For many years the docks of Swan Creek were used as the center of the lumber and coal yards, but in recent years the shipping and docks have been employed in the handling of 80 per cent of the builders' supplies for the great city of Toledo.

Under separate cover we offer you photographs and affidavits to show the extent of such traffic on said stream. These vessels are regularly employed in said traffic we represent, it being one of the largest single traffic units in the city of Toledo. The dock properties in the city of Toledo along the Maumee River are practically all in the hands of the Pennsylvania Railroad Co., New York Central Railway Co., Toledo & Ohio Central Railroad Co., Cincinnati, Hamilton & Dayton Railroad Co., Hocking Valley Railroad Co., Wabash Railroad Co., Michigan Central Railroad Co., and the Terminal Railroad Co., as well as the utility corporations of the city of Toledo. So that the kind of water traffic in which we are engaged is now restricted to the banks of Swan Creek, and with the rapid growth of the city of Toledo the use of this body of water becomes more apparent, being the poor man's home, against the railroad companies, and public-utility corporations having taken possession of practically all the available dock property on the Maumee River.

The abandonment of Swan Creek would cause a great hardship and financial loss upon all those who are now peacefully plying their business upon said creek. Reviewing this elimination still further, you must keep in mind these facts: That the State of Ohio has a greater interest in Swan Creek than any of the undersigned interests in same. The Miami & Erie Canal, one of the branches of the canal system in the State of Ohio, locks into Swan Creek by a set of five locks, marked on maps accompanying this protest, at a point that is about 1 mile from the mouth of said stream, these locks being the eastern terminus of said canal, connecting it with the Great Lakes and the Atlantic Ocean. The State of Ohio for many years maintained a towing path along said Swan Creek to the point of its mouth at the Maumee River. We also hand you reference to case No. 3731, common pleas court, Toledo, Ohio, from records county clerk of Lucas County, Ohio.

[State of Ohio *v.* Charles Carpenter. Record, vol. 17, p. 616, filed Apr. 29, 1859.]

The Common Pleas Court of Lucas County in said case, No. 3731, which action was confirmed and approved by the Supreme Court of the State of Ohio, which is reported in the 12th Ohio State, under title of Charles Carpenter *v.* State of Ohio, this case having gone up to the supreme court on error.

The court held that the State of Ohio never appropriated Swan Creek as a part of the present Miami & Erie Canal; that Swan Creek was a navigable stream open to the commerce of the world; but that the State of Ohio did acquire a fee simple title to 10 feet of land along the southerly bank of Swan Creek for a towing path. From the foregoing facts it will be readily understood that Swan Creek became the terminus of the Miami & Erie Canal and connected it with the Great Lakes, from Toledo, Ohio, to Cincinnati, Ohio, on the Ohio River.

We have in Toledo an organization known as the Swan Creek Elimination League, who have carried on for the past four years a campaign to eliminate said stream. This league has been supplied with large sums of money from various sources. They have advertised most extensively in all of our daily papers, also by special circulars, sectional meetings in our city, and through this agitation have engaged the service of men at compensation to secure names to a petition asking the common council of the city of Toledo and the State and Federal legislative bodies to eliminate this waterway. This petition was presented to the common council of Toledo, Ohio, in the year of 1911, under what is now known as the Brand Whitlock administration. This council, after hearing all arguments and accepting said petitions, appointed an engineer of standing to make extensive maps and survey of this Swan Creek Valley, and the mayor, Brand Whitlock, also appointed a commission to investigate the conditions and report upon improvements in Swan Creek and Tenmile Creek and their valleys. After many public hearings and a report from the said committee, the council of the city of Toledo, both in 1912 and 1913, rejected the request of said petitioners.

In the year of 1914 the city of Toledo moved into public office an entire new administration, including the mayor and common council, and again this league offered their project to this new common council, and more public hearings were held, and again within this year of 1914 this project was rejected by the present common council. During all of these periods these maps and orators appeared before the Business Men's Club of the city of Toledo, the largest public commerce club of our city, and this club refused to indorse this project. It was then taken before the central labor body of the city of Toledo, and through the Tugmen's Union, one of the branches of the Central Labor Union, resolutions were adopted opposing the elimination of Swan Creek, and the Toledo Tugmen's Protective Association issued a booklet, which we offer you as Exhibit No. 1, entitled "Swan Creek: Its Use and Abuse."

The commission appointed by former Mayor Brand Whitlock, who is now United States minister to Belgium, made the following report:

That it was opposed to the elimination of Swan Creek—

1. Because no general benefit would follow the large expense involved.

2. The stream is valuable for navigation purposes, and great benefits would result by proper improvement.

3. The stream could not only be made useful for business purposes, but an interesting feature of the city.

4. The cost of elimination would eventually become a very great sum, involving the expenditure of millions of dollars.

The commission further recommends a system of intercepting sewers and the appointment of a commission to make a comprehensive study of the best system for improving the low territory and marshy lands not sufficiently improved. Also by the elimination of sewage matter the water of the creek would become comparatively pure and inoffensive, leaving the physical improvement of the stream a matter of mechanical construction.

There is not a single newspaper of standing in Toledo advocating this elimination, and all items appearing in favor of this elimination are marked "Paid advertisements," and the News-Bee, of Toledo, having the largest circulation in our city, refused to accept paid advertisements.

In the year of 1913 this league had pending before the legislature of the State of Ohio an act to vacate Swan Creek and the Miami & Erie Canal, but this act was also defeated by a large majority at that time. A commission was appointed by a resolution of the Ohio Legislature in the year of 1913 for the purpose of investigating all of the canals of the State of Ohio. Said legislative committee visited Toledo in the year 1913, making an extensive survey and giving a public hearing upon the elimination of Swan Creek and the Miami & Erie Canal, and after careful deliberation this committee filed its report against said elimination. Said report is now a matter of record at Columbus, Ohio. The commission recommended that the proposal of certain Toledo citizens be held in abeyance in view of the commission's own report for a barge canal from the Ohio River at Cincinnati, Ohio, to Lake Erie at Toledo, and also in view of the proposition of a deep waterway from Toledo, Ohio, to Chicago, Ill., by way of Defiance and Fort Wayne, Ind.

In view of the foregoing facts and reports you will note that the State of Ohio should be considered the most important factor in conjunction with those who are now using Swan Creek for the conduct of their business.

At an open meeting held in Toledo, Ohio, on June 3, 1913, in council chamber, by Maj. Bromwell, chief engineer for the Federal Government in our district, with offices at Cleveland, Ohio, another extensive hearing was given on the question of Swan Creek elimination. But up to date no report has been furnished the city of Toledo from the War Department, but it was considered that Maj. Bromwell felt that the question should be settled by the State of Ohio and the city of Toledo before the Federal Government should take any action.

Nineteen large sewers empty into Swan Creek, which has caused great pollution of its waters, and the State board of public health have ordered that a trunk sewer be located along said creek to carry said sewage to Maumee Bay. Legislation is now pending in city council to carry out this mandatory order from the State board of public health.

It is our impression that Senator BURTON was misled by the gentlemen who delivered this extensive petition and requested the passage of an act, S. 6113, by not giving him all of the preceding facts leading up to their request, and without further investigation he presented this act for its passage. We had no hearing or opportunity for protest and no knowledge of its consideration until after such time when the public press carried it as a news item. This league have at all times been able to employ eminent counsel, who have made splendid arguments, and unlimited capital for their campaign has enabled them to go from one legislative body to another, and when final hearing has been given they have at all times lost their point. The superintendent of public works, John W. Miller, for the State of Ohio, who is also the chief engineer under the laws of the State of Ohio and who has charge of all of the canals of our State, has never approved these projects, and should be called as a witness before your committee, and no action should be taken by your honorable committee without his consent or approval. Mr. Miller would be the most available man to bring before your committee to give you an unbiased opinion on the matter of Swan Creek and the Miami & Erie Canal.

Under Exhibit No. 2 we offer an ordinance, being a certified copy of council proceedings, city of Toledo, December 9, 1912, to provide for the issuing of bonds of the city of Toledo for the purpose of opening and extending Superior Street from Swan Creek to Clayton Street by curving both St. Clair Street and Superior Street in one street, extending from the cut-off to Clayton Street, in the city of Toledo, Ohio. This bond issue was for the sum of $114,000 and was expended during the year of 1914 by the city of Toledo to straighten Swan Creek at a certain point on St. Clair Street, as shown by maps on Exhibit No. 3, transferring a bridge from a northerly point on St. Clair Street to this new cut-off, dredging the creek to a uniform depth of 15 to 16 feet of water, and building a municipal dock 900 feet in length on both sides of said creek, which is also shown on maps under Exhibit No. 3 as well as by photographs of same. This improvement removed certain undesirable features of said creek and improved its navigation by the change of eliminating part of the bend of Swan Creek and cutting a new channel, as shown on Exhibit No. 3. The city of Toledo saved an additional expense of building a new bridge for Superior Street extended and also Short Street extended and also removed the waste lands within this territory.

You will notice that not a single public officer of the State of Ohio or the city of Toledo will ask or are asking for the passage of this act, S. 6113, which should condemn it without any further argument. This league should have hesitated before going before your honorable body asking for this legislation until such time when our home State and home city took action upon this matter.

Under Exhibit No. 2 we also offer you resolution authorizing and directing the director of public service to enter into a contract or lease with the board of public work of the State of Ohio in relation to the abandonment of the part of the Miami & Erie Canal known as Swan Creek and the construction of a side cut from the easterly bank of Swan Creek to the abandoned side cut on the easterly side of St. Clair Street.

This contract was entered into between the city of Toledo and the State of Ohio and said improvements have been made under this contract. The chief engineer for the United States Government also gave his consent and approval for this improvement, so that all of his details have been executed in proper manner. Under Exhibit No. 2 we also offer you a history of the Miami & Erie Canal as located within the city of Toledo. Under Exhibit No. 3 we offer you map showing proposed plan for changing Swan Creek and also abandonment of same, a detail sketch of Toledo side cut, a comprehensive plan for the diversion of Swan Creek, and the making of all necessary improvements with bridges, streets, and docks. Exhibit No. 3 also contains a map of the city of Toledo, a map in detail covering the special section of the city of Toledo covered by Swan Creek and Miami & Erie Canal, and also showing a map of Lucas County, Ohio, showing that Swan Creek originates in Henry and Fulton Counties, Ohio, and is at least 25 miles in length. If Swan Creek was eliminated at its present mouth it would be necessary to divert this stream at some other point southwesterly from the city of Toledo, and this again would entail the building of many new bridges and also a river bed to drain the Swan Creek Valley watershed to the Maumee River. From every economic and business viewpoint you will note that this plan would be impractical and visionary.

We might say in conclusion that many of those that are promoting this league expect to gain some financial benefit by the change of the Summit Street location, and it is also common gossip that the railroad companies, who are under cover, have some plan through this diversion that they anticipate completing.

We, the undersigned, offer the foregoing brief as matters of records and facts pertaining to our conduct of business upon Swan Creek, the use of waters upon the Miami & Erie Canal, and all procedures and hearings that have been held in the past before the common council of the city of Toledo and its public officers, the members of the Legislature of the State of Ohio, the committee representing the members of the Legislature of the State of Ohio, the chief engineer of the State of Ohio, and all such public organizations as have heard this question discussed; that these statements and records are true and accurate to the best of our belief and understanding.

THE TOLEDO BUILDERS' SUPPLY CO.,
Per A. R. KUHLMAN, *Secretary and Treasurer.*
THE TOLEDO GRAIN & MILLING CO.,
Per D. W. CAMP, *President.*
THE OHIO BUILDERS' SUPPLY CO.,
By R. E. DE VILLE, *President and Manager.*
THE W. O. HOLST BUILDERS' SUPPLY CO.,
Per W. O. HOLST.

TOLEDO, OHIO, *December 23, 1914.*

We, the undersigned, officers of the Toledo Grain & Milling Co., a corporation under the State laws of Ohio, located in the city of Toledo, Ohio, make the following statement, to wit:

The Toledo Grain & Milling Co., which is located on the Miami & Erie Canal at Locks 3, 4, and 5, just above where the canal empties into Swan Creek, has a mill and storage elevator which is dependent upon this creek for its power in the conduct of the aforesaid business. This company has a lease from the State of Ohio for water power from this canal, calling for 4,800 cubic feet of water per minute at wier at Lock 6, sufficient to give them 150 horsepower. This water passes through their water wheels, then into the levels below, and thence into Swan Creek. Our lease does not expire until December 31, 1942, or 28 years. This company's mill has a capacity of 500 barrels of flour, 200 tons of meal, chop, and feed per day, also has a grain-storage capacity of 200,000 bushels. Should Swan Creek be declared not navigable and closed for all navigation, as per bill S. 6113, before your honorable body, the next step would be taken to ask the State of Ohio to relinquish their rights to the canal terminal, and thereby damage this growing and thriving industry without an adequate compensation for damages.

In the year of 1907 the State of Ohio, at tremendous cost, built five new locks, locking the water from the Miami & Erie Canal into Swan Creek. These locks are built of concrete and very permanent construction. This present milling property and their predecessors have occupied this property for the conduct of their business since the year of 1848.

(Exhibits A and B are true photographs of recent date of our mills located on the Miami & Erie Canal.)

STATE OF OHIO, *Lucas County, ss:*

I, D. W. Camp, being first duly sworn, on my oath say that the foregoing statement has been made by myself from the records of the books of the Toledo Grain & Milling Co., and also from common knowledge of conditions affecting the Miami & Erie Canal and Swan Creek, and the same are true and accurate to the best of my knowledge and belief.

[SEAL.] THE TOLEDO GRAIN & MILLING CO.,
By D. W. CAMP, *President.*
D. W. CAMP.

Sworn to and subscribed in my presence this 24th day of December, 1914.

[SEAL.] W. G. SHEPARD,
Notary Public, Lucas County, Ohio.

(My commission expires Feb. 16, 1917.)

Whereas every nation in the world is trying to increase its waterways and dockage, in the knowledge that water transportation is the cheapest known transportation, and believing that the surest and speediest way to develop the resources of our city and the growth of the community and promote prosperity to every interest is to improve all our waterways as fast and as far as we can; and

Whereas there is some discussion with reference to the elimination of that part of Swan Creek which is now navigable and is being used by many industries for dock purposes: Therefore be it

Resolved, That we, members of the Toledo Produce Exchange, are opposed to the elimination of Swan Creek and the loss of any of its dock properties by the diversion of this stream; and further be it

Resolved, That we would favor the deepening and straightening of the present stream, thereby increasing its present usefulness.

F. O. PADDOCK, *President.*

OFFICE OF THE TOLEDO PRODUCE EXCHANGE,
Toledo, Ohio, December 23, 1914.

I, Archibald Gassaway, secretary of the Toledo Produce Exchange of the city of Toledo, hereby certify the foregoing to be a true copy of a resolution passed by the Toledo Produce Exchange on the 2d day of June, 1913, the original of which is on file in the office of said exchange at Toledo, Ohio.

In witness whereof, I have hereunto subscribed my name and affixed the seal of the said exchange the day and date above written.

[SEAL.] ARCHIBALD GASSAWAY, *Secretary.*

TOLEDO, OHIO, *December 23, 1914.*

We the undersigned officers of the Ohio Builders' Supply Co., a corporation under the State laws of Ohio, located in the city of Toledo, Ohio, make the following statement:

1. That the boats of the Doville Lake Sand & Gravel Co., of Toledo, Ohio, regularly during the season of navigation deliver at our dock the necessary sand and other material for the conduct of our business.

2. That during the season of 1914 we handled over our docks 19,277 tons of sand and gravel from the Great Lakes and the Canadian waters.

3. We hereby attach Exhibits A, B, and C, which represent a true photograph of our dock located on Swan Creek at Toledo, Ohio.

[SEAL.] THE OHIO BUILDERS' SUPPLY CO.,
By RAYMOND E. DOVILLE,
President and Manager.

STATE OF OHIO, *Lucas County, ss:*

I, Raymond E. Doville, being first duly sworn, on my oath say that the foregoing statement has been made by myself from the record of the books of the Ohio Builders' Supply Co. at Toledo, Ohio, and the same are true and accurate to the best of my knowledge and belief.

RAYMOND E. DOVILLE.

Sworn to and subscribed in my presence this 26th day of December, 1914.

LEVERETT ALCOTT ROWLEY,
Notary Public, Lucas County, Ohio.

Mr. GOODWIN of Arkansas. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. GOODWIN of Arkansas. I yield three minutes to the gentleman from Ohio [Mr. WHITACRE].

Mr. WHITACRE. Mr. Speaker, the Chinese have no monopoly on tricks that are vain; and the remark made by the gentleman from Kansas here a few minutes ago—that when you have something rotten and want to get it through, bring it in in the last hours—applies to this.

Mr. GORDON. Riders on appropriation bills.

Mr. WHITACRE. Bring it in in the last hours and shut off all debate; shut the mouths of everybody who has anything to say about it. This proposition to declare this creek nonnavigable is rotten from top to bottom. The purpose of it is to take away the private property of a few private citizens in order to enhance the value of the private property of a few other private citizens.

Mr. SHERWOOD. Will the gentleman yield?

Mr. WHITACRE. No; I can not yield; I have only three minutes. You have had your debate and you have cut off all other debate.

Mr. SHERWOOD. If the gentleman wants the truth he will yield.

Mr. WHITACRE. I will yield if the gentleman will give me five minutes of his time.

Mr. SHERWOOD. I can not get any time.

Mr. WHITACRE. Then do not take up my time. This creek is navigable and is used every day in the year except when it is frozen up.

Mr. SHERWOOD. I challenge the gentleman to produce a single vessel that ever sailed up that creek.

Mr. WHITACRE. I can show the gentleman a picture of the creek.

Mr. SHERWOOD. The gentleman can not name a vessel that ever sailed up that creek.

Mr. WHITACRE. I can name lots of them. I will tell you gentlemen what that creek is used for. There are people on the creek who have sand docks, and they supply the city with sand. The sand is taken from up the Maumee River and brought down on sand barges and is unloaded on these docks on Swan Creek and then distributed to all the builders and people of the city who want to build. All the docks on this part of the river [indicating on the map] are taken up and monopolized, and there is no place for these people to unload, except to go way down the river, along here. The purpose is to drive these men out and monopolize the sand business in the hands of a few men who happen to have the luck to get a dock that is along the river here.

Mr. KEY of Ohio. Will the gentleman yield?

Mr. WHITACRE. No; I will not yield. I have not the time. If these people are driven out of there, the city of Toledo for all time to come—all the builders—will be compelled to pay an extra cost for their sand. It costs about 25 cents per ton per mile for trucking, and they will have 4 or 5 miles to haul that load of sand, and that is a perpetual burden on all the building operations in the city.

Mr. MOORE. How much water is there in this creek?

Mr. WHITACRE. Twelve to fifteen feet at high water.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SPARKMAN. Mr. Speaker, I yield four minutes to the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. Mr. Speaker, no Member can more seriously object to the manner in which this bill comes back here than I have, and I doubt if any Member of the House has more grounds for objection for local reasons, and still I am going to vote for the motion to concur in the Senate bill. The only reason I shall do so is the information that comes to us that it is a concurrence with this bill or no river and harbor bill at this session. The failure to pass the bill would be a public calamity. Works in progress would cease, Government plants would deteriorate, and our water-borne commerce would suffer. This bill carries a $25,000,000 appropriation from the Treasury, and $5,000,000 diverted from appropriations heretofore made for various projects and not used, making a total of $30,000,000.

Mr. GORDON. Will the gentleman yield?

Mr. SMALL. No; I can not yield. I wish to present just two propositions, however, as illustrating the inconsistency of the Senate in the manner of presenting this bill to us. The House framed the best bill which it could present after months of patient consideration. All the important projects under construction were provided for by appropriations sufficient to continue work until June 30, 1916. There were evidently objections by some Member or Members of the Senate to items of appropriation in that bill because of lack of merit, and yet every item as reported by the House Committee on Rivers and Harbors and as passed by this House had previously received the unqualified approval of the Army engineers. It is understood that this Senate bill was submitted by the Senator from Ohio [Mr. BURTON], and that the Senate reluctantly felt constrained to accept it or have the bill as reported by the Senate committee talked to death.

Now, what do we find, in spite of the objections to the items in the bill as passed by the House?

We find the Senate passing a lump appropriation of $30,000,000 to be spent—how? In the discretion of the engineers, and to be allotted by them. Presumably the engineers will make the allotment to the projects selected by your committee and by this House. Could there be an example of greater inconsistency than that which is presented to us? The other body could not accept the House bill, every item of which had been recommended by the Army engineers; and yet they appropriate the lump sum of $30,000,000 to be expended in the discretion of these same Army engineers.

Just one other illustration: This bill provides for the reexamination of certain projects upon which favorable reports have heretofore been made and which have been adopted and appropriations made therefor. Among those projects for which reexamination is provided is a section of the intracoastal waterway from Norfolk, Va., to Beaufort, N. C. If there has been any one project heretofore adopted by Congress which has been surveyed more than any other, it has been this section of the intracoastal waterway. Beginning with 1875, there have been at least five examinations and surveys, every one favorable; and yet this bill provides that there shall be a reexamination. I might advert to other items in the Senate bill which provides for reexamination of other projects, but I cite this simply to show the inconsistency which is back of the Senate bill and upon which it is predicated, and I hope that this will be the last time that the House will be called upon to approve such a bill as this.

Referring again to the intracoastal waterway from Norfolk to Beaufort Inlet, N. C., there have been an unusually large number of examinations and surveys of this inland waterway. In 1875 Congress ordered a survey from the southern end of the Dismal Swamp Canal to the Cape Fear River, and a most valuable report by S. T. Abert was made, which is to be found in the Annual Report of the Chief of Engineers for 1876, page 376.

There were several subsequent reports, but the most important was that authorized in the river and harbor act of June 13, 1902, submitted to Congress February 19, 1904, and is printed as House Document No. 563, Fifty-eighth Congress, second session. This report covers the route from Norfolk, Va., to Beaufort, N. C., Inlet. The authorization was to determine the most advantageous route, with a channel depth of not less than 16 feet, and the law further directed the engineers to include the probable cost of any existing privately-owned waterway which might form a part of the proposed route and which it might be to the interest of the United States to acquire.. The special board detailed thereon made an elaborate favorable report. The Board of Engineers for Rivers and Harbors in reveiwing this report, while conceding the importance of this waterway, stated as their conclusion that the cost of a waterway 16 feet in depth was greater than the resulting benefits would justify and recommended that another survey be had between Norfolk and Beaufort with a view to securing a depth of 10 or 12 feet, as might be most desirable, and they further expressed the opinion that a waterway of this lesser depth would greatly benefit commerce and possess military advantages.

Congress authorized another examination and survey from Norfolk to Beaufort in the river and harbor act of March 3, 1905, with a depth of 10 to 12 feet, and this work was assigned to a special board of engineer officers, and their report, with the concurring approval of the Board of Engineers for Rivers and Harbors and the Chief of Engineers, was submitted to Congress on December 3, 1906, and is printed as House Document No. 84, Fifty-ninth Congress, second session. This report contains estimate of cost for a depth of 10 and 12 feet, respectively, but recommended the latter depth. It also recommends the purchase of the Albemarle & Chesapeake Canal as a part of the route, provided the said canal could be purchased by the United States for a sum not exceeding $500,000. This report is altogether favorable to the project.

By the act of March 2, 1907, Congress provided for the construction of one section of this waterway from Norfolk to Beaufort, by making an appropriation for the construction of the Adams Creek Canal connecting Neuse River with Beaufort Inlet, with a channel depth of 10 feet. This canal was so constructed as to admit of dredging it to a greater depth.

In the river and harbor act of March 3, 1909, Congress authorized the survey for a continuous waterway from Boston to Beaufort, with a maximum depth of 25 feet and such lesser depths along any portion as may be found sufficient for commercial, naval, and military purposes. This report was submitted to Congress on January 4, 1912, and is printed as House Document No. 391, Sixty-second Congress, second session. This is an elaborate report and discusses in detail all the intervening links between Boston and Beaufort, including the link from Norfolk to Beaufort. This report recommended the construction of a waterway 12 feet deep between Norfolk and Beaufort at a total cost of $5,400,000, which included $500,000 for the purchase of the existing Albemarle & Chesapeake Canal.

Congress adopted the project from Norfolk to Beaufort in accordance with the report last named in the river and harbor act of 1912, and appropriated $600,000, of which $500,000 was to be used in the purchase of the Albemarle & Chesapeake Canal property. This canal has been purchased and is now the property of the United States.

In the river and harbor act of 1913 an additional appropriation of $800,000 was made for this project. It is understood that contracts have been made which involve the expenditure of substantially all the existing appropriations. The work on this project so far undertaken is on that section between Norfolk and Albemarle Sound.

Out of the lump appropriation contained in the river and harbor act of 1914, no allotment was made for this project for the reason that it was assumed that the existing appropriations would continue the work up to March, 1915.

There has never been an unfavorable report on this inland waterway from Norfolk to Beaufort as to its commercial and military advantages.

Mr. SPARKMAN. Mr. Speaker, how does the time stand?

The SPEAKER pro tempore (Mr. GARNER). The gentleman from Florida has five minutes remaining.

Mr. SPARKMAN. Mr. Speaker, I yield two minutes to the gentleman from Ohio [Mr. GOEKE].

Mr. GOEKE. Mr. Speaker, I rise to say just a few words about the provision in this bill that withdraws jurisdiction of the United States over Swan Creek in the city of Toledo. As far as I am personally concerned, I am content to rest my vote on that proposition upon the advice of my distinguished colleague, Gen. SHERWOOD, who represents that district and city. There is no man in Congress or out of Congress who knows more about the merits of the question than he does, and when he says that the people of Toledo want this bill passed in this form, I believe him. He would not misrepresent the facts. This House can well afford to follow his judgment and vote for the bill. [Applause.]

Mr. SHERWOOD. I would say to the gentleman that every newspaper in Toledo but one, 20 civic societies, every leading business on Summit Street, with 6,000 names in the petition, approve the passage of this bill.

Mr. GORDON. And every city official in Toledo is against it.

Mr. SHERLEY. Mr. Speaker, will the gentleman yield?

Mr. GOEKE. Yes.

Mr. SHERLEY. There is a protest filed here in which it is stated that in order to get the newspapers to publish this propoganda they had to have paid advertisements.

Mr. SHERWOOD. This is an editorial from the Toledo Blade.

Mr. GOEKE. These protests that the distinguished gentleman from Kentucky produces here—and I have seen them—are furnished by a gentleman named John B. Friend, the paid attorney of the people who are protesting against the passage of this bill.

Mr. WHITACRE. Mr. Speaker, will the gentleman yield?

Mr. GOEKE. Yes.

Mr. WHITACRE. Is there any other paid attorney of the other interest here?

Mr. GOEKE. I have no knowledge of that.

Mr. WHITACRE. I have.

Mr. GOEKE. If the gentleman has he ought to make it known; but I would like to say to my distinguished colleague from Ohio, for whose judgment I have a great deal of respect, that I can not understand why he is meddling in this thing so vociferously this morning. [Laughter and applause.]

Mr. SHERWOOD. Selling bricks.

Mr. GORDON. Why was not this sent to the Committee on Interstate and Foreign Commerce?

Mr. GOEKE. Mr. Speaker, the only thing that the United States Government and the people of the United States relinquish, if we pass this amendment, is that in the future the Government can not appropriate money to improve this little creek in the city of Toledo that has been a common nuisance for 20 years.

Mr. SHERLEY. Does it not mean that the Federal Government gives up all control of any kind over it?

Mr. GORDON. Certainly.

Mr. GOEKE. And when it does that the only material control it gives up is the right to expend money on that creek—nothing more and nothing less?

Mr. SHERLEY. Is it not true that there are terminal facilities there that one railroad has, and that all of the other railroads have terminal facilities on the Maumee, and that by closing this you cut out competition?

Mr. GOEKE. I want to answer that by saying that if there are any private rights involved in this question the courts of Ohio will see to it that every man's rights are protected.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. GOODWIN of Arkansas. Mr. Speaker, I yield three minutes to the gentleman from Wisconsin [Mr. FREAR].

Mr. FREAR. Mr. Speaker, for four days I endeavored as best I could in a humble way to try to point out defects in this year's river and harbor bill when it was before the House in January. Now, I have three minutes in which to discuss a $30,000,000 proposition that has not been discussed as to its merits by anyone thus far. You have talked for a half hour on a Swan Creek proposition to vacate a creek. It has been stated here that the House is making itself ridiculous because of action in the other branch of the Capitol. Let me say to you, gentlemen, it may be true. Think of the proposition you have here, voting for $30,000,000 for rivers and harbors and putting that money into the hands of one man, an Army engineer. Never before in the history of this country have you done such a thing, except in the case of a President, and then during war for war purposes. To-day $30,000,000 is the unexpended balance on all projects, or it was on the 1st day of last January. Twenty-five million dollars are appropriated here in a lump sum by this substitute bill, and $5,000,000 more of unexpended balance is added to that for 1915. That makes $30,000,000 more to be expended—how? According to the judgment and the wishes of one man, an Army engineer. Congress has surrendered its representative capacity to one man. I agree with you on that; but we have surrendered to an Army engineer, who determines where this $30,000,000 is to go. Think of the responsibility, when 10 years ago this appropriation was only $10,000,000. Now you are making it $30,000,000, and let me say to you, gentlemen, that with $42,000,000 balance in the Treasury, the lowest balance you have had for years, and that is the report of yesterday, you are now assuming the responsibility of placing $30,000,000 in the hands of the engineers of this country to expend as they see fit—all of that vast amount on one proposition, if they choose. You have lost all control of legislation by this Senate amendment. I desired to offer an amendment to reduce the $30,000,000 substitute to five or ten million dollars, covering the cost of maintenance, and I would have done so, but that privilege under the parliamentary situation has been lost. You say that the engineers are to be trusted. How many projects have been approved by the engineers that have been abandoned—wasted money? Read the RECORD of last night and find a list mentioned in the Senate which have been abandoned after having been commenced by the engineers. How many projects in this House have been defeated that were recommended by the engineers? One of $18,000,000 during the past session. How many projects are land-reclamation projects, water-power projects, or projects for various other special interests? The engineers are to be given the sole right by this bill to expend $30,000,000 of the people's money for the first time in the history of the country, with $30,000,000 of an unexpended balance now on hand. And this vast amount and power is for a river and harbor bill.

Army engineers now pass on all propositions; now they are to legislate by determining where this extravagant, wasteful appropriation shall be expended. Why not abrogate all powers to the Army engineers? What influence may govern their action?

Mr. GOODWIN of Arkansas. Mr. Speaker, I yield two minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER. Mr. Speaker, the attaching of riders to general appropriation bills is a vicious way to legislate. The rider on this appropriation, a rider having nothing to do with appropriations, but declaring a stream to be nonnavigable, is absolutely without excuse and worthy only of condemnation. The question whether this stream should be declared nonnavigable ought not to be here as a rider on an appropriation bill but as a separate proposition, so that it could be decided on its own merits. If it could not pass on its merits, then it ought not to pass at all. A bill to make this stream nonnavigable was introduced in the present House; but numerous and strong protests against the bill came from business men in Toledo, and the Committee on Interstate and Foreign Commerce has never had hearings on it, and, of course, has never reported it to the House. And yet here it is as a rider.

These protests set forth, among other things, that the city of Toledo has just completed a dock 915 feet long on this stream at a total cost of $115,000.

The Clover Leaf Terminal Co. has its only dock on this stream, and the closing of this creek would deprive them of all of the benefits of the river cargo navigation. There is a certain kind of traffic that comes to this railroad, which has its only terminal facilities on the creek.

And if we deprive it of these terminal facilities that particular kind of traffic will go to other railroads. The mayor and all of the officials of the city, so these protests say, have refused to ask for this legislation. And it is most remarkable that it should be here now in the form of a rider upon a river and harbor bill, the River and Harbor Committee of the House not having jurisdiction over bills to declare streams nonnavigable.

But we are asked to vote for this rider and declare a stream in the city of Toledo nonnavigable over the protest of many business men of the city, and without the sanction of the officials of the city or of the State, and, as we know, without the recommendation of our own committee headed by the gentleman from Georgia [Mr. ADAMSON]. No committee of the House has even considered the proposition. This method of making laws ought not to be tolerated.

The SPEAKER. The time of the gentleman has expired. The gentleman from Arkansas [Mr. GOODWIN] has one minute remaining.

Mr. SMALL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to extend his remarks in the RECORD. Is there objection. [After a pause.] The Chair hears none.

Mr. SPARKMAN. Mr. Speaker, I make the same request.

Mr. TREADWAY. Mr. Speaker, the gentleman from Arkansas agreed to yield to me.

The SPEAKER. The gentleman from Massachusetts is recognized.

Mr. TREADWAY. Mr. Speaker, I regret exceedingly as a member of the Committee on Rivers and Harbors to be obliged to vote against the motion of the distinguished chairman. He himself says that he does not believe in the motion he makes, that it is not good legislation for us to abrogate all our rights, as this great legislative body will do, if we accept the amendments. His only reason for the motion he makes is that he feels it will be impossible to secure anything else. Further than that, I want to call attention to the fact that we are confusing the provisions of very important legislation, as most of this debate has been confined to a little stream in Toledo, Ohio. Do not vote on that proposition, gentlemen, but vote on the merits of whether or not we should allow our legislative rights to be abrogated entirely and taken away from us and placed in

the hands of one department. Do just the same for the War Department; do it for the Navy Department; do it for all the departments, if you do it for one. Do not let us continue this policy any further.

We were confronted by the same situation at the last session, and then yielded without the least effort to have the method of appropriating for rivers and harbors which has been in vogue for many years continued. What object can there be for the existence of the Committee on Rivers and Harbors if, after months of careful study, their work is to be swept aside and all authority concentrated in the hands of the Chief of Engineers? It is neither fair to the committee nor a proper method of appropriating money. I never have been able to bring myself to support measures in which I did not believe, and I can not do so in this case.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

[By unanimous consent, Mr. SPARKMAN, Mr. GOEKE, Mr. CARAWAY, Mr. HAMILL, Mr. WHITACRE, Mr. JACOWAY, and Mr. MADDEN were granted leave to extend their remarks in the RECORD on the river and harbor bill.]

Mr. BURKE of South Dakota. Mr. Speaker, I rise to ask unanimous consent to extend my remarks in the RECORD on the Murray resolution.

The SPEAKER. Is there objection?

There was no objection.

Mr. RAKER. Mr. Speaker, in the rush last night I forgot to ask unanimous consent to extend my remarks on the applebox bill. I do it now.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD on the applebox bill. Is there objection?

There was no objection.

Mr. McLAUGHLIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the same bill.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Florida [Mr. SPARKMAN] is entitled to three minutes.

Mr. SPARKMAN. Mr. Speaker, I yield two minutes to the gentleman from Missouri [Mr. RUSSELL].

Mr. RUSSELL. Mr. Speaker, I represent a large territory in the heart of the Mississippi Valley and a constituency that is deeply interested in the improvement of the Mississippi River and in the improvement of its levees for the protection of that rich agricultural country against frequent floods from that river. Not only because I live in that valley am I interested in this bill, but because I know that the American people and all of the commercial interests of this country are deeply interested in the improvement of the waterways of the country and in water transportation.

There has been an effort in this House to-day to prejudice this bill because of one-man power, so called, in another branch of the American Congress. I myself am opposed to that sort of dictation as much as any man in this House, but it is a condition that confronts us to-day, and not a theory. The chairman of the Rivers and Harbors Committee [Mr. SPARKMAN], and nearly all of the members of that committee, if not all of them, express themselves as believing that it is this bill to-day or nothing. I know that the opposition say there is an objectionable item in this bill making nonnavigable Swan Creek, in the city of Toledo, Ohio. The body at the other end of this Capitol has as much right to legislate as we have, and I am not yet ready to vote to abolish the United States Senate. They had a right to put that item in this bill, and I understand that the two United States Senators from the State of Ohio, one a Democrat and one a Republican, are both in favor of this proposition.

Mr. GORDON. Who told you that?

Mr. RUSSELL. Gen. SHERWOOD told me that.

Mr. GORDON. I am advised that is not so.

Mr. RUSSELL. The gentleman who represents the Toledo district, and not only represents that district but lives in that city, the grand old man of this House, Gen SHERWOOD [applause], stands here and says that he is willing to take the responsibility of making Swan Creek nonnavigable. If he and the two Senators from Ohio favor this item, why should we from other States object?

The SPEAKER. The time of the gentleman has expired.

Mr. SPARKMAN. Mr. Speaker, I yield the balance of my time to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Speaker, this House can not afford to stop work on the improvement of the hundreds of waterways in this country for 15 months. We can not afford in the interests of the public service to have the engineering force disorganized and discharged, a trained and experienced force, turned loose in every State of the Union. This is a serious proposition before us. Our responsibility as representatives of the people, as custodians of the interests of the various departments of this Government, should cause us to lay aside all spite and pique at the action of certain Members of the Senate and pass this bill. We might as well fail or refuse to vote the necessary supplies for running the Army or the Navy or the Department of Agriculture. All of these existing projects have been adopted, millions of dollars have been expended on them, and we are confronted now with a cessation of work and an injury to the public works of this country on rivers and harbors which will run into the millions. If this work is not continued—if it is stopped—what has been done will be largely washed away, and we shall be called upon later on to vote thousands and thousands of dollars to repair the great injury to the rivers and harbors because we fail to pass this measure.

The SPEAKER. The time of the gentleman has expired.

Mr. SHERLEY. Division.

The SPEAKER. The gentleman from Kentucky demands a division.

The House divided; and there were—ayes 104, noes 47.

Mr. SHERLEY. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on suspending the rules and taking this bill from the Speaker's table and concurring in the Senate amendment.

The question was taken; and the Speaker announced that, in the opinion of the Chair, two-thirds had voted in the affirmative.

The question was taken; and there were—yeas 222, nays 99, not voting 102, as follows:

[Roll No. 98.]

YEAS—222.

Abercrombie	Donohoe	Johnson, Ky.	Pou
Adair	Doremus	Johnson, Utah	Powers
Adamson	Driscoll	Johnson, Wash.	Price
Ainey	Drukker	Jones	Quin
Alexander	Dupré	Kahn	Ragsdale
Allen	Eagan	Keating	Raker
Anderson	Eagle	Kelley, Mich.	Reilly, Conn.
Aswell	Edmonds	Kennedy, R. I.	Riordan
Austin	Edwards	Kent	Roberts, Mass.
Baker	Evans	Kettner	Rothermel
Barkley	Falconer	Kitchin	Rouse
Bartholdt	Farr	Knowland, J. R.	Rucker
Bathrick	Fergusson	Konop	Russell
Beall, Tex.	Ferris	Kreider	Scully
Bell, Cal.	Fess	La Follette	Seldomridge
Bell, Ga.	Fields	Langham	Shackleford
Blackmon	Flood, Va.	Langley	Sherwood
Booher	Floyd, Ark.	Lazaro	Sims
Borland	Francis	Lee, Ga.	Sinnott
Brockson	French	Lee, Pa.	Slayden
Brodbeck	Gallivan	Lesher	Slemp
Browning	Garner	Levy	Small
Bruckner	Garrett, Tenn.	Lewis, Pa.	Smith, Idaho
Brumbaugh	Garrett, Tex.	Lieb	Smith, Minn.
Buchanan, Tex.	Gilmore	Linthicum	Smith, N. Y.
Burgess	Godwin, N. C.	Lobeck	Smith, Saml. W.
Burnett	Goeke	Loft	Sparkman
Butler	Goulden	Logue	Stedman
Byrns, Tenn.	Greene, Mass.	Lonergan	Steenerson
Candler, Miss.	Gregg	McKellar	Stephens, Cal.
Caraway	Griest	McLaughlin	Stephens, Nebr.
Carlin	Griffin	Mahan	Stevens, Minn.
Carr	Hamill	Maher	Stevens, N. H.
Carter	Hamilton, Mich.	Manahan	Sumners
Casey	Hamlin	Mapes	Sutherland
Church	Hardy	Metz	Switzer
Clancy	Harris	Miller	Taylor, Ala.
Clark, Fla.	Harrison	Mitchell	Ten Eyck
Cline	Hawley	Mondell	Thacher
Coady	Hay	Moon	Thomas
Collier	Hayden	Moore	Tribble
Connolly, Iowa	Hayes	Morgan, Okla.	Underhill
Conry	Heflin	Murray	Underwood
Cox	Helm	Nolan, J. I.	Vare
Crisp	Hinds	Oglesby	Vinson
Cullop	Holland	Padgett	Vollmer
Curry	Houston	Paige, Mass.	Walker
Danforth	Howell	Palmer	Walsh
Davis	Hughes, Ga.	Park	Watkins
Deitrick	Hughes, W. Va.	Parker, N. J.	Weaver
Dent	Hulings	Parker, N. Y.	White
Dershem	Hull	Patten, N. Y.	Wilson, Fla.
Dickinson	Humphrey, Wash.	Patton, Pa.	Winslow
Dies	Humphreys, Miss.	Peters	Young, Tex.
Difenderfer	Igoe	Phelan	
Dixon	Jacoway	Porter	

NAYS—99.

Aiken	Barton	Browne, Wis.	Byrnes, S. C.
Ashbrook	Beakes	Buchanan, Ill.	Callaway
Avis	Borchers	Bulkley	Campbell
Bailey	Brown, N. Y.	Burke, S. Dak.	Cramton
Baltz	Brown, W. Va.	Burke, Wis.	Davenport

Decker	Helgesen	Mott	Talcott, N. Y.
Dillon	Henry	Murdock	Tavenner
Doolittle	Hill	Neeley, Kans.	Taylor, Ark.
Esch	Johnson, S. C.	Nelson	Temple
Finley	Kelly, Pa.	O'Hair	Thompson, Okla.
FitzHenry	Key, Ohio	Oldfield	Thomson, Ill.
Foster	Kiess, Pa.	Page, N. C.	Towner
Fowler	Kirkpatrick	Rainey	Treadway
Frear	Korbly	Reilly, Wis.	Vaughan
Gallagher	Lenroot	Rogers	Volstead
Gard	Lewis, Md.	Rubey	Watson
Glass	Lloyd	Rupley	Webb
Goodwin, Ark.	McAndrews	Sabath	Whaley
Gordon	McKenzie	Scott	Whitacre
Gorman	MacDonald	Sherley	Williams
Graham, Ill.	Madden	Sloan	Wingo
Graham, Pa.	Maguire, Nebr.	Smith, Tex.	Witherspoon
Gray	Mann	Stafford	Woods
Green, Iowa	Morrison	Stone	Young, N. Dak.
Greene, Vt.	Moss, Ind.	Stringer	

NOT VOTING—102.

Anthony	Estopinal	Kennedy, Iowa	Rauch
Barchfeld	Fairchild	Kindel	Rayburn
Barnhart	Faison	Kinkaid	Reed
Bartlett	Fitzgerald	Lafferty	Roberts, Nev.
Bowdle	Fordney	L'Engle	Saunders
Britten	Gardner	Lever	Sells
Broussard	George	Lindbergh	Shreve
Bryan	Gerry	Lindquist	Sisson
Burke, Pa.	Gill	McClellan	Smith, J. M. C.
Calder	Gillett	McGillicuddy	Smith, Md.
Cantor	Gittins	McGuire, Okla.	Stanley
Cantrill	Goldfogle	Martin	Stephens, Miss.
Carew	Good	Montague	Stephens, Tex.
Cary	Gudger	Morgan, La.	Stout
Chandler, N. Y.	Guernsey	Morin	Taggart
Claypool	Hamilton, N. Y.	Moss, W. Va.	Talbott, Md.
Connelly, Kans.	Hart	Mulkey	Taylor, Colo.
Cooper	Haugen	Neely, W. Va.	Taylor, N. Y.
Copley	Helvering	Norton	Townsend
Crosser	Hensley	O'Brien	Tuttle
Dale	Hinebaugh	O'Shaunessy	Wallin
Donovan	Hobson	Peterson	Walters
Dooling	Howard	Platt	Wilson, N. Y.
Doughton	Hoxworth	Plumley	Woodruff
Dunn	Keister	Post	
Elder	Kennedy, Conn.	Prouty	

So the motion to suspend the rules and concur in the Senate amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. TUTTLE (for motion) with Mr. PROUTY (against).

Until further notice:

Mr. TALBOTT of Maryland with Mr. GOOD.

Mr. BARNHART with Mr. LINDQUIST.

Mr. DALE with Mr. ROBERTS of Nevada.

Mr. BARTLETT with Mr. ANTHONY.

Mr. CROSSER with Mr. BARCHFELD.

Mr. BROUSSARD with Mr. DUNN.

Mr. CANTRILL with Mr. BRITTEN.

Mr. CONNELLY of Kansas with Mr. BURKE of Pennsylvania.

Mr. DOOLING with Mr. CALDER.

Mr. DOUGHTON with Mr. CARY.

Mr. ESTOPINAL with Mr. COOPER.

Mr. FITZGERALD with Mr. GILLETT.

Mr. GOLDFOGLE with Mr. COPLEY.

Mr. HART with Mr. FAIRCHILD.

Mr. HOWARD with Mr. FORDNEY.

Mr. MCGILLICUDDY with Mr. GUERNSEY.

Mr. MORGAN of Louisiana with Mr. HAMILTON of New York.

Mr. MONTAGUE with Mr. KEISTER.

Mr. NEELY of West Virginia with Mr. HINEBAUGH.

Mr. O'SHAUNESSY with Mr. MCGUIRE of Oklahoma.

Mr. PETERSON with Mr. KENNEDY of Iowa.

Mr. STOUT with Mr. KINKAID.

Mr. RAUCH with Mr. MARTIN.

Mr. RAYBURN with Mr. MORIN.

Mr. REED with Mr. Moss of West Virginia.

Mr. SAUNDERS with Mr. PLATT.

Mr. SISSON with Mr. PLUMLEY.

Mr. STEPHENS of Mississippi with Mr. J. M. C. SMITH.

Mr. STEPHENS of Texas with Mr. WALLIN.

Mr. TAGGART with Mr. SHREVE.

Mr. HENSLEY with Mr. SELLS.

Mr. BRITTEN. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the hall listening when his name should have been called?

Mr. BRITTEN. I was not.

The SPEAKER. That bars the gentleman from voting.

Mr. GILL. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the hall listening when his name should have been called?

Mr. GILL. I was not.

The SPEAKER. The gentleman does not come within the rule.

Mr. TAYLOR of Colorado. Mr. Speaker, I was in and out of the hall two or three times. I do not know whether I was in the hall when my name was called or not.

The SPEAKER. The Chair does not think the gentleman brings himself within the rule.

The result of the vote was announced as above recorded.

PENSIONS.

Mr. KEY of Ohio. Mr. Speaker, I present conference reports on three pension bills, and I ask unanimous consent that the statements be read in lieu of the reports.

The SPEAKER. The gentleman from Ohio presents conference reports on three pension bills, and asks unanimous consent that the statements of the House conferees be read in lieu of the reports. Is there objection?

There was no objection.

The Clerk read the statement of the House conferees on House bill 21089.

The conference report and statement are as follows:

CONFERENCE REPORT (NO. 1506).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21089) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 10, 11, 14.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 4, 5, 6, 8, 9, 12, 13, 15, 16, and 17, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment with an amendment as follows: In lieu of "$17" insert "$12"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment with an amendment as follows: In lieu of "$17" insert "$12"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment with an amendment as follows: In lieu of "$17" insert "$12"; and the Senate agree to the same.

JOHN A. KEY,
WM. H. MURRAY,
SAM R. SELLS,
Managers on the part of the House.
BENJ. F. SHIVELY,
CHARLES F. JOHNSON,
REED SMOOT,
Managers on the part of the Senate.

STATEMENT.

On amendment No. 1 the House recedes from its disagreement to the amendment of the Senate No. 1, and agrees to the same with an amendment as follows: Restore the matter stricken out by said amendment with an amendment as follows: In lieu of "$17" insert "$12"; and the Senate agree to the same. It is not believed that the facts of this case justify a higher rate than $12 per month.

On amendment No. 2 the House concurs in the Senate amendment. The allowance of pension in this case is not justified or warranted by the facts presented.

On amendment No. 3 the House recedes from its disagreement to the amendment of the Senate No. 3 and agrees to the same with an amendment as follows: Restore the matter stricken out by said amendment with an amendment as follows: In lieu of "$17" insert "$12"; and the Senate agree to the same. From the facts as presented in this case it is not believed that a higher rate than $12 per month is warranted.

On amendment No. 4 the House concurs in the Senate amendment. This is only to change the phraseology.

On amendment No. 5 the House concurs in the Senate amendment. It is not believed that a pension in this case is warranted by the facts presented.

On amendment No. 6 the House concurs in the Senate amendment. It is not believed that the allowance of pension in this case is warranted.

On amendment No. 7 the House recedes from its disagreement to the amendment of the Senate No. 7 and agrees to the same

with an amendment as follows: Restore the matter stricken out by said amendment with an amendment as follows: In lieu of "$17" insert "$12"; and the Senate agree to the same. A higher rate than $12 per month is not justified by the facts of this case.

On amendment No. 8 the House concurs in the Senate amendment. This is only a change in the service.

On amendment No. 9 the House concurs in the Senate amendment. A higher rate than $12 per month does not appear to be warranted by the facts of this case.

On amendment No. 10 the Senate recedes. By the facts of this case it is believed that a pension is warranted and justified.

On amendment No. 11 the Senate recedes. From the evidence filed in support of this case it is believed that a pension is justified.

On amendment Nos. 12 and 13 the House concurs in the Senate amendments. This is merely a change of phraseology.

On amendment No. 14 the Senate recedes. An allowance of pension at $17 per month appears to be justified by the evidence filed in support of this case.

On amendment No. 15 the House concurs in the Senate amendment. A higher rate than $12 per month is not warranted by the evidence filed in support of this case.

On amendments Nos. 16 and 17 the House concurs in the Senate amendments. This is merely a change in phraseology.

JOHN A. KEY,
WILLIAM H. MURRAY,
SAM R. SELLS,
Managers on the part of the House.

The conference report was agreed to.

The Clerk read the conference report on House bill 20643, as follows:

CONFERENCE REPORT (NO. 1505).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20643) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 8, 10, 13, 21, 24, 28, 30, 33, and 34.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, 9, 11, 12, 14, 15, 16, 17, 18, 19, 20, 22, 23, 25, 26, 27, 29, 31, and 32, and agree to the same.

JOHN A. KEY,
WM. H. MURRAY,
SAM R. SELLS,
Managers on the part of the House.

BENJ. F. SHIVELY,
CHARLES F. JOHNSON,
REED SMOOT,
Managers on the part of the Senate.

The conference report was agreed to.

The Clerk read the conference report on House bill 21218, as follows:

CONFERENCE REPORT (NO. 1512).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21218) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 3, and 6.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 4, 5, and 7, and agree to the same.

JOHN A. KEY,
WM. H. MURRAY,
SAM R. SELLS,
Managers on the part of the House.

BENJ. F. SHIVELY,
CHARLES F. JOHNSON,
REED SMOOT,
Managers on the part of the Senate.

The conference report was agreed to.

EXPLORATION FOR COAL, PHOSPHATE, ETC.

Mr. FERRIS. I ask unanimous consent to take from the Speaker's table the bill (H. R. 16136) to authorize exploration for and disposition of coal, phosphate, gas, potassium, or sodium, with Senate amendments, and to disagree to the Senate amendments and ask for a conference.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to take this bill from the Speaker's table, disagree to all of the Senate amendments, and ask for a conference. Is there objection?

There was no objection, and the Speaker appointed as conferees on the part of the House Mr. FERRIS, Mr. GRAHAM of Illinois, and Mr. LENROOT.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Tulley, one of its clerks, announced that the Senate had passed the following resolution:

Senate concurrent resolution 38.

Resolved by the Senate (the House of Representatives concurring), That the action of the Speaker of the House of Representatives and of the Vice President of the United States and President of the Senate in signing the enrolled bill (S. 3362) to authorize the Secretary of Commerce, through the Coast and Geodetic Survey and the Bureau of Fisheries, to make a survey of natural oyster beds and rocks and barren bottoms contiguous thereto in waters along the coast of and within the State of Texas, be, and is hereby, rescinded, and that in the reenrollment of the bill the words "and directed," in line 4 of the bill, be stricken out and the words "in his discretion" substituted therefor.

The message also announced that the Senate had agreed to the report of the committees of conference on the disagreeing votes of the two Houses to bills of the following titles:

H. R. 19909. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1916, and for other purposes.

H. R. 20201. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1916, and for other purposes.

LEAVE TO EXTEND REMARKS.

By unanimous consent, leave was granted to Mr. SMALL to extend his remarks in the RECORD on the naval appropriation bill.

INDIAN APPROPRIATION BILL.

Mr. CARTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Indian appropriation bill (H. R. 20150), disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to take from the Speaker's table the Indian appropriation bill (H. R. 20150), disagree to the Senate amendments, and agree to the conference asked by the Senate. Is there objection?

Mr. HARRISON. Mr. Speaker, reserving the right to object, the Senate has placed in this Indian appropriation bill 171 amendments, most of which are very important. I will ask the gentleman, ought we not to go into Committee of the Whole, at least to let the membership of the House know something about what we are going to consider and vote on, rather than wait for a conference report, which we must adopt in whole or reject in whole?

Mr. CARTER. Mr. Speaker, the gentleman from Mississippi well knows what that means. It means, perhaps, that the House would not finish the bill and that we would have no Indian appropriation bill this year, because if we went into the Committee of the Whole to discuss these 171 amendments it would probably keep the House running until adjournment comes to-morrow at noon.

Mr. JOHNSON of Washington. Is it not a fact that a large number of these amendments relate to the placing back in the bill of items for the maintenance of Indian schools, which went out on a point of order?

Mr. FERRIS. I think that is true, but I have not had an opportunity to examine it.

Mr. HARRISON. I object, Mr. Speaker.

Mr. CARTER. Mr. Speaker, I move to take from the Speaker's table the bill H. R. 20150, suspend the rules, and disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Oklahoma moves to suspend the rules and take from the Speaker's table the Indian appropriation bill, disagree to all the Senate amendments, and

agree to the conference asked by the Senate. Is a second demanded?

Mr. HARRISON. I demand a second.

Mr. CARTER. I ask unanimous consent that a second be considered as ordered.

Mr. HARRISON. I object.

The SPEAKER. The Chair appoints as tellers the gentleman from Oklahoma [Mr. FERRIS] and the gentleman from Mississippi [Mr. HARRISON].

The House divided, and the tellers reported that there were 94 ayes and 3 noes.

So a second was ordered.

Mr. HARRISON. Mr. Speaker, I make a point of order that there was not a quorum voting.

Mr. MANN. That is not a good point of order.

The SPEAKER. It does not take a quorum to vote on the question.

Mr. HARRISON. I make the point of order that no quorum is present.

Mr. MANN. That is too late to affect this vote. Other business has intervened. The gentleman first made a point of order that there was not a quorum voting, and it does not require a quorum to vote. Now, it is too late to make a point of order that there is no quorum present and have it affect the vote.

The SPEAKER. Making the point of order that there is no quorum present would not affect the result of this vote. If the gentleman wishes to make the point of order simply to have a quorum, he has that right.

Mr. HARRISON. I make the point of order that no quorum is present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and fifteen Members present, a quorum. The gentleman from Oklahoma has 20 minutes and the gentleman from Mississippi [Mr. HARRISON] has 20 minutes.

Mr. CARTER. Mr. Speaker, I only desire to make the short statement again that there are 171 different Senate amendments to this bill. It will take the conferees quite a length of time, as the House will understand, to try to come to an agreement with the Senate conferees on these matters, so I am not going to take up the time of the House at this late hour in the day. I will make no further statement, but I will reserve the balance of my time.

Mr. HARRISON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HARRISON. Is it in order for me to ask unanimous consent while a motion to suspend the rules is pending? I want to ask the gentleman from Oklahoma if he will not consent, before a vote is taken on the adoption of the conference report in the House, that the conferees will allow us to have a separate vote on amendment 120.

Mr. MANN. If the gentleman from Mississippi will yield, that vote, if a separate vote is to be had, should be had now. It will do no good to come in here to-morrow morning and have a separate vote on that amendment, for it will be too late. If the gentleman wants a separate vote, he ought to have it now. We might as well have a half an hour debate on the amendment as to have 40 minutes' debate on this proposition.

Mr. CARTER. I did not quite understand the gentleman from Illinois.

Mr. MANN. If the gentleman from Oklahoma would ask unanimous consent to disagree to all of the Senate amendments except the one which the gentleman from Mississippi is interested in, and that there be 20 or 30 minutes' debate, I do not think he would meet with any objection.

Mr. CARTER. I have no objection to that.

Mr. BURKE of South Dakota. Let me suggest that that would be a good solution of the matter, if the gentleman from Mississippi will agree to abide by the result of the vote upon that amendment and not continue his obstruction.

Mr. MANN. That will be over with.

Mr. BURKE of South Dakota. At some later time the gentleman might raise a point of no quorum.

Mr. HARRISON. Of course, Mr. Speaker, I would have to submit to the result of the vote of the House on the question voted on, but I would not like to agree as to any future action.

Mr. BURKE of South Dakota. Inasmuch as we only have 19 or 20 hours left, the gentleman might make an agreement covering that time.

Mr. FERRIS. Mr. Speaker, it ought to be said by somebody that this amendment, upon which the gentleman wants a separate vote, is not a Mississippi Choctaw amendment. There was no Choctaw amendment.

Mr. CAMPBELL. May I ask what the question involved is in the Senate amendment upon which the gentleman wants a separate vote?

Mr. CARTER. It is reopening the rolls to another set of people who do not claim as Mississippi Choctaws.

Mr. FERRIS. It has been voted on time and time again.

Mr. HARRISON. If it does not apply to the Choctaws, why does the gentleman object to it?

Mr. CARTER. I am as much opposed to opening the rolls to anybody as to the Choctaws when it has been closed by Congress, closed by the commission, and closed by the court. I am in favor of keeping the agreement with the Indians.

Mr. MANN. I hope the gentleman from Oklahoma will make the request to take the bill from the Speaker's table, disagree to all Senate amendments except the one that the gentleman from Mississippi speaks about, and then have an agreement as to time for debate, and have a separate vote on the amendment. I doubt whether the gentleman can carry his motion if he does not do it.

Mr. CARTER. Mr. Speaker, I withdraw my motion to suspend the rules and ask unanimous consent that a separate vote be had immediately.

Mr. MANN. Why does not the gentleman ask unanimous consent to take the bill from the Speaker's table?

Mr. CARTER. I ask unanimous consent to take the bill from the Speaker's table, disagree to all the amendments except Senate amendment No. 120, and that debate on that be limited to 10 minutes on a side.

Mr. HARRISON. I would like 10 minutes.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that this bill be taken from the Speaker's table, disagree to all Senate amendments except Senate amendment No. 120, and that there shall be 10 minutes debate on a side.

Mr. LENROOT. Mr. Speaker, I would like to have five minutes.

Mr. CARTER. Then make it 15 minutes on a side.

The SPEAKER. Debate to be 15 minutes on a side, the gentleman from Mississippi [Mr. HARRISON] to have 10 minutes and the gentleman from Wisconsin [Mr. LENROOT] 5 minutes, and the gentleman from Oklahoma [Mr. CARTER] 15 minutes. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, let us have the amendment of the Senate, No. 120, reported.

The SPEAKER. The Clerk will report Senate amendment No. 120.

The Clerk read as follows:

Page 27, line 15, after "Act" insert: , except where contracts have been heretofore approved by the Secretary of the Interior, in accordance with existing law: *And provided further*, That such contract shall first be approved by the existing Department of the Interior: *Provided further*, That the Secretary of the Interior be, and he hereby is, authorized and directed to readjudicate those applications for enrollment upon the rolls of the Five Civilized Tribes which were pending unadjudicated in the department on December 1, 1906, and also those which came to said department between said date and the final closing of the rolls on March 4, 1907, and to add to the appropriate rolls the names of those persons shown to be equitably entitled to such enrollment: *Provided*, That such readjudication shall be made upon the record as it stood on March 4, 1907: *And provided further*, That upon such enrollment the said Secretary shall pay to each of said enrolled persons, in lieu of an allotment of land, the sum of money directed to be paid to each person enrolled, upon said rolls, by the Act of August 1, 1914.

Mr. HARRISON. Mr. Speaker, this amendment was offered in the Senate this morning by Senator LA FOLLETTE. There has been much discussion in this House and at the other end of the Capitol over this enrollment question. Senator LA FOLLETTE offered this amendment, which in part and to a very large extent will settle the question. The gentleman from Oklahoma [Mr. CARTER], I understand, states that this would not affect the Mississippi Choctaws. I have not read the debates of the Senate of this morning, because the CONGRESSIONAL RECORD does not carry them, as the Senate did not adjourn, I think, until about 5 o'clock; yet, in my opinion, this amendment will cover some of the Mississippi Choctaw claimants, for the reason that it says that the Secretary of the Interior is authorized and directed to readjudicate those applications for enrollment upon the rolls of the Five Civilized Tribes, and the Choctaw Tribe is one of the Five Civilized Tribes, which were pending unadjudicated in the department on December 1, 1906, and also those which came to said department between that date and the final closing of the rolls on March 4, 1907. Senator OWEN, from Oklahoma, in a brief that he filed in the Court of Claims, wherein he was suing for his fee as attorney for the Mississippi Choctaw claimants—and this is the milk in the coconut—in speaking of the McKinnon report, said:

In this report the commissioner made a schedule of 1,925 Mississippi Choctaws whom he identified as Mississippi Choctaws entitled to citizenship by treaty rights.

The report declares that the Mississippi Choctaws were poor, ignorant, and helpless. This report in behalf of the full blood Mississippi Choctaw, signed and submitted to the Dawes Commission, was disapproved eight years later by Mr. Hitchcock on March 4, 1907,

without notice or warning, so that no person upon this roll ever knew for eight years whether he was so identified as to be entitled to be removed as an identified Mississippi Choctaw.

Finally he said:

The entire schedule was rejected without notice.

Mr. Speaker, there are now on this roll in the Interior Office about 1,100 of these Mississippi Choctaws who went before Commissioner McKinnon, representing the Dawes Commission, and the other commissioners, and identified themselves as Mississippi Choctaws, and they proved themselves entitled to enrollment. They thought they would be enrolled when the final rolls were approved on the 4th of March, 1907, and without reason those men who were properly identified by those commissioners were not placed upon the final rolls of the nation. Their names are there. They are entitled to enrollment, and they in part were the ones that Senator LA FOLLETTE wanted to see enrolled. This Senate amendment does not say they shall be enrolled, but it says that the Secretary of the Interior shall readjudicate those cases and enroll those who, in his opinion, ought to be enrolled. Is there anything unfair in that amendment? Would it not save much time in the future in this House if that question can be settled and this amendment can be concurred in? I submit that this House could do no better service to an outraged and needy people than to adopt this Senate amendment so that at least for a time this question will be settled. [Applause.]

I reserve the remainder of my time.

Mr. LENROOT. Mr. Speaker, this proposition has been discussed by me upon several occasions in the House. I am satisfied that if the House this afternoon understands just what it is proposed in this amendment it will be concurred in. Contrary to the statement that has been made, this proposition has never been voted upon by this House. The gentleman from Mississippi [Mr. HARRISON] has offered amendments to various appropriation bills relating to the Mississippi Choctaws, but this does not open up that question except as to such Mississippi Choctaws who on December 1, 1906, had applications for enrollment pending before the Secretary of the Interior. My contention has always been with reference to those Choctaws that because of the condition in the Department of the Interior when the statute of limitations of March 4, 1907, applied, the Secretary of the Interior did not and could not consider a very large number of these cases at all, and they were disallowed without consideration. He himself begged of Congress to extend the time for the adjudication of these claims. Congress failed to do so. The Department of the Interior has in a report stated that these same 2,700 cases ought to be reexamined and ought to be readjudicated, and I want to say that this amendment as it comes to us from the Senate does not change the law in any particular. It does not give new rights to a single Choctaw. All in the world that it does is to provide that the Secretary of the Interior as to cases that were pending before him between December 1, 1906, and March 4, 1907, he shall reexamine the cases and readjudicate them. The amendment provides further that there shall be no new evidence taken, but that the readjudication shall be had upon the record then filed with the department.

I want to say to my friends who are opposing this proposition that when you oppose it you either take the position that you are not willing to trust the Secretary of the Interior to do justice to these Indians who had their applications filed, who did everything that the law then existing required them to do, or else you are afraid that if he does so he will find that some of these Choctaws in Oklahoma and some in the State of Mississippi are entitled to be placed upon the rolls, and you will be put in this position, that although there may be some hundreds of Indians entitled to be placed upon the rolls just as much as any Indian in Oklahoma to-day who has received his allotment, yet you do not propose that they shall have their rights.

Now, gentlemen will say that this question has been before the House and voted upon time and time again. I say this proposition has never been before the House. I say further that if we could have had this proposition squarely presented before the House—and it could not be, because it was subject to a point of order—if you could have had this proposition presented to this House when this bill originally passed, if it could have been presented last year, I have not hesitation in saying that this amendment would have been adopted by an overwhelming majority, and, if so, it ought to be concurred in now.

The SPEAKER pro tempore [Mr. HAY]. The time of the gentleman has expired.

Mr. CARTER. Mr. Speaker, how does the time stand?

The SPEAKER pro tempore. The gentleman from Oklahoma has 15 minutes and the gentleman from Mississippi [Mr. HARRISON] has 6 minutes.

Mr. CARTER. I yield eight minutes to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Speaker, at every session of Congress and several times every session this old threadbare enrollment question is brought in, and it is asked that it be retried and tried again. No decision will close it; no conclusion of any committee can stop it. The Interior Department can report against it, but still, like Banquo's ghost, with the galleries full of attorneys, who will be enriched if they can get these people enrolled, this question appears on the scene.

I hold in my hand a letter from the Secretary of the Interior, Mr. Lane, under date of January 8, 1915, which says, among other things, that on March 4, 1907, the Congress came along and said that the rolls were forever closed. It deals with Mississippi Choctaw matter in full. He knows what he is talking about. He had the facts before him. It is as follows:

REPORT OF THE SECRETARY OF THE INTERIOR ON THE HARRISON BILL (H. R. 12586).

OFFICE OF THE SECRETARY OF THE INTERIOR,
Washington, January 8, 1915.

MY DEAR MR. STEPHENS: I have the honor to refer herein to a communication of August 12, 1914, from Hon. C. D. Carter, then acting chairman of the Committee on Indian Affairs of the House of Representatives, with which was inclosed a copy of H. R. 12586, entitled "A bill to reopen the rolls of the Choctaw-Chickasaw Tribe and to provide for the awarding of the rights secured to certain persons by the fourteenth article of the treaty of Dancing Rabbit Creek, of date September 27, 1830." He also referred to H. R. 4536 and requested that I consider the two bills together and make a report thereon.

Upon examination of H. R. 4536, I find that said bill is identical with H. R. 19213, introduced by Mr. HARRISON, of Mississippi, in the Sixty-second Congress, second session, upon which last-mentioned bill the department submitted to your committee a report dated July 2, 1912. H. R. 12586, introduced in the present Congress by Mr. HARRISON, is a similar bill to the above-mentioned bills except that in said H. R. 12586 an additional paragraph is included in section 2 to provide for the enrollment of all persons who were identified as Mississippi Choctaws by the Dawes Commission in its report of March 10, 1899, commonly known as the McKennon roll, and of all persons identified as Mississippi Choctaws by the Dawes Commission from March 10, 1899, to March 4, 1907, whose identification was approved by the Secretary of the Interior, but whose names did not appear on the final citizenship rolls of the Choctaw and Chickasaw Nations.

The claims of Mississippi Choctaw Indians to recognition as citizens of the Choctaw Nation of Oklahoma and to share in the property of said nation are based upon article 14 of the treaty of September 27, 1830, (7 Stat. L., 335.) Pursuant to the terms of the treaty, a large number of Choctaws were transferred from Mississippi to the country west, later known as Indian Territory. These Choctaws who so removed and their descendants now constitute the main body of what is known as the Choctaw Nation. There were, however, a considerable number of Choctaws who remained behind in Mississippi, some of them under the provisions of article 14, above mentioned.

Said article 14 provided that the persons who claimed thereunder should not lose the privilege of a Choctaw citizen, but if they ever removed were not to be entitled to any part of the Choctaw annuity. The Indians who remained behind under the provisions of said article 14 received either land in Mississippi or scrip, which gave the applicants the right to enter public lands in certain Southern States. A part of said scrip, however, was later commuted by a money payment. Some of the fourteenth-article claimants later made their way West and joined the main body of the tribe in the Indian Territory. The Choctaw Council by various acts recognized the right of said absentee Mississippi Choctaws to remove to the nation, and actually invited them to do so.

Under the provisions of the Atoka agreement with the Choctaw and Chickasaw Tribes contained in the act of Congress of June 28, 1898 (30 Stat. L., 495), the supplemental agreement contained in the act of July 1, 1902 (32 Stat. L., 641), and later acts of Congress for the purpose of carrying out the provisions of said agreements, the claims of individual Mississippi Choctaw Indians to be identified and to be enrolled as entitled to share in the property of the Choctaw Nation were fully considered by the Commission to the Five Civilized Tribes and by the department after full hearing, at which the claimants had ample opportunity to present all the evidence which they could procure in support of their claims. Very few claimants were able to prove descent from an ancestor who received or applied for benefits under the provisions of article 14 of the treaty of 1830.

The history of the Dawes Commission enrollment work relative to Mississippi Choctaw claimants is very fully set out in a communication of April 14, 1914, from William O. Beall, at one time secretary of the Commission to the Five Civilized Tribes. A copy thereof is inclosed for your information.

For your further information as to the history of the Mississippi Choctaw claims and of the department action in the preparation of the final rolls there is inclosed a copy of department letter of July 2, 1912, to the chairman of the Committee on Indian Affairs of the House of Representatives.

Judge William H. H. Clayton in his decision in the case of Jack Amos *v.* The Choctaw Nation, a copy of which may be found in the appendix of the annual report of the Commission to the Five Civilized Tribes for the fiscal year ended June 30, 1901, said that no treaty or acts of the Choctaw Council or of any officer of the Choctaw Council since the treaty of 1830 could be cited, or at least he had not found them, whereby any right or privilege had been conferred, granted, or recognized in or to a Mississippi Choctaw so long as he remained away from his people, and that no right was recognized or conferred upon such absent Indian except upon the condition that he should remove to the nation, and the right was not to be consummated or enjoyed until actual removal.

Mississippi Choctaw Indians who, while the opportunity was theirs under the privileges accorded them, refused to emigrate with the tribe

to the new country West, and who never shared in the burdens and hardships of the pioneer life incident to the establishment of the new tribal government west of the Mississippi, have at this late date (now that the tribal property of the Choctaw Nation made valuable by the emigrants is being divided per capita among the enrolled recognized citizens of the nation) no equitable right to share in said property.

With respect to the persons who were identified by the Dawes Commission as Mississippi Choctaws under the provisions of the act of Congress of June 28, 1898 (30 Stat. L., 495), but who failed to remove and make settlement in the Choctaw-Chickasaw country, as required by the act of Congress of July 1, 1902 (32 Stat. L., 641, secs. 41, 42, 43, and 44), it may be said that, irrespective of their unfortunate condition of poverty and ignorance, there is no ground, legal or equitable, for holding the Choctaw and Chickasaw Nations responsible for the failure of said identified persons to comply with the law as to removal and settlement. No obligation rested upon the United States to provide means for the removal of such Indians.

Referring to the class of claimants whose names were contained in an identification roll submitted by the Commission to the Five Civilized Tribes on March 10, 1899, but never approved by the Secretary of the Interior, your attention is invited to the fact that the commission soon recognized the inaccuracy and incompleteness of that roll and requested the department to disregard it and to return the same to the commission. In order that there might be no doubt as to the standing of said roll, it was disapproved by the department on March 1, 1907. The larger part of the persons whose names were contained on that disapproved roll were afterwards placed on the approved identification rolls, and those who complied with the law as to removal and settlement were enrolled on the final rolls of Mississippi Choctaw Indians.

In the investigation and examination of Mississippi Choctaw claims made in 1900 and the years following by the Commission to the Five Civilized Tribes every effort that was possible to be made was made by said commission to reach all persons who had any equitable claim to recognition as Mississippi Choctaws, and especially to find those who were full-blood Choctaw Indians.

H. R. 4536 and 12586 in effect provide, so far as the Mississippi Choctaw claimants are concerned, a general reopening of the rolls of the Choctaw Nation, necessitating a review of all the cases which had been adversely decided by the United States courts, the Department of the Interior, and the Choctaw and Chickasaw citizenship court, as well as the consideration of claims not heretofore presented or considered, and empower the Secretary of the Interior to determine the rights of the claimants upon such evidence as may be produced by the applicants, without regard to any adverse judgment or decision heretofore rendered by any court or Commission to the Five Civilized Tribes, or the Department of the Interior, and without regard to any condition or disability heretofore imposed by any act of Congress.

The records of the department show that Mississippi Choctaw claimants have been to an unusual extent the victims of numerous extortionate contracts, and the correspondence in many cases indicates that contracts were obtained through misrepresentations as to the facts, and in some cases that such contracts were obtained from claimants who believed that the persons obtaining the contracts were Government agents. Your attention is invited to the report of Inspector McLaughlin, of this department, which report appears in print in the CONGRESSIONAL RECORD of July 10, 1914, commencing on page 13022.

Referring to section 9 of said bills, I am of the opinion that, in view of the large amount of tribal property yet to be disposed of and of other matters affecting the tribes, it would be inadvisable to abolish the tribal organization of the Choctaw and Chickasaw Nations at the present time.

In view of the facts as presented to me, I am of the opinion that no legislation should be enacted for the reopening of the rolls of the Choctaw Nation for the benefit of the Mississippi Choctaw claimants.

Very truly, yours,

FRANKLIN K. LANE.

Hon. JOHN H. STEPHENS,
Chairman Committee on Indian Affairs,
House of Representatives.

The resident Indians who have always obeyed their treaties and remained on their lands are entitled to their peace. The Oklahoma Indians should not be subjected to these troublesome and expensive enrollment propositions until the original Indians sent there have all died and passed away. The rolls were wide open for 10 or 12 years prior to March 4, 1907. Each day every citizen who had any right to participate in that property was invited to come there and have their cases tried and in all things adjudicated. The Congress of the United States passed an act creating the Dawes Commission, which was a board of eminent lawyers, and sent to Oklahoma. What for? To settle once and for all this enrollment question. They did settle it. They did close the rolls. They did report to Congress. Congress, acting on their decision, closed the rolls by an affirmative act of Congress.

Mr. CARLIN. Will the gentleman yield?

Mr. FERRIS. I will.

Mr. CARLIN. Why were these Choctaws not enrolled?

Mr. FERRIS. Because they never lived there and are living in Mississippi now. They refused to come and live in Oklahoma in accordance with the terms of their treaty and their patent. The very terms of the patent issued by President Tyler in 1842 prescribed that they must come there, they must live there, and they must remain there. There is not even asserted to be any compliance with these terms.

Now, the gentleman from Mississippi [Mr. HARRISON] would have this Congress thrown into a filibuster at every session, three or four times. What for? To enroll people who never lived a day in Oklahoma; to enroll a lot of people who do not now live in Oklahoma; to enroll a lot of people who still refuse to live in Oklahoma. Can any thoughtful man who has given careful and painstaking attention to this proposition say that he will go in the face of a decision of Congress, a decision of the Federal court, a decision of the Dawes Commission, a decision of Secretary Lane and his predecessor, Secretary Fisher, and the latter's predecessor, Secretary Ballinger, and the decision of the three Indian Commissioners, and enroll people on our rolls that never lived a day in our State?

How long will the gentleman from Mississippi [Mr. HARRISON] champion the rights of a lot of scavenger attorneys who roost in these galleries and who are trying to rob these Oklahoma Indian people? I ask him the question, and I ask him to take his time to answer it.

Mr. HARRISON. Will the gentleman yield?

Mr. FERRIS. I will. I want to see the gentleman's face and observe what a man can mean by persistently carrying on the tactics which he has carried on in this House.

Mr. HARRISON. I wish to say that I will continue to fight for the Mississippi Choctaws just as long as I am continued by my people to be a Representative in this House.

Mr. FERRIS. And he will continue to receive the plaudits of those grafting attorneys who prabably now sit in the gallery, and the gentleman will receive the condemnation of the Indians whose property he is trying to take away.

Mr. HARRISON. Will the gentleman yield?

Mr. FERRIS. I will, with pleasure.

Mr. HARRISON. Does not the gentleman know that in the last Indian appropriation bill we passed a law that said no contract made by any attorney with any Indian claimant was valid unless it was approved first by the Secretary of the Interior, and it is the law now, and consequently they could not be grafters?

Mr. FERRIS. I have a reply to the gentleman's statement that will satisfy him for all time. My reply to-day, and yesterday, and to-morrow, is that attorneys are and will be prosecuting claims for attorney's fees for themselves by reason of the enrollment of those names that were enrolled the last session of Congress. These same attorneys last session came to the Indian Committee and said if the Congress would enroll those few men they would quit this enrollment business. Congress unwisely, as I believe, took the bait and did enroll them, and these attorneys are now hovering around the Indian Office fighting for and trying to secure the fees for their enrollment and the Indian Office is trying to settle it amidst trouble. That is the reason the gentleman from Mississippi is in error about his interruption a moment ago.

Mr. NORTON. Will the gentleman yield?

Mr. FERRIS. I will.

Mr. NORTON. Is it not a fact that these attorneys are holding up money in the Indian Bureau?

Mr. MURRAY. Eight hundred dollars out of $2,000.

Mr. FERRIS. And the gentleman from Mississippi [Mr. HARRISON] is standing here, I believe in error, trying to help them get more fees. It is a shame; it is a disgrace. No man can long sustain himself in such a position; no Congress could sustain itself if it should ever yield to such proposals. Surely this Congress will not go in the face of all law, all treaty stipulation, all decisions of courts, and every precedent on the subject that any man or set of men can marshal forward.

Mr. HARRISON. Will the gentleman yield?

Mr. FERRIS. With pleasure.

Mr. HARRISON. I read a moment ago from the brief, that the distinguished Senator from Oklahoma, a statement——

Mr. FERRIS. The gentleman has often read that before.

Mr. HARRISON. Of some services as attorney for Indian claimants for which he was asking for practically a million dollars as a fee.

Mr. FERRIS. The gentleman has read it before and has read it so many times that it is stale. I will take a moment to explain what that is. The Senator from Oklahoma, long before he was a Senator, used to represent the Choctaw Indians, but he represented the Choctaw Indians who had removed to Oklahoma. All of this was before the rolls were closed, and many of them were enrolled, many of them were entitled to enrollment. The Indians whose cause the gentleman from Mississippi is championing now do not live in Oklahoma, and they never have lived there. They do not desire to live there. There is a group of attorneys, with contracts, whose names I could recite, that are trying to enrich their pocketbooks, and the gentleman from Mississippi [Mr. HARRISON] sits here and introduces their bills for them.

The files of the Indian Committee show, and the record shows, that one of these attorneys drew the bill that the gentleman introduced, and that statement is in his own testimony.

Mr. HARRISON. The gentleman is mistaken about that.

Mr. FERRIS. No; I am not.

Mr. HARRISON. Oh, yes. The record does not show that.

Mr. FERRIS. Let me ask the gentleman a question then. I will make him my own witness. He is a pretty good witness. Did the gentleman, in answer to a question before the House Subcommittee on Indian Affairs, say that Cantrill and Crews drew the first bill that he introduced?

Mr. HARRISON. I stated that the first real information I had about the facts concerning those claims was when some attorney came to me and showed me a bill and stated the facts to me as he understood them, and I then thoroughly and carefully investigated the matter, came to the conclusion that they had rights and their cause was just, and then redrafted the bill, and introduced that bill which I redrafted, and in that bill I included a provision that no attorney should get over a certain amount, and that the amount of fee an attorney might obtain should be left to the discretion of the Secretary of the Interior. I would not have countenanced a bill unless such a provision relative to attorneys' fees had been included.

Mr. FERRIS. I have examined the bill, and it is the most loosely drawn attorney-fee bill that was ever introduced in this House. Now, let me say, in explanation of the earnest and vehement remarks to which you have listened, that I belong to the delegation of eight members from a new State. Our burdens are many and heavy. We have in our State one-third of all the Indian population in this Republic. It is a heavy draft on our popularity if we have any; it is a heavy draft on our earnestness and our ability, if we have any, to try to defend and keep straight these Indian affairs, and it is too much to sit in idle submission and allow any member of this House, whether it be my beloved friend from Mississippi [Mr. HARRISON] or anybody else, constantly to try to violate, debase, and destroy treaty relations between the Oklahoma Indians and the Federal Government.

The SPEAKER. The time of the gentleman has expired.

Mr. CARTER. Does the gentleman desire more time?

Mr. FERRIS. No; I think that will be enough.

Mr. CARTER. I yield five minutes to the gentleman from Oklahoma [Mr. MURRAY].

Mr. MURRAY. Mr. Speaker, with reference to the statement made by the gentleman from Mississippi [Mr. HARRISON] about the law, that law provided that no Indian should employ an attorney without having the employment approved by the Secretary of the Interior, but it said nothing about a United States citizen. When a man is not on the rolls he is a United States citizen, and he can employ anybody he pleases, and it is no violation of the law. These applicants can employ all the attorneys they want to. In my district there is a man by the name of R. E. Brines, who was recently appointed by the court to be the guardian of some Indians who were enrolled in the last Congress. We gave those Indians $2,080 as their share in lieu of land. Mr. Brines made a contract with attorneys for 40 per cent, so he wrote me, but he said that prior to that time others had made contracts, and that now there were claims for 125 per cent of their allotments, and that he can not get a dollar, because it is held up. He made contracts for 40 per cent, and yet there is outstanding a total of 125 per cent, or one-fourth more in fees than the Indian gets.

I know one man in my county who ought to be enrolled, and I wrote him that I would be very glad to get him enrolled, but that the outstanding attorneys' fees amounted to so much that he would get nothing, and that under those circumstances I would never favor his getting an allotment, but that whenever he made a reasonable arrangement with these attorneys, so that he would get something out of it, then I would favor his enrollment, but never before.

The gentleman from Mississippi [Mr. HARRISON] uses the statute limiting the tribe and limiting the Indians, but which does not limit the claimants. You mark what I tell you. If you enroll these Indians under any other condition than a hard and fast limitation, the Indians will not get anything, even if they get on the roll. Besides, this is nothing but a readjudication of a question that has been decided and settled, and there is no more merit in it now than when the House voted against it before.

Mr. CARTER. I ask that the gentleman from Mississippi use the remainder of his time. I will conclude in one more speech.

Mr. HARRISON. Mr. Speaker, there is one peculiar thing about the Oklahoma delegation. If there is one State in this Union that ought to know how attorneys can graft upon the Indians, it is Oklahoma, because the history of that State is black with the way the Indian has been treated. You will remember that it was not long ago that the firm of McMurray, Mansfield & Cornish got $750,000 for representing this Choctaw Tribe—for what? In part for trying to keep from the rolls these unfortunate Choctaws who live in Mississippi. There was a scandal involved in that contract. They were representing the tribe then.

It has not always been dishonorable for Indians living in Oklahoma or elsewhere who thought they had rights to enrollment to employ lawyers. I suspect that gentlemen who now represent some Oklahoma districts in Congress formerly represented as attorneys some claimants for enrollment. Of course, that was when they were engaged in the practice of the law and before they came here. I do know that one man who to-day stands as high in the estimation of the people of Oklahoma as any other man, if not higher—Mr. OWEN, who is now a distinguished Senator from Oklahoma—once represented Choctaw Indian claimants. He filed a suit for his fee. I read from that brief that he himself filed, that he himself wrote, in which he was trying to obtain practically a million-dollar fee for representing these unfortunate Mississippi Choctaws. Was it dishonorable then? Should suspicion be cast upon Senator OWEN because he represented as attorney these people? I say when the time comes when the House of Representatives of the United States of America can not write into a bill provisions that give to a needy and oppressed people some rights, and at the same time limit the amount of attorney fees that can be paid by them, then we have become an incompetent legislative body. The bill that I introduced in behalf of these people was but following the line of procedure that Representatives in Congress from Mississippi have followed heretofore.

Distinguished Senators to-day in the other end of the Capitol have fought time and again in behalf of these Mississippi Choctaws. They have rights; those rights should be protected; and the Otey contract bugaboo will not influence any fair-minded Member of this House. The gentleman from Oklahoma knows that under the present law the Secretary of the Interior will control absolutely the fee question.

I am opposed to sending a bill of this importance to conference with a provision that would, to some extent, at least, help the Mississippi Choctaws and would thereby deprive the Oklahoma Choctaws of some funds, when at least one Member from Oklahoma, and a very influential Member, too, is to be on the conference committee. [Applause.]

Mr. FERRIS. Will the gentleman yield?

Mr. HARRISON. I yield to the gentleman.

Mr. FERRIS. Was there a single member of the Indian Affairs Committee who voted for that bill?

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. CARTER. Mr. Speaker, this matter has been settled by the courts, on one occasion going as high as the Supreme Court of the United States. It was settled by a commission appointed and directed by a specific law to settle. It was afterwards the subject of an agreement with the Choctaws and Chickasaws in Oklahoma and was again settled. It was decided and agreed that no man should be permitted to share in the tribal estate of the Oklahoma Indians unless he established a residence in good faith on the reservation. Let me say that the native Choctaws in Oklahoma who lived there were required to be on the reservation June 28, 1898, or they were eternally and forever barred from any participation in the estate, and some can not participate in it now.

But the Mississippi Choctaws were given, by agreement, until July 1, 1903, five years after the native Choctaws had to settle on the reservation. By a subsequent act they were given until March 4, 1907, to settle on the reservation, and nobody knows it any better than the gentleman from Mississippi. I notice that the gentleman from Mississippi when dealing with facts never states them if it in the least injures his case.

Now, since the decision was made in 1902, since the rolls were opened as of date of March 4, 1902, this matter has been settled three times by the present Congress. It was settled three times last year upon three distinct occasions, two by roll-call votes, and in each instance the proposition of the gentleman from Mississippi was defeated.

Mr. HARRISON. Will the gentleman yield?

Mr. CARTER. For a very brief question.

Mr. HARRISON. Did not the Sixty-second Congress on two separate votes in this House adopt my contention?

Mr. CARTER. This House never adopted any contention of the gentleman from Mississippi on the Mississippi Choctaw question, and he knows it, and why he should ask this misleading question I can not imagine.

Mr. HARRISON. The gentleman from Oklahoma is trespassing upon the proprieties of the House. I do not want the gentleman from Oklahoma to say that I have misstated the facts.

Mr. CARTER. If the gentleman will state his question briefly, I will answer.

Mr. HARRISON. Does the gentleman yield?

Mr. CARTER. I yield, and do not take all of my time.

Mr. HARRISON. Does not the gentleman know that on a vote whether or not this per capita payment was to be made, in the second session of the Sixty-second Congress and the third session of the Sixty-second Congress, it was knocked out?

Mr. CARTER. I know that on a teller vote without a roll call, and one instance in the Sixty-second Congress, the House did vote to eliminate this payment; that was two years ago.

Mr. FERRIS. That was not a vote to enroll the Mississippi Choctaws.

Mr. HARRISON. I did not state that it was.

Mr. CARTER. It was on a question of delaying these payments. At the last minute the proposition came up, somewhat similar to this, and the distinguished gentleman from Mississippi had it eliminated by a vote of 25 to 15. I say the general proposition has been settled again and again and yet he comes here—although he speaks of the Oklahoma Members using unfair methods—he comes here in the closing hours of a Congress and raises this question, makes a point of no quorum, offers every kind of dilatory tactics, so that nothing will be done with the bill; hoping to defeat the payment of the claims of the Indians and violate the agreement of the Federal Government.

Mr. HARRISON. Mr. Speaker, I move to concur in Senate amendment 120.

The SPEAKER. The gentleman from Mississippi moves to concur in Senate amendment No. 120.

Mr. CAMPBELL. Mr. Speaker, I ask unanimous consent that amendment 120 may be again reported.

The SPEAKER. Without objection, the Clerk will again report Senate amendment 120.

The Clerk read the amendment.

The SPEAKER. The question is on agreeing to Senate amendment 120.

The question was taken; and on a division (demanded by Mr. HARRISON) there were—ayes 44, noes 69.

So the motion to concur in Senate amendment 120 was rejected.

Mr. CARTER. Mr. Speaker, I move to agree to the conference asked for by the Senate.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. CARTER, Mr. HAYDEN, and Mr. BURKE of South Dakota.

SURVEY OF NATURAL OYSTER BEDS, STATE OF TEXAS.

Mr. ALEXANDER. Mr. Speaker, I call up concurrent resolution 38, correcting an error in the bill S. 3362.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the action of the Speaker of the House of Representatives and the Vice President of the United States and President of the Senate in signing enrolled bill S. 3362, authorizing the Secretary of Commerce, through the Coast and Geodetic Survey and Bureau of Fisheries, to make a survey of the natural oyster beds, bars and rocks, and barren bottoms contiguous thereto in the waters along the coast of and within the State of Texas be, and is hereby, rescinded, and that in the reenrollment of the bill the words "and directed," in line 4 of the bill, be stricken out and the words "in his discretion" substituted therefor.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had agreed to the conference report on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 20347) making appropriations for the support of the Army for the fiscal year ending June 30, 1916.

ARMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I call up the conference report on the bill H. R. 20347, the Army appropriation bill, and ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from Virginia calls up the conference report on the Army appropriation bill and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the statement.

The Clerk read the statement of the conferees.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on amendment numbered 107 of the Senate to the bill (H. R. 20347) making appropriations for the support of the Army for the fiscal year ending June 30, 1916, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from amendment numbered 107.

JAMES HAY,
S. H. DENT, Jr.,
JULIUS KAHN,
Managers on the part of the House.

GEO. E. CHAMBERLAIN,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. HAY, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

PATENTS TO CERTAIN LANDS IN UTAH.

Mr. JOHNSON of Utah. Mr. Speaker, I move to suspend the rules and pass the bill (S. 7362) authorizing and directing the Secretary of the Interior to patent certain lands to the State of Utah and to accomplish relinquishment from the State of Utah of certain other lands in lieu thereof, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to patent to the State of Utah the following-described lands situated in the State of Utah, to wit:

The northeast quarter of the northeast quarter, the southwest quarter of the northeast quarter, the east half of the northwest quarter, the east half of the southwest quarter, the southwest quarter of the southwest quarter, being lot 4, the west half of the southeast quarter of section 15; the northwest quarter of the northwest quarter, being lot 1, and the southwest quarter of the northwest quarter, being lot 2, of section 22; the west half of the southeast quarter, the east half of the west half, the northwest quarter of the northwest quarter, being lot 1, the southwest quarter of the northwest quarter, being lot 2, the northwest quarter of the southwest quarter, being lot 3, and the southwest quarter of the southwest quarter, being lot 4, of section 27; the east half of the northwest quarter, the northwest quarter of the northwest quarter, being lot 1, the southwest quarter of the northwest quarter, being lot 2, the northwest quarter of the southwest quarter, being lot 3, and the southwest quarter of the southwest quarter, being lot 4, of section 34, all in township 28 south, range 10 west, Salt Lake meridian. The northeast quarter of the northwest quarter, being lot 3, and the northwest quarter of the northwest quarter, being lot 4, of section 3; the northeast quarter of the northeast quarter, being lot 1, the southeast quarter of the northeast quarter, the southeast quarter, and the east half of the southwest quarter of secion 4; the east half, the east half of the northwest quarter, and the northeast quarter of the southwest quarter of section 9; the northwest quarter of the northwest quarter, being lot 1, the southwest quarter of the northwest quarter, being lot 2, and the northwest quarter of the southwest quarter of section 15; the east half of the northwest quarter of section 22, all in township 29 south, range 10 west, Salt Lake meridian. The northeast quarter of the northeast quarter, being lot 1, the northwest quarter of the northeast quarter, being lot 2, the northeast quarter of the northwest quarter, being lot 3, the northwest quarter of the northwest quarter, being lot 4, and the south half of the southeast quarter of section 1; the east half and the north half of the northwest quarter of section 12; the east half and the east half of the west half of section 13; the south half of the northeast quarter and the southeast quarter of section 15; the west half of section 14; the west half of section 23, all in township 29 south, range 11 west, Salt Lake meridian, and comprising, all told, 4,197.31 acres, more or less, being a portion of the lands segregated to the State of Utah by approval of the Secretary of the Interior February 1, 1908, under section 4 of the act of August 18, 1894 (28 Stat., pp. 372–422), and the acts amendatory thereof and supplemental thereto, commonly known as the Carey Act, in exchange for unsurveyed State school lands within national forests and certain acreage of township deficiency in surveyed townships in the State of Utah:

In township 34 south, range 1 east, Salt Lake meridian: The northeast quarter of the southwest quarter, the northwest quarter of the southwest quarter, the southeast quarter of the southwest quarter, the southwest quarter of the southwest quarter, in section 16, 160 acres; the southwest quarter of the northeast quarter, the northeast quarter of the northwest quarter, the northwest quarter of the northwest quarter, the southeast quarter of the northwest quarter, the southwest quarter of the northwest quarter, the northeast quarter of the southeast quarter, the northwest quarter of the southeast quarter, the southwest quarter of the southeast quarter, the northeast quarter of the southwest quarter, and the northwest quarter of the southwest quarter, in section 32, 440 acres.

In township 33 south, range 2 east, Salt Lake meridian: The northwest quarter of the southeast quarter, the southeast quarter of the southeast quarter, the southwest quarter of the southeast quarter, the northeast quarter of the southwest quarter, and the southwest quarter of the southwest quarter, in section 16, 200 acres; the southwest quarter of the northwest quarter, the southeast quarter of the southeast quarter, in section 32, 80 acres; the southeast quarter of the northeast quarter, the southwest quarter of the northeast quarter, part of the northeast quarter of the northwest quarter, the northwest quarter of the northwest quarter, the southeast quarter of the northwest quarter, the southwest quarter of the northwest quarter, the northeast quarter of the southeast quarter, part of the northwest quarter of the southeast quarter, the southeast quarter of the southeast quarter, the southwest quarter of the southeast quarter, the northeast quarter of the southwest quarter, in section 36, 437.71 acres.

In township 34 south, range 2 east, Salt Lake meridian: The northeast quarter of the southeast quarter, the northwest quarter of the

southeast quarter, the southeast quarter of the southeast quarter, the southwest quarter of the southeast quarter, the northeast quarter of the southwest quarter, the northwest quarter of the southwest quarter, the southeast quarter of the southwest quarter, the southwest quarter of the southwest quarter, in section 16, 320 acres.

In township 34 south, range 3 east, Salt Lake meridian: The northeast quarter of the northeast quarter, the northwest quarter of the northeast quarter, the southeast quarter of the southeast quarter, the southwest quarter of the southeast quarter, the northeast quarter of the southwest quarter, the northwest quarter of the southwest quarter, the southeast quarter of the southwest quarter, and the southwest quarter of the southwest quarter, in section 16, 320 acres.

Together with 43.51 acres of loss due to fractional condition of township 3 north, range 15 east, Salt Lake meridian.

In township 23 south, range 4 west, Salt Lake meridian: The west half and southwest quarter of the northeast quarter of section 36, 360 acres.

In township 23 south, range 4 west: The southeast quarter, section 36, 160 acres.

In township 23 south, range 4½ west: Section 2, 640 acres; the west half of the southeast quarter and the southeast quarter of the southeast quarter section 16, 120 acres; section 36, 640 acres.

In township 24 south, range 4½ west: Northwest quarter of northeast quarter and southeast quarter of northeast quarter section 2, 80 acres.

In township 23 south, range 5 west: West half of northwest quarter and south half of southeast quarter section 36, 160 acres; together with 36.9 acres of loss due to fractional condition of township 5 north, range 4 west, Salt Lake meridian; a total of 4,198.31 acres, more or less.

Provided, That said patent shall not issue until the State of Utah shall have filed an unconditional relinquishment of all the lands covered by Utah segregation list No. 2, as well as a proper release of any interest or claim which the State of Utah may have or assert in or to the lands offered in exchange for those herein proposed to be patented.

The SPEAKER. Is a second demanded? [After a pause.] No second being demanded the question is on suspending the rules and passing the bill.

The question was taken, and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the bill (H. R. 21139), similar to the Senate bill, be laid on the table.

The SPEAKER. Without objection it will be so ordered.

There was no objection.

WITHDRAWAL OF PAPERS.

By unanimous consent leave was granted to Mr. SMITH of Maryland to withdraw from the files of the House, without leaving copies, the papers in the case of Mary Mueller (H. R. 17379), second session, Sixty-third Congress, no adverse report having been made thereon.

Also, the papers in the case of the bill (H. R. 20336) for pension to Mrs. Ida V. Stephens, Sixty-second Congress, no adverse report having been made thereon.

Also, to Mr. KAHN, to withdraw from the files of the House, without leaving copies, papers in the case of Mary A. Brown (H. R. 1261), first session, Sixty-third Congress, no adverse report having been made thereon.

SHIPMENTS IN INTERSTATE COMMERCE.

Mr. RAYBURN. Mr. Speaker, I move to suspend the rules and pass the bill, S. 4522, to amend an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906, as amended, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That so much of section 7 of an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906, as reads as follows, to wit:

"That any common carrier, railroad, or transportation company receiving property for transportation from a point in one State to a point in another State shall issue a receipt or a bill of lading therefor, and shall be liable to the lawful holder thereof for any loss, damage, or injury to such property caused by it or by any common carrier, railroad, or transportation company to which such property may be delivered, or over whose line or lines such property may pass, and no contract, receipt, rule, or regulation shall exempt such common carrier, railroad, or transportation company from the liability hereby imposed: *Provided,* That nothing in this section shall deprive any holder of such receipt or bill of lading of any remedy or right of action which he has under existing law," be, and the same is hereby, amended so as to read as follows, to wit:

"That any common carrier, railroad, or transportation company subject to the provisions of this act, receiving property for transportation from a point in one State or Territory or the District of Columbia to a point in another State, Territory, or District of Columbia, or from any point in the United States to a point in an adjacent foreign country shall issue a receipt or bill of lading therefor, and shall be liable to the lawful holder thereof for any loss, damage, or injury to such property caused by it or by any common carrier, railroad, or transportation company to which such property may be delivered or over whose line or lines such property may pass, within the United States or within an adjacent foreign country when transported on a through bill of lading, and no contract, receipt, rule, regulation, or other limitation of any character whatsoever, shall exempt such common carrier, railroad, or transportation company from the liability hereby imposed; and any such common carrier, railroad, or transportation company so receiving property for transportation from a point in one State, Territory, or the District of Columbia to a point in another State or Territory, or from a point in a State or Territory to a point in the District of Columbia, or from any point in the United States to a point in an adjacent foreign country, or for transportation wholly within a Territory shall be liable to the lawful holder of said receipt or bill of lading or to any party entitled to recover thereon, whether such receipt or bill of lading has been issued or not, for the full actual loss, damage, or injury to any such property caused by it or by any common carrier, railroad, or transportation company to which such property may be delivered or over whose line or lines such property may pass within the United States or within an adjacent foreign country when transported on a through bill of lading, notwithstanding any limitation of liability or limitation of the amount of recovery or representation or agreement as to value in any such receipt or bill of lading, or in any contract, rule, regulation, or in any tariff filed with the Interstate Commerce Commission; and any such limitation, without respect to the manner or form in which it is sought to be made, is hereby declared to be unlawful and void: *Provided, however,* That if the goods are hidden from view by wrapping, boxing, or other means, and the carrier is not notified as to the character of the goods, the carrier may require the shipper to specifically state in writing the value of the goods, and the carrier shall not be liable beyond the amount so specifically stated, in which case the Interstate Commerce Commission may establish and maintain rates for transportation, dependent upon the value of the property shipped as specifically stated in writing by the shipper. Such rates shall be published as are other rate schedules: *Provided further,* That nothing in this section shall deprive any holder of such receipt or bill of lading of any remedy or right of action which he has under the existing law: *Provided further,* That it shall be unlawful for any such common carrier to provide by rule, contract, regulation, or otherwise a shorter period for giving notice of claims than 90 days, and for the filing of claims for a shorter period than four months, and for the institution of suits than two years: *Provided, however,* That if the loss, damage, or injury complained of was due to delay or damage while being loaded or unloaded, or damaged in transit by carelessness or negligence, then no notice of claim nor filing of claim shall be required as a condition precedent to recovery."

SEC. 2. That this act shall take effect and be in force from 90 days after its passage.

The SPEAKER. Is a second demanded?

Mr. STEVENS of Minnesota. Mr. Speaker, I demand a second.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Texas is entitled to 20 minutes and the gentleman from Minnesota to 20 minutes.

Mr. RAYBURN. Mr. Speaker, in 1906, what is known as the Carmack amendment to the interstate-commerce law was passed. Before that time the liability of common carriers in the different sections of the country was controlled by the laws of the different States. In many, and in most of the States, the carriers by law were held for the full liability of loss, damage,, and injury to property that was committed to their care. After the passage of the Carmack amendment the Supreme Court of the United States held that the Federal Government having entered this field at that time took jurisdiction, and in a case upon this question decided differently from what had ever been decided before, namely, that the railroad companies had the right to limit their liability as common carriers, and the bill of lading that the shipper must now sign has two rates in it. One of them is a very reasonable rate. That is, if the shipper will limit his liability, it is a reasonable rate. Mr. Speaker, especially in the shipment of cattle and all character of live stock, the people of the South, the Southwest, and the West, have been great sufferers on account of this decision of the Supreme Court. It is the purpose of this bill alone to cure that, and to say that hereafter no railroad company shall limit its liability lower than the value of the actual loss in damages to the property than that which can be proved in the courts as the actual value. These amendments that have been offered in connection with the bill are simply to make the bill not apply to transportation. At this time you can take a shipment of cattle in this country and go to the freight agent of the railroad company, and he will offer you two rates. One of them is a reasonable rate, in which the railroad company, we will say, will state a value of $10 per head on a load of cattle, for which they will be responsible if you take a certain rate.

If you want the railroad company to assume full and complete liability, you must pay a much higher rate, something like 10 per cent, which the railroad attorneys themselves, before the Committee on Interstate and Foreign Commerce, said was too high. Also that at this time they had a case before the Interstate Commerce Commission to cut down this rate.

Mr. GREEN of Iowa. Would not the gentleman go a little further and say that the first rate offered is the ordinary rate?

Mr. RAYBURN. Yes.

Mr. GREEN of Iowa. And approved by the Interstate Commerce Commission?

Mr. RAYBURN. Yes; and if a man takes that rate on a carload of steers worth $75 per head, and they are damaged or injured or lost, he can recover only $10, or whatever is stipulated in his bill of lading.

Great objection is made to this bill by some of my friends, conscientiously, by saying that especially live-stock shipments in this country amount to a very small percentage of the whole amount of shipments in the country.

They claim, further than that, that if this bill is passed it will give us an increase in the freight rates all over the country. This I deny, for I challenge any man in this House to point to a single instance in shipments like this where, since the decision in the Kroninger case in 1913 by the Supreme Court of the United States upholding a bill of lading like this, shippers in this country are getting their freight rates upon live stock one cent cheaper than they did before. The purpose of this bill, Mr. Speaker, is to restore what was almost the uniform decisions of the Supreme Court in an unbroken line of decisions coming down for many years and to make the railroad companies, regardless of any clause they may write in their bills of lading, responsible to the shipper for the full actual damage or loss to property that occurs while in their care.

Mr. Speaker, I reserve the balance of my time.

Mr. STEVENS of Minnesota. Will the Speaker notify me at the end of 10 minutes?

Mr. Speaker, I very much dislike to oppose this bill, because not only do I desire to help wherever I can my good friend from Texas who presents it, but I entirely sympathize with the purpose which is desired to be obtained by the bill. But it is because I am firmly convinced that this bill goes far beyond the scope of what is designed to be accomplished, and if enacted will bring many evils unforeseen by the proponents upon the shipping public of this country, that I oppose the measure. If it were confined only to what the gentleman has stated to the House, I think there would be no particular objection to it. The difficulty is that the scope is far beyond that, as I will endeavor to show this House.

First, the House should understand that this controversy is already in proper form before the Interstate Commerce Commission. The proceeding for the reduction of these rates has been filed, and testimony upon it has been taken, while the commission has entire jurisdiction to order what relief is sought or which is necessary in this case. So this bill is now presented after the case has been presented and before the commission has decided it upon its merits. If one did not know there is merit in the contention, this course would ordinarily be a fatal admission of no merit in the demand.

Again, the commission has entire authority also in another proceeding relative to fixing the terms of the form and substance of bills of lading, which would include a very substantial part of this controversy. In this case the commission has entire jurisdiction, the matter is before it, testimony has been taken, but the decision has not been rendered. Again, this same matter can also be covered in two other cases before the commission—in the express cases, where the practices and rates of the express companies are regulated, and in the proceeding concerning released and unreleased rates. All of these cases are now before the commission, and they involve all phases of this controversy, and their determination will settle this matter.

The testimony has been taken, but the final decisions have not been made. So, if the gentleman would have patience, in a few months the matter would be straightened, I have no doubt, to the entire satisfaction of the shipping public, by the commission itself. It has the entire jurisdiction, the entire authority, the matters are pending, and the testimony is taken, but the gentlemen are not content to wait. I submit to this House that it is not good public policy to grant a great commission plenary authority to settle these controversies, and then, while they are in process of litigation, that Congress shall take the matters wholly out of the hands of the commission regardless of consequences.

Mr. Speaker, now let me show what will be accomplished if this bill should pass. I am as positive as one can be that if this bill shall pass by its terms it will automatically increase merchandise and commodity rates in this country by about 10 per cent in 90 days, when this measure, by its terms, shall take effect. And that is the point I want to show to the gentleman from Texas. I hold here the copies of the bills of lading, the official bills of lading, framed and promulgated by the Interstate Commerce Commission, and which are now used by the carriers and the shipping public. These forms are of both the straight bill and the order bill of lading promulgated by the commission.

The condition of the bill of lading prescribed by the commission now in force provides as follows, by the second paragraph of section 3 of both bills. I read the paragraph covering this controversy:

The amount of any loss or damage for which any carrier is liable shall be computed on the basis of the value of the property (being the bona fide invoice price, if any, to the consignee, including the freight charges, if prepaid) at the place and time of shipment under this bill of lading, unless a lower value has been represented in writing by the shipper or has been agreed upon or is determined by the classification or tariffs upon which the rate is based, in any of which events such lower value shall be the maximum amount to govern such computation, whether or not such loss or damage occurs from negligence.

You will note that this paragraph of both bills of lading provides for two different rates, exactly as the gentleman from Texas [Mr. RAYBURN] has stated—one a lower rate on limitation of value given by the shipper at the time of shipment, and the other the higher rate, generally about 10 per cent higher, with no limitation of value. Remember both of these rates are now in force under the various classifications and schedules filed with the commission, as required by law. Both are equally effective and are at the option of the shipper. This bill prohibits and makes illegal the lower rate, thus automatically leaving in effect the higher rate. You must realize that if the lower rate be prohibited, the higher rate is the only one which would remain in force. It matters not that it may be too high, as we all think it is and as the railroads admitted before our committee and the commission. Yet that will make no difference; this bill cuts out the lower rate and thus leaves the higher one the only legal rate in existence all over this country.

Mr. ANTHONY. Will the gentleman yield?

Mr. STEVENS of Minnesota. Let me finish this statement before I yield.

So that I am as positive as can be that where the two rates exist now under the law, and the low rate is prohibited, the higher rate would be automatically made effective. It would increase the merchandise rates in this country 10 per cent right off the bat by the operation of this law. I do not believe this is just, and I know it should not be done. You do not desire it, and yet you will accomplish it by the enactment of this bill.

Mr. NORTON. Will the gentleman yield?

Mr. STEVENS of Minnesota. If the gentleman will excuse me, I will not yield now. I am trying to cover these points in only a few moments, and so can not yield. There are too many of them to discuss at any length.

Again, a measure of this kind will result in the permanent increase of rates to some extent throughout the United States for very many of these different articles. There are two rates in effect under these bills of lading, the lower rate with limited liability, the higher rate with an unlimited liability. Now, the courts have held and the commission has held that an element in the fixing of a rate is the liability for value that the railroads are obliged to assume.

You prohibit the limited liability and leave only the necessity of unlimited liability; then the railroads would be necessarily compelled to increase their rates somewhat to meet such risk. It may not be much on some things; it may be considerable on others. But this increase, whatever it may be, would be a serious injury to many industries. Testimony was presented to the committee, and it was voluminous, that in many cases the claims for loss and damage run to nearly 5 per cent of the revenues received from this class of traffic. This increase of liability must be paid for whether the shippers want it or not. Most of them have objected to our committee. They prefer the lowest rate and lowest risk.

And now remember that when this increase is made automatically by this law it can only be changed either by the railroads themselves filing an application for the reduction of rates or by the commission itself initiating a proceeding, holding an investigation, taking testimony, and making an order. You know how long that requires. The provisions of law must be complied with to make it legal. It will require months, possibly years, to have a reduction of rates under the usual operation of law if these reductions are contested. You know many, or most of them, will be contested, and that will make interminable delay, as in the proceedings I have already described to you. Now, the railroads practically told the committee that there ought to be a reduction of the higher rates for unlimited liability; that they were anxious to make a reduction of the higher rates; that they would make a reduction of the higher rates just as soon as the commission would make an order prescribing what that reduction and what just and reasonable rates under such conditions ought to be. The commission should have settled the matter before this if the testimony had been complete.

The commission should have granted that relief before this, if the cases had been fully presented. But you realize if you pass this bill, and the commission is obliged to initiate a new proceeding to attempt to reduce these very rates, the reduction will be postponed for months or years instead of a few months

as under the proceedings now under way. This bill will mean the loss of time for these various shippers who are anxious to have this matter speedily closed. It is a matter of good legislation that we have given the commission the power to fix these rates, to adjust these complaints, to let them finish the work they have begun, instead of bringing forward an act of Congress and taking the power away from the commission to complete the work we have already ordered it to do.

Now, another fact that is of great importance in this bill. When the gentleman from Illinois [Mr. MANN] had charge of the framing of the Mann-Elkins bill and was such an influential factor in the framing of the Hepburn bill, this was the one fact that was made the basis of our railroad legislation, and that is, that the railroads themselves must take the initiative in the making and the fixing of their rates. There was a good reason for it, in that the carriers and their officials had a practical knowledge of conditions, had a motive to upbuild their traffic, could more easily adapt their knowledge to conditions and changes and anticipate the needs and demands of the future. But when a rate was unsatisfactory, the commission itself, either on complaint or on its own initiative, could then by proper proceedings fix what should be a proper rate.

This bill revolutionizes that theory as applied to all traffic based on value. It takes away from the railroads the power to initiate rates fixed on value and leaves this power entirely and solely to the commission. Realize what that means. The commission is overburdened with work now. It easily has many times more work than it ought to do and do well. If you take away from the carriers the power to initiate rates based on value and leave that entirely to the commission, which under the Constitution and under the decisions of the Supreme Court is obliged to take competent testimony for its proceedings, you realize that it means an indefinite delay and constant complications in fixing the rates based on value all over the country. It means a very serious disadvantage to a considerable part of the commerce of the country solely on that account. Delay will only be a part of the difficulty. Lack of adaptation will be fully as injurious.

There is another requirement, that goods to be wrapped and packed must have value declared in advance in writing in order to have a reduction of rates. Just think what that means, that goods wrapped and packed must have their value declared in advance. The shipper knows the value better than the carrier possibly can. This is so as to cattle and merchandise. He seeks a rate based on the value as he states it and pays his rates on that basis. That is just as is admitted in our hearings. The less valuable pays for what it is worth; the more valuable on what the owner declares. You change this rule against the less valuable article.

The SPEAKER pro tempore (Mr. RUCKER). The gentleman has used 10 minutes.

Mr. STEVENS of Minnesota. Please notify me at the end of three minutes more. The difficulty is not only a question of liability but of actual handling of the traffic. In the city of New York every night the express companies collect more than 60,000 packages of this kind; throughout the country more than 2,000,000,000 in the course of the year. In order to come within this law and to have the low rate the value must be declared in writing in advance. That is a physical impossibility. The collectors are extremely busy, have not the ability nor the opportunity to do the writing and prepare the bills of lading in advance. Most of the package freight that is shipped throughout the country from the jobbing houses or manufacturing establishments, in order to have the low rate must have the value declared in advance. Now, more than 95 per cent of the commerce of this country is carried on the lowest rate, with a limitation of liability. That is what the shippers want—to have the lowest rate, carry their own risk, and take advantage of conditions which will give them the widest market. This bill takes that privilege away from the shippers. It takes away from the shippers the lower rates. Automatically it makes higher rates. It interferes with the normal course of traffic. It will reduce the rating of traffic for the heavy, bulky, and cheaper goods, and so gravely injure many communities and interests in the country. It will completely revolutionize the business of the express companies by compelling this declaration of value in writing in advance, which can not be made. It makes an indefinite delay in the express business and in the merchandise business, and this will work to the serious disadvantage of the shipping public. This bill was not intended to affect or injure the express business, but it does so seriously, because it compels an unlimited liability on all traffic, and so will compel an entire change and increase of express rates. Now, we are all content with a limited liability and low rates. This will prohibit exactly what we do and want.

Again, this prohibition is not merely against the limitation of liability. It is a prohibition against limitation based on value as to baggage, as to carriage of explosives, carriage of valuable documents, jewels, and so forth, and possibly the limitations on conditions of the routing by the carrier for the handling in transit of grain and cotton. It is subject to indefinite litigation. If you gentlemen pass this bill, it may mean litigation for years to determine what it means in the carriage of your cotton and your grain.

One thing more. The provision abolishes notice for loss, damages, and liability, except for theft. That is the open door to rebating. It will be productive of all kinds of fraud and discrimination. The only kind of notice then will be for loss by theft.

This will encourage the unscrupulous among railroads and shippers to rebate. It will encourage the old sort of dishonesty that we sought to wipe out by the Mann-Elkins Act and by the Elkins Act of 1903. Under these circumstances, much as I regret it, I realize that this bill, if passed in its present form, will cause indefinite evils to the shipping interests of this country. We all want the rates for unlimited liability by the carriers to be reduced. They ought to be, and will be. Under these circumstances, where there can be but a short delay before the decision of the commission, where the matter is now properly presented, the shippers better wait until after the decision of the commission. Then, if further legislation be needed, this Congress will be very glad to grant whatever may be needed without working any of the evils which this measure will produce. The committee did not report some amendments referred to in the Senate report restricting recovery to the represented value; but it can not be done now.

Mr. Speaker, I reserve the remainder of my time.

Mr. GARRETT of Texas. Will the gentleman yield for a question?

Mr. STEVENS of Minnesota. I really have not the time. I have refused these gentlemen, much as I would like to yield. I will yield later if I have the time.

Mr. RAYBURN. I yield to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Speaker, to listen to the speech of the gentleman who has just left the floor [Mr. STEVENS of Minnesota] one would think that this was an entirely new and revolutionary proposition. As a matter of fact, the conditions that now exist have been in existence only since February, 1913. This bill is intended to restore conditions as they existed prior to that date and not to establish a new status.

Under the common law carriers could not limit their liability for their own negligence by contract. The temptation to do so was so strong, however, that all manner of schemes were devised to evade the rule. To meet these conditions the various States enacted statutes to prevent the practice. These statutes were approved by the Supreme Court.

In 1906 the Carmack amendment to the antitrust law was passed, which provided:

> No contract, receipt, rule, or regulation shall exempt such common carrier, railroad, or transportation company from the liability hereby imposed.

It was supposed that this amendment would prevent limitations of liability on interstate shipments, and it was effective to prevent abuses until February, 1913, when the case of Adams Express Co. against Groninger was decided by the Supreme Court of the United States. This decision held that railroads could limit their liability when a rate was based on a fixed valuation of the property. The effect of this decision is to leave the shippers in a worse situation than ever before. It not only takes from them the supposed protection of the Carmack amendment, but it deprives them of the protection given by the State laws, and even the protection which the shipper had under the common law.

Under the practice at present the railroads have a prepared printed shipping contract which the shipper is requested to sign which provides that in case of total loss of the live stock covered by the contract the railroad company shall be liable only for the actual cash value of the stock, but in no case to exceed $100 for horses, $50 for cattle, $10 for hogs and calves, and $3 for sheep. If he places a higher valuation on his stock, the shipper must pay him from 10 to 25 per cent increase on rates.

The regular rates, in order to obtain which the shipper is forced to accept in case of loss one-half the value of his stock in many instances, were approved by the Interstate Commerce Commission, which took into consideration as part of the operating expenses of the roads payment in full of all such losses—to compel the shipper to pay 10 to 25 per cent increase in order to secure an undoubted right is a rank injustice.

Mr. GARRETT of Texas. Will the gentleman yield?

Mr. TOWNER. I am sorry, but I have not time to yield.

The gentleman from Minnesota [Mr. STEVENS] seems to believe that to pass this bill will increase shipping rates for stock 10 per cent. Such a belief is entirely unwarranted. It is based on the idea that because the railroads under existing law can compel a shipper to pay 10 per cent increase above normal and reasonable rates in order to obtain full compensation in case of loss, that to compel the railroads to pay full compensation would "automatically" increase the rates 10 per cent. That such a contention is unjustified a slight consideration of the facts is sufficient to show.

The rates fixed and approved by the Interstate Commerce Commission in Iowa territory in 1910 were based upon full payment of all losses as part of the operating expenses of the roads. The law as then interpreted prohibited contracts limiting liability and compelled full payment in case of damage or loss. There has been no change since in the rates. But since February, 1913, the railroads have been allowed to settle their losses at their own valuation, which lessened to that extent their operating expenses, while they have made no corresponding reduction in their rates.

The idea that a general advance of 10 per cent in rates would follow the restoration of the original status on which the rates were fixed is most absurd. If such an advance could be thus secured, the railroads would all favor the proposition. In the hearings before the House Committee on Interstate and Foreign Commerce Mr. Thorne, of Iowa, representing the shippers, very clearly showed the fallacy of the 10 per cent automatic advance idea, when the following colloquy occurred:

Mr. THORNE. I do not believe that Mr. Wright seriously considers that there is any intention on the part of the railroads to claim——

Mr. WRIGHT (interposing). I said that it was doubtful whether they might do it; but I think it is true that the commission would straightway readjust the rates. However, I think it would result in slight variations and increases in rates.

Mr. COWAN. If the railroads thought it would result in an advance of rates, do you know why they would not be for the bill——

Mr. WRIGHT (interposing). There would be no permanent advance to that extent at all. Nobody would consider it.

Mr. Wright is the general solicitor of the Chicago & North Western Railway Co., and was there representing the western railway companies. When he says frankly that nobody would consider the 10 per cent automatic advance proposition the suggestion need be regarded as of no more value than a "bogie" to induce acquiescence in present conditions.

Rates are made upon all the conditions that affect the cost of traffic. One of the items of operating expenses of railroads is the amount paid as damages for losses occasioned by their own negligence. Such losses should be fully paid, not partially paid. The shipper is willing to pay a reasonable rate based upon full payment. But he is unwilling to pay a rate based upon full payment when he can receive in case of loss only half value for his shipment.

Some of these limited-liability shipping contracts provide:

And in no event shall the carrier's liability exceed $1,200 upon any carload.

Twenty head or a carload of good fat steers at $150 a head amount to $3,000 a car. If destroyed by the carelessness of the railroad the loss to the shipper would be $3,000 and the railroad would settle such loss under the contract for $1,200. This would not be a large item in the operating expenses of the railroad, but to lose $1,800 on one car of steers might mean the loss of a year's work to a farmer in Iowa.

What is asked by this bill is simply that the railroads shall respond for their own negligence just as others do. It has been many times decided that to permit a common carrier to contract against loss by reason of his own negligence is against public policy. Any plan or scheme by which this is done must be unfair and unjust. The shipper is compelled in most cases to ship his stock over the railroads and is compelled to accept their terms. It is only right that the law should compel the railroads to deal fairly with the people in this as in other regards. It is just as wrong to allow the railroads to escape half their liability as it would be to allow them to escape all of it. Anyone would admit that a shipping contract which provided that if the shipper accepted the rates given the railroad should be absolved of all liability for its own negligence would be wrong. It is just as wrong to allow the railroads to escape half of their liability in the same way.

Carriers are public servants. For the monopoly and the quasi public functions they perform they are under obligations to deal fairly with the people. That is all that is required, and that is all this bill requires. It is not proposed that more than actual values should be paid. It is only proposed that when the railroads by their own negligence destroy property which they are paid for carrying they shall respond in damages for the full value of the property, whatever it may be, just as everybody else is compelled to do. More than that is not asked, and less than that I do not believe anyone is justified in demanding.

Mr. STEVENS of Minnesota. I yield three minutes to the gentleman from Wisconsin [Mr. ESCH].

Mr. ESCH. Mr. Speaker, although I am in favor of the principle of this bill, I feel that it is inopportune to ask for any decision thereon at this time. In the first place, there are no large interests to be immediately affected if the bill becomes operative. The cattle industry, which was the principal industry that came before the committee asking for legislation, does not cover possibly more than 1 per cent of the interstate shipments, and of that 1 per cent a small fraction would be lost through accident or injury in transit.

With this comparatively small loss, therefore, I think we can well afford to defer consideration and action on this matter until the Interstate Commerce Commission has concluded its hearings and rendered its decision. That commission, as the gentleman from Minnesota has stated, has had hearings extending over a period of months, has had the best traffic talent in the country on the question of a uniform bill of lading and released values of shipments, and these hearings are not yet concluded, but they are to be in the near future, as we are informed. Why can not we afford to wait until these findings are made and these recommendations are offered to the Congress? When they are made we will have the data on which we can act wisely in the matter.

With reference to the proposition of increasing the rates by the passage of this bill, we have warrant in the testimony of Mr. Lincoln, who was for a long time secretary of the Traffic League and at present is connected with a large New York shipping bureau. His testimony before the committee as to the effect of this bill was that it would result in an increase of rates. If that be the effect of it, certainly we ought not to act now, especially when the findings of the Interstate Commerce Commission are soon to be handed down to us. As a part of his testimony, permit me to read:

Mr. LINCOLN. As I have said, over 95 per cent of shippers' transactions are undoubtedly handled under the limited liability provided for in the uniform bill of lading, or, in other words, the business of practically all the shippers of this country, outside of the live-stock interests, is handled that way. They are shipping under conditions contained in the bills of lading and on a basis of rates that does not provide for a limitation of liability as to value, and they are using the "uniform" and "standard" bills of lading. There is a fear on the part of our shipping public that if by Federal statute, as proposed, the carriers are prohibited from establishing rates based upon any limitation of liability or limitation of the amount of recovery the present limited liability rates would become void and carriers would apply the rates now subject to their common-law liability, which would result in a material increase in the transportation charges they are now paying.

Mr. STEVENS of Minnesota. Will the gentleman from Texas close in one speech?

Mr. RAYBURN. No; but I will yield three minutes to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Mr. Speaker, this bill is in the interest of a large body of shippers in this country, more particularly the live-stock feeders and live-stock shippers of the West and Southwest. This bill does two things in restoring the old common-law rule that has prevailed before the interstate-commerce law took the jurisdiction away from the State courts in February, 1913. It forbids the railroad companies in the first place from limiting their liability for the loss of merchandise which is equally open to the inspection of the carrier and the shipper. In the second place, it forbids the company to make any unreasonable limitation on the time of filing a claim or bringing suits.

The second of these, the item of filing suits, was part of a bill which I introduced in this House and presented to the Committee on Interstate and Foreign Commerce, and is embodied in this bill. It has become customary for the railroads to limit to an unreasonably short time the time for filing a claim, and that resulted in the greatest hardship and frequently inevitable loss to small and inexperienced shippers.

The gentleman from Minnesota [Mr. STEVENS] says that to pass this bill and deprive the roads of the right to limit time for filing claims would be to open the doors to fraud and to a secret rebate. I say exactly the contrary, from experience, because the man who is seeking a rebate in collusion with the railroad company will file his notice of claim very promptly, while the man who fails to file it is the little occasional shipper who overlooks the provisions of his bill of lading and does not know that he is caught until he is caught. This bill says 90 days for filing a claim and two years for bringing suit. That is a reasonable time. If the railroad company has given a shipper an illegal rate, it can sue him at any time before the statute of limitations runs for the real rate, but the shipper is shut off, is prevented under the present practice from suing

the railroad company by this limitation that they themselves have imposed.

I want to say another thing to the gentleman from Minnesota. He says this law automatically raises the rate 10 per cent on all of the commodities in this country. He knows that 10 per cent difference between an unlimited liability and a limited liability is a gross overestimate of the cost of insuring the freight. If we had to insure the freight under one rate and did not insure it under the other, 10 per cent difference is too high, but I want to call the attention of the gentleman to his own views as expressed before the committee. The low rate supposed to be for the limited liability is in fact the ordinary rate, and was the ordinary rate until the Supreme Court decided that the Carmack amendment permitted these limitations.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. BORLAND. I will ask the gentleman to let me have one more minute.

Mr. RAYBURN. Mr. Speaker, I yield the gentleman one-half minute.

Mr. BORLAND. The gentleman from Minnesota said before the committee:

> The proposition is fundamental, and I think you have struck the keynote. Your people paid a certain rate when the liability was not limited, and they pay the same rate when the liability is limited, and they think the present rate is too high, and I agree with them.

Mr. Speaker, I agreed with the gentleman from Minnesota when he was before the committee.

Mr. STEVENS of Minnesota. Mr. Speaker, I yield the remainder of my time to the gentleman from Illinois [Mr. MANN].

The SPEAKER. The gentleman from Illinois is recognized for four minutes.

Mr. MANN. Mr. Speaker, railroad rates are filed with the Interstate Commerce Commission. They are now on file with the Interstate Commerce Commission. If a railroad desires to increase its rates, it must file a new schedule of rates. The Interstate Commerce Commission may suspend that schedule's going into operation until they have had a hearing and made an order upon it. Recently for a long time the eastern roads had pending an application for permission to file schedules increasing their rates 5 per cent. The western roads are now having a hearing before the commission upon that subject. So that at present railroads can not increase their rates unless we do it for them, without the permission of the Interstate Commerce Commission. What are the facts? There are two rates now on file, one for a limited liability and one for an unlimited liability. The unlimited-liability rate averages about 10 per cent more than the limited-liability rate. If we pass this law forbidding the limited-liability rate, we put into execution at once all over the country the unlimited-liability rate, 10 per cent higher than the limited-liability rate. The limited-liability rate to-day covers 90 to 95 per cent of the traffic, and if this bill becomes a law, at once, at the end of 90 days, you can no longer charge the limited-liability rate because this forbids it, and the unlimited-liability rate automatically goes into operation. It does not require the consent of the Interstate Commerce Commission. In order to change the rate ordinarily there would have to be hearings, protracted for years, covering all of these subjects. If Congress has reached that point where it proposes to increase the railroad rates 10 per cent at this time by legislation, then you should vote for this bill. While I think the railroads quite generally are entitled to some increase in their rate, I do not think they ought to have a flat increase of 10 per cent at this time, which is beyond the power of anyone to stop.

Mr. NORTON. Mr. Speaker, will the gentleman yield?

Mr. MANN. No. I have only four minutes. I think I will contribute more information in this way than I would the other. I do not mean to be discourteous. That is the situation. Of course, I know that a good many of the live-stock people, especially those raising heavy beeves, where the limited liability is less than the value, protest; and yet I hold in my hand a letter from Swift & Co., the largest purchasers of beef in the world, or in the United States, stating that the only effect of this bill, so far as the ordinary shipments of beef are concerned, would be to increase the freight rate 10 per cent. Of course it would be a good thing for the people who raise fancy cattle; but the people who raise fancy cattle, if they desire a limited rate on anything else, are now making a mistake. A man who has a bull or a cow worth fifteen hundred dollars and who ships it on a limited-liability rate and loses it, gets $50 for it, but he can get an unlimited liability by paying 10 per cent more; and in order to take care of a few of those, it is proposed that by this bill we shall raise the rate on all of the other cattle 10 per cent. I have in my hand a letter from the best-posted traffic man on the side of the shippers in the United States, Mr. Barlow, the traffic manager for the Chicago Association of Commerce, who has had more to do in furnishing valuable advice to Congress and its committees on the side of the shipper in regard to railway legislation than any other man in the country, and he says, without question, that the only result of this bill will be to raise by 10 per cent the railroad rates on 95 per cent of the traffic of the country. I have heard a good deal of discussion and criticism here about the recent order of the commission granting an increase of about two and a half per cent to the eastern railroads, but vote for this and you vote an increase of 10 per cent all over the country.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. GREEN of Iowa. Mr. Speaker, with all deference to the distinguished gentlemen who have opposed this bill, I do not think I need take one minute in which to answer their argument. It has been stated that the result of this bill would be immediately to raise rates 10 per cent. The fact is that all the traffic to which this applies had been carried until the time when the Supreme Court passed on the Carmack amendment under the very same conditions that this bill will bring about, and there was no raise of rates. These rates that have been spoken of here as lower rates have been so termed simply because another rate was mentioned in the bill of lading. It was really the old rate they were allowed to charge, the only rate they could properly charge, the only rate that has ever been sustained and allowed by the Interstate Commerce Commission. The Supreme Court did say they might as a penalty provide in their bills of lading, and in accordance with the contract made thereby, this extra sum; but the lower rate, as it has been called—the real rate, the reasonable and only rate they could charge, the only rate which people had—was the one under which they have operated so long——

Mr. NORTON. This case of Kroninger against Adams Express Co. was handed down on January 16, 1913. There has not been a change in the law since.

Mr. TOWNER. And the rate which was fixed included an allowance, as part of the operating expenses, of payment in full of these damages? In other words, in fixing the rate these expenses were taken into consideration.

Mr. GREEN of Iowa. The gentleman is correct. The rate was based on the assumption that the carriers were liable for full value.

Mr. Speaker, if this bill would produce a 10 per cent increase of rate, the railroads, instead of opposing this bill, would be supporting it. That they have uniformly opposed it is shown by the hearings had by the Senate committee.

Mr. VAUGHAN. Mr. Speaker, for reasons based on sound policy the common law prohibited the common carrier from limiting his liability for negligence long before there were any railroads. Not only the same sound reasons, but the additional reason that the railroads have a monopoly of the carrying business, makes it advisable and proper to prohibit them from limiting their liability as carriers for negligence. If they are left free to do so, they will dictate terms to shippers. The law should and does prescribe the duties and liabilities of those engaged in the public business of carrying freight and passengers for hire. It should and does require them to carry for all alike without discrimination. To permit them by any kind of device to avoid liability for negligence or failure to perform the duties imposed upon them by law is against sound public policy. Having a higher rate than the regular rate, and stipulating in the contract of shipment that the regular rate is charged in lieu of a higher in consideration of the shipper's agreement that the carrier shall not be liable for this, that, and the other, nor above a certain amount, nor in any event unless the claim for damages is presented within a certain time, usually expiring before the shipper is aware that it is in the contract, is nothing but a fraudulent device intended to relieve the carriers from duties and liabilities imposed upon them by law. Texas has a statute prohibiting them from doing so, and declaring void any device by which it is attempted. So have many other States. We are told that if we apply the principle to interstate shipments and pass this law the railroads will raise the rates and charge the higher, which they claim they will charge the shipper, if he will not agree to the limitation of liability, which is never mentioned at time of shipment. Gentlemen are mistaken. The higher rate they claim they will charge the shipper who will not agree to limit liability is a fiction. Nobody ever hears of it except when it is invoked to beat a claim for damages. But we should not at any rate be bluffed out of passing a good law depriving them of one of their

devices by means of which they have wronged many a shipper. We should not refuse to pass this law for fear of their threat to raise freight rates.

I introduced a bill on this subject on April 8, 1914, which I ask to put in the RECORD as a part of my remarks:

A bill (H. R. 15465) to prescribe the duties and liabilities of common carriers engaged in interstate commerce, as at common law, and to prohibit such carriers from limiting or restricting their duties and liabilities under the common law.

Be it enacted, etc., That the duties and liabilities of railroads and other common carriers for hire engaged in commerce between any of the States or Territories, or between any of the States and Territories, or in the District of Columbia, or between the District of Columbia and any of the States or Territories and any foreign nation or nations, shall be the same as prescribed by the common law; and the remedies against them shall be the same except where otherwise specially provided by act of Congress.

SEC. 2. That common carriers of goods, wares, and merchandise for hire, engaged in commerce described in the foregoing section, shall not limit or restrict their liability as it exists at common law, by any general or special notice or by inserting exceptions in bill of lading or memorandum given upon the receipt of the goods for transportation, or in any other manner whatever, and no special agreement made in contravention of this act shall be valid.

Mr. RAYBURN. Mr. Speaker, how much time have I remaining?

The SPEAKER. One minute and a half.

Mr. RAYBURN. Mr. Speaker, the alarming arguments made here have really been amusing. It would seem that these gentlemen think that this proposition was an innovation, that it was something new under the sun. I want to say to this House that the proposition of the railroads in this country limiting their liability upon shipments in this country is itself a new thing, and it came into effect after the Kroninger case was decided in January, 1913. Up until that time, back for years and years, the Supreme Court of the United States had held to the common law, which was the law in nearly all of the States, and after the passage of the Carmack amendment in 1906, down to 1912, this did not affect the proposition. But when the Supreme Court approved this proposition that the railroad companies were allowed to write a limitation of liability in their bills of lading, then this thing became prevalent over the country. And as to this increase of rates of 10 per cent, I think, Mr. Speaker, that that is the veriest farce of an argument. This has been the law in this country all of these years until 1913. Who has heard of the railroads of the country decreasing their rates since that time? I think that is a sufficient argument, Mr. Speaker, to the proposition that the railroad companies will raise and keep their rates 10 per cent higher than the limited liability rate is to-day.

I believe that this bill speaks honesty, that it speaks and tells the railroad companies what they must do and what they should do. The gentlemen say that only a small percentage of the freight of this country is live stock. I admit that this is true, compared with all the freight that moves, but I say this Congress should say definitely that hereafter no railroad company shall have the right by any clause in a bill of lading to limit its liability below the actual loss or damage to such property while in the care of the railroad company.

The SPEAKER. The time of the gentleman has expired. All time has expired, and the question is on suspending the rules and passing the bill.

The question was taken; and the Speaker announced that in the opinion of the Chair two-thirds had voted in favor thereof.

Mr. LEVY and Mr. STEVENS of Minnesota demanded a division.

The House divided; and there were—ayes 114, noes 45.

Mr. MANN. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order there is no quorum present. The Chair will count. [After counting.] One hundred and eighty-one gentlemen are present—not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 250, nays 66, answered "present" 3, not voting 104, as follows:

[Roll No. 99.]

YEAS—250.

Abercrombie	Barkley	Brown, N. Y.	Burnett
Adair	Bartlett	Brown, W. Va.	Byrnes, S. C.
Adamson	Barton	Browne, Wis.	Byrns, Tenn.
Aiken	Beakes	Bruckner	Callaway
Alexander	Beall, Tex.	Brumbaugh	Campbell
Anderson	Bell, Cal.	Bryan	Candler, Miss.
Ashbrook	Bell, Ga.	Buchanan, Ill.	Cantrill
Aswell	Booher	Buchanan, Tex.	Caraway
Austin	Borland	Bulkley	Carew
Bailey	Brockson	Burgess	Carr
Baker	Brodbeck	Burke, Wis.	Chandler, N. Y.
Church	Glass	Lloyd	Sherley
Clark, Fla.	Godwin, N. C.	Lobeck	Sherwood
Cline	Goeke	Logue	Sims
Coady	Goodwin, Ark.	McAndrews	Sinnott
Collier	Gorman	McGillicuddy	Sisson
Connelly, Kans.	Gray	McKellar	Slayden
Connolly, Iowa	Green, Iowa	McKenzie	Sloan
Conry	Gregg	MacDonald	Smith, Idaho
Cooper	Griffin	Maguire, Nebr.	Smith, Md.
Cox	Gudger	Mahan	Smith, N. Y.
Cramton	Hamilton, Mich.	Manahan	Smith, Tex.
Cullop	Hamlin	Mapes	Sparkman
Curry	Hardy	Mitchell	Stedman
Decker	Harrison	Mondell	Steenerson
Dent	Hart	Montague	Stephens, Cal.
Dershem	Heflin	Moon	Stephens, Nebr.
Dickinson	Helgesen	Morgan, Okla.	Stevens, N. H.
Dies	Helm	Morrison	Stone
Difenderfer	Helvering	Moss, Ind.	Stout
Dillon	Henry	Murdock	Sumners
Dixon	Hill	Murray	Sutherland
Donohoe	Hinebaugh	Neeley, Kans.	Switzer
Doolittle	Hobson	Neely, W. Va.	Taggart
Doremus	Holland	Nelson	Talcott, N. Y.
Doughton	Houston	Nolan, J. I.	Tavenner
Driscoll	Howell	Norton	Taylor, Ark.
Dupré	Hughes, Ga.	O'Hair	Taylor, Colo.
Eagan	Hughes, W. Va.	Oldfield	Temple
Eagle	Hull	Padgett	Ten Eyck
Edwards	Humphreys, Miss.	Page, N. C.	Thacher
Estopinal	Igoe	Palmer	Thomas
Evans	Jacoway	Park	Thompson, Okla.
Falconer	Johnson, Ky.	Phelan	Thomson, Ill.
Fergusson	Johnson, S. C.	Powers	Towner
Ferris	Keating	Price	Townsend
Fields	Kelly, Pa.	Quin	Vaughan
Finley	Kennedy, Conn.	Ragsdale	Vinson
Fitzgerald	Kettner	Raker	Walsh
FitzHenry	Kinkaid	Rauch	Watkins
Flood, Va.	Kirkpatrick	Rayburn	Watson
Floyd, Ark.	Kitchin	Reilly, Conn.	Webb
Fowler	Konop	Reilly, Wis.	Whitacre
Francis	Korbly	Riordan	White
Frear	Lafferty	Rothermel	Williams
French	La Follette	Rouse	Wilson, Fla.
Gallagher	Lazaro	Rubey	Wingo
Gard	Lee, Pa.	Rucker	Witherspoon
Garner	Lenroot	Rupley	Woodruff
Garrett, Tenn.	Lesher	Sabath	Woods
Garrett, Tex.	Lieb	Scott	Young, Tex.
Gill	Lindbergh	Seldomridge	
Gilmore	Linthicum	Shackleford	

NAYS—66.

Baltz	Gillett	Knowland, J. R.	Rainey
Bathrick	Gordon	Kreider	Roberts, Mass.
Britten	Goulden	Levy	Rogers
Browning	Graham, Pa.	Lewis, Pa.	Russell
Butler	Greene, Mass.	McLaughlin	Sells
Calder	Greene, Vt.	Mann	Slemp
Carlin	Griest	Martin	Smith, Minn.
Clancy	Guernsey	Miller	Stafford
Danforth	Hamilton, N. Y.	Moore	Stevens, Minn.
Davis	Hawley	Morin	Treadway
Drukker	Hayes	Paige, Mass.	Underhill
Edmonds	Hinds	Parker, N. J.	Underwood
Esch	Humphrey, Wash.	Parker, N. Y.	Volstead
Fess	Johnson, Wash.	Peters	Wallin
Fordney	Kahn	Platt	Winslow
Foster	Kennedy, R. I.	Plumley	
Gardner	Kent	Post	

ANSWERED "PRESENT"—3.

Hulings	Lewis, Md.	Talbott, Md.

NOT VOTING—104.

Ainey	Dunn	Kiess, Pa.	Pou
Allen	Elder	Kindel	Prouty
Anthony	Fairchild	Langham	Reed
Avis	Faison	Langley	Roberts, Nev.
Barchfeld	Farr	Lee, Ga.	Saunders
Barnhart	Gallivan	L'Engle	Scully
Bartholdt	George	Lever	Shreve
Blackmon	Gerry	Lindquist	Small
Borchers	Gittins	Loft	Smith, J. M. C.
Bowdle	Goldfogle	Lonergan	Smith, Saml. W.
Broussard	Good	McClellan	Stanley
Burke, Pa.	Graham, Ill.	McGuire, Okla.	Stephens, Miss.
Burke, S. Dak.	Hamill	Madden	Stephens, Tex.
Cantor	Harris	Maher	Stringer
Carter	Haugen	Metz	Taylor, Ala.
Cary	Hay	Morgan, La.	Taylor, N. Y.
Casey	Hayden	Moss, W. Va.	Tribble
Claypool	Hensley	Mott	Tuttle
Copley	Howard	Mulkey	Vare
Crisp	Hoxworth	O'Brien	Vollmer
Crosser	Johnson, Utah	Oglesby	Walker
Dale	Jones	O'Shaunessy	Walters
Davenport	Keister	Patten, N. Y.	Weaver
Deitrick	Kelley, Mich.	Patton, Pa.	Whaley
Donovan	Kennedy, Iowa	Peterson	Wilson, N. Y.
Dooling	Key, Ohio	Porter	Young, N. Dak.

So, two-thirds voting in the affirmative, the rules were suspended and the bill passed.

The Clerk announced the following additional pairs:

Mr. WALKER with Mr. VARE.

Mr. LEE of Georgia with Mr. KELLEY of Michigan.

Mr. OGLESBY with Mr. LANGHAM.

Mr. TAYLOR of Alabama with Mr. MADDEN.

Mr. STRINGER with Mr. SAMUEL W. SMITH.

Mr. SMALL with Mr. MOTT.
Mr. SCULLY with Mr. PATTON of Pennsylvania.
Mr. POU with Mr. PORTER.
Mr. BLACKMON with Mr. BARTHOLDT.
Mr. CARTER with Mr. BURKE of South Dakota.
Mr. DAVENPORT with Mr. FARR.
Mr. HAYDEN with Mr. JOHNSON of Utah.
Mr. PATTEN of New York with Mr. KIESS of Pennsylvania.
The result of the vote was announced as above recorded.

ALSTON G. DAYTON.

Mr. GARD. Mr. Speaker, I desire to present a privileged report (No. 1490) from the Committee on the Judiciary, on House resolution 541. It is the report on the resolution which proposed the impeachment of Judge Dayton.

The SPEAKER. It will be filed and printed.

Mr. WEBB. Mr. Speaker, I ask that the report be read. It is a short one, and I ask that the matter be disposed of at once.

The SPEAKER. The Clerk will read it.

The Clerk read as follows:

The Committee on the Judiciary, having under consideration House resolution 541, to authorize the Committee on the Judiciary to inquire into and concerning the official conduct of Alston G. Dayton, United States district judge for the northern district of West Virginia, beg to report to the House of Representatives that a subcommittee of the Committee on the Judiciary, consisting of Representatives MCGILLICUDDY, GARD, and DANFORTH, was appointed to take testimony in investigation of the behavior of Judge Alston G. Dayton, United States district judge for the northern district of West Virginia, and that the subcommittee sat in the cities of Parkersburg and Wheeling, W. Va., and Washington, D. C., and examined numerous witnesses under their oaths touching their knowledge of the alleged misbehavior of the Hon. Alston G. Dayton.

The subcommittee made a report to the Committee on the Judiciary, which report is herewith submitted, setting forth in detail the charges against said judge and the evidence adduced under each charge, and concluding their report that they were impelled to recommend that no further proceedings be had with reference to said House resolution 541.

The Committee on the Judiciary considered the report of said subcommittee and the evidence thereon and came to the conclusion that no further proceedings should be had with reference to said resolution, and the Committee on the Judiciary beg to report the same to the House and recommend that no further proceedings be had with reference to said resolution.

REPORT.

To the Committee on the Judiciary of the House of Representatives:

On the 9th day of February, 1915, the House of Representatives passed the following resolution:

"*Resolved*, That the Committee on the Judiciary be directed to inquire and report whether the action of this House is necessary concerning the alleged official misbehavior of Alston G. Dayton, United States district judge for the northern district of West Virginia; whether he, the said Alston G. Dayton, has unlawfully conspired with certain corporations and individuals to bring about the removal from office of the late John J. Jackson, judge of the District Court of the United States for the Northern District of West Virginia; whether he has shown marked favoritism to certain corporations having extensive litigation in his court; whether he has summoned on juries in his court persons connected with certain corporations to which he has shown marked favoritism during his term of office; whether he has abused his power and influence as judge to further the interests of his son, Arthur Dayton; whether he has violated the acts of Congress regulating the selection of jurors; whether he has lent his services as judge to the coal operators of West Virginia by improperly issuing injunctions; whether he has shown hatred and bitterness toward miners on trial in his court; whether he has used his office as judge to discourage and prevent said miners from exercising their lawful right to organize and peaceably assemble under the laws of the United States and the State of West Virginia; whether he has conspired with certain corporations and individuals in the formation of a Carbon Trust, in violation of law; whether he has openly stated that he would not permit the United Mine Workers of America to exist within the jurisdiction of his court; whether he has stated in open court that the United Mine Workers of America are criminal conspirators; and whether he has been guilty of any misbehavior for which he should be impeached.

"And in making this investigation the said committee is hereby authorized to send for persons and papers, administer oaths, take testimony, employ a clerk and stenographer if necessary, and is also authorized to appoint a subcommittee to act for and on behalf of the whole committee whenever and wherever it may be deemed advisable to take testimony for the use of said committee. The said subcommittee while so employed shall have the same powers in respect to obtaining testimony as are herein given to said Committee on the Judiciary, with a sergeant at arms, by himself or deputy, who shall serve the process of said committee or subcommittee, and shall attend the sittings of the same as ordered and directed thereby.

"The Speaker shall have authority to sign and the Clerk to attest subpœnas for any witness or witnesses.

"The expense of such investigation shall be paid out of the contingent fund of the House on vouchers approved by the chairman of the Judiciary Committee and approved by the Committee on Accounts and evidenced by the signature of the chairman thereof."

The subcommittee appointed by the Committee on the Judiciary to make investigation of the charges contained in the foregoing resolution heard the testimony of numerous witnesses in Parkersburg and Wheeling, W. Va., and in Washington, D. C., on February 12, 13, 15, 16, 17, 22, 23, 24, and 26, at all of which hearings, except that of February 26 last, the Hon. A. G. Alston, respondent, was present in person and attended by legal counsel; and on February 26 the hearing was had with the consent and approval of said Hon. A. G. Dayton, who was represented at that hearing by legal counsel.

The Hon. A. G. Dayton appeared before the subcommittee and made full and extended statement of and concerning the matters involved in said investigation.

The witnesses and respondent were each and all sworn, their evidence taken by shorthand reporters, the evidence reduced to writing, and is on file with this committee.

The subcommittee submits the following as facts proven by the evidence upon the specifications and matters under investigation:

"I. Whether he, the said Alston G. Dayton, has unlawfully conspired with certain corporations and individuals to bring about the removal from office of the late John J. Jackson, judge of the district court of the United States for the northern district of West Virginia."

A. G. Dayton was nominated district judge of the United States for the northern district of West Virginia on the 6th day of March, 1905. His predecessor in that office was Hon. John J. Jackson, who had occupied that position for more than 40 years.

A. G. Dayton, for 10 years prior to his appointment as judge, was a Representative in Congress from the second district of West Virginia.

Under the direction of the then Attorney General of the United States an investigation was made of the official conduct and private life of Judge Jackson, and A. G. Dayton appeared before a special investigator in the Department of Justice and gave to said investigator the names of certain persons residing in the judicial district of Judge Jackson who might give further information concerning his official conduct and private life. This information given by A. G. Dayton was the first information given to the said special investigator.

Upon at least two and possibly three different occasions A. G. Dayton conferred with the said special investigator regarding this matter.

Judge Dayton now denies recollection of these meetings, except one, which he says occurred at the office of the Department of Justice after his nomination and confirmation, but the positive testimony of the special investigator is that he met with Judge Dayton and talked with him on these matters at least twice while the investigation was in progress.

After the special investigator and a member of the Secret Service had been to Parkersburg, W. Va., Richmond, Va., and Atlantic City, N. J., seeking to learn of the official conduct, and more especially of the private life of Judge Jackson, the latter came to Washington, D. C., and presented his resignation as judge, which resignation was immediately accepted, and within a very few hours A. D. Dayton was nominated to succeed him as such judge.

Within a comparatively short time, at most five months, from the date of his resignation, John J. Jackson was appointed to a position in the legal department of the Baltimore & Ohio Railroad Co., at a salary of about $500 per month, the evidence adduced failing to show that he actually rendered service for said railroad company, but, on the contrary, showing that he retained his residence in Parkersburg and went about the Federal court room and building quite as before his resignation.

At the time of Judge Jackson's resignation Judge Dayton said to the special investigator: "The thanks of the people of West Virginia are due you for removing a bad condition."

It is but just to the memory of Judge Jackson to say that the circumstances surrounding his resignation do not make for misconduct in official or private life.

Although we do not find from the evidence that Judge Dayton "conspired with certain corporations and individuals to bring about the removal from office of the late John J. Jackson," etc., we are of opinion that said A. G. Dayton was fully informed of the investigation of the official and private life of Judge Jackson and gave aid and advice to those in charge of said investigation.

"II. Whether he has shown marked favoritism to certain corporations having extensive litigation in his court."

We do not find the evidence adduced to be sufficient to prove that Judge Dayton has shown marked favoritism to certain corporations having extensive business in his court.

"III. Whether he summoned on juries in his court persons connected with certain corporations to which he has shown marked favoritism during his term of office."

While persons connected with railroad and other corporations in his judicial district are shown to have had service as jurors in his court, we do not find from the evidence adduced that any wrong occurred because thereof or that there was any miscarriage of justice because thereof.

"IV. Whether he has abused his power and influence as judge to further the interests of his son, Arthur Dayton."

We find that Arthur S. Dayton, the son of Hon. A. G. Dayton, is a practicing attorney in the court presided over by his father, and that almost immediately upon his admission to the bar he was appointed as local attorney in Barber County, W. Va., for the Baltimore & Ohio Railroad Co., a position held by A. G. Dayton for a number of years, including the years he was a Representative in Congress from that distirct, A. G. Dayton being immediately succeeded in that position by Fred O. Blue, a law partner of A. G. Dayton, and afterwards tax commissioner of West Virginia, and Mr. F. O. Blue in turn being succeeded by Arthur S. Dayton; that he is at present the attorney for said railroad in said county; but we do not think the evidence adduced sufficient to find that Judge Dayton has abused his power and influence as a judge to further the interests of his son, Arthur S. Dayton.

"V. Whether he has violated the acts of Congress regulating the selection of jurors."

There is some evidence tending to show that Judge Dayton gave lists of persons whom he desired to have served as jurors in his court to the marshal of the district, saying that he wished those persons drawn for jurors, and that some of those persons shortly afterwards appeared as jurors and served as such in his court. An explanation is given by Judge Dayton that this list was a list of talesmen who were to be specially summoned as jurors in the absence of a sufficient number of previously summoned jurors to hear then pending causes.

"VI. Whether he has lent his services as judge to the coal operators of West Virginia by improperly issuing injunctions."

We find from the evidence that Judge Dayton issued restraining orders of very drastic scope and comprehension in certain cases brought by coal operators of West Virginia against their operatives and employees, which restraining orders were afterwards by him made injunctions, and for the alleged violation of said injunctions a number of persons were ordered by him punished by fine and imprisonment as for contempt of the order of the court.

In one case—that of The Hitchman Coal Co. *v.* John Mitchell et al.—he issued a restraining order and made a permanent order of injunction prohibiting the peaceable persuasion of any person to cause or attempt to cause any employee of the Hitchman Coal Co. to join a labor union when the Hitchman Coal Co. had a contract with said employee not to join a labor union.

The evidence shows that this ruling of Judge Dayton affecting the right to cause by peaceable persuasion any such employee to join a labor union was reversed by the United States Court of Appeals, but this case is now before the Supreme Court of the United States for

adjudication, and therefore we do not deem it proper to make further report on this matter at this time.

Subsequently Judge Dayton issued another restraining order, without notice to the defendants in the case of The West Virginia Coal Co. *v.* John P. White et al., which he afterwards made a permanent injunction, and which likewise was most drastic and comprehensive and based upon his former opinion, as expressed by him in the Hitchman Coal Co. case.

The proceedings in this case will be referred to in connection with the next specification.

"VII. Whether he has shown hatred and bitterness toward miners on trial in his court."

The evidence adduced shows that Judge Dayton before he became judge and after that time was associated at least as a holder of stock in certain coal-mining operations in his judicial district of West Virginia, and that during the trial of certain miners and other persons who were members of a labor-union organization his manner and language toward the defendants while upon the bench was that of hatred and bitterness; he at one time during the proceedings saying, by his own admission from the bench, that if he had John P. White, the president of the United Mine Workers of America before him he would send him to jail for a year, the said John P. White not then being in court and not having been served with any process of said court.

It is but fair to say that the cases last referred to were intimately associated with a very serious dispute between the West Virginia Coal Co. and certain of its employees and certain members of the United Mine Workers of America, a condition in which a number of miners were on strike, and the circumstances surrounding these trials referred to were very unusual and probably afforded opportunity for aggravation, but the evidence adduced shows that at times during these trials Judge Dayton was very impatient of hearing what the defendants had to say, his manner was heated and impassioned, he was laboring under much emotional excitement, and his conduct generally that of one who had prejudged the cases before him.

"VIII. Whether he has used his office as judge to discourage and prevent said miners from exercising their lawful right to organize and peaceably assemble under the laws of the United States and the State of West Virginia."

The evidence adduced shows that at the time of the litigation in the case of the West Virginia Coal Co. *v.* J. P. White et al. an assembly of men in tents near the property of the West Virginia Coal Co. was declared by Judge Dayton to be illegal and in violation of his restraining order theretofore issued, but it is in evidence that with the consent of counsel for the defendants these tents were withdrawn to a place much farther away from the company's property.

There is some question as to the purpose for which these tents were erected and maintained; but among the things enjoined by order of Judge Dayton, some undoubtedly most proper, was the furnishing of aid or assistance by giving food and supplies to those who were on strike at that time, and a punishment as for contempt of those who did so furnish aid and assistance by giving food and supplies.

While Judge Dayton in his opinion written in the Hitchman Coal Co. case has defined his idea of the rights of labor and capital to organize, holding that they mutually have such rights under proper conditions, the conduct and trial of these injunction and contempt cases furnish abundant illustration of the strong personal opinion of Judge Dayton upon the question of labor organization.

"IX. Whether he conspired with certain corporations and individuals in the formation of a carbon trust, in violation of law."

The evidence adduced shows that Judge Dayton was and is the owner and holder of stock in the Acme Carbon Co. in the amount of $10,000, and that the product of the Acme Carbon Co. was marketed by a selling agency known as the Federal Carbon Co., which sold the output of other carbon concerns as well, and there is some evidence to prove that he was consulted with reference to the legality of the contract of the Acme Carbon Co. with the Federal Carbon Co., and that he had written or assisted in writing a letter to the Acme Carbon Co. urging the payment of larger dividends to him upon his stock under the coercion of a possible proceeding for receivership in a Federal court. Judge Dayton denies any knowledge of the contract for marketing the product of the Acme Carbon Co. by the Federal Carbon Co., and has produced a copy of a letter to the former company written by him in which reasons are given why there should be a payment of larger dividends.

Mr. A. T. Sweeney, the secretary of the Acme Carbon Co., testified that to his knowledge Judge Dayton was not concerned in the making of the contract between the Acme Carbon Co. and the Federal Carbon Co., and that the Acme Carbon Co. was a solvent corporation.

"X–XI. Whether he has openly stated that he would not permit the United Mine Workers of America to exist within the jurisdiction of his court; and whether he has stated in open court that the United Mine Workers of America are criminal conspirators."

The evidence adduced shows that Judge Dayton has said that in certain cases, under what he called the old constitution and by-laws of the United Mine Workers of America, the members thereof who held to such belief and gave practice and effect to the constitution and by-laws were criminal conspirators, and, having formed that opinion, which is very positive with him, he has steadfastly maintained it, and it is in evidence that he has said in a certain case that if the evidence disclosed that the defendant was a member of the United Mine Workers of America, he wanted no further evidence to determine guilt and impose punishment as for an alleged contempt of court.

"XII. Whether he has been guilty of any misbehavior for which he should be impeached."

The evidence adduced shows that in 1906, at a time when he was Federal judge of the northern district of West Virginia, at the request of certain political and personal friends and business associates, Judge Dayton gave a letter to them for use in behalf of the sale of either stock of the company or lands controlled by the company of the Meadowvale Coal Co.

The Meadowvale Coal Co. was a corporation organized by these political, personal, and business friends and associates of Judge Dayton to open up a coal-mining operation very near to coal lands in which Judge Dayton had a financial interest, and for the purpose of selling stock the Meadowvale Coal Co. issued a prospectus in which it caused to be printed in a most prominent manner the letter given by Judge Dayton to the promoters of the Meadowvale Coal Co., this letter being written upon the official letterhead of the judge, being addressed "To whom it may concern," and reciting his belief in the integrity of the company and the value of its holdings, concerning which last, as a matter of fact, there was some question.

The evidence adduced also shows that in charges to grand juries Judge Dayton expresses in the most positive and sometimes intemperate language his own personal views on matters which may be presented to the grand jury, and that he discusses in these charges certain questions of political or economic nature which have absolutely nothing to do with the deliberations of the body addressed, giving his personal opinions upon these irrelevant matters.

The evidence also shows a certain violence of language in commenting on verdicts of juries, although it is but fair to say that the seeming inconsistency of at least one of the verdicts so commented on is apparent.

The evidence adduced shows that Judge Dayton has financial interests in a number of enterprises in his judicial district and vicinity, and is borrower and indorser of and for a large amount of money, but the evidence discloses no connection of official misconduct therewith.

Certain instances of alleged political activity on the part of Judge Dayton since he has been upon the Federal bench have been given by witnesses, as well as the fact of his appointing an aged negro as "a personal attendant" for which the Government of the United States paid the sum of $40 per month, the work of this negro being almost altogether to attend to the garden at Judge Dayton's private residence and take care of a cow and the horse of Arthur S. Dayton, and the wife of this negro was the cook for Judge Dayton and his family and received no pay, save that half of the $40 compensation for "a personal attendant" was given to her.

It is a most unpleasant task to be called upon to express judgment of the temperamental efficiency of a judge, since human nature is so variable as to give to each man certain methods and expressions, many of which are often misunderstood, and we realize the necessity for a strong, vigorous, and essentially upright judiciary, and the instances cited of offensive mannerisms, arbitrary actions, and intemperate language on the part of Judge Dayton in his official capacity may be isolated and therefore difficult to properly estimate and adjust with circumstances and conditions, but they are apparently so persistent as to most naturally evoke more than passing comment.

While we realize that many persons in the judicial district of Judge Dayton think conditions there intolerable because of his alleged official misconduct, we realize, too, the necessity of strong particular instances of positive evidence rather than a somewhat general opinion before a charge of impeachment should be referred for trial in the Senate of the United States against a Federal judge, for we do not think that this gravest of procedures against a jurist, one who has taken the oath to administer justice without fear or favor, should be made upon personal opinions or adverse sentiment; and we have, therefore, endeavored to bring to this committee for its action our report of the evidence as it has been given to us.

This evidence shows many matters of individual bad taste on the part of Judge Dayton—some not of that high standard of judicial ethics which should crown the Federal judiciary—but a careful consideration of all the evidence and attendant circumstances convinces us that there is little possibility of maintaining to a conclusion of guilt the charges made, and impels us, therefore, to recommend that there be no further proceedings herein.

WARREN GARD.
HENRY G. DANFORTH.

MARCH 3, 1915.

I concur with my colleagues in the above findings of fact, but I do not concur in the recommendation that no further proceedings be had, as it is my opinion that the evidence taken by the subcommittee and findings of fact, above made, warrant further proceedings looking toward impeachment.

D. J. MCGILLICUDDY.

MARCH 3, 1915.

The SPEAKER. If there be no objection, the report will be agreed to.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had further insisted upon its amendments to the bill (H. R. 19906) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1916, and for other purposes, disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. BANKHEAD, Mr. SWANSON, and Mr. PENROSE as the conferees on the part of the Senate.

VIOLATION OF NEUTRALITY.

Mr. UNDERWOOD. Mr. Speaker, I move to suspend the rules and pass the joint resolution that I send to the Clerk's desk.

The SPEAKER. The Clerk will report it.

Mr. UNDERWOOD. Mr. Speaker, I desire to say that this resolution is not printed. It may be of interest to the House, and I shall be glad to have quiet, so that the House may hear it read.

The Clerk read as follows:

House joint resolution 439.

Resolved, etc., That, from and after the passage of this resolution, and during the existence of a war to which the United States is not a party, and in order to prevent the neutrality of the United States from being violated by the use of its territory, its ports, or its territorial waters as the base of operations for the armed forces of a belligerent, contrary to the obligations imposed by the law of nations, the treaties to which the United States is a party, or contrary to the statutes of the United States, the President be, and he is hereby, authorized and empowered to direct the collectors of customs under the jurisdiction of the United States to withhold clearance from any vessel of American register, or license, which he has reasonable cause to believe to be about to carry fuel, arms, ammunition, men, or supplies to any warship, or tender, or supply ship of a belligerent nation, or to commit any other similar act in aid of the prosecution of hostilities in violation of the obligations of the United States as a neutral Nation.

That, further, the President be, and he is hereby, authorized and empowered to direct the collector to give clearance to any such vessel of American register or license: *Provided*, That before clearing out the same, the owners or master or other person or persons having charge or command thereof give bond to the United States, with sufficient

sureties, in double the amount of the value of the vessel and cargo on board, conditioned that the vessel shall not be employed in the commission of such act or acts; and in case of a breach of the condition thereof the bond shall be forfeited to the United States, and the owner or master or other person or persons having charge or command of any such vessel shall, in addition, be severally liable to a fine of not less than $1,000, nor more than $5,000, or to imprisonment not to exceed one year, or both; and in case any such vessel of American register or license shall depart or attempt to depart from the jurisdiction of the United States without clearance in pursuance of such act or acts above set forth, the owner or master or person or persons having charge or command of such vessel shall severally be liable to a fine of not less than $2,000, nor more than $10,000, or to imprisonment not to exceed two years, or both, and, in addition, such vessel shall be forfeited to the United States.

That the President be, and he is hereby, authorized and empowered to direct the collectors of customs or other appropriate authorities to accord the treatment of a vessel of a belligerent, including internment, to any vessel of foreign register in, or hereafter arriving in, a port of any territorial waters of the United States, when such vessel is acting, or preparing to act, or attempting to act, or intending upon departure from the jurisdiction of the United States to act as a tender to the armed forces of a belligerent, or otherwise to act in aid of the prosecution of hostilities.

That the President of the United States be, and he is hereby, authorized and empowered to use such part of the land or naval forces of the United States as shall be necessary to carry out the purposes of this resolution.

That the provisions of this resolution shall be deemed to extend to all lands and waters, continental or insular, and to all air spaces that fall within the jurisidiction of the United States.

Mr. MANN. I ask for a second.

The SPEAKER. The gentleman from Illinois asks for a second.

Mr. UNDERWOOD. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Alabama asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Alabama has 20 minutes and the gentleman from Illinois has 20 minutes.

Mr. UNDERWOOD. Mr. Speaker, within the hour I have received from the State Department the resolution that the Clerk has just read. It was prepared by the State Department, and I ask the Clerk to read the letter of Mr. Lansing, the Counselor for the State Department, transmitting the resolution to me.

The Clerk read as follows:

DEPARTMENT OF STATE,
Washington, March 3, 1915.

Hon. OSCAR W. UNDERWOOD,
House of Representatives.

MY DEAR MR. UNDERWOOD: The Secretary has had to leave the department this afternoon to attend a meeting of a committee of the Pan American Union, and as he left he requested me to address you on a subject of vital importance to the Government in the present war situation. I refer to the necessity for additional legislation to enable the Government to enforce its neutral duties during the present war. It is known in some quarters that the Government has been hindered by lack of sufficient legislation to prevent vessels from leaving American ports with coal and supplies for warships at sea in contravention of the neutrality of the United States. The United States is bound by treaties in force to prevent the use of its ports as bases of naval operations but there is no legislation by Congress to enable the Government to carry out these obligations.

The Department of Justice, therefore, had drafted a proposed resolution which, in its opinion, will give the President such power as will be necessary to carry out the neutral obligations of the Government in these respects. The Department of State heartily supports the proposed resolution, and I desire to emphasize the great urgency and need of the immediate passage of a resolution in some such form as the one inclosed, in order that, in the present critical situation brought about by the stupendous conflict in Europe, the Government may not be bound internationally and yet have its hands tied so as to be unable to act in the discharge of its international duties.

Very sincerely, yours,

ROBERT LANSING.

Mr. UNDERWOOD. Mr. Speaker, on the 18th day of October, 1907, the Government of the United States entered into a convention with the other great powers of the world, and in that convention the following propositions were agreed to.

Article 5 of the convention provides:

Belligerents are forbidden to use neutral ports and waters as a base of naval operations against their adversaries, and particularly to erect wireless telegraph stations or any apparatus for the purpose of communicating with the belligerent forces on land or sea.

Article 8 of the same convention provides:

A neutral Government is bound to employ all means at its disposal to prevent the fitting out or arming of any vessel within its jurisdiction which it has reason to believe is intended to cruise or engage in hostile operations against a power with which that Government is at peace. It is also bound to display the same vigilance to prevent the departure from its jurisdiction of any vessel intended to cruise or engage in hostile operations which had been adapted entirely or partly within said jurisdiction for use in war.

Article 25 of the same convention provides:

A neutral power is bound to exercise such surveillance as the means at its disposal allow to prevent any violation of the provisions of the above article occurring in its ports, roadsteads, or in its waters.

The purpose of the joint resolution that I send to the Clerk's desk is to enable the President to exercise the power that will enforce the provisions of this convention that was held at The Hague in order to protect our neutrality. I say to the House candidly that I have had no chance to investigate this question, that it has come to me within the last hour, but I feel that there is no greater obligation resting on this Congress as the representatives of the American people than to do all in their power to protect the neutrality of the United States. [Applause.]

The President of the United States must exercise that power. In a condition of that kind there can be but one man and one mind, and it is our duty to sustain him as the Chief Executive of the Nation. He has asked us to confer this power upon him before the Congress adjourns. I believe, Mr. Speaker, that it is our plain duty to pass this resolution immediately.

Mr. HOBSON. Will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. HOBSON. I listened very carefully to the reading of the resolution, but I would be glad for some explanation or assurance from the gentleman to see if I understand it. It seemed clear, from what I heard, that any vessel undertaking to proceed from an American port to carry fuel or supplies to a war vessel, a cruiser of the belligerents, could be thus dealt with. I want to ask the gentleman if he thinks the resolution would clearly reach such a case as this: Would it also reach the case where, to put it into the concrete, great guns, say 15-inch guns, were being shipped by the Bethlehem Iron Works to be used to fit out the ships of war of a belligerent?

Mr. UNDERWOOD. I will say to my colleague, as I said to the House a moment ago, that I did not prepare this resolution; that it was prepared by the Department of Justice, and viséed by the Department of State, and has only come to me within the hour. Necessarily I have had no chance to give it very careful study. As the proponent of the resolution not having had a chance to give it that study and deliberation which it deserved, and acting in the last hour and necessarily in haste, I do not think it would be very wise for me to voice my opinion. I mean no discourtesy to the gentleman from Alabama, but I do not think it would be wise for me to give an opinion as to how far-reaching the resolution is.

Mr. HOBSON. Will the gentleman permit me? I do not desire to embarrass him, but this may have a very far-reaching influence on our attitude as a neutral toward the belligerents of Europe, and my interpretation of the resolution in its effect, having heard it read for the first time, is that it would shut off any supplies, fuel, and so forth, that might possibly go from the American ports to the assistance of one or two German cruisers, but that it would have no bearing upon the sending from our ports of guns and other war implements for the fitting out or rearmament of the battleships of the allies; that the effect would be felt on one side only of the belligerents. We are doing our best to be strictly neutral, as I understand it, but nevertheless the effect is to be very serious to one side only in the great war. I would like to be assured on that subject.

Mr. UNDERWOOD. I will say to my colleague from Alabama that not having drafted the resolution myself, and not having time to give it the careful study that I would have done if I had drafted it, I do not want to risk a hasty interpretation of the resolution.

Mr. HOBSON. Can the gentleman give some reason for its not being sent here before this hour, and not having been sent earlier to give us some chance to deliberate on it and find out its real effect?

Mr. UNDERWOOD. I can give no reason why it was not sent at an earlier hour. I have only heard of it within the hour. The resolution clearly is intended to enable the President to protect our obligations under the convention at The Hague and to maintain the neutrality of the United States. Whether it does not go far enough is a question I do not pass upon, but that it is entirely proper, as far as it goes, and is intended to protect our neutrality I have no doubt.

Mr. HOBSON. I will ask the gentleman this question——

Mr. FLOOD of Virginia. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Virginia rise?

Mr. FLOOD of Virginia. I want to interrupt the gentleman to answer a question that the gentleman from Alabama [Mr. HOBSON] asked.

The SPEAKER. The gentleman from Alabama [Mr. HOBSON] has no time to yield.

Mr. UNDERWOOD. I will yield to the gentleman from Virginia; he is the chairman of the Committee on Foreign Relations.

Mr. FLOOD of Virginia. The gentleman from Alabama [Mr. HOBSON] asked if this applied to the shipments of big guns from this country to the belligerents.

Mr. HOBSON. Yes.

Mr. FLOOD of Virginia. It does not. It applies only to the vessels and not to the freight the vessels are carrying. It applies to those vessels that are supplying belligerent vessels, which would use our coasts as a base of supplies. It has no reference to the shipment of arms or munitions of war of any character.

Mr. HOBSON. But suppose——

Mr. UNDERWOOD. Oh, Mr. Speaker, I will ask the gentleman not to take up too much of my time.

Mr. HOBSON. There are heavy shipments of big guns going to fit out warships. Those warships may not be hovering near our shores, but they are out on the waters, and very heavy shipments are going on now to fit out those warships, and my question is whether this would apply to them?

Mr. FLOOD of Virginia. I do not know anything about the state of affairs referred to by the gentleman. I do know that this resolution does not give the President the power to put an embargo on the shipment of arms and munitions of war to one or both belligerents, which in itself would be an unneutral act.

Mr. HOBSON. I want to ask the gentleman before he sits down, the chairman of the Committee on Foreign Affairs, whether they would accept an amendment——

Mr. UNDERWOOD. Oh, no; I would not.

Mr. HOBSON. That would really in spirit as well as in letter make our country neutral and not a basis of fitting out with guns or other essential features warships of any belligerent.

Mr. UNDERWOOD. Mr. Speaker, I will say to the gentleman from Alabama that this resolution was prepared by the Department of Justice, I have no doubt at the instance of the President of the United States, who must maintain the neutrality of our country, and I would not feel justified in allowing any amendment to the resolution at this time. I reserve the remainder of my time.

The SPEAKER. The gentleman reserves five minutes.

Mr. MANN. Mr. Speaker, I would like to have the resolving clause read again.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States in Congress assembled.

Mr. MANN. Mr. Speaker, I will ask the gentleman from Alabama to agree to an amendment to insert after the words "United States" the words "of America," which the law requires, though they have not discovered that apparently at the Department of Justice.

Mr. UNDERWOOD. Mr. Speaker, the gentleman is correct about that. I ask unanimous consent that the words "of America" be added after the words "United States" in the resolving clause of the resolution.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the words "of America" be added after the words "United States" in the resolving clause of the resolution.

Is there objection?

There was no objection, and it was so ordered.

Mr. MANN. Mr. Speaker, a number of gentlemen have asked that the resolution might be again reported, and I ask unanimous consent that it may be again read by the Clerk.

The SPEAKER. Without objection, the Clerk will again report the resolution.

There was no objection, and the Clerk again reported the joint resolution.

Mr. MANN. Mr. Speaker, I may be in error, but I think that the effect of the resolution is practically only to give a method of enforcing what is now the law under the statute law and the treaty law of the United States. It is perhaps unfortunate in a way that it comes to the House without any opportunity of having it printed in advance. I suppose probably it has just occurred to the Secretary of State, as he was leaving his office to go to a committee meeting this afternoon, that the passage of this resolution was of vital importance to the Nation, and hence he directed one of the clerks or employees in his office to send a communication to Congress during the last day of its session. And yet I am not disposed to criticise him for that, although, it seems to me, it would have been a little more dignified, if the matter is of vital importance, to have had either the President himself or the Secretary of State send a communication to the Speaker of the House, as is required under the rules of the House. But, after all, we will probably have to forget and forgive a good many things before the European war is over; and when the administration asks of us something which the administration believes will aid it in preserving the neutrality of our country, I am in favor of giving them the legislation without hesitation and without quibble. [Applause.] I hope that during the vacation—that while we are away, and after—the President and his administration will be able, in the troubled waters through which they must pass, to preserve our neutrality and our dignity and our rights; but it will be no easy task, and we ought not to be faultfinding in regard to it, and for one I shall support the resolution. [Applause.]

Mr. HOBSON. Mr. Speaker, I will ask the gentleman to yield me some of his time.

Mr. MANN. I think not.

The SPEAKER. The question is on suspending the rules and passing the joint resolution.

The question was taken, and two-thirds having voted in favor thereof, the rules were suspended and the joint resolution was passed.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. FORDNEY] may have 10 minutes in which to address the House.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the gentleman from Michigan [Mr. FORDNEY] may have 10 minutes in which to address the House. Is there objection?

Mr. HOBSON. Mr. Speaker, reserving the right to object, on what subject?

Mr. MANN. I do not know.

Mr. HOBSON. The gentleman knew on what subject I wanted to speak to the House.

Mr. MANN. Oh, I knew that the gentleman wanted to get us into trouble of some kind. [Laughter.]

The SPEAKER. The gentleman from Illinois asks unanimous consent that the gentleman from Michigan [Mr. FORDNEY] be permitted to address the House for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

BEET AND CANE SUGAR INDUSTRY.

Mr. FORDNEY. Mr. Speaker, two or three days ago the gentleman from Colorado [Mr. KEATING] made some reference to some remarks which I had made on this floor regarding the beet and cane sugar industry of this country, and he placed in the RECORD some printed matter published by a paper in the State of Colorado. The gentleman from Colorado said that four out of seven beet-sugar factories in his State had closed their doors and were not operating at the present time.

The reason given by the gentleman from Colorado [Mr. KEATING] for the closing of the doors of those four factories was that the machinery was antiquated and not up to date, and therefore those factories were at a disadvantage with other factories in his State with more modern machinery and more favorably located for the production and manufacture of sugar.

Mr. KEATING. Mr. Speaker, will the genleman yield just a moment?

Mr. FORDNEY. Yes, sir.

Mr. KEATING. I am sure the gentleman has no desire to misquote me.

Mr. FORDNEY. Oh, not at all; not under any circumstances.

Mr. KEATING. If the gentleman will refer to my remarks in the RECORD he will find that I said that the real reason those factories were closed was because the companies which controlled them refused to pay the farmers a sufficient price for their beets.

Mr. FORDNEY. No; I beg to differ with the gentleman. That was not your statement. Your statement was that the trust-controlled factories would not pay the farmers a reasonable price for their beets.

Mr. KEATING. Yes; and I reiterate that.

Mr. FORDNEY. Well, then, let me call your attention to the fact, my friend, that you are in error, because the Sugar Trust has no interest in the four factories in question that closed down, and the only factories operating in your State are the ones in which the Sugar Trust holds stock—the Great Western Sugar Co.

Mr. KEATING. Of course, I can not controvert that statement.

Mr. FORDNEY. I will give you the names of the factories that did close down. Here they are: The Lamar, owned by the American Sugar Co.; the Holly, owned by the Holly Sugar Co.; the Monte Vista, owned by the San Luis Valley Beet Sugar Co.; and the Las Animas, leased by the American Beet Sugar Co. All the factories in your State owned by the Great Western Sugar Co., and in which the American Sugar Refining Co., the so-called Sugar Trust, has any stock, sir, are running.

Mr. KEATING. Will the gentleman yield for just a moment?

Mr. FORDNEY. For just a short question.

Mr. KEATING. Does the gentleman contend that those factories, the ones controlled by the Sugar Trust, have dealt more generously with the farmers of Colorado than the others?

UNDER DEMOCRATS INDEPENDENT FACTORIES MUST CLOSE.

Mr. FORDNEY. The others, since 1913, could not deal at all with your farmers, because of your tariff legislation, and have closed their doors. And the only factories dealing with the farmers in your district are the ones in which the Sugar Trust is interested. [Applause.] That is correct, is it not?

Mr. KEATING. No; that is absolutely incorrect. The gentleman is mistaken.

Mr. FORDNEY. Pardon me just a minute.

The gentleman suggests in the article which he prints that last year a certain factory sliced 201,600 tons of beets, out of which was produced 500,000 bags of sugar, of 100 pounds each, or 50,000,000 pounds, and then says that he wants to see the time come, or the condition brought about, when the farmer in his State can receive a fair price for his beets. The gentleman, of course, believes in the Underwood tariff law—free trade on sugar—in order to bring about that condition.

Now, 50,000,000 pounds of sugar from 201,600 tons of sugar beets means 258 pounds of sugar extraction per ton, a reasonable amount of sugar extracted from a ton of beets, that test 16 per cent saccharine matter.

In the State of Michigan, where the average test is about 15 per cent, the factories produce some 240 pounds of sugar per ton of beets, showing a loss of 3 per cent in extraction, which is about correct, and the extraction in your State, sir, is no more. There is no modern machinery to-day with which the manufacturer can extract more than about 240 pounds of sugar from 15 per cent beets. In other words, there will be a loss of 3 per cent in extraction. The article put in the RECORD by the gentleman from Colorado states that the factory owners claim those beets cost them $7.44 a ton delivered at the factory. He states, and his friends who published the article say, that the farmers received only $5.30 a ton for their beets, but he neglects to add that in the State of Colorado most of the beets that are produced are siloed, at a cost of from 50 to 75 cents a ton. And in addition the factory pays the freight on the beets from weigh stations to the factory. They also pay the cost of unloading, they pay the expense of their field men, of overhead charges, interest, taxes, and insurance. All those costs must be added to the price paid to the farmers for beets. And you, my friend, accepting the statement of somebody who does not claim to be a manufacturer of sugar, deny or dispute the statement given out by the owners of the factories, that those beets cost them $7.44 a ton delivered at the factory. If you will divide $7.44 by 258—which you claim was the number of pounds of sugar produced from a ton of beets in Colorado—it will show that it costs the factories 3 cents a pound for the sugar in the beets delivered at the factory.

And, if I have the time, I want to show you statistics furnished by Willett & Gray, sugar statisticians, that the Sugar Trust, in October, 1913, before the Underwood tariff law took effect, and when the domestic sugar was on the market in this country, ran down the differential. What I means by the differential is the difference between the price paid for raw imported sugar and the price of granulated sugar fixed by the trusts, out of which must come the refining cost, which is, in round numbers, 40 cents per 100 pounds.

UNDERWOOD TARIFF HELPED THE TRUST.

Early in the spring of 1914, before the reduction in tariff on sugar provided for in the Underwood law went into effect, and at a time when the domestic beet sugar was on the market, the refiners or so-called Sugar Trust ran down that differential to 44 cents per 100 pounds, which yielded about 4 cents profit on each 100 pounds. A profit of 4 cents per 100 pounds amounts to 14 cents profit on a barrel of sugar of 350 pounds.

And in September last, just before the beet sugar came on the market, and at a time when there was no domestic sugar with which the refiners must compete, the trust rapidly advanced their differential to $1.84 per 100 pounds. Take from that $1.84 the cost of refining—40 cents—and it leaves $1.44 per 100 pounds as the Sugar Trust's profit, or $5.04 profit per barrel of 350 pounds. With that enormous differential of $1.84 the American Sugar Refining Co., producing 45,000 barrels of sugar per day, is able to realize a daily profit amounting to no less than $225,000. On the other hand, when their differential was but 44 cents their profit was only $6,300 a day. That is the difference in the control the Sugar Trust has over sugar prices when there is no domestic sugar on the market and when they have domestic competition. In January and February, 1914, the price paid by the Sugar Trust for Cuban raw sugar f. o. b. New York was $2.01 per hundred pounds, and as above shown the beet-sugar factories in your State last year paid 3 cents per pound for the sugar in the beets delivered at the factories. Now, in view of this fact, how can you consistently say sugar can be produced in Colorado as cheaply as any place in the world?

In January and February, 1914, before the new rate on sugar provided in the Underwood tariff law took effect, the price of raw sugar to the Sugar Trust f. o. b. New York was $2.01 per hundred pounds, and in March and April, 1914, after the tariff reduction, the price was $2.04 per hundred pounds, practically no change at all.

FREE SUGAR HELPS REFINING TRUST.

You say that the high price of sugar exacted from the people of this country in August and September last year was due to the war in Europe. That war rages as fiercely to-day as ever. There is no reason why the price of sugar should be any less to-day than in August and September of last year, except that when our domestic sugar is on the market the Sugar Trust always reduces the price. Every time you vote for a reduction of the duty on raw sugar or for free trade, you cast a vote in favor of the Sugar Trust, and they make the American people pay the penalty by putting up the price. [Applause on the Republican side.] When our domestic sugar comes on the market the price goes down. Our domestic production of sugar in this country amounts to 25 per cent of the total consumption. That domestic sugar is on the market six months in the year. Therefore during that six months our domestic production of sugar furnishes us 50 per cent of our consumption at a lower price, because the Sugar Trust reduces the price of its sugar, and during the remaining six months the sugar refining companies make their profits for the whole year. Every time you vote for a reduction of the duty you vote for a higher price of sugar, but you vote for a lower price for beets to the farmers of this country, as is evidenced by your own statement that last year's price of beets was 50 cents a ton less than the previous year. [Applause on the Republican side.]

In his remarks before this House last Friday the gentleman from Colorado [Mr. KEATING] took it upon himself to assail me for criticizing the policy of the present administration toward the domestic sugar producers.

He embodied in those remarks certain "figures" intended to prove that the domestic sugar manufacturers, who are now at death grips with the seaboard refiners of sugar, were themselves making inordinate profits. No such "figures" as he presented have been heard in Washington since the days of Mulberry Sellers. The gentleman from Colorado resembles "Mulberry" in more ways than one. Both turn to agriculture when they indulge in flights of fancy, and to preserve the parallel both have a fondness for the root crops. Mulberry Sellers reveled in turnips, and maintained that the high cost of living could be solved by eating turnips and drinking water. His successor from Colorado has substituted the sugar beet for the turnip crop, but otherwise appropriates both the logic and phraseology of his famous predecessor, and solemnly informs us that there are "millions in it."

HOW MR. KEATING FIGURES.

By multiplying the total output by the highest market quotation for granulated sugar and then deducting the price that the company paid the farmers for the beets, the gentleman from Colorado has proved entirely to his own satisfaction that the Rocky Ford (Colo.) Co. has made a net profit this year of $1,116,028 on an investment of $1,000,000. The process is very simple and one of its advantages lies in the fact that any net profit desired can be secured when the costs are known by selecting the market price at which the total output is to be sold. It is the favorite plan followed by those about to break into the poultry business. They figure the number of eggs a hen will lay; make a certain allowance for breakage, for the molting period, and for the natural perversity of the hen, and then, after feeling that they have made due allowance for all adverse contingencies, simply multiply the result by a sufficient number of hens to yield the income they started out to secure.

This is the highly intelligent process followed by the gentleman from Colorado, only he has substituted sacks of granulated sugar for eggs. He solemnly informed the House that during the season just closed the factory handled 201,600 tons of beets, at a cost of $1,673,280, from which it secured 500,000 bags of sugar of 100 pounds each.

The farmers figure that the factory received $5.25 per sack for this sugar, a very moderate estimate, as I have shown—

Says Mr. KEATING—

because the current price for sugar is from 50 cents to a dollar higher than that figure. Let us accept the farmers' figure, however, or $5.25 per sack, and we find that the sugar company received $2,625,000 for the sugar. It is estimated that it received $164,308 for various by-products, or a total of $2,789,308.

If we deduct from this latter sum the amount paid the farmers for their beets and the total cost to the factory for handling the beets, we find that the company's net profit was $1,116,028.

This is on an investment of about $1,000,000.

This method of calculation is in keeping with the entire process of reasoning that was followed by the Democrats in dealing with the tariff. It would all be very amusing if it had not proven so serious for the business of the country. In the present instance it is all the more inexcusable because the gentleman from Colorado could have learned the facts had he made the slightest effort, and thus avoided the ludicrous spectacle that he made of himself when he submitted those figures.

A few minutes of investigation of the trade reports would have convinced him that neither the Great Western nor any of the other beet-sugar companies have realized anything like the prices which he asserts they secured for their entire output. In fact, the losses they have sustained through not being able to sell at current market prices, because of the fact that they had contracted for their output before the advance, had been notorious in sugar circles since the outbreak of the European war.

As long ago as August 20, 1914, Willett & Gray's Weekly Statistical Trade Journal, page 308, announced:

We are advised that both the American Beet Sugar Co., having factories in California, Colorado, and Nebraska, and the Great Western Sugar Co., of Colorado, have made free contracts for deliveries of their products at the low prices current before August 1, and are disposed to continue sales as rapidly as sugar can be produced in order to relieve any acute situation that may arise. The beet crops east of the Rocky Mountains do not come to market until October.

EUROPEAN WAR DID NOT HELP INDEPENDENTS.

On August 22, the Louisiana Planter, page 126, published a telegram from Mr. Truman G. Palmer, beet-sugar statistician, of this city, giving extracts from reports of a number of beet-sugar factories throughout the West. They show conclusively that the small manufacturers of this country derived no benefit from the colossal sum of which the Sugar Trust, with the connivance of the Democratic administration, mulcted the consumers of this country during the month of August, 1914. Here is the telegram:

WASHINGTON, *August 19, 1914.*

Except in California, the domestic beet-sugar crop is not ready to harvest, and the following telegrams received by me to-day from seven of the nine California manufacturers of beet sugar show how much warrant there is for the widely published statement that the present high price of sugar is due to a conspiracy among American beet-sugar manufacturers to hold back their 1914 crop:

"Your wire 16th: Have sold 124,000 bags. Have manufactured to date 27,500 bags. All buyers clamoring for deliveries. It will take until October 5 to manufacture and deliver all this sugar at old prices. Have not sold car at higher prices." (Los Alamitos Sugar Co.)

"Have made 6,560 bags of sugar this season, all of which has been shipped as made, and direct to purchasers, on bona fide sales made during June and July." (Santa Ana Cooperative Sugar Co.)

"Large portion of our sales are Missouri River territory. Our total sales several times greater than production to date, and nearly all made prior to advance, account of war." (Holly Sugar Co.)

"We expect to make 1,500,000 bags present campaign, of which we have contracted to sell 1,000,000 bags. Sales of sugar at present date will employ capacity of factories until late December." (American Beet Sugar Co.)

"All sugars manufactured by this company not consumed in California shipped to Missouri River territory, and shipping as rapidly as made. When southern California factories went into market to sell sugar, jobbers refused to buy, stating they had supply on hand and contracted to last October 1—some, January 1. Sold 75 carloads to be shipped on instructions. Have received instructions for 11 cars. Have filled these and shipped 10 cars additional to our brokers at Kansas City, and shipping more daily." (South California Sugar Co.)

"We have sold for August and early September delivery 67,790 bags of 100 pounds each. We have made and delivered on these contracts 21,060 bags, and are shipping as fast as we can possibly make it and holding back nothing. Have not been up to capacity until last Saturday, owing to slow delivery of beets." (Anaheim Sugar Co.)

The average price received by all of these factories for their 1914 sugar, f. o. b. factory, has been 4.04 cents per pound, the highest average price received by any one of the factories being 4.75 cents per pound.

Due to the reduction of the import duty and the low price of sugar before the outbreak of the war in Europe, eight American beet-sugar factories closed down, others reduced their acreage, and the 1914 crop of domestic sugar will be from two and one-half to three million bags less than the 1913 output.

To finance their operations, a large portion of the crop is sold several months in advance of its manufacture, and the extra profits, because of the advance in price, will inure to the dealers and not to the manufacturers.

TRUMAN G. PALMER.

On September 10, Willett & Gray, page 339, announced the following:

The Great Western Sugar Co. is reported to have sold 250,000 bags of its 1914 product at prewar-time prices. The campaign at Grand Junction is expected to start not later than October 1.

ADMINISTRATION DID NOT CURB REFINERS.

The outrageous robbery of the American people last summer by the Sugar Refining Trust, with the connivance of the Democratic administration, occurred during the months of August and September. The wholesale price of fine granulated sugar at the port of New York was jumped by leaps and bounds from 4.16 cents per pound on July 28 until it reached 7.35 on August 18. It continued at inflated prices until October, when the domestic crop began moving and brought relief to the American consumers.

As the extracts I have read conclusively show, none of the independent manufacturers had any stocks on hand in August and September, 1914, when sugar reached the highest point in modern history.

The hypocritical campaign that had been carried on by the refiners while the Underwood bill was under discussion had depressed the price of raw sugar to the lowest point on record. Many producers were compelled to sell at less than the cost of production. Thousands of farmers were ruined and many of the smaller sugar houses were dismantled. Those of the independent operators who survived contracted to sell the first part of this year's output at prices which prevailed prior to the European war in order to secure advances for operating expenses.

The only stocks of sugar held in this country were in the hands of the seaboard refiners. While the tariff bill was before Congress they sold stock at an actual loss, in order to further their deceitful campaign for free sugar. But after their purpose was accomplished they steadily advanced prices to make up their losses, and the consumer, who was deceived for a short period, was compelled to reimburse them as soon as the European war gave them a pretext for raising prices.

This course of the refiners in this matter was made clear in a letter from the Louisiana-Porto Rico headquarters, which was published in the CONGRESSIONAL RECORD for August 14 last by Senator RANSDELL. It said:

Developments in Europe during the past week have resulted in a sensational advance in both raw and refined sugar. Prices now promise to soar far above the level of 1911, when the shortage of the European beet crop was followed by a world-wide advance in prices.

But the refiners should not be allowed to take advantage of the war in Europe to deceive Congress or the consuming public regarding their course in advancing prices. Their record in this connection should be made plain to the people.

They broke their promise, at the same time issuing misleading statements that the consumers were receiving the full benefit of the 25 per cent cut in the tariff on raw sugar. This was before the slightest cloud had appeared upon the horizon of European politics.

As stated in the cited case of Crystal Dominoes, the refiners began the advance during the week of May 21–28, a full month before the Austrian Archduke Ferdinand was assassinated at Sarajevo, on June 28. All the advances I cited occurred prior to July 16, but Austria did not send her ultimatum to Servia until a week after that date, July 23. Consequently the refiners can not plead the European trouble for breaking their promise.

Should a readjustment of the import duties be deemed necessary by reason of the European war, these facts should be brought to the attention of Congress in considering the sugar schedule.

Not only did the Sugar Refining Trust and its allies fail to live up to its promise to give the consumers the full benefit of the tariff cut on raw sugar, but before the war in Europe afforded them the slightest excuse they were cleaning up millions of dollars at the expense of the domestic producers.

MR. KEATING'S PRICES ARE QUESTIONED.

That same letter, which was subsequently sent to all Members of Congress under Senator RANSDELL'S frank, contained certain statements regarding the price of sugar in Colorado before and after the passage of the Underwood bill which are in direct conflict with the statement made on the floor of this House by the gentleman from Colorado.

In concluding his remarks the gentleman from Colorado said:

During my campaign in Colorado in the fall of 1912 I took occasion to ascertain the retail price of sugar in the various towns I visited. I found that the grocers were selling from 12 to 14 pounds of sugar for $1. After the Underwood bill was enacted those same grocers sold 20, 21, and even 22 pounds of sugar for $1. The consumer of sugar, therefore, received from 6 to 8 pounds more of sugar for his dollar than he had received prior to the change in the tariff.

Inquiry at any grocery in the city of Washington will confirm these figures.

The letter which was published in the CONGRESSIONAL RECORD by Senator RANSDELL, from the Louisiana-Porto Rican people, contained excerpts taken from the advertising columns of the daily papers of 36 States, now on file in the Library of Congress.

These advertisements—

It said—

show the retail price of sugar.

This is the fairest way of ascertaining how the consumer has actually fared. The merchants paid for the newspaper space carrying these advertisements. The prices were announced as "bargains," and in many cases sugar was offered at cost in order to stimulate the sale of other goods.

Wherever it has been possible to do so, corresponding prices for a year ago have been given from the papers on file in the Library.

Under the heading of "Colorado," the letter gives the following:

COLORADO.

1914.	1913.
The John Thompson Grocery Co., Denver, 22 pounds fine granulated sugar, $1. (From the Rocky Mountain News, July 12, p. 4, sec. 2.)	The John Thompson Grocery Co., Denver, sugar, 100 pounds, beet, $5.10; sugar, 100 pounds, cane, $5.30. (From the News, July 13, p. 4.)

The sugar schedule of the Underwood bill became operative March 1, 1914, and these figures of the John Thompson Grocery Co. do not bear out the experience of the gentleman from Colorado, who says he now obtains from 20 to 22 pounds of sugar for a dollar, whereas he formerly obtained only 12 to 14 pounds.

I believe, Mr. Speaker, that these few extracts I have taken from the patchwork "figures" that were used so recklessly by the gentleman from Colorado warrant the comparison I have drawn between him and Mulberry Sellers.

But whereas Mark Twain's poor old visionary, over whose vagaries two generations of Americans have laughed, was never vicious, his successor from Colorado has seen fit to impugn my motives in the fight I have been making here for the preservation of a great American industry and gratuitiously insinuate that my sympathies are with the Sugar Trust and not with the farmer.

With a blandness which has few parallels, he has also attemped to shift the alliance which the administration has notoriously maintained with the Sugar Refining Trust since it came into power two years ago from the Democrats to the Republicans. There never was a more flagrant wearing of the livery of heaven to serve the devil, and no better proof of this can be had than is furnished by the Democrats themselves. Sugar farmers of Louisiana, who for a quarter of a century have maintained an unbroken fealty to the Democratic Party, are so outraged at the conduct of this administration in betraying them to the Sugar Trust that they overwhelmingly drove it from power last November and sent a protectionist here to represent them. That representative, who has been in Washington for the past week and who is thoroughly familiar with the domestic sugar situation, appears to have read the remarks of the gentleman from Colorado as printed in the RECORD with astonishment. I was surprised and gratified to receive the following letter from him this morning:

WHAT THE LOUISIANA INTERESTS SAY.

UNITED STATES HOUSE OF REPRESENTATIVES,
Washington, D. C., March 1, 1915.

Hon. JOSEPH W. FORDNEY,
Washington, D. C.

MY DEAR MR. FORDNEY: Just as I was about to leave the city I chanced to see the very remarkable address delivered by Mr. KEATING, appearing in the CONGRESSIONAL RECORD of February 26. I wish to state that the sugar growers of my State resent the insinuation contained in the address of Mr. KEATING that your remarks of a few days ago were in the interest of the Sugar Trust.

Anyone acquainted with the history of sugar legislation knows that the trust has always worked for and favored free sugar, to the end that the sugar producer, both beet and cane, might be put out of business and thus enable the trust to absolutely control and manipulate the sugar market. When the Underwood bill was under consideration the Sugar Trust maintained an active lobby at the Capitol, and it gained a great victory when the Democratic Party was persuaded to violate its platform pledge—not to injure or destroy any legitimate industry—and place sugar upon the free list.

The European war is all that saved the sugar growers in my State, and the fact that we of Louisiana are still in the sugar business is not due to anything the Democratic Party has done for us, but in spite of all that it has done against us.

The attack upon the motive which has governed you in your fight for a duty on sugar is both unjust and unfounded. We of Louisiana fully appreciate the high and disinterested purpose which has prompted you to urge the retention of a duty upon sugar, as we are fully aware that the European war will not last always, and unless there is some favorable legislation looking toward the restoration of a duty the great sugar industry of this country is doomed.

Permit me to thank you for your efforts to save the sugar grower of my State and to assure you that your interest in our welfare is much appreciated.

With assurances of high regard, I am,
Yours, very truly, W. P. MARTIN.

The entire statement of the gentleman from Colorado was a fantastic crazy quilt of inaccuracy and misstatement. To begin with, the closing of four beet-sugar factories in his State last year, which he attributed to the influence and policy of the Sugar Trust, giving the impression that the closed factories were those in which the trust is interested, is misleading, inasmuch as all of the four factories which were closed are independent factories, in which the trust has no interest whatever. The closed factories, as before stated, were as follows:

Lamar, owned by the American Beet Sugar Co.
Holly, owned by the Holly Sugar Co.
Monte Vista, owned by the San Luis Valley Beet Sugar Co.
Las Animas, leased by the American Beet Sugar Co.

All of the nine factories owned by the Great Western Sugar Co., in which the Sugar Trust has a minority interest, were operated.

Mr. KEATING says three factories were closed because they were old and the machinery antiquated. They were erected in the following years, all but Lamar, with entirely new machinery:

Lamar	1905
Las Animas	1907
Monte Vista	1911
Holly	1905

MORE WILD STATEMENTS EXPOSED.

The gentleman from Colorado in the course of his tirade against the domestic sugar industry was interrupted by the gentleman from New York [Mr. TALCOTT], who, seeking certain definite information, asked if the production in 1914 of sugar beets in Colorado was much below that of 1913.

With characteristic inaccuracy and assurance the gentleman from Colorado replied:

No; it was approximately the same. I have not the exact figures at hand.

As a matter of fact, the falling off in the production of sugar beets in his State for the past year, as shown by the preliminary report of the Department of Agriculture, Farmers' Bulletin 641, page 5, was not only greater in tons, but greater in percentage than in any other State but one. The loss to Colorado was put at 288,653 tons, out of a total decrease for the United States of approximately 500,000 tons. The figures given by the Department of Agriculture show that the tonnage for the United States fell off something more than 9 per cent, most of that calamity falling upon his own State, where the crop shortage amounted to practically 15.6 per cent, and yet he flippantly announced when questioned that this heavy loss to one of the great staple crops was only "approximate."

Mr. TALCOTT of New York then asked:

That was so throughout the country also, was it not?

To which the gentleman, with the same bland assurance, replied:

I have not the figures at hand. I do not think the reduction was very great.

If Mr. TALCOTT of New York was seeking information regarding the production of cane sugar in the Southern States as well as beet when he used the term "throughout the country," the reply of the gentleman from Colorado was even more misleading to the second question than to the first. The same official publication from which I have quoted estimated that the tonnage in Louisiana had been reduced from 4,214,000 short tons to 3,600,000 short tons of cane, as a result of the free sugar policy of the gentleman's party, which has well-nigh ruined the principal industry of that State.

If the gentleman's crop estimates are thus unreliable, his quotation of market prices is even worse and more inexcusable, as he had every opportunity to correctly inform himself on this point had he made the slightest effort to do so. With a great flourish he informed the House that he had "studied the sugar question with some care." At the same time he announced:

Granulated sugar is now selling in eastern markets at $5.75 per hundred pounds. It commands $6.25 per hundred pounds in the Denver market, and corresponding prices in other markets of the country. Six dollars per hundred pounds would be a good average price.

PRICES OF SUGAR ON DENVER MARKET.

When the Sugar Trust was exploiting the people of Colorado without interference from the Democratic administration during the months of August and September, sugar was selling on the Denver market at prices ranging from 7.10 to 7.55 cents per pound. When the domestic beet crop came to the relief of the consumers in October the Sugar Trust was compelled to suspend its extortion, and on October 6 Colorado beet was quoted on the Denver market at 6.55, a drop of a full cent per pound from the price asked for granulated cane sugar on September 21, and 80 points below the price of beet on the corresponding date.

The following Denver prices, as taken from Willett & Gray's for the past four months, will suffice to show how accurate and fair the gentleman is when he informs this House that this sugar is selling on the Denver market for 6.25:

Date.		Price of beet sugar.
1914.		
Oct. 6	Denver	6.55 differential 50 points.
14	do	6.30 less 2 per cent.
23	do	6.05 less 2 per cent.
24	do	5.85 less 2 per cent.
30	do	5.55 less 2 per cent.
Nov. 4	do	5.35 less 2 per cent.
5	do	5.05 less 2 per cent.
13	do	5.15 less 2 per cent.
23	do	5.25.
30	do	5.35.
Dec. 7	do	5.45.
1915.		
Jan. 16	do	5.40 less 2 per cent.
Feb. 1	do	5.40 less 2 per cent.
4	do	5.60 less 2 per cent.
5	do	5.70 less 2 per cent.
6	do	5.85 less 2 per cent.
9	do	6.10 less 2 per cent.

Upon questions of policy men may honestly differ, and upon questions of fact when the evidence is conflicting or not clear the same applies. But there is no occasion for dispute regarding the market quotations of the staple commodities of the United States. They are fixed and certain, and may be known to all men. When the gentleman, therefore, makes the sweeping statement that it is false to deny the consumer "is not benefited from the reduction of the sugar tariff," when that fact is notorious and is susceptible of proof, he is without justification or excuse.

And when he transgresses the pale of controversial discussion and the best traditions of this House to intimate that my sympathies in this matter are covertly with the Sugar Trust rather than the American farmer, I want to brand that statement so that all honorable men will know it. My course in this sugar controversy is fully known to the beet farmers of the West and the cane farmers of the South, and if there was the slightest question regarding it I would unhesitatingly submit to their verdict.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had insisted upon its amendment to the bill (H. R. 16136) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. THOMAS, Mr. PITTMAN, and Mr. SMOOT as the conferees on the part of the Senate.

ENROLLED BILLS SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 16510. An act to provide for recognizing the services of certain officers of the Army, Navy, and Public Health Service for their services in connection with the construction of the Panama Canal, to extend to certain of such officers the thanks of Congress, and for other purposes;

H. R. 21328. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1916, and for other purposes;

H. R. 20975. An act making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes;

H. R. 20347. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1916;

H. R. 21201. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1916;

H. R. 20643. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and soldiers of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 21089. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 21218. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 9899. An act to authorize the laying out and opening of a public road on the Winnebago, Omaha, Ponca, and Santee Sioux Indian Reservations in Nebraska and on Indian reservations in Montana.

The SPEAKER announced his signature to enrolled bills and joint resolution of the following titles:

S. 4180. An act to validate title to certain town sites in the State of Montana;

S. 7212. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 7188. An act to increase the limit of cost of the United States post-office building at Garden City, Kans.;

S. J. Res. 191. Joint resolution to convey appreciation of Congress to their excellencies Señor Domicio da Gama, Señor Rómulo S. Naón, and Señor Eduardo Suárez for their generous and distinguished services as mediators in the controversy between the Government of the United States and the leaders of the warring parties in Mexico;

S. 3362. An act to authorize the Secretary of Commerce, through the Coast and Geodetic Survey and the Bureau of Fisheries, to make a survey of natural oyster beds, bars and rocks, and barren bottoms contiguous thereto, in waters along the coast of and within the State of Texas; and

S. 7362. An act authorizing and directing the Secretary of the Interior to patent certain lands to the State of Utah and to accept relinquishment from the State of Utah of certain other lands in lieu thereof.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 16642. An act authorizing the Secretary of the Treasury to disregard section 33 of the public-buildings act of March 4, 1913, as to site at Vineland, N. J.;

H. R. 15038. An act proposing an amendment to the Federal reserve act relative to acceptances, and for other purposes;

H. R. 1698. An act to amend an act entitled "An act to provide for an enlarged homestead," and acts amendatory thereof and supplemental thereto;

H. R. 4545. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

H. J. Res. 366. Joint resolution authorizing the Secretary of War to use any allotment made under the provisions of an act approved October 2, 1914, entitled "An act making appropriations for the construction, repair, and reservation of certain public works on rivers and harbors, and for other purposes," for the improvement of East River and Hell Gate, N. Y.;

H. R. 1090. An act for the relief of Alonzo D. Cadwallader;

H. R. 9701. An act for the relief of F. W. Theodore Schroeter;

H. R. 2662. An act for the relief of Andrew J. Lawrence;

H. R. 12229. An act for the relief of William A. Wallace;

H. R. 3430. An act for the relief Lottie Rapp;

H. R. 7205. An act for the relief of H. S. Hathaway;

H. R. 9734. An act for the relief of Victoria Coffman;

H. R. 20894. An act to provide for the appointment of a district judge, district attorney, and marshal for the western district of South Carolina, and for other purposes;

H. R. 12909. An act for the relief of James W. McGreevey;

H. R. 20975. An act making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes;

H. R. 21328. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1916, and for other purposes;

H. R. 2642. An act authorizing the President to reinstate Joseph Eliot Austin as an ensign in the United States Navy;

H. R. 21121. An act to extend the time for constructing a bridge across the Missouri River near Kansas City, Mo., authorized by an act approved June 17, 1914; and

H. R. 16510. An act to provide for recognizing the services of certain officers of the Army, Navy, and Public Health Service for their services in connection with the construction of the Panama Canal, to extend to certain of such officers the thanks of Congress, and for other purposes.

MAJ. JOHN O. SKINNER, SURGEON, UNITED STATES ARMY, RETIRED.

Mr. CARLIN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2789) to award the medal of honor to Maj. John O. Skinner, surgeon, United States Army, retired.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to award the medal of honor to Maj. John O. Skinner, surgeon, United States Army, retired, for gallantry in action while serving as an acting assistant surgeon, United States Army, in having rescued a wounded soldier who lay under a close and heavy fire during the assault on the Modoc stronghold during the battle of January 17, 1873, in the Lava Beds, Oreg., after two soldiers had unsuccessfully attempted to make the rescue and both had been wounded in doing so.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, I should like to ask the gentleman from Alabama [Mr. UNDERWOOD], the leader of the majority, if he contemplates moving that the House take a recess to permit the Members to go to their hotels for dinner?

Mr. UNDERWOOD. It is my desire to take a recess as soon as this bill is disposed of.

Mr. CARLIN. Let us dispose of it quickly, then.

Mr. STAFFORD. I know the gentleman is very anxious to dispose of it quickly, because the report of the Secretary of War is adverse to the granting of this medal of honor to this assistant surgeon.

Mr. HAY. If the gentleman will permit me——

Mr. STAFFORD. I shall be glad to hear the statement of the chairman of the committee that reported the bill.

Mr. HAY. The reason given by the Secretary of War for his adverse report is that under the law these medals of honor can be granted only to commissioned officers or enlisted men. Now, this man was a coutract surgeon, and therefore was neither a commissioned officer nor an enlisted man. But the Secretary of War and The Adjutant General of the Army both admit that this is a very meritorious case; and I may say to the gentleman that medals of this character have been awarded to men who were contract surgeons, when they had not performed as gallant service as this man performed, and those awards have been made, not by act of Congress, but by the War Department.

Mr. STAFFORD. I half agree with the statement of the gentleman, but I believe a close reading of the report of the Secretary of War shows that he is opposed to the granting of this medal of honor, because there are hundreds of civilians who are equally entitled to it.

Mr. CARLIN. Has the gentleman made up his mind to object?

Mr. STAFFORD. I was quite impressed with the statement of the chairman of the committee that medals of honor had been awarded to other persons who had not performed as meritorious service as this gentleman.

Mr. HAY. I think this was an unusually gallant act.

Mr. STAFFORD. The Secretary of War, as I was about to state, bases his objection on the fact that to award these medals of honor to civilians promiscuously would lower the purpose and dignity intended to be conferred by the original law, which provided that this medal of honor should be awarded only to those in the military service.

Mr. HAY. But it is within the power of Congress to regulate that; and I will say to the gentleman that while there are very numerous bills pending before the Committee on Military Affairs to confer these congressional medals of honor upon certain civilians this is the only case which appealed to us as strong enough to justify us in reporting the bill, and I do believe you could not find a stronger case than this, where a man under fire went to rescue a wounded soldier and placed himself under fire in order to do so. I hope my friend from Wisconsin will not object.

Mr. STAFFORD. The gentleman thinks that this will not be taken as a precedent and these medals of honor given to civilians who have not performed real gallant service?

Mr. HAY. Oh, no.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

EXTENSION OF REMARKS.

By unanimous consent, the following Members were given leave to extend remarks in the RECORD: Mr. SLEMP, Mr. KEATING, Mr. FLOOD of Virginia, Mr. VAUGHAN, Mr. MANN, Mr. MACDONALD, Mr. FORDNEY, Mr. TAVENNER, Mr. FESS, Mr. AUSTIN, Mr. KELLY of Pennsylvania, Mr. HOBSON, and Mr. TAYLOR of Colorado.

RECESS.

Mr. UNDERWOOD. Mr. Speaker, I move that the House take a recess until half past 8 this evening.

Mr. MANN. I would like to ask the gentleman if there is any possibility that the agricultural bill will be back from the Senate at that time.

Mr. UNDERWOOD. I understand that the conferees have agreed, and possibly it may be back at that time.

Mr. MANN. Does the gentleman know whether the Senate has taken a recess?

Mr. UNDERWOOD. I do not know the recess hour of the Senate. However, Mr. Speaker, I will move that the House take a recess until 9 o'clock.

The SPEAKER. The gentleman from Alabama moves that the House take a recess until 9 o'clock. The Chair will state to the House that the gentleman from South Carolina, Mr. LEVER, chairman of the Agricultural Committee, informs the Chair that the conferees have a general agreement on the agricultural bill.

Mr. MANN. But it has first to be acted upon in the Senate.

Mr. LEVER. The Senate has to act first, and of course it will not be over here before 9 o'clock.

Mr. MOORE. Mr. Speaker, I want the gentleman from Alabama to indulge me for a moment. There are two resolutions pending, which are privileged, which pertain to the business of the War Risk Bureau. In view of the resolution which the gentleman offered a little while ago, it might be a question whether they should be called up now; but this is the last opportunity to call them up, and while I think it would be well to have the information they call for, I do not want to embarrass the State Department. I want to know whether it would embarrass the situation to call them up now.

Mr. UNDERWOOD. I can not say, because I am not informed; but I think it would be wiser not to call them up at the present time.

Mr. MOORE. I am inclined to agree with what the gentleman has done, although I think perhaps what has been done was aggravated by those resolutions and by what has been said about the War Risk Bureau. I asked the gentleman from Georgia for information yesterday, and when he was about to answer we were both cut off. If the gentleman from Alabama will yield to the gentleman from Georgia, who is chairman of the committee to which my resolutions were referred, he may say whether the Treasury Department means to give the information voluntarily that has been asked for.

Mr. ADAMSON. In view of the statement of the gentleman from Pennsylvania, that it was not expedient to call up the resolutions now, I do not think that I should answer.

Mr. MOORE. If it embarrasses the administration, I may not ask it.

Mr. ADAMSON. I prefer not to answer.

Mr. UNDERWOOD. I hope the gentleman will not press his resolutions at this time.

The SPEAKER. The question is on the motion of the gentleman from Alabama that the House take a recess until 9 o'clock this evening.

The motion was agreed to; accordingly the House, at 6 o'clock and 12 minutes, stood in recess until 9 o'clock p. m.

EVENING SESSION.

The recess having expired, the House was called to order by the Speaker at 9 o'clock p. m.

AMERICAN REGISTRY OF FOREIGN-BUILT SHIPS (H. DOC. NO. 1664).

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to print as a House document a list of foreign-built ships admitted to American registry since December 17, 1852.

The SPEAKER. The gentleman from Missouri asks unanimous consent to print as a House document a list of foreign-built ships admitted to American registry since 1852. Is there objection?

There was no objection, and it was so ordered.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I present a conference report on the bill H. R. 21546, the general deficiency appropriation bill, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from New York presents a conference report on the general deficiency appropriation bill, and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I will ask the gentleman from New York if there is anything in the conference report that is subject to the point of order?

Mr. FITZGERALD. There is nothing that is subject to the point of order.

Mr. MANN. I do not object.

The SPEAKER. The Clerk will read the statement.

The Clerk read the statement of the conferees.

The conference report is as follows:

CONFERENCE REPORT (NO. 1503).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21546) making appropriations to supply deficiencies in appropriations for the fiscal year 1915 and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 5, 8, 13, 14, 16, 18, 19, 20, 21, 22, 25, 34, 37, 47, 51, 52, 55, 60, 69, 70, and 77.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 6, 7, 9, 10, 11, 15, 17, 23, 24, 26, 28, 29, 30, 32, 33, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 53, 54, 57, 58, 62, 63, 64, 65, 66, 67, 68, 71, 72, 73, 74, 75, 76, and 78, and agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment strike out the following: "Interstate Commerce Commission, as well as for"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In line 6 of the matter inserted by said amendment, after the word "purchase," insert the following: ", until the end of the fiscal year 1916,"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "$25,000"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: Omit the matter inserted by said amendment and on page 27 of the bill, in line 20, strike out "$26,735.36" and insert in lieu thereof "$26,864.72"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$2,000"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$36,000"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$65,000"; and the Senate agree to the same.

JOHN J. FITZGERALD,
C. L. BARTLETT,
FREDK. H. GILLETT,
Managers on the part of the House.
N. P. BRYAN,
F. E. WARREN,
Managers on the part of the Senate.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. FITZGERALD, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

APPROPRIATIONS.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. GILLETT] and myself may have leave to extend our remarks in the RECORD by printing a statement relative to the appropriations made by the Congress at this session.

The SPEAKER. The gentleman from New York asks unanimous consent that he and the gentleman from Massachusetts [Mr. GILLETT], the ranking Republican member of the Committee on Appropriations, have leave to extend their remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. The Clerk will report the first bill on the Calendar for Unanimous Consent.

ADVISORY COMMITTEE FOR AERONAUTICS.

The first business on the Calendar for Unanimous Consent was H. J. Res. 413, to authorize the appointment of an advisory committee for aeronautics.

The Clerk read the title of the resolution.

Mr. MANN. Mr. Speaker, I believe that resolution is included in the naval appropriation bill, which was passed this afternoon. The gentleman from Pennsylvania [Mr. BUTLER] will know whether the advisory committee provision remained in the conference report?

Mr. BUTLER. It did.

The SPEAKER. The Clerk will call the next bill.

PUBLIC BUILDING AT BLYTHEVILLE, ARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11291) for the purchase of a site and the erection of a public building at Blytheville, Ark.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I do not know who is in charge of this bill, but there are a number of these bills on the calendar and I would like to ask somebody a question about them. The department has reported upon all of these bills, each providing for the purchase of a site.

Mr. GOODWIN of Arkansas. Mr. Speaker, my colleague, Mr. CARAWAY, is unavoidably absent from the Chamber, and I ask unanimous consent that this bill be passed over temporarily.

The SPEAKER. The gentleman from Arkansas [Mr. GOODWIN] asks unanimous consent that the bill be passed over temporarily until his colleague [Mr. CARAWAY] returns. Is there objection?

There was no objection.

PUBLIC BUILDING AT ELKINS, W. VA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20340) to increase the appropriation for a public building at Elkins, W. Va.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the limit of cost heretofore authorized for the erection of a building for the use and accommodation of the post office and other offices of the Government at Elkins, W. Va., be increased from $85,000 to $135,000.

With the following committee amendments:

Line 6, strike out the figures "$85,000" and insert in lieu thereof the figures "$95,000."

Line 6, strike out the figures "$135,000" and insert in lieu thereof the figures "$145,000."

Mr. MANN. Mr. Speaker, the bill provided for an increase in the cost of the building from $85,000 to $135,000. The committee has recommended amendments changing the amount to $95,000 and $145,000. It would be the same increase; but the committee amendments are wrong. The original authorization for a site and a building was $95,000, $10,000 for the site and $85,000 for the building. If it is proposed to increase the authorization for the site and the building, that would be from $95,000 to $145,000; but this bill merely provides for an increase in the cost of the building. The original cost of the building was fixed at $85,000, and hence the committee amendments ought to be disagreed to, for fear the bill would not amount to anything.

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were rejected.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

REORGANIZATION OF RURAL MAIL SERVICE.

Mr. THOMAS. Mr. Speaker, I ask unanimous consent for the present consideration of House resolution 738, which I send to the desk and ask to have read.

The Clerk proceeded to read the House resolution.

Mr. MANN (interrupting the reading). Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. How does this come before the House?

The SPEAKER. The gentleman from Kentucky asks unanimous consent for its present consideration.

Mr. MANN. Mr. Speaker, I object.

Mr. THOMAS. Then, Mr. Speaker, I move to suspend the rules and pass the resolution.

The SPEAKER. The Chair will not recognize the gentleman for that at the present time. The Clerk will report the next bill on the Calendar for Unanimous Consent.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed without amendment the following resolution:

House concurrent resolution 56.

Resolved by the House of Representatives (the Senate concurring), That there shall be printed as a House document 1,500 copies of the Journal of the Forty-ninth National Encampment of the Grand Army of the Republic for the year 1915, not to exceed $1,700 in cost, with illustrations, 1,000 copies of which shall be for the use of the House and 500 for the use of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20415) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1916.

GRANT OF COAL LANDS TO GRAND JUNCTION, COLO.

The next business on the Calendar for Unanimous Consent was the bill H. R. 1633, a bill granting certain coal lands to the city of Grand Junction, Colo.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MANN. I object.

HOMESTEAD ENTRIES FOR MINORS.

The next business on the Calendar for Unanimous Consent was the bill S. 2419, an act permitting minors of the age of 18 years or over to make homestead entry or other entry of the public lands of the United States.

The SPEAKER. This bill is on the Union Calendar.

Mr. MANN. Unanimous consent has not been obtained for its consideration as yet.

The SPEAKER. Is there objection?

Mr. MOORE. I object, Mr. Speaker.

REFUND OF MONEY TO MEMBERS.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I move to suspend the rules, discharge the Committee on Accounts from further consideration of House joint resolution 437, and agree to the same.

The SPEAKER. The gentleman from Mississippi moves to suspend the rules and discharge the Committee on Accounts from further consideration of House joint resolution 437. The Clerk will report it.

The Clerk read as follows:

Joint resolution (H. J. Res. 437) authorizing and directing the Sergeant at Arms to refund to Members of the House of Representatives amounts of money deducted from their salaries.

Resolved, etc., That the Speaker be, and he is hereby, directed to certify for payment the respective amounts heretofore deducted from the annual salaries of Members of the House in obedience to House resolution 601, agreed to August 25, 1914. And the Sergeant at Arms is directed to pay said Members the amounts so respectively certified.

The SPEAKER. Is a second demanded?

Mr. MANN. I demand a second, Mr. Speaker.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The gentleman from Mississippi [Mr. HUMPHREYS] is entitled to 20 minutes and the gentleman from Illinois [Mr. MANN] to 20 minutes.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I do not care to make any remarks. I ask for a vote.

The SPEAKER. The gentleman from Illinois [Mr. MANN] has 20 minutes.

Mr. MANN. Mr. Speaker, I do not desire to take the time of the House.

The SPEAKER. The question is on suspending the rules and passing the resolution.

The question was taken, and two-thirds having voted in favor thereof, the rules were suspended, and the joint resolution was passed.

The SPEAKER. The Clerk will report the next bill on the Unanimous Consent Calendar.

The next business on the Calendar for Unanimous Consent was the bill H. R. 15288, "A bill to provide for a commission to codify and suggest amendments to the general mining laws."

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MOORE. I object, Mr. Speaker.

The SPEAKER. The gentleman from Pennsylvania objects. The Clerk will call the next bill.

OPENING OF THE DALLES-CELILO CANAL.

The next business on the Calendar for Unanimous Consent was House joint resolution No. 426, providing that the Congress of the United States shall participate in the celebration of the opening of The Dalles-Celilo Canal.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, I should like to have the resolution read.

The SPEAKER. The Clerk will report the resolution.

The joint resolution was read, as follows:

Joint resolution (H. J. Res. 426) providing that the Congress of the United States shall participate in the celebration of the opening of The Dalles-Celilo Canal.

Whereas The Dalles-Celilo Canal, on the Columbia River, has been under construction by the General Government for a number of years past and is to be opened for traffic on the 5th day of May, 1915; and

Whereas the opening of said canal will mark the completion of a great governmental work in aid of navigation, directly affecting the industry and commerce of a vast section comprising the territory drained by the Columbia River and its tributaries, which event is to be marked by a celebration participated in by the people of the several States of the Northwest: Therefore be it

Resolved, etc., That the Congress of the United States participate in such celebration and that a committee of 12 of its Members be appointed to attend and represent the Congress of the United States at said celebration, 3 to be appointed by the Vice President on behalf of the Senate and 9 by the Speaker of the House of Representatives on behalf of the House of Representatives.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I notice the report is very illuminating in this case, consisting of two lines. I should like to inquire whether, if the invitation is extended and a committee is appointed, any expense will be occasioned as the result of the visit of the committee?

Mr. SINNOTT. Mr. Speaker, in reply to the question I will say it is not the intention to ask for any appropriation. The expense will be met by the States or by the Members attending. It is likely that the Members living in the States interested will attend the opening of the canal. This canal will open to navigation some 600 miles of the Columbia River. It is about 8 miles long, and on it there has been spent some $5,000,000. Congress will not be asked for any appropriation.

Mr. STAFFORD. I withdraw the objection on the assurance of the gentleman that there will be no obligation on the National Treasury.

The SPEAKER. This resolution is on the Union Calendar.

Mr. SINNOTT. Mr. Speaker, I move that the resolution be considered in the House as in the Committee of the Whole.

Mr. FOSTER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. FOSTER. How is it that this is on the Union Calendar when there is no expense provided for?

The SPEAKER. The Chair does not know.

Mr. MANN. I think I can answer the inquiry of the gentleman, and it is a proper inquiry. This resolution, if passed, would authorize an appropriation, and hence it was placed on the Union Calendar. But the statement is made that no appropriation will be asked for, and if it is not asked for pretty soon, I do not see how it could get through, and I do not see how it could get through if it were asked for.

The SPEAKER. The Chair thinks this is properly on the Union Calendar.

The question is on agreeing to the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

REORGANIZATION OF RURAL MAIL SERVICE.

Mr. THOMAS. Mr. Speaker, I ask unanimous consent for the present consideration of House resolution 738.

The SPEAKER. The gentleman from Kentucky asks unanimous consent for the present consideration of the resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 738.

Resolved, That we are opposed to any reorganization of the Rural Mail Service by the Post Office Department or otherwise that will render that service less effective or will tend in any way to reduce the number of rural mail routes; and

Resolved further, That we are in favor of improving and extending such service so as to furnish as nearly as possible all the rural population of the United States with adequate Rural Mail Service.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I would like to inquire of the gentleman from Kentucky the real purpose sought in the resolution which he has submitted?

Mr. THOMAS. As explanatory somewhat of that purpose I ask that the following Washington dispatch, printed on the 12th of February in the Louisville Courier-Journal, be read. This will explain it better than I can.

The SPEAKER. The Clerk will read.

Mr. LEWIS of Maryland. Mr. Speaker——

Mr. THOMAS. For what purpose does the gentleman from Maryland rise?

Mr. LEWIS of Maryland. For information. The gentleman from Kentucky has asked unanimous consent for the present consideration of his resolution.

The SPEAKER. And he has secured that.

Mr. THOMAS. You are 20 minutes behind. [Laughter.]

The SPEAKER. The Clerk will read.

The Clerk read as follows:

RURAL DELIVERY SYSTEM TO BE REORGANIZED—AMENDMENTS TO POSTAL LAWS ARE ANNOUNCED—MANY KENTUCKY ROUTES TO BE DISCONTINUED—REGULATIONS NOW IN FORCE.

WASHINGTON, *February 12, 1915.*

A sweeping reorganization of the Rural Delivery Service throughout the United States for purposes of economy will be completed within the

next six months in accordance with amendments to the existing postal laws and regulations issued to-day by Postmaster General Burleson. The effect of the new regulations will be the discontinuance of many routes in sparsely settled communities in Kentucky and elsewhere; the reduction in frequency of service of many routes, and the rearrangement of routes where duplication may exist.

Data upon which changes in existing routes are to be based will be secured by postmasters. During one month of each quarter every piece of mail carried by rural carriers shall be counted and weighed, and an accurate account shall be made of the number of patrons served. Routes on which the quantity of mail collected and delivered has averaged for six consecutive months less than 756 pieces per month per mile are to be discontinued unless they can be rearranged so as to come under the new rules.

This regulation of all the new rules will make the greatest changes in Kentucky, for there are many routes serving sparsely-settled communities which can not show this many pieces of mail. Routes which have service not more frequent than three times a week will have the greatest difficulty in getting daily service. The requirement for increase of thrice-weekly service is that 150 pieces of mail per mile per month shall be delivered to families numbering four to the mile. The biggest stumblingblock to the establishment of new routes is the rule that patrons living within a mile of a post office, star route, or rural-delivery route shall not be counted as prospective patrons of a proposed new route. This carries with it the inference that persons living within a mile of a post office need no better service. If farther than a mile from a post office they are expected to get their mail from a box on a rural-delivery route within a mile of their homes.

The regulations are in effect now, but their full force will not be felt under six months.

Mr. THOMAS. Answering the question of the gentleman from Minnesota, I will state that the object of this resolution is to put this House on record as being opposed to any reorganization of the Rural Mail Service that will render it less effective than it is at the present time. [Applause.] The dispatch read by the Clerk appeared in the Louisville Courier-Journal upon the 12th day of February, and was sent to the Courier-Journal by its correspondent from this place, Mr. Krock, who is in every way reliable.

When this dispatch was published I immediately began to receive letters of protest from all over my district. Now, if the service is reorganized as that dispatch says the department proposes to organize it, there must be a delivery of 750 pieces of mail along every mile of each route every month. People in the country do not get that much mail. There are but few people in the most densely populated communities who receive that much mail. Along the triweekly mail routes there must be 156 pieces delivered along every mile where there are four families, and country people do not receive that much mail. The effect of that order as recited in the Courier-Journal, if carried out, would be practically to wipe out the Rural Mail Service in many parts of the country.

Now, bearing upon this question, I will read to you an editorial from the Mayfield (Ky.) Daily Messenger of February 22 last. This proposed or some other order has been carried into effect in that county with disastrous results to the rural service.

IS THERE NO REMEDY?

We have hardly said enough about the radical changes in the rural-mail routes in this county.

There are at least 3,000 homes in this county, whose inmates are indignant at what has recently been done in disarranging all of the rural-mail routes in Graves County.

These routes were so well arranged when they were first established that the people were well pleased and everything was running smooth and satisfactory to both the carriers and the people until the inspector, or whoever recommended the new order of things, got the department to comply with his recommendations.

Besides, the postmaster and the carriers here kept pleading with the fiscal court until good roads were made on all the routes, and about the time the roads were put in good condition and before anyone had a chance to enter a protest with the department or our Senator or our Congressman the change was made and the mail of thousands of our people had to be put on new routes, and hundreds were left off of any route. Is there no remedy for this outrage? Can not our Senator and Congressman have power and influence with the Postmaster General to have him rescind these orders? To our mind it is only a Republican trick to weaken the party at the election in Kentucky this year, as well as in the presidential election next year.

[Laughter.]

If the Democrats at Washington can not stop this abuse of power to the detriment of the Democratic Party and the people out in the country, they should call in their inspectors and let the routes remain as they were. There was no demand or necessity for these changes and the entire system in all the county is in worse condition than ever, and no money is saved to the Post Office Department.

As I said, the object of this resolution is simply to put this House upon record against any reorganization of the Rural Mail Service that will render it less effective than it is at the present time. It should be extended and improved, because about all the direct benefit received from the Government by the country people, who are the real bulwark and fortification of this Nation [applause], and the corner stone upon which is builded our national prosperity, is the rural mail and a few garden seeds, and they are not furnished one-half enough seeds, so far as that is concerned.

I have said about all I wish to say upon this subject, and I ask that this resolution be passed without a dissenting vote. [Applause.]

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

ADDITIONAL LAND DISTRICT, IMPERIAL COUNTY, CAL.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17388) creating an additional land district in the State of California, embracing lands contained in the county of Imperial, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects. The Clerk will report the next bill.

Mr. KETTNER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. KETTNER. To move to suspend the rules.

The SPEAKER. Not now.

PIKE NATIONAL FOREST.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 18747) to reserve certain lands, and to incorporate the same and make them part of the Pike National Forest.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. KEATING. I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman asks unanimous consent to consider it in the House as in Committee of the Whole. Is there objection?

There was no objection.

The bill was read as follows:

Be it enacted, etc., That all lands in the State of Colorado hereinafter described, to wit:

In township 4 south, range 72 west, sixth principal meridian: Section 6, section 7, section 19, section 30;

In township 4 south, range 73 west, sixth principal meridian: Section 1, section 2, south half section 3, section 7, section 8, section 9, section 10, section 11, section 12, section 13, section 14, section 15, section 16, section 17, section 18, section 19, section 20, section 21, section 22, section 23, section 24, section 28, section 29, north half and southwest quarter section 32, north half section 33;

In township 4 south, range 74 west, sixth principal meridian: East half section 24, east half section 25; total, 18,489.39 acres, more or less, be, and the same are hereby, reserved, subject to all prior valid adverse rights, and made a part of and included in the Pike National Forest.

With the following committee amendments:

Page 1, lines 6 and 7, strike out the words "section nineteen, section thirty."

Page 2, line 4, before the first word "section" insert the following: "the northwest quarter of the northeast quarter, west half of the northwest quarter, and west half of the southwest quarter of."

Page 2, lines 11 and 12, strike out the words "eighteen thousand four hundred and eighty-nine and thirty-nine" and insert in lieu thereof the words "sixteen thousand nine hundred and thirty-eight and forty-nine."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. KEATING, a motion to reconsider the last vote was laid on the table.

PUBLIC BUILDING AT BLYTHEVILLE, ARK.

The SPEAKER. The Clerk will report the bill which was temporarily laid aside a while ago.

The Clerk read the title of the bill (H. R. 11291) for the purchase of a site and the erection of a public building at Blytheville, Ark.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, there are a number of these bills on the calendar, recently reported from the Committee on Public Buildings and Grounds, each providing for the purchase of a site for a Federal building. The Treasury Department have reported on these bills substantially as they do upon this bill. I read from the report:

In this connection you are advised that the Office of the Supervising Architect will be engaged upon the preparation of plans for buildings already authorized until about January 1, 1920. The public-buildings act approved March 4, 1913, authorized the acquisition of 132 sites without authorizing buildings to be constructed upon them. The same act passed over a number of sites previously authorized, so that at present there exist authorizations for about 150 sites for which no buildings have been authorized. Should buildings be authorized on these sites shortly before the commencement of the year 1920, they would occupy the attention of the Office of the Supervising Architect until about January 1, 1922.

That is, the sites that are already purchased would occupy the attention of the Office of the Supervising Architect until about January 1, 1922.

Those are buildings on sites already authorized.

In view of all the conditions stated above, the department is unable to report favorably upon the authorization for any new buildings on sites previously authorized until the present volume of public-building construction has been sensibly reduced, and is unable to recommend that any new sites be authorized, either with or without buildings, until after buildings have been authorized upon the sites already provided for.

I want to know if the gentlemen who had these bills reported as a consolation prize seriously intend to ask the Government now, in the present state of the Treasury, to appropriate the money for the purchase of new sites upon which buildings can not be commenced until after seven years from now?

Mr. CARAWAY. Will the gentleman yield?

Mr. MANN. I am asking the gentleman the question.

Mr. CARAWAY. I shall be glad to answer it. The town of Blytheville, where this site is to be purchased, 12 years ago had possibly 150 people, without a railroad. To-day it has four railroads, it has 7,000 people, and certainly the price at which the site can be procured now will be very much less than it will be in a short time in the future. The sites that are available are rapidly being built upon, and necessarily will be much more valuable in a few years hence than now. I think it is a genuine economy.

Mr. MANN. I understand the gentleman's position is that because building sites are now comparatively cheap at Blytheville the Government should go into the speculative business and buy one on the assumption that it will be worth a great deal more seven years from now than the present cost plus interest. If that is the case, and the gentleman can make me believe it, I would like to buy some myself.

Mr. CARAWAY. I shall not attempt to convince the gentleman that he ought to make an investment there, but if he will accept my statement, and I live near the town and have known it ever since it had one store, that property I could have bought myself less than 10 years ago for $100, I can not buy to-day for $10,000.

Mr. MANN. That often happens, and probably is the case. I remember that my father bought some property near Chicago in 1871. In 1874 he gave it to me and I have paid taxes on it ever since and it is not worth half as much to-day as when he gave it to me, and it was not worth half as much when he gave it to me as when he bought it. [Laughter.]

Mr. CARAWAY. The gentleman's father used poor judgment, and I am not responsible for his father's mistakes.

Mr. MANN. And Chicago is growing a great deal faster than Blytheville.

Mr. CARAWAY. I hope the gentleman will not object.

Mr. MANN. I will be frank with the gentleman. Once in awhile we give a consolation prize to some gentleman who has served in the House and is going out, but the gentleman from Arkansas is coming back, fortunately for us, and we are all glad. We will welcome him in the next House, and perhaps he can get the Committee on Public Buildings and Grounds to put it in the next bill. The gentleman ought to be satisfied in getting a report which commits the committee. [Laughter.]

Mr. GORDON. That is a consolation prize.

Mr. CARAWAY. Somehow or other I do not feel as grateful to the gentleman as perhaps I ought to.

Mr. MANN. I object.

The next business on the Unanimous Consent Calendar was the bill (H. R. 18310) to acquire a site for a public building at Hartford, Conn.

The SPEAKER. Is there objection?

Mr. MANN. I reserve the right to object.

Mr. LONERGAN. Mr. Speaker, I ask that this bill be passed without prejudice.

The SPEAKER. The gentleman from Connecticut asks that the bill be passed without prejudice. Is there objection?

There was no objection.

ADDITIONAL JUDGE IN THE DISTRICT OF NEW JERSEY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 19423) to create an additional judge in the district of New Jersey.

The SPEAKER. Is there objection?

Mr. CULLOP. I object.

COMMISSION TO INVESTIGATE INDIAN AFFAIRS.

The next business on the Calendar for Unanimous Consent was House joint resolution 427, providing for the continuance of the Joint Commission to Investigate Indian Affairs.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, the purport of this resolution is contained in the Indian appropriation bill, now in conference, as one of the Senate amendments. I do not question but that it will be incorporated in that bill, and therefore I object.

ELECTRIC-LIGHT SUPPLY IN TERRITORY OF HAWAII.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 5851) to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the Lihue district and the Koloa district, county of Kauai, Territory of Hawaii.

The SPEAKER. Is there objection?

Mr. FOSTER. I object.

FINAL PROOF UNDER DESERT-LAND LAWS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 19097) granting a further extension of time to entrymen in which to make final proof under the desert-land laws.

The Clerk read the title of the bill.

Mr. FITZGERALD. Mr. Speaker, I understand this has been taken care of in the general deficiency appropriation bill.

Mr. LIEB. Mr. Speaker, I object.

FISH-CULTURAL STATIONS ON COLUMBIA RIVER.

The next business on the Calendar for Unanimous Consent was the bill (S. 4854) to authorize the establishment of fish-cultural stations on the Columbia River or its tributaries in the State of Oregon or Washington, or both.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

Mr. BRYAN. Mr. Speaker, I move to suspend the rules and pass the bill.

The SPEAKER. The Chair will not recognize the gentleman at this time for that purpose.

CENTRAL PACIFIC RAILROAD CO.

The next business on the Calendar for Unanimous Consent was the bill (S. 5042) legalizing certain conveyances heretofore made by the Central Pacific Railroad Co. and others within the State of Nevada.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. SABATH. Mr. Speaker, reserving the right to object, I would like to ask the gentleman in charge of the bill——

Mr. STAFFORD. Mr. Speaker, I reserve the right to object. I would like to ask that this bill be passed over without prejudice, because of the absence of my colleague, Mr. LENROOT, who is in a conference committee.

Mr. RAKER. Mr. Speaker, I have seen the gentleman from Wisconsin [Mr. LENROOT] and have conferred with him, and I have the amendment that he desires to put on the bill in his own handwriting.

Mr. MOORE. Mr. Speaker, is this a request for unanimous consent?

The SPEAKER. It is.

Mr. MOORE. Mr. Speaker, I object.

Mr. RAKER. Mr. Speaker——

Mr. COOPER. I demand the regular order.

Mr. RAKER. Will not the gentleman kindly reserve his objection for a moment?

Mr. MOORE. I prefer not to at this time.

Mr. RAKER. Mr. Speaker, I ask unanimous consent——

The SPEAKER. The gentleman from Pennsylvania objects.

AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, I call up the conference report on the bill H. R. 20415, the Agricultural appropriation bill, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from South Carolina calls up a conference report on the Agricultural appropriation bill and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. HENRY. Mr. Speaker, I desire to reserve all points of order against the statement.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read the statement of the conferees.

Mr. HENRY. Mr. Speaker, I object. I call for the reading of the report.

The SPEAKER. The gentleman's objection is too late.

Mr. HENRY. Mr. Speaker, I rose——

The SPEAKER. That is true; but the gentleman did not make that objection while he was on his feet, and the Chair put the question fairly and has already ordered the Clerk to read the statement. The Clerk will proceed.

The Clerk read the statement of the conferees.

The conference report and statement are as follows:

CONFERENCE REPORT (NO. 1504).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20415) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1916, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 11, 12, 14, 15, 17, 18, 23, 24, 25, 26, 27, 29, 34, 35, 37, 39, 40, 41, 43, 44, 45, 63, 66, 67, 68, 76, 77, 78, 87, and 88.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 5, 6, 8, 9, 10, 21, 22, 28, 30, 42, 46, 47, 48, 49, 51, 56, 57 58, 59, 60, 61, 62, 70, 71, 73, 74, 75, 79, 80, 81, 83, 85, and 86; and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$352,040"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$623,120"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,666.050"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the Senate amendment insert "$438,800, of which sum $50,000 may be used for live stock demonstration work, in cooperation with the States Relations Service, in areas freed of ticks, and of this amount no part shall be used in the purchase of animals for breeding purposes"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,856,706"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,585,336"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the amount proposed insert "$60,000"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,462,460"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,139,150"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In line 11 of the amendment, between the word "and" and the word "value," insert the word "market"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In line 7 of the amendment in lieu of the word "ten" insert the word "five"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,000"; and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$280,000"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$125,000"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$411,820"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$446,290"; and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$510,505"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$586,465"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$19,936,382"; and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: Strike out "$125,000" and in lieu thereof insert "$100,000"; and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: After the word "Columbia" insert the following: ", but this shall not prevent the continued use for official service of motor trucks in the District of Columbia"; and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the matter inserted by said aemndment insert the following:

"In case of an emergency arising out of the existence of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious disease of animals, which in the opinion of the Secretary of Agriculture threatens the live-stock industry of the country, he may expend in the city of Washington or elsewhere, out of any money in the Treasury not otherwise appropriated, the sum of $2,500,000, which sum is hereby appropriated, or so much thereof as he determines to be necessary in the arrest and eradication of any such disease, including the payment of claims growing out of past and future purchases and destruction, in cooperation with the States, of animals affected by or exposed to, or of materials contaminated by or exposed to, any such disease, wherever found and irrespective of ownership, under like or substantially similar circumstances, when such owner has complied with all quarantine regulations; and said sum shall be immediately available for the purposes specified: *Provided*, That the Secretary of Agriculture is authorized to pay not more than one-half of the expenses incurred by the owners of a certain herd of show cattle now in quarantine at Hawthorne Park, near Chicago, Ill., such expenses being incident to and on account of the quarantine of such cattle by the Government, but the total expense shall not exceed one-half the beef or dairy value of such cattle."

And the Senate agree to the same.

Amendment numbered 89: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the matter proposed insert:

"That there is hereby constituted a joint committee of the Senate and House of Representatives to consist of the chairman of the Senate Committee on Agriculture and Forestry, the chairman of the House Committee on Agriculture, and the chairmen of the Committees on Banking and Currency of the two Houses, and two other members of each of said committees, to be designated by the chairmen of the respective committees, and it shall be the duty of said joint committee to prepare, after such investigations as may be deemed necessary, and report to the Congress on or before January 1, 1916, a bill or bills pro-

viding for the establishment of a system of rural credits adapted to American needs and conditions. The sum of $10,000 is hereby appropriated, the same to be immediately available, out of any funds in the Treasury not otherwise appropriated, to defray all necessary expenses of said joint committee, payment of said expenses to be made upon vouchers approved by the chairman of said joint committee, who shall be selected by the committee."

And the House agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$22,971,582"; and the Senate agree to the same.

A. F. LEVER,
GORDON LEE,
G. N. HAUGEN,
Managers on the part of the House.
HOKE SMITH,
F. E. WARREN,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20415) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1916, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the amendments of the Senate, namely:

Amendment No. 1: This amendment strikes out two watchmen at $840 each and adds two watchmen at $720. The House recedes.

Amendment No. 2: This amendment strikes out one carriage driver at $600. The Senate recedes and the item is restored.

Amendment No. 3: This amendment represents an amended total.

Amendments 4, 5, and 6: These amendments represent changes in language. The House recedes.

Amendment No. 7: This amendment represents a corrected total.

Amendment No. 8: This amendment shortens the title of an official of the Weather Bureau and reduces the salary to $2,500. The House recedes.

Amendment No. 9: This amendment represents an amended total.

Amendment No. 10: This amendment takes away the authority of the Weather Bureau to purchase horses and vehicles. The House recedes.

Amendment No. 11: This amendment increases the appropriation for expenses outside of the city of Washington and contains a proviso for the purchase or construction of a telegraph line in the State of Washington. The Senate recedes.

Amendments Nos. 12 and 13: These amendments represent corrected totals. The Senate recedes.

Amendments Nos. 14 and 15: These amendments strike out one messenger and custodian at $1,200 and add one messenger and custodian at $1,000. The Senate recedes.

Amendment No. 16: This amendment increases the appropriation for the eradication of southern cattle tick from $398,800 to $448,800 and strikes out the authority to use $50,000 of this sum for live-stock demonstration work. The House recedes and agrees with an amendment making the amount $438,800 and restoring the language stricken out.

Amendment No. 17: This amendment increased by $12,640 the appropriation for investigations in diseases of animals. The Senate recedes.

Amendment No. 18: This amendment increases by $140,000 the appropriation for hog cholera and dourine work. The Senate recedes.

Amendments Nos. 19 and 20: These amendments represent corrected totals.

Amendments Nos. 21 and 22: These amendments strike out one clerk of class 1 and add one clerk or artist at $1,200. The House recedes.

Amendment No. 23: This amendment increases the appropriation for the control of diseases of orchard and other fruits by $2,110. The Senate recedes.

Amendments Nos. 24 and 25: These amendments to the item for forest pathology carry additional language and an increase of $10,775. The Senate recedes.

Amendment No. 26: This amendment carries an increase of $2,500 in the item for crop technology. The Senate recedes.

Amendment No. 27: This amendment adds the words "and the testing and breeding of flax" to the item for the investigations of cereals. The Senate recedes.

Amendment No. 28: This amendment carries an increase of $2,500 to the item for the investigation of cereals. The House recedes.

Amendment No. 29: The bill as passed by the House provides that $5,000 of the amount appropriated for testing and breeding fibrous plants may be used in testing and breeding flax. The proviso is stricken out in the bill as passed by the Senate. The Senate recedes, and the proviso is restored.

Amendment No. 30: This amendment reduces the appropriation for foreign seed and plant introduction by $5,000. The House recedes.

Amendment No. 31: This amendment provides that $100,000 of the amount appropriated for new and rare seeds may be used for the purchase and distribution of drought-resistant field seed in the dry-land sections of the United States. The House recedes from its disagreement and agrees with an amendment making the amount $60,000.

Amendments Nos. 32 and 33: These amendments represent corrected totals.

Amendment No. 34: This amendment provides for the expenditure of $3,000 in the erection of a headquarters building at the Grand Canyon National Monument. The Senate recedes.

Amendment No. 35: This amendment carries an appropriation of $3,000,000 for the acquisition of land under the Weeks law. The Senate recedes.

Amendment No. 36: This amendment authorizes the Secretary of Agriculture to permit the Navy Department to take earth, stone, and timber from the national forests for the use of the Navy, and to permit the taking of earth, stone, and timber from the national forests for the construction of Government railways in Alaska. The House recedes from its disagreement and agrees with an amendment slightly modifying the language.

Amendment No. 37: This amendment represents a corrected total.

Amendment No. 38: This amendment authorizes the Secretary of Agriculture to permit the use of the national forests for the construction of summer homes, limiting the term of years to 30 years and the extent of any one tract of land to be so used to 10 acres. The House recedes and agrees with an amendment making the limit of area 5 acres instead of 10 acres.

Amendments Nos. 39 and 40: These amendments add one food and drug inspector, at $2,250, and strikes out two food and drug inspectors at $1,400. The Senate recedes.

Amendment No. 41: This amendment represents a corrected total.

Amendment No. 42: This amendment carries an increase of $8,000 in the item for the application of chemistry to agriculture. The House recedes.

Amendment No. 43: This amendment increases by $9,400 the appropriation for investigating preparation for market, etc., of poultry and eggs. The Senate recedes.

Amendments Nos. 44 and 45: These amendments represent corrected totals.

Amendment No. 46: This amendment adds one charwoman, at $480, in the Bureau of Entomology. The House recedes.

Amendment No. 47: This amendment represents a corrected total.

Amendment No. 48: This amendment represents a corrected total.

Amendment No. 49: This amendment carries the insertion of a comma for the sake of clarity of language. The House recedes.

Amendment No. 50: This amendment carries an appropriation of $10,000 for the game preserve on Sullys Hill National Park. The House agrees, with amendment making the amount $5,000.

Amendment No. 51: This amendment adds the word "coyotes" to the item for experiments and demonstrations in destroying animals injurious to agriculture. The House recedes.

Amendment No. 52: This amendment increases the appropriation for investigating the food habits of North American birds and animals to $300,000. The House agrees, with an amendment making the amount $280,000.

Amendment No. 53: This amendment specifies that $175,000 of the appropriation for investigating the food habits of North American birds and mammals shall be used on the national forests and the public domain in destroying wolves, etc. The House agrees, with an amendment making the amount in the proviso $125,000.

Amendments Nos. 54 and 55: These amendments represent corrrected totals.

Amendments Nos. 56 and 57: These amendments add to the Division of Publications one chief folder, at $1,200, and strikes out two laborers, at $600 each. The House recedes.

Amendment No. 58: This amendment reduces the appropriation for the general expenses of the library by $1,200. The House recedes.

Amendment No. 59: This amendment represents a corrected total.

Amendment No. 60: This amendment provides that $5,000 of the amount appropriated for miscellaneous expenses shall be immediately available. The House recedes.

Amendment No. 61: This amendment provides that the Maltby Building and neighboring Government buildings may be used by the Department of Agriculture. The House recedes.

Amendment No. 62: This amendment provides for the printing and distribution of the annual report on the work and expenditures of the agricultural experiment stations and on the cooperative agricultural extension work and expenditures under the act of May 8, 1914. The House recedes.

Amendment No. 63: This amendment carries an appropriation of $100,000 for boring artesian wells. The Senate recedes.

Amendments Nos. 64 and 65: These amendments represent corrected totals.

Amendment No. 66: This amendment carries an appropriation of $87,500 for dairying and live-stock experiments in the semi-arid and irrigated districts of the United States. The Senate recedes.

Amendments Nos. 67, 68, and 69: These amendments represent corrected totals.

Amendment No. 70: This amendment provides for the cooperation of the Secretary of Agriculture and the Postmaster General with any State which provides for terminal inspection of plants and plant products. The House recedes.

Amendment No. 71: This amendment carries an appropriation to provide for the exchange of land between the Federal Government and the State of Washington. The House recedes.

Amendment No. 72: This amendment increases the appropriation for potato quarantine from $50,000 to $125,000. The House agrees with an amendment making the amount $100,000.

Amendment No. 73: This amendment carries an appropriation of $20,000 for the International Dry-Farming Congress at Denver, Colo. The House recedes.

Amendment No. 74: This amendment authorizes the President to extend invitations to other nations to participate in the Dry-Farming Congress to be held at Denver, Colo. The House recedes.

Amendment No. 75: This amendment carries an appropriation of $60,000 for experiment and demonstrations in live-stock production in the cane-sugar and cotton districts of the United States. The House recedes.

Amendment No. 76: This amendment carries an appropriation of $60,000 for experiments and demonstrations in live-stock production in the New England States. The Senate recedes.

Amendment No. 77: This amendment strikes out the appropriation of $5,000 for naval stores investigations. The Senate recedes.

Amendments Nos. 78, 79, 80, 81, and 82: These amendments have to do with the authorization of the Department of Agriculture to use a portion of the funds appropriated in this bill for the purchase, maintenance, operation, and repair of motor-propelled and horse-drawn passenger-carrying vehicles and motor boats necessary in the conduct of the work of the department.

Amendment No. 78: Reduces the amount that may be so used from $55,000 to $40,000. The Senate recedes.

Amendment No. 79: Strikes out the words "now available or." The House recedes.

Amendment No. 80: Inserts the word "field" before the word "work" to define the work in which these vehicles may be used. The House recedes.

Amendment No. 81: Adds the words "outside of the District of Columbia." The House recedes.

Amendment No. 82: Adds the words "outside the District of Columbia." The House agrees, with an amendment which will allow the continued use of motor trucks in the District of Columbia.

Amendments Nos. 83 and 84: These amendments have to do with the appropriation for the eradication of the foot-and-mouth disease. Amendment 83 strikes out the language used in the House bill. The House recedes. Amendment 84 carries the sum of $2,500,000, the sum carried in the House bill, for the eradication of the foot-and-mouth disease. The House agrees with an amendment slightly changing the language and providing for the payment of not more than one-half of the expenses incurred by the owners of cattle exhibited at the National Dairy Show in Chicago in October, 1914, on account of the fact that their cattle were quarantined by order of the Federal Government.

Amendment No. 85: This amendment makes available for further use the unexpended balance remaining to the credit of the appropriation authorized in the appropriation act for 1914 for the expenses of the Rural Credit Commission; and it further provides that this balance shall be paid out on the audit and order of the chairman of the commission. The House recedes.

Amendment No. 86: This amendment carries an appropriation of $200 to purchase certain lands in Oklahoma from the Indians for a dry-farming or subhumid station. The House recedes.

Amendment No. 87: This amendment carries an appropriation of $500,000 for constructing lakes and reservoirs on the plains between the ninety-eighth meridian and the foothills of the Rocky Mountains. The Senate recedes.

Amendment No. 88: This amendment carries an appropriation of $25,000 for the demonstration of the practical farm uses of denatured alcohol. The Senate recedes.

Amendment No. 89: The Senate amendment No. 89 provides for the creation of a bureau of farm credits in the Treasury Department and describes in detail the operations of said proposed bureau. Before the present bill was sent to conference the House adopted an amendment to the Senate amendment No. 89 in the nature of a substitute to said amendment. The Senate then disagreed to the House amendment and the whole matter went to conference. In the conference the Senate receded from its disagreement to the amendment of the House to the amendment of the Senate and agreed with an amendment which inserted, in lieu of the House amendment, certain language providing for the establishment of a rural-credits committee, whose duty it shall be to report a bill on rural credits by January 1, 1916.

Amendment No. 90: This amendment represents a corrected total.

A. F. LEVER,
GORDON LEE,
G. N. HAUGEN,
Managers on the part of the House.

Mr. LEVER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. LEVER. Mr. Speaker, I move the adoption of the conference report.

The SPEAKER. The gentleman does not have to do that.

Mr. HENRY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Texas rise?

Mr. HENRY. Mr. Speaker, I had reserved all points of order against the report.

The SPEAKER. Has the gentleman any point of order to make?

Mr. HENRY. I have.

The SPEAKER. The gentleman will proceed to make it.

Mr. FITZGERALD. Mr. Speaker, I make the point of order that it is too late to make any point of order. The statement of the conferees has been read.

Mr. HENRY. But I reserved all points of order on the report.

Mr. FITZGERALD. When?

Mr. HENRY. Before the Clerk read it.

The SPEAKER. The gentleman from Texas undertook to make the point of order against the reading of the statement.

Mr. HENRY. I think the notes of the reporter will show that I reserved all points of order against the report.

Mr. MANN. I think nobody will question the gentleman's statement of what his intention was.

The SPEAKER. If the gentleman has any point of order to make, he will please make it.

Mr. HENRY. Mr. Speaker, I make the point of order that the conferees exceeded their authority in presenting this proposition for a joint committee, superseding that which was agreed to by the House and sent back by the Senate; and that they have inserted entirely new matter, new legislation that is not germane. The Senate added an amendment to the agricultural bill creating a rural credits bureau, and in great detail provided for its operation. That amendment came over to the House, and the House sent the agricultural appropriation bill to the Committee on Agriculture. The Committee on Agriculture reported a substitute for the McCumber amendment, which I will call it for convenience, Senate amendment numbered 89, and then the House amended the substitute reported by the

Committee on Agriculture and substituted for it another amendment, known as the Bulkley bill, a substitute of 55 pages and 32 sections, establishing a rural credit system and setting out with great detail the plan for this system. The conference committee has brushed aside this rural credit system as set up in the Senate amendment and as set out in its substitute, and has brought in an entirely new matter, providing for a joint committee. The conferees have not proposed any legislation at all in respect to matters of legislation that were pending in controversy between the two Houses.

I wish to read here the report:

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate No. 89, and agree to the same with an amendment as follows:

In lieu of the matter proposed, insert:

That there is constituted a joint committee of the Senate and House of Representatives, to consist of the chairman of the Senate Committee on Agriculture and Forestry, the chairman of the House Committee on Agriculture, and the chairman of the Committees on Banking and Currency of the two Houses, and two other members of each of said committees, to be designated by the chairmen of the respective committees; and it shall be the duty of said joint committee to prepare, after such investigation as may be deemed necessary, a report to the Congress on or before January 1, 1916, a bill or bills providing for the establishment of a system of rural credits adapted to American needs and conditions. The sum of $10,000 is hereby appropriated, the same to be immediately available, out of any funds in the Treasury not otherwise appropriated, to defray all necessary expenses of said joint committee, the payment of said expenses to be made upon vouchers approved by the chairman of said joint committee, who shall be selected by the committee.

Now, Mr. Speaker, there is a proposition in which no legislation is contained, superseding the amendments of the Senate and the House, and entirely foreign to any differences that existed between the two bodies, undertaking to settle in that way this important question that is now pending.

Now, permit me to read from Jefferson's Manual, which has often been quoted here and which lays down well-established rules which have never been departed from:

The managers of a conference must confine themselves to the differences committed to them, and may not include subjects not within the disagreements, even though germane to a question in issue. But they may perfect amendments committed to them if they do not in so doing go beyond the differences. Thus, where an amendment providing an appropriation to construct a road had been disagreed to, it was held in order to report a provision to provide for a survey for the road.

And the present occupant of the chair held this in pursuance of that rule:

But where the amendment in issue strikes out all of the bill after the enacting clause and substitutes a new text the managers have the whole subject before them and may exercise a broad discretion as to details.

The SPEAKER. The Chair would like to ask the gentleman a question right there.

Mr. HENRY. Yes.

The SPEAKER. Is not this whole rural-credit business that was injected in the Senate into a bill it had no business in to be treated as a separate subject or bill in the consideration of the rights of the conferees?

Mr. HENRY. It was so treated until the House put a substitute——

The SPEAKER. I know; but when the House put the Bulkley substitute in, the Chair will ask the gentleman, was not that practically striking out everything after the enacting clause, as far as rural credits was concerned?

Mr. HENRY. But, Mr. Speaker, as I was going on to show, you might write a new bill, and here is no bill. Here is a proposition for investigation.

The SPEAKER. I know, but the gentleman does not state the rule correctly.

Mr. HENRY. I will read it.

The SPEAKER. The Chair knows what it is very well. When everything after the enacting clause of the bill is struck out it throws the whole subject into the hands of the conferees.

Mr. HENRY. Now, Mr. Speaker, I did not hear all of the ruling on the shipping bill on yesterday. What was the ruling on that?

The SPEAKER. That was not an analogous case. They had not struck out the enacting clause on anything approximating that point.

Mr. HENRY. Just one moment, Mr. Speaker. I make the point that here are differences between the two Houses.

The SPEAKER. The Chair is just asking the gentleman a question. He was not deciding it.

Mr. HENRY. I understand. I am quoting the Speaker's decision here, and had not quite finished that, and if the Chair will permit me to proceed——

The SPEAKER. The gentleman will proceed.

Mr. HENRY. It says, further:

And may even report an entirely new bill on the subject.

Now, this is not a new bill. This is a provision for an investigation. It is an entire dismissal of all legislation on this subject for the purpose of postponing legislation. And the conferees have exceeded their authority and have not touched the question and the differences that were submitted to them for settlement. And I make the point that they have exceeded their authority.

Mr. UNDERWOOD. Mr. Speaker, the parliamentary situation in reference to this bill is this: The Senate added an amendment to the Agricultural bill known as the McCumber amendment, providing for a system of rural credits. The House struck that entire amendment out of the bill and added a substitute in place of it, known as the Bulkley bill. Every word of the Senate amendment was struck out and the entire new provision was put in its place, so that every word of the Senate amendment was in conference. The conferees had jurisdiction over the entire matter.

Now, the gentleman in his reading from the Manual a moment ago read one of the old cases on this subject, where there was a bill before the House providing for a road. The conferees struck out the provision in reference to the road and substituted a commission to determine whether the road should be built in its place. But we have a more recent decision than that. Only a day or two ago the District bill came before the House providing for an entire change of the law in reference to the system of taxation in the District of Columbia. When it came before the House an amendment was offered striking out all of the provisions of law that were changed in the District bill and substituting a committee of Congress to investigate the matter and report back. The same situation took place some years ago in reference to the Parcel Post System. I will not take up the time of the Chair in arguing this question, as it seems to me that the decision of the Chair not more than three days ago on the District bill, when this identical situation was presented, covers this case, and the Chair at that time held that the substitution of a committee for the legislative provisions in the bill was not exceeding the authority of the conferees.

Mr. MANN. Mr. Speaker, the House passed the bill; the Senate added an amendment to it consisting of one subject matter. The House struck out all of that amendment and inserted in lieu of it other matter, so that all of the matter of the Senate amendment and of the House amendment to the amendment was in disagreement and in conference. Now, the only question is whether the substitute now reported by the conferees is a germane amendment.

If the appointment of a commission is germane either to the Senate amendment or to the House amendment to the Senate amendment, then it was in order for the conferees to bring in their proposition as to a commission. In matters of this sort we have to be guided largely by precedent. The other day I cited to the Speaker the ruling made in 1906 on the immigration bill, when there was pending before the House a section providing for a literacy test of immigrants, and the House, on motion made, inserted a provision appointing a commission in lieu of providing the literacy test. When that amendment was offered the point of order was made that it was not a germane amendment, a point identically on all fours with this proposition. The question before the House was whether they would provide a certain test, the literacy test, before people could immigrate to our country. A commission was proposed to investigate the matter. If it was germane, then it was in order. The Chairman at that time ruled that the commission amendment was a germane amendment, and held it in order, and it was agreed to.

The same question arose to which the gentleman from Alabama [Mr. UNDERWOOD] has already alluded, on the District bill the other day. The Chair will find that ruling on page 4458 of the RECORD of February 27, only the other day, where the Speaker himself held that there being a disagreement between the House and the Senate, the House having proposed that the money appropriated for the District expenses should be paid, first, out of the District revenues and the balance out of the National Treasury, and the Senate having proposed that one-half should be paid out of the District treasury and one-half out of the Federal Treasury, the gentleman from Alabama [Mr. UNDERWOOD] offered an amendment that a commission be appointed to investigate the matter. The matter was quite fully argued the other day, and the Chair made a clear-cut ruling, referring both to the proposition of the House and the proposition of the Senate, and held that the amendment providing for the appointment of a commission was in order.

Those precedents do not leave the matter open any longer as a disputed proposition in this House, because they determine that an amendment proposing the appointment of a commission to investigate the matter, which is before the House in the form

of an original proposition, is a germane amendment. That leads along the line of sanity and seeks to get information before we legislate, instead of doing, as some gentlemen would always do, legislate first and find out afterwards.

The SPEAKER. The point of order raised by the gentleman from Texas [Mr. HENRY] has been repeatedly passed on. In the first place it seems to the Chair that the only sensible or correct way in which to regard the matter now in controversy is to consider this rural credit amendment offered by Senator MCCUMBER as a separate subject, distinct from the bill proper. What happened about that was this: The Senate inserted the McCumber amendment, treating the whole subject of rural credits, and it was sent over to the House in that form. The House struck out the whole of the McCumber amendment. That is, it agreed to a substitute for the entire McCumber amendment. It did not leave a single line or word of the McCumber amendment. That put it exactly in the same situation as if everything after the enacting clause of a bill was struck out. And it has been held so often and so far back and by so many Speakers that where everything after the enacting clause is struck out the conferees have carte blanche to prepare a bill on that subject that it seems to the Chair that question is no longer open to controversy. The Chair will refer to just one or two of the rulings.

The ruling on the point made on the shipping bill has nothing to do with this bill, because the situations are not the same. The more the Chair thinks about the ruling he made on the shipping bill the better satisfied he is with it. The point raised there was the matter of time, which had never been passed upon before so far as the Chair knows; but it involved the principle of the higher and lower rates in a bill, or the larger and smaller amounts in a bill. In the shipping-bill contest it happened to be the question of time that was in controversy.

The case cited by the gentleman from Illinois [Mr. MANN] as to the immigration bill, which was passed on some three or four Congresses ago, is precisely on all fours with this. Now, in addition to that, several Speakers have taken a turn at it. In paragraph 6424 of Hinds' Precedents, volume 5, the syllabus, to use the legal phrase, is this:

Where the disagreement is as to an amendment in the nature of a substitute for the entire text of a bill the managers have the whole subject before them and may exercise a broad discretion as to details.

The only change I would make in that language is to say that they have carte blanche on the subject.

A point of order against a conference report should be made or reserved after the report is read and before the reading of the statement. On February 18, 1907, Mr. William S. Bennet, of New York, submitted the report of the managers of the conference on the bill (S. 4403) entitled "An act to amend an act entitled 'An act to regulate the immigration of aliens into the United States,' approved March 3, 1903."

Before the report was read Mr. JOHN L. BURNETT, of Alabama, proposed to reserve a point of order.

The report having been read, a point of order was made by Mr. BURNETT, who insisted that the managers had exceeded their authority in inserting the following provisions:

Provided further, That whenever the President shall be satisfied that passports issued by any foreign government to its citizens to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions or from the Canal Zone.

And the Speaker ruled that that provision was in order.

Section 6425, the syllabus:

A Senate amendment having provided an appropriation to construct a road, and conferees having reported in lieu thereof a provision for a survey, it was held that the provision was within the differences.

The question involved here is not what anyone thinks about rural credits or what anyone would like to have on the subject. The only thing for the Speaker to pass on at this juncture is whether or not the conferees exceeded their authority in doing this thing. Not only by the decision of the present Speaker on two different occasions, but by half a dozen of his predecessors it brings this provision which the conferees brought in here within the rule, and the point of order of the gentleman from Texas is overruled.

Mr. HENRY. Mr. Speaker, I desire to be heard on the conference report.

Mr. LEVER. How much time does the gentleman want?

Mr. HENRY. Ten minutes.

Mr. LEVER. I yield to the gentleman from Texas 10 minutes.

Mr. HENRY. Mr. Speaker, it is not my purpose to be captious about this conference report, but before agreeing to it there are several propositions that should be discussed.

On the 1st day of March this House had it in its power to enact a general system of rural-credits legislation. The agricultural bill came over from the Senate with an amendment attached as a rider providing for a rural-credits system with one amendment added by that body. The McCumber bill was sufficient to meet the needs of the American farmer.

The mistake the House of Representatives made, in my opinion, was in not agreeing to the McCumber amendment, just as it had been written so that there would be no differences between the Senate and the House, and thus no opportunity given for the Senate to recede.

Gentlemen, for some reason the death of rural-credits legislation has been decreed. From what source comes this decree? Does it come from the Senate of the United States? Does it come from the House of Representatives? Is it from the constituted committees of these two bodies? Whence comes the decree that there shall be no rural-credits legislation at this session of Congress, notwithstanding the fact that this body added it to the agricultural appropriation bill? Such rural-credits bill as added by the House had been worked out after nine months of labor by a subcommittee of the Senate and the House Committees on Banking and Currency in pursuance of a report of a commission sent to Europe to study the question.

Mr. LEVER. Will the gentleman yield?

Mr. HENRY. Yes.

Mr. LEVER. Was that proposition ever reported by the Banking and Currency Committee of the House?

Mr. HENRY. No.

Mr. LEVER. Or the committee in the other body?

Mr. HENRY. It was not reported, because certain gentlemen of some committees have been unfavorable to rural credits legislation. This House wrote it in the Agricultural bill by a majority of more than 3 to 1 on March 1 of this very year. The distinguished and able gentleman from Ohio [Mr. BULKLEY], who has studied this question as much as any man in Congress, was chairman of the subcommittee that prepared the measure and worked nine months on it. And he said on the floor of the House that if you were to give him nine months longer he did not see how he could improve on it.

Its principles are good. The subcommittees of the Senate and House agreed to it, and yet the committees failed to report it. Whenever rural credits legislation is written it will be along the line of this measure, which contains Government aid, and will stand as a monument to the strong young man from Ohio who goes out of this Congress. [Applause.]

And when we remember that a Democratic caucus in 1913, while we were considering the Federal reserve act, the President gave out a statement, which was printed in the newspapers and said that the next great task would be the enactment of a separate and distinct system of rural credits legislation for the benefit of the American farmer.

Let me read a line or two in order to recall what he said. I am not criticizing him now, because I believe his heart is on the side of the people. Here was his authorized statement:

Special machinery and a distinct system of banking must be provided for if rural credits are to be successfully and adequately supplied, and this is our next great task and duty.

On the 13th day of August, 1913, the President issued that authorized statement, which appeared in the newspapers, and subsequently in his annual message in December he came here and reiterated the same position.

On Monday we placed the Bulkley bill in this agricultural bill, and the Committee on Agriculture comes back to us and reports a substitute for a mere commission, still postponing this question.

Ah, gentlemen, that was not the way to deal with it. The mistake we made was in not voting for the motion to recommit, thus sending the McCumber amendment to the conferees, where it could not be evaded or destroyed.

Mr. Speaker, the time has come when the American Congress should cease trifling with the farming population. There are many men who are afraid to raise their voices in this House and the Senate in behalf of the farmers for fear they will be denounced as demagogues. I am one who says that the farmer has been trifled with about this question, and we ought not to undertake to trifle longer with it. We should face the issue and settle it. Now is the accepted time. [Applause.]

It makes little difference to me when charges of demagogism are whispered around the corridors of this House. When the banking and commercial people wanted a new banking system—the Federal reserve act—you bundled up the credit of the Government, neatly tied a blue ribbon around it, and placed it in pawn for the benefit of the bankers and commercialists. You sat them down at a feast of Federal reserve notes, prepared for them by the Government in return for their assets and com-

mercial paper. You gave them Government aid. Let us give the farmer the same aid. At the risk of again being called a demagogue, I assert that he is the equal of the merchant, the banker, the professional man, or any other citizen. He is entitled to the same privileges at the Government Mint as they are, and the credit of this Government—his Government, too—should be placed behind his banking system upon the same principle by which you have mortgaged it to the banking fraternity in the commercial world.

I predict to-night that the day will come when we will put the strong arm of this Government under and around and about a banking system for the benefit of the farmer, and treat them just as we have the bankers and the commercialists. [Applause.]

Mr. GARDNER. Mr. Speaker, will the gentleman yield?

Mr. HENRY. Yes.

Mr. GARDNER. To whose arm does the gentleman think this cold hand of death, which has been laid on this bill, is attached? Who did this?

Mr. HENRY. I do not know who did it, but I know that the gentleman from Massachusetts has never befriended the farmers in any of his votes.

Mr. GARDNER. They are not in my district—why should I? [Laughter.]

Mr. HENRY. I have never known the gentleman from Massachusetts to represent anything but the special interests since he has been here——

Mr. GARDNER. Grand!

Mr. HENRY. And that is the reason the farmer has not received any legislation in his behalf. Mr. Speaker, this matter should not be postponed. Let those who have brought in the report take the responsibility. Go home to your constituents and satisfy them if you can. Continue in this course, smother legislation in conference, and see whether or not the Democratic Party can keep the confidence of the American people when you do these things. All three of the parties promised in their platforms rural credits legislation, and all have failed to redeem that promise.

I intend to keep the faith of the Baltimore platform.

My contract with my constituency and the American people shall be redeemed here to-night by my vote. We can send this bill to conference again, instruct our conferees, and demand legislation before the gavel falls. It will not imperil this bill. There is yet abundant time for reconsideration and action before we begin our journey home to meet our constituencies and render our account of stewardship. Let us trifle no longer, but redeem our solemn platform pledges.

Mr. LEVER. Mr. Speaker, a great many requests have been made of me for time, but I regret to say that unless we can get this bill to the enrolling clerks they can not engross it in time, and I have, therefore, had to deny these gentlemen the time. I just want to use two minutes myself.

Mr. McLAUGHLIN. Mr. Speaker, will the gentleman yield to me for a moment?

Mr. LEVER. I can not yield to the gentleman. I am very sorry. I have denied everyone else on this side and on the gentleman's side, members of the committee as well. I will yield for a question, if the gentleman desires to ask me a question.

Mr. McLAUGHLIN. Mr. Speaker, I would like to have some explanation of the agreement reached by the conferees as to Senate amendment No. 84.

Mr. LEVER. What amendment is that?

Mr. McLAUGHLIN. I think I have the number correct. It relates to the appropriation for the foot-and-mouth disease. I understand the conferees report a settlement with the National Dairy Association by which hundreds of thousands of dollars are to be paid them in settlement of a claim they make, a claim that certainly has not been investigated.

Mr. LEVER. The conferees agreed to a proposition which permits the Secretary of Agriculture to pay one-half of the expense of the quarantine of a certain herd of dairy cattle which the Government quarantined about the 1st of November near Chicago, with which the gentleman is familiar.

Mr. McLAUGHLIN. Yes; and that is why I want to know about it.

Mr. LEVER. And the conferees did that at the urgent insistence of the Senate conferees.

Mr. McLAUGHLIN. Does this authorize the Secretary of Agriculture to make the settlement or permit him to make further investigate and to pay if he finds the Government is liable?

Mr. LEVER. It only authorizes the Secretary to do what he thinks is best after investigation of the subject. This does not require him at all to do it. It authorizes him to do it.

Mr. GARNER. Does it appropriate money for the purpose of paying the same?

Mr. LEVER. It does not appropriate any additional money. Two million five hundred thousand dollars are appropriated for the foot-and-mouth disease, and the agreement makes no additional appropriation.

Mr. McLAUGHLIN. Mr. Speaker, the gentleman will remember that testimony was taken before the committee and the issue was squarely drawn between the Department of Agriculture and the officers of the National Dairy Association as to the liability and as to the facts upon which the claim of liability rests. One statement was that the department had promised or undertaken to make payment or to be responsible for the expense. The statement made by the department is that the officers of the association in so many words asked the department to do so and the association would pay the expenses.

Mr. LEVER. I am entirely familiar with all of the testimony before the committee, and the conferees of the House acted as best they could under the circumstances, and that is all there is to it. Mr. Speaker, I move the previous question on the motion to agree to the conference report.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield for a question about some other item?

Mr. LEVER. I am very sorry, but can not yield.

Mr. McLAUGHLIN. Mr. Speaker, I make the point of order against the provision.

The SPEAKER. What point of order does the gentleman make?

Mr. McLAUGHLIN. That the conferees have exceeded their authority.

Mr. LEVER. Mr. Speaker, I make the point of order that that comes too late.

Mr. McLAUGHLIN. But all points of order were reserved.

The SPEAKER. It is too late to make the point of order now.

Mr. McLAUGHLIN. How could the question be raised until we got to it?

The SPEAKER. The question is on ordering the previous question.

The question was taken; and on a division (demanded by Mr. NORTON) there were—ayes 193, noes 27.

So the previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

Mr. MANN. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER. The gentleman from Illinois demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Sixty-four Members have risen, a sufficient number.

Mr. UNDERWOOD. Mr. Speaker, I demand the other side.

The SPEAKER. Those opposed to taking the vote by the yeas and nays will rise and stand until they are counted. [After counting.] One hundred and seventy-five. On this vote the ayes are 64 and the noes 175. Sixty-four is a sufficient number, and the yeas and nays are ordered.

The question was taken; and there were—yeas 220, nays 103, answered "present" 2, not voting 98, as follows:

[Roll No. 100.]

YEAS—220.

Adair	Clancy	Floyd, Ark.	Hayden
Adamson	Cline	Fordney	Hayes
Ainey	Coady	Gallagher	Heflin
Alexander	Collier	Gallivan	Helgesen
Allen	Connolly, Iowa	Gard	Helm
Anderson	Conry	Gardner	Holland
Ashbrook	Cooper	Garrett, Tenn.	Howell
Baker	Copley	Gerry	Hughes, W. Va.
Baltz	Cox	Gill	Humphrey, Wash.
Barchfeld	Cullop	Gillett	Humphreys, Miss.
Bartlett	Danforth	Gilmore	Igoe
Beakes	Davenport	Gittins	Jones
Beall, Tex.	Davis	Glass	Kahn
Bell, Ga.	Decker	Gordon	Keister
Blackmon	Deitrick	Gorman	Kelley, Mich.
Booher	Dent	Goulden	Kennedy, Conn.
Borland	Dershem	Graham, Pa.	Kennedy, R. I.
Britten	Dickinson	Gray	Kent
Brockson	Dies	Greene, Mass.	Key, Ohio
Brodbeck	Dixon	Greene, Vt.	Kiess, Pa.
Brown, N. Y.	Donohoe	Griest	Kitchin
Brown, W. Va.	Doremus	Griffin	Knowland, J. R.
Browning	Driscoll	Gudger	Konop
Brumbaugh	Drukker	Guernsey	Korbly
Burke, S. Dak.	Eagan	Hamilton, Mich.	Kreider
Burke, Wis.	Edmonds	Hamilton, N. Y.	Lee, Ga.
Butler	Estopinal	Hamlin	Lee, Pa.
Calder	Fairchild	Hardy	Lesher
Candler, Miss.	Farr	Harris	Lever
Cantor	Fess	Harrison	Lewis, Md.
Carlin	Fields	Haugen	Lieb
Carr	Fitzgerald	Hawley	Lloyd
Casey	Flood, Va.	Hay	Lobeck

Loft	Oglesby	Rucker	Temple
Logue	O'Hair	Russell	Ten Eyck
Lonergan	Page, N. C.	Sabath	Thacher
McAndrews	Palmer	Scully	Thomson, Ill.
McKenzie	Parker, N. J.	Seldomridge	Towner
McLaughlin	Parker, N. Y.	Shackleford	Townsend
Maguire, Nebr.	Patten, N. Y.	Sherley	Treadway
Mahan	Peters	Slayden	Underhill
Maher	Phelan	Slemp	Underwood
Mann	Platt	Smith, Minn.	Vare
Mapes	Porter	Smith, Saml. W.	Vollmer
Miller	Post	Sparkman	Volstead
Mitchell	Price	Steenerson	Wallin
Montague	Rainey	Stephens, Cal.	Walsh
Moore	Rauch	Stephens, Nebr.	Watson
Morin	Reilly, Conn.	Stevens, Minn.	Whitacre
Morrison	Reilly, Wis.	Stevens, N. H.	White
Moss, Ind.	Riordan	Stone	Williams
Mott	Rogers	Stringer	Wilson, Fla.
Neely, W. Va.	Rothermel	Sutherland	Winslow
Nelson	Rouse	Switzer	Witherspoon
Nolan, J. I.	Rubey	Talcott, N. Y.	Young, Tex.

NAYS—103.

Abercrombie	Doughton	Langley	Sisson
Aiken	Eagle	Lazaro	Sloan
Anthony	Edwards	Lenroot	Small
Aswell	Esch	Lewis, Pa.	Smith, Idaho
Austin	Falconer	Lindbergh	Smith, Md.
Barkley	Ferris	Linthicum	Smith, Tex.
Barton	FitzHenry	McKellar	Stafford
Bathrick	Foster	MacDonald	Stedman
Bell, Cal.	Fowler	Manahan	Stephens, Miss.
Borchers	Francis	Morgan, Okla.	Stout
Browne, Wis.	Frear	Murdock	Sumners
Bryan	French	Murray	Taggart
Buchanan, Ill.	Garner	Neeley, Kans.	Tavenner
Buchanan, Tex.	Garrett, Tex.	Norton	Taylor, Ark.
Bulkley	Goodwin, Ark.	Oldfield	Taylor, Colo.
Burnett	Graham, Ill.	Park	Thomas
Byrns, Tenn.	Gregg	Pou	Thompson, Okla.
Callaway	Henry	Quin	Tribble
Campbell	Hughes, Ga.	Ragsdale	Vaughan
Caraway	Hulings	Raker	Vinson
Carter	Jacoway	Rayburn	Watkins
Connelly, Kans.	Johnson, Ky.	Rupley	Webb
Crisp	Johnson, Wash.	Saunders	Wingo
Curry	Keating	Sherwood	Woods
Difenderfer	Kelly, Pa.	Sims	Young, N. Dak.
Dillon	Kinkaid	Sinnott	

ANSWERED "PRESENT"—2.

Plumley	Talbott, Md.

NOT VOTING—98.

Avis	Elder	Kennedy, Iowa	Patton, Pa.
Bailey	Evans	Kettner	Peterson
Barnhart	Faison	Kindel	Powers
Bartholdt	Fergusson	Kirkpatrick	Prouty
Bowdle	Finley	Lafferty	Reed
Broussard	George	La Follette	Roberts, Mass.
Bruckner	Godwin, N. C.	Langham	Roberts, Nev.
Burgess	Goeke	L'Engle	Scott
Burke, Pa.	Goldfogle	Levy	Sells
Byrnes, S. C.	Good	Lindquist	Shreve
Cantrill	Green, Iowa	McClellan	Smith, J. M. C.
Carew	Hamill	McGillicuddy	Smith, N. Y.
Cary	Hart	McGuire, Okla.	Stanley
Chandler, N. Y.	Helvering	Madden	Stephens, Tex.
Church	Hensley	Martin	Taylor, Ala.
Clark, Fla.	Hill	Metz	Taylor, N. Y.
Claypool	Hinds	Mondell	Tuttle
Cramton	Hinebaugh	Moon	Walker
Crosser	Hobson	Morgan, La.	Walters
Dale	Houston	Moss, W. Va.	Weaver
Donovan	Howard	Mulkey	Whaley
Dooling	Hoxworth	O'Brien	Wilson, N. Y.
Doolittle	Hull	O'Shaunessy	Woodruff
Dunn	Johnson, S. C.	Padgett	
Dupré	Johnson, Utah	Paige, Mass.	

So the conference report was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. BYRNES of South Carolina with Mr. HINDS.

Mr. MOON with Mr. MADDEN.

Mr. AIKEN with Mr. GREEN of Iowa.

Mr. BAILEY with Mr. AVIS.

Mr. BURGESS with Mr. CRAMTON.

Mr. CLARK of Florida with Mr. LA FOLLETTE.

Mr. DUPRÉ with Mr. MONDELL.

Mr. FINLEY with Mr. PAIGE of Massachusetts.

Mr. HELVERING with Mr. POWERS.

Mr. HULL with Mr. PROUTY.

Mr. JOHNSON of South Carolina with Mr. ROBERTS of Massachusetts.

Mr. WHALEY with Mr. SCOTT.

Mr. PADGETT. Mr. Speaker, I would like to vote.

The SPEAKER. Was the gentleman in the Hall listening?

Mr. PADGETT. I was sitting in the Hall just behind you, Mr. Speaker, and I was listening just before they called my name. I was reading the claims bill.

The SPEAKER. The rule is that gentleman must be in the Hall and listening.

Mr. PADGETT. I was reading the claims bill just at that particular time.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. EVANS. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the Hall and listening?

Mr. EVANS. I doubt if I was listening.

The SPEAKER. The gentleman does not bring himself within the rule. The rule is that a Member must be in the Hall and listening when his name is called.

Mr. EVANS. I think I was in the Hall, but I do not think I was listening.

The SPEAKER. But it takes it all if the rule is strictly construed.

The result of the vote was announced, as above recorded.

On motion of Mr. LEVER a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

OMNIBUS WAR CLAIMS BILL.

Mr. GREGG. Mr. Speaker, I ask unanimous consent that House bill 8846, commonly known as the "omnibus war claims bill," be taken from the Speaker's table, all the Senate amendments disagreed to, and the conference asked for be agreed to.

Mr. RAGSDALE. Mr. Speaker, I should like to ask unanimous consent to extend my remarks on the agricultural bill.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to extend his remarks in the RECORD on the Agricultural appropriation bill. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill H. R. 8846, called up by the gentleman from Texas [Mr. GREGG].

The Clerk read as follows:

H. R. 8846. An act making appropriations for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts of March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts, and under the provisions of section No. 151 of the act approved March 3, 1911, commonly known as the Judicial Code.

The SPEAKER. The gentleman from Texas asks unanimous consent to take the bill from the Speaker's table, disagree to all the Senate amendments, and agree to the conference asked by the Senate.

Mr. MANN. Mr. Speaker, reserving the right to object, I shall object to the request as made by the gentleman from Texas [Mr. GREGG]; but perhaps some agreement may be reached. The Senate has added 708 amendments. Amendments Nos. 296 to 706, inclusive, are for what are called "travel pay" in the Army. Some years ago the Senate passed a resolution or a bill or referred a resolution or a bill to the Court of Claims, covering a large number of claims of men who were in the Civil War, in the main for travel pay. The matter had been decided against them in the Treasury Department, and the Court of Claims has rendered decisions in these cases, and in each case has made the finding that the claim is neither a legal nor an equitable one, and that the Government is under no obligation to pay it, because it received no benefit by reason of whatever was done, and that, if paid, would be a pure gratuity.

The matter has never been before the House in any bill. No committee has ever reported a bill to pay any of these claims, so far as I now recall. How many more of them there may be I do not know. Possibly the attorneys who have charge of them know. There are in this bill over 400 of those claims. There are very likely 10,000 or 15,000 or 20,000 still outstanding. To pass a bill now including those claims is to pass something which would be very tidy for the claim agents who have charge of them.

Now, there is no use of sending this bill to conference. I am not willing it should go to conference. If we can reach an agreement by which we agree to all of the Senate amendments that relate to the war claims bill proper, and disagree to these travel claims amendments and stop there and send it back to the Senate, having concurred in all the other amendments and agreed to these amendments, it will be perfectly satisfactory to me. But as to agreeing to a conference, what is the use? It will not do any good to send this bill to conference.

Mr. GREGG. What is the gentleman's proposition? I did not hear it right well.

Mr. MANN. To concur in all the Senate amendments except amendments 296 to 706, inclusive. I have a copy of the bill here.

Mr. GREGG. That is all right. I amend my request, then, to cover that.

Mr. MANN. With the understanding that we do not have a conference. Just send it back to the Senate.

Mr. GREGG. I amend my request accordingly.

Mr. HAY. You move to concur with an amendment.

Mr. GREGG. I move to concur with an amendment.

Mr. MANN. Mr. Speaker, the gentleman's request is to take this bill from the Speaker's table, concur in all of the Senate amendments except amendments 296 to 706, inclusive, and that the House disagree to those amendments 296 to 706, inclusive, and stop there.

Mr. GREGG. Mr. Speaker, I modify my request in accordance with that.

The SPEAKER. The gentleman from Texas asks unanimous consent to take this bill from the Speaker's table, concur in all the Senate amendments to 296, and disagree to all of the Senate amendments from 296 to 706, both inclusive.

Mr. MANN. And concur in all the other amendments.

Mr. GREGG. The Chair has put that.

Mr. MANN. I beg the Chair's pardon.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will call the next bill on the Unanimous Consent Calendar.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 6120. An act for the allowance of certain claims reported by the Court of Claims.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 8846) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, and under the provisions of section 151 of the act approved March 3, 1911, commonly known as the Judicial Code, asked a conference with the House of Representatives upon the said bill and amendments, and had appointed Mr. BRYAN, Mr. ROBINSON, and Mr. BRISTOW as the conferees on the part of the Senate.

EXCHANGE OF LANDS WITH THE STATE OF NORTH DAKOTA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21450) to authorize an exchange of lands with the State of North Dakota for promotion of experiments in dry-land agriculture, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, that bill has just been reported; and, while I have been over it, I do not find my copy of it here. I would like to have the bill read and to have some gentleman explain it.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That upon receipt of a proper deed from the State of North Dakota, executed under authority of the act of its legislative assembly, approved January 26, 1915, reconveying to the United States title to section 16, township 138 north, range 81 west, fifth principal meridian, the Secretary of the Interior is authorized to issue patents to said State for such vacant, unoccupied, nonmineral public lands as may be selected by said State within its boundaries, not exceeding 1,280 acres in aggregate area, and said section when so reconveyed shall not be subject to settlement, location, entry, or selection under the public-land laws, but shall be reserved for the use of the Department of Agriculture in carrying on experiments in dry-land agriculture at the Northern Great Plain Field Station, Mandan, N. Dak.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I hope some one will explain the bill.

Mr. NORTON. Mr. Speaker, this is a bill proposed by the Department of Agriculture in conformity with a bill that was passed by the Legislative Assembly of North Dakota, which also was suggested to the Legislative Assembly of North Dakota by the Agricultural Department.

Near Mandan, N. Dak., is located the Northern Great Plains field station, where the Government carries on experiments in dry farming. That station is for the purpose of supplying trees and shrubs for the whole Great Plains territory. The station there now has 160 acres of land. Two miles south of the Northern Great Plains field station the State of North Dakota owns a section of school land. The superintendent in charge of the field station has urged that the station needs this section in the work that it is carrying on at Mandan, and has asked the governor of North Dakota to have legislation enacted by the State Legislative Assembly of North Dakota so that this section can be acquired by the field station.

About a month ago the North Dakota Legislative Assembly passed an act providing that the State of North Dakota might exchange this section if the Federal Government would give the State of North Dakota the right to take two sections of unappropriated and unreserved public land in its stead. This particular section is located 3 miles south of Mandan, N. Dak. It is worth about $30 an acre. Now, there is not any unappropriated public land in North Dakota that is worth $15 an acre. This bill has the approval of the Secretary of the Interior and the Secretary of Agriculture. The superintendent in charge of the field station has reported that in his judgment this exchange would be fair, and, in fact, that the United States would get the better of the bargain.

Mr. MANN. Mr. Speaker, where the Government has spent thousands of dollars for the benefit of a State, I suppose it would be anomalous and unreasonable to expect that the State should contribute in the slightest degree toward the expense. If the situation were reversed, the State of North Dakota would want us to give them the land. Here we have an experiment station in North Dakota, purely for the benefit of the citizens of North Dakota, wholly for their interest, supported at the expense of New York City and Chicago, paid for by the rest of the Government, and not by North Dakota; and, as stated by the report, the Legislature of North Dakota, desiring to encourage the work being done by the Government of the United States for the benefit of the citizens of North Dakota in North Dakota, proposes to sell to us land which the State owns.

Mr. NORTON. I will say to the gentleman——

Mr. MANN. Not just now. Wait a minute. One would think that the State of North Dakota, with its immense quantity of land for school purposes given to it by the Government, would be willing to give back to the Government a section of land where the Government is supporting a school there which ought to be supported by by the State. Not much. Not on your life. All of these States want Uncle Sam to help them, but not one of them is generous enough to put its hand in its own pocket to help itself. Now, the State of North Dakota is no worse than the rest. Here the other day we abandoned a military reservation in one of the States, and lo and behold, we gave away the buildings to the State for a school. Did the State offer to buy them at a price? Oh, not at all. Wherever we have land, it is to be given away; but wherever we are generous enough to go into a State to do work for the benefit of the State, and we happen to need some old land, not worth much, which land the State owns, we have got to pay a high price for it.

They say this land is worth $30 an acre. It is desired for the purpose of carrying on experiments in dry-land culture. Well, there is not very much land worth $30 an acre where you can really carry on experiments in dry-land agriculture. If it is worth $30 an acre, why do you want to carry on experiments?

Mr. NORTON. It sells for that.

Mr. MANN. Oh, they sometimes sell small tracts of land at that price to some eastern sucker; but he always comes away wiser and poorer.

Mr. NORTON. The gentleman from South Dakota, right back of you there, is selling that land.

Mr. MANN. He is selling the men who buy it. [Laughter.] However, I have been robbed and have seen the Government robbed so often of its public domain that I am not going to kick over a little thing like this. [Laughter.]

The SPEAKER. Is there objection?

Mr. KAHN. Mr. Speaker, I object.

The SPEAKER. The gentleman from California objects.

CENTRAL PACIFIC RAILROAD.

Mr. RAKER. Mr. Speaker, in the matter that was passed over a few minutes ago, I ask unanimous consent to return to calendar No. 467.

The SPEAKER. Is that in relation to the New Jersey judgeship?

Mr. RAKER. No; in relation to the lands in Nevada, legalizing certain conveyances heretofore made by the Central Pacific Railroad Co. and others within the State of Nevada.

The SPEAKER. The Chair promised an opportunity to the Members from New Jersey to call up the New Jersey judgeship bill, and when the gentleman from California spoke to the Speaker he supposed the gentleman was talking about the New Jersey bill.

Mr. RAKER. No.

The SPEAKER. The Chair promised them precedence.

Mr. RAKER. This is just to ask unanimous consent——

The SPEAKER. The Chair understands; and that is precisely what the New Jersey Members want to do. The Chair will recognize the gentleman presently.

Mr. RAKER. Very well.

ADDITIONAL JUDGE IN THE DISTRICT OF NEW JERSEY.

Mr. HAMILL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 19423) to create an additional Federal judgeship in the district of New Jersey.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to return to the bill (H. R. 19423) creating an additional judge in New Jersey.

Mr. CULLOP. Mr. Speaker, I withdraw my objection.

Mr. HENRY. Reserving the right to object——

Mr. THOMPSON of Oklahoma. Mr. Speaker, I object.

Mr. HAMILL. Will the gentleman reserve his objection until I make a statement as to the purpose of the bill?

Mr. THOMPSON of Oklahoma. I will reserve the objection.

Mr. HAMILL. Mr. Speaker, there have been already two judgeship bills passed through the House, but I warrant that this is probably the most meritorious bill in that respect which has been offered this session.

Here is the situation in New Jersey. We have two Federal judges trying cases. Every one knows that New Jersey gets a great many cases because of its location between New York and Pennsylvania, and because of the fact that a great many corporations were formed there in years gone by. The great bulk of the litigation is tried in the New Jersey courts.

The calendars of the judges are very much congested. I have a statement which will show the condition we are in. During the year 1914, 1,179 cases were commenced, 832 were tried, and on December 1, 1914, there were pending for trial, 4,456 cases. In other words, the two judges trying the cases for that year alone would require five years in order to finish one year's calendar.

Now, these judges, according to the report, have taken no vacation, but have worked continuously in their efforts to clear the calendars.

The Secretary of War, Mr. Garrison, who has occupied a judicial position in New Jersey and who knows the conditions, said——

Mr. THOMPSON of Oklahoma. Mr. Speaker, I withdraw my objection.

Mr. LIEB. I object, Mr. Speaker.

Mr. HAMILL. Will the gentleman from Indiana withhold his objection until I make a further statement?

Mr. LIEB. I will withdraw the objection.

Mr. HAMILL. Then, Mr. Speaker, if there is no further objection, I have finished.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I could not hear the gentleman's explanation.

Mr. DIFENDERFER. Mr. Speaker, I reserve the right to object.

Mr. MANN. I want to hear the speech of the gentleman from New Jersey.

Mr. DIFENDERFER. Mr. Speaker, I object.

The SPEAKER. The gentleman from Pennsylvania objects.

Mr. HAMILL. I did not understand the gentleman from Pennsylvania to object; I thought he reserved the right to object.

The SPEAKER. But he afterwards rose and objected.

VIRGINIA MILITARY INSTITUTE, LEXINGTON, VA.

Mr. FLOOD of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (S. 544) for the relief of Virginia Military Institute, of Lexington, Va.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Virginia Military Institute, of Lexington, Va., out of any money in the Treasury not otherwise appropriated, the sum of $100,000, in full of all claims of said institute for the damage and destruction of its library, scientific apparatus, and the quarters of its professors in June, 1864, by the military authority of the United States. And the acceptance of the said sum by the said institute shall be a complete and absolute bar to any and all claims for the damage and destruction of the property of said institute by the armies of the United States.

The SPEAKER. Is a second demanded?

Mr. MANN. I demand a second.

Mr. FLOOD of Virginia. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Virginia asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. FLOOD of Virginia. Mr. Speaker, I will detain the House but a few minutes to explain the purpose of this bill. It is for the relief of the Virginia Military Institute, of Lexington, Va., for the destruction of its property by fire by Gen. Hunter's army in 1864. At that time the institute was a prosperous school for general educational, military, agricultural, and normal purposes. The State of Virginia contributed to its support and in return the institution educated a certain number of young men who had to teach in the schools of Virginia for two years.

In June of that year Gen. Hunter made what is known as his Lynchburg raid, coming through the valley and by Lexington, where this school is located. The Confederate forces at different points of the valley opposed him, not for the purpose of giving battle but to deter the progress of his march as much as possible. When he arrived at Lexington there was a small Confederate force there that made a semblance of resistance. When the advance guard of Hunter's army—a regiment under Col. J. M. Schoomaker, of the Fourteenth Pennsylvania Cavalry—marched into town they took possession of the town and the property of this college, with practically no resistance.

Mr. MOORE. That was Col. Schoonmaker, I think.

Mr. FLOOD of Virginia. Yes; an elegant gentleman, a brave soldier, and a splendid officer. The next morning after that town had been taken possession of, and the Federal forces were in possession of the grounds of this institution, Gen. Hunter issued an order to destroy all the buildings, all the scientific and chemical apparatus, and the library, and all other property belonging to this college; and this order was carried out.

Fortunately, Mr. Speaker, there were in the Army some soldiers who knew a soldier's duty better than that. One was Col. DU PONT, the chief of artillery of Hunter's army, now a distinguished Senator from the State of Delaware. Another was Maj. McKinley, a staff officer, and later one of the best-beloved Presidents the country ever had; and other gentlemen and officers who expressed their dissent and disapproval of the order to burn this institution.

Mr. MOORE. Mr. Speaker, will the gentleman yield?

Mr. FLOOD of Virginia. Yes.

Mr. MOORE. Mr. Speaker, I have read the affidavit of Col. Schoonmaker, who is a very high-grade Pennsylvania citizen, and who was the officer in command of the regiment that took charge of these buildings. He states very clearly that it was not his disposition to destroy the buildings, and that Gen. Hunter ordered their destruction the next morning and reproved him for not having destroyed them; but the one point I have not had cleared up in my mind, which I wish the gentleman would explain, is whether there was such a resistance on the part of the Confederate troops at this point as to warrant the belief that those buildings were peopled with Confederate troops who were firing upon Union troops in making this raid.

Mr. FLOOD of Virginia. There was at that time absolutely no resistance. Col. Schoonmaker had gone into the grounds and through the buildings, and there was not a Confederate soldier within miles of that institution at that time, nor a cadet. These officers to whom I have alluded objected upon the ground that there was no necessity of war justifying the destruction of these buildings. The destruction was not an incident of war, because the Federal forces at that time were absolutely unopposed. No Confederate force lay athwart Hunter's path that morning. These young officers urged their objection, and those of them who are living to-day still maintain that the burning of that institution was wrong.

Mr. Speaker, it is a well-established principle in the conduct of war that the destruction of property, unless there is some necessity of war, unless it is an incident of war, when the destruction is ordered by the Government itself or by the commanding general standing in the position of the Government, such destruction renders the Government liable for the property thus destroyed.

This is a principle recognized in every civilized nation of the world. That was the situation at the Virginia Military Institute on that morning. No necessity existed—there was no reason except one of wanton reprisal—and yet the property of that splendid institution of learning was committed to the flames.

Mr. POST. Mr. Speaker, will the gentleman yield?

Mr. FLOOD of Virginia. Yes; for a question.

Mr. POST. If the facts are as the gentleman states here, why has not this been paid long ago?

Mr. FLOOD of Virginia. Because the Federal Government is sometimes slow in doing justice in these matters; but those are the facts. Fortunately we are not in doubt as to the facts, because they have been testified to by Col. Du Pont, Chief of Artillery, and Col. Schoonmaker, of the Cavalry, both of whom were there and whose testimony before the Claims Committee of the Senate brought forth a unanimous report by that committee. The recollection of this wrongful burning was so strong in the mind of Senator DU PONT that he himself introduced this very bill, the passage of which we are asking to-night.

Mr. MOORE. Just one other question. The facts are much as the gentleman states them. I have read the testimony. I would like to know how the value of $100,000 for the property destroyed was arrived at?

Mr. FLOOD of Virginia. The board of this institution, the books having been burned, kept an accurate account of what it cost to replace these buildings and library and the scientific apparatus, and it amounted to something over $200,000. The Senate committee decided to give them $100,000 in lieu of the destruction that took place there. They certainly did not give them too much; they did not give them enough, but it will satisfy a just claim against this Government and will satisfy the authorities of this institution.

Mr. Speaker, this is a just and a righteous bill. It was unanimously reported from the Committee on Claims of the Senate, it unanimously passed the Senate, and was unanimously reported from the War Claims Committee of this House. I do hope that this House will do this tardy act of justice to this splendid school, this gamecock military institute, which is one of the very best in this country, and whose graduates have illustrated their heroism and skill and patriotism upon every battle field in which American troops have fought from Buena Vista down to the present time. [Applause.]

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. FLOOD of Virginia. Yes.

Mr. ROGERS. Will the gentleman state to the House whether there are precedents for appropriations of this nature?

Mr. FLOOD of Virginia. There are. There were four institutions in Virginia that received damages at the hands of the Federal Army, and appropriations have been made for every one of them except this one, but I will say this case can never be used as a precedent for any other bill, because this is the only instance in the history of this country, and I believe it will be the only instance which will ever occur in which an educational institution is wantonly destroyed by an order of the commanding officer of an Army of this Government.

Do this act of justice and you will enable this institution to turn out 100 splendidly equipped officers every year, who will be ready to command our soldiers whenever men are needed to defend the American flag or the Nation's honor. [Applause.]

I reserve the balance of my time.

The SPEAKER. The gentleman reserves 10 minutes.

Mr. MANN. Mr. Speaker, we all know that Sherman's remark that war is hell is correct. We are learning now, by reading of the war in Europe, that war is not a Sunday-school picnic. We hear on every side from there how brutal the enemy is, wherever the enemy is or whoever the enemy is. The French complain of the Germans and the Germans complain of the French. The Austrians complain of the Russians and the Russians complain of the Austrians. War is no amusement. It was not an amusing affair when the Federal Army was in Virginia or elsewhere in the South. It is very easy for some Member from Virginia, born since the war, to now asperse the officers of the Union Army by saying there was wanton destruction of property. What does he know about it? Not a thing.

Mr. FLOOD of Virginia. I will tell the gentleman what I know about it.

Mr. MANN. I did not ask the gentleman to tell me. He can tell it in his own time.

Mr. FLOOD of Virginia. What did the gentleman ask for if he did not want me to tell?

Mr. MANN. Tell it in your own time. You do not know anything about it except what you read.

Mr. FLOOD of Virginia. I know what the gentlemen who swore to it say.

Mr. MANN. I ask that the gentleman manage to keep order. He is more belligerent now than Gen. Hunter was.

Mr. FLOOD of Virginia. I am fairer than the gentleman ever is.

Mr. MANN. The gentleman from Virginia can not even keep his temper now when there is no war. [Laughter.]

Mr. FLOOD of Virginia. I can keep my temper, but I get irascible when the gentleman is so unfair.

The SPEAKER pro tempore (Mr. FOSTER). The gentleman from Virginia must not interrupt without the consent of the gentleman from Illinois.

Mr. MANN. Mr. Speaker, I hope the time the gentleman from Virginia has taken will be taken out of his own time.

Mr. FLOOD of Virginia. It will not be.

Mr. MANN. I will ask the Speaker to keep the gentleman in his seat, where he belongs.

Mr. FLOOD of Virginia. I will not keep my seat if I do not want to.

Mr. MANN. I think you will.

Mr. FLOOD of Virginia. I will not.

Mr. HENRY. I make the point of order that the House is not in order, Mr. Speaker. We can not hear that friendly colloquy down there.

Mr. MANN. The gentleman from Virginia says there was wanton destruction of property. That is what they always say whenever an army goes through. Men conducting war are not very nice about what they do. Even when they are not at war they are not very nice. [Laughter.]

Now, is it proposed that Congress, 50 years after the war, shall determine whether the order of a Union officer in charge of an army to destroy property was a proper order or not? What do we know about it?

Mr. FLOOD of Virginia. Mr. Speaker——

Mr. MANN. I do not yield.

The man in charge was responsible for doing what he believed was the proper thing to do. We can not determine that. If he erred, it was an error which we ought not to pay for. It is impossible to pay for all the property which was destroyed in the South by the Union Army.

I used to hear the statement made when I was much younger that if the Democrats got into power they were likely to pay for the destruction of property in the South. Well, we just passed an omnibus war claims bill, most of the items of which would not have been considered for a moment 20 years ago, most of the items of which the committee would not have reported at all 20 years ago, and that was 30 years after the war. When the Democrats were in control of the Government before, they did not pass items such as we passed by unanimous consent in the omnibus war claims bill to-night. These things become a matter of growth and precedent. When we start in on a certain line we have to follow it up. Do we propose to pay for the property which was destroyed by the armies in the South by direction of the commanding officers, no matter what some man may think now about the order having been a proper one or not? You pay one of these claims and every claim attorney follows up the matter at once. He says, "Here is a claim that has been paid," and he has a bill presented, and pretty soon we will be paying all sorts of these claims, or else we will have to stand very strong in order to resist them.

A few years ago some one managed to get a claim paid for a church or a Masonic lodge or a city hall, on the ground that they could not be disloyal as organizations. Now we are paying those claims by the hundreds of thousands of dollars. I will say to you gentlemen on that side of the House who were responsible for legislation, if you start in to pay claims for property which was destroyed by the Union armies in the South, I will ring the changes on it all over this country in the North. The war is over. We have forgiven and forgotten that, but that does not mean that we are going to pay for the property which was destroyed as a matter of war by the armies.

This bill is for damage and destruction by the military authority of the United States. That is the language of the bill. And—

> It shall be a complete and absolute bar to any and all claims for the damage and destruction of the property of said institute by the armies of the United States.

If it is wanton destruction, so much less is the claim a valid one. But the commanding officer of an army is the man who determines the circumstances. It is not his subordinate officers, and much less is it men born since the act was committed. I am opposed to opening the door for the payment of property destroyed by the Army as a matter of war either in the South or elsewhere; and if this Congress shall enter on such a course, God pity those who follow us and who have to provide the money.

Mr. Speaker, I reserve the balance of my time. [Applause.]

Mr. FLOOD of Virginia. Mr. Speaker, I yield three minutes to the gentleman from Washington [Mr. JOHNSON].

Mr. JOHNSON of Washington. Mr. Speaker, I should like to take this opportunity to say, as briefly as possible, that among the pleasant duties I have had during this Congress has been the one of serving on the Committee on War Claims. By the very nature of things a great many of the claims that were presented there were objectionable to me, but I believe that all have had fair treatment, and that the calendars of the House have not been cluttered with impossible bills from that committee. It pleases me to say that I found the distinguished chairman of that committee, the gentleman from Texas [Mr. GREGG] fair to a degree, and it also pleases me to state that I found the ranking minority member, the distinguished gentleman from Vermont [Mr. PLUMLEY], careful, painstaking, and judicial in all of his observations. And, as a new Member, I want to take this opportunity of paying a tribute in my way to the older Member, who is voluntarily retiring as a Representative from Vermont.

Mr. Speaker, to me a man of the second generation, from the days of our fratricidal strife, whose father fought in the War between the States, and whose forbears bore arms in the War of the Revolution, it has been a pleasure for me to have served on that committee. It has been most interesting to add to what little history I have read of the battles between the blue and the

gray, to be able in so many of these cases to lift the covers of that almost closed book and peer intimately into disputed points—look without bias as far as I have been able.

A great many of the cases mentioned in the omnibus bill—all, I think—went to the Court of Claims, according to the laws which govern in such cases, and were adjudicated and brought back. This particular case of the Virginia Military Institute was, as the gentleman from Virginia [Mr. FLOOD] has stated, unanimously reported from that committee. It has merit. It was no doubt right in 1864 to destroy the buildings, but it was also right to pay for those which should have been immune. My views are based largely on the statement of the distinguished Senator from Delaware [Mr. DU PONT], at that time a lieutenant of artillery. After looking carefully at his statement made before the Senate committee in regard to the destruction of the cadet quarters, and finding it was not the desire to destroy the relics, library, scientific instruments, and so on, I came to the conclusion that if there was 90 to 95 per cent of fairness in the payment of one-half of the claim that was originally made and 5 to 10 per cent of sympathy, good feeling, or desire to help the educational institution, then the bill could with justice be passed.

Mr. MOORE. We have just passed an omnibus claims bill without any objection at all. There was a reservation as to certain things put in by the Senate. There was an opportunity given to anybody in the House to object and kill the bill. Does the gentleman know whether or not there were any claims in that omnibus claims bill, with its numerous claims, that vary greatly from this claim?

Mr. JOHNSON of Washington. There are church claims mentioned in that bill.

Mr. MOORE. Was the property destroyed in the same way? We had no opportunity to see the omnibus claims bill here tonight. It was not distributed among the Members. Some gentlemen had it, and knew what was in it, and there was no objection to it. There is objection made to this particular claim, when doubtless there were lots of claims like it in the omnibus claims bill.

Mr. JOHNSON of Washington. I hope this bill will be passed.

Mr. MOORE. Will the gentleman answer my question?

Mr. MANN. How much time does the gentleman have? He has had 10 minutes.

Mr. FLOOD of Virginia. Mr. Speaker, I yield three minutes of my time to the gentleman from Virginia [Mr. SLEMP].

Mr. SLEMP. Mr. Speaker, I am very much interested in the passage of this bill. In my judgment it is a good and fair bill from a war-claims standpoint. The committee cut out the building in which the soldiers and cadets lived. The money appropriated here is for the library, for scientific apparatus, and for the professors' buildings. It certainly is not in accordance with the rules of civilized warfare for armies to be destroying libraries. The destruction originally amounted to over $300,000. This money was put up by the State of Virginia, and by the authorities of the Virginia Military Institute. It is estimated and shown that about $100,000 would pay for the library, the professors' houses, and the scientific apparatus, and the committee made a distinction between these and the destruction of the barracks in which the cadets lived.

Now, as to the precedents involved, there was another institution of learning, the Washington and Lee University, that was damaged at the same time. Twenty years ago the House of Representatives, without a dissenting vote, passed an appropriation of $20,000 for that institution to compensate it for damages it had suffered. This is the adjoining institution, where the loss took place at the same time, and the Virginia Military Institute ought to come under the same precedent. The same statement was made 20 years ago on the floor of the House in the consideration of the Washington and Lee bill as was made by the gentleman from Illinois a few moments ago in regard to this bill, that it would open the Treasury to millions and millions of expenditures; but from that time to this not one single claim of that nature has been paid. As my colleague says, there can be no other claim as no similar destruction occurred along that line. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. FLOOD of Virginia. Mr. Speaker, will the gentleman from Illinois use some of his time?

Mr. MANN. I will say a word or two, anyhow. How much more time have I?

The SPEAKER. Ten minutes.

Mr. MANN. The gentleman from Pennsylvania [Mr. MOORE] a moment ago asked the gentleman from Washington [Mr. JOHNSON] if there were not a great number of similar claims in the omnibus claims bill, stating that gentlemen had not had an opportunity to get hold of the claims bill. We passed the claims bill more than a year ago, and gentlemen could have got copies of it at any time.

Mr. MOORE. I beg the gentleman's pardon. I could not get the copy. The gentleman had the bill.

Mr. MANN. The gentleman is confusing the matter. I had the Senate amendments. The claims bill was accessible to the gentleman for the last year and a half. But that is neither here nor there. It does not contain a single claim for the destruction of property in war, and the Committee on War Claims have refused to put into the claims bill any claim for the destruction of property by the Army. They have not only refused to put those claims in the omnibus war claims bill, but they have refused to refer the claims to the Court of Claims for a finding.

Mr. MOORE. Will the gentleman yield?

Mr. MANN. I will yield for a question.

Mr. MOORE. Has every claim in the omnibus claims bill been approved by the Court of Claims?

Mr. MANN. That is so stated.

Mr. MOORE. Has this claim been approved by the Court of Claims?

Mr. MANN. It has not. I say "approved by the Court of Claims." The Court of Claims does not approve or disapprove.

Mr. MOORE. I mean an adjudication by the court.

Mr. MANN. They are not adjudicated. They are claims. There has been no finding here, as far as I know, by the Court of Claims.

Mr. BURNETT. Will the gentleman yield?

Mr. MANN. For a question.

Mr. BURNETT. Is it not a fact that we paid a number of claims for destruction of property in the Philippines, where there was actual destruction of property by the Army?

Mr. MANN. I think not. That is not my understanding.

Mr. BURNETT. That is my recollection.

Mr. MANN. That is not my recollection of it at all.

Mr. GOULDEN. Will the gentleman yield?

Mr. MANN. For a brief question.

Mr. GOULDEN. Has this matter ever been referred to the Committee on War Claims, and if so——

Mr. MANN. Why, it is reported from the Committee on War Claims; but it was entirely by personal solicitation that they got this report from the Committee on War Claims—a fairly meritorious case. It has great sympathies in it; but if you adopt the principle the next case will not have so much of sympathies in it. Pretty soon it will be a mere matter of paying the claim. What are the facts? This destruction of property occurred in June, 1864, at a critical period in the war, with great armies in Virginia, and great effort on the part of the Confederate Army to reach Washington. Gentlemen say that the general ought not to have destroyed the property. Well, if there had not been destruction of property and life there would have been destruction of the Union. I prefer to have had life and property destroyed and the Union saved. Perhaps they were not so nice about it as you and I would be, taking breakfast or dinner, but it was war. The commanding officer, for reasons which he believed were right, ordered the property destroyed. I have heard it said, by gentleman who said they were familiar with the case, that there was firing on the Federal troops from these buildings. I do not know. I do not care. I know that if Congress undertakes to pay these claims for destruction of property by the Army, the Treasury will become a waste.

I reserve the balance of my time.

Mr. FLOOD of Virginia. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has four minutes remaining.

Mr. FLOOD of Virginia. I yield two minutes to the gentleman from Pennsylvania [Mr. GRAHAM]. [Applause.]

Mr. GRAHAM of Pennsylvania. Mr. Speaker, it seems to me that this matter has been discussed from an altogether improper viewpoint. This claim ought to be considered in a fair and judicial spirit. There is no room for recrimination or charges against a Union general or against those who represented this college. The simple question is, What are the facts, and have we precedent for this bill? I think an examination of both these questions will result in an affirmative answer, that we have precedent and that the facts in this case create an equity.

There is one thing that stands out most prominently, and that is that such an institution as this ought to have been immune. I do not know how it was destroyed or why it was destroyed; the fact is that at the time of its destruction it was not used for war purposes. Those who were there say that the plates of the students were on the dining tables and that there was every appearance of its having been used as a school; that those

appearances remained visible to those who entered it at the time the Union troops arrived.

Now, this being immune property and an institution for the education of our youth, men of the North and men of the South were educated in it, and some have come forth out of it into the Union Army, although a great majority went into the Confederate Army, along with the States that they lived in. Men have come from it and gone into the Spanish-American War, so that the institution is an educational institution for the benefit of the whole citizenship of the United States. Shall we now pass a bill to pay for the destruction of scientific instruments, the house of the professor, and the library of that college, or not? You have a precedent in the case when Senator Hoar led the fight in order to reimburse William and Mary College for a similar loss. Washington and Lee University received similar treatment. Why should we draw the line when we are rectifying some of these things arising out of the war which could not be avoided in the past at this military college of the grand old State of Virginia. Let us do our duty by it, so that this bill will pass and this compensation be given to this educational institution, which through an accident of war was destroyed. [Applause.] Forty States out of 48 are represented in the student classes, I am told. We have, therefore, precedent for this action, and there exists a distinct equity to warrant the enactment of this bill into law.

The SPEAKER. The gentleman from Illinois has six minutes remaining.

Mr. MANN. I do not think I care to use it.

Mr. FLOOD of Virginia. Mr. Speaker, I yield two minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Speaker, I do not think that I care to say more than to simply voice the sentiments of the gentleman from Pennsylvania [Mr. GRAHAM]. He has expressed precisely my judgment on the matter. I shall take great delight in voting to take care of this needless destruction that no one at the time seems to have been responsible for. It seems to me that it is the least thing that this Congress can do at this time, and I shall vote for the measure. [Applause.]

Mr. HULINGS. Mr. Speaker, I desire to ask the gentleman from Virginia a question, if the time has not expired.

The SPEAKER. The gentleman from Virginia has one minute remaining.

Mr. HULINGS. I have read many times over the incident that occurred during the war where a parcel of young fellows, cadets at the Military Institution of Virginia, at the time of the invasion by the Federal troops, turned out and made a magnificent fight against the veterans, men from the Army of the Potomac. I want to ask the gentleman from Virginia if this was the occasion, and if these were the cadets from that institution who made that magnificent fight?

Mr. FLOOD of Virginia. This was not the occasion; but when the homes of these cadets were attacked they did defend them, and defended them nobly, as they have defended the flag of the Union in battles of the Union since that time.

The SPEAKER. The question is on the motion to suspend the rules and pass the bill.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 186, noes 37.

So the rules were suspended and the bill was passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21546) making appropriations to supply deficiencies in appropriations for the fiscal year 1915 and for prior years, and for other purposes.

The message also announced that the Senate had receded from amendments 296 to 706 to the bill (H. R. 8846) making appropriations for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, and under the provisions of section No. 151 of the act approved March 3, 1911, commonly known as the Judicial Code.

The message also announced that the Senate had passed House joint resolution 439 with an amendment.

THE PANAMA-PACIFIC INTERNATIONAL EXPOSITION.

The SPEAKER laid before the House the following communication:

SAN FRANCISCO, CAL., *February 26, 1915.*

Hon. CHAMP CLARK,
Speaker of the House of Representatives,
Washington, D. C.:

The Panama-Pacific International Exposition, authorized by the Congress of the United States as the official celebration by our Government of the opening of the Panama Canal, begs to extend to Congress a most cordial invitation to visit the exposition at an early date. We would feel honored in showing to Congress how the exposition has carried out the trust given to it by our Government. If it is not possible for the entire Congress to visit the exposition, I beg to express the sincere hope that a committee from Congress will make an official visit on behalf of Congress. I assure you of a most hearty welcome.

CHAS. C. MOORE,
President Panama-Pacific International Exposition.

NEUTRALITY.

Mr. UNDERWOOD. Mr. Speaker, I desire to call up the neutrality resolution (H. J. Res. 439) which was passed to-day and has just come over with a Senate amendment.

The SPEAKER. The Clerk will report it.

The Clerk read the Senate amendment.

Mr. MANN. Reserving the right to object, has the gentleman a printed copy of the amendment?

Mr. UNDERWOOD. I understand it is a privileged resolution.

Mr. MANN. It is not a privileged resolution.

Mr. UNDERWOOD. I do not think the proposition is subject to objection. It is a House resolution with a Senate amendment, and it would be on the House Calendar.

Mr. MANN. That depends upon what the amendment is.

The SPEAKER. If it is an amendment that would require it to go to the Committee of the Whole House on the state of the Union, the gentleman would have to ask unanimous consent.

Mr. UNDERWOOD. It does not, Mr. Speaker; the amendment strikes out certain portions of the resolution.

The SPEAKER. The Clerk will report the Senate amendment.

The Clerk read the Senate amendment.

Mr. UNDERWOOD. Mr. Speaker, as I understand the Senate amendment, it does not put anything in the resolution that was not in the House resolution as it originally passed this afternoon. There is some portion of the resolution stricken out, but nothing inserted. I offered this resolution at the request of the State Department, with the statement that it was prepared by the Attorney General of the United States, and I assumed that it was what the administration wanted.

I am informed the Senate has made these amendments and have been informed by the chairman of the Senate committee having it in charge that the amendments were submitted to the President of the United States and met with his approval. It is a matter involving great international questions. There is nothing in the resolution now that the House did not vote for this evening, although some portions of the resolution are stricken out. I have been informed since the resolution passed the House that one of the causes for passing the resolution is the fact that some time ago the Government stopped a ship from sailing because it was alleged that it was carrying contraband of war to belligerents, and since that time the Government has been sued because we have no statute on our books to enforce our neutrality agreement. I see no reason why the Senate amendment should not be agreed to. If we do not agree to it now, it will not become a law. I think it is undoubtedly important that a law of this kind should be on the statute books, and therefore ask the House to agree to the Senate amendment. I desire now to yield to the gentleman from Illinois, if he desires it, such time as he wants.

Mr. MANN. I am perfectly satisfied with the amendment.

Mr. SABATH. Does the Senate amendment in any way broaden the language or the resolution?

Mr. UNDERWOOD. It does not.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. I yield.

Mr. GRAHAM of Pennsylvania. Will the gentleman from Alabama state briefly for the information of the House what was left out of the resolution by these amendments?

Mr. UNDERWOOD. I will. In the first clause of the resolution, on page 2, line 2, the language "of American register, or license," is so changed as to read "American or foreign," so that it will read:

And he is hereby authorized and empowered to direct the collectors of customs under the jurisdiction of the United States to withhold clearance from any vessel, American or foreign, which he has reasonable causes—

And so forth.

Then in lines 5 and 6 of page 2 the following language is stricken out:

Or to commit any other similar act in aid of the prosecution of hostilities.

Then on page 2 the following language is stricken from the resolution:

That, further, the President be, and he is hereby, authorized and empowered to direct the collector to give clearance to any such vessel of American register or license: *Provided,* That before clearing out

the same the owners or master or other person or persons having charge or command thereof give bond to the United States, with sufficient sureties, in double the amount of the value of the vessel and cargo on board, conditioned that the vessel shall not be employed in the commission of such act or acts; and in case of a breach of the condition thereof the bond shall be forfeited to the United States, and the owner or master or other person or persons having charge or command of any such vessel shall, in addition, be severally liable to a fine of not less than $1,000 nor more than $5,000, or to imprisonment not to exceed one year, or both.

At the bottom of page 2, after the language stricken out, the resolution is made to read:

In case any such vessel shall depart or attempt to depart from the jurisdiction of the United States without any clearance for any of the purposes above set forth, the owner or master or person—

And so forth.

On page 3 the following paragraph is stricken from the resolution:

That the President be, and he is hereby, authorized and empowered to direct the collectors of customs or other appropriate authorities to accord the treatment of a vessel of a belligerent, including internment, to any vessel of foreign register in, or hereafter arriving in, a port or any territorial waters of the United States, when such vessel is acting, or preparing to act, or attempting to act, or intending upon departure from the jurisdiction of the United States to act as a tender to the armed forces of a belligerent, or otherwise to act in aid of the prosecution of hostilities.

Then in the last paragraph, on page 3, the words "and to all air spaces that fall" are stricken out, and that seems to me to be the most important amendment that is made, because it excludes from this jurisdiction the control of the air and aeroplanes, which was in the original resolution.

I am not here to say that, in my judgment, the Senate have perfected this resolution or improved it; but we are within a few hours of adjournment, and if the President of the United States, who has the responsibility of this matter in hand, is willing to agree to these amendments, then, considering the lateness of the hour and the proximity of final adjournment, I think it is the part of wisdom for the House to accept them.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on concurring in the Senate amendments.

The Senate amendments were agreed to.

The SPEAKER. Without objection, the title will be amended in conformity with the text.

There was no objection.

On motion of Mr. UNDERWOOD, a motion to reconsider the vote by which the Senate amendments were concurred in was laid on the table.

PETER M'KAY.

Mr. FALCONER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2589) for the relief of Peter McKay, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Peter McKay, or his legal representatives, the sum of $2,500 as full compensation for permanent injuries received by the said McKay on the 5th day of May, 1904, at Fort Worden, in the State of Washington, by being struck with a large piece of log hurled by the explosion of an excessive blast of powder discharged without warning by employees of the United States Government engaged in clearing lands at said Fort Worden under the direction and control of the United States Government.

With the following committee amendment:

Line 6, strike out "$2,500" and insert "$1,500."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. FALCONER. Mr. Speaker, this is the case of an employee of the United States Government, a carpenter, working at Fort Worden, Wash., who had spent the day in working on the cover for a searchlight, and on his way home in the evening, or to the bunkhouse on the reservation, passed a place where other employees, not working with him at the time, were clearing land. They set off a blast of dynamite which resulted in breaking McKay's leg, which was amputated a few days afterwards as a result of that injury.

Now, Mr. Speaker, this injury occurred something like 14 years ago. This bill provides for an appropriation of $1,500. If McKay received $600 14 years ago, it would be equivalent, computing interest, to $1,500 to-day.

Now, we hear much about the workmen's compensation act, and I think it is the common sentiment of the country that it would be a fine factor in our industrial or governmental fabric. The Government of the United States in this case, it seems to me, has owed something to Peter McKay, and I believe this bill ought to pass. I think it ought to have been $2,500 instead of $1,500. There is not a man in the House who would willingly have a leg broken for $1,500, or for $2,500. Mr. McKay is a man who, when he was injured, had a home, was out of debt, practically. He is now 65 years of age, and has a wife 64 years of age, and four daughters, has spent the money he received from the sale of his home, and is now about destitute.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. FALCONER. I will.

Mr. GARRETT of Tennessee. Was the injury due to any defect in machinery?

Mr. FALCONER. Answering the gentleman, I will say that when McKay was walking down the trail to the bunkhouse, after having deposited his tools at the end of the day's work, there was no warning given that a blast was to be set off by other workmen in the employ of the Government who were clearing land for the embrasure of a 10-inch gun on the fort. He was not a party in that working group, and knew nothing about the planned explosion. It happened that a few minutes before another group of workmen walked past, and there was a warning given. But the testimony of Mr. McKay, substantiated by a Mr. Howard, is all the evidence there was to show that there was no notice of a blast to be set off. And all the objection at any time against this claim in the committee or in any other place was made by the friends of the party who set off the blast in protecting his position. He claimed he had shouted shortly before and that McKay should have heard, but I submit there is no man who is going to walk into a blast of dynamite if he knows it.

This $1,500 is a small pittance to give to a man who has had to stump along for 14 years on one leg. And I will say now that if anybody is going to hire a carpenter he is not going to hire a one-legged carpenter. He, walking around on a wooden leg with cane or crutch, is a living demonstration of the fact that this Government owes an unpaid debt.

This claim has been before the committee and reported by the committee, and we have the report of Gen. Mackenzie, of the United States Army. He says:

I am quite sure that the accident was not the result of any negligence on his part.

And just a little above this is the Senate report in the Sixty-third Congress, which says:

Clearly justice in this instance has been too long delayed.

I hope there will be no objection to the claim and that the bill will pass.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, this man was injured and kept on the pay roll after he was injured for many years. I do not know whether he is still on the pay roll or not. Under the general compensation law he would not have received this sum of money if he had been injured since the compensation was enacted.

Mr. FALCONER. He would surely have received $600.

Mr. MANN. I am unwilling, so far as I am concerned, to make it a pure matter of favoritism, appealing to a particular Member of Congress to see how much somebody shall be paid, and pay them more because they do that than they would receive under a general compensation act. I have objected to all of these bills, and shall continue to do so.

Mr. FALCONER. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. FALCONER. We have in the State of Washington a workman's compensation act. I was on the commission and helped draft it. For the losing of a leg a man should certainly get $600, and that is all it would have amounted to 14 years ago.

Mr. MANN. It is very specious reasoning which leads the gentleman to say that it would have amounted to $1,500, even with $600, 14 years ago. That has nothing to do with the question now. If a man had $600 14 years ago, he would not have a cent now. Neither one has any application to the proposition. I object.

LEAVE OF ABSENCE.

Mr. LANGLEY, by unanimous consent, was granted leave of absence for one day, on account of illness in family.

CENTRAL PACIFIC RAILROAD.

Mr. BOOHER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. BOOHER. I rise to ask unanimous consent to return to bill S. 5042, No. 467 on the Unanimous Consent Calendar.

The SPEAKER. The gentleman asks unanimous consent to return to No. 467 on the Unanimous Consent Calendar. Is there objection?

Mr. MANN. Reserving the right to object, what is it?

Mr. BOOHER. It is an act legalizing certain conveyances in five towns of the State of Nevada.

Mr. MANN. I have no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

Mr. BOOHER. The Senate bill was entirely stricken out, and I suppose it is not necessary to read anything but the amendment.

The SPEAKER. The Chair did not understand the gentleman.

Mr. BOOHER. The Senate bill was entirely stricken out after the enacting clause, and an amendment offered. It is not necessary to read anything but the amendment, is it?

The SPEAKER. No.

Mr. BOOHER. Just read the amendment.

The SPEAKER. The Clerk will report the amendment in the nature of a substitute, which includes everything after the enacting clause.

The Clerk read as follows:

S. 5042. Strike out all after the enacting clause and insert:

"That all conveyances heretofore made on or before January 1, 1885, by the Central Pacific Railroad Co. of California, the Central Pacific Railroad Co., or the Central Pacific Railway Co., or the Contract & Finance Co., to the extent that the conveyances of the latter company were founded upon conveyances originally made by above-named railway companies, or either or any of them or their assigns of or concerning land forming part of the right of way and now within the corporate town or city limits of the towns or cities of Elko, Carlin, Reno, Wells, and Winnemucca, in the State of Nevada, granted by the Government by the act of Congress of July 1, 1862, entitled 'An act to aid the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean and to secure to the Government the use of the same for postal, military, and other purposes,' and all other acts of Congress amendatory thereof or supplementary thereto are hereby legalized, validated, and confirmed, subject to the conditions hereinafter stated.

"SEC. 2. That this act shall have no validating force until the Central Pacific Railroad Co. of California, or its assigns, shall file with the Secretary of the Interior an instrument in writing accepting its terms and provisions.

"SEC. 3. That nothing herein contained shall have the effect to diminish said right of way to a less width than 50 feet on each side of the center of the main track of the railroad as now established and maintained."

Mr. RAKER. Mr. Speaker, I offer the following amendment from the committee.

The SPEAKER. The gentleman from California offers an amendment from the committee, which the Clerk will report.

The Clerk read as follows:

Page 4, line 6, after the word "confirm," insert:

"To the extent that the same would have been legal or valid if the land involved therein affected by this act had been held by the corporation making such conveyances under absolute or fee simple title."

Mr. MANN. Where does this amendment come in?

Mr. BOOHER. It is a committee amendment.

Mr. MANN. The amendment which is now offered?

Mr. BOOHER. Yes.

Mr. MANN. I want to know what it is.

The SPEAKER. Without objection, the Clerk will again report the amendment.

The Clerk proceeded to read the amendment.

Mr. MANN. I am asking the gentleman to explain the amendment.

The SPEAKER. Will the gentleman from California or the gentleman from Missouri explain the bill?

Mr. RAKER. The gentleman from Wisconsin [Mr. LENROOT] will explain it, Mr. Speaker.

Mr. LENROOT. I will say to the gentleman that the original Senate bill sought to legalize certain conveyances made by the Central Pacific Railroad Co. and the Contract & Finance Co. The Committee on Public Lands recommended a substitute limiting the validation of the conveyances to five towns in the State of Nevada where the Central Pacific Railroad Co. owned the fee of the abutting property as well as having a right of way over it. In the Senate bill the conveyances were sought to be legalized to the extent only that the same would have been legal or valid if the land involved therein had been held by the corporation or person making such conveyance under absolute or fee simple title. In the substitute reported by the committee, through inadvertence as the substitute now reads, it attempts to validate absolutely all of the conveyances, no matter what defects there might have been in them or other equities involved, and the only purpose of the amendment is to validate them only in so far as they would be valid had the railroad company owned the fee-simple title instead of the right of way only.

Mr. TAYLOR of Colorado. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Colorado rise?

Mr. TAYLOR of Colorado. I want to address the House on this bill. I move to strike out the last word.

The SPEAKER. The gentleman is entitled to five minutes.

Mr. TAYLOR of Colorado. Mr. Speaker, I very seriously doubt the wisdom or justice of this bill. I fear that it will set a dangerous precedent that may be injurious in other States. This bill ought not to be jammed through this House in the closing hours of the session in this manner.

Mr. MONDELL. Will the gentleman from Colorado yield?

Mr. TAYLOR of Colorado. Yes, sir.

Mr. MONDELL. In these cases the railroad owned the abutting property in fee, so that as a matter of fact if they had not had a right of way in these particular places they would have owned it in fee anyway.

Mr. TAYLOR of Colorado. I will not discuss the bill in detail. This bill should come from the Judiciary Committee instead of the Public Lands Committee, where it had no business to go. I have received some telegrams denouncing this bill in very strong terms, and attacking the good faith of it. I think the bill as it came from the Senate was a bad bill. But we have very greatly amended the bill and limited its scope; and in deference to the opinions of the Senators from my State, who are very actively supporting this bill, and everyone else in the Senate and House seem to be in favor of it, I am not going to make a point of no quorum. I simply want to voice my protest against it on behalf of a large number of people along the rights of way, throughout Kansas, Nebraska, Colorado, and Utah.

Mr. STAFFORD. Why does not the gentleman object to it?

Mr. TAYLOR of Colorado. As a matter of fact I am simply calling the attention of the House to it, and to the fact that it looks to me as though it may be a scheme for the purpose of setting a precedent for the Central Pacific Railroad and Union Pacific. I will not set up my judgment against the whole House. Maybe the bill is all right. But I warn the House now that this bill will be used by the railroads hereafter as a precedent for further and worse legislation.

Mr. LENROOT. Mr. Speaker, I do not think that the record ought to close with the statement made by the gentleman from Colorado [Mr. TAYLOR], because if the facts were as the impression would be given by the gentleman from Colorado I would agree with him in every particular. So far as this bill in the form now before the House makes a precedent for the future, it makes a precedent altogether along the lines of the ideas of the gentleman from Colorado and myself. The fact is that in previous Congresses general legislation has been enacted validating conveyances of the Union Pacific and Northern Pacific Railroads wherever they have made sales or attempted sales of their right of way. I believe that was an absolutely vicious precedent, and I will join the gentleman from Colorado [Mr. TAYLOR] at any time in resisting legislation of that character. But, Mr. Speaker, this proposition as reported by the committee validates only conveyances made by this railroad where the railroad itself owned the fee of the abutting property. There are five conveyances involved. The railroad company supposed at that time that they had the fee of the right of way as well as of the abutting property, and it was not until the case of the United States against Townsend, in One hundred and ninetieth United States, that it was held that the right of way granted to these transcontinental railroads conveyed anything more than an easement, but conveyed a qualified fee, and that the remainder did not belong to the abutting owner, but remained in the Government of the United States.

Now, the precedent that we will make by enacting this bill is that whenever a land-grant railroad parts with a portion of its right of way to an abutting owner we will validate such conveyance; and I would like to see, from the Mississippi River to the Pacific coast, a portion of this 400-foot right of way of these railroads taken from them if it could be done legally. That can not be done; but where they are willing to relinquish any of that 400-foot right of way to the thousands of farmers along these lines, I say Congress ought to validate such conveyance in the interest of the abutting owners. The Department of the Interior has held repeatedly that the abutting owner owns the fee of the right of way as well as the fee to his abutting property.

As I have said, it was not until recently that the doctrine has been held that the railroad company on these roadways holds a limited fee. So that this bill will make a precedent along the lines that the gentleman from Colorado believes in, as against the precedents that have been created in the cases of the Union Pacific and the Northern Pacific.

The SPEAKER. The pro forma amendment is withdrawn, and the question is on agreeing to the amendment offered by the gentleman from California.

The amendment was agreed to.

The SPEAKER. The question is now on the substitute amendment as amended by the gentleman from California.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. RAKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to file the report, to be printed in the RECORD.

The SPEAKER. Without objection, the gentleman will have that permission.

There was no objection, and the report is as follows:

[House Report No. 1467, Sixty-third Congress, third session.]

CENTRAL PACIFIC RAILROAD CO.

Mr. RAKER, from the Committee on the Public Lands, submitted the following report:

The Committee on the Public Lands, to which was referred the bill (S. 5042) legalizing certain conveyances heretofore made by the Central Pacific Railroad Co. and others within the State of Nevada, having had the same under consideration, beg leave to report it back to the House with the recommendation that all of the bill after the enacting clause be stricken out and that the following be inserted as a substitute for the original bill. The substitute to be inserted is as follows:

"That all conveyances heretofore made on or before January 1, 1885, by the Central Pacific Railroad Co. of California, the Central Pacific Railroad Co., or the Central Pacific Railway Co., or the Contract & Finance Co., to the extent that the conveyances of the latter company were founded upon conveyances originally made by above-named railway companies, or either or any of them, or their assigns of or concerning land forming part of the right of way and now within the corporate town or city limits of the towns or cities of Elko, Carlin, Reno, Wells, and Winnemucca, in the State of Nevada, granted by the Government by the act of Congress of July 1, 1862, entitled 'An act to aid the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean and to secure to the Government the use of the same for postal, military, and other purposes,' and all other acts of Congress amendatory thereof or supplementary thereto are hereby legalized, validated, and confirmed, subject to the conditions hereinafter stated.

"SEC. 2. That this act shall have no validating force until the Central Pacific Railroad Co. of California, or its assigns, shall file with the Secretary of the Interior an instrument in writing accepting its terms and provisions.

"SEC. 3. That nothing herein contained shall have the effect to diminish said right of way to a less width than 50 feet on each side of the center of the main track of the railroad as now established and maintained."

The committee recommends that the substitute do pass.

Senate bill 5042 was referred to the Department of the Interior by Hon. Scott Ferris, chairman Committee on the Public Lands of the House, and on August 19, 1914, Hon. A. A. Jones, First Assistant Secretary, Department of the Interior, made report thereon, which report is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, August 19, 1914.

Hon. SCOTT FERRIS,
Chairman Committee on Public Lands,
House of Representatives.

MY DEAR MR. FERRIS: I have your favor of the 15th instant, transmitting Senate bill 5042, with a request for a report thereon, together with such expression of views as may be held by the department relative thereto.

This bill, entitled "An act legalizing certain conveyances heretofore made by the Central Pacific Railroad Co. and others within the State of Nevada," has for its purpose the validation of certain contracts and conveyances entered into or executed by said railroad company or its assigns, of lands forming a part of the right of way conferred upon said company by the act of Congress of July 1, 1862, entitled "An act to aid in the construction of railroad and telegraph lines from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes" (12 Stat., 489), and other acts of Congress amendatory thereof.

The Committee on the Judiciary in the Senate considered this bill, and with some slight amendments submitted a favorable report, whereupon it passed the Senate in its present form August 7, 1914.

The conditions now existing that call for legislation of this character arose in the following manner: The right of way conferred upon the Central Pacific company was a strip of land 200 feet in width on each side of the center line of its road, but the entire width was not regarded as necessary by the company at all places for railroad purposes, and at a number of points, where important towns on the line of road now exist, portions of the right of way were transferred by the company as a part of such town sites, which are now occupied by improvements of various kinds and of great value.

Whatever views may have been entertained as to the authority of a railroad company to dispose of any portion of its right of way prior to the decision of the United States Supreme Court in Northern Pacific Railway Co. *v.* Townsend (190 U. S., 267), the question is now put at rest, the court holding:

"Manifestly the land forming the right of way was not granted with the intent that it might be absolutely disposed of at the volition of the company. On the contrary, the grant was explicitly stated to be for a designated purpose, one which negated the existence of the power to voluntarily alienate the right of way or any portion thereof. The substantial consideration inducing the grant was the perpetual use of the land for the legitimate purpose of the railroad, just as though the land had been conveyed in terms to have and to hold the same so long as it was used for the railroad right of way."

This decision was cited and followed, the above language being quoted, in the later decision, Northern Pacific Railway Co. *v.* Ely (197 U. S., 1). Congressional action, therefore, is the only relief in the case of titles of this character.

A bill (S. 7600) was introduced in the Sixty-second Congress, third session, for the same purpose as the one now in hand, but containing some other features, on which a hearing was had before the Subcommittee on the Judiciary. A copy of the report of this hearing is found with our files, from which it seems that the parties introducing the bill, as well as representatives of the railroad company, were heard at considerable length. It appears therefrom that no objection on the part of the company exists as to validating any contract or conveyance that it had theretofore executed. On the other hand, a proposed bill to accomplish such purposes was submitted on behalf of the company.

The necessity of legislation of a character similar to this now proposed has received favorable recognition at the hands of Congress. The act of April 28, 1904 (33 Stat., 538), provided:

"That all conveyances heretofore made by the Northern Pacific Railroad Co., or by the Northern Pacific Railway Co., of lands forming a part of the right of way of the Northern Pacific Railroad granted by the Government by any act of Congress are hereby legalized, validated, and confirmed: *Provided*, That no such conveyance shall have effect to diminish said right of way to a less width than 100 feet on each side of the center of the main track of the railroad as now established and maintained."

The bill meets with my approval, and I therefore recommend its passage.

Yours, truly,
A. A. JONES,
First Assistant Secretary.

The bill was referred to a subcommittee for hearing. The subcommittee referred the bill to the Attorney General for consideration and report thereon by the following letter:

HOUSE OF REPRESENTATIVES, UNITED STATES,
COMMITTEE ON THE PUBLIC LANDS,
Washington, D. C., February 9, 1915.

Hon. THOMAS W. GREGORY,
Attorney General, Washington, D. C.

MY DEAR MR. GREGORY: I am sending you herewith Senate bill 5042, "An act legalizing certain conveyances heretofore made by the Central Pacific Railroad Co. and others within the State of Nevada."

This bill is now pending before the Committee on the Public Lands of the House and referred to a subcommittee on which I am acting as chairman.

I am desirous of having a report from your department upon the bill as to whether or not it would in any way relieve the railway companies referred to of their duties under their grants if this legislation were enacted, and whether or not a bill by these provisions in any way or by any reason or any possible construction be against the interest of the Government in favor of the railroad companies or relieve them of any duty or responsibility by reason of the Government taking affirmative action, as contemplated by the proposed legislation.

An early reply is solicited, to the end that the committee may have the benefit of your opinion at an early date.

Am sending you copy of the hearings taken on similar bill, which kindly return with your opinion.

I am, yours, most truly,
JOHN E. RAKER,
Member of Congress.

After further consideration by the subcommittee, a further letter was directed to the Attorney General, with a proposed substitute for Senate bill 5042, which letter and proposed substitute follow:

HOUSE OF REPRESENTATIVES, UNITED STATES,
COMMITTEE ON THE PUBLIC LANDS,
Washington, D. C., February 19, 1915.

Hon. THOS. W. GREGORY,
Attorney General, Washington, D. C.

MY DEAR MR. GREGORY: On February 9, 1915, I wrote you in regard to Senate bill 5042, "An act legalizing certain conveyances by the Central Pacific Railroad Co. and others within the State of Nevada."

The subcommittee, of which I am chairman, having had this matter under investigation, presented to the full committee a tentative substitute for Senate bill 5042 for the consideration of the committee.

Upon discussion this morning, before the full committee, the question arose as to the proposed substitute, and strike out all the towns referred to except the towns of Elko, Carlin, Reno, Wells, and Winnemucca, as these last-named five towns were granted rights of way under the five deeds referred to on pages 28 and 29 in the hearings before the Subcommittee on the Judiciary on the Senate bill 7600.

As the committee understood it, these five deeds related to land that was on the odd-numbered sections, which were granted to the railroad company by the act.

The question then arose as to the advisability of passing such legislation at all, but to present a resolution forfeiting the rights of way granted to the company, under act of Congress of July 1, 1862, and all other acts amendatory thereof and supplementary thereto.

The committee then, in substance, advised that the subcommittee take the matter up with your office, to the end that you might go into the subject matter fully relative to the present bill as it passed the Senate, Senate bill 5042.

Second. The tentative substitute.

Third. A substitute as amended with section 2 struck out and to limit the towns as above specified.

Fourth. A full report from your department relative to a resolution by Congress forfeiting the rights of way under the acts and amendments thereto, because and on account of the railroads failing to comply with the terms of the grant and the use of the right of way exclusively for the purpose specified in the act.

Fifth. The effect upon the railroad company and its successors in having voluntarily attempted to have sold part of the land granted by the right-of-way act and its nonusage thereof, and its position by voluntarily attempted conveyances, as well as by suffering and permitting permanent and substantial structures and improvements within the limit of its right of way.

The subcommittee is desirous of an early disposition of this matter and would appreciate it highly if your department could give us an early as well as a full and detailed report upon the matters presented in this letter.

Am sending you under separate cover bill 5042, tentative substitute, and a copy of the hearings had before the Senate committee on December 19, 1912, on Senate 7600.

I am, yours, most truly (for the committee),
JOHN E. RAKER, *Member of Congress.*

That all conveyances heretofore made on or before January 1, 1885, by the Central Pacific Railroad Co. of California, the Central Pacific Railroad Co., or the Central Pacific Railway Co., or the Contract & Finance Co., to the extent that the conveyances of the latter company were founded upon conveyances originally made by the above-named companies, or any or either of them, or their assigns, or the Pacific Improvement Co., or the successors or assigns of any of them, of or concerning land forming part of the right of way and now within the corporate town limits of the towns of Elko, Golconda, Battle Mountain, Reno, Lovelock, Wells, Winnemucca, Verdi, and Palisade, within the State of Nevada, granted by the Government by the act of Congress of July 1, 1862, entitled "An act to aid the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean and to secure to the Government the use of the same for postal, military, and

other purposes," and all other acts of Congress amendatory thereof or supplementary thereto, are hereby legalized, validated, and confirmed, subject to the conditions hereinafter stated.

SEC. 2. That wherever any or either of said companies has heretofore suffered or permitted substantial permanent structures in substantial permanent improvements to be erected and maintained upon any part of the railroad right of way within the corporate limits of the towns in section 1 of this act above named, it shall be lawful for said companies, or any or either of them, but without consideration, to execute and deliver to the owner or owners of such structures or improvements deed or deeds of conveyance for the lands conveyed thereby, with the same effect as if the lands embraced therein had been originally granted to said companies in fee simple.

SEC. 3. That this act shall have no validating force until the Central Pacific Railroad Co. of California or its assigns shall file with the Secretary of the Interior an instrument in writing accepting its terms and provisions.

SEC. 4. That nothing hereinbefore contained shall have the effect to diminish said right of way to a less width than 50 feet on each side of the center of the main track of the railroad as now established and maintained.

The Attorney General, T. W. Gregory, made report thereon, in response to both letters and substitutes on Senate bill 5042, which report from the Attorney General follows:

ATTORNEY GENERAL'S OFFICE,
Washington, D. C., February 22, 1915.

Hon. JOHN E. RAKER,
House of Representatives.

MY DEAR SIR: Acting as chairman of a Subcommittee of the Committee on the Public Lands you have favored me with two letters, dated on the 9th and 19th instant, respectively, in which you request that I make a detailed report upon Senate bill 5042 and a proposed substitute therefor (copies of which you inclose) and render a legal opinion upon various questions of law which have arisen before the committee in its deliberations upon this proposed legislation.

The Senate bill is entitled "An act legalizing certain conveyances heretofore made by the Central Pacific Railroad Co. and others within the State of Nevada."

The first section refers to—

(1) "All conveyances or written agreements heretofore made by the Central Pacific Railroad Co. of California, the Central Pacific Railroad Co., or the Central Pacific Railway Co. or the Contract & Finance Co. to the extent that the conveyances or written agreements of the latter company were founded upon conveyances or written agreements originally made by the above-named companies, or any or either of them, or their assigns, or the Pacific Improvement Co., or the successors or assigns of any of them, of or concerning land forming a part of the right of way of said companies, or either of them, granted by the Government by the act of Congress of July 1, 1862, entitled 'An act to aid the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean and to secure to the Government the use of the same for postal, military, and other purposes,' and all other acts of Congress amendatory thereof or supplemental thereto.

(2) "Also all conveyances or written agreements heretofore made by said companies, or either of them, or the successors or assigns of any of them, of or concerning land forming a part of the right of way, and within the State of Nevada, of any of said companies granted by or held under any act of Congress.

(3) "All conveyances or written agreements confining the limits of said right of way or restricting the same."

The section then concludes by declaring, as to all such conveyances and agreements, that they "are hereby legalized, validated, and confirmed to the extent that the same would have been legal or valid if the land involved therein had been held by the corporation or person making such conveyance or agreement under absolute or fee-simple title."

The limited study I have been able to bestow upon this bill does not enable me to gather very clearly the purpose of introducing the matter which I have set out in paragraphs (2) and (3) supra. The latter would seem to be superfluous in view of the general terms preceding. Paragraph (2) refers only to lands in Nevada. This limitation being absent in paragraph (1) the natural implication would be that that paragraph was intended to include lands elsewhere, which contradicts the title.

In other respects, paragraph (2) seems to amount merely to a general reiteration of what is contained in paragraph (1), save in these respects: (a) That paragraph (1) in referring to conveyances and agreements by the Contract & Finance Co., is expressly confined to such as were founded on conveyances or agreements of the "above-named companies" (evidently meaning the three railroad companies), while paragraph (2) omits this restriction; and (b) that paragraph (2) refers to a right of way granted by "any act of Congress," whereas paragraph (1) refers to the right of way granted by the act of July 1, 1862, and its amendments and supplements.

The first section of the proposed substitute, which you have submitted to me in typewriting, obviates most of these suggestions. It refers only to conveyances of land situate within the corporate limits of certain specified towns in Nevada, and forming part of the right of way granted by the act of July 1, 1862, and the acts in amendment and supplement thereof. I think, however, that, without changing the sense, the form of this section might be improved in some respects.

Section 2 of the Senate bill provides that where any of "said companies" has permitted permanent structures or improvements to be erected or maintained "upon any part of the railroad right of way above mentioned" it shall be lawful for "said companies," or any of them, but without consideration, to execute conveyances to the owners of such structures or improvements for the lands covered thereby, and "such additional lands, if any, as may be reasonably necessary for use in connection therewith, with the same effect as if the lands embraced therein had been originally granted to said companies in fee."

Section 2 of the substitute is to the same effect, except that it is confined to lands within the towns named in section 1, and to such as are covered (the word "conveyed" here is evidently a clerical error) by the structures or improvements. The provision for conveyance of additional lands "reasonably necessary," etc., is omitted.

Section 3 of the substitute provides that the act shall have no validating force "until accepted in writing by the Central Pacific Railroad Co. of California or its assigns." There is no equivalent provision in the Senate bill.

Legislative precedents are found in the act of April 28, 1904 (33 Stat., 538), construed and applied in Northern Pacific *v.* Ely (197 U. S., 1), and the act of June 24, 1912 (37 Stat., 138), construed but held inapplicable in Union Pacific *v.* Laramie Stockyards Co. (231 U. S., 190); Union Pacific *v.* Snow (id., 204); and Union Pacific *v.* Sides (id., 213).

The act of April 28, 1904, supra, purported to validate all "conveyances" theretofore made of lands forming part of the Northern Pacific right of way outside of 50-foot limits from the center of the main track. It was not to become effective until accepted by the company. It was so accepted. In the Ely case it was held that, under a State statute of limitation which operates to convey title, adverse possession for the required period worked a "conveyance" within the meaning of that act of Congress.

The act of June 24, 1912, supra (which did not contemplate or obtain the acquiescence of the company), purports to validate not only "conveyances" but also, by a separate provision, to give to adverse possessions the same effect as they would have had under the State laws if the land of the right of way had been originally granted in fee simple absolute by the United States to the railway grantee. In the case of the Laramie Stockyards Co., and the others cited above from the same volume, the Supreme Court construed this latter provision as intended to operate prospectively only, and intimated quite strongly that if construed to be retroactive it might be open to serious objection on constitutional grounds. One justice dissented and three others did not participate. On the other hand, the opinion indicates quite clearly that such an objection would not apply to the provision validating the past voluntary (though void) "conveyances" of the grantees.

From this it may be safely assumed, I think, that section 3 of the substitute bill is not necessary to the validation of conveyances in the ordinary sense—i. e., voluntary conveyances by act of the company—whereas the presence of that section, aided by the company's acceptance of the act, would probably bring into play the State statute of limitations if it operates as a "conveyance" through adverse possession. (Ely case, supra.)

I trust that the foregoing observations may prove of some benefit to your committee, and I regret that I can not go farther in responding to your inquiries. To answer these fully would compel me to enter upon a discussion of the wisdom of the legislation now proposed, compare it with other legislative action which might be adopted instead, and essay an opinion upon the legal consequences. To do this would violate a uniform practice of the department in respect of the rendition of opinions. The precedents are all against the exercise of this function except in the cases expressly defined by statute. For this department to undertake to formulate opinions in all cases when requested by the committees of Congress concerning the effect of proposed legislation would be manifestly impossible. I have treated the present matter, to some extent, as an exception, because cognate questions were considered here when the act of June 24, 1912, was before the President for Executive approval. The inclosed report, dated June 22, 1912, signed by Assistant Attorney General Knaebel, was prepared in pursuance of the express duty of this department to give advice to the President upon all matters when required by him so to do. From this report you will see that the department not only found no serious objection to the act of June 24, 1912, but recommended it as remedial and beneficial. The report assumed that the act was entirely retrospective, but subsequently the Supreme Court reached a different conclusion in regard to the provision dealing with adverse possession, as I pointed out above.

Sincerely, yours,

T. W. GREGORY,
Attorney General.

JUNE 22, 1912.

The PRESIDENT.

SIR: I return herewith H. R. 16689, "An act legalizing certain conveyances made by the Union Pacific Railroad Co.," which was submitted to the Attorney General on the 18th instant.

From the examination which I have been able to make of the subject I am strongly of the opinion that the good features of this legislation entirely overbalance the possible defects. The extraordinary condition of titles along and in part overlapping the railroad company's rights of way in Nebraska and Colorado was clearly brought out in the hearings before the House Judiciary Committee, and is graphically and, I think, fairly explained in the printed reports of that committee and the Judiciary Committee of the Senate, to which I would invite your attention. That condition is attributable to the conduct of the present company and its predecessors. Were it not that the lands constituting the rights of way are theoretically affected by a public interest and in particular by the right of the United States to insist that they shall remain intact to fulfill the purposes for which they were granted, the titles which this act seeks to confirm would be independently valid, either by virtue of the deeds and agreements made by the company or its predecessors or by virtue of the State statute of limitations and the equitable doctrine of estoppel. As it is, the company is in a position to oust not only those persons who claim strips by long-continued adverse and notorious possession but even, it would seem, those to whom it has deliberately conveyed, or with whom it has entered into solemn agreements, limiting its holdings (Northern Pacific *v.* Townsend, 190 U. S., 267), and this not upon the ground that the entire width is actually necessary to the operation of the railroad, but because, as a matter of law, that width, having been defined by Congress, is conclusively presumed to be necessary. It is the implied obligation to the Government to preserve the right of way from encroachment that enables the company to escape the estoppels which would otherwise clearly exist, even to the extent of repudiating its own deliberate agreements and of dispossessing private owners who have gone to vast expense in erecting improvements and have maintained their possession in good faith for long periods of time. (Northern Pacific *v.* Ely, 197 U. S., 1.)

By the present enactment Congress in effect declares that the strips in controversy are no longer deemed essential to the Federal purpose, and quitclaims the Federal interest. It seems to me that this simply amounts to a withdrawal of the shield of Federal immunity which stands between the railroad company and the ordinary legal and equitable consequences of a situation of its own making. I do not, therefore, perceive that the company has any just ground to complain of the legislation. Its own rights, whatever they may be independently, and whether derived from the grant of the rights of way or the grant of the odd-numbered sections over which they pass, can not, of course, be affected. I say this because the act, should it come before the courts, would be necessarily read with the Constitution and confined to the subject matter with which Congress was competent to deal. The Acting Secretary of the Interior, in his letter of the 20th instant, is apprehensive that this act may work injury to the rights of owners of land in even-numbered sections whose holdings abut on or are intersected by a right of way. He assumes that such an owner is interested in the right of way itself to such an extent that when any

portion of it legally ceases to be devoted to railway uses the full title to that portion will revert to him. This proposition is consistent with the practice of the Land Department in such cases, which has been to require the entryman to count the right of way as part of his entry, even for the purpose of computing the purchase price if he made cash entry, and has made no exception of the right of way in his patent. On the other hand, in the Townsend case, supra, the Supreme Court said that the land forming the right of way "was taken out of the category of public lands subject to preemption and sale, and the Land Department was therefore without authority to convey rights therein. It follows that the homesteaders acquired no interest in the land within the right of way because of the fact that the grant to them was of the full legal subdivisions."

It may be that the language quoted was broader than the occasion required and that the patentee has indeed a contingent right of reverter, as the Secretary suggests; but if this be true must it not also be true that his interest could not be destroyed by an act of Congress and that this proposed legislation, instead of tending to its destruction, will, in fact, produce such a situation as will enable the patentee to assert his interest for the first time successfully in the courts? Undoubtedly it would have been better if, in framing the act, Congress had inserted language expressly negativing an intention to override any legal or equitable rights of abutting owners. It appears to have assumed, in the absence of any information to the contrary, the claims and titles within the right of way and which are sought to be validated were all either held by the abutting owners themselves or acquired with their consent. The cases in which they are held adversely to such owners, if they exist at all, must be comparatively rare, and the bare possibility of their existence would hardly justify the postponement, and therein, perhaps, the ultimate denial of the relief which the act is intended to afford in the hundreds, if not thousands, of cases where the necessity for relief has been demonstrated.

The act of April 28, 1904 (33 Stat., 538), as construed and applied in Northern Pacific *v.* Ely (197 U. S., 1), is a legislative precedent in all respects except that the assent of the company was there required. To have introduced a similar provision in this act would probably have resulted in its indefinite suspension. Its adoption in its present form was opposed by the Union Pacific Co., and that company's attitude appears to have been otherwise expressed in the various actions which it has instituted in Colorado, Kansas, and Nebraska, and in its recent policy of extending its fences to include areas which have long been under cultivation and in the adverse and exclusive possession of farmers.

I would invite your attention particularly to the condition of the titles in the city of Greeley, Colo., as described by the circuit court of appeals for the eighth circuit in Union Pacific *v.* City of Greeley (189 Fed., 1). That case is now on appeal to the Supreme Court, and thus affords a parallel to the Ely case, supra, which was pending in the Supreme Court when the act of 1904, supra, was enacted.

For the Attorney General.

Very respectfully,

ERNEST KNAEBEL,
Assistant Attorney General.

The following letters were received from Senator PITTMAN and Ernest Knaebel, Assistant Attorney General:

UNITED STATES SENATE,
Committee on Territories, February 25, 1915.

Hon. JOHN E. RAKER,
House of Representatives, Washington, D. C.

MY DEAR JUDGE: I inclose you letter from Mr. Ernest Knaebel, Assistant Attorney General, with reference to the bill for the validation of titles along the Central Pacific, which you will notice is a strong indorsement of the bill. Please file and consider this letter along with the other documents.

I called up Mr. Ferris this morning, and, while he was not there, I was informed that he intends to call a meeting, if possible, for tomorrow morning.

I sincerely trust you will be able to push this matter through at this time.

Very sincerely, yours, KEY PITTMAN.

DEPARTMENT OF JUSTICE,
Washington, February 24, 1915.

Hon. KEY PITTMAN,
United States Senate.

MY DEAR SENATOR: Your very informing letter concerning S. 5042 reached me on Sunday, and I am indebted to you for the suggestions therein contained.

The Attorney General sent a letter to Representative RAKER on the 22d instant, as early as it could be prepared and dispatched from the department. He went as far as he could without violating the limitations placed by statute and by necessity upon the opinion-making function.

I trust you will have no difficulty in securing the legislation needed for your State.

Sincerely, yours, ERNEST KNAEBEL,
Assistant Attorney General.

After full hearing by the full committee, the substitute for the bill hereinbefore set out was unanimously ordered reported, and that it do pass.

The purpose of the substitute is to legalize certain conveyances by the Central Pacific Railroad Co. and its subsidiary town-site companies to individuals of town lots on portions of the Central Pacific Railway's right of way in five towns in the State of Nevada, the five towns affected by the substitute being Elko, Carlin, Reno, Wells, and Winnemucca. These five towns are on odd-numbered sections and cover five conveyances made by the Central Pacific Co., and are definitely described, relative to the conveyances, date of conveyance, and description of the land on which they are located, as follows:

"First, August 20, 1874, the Central Pacific Co. conveyed to the Contract & Finance Co. the NW. ¼, sec. 11, T. 19 N., R. 19 E., adjoining the town of Reno, reserving only 200 feet right of way instead of 400 feet.

"Second, April 30, 1877, the Central Pacific Co. conveyed to Charles Crocker the NW. ¼, sec. 29, T. 36 N., R. 38 E., at Winnemucca Station, reserving 400 feet in width on the south side of the track, and 150 feet in width on the north side of the track. While this reservation was more than 400 feet in total width, yet it was in fact a conveyance of the northerly 50 feet of the granted right of way on the north side of the railroad for a distance through the town.

"Third, on December 21, 1877, the Central Pacific Co. conveyed to Charles Crocker the SE. ¼, sec. 27, T. 33 N., R. 52 E., at Carlin Station, reserving 30.77 acres for right of way and station grounds, described by metes and bounds, which reservation is of irregular shape and is of 200 feet and more on the north side of the track and 50 feet to 90 feet on the south side of the track. It follows that the portion of the granted 200 feet on the south side of the railroad lying south of that reserved by the deed was conveyed to Mr. Crocker.

"Fourth. On January 31, 1870, the Central Pacific Co. conveyed to Charles Crocker all of sec. 15, T. 34 N., R. 55 E., at Elko Station, reserving 400 feet right of way for railroad purposes, excepting within the town of Elko, where the reservation is of a strip of land on each side of the railroad tracks, as marked on the official map of the town. The reservation as so defined is of irregular width, ranging from about 175 feet at the west end to 240 feet at the east end of the town site, and for a distance of about 4,000 feet.

"Fifth. On December 21, 1877, the Central Pacific Co. conveyed to Charles Crocker the SW. ¼ of the SW. ¼ sec. 3, T. 37 N., R. 62 E., at Wells Station, reserving for right of way approximately 120 feet on the north side of the track and approximately 100 feet on the south side of the track.

"These five instances constitute the only case where the Central Pacific Co. has conveyed any part of the granted right of way situated upon and along its operated line of railroad."

The Central Pacific Railroad under the acts of Congress of 1862 and 1864 was granted rights of way on the public domain in the State of Nevada for a width of 400 feet. In addition thereto it was granted odd-numbered sections for 20 miles on each side of said right of way.

At that time there were practically no settlements along such right of way, but it was natural that towns would spring up along the railroad.

The Central Pacific Railroad Co., directly through certain subsidiary companies and associations mentioned in the act, laid out town sites at various places in the State of Nevada on its odd-numbered sections.

Some of these town sites as laid out embraced a part of the right of way, but in no case to exceed 100 feet.

After these town sites were laid out the town lots were sold and buildings erected thereon. In course of time these towns grew and extended beyond the odd-numbered sections and also continue to extend over the right of way to the same extent as on the odd-numbered sections.

This was done with the knowledge and consent of the railroad company. Later, by decision of the Supreme Court of the United States, it was determined that the railroad company had no authority to dispose of town lots upon any portion of the right of way. Subsequent to this the property of the Central Pacific Railroad was leased by the Southern Pacific Railway Co.

The Southern Pacific Railway Co., without confirmation or authority from Congress, refused to recognize the right of the lot owners to occupy any portion of the right of way which had been sold or upon which buildings had been constructed with the permission of the Central Pacific Railroad.

The committee adopted the following statement as their view on this particular substitute and the action of the said railroad company as it relates to transfers of rights of way under the various acts of Congress, as follows:

"That this act is expressly intended to and does cover only the towns or cities named in section 1 hereof within the State of Nevada, and is not intended as and for a precedent for any other illegal and attempted conveyance of either or any of said companies named in this act, and by reason of the further fact that said named five towns or cities are located on odd-numbered sections, which sections, under the act of Congress of July 1, 1862, and acts of Congress amendatory thereof or supplemental thereto, were of the land granted to said companies with the right-of-way exception. That for all other violations of said right-of-way grants the title of said companies, and each and all of them, to said right of way granted by said acts of Congress ought to be, and should be, forfeited to the United States for a plain violation of the expressed provisions of said grant."

It has attained usurped authority and right of possession to all of the right of way, including all lots that were sold upon the same, thereby casting a cloud upon the title of such lot owners, which destroys the market value of such property.

Under similar circumstances other railroads have instituted suits to eject the occupants on portions of their rights of way, and similar action is feared with regard to occupants on portions of the right of way within the five towns named.

There is no one involved in the legislation of this bill except the railroad company, the Government, and owners of the lots set forth in said substitute, also the towns and citizens thereof, so far as the rights of streets, roads, and alleys are involved and concerned in said five named towns.

By reason of the threats of the railroad company to institute ejectment proceedings an emergency exists—the residents of said towns can escape irreparable damage only through the passage of this substitute.

The committee in considering this substitute realizes the emergency and the rights of citizens of these five towns, who are lot owners within this right of way, as well as that of the towns, as it relates to streets, roads, and alleys, and, so far as the committee is concerned, it does not intend, nor is this substitute intended, as a precedent for any legislation by it on behalf of either or any of the railroad companies named in the substitute or otherwise in confirmance or validation of unlawful and illegal transfers or attempted transfers of land within the limits of the right of way under the grants of Congress except as in this bill specially provided.

Your committee have taken into consideration in reporting this substitute the peculiar conditions surrounding the lot owners and the rights of streets, alleys, and roads within the five towns or cities named within the State of Nevada named in the substitute, and by reason of and on account of such conditions and not otherwise, have recommended and do recommend that the substitute do pass.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4522) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, approved June 29, 1906.

The message also announced that the Senate had passed without amendment joint resolutions of the following titles:

H. J. Res. 437. Joint resolution authorizing and directing the Sergeant at Arms to refund to Members of the House of Representatives amounts of money deducted from their salaries; and

H. J. Res. 438. Joint resolution concerning estimates and expenditures for the Reclamation Service.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 6854. An act to incorporate the Boy Scouts of America, and for other purposes.

ENROLLED BILLS SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles, when the Speaker signed the same:

H. R. 8811. An act to execute the findings of the Court of Claims in the case of Sarah B. Hatch, widow of Davis W. Hatch;

H. R. 21546. An act making appropriations to supply deficiencies in appropriations for the fiscal year 1915 and for prior years, and for other purposes;

H. J. Res. 437. Joint resolution authorizing and directing the Sergeant at Arms to refund to Members of the House of Representatives amounts of money deducted from their salaries; and

H. J. Res. 438. Joint resolution concerning estimates and expenditures for the Reclamation Service.

The Speaker announced his signature to enrolled bill of the following title:

S. 2789. An act to award the medal of honor to Maj. John O. Skinner, United States Army, retired.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 21218. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 20643. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 21201. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1916;

H. R. 20347. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1916;

H. R. 20189. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes;

H. R. 19909. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1916, and for other purposes;

H. R. 8811. An act to execute the findings of the Court of Claims in the case of Sarah B. Hatch, widow of Davis W. Hatch;

H. R. 21089. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 9899. An act to authorize the laying out and opening of public roads on the Winnebago, Omaha, Ponca, and Santee Sioux Indian Reservations in Nebraska, and on Indian reservations in Montana.

MALAMBO FIRE CLAIMS.

Mr. VAUGHAN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 4254) to enable the Secretary of War to pay the amount awarded to the Malambo fire claimants by the joint commission under article 6 of the treaty of November 18, 1903, between the United States and Panama.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $53,800 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of War to pay to the Government of Panama for the use and benefit of the so-called "Malambo fire claimants" the reduced allowances which were recommended to be paid to the said claimants by the joint commission under article 6 of the treaty of November 18, 1903, between the United States and Panama, as set forth on page 22 of Senate Document No. 148, Sixty-second Congress, second session, by way of compensation for losses suffered by said claimants in and by the fire which was occasioned in the Malambo ward of the city of Panama by the fumigation of houses for sanitary purposes, by order and under the direction of the Isthmian Canal Commission, on or about the 12th day of January, 1906, such payment having been recommended by the President, upon the recommendations of the Secretary of War and the Attorney General, in the special message which was sent by the President to the Senate and House of Representatives of the United States on the 13th day of December, 1911 (printed in the aforesaid S. Doc. No. 148, 62d Cong. 2d sess.), in renewal of the recommendation contained in the President's special message of March 3, 1911, on the same subject.

The SPEAKER. Is a second demanded?

Mr. MANN. I demand a second.

Mr. VAUGHAN. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

Mr. VAUGHAN. Mr. Speaker, the sixth article of our treaty with Panama reads as follows:

All damages caused to the owners of private lands or private property of any kind by reason of the grants contained in this treaty, or by reason of the operations of the United States, its agents, or employees, or by reason of the construction, maintenance, operation, sanitation, and protection of the said canal, or of the works of sanitation and protection herein provided for, shall be appraised and settled by a joint commission appointed by the Governments of the United States and the Republic of Panama, whose decisions as to such damages shall be final and whose awards as to such damages shall be paid solely by the United States.

On January 12, 1906, a house being fumigated by agents of our Government in conducting the work of sanitation in the city of Panama caught fire and was destroyed, with a number of other houses and considerable other property.

Some 45 claims for damages, aggregating $125,000, on account of the destruction of property caused by the fire were presented against our Government.

In accordance with our treaty with Panama, a joint commission was appointed to appraise and settle the damages.

The report of that commission, made on June 3, 1907, will be found on page 22 of Senate Document No. 148, Sixty-second Congress, second session, and on page 12 of Senate Document 858, Sixty-first Congress, third session. It says:

The joint commission, being unable to determine the origin and cause of the fire in the Malambo district of the city of Panama on the 12th day of January, 1906, is of the opinion the case should be compromised, and recommends the payment by the United States of the following damages.

The report names the claimants, designates the property and the damages done to it, and specifies the amount recommended by the commission to be paid to each claimant, aggregating $53,800; and it is accompanied by a report of the evidence before the commission, which will also be found in the documents to which I have referred.

As the joint commission did not make a decision but recommended a compromise, it is for Congress to determine whether it will carry out the recommendation and make an appropriation to effect the compromise. This bill proposes to do so.

I can not of course in the short time I have give the testimony in detail showing the cause of the fire, but a supplemental report on the bill does so; and any gentleman who will take the trouble to read the extracts from the evidence contained in that report will find ample proof that the fire was caused by our agents in conducting the work of fumigation.

The letter of Attorney General Wickersham to President Taft, found on pages 12–15, Senate Document No. 148, Sixty-second Congress, second session, shows that he had carefully read the evidence before the commission.

In that letter he says:

An examination of the testimony before the joint commission leaves little doubt that the fire was the result of the fumigation by the Government officers—

And so forth.

In another paragraph he says:

There is practically no doubt that the claimants lost their property and homes through the negligence of the agents of the Government fumigating their houses.

It may be said, it has been said, that our commissioners who heard the evidence would not make a finding to that effect, but said they "were unable to determine the origin and cause of the fire." I answer that they were sufficiently convinced of the justice of the claims and of the origin and cause of the fire to make them recommend the compromise for which this bill provides. Having read the evidence myself, I am unable to explain their statement that they were unable to determine the origin and cause of the fire, unless it be true, as Mr. Wickersham says in his letter, that it is evident from the proceedings before the commission that the hearing proceeded upon the theory that the liability of the Government was dependent upon the fire being caused by "the negligence of the employees of the Isthmian Canal Commission in carrying on the necessary work of fumigation," and that the commission was unable to determine whether such employees were negligent or not, although there was testimony indicating that they were.

Attorney General Wickersham recommended to President Taft that he urge upon Congress the propriety of making an

appropriation to carry out the recommendation of the joint commission, and the President concurred in his recommendation.

The present Secretary of War, Mr. Garrison, in a letter to President Wilson of date February 21, 1914, says:

This matter has been considered by various administrative officers and the payment of the claims has met the approval of former Presidents Taft and Roosevelt and former Secretaries of War Wright, Dickinson, and Stimson.

In his letter of March 3, 1914, he says:

All those who have handled this case in the past feel that there is an equity which would be settled by the bills which are now before Congress, and from my study of the case I am inclined to agree in this opinion.

The Committee on Foreign Affairs referred this matter to a subcommittee, which examined into the matter thoroughly and reported in favor of the bill, and the committee so reported the bill to the House.

I wish to state to the House that from a careful examination of the evidence, as a member of the subcommittee to which the bill was referred, I have no doubt that the fire was caused by the work of fumigation conducted by the agents of our Government. Whether it was due to negligence of such agents or not is immaterial. If it be said that the law does not hold the Government liable for negligence of its agents—and I know the authorities are to that effect—it is also true that when destruction of property has been caused by negligence of officers, Congress has recognized the justice of making compensation, and has done so, though there was no legal liability on the part of the Government.

But in this case our treaty with Panama obligates us to pay all damages by reason of the operations of the United States, its agents or employees, or by reason of the works of sanitation provided for in the treaty.

Mr. MANN. Mr. Speaker, I have been down to Panama a number of times. I went down there before our Government took hold to do anything, and have been down there several times since. The city of Panama is a very respectable-looking city at the present time, well paved, healthy, pretty well taken care of. It was a disreputable old hole when we went down there, filthy, muddy, not paved, unhealthy, disagreeable, stinking, and every move we make toward bettering the condition of the people they whine about and want us to pay for the privilege of benefiting them. We have a treaty, narrated by my friend from Texas [Mr. VAUGHAN], under which we assumed certain obligations. Nobody pretends that under the terms of that treaty we are under any obligation to pay these claims. The treaty provides that a commission shall make a finding, and if they find that we have to pay the money, then we pay it, but there never has been a finding by that commission or any of the other numerous commissions we have down there, that there was money due from us to any of the people there that we have not paid. In this case we were endeavoring to clean up Panama and get yellow fever out of it. They were fumigating in some of the houses. They have an open brazier or charcoal stove every few feet or every few inches down there. A fire started. The people whose places were burned insisted that our fumigators set it on fire through carelessness. I do not know whether they did or not, and the gentleman from Texas does not know, and if he did, it would not cut any figure here. The matter was left to the commission. They had the right to find that we were under obligation to pay for the fire, although our Attorney General said they did not have that right. I do not say that they had it, but they had the right to make the finding. The commission, after hearing all the evidence, could not make the finding that the fire was caused by our fumigators. These commissions of ours that are down in Panama are pretty well treated. They are wined and dined and they draw a good salary for staying there. Nearly all of their decisions are rather against the United States, but with all this they could not make a finding that we were liable, so they adopted the lazy man's trick. Finding no liability on the part of the Government they said they thought that we ought to pay half. If we owe anything, we owe $103,000—is not that the amount?

Mr. VAUGHAN. The claims were $125,000.

Mr. MANN. Yes; $125,000. The commission recommends the payment of $53,800.

Mr. VAUGHAN. In the way of a compromise.

Mr. MANN. Oh, no.

Mr. VAUGHAN. I beg the gentleman's pardon.

Mr. MANN. I beg the gentleman's pardon. They recommend it as a gratuity. They say that the case ought to be compromised. I understand that; but they recommend it as a gratuity. They have not been able to find any obligation against us to pay the claim. The commission recommended that we pay this amount of $53,800, and their report is:

The joint commission being unable to determine the origin and cause of the fire.

Well, the only obligation we have under any condition is when they can determine the origin and cause of the fire, and find if that caused it. Why, anybody that goes around the streets of Panama wonders that every house is not burned up every night. You see fire in a little pot everywhere, with children crawling around. I suppose they learn to keep away from them, because the children are naked and would get burned if they touched the pots. But there is no obligation on our part. Now, we have made a good many gratuities to Panama. I do not think we owe them any more than we owe them. Of course I understand that when we come to dealing with our foreign relations that the State Department—and I am not referring particularly to the present State Department, but every State Department—recommends the payment of any claim any foreigner makes against the United States. They have done it for years. This is the way they look at it. I read a letter from the attorney in this case, a very estimable gentleman, which he wrote to the Secretary to the President, and which closes like this. This shows the attitude which these people have toward Congress, toward these claims. It says:

I feel sure that if the matter were brought to the personal attention of the President he would, in view of the unusual circumstances of this case, inform Congress, as suggested by the Secretary of War, what it should do in behalf of the sufferers.

Why, we never charged him with getting as raw as that, that the claims attorney should ask the President to inform the Congress what it should do, and not recommend to us. That is their attitude. But the Secretary of War took quite a different position. He reported that in the absence of an award payment for these claims under a treaty provision could not be made, as such treaty provision requires specifically that claims may be made only on a definite award by the commission. That is Secretary Garrison. He found that there was no award and no liability on the part of our Government. Attorney General Wickersham made the same finding. There was no award and no liability on the part of our Government.

Now, Attorney General Wickersham, at the solicitation of attorneys, and so forth, thought that as a matter of justice we might make them a present of this money. I am satisfied that we did not burn the buildings. I am satisfied that we did not owe them a cent. We have remade their town. We have spent our money doing it. Now they want us not to pay a claim that is a legal claim, though they have a treaty with us, but they just want us to present them with this much money, of which the claimant probably will receive a modest proportion, and those who are and have been interested will receive a fair, at least, compensation.

I am unwilling to present gratuities just at present to the people in the United States. I can see no reason why we should give to people in Panama money which we would not give if the occurrence happened in the United States and American citizens were involved. We have done enough for them when we fulfill our obligations without making presents to them.

Mr. Speaker, I reserve the balance of my time.

Mr. VAUGHAN. Mr. Speaker, I shall take only a few minutes to reply to the gentleman from Illinois. I should like to inquire of the gentleman if he proposes to use any more of his time? I will close, I suppose, in one speech.

Mr. MANN. I had not thought that I would. Is the gentleman himself going to close now?

Mr. VAUGHAN. Yes, sir.

Mr. MANN. That is all right.

Mr. VAUGHAN Mr. Speaker, the gentleman from Illinois seems to misunderstand the whole matter. I said in my opening statement that the joint commission had not made an award. If it had done so, there would have been no necessity for Congress to act in the matter. The award would have been ordered paid by the comptroller out of an appropriation made each year to pay for conducting our operations in Panama. But it is owing to the fact that the commission did not make any award, but recommended that these cases be compromised, that it is necessary for Congress to act in order to carry out the recommendation of the commission.

The gentleman from Illinois [Mr. MANN] says that the commission recommended donations to the claimants in this case as mere gratuities. He is in error about that. The report of the commission will be found on page 22 of the Senate document to which I have referred. It says the commission is of the opinion that the case should be compromised, and recommends the payment of the following damages, and names one by one the claimants, and specifies the property that was in-

jured or destroyed, and what particular injury was done to it, and names the amount it recommends to be paid to each particular claimant in compromise of his claim. Of course, if there had been an award, it could have been paid, but the question before Congress is whether or not we will make an appropriation for the purpose of carrying out the recommendation of the commission that the case be compromised.

The gentleman says we have cleaned up Panama and that the commission would not find that the fire was caused by our agents. I answer that our joint commission was sufficiently convinced that it was caused by our agents to make them make the recommendation that these cases be compromised.

If Congress refuses to carry out the recommendation of the commission, another joint commission will have to be appointed. Certainly the gentleman would not contend that the Government can not compromise claims against it arising under its treaties. It is true that our treaty does not obligate us to pay until there is an award, but it does bind us to appoint members of a joint commission and to pay the awards of such commission. Any joint commission will be composed of an equal number of members appointed by each Government. Of course we are not bound by treaty to pay until there is an award by a joint commission. If a joint commission had already made an award, it would be a violation of our treaty for the Government to refuse to pay. Can we escape responsibility just because our commissioners refuse to make an award? Though they refuse to make an award, they recommended that the claims be compromised and that certain specified amounts be paid. The question is, Shall these claims be compromised? Shall we carry out the recommendation of the joint commission? The gentleman from Illinois says he is satisfied that the agents of the Government did not set the house on fire. Read the evidence before the commission. You will find it in the Senate document to which I have referred. You will find ample proof, not only by interested but by disinterested witnesses, that the fire was caused by our officers engaged in the work of fumigation. I know there is some conflict in the testimony, but I undertake to say that every lawyer who has practiced any considerable time knows that in almost every case involving a hotly contested issue of fact somebody swears falsely. You will find false testimony in favor of and against the claimants in the record of the evidence before the commission. A witness for the Government swore that the fire originated in the house adjoining the house that was being fumigated. Yet the man who lived in that adjoining house, a member of the fire company, testified that he came to his own house after the fire alarm sounded, put on his fire clothes, and then joined in fighting the fire; that his house was not on fire when he came home, but the adjoining house that was being fumigated was on fire and burned down; that his house caught from it; and that after the fire a part of his house was remaining. I repeat that any man who will examine this evidence will find ample proof that the fire was caused by the fumigating agents of the Government. Whether they were negligent or not is immaterial. The treaty makes us responsible for damages for the destruction of property under such circumstances whether our agents were guilty of negligence or not.

The SPEAKER. The time of the gentleman has expired. The question is, Will the House suspend the rules and pass this bill?

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 62, noes 52.

Mr. VAUGHAN. Mr. Speaker, I ask for tellers.

Tellers were ordered, and the Speaker appointed Mr. VAUGHAN and Mr. JOHNSON of Washington.

The House again divided; and the tellers reported—ayes 76, noes 61.

Accordingly, two-thirds not voting in the affirmative, the motion to suspend the rules and pass the bill was rejected.

ARMY OFFICERS WHO SERVED IN THE CIVIL WAR.

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6857) authorizing the retirement from active service, with increased rank, of officers now on the active list of the Army who served in the Civil War.

The SPEAKER. The Clerk will report it.

The bill was read, as follows:

Be it enacted, etc., That any officer now on the active list of the Army who served not less than 100 days in the Regular or Volunteer forces of the United States during the Civil War and prior to April 9, 1865, who was honorably discharged therefrom, and who shall since have served not less than 40 years as a commissioned officer of the Regular Army, shall, at his own request, be placed on the retired list of the Army, with the rank of major general.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, if the gentleman from Ohio desires to make a statement I will reserve my objection.

Mr. ASHBROOK. Mr. Speaker, it is after 2 o'clock in the morning, the Members worn and weary; I know it is no time to attempt to make very much of a speech.

Mr. MANN. Will the gentleman yield?

Mr. ASHBROOK. I do.

Mr. MANN. I never saw the House in better condition to listen to a good speech.

Mr. ASHBROOK. The Members here appear to be in good humor, including the gentleman from Illinois, for which I am very thankful.

Mr. MANN. I am always in a good humor.

Mr. ASHBROOK. Mr. Speaker, this bill proposes to retire any officer of the Army who served 100 days or more in the Civil War and who has been a commissioned officer in the Army for more than 40 years.

Mr. MADDEN. Mr. Speaker, how many of these men are there?

Mr. ASHBROOK. I was about to say that there is at this time, of all that great army, but one man living who would be the beneficiary of this bill. That one is Col. John L. Clem, who is the only soldier of the Civil War now in the service.

Mr. MADDEN. Why does not the gentleman bring in a bill to retire the men who were officers in the Civil War who have been struggling along to make a livelihood in private life?

Mr. ASHBROOK. Mr. Speaker, as I stated, there will be but one beneficiary of this bill, if it is enacted into law, as I trust it will be and believe it should be. That one was a boy who at the age of 10 ran away from home and, after frequent refusals, was accepted into an enlistment as a drummer boy in the Civil War. While in the service he received several wounds, and at the conclusion of the war he received an honorable discharge. In 1871, by Executive order, the President of the United States, Gen. Grant, commissioned this young soldier as a second lieutenant, and for 44 years he has been in active service. There is not a stain upon his record as a soldier or as a citizen. I want to say that, in my judgment, there is not living to-day a soldier of the Civil War who is better known if as well known or as much loved and admired by the soldiers of the Civil War and tens of thousands of people who enjoy his acquaintance as the drummer boy of Chickamauga.

Mr. HAMLIN. What rank has he now?

Mr. ASHBROOK. He will retire next August with the rank of a brigadier general. This bill proposes to retire him as a major general, which is one rank higher than that which he will receive on retirement under existing law.

Mr. HAMLIN. What increase in pay will that give him?

Mr. ASHBROOK. I believe $1,000, but I am not certain.

Mr. HAMLIN. A thousand dollars a year?

Mr. ASHBROOK. Yes.

Mr. HAMLIN. Is he a colonel now?

Mr. ASHBROOK. Yes.

Mr. HAMLIN. What pay does he now get?

Mr. ASHBROOK. My impression is that he receives $4,500.

Mr. HAMLIN. If this bill should pass, what pay would he draw when he retires?

Mr. ASHBROOK. When he retires he receives three-quarters pay——

Mr. HAMLIN. Of this advanced rank?

Mr. ASHBROOK. Yes.

Mr. HAMLIN. Does the gentleman know what difference that would make in his pay?

Mr. ASHBROOK. Somewhere about $750.

Mr. MANN. The pay of a retired major general is $7,500.

Mr. ASHBROOK. His present pay is $4,500. He would retire, as all Army officers do, with one rank higher than he had at the retirement. This would increase his rank just one grade.

Mr. Speaker, I am sure that no more gracious thing could be done in the concluding hours of the Sixty-third Congress than to recognize the long and honorable service of this distinguished soldier. I think I do not overstate the truth when I say that there has never been a complaint or a charge of any kind against him as an officer during all the 45 years which he has served, and he has been located in many different parts of the United States, where thousands of admiring friends would feel highly pleased to learn the "drummer boy" retires from this long service as a major general.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I would like to ask the gentleman a question. What is this officer doing now?

Mr. ASHBROOK. He is in the War Department, here in the city; in the Quartermaster's Department.

Mr. MANN. How long has he been in the Quartermaster's Department?

Mr. ASHBROOK. I think he has been in the city five or six years.

Mr. MANN. I do not mean how long has he been in Washington, but how long has he been in the Quartermaster's Department?

Mr. ASHBROOK. I understand for a number of years.

Mr. MANN. He is a colonel?

Mr. ASHBROOK. Yes.

Mr. MANN. We have already passed a law that when retired he shall be retired one grade above the rank that he now holds.

Mr. ASHBROOK. That was not done for his benefit.

Mr. MANN. It was passed for the benefit of all the officers?

Mr. ASHBROOK. Yes.

Mr. MANN. He is one of them, is he not?

Mr. ASHBROOK. Yes.

Mr. MANN. It was not a bill like this that did not cover anybody else, but he gets the benefit of it. He is already entitled to be retired at one grade above the rank which he now holds.

Mr. ASHBROOK. That applies to all officers in the service.

Mr. MANN. Yes; a number of distinguished officers in the Army, some of whom are now on the retired list. Does the gentleman think there is any reason why we should give Col. Clem two advances and then give some other officer who really did great service only one?

Mr. ASHBROOK. I do not think it is fair to say that we give Col. Clem two advances. This bill would only give him one.

Mr. MANN. I did not say two advances over what any other officer received. I think Col. Clem is in great luck to be retired as a brigadier general when he is a colonel. He retires as a brigadier general and has the nerve to ask us to retire him as a major general. If he had as much nerve when he went into the Army, I do not wonder——

Mr. ASHBROOK. He had the nerve to run away from home and enlist in the war when 10 years old.

Mr. MANN. I think he had; I admire him for going in, and I have no reflections to pass upon Col. Clem.

Mr. PARKER of New Jersey. Will the gentleman yield?

Mr. ASHBROOK. Yes.

Mr. PARKER of New Jersey. Does the gentleman know that on the roll of first lieutenants on the retired list I find one that entered the Army in 1854 and was retired for wounds received in the service as a first lieutenant. Another one who entered the Army in 1862 was retired as a first lieutenant; another entered in 1861 and was mustered out and retired as a first lieutenant—lost his left arm from wounds in line of duty. Another entered the Army in 1861, and I could go on and give you a long list of lieutenants retired, a great many captains and majors, and men retired for wounds received in the service at that time, and no bill is brought to take care of those men who got on the retired list because of wounds in the service.

It seems to me that to bring in a special bill for a man who has the opportunity to serve and keep healthy for 40 years and then be retired at the end of that time with an advanced rank is one of those bills that interferes with the regular promotion of the Army. It makes me think of Hamlet's remark, "Oh, my offense is rank; it smelleth up to Heaven."

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. ASHBROOK. Mr. Speaker, I move to suspend the rules and pass the bill.

The SPEAKER. Is a second demanded?

Mr. MANN. I demand a second, although I am willing to take the vote now. We have discussed the matter sufficiently, I think.

Mr. ASHBROOK. Mr. Speaker, I am quite willing to take the vote.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and on a division (demanded by Mr. ASHBROOK) there were—ayes 62, noes 64.

So, two-thirds not having voted in favor thereof, the motion to suspend the rules and pass the bill was rejected.

DANIEL THEW WRIGHT.

Mr. BEALL of Texas. Mr. Speaker, I call up a report from the Committee on the Judiciary on House resolution 446, directing the Committee on the Judiciary to inquire and report whether the action of this House is necessary concerning the alleged official misconduct of Daniel Thew Wright, and I move the adoption of the report (No. 1191) and ask that the Clerk report the finding of the subcommittee.

The SPEAKER. The Clerk will read the conclusions of the committee.

The Clerk read as follows:

Resolved, That the Committee on the Judiciary be discharged from further consideration of and action under House resolution 446.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 21200. An act quieting title to a certain tract of land located in the city of Guthrie, Okla.;

H. R. 20107. An act to amend sections 4421, 4422, 4423, 4424, and 4498 of the Revised Statutes of the United States, and section 12 of the act of May 28, 1908, relating to certificates of inspection of steam vessels;

H. R. 18686. An act to provide for provisional certificates of registry of vessels abroad, and for other purposes;

H. R. 12674. An act to provide for the allowance of drawback of tax on articles shipped to the island of Porto Rico or to the Philippine Islands;

H. R. 15215. An act to authorize the Commissioners of the District of Columbia to adjust and settle the shortages in certain accounts of said District, and for other purposes;

H. R. 2909. An act to extend the privileges of the seventh section of immediate transportation act to Bay City, Mich.;

H. R. 11839. An act for the relief of William Ham;

H. R. 19061. An act for the relief of homestead entrymen under the reclamation projects of the United States;

H. R. 18550. An act empowering and directing the Secretary of the Treasury to convey by quitclaim deed certain lands in the city of Akron, State of Ohio;

H. R. 900. An act for the relief of James Easson.

H. R. 4266. An act granting patent to certain lands to the legal heirs of W. F. Nichols;

H. R. 19078. An act granting the consent of Congress to the Cleveland Yacht Club Co. to construct a bridge across the west arm of Rocky River, Ohio;

H. R. 8904. An act to authorize the establishment of a life-saving station at the mouth of the Siuslaw River, Oreg.;

H. R. 13222. An act to regulate the use of public school buildings and grounds in the District of Columbia;

H. R. 16738. An act to provide for the payment of certain moneys to school districts in Oklahoma;

H. R. 14197. An act for the relief of the legal representatives of Mrs. H. G. Lamar;

H. R. 11318. An act authorizing the sale of lands in Leyman County, S. Dak.; and

H. R. 21184. An act to increase the limit of cost of the United States post-office building and site at Cohoes, N. Y.

RESERVATION OF SCHOOL LANDS IN ALASKA.

Mr. WICKERSHAM. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 7515) to reserve lands to the Territory of Alaska for educational uses, and for other purposes, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That when the public lands of the Territory of Alaska are surveyed, under direction of the Government of the United States, sections Nos. 16 and 36 in each township in said Territory shall be, and the same are hereby, reserved from sale or settlement for the support of common schools in the Territory of Alaska; and section 33 in each township in the Tanana Valley between parallels 64 and 65 north latitude and between the one hundred and forty-fifth and the one hundred and fifty-second degrees of west longitude (meridian of Greenwich) shall be, and the same is hereby, reserved from sale or settlement for the support of a Territorial agricultural college and school of mines when established by the Legislature of Alaska upon the tract granted in section 2 of this act: *Provided*, That where settlement with a view to homestead entry has been made upon any part of the sections reserved hereby before the survey thereof in the field, or where the same may have been sold or otherwise appropriated by or under the authority of any act of Congress, or are wanting or fractional in quantity, other lands may be designated and reserved in lieu thereof in the manner provided by the act of Congress of February 28, 1891 (26 Stats., p. 791): *Provided further*, That the Territory may, by general law, provide for leasing said land in area not to exceed 1 section to any one person, association, or corporation for not longer than 10 years at any one time: *And provided further*, That if any of said sections, or any part thereof, shall be of known mineral character at the date of acceptance of survey thereof the reservation herein made shall not be effective or applicable, but the entire proceeds or income derived by the United States from such sections 16 and 36 and such section 33 in each township in the Tanana Valley area hereinbefore described, and the minerals therein, together with the entire proceeds or income derived from said reserved lands, are hereby appropriated and set apart as separate and permanent funds in the Territorial treasury, to be invested and the income from which shall be expended only for the exclusive use and benefit of the public schools of Alaska or of the agricultural college and school of mines, respectively, in such manner as the Legislature of Alaska may by law direct.

SEC. 2. That section No. 6, in township No. 1 south of the Fairbanks base line and range No. 1 west of the Fairbanks meridian; section No. 31, in township No. 1 north of the Fairbanks base line and range No. 1 west of the Fairbanks meridian; section No. 1, in township No. 1 south of the Fairbanks base line and range No. 2 west of the Fairbanks meridian; and section No. 36, in township No. 1 north of the Fairbanks base line and range No. 2 west of the Fairbanks meridian, be, and the same are hereby, granted to the Territory of Alaska, but with the ex-

press condition that they shall be forever reserved and dedicated to use as a site for an agricultural college and school of mines: *Provided*, That nothing in this act shall be held to interfere with or destroy any legal claim of any person or corporation to any part of said lands under the homestead or other law for the disposal of the public lands acquired prior to the approval of this act: *Provided further*, That so much of the said land as is now used by the Government of the United States as an agricultural experiment station may continue to be used for such purpose until abandoned for that use by an order of the President of the United States or by act of Congress.

The SPEAKER. Is there objection?

Mr. FALCONER. Reserving the right to object, Mr. Speaker, I would like the gentleman to explain the features applying to the agricultural college and school of mines.

Mr. WICKERSHAM. Mr. Speaker, this bill is a bill reserving to the public schools of Alaska sections 16 and 36 in every township in the Territory, as they shall be hereafter surveyed, just as has been done in every Territory since Ohio was organized in 1800. There is nothing more in that part of the bill than is usual except this: The bill provides that if sections 16 or 36 as reserved shall be found thereafter to contain mineral the land shall not go to the Territory, but the proceeds of the land shall go to the Territory.

As to the matter of the location of the agricultural college and school of mines the bill provides for the location of the agricultural college and school of mines upon the Government experiment station in the Tanana Valley. The United States owns 1,400 acres at Fairbanks for agricultural experimental purposes. This bill in that respect has been approved by the Secretary of Agriculture in a letter written to the Committee on Public Lands in the House, and in addition to that he wrote a letter to the Committee on Public Lands in the Senate distinctly approving the use of that agricultural experiment station for the location of the agricultural college and school of mines. The Secretary of the Interior also approved the bill in all respects before both of these committees. The bill has been pending before the committee for more than a year. It has been favorably reported—unanimously reported by the Committee on Public Lands in both House and Senate. In the House it has been reported favorably twice, because the House bill and the Senate bill are identical. First, the House Committee on Public Lands reported the House bill unanimously and favorably. The Senate bill was then passed and came over to the committee, and it has reported that bill unanimously and favorably.

Some question was raised that the Congress ought not to locate this agricultural college and school of mines, but ought to leave it to the legislature in Alaska. The legislature would have no authority to locate the agricultural college and school of mines upon this land, because it is a United States reservation and is exclusively under the control and jurisdiction of Congress. The legislature would have no authority to locate an agricultural college and school of mines or any other public institution upon that land. There is no privately owned land in the Territory of Alaska upon which the Legislature of Alaska could locate an agricultural college or school of mines, so that we are obliged to turn to the Congress, if we are to get an agricultural college and school of mines located there under any circumstances.

Now, assuming that the legislature of the Territory ought to be consulted, I have done that, and I have here a telegram signed by the governor of Alaska and by 19 out of a possible 24 members of the legislature, approving the location of this agricultural college and school of mines upon this identical tract of land. And for the benefit of the gentleman from Washington I will read it. It is as follows:

JUNEAU, ALASKA, *February 27, 1915.*

JAMES WICKERSHAM,
House of Representatives, Washington, D. C.:

We strongly favor passage by House of Representatives of Senate bill 7515, reserving sections 16 and 36 in surveyed townships of Alaska for support of common schools and location of agricultural college and school of mines and Government experiment farm at Fairbanks.

Strong, governor; Frank A. Aldrich; O. P. Gaustad; O. P. Hubbard; Dan Sutherland; J. M. Tanner; W. M. Britt; W. T. Burns; N. A. Coombs; E. B. Collins; C. M. Day; Jas. P. Daly; Dan Driscoll; W. W. Getchell; John G. Heid; T. H. Holland; John Noon; A. G. Shoup; C. K. Snow; T. B. Tansy, members Alaska Legislature.

Mr. FALCONER. Mr. Speaker——

Mr. WICKERSHAM. I will be glad to answer all questions that I can.

Mr. FALCONER. Mr. Speaker, I recall that this bill was up a week or 10 days ago and objection was made to it. This is a case where, in the great Territory of Alaska, there are 35,000 people, and it is now proposed to establish an institution that will confront the taxpayers of Alaska for the next million years, more or less. There is a question involved worthy of the consideration of this House in this matter of educational institutions. Does the Congress of the United States at this time wish to establish an agricultural college at one place, and possibly 5, 10, or 20 years later, a university in another place? Many States have an agricultural college in one corner of the State and a university in another, and have experienced a log-rolling proposition for the maintenance of these institutions. I submit to the gentleman that if he wishes to cut out the establishment of an agricultural institution I will not object to the bill. Otherwise I will object to it.

Mr. WICKERSHAM. Of course I do not intend to do that, and the gentleman can, of course, object.

Mr. FALCONER. Then I object.

Mr. WICKERSHAM. Mr. Speaker, I move to suspend the rules and pass the bill.

The SPEAKER. The gentleman from Alaska moves to suspend the rules and pass the bill. Is a second demanded?

Mr. FALCONER. I demand a second.

Mr. WICKERSHAM. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Alaska asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The gentleman from Alaska [Mr. WICKERSHAM] has 20 minutes and the gentleman from Washington [Mr. FALCONER] 20 minutes.

Mr. WICKERSHAM. Mr. Speaker, I do not care to use any time.

Mr. FALCONER. Mr. Speaker, I would like to say a word on this matter. I do think this is a very important proposition. I understand that a part of this land on which it is suggested to locate these educational institutions is owned in part by private parties. I may be mistaken about that.

Mr. WICKERSHAM. The gentleman is mistaken except this, that a portion of the land outside of the experiment station is taken by Mr. Blane.

Mr. FALCONER. Is there any of it taken?

Mr. WICKERSHAM. Mr. Blane's brother has about 20 acres of it.

Mr. FALCONER. And that is all that is in a private ownership?

Mr. WICKERSHAM. That is all that is owned in a private way.

Mr. FALCONER. It enhances the price of land to have an educational institution of this character placed in the midst of it. But as regards the establishment of an educational institution in Alaska for the purpose of a school of agriculture, I question the advisability of it. This Congress at some future time or the Legislature of Alaska may settle that question. I do not think that Congress to-day ought to settle it. As development is made it is important that the valleys of Alaska south of the Yukon should be opened up and the best agricultural lands in Alaska opened to access; but at the present time they are not, and there is no way of opening them up until the Government builds a railroad; and I believe that unless the Government railroad runs within a certain number of miles of this institution, as it is finally located, the institution may be poorly located.

Mr. FOSTER. Will the gentleman yield?

Mr. FALCONER. Yes.

Mr. FOSTER. If this agricultural college should be established there by the Federal Government, does it come in possession of all the rights that accrue to an agricultural college within the States?

Mr. FALCONER. Yes; that is, as I understand it.

Mr. JOHNSON of Washington. How can a Territory come in with all the rights of a State?

Mr. DAVENPORT. The Territory of Washington was organized then as a regular Territory, with all the jurisdiction of an organized Territory of the United States and not as a non-organized Territory, as Alaska is to-day, with a partial organization.

Mr. FALCONER. I do not recognize the distinction in that way as bearing upon this proposition.

Mr. DAVENPORT. Alaska has a full Territorial organization to-day.

Mr. FALCONER. Absolutely.

Mr. DAVENPORT. Is it not a fact that where you find a fully organized Territory the Federal Government might establish an institution where it could not do so in a Territory that was not fully organized as a Territory?

Mr. FALCONER. Yes; and I think the point raised is a point worth considering. I think the institution would be entitled to support, and would get from the United States Government an annual stipend to carry on the cost and advancement and the building up of that institution.

The SPEAKER. The question is on suspending the rules.

Mr. MANN. Will the gentleman from Washington yield to me?

Mr. FALCONER. I yield 10 minutes to the gentleman.

Mr. MANN. Mr. Speaker, I think some one ought to explain the bill, because this is an entire innovation from anything that the Government has ever done before in the way of granting land. I do not say that it is not a proper innovation, and I do not think that a bill of this sort ought to pass the House without a statement of what it is. I would rather one of the other gentlemen who knows more about the bill than I would state it. Of course, I am not opposed to it. I shall vote for the bill, so far as that is concerned, although I have taken time. It is not exactly an emergency matter. There will be no money to come to the Territory of Alaska out of this bill for a long time to come which it can use for school purposes, because such money comes in from the leasing, and it can not sell anything. As the money comes in from the leasing of land, that is retained and only the interest on it is to be expended for school purposes.

In the first place, of course, you will have to lease the land, and you can not lease the lands up there at present for anything, practically, except the minerals. You can not lease those right away for any amount. You will not have any money at all come in very rapidly. Then when it comes in it must be invested, and it will be more than a day or a year before there will be any interest in sufficient amounts to furnish any large amount of school facilities. In the end it conserves the property. I suppose that is the theory of it. I am not complaining about that, but I think the gentleman from Wisconsin [Mr. LENROOT], who largely prepared this, ought to make a clean-cut statement, so that the House will understand what to do.

I yield back my time.

Mr. WICKERSHAM. I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, this bill as originally introduced made a grant of sections 16 and 36 and the other lands mentioned in the bill, and also established an agricultural college and school of mines. The committee were not willing to recommend that the House adopt any such bill, and all that this bill does is to make a reservation of sections 16 and 36 for the support of the common schools, and section 33 in certain portions of the Tanana Valley for the support of an agricultural college and school of mines.

Now, with reference to the question raised by the gentleman from Illinois [Mr. FOSTER], as to whether, if this bill is passed, the agricultural college in Alaska will receive the same benefits that an agricultural college in the States would receive, I will say as to that question that this bill does not establish an agricultural college or school of mines; and whether or not such a college, if established, would be entitled to those benefits will depend upon the legislation now existing and not upon this bill in any particular. That is a question upon which I am not ready to venture any opinion. But if they have the benefits, they could establish an agricultural college in Alaska without this bill and get the benefits, if there are any, that would go to Alaska.

With reference to this reservation, it has been assumed throughout the various discussions of this bill that the reservation depended upon the agricultural college and school of mines being established upon the four sections which are granted for that purpose. The gentlemen who make that statement are in error. Whether an agricultural college is established upon these four sections or not, the reservation is made just the same by this bill. The reference to the agricultural college and school of mines is merely a declaration of the purpose of the reservation. But if an agricultural college shall not be established upon these four sections, if it shall be established elsewhere, when the time comes that Alaska becomes a State, or when a grant of land is made, there is no question but that the grant will be made of these sections 33 in the Tanana Valley, wherever that agricultural college may be established, whether it be upon these four sections or not. [Applause.]

Mr. FALCONER. Mr. Speaker, I think there is no question about where the agricultural college will be established, according to the telegram read by the gentleman from Alaska [Mr. WICKERSHAM]. I submit the proposition to the gentleman from Wisconsin [Mr. LENROOT] and will yield him time to answer: If the legislature locates this educational institution on these four sections, or any other place in Alaska, will that educational institution get the benefit of the money from the Treasury of the United States, as is the rule in all States or Territories, to help support and build up the institution?

Mr. LENROOT. If they do, it will not be by virtue of any provision contained in this bill.

Mr. FALCONER. That is true. There are a lot of things that are not in this bill; but does not one follow the other?

Mr. LENROOT. Not at all; because if they do establish an agricultural college the question whether they will receive money or not will not be dependent upon this bill.

Mr. FALCONER. That is true.

Mr. FERRIS. Is there any reason why a Territory that is trying to get on its legs and get started should not have the benefit of a statute that helps all other similar schools?

Mr. FALCONER. No reason in the world except this proposition: I will ask the gentleman from Wisconsin, does Madison have the State's school of arts and sciences and its agricultural institution?

Mr. LENROOT. Yes.

Mr. FALCONER. Yes; and it is one of the greatest universities in the Central West. There are many men in this House who have served in State legislatures; and have they not often observed the fact that where there is an agricultural school in one part of the State and a school of arts and sciences in another part of the State there is a logrolling proposition on appropriations? For years in my State that question has been discussed. The officers of these institutions come before the legislature and before our finance committees for ever-increasing appropriations, and each frequently tries to outdo the other in getting appropriations. As a matter of economy Alaska ought to have all these institutions in one location; and I do not believe that now is the time to put an educational institution in the Territory of Alaska. I am in favor of developing Alaska, and am as friendly to it as any man in this House; but some men have the idea that a man who does not live in Alaska, even though the United States Government owns 99 per cent of that Territory and there are only 35,000 white people there, has no right to make any suggestion with regard to the Territory of Alaska.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. FALCONER. Yes; I will yield to the gentleman.

Mr. JOHNSON of Washington. Does the gentleman think it would be right to establish all the schools in one place in a Territory one-quarter as large as the United States?

Mr. FALCONER. With 35,000 people in the Territory, one-quarter as big as the United States, they could not find a man in a hundred square miles at this time. We had better wait until we develop the rich country in Alaska, which is in the vicinity of but south of the Yukon River. Of course it is very desirable for Fairbanks to have an educational institution established there. If I lived at Fairbanks, I would want the school there, and if I lived at Cordova I would want it there, and if I lived at Seward I should want it there. But I would not establish it upon any site at the present time.

Mr. LENROOT. Let me ask the gentleman: When Washington was a Territory, and a reservation similar to this was made, as it was made, was it made on condition that all of the educational institutions should be centered in one place?

Mr. FALCONER. No; and if you were to eliminate the setting aside of the four sections as the location I would withdraw any objection.

Mr. HAMILL. Will the gentleman yield?

Mr. FALCONER. Yes.

Mr. HAMILL. Is the gentleman's objection due to the fact that when Alaska becomes a State there may be logrolling in the legislature?

Mr. FALCONER. I think it ought to be placed in Alaska long before it becomes a State.

Mr. WICKERSHAM. Mr. Speaker, I sent to the Census Office yesterday to get the number of children in Alaska, and I was informed that there was, at the time the census was taken in 1910, 16,907 persons there under 20 years of age.

Mr. MANN. White or Indian?

Mr. WICKERSHAM. Both; but the whites largely predominate. The Indians are disappearing and the whites are increasing. We send all of our children to the Seattle High School and Seattle University, and we send about 50 a year.

I yield five minutes to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Chairman, the population of Alaska ought to grow some in the next few years. We have passed a railroad bill, appropriating a large sum of money, which would naturally induce people to go there.

Mr. MANN. While they are building it?

Mr. FERRIS. Yes; while they are building it, and I hope afterwards. We have passed a coal-leasing bill, and I hope that that will open up the mines, and there will be some increase of population on that account. Alaska now supports the schools by license taxes collected from merchants and saloons. There is less than 200 acres of deeded land up there; practically all of it is Government land, and no income from land taxes.

This bill withdraws two sections out of each township and allows the Territory to lease them for school purposes. It is not as liberal as we have been to some of the States. I do not know all of the merits and demerits of the contention between the gentleman from Washington and the gentleman from Alaska, and I do not care to enter into the controversy, as to where the agricultural school should be located, between the gentleman from Alaska and the gentleman from Washington. As a matter of fact this bill does not locate the school at all; it only reserves an area of land on which the Territorial government may locate its schools. It does not locate the agricultural or mechanical school there. The gentleman from Alaska lives at Fairbanks, and it is not inappropriate that he should want to locate it there. The main question is, Shall we reserve two sections of school land and let the Territory of Alaska lease it, so that they may support the schools?

Mr. HELM. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. HELM. Is the land in Alaska worth 1 cent or 2 cents or 10 cents an acre?

Mr. FERRIS. Oh, a good deal of it is mineral land.

Mr. HELM. If you are going to give it away, I want to know how much you are giving away.

Mr. FERRIS. The gentleman knows that some of this land has valuable coal on it; we give the coal to the Territory and let them lease it, and the revenues go to the Territory to support the schools. This bill is needed in Alaska. It will help them maintain their schools up there.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken, and, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

PAY OF SESSION CLERKS FOR MONTH OF MARCH.

Mr. LLOYD. Mr. Speaker, I present the following privileged resolution:

The Clerk read as follows:

House resolution 748 (H. Rept. 1501).

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and instructed to pay to the session clerks of the committees provided for in House resolution 667, for the entire month of March, 1915, their regular monthly compensation, out of the contingent fund of the House of Representatives.

The following committee amendments were read:

In line 3, strike out the words "clerks of committees provided for in House resolution 667" and insert "employees provided for in House resolutions 54, 55, and 667."

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. LLOYD. Yes.

Mr. MANN. Was this same resolution passed two years ago?

Mr. LLOYD. They were paid two years ago, it seems, without a resolution.

Mr. MANN. How could they be?

Mr. LLOYD. This provides for the payment of session clerks to the Expenditure Committees.

Mr. MANN. How could they be paid without a resolution?

Mr. LLOYD. The appropriation bill provides for the payment of the session clerks to the other committees for the month of March, but there is nowhere anything that construes the word "session" to include the month of March, and two years ago the Treasury Department paid them upon the theory that the word "session" as construed in the appropriation bill was the proper construction of the word. In order to avoid that question being raised again we are simply presenting this resolution.

Mr. MANN. Of course the appropriation bill specifies the length of the session?

Mr. LLOYD. Yes.

Mr. MANN. The short session running until the 1st of April and a long session until the 30th of June?

Mr. LLOYD. Yes.

Mr. MANN. I did not know whether this was the beginning of a movement to pay the employees of the House an extra month's pay. That is what this does in this case. Certain employees are selected out, and they are given an extra month's pay. I do not doubt that they need it. I have no objection to their having it. I always thought it was a good custom, and I still think it is a good custom, where employees are brought to the House from all over the country and receive no mileage, that they may properly receive at the end of every session an extra month's pay, so that they can go home and wear good clothes when they go home.

Mr. LLOYD. This makes no provision for the employees of the House.

Mr. MANN. Oh no; only for a few of the employees and to those it gives an extra month's pay.

Mr. LLOYD. Under the regulations at the present time, as provided in the appropriation bill, the session clerks who receive $6 a day get paid for the month of March. The clerks to the Expenditures Committees who get $125 per month will not get paid for the month of March unless some such provision as this is made.

Mr. MANN. Yes; but the clerks who come in one place go in under the law which provides what their pay shall be, and they know. These clerks come in under a law which provided that their pay should cease on the 3d of March—yesterday.

I have no objection to their getting it. I regret that it is necessary to pay two of the clerks an extra month's pay and let the rest go home on the ties.

Mr. LLOYD. All the clerks to committees get their pay.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution as amended.

The resolution was agreed to.

LILLIE M. REESCH.

Mr. LLOYD. Mr. Speaker, I also present the following privileged resolution which I send to the desk and ask to have read.

The Clerk read as follows.

House resolution 722 (H. Rept. 1502).

Resolved, That there shall be paid out of the contingent fund of the House the sum of $600 to Lillie M. Reesch for extra services rendered in connection with the sending out of blanks, receiving, filing, and compiling expense statements filed by Members of Congress in accordance with H. R. 2958, "An act to amend an act entitled 'An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected,' and extending the same to candidates for nomination and election to the offices of Representative and Senator in the Congress of the United States and limiting the amount of campaign expenses."

Mr. LLOYD. Mr. Speaker, this is similar to the resolution offered in the last Congress.

Mr. MANN. I do not quite understand it.

Mr. LLOYD. This resolution provides for pay to an individual who had charge of the accounting end of the corrupt practices act. She sends out all of the statements to individual Members with reference to the accounts that they must make, the four statements that are required to be made. This lady has kept those accounts and kept the accounts of all of the Members as they have been filed and of the committees that are required to make reports to the House.

Mr. MANN. May I ask the gentleman what is meant by "H. R. 2958"?

Mr. LLOYD. I do not understand.

Mr. MANN. The resolution says:

And compiling expense statements filed by Members of Congress in accordance with H. R. 2958.

Mr. LLOYD. It is in accordance with the law affecting campaign contributions.

Mr. MANN. I did not know what that was. I am sure they have not filed any accounts under any bill pending in the House. Does not this lady receive a regular salary?

Mr. LLOYD. Yes.

Mr. MANN. Does she not perform this work in office hours?

Mr. LLOYD. I do not know.

Mr. MANN. I am pretty sure she could not perform it in any other hours. What do we pay her the other salary for?

Mr. LLOYD. We paid her for the regular service she was required to perform before she was expected to perform this extra duty.

Mr. MANN. Perhaps she was not expected to perform any. I did not know. Do I understand the gentleman to go upon the theory that if we employ a clerk to perform some service and then really give the clerk something to do that we have to pay extra for that?

Mr. LLOYD. We pay for this extra service here exactly on the same theory that we pay the extra clerk detailed from the Pension Office to perform work for the Invalid Pensions Committee, and we pay extra services for the person who is detailed to perform work for the Pension Committee.

Mr. MANN. I do not know that I shall object. I would like a moment.

Mr. Speaker, in the good old days before the gentleman from Pennsylvania [Mr. PALMER] put the throttle on the throat of the Democratic side of the House, we used to pay quite often to different clerks money for extra services. Then came along the "reform" of the gentleman from Pennsylvania; that was all cut out in the air, in the talk, and in the resolution. It has gradually been going by the boards. Places have been filled again. We have just passed a resolution to pay certain em-

ployees one extra month's salary. Now, we have one employee—no doubt a very competent and capable one—who did not have much to do, could not have had much to do, because we propose to pay that employee $600 for doing something in office hours. That is $50 a month. You can employ a very competent person as a clerk for $50 a month. At the end of the next Congress, I suppose, we will pay them all extra compensation. We have raised the salaries of more clerks in the House for committees than had been raised for years before. We have added more clerks to the committees than had been provided in years before.

Let us be on the square about it. The truth is that when one party remains in power in the House for a series of years it gets in the habit of giving a little extra compensation now and then to some person who performs good service, and service that they are paid for. I remember the House at one time, without any suggestion from me, although I would have been glad to have made the suggestion, paid one of my clerks an extra compensation to the amount of $1,500, which was well earned. The House paid it because so many Members of the House had to deal with that clerk and found the clerk so competent. Maybe you will find a clerk after a while, if you keep on, that is worth paying $1,500 to. God knows, I wish you would.

Mr. LLOYD. Mr. Speaker, I wish to say in reply to the statement that has just been made, that there have not been more clerks added to the rolls recently than were ever added before.

Mr. MANN. Committee clerks I said.

Mr. LLOYD. The truth about it is, that there have been less added during the last four years than in the same length of time during the last 20 years. We commenced our work on this Democratic side four years ago by cutting off a large number of employees. It was said at that time that they would be put back. They have not been put back up to this good hour. [Applause on the Democratic side.]

Mr. MANN. Some of them have been put back in their places and drawing the same rate of pay.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken and the resolution was agreed to.

EXTENSION OF REMARKS.

Mr. FOWLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, and also for a reprint of the bills H. R. 21331 and H. R. 21332, the print having been exhausted.

The SPEAKER. The Chair will put one of these requests at a time. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

By unanimous consent, Mr. QUEZON, Mr. ABERCROMBIE, Mr. KENNEDY of Connecticut, Mr. SMITH of Maryland, Mr. FITZHENRY, Mr. WILLIAMS, and Mr. CANTOR were granted leave to extend their remarks in the RECORD.

REPRINT OF BILLS.

Mr. FOWLER. Mr. Speaker, I ask unanimous consent that 1,000 copies each of the bills H. R. 21331 and H. R. 21332, relating to the unemployed, be reprinted, the first print having been exhausted.

The SPEAKER. The gentleman from Illinois asks unanimous consent to have an extra 1,000 copies printed of each one of the bills he names.

Mr. MANN. Reserving the right to object, Mr. Speaker, the gentleman knows, I suppose, that the Committee on Printing has authority to order additional copies? The document room will order additional copies of the bill.

Mr. FOWLER. I supposed the committee would get away pretty soon.

Mr. MANN. Oh, no; the Committee on Printing is here permanently. I do not think the House ought to order a reprint of bills. We never do that.

The SPEAKER. Is there objection?

Mr. MANN. I object.

FREDERICK H. LEMLY.

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The SPEAKER. The gentleman from Tennessee asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

An act (S. 3561) to appoint Frederick H. Lemly a passed assistant paymaster on the active list of the United States Navy.

Be it enacted, etc., That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint Frederick H. Lemly a passed assistant paymaster on the active list of the Navy, to take the same rank and position on the list of passed assistant paymasters that he occupied on March 5, 1908 (the date upon which his resignation as a passed assistant paymaster in the Navy was accepted): *Provided*, That the said Frederick H. Lemly shall establish to the satisfaction of the Secretary of the Navy by the usual examinations required for promotion to the grade of passed assistant paymaster his fitness in all respects to perform the duties thereof: *Provided further*, That the said Frederick H. Lemly shall be carried as additional to the number of the grade to which he may be appointed or at any time thereafter promoted: *And provided further*, That nothing in this act shall be construed as entitling said Frederick H. Lemly to any pay or allowances from the date of the acceptance of his resignation herein referred to and the date of the passage of this act.

The SPEAKER. Is there objection?

Mr. MANN. I reserve the right to object, Mr. Speaker.

Mr. AUSTIN. Mr. Speaker, Mr. Lemly was an assistant paymaster in the Navy for five years, but owing to the serious illness of his father in North Carolina and an appeal to the son, he resigned his position, returned home to North Carolina, and cared for his father until his recovery. Then he made application to the Navy Department for reinstatement, and a bill was introduced by the gentleman from North Carolina [Mr. STEDMAN]. That bill has been recommended by the Paymaster General of the Navy, stating that there was a necessity for trained and experienced assistant paymasters in the Navy, and that this man's record was an efficient and satisfactory one, and that it was in the interests of the public service to have him rather than to have an untrained man from private life who had never had any experience in this line of business. The bill is recommended by the Secretary of the Navy, who makes an exception in this case for the reasons given in the letter or report of the Paymaster General of the Navy.

Now, I know this young man. He is worthy, he is capable, and has a faithful and efficient record in the Navy. This bill was first recommended in the Senate by the Senate Naval Committee in a unanimous report. It passed the Senate without a dissenting vote, came to the House, and is on the House Calendar with a unanimous report from the House Naval Committee. While I know it is the invariable rule of the gentleman from Illinois [Mr. MANN] to oppose bills of this character, the other day when this bill was on the Unanimous-Consent Calendar with similar bills the gentleman from Illinois stated that there was merit in this one. Now, I appeal to the Members of this House to restore this young man to the Navy—a young man who gave up his career in the Navy on account of an appeal from his invalid father. In doing this he did a noble act which should commend him to every Member of this House. We ought to give him an opportunity to reenter the service, especially when his former superior officers favor and urge it.

Mr. MANN. Mr. Speaker, it is always an unpleasant task to object to any of these bills which gentlemen desire to have passed. I have objected to personal bills for reinstatement in the Navy and in the Army for a good many years, rather effectively, always stating that I would have no objection to general legislation which authorized the Secretary of War or the Secretary of the Navy to reinstate a man in the service for active duty. The Army bill carries such a provision, I believe, and the Navy bill carries such a provision. Neither one would carry such a provision if it had not been for the objections which I have made to this rotten system of personal legislation in the House. It is true that provision in the naval bill does not cover this case, but if before the President has signed the Navy bill, which he will sign before noon to-morrow, we commence again the system of personal legislation and put these men back in the Navy and the Army who are not covered by the general legislation, we will be just as badly off in the end as we are now.

Mr. HENRY. Will the gentleman yield for a motion?

Mr. MANN. I will.

Mr. HENRY. This is a bill that was included in the Witherspoon rule that was referred to the Committee on Rules when we reported the resolution for repealing the plucking board, and this was one of the cases that was reported before the committee. And my recollection is that there was a unanimous report from the Committee on Naval Affairs, and we thought that we had covered this case as well as those others.

Mr. MANN. Then the gentleman was very careless.

Mr. HENRY. Relief was given in the other cases, and it seems that this is just as meritorious a case as those. I think it is a bill introduced by the gentleman from North Carolina [Mr. STEDMAN].

Mr. MANN. The very distinguished gentleman from Texas, as chairman of the Committee on Rules, brought into the House a rule providing that there should be in order on the naval bill various provisions, and if the Committee on Rules had this case before them, and the gentleman from Texas drew a rule to cover this case and did cover it, then this is not necessary. If he

did not cover it, why, then, the gentleman ought not to ask us to make up for his negligence.

Mr. HENRY. I did not mean to state that; but we simply came to the conclusion that this was a meritorious case, and I assumed that there would be a way to get it up here for consideration, like the other cases.

Mr. MANN. There was a way, and that was to put it in your rule.

Mr. HENRY. We did not report a special rule enumerating cases, but reported a general rule that authorized legislation repealing the plucking board; but it seems that this case does not fall under that.

Mr. MANN. But the general rule that the gentleman reported went away beyond the cases of the plucking board. The general rule had one provision in it for the reinstatement of officers who had been plucked. Then it repeated it in another place, and said all other officers——

Mr. HENRY. That was one phase of it. I have no interest in this and no objection to it, and I think it ought to pass.

Mr. MANN. That ought to settle it.

Mr. HENRY. I hope it will be passed.

Mr. LENROOT. The gentleman states that it was the intention of the Committee on Rules to report a general rule to cover all the special bills before the committee. I must respectfully dissent from that.

Mr. HENRY. Oh, no; I did not mean that at all. What I started out to say was that this was one of the cases that we thought meritorious, after hearing a number of the members of the Naval Affairs Committee, and I think it ought to be passed, if there is any way to do it.

Mr. MANN. There was a way to pass it, and there still is a way to pass it.

Mr. HENRY. Then let us pass it.

Mr. MANN. Let the Committee on Rules, which assumes to be the manager of the House——

Mr. HENRY. Oh, no.

Mr. MANN. Let the Committee on Rules bring in a rule to pass it. Goodness knows, they exercise that power often enough.

Mr. HENRY. Let us suspend the rules and pass it to-night.

Mr. MANN. I object.

Mr. AUSTIN. I move to suspend the rules and pass this bill.

The SPEAKER. Is this a private bill?

Mr. MANN. It is a private bill.

The SPEAKER. The Chair will not recognize the gentleman for that purpose.

JUDICIAL DISTRICTS IN ARKANSAS.

Mr. FLOYD of Arkansas. Mr. Speaker, I desire to call up the bill (H. R. 18086) to amend section 71 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 4, 1911, and to concur in the Senate amendments.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Arkansas moves to concur in the Senate amendments.

The Senate amendments were read.

The SPEAKER. The question is on concurring in the Senate amendments.

The Senate amendments were concurred in.

By unanimous consent the title of the bill was amended to conform to the text.

POST OFFICE, FORSYTH, GA.

Mr. BARTLETT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 20604) to construct a public building for a post office at the city of Forsyth, Ga.

The SPEAKER. The gentleman from Georgia asks unanimous consent for the present consideration of a bill, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury of the United States be, and he is hereby, authorized, empowered, and directed to cause to be erected and constructed upon the lot now owned by the United States in the city of Forsyth, Ga., a public building such as he may determine is necessary and proper for the post office and such other public officials as may be located there, in said city of Forsyth, Ga., at a cost not to exceed the sum of $50,000, which sum is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. What is the amount carried in this bill?

Mr. BARLETT. Fifty thousand dollars. That is the amount estimated by the department.

Mr. MANN. Mr. Speaker, this House is a place that brings men into close touch and friendship. As any of us go out of the House, I think probably the pleasantest memories we shall have relating to our service in the House will be those of the personal friendships between Members, which fortunately are not based on the divisions of party lines.

I remember when I first came to the House, I think it was in my first term, one night when we were considering the sundry civil bill John Allen, whom everybody ought to know or know of, the great humorist from Mississippi, who had had long service in the House, and was then a member of the Committee on Appropriations, offered an amendment which, as I recall it, provided for a fish hatchery at Tupelo. He was going out of the House. I had been around the House for a while, and I supposed, of course, that Uncle Joe, who was in charge of the appropriation bill, would make a point of order against it, it being subject to a point of order, and Uncle Joe had made points of order against the amendments offered by everybody else. The point of order was not made. Private John Allen was going out of Congress after a long service here. He had been succeeded by another most amiable and able gentleman, the gentleman from Mississippi [Mr. CANDLER], of Tombigbee.

The House, as a compliment to him, when leaving the service here, made provision for Government work in his town; something that I suppose was needed, but was not authorized, and if offered by anybody else would have been met by a little point of order that would have knocked it out.

The gentleman from Georgia [Mr. BARTLETT] has served his country well in the House for 20 years. I served with him on the Committee on Elections when I first came into the House for a number of years; I served with him afterwards on the Committee on Interstate and Foreign Commerce until I left that committee. Both of us have a temper, but I believe that no cross word has ever passed between Mr. BARTLETT and myself. I think that he is entitled to the good will of his country and the best wishes of the House. [Applause.] The only way we can properly express that is by having the Government make him a present. [Laughter.] To-night he has asked unanimous consent for the immediate consideration of a bill which has not yet been reported, and he has received that consent, as a mark of the appreciation of his good qualities and of his able services in the House. [Applause.]

Mr. BARTLETT. Mr. Speaker, I thank the gentleman from Illinois very much indeed. It is true that there is not much in this little bill. The House has authorized the purchase of a site, and the Secretary of the Treasury has estimated the amount that is contained in the bill. It is true that the Committee on Public Buildings and Grounds have not reported it. I would not have asked for this consideration, but for the fact that I am about to retire from the House after a service of 20 years, and it is the only place in my district where a public building could be authorized where a bill has not passed and the amount been appropriated. [Laughter.]

I did not like to go out of the House and leave that work for some one else. But the fact that I have been permitted to have this bill considered is an occasion that brings to me a very pleasant recollection of my associations in this House. That recollection will go with me through the balance of my life. The gentleman from Illinois [Mr. MANN] knows how close his relations have been with me personally, and the gentleman from Illinois knows that I appreciate what he has said in reference to it.

Now, just one word more. I apprehend that when I came to this House that I was as partisan, Bourbon a Democrat as ever was born in the South; I had never seen many white Republicans. [Laughter.] Only those who held Federal offices in my State. I did not have a very warm feeling for the Republicans, but I was not here long before I forgot in my personal associations that the Members of this House were Republicans or that they were Democrats. [Applause.]

I, of course, have many associates on this side, but I can recall that some of my closest personal associates, and for whom I had great friendship, were my Republican friends. Some have passed over the river and gone; many of you are here now. I shall leave my place in this House and return to private life, and I shall always carry with me to my dying day the recollections of my associations here. I have no regret in retiring to private life on my own volition; the only regret is on severing my relations with you. I shall always carry with me to my home in Georgia my recollection of association with you here, and it will abide with me during my life. I thank you. [Applause.]

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; was read the third time and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 11694. An act providing for the purchase of a site for a public building at Binghamton, N. Y.;

H. R. 20702. An act authorizing the health office of the District of Columbia to issue a permit for the removal of the remains of the late Robert Caldwell Culbertson from Woodlawn Cemetery, District of Columbia, to Rocky Spring Cemetery, Chambersburg, Pa.;

H. R. 21077. An act for the relief of W. F. Crawford;

H. R. 17174. An act to pay the claim of the American Towing & Lightering Co. for damages to its tug *Buccaneer;*

H. R. 21383. An act to change the name of the old post-office building at Minneapolis, Minn.;

H. R. 17343. An act for the relief of Charles L. Pritchard;

H. R. 5849. An act to amend section 100 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

H. R. 18747. An act to reserve certain lands and to incorporate the same and make them a part of the Pike National Forest;

H. J. Res. 398. Joint resolution to refund under certain conditions a portion of the offers in compromise for failure to make the returns required under the act of October 3, 1913, said offers in compromise having been covered into the Treasury, and for other purposes;

H. R. 13591. An act for the relief of John P. Ehrmann;

H. R. 21122. An act to validate certain homestead entries;

H. R. 10122. An act to credit Samuel M. Fitch, collector of internal revenue, first district of Illinois, on the books of the Treasury Department with the sum of $1,500 for cigar stamps lost or stolen in transit.

H. R. 16777. An act for the relief of Amato Castellano, Libero Baranello, and Michele Baranello;

H. R. 4899. An act to fix the standard barrel for fruits, vegetables, and other dry commodities;

H. R. 21009. An act to make Van Buren, Me., a port through which merchandise may be imported for transportation without appraisement;

H. R. 21563. An act granting the consent of Congress to the Keokuk & Hamilton Bridge Co. to construct a bridge across the Mississippi River at Keokuk, Iowa;

H. R. 13756. An act for the relief of Augustus Dudley Hubbell;

H. R. 20340. An act to increase the appropriation for a public building at Elkins, W. Va.;

H. R. 11256. An act granting relief to Jacob Barger;

H. R. 13470. An act for the relief of James Grady; and

H. R. 17464. An act for the relief of Fred Graff.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 18086. An act to amend section 71 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 4, 1911.

ENROLLED BILLS SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 20415. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1916;

H. R. 20340. An act to increase the appropriation for a public building at Elkins, W. Va.;

H. R. 11694. An act providing for the purchase of a site for a public building at Binghamton, N. Y.;

H. R. 21383. An act to change the name of the old post-office building at Minneapolis, Minn.;

H. R. 11256. An act granting relief to Jacob Barger;

H. J. Res. 398. Joint resolution to refund, under certain conditions, a portion of the offers in compromise for failure to make the return required under the act of October 3, 1913, said offers in compromise having been covered into the Treasury, and for other purposes;

H. R. 21184. An act to increase the limit of cost of the United States post-office building and site of Cohoes, N. Y.;

H. R. 20702. An act authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Robert Caldwell Culbertson from Woodlawn Cemetery, District of Columbia, to Rocky Spring Cemetery, Chambersburg, Pa.;

H. R. 21077. An act for the relief of W. F. Crawford;

H. R. 17464. An act for the relief of Fred Graff;

H. R. 13470. An act for the relief of James Grady;

H. R. 13756. An act for the relief of Augustus Dudley Hubbell;

H. R. 21009. An act to make Van Buren, Me., a port through which merchandise may be imported for transportation without appraisement;

H. R. 16777. An act for the relief of Amato Castellano, Libero Baranello, and Michele Baranello;

H. R. 10122. An act to credit Samuel M. Fitch, collector of internal revenue, first district of Illinois, on the books of the Treasury Department with the sum of $1,500 for cigar stamps lost or stolen in transit;

H. R. 17174. An act to pay the claim of the American Towing & Lightering Co. for damages to its tug *Buccaneer;*

H. R. 17343. An act for the relief of Charles L. Pritchard;

H. R. 2909. An act to extend the privileges of the seventh section of immediate transportation act to Bay City, Mich.;

H. R. 21563. An act granting the consent of Congress to the Keokuk & Hamilton Bridge Co. to construct a bridge across the Mississippi River at Keokuk, Iowa;

H. R. 19061. An act for the relief of homestead entrymen under the reclamation projects of the United States;

H. R. 21122. An act to validate certain homestead entries;

H. R. 13591. An act for the relief of John P. Ehrmann;

H. R. 11318. An act authorizing the sale of lands in Lyman County, S. Dak.;

H. R. 13222. An act to regulate the use of public-school buildings and grounds in the District of Columbia;

H. R. 18686. An act to provide for provisional certificates of registry of vessels abroad, and for other purposes;

H. R. 18550. An act empowering and directing the Secretary of the Treasury to convey by quitclaim deed certain lands in the city of Akron, State of Ohio;

H. R. 15215. An act to authorize the Commissioners of the District of Columbia to adjust and settle the shortages in certain accounts of said District, and for other purposes;

H. R. 14197. An act for the relief of the legal representatives of Mrs. H. G. Lamar;

H. R. 12674. An act to provide for the allowance of drawback of tax on articles shipped to the island of Porto Rico or to the Philippine Islands;

H. R. 11839. An act for the relief of William Ham;

H. R. 4266. An act granting patent to certain lands to the legal heirs of W. F. Nichols;

H. R. 900. An act for the relief of James Easson;

H. R. 20107. An act to amend sections 4421, 4422, 4423, 4424, and 4498 of the Revised Statutes of the United States, and section 12 of the act of May 28, 1908, relating to certificates of inspection of steam vessels;

H. R. 8904. An act to authorize the establishment of a life-saving station at the mouth of the Siuslaw River, Oreg.;

H. R. 21200. An act quieting title to a certain tract of land located in the city of Guthrie, Okla.; and

H. R. 19078. An act granting consent of Congress to the Cleveland Yacht Club Co. to construct a bridge across the west arm of Rocky River, Ohio.

CONSTRUCTION OF REVENUE CUTTERS.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent to the present consideration of the bill (S. 6829) to provide for the construction of two revenue cutters.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to construct one steam revenue cutter for service in the waters of California, at a cost not to exceed the sum of $350,000, and one steam revenue cutter for service as anchorage patrol boat in New York Harbor, at a cost not to exceed the sum of $110,000, such vessel to be specially constructed for ice breaking.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. ADAMSON. Mr. Speaker, I move to suspend the rules and pass the bill.

The SPEAKER. Is a second demanded?

Mr. MANN. I demand a second.

Mr. ADAMSON. I ask unanimous consent that a second be considered as ordered.

Mr. MANN. I object.

The Speaker appointed as tellers Mr. ADAMSON and Mr. MANN.

The House divided; and the tellers reported that there were 71 ayes and 42 noes.

Mr. MANN. Mr. Speaker, I make the point that no quorum is present.

Mr. ADAMSON. Will the gentleman withhold that for a moment?

Mr. MANN. I can not withhold it; I am making it on the vote.

The SPEAKER. The Chair will not let the gentleman lose his rights if he wishes to withhold it for a moment.

Mr. ADAMSON. Mr. Speaker, I do not care to put the House in any confusion; I never throw a monkey wrench into the machinery. If anybody gets ahead of me, I always play fair. I had last year before this House two bills in the same position for four revenue cutters, a Senate bill and a House bill, on the calendar. In this open House, after consultation with the leaders, it was agreed in open House that if I would withdraw these two and pass the other two, then the gentlemen interested should have these two now at this session. The gentlemen to whom these were going, on the Pacific coast and in New York Harbor, accepted that understanding, although the gentleman from Illinois, Mr. MADDEN, and the gentleman from Wisconsin, Mr. COOPER, objected to that sort of a deal in very strong terms. They yielded, however, on the faith of the assurance. I stated here what the leaders had said, and other gentlemen here heard it, concurred in it, and acted upon it, and the gentlemen interested in these vessels accepted it in good faith. They are now demanding that the agreement be complied with, and they are threatening to throw a monkey wrench into the machinery if I yield to the gentleman's threat of no quorum.

I stated when the gentleman from Illinois [Mr. MANN] first proposed to make the point of no quorum that I should leave it to the leader on this side of the House and if he sees proper to suggest that I withdraw the bill for the present, I shall do so; but it is not fair, it is not right. We then needed the four cutters, and we got one for the Gulf and one for the New England coast, but the one on the Pacific coast and the one for New York Harbor, which are desperately needed, and were then, have not yet been granted. If we grant them now the money can not be appropriated for it until next winter, and it can not be expended until during the fiscal year ending June 30, 1917. So there is no occasion for any one to get nervous about this. The plans can be made, the work can be started, and gentlemen ought to allow us to carry out the understanding that everybody present knows about at that time. There are many gentlemen here who will thoroughly recollect the circumstances. When gentlemen then asked me why I yielded to such pressure I told them that I had to in order to get through those two, the terms were put upon me, and the gentleman from Wisconsin [Mr. COOPER] stated that I ought not to legislate by contract; and I told him it was a holdup, it was not a contract; but I yielded to it, and I told the gentlemen here, out loud, what the situation was and they accepted and acquiesced in the situation, and I do insist to the gentleman from Illinois [Mr. MANN] that under the circumstances he ought not to take advantage of it and proceed to obstruct and make the point of no quorum, because he thinks we are about to succeed in passing this bill. If he still insists, I shall leave it to the gentleman from Alabama [Mr. UNDERWOOD] to decide whether the bill shall be withdrawn.

Mr. MANN. Mr. Speaker, if the gentleman is through, I would like to occupy the floor for a moment. There is no man in the House of whom I think more than I do of the gentleman from Georgia [Mr. ADAMSON], but I will be very careful about making an agreement with him again that is not in writing, because probably I do not understand the agreement. The gentleman last year did not have four bills for revenue cutters.

Mr. ADAMSON. No; there were four in one bill.

Mr. MANN. He had one bill for four revenue cutters. He tried to pass it. He could not get unanimous consent to pass it and I do not think he dared try it in any other way.

Many other people objected to it. I objected to it on two or three occasions. I had had as much to do with legislation about the Revenue-Cutter Service as any man in this House, and the gentleman from Georgia desiring to pass his bill received the statement from me that as far as I was concerned I would be perfectly willing to vote for a bill that provided for two revenue cutters for this Congress. I did not say and did not intimate where the revenue cutters should be placed. I did not care. I thought the service was doing extremely well to get two cutters. That was last year, with a good deal more money in the Treasury than there is now. I, from my recollection of the agreement, thought it was a breach of the agreement for the gentleman to try to pass a bill now for two more revenue cutters. The gentleman from Georgia thinks it is a breach of the agreement for me to object to his trying to pass two now. In future I will want the agreements in writing, because I would not want anything that brings a misunderstanding between me and the gentleman from Georgia, and having my recollection of the agreement I stand for that. I do not blame the gentleman for standing for his recollection of it. I do not think we need the revenue cutters and I know the Treasury can not afford them.

Mr. ADAMSON. Mr. Speaker, I will not say that the gentleman's suggestion about agreements in writing is gratuitous or offensive, because I think he misunderstood what I said. I never said I made any private agreement with the gentleman from Illinois at all. I did have some understanding with the leaders on the Democratic side of the House, in private, and gentlemen then on the floor asked me with whom I had made agreements. I never stated then nor now that I had made any private agreements with the gentleman from Illinois, but I did state and state now that on the floor of this House I stated what the condition was at that time. The RECORD will show it, will show what the stipulations were and the conditions placed upon me, and gentlemen on that side of the House objected then to my yielding to them. I said that the understanding then had was in open House, and the RECORD of May 12, 1914, pages 8471–8475, will show every word that was said then and there, and I presume the gentleman from Illinois, if he desires a contract in writing, will accept the record of it. It is true that he has had a great deal to do with revenue cutters. So have I. We went on the Committee on Interstate and Foreign Commerce together. In 1907 we authorized the first batch of revenue cutters. At that time the revenue-cutter fleet was a shame. It was weak, it was dreadful, it was almost helpless and hopeless. In 1910, when the gentleman from Illinois was chairman of the committee, we authorized two. Last year under the holdup already described we authorized two. They are about to be finished this coming spring. So we have had four revenue cutters authorized since 1907, two of them constructed and two have been destroyed. Therefore there has been no net gain yet in the revenue-cutter fleet.

When these two are finished next spring there will be a net gain of two, to be offset by those that have deteriorated and gone out of use. The one we are trying to replace in New York Harbor is the old *Manhattan*, that is as old as the gentleman from Illinois or myself, substantially. It is unfit for use. [Laughter.] Well, if you are going to give it that signification, I will say "some uses." But the old *Manhattan* is rustier and more helpless than the gentleman from Illinois and myself. It is described in the report as unseaworthy and unfit for use, and desperately do we need that little revenue cutter there with an ice-breaking nose for use in winter. The one on the Pacific coast is desired for the 6,000-mile coast line, with a coal-carrying capacity and sailing radius sufficient to do the work, for which they have no other suitable vessel at this time. It is no use to talk about it being extravagant to have an increase of two vessels for the Revenue-Cutter Service from 1907 up to this time. It is a valuable service. It is useful in a great many particulars. In addition to fighting in war, it works with the customs in time of peace. It looks out for smugglers and pirates, it works with the seal fisheries, and for the last few years the best vessels have been detailed to patrol the ice regions of the ocean. They absolutely need these ships. They needed them last year and they need them worse now. I do hope the gentleman from Illinois, with a better understanding of what I said and what he understood me to say about his private contract with me, and understanding the necessity for these ships, will refrain from insisting on his point of no quorum. If this House, after hearing the brief argument, agrees with him that these ships are not necessary, I am perfectly willing that this House shall vote them down. On the contrary, if they agree with me that they are necessary, the gentleman from Illinois ought to be willing that they vote him down and give us the ships. I do hope the gentleman will refrain from making his point of no quorum.

Mr. MANN. I made the point of no quorum.

Mr. UNDERWOOD. Mr. Speaker——

The SPEAKER. If the gentleman from Illinois will suspend his motion for a minute, the gentleman from Alabama will be recognized.

Mr. UNDERWOOD. Mr. Speaker——

Mr. MANN. Not to receive another lecture.

Mr. UNDERWOOD. Well, I am sure the gentleman is not accustomed to receiving lectures from me.

Mr. MANN. Well, I do not know.

Mr. UNDERWOOD. I want to say, Mr. Speaker, to both sides of the House when we are not in partisan debate I am sure that I can class as my friends and associates those on both sides who are ready to help carry on public business. The situation is such that two appropriation bills may fail. If they do go down, I hope the House will be prepared to pass the resolution extending the appropriations of last year in order to try to avoid an extra session of Congress.

Now, it is apparent to everybody at this time of night that we can not do business without a quorum, and we can not get a quorum at this time of morning. If we attempted to do it, it would probably take up until 8 or 9 o'clock, and I hope no business will come up before 9 o'clock that can not be passed by unanimous consent, unless it will be one of the appropriation bills. We will have to send for a quorum if one is demanded.

I will ask the gentleman from Georgia [Mr. ADAMSON] to withdraw his bill.

Mr. ADAMSON. I will withdraw it temporarily.

Mr. STAFFORD. Will the gentleman yield? I should like to inquire what body has charge of the papers of the Indian appropriation bill and the Post Office appropriation bill?

Mr. UNDERWOOD. I will say to the gentleman that the House was entitled to the papers in the Indian appropriation bill, but I understand, through mistake, the clerk of the committee delivered them to the Senate.

Mr. MANN. Or the Clerk of the House; I am not sure which. If the Senate has them, and has the bill under consideration, of course we can not get them.

Mr. UNDERWOOD. And it is never likely to come over here.

Mr. STAFFORD. Can the gentleman inform the House as to the status of the Post Office papers? I have been informed, though not authoritatively, that those papers were in the Senate instead of the House.

Mr. UNDERWOOD. The papers were coming to the House, but the Senate was entitled to the Post Office papers. They have those as a matter of right. We were entitled to the papers in the Indian appropriation bill.

Mr. MANN. Where are the papers of the Post Office bill?

Mr. UNDERWOOD. I do not know where they are.

Mr. STAFFORD. The gentleman from Alabama says the Senate was entitled to the papers of the Post Office appropriation bill.

Mr. MANN. That does not count in the loose system we are running under. I was told by one of the conferees of the House that the House conferees had possession of the papers.

Mr. UNDERWOOD. I will say to the gentleman from Illinois that I expected the papers to come this way myself.

Mr. CARLIN. I can inform the gentleman that I just left the Senate, and they asked me to say that they will be here with the papers in 10 minutes.

Mr. MANN. Who would be here with the papers?

Mr. CARLIN. The House conferees.

Mr. MANN. The House conferees said this?

Mr. CARLIN. Yes.

Mr. UNDERWOOD. If the gentleman from Georgia will withdraw his bill, I hope the gentleman from Illinois will withdraw his point of order.

Mr. ADAMSON. I will withdraw the bill temporarily.

Mr. MANN. Then I will withdraw the point of order temporarily. The gentleman from Georgia might as well withdraw it permanently. We have reached that stage in the proceedings where business can only be transacted by unanimous consent. The gentleman might as well understand that as not, and the only purpose for sitting in session is to take care of the appropriation bills. It is now 4 o'clock on Thursday morning.

Mr. FITZGERALD. The gentleman is mistaken. It is 3 minutes after 4 o'clock. [Laughter.]

Mr. ADAMSON. Mr. Speaker, the gentleman objects to being lectured, and yet he seems to desire to lecture people.

Mr. MANN. I am taking another lecture now with good will.

Mr. ADAMSON. I will make this announcement, that I will not undertake to call up the bill again when it is apparent that the gentleman from Illinois can hold me up with a point of no quorum. And his action to-night reminds me, Mr. Speaker——

Mr. MANN. I will make the point of no quorum. I am not going to be lectured.

Mr. ADAMSON. I withdraw the proposition.

The SPEAKER. The gentleman from Georgia withdraws the bill, and the gentleman from Illinois withdraws the point of order.

BOY SCOUTS OF AMERICA.

Mr. FITZHENRY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6854) to incorporate the Boy Scouts of America, and for other purposes.

Mr. UNDERWOOD. Mr. Speaker, pending the gentleman's request——

Mr. MANN. I do not think we ought to have any more requests of this nature now.

Mr. UNDERWOOD. I do not intend to make any request in reference to the gentleman's bill.

Mr. MANN. We are going to be in session until 12 o'clock. There are some gentlemen here whom I think it would vastly improve to give them an opportunity to take a nap.

Mr. UNDERWOOD. I understand that the Post Office appropriation bill will be here shortly.

Mr. CARLIN. It will be here in a few minutes.

Mr. UNDERWOOD. They say that smoking has a very pacifying effect on the human system. I was going to ask unanimous consent, if the ladies in the gallaries will consent, that we may smoke until 7 o'clock.

Mr. MANN. No; I object. I do not propose to get a headache from breathing other gentlemen's smoke.

Mr. HENRY. We might smoke the gentleman out. [Laughter.]

Mr. PARKER of New Jersey. I desire the attention of the gentleman from Alabama. Will the gentleman permit me to submit a request that we take a recess for 20 minutes

The SPEAKER. The gentleman from New Jersey desires to interrogate the gentleman from Alabama.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that we take a recess for 15 minutes.

The SPEAKER. Did the gentleman from Illinois have a point of order pending, or did he withdraw it?

Mr. MANN. I withdrew it.

Mr. ADAMSON. Mr. Speaker, before we take a recess, there is a suggestion to which I think the gentleman from Illinois [Mr. MANN] will not object. There was a little bill that the gentleman from Ohio [Mr. GOEKE] had passed, which has come back with Senate amendments. I should like to move to concur in those amendments.

Mr. MANN. I have no objection.

Mr. ADAMSON. The bill is on the Speaker's table.

The SPEAKER. What is the number of the bill?

Mr. ADAMSON. I do not know the number of the bill. We can take a recess while it is being looked up.

Mr. FITZHENRY. Mr. Speaker, have I the floor?

The SPEAKER. The gentleman was recognized to present a request for unanimous consent.

Mr. FITZHENRY. Mr. Speaker, I move to take from the Speaker's table the bill S. 6854 and pass it. This bill is identical with the bill H. R. 19907 to incorporate the Boy Scouts of America.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill (S. 6854) to incorporate the Boy Scouts of America, and for other purposes.

Mr. MANN. I object.

Mr. FITZHENRY. This bill is on the Speaker's table, and a similar House bill has been reported.

Mr. MANN. When was the House bill reported?

Mr. FITZHENRY. The House bill was reported on February 3.

Mr. MANN. Then I will withdraw the objection. I thought it was just reported.

The SPEAKER. The Clerk will report the bill.

The bill was read.

Mr. JOHNSON of Kentucky. Mr. Speaker, reserving the right to object, I wish to ask the gentleman in charge of the bill if there is any appropriation authorized anywhere in it?

Mr. FITZHENRY. There is not.

Mr. GALLIVAN. Mr. Speaker, reserving the right to object, I should like to ask why this bill is here? I should like to ask why these organizations do not incorporate in the various States?

Mr. FITZHENRY. Mr. Speaker, this bill is here because a large number of the people of this country wanted it to be here, and through their representatives they succeeded in having the bill introduced in both Houses of Congress. The bill follows almost literally the charter of the Red Cross. The Boy Scouts of America is an organization that is well known. Everybody is familiar with the splendid work its members are doing, the wonderful influence that they have upon the boys of this country; and the Judiciary Committee, in considering this bill, felt that it was doing the youth and young manhood of this country a great service by recommending the passage of the bill.

It is true the organization might be incorporated under the incorporation laws of almost any State. It might have been incorporated under the laws of the District of Columbia; but the mere fact that the Congress of the United States has recognized this great organization by the passage of a special act, even though no additional power is given to it, over what it would have under the incorporation laws of the District or of one of the States of this country, will be a great service to the boys of America, by increasing the usefulness of the organization. As I understand it, these are the reasons why the bill is here.

Mr. GALLIVAN. Mr. Speaker, I have not been satisfied by anything that the gentleman has said that all these organizations can not be incorporated in the various States, and unless a little better reason is assigned I shall have to object.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object——

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that we take a recess for 15 minutes.

Mr. GALLIVAN. I object to the consideration of that bill.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent to take a recess for 15 minutes. Is there objection?

There was no objection.

Accordingly (at 4 o'clock and 18 minutes a. m., Thursday, March 4, 1915) the House took a recess until 4 o'clock and 33 minutes a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John W. Utley *v.* The United States (H. Doc. No. 1631); to the Committee on War Claims and ordered to be printed.

2. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Grand Lodge of Tennessee, Independent Order of Odd Fellows, *v.* The United States (H. Doc. No. 1632); to the Committee on War Claims and ordered to be printed.

3. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John H. Engleman, administrator of the estate of John Engleman, deceased, *v.* The United States (H. Doc. No. 1633); to the Committee on War Claims and ordered to be printed.

4. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of George H. Witten *v.* The United States (H. Doc. No. 1634); to the Committee on War Claims and ordered to be printed.

5. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of J. C. McConnell *v.* The United States (H. Doc. No. 1635); to the Committee on War Claims and ordered to be printed.

6. Letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Richard T. Dowdell, administrator estate David B. Dowdell, deceased, *v.* The United States (H. Doc. No. 1636); to the Committee on War Claims and ordered to be printed.

7. Letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Sophie Fleming et al., heirs of W. W. Fleming, deceased, *v.* The United States (H. Doc. No. 1637); to the Committee on War Claims and ordered to be printed.

8. Letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Amasa Bernard and Edgar Bernard *v.* The United States (H. Doc. No. 1638); to the Committee on War Claims and ordered to be printed.

9. Letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Wilber F. Stone *v.* The United States (H. Doc. No. 1639); to the Committee on War Claims and ordered to be printed.

10. Letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Joel Crawford *v.* The United States (H. Doc. No. 1640); to the Committee on War Claims and ordered to be printed.

11. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Harrison Peachee *v.* The United States (H. Doc. No. 1641); to the Committee on War Claims and ordered to be printed.

12. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Richard S. Eaton *v.* The United States (H. Doc. No. 1642); to the Committee on War Claims and ordered to be printed.

13. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Daniel Elliott *v.* The United States (H. Doc. No. 1643); to the Committee on War Claims and ordered to be printed.

14. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Oscar H. Crowder *v.* The United States (H. Doc. No. 1644); to the Committee on War Claims and ordered to be printed.

15. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William Shaw *v.* The United States (H. Doc. No. 1645); to the Committee on War Claims and ordered to be printed.

16. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Cyrus H. Abbott *v.* The United States (H. Doc. No. 1646); to the Committee on War Claims and ordered to be printed.

17. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William C. Brooks *v.* The United States (H. Doc. No. 1647); to the Committee on War Claims and ordered to be printed.

18. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Sarah Goin, widow of Caleb Goin, deceased, *v.* The United States (H. Doc. No. 1648); to the Committee on War Claims and ordered to be printed.

19. A letter from the asisstant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Mary L. Hastings, administratrix of Thomas J. Hastings, *v.* The United States (H. Doc. No. 1649); to the Committee on War Claims and ordered to be printed.

20. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Peter Franzman *v.* The United States (H. Doc. No. 1650); to the Committee on War Claims and ordered to be printed.

21. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Eliza A. Watson, widow of Francis W. Watson, *v.* The United States (H. Doc. No. 1651); to the Committee on War Claims and ordered to be printed.

22. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Sidney S. Alden *v.* The United States (H. Doc. No. 1652); to the Committee on War Claims and ordered to be printed.

23. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John F. Alsup *v.* The United States (H. Doc. No. 1653); to the Committee on War Claims and ordered to be printed.

24. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Helen Kilburn *v.* The United States (H. Doc. No. 1654); to the Committee on War Claims and ordered to be printed.

25. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Ernest F. Hilgard *v.* The United States (H. Doc. No. 1655); to the Committee on War Claims and ordered to be printed.

26. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Martha J. Brunson, widow of John L. Brunson, *v.* The United States (H. Doc. No. 1656); to the Committee on War Claims and ordered to be printed.

27. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Matthew Bigger *v.* The United States (H. Doc. No. 1657); to the Committee on War Claims and ordered to be printed.

28. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Joseph Berry *v.* The United States (H. Doc. No. 1658); to the Committee on War Claims and ordered to be printed.

29. A letter from the chief clerk of the Court of Claims, transmitting a list of congressional cases, referred by the House of Representatives, dismissed on the preliminary question of loyalty (H. Doc. No. 1659); to the Committee on War Claims and ordered to be printed.

30. Letter from the chief clerk of the Court of Claims, transmitting certified copy of order of court dismissing the petition in the case of Sebron L. Lowe, deceased (H. Doc. No. 1660); to the Committee on War Claims and ordered to be printed.

31. Letter from the chief clerk of the Court of Claims, transmitting findings of fact and conclusions of law in the French spoliation claims relating to the brig *Hannah* (S. Doc. No. 962); to the Committee on Claims and ordered to be printed.

32. Letter from the Attorney General, transmitting supplement to annual report, fiscal year 1914, embodying the first report of the committee appointed to study the need for legislation affecting children in the District of Columbia, including drafts of new juvenile court laws (H. Doc. No. 1661); to the Committee on the District of Columbia and ordered to be printed.

33. Letter from the Secretary of the Interior, transmitting a supplemental report with respect to the investigation and enrollment of the so-called St. Croix Chippewa Indians of Wisconsin, in accordance with the provisions of the act of Congress approved August 1, 1914, together with a final roll of St. Croix Chippewa believed to be entitled to benefit from the Government (H. Doc. No. 1663); to the Committee on Indian Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CLARK of Florida, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 21350)

to increase the limit of cost of the construction of a Federal building at Eureka Springs, Ark., reported the same without amendment, accompanied by a report (No. 1489), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PORTER: A bill (H. R. 21605) regulating the furnishing of quotations of stock exchanges and giving jurisdiction thereof to the Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

By Mr. SIMS: A bill (H. R. 21606) to provide for the appointment of postmasters of all classes by the Postmaster General, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. CARLIN: A bill (H. R. 21607) to amend the laws for the protection and regulation of the fisheries of Alaska; to the Committee on Ways and Means.

By Mr. TAYLOR of Colorado: A bill (H. R. 21608) for protection of the water supply of the city of Grand Junction, Colo.; to the Committee on the Public Lands.

By Mr. FARR (by request): A bill (H. R. 21609) to provide for the unemployed, to strengthen the national defenses, and for other purposes; to the Committee on Labor.

By Mr. BRYAN: A bill (H. R. 21614) to authorize the transfer of certain lots to the city of Bremerton, Wash.; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. JOHNSON of Washington: A bill (H. R. 21604) for the relief of Thomas J. K. Looney; to the Committee on Military Affairs.

By Mr. DICKINSON: A bill (H. R. 21610) granting a pension to G. W. Wells; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 21611) for the relief of the Centerburg Building & Loan Co., of Centerburg, Ohio; to the Committee on Claims.

By Mr. NEELY of West Virginia: A bill (H. R. 21612) granting an increase of pension to James Logsdon; to the Committee on Invalid Pensions.

By Mr. PHELAN: A bill (H. R. 21613) for the relief of the heirs or legal representatives of Isham B. Beard, late of East Carroll Parish, La.; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Pleasantville (Iowa) Methodist Episcopal Church, urging resolution to abolish polygamy in the United States; to the Committee on the Judiciary.

By Mr. ALLEN: Protests of sundry residents of Ohio, against the passage of laws abridging freedom of the press; to the Committee on the Post Office and Post Roads.

By Mr. ANDERSON: Petition of Mitchell Bros., of Taopi; John Hansen and others, of Lyle; A. G. Spies and others, of Wykoff; Church Bros., of Minnesota City; F. H. Joesting and others, of Owatonna; Porter Young and others, of Le Roy; Thompson & Williamson and others, of Claremont; D. J. Roberts and others, of Glenville; John W. Donehower and others, of Dakota; H. C. Seiffert and others, of Caledonia; H. J. Rudolf and others, of Freeburg; Charles V. Miller and others, of Dexter; A. E. Warren and others, of Brownsdale; G. J. Hoffman and others, of Hokah; S. B. Johnson and others, of Harmony; J. N. Ristey and others, of Spring Grove; Graf & Brudlos and others, of Prosper; E. L. Tollefson & Co. and others, of Mabel; A. Torgerson and others, of Adams; C. P. Russell & Son and others, of Eyota; L. O. Krenzke and others, of Stockton; Charles A. Krenzke and others, of Utica; J. D. Senn and others, of Elgin; M. W. Reiland and others, of Rollingstone; B. D. Blair and others, of Winona; C. H. White and others, of Chatfield; George Campbell & Co. and others, of St. Charles; Thomas A. Asken and others, of Plainview; F. C. Schwartz and others, of Sargeant; Zimmerman Bros. and others, of Jonesville; Stensrud & Madson and others, of Hartland; A. N. Tyeholm and others, of New Richland; Ellingson Bros. and others, of Ellendale; Skinner, Chamberlain & Co. and others, of Albert Lea; A. G. Hall & Son and others, of Alden; Siblerud Mercantile Co. and others, of Emmons; E. L. Lyman & Co. and others, of Rochester; Wolf Habein and others, of Waseca; N. A. Young & Co. and others, of Lake City; F. L. Wilson & Co. and others, of Dodge Center; E. C. Keefe & Co. and others, of Rose Creek; Eaton McInnis & Co. and others, of Medford; A. J. Sprecken & Co. and others, of West Concord; G. F. Westcott and others, of Hayfield; F. M. Williams and others, of Byron; Lenthold Parkeir and others, of Kasson; B. J. Schmidt and others, of Theilman; W. J. Disney & Sons and others, of Zumbo Falls; N. Brincher and others, of Hammond; John Costello & Co. and others, of Kellogg; John Peshan, of Minneiska; P. J. Cosgrove and others, of Millville, all of the State of Minnesota, favoring H. R. 5308, the Hinebaugh bill to tax mail-order houses; to the Committee on Ways and Means.

By Mr. BAILEY: Petition of W. S. Kearns, Fred Karaschin, William Figura, John Stump, Nicholas C. Dixon, Herman Jeschonek, Henry Karaschin, Emil Gertz, John Draturnsky, Julius Fatro, William Karaschin, Adam Bockmann, Alfred Karaschin, Saul Smolnik, Carl Smolnik, Henry Hollman, Paul Schilling, Jacob Brosch, Michael Leyika, Thomas Richards, Frank Miera, and Max Riffle, all of Johnstown, Pa., favoring H. J. resolutions 377 and 378, S. 6688, and H. R. 19548; to the Committee on Foreign Affairs.

By Mr. BRITTEN: Petitions of citizens of the United States requesting Congress to place an embargo on wheat and foodstuffs; to the Committee on Foreign Affairs.

Also, petition of Chicago Grocers and Butchers' Association, protesting against the demotion system employed in the United States Post Office Department; to the Committee on the Post Office and Post Roads.

By Mr. BURKE of Wisconsin: Petitions of 30 merchants and citizens of the city of Sheboygan and rural citizens of Sheboygan County, Wis., asking for action by Congress which will limit exports of wheat, rye, and flour, in order that the interests of American consumers may be protected; to the Committee on Foreign Affairs.

Also, petitions of 16 merchants and citizens of Sheboygan City and rural citizens of Sheboygan County, Wis., asking for action by Congress which will limit exports of wheat, rye, and flour, in order that the interests of American consumers may be protected; to the Committee on Foreign Affairs.

By Mr. CALDER: Petition of mass meeting of American citizens assembled in New York City February 22, 1915, relative to American neutrality; to the Committee on Foreign Affairs.

By Mr. COPLEY: Petition of John A. Williams, of Aurora, Ill., urging legislation to limit exports of wheat, etc.; to the Committee on Foreign Affairs.

Also, memorial of Woman's Missionary Society of Elmhurst, Ill., relative to prohibiting practice of polygamy; to the Committee on the Judiciary.

By Mr. DALE: Memorial of mass meeting of American citizens at New York, favoring maintenance of strict neutrality by our Government, etc.; to the Committee on Foreign Affairs.

Also, petition of Pacific Coast Defense League, relative to the equalizing of military conditions between the two coasts, etc.; to the Committee on Military Affairs.

By Mr. EAGAN: Petition of sundry citizens of New Jersey, urging enforcement of strict neutrality by the United States; to the Committee on Foreign Affairs.

By Mr. ESCH: Petition of mass meeting of American citizens in New York February 22, 1915, relative to American neutrality; to the Committee on Foreign Affairs.

By Mr. FARR: Petitions of citizens of Carbondale, Pa., and the surrounding towns in favor of House resolution 377, forbidding export of arms; to the Committee on Foreign Affairs.

Also, petitions of Jacob Lieberum and Fred Lieberum, Carbondale; Fred Schweizer, Scranton; Joseph Boyle, Simpson; Rudolf Kausemann, William Hermann, Harry McArdelle, and William E. Roberts, Carbondale; John C. Boyle, Simpson; and F. C. Wagner, Adolf Brunner, Addison Bryant, John B. McArdelle, Frank A. Marci, Fred Brunner, Oscar J. Brunner, August Brunner, Fred Schadel, William Hermann, Louis Brunner, and Harry Lieberum, Carbondale, all in the State of Pennsylvania, favoring House resolution 377; to the Committee on Foreign Affairs.

By Mr. FINLEY: Petition of W. P. Talbert, of Blacksburg, S. C., favoring embargo on arms; to the Committee on Foreign Affairs.

By Mr. GRAHAM of Illinois: Petition of citizens of Mount Olive, Ill., favoring House joint resolution 377, forbidding export of arms; to the Committee on Foreign Affairs.

By Mr. JOHNSON of Washington: Memorial of West Coast Lumber Manufacturers' Association, of Tacoma, Wash., favoring

bill to increase the present limit of deposits in postal savings banks and supporting the proposal to increase the rate of postal savings bank interest to 3 per cent; to the Committee on Banking and Currency.

Also, memorial of West Coast Lumber Manufacturers' Association, of Tacoma, Wash., favoring the appropriation of funds for the protection of Government-owned Pacific-coast timberlands; to the Committee on Agriculture.

Also, memorial of West Coast Lumber Manufacturers' Association, of Tacoma, Wash., favoring the national incorporation of export selling companies; to the Committee on Interstate and Foreign Commerce.

By Mr. KELLY of Pennsylvania: Petition of citizens of Allegheny County, Pa., protesting against abridgment of freedom of press; to the Committee on the Post Office and Post Roads.

By Mr. KETTNER: Memorial of citizens of San Diego, Escondido, Coachella, Redlands, Fullerton, and San Marcos, Cal., favoring passage of House joint resolution 344, national marketing commission; to the Committee on Agriculture.

Also, petition of citizens of Inglewood, Hawthorn, and Los Angeles, Cal., protesting against abridgment of freedom of press; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Anaheim, Fullerton, Long Beach, Riverside, Arlington, Pasadena, Los Angeles, Cucamonga, Upland, Santa Ana, and Ontario, Cal., favoring bills to prohibit export of war material; to the Committee on Foreign Affairs.

By Mr. KIESS of Pennsylvania: Petition of Sharon Grange, No. 1247, of Little Genesee, N. Y., opposing additional national armament in the United States; to the Committee on Military Affairs.

By Mr. KONOP: Petition of sundry citizens of Wisconsin, favoring bills to prohibit export of war material; to the Committee on Foreign Affairs.

By Mr. LIEB: Petition of J. M. Myrick and Walter Curslir, of Patoka, Ind., favoring limiting exports of wheat, etc.; to the Committee on Foreign Affairs.

By Mr. LOBECK: Petition of citizens of Omaha, Nebr., favoring embargo on wheat, rye, and flour; to the Committee on Foreign Affairs.

By Mr. LONERGAN: Petition of George F. Holcomb, of New Britain, Conn., relative to exportation of wheat, rye, and flour; to the Committee on Foreign Affairs.

By Mr. McCLELLAN: Petition of Cornelius E. Donnie and 16 others, residents of Sullivan County, N. Y., protesting against the transmission of the Menace through the mails; to the Committee on the Post Office and Post Roads.

By Mr. MANN: Petition of citizens of Chicago, Ill., protesting against the publication of the Menace; to the Committee on the Post Office and Post Roads.

By Mr. MOTT: Petition of mass meeting of American citizens in New York, February 22, 1915, relative to American neutrality; to the Committee on Foreign Affairs.

Also, petition of the Merchants' Association of New York, relative to the national defense; to the Committee on Military Affairs.

Mr. NEELY of West Virginia: Papers to accompany a bill for relief of James Logsdon; to the Committee on Invalid Pensions.

By Mr. J. I. NOLAN: Memorial of Building Trades Council of San Francisco, Cal., protesting against export of foodstuffs by United States; to the Committee on Foreign Affairs.

By Mr. RAINEY: Petition of 17 citizens of Jacksonville, Ill., favoring embargo on arms; to the Committee on Foreign Affairs.

Also, petition of citizens of Mason City, Ill., favoring H. R. 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. RIORDAN: Petition of sundry citizens of the eleventh New York district, favoring passage of H. R. 5139, relative to retirement of aged clerks in the Government service; to the Committee on Reform in the Civil Service.

By Mr. SABATH: Petition of Chicago Grocers and Butchers' Association, relative to demotion in the United States Post Office Department; to the Committee on the Post Office and Post Roads.

By Mr. SCULLY: Petition of New Jersey State Council, St. Patrick's Alliance of America, favoring exclusion of the Menace from the mails; to the Committee on the Post Office and Post Roads.

Also, petition of mass meeting of American citizens assembled in New York City February 22, 1915, relative to American neutrality; to the Committee on Foreign Affairs.

By Mr. STOUT: Petition of citizens of Montana, favoring construction by the United States Government of an irrigation project in Toole County, Mont.; to the Committee on Irrigation of Arid Lands.

Also, petition of 226 residents of Big Sand and Kenilworth, Mont., asking right to enter an additional 160 acres of land; to the Committee on the Public Lands.

By Mr. TOWNER: Petition of sundry citizens of Clarke County, Iowa, protesting against the passage of laws abridging the freedom of the press; to the Committee on the Post Office and Post Roads.

SENATE.

THURSDAY, *March 4, 1915.*

The Senate met at 11 o'clock and 5 minutes a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come before Thee at this closing session of this Congress with a sense of our infinite debt of gratitude to Thee. We thank Thee for the broad foundation of Christian truth upon which we are building our national life. We thank Thee for the high ideals that cluster about our flag. We bless Thee for the noble patriotism and devotion of all the people. We acknowledge Thy goodness to us in the gift of our land, which has brought to us its infinite treasure and resource. But above all things we bless Thee for the sense that Thou art guiding us as a Nation and fulfilling through us a divine purpose in the great brotherhood of the nations of the earth. Lead Thou us on to the accomplishment of the divine will and purpose. We ask for Christ's sake. Amen.

The VICE PRESIDENT. The Secretary will read the Journal of the proceedings of the preceding session.

Mr. LODGE. I ask that the reading of the Journal be dispensed with.

Mr. STONE. I object.

The VICE PRESIDENT. Objection is made, and the Journal will be read.

The Secretary proceeded to read the Journal of the legislative day of Friday, February 19, 1915.

Mr. MYERS. Mr. President, I desire to present a conference report on the disagreeing votes of the two Houses upon Senate joint resolution 74.

The VICE PRESIDENT. The Senator can not interfere with the reading of the Journal.

Mr. MYERS. I ask unanimous consent that the reading of the Journal be dispensed with.

Mr. GALLINGER. I object.

The VICE PRESIDENT. The reading of the Journal will be resumed.

The Secretary resumed the reading of the Journal.

Mr. MYERS. I ask unanimous consent that the reading of the Journal may be dispensed with.

Mr. PENROSE. I object, Mr. President.

The Secretary resumed the reading of the Journal, and after having read for some time,

Mr. STONE. Let me say to the Senator from New Hampshire and others that the chairman of the Committee on Indian Affairs states that they have finally arranged the conference report on the Indian appropriation bill, and the reading of the Journal may now be dispensed with.

Mr. GALLINGER. I ask unanimous consent that the further reading of the Journal may be dispensed with.

There being no objection, the further reading of the Journal was dispensed with, and it was approved.

INDIAN APPROPRIATIONS—CONFERENCE REPORT.

Mr. ASHURST. Mr. President, out of order I ask unanimous consent to present a conference report upon the disagreeing votes of the two Houses upon the bill (H. R. 20150) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1916.

In presenting this report I will simply state that it is the same as the report which was before the Senate yesterday save and except that a different arrangement or agreement has been made with reference to amendment numbered 20 and amendment numbered 120. I ask that amendments 20 and 120 be read. They constitute the only changes in the report as heretofore submitted.

The VICE PRESIDENT. The Secretary will read the amendments.

The Secretary read as follows:

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the matter proposed insert:

"There is hereby authorized to be continued during the Sixty-fourth Congress the Joint Commission to Investigate Indian Affairs, with powers and duties as provided in the Indian appropriation act of June 30, 1913 (38 Stat. L., p. 81) and the unexpended amount therein appropriated for the expense of said commission is hereby reappropriated and made available for the purposes therein authorized. Said commission shall make their findings, conclusions, and recommendations to the Sixty-fourth Congress: *Provided*, That when any vacancy shall occur upon said joint commission by reason of the expiration of the term of office of any Member of the House of Representatives upon said joint commission, or of any Senator upon said joint commission, or from any other cause, Hon. CHAMP CLARK, Member of Congress elect from the State of Missouri, if the vacancy occurs with reference to a Member of the House of Representatives, and by the President of the Senate if the vacancy occurs with reference to a Senator."

And the Senate agree to the same.

Mr. LA FOLLETTE. Mr. President, I wish to interrupt the reading at that point to inquire of the chairman of the conference committee whether the language incorporated there is identical with the language of the bill regarding that same provision as it was reported from the Committee on Indian Affairs of the Senate?

Mr. ASHURST. It is identically the same except that the words "Speaker of the House" have been stricken out and the words "Hon. CHAMP CLARK" inserted, because at the hour of 12 o'clock there will be no Speaker of the House.

Mr. LA FOLLETTE. Otherwise it agrees with the amendment as reported when the bill was reported from the Senate Committee on Indian Affairs of the Senate?

Mr. ASHURST. That is true. I ask that the reading of the report be proceeded with.

The VICE PRESIDENT. The Secretary will read the action of the conferees on amendment No. 120.

The Secretary read as follows.

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lieu of the matter proposed insert: "In case any Choctaw names are added to the rolls prior to the final distribution such Choctaws and Chickasaws shall have a special payment of $200 per capita in addition to a ratable share of other property"; and the Senate agree to the same.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. McCUMBER. Mr. President, I feel entirely justified in taking up the argument at the point where my colleague [Mr. GRONNA] left off. I think the arguments of the Senator from Wisconsin [Mr. LA FOLLETTE] and of my colleague have been fully justified.

I want to compliment the conferees upon the fact that while a few million dollars have escaped from scrutiny, they have looked well after the nickels, and anything of that size has been carefully rooted out of the bill if they thought it was not justified. I might make some complaint of the treatment of the Indians in the State which I represent in part. Many of the appropriations made for the benefit of those Indians have been cut off; no one knows why, except that the conferees saw fit to cut them off; but I want to say to the Senator and to the conference committee that they have the heartfelt thanks of the State and of the Indians for one appropriation which they have made, and that is the appropriation of $100 for a tombstone for the Indians of North Dakota [laughter], for which we express our gratitude.

Mr. ASHURST. Mr. President, it is entirely characteristic of my distinguished friend, the Senator from North Dakota [Mr. McCUMBER], that he should at this time indulge in gravestone literature in his usual doleful tone.

Mr. SUTHERLAND. Mr. President, I want to ask the chairman of the Committee on Indians Affairs what was finally done with amendment No. 147, on page 84? It is a proviso to an appropriation of $10,000 for the continuation of the irrigation project in the Uintah Reservation. Did the House accept the amendment?

Mr. ASHURST. If the Senator will pardon me, there were 171 amendments to the bill, and I do not at this time remember as to the amendment in reference to which he inquires, but I will ascertain and notify him at the very earliest moment.

Mr. SUTHERLAND. The Secretary has the report. Will the Secretary kindly inform me?

Mr. ASHURST. The Secretary informs me that the House receded from its disagreement to that amendment.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

CONFIRMATION OF REAR ADMIRAL HARRY HARWOOD ROUSSEAU.

Mr. TILLMAN. Mr. President, in pursuance of a law just passed, time being so precious, and to take advantage of such matters, I report from the Committee on Naval Affairs favorably on the nomination of Mr. Rousseau, which I send to the desk, and ask for its immediate consideration in open session.

The VICE PRESIDENT. The report will be read.

The Secretary read as follows:

From the Committee on Naval Affairs, Harry Harwood Rousseau, to be a civil engineer in the Navy, with the rank of rear admiral of the lower nine.

The VICE PRESIDENT. Is there objection to the present consideration of the report? The Chair hears none, and, without objection, the nomination is confirmed.

TEST OF MATANUSKA COAL.

Mr. JONES. I ask to have printed in the RECORD a report of the Secretary of the Navy on the test of Matanuska coal on board the U. S. S. *Maryland*.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

NAVY DEPARTMENT,
Washington, January 6, 1915.

MY DEAR SENATOR: In compliance with the request contained in your letter of December 28, 1914, I inclose herewith a copy of the report on the test of Matanuska coal on board the U. S. S. *Maryland*.

As soon as the report of the Naval Engineering Experiment Station has been received, the two complete reports will be published, and the department will take pleasure in sending you a copy of this report, which will be much more complete than the inclosed report.

Sincerely, yours,

JOSEPHUS DANIELS.

Hon. WESLEY L. JONES,
Committee on Fisheries, United States Senate,
Washington, D. C.

(Inclosure 1.)

U. S. S. "MARYLAND,"
Navy Yard, Mare Island, Cal.,
November 18, 1914.

From: Board.
To: Commanding officer.
Subject: Report of coal test; Matanuska coal.
Reference: Bureau of Steam Engineering letter No. 137067–623–15–F of October 16, 1914; and commanding officer's letter A–7–4A of November 5, 1914.
Inclosures: Tabulated data sheets; copies of steam log from November 7 to November 18, 1914. Orders and sample forms.

1. In accordance with your order of November 5, 1914, and the Bureau of Steam Engineering letter No. 137067–623–15–F of October 16, 1914, we report as follows:

The prescribed tests of Matanuska coal, as laid down in the above-mentioned reference, were carried out in the following order:

2. ORDER OF TESTS.

(1) Seven-day port test: 4 a. m. November 7 to 4 a. m. November 14, 1914; test held at the navy yard, Puget Sound, Wash.

(2) Four-hour full-power test: 1.30 p. m. to 5.30 p. m. November 14, 1914; test held in Puget Sound and Straits of Juan de Fuca.

(3) Twenty-four-hour 15-knot test: Three-quarter boiler power; 10.45 a. m. November 15 to 10.45 a. m. November 16, 1914; test held in the Straits of Juan de Fuca and Pacific Ocean en route to Mare Island, Cal.

(4) Forty-eight-hour 10-knot test: 12 noon, November 16 to 4 a. m. November 18, 1914; test held in the Pacific Ocean making passage to Mare Island, Cal.

3. SEVEN-DAY PORT TEST.

Boiler No. 8 was used during the entire week. The usual auxiliaries were run; evaporators were used when necessary for filling the ship's tanks. The load on the ship was rather heavy; somewhat heavier than with that during the tests of Pocahontas or Bering River coals. It will be seen by attached data sheets that the load is proportionate to the total water evaporated. The water evaporated was measured as in previous tests.

The port auxiliary machinery and condenser were used. All steam drains were led into the port feed tank. Water was pumped across to the starboard feed tank, where it was measured before pumping into the boilers. All coal, ash, and clinker were weighed; during day watches of two days the load was so excessive for one boiler that it became necessary to assist the draft by running the blowers. Run-of-mine coal was used for five days, slack for one day, and lump coal for part of one day. There were no casualties. Data were very carefully collected by the assistant engineer officers, who stood a strict watch during the test. At the conclusion of each watch the assistant engineer officer submitted a report of data for his watch on forms which had been previously prepared. During this test the coal burned very freely. The firing was very good, the analyses of the flue gases giving rarely below 9 per cent of CO_2. There was little clinker, but the ash was several per cent higher than with the Pocahontas coal. The firing was carefully super-

vised, the officer on watch and chief water tender being present at all times. The draft was good and the coal burned with bright yellowish flames. The coal coked very nicely; the coke was friable and very easily worked by the firemen. Fires 6 to 8 inches thick were carried most of the time, though occasionally they were heavier. Two fires were cleaned each watch, although they might have been operated longer. The ash fused into clinker on the grate bars, generally about 2 inches thick, medium weight, porous, a little tough and hard while hot but friable when cold. The clinker had a little ash mixed throughout the mass. It stuck a little to the bridge wall, but not seriously. The soot deposit was about 25 per cent more than with Pocahontas coal. The soot was a little different from that of the Pocahontas, as the granules appeared as minute fused grains.

The work of firing this coal was easy for the firemen. Hoes were used for spreading the fires, which were kept level. The slice bar was used sparingly. The load of the ship was carried with ease except when coaling ship or cleaning up after coaling, when there was a heavy drag on the boiler and the draft had to be assisted by the blowers. The load during this week of test would have ordinarily required two boilers burning Pocahontas coal.

4. FOUR-HOUR FULL-POWER TEST, FORCED DRAFT.

The *Maryland* stood by to get under way at 8.30 a. m. with all boilers, but owing to the fog she was unable to get under way until 11.19 a. m. The speed was gradually worked up to 120 turns about 1.30 p. m., when the test commenced. The fires had been worked and the ship made 108 turns under natural draft, when the blowers were started and a draft of about 1 inch of air pressure in all firerooms obtained. The speed of 119 to 120 turns was very easily made. The fires were carried thin; blowers regulated to about 350 revolutions; dampers were partly shut. After all the fires were in good condition it was possible to regulate the steam pressure by operating the ash-pan doors. A very uniform steam pressure was carried, as will be seen in the attached data sheet of gauge pressures. The fires burned brightly, the work of firing being very easy on account of the ease of breaking up the coke. The furnaces were one mass of yellowish flame. There was not an excessive amount of ash formed. The men, on being questioned, all said that it was the easiest 20-knot run that they had ever made.

5. TWENTY-FOUR HOUR FIFTEEN-KNOT TEST.

The U. S. S. *Maryland* anchored in Port Angeles after the four-hour forced-draft test. During the evening and following morning the usual cleaning work was done on all boilers; ash pans and furnaces were hauled and all ash and clinker separated and weighed. Tubes were blown with steam and all soot boxes hauled. The furnaces were primed with Matanuska coal. Boilers Nos. 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 were lighted up. At 10 a. m. the *Maryland* got underway and stood to sea, setting a course for San Francisco Bay. By 10.45 a. m. the speed had reached 85 turns, which was the speed set to make 15 knots, and the test began. Data were collected as per sample forms. It soon became evident that the boiler power was much too great for the speed if the fires were to be properly worked in order to get the highest efficiency. Boilers Nos. 4, 6, and 15 were first banked and then allowed to die out. No. 16 boiler was banked and the speed maintained with eight boilers. The firing was by signal, the intervals being about 9 minutes. The same general remarks apply to the burning of the coal on this test. It burned with the greatest of ease, forming a very easily worked coke, not an excessive amount of ash or clinker, and, in general, appeared to be easier to handle than the Pocahontas coal. The CO_2 found in flue analyses was generally high, over 9 per cent. Fires carried about 6 to 8 inches thick were always glowing, ash pans bright, and the furnaces a mass of yellowish incandescent flame. The coal burned like pine knots. The amount of clinker was not excessive, was more or less easy to work, and was very friable when cold. The fires were noticeably hot. The amount of soot made was a little higher than is generally made by good Pocahontas coal, about 10 per cent more.

6. TEN-KNOT TEST.

This test was commenced at 12 noon, November 16, the 15-knot test having been finished at 10.45. Ash pans and furnaces were hauled; tubes blown and soot boxes hauled; all fires were cleaned and were built up. Boilers Nos. 9, 10, 11, 12, 13, and 14 were used, but, as in the 15-knot test, it was found that there were too many boilers for working fires properly. Two boilers were ultimately cut out and the test made with four boilers, which were more than ample, as at times there were four evaporators in use. The same remarks as to the fires on the 15-knot test apply to this test. Fires were very easily worked; the coke broke up easily; clinker was not very hard; bright, level fires from 6 to 8 inches thick and sometimes thicker were carried, and the CO_2 was generally high. After running 40 hours it was found there were but 3 tons of Matanuska coal left, so the test was considered completed after 40 hours.

7. GENERAL.

The Matanuska coal was delivered by the steamship company to the coaling plant at the navy yard, Puget Sound, where it was stowed under cover. At the time of the arrival of the *Maryland*, it was still sacked. Some of the sacks had become rotten and a little coal had been spilled on the floor of the dock. The coal was inspected by the officers of the board and the assistants in the engineering department. It was found to be very slack, as will be seen in the data sheet; also, it was very dry. There were very few lumps larger than a man's fist. A large working party under Ensign Bowden was sent to the coal sheds to load the coal on lighters. Every bag was weighed and spread out for inspection. All extraneous matter observed was picked out. There was very little slate, not over 200 pounds being picked out of the whole lot of 586 tons. About 40 tons were laid aside and screened into two sizes; that which would go through a quarter-inch mesh and that which would not. Of the former there were about 25 tons, and of the latter about 15 tons. This coal was burned on successive days; one day being devoted to the slack and a part of another day to the lump. The slack appeared to burn better than the lump, and the reason will be seen in the chemical analyses sheet attached. When the lighters were filled they were towed alongside the ship and the coal was stowed in bunkers which had been previously swept clean. During the test there was no evidence of any gases being given off the coal. During the loading, in order to avoid dust, the coal was thoroughly wet down, but even with this precaution it was very dusty. The noticeable characteristic of this coal is its friability. Lumps pulverize very easily. This accounts for the chemical analysis which shows the slack to contain less extraneous matter than the lump. It will be seen that the coal, being friable, powders very easily, while the lump contains more or less shale and is hard. In this respect the coal shows a marked difference from the Bering River coal, where the lumps contained a small per cent of extraneous matter, while the slack contained about 30 per cent. Before loading the lighters, samples at random were taken from the pile. These were sized into slack, buckwheat, and lump and were taken to the chemist for analysis as to ash. These samples contained from 6 to 10 per cent of ash, and on account of this showing it was decided that nothing further than hand cleaning would be necessary.

8. PHYSICAL AND CHEMICAL CHARACTERISTICS.

Moisture: There was apparently no free moisture on inspection before loading. This coal was stowed in a dry place and was extremely dry and dusty. Density 40.3 cubic feet per ton alongside and 39.8 cubic feet per ton at coal dock.

Sample: The laboratory sample was obtained by taking a shovelful out of every fifth bag as it came on board the lighter. This was bagged and stowed in a dry place. There were about 50 bags in this pile. On the day the laboratory samples were taken these bags were dumped out and the pile thoroughly mixed. As this pile was about 5 tons in weight it was reduced and every fifth shovelful saved. It was again quartered and then quartered again. This gave a 325-pound sample which was taken on board ship and then quartered and pulverized until there was a proper amount for chemical analyses and shipment to the Bureau of Steam Engineering and the Bureau of Mines.

General sample: Results of analysis are as follows:

	Per cent.
Moisture	0.73
On dry basis:	
Volatile combustible matter	20.29
Fixed carbon	69.32
Ash	10.39
Sulphur	.49

	Slack.	Buckwheat.	Lump.
	Per cent.	*Per cent.*	*Per cent.*
Moisture	0.75	0.65	0.63
On dry basis:			
Volatile combustible matter	20.96	20.22	19.47
Fixed carbon	70.85	70.50	65.19
Ash	8.19	9.28	15.34

Analyses by Mr. North, yard chemist, navy yard, Puget Sound:

A sizing sample of 785 pounds was obtained, which gave the following:

Lump which would not go through a one-half inch mesh screen, 17.7 per cent, 139 pounds.

Buckwheat which would not go through a one-quarter inch mesh screen, 12.1 per cent, 196 pounds.

Slack which would go through a one-quarter inch mesh screen, 70.2 per cent, 551 pounds.

Slate: There were no impurities in this coal of any consequence. Little or no slate could be found.

Calorific value: This could not be obtained.

Smoke: This coal makes some smoke, considerably more than Bering River and about the same amount as Pocahontas.

Indicator cards were taken once an hour during the full-power test and once a watch during the other tests. The horsepower found agreed with the curves of the horsepower on board for the 20-knot test, but the 15-knot test and 10-knot test appeared to be somewhat under that generally found for that of 15 and 10 knots. The indicators are old and the results obtained were irregular.

9. CONCLUSION OF TEST.

At the conclusion of each test an inspection of the boilers was made. No warping or overheating occurred during the 4-hour full-power run. During the 15-knot test the uptakes of No. 7 boiler were warped a little. In the uptake of No. 13 boiler there were 10 rivets pulled out and the uptake door sprung a little. A few panel doors on the boilers show signs of some of the insulation being burnt out. From the above it will be seen that this coal has no bad effects on the boilers or uptakes. There were no other casualties.

There were seven grate bars renewed during the port test.

10. The work of this test has been entered into by the officers and men concerned with the greatest enthusiasm. No effort has been spared to obtain the best results. All other ship work has been made secondary to the coal test. The machinery and boilers of the *Maryland* functioned perfectly during all these tests.

11. Mr. S. B. Flagg, engineer of the Bureau of Mines, was present in the firerooms during these tests. He did much to assist the ship's force in working fires, and instructing the firemen in the best methods of obtaining efficient combustion of this coal. The board is also indebted to Mr. Flagg for advice and assistance in compiling the data of this report.

12. Coal account.

	Tons.
Receipts:	
(a) By invoice	586.000
(b) By weight	585.700
(c) By tally	583.000
(d) By bunker estimate	574.000
Expenditures:	
(a) Loss in handling (due to fineness)	12.000
(b) Priming and preparatory to port test	4.000
(c) Port test (these quantities by careful tally or actual weight; other figures by estimate)	116.185
(d) Priming and preparatory to 4-hour test	45.000
(e) Four-hour test (these quantities by careful tally or actual weight; other figures by estimate)	85.849
(f) Coming to anchor	8.000
(g) Priming and preparatory to 15-knot test	19.000
(h) 15-knot test (these quantities by careful tally or actual weight; other figures by estimate)	161.112
(i) Preparatory and cleaning fires for 10-knot test	8.000
(j) 10-knot test (these quantities by careful tally or actual weight; other figures by estimate)	120.582
Total	579.728
Difference	6.272
On hand about	3.000

BUNKER ESTIMATE—INSPECTION OF BUNKERS.

Before test	574.000
After port test	450.000
After 4-hour test	328.000
After 15-knot test	120.000
After 10-knot test	3.000

13. After investigating and reconciling all data, the board submits the following tables of comparisons with Pocahontas, Bering River, and Matanuska coals.

Chemical comparisons of coal samples, analyses of which are given below, were taken from Pocahontas and Bering River coals tested by U. S. S. *Maryland* in 1913.

Name.	Moisture.	Volatiles.	Fixed carbon.	Ash.	Sulphur.	British thermal unit.
Pocahontas	2.5	19.2	74.6	6.2	0.75	14,660
	2.4	19.0	74.6	6.4	.65	14,600
Bering River	1.6	17.7	61.9	20.4	.65	12,180
	1.7	16.7	59.9	23.4	.60	11,740
	3.5	16.3	58.8	24.9	.60	11,410
Matanuska	1.0	17.5	69.9	12.6	.60	13,434
	.73	20.29	69.32	10.39	.49	[1]

[1] No apparatus available for making this determination.

Analyses of Pocahontas and Bering River coals supplied by Bureau of Steam Engineering. Samples of Matanuska coal are taken as herein described. Analyses of Matanuska coal by Mr. North, navy-yard chemist, Puget Sound.

DENSITIES.

Pocahontas, average, 42.16 cubic feet per ton.
Bering River, average, 39.83 cubic feet per ton.
Matanuska, average, 40.30 cubic feet per ton.

Comparison of port consumption.

PORT TEST OF SEVEN DAYS.

Coal.	Total tons.	Gallons water evaporated.	Pounds of coal per gallon water.	Ash.	Efficiency.
				Per cent.	*Per cent.*
Pocahontas	92.291	248,610	1.168	11.04	100
Bering River	136,391	247.783	.811	36.6	69.4
Matanuska	116.185	305.446	1.177	15.8	100.8

FOUR HOURS, FORCED DRAFT, SPEED 20 KNOTS.

Coal.	Total tons burned.	Percentage of ash.	Smoke by scale.	Knots per ton.	Indicated horsepower.	Pounds per indicated horsepower.	Steaming radius.	Average efficiency.
Pocahontas	79.1	8.8	2.4	1.02	20,820.3	2.09	2,367.8	100
Bering River [1]	127.3	38.8	1.5	.60	13,992.3	5.32	.....	.....
Matanuska	85.848	18.67	2.8	.93	19,929.15	2.32	2,000.2	91

[1] During this test a speed of 20 knots could not be obtained.

15-KNOT TEST, 24 HOURS.

Coal.	Total tons burned.	Percentage of ash.	Smoke by scale.	Knots per ton.	Indicated horsepower.	Pounds per indicated horsepower.	Steaming radius.	Average efficiency.
Pocahontas	153.155	7.6	1.25	2.38	7,083	[1] 2.01	4,781	100
Bering River	160.3	35.9	.60	1.09	7,600	4.98	2,372	43
Matanuska	[2] 157.212	14.59	1.99	2.29	6,142.37	2.15	4,796.3	95

[1] Indicated horsepower taken from curve of revolutions and indicated horsepower as data obtained from indicator cards irregular.
[2] Allowance of 3 tons of coal used on boilers banked or cut out.

10-KNOT TEST, 48 HOURS.

Coal.	Total tons burned	Percentage of ash.	Smoke by scale.	Knots per ton.	Indicated horsepower.	Pounds per indicated horsepower.	Steaming radius.	Average efficiency.
Pocahontas	137.325	10.5	1.18	3.515	2,134	[1] 3.08	7,077	100
Matanuska	[2] 118.582	15.67	1.86	3.37	2,686.527	3.09	7,160.6	98

[1] Indicated horsepower taken from curve, as data obtained from indicator cards irregular.
Bering River coal expended before this test
Matanuska coal expended after 40 hours.
Allowance of 2 tons for coal used on boilers banked and cut out.

14. The board finds that this sample of Matanuska coal tested is suitable in every respect for use in the naval service.

PHILIP ANDREWS,
Captain, United States Navy.
MILTON S. DAVIS,
Lieutenant, United States Navy.
H. E. KAYS,
Lieutenant, United States Navy.
W. O. HENRY,
Ensign, United States Navy (Recorder).

[First indorsement (no date).]

From: Commanding officer U. S. S. *Maryland.*
To: Secretary of the Navy.
Forwarded.

PHILIP ANDREWS,
Captain, United States Navy.

[Second indorsement (stamped).]

NAVY DEPARTMENT,
DIVISION OF MATERIAL,
December 11, 1914.

Forwarded to the Bureau of Steam Engineering.
For comment and recommendation.

[Third indorsement.]

DECEMBER 12, 1914.

From: Bureau of Steam Engineering.
To: Navy Department (material).
1. Returned.
2. This test indicates that Matanuska coal is suitable for naval use.
3. It is recommended that it be used when it can be obtained at a price less than Pocahontas.
4. It is requested that a copy of this report be forwarded to this bureau for its files.

GRIFFIN.

[Fourth indorsement.]

NAVY DEPARTMENT,
December 22, 1914.

To: Bureau of Steam Engineering.
1. This report has been examined in the office of the Assistant Secretary.
2. The bureau will prepare such parts of this report as are suitable for printing in a public document for presentation to the Naval Committees of Congress.

JOSEPHUS DANIELS.

DISTRICT EXCISE BOARD (S. DOC. NO. 981).

Mr. SHEPPARD. I present the report of the special committee to investigate the conduct of the excise board of the District of Columbia. Accompanying the report is a large amount of testimony and drawings. I ask that the report may be printed in the RECORD.

The VICE PRESIDENT. Without objection, that action will be taken.

The report is as follows:

REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE THE CONDUCT OF THE EXCISE BOARD OF THE DISTRICT OF COLUMBIA.

To the Senate of the United States:

We, the committee appointed by the President of the Senate to investigate the conduct of the excise board in the administration of the excise law of the District of Columbia, respectfully report as follows:

The resolution authorizing this committee was passed in the following terms:

"Senate resolution 522.

"*Resolved*, That the special committee appointed by the President of the Senate to investigate the conduct of the excise board is hereby further authorized to investigate fully into the manner in which the excise law, so called, is being administered in the District of Columbia, and said committee is hereby authorized to send for persons and papers, to administer oaths, to compel the attendance of witnesses, to employ stenographers to report such hearings as may be had at a rate not to exceed $1 per printed page. The expense of such hearings shall be paid out of the contingent expenses of the Senate, upon vouchers to be approved by the chairman of the said special committee. The said committee is also authorized to sit during the sessions of the Senate."

We have examined many witnesses, and submit herewith a transcript of the evidence we have taken.

We have also made personal investigations of various premises in controversy.

1. We find that the present excise board was appointed to administer what is commonly known as the Jones-Works excise liquor law of the District of Columbia, which became effective July 1, 1913, and that said board was originally composed of Joseph C. Sheehy, chairman, Robert G. Smith, and Henry S. Baker. Mr. Sheehy resigned from the board early in 1914 and was succeeded as chairman by Mr. Robert G. Smith, who remains chairman. Cotter T. Bride was appointed to the vacancy thus occasioned, and is now a member of the board.

2. We find that the excise board in administering the excise law has adopted certain rules which in many instances change the substance and letter of the law.

(a) The law as to hotels is as follows:

"Hereafter no license shall be issued to a hotel having less than 50 bedrooms for guests, nor to any hotel the character of which, or the character of the proprietor or manager of which, is shown to be objectionable to said board."

The rule adopted by the board in the administration of this clause of the law is as follows:

"SEC. 2. No license shall be issued to a hotel, as such, having less than 50 bedrooms for guests."

As the result of this unauthorized change of the law by the board several hotels with less than 50 bedrooms for guests have been granted licenses for the sale of intoxicating liquors. The board granted these hotels licenses under the name of restaurants. The fact remains, however, that they are licensed as hotels by the District government and are not entitled to liquor licenses under the true spirit and purpose of the law.

(b) The law provides:

"That no license shall be granted for any saloon or barroom on any side of any square, block, or tract of land where less than 50 per cent of the foot frontage, not including saloons or hotels and clubs having barroom licenses under this section, is used for business purposes."

In this connection the board adopted the following rule:

"SEC. 6. Beginning November 1, 1914, no barroom license shall be granted on any side of a street where less than 50 per cent of the foot frontage between intersecting streets, excluding the part of buildings wherein barroom licenses are held, is used for business purposes: *Provided*, That this restriction shall not apply to hotels and clubs."

This proviso is not in the law and is wholly unauthorized. Under it, however, the board has licensed a number of hotels and clubs on sides of squares or blocks with less than 50 per cent of the foot frontage used for business purposes.

Licenses for barrooms have been given to hotels or clubs where the hotel or club is the only business on the side of the square in which the same is located and where the district is wholly residential.

(c) The law provides:

"That no minor under the age of 18 years shall be allowed to enter or be permitted to remain in any place where intoxicating liquors are sold, other than a hotel, restaurant, or club."

The rule of the board on this subject is as follows:

"SEC. 18. Minors under the age of 18 may enter a wholesale liquor store in a case where the licensee also sells merchandise other than intoxicating liquors and where the intoxicating liquors are carried in stock and sold in a section of the store set apart for that purpose by a railing: *Provided*, That no minor under the age of 18 shall be permitted to enter the place so set apart: *And provided further*, That no intoxicating liquors shall be sold, given away, or in any way disposed of to a minor."

This rule permits minors to enter stores where intoxicating liquors are sold, contrary to the express provision and real intent of the law.

(d) The law provides:

"No licensee under this section shall sell, give away, or dispense any intoxicating liquors to any person between the hours of 1 o'clock a. m. and 7 o'clock a. m., nor on Sundays or Inauguration Day; and between said hours and on Sundays and Inauguration Day every barroom and other place where intoxicating liquors are sold shall be kept closed."

The rule of the board is as follows:

"SEC. 18a. For the purpose of cleaning up and doing other necessary work licensed premises may be entered or occupied by licensees and their regular employees between 6.45 o'clock a. m. and 7 o'clock a. m., except on Sundays and Inauguration Day; and between the hours of 10 o'clock a. m. and 12 o'clock noon on Sundays and Inauguration Day: *Provided*, That neither said licensees nor their employees shall drink, sell, give away, or dispense any intoxicating liquors during the times mentioned."

Members of your committee saw a number of individuals in several saloons during the two-hour Sunday period permitted by the board for cleaning up purposes, and in several saloons during this time saw men who were apparently bartenders, dressed as if for dispensing liquors, and from one saloon came two or three young men dressed in business clothes.

(e) In section 20b of the rules the board has added what is in effect a complete new section of the law, as follows:

"SEC. 20b. Except in case of the death of a licensee, any person or persons duly authorized by the Supreme Court of the District of Columbia may, with the consent in writing of the excise board, conduct the business of a licensee for a period of not exceeding 60 days. In such cases posting of the licensed premises shall not be required."

This gives express authority for receivers, trustees, and other representatives of licensees appointed by the Supreme Court of the District of Columbia to conduct the business of a licensee for which no provision whatever is made in the excise law.

3. The law places the maximum limit upon the number of barroom licenses at 300, but it gives the excise board the discretion to license any smaller number it may see fit to permit. The board has not exercised its discretion for a smaller number. The testimony shows that it is the intention of the board to keep the number at 300, thereby adopting the construction most favorable to the saloons.

4. The law provides:

"Nor shall any barroom licensee establish more than one bar under his license."

This provision has been violated in two instances by permitting the operation of double bars under a single license, one at the corner of Fourteenth Street and Rhode Island Avenue, and another at the corner of Fourteenth and U Streets.

By the operation of a double bar, we mean that in each case the bar was extended into two separate rooms by making about a 10-foot opening between the rooms, and running the bar through the opening and on both sides of the partition separating the rooms.

5. The law also provides:

"Nor provide or permit to be used more than one entrance to said barroom from the street * * * unless the excise board shall especially permit an extra entrance."

This provision clearly means that no more than one entrance shall be provided, unless some special condition or reason warrants it, and naturally the board would be expected to grant but few such permits. According to the report of the board, out of 39 applications for extra entrances, 38 were granted and only 1 refused.

6. The law provides that:

"No saloon, barroom, or wholesale liquor business shall be licensed west of the western line of the fire limits as now established."

Between the time of the passage of the law and the time it was to go into effect, the Commissioners of the District of Columbia so changed the fire limits as to bring two saloons from prohibited territory into license territory; and the territory changed was so small as to raise the unavoidable presumption that it was made for the special purpose of keeping the saloons within the license limits.

Protests were filed with the board against the granting of the licenses to the saloons thus brought within license limits, and the conditions were fully disclosed. Although it had the discretion to refuse these licenses, even though the location might be outside the prohibited zone, and although a plain attempt had been made to nullify the positive provision of the law, the board granted the licenses.

7. The law provides:

"Not more than three saloons or barrooms, other than in hotels or clubs, shall be permitted upon one side of a street between intersecting streets."

Contrary to this provision of the law, four saloons are now permitted to operate on E Street between Thirteenth and Fourteenth Streets NW., one of the principal business sections of the city. The saloon on the corner of Fourteenth and E Streets, opposite the New Willard Hotel, which is owned by Miller Bros., had been refused a license while its entrance was on E Street, because there were three other saloons located on that side of the block. License was then applied for by Miller Bros. as fronting on Fourteenth Street, and the license was granted. Immediately the window fronting on Fourteenth Street was broken out, made into a door, the entrance on E Street was closed, and the board licensed the saloon, although its location was exactly where it was before.

8. The law provides:

"No saloon, barroom, or other place where intoxicating liquor is sold at retail shall be licensed, allowed, or maintained within 300 feet of any alleyway occupied for residences or of places commonly called slums, except upon the unanimous vote of all three members of said excise board."

The plain purpose of this provision was to remove barrooms a reasonable distance, at least, from these places, and protect to that extent the poor people living in them from the baneful influences of saloons. The board has apparently disregarded this purpose. It has granted licenses in practically every instance where applied for within 300 feet of these places, and there are instances where there are three or four, or more, barrooms located within 300 feet of a single alley.

9. The law provides:

"No saloon, barroom, or other place wherein intoxicating liquor is sold at retail or wholesale, other than hotels and clubs, shall be licensed, allowed, or maintained within 400 feet

of any public schoolhouse, or a now located or established college, or university, or within 400 feet of any now established house of religious worship, measured between the nearest entrances to each by the shortest course of travel between such places of business and such public schoolhouse, college or university, or established house of religious worship."

The board has construed the language "measured between the nearest entrances to each by the shortest course of travel," to mean a square-cornered or right-angled measurement; that is, having in many instances where saloons are located within 400 feet of schools or places of religious worship by the shortest course of travel which pedestrians would naturally and conveniently take, resorted to the square-cornered measurement, thereby permitting the saloon to operate. However, in several instances, even by the square-cornered measurement the saloons are located within the prohibited distance, particularly Graff's saloon, No. 222 Seventh Street SE., where by square-cornered measurement, even around a parking which he himself constructed evidently for the purpose of making the distance farther, the saloon is still within 400 feet of the Eastern High School.

Also at Schriner's place, 730 Fourteenth Street NW., which by square cornered or other measurements is located within 400 feet of the New York Avenue Presbyterian Church. In one instance, at Mergner's place, No. 415 East Capitol Street, an iron fence was permitted to be constructed across a sidewalk close to the building, in order to throw the measurement and course of travel around the parking and to make the distance more than 400 feet from a public school at No. 25 Fifth Street SE.

Several other barrooms have been granted licenses within 400 feet of public schoolhouses, churches, and colleges.

We submit herewith plats made at our request by the District surveyor, giving the measurements at the above and other places, and showing the distances between saloons and churches, schoolhouses, and colleges by the shortest course of travel to be in many instances less than 400 feet.

10. In this connection attention is called to the fact that wherever a building is not used exclusively for religious or school purposes the board contends that it is not a house of religious worship or a school or college within the meaning of the excise law. It has, therefore, in several instances permitted saloons to be operated within 400 feet of buildings where large schools are conducted or where large congregations carry on religious worship.

11. We direct attention to that clause of the law which requires that no license shall be granted any hotel the character of which, or the character of the proprietor or manager of which, is shown to said board to be objectionable.

The most notable instance of a violation of this clause is as follows: The proprietor of the Grand Hotel, which occupies Government premises, was granted a license, notwithstanding he had been convicted of dispensing liquor to a minor girl and his license formerly canceled, and notwithstanding it was shown he had organized a corporation, which he controlled, and in the name of which he was applying for a license, and that a strong report was made against him by the police. At the hearings conducted by the board on the question of giving him a renewal of license, in October, 1914, the police report was as follows:

"The manager, Edward L. Gardner, conducts a garden in the basement of this hotel, where they have music and singing. Dancing is allowed on a platform set aside for that purpose. This is a resort for streetwalkers and women of questionable character, and the result is a meeting place for men and women. In my opinion these conditions are objectionable in connection with a bar and should be eliminated."

This police report was signed by J. L. Sprinkle, acting captain, first precinct.

This testimony was corroborated by Sergt. Catts, of the vice squad of the District police, both at the hearings before the excise board on the question of renewing Gardner's license and before our committee.

It also developed in the testimony before our committee that cases are now pending against the proprietor of this hotel, Gardner, for selling liquor to a minor.

The testimony before this committee also shows that other hotels were granted licenses which had been conducted in a disreputable manner.

12. The excise board has refused licenses to properly conducted barrooms and has granted them to disreputable places in the same neighborhood over strong protests. A saloon on the north side of Pennsylvania Avenue had been carried on for many years by Mr. Hurdle. No complaint had been made against him. He was refused a license or transfer of a license, and across the street the Philadelphia House, which was clearly shown by the testimony before us to be a most disgraceful and disreputable resort, was granted a license. The testimony showed that the Philadelphia House is a place of resort for colored prostitutes and for men and women of questionable character.

13. The law also provides:

"That the personal representative of any deceased licensee may within 30 days after the death of such licensee transfer said license in accordance with the provisions of this law touching transfers of licenses."

In violation of this provision the board permitted Mrs. Gordon to operate the bar of her husband long after his death, although the attention of the board was called to the violation of the law, and they did not act to prevent such violation until pressure was brought upon them through one of the District Commissioners, and although the corporation counsel had rendered an opinion that the bar was being operated contrary to the law.

14. The law provides:

"That the interior of every barroom shall at all times when selling is prohibited be exposed to full view from the street without obstruction by screens, blinds, curtains, stained glass, bottles, boxes, signs, or other material, except in the case of clubs licensed under this section and hotels having only an interior barroom, which shall be exposed to full view from the corridors or passageways leading to the entrance or entrances to such barroom.

The committee found on a tour of personal observation that but little attention is paid to this provision of the law. Glass doors and windows are stained and are obstructed by curtains, partitions are frequently erected across the barroom a short distance from the entrance, and the only compliance with this provision of the law in most cases was the drawing aside for just a short distance of one curtain.

15. The law provides:

"Par. 3. That the said board shall appoint a clerk at a salary of $1,500 per annum and an inspector with police powers at a salary of $1,500 per annum. Said inspector shall make inspections as may be required by this section, under the orders of the board, and make full report of such inspections to the board. He shall wear a badge indicating that he is such inspector of the excise board."

Instead of appointing an inspector and requiring him, as contemplated by the law, to inspect places of license holders, the board appointed a stenographer under the name of inspector, who does the stenographic work of the board and makes a stenographic record of the proceedings before the board, and his principal time is occupied by clerical work. He inspected only 130 places prior to November 14, 1914, and has made no inspections whatever since that time. This official testified before our committee that no orders or instructions regarding inspections had been given him by the board, but that he has been made simply a clerk or stenographer.

Licenses have been granted for barrooms on the sides of a square or block where there is no other substantial business, and in many cases where it is evident that there is not 50 per cent of the frontage used for business purposes. Plain violations of this provision have been permitted by allowing the saloon entrances to be changed from one side of the square to another side of the square without any change in the saloon itself or its location.

In some instances it is apparent that buildings of a very unsubstantial character have been constructed for the purpose of making business frontage in order to secure a barroom license, and the board has apparently approved such action by granting the license.

A frontage occupied by a board fence with a business sign on top, but with the ground occupied only by brick or tiling or boards or old barrels, or not occupied at all, has plainly been counted as frontage used for business purposes in order to grant a barroom license.

16. We regard it as significant of the attitude of the board that it has not exercised its discretion in favor of the schools as against the saloons by refusing licenses to saloons which may be located only a few feet beyond the 400-foot limit. The actual distance between the Polk School and the McKinley Manual Training School is 838.5 feet. Just across P Street from the Polk School is the saloon located in the Hotel Thyson. In the case of this hotel it is apparent that additional rooms were constructed in an attempt to comply with the law, and the board granted a license notwithstanding the fact that it was just across the street from a public school. The Hotel Thyson bar fronts on Seventh Street and can not be distinguished from an ordinary separate bar.

Farther along the block, on the same side of the street with the Thyson Hotel, is the Murray saloon, only 402.6 feet from

the entrance to the Polk School and 435.9 feet from the south door of the McKinley Manual Training School. Immediately opposite Murray's, on the other side of Seventh Street, are two other barrooms. In other words, within approximately 400 feet of these large schools are four saloons. This is a clear case of the exercise of a discretion in the interests of the saloons and against the schools. The same condition prevails in a number of cases as to churches.

17. It should be stated that in practically all instances where the board has issued licenses to saloons under circumstances that constituted a violation or evasion of the true purpose or spirit of the law, all phases of the situation were brought fully to the attention of the board through numerous protests and representations of citizens before the issuance of the license.

18. The committee finds no evidence of corruption or venality on the part of any member of the board, and believes that each member should be exonerated from any charge or imputation of this character. The committee believes, however, that a careful and dispassionate review of the evidence before us as to the conduct of the board in the administration of the excise law shows that it has disregarded the underlying purpose of the law, that it has nullified its most beneficial features, and that it has encouraged and approved plain evasions and perversions of the law. It is the judgment of the committee that the board has resolved practically every doubt as to law or fact in the interest of the saloons. It has shown no proper comprehension of its duties in the execution of a law framed in the interest of morality and good government. The policy of the board is fostering the liquor traffic to the fullest extent permitted by the law, and in many instances at the expense of both its spirit and its letter, is fraught with increasing danger to the health, peace, and morals of the people of the District of Columbia.

Dated at the city of Washington in the District of Columbia March 4, 1915.

MORRIS SHEPPARD.
WM. H. THOMPSON.
WM. P. DILLINGHAM.
W. L. JONES.

Because of a death in my family I was unable to be present at the hearings of the committee at which the testimony was taken. Therefore I feel that in justice to the excise board, the members of which I believe to be upright, honorable men, I should not give my approval to the report of the majority.

WM. HUGHES.

Mr. GALLINGER. Mr. President, as I understand, the Senator from Texas has submitted a report from the committee to investigate the excise board of the District.

The VICE PRESIDENT. The Senator has submitted the report.

Mr. GALLINGER. I ask unanimous consent, Mr. President, that it be printed as a Senate document.

The VICE PRESIDENT. Is there objection?

Mr. OWEN. I object.

Mr. JONES. Mr. President, I want to ask if under the rules and practice of the Senate the report with the testimony submitted will not be printed in the ordinary course? If not, it certainly ought to be printed. The testimony is submitted with the report, and the report and the testimony ought to be printed. I hope no objection will be made.

The VICE PRESIDENT. Objection has been made.

Mr. JONES. I want to ask if under the practice and customs of the Senate a report of this character with testimony is not always printed?

The VICE PRESIDENT. The Chair supposes the committee has power to have it printed.

Mr. SMOOT. Mr. President, this is not a committee of the Senate; it is a special committee appointed by the Vice President, and there was nothing said in relation to printing the report. They have no authority to print it, unless they are so authorized by the Senate.

Mr. JONES. I hope the Senator from Texas will ask that the report and testimony be printed.

Mr. SHEPPARD. Mr. President, I ask that the report and the testimony accompanying it be printed as a Senate document.

The VICE PRESIDENT. Is there objection?

Mr. BRANDEGEE. How extensive is the testimony?

Mr. SHEPPARD. It took us about three or four days to take the testimony.

Mr. BRANDEGEE. I do not see any sense in printing the testimony. If the report is printed, I think that will be sufficient.

Mr. JONES. The report is rather the conclusions from the testimony, and it seems to me the testimony ought to be printed.

Mr. BRANDEGEE. I will not object; but I do not see the use of it.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and it is so ordered.

THE CORBETT TUNNEL.

Mr. MYERS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 74) appropriating money for the payment of certain claims on account of labor, supplies, materials, and cash furnished in the construction of the Corbett Tunnel, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same.

H. L. MYERS,
LUKE LEA,
Managers on the part of the Senate.
E. W. POU,
MARTIN DIES,
L. MOTT,
Managers on the part of the House.

The report was agreed to.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS (S. DOC. NO. 984).

Mr. ROBINSON. From the joint commission appointed under the act of Congress of June 30, 1913, to investigate Indian affairs I submit a report, and ask that it may be printed in the RECORD, and also as a public document.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The report referred to is as follows:

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS.

[Report of the Joint Commission to Investigate Indian Affairs, Mar. 3, 1915, 63d Cong., 3d sess.]

To the Senate and House of Representatives of the United States of America in Congress assembled:

The Joint Commission of Congress to Investigate Indian Affairs was created under "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes," for the fiscal year ending June 30, 1914; approved June 30, 1913, as follows:

"For the purpose of making inquiry into conditions in the Indian Service, with a view to ascertaining any and all facts relating to the conduct and management of the Bureau of Indian Affairs, and of recommending such changes in the administration of Indian affairs as would promote the betterment of the service and the well-being of Indians, there is hereby constituted a commission to be known as the Joint Commission to Investigate Indian Affairs, to be composed of three Members of the Senate, to be appointed by the Presiding Officer of the Senate, and three Members of the House of Representatives, to be appointed by the Speaker, the said commission be, and is hereby, directed, authorized, and empowered to examine into the conduct and management of the Bureau of Indian Affairs and all its branches and agencies, their organization and administration. The commission shall have power and authority to examine all books, documents, and papers in the said Bureau of Indian Affairs, its branches or agencies, relating to the administration of the business of said bureau, and shall have and is hereby granted authority to subpœna witnesses, compel their attendance, administer oaths, and to demand any and all books, documents, and papers of whatever nature relating to the affairs of Indians as conducted by said bureau, its branches and agencies. Said commission is hereby authorized to visit any Indian agency, school, institution, or other establishment under the jurisdiction and control of the Bureau of Indian Affairs or the Department of the Interior, and it shall be the duty of the Secretary of the Interior, the Commissioner of Indian Affairs, and all other officers connected with the administration of Indian affairs, to aid the said commission and furnish all available information that may be demanded by said commission.

"The investigation hereby provided for shall be conducted by said commission as speedily as possible, and the findings, conclusions, and recommendations of such commission shall be reported to Congress during the Sixty-third Congress. Said commission is hereby authorized to employ such clerical and other assistance, including stenographers, as said commission may deem necessary in the proper prosecution of its work: *Provided*, That stenographers so employed shall not receive for their services exceeding $1 per printed page. The sum of $25,000 is hereby appropriated to pay the expenses of the said commission. Within 10 days after the appointment of the members of the commission they shall proceed to elect a chairman and secretary, and the funds hereby appropriated shall be paid out on the order of such chairman and secretary, and a full, itemized account of all such expenditures shall accompany the final report of the commission when submitted to Congress."

Pursuant to the foregoing enactment, the following Members of Congress were appointed members of the said joint commission: Senators JOE T. ROBINSON, of Arkansas, HARRY LANE, of Oregon, and CHARLES E. TOWNSEND, of Michigan; Representatives JOHN H. STEPHENS, of Texas, CHARLES D. CARTER, of Oklahoma, and CHARLES H. BURKE, of South Dakota. The commission promptly organized by electing Senator ROBINSON chairman and Robert B. Keating secretary.

On account of the very comprehensive duties imposed upon the joint commission, and owing also to the fact that Congress has been practically in continuous session since its creation, our work has been conducted under difficulties and is incomplete.

OUTLINE OF WORK PERFORMED BY THE JOINT COMMISSION.

The joint commission has held about 65 meetings, and at 52 of these hearings have been conducted relating to conditions prevailing on various reservations and the methods under which the business of the Bureau of Indian Affairs is conducted, which testimony is herewith submitted as a part of this report. The testimony has been printed in convenient form, and comprises about 3,300 pages.

HEALTH AND SANITARY CONDITIONS.

Investigations of the health, diseases, and sanitary conditions prevailing among the Indians on many of the reservations have confirmed information heretofore published as to the prevalence of infectious and contagious diseases, especially tuberculosis and trachoma. These are plagues inflicting every Indian tribe in the United States and threatening serious consequences to white citizens who come in contact with the afflicted Indians.

The alarming prevalence of tuberculosis, approximating 30 per cent of the entire membership of some of the tribes, is attributable principally to insanitary conditions in Indian homes and lack of knowledge on the part of the Indians as to proper treatment and means of prevention. Among the other radical changes which contact with our civilization is bringing to the Indian race is the abandonment of life in the tepee and dwelling in small, unventilated rooms. This is a speedy and certain means for the spread of tuberculosis. The tepee, in which most of the Indians formerly lived, was a healthful habitation in contrast with many present-day Indian houses.

Trachoma is even more general among the various tribes than tuberculosis. It is believed that 70 per cent of some of the tribes are afflicted with this disease in a more or less virulent form.

At the time this joint commission was appointed another joint commission of Congress (composed of Senators ROBINSON and TOWNSEND and Representatives STEPHENS and BURKE) was authorized to investigate the proposed establishment of an Indian tuberculosis sanitarium and the Yakima Indian reclamation project. The testimony taken by that commission, together with its findings and conclusions, have been published in Senate Document 337, Sixty-third Congress, second session.

Upon the recommendations of this commission and the Commissioner of Indian Affairs provision was made in the Indian appropriation bill for the fiscal year ending June 30, 1914, for the establishment of a number of reservation hospitals (most of them inexpensive) for the treatment of diseases among the Indians, and especially tuberculosis and trachoma. It must be admitted, however, that the provisions so far made by Congress for the improvement of sanitary conditions among the Indians are inadequate. Manifestly, before these plagues, which threaten the destruction of the Indian race, are overcome a comprehensive, well-organized campaign must be conducted, and this campaign must contemplate not only treatment of the afflicted, but instruction and training of the Indians in subjects relating to hygiene and sanitation. To accomplish this the medical service of the Indian Bureau should be reorganized and reenforced. It has been suggested that this work can best be conducted under the Public Health Service. Some members of this commission adhere to that belief, while others think that the division of authority which this would require would result in bad administration. In any event, if the ravages of tuberculosis and trachoma among the Indians are to be checked more vigorous means and methods must be adopted. Many additional hospitals, physicians, and field matrons will be required, and the expenditure of large sums of money is imperative.

There is no better field for philanthropic and unselfish endeavor than that of reforming the prevailing insanitary conditions of Indian life. In our opinion, it would not be difficult to secure cooperation with the Government on the part of public-spirited citizens who avow their interest in the welfare of the Indian race, and whose efforts are at present unorganized and therefore somewhat misdirected and unavailing.

While among some of the older Indians there is manifested a spirit of resentment at efforts on the part of the Government to confine their afflicted children in hospitals so remote from their homes that no opportunity is afforded parents to visit their afflicted offspring, on the whole the Indians are very appreciative of the benefits to be derived from local hospitals, and readily avail themselves of such institutions, and it is believed they will be reasonably prompt in conforming to the necessary health regulations when once the same are understood by them.

ILLEGAL SALES OF LIQUOR TO INDIANS.

The fondness of Indians for intoxicating liquors is generally understood by the public. Congress has not been slow to enact laws designed for the suppression of the liquor traffic among the Indians. These laws, however, are in many localities openly disregarded and the nefarious business of the "bootlegger" still thrives.

The Indian appropriation bill for the current year and for the next fiscal year carries increased appropriations for the suppression of the sale of liquor to Indians. The Commissioner of Indian Affairs is earnestly seeking to enforce the law regarding this subject and is to be commended for his efforts in that particular. However, it appears to your commission that this evil can only be overcome in any community where a healthy sentiment exists or is created among both the Indians and whites. It is a regrettable fact that in some localities the commercial profits arising from the sale of liquor to Indians appear to have rendered certain elements of the white population indifferent to the enforcement of the antiliquor laws.

IMPROVEMENT OF INSPECTION SERVICE.

The inspection service of the Indian Bureau, with notable exceptions, is in many respects weak and inadequate. Superintendents of some of the agencies reporting to the Commissioner of Indian Affairs have misrepresented or so colored the facts as to not fairly disclose the true conditions existing among the Indians over which they have supervision. It has been brought to the attention of the joint commission that in some instances where we have requested that inspecting officers of the Bureau of Indian Affairs be assigned to particular investigations these officers have devoted their energies, in part, to discrediting witnesses and parties making complaints. The intimate personal relationship which under the prevailing system exists between some of the inspecting officers and the superintendents of some of the reservations have not tended to the correction of abuses and in some cases have resulted in the suppression of facts which should be disclosed.

With these facts in view a force of six inspectors was authorized in the Indian appropriation bill for the present fiscal year. The six additional inspectors have not yet been selected. In the opinion of the commission this should be speedily done and the inspection service fully reorganized.

INDIAN SCHOOLS.

Among the important subjects receiving the attention of the commission is the progress of education among the Indians. We visited and inspected Riverside, Cushman, Phoenix, and Carlisle Schools. These are among the strong educational institutions available for the Indians. Riverside appears to be well organized, the buildings and campus in good condition, and the instruction there thorough and efficient.

At the Phoenix School many of the buildings appear to have been neglected and require repairs. While instruction in many of the grades at this school seems thorough and satisfactory, it is thought that the usefulness of the school may be enhanced by a more careful and active management.

In a few instances the commission found it necessary to make immediate report of unsatisfactory conditions to the Commissioner of Indian Affairs, resulting in a change of the management of the Cushman and Carlisle Schools. (For details see Hearings of the Joint Commission to Investigate Indian Affairs, pp. 406–407, pt. 3; p. 87, pt. 2; and pp. 1388–1390, pt. 11.)

Vocational training was found particularly efficient at the Cushman School. The hospital at the Phoenix School is very efficient, but is not of sufficient capacity.

EDUCATIONAL FACILITIES INADEQUATE ON SOME RESERVATIONS.

We have observed that there is a lack of adequate school facilities on some of the reservations, due in part to the widely scattered conditions in which the Indians live. It is our opinion that Congress should establish additional day schools on a number of the reservations.

Particular emphasis should be laid in Indian schools on practical training and instruction in hygiene and sanitation.

FINANCE AND ACCOUNTING.

The commission employed experts to inquire into the business methods of the Finance Division of the Indian Bureau. The results of their labors are contained in "the report to the joint commission of Congress of the United States, Sixty-third Congress, third session, to investigate Indian affairs, relative to the business and accounting methods employed in the administration of the Office of Indian Affairs," under date of August, 1914, and made a part of this report.

It appears that the system of bookkeeping and accounting now in use is susceptible of improvement. This report, after a comprehensive review of the organization and management of the Bureau of Indian Affairs, goes into a criticism of the methods in actual operation in the Finance Division of the Bureau. It states that the incomplete and unsatisfactory accounting system as described is largely due to a lack of facilities and a lack of personnel for the installation and operation of an up-to-date accounting system, rather than to deficiencies on the part of officials, clerks, and other employees in the service. A thorough reorganization and revision in business methods is recommended. The present methods of preparing estimates and submitting requisitions for appropriations are condemned. The items of appropriation are not of a character to provide for the exercise of legislative and executive control over the contracting and purchasing relations; the items are now classified in such a manner that the administrator may change a particular voucher to any one or two to a dozen accounts as may suit; it does not establish the conditions or provisions controlling allotments with a view to fixing executive responsibility for the exercise of proper discretion.

It is further stated in this report that there are no records from which could be obtained an accurate statement of revenues and expenditures; that no record is maintained in the Indian Office from which a statement of the property and funds of the Indians could be obtained; that the present method of inspection stands in the way of executive discretion and forces the management into a bureaucracy; that the benefits of inspection are largely destroyed, so far as they may be utilized in the development of individual efficiency; that the appropriation ledger is not balanced and its correctness depends upon the individual accuracy of the bookkeepers; that the liability ledgers are never balanced and the totals are carried in pencil and are often incorrect; that any summaries prepared under the various appropriations are more or less incorrect and unreliable; that there is no systematic method of accounting and bookkeeping used at any of the agencies and only one or two make even a pretense of double-entry bookkeeping; that there is no systematic method in the main office whereby it may be ascertained that an incoming disbursing officer actually receives the property for which he signs; that there is a duplication of accounts; that the quality of auditing and checking in the Finance Division depends largely upon the amount of work on hand; that a disbursing officer is permitted to employ labor and charge the expense to almost any available appropriation and there is nothing in the pay roll or in the disbursing officer's report to show that the labor was actually performed.

Many other evidences of defective methods in the proper accounting of Indian moneys and Government appropriations are alleged in the report. The report and the recommendations therein are respectfully submitted for the consideration of Congress and the Commissioner of Indian Affairs.

INDUSTRIAL CONDITIONS.

The industrial conditions of the Indian Service have been the subject of interesting investigations, disclosing apathy and inefficiency in many of the field employees. So-called "Indian farmers," whose principal duties, apparently, should be the promotion of agriculture among the Indians by instruction and demonstration, have heretofore performed chiefly unskilled labor and acted as mere messengers to the superintendents. Little progress appears to have been made in agriculture and stock raising on the various reservations. The Commissioner of Indian Affairs has inaugurated the policy of stocking several of the large reservations with herds of cattle for the benefit of the Indians and of requiring the "Indian farmers" to devote their attention primarily to the promotion of agriculture.

This is in the nature of an experiment, which has not progressed far enough to enable us to determine its practicability.

Liberal appropriations are carried in the Indian appropriation bill for the purpose of encouraging industry among the Indians, and it is hoped that the judicious expenditure of these funds will result in arousing and stimulating general interest in these important subjects.

The demonstration farms conducted at some of the schools have in our opinion accomplished little. They can be made highly beneficial. By way of illustration, the school farm, comprising 176 acres, at Car-

Ilsle, Pa., from statements made by the "school farmers" themselves, has been used to penalize refractory pupils rather than to demonstrate scientific agriculture. In many instances where students have been guilty of violating the rules of the institution, they have been sent to the farm for a fixed period to be disciplined. In this way work on the school farm has been made odious, so that instead of being a means of encouraging industry, it has seemed to have served the contrary purpose. Our attention has not yet been called to a demonstration farm connected with any Indian school which we believe is accomplishing material good by affording practical instruction to Indian pupils in scientific farming.

INDIAN RECLAMATION PROJECTS.

Certain Indian reclamation projects have been the subject of examination before the joint commission disclosing, in our opinion, that Congress has been rather too forward in establishing so-called Indian reclamation projects. Some of these projects are of doubtful value to the Indians owing, in many instances, to the fact that they have been slow, or for lack of means have been unable, to avail themselves of the benefits, while white settlers are prompt and eager to secure the same.

These projects have usually been constructed at tribal expense; that is, the cost of the same is usually reimbursed from tribal funds, and members of the tribe whose allotments are not irrigable in this way have been compelled to share in the expense of the irrigation project from which they can, as individuals, derive no benefit.

We recommend that no new Indian irrigation project be established without the consent of the Indians from whose funds the same is to be paid for or reimbursed, and that the cost of said projects, both as to construction and maintenance, when hereafter established be charged against only the lands benefited.

LEASING OF INDIAN GRAZING LANDS.

The leasing of grazing lands on Uintah and Ouray Reservations, in Utah; Crow, Blackfeet, and Flathead Reservations, in Montana; the Kiowa, Osage, and Comanche Reservations, in Oklahoma, have received the attention of the commission.

It appears that in some instances where allotments have been made within so-called large grazing areas, while these allotments have not been expressly included in the leases, the lessees have actually had free use of the allotments and the allottees have been denied the use of their allotments. This is a manifest injustice to the allottees, who should either be permitted to lease their own allotments or to receive the proceeds therefrom if used by lessees.

YANKTON SIOUX RESERVATION, S. DAK.

Numerous complaints have been received affecting the administration of the Yankton Sioux Reservation, in South Dakota. While opportunity has not been found to visit this reservation, important testimony has been taken and the superintendent has appeared before the commission and testified regarding conditions there. A special agent in the employ of the commission was sent to the agency to receive complaints and affidavits, and his report is included in part 5, Hearings Before the Joint Commission to Investigate Indian Affairs.

BLACKFEET RESERVATION, MONT.

Extensive investigations have been made into the affairs of the Blackfeet Indians of Montana. A member of this commission (Senator LANE) visited the reservation during the month of November, 1914. His report is included in part 6–A, serial 2, of the Hearings Before the Joint Commission to Investigate Indian Affairs. The Chief Inspector of the Indian Service (Mr. Linnen), whose report is published in the same volume, subsequently visited the reservation. These reports, together with oral testimony heard by the commission, disclosed that the Blackfeet Indians are in a pitiable condition and are suffering from hunger and lack of clothing. The superintendent of the reservation has been negligent and inefficient. He has resented and sought to suppress the making of complaints by the Indians to the commission, and the Indian police on the reservation have warned the Indians against attending meetings or making complaints.

In addition to the destitution and want among these Indians, school facilities on the Blackfeet Reservation are inadequate. Items have been inserted in the pending Indian appropriation bill for the immediate relief of the Blackfeet and Flathead Indians. There appears also to be much want and destitution among the Flatheads. The chief inspector has recommended the transfer or dismissal of the superintendent of Blackfeet and the appointment of more efficient officers and agents generally, as well as the reorganization of the police force.

Employees of the Indian Service who have been found inefficient or incompetent should be dismissed and should not be transferred. The practice which prevails of transferring incompetent or unfaithful employees is condemned.

OSAGE RESERVATION, OKLA.

Witnesses have also been heard on matters of interest to the Kiowa, the Comanche, the Omaha, and Osage Reservations, and these investigations have not yet been completed.

Special agents of the commission visited the Osage Reservation regarding the affairs of the Osage Indians. It appears that Congress has heretofore enacted laws requiring the payment to the Osage Indians, without regard to their competency, enormous funds derived from royalties and otherwise. This has resulted in the grossest frauds and extortions. The evidence shows that it is the universal practice of white persons who loan money to the Osage Indians to charge usurious rates of interest ranging from 40 per cent per annum to as high, in at least one instance, as 10,220 per cent. These facts are supported by the testimony of the former superintendent, by witnesses who admit that they are engaged in the business of loaning money at usurious rates to these Indians, and who regard themselves as benefactors for the reason that they only charge 40 per cent per annum.

The Osage Indians are the wealthiest race of people, per capita, known in history. Their assets have been shamelessly wasted and no progress among them is being made.

The Senate Committee on Indian Affairs, having its attention called to these matters, has inserted in the Indian appropriation bill for the fiscal year ending June 30, 1916, an item vesting the Secretary of the Interior with discretion in the payment of these funds and authorizing the use of the same for the benefit of the Indians, and forbidding the payment of any part of the same on any usurious obligation or contract.

The regrettable condition prevailing among the Osage Indians is disclosed in part by the report of a supervisor of schools in the Indian Service, of inspections made during March and April, 1913, and printed as an exhibit to part 12-A, serial 2, hearings before the Joint Commission to Investigate Indian Affairs. In his report he presents the follownig diagram of Osage conditions:

Osage wealth leads to	Extravagance, Idleness, Vice.	Wastefulness (of Indians). Grafting (of whites). Debts (honest and fraudulent). Educational (many children not in school). Industrial (many parents do not work). Sexual (75 per cent diseased). Drunkenness (27 drunken Osages counted on the streets at one time from a single position). Gambling.	Ignorance, debility, disease, and debasement.	Resulting in the perdition of the Osages.

Owing to the very large number of Osage children who are apparently receiving no schooling or have inadequate opportunities, to the conditions that prevail in regard to the sale or lease of Indian allotments, the necessity for the conservation of their oil and mineral interests, and the apparent unsatisfactory condition of their affairs the continuance of the investigation of the Osage Reservation is justified.

TONGUE RIVER OR NORTHERN CHEYENNE RESERVATION.

Your joint commission also made inquiries into conditions on the Tongue River or Northern Cheyenne Reservation in Montana. Further investigation of conditions on this reservation should be made.

SUBJECTS REQUIRING FURTHER INVESTIGATION.

Notwithstanding the activity of this joint commission, there remain undisposed of many subjects which apparently should be investigated. Complaints relating to the following are on file:

Bad River and Menominee Reservations, Wis.
Blackfeet, Crow, Northern Cheyenne, Fort Peck, Fort Belknap, and Flathead Reservations, Mont.
Crow Creek, Pine Ridge, Rosebud, and Yankton Sioux Reservations, S. Dak.
Grande Ronde, Klamath, and Siletz Reservations, Oreg.
Fort Lapwai Reservation, Idaho.
Uintah Reservation, Utah.
Mescalero, San Carlos, Navajo, and Jicarilla Reservations, N. Mex.
Camp McDowell, Moqui, Pima, and Gila Reservations, Ariz.
Osage and Kaw Reservations, Okla.
Omaha and Winnebago Reservations, Nebr.
White Earth Reservation, Minn.
Seneca and Tuscarora Reservations, N. Y.

In the event the commission is continued in authority, we will proceed with these investigations as rapidly as possible, selecting the apparently most important subjects. Unless Congress sees fit to authorize its further activity, the authority of the commission will expire March 4, 1915, and the unexpended balance of the appropriation available for its use will lapse.

Of the $25,000 appropriated for the use of the commission there has been expended $12,212.15, of which expenditures an itemized account accompanied this report, leaving an unexpended balance of $12,787.85.

The problems connected with the Indian Service, involving the activities, relationship, and welfare of 300,000 persons and property aggregating in value nearly $1,000,000,000, are among the most serious which confront our Government. No quick or complete solution of these great problems has been found or is discoverable. They require the application of patriotic intelligence, which in the past has been hampered and embarrassed by selfishness, corruption, and inefficiency.

It is believed that a material reorganization of the service is desirable.

Respectfully submitted.

JOE T. ROBINSON, *Chairman*,
CHAS. E. TOWNSEND,
HARRY LANE,
JNO. H. STEPHEN, *Texas*,
C. D. CARTER, *Oklahoma*,
CHAS. H. BURKE, *South Dakota*,
Joint Commission of Congress.

Attest:

R. B. KEATING, *Arkansas, Secretary.*

SENATOR J. R. THORNTON.

Mr. KERN. Mr. President, the senior Senator from Louisiana [Mr. THORNTON], who has been too ill for several days to attend the sessions of the Senate, who is retiring to-day by reason of the expiration of his term of office, and who carries with him the good will and the affectionate regard of all his fellow Senators, has sent a word of farewell to the Members of the Senate, which I ask to have read and printed in the RECORD. I understand that a similar letter has been written by him to the senior Senator from New Hampshire conveying his farewell regards to the other side of the Chamber and that it was read on yesterday.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

UNITED STATES SENATE,
Washington, D. C., March 3, 1915.

Hon. JNO. W. KERN,
United States Senate.

MY DEAR SENATOR: I had hoped to be able to visit the Senate to-day to say farewell in person to my brother Senators who will be shortly leaving for their respective homes.

As I find it will not be prudent for me to visit the Capitol, I will ask you to do me the favor to say good-by for me to my brother Democrats, with the assurance of my affectionate regard and of my deep appreciation of the unvarying kindness they have always shown me.

I am writing to Senator GALLINGER asking him to present my farewell to the Republican Senators.

With kindest regards,

Truly, yours, J. R. THORNTON.

Mr. GALLINGER. Mr. President, I ask that the letter I presented in executive session yesterday be likewise printed in the RECORD, following the letter addressed to the Senator from Indiana.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter referred to is as follows:

UNITED STATES SENATE,
Washington, D. C., March 3, 1915.

Hon. JACOB H. GALLINGER,
United States Senate.

MY DEAR SENATOR: I greatly regret my inability to attend the Senate session of to-day in order to say good-by to my brother Senators who will so soon be leaving for their respective homes.

Will you do me the favor to convey my farewell to my brother Senators on the Republican side of the Chamber, with the assurance of my very great appreciation of the uniform kindness and courtesy they have invariably shown me since I have been a Member of the Senate.

This message can be conveyed by sending this letter by a page around the Chamber for their perusal; and I am writing to Senator KERN requesting that he will convey my farewell to my Democratic colleagues.

With kind regards,

Very truly, yours, J. R. THORNTON.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a joint resolution (H. J. Res. 441) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1916, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a joint resolution (H. J. Res. 440) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1916, in which it requested the concurrence of the Senate.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19906) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1916, and for other purposes.

The message also announced that the House agrees to the amendments of the Senate to the following bills:

H. R. 17894. An act to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911;

H. R. 18685. An act to repeal penalties on foreign-built vessels owned by Americans; and

H. R. 20439. An act for the relief of the heirs of the late Frank Henry Rogers.

The message further announced that the Speaker of the House had appointed a committee of three Members to join a similar committee to be appointed by the Senate to wait upon the President of the United States and inform him that the two Houses, having completed the business of this session, are ready to adjourn, unless the President has some communication to make to them, and that he had appointed Mr. UNDERWOOD, Mr. FITZGERALD, and Mr. MANN members of the committee on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice President:

S. 544. An act for the relief of the Virginia Military Institute, of Lexington, Va.;

S. 4522. An act to amend an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 26, 1906;

S. 5495. An act authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls;

S. 7515. An act to reserve lands to the Territory of Alaska for educational uses, and for other purposes;

H. R. 4899. An act to fix the standard barrel for fruits, vegetables, and other dry commodities;

H. R. 5849. An act to amend section 100 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

H. R. 16738. An act to provide for the payment of certain moneys to school districts in Oklahoma;

H. R. 17894. An act to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911;

H. R. 18086. An act to transfer certain counties in the several judicial districts in the State of Arkansas;

H. R. 18685. An act to repeal penalties on foreign-built vessels owned by Americans;

H. R. 18747. An act to reserve certain lands and to incorporate the same and make them a part of the Pike National Forest;

H. R. 20439. An act for the relief of Mary L. Rogers, widow of Frank Henry Rogers;

H. R. 20604. An act to construct a public building for a post office at the city of Forsyth, Ga.;

H. R. 21562. An act to authorize the construction of a bridge across Pearl River at or near the city of Bogalusa, La.;

H. J. Res. 426. Joint resolution providing that the Congress of the United States shall participate in the celebration of the opening of The Dalles-Celilo Canal;

H. J. Res. 439. Joint resolution to empower the President to better enforce and maintain the neutrality of the United States;

H. J. Res. 440. Joint resolution making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1916, and for other purposes; and

H. J. Res. 441. Joint resolution making appropriations for current and contingent expenses of the Bureau of Indian Affairs for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1916.

NOTIFICATION TO THE PRESIDENT.

Mr. KERN submitted the following resolution (S. Res. 570), which was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That a committee of three Senators be appointed by the Vice President, to join a similar committee appointed by the House of Representatives, to wait upon the President of the United States and inform him that the two Houses, having completed the business of the present session, are ready to adjourn unless the President has some other communication to make to them.

The VICE PRESIDENT. The Chair appoints the Senator from Indiana [Mr. KERN], the Senator from Missouri [Mr. STONE], and the Senator from New Hampshire [Mr. GALLINGER] as the committee on the part of the Senate.

THE PREFERENTIAL BALLOT (S. DOC. NO. 985).

Mr. GALLINGER. Mr. President, there is on the calendar, reported from the Committee on Printing, Senate resolution 320, providing for the printing of a document on the preferential ballot. I have objected to the printing of that document, but I desire to withdraw by objection and ask that it be printed.

Mr. PENROSE. Mr. President, I also objected to the printing of that document, but as the Senator who has introduced it seems a great deal interested in it, I will now likewise reluctantly withdraw my objection.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the papers presented by the Senator from New Hampshire [Mr. HOLLIS] February 11, 1914, being an address by Lewis Jerome Johnson before the First National Conference on Popular Government, held in Washington, D. C., December 6, 1913, upon the subject "The Preferential Ballot as a Possible Substitute for the Direct Primary," be printed as a public document.

ADDITIONAL MESSENGER BOY.

Mr. DILLINGHAM, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported with an amendment Senate resolution 561.

Mr. GALLINGER. I ask for the present consideration of the resolution.

The resolution was read and considered by unanimous consent.

The amendment was agreed to.

The resolution as amended was agreed to, as follows:

Resolved, That a messenger boy be appointed, for service in the office of the Sergeant at Arms, at the rate of $600 per annum, to be selected by the Sergeant at Arms and paid from the contingent fund of the Senate until otherwise provided by law.

RIVER AND HARBOR APPROPRIATIONS.

Mr. FLETCHER. Mr. President, I desire to have incorporated in the RECORD a communication from the Chief of Engi-

neers of the United States Army bearing on the lump-sum appropriation for rivers and harbors.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

LETTER FROM THE CHIEF OF ENGINEERS, UNITED STATES ARMY, TO THE ACTING CHAIRMAN OF THE COMMITTEE ON COMMERCE, TRANSMITTING, PURSUANT TO REQUEST, AN ESTIMATE OF THE AMOUNT OF MONEY WHICH SHOULD BE CARRIED BY A LUMP-SUM RIVER AND HARBOR APPROPRIATION BILL SIMILAR TO THE ACT OF OCTOBER 2, 1914.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, February 25, 1915.

Hon. DUNCAN U. FLETCHER,
Acting Chairman Committee on Commerce,
United States Senate.

SIR: 1. Replying to your letter of the 23d instant, in which you ask for an estimate of the least amount which should be carried by a lump-sum river and harbor appropriation bill similar to the act of October 2, 1914, in case Congress should consider a lump sum in lieu of section 1 of the pending bill, I have the honor to say that during the consideration of the pending river and harbor bill the estimates have been cut down to what is believed to be the minimum possible that will permit work to be properly prosecuted on all the various improvements which are provided for in the bill. In other words, the sum of $38,627.880, which is now carried by the bill, is all necessary.

2. The bill, as it passed the House, as you are aware, carried considerably less money than the original estimate submitted by this department. As soon as the bill was reported to the House, a copy was sent to each district officer with request to report any changes that could be made in the amounts carried for his district. In no case was a recommendation made that the amount carried could be reduced, but in many cases urgent recommendations were received that the amounts carried be increased. Some, but not all, of the increases recommended by the district officers have been provided for in the bill as it was reported to the Senate. However, as unforeseen conditions, such as inclement weather, high water, etc., may delay the work on some of the improvements, there may be cases where the money will not be spent as rapidly as anticipated, and, if the bill should pass in the form in which it now is, there may be, at the end of the period for which the estimates are made, some works upon which there will be balances left. On other works, the work will proceed more rapidly than estimated, with the result that the funds will be exhausted prior to the end of the period. If the lump-sum appropriation is made, these inequalities can be largely straightened out by making reallotments where necessary, and this ability to make reallotments will also make it possible for a given amount of funds to be used to greater advantage than where the appropriations are available only for specific items and can not be transferred from one appropriation to another. Having this in view, I estimate that if this bill is passed as a lump-sum appropriation, the amount can be reduced to $35,000,000.

3. On the 19th instant there was transmitted to the Senate, in response to a Senate resolution, a statement of the amounts available on January 1. This statement shows that the sum of $30,810,269.55 was available. If this balance is taken into consideration, it may be argued that any further appropriation would be unnecessary at this time, or that, at the most, a very small appropriation would suffice. This is not a fact, for the reason that the balances therein reported were balances from funds which had been appropriated for each particular work and were not available for other works. Of the amount on hand, approximately $4,350,000 were amounts held for works for which an appropriation has been made subject to certain conditions, which conditions had not been fulfilled, and these amounts were therefore not available for expenditure.

4. In other cases, large balances remain on hand which would not be necessary during the period covered by the estimate. For instance, the statement shows on hand and available for the construction of the third lock at the St. Marys Falls Canal, Mich., $758,760.61. This lock is practically completed, and while the available money is not all needed for the present work, it is not available for any other work. In addition to this large balance of money heretofore appropriated, there is an unappropriated authorization under the act of March 2, 1907, of $500,000 for this work. This large balance is due to the work having been done much within the original estimate, and represents that saving over the original estimated cost. If these and other similar funds could be made available for transfer to work where needed, the amount of the appropriation could be reduced by $5,000,000. It is therefore suggested that to the appropriation be coupled the following provisos:

"*Provided*, That the Secretary of War may, upon the recommendation of the Chief of Engineers, transfer funds heretofore appropriated or authorized for any river or harbor improvement and which will probably not be required for that improvement prior to June 30, 1916, to any other river or harbor improvement for which funds may be needed prior to June 30, 1916: *Provided further*, That such transfers shall, as far as practicable, be made to improvements in the same engineer district or in an adjacent district."

5. In suggesting these provisos, the condition of the St. Marys Falls Canal is especially in mind. If the authority to make such transfers is given, a transfer from the third lock to the fourth lock of the available balance not needed for the construction of the third lock, and the remaining unappropriated authorization would be recommended, which would permit of making advantageous contracts for the completion of the masonry of the fourth lock with little or no additional allotment from whatever lump-sum appropriation might be made. If the transfer can not be made, in order that the work may be properly prosecuted it will be necessary to make an allotment of approximately $1,200,000.

6. Between January 1, 1915, the date for which the balances above referred to are reported, and February 19, 1915, I have approved contracts amounting to $2,361,360.16; contracts have been awarded, but not yet approved, for $1,366,155.55, and emergency contracts entered into by district officers have been received and accepted, amounting to $131,274.18, a total of $3,858,789.89 obligated in that time.

7. Since the appropriation act of October 2, 1914, was passed, the period has been one of suspended work in all of the northern districts. The contracts which have been referred to are contracts which are being made in anticipation of resumption of work during the coming season, and I mention them merely to show that the funds will be used much more rapidly in the next few months than they have been in the past three or four months.

8. The statement also shows that on January 1 there was available for the improvement of the Delaware River below Philadelphia $712,011.94, whereas on February 1 there was available for this improvement only $416,397.91. Other cases could readily be given which would show a rapid decrease in the amount of the available funds.

9. Should a lump-sum appropriation be made in the same form as the act of October 2, 1914, that is, as a substitute for section 1 only of the regular bill, it would be necessary to make provision for the payment of certain expenses which are regularly paid for out of the appropriation for "Examinations, surveys, and contingencies," ordinarily carried in section 2 of the bill. These expenses are not only the expenses directly connected with making the examinations and surveys, but are certain expenses of printing and payment of technical assistants and clerks in the office of the Chief of Engineers, who handle river and harbor matters, which expenses are authorized by law and amount to approximately $100,000 per annum, as was explained to your committee by Col. Taylor when he appeared before you recently. His statement in regard to these matters appears on pages 333–336 of the report on the river and harbor bill (Rept. 958, 63d Cong., 3d sess.).

10. In order that any doubt as to the availability of funds which are appropriated under a lump-sum appropriation being available for this purpose, it is suggested that the following proviso be added:

"*And provided further*, That allotments of such amounts as may be necessary may be made toward the completion of examinations and surveys heretofore authorized and for such other contingent expenses as are usually paid from the appropriation for 'Examinations, surveys, and contingencies.'"

However, should section 2 of the pending bill, or a similar section carrying an appropriation for examinations, surveys, and contingencies, be included in the bill, it would not be necessary to include such a proviso.

Very respectfully,

DAN C. KINGMAN,
Chief of Engineers, United States Army.

MEMORANDUM.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, February 25, 1915.

An examination of the monthly reports of operations submitted by the district officers for January, 1915, shows that the balances available for many of the works were materially reduced during the month. The available balances on January 1, 1915, and February 1, 1915, of a few of the more important works are given in the following table:

	Jan. 1, 1915.	Feb. 1, 1915.
Boston Harbor, Mass. (35-foot channel)	$44,359.38	$41,880.01
Delaware River, below Philadelphia, Pa.	712,011.94	416,397.91
Baltimore Harbor, Md.	221,895.01	180,759.24
Savannah Harbor, Ga.	257,422.72	143,704.10
St. Johns River, below Jacksonville, Fla.	101,381.15	34,042.83
Mobile Harbor, Ala.	44,283.62	29,012.54
Southwest Pass, Mississippi River (channel to New Orleans, La.)	311,150.71	265,000.00
Los Angeles Harbor, Cal.	95,460.42	89,991.96
Mouth of Columbia River, Oreg. and Wash.	748,883.38	238,339.44
Ohio River (locks and dams)	2,383,328.58	1,911,011.71
Hudson River, N. Y.	622,983.14	566,697.11
Mississippi River Commission	1,802,142.86	1,537,398.10

From this table it will be seen that the balances on these works will be exhausted long before a river and harbor bill could be passed at the next session of Congress, so that, if a bill is not passed at this session, for a considerable period there will be no funds to care for the ordinary maintenance or any emergencies which may arise on these works. The consequences are certain to be serious. In several of them, as for instance the Delaware River below Philadelphia, Pa., Savannah Harbor, Ga., St. Johns River below Jacksonville, Fla., Mobile Harbor, Ala., and Southwest Pass, Mississippi River, constant work is required to maintain the channel which has been obtained, and the suspension of work for any length of time would permit shoaling sufficient to interfere seriously with the commerce now carried on. On all of these works, also, a large plant is maintained, and without further appropriation these plants will be necessarily laid up. The funds for the mouth of Columbia River, Oreg. and Wash., and the Hudson River, N. Y., will be exhausted early in the summer, and on the Ohio River no new work can be undertaken and the work already in progress will be suspended or materially reduced in rate. Should a serious flood occur on the Mississippi River, the Mississippi River Commission will have insufficient funds to fight it, and, unless additional appropriation is made, little effective work could be undertaken on that stream this year. The very large plant which has been accumulated there will be tied up.

SENATOR GEORGE C. PERKINS.

Mr. SIMMONS. Mr. President, speaking on behalf of the Senators on this side of the Chamber, and I am sure giving expression to the sentiments of Senators on the other side of the Chamber, I desire to express my deep and profound regret that the Senate of the United States will lose after to-day one of its most honored and most beloved and most faithful Members, in the fact that the term of office of the senior Senator from California [Mr. PERKINS], who has so long been a Member of this body, will expire when the gavel falls at the hour of 12 o'clock to-day.

Mr. PERKINS. I thank the Senator most sincerely for his very kind expression.

MERCHANT MARINE INVESTIGATION.

The VICE PRESIDENT. In the case of the committee appointed to investigate the shipping business or lobby or whatever it may be called, the term of office of the senior Senator from Ohio [Mr. BURTON] expiring, and the committee continu-

ing, the Chair appoints in his place the senior Senator from Pennsylvania [Mr. PENROSE].

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had, on the 4th instant, approved and signed the following bills and joint resolution:

S. 136. An act to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea;

S. 544. An act for the relief of the Virginia Military Institute, of Lexington, Va.;

S. 2278. An act granting the El Paso & Rock Island Railway Co. a right of way for its pipe lines and reservoir upon the Lincoln National Forest for the carrying and storage of water for railroad purposes;

S. 2789. An act to award the medal of honor to Maj. John O. Skinner, surgeon, United States Army, retired;

S. 3362. An act to authorize the Secretary of Commerce, through the Coast and Geodetic Survey and the Bureau of Fisheries, to make a survey of natural oyster beds, bars and rocks, and barren bottoms contiguous thereto in waters along the coast of and within the State of Texas;

S. 3878. An act to validate certain homestead entries;

S. 4180. An act to validate title to certain town sites in the State of Montana;

S. 4522. An act to amend an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906;

S. 5042. An act legalizing certain conveyances heretofore made by the Central Pacific Railroad Co. and others within the State of Nevada;

S. 5495. An act authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls;

S. 6981. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 7188. An act to increase the limit of cost of the United States post-office building at Garden City, Kans.;

S. 7212. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 7362. An act authorizing and directing the Secretary of the Interior to patent certain lands to the State of Utah and to accept relinquishment from the State of Utah of certain other lands in lieu thereof;

S. 7509. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 7515. An act to reserve lands to the Territory of Alaska for educational uses, and for other purposes;

S. 7566. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 7597. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 7598. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. J. Res. 191. Joint resolution to convey appreciation of Congress to their excellencies Señor Domicio da Gama, Señor Rómulo S. Naón, and Señor Eduardo Suárez for their generous and distinguished services as mediators in the controversy between the Government of the United States and the leaders of the warring parties in Mexico.

SOUTH AMERICAN TRADE (S. DOC. NO. 982).

Mr. BRYAN. As chairman of the subcommittee appointed from the Committee on Naval Affairs I submit a report on Senate resolution 291, adopted May 8, 1914, relative to the development of trade with Central and South American countries and the establishment of adequate coaling supply facilities south of Cape Hatteras, which I ask may be received, printed in the RECORD, and also printed as a public document.

The VICE PRESIDENT. The report will be received and printed as a public document.

Mr. BRYAN subsequently said: I ask that the report submitted by me to-day from the Committee on Naval Affairs may be printed in the RECORD.

The VICE PRESIDENT. Without objection, that action will be taken.

The report is as follows:

On May 8, 1914, the Senate adopted Senate resolution No. 291, reading as follows:

"Whereas in view of the early completion of the Isthmian Canal and of its importance to the United States Navy and the national defense generally, and to the development of trade with Central and South American countries, the establishment of adequate coal-supplying facilities south of Cape Hatteras is deemed imperative; and

"Whereas the usefulness and efficiency of any harbor as a coaling station must depend upon the facilities (first) of the coal producers for reaching it and (second) of the coal carriers in the matter of assembling the product at said port, including coal docks and other facilities for loading and handling, which should be accessible to all shippers and carriers alike on the same terms and conditions; and

"Whereas it appears from numerous complaints now before the Interstate Commerce Commission, as well as from other sources, that the power and influence of the so-called Coal Trust is being persistently used through the management of the railroads reaching South Atlantic ports to prevent the free movement of coal not belonging to said Coal Trust, and it is alleged that practically all of such roads are actually dominated by the same financial interests that control the great coal combines finding outlet chiefly through New York Harbor, Philadelphia, and the Chesapeake Bay ports: Now, therefore, be it

"Resolved, That the Committee on Naval Affairs be, and it is hereby, authorized and instructed to investigate the natural and strategic advantages for naval purposes of ports south of Hatteras as compared with Norfolk and other Chesapeake Bay ports as a permanent point for coal distribution, and included and embraced in the scope of said investigation the said committee is further authorized and instructed to investigate into the character and proximity of the coal supply, and the rates obtainable on coal from the coal fields near by; and the committee is further instructed to ascertain as far as it is practicable—

"First. What quantity of bituminous coal is consumed or used at Charleston, Savannah, Brunswick, Fernandina, and Jacksonville, and in their vicinities, and what proportion of this coal is supplied from mines located on the Pennsylvania Railroad system, including the Baltimore & Ohio, Norfolk & Western, and Chesapeake & Ohio, and what proportion is supplied by mines on the Southern Railway.

"Second. Whether the United States Navy, including the naval stations, now pays a higher freight rate for coal supply at any or all Atlantic seaports than is charged to commercial ships for bunkerage or for coastwise distribution; and whether all coal for naval supply, at the Atlantic seaports, is not supplied by the so-called Coal Trust; that is, by the mines that have a common ownership or control with the coal carriers; and whether present conditions prevent competitive bidding for the United States Navy coal supply, or any part thereof, by independent coal operators.

"Third. The mileage from mine groups located on the Southern Railway in Virginia, Kentucky, Tennessee, Georgia, and Alabama to Wilmington, Charleston, Savannah, Brunswick, Fernandina, and Jacksonville; and the mileage to these same ports, the way the coal is moved from the mines on the Pennsylvania Railroad system and on the Baltimore & Ohio, Norfolk & Western, and Chesapeake & Ohio Railroads and all connecting lines in West Virginia; and in all cases show the freight rates on coals to the cities named, both by rail and rail and water; and where two or more carriers participate, ascertain the proportion of the rate (or service charge) each receives; and also compare these rates with those at seaport towns and cities from Norfolk to New York for local use, for tidewater shipment, and for naval use.

"Fourth. Why the Southern Railway has built no wharves or made no provision for handling tidewater coal at any of the South Atlantic ports, and whether the riparian rights and water frontage of South Atlantic harbors is not now being bought up by the parties in the interest of the Coal Trust, while the Southern Railway is taking no active steps to build for itself an independent outlet.

"Fifth. Whether trustees for the stockholders and members of the board of directors of the Southern Railway are financially interested in coal-mining industries on the Pennsylvania Railroad system, the Baltimore & Ohio, the Norfolk & Western, or the Chesapeake & Ohio, and to what extent; and whether they, or any of them, are financially interested in any coal-mining industries tributary to any of said railways; and, if found to be interested, ascertain whether such mines have been allowed preference or advantages not allowed to all other shippers (shown by cases already decided by the Interstate Commerce Commission or State commissions); and in all coal-mining operations tributary to the Southern Railway in which any director of the Southern Railway or director of any railroad controlled by it, or allied with the Southern Railway, is financially interested, ascertain the division of through rates with other railroads, and in all cases where a coal operation tributary to the Southern Railway controls a local railroad, or when such local railroad is controlled in common with a coal operation, for assembling and distributing its own coal, ascertain just what proportion of rates it receives, if any, from the carriers, or what compensation other than a division of the rates it may receive.

"Sixth. Whether the rate making for the Southern Railway or other southern carriers of coal is dominated by the Pennsylvania Railroad or Norfolk & Western; or whether the freight rates of the Southern Railway and any of the other southern coal carriers are made and fixed and maintained by the traffic men of the Southern Railway and other southern carriers; or whether the Pennsylvania Railroad, the Norfolk & Western Railway, the Baltimore & Ohio, and Chesapeake & Ohio exercise any influence, either through a rate-making or traffic association or otherwise, in the matter of making the rates for the Southern Railway and other southern carriers.

"Seventh. Whether or not there is any discrimination now existing in favor of any one port on the Atlantic seaboard as against another port, and if so, in what does such discrimination consist; and whether or not any coal trust or combination of railroads and coal companies control the coal tonnage to any port or ports, and if so, how; and

whether or not the coal supply of West Virginia, Virginia, Pennsylvania, Tennessee, and Kentucky flows naturally and without unnecessary obstruction to their respective natural ports upon the Atlantic seaboard; and whether or not there is any discrimination in rates against any coal operators.

"Eighth. The coal rates to 30 or more representative cities on the Southern Railway in Virginia, North Carolina, South Carolina, Georgia, and Florida, and compare these rates with the rates enjoyed by the cities of relative importance and location, with regard to mines, in Pennsylvania, Ohio, Indiana, and Michigan on the Pennsylvania Railroad system, including the cities whose rates are compared in the letter and read into the CONGRESSIONAL RECORD by Senator TILLMAN on April 8.

"Ninth. What actual ownership each director of the Southern Railway Co. has in that company, and what ownership, if any, is held in it by the individuals composing the trustees for the stockholders.

"Said Committee on Naval Affairs is authorized to sit during the sessions of the Senate and during any recess of Congress, and its hearings shall be open to the public, and it is authorized and empowered to employ coal experts, railroad-rate experts, and to employ a stenographer at a price not to exceed $1 per printed page. Said committee shall have power to compel witnesses to testify, to send for persons and papers, to administer oaths to witnesses, and do anything necessary to arrive at all the facts.

"The expenses incident to the investigation herein authorized shall not exceed $5,000, and shall be paid out of the contingent fund of the Senate upon vouchers signed by the chairman of the Committee on Naval Affairs and approved by the Committee to Audit and Control the Contingent Expenses of the Senate. The said Committee on Naval Affairs may, in its discretion, conduct this investigation by a subcommittee of not less than five members, to be appointed by the chairman, and shall make its report as soon as possible."

The undersigned were appointed June 22, 1914, by the chairman as a subcommittee to conduct the investigation and make the report authorized by the resolution. The taking of testimony was begun July 20, 1914, and continued, from time to time, until January 8, 1915.

The resolution had its origin in a letter to Senator TILLMAN, chairman of the Committee on Naval Affairs, from Mr. B. L. Dulaney, dated March 25, 1914. Mr. Dulaney appeared before your committee, and through his counsel completed the testimony which he claims proves the existence of the charges contained in his letter. Having done this, Mr. Dulaney's counsel stated their purpose to withdraw from further participation in the hearings.

The general counsel for the Southern Railway thereupon announced the desire of that company to present evidence to meet the case as made. The question of the reasonableness of the rates upon coal charged by the Southern Railway is, of course, involved; in fact, it is the chief question involved. And by far the greater part of the testimony so far taken has been upon this question.

It would be impossible for the committee to comply with the request of the Southern Railway Co. for a continuation of the hearings and afford it an opportunity to present evidence, without a further allowance from the Senate of funds, because the allowance heretofore made has been exhausted, and without also the expenditure of considerable time in the taking of evidence.

The committee has concluded that it will not request an additional allowance for the expense of continuing the hearings, and that the issues involved do not require further consideration of the resolution, and for the following reasons:

The whole question of coal rates is now before the Interstate Commerce Commission. The case has been argued and submitted, and a decision may be rendered by the commission at any time. Again, our investigation into rates would be but the duplication of work that is now being done by the Interstate Commerce Commission, which, of course, has much better facilities for reaching a just conclusion than we could possibly have without the employment of rate experts at considerable expense.

In view of these facts, your committee do not feel justified in submitting findings of fact upon hearing the testimony of one side only, and for the reasons above stated do not recommend the taking of evidence on behalf of the railway company.

It is unquestionably true that the rates in the territory covered by the Southern Railway are higher than the rates on coal from the fields reached by the Pennsylvania, Baltimore & Ohio, Norfolk & Western, Chesapeake & Ohio, and all connecting lines in West Virginia. It is not surprising that complaints should exist of the high rates in the southern territory, by reason of the fact that coal abounds from Alabama to the West Virginia mines, and the fields, generally speaking, run parallel to and about equally distant from the Atlantic seaboard. It seems beyond dispute that the territory lying between these coal fields and the Atlantic Ocean ought to enjoy reasonable rates upon coal, and that it ought not to be necessary for the ports south of Cape Hatteras to be compelled to pay the combined rail and water rates now existing in order to receive this necessary commodity.

The Southern Railway system was established in 1894 and extends into the coal fields from Alabama to southern Virginia. It has not developed as a coal-carrying road as have other railroads that reach the coal fields. The reasons for its failure to do so can not be determined upon a partial investigation. Indeed, the reasons may not be so important if the policy hereafter shall be, as stated by the general counsel of the company, "to give to the movement of coal of the South Atlantic ports and into the territory served by the Southern Railway Co. every reasonable facility which the resources of the company will permit."

Since this investigation began the Southern Railway has commenced the construction of coal docks at Charleston, S. C. It is claimed by Mr. Dulaney that the installation of these facilities has been due to this investigation. The Southern Railway, on the other hand, contends that it had made arrangements to supply this outlet for coal before the resolution providing for the investigation was considered. Regardless of what the truth may be with reference to this matter, the fact is that the terminals are being built and the rates on coal hereafter will in all probability be as low as obtain at Norfolk.

In view of the fact that the rates are being investigated by the Interstate Commerce Commission, your committee recommends that the evidence taken by it be referred to the commission for its consideration, and that your committee be discharged from further consideration of Senate resolution No. 291.

N. P. BRYAN, *Chairman.*
CHARLES F. JOHNSON.
WILLIAM ALDEN SMITH.
W. E. CHILTON.
MILES POINDEXTER.

COMMITTEE SERVICE.

Mr. THOMPSON was, at his own request, excused as a member of the Committee on the Census, as a member of the Committee on Indian Affairs, and as a member of the Committee on Conservation of Natural Resources.

Mr. CAMDEN was, at his own request, excused as a member of the Committee on Philippines.

Mr. CHILTON was, at his own request, excused as a member of the Committee on Interoceanic Canals.

On motion of Mr. KERN, it was

Ordered, That Senator W. H. THOMPSON, of Kansas, be, and he is hereby, appointed as a member of the Committee on Interoceanic Canals in place of Senator CHILTON, resigned; and as a member of the committee on the Philippines, in place of Senator CAMDEN, resigned.

THE PREFERENTIAL BALLOT.

Mr. FLETCHER. I ask that the resolution reported by me from the Committee on Printing earlier in the day may be read.

The resolution (S. Res. 573) was read, considered by unanimous consent, and agreed to as follows:

Resolved, That the manuscript submitted by Mr. OWEN on February 13, 1915, entitled "The preferential ballot as a substitute for the direct primary," by Lewis Jerome Johnson, be printed as a Senate document.

INDIANS OF WISCONSIN.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior transmitting a further report with respect to the investigation and enrollment of the so-called St. Croix Chippewa Indians of Wisconsin, which, with the accompanying paper, was ordered to lie on the table.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a joint memorial of the Legislature of Idaho, which was referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed in the RECORD, as follows:

STATE OF IDAHO,
DEPARTMENT OF STATE.

I, George R. Barker, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of a copy of senate joint memorial No. 2, by Zuck, petitioning the Congress of the United States to extend Federal aid under State direction to the reclamation of arid lands (passed the senate Feb. 2, 1915; passed the house of representatives Feb. 11, 1915), which was filed in this office on the 16th day of February, A. D. 1915, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State. Done at Boise City, the capital of Idaho, this 17th day of February, in the year of our Lord 1915, and of the independence of the United States of America the one hundred and thirty-ninth.

[SEAL.]

GEORGE R. BARKER,
Secretary of State.

SENATE JOINT MEMORIAL NO. 2 (BY ZUCK) PETITIONING THE CONGRESS OF THE UNITED STATES TO EXTEND FEDERAL AID UNDER STATE DIRECTION TO THE RECLAMATION OF ARID LANDS.

Be it resolved by the Senate of the State of Idaho (the House of Representatives concurring):

Whereas upon the production of food staples depends the welfare of the whole people, and any increase in the volume of such production is a direct and distinct benefit to all alike; and

Whereas there are within the State of Idaho approximately 3,000,000 acres of arid lands peculiarly adapted in soil characteristics and topography, as well as favored with climatic conditions, essential to the production of wheat, vegetables, fruits, and other food necessities; and

Whereas this vast acreage of land is unavailable for cultivation because the same requires irrigation, and while there are no insurmountable physical difficulties to prevent water being supplied for the same, yet because of unusual financial conditions its reclamation can not be accomplished by the investment of private capital; and

Whereas the same reasons intervene to obstruct its development by the State of Idaho; and

Whereas because of this there is produced an intolerable condition for those who are endeavoring to establish homes upon this area, and as well the entire Nation is deprived of the benefits which would come if the same were made productive to the point where it would add materially to the food supply of the United States: Now therefore be it

Resolved, That the Congress of the United States is hereby petitioned to provide for the reclamation of such land, or such portion thereof as may be consistent at this time, by causing to be expended under the direction of the State of Idaho a sufficient amount of national funds to establish for the said land a good and adequate water supply.

Be it further resolved, That a certified copy of this memorial be forwarded to each of the Members of the congressional delegation from the State of Idaho to the Congress of the United States, and that the same shall constitute a request to the said Delegates to employ severally and collectively their best efforts to secure action in the premises.

This joint memorial passed the senate on the 2d day of February, 1915.

HERMAN H. TAYLOR,
President of the Senate.

This joint memorial passed the house of representatives on this 11th day of February, 1915.

A. H. CONNER,
Speaker of the House of Representatives.

This joint memorial received by the secretary of state on the 16th day of February, 1915, at 12.15 o'clock p. m., and approved on the — day of ———, 1915, at — o'clock —. M.

GEORGE R. BARKER,
Secretary of State.

I hereby certify that the within joint memorial No. 2 originated in the senate during the thirteenth session of the Legislature of the State of Idaho.

[SEAL.] S. D. TAYLOR,
Secretary of the Senate.

Mr. HITCHCOCK. I present a resolution of the Legislature of Nebraska, which I ask may be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Resolution.

Whereas this house has been petitioned in behalf of the live-stock industry of the State; and

Whereas the members of the House of Representatives of the Thirty-fourth session of the Nebraska Legislature know conditions therein expressed do exist: Therefore be it

Resolved, That we do now request our representatives in Congress to secure remedial laws for the live-stock industry of the country: And be it further

Resolved, That a copy of this resolution be transmitted to our representatives in Washington. (Matteson.)

I hereby certify that the above resolution was unanimously adopted this 24th day of February, 1915, by the house of representatives.

First Assistant Chief Clerk.

Mr. PENROSE. I have here a resolution in the nature of a memorial passed by the Legislature of Pennsylvania, which I will ask the Secretary to read. It is short.

There being no objection, the resolution was read, as follows:

COMMONWEALTH OF PENNSYLVANIA.

Concurrent resolution No. 5.

Whereas the great industrial Commonwealth of Pennsylvania has suffered more than any other State in the Union because of the present tariff; and

Whereas under its operation our important steel plants, our textile mills, and other industries have been operating only about one-half capacity; and

Whereas the army of unemployed in our cities and towns has brought continued distress through inability to obtain proper food, raiment, and shelter; and

Whereas we believe present conditions will become worse instead of better at the close of the war: It is therefore

Resolved (*if the house of representatives concur*), That the General Assembly of Pennsylvania, now in session, do request the Congress of the United States to repeal the present tariff law and replace it by a law giving adequate protection to our labor and industries and under normal conditions sufficient revenue to warrant the repeal of the present unjust and uncalled-for special methods of taxation now in operation.

Mr. BRADY. I present a petition of sundry citizens of Pocatello, Idaho, which I ask may be printed in the RECORD and referred to the Committee on Foreign Relations.

The petition was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

POCATELLO, IDAHO, *December 25, 1914.*

Hon. JAMES H. BRADY,
United States Senate, Washington, D. C.

We, the undersigned citizens of the State of Idaho, petition you respectfully to lend your active support and vote for the adoption of Senate bill 6688, that it may pass the Senate at this session of Congress. We are favoring this resolution for the sake of humanity and strict neutrality.

With best wishes for your success,
Yours, very respectfully, JOHN L. WEGENER (and others).

Mr. WEEKS presented a petition of the Woman's Christian Temperance Union, of Holyoke, Mass., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Greenfield, Mass., praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

He also presented a petition of the General Court of Massachusetts, praying for a revision of the tariff laws, which was referred to the Committee on Finance.

He also presented a memorial of Rush Brotherhood, of Cambridge, Mass., remonstrating against the enactment of legislation to prohibit the intermarriage of white and colored persons in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. OLIVER presented petitions of sundry citizens of Pennsylvania, praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

He also presented a petition of the Missionary Society of Trinity Methodist Protestant Church, of Pittsburgh, Pa., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

NOTIFICATION TO THE PRESIDENT.

Mr. KERN, Mr. STONE, and Mr. GALLINGER, the committee appointed to wait upon the President of the United States, appeared, and

Mr. KERN said:

Mr. President, the committee appointed on the part of the Senate to join a like committee on the part of the House of Representatives to wait upon the President of the United States and to ascertain if he had any further communication to make have performed that duty, and have been informed by the President that he has no further communications to make to either House of Congress.

THANKS TO THE VICE PRESIDENT.

Mr. GALLINGER. Mr. President, I submit a resolution (S. Res. 571) for which I ask present consideration.

The PRESIDING OFFICER (Mr. OVERMAN in the chair). The Secretary will read the resolution.

The Secretary read as follows:

Resolved, That the thanks of the Senate are hereby tendered to Hon. Thomas R. Marshall, Vice President of the United States and President of the Senate, for the dignified, impartial, and courteous manner in which he has presided over its deliberations during the present session.

The PRESIDING OFFICER. The question is on the adoption of the resolution just read.

The resolution was unanimously agreed to.

THANKS TO THE PRESIDENT PRO TEMPORE.

Mr. LODGE. Mr. President, I take great pleasure in offering the resolution (S. Res. 572) which I send to the desk, and for which I ask immediate consideration.

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read as follows:

Resolved, That the thanks of the Senate are hereby tendered to Hon. JAMES P. CLARKE, President pro tempore of the Senate, for the dignified, impartial, and courteous manner in which he has presided over its deliberations during the present session.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was unanimously agreed to.

FINAL ADJOURNMENT.

The VICE PRESIDENT. Senators, all of us realize that there is a vast deal of difference between that which we know and that which we believe. I hold it to be eternally fit for a man to believe anything that is not wrong, that contributes to his peace of mind and to the happiness of his fellow man.

I realize that the resolution which has just been adopted is a formal resolution always passed in the Senate of the United States; and yet, because I know that it will contribute to my own peace of mind and happiness, I propose to believe that it comes from the hearts of the Senators of the United States of America. [Applause.] I will take it with me in the parole which is about to be granted me from the four years' sentence as Presiding Officer over the Senate of the United States. [Laughter.] It will lighten my vacation, cheer my heart, and draw my mind ofttimes to the pleasant associations I have enjoyed with the Senators of the United States.

May I be permitted to say that when I came here two years ago it was the first time that I ever stepped inside of a legislative body. I know that I have made mistakes, errors sometimes, of the head; but, thank God, I can look you in the face and say to you that there never has been an error of the heart. [Applause.]

I want to thank you for this resolution, and to express the hope that those Senators who leave us permanently may enjoy in the sunset of life the rewards which their labors in the cause of constitutional liberty so well deserve. With them may it be light at eventide. And may I hope, for those who are to return here at the next session of the Congress, that this vacation will give strength of body and strength of mind, and a renewed determination upon the part of all of us, regardless of political faith, that while we are partisans first, we are inevitably and always Americans; and may I hope that when we return here it may be a body unbroken by the advent of the grim messenger of death among us. And may God guard the Republic, and keep it long to the glory of humanity! [Applause.]

The hour of 12 o'clock of the 4th day of March, 1915, has arrived, and, in accordance with the Constitution of the United States, the third session of the Sixty-third Congress of the United States has ended, and the Senate of the United States stands adjourned sine die.

NOMINATIONS.

Executive nominations received by the Senate March 4, 1915.

APPOINTMENTS IN THE ARMY.

GENERAL OFFICERS.

Col. George W. Goethals, Corps of Engineers, to be major general with rank from March 4, 1915.

Col. Harry F. Hodges, Corps of Engineers, to be brigadier general with rank from March 4, 1915.

Lieut. Col. William L. Sibert, Corps of Engineers, to be brigadier general with rank from March 4, 1915.

MEDICAL DEPARTMENT.

Brig. Gen. William C. Gorgas, Surgeon General, to be Surgeon General with the rank of major general, with rank from March 4, 1915.

APPOINTMENT IN THE NAVY.

Harry Harwood Rousseau to be a civil engineer in the Navy, with the rank of rear admiral of the lower nine.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 3 and 4, 1915.

COLLECTOR OF CUSTOMS.

August M. Gawin to be collector of customs for customs district No. 37.

RECEIVERS OF PUBLIC MONEYS.

Sydney S. Beggs to be receiver of public moneys at Waterville, Wash.

William F. Page to be receiver of public moneys at Spokane, Wash.

Claude E. Rusk to be receiver of public moneys at North Yakima, Wash.

REGISTERS OF THE LAND OFFICE.

Benjamin Spear to be register of the land office at Waterville, Wash.

Henry A. Meier to be register of the land office at Lincoln, Nebr.

APPOINTMENTS IN THE ARMY.

GENERAL OFFICERS.

Col. George W. Goethals, Corps of Engineers, to be major general.

Col. Harry F. Hodges, Corps of Engineers, to be brigadier general.

Lieut. Col. William L. Sibert, Corps of Engineers, to be brigadier general.

MEDICAL DEPARTMENT.

Brig. Gen. William C. Gorgas, Surgeon General, to be Surgeon General with rank of major general.

APPOINTMENT IN THE NAVY.

Harry Harwood Rousseau to be a civil engineer in the Navy with the rank of rear admiral of the lower nine.

POSTMASTERS.

ALABAMA.

William L. Phillips, Clio.

COLORADO.

Ray H. Cowdin, Hugo.

CONNECTICUT.

John P. Callahan, Branford.

ILLINOIS.

John H. Nelson, Paxton.

MASSACHUSETTS.

John J. Downey, Blackstone.
John F. Meehan, Lowell.
John Alden Thayer, Worcester.

NEBRASKA.

H. C. Bible, Holbrook.
C. E. Dedrick, Superior.
D. A. Geil, Grand Island.
Daniel A. Page, Hardy.
August Schultz, Arapahoe.
Jacob W. White, Meadow Grove.
William Zalman, Lawrence.

NEW JERSEY.

Joseph L. Hammell, Burlington.
James D. Magee, Bordentown.
Francis H. Reed, Mount Holly.

NEW YORK.

Wellman L. Bates, Sherman.
William H. Fox, Brocton.
John T. Gallagher, Witherbee.
W. B. Hollister, St. Regis Falls.
S. Jackson Fuller, Cattaraugus.
J. M. Kennedy, Lestershire.
Lee W. McHenry, Chittenango.
John S. Moran, Painted Post.
Willard Vosburgh, Port Byron.
Charles E. Whitman, Weedsport.

OKLAHOMA.

Frank Emanuel, Sulphur.
James P. Officer, Randlett.
H. E. Thomson, Wagoner.

PENNSYLVANIA.

Nicholas F. Barrett, Carnegie.
J. E. Coatsworth, California.
P. F. Connor, Carbondale.
W. A. McAdoo, Kittanning.
Clyde G. McMurray, Oakdale.
Joseph W. Martin, Washington.
Edward D. Noble, Claysville.
L. B. Rowley, Greenville.
Albert J. Vernon, Donora.
J. Blaine Wise, Marianna.

RHODE ISLAND.

Ruth A. Vars, Bradford.

UTAH.

C. L. Countryman, Bingham Canyon.

WISCONSIN.

L. B. Howery, Darlington.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March 4, 1915.*

(Continuation of proceedings of the legislative day of Tuesday, March 2, 1915).

The recess having expired, at 4 o'clock and 33 minutes the House was called to order by the Speaker.

POST OFFICE APPROPRIATION BILL.

Mr. MOON. Mr. Speaker, I present a conference report on the bill (H. R. 19906) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1916, and for other purposes. I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Tennessee presents a conference report upon the Post Office appropriation bill, and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The conference report is as follows:

CONFERENCE REPORT (NO. 1511).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19906) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1916, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 11, 15, 18, 19, 20, 21, 23, 24, 25, 26, 27, 28, 30, 31, 33, 34, 35, 37, 39, 41, and 42.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 16, 17, 22, 32, and 40, and agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: In lieu of the matter stricken out by the Senate amendment insert the following:

"SEC. 10. That the Postmaster General is authorized and directed to readjust the compensation to be paid to railroad companies from and after the 30th day of June, 1915, or as soon thereafter as may be practicable, for the transportation and handling of the mails and furnishing facilities and services in connection therewith upon the conditions and at the rates hereinafter provided.

"The Postmaster General may state railroad mail routes and authorize mail service thereon of the following four classes, namely: Full railway post-office car service, apartment railway post-office car service, storage-car service, and closed-pouch service.

"Full railway post-office car mail service shall be service by cars 40 feet or more in length, constructed, fitted up, and maintained for the distribution of mails on trains. The authorizations of full railway post-office cars shall be for standard-sized cars 60 feet in length, inside measurement, except as hereinafter provided.

"Apartment railway post-office car mail service shall be service by apartments less than 40 feet in length in cars constructed, fitted up, and maintained for the distribution of mails on trains. Two standard sizes of apartment railway post-office cars may be authorized and paid for, namely, apartments 15 feet and 30 feet in length, inside measurement, except as hereinafter provided.

"Storage car mail service shall be service by cars used for the storage and carriage of mails in transit other than by full and apartment railway post-office cars. The authorizations for storage cars shall be for cars 60 feet in length, inside measurement, except as hereinafter provided: *Provided*, That less than 60 feet of storage space may be authorized in baggage cars.

"Service by full and apartment railway post-office cars and storage cars shall include the carriage therein of all mail matter, equipment, and supplies for the mail service and the employees of the Postal Service or Post Office Department as shall be directed by the Postmaster General to be so carried.

"Closed-pouch mail service shall be the transportation and handling by railroad employees of mails on trains on which full or apartment railway post-office cars are not authorized, except as hereinbefore provided.

"The rates of payment for the services authorized in accordance with this act shall be as follows, namely:

"For full railway post-office car mail service at not exceeding 21 cents for each mile of service by a 60-foot car.

"In addition thereto he may allow not exceeding $2 as an initial rate and the same as a terminal rate for each one-way trip of a 60-foot car.

"For apartment railway post-office car mail service at not exceeding 11 cents for each mile of service by a 30-foot apartment car and 6 cents for each mile of service by a 15-foot apartment car.

"In addition thereto he may allow not exceeding $1 as an initial rate and the same as a terminal rate for each one-way trip of a 30-foot apartment car and 50 cents as an initial rate and the same as a terminal rate for each one-way trip of a 15-foot apartment car.

"For storage-car mail service at not exceeding 20 cents for each mile of service by a 60-foot car.

"In addition thereto he may allow not exceeding $2 as an initial rate and the same as a terminal rate for each one-way trip of a 60-foot car.

"Where authorizations are made for cars of the standard lengths of 60, 30, and 15 feet, as provided by this act, and the railroad company is unable to furnish such cars of the length authorized, but furnishes cars of lesser length than those authorized, but which are determined by the department to be sufficient for the service, the Postmaster General may accept the same and pay only for the actual space furnished and used, the compensation to be not exceeding pro rata of that provided by this act for the standard length so authorized: *Provided*, That the Postmaster General may accept cars and apartments of greater length than those of the standard requested, but no compensation shall be allowed for such excess lengths.

"For closed-pouch service, on routes upon which closed-pouch service only is performed, at not exceeding the rates of compensation provided by existing law for average daily weights of mail carried over the whole route; on routes upon which apartment railway post-office car and closed-pouch services are performed, at not exceeding $20 per mile per annum for each 2,000 pounds average daily weight of mails carried, and at pro rata of such rate of compensation for each 100 pounds of average daily weight greater or less than 2,000 pounds; and on routes upon which full railway post-office car and closed-pouch services or full railway post-office car, apartment-car, and closed-pouch services are performed, at not exceeding $19 per mile per annum for each 2,000 pounds average daily weight of mails carried, and at pro rata of such rate of compensation for each 100 pounds of average daily weight greater or less than 2,000 pounds, the average daily weights to be ascertained in every case by the actual weighing of the mails.

"The Postmaster General may require railroad companies carrying the mails to deliver them into and take them from the terminal and intermediate post offices and transfer them between railroad stations on their routes without additional compensation, under such regulations as he may deem proper, in cases where he does not provide for such service otherwise: *Provided*, That the Postmaster General in his discretion may relieve any of the roads of such service.

"Railroad companies whose railroads were constructed in whole or in part by a land grant made by Congress, on the condition that the mails should be transported over their roads at such price as Congress should by law direct, shall receive only 80 per cent of the compensation otherwise authorized by this act.

"The initial and terminal rates provided for herein shall cover expenses of loading and unloading mails, switching, lighting, heating, cleaning mail cars, and all other expenses incidental to station service and required by the Postmaster General in connection with the mails that are not included in the car-mile rate. The allowance for full railway post-office cars, apartment railway post-office cars, and storage cars may be varied in accordance with the approximate difference in their respective cost of construction and maintenance.

"For the purpose of ascertaining the average weight of closed-pouch mails per day upon which to adjust compensation, the Postmaster General is authorized and directed to have such mails carried on the several routes weighed by the employees of the Post Office Department for such a number of successive days, not less than 35, at such times after the passage of this act, as he may direct, and not less frequently than once in every year thereafter, the result to be stated and certified in such form and manner as he may direct. In computing the average weight of mails per day carried on a railroad route, the whole number of days included in the weighing period shall be used as a divisor. The expense of taking the weights of mails and the compensation to tabulators and clerks employed in connection with the weighings, for assistance in completing computations, and of rentals, if necessary, in Washington, D. C., shall be paid out of the appropriation for inland transportation by railroad routes.

"In computing the car miles of the full railway post-office cars and apartment railway post-office cars, the maximum space authorized in either direction of a round-trip car run shall be regarded as the space to be computed in both directions, unless otherwise mutually agreed upon.

"In computing the car miles of storage cars, the maximum space authorized in either direction of a round-trip car run shall be regarded as the space to be computed in both directions, unless the car be used by the company in the return movement, or otherwise mutually agreed upon.

"New service and additional service may be authorized at not exceeding the rates herein provided, and service may be reduced or discontinued with pro rata reductions in pay, as the needs of the Postal Service may require: *Provided*, That no additional pay shall be allowed for additional closed-pouch service on established routes until the next regular readjustment of pay therefor on such routes, and no additional pay shall be allowed for additional car service unless specifically authorized by the Postmaster General.

"All cars or parts of cars used for the Railway Mail Service shall be of such construction, style, length, and character, and furnished in such manner as shall be required by the Postmaster General, and shall be constructed, fitted up, maintained, heated, lighted, and cleaned by and at the expense of the railroad companies. No pay shall be allowed for service by any railway post-office car which is not sound in material and construction and which is not equipped with sanitary drinking-water containers and toilet facilities, nor unless such car is regularly and thoroughly cleaned. No pay shall be allowed for service by any wooden full railway post-office car unless constructed substantially in accordance with the most approved plans and specifications of the Post Office Department for such type of cars, nor for service by any wooden full railway post-office car run in any train between adjoining steel cars, or between the engine and a steel car adjoining. After the 1st of July, 1917, the Postmaster General shall not approve or allow to be used, or pay for service by, any full railway post-office car not constructed of steel or steel underframe or equally indestructible material, and not less than 25 per cent of the full railway post-office cars of a railway company not conforming to these provisions on August 24, 1912, shall be replaced with cars constructed of steel annually after June, 1913; and all full railway post-office cars accepted for this service and contracted for by the railroad companies hereafter shall be constructed of steel. Until July 1, 1917, in cases of emergency and in cases where the necessities of the service require it, the Postmaster General may provide for service by full railway post-office cars of other than steel or steel underframe construction, and fix therefor such rate of compensation within the maximum herein provided as shall give consideration to the inferior character of construction, and the railroad companies shall furnish service by such cars at such rates so fixed.

"Service over property owned or controlled by another company or a terminal company shall be considered service of the railroad company using such property and not that of the other

or terminal company: *Provided*, That service over a land-grant road shall be paid for as herein provided.

"Railroad companies carrying the mails shall furnish all necessary facilities for caring for and handling them while in their custody. They shall furnish all cars or parts of cars used in the transportation and distribution of the mails, except as is herein otherwise provided, and place them in stations before the departure of trains at such times and when required to do so. They shall provide station space and rooms for handling, distribution, and transfer of mails in transit, and for offices and rooms for the employees of the Postal Service engaged in such transportation, when required by the Postmaster General.

"Every railroad company carrying the mails shall carry on any train it operates and without extra charge therefor the persons in charge of the mails, and when on duty and traveling to and from duty, and all duly accredited agents and officers of the Post Office Department and the Postal Service, while traveling on official business, upon the exhibition of their credentials.

"If any railroad company carrying the mails shall fail or refuse to provide cars or apartments in cars for distribution purposes when required by the Postmaster General, or shall fail or refuse to construct, fit up, maintain, heat, light, and clean such cars and provide such appliances for use in case of accident as may be required by the Postmaster General, it shall be fined such reasonable sum as may, in the discretion of the Postmaster General, be deemed proper.

"The Postmaster General shall in all cases decide upon what trains and in what manner the mails shall be conveyed. Every railroad company carrying the mails shall carry on any train it operates and with due speed all mailable matter, equipment, and supplies directed to be carried thereon. If any such railroad company shall fail or refuse to transport the mails, equipment, and supplies when required by the Postmaster General on any train or trains it operates, such company shall be fined such reasonable amount as may, in the discretion of the Postmaster General, be deemed proper.

"The Postmaster General may make deductions from the pay of railroad companies carrying the mails under the provisions of this act for reduction in service or in frequency of service where, in his judgment, the importance of the facilities withdrawn or reduced requires it, and impose fines upon them for delinquencies. He may deduct the price of the value of the service in cases where it is not performed, and not exceeding three times its value if the failure be occasioned by the fault of the railroad company.

"The provisions of this section shall apply to service operated by railroad companies partly by railroad and partly by steamboats.

"The provisions of this section respecting the rates of compensation shall not apply to mails conveyed under special arrangement in freight trains, for which rates not exceeding the usual and just freight rates may be paid, in accordance with the classifications and tariffs approved by the Interstate Commerce Commission.

"Railroad companies carrying the mails shall submit, under oath, when, and in such form as may be required by the Postmaster General, evidence as to the performance of service.

"The Postmaster General is authorized to employ such clerical and other assistance as shall be necessary to carry out the provisions of this section, and to rent quarters in Washington, D. C., if necessary, for the clerical force engaged thereon, and to pay for the same out of the appropriation for inland transportation by railroad routes, and hereafter detailed estimates shall be submitted for such services in the annual Book of Estimates.

"The Postmaster General shall, from time to time, request information from the Interstate Commerce Commission as to the revenue received by railroad companies from express companies for services rendered in the transportation of express matter, and may, in his discretion, arrange for the transportation of mail matter other than of the first class at rates not exceeding those so ascertained and reported to him, and it shall be the duty of the railroad companies to carry such mail matter at such rates fixed by the Postmaster General.

"The Postmaster General is authorized, in his discretion, to petition the Interstate Commerce Commission for the determination of a postal carload or less-than-carload rate for transportation of mail matter of the fourth class and periodicals, and may provide for and authorize such transportation, when practicable, at such rates, and it shall be the duty of the railroad companies to provide and perform such service at such rates and on the conditions prescribed by the Postmaster General.

"The Postmaster General may, in his discretion, distinguish between the several classes of mail matter and provide for less frequent dispatches of mail matter of the third and fourth classes and periodicals, when lower rates for transportation or other economies may be secured thereby without material detriment to the service.

"The Postmaster General is authorized to return to the mails, when practicable for the utilization of car space paid for and not needed for the mails, postal cards, stamped envelopes, newspaper wrappers, empty mail bags, furniture, equipment, and other supplies for the Postal Service.

"The Postmaster General, in cases of emergency between October 1 and April 1 of any year, may hereafter return to the mails empty mail bags and other equipment theretofore withdrawn therefrom as required by law, and where such return requires additional authorization of car space under the provisions of this section to pay for the transportation thereof as provided for herein out of the appropriation for inland transportation by railroad routes.

"The Postmaster General may have the weights of mail taken on railroad mail routes and computations of the average loads of the several classes of cars and other computations for statistical and administrative purposes made at such times as he may elect, and pay the expense thereof out of the appropriation for inland transportation by railroad routes.

"It shall be unlawful for any railroad company to refuse to perform mail service at the rates of compensation provided by law when and for the period required by the Postmaster General so to do, and for every such offense it shall be fined not exceeding $5,000.

"That the appropriations for inland transportation by railroad routes and for railway post-office car service for the fiscal year ending June 30, 1916, are hereby made available for the purposes of this section.

"That after the rates specified in this act shall have been in effect for a period of one year, the Interstate Commerce Commission shall, whenever requested by the Postmaster General or by the representatives of railroads with an aggregate mileage of at least 51 per cent of the mileage of railroads carrying mail, make an investigation of the justice and reasonableness of rates then in effect, grant hearings to parties in interest, and report to Congress at the earliest practicable date thereafter the results of such investigation, making specific findings as to whether the rates fixed herein should be increased or decreased and if either, how much: *Provided further*, That such investigations thereafter shall not be made more frequently than biennially. Such report shall show for each steam railroad operating company if practicable, the amount of mail service rendered, the cost of performing same, and a comparison of the earnings of such railroad company from mail traffic with those from express traffic and other passenger train traffic. For the purposes of such investigations the Interstate Commerce Commission shall have all powers which it is now authorized to exercise in the investigation of the reasonableness of rates, and the Postmaster General shall supply such information regarding the mail service as may be requested by the Interstate Commerce Commission: *Provided further*, That the Postmaster General may, in his discretion, make independent investigations and reports."

And the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows: In lieu of the matter stricken out by the Senate amendment insert the following:

"SEC. 17. That section 3949 of the Revised Statutes be amended to read as follows:

"'All contracts for carrying the mail shall be in the name of the United States, and shall be awarded to the lowest bidder tendering sufficient guaranties for faithful performance in accordance with the terms of the advertisement: *Provided, however*, That such contracts require due celerity, certainty, and security in the performance of the service; but the Postmaster General shall not be bound to consider the bid of any person who has willfully or negligently failed to perform a former contract.'"

And the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the matter stricken out by the Senate amendment insert the following:

"SEC. 19. That section 3938 of the Revised Statutes be amended to read as follows:

"'All letters of domestic origin which can not be delivered by postmasters or returned to the writers shall be sent to the Dead Letter Office, or a branch thereof, and such as contain inclosures of value, other than correspondence, shall be re-

corded. If the sender or addressee can not be identified, such letters shall be held for a period of one year awaiting reclamation. If within one year they have not been claimed, they shall be disposed of as the Postmaster General may direct.

"'All other undeliverable letters shall be disposed of without record and not held for reclamation.'"

And the Senate agree to the same.

JOHN A. MOON,
D. E. FINLEY,
MARTIN B. MADDEN,
Managers on the part of the House.
J. H. BANKHEAD,
CLAUDE A. SWANSON,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

Amendment No. 1: Explanatory of transfer of two assistant superintendents of Railway Mail Service to another bureau of the department. House agrees.

Amendment No. 2: Increase in amount of appropriation for compensation to postmasters. House agrees.

Amendment No. 3: Providing for the readjustment of salaries of postmasters of the first and second class by calendar year instead of fiscal year. House agrees.

Amendment No. 4: Compensation for assistant postmasters at post offices of the first and second class. House agrees.

Amendment No. 5: For compensation to clerks and employees at first and second class post offices—providing for superintendent of finance in lieu of assistant postmasters. House agrees.

Amendment No. 6: Amount of appropriation for clerks and employees at first and second class post offices, as provided in amendment 5. House agrees.

Amendment No. 7: Providing for reclassification of supervisory employees at first and second class post offices on basis of receipts of office. House agrees.

Amendment No. 8: To permit the Postmaster General to make contracts for four years instead of two years. House agrees.

Amendment No. 9: For temporary and auxiliary clerk hire, reducing the amount of appropriation $100,000. House agrees.

Amendment No. 10: Provides for employment of assistant postmasters at third-class post offices. House agrees.

Amendment No. 11: For pay of substitute letter carriers, reduces the amount of appropriation $500,000. Senate recedes.

Amendment No. 12: Provides for restoration to former salaries of letter carriers assigned to collection service who have been reduced during the year. House agrees.

Amendment No. 13: Insertion of word "exchange." House agrees.

Amendment No. 14: For pay of freight and expressage on stamped paper and empty mail bags, reduces the amount of appropriation $25,000. House agrees.

Amendment No. 15: For experimental village delivery service, reduces amount of appropriation $50,000. Senate recedes.

Amendment No. 16: Transposition of word "basket." House agrees.

Amendment No. 17: Same as No. 16. House agrees.

Amendment No. 18: Provides for part of amount of appropriation to be used for the purchase of dies for letter boxes. Senate recedes.

Amendment No. 19: For rental and purchase of canceling machines, etc., reducing the amount of appropriation $25,000. Senate recedes.

Amendment No. 20: Providing penalty of fine and imprisonment for mailing threatening letters. Senate recedes.

Amendment No. 21: Providing for compensatory time for Sunday service. Senate recedes.

Amendment No. 22: Permitting Postmaster General to establish branch offices, etc. House agrees.

Amendment No. 23: To permit the advancement to the presidential class of any fourth-class office, provided the postmaster's compensation for the year amounts to $1,000, irrespective of whether it amounts to $250 for each quarter, as now required. Senate recedes.

Amendment No. 24: Repealing act approved August 24, 1912, relating to so-called "blue-tag matter"—sending second-class matter by freight. Senate recedes.

Amendment No. 25: To amend existing law so as to extend the period during which the department may ship mail bags in mail trains at railroad mail rates in emergencies. Senate recedes.

Amendment No. 26: To enable the Postmaster General to substitute estimated weights in cases where, because of interruptions in service on account of floods or other causes, the weights taken are shown to have been below the normal or the mails were not weighed, the estimated weights to be based on the average weights for the normal period. Senate recedes.

Amendment No. 27: Readjustment for diversions of mail: To amend existing law by repealing the provision of section 4 of an act approved August 24, 1912. Senate recedes.

Amendment No. 28: To provide for transferring clerks from post offices of the first and second classes to the Railway Mail Service at salaries higher than the lowest in the Railway Mail Service. Senate recedes.

Amendment No. 29: New method of fixing railway mail pay: To provide a new plan for the authorization and regulation of railroad mail service and fixing rates of compensation therefor. House agrees, with amendment.

Amendment No. 30: To enable the allowance of additional compensation on railroad routes from August 15, 1913, on account of the extension of weight limit and change in rates on parcel-post matter. Senate recedes.

Amendment No. 31: To enable the Postmaster General to make allowance of additional compensation on railroad routes from January 1, 1914, for the additional weight of mails carried as a result of the extension of weight limit and reduction in rates on parcel-post mails effective from that date. Senate recedes.

Amendment No. 32: To reduce the minimum of pieces of third and fourth class matter which may be accepted for mailing without stamps affixed, the postage being collected in money, and to extend such privilege to matter of the second class mailed at the special rates of 1 cent and 2 cents a copy. Senate recedes.

Amendment No. 33: To modify the restrictions on the amount that may be accepted from a postal-savings depositor, with the proviso that interest shall not be paid on more than $1,000. Senate recedes.

Amendment No. 34: To enable the department to expedite payments to carriers on star mail routes who have performed service for contractors and have not been paid the amounts due them. Senate recedes.

Amendment No. 35: To provide for temporary service on star routes when necessary. Senate recedes.

Amendment No. 36: To permit the department to prescribe the mode of transportation where necessary on star mail routes. House agrees, with amendment.

Amendment No. 37: To give ample protection to all boxes intended or used for the receipt or delivery of mail on any mail route. Senate recedes.

Amendment No. 38: To facilitate the disposition of undeliverable letters and to avoid their accumulation in the department beyond a period when reclamation is not desired.

As amended, the section will read as follows:

"All letters of domestic origin which can not be delivered by postmasters or returned to the writers shall be sent to the Dead Letter Office or a branch thereof, and such as contain inclosures of value, other than correspondence, shall be recorded. If the sender or addressee can not be identified, such letters shall be held for a period of one year awaiting reclamation. If within one year they have not been claimed, they shall be disposed of as the Postmaster General may direct.

"All other undeliverable letters shall be disposed of without record and not held for reclamation."

House agrees, with amendment.

Amendment No. 39: To enable Postmaster General to provide star-route service when in his opinion bids submitted are exorbitant, unreasonable, or result of combination of bidders to fix rates. Senate recedes.

Amendment No. 40: To provide additional pay to rural carriers engaged in village delivery. House agrees.

Amendment No. 41: To authorize the reimbursement of Navy mail clerks and assistant Navy mail clerks for certain losses of postage stamps, postal funds, money order funds, and certain other Government property. Senate recedes.

Amendment No. 42. Repealing clause.

AMOUNT OF APPROPRIATION.

Amount appropriated, 1915	$313,364,667
Estimated for 1916	325,129,614
Amount carried in House bill, 1916	321,718,974
Amount as passed Senate	323,214,694
Amount as agreed to in conference	323,739,694

JOHN A. MOON.
D. E. FINLEY.
MARTIN B. MADDEN.

Mr. MOON. Mr. Speaker, I move the previous question.

Mr. STAFFORD. Will the gentleman withhold that motion for a question?

Mr. MOON. I will.

Mr. STAFFORD. The statement, so far as amendment 29, says that it was agreed to with an amendment. Will the chair-

man indicate what changes have been made—that is, with reference to the railway mail pay?

Mr. MOON. The section remains exactly as it passed the House, except in three particulars: First, the 30-foot railway post-office car; the bill had 10½ cents a mile, and the conferees agreed upon 11 cents. On the 15-foot railway post-office car it was 5½ cents, and the conferees agreed upon 6.

Then, there is an amendment placed at the end of that section that provides that if the Postmaster General or 51 per cent of the mileage of the railways of the United States shall desire it, they may file an application with the Interstate Commerce Commission, and proceedings shall be had there to determine whether the rates existing in this bill are just or not. The complainant has all the opportunities he would have in court, and the Interstate Commerce Commission has all powers that it now has to investigate matters under the statutes, and the commission is to report to Congress its findings. The law must remain one year as it is before the department or the railway companies can demand that investigation or report. Thereafter it can be demanded only every two years.

Mr. STAFFORD. As I understand it, if this bill becomes a law neither the Postmaster General nor 50 per cent of the railway carriers, if they elect, can petition the Interstate Commerce Commission for a determination as to whether the rates are just and reasonable until the expiration of one year of its enforcement.

Mr. MOON. No; they make the findings and report to Congress, and Congress will determine whether they are just and reasonable.

Mr. STAFFORD. In the contingency that the Interstate Commerce Commission should find that they are not just and reasonable?

Mr. MOON. The report will be made to Congress, and Congress will determine that question.

Mr. STAFFORD. One other question. What was done so far as the increase of salary which the House bill provided for the supervisory officials? Was there any change made whatever along the lines recommending an increase of pay to supervisory officials as carried in the House bill?

Mr. MOON. The provision remains in the House bill.

Mr. MADDEN. No; the Senate struck that out, and the House conferees agreed.

Mr. STAFFORD. Those are amendments 5 and 7.

Mr. MOON. Will the Clerk read what the statement says about amendment 5?

The Clerk read as follows:

Amendment 5. For compensation to clerks and employees at first and second class post offices—providing for superintendent of finance in lieu of assistant postmasters—the House agrees.

Mr. MOON. I did not realize the amendment that the gentleman inquired about. The House bill failed to make appropriations for assistant postmasters, and the Senate disagreed to that proposition, and included a sum of money necessary to pay the assistant postmasters in accordance with the old law. The conferees have accepted the Senate amendment.

Mr. STAFFORD. In the House bill we provided an increase of salary for supervisory officials to the extent of more than $3,000,000.

Mr. MADDEN. That is all taken out.

Mr. STAFFORD. Will the Clerk read the statement as to amendment No. 7?

The Clerk read as follows:

Amendment No. 7, providing for a reclassification of supervisory employees at first and second class post offices on the basis of receipts of office; House agrees.

Mr. MURDOCK. Mr. Speaker, I would like to ask the gentleman from Tennessee a question: There are two increases for the provision of railway mail pay, on the 15-foot and the 30-foot car. What will that increase amount to?

Mr. MOON. One million two hundred and ten thousand dollars.

Mr. MURDOCK. Was there any change made in the storage cars?

Mr. MOON. No; the House bill remains the same.

Mr. MURDOCK. What was done in regard to the discretion left with the Postmaster General in connection with the use of the words "not exceeding"?

Mr. MOON. Those words have been in the statute for 45 years, and we declined to strike them out because we believe the present Postmaster General will discharge his duties like all of the others have.

Mr. MURDOCK. So those words are left in?

Mr. MOON. Yes.

Mr. MURDOCK. One more question. What is the estimated total railway mail pay with these two increases?

Mr. MOON. It is estimated under this bill that it was $63,247,000, and then there would be added $1,210,000.

Mr. MURDOCK. Sixty-three million dollars under the bill?

Mr. MOON. No; $62,000,000 now.

Mr. MURDOCK. And it will go above the $63,000,000?

Mr. MOON. Yes.

Mr. MURDOCK. Does the gentleman know how much it would have been under the old method?

Mr. MOON. It would have been less than it is now. I think the department estimated some $580,000 less.

Mr. MURDOCK. That is on the weight pay?

Mr. MOON. Yes. The railroads are getting that much more, but under the space system we can recoup all of those losses in the handling of the mail and profit very largely under the act.

Mr. AUSTIN. What became of the proposition to give the rural carriers an extra $100 for a standard route of not less than 24 miles?

Mr. MOON. The proposition of the rural carriers was acceded to by the Senate just as it passed the House, and was not in conference.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

EXTENSION OF REMARKS.

By unanimous consent, leave to extend remarks in the RECORD was granted to the following:

Mr. LEWIS of Maryland, Mr. CRAMTON, Mr. GOODWIN of Arkansas, Mr. CARAWAY, Mr. BARKLEY, Mr. MURDOCK, Mr. LEVY, Mr. MOTT, Mr. RAINEY, Mr. AINEY, and Mr. GOLDFOGLE.

RECESS.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that the House stand in recess until 9 o'clock this morning.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the House stand in recess until 9 o'clock a. m. Is there objection?

There was no objection.

Accordingly (at 4 o'clock and 58 minutes a. m.) the House stood in recess until 9 o'clock a. m. to-day, March 4, 1915.

AFTER THE RECESS.

The recess having expired, the House (at 9 o'clock a. m.) was called to order by the Speaker.

SAFE BOILERS FOR LOCOMOTIVES.

Mr. ADAMSON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Georgia rise?

Mr. ADAMSON. To call attention to the fact that there is a little boiler-inspection bill, that you recognized me on last night, that has come over. It is on the Speaker's table.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

An act (H. R. 17894) to amend an act entitled "An act to promote the safety of employees and travelers on railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911.

The Senate amendment was read.

Mr. ADAMSON. Mr. Speaker, apologizing for saying "last night" instead of "this morning," I move to concur in the Senate amendment.

The Senate amendment was agreed to.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the Senate amendment was agreed to was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 17894. An act to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4422. An act for the relief of John L. Sevy;

S. 6510. An act to authorize the appointment of Duncan Grant Richart to the grade of second lieutenant in the Army;

S. 7632. An act to provide American register for the steamer *Minnesota* upon certain conditions;

S. 2810. An act for the relief of the heirs of Joshua Nicholls; and

S. 283. An act for the relief of Lester A. Rockwell.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 1062. An act granting a patent to Joseph Robicheau; and

H. R. 18685. An act to repeal penalties on foreign-built vessels owned by Americans.

The message also announced that the Senate had passed the following joint resolution, in which the concurrence of the House of Representatives was requested:

S. J. Res. 245. Joint resolution providing for the payment of salaries of officers and employees of the Senate and House of Representatives in full for month of March, 1915, on the 4th day of March, 1915.

ENROLLED BILLS SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 18747. An act to reserve certain lands and to incorporate the same and make them a part of the Pike National Forest; and

H. R. 8846. An act making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, and under the provisions of section No. 151 of the act approved March 3, 1911, commonly known as the Judicial Code.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4522. An act to amend an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906;

S. 544. An act for the relief of the Virginia Military Institute, of Lexington, Va.;

S. 7515. An act to reserve lands to the Territory of Alaska for educational uses, and for other purposes; and

S. 5042. An act legalizing certain conveyances heretofore made by the Central Pacific Railroad Co. and others within the State of Nevada.

DISPOSAL OF CLOTHING OR UNIFORMS.

Mr. GARD. Mr. Speaker, I move to take from the Speaker's table the bill S. 7051.

The SPEAKER. The gentleman from Ohio asks unanimous consent to take from the Speaker's table the bill S. 7051, which the Clerk will report.

The Clerk read as follows:

A bill (S. 7051) to authorize the disposal of clothing or uniforms which have become unserviceable or unsuitable.

Be it enacted, etc., That whenever any clothing or uniforms, which have heretofore, or may hereafter be furnished by the War Department to any State, or Territory, or the District of Columbia, have become unserviceable, or unsuitable from use in the service, or from any other cause, they shall be examined by a disinterested surveying officer of the Organized Militia, to be appointed by the governor of the State or Territory, or the commanding general of the National Guard of the District of Columbia, to which the clothing or uniforms have been issued, and his report shall be forwarded by said governor or commanding general direct to the Secretary of War, and if it shall appear to the Secretary of War from the record of survey that said clothing or uniforms are unserviceable or unsuitable for the purposes for which intended, then the buttons or braid thereon, if any, shall be removed therefrom, and the said clothing or uniforms shall be turned over to the governor of the State or Territory, or to the commanding general of the National Guard of the District of Columbia, to which said clothing or uniforms were furnished, to be by him distributed among the destitute of his State, Territory, or District of Columbia, in such manner as to him may seem proper and just.

SEC. 2. That all acts or parts of acts inconsistent with these provisions are hereby repealed.

Also the following committee amendment was read:

Page 2, lines 1 and 2, after the word "issued," insert "or by a disinterested officer of the Regular Army, to be appointed by the Secretary of War."

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object——

POST OFFICE DEPARTMENT APPROPRIATIONS.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent for the present consideration of the following joint resolution, which I send to the Clerk's desk.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of House joint resolution 440, which the Clerk will report.

The Clerk read as follows:

House joint resolution (H. J. Res. 440) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1916, and for other purposes.

Resolved, etc., That all appropriations for the service of the Post Office Department which shall remain unprovided for on June 30, 1915, are continued and made available for and during the fiscal year 1916 to the same extent, in detail, and under the same conditions, restrictions, and limitations for the fiscal year 1916 as the same were provided for on account of the fiscal year 1915 in the Post Office appropriation act for that fiscal year. For all of such purposes a sufficient sum is appropriated in conformity with the act of July 2, 1836, not to exceed in the aggregate the amount appropriated for the fiscal year 1915: *Provided*, That if the revenues of the Post Office Department shall be insufficient to meet the appropriations made by this joint resolution, a sum equal to such deficiency of the revenues of said department is appropriated, out of any money in the Treasury not otherwise appropriated, to supply said deficiencies in the revenues for the Post Office Department for the year ending June 30, 1916, and the sum needed may be advanced to the Post Office Department upon requisition of the Postmaster General: *Provided further*, That this joint resolution shall not be construed as providing for or authorizing the duplication of any special payment or for the execution of any purpose provided for in said appropriation act that was intended to be paid only once or done solely on account of the fiscal year 1915: *And provided further*, That letter carriers assigned to collection service who were promoted to the higher grades in accordance with the classification act, approved March 2, 1907, and whose salaries have been reduced during the past year, through no delinquency or charges of misconduct on their part, shall be restored to their former grades: *Provided also*, That on and after July 1, 1915, the compensation of each rural letter carrier for serving a rural route of 24 miles and over, 6 days in the week, shall be $1,200 per annum, payable monthly; on routes 22 miles and less than 24 miles, $1,152; on routes 20 miles and less than 22 miles, $1,080; on routes 18 miles and less than 20 miles, $960; on routes 16 miles and less than 18 miles, $840; on routes 14 miles and less than 16 miles, $720; on routes 12 miles and less than 14 miles, $672; on routes 10 miles and less than 12 miles, $624; on routes 8 miles and less than 10 miles, $576; on routes 6 miles and less than 8 miles, $528; on routes 4 miles and less than 6 miles, $480. A rural letter carrier serving one triweekly route shall be paid on the basis for a route one-half the length of the route served by him, and a carrier serving two triweekly routes shall be paid on the basis for a route one-half of the combined length of the two routes: *Provided*, That in the discretion of the Postmaster General, the pay of carriers who furnish and maintain their own motor vehicles and who serve routes not less than 50 miles in length may be fixed at not exceeding $1,800 per annum.

Mr. FITZGERALD. Mr. Speaker, the situation in the Senate is such that it seems that neither the Post Office appropriation bill nor the Indian appropriation bill can become law. This resolution to continue the appropriations has been prepared by the experts in the Committee on Appropriations in conference with the experts in the Division of Bookkeeping and Warrants in the Treasury Department and with the Comptroller of the Treasury. It continues the existing appropriations for the current year and in addition carries two provisions which were agreed to by the managers of the two Houses in the Post Office appropriation bill—one to protect the city carriers from demotion, in order to accomplish a saving, and the other the provision fixing the compensation of the rural carriers. These provisions are inserted because of suggestions that if they were not contained in the resolution in all probability it could not be passed in this House. Our obligations to provide the money to carry on the Government necessitates this resolution. I hope it will be adopted.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. FITZGERALD, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

APPROPRIATIONS FOR INDIANS, ETC.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent for the consideration of the House joint resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House joint resolution (H. J. Res. 441) making appropriations for current and contingent expenses of the Bureau of Indians Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1916.

Resolved, etc., That all appropriations for the current and contingent expenses of the Bureau of Indian Affairs and for fulfilling treaty stipulations with various Indian tribes, which shall remain unprovided for on June 30, 1915, are continued and made available for and during the fiscal year 1916 to the same extent, in detail, and under the same conditions, restrictions, and limitations for the fiscal year 1916 as the same were provided for on account of the fiscal year 1915 in the Indian appropriation act for that fiscal year. For all of such purposes a sufficient sum is appropriated, out of any money in the Treasury not otherwise appropriated, or out of funds to the credit of Indians as the same were respectively provided in the Indian appropriation act for the fiscal year 1915: *Provided*, That the appropriations from the Treasury of the United States or from Indian funds shall not exceed in the aggregate the amounts of such appropriations for the fiscal year 1915: *Provided further*, That this joint resolution shall not be construed as providing for or authorizing the duplication of any special payment or for the execution of any purpose provided for in said appropriation act that was intended to be paid only once or done solely on account of the fiscal year 1915: *Provided further*, That appropriations continued hereunder shall be available for the maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles in the same manner as appropriations were available for those purposes during the fiscal year 1915.

The SPEAKER. Is there objection to the consideration of the resolution?

Mr. BURKE of South Dakota. Mr. Speaker, will the gentleman yield for a question? I want to ask the gentleman from

New York if under this resolution the same amount of money can be expended for different purposes as was appropriated in the appropriation bill for the current year?

Mr. FITZGERALD. The same sum.

Mr. BURKE of South Dakota. Let me ask the gentleman in reference to this matter. There is an item in the current appropriation bill authorizing expenditure of $600,000, known as the industrial fund. The bill which failed, or will fail, assuming that it will not be passed by the Senate, this year carried $200,000. In conference it was agreed to at $300,000. What I wish to know is, will the Indian Bureau now have an appropriation of $600,000 for that purpose to be expended in the next fiscal year?

Mr. FITZGERALD. Mr. Speaker, it depends on the character of the appropriation. This resolution provides that it shall not be construed as providing for or authorizing the duplication of any special payment or for the execution of any purpose provided in said appropriation act that was intended to be paid only once or done solely on account of the fiscal year 1915.

If the item to which the gentleman refers has been annual in character, then the $600,000 would be available. If it were a specific appropriation for a specific purpose, nothing is provided under this resolution.

Mr. BURKE of South Dakota. Take an appropriation for a reclamation project where the appropriation for the fiscal year is, we will say, $300,000, and possibly in appropriating this year we might not think it wise to appropriate more than $50,000 or $100,000, does the gentleman think they could expend $300,000?

Mr. FITZGERALD. I would doubt it on an appropriation for such a purpose as indicated by the gentleman. Of course the gentleman will appreciate the difficulty of preparing a resolution which extends appropriations.

Mr. BURKE of South Dakota. I appreciate that.

Mr. FITZGERALD. These resolutions have been passed by Congress as to various services since 1876. This resolution has been prepared after consultation with the Division of Bookkeeping and Warrants in the Treasury Department and the Comptroller of the Treasury. There will unquestionably be some embarrassment and there will be some doubt as to the construction to be given some of the appropriations.

Mr. BURKE of South Dakota. The real intention of such resolution——

Mr. FITZGERALD. The intention is to extend the items of annual appropriations.

Mr. BURKE of South Dakota. And such appropriations in order to carry on the business of the department for which you are making the appropriations that are absolutely necessary in the interest of public business.

Mr. FITZGERALD. Specific appropriations for specific purposes, where it is clear that they were intended that there should be but one appropriation, are not continued.

The SPEAKER. Is there objection to the consideration of the resolution?

There was no objection.

The resolution was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. FITZGERALD, a motion to reconsider the vote by which the resolution was passed was laid on the table.

DISPOSAL OF UNSERVICEABLE OR UNSUITABLE CLOTHING OR UNIFORMS.

Mr. GARD. Mr. Speaker, I believe the pending matter is the consideration of the bill (S. 7051) to authorize the disposal of clothing or uniforms which have become unserviceable or unsuitable.

The SPEAKER. Is there objection to the consideration of the bill? The gentleman from Ohio [Mr. GARD] had made the request, and that matter was hung up.

Mr. MANN. Mr. Speaker, reserving the right to object, we are within two and one-half hours of the time of the adjournment of this Congress. I think that proposition is altogether too important to take up at this time, with only a small proportion of the membership of the House present. Gentlemen will say, "Well, it is something that ought to be done now, and this is the last chance"; but my experience and observation is that when things wait until the last moment they have a very slim chance of getting through. Now, I had a bill which passed the House and is pending in the Senate. It did not bear my name, but I drew it—the bureau of labor safety bill. But I realized several days ago what the situation was. Probably the bill ought to have been passed before. Smilingly and with contentment, and with the expectation to renew the proposition in another Congress, I realize that in this Congress that bill will not become a law. The gentleman from Ohio [Mr. GARD] will have to come to the same serene contentment and knowledge.

Mr. GARD. Will the gentleman withhold his objection?

Mr. MANN. I shall be very glad to withhold my objection while the gentleman makes a speech.

Mr. GARD. I do not desire to make a speech. I simply desire to call the attention of the gentleman to the fact that this is a purely local matter. It is not of general application. It simply means that about 1,800 Army overcoats, which have been declared unserviceable, can be distributed to miners who are in distress, instead of destroying the overcoats; the present law, as I understand it, being mandatory that these uniforms and coats shall be destroyed if declared to be unserviceable. Now, these overcoats have been declared by a survey to be unserviceable. The proposition is just a little local one, whether these 1,500 or 1,800 overcoats can be distributed among these miners who are in distress for clothing, by the governor of the State of Ohio, or whether they shall be burned or otherwise destroyed.

Mr. MANN. Of course I could not tell by hearing the bill read, and I may be in error as to the House bill which was reported; but my recollection was that it was a bill general in terms.

Mr. GARD. Oh, no; it is not general. It is just for the relief of that situation which I speak of.

Mr. JOHNSON of Kentucky. I will say to the gentleman that I have read the bill since it went to the Speaker's desk, and I am quite sure it is a general bill.

Mr. MANN. If it is not a general bill, I am clear off on my reading of the House bill. Formerly when United States Army clothing was no longer serviceable, and many times when it was, it was sold. When I was a young boy everybody wore a United States Army uniform or overcoat. Those were left over from the Civil War.

Mr. GARD. That is still the law; but if they are declared to be unserviceable, then they must be destroyed.

Mr. MANN. Oh, no. These were declared unserviceable for the Army, and they had been sold. In Chicago and in New York they have stores selling quartermasters' stores purchased from the Army, and we have recently had reported from the Quartermaster's Office or from the office of the Secretary of War a long list, covering page after page, showing that certain sales of quartermasters' materials have been made. Retail stores are run out of the goods purchased at those sales. If these overcoats are so unserviceable that they can not be sold, they ought not to be given away to some poor suckers; and if the law has been changed so that they can not sell them, in order to prevent the Army uniform being worn, I am not in favor of changing it without consideration.

Mr. GARD. The language of the present law is—

* * * If the articles so surveyed are found to be unserviceable or unsuitable, the Secretary of War shall direct what disposition, by sale or otherwise, shall be made of them, except unserviceable clothing, which shall be destroyed; and if sold, the proceeds of such sale shall be covered into the Treasury of the United States.

Now, as I have said, these overcoats, or almost the entire bulk of them, have been declared unserviceable.

Mr. MANN. What is the date of the law which the gentleman has quoted?

Mr. GARD. That is section 4 of the act of February 12, 1897, amended by section 4 of the act of June 22, 1906.

Mr. MANN. Passed, I take it, for the purpose of preventing Army uniforms being scattered around the country for everybody to wear and representing themselves to be soldiers?

Mr. GARD. I do not know the purpose of it, but there is no danger of that in this bill, because it provides that the emblems of the militia shall be removed, and these overcoats made as nearly like the overcoats of civilians as they can be, and they will merely be applied to relieve this condition of local distress.

Mr. MANN. What is the number of the House bill?

Mr. GARD. I do not know the number of the House bill. This is the Senate bill.

Mr. MANN. Has the gentleman completed his statement?

Mr. GARD. Yes.

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects.

LEAVE TO EXTEND REMARKS.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

ELECTRICAL VOTING DEVICE.

Mr. LLOYD. Mr. Speaker, I should like to call up the electrical voting device proposition which I sent up day before yesterday (H. Res. 513).

Mr. MANN. Mr. Speaker, will the gentleman yield before he calls that up?

Mr. LLOYD. Yes.

Mr. MANN. That is a very important matter. It involves not only the convenience of the Members, but, I think, the integrity of the proceedings of the House. It does not seem to me that we ought to act upon that without considerable discussion and a full membership in the House. I would be unwilling to let that come up before the House without the presence of a quorum and as many more Members as we could get. I hope the gentleman will let it go over. The gentleman and I will be here in the next Congress.

Mr. MADDEN. Mr. Speaker, I shall have to object to it anyway.

Mr. LLOYD. It is not my purpose to interfere with a quorum at this late hour in the session. I called it up to ascertain whether anybody was going to make an objection to it on the ground of no quorum.

Mr. MADDEN. No; I would not do that, but I object to it on its merits, for I do not think we ought to use artificial devices for voting. Some one might take the key and vote four or five Members.

Mr. LLOYD. If the point of no quorum is to be made, I do not wish to call it up.

Mr. MANN. It would be raised.

ELSIE M'CAULLEY.

Mr. BROCKSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5705) authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Elsie McCaulley from Glenwood Cemetery, District of Columbia, to Philadelphia, Pa.

The SPEAKER. The gentleman from Delaware asks unanimous consent for the present consideration of this bill, which the Clerk will report.

The Clerk read the bill at length.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I do not recall the name; is there a House bill on the same subject which has been reported?

Mr. BROCKSON. There is not.

Mr. MANN. I shall object.

RECESS.

Mr. UNDERWOOD. I desire to move that the House take a recess until half past 10 o'clock to-day. Pending that motion, I wish to say this so that it may go into the RECORD: The House has attended to the business of this Congress. We have passed all the appropriation bills that came to us or could possibly come to us. The House has now passed two resolutions extending the two appropriation bills that have not passed and become a law, and if the finances of the Government are not taken care of at this session of Congress it is not the fault of this House. [Applause.]

Now, Mr. Speaker, with that statement in the RECORD, I wish to say that the resolutions have gone to the Senate. There is no necessity of our being in session for an hour, and at the end of that time I think we can take care of these matters that are coming up. Therefore I move that the House now stand in recess until half past 10 o'clock a. m.

Mr. SLAYDEN. Mr. Speaker, I would like to make a statement of two or three minutes, and I ask the gentleman to withhold his motion.

Mr. UNDERWOOD. I will say to the gentleman that if we do not take a recess now we will not take it at all.

Mr. SLAYDEN. There is a matter which does not pertain to my district any more than it does to that of the gentleman from Alabama about which I wish to speak. It is one in which the whole bar of the fifth judicial circuit and the litigants in that section are interested and on which they are urging action. One of the three judges was 82 years old last December and has not been on the bench for three years. Another is 77 years old. The operation of the district courts is interrupted by taking judges away to sit on the circuit court bench, thus causing trouble and delay to litigants and the bar in the various districts. I merely want an opportunity to move to suspend the rules and try to pass the bill to cure this situation, which the Department of Justice also has urged me to do.

Mr. UNDERWOOD. I will say that we have already reached an agreement here that we will not offer any motions to suspend the rules and will not do any more business without unanimous consent.

Mr. SLAYDEN. Who agrees to that?

Mr. UNDERWOOD. It has been so stated here this morning.

Mr. SLAYDEN. Who has the right to say for the whole Congress that we shall not exercise the privileges that the rules give us?

Mr. UNDERWOOD. The Member who comes on the floor and says that there is no quorum present.

Mr. SLAYDEN. I understand that, but the gentleman stated that "we" have arranged. Who is meant by that royal "we"?

Mr. UNDERWOOD. If the gentleman had been here at an earlier hour——

Mr. SLAYDEN. I was here at an early hour and a late hour.

Mr. MANN. Let me say to the gentleman that we just passed two resolutions by unanimous consent extending the appropriations for the Post Office and the Indian Service.

Mr. SLAYDEN. I was here.

Mr. MANN. I stated that those resolutions would not pass without some discussion if there was to be a lot of other business before the House as new matter. I had the power to prevent it and I should have exercised that power. I advise the gentleman to go home and curse the minority leader——

Mr. SLAYDEN. I do not do that and I do not kick, but when a whole section of the country embracing great commercial interests, the bar and the Department of Justice are pressing for a measure so reasonable and so manifestly needed, and I do my best to have it enacted, it is a little bit "raw" to have the gentleman get up here and say "we" have agreed that there shall be no such legislation as this. I do not recognize the right of anybody to do it. If I have an opportunity and Congress says so, it is all right; but it is not so when the authority to control or direct business is assumed by a few people who call themselves "we."

Mr. MILLER. Mr. Speaker, will the gentleman from Alabama yield?

The SPEAKER. The gentleman from Alabama asks unanimous consent that the House stand in recess until 10.30 o'clock a. m. Is there objection?

Mr. SLAYDEN. Mr. Speaker, I object.

Mr. MILLER. Mr. Speaker, I object.

Mr. FINLEY. Mr. Speaker, reserving the right to object——

Mr. UNDERWOOD. Mr. Speaker, I move that the House stand in recess until 10.30 o'clock a. m.

The SPEAKER. The question is on the motion of the gentleman from Alabama that the House stand in recess until 10.30 o'clock a. m.

The question was taken.

Mr. MILLER. Mr. Speaker, I demand a division.

The House divided; and there were—ayes 68, noes 7.

Mr. MILLER. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Minnesota makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and ten Members present—not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. The question is on the motion of the gentleman from Alabama that the House stand in recess until 10.30 o'clock a. m.

The question was taken; and there were—yeas 257, nays 15, answered "present" 7, not voting 144, as follows:

[Roll No. 101.]

YEAS—257.

Abercrombie	Bruckner	Crisp	Fergusson
Adair	Buchanan, Ill.	Cullop	Ferris
Adamson	Bulkley	Curry	Fess
Alexander	Burke, S. Dak.	Dale	Fields
Allen	Burke, Wis.	Danforth	Fitzgerald
Anderson	Burnett	Davenport	Flood, Va.
Aswell	Byrnes, S. C.	Decker	Floyd, Ark.
Avis	Byrns, Tenn.	Dershem	Foster
Bailey	Callaway	Dickinson	Francis
Baker	Campbell	Difenderfer	Frear
Baltz	Candler, Miss.	Dillon	French
Barkley	Cantor	Dixon	Gallagher
Barton	Caraway	Donohoe	Gard
Bathrick	Carr	Doolittle	Gardner
Beakes	Carter	Doremus	Garner
Beall, Tex.	Casey	Drukker	Garrett, Tenn.
Bell, Cal.	Chandler, N. Y.	Dupré	Gill
Booher	Claypool	Eagan	Gillett
Borchers	Coady	Eagle	Gilmore
Borland	Collier	Edmonds	Godwin, N. C.
Bowdle	Connelly, Kans.	Edwards	Goodwin, Ark.
Brockson	Connolly, Iowa	Esch	Gordon
Brown, N. Y.	Conry	Estopinal	Goulden
Brown, W. Va.	Cooper	Evans	Graham, Ill.
Browne, Wis.	Cox	Fairchild	Graham, Pa.
Browning	Cramton	Farr	Gray

Green, Iowa	Kiess, Pa.	Oglesby	Smith, Idaho
Greene, Mass.	Kirkpatrick	Oldfield	Smith, Md.
Greene, Vt.	Knowland, J. R.	Padgett	Smith, N. Y.
Gregg	Korbly	Page, N. C.	Smith, Saml. W.
Griest	Kreider	Palmer	Smith, Tex.
Griffin	Lee, Ga.	Park	Sparkman
Gudger	Lee, Pa.	Parker, N. J.	Stedman
Hamilton, N. Y.	Lenroot	Patten, N. Y.	Steenerson
Hamlin	Lesher	Patton, Pa.	Stephens, Cal.
Harris	Lever	Peters	Stephens, Miss.
Harrison	Levy	Phelan	Stephens, Nebr.
Haugen	Lewis, Md.	Plumley	Stephens, Tex.
Hay	Linthicum	Porter	Stone
Hayden	Lloyd	Pou	Sumners
Hayes	Lobeck	Powers	Switzer
Heflin	Logue	Prouty	Taggart
Helm	Lonergan	Quin	Talcott, N. Y.
Helvering	McKenzie	Ragsdale	Taylor, Ark.
Henry	Madden	Raker	Temple
Hinebaugh	Maguire, Nebr.	Rauch	Thomas
Holland	Mahan	Rayburn	Thompson, Okla.
Houston	Maher	Reilly, Wis.	Towner
Hughes, W. Va.	Mann	Rogers	Tribble
Hulings	Mapes	Rothermel	Underwood
Hull	Martin	Rouse	Vaughan
Humphrey, Wash.	Metz	Rucker	Vinson
Igoe	Mitchell	Rupley	Vollmer
Jacoway	Moon	Russell	Walters
Johnson, S. C.	Morgan, Okla.	Sabath	Weaver
Johnson, Utah	Morin	Saunders	Webb
Johnson, Wash.	Morrison	Scott	Whitacre
Jones	Moss, Ind.	Seldomridge	Wilson, Fla.
Kahn	Moss, W. Va.	Sells	Wingo
Keating	Mott	Shackleford	Winslow
Keister	Neeley, Kans.	Sherley	Woodruff
Kelly, Pa.	Neely, W. Va.	Sherwood	Young, Tex.
Kennedy, Conn.	Nelson	Sims	
Kent	Nolan, J. I.	Sisson	
Kettner	Norton	Small	

NAYS—15.

Austin	Hill	Miller	Thomson, Ill.
Bryan	Johnson, Ky.	Platt	Vare
Finley	La Follette	Sinnott	Young, N. Dak.
Fowler	Lindbergh	Stevens, N. H.	

ANSWERED "PRESENT"—7.

Ashbrook	Kinkaid	Murray	Woods
Brodbeck	Montague	Stevens, Minn.	

NOT VOTING—144.

Aiken	Elder	Konop	Roberts, Nev.
Ainey	Faison	Lafferty	Rubey
Anthony	Falconer	Langham	Scully
Barchfeld	FitzHenry	Langley	Shreve
Barnhart	Fordney	Lazaro	Slayden
Bartholdt	Gallivan	L'Engle	Slemp
Bartlett	Garrett, Tex.	Lewis, Pa.	Sloan
Bell, Ga.	George	Lieb	Smith, J. M. C.
Blackmon	Gerry	Lindquist	Smith, Minn.
Britten	Gittins	Loft	Stafford
Broussard	Glass	McAndrews	Stanley
Brumbaugh	Goeke	McClellan	Stout
Buchanan, Tex.	Goldfogle	McGillicuddy	Stringer
Burgess	Good	McGuire, Okla.	Sutherland
Burke, Pa.	Gorman	McKellar	Talbott, Md.
Butler	Guernsey	McLaughlin	Tavenner
Calder	Hamill	MacDonald	Taylor, Ala.
Cantrill	Hamilton, Mich.	Manahan	Taylor, Colo.
Carew	Hardy	Mondell	Taylor, N. Y.
Carlin	Hart	Moore	Ten Eyck
Cary	Hawley	Morgan, La.	Thacher
Church	Helgesen	Mulkey	Townsend
Clancy	Hensley	Murdock	Treadway
Clark, Fla.	Hinds	O'Brien	Tuttle
Cline	Hobson	O'Hair	Underhill
Copley	Howard	O'Shaunessy	Volstead
Crosser	Howell	Paige, Mass.	Walker
Davis	Hoxworth	Parker, N. Y.	Wallin
Deitrick	Hughes, Ga.	Peterson	Walsh
Dent	Humphreys, Miss.	Post	Watkins
Dies	Kelley, Mich.	Price	Watson
Donovan	Kennedy, Iowa	Rainey	Whaley
Dooling	Kennedy, R. I.	Reed	White
Doughton	Key, Ohio	Reilly, Conn.	Williams
Driscoll	Kindel	Riordan	Wilson, N. Y.
Dunn	Kitchin	Roberts, Mass.	Witherspoon

The SPEAKER. On this vote the yeas are 253 and the nays are 15. A quorum is present. Pending the announcement of the vote the Chair lays before the House the following report from the Committee on Enrolled Bills, which the Clerk will report.

The Clerk proceeded to announce the report from the Committee on Enrolled Bills.

Mr. MILLER (interrupting the Clerk). Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. MILLER. The Speaker has declared the motion to take a recess carried, has he not?

The SPEAKER. The Chair simply announced the figures, but did not announce the result.

Mr. MILLER. Is it in order for the Clerk to proceed with the announcement of a report from the Committee on Enrolled Bills when the House is in recess.

The SPEAKER. The Chair has not announced the result of the vote.

Mr. MILLER. When the Speaker has announced the figures showing that the motion prevailed is not that equivalent to the announcement of a vote?

The SPEAKER. The Chair has not announced that the motion prevailed. The Chair merely announced the figures, and pending the announcement of the result of the vote the Chair laid before the House a report from the Committee on Enrolled Bills.

Mr. MILLER. Mr. Speaker, my parliamentary inquiry, if the Chair will bear with me, is this: The Speaker having announced the figures which disclose that the motion prevails, is not that equivalent to a statement from the Chair that the motion has prevailed?

The SPEAKER. Each gentleman can add the figures up for himself.

Mr. RUBEY. Mr. Speaker is it too late to vote?

The SPEAKER. It is.

Mr. MILLER. Mr. Speaker, I make the point of order that the House is in recess.

The SPEAKER. The Clerk will continue the announcement of the report of the Committee on Enrolled Bills.

The Clerk continued and concluded the announcement of the report from the Committee on Enrolled Bills.

The SPEAKER. A quorum is present. The ayes have it. The Doorkeeper will open the doors. The motion prevails.

Accordingly, at 10 o'clock and 16 minutes a. m., the House stood in recess until 10.30 o'clock a. m.

AFTER THE RECESS.

The recess having expired, the House (at 10 o'clock and 30 minutes a. m.) was called to order by the Speaker.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 5495. An act authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls; and

S. 5042. An act legalizing certain conveyances heretofore made by the Central Pacific Railroad Co. and others within the State of Nevada.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 392. An act to create in the War Department and the Navy Department, respectively, a roll designated as the "Civil War Volunteer officers' retired list," to authorize placing thereon, with the retired pay, certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes; and

S. 7066. An act for the relief of Amos Dahuff.

The message also announced that the Senate had passed without amendment bills and joint resolutions of the following titles:

H. J. Res. 426. Joint resolution providing that the Congress of the United States shall participate in the celebration of the opening of The Dalles-Celilo Canal;

H. J. Res. 440. Joint resolution making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1916, and for other purposes;

H. J. Res. 441. Joint resolution making appropriations for current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1916;

H. R. 21562. An act to authorize the construction of a bridge across Pearl River at or near the city of Bogalusa, La.; and

H. R. 20604. An act to construct a public building for a post office at the city of Forsyth, Ga.

FRANK HENRY ROGERS.

Mr. GARDNER. Mr. Speaker, I call from the Speaker's table the bill H. R. 20439.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

H. R. 20439. An act for the relief of the heirs of the late Frank Henry Rogers.

The Senate amendment was read.

Mr. GARDNER. Mr. Speaker, I move that the House agree to the Senate amendment.

The Senate amendment was agreed to.

The title was amended so as to read:

An act for the relief of Mary L. Rogers, widow of Frank Henry Rogers.

OSCAR W. UNDERWOOD.

Mr. PALMER. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Pennsylvania [Mr. PALMER] asks unanimous consent to address the House for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. PALMER. Mr. Speaker, some time ago the suggestion was made by many of his associates here that upon his retirement from the position of majority leadership in this House it would be proper for the Members of the House to make some adequate and fitting recognition of the great public services of the distinguished gentleman from Alabama [Mr. UNDERWOOD]. [Applause.]

The suggestion finally took the form of the presentation of a portrait of the gentleman from Alabama, to be hung in the hearing room of the Committee on Ways and Means, in order that during all time his handsome countenance might smile upon the scene of his greatest triumph. [Applause.] A very large number of the Members of the House on both sides have gladly contributed to this end, and I am pleased to announce that one of the greatest artists in the country has been commissioned to paint the portrait of the gentleman from Alabama and that it will be hung at the opening of the next regular session of Congress. As I have been acting as chairman of the committee which has it in charge, and as I and many others interested will not be here at that time, I have asked for this opportunity to make public announcement of the fact.

I am sure that I speak for all of the donors when I say that with the gift goes the love, the respect, and the admiration of every Member of this House for Mr. UNDERWOOD. [Loud applause.] He has been a leader whom it has been a delight for his friends to follow and a pleasure for his opponents to honor. [Applause.] He goes now from this scene of his strenuous activities to the rather quiet and somnolent atmosphere of another legislative body. [Laughter.] As he has been the leader here, we have no doubt he will soon become the leader there. [Applause.] We commend him and his qualities of leadership to the thoughtful and serious consideration of the august body of which he is about to become a Member.

He combines all the qualities necessary for successful leadership in a great legislative body. He has a commanding presence, strong personality, a sweet disposition, and with these he combines consummate tact, infinite patience, absolute self-poise, self-control, and sound judgment under all circumstances. He leaves this body with the best wishes of every Member in it. [Applause.] We know that his record in the other branch of Congress will reflect honor upon himself and credit to his country, but he need do nothing more than that which he has already done in this House to entitle him to be known as one of the greatest Americans of his time. [Loud applause.]

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent of my colleagues that I may proceed for a few minutes.

The SPEAKER. The gentleman from Alabama asks unanimous consent that he may proceed for a few minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. UNDERWOOD. Mr. Speaker, I desire to say to you and to my colleagues on both sides of this House that there is no higher compliment that they can pay me than to feel that as I leave this House I have their good wishes and their commendation. There is no greater pleasure that you could give me, or no tribute to the humble service that I have rendered the House, that would be more pleasing than that of allowing my picture to hang in the halls of the Committee on Ways and Means alongside of the great men who have presided over that body in the past and whose shoestrings I am not worthy to tie. No matter what the future may hold, no matter what may come to my life hereafter, I feel to-day that the real work of my legislative career ends. For 20 years I have served a district in Alabama on the floor of this House. I came here as a young man, and the men of this House gave me my opportunity. I believe that among all of the legislative bodies of the world there is no better place for a young man to have his opportunity than to hold a commission to serve on the floor of the House of Representatives in the Congress of the United States.

In leaving you I want to say to you all that I realize fully that if my leadership, representing the majority of the House in the last few Congresses, has been in any degree successful, it is not due to myself, but it has been due to the kindness, the courtesy, and the generosity that have been shown me by the membership on both sides. To-day we are about to close the legislation of one of the most historic Congresses that has ever met in the history of our country, and although we have had stormy sessions, we have had many combats, I feel that I can leave this House with a feeling that I bear the good will of every Member of it, and I wish to assure my colleagues on both sides of the House that for all time to come there will rest in my heart a sincere affection for each one of you. [Applause.]

Mr. Speaker, in closing I wish to compliment the other side of the Chamber on the great ability, the earnestness of purpose, the faithfulness to duty, that has been displayed by your chosen leader. [Applause.] Naturally I hope that my own party will remain in power for many years to come, but should the tide of battle run against us in the future and your flag once more come to the top, I feel sure that the distinguished services of the gentleman who has commanded your fight in the last two Congresses, Mr. MANN, of Illinois, will be recognized by his party and by his country for even more distinguished service than he has had in the past. [Applause.]

Mr. Speaker, two decades ago you and I started in public life together, almost at the same time. In leaving the House I can not refrain at this time from giving public utterance to the feeling that I have for the Speaker. [Loud and long-continued applause.]

Mr. Speaker, at times our political ambitions may have crossed, but I am glad to say to you and to give public testimony that in a service of 20 years, where we have battled for our party and our party's principles together, there has been no moment of that time when a spirit of friendship and brotherly love has not always existed between us. And I expect, Mr. Speaker, and know that it will go on down to the end of our lives. [Applause.] Your distinguished services to your country need no monument. You have already achieved your place in the history of our Government, and there is no man in the United States that more proudly and more willingly and more gladly gives acknowledgment to the distinguished services of the greatest Speaker of the American Congress. [Applause.]

Mr. Speaker, I move the adoption of the resolution which I send to the Clerk's desk.

NOTIFICATION OF THE PRESIDENT.

The SPEAKER. The gentleman moves the adoption of the resolution which the Clerk will report.

The Clerk read as follows:

House resolution 752.

Resolved, That a committee of three members be appointed by the Speaker, to join a similar committee to be appointed by the Senate, to wait on the President of the United States and inform him that the two Houses have completed the business of this session and are ready to adjourn, unless the President has some communication to make to them.

The resolution was agreed to, and the Speaker appointed as the committee on the part of the House Mr. UNDERWOOD, Mr. FITZGERALD, and Mr. MANN.

LEAVE TO EXTEND REMARKS.

Mr. SIMS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on House bill 21606.

The SPEAKER. The gentleman from Tennessee [Mr. SIMS] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

By unanimous consent, leave to extend remarks in the RECORD was granted to Mr. BULKLEY, Mr. FARR, Mr. MOORE, Mr. ABERCROMBIE, Mr. CONNELLY of Kansas, Mr. REILLY of Connecticut, Mr. BEAKES, Mr. ALEXANDER, Mr. KEATING, Mr. PORTER, Mr. GOODWIN of Arkansas, Mr. LINTHICUM, Mr. BURKE of Wisconsin, Mr. PATTEN of New York, Mr. WINGO, Mr. LANGLEY, and Mr. KETTNER.

Mr. MANN. Mr. Speaker, I ask unanimous consent that all gentlemen have leave to extend their remarks in the RECORD for five calendar days.

The SPEAKER. The gentleman from Illinois asks unanimous consent that all gentlemen have leave to extend their remarks in the RECORD for five calendar days. Is there objection?

Mr. LANGLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LANGLEY. Does that limit of time apply to those to whom the privilege to extend remarks has already been granted this morning?

The SPEAKER. The request just submitted by the gentleman from Illinois [Mr. MANN] embraces everybody.

Mr. LANGLEY. But does the five-day limit apply?

The SPEAKER. The five-day limit begins at 12 o'clock noon to-day.

Mr. FOSTER. I notice that the CONGRESSIONAL RECORD this morning announces that the last issue of the RECORD for the Sixty-third Congress will be printed on March 15. Why not let the limit be extended until then?

Mr. MANN. I should like to suggest to the gentleman that if, as a matter of fact, Members wait until the 15th, the last issue of the RECORD will probably be about 3 feet thick. [Laughter.] As a matter of fact, gentlemen will have no trouble under the five-day limit, and somebody ought to print remarks before

the 15th. Otherwise you will not be able to handle the RECORD of that day conveniently, let alone read it.

Mr. FOSTER. I believe the suggestion of the gentleman is a good one.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. MANN].

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Nixon, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20150) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1916.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 74) appropriating money for the payment of certain claims on account of labor, supplies, materials, and cash furnished in the construction of the Corbett Tunnel.

H. R. 2969.

Mr. BAKER. Mr. Speaker, I find that my name appears on the bill H. R. 2969. I have no knowledge of the bill and desire to have my name stricken from it.

The SPEAKER. The gentleman from New Jersey [Mr. BAKER] asks to have his name stricken from the bill (H. R. 2969), stating that he has no knowledge of it.

Mr. FITZGERALD. Then the bill should be stricken from the files of the House.

The SPEAKER. If there be no objection it will be so ordered.

INDIAN AFFAIRS (H. DOC. NO. 1669).

Mr. STEPHENS of Texas. I desire to present a report from the joint commission to investigate Indian affairs, appointed under the act of June 30, 1913.

The SPEAKER. The gentleman from Texas [Mr. STEPHENS] presents the report of the joint commission to investigate Indian affairs, which will be printed.

THANKS TO THE SPEAKER.

Mr. MANN. Mr. Speaker, I should like to request the Speaker to call the gentleman from Kansas [Mr. MURDOCK] to the chair temporarily.

The SPEAKER. The gentleman from Kansas [Mr. MURDOCK] will take the chair. [Applause.]

Mr. MURDOCK took the chair as Speaker pro tempore.

The SPEAKER pro tempore. The gentleman from Illinois.

Mr. MANN. Mr. Speaker, I am about to perform what I think is the pleasantest duty that falls to my lot during the term of Congress. While it has not been usual to precede by any remarks the offering of the resolution which I shall offer, I do not feel quite willing to let the occasion go by without paying a very short tribute to the able and beloved Speaker of this House. [Applause.]

It is seldom that a man is so gifted with the qualities of statesmanship and kindness together. The Speaker of the House—fair, impartial, able—has gone away beyond those qualities in reaching down into the hearts of all the Members of all the parties in this House and in the country. [Applause.]

To me it is a pleasant spectacle, though unusual in the history of the country, that the floor leader of one party, addressing the floor leader of another party temporarily in the Speaker's chair, offers a resolution of thanks to the leader of the majority party in the House, and I think probably that spectacle could not be witnessed in any other parliamentary body in the world. That is the saving grace of our Republic and of the American people. [Applause.]

I offer the resolution which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman offers a privileged resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 753.

Resolved, That the cordial thanks of this House are presented to the Hon. CHAMP CLARK, its honored and distinguished Speaker, for the able, impartial, courteous, and dignified manner in which he has presided over its deliberations and performed the arduous and important duties of the Speakership during the present term of Congress now about to end.

The resolution was agreed to. [Applause.]

The SPEAKER. Gentlemen of the House of Representatives, the multiplied honors and kindnesses which the House of Representatives has extended to me go straight to my heart. [Applause.] They will constitute a splendid heritage for my children. [Applause.]

It is amazing with what rapidity the membership of the House changes. I was first elected in 1892. I was one of the victims of the landslide of 1894. At that time the House had 357 Members.

Coming back after the election of 1896, the Clerk of the House having sent me a list of the Members, which I counted on the train, I found there were 101 changes in one election out of 357 Members.

In a few minutes I will have finished my twentieth year in the House. There are only four men in the House that have served longer than I—the gentleman from Wisconsin, Mr. COOPER [applause], the gentleman from Virginia, Mr. JONES [applause], the gentleman from Massachusetts, Mr. GILLETT [applause], and the gentleman from Missouri, Dr. BARTHOLDT [applause].

Very much to my personal regret Dr. BARTHOLDT takes his leave of the House to-day. That would leave three, but Uncle Joe is coming back. [Laughter and applause.] So that I will have four seniors in the next House.

Since I came here the membership of the House has grown from 357 to 435. I wish to state now what I have stated a thousand times, either in print or in public speech, that the Members of the House are industrious, intelligent, patriotic, honest, sober, well-behaved men. [Applause.] They really behave better in Washington than they do at home. [Laughter and applause.]

Anybody who thinks that service in the House is a holiday performance is greatly mistaken. We are coming to the end of the Congress that has been in session more days than any other Congress that ever met. We have put more bills upon the statute books than any other Congress that ever assembled. [Applause.] I hope from the bottom of my heart that these statutes which we have enacted in this Congress will prove a blessing to the country and promote the cause of free government everywhere. [Applause.]

I desire to compliment publicly the distinguished leader of this House [Mr. UNDERWOOD] and also the distinguished minority leader [Mr. MANN], and to thank him, not for all that he has done [laughter] but for numerous services he has rendered me in my capacity as Speaker. [Applause.] He is one of the most valuable legislators America can boast.

I regret exceedingly that the gentleman from Wichita, Kansas, VICTOR MURDOCK, is going out of the House. He went out of his own volition; he was not put out. I knew him when he was wearing kilts. He was then a very lively youngster; he is now a very active man. His father was good to me in that faraway day. He was running a little weekly newspaper at Wichita, which has grown into a great daily, and I do not forget kindnesses in this world. [Applause.] So when the son came here I tried all I could to promote his fortunes. He has repaid me in Scripture measure, "heaped up, pressed down, and running over."

The gentleman from Illinois [Mr. MANN] has had an exceedingly difficult position to fill. He led his thin line of followers with gallantry, courage, and ability. I filled that place once; how well or to the contrary history will tell; but it will be written on the glowing page of history with iron pen that the gentleman from Illinois is a great minority leader. [Applause.] And if the fortunes turn and the Republicans get the House again—and they may do so some day—he will in all human probability be Speaker—and even higher honors are not beyond his reach. [Applause.] It is safe to say that whatever places he may hold will be honored by his talents, his character, and his patriotism.

It is a strange historical fact that politics run on the half-and-half plan in this country.

When President Wilson was sworn in the Government had existed 124 years under the Constitution, and out of that time the Democrats had run it 60 years; that is, if you class the Presidents politically the way they were elected; counting John Quincy Adams as a Democrat, which is a rather far-fetched performance, but he was elected that way; and the other parties in lineal succession had run it 64 years; that is, if you count John Tyler a Whig, and he was elected by the Whigs; and Andrew Johnson a Republican, as he was elected by the Republicans. So it was our turn at last, and we are in.

A man who has never been in the Army, I suppose, has no adequate conception of and never can understand the feeling that soldiers who have fought shoulder to shoulder have for each other; but, next to that, men who fight together in this legislative body have a feeling approximating that of the soldiers' feeling for each other.

I have a deep affection for the gentleman from Alabama [Mr. UNDERWOOD]. I have great admiration for him. He had an

exceedingly difficult place to fill in this House and he filled it with consummate ability. [Applause.] He did it with unfailing courtesy, always pouring oil on the troubled waters. He has made a magnificent success of his leadership. He is about to be translated to another body—I will not call it promotion—and I doubt very much, I doubt exceedingly, whether he will be as happy over there as he has been here. I fully appreciate his kindly feeling for myself. We have stood here for a score of years fighting shoulder to shoulder, heart to heart, for what we consider the welfare of our beloved country. For 16 years we were steadily defeated. We never lost heart or hope. Then the tide turned and for four years we have been victors. We lost together. We triumphed together. Wherever he goes, whatever he achieves, my love will attend him. To the leaders in politics or in war go the chief honors; but Mr. UNDERWOOD and I could have accomplished nothing save for the steadfast support of our colleagues. Every one of them is entitled to his full share of the honor and the glory.

One of the most intense characters who was ever in this House since I have been here, a man of great ability, was John L. Wilson, of Washington. He was one of the best rough-and-tumble fighters I ever saw on the floor of the House, and he was always ready to fight.

One day, after he had been in the Senate for about 12 months, I met him down by the Peace Monument. He had not created any disturbance in the Senate, but had been quiet as a lamb. So I said to him, "John, how do you like it over there? What is the reason you are not carrying on as you did in the House?" He said, "There is some kind of a soporific influence over there that a man can not resist." I have, as I say, a deep personal affection for the gentleman from Alabama, as likewise I have for the gentleman from Illinois [Mr. MANN] and for the gentleman from Kansas, VICTOR MURDOCK. [Applause.] I have no sort of doubt that the gentleman from Alabama will be one of the distinguished figures in the Senate. He will not have to pass through any novitiate, because he already has an international reputation and is already armed at all points exactly cap-a-pie.

I hope, because I am not going to make any speech, when the gavel falls finally on this Congress, that every man of the House will enjoy this long vacation, if in the providence of God it turns out to be a long one [laughter], and that the blessings of Almighty God will rest on you and yours, not only upon those who are coming back, but those who are retiring to the walks of private life. [Applause.]

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles, when the Speaker signed the same:

H. R. 4899. An act to fix the standard barrel for fruits, vegetables, and other dry commodities;

H. R. 5849. An act to amend section 100 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

H. R. 16738. An act to provide for the payment of certain moneys to school districts in Oklahoma;

H. R. 17894. An act to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911; and

H. R. 18086. An act to transfer certain counties in the several judicial district in the State of Arkansas;

H. R. 18685. An act to repeal penalties on foreign-built vessels owned by Americans;

H. R. 20439. An act for the relief of Mary L. Rogers, widow of Frank Henry Rogers;

H. R. 20604. An act to construct a public building for a post office at the city of Forsyth, Ga.;

H. R. 21562. An act to authorize the construction of a bridge across Pearl River at or near the city of Bogalusa, La.;

H. J. Res. 426. Joint resolution providing that the Congress of the United States shall participate in the celebration of the opening of The Dalles-Celilo Canal;

H. J. Res. 439. Joint resolution to empower the President to better enforce and maintain the neutrality of the United States;

H. J. Res. 440. Joint resolution making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1916, and for other purposes; and

H. J. Res. 441. Joint resolution making appropriations for current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1916.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 5495. An act authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills and joint resolutions:

H. R. 900. An act for the relief of James Easson;

H. R. 2909. An act to extend the privileges of the seventh section of immediate-transportation act to Bay City, Mich.;

H. R. 4266. An act granting patent to certain lands to the legal heirs of W. F. Nichols;

H. R. 4899. An act to fix the standard barrel for fruits, vegetables, and other dry commodities;

H. R. 5849. An act to amend section 100 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

H. R. 8846. An act making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, and under the provisions of section No. 151 of the act approved March 3, 1911, commonly known as the Judicial Code;

H. R. 8904. An act to authorize the establishment of a life-saving station at the mouth of the Siuslaw River, Oreg.;

H. R. 10122. An act to credit Samuel M. Fitch, collector of internal revenue first district of Illinois, on the books of the Treasury Department with the sum of $1,500 for cigar stamps lost or stolen in transit;

H. R. 11256. An act granting relief to Jacob Barger;

H. R. 11318. An act authorizing the sale of lands in Lyman County, S. Dak.;

H. R. 11694. An act providing for the purchase of a site for a public building at Binghamton, N. Y.;

H. R. 11839. An act for the relief of William Ham;

H. R. 12674. An act to provide for the allowance of drawback of tax on articles shipped to the island of Porto Rico or to the Philippine Islands;

H. R. 13222. An act to regulate the use of public school buildings and grounds in the District of Columbia;

H. R. 13470. An act for the relief of James Grady;

H. R. 13591. An act for the relief of John P. Ehrmann;

H. R. 13756. An act for the relief of Augustus Dudley Hubbell;

H. R. 14197. An act for the relief of the legal representatives of Mrs. H. G. Lamar;

H. R. 15215. An act to authorize the Commissioners of the District of Columbia to adjust and settle the shortages in certain accounts of said District, and for other purposes;

H. R. 16738. An act to provide for the payment of certain moneys to school districts in Oklahoma;

H. R. 16777. An act for the relief of Amato Castellano, Libero Baranello, and Michele Baranello;

H. R. 17174. An act to pay the claim of the American Towing & Lightering Co. for damages to its tug *Buccaneer;*

H. R. 17343. An act for the relief of Charles L. Pritchard;

H. R. 17464. An act for the relief of Fred Graff;

H. R. 17894. An act to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911;

H. R. 18086. An act to transfer certain counties in the several judicial districts in the State of Arkansas;

H. R. 18550. An act empowering and directing the Secretary of the Treasury to convey by quitclaim deed certain lands in the city of Akron, State of Ohio;

H. R. 18685. An act to repeal penalties on foreign-built vessels owned by Americans.

H. R. 18686. An act to provide for provisional certificates of registry of vessels abroad, and for other purposes;

H. R. 18747. An act to reserve certain lands and to incorporate the same and make them a part of the Pike National Forest;

H. R. 19061. An act for the relief of homestead entrymen under the reclamation projects of the United States;

H. R. 19078. An act granting the consent of Congress to the Cleveland Yacht Club Co. to construct a bridge across the west arm of Rocky River, Ohio;

H. R. 20107. An act to amend sections 4421, 4422, 4423, 4424, and 4498 of the Revised Statutes of the United States, and section 12 of the act of May 28, 1908, relating to certificates of inspection of steam vessels;

H. R. 20340. An act to increase the appropriation for a public building at Elkins, W. Va.;

H. R. 20415. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1916;

H. R. 20439. An act for the relief of Mary L. Rogers, widow of Frank Henry Rogers;

H. R. 20604. An act to construct a public building for a post office at the city of Forsyth, Ga.;

H. R. 20702. An act authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Robert Caldwell Culbertson from Woodlawn Cemetery, District of Columbia, to Rocky Spring Cemetery, Chambersburg, Pa.;

H. R. 21009. An act to make Van Buren, Me., a port through which merchandise may be imported for transportation without appraisement;

H. R. 21077. An act for the relief of W. F. Crawford;

H. R. 21122. An act to validate certain homestead entries;

H. R. 21184. An act to increase the limit of cost of the United States post-office building and site at Cohoes, N. Y.;

H. R. 21200. An act quieting title to a certain tract of land located in the city of Guthrie, Okla.;

H. R. 21383. An act to change the name of the old post-office building at Minneapolis, Minn.;

H. R. 21546. An act making appropriations to supply deficiencies in appropriations for the fiscal year 1915 and for prior years, and for other purposes;

H. R. 21562. An act to authorize the construction of a bridge across Pearl River at or near the city of Bogalusa, La.;

H. R. 21563. An act granting the consent of Congress to the Keokuk & Hamilton Bridge Co. to construct a bridge across the Mississippi River at Keokuk, Iowa;

H. J. Res. 398. Joint resolution to refund under certain conditions a portion of the offers in compromise for failure to make the return required under the act of October 3, 1913, said offers in compromise having been covered into the Treasury, and for other purposes;

H. J. Res. 426. Joint resolution providing that the Congress of the United States shall participate in the celebration of the opening of The Dalles-Celilo Canal;

H. J. Res. 437. Joint resolution authorizing and directing the Sergeant at Arms to refund to Members of the House of Representatives amounts of money deducted from their salaries;

H. J. Res. 438. Joint resodution concerning estimates and expenditures for the Reclamation Service;

H. J. Res. 439. Joint resolution to empower the President to better enforce and maintain the neutrality of the United States;

H. J. Res. 440. Joint resolution making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1916, and for other purposes; and

H. J. Res. 441. Joint resolution making appropriations for current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1916.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The SPEAKER laid before the House a message from the President of the United States informing the House that he had signed bills and joint resolutions of the following numbers and titles:

On February 24, 1915:

H. R. 17765. An act to regulate details of majors in the Ordnance Department;

H. R. 17982. An act to make Nyando, N. Y., a port through which merchandise may be imported for transportation without appraisement;

H. R. 18172. An act to increase the limit of cost of the United States post-office building at Seymour, Ind.; and

H. J. Res. 391. Joint resolution authorizing the Secretary of Commerce to postpone the sale of fur-seal skins now in the possession of the Government until such time as in his discretion he may deem such sale advisable.

On February 25, 1915:

H. R. 19376. An act confirming patents heretofore issued to certain Indians in the State of Washington;

H. R. 19545. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 20562. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

On February 27, 1915:

H. R. 17122. An act for the relief of John Burrows;

H. R. 17168. An act to authorize the North Alabama Traction Co., its successors and assigns, to construct, maintain, and operate a bridge across the Tennessee River at or near Decatur, Ala.;

H. R. 17907. An act granting the consent of Congress to the Interstate Bridge & Terminal Co., of Muscatine, Iowa, to build a bridge across the Mississippi River; and

H. R. 18745. An act in relation to the location of a navigable channel of the Calumet River in Illinois.

On March 1, 1915:

H. R. 21161. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1916, and for other purposes.

On March 3, 1915:

H. R. 962. An act for the relief of William H. Shannon;

H. R. 1090. An act for the relief of Alonzo D. Cadwallader;

H. R. 2504. An act to amend section 2 of an act entitled "An act to incorporate the National Society of the Daughters of the American Revolution";

H. R. 2667. An act for the relief of the legal representatives of Parker S. Rouse, deceased;

H. R. 2703. An act for the relief of Drenzy A. Jones and John G. Hopper, joint contractors, for surveying Yosemite Park boundary;

H. R. 3305. An act directing the accounting officers of the Treasury to credit and settle an account of Maj. George H. Penrose;

H. R. 3435. An act for the relief of Mrs. Max S. Retter;

H. R. 3586. An act for the relief of Francis Tomlinson;

H. R. 3613. An act to reimburse Le Grand C. Cramer for amount of damages to his motor launch *Winninish* by the U. S. launch *Gunedmertrix* at Morris Heights, N. Y., on March 31, 1911;

H. R. 3885. An act for the relief of Peter Scott;

H. R. 4001. An act for the relief of Daniel J. Ryan;

H. R. 4008. An act for the relief of Sandy Crawford;

H. R. 4545. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

H. R. 4630. An act for the relief of Fred A. Emerson;

H. R. 5966. An act for the relief of Clyde Odum.

H. R. 7049. An act to reimburse the Port Angeles City Dock Co. for damage done to the dock of that company by the U. S. revenue cutter *Snohomish;*

H. R. 7205. An act for the relief of H. S. Hathaway;

H. R. 9270. An act for the relief of John M. Gray;

H. R. 9701. An act for the relief of F. W. Theodore Schroeter;

H. R. 10167. An act for the relief of Hannah Waldo;

H. R. 10172. An act for the relief of L. V. Thomas;

H. R. 10201. An act for the relief of the heirs of Theodore Dehon;

H. R. 10271. An act for the relief of Edward Whiteside;

H. R. 11394. An act for the relief of Joseph A. Powers;

H. R. 12229. An act for the relief of William A. Wallace;

H. R. 12303. An act to amend section 3246 of the Revised Statutes of the United States, as amended by section 5 of the act of March 1, 1879;

H. R. 12780. An act to provide for the payment of the claim of J. O. Modisette for services performed for the Chickasaw Indians of Oklahoma;

H. R. 12909. An act for the relief of James W. McGreevey;

H. R. 12919. An act to amend an act entitled "An act to provide for an enlarged homestead;"

H. R. 13123. An act for the relief of Charles H. Rayfield, alias Charles H. Czarnowsky;

H. R. 13180. An act to amend the act of March 4, 1913 (37 Stats., p. 872), so as to provide that in the construction of the public building at Roseburg, Oreg., provision shall be made for the accommodation therein of the United States post office and other governmental offices;

H. R. 13240. An act for the relief of the legal representatives of James S. Clark, deceased;

H. R. 13830. An act for the relief of William A. Howard;

H. R. 14167. An act for the relief of Emily J. Byrd;

H. R. 14711. An act for the relief of Miles A. Hughes;

H. R. 14931. An act for the relief of Arthur Brose;

H. R. 15038. An act proposing an amendment to the Federal reserve act relative to acceptances, and for other purposes;

H. R. 15220. An act to amend sections 4888 and 4889 of the Revised Statutes relating to patents;
H. R. 15414. An act for the relief of David Mowen;
H. R. 15557. An act for the relief of Anna Miller;
H. R. 15869. An act to provide for the establishment and maintenance of mining experiment and mine safety stations for making investigations and disseminating information among employees in mining, quarrying, metallurgical, and other mineral industries, and for other purposes;
H. R. 16305. An act to reimburse Henry Weaver, postmaster at Delmar, Ala., for money and stamps stolen from said post office at Delmar, and repaid by him to the Post Office Department;
H. R. 16392. An act to better regulate the serving of licensed officers in the merchant marine of the United States and to promote safety at sea;
H. R. 17110. An act to reimburse Epps Danley for property lost by him while light keeper at East Pascagoula River (Miss.) Light Station;
H. R. 17424. An act for the relief of Hunton Allen;
H. R. 17842. An act for the relief of George Richardson;
H. R. 17869. An act providing for the appointment of an additional district judge for the southern district of the State of Georgia;
H. R. 19116. An act to grant certain lands to the city of Grand Junction, Colo., for the protection of its water supply;
H. R. 19422. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1916, and for other purposes;
H. R. 19746. An act to authorize aids to navigation and other works in the Lighthouse Service, and for other purposes;
H. R. 20427. An act to authorize the sale of certain land in Alabama to Walter Dean;
H. R. 20688. An act to place Barrow County, Ga., in the eastern division of the northern district of Georgia;
H. R. 20814. An act to place Candler, Jenkins, and Evans Counties, Ga., in the eastern division of the southern district of Georgia, and to place Bacon and Thomas Counties, Ga., in the southwestern division of the southern district of Georgia;
H. R. 20894. An act to provide for the appointment of a district judge, district attorney, and marshal for the western district of South Carolina, and for other purposes;
H. R. 20977. An act to provide for the establishment of a life-saving station in the vicinity of Duxbury Reef, Cal.;
H. R. 20975. An act making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes;
H. R. 21037. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;
H. R. 21318. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1916, and for other purposes;
H. R. 21491. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; and
H. J. Res. 366. Joint resolution authorizing the Secretary of War to use any allotment made under the provisions of an act approved October 2, 1914, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," for the improvement of East River and Hell Gate, N. Y.

On March 4, 1915:

H. R. 13. An act for payment to the Chicago, Milwaukee & St. Paul Railway Co. the $4,583.67 improperly collected under the act of August 5, 1909;
H. R. 57. An act making an appropriation to M. C. Burke for tax liens held by him on property acquired by the United States;
H. R. 900. An act for the relief of James Easson;
H. R. 1698. An act to amend an act entitled "An act to provide for an enlarged homestead," and acts amendatory thereof and supplemental thereto;
H. R. 2642. An act authorizing the President to reinstate Joseph Eliot Austin as an ensign in the United States Navy;
H. R. 2662. An act for the relief of Andrew J. Lawrence;
H. R. 2909. An act to extend the privileges of the seventh section of immediate-transportation act to Bay City, Mich.;
H. R. 3430. An act for the relief of Lottie Rapp;
H. R. 4266. An act granting patent to certain lands to the legal heirs of W. F. Nichols;
H. R. 4899. An act to fix the standard barrel for fruits, vegetables, and other dry commodities;
H. R. 5849. An act to amend section 100 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;
H. R. 8811. An act to execute the findings of the Court of Claims in the case of Sarah B. Hatch, widow of Davis W. Hatch;
H. R. 8846. An act making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, and under the provisions of section No. 151 of the act approved March 3, 1911, commonly known as the Judicial Code;
H. R. 8904. An act to authorize the establishment of a life-saving station at the mouth of the Siuslaw River, Oreg.;
H. R. 9734. An act for the relief of Victoria Coffman;
H. R. 9899. An act to authorize the laying out and opening of public roads on the Winnebago, Omaha, Ponca, and Santee Sioux Indian Reservations in Nebraska, and on Indian reservations in Montana;
H. R. 10722. An act to credit Samuel M. Fitch, collector of internal revenue, first district of Illinois, on the books of the Treasury Department with the sum of $1,500 for cigar stamps lost or stolen in transit;
H. R. 11256. An act granting relief to Jacob Barger;
H. R. 11318. An act authorizing the sale of lands in Lyman County, S. Dak.;
H. R. 11694. An act providing for the purchase of a site for a public building at Binghamton, N. Y.;
H. R. 11839. An act for the relief of William Ham;
H. R. 12464. An act providing for the expenditure of part of the unexpended balance of the appropriation of $10,000 made by the urgent deficiency bill of October 22, 1913, for the completion of the post-office building at Hanover, Pa.;
H. R. 12674. An act to provide for the allowance of drawback of tax on articles shipped to the island of Porto Rico or to the Philippine Islands;
H. R. 13222. An act to regulate the use of public school buildings and grounds in the District of Columbia;
H. R. 13470. An act for the relief of James Grady;
H. R. 13591. An act for the relief of John P. Ehrmann;
H. R. 13756. An act for the relief of Augustus Dudley Hubbell;
H. R. 14197. An act for the relief of the legal representatives of Mrs. H. G. Lamar;
H. R. 15000. An act authorizing the Secretary of the Treasury to disregard section 33 of the public buildings act of March 4, 1913, as to site at Huntingdon, Tenn.;
H. R. 15215. An act to authorize the Commissioners of the District of Columbia to adjust and settle the shortages in certain accounts of said district, and for other purposes;
H. R. 16510. An act to provide for recognizing the services of certain officers of the Army, Navy, and Public Health Service for their services in connection with the construction of the Panama Canal, to extend to certain of such officers the thanks of Congress, and for other purposes;
H. R. 16642. An act authorizing the Secretary of the Treasury to disregard section 33 of the public buildings act of March 4, 1913, as to site at Vineland, N. J.;
H. R. 16738. An act to provide for the payment of certain moneys to school districts in Oklahoma;
H. R. 16777. An act for the relief of Amato Castellano, Libero Baranello, and Michele Baranello;
H. R. 17174. An act to pay the claim of the American Towing & Lightering Co. for damages to its tug *Buccaneer;*
H. R. 17343. An act for the relief of Charles L. Pritchard;
H. R. 17464. An act for the relief of Fred Graff;
H. R. 17894. An act to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911;
H. R. 18086. An act to transfer certain counties in the several judicial districts in the State of Arkansas;
H. R. 18550. An act empowering and directing the Secretary of the Treasury to convey by quitclaim deed certain lands in the city of Akron, State of Ohio;
H. R. 18685. An act to repeal penalties on foreign-built vessels owned by Americans;
H. R. 18686. An act to provide for provisional certificates of registry of vessels abroad, and for other purposes;
H. R. 18747. An act to reserve certain lands and to incorporate the same and make them a part of the Pike National Forest;

H. R. 19061. An act for the relief of homestead entrymen under the reclamation projects of the United States;

H. R. 19078. An act granting the consent of Congress to the Cleveland Yacht Club Co. to construct a bridge across the west arm of Rocky River, Ohio;

H. R. 19909. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1916, and for other purposes;

H. R. 20107. An act to amend sections 4421, 4422, 4423, 4424, and 4498 of the Revised Statutes of the United States, and section 12 of the act of May 28, 1908, relating to certificates of inspection of steam vessels;

H. R. 20189. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes;

H. R. 20340. An act to increase the appropriation for a public building at Elkins, W. Va.;

H. R. 20347. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1916;

H. R. 20415. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1916;

H. R. 20439. An act for the relief of Mary L. Rogers, widow of Frank Henry Rogers;

H. R. 20604. An act to construct a public building for a post office at the city of Forsyth, Ga.;

H. R. 20643. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 20702. An act authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Robert Caldwell Culbertson from Woodlawn Cemetery, District of Columbia, to Rocky Spring Cemetery, Chambersburg, Pa.;

H. R. 21009. An act to make Van Buren, Me., a port through which merchandise may be imported for transportation without appraisement;

H. R. 21077. An act for the relief of W. F. Crawford;

H. R. 21089. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 21121. An act to extend the time for constructing a bridge across the Missouri River near Kansas City, Mo., authorized by an act approved June 17, 1914;

H. R. 21122. An act to validate certain homestead entries;

H. R. 21184. An act to increase the limit of cost of the United States post-office building and site at Cohoes, N. Y.;

H. R. 21200. An act quieting title to a certain tract of land located in the city of Guthrie, Okla.;

H. R. 21201. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1916;

H. R. 21218. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 21328. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1916, and for other purposes;

H. R. 21383. An act to change the name of the old post-office building at Minneapolis, Minn.;

H. R. 21546. An act making appropriations to supply deficiencies in appropriations for the fiscal year 1915 and for prior years, and for other purposes;

H. R. 21562. An act to authorize the construction of a bridge across Pearl River at or near the city of Bogalusa, La.;

H. R. 21563. An act granting the consent of Congress to the Keokuk & Hamilton Bridge Co. to construct a bridge across the Mississippi River at Keokuk, Iowa;

H. J. Res. 398. Joint resolution to refund under certain conditions a portion of the offers in compromise for failure to make the return required under the act of October 3, 1913, said offers in compromise having been covered into the Treasury, and for other purposes;

H. J. Res. 426. Joint resolution providing that the Congress of the United States shall participate in the celebration of the opening of The Dalles-Celilo Canal;

H. J. Res. 437. Joint resolution authorizing and directing the Sergeant at Arms to refund to Members of the House of Representatives amounts of money deducted from their salaries;

H. J. Res. 438. Joint resolution concerning estimates and expenditures for Reclamation Service;

H. J. Res. 439. Joint resolution to empower the President to better enforce and maintain the neutrality of the United States;

H. J. Res. 440. Joint resolution making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1916, and for other purposes; and

H. J. Res. 441. Joint resolution making appropriations for current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1916.

PENALTIES ON FOREIGN-BUILT VESSELS.

Mr. ALEXANDER. Mr. Speaker, I call up the bill (H. R. 18685) to repeal penalties on foreign-built vessels owned by Americans, with a Senate amendment, now on the Speaker's desk, and ask that it be laid before the House. It is a bill that passed the House some time ago.

The SPEAKER. The gentleman from Missouri calls up a House bill with a Senate amendment on the Speaker's desk. The Clerk will report the Senate amendment.

The Clerk read the Senate amendment.

The SPEAKER. The question is on concurring in the Senate amendment.

The Senate amendment was concurred in.

POST OFFICE APPROPRIATION BILL.

Mr. MOON. Mr. Speaker, I ask unanimous consent to make a brief statement to the House, which I think ought to be made in view of the present situation.

The SPEAKER. Is there objection?

There was no objection.

Mr. MOON. Mr. Speaker, I have heard with great pleasure, and I may say profound gratification, the exchange of compliments between the gentleman from Illinois [Mr. MANN], the Speaker, and the gentleman from Alabama [Mr. UNDERWOOD], and I take pleasure in acquiescing in all that has been said about the distinguished gentlemen, and I am gratified to see the approval of the House of all that has been said.

I regret that after such a pleasant and gracious performance in this House I feel it to be my duty to make a statement that may not be pleasant, and yet in making it I want to assure the House that I make no reflection personally on any Member of it.

The House is well aware of the great struggle that has been going on in conference between the Senate and the House conferees on the Post Office appropriation bill (H. R. 19906). The House knows that, notwithstanding all the beneficial legislation in that bill, the real crux of the contention was, Shall the Government of the United States protect its Treasury against the raids of private carrying corporations? That has been the fight. At last the Senate yielded upon the House provision for a new basis of computation of railway-mail pay, and that bill went to the Senate under the maledictions of the representatives of railroads who were standing thick and fast last night at both ends of this Capitol. What has happened since? While that bill was there, before any action was taken or could be taken upon the conference report by the Senate, after the adoption of the conference report in this House, at an early hour this morning, when there was no quorum present, when the chairman of the Committee on the Post Office and Post Roads and the members of the committee were not present, because it was not necessary to be present at that hour in the absence of a quorum, when nothing was expected to be done, a resolution was offered by which the Post Office Department was to be supplied with funds in accordance with the fiscal bill for the year 1915. I am not here to say or to call into question, and do not mean to be so understood, because I am not doing that, the good faith or the integrity of the gentlemen who brought about that situation; but I do feel that in the absence of the chairman of the committee, when the bill was in the Senate for consideration on the conference report, no action of this character should have been taken. We at least ought to have waited until a little later, to see whether the Senate was going to concur in this legislation, which would save this country millions of dollars. But gentlemen saw fit to offer the resolution. What I have complained of and what I have said to the gentlemen whom I understood were interested in it was that it was hardly courteous, under the circumstances, to the Committee on the Post Office and Post Roads to offer the resolution; it was hardly fair to the people of the United States to include in that resolution special legislation in the interest of employees of the Government upon the express and avowed ground that the resolution could not pass unless these gentlemen were provided for.

Has it come to this, Mr. Speaker, that the American Congress must bow in obedience to the will of postal employees, and when a resolution is passed, if it is to be passed, that it should contain provisions that carry out the behests of a portion of the employees of the Government in order to pass it? I have no objection to the proper care of these employees. I have no objection

even to that section personally, but it looks a little out of order to me not to give the Senate an opportunity and a little more time than they have had to pass upon the conference report. It looks a little out of order for the House to hurriedly adopt a resolution with two provisions that tie the hands of the department upon these questions of the law and disregarding those economic provisions that ought to have been and would have been considered in the conference report.

Now, what I have said I do not want to be construed as a reflection upon the gentlemen who offered the resolution. I know they are honorable gentlemen and would not undertake to do anything wrong in reference to the matter intentionally. I am not reflecting upon them. I thought it was bad taste and bad judgment—and I think so yet—for them to offer this resolution in my absence at that early period in the morning, when there was no quorum present. And my remarks, Mr. Speaker, are largely for the purpose of presenting the facts as I understand them, and to say to this House that we do not take the responsibility, as the Committee on the Post Office and Post Roads, for this resolution or for the effect that it may have. You may think that you are doing the rural carriers a great service when you bow down before them in this House. There is no man here that has done as much for them as I have, but the time has come when this Congress must not be dictated to by the employees of this Government. I think it was a bad idea to put that section in this special resolution. I want to disclaim for myself as chairman of that committee any responsibility for that legislation, because we were given no information in reference to it. And let me say to this House again—and I have said similar things to you twice, and you have suffered on these very questions—you are not going to accomplish that which you think you will accomplish by rallying to your aid rural letter carriers' friends in this House in the maintenance of the rural system in the country. You may not have thought it, but there is a stinger in your resolution. I am glad you have voted the House provision in that shape for that reason, if you had it to do.

You have provided here for automobile routes of not less than 50 miles. The Postmaster General has the power for $1,800 to double up the two, three, or four routes that make 50 miles and have one carrier instead of four and pay him $1,800, which would be about $600 instead of $1,200, which you propose here. Again, under the general law the Postmaster General has the power not only to refuse to establish other rural routes, but he has the power to abolish rural routes. And you have put this question up to the administration in such a shape that it has to give away $18,000,000 of the public money or else abolish some of these routes and these carriers. That is exactly what is going to happen. It is going to happen in this case, as it has in every other case. When you seek power, when you seek interest, when you seek benefits, by standing in with the employees of the Government against the people, as represented by the Government, that Government must avail itself of the benefit of the law for the protection of the Public Treasury. And when I make this statement, I make it advisedly, as I did heretofore on an occasion when I told you what would happen in the event that you passed certain legislation along this line. Now, look for it again. I venture that there is not a man in this House, with the resolution passing in the shape that it is in, that does not find one-third of his rural routes cut out in 90 days or 6 months, and it has to be done to protect the public interests, and you may just as well know it.

Now, I have been a friend of the rural routes and rural carriers. I want to make the statement here that I think the limit has come in compensation along that line for the present, and I regret any action that forced the department into the attitude to which I have referred.

Mr. Speaker, this is very much more than I intended to say on the question. I want to say, however, that I do not know who introduced this resolution here this morning. Possibly it was my friend Leader UNDERWOOD, or Mr. FITZGERALD; but, whichever one it was, or whether it was both, I mean no reflection, as I said in the beginning, on them. I think they ought to have said something to the Committee on the Post Office and Post Roads about it; but, as long as they did not do that, I have no desire especially to complain of them, except of the unnecessary haste in the matter and a failure to give time to the Senate to act on the conference report before offering the continuing appropriation resolution, which should have come from the Committee on the Post Office and Post Roads and not from them. It was an unnecessary and unfortunate interference in the work of another committee, and, I think, against the public interest.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to address the House briefly.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for how long?

Mr. FITZGERALD. I will not abuse the patience of the House at this hour of the session. What I shall say will be in reply to the statement made by the gentleman from Tennessee. I ask for 10 minutes.

The SPEAKER. The gentleman from New York asks unanimous consent for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Speaker, the resolution which I offered this morning to extend the appropriations of the present fiscal year for the Post Office Department was prepared in the Committee on Appropriations at the request of the gentleman from Tennessee [Mr. MOON].

Mr. MOON. Now, Mr. Speaker, if the gentleman will let me interrupt him.

Mr. FITZGERALD. I wish the gentleman would permit me to finish my statement. When I complete it, the gentleman will not wish to interrupt me.

Mr. MOON. Go ahead.

Mr. FITZGERALD. The statement was prepared there by the expert clerks of the Committee on Appropriations, in consultation with the experts in the Division of Bookkeeping and Warrants in the Treasury Department and in consultation with the Comptroller of the Treasury. The request was made yesterday or the day previously.

It was one of four resolutions prepared, one to cover the Post Office appropriation bill; one to cover the Indian appropriation bill; one to cover the Agricultural appropriation bill; and one resolution embracing all three of the others. The resolutions were not only prepared, but they were enrolled and engrossed in advance, so that if it became necessary to resort to such resolutions the Congress would not be held up and an extra session forced because of the failure to take the necessary precautions. The two provisions to which the gentleman from Tennessee [Mr. MOON] refers, one in reference to letter carriers demoted from the $1,200 grade in order to effect economy, and the other fixing the compensation of rural carriers at the rate fixed by the Post Office appropriation bill as it passed the House of Representatives, were not put in at the request of the gentleman from Tennessee.

Mr. MOON. No; that is right.

Mr. FITZGERALD. They were put in by myself, after having received information that a resolution extending the appropriations for the support of these services of the Government could not command a two-thirds vote in this House. They were not put in because I desired them in such a resolution. I am one of the few men in the House who has antagonized propositions to raise the rates of pay of rural carriers and to the rates fixed in this resolution. But the House by an overwhelming majority adopted such a provision to the Post Office bill, and it is a notorious fact, which would have been pointed out to the House, that if the House exercised its power, after having incorporated such a provision in the bill, no one could secure the passage of the resolution without such a provision in it.

Mr. Speaker, I left this House about 5 o'clock this morning. I told the gentleman from Tennessee [Mr. MOON] that the resolution was prepared, that it had those two provisions in it because of the information I had received that the resolution could not pass unless they were in it. I told him I would be back before 9 o'clock this morning.

Mr. MOON. No; you did not do any such thing. You told me——

The SPEAKER. Does the gentleman yield?

Mr. FITZGERALD. I will not yield to the offensive interruption of the gentleman from Tennessee.

Mr. MOON. I do not wish to be offensive to the gentleman.

Mr. FITZGERALD. Then the gentleman should not challenge my veracity.

Mr. MOON. If the gentleman will recall, he met me in the hall and casually said, "We have got up a resolution in the matter," and I supposed, of course, it was the kind of resolution that we were speaking of before; that it was to be used in the event the bill did not carry. He then said, "We are thinking of putting in" or "We have put in"—I do not recall which he said—"a provision in reference to rural carriers." I said, "Mr. FITZGERALD, I object to that and do not want that done," so the gentleman had notice when he came in here and did it, and I was not here. That is the discourtesy that I complained of, exactly.

Mr. FITZGERALD. I hope I will not be interrupted again by the gentleman from Tennessee. I did not interrupt him.

Mr. MANN. Will not the gentleman yield for a moment?

Mr. FITZGERALD. I will yield to the gentleman from Illinois.

Mr. MANN. The gentleman knows that he and I and the gentleman from Alabama and others had a little conference this morning after the House met.

Mr. FITZGERALD. I was about to make a statement about that.

Mr. MANN. I think I am going to make a statement of a fact with which the gentleman is not familiar. I had ascertained that the gentleman from Tennessee had lost the papers—that the House had lost the papers—on the Post Office appropriation bill; and when we met this morning, having last night agreed to a conference report, it had not been messaged to the Senate and could not be messaged to the Senate, because we could not find the bill. I knew that when we were having our conference this morning.

There was no chance to send the conference report back to the Senate to be acted upon. Subsequently, we discovered that the gentleman from Tennessee had carelessly left the original papers on his table last night, and that one of the messenger boys had picked them up and locked them up, endeavoring to save them; but not knowing what they were, we were not informed of the fact until a considerable time after the resolution introduced by the gentleman from New York had passed the House.

Mr. MOON. You thought the papers were over there when you passed the resolution, did you not? They were not lost, but on the desk.

Mr. MANN. I did not. I knew they were not.

Mr. MOON. They were all together. If you could get one you could get them all, and the Clerk had the report and statement, all of the papers needed all of the time.

Mr. MANN. I knew they were not there, because I knew the message had not been delivered there.

Mr. FITZGERALD. Mr. Speaker, I returned to this House before 9 o'clock this morning. The resolutions were ready. It takes time to enroll and engross them and that work could not be left to the closing hours of the session. There were but few Members present. There was a conference between the Speaker, the gentleman from Alabama [Mr. UNDERWOOD], the responsible leader of the House, the gentleman from Illinois [Mr. MANN], representing the minority in the House, and myself. I was urged to take up the extending resolutions at once. I suggested that we should wait to see if the gentleman from Tennessee would arrive. At about half past 9 it was insisted that the resolutions be passed, because if an extra session of Congress were to be avoided the resolutions had to be acted upon promptly. No one could tell whether any gentleman would raise the point of order and insist upon a quorum being present. Delay was impossible. No one desired to act discourteously to the gentleman from Tennessee, but some one had to assume the responsibility of passing through this House a resolution to provide the moneys necessary to maintain the Government during the next fiscal year unless an extra session of Congress was to be forced.

Under the unbroken precedents of the House the task fell to me as chairman of the Committee on Appropriations. I assume full responsibility for what I did. If I had not acted, the gentleman from Alabama [Mr. UNDERWOOD] was prepared to do so. If there is any impropriety in the resolution, if the gentleman believes it was designed to advance the interests of railroads by giving them money to which they were not entitled——

Mr. MOON. The gentleman did not say that. I was in my office in this building all night and this morning.

Mr. FITZGERALD. There is time now to have the President of the United States disapprove the resolution and let the House pass upon the question with the present full attendance.

Mr. CARTER. Mr. Speaker——

Mr. GALLIVAN. I hope the gentleman from New York will not be interrupted any more.

Mr. CARTER. Mr. Speaker——

Mr. FITZGERALD. I decline to yield.

Mr. CARTER. Mr. Speaker, I want to offer a privileged report.

Mr. FITZGERALD. I decline to yield. This resolution was passed in the interest of the public service. It was as difficult for me to return before 9 o'clock, leaving here after 5 o'clock, as it was for the gentleman from Tennessee. I have had just as difficult a task during the last week or ten days as any Member of this House. It was not easy for me to be here. I came here to discharge my public duty. I deny the statement that the resolution was prepared without the knowledge of the gentleman from Tennessee——

Mr. MOON. It was.

Mr. FITZGERALD. When, as a matter of fact, the first step taken toward its preparation was at the gentleman's own request. The provisions about which the gentleman complains were inserted in order to make possible the enactment of the resolution. It could not pass without them, and I believed the gentlemen with whom I consulted—the gentleman from Tennessee not being present—agreed that it was necessary to include the provisions in the resolution.

The SPEAKER. The time of the gentleman has expired.

INDIAN APPROPRIATION BILL.

Mr. CARTER. Mr. Speaker, I desire to call up the conference report on the Indian appropriation bill, and I ask unanimous consent that the statement be read in lieu of the report.

Mr. MOON. Will the gentleman yield me two minutes?

Mr. CARTER. No; I can not, for we only have about 10 minutes before the hour of final adjournment.

The SPEAKER. The gentleman asks unanimous consent that the statement be read in lieu of the report.

Mr. HARRISON. I object.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

CONFERENCE REPORT (NO. 1509).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20150) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1916, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 10, 11, 16, 17, 22, 24, 25, 26, 27, 28, 29, 32, 34, 38, 44, 48, 49, 51, 56, 58, 63, 65, 66, 75, 77, 78, 79, 80, 82, 88, 91, 92, 93, 96, 98, 100, 107, 109, 113, 117, 118, 131, 132, 133, 134, 135, 136, 138, 142, 143, 144, 145, 146, 148, 153, 156, 157, 158, and 159.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, 8, 12, 13, 15, 20, 21, 30, 31, 35, 36, 37, 39, 40, 45, 46, 47, 57, 59, 60, 61, 71, 73, 83, 95, 99, 102, 103, 104, 105, 106, 110, 111, 114, 116, 119, 121, 122, 123, 125, 128, 137, 139, 141, 147, 149, 151, 154, 155, 160, 161, 165, 167, 169, and 170, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In line 1 of the proposed amendment, after the word "sum," strike out the figures "$25,000" and insert in lieu thereof the figures "$10,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter proposed by this amendment insert the following: "Maintenance of hospitals and sanatoriums, for incidental and all other expenses for their proper conduct and management, including pay of employees, repairs, improvements, and for necessary expenses of transporting Indian patients to and from such hospitals and sanatoriums, and for the correction of sanitary defects in Indian homes, $350,000: *Provided*, That not to exceed $90,000 of the amount herein appropriated may be expended in the erection and equipment of new hospitals for the use of Indians, and no hospitals shall be constructed at a cost to exceed $15,000, including equipment"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,500,000."

And on page 5 of the bill, line 4, after the word "schools," strike out the period, insert a colon, and add the following: "*And provided further*, That $75,000 of the amount herein appropriated shall be expended for tuition of children of Indian blood enrolled in the public schools of New Mexico"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$420,000"; and the Senate agree to the same.

REPORT OF COMMITTEE TO WAIT ON THE PRESIDENT.

Mr. UNDERWOOD. Mr. Speaker, the committee of the House appointed to wait on the President, with a like commit-

tee of the Senate, desire to report that they have performed that duty and waited on the President, and he desires us to notify the House that he has no further communication to lay before it.

INDIAN APPROPRIATION BILL.

The SPEAKER. The Clerk will proceed with the reading of the conference report.

The Clerk continued the reading of the conference report, as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$425,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$115,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$300,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$75,000"; and the Senate agree to the same.

Mr. MANN. Mr. Speaker, will not the gentleman from Oklahoma withdraw the conference report? It is perfectly patent that it can not be agreed to before the Congress expires.

Mr. CARTER. Mr. Speaker, the adoption of this report means much to the service and to my constituents, and there is no reasonable thing I would not do to put it through. Since, however, only 19 of the 171 amendments have been read in the last 10 minutes, and the hour of adjournment is practically upon us, with no possible chance to even finish the reading of one-tenth the remainder, I feel that I should yield to the wishes of the House, but I think the entire report should be printed in the RECORD.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the conference report be withdrawn on the Indian bill. Is there objection?

There was no objection.

THE CORBETT TUNNEL.

Mr. POU. Mr. Speaker, I present a conference report on Senate joint resolution 74, appropriating money for the payment of certain claims on account of labor, supplies, materials, and cash furnished in the construction of the Corbett Tunnel.

The SPEAKER. The Clerk will read the report.

The report was read, as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 74) appropriating money for the payment of certain claims on account of labor,, supplies, materials, and cash furnished in the construction of the Corbett Tunnel, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same.

E. W. POU,
MARTIN DIES,
L. MOTT,
Managers on the part of the House.
H. L. MYERS,
LUKE LEA,
Managers on the part of the Senate.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

JOINT COMMITTEE ON PARCEL POST.

Mr. FINLEY. Mr. Speaker, I ask unanimous consent to submit in lieu of a report from two members of the Joint Committee on Parcel Post, which committee has taken no action, a letter which I send to the Clerk's desk and ask to have it inserted in the RECORD.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to insert in the RECORD a letter in lieu of a report from two of the members of the Joint Committee on Parcel Post. Is there objection?

There was no objection.

The letter is as follows:

COMMITTEE ON THE POST OFFICE AND POST ROADS,
HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., February 6, 1915.

Hon. JOSEPH L. BRISTOW,
United States Senate, Washington, D. C.

DEAR SIR: Your letter of recent date in reference to the work of the Joint Committee on Parcel Post, together with what you term the report of the joint committee to Congress, has been received. I note that you state in your letter that, if authorized to do so, you will sign my name to the report. I decline to authorize you to sign my name to your report and refuse absolutely to sign the same myself. My reasons are, first, that the joint committee has made no investigation on the subject matter. What your activities have been, I do not know. I have discussed the matter with Hon. D. J. LEWIS, one of my House colleagues, appointed along with me a member of the joint committee.

There has only been one meeting of the joint committee so far as we are advised, and nothing was done at this meeting except to organize by the election of yourself as chairman and myself as vice chairman. I believe that it was arranged for you to appoint the clerks. Since that time there has been no meeting of the joint committee, so far as I am advised. My recollection is that the three members of the joint committee from the Senate and the Hon. JOHN J. GARDNER, from the House, opposed the appointment of a subcommittee. Both Mr. LEWIS and myself have had no opportunity to do anything in the way of discharging the duties imposed upon us by the act of Congress of February, 1913. I have looked over your proposed report and do not agree as to all of the statements of facts contained therein, and most emphatically do I dissent from many of the conclusions stated therein. To sum the matter up, there has been no effort on the part of the joint committee to carry out the evident intention of Congress in making an investigation of the parcel post, and while I believe it is true of the $25,000 appropriated to defray the expenses of the investigation, only some five or six thousand dollars have been spent, as you state. In my opinion the information or data which you state you have gathered can be of no aid to Congress in considering what further legislation is necessary to perfect the parcel-post law, and is not worth 6 cents.

Why no meetings of the joint committee have been called or held other than the one mentioned, and why the joint committee has not discharged its duty in making an investigation as intended by Congress, I do not know. This is a question that is up to you.

Yours, very truly, D. E. FINLEY.

PERSONAL STATEMENTS.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. MURDOCK] may be permitted to address the House for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. MURDOCK. Mr. Speaker and gentlemen of the House, I have served 12 years in the House of Representatives, and they have grown rich in memories to me, as I have viewed them in retrospect this morning. As I sat here watching the close of the proceedings of this great Congress and this great session of Congress, the thing which came first to my mind was the reflection of how legislatively green I was when I arrived in 1903. We were presented upon arrival in those days with a green volume, flexibly bound, containing the Constitution, the venerable Jefferson's Manual, and the rules of the House of Representatives, these later backed up by eight volumes of Hinds' Precedents, each one of them as large as an unabridged dictionary. The mastery of these seemed prodigious to me then; it seems so yet, and I leave the House entirely innocent of all parliamentary law. [Laughter.] It never would stick. In the Constitution—and I think, Mr. Speaker, that in my 12 years' service, not being a lawyer, this is the first time I have referred to the Constitution [laughter]—the fathers who wrote it placed among all the arms of the Government first the House of Representatives. For this Nation was to them and is a democracy, and this House is the center of the power and glory of the people who constitute it. When all is said and done, we are individually a good deal like the people who send us here, and the more that is the case the more representative we are in fact.

In bidding good-by to those with whom I have served I want to say this, that so far as I know I have never received a wound in this body that lasted, and I have never intended to give one that would endure. [Applause.] The personal charm of this assembly is its camaraderie. I think that every man who serves here through a course of years grows—grows in vision, in fraternity, grows in the humanities, in the nobilities—and in parting I would be derelict indeed if I did not pay a tribute to one who is so preeminently an exemplar of these qualities—to CHAMP CLARK, the Speaker. [Applause.] The other day I had as a visitor in the gallery, a lady from England, and she said, "Who is the man who is sitting up in front?" I said, "He is the Speaker—CHAMP CLARK." "Well," she said. "Do they uncle him?" [Laughter.] We have not "uncled" him, but I think it can be said by every man in the body, conscientiously, that we all look upon him lovingly as a superb type of American citizenship. [Applause.]

And I would be equally delinquent if I did not also here, in parting, say a sincere word of tribute to that wonderful man, that wonderful mind, JAMES R. MANN. [Applause.] There can easily develop a tendency in a man who serves in this body to fall

into lax mental methods. A man here is not an employee. He is largely his own boss. He can be a very lazy Member or he can be a very industrious one; and I think that it can be said absolutely without fear of successful contradiction that in the history of parliamentary bodies, from the time of the first Greek Assembly and the Roman Senate down, there has never been a man in a legislative body who equaled in industry the gentleman from Illinois. [Applause.]

The best quality of the House on the score of personal experience, as I said in the beginning, is its fellowship; and on the score of opportunity for public service, let me say in conclusion, this House is growing better. Its procedure is mending. The close of this Congress, with the exception of the unfortunate incident respecting the Post Office bill, has been accomplished with more facility than the close of any other Congress that I have ever attended. It is my earnest hope that the House will go on with its reforms toward the achievement of perfect representation; and I think I could say nothing more truly reflecting my deepest civic desire than to express the hope with all my heart and soul, as I go back to my home and my people, to private life, that the future will bring to every individual Member of the House of Representatives of the United States of America an increasing degree of individual freedom of opinion, individual opportunity for initiative, and an increasing quantum of individual power. I thank you. [Applause.]

Mr. MANN. Mr. Speaker, my colleague, Mr. MADDEN, desires to address the House for a few minutes, and I ask unanimous consent that he may address the House for three minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent that his colleague, Mr. MADDEN, may be permitted to address the House for three minutes. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Speaker, as a rule we compliment men after they die or after they become prominent leaders; never after they have gone into retirement. We have to-day listened to many eloquent speeches complimenting the worthy character of the Speaker of the House, of the majority leader, and of the minority leader, but I am not going to speak of any one of these men, for they are all crowned with fame. I want to speak of one of the most modest, one of the most efficient, most systematic, most patriotic men who has ever served in this body, and who to-day, to my great regret and to the detriment of the public service, is about to retire to private life. No man in all the history of my public experience is more worthy of the confidence and esteem of the men with whom he is associated and of the confidence and trust of the American people than is FRED C. STEVENS, of St. Paul. [Applause.] He leaves this body after having made a record of achievement equal to that of any leader who has ever occupied a high public place. FRED STEVENS, always modest, always on the job, always effective when brains were needed, always able to explain the intricate problems of legislation, always patriotic, never failing in the performance of his public duty.

All hail to FRED C. STEVENS, to-day the private citizen, and may he succeed in whatever he undertakes, and may God go with him wherever he goes! I hope the Sixty-fifth Congress may be dignified by his presence as a Member, for he has been an ornament to this, the greatest legislative body in the world. [Loud applause.]

OSCAR W. UNDERWOOD.

Mr. RAINEY. Mr. Speaker, I ask unanimous consent for one minute.

The SPEAKER. The gentleman from Illinois [Mr. RAINEY] asks unanimous consent for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. RAINEY. Mr. Chairman, a subcommittee of the Ways and Means Committee of the House of Representatives was appointed recently for the purpose of drafting resolutions concerning the service of the Hon. OSCAR W. UNDERWOOD, of Alabama [applause] in this House and as chairman of that great committee, to be spread at large upon the records of the committee. I ask unanimous consent now that those same resolutions may be read from the Clerk's desk and printed in the CONGRESSIONAL RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the resolution.

The Clerk read as follows:

We, the undersigned, a subcommittee appointed by the Ways and Means Committee of the House of Representatives to draft resolutions concerning the retirement of Hon. OSCAR W. UNDERWOOD, of Alabama, as chairman of that committee, herewith report the following:

The service of Hon. OSCAR W. UNDERWOOD, of Alabama, as a Member of the Lower Branch of the Congress of the United States, covering a period of 20 consecutive years, ends at noon to-day. For 15 years of that time he has been a member of the Ways and Means Committee, and for four years of that period he has been chairman of that committee, presiding over its deliberations with great fairness and with marked ability.

He has participated actively in the construction of two general bills revising the tariff, one of which bears his name.

He has at all times, by his courteous, kindly demeanor, endeared himself to all members of this committee irrespective of party affiliations.

While we regret the fact that he to-day severs his connection with this committee, we congratulate him and the State he represents upon his election to the United States Senate and upon the fact that without intervening time after 12 o'clock to-day his service as a Member of that body commences; and we congratulate the country upon the fact that before him larger fields of usefulness and greater opportunities for service are opening.

We, the undersigned subcommittee of the Ways and Means Committee, representing the Democratic, Republican, and Progressive Parties on that committee, therefore submit, to be spread at large upon the records of this committee, the foregoing, together with the following resolutions:

Resolved, That in the retirement of Hon. OSCAR W. UNDERWOOD from this committee the committee has lost an able, courteous, obliging chairman;

Resolved, That we congratulate him upon his promotion to the Senate of the United States, and that we predict for him a long period of useful service for his State and his country in that body; and

Resolved, That we extend to him the thanks of this committee for his courtesy at all times and for the kindly and able manner in which he has presided over our deliberations.

HENRY T. RAINEY,
Illinois.
J. W. FORDNEY,
Michigan.
VICTOR MURDOCK,
Kansas.

WAYS AND MEANS COMMITTEE ROOM,
House of Representatives, March 4, 1915.

[Applause.]

ADJOURNMENT.

The SPEAKER. The hour of 12 o'clock noon having arrived, I declare the House of Representatives of the Sixty-third Congress adjourned without day.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. Letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Red River of the North, from Wahpeton, N. Dak., and Breckenridge, Minn., to the international boundary line (H. Doc. No. 1666); to the Committee on Rivers and Harbors and ordered to be printed.

2. Letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Navidad and Lavaca Rivers, Tex. (H. Doc. No. 1667); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

3. Letter from the Secretary of War, transmitting a letter from the Chief of Engineers, etc., in regard to inland waterway, coast of Texas, from Corpus Christi to point on Baffins Bay (H. Doc. No. 1668); to the Committee on Rivers and Harbors and ordered to be printed.

4. Letter from the Secretary of War, transmitting, pursuant to law, annual report of the American National Red Cross (H. Doc. No. 1665); to the Committee on Military Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. FERRIS, from the Committee on the Public Lands, to which was referred the bill (H. R. 12288) releasing the claim of the United States to that portion of land, being a fractional block, bounded on the north and east by Bayou Cadet, on the west by Cevallos Street, and on the south by Intendencia Street, in the old city of Pensacola, reported the same without amendment, accompanied by a report (No. 1507), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 13042) releasing claim of the United States to lot No. 306 in the old city of Pensacola, Fla., reported the same without amendment, accompanied by a report (No. 1508), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CARLIN: A bill (H. R. 21615) to create a national interstate highway system and to establish a commission for same, etc.; to the Committee on the Post Office and Post Roads.

By Mr. TAYLOR of Colorado: A bill (H. R. 21616) to provide for stock-raising homesteads, and for other purposes; to the Committee on the Public Lands.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BRODBECK: Petition of M. L. Howard and others, of York, Pa., protesting against export of wheat, etc.; to the Committee on Foreign Affairs.

By Mr. BURNETT: Petition of sundry citizens of Alabama, favoring placing limit on export of wheat, etc.; to the Committee on Foreign Affairs.

By Mr. COOPER: Memorial of Racine Lodge, No. 8, Independent Order of Odd Fellows, protesting against passage of H. R. 20644; to the Committee on the Post Office and Post Roads.

By Mr. CURRY: Memorial of city commission of Sacramento, Cal., favoring passage of Hamill bill (H. R. 5139); to the Committee on Reform in the Civil Service.

Also, memorial of citizens of Stockton and Sacramento, Cal., favoring bills to prohibit export of war material; to the Committee on Foreign Affairs.

By Mr. FINLEY: Petitions of citizens of Belle Fourche, S. Dak.; Bozeman, Mont.; Hardin, Mont.; Hodgeman County, Kans.; Fayetteville, N. C.; Catawba County, N. C.; Washington, N. C.; Wilmington, Del.; New Haven, Conn.; Yale, Iowa; Huntsville, Logan County, Ohio; Gibbon, Nebr.; Farrar, Mo.; Mannington, W. Va.; Davenport, Iowa; Pomona, Mo.; Asheville, N. C.; Crawford County, Pa.; Everett, Wash.; Adrian, Mo.; and New Orleans, La., protesting against House bill 20644, to exclude certain publications from the mails; to the Committee on the Post Office and Post Roads.

By Mr. GARDNER: Memorial of General Court of the Commonwealth of Massachusetts, urging a revision of the tariff; to the Committee on Ways and Means.

By Mr. GRAHAM of Pennsylvania: Memorial of mass meeting of American citizens at New York, relative to strict neutrality of the United States; to the Committee on Foreign Affairs.

By Mr. GRIEST: Petitions of sundry citizens of Lawrenceville, Nelson, Osceola, Philadelphia, Tompkins, Moosic, Carbondale, Indiana, Reynoldsville, Rothmell, Homer City, Horton, all in the State of Pennsylvania, protesting against legislation abridging freedom of the press; to the Committee on the Post Office and Post Roads.

By Mr. LOBECK: Petitions of sundry citizens of Omaha, Nebr., relative to limiting exports of wheat; to the Committee on Foreign Affairs.

By Mr. LONERGAN: Petition of World Postal League, relative to world's postal service; to the Committee on the Post Office and Post Roads.

By Mr. MADDEN: Memorial of Chicago Grocers and Butchers' Association, protesting against reduction in wages of letter carriers in Chicago post office; to the Committee on the Post Office and Post Roads.

By Mr. OLDFIELD: Petition of citizens of the State of Arkansas, urging improvement of the White River in Arkansas in the interest of navigation; to the Committee on Rivers and Harbors.

By Mr. SELDOMRIDGE: Petition of citizens of Colorado Springs, Colo., protesting against the passage of bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. STEPHENS of California: Memorial of German Ministerial Association, of Los Angeles, Cal., protesting against export of war material; to the Committee on Foreign Affairs.

Also, petitions of Florence and Edward Fairchild, of Santa Monica, Cal., protesting against passage of bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. TOWNER: Petition of seven churches of Centerville, Iowa, favoring the passage of a national constitutional prohibition amendment; to the Committee on the Judiciary.